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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

SENATE—*Wednesday, October 5, 1983*

(Legislative day of Monday, October 3, 1983)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN W. WARNER, a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious Father in Heaven, as the time for the October recess nears, pressures increase, tension rises, and emotions are strained. Grant to the leadership and to those who struggle with agendas behind the scenes special wisdom in responding to unexpected demands, last minute contingencies and unpredictable human caprice.

God of love, let Thy peace, which passes understanding, infuse this place and quiet hearts and minds. Despite delicate issues, which awaken deep conviction and stir strong emotions, may the Senate find consensus that will honor Thee and benefit the people. In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 5, 1983.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN W. WARNER, a Senator from the State of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the acting majority leader.

Mr. STEVENS. I thank the Acting President pro tempore.

THE DAYS AHEAD

Mr. STEVENS. Mr. President, there are 3 days remaining prior to the beginning of our October recess. There is a great deal of work to do between now and that recess. We have a great deal to accomplish prior to November 18, if we are to complete the work of Congress by that date.

I think the leadership is aware of my enthusiasm to complete the Senate's business by that date, because I will be home for that recess and would very much like not to have to return. In any event, we have a great deal of business to do even for the remainder of this week.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, there will be a period for the transaction of routine morning business this morning. I ask unanimous consent that Senators may speak during that period for not to exceed 2 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, at 10:10 a.m. the Senate will recess and proceed as a body to the House of Representatives, for the purpose of receiving a presentation by the President of the Federal Republic of Germany. The majority leader has urged that all Senators attend this joint meeting, and I now repeat the request on behalf of the leadership.

The Senate will reconvene at 11:30 a.m., at which time there will be three special orders. Following that will be a period for routine morning business, until 12:30 p.m. There is an order for Senators to speak during that period.

At 12:30 p.m., under the current order, there will be a 1-hour debate prior to proceeding to the cloture vote on the motion to proceed to consider the Martin Luther King holiday bill. That vote is scheduled for 1:30 p.m.

However, the leadership on both sides remains hopeful that the unanimous-consent agreement which was discussed on the floor of the Senate last evening will be entered into for the disposition of that bill on a date certain. If that is achieved, there will not be a need for the cloture vote just mentioned.

There are a number of other items that will have to be considered, including conference reports, the State-Justice-Commerce appropriations bill, and the farm bill.

The majority leader is at the White House at the present time. When he returns, I anticipate he will have a statement to make regarding the legislation schedule of the Senate.

FISHING VIOLATIONS BY TAIWANESE VESSELS

Mr. STEVENS. Mr. President, I wish to bring to the attention of the Senate a very serious matter regarding our fishery resources in the North Pacific which has developed over the past several weeks. Our concern is warranted as both international agreements and domestic laws have been violated.

Taiwanese fishing vessels operating in the North Pacific have been intercepting large numbers of Alaskan salmon. Reports indicate 5,000 to 7,000 metric tons of salmon have been harvested on the high seas by Taiwanese ships. Mostly pink salmon have been taken, but chums, silvers, and reds are also included.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

I wish to emphasize the seriousness of this because we do not allow fishing on the high seas for salmon.

I cannot overemphasize to my colleagues the serious nature of these fishing violations. Unauthorized interception can cause irrecoverable harm to our salmon stocks. Our commercial fishermen have legitimate grounds for protest, and the delivery of this illegally caught salmon is affecting an already depressed salmon market. We cannot allow Taiwanese vessels to continue their unregulated harvest of salmon in the North Pacific. We have an obligation to take whatever appropriate steps are necessary to assure that these infractions are terminated. If we delay decisive action, it is possible that other countries may view our hesitancy as an opportunity to enter the North Pacific high seas salmon fishery.

The high seas catch of salmon originating in the United States is an illegal act, directly violating our own laws as well as the International North Pacific Fisheries Convention (INPFC). It is imperative that we utilize every possible legal authority at our disposal to address this issue and prevent future infractions.

The United States, Japan, and Canada are parties to the INPFC Convention. Under article VI of that agreement, members may "confer upon the steps to be taken toward obviating [the] adverse effects [of non-Party fishing] or relieving any Contracting Party from such adverse effects." The INPFC will hold its annual meeting next month in Anchorage and I have urged the Commission to bring this issue before its members. Sanctions available to Japan, Canada, and the United States will be discussed, which will facilitate the timely resolution of this grave situation.

In addition to international measures, I have urged our Government to impose sanctions available under the Magnuson Fishery Conservation and Management Act (MFCMA). The act extends U.S. fishery jurisdiction to include exclusive management authority "over . . . all anadromous species [of U.S. origin] throughout the migratory range of each species beyond the fishery conservation zone."

The Governing International Fishing Agreement (GIFA) between the United States and Taiwan subjects Taiwanese vessels to the exclusive fishery management jurisdiction of the United States. Taiwan has affirmed its recognition of U.S. jurisdiction over salmon as asserted in the Magnuson Act. Fishing activity by the Taiwanese is prohibited by the MFCMA and, furthermore, would require a permit and authorization. No permits for a high seas salmon fishery have been issued to the Taiwanese fleet.

I ask the State Department to take immediate action on this matter. Secretary Shultz informed the Taiwanese of the serious nature of these violations. I am delighted to learn that all high seas fishing has been terminated, and that the Taiwanese Government has banned the export of salmon from Taiwan. However, I have yet to receive assurances that this illegal fishing has been banned by the Taiwanese Government to prevent such occurrences from happening in the future. If such assurances are not made I hope that the Senate will state its strong views on this subject to the Government of Taiwan. We are most pleased, incidentally, by the cooperation received from the Government of Japan. The Minister of Agriculture issued administrative guidance to Japanese importing firms to not import salmon from Taiwanese companies that fished on the high seas.

Mr. President, I ask unanimous consent to have printed in the RECORD translations of articles which have appeared in the Japanese press and a memorandum from David Fitch of the National Oceanic and Atmospheric Administration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., August 24, 1983.

Hon. GEORGE SHULTZ,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: During the last several days, I have received information concerning serious fishing violations by Taiwanese vessels operating in the North Pacific. While the exact nature and extent of these violations have not been confirmed, we believe them to be wide reaching and substantial. My purpose in writing to you is to request your full assistance in this matter to assure that the violations are stopped immediately, with assurances that they will not be repeated, and to initiate steps with the Government of Japan to close their market to these illegal fishery products.

Our information indicates that the Taiwanese high seas gillnet fleet has targeted on salmon of Alaskan origin during the last two months. We suspect that they have harvested 5,000 to 7,000 metric tons of salmon on the high seas. This practice is in direct violation of our laws, and of the International North Pacific Fisheries Convention (14 UST 953.) In addition, interception of salmon on the high seas has long been recognized as a wasteful and biologically unsound harvesting practice.

The Magnuson Fishing Conservation and Management Act, (16 USC 1801 et seq.) provides for jurisdiction over anadromous fish such as salmon throughout their range of migration including migration on the high seas. "The United States shall exercise exclusive fishing management authority over . . . (2) All anadromous species throughout the migratory range of each species beyond the fishery conservation zone." (16 USC 1812 (2)). The President's recent proclamation for an exclusive economic zone extends our claim over anadromous species to that of a sovereign claim over the resource throughout its migratory range.

Article VI of the International North Pacific Fisheries Convention (14 UST 953) provides for notice to the Contracting Parties concerning activities by "the nationals or fishing vessels of any country which is not a Party to this convention (which) appear to affect adversely the operations of the Commission or the implementation of this Convention". Clearly, unauthorized high-seas interception by the Taiwanese fleet subverts the implementation of the INPFC Convention.

Therefore, I respectfully request that you initiate the following:

(1) request full cooperation from our Embassy personnel in Japan and Taiwan to confirm the nature and extent of these violations;

(2) obtain direct assurances from the Government of Taiwan that all fishing affecting salmon resources in the North Pacific has been terminated and will not be resumed at any time;

(3) request pursuant to Article VI of the INPFC Convention cooperation from the Government of Japan to close their market to these illegal fishery products. The Taiwanese must not profit from these illegal fishing activities.

Mr. Secretary, these alleged violations are of utmost concern to me. I am prepared to initiate whatever steps that are necessary to assist you so that these illegal activities are terminated.

With best wishes,
Cordially,

TED STEVENS,
Assistant Majority Leader.

U.S. DEPARTMENT OF STATE,
Washington, D.C., September 2, 1983.

Hon. TED STEVENS,
U.S. Senate

DEAR SENATOR STEVENS: The Secretary has asked me to respond to your letter concerning possible fishing violations by Taiwan vessels operating in the North Pacific Ocean. The Department has also received information alleging Taiwan high seas salmon fishing operations, as well as marketing of this salmon in Japan. The Department shares your deep concern about this matter.

We consequently requested the American Institute in Taiwan (AIT) to review the information we have received with representatives of the Coordination Council for North American Affairs (CCNAA) and we conveyed our great concern about such illegal fishing operations. We indicated that high seas salmon fishing violates the Governing International Fisheries Agreement between AIT and CCNAA and the Protocol amending the Convention for High Seas Fisheries in the North Pacific Ocean and any such fishing operations must cease immediately. We also conveyed your interest in this matter and explained the consequences should the reports of illegal salmon fishing by Taiwan vessels prove true. We requested that CCNAA investigate this matter thoroughly and report their findings to AIT, which will then report back to us.

We have also discussed this matter in detail with Japanese officials. They confirmed that Taiwan exporters have attempted to sell large amounts of salmon in Japan. The Government of Japan is equally concerned about the alleged illegal high seas salmon fishing by Taiwan vessels. On August 23, the Minister of Agriculture issued to Japanese importing firms administrative guidance not to import salmon from Taiwan firms. The Department is pleased

with the timely and effective response by the Government of Japan.

We will continue to investigate this matter and will report our findings to you.

Sincerely,

ALVIN PAUL DRISCHLER,
Acting Assistant Secretary,
Legislative and Intergovernmental Affairs.

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65 TAIWANESE SQUID FISHING VESSELS SWITCH OPERATIONS TO SALMON FISHING IN NORTH PACIFIC INTERNATIONAL WATERS AND OKHOTSK SEA

It is reported that 65 drift net squid vessels of Taiwanese registry had harvested 6000 tons of salmon in the North Pacific this season and that Alaskan fishermen have protested to the U.S. Federal Government. It has all the earmarks to develop into an international problem. The two areas concerned are said to be the International Waters of the North Pacific and the Okhotsk Sea. It appears as if contracts have been concluded with the Japanese for over one thousand tons of the catch a part of which reportedly has already been delivered to Tokyo. The Japanese Fishery Agency is extremely concerned over these developments and is making efforts to grasp the actual facts and has begun examining the possibility of measures to prohibit their imports.

Two hundred Taiwanese squid drift net vessels are operating in Japanese offshore waters since the spring. It is said that because of the poor Aka squid fishing conditions sixty-five of these ships switched over to drift net fishing for salmon.

It is said that these vessels fishing in the International Waters of the North Pacific centering on 170 degrees east longitude (primarily west of 170 degrees near to Japan) and the Okhotsk Sea harvested about 6000 tons mostly pinks, with chums, silvers and reds, each vessel taking an average of 80 to 100 tons. Some of the vessels are reported to have made two or more trips, and pinks appeared to be over abundant in the Okhotsk Sea. All the ships were tuna fishing vessels of the 200 tons class equipped with freezing facilities. The freezing condition of the fish was satisfactory but broken tails and bruises were particularly bad.

In Taiwan there is some demand for salted salmon to compliment the rice diet and it was popular as a gift for visitors to Japan to purchase on their return. In Takao, the large quantity of pinks unloaded there caused the market price for the fish to fall sharply to 30 yuan or about 180 yen (per kilo) which prompted the fishermen to export the fish to Japan. The big Taiwanese trading firm, Pioneer Trading, contracted to export 1400 tons to Japan and the first shipment from this lot of 200 tons arrived in Yokohama on August 9 and passed customs. The prices were 12 to 13 dollars FOB Takao and in Japan they were believed to have been sold at 350 to 360 yen per kilo for lunches.

The International Waters of the North Pacific east of the 170 degrees longitude is a prohibited area for salmon fishing by the Japan/US/Canada Fishery Convention, while that west of the line and north of the 44 degrees latitude is also a prohibited area as stipulated in the salmon fishing agreement between Japan and the Soviet. Furthermore salmon fishing is banned in the Okhotsk Sea due to it being within the 200 mile territorial water zone of the Soviets.

As for the Okhotsk Sea area, it being completely under Soviet jurisdiction cannot be questioned, but in the case of International Waters in the North Pacific the salmon fishing there by the Taiwanese infringes the article on anadromous fishes in the Law of the Seas and at the same time intervenes the Japan/US/Canada and the Japan/Soviet fishery treaties. Taiwan is not a signatory to either agreement and the question, therefore, is not having the rivers necessitated under the Law of the Seas could Taiwan be prosecuted under the law.

However, the action of the Taiwanese fishing vessels cannot be disregarded as it will undermine the orderly fishing being conducted by the signatory countries to the two above mentioned treaties. It, therefore, behooves the four countries concerned to immediately decide on remedial measures.

Alaskan fishermen are reported to have already made representations to the U.S. Government to take effective measures to stop the salmon fishing by Taiwan. Although there is a strong possibility of the U.S. applying pressure directly on Taiwan, there is the Article 6 in the Japan/US/Canada treaty to the effect that a conference could be convened if a non signatory country should take any action that would infringe the treaty, through which the three countries could prohibit the import of salmon from Taiwan. This action would be similar to the International Whaling Commission's ban on importing whale products from any non member country. However Japan presently being an importer of salmon from Taiwan, will be called upon to produce an effective countermeasure to the situation.

FISHERY AGENCY URGES RESTRAINT IN SALMON IMPORTS FROM TAIWAN—ALSO CONSIDERING IMPORT BAN

The Fishery Agency, on the 23rd, instructed the Japan Marine Products Import Association to refrain from importing the salmon in question from Taiwan. Since Taiwan is not considered as being a country of origin for salmon, the catches by the Taiwanese vessels contravenes the International Law of the Seas, there is, therefore, the possibility of the U.S., Canada and the Soviet viewing the imports as helping to disturb the conditions of order under the Law evoking their protests. Consequently, the member firms of the Import Association were urged to exercise complete restraint from these imports. About ten firms have already contracted and arranged shipment for the fish and by the end of September about 1,500 tons are expected to be imported. The Fishery Agency is presently engaged in considering an import ban under the Trade Control Law, and the industry feels that the enforcement of the ban would be unavoidable after October. It is, therefore, believed that hereafter salmon caught by Taiwan will not be able to enter Japan.

The Law of the Seas embodies the principal of the anadromous fish and the country's river of origin. Japan, in observing the strict regulations of the Japan/Soviet and the Japan/US/Canada fishery treaties under the Law of the Seas, is engaged in salmon fisheries in the North Pacific. Taiwan has no such agreements and is fishing for salmon in international waters using squid drift nets. Her intentions to export the fish to Japan have become obvious and have developed into a serious problem.

The U.S. and Canada have asked Japan to stop the imports of salmon caught by Taiwanese vessels. Japan has heeded the requests and the Fishery Agency realizing that the action is going contrary to the spirit of the treaty with them and that it would also have harmful effects on Japan's international standing, decided on August 23 to issue the above mentioned instructions to the industry. At the same time the JFA instructed the Import Association to provide immediately a list of the importers' names, import quantity and other pertinent particulars of the imports already made.

The JFA is now discussing the matter of issuing the Trade Law with MITI, but the latter is manifesting some opposition. MITI is finding it difficult to agree at this time when it is making efforts to uphold its position to alleviate the trade frictions with other countries by encouraging them to export more to Japan. Moreover an import trade mission of 180 members headed by Chairman Anzai of the Tokyo Gas Co. will visit Taiwan on September 5 to induce more exports to Japan. Invoking the Trade Law at this time to ban salmon imports would not do.

Salmon is included in the import list as a free item (A.A.), so from the standpoint of the trade system alone it can be imported from any country. Therefore, it cannot be restricted so easily.

However, The JFA looks upon the matter as being extremely grave and is considering applying the system of restrictions imposed by the IWC by which imports of whale meat cannot be made from non member countries. It is proceeding along these lines to come up with a solution to allow them to make the restrictions. It is, therefore, believed that some form of restrictive measure is sure to be adopted.

The fish being imported from Taiwan were caught by squid drift net vessels in the area of 43-45 degrees north latitude and 151 to 158 degrees east longitude which covers parts of the seas east of Hokkaido and the Okhotsk Sea. About 50 vessels participated in the fishing and about 4,000 tons have already been harvested which are being offered to Japan.

According to industry sources offers were issued centering on pinks and contracts have been concluded with an estimated ten companies. It is said that the squid drift net fishing vessels left port this year for the fishing ground with the purpose of catching salmon. About 7,000 tons may be caught by them. It is estimated that up to the end of September the imports centered on pinks will total 1,500 tons with only a sampling of Chums. At the most it will not exceed 2,000 tons. Recently a demand from the canning industry in Taiwan has appeared and the landed prices have begun to rise and more salmon is being supplied to fill domestic demand which could blunt exports to Japan. However, since it is expected that imports into Japan will be prohitited sometime after October and moreover because of the restraint on imports asked for by the JFA, the business is bound to come to a stop.

Mr. Morikawa, Managing Director of the Japan Marine Products Import Association, stated that any import which infringes the spirit of the Law of the Seas should be stopped. The Association cannot disregard the problem so the contents of the Fishery Agency's instructions will be issued to all the Associations members.

AUGUST 31, 1983.

To: F/M—Carmen J. Blondin.
From: GCF—David Allan Fitch.
Subject: Illegal foreign catch of U.S. origin salmon on high seas.

The following legal authorities are available to address Pacific Ocean high seas harvest, by vessels of states not party to the

International Convention for the High Seas Fisheries of the North Pacific Ocean (INPFC), of Salmon of United States origin:

1. Convention Consultations.
2. Magnuson Act Penalties.
3. Magnuson Act Allocation Reductions.
4. Magnuson Act Permit Action.
5. Fishery Products Embargo—Pelly Amendment.

INPFC CONVENTION CONSULTATIONS

Article VI of the INPFC Convention requires its member countries (Japan, Canada, and the United States) "to confer upon the steps to be taken towards obviating [the] adverse effects [of non-Party fishing] or relieving any Contracting Party from such adverse effects." We could put such consultations on the agenda for the next INPFC meeting, or call a special meeting for this purpose. The objective of such consultations would be to determine what actions Japan and Canada could take, and to present the options available to the U.S. (as discussed in the remainder of this memo).

While the Government of Japan may not be able to directly prohibit imports of salmon taken in such a fishery, it can exert considerable pressure to discourage their importation. The Japan Fisheries Agency controls import quotas for species that have them, and could impair a defiant salmon importer's ability to import other species in the future. In Article VI consultations, we could attempt to ascertain the extent of Japan's leverage over potential buyers through such "administrative guidance" or other more direct trade controls, and ask that this leverage be used.

Canada may have other leverage to apply.

At such consultations, the United States should point out that the embargo authority under the Pelly Amendment applies to countries trading in endangered or threatened species, as well as to fishing countries. We might also suggest that if unauthorized fishing cannot be prevented, the authorized high seas fishing of the INPFC parties should be reduced as necessary to obviate the unpreventable "adverse effects" for the state of origin.

MAGNUSON ACT PENALTIES

The 1976 extension of United States fishery jurisdiction included "exclusive fishery management authority . . . over . . . all anadromous species [of U.S. origin] throughout the migratory range of each such species beyond the fishery conservation zone," except when within any foreign nation's territorial sea or fisheries zone. 16 USC 1812. However, this jurisdiction under the Magnuson Act has not been exercised to date, except on a negotiated basis. The Japanese high seas salmon fishery is governed by the INPFC and its annexes, as renegotiated after the Act's passage. To my knowledge the high seas salmon jurisdiction of the United States has not been exercised with regard to non-INPFC countries.

The fishing in question is prohibited by the Magnuson Act and the foreign fishing regulations. 16 USC 1821(a). It needs a permit, and authorization under a GIFA or other international fishery agreement. 50 CFR 611.1, 611.2(bb) ("Prohibited species, with respect to any vessel, means any species of fish which that vessel is not specifically authorized to retain."), 611.3(a) (permit required), 611.13 (prohibited species must be returned to the sea). For example, the GIFA between CCNAA and AIT governs fishing by vessels of Taiwan for fish subject to the exclusive fishing management jurisdiction of the U.S., but no permits for a high seas salmon fishery have been applied for. The GIFA does contain CCNAA and Taiwan's recognition of U.S. salmon jurisdiction as asserted under the Act.

The Magnuson Act violations are subject to civil penalties of up to $25,000 per violation per day, and to criminal penalites of up to six months imprisonment and a fine of $50,000. Foreign fishing for U.S.-origin anadromous species beyond the FCZ, without an authorizing permit, is a criminal offense under Section 307(2)(B). Seizure and forfeiture of the vessels is authorized, including their catch, gear, and cargo.

There could be substantial problems in proving (1) that the salmon are of U.S. origin, and (2) the identity and flag of the fishing vessels concerned. Process can be served on the agent designated by Taiwan and authorized to receive and respond to legal process with respect to fishing vessels of Taiwan, whether they have been issued permits or not. Response has been harder to obtain. Obtaining forfeiture would require seizure and arrest of the offending vessels.

If judgment is entered for a penalty, collection could be a problem. Fortunately, NMFS has had the foresight to require that Taiwan establish what amounts to a performance bond, in the form of a letter of credit for $500,000 against which the U.S. can draw to cover unpaid penalties. The present letter covers only vessels of the Highly and Chong Shing corporations, and expires on January 15, 1984, but NMFS has instructed Taiwan to establish a similar letter of credit covering all vessels of that flag, whether permitted or not. Taiwan has been unresponsive but should be pressured to establish the letter of credit as soon as possible, and before this salmon incident proceeds further.

A special problem with the use of the Magnuson Act here is the novelty of the issue. Although our law claims high seas jurisdiction over U.S. origin salmon, it has never been tried and tested, and the foreign flag country will no doubt protest. To the extent that the United States is willing to cite the Law of the Seas Convention, which is not yet in force and has not been signed by the United States, as evidence of generally accepted principles of international law regarding salmon fishing, it could be helpful. The LOS Convention supports the state of origin's right to set the total allowable catch levels (Article 66(2)), but only after consultation with the high seas fishing countries. The LOS convention would prohibit new high seas salmon fisheries, by allowing such fishing only where economic dislocation would otherwise result. But it also states that enforcement beyond the EEZ will be "by agreement between the State of origin and the other States concerned." Article 66(3)(d). The GIFA provides such agreement in this case. The high seas freedom of fishing is subject to the rights of the state of origin, and to a duty to cooperate in necessary conservation measures. All these add up to considerable international support for U.S. enforcement action beyond 200 miles.

MAGNUSON ACT ALLOCATION REDUCTIONS

Any new country to the high seas salmon fishery could have its TALFF allocations in the FCZ reduced under section 201(e)(1)(E)(viii), the catch-all allocation criterion ("such other matters as the Secretary of State, in cooperation with the Secretary [of Commerce], deems appropriate"). All allocations, after the 50 percent initial release, required a written determination by State and Commerce, that the foreign country is complying with all the allocation criteria. The fishing country would have to convince both Departments of its innocence, to the degree that they will commit their conclusions to writing, before any allocation can be made.

Automatic reduction of allocations is available under the Packwood-Magnuson Amendment, 16 USC 1821(e)(2), but only for activities which diminish the effectiveness of the International Whaling Convention. Packwood-Magnuson does not apply to INPFC.

MAGNUSON ACT PERMIT ACTION

Another option would be to deny the offending country any new Magnuson Act fishing permits. If individual vessels can be identified as offenders, their existing permits can be suspended or revoked. Where the individual vessels cannot be identified, or do not hold Magnuson Act permits, it could be appropriate, based on these violations and a generally poor compliance record in the past, to deny the flag state any future permits until a reasonable level of enforcement cooperation is demonstrated at the national level, as required by the GIFA.

In deciding whether to approve permit applications, the Magnuson Act, section 204(b)(6), requires the Secretary to consult with State and Coast Guard. The purpose of Coast Guard consultation is to factor in the country's enforcement record. Legislative History at 110.4. Approval or disapproval depends on whether the fishing described in the application will meet the requirements of the Act. Since the Act requires adherence by foreign fishing vessels to the statute and regulations implementing it, and enforcement factors are to be considered, the Secretary is authorized to withhold permits based on a country's proven inability to "meet the requirements of the Act".

Further, section 204(b)(6)(B)(iii) allows the Secretary to deny joint venture permits after taking into account "with respect to the foreign nation concerned, such other matters as the Secretary deems appropriate". It would be anomalous for the Secretary to have such broad authority in deciding on more valuable directed-fishing permits, but not in deciding on the more valuable directed-fishing permits, I believe the Act authorizes the Secretary to withhold a nation's permits based on enforcement considerations.

PELLY AMENDMENT EMBARGO

The Pelly Amendment to the Fisherman's Protective Act, 22 USC 1978, provides for fishery trade sanctions if the Secretary of Commerce determines that foreign nationals "are conducting fishing operations in a manner or under circumstances which diminish the effectiveness of an international fishery conservation program" such as INPFC. When the Secretary makes this determination, the President may prohibit the importation into the United States of any or all fish products from the offending country, for as long as he determines appropriate, and to the extent such action is sanctioned by the Governing Agreement on Tariffs and Trade (GATT). (There is some uncertainty about GATT's effects on the Pelly Amendment). The President's action is discretionary, but may apply to all fish products from that country, not just those from the fishery at issue.

Mr. STEVENS. Mr. President, I reserve the remainder of the leadership's time on this side.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the minority leader.

Mr. BYRD. I thank the Chair.

Mr. President, I yield such time as I have remaining to the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Illinois.

Mr. DIXON. Mr. President, I thank the Senator from West Virginia, my dear friend and the distinguished minority leader.

HASTY ACTION WILL MEAN HIGHER PHONE BILLS

Mr. DIXON. Mr. President, I underscore my deep concern that the Senate may soon be on the verge of rushing into a major decision which it will later very much regret. My reference is to S. 1660, which attempts to deal with the troublesome matter of how to cope with the financial ramifications of the breakup of the American Telephone & Telegraph Co.

Even though S. 1660 came out of committee by a vote of 15 to 2, I fear that very few Members of this body understand the full impact of the bill. All of us can, of course, support the concept of universal telephone service. We are blessed with what is obviously the best phone system anywhere in the world.

How we achieve the goal of universal service in the face of the breakup of AT&T is a critical question. Hurried acceptance of the solution offered S. 1660 means, it seems to me, accepting a very dangerous course of action, especially since higher telephone bills are going to be the net result.

It is a mistake to be moving so swiftly. To move precipitously on a bill which has received only cursory attention over a period of only a few weeks will compound the problem.

The Federal Communications Commission has been working on this problem for several years. Against this background, no piece of legislation created in a matter of weeks can properly address the complex issues involved in guaranteeing universal service.

Mr. President, I ask unanimous consent to have printed in the RECORD of editorials from the two largest newspapers in my State making the point that haste will not serve the best interests of the citizens of our Nation.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, Sept. 9, 1983]

NINE BILLION DOLLAR PHONE BILL?

Hang onto your telephone. No one knows quite what's going to happen to its costs after American Telephone & Telegraph Co. is separated from its 22 local operating companies on Jan. 1—not federal regulators, not even phone company officials. And certainly not consumers.

Local companies across the country have already asked for about $13 billion in rate increases to adjust for the financial shocks the breakup will bring: Local service has long been subsidized by long-distance profits; now the locals will need new cost-based rates to keep providing reliable, efficient, "universal" service.

The problem: Who will make up the shortfall, estimated between $7 billion and $9 billion, and how?

The National Governors Conference fears that big local increases will force many people to give up their phones. One witness at hearings in Chicago this week told a task force that if rates double, as some fear, only 71 percent of households across the country would be able to keep phone service; 92 percent have it now.

Illinois Bell officials scoff at projections of such vast rate increases. Their record of relatively cheap and efficient service gives them credibility. Yet, in a strange way, that good record threatens consumers here, if Congress approves one horribly misguided fee plan.

Legislative "solutions" abound, but one is especially bad. Sen. Bob Packwood (Ore.), who heads the influential Commerce Committee, has introduced a bill to form a national money pool, based on numbers of long-distance calls, to be split among local companies. Those with the highest local costs would get the most back. And that essentially means that inefficiency would be subsidized.

Florida, for example, would get $4.19 out of the pool for every dollar its consumers paid in. Other returns in the South and West, where it's relatively expensive to maintain service, would be similarly high. The biggest winner would be the Virgin Islands—$8 back for every $1 paid in.

But Northeast and Midwest consumers, whose phone service is far more efficient, would be raped. New Yorkers would get 9 cents back on the dollar. Illinois customers would get one cent back for every dollar they pay in.

Packwood wants to ram his legislation through later this month, but Sen. Alan J. Dixon (Ill.) is mustering resistance in the industrial states. More power to him. Our region's taxes already subsidize the Sun Belt to the tune of $30 billion or so a year, with Illinois the bigget loser of all. We simply can't be bled further.

Dixon makes an excellent point: there must be no rush to carve half-baked reactions to the Bell breakup into law, especially not before the locals have a chance to show how they'll perform. Wait till next year—if then.

[From the Chicago Tribune, Oct. 2, 1983]

OF POLITICS AND TELEPHONES

The Senate Commerce Committee wants to throw a snag into the already devilishly complex business of the breakup of the national telephone monopoly. The idea is to have Congress postpone the implementation of a Federal Communications Commission surcharge that would help replace the money AT&T has traditionally channeled from its long distance service to local telephone services it now will divest.

The proponents of the delay, such as Sen. Bob Packwood (Ore.) have all sorts of high-minded reasons for what they want to do. They say they do not want to impose a new fee on telephone users. They say they are worried about what poor people will have to pay for service.

What they don't tell you is that if the surcharge does not go on, local operating companies will have to get the money through rate increases. And if Sen. Packwood's alternative passes, telephone users in heavily populated states like Illinois will be paying a lot of money to subsidize phone service by less efficient companies in the Sun Belt.

The issues is not whether customers will pay. They will have to pay one way or another. The issue is whether Congress will involve itself in a complicated scheme of redistributing money from telephone users' bills.

And behind this all is the simple fact that a lot of people in Congress are not comfortable bowing out as much as possible from the telecommunications market. Moving to a more competitive industry structure will inevitably create some winners and some losers, among customers as well as among competitors, and people like Sen. Packwood see that as a political opportunity.

ORDER FOR THE APPOINTMENT OF A COMMITTEE OF SENATORS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Vice President be authorized to appoint a committee of Senators on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the Federal Republic of Germany into the House Chamber for the joint meeting scheduled today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business in which Members may speak for a period not to extend beyond 2 minutes with the time established not to extend beyond 10:10 a.m.

ANOTHER WARNING ABOUT HIGHER PHONE BILLS

Mr. DIXON. Mr. President, earlier today I made a statement expressing my concern that hasty action on S. 1660 will mean higher phone bills for American citizens. How we handle the financial ripples created throughout the telephone industry by the breakup of the American Telephone & Telegraph Co. is going to be a matter of grave concern to all of us.

Quick fixes are not going to be the answer. They will, I am convinced, create more problems than they solve.

In connection with my earlier statement where I urged my colleagues to "slow down" and take a very careful look at S. 1660, I requested that copies of editorials from the two largest newspapers in Illinois be inserted in the RECORD, since those editorials caution against hasty action by this body.

Businessweek recently expressed the view that Congress must be chary of getting involved in the AT&T divestiture proceedings. I ask unanimous consent that the Businessweek editorial be included in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LET COMPETITION TAKE ROOT

For the past nine years, the Justice Dept. and federal courts have been working feverishly to break up American Telephone & Telegraph Co. and, with the aid of the Federal Communications Commission, to plant the seeds of competition in the fast-changing telecommunications industry. Next Jan. 1, they can celebrate. On that day, "Ma Bell" officially is laid to rest, and the industry enters the promised land of dazzling new telephone products and services (page 68). But what is this? Already, groups of telephone users are grumbling that the free market is putting an end to the subsidies that kept their rates low. They want something done about it, and Congress, which spent the last few years fumbling chances to help shape the telephone industry's future, is now obligingly considering at least a dozen bills to override the effects of competition. Such legislation would make a joke of many of the reasons that led the government to break up AT&T in the first place. Congress should keep hands off and let the free market remake the industry.

What bothers the grumblers, of course, is prices. As a regulated monopoly, AT&T averaged the prices for its services across the nation. Business users subsidized residential users, long distance subsidized local service, urban users subsidized rural users, infrequent callers subsidized their talkative neighbors. Technology broke the constraints of AT&T's monopoly as a lot of rival companies sought access to the marketplace with their new products and services. In this emerging competitive market, prices must be based on costs, a prospect obviously unsettling to some users. Rates for local flat-rate service, for example, will go up substantially. On the other hand, long-distance rates will decline, and it will be easier to use discount services from AT&T's competitors.

In any case, it is too late in the day for Congress to start protecting some telephone users at the expense of others. To derail competition now that the hard work of divestiture is nearly complete and the fruits of the free market are starting to bud would be unfair to AT&T, to its competitors, and to the American people, who were assured that dismembering Ma Bell would give them a better telephone system than ever.

NOBEL PEACE PRIZE TO LECH WALESA

Mr. DODD. Mr. President, I received with great satisfaction this morning the news of Lech Walesa, leader of the independent Polish trade union, having been awarded this year's Nobel Peace Prize. I think the wise decision of the Norwegian Parliament will be welcomed by all people around the world dedicated to peace and to the cause of free labor relations.

I feel particularly touched by this event, because just a few weeks ago, on August 9, I had the good fortune to spend an entire evening with this remarkable man in his hometown, the birthplace of Solidarity, Gdansk, Poland. We all know, of course, how the movement of Lech Walesa leads has revolutionized Poland, has influenced history in Eastern Europe, and indeed, impressed and inspired the whole world. A superficial observer could conclude that the man who has been at the core of this upheaval must be a firebrand, a militant revolutionary. Not so, Mr. President. Lech Walesa is a modest, moderate, deeply humane person. He is not out to overthrow the government. He just wants to reason with them and get them to realize that they have to improve the material and spiritual conditions of the Polish working class. His suggestions would not be revolutionary under any decent government. Under a system, however, that claims an exclusive monopoly over any kind of organized political and social activity, any effort for independent private or group activity outside the government channels becomes subversion by definition. Only in this sense can Lech Walesa be called a revolutionary, clearly through no fault of his own.

Solidarity is a peaceful movement. During its 3-year existence, nobody died in Poland in violence initiated by Solidarity. There was violence against Solidarity but never by Solidarity. As Lech Walesa told me in my meetings with him this summer, his movement will remain peaceful and one of his major objectives is to avoid bloodshed by any means.

This award should again underline the importance of free and fair labor relations around the world. Communist governments, who claim to speak and act in the name of the working class, will have to realize that their false claim will come back to haunt them. Freedom of labor to organize itself is one of the fundamental human rights granted by all major international human rights agreements. One of the major conditions of a future secure and universal peace is respect for, and implementation of, these fundamental rights in every country of the world. I applaud the Nobel Committee for this realization, which was the obvious basis for their inspiring decision.

I strongly hope the Polish Government will allow Lech Walesa to receive his award personally and return to Poland. By their refusal, they would prove that they learned nothing from the past 3 years—indeed, from recent history.

Mr. President, in that Gdansk evening of last August 9, we became friends with Lech Walesa, I hope for life. It is with great joy, warm friendship, and admiration that I greet him as the newest Nobel Laureate.

NATIONAL COSMETOLOGY WEEK

Mr. THURMOND. Mr. President, this week has been designated by the National Hairdressers and Cosmetologists Association as "National Cosmetology Week." Throughout the week, thousands of hairdressers, barbers, cosmetologists, manicurists, and estheticians will be observing this special time by providing free services to people across America.

To celebrate this occasion, these gifted individuals will be donating their valuable time and talents to put on shows in shopping centers and malls about the importance of grooming and personal hygiene. Many of these professionals will perform charitable services for individuals in retirement homes, hospitals, and other places where "shut-ins" could not take advantage of such services otherwise.

There are over 800,000 licensed cosmetologists in the United States, 84,000 of whom are members of the National Hairdressers and Cosmetologists Association. There are currently 13,000 licensed hairdressers in South Carolina working in over 4,000 beauty salons statewide. Because this profession is becoming a more attractive occupation to people, those interested in entering the business are able to find quality training in one of the 70 schools of cosmetology in South Carolina.

Through rigorous training, examinations, and continuing education, cosmetologists perform their duties with exceptional skill, utilizing the most advanced methods and equipment.

In addition to the tremendous technical services they render to their customers, these individuals make a significant impact on our Nation's economy and play an important part in stimulating continued economic growth.

Mr. President, nationwide, these professionals are making numerous contributions to our society, and no one can deny the beneficial services they provide to the public. Local elected officials across America have concurred with this attitude by making special proclamations recognizing this special week honoring cosmetologists. I believe that it is appropriate that we also recognize the thousands of outstanding hairdressers, barbers, cosmetologists, manicurists, and estheticians by offering our thanks and commendation to them during "National Cosmetology Week."

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY

RECESS UNTIL 11:30 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now stand in recess.

Thereupon, the Senate at 10:13 a.m., took a recess until 11:30 a.m., and the Senate, preceded by the Secretary of the Senate, William F. Hildenbrand; the Sergeant at Arms, Larry E. Smith; the Vice President of the United States; and the President pro tempore (STROM THURMOND), proceeded to the Hall of the House of Representatives to hear an address delivered by His Excellency, Dr. Karl Carstens, President of the Federal Republic of Germany.

(The address delivered by the President of the Federal Republic of Germany to the joint meeting of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

At 11:30 a.m., the Senate, having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. KASTEN).

The PRESIDING OFFICER. The majority leader.

MARTIN LUTHER KING, JR., HOLIDAY

Mr. BAKER. Mr. President, under the order previously entered, the time for debate prior to cloture vote on the motion to proceed to the consideration of the Martin Luther King, Jr., holiday bill will begin running at 12:30 p.m. The time between now and 12:30 is to be devoted to three special orders in favor of Senators and routine morning business until the hour of 12:30.

Mr. President, at some point this morning, either in morning business or thereafter, and prior to the 1:30 p.m. vote, I intend to propound a unanimous-consent request. The purpose would be to vitiate the vote on cloture on the motion to proceed and to set a time certain for a vote on final passage of the bill, otherwise prescribing the time available and the division and control of the time prior to that late. I will not do that now, Mr. President. I want to make sure everybody is on the floor and understands.

Before I yield the floor to those Senators who have special orders, may I point out that the agreement that I described on yesterday provided for the Senate to lay aside the Martin Luther King bill after first vitiating the order for a cloture vote and to take it up again on Tuesday the 18th of October, debate it on the 18th and 19th, and at 2 p.m. on the 19th the vote on final passage will occur. That is still the request that I will propound. I am not sure that it will be agreed to, but I wanted to describe it once again so that Senators would be aware of it and would be on the floor at approximately 12:30 when I plan to make that request.

Mr. President, I now yield the floor.

RECOGNITION OF SENATOR MATTINGLY

The PRESIDING OFFICER. Under the previous order the Senator from Georgia (Mr. MATTINGLY) is recognized for not to exceed 15 minutes.

LINE ITEM VETO POWER

SENATE JOINT RESOLUTION 178 AND S. 1921

Mr. MATTINGLY. Mr. President, I rise today to introduce two proposals whose goals are the same. The first is a Senate joint resolution proposing a constitutional amendment. The second is a bill to effect the same goal legislatively. It is to grant the President power to reduce or veto individual items in appropriations bills. These measures are an attempt on this Senator's part to return fiscal sanity to the Federal budget process.

I introduce the joint resolution for myself and Mr. DOLE, Mr. GOLDWATER, Mr. NICKLES, Mr. SYMMS, Mr. DENTON, Mr. TRIBLE, Mr. GARN, Mr. HATCH, Mr. LAXALT, Mr. KASTEN, Mr. MURKOWSKI, Mr. WILSON, and Mr. HUMPHREY.

The bill is introduced for myself, Mr. DOLE, Mr. GOLDWATER, Mr. NICKLES, Mr. SYMMS, Mr. DENTON, Mr. TRIBLE, Mr. GARN, Mr. HATCH, Mr. LAXALT, Mr. KASTEN, Mr. MURKOWSKI, Mr. WILSON, Mr. HUMPHREY, and Mr. QUAYLE.

In a nutshell, either of these proposals would give the President a line item veto power over appropriations measures. While the President currently has the power to veto entire appropriations bills, such bills have become so huge and inclusive that a veto on the part of the President has become no longer practically or politically useful. Henry Hazlitt, the author of many books on economics, observes that "the Presidential veto has been reduced to a nullity."

About four-fifths of the States possess a line item veto power, including my own State of Georgia. What is so significant about the line item veto power? It makes the budget process work for those States which have this budget control tool. As the head of the National Association of State Budget Officers recently observed:

> The line item veto is an extremely important executive tool. It gets to the fundamental point of fiscal discipline in that the chief executive is ultimately responsible.

History reveals that almost all Presidents have desired the line item veto as a safeguard against Congress inability to discipline its spending habits. I was pleased to see where Treasury Secretary Regan, in a speech before the National Alliance for Business this week, called for congressional action to give President Reagan the authority to issue "line item vetoes." As the Secretary pointed out, such authority would enable the President to whittle record deficits that threaten the Nation's economic expansion.

The line item veto, contrary to what some would argue, will not infringe on the authorizing and appropriating authority of Congress. In fact, a line item veto would clarify and strengthen the system of checks and balances provided for in our Constitution. As I stated above, the use of the veto now by the executive branch to check the excesses of Congress—with its deliberate use of omnibus spending bills, continuing resolutions, and Christmas tree appropriations measures—is like burning down a house to get rid of the roaches.

While Congress has attempted legislatively to deal with its inability to inject discipline into the budget process, such efforts have proved fruitless. In my opinion, permitting the President to veto individual items in appropriations bills will be far more effective in dealing with the budget nightmare than the current ineffective tools available to Congress.

In 1974, Congress passed a Budget Act designed to introduce congressional discipline into the budget process. While a well-intended idea, the 1974 Budget Act has been a failure, especially in its ability to control Federal spending. When the Budget Act was passed in 1974, Federal spending accounted for approximately 18 percent of the gross national product (GNP). Under the budget resolution which Congress adopted for fiscal year 1984, Federal expenditures will consume over 25 percent of GNP. Needless to say, the 1974 Budget Act has been unsuccessful in controlling the spending habits of Congress. In fact, Federal spending is on automatic pilot, with the Government taking a larger claim of GNP year after year. At the rate Federal spending is increasing year after year, we soon have to decide whether we want America to have primarily a public economy, one composed of enormous Federal deficit and cyclical economic behavior. Or, instead, do we want primarily a private economy, one made up of a favorable economic climate which fosters economic growth? If our choice is the latter, we must cut Federal spending. I think the voting public would prefer the second alternative.

Mr. President, if we are to have a healthy economy in the future, one characterized by consistent growth, low interest rates and inflation, we must reduce Government's involve-

ment in the economy. Earlier this Congress, I introduced legislation to require spending as a percentage of gross national product to be reduced 1 percent per year until Federal outlays are equal to or less than 18 percent of GNP. This was a modest effort to gradually reduce the Federal Government's involvement in the private economy. However, recognizing that Congress would have to make some politically difficult decisions in implementing this proposal, my proposal has yet to be considered. Since past efforts to discipline Congress spending habits have failed miserably, a Presidential line item veto is one of the last major available avenues for those in Washington who are serious about solving the budget problem and deficit crisis.

Mr. President, I ask unanimous consent that the text of both proposals appear at this point in the RECORD.

There being no objection, the bill and joint resolution were ordered to be printed in the RECORD, as follows:

S.J. RES. 178

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE——

"The President may disapprove any item of appropriation in any Act or joint resolution, except any item of appropriation for the legislative branch or the judicial branch of the Government. If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not disapproved shall become law. The President shall return with his objections any item of appropriation disapproved to the House in which the Act or joint resolution containing such item originated. The Congress may, in the manner prescribed under section 7 of article I for Acts disapproved by the President, reconsider any item of appropriation disapproved under this article.".

S. 1921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President may disapprove any item of appropriation in any Act or joint resolution, except any item of appropriation for the legislative branch or the judicial branch of the Government.

(b)(1) If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not disapproved shall become law.

(2) The President shall return, with his objections, any item of appropriation disapproved to the House in which the Act or joint resolution containing such item originated.

(c) The Congress may reconsider any item of appropriation disapproved under this section in the same manner as is prescribed under section 7 of article I of the Constitution of the United States for reconsideration by the Congress of Acts disapproved by the President.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that three editorials which recently appeared in the Wall Street Journal supporting a Presidential line item veto be printed at this point in the RECORD, and also a list of those States which currently provide for line item vetoes.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 9, 1983]

LINE-ITEM LEASH ON RUNAWAY SPENDING

(By Henry Hazlitt)

We have had 45 federal deficits in the past 53 years, and uninterrupted deficits in the past 15 years.

There are two ways of preventing or ending deficits. One is to cut spending, and the other to increase taxes. We can, of course, try a little of both.

This is the approach contemplated in the balanced-budget constitutional amendment before Congress. Even many of those people who have reservations favor this amendment on the ground that something is better than nothing. But the proposal raises serious questions.

Perhaps the main objection to the balanced-budget amendment is that it puts at least as much emphasis on obliging Congress to raise taxes to achieve a balance as it does on cutting expenditures. This mistakes the nature of the problem. The real evil in the budgets of the past half century has been growing, reckless outlays, and not the deficits per se.

If federal expenditures are at a reasonable level, there isn't any great problem in finding the taxes to pay for them. But the higher the spending, the more formidable the taxing problem becomes. Taxes always undermine incentives, sales, employment and production. The higher the taxes, the greater the harm they do to the whole economy. Beyond a certain point, raising tax rates brings in lower revenues.

LIPPMANN'S PROPOSED REMEDY

All this may seem too obvious to mention, but it is persistently overlooked. This first struck me forcefully when I encountered a New York Herald-Tribune column of March 5, 1959, in which Walter Lippmann complained: "Both parties are pretending that they are struggling to balance the budget. In fact neither the Administration nor the Congress shows any sign of being willing to vote the taxes which are absolutely essential if the budget is to be balanced."

Mr. Lippmann's proposed remedy followed from his initial assumption that all the spending already going on, plus a great deal more, was absolutely necessary.

The fallacy of trying to balance the budget mainly with increased taxes can most easily be recognized if we look at the budget record since, say, this Lippmann proposal.

In fiscal 1959 the deficit was $12.9 billion because, though budget receipts were $97.2 billion, outlays were $92.1 billion. In 1960 taxes were higher, and revenues jumped to $92.4 billion, enough to have balanced the 1959 budget. They did achieve a small surplus—for one year. But in 1961 spending was raised to $97.8 billion, and deficits came back.

If we now look at 1983, the estimate of budget receipts is $598.3 billion, nearly eight times such receipts in 1959. But to no avail. Spending has increased far more, leaving us with a prospective deficit of $210 billion, the highest ever.

If we carry the record back to 1931, when our string of deficits began, we find we have increased our revenues 193 times. Even allowing for the inflation that the deficits themselves have largely brought about, Congress has increased our tax burden 30 times in real terms—without stopping the deficits.

So let us finally drop the delusion that we can pay for any level of spending by raising taxes. That myth has been leading us only toward increased unemployment and economic stagnation. And let us finally put aside, also, after the past half century's record, the idle hope that Congress can somehow be induced to return to responsibility or discipline itself. What we desperately need is an outside curb on the current unrestrained power of Congress to spend.

How has the license come about? Doesn't the president have the same power to veto appropriation bills as he has to veto other measures? Theoretically he does. But Congress has perfected the device of throwing in pork-barrel, log-rolling and other vote-buying appropriations with those that the president needs to carry on the government. In addition, Congress has perfected the practice of passing its appropriation bills at the very end of a session, so that if the president vetoed a typical omnibus spending bill in order to get rid of an objectionable item, he would be left without any money at all. So far as appropriations bills are concerned, Congress has usurped total power. The presidential veto has been reduced to a nullity.

The cure for this would be a constitutional amendment granting the president power to reduce or veto individual items in appropriation bills.

This isn't a new proposal; it has a long history. There isn't any evidence, it is true, that the question was even discussed in the Constitutional Convention of 1787. But by the time of the Civil War, when the Confederate state delegates met to frame their own constitution, the problem had been recognized. And they specifically provided for the presidential item veto. In 1867, President Andrew Johnson complained that Congress had thrown objectionable provisions into a section of an appropriations act that "virtually deprives the President of his constitutional functions as Commander in Chief of the Army." He felt forced, nevertheless, to give his approval to the measure, "but to accompany it with my protest."

Then, President Ulysses S. Grant asked Congress in 1873 to amend the Constitution "to authorize the Executive to approve of so much of any measure passing the two houses of Congress as his judgment may dictate, without approving the whole, the disapproved portion or portions to be subject to the same rules as now." Presidents Rutherford B. Hayes, in 1879, and Chester A. Arthur, in 1882, repeated this recommendation, though confining it to appropriation measures.

Franklin D. Roosevelt was the next president to ask for the item veto, followed by Dwight D. Eisenhower. Harry S. Truman in his "Memoirs" wrote: "One important lack in the presidential veto power, I believe, is authority to veto individual items in appropriation bills."

Despite this long history, Congress has done precisely nothing. The apparently insoluble problem that confronts us is how to get congressmen voluntarily to give up or share a power that they have managed to usurp.

If we can't get two-thirds of Congress voluntarily to submit to the states an amendment giving the president the item veto, how can we get around this obstacle?

There is a glimmer of hope. The item veto is so essential to fiscal discipline that in 42 of our 50 states the governor already has this power. In at least some cases, he must have got it through voluntary action by the legislature. (This certainly has been helped by the fact that the states can't print money to cover their overruns.)

If Congress can't be presuaded to take the initiative in submitting a constitutional amendment allowing a presidential item veto, there are two alternatives. One is for two-thirds or more of the state legislatures to ask Congress to call a constitutional convention for the single purpose of drafting and submitting an item-veto amendment. Congress would be obliged to comply. The delegates to such a convention would need to meet only a day or two to carry out their assignment.

ADVANTAGE AND DISADVANTAGE

Another course would be to try to persuade Congress to permit a presidential item veto by simple legislation. This alternative actually was suggested by Mr. Roosevelt in his annual budget message of Jan. 3, 1939: "A respectable difference of opinion exists as to whether a similar item veto power could be given to the President by legislation or whether a constitutional amendment would be necessary. I strongly recommend that the present Congress adopt whichever course it may deem to be the correct one."

The advantage of granting the item veto by legislation would be that it would take effect immediately. The disadvantage is that the power could be taken back more easily by Congress or that Congress in the first place might be more reluctant to grant an item veto to the president then in office.

One question certain to be raised is whether a big-spending president actually would make much use of an item veto. One answer is that in that case, granting the power wouldn't do any harm. But it would at least remove the alibi that presidents have as long as they lack this power. With it, they could be held strictly responsible, as they in fairness can't be now, for the spending result. As matters stand, the president is directed to present a budget, and in the eyes of the public is held responsible for it, though he has neither the power to appropriate nor any real power to cut outlays.

Presidential power to reduce or veto individual items in appropriation bills certainly would make a real difference. If we can get back to prudent and responsible spending, the task of raising the matching revenues won't seem insuperable any longer.

[From the Wall Street Journal, Sept. 14, 1983]

BUDGET SOLUTION

The days and nights of the living dead have returned: The Congress of the United States is back in Washington, where it must again confront the budget nightmare. Congress's wailing and howling over the dread budget deficit causes quite enough discomfort across the land, so we're reluctant to arouse them further. Alas, we present some simple truths about the deficit—and a proposal to free Congress from the curse of the budget process.

Recent history has taught us a few things about what a budget deficit does and does not do. Deficits do not prevent a recovery. We currently have a $200 billion deficit. We currently have a recovery.

It's widely argued that if the government has to finance a deficit of $100 billion to $300 billion, interest rates will skyrocket again, perhaps to 17%, crushing the recovery (and the Reagan presidency). We have come to doubt the validity of this argument, which depends in large part on the assumption that government borrowing—and its impact—is limited to the securities market, which in 1982 was thought to have an available savings flow of about $350 billion.

It seems more plausible, as John Rutledge argued on this page last month ("The 'Structural-Deficit' Myth," Aug. 4), that government borrowing to finance a deficit should be viewed in the larger context of the economy's total asset holdings, currently about $20 trillion. Placed against $20 trillion, a large government borrowing may cause some rise in interest rates, but nothing as large or destructive as the Armageddon generally predicted.

We've been pooh-poohing these concerns (much to the discomfort of many traditional allies) and making the point that a lot of the deficit talk is merely an excuse to get more revenues to increase spending. But we've also been saying privately that two years from now—when recovery came despite deficits—we will be the only people in the land worried about deficits. For the plain and undeniable truth is—and here we rejoin the ranks of our worried allies—deficits do crowd out resources.

But let's get something straight about this. As Norman Ture makes plain in a nearby article today, deficits crowd out resources only to the extent that they serve their imperial master—government spending. We can raise taxes to close the deficit; we can borrow from the private sector to close the deficit. Either way, the money raised becomes government spending. Government spending is the first cause of crowding usable resources out of the private sector. The choice is as clear as it can be:

If we want America to have primarily a public economy, we should quit whining about the deficit and let congressional policies proceed toward that goal. If instead we want primarily a private economy, we simply have to cut spending.

And that means we've got a very big problem: The best political minds in Washington say that all the king's horses and all the king's men will never be able to cut government spending again. That is the implicit assumption behind much of the deficit talk and the counterproductive solutions in the air. We're not so ready, however, to throw in the towel on prudent economic management. What's really happened is that the terms of the political game in Washington have changed in a way that has eroded the traditional restraints on spending imposed by Congress's internal discipline and the external pressure applied by the Executive.

The erosion began with the House committee reforms of the 1970s, which undermined the authority of the House leadership. Next, Congress perverted the principle of entitlements.

Providing basic support for citizens who fell into deep poverty was properly regarded in the 1960s as an appropriate commitment by a successful nation, and Congress, with clear public support, made the commitment. But it erred in not foreseeing (or in willfully refusing to see) that the payment formulas—primarily indexing payments to inflation—would create a claim on the nation's wealth large enough to undermine the health of the larger economy.

The last brick in the dam gave way with passage of the Congressional Budget and Impoundment Control Act of 1974. This mistake had the unintended effect of opening the spending spigot without ever finding the proper tools to shut it off (see the accompanying graph).

Forget the phrase, "budget control." No one takes that seriously anymore. The key words in the act are "impoundment control." In the early 1970s, Congress became petulant over Richard Nixon's attempts to reduce spending by using the president's power to withhold, or impound, funds appropriated by Congress. By effectively eliminating the president's impoundment powers in the 1974 act, Congress grievously damaged the balance of power. The president can still veto appropriations bills, but the bills have become so huge and inclusive that the big veto is no longer managerially or politically useful.

The fact is, this issue has gone quite beyond the question of conservative vs. liberal social philosophies. Congress can't hold down the upward growth in spending, and the president has no effective counterweight to pose against Congress. In short, the ship of state, in its current upward spending stream, is on automatic pilot, with the government laying claim to an ever larger share of whatever the economy produces.

The solution to this problem requires two things: Reimposing discipline on the politics of spending and restoring the balance of power between Congress and the presidency. And as is often suggested, the solution requires two other things: the support of the House speaker and the president. Well, we know the speaker's position: The economy be damaged; this conservative president must be jettisoned from the Oval Office no matter what the costs. Resolution of the budget crisis clearly lies with the president, and we know of one proven mechanism for getting the job done. Ronald Reagan should do the following:

He should send a constitutional amendment up to Congress, exhorting it to give the president a line-item veto over the budget. Ed Meese has been floating the item-veto idea for some time, citing in support Mr. Reagan's experience with it in California. The governor of every major state in the Union has line-item veto power, which permits the Executive to veto individual items in the legislature's budget. Nearly every president since Ulysses S. Grant—Democrat and Republican—has requested it. (Yes, indeed, that includes FDR.)

Mr. Reagan should make the line-item veto the centerpiece of his reelection campaign, and he shouldn't flinch from claiming it as the Republican answer to the deficit issue. There is no way Mr. Reagan can avoid having the Democrats fling the deficit in his face, but there's no way the Democrats can hide the intellectual exhaustion of their own ideas. Moreover, it's likely that the prospect of a line-item veto would unify the supply-side and conventional wings of the Republican party.

The usual argument against the line-item veto—that it would unfairly expand the president's power—is clearly fatuous. Congress in 1974 arrogated to itself responsibil-

ity for spending; it has clearly failed. Politics in America most effectively performs its proper role—arbitrating among the competing interests of a huge population of free and informed people—when power is real but rarely used. It's most likely that once a president held the power to veto individual spending items, Congress would sort out for itself what is justifiable spending and what isn't, just as it did before the "budget control act." And if, as now, Congress declined to exercise prudence in managing the people's tax payments, that national constituency that elects a president would surely expect him to use the item veto to restore prudence, regardless of the highly publicized screams of Congress's many constituencies.

That is how the balance of power was intended to work. When it is damaged, as it is now, the American system suffers. The presidential power created by the line-item veto will restore the balance. And by forcing legitimate political horse-trading to take place again on Capitol Hill, it would allow Congress to regain its self-respect. Most important, it would show that Washington is truly serious about solving the deficit problem.

[From the Wall Street Journal, Sept. 22, 1983]

TAKE YOUR PICK

What's the difference between the U.S. Congress and New Jersey?

No, no, this isn't another New Jersey joke. New Jersey's fine. This is a Congress joke. It's about Congress and the budget, which is beginning to look about as whacky as something out of "The Dukes of Hazard."

With passels of congressmen fuming and sputtering like ol' Boss Hogg himself, Ronald Reagan has presided over an economy in which taxation and inflation were brought under control. As a result, the good old boys (and girls) outside Washington who actually do productive work floor-boarded the American economy forward with the sort of joyous enthusiasm even Bo and Luke Duke would envy. But even the U.S. president himself can't control the shrewd polls that now populate Congress. First thing Congress did on returning last week was pump up this year's budget $1.6 billion for 10 favorite social programs, then announce plans to pump taxes up $12 billion to "help" with the $200 billion deficit.

And New Jersey? Earlier this summer, New Jersey's legislature brought in a budget just under the figure proposed by the governor. And one of the main reasons this happened is that the Democratic and Republican politicians on the appropriations committee rearranged their spending priorities in a way that would avoid triggering the governor's line-item veto, the very thing we proposed last week that Ronald Reagan make the centerpiece of his reelection campaign.

To repeat: The president should send a constitutional amendment to Congress, asking it to give the president the power to veto individual items in the U.S. budget. And he should barnstorm this perfectly sensible idea straight across the country.

What's the difference between New Jersey and the U.S. Congress? New Jersey's budget process works, and so does the budget process in a lot of other states where the governor has line-item veto power.

"The line-item veto is an extremely important executive tool," we were told by Gerald Miller, head of the National Association of State Budget Officers. "Illinois is a good example, and California, New York, Ohio has it. Pennsylvania, Florida, all your big states. It gets to the fundamental point of fiscal discipline in that the chief executive is ultimately responsible." Precisely.

Two years ago, Illinois's governor said he'd put off a line-item veto of funds for a mental-health center if the legislature found equal savings somewhere else in the budget. "The assembly is elected from all over the state to come together and reach some common decisions," he said.

That remark conveys the essence of the current dilemma in Washington. Congress properly represents the diverse interests of 435 districts and various coalitions. The president (assuming we still respect the way people vote in presidential elections) represents a national constituency. It makes simple common sense that once politics has had its proper run at the budget, responsibility for the outcome should fall on the chief executive, who speaks for this national constituency. And the experience in the states shows that the only way this works is if the chief executive holds the line-item veto.

California this summer went through what may be the biggest donnybrook in the history of the line-item veto. Republican George Deukmejian ran for governor last year on a promise not to raise the state's taxes. He was elected. The state's 1983 budget appeared to be headed for a huge deficit. The Democratic-controlled legislature called for more taxes, against repeated proof that California's voters don't want more taxes. Mr. Deukmejian promised a whopping $1 billion of item vetoes, and he delivered on that promise July 21.

An attempt in Louisiana this year to weaken the governor's line-item veto failed. "Take that away and you can't run this government," the appropriations committee's chairman said of the item-veto process.

We're not going to pretend the states are always the model of good government. But let's face the facts: Everyone in this game at the state level understands that spending to mollify special constituencies exists but is disciplined by the governor's line-item veto power.

In the year before Congress passed its 1974 Budget Control Act, it spent 18.5 percent of the GNP. After nine years of this control act, Congress is pumping out almost a fourth of the GNP. And now Congress's leading Democrats and Republicans and various of Mr. Reagan's helpers are trying to get the engine to turn over again on the old tax-and-spend jalopy. With Dan Rostenkowski playing Sheriff Roscoe P. Coltrane to Bob Dole's Boss Hogg, the boys over on the Hill are ginning up a "small" $12 billion "revenue measure." This is pathetic.

One year ago when he was in Ogden, Kans., Mr. Reagan said, "I dream of the day when Washington gets smart enough to give the president a line-item veto." We suggest Mr. Reagan not wait for Washington to get smart. We suggest Mr. Reagan send the line-item veto request up to Capitol Hill right now. Then instead of wasting the coming year of presidential-election politics on such drivel as the "gender gap," the president and the members of Congress can go before the American people to receive judgment on their respective solutions to the way Washington spends what it takes out of workers' paychecks.

Congress proposing higher taxes.

The president proposing a line-item veto.

Take your pick.

STATES PERMITTING LINE ITEM VETO

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii,[1] Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland,[1] Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Mr. MATTINGLY. Mr. President, the President is as dedicated as the Members who are cosponsoring this legislation to trying to control Federal spending. We have now given the President the vehicle to pursue, to back, in order for us to get control of Federal spending.

I thank the Chair.

THE ITEM VETO

Mr. DOLE. Mr. President, the distinguished Senator from Georgia, Senator MATTINGLY, has done us a considerable service by laying before the Congress a proposal to grant the President an item veto power. This is an issue that I believe must be addressed. In fact, I have frequently advocated action to give the President of the United States the authority to veto line items in appropriations bills. The Mattingly proposal is similar to a constitutional amendment I proposed in 1977, along with Senator LUGAR and the then-Senator from Nebraska, the Honorable Carl Curtis. This is a matter that deserves very serious consideration.

Like my amendment, the Mattingly proposal would allow the President to veto part of an appropriations bill and sign the remainder of the bill. This change would restore some of the original significance of the veto power under the Constitution, should help control Federal spending, and would reduce the incentive to attach riders to appropriations bills: A practice that has become all too common and which has caused severe problems over the past several years. The frequent impasses over supplemental appropriations and continuing resolutions likely could be avoided with a line item veto in effect.

RESTRICTIONS ON THE EXECUTIVE

Under present law the President can only sign or return an entire bill. In the case of appropriations bills, which cover a wide range of subject matter—especially in the case of continuing resolutions, which seem to have become standard operating procedure—the President lacks the ability to make important choices. Under this proposal the President could veto part of an appropriations bill or reduce an item, while approving the rest. This kind of power would be much more ef-

[1] Limited line item veto.

fective without infringing on the prerogatives of Congress. Congress still could override this specific veto just as it may override vetoes of entire bills.

The much-expanded scope and impact of appropriations bills under present procedures, including the use of riders that have an impact on substantive legislation, have radically changed the scope of the veto power compared with what the framers of the Constitution were familiar with. By mixing items the Congress can facilitate the passage of questionable items that may lack broad support by linking them with other items the President may favor and decline to veto. This expansion of the appropriations process has eroded the veto power as drafted into the Constitution, and I believe it would be desirable to halt that erosion.

GOVERNMENT ECONOMIES

Mr. President, there is also reason to believe that an item veto would result in significant economies to the Government. Measures that lack broad support would be more likely to fall by the wayside in the item veto process. Less pork-barrel legislation, and less congressional time spent on it, would be in everyone's interest. No one criticizes Members for offering special interest provisions, because a basic part of our duty here is to guard the interests of our constituents. But if we could agree to endorse a constitutional change that would limit such provisions, we might better serve the general interest as well. It is not just budget savings I am talking about, although they are important: We also ought to concentrate on policy decisions and issues that have a broader impact.

OBJECTIONS TO AN ITEM VETO

There are serious and well-considered objections to an item veto. There is the concern that such a power in the President would just shift the process toward a new form of logrolling involving the White House as well as Congress. There is also the concern that too strong a power in the Executive could undermine our ability to meet critical needs. We do have to be sensitive to these concerns, and they deserve a close examination. But I do believe that on balance an item veto would improve and streamline our procedures: That Congress would retain ample authority to guard against any Executive abuses; and that a shift away from the tendency to clutter up bills with special interest provisions would be good for the country. That is why I hope the Congress will give serious consideration to this proposal in the near future.

BROAD SUPPORT

Mr. President, most of the States, including Kansas, have provided their executives with an item veto. As of 1977, 43 States had such a provision. In this area I believe we have a clear demonstration that the States can function well as laboratories for experimenting with new concepts. On the question of the item veto, as in many other matters, the States are showing us the way. They have proved that an item veto works.

In addition, there is widespread public support for giving the President stronger power over Government spending by allowing him to veto line items. In October 1981 the Gallup poll reported that 64 percent of those interviewed favored giving the President such a power, while only 25 percent actively opposed the idea. President Reagan and other members of the administration, particularly Secretary Regan, has made it clear that he would welcome such authority. I believe the President would use the power effectively and judiciously. But even if we had a different Chief Executive, I believe we would be well-advised to adopt this proposal. It is a procedual reform, and Congress would retain more than adequate authority to safeguard against possible abuse.

IMPORTANT LIMITATIONS

Mr. President, I would add that both my earlier amendment and the present proposal are limited in scope. They would only apply to appropriations bills, not substantive legislation. In addition, they would not apply to any bill appropriating funds for the legislative or judicial branches, in accord with the constitutional separation of powers among the three branches of Government. Senator MATTINGLY has, I think wisely, chosen to propose legislation to institute an item veto as well as a constitutional amendment. This will give Congress an early opportunity to try out the idea if it sees fit to do so.

The Congress should give prompt consideration to an item veto provision. It would enhance the likelihood that other proposals, such as the fiscal responsibility amendment the Senate passed last year, lead to an early balanced budget. Most proposals to enhance fiscal restraint do nothing to involve the executive branch more directly, and we may find that such additional authority to the President would make our own job easier. I know this concept generates considerable controversy in Congress. Nevertheless I think an item veto would mesh well with other reforms in the area of fiscal responsiblity, and I hope that the House and Senate will give this option careful consideration.

I commend the Senator from Georgia, and I would be pleased to hear comments from other Members regarding this concept.

● Mr. NICKLES. Mr. President, today I join with my colleague, Mr. MATTINGLY, in support of giving to the President an item veto power on appropriation measures. This is not a new issue, it was first given serious consideration after the Civil War and has continued to hold the interest of the legislative and executive branches. Not only is it an issue which has received attention on the Federal level it is also very popular among the States where 43 have included an item veto provision in their respective constitutions, including my own State of Oklahoma. Giving the President item veto power would curtail unnecessary Federal spending and would restore full veto authority to the President.

During times of severe economic pressures, such as we have today, new and innovative solutions must be reviewed and implemented. Mr. President, I believe this is such a solution to help resolve the financial problems in which we find ourselves. Recently, item veto has received widespread interest on and off of Capitol Hill. I am very encouraged by the remarks of Treasury Secretary Regan this week in support of an item veto for the President. In the legislative branch, several bills and resolutions have been introduced by Members of both Houses during this session of Congress.

This additional power to the President would give our Nation further fiscal control over its Federal purse. In fiscal year 1983, the President sent to the Congress requests for appropriations of $497.9 billion, the Congress approved $510.8 billion, an increase of $12.9 billion. If the President had the power to reject portions of these appropriation bills sent him, we may have seen the fiscal year 1983 deficit reduced by a substantial amount.

In recent history, Congress has maintained the practice of lumping numerous authorizations and appropriations in single appropriation bills. This restricts the President from exercising his Constitutional right of considering individual items on their own merits. Allowing an item veto would restore much of this authority which has been lost since the adoption of our Constitution.

Mr. President, item veto is a step in the right direction. However, I feel that additional improvements in the President's fiscal control authority need to be made. Included among these is the power of the President to impound funds. Currently, the President's ability to rescind and defer funds is severly restricted and in my opinion has led, in part, to the spiraling deficits. Congress should restore this power to the President which was removed in the Congressional Budget and Impoundment Control Act of 1974.

I am confident that our country will weather our present economic turmoil. However, this will not come without change. We must move to restructure the way we do business. We must be dynamic and adapt to our changing

fiscal and economic environment. I hope that both Houses will move quickly to schedule hearings and proceed with floor consideration of Presidential item veto whose time has come.●

RECOGNITION OF SENATOR GORTON

The PRESIDING OFFICER. Under the previous order, the Senator from Washington (Mr. GORTON) is recognized for not to exceed 15 minutes.

Without objection, the Senator from Washington will speak out of sequence.

Mr. GORTON. I thank the Chair.

SECRETARY WATT MUST GO

Mr. GORTON. Mr. President, 13 days ago, when the distinguished junior Senator from New Hampshire rose to demand the resignation of James Watt, following the Secretary of the Interior's latest insulting and outrageous remarks about large groups of distinguished and hard-working Americans, I went on record as concurring fully with my distinguished colleague's statement. The Secretary's insensitive and depressing comments did not mark, of course, the first time at which he had managed to offend major segments of the American public with his insensitivity. Nor was it the first occasion on which he acted in such a fashion as to reduce his effectiveness as chief steward of a basic public trust, or to demonstrate his unfitness for that post. Neither was September 22, 1983, the first occasion on which I called for his resignation, but I did hope that it would prove to be the last.

Nevertheless, 13 days have come and gone, but the Secretary of the Interior has not. So I am taking this opportunity once again to call for his resignation or removal.

By coincidence, this latest illustration of James Watt's insensitivity coincides with the publication of a two-part article by Bill Gilbert, which appeared in two recent editions of "Sports Illustrated," copies of which I ask unanimous consent to have printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GORTON. Mr. President, those two articles illustrate soberly and fairly the policy changes directed and implemented by Mr. Watt and others which he has sought, so far unsuccessfully, to implement. Perhaps more important, the articles described the Secretary's attitudes toward the management of Federal lands and toward those with whom he disagrees. An understanding of Mr. Watt's background, ideology, and intolerance can lead the thoughtful reader only to a determination that his attacks on those with whom he disagrees, and his contempt for those who differ from him, are not an aberration, but are consistent with his character and personality. The primary reason that the Secretary should be removed from his position is neither his policy nor his language, but is his intolerance and unwillingness to consider as rational or patriotic Americans with whom he disagrees.

In my opinion, a substantial number of changes in the policies of the Department of the Interior were in order in 1981. It was, and is, necessary to reach an appropriate balance among pressures for development, for energy independence, for more and better jobs in a growing economy, and the urgent necessity to preserve and protect our national lands and heritage. I do not believe that that balance was attained during the Carter administration; regrettably, I do not believe that it will result from the policies of the present Secretary of the Interior. In fact, Mr. Watt's constantly confrontational attitude is responsible for making controversial and contentious a substantial number of changes in management policies which could, under a more tolerant Secretary, have been accomplished with wide public support.

Because of the character and personality of James Watt and his management of the Department of the Interior, he is a failure on his own terms, a destructively divisive force in American society, and albatross around the neck of his own President and administration, and an individual boorishly insensitive to the most modest standards of personal discourse required by the American people of those in positions of substantial public trust.

It is long past time that James Watt should return to private life.

EXHIBIT 1

INSIDE INTERIOR: AN ABRUPT TURN

(By Bil Gilbert)

Today no branch of the Federal Government, except perhaps the Internal Revenue Service, so personally touches the lives of so many Americans as does the Department of the Interior. It's the principal manager of an enormous treasure of publicly owned resources—coal, oil, gas, hard minerals, soil, timber, grass, water. It prospects for these resources, catalogs them, determines when and how they may be used and by what private and public interests.

Interior is the trustee of 735,000 Indian and Aleut citizens and influences the day-to-day affairs of these Native Americans. Interior is the guardian of 783 species of plants and animals judged to be in grave danger of disappearing forever. In many areas of natural science—geology, hydrology, archaeology, zoology, botany—Interior functions almost as a great national university, providing our principal research and information. Interior maintains most of the historical places and shrines, scenic beauties and natural wonders that Americans most admire. With no close competitor, Interior is the U.S.'s most important recreation institution, public or private. Last year 291,163,000 visits were made to national parks—a gate, so to speak, that surpassed that drawn by all professional sports. In addition, some 30 million Americans—hunters, fishermen, campers, backpackers, amateur naturalists and other recreationalists—availed themselves of facilities and natural resources found in wildlife refuges, wilderness areas and other lands managed by Interior. The department has approximately 75,000 employees operating on an annual budget of $6 billion—and it generates revenues, in the form of fees collected from users and lessees of Interior resources, of about $10 billion a year.

Land is the elemental source of Interior's profits, as well as its authority, wealth and importance. It is the *de jure* administrator but *de facto* owner of 32.7% of the U.S.; that is, of about three-quarters of a billion acres of public land (190 million acres are in the Department of Agriculture's Forest Service, but Interior oversees mineral development on that, too). Its Park Service manages 80 million acres; its Fish and Wildlife Service, 90 million (mostly as wildlife refuges); and its Bureau of Land Management 341 million. The BLM is a catchall agency that tends to lands not set aside for parks, sanctuaries and forests nor claimed by states, homesteaders, railroad and highway builders or the military when the immense properties once owned by the Federal Government—including most of the area west of the Mississippi—were given away, sold and dedicated for special purposes.

In no other nation is there such a single, powerful agency with the mandate of Interior—in essence, to define, regulate and shape the relationship between man and nature. That Americans created a Nature Ministry is not surprising. Perhaps more than any other modern people, Americans brood and argue over the proper way to deal with natural resources. It's a matter of firm if subliminal conviction that the U.S. has been magnificently endowed, as if in a vast global lottery, with exceptional natural bounty and beauty. The continuing conflict concerns what to do with the winnings.

On the one hand, there's the inclination to exploit, develop and consume. On the other, there's a strong, sometimes almost mystical belief that the U.S. began as a clearing in the wilderness and that its society is a product as much of its natural history as of its social history. There's a folk sense, formalized by the most American of thinkers—the Emersons, the Thoreaus and the Twains—that the best of humanity flows from the undeveloped and wild elements of its environment; that man's character, pride and luck depend upon conserving and preserving these elements and generally treating nature as respectfully and reverently as he can.

America's interest in developing and consuming nature has not weakened in this century, but the concern about conserving and preserving it has grown much stronger. Underlying the conservation-preservation movement are three broad convictions:

First, it became obvious by the 20th century that if the U.S. continued to squander and corrupt its natural riches, the country would soon become a less prosperous, pleasant and healthful place.

Second, dig-and-dump, ruin-and-move-on exploitation ignored the fact that nature left alone has substantive, if difficult to quantify, social value. For a variety of reasons—recreational, therapeutic, scientific, esthetic and nostalgic—a number of Ameri-

cans have found that wildish things and places improved the environment for them. As unspoiled nature became scarcer, the demand for it became greater.

Third is the ethical, at times almost theological, element in conservationist-preservationist philosphy. It has been expressed as Rocks Have Rights, which is a simple statement of an enormously complex metaphysical proposition. The first implication is that objects of nature have been endowed by somebody or something with more or less sacred properties. Thus, if we ignore or attempt to subvert the rights of nature, we profane and blaspheme the giver of them. In secular terms, we corrupt our humanity by acting unethically. Another inference is that, in dealing with nature, the possession of a bulldozer does not necessarily make it right to use it. Just as in war, elaborate ethical calculations may justify leveling a mountain of rock, but the mere ability to accomplish the act does not automatically justfy it.

During the post-World War II period these views came to be regarded as nonpartisan in the U.S. The most comprehensive set of environmental laws ever written anywhere—the Clean Air, Clean Water, Endangered Species and Environmental Policy acts—were passed during the Nixon Administration, working on a legislative groundwork laid down in the previous one of Lyndon Johnson. Their successors, Presidents Ford and Carter, supported and implemented the new laws.

During these administrations the Interior Department was operated as if there were a broad public and political consensus, the nature of which was recently described by Cecil Andrus, a Carter appointee and the last Secretary of the Interior of this nonpartisan era. "There are wild-eyes on both sides," says Andrus. "Those who want absolutely no development, who want everything preserved and returned to a pristine state, and those who want absolutely no restraints or regulations on development of any sort. However, reasonable people on both sides have been drawing closer and closer together. There was and remains, I feel, a real consensus. It is based on the commonsense idea that we can grow and prosper by using our natural resources but at the same time protect important natural values with prudent public regulation. Everybody but people like Jim Watt and the narrow right-wing ideological constituency he represents recognizes the reality of this consensus."

Like Andrus, many of those prominently involved in creating this consensus believe it to be widespread and deeprooted. But they also believe that the nonpartisan approach to environmental management came to a screeching halt in January 1981 with the inauguration of President Ronald Reagan and the installation of James Watt as his Secretary of the Interior. And it's a fair guess that Watt would find the above a complimentary rather than derogatory assessment. From the beginning of his term, Watt has made it abundantly clear that his goal is to bring about "massive changes" in departmental operations.

His present prominence makes it a bit difficult to remember that Watt, when he joined the Reagan team, was perhaps the most obscure of the new Cabinet members, a man whose name was virtually unknown to the public. Though a Westerner, as most Interior Secretaries have been because the department's major landholdings and, in consequence, administrative and political concerns are in this region. Watt's background is dissimilar to that of most of his predecessors. Traditionally the Interior Secretary has been a powerful, often affluent chieftain of his party, frequently a former governor or Congressman. Watt had never sought elective office, had no independent political base and as a salaried career bureaucrat and attorney was, as he remains, a man of modest personal means.

James Gaius Watt was born in Wyoming in 1938 and grew up in small towns in that state. He was, by all accounts, an industrious, earnest youth given to good works, Boy Scouts, class offices and the like—and very much a straight arrow. After receiving a law degree from the University of Wyoming and marrying his high school sweetheart, Leilani Bomgardner, he went to Washington in 1962 as legislative aide to Milward Simpson, a Wyoming Republican who had just been elected to the Senate. After serving four years on the Hill, Watt became a Washington lobbyist for the U.S. Chamber of Commerce and then went on, during the Nixon Administration, to the Department of the Interior. There he was the deputy assistant secretary for water and power resources and then the head of the Bureau of Outdoor Recreation, an agency that he has since abolished. He became a member of the Federal Power Commission in 1975.

Today, Secretary Watt is the best-known member of the Reagan Cabinet and, as evidenced by a variety of opinion surveys, the most disliked public official in the U.S. There has been speculation about his personality: why he is like he is. It has been theorized that as a straight, conventional young man he was shocked and frightened by the hairy, restless rebellious young people of the '60s, became a premature curmudgeon and has carried on a jihad against what he considers to be the liberal sources of these abominations; that his Western provincialism and religion—Watt is a devout fundamentalist Christian—have made him not only a man of the far right but one of invincible self-righteousness. Such exercises in pop psychology aren't of much consequence. However, given his present position, what he has become is a matter of public significance.

Surprisingly for such a controversial figure, published records, testimony of friends and foes and that of the man himself are fairly consistent: Watt is a loyal, partisan Republican given to the ideology and rhetoric of the extreme right wing of that party. He is rigidly conservative—in all things—economics, religion and general culture. And he's a Western regional chauvinist to an extent that sometimes seems to verge on xenophobia.

Never once in Watt's public career has there been a whisper of conventional conflict-of-interest-for-private-advantage involving him. Even his fierce critics—and it can fairly be said that there is a host of them now—admit that the man is incorruptible. However, from his first days at Interior he has had a reputation, justified it seems, for unapologetically using its offices to advance special conservative political and economic interests, particularly those commonly regarded as antienvironmental.

Watt's beliefs recommended him to, among other conservative firebrands, Joseph Coors, a rich Colorado brewer of exceedingly far-right views. Coors was chairman and principal financial angel of the Mountain States Legal Foundation in Denver. Watt became its president and chief legal officer in 1977.

The MSLF works to get repugnant environmental laws taken off the books and to hamper the activity of environmentalists, whom ultraconservative Westerners often regard as being on a par with pacifists, feminists, unionists, evolutionists and other liberal do-gooders as threats to the republic. In the 3½ years that Watt headed the foundation, he oversaw 47 litigations, many of them involving environmental issues. In 10 of the cases he was on the opposite side of the bar from the Department of the Interior. Alan Simpson, like his father a Republican Senator from Wyoming, says that Watt, whom he has known for 20 years, and the MSLF staff confronted preservationists in these legal engagements and "broke them of sucking eggs."

Watt became something of a darling of Western conservatives because of his MSLF successes as a baiter of environmentalists. Therefore, after Reagan's election, his close friend and adviser Senator Paul Laxalt (R.-Nev.) mentioned Watt as a possible candidate for the top Interior job. At the same time, Reagan's official environmental transition team was also considering the question of filling the secretary's post. This group was made up of moderate Republicans, many of whom had served at Interior during the Ford and Nixon Administrations. One of them, Nathaniel P. Reed of Florida, had been the assistant secretary for Fish, Wildlife and Parks, perhaps the second most important slot at Interior, under both previous Republican presidents. When Reed heard that Reagan was going to nominate Watt, he got up from his chair, quit the transition team and caught the next plane out of Washington. Many other Republicans who had been part of the consensual environmental era felt, or soon came to feel, that this would be a new partisan ball game.

As the most ideologically responsive Cabinet member in perhaps the most ideologically sensitive administration of this century, Watt is a man of strong—almost fanatical—principles, which he has been not the least bit reluctant to express. In fact, it often seems that he regards the opportunity to preach about and proselytize for his conservative faith as one of the most important and attractive rewards of his office.

Among other things, he believes Interior policies of the past quarter century have been heavily weighted in favor of what he calls "blind preservation" and against business interests. Because of this tilt, he believes, the public has been barred from enjoying its own natural resources; entrepreneurs, especially those involved in energy, mineral, timber and livestock production, have been harassed; and economic progress has been severely curtailed. To Secretary Watt, this was bad natural-resources management because it improverished the country, and if continued long enough, it would be bad for nature, since a poor people have neither the means nor the inclination to preserve the environment.

Watt has made no bones about his opinion of the environmental consensus: He thinks it was a phony one. Rather than fairly representing American thought, this consensus, or the notion that there was a consensus, was invented by "elite" environmentalists, whose tactics Watt has compared to the Nazis'. He has also called them "pseudointellectuals" and "a left-wing cult." These men held key positions in such private organizations as the National Audubon Society, National Wildlife Federation, Sierra Club and Wilderness Society—or at Interior itself. To get and keep cushy and powerful

jobs, and to socialize America with regulations that curtail private enterprise and the rights of individuals, they claimed there was a consensus and they spoke for it.

To right these wrongs, Watt said he would promote the exploitation of public resources by private enterprise, for which he confesses he has a "tremendous bias." He promised to eliminate from department decisions both the authority of hard-core preservationists within Interior and the influence of "militant environmentalists" outside it. Watt also vowed to defund what he took to be objectionable antidevelopment and pro-preservation programs. He would do this, he announced, largely by using "the budget system to be the excuse to make major policy decisions."

Like others in the administration, Watt feels that the thrust of much pre-Reagan regulation was to increase the federal presence and powers and thereby modify the environmental behavior of the citizenry. This is thought to be an example of statism, a term that describes situations in which the Federal Government exercises too much power over the individual. The trend needed to be halted not because environmental works are necessarily bad but because the means used to accomplish them—collective social action, initiated and controlled by the central government—are so ideologically repulsive to those of the right. When a conflict between environmental protection and protecting the nation from socialist impurities exists, then the latter must prevail as a matter of principle.

All of which has placed Secretary Watt at odds with the view that has held sway during the four previous presidential administrations—that by a large majority the people have made it clear that they expect government to provide a certain level of environmental management and protection. It's a nonnegotiable need, something the country must have, like military defense, a postal service or a highway system. Federal involvement in the environment, according to this line of thinking, isn't a question of right vs. left or statism vs. individual freedom but rather is required because corporate America and local governments have generally not shown the ability or inclination to provide as much protection as the citizenry wants.

The difference between the ideological approach of the present administration and the previous nonpartisan one is at the root of the controversy that has heightened around Interior during the past 2½ years. It was commented upon recently by Morris Udall, the 15-term Arizona Congressman who is, with his brother Stewart—the Interior Secretary under Presidents Kennedy and Johnson—one of the principal architects of the consensual approach. As the chairman of the House Committee on Interior and Insular Affairs, Udall, a Democrat, has has as good a vantage point as anyone outside Interior to study the Watt administration. "There are major roles to be played in our government," say Udall. "The guy who speaks for the business community is the Secretary of Commerce. For Wall Street and those people, the Secretary of the Treasury takes the lead. The Interior Secretary has been the nation's conservationist. This is the guy who's guardian of the resources, this is the man who gets up in the morning and asks what he can do to preserve the wilderness and timber and the water supplies and the watershed and the endangered species and so on. That traditionally is the role.

"Watt turns this on its head. He cleverly and deliberately has undertaken to water down some of the laws and to weaken regulations that ought to be kept strong. There are plenty of people sticking up for the polluters and for the chemical companies and railroads and coal companies, but the guy who is in there as Secretary of the Interior ought to be looking out for the people, for species and wildlife and rivers."

For 50 years I have been interested in American fauna, flora, topography, lands, waters, history and, I suppose, the man-nature relationship. After I became a journalist these subjects continued to engage me, as did the Interior Department itself, about which I've been writing fairly regularly since the Eisenhower Administration. Naturally I've had more than average interest in how—and if—the "massive changes" promised by Watt were affecting America.

At this point a warning seems obligatory. Interior is a large and complex institution. I doubt that anyone can adequately understand, much less describe, all the intricacies of the department. I certainly don't claim to be able to. Therefore, what follows is merely intended as a series of observations about a few Interior agencies, people and issues, with special emphasis on events since January 1981.

THE NATIONAL PARK SERVICE

The Park Service makes a good place to begin. It was an American invention—Yellowstone, established in 1872, was the first national park in the world. The service now has nearly 16,000 employees, administers 334 separate locales (variously called parks, monuments, memorials, historic sites, scenic waterways and parkways *et al.*) and is probably the best known and liked of all the Interior agencies. Nevertheless, the Park Service has become more controversial during the Watt administration than at any other time in recent memory.

Watt likes the national parks. He has said so repeatedly, and his deeds bear out his words. Aides say he wants to visit more national parks than any previous secretary. Apparently, maintaining a national park system is a traditional activity that appeals to his fundmentalist views and that he regards as at least a tolerable form of statism. Some months before Watt took office, General Accounting Office officials prepared a document that contained a list of things that needed fixing up in the parks system and of proposed new facilities. The total bill for this work would be $1.6 billion. Watt seized on this report, saying that it proved that while former Interior executives and congressional committees had been prating about preservation, they'd allowed the "national jewels"—as he frequently calls the parks—to deteriorate. Watt said that rectifying this shameful situation would be a top priority of his administration. Thereupon he created PRIP (Park Restoration and Improvement Program) and, despite the general push to cut domestic budgets, he has succeeded in getting the approximately $200 million per year requested for it.

PRIP has served as something of a p.r. gimmick—and a fairly misleading one, critics charge—that has enabled Watt to claim that he, the supposed antipreservationist, has been more generous than his predecessors toward the parks. This is true so far as new maintenance funds go, but overall park funding has been cut. Watt believes that the parks system is largely completed—"We've discovered all the Yellowstones," says an aide—and that expanding it is a waste of public money and an exercise in creeping statism. He derides the purchasing orgies of his predecessors in the Carter, Ford and later Nixon years—which, even in the service at the time, were sometimes sarcastically called the Park-a-Month Policy. He has placed an absolute ban on initiating the acquisition of any new park.

This moratorium on buying new lands is the parks-related decision that has most stirred the wrath of conservationists, preservationists and congressional committees dealing with the service. They argue that because Watt's mind is set against acquisition he continues to ignore two major long-term threats to the parks. First, there is the external threat posed by developments of various sorts on adjacent lands, which may degrade or, in effect, destroy parks. A condominium erected too close to a park—two vacation homes were built on an inholding in Grand Tetons park last year, and a subdivision is planned on an inholding in the Santa Monica National Recreation Area—can spoil views and threatens water quality. Second, each year park crowds increase. If more and more people continue to use the same areas, damage to the setting that made the land desirable as a park in the first place will inevitably occur. The solution to both problems is to expand the system, perhaps not at the previous rate, but enough to spread out use within the parks and control detrimental usage of lands near them.

I believe that the Park-a-Month policy needed to be changed. It resulted in the acquisition of some mediocre properties, a number of which were purchased to stroke influential Congressmen, and reduced resources available for parks maintenance. However, the idea that we will never need or want any more parks seems unrealistic. Therefore I was anxious to ask Watt if he foresaw a time when it would be advisable to add new lands to the system. He said, "No. We've got to learn to live with what we have."

ENDANGERED SPECIES

The Endangered Species Act, created by Congress and signed into law by Nixon in 1973, has generally been a popular law because most poeple apparently believe that trying to save small populations of hard-pressed species from extinction is a decent endeavor. However, there has been grousing about the Endangered Species Act in certain conservative circles, in which some people view it as clear proof of how pervasive the Rocks Have Rights nonsense has become. Developers in the rural West saw the Act as yet another invasion by federal regulators, because to protect species it's usually necessary to protect their habitat and thus restrict human use of it. Finally, the Endangered Species Act seemed to culminate a trend that had been building during much of this century—the feds talking over the management of wildlife from the states and private individuals. Among those who find this to be bad public is the Heritage Foundation, a far-right political think tank to which Watt has close personal and philosophical ties. After Reagan's election the foundation issued a massive document entitled Mandate for Leadership that contained many suggestions about how federal agencies should be operated under a conservative administration. Seventy pages were devoted to Interor, which Heritage scholars felt had become a hotbed of statist-socialistic—preservationist activity. A major ill was identified as the subversive influence within Interior of "biological types," also referred to in

one supplement as "prairie fairies and tree huggers." Many of these hang out in the Fish and Wildlife Service, the principal agency for dealing with American fauna, which the Heritage mandate described as a "limited-purpose agency [whose actions] are not in the general public interest, but in fact seriously damage the general welfare of this country's citizenry."

As to the Endangered Species Act, the Heritage Foundation commented that the listing of these creatures was the FWS activity which "may have the *greatest* impact on the development of public and private lands of any law currently on the books." It is obvious that the foundation thinkers regard this impact as unfortunate.

Because that view is fairly common among those who make up the Reagan constituency, it was widely predicted that when the Endangered Species Act came up for congressional renewal in 1982 there would be a bloody fight, with Watt and his allies orchestrating a campaign to gut the law. Watt did ask that consideration of the bill be postponed until 1983, apparently because Congressmen would be unlikely to tinker with a popular law during an election year, which 1982 was. However, Watt's request for a delay was rejected, and conservationists succeeded in getting the law renewed. As renewed, the act was perhaps a stronger one in preservationist terms than it predecessor. But there have been complaints that Interior is doing no more than just living with the new law—and a bit grudgingly at that—and has engaged in some administrative maneuvering that has reduced its effectiveness.

For a species to warrant federal protection it must first be listed by the Secretary of the Interior as threatened or endangered—in a sense be certified as a truly needy plant or animal. Thereafter, as staff and funds become available, a committee will be designated to draw up a recovery plan, a set of recommendations about what might be done to improve the situation of the species. The position of the Watt administration is similar to that which it has assumed regarding national parks: that rather than acquire new federal responsibilities—in this case more endangered species—it's wiser to pay closer attention to the ones already on hand. Therefore, the emphasis has been on drawing up recovery plans rather than listing new endangered species. During Watt's tenure 261 recovery plans have been approved or drafted, as compared to 98 during the four years of the Carter Administration. On the other hand, during Watt's time only 17 new species have been given endangered status while in the previous administration 103 were so listed.

From the viewpoint of preservationists, there's a weakness in the drawing-up-more-recovery-plans approach. Listing a species as endangered puts it under federal protection and confers immediate benefits on it as well as its habitat. Recovery plans, on the other hand, are simply administrative reports that have no impact on a species or the lands and water it inhabits until work begins in the fields. In this regard, the efforts of the Watt administration have been minimal to negative. No significant new recovery work has been accomplished. Funding for existing recovery operations has leveled off or been reduced, and the administration also proposed to cut the budget for enforcement of the endangered species law from $5.7 million in 1983 to $4.9 million in 1984. Congress approved $6.1 million, a 24% increase over Interior's request. On this question Watt's words—"We will use the budget system to be the excuse to make major policy decisions"—are hard to forget.

THE WILDERNESS

In 1964 Congress passed and President Johnson signed an act calling for certain public lands to be dedicated as wilderness, i.e., tracts that would remain essentially and perpetually undeveloped. Federal agencies—the Park Service, the Bureau of Land Management, the Forest Service and the Fish and Wildlife Service—were to study their holdings to determine which parcels should be recommended for wilderness designation. Thus far about 80 million acres have been placed in the Wilderness Preservation System; these lands will be closed to development this December. Some 24 million acres still regarded as candidates for wilderness designation are administered by the BLM.

When Watt began talking about how much public land had wrongfully been "locked up" from development and how he intended to do considerable unlocking, there was instant speculation that what he was really talking about was the wilderness system—how to develop on designated lands and keep more parcels from being preserved as wilderness. These fears were quickly confirmed.

In May 1981 Watt sent a memo to his top appointees outlining objectives for them. One of the goals assigned Solicitor of the Interior Department William H. Coldiron, previously the legal counsel and vice-chairman of the board of the Montana Power Company, was to "open wilderness areas." No three words have since caused the Watt administration as much difficulty as "'open wilderness areas."

Toward the end of 1981 Watt told the National Petroleum Council, "We're working with the Department of Agriculture . . . to establish leasing procedures for oil and gas resources in wilderness areas. . . ." Later he proposed legislation that would give the President greater freedom to open wilderness areas to development if he found "urgent national need to do so." When the fine print of this proposal was digested, Congress objected and even refused to hold hearings on what some critics called "the Wilderness Sunset Bill." Simpson, generally a supporter of the administration, said he "Just told Jim that's nuts." Simpson said the entire Wyoming delegation felt similarly. "There's a lot of places to punch holes rather than the wilderness," says Simpson. "So we said so. I think Jim was a little surprised."

Perhaps because of such surprises, Watt, by mid-1982, was taking the position that he thought almost as well of wilderness as he did of parks. And to prove it, he'd handle the wilderness in much the same way: He would protect the existing system but was not inclined to expand it much or at all. This focused attention on the 24 million acres of BLM land still being considered for wilderness status. Conservationists feared that those acres might be opened to developers, and once they were, Watt would claim that the lands were no longer suitable for wilderness designation. To forestall any such end-around play, the House of Representatives, in September 1982, approved by a 340–58 margin a one-year ban on development in any wilderness study areas. Despite having 54 co-sponsors in the Senate, the proposed ban never reached a formal vote there. Secretary Watt ignored this legislative expression of opinion and proceeded to process leases on the land.

Perhaps more than any other issue, the wilderness controversy has led to the perception that many high Interior officials are as handicapped in dealing with nature as a tone-deaf person would be in conducting an orchestra. There's a sense that they are essentially men of business, law or politics who have little feeling for natural phenomena. Having, for example, never thrashed through chaparral to the top of a cliff and lain there watching eagles wheel in the sky, they can little understand why so many people get their sails in knots over suggestions that it might be good policy to shoot a few eagles to help sheep ranchers.

Certainly Watt's feelings about the wild are a matter of legitimate public interest. When Watt was asked if he would talk a little about what value wilderness has for the republic, he said no, because one cannot define wilderness. It means too many different things to too many different people. For example, he said, some Americans might think having a picnic in a park was a wilderness experience. He said he didn't claim to be a passionate outdoorsman, but that he did, when he had time, enjoy walking around the environs of Washington and that he had a kayak that he sometimes paddled. Then he told of his grandparents, who had settled along a Wyoming stream, built a dam and caused the flora and fauna to flourish. That was as far as he would go on the subject.

PRIVATIZATION

An assumption underlying many of the Watt administration's policies is that private works are more efficient and innately superior to public ones. It is thought that public lands and resources will be better managed if private entrepreneurs are given easier access and freedom to develop them. This privatization, Watt claims, will improve the economy, national security and social environment. Nature will not suffer because what is good for people is good for nature. In his fiscal 1983 budget proposal Reagan announced that during the next five fiscal years $17 billion worth of public lands would be sold to the highest bidders.

In discussing that announcement, Watt said, "The basic difference between this administration and the liberals is that we are market-oriented, people-oriented. We are trying to bring our acres into the market so the market will decide their value." Soon thereafter he said the administration's $17 billion plan involved only about 5% of the public lands—a small percentage that computes to a substantial 35 million acres—an area roughly equal in size to Maine, New Hampshire, Vermont and Massachusetts.

The proposal was met with screams of protest and derision. Preservationists were angered by the idea of turning over so much public land to private developers. Economists pointed out that if so much land were made available real estate markets, particularly in the West, would become so depressed that the public properties would have to be virtually given away. Interior officials began backing away from the plan as if it were a bucket of rattlesnakes. Doug Baldwin, Watt's chief of public affairs, now says that "privatization" is a nonword at the department, and the $17 billion sale is dead as a doornail. But who knows what would have happened had there not been loud cries by the opposition?

That Interior should lease out some of its lands to private users for farming, grazing, timber cutting and prospecting for and extracting minerals and energy resources was

established long before the Watt administration. For example, oil rigs have long stood in the Texas federal refuge where whooping cranes overwinter, and there have been few conflicts between the birds and the drillers.

Under Watt, Interior has dramatically stepped up the rate at which leases are granted. Some 40,000 energy and mineral leases have been processed in the past two years, nearly as many as in the previous decade. Also, changes have been made that give leaseholders more freedom over what they can do on the land—and Interior agents, which is to say the representatives of the public, less control.

The disposal of publicly owned coal serves as a good illustration of the new leasing programs. The Watt administration believes that coal deposits on publicly owned land have been wrongly locked up by past preservationist regulations and administrators, making the country more dependent on foreign energy. Thus, about 120,000 acres of new coal leases have been made available during the past two years, compared to about 80,000 between 1972 and 1980. Last week Watt, ignoring the advice of the General Accounting Office and defying Udall's House committee, put an additional 540 million tons of coal in Montana and North Dakota up for auction.

There's little evidence that curtailing the number of coal leases was, in fact, much of a national problem. When Watt came into office, developers already held leases permitting them to extract 16.5 billion tons of coal underlying public lands—enough to cover the nation's needs for the next 25 years. Consider that four-fifths of last week's auctioned coal tonnage did not even attract bids. Nevertheless, the Watt administration says advanced leasing is desirable as a means of allowing industry to make long-range development plans. A more likely consequence is that these policies will produce speculation in coal leases rather than stimulate production. Such speculative trading was the main reason leasing was first slowed down in the Nixon Administration.

SCIENCE

At present the Interior Department seems uneasy about science and scientists. Employees who in the past were regarded as distinguished scientists are now scornfully called "hobbyists." They've been warned about wasting time and money on "esoteric research," *i.e.*, projects that can be defended only on the grounds that more knowledge is better than less. Budgets for natural history research have generally been cut and in some cases eliminated. When Watt came to office he ordered a background check on every scientists employed or consulted by Interior. Those of questionable loyalty to the conservative cause were dropped.

One federal scientist thinks Interior has become a scientific gulag. He says he has lobbied anonymously in the press against specific decisions, but "when we're in Washington or in hearings, we have to talk the administration line or we're in hot water."

Another Interior scientist who received clearance to be interviewed for this report said, "Yes, absolutely," that the nature of his professional life had been changed. Could he talk about it? "Not without getting in a lot of trouble," he replied. Were scientists in the department able to disseminate information freely? "No, no," he said. "Just the fact that we have to get approval to speak to you shows that."

There has always been—at least in the West since the time of Plato—a strong body of opinion that finds the scientific process dangerous and corruptive. Most simply, science is an attempt to determine reality by examining nature and working inductively from particular facts to more general conclusions. In contrast, the ideologically inclined tend toward deductive reasoning, beginning with a principle or ideal and proceeding toward specifics that support it.

For True Believers of every persuasion, science is suspect because it searches rather than accepts. It rests on the premise that if observable natural fact is at odds with established belief, the latter must be modified or abandoned.

TRUE BELIEVERS

I do not share the opinion of many of Watt's critics who think that the secretary is a kind of bureaucratic poltergeist and that all of the problems and controversies now surrounding Interior can be laid to his idiosyncrasies; that they would go away if he did. These critics badly overstate Watt's role. He is, in fact, less an aberration than a product of a long-established ultraconservative factor in American culture and politics. He's acting in accordance with what may be the closest thing we have to an endemic American ideology, one that might be called the Frontier Response. It's not a formal, cohesive philosophy but a random collection of traditions, biases and beliefs. There's nostalgia for the good old days of 19th-century America—especially Western America—as portrayed not by historical records and studies but as romanticized in works such as John Wayne movies. There's an anarchistic touch stemming from the conviction that the effect of much law and other government activity is to unfairly restrain the most able and reward the most slothful segments of society. In regard to the environment, the dominionist theory prevails; rooted in Protestant theology, it holds that God gave the world to man to use as he damn well pleases. Accordingly, the notion that Rocks Have Rights may seem like a pantheistic blasphemy.

Dominionist attitudes and the behavior they helped inspire enabled America to accomplish its greater national feat—winning the continent, particularly the Western regions of it. Because most Americans no longer believe in and practice the Frontier Response, conservatives of the Watt persuasion believe the country has become a confused, uncertain, problem-beset place. They believe the U.S. can recover if it returns to the ways and ideas that worked so successfully in the past. The people must trust and respect the class whose progenitors perfected the Frontier Response; *i.e.*, white American men, who are the most favored of all God's creatures. In the context of environmental affairs, if America gives to white men the keys to things like oil, gas and coal production, they will treat nature as well as they thing it should be treated and all will profit from their enlightened stewardship just as they did in the last century.

None of this is set down in a single memo, platform or document. Nevertheless, a number of words and deeds, some of which are noted above, indicate that it is essentially toward this end, a return to the past and its exploitation of nature, that the Interior Department is now being operated.

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THE ENVIRONMENT AND JAMES WATT

(By Bil Gilbert)

During his tumultuous 2½ years as Secretary of the Interior, James Watt often asked that he be judged by his actions rather than by his words. This hasn't happened, partly because some of the things he said so outraged powerful critics that he wasn't permitted to do much.

This situation arose again last week—for what could well be the last time. In a speech Sept. 21 before members of the U.S. Chamber of Commerce in Washington, Watt was discussing coal leasing on public lands. His policy of accelerated leasing had been halted by Congress the previous day. Watt was naming a new commission to study the issue, one made up of individuals from outside the narrow constituency of business-oriented white Protestant males that he's frequently criticized for favoring. Unfortunately, Watt turned what should have been a positive step for his administration at Interior into what, at week's end, appeared to be a fatal one by choosing the following words to describe the commission members: "I have a black, I have a woman, two Jews and a cripple."

Watt apologized to President Reagan and to each of the commission members for the insensitivity of his remark, but the damage this time, so close to the beginning of the 1984 election campaigns, seemed irreparable.

As SI went to press, Watt was on the verge of losing his job not, I think, because he misspoke but because he expressed himself so clearly. The outrage came because Watt so little camouflaged his true belief. Coming as it did after so many other statements and actions—only minimally less outrageous—that are consistent with Watt's self-professed ultraconservative ideology, I understood last week's remarks to mean the following:

If we could operate in the sensible way of our ancestors, I would consult only normal, decent Americans, that is, fine white men such as members of the U.S. Chamber of Commerce. However, we now have to put up with a lot of liberal nonsense. This time I gave all those subversive secular humanists a taste of their own medicine. I named to this board a woman, a black, two Jews and a cripple. That should hold them. But you good people, of course, realize that I was doing it as a kind of joke. The likes of them will have no real influence.

James Watt became the highly controversial James Watt long before last week. As to how that happened, Doug Baldwin, a friend, confidant and aide to Watt for 20 years before becoming chief of public affairs at Interior, says that even before taking office, Watt expected criticism from some members of the environmental community. Nevertheless, the secretary made an effort to talk reasonably with the environmentalists. They responded with extreme antagonism and roused the secretary's combative instinct's. "He could have gone around to these groups and kissed their little boot tips," says Baldwin, "but he's not built that way. He is combative in the sense that if somebody wants to fight with him, he'll fight."

The bad guys in this scenario are often identified by Watt as the paid employees of a handful of preservationist-inclined private organizations. He has referred to them as "commercial environmentalists" or "hired guns." Most of them work for one or an-

other of about a dozen organizations such as the Audubon and Wilderness societies, the Sierra Club, the Natural Resources Defense Council, the National Parks and Conservation Association, the Environmental Defense Fund, the Friends of the Earth and the National Wildlife Federation. These are hardly splinter groups: They have about 10 million members—or 80 percent of the organized environmental movement.

According to Watt's hired-gun theory, the leaders of such groups, working through their organizations' own publications and conventions, first convinced their members that the Watt administration was one replete with environmental rapists. Simultaneously, they co-opted the media. Watt has been more than willing to explain why the rascals have had it in for him. For instance, he commented in a friendly interview published in Forest Industries, a trade publication of the forest-products business, that the environmental activists who opposed him were "a left-wing cult which seeks to bring down the type of government I believe in." It should be remembered that some of the people he's talking about are members of bird-watching, hiking and hunting groups.

When I asked him if this quotation accurately reflected his sentiments, he said it did. Our conversation then went as follows:

WATT. Many of my critics want a centralized system in which the Federal Government dictates the use of the water, the use of the land—and I oppose that. I've changed all the policies of the Carter Administration that led to centralized social planning. And some of my critics prefer centralized social planning. That's a different form of government.

GILBERT. But to undermine the government suggests treason.

WATT. In your mind, not mine.

GILBERT. O.K. That answers the question.

WATT. So that's your problem, not mine.

GILBERT. That's my problem. [Having established my problem, I came back to what I considered to be Watt's.] So you would not object if we say Watt is a rightist attempting to undermine the form of government we believe in?

WATT. I object to your form of government if you don't believe in the people's dignity.

GILBERT. I am talking about the Carter Administration.

WATT. I was, and I am.

GILBERT. Trying to undermine that form of government?

WATT. Absolutely I am. And I've been pretty successful.

Baldwin once warned me that Watt "uses phrases that are very carefully crafted, philosophically, legally and nuancily, if that's a word." I think the above is certainly a case where Watt's nuances must be closely examined. When he says "form of government," he's speaking about the political philosophy—right, center or left—of a given administration. Being of the right, he feels that it's virtuous and necessary to undermine a different form of government and assumes that those of other persuasions are trying to undermine his.

The issue that Watt raised—the importance of private as compared to public works—has rarely been a particularly hot one in the U.S. mainstream. Americans haven't been a particularly ideological people; political, economic, social and cultural pragmatism has been more their national style. Americans have thought very well of private enterprise not because it represents ultimate truth but because it has worked in many cases, done what society wanted done. On the other hand, there's an equally strong tradition of using collective action to achieve other ends—strong defense, good roads, universal education, social justice, higher farm prices and other things that are desirable but not directly profitable. Most conservation efforts have been in this category and therefore could be called, if the term is used precisely and nonpejoratively, socialistic. But in the lexicon of the far right this is spelled Socialism. Socialism is a foreign ideology of the left. Socialists are often members of a "leftwing cult." Ergo, socialistic environmentalists can be, in some people's minds, anti-Americans trying to undermine the form of government in which they believe.

Another characteristic of ideologues, whether of the right or the left, is a belief in witches, though they're usually called by other names: Nazis, hired guns, bloodsucking capitalists, secular humanists, communists.

There would seem to be two explanations for the exceptional unpopularity of the Watt administration. One is that people believe Interior's current programs are wrongheaded. The second is that people are too wrongheaded to understand the merits of the programs. Neither makes an attractive public response for the administration. A much better one is to say that a small group of left-wing cultists caused all the trouble by messing with the minds of the good people.

THE NATIONAL WILDLIFE FEDERATION

The National Wildlife Federation is the country's largest private conservation group, with 4.1 million members and affiliated chapters in every state. Its members, including huge numbers of hunters and fishermen, have various outdoor interests. Through the years the NWF has had a middle-of-the-road reputation as far as conservation politics go, and it has been criticized by more activist groups for being passive about controversial socioenvironmental issues. However, for two years now Interior officials have almost always included the federation when naming extreme environmental organizations that are wrongfully harassing the department.

That the organization that publishes Ranger Rick—one of a number of super NWF magazines—should have been regarded by Interior as a hotbed of left-wing cultists may seem bizarre to outsiders but is understandable given some of the hopes the Watt team had when it took office. There are many indications that the administration felt that the NWF would by sympathetic to the new policies. With support—or at least without dissent—from the federation, Interior could have claimed that its opposition was centered in a liberal, minority wing of the environmental movement. For example, if most of the criticism of Watt's policies had come from the Sierra Club or Friends of the Earth, this could have been dismissed as politics as usual.

Instead the NWF became perhaps the Watt administration's most persistent and effective critic. About six months after Watt took office, the federation released the results of a survey of its members. Nearly 80 percent of the 4,000 respondents said that Watt was too extreme in his policies and programs. To make things even worse for Watt, the respondents indicated that in the 1980 election they had voted for Reagan over Carter by a margin of almost 2-1. Based on this survey and a point-by-point analysis of the Watt program by the NWF technical staff, the federation formally asked the President to fire his Secretary of the Interior.

Watt dismissed the poll as unscientific and said it only amused him. However, NWF leaders immediately became personae non gratae around Interior. Dr. Jay D. Hair, a 37-year-old former associate professor of zoology and forestry from North Carolina State who is now the salaried chief executive officer of the NWF, says that the last official contact between his organization and Watt or his top aides was at a summit meeting of environmental leaders in the summer of 1981. At that meeting Watt and his staff were exceptionally cordial to Hair. "I had the impression that they were trying to separate me from the others on the grounds that I represented sportsmen, who in their minds were or should be in conflict with preservationists," Hair says. "I think this was a big mistake in judgment on the part of the administration. For the past 20 years our organization and most sportsmen have been concerned with general environmental issues—habitat protection, clean water and air, land use, endangered species, toxic waste and the rest. We have no basic conflict with others who happen to be nonhunters, which is much different from being antihunting. Whether you are a bird hunter of a bird photographer, you have basically the same environmental interests."

GRASS ROOTS

Interior officials have tried to explain away the widespread opposition to the Watt administration by saying that the opposition is, in fact, a fiction; that despite the best efforts of the hired guns, a majority of the grass-roots members of their organizations are backers of Watt. There is little hard evidence to support this theory and much of that contradicts it. Beyond such direct indicators as the NWF and other polls, virtually all the organizations that have been most hostile to the Watt administration report that their membership rolls have increased and fund raising has been stimulated during the past two years—specifically because of dislike for Interior programs.

But why believe the word of the hired guns who run such organizations? I decided to take my own readings down at the grass roots, starting at a meeting in Reno last spring of National Wildlife Federation members from 11 Western states. There I talked to about 40 federation members, none of whom drew salaries from the organization. All had joined it because of their recreational interests or concerns about environmental policy, and all were men (there were very few women at the meeting). Their occupations were various, including educators, state and federal employees (though none from Interior), hunting guides, engineers, a miner, a farmer, a botanist, a timber cutter, a land-planning consultant, a cabinetmaker and a lawyer. Several interviewees volunteered that they voted Republican, and overall, I got the impression that the group was a bit to the conservative side of moderate.

Not one of these men was an outright supporter of Watt. A few said that some of his policies were reasonable, but that they distrusted his motives, disliked his preachy, vindictive manner and made it clear that they thought he was generally a disaster as Secretary of the Interior. The rest were adamant in their opposition to Watt, and so,

they said, were the overwhelming majority of the members of their local chapters.

There were many specific local criticisms of Interior policies. But one issue, public lands, underlay all the others, and everyone interviewed voiced suspicions that the administration's real intent was to privatize—by sale, new leasing arrangements or regulatory trickery—substantial tracts. That those feelings should have been so strong and widely held isn't surprising, because more than half of the land in the 11 states represented at the meeting is owned by the Federal Government.

THE SAGEBRUSH REBELLION

In 1979 the Nevada legislature passed a resolution demanding that the Federal Government turn over all its properties in Nevada to the state government. This action was the highwater mark—the Pickett's charge—of the Sagebrush Rebellion. At the time, the rebels received considerable national attention, in part because they were exotics who lent themselves to publicity and punditry. Now the rebellion is pretty much a thing of the past, but the reasons for it and the people involved in it are still important to the general Western lands issue. Two of its proud members were Ronald Reagan and James Watt.

Technically the rebellion was a sort of rent strike, a protest by ranchers, miners and some of their sympathizers about how they were being harassed and humiliated by the Federal Government, from whom they leased lands. However, more than that it was a class fight, a dispute over the definition of public lands, what they should be used for and who ought to have a say in the matter. Republican Senator Alan Simpson of Wyoming was never really a Sagebrush Rebel, but many of his constituents were. He is a conservative but a pragmatic rather than ideological one, who talks more about what strikes him as common sense than about what is right and wrong.

Simpson thinks the Sagebrush movement was set off mostly by bureaucratic arrogance—the unresponsiveness of federal land managers, particularly those employed by the Bureau of Land Management. Says Simpson, "People were saying to the BLM, 'Now, look—you gave me a permit to drill a well and one to build an 18-foot-wide road to it. It's snowing like hell out there, and you send me a notice that I'm 20 inches off course and you're going to take away my permit. You son of a bitch.' And the BLM guy would say, 'That's right, because under CF-R-215 it says I should.' And there was no place that driller could appeal to get a real live human being to make a decision. That was the BLM, the most unresponsive agency in government. You could usually go to the Forest Service and get an answer from a human being, but, by God, from the BLM you got the greatest pile of hoorah you could ever imagine."

Furthermore, Simpson says that Westerners using public lands felt they were being harassed and humiliated by Eastern-based environmentalists. "I remember federal range users [sheep ranchers and cattlemen] in Worland, Wyoming," he says. "Their allotments [the number of animals the BLM allows to be grazed on a particular tract of leased public land] were cut back. What happened was that some bleep from an Eastern college came out and stuck a wire basket over a three-foot-square piece of ground and counted the blades of grass inside the cage. He comes back the next summer and says there are 15 fewer blades of grass and therefore your allotment will be cut. He tells this to some horny-handed son of the soil who has been trying to raise 100 sheep on the Bighorn Mountains. You can't imagine the richness of feeling that comes from that sort of thing."

While horny-handed son of the soil is a fine phrase, it suggests a populist character than many observers do not think the anti-federal, antienvironmental movement had or has. The Sagebrush Rebellion wasn't created by and for 100-head-of-sheep men in the Bighorns, but rather by and for men who hire somebody else to run their 1,000 head of cattle on 50,000 acres of BLM land.

In the West, men of this class are often ironically called cowboys. They may have started in the cattle business, but in many cases they have bought a ranch because it is a good Western, macho possession and tax shelter. They now also have a few oil wells, some coal leases, a GM dealership in Denver, a piece of a Phoenix shopping center and/or a condominium complex on Maui. You are much more likely to find them mending fences in the state legislature than wrestling with barbed wire out in the sagebrush; listening to Wayne Newton in Vegas than to a harmonica around a mesquite campfire.

Cliff Young is a man who is also well acquainted with the roots and spirit of the Sagebrush Rebellion, but he has much less sympathy for it than does Simpson. Young is a native Nevadan, a former Republican Congressman who describes himself as a conservative. He's now a lawyer in Reno and served as president of the National Wildlife Federation from 1981 until March 1983. In 1979 Young was a Nevada state senator, and when he testified against the Sagebrush Rebellion's demand that federal lands be turned over to the state, he says an elderly lady rose up in the visitors' gallery and yelled, "Shoot the son of a bitch!"

As to the richness of antifederal feeling, Young says, "Griping about the feds is just something you do in the West. You don't complain about what's going on in the county courthouse because your sister works there. But Washington is a long way away. Aside from that, the Sagebrush Rebellion complaints came largely from cowboys and independent miners. They are a small group—this hotel we're sitting in [the MGM Grand in Reno] employs 3,200 people. That's more jobs than the whole livestock industry provides in Nevada.

"Before the environmental movement became significant, if cowboys had trouble with a BLM or Forest Service representative, they just called up their Congressman and had the man shut up or transferred out. But the environmental laws changed all that, and that's what makes them mad. In the West we know what happened when the cowboys and miners ran things. They overgrazed, dumped mine waste wherever they wanted, polluted the water or locked it up for their personal use. Most people think they will do the same thing if they get another chance. That's what the real fight is about."

Watt says that his administration was responsible for quieting the rebellion. He claims that ranchers said, "Hey, two years ago we wanted to get rid of all federal lands. Now we want Jim Watt to manage the federal lands because he is a good guy. Don't sell the lands, Jim Watt. You manage them. We can deal with you."

LOCKED GATES

Many people whom I talked to in Reno and other Western locales feel privatization and other policies introduced by the Watt administration are just the Sage-brush Rebellion being carried on by different means. The locked gate is frequently offered as the perfect symbol for this. You can't poke around much in the Western boondocks without coming upon a gate that illegally bars access to public lands—and you can't help being irritated by it. Fences are there for the convenience of the people who lease this cheap land. The gates are there to let cows, sheep, people and trucks in and out. Except in a few special cases, the gates are supposed to be closed with only a loop of wire or rope so that the land behind them can be used by all the true owners of the property—the public. But there are a fair number of cowboys—ranchers, miners, oilmen and others of the land-baron class—who want to run the public lands they lease like private fiefdoms. So they wrap a length of chain around the gatepost and lock up the gate, and perhaps for good measure put on a hostile no trespassing sign.

There's a feeling that Watt, the wild-eyed city lawyer from Denver, determined to change things around so that if you want to get certain public places, you're either going to have to kiss the boot of some cowboy who has made his pile in Oklahoma oil or else fight his foreman.

Bob Burnett, a massive, gravelly voiced fellow from New Mexico who's mad as hell about privatization, probably knows more ways than anyone else to deal with locked gates. Burnett has lived near Roswell, N. Mex. since the 1930s. At the moment he owns a pump business that sells and services irrigation and oil-field equipment. Burnett has been a member—and usually an officer—of the Chaves County chapter of the National Wildlife Federation for the past 30 years. He has been an impassioned hunter, conservationist and environmentalist all his life. "It was just the way I was raised," Burnett says.

Burnett looks, talks and sometimes acts like a cowboy of the Sagebrush Rebel-land-owner baron type. However, he's a counter-revolutionary, perhaps the most effective field insurrectionist against that class now working the West. "There's some good fellows running cattle, drilling for oil, mining on public lands," he says. "I got no fight with those fellows using it and making some money as long as they understand they are just using land that belongs to everybody and treat it right. It's the bunch that don't—and there's getting to be more of them all the time—that I want to take on. If somebody wants to hunt or take pictures of butterflies or just sit there looking at a horned toad [on public lands], they got just as much right to do it as somebody with a lease has to run stock or pump oil."

Burnett's interest in opening land is avocational in the sense that it's a labor of love, or hate, but he's now devoting as much time to it as to his business. "I'm just one of those hardheads that doesn't like somebody who thinks he's a big shot to push people around," he says.

New Mexico's Chaves and Lincoln counties, where Burnett fights most of his land battles, are together about the size of Connecticut. As in most of the West, a map showing ownership of land in these counties is a patchwork, with sections of private, state and federal tracts occurring in free-form patterns, which are difficult to follow on the ground. Boundaries are marked only by widely scattered signs and obscure brass surveyor's caps pounded down in the cholla and prickly bushes. The largest local landholder is the BLM, which leases most of its

holdings in chunks of 10,000 acres and more to cattlemen and sheep ranchers. Access to these leased tracts is provided by roads that are either within the BLM boundaries or administered by the counties.

Traveling across a boulder-strewn county road, Burnett says, "It ain't much, but she's ours." After three or four miles the road is crossed by a fence line and a gate that is secured with a spider web of wire but isn't locked. To one side is a formidable no trespassing sign, and a mile or so beyond that some ranch buildings are visible. "Now what would you think, if you was to come on this?" Burnett asks.

"I'd think I'd better stay on this side of the gate if I didn't want to get my ass shot off."

"That's pretty much what some fellows that called me last fall thought, only they also thought there is a whole lot of public land on the other side of the fence. They were right. It's private on both sides here, but his road runs down this little pie-shaped wedge here on the map. [Burnett travels with a full set of topographical sheets.] That wedge gives you access to about 12,000 acres of public land. What they did is close up an old gate further down and then wire this one shut to close off all that land. When I heard, I came out. I had a surveyor friend with me, and we studied the map until we were exactly sure about where we were.

"I went through the gate and just waited, giving them a chance to see me from the ranch. About 10 minutes passed and then two vehicles and four people came boiling up. The foreman said I'd torn down his gate. I said now let's not b.s. each other. Then he said I had moved some rocks along the fence. I said I sure had. They were covering up the brass surveyor's caps, which were what we wanted to find, so we could be sure this was public land. Then the owner, a rich fellow from down in Texas, pitched in saying that he's had this place a bunch of years. He said, 'You got all them maps. If you're so damn smart, just find the surveyor's cap.' We did just that, and they don't like it much, but people can use that gate as much as they want now."

Burnett says he doesn't want anybody hurt in such confrontations. He first makes absolutely sure about the lay of the land and then tries to speak softly. However, he also carries a .357 Magnum. Burnett calculates that during the last year he has opened up 50,000 acres of land from which the public had previously been illegally barred. However, he believes that there are many more thousands of acres behind locked gates and that there's a continuing effort to lock up more public lands.

"No doubt about it," Burnett says. "It got worse because of Watt and that bunch of his in Washington coming down so hard against the environment. I think Watt is the most dangerous man we've ever had in the country."

RADICAL RETROSPECT

Noel Kincaid is in his 60's, and until a few years ago he ran sheep and cattle in southern New Mexico and west Texas. Now retired from ranching in Carlsbad, N. Mex., Kincaid thinks what ails America is that the people have become too dependent on the government. They sit around and wait for it to deal with their problems while in the days of his youth people acted much more independently. Americans have become too soft and docile, Kincaid thinks.

When I told him that he sounded like a pro-Watt man, Kincaid looked startled and objected. "No, you could not say I was pro-Watt," he said. "I have never liked radicals. I can look at a man's face and listen to him, and I have a knack for knowing what he is. I have seen Watt on television, and I know he's a radical."

They may have arrived at it by different routes, but Kincaid's conclusion is substantially the same as that of nearly all of the leaders of the environmental community and, it would appear, the majority of the public. Watt has made much the same assessment of himself. He has often said that he wants to make massive changes in the operations of the Interior Department, to use unorthodox methods to get it moving in a direction sharply divergent from its previous one. All of which can simply be defined as radical.

Radical departures from tradition are generally scary but they aren't necessarily wrong because they're different. In some cases they are necessary and right. Therefore, unless Watt is to be dismissed and scorned simply because he's different, the substance of his radicalism deserves to be examined on its merits. In making any such examination, one comment by Watt should be kept in mind. When we first met, I mentioned that to a greater degree than in any previous administration I had known or heard about, his was controlled by its secretary and reflected his opinions and principles. Watt thought that an accurate observation, and he took it as a compliment. Therefore, any review of Interior's activities from 1981 through last week must largely be a personal review of this extraordinary man.

Here it must be pointed out that this article was intended to be a post-midterm report on the Watt administration. However, in view of the mounting number of political leaders withdrawing their support for Watt late last week, including Senate Majority Leader Howard Baker of Tennessee and no fewer than seven other Republican Senators, this report might, in the end, serve as a summation of the Watt years at Interior.

A paradox of the first 2½ years of the Watt administration is that in practice it was far less radical than it perceived itself to be or was perceived by its critics. Because the massive changes Watt suggested caused such strong and effective opposition, many of the best works of his administration resulted from essentially negative decisions. A prime example is his parks acquisition policy. It can be argued that any park is more in the public interest than no park. But as Watt has properly contended, rapidly acquiring sizable tracts of new lands would in time adversely affect the management of all parks both by adding mediocre properties to the system and by depleting maintenance resources.

But, because the Watt administration was built upon an ideological foundation rather than a pragmatic one, it had difficulty refraining from carrying its ideas, even good ones, to extremes and therefore reduced many of them to absurdity—such as his ban on acquiring any new parks at all. This deprived Watt of the credit he deserves for his honest attempts to be a good steward for the park system and made the system's management much more of a partisan issue than necessary or desirable.

Somewhat the same thing occurred in the protection of wetlands, another issue in which Watt took a genuine personal interest—and showed it by negative action. He successfully backed legislation that got the Federal Government out of the business of providing individuals with cheap insurance against storms and floods in low-lying coastal areas. Since the feds will no longer be sharing the risks, developers should be less keen about proceeding with projects in these fragile areas.

Perhaps the most innovative program proposed by the Watt administration is one called POWDR (Protect Our Wetland and Duck Resources). Its purpose is to encourage, by means of economic incentives, local governments and, especially, large corporations to acquire wetlands and protect them either through their own efforts or by turning them over to local federal managers. POWDR is still largely a paper creation and has not protected a single acre of wetlands. Critics have claimed that POWDR was intended as a p.r. device for stroking the administration's corporate constituency. However, since protecting wetlands is a complex and serious ecological undertaking, it would seem that involving the private sector in it is at least worth trying.

On the opposite side of the coin, the Watt administration accomplished—as opposed to promised and threatened—some things that seem to be contrary to the best interests of the public and nature. The contempt for and throttling of scientific inquiry and honest dissent within the department falls into this category. The consequences of continuing to try to deal with nature as we would like it to be, rather than as it is, could be disastrous for everyone.

The traditional role of Interior, as defined by Congressman Morris Udall (D.-Ariz.) and many others, has been to represent and defend natural interests and values. The worst of the Watt administration's 2½ years flowed from its conviction that its true constituency was a fairly narrow economic one of entrepreneurial nature-users. During previous administrations, including solidly probusiness Republican ones, the consensual approach to environmental management was based on the premise that economic growth and environmental protection were equally desirable; that the U.S. could afford both. Watt has made it clear that in his view America isn't rich enough to afford the kind of environmental protection it had in the past; that if a conflict arose between economic and environmental interests, he would support the former. The rapid increase in the rate at which public lands and resources have been leased to private developers and the adjustments in regulations aimed at giving leaseholders more—and the public less—control over those lands and resources are the clearest examples of how these convictions translate into action. In this, Watt diverged radically from the notion that environmental protection must be a public work because the private economic sector has neither the resources nor much inclination to do the job.

Watt wants to be judged by his actions and not by the things he has said. But, as was made clear again last week, it can be argued that his words have, in fact, had a far greater social impact than his deeds. He's preeminently a man of ideals, and he has used his office as a pulpit to preach in favor of his ideological causes and against their enemies. Watt's sermons may not have moved the national congregation in the ways he intended, but they have moved it nonetheless. Most obviously he has energized the environmental movement as no individual or phenomenon previously has. The reaction to him has translated into thousands of new members and millions of dol-

lars for the private environmental organizations that are most hostile to him. More important, Watt has forced conservationists and preservationists to rethink and reform many of their long-held principles and practices.

During the 1970s environmentalists became spoiled and arrogant as a result of too much attention and too little critical examination. Odd theories and proposals that had little to do with nature, science or the common welfare found support because, like balanced diets, environmentalism was thought to be so patently good that it was gauche to object to anything that traveled under that name. With his conspiratorial view of the political world, Watt identifies the cause of extreme environmentalism as "creeping socialism" and has energetically lambasted it as such.

Creeping silliness might be a more accurate description. Rocks Have Rightists got out of hand. Preservation of nature, as though it were a rare artwork, became an end unto itself. The observable fact that the web of life is an intricate multiple-use arrangement was, in some quarters, obscured by the ideological fantasy that the only decent and harmonious natural relationships are nonconsuming ones. Also, there have been many examples of individual environmentalists confusing their private esthetic conceits with natural law and trying to convert them into public policy. Some may like snowmobiles in national parks and others may not, but it's a matter of personal taste, not a question of ecology or morality. Backpackers camping in the wilderness are no better, worse or natural than a family vacationing in a parking lot in their camper.

Despite Watt's beliefs, environmental socialists—or sillies—hadn't captured the Interior Department. Largely it was manned by pragmatists who knew that development of resources could be accomplished without seriously befouling nature. Often they had more trouble with and less sympathy for the preservationist "wild-eyes," as they have been called by President Carter's Interior Secretary, Cecil Andrus, than they did with reasonable users of public resources. However, if the environmental extremists had gone unchallenged long enough, they might have gained the sort of control over public policy that Watt thinks they had. This would have led to another sort of disaster. Just as for a time anything environmental was considered beyond reproach, too much of this brand of nonsense would have given even the best sort of environmental protection a bad name.

Watt has presented a broad hint of the kind of backlash that environmentalism carried to excess could produce. Perhaps because it takes one extremist to know another, he was the right man at the right time with the right style to shake up the sillies.

It's quite possible to imagine someone of the same persuasion as Secretary Watt, but more politically adept—or perhaps more unprincipled—wreaking far greater havoc on the environment than he has. Watt has come on as such a wild and woolly radical that he hasn't been able to accomplish anywhere near as much as he said he wanted to when he took office. Nevertheless, even while occasionally nicking himself in the foot with his rhetoric, he has continued to fire away from the hip at anything that looks or sounds to him to be preservationist. In the process, he has antagonized even the most moderate of those who consider themselves to be environmentalists and warned the most activist that if they are truly serious about advancing their cause they had better stick to the mainstream and jettison some of their more bizarre notions. This much-needed shaping-up process is going on now.

Watt's ideas about a balanced environmental policy aren't shared by many Americans. Were his ideas to truly prevail for long, the country would be in some real trouble. However, because of the challenge he has posed, it seems likely the U.S. will have a much stronger consensus about what it can and should do with nature. In fact, Americans already are more certain about some of these things than they would have been had not this man come blazing out of his Denver law office and started them thinking about what is important rather than just about what is nice.

There's a related matter: The U.S. hasn't had much experience with ideological leaders. There has been a feeling that they can't get power in America. Watt is perhaps the most radical and zealous ideologue to reach a high public office in the U.S. in a long time—maybe ever. His administration has been instructive because it shows how True Believers behave when they get their hands on the keys to the most important things. Watt may have provided us with a valuable case study for future reference.

I have been following environmental affairs for 35 years and am of the opinion that during that period the three people who have had the greatest impact on how we think about and behave toward nature are Aldo Leopold, the naturalist-author who after his death became the spiritual father of the environmental movement; Rachel Carson, the author of Silent Spring; and James Watt. The last name is listed with absolutely no ironic or sarcastic intent.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

A 2-YEAR BUDGET APPROPRIATION PROPOSAL

Mr. FORD. Mr. President, once again, we enter the beginning of a new fiscal year without all of our regular appropriation bills enacted. Once again, we faced the potential chaos and pressures of last minute legislating on a continuing resolution so that Government operations would not come to a standstill.

Once again, we are experiencing the simple fact that there is just not enough time to enact appropriation bills on an annual cycle. Furthermore, there is no need or justification to stay on such a short, pressurized cycle.

Early this year, the junior Senator from Indiana and I, and several of our colleagues, reintroduced a 2-year budget appropriation bill. S. 12 would establish a 2-year cycle for our appropriation process, and would make a few improvements in the budget process.

As its sponsors, and many others, have pointed out, S. 12 will not deal with and solve all of our budget problems. It will not alone balance the budget; it will not magically show us the ideal method of allocating Federal funds; it will not correct mistakes in our defense procurement system; it will not do many things.

But let us look again at what it can and would do.

It will save precious time for Congress and the executive branch—time for better budget planning, and for other essential legislative tasks, such as oversight review.

It will prevent the last minute frenetic efforts to enact continuing resolutions, which make responsible legislators vulnerable to those who demand action on pet projects as the price of allowing prompt action on such resolutions.

It will enable States to better plan and fund their operations; not only those partially funded by the Federal Government, but all of their essential programs.

It will provide a stabilizing element into both the public and private economic sectors. With fiscal and spending decisions intended to last 2 years, short of unforeseen changes in conditions, there should be a reduction in either inflationary or deflationary pressures in the economy.

Our esteemed former colleagues, Jim Pearson, and Abe Ribicoff, after a comprehensive study, recommended the adoption of a 2-year budget cycle. The list of supporters is growing both in and out of Congress.

S. 12 is before three Senate committees, Governmental Affairs, Budget, and Rules. I urge the members of each of those committees to give renewed attention to this measure in the interest of bringing it before the full Senate at an early date.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

VISIT TO THE SENATE BY MEMBERS OF THE GERMAN BUNDESTAG

Mr. LUGAR. Mr. President, it is a great honor and privilege to introduce to this body 30 members of the Bundestag of the Federal Republic of Germany.

As part of the tricentennial celebration that has brought our countries together even more closely, this delegation of distinguished parliamentarians has come to the United States to visit with Members of the U.S. Senate, Members of the House of Representatives, members of our executive branch, and many private citizens in this country. To the best of my knowl-

edge, it is the largest delegation from the Bundestag ever to visit the United States and the largest to visit this body.

I am personally indebted to many Members who are here today for hospitality that was extended to a delegation of members of the Senate Foreign Relations Committee who visited Bonn and other cities of Germany in May and June of this year. I am further indebted to those who were my hosts during the tricentennial activities in Bonn on September 8 of this year.

So it is a personal honor to have a chance to make certain that the warmth of our welcome is extended to each of these distinguished persons. I am grateful to each Member of this body who has joined us in a reception in the Foreign Relations Committee room for the past half hour or so and who are now on the floor of the Senate to greet our delegates.

After there have been further comments, I hope Members of the Senate will come by the group, shake the hand of each delegate, and extend the bonds of fellowship to our guests.

Mr. SARBANES. Mr. President, I join Senator LUGAR in his warm words of welcome to the visiting parliamentarians from the Federal Republic of Germany, our colleagues in making democratic government work.

I came to this side of the aisle—this is the Democratic side, that is the Republican side—in order to make very clear to our guests from the Bundestag that our welcome to them is a bipartisan welcome and that the friendship between the United States and the Federal Republic of Germany is a friendship which transcends politics and goes very deeply into the feelings of our people, regardless of their particular political party.

So I am honored to join Senator LUGAR in welcoming our guests. We are very pleased to have them here on the occasion of the tricentennial marking the close friendship between Germany and the United States.

Mr. HECHT addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HECHT (addressing the distinguished Members of the German Bundestag in the German language). As a Member of the Senate of the U.S. Senate, I extend to you warm and heartfelt greetings.

(Applause by Senators and distinguished guests.)

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATSUNAGA). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I take this opportunity to welcome our fellow parliamentarians and visitors from the Federal Republic of Germany. We are most pleased that they are here with us, and we are grateful that they take the time to join us in this Chamber.

I point out that we have 15 minutes remaining of the time allocated to the transaction of routine morning business.

I ask the Chair now to place us in morning business if it has not done so.

I invite our guests to remain in the Chamber as long as they wish and as long as they have an opportunity to remain with us. But I am sure they will understand that we need to continue with the business of the Senate, and once again I extend to them a warm welcome for their visit here.

(Mr. HUMPHREY assumed the chair.)

Mr. MATSUNAGA. Mr. President, on behalf of the minority, and as you can see we are in the minority right now, we wish to welcome you and we hope you will stay as long as you can and take a look around, get the feel of the place, but I ask you one favor: Do not try to run for the Senate from Hawaii. [Laughter.]

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The Senate will proceed to the consideration of morning business.

CENTRAL AMERICA

Mr. WILSON. Mr. President, it has come to my attention that a Member of Congress has very recently expressed some doubt as to the seriousness of the Sandinistas' intention to spread the revolution beyond the borders of Nicaragua.

I find that amazing in light of the evidence that is so clear on the subject.

Only last week I placed in the RECORD a news report which was only the most recent evidence discovered of that intention. It detailed the discovery of what was purportedly a fishing village but where for 3 years had served as a point of transshipment for arms from Nicaragua into El Salvador to the terrorists directing aggression against the Government of El Salvador.

The Nicaraguan Government had for 3 years denied the existence of this operation.

Now, far more alarming to me, Mr. President, is the news story in this morning's Washington Times in which the Foreign Minister of the small and beleaguered democracy of Costa Rica, Foreign Minister Fernando Volio Guardia, has complained publicly to the Organization of American States that his nation is in danger from the Sandinistas in Nicaragua and specifically the news story cites the attack last week upon the Costa Rican village of Penas Blancas by Sandinista artillery and it quotes a Sandinista spokesman, the Defense Minister Humberto Ortega, as stating that the Sandinista army will intervene in neighboring territories regardless of the origin of aggression committed against Nicaragua.

Mr. President, Foreign Minister Fernando Volio Guardia has quite properly stated his country's fears, stated that he feels that this hostility flies in the face of the foreign policy announced for Costa Rica very clearly by President Luis Alberto Monge.

Foreign Minister Volio has described this policy as one of neutrality in the hemispheric disputes.

He has also hinted that his Government may invoke the Rio Treaty if there are further border incursions.

Mr. President, I think that there is clear evidence, evidence beyond any doubt, that expansionism of violence by subversion and in this case by overt aggression on the part of the Sandinistas is a clear intention to spread their revolution beyond the borders of Nicaragua.

There is other evidence. I repeat that I find it amazing that any Member of Congress could be in doubt about that, and I simply say to my colleagues that I think that we should be on the alert.

Costa Rica, the one true democracy of Central America, one without an army, the most vulnerable, the most defenseless to the Nicaraguan threat, may very well be calling upon the United States and the other members of the Organization of American States for assistance if this kind of aggression continues.

It should be condemned, Mr. President; it should be understood as a real and present danger not only to Costa Rica but to the other neighbors of Nicaragua and, indeed, to the entire hemisphere.

Mr. President, I ask unanimous consent that the complete text of this news story by Gus Constantine in this morning's, October 5, edition of the Washington Times be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Oct. 5, 1983]

COSTA RICA DECRIES NICARAGUAN THREAT

(By Gus Constantine)

Costa Rica yesterday warned that it faces the most serious threat to its territory in decades, in the wake of a Nicaraguan cross-border attack last week and threats by Managua to intervene in neighboring countries.

Calling the Organization of American States into emergency session in Washington, Costa Rica denounced Nicaragua's Sandinista regime for committing "cowardly ag-

gression" and harboring plans to force its Marxist system on other Central American states.

Costa Rican Foreign Minister Fernando Volio Guardia hinted that his government may invoke the Rio treaty if there are further border incursions. Such a step could open the way for the OAS to declare a threat to peace in the hemisphere and dispatch an inter-American peacekeeping force to police the Costa Rica-Nicaragua border. Other actions, such as sanctions, also could be taken.

The open castigation of the Sandinista government by its southern and least armed, least hostile neighbor represents still another step in the political isolation of Nicaragua in the troubled region.

U.S. Ambassador to the OAS J. William Middendorf II also demanded that Nicaragua desist from armed aggression against its neighbors.

"We appeal to the Nicaraguan government to follow the example of its neighbors by living up to its promises of prompt elections, human rights guarantees and freedom," Middendorf said.

The Reagan administration has charged repeatedly that the Sandinistas have broken promises for a pluralistic democratic society made to the Nicaraguan people and to the OAS when they were seeking support in their fight to depose the government of Anastasio Somoza.

Relations between Managua and San Jose have deteriorated sharply since the decision of breakaway Sandinista leader Eden Pastora to open a second front in the south against his former comrades-in-arms.

Last Wednesday, after an attack by Pastora's forces on customs posts on the border, the Sandinista army opened fire on elements of the Costa Rican civil guard (Costa Rica does not have a regular army). Hours later, Volio told his colleagues on the OAS Permanent Council, the Sandinistas launched a bombardment from Nicaraguan territory against the Costa Rican border town of Penas Blancas.

At a press conference late last week, Nicaraguan Defense Minister Humberto Ortega announced that the Sandinista army will intervene in neighboring territories "regardless of the origin of aggression" committed against Nicaragua.

Volio, citing Ortega's threat at yesterday's meeting of the OAS Permanent Council, said it "clearly shows the plan of violent expansion" Nicaragua has embarked upon.

He said this hostility flies in the face of the foreign policy declared by Costa Rican President Luis Alberto Monge. Volio described this policy the maintenance of neutrality in hemispheric disputes.

CAN VERIFICATION OF NUCLEAR ARMS CONTROL AGREEMENTS WORK?

Mr. PROXMIRE. Mr. President, by far the most difficult obstacle in the way of arms control is the understandable fear that the Soviet Union will not keep any agreement. We would keep the agreement. Result: The Soviet Union would swiftly surpass us as we limited our nuclear arms research, production, and deployment, and they moved full speed ahead eroding and perhaps destroying our deterrent. What is the answer? The answer is verification. It means that both sides must have an assured basis for knowing whether or not the other side is keeping the agreement and the opportunity to renounce the treaty in the event of cheating. The offended side could then move ahead with its own nuclear arms program. The most important benefit of verification is that it would discourage cheating, because such an initiative would give the cheating country little or no advantage, impose the heavy cost of resuming the arms race, and the odium of untrustworthiness that would take years and perhaps generations to live down.

But could verification work? Could we rely on it to detect violation of an arms control treaty by the other side? That would depend on the thoroughness and reliability of the verification program. How thorough and reliable are the present methods of verification? By far, the most important system of verification is satellite observation. Technological advances have given our satellites an extraordinary capability to detect any kind of military activity including weapon system production or deployment. Our satellites can pinpoint an object a few inches in size from 100 miles above the Earth. They can not only tell us in meticulous detail everything that goes on on the surface of the Earth in the Soviet Union and elsewhere, but they can report to us what is moved into or out of buildings or submerged below the earth or water and what emerges from Earth and water.

William Colby, the former director of the Central Intelligence Agency, has testified that satellite observation by itself would—in his expert, professional judgment—provide adequate verification to assure us whether or not the Soviets were violating a comprehensive nuclear freeze agreement. At an Appropriations Committee hearing earlier this year, I asked Mr. Colby whether satellites could detect an increase in Soviet production in an item as relatively small as a cruise missile. He assured me it could.

Of course, it is possible that the satellite monitoring by itself might not provide us with the kind of detailed, on-the-spot proof that would give us the assured basis for renouncing a nuclear arms control treaty. How, then, could we provide a protection in depth, a doublecheck in the event we were suspicious of Soviet activity from satellite observation? The answer: On-the-spot inspection. But would the Soviets ever agree to on-the-spot inspection? This year, for the first time, the Soviets have shown a genuine interest in onsite inspections. In proposals presented at the end of the year in Vienna force reduction talks, the Soviet Union and its Warsaw Pact allies, in reply to Western proposals for verification measures, accepted the idea that an agreement on reducing military personnel should contain provision for onsite inspection by military personnel of the opposing alliance. Reportedly, Warsaw Pact acceptance was restricted by many conditions but its proposals suggest progress, although in this case, the acceptance relate to military personnel, rather than nuclear arms.

Fortunately, by far the most reliable verification is available in the most critical area. The heart of the nuclear arms race is in research that advances the technology. Stop nuclear arms research and you stop the arms race. And how do we stop effective nuclear arms research? Easy. You stop testing. Without testing of nuclear arms, effective progress in developing useful, improved, reliable advances in nuclear arms ends. Can we stop testing? Yes, indeed. One of the most successful agreements we have adopted with the Soviet Union is the 1963 test ban treaty that prohibited all nuclear explosions in the atmosphere, in outer space, and underwater. Most competent observers assure us that this treaty has been observed, and it has been observed now for more than 20 years. Then there is the threshold test ban treaty that prohibits tests in excess of 150 kilotons that take place underground. There have been occasional charges of violations of this treaty but they have not been confirmed and many experts contend that the treaty has not been violated. Frankly, I agree with those who propose that we should press ahead with a sharp reduction in the permissible size of such tests. At any rate, we are close to a degree of technological expertise that should permit verification of any significant and useful testing of nuclear arms.

In summary, Mr. President, verification of nuclear arms control agreements could provide a remarkable degree of assurance that the United States would know whether or not such an agreement was observed or violated. No course we can follow in this nuclear world is without risk. But certainly in a choice between a continued nuclear arms race on the one hand and an arms agreement relying on verification, the safer and wiser course, considering the present stage of verification technology, is emphatically arms control with verification.

REMEMBERING A VANISHED WORLD

Mr. PROXMIRE. Mr. President, an article in last Sunday's New York Times Magazine chronicles one man's attempt to record for posterity images of a culture that was soon to be brutally and systematically wiped out. The article, entitled "Testament to a Lost People," describes the work of Dr. Roman Vishniac. Dr. Vishniac was

born of well-to-do parents in Russia in 1897. After the Russian Revolution, he emigrated with his family to Berlin. There, in the 1920's and 1930's, Vishniac sensed the impending Holocaust, and determined that if he could not save his fellow Jews, he could try to save their memory. Taking months off at a time, Dr. Vishniac traveled throughout Europe, recording images of life just before and after Hitler's rise to power.

Mr. President, these photographs document an entire culture, a way of life, that was callously and consciously terminated—eliminated by those who despised its very existence. We can view Roman Vishniac's pictures: they are published in a book entitled "A Vanished World," and 60 of the classic photos will be on display later this year in museums across the United States and Canada. However, we will never be able to view the living culture that these photographs detail: that culture was wiped out by the Nazi Holocaust. Vishniac speaks of the children who were among the millions slaughtered: "I cannot imagine that they are dead, that none would survive," he says. "But this I know; I wanted to save their faces, not their ashes."

And so, in a way, Mr. President, Roman Vishniac has rescued something from a culture that was nearly eliminated. It seems tragic that this was all that was done, but at least it was a gesture. It would be truly tragic if we learned nothing from these photographs, or from those who attempted to mitigate, in some small way, the undescribable destruction around them. Dr. Vishniac describes a particular family that befriended him, a family that was completely exterminated in the Holocaust. "It had been useless to warn them of the disaster," he says. "They had applied for visas to the United States, but the waiting time was measured in years, and they did not have years."

Mr. President, I feel only remorse that some who could have been saved were not. There is nothing we can do now for the people in Vishniac's photos, except remember. There is, however, something we can do in their memory. We can determine that we will do all that is in our power to insure that such brutality will never again occur. Ratification of the Genocide Convention would be a vital first step toward that goal. It would not only say, "we remember," it would also say, "we have learned."

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

MARTIN LUTHER KING, JR., HOLIDAY

Mr. BAKER. Mr. President, under the order previously entered, the hour contemplated by rule XXII prior to the vote on cloture has begun to run, has it not?

The PRESIDING OFFICER. The leader is correct.

UNANIMOUS-CONSENT REQUEST

Mr. BAKER. Mr. President, as I indicated last evening, I wish to propound a unanimous-consent request. I am by no means sure that it will be agreed to and, as a matter of fact, I have been advised that it probably will not be agreed to. However, I would like to go ahead and propound the request at this time.

First, Mr. President, I ask unanimous consent that if this agreement is granted the cloture vote scheduled for 1:30 p.m. today be vitiated.

Second, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3706, the Martin Luther King, Jr., holiday bill at 10 a.m. on Tuesday, October 18, and at that time the Senator from North Carolina (Mr. HELMS) be recognized to offer a motion to commit the bill to the Judiciary Committee. I further ask unanimous consent that on the Helms motion it be limited to 20 minutes of debate, to be equally divided between the Senator from North Carolina (Mr. HELMS) and the chairman of the Judiciary Committee or their designees.

Further, I ask unanimous consent, Mr. President, that, if the Helms vote should fail, the bill be open to further debate and amendment and that the time for debate on the bill be limited to 4 hours, to be equally divided, and that the time on the amendments that may be offered to the bill be limited to 1 hour each, equally divided between the mover of the amendment and the chairman of the Judiciary Committee or their designees.

Mr. President, I further ask unanimous consent that, on any amendment in the second degree, motion, appeal, or point of order, if they are submitted to the Senate, there be 30 minutes equally divided.

Finally, I ask unanimous consent that the final passage of H.R. 3706 occur on or before 2 p.m. on Wednesday, October 19, and that the agreement be in the usual form.

Mr. President, before the Chair puts the request, I believe that "in the usual form" would allocate the control of the time on the bill itself to the majority leader and the minority leader or the designees, is that correct?

The PRESIDING OFFICER. The leader is correct.

Mr. BAKER. And "in the usual form" would also provide that no amendments would be in order except amendments that were germane to the bill itself?

The PRESIDING OFFICER. The leader is correct.

Mr. BAKER. I thank the Chair once again.

Mr. President, that is the request.

The PRESIDING OFFICER. Is there objection to the request?

Mr. THURMOND. Mr. President, as chairman of the Judiciary Committee, I do not object.

Mr. HUMPHREY. Mr. President, reserving the right to object, it is certainly not my wish to delay the final passage of the bill. I do, however, object to the provision which, if I understood it correctly, sets a time certain for final passage.

As one of the opponents of the bill, I intend to offer one or two amendments. They will be expeditiously offered. But, in any case, I do not see any advantage to our side in limiting the ability to offer amendments, and I would have to object to that portion of the request.

The PRESIDING OFFICER. Does the leader wish to modify the request?

Mr. BAKER. No, Mr. President, I do not. The request was negotiated with many Senators over a long period of time and is a package. And, honestly, I think if I were to modify it to accommodate the wishes of the Senator from New Hampshire—which is a perfectly legitimate request—but if I were to do that, it would make the agreement unacceptable to a number of Senators because there would no longer be any practical limit on the length of time that could be consumed in the debate on this measure and there would be no reason then to vacate the vote on cloture.

Indeed, it may be necessary to file a cloture motion to limit debate on the bill itself if, indeed, we reach the bill today.

So, without a time certain, I am afraid that the arrangement would fall apart. I understand the concerns of the Senator from New Hampshire and I respect them. They are perfectly honorable. I wish to make it clear that I have no difficulty with his request, except that the modification of this request in this way would no longer be acceptable to a great number of Senators. Therefore, I must put the request in the original form.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the Senator from New Hampshire knows of my affection for him and my deep respect. I hope that he will not object.

I wonder if the distinguished leaders and the Senator from New Hampshire would be willing to consider a little more time. Now, this agreement is entirely acceptable to me. But is there anything short of the Senator objecting to a time certain that would accommodate him?

Mr. HUMPHREY. If the majority leader will yield, if I can see some catalog of the amendments to be offered and have some confidence that no one will be precluded from a reasonable time of debate, then perhaps we can arrive at a time certain that would be acceptable.

Mr. BAKER. Very well. Mr. President, I will attempt to do that. I will attempt to identify amendments that we know of and make sure that the Senator from New Hampshire has them. I will confer with him further. He gives me some hope that we might still get the agreement. So, at this time, rather than have the request objected to, I withdraw the request.

However, for those Senators listening in their offices, I urge them to take account of this changed circumstance. It is very possible, maybe even likely, that we will have a vote at 1:30 p.m. today on cloture. I hope Senators who have read newspaper accounts or had conversations with other Senators will not assume that this whole thing is resolved, because it is not. The Senator from New Hampshire encourages me to believe that maybe there is a chance we can work it out, and I will try. But I urge Senators to be on the floor at 1:30 p.m.

Mr. BYRD. Mr. President, I think the majority leader should know that on this side of the aisle if there is any agreement, there is going to have to be a final time, a final date, so that our candidates and Members will know precisely.

Mr. BAKER. Mr. President, the minority leader has negotiated with me over a period of days on this subject, and I was fully aware of that requirement that he has just announced. Frankly, I do not blame him.

Mr. BYRD. We are for an agreement and willing to enter into an agreement. But I think the majority leader should not be under any illusions that this side will agree to any agreement that does not have a final date and a final time.

I gather that is what the problem is.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BAKER. Mr. President, I withdraw the request. Since there are other Senators who may wish to speak, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise only to speak from the back row of this Chamber to express to the majority leader the unqualified admiration from this side of the aisle, which I know our distinguished leader himself has stated, for the efforts he had made and is making, and to say how much we hope they will succeed.

It occurs to me that there are a surprisingly few Members of this body who knew Martin Luther King, Jr. I doubt that a majority did. It would be interesting to know. I would think that possibly a third did. Those who did, and I am one who knew him as a friend, admire enormously what the majority leader has done and pray that he succeeds.

Things have been said in this Chamber which can only be expunged by an overwhelming vote in favor of the measure which the majority leader will bring before us. I hope that comes at a date certain, as the minority leader said, and the soonest possible date.

Mr. BAKER. Mr. President, I thank the Senator.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator from North Carolina.

Mr. HELMS. Mr. President, before the majority leader leaves, if in fact he is leaving, let me suggest a possible way out of the impasse at least for the time being. Why do we not go ahead with the motion to call up this bill and get the measure before us?

Mr. BAKER. Mr. President, if the Senator will yield, he spoke to me a moment ago about that and I am afraid I misled him. I apologize for that. I said "That sounds fine for me" because it does serve the purpose of getting the bill up. I have been reminded since that I have objection on the part of another Senator on this side to any change in the request. So I would have to go back and try to rearrange that. I will go back and try to rearrange that, but that will be part of the negotiations. I thank the Senator for his suggestion.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BAKER. Mr. President, I withhold the request. The hour under the rule is to be equally divided, is it not?

The PRESIDING OFFICER. That is not provided for in the order.

Mr. BAKER. I thank the Chair. In the absence of a unanimous-consent request, the 1 hour is up for grabs.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ARMSTRONG). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent, notwithstanding the provisions of rule XXII that I may proceed for not more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am happy to report that I believe we have a unanimous-consent agreement that may survive. I would like to put it now.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3706

Mr. BAKER. This will be all put together as one package.

Mr. President, I ask unanimous consent that the cloture vote which would have occurred at 1:30 today pursuant to the provisions of rule XXII be vitiated.

I further ask unanimous consent that the Senate turn to the consideration of H.R. 3706, the Martin Luther King, Jr., holiday bill at 9 o'clock on Tuesday, October 18, and at that time the Senator from North Carolina (Mr. HELMS) be recognized to offer a motion to commit the bill to the Judiciary Committee.

I further ask unanimous consent that on the Helms motion it be limited to 20 minutes of debate to be equally divided between the Senator from North Carolina (Mr. HELMS) and the chairman of the Judiciary Committee or their designees.

Further, I ask unanimous consent that if the Helms motion fails, the bill be open to debate and amendments, and that debate on the bill be limited to 4 hours to be equally divided.

I also ask unanimous consent that there be 1 hour on each first-degree amendment to be equally divided and that any second-degree amendment, motion, appeal, or point of order, submitted to the Senate, be limited to 30 minutes, equally divided.

Finally, Mr. President, I ask unanimous consent that the vote on final passage of H.R. 3706 occur at 4 p.m. on Wednesday, October 19, that the agreement be in the usual form, and that paragraph 4 of rule XII be waived.

Mr. BYRD. Mr. President, reserving the right to object, does the majority leader wish also to include the provision that there be no time for debate on a motion to reconsider?

Mr. BAKER. Yes, Mr. President, I include that in the request.

Mr. BYRD. Further reserving the right to object, does the majority leader mean, if this is agreed to, that the pending motion is withdrawn?

Mr. BAKER. Yes, Mr. President, the vote would be vitiated. The request should read that the vote be vitiated

and the motion to proceed be withdrawn.

Mr. BYRD. I have no objection.

The PRESIDING OFFICER (Mr. WILSON). Is there objection? Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That at 9:00 a.m., on Tuesday, October 18, 1983, the Senate proceed to the consideration of H.R. 3706 (Order No. 343), an act to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday, and that the Senator from North Carolina (Mr. HELMS) be recognized to offer a motion to commit the bill to the Judiciary Committee, on which motion there shall be 20 minutes, to be equally divided and controlled by the Senator from North Carolina (Mr. HELMS) and the Chairman of the Judiciary Committee, or their designees.

Ordered further, That if the motion to commit fails, the bill be open to debate and amendments, with debate on any amendment in the first degree to be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, with debate on any amendment in the second degree to be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, and with debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate to be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill; *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader of his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said bill, debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by the Majority Leader and the Minority Leader, or their designees: *Provided,* That the said Senators, or either of them, may from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

Ordered further, That the vote on final passage of the bill occur at 4:00 p.m. on Wednesday, October 19, 1983.

Ordered further, That there be no time for debate on a motion to reconsider the vote on the bill.

DEPARTMENT OF STATE AUTHORIZATIONS

AMENDMENT NO. 2226, AS MODIFIED

Mr. BYRD. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2292

Mr. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 2292 to amendment No. 2226, as modified:

Strike all after "James Watt" in line 3 and insert the following: in his recent remarks characterized the membership of the Commission on Fair Market Value Policy for Federal Coal Leasing in a manner which was insensitive and insulting to all Americans;

Since the Secretary of the Interior James Watt has made public statements which question the patriotism of American citizens with whom the Secretary disagrees;

Since such remarks and statements are totally unbefitting a senior cabinet member of the United States government;

Since these remarks and statements seriously impede his ability to function effectively in his dealings with the United States Congress and the public at large; and

Since Mr. Watt's policies and personal style have promoted a polarization in the Nation which has frustrated the achievement of consensus necessary to execute policies which both preserve our spectacular natural heritage and carefully develop our abundant natural resources.

Now, therefore, It is the sense of the Congress that the President should, without delay, request the resignation of Secretary James Watt.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, the pending business before the Senate is the State authorization bill, is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. The Byrd amendment, which has just been stated by the clerk as amended, is the pending question?

The PRESIDING OFFICER. That is correct.

DAIRY AND TOBACCO ADJUSTMENT ACT OF 1983

Mr. BAKER. Mr. President, I now wish to state, as I indicated earlier to the minority leader and others that I would, it is the intention of the leader on this side of the aisle to ask the Senate to go to the Agriculture bill, specifically S. 1529. What I intend to do is ask unanimous consent to do that. If I cannot get unanimous consent, I have no alternative but to move. I do not choose to do that if I can avoid it, but I am prepared to do it if I must.

At this time, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 261, S. 1529.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. May I ask, first of all, of the majority leader if this is a dairy bill?

Mr. BAKER. It is a tobacco-dairy bill as I understand it.

Yes; I say to my colleague.

Mr. MELCHER. May I also inquire of the majority leader if he is prepared to include in that request some requirement as to what the amendments are that could be offered to that bill?

Mr. BAKER. Yes, Mr. President. The bill will be open to amendment in general, as it is under the rules of the Senate. I know that, in addition to the dairy-tobacco bill, there is a serious controversy that revolves around the target price issue, which I believe is the subject of another bill. Target prices, of course, could be offered to this bill as an amendment unless we provided by unanimous consent that that would not be the case.

I have many things in this life to be grateful for, but one of the things I am most grateful for at this moment is that that is all I know about this bill. If the Senator will permit me, I shall be happy to yield to the distinguished chairman of the Committee on Agriculture and perhaps he can give us some further view on how he would propose to proceed on this measure at this time.

Mr. MELCHER. Mr. President, I shall be glad to yield to the Senator from North Carolina, the distinguished chairman of the Committee on Agriculture, understanding that whatever agreement is reached, Mr. President, I continue my right of reservation.

Mr. EXON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Very well.

Mr. President, I move that the Senate proceed now to Calendar Order No. 261, S. 1529.

The PRESIDING OFFICER. The question is on agreeing to the motion of the majority leader.

Mr. MELCHER and Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, we are entering now into a situation in the Senate where we should consider what might be the outcome of this bill. The bill that is on the calendar deals with dairy and tobacco and the opening of the door for other amendments is obvious. While we have debated at some length the provision freezing target prices in another bill that is on the calendar, we have not resolved that issue. The target prices on wheat or other grains or, for that matter, cotton or other commodities, are a separate subject. While the statute now provides certain levels for those target prices for the 1984 and 1985 crops, to set the stage to where we get on the dairy and tobacco bill, which probably has——

The PRESIDING OFFICER. If the Senator will suspend, will the Senators please take their conversations into the cloakroom so the Senators may be heard?

The Senator may proceed.

Mr. MELCHER. I thank the Chair. The subject matter contained in the tobacco and dairy bill, the provisions for those commodities are not particularly objectionable to me. I would be very much inclined to debate and vote on those matters. I am not at all happy with the situation as it now unfolds before us; that is, that an amendment dealing with the target prices on wheat or other commodities would be offered or, for that matter, some other amendments offered dealing with those particular commodities. Let me explain further.

We have an announced program for wheat for this coming crop year, 1984. It is not a very acceptable program to most wheat producers. But even at that, what wheat producers are telling us, from my State and I think other States adjacent to Montana, is that if that is going to be the wheat program, do not allow those target prices that are now in the statute to be reduced.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. MELCHER. I yielded to the distinguished majority leader.

Mr. BAKER. Mr. President, I thank the Senator for yielding.

I indicated earlier in a somewhat flippant way that I know nothing about this bill. But I know a little bit about it and I can gather from the remarks of the distinguished Senator that he and his colleague from Nebraska (Mr. EXON), as well as other Senators, are greatly concerned about the wheat issue in particular and the target prices in general.

May I put this question? Since there are two bills, one dealing with dairy and tobacco and the other dealing with target prices, and since we are only taking up the dairy-tobacco bill, how would the Senator react if a unanimous-consent agreement were entered into that would forbid a target price amendment to this bill?

Mr. MELCHER. Mr. President, let me state very briefly to the distinguished majority leader that there is a real possibility for such an agreement. I am not speaking for any other commodity except wheat. He will have to check on other commodities.

I yield to the distinguished Senator from Nebraska.

Mr. EXON. Mr. President, I believe the majority leader has the floor.

Mr. BAKER. I yielded to the Senator from Montana.

Mr. MELCHER. I yield to the Senator from Nebraska.

Mr. EXON. I thank my friend from Montana.

Mr. President, I certainly advise the majority leader and my friend from Montana and the distinguished chairman of the Agriculture Committee that I would withdraw my objection to taking up the bill if we could get a unanimous-consent agreement that it would be on tobacco and dairy only and if there were a prior agreement on the matter of target prices that would not come up as an amendment thereto.

Mr. BAKER. Mr. President, if the Senator will yield to me further, I am perfectly willing at this time to propound that unanimous-consent agreement and see how it flies. I have not run any clearance process, but I am willing to take that risk. I do not have the floor, but I see the Senator from Kansas is on the floor. Perhaps the Senator from Montana could yield to him.

Mr. MELCHER. I yield to the distinguished Senator from Kansas.

Mr. DOLE. I just say very quickly, I know we need to get on to the dairy and tobacco sections. We understand the resistance to try to approach any area in target prices on wheat or corn or cotton or rice. I assume those are the four commodities. There may be some way to address that. But I would not consent that we cannot offer amendments to the tobacco and dairy bill. What we are suggesting then is that we want to make some reasonable changes in other programs to try to reduce the cost and permit the USDA in the wheat area—in particular, to make some changes in the announced PIK program. But we are going to be precluded from that opportunity. We have held up this farm bill now for months because of objections from the other side. the farmers in my State, and I think other States, dairy farmers, tobacco farmers, wheat farmers, corn producers, do not understand why we do not do something. It is always because it is brought up on a short leash.

My view is we ought to bring it up and if we have to file cloture, file cloture, but address the farm bill. A lot of people are concerned about it. There are millions of farmers who would like to see a better program. I also believe there are a lot of farmers who would like to see us reduce the deficit and bring down the interest rates. We all talk about the deficit, but every time we try to address it we get opposition. I just could not agree to that now. We might be able to work something out.

Mr. RIEGLE. Will the Senator from Montana yield to me that I might engage the majority leader on this issue?

Mr. MELCHER. Yes, I am delighted to yield.

Mr. RIEGLE. I thank the Senator. The concern that I have that would cause me to raise an objection to any unanimous-consent request at this point is that as I understand the parliamentary situation the motion at the desk now is on the Watt issue and it is——

Mr. BAKER. The issue pending now is a motion to proceed.

Mr. RIEGLE. But if the action of the Senate is not to proceed on the agriculture bill, then what follows?

Mr. BAKER. The State authorization bill is the unfinished business and it will recur as the pending business. But as of this moment the motion to proceed is the pending business.

Mr. RIEGLE. I understand. I am reserving the right to object to that on this basis, that if we should decide not to move to that at this point, then in fact the Watt resolution, which is the pending amendment at the desk, short of something else being inserted by the majority leader, becomes the business before the Senate. Is that not correct?

Mr. BAKER. Mr. President, when I asked unanimous consent to go to this bill, my intention really was to keep from displacing the State authorization bill and the Watt amendment, or the Byrd amendment dealing with Secretary Watt as the unfinished business. It would not be displaced if unanimous consent were granted to do that. But when there was an objection and I moved to it, then the net effect of that would be that the motion is the pending business. If the motion is decided in the affirmative, not only then will we be on the bill but it will also displace State as the unfinished business and that matter then will go back to the calendar.

That is not what I want to do. But what I do want to do is to try to get to the farm bill, and after we finish that then we will take another look at where we are. But I thought I had structured it so that we had a clear view of where we would be after the farm bill was disposed of. It is not going to be where I thought it was if we have to proceed with the motion.

Mr. RIEGLE. May I ask one more thing then? Would it be in order, in order to deal with and dispose of the Watt issue, which has been here now for some time, and we are delaying action on it—it takes 15 minutes to have the rollcall vote—would the majority leader be willing to allow, if we go to the agriculture bill and agreement is found, to allow this sense of the Senate resolution on Watt to come up right off the bat and let us have the vote and let us establish where we stand on this issue and then move on into the substance of the agriculture bill?

Mr. BAKER. Mr. President, I am always grateful for advice and I am especially grateful for advice from my good friend from Michigan, but one of the luxuries of advice is you can take it or not. In this case I would not be constrained to take that advice. I have talked long and hard with the minori-

ty leader about this subject. There is no way I can keep him from trying to get this matter up. He, after all, has priority of recognition. He can do all sorts of magical things. But he knows from our previous conversations that it would not be my intention at this moment to ask the Senate to turn to that question.

Now, it may be that shortly after we return from the October break we ought to turn to it. I am not prepared to say that I might not support turning to it. I am not now judging how I would vote on it. But I really think we need to do things now, and this is one of them.

My answer to my good friend from Michigan, who is an excellent Senator and a great contributor to the deliberations of this body, is that I am not prepared, I must say to him, to make any such agreement at this time.

Mr. MELCHER. Mr. President, I want to make sure that it is recognized that I am still retaining the right to the floor. I have no objection to this dialog. I think it is constructive, and I think it is expeditious, but I do not want to lose my right to the floor.

Mr. RIEGLE. Will the Senator yield——

The PRESIDING OFFICER. The Chair advises the Senator from Montana that he is in danger of losing the floor if he yields any more.

Mr. MELCHER. Mr. President, I do not think we are going to get a vote on the Watt resolution until the majority leader chooses to do so, although at some point in time I am sure that the distinguished minority leader is going to make sure that we have a vote on that; it is his amendment. However, I do not think that it it going to occur at this moment or this afternoon.

I want to address the situation of what has loosely been referred to as a farm bill. Now, we have heard that term from the Senator from Kansas, and because it is said often enough we find other Senators, even the distinguished majority leader, referring to this bill that he would seek to call up as a farm bill. It is not a farm bill. It is a dairy and tobacco bill. The term "farm bill" generally refers to the omnibus farm bill that we adopt periodically in Congress, such as the 1981 farm bill.

The only request we have had from this administration on the commodities of wheat, cotton, rice, and feed grains has been a request to alter what is now the present law under the 1981 Farm Act to reduce for the 1984 and 1985 crops what would be the target price on wheat, feed grains, cotton, and rice.

And so the crucial issue is not a farm bill. The crucial issue is this administration's request to change one part of the farm bill to reduce target prices for those commodities for the crop years of 1984 and 1985.

Now, I long ago stated that if this administration would come up with a proposal for a definitive and a comprehensive farm act to replace the 1981 act, I would love to participate in devising such a program. But that is not what is being proposed by the administration. They merely seek to take out of the 1981 Farm Act a provision that covers the 1984 and 1985 target prices for those commodities that I have mentioned. We resist that.

I further point out that there is no likelihood of a package for wheat as described by the Senator from Kansas recently in his floor speech, very eloquently explained and in most ways a very constructive approach.

If the Senate agreed by a vote of 100 to zero, there is no certainty that in going to the House we would come out with the same provisions; that we would come out of conference without it being vilified, decimated, screwed up, watered down, washed out; and we would have nothing left except what this administration has requested to begin with: Lower support prices for these farmers. Such a bill would take away the little support they would have in these target prices by washing them down a little lower. That is all we would have left.

I am not going to buy that right away. I may be convinced by the wear and tear of discussing it and by prolonging the debate on it.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. MELCHER. Mr. President, I yield to the distinguished Senator from North Carolina, without losing my right to the floor.

Mr. HELMS. Mr. President, with the understanding that the Senator's rights to the floor are protected——

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I wonder if the Senator would be willing to put the Senate in a quorum call, and let us sit down and talk about what we might fashion which would be acceptable and accommodating to the Senator from Nebraska, the Senator from Montana, and others.

Mr. MELCHER. I say to the Senator from North Carolina, the distinguished chairman, that I will be agreeable, but first I should like to yield to the Senator from Nebraska.

Mr. EXON. I thank the Senator from Montana.

Mr. President, I certainly would be happy to sit down and try to work out something.

I listened with keen interest to the remarks of the Senator from Montana. I think the Senator from Kansas has left the floor. I just want to correct any misinformation he inadvertently may have read into the RECORD.

It is certainly not the Senator from Nebraska nor the Senator from Montana nor any other Senator with whom I have been associated in this effort who wishes to hold up consideration of the dairy-tobacco bill. That inference could be drawn from the remarks that have been made by the Senator from Kansas and others. We are anxious to go ahead and consider the dairy and tobacco portion of the bill, which is what is to come before us if the majority leader has his way.

I simply say that what we are trying to do is protect the farmers of this Nation from being further left wanting by the administration, by allowing this vehicle to be used as an instrument to reduce target prices. That is our only concern.

Therefore, if we cannot get some kind of agreement—I suggested a few minutes ago that I could only take from the remark of the Senator from Kansas that he would not go along with it—then, as so well expressed by the Senator from Montana, I think it is not in the interests of the family-sized farmers of America that we allow this bill to be amended, as I suspect certain people on the other side of the aisle are about to do.

Mr. MELCHER. I thank the Senator from Nebraska.

Mr. President, I think it would be highly constructive for the efforts of the Senate to do as has been proposed by the chairman of the Agriculture Committee, to work out an agreement for consideration of the bill which the majority leader has moved to call up, by prohibiting the possibility of offending amendments dealing with target prices or features of the farm act dealing with commodities other than tobacco or dairy.

Mr. President, I should like it to be noted—although I know there is no real compulsion on the part of the Chair—that I am yielding the floor on the basis of working out such a proposal with the majority leader; and after the proposal is made, or if the proposal is not made, after we have a quorum call, I should like to be recognized again, prior to any other consideration.

Mr. President, I now suggest——

Mr. ZORINSKY. Mr. President, will the Senator yield?

Mr. MELCHER. I yield.

Mr. ZORINSKY. I thank the Senator.

Mr. President, I support my colleagues in their desire to attempt, in some way, to limit the amendments pertaining to target price freezes, specifically in wheat commodities.

I state to my colleagues publicly that there is good reason and good cause for us to be concerned in wanting to limit the scope of amendments that would be added to this bill, the dairy-tobacco bill.

I should like to state for the RECORD and for the benefit of my colleagues that the reason for the apprehension

we have in wanting to limit the amount of amendments to this bill, I believe, is well founded, and I believe that my colleagues would agree with us if they had participated in the background meetings that have led up to this very moment on the Senate floor.

No. 1, a large meeting was held in the Vice President's room right off the corridor here. The chairman of the Agriculture Committee was there and the members of the Agriculture Committee were there. At that meeting, John Block, the Secretary of Agriculture, attempted to initiate a quid pro quo in agreeing to what he called a very bad dairy bill, if, in effect, we would deliver to him sufficient votes to offset the money there, to take it out of the hide of the wheat people in putting a target price freeze on wheat.

Just recently, within the last 4 days, I saw on my desk a document put out by the dairy people, informing their members that they were requested by the administration—again, the Secretary of Agriculture—to pit their commodity against the wheat people encouraging them that they would be considered with regard to their legislation, if, in effect, they would stick it to the wheat people by helping the administration split the commodities on the floor of the Senate.

So I think we have good reason. I want to compliment the dairy people, because their answer in reply to the Secretary of Agriculture was in the negative, that they want no part of the type of involvement in the subterfuge that takes place on a daily basis as to how laws are passed in the Senate Chamber. Once again, it substantiates the fact that I think if there are two things people do not want to see done, it is watching sausage made and watching a legislature pass laws.

Mr. President, I felt that I had to bring to the attention of the Senate the underlying factors which precipitate our vociferous opposition to an open-ended amendment.

On the speaker system, I heard my distinguished colleague from Kansas, whom I respect—he is not now on the floor—say that we have to allow people to propose amendments to this bill, in a free and open forum. What I am suggesting is that he has forgotten that this Congress—not this Congress, but a past Congress—in the 1981 farm bill proposed a 4-year farm bill. Now we are saying to the farmers and bankers of America that we do not care why the farmers went out and borrowed money based on what the U.S. Congress said in the 1981 farm bill would be the future of farming in legislation for 4 years; and we are saying to the bankers of America we do not care why you loaned money to the farmers of America based on what we said they would have in a 4-year farm bill. We want an opportunity now to declare null and void not only the word of the U.S. Government to the farmers of America, but also our word that a 4-year farm bill means anything whatsoever to the farmers of America and to the people of this country.

And then we wonder why do people not believe their Senators, why do not the people of America trust in its Congress. I guess I would recommend it is because if we do not honor 4-year commitments then why do we pass 4-year commitments? Why not just do them 1 year at a time? And then all we have to do is change every 6 months our word instead of destroying the very heart and moral fiber of America and its agricultural commitment to the rest of the world.

With that, I thank my colleague from Montana for yielding the floor to me and return it to him.

Mr. MELCHER. I thank my friend from Nebraska.

I might say, Mr. President, shame on the Department of Agriculture, our Secretary of Agriculture, and his staff for attempting to divide the farm community, pitting, if I might put it that way, brothers and sisters on the land, one commodity against another. Such proposals are shameful.

For a Secretary of Agriculture to say that he wants us to agree to take out the little bit of protection that these target prices provide, in 1984 and 1985—I want to state that correctly, Mr. President—to take out those little additions which are about 4 percent for the 1984 crops and the 1985 crops and the target prices, those little small increments of protection for producers, is indeed a very strange request. He is talking about pennies compared to his arbitrary decision to spend $12 or $13 billion on the PIK (payment-in-kind) program, which has accomplished little in controlling surpluses. When he comes to us with this request for pennies of cuts for the 1984 and 1985 crop years it is really difficult to understand on a fiscal basis.

I yield to my friend from North Dakota without losing my right to the floor.

Mr. BURDICK. I wish to ask the Senator a question. Is there any real necessity for bringing in the target price phase of legislation at this time in view of what the House of Representatives has done? Has the House of Representatives acted or are we up against a time factor here? What is this?

Mr. MELCHER. I will answer my friend from North Dakota that the House of Representatives has done nothing on the question of target prices and if they had acted and we had something before us that we knew was the will of the House of Representatives we would be in a better position to judge what would be our position on any change in the 1981 Farm Act. But they have not acted and there is no sign that the House of Representatives will act very quickly on it.

Mr. BURDICK. Would it not be in the better part of wisdom to see what the House of Representatives did on this legislation?

Mr. MELCHER. I have to say to my friend from North Dakota that in my judgment it behooves us to wait to see what would be agreeable with the House of Representatives before we make any agreement here in the Senate because we are operating completely in the dark. All we know is the position of the administration and that position only deals with the reduction in target prices for 1984 and 1985. So anything that we would do here in the Senate might just result in that being the final outcome when it is all done.

Mr. BURDICK. I thank the Senator.

Mr. MELCHER. Mr. President, I ask unanimous consent that if further discussion on this matter is necessary after the quorum call that I will now propose——

Mr. DOLE. Mr. President, does the Senator wish to yield to me?

Mr. MELCHER. If there is a quorum call, Mr. President, that I not lose my right or will not have to consider this one speech and be limited for additional speeches under the rule.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. DOLE. Mr. President, I reserve the right to object.

The PRESIDING OFFICER. The Senator from Kansas reserves the right to object.

Mr. DOLE. Mr. President, I would hope we might be able to resolve this problem.

I have heard all these speeches about the 4-year promise to farmers, and I just remind my colleagues that target prices barely get through this Chamber, that the farm bill only passed in the House of Representatives by two votes, that the costs of farm programs have gone since President Carter left office from $3.4 billion to in excess of $22 billion, plus about an $12 billion PIK program.

If those of us from farm States do not have the courage to stand here in the Chamber and suggest maybe we have gone a little too far, particularly with inflation down and interest rates down and a lot of changes in the program that are going to help farmers in the PIK program, then I think we are writing our own obituary for the American farmer when the next farm bill comes up.

We can stand here and agonize, postulate, and moralize all day long, but we are talking about $4.3 billion and we are all wringing our hands about the deficit and saying we have to do something about the deficit but let us

do not do it in my State, let us do not do it in your State, let us do it in someone else's State and on some other program that does not affect anyone that I know.

We have been generous to the American farmer and I do not think anyone can quarrel about the record of the administration in what they are spending on farm programs. It is unprecedented.

Much of that, as the Senator from Montana knows, is going to be loans that are going to be paid back, but there are also some rather substantial, deficiency payments, and if you look at wheat, wheat is not the largest one, I might say. We are talking only about total wheat payments—if we do not do anything, let us see, the current law would be about $3 billion. If they were frozen, you would have about $2.3 billion. You are only talking about saving only $1,137 million.

The big change would be in the corn area. Go back to the debate on the farm bill. The corn growers did not want target prices. They were not asking for target prices. I know it is difficult, particularly in view of the drought we had in the Midwest and all over this country.

I also suggest that the biggest problems farmers have are the high interest rates and they are concerned about the deficit and markets for their products.

We can all stand here and criticize the administration, but it was not President Reagan who imposed the embargo; it was President Carter in January 1980. It was not President Carter who lifted the embargo; it was President Reagan. It was not President Carter or any other administration who negotiated a long-term grain agreement with the Soviets; it was President Reagan. It was not anybody other than this administration that started resuming sales to the People's Republic of China, trying to open up markets and put more money in exports.

We can argue all day long where we are going to point the finger of blame. But one thing we are going to have to face up to with our constituency and those who vote for us and against us is whether we were responsible when it came to cutting Federal spending. I am not suggesting every wheat farmer in my State wants to lower target prices, but I am suggesting most every farmer in my State wants the deficit down, wants interest rates down, and wants a better export market.

So I would just hope we could get on with this. We have had enough of this delay, caused primarily from the other side. Why not bring it up and debate it, as we do everything? Why should we tell the American farmer we are not even going to debate target prices, we are not even going to give the American people an opportunity to listen to target prices? If we just had a shovel and dished out money to every group that came in, farmers, business people, whoever it might be, we would be in great shape.

We are facing between now and October of 1987 $1,200 billion in new debt, $1,200 billion, and the interest on that new debt is going to be $100 billion a year; and you add that to the interest on the present debt of $131 billion a year, and we are going to triple the national debt, which is now $1.3 trillion, and it is about to be $2.6 trillion by 1990, and still it is business as usual, spend more money. Do not cut back, do not restrain spending even though we have whipped inflation under President Reagan, and we have cut interest rates in half, and I think we have made a lot of progress for the American farmer.

It just seems to me all have good motives, I do not begrudge anyone's motives. I think we all want to reduce the deficit; some want to do it by just raising taxes, and that may be one way to do it, it is not the only way to do it, and I would hope what we might work out is bring up the tobacco and dairy bill and take care of them. There has been a compromise worked out by Republicans and Democrats, Senator, BOSCHWITZ, and Senators LEAHY, HUDDLESTON on the other side, along with the chairman and others, bring up the tobacco and dairy portions of the bill, take the amendments on those sections and maybe in the meantime we can work out some agreement on target prices. If not, you know, the Senator from Kansas is not blind to reality. If I am advised by the Senator from Montana and the two Senators from Nebraska, the Senator from North Dakota, they are not going to permit us to vote on target prices then we should not punish the dairy farmer, we should not punish the tobacco farmer, and I am realistic enough to know after you debate it a while you pull it down and pass the tobacco and dairy legislation, but least let us have a debate.

After we have concluded I think most of those who are on the floor now going to be in agreement on dairy, we are going to be in agreement I hope on tobacco. Pass those two sections and then see what develops, and I only speak for one Senator.

If the Senator from Montana is going to insist on not looking ar rice, cotton, feed grains, or wheat, then I assume those of us from those States are going to have to recognize that, and we do not believe we ought to hold the dairy bill hostage as he is holding other areas hostage, and I assume that we can work out some agreement to then withdraw the amendment or any amendment we may have in mind.

But maybe we can find some agreement. It is not impossible to find an agreement.

Mr. MELCHER. Mr. President, at that point I am going to withdraw my request. I have been around on this floor——

Mr. DOLE. The Senator from Kansas still has the floor.

Mr. MELCHER. Mr. President, I have been around here on this floor every day we have been in session, I have been sitting over in my office, and I have not had one request from the Senator from Kansas to agree to a package that you could call a farm bill. I have not had one request from the administration to review proposals other than simply removing the 15 cents on target price protection for wheat for the 1984 crop and 20 cents for the 1985 crop.

Now, the Senator from Kansas has engaged in a floor statement and made a proposal dealing with wheat. It is not too bad a proposal, but there is absolutely no assurance that if the Senate acted on that proposal that given the situation where the House has not acted at all, and the administration is only asking for a freeze on target prices, there is no assurance at all that that is exactly where we would wind up.

The Senator from Kansas is more astute in the matters of both the House and the Senate than I am, and because he is more astute he well recognizes that the position we are taking over here on this side is the best possible position for those farmers who hope that this administration will not succeed in just changing the 1981 Farm Act in that one category by freezing target prices, which does amount for these wheat farmers to 15 cents a bushel on the 1984 crop; they just hope that that will not be the only place that the Farm Act is changed if it is going to be opened up. They would like some other more constructive items to be thought of and to be developed by Congress and agreed to by this administration.

You talk about a billion dollars for the wheat farmer, PIK, it is not quite that much for 1984, I do not think. It depends upon how many people are in the program, and so far very few are in the program, so that item looks like it will be reduced.

For corn and cotton while we have no recent figures on their projection from the Department of Agriculture, the word on the street is that the Department is not anticipating much outlay in target prices for corn or cotton because the market prices will be in a range where that, deficiency payments, would not be required.

But if we are going to take up the farm bill we would like to see what kind of a package it is and what kind of items the administration would recommend and support. Until that is clear and it is more than just freezing the target prices, I do not think our

wheat farmers in my State or adjoining States want us to cave in and forget about it. I think they want us to be here fighting to see the whole package prior to caving in.

Mr. President, I have to assume that from what the Senator from Kansas—might I just enlighten the rest of the Senators who are here and those listening that apparently we have no agreement. This idea of just going into this bill at this time, agreeing to the motion to proceed, is not acceptable and we are trying to make it clear, and I think we have tried to make it abundantly clear not only today but in previous days in the Senate when we were debating this motion to proceed on the target price freeze bill, that we would like to not do that. We would like not to proceed on that and we would like not to proceed on this bill if it is open to attaching that other bill, and apparently that is the intention at this moment in time by the Senator from Kansas.

So, while I am not going to belabor the point greatly, I am just going to insist on the right to debate this motion and hopefully we can reach some agreement but apparently we have not reached it yet.

Mr. EXON. Will the Senator yield without losing his right to the floor?

Mr. MELCHER. Yes, I so yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I thank my friend from Montana.

Mr. President, I keep listening to Senators standing up on the floor of the Senate and continuing to imply that those of us who have well stated our position for the record, I believe, are somehow holding hostage the tobacco and dairy bill, and it just does not square with the facts.

As has been adequately said before but must be repeated, the bill that the majority leader and the distinguished chairman of the Agriculture committee are trying to bring up is a bill that specifically addresses dairy and tobacco sections of agriculture.

We have had no objections from the beginning when this first came on the calendar for it to be brought up. But as a result of the interests of the administration, in their attempt to cut target prices, they dreamed up the idea and induced some Members of the Senate to attempt to attach a reduction in target prices on the so-called diary-tobacco bill.

Once again, I emphasize, without pointing any fingers at anyone, this Senator does not desire nor will I at this time try to make this a partisan issue. It is strictly an issue of whether or not we are going to interrupt the slight yearly increases in wheat target prices that was enacted as part of the 1981 Farm Act.

If anyone will take the time and effort to go back and study the record at that time, they will find that this Senator was on the floor at that time saying that the target price at that time on wheat, corn, and feedgrains was not sufficient. And indeed the record will show that subsequent to the passage of the 1981 Farm Act, farm prices went down—not up, they went down—regardless of who was President of the United States at that particular time, to one of the lowest levels that we have seen for a long, long time if you take into consideration any cost of living or cost of production with regard to agriculture.

So now here we are, after enacting that 1981 act, which was too low at the time—and if you will also make the effort to check the discussion on the floor in 1981 when that Farm Act was passed, you will find that this Senator at that time said that the administration had driven a wedge in between the different farm interests, driving the wedge in the attempt to destroy the coalition that worked very hard over the years to try and pass reasonable and acceptable farm legislation.

So I just want to make it clear again, Mr. President, and in thanking my friend from Montana for yielding, that if we can work out some kind of arrangement to go ahead with the dairy-tobacco portion of the bill or the bill as it was presented, then as far as I know there is no Senator in the Chamber that would object. We are continuing to object and I think it should be well understood that we will do everything we can within reason and within our energy to prevent any Senator, as best we can, from further reduction of the target prices on wheat.

Once again, therefore, if there is blame to be affixed, let the blame fall where it is justly due.

I would simply say if there are those who wish to bring up a bill on reduction of target prices, they have that right as Members of this body. They should bring that up as a separate bill where it belongs and not improperly attach it to the measure before us which deals directly with dairy and tobacco products.

I thank my friend from Montana and I return the floor to him.

Mr. MELCHER. Mr. President, I want to express my thanks to the distinguished Senator from Nebraska and just echo what he has said.

Looking at the calendar, the bill on the target price freeze for wheat, feedgrains, and cotton is still there. It is still on the calendar. It can be called up at any time and need not be attached to the dairy and tobacco bill which the majority leader seeks to do by his motion to call it before the Senate today.

Mr. HUDDLESTON. Will the Senator from Montana yield to me?

Mr. MELCHER. In all fairness to the Senator from Kansas, whose astuteness on floor action is well recognized and appreciated, I must emphatically say we do not take away the right of that Senator or any other Senator to debate the quesiton of target prices when the majority leader chooses to move again on that bill.

I yield to the Senator from Kentucky, my distinguished ranking member of the Agriculture Committee, without losing my right to the floor.

Mr. HUDDLESTON. I thank the distinguished Senator from Montana. I just wanted to reiterate what has been said, that from the beginning of the efforts to deal with these three separate problems—in essence, the problems of the dairy program, which I think nearly all of us agree needs to be adjusted; the problems in the tobacco program, which need some fine tuning and can be approved; and the problems that some have felt, at least, exist in the target price program for the various grains—there has never been, to my knowledge—and I have worked with various Senators from the beginning—any opposition from the standpoint of those who have reservations about the wheat target prices, about moving ahead on the other programs if the leadership of the Senate or if the Department of Agriculture would accommodate that kind of action.

Up until this time, as far as I know, the Department has not at all reversed its position, which was a very adamant position, that the other items could not be discussed or voted upon without their being an up or down vote on the target price question. And I think that is why we are in the position that we are in now. And those who feel very strongly about target prices for gain and come from areas where it is a very important issue have had virtually no recourse in order to protect their constituents, in their view, except to take the action they have taken. But they have never, in my discussions with them, objected to moving ahead on the other issues.

I think it is important that we, in trying to work out some possible way to proceed here, bear in mind that situation. I think that that is pretty much their position right now.

I come from a State that of course is vitally interested in the question of tobacco. And I might say that that commodity and the growers of it have come farther than the growers of any other commodity that has been under any kind of a Government program in personally assuming the responsibility for the costs of that program. And we have what we refer to as a no net cost program, in which the growers contribute to a fund and make sure the Federal Government will not be liable for any losses that may occur. There are still some rough edges that need to be corrected in the program, but that

is neither here nor there at the present time.

I think the biggest problem confronting us in the agriculture field today is the dairy program. We are building up surpluses on top of surpluses—a tremendous expense for the Government.

The only thing that has been initiated to try to deal with the overproduction has been the 50-cent assessments, two of which are in the process of being applied. This is a very unsatisfactory approach, it seems to me, to the problem.

First of all, it does not give the consumer any kind of concession. It does not offer an opportunity of lowering the price of the product on the grocery shelves which might very well help sell the product and help eliminate some of the overproduction.

So the consumer is not benefiting at all from what is occurring at the present time.

Also, it has been demonstrated that this approach does not reduce production. It does the opposite, in fact, because the farmer who has 50 cents taken out of his check finds it necessary to produce all he can to make up for it, to keep his cash flow up there so he can service that farm debt. Consequently, he is not reducing his production. So the effort is counterproductive and the surpluses continue to grow.

I think it is incumbent that we address this question in the Congress of the United States. We made a good faith effort to do that beginning way back in the beginning of the year. Members of this Chamber, Members of the House of Representatives, members of various milk-producing organizations, members of the administration and the Department of Agriculture finally crafted and put together a very delicately balanced compromise bill that has been before us.

Frankly, I do not believe we can expect to obtain approval of that compromise piece of legislation among all the elements involved in it if we do not move pretty soon. Already, there are those who signed up as supporting it who are now having second thoughts. It may come apart at the seams if we do not deal with it fairly soon.

It seems to me it is prudent for those who have felt that a target price freeze on wheat was absolutely essential to back off that problem and look at what can be accomplished in these last few days of this session of Congress. I would hope that we would be able to move in that direction and arrive at some understanding that will accommodate all of us and at least will allow us to deal with what is the most important thing right now, that being the dairy program, and find a way to get that enacted and put into place. The consumer would benefit tremendously, certainly the American taxpayer would benefit, the dairy farmer would know what kind of a program he was dealing with and would be able to make whatever adjustments would be necessary from his standpoint, and we could move ahead.

I would agree with my colleagues, while I have been one who has generally felt that perhaps the time was here to freeze target prices, I agree with them completely that they have not obstructed the movement toward solving, to the extent that this legislation would solve it, the dairy problem, nor making the improvements that many feel are necessary in the tobacco program.

I thank the distinguished Senator from Montana for yielding to me for these remarks.

Mr. EXON. Will the Senator yield further?

Mr. MELCHER. First, I want to thank my distinguished friend from Kentucky for his remarks concerning the essence of fairness, the essence of providing the kind of advice and leadership on matters dealing with agriculture. He said that you can accomplish more by reasoning and compromising. Sometimes that is the essence of the art of government and the art of accomplishing legislative progress here in the Congress.

I yield to the distinguished Senator from Nebraska without losing my right to the floor.

Mr. EXON. I thank my friend from Montana.

I wonder if he might agree, without his losing his right to the floor, that I might ask a question of the Senator from Kentucky who has just spoken so eloquently on the problems faced at this time.

Mr. MELCHER. I so yield without losing my right to the floor.

Mr. EXON. I would like to inquire of the distinguished Senator from Kentucky, the ranking member of the Agriculture Committee, if, during the negotiations which led up to the tobacco compromise, which seems to be almost unanimously agreed to, at any time during those negotiations with other Senators and negotiations with the Secretary of Agriculture, leading up to the bill which is presently before us, was there ever any consideration during those discussions on tobacco that the target price on wheat or feed grains would be applied thereto before it had a chance to pass the Senate?

Mr. HUDDLESTON. First of all, I would like to hope the Senator was accurate in his statement that there is a unanimous feeling about the tobacco program. That would be a delight for those of us who have wrestled with and for that program throughout our service here in the Senate.

Mr. EXON. I said almost unanimously agreed to.

Mr. HUDDLESTON. No, there was never any idea. In fact, when the two were joined in the Agriculture Committee and reported out as one bill, they were looked upon as separate problems and looking for separate solutions. The Senator will recall in the Agriculture Committee, if I remember correctly, as we worked on that whole matter of the legislation we are dealing with, it was determined to submit the dairy and tobacco sections as a separate bill.

Mr. EXON. That was the second part of my question. The second part of my question is simply this: Likewise, the same conditions applied in that there was no connection with target prices when the arrangement was made with the Secretary of Agriculture with regard to the dairy portion of the bill presently before us. Is that accurate?

Mr. HUDDLESTON. I can only speak for myself. I was not aware of any at that time. Those meetings started early in the year, I think before there was even any talk or thought about what might be done in the feed grain field. As far as I am aware and as far as I knew at the time there was no quid pro quo relating to any other program as the dairy bill itself was considered.

Mr. EXON. I thank my friend from Kentucky.

If my friend from Montana will yield briefly for a further comment without losing his right to the floor, I would like to have a response to the questions I have just asked from the distinguished chairman of the Agriculture Committee. Does he agree with the assessment of the situation as just described by the ranking member of the Agriculture Committee with regard to tobacco and dairy products, that there was no quid pro quo anywhere along the line until just before the measures came to the floor? Is that accurate?

Mr. HELMS. I think the distinguished ranking minority member of the committee has stated it correctly. However, I must level with the Senator, the Agriculture Department is greatly interested in the target price legislation. As chairman of the committee, and I expect Senator HUDDLESTON as ranking member will say the same thing, I must say that you will never find either of us pitting one commodity against the other. It is essential, and the Senator from Nebraska knows this and the Senator from Montana knows this, it is essential that we try to get as much comity and cooperation as possible. But to answer the Senator's question, there has never been a quid pro quo presented to me in a proposal form and if it had been, I would have rejected it.

Mr. EXON. But the quid pro quo did come about shortly before the last recess when a group of us met in a room nearby with the Secretary of Agriculture where he, in a sense, told us

that he would not allow the agreement that he had made with the members of the committee on both agriculture products and tobacco to proceed unless we would give him what he wanted on the target price legislation. Is that accurate?

Mr. HELMS. I hope he did not use those words because while I have the highest regard for the Secretary of Agriculture he is not in a position to dictate to this Senator.

Mr. EXON. He may be in a position to dictate to some Senators.

Mr. HELMS. Not to this one and not to Senator HUDDLESTON.

Let me say again that he is interested in target price legislation, but I must say in all sincerity that no quid pro quo has ever been advanced to me.

I think he did say that, "We"—"we" being the USDA—"We could not support just tobacco and dairy without target prices." Well, that is a judgment uniquely for the Senate of the United States to make.

Mr. EXON. But he did not say that up until the time we were about to bring those measures out onto the floor and the general assumption was that they were going to pass. Is that correct?

Mr. HELMS. I believe I have to have the Senator ask the question again to make sure I understand it.

Mr. EXON. The Secretary of Agriculture agreed at one time on the compromise that was worked out on tobacco, did he not? Did he agree to that arrangement? That is, as presented in the bill before us now. Did he agree that he thought that was a good part of the legislation?

Mr. HELMS. Well, that is what he thought of the legislation when he saw it. Yes, he agreed to that. He did not dictate the terms of it.

Mr. EXON. I am sure he did not dictate to the chairman of the committee.

Did he also agree that the dairy portion of the bill, the measure before us, is something that the Department of Agriculture, headed by the Secretary, could live with?

Mr. HELMS. Yes, he did.

Mr. EXON. And when he indicated that he could live with both the dairy portion and the tobacco portion of the bill, before he indicated that he agreed to that, did he say at that time, "But I will not agree with them unless you will also address target prices in connection therewith?"

Mr. HELMS. My distinguished staff director has handed me a memo saying that the Secretary always had the administration support—administration support—for dairy and grain target prices.

Sure, that is the position he took. But I say to the Senator, our Members on this side have their own duties. We always welcome the advice of the Secretary and try to work with him, but he understands what our duties are and we understand what his responsibilities are.

Mr. EXON. Is the chairman of the Committee on Agriculture then telling the Senate that, from the beginning, the Secretary of Agriculture would not agree to the dairy portion of this bill or the tobacco portion of this bill unless—he would not support it unless target prices were connected thereto?

Mr. HELMS. Sure, Mr. President. I think that is common knowledge.

Mr. EXON. Is that common knowledge to the ranking minority member of the Committee on Agriculture?

Mr. HUDDLESTON. I did not hear the question precisely, Mr. President, but some time between the time that the packages were put together and they came to the floor, there was a strong indication from the Department that they wanted a vote on all of them at the same time.

Mr. MELCHER. I might add, Mr. President, that it even goes back farther than that. At the time that the PIK program was initiated by the Secretary of Agriculture—he initiated it on his own, under authority that Congress has allowed for the Secretary of Agriculture. He wanted a bill in December. When we refused to give him a bill in the Senate, because it seemed to me—at least to me—to be buying a PIK in a poke without knowing more about exactly how he is going to use any additional authority, he decided in January to go ahead with PIK. He got the Office of Management and Budget on board, David Stockman, on the basis that Stockman would OK PIK if the Secretary could assure him that target prices on wheat and feed grains and cotton would be frozen for the 1984–85 crops.

In all fairness to the Secretary of Agriculture, Mr. President, he did not have any assurance from Senators or House Members that, indeed, Congress would agree to that proposition.

How David Stockman became so certain that if he OK'd PIK, target prices on these commodities would be frozen, I do not know. I think it is simply a misunderstanding between the Secretary and David Stockman, because such was not the agreement between the Secretary and the committee on either side, Republican or Democrat, in the Senate nor the agreement in the House Agriculture Committee between the Democratic and Republican side over there, nor was there any such agreement among the leadership of the House or Senate, Republican or Democrat. So, somehow, the approval by the Office of Management and Budget through David Stockman as the Director to recommend to the White House that the PIK program go forward under the authority the Secretary had in following out his recommendations—it went forward but there was no quid pro quo that I am aware of by anybody in Congress or the Secretary of Agriculture that, indeed, target prices were assured to be frozen.

It takes a statute to do that, Mr. President, and the Secretary well knew that he would have to approach the committees, first of all, in the House and the Senate to see whether that would be considered. It was considered by the Senate committee and was approved by a very narrow margin, which indicated it was in trouble from the start.

Mr. HELMS. Will the Senator yield?

Mr. MELCHER. Yes, I yield.

Mr. HELMS. With the understanding that the Senator not lose his right to the floor, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I think we are far closer together than is indicated by the debate going on. Let me renew my suggestion to the distinguished Senator from Montana and the distinguished Senator from Nebraska and others that we put the Senate in a quorum call and see if we cannot come up with some sort of unanimous consent that will be accommodating to everybody concerned. Would the Senator be willing to do that, with the understanding that when the quorum call is called off and business resumed, the Senator from Montana would have the floor?

Mr. MELCHER. Yes, Mr. President, I shall be willing to do that very shortly.

Mr. HELMS. Very well. Whenever the Senator is ready.

Mr. MELCHER. I think it behooves all of us who object to consenting to the proposal that the administration freeze target prices to come up with some sort of better proposal before we change any part of the Farm Act. Let me briefly state I have consulted with Department of Agriculture officials earlier, both Richard Lyng and Secretary Block. I recommended that if we are going to put together a package, we put in that package a better way to sell the oversupply of commodities that we now have on hand to the traditional buyers in other countries that we deal with, such as Mexico and the Philippines, and to use authority that is now already present under statute, the authority given to the Secretary of Agriculture, or to add to that authority the direction that concessionary sales will be made to such countries and that we do that with a twofold purpose: One, because we do have an oversupply, and every business with an oversupply knows that the best way to handle that is to reduce that supply by reducing the price to those customers that we have and to hold onto those customers, those traditional buyers of our commodities.

Mexico and the Philippines both fit into that category. Concessionary sales to them to reduce the price of the commodities here is simply good business practice. The peso in the Philippines has reduced in valued compared to the American dollar. There was announcement today that there are 14 pesos of the Philippine currency to the American dollar, an increase of 10 over a scant 2 years ago. The difference in peso compared to the American dollar in Mexico is even more dramatic. What was 12½ pesos to the dollar 2 years ago is now 147 Mexican pesos to the American dollar.

There countries are losing their purchasing power with us. We should retain them as customers and concessionary sales are certainly in order. I say that on a broad basis, whether it is wheat or milk products. Those people can use the commodities if it is priced right.

With the African countries that are suffering from starvation, I suggest that we could certainly use the title II and title I food-for-peace with them also, which I think in their case we are going to probably have to be talking about donations simply because I do not know that they have any money. But they are starving and we should provide that.

These are ways that we can improve our present situation, and the cost would be minor, certainly infinitesimal, compared to the cost of PIK, which in my judgment goes the wrong way because we are just paying for not producing. In this case we would be using a lot less money to make sure that friendly countries could retain their good feelings toward us and help their people who are malnourished.

Mr. President, under the conditions previously stated, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

Mr. PRYOR. I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SAM AND HELEN WALTON

Mr. PRYOR. Madam President, on Saturday of this week, October 8, the city of Bentonville in northwest Arkansas will recognize two of its longtime favorite citizens: Sam and Helen Walton.

The nature of this recognition indicates something of the depth of feeling and appreciation all of us in Arkansas feel for this remarkable couple. Bentonville Junior High School, completed only a few years ago, will be renamed in honor of Sam Walton. And the Bentonville Child Care Center will be named in honor of his wife, Helen.

For years, the Walton family has spent tireless hours on behalf of other people, both in the State of Arkansas and throughout our region of the country. Their activities range from education to health care to recreation and sports, from raising children to raising the morale and spirits of hundreds of dedicated employees.

Sam Walton's story is a remarkable example of the ingenuity and inventiveness of the American character. Beginning with a small retail store of modest earnings, he widened this sphere of activity into one of the largest chains of variety stores in America.

Wal-Mart is now located in 17 States with 619 individual outlets. Nine new stores opened just this week. And the company expects to do more than $4 billion in business this year.

But that is not the whole story. What the Waltons have contributed to their State is beyond calculation. They have funded scholarships at the University of Arkansas and the College of the Ozarks. Both have been instrumental in the founding of the new Fulbright School in Fayetteville, an important addition to the university campus that promises to be a major center of public administration.

The Waltons demonstrate the strength of our private sector. A measure of this dedication is the constant interest they have taken in their own employees, providing health care facilities and benefits to the children and dependents of Wal-Mart staff and workers.

There is not more appropriate or fitting recognition than for Bentonville to proclaim this Saturday a day for Sam and Helen Walton. They truly deserve this honor, and I commend their example to my colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DAIRY AND TOBACCO ADJUSTMENT ACT OF 1983

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Madam President, the situation now is that a motion to proceed to the consideration of S. 1529 is pending. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. I am going to make two unanimous-consent requests.

First, I ask unanimous consent that if and when the Senate reaches S. 1529, no amendment dealing with target prices or loan rates relating to commodities other than dairy or tobacco be in order.

The PRESIDING OFFICER. Is there objection?

Mr. HEFLIN. Madam President, reserving the right to object——

Mr. BAKER. Madam President, I must amend the request in one respect.

It would read that no amendment dealing with target prices, support prices, or loan rates relating to commodities other than dairy or tobacco be in order. The addition is the words "support prices."

The PRESIDING OFFICER. Is there objection?

Mr. HEFLIN. I have no objection.

Mr. DOLE. Madam President, reserving the right to object—and I shall not object—I think the majority leader will indicate that in a few moments, upon disposition of this bill, he might move to the consideration of another bill.

Mr. BAKER. Madam President, if I may say so at this point, this unanimous-consent request is framed so that it would apply if and when we reach that bill. We have not yet reached that bill. If this unanimous-consent request is granted, the next request I will put is that the Senate first proceed to the budget waiver which underlies S. 1529; then to S. 1529, which is the dairy and tobacco bill against which this unanimous-consent agreement would apply.

After the disposition of the dairy and tobacco bill, it is the intention of the leadership on this side to go next, or try to go next, to H.R. 2733, Calendar No. 262. That is not included in this agreement. It is simply an announcement on behalf of the leadership on this side that after the dairy and tobacco bill is disposed of, if it is disposed of, it would be the intention then of the leadership to attempt to go to H.R. 2733.

Mr. BYRD. What is H.R. 2733?

Mr. BAKER. That is the other farm bill.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, reserving the right to object, I want to be sure I understand what the other bill is.

Madam President, I reserve any reservation.

Mr. MELCHER. Madam President, reserving the right to object—and I shall not object—I only rise to make it clear that what the majority leader is proposing is eminently fair; that after

the disposition of the dairy and tobacco bill, he would anticipate asking unanimous consent—and if he does not get it, to move—to take up the other bill with the target price freeze in it.

Not only do I appreciate that, but also I think all of us on this side of the aisle should know that those of us who might continue to oppose that bill are duly notified of what the majority leader intends to do, and I very much thank him for that.

If the conditions remain the same as they are at this time, some of us would want to discuss and debate the motion to proceed to the bill.

Mr. EXON. Madam President, reserving the right to object—and I shall not object—I simply want to thank all parties involved for their cooperation. We want to move ahead. No one is giving up any rights. What we have essentially agreed to is that loan prices, target prices, and support prices will not—I emphasize will not—be in order on the measure before us. No one is giving up any rights on any subsequent legislation, one of which might be the bill to which the majority leader just referred.

The PRESIDING OFFICER. Without objection, the unanimous-consent request is agreed to.

The text of the agreement follows:

Ordered, That during the consideration of S. 1529 (Order No. 261), a bill to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes, no amendments relative to target prices, support prices, or loan rates relating to commodities other than dairy or tobacco shall be in order.

Mr. BAKER. Madam President, I thank all Senators. I, of course, thank the minority leader for his consideration of this matter. I especially thank the Senator from Nebraska (Mr. EXON), the Senator from Montana (Mr. MELCHER), the Senator from North Carolina (Mr. HELMS), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Kansas (Mr. DOLE), as well as others who were deeply involved in this matter: the Senator from Oklahoma (Mr. BOREN), the Senator from Alabama (Mr. HEFLIN), and the Senator from Kentucky (Mr. HUDDLESTON), who is the ranking minority member of this committee. This agreement simply could not have been reached without his good cooperation and attention to detail.

BUDGET ACT WAIVER

Mr. BAKER. Madam President, I ask unanimous consent that the Senate now turn to the consideration of the Budget Act Waiver, which is Senate Resolution 166, Calendar Order No. 301.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 166) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to consideration of S. 1529.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HELMS. Madam President, I urge the Senate to adopt Senate Resolution 166 so that the Senate may proceed to the consideration of S. 1529, a bill to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes.

Senate Resolution 166 waives the provisions of sections 303(a) and 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1529.

At the time Senate Resolution 166 was reported, waiver of section 303(a)(4) was necessary to permit consideration of new spending authority to become effective in fiscal years for which the first concurrent resolution on the budget had not been agreed to. It is my understanding that since the first concurrent resolution on the budget for fiscal year 1984 has now been agreed to, waiver of section 303(a)(4) of the Congressional Budget Act of 1974 is no longer necessary.

The waiver of section 402(a) is necessary to permit consideration of statutory authority to provide appropriations to carry out certain activities of the Secretary of Agriculture in connection with a dairy research and promotion program that is provided for in the bill.

It is important that we enact the dairy and tobacco provisions of S. 1529, along with changes in the target prices for the 1984 and 1985 crops of wheat, feed grains, upland cotton, and rice that will be offered as an amendment, as soon as possible.

Therefore, I urge adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

S. RES. 166

Resolved, That pursuant to sections 303(c) and 402(c) of the Congressional Budget Act of 1974, the provisions of sections 303(a)(4) and 402(a) of such Act are waived with respect to the consideration of S. 1529, a bill to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes.

The waiver of section 303(a)(4) is necessary to permit consideration of new spending authority to become effective in fiscal years for which the first concurrent resolution on the budget has not been agreed to. Specifically, S. 1529 provides new spending authority under section 401(c)(2)(C) of the Congressional Budget Act of 1974 for the Secretary of Agriculture to carry out a diversion program for dairy producers to become effective on the date of enactment and extend through December 31, 1984.

The waiver of section 402(a) is necessary to permit consideration of statutory authority to provide appropriations to carry out certain activities of the Secretary of Agriculture in connection with a dairy research and promotion program.

Mr. BAKER. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. HELMS. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DAIRY AND TOBACCO ADJUSTMENT ACT OF 1983

Mr. BAKER. Madam President, I ask unanimous consent that the Senate now turn to the consideration of Calendar Order No. 261, S. 1529.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1529) to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HELMS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DAIRY AND TOBACCO ADJUSTMENTS

Mr. HELMS. Madam President, there are not two groups of citizens of this Nation who are more hard working and dedicated than dairy farmers and tobacco farmers. Both kinds of farmers are the epitome of what is best about the incredibly diverse agricultural production base with which the United States is blessed. Dairy farmers and tobacco farmers operate what, for the most part, are small

farms. Both are involved in commodities in which—for different reasons—the programs are unique from the other kinds of farm programs operated and supervised by the Government.

Right now both kinds of farmers have found their programs in need of comprehensive overhaul if they are to continue to operate equitably and efficiently.

It is for this reason that the Committee on Agriculture, Nutrition, and Forestry ordered the changes needed in each program reported in the same bill, S. 1529.

Madam President, I shall now briefly describe the details of the modifications of both the dairy and tobacco programs.

DAIRY PROGRAM ADJUSTMENTS

Since the beginning of the 97th Congress, it seems as though we have continually dealt with the dairy price support program. We have, in fact, deliberated in this Chamber no less than four times since early 1981 in search of a solution to the dairy surplus problem. S. 1529 places before the Senate a compromise, and I repeat for the purpose of emphasis a compromise dairy program which, I believe, should put this issue to rest certainly until consideration begins on the 1985 farm bill.

In view of the failure of previous congressional actions to reduce the amount of dairy product purchased by the Government, the Agriculture Committee adopted a three-pronged approach in addressing the problems associated with the dairy price support program. I am here to testify that this package is in every sense of the word a true compromise. It provides for a program that is fair, although it does not leave any one group totally satisfied, and I can testify to that.

Briefly, the bill before us calls for a 50-cent reduction in the price support level to go into effect on October 1, 1983. If, on January 1, 1985, Government purchases are predicted to exceed 6 billion pounds milk equivalent for the calendar year, then the support price would drop an additional 50 cents. If on July 1, 1985, Government purchases are predicted to exceed 5 billion pounds during the next 12 months, the price support level would be dropped 50 cents. However, if on July 1, 1985, the Secretary of Agriculture estimates that purchases over the same period would be 5 billion pounds or less, and determines that it would be necessary in order to insure adequate supplies of milk, the support price would be increased 50 cents.

The Secretary would also be required to collect a 50-cent per hundredweight assessment from every producer through December 31, 1984. This assessment would be used to help finance a paid diversion program whereby any producer may sign up to reduce production from 5 to 30 percent, and be paid for his reduction at a rate of $10 per hundredweight.

Furthermore, the package includes a national dairy promotion program. Under this program, every producer would be assessed 15 cents on every hundredweight of milk marketed to finance a research and promotion program aimed at increasing consumption of milk and dairy products. Producers who already contribute to qualified local or State programs would receive up to 10-cents credit for these contributions.

Now, Madam President, producers from just about everywhere in the country have found parts of this compromise which they do not prefer, and dairy farmers in my State are no exception. They pretty much produce solely for North Carolina's fluid market. With none of their production being purchased by the Government, they do not feel they should have to pay an assessment to help offset the cost of the support program.

I personally have some reservations about the paid diversion program. It is untested and will be difficult to administer. In addition, heavy participation by producers from the Southeast could well result in a shortfall of locally produced milk in the region—requiring that more milk be brought in from outside the region.

However, in spite of these flaws, I do support this compromise package. In light of both the time constraints before us, and our previous difficulties in producing effective dairy legislation, I feel this legislation is about the best that can be expected.

Included in the legislation is a 50-cent reduction in the support level. I have long thought the way to solve the surplus problem is by adjusting the price support level. According to the Milk Industry Foundation, this reduction will result in an annual savings for the American consumer of $600 million.

In addition, past experience tells us that a price support reduction will reduce Government purchases of surplus product, and thus, reduce the cost of the program to the taxpayer. Price support reductions in 1954, 1958, and 1962 each brought about significant reductions in Government purchases.

Furthermore, the compromise puts an eventual end to collection of the assessment and is designed to solve the surplus problem. Hopefully, the paid diversion will successfully bring purchases down to acceptable levels. However, if it does not, deeper price support reductions will go into effect, discouraging surplus production.

It is now imperative that Congress quickly take some decisive action aimed at reversing the spiraling costs of this program. In addition, it is time to resolve the uncertainty surrounding the dairy program which is causing disarray all along the production and distribution chain as farmers and manufacturers alike continue to put off basic economic decisions necessary to bring production more in line with demand.

In the face of excessively high Government costs, the patience of the taxpayer is wearing thin. Even if collection of the assessment continues as planned, the taxpayer will still have to pay nearly $2.4 billion for the purchase of surplus products in fiscal year 1983. Over the past couple of months we have seen a surprising amount of momentum building in the House of Representatives in support of the Conable amendment, which would reduce the price support level by $1.50. Last year, we would have thought that such a proposal was too drastic. Now, however, it is getting credible support. Who knows how drastic the proposal will be if we fail to put together reasonable reforms this year.

After more than 2 years of confusion with the dairy program, we owe it to taxpayers, consumers, dairymen, and others involved in the industry to produce a more responsible and effective program. The compromise before us today took a lot of time and effort to put together. If we scrap it here, we will be sent back to square 1 with the time on the clock running out. The compromise has wide support and appears likely to leave us with a program more fiscally responsible and effective than we have today.

Now, Madam President, let me go into a little more detail on the background of the dairy problem and the provisions in the bill.

For many years, the dairy price support program successfully fulfilled its goal of providing adequate supplies of wholesome and nutritious fluid milk and dairy products at reasonable prices to consumers and at minimum cost to taxpayers. However, recent years have seen milk production far outpace demand, leaving the Government to purchase unacceptable and increasing amounts of surplus dairy products.

The cost of the price support program has grown from $250 million in 1979 to more than $2.2 billion in 1982. Expenditures for fiscal year 1983 could reach nearly $2.7 billion. These unprecedented expenditures have left the Government owning a huge and growing surplus of dairy products. As of August 6, 1983, the Commodity Credit Corporation owned 481 million pounds of butter, 942 million pounds of cheese, and 1.35 billion pounds of nonfat dry milk for which there is little market.

Madam President, I ask unanimous consent to have printed in the RECORD the following table showing CCC purchases of dairy products since 1970.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PURCHASES OF SURPLUS DAIRY PRODUCTS

	Net market removals (billion pounds milk equivalent)	CCC net expenditures (millions)
Marketing year:		
1970/71	7.1	$383.5
1971/72	6.6	369.9
1972/73	4.9	264.6
1973/74	.7	77.0
1974/75	2.4	318.7
1975/76	.9	258.9
1976/77	6.9	714.3
1977/78	3.2	451.4
1978/79	1.1	250.6
1979/80	8.2	1,279.8
1980/81	12.7	1,974.8
1981/82	13.8	2,239.2
1982/83 [1]	16.3	2,695.0

[1] Projection assuming no collection of assessment.

Mr. HELMS. Madam President, the great expansion in production which precipitated the rise in program costs and corresponding growth of Government-owned surpluses was the result of a number of factors. In the Food and Agriculture Act of 1977, Congress, fearing projected milk shortages, decided to increase the price support level to 80 percent of parity, adjusted semiannually.

From 1978 through 1980, the unusually high support price was continually increased because of inflation. Specifically, from the beginning of fiscal year 1978, to the beginning of fiscal year 1981, the support price increased 40 percent. The distorted increases in the support price, along with low feed costs, reduced prices for beef, and depressed markets for other commodities combined to encourage many dairy famers to increase production, and some farmers outside of dairying to take on milking cows.

In addition, over the past few decades, dairy cows have become increasingly more productive. Well established, and continually improving genetic procedures have increased the productive capacity of each dairy cow at an average rate of more than 2 percent per year over the last three decades.

Coupled with this increase of productive capacity has been lagging consumption. Thirty years ago, the average American consumed the equivalent of 700 pounds or 350 quarts of milk a year in the form of fluid milk and dairy products. Today, per capita consumption averages the equivalent of 520 to 530 pounds or 260 to 265 quarts of milk. Over the past 20 years, there have been substantial decreases in the consumption of butter, cream, and plain whole milk. Consumption of lowfat milk and cheese, however, have increased significantly during this same period.

The lagging consumption of milk can be attributed to a number of factors. However, a major cause has been the price support program. By guaranteeing a market for all dairy production, the Government reduces the incentive for the industry to go through the expense of promoting its products. Furthermore, attempts at voluntary promotion programs have traditionally faltered, as all those who benefit from the programs are not always willing to pay for the promotion. Advertising expenditures for milk lag well behind that for competing products.

Madam President, I ask unanimous consent to have printed in the RECORD the following table illustrating this imbalance.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

1980 Advertising Expenditures

[In millions of dollars]

Soft drinks	349
Coffee/tea	240
Powdered drinks	65
Fruit juices	58
Milk	29

Source: Associated Milk Producers Inc.

Mr. HELMS. Madam President, in face of the prospect of growing milk production and Government purchases, Congress took action in 1981 to adjust the price-support level. In March 1981, Congress passed S. 509 (Public Law 97-6) foregoing the scheduled April 1 increase in the support level. The issue, however, was more thoroughly addressed as part of the Agriculture and Food Act of 1981. As part of that act, Congress decided to maintain the support level at $13.10 per hundredweight through fiscal year 1982, and increase the level to $13.25 for fiscal 1983, $14 for 1984, and $14.60 for 1985. Under this provision, these levels would be increased if CCC purchases were estimated to drop below $1 billion for the upcoming fiscal year.

However, it soon became apparent that, even with these price-support adjustments, CCC purchases would continue to increase. In February 1982, production was up 2.3 percent, and purchases were up 7 percent from the year before. There were also nearly 150,000 more milking cows than the previous year.

Faced with ever increasing production and Government costs, Congress again addressed the surplus problem as part of the Omnibus Budget Reconciliation Act of 1982. With the intention of again addressing the issue before the end of the 97th Congress, the Senate voted to freeze the price-support level at $13.10 per hundredweight. The House of Representatives took a different approach, approving a base program similar to the dairy stabilization program proposed by the National Milk Producers Federation.

The resultant conference produced the dairy assessment program. Under this program, the price support was kept at $13.10 per hundredweight. In addition, the Secretary of Agriculture was authorized to collect $1 from farmers for every hundredweight of production sold. The first half of this assessment, payable beginning in 1982, would be nonrefundable, but the second 50 cents, payable beginning April 1, 1983, could be refunded to farmers if they could demonstrate that they had reduced output by slightly more than 10 percent of their previous 24 months' production.

Once again, it soon became apparent that additional changes would be needed to address the problems associated with the price support program. The first 50-cent assessment was put into place on December 1, 1982, but it proved to be extremely unpopular with dairy farmers. In early January, several farmers and other interested parties successfully petitioned the courts to enjoin collection of the fee on the basis that the Department of Agriculture had failed to comply with Federal rulemaking requirements in issuing regulations to carry out the program.

Shortly after the court injunction was issued, the Secretary of Agriculture reissued the regulations governing the 50-cent assessment. After providing an opportunity for public comment, final regulations took effect on April 16, 1983. The fee was just recently upheld by the Fourth Circuit Court of Appeals.

On May 31 the Secretary issued the regulations governing the second assessment for public comment. The Department put the refundable fee into effect on September 1, 1983. This fee will start being deducted from most producers' milk checks on or after October 10, 1983.

Not only has the assessment program done little to offset the cost of the price support program, it has been unsuccessful in addressing the basic problem of overproduction as well. In February 1983, milk production was again up nearly 2.3 percent from the previous year, and Government stocks were up nearly 21 percent from the previous February.

In view of the inability of previous congressional actions to reduce the amount of dairy product purchased by the Government, the committee adopted a three-pronged approach in addressing the problems associated with the dairy price support program.

DAIRY PROGRAM MODIFICATIONS

PRICE SUPPORT ADJUSTMENT

Effective October 1, 1983, the bill lowers the price support for milk to $12.60 per hundredweight. If on January 1, 1985, the Secretary of Agriculture estimates that Government purchases for the calendar year would exceed 6 billion pounds milk equivalent, the Secretary would be required to reduce the support level by an additional 50 cents to $12.10 per hundredweight.

Furthermore, under the bill, if the Secretary estimates on July 1, 1985, that Government purchases for the next 12 months would exceed 5 billion pounds, he would again be required to reduce the support level by 50 cents per hundredweight. However, if the Secretary estimates that purchases over the same period would be 5 million pounds or less, and determines that it is necessary in order to ensure adequate supplies of milk to meet demand, the Secretary would be required to increase the support price by 50 cents per hundredweight.

DIVERSION PROGRAM

Recognizing that a price support drop would not in itself bring about enough of an immediate reduction in production to satisfy the budgetary constraints faced by Congress, a temporary milk diversion program to reduce milk production was included in the package. Under this program, producers who choose to reduce production from 5 to 30 percent below their base would receive an incentive payment of $10 for every hundredweight of reduced milk production below their base. A producer's base would be his choice of either his 1981/1982 marketings, or the average of his 1980/1981 and 1981/1982 marketings for the number of months during each such period that correspond to the length of the producer's diversion contract.

The program would be carried out through a system of contracts. Producers would contract with the Secretary to reduce production by a certain amount and would then be held to the agreed upon reduction with a relatively narrow tolerance to account for production fluctuations. A producer who falls short of the contract reduction by more than the allowable tolerance would not receive payment for any reduction in production.

The diversion payments would be financed by a mandatory deduction of 50 cents per hundredweight from the price of all milk marketed beginning with the date of enactment of the amendment.

Under an amendment to be offered the diversion program would be implemented following enactment of the bill. The program and deductions would end 15 months after implementation. On April 15, 1985, the Secretary would be required to issue a report on the effectiveness of the paid diversion. The diversion program and the 50-cent price deduction are inseparably intertwined. To this end, the bill provides that if the Secretary should be enjoined by any court from implementing the price deduction provisions, the Secretary must immediately suspend making any diversion payments until such time as the court action is overruled or terminated.

In addition, to facilitate administration of the program the bill prohibits the transfer of a base from one producer to another producer except in the event of death, gift, or intrafamily transfer. Further, no person who has entered into dairy production after December 31, 1982, may participate in the diversion program unless he has acquired a base under the foregoing provisions.

Since the committee reported out the dairy compromise as title I of S. 1529, it has been brought to my attention that there is some confusion concerning the language in the bill establishing the paid diversion program which authorizes the Secretary of Agriculture to make adjustments in the diversion contracts under certain circumstances. Upon a close reading of the bill, it appears that the Secretary would have the authority to make such adjustments on a regional basis. Use of this authority, however, may not be a very good idea since it could result in inequitable treatment of producers in a particular region that was not intended by the committee. I also understand that some Department officials have indicated that they cannot conceive of the Secretary making any adjustment on a regional basis, but that such adjustments would be made only on a national, uniform basis as necessary to prevent the program from resulting in a national shortage of milk.

An adjustment of diversion contracts on any basis other than a uniform, national basis could be extremely inequitable to some producers. For instance, such an adjustment would result in the dairy farmers in one or another area of the country, such as the Northeast, Southeast or Southwest being required to pay 50 cents per hundred-weight on all production but not being able to participate fully in the diversion program by receiving the same diversion payments as paid elsewhere for milk reduction.

Although I do not want to tamper with the language of the dairy compromise at this time, I strongly urge the Secretary not to consider any regional adjustment in connection with the administration of the paid diversion program once this legislation is enacted. There is ample evidence that fresh milk can be transported long distances if the need for additional supplies in a particular area arises under the operation of the diversion program. Thus, so long as there is ample milk production in the Nation there should be no case in which a regional adjustment of diversion contracts is necessary.

DAIRY PROMOTION PROGRAM

In order to further stimulate demand for fluid milk and dairy products, the bill includes a nationwide promotion program to provide for the carrying out of a coordinated program of dairy promotion to maintain and expand markets for dairy products.

Under this program, which was proposed by producer groups, each producer would be required to contribute 15 cents for each hundredweight of milk marketed commercially. The producer would, however, be given credit for up to 10 cents per hundredweight of what he pays to any State or regional promotion program approved by the Secretary. This credit will insure that local promotional efforts, whether they be the result of State laws or cooperative contracts, are as unaffected by this bill as possible.

The bill establishes a national dairy board which would be responsible for administration of the order subject to the general supervision of the Secretary. The members of the board would be selected by the Secretary, from nominees submitted by appropriate milk marketing organizations, so that all regions of the country are properly represented. Since much of the board's work would be carried out through an executive committee, the bill specifies that the executive committee should also be representative of every region.

The board is required to solicit and screen proposals to develop and implement advertising and other promotional programs that would increase the commercial sales of dairy products and to conduct research into products and processes that would increase the use of milk.

The bill also requires that a referendum be held during the period August through September 1985, to determine whether the promotional checkoff will be continued; 50 percent of those voting must vote in the affirmative in order for the progam to be continued after the referendum. The bill further authorizes bona fide producer cooperative associations to vote their membership as a bloc except that each member would have to be given an opportunity to cast an individual ballot by appropriate notice at least 30 days prior to the referendum.

In addition, on July 1 of each year following enactment of the promotion program, the Secretary of Agriculture would be required to submit to the Senate and House agriculture committees an annual report on the activities of the board, and an independent analysis of the effectiveness of the program.

ADDITIONAL STUDIES

Last year, as part of the Agriculture Appropriations Act for fiscal year 1983, the Senate agreed to raise the minimum standards of solids-not-fat for fluid milk. Although this provision was subsequently dropped in conference, the proponents of the amendment suggested that raising the standards would both increase consumer consumption of fluid milk and leave the CCC with less nonfat dry milk to purchase. As part of the package the

Secretary of Agriculture is required to report by July 1, 1984 on the impact of applying nationwide, standards similar to those passed by the Senate last year.

The bill also directs that the method by which the milk support price is calculated be studied. The study would review the application of the parity formula to milk so as to make the formula more consistent with modern production methods.

TOBACCO PROGRAM ADJUSTMENTS

Madam President, the tobacco program adjustments proposed in S. 1529 follow on the heels of substantial and significant modifications made in the tobacco program in 1982. These proposed adjustments build upon each of the 1982 modifications and take them further in the direction intended so as to make the tobacco program more effective and more acceptable to the American people. It is our intention and hope that these adjustments will restore profitability and economic strength to U.S. tobacco farmers in all of the States where tobacco is produced.

The No Net Cost Tobacco Program Act of 1982 (Public Law 97-213) provided for a number of changes in the basic law. The operation of the tobacco price support and production adjustment program is now required to be done in such a manner as to result in "no net cost" to the American taxpayers, except for administrative expenses incidental to the operation of any commodity program. This is accomplished through producer contributions and assessments to a fund or account used to reimburse the Commodity Credit Corporation for any net losses it may suffer through its loan agreements with producer associations in carrying out the tobacco price support program.

The 1982 act also limited increases in the support price for tobacco to make U.S. produced tobacco more competitively priced. The 1982 act provided for the sale of Flue-cured allotments and quotas and put certain restrictions on the holding of allotments and quotas to encourage the movement of allotments back to farms to which they are assigned. This was done to better assure that actual farmers would be the principal beneficiaries of the tobacco program.

Madam President, I might interject that not everyone in North Carolina is in love with this proposal. I guess the true test of a compromise is that if no one likes it, then it has a fair chance of being perceived as being relatively fair.

In any case, Madam President, the further adjustments in the bill fall into seven categories. First, there is further adjustment of the price support level to assure that U.S. tobacco is competitively priced;

Again I would like to interpolate just a bit to say that if I have heard it one time I have heard it a thousand times from tobacco farmers from my State and other States that they want to be competitive in the world market to a far greater extent than now is the case.

Farmers realize the necessity of doing this, and that is why they have agreed to this compromise even though they are not all that fond of it.

Second, further restrictions are placed on the holding of Flue-cured tobacco allotments, and specific restrictions are placed on the leasing and transferring of quota off the farm to which it is assigned.

Third, the double assessment is eliminated so that farmers have only to pay once into the no net cost fund for Flue-cured tobacco established in the 1982 act. That is a matter of simple fairness, in the judgment of this Senator.

Fourth, provision is made to permit the Secretary of Agriculture to distribute a greater amount of the Flue-cured national acreage allotment to new growers each year.

Fifth, the mandatory sale of allotments by nonfarming entities is adjusted to operate more equitably and efficiently.

Sixth, the bill provides that associations carrying out the price support program will have use greater flexibility than now accorded them by USDA in the use of the no net cost funds or accounts.

Seventh, there are certain technical amendments, such as changing dates for certain program announcements and crop estimates and to provide for better administration of the tobacco program in general.

Now, permit me to address each of these changes in detail.

ADJUSTMENT OF THE PRICE SUPPORT LEVEL

It was anticipated that use of the authority provided in the No Net Cost Tobacco Program Act of 1982 to modify price support increases would make U.S. tobacco more competitive with foreign tobacco and would result in less tobacco going into loan stocks. However, this has not occurred. Even with the modified price support increases domestic tobacco is still priced significantly higher than foreign leaf. Without competitive price, exports are continuing to decline, thus resulting in a weak market which caused a higher percentage of last year's crop to go under loan.

In order to resolve this situation, a further adjustment in the price support level is necessary. Under the bill, the price support level for the 1984 crop of Flue-cured tobacco would be frozen at the 1982 support level. Senators will recall that the 1983 price support level for all quota tobacco was frozen at the 1982 level in a bill we passed just a few months ago. Further, the price support level for the 1985 crop of Flue-cured tobacco would be frozen at the 1982 support level if the 1985 support level would not be more than 5 percent greater than the 1984 support level as determined under the regular formula.

The bill also provides that for the 1984 and 1985 crops of burley, Fire-cured, dark air-cured, sun-cured, and cigar and binder tobaccos, the Secretary of Agriculture is authorized to establish price support levels for each of such crops at levels that will not narrow the normal price-support differential between Flue-cured and such other tobaccos. Before exercising this authority, however, the Secretary would request public comment on, and take into consideration, changes in the costs of producing such other tobacco, the supply and demand conditions for such tobacco, and such other relevant factors as the Secretary determines appropriate. Under this authority, the committee expects the Secretary to establish for burley tobacco the support level at such level as will not narrow the 1982 price-support differential between Flue-cured tobacco and burley tobacco. With respect to the other kinds of tobacco, it is expected that the Secretary will not increase the differential that existed in 1982 between the support level for each such kind and the Flue-cured support level.

These changes will improve the competitive position of U.S. tobaccos in world markets. Interrupting the escalation in the price of U.S. tobacco will enable our product to become more competitive with foreign tobacco. Therefore, less of it would go into loan stocks, reducing CCC's outlays and potential grower contributions to cover CCC losses.

LEASING OF FLUE-CURED TOBACCO ALLOTMENTS AND QUOTAS

The bill addresses the concern that the tobacco program benefits allotment owners who are not directly involved with the growing of tobacco. Some allotment owners do not desire to grow the allotment and instead lease their quota to an active producer. The actual cultivation of the crop may be done either on the farm to which the allotment was assigned or the quota may be transferred to another farm. Usually, but not always, this transaction is made on a cash rent basis with the rental paid prior to the growing season.

In order to encourage owners to become directly involved with the growing of the crop or to sell their allotments, the bill would permit, beginning with the 1984 crop year, the lease and transfer of the Flue-cured tobacco quota off the farm to which it is assigned only if the lessor "shares in the risk" of producing the crop. This is achieved by requiring that no pay-

ment on the lease prior to the sale of the crop would be permissible.

This restriction is designed to provide for a more equitable relationship between the lessor and the lessee so that both would share in the potential risk from the growing of tobacco.

Furthermore, beginning with the 1987 crop, the lease and transfer of Flue-cured allotments and quotas would be prohibited except for quotas consisting of 3,000 pounds or less. The tobacco would be required to be grown on the farm to which it was assigned unless it was combined with another farm in those instances in which the entire farm was leased.

The provision for the continuation of lease and transfer in the case of relatively small quotas of 3,000 pounds or less would last only through the 1989 crop when all lease and transfer of Flue-cured allotments and quotas would be terminated. The exemption would insure that these small allotment owners, many of whom are elderly, widowed, or otherwise have a significant dependence upon the income derived from the lease of their allotments, would have additional time to sell the allotments or make other arrangements for the growing of the tobacco. The delay in the implementation of the prohibition of lease and transfer in these instances is deemed necessary to avoid causing any undue hardship on these individuals.

The delay in the elimination of lease and transfer on these smaller allotments will also assist farmers who depend upon leasing quota each year. Farmers who own small allotments are able to grow tobacco by leasing-in enough quota for an efficient operation. The additional 3 years of lease and transfer of allotments of 3,000 pounds or less will allow these growers, who must have access to some tobacco quota in order to continue farming, an opportunity to make suitable arrangements prior to 1990, when all lease and transfer will be eliminated.

The temporary extension of lease and transfer of relatively small quotas together with the provision mandating that allotment owners who lease and transfer their allotment and quota must "share in the risk" of growing tobacco will significantly benefit small farmers. They will be able to continue their operations, but without the costs involved with the payment of lease fees prior to the marketing season. The "share in the risk" provision will mandate payment for leased quota only after the crop has been sold. This change will assist growers who now have to borrow money to pay lease costs.

There are approximately 108,000 farms with Flue-cured quotas of 3,000 pounds or less and they make up 55.2 percent of all Flue-cured tobacco farms. However, the total quota assigned to these farms amounts to only 17.4 percent of the entire national quota.

Under the bill, if Flue-cured tobacco is not produced or considered produced on the farm to which it is assigned, the owner must sell the allotment to a qualified buyer or beginning with the 1986 crop the owner must forfeit the allotment. Specifically, owners of Flue-cured allotments or quotas which have not been planted or considered planted at least 2 of the past 3 years will be subject to such forfeiture. Until 1990, allotment or quota that is leased and transferred would be considered planted on the lessor farm. Any allotment or quota so forfeited would be distributed among active growers in the county.

This provision will bring the allotment owner more closely involved with the production of the crop or will encourage those not so inclined to sell their allotment to active tobacco farmers. It will also provide relief to lessees from the problem of swiftly escalating lease rates which have severely hampered farmers who lease quota in order to grow tobacco. These changes should provide for a significant shift in the ownership of tobacco allotments from those having no interest in actually producing the crop to those who are actively engaged in tabacco farming.

LIMIT ON THE LEASE OF BURLEY TOBACCO QUOTAS; PROHIBITION AGAINST FALL LEASING; COMBINATION OF FARMS

Under current law, not more than 30,000 pounds of burley tobacco quota may be leased and transferred to any farm. The Committee on Agriculture, Nutrition, and Forestry, believes that this limitation is too high and a smaller amount would resolve difficulties inherent under the present allowance. A reduction in the amount a producer can lease may discourage overproduction and would benefit smaller growers by preventing larger growers from leasing all of the available quota to the detriment of the smaller grower. The bill would lower the limitation on leased-in quota from 30,000 pounds to 15,000 pounds per farm.

Fall leasing of burley tobacco quota has been criticized as encouraging overproduction and speculation in the leasing of quotas. To address these problems, the bill would prohibit the filing of any lease of burely tobacco quota after July 1 of the crop year specified in the lease. This is similar to a provision adopted last year to eliminate fall leasing in the case of Fluecured tobacco.

The bill would also require the Secretary to combine as one farm tracts of land in contiguous counties in the same State when one or more of the tracts have a burley tobacco quota and all tracts of land are owned and operated by a producer as a single unit. This provision would remove the inequity to a producer who happens to farm tracts of land which are located in different counties. The provision would allow such a producer to grow tobacco on any of the tracts so long as the farm is operated as single unit, thus increasing the efficiency of the farming operation.

ELIMINATION OF THE DOUBLE ASSESSMENT

Owners of Flue-cured allotments who leased and transferred their allotment and quota to others were required, under Public Law 97-218, beginning with the 1983 crop year, to pay a contribution to the no net cost tobacco fund equal to the contribution required of tobacco producers.

The implementation of this provision has not brought about the intended result. During consideration of the no net cost tobacco program act of 1982, it was considered that allotment holders should share in any cost the program may incur and, therefore, should bear a portion of the assessment necessary to insure that the CCC assumes no liability for losses resulting from the sale of loan tobacco.

Therefore, for the 1983 crop, allotment holders who leased and transferred their quotas were required to pay a contribution to the fund at the time the transfers were filed. Producers are required to make their contribution to the fund when the crop is sold. It is clear that in practice the allotment holder's contribution is merely passed along to the producer in the form of higher lease rates and the producer is, in effect, paying a double assessment. To correct this inequity, beginning with the 1984 crop, the bill removes the contribution requirement on the allotment holder.

NEW GROWER ALLOTMENTS

The bill provides for an increase from 1 to 3 percent in the portion of the national acreage allotment for Flue-cured tobacco that may be set aside as a reserve for new growers.

Present law provides that up to 1 percent of the national acreage allotment may be used for this purpose and for other adjustments in allotments to make their distribution more equitable in such instances as the Secretary deems appropriate.

The committee believes that the allocation of up to an additional 2 percent of the national allotment annually for the purpose of granting allotments to new growers would provide an additional element of equity in the access of the tobacco program to actual tobacco farmers.

In addition, the bill provides that the yield for new tobacco farms would be established on the basis of productivity for the farm and yields for similar farms. This would insure that the new allotments would reflect poundage quota allocations based upon demonstrated factual data, rather than upon an arbitrary figure based on

community yields established several decades ago.

MANDATORY SALE OF ALLOTMENTS BY NONFARMING ENTITIES

Under provisions of the No Net Cost Tobacco Program Act of 1982, any person, including entities such as corporations, public utilities, government bodies, and others, but not including individuals, not significantly involved in the management or use of land for agricultural purposes is required to sell its Flue-cured and burley allotments or quota by December 1, 1983, or forfeit them.

The Department of Agriculture has just published regulations implementing these provisions. Thus, there is little time for persons to actually make a sale of the allotment before the forfeiture provision takes effect. In order that this requirement be carried out without undue hardship to owners of allotments, the bill would delay, until December 1, 1984, the date by which these nonfarm entities would be required to sell their allotments. This provision is applicable to both the owners of Flue-cured and burley tobacco allotments or quotas.

There is considerable confusion as to who was meant to be covered by this provision. It is clear that allotments on lands that are being used as parking lots, airports, and powerline rights of way were intended to be sold or forfeited. Beyond that, numerous situations arise that do not fall into any clearcut category.

The Department of Agriculture's regulations have caused concern in that they would seem to require that certain entities that are still using the land involved for agricultural purposes would be required to sell or forfeit their allotments. These would include, for example, the estates of family farmers who also may may have had significant off-farm income, family farm corporations where a significant portion of the corporation's income came from nonfarming sources, and other similar situations.

The committee believes that the major purpose of this provision is to require the sale or forfeiture of allotment by those entities not using the land for agricultural purposes. Therefore, the bill clarifies the mandatory sale provision in the 1982 act to specify that the requirement is not applicable to farms on which the land is being used for agricultural purposes. The use of land for agricultural purposes basically means that the land is involved in the production of agricultural commodities for commercial sale or use for the feeding of animals. This would include not only the production of row crops and grains but perennial crops such as hay and pasture for the feeding of livestock, including horses.

GREATER FLEXIBILITY IN THE USE OF THE NO-NET-COST FUND

The bill provides that an association carrying out the price support program may use moneys in the no net cost fund for the purposes of reducing the association's outstanding indebtedness to CCC and making loan advances to producers. Also, use of such moneys for any other purposes that will be mutually beneficial to producers who contribute to the fund and to CCC shall be considered an appropriate use of the fund if approved by the Secretary.

Public Law 97-218 gives broad authority but does not specify with any particularity how moneys in the fund can be applied. The committee bill seeks to provide reasonable flexibility to an association to use the moneys for purposes that would be beneficial to both CCC and the associations. For example, reducing the association's outstanding indebtedness to CCC for the 1982 and subsequent crops of tobacco and making loan advances to producers, would result in fewer association loans from CCC, thus reducing the costs to both CCC and the association, and ultimately to the producers of tobacco who must pay for the cost of the program.

Further, the bill permits the Flue-cured association to request the Secretary of Agriculture to establish a no-net-cost "account" in CCC in lieu of a "fund" in the association. All other associations except the Flue-cured association have this option in present law. It may be more beneficial to producers and to CCC at some future time if the moneys collected to insure a no-net-cost program may be held in a CCC "account" rather than the present association "fund."

OTHER TECHNICAL CHANGES

The bill changes the date for announcing the national marketing quota and related determinations for Flue-cured tobacco from December 1 to December 15. The announcement date for other tobacco under an acreage-poundage program would be changed from February 1 to March 1. (Currently, Flue-cured tobacco is the only kind of tobacco under an acreage-poundage program.)

Crop estimates, which are needed in quota and related determinations, are released about November 10 and January 15. Since tobacco constitutes such a small part of the USDA crop production report, it is not considered feasible to request a separate report. A later date for announcing the marketing quotas and related determinations would allow industry groups and individuals to provide USDA with considerably more informed comments.

By shifting the announcement dates for the national marketing quota and related determinations for Flue-cured tobacco from December 1 to December 15, USDA would be able to make the required determinations with more certainty about a number of important economic statistics.

Further, the bill would require the Secretary to determine the acreage planted to Flue-cured tobacco on each farm. The Flue-cured tobacco program operates on the basis of acreage allotments and poundage quotas. Precise determination of the planted acreage will provide for better management and enforcement of quota allocations on each farm, thereby reducing the likelihood of "stray" tobacco moving into markets. This provision is designed to improve program integrity. It should not be a burden on the Secretary since it could be accomplished by photographic methods largely already undertaken rather than actual measurement.

I thank the Chair very much and I yield the floor.

Mr. HUDDLESTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. HUDDLESTON. Madam President, S. 1529 makes changes in the dairy program and the tobacco program urgently needed by farmers facing extremely adverse economic conditions.

S. 1529 responds to the needs of milk and tobacco producers in view of a new set of circumstances that were unanticipated when the current terms and conditions of the dairy and tobacco programs were developed.

These circumstances—declining sales of agricultural products, stagnant market prices, and increased Federal outlays for farm programs—call for strong action if these segments of agriculture are to enjoy real economic recovery.

While the programs established under the Agricultural Act of 1949 and the Agricultural Adjustment Act of 1938 are basically sound, the changes made by S. 1529 are clearly needed.

PROPOSED CHANGES TO THE DAIRY PROGRAM

Madam President, prudent changes to the dairy program are necessary because of increased milk production in the face of weak demand, and because dairy farmers are dissatisfied with the program under which the administration is collecting assessments to reduce the cost of the price support program.

We all clearly understand that milk production must be adjusted to meet demand. I have found that many dairy farmers are deeply concerned about the growing surplus and the lagging demand for milk products.

We must find a remedy for the short-term surplus problem without damaging the long-term ability of our dairy farmers to meet consumer needs. Both farmers and consumers deserve and will benefit from a sound dairy program.

I believe the dairy provisions of S. 1529 represent a balanced compromise that will make the changes in the dairy program needed to make the program more effective. As with any compromise, the provisions of S. 1529 might not be entirely acceptable to everyone; but I hope my colleagues can support the compromise as the very best program that can be offered at this point.

S. 1529 will repeal all the dairy provisions of the Omnibus Budget Reconciliation Act of 1982. Collection of the two 50-cent assessments authorized by that act would halt.

The bill will immediately reduce the minimum milk support price by 50 cents, from $13.10 to $12.60 per hundredweight, and authorize further reductions in the milk support price if Government purchases exceed specified amounts. On January 1, 1985, if annual net Government purchases for 1985 are estimated to exceed 6 billion pounds (milk equivalent), the milk support price can be reduced to $12.10. Again, on July 1, 1985, if net Government purchases during the next succeeding 12 months are estimated to exceed 5 billion pounds (milk equivalent), the milk support price can be lowered to $11.60 per hundredweight.

On the other hand, if on July 1, 1985, the Secretary of Agriculture estimates that net CCC purchases for the next succeeding 12 months will be 5 billion pounds (milk equivalent) or less, and determines it necessary to insure an adequate supply of milk, the milk support price will be increased back up to $12.60 per hundredweight.

The bill will also offer dairy producers a temporary paid diversion program as an incentive to reduce milk production. Producers will be eligible to receive diversion payments of $10 per hundredweight for reductions of from 5 to 30 percent of their recent milk production base. All or part of the cost of diversion payments will be funded by a 50-cent-per-hundredweight fee on all milk marketed.

The bill also will establish a 15-cent-per-hundredweight checkoff to fund a national dairy product research and promotion program. A referendum will be required to determine if dairy farmers favor continuation of the research and promotion program beyond fiscal year 1985.

Madam President, the current milk price support program involves the collection of assessments from dairy producers to offset a portion of the cost of the program.

These assessments are viewed by many dairy farmers as an inefficient and inequitable approach to solving the complex problems facing the dairy industry. Further, the assessments do not help to stimulate consumption of dairy products because they do not reduce the price of products on the grocery shelf.

We in Congress have worked hard to develop a workable and equitable solution to the complicated problem surrounding the Federal dairy program. I believe the provisions of this compromise proposal offer dairy producers the opportunity to bring milk production into line with consumption.

PROPOSED CHANGES IN THE TOBACCO PROGRAM

Since the No Net Cost Tobacco Program Act of 1982 became law last year, tobacco farmers have, in effect, been responsible for paying the costs of the tobacco price support programs.

With the current recession in the domestic and world economies, the demand for U.S. leaf and tobacco products has declined. The softening of markets has led to increased pressure being put on the price support programs.

In order to keep the costs of price support—which farmers have to bear—within reason, we must improve our market position. To do this, we must keep the price of U.S. tobacco at a level attractive to purchasers.

Congress took action in July to make U.S. tobacco prices more attractive by passing H.R. 3392, to freeze the price support levels for the 1983 crops of tobacco at 1982 levels.

This legislation, which was signed into law as Public Law 98-59, also includes amendments that I offered to increase the downward adjustment the Secretary of Agriculture can make in the quota for burley tobacco, and to require review of tobacco imports under section 22 of the Agricultural Adjustment Act. The review—to determine whether tobacco imports are interfering with the domestic price support program—is required when a price support freeze, or a downward adjustment of a price support increase by more than 35 percent, is imposed for burley tobacco or when CCC stocks of burley tobacco are in excess of 20 percent of the basic quota for burley tobacco.

Public Law 98-59—while important and necessary—is not a substitute for the additional program improvements contained in S. 1529.

The provisions of S. 1529 are needed to maintain the competitive market position of burley tobacco and to address the issue of lease and transfer of allotments that have been of concern to adversaries of the tobacco program.

The proposed changes in the tobacco program contained in S. 1529 have been discussed at some length in meetings held in Kentucky and here in Washington. My discussions with Kentucky tobacco growers and the testimony of the burley producers and their representatives indicate support for the effort to make needed changes in the program, and their desire to help this Nation remain the world's most reliable supplier of quality burley tobacco.

S. 1529 will authorize the Secretary of Agriculture, for the 1984 and 1985 crops of burley tobacco, to establish price support levels for each of such crops at levels that will not narrow the normal price-support differential between Flue-cured and burley tobacco. Before establishing such levels, the Secretary will give notice of the proposed levels, receive public comment on the notice, and take into consideration changes in the costs of producing burley tobacco and such other relevant factors as the Secretary determines appropriate.

S. 1529 will establish price-support levels for the 1983 through 1985 crops of Fire-cured, Sun-cured, Dark Air-cured, and Cigar-filler and binder tobacco under the same criteria as provided for burley tobacco.

S. 1529 will reduce the amount of burley tobacco that can be leased and transferred to any farm from 30,000 pounds to 15,000 pounds.

The bill will prohibit the filing of a lease of a burley tobacco quota after July 1 of the crop year specified in the lease.

The bill will modify the prohibition against the lease and transfer of burley quotas across county lines so as to permit the Secretary of Agriculture to combine as one farm tracts of land in contiguous counties that are owned and operated by a producer as a single unit.

Also, S. 1529 will extend, from December 1, 1983, to December 1, 1984, the date by which nonfarming entities must sell their Flue-cured and burley quotas, and make it clear that the mandatory sale provision does not apply to farms where the land is being used for agricultural purposes.

In addition, S. 1529 also will make a number of needed changes in the Flue-cured program.

CONCLUSION

Mr. President, I believe that S. 1529 is a responsible bill. It will improve the operation of two Federal commodity programs on which thousands of our Nation's farmers rely. I urge my colleagues to join in voting for its adoption.

I yield the floor.

(Mr. JEPSEN assumed the Chair.)

Mr. LEAHY. Mr. President, I will have further, more lengthy statements on the legislation as we go forward, but I wish to compliment the chairman and ranking member of the committee in getting the legislation up and getting his unanimous-consent agreement.

Certainly, many Senators know how hard we have all worked over the months to get just this far. I think we have legislation that should be voted on. I will not predict how the vote might come out, although I would have to assume that, because all of the

work that has gone into this legislation, this legislation will pass.

But the most difficult thing was just getting it to a vote. I hate to even think of the number of meetings over the past several months in various Senators' offices and in the offices of the leadership and everywhere else that we have had to get this far.

I just want to say, Mr. President, that though we may not be reaching the votes this evening, but it looks very much like we should be able to finish this sometime, I hope, during the day tomorrow, that just the fact that we have it here to give the Senate a chance to work its will, I think, also gives a sense of relief to farmers who are going to be affected by this legislation knowing that it is coming up.

I might say to my good friend, the chairman, and my good friend, the ranking member, that I think the thing that has bothered farmers most is the uncertainty. They knew the legislation was pending. They knew that we had been working on the legislation. They knew there had been a bipartisan effort to get some kind of legislation here, but it was not yet here. I think that is the uncertainty that has affected a lot of men and women who own their own farms—dairy farms, tobacco farms, or whatever—not knowing what was going to be done.

I think that there will be a lot of them, when they hear the news that we are finally on this, who will have some satisfaction. I am delighted we are here.

I yield the floor with that.

Mr. HELMS. Mr. President, I thank the able Senator from Vermont. He is an exceedingly valuable member of the committee and, on top of that, he is a good guy. But I did get sort of weary of meeting with him 43 times.

Does the Senator realize that we met 43 times with various groups in trying to reach the point at which we are today?

I thank the Senator for his comments. I know Senator HUDDLESTON does, as well.

I yield the floor.

Mr. DOLE. Mr. President, I just want to take a moment or two to congratulate both the distinguished chairman and ranking member of the committee, because we are finally now discussing farm legislation, at least tobacco and dairy.

It is my hope that when we dispose of this bill—and I hope we defeat all amendments to this bill, whatever they may be, whether they are going to be offered to the dairy section, the tobacco section, or some unrelated section, so that we can at least pass this for the dairy farmers and tobacco farmers, who have been waiting maybe not patiently but who have been waiting for the Congress to take some action.

I want to underscore what I indicated earlier. I think it is unfortunate that we cannot include in this bill the provisions of H.R. 2733, the Guayule Rubber and Other Critical Agricultural Materials Act that contains a certain target price provision.

It is my hope that before we conclude action on this legislation, we will have some agreement to move to H.R. 2733 and through cooperation, hopefully, on both sides to try to find a little better program for the Federal grain producers, the wheat producers, the rice producers, and the cotton producers.

Many do not want a better program and all they have to do is object. The Senator from Kansas has been here long enough to know that if one Senator wants to deny us the option to take up legislation, they can filibuster the motion to proceed to take up H.R. 2733. If that filibuster is broken, then they can filibuster the bill itself. So it could take many, many weeks. We do not have many weeks. In fact, in our State, most wheat farmers are well underway or completed with much of their planning.

So it just seems to me that there has got to be a way to work out the differences. If we are responsible to our constituents and to ourselves, we are going to take a look at the costs of these programs. We cannot pander to our constituents, whether they are farmers or working men or whatever they may be, working women, teachers, physicians, professional people. We have to take a look at the deficit in this country and how much we are going to spend on agriculture or any other program.

Nobody can complain about the money spent by this administration on agriculture. It is staggering. It is $22.4 billion, plus the $12 billion PIK program.

As I have indicated earlier, there are a lot of good things happening in this administration. One thing that happened that they could not control was the drought. Some might even fault the President for that. But the President promised and lifted the grain embargo. The President promised and got a long-term grain agreement with the Soviet Union. The President promised and worked out a textile agreement with the People's Republic of China, and we are now selling grain to the People's Republic of China. We have had an aggressive export program. We have had a lot of changes in the tax laws that affect farmers, whether it is land use valuation or changing the estate tax so the farmers can now leave property to their spouses without any tax at all.

There are a lot of other changes in the tax laws and a lot of changes in the economy, this Senator will add, whether it is lower interest rates, whether it is lower inflation, and whether it is less Government spending.

So I believe there is a cooperative attitude among farmers and farm representatives who may be within reach of our voices who would like to work out some program recognizing the need to restrain the growth. It is not very difficult to stand up here and say we cannot reduce the cost of farm programs. We represent farmers.

If that is the attitude we are going to take, we are not going to be able to convince anybody that this Congress has any will to reduce the Federal deficit.

Whether Martin Feldstein is correct or not, and it makes a lot of sense to me, he tells us in a speech he made in Indianapolis about 10 days ago that between now and 1988, as I said earlier on the floor, we are going to add $1,200 billion to the debt—$1.2 trillion—and the interest on just the new debt is going to be $100 billion a year. In that time, we are going to collect about $440 to $450 billion from individuals in taxes. So just to pay the interest on the new debt of $100 billion, we have to have a tax increase of 20 percent on individuals.

We can fool ourselves and please our farmers and every one of our constituents by spending more money and say we will take care of the deficit after the election.

Well, it is the view of this Senator that after the election it is too late. It is going to be harder to take care of it. The economy may not be as strong.

It is my hope that we can demonstrate not only in farm legislation but in other legislation, whether it is medicare, whether it is defense, go right down the alphabet—we might as well start with A for agriculture—that we are responsible. I do not believe our constituents are going to drive us out of office because we tried to lower interest rates or tried to bring down the strength of the dollar so we can export more agricultural products.

In this Senator's view, not many farmers are looking to the government for deficiency payments. They may take their deficiency payments but they want their money in the marketplace. They are not going to get on their knees and beg the government for more deficiency payments, more of this and more of this, particularly if they look at the cost of the program.

It is my hope that we can defeat any amendments to the tobacco section and any amendments to the dairy section, unless they have been agreed upon by the two managers of the bill, that we can pass this legislation, and move to the consideration of H.R. 2733. I believe in the end we will have a better program.

In my view, if those who represent the wheat farmers of this country, the feedgrain producers, the cotton farm-

ers, and the rice farmers will all sort of get together in the next couple of days, we may be doing a positive thing for the American farmer and still saving the Government money. That is not a bad package to put together.

We have been on this bill now for I do not know how many months trying to get it up. It only takes one to block it when you are down to a deadline. I want to commend the distinguished chairman of the committee, Senator HELMS, for his patience, for his diligence, for his persistence. The same would go for the distinguished Senator from Kentucky, Senator HUDDLESTON.

I do not want to overlook the distinguished Senator from Minnesota, Senator BOSCHWITZ.

There have been a number of possible solutions. I am going to try to work with Senator MELCHER of Montana, with Senator BOREN, Senator NICKLES, and others who come from wheat producing States. Some of us are from winter States and some from spring States. Those in winter wheat States are feeling the pinch a bit more. So we would like to work out some sort of an agreement.

I would just suggest that we move as quickly as we can on this bill. For that reason, I will not make any further statement. I will try to cooperate with both managers of the bill and with one of the key initiators of the dairy section, Senator BOSCHWITZ, along with Senator LEAHY, in expediting passage of this legislation.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I cannot let this moment pass without again paying my deep respect to the Senator from Kansas (Mr. DOLE). If he had not chosen to be chairman of the Finance Committee, he would be chairman of the Agriculture Committee. I want to say to him that many times I wished he had made the other decision. But I do thank him for all the support he has given and all the wise counsel.

I think Senators ought to bear in mind that Senator DOLE speaks the unvarnished truth when he says that the best farm program we could enact would be a balanced budget, that we simply must, as a Senate, as half of the Congress, face up to our duties and our responsibilities. Certainly, the Senator from Kansas has done that. I want to thank him for all the support and assistance he has given me. I thank him very much. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I, too, have that same sense, that most farmers have a great sense of wishing to balance the budget. That would be not only that best farm program but it would also be the best program for all small businessmen in this country. The bill that we now have before us, as the distinguished chairman of the Finance Committee may have said, indeed makes significant forward movements to balance the budget because it would decrease the cost of the dairy program by a significant amount. It is about the cost of the dairy program that I want to speak, Mr. President. I presume in my absence all aspects and details of the legislation now before us, S. 1529, have been outlined and it would serve no purpose for me to do so again.

Mr. President, every industrial nation in the world has a dairy program. It is one of the most basic foods in the diets of Americans, indeed of all people. Prior to the dairy program there were often shortages of supplies and overages at other times of the year, dumping of milk by farmers, a very chaotic situation.

In 1949 we had the advent of the current dairy program.

It is interesting to look over the years at the success of this program. Now, indeed, it is costing large amounts and one has to ask why at this point does the dairy program cost so much; are the supports too high? Perhaps that is part of it. But more likely, the explanation lies in embargoes that drove down the price of grains, that caused capital in the agricultural industry to be directed toward dairying when it perhaps should not have been. Artificial things happened in other aspects of the farm industry that caused greater investment to occur in dairying.

And then, of course, we had a recession and other problems. Three bumper crops in a row also had an impact on farm prices. Frankly, it became more profitable to get paid for corn by feeding it to the cows and dairy production went up.

There are other problems in dairying, but without going through all of those let me say that the dairy program over the years has not been an expensive program to the Federal Government. S. 1529 would begin in a major way to restore a lower level of expenditures to this program, and yet be fair to farmers, and yet bring production and demand back into balance. In addition, it would do something which is perhaps the key to the entire bill. That is to provide a large fund to promote the products.

Mr. President, I have long maintained that the problem in dairying is not so much overproduction but, rather, underconsumption. Looking back through the years, as I said, the cost of the dairy program has not been very high, perhaps averaging $200 million or $300 million a year and often less than that.

However, consumption of dairy products over the years has gone down—25 or 30 years ago, the average American consumed approximately 700 pounds of dairy products on an annual basis at a rate of about 2 pounds a day. Now that average is down to 540 pounds per person. A large part of the problem—indeed, I feel the basic part of the problem—has been underconsumption rather than overproduction.

How can we retrieve our just market share? How can we retrieve it in competition with other drinks and other things that people enjoy? We have to bring the dairy products to the attention of the people in a more forceful and a more sales-minded way. When we compare what some of the soft drink people do with respect to advertising, what some of the beer people do, what some of the other people in the drinking business spend for advertising, and then look at dairy, we see a very stark comparison. It leads people to the understanding that promotion indeed is necessary and even leads to wonderment at how dairy has retained as much as the market as it has.

Of course, the answer to that last question is the product itself. It is a marvelous product. It is a product which is one of the most basic foods, the healthiest and most complete foods of anything that comes from the earth. The result is that we have a product to sell. Again, one of the important aspects of this legislation is the fact that a certain amount of money, 15 cents a hundredweight, which is approximately $200 million a year, is laid aside to promote the product. It is hoped that will go a long way in ridding us of surpluses and bring back a balance to the dairy industry and making dairy once again a profitable occupation for those who participate in it.

Mr. President, I believe that we shall continue with this legislation in the morning. I shall be back and I shall discuss with the Senators who wish to amend this piece of legislation the error of their ways. It is my hope that we shall move quickly to conclusion so that this program can be put into effect.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I did not want the distinguished Senator from Kansas to leave the floor without my expressing to him my appreciation for the help he gave in working out the problems in connection with bringing up this particular

piece of legislation. It has been extremely helpful. Without him, it would not have advanced to this point that it has.

The distinguished chairman of the Committee on Agriculture, the floor manager of the bill, is back on the floor now. I want to say that it might be appropriate for those who have amendments to this bill to be thinking about coming forward and offering them, because it is our hope that we can finish this bill, certainly tomorrow. The majority leader has indicated to us that he does not want to stay here much longer tonight, so it would be very important, then, I think, that preparations be made to introduce amendments as early as possible tomorrow or within what few minutes remain here tonight.

Mr. HELMS. Mr. President, if the Senator will yield, I just returned from the Democratic cloakroom where, with some restrained enthusiasm, I asked that Senator METZENBAUM be called and suggested that, if he were willing to lay down the amendment tonight so it could be acted on tomorrow, that would be most helpful. They are checking on that.

Mr. HUDDLESTON. May I say Senator MOYNIHAN is here and may offer one amendment.

Mr. MOYNIHAN. Mr. President, I have discussed this matter with the distinguished managers of the bill and my friend from Minnesota, also a milk-producing State. On behalf of myself and Senator HATCH, I would like to lay down tonight an amendment that would give the Secretary of Agriculture the option of reducing by as much as $1.50, at such time as he thinks appropriate, the dairy support price. Our amendment would also remove the current $1 assessment which, frankly, Mr. President, we feel to be a tax on food and of no advantage to our milk farmers at all. It also provides for a referendum on a milk promotion campaign that would be paid for by the dairy farmers themselves.

That is our object, Mr. President. I see the distinguished chairman of the Committee on Agriculture on the floor.

We are going to come in at 11 o'clock on this matter, is that correct, Mr. President?

Mr. HELMS. That is my understanding.

Mr. EAGLETON. Mr. President, the Senate is once again to consider the tobacco price support program today. As one who has been very active in regard to this program and often critical of the action of the Agriculture, Nutrition, and Forestry Committee on this subject, I would like to take this opportunity to say that the committee has finally brought a piece of tobacco legislation to the floor that I can support.

Over the past few years, I have pointed out to my colleagues that the tobacco program was actually working contrary to the interests of the farmers who grew tobacco; that the United States was losing its ability to compete in world tobacco markets, and that tobacco imports were reducing the sales of domestically produced tobacco here. Unfortunately, those who claimed to be concerned about the interest of the farmers would not recognize what their blind dedication to the existing program would mean to farmers. Instead they delayed and the situation went from bad to worse.

The bill reported by the committee seeks to correct many of the problems I have pointed out to my colleagues over the past few years. It will move more allotments out of the hands of nonproducers and into the hands of farmers. It revises the price support level and places new controls on the lease and transfer of allotments. These changes are a welcome addition to the revisions made in the program by the No Net Cost Tobacco Program Act of 1982, and I urge my colleagues to support them.

AMENDMENT NO. 2293

(Purpose: To modify the dairy production stabilization and promotion programs)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk for myself and Mr. HATCH and ask that it be immediately considered.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New York (Mr. MOYNIHAN), for himself and Mr. HATCH, Mr. THURMOND, Mr. EVANS, and Mr. HOLLINGS, proposes an amendment numbered 2293.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, beginning on line 8, strike out all that follows through line 9 on page 19 and insert in lieu thereof the following new section:

DAIRY PRODUCTION STABILIZATION

SEC. 102. Effective on the sixtieth day following the date of the enactment of this Act, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended—

(1) by striking out subsection (d);

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The price of milk shall be supported, through purchases of milk and the products of milk, at such level, not less than $11.60 per hundredweight for milk containing 3.67 per centum milkfat, as the Secretary determines necessary in order to assure an adequate supply of milk to meet current needs, taking into consideration the net price-support purchases of milk or the products of milk by the Commodity Credit Corporation during the preceding fiscal year. Such level shall be established by the Secretary at the beginning of each fiscal year.".

On page 22, beginning with line 20, strike out all that follows through line 11 on page 23 and insert in lieu thereof the following:

ISSUANCE OF ORDERS

SEC. 112. (a)(1) No later than ninety days after the date of the enactment of this Act, the Secretary shall conduct a referendum among producers who, during a representative period (as determined by the Secretary), have been engaged in the production of milk for commercial use in order to determine whether such producers favor the implementation of a dairy promotion program.

(2) If at least one-half of the eligible producers vote in the referendum and at least two-thirds of the eligible producers voting in the referendum favor the implementation of a dairy promotion program, the Secretary shall issue a dairy products promotion and research order.

(3) If less than one-half of the eligible producers fail to vote in the referendum or less than two-thirds of the eligible producers voting in the referendum do not favor the implementation of a dairy promotion program, the Secretary may not issue a dairy products promotion and research order.

(b) The Secretary may, from time to time, amend dairy products promotion and research orders.

On page 27, line 22, strike out "10 cents" and insert in lieu thereof "15 cents".

On page 31, beginning with line 19, strike out all that follows through line 16 on page 32.

On page 32, line 18, strike out "SEC. 116. After September 30, 1985," and insert in lieu thereof "SEC. 115. After the date which is two years after the date of the issuance of an order under section 112(a)(2),".

On page 32, line 24, strike out "After September 30, 1985," and insert in lieu thereof "After the date which is two years after the date of the issuance of an order under section 112(a)(2),".

On page 33, line 15, strike out "SEC. 117" and insert in lieu thereof "SEC. 116".

On page 34, line 13, strike out "SEC. 118" and insert in lieu thereof "SEC. 117".

On page 35, line 11, strike out "SEC. 119" and insert in lieu thereof "SEC. 118".

On page 36, line 12, strike out "SEC. 120" and insert in lieu thereof "SEC. 119".

On page 37, line 14, strike out "SEC. 121" and insert in lieu thereof "SEC. 120".

On page 37, line 21, strike out "SEC. 122" and insert in lieu thereof "SEC. 121".

On page 38, line 2, strike out "SEC. 123" and insert in lieu thereof "SEC. 122".

On page 38, beginning with line 23, strike out all that follows through line 2 on page 39 and insert in lieu thereof the following new clause:

(2) Not later than two years after the date of the enactment of this Act, a report on the impact on the availability and cost of feed for diary cattle of the special program of payment in kind for acreage diversion for 1983 crops of wheat, corn, grain sorghum, upland cotton, and rice (as prescribed under part 770 of title 7, Code of Federal Regulations) and any successor program; and

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the distinguished President pro tempore, the Senator from South Carolina (Mr. THURMOND), be added as a cosponsor, as well as the Senators from Washington (Mr. EVANS) and South Carolina (Mr. HOLLINGS).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, it would be my thought that we would not debate the matter tonight. I request of the managers if this might be the pending business when we return to the bill, as I understand we will do, at 11 o'clock tomorrow morning. Is that the schedule?

Mr. HUDDLESTON. Mr. President, I frankly do not know what the majority leader's plan is for coming back tomorrow. If the amendment is offered, I assume it will be the pending business, assuming that it is not disposed of tonight, and I doubt very seriously that it will be.

Mr. MOYNIHAN. It would be my desire that I just yield the floor at this point, with the understanding that no further amendments will be offered and that will be the pending business.

Mr. HUDDLESTON. It would be nice if we could have a time agreement on that.

Mr. MOYNIHAN. I would be happy to do that, Mr. President. I do not think Senator HATCH would in any way object. An hour would be more than sufficient.

Mr. HUDDLESTON. Mr. President, some of the participants are not here. I think it might be inappropriate to attempt to compound a unanimous-consent request for a time agreement.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. MOYNIHAN. I thank the Chair.

Mr. President, it is clear that we shall be happy to enter into a time agreement. It would be my thought that an hour would be more than adequate, but all persons are not here. Therefore, I would propose a unanimous-consent agreement that the amendment now at the desk be the pending business when we return to the bill tomorrow.

Mr. BAKER. Mr. President, was the request put?

Mr. MOYNIHAN. I made the request. I would be happy if the majority leader would make it for me.

Mr. BAKER. Mr. President, reserving the right to object, I would have to run it through the clearance process on this side before we could agree with it. If the Senator wishes to withdraw it, I will try to get an answer for him soon or, if he wishes, I will reserve now and suggest the absence of a quorum.

Mr. MOYNIHAN. Why not do that.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. BAKER. Yes, I withhold.

The PRESIDING OFFICER. The Chair would announce that the amendment is the pending business. It is before the Senate at this time. Unless something else happens, it will be the pending business.

Mr. BAKER. All right, then, that question is resolved. It is the pending question, is that right?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. So what is now before us is whether we can clear a time agreement, as the Senator from New York very kindly offers, as I understand.

Mr. MOYNIHAN. Yes, except the Senator from Kentucky observes there are others who might like to be heard.

Mr. BAKER. Mr. President, let me suggest this. I have indicated to a number of Senators that we would not go late tonight, and it is now 5:40 p.m. I am prepared, with this amendment as the pending question, to ask the Senate to go into a period for the transaction of routine morning business, unless the minority leader objects.

Mr. BYRD. No.

Mr. BAKER. Mr. President, I thank Senators.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend past 6 p.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have two requests that appear to be cleared on both sides. I will state the request at this time for the consideration of the minority leader and other Members.

ORDER FOR H.R. 3044 TO BE HELD AT THE DESK

Mr. BAKER. Mr. President, I ask unanimous consent that H.R. 3044, the salmon fisheries bill, be held at the desk until the close of business on Thursday, October 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR H.R. 3379 TO BE HELD AT THE DESK

Mr. BAKER. Finally, Mr. President, I ask unanimous consent that H.R. 3379 be held at the desk until the close of business on October 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:42 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3913) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. NATCHER, Mr. SMITH of Iowa, Mr. OBEY, Mr. ROYBAL, Mr. STOKES, Mr. EARLY, Mr. DWYER of New Jersey, Mr. HOYER, Mr. WHITTEN, Mr. CONTE, Mr. O'BRIEN, Mr. PURSELL, Mr. PORTER, and Mr. YOUNG of Florida as managers of the conference on the part of the House.

The message also announced that the House has passed the bill (S. 589) to authorize $15,500,000 for capital improvement projects on Guam, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bill and joint resolutions, without amendment:

S. 1499. An act to settle certain claims of the Mashantucket Pequot Indians;

S.J. Res. 102. Joint resolution to designate the week of October 16, 1983, through October 22, 1983, as "Lupus Awareness Week"; and

S.J. Res. 128. Joint resolution to designate the day of October 22, 1983 as "Metropolitan Opera Day."

The message also announced that pursuant to the provisions of House Concurrent Resolution 126, 98th Congress, the Speaker appoints as members of the Special Joint Committee on Arrangements to Commemorate the 100th anniversary of the birth of Harry S Truman, the following Members on the part of the House, to serve with the Speaker: Mr. PEPPER, Mr. YATES, Mr. SKELTON, Mr. WHEAT, Mr. TAYLOR, Mr. COLEMAN of Missouri, and Mr. EMERSON.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3044. An act to grant the consent of the Congress to an interstate agreement or compact relating to the restoration of At-

lantic Salmon in the Connecticut River basin, and to allow the Secretary of Commerce and the Secretary of the Interior to participate as members in a Connecticut River Atlantic Salmon Commission.

At 3:54 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 10, 26, 30, 45, 58, 59, 60, 61, 62, 64, 74, 107, 110, 112, 116, 126, 127, 139, 157, 160, and 162 to the bill, and has agreed thereto; it recedes from its disagreement to the amendments of the Senate numbered 1, 12, 16, 17, 25, 36, 41, 43, 44, 51, 57, 63, 78, 79, 80, 83, 85, 86, 90, 91, 95, 96, 97, 106, 109, 115, 120, 130, 135, 141, 158, 159, and 163 to the bill, each with an amendment in which it requests the concurrence of the Senate; and that it insists upon its disagreement to the amendment of the Senate numbered 95 to the bill.

The message also announced that the House has passed the bill (S. 552) to designate the Federal Building in Fort Myers, Fla., as the "George W. Whitehurst Federal Building and United States Courthouse," with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3655. An act to raise the retirement age for judges of the Superior Court of the District of Columbia and judges of the District of Columbia Court of Appeals; and

H.R. 4068. An act to extend the authorities under the Export Administration Act of 1979 until October 28, 1983.

HOUSE MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3655. An act to raise the retirement age for judges of the Superior Court of the District of Columbia and judges of the District of Columbia Court of Appeals; to the Committee on Governmental Affairs.

HOUSE MEASURE PLACED ON CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4068. An act to extend the authorities under the Export Administration Act of 1979 until October 28, 1983.

HOUSE MEASURE HELD AT THE DESK

By unanimous consent, the following bill was ordered held at the desk until the close of business on October 6, 1983:

H.R. 3044. An act to grant the consent of the Congress to an interstate agreement or compact relating to the restoration of Atlantic Salmon in the Connecticut River basin, and to allow the Secretary of Commerce and the Secretary of the Interior to participate as members in a Connecticut River Atlantic Salmon Commission.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1826. A communication from the Deputy Assistant Director for Royalty Management Operations, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on requests by Kerr-McGee Corp., Shell Oil Co., Pogo Producing Co., Cities Service Co., and ODECO Oil and Gas Co. for refund of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-1827. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Public Information Reporting By Tax-Exempt Private Foundations Needs More Attention By IRS"; to the Committee on Finance.

EC-1828. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on Substantial Disruption Waivers for Foreign Medical Graduates; to the Committee on the Judiciary.

EC-1829. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the evaluation of Health Management Shortage Area Criteria; to the Committee on Labor and Human Resources.

EC-1830. A communication from the Chairman of the Temporary Commission on Alternative Financing for Public Telecommunications, transmitting, pursuant to law, the final report of the Commission; to the Committee on Commerce, Science, and Transportation.

EC-1831. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Status of the Great Plains Coal Gasification Project—Summer 1983"; to the Committee on Energy and Natural Resources.

EC-1832. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the 1982 report on the Youth Conservation Corps; to the Committee on Energy and Natural Resources.

EC-1833. A communication from the U.S. Trade Representatives, transmitting, pursuant to law, the annual report on the operation of the International Coffee Agreement for fiscal year 1982; to the Committee on Finance.

EC-1834. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60 day period prior to September 29, 1983; to the Committee on Foreign Relations.

EC-1835. A communication from the Deputy Administrator of the General Services Administration, transmitting a draft of proposed legislation to amend section 207(c)(1) of the Federal Property and Administrative Services Act of 1949, as amended, to change the criteria therein so that the provisions of section 207 shall not apply to disposals of surplus real property having an estimated fair market value less than $1,000,000; to the Committee on Governmental Affairs.

EC-1836. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Conversion To Automated Mail Processing and Nine-Digit ZIP Code—A Status Report"; to the Committee on Governmental Affairs.

EC-1837. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Federal Regulation of Medical Devices—Problems Still to be Overcome"; to the Committee on Labor and Human Resources.

EC-1838. A communication from the Acting Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for the period October 1982 through May 1983; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-417. A joint resolution adopted by the Legislative Assembly of the State of Oregon; to the Committee on Agriculture, Nutrition, and Forestry.

"HOUSE JOINT MEMORIAL 16

"We, your memorialists, the Sixty-second Legislative Assembly of the State of Oregon, in legislative session assembled, respectfully represent as follows:

"Whereas the State of Oregon is responsible for 20 percent of the nation's timber production; among this timber being the Noble Fir, indigenous to the State of Oregon and attaining a height of 200 feet and a diameter of six feet; and

"Whereas upon the death of the Red Oak tree planted in 1923 by Senator Charles McNary for the State of Oregon the people of the State of Oregon subsequently desire to reaffirm their commitment to the Union by choosing a tree which, by its height and width, suggests the dimensions of this state's achievement and initative in support of democracy and freedom; and

"Whereas the tree will be planted by the Oregon Congressional Delegation with the Oregon Forest Products Transportation Foundation on April 28 in connection with the Arbor Day ceremonies at this nation's capitol; now, therefore,

"Be It Resolved by the Legislative Assembly of the State of Oregon:

"(1) That the members of the Sixty-second Legislative Assembly express their appreciation to Congress for allowing our delegation to dedicate a Noble Fir to the American people to be planted at the United States' Capitol on behalf of the people of the State of Oregon.

"(2) That a copy of this memorial shall be sent to each member of the Oregon Congressional Delegation.

POM-418. A resolution adopted by the Legislature of the State of California; to the Committee on Armed Services:

"ASSEMBLY JOINT RESOLUTION No. 89

"Whereas, The California state prison system has a design capacity of approximately 25,000 inmates; and

"Whereas, The current prison population has reached 37,000 inmates; and

"Whereas, The optimum safe capacity for prison adminstration is 95% of rated design capacity; and

"Whereas, The current prison population exceeds 140% of safe capacity, endangering both prison staff and inmates; and

"Whereas, Judicial scrutiny of the present prison conditions of overcrowding and double cell practices may result in court-ordered early release of dangerous offenders; and

"Whereas, The early release of dangerous offenders presents an extreme and immediate threat to the health and safety of our communities; and

"Whereas, It is the function and responsibility of the government to preserve the health and safety of its citizens through the maintenance of our correctional system and to insure that those individuals who have transgressed the social covenants by which we are bound are appropriately punished and removed from society as required by our laws; and

"Whereas, The Governor and the Department of Corrections are currently making use of all available facilities and alternatives to safely house prison inmates; and

"Whereas, In order to avoid a court-ordered release of dangerous offenders it is necessary to immediately secure additional, temporary housing facilities for state prison inmates; and

"Whereas, The federal government could prevent the early release of these dangerous offenders by making underutilized federal military facilities within the state available to the State of California for the purpose of meeting the state's emergency prison housing needs; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and Congress of the United States to take immediate steps to provide the State of California with access to underutilized federal military facilities within the state for the purpose of emergency housing of state prison inmates in the event of court-ordered reductions of prison population; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of defense of the United States."

POM-419. A resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

"SENATE JOINT RESOLUTION No. 12

"Whereas, The Space Station Program is a natural extension of NASA's Space Transportation System, from which station interorbital and interplanetary manned expeditions will depart to establish outposts on our moon and on Mars; and

"Whereas, The Space Station Program will allow for extensive orbital materials processing facilities, expanded communications, and improved observations of earth; and

"Whereas, The Space Shuttle is constructed by California aerospace engineering expertise, and California will soon have full launching and landing operations capabilities for the shuttle; and

"Whereas, California industry and labor have the demonstrated ability to substantially contribute to the development of a space station program; and

"Whereas, The University of California and its California Space Institute have well-developed space scientist teams; and

"Whereas, California's strategic position on the Pacific rim places it in substantial trade relationships with other nations of the world, which will cooperate in the Space Station Program; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States, and requests the National Aeronautics and Space Administration, to commit to a Space Station Program utilizing the Space Transportation System, with the goal of manned operations before 1990, and to enlist California industry in the production and operations of the program; and be it further

"Resolved, That the Chief Clerk of the Senate transmit copies of this resolution to the President and Vice President of the United States, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of the National Aeronautics and Space Administration."

POM-420. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTOIN No. 19

"(1) This measure would memorialize as follows:

"(a) The President and Congress and the Secretary of the Interior to mitigate fully all fish losses that have occurred above prescribed dams, provide funding for spawning gravels at designated locations, solve the fish-passage problems at a designated dam, and turn over the operations of a designated spawning channel to the Department of Fish and Game.

"(b) The President Congress, the United States Small Business Administration, the Governor of California, and the California Office of Emergency Services to take the necessary steps to make federal Economic Injury Disaster Loans under the United States Small Business Administration's Physical Disaster and Economic Injury Loan Program available to California commercial salmon fishermen in 1983.

"(c) The President Congress, and the Secretary of Commerce to ensure that the Salmon Plan Development Team of any federal fishery management council, having authority over California, includes members representing balance of disciplines needed for optimum-yield management of the California salmon resource, and to include representatives of California ocean and inland salmon fishermen.

"(2) This measure would request the Joint Committee on Fisheries and Aquaculture, in consultation with the Director of Fish and Game and the Fish and Game Commission, to reestablish the Advisory Committee on Salmon and Steelhead Trout, would specify the membership qualifications for the advisory committee, would specify the matters which the advisory committee would be required to study, and would require the advisory committee to submit 4 annual reports, commencing January 1, 1985, and on January 1st of each year thereafter, to the Joint Committee on Fisheries and Aquaculture and the Director of Fish and Game.

"Whereas, The value of California's commercial fishery is one and a quarter billion dollars ($1,250,000,000) annually and the value of the California recreational fishery is estimated to be four hundred million dollars ($400,000,000) annually; and

"Whereas, The salmon fishery constitutes a significant part of California's commercial and recreational fishery; and

"Whereas, The salmon fishery is important for food, jobs, and recreation, and to the local economies of central and northern California coastal communities; and

"Whereas, The salmon resource of California has declined as much as 50 percent from the historical levels, due primarily to the damage done to the in-river spawning and nursery habitat of salmon; and

"Whereas, The state of California and commercial and recreational fishermen have made a commitment to the restoration of California's salmon resources through stream restoration projects, increased in-river water flows, expanded hatchery production, and rearing-pond and hatch-box programs funded by money from nonrenewable resources, from the fishermen themselves, and from private contributions and assessments on catches; and

"Whereas, The federal Pacific Fishery Management Council and the Department of Commerce have sought to manage California's salmon fishery on the basis of salmon runs to the Klamath-Trinity and the Upper Sacramento Rivers; and

"Whereas, The federal government has failed to mitigate the full fish losses at the Trinity Fish Hatchery that occurred from the loss of spawning and nursery habitat above the Trinity and Lewiston Dams, which the hatchery was to mitigate; and

"Whereas, The federal government has not provided full funding to replace salmon spawning gravels lost below the Lewiston Dam; and

"Whereas, The federal government has not solved fish passage problems at its Red Bluff Diversion Dam, which was built to provide water for irrigation and to enhance the fisheries; and

"Whereas, The federal government has not provided full funding for salmon spawning gravel below Keswick Dam or operated efficiently its Tehama-Colusa Spawning Channel on the Upper Sacramento River; and

"Whereas, In 1982, as a result of California's salmon restoration programs, California fishermen had one of their best salmon harvests in recent years and salmon spawning escapement into most of California's river systems was above average; and

"Whereas, The Pacific Fishery Management Council has proposed, and the Secretary of Commerce has enacted, a season and regulations for 1983 to severely restrict the California salmon fishery; and

"Whereas, The restrictions have been enacted with no guarantees by the federal government that more spawning habitat will be made available by solving in-river problems that the federal government has created; and

"Whereas, The number of salmon caught by the California commercial salmon industry in 1983 has suddenly, unexpectedly, and drastically dropped to the lowest levels in 25 years; and

"Whereas, The average size and weight of salmon caught in 1983 has also dropped to the lowest level in 25 years; and

"Whereas, The disastrous catches in 1983 are attributable to the sudden and unexpected appearance of anomalous ocean conditions, commonly known as El Nino, marked by the absence of normal upwellings, high water temperatures, and scarcity of prey for salmon; and

"Whereas, The anomalous ocean conditions in 1983 are not part of a general trend, but constitute a physical disaster similar to a hurricane, earthquake, or drought; and

"Whereas, The combination of fewer and smaller salmon in 1983 and the lack of private financial assistance on reasonable terms has forced many salmon fishermen to the point of insolvency, default, and bankruptcy; and

"Whereas, Commercial fishermen are virtually without recourse to federal or state disaster relief assistance programs; and

"Whereas, The United States Small Business Administration is authorized to make or guarantee loans as necessary to victims of economic injury caused by physical disasters; and

"Whereas, The Legislature previously has respectfully memorialized the President and Congress of the United States to create a separate federal fishery management council for California; and

"Whereas, Representative Glenn Anderson of California has introduced HR 2351 to create a separate federal fishery management council for California; and

"Whereas, The Subcommittee on Fisheries and Wildlife Conservation and the Environment of the Committee on Merchant Marine and Fisheries of the House of Representatives has conducted hearings in Long Beach, Monterey, and Eureka on HR 2351 and has found widespread support for creation of a separate federal fishery management council for California; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, that the Legislature respectfully memorializes the President and Congress of the United States and the Secretary of the Interior to mitigate fully all fish losses that have occurred above the Trinity and Lewiston Dams, provide funding for spawning gravels below the Lewiston Dam on the Trinity and the Keswick Dam on the Upper Sacramento River, solve the fish-passage problems at the Red Bluff Diversion Dam, and turn over the operations of the Tehama-Colusa Spawning Channel, with annual funding, to the Department of Fish and Game of this state; and be it further

"Resolved, That the Legislature finds and declares that the anomalous conditions off the coast of California associated with El Nino in 1983 constitute a physical disaster that is causing severe economic injury to the commercal salmon fisheries of California; and be it further

"Resolved, That the Legislature respectfully memorializes the President and Congress of the United States, the United States Small Business Administration, the Governor of California, and the California Office of Emergency Services to take the necessary steps to make federal Economic Injury Disaster Loans under the United States Small Business Administration's Physical Disaster and Economic Injury Loan Program available to California commercial salmon fishermen in 1983; and be it further

"Resolved, That the Legislature reaffirms its support for creation of a separate federal fishery management council for California, with guaranteed representation for California commercial, recreational, and Klamath River American Indian fishermen, California seafood processors, and the California Department of Fish and Game; and be it further

"Resolved, That the Legislature respectfully memorializes the President and Congress of the United States and the Secretary of Commerce to ensure that the Salmon Plan Development Team of any federal fishery management council, having authority over California, includes members representing balance of disciplines needed for optimum-yield management of the California salmon resource, and to include representatives of California ocean and inland salmon fishermen; and be it further

"Resolved, That the Legislature requests all of the following:

"(a) The Joint Committee on Fisheries and Aquaculture, in consultation with the Director of Fish and Game and the Fish and Game Commission, shall reestablish the Advisory Committee on Salmon and Steelhead Trout, which was created pursuant to Assembly Concurrent Resolution No. 64 in 1970, and shall appoint members to ascertain, study, and analyze all facts relating to the preservation, protection, restoration, and enhancement of salmon and steelhead trout resources of this state, including, but no limited to, the operation, effect, administration, enforcement, and needed revision of any and all laws in any way bearing upon, or relating to, the subject of this resolution, to report thereon to the Joint Committee on Fisheries and Aquaculture and the Director of Fish and Game and include in the report its recommendations for appropriate legislation.

"(b) The Advisory Committee on Salmon and Steelhead Trout shall consist of persons having practical knowledge and experience in the following fields:

"(1) Four representatives of the commercial salmon industry.

"(2) Four representatives of organized inland and ocean fisheries sportsmen's groups.

"(3) One public member.

"(c) The advisory committee shall cooperate with, and secure the cooperation of, state and federal agencies, counties and cities, and local law enforcement agencies in investigating any matter within the scope of this resolution.

"(d) The advisory committee shall study and investigate all relevant matters, in order to provide for, and develop a program for, the preservation, protection, restoration, and enhancement of the salmon and steelhead trout resources of this state, including, but not limited to, the following matters:

"(1) The conduct of hatchery and stocking operations to achieve maximum contribution to the fishery and to spawning escapement.

"(2) The rehabilitation, protection, enhancement, and preservation of all salmon and steelhead trout spawning areas and the maintenance of those areas in optimum condition.

"(3) The expansion of hatchery and related artificial propagation facilities, where necessary and feasible, to achieve maximum production of salmon and steelhead trout consistent with protection of naturally spawning stocks.

"(4) The screening of all existing major diversions on salmon and steelhead trout streams.

"(5) The development and conduct of rehabilitation, enhancement, and restocking programs, to achieve maximum production in all streams with historic populations of salmon and steelhead trout.

"(6) The coordination of state programs and activities with federal agencies to promote maximum contribution to the salmon and steelhead trout resources by the federal government.

"(7) The developing of a comprehensive salmon and steelhead management plan for the State of California.

"(e) The advisory committee shall submit timely progress reports to the Joint Committee on Fisheries and Aquaculture and the Director of Fish and Game, and include, in these reports, any suggested legislation. The advisory committee shall also submit four annual reports to the Joint Committee on Fisheries and Aquaculture and the Director of Fish and Game. The advisory committee shall submit the first annual report on or before January 1, 1985, and shall submit the remaining reports on or before January 1st of each year therafter; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Commerce, to the Secretary of the Interior to the Director of the United States Small Business Administration, to the Speaker of the House of Representatives, to the Chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the Committee on Merchant Marine and Fisheries of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Governor, Director of Fish and Game, President of the Fish and Game Commission, and Director of the Office of Emergency Services of this state."

POM—421. A joint resolution adopted by the Legislative Assembly of the State of Oregon; to the Committee on Energy and Natural Resources.

"HOUSE JOINT MEMORIAL 2

"Whereas the Owyhee River, a high desert river, is entrenched in steep narrow canyons; and

"Whereas it can be run by kayakers and rafters during spring runoff; and

"Whereas during the rest of the year it provides fishing for rainbow trout; and

"Whereas wildlife in the area of the river include pronghorn antelope, bighorn sheep, mule deer, otter, beaver, bobcat and many other species; and

"Whereas the March 1979 final report of the Owyhee Wild and Scenic River Study by the Department of the Interior recommended that the entire 192-mile study segment be added to the National Wild and Scenic Rivers System; and

"Whereas the Illinois River is designated as a state scenic waterway; and

"Whereas the river supports a world-class fishery for chinook and coho salmon, steelhead and cutthroat trout; and

"Whereas the river also provides excellent whitewater recreation; and

"Whereas a study by the Department of Agriculture, completed in 1978, recommended that 50.4 miles of the river be included in the National Wild and Scenic Rivers

System; now, therefore, be it *"Resolved by the Legislative Assembly of the State of Oregon:*

"(1) The Congress of the United States is memorialized to support Senate Bill 416 introduced to the 98th Congress by Senator Mark O. Hatfield and to thereby include in the National Wild and Scenic Rivers System established under the Wild and Scenic Rivers Act of 1968 (P.L. 90-542, 16 U.S.C. 1271):

"(a) The segment of the Illinois River recommended in the Department of Agriculture study; and

"(b) The segments of the Owyhee River that are outside the 14 mile segment around Rome, Oregon, recommended in the Department of Interior study.

"(2) Copies of this memorial shall be sent to the President of the United States, the Secretary of Interior of the United States, the Secretary of Agriculture of the United States and to each member of the Oregon Congressional Delegation."

POM-422. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Energy and Natural Resources.

"RESOLUTION No. 303

"Whereas, Richard Montoya, a native of Las Cruces, N. Mex., has served as Assistant Regional Director for the Small Business Administration headquarters in Dallas from 1971 to 1976; and

"Whereas, from 1976 to 1978 he was a representative for the Commerce Department of Texas, New Mexico, Oklahoma, Arkansas and Louisiana; and

"Whereas, he has also served as senior adviser to former Texas Governor William Clements, where he was charged with economic development of South Texas and the Texas-Mexico border areas; and

"Whereas, he has served as Deputy Assistant Interior Secretary for Territorial and International Affairs to Pedro Sanjuan since Febraury 4, 1983 until Sanjuan's transfer to the United Nations; and

"Whereas, he has held the position of Acting Deputy Assistant Interior Secretary for Territorial and International Affairs since Pedro Sanjuan's resignation on September 6, 1983; now therefore be it

"Resolved, That the people of Guam congratulate Richard Montoya for his presidential appointment as Assistant Interior Secretary for Territorial and International Affairs; and be it further

"Resolved, That the people of Guam express their appreciation to the President of the United States for recognizing the capabilities as well as the potential of a member of one of America's various ethnic groups for a top policy level post; and be it further

"Resolved, That the people of Guam laud Montoya's appointment as one of the highest-ranking Hispanics in the Interior Department with the authority over America's far-flung territories; and be it further

"Resolved, That Montoya's appointment be considered a precedent setting occasion indicating that America is indeed a land of opportunities regardless of ethnic background; and be it further

"Resolved, That the Speaker certify to and the Legislative Secretary attest to the adoption hereof and that copies of the same be thereafter transmitted to the President and Vice-president of the United States; to the Speaker of the U.S. House of Representatives; to the President of the U.S. Senate; the Guam Delegate to the United States House of Representatives; to Richard Montoya; and to the Governor of Guam."

POM-423. A resolution adopted by the Greater Sitka Chamber of Commerce relating to the granting of Environmental Protection Agency variances for certain Alaska mills; to the Committee on Environment and Public Works.

POM-424. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

"ASSEMBLY JOINT RESOLUTION No. 58

"Whereas, there is an ongoing problem of raw sewage flowing from Mexico into the United States near San Diego, and into California ocean waters; and

"Whereas, the entry of raw sewage from Mexico into California presents the possibility of a severe outbreak of infectious disease and presents serious environmental problems; and

"Whereas, several times each year San Diego County health officials must ban swimming in ocean waters near Imperial Beach contaminated with raw sewage from Tijuana; and

"Whereas, the steady discharge of raw sewage has destroyed and continues to destroy valuable cropland; and

"Whereas, thousands of Americans unknowingly cross open raw sewage flows by car, by foot, and by horseback to attend events held at the Border State Park; and

"Whereas, this contact can lead to the spread of serious disease; and

"Whereas, the population around the international border area is rapidly approaching two million people; and

"Whereas, the only solution to problems of the Tijuana River Valley is construction of a waste water treatment plant in Tijuana or south San Diego; and

"Whereas, the primary reason for the need for such a treatment plant is the lack of a facility in Tijuana; and

"Whereas, the citizens who reside in the area should not be billed for the construction of a treatment plant that is needed because of raw sewage from Tijuana; and

"Whereas, in a similar situation the federal government funded and constructed a treatment plant in Nogales, Arizona; and

"Whereas, there is an ongoing need for joint action and negotiation for the resolution of problems common to both the United States and Mexico; now, therefore, be it.

"Resolved by the Assembly and Senate of the State of California, jointly, That the California State Legislature supports the funding by the federal government of the construction of a sewage treatment plant in Tijuana, Mexico, or San Diego County, California, to treat sewage from Tijuana, Mexico; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to authorize the funding and construction of a sewage treatment plant in San Diego County to carry out the objectives of the federal Clean Water Act; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to negotiate with Mexico for the resolution of problems which are common to both countries and to resolve common problems with Mexico through joint action whenever possible; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-425. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"SENATE JOINT RESOLUTION No. 15

"Whereas, Local government is a necessary and integral part of our governmental system; and

"Whereas, The fiscal viability of local government is crucial to its being an integral part of our government system; and

"Whereas, Revenue sharing is a means by which local government recaptures tax dollars remitted to the federal government; and

"Whereas, Federal aid to cities is a vital and necessary element to local government; and

"Whereas, California local governments received in excess of $500 million dollars in revenue sharing funds in federal fiscal year, 1982; and

"Whereas, The authorization for federal revenue sharing is due to expire in 1983; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to authorize the extension of general revenue sharing and, due to the importance of this program to local governments, to continue these funds at a higher level than last year; and, be it further.

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-426. A joint resolution adopted by the Legislative Assembly of the State of Oregon; to the Committee on Finance.

"HOUSE JOINT MEMORIAL 17

"Whereas, many residents of the State of Oregon are currently engaged in railroad employment or have engaged in such employment in the past and expect the railroad retirement system to provide benefits when they retire; and

"Whereas, many residents of the State of Oregon are currently receiving benefits under the railroad retirement system and rely on such benefits to a large extent to meet normal living expenses; and

"Whereas, any reduction in the amount of benefits received by beneficiaries under the railroad retirement system would have a drastic effect on the ability of these beneficiaries to meet normal living expenses; and

"Whereas, projections of the financial condition of the railroad retirement system show that unless corrective action is taken, monthly annuities will have to be reduced significantly beginning with the annuity checks to be sent out October 1, 1983, with additional reductions required in the future; and

"Whereas, a bill H.R. 1646, the Railroad Retirement Solvency Act of 1983, was introduced in the United States House of Representatives on February 24, 1983, by Congressman Florio; and

"Whereas, an identical bill, S. 1074, has been introduced in the United States Senate by Senator Stafford; and

"Whereas, H.R. 1646 and S. 1074 would resolve the short-term and long-term financial problems of the railroad retirement system, through an even-handed approach of tax increases on railroad employers and employes and adjustments of benefits to current and future beneficiaries, thereby preserving and protecting the rights and expectations of those currently receiving benefits and those who would receive such benefits in the future; now, therefore,

Be it resolved by the Legislative Assembly of the State of Oregon:

(1) The Oregon Congressional Delegation is urged to actively support and vote favorably on S. 1074 and H.R. 1646, the Railroad Retirement Solvency Act of 1983, in the Congress of the United States.

(2) A copy of this memorial shall be sent to each member of the Oregon Congressional Delegation."

POM-427. A joint resolution adopted by the Legislative Assembly of the State of Oregon; to the Committee on Finance.

"HOUSE JOINT MEMORIAL 20

"Whereas a tax on employee health insurance benefits is discriminatory, unfair and inefficient as a means of slowing rising health costs;

"Whereas a tax on employee health insurance benefits penalizes older workers, women and workers in hazardous or high-risk occupations who have higher health costs;

"Whereas a tax on employee health insurance benefits unfairly affects certain geographic areas where health costs are higher;

"Whereas a tax on employee health insurance benefits would result in reduced coverage for preventative services such as dental care, mental health care, vision care and drug abuse services;

"Whereas a tax on employee health insurance benefits could result in less continued health insurance coverage for laid-off workers who currently draw benefits under collective bargaining agreements; and

"Whereas a tax on employee health insurance benefits would add substantial administrative burdens to businesses and employers; now, therefore,

Be it resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is memorialized to oppose the efforts to place an arbitary limit on tax-free employer contributions to employee health benefits.

(2) A copy of this memorial shall be sent to the President of the United States, the Speaker of the House of Representatives, the Secretary of the Treasury, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Finance Committee and to each member of the Oregon Congressional Delegation."

POM-428. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"ASSEMBLY JOINT RESOLUTION No. 3

"Whereas, The people of California are a major exporter of American products among the states; and

"Whereas, The people of California are a major importer of foreign products among the states; and

"Whereas, The challenge of creating more jobs for the people of California relies to a great extent on creating more exports; and

"Whereas, The people of California need the help of President Ronald Reagan and the federal government in regaining our competitiveness abroad; and

"Whereas, To do this we need to reduce foreign barriers that unfairly hinder our exports, thereby ensuring that free trade among nations is preserved; and

"Whereas, California's products in many areas such as agriculture, computers, semiconductors, and telecommunications are internationally competitive in quality, reliability, and price, but are being frozen out of overseas markets by unfair quotas and artificial barriers; and

"Whereas, In particular, California's largest industry, agriculture, is unfairly hindered by foreign trade barriers; and

"Whereas, Such discrimination against California's exports can no longer be tolerated quietly in these times of significantly higher unemployment; and

"Whereas, The Legislature of the State of California last year created the California State World Trade Commission to increase California's exports; and

"Whereas, The people of California must have an effective means of declaring to nations that exclude too much of California's products unfairly that the time has come to become serious about foreign trade; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to provide strong, prompt, and decisive leadership to encourage trade by all nations; and be it further

Resolved, That the Legislature respectfully asks the federal government to insist that California's exports be granted reasonable access to foreign markets and that the federal government be firm, but fair, until that access is obtained; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor of the State of California, and to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the President pro tempore of the United States Senate, to each United States Senator, and Member of the House of Representatives in the California delegation, to the United States Secretary of State and to the United States Secretary of Commerce."

POM-429. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION No. 31

"Whereas, The California Legislature finds and declares that the Soviet Union is the greatest threat to peace, freedom, and democracy in the world today for the following reasons:

"Whereas, On August 31, 1983, Soviet war planes shot down a Korean commercial airplane killing United States Representative Larry McDonald (D-Georgia) and 268 other innocent citizens; and

"Whereas, We have no better example of the barbaric and despicable use of military power without provocation than the destruction of the Korean airplane; and

"Whereas, The Soviets have suppressed democratic movements in their client states including the use of armed forces in East Germany (1953), Hungary (1956), Czechoslovakia (1968), and Poland (1982); and

"Whereas, Communist governments in approximately 30 countries have ruled for a combined total of nearly 700 years without a peaceful transition to democracy in any nation; and

"Whereas, Of the twelve wars waged in 1982, 10 involved Soviet-backed troops; and

"Whereas, The Soviets or their client states have destroyed free trade unions everywhere including, most recently, Solidarity in Poland and the free trade union in Nicaragua; and

"Whereas, The Soviets have continuously and openly violated the Helsinki Accords to permit free immigration and religious and political freedom; and

"Whereas, The Soviet Union has continued to escalate development and deployment of its military forces; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California condemns the government of the Soviet Union and urges the President and Congress of the United States to take appropriate action to oppose Soviet aggression including, but not limited to, the imposition of trade embargoes, discontinuation of wheat sales, denial of Olympic participation, and elimination of Soviet flights to this country; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-430. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"SENATE CONCURRENT RESOLUTION No. 40

"Whereas, The sister city-state concept was inaugurated by the President of the United States in 1956 to establish greater friendship and understanding between the people of the United States and other nations through the medium of direct personal contact; and

"Whereas, All succeeding United States Presidents have endorsed this program conducted for the broad purpose of exchanging ideas between the citizens of the State of California, the United States, and the peoples of other nations; and

"Whereas, The people of Taiwan, like the people of the State of California and the United States, generally, have overcome great adversity and have built a successful prosperous, free economy; and

"Whereas, The Republic of China has been one of the most faithful allies of the United States since 1941; and

"Whereas, Strong commercial ties now exist between the citizens of the Province of Taiwan and the citizens of the State of California; and

"Whereas, The people-to-people program initiated by President Eisenhower in 1956 and endorsed by President Kennedy in 1961 was designed to bring the people of the world closer together in the interest of peace and prosperity; and

"Whereas, A sister-state relationship between Taiwan and California is in the best interest of a cooperative relationship between the two states involved; now, therefore, be it

"Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature, on behalf of the people of the State of California, extends to the people of Taiwan (the Republic of

China) through the Provincial Legislature of Taiwan, an invitation to join California as a sister state and to conduct mutually beneficial social, economic, educational, and cultural programs in order to bring our citizens closer together and strengthen international understanding and good will; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to Lee Teng-Hui, Governor of Taiwan, Kao Yu-Jen, Speaker of the Provincial Legislature of Taiwan, Nieh Wen-Ya, President of the Legislative Yuan, Republic of China, George Deukmejian, Governor of California, each member of Congress from the State of California and to the presiding officers of the legislative houses of the other states of the Union."

POM-431. A joint resolution adpoted by the Legislature of the State of California; to the Committee on Foreign Relations.

"ASSEMBLY JOINT RESOLUTION No. 80

"Whereas, The United States of America is committed to the protection of human rights throughout the world and especially among its political and military allies; and

"Whereas, The assassination of Benigno S. Aquino, Jr., a leading figure in the effort to restore through nonviolent means human rights, democracy, and constitutional rule to the Republic of the Philippines, is a devastating blow to the establishment of a free and open Filipino society and a loss to our world community; and

"Whereas, All Californians, including more than 600,000 Californians of Filipino descent, equal to 40 percent of the nation's Filipino population, are revolted by the assassination of Benigno Aquino under circumstances which demand, in the name of justice, a full and independent investigation of this heinous act; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California urges the government of the United States of America to use every diplomatic and political tool at its disposal to ensure that those responsible for the death of Benigno Aquino are brought to justice; and be it further

"Resolved, That the President of the United States is respectfully requested to postpone his planned visit to the Philippines until the murderers of Benigno Aquino are brought to justice, the safety of the President is guaranteed by the government of the Republic of the Philippines, and steps are taken to restore democracy to the Filipino nation; and be it further

"Resolved, That the Legislature of the State of California expresses its deepest condolences to the family of Benigno Aquino and to the Filipino people; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the President of the Republic of the Philippines, and to members of the immediate family of Benigno S. Aquino, Jr."

POM-432. A joint resolution adopted by the Legislature of the State of Oregon; to the Committee on Foreign Relations.

"HOUSE JOINT MEMORIAL 7

"Whereas armed conflict between nations and within our society is increasing at an alarming rate, and recent conflicts throughout the world make it necessary to develop new and creative means of managing conflict before it escalates into violence, so that the challenge facing the people of the State of Oregon and this nation is the development of new techniques to resolve and prevent violent conflict; and

"Whereas the Commission on Proposals for the National Academy of Peace and Conflict Resolution has recommended that a National Academy of Peace and Conflict Resolution be established to increase our nation's capability of responding to national and international conflicts and to protect and preserve the life of the citizens of this nation and the world; and

"Whereas the resolution of conflicts, whether personal, local, national or international, can best be accomplished by the use of trained personnel, and the systematic use of trained personnel, in the resolution of international conflicts could save this nation and others countless billions of dollars and untold human suffering; and

"Whereas the international peacemaking and conflict resolution activities of Americans throughout government, private enterprise and voluntary associations can be strengthened by a national institution devoted to the advancement of peace and international conflict resolution techniques; and

"Whereas the Peace Academy's immediate impact would be symbolic in that it would demonstrate in a visible, tangible form that history's most powerful nation does have a permanent interest in and commitment to peace; now, therefore, be it

"Resolved by the Legislative Assembly of the State of Oregon: That the President and Congress are respectfully memorialized to establish a National Academy of Peace and Conflict Resolution dedicated to training persons in peaceful conflict resolution techniques; and be it further

Resolved, That the State of Oregon hereby requests the National Academy of Peace and Conflict Resolution to establish a satellite center of the academy in Oregon; and be it further

Resolved, That a copy of this memorial be sent to the President of the United States, to the Speaker of the House of Representatives and to each member of the Oregon Congressional Delegation."

POM-433. A joint resolution adopted by the Legislative Assembly of the State of Oregon; to the Committee on Foreign Relations.

"HOUSE JOINT MEMORIAL 19

"Whereas the Baha'i community in Iran is experiencing persecution, harassment and disappearances of family members, job discrimination, seizure of bank funds, destruction of personal property and torture; and

"Whereas current reports show at least one hundred thirteen executions of Baha'is and Baha'i religious leaders by the Government of Iran; and

"Whereas the continued harassment and murder of Baha'is demonstrates that the Government of Iran has launched a conscious effort to destroy the Baha'i community; and

"Whereas the Legislative Assembly condemns persecution of the Baha'is, holds the Government of Iran responsible for upholding the rights of all its citizens, including the Baha'is, and expresses the hope that the discrimination and brutal executions within the Baha'i community cease immediately; and

"Whereas the Legislative Assembly wishes to support and reaffirm House Concurrent Resolution 283, 97th Congress, second session, passed by the House of Representatives and the Senate of the United States of America; now, therefore,

"Be It Resolved by the Legislative Assembly of the State of Oregon:

"(1) The President and Congress of the United States are memorialized to take whatever steps are possible to urge the Government of Iran to end the persecution and extermination of law abiding citizens who only wish to worship in freedom.

"(2) A copy of this memorial shall be sent to the President of the United States and to each member of the Oregon Congressional Delegation."

POM-434. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"ASSEMBLY JOINT RESOLUTION No. 81

"Whereas, Religious tolerance and freedom are precepts which have been accepted and enjoyed by Americans for hundreds of years; yet at this time, predicated on misconceptions and misunderstandings, a great tragedy is being unfolded—the atrocious and heinous persecution of members of the Baha'i faith by the Iranian government; and

"Whereas, One of the great religions in the world, the Baha'is have been traditionally supportive of human rights, the United Nations, world peace, and other projects for the advancement of mankind; and

"Whereas, President Ronald Reagan has issued an appeal to the Iranian government to desist in these crimes against humanity which the American people find intolerable and which has provoked anguish and concern for the safety and well-being of the Baha'is in Iran; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress to continue efforts to intercede on behalf of the Baha'is of Iran and to put a stop to further persecution in order to establish peace to all peoples of the world; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-435. A resolution adopted by the Synod of the Moravian Church, Northern Province supporting Senate ratification of the Convention on the Prevention and Punishment of the Crime of Genocide; to the Committee on Foreign Relations.

POM-436. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION 28

"Whereas, Asian Americans have been given unfair and unjust treatment historically in the United States; and

"Whereas, Our American judicial system has failed to execute its duties and responsibilities in the handling of the prosecution in Detroit, Michigan, of the killers of Vincent Chin, a Chinese-American; and

"Whereas, Vincent Chin's murder was the result of a racially-motivated attack by which could have been perpetrated against any Asian person, and as an Asian American

he was blamed for the high unemployment in the Detroit area; and

"Whereas, Numerous and substantial mistakes, inexcusable omissions, and material errors on the part of the prosecuting attorney, the attorney general, and the judge on the case have resulted in the criminals effectively going unpunished; and

"Whereas, It is the criminal justice system which is entrusted to protect the rights of all those concerned, the state, the defendants, and the victim; and

"Whereas, The protection of human rights demands that a heinous crime such as the killing of Vincent Chin be properly dealt with on behalf of all members of society; and

"Whereas, It is the duty and obligation of the criminal justice system to alleviate and rectify all errors occuring in the administration of justice and the enforcement of the laws; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President and Congress of the United States are respectfully memorialized to request the United States Department of Justice to undertake a prompt and thorough investigation of, and prosecution for, all federal civil rights violations that may have been committed against Vincent Chin; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the United States Department of Justice."

POM-437. A resolution adopted by the Board of Supervisors County of Los Angeles, Calif., urging members of the U.S. Senate to vote in favor of declaring January 15 of each year as Dr. Martin Luther King, Jr. Day; to the Committee on the Judiciary.

POM-438. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

"ASSEMBLY JOINT RESOLUTION No. 85

"Whereas, The California Employment Development Department operates the Federal Unemployment Insurance Program and provides essential benefits to the workers of the state who are displaced for reasons beyond their control; and

"Whereas, The California State Auditor General recently reviewed the Employment Development Department and found that federal government funding policies are a disincentive to the automation of the Employment Development Department because they do not provide adequate funds for equipment purchases and operating costs, and furthermore reduce allocations to California if it takes the initiative and automates programs; and

"Whereas, The Employment Development Department issues by hand over 75,000 unemployment insurance checks every day, making it the largest manual check-writing system in the western states; and

"Whereas, Automation of the department's unemployment insurance programs would provide a benefit to the employees and employers of the state from improved services and reduced costs and taxes; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress and President of the United States to examine the Department of Labor funding policies that discourage automation of state unemployment insurance programs; and be it further

"Resolved, That the Congress and the President require the Department of Labor to allow California's Employment Development Department to use personal services savings resulting from automation to help purchase new automation equipment and offset increased nonpersonal services costs; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

H.R. 4042. A bill to continue in effect the current certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for United States military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Con. Res. 73. Concurrent resolution relating to the coordination of monetary and fiscal policies (with additional views) (Rept. No. 98-263).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

Clarence J. Brown, of Ohio, to be Deputy Secretary of Commerce.

(The above nomination was reported from the Committee on Commerce, Science, and Transportation with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly appointed committee of the Senate.)

By Mr. PERCY, from the Committee on Foreign Relations:

Donald Charles Leidel, of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Donald C. Leidel.

Post: Manama, Bahrain.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Beverly B. Leidel, none.

3. Children and spouses names: Katherine L. and Michael D. Harris; Peter A. Leidel, Michael B. Leidel.

4. Parents names: Deceased.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Frederick O. and Marjorie Leidel.

7. Sisters and spouses names: none.

George E. Moose, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Benin.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: George E. Moose.

Post: Ambassador to Benin.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Not applicable.

4. Parents names: Mrs. Ellen A. Moose, $200 (estimated), annual contributions of approximate $50/year to Democratic National Campaign Fund.

5. Grandparents names: Not applicable.

6. Brothers and spouses names: Not applicable.

7. Sisters and spouses names: Mr. and Mrs. Lawrence Walker, None.

George Roberts Andrews, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mauritius.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: George R. Andrews.

Post: Ambassador to Mauritius.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: None.

5. Grandparents names: None.

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

Edmund de Jarnette, of Virginia, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Edmund de Jarnette.

Post: Ambassador to Central African Republic.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Edmund III (15), none; Alexandra (14), none.

4. Parents names: Died prior to 1967.

5. Grandparents names: Died prior to 1963.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Jane de Jarnette, $10, September 1982, and Ronald Hilderbrand (husband), $25, September 1982, Virginia Democratic Party—Davis for Senate Campaign.

Robert Hopkins Miller, of Washington, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ivory Coast.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Robert H. Miller.

Post: Ivory Coast.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Margaret H. Miller, none; George K. Miller, Andrea Kaliski, none.

4. Parents names: Deceased.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Keith H. Miller, all approximately $100 according to KHM's recollection, 1980, 1981-82, Ed. Clark, Don Young, Frank Murkowski, GOP Victory Fund, Republican National Committee, Republican Congress Committee; Mr. & Mrs. Arthur H. Miller, none; Mr. & Mrs. Donald H. Miller, none.

7. Sisters and spouses names: None.

Charles Franklin Dunbar, of Maine, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Charles Franklin Dunbar.

Post: Qatar.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Nelia Walker Dunbar, Andrew Barbey Dunbar, Charles Matthew Dunbar, none.

4. Parents names: Charles Franklin Dunbar (deceased), Katherine Barbey Dunbar (deceased).

5. Grandparents names: Frank A. Barbey, Mary Barbey (both deceased); William Harrison Dunbar (deceased), Mrs. William H. Dunbar (deceased).

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

Reginald Bartholomew, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Reginald Bartholomew.

Post: Ambassador to Lebanon.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: $50, April 1980, Culver Committee.

3. Children and spouses names: Sylvie, Christian, Damien, and Jonathan Bartholomew, none.

4. Parents names: Deceased.

5. Grandparents names: Deceased.

6. Brothers and spouses names: David and Maryanne Bartholomew, $25 and $90, January 1981, O'Leary Committee; August 1981, Mitchell Committee.

7. Sisters and spouses names: None.

Nicolas M. Salgo, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Hungary.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Nicolas M. Salgo.

Post: Hungary.

Contributions, amount, date, and donee:

1. Self:

1979, none.

1980: $1,000, March 12, George Bush; $1,000, March 12, Jacob Javits; $1,000, March 12, Howard Baker; $50,000, November, Guarantee funds for bank financing to Presidential Inaugural Committee (refunded March 6, 1981 by Presidential Inaugural Fund—see below).

1981: ($50,000), March 6, Repayment of guarantee funds for bank financing; $125, March 16, GOP Victory Fund; $200, May 8, Republican National Committee; $5,000, June 1, Senate Majority Fund; $150, June, GOP Victory Fund; $150, June, Frey for Senate; $100, June, Friends of Dick Lugar; $1,000, July 8, Jack Javits Campaign Deficit; $1,000, September 29, People for John Heinz; $750, October 19, Senatorial Advisory Board; $20,000, November 6, Republican National Committee (less reimbursement of contribution in excess of permitted limits on September 30, 1982 of $8,000, from Republican National Finance Committee—see below).

1982: $100, February 1, Richard Luger; $175, February 1, GOP Victory Fund; $200, June 18, Republican National Committee; $1,000, June 10, Cissy Baker for Congress Committee (contribution for primary election); $250, June 11, Prescott Bush for Senate; $250, July 19, New Yorkers for L. Lieberman; $250, August 20, Rick Fore for U.S. Senate; $500, August 20, Senatorial Business Advisory Board; $400, September 30, Congressman Bill Nelson Campaign Fund; $500, September 30, Tom Evans' 1982 Committee; ($8,000), September 30, received from Republican National Finance Committee reimbursement for 1981 excess contribution; $10,000, October 8, Republican National Committee; $250, October 7, Congressman Gilman's Committee for Vice President Bush Dinner; $1,000, October 7, John LeBoutillier for Congress; $1,000, October 22, Dave Durrenberger for Senate; $1,000, October 22, Paul Trible for Senate; $1,000, October 22, Dave Emery for Senate; $1,000, October 22, Paul Pfeifer for Senate; $1,000, October 22, Pete Wilson for Senate; $1,000, October 22, Gene Knorr for Senate; $1,000, October 22, Chic Hecht for Senate; $1,000, October 22, Regan Campaign Project c/o Boutillier; $1,000, October 22, Lew Lehrman for Governor; $1,000, October 22, Cissy Baker for Congress (contribution for general election); $500, December 8, U.S. Senatorial Business Advisory Board; $100, December 8, Evans 1982 Committee.

1983: None to April 30, 1983.

2. Spouse: Josseline Salgo, none.

3. Children and spouses names: Dr. Miklos P. Salgo, single, Christina Neville and her husband Robert Neville, none.

4. Parents names: Elizabeth Salgo, mother, died February 13, 1983, father died prior to period in question, not applicable to father, none by mother.

5. Grandparents names: Grandparents died prior to period in question, not applicable.

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

Nicholas A. Veliotes, of California, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Nicholas A. Veliotes.

Post: Cairo.

Contributions, amount, date, and donee:

Self: None.

2. Spouse: Patricia, none.

3. Children and spouses names: Christopher and Michael, none.

4. Parents names: Irene Zoobrick, none.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Rev. John Otis and Phyllis Otis, none.

7. Sisters and spouses names: Dorothy Chessari and John Chessari, none.

Alan Lee Keyes, of California, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Alan L. Keyes.

Post: U.S. Representative to UNECOSOC.

Contributions, amount date and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: None.

5. Grandparents names: None.

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

Gerald Eustis Thomas, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Gerald Eustis Thomas.

Post: Repubic of Kenya.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: None.

5. Grandparents names: None,

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

The following-named persons to be Representatives and Alternate Representatives of the United States of America to the 38th Session of the General Assembly of the United Nations:

Representatives

Jeane J. Kirkpatrick, of Maryland.

John Langeloth Loeb, Jr., of New York.

Joel Pritchard, United States Representative from the State of Washington.

Stephen J. Solarz, United States Representative from the State of New York.

Jose S. Sorzano, of Virginia.

Alternate Representatives

Constantine Nicholas Dombalis, of Virginia.

Alan Lee Keyes, of California.

Charles M. Lichenstein, of the District of Columbia.

Lyn P. Meyerhoff, of Maryland.
William Courtney Sherman, of Virginia.
Hugh W. Foster, of California, to be U.S. Alternate Executive Director of the International Bank for Reconstruction and Development for a term of 2 years.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MATTINGLY (for himself, Mr. DOLE, Mr. GOLDWATER, Mr. NICKLES, Mr. SYMMS, Mr. DENTON, Mr. TRIBLE, Mr. GARN, Mr. HATCH, Mr. LAXALT, Mr. KASTEN, Mr. MURKOWSKI, Mr. WILSON, Mr. HUMPHREY, Mr. QUAYLE, Mr. HELMS, Mr. ARMSTRONG, Mr. THURMOND, and Mr. WARNER):

S. 1921. A bill to allow the President to veto items of appropriation, to the Committee on the Judiciary.

By Mr. SPECTER:

S. 1922. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide mortgage assistance to veterans with loans guaranteed by the Veterans' Administration in order to avoid foreclosure of such loans; to the Committee on Veterans' Affairs.

By Mr. DIXON:

S. 1923. A bill to designate the Blind Rehabilitation Center in the Hines Veterans' Administration Medical Center, Chicago, Ill., as the "John Malamazian Blind Rehabilitation Center"; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY:

S. 1924. A bill to create a central Federal file of sexual assault and child molesting arrests and convictions to allow businesses and organizations who hire persons whose employment brings them into regular contact with children to have access to such arrest or conviction records for the purpose of determing the suitability of job applicants; to the Committee on the Judiciary.

By Mr. MATTINGLY (for himself, Mr. DOLE, Mr. GOLDWATER, Mr. NICKLES, Mr. SYMMS, Mr. DENTON, Mr. TRIBLE, Mr. GARN, Mr. HATCH, Mr. LAXALT, Mr. KASTEN, Mr. MURKOWSKI, Mr. HUMPHREY, Mr. WILSON, Mr. HELMS, Mr. ARMSTRONG, Mr. THURMOND and Mr. WARNER):

S.J. RES. 178. A joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation; to the Committee on the Judiciary.

By Mr. HELMS:

S.J. RES. 179. A joint resolution to provide for a White House Chapel; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. DODD, Mr. CRANSTON, and Mr. METZENBAUM):

S. Con. Res. 72. A concurrent resolution calling on the President to appoint a special envoy for Northern Ireland; to the Committee on Foreign Relations.

By Mr. GARN, from the Commitee on Banking, Housing, and Urban Affairs:

S. Con. Res. 73. An original concurrent resolution relating to the coordination of monetary and fiscal policies; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATTINGLY (for himself, Mr. DOLE, Mr. GOLDWATER, Mr. NICKLES, Mr. SYMMS, Mr. DENTON, Mr. TRIBLE, Mr. GARN, Mr. HATCH, Mr. LAXALT, Mr. KASTEN, Mr. MURKOWSKI, Mr. HUMPHREY, Mr. WILSON, Mr. QUAYLE, Mr. THURMOND, and Mr. ARMSTRONG):

S. 1921. A bill to allow the President to veto items of appropriation; to the Committee on the Judiciary.

(Mr. MATTINGLY's remarks on this legislation appear earlier in today's proceedings.)

By Mr. SPECTER:

S. 1922. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide mortgage assistance to veterans with loans guaranteed by the Veterans' Administration in order to avoid foreclosure of such loans; to the Committee on Veterans' Affairs.

VETERAN'S HOUSING FORECLOSURE ASSISTANCE ACT OF 1983

Mr. SPECTER. Mr. President, I rise to introduce legislation to provide mortgage assistance to unemployed and underemployed veterans. This legislation is similar to H.R. 2948, which passed the House of Representatives on May 24.

Beyond the cost of today's continuing unemployment, is the fear which many veterans have of losing their homes. Adverse economic conditions have reduced the capacity of homeowners to continue their monthly payments. The result has been a significant increase in delinquencies on residential mortgages, culminating in massive foreclosures. Veterans have suffered more than most. Within the first 6 months of 1983, 10,000 veterans mortgages were foreclosed. At this rate, foreclosures for 1983 will represent a 30-percent increase from 1982.

While the Veterans' Administration Loan Guaranty Service has made commendable efforts to prevent unnecessary foreclosures, the number of foreclosures is growing. Evidently, more needs to be done.

I am proposing a short-term program of assistance for veterans who are unemployed or significantly underemployed through no fault of their own. The veteran must be at least 6 months delinquent in his mortgage payments and there must be some prospect of repayment of the assistance. A maximum of $8,400 would be available, disbursed directly to the mortgage holder to be used as full or partial payment. The veteran would have 6 years to repay the assistance and no assistance loans would be made after 2 years following enactment.

In order for a veteran to be eligible for assistance, he or she must meet the following criteria:

First. The dwelling must be a current residence and occupied by the veteran;

Second. The veteran must be at least 6 months delinquent;

Third. The veteran must be unemployed or have had substantial reduction in household income through no fault of his own; and

Fourth. The Administrator must determine there is a reasonable prospect of resuming mortgage payment within 18 months. This bill is not an entitlement but stipulates that the Administrator "may" provide assistance.

Economic conditions seem to be improving, but these veterans will not benefit from full recovery for some time. In the meantime, we must do what we can to assure veterans and their families they will not lose their homes.

I hope the Veterans' Committee will take prompt action on this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill ordered to be printed in the RECORD, as follows:

S. 1922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Veterans' Housing Foreclosure Assistance Act of 1983".

MORTGAGE PAYMENT ASSISTANCE TO AVOID FORECLOSURE LOANS GUARANTEED BY THE VETERANS' ADMINISTRATION

SEC. 2. (a)(1) Chapter 37 of title 38, United States Code, is amended by inserting after section 1816 the following new section:

"§ 1816A. Loans to refinance delinquent indebtedness

"(a)(1) The administrator may, at the Administrator's option, provide assistance to a veteran under this section for the purpose of avoiding the foreclosure of a housing loan made to that veteran and previously guaranteed by the Administrator under section 1810 or 1819 of this title (hereinafter in this section referred to as a 'primary loan').

"(2) Assistance under this section shall be in the form of a loan to the veteran. Such assistance may be provided only if—

"(A) the dwelling that secures the primary loan is the current residence of the veteran and is occupied by the veteran as the veteran's home;

"(B) the veteran is at least six months delinquent in payments on that primary loan;

"(C) the veteran is unemployed or has had a substantial reduction in household income (as defined in regulations prescribed by the Administrator) through no fault of the veteran; and

"(D) the Administrator determines that there is a reasonable prospect that the veteran will be able to resume payment on the primary loan within six months after receiving assistance under this section.

"(3) For the purposes of this section, the term 'veteran' includes the surviving spouse of a veteran if the surviving spouse was a coobligor of the primary loan.

"(b)(1) A loan under this section shall be advanced to the holder of the primary loan. The amount of the loan under this section shall first be applied to the amount delinquent on the laon guaranteed under this chapter including any amount delinquent on taxes, assessments, and hazard insurance required by the holder to be included in the veteran's monthly payment on the mortgage. Any remaining amount of such loan shall be retained by the holder and shall be applied to future payments including taxes, assessments, and hazard insurance due on the loan and unpaid (in whole or in part) on the date the payment becomes due.

"(2) The Administrator may make more than one loan under this section to a veteran. The total amount of loans under this section to any veteran may not exceed $8,400.

"(c) A loan under this section—

"(1) shall bear interest at the lower of (A) the maximum rate in effect (as of the date of the first loan made to the veteran under this section) for loans guaranteed under section 1810(a)(1) of this title, or (B) the rate on the primary loan;

"(2) shall be secured by a lien of the property securing the primary loan and by such other security as the Administrator may require; and

"(3) shall be subject to such additional terms and conditions as the Administrator may require.

"(d) As a condition of receiving a loan under this section the veteran shall execute an agreement, in such form as the Administrator may prescribe, to repay the loan not later than forty-eight months after the period for which assistance with the last loan under this section is to be provided. If the Administrator determines that the veteran has sufficient income or other resources to do so, the Administrator may require the veteran to make partial payments on the primary loan guaranteed under this chapter during the period the holder of that loan is applying the amount of the loan under this section to payments becoming due on the primary loan.

"(e) Notwithstanding any other law, the Administrator may employ attorneys to bring suit to collect any amount of a loan under this section on which the veteran to whom the loan is made is in default.

"(f) The Administrator's decisions regarding assistance under this section, including whether or not to grant such assistance and the terms and conditions under which such assistance is granted or not granted, are final and conclusive, and are not subject to judicial review.

"(g) The Administrator may not make a loan under this section after the end of the two-year period beginning on the effective date of this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1816 the following new item:

"1816A. Loans to refinance delinquent indebtedness.".

(b) Section 1816A of title 38, United States Code, as added by subsection (a), shall take effect at the end of the sixty-day period beginning on the date of the enactment of this Act.

By Mr. DIXON:

S. 1923. A bill to designate the Blind Rehabilitation Center in the Hines Veterans' Administration Medical Center, Chicago, Ill., as the "John Malamazian Blind Rehabilitation Center"; to the Committee on Veterans' Affairs.

JOHN MALAMAZIAN BLIND REHABILITATION CENTER

Mr. DIXON. Mr. President, I am today introducing legislation to designate the Blind Rehabilitation Center at the Hines Veterans' Administration Medical Center in Chicago, Ill., as the "John Malamazian Blind Rehabilitation Center."

John D. Malamazian served in the Armed Forces during World War II. He participated in six campaigns and was wounded in action. John was honorably discharged in 1945 and was awarded the Purple Heart, Bronze Service Arrowhead, the French Croix de Guerre With Palm, and four overseas service bars.

He graduated from the University of Illinois with honors in 1948, and began his civilian career as a corrective therapist at the veterans' hospital in Hines, Ill. John was transferred in 1949 to the Hines Blind Center, where he served until 1967. He then became the chief of the Hines Blind Rehabilitation Center.

John enjoyed the distinction of having been a member of the pioneering staff that played such a vital role in the growth and development of the Hines Blind Center, and later in the development of two newer centers.

For those centers, he assisted in the planning and development of rehabilitation training programs and in recruiting and training personnel.

John received 19 awards for his work with blinded veterans and with others in the field.

In 1976, he was Hines VA Hospital's nominee for the "Outstanding Federal Supervisor Employee of the Year" in the Chicago area. In 1977, he was named "Man of the Year" by the Combined Veterans Association of Illinois. In 1979, John received the Lawrence E. Blaha Memorial Award, which is given by the American Association of Workers for the Blind to the "Most Outstanding Person" in orientation and mobility in the United States and Canada.

This is the most coveted award in orientation and mobility; it is the Academy Award—the "Oscar"—in this profession.

He earned four superior performance awards from the VA for his excellent work for and with blinded veterans.

There could not be a more appropriate individual to honor than a man who gave an unlimited amount of his life, knowledge, and energy for the well-being of all blinded veterans.

John D. Malamazian retired after 33 years of outstanding service to the Blind Rehabilitation Center, and 37 years of service to the Federal Government, and each person and organization that was served by him, either directly or indirectly, has been enriched by the experience.

Every person, no matter how talented and successful, has some source from which strength and inspiration are drawn, and in this respect, this exceptional man was no exception.

John's greatest strength and support over the years came from his wife, Millie, whom he married on January 26, 1957, and also from their four children.

My colleague in the House, Congresswoman CARDISS COLLINS, in whose district the Blind Rehabilitation Center is located, has introduced similar legislation today.

I ask unanimous consent that the text of the bill be reprinted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Blind Rehabilitation Center located in the Hines Veterans' Administration Medical Center, Chicago, Illinois, is designated and shall be known as the "John Malamazian Blind Rehabilitation Center". Any reference in a law, map, regulation, document, record, or other paper of the United States to that center shall be held and considered to be a reference to the "John Malamazian Blind Rehabilitation Center".

By Mr. GRASSLEY:

S. 1924. A bill to create a central Federal file of sexual assault and child molesting arrests and convictions to allow businesses and organizations who hire persons whose employment brings them into regular contact with children to have access to such arrest or conviction records for the purpose of determining the suitability of job applicants; to the Committee on the Judiciary.

FEDERAL FILE OF SEXUAL ASSAULT AND CHILD MOLESTING ARRESTS AND CONVICTIONS

● Mr. GRASSLEY. Mr. President, on July 16, 1982, this Chamber passed child protection legislation designed to eradicate child pornography. In a continuing effort to insure the health, safety, and welfare of our Nation's single most important investment in the future, I come before you and my

colleagues to introduce this bill which will aid law enforcement officials in preventing child molestation.

Outwardly, we condemn child molestation as a vile and indecent act against our children, however, like other forms of child abuse that remain taboo subjects, we have failed miserably in our attempts to prevent it. In part, our failure is due to our inability to identify and understand the problem. Experience has demonstrated that it is misleading to characterize child molesters as men who lurk in dark alleys and along side streets; rather, they are to be found in our homes, schools, and in the company of our own children. In many cases, the molester is the child's parent, teacher, babysitter, activities director, bus driver, or other adult who shares a special relationship with the child.

Apart from these generalizations and truisms, we lack concrete information about persons predisposed toward committing a crime that threatens our children's health and well-being. Like rape, a majority of these cases are not reported and so the lack of available information makes it difficult for law enforcement officials to identify and prevent this deviant behavior.

Recognized experts in this area such as Susanne M. Sgroi and Dr. David Finkelhor have characterized this problem as one which continues to thrive behind closed doors because the victims have failed to report the offenses. According to these experts, factors that contribute to the low incidence of reporting are; fear on the part of the child of being punished by the molester, fear of family embarrassment and future threat of trauma to the child. According to a recent report on the nationwide incidence of sexual offenses against children, it is estimated that in a 1-year period there were 74,725 reported sexual offenses against children; experts in the field of child abuse estimate that the number of unreported sexual assaults is at least three or four times the number reported.

We must take positive steps to insure that our children are protected from those who have demonstrated an abnormal attraction for children. These individuals pose a dangerous threat to the physical and mental well-being of our children because their conduct is purposeful and according to President Reagan's Task Force on Victims of Crime, the most recent data suggests that "this conduct will continue throughout the molester's life and will escalate as he ages."

For these reasons I am offering this legislation which authorizes the Attorney General to establish a Federal information gathering system for the purpose of collecting and disseminating information that relates to individuals who have been arrested or convicted for the crime of child molestation. This Federal network, to which the States can voluntarily submit pertinent information, will exist to supply much needed information to businesses and organizations that hire persons whose employment brings them into regular contact with children.

In an effort to prevent any vexations or vindictive accusations made with the intent of tainting an adult's otherwise honorable reputation, the scope of this bill is narrowly aimed at identifying only those individuals who have at least three arrests or one conviction of sexual molestation on record. Hence, this legislation would only apply to those individuals who have been accused, arrested, or arraigned for three or more acts of child molestation. I believe that this provision sufficiently safeguards an individual's reputation.

While I am fully aware of the constitutional safeguards that restrict public access to personal records, it is by now self-evident that many aspects of our life are no longer private. Today, the collection of taxes, the distribution of welfare and social security benefits, the supervision of public health, the direction of our Armed Forces and the enforcement of the criminal laws, all require the orderly preservation of great quantities of information, much of which is personal in character and potentially embarrassing or harmful if disclosed.

Additionally, I wish to express my concern that the present legal system functions in a manner that fails to adequately safeguard our children. It should be underscored that criminal sanctions which are available to victims of child molestation come too late and cannot effectively redress the permanent damage that result form acts of child molestation. Second, the molested child is required to come forward with a defensible complaint that will withstand extensive investigation and probing. In the few cases in which the victim has prevailed, the sentence imposed for this deplorable conduct are significantly lower than terms for adult sexual assault. In one such case, a child was molested by a day care center employee and the accused was sentenced to a month in county jail.

In closing, I fear that the pendulum of criminal justice has swung too far in favor of the accused—so much so that the victims of crime have been transformed into the group penalized by a system originally designed to protect them. This reversal must be corrected; the scales of justice put back into balance; and the well being of our children must once again be a paramount goal.

While I do commend those who work with children for the fine job that they are doing and indeed believe that the vast majority are dedicated and law abiding citizens, there are a dangerous few who choose occupations that afford them ready access to their potential victims.

This legislation that I am proposing today would help stop child molestation dead in its tracks by identifying those individuals who pose a potential threat to the well being of our children. Only through this kind of legislation can we effectively safeguard the physical and psychological well being of our children and their continued growth into fully matured citizens.

I request unanimous consent that this bill be printed in the RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress adopts the findings of the President's Task Force on Victims of Crime and finds that—

(1) the acquisition, collection, and classification of arrests and convictions for acts of child molestation in a centralized computer data bank would aid law enforcement officials in identifying the wrongdoer and preventing crimes against children before they occur;

(2) child molestors and others who prey on children frequently seek employment in or volunteer for positions that give them ready access to youngsters;

(3) exposure to child molestors and others who prey on children is harmful to the psychological, emotional, and mental well-being of children;

(4) many of these individuals have records of repeated and exploitative acts against children, but because of privacy laws protecting arrest records, their employers remain ignorant of the danger they impose;

(5) child molesting conduct is purposeful and there is little motivation for change and treatment is usually unsuccessful;

(6) recent data suggests that this conduct will continue throughout the life of a child molester and will escalate as he ages;

(7) current criminal procedures require that the victim come forward with a defensible complaint that will withstand extensive investigation;

(8) avoidance of public embarrassment and risk of further trauma to the child has retarded the number of cases reported and prosecuted; and

(9) this legislation is a proper response to the urgent need of law enforcement officials to identify and prevent incidents of child molestation by making arrest and conviction records available to businesses and organizations that hire persons whose employment would bring them into regular contact with children.

SEC. 2. Within 180 days after the enactment of this Act, the Attorney General shall—

(1) establish within the Department of Justice a central file which shall be known as the "Child Care Protection and Employees Responsibility File"; and

(2) acquire, collect, classify, and preserve in such file records of all arrests and convictions in State and Federal courts for all offenses involving sexual abuse of children including child molesting, sexual assault of a child, and pornography involving children.

(b) Information contained in the Child Care Protection and Employee Responsibility File shall be available to any business or organization that deals primarily with the care or education of children pursuant to the provisions of section 3. The Attorney General shall promulgate regulations for determining whether an organization is eligible to receive information from the file.

SEC. 3. (a) Any qualified child care organization seeking information from the file concerning a prospective employee may submit the name of the prospective employee to the Department of Justice for an arrest and conviction search.

(b) If the prospective employee has any combination of three or more arrests or any conviction on record, the Department of Justice shall, within 48 hours of receiving a request for search pursuant to subsection (a), advise the requesting organization of such arrests or convictions.

SEC. 4. The Child Care Protection and Employee Responsibility File shall be administered in accordance with the limitations of the Privacy Act of 1974.●

By Mr. MATTINGLY (for himself, Mr. DOLE, Mr. GOLDWATER, Mr. NICKLES, Mr. SYMMS, Mr. DENTON, Mr. TRIBLE, Mr. GARN, Mr. HATCH, Mr. LAXALT, Mr. KASTEN, Mr. MURKOWSKI, Mr. WILSON, Mr. THURMOND, and Mr. HUMPHREY):

S.J. Res. 178. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

(Mr. MATTINGLY'S remarks on this legislation appear earlier in today's proceedings.)

By Mr. HELMS:

S.J. Res. 179. Joint resolution to provide for a White House Chapel; to the Committee on Governmental Affairs.

WHITE HOUSE CHAPEL

● Mr. HELMS. Mr. President, I was recently approached by Rev. Thomas Munson who has served voluntarily and without compensation as a White House Chaplain. He expressed to me concern that many individuals who serve at the White House have nowhere to go for spiritual help within their work environment. The Reverend Mr. Munson is therefore seeking to provide a place of solitude and comfort to these people by establishing a chapel within the White House at no cost to the taxpayers. I am happy to support this effort.

At our country's beginning America's earliest leaders proclaimed the importance of God in our country. James Madison, one of the framers of the U.S. Constitution, explained the spiritual nature of the American Republic:

We have staked the whole future of the American civilization not upon the power of government, far from it! We have staked the future of all of our political institutions upon the capacity of each and all of us to govern ourselves, to control ourselves, and sustain ourselves according to the Ten Commandments of God.

Mr. President, on February 3, 1983, President Reagan proclaimed 1983 as the year of the Bible, signifying the importance of the Bible upon our Nation and his administration, and on May 5, the President again expressed the magnitude of God on our Nation by proclaiming a National Day of Prayer.

Benjamin Franklin was another great American who never failed to emphasize the impact of Christian principles on our Nation. During the Constitutional Convention of 1787, he stated:

In the beginning of the contest with Great Britain, when we were sensitive to danger, we had daily prayers in this room for divine protection. Our prayers, were heard, and they were graciously answered . . . , do we imagine that we no longer need His assistance? I have lived sir, a long time, and the longer I live, the more convincing proof I see of this truth—that God governs the affairs of men, and if a sparrow cannot fall to the ground without His notice, is it probable an empire can rise without His aid?

Mr. President, I am inspired that U.S. citizens have volunteered their services and money to furnish a chapel for the White House.

Therefore on behalf of the people of the United States who believe in the principles of truth and the power of prayer I am proud to submit to this body today joint resolution in that regard, and I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 179

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas, Many of the founding fathers of America felt that the principles of truth and the power of prayer were essential to making America great, and;

Whereas, The founding fathers of America found it imperative to seek wisdom and guidance from one greater than they, and;

Whereas, The founding fathers of America staked the future of the American civilization not upon the power of government, but upon the Word of God and prayer, and

Whereas, Chapel and Chaplains have been used in many places of government such as in the U.S. House, the Senate, the military, hospitals and many prisons for the past 200 years, and;

Whereas, in 1982 the U.S. Congress proclaimed the Bible to be the Word of God, and;

Whereas, the U.S. Supreme Court made the decision in July of 1983 to continue the use of chapels and chaplains in government, and;

Whereas, On February 3, 1983, President Ronald W. Reagan proclaimed 1983 as the Year of the Bible, and;

Whereas, a chapel and chaplain have never been made available to the many White House personnel.

The Senate and House of Representatives of the United States of America in Congress assembled, authorize and request the President of the United States to designate a room in the White House as a place for a chapel, to be used by all White House personnel and by all incoming administrations; such chapel to be furnished by the voluntary contributions of the citizens of the United States.●

ADDITIONAL COSPONSORS

At the request of Mr. KASTEN, the name of the Senator from Virginia (Mr. TRIBLE) was added as a cosponsor of S. 44, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 121

At the request of Mr. ROTH, the name of the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 121, a bill to establish as an executive department of the Government of the United States a Department of Trade, and for other purposes.

S. 135

At the request of Mr. MATTINGLY, the names of the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Utah (Mr. GARN) were added as cosponsors of S. 135, a bill to prohibit permanently the issuance of regulations on the taxation of fringe benefits.

S. 995

At the request of Mr. EXON, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 995, a bill to amend title 38, United States Code, to modify the rule for the commencement of the period of payment of certain adjustments in compensation in the case of hospitalized veterans.

S. 1069

At the request of Mr. CHAFEE, the name of the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of S. 1069, a bill to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases.

S.1080

At the request of Mr. GRASSLEY, the names of the Senator from Wyoming (Mr. SIMPSON), the Senator from Oklahoma (Mr. NICKLES), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Oregon (Mr. PACKWOOD), the Senator from Nevada (Mr. HECHT), the Senator from Nebraska (Mr. ZORINSKY), the Senator from North Carolina (Mr. EAST), the Senator from Arkansas (Mr. BUMPERS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Virginia (Mr. WARNER), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from New Mexico (Mr. DOMENICI), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to pro-

vide for a periodic review of regulations, and for other purposes.

S. 1596

At the request of Mr. TRIBLE, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 1596, a bill to amend the Internal Revenue Code of 1954 to exempt farm trucks from the heavy truck use tax where use on public highways does not exceed 10,000 miles.

S. 1707

At the request of Mr. WILSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1707, a bill to provide a moratorium until June 30, 1988, on changes to the Federal Communications Commission rules regarding network television syndication, network television financial interests, and prime time access.

S. 1741

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1741, a bill to halt the introduction of U.S. combat units into Central America without the approval of Congress.

S. 1785

At the request of Mr. SASSER, the name of the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 1785, a bill to amend title II of the Social Security Act to eliminate the waiting period for disability benefits in the case of an individual who is terminally ill.

S. 1821

At the request of Mr. TOWER, the name of the Senator from Virginia (Mr. TRIBLE) was added as a cosponsor of S. 1821, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of mortgage-backed securities, to increase the authority of the Federal Home Loan Mortgage Corporation, and for other purposes.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the names of the Senator from Idaho (Mr. MCCLURE) and the Senator from Georgia (Mr. NUNN) were added as cosponsors of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theatre Week."

SENATE JOINT RESOLUTION 171

At the request of Mr. STENNIS, the names of the Senator from Indiana (Mr. QUAYLE), the Senator from Washington (Mr. GORTON), the Senator from Utah (Mr. GARN), the Senator from Maine (Mr. COHEN), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of Senate Joint Resolution 171, a joint resolution for the designation of July 20, 1984, as "National P.O.W./M.I.A. Recognition Day."

SENATE RESOLUTION 130

At the request of Mr. GORTON, the name of the Senator from Washington (Mr. EVANS) was added as a cosponsor of Senate Resolution 130, a resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom to Barney Clark, to be presented to his family in his memory.

AMENDMENT NO. 2255

At the request of Mr. PRESSLER, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as cosponsor of amendment No. 2255 intended to be proposed to S. 1721, an original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

AMENDMENT NO. 2283

At the request of Mr. PRYOR, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of amendment No. 2283 proposed to H.R. 3913, a bill making appropriations for the Departments of Labor, Health and Human Services, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes.

Mr. PRYOR. Mr. President, yesterday, as a result of an oversight, the name of the distinguished Senator from Arizona (Mr. DECONCINI) was omitted as a consponsor of amendment No. 2283, and amendment to H.R. 3913, the 1984 Labor, Health and Human Services, Education appropriations bill to reduce by 10 percent funds available in the Department of Health and Human Services for management and consulting services.

I ask unanimous consent that the Senator from Arizona (Mr. DECONCINI) be listed as a cosponsor in the CONGRESSIONAL RECORD.

SENATE CONCURRENT RESOLUTION 72—RELATING TO A SPECIAL ENVOY TO NORTHERN IRELAND

Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. DODD, Mr. CRANSTON, and Mr. METZENBAUM) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 72

Whereas the United States enjoys a distinguished tradition of appointing special envoys to help settle conflicts in troubled areas of the world; and

Whereas the conflict in Northern Ireland continues; and

Whereas a lasting and peaceful settlement in Northern Ireland can only be reached through political and diplomatic discussion and accomodation based on the consent and respecting the rights of all concerned; and

Whereas the terrorism associated with the conflict in Northern Ireland on all sides is thoroughly rejected by all Americans of good will; and

Whereas the Government of Ireland and the Government of Great Britain are closely cooperating in the effort to defeat terrorism; and

Whereas bonds of common language, shared culture and democratic institutions have long and amiably bound the people of the United States with the peoples of Ireland and Great Britain; and

Whereas a New Ireland Forum has been convened by the major parties of the Irish nationalist tradition to provide them an opportunity to explore means of achieving peace and stability in a new Ireland through the democratic process; and

Whereas the process of Anglo-Irish coopertion provides an avenue wherein the governments of Ireland and Great Britian can jointly bring forward proposals to assist in the realization of peace and reconciliation between the two great traditions in Ireland; and

Whereas President John F. Kennedy stated in his St. Patrick's Day proclamation of March 17, 1962 that "ours is a nation founded, sustained and now preserved in the cause of Liberty," which "demands much of those who would live by it;" and

Whereas President Jimmy Carter stated on August 30, 1977 that "the United States wholeheartedly supports peaceful means for finding a just solution" and declared that, in the event of a peaceful settlement there, "the U.S. Government would be prepared to join with others to see how additional job-creating investment could be encouraged, to the benefit of all the people of Northern Ireland"; and

Whereas President Ronald Reagan on March 17, 1983 called upon "people everywhere to turn away from the moral bankruptcy of the men of violence and to help or heed the call for peace and reconciliation that is the true message which St. Patrick himself first brought to Ireland"; and

Whereas on July 27, 1983, for the first time in history a senior official delegation from the Dail and Seanad Eireann visited the floor of the Senate in demonstration of the shared purpose and determination of legislators in Ireland and the United States to promote an early and peaceful settlement of the conflict in Northern Ireland; and

Whereas these expressions of support for and commitment to peaceful settlement of the conflict in Northern Ireland ought to be more fully realized at the earliest opportunity: Now therefore be it

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should appoint a highly qualified and appropriately experienced special envoy to investigate and report how best the United States could actively assist the governments of Ireland and Great Britain and the communities in Northern Ireland to arrive at an early, just and peaceful resolution of the present conflict in Northern Ireland.

Mr. MOYNIHAN Mr. President, I am today submitting for the consideration of the Senate a concurrent resolution expressing the sense of the Congress that the President should appoint a highly qualified and appropriately experienced special envoy to investigate and report how best the United States could actively assist the governments of Ireland and Great Britain and the communities in North-

ern Ireland to arrive at an early, just and peaceful resolution of the present conflict in Northern Ireland.

Senators KENNEDY, DODD, CRANSTON, and METZENBAUM join me as cosponsors of this resolution.

The initiative for such a proposal has come from the Irish-American community in New York State. There, in the course of a series of public forums at which the Democratic candidates for our party's nomination for President in 1984 have appeared, a question has been put to each of them, asking in effect, "would you support the appointment of a special envoy for Northern Ireland?"

Believing that consideration of this idea should not be postponed until after the 1984 Presidential elections, I present it today in the form of a concurrent resolution, that the Senate might move quickly to a fuller discussion of the merits of the proposal. I am hopeful Congress can develop a consensus with respect to how the United States could contribute in a constructive manner to the reconciliation among the communities of Northern Ireland.

The United States has a long and on balance positive experience of sending special envoys to establish and develop the grounds for political dialog among parties at odds with each other. It is only natural that we should offer to do so in the context of the conflict in Northern Ireland.

That there is an American dimension to the tragedy of Northern Ireland is indisputable. There is a question, however, whether the United States can make a constructive contribution to the resolution of the continuing conflict there. More than 2,000 persons have died in the last decade and more of violence and strife in Northern Ireland—a conflict that is sustained by continuing political stalemate.

The stalemate must be resolved by the people of Northern Ireland themselves, in cooperation with the governments of Great Britain and the Republic of Ireland. Outside powers, including the United States, cannot impose solutions or insist on defining the shape of the final settlement.

In the New Ireland Forum launched in June of this year upon the initiative of Garret FitzGerald, the Irish Prime Minister, the major Irish nationalist parties in the Republic of Ireland and in Northern Ireland have joined together to discuss the future of Ireland. There is fresh initiative and new hope that democratic institutions can be developed to resolve the conflict. In company with an expanded Anglo-Irish dialog between the governments in London and Dublin, this is more properly the forum in which specific proposals for the future can be developed and presented.

Just as the two governments have cooperated fully in the battle against terrorism, so they may be expected in the proper circumstances to cooperate in the search for a broader settlement that will reconcile the two great traditions in Ireland.

Yet Americans also have an obligation to assist in every constructive way. As President John F. Kennedy said to the Irish Parliament on June 28, 1963, during his historic visit to his ancestral homeland, "no nation, large or small, can be indifferent to the fate of others near or far."

Indeed this was the theme of President Kennedy's Saint Patrick's Day proclamation of 1962, which I had the honor to draft. He said:

* * * Ours is a nation founded, sustained, and now preserved in the cause of liberty. None more than the Irish can attest the power of that cause once it has gripped a nation's soul.

It is well to love liberty, for it demands much of those who would live by it. Liberty is not content to share mankind.

The appointment of a special envoy to actively search, through communication with all the interested and responsible parties, for means through which the United States could assist in the settlement of the conflict is consistent with, and builds upon, the official statements of recent American Presidents.

In his famous address to the Irish Parliament in 1963, President Kennedy reminded us all of the interlocking histories of Ireland and America. Kennedy recalled the mission of Benjamin Franklin to the Irish Parliament in 1772:

It was neither independent nor free from discrimination at the time, but Franklin reported its members "disposed to be friends of America." "By joining our interest with theirs," he said, "a more equitable treatment * * * might be obtained for both nations."

Our interests have been joined ever since. Franklin sent leaflets to Irish freedom fighers. O'Connell was influenced by Washington, and Emmet influenced Lincoln. Irish volunteers played so predominant a role in the American army that Lord Mountjoy lamented in the British Parliament that "we have lost America through the Irish."

In 1977, President Carter noted that the desperate economic situation in Northern Ireland contributed materially to the despair that resulted almost directly in support for, or acquiescence in, the violence of terrorism.

On August 30, President Carter said:

It is natural that Americans are deeply concerned about the continuing conflict and violence in Northern Ireland. We know the overwhelming majority of the people there reject the bomb and the bullet. The United States wholeheartedly supports peaceful means for finding a just solution that involves both parts of the community of Northern Ireland and protects human rights and guarantees freedom from discrimination * * *.

* * * It is still true that a peaceful settlement would contribute immeasurably to stability in Northern Ireland and so enhance the prospects for increased investment. In the event of such a settlement, the U.S. Government would be prepared to join with others to see how additional job-creating investment could be encouraged, to the benefit of all the people of Northern Ireland.

This year, in a statement at the Irish embassy here in Washington, D.C., President Ronald Reagan, who traces his family's roots to the village of Ballyporeen in County Tipperary, also indicated the willingness of his administration to support the process of peaceful reconciliation in Northern Ireland. He referred explicitly to the history of presidential statements on Ireland, when he said:

I've previously spoken about our concerns over the violence in Ireland and do not need to either elaborate, nor in any way detract from what I and my predecessors in this office have already said, other than to emphasize again my support for a just and peaceful solution to the problems of Ireland and my strong condemnation of all acts of terrorism and violence. As I've said before, we believe that a lasting solution to the problems of Ireland can be found only in a process of reconciliation.

He then called upon:

People everywhere to turn away from the moral bankruptcy of the men of violence and to help or heed, instead, the call for peace and reconciliation that is the true message which St. Patrick himself first brought to Ireland.

It is very much in this tradition of presidential expressions of concern for Ireland, and support for the process of peaceful reconciliation in Northern Ireland, that I am today introducing this resolution calling for the appointment of a special envoy for Northern Ireland.

I would emphasize that my cosponsors and I do not intend that Americans should intervene and attempt to impose solutions. Our purpose is quite simply to state that we believe the United States should be actively offering to assist the governments of Ireland and Great Britain in the search for solutions.

We do, however, think it past time that the United States engaged more actively in the search for peace in Northern Ireland. Should others agree, I would be happy to list them as cosponsors of the concurrent resolution.

Mr. KENNEDY. Mr. President, I am pleased to be a cosponsor of this important resolution urging President Reagan to appoint a special envoy to assist in the search for a peaceful settlement of the conflict in Northern Ireland.

Efforts to end the violence are entering a period of new promise. It is timely, therefore, for the United States to act now to make its good offices available to the Irish and British Governments and to all the parties in

Northern Ireland. The best way for America to demonstrate our commitment to peace is by the designation of a special envoy.

All of us look forward with hope and anticipation to the current work of the New Ireland Forum and its broad-based multiparty effort to develop realistic proposals to protect the rights of both parts of the community in Northern Ireland, Protestant and Catholic. A further hopeful sign is the recent unprecedented visit to this country by an economic delegation from Northern Ireland whose representatives included two of the most prominent leaders of political parties on opposing sides of the conflict.

In these circumstances, the United States can play a positive and constructive role in encouraging the peace efforts now underway. I hope that President Reagan will heed our request to appoint a special envoy to facilitate the earliest possible resolution of the conflict.

Mr. DODD. Mr. President, I am pleased to join with Senator MOYNIHAN, Senator KENNEDY, and others of our colleagues in introducing today a resolution calling upon the President to appoint a special envoy for Northern Ireland. Our resolution urges that a highly qualified and appropriately experienced individual be charged with investigating and reporting on how the United States can best actively assist the governments in Ireland and Great Britain and the communities in Northern Ireland in reaching a prompt and peaceful resolution of the conflict in Northern Ireland.

This resolution is premised on three simple and, I believe, incontrovertible judgments.

The first is that there is an urgent need to bring an end to the violence and bitter divisiveness which continue to plague Northern Ireland. The statistics measure—although they can scarcely convey the horror in—the events of the last 12 years there. Northern Ireland is only barely larger in area than my own State of Connecticut and has one-half of Connecticut's population. Yet in that small state, 2,300 persons have been killed since 1971 and 17,000 have been injured. There have been 28,000 shooting incidents and 7,200 bomb explosions. The psychological scars likely from such an experience were eloquently summarized by one psychologist who writes of a whole generation of children who from infancy "have lived with fear, have been taught to hate, and now aspire to kill." Surely all people of good will would agree that such a history must not be allowed to continue.

A second elementary premise has to be the acknowledgement that, if a peaceful resolution is to occur, its principal architects must be the people of Northern Ireland themselves, with assistance from the governments and citizens of both the Republic of Ireland and Great Britain. As much as concerned Americans may grieve over the violence there or hope for its end, we cannot expect to impose a solution. To their great credit, the governments in both London and Dublin, the major political parties in the Republic of Ireland and responsible leaders in Ulster all forthrightly condemn the violence and assert that they will not endorse any solution in Northern Ireland unless its terms enjoy the consent of the people who live there. That concensus seems to me an absolute precondition for any lasting settlement.

An indispensible step was taken earlier this year with the establishment of the New Ireland forum. That institution offers a structure for representatives of all Irish parties, North and South, to discuss ways to fashion the constitutional and democratic institutions needed to bring the conflict to a close. Coupled with an ongoing dialog between the Irish and British governments, it offers hope that such an objective may be within reach.

Third and finally, Mr. President, our resolution is rooted in the conviction that there is a role for the United States to play in fostering a solution. It is secondary, of course, to that of the main participants, but it, nonetheless, can be constructive, useful, and significant.

The 1980 census revealed that some 40 million Americans trace their ancestry, in whole or in part, from Irish forebears. I am proud to be among them. Irish Americans helped build our cities and industries, provided some of our greatest political leaders, and enriched our culture. Bonds of shared values and experience continue to unite us with the people who live there.

Two years ago, Senators MOYNIHAN and KENNEDY and I joined with Speaker O'NEILL, Majority Whip FOLEY and Congressman SHANNON to found the Friends of Ireland. Scores of our colleagues have subsequently become members. Our purpose is to offer whatever good will, cooperation, and other help we can to promote a peaceful resolution to the problems in the North. This resolution is offered as a contribution to the effort.

SENATE CONCURRENT RESOLUTION 73—RELATING TO THE COORDINATION OF MONETARY AND FISCAL POLICY

Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, reported the following original concurrent resolution, which was placed on the calendar:

S. CON. RES. 73

Whereas lower interest rates are essential to sustaining economic recovery and reducing the rate of unemployment;

Whereas there is a need to coordinate fiscal and monetary policies to achieve this goal;

Whereas attempts to reduce the rate of interest by increasing the rate of growth of the money supply have historically shown themselves to be counterproductive, and have led to higher interest rates;

Whereas federal government spending is currently imposing unprecedented demands, not only on credit markets, but on the economy's resources generally, accounting for over 25 percent of the gross national product, and displacing private investment at a time when the nation's capital needs are large and growing;

Whereas financial deregulation and changes in the velocity of money require the monetary authorities to use judgment concerning the appropriate rate of expansion of the money supply;

Whereas the use of such judgment must be tempered by the recognition that sudden shifts in Federal Reserve policy are themselves destabilizing; and

Whereas the current very large budget deficits will create even greater than usual pressure on the Federal Reserve to accomodate the government's borrowing demands, or excessive reliance on monetary policy to control inflation, either of which burden the Federal Reserve with unrealistic expectations; Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that

(1) There should be coordination of fiscal and monetary policy aimed at reducing the rate of interest;

(2) The Federal Reserve should continue to guide its behavior by reference to monetary and credit aggregates, and should avoid attempts to target interest rates or income or product aggregates;

(3) The Federal Reserve should follow a monetary policy consistent with a continued reduction of interest rates by continuing to reduce the rate of growth of monetary aggregates, consistent with changes in the velocity of money;

(4) The Federal Reserve should strive for greater stability in the growth rates of the monetary aggregates, and avoid sudden shifts in these growth rates; and

(5) The Federal Reserve Board shall include in its reports to the Congress pursuant to Section 2A of the Federal Reserve Act the following information:

(a) An analysis of the effects in the current and prospective years on credit markets and the economy of the federal budget deficits or surpluses projected for the next three fiscal years in the Economic Report of the President in the case of the report due on February 20, and as projected for the next three fiscal years in the most recent Congressional Budget Resolution in the case of the report due on July 20;

(b) The Board's best estimate of the effects on credit markets and the economy of alternative federal budget deficts or surpluses.

AMENDMENTS SUBMITTED

DEPARTMENT OF STATE AUTHORIZATION, 1984

BYRD AMENDMENT NO. 2292

Mr. BYRD proposed an amendment to amendment No. 2226, as modified, proposed by Mr. BYRD to the bill (S. 1342) to authorize appropriations for the fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes; as follows:

Strike all after "James Watt" in line 3 and insert the following:

in his recent remarks characterized the membership of the Commission on Fair Market Value Policy for Federal Coal Leasing in a manner which was insensitive and insulting to all Americans;

Since the Secretary of the Interior James Watt has made public statements which question the patriotism of American citizens with whom the Secretary disagrees;

Since such remarks and statements are totally unbefitting a senior Cabinet member of the United States Government;

Since these remarks and statements seriously impede his ability to function effectively in his dealings with the United States Congress and the public at large; and

Since Mr. Watt's policies and personal style have promoted a polarization in the Nation which has frustrated the achievement of consensus necessary to execute policies which both preserve our spectacular natural heritage and carefully develop our abundant natural resources.

Now, therefore, It is the sense of the Congress that the President should, without delay, request the resignation of Secretary James Watt.

DAIRY AND TOBACCO PRICE SUPPORTS

MOYNIHAN (AND OTHERS) AMENDMENT NO. 2293

Mr. MOYNIHAN (for himself, Mr. HATCH, Mr. THURMOND, Mr. EVANS, and Mr. HOLLINGS) proposed an amendment to the bill (S. 1529) to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes; as follows:

On page 2, beginning on line 8, strike out all that follows through line 9 on page 19 and insert in lieu thereof the following new section:

DAIRY PRODUCTION STABILIZATION

SEC. 102. Effective on the sixtieth day following the date of the enactment of this Act, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended—

(1) by striking out subsection (d);

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The price of milk shall be supported, through purchases of milk and the products of milk, at such level, not less than $11.60 per hundredweight for milk containing 3.67 per centum milkfat, as the Secretary determines necessary in order to assure an adequate supply of milk to meet current needs, taking into consideration the net price-support purchases of milk or the products of milk by the Commodity Credit Corporation during the preceding fiscal year. Such level shall be established by the Secretary at the beginning of each fiscal year.".

On page 22, beginning with line 20, strike out all that follows through line 11 on page 23 and insert in lieu thereof the following:

ISSUANCE OF ORDERS

SEC. 112. (a)(1) No later than ninety days after the date of the enactment of this Act, the Secretary shall conduct a referendum among producers who, during a representative period (as determined by the Secretary), have been engaged in the production of milk for commercial use in order to determine whether such producers favor the implementation of a dairy promotion program.

(2) If at least one-half of the eligible producers vote in the referendum and at least two-thirds of the eligible producers voting in the referendum favor the implementation of a dairy promotion program, the Secretary shall issue a dairy products promotion and research order.

(3) If less than one-half of the eligible producers fail to vote in the referendum or less than two-thirds of the eligible producers voting in the referendum do not favor the implementation of a dairy promotion program, the Secretary may not issue a dairy products promotion and research order.

(b) The Secretary may, from time to time, amend dairy products promotion and research orders.

On page 27, line 22, strike out "10 cents" and insert in lieu thereof "15 cents".

On page 31, beginning with line 19, strike out all that follows through line 16 on page 32.

On page 32, line 18, strike out "SEC. 116. After September 30, 1985," and insert in lieu thereof "SEC. 115. After the date which is two years after the date of the issuance of an order under section 112(a)(2),".

On page 32, line 24, strike out "After September 30, 1985," and insert in lieu thereof "After the date which is two years after the date of the issuance of an order under section 112(a)(2),".

On page 33, line 15, strike out "SEC. 117" and insert in lieu thereof "SEC. 116".

On page 34, line 13, strike out "SEC. 118" and insert in lieu thereof "SEC. 117".

On page 35, line 11, strike out "SEC. 119" and insert in lieu thereof "SEC. 118".

On page 36, line 12, strike out "SEC. 120" and insert in lieu thereof "SEC. 119".

On page 37, line 14, strike out "SEC. 121" and insert in lieu thereof "SEC. 120".

On page 37, line 21, strike out "SEC. 122" and insert in lieu thereof "SEC. 121".

On page 38, line 2, strike out "SEC. 123" and insert in lieu thereof "SEC. 122".

On page 38, beginning with line 23, strike out all that follows through line 2 on page 39 and insert in lieu thereof the following new clause:

(2) Not later than two years after the date of the enactment of this Act, a report on the impact on the availability and cost of feed for dairy cattle of the special program of payment in kind for acreage diversion for 1983 crops of wheat, corn, grain sorghum, upland cotton, and rice (as prescribed under part 770 of title 7, Code of Federal Regulations) and any successor program; and

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that on Tuesday, October 18, 1983, in SR-301, Russell Building, the Committee on Rules and Administration will be holding a hearing on Senate Resolution 127, a measure which would make the Select Committee on Indian Affairs a permanent committee of the Senate.

The committee will be receiving testimony from Members of Congress and representatives of associations of Indian tribes and affiliated groups.

Senators and other interested organizations and individuals wishing to testify or to submit a statement for the record should contact Anthony Harvey of the Rules Committee staff at 224-9078.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, October 5, 1983, at 2:15, in order to receive testimony concerning the following nominations:

Mr. Thomas J. Curran, of Wisconsin, to be U.S. district judge for the Eastern District of Wisconsin

Mr. Sherman E. Unger, of Ohio, to be U.S. circuit judge for the Federal circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

S. 121—TO CREATE A NEW DEPARTMENT OF INTERNATIONAL TRADE AND INDUSTRY

● Mr. WEICKER. Mr. President, today I rise to cosponsor and express my full support for S. 121, legislation introduced by Senator ROTH earlier this session which would create a new Department of International Trade and Industry. Our growing trade deficit clearly demonstrates the need for a cohesive and effective U.S. trade policy. There have been several thoughtful and concise statements made over the past several months concerning the need for and the function of this new Department.

I would like to limit my comments today to an aspect of the bill which has to date received little attention. As reported out of the Governmental Affairs Committee, title III of S. 121 would establish the National Oceanic and Atmospheric Administration

[NOAA] as an independent agency. Currently, with 12,000 employees, NOAA comprises approximately 60 percent of the Department of Commerce's budget. The establishment of an independent agency responsible for the oceans and the atmosphere would serve to focus ocean and atmosphere processes and aid in establishing a coherent program to promote understanding, development, management, and protection of ocean and atmospheric environments. This is far from a novel idea. As far back as 1969, the Stratton Commission, formally known as the Commission on Marine Science, Engineering, and Resources, recommended the creation of an independent national ocean agency. "Our Nation and the Sea," the Stratton Commission's final report, called for effective, coordinated management of ocean-related activities through the consolidation of Federal ocean programs within a single agency.

The creation of NOAA in 1970 was an important first step in attempting to follow the Commission's recommendations. Its mission to manage, conserve, and develop oceanic and atmospheric resources has been strengthened by the passage of numerous laws, establishing NOAA as the lead civilian agency. Today NOAA provides essential public services involving the atmosphere and oceans, establishes Federal policies governing the use of marine resources, and conducts oceanic and atmosphere research, which is essential to the support and delivery of these services. In addition, NOAA's mission also includes significant international research and treaty responsibilities involving weather, oceans, and climate.

During the past several years, however, severe budgetary pressures have greatly jeopardized NOAA's ability to accomplish its mission. Additionally, many of NOAA's responsibilities do not directly relate to the Nation's economy, the main orientation of the Department of Commerce. When NOAA's decisions have been based on environmental concerns and have conflicted with economic concerns, the Commerce Department has seldom come down on NOAA's side. If this Nation intends to continue to provide timely and accurate weather forecasting and if we intend to wisely manage our valuable marine resources, then we must have a viable agency responsible for these areas. Independent status for NOAA would greatly enhance our ability to address and meet these challenges.

It would be different if NOAA had not done a good job. Over the years, I have carefully followed the progress NOAA has made in dealing with ocean and atmospheric problems. I have been greatly impressed with the way NOAA has grappled dealing with many complex questions. The level of expertise and sense of dedication exhibited by NOAA personnel is indeed a credit to the Agency. Research conducted by NOAA has yielded many important discoveries. It must not only continue, but in several areas it must be expanded.

To cite an example, consider our marine resources. The passage of the Fishery Conservation and Management Act of 1976 was a clear statement of this Nation's commitment to wise management of those resources. Despite its passage and in spite of the fact that we have the world's richest fishing grounds within 200 miles of our coast, 70 percent of the fish consumed in this country is imported. Our trade deficit in fish products alone totals nearly $3 billion.

An independent NOAA is the logical next step in following the recommendations made by the Stratton Commission. During the past decade, the oceans have been increasingly relied upon to both feed and supply energy to our growing population. The pressures placed upon the oceans are not likely to diminish in the future; all indications are that they will continue to mount.

Since the oceans are bound to play an ever increasing role in the welfare of this country, NOAA can undoubtedly best serve the Nation's interest as an independent agency with the requisite funding and attention at the Federal level. It is time Congress passed legislation to accomplish this goal.●

HUTCHINSON HALL OF FAME

● Mr. GLENN. Mr. President, the Dr. Nan S. Hutchinson Broward Senior Hall of Fame in Florida recently inducted seven new members. These outstanding hall of famers were honored in May during a special ceremony in the Broward County Commission chambers. The honorees were Robert E. Allen, Sr., Thelma Daniel, Cato Roach, Jr., Dr. Herman Weiss, Evelyn Wells, Phyliis Werner, and Dr. Von Delaney Mizzell, who was elected posthumously. Their names have been engraved on the hall of fame plaque which is housed in the Broward County Courthouse lobby.

The hall of fame is comprised of Broward County seniors who have made outstanding volunteer contributions to the community during the years normally reserved for retirement. The hall of fame is named after Dr. Nan S. Hutchinson, a lifelong crusader for the elderly who founded the Broward County Area Agency on Aging in 1972 and served as its director until her death in 1981.

The 1983 hall of famers are involved in a variety of activities in Broward County, including housing improvements, voter registration, women's rights, health planning, mental health, Foster Grandparents, the silver-haired legislature, and the advancement of civil rights. The Broward County community is truly fortunate to have these dedicated seniors.

As the ranking Democratic member of the Senate Special Committee on Aging, I would like to urge my colleagues to join me in commending these seven older Americans for their valuable contributions to citizens of all ages. These talented and generous people serve as a shining example for all of us to follow.●

CHEMICAL MANUFACTURERS ASSOCIATION REPORT ON INTERNATIONAL INVESTMENT RESTRICTIONS

● Mr. HEINZ. Mr. President, I would like to direct the Senate's attention to a well-researched report by the Chemical Manufacturers Association which focuses on international investment restrictions.

This study examines the most prevalent obstructions to investment in foreign countries and it outlines prudent options for a U.S. policy to overcome foreign investment restrictions. The recommendations the Chemical Manufacturers Association makes are sound and I expect Senators would want to consider them carefully in the development of any legislation.

I ask that the position of the Chemical Manufacturers Association on international investment restrictions be printed in the RECORD at this point.

The report follows:

POSITION OF THE CHEMICAL MANUFACTURERS ASSOCIATION ON INTERNATIONAL INVESTMENT RESTRICTIONS, JUNE 8, 1983

EXECUTIVE SUMMARY

The U.S. chemical industry has a major stake in international trade and international investment policy. The most recent available statistics show that the chemical industry contributed an $11 billion trade surplus to the U.S. balanced payments and has invested $20 billion in foreign countries, yielding $2.2 billion to the U.S. export account. From its extensive experience in foreign trade and investment, the chemical industry concludes that free international movement of capital and fair, nondiscriminatory treatment of foreign investment in all countries is in the best interest of the U.S. Government and the U.S. economy. We firmly believe such open policies will also benefit foreign countries, including the developing countries in which much U.S. investment occurs.

The attached position paper of the Chemical Manufacturers Association (CMA) on foreign investment policy has three major components:

A review of foreign investment restrictions, based in part on an extensive survey of CMA member companies; investment experience in 13 countries.

A description of 11 policy options that the United States Government could pursue.

CMA's recommendations on the policy options the United States should pursue.

Foreign investment restrictions

CMA's survey of its members revealed a broad array of investment restrictions that foreign governments impose on capital investment within their countries. These restrictions fall into six major groups:

1. restrictions or prohibitions on foreign investment in specific economic sectors (e.g., oil production);
2. screening of all foreign investment by government agencies holding the authority to restrict or prohibit specific investment proposals;
3. limitations on the amount or percentage of equity the foreign investor can hold in the enterprise;
4. requirements that the foreign investor purchase some or all of its capital equipment or raw materials from within the country;
5. restrictions on royalty or licensing payments from the domestic partners to the foreign entity supplying the technology; and
6. restrictions on the remittance of earnings to the foreign investor or on the investor's ability to repatriate its capital.

CMA's survey shows that a removal of these restrictions would substantially enhance the flow of capital to foreign countries, with corresponding benefits to those countries and to U.S. export trade and employment. The open policy of the United States toward foreign investment here has produced significant benefits in employment, capital development, and transfer of technology. CMA concurs with the discussion of the benefits of international investment contained in the January 26, 1983, Draft International Investment Policy of the U.S. Government. CMA urges the U.S. Government to pursue free investment principles and practices internationally.

U.S. policy options

The paper discusses a number of options available to the U.S. Government to reduce or eliminate the distorting effects of foreign investment restrictions. They range from taking no initiatives at all to pursuing a full-blown amendment of the General Agreement on Tariffs and Trade (GATT) to include investment restrictions as well as trade restrictions. Other options include stepped-up negotiations of bilateral investment treaties, imposing "mirror image" restrictions in the United States, selective retaliating, denial of Export-Import Bank financing, or withdrawal of trade benefits from countries imposing investment restrictions. Many of the options could be pursued in conjunction with each other as part of an overall strategy.

CMA's recommendations

Based on its experiences and its analysis of the options available, CMA recommends a three-part strategy to achieve a global rollback of foreign investment restrictions. First, the United States should focus a bilateral investment treaty program on countries with the most harmful investment restrictions, as part of a broader trade policy program. Second, the United States should utilize the pattern of the bilateral investment treaties it negotiates as a framework for incorporating a multilateral investment agreement into the GATT. Third, the President should have greater flexibility to respond to unfair trade practices and investment restrictions imposed by our trading partners. In keeping with the positive nature of this three-part strategy, CMA urges the U.S. Government to resist adoption of investment restrictions in the United States that might subject U.S. investors to foreign retaliation.

I. INTRODUCTION

This paper is submitted on behalf of the Chemical Manufacturers Association (CMA). CMA is a nonprofit trade association whose company members represent more than 90 percent of the productive capacity of basic industrial chemicals within this country.

The U.S. chemical industry contributed an $11 billion trade surplus to the U.S. export account position in 1981. As of the end of 1977, the most recent year for which such figures are available, 194 U.S. chemical and pharmaceutical companies had 3,494 foreign affiliates. The industry's $20 billion total foreign direct investment position at the end of 1981 represented 22 percent of the total overseas investment by the U.S. manufacturing sector. Such foreign investment by the chemical industry was productive, adding $2.2 billion in income to the U.S. balance of payments account in 1981, an amount equal to 260 percent of all U.S. manufacturing overseas direct investment income. Overseas chemical royalties and licensing fees added another $1 billion to the U.S. export account. Finally, the average U.S. chemical industry employment was 1,079,000, or just less than 1 percent of the total civilian workforce.

From these statistics, it is apparent that the U.S. chemical industry makes a significant positive contribution to the U.S. balance of payments and, as a major foreign investor, has a critical stake in an open international investment climate. In this regard, CMA believes that free capital movement internationally and fair and nondiscriminatory treatment of foreign investment is in the interest of the U.S. industry and government as well as in the interest of foreign countries, including developing ones in which much U.S. investment occurs.

Regrettably, however, many foreign governments manipulate foreign-sourced investments to further narrow national economic goals. These forms of intervention are broadly termed "investment restrictions." They include sector restrictions, foreign-based investment screening, equity limitations, licensing and royalty restrictions, minimum local content requirements, and restrictions on remittances of earnings or repatriation of capital.

The lingering global recession has increased pressure on governments to expand protectionist measures, including restrictions on foreign-sourced investment. In addition to the loss of profits from export sales and remitted earnings from foreign affiliates, a continuing increase in investment protectionism could spread into the general trade area.

Most major trading partners of the United States are signatories of the General Agreement on Tariffs and Trade (GATT). However, the GATT presently governs only trade in materials, and there has been little progress toward expanding the GATT to deal with investment matters as well. Other existing international legal instruments have also proven inadequate to date in handling the problem of foreign investment restrictions.

This paper contains a discussion of the benefits of open, nondiscriminatory international investment rules, a summary of types of governmental foreign investment restrictions now in effect around the world, and an overview of some U.S. policy options to reduce these restrictions. The fifth section of the paper presents CMA's recommendations for promoting a more open system for foreign investment. These recommendations are based in large part on the results of a questionnaire CMA sent to member companies on the subject of foreign investment restrictions. [A summary of the responses to this questionnaire is attached as Appendices A and B.]

II. THE NEED FOR OPEN, NONDISCRIMINATORY INTERNATIONAL INVESTMENT RULES

CMA believes that foreign investment should receive fair, equitable and nondiscriminatory treatment in host countries. International investment plays a significant role in global economic growth and prosperity. Principles of an open, nondiscriminatory pattern of international investment that responds to market forces benefit developed and developing countries alike. Therefore, we urge the U.S. Government to pursue free investment principles and practices internationally.

In this regard, CMA concurs with the discussion of the benefits of international direct private investment contained in the January 26, 1983, Draft International Investment Policy Statement of the U.S. Government. Specifically, we believe that unhampered international investment facilitates the transfer of technology and the introduction of new management techniques, increases employment opportunities, improves productivity, expands trade, and spurs economic growth and development. These benefits accrue to all parties—the United States and its industry and host countries.

Foreign investment benefits the United States through remittance from foreign subsidiaries' earnings, exports to foreign affiliates, royalties and licensing fees, new technical capabilities through reverse technology flow, and increased domestic employment. Studies performed by Business International during the 1970s[1] have repeatedly shown that, in comparison with companies that did not invest significantly overseas, manufacturing companies that had higher than average foreign investment levels tended to increase their domestic employment more rapidly, increase their non-U.S. sales more rapidly, and return a balance of trade surplus at a time when all U.S. manufacturing companies, in aggregate, were recording a balance of trade deficit.

The United States also benefits from its unrestricted inward investment policy through the inflow of foreign capital, technology, and management techniques. In 1979, U.S. chemical industry affiliates of foreign parents accounted for approximately 15 percent of the domestic industry's total assets and sales and 21 percent of total employment.

A free foreign investment climate also plays a significant positive role in the development process of developing countries and benefits developed host countries as well. In developing countries, foreign investment is a critical source of technology, trade and employment opportunities, and managerial skills. Developed countries benefit from strengthening of capital markets, introduction of new production techniques and new product lines, increased employment, and transfer of technology.

Conversely, interference by governments in the allocation of international investment resources is detrimental to global economic

[1] The Effects of U.S. Corporations Foreign Investment 1970-1978: Business International Corporation Copyright May 1980.

growth. Such interference is an increasing phenomenon around the world (Indeed, a recent report by Price Waterhouse & Co. demonstrates the widespread use of foreign investment restrictions [See Appendix C].) It takes the form of measures such as trade (or nontrade) related performance requirements, outright prohibition of foreign participation in select industry sectors, and a myriad of other restrictions discussed in the following section of this paper. CMA opposes such governmental measures because they distort and restrict investment flows and because they violate free and fair international trading principles.

III. FOREIGN INVESTMENT RESTRICTIONS

Foreign investment restrictions take a number of forms of varying severity. In their most severe form, governments may impose sector restrictions which prohibit any foreign participation in selected industry sectors. In milder forms, restrictions may take the form of performance requirements, which require an investor to agree to certain conditions prior to investment. The following discussion shows types of foreign investment around the world, with illustrative examples.

A. Restricted sectors

Some countries restrict certain industrial sectors by allowing only state- or locally-owned companies to participate in selected industries. Foreign investors are simply not permitted to participate.

Mexico's reservation of primary and secondary petrochemicals for development by Petroleos Mexicanos (PEMEX) is a case in point. Many countries, including Indonesia, the Republic of China (Taiwan), Malaysia, and Saudi Arabia, prohibit foreign ownership of petroleum exploration or resources. Other countries (including, to some degree, the United States) traditionally restrict control of communications, transportation, and shipping to state or local ownership.

B. Foreign investment screening

A review agency may exist within a government to examine all proposed investments by foreign interests with the authority to reject any proposal the agency considers not to be in the national interest. The criteria of this review are often subjective, with little indication of what will, or will not, be approved.

Canada's Foreign Investment Review Agency (FIRA) is illustrative of this type of mechanism. Under FIRA, even the acquisition of a Canadian business as a result of purchase of its non-Canadian parent is subject to Canadian governmental review.

Likewise, Australia's Foreign Takeovers Act provides for review of acquisitions which would cause foreign interests to exercise effective control over Australian business.

If the screening were used solely for the purpose of establishing technical competence or financial responsibility, this practice might be considered acceptable. There are instances, however, where screening has apparently been used as a technique to exclude U.S. investment.

C. Equity limitations

Restrictions may be placed on the maximum amount of foreign ownership. These limitations often restrict foreign investors to minority ownership, even though the foreign investor's technology, manufacturing, or marketing expertise may be the most valuable contribution to the venture. Petrochemical projects in Brazil, for example, require a three-way ownership split between the foreign investor, the government, and private Brazilians.

In Mexico even if a foreign-based company owns 100 percent of a Mexican company through investments made before restrictions were imposed, new products cannot be brought in to expand the business. Expansion must be channeled through separate companies which conform to current equity restrictions. Thus, foreign owners must virtually give away part of their technology to local partners or else refrain from introducing new technology into Mexico.

Malaysia also has notable restrictions on projects utilizing nonrenewable resources. Here, ownership must include a minimum of 70 percent local participation, of which at least 30 percent of the total must be indigenous Malay.

D. Local content or sourcing

Governments sometimes require agreement from foreign investors that a specified minimum percentage content of a locally manufactured product be obtained from domestic suppliers, even if these local raw materials are unfavorably priced to comparable imports. These conditions are sometimes sector-specific and ordinarily do not represent a significant problem for the chemical industry.

"Local sourcing" causes greater concern. A sourcing provision generally specifies that capital investment items associated with plant and equipment must be obtained from local sources. This restriction can delay construction, inflate capital costs, or reduce plant reliability. In addition to hindering U.S. investment, sourcing restrictions reduce the potential for exports of U.S. capital goods. Brazil is noted for making some investments conditional upon the utilization of a minimum percentage of domestic raw materials or intermediary products.

E. Licensing and royalty restrictions

For investments that are associated with the use of a proprietary process or manufacture of a proprietary product, restrictions are sometimes placed on the amount of licensing or royalty income that can be paid. In some instances, licensing and royalty fees are limited to one investment project, with the host government maintaining that additional projects must be undertaken using the technology without further payment of licensing or royalty fees. This position has the potential of undermining the value of a company's intellectual property to such an extent that it may force a U.S. investor to forego otherwise attractive investment opportunities.

For example, Mexico generally limits technology fees to 7 percent of the earnings of the Mexican company which arise from the use of the technology. Brazilian subsidiaries may not remit royalties to a foreign parent.

F. Remittance of earnings and repatriation of capital

A key element in a foreign investment decision is the ability to return income to the parent company in the form of cash. A second factor is the ability to recover capital in the event an investment is sold or liquidated. Any restrictions that limit free and complete repatriation of earnings to foreign investors, when no such restrictions apply to domestic investors, are contrary to free trade principles.

Repatriation restrictions can be a serious impediment to foreign investment. At the time of an initial investment, remittance laws are generally clearly specified. As foreign economic or political conditions change, laws or policies regarding remittances may change. These changes may force U.S. investors to reinvest or accept unfavorable exchange rates. Investors may be required to pay onerous taxes on remittances.

While it is possible that foreign reserve fluctuations may make temporary limits necessary, U.S. investors should be permitted to share in available foreign exchange resources on an equitable basis with the public and private domestic sectors. There have been too many instances in which U.S. companies have been confronted with arbitrary and unpredictable changes in remittance policies. Foreign exhange is often in short supply, and governments that establish a low priority on providing for foreign earnings remittances discriminate against U.S. investors.

The mechanism used to restrict remittances is often blatant tax discrimination. Withholding taxes on foreign dividends are sometimes more severe than taxes on local dividends. Withholding taxes may be imposed on foreign royalty and interest payments when there is no similar tax imposed on similar payments to local companies.

The list of other impediments used by governments to restrict foreign investments is extensive. Other areas where restrictions are encountered include export requirements, feedstock restrictions, employment and training provisions, restrictions on acquisitions, and restrictions on raising capital.

Foreign investment carries with it a certain amount of business risk beyond that usually associated with domestic investments. This is well-recognized and accepted by U.S. chemical companies. In addition to standard business risks, foreign investment opportunities are often limited by governments' policies and practices that deny national treatment to U.S. investors while favoring local companies. These conditions are in marked contrast to the investment environment in the United States, where, with very few exceptions, foreign interests are afforded easy access to U.S. investment opportunities on the same basis as domestic U.S. companies.

There is considerable evidence to suggest that the denial of national treatment coupled with restrictions imposed against U.S. foreign investment are damaging to the U.S. companies directly involved, the United States' trade position, U.S. employment levels, and are contrary to the development interests of the countries imposing these restrictions. U.S. companies investing in other countries must receive the support of the U.S. Government in dealing with these other government to ensure the right of establishment and the principle of national treatment.

IV. U.S. POLICY OPTIONS FOR REMOVING FOREIGN INVESTMENT RESTRICTIONS

For the reasons specified earlier, the United States should pursue policies which seek to reduce or eliminate the distorting effects of foreign investment restrictions. There are many policy options that may lead to this goal. The following section describes some of these options, with a brief discussion of the implications of their adoption. These are not presented in order of preference, and it is recognized that they are not mutually exclusive (*i.e.*, two or more of these options could be used together).

A. Amendment of the GATT to include investment issues

The United States could request that the GATT study investment-related policies and incorporate rules to govern these policies into the existing GATT document. The GATT appears to be the logical forum for dealing with many investment restrictions because such restrictions inevitably affect trade patterns.

While amendment of the GATT may be a viable policy objective, it must be noted that some significant countries (Mexico, for example) are not signatories and that not all investment restrictions have immediate trade-distorting effects. In addition, it would be difficult and time-consuming, if at all possible, to obtain the agreement of all GATT signatories to any such major amendment. The failure of the November 1982, GATT Ministerial Meeting to agree to study this and other problem areas emphasizes the difficulties inherent in this policy option.

B. Negotiation of a new international treaty

Recognizing that the world has significantly changed in the 34 years of the GATT's existence, the United States could, alternatively, enter into negotiations with GATT signatories and other interested countries for a new treaty which would govern investment policies. While this approach may be preferable to working within the existing GATT framework because the negotiators could concentrate solely on investment issues, the lengthy and cumbersome process of treaty negotiation and execution could take as long as, if not longer than, amendment of the GATT.

In the interim, foreign investment restrictions by governments would continue. Also, it is likely that the very countries which are the most ardent practitioners of such restrictions would refuse to become signatories to a new multilateral investment treaty.

C. Utilization of the declaration of the Organization for Economic Cooperation and Development (OECD)

The 1976 OECD Declaration on International Investment and Multinational Enterprises[2] could be expanded from a set of guidelines to a treaty. The chief virtue of the OECD Declaration in dealing with investment restrictions is that it endorses the concept of national treatment for foreign investors.

The Declaration, however, does not deal with the right of OECD Member Countries to regulate the entry of foreign investment or the conditions of establishment of foreign enterprises. Moreover, the Declaration's focus is not solely on the actions of governments imposing investment restrictions, but also on the actions of multinational enterprises operating in OECD countries.

Also, to be an effective vehicle for dealing with investment requirements, this policy option would need to contain dispute settlement mechanisms. Finally, while this approach might be considered for remedying problems among the industrialized OECD Member Countries, the problem of obtaining developing country signatories would remain.

D. Negotiation of bilaterial treaties

The United States has developed a Model Bilaterial Investment Treaty which covers many foreign investment restrictions. The Model treaty affirms the concept of national treatment for foreign investors and provides for a dispute settlement procedure.

Thus far, such treaties have been negotiated only with Egypt and Panama, both of which are countries attracting limited amounts of foreign investment. In both cases, currently significant sectors of the signatories' economies were excluded from the provisions of the treaty, thus considerably weakening its effectiveness. While it may be possible to conclude such treaties with many of the smaller developing countries, it will be a major challenge to negotiate these treaties with countries such as Canada, France, and Mexico.

The bilateral treaty mechanism appears to be a useful policy option. However, the U.S. Government may require additional policy leverage to assure its success. Examples of such additional leverage might include granting the President the power under Section 301 of the Trade Act of 1974[3] to restrict direct investment in the United States by nationals of offending developed countries and/or the power to withdraw benefits under the Generalized System of Preferences from developing countries which discriminate against U.S. investors.

E. Section 301 investigations

Legislation currently being discussed in the Congress would give the President broader powers to initiate investigations under Section 301 of the Trade Act of 1974. Section 301 provides for the enforcement of U.S. rights under international trade agreements and for relief from practices of foreign governments which are unjustifiable, unreasonable, discriminatory, or which burden or restrict U.S. commerce.

Amendment of Section 301 to provide the President with authority to restrict foreign direct investment in the United States by countries that are discriminating against U.S. investors abroad could provide a powerful incentive for such countries to negotiate satisfactory settlements to investment restriction problems. The effectiveness of such authority, however, is dependent upon the offending country being a capital exporting nation. Unfortunately, most of the offending developing countries do not export capital and many offending developed nations prefer that their capital remain at home, in any event. Aside from the question of effectiveness, the exercise of this authority by the President could be counterproductive to a healthy U.S. economy, which has historically benefited from infusions of foreign capital.

F. "Mirror image" restrictions

The United States could impose "mirror image" restrictions toward countries discriminating against U.S.-based investors. The basic advantage of this option is that it would permit a targeted response to objectionable foreign practices in the investment area.

Aside from the fundamental change in U.S. investment philosophy that adoption of this policy would signal, its effectiveness would depend on whether the offender had a significant actual or potential investment exposure in the United States. In many instances, this is not the case.

G. Foreign investment screening

The United States could develop a foreign investment screening mechanism similar to the Canadian FIRA, which would have authority to restrict investments by foreign interests in the United States. Such an agency might provide U.S. Government negotiators with the leverage necessary to force governments which currently imposing foreign investment restrictions to the negotiating table.

Implementation of this option would, however, signify a major shift in U.S. policy, as the United States advocates and provides a generally open investment climate for foreign investors.

While this approach could provide some leverage in dealing with capital exporting countries, it would not address investment problems with countries that do not export capital. Also, the very real possibility exists that such a plan could lead to retaliation against existing U.S. investment in other countries.

H. Legislation of performance requirements

The United States could legislate across-the-board performance requirements which foreign interests investing here must meet. This approach would represents an almost total change in U.S. policy and philosophy and would be appropriate only if the U.S. Government wanted to restrict foreign investment here. Adoption by the United States of such a plan might also accelerate the adoption of similar requirements by other countries. Moreover, such an approach could punish capital exporting nations whose markets were already relatively open to U.S. investment on a nonrestrictive basis.

I. Utilization of Export-Import Bank (Ex-Im Bank)

The President could instruct the Ex-Im Bank to withhold financing from projects that include investment restrictions. While strengthening the signal that the United States does not support investment restrictions, this approach would probably result in lost export opportunities for U.S. manufacturers due to the availability of such credit from other developed countries.

In order for this approach to be effective, agreement to adopt it would be necessary among all countries offering such financing. Given the difficulties associated with achieving harmony on interest rate levels in the recent past, the task of obtaining such agreement would be an extended one, if at all possible.

J. Generalized system of preferences (GSP)

The United States could withdraw GSP benefits from developing countries which impose restrictions on U.S. investors. The authority to withdraw GSP privileges (i.e., duty-free access to the U.S. market for specified products from designated beneficiary developing countries)[4] on the grounds of such investment restrictions would provide the United States a powerful tool in dealing with developing nations. Obviously, however, it would not provide any leverage in dealing with developed countries.

Also, in contrast to those options which would impose reciprocal investment restrictions, this option would cause a direct and immediate increase in U.S. consumers' costs. It might also invite retaliation against existing U.S. investment in the targeted developing countries.

K. Do nothing

Finally, the United States could take no action against countries imposing restrictions against U.S. investments. Self-restraint on the part of the United States vis-a-vis any retaliatory action would be consist-

[2] 21 June 1976.

[3] 19 USC 2411.

[4] 19 USC 2464.

ent with its position that investment restrictions are contrary to the best interests of the global community. However, given the persistence and spread of foreign investment restrictions and the probability that it would be many years before a multilateral treaty could be implemented or amended, the option of no action at all would not solve the shorter term problems of investment and trade distortions caused by such restrictions.

V. RECOMMENDATIONS

Exchange controls, repatriation/remittance restrictions, performance requirements and more significantly limitations to foreign equity participation and restrictions against investing in some industry sectors present barriers to increased overseas investment by U.S. chemical companies. Overseas investment is an integral component of trade through sales to overseas affiliates, penetration of new markets, and repatriated earnings. Because investment is tied so closely to trade, the solution to investment problems should be achieved in the context of an overall trade improvement program. Each country's problems differ according to its trade competitiveness, scope of exportable products, and ability and interest to export capital. Other countries are unlikely to have a level of interest equal to the United States in any one policy area. Therefore, an omnibus trade policy including foreign investment restriction considerations is called for.

The Chemical Manufacturers Association supports a government initiative to achieve a global rollback of existing foreign investment restrictions and agreement by countries to avoid implementing new ones as a means of advancing narrow national interests. Historically, interest in increased trade and investment has developed in times of economic expansion. In contrast, the current global recession is fertile ground for increased protectionism. CMA urges the President and Congress to plan and manage a long-term trade policy to reverse growth in global protectionism. Within the area of foreign investment restriction policy, CMA recommends that the United States:

Focus a bilateral investment treaty program on problem countries as part of an overall trade policy package;

Utilize the bilateral investment treaties as a framework upon which to incorporate a multilateral investment agreement to the GATT;

Allow the President greater flexibility to respond to unfair investment practices; and

Resist the adoption of investment restrictions which might subject U.S. companies to foreign retaliation.

A. Bilateral investment treaties

As indicated, the Office of the United States Trade Representative has developed a Model Bilateral Investment Treaty Program, variations of which are being negotiated with several countries, including Panama and Egypt. CMA has reviewed these treaties and believes that similar agreements should be negotiated with as many interested countries as is feasible. However, the value of such treaties will be greatest if they can be executed with countries which have been identified as having erected the most troublesome investment restrictions. Mexico was the overwhelming first choice of the respondents to CMA's questionnaire where additional investments would have been, or could be, made if it were not for onerous investment restrictions. Brazil, Japan, India, and Indonesia also were frequently cited as countries whose investment restrictions tended to preclude chemical industry investment.

This focusing process should be part of an overall trade policy strategy. Some countries may have little interest in executing a bilateral investment treaty with the U.S. on a guid pro quo basis. To interest a country in executing a bilateral investment treaty with the United States, our trade negotiators must develop a strategy which will determine both what another country needs from the United States (*e.g.*, continued GSP benefits for its products, benefit of an injury test in counterveiling duty determinations, etc.) and what the United States seeks in return (e.g. decreased export subsidies, execution of a bilateral investment treaty, etc.). The Administration should apply broad pressure with its package approach to gain the other country's interest. Each country will have different priorities and vulnerabilities which much be identified to achieve the appropriate mix.

B. Multilateral agreement

If the United States can successfully negotiate a sufficient number of bilateral investment treaties, these treaties could become the framework for a multilateral foreign investment agreement in the GATT. The GATT framework is now restricted to merchandise trade. Even if a multilateral agreement can be successfully negotiated, CMA recommends that the bilateral agreements already in place be policed and maintained and that additional bilateral agreements be negotiated with countries that do not belong to the GATT.

C. Presidential action

The Chemical Manufacturers Association recommends that the President be allowed to impose investment (or trade) restrictions as he deems appropriate against countries that apply investment (or trade) restrictions against U.S. companies. Such response should be selected to be consistent with the Administration's goals directed toward a particular country.

The President also should be permitted to initiate unfair trade practice petitions under Section 301 of the Trade Act of 1974. Such Presidential action could relieve injured companies from the burden of possible retaliation by target host countries by allowing such companies to maintain anonymity. The International Trade and Investment Act, S. 144,[5] sponsored by Senator Danforth in the Ninety-eighth Congress would bestow this authority on the President. In addition, it would broaden the scope of foreign unfair trade practices to include investment barriers. CMA endorsed this reciprocity legislation during the Ninety-eighth Congress provided that no amendments were made to Senator Danforth's bill.

VI. CONCLUSION

Governments are increasingly utilizing foreign direct investment restrictions as a national economic tool to the detriment of U.S. companies. For the foregoing reasons, CMA urges the Administration to pursue a long-term program to reverse this trend.

We believe that this program should consist *concurrently* on focusing on a bilateral investment treaty program as part of an overall trade policy package; utilizing the bilateral investment treaties as a framework upon which to incorporate a multilateral investment agreement to the GATT; allowing the President greater flexibility to respond to unfair investment practices; and resisting the adoption of investment restrictions which might subject U.S. companies to foreign retaliation. Only through efforts such as these can the U.S. Government play an effective role in reducing this injurious form of protectionism.

[5] S. Rept. No. 98-24, 1st Sess. (1983).

APPENDIX A

SUMMARY OF THE INVESTMENT QUESTIONNAIRE

The recommendations contained in Section V of this paper were derived in large part from the results of a questionnaire on foreign investment decisions and the impact of investment restrictions by foreign governments on those decisions. This questionnaire was sent by CMA to its member companies. A total of 54 companies responded to the questionnaire. (A blank copy is attached.) Even though the questions contained in the questionnaire call for responses in aggregate form (e.g., ranges for sales figures and amount of investment), because of the possibility of confidential responses being received, the questionnaires were requested to be returned to CMA anonymously. Also, the responses were seen and collated solely by CMA Staff to provide further protection from improper disclosure of any confidential information received.

The following sections provide a summary of the results of this CMA member company survey.

INTRODUCTION

The questionnaire emphasized investment information for only 13 countries: Argentina, Brazil, Canada, Colombia, France, India, Italy, Indonesia, Japan, Korea, Mexico, Saudi Arabia and Spain. The 13 countries were selected by the members of the CMA Investment Policy Task Group on the basis that they were countries likely to be the targets of significant U.S. investment capital. Respondents were allowed to write in general information regarding their investments in other countries. However, responses dealing with the investments in other than the listed 13 countries were spotty and will not be discussed here. A country-by-country analysis follows the overview of the survey.

OVERVIEW

Companies were asked to categorize themselves according to the following four levels of sales: less than $100 million, $100–$500 million, $500 million to $1 billion, and more than $1 billion. Not surprisingly, level of investment activity is directly proportional to sales level. Very few responses were received from companies with less than $100 million in annual sales. The other three categories were well represented.

The respondents were asked where their company might have made investments in the past or would likely make investments in the future if it were not for foreign governmental investment restrictions. Mexico was the overwhelming first choice as the country where additional investments could have been, or could be, made if it were not for restrictions on investments. Brazil, Japan, India, and Indonesia also received a significant number of responses as countries of possible interest from an investment standpoint if investment restrictions were reduced.

The respondents were asked to select from a list of investment restrictions and identify those restrictions applicable to each country. (A provision was also made for write-in choices if the list of restrictions provided for by CMA was not sufficient.) Furthermore, these restrictions were to be provided so

that CMA could determine which were the more onerous. In compiling the results, CMA gave most weight to those restrictions which had been indentified as having a priority of "1" or "2" and least weight to the restrictions categorized as "4" or "5" (See attached questionnaire).

Respondents were asked to offer suggestions for U.S. policies or laws that would offer equitable treatment for foreign investors.

The option that received most responses was the negotiation of bilateral investment treaties with other countries. Running an extremely close second and third were the options, respectively, which would 1) allow the President to impose trade or investment restrictions on countries that apply onerous investment restrictions against U.S. companies, and 2) allow for the extension of the General Agreement on Tariffs and Trade (GATT) directly to address investment-related policies. The next most selected policy option was that of the imposition of "mirror image" investment restrictions against countries that discriminate against U.S.-based investors. The next highest chosen option was the negotiation of a new investment treaty under the GATT which would first freeze existing trade distorting investment policies and then be followed by a rollback of those policies.

The options which proposed outright protectionist measures failed to receive a high number of responses. No respondents favored the legislation of investment restrictions such as local content laws. Only two respondents felt that a screening mechanism for foreign investment should be developed. Also not particularly popular with the respondents were the options of withholding financing by the Ex-Im Bank for projects linked with investment restrictions or the withdrawal of GSP benefits from developing countries which imposed restrictions on U.S. investors. The majority of the respondents did feel that some action on investment restrictions should be taken, as shown by only three responses that the United States should do nothing because increased U.S. restrictions might jeopardize the huge U.S. overseas investment.

Because the questionnaire did not require respondents to prioritize their answers, those respondents who provided multiple choices likely believed that a variety of remedies should be attempted. Hence, while some of the responses might appear to be contradictory, it is likely that the respondents were thinking that their suggestions would occur in stages, rather than simultaneously.

The remaining discussion gives a country-by-country analysis of the questionnaire responses. The discussion covers only a summary of the responses. A more detailed listing of responses appears in the Appendix B.

Argentina

A total of 15 respondents indicated investment in Argentina. Four respondents indicated that investments would have been made in the past had it not been for restrictions. Three indicated that they would consider future investments but restrictions were prohibiting those investments. On a weighted average basis, the restriction for investment which was mentioned most often for Argentina was that of remittance of earnings and repatriation of capital.

Argentina ranked eighth among the 13 countries as far as the number of respondents which had investments located in that country. It ranked seventh in total number of responses that detailed impediments to investment.

Brazil

A total of 26 respondents to the questionnaire have made investments in Brazil. This ranks fourth out of the 13 countries surveyed. The majority of the respondents classified their investment as moderate. Brazil ranks second overall in the number of respondents who felt that they would have made additional investment had it not been for restrictions or were likely to make additional investment except for the restrictions.

Brazil ranked second overall in the listing of specifically named impediments to investment. The impediment mentioned most was restrictions on remittance of earnings/repatriation of capital. Four other restrictions were all mentioned to a lesser degree, but with equal frequency relative to each other. Those were: (1) restrictions on royalty payments to U.S. parent, (2) excessive withholding taxes on dividend royalty and loan interest payments, (3) restrictions on management fee payments to U.S. parent, and (4) export requirement.

Canada

Canada came in first in the number of respondents that had investments in the country. A total of 30 respondents indicated that they had investments in Canada, with the majority of those respondents classifying their investments as significant.

There appears to be concern over future investments in Canada, since almost all responses to the question whether or not additional investments would be made replied that in the future they would not be made unless restrictions were lifted. The restriction which discouraged investment the most was that of maximum foreign ownership restrictions. The second most often mentioned restriction was the restriction on acquisition of existing businesses. Both of these comments relate to the Canadian Government's Foreign Investment Review Act. Although a variety of other restrictions were listed, they received much less attention.

Colombia

Investment in Colombia by U.S. chemical firms, as indicated by this survey, appears to be very light. Of the 12 respondents which identified investment in Colombia, the majority of them classified their investment as slight. There appeared to be little interest in investing in Colombia in the future, nor was there much indication that investments would have been greater in the past.

No single impediment to investment stood out for the respondents in the case of Colombia. There were four that had almost equal mention: (1) remittance of earnings/repatriation of capital; (2) maximum foreign ownership restrictions; (3) restrictions on royalty payments to the U.S. parent; and (4) restrictions on management fee payments to U.S. parent.

France

Current investments in France were reported by 20 of the respondents. The level of investment was relatively equally split among the slight, moderate, and significant categories. As in the case of Canada, there appears to be a great deal of concern among the respondents over future investment in France.

There was very little mention of specific restrictions of foreign investment in the case of France. The most commonly mentioned restriction to foreign investment was that of industrial restrictions. Also receiving mention were restrictions on acquisitions of existing businesses and minimum capital and employment restrictions.

India

Of the 13 countries surveyed, India ranked only ninth in terms of total number of respondents having investments, but third in the number of restrictions to investment mentioned. None of the respondents classified their investments in India as significant. The respondents to the survey also indicated that their concerns over increased investment would be about the same in the future as they had been in the past.

Two restrictions to foreign investment received almost the same mention by the respondents. These were foreign ownership restrictions and restrictions on remittance of earnings/repatriation of capital. Although numerous other restrictions were listed, they received much less attention than the preceding two.

Italy

According to survey responses, Italy had the least number of restrictions to foreign investment listed of the 13 countries. Sixteen of the respondents indicated that they had investments in Italy.

Levels of investment were equally distributed between the slight, moderate, and significant categories. Few responded that there would have been additional investment in the past or that there would likely be more in the future.

The lack of intellectual property rights protection is the only situation listed more than once by respondents as a restriction to foreign investment.

Indonesia

Indonesia had less foreign investment than any of the 13 countries. It ranked fifth out of 13 in the number of countries in which the respondents would have invested had it not been for restrictions. Responses were equally divided between increased investment in the past or more investment in the future in the absence of restrictions.

The restriction on maximum foreign ownership received an overwhelming number of responses when compared with all of the other restrictions listed.

Japan

Japan was ranked third, behind Canada and Mexico, as the country in which the respondents had invested. Most of the investment was classified as either moderate or significant. It was also the country which ranked third in terms of number of companies who would have invested more in the past or are likely to in the future if it were not for restrictions of foreign investment.

Although many respondents commented that much more investment would be likely in the absence of restrictions, few mentioned specific restrictions they found to be objectionable. Of the restrictions listed, three received almost the same amount of attention: (1) maximum foreign ownership restrictions; (2) industrial sector restrictions; and (3) restrictions on acquisitions of existing businesses.

Korea

Only ten of the respondents indicated investment in Korea. There did not seem to be any great interest for investing more in Korea in the past or in the future.

Maximum foreign ownership restrictions appeared as the main barrier to investment in Korea.

Mexico

Mexico came a close second to Canada in the number of respondents which already have investment in place in that country. The categorization of the vast majority of those investments fell into the slight and moderate areas. In the absence of restrictions the number of respondents who indicated that investment would have been greater in the past was equal to those who would like to make it in the future.

Mexico came in first of the 13 countries in terms of responses on restrictions to foreign investment. The restriction which was listed as most onerous by far was that of maximum foreign ownership restrictions. This refers to the Mexican Government rule that PEMEX, the government-owned petroleum monopoly, must own all primary petrochemical production in the country. Furthermore, secondary petrochemical production requires a joint venture in which greater than 50 percent ownership is by a Mexican concern.

Additional restrictions listed included those of remittance of earnings/repatriation of capital, restrictions on royalty payments to U.S. parent, and industrial sector restrictions. While other restrictions were also listed by the respondents, they received much less attention than the preceding four.

Saudi Arabia

In general, the respondents to the survey have very little investment in Saudi Arabia. In the absence of investment restrictions, most would not have invested more in the past, nor would they make future investments.

Furthermore, very few comments with regard to restrictions to foreign investment were offered. The restriction most often listed was that of maximum foreign ownership requirements.

Spain

There was little mention of restrictions to foreign investment with regard to Spain. The restriction most often mentioned was that of disallowed management fee payments to the U.S. parent. The respondents to the survey did not seem to think that the lifting of restrictions to investment would have altered their investments either in the past or in the future.

There are significant U.S. chemical investments in Spain, but the majority of these were categorized as being either slight or moderate.

APPENDIX B

CMA QUESTIONNAIRE

RESTRICTIONS TO FOREIGN INVESTMENT
(RANKED BY NUMBER OF RESPONSES)

1. Argentina

Remittance of earnings/repatriation of capital restrictions.
Excessive withholding taxes on dividend, royalty and loan interest payments.
Restrictions on management fee payments to U.S. parent.
Lack of intellectual property rights protection.
Restrictions on royalty payments to U.S. parent.
Employment of local nationals requirement.
Industrial sector restrictions.
Export requirements.
Maximum foreign ownership restrictions.

2. Brazil

Remittance of earnings/repatriation of capital restrictions.
Restrictions on royalty payments to U.S. parent.
Excessive withholding taxes on dividend, royalty and loan interest payments.
Export requirements.
Restrictions on management fee payments to U.S. parent.
Maximum foreign ownership restrictions.
Lack of intellectual property rights protection.
Employment of local national requirements.
Minimum local content requirements.
Feedstock restrictions
Industrial sector restrictions.

3. Canada

Maximum foreign ownership restrictions.
Restrictions on acquisitions of existing businesses.
Location restrictions.
Industrial sector restrictions.
Lack of intellectual property rights protection.
Excessive withholding taxes on dividend, royalty and loan interest payments.
Export requirements.
Restrictions on royalty payments to U.S. parent.

4. Colombia

Remittance of earnings/repatriation of capital restrictions.
Maximum foreign ownership restrictions.
Restrictions on royalty payments to U.S. parent.
Lack of intellectual property rights protection.
Industrial sector restrictions.
Exports requirements.

5. France

Industrial sector restrictions.
Restrictions on acquisitions of existing businesses.
Minimum captial invested or employment level requirements.
Maximum foreign ownership restrictions.
Minimum local content requirements.

6. India

Maximum foreign ownership restrictions.
Remittance of earnings/repatriation of capital restrictions.
Restrictions on royalty payments to U.S. parent.
Excessive withholding taxes on dividend, royalty and loan interest payments.
Export requirements.
Restrictions on management fee payments to U.S. parent.
Industrial sector restrictions.
Minimum local content requirements.
Lack of intellectual property rights protection.

7. Italy

Lack of intellectual property rights protection.
Minimum capital invested or employment level requirements.
Remittance of earnings/repatriation of capital restrictions.

8. Indonesia

Maximum foreign ownership restrictions.
Remittance of earnings/repatriation of capital restrictions.
Restrictions on management fee payments to U.S. parent.
Industrial sector restrictions.
Export requirements.
Employment of local nationals requirements.

9. Japan

Industrial sector restrictions.
Maximum foreign ownership restrictions.
Restrictions on acquisitions of existing businesses.
Location restrictions.
Restrictions on royalty payments to U.S. parent.
Requirements concerning the introduction of new products and technology.
Lack of intellectual property rights protection.

10. Korea

Maximum foreign ownership restrictions.
Industrial sector restrictions.
Remittance of earnings/repatriation of capital restrictions.
Lack of intellectial property rights protection.
Location requirements.
Requirements concerning the introduction of new products and technology.

11. Mexico

Maximum foreign ownership restrictions.
Remittance of earnings/repatriation of capital restrictions.
Industrial sector restrictions.
Restrictions on royalty payments to U.S. parent.
Restrictions on acquisitions of existing businesses.
Excessive withholding taxes on dividend, royalty and loan interest payments.
Export requirements.
Employment of local nationals requirements.
Location restrictions.
Requirements concerning the introduction of new products and technology.
Feedstock restrictions.

12. Saudi Arabia

Maximum foreign ownership restrictions.
Employment of local nationals requirement.
Excessive withholding taxes on dividend, royalty and loan interest payments.
Restrictions on acquisitions of existing businesses.

13. Spain

Restrictions on management fee payments to U.S. parent.
Industrial sector restrictions.
Restrictions on acquisitions of existing businesses.
Lack of intellectual property rights protection.
Export requirements.
Maximum foreign ownership restrictions.

APPENDIX C

A SUMMARY OF A SURVEY OF WORLDWIDE INVESTMENT POLICIES, Nov. 18, 1982

(By Price Waterhouse)

This report presents the results of the second annual 73-nation survey by Price Waterhouse of nontax restrictions on inflowing foreing direct investmen in the following categories:

Ownership restrictions.
Exchange controls.
Repatriation or remittance restrictions.
Employment restrictions.
Local material content requirements.
Other restrictions.

In addition, the report presents information on subsidies and other incentives to foreign investment, if any, for each country.

The report is based on data supplied by Price Waterhouse offices located in the 73 countries covered by the survery, in response to a request made to them by the U.S. firm of Price Waterhouse. It is effective as of June 30, 1982, except that because of the major developments in Mexico, its

report has been updated to September 30, 1982.

This report, like the 1981 report, indicates strong nontax and nontariff restrictions on foreign investment. Of the 73 countries surveyed, 58 impose ownership restrictions (same as 1981), 53 have exchange controls (52 in 1981), 46 impose restrictions on repatriation or remittances (same as 1981), 71 have employment restrictions (same as 1981), and 30 have local material content requirements (29 in 1981).

Of the 58 countries considered to have ownership restrictions, 33 are considered to have harsh restrictions. These include all those where foreign ownership must be limited to a minority interest or where the list of excluded industries is extensive. If a country excludes only areas that are directly related with national defense, it is not considered to have an ownership restriction. If the only excluded nondefense industries are those such as banking, insurance and airlines (all of which are closed to foreigners in many countries), the country is not considered to have harsh restrictions.

Exchange controls are more difficult to classify from the survey. Of the 53 countries that have exchange controls, six appear to be mild and 14 appear to be harsh from the reports on these items. A more realistic number of harsh exchange control countries may be around 35, as that is the number of countries that have restrictive policies on repatriation or remittances (which, of course, is an element of exchange control).

The shift of Mexico from free exchange to tight controls may foretell other countries taking similar action as a result of the continuing worldwide economic slump.

As noted, 35 of the 46 countries that impose restrictions on repatriation and remittance are considered to have harsh restrictions. These include all countries that require capital to be "registered" before either capital or profits can be remitted. A few countries limit profit remittances to a percentage of capital (20 percent being the most common) or to a percentage of the year's profits.

The statistic on employment restrictions reflects that almost all countries require foreigners to have work permits. Only two countries, Hong Kong has restrictions, but they are described as being very lax. Japan has no employment restrictions, but does have visa requirements that can be time consuming.

Of the 71 countries having employment restrictions, 24 require work permits, but the survey responses do not indicate that this is used as a harsh exclusionary tool. Thirty-one other countries have restrictive policies that generally will not permit the hiring of a foreigner if a national is available. The remaining 16 also have restrictive policies, but in addition impose quotas that limit the percentage of foreign employees a company can have. Quotas also are often stated as a percentage of total salaries.

Morocco, the new entry on the list of countries having a local material requirement, now requires a minimum value of locally manufactured material for automobile manufacture. Six other countries also impose a local material requirement only in automobile manufacture. They are Chile, Columbia, Malaysia, the Philippines, South Africa and Zambia. (Zambia has no local materials law, but the government strongly encourages it, especially in automobile manufacture.)

Comparing the 1982 Report to the 1981, the impression is that restriction on foreign investment are growing. Certainly, they are not being relaxed. As the world recession continues, protectionist pressures mount.●

SCHOOL ASBESTOS PROBLEMS

● Mr. HUDDLESTON. Mr. President, in this morning's edition of the New York Times, an article appeared about the extent of the asbestos problems facing our Nation's schools. The story documents the financial burdens that are confronting our school districts in finding means to rid the schools of any asbestos hazards.

Yesterday, the Senate tabled an amendment I offered to provide $50 million in funding for loans to school districts to help them deal with the asbestos problem. Since the House has provided $50 million in their version of the Labor-HHS-Education appropriations bill for fiscal year 1984, I hope that the conferees will understand that asbestos removal is a problem that needs to be addressed now and will agree to include funding in the conference report.

I submit for the RECORD the article from the New York Times.

The article follows:

[From the New York Times, Oct. 5, 1983]

HUGE COST OF REMOVING ASBESTOS DAUNTS SCHOOLS

(By William E. Schmidt)

There is growing alarm among school officials around the country about where they will get the funds to pay to remove potentially dangerous asbestos insulation from local school buildings.

According to a report not yet released by the Deaprtment of Education but made available to the The New York Times, it will cost about $1.4 billion to remove asbestos from 14,000 public and private school buildings around the country.

"We did a survey and came up with the total bill of about $7 million to remove and replace the asbestos," said Dr. Robert Fortenberry, the superintendent of schools in Jackson, Miss. "We'll get it out as we have the money. But right now, we can't get to it unless the state or someone else helps us come up with some extra money."

Federal officials and medical authorities have warned that asbestos, widely used as fireproof insulation in school buildings built or renovated from 1940 to 1978, poses a serious threat of cancer and other diseases to children and school employees.

MOST SCHOOLS FAIL TO COMPLY

The Department of Education report, prepared in consultation with the Environmental Protection Agency on behalf of a Senate committee, concedes that Federal officials have no hard data to confirm their cost figures. But it estimates that removal will cost an average of $100,000 per school building.

An internal E.P.A. report that came to light last week showed that well over half the nation's 85,000 public and 20,000 private schools have failed to comply fully with Federal rules that required them to identify and report on any asbestos in school buildings by June 28.

Current E.P.A. regulations do not require schools to remove the loose or flaking asbestos. Instead, the agency says the districts must notify employees and parent-teacher organizations of the presence of asbestos in school buildings.

HESITANT TO CREATE CONCERN

It is widely believed that the cost of asbestos abatement programs is one of the main reasons so many districts have not complied. Many smaller districts fear they do not have the resources to follow through with remedial actions and are therefore hesitant to arouse fears without being in a position to deal with the problem.

Most school districts are already facing budget problems as a result of earlier cutbacks in state and Federal money. In Jackson, for example, voters rejected bond issues twice in the past eight months for repair and construction programs.

Though some states have offered money to help local districts with removal programs the largest share of the cost of removing the asbestos so far has been borne by taxpayers in the individual school districts. There has been no Federal assistance, although Congress is now studying a plan to set up $50 million fund to provide local districts interest-free loans for asbestos removal.

NEW YORK SCHOOLS SPEND MILLIONS

In Alabama, state officials have set up a $75 million fund, drawn from oil and gas lease revenues, to help local districts pay for asbestos abatement.

In New York, one of the first states to address the asbestos problem, the Legislature has authorized nearly $7 million in the past four years to help pay for local asbestos abatement programs.

Dr. Brian Walsh, an administrator for the state's Department of Education, estimated that schools in the state have already spent nearly $43 million removing or containing more than six million square feet of asbestos insulation.

In New York City alone, school officials said more than $12 million has been spent since 1979 on asbestos control and removal programs in city schools.

"I can appreciate that schools are under a lot of fiscal pressure," said Representative George Miller, a California Democrat who has helped push legislation to make schools report asbestos hazards. "But this is not enough of a justification not to do the studies, or to refuse to disclose the dangers."

REAGAN ADMINISTRATION BLAMED

Mr. Miller also blamed the Reagan Administration for the low reported rate of compliance, because it has planned no measures to make districts say if their schools have asbestos.

"This Administration has sent a clear signal to the schools that asbestos is just not that important a problem," Mr. Miller said.

The E.P.A. said last week it would notify the local news media of any schools found to be in violation of asbestos rules.

Dwight Brown, asbestos coordinator for a regional office of the environmental agency in Atlanta, said the failure of many school districts to deal with the asbestos threat is likely to make them increasingly vulnerable to lawsuits from former students or school employees seeking to blame subsequent cancers or other illnesses on exposure to asbestos in school buildings.

SCHOOL DISTRICTS ARE WARNED

Mr. Brown said school officials who ignore the asbestos hazard "are guilty of either negligence or malfeasance, or both." He said that a school district that knows of the presence of asbestos but does nothing to get

rid of it is not only continuing to expose children to a known health hazard, but also has created "a lawsuit waiting to happen."

Though Mr. Brown said he was not aware of any such lawsuits pending against schools, he said they were inevitable. More than 10,000 suits have been filed in the past decade against asbestos manufacturers by workers who blame their illnesses on exposure in the workplace.

Many of the suits involve those who worked with asbestos in Navy shipyards in World War II.

Asbestos is seen as a cause of a variety of diseases, including lung cancer and a cancer of the lining of the lungs, mesothelioma, that is usually fatal. It typically takes 15 to 40 years after exposure before the diseases begin to appear.

35 LAWSUITS ARE PENDING

The danger in schools and other public buildings is that asbestos insulating pipes or ceilings will begin to crumble, releasing fibers into the air. The asbestos fibers, once inside the lungs, usually stay there.

In addition to advising schools to be aware of potential liability, Mr. Brown also cited a study by the Justice Department in 1981 that provided advice to local school districts that could be used to persuade taxpayers to support asbestos removal programs. The study suggested comparing the cost of the litigation against asbestos manufactures against the cost of abatement plans.

At least 35 suits against manufacturers are now pending, including a class action filed in Federal District Court in Philadelphia on behalf of the nation's public schools. David Berger, the lawyer for the schools in the lawsuit, is asking that manufacturers be ordered to put up money to pay for asbestos removal programs.

Only in recent months have many districts discovered the extent of their asbestos problem.

In Clarksville, Tenn., one of the districts that complied with the E.P.A. rules, the discovery of asbestos in 10 local schools touched off a debate over the removal plans, which one consultant has estimated will cost $2.5 million. At least one school has been shut down because of asbestos.

Several people in that area have argued that the hazard has been exaggerated and are urging school officials to cut back on the removal program.

In Jackson, school administrators and lawyers are seeking assistance from Mississippi in removing asbestos. "Unless we get some help, we just aren't going to be able to get at this problem the way we should," said Dr. Fortenberry, noting that a survey this summer revealed asbestos insulation on the ceilings of areas frequented by students in 25 of the district's 77 buildings.

The estimate of the cost of removing asbestos from the nation's schools is part of a 27-page Department of Education report prepared at the request of the Senate Appropriations Committee.

Among other things, the report details difficulties Federal officials have had in collecting data on the asbestos problem from the states.●

ALZHEIMER'S DISEASE AND RELATED DISORDERS

● Mr. PRESSLER. Mr. President, I commend the Senate for the passage of H.R. 3913, the Labor, Health and Human Services appropriations bill. I am proud to see the Senate take action on an appropriations measure which includes additional funding for research on Alzheimer's disease and related disorders.

Recently, at my request, the Senate Aging Committee held hearings on the subject of Alzheimer's disease, a neurological disorder which now affects 2 million persons in this country. As the testimony at these two field hearings brought out, there is a critical need for additional research dollars. When a disease is claiming 120,000 lives each year, and more than $26 billion is spent each year on institutional care and other medical costs associated with this dread disease, the time to act is now.

Unfortunately, we still know neither the cause nor the cure for this devastating chronic disease. With about 9 percent of our over-65 population, and 20 percent of those over 80, having been stricken by Alzheimer's disease, the current impact of this disease is sobering. However, these statistics are not nearly as grim as the prospects for the future. It is estimated that by the year 2000, approximately two-thirds of the adult population will fall into the high-risk age bracket for Alzheimer's disease. Therefore, unless medical science is able to unravel the mysteries surrounding this disease, Alzheimer's threatens to become the most serious problem of the next century.

For this reason, I recently authored a letter to the chairman of the Appropriations Subcommittee on Labor, Health and Human Services urging the subcommittee to provide an additional $15 million for basic research and $4 million to support five centers specializing in research on Alzheimer's disease and related disorders. My distinguished colleagues, Senators HEINZ and D'AMATO, cosigned this important letter. I am pleased to see that the Appropriations Committee has recognized the need for increased research dollars and has directed the National Institute on Aging to consider the feasibility of establishing special centers of research on Alzheimer's disease and related disorders.

These centers will be of paramount importance if we are to coalesce existing—but uncoordinated—research functions into a series of centers for excellence. Only through the establishment of such centers can we hope to bring together basic and clinical investigators of sufficient interest and expertise to make significant progress in the understanding, prevention, and treatment of Alzheimer's disease.

Specialized centers of research already exist in the areas of periodontal and cancer research, and at institutes such as the National Heart, Lung & Blood Institute. I commend the Senate for recommending the establishment of Alzheimer's research centers which will maintain communication with the clinical community and will assist in the development of applied and clinical research activities, and in the dissemination of new knowledge.

One of the key factors which was brought out during the recent field hearings was the need for improved communications between the researchers and those administering daily care to the Alzheimer's patient. I am pleased to see that the Senate has recognized this need and has recommended that $3.5 million be set aside to support these centers.

The increased research funding and the set-aside for research centers represent the Senate's wise commitment to a problem that threatens to undermine the health and well-being of this Nation. I commend my colleagues for this prudent action.●

TESTIMONY OF RACHEL OESTREICHER HASPEL

● Mr. MOYNIHAN. Mr. President, shortly before Congress recessed in August, Rachel Oestreicher Haspel testified before the Subcommittee on Human Rights and International Organizations of the House Foreign Affairs Committee. Ms. Haspel, who is president of the Raoul Wallenberg Committee of the United States in affiliation with the Anti-Defamation League of B'nai B'rith, addressed the concern she and many others share about the fate of Raoul Wallenberg. The disappearance of Raoul Wallenberg, an honorary citizen of the United States, rankles the hearts of those who are aware of the splendid contributions to the cause of liberty he made during the intense darkness of World War II.

Today, Mr. President, on the second anniversary of the bestowal upon Raoul Wallenberg of honorary citizenship, I would like to share with my colleagues Ms. Haspel's testimony. She outlines the goals of the Raoul Wallenberg Committee of the United States and reminds us of the persistent reports that, despite Soviet claims to the contrary, Raoul Wallenberg did not die in 1947 but continues to live somewhere in the Gulag.

Mr. President, I ask that Ms. Haspel's testimony as well as additional material be included in the RECORD.

The testimony and additional material follows:

TESTIMONY OF RACHEL O. HASPEL

Gentlemen, my name is Rachel Oestreicher Haspel. I am extremely pleased to be here today as the spokesperson for the Raoul Wallenberg Committee of the United States in affiliation with the Anti-Defamation League of B'nai B'rith. This is a committee of volunteer members who care deeply about both the heroic actions of Mr. Wallenberg in 1944 and 1945 in Hungary and about his subsequent incarceration in the Soviet Union. We join with all of those here in seeking his freedom. We who are involved in this work, feel that Mr. Wallenberg's imprisonment and present condition

is a Human Rights Issue of the highest magnitude.

I am most appreciative that the Foreign Affairs Committee's Sub-Committee on Human Rights and International Organizations is allowing me to appear before it on behalf of our committee. For all of us who care so deeply about the fate of Raoul Wallenberg, an Honorary Citizen of the United States since October 5, 1981, I should particularly like to thank the chairman, Congressman Gus Yatron, for convening this sub-committee. I should also like to single out a member of this sub-committee, Congressman Tom Lantos, for his selfless early efforts on behalf of Raoul Wallenberg and his continued vigilance on this issue.

The Raoul Wallenberg Committee of the United States has two goals:

(1) To free Raoul Wallenberg and allow him to return to his home and family in Sweden.

(2) To make his extraordinary deeds in Hungary known, so that the name Raoul Wallenberg will become synonymous with heroism and humanitarianism throughout the world.

As to freeing Raoul Wallenberg from prison in the Soviet Gulag, let me say here and now that I do absolutely believe that there is indeed a strong possibility that Raoul Wallenberg is still alive. Based on very concrete information, it is my opinion that Mr. Wallenberg has been given preferential treatment by his Soviet jailers. Never in all the thousands of pages of testimony released by the Swedish government has hard labor ever been mentioned. More significant, however, is the testimony of a now elderly Swedish doctor, Professor Nana Svartz.

Professor Svartz was told on January 27, 1961 by a Russian physician, Professor Aleksandr Miashnikov, that he had examined Raoul Wallenberg at a prison hospital in Moscow and even offered, at the time, to allow Dr. Svartz to see him.

This in itself is not the most remarkable thing; what is staggering is that Professor Miashnikov was the personal physician of Nikita Khrushchev. How often, in any country, does the personal physician of a President or of a Prime Minister examine an ordinary prisoner? Unfortunately, Professor Miashnikov later denied having told Dr. Svartz about Raoul Wallenberg and then died rather suddenly in 1965, but I offer this testimony as a means of establishing a point-of-view about Mr. Wallenberg, as compared with the ordinary prisoner in the Soviet Gulag.

Because we believe he is alive, and to help ascertain his whereabouts in the Soviet Union, we have run ads in Russian language newspapers to see if recent Soviet immigrants might help shed new light on Raoul Wallenberg. As I need not explain, this is very expensive and almost impossible for a non-profit group to maintain, particularly on the day-to-day basis that might make it successful. To aid all of us in this effort, I would like to suggest that the following actions be considered:

(1) That the feasibility of a question pertaining to Raoul Wallenberg and his whereabouts be asked of all immigrants from the Soviet Union applying for residence.

(2) That the use of the enormous Russian language resources of both Radio Free Europe and the Voice of America be used on a daily basis to aid in locating Mr. Wallenberg.

(3) That all branches of the government, when communicating with the Soviets, on official matters, automatically bring up the fate and case of Raoul Wallenberg as a part of any dialogue.

We commend Secretary Shultz and the Department of State for what they have done thus far both on a bilateral basis and at international forums, such as the CSCE Review conference in Madrid and the United Nations Human Rights Commission in Geneva. We ask only that the effort be more constant, as every day that passes is one day more of freedom lost to this extraordinary man.

It will perhaps be of interest to this panel to know that in April 1983, I wrote to the Prime Minister of Sweden, Mr. Olaf Palme, urging that Sweden take a stronger position on behalf of Mr. Wallenberg. I received a letter sometime after that from Ambassador Lennart Eckerberg, Under-Secretary for Political Affairs in the Swedish Ministry for Foreign Affairs. I am submitting a copy of that letter to the Sub-Committee. I would like to quote briefly from that letter: ". . . in addition to many previous contacts on high level, Raoul Wallenberg's case was taken up by Sweden's Minister for Foreign Affairs during his visit to Moscow in 1980, by Sweden's Minister of Justice also during a visit to Moscow in 1981 and also by the Under-Secretary of State at the Swedish Ministry for Foreign Affairs in September 1981 and January 1983."

It is particularly heartening to see that the last date given was as recent as January of this year, and does, in fact, indicate that the government of Sweden will also continue to pursue the case of this most heroic Swede under Mr. Olaf Palme's leadership.

As I mentioned before, the Raoul Wallenberg Committee of the United States has two goals. In a very personal way, I feel strongly that the second goal: "To make Raoul Wallenberg's extraordinary deeds in Hungary known, so that his name becomes synonymous with heroism and humanitarianism throughout the world" is of equal importance with the first.

I ask your indulgence; I should like to be personal for a moment. I appear before you today as the President of a national organization, but I originally became interested in Raoul Wallenberg because I am the mother of two young children who are growing up in what today appears to be a very hostile world. When I first heard Raoul Wallenberg's story, I was staggered by the enormity of his deeds. Many persons in this century have taken far too many precious lives, but I can think of no other human being who has saved one hundred thousand lives by his direct action and intervention. Mr. Wallenberg is not a media hero (though he should be); he is flesh and blood like each of us here. Our children have few heroes not created by script writers; if they are going to survive, they must all know that they and others carry within themselves the same possibility for kindness, selflessness, and courage that Raoul Wallenberg showed. Only because he is a flesh and blood hero—and because of his flesh, vulnerable like all of us—will our children know they, too, are capable of facing evil and danger with courage. We all need Raoul Wallenberg as a role model for these trying times.

Let me illustrate this with another true story that I also consider extraordinary. About a year ago I spoke to eight hundred students at West Rowan High School in Mount Ulla, North Carolina. I had been asked to speak there by two gifted teachers, Miss Libby Edmondson and Mrs. Joyce Sloop. This is a public school located in a rural section of North Carolina and its students come from families whose incomes are earned primarily from farming or mill work in either the textile or furniture factories in the area. I can assure you that extra dollars are few and far between in the majority of homes that these wonderful students come from.

I was the first Jew that most of these eight hundred boys and girls had ever met, but the response to the story of this hero who risked his own life in order to save Jews, and as we know saved so many tens of thousands, was overwhelming. The students responded to this story with voluntary contributions to the Wallenberg effort. Quoting from a letter of Miss Edmondson and Mrs. Sloop, "They wanted to be a part of bringing recognition and perhaps freedom to this noble man and decided that the only worthy means was to donate money obtained from personal effort and sacrifice."

"Although most of the students sacrificed money from their allowances, there are two contributions of special merit. Two Advanced Placement English students, Tommy Steele and Tim Webb, attempted what amounted to a Herculean effort for them. With a total absence of experience, they located a tree deep within a forest, cut it down after many attempts, sawed it into firewood, transported it by armloads, because a truck was unable to reach the wood, and finally sold the load for forty dollars. Dee McDaniel, a student who sells firewood to supplement the family income, cut a special load for twenty dollars as his contribution. We are proud of their drive and ingenuity.

"The effect Mrs. Haspel had on our students cannot be measured by the four hundred dollars they contributed; there may be no tangible means to assess the impact made by this exposure to Wallenberg's idealistic concept of man and his courage to act upon it. They have perceived the good in man and have honored it. For this elevation of consciousness we shall always be indebted . . ."

I am submitting the full text of Mrs. Sloop and Miss Edmondson's letter along with an article about the students by Rose Post, a writer for the Salisbury Evening Post of Salisbury, North Carolina. The article, written on April 3, 1982, is entitled "West Students Learn Valuable Lesson from World War II Hero," and it further elucidates the impact that Raoul Wallenberg's story had on these students.

In the face of this overwhelming response and commitment by our young people to the heroic ideal that Raoul Wallenburg represents, how can we not respond in turn? We are requesting that all state governments enact the following legislation:

(1) We urge the states to include Raoul Wallenberg's story in their school curriculum. He is, after all, our only living Honorary Citizen.

(2) We are also asking that all fifty (50) states designate October 5th as a day honoring Raoul Wallenberg as his honorary citizenship is a uniquely American Tribute.

On a national basis we suggest two actions:

(1) The issuance of a United States Stamp to honor our only living Honorary Citizen; a uniquely fitting tribute to Raoul Wallenberg. I have been told that stamps are issued only to honor persons no longer living. Perhaps for this exceptional hero an exception can be made.

(2) Finally, I would like to express the hope that the United States Holocaust Me-

morial Council will consider naming a wing of the new Holocaust Memorial Museum now being planned, in honor of Raoul Wallenberg, our only living Honorary American Citizen.

He was the *One* shining light in all that darkness. How different our world might have been today had there been a few more heroes like Raoul Wallenberg.

It has taken the world more than thirty-five years to truly recognize the greatness of Raoul Wallenberg—a man who acted while the rest of the world watched. The survivors of the Holocaust have a slogan "Never Again." Let us take these words and apply them further. Never again will we allow the name Raoul Wallenberg or the deeds that this name stands for to be overlooked. Never again will we allow the horrors of the Gulag to totally engulf him. Never again will we remain silent until the true reasons for his imprisonment and his actual whereabouts are made known to his family and to the world.

MINISTRY FOR FOREIGN AFFAIRS,
UNDER SECRETARY FOR POLITICAL AFFAIRS,
Stockholm, June 1, 1983.

MRS. RACHEL OESTREICHER HASPEL,
President of the Raoul Wallenberg Committee of the United States, 823 United Nations Plaza, New York, N.Y.

DEAR MRS. RACHEL OESTREICHER HASPEL: I have been instructed to thank you for your letter of April 28 to the Prime Minister of Sweden, Mr. Olof Palme, regarding the fate of Raoul Wallenberg. As you probably are aware, the authorities of the Soviet Union have stated that Raoul Wallenberg died in the Ljubljanskaja prison in Moscow in 1947. The Swedish Government has not been able to accept the Soviet statement. It did not provide complete clarity about what had happened to Raoul Wallenberg. In an official statement Sweden stated that the inquiries would continue until complete clarity has been obtained.

Nothing that has emerged since then reduces the credibility of the Swedish working hypothesis that Raoul Wallenberg is still alive.

Therefore, and in addition to many previous contacts on high level, Raoul Wallenberg's case was taken up by Sweden Minister for Foreign Affairs during his visit to Moscow in 1980, by Sweden's Minister of Justice also during a visit to Moscow in 1981 and also by the Under-Secretary of State at the Swedish Ministry for Foreign Affairs in September 1981 and January 1983.

To sum up, it can be said about the Soviet authorities' assertion that Raoul Wallenberg died in 1947 that it cannot be accepted by the Swedish side as a complete explanation of Raoul Wallenberg's fate.

Therefore the Swedish Ministry for Foreign Affairs continues to investigate every fresh trace of Raoul Wallenberg. It is still hoped that such strong evidence will ultimately be procured that new representations in Moscow aimed at obtaining definite knowledge of Raoul Wallenberg's fate will seem likely to succeed.

Yours sincerely,

LENNART ECKERBEG,
Ambassador.

WEST ROWAN HIGH SCHOOL,
OFFICE OF THE PRINCIPAL,
Mount Ulla, N.C., March 1, 1982.

The RAOUL WALLENBERG COMMITTEE OF THE UNITED STATES,
Suite 445, 823 United Nations Plaza, New York, N.Y.

GENTLEMEN: On January 27, a wonderful event occurred at our school. On that day, Rachel Oestreicher Haspel visited our school and shared her vision of Wallenberg with the students. She met with eight hundred students during their regular English classes. Our students responded to her message with voluntary contributions to the Wallenberg Fund. They wanted to be a part of bringing recognition and perhaps freedom to this noble man and decided that the only worthy means was to donate money obtained from personal effort or sacrifice.

Althouth most of the students sacrificed money from their allowances, there are two contributions of special merit. Two Advanced Placement English students, Tommy Steele and Tim Webb, attempted what amounted to a Herculean effort for them. With a total absence of experience, they located a tree deep within a forest, cut it down after many attempts, sawed it into firewood, transported it by armloads, because a truck was unable to reach the wood, and finally sold the load for forty dollars. Dee McDaniel, a student who sells firewood to supplement the family income, cut a special load for twenty dollars as his contribution. We are proud of their drive and ingenuity.

The effect Mrs. Haspel had on our students cannot be measured by the four hundred dollars they contributed; there may be no tangible means to assess the impact made by this exposure to Wallenberg's idealistic concept of man and his courage to act upon it. They have perceived the good in man and have honored it. For this elevation of consciousness we shall always be indebted to you.

We all send our best wishes for the success of your efforts to free the true hero of the twentieth century.

Sincerely yours,

MISS LIBBY EDMONDSON.
MRS. JOYCE SLOOP.

[From the Salisbury (N.C.) Evening Post, Apr. 3, 1982]

WEST ROWAN HIGH STUDENTS LEARN VALUABLE LESSON FROM WORLD WAR II HERO

(By Rose Post)

Until a few months ago Linda Shumacher had never heard of Raoul Wallenberg.

And she'd never had a letter from a rabbi.

But now she knows all about Wallenberg and she has a letter from Rabbi Bruce Cole of New York in her scrapbook—along with letters from President Gerald Ford and other public figures—and she's hoping to hear from him again.

After all, he told her he'd put her name on the general mailing list of the Wallenberg Committee "because there are several occasions during the year when we are requesting individuals throughout the United States to help organize certain types of activities."

And if one of those occasions arises, the committee, he said, has "full confidence that we will be able to count on your assistance."

He can.

Linda is willing and waiting.

"Once I get into something, like the Wallenberg project, then I try to do everything I can to make it come through . . . ."

And that's exactly what she and other students at West Rowan High School did to send a contribution of $406 to the Wallenberg Fund and a poem by Linda that brought her the personal letter from Rabbi Cole.

"He is locked behind closed doors of his hidden soul . . . ." she wrote.

Not that she or any of the other West students had ever heard of Raoul Wallenberg before Rachel Oestreicher Haspel visited them during the winter to tell his story.

Rachel had become so concerned about the Lutheran Swedish diplomat who saved an estimated 100,000 Hungarian Jews from torture or death at the hands of the Nazis during World War II that she had personally dedicated herself to working with the Wallenberg committee to get him named an honorary American citizen.

Wallenberg was arrested by the Soviets in Budapest at the end of the war and repeated demands for his return have elicited only vague Russian denials that he is there or statements that he is dead. Documented reports, however, indicate he was alive as late as 1975.

Recently renewed interest in his cause has grown throughout the Western world, and the honorary citizenship, approved last October, gives the United States the right to make more demands for his release.

West teachers Joyce Sloop and Libby Edmundson, who coordinated American Education Week last fall, had seen a Post story about Mrs. Haspel, Salisbury native who now lives in New York, and her interest in Wallenberg. As a result, they invited her to be one of the speakers during the special week, highlighted at West Rowan with many speakers invited to introduce students to new fields and new ideas.

Mrs. Haspel couldn't make the trip then, but she came to Rowan later and spent a day at West talking to students about heroism in the 20th century.

Her talks ignited them with her own commitment to do everything possible to make the name of Raoul Wallenberg known.

Almost before she was gone, the students were making plans. They would, they decided, raise funds for the Raoul Wallenberg Fund. Within a few days, charts went up in every English classroom, competition was in the air, and money was coming in.

Tommy Steele and Tim Webb, with no experience, decided to sell a load of firewood for their contribution. It didn't take them long to locate the tree but it took two days for them to get it down. But they did it. The result was $40 for the Wallenberg Fund.

Dee McDaniel, who sells firewood to supplement family income, had less trouble, but cut a special load and sold it for $20 for his contribution.

Other students donated from their allowances or raised money in other ways. Many read a recent book about Wallenberg entitled "Righteous Gentile," and Linda wrote her poem and mailed it to the committee.

When they wound down, the Wallenberg Fund was $406 richer—and the students' gain couldn't be counted, according to Mrs. Edmundson and Mrs. Sloop, who wrote the Wallenberg committee that "a wonderful event occurred at our school." The effect on the students cannot be measured by the $406 they contributed. "There may be no tangible means to assess the impact made by this exposure to Wallenberg's idealist concept of man and his courage to act upon it. They have perceived the good in man and have honored it. For this elevation of con-

sciousness, we shall always be indebted to you."

The committee responded with praise.

The contribution from students who sacrificed to make it, wrote Lena Kaplan, president of the committee, takes on "far greater importance than a contribution that is made by individuals who are better off economically—It is inspiring to know that there are young people in this great country of ours who care very dearly for the important moral issues of the day and who not only voice their support, but sacrifice and labor to express their support in very tangible ways—Through their actions, we perceive the deep goodness of the students of West Rowan High School."

The Wallenberg committee, she said, shared the work of the students at West Rowan with President Ronald Reagan "so that he may learn of the deep feeling and commitment of the youth of our country—"

As for Wallenberg, the United States delegation to the United Nations Human Rights Commission proposed officially that an investigation directed toward discovering his whereabouts be conducted.

And ripping circles in the pond caused by the pebble of Rachel Haspel's talk are still widening.

Not only Linda Shumaker have a letter in her scrapbook, along with a thank you from President Ford for a pot holder she sent him, but she still hopes the Wallenberg committee will find something for her to do.

Another West Rowan student went to the Rowan Public Library to get a book on concentration camps for a term paper and found they'd all been checked out. Still another bought a book about concentration camps and took it to school to share with Mrs. Sloop.

A class reading Stephen Crane's "Red Badge of Courage" and discussing heroes talked of Wallenberg.

And almost daily someone mentions something about Wallenberg or about a hero.

"I really think Raoul Wallenberg has been woven into the fabric of our thinking," Mrs. Sloop says. "The students have been altered perhaps in their consciounsness because of him. One student said a faculty member said, 'I don't see the point in trying to raise money. He won't be freed,' and the student responded. 'But it's a matter of consciousness, isn't it? Whether he's freed or not, I want to make the effort.' "

When young people of today find a hero to admire. . . .

"In all sincerity I do not think they will forget this year."●

CRISIS IN EL SALVADOR

● Mr. KENNEDY. Mr. President, yesterday, the Washington Post concluded an outstanding series of articles on the crisis in El Salvador, painting a picture of the country whose government cannot protect its citizens from the violence of government security forces, cannot provide basic human needs, and is retreating on social reforms that have been launched only recently.

These reports confirm many of the findings of a staff report recently filed with the Judiciary Subcommittee on Immigration and Refugee Policy. It found conditions among the half million displaced persons in El Salvador to be as bad as during the worst days of the Vietnam war. It reports that the economy is floundering and there are critical shortages of basic foods and medicines. It also notes that the violence of the death squads continues at an alarming level.

Mr. President, these articles speak for themselves. They were largely written by Washington Post correspondent Christopher Dickey following the completion of his tour of duty in the region. They bring into sharp relief the fundamental issues we are confronting in El Salvador, and how far off course the administration's policies toward them are.

I ask that they be printed at this point in the RECORD.

The articles follow:

[From the Washington Post, Oct. 2, 1983]

HEAVY U.S. AID BRINGS LITTLE PROGRESS

(By Christopher Dickey)

SAN SALVADOR.—For three years U.S. and Salvadoran officials have maintained that the most important front in this complex war is the economic one.

Critics have charged the Reagan administration with paying more attention to defeating leftist guerrillas than to addressing the deep inequities in Salvadoran society that provide fertile ground for revolution. The administration has countered that it spends much more money here on economic development than on bullets.

Yet despite the fact that more dollars have been devoted to trying to win in the ledgers than on the battlefield, it is on the economic front that the least progress has been made.

"The economy, ironically, is the field where I should have the most accomplishments," President Alvaro Magana, an economist and banker, said in a recent interview, "But it is where things have been moving most slowly."

In four years of war the Salvadoran economy had shrunk by more than 25 percent. The overall standard of living has dropped by as much as a third. A goal for the economy of zero growth—just holding its own—has thus far proved unattainable.

As the economy here does less, Washington has been spending more. Its assistance now makes up more than a quarter of El Salvador's budget. At the same time, U.S. backed reform have proved to be extremely expensive and the long-term social and political benefits are at best uncertain.

Magana, head of a caretaker government, has had to limit himself to treating some of the worst symptoms of the economy's withering disease and hoping for whatever breaks may come.

Since 1980 the problem facing the country has not been economic development, as in most Third World countries, but survival.

When he took office last May, Magana said, he was under no illusions. "I was planning on the short run, just to keep afloat and try to make a basis for the future."

Although U.S. and Salvadoran officials say they see some slightly encouraging indicators, the weight of the evidence here is that even if the fighting were to end tomorrow, the economy would remain crippled for years to come with long-term social and political costs that could linger, as one academic put it, "like a time bomb."

Compounding El Salvador's problems is the fact that, with a population of almost 5 million, it is "the most densely populated country of Latin America," according to the Inter-American Development Bank.

Among many factors that have brought on the crisis, low prices for El Salvador's key exports and other effects of the worldwide recession, as well as widespread corruption, have taken their toll. Added to these problems, common to Latin America, is the direct, devastating impact of guerrilla sabotage.

Leftist rebels of the Farabundo Marti National Liberation Front have made economic targets a priority. Attacks on what they call "lines of communication" have become a key element of their military strategy. And the cost to the Salvadoran economy has been enormous.

In 1982 the Planning Ministry counted 1,285 buses, almost 35 percent of all those in the country, damaged or destroyed. There were 285 high-voltage towers toppled by rebels using everything from plastic explosives to machetes. More than 70 bridges were blown up and 11 of 18 railroad engines were knocked out of service. Hundreds of millions of dollars worth of crops, principally export crops, were destroyed.

Uncertainty and fear take an incalculable toll, not only among the rich, who may send their money and children out of the country, but among the poor who are trapped by the violence of both the government and the guerrillas.

The village of Cacaopera in Morazan province, for instance, once had a thriving cottage industry making hammocks and bags of sisal fibers.

But there is so much fighting in the area now that he maguey plant from which the sisal is made is no longer cultivated and the fibers must be imported from other parts of the country at a price higher than what the finished products will bring.

It was Aug. 18 when the guerrillas came to Cacaopera, and some of the 6,000 refugees who have flocked to the small village remember waking, as one old man put it, "full of fear" in a little settlement of grass huts near the town soccer field.

"I'll tell you the pure truth," said an old man. "When we woke up those boys"—the guerrillas—"were already assembled here."

Simeon Ramos, 44, tried to go about his business, working the little plot of corn on a nearly vertical hillside. There would be nothing to eat for his family if he did not.

Shortly after noon a government spotter plane circled overhead looking for the rebels. It fired a rocket into the settlement and two huts that had sheltered 27 men, women and children were burned to the ground. A second rocket killed Ramos.

His extended family, which had practically nothing left after fleeing their homes in guerrilla-controlled territory to the north two years ago, now has even less. The plot of corn is tended by children.

Since 1980 the United States has worked to alleviate El Salvador's economic suffering by quadrupling food and development aid along with balance of payments assistance to offset what the government spends on defense. According to U.S. Embassy statistics, Washington spent more dollars trying to keep commerce alive and slow the chaotic nose dive of the gross domestic product in 1983 alone than it spent arming and training the Salvadoran military for the last four years combined.

The effect of all this U.S. assistance, which now represents 25 to 30 percent of the Salvadoran government's budget, has been to slow the downward slide a bit. Real

gross domestic product has dropped by more than 25 percent since 1979.

As the Salvadoran economy has teetered on the brink of collapse the United States has come to underwrite everything from basic foodstuffs to the government's most basic finances.

Practically all the wheat imported to El Salvador, which grows none of its own, is paid for by the U.S. government, according to official statistics, and about 28 percent of the milk consumed is donated by Washington.

Meanwhile, according to Magana, "very close to 100 percent of the balance of trade deficit is paid by loans from the United States." According to the Inter-American Development Bank, El Salvador's balance of trade deficit was close to $188 million in 1982.

Notwithstanding such contributions, Magana said, "during the last two years we have had negative [foreign exchange] reserves."

But the bottom line for both sides in this struggle is not measured in dollars and cents. The essential question is how the economic warfare affects popular support. And there are no clear answers.

The people most directly affected are some of the poorest, and many of them believe, as a bus driver in San Salvador's working class neighborhood of Mejicanos put it, "We live badly and we have always lived badly."

The bus he drove was burned by the rebels last year.

But he seemed to bear little anger toward the rebels. Instead, it was Washington that irritated him.

"In place of bullets the government of the United States ought to send us buses," he said.

The guerrillas' economic targets are often selected to minimize the direct impact on the peasant majority who live at the subsistence level.

In a nation where less than 300,000 homes have electrical service and 60 percent of the rural population does not have safe drinking water, according to government statistics, the guerrillas reason that their activities affect their enemies in the "ruling class" much more than the peasants they are trying to win over.

A U.S. Embassy report prepared in March shows, for example, that while about $235 million worth of agricultural production was lost in the warfare between 1979 and 1982, virtually none of this loss was in the basic grains—corn, beans and rice—that are the staple diet of El Salvador's poor.

"It's not that surprising, really," said one western diplomat and economic analyst commenting on the statistics. The guerrillas "are out to win the hearts and minds of people" and don't want to anger potential supporters.

At least until this year, according to the diplomat, the guerrillas made very little effort to prevent people from planting crops. Sabotage was concentrated instead on the post-harvest period, as export crops were being transported to processing plants or in storage, and after "every campesino [peasant] who could possibly earn a couple of colons [the Salvadoran currency] out of the crop had been paid."

But as one liberal Salvadoran economist here pointed out, the rebel strategy may be "the sort of policy that you begin and you don't stop to analyze its effects. You go easily from attacks on the big [business interests] to the small ones and you create resentments."

In the last few months rebel attacks appear to have become more indiscriminate. Such guerrilla tactics as shooting down crop-dusting planes make planting, and therefore employment, more of a problem for an already suffering peasantry.

The government, however, has shown little ability to capitalize on whatever popular resentment the guerrillas may have created.

An ambitious pilot program for reconstruction and restoration of public services in San Vicente and Usulutan provinces is still moving slowly and attitudes toward the government's initiatives in that embattled region appear mixed, at best.

Moreover, widespread corruption in the government and its increasing dependence on U.S. support have raised serious questions about its long-term equilibrium and independence.

The Economic Investigations Institute of the church-run Central American University argued in a recent paper that El Salvador is rapidly evolving from an economy afflicted by the war, to one that is dependent on the special circumstances of a war to sustain itself; or, as the study's authors put it, from "an economy in war" to "an economy of war."

"The country is already mortgaged for years to come," said one of the study's authors, who asked not to be quoted by name for reasons of personal safety. "Development is back to about the level of the '60s."

But "more worrisome," said the economist, "is that the whole economic activity is geared to sustaining the war." Instead of supporting development, the paper argues, most of the government's economic policy is oriented toward sustaining the military, either directly or indirectly, and in "consolidating the political alliances that serve as the base of support for the war."

Specifically, the government has tried to win back the support of private business interests that were alienated by the reformist policies of the juntas that governed from 1979 to 1982.

But, according to government officials, while there are some signs of increased confidence on the part of the private sector, there is still very little new private investment.

This is a radical change from the early '70s when El Salvador was considered something of a success story in its ability to attract small-scale industries, many of them assembly plants, in an effort to duplicate the economic growth of countries like Taiwan. Since the fighting began in late 1979 many of those industries have moved away.

Now, the economist argued, what has been created is "a sort of wheeler-dealer windfall profit economy with high risks but also big returns."

In extreme cases this takes the form of private businessmen getting credit in Salvadoran currency from the government, then exchanging it for dollars that are deposited in bank accounts outside the country. Finally, they may declare bankruptcy when in fact they have substantial bank accounts in Miami or elsewhere.

Speculation and profiteering are common even within the government, according to senior Salvadoran officials.

According to these sources, much of the corn destined for distribution in Usulutan province under the new development plan has shown up as far away as neighboring Honduras.

"Is there any future for this country?" one concerned government official wondered aloud. "Sometimes everything seems wrong."

[From the Washington Post, Oct. 3, 1983]

BIG SHARE OF COST OF SALVADORAN WAR IS BORNE BY UNITED STATES

(By Christopher Dickey)

SAN SALVADOR.—The U.S. government and working-class Salvadorans are bearing an increasing share of the cost for fighting the war here, according to official statistics and senior Salvadoran officials.

At the same time the small upper class has retained its dominant role in the economic life of the country despite widely publicized reforms instituted in 1980 to redistribute the nation's resources, according to these officials.

This pattern has caused moderate Salvadorans both inside and outside the government to question for whom the war against Marxist-led guerrillas is being fought.

Before ending his tour as head of the U.S. Military Group here last summer, Col. John D. Waghelstein publicly critized wealthy Salvadorans for sending their money and their sons out of the country and thus weakening the war effort.

One western diplomat remarked acidly that while America's founding fathers pledged their lives, their fortunes and their sacred honor to their country, El Salvador's upper classes pledge the Army's lives, Washington's fortune and only their sacred honor.

When Planning Minister Manuel Antonio Robles was asked recently about critism that the war is essentially being fought to protect the interests of the 6 percent of the population who earn more than $240 a month, he replied, "Really, it is true."

The problem, Robles said, is that "we're trying to maintain the economic structure there was before the guerrillas because there is no new model for development.

That old economic system, in which a handful of families controlled a tremendous majority of the nation's wealth, was said to have been broken by U.S.-backed reforms in 1980 that turned the largest farms into cooperatives and nationalized banks and foreign trade. The intention of those reforms was to begin a serious redistribution of the wealth in the country and thus ease the inequities the leftist opposition and Marxist-led guerrillas had used to build popular support for their promises of radical change.

But the most politically important of the reforms, the redistribution of land, was never more than partially implemented and what was done now appears gradually to be eroding.

Robles, a political independent and technocrat appointed by President Alvaro Magana, cited the credit policies of the nationalized banking system as another example of the problem.

"The intention was that credit would be more dispersed to small entrepreneurs," he said. "But you get to the problem that you can't make an entrepreneur overnight. So it still goes to the same entrepreneurs as always."

Since the reforms have not been successfully implemented and the structure of the Salvadoran economy has not changed, Robles said, if the guerrillas were to be eliminated tomorrow, the reconstruction of the country would channel money to the same people who have always controlled its economic life, "because there is really no new model."

Both Robles and President Magana say that because their government has essentially been limited to a caretaker role preparing for next year's elections it has not had the time or the authority to make any of the long-range plans necessary to restore the health of the economy.

Having inherited the hastily designed reforms of their predecessors and a business community almost completely alienated from the government, Magana has limited himself to just keeping the economy afloat.

Magana, a U.S.-trained economist, has received high marks from businessmen and the International Monetary Fund, the U.S. Embassy and leftist economists at the Catholic university for his attempts to keep this foundering ship on a relatively steady course.

"The guy certainly knows how to play with the Salvadoran economy, no doubt about that," one leftist economist conceded.

But, meanwhile, in this world of ad hoc solutions for day-to-day survival, Washington's share of the bill for prosecuting the war and helping those who are victimized by it has been steadily rising.

Total U.S. assistance has jumped from $64 million in 1980 to $325 million in fiscal 1983.

Over the same period, however, the Salvadoran government's revenues have been declining as a result of the 25 percent shrinkage in the gross domestic product and the even greater reduction of imports and exports which, through various duties and tariffs, traditionally have supplied the bulk of the government's income.

In 1982, according to the yearly report of the Planning Ministry, the government's income declined by $3.2 million because of a decrease in foreign trade and a decline in tax revenues.

The Defense Ministry's share of the national budget rose from 7.7 percent in the 1970s to 17 percent in 1982, but statistics from the U.S. Embassy suggest that Washington's share of the war effort increased even more quickly.

U.S. and Salvadoran officials said most of Washington's aid does not appear in the normal budget but is dealt with through "extraordinary" accounts.

According to the embassy statistics, in 1980 the Salvadoran government spend $94.6 million on its own defense. The United States contributed $6 million, or less than 6 percent of the $100.6 million total.

By 1982 the government's own expenditure on defense had risen to $143.4 million, but U.S. military assistance was $82 million, or 36 percent of the $225.4 million total.

The Salvadoran government also receives aid under the Economic Support Fund program which it can use to cover its nondefense expenses, thus freeing up more money for military expenditures. Its Economic Support Funds rose from $9 million in 1980 to $140 million this year.

In a related area, the care of an estimated 280,000 refugees inside El Salvador, the United States foots virtually the entire bill.

Late last year, with the government's overall deficit running around $275 million in a budget of less than $1 billion, Magana moved to raise more tax revenues.

But the rightist-dominated constituent assembly did not pass the tax package submitted in February until June, and then only after making several unusual alternative proposals.

At one point, according to a senior member of the Magana administration, the assembly proposed a tax on the import of several luxury items. What the assembly did not take into account, this official said, is that the import of those items had been prohibited for almost a year. The standard of living of the tiny upper middle class from which most of the members of the assembly are drawn had declined so little and their experience in paying taxes was so slight that, initially at least, no one noticed, he said.

For that matter, many of the prohibited imports, from luxury cars to liquors, are in good supply in such wealthy neighborhoods of San Salvador as Escalon and San Benito.

In the cafes and shopping centers of these richer parts of the city teenagers ride hot new Japanese motorcycles and pump coins into video games, and their parents drive bulletproof BMWs and drink Scotch.

Although currency exchange is officially regulated on a two-tiered market at 2.5 or 3.75 colons to the dollars, its value fluctuates wildly on the black market at anywhere from 4 to 5.25.

Even at these prices, according to analyses by independent foreign economists, wealthy Salvadorans are able to buy on the black market the foreign exchange they need to maintain their standard of living and, if they choose, to keep their various businesses operating. But in the process they bid the dollars away from smaller entrepreneurs who may need them to stay in business. The black market dollars come mainly from Salvadorans living abroad who send money home.

When the new tax finally was passed in June it was of a kind that even its proponents called "anachronistic" and "inequitable"—an increase in the stamp tax affixed to most commercial transactions and contracts.

"The stamp tax affects all consumers, all classes, from the man who can buy a luxury auto to the one who buys a pound of sugar," said Robles. "But while the rich man may pay more, the poor one feels the blow more."

The rationale for the relative inequity of the new tax, according to another top technocrat in the government, is that incentives need to be maintained to encourage private business interests to renew and increase their investment in the capital-starved economy.

While Magana and others in his administration say they have had encouraging talks with business leaders, there has thus far been no significant increase in private investment or apparent return of the hundreds of millions of dollars believed taken out of the country over the last four years. The new tax, originally expected to raise about $80 million new dollars in revenue, will now garner only about $60 million because it went into effect so late.

This month, according to senior officials, Magana plans to propose a more modern type of value added tax, but the chance of this being passed by a constituent assembly with its eyes set on spring elections is considered slim.

Cheating is already extensive, according to senior Salvadoran officials, with incidents reported of forged tax stamps sold at discount prices. A single savings institution was discovered to have $20,000 worth of the fakes, according to a senior government official.

[From the Washington Post, Oct. 3, 1983]

DREAM OF AGRARIAN REFORM SEEMS TO BE DYING IN EL SALVADOR

SAN FRANCISCO CHINAMECA, EL SALVADOR.—When peasant leader Jorge Camacho wants to talk about the deadly complexities of land reform in El Salvador he talks about what has happened here.

"There are four death squads that kill and there are guerrillas who kill. There are those who kill for pay and those who kill for ideas. The result is the same."

Of about 300 peasants in this municipality who are theoretically eligible to apply for land titles under the U.S.-promoted land reform program known as Decree 207, only 40 have done so in the three years since it went into effect.

Of those, Camacho said, 27 were murdered, eight of them last August, and all the rest left their claims.

Except for one.

Juan Martinez, 38, is still here working his plot: six acres of corn and tomatoes on a steep hillside.

"I have worked this land since 1976, the year this boy was born," Martinez said, gesturing toward his youngest son. Now he owns it and although he has been arrested by the local Civil Defense unit and threatened with death by relatives of the former landowner as recently as 15 minutes before the interview, he will not leave, he said.

Yet talks with other peasants, organizers, economists and government officials suggest that for all of Martinez's stubborness and bravery, the dream of reform fostered in 1980 is dying in El Salvador, suffocated under the weight of unending violence, mismanagement, its high cost in a crippled economy and the hostility of the predominantly rightwing constituent assembly elected last year.

The agrarian reform begun here in 1980 was heralded at the time by the Christian Democratic-military junta then in power and by the Carter administration as perhaps the most sweeping such initiative in Latin American history.

It was designed in three phases. The first would take over all farms larger than 1,250 acres and turn them into government-owned cooperatives to be bought over time by the peasants who worked them. The second phase would have expropriated holdings between 500 and 1,250 acres.

The third phase, Decree 207 or "land-to-the-tiller," was almost entirely U.S.-designed and developed on a model previously used in South Vietnam. It was designed to give peasants immediate ownership of small tracts of land they had previously rented or sharecropped.

Phase Two, which affected the most holdings, including coffee plantations that produce an important proportion of the country's exports, was never implemented at all. But neither was it ever completely ruled out, leaving producers on medium-sized holdings in limbo about the future of their land.

As recently as March the U.S. government published a report titled "El Salvador: Brighter Prospects for Land Reform."

The report did not find much to be optimistic about with regard to Phase One cooperatives. Of the 328 properties taken in 1980, 28 were completely abandoned. The big farms "barely cover their production costs. Yet they owe about $300 million in land compensation on which interest is compounding at 9.5 percent annually," the report said.

There were not enough technicians, and productivity was very low. "The big farms are also soaking up an inordinate share of production credits and inputs," the report concluded.

Although some model cooperatives have maintained or increased their level of productivity, most produce much less than they did under private ownership.

One farm often cited as a model of productivity when it was privately owned, La Carrera in Usulutan province, is now barely functioning. Cotton fields once under constant cultivation are now masses of weeds.

In light of these problems, elements in the condition government opposed to land reform are backing provisions in the new constitution, now being debated, that reform backers say would freeze the effort to change the land tenure system here. They argue that unless it is an ongoing process it will die.

Latest counts have the constituent assembly divided 30 to 30 on the issue.

As the cooperatives' debts mount and the government can no longer afford to carry the burden they represent, an independent economist said, agrarian reform seems "bound to die a slow, natural death."

The "Brighter Prospects" report focused virtually all its optimism on Phase Three.

The violence of various right-wing factions opposed to the reforms, which resulted in the death of an estimated 5,000 peasants in 1981 and the forcible eviction of thousands more, was a thing of the past, the report suggested.

It credited President Alvaro Magana, his newly appointed head of the agency that implements Decree 207 and the military with putting the reforms back on track.

But only some parts of the military, in fact, were persuaded to support the reform. At least some officers in the regular Army and security forces remained steadfastly opposed to land reform in general and violently opposed in some specific cases.

Camacho said, and peasants here confirmed, that at least three government-related groups operate as death squads in this area: soldiers from the nearby garrison in Zacatecoluca, members of the Treasury Police and paramilitary rural patrols.

San Francisco Chinameca's case, while extreme, is not isolated.

Less than a month before the State Department analysis of "brighter prospects" was published, a contingent of about 60 soldiers from Sonsonate allegedly killed at least 18 peasants in a well documented case at the Las Hojas cooperative in the western part of the country. Despite government promises of an investigation, none of the officers who commanded those troops has been charged.

Camacho and other officials of his union say that, compared to 1981, the violence against participants in the land reform has declined somewhat, but at least 1,500 peasants have been forced off their land since January.

While the leftist rebels fighting to overthrow the government have contributed to the climate of violence that intimidates the peasants, they have rarely attacked the reform process directly, the State Department report says.

Here in San Francisco Chinameca the guerrillas did kill a group of eight beneficiaries of Decree 207 in August, according to local residents. But the motives for the murders, as is often the case in El Salvador, are not clear. At least three of the eight were members of the government's rural patrols and thus may have been killed for that reason rather than their role in the reform.

When the program began nationwide three years ago its promoters estimated that as many as 150,000 families would benefit from it. To date, less than a third that many have applied for titles. Time to do so is running out under the original decree and its several extensions.

[From the Washington Post, Oct. 3, 1983]

DEATH SQUADS STEP UP KILLINGS IN EL SALVADOR

(By Edward Cody)

SAN SALVADOR, October 2.—Far-right death squads reemerging from the shadows of Salvadoran politics have launched a new terror campaign against the leftist opposition here, claiming responsibility for a spate of murders and bombings and warning of more "exterminations" to come.

The publicized vigilante attacks reflect heightened tension here, mainly over faltering government attempts to begin a dialogue with rebel leaders and a crucial constituent assembly debate over a U.S.-promoted agrarian reform program bitterly resented by El Salvador's landowners.

They come at a time when the Salvadoran political right, led by former major Roberto d'Aubuisson's Nationalist Republican Alliance, no longer enjoys an assured constituent assembly majority and d'Aubuisson himself is trying to moderate his image in preparation for presidential elections. As a result, the country's extreme right has found its above-ground tools of power dulled.

For the first time in El Salvador's almost four-year-old civil war, the death squads also appear to have a clandestine publicity arm, Radio Sovereignty, which gives expression to the radically rightwing sentiments thought to motivate their abductions, bombings and killings. Radio Sovereignty, which calls itself "the voice of a people struggling against the Marxist international," broadcasts in short wave four times a day with denunciations of Salvadoran guerrillas and the professors and labor activists who it says are promoting their cause.

Rightist death squads are thought by U.S. diplomats to include members of security forces free-lancing alongside politically connected officers. They have functioned with varying ferocity throughout the struggle here. Since elections in March 1982 brought a rightist majority to the constituent assembly, however, they had operated mostly in the shadows without announcing responsibility for the bullet-riddled bodies that continued to turn up.

But since May, and particularly during the last month, the Maximiliano Hernandez Anticommunist Brigade and the Secret Anticommunist Army have resumed publicizing their violence with communiques dropped off at or telephoned to San Salvador radio stations and newspapers. The shared offices of two stations were bombed 10 days ago after the brigade accused them—falsely, it turned out—of failing to broadcast one of its communiques.

The most recent killing occurred Friday, when local journalists received telephone calls telling them to go to the eastern side of San Salvador's Flor Blanca Stadium and see the body of an "executed" guerrilla. The body which was not identified, had small-caliber bullet wounds in the head and a communique signed by "Commander Aguiles Baires."

"The action was carried out in response to the operation carried out by the Farabundo Marti National Liberation Front terrorists in the town of Tenancingo and as a warning and demonstration of the military steps that the Secret Anticommunist Army will take with traitors to the fatherland, whether these are communists or those who lend themselves to their maneuvers," it said.

The Farabundo Marti National Liberation Front is the overall guerrilla organization of five groups fighting to overthrow the U.S.-backed Salvadoran government. Rebel forces carried out a strong attack last weekend at Tenancingo, which the Army retook only after bombing by U.S.-supplied A37 Dragonfly warplanes.

Friday's victim was the sixth claimed by the Secret Anticommunist Army since May, although many more than that have been found dead of bullet wounds. The killings claimed by the Secret Anticommunist Army have been directly tied in its communiques to U.S.-encouraged attempts by President Alvaro Magana's caretaker government to engage in a dialogue with political leaders of the guerrilla groups.

"The Secret Anticommunist Army made an analysis and a clear proposal with respect to the dialogue maneuver and, as negotiations with the Farabundo Marti National Liberation Front terrorists are still being carried forward—even though any accords they may achieve are without importance—the Secret Anticommunist Army will take political and military measures today, tomorrow and always until communism in our country is defeated," Friday's communique said.

The most recent contacts between guerrilla leaders and Magana's peace commission last week in Bogota, Colombia, produced only acrimony, according to officials from both sides. As a result, peace commission member Rene Quinonez predicted that chances for further talks are bleak. He made his comments on return from Bogota Friday, the same day the latest death squad victim turned up.

The Maximiliano Hernandez Anticommunist Brigade, notorious since it claimed responsibility for killing six high leftist leaders in 1980, resurfaced two weeks ago with the kidnaping of Amilcar Martinez Arguera, the Foreign Ministry's director of economic and social affairs.

The brigade, which takes its name from a general associated with killing 30,000 peasants in a Communist-led uprising 50 years ago, charged in a communique that Martinez had ties to the Salvadoran Communist Party. The 59-year-old diplomat, the third-ranking Foreign Ministry official, has not been heard from since.

Three days after his abduction, the U.S. Embassy here strongly condemned the kidnaping and called on the brigade to free him, adding:

"We urge those responsible to desist from a path which is doing more to destroy El Salvador than the communist guerrillas could ever hope to accomplish."

An unknown group calling itself the Salvadoran Nationalist Commando issued a reply last week sharply criticizing the embassy for "expressing solidarity with a recognized Communist while President Reagan is bravely denouncing the atrocious crimes the Soviets are committing in various parts of the world, including El Salvador."

Former U.S. ambassador Deane R. Hinton was criticized here even more strongly a year ago when he called on Salvadoran businessmen to demand a halt to what he called "mafia" killings and abductions. His strong language also was criticized in anonymous leaks from the White House.

The reemerged Secret Anticommunist Army also claimed responsibility for bombing the residences of Jesuit academics associated with the University of Central Amer-

ica here who have urged the government to begin the dialogue with guerrillas in the hope this will end the war.

On the same day, Sept. 7, a bomb destroyed the car of union leader Jorge Camacho and he reported receiving a death threat. Camacho's group, the Popular Democratic Union, has a large peasant faction that has mounted strong pressure, including a 12,000-strong street demonstration last week, for preservation of the land reform program.

The Popular Democratic Union, loosely allied with the Christian Democratic Party, also has received advice and funding from the AFL-CIO's American Institute for Free Labor Development. It generally is considered centrist and democratic.

But d'Aubuisson yesterday accused the leader of its largest peasant affiliate. Samuel Maldonado, of links to the Farabundo Marti National Liberation Front and suggested that some U.S. money might be reaching guerrilla coffers through the union.

D'Abuisson said he had proof of his accusation. But he declined to reveal it. His charges reflected irritation at the union's fight in the constituent assembly against articles in the proposed constitution that Christian Democratic and union leaders say would reverse the U.S.-backed reform effort.

Three leaders of other unions sympathetic to the left have disappeared during the past two weeks. Esteban Gonzalez of the Urban Housing Institute Workers Union said his secretary general, Rosendo Mejia, turned up in National Police custody soon after his abduction by armed men in civilian dress. The police refused comment.

[From the Washington Post, Oct. 1, 1983]

SPECIAL U.S. FUND: AID FOR POOR OR ARMY?

(By Peter Maass)

While members of the Reagan administration and Congress argue bitterly over U.S. aid to El Salvador, both critics and supporters agree on one thing: without the U.S. money El Salvador's economy would collapse.

"Economic Support Funds are being used to plug gaping holes in [El Salvador's] economy," said a congressional foreign policy expert. "They're a plug in the dike, without which the economy would collapse."

"Our assistance has prevented a bad situation from getting worse," said one State Department officer. Commented another official, "Its main effect is short-term."

While direct military aid to El Salvador has been the most publicized part of the controversy, the role of Economic Support Funds, a special category of aid that some critics consider military-oriented, has become a key point in the debate.

The administration justifies its direct military assistance to El Salvador—which has increased nearly fourteenfold since 1980 from $6 million to its current level of $81 million—as a minor component of a broader, ambitious economic development program to ease El Salvador's poverty and attack its social injustices.

Yet a large portion of aid that the administration classifies as economic comes from the controversial Economic Support Fund.

Congressional critics and some other foreign aid specialists say Economic Support Fund money should be classified as military aid because it provides hard currency to help the Salvadoran government pay its bills, thus freeing up more money to fight the war against leftist guerrillas.

The administration maintains that it is economic aid that will be used to support the country's faltering economy and enable the government to make reforms to help the poor. It uses the high Economic Support Fund figures to support its contention that most U.S. aid to El Salvador goes to fight poverty.

President Reagan told a joint session of Congress in April that "by a margin of 2 to 1, our aid [to Central America] is economic now, not military." He added: "Seventy-seven cents out of every dollar we will spend in the area this year goes for food, fertilizer and other essentials for economic growth and development."

Yet in El Salvador, if Economic Support Funds are counted as military aid rather than economic. Reagan's ratio would be reversed. In 1983 fiscal year, which ended Friday, El Salvador received $244 million in aid the State Department described as economic, yet $140 million was from the Economic Support Fund. Direct military aid totaled $81.3 million.

The Economic Support Fund, officially classified as a "security assistance" program, provides grants and loans "to promote economic and political stability in countries and regions where the United States has special security or foreign policy objectives," according to an Agency for International Development document.

The program has been controversial because of its size—close to $3 billion this year—and the countries that benefit from it—Israel, Egypt, Zaire, Somalia, El Salvador and Honduras, among others. In 1982 El Salvador ranked fourth among countries receiving the funds with $115 million; in 1983 it was sixth with $140 million.

The program's generally unrestricted nature, allowing countries broad leeway in spending the money, has also upset some critics.

Rep. Michael Barnes (D-Md.), chairman of the House Western Hemisphere subcommittee, said in an interview that the administration has "placed a lot of rhetorical emphasis" on portraying the Salvadoran aid program as primarily economic, but added: "I don't think the numbers bear that out."

Barnes called the Economic Support Fund "a component of the military effort."

A Democratic committee staff member involved in foreign aid said: "It's an in-between category. ESF is money given to countries for political and strategic reasons—as opposed to development reasons."

"The ESF is part of a wartime military strategy," said a congressional critic. "ESF should be treated not as pure economic aid but as complementary aid to military assistance."

Total aid approved for El Salvador in fiscal year 1983 stands at $325 million, up from $64 million in 1980.

The bulk of Economic Support Fund monies—$120 million of the $140 million approved for 1983—go to the Salvadoran private sector. To eliminate the country's severe balance of payments problem, commercial purchases made in the United States by private Salvadoran companies are paid for with Economic Support Fund reserves. The type of purchases permitted include, the administration says, fertilizer, machine equipment, raw materials, and other nonmilitary goods.

Between 1980 and 1983, the level of Economic Support Fund money given to El Salvador has increased more than fifteenfold, from $9 million to the current $140 million.

Another salvo aimed at the Reagan administration's Salvadoran economic aid program is that it lines the pockets of the country's wealthy while neglecting the poor. Citing the preponderance of military assistance and Economic Support Funds, critics suggest that the administration is applying a "trickle-down" strategy.

The U.S. Agency for International Development's 1984 budget report on El Salvador stated that the U.S. government supports a "monetary policy which limits central bank credit expansion to the public sector while ensuring that credit expansion to the private sector meets demand."

The result, said Jesse Biddle of the Center for International Policy, is that "about 9 percent of U.S. aid to El Salvador goes to meet basic human needs." The center is a nonprofit research organization concerned with U.S. policy and human rights in developing countries.

According to State Department figures, $59 million was approved this year for development assistance in El Salvador—about 18 percent of total 1983 U.S. aid to the country. Overall, development assistance for El Salvador has increased by approximately one-third since 1980, a dramatically smaller rate of increase than those of military aid and Economic Support Funds.

Aside from Economic Support Funds and development assistance, the only other significant source of U.S. economic aid to El Salvador is Food for Peace, also known as Public Law 480, a program of grants and loans for the purchase of foodstuffs. Budgeted for $45 million this year, the Food for Peace program and development assistance count for less than one-third of all 1983 U.S. aid to El Salvador.

But despite the U.S. assistance, the Salvadoran economy is in trouble. The Agency for International Development, in its report, stated that export earnings dropped $50 million in 1982, with another $30 million decline in 1983. Unemployment is currently 30 to 40 percent of the country's work force, according to the agency.

Administration officials say Economic Support Funds do little more than keep the faltering Salvadoran economy afloat and make no claims that it can propel the economy ahead.

Meanwhile, the Reagan administration is pursuing an ambitious program to pump funds into Central America in an effort to strengthen the economic and military position of U.S. allies in the region. Highlights of that program include:

Increasing by almost tenfold military aid to Honduras, which shares a long border with El Salvador, from $4 million in 1980 to $37 million in 1983. Economic aid to the country, whose military has a powerful role in the government, including Economic Support Funds, has almost doubled, going from $51 million in 1980 to $93 million this year. For 1984, the administration is requesting $83 million in economic assistance—of which $40 is Economic Support Fund money—and $41 million in military aid.

More than doubling economic aid to Guatemala, El Salvador's other neighbor, from $11 million in 1980 to $27 million in 1983. Military aid to Guatemala was halted in 1977 because Guatemala objected to human rights restrictions. The Reagan administration, however, attempted to resume military assistance to Guatemala this year through the sale of $6 million of spare parts and resumption of a small amount of military assistance. Neither proposal was implemented, but the administration is requesting $10 million in military aid for 1984. Requested economic aid, including Economic Support

Funds, is $65 million, more than doubled the 1983 level and almost six times the 1980 level.

Increasing economic aid to Costa Rica from $14 million in 1980 to $212 million—$157 million of it Economic Support Funds—in 1983. It received $3 million in aid for its small Civil Guard in fiscal year 1983. For 1984, the administration is requesting $105 million in economic aid, including Economic Support Funds, and $2 million in military aid for the Costa Rican Civil Guard.

Requesting $196 million in economic aid and Economic Support Funds for El Salvador next year, plus $86 million in military assistance.●

COPYRIGHT LAW AND OUR NATION'S SONGWRITERS

● Mr. SASSER. Mr. President, in a letter to the editor of the New York Times, George Weiss, president of AGAC/The Songwriters Guild, provides an excellent discussion of the economic impacts of home taping on the music-writing community.

In his letter, Mr. Weiss points out that home taping currently costs about 20 percent of potential record sales—and thus about 20 percent of the writers' royalties. When seen in this context, it becomes apparent that home taping can cost music writers significant amounts of income and may ultimately reduce the amount and quality of the music being written.

I commend Mr. Weiss' letter to my colleagues and trust that they will carefully consider the points he raises. Mr. President, I ask that the text of Mr. Weiss' letter be printed in the RECORD.

The letter follows:

[From the New York Times, Sept. 10, 1983]

HOME TAPING HURTS SONGWRITERS

(By George David Weiss)

To the Editor:

I write as president of the principal United States organization of professional songwriters, AGAC/The Songwriters Guild, to add a creator's viewpoint to the discussion of home taping.

Most statements on home taping, whether of records or of movies, ignore the effect of such taping on the creators. A recent letter from an official of the Electronic Industries Association, like most arguments in favor of "free" home taping, assumes that it hurts no one. But as usual, the free lunch isn't really free. Home taping simply takes income from writers and other creators.

Most songwriters earn only modest amounts from their music (the songwriter's life as portrayed in movies like "10" is as much a fantasy for most writers as it is for everyone else). It can be wonderfully satisfying to compose, but like everybody else, writers need to eat regularly, to keep a roof over their heads and to pay for the education of their children.

If their income is cut substantially, many will be forced to give up songwriting, so in the long run, home taping reduces both the amount and the quality of music being created. Eventually, everyone loses.

All the arguments in favor of home taping can be applied with equal validity to buying stolen goods. In each case, the buyer gets something cheap because the maker is not paid. To writers, the comparison is not farfetched: home taping takes the writer's creation without permission and without payment.

It is estimated that home taping already cuts record sales and writers' royalties by one-fifth. If record rental for taping grows here as it has in Japan, sales and royalties will be cut by another quarter, to about half of what they would otherwise be. There is no way for most songwriters to absorb such losses and keep on writing good music. And I'm certain that the public doesn't want to harm those very people who create entertainment and pleasure for them.

The electronic manufacturers may argue over the extent of the damage home taping inflicts, but there is no dispute that it does indeed harm the creators of music and of other works, and that it eventually will harm the listening public as well.

The home-taping and record-rental bills now before Congress are not perfect, but they are the best solutions anyone has been able to devise, and it is in everyone's long-run interest that they be adopted.●

THE MONROE DOCTRINE

● Mr. SYMMS. Mr. President, as the sponsor of the 1982 "Symms Cuba amendment," which reaffirmed the Monroe Doctrine, a fundamental pillar of American foreign policy, I ask that excerpts from a newly published pamphlet entitled "James Monroe: An Appreciation, Highlights of his Life and the Monroe Doctrine," be printed in the RECORD. The book was written by Capt. Miles DuVal, Jr., captain, U.S. Navy, retired. The Symms amendment reaffirmed verbatim the September 1962 Senate Joint Resolution 203, which itself was based upon the Monroe Doctrine. Thus, the Monroe Doctrine has twice in the last 20 years been affirmed as the "law of the land" regarding U.S. foreign policy in the Western Hemisphere. The Symms Cuba resolution and 1962 Cuba resolution had the following three key elements:

First. The United States will oppose, by force of arms if necessary, Soviet-Cuba subversion and aggression in the Western Hemisphere;

Second. The United States will not tolerate a Soviet military base in Cuba;

Third. The United States supports self-determination for freedom-loving Cubans everywhere.

All of these principles rest upon the Monroe Doctrine first enunciated in 1823.

Mr. President, I would also like to point out that the foreword of the Monroe book, which was written by our distinguished colleague, Senator JESSE HELMS, is excellent. Senator HELMS has pointed out the great relevance of Captain DuVal's Monroe Doctrine analysis to the Senate's ongoing debate on Central American policy.

The excerpts follow:

JAMES MONROE: AN APPRECIATION, HIGHLIGHTS OF HIS LIFE AND THE MONROE DOCTRINE

(By Miles P. DuVal, Jr., Captain, U.S. Navy, Retired)

FOREWORD

The unauthorized surrender to Panama in 1978 by the United States of its sovereign control over the strategic Panama Canal and its indispensable protective frame of the Canal Zone, in spite of the overwhelming opposition by the American people, was one of the gravest errors in American history.

Quickly followed in 1979 by the overthrow by subversive forces, with Cuban and Panamanian support, of the constitutionally elected government of Nicaragua, violence has developed into an alarming series of planned events, which include the deep humiliation of the United States in Iran, Soviet occupation of Afghanistan, terroristic violence in El Salvador, and ominous threats to other countries of the Americas.

These lawless occurrences have served to attract attention to early American history, especially the Monroe Doctrine, for the protection of the entire Western Hemisphere, particularly in the Caribbean danger zone.

Fortunately, Captain DuVal, a recognized historian of the Panama Canal, has presented in brief form the highlights of the remarkable career of President James Monroe and the essential features of the Monroe Doctrine for the protection of the entire Western Hemisphere.

I join in the timely appeal for the "universalization" of the Monroe Doctrine as the "doctrine of the world."

JESSE HELMS,
United States Senator.

Washington, D.C., April 28, 1980.

AUTHOR'S PREFACE

The published works on James Monroe are voluminous but few tell the story of his life and the Monroe Doctrine in brief and simple terms.

The preparation of this study has been a truly thrilling experience enabling me, in a way, to re-live some of the episodes in Monroe's eventful life.

For their helpful cooperation, I am indebted to:

Mrs. Helen Marie Taylor, President of the James Monroe Memorial Foundation, "Meadowfarm", Orange, Virginia;

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Honorable Lucas D. Phillips, of Leesburg, Virginia; and Captain Frank A. Manson, U.S. Navy, Retired, eminent naval historian; and Colonel Samuel T. Dickens, U.S. Air Force, Retired.

I wish to express my special appreciation to Dr. Harry Ammon of Southern Illinois University at Carbondale, Illinois, for his 1971 monumental volume: James Monroe: The Quest for National Identity.

MILES P. DUVAL, JR.

Washington, D.C., April 28, 1981.

The Monroe Doctrine is not a policy of aggression: it is a policy of self-defense. . . . It still remains an assertion of the principle of national security.

CHARLES EVANS HUGHES,
Secretary of State.

PROLOGUE

When the War for American Independence started in 1775, the thirteen English colonies were located in the narrow strip between the Atlantic Ocean and Appalachian highlands from Massachusetts to Georgia, but our far-visioned leaders at that time were already thinking continentally. At the end of the Revolutionary War in 1783 the territory of the United States extended westward to the Mississippi River, northward to Canada, and southward to the Spanish Floridas. With the Louisiana Purchase of 1803, the young republic was well on the way toward its further westward expansion.

Following the example of the United States, Latin American colonies, taking advantage of wars in Europe, declared their independence and by 1822 some had been recognized by the United States.

After the downfall of Napoleon in 1814, certain European nations began considering intervening in Central and South American revolutions to restore control over the liberated colonies to Spain. In addition, Czarist imperialism was extending its influence southward from Alaska, reaching as far as Fort Ross, which is about 50 miles north of San Francisco.

Concerned about the proposals of European powers and Czarist expansions, President James Monroe, following the warning in the Farewell Address of George Washington and after the most careful consideration, boldly proclaimed in his annual message to the U.S. Congress on December 2, 1823, three major principles governing the foreign relations of the United States, initially known as the "principles of President Monroe" but later as the Monroe Doctrine.

Those principles were:

(1) "No further European colonization in the New World;"

(2) "Abstention" by the United States from European "political affairs"; and

(3) Opposition by the United States to European intervention in the governments of the Western Hemisphere.[4]

What are the highlights of Monroe's life and the story of how he attained great fame by becoming the architect of the famous Monroe Doctrine?

VII—PRESIDENT OF THE UNITED STATES LAST TWO YEARS, 1823–1825, AND THE MONROE DOCTRINE

In mid 1823, President Monroe, deeply concerned about the extension of Czarist imperialism southward from Alaska and diplomatic reports of proposed intervention by European powers of the Holy Alliance to restore the former Spanish colonies to their mother country, saw a solution in dispatches received from Richard Rush, U.S. Minister in London. In these, Rush outlined an offer by British Foreign Minister, George Canning for a British-United States joint declaration.

When Secretary Adams returned from New England in October, Monroe showed him the Rush dispatches and the next day left Washington for his home, "Oak Hill" in Loudoun County, to reflect on a matter that he instinctively recognized as "momentous," and without discussing it with Adams. He saw the underlying question involved as one of despotism versus liberty for the Western Hemisphere and felt that the time for proper action had come.

On October 17, he forwarded the diplomatic reports on these matters to both former Presidents Jefferson and Madison stating that his own impression was that the United States "ought to meet the proposal of the British govt., and to make it known, that we would view an interference on the part of the European powers, and especially an attack on the Colonies (in Latin America), by them, as an attack on ourselves, presuming that if they succeeded with them, they would extend it to us." [27]

In a most thoughtful letter, Jefferson replied on October 24, stating that the question presented by the reports sent him represented "the most momentous which has ever been offered to my contemplation since that of independence. That made us a nation, this sets our compass and points the course which we are to steer through the ocean of time opening on us." [28]

Emphasizing the timeliness of such action, Jefferson continued: "Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe, our second, never to suffer Europe to intermeddle with cis-Atlantic affairs. America, North and South, has a set of interests distinct from those of Europe, and particularly her own. She should therefore have a system of her own, separate and apart from that of Europe. While the last is laboring to become the domicile of despotism, our endeavor should surely be, to make our hemisphere of freedom." [29]

Madison replied on October 30 approving Monroe's main ideas and stating that with British co-operation the United States "have nothing to fear from the rest of Europe." [30]

Fortified by the support of his two immediate predecessors, President Monroe then drafted, at his palatial home, "Oak Hill," the principles designed to meet the situation for inclusion in his seventh annual message to the Congress.

After extensive discussions in his cabinet starting on November 7, President Monroe, on December 2, 1823, in that message to the Congress, promulgated his policy for Hemispheric protection in what was initially known as the "principles of President Monroe" but by 1852 became known as the Monroe Doctrine. Significant parts of the message follow:

"In the discussions to which this interest has given rise, . . . the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power." [31]

"We owe it, therefore to candor and to the amicable relations existing between the United States and those Powers, to declare, that we should consider any attempt on their part to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. With the existing colonies or dependencies of any European Power, we have not interfered, and shall not interfere. But, with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, the destiny, by any European Power in any other light than as the manifestation of an unfriendly disposition toward the United States." [32]

"Our policy, in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, . . . is, not to interfere in the internal concerns of any of its Powers; to consider the Government de facto as the legitimate Government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy; meeting, in all instances, the just claims of every Power; submitting to injuries of none." [33]

Much has been published as to who was or was not the author of the principles promulgated by Monroe. Their major features trace back to American experience in colonial wars, Jefferson's forecast [34] in 1793, Washington's Farewell Address in 1797, and John Quincy Adams' development of the noncolonization principle.[35] But it was President Monroe who had the vision, ability, initiative and courage to make the declaration at a crucial period in history.

To make clear the importance of the Monroe declaration as a measure of self-defense for U.S. foreign policy, its seven major points for the Western Hemisphere are reiterated:

1. The "American continents," which include North, South and Central America, are not subject to future colonization by any European powers;

2. Any attempt by the "allied powers" to extend their system to "any part" of this hemisphere would be "dangerous to our peace and safety;"

3. "With the existing colonies or dependencies of any European power we have not interfered and shall not interfere;"

4. As to Spanish colonies that had declared and maintained their independence and had been recognized, the United States "could not view any interposition for the purpose of oppressing them or of controlling in any manner their destiny, by any European power, in any light other than as the manifestation of an unfriendly disposition towards the United States;"

5. The United States declared that it was "impossible that the allied powers should extend their political system to any part of either continent without endangering our peace and happiness" and that the United States would not "behold such interposition by the allied powers in any form with indifference;"

6. It was "the true policy of the United States" to leave the revolted colonies and Spain to themselves to resolve their own problems; [36] and

7. In regard to Europe, the crucial point was that the United States should not interfere in the internal concerns of its Powers.[37]

In 1823, the "allied powers" were Austria, France, Russia and Prussia, known as the Holy Alliance. Spain and her former colonies were not included.

Strongly supported in the Congress, enthusiastically received by the People of the United States, understood in the newly liberated countries of the Americas, hailed in Great Britain and discussed in the chancelleries of Europe, the doctrine became a cornerstone of United States foreign policy for generations, Daniel Webster described it as "a bright page in our history" that "did honor to the sagacity of the Government, . . . elevated the hopes, and gratified the patriotism of the People." [38]

Footnotes at end of excerpts.

But Monroe was not satisfied with only one pronouncement of his "principles." In his eighth and last annual message to the Congress on December 7, 1824, he included a strong followup. In this he stressed that the new Latin American states are "settling down under Governments elective and representative in every branch, similar to our own," that we have "no concern in the wars of European Governments," that it is to the interest of the United States to "preserve the most friendly relations with every power," and that in regard to our Latin American neighbors "it is impossible for the European Governments to interfere in their concerns." [39]

Viewed in perspective, the Monroe Doctrine was a "diplomatic declaration of independence" [40] for the United States as well as an "absolute guarantee" [41] of the "security and future independence" of Latin American countries and policy for Hemispheric defense.

In the midst of his work on his "principles" and concern over the election of his successor, President Monroe found relief during the late summer of 1824 by the first visit to America after the Revolution of General Lafayette, who was universally welcomed as the "Guest of the Nation." He entertained the general first in the White House and later at "Oak Hill."

One of the vital matters in which Monroe, along with Jefferson, had for many years been interested was suppression of the slave trade and the repatriation in Africa of free negroes by the American Colonization Society. In appreciation of President Monroe's support, the society's directors named its first settlement Monrovia, which city remains as the capital of Liberia.

Recognizing that the end of his administration was not far distant, in his last annual message to the Congress he also expressed his feelings at the approaching departure which we welcomed: "having commenced my service in early youth, and continued it since with few and short intervals, I have witnessed the great difficulties to which our Union has been exposed, and admired the virtue and intelligence with which they had been surmounted. From the present prosperous and happy state I derive a gratification which I cannot express. That these blessings may be preserved and perpetuated will be the object of my fervent and unceasing prayers to the Supreme Ruler of the Universe." [42]

When on March 4, 1825, he was succeeded by his Secretary of State, John Quincy Adams, ex-President Monroe could retire to "Oak Hill" and occupy himself with his farm, his papers, his books and his friends.

* * * * *

IX—SELECTED APPLICATIONS OF MONROE DOCTRINE 1824–1979

During the Monroe Administration starting in 1824 with Colombia there have been numerous situations between Latin American and European or other countries involving the principles of the Monroe Doctrine. The most frequent though not most crucial cases were those relating to Cuba, Mexico, Venezuela and Haiti.

A great U.S. naval leader who, in his early manhood, saw the Monroe Doctrine promulgated was Commodore Matthew C. Perry (1794–1858). After return from his historic voyage to open Japan, he made a most significant address in New York on March 6, 1856, foreseeing that the United States in time would take over the islands of the vast Pacific and place the Saxon race on the eastern shores of Asia and that her "great rival in future aggrandizement (Russia)" would extend "her power to the coasts of China and Siam." Then, obviously referring to the earlier Czarist southward movement from Alaska, he predicted that the "Saxon and the Cossack will meet once more, . . . on another field" in a struggle that would determine the "freedom or the slavery of the world."

Reflecting and extending the vision of Monroe beyond Europe and the Americas, he stated that "despotism or rational liberty must be the fate of civilized man." [44]

One of the most serious challenges the Monroe Doctrine ever faced was that in Mexico in 1863 when France, taking advantage of the U.S. Civil War, actively supported the establishment of Archduke Maximilian of Austria as the Emperor of Mexico.

After Lee's surrender at Appomatox on April 9, 1865, the United States sent an army of some 50,000 to the Rio Grande under General Sheridan. Other measures that followed finally persuaded Emperor Napoleon III of France to withdraw his troops in the spring of 1867 with the result that Maximilian was overthrown by Mexican forces and on June 19 executed.

Another major case was an 1895 dispute between Great Britain and Venezuela concerning the latter's boundary with British Guiana. In a note for the British Government on July 20, Secretary of State Olney discussed the Monroe Doctrine extensively in relation to the Guiana question urging arbitration, which evoked a lengthy response. President Cleveland, fully realizing the "responsiblity incurred" and the "consequences" that could follow, in a special message to the Congress on December 17, transmitted significant parts of the corresponsdence and called for an appropriation to cover the expenses of a Presidential Commission to ascertain the facts and expressed his determination to "resist by every means" [45] British aggression over Venezuelan territory. Result: a peaceful solution was resolved.

The eminent diplomatic historian, Samuel Flagg Bemis, described the Spanish-American War as the "Great Aberration of 1898." [46] Among its consequences was the predominance of the United States in the Caribbean and Central America coupled with assurance of U.S. control over the Isthmian Canal.

In 1903–04, the same period when Panama gained its independence from Colombia and ceded the Canal Zone to the United States, difficulties developed between Venezuela and European countries over monetary claims, resulting in a pacific naval blockade by Great Britain, Germany and Italy against Venezuela.

In his annual message to the Congress on December 6, 1904, President Theodore Roosevelt asserted that "chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe Doctrine may force [it] . . . to the exercise of an international police power." [47]

It was only natural after the default in 1904 of Dominican Republic bonds that this event threatened to bring about another Veneuzuelan type of crisis. To meet that situation, President Theodore Roosevelt in 1905 announced what was known as the "Roosevelt Corollary" [48] to the Monroe Doctrine by the United States accepting the responsibility for supervising customs receipts and the payment of debts—a policy that made possible the eventual abandonment of the policy of intervention and rescission of the "Corollary." [49]

After reports that a Japanese fishing company proposed to lease a large tract of land from Mexico facing Magdalena Bay in lower California well located for constructing a naval base, the U.S. Senate in 1912 adopted the Lodge Resolution stating that the "United States could not see without grave concern the possession of such harbor or other place by any corportion or association which has such a relation to another Government, not American, as to give that Government practical power of control for national purposes." Thus this policy application to an Asiatic country as well as European became "part and parcel of the Monroe Doctrine." [50]

In 1938, President Franklin D. Roosevelt described his policy in regards to Latin American countries as that of the "good neighbor." [51] That action meant the ending of protectorates and, eventually, a weakening of the United States in its position in exclusive sovereign control over the U.S. Canal Zone and Panama Canal.

In 1935, the governments of the American Republics at Buenos Aires, in the interest of Hemispheric solidarity, agreed to what amounted to the Pan Americanization of the Monroe Doctrine and started upon a 12 year search for a "security umbrella." The result was the adoption in 1947 of the Inter-American Treaty of Reciprocal Assistance, generally known as the Rio Treaty. It condemned war, agreed that the threat of or use of force is inconsistent with the UN Charter, and that an armed attack against an American state was considered an attack on "all the American States." [52]

This met the problems of direct aggression but not those of infiltration and subversion that characterize the operations of the international revolutionary movement.

In an effort to meet such threats, the Tenth Inter-American Conference at Caracas, Venezuela, March 1–28, 1954, adopted a "Declaration of Solidarity for the Preservation of the Political Integrity of the American States against International Communist Intervention." [53]

That measure condemned the international communist movement as constituting intervention in American affairs, expressed the determination of American states to protect their independence against such intervention, and declared that the "domination or control of the political institutions of any American State" by that movement "would constitute a threat" to their sovereignty and independence, calling for a meeting of consultation to consider appropriate action under existing treaties. The declaration proved insufficient but did lay the foundation for a wider support of the Monroe Doctrine.

Starting in 1959 with the establishment of a Marxist-Leninist regime in Cuba, followed by the Cuban Missile crisis [54] in 1962, Panamanian mob attacks on the U.S. Canal Zone in January 1964, and a military overthrow of a socialistic government of Brazil later that year, Congressional leaders became increasingly concerned about indirect "subversive aggression" against countries of the Western Hemisphere.

To meet those challenges, the House of Representatives, following the aim of the 1947 Rio Treaty and the words of President Franklin D. Roosevelt in 1935 to make the Monroe Doctrine a "joint concern of all the

American republics," on September 20, 1965, adopted by a decisive vote a most significant resolution. It expressed the sense of the House (1) that any "subversive domination or threat of it violates the principles of the Monroe Doctrine, and of collective security" as set forth in the acts and resolutions of the American Republic; and (2) that any one or more of the contracting parties to the Rio Treaty may, "in the exercise of the individual or collective self-defense" resort to the use of "armed force under the declarations and principles" established by the American Republics to "forestall or combat intervention, domination, control, and colonization in whatever form, by the subversive forces known as international communism and its agencies in the Western Hemisphere."[55]

In spite of this action by the House of Representatives, situations in the strategic Caribbean continued to develop with covert support from the communist beachhead in Cuba, the first overthrow after the Panama Canal giveaway being that in 1979 in Nicaragua.

EPILOGUE

The influence of Monroe can now be evaluated objectively. It transcends the boundaries of Virginia and, indeed, of the United States, Europe and the Western Hemisphere.

Were it possible for him to return to earth, he would see his labors far more enduring than he probably realized that they would be.

As to his 1823 "principles," he would find them a major element in U.S. diplomatic history, universally known as the Monroe Doctrine, with his name thus immortalized.

In regard to the Louisiana Purchase, he would see that vast area extended to the Pacific and subdivided into states on the "same footing" as the thirteen original states.

As to the Florida Acquisition, he would find it as vital parts of our union of States retaining many evidences of its Spanish origin.

In regard to the United States, he would see it extended westward into the vast Pacific with control over "multitudes" of its islands and northward to include Alaska.

As to the entire world, he would find it divided along the lines that he foresaw into two antagonistic camps with the United States as the leader of the Free World and the U.S.S.R. of its socialist empire, and engaged in a gigantic struggle the outcome of which could determine the freedom or the slavery of the world.

It was the Declaration of Independence prepared by Jefferson that made the United States a nation; the U.S. Constitution, largely the contribution of Washington and Madison, that provided a government to implement its objectives; and the Monore Doctrine that set the course to follow through the "ocean of time" then opening.

Indispensable in properly meeting the challenges as grave domestic and foreign crises continue to mount, especially in the strategic Caribbean and the Middle East, is a return to the study of basic American history and the fundamental principles that made the United States the greatest power the world has ever seen. This includes the re-assertion by the President and the Congress in clear and forceful terms of the principles of the Monrone Doctrine in a call for its universalization to make it the "doctrine of the world."[56]

"THE MONROE DOCTRINE"—COMPLETE TEXT OF THE SEVENTH ANNUAL MESSAGE TO THE UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES BY PRESIDENT JAMES MONROE

WASHINGTON, *December 2, 1823.*

Fellow-Citizens of the Senate and House of Representatives:

Many important subjects will claim your attention during the present session, of which I shall endeavor to give, in aid of your deliberations, a just idea in this communication. I undertake this duty with diffidence, from the vast extent of the interests on which I have to treat and of their great importance to every portion of our Union. I enter on it with zeal from a thorough conviction that there never was a period since the establishment of our Revolution when, regarding the condition of the civilized world and its bearing on us, there was greater necessity for devotion in the public servants to their respective duties, or for virtue, patriotism, and union in our constituents.

Meeting in you Congress, I deem it proper to present this view of public affairs in greater detail than might otherwise be necessary. I do it, however, with peculiar satisfaction, from a knowledge that in this respect I shall comply more fully with the sound principles of our Government. The people being with us exclusively the sovereign, it is indispensable that full information be laid before them on all important subjects, to enable them to exercise the high power with complete effect. If kept in the dark, they must be incompetent to it. We are all liable to error, and those who are engaged in the management of public affairs are more subject to excitement and to be led astray by their particular interests and passions than the great body of our constituents who, living at home in the pursuit of their ordinary avocations, are calm but deeply interested spectators of events and of the conduct of those who are parties to them. To the people every department of the Government and every individual in each are responsible, and the more full their information the better they can judge of the wisdom of the policy pursued and of the conduct of each in regard to it. From their dispassionate judgment much aid may always be obtained, while their approbation will form the greatest incentive and most gratifying reward for virtuous actions, and the dread of their censure the best security against the abuse of their confidence. Their interests in all vital questions are the same, and the bond, by sentiment as well as by interest, will be proportionably strengthened as they are better informed of the real state of public affairs, especially in difficult conjunctures. It is by such knowledge that local prejudices and jealousies are surmounted, and that a national policy, extending its fostering care and protection to all the great interests of our Union, is formed and steadily adhered to.

A precise knowledge of our relations with foreign powers as respects our negotiations and transactions with each is thought to be particularly necessary. Equally necessary is that we should form a just estimate of our resources, revenue, and progress in every kind of improvement connected with the national prosperity and public defense. It is by rendering justice to other nations that we may expect it from them. It is by our ability to resent injuries and redress wrongs that we may avoid them.

The commissioners under the fifth article of the treaty of Ghent, having disagreed in their opinions respecting that portion of the boundary between the Territories of the United States and of Great Britain the establishment of which had been submitted to them, have made their respective reports in compliance with that article, that the same might be referred to the decision of a friendly power. It being manifest, however, that it would be difficult, if not impossible, for any power to perform that office without great delay and much inconvenience to itself, a proposal has been made by this Government, and acceded to by that of Great Britain, to endeavor to establish that boundary by amicable negotiation. It appearing from long experience that no satisfactory arrangement could be formed of the commercial intercourse between the United States and the British colonies in this hemisphere by legislative acts while each party pursued its own course without agreement or concert with the other, a proposal has been made to the British Government to regulate this commerce by treaty, as it has been to arrange in like manner the just claim of the citizens of the United States inhabiting the States and Territories bordering on the lakes and rivers which empty into the St. Lawrence to the navigation of that river to the ocean. For these and other objects of high importance to the interests of both parties a negotiation has been opened with the British Government which is hoped will have a satisfactory result.

The commissioners under the sixth and seventh articles of the treaty of Ghent having successfully closed their labors in relations to the sixth, have proceeded to the discharge of those relating to the seventh. Their progress in the extensive survey required for the performance of their duties justifies the presumption that it will be completed in the ensuing year.

The negotiation which had been long depending with the French Government on several important subjects, and particularly for a just indemnity for losses sustained in the late wars by the citizens of the United States under unjustifiable seizures and confiscations of their property, has not as yet had the desired effect. As this claim rests on the same principle with others which have been admitted by the French Government, it is not perceived on what just ground it can be rejected. A minister will be immediately appointed to proceed to France and resume the negotiation on this and other subjects which may arise between the two nations.

At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg to arrange by amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by His Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous by this friendly proceeding of manifesting the great value which they have invariably attached to the friendship of the Emperor and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise and in the arrangements by which they may terminate the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for

future colonization by any European powers.

Since the close of the last session of Congress the commissioners and arbitrators for ascertaining and determining the amount of indemnification which may be due to citizens of the United states under the decision of His Imperial Majesty the Emperor of Russia, in conformity to the convention concluded at St. Petersburg on the 12th of July, 1822, have assembled in this city, and organized themselves as a board for the performance of the duties assigned to them by that treaty. The commission constituted under the eleventh article of the treaty of the 22d of February, 1819 between the United States and Spain is also in session here, and as the term of three years limited by the treaty for the execution of the trust will expire before the period of the next regular meeting of Congress, the attention of the Legislature will be drawn to the measures which may be necessary to accomplish the objects for which the commission was instituted.

In compliance with a resolution of the House of Representatives adopted at their last session, instructions have been given to all the ministers of the United States accredited to the powers of Europe and America to propose the proscription of the African slave trade by classing it under the denomination, and inflicting on its perpetrators the punishment, of piracy. Should this proposal be acceded to, it is not doubted that this odious and criminal practice will be promptly and entirely suppressed. It is earnestly hoped that it will be acceded to, from the firm belief that it is the most effectual expedient that can be adopted for the purpose.

At the commencement of the recent war between France and Spain it was declared by the French Government that it would grant no commissions to privateers, and that neither the commerce of Spain herself nor of neutral nations should be molested by the naval force of France, except in the breach of a lawful blockade. This declaration, which appears to have been faithfully carried into effect, concurring with principles proclaimed and cherished by the United States from the first establishment of their independence, suggested the hope that the time had arrived when the proposal for adopting it as a permanent and invariable rule in all future maritime wars might meet the favorable consideration of the great European powers. Instructions have accordingly been given to our ministers with France, Russia, and Great Britian to make those proposals to their respective Governments, and when the friends of humanity reflect on the essential amelioration to the condition of the human race which would result from the abolition of private war on the sea and on the great facility by which it might be accomplished, requiring only the consent of a few soverigns, an earnest hope is indulged that these overtures will meet with an attention animated by the spirit in which they were made, and that they will ultimately be successful.

The ministers who were appointed to the Republics of Colombia and Buenos Aires during the last session of Congress proceeded shortly afterwards to their destinations. Of their arrival there official intelligence has not yet been received. The minister appointed to the Republic of Chile will sail in a few days. An early appointment will also be made to Mexico. A minister has been received from Colombia, and the other Governments have been informed that ministers, or diplomatic agents of inferior grade, would be received from each, accordingly as they might prefer the one or the other.

The minister appointed to Spain proceeded soon after his appointment for Cadiz, the residence of the Sovereign to whom he was accredited. In approaching that port the frigate which conveyed him was warned off by the commander of the French squadron by which it was blockaded and not permitted to enter, although apprised by the captain of the frigate of the public character of the person whom he had on board, the landing of whom was the sole object of his proposal entry. This act, being considered an infringement of the rights of ambassadors and of nations, will form a just cause of complaint to the Government of France against the officer by whom it was committed.

The actual condition of the public finances more than realizes the favorable anticipations that were entertained of it at the opening of the last session of Congress. On the 1st of January there was a balance in the Treasury of $4,237,427.55. From that time to the 30th September the receipts amounted to upward of $16,100,000, and the expenditures to $11,400,000. During the fourth quarter of the year it is estimated that the receipts will at least equal the expenditures, and that there will remain in the Treasury on the 1st day of January next a surplus of nearly $9,000,000.

On the 1st of January, 1825, a large amount of the war debt and a part of the Revolutionary debt become redeemable. Additional portions of the former will continue to become redeemable annually until the year 1835. It is believed, however, that if the United States remain at peace the whole of that debt may be redeemed by the ordinary revenue of those years during that period under the provision of the act of March 3, 1817, creating the sinking fund, and in that case the only part of the debt that will remain after the year 1835 will be the $7,000,000 of 5 percent stock subscribed to the Bank of the United States, and the 3 per cent Revolutionary debt, amounting to $13,296,099.06, both of which are redeemable at the pleasure of the Government.

The state of the Army in its organization and discipline has been gradually improving for several years, and has now attained a high degree of perfection. The military disbursements have been regularly made and the accounts regularly and promptly rendered for settlement. The supplies of various descriptions have been of good quality, and regularly issued at all of the posts. A system of economy and accountability has been introduced into every branch of the service which admits of little additional improvement. This desirable state has been attained by the act reorganizing the staff of the Army, passed on the 14th of April, 1818.

The moneys appropriated for fortifications have been regularly and economically applied, and all the works advanced as rapidly as the amount appropriated would admit. Three important works will be completed in the course of this year—that is, Fort Washington, Fort Delaware, and the fort at the Rigolets, in Louisiana.

The Board of Engineers and the Topographical Corps have been in constant and active service in surveying the coast and projecting the works necessary for its defense.

The Military Academy has attained a degree of perfection in its discipline and instruction equal, as is believed, to any institution of its kind in any country.

The money appropriated for the use of the Ordnance Department has been regularly and economically applied. The fabrication of arms at the national armories and by contract with the Department has been gradually improving in quality and cheapness. It is believed that their quality is now such as to admit of but little improvement.

The completion of the fortifications renders it necessary that there should be a suitable appropriation for the purpose of fabricating the cannon and carriages necessary for those works.

Under the appropriation of $5,000 for exploring the Western waters for the location of a site for a Western armory, a commission was constituted, consisting of Colonel McRee, Colonel Lee, and Captain Talcott, who have been engaged in exploring the country. They have not yet reported the result of their labors, but it is believed that they will be prepared to do it at an early part of the session of Congrees.

During the month of June last General Ashley and his party, who were trading under a license from the Government, were attacked by the Ricareers while peaceably trading with the Indians at their request. Several of the party were killed and wounded and their property taken or destroyed.

Colonel Leavenworth, who commanded Fort Atkinson, at the Council Bluff, the most western post, apprehending that the hostile spirit of the Ricarees would extend to other tribes in that quarter, and that thereby the lives of the traders on the Missouri and the peace of the frontier would be endangered, took immediate measures to check the evil.

With a detachment of the regiment stationed at the Bluffs he successfully attacked the Ricaree village, and it is hoped that such an impression has been made on them as well as on the other tribes on the Missouri as will prevent a recurrence of future hostility.

The report of the Secretary of War, which is herewith transmitted, will exhibit in greater detail the condition of the Department in its various branches, and the progress which has been made in its administration during the three first quarters of the year.

I transmit a return of the militia of the several States according to the last reports which have been made by the proper officers in each to the Department of War. By reference to this return it will be seen that it is not complete, although great exertions have been made to make it so. As the defense and even the liberties of the country must depend in times of imminent danger on the militia, it is of the highest importance that it be well organized, armed, and disciplined throughout the Union. The report of the Secretary of War shows the progress made during the three first quarters of the present year by the application of the fund appropriated for arming the militia. Much difficulty is found in distributing the arms according to the act of Congress providing for it from the failure of the proper departments in many of the States to make regular returns. The act of May 12, 1820, provides that the system of tactics and regulations of the various corps of the Regular Army shall be extended to the militia. This act has been very imperfectly executed from the want of uniformity in the organization of the militia, proceeding from the defects of the system itself, and especially in its application to that main arm of the public defense. It is thought that this im-

portant subject in all its branches merits the attention of Congress.

The report of the Secretary of the Navy, which is now communicated, furnishes an account of the administration of that Department for the three first quarters of the present year, with the progress made in augmenting the Navy, and the manner in which the vessels in commission have been employed.

The usual force has been maintained in the Mediterranean Sea, the Pacific Ocean, and along the Atlantic coast, and has afforded the necessary protection to our commerce in those seas.

In the West Indies and the Guif of Mexico our naval force has been augmented by the addition of several small vessels provided for by the "act authorizing an additional naval force for the suppression of piracy," passed by Congress at their last session. That armament has been eminently successful in the accomplishment of its object. The piracies by which our commerce in the neighborhood of the island of Cuba had been afflicted have been repressed and the confidence of our merchants in a great measure restored.

The patriotic zeal and enterprise of Commodore Porter, to whom the command of the expedition was confided, has been fully seconded by the officers and men under his command. And in reflecting with high satisfaction on the honorable manner in which they have sustained the reputation of their country and its Navy, the sentiment is alloyed only by a concern that in the fullfillment of that arduous service the diseases incident to the season and to the climate in which it was discharged have deprived the nation of many useful lives, and among them of several officers of great promise.

In the month of August a very malignant fever made its appearance at Thompsons Island, which threatened the destruction of our station there. Many perished, and the commanding officer was severely attacked. Uncertain as to his fate and knowing that most of the medical officers had been rendered incapable of discharging their duties, it was thought expedient to send to that post an officer of rank and experience, with several skillful surgeons, to ascertain the origin of the fever and the probability of its recurrence there in future seasons; to furnish every assistance to those who were suffering, and, if practicable, to avoid the necessity of abandoning so important a station. Commodore Rodgers, with a promptitude which did him honor, cheerfully accepted that trust, and has discharged it in the manner anticipated from his skill and patriotism. Before his arrival Commodore Porter, with the greater part of the squadron, had removed from the island and returned to the United States in consequence of the prevailing sickness. Much useful information has, however, been obtained as to the state of the island and great relief afforded to those who had been necessarily left there.

Although our expedition, cooperating with an invigorated administration of the government of the island of Cuba, and with the corresponding active exertions of a British naval force in the same seas, have almost entirely destroyed the unlicensed piracies from that island, the success of our exertions has not been equally effectual to suppress the same crime, under other pretenses and colors, in the neighboring island of Porto Rico. They have been committed there under the abusive issue of Spanish commissions. At an early period of the present year remonstrances were made to the governor of that island, by an agent who was sent for the purpose, against those outrages on the peaceful commerce of the United States, of which many had occurred. That officer, professing his own want to authority to make satisfaction for our just complaints, answered only by a reference of them to the Government of Spain. The minister of the United States to that court was specially instructed to urge the necessity of the immediate and effectual interposition of that Government, directing restitution and indemnity for wrongs already committed and interdicting the repetition of them. The minister, as has been seen, was debarred access to the Spanish Government, and in the meantime several new cases of flagrant outrage have occurred, and citizens of the United States in the island of Porto Rico have suffered, and others been threatened with assassination for asserting their unquestionable rights even before the lawful tribunals of the country.

The unusual orders have been given to all our public ships to seize American vessels engaged in the slave trade and bring them in for adjudication, and I have the gratification to state that not one so employed has been discovered, and there is good reason to believe that our flag is now seldom, if at all, disgraced by that traffic.

It is a source of great satisfaction that we are always enabled to recur to the conduct of our Navy with pride and commendation. As a means of national defense it enjoys the public confidence, and is steadily assuming additional importance. It is submitted whether a more efficient and equally economical organization of it might not in several respects be effected. It is supposed that higher grades than now exist by law would be useful. They would afford well-merited rewards to those who have long and faithfully served their country, present the best incentives to good conduct, and the best means of insuring a proper discipline; destroy the inequality in that respect between military and naval services, and relieve our officers from many inconveniences and mortifications which occur when our vessels meet those of other nations, ours being the only service in which such grades do not exist.

A report of the Postmaster-General, which accompanies this communication, will shrew the present state of the Post-Office Department and its general operations for some years past.

There is established by law 88,600 miles of post-roads, on which the mail is now transported 85,700 miles, and contracts have been made for its transportation on all the established routes, with one or two exceptions. There are 5,240 post-offices in the Union, and as many postmasters. The gross amount of postage which accrued from the 1st July, 1822, to the 1st July, 1823, was $1,114,345.12. During the same period the expenditures of the Post-Office Department amounted to $1,169,885.51, and consisted of the following items, viz: Compensation to postmasters, $353,995.98; incidental expenses, $30,866.37; transportation of the mail, $784,600.08; payments into the Treasury, $423,08. On the 1st of July last there was due to the Department from postmasters $135,245.28; from *late* postmasters and contractors, $256,749.31; making a total amount of balances due to the Department of $391,994.59. These balances embrace all delinquencies of postmasters and contractors which have taken place since the organization of the Department. There was due by the Department to contractors on the 1st on July last $26,548.64.

The transportation of the mail within five years past has been greatly extended, and the expenditures of the Department proportionably increased. Although the postage which has accrued within the last three years has fallen short of the expenditures $262,821.46, it appears that collections have been made from the outstanding balances to meet the principal part of the current demands.

It is estimated that not more than $250,000 of the above balances can be collected, and that a considerable part of this sum can only be realized by a resort to legal process. Some improvement in the receipts for postage is expected. A prompt attention to the collection of moneys received by postmasters, it is believed, will enable the Department to continue its operations without aid from the Treasury, unless the expenditures shall be increased by the establishment of new mail routes.

A revision of some parts of the post office law may be necessary; and it is submitted whether it would not be proper to provide for the appointment of postmasters, where the compensation exceeds a certain amount, by nomination to the Senate, as other officers of the General Government are appointed.

Having communicated my views to Congress at the commencement of the last session respecting the encouragement which ought to be given to our manufactures and the principle on which it should be founded, I have only to add that those views remain unchanged, and that the present state of those countries with which we have the most immediate political relations and greatest commercial intercourse tends to confirm them. Under this impression I recommend a review of the tariff for the purpose of affording such additional protection to those articles which we are prepared to manufacture, or which are more immediately connected with the defense and independence of the country.

The actual state of the public accounts furnishes additional evidence of the efficiency of the present system of accountability in relation to the public expenditure. Of the moneys drawn from the Treasury since the 4th of March, 1817, the sum remaining unaccounted for on the 30th of September last is more than a million and a half of dollars less than on the 30th of September preceding; and during the same period a reduction of nearly a million of dollars has been made in the amount of the unsettled accounts for moneys advanced previously to the 4th of March, 1817. It will be obvious that in proportion as the mass of accounts of the latter description is diminished by settlement the difficulty of settling the residue is increased from the consideration in many instances it can be obtained only by legal process. For more precise details on this subject I refer to a report from the First Comptroller of the Treasury.

The sum which was appropriated at the last session for the repairs of the Cumberland road has been applied with good effect to that object. A final report has not yet been received from the agent who was appointed to superintend it. As soon as it is received it shall be communicated to Congress.

Many patriotic and enlightened citizens who have made the subject an object of particular investigation have suggested an improvement of still greater importance. They are of opinion that the waters of the Chesa-

peake and Ohio may be connected together by one continued canal, and at an expense far short of the value and importance of the object to be obtained. If this could be accomplished it is impossible to calculate the beneficial consequence which would result from it. A great portion of the produce of the very fertile country through which it would pass would find a market through that channel. Troops might be moved with great facility in war, with cannon and every kind of munition, and in either direction. Connecting the Atlantic with the Western country in a line passing through the seat of the National Government, it would contribute essentially to strengthen the bond of union itself. Believing as I do that Congress possess the right to appropriate money for such a national object (the jurisdiction remaining to the States through which the canal would pass), I submit it to your consideration whether it may not be advisable to authorize by an adequate appropriation the employment of a suitable number of the officers of the the Corps of Engineers to examine the unexplored ground during the next season and to report their opinion thereon. It will likewise be proper to extend their examination to the several routes through which the waters of the Ohio may be connected by canals with those of Lake Erie.

As the Cumberland road will require annual repairs, and Congress have not thought it expedient to recommend to the States an amendment to the Constitution for the purpose of vesting in the United States a power to adopt and execute a system of internal improvement, it is also submitted to your consideration whether it may not expedient to authorize the Executive to enter into an arrangement with the serveral States through which the road passes to establish tolls, each within its limits, for the purpose of defraying the expense of future repairs and of providing also by suitable penalties for its protection against future injuries.

The act of Congress of the 7th of May, 1822, appropriated the sum of $22,700 for the purpose of erecting two piers as a shelter for vessels from ice near Cape Henlopen, Delaware Bay. To effect the object of the act the officers of the Board of Engineers, with Commodore Bainbridge, were directed to prepare plans and estimates of piers sufficient to answer the purpose intended by the act. It appears by their report, which accompanies the documents from the War Department, that the appropriation is not adequate to the purpose intended; and as the piers would be of great service both to the navigation of the Delaware Bay and the protection of vessel on the adjacent parts of the coast, I submit for the consideration of Congress whether additional and sufficient appropriation should not be made.

The Board of Engineers were also directed to examine and survey the entrance of the harbor of the port of Presquille, in Pennsylvania, in order to make an estimate of the expense of removing the obstructions to the entrance, with a plan of the best mode of effecting the same, under the appropriation for that purpose by act of Congress passed 3d of March last. The report of the Board accompanies the papers from the War Department, and is submitted for the consideration of Congress.

A strong hope has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest and resume their equal station among the nations of the earth. It is believed that the whole civilized world take a deep interest in their welfare. Although no power has declared in their favor, yet none according to our information, has taken part against them. Their cause and their name have protected them from dangers which might ere this have overwhelmed any other people. The ordinary calculations of interest and of acquisition with a view to aggrandizement, which mingles so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge there is good cause to believe that their enemy has lost forever all dominion over them; that Greece will become again an independent nation. That she may obtain that rank is the object of our most ardent wishes.

It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the conditions of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been so far very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly dispostion toward the United States. In the war between those new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have throught it proper, on any principle satisfactory to themselves, to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to those continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new Governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the Untied States to leave the parties to themselves, in the hope that other powers will pursue the same course.

If we compare the present conditions of our Union with its actual state at the close of our Revolution, the history of the world furnishes no example of a progress in improvement in all the important circumstances which constitute the happiness of a nation which bears any resemblance to it. At the first epoch our population did not exceed 3,000,000. By the last census it amounted to about 10,000,000, and, what is more extraordinary, it is almost altogether native, for the immigration from other countries has been inconsiderable. At the first epoch half the territory within our acknowledged limits was uninhabited and a wilderness. Since then new territory has been acquired of vast extent, comprising within it many rivers, particularly the Mississippi, the navigation of which to the ocean was of the highest importance to the original States. Over this territory our population has expanded in every direction, and new States have been established almost equal in number to those which formed the first bond of our Union. This expansion of our population and accession of new States to our Union have had the happiest effect on all its highest interests. That it has eminently augmented our resources and added to our strength and respectability as a power is admitted by all. But it is not in these important circumstances only that this happy effect is felt. It is manifest that by enlarging the basis of our system and increasing the number of States the system itself has been greatly strengthened in both its branches. Consolidation and disunion have thereby been rendered equally impracticable. Each Government, confiding in its own strength, has less to apprehend from

the other, and in consequence each, enjoying a greater freedom of action, is rendered more efficient for all the purposes for which it was instituted. It is unnecessary to treat here of the vast improvement made in the system itself by the adoption of this Constitution and of its happy effect in elevating the character and in protecting the rights of the nation as well as of individuals. To what, then, do we owe these blessings? It is known to all that we derive them from the excellence of our institutions. Ought we not, then, to adopt every measure which may be necessary to perpetuate them?

[4] Encyclopaedia Britannica, 1974, Vol. 12, p. 388.

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[27] Clark, p. 97.
[28] Ibid.
[29] Ibid.
[30] Ibid., p. 99.
[31] Annals, p. 14.
[32] Ibid., p. 22; also Clark, pp. 102-3; and Ammon, pp. 487-88.
[33] Ibid., p. 23.
[34] Clark, p. 12.
[35] Perkins, p. 8.
[36] Clark, pp. 4-5.
[37] Annals, p. 23.
[38] Clark, p. 110.
[39] Richardson, Vol. 28, p. 829.
[40] Ammon, p. 491.
[41] Ibid., p. 478.
[42] Richardson, Vol. 2, p. 832.

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[44] Perry, p. 28, contains full text of this prophecy; also in Morison, p. 429.
[45] Clark, p. 170.
[46] Bemis, p. 463.
[47] Clark, p. 174.
[48] Bemis, p. 528.
[49] Dozer, p. 20.
[50] Bemis, p. 535.
[51] Ibid, p. 774.
[52] Department of State Publication 3380, Inter-American Treaty of Reciprocal Assistance, proclaimed December 9, 1948, p. 23.
[53] Department of State Bulletin, Vol. XXX, No. 774 (April 26, 1954), p. 638.
[54] Lazo, pp. 335-417 contains extensive discussion.
[55] Congressional Record (89th Congress), Vol. III, Pt. 18 (Sept. 20, 1965), pp. 24347-64.
[56] Van Alstyne, p. 594, quoting the words of Woodrow Wilson.●

A RAY OF FREEDOM IN GDANSK: LECH WALESA

● Mr. DOLE. Mr. President, this Senator is delighted with the news that the Nobel Institute has awarded Lech Walesa the Peace Prize. The choice of Walesa is not only a testament to the vision and tenacity of this worker from Gdansk, it is also a testament to the Solidarity Union he continues to lead. In awarding the prize to Walesa, the Nobel Institute has reaffirmed a simple, although remarkable fact—that the broadly-based human, civil and workers' rights movement in Poland engendered by Solidarity above all was a movement for peaceful change.

The Senator from Kansas serves as cochairman of the commission on Security and Cooperation in Europe, the U.S. Helsinki Commission, which nominated Mr. Walesa for the Nobel honor on January 31.

During the tragically short Solidarity era, no lives were lost and much hope was born in Poland. In contrast, the martial law period unleased violent and massive violations of individual and collective rights. No wonder the Polish people refer to this tragic time as "the state of war."

Mr. President, Lech Walesa and his solidarity supporters always have known that social peace in Poland is only achievable through respect for social justice, just as lasting peace among nations is only possible when governments respect the human dignity of their citizens and their international commitments to human international conduct.

These goals are far from being accomplished today in Poland and in the world. But the cause is just and no just cause is ever hopeless. In its wisdom the Nobel Institute has made that message abundantly clear today.●

MANAGEMENT FOR THE 1980'S

● Mr. LEVIN. Mr. President I should like to take this opportunity to share with my colleagues the highlights of a dynamic, viable plan in American corporate organization. The concept is Participative Management, better known as the Scanlon plan.

I recently had the first-hand opportunity to learn about and evaluate this process on a visit to Herman Miller, Inc. when I met with Max De Pree, the extraordinary chairman of the board, and discussed the Scanlon plan with him. The corporation produces systems furniture for office, health care, laboratory and industrial environments. Located in Zeeland, Mich., this innovative firm has been practicing a modified version of the Scanlon plan since 1950. As a pioneer and model organization in participative management, Herman Miller, Inc. has been the focus of national reviews and studies. Most recently, the U.S. General Accounting Office issued a report entitled, "Productivity Sharing Programs: Can They Contribute to Productivity Improvement?" which concluded that Scanlon-type plans significantly increased productivity when properly administered.

The theoretical foundation upon which Herman Miller, Inc. operates traces back to the philosophy of Joseph Scanlon, a labor-management consultant and cost accountant, who in the post-Depression years saw the need for an innovative, energenic plan to spark organizational competitiveness, productivity and profitability. Scanlon's theory calls for channeling the line of responsibility, information and decisionmaking as far down the corporate ladder as possible. This shop-floor approach fosters a climate of cooperation rather than confrontation, thereby, bringing management and labor closer together.

Another feature of the Scanlon plan is to share productivity gains with workers. for instance, Herman Miller, Inc. uses a bonus system based on labor productivity. In the years from 1950-76, the bonus rewarded ranged from 8.93 percent to 22.83 percent of payroll. This system of gainsharing, a result of increased productivity and decreased labor costs, is only one element of success. In addition, low absenteeism and turnover, increased product quality and greater profitability are realized by practitioners of the Scanlon concepts. For years, prestigious firms as diverse as Polaroid, Dana, TRW, Procter & Gamble, Firestone and Motorola have joined Herman Miller, Inc. as successful examples of the Scanlon plan in action.

Although the plan varies among companies, four fundamental principles are common building blocks. They are: Identity, employee participation and accountability, equity, and managerial competence. The concept of identity has the goal of allowing employees to personally associate with the company by being informed about its organizational history, competition, customers, and business objectives. Work teams, production committees, and problem identification groups are but a few of the strategies used to facilitate communications and participation. And, as a more integral part of the business enterprise, employees feel encouraged to make suggestions on reducing costs and increasing efficiency. For many Scanlon companies this has meant millions of dollars in cost savings over the years. Employee participation calls for workers having both an opportunity and a responsibility to influence the decisionmaking process and to be held accountable for their own performance. Equity is based on the belief that all employees deserve to share in the results that come from their contributions in time and talents. Finally, managerial competence seeks to have managers who are dedicated and committed to the philosophy and use professional leadership to insure continuity and viability.

In activating a Scanlon plan, each company must develop its own variation tailored to the specific character of its operations and its people. To aid in a company's development a unique, nonprofit association of companies—the Scanlon Plan Associates—is committed to improve the understanding and application of the Scanlon plan as an organizational development process. Since its founding in 1964, this group has hosted seminars and conferences, has pooled resources for research, and serves as a resource to companies investigating, developing, and implementing a Scanlon plan. This year, the annual Scanlon Plan Exploring Conference sponsored by the Scanlon Plan Associates will be held on October 11-12 in East Lansing, Mich. The 2-day conference promises to be an extraordinary experience for those companies who are in the early stages of Scanlon plan exploration and

for those who are already committed to the Scanlon process.

I am proud to represent a State whose businesses are meeting the demanding competitive and challenging economic conditions of the 1980's. With over 50 percent of the Scanlon Plan Associates' members located in Michigan, our State will continue to be a leader in developing and implementing effective management systems. For only in this way will we be able to insure corporate survival and success in the 1980's and beyond.●

S. 1739: WATER RESOURCES LEGISLATION

● Mr. STAFFORD. Mr. President, the Committee on Environment and Public Works is presently working on major legislation involving water resources development. This new bill, S. 1739, has been developed by the distinguished chairman of our Subcommittee on Water Resources (Mr. ABDNOR), with the cosponsorship of the subcommittee's distinguished ranking minority member (Mr. MOYNIHAN). Markup of this important legislation has been completed in the subcommittee, and will begin later this week, or immediately after the recess, in the full Committee on Environment and Public Works. It is my hope that the committee will be able to complete action on this legislation by the end of October, with floor action early in November.

Recently, the Congressional Quarterly carried a major examination of the issues involving our Nation's water resources. Because of the broad interest that Members have in this issue, I ask that a copy of the article be printed at this point in the RECORD.

The material follows:

WATER PROJECTS AWAIT FUNDING AS DEBATE OVER COST SHARING STALLS ACTION ON CAPITOL HILL

(By Joseph A. Davis)

In the spring of 1979, the pilot of the towboat *J. Page Hayden,* bound down the Ohio River waterway that is a bulk shipping artery for much of the Northeastern United States, was inching a tow of 15 coal barges into the lock at Gallipolis, Ohio.

Even experienced river pilots say this is a tricky maneuver. The lock was built in 1937, when there were less traffic on the Ohio and tows were much smaller. There is no sure way to line a long, unwieldy string of barges up with the walls of the narrow lock, right below a bend in the river.

Suddenly, as the *J. Page Hayden* had almost dropped into the slot, the boiling currents of the Ohio caught her stern and started swinging it toward the massive dam standing next to the locks. Cables holding the barges together snapped, and two barges careened into the dam and sank. Losses were in the hundreds of thousands of dollars, the dam was inoperable for 16 days and the pilot lost his job.

Such accidents are common at Gallipolis. It is one of the last of the locks on the Ohio River waterway not yet replaced in a modernization program begun by the Army Corps of Engineers in 1953.

The Gallipolis replacement is one of a line of water projects waiting to steer through the tricky machinery of the congressional authorizing and funding process. That line is, if anything, longer than the queue of barge tows typically waiting to clear locks on the Ohio River system.

More than 500 already authorized projects are awaiting construction funding. The Gallipolis replacement has not even been authorized yet.

This year, the chairmen of four key subcommittees in the House and Senate are trying to break the burgeoning backlog with legislation authorizing and funding new water projects.

But the Reagan administration, to the dismay of many of its most avid supporters in the Senate, has been slow to develop a clear policy for new projects. The administration appears determined to force state and local beneficiaries of water projects to assume a far greater share of their costs than in the past, but it is worried about the political fallout in the water-dependent West, the president's 1980 electoral stronghold.

With the 1984 elections approaching, members of Congress are anxious to bring federal water dollars home to their constituents, whether the dollars the Interior Department's Bureau of Reclamation and the Agriculture Department's Soil Conservation Service build or maintain water projects in nearly every congressional district. Those projects provide tangible benefits: municipal and industrial water supply, hydroelectric power, ports and waterways for shipping, irrigation water for farmers, recreational lakes, flood protection—and, in some cases, fish and wildlife habitat.

No less tangible are the political benefits to members who can get such projects for their districts.

Since the early 1970s, however, funding for new projects has slowed to a fraction of what it was in the 1950s and 1960s, and it has been seven years since Congress approved an omnibus water projects authorization bill. President Ford signed that law authorizing $742 million worth of planning, design and construction in 36 states only weeks before the 1976 election.

PROSPECTS UNCERTAIN

Despite the resolve of the chairmen of authorizing and appropriations subcommittees in both chambers to fund new water projects this year, breaking the seven-year deadlock over such bills will not be easy.

Severe Western flooding this summer may increase the pressure for action, especially on flood control projects. Although comparatively small in cost, these make up a large portion of a list recommended by the corps. In addition, as the 1984 election approaches, pressure on the Reagan administration for new projects of all types can be expected to increase.

One sign of a possible change in the mood of Congress is the turnaround in the House on the Garrison Diversion Project in North Dakota. The House voted to cut off funds for Garrison in December 1982, but it reversed itself in June 1983 and voted to fund the project.

Even longstanding opponents of past water projects in Congress, such as Reps. Bob Edgar, D-Pa., and Silvio O. Conte, R-Mass., are saying they expect an omnibus bill may get through Congress this year. Edgar says he thinks he could even support the right bill, one that takes innovative approaches to meet criticisms leveled at past water resource legislation.

However, a long and bitter dispute over "cost-sharing," the question of how much the federal government should pay of each project's costs and how much should come from state and local governments, is still a major roadblock to new projects.

Perseverance in Congress is sometimes measured in decades rather than years. Getting an authorization bill through the House—or even through Congress—would not necessarily mean the building of a single project. Appropriations are needed before building can begin, and there are hundreds of projects Congress has authorized that have yet to receive appropriations to start construction.

THE UNFINISHED PROJECTS

Federal funds for water projects have not totally dried up. But budget pressures, inflation and high interest rates have reduced what was once a torrent of federal money to a comparative trickle. One result: Most available federal dollars are now going to finish projects already started (some take more than a decade to complete) and to operate and maintain projects that are already built. New authorizations and "new starts" (appropriations to begin construction on projects already authorized) are growing rare.

One already started project soaking up federal dollars is the massive Central Arizona Project, authorized in 1968, which will pump water out of the Colorado River, up some 1,000 feet and across 300 miles through a system of aqueducts and reservoirs to household taps and irrigation sprinklers near Phoenix and Tucson.

Congress appropriated $185.6 million for construction work on the Central Arizona Project in fiscal 1984—a hefty portion of next year's $3.5 billion corps and Bureau of Reclamation budgets for building and operating water projects. Total federal costs for the Central Arizona Project are expected to run about $2.8 billion—but the figure is constantly being revised upward because of inflation and construction cost increases.

Another project claiming a major share of the federal water budget is the Tennessee-Tombigbee waterway. Known as the Tenn-Tom, this project would cut a 40-mile canal between the Tennessee River and the Tombigbee River in Mississippi and Alabama, creating a 300-foot-wide waterway running 232 miles to the Gulf port of Mobile. First authorized in 1946, it is currently estimated to cost the federal government $1.8 billion. Fiscal 1984 spending on the Tenn-Tom will be $180 million.

The Central Arizona and the Tenn-Tom have been attacked over the years by environmentalists, by railroads competing for Tenn-Tom shipping, by cities and states competing for Colorado River water. But the two projects have survived.

One reason is that they waited their way to the head of the line. Once construction starts, sponsors can argue that stopping a project would waste funds already spent.

Another reason is that they have powerful friends in Congress. Rep. Tom Bevill, D-Ala., chairs the House Appropriations Subcommittee on Energy and Water Development, and Jamie L. Whitten, D-Miss., heads the full Appropriations panel. Morris K. Udall, D-Ariz., chairs the House Interior Committee, which authorizes Bureau of Reclamation projects.

But today, even major projects already under way, such as the Tenn-Tom or the Central Arizona, are scrambling just to keep funding to continue or complete construc-

tion. Tenn-Tom's appropriation squeaked through the House by only 10 votes in 1981. To get authorization for a $200 million cost increase on an uncompleted Central Arizona distribution system, local farmers in 1982 had to come up with an unheard-of 20 percent share of the costs.

THE FUNDING PATTERN

Today's seeming downhill trend in water spending may be more apparent than real. Much depends on how one defines water resources.

Appropriations for the three main water development agencies—the corps, the reclamation bureau and the Soil Conservation Service—actually rose in nominal dollars over the last decade, from $2.6 billion or less in 1973-1975 to a peak of $4.1 billion in 1980-1981, before falling back to about $3.7 billion in 1983.

A more drastic change during that decade was the flood of federal grants under the Clean Water Act of 1972 for municipal sewage system construction—spending that totaled $40.1 billion over 10 years, compared with $37.5 billion for all other water programs. If sewer grants are called water resource spending, the total jumps, and the federal funding role appears larger.

ADMINISTRATION POLICY

President Carter in 1977 suffered lasting political damage when he put together a "hit list" of water projects he considered wasteful or unnecessary, only to see Congress balk at killing them.

Now President Reagan may be wading into political trouble of his own over the key issue of cost sharing for water projects.

After a year of indecision, the administration in June finally put its stamp of approval on a comprehensive cost-sharing policy that was proposed to the White House a year earlier by the Cabinet Council on Natural Resources and Environment headed by Interior Secretary James G. Watt. The policy would drastically reverse the historic balance between federal funding and state or local funding—from mostly federal to mostly non-federal.

The idea that beneficiaries and users should pay for certain federal services rests squarely on a belief that the free market makes the wisest decisions. That idea is often embraced by Watt and conservative theoreticians—not to mention Office of Management and Budget pragmatists interested in deficit reduction.

An April 27, 1983, letter from Sen. Paul Laxalt, R-Nev., and 14 other Western Senate Republican to Reagan has warned the cost-sharing proposal would appear "anti-West" and "anti-water" and be "harmful" to Reagan's Western political support.

Those 14 were Pete V. Domenici, N.M., Malcolm Wallop, Wyo., Orrin G. Hatch, Utah, Barry Goldwater, Ariz., James A. McClure, Idaho, Pete Wilson, Calif., Steven D. Symms, Idaho, Chic Hecht, Nev., Slade Gorton, Wash., Mark Andrews, N.D., Ted Stevens, Alaska, Jake Garn, Utah, Frank H. Murkowski, Alaska, and Larry Pressler, S.D.

"As Republican senators representing Western states," the letter stated, "we are deeply concerned that your administration is going to be painted as 'anti-water' in the 1984 election campaign. The perception exists, fueled by Democratic Western governors, that the Reagan administration has been long on talk and short on substance when it comes to water development. We have yet to initiate construction on any new. Western projects in the past two years, and we are now contemplating an up-front financing scheme even more Draconian than that proposed by Jimmy Carter.

"The bottom line here is that we have nothing to gain politically or fiscally from moving on the issue of cost-sharing at this time. We urge you to carefully reconsider these thoughts before putting forth a policy that will be harmful to your administration and your base of support in the West."

Despite this warning, on June 15, exactly one year after the original Cabinet Council proposal, William R. Gianelli, assistant Army secretary for civil works, told the Senate Environment Water Resources Subcommittee that the policy has been "affirmed at the highest levels within the administration." Gianelli oversees the civil works programs of the Corps of Engineers, one of the principal agencies involved in water projects.

But two days after Gianelli said the cost-sharing policy has been adopted, Watt appeared to contradict him in a letter to subcommitee Chairman Abdnor, saying the policy was still "under study."

The policy at issue calls for a 100 percent non-federal share in financing of hydropower and both municipal and industrial water supply, a 50 percent non-federal share for recreation, and a 35 percent non-federal share for flood control and irrigation. This would impose a degree of uniformity totally lacking at present. Currently, cost-sharing rates differ from project to project and agency to agency.

The new policy is meant to use market forces to test the merit of proposed projects. It would do this by requiring beneficiaries to pay a major share of project costs—and pay "up front," while projects are being built. Up-front local payment cuts out the hefty hidden subsidy that results from the artificially low interest rates the federal government uses to calculate local paybacks.

The administration in May 1982 proposed nine new water project starts in its fiscal 1983 budget (later increased to 14 for 1984). In all those projects, local and state sponsors had volunteered to pay a greater share of project costs than had historically been the case.

Gianelli says that initiative was meant as a "short-term demonstration of the workability of increased non-federal cost sharing." But its workability in Congress remains unproven. Perhaps because the projects are seen as a stalking horse for the cost-sharing proposal, the Appropriations committees have refused to fund them.

"I think the options are clear," Gianelli said after the June 15 hearing. "Either you're not going to have any water development, which is about what we've had for the last few years—or you're going to have to chart a new course. I think eventually the Congress and everybody else is going to have to view that reality.

"In years past the Congress has pretty well blamed the administration for any deadlock with repect to water development," Gianelli said, "and now it is interesting that Congress is actually holding up approval of at least 14 new starts that have been proposed by the administration. The message here as far as I'm concerned is that this administration wants to move ahead with new water projects. It doesn't have a hit list. It's not against them—but it feels they have got to move ahead under new guidelines."

In his letter to Abdnor two days later, Watt said, "Apparently there is still some question following your recent hearings regarding the Department of the Interior's policy on cost-sharing. Hopefully, this letter will clear the matter up."

Watt said it would be Interior Department policy "to seek construction financing for each new start at a level consistent with the abilities of non-federal sponsors to participate financially and to honor prior commitments made by the United States.

"Current repayment requirements will remain in effect. In short, cost-sharing arrangements will be established on a case-by-case basis. Clearly, Congress must ultimately agree with such arrangements."

ROE'S OMNIBUS BILL

Roe hopes to end the long stalemate. As chairman of the House Public Works Subcommittee on Water Resources, he has struggled for more than a year to bring forth an omnibus water projects bill. "We're doing seven years' work in one," he says.

Roe's bill—large, comprehensive and innovative—would authorize more than 150 new projects or major changes in existing projects, at a cost between $10 billion and $20 billion over seven to 10 years.

Roe will try to offset that expense by deauthorizing in the same bill many projects that have been authorized but not yet built. Roe this spring circulated among his House colleagues a list of 503 potential deauthorization targets; only about a third of those drew protests. The total value of targeted projects could reach $12 billion.

One target for deauthorization, a project to improve navigation on the Ticonderoga River in New York, was authorized by Congress in 1881 but never funded. It would cost $2 million to complete today. Others include the Lincoln School portion of the Dickey-Lincoln Dam in Maine ($183 million) and the Trenton Lake Dam in Missouri ($163 million).

Roe's bill would tackle many of the major water issues Congress has been struggling with: deep-draft navigation, inland waterways, beach erosion, hydropower, flood control, municipal water supply, and general water policy and project finance—the "total gamut," as Roe puts it.

Roe is including in his bill a seven-year "crash program" to build or rebuild seven key projects:

Replacement of the Gallipolis Locks and Dam on the Ohio River (Ohio, West Virginia).

Replacement of Lock and Dam 7 on the Monongahela River (Pennsylvania).

Replacement of Lock and Dam 8 on the Monongahela River (Pennsylvania).

Construction of a second lock (600 feet long) at Lock and Dam 26 on the Mississippi River (Alton, Ill.).

Replacement of Winfield Locks and Dam on the Kanawha River (West Virginia).

Construction of a second lock at Bonneville Lock and Dam on the Columbia River (Oregon, Washington).

Replacement of Oliver Lock and Dam on the Black Warrior-Tombigbee River (Alabama).

Roe's bill would not authorize any new user fees for inland waterways, a proposal (S. 1554) by the Reagan administration that is being considered in Abdnor's subcommittee. That bill would levy fees of 1.1 mills per ton mile and raise about $213 million in fiscal 1984.

But Roe does address the thorny issue of how to fund the maintenance dredging or deepening of ocean ports and waterways, a key concern for ports such as Baltimore and Norfolk. Roe would establish a $2 billion trust fund out of customs revenues current-

ly going into the general Treasury. That fund would be used for a 10-year program of dredging for depths no greater than 45 feet. Ports would have to match federal funds on a 50-50 basis for the extra costs of dredging deeper than 45 feet.

The bill also will take on the cost-sharing issue for other kinds of projects—taking a middle ground more generous to state and local govenments than the Reagan administration proposal, but less generous than the current cost-sharing rules.

Roe may win some support from environmentalists with several provisions aimed at mitigating environmental damages from water projects.

PORK-BARREL POLITICS

Omnibus water project bills and "porkbarrel" appropriations reflect certain congressional traditions. Members believe the only way to steer pet projects through the shoals of the legislative process is in a kind of political convoy—a package in which enough members (and enough of the right members) have a specific interest. A member is rarely willing to vote against a colleague's project, because to do so would jeopardize his own.

Such legislation also reflects the political realities that members must face at election time—that their support at home depends very much on what they have managed to do for their districts or states—namely, getting locally important projects funded. In the appropriations process, broad national policy issues often take a back seat to the more parochial, and seemingly more urgent, concerns of district politics.

But some of those who say porkbarrel politics is the only realistic way to get a bill and to get things done have been faced with the very real fact of what has not gotten done—the funding of new water projects.

A NEW DAY

Voices inside and outside Congress today can be heard describing changes in the basic realities of water resource economics that they say are altering the federal role.

Alice M. Rivlin, director of the Congressional Budget Office, told Abdnor's subcommittee this year that there is "a recognition that most federally important water projects are now in place."

Corps official Bory Steinberg says the number of projects in the agency's budget was about 30 percent higher in fiscal 1972 than in fiscal 1983. Five of every eight projects in the 1972 budget were authorized in the 1960s, while only one of every eight in the 1982 budget was authorized in the 1970s.

In short, the project pipeline is not being cleared as fast as it was a decade ago, and the projects still in the pipeline are of an older vintage.

Gianelli is fond of citing the fact that this year, for the first time, the Corps of Engineers' operations and maintenance budget is higher than its general construction budget.

In part, that reflects less funding for construction. But it also reflects an iron law of capital growth. As any state or corporation builds more and more capital facilities, it must spend an ever larger amount just to operate and maintain them. If the total budget does not go up, it will eventually be consumed entirely by operation and repair of existing facilities.

This is increasingly the kind of work Congress is approving. One of the biggest pieces of water legislation Congress worked on last year was a dam repair bill. That legislation would have authorized $550 million in new funding for repair of existing unsafe Western dams. Although approved by the House and the Senate Energy and Natural Resources Committee, it died in the Senate when Congress adjourned, largely because of disputes over cost-sharing. This year, the legislation (S 672, S 739) is once again awaiting action in the Senate Energy Committee.

Another example is the fiscal 1984 energy and water appropriations law, which includes over $3.5 billion for water projects work by the Corps of Engineers and Bureau of Reclamation—but not a penny for new projects.

REGIONAL TENSIONS

Politically, it is easier for Congress to build a little more on an existing project—finishing what it has started—than to start a new one. But if a growing share of the fiscal pie is going simply to maintain existing facilities, Easterners are growing hungrier for what they think is a fair slice.

The Northeast and Midwest have a greater share of their public water facility investment in municipal water supply and sewer systems than other regions do. Many of these systems were built decades ago without federal financing, and their rehabilitation is not typically eligible for federal funding. Officials from cities such as Philadelphia and Boston tell congressional committees of the century-old wooden pipes they find in the most antiquated parts of their water systems. And members such as Sen. Daniel Patrick Moynihan, D-N.Y., and Rep. Edgar are pressing for greater attention to Eastern needs.

Spending by the three main water development agencies from fiscal 1950 to 1975 went primarily to the South (37.9 percent) and the West (36.1 percent). The North Central region got 20 percent and the Northeast 6 percent.

Some see the tilt in water funding as the product of a congressional committee system dominated by Sun Belt chairmen. But the disparity also reflects the greater water supply problems in arid parts of the West and economic problems in poverty-stricken parts of the South.

"One thing that's essential to the nation is to establish a fair and equitable system, not pitting one section of the country against the other," says Roe, a Northeasterner. He does not think an omnibus bill is possible without regional equity.

Roe's bill includes a proposal to gladden the hearts of Northeastern and Midwestern members: an $800 million loan fund administered by the Corps of Engineers for municipal and investor-owned water supplies. That proposal also was introduced separately by Edgar as HR 1644.

MIDLIFE CRISIS

The nation's water infrastructure, its dams, locks, canals, levees, harbors, aqueducts, pumps, turbines, water pipes, sewer pipes and treatment plants, do wear out over the decades—some experts say faster than they are being replaced.

Whether the water resources industry has just grown up or is already in its declining years depends on how you look at it. It may just be having a mid-life crisis.

Evidence that the nation's water systems have in fact reached full maturity is far from complete. Flood and drought still periodically plague parts of the country. It has become a cliche for news writers and speechmakers to identify water as the "next resource crisis."

Some engineers believe that the decline in new large-scale construction is merely a sign that the water resource system is becoming more efficient. Daniel P. Sheer, who heads the Water Resources Systems Committee of the American Society of Civil Engineers, says that widespread use of rapidly advancing operating techniques, aided by new computers, could increase the value of the nation's present water infrastructure by 15 percent or more.

Small-scale hydroelectric power generation is another area where the existing facilities are starting to be used more efficiently. The nation is dotted with small dams that were abandoned years ago, sometimes because electric utilities found larger, centralized generating plants more economical. Recent legal decisions allowing small, private hydropower operators to sell their power to utilities have created booming development of a previously underused resource.

APPROPRIATIONS PANELS CHAFING

While other debate the state of the nation's water resources, Appropriations subcommittee chairmen in both House and Senate are determined to move forward with fresh spending. They have threatened to go ahead and appropriate money for new water projects on their own this year without waiting for them to be authorized.

"This tide will not be held back forever," said Mark O. Hatfield, R-Ore., chairman of the Senate Appropriations Committee, on June 22.

Hatfield said that for now, he is waiting for the Senate Environment Committee to authorize new water projects. "If that committee chooses not to act promptly . . . I intend to move in the Appropriations Committee anyway."

Abdnor, head of Senate Environment's water resources subcommittee, insists he wants "to get moving on some kind of a program. We can't afford to shut down completely."

But he made clear he considers it important for the authorizing committee to take the first steps. "We have already witnessed the Appropriations Committee bypassing this committee—just bypassing this committee—because we're not coming up with any action," Abdnor said. "I can't stand by and just let this go on."

In the House, Bevill, who chairs the Appropriations Subcommittee on Energy and Water Development, is putting not-so-subtle pressure on Roe's authorizing panel. He told the House June 6: "I have urged the authorizing committee to proceed with the bill expeditiously so that funding the most urgent projects can proceed at the earliest possible time."

Bevill's panel has gone on record saying it "fully intends to recommend funding for new construction for both the Corps of Engineers and the Bureau of Reclamation for fiscal year 1984."

ABDNOR AND ROE: WATER POLICY LEADERS

(By Joseph A. Davis)

Two of the congressional committee chairmen with pivotal roles in any effort to set water policy or assemble an omnibus water projects bill are relative newcomers to their leadership roles.

Sen. James Abdnor, R-S.D., and Rep. Robert A. Roe, D-N.J., took the helms of water resource authorizing committees in 1981. Abdnor chairs the Senate Environment and Public Works Subcommittee on Water Resources and Roe chairs the House Public Works and Transportation Subcommittee on Water Resources. Those panels

must act before appropriating committees can fund new water projects.

JAMES ABDNOR: A FARMER'S VIEW

Abdnor, elected to the Senate in 1980, became chairman of the Senate Environment Subcommittee on Water Resources his first year in office. He is a wheat farmer from an arid agricultural state—a background that helped shape his view of water resources.

During his four terms in the House, Abdnor served on the Public Works Committee, where he supported spending for water projects and defended South Dakota's Oahe water project against cutback attempts by the Carter administration.

Soon after President Reagan took office, the administration proposed abolishing the Water Resources Council, which since the mid-1960s had coordinated federal water policy for the executive branch, and replacing it with the Cabinet Council on Natural Resources and Environment, chaired by Interior Secretary James G. Watt.

Many in Congress feared the administration was moving to pre-empt control of federal water policy, an area Congress has long and jealously guarded as its own domain. Abdnor sponsored a bill to set up an independent national water policy board that would be more likely to respond to state and congressional interests. Although the bill died short of the floor, merely by stalemating administration efforts Abdnor achieved a strong assertion of the congressional role in water policy during his first year.

This year, he introduced an omnibus water projects bill (S. 947) and said he would "do all that I can to see that we consider and pass" such a bill in the 98th Congress. It is a measure of how seriously Abdnor takes his role as a national water policy leader that there is currently no South Dakota project among the 101 included in his bill.

He has achnowledged the path to enactment will be treacherous. "We must resolve such construction issues as cost-sharing, user charges and other difficult questions involving federal and non-federal roles and responsibility," Abdnor said.

Abdnor has not yet taken a detailed position on cost-sharing, trying for now to serve as a neutral moderator. His signature was conspicuously absent from an April 27 letter to Reagan by Sen. Paul Laxalt, R-Nev., and 14 other Western Senate Republicans warning that cost-sharing plans could be politically damaging in the West.

ROBERT A. ROE: DOGGED DETERMINATION

Roe's 1981 takeover of the House subcommittee to some extent symbolized a shift away from the long domination of water resources panels by Southern and Western members.

The New Jersey Democrat, who was first elected in 1968, earned a reputation as an impassioned advocate of public works projects during his 1975-81 chairmanship of the Public Works Subcommittee on Economic Development. His panel delivered many municipal buildings to Paterson and other blue-collar towns in Passaic and Bergen counties, home-district communities where unemployment is chronically high.

If labor unions back home appreciate Roe's success at pork-barrel politics, environmentalists appreciate his concern with water pollution. He played a key role during 1981 in revamping the federal grant program for construction of municipal sewer systems under the Clean Water Act, the largest of all federal water resources programs.

The way Roe has gone about developing an omnibus water projects bill tells something about the man as well. Last summer, he held a two-month series of hearings, examining individually each of the scores of projects recommended for authorization by the Army Corps of Engineers hierarchy. He pressed on even though Senate Environment Committee leaders had no intention of taking up a bill during the 97th Congress.

That dogged determination has risen nearly to the point of obsession this year, as Roe has swept aside other important business such as reauthorization of the Clean Water Act until he completes a water projects bill.

Roe has scoured the testimony, reports and drafts of bill language, making sure that all the economic and environmental consequences of each project have been fully considered. He has talked or corresponded with more than 200 House members about projects in their districts, seeking to ensure smooth sailing on the floor.

THE GARRISON DIVERSION IN NORTH DAKOTA—A CASE STUDY IN WATER PROJECT POLITICS

(By Joseph A. Davis)

The story of the Garrison Diversion in North Dakota illustrates why Congress is uneasy about water projects. It is a story of the pressures, sometimes undeniable, that pound members from all sides in water resource decisions.

House members voted twice in seven months on this $1.1 billion project that will irrigate 250,000 acres for farm land. Both votes were on moves by Silvio O. Conte, R-Mass., that had the practical effect of cutting all appropriation for the project. On Dec. 14, 1982, the House voted against Garrison by a 100-vote margin. On June 23, 1983, members voted for it by a 65-vote margin.

What changed all those minds?

Rep. Byron L. Dorgan, D-N.D., changed many of them himself. As North Dakota's only House member, he bears the entire burden of defending the project in that chamber. Before the June 1983 vote, he appealed personally to "virtually everybody" to support the project.

Water is important to North Dakota because it is a fairly dry state where agriculture is a major industry. Rainfall averages 18 inches a year statewide, dropping to 14 inches in the arid southwestern part of the state. Agriculture provides at least 40 percent of the jobs in the state, and much of the industry is related to agriculture.

North Dakota finds it hard to ignore water for another big reason: Lake Sakakawea, the reservoir behind Garrison Dam, stretching nearly across the western half of the state, and the Oahe Reservoir, stretching further down into South Dakota, holding back the headwaters of the Missouri River. Dorgan calls the reservoirs a "500,000-acre permanent flood."

North Dakota gave up those half-million acres, much of it good farm land, largely to prevent flooding from the Missouri and Mississippi rivers in downstream states. Both reservoirs were built as part of the grander Pick-Sloan Plan, a water project authorized by the Flood Control Act of 1944 that touches at least 10 Missouri Basin states.

North Dakotans say the 1944 law amounted to a virtual contract: In return for their loss of land and agricultural revenues, they say they were promised that the massive Garrison reservoir would be used to irrigate approximately one million acres of farm land.

Sen. Quentin N. Burdick, D-N.D., says downstream states have received $1.49 billion in flood protection benefits so far, but North Dakota has yet to receive its part of the bargain. It ranks last among the 17 Western states in acres irrigated by the Bureau of Reclamation, about 33,000 acres so far.

"The motivator here," says Dorgan, "is basically a sense of Western justice. We're last at the table when the tray comes around, and Congressman Conte wants to take the food off. The food we were promised. . . .

"We've played host to the costs, and now Congressman Conte in his Eastern generosity wants to say, 'Well now, you've been saddled with all the costs, now we're going to take the benefits away.'"

THE OPPOSITION

The planned diversion of water from the Garrison reservoir for irrigation has come in for heavy criticism from environmentalists, taxpayers' groups, Canadians and even some farmers in North Dakota.

Environmentalists focus on the effects of building canals and reservoirs to move the water from Garrison to where it can be used, charging the project will destroy or degrade some 73,000 acres of wetlands that provide a breeding habitat for ducks and geese. One of the millions of Americans who likes to hunt ducks is Silvio Conte.

But proponents of the project note that the U.S. Fish and Wildlife Service has protective control, through ownership or easements, of 5.27 million acres of wetlands and associated wildlife habitat in North Dakota, more than any other central flyway state.

"This is not going to destroy the breeding grounds," says Dorgan. "If Conte wants North Dakota to become a 53-county duck farm, in effect, let him provide loan rates and target prices for raising ducks. If he wants a private game reserve in the Midwest, let him buy it."

The National Taxpayers Union and Sen. William Proxmire, D-Wis., say the project is too expensive, returning only 58 cents in benefits for every dollar of cost at today's interest rates. Proxmire says the project would amount to a subsidy of $3,753 per irrigated acre, or $800,000 for the average farm in the area. These critics say it makes no sense to subsidize the creation of new farm land at a time when the government is paying farmers to take land out of production. North Dakota has the highest participation in the Payment-in-Kind program of any state.

Canadians object because most of the irrigated land will be in the drainage basin of the Souris River, which runs north across the border and eventually empties into Hudson Bay. They fear that the introduction of fish and aquatic life-forms that are "foreign" to the ecosystem of the Hudson Bay basin may harm the valuable sport and commercial fishing in Manitoba.

Government plans for mitigating losses of wetland and wildlife habitat caused by the Garrison project call for acquiring or protecting 198,000 other acres of habitat in the state. That would mainly be farm land, and critics say project sponsors have not found farmers who want to give up that much land. Some of those critics are farmers themselves, who feel the project would simply transfer productive acreage from one set of farmers to another.

STOP AND GO: FANCY POLITICAL FOOTWORK

Because more than two decades had gone by since the 1944 Flood Control Act, the Garrison project had to be reauthorized in 1965. Congress appropriated money for the project quite regularly between 1967 and 1978, with spending ranging from $10 million to $20 million yearly during most of that period. Engineering work was completed and actual construction begun; it is about 15 percent done. But funding was stalled by a lawsuit in 1979, and sputtered erratically since then as environmentalists lobbied against it.

Project opponents thought they could deliver the coup de grâce last year as the second fiscal 1983 continuing appropriations resolution faced a House vote. Conte offered an amendment Dec. 14, 1982, to bar use of funds in the bill for Garrison, calling it a "boondoggle."

Conte's amendment was adopted 252-152. It was not a party-line vote; Republicans split 126-50 and Democrats 126-102, a fact Conte and the environmentalists later pointed to as a sign that the "pork barrel" era in water politics was waning. As ever in water politics, regional rivalries played a stronger role, with Easterners, who get very few water projects, voting 91-14 to kill the project, and Southerners, who get a lot of them, voting the other way, 44-71. The Midwest, which includes many of the Pick-Sloan states, votes 84-32, and the West, where reclamation projects are important, voted 33-35.

The House defeat for Garrison did not actually kill the appropriation, because the Senate approved funding for the project and the conference committee went along with the Senate. Nonetheless, back in North Dakota, they felt the jolt. Key Republicans publicly criticized Democrat Dorgan for failing in his defense of the project. Dorgan, a potential contender for the state's next Senate vacancy, was hurting.

Although politically wounded, Dorgan did not give up. He seemed to be lying low when the fiscal 1984 energy and water appropriation (HR 3132) this year passed the House without a dime for Garrison in it. He did not push for a vote on its inclusion. He had a plan.

The Senate Appropriations Subcommittee on Energy and Water Development, of which Burdick is a member, put $22.3 million for Garrison into the House-passed bill. Backers of the project fought off an assault on the Senate floor by Gordon J. Humphrey, R-N.H., tabling his amendment to kill Garrison by a 62-35 vote.

This put the issue on the House-Senate conference table once more. Conte, who said the House "got rolled" in last year's conference, sought to "give the House conferees some backbone" this time. He offered a motion on June 23 to instruct the House conferees to insist on zero funding for Garrison.

Dorgan had seen this move coming and he was ready for it—readier, in fact, than Conte. Face to face or by telephone, Dorgan had spent day and night lobbying Republicans and Democrats alike, telling them: "It's important to me and it's important to North Dakota."

Bob Edgar, D-Pa., who opposed Garrison, said Dorgan appealed to him for support on the grounds that his seat was at stake, although Dorgan denies that.

Stated or unstated, the belief that a Democratic seat was at stake may have played a role in the help Dorgan got from the House Democratic leadership—highly unusual in a non-partisan controversy over a single-district public works project. Majority Leader Jim Wright, D-Texas, spoke against the Conte motion and could be seen "working the door" as members arrived to vote.

Dorgan's strategy also depended on the fact that the challenge came on a "procedural" vote. This allowed Conte's opponents to say they were voting against the instruction procedure rather than casting a substantive vote for the project or against the environment. They could argue that it was a mistake to tie the conferees' hands as a general practice on any single issue, since it could reduce their ability to negotiate successfully on a whole range of House-Senate differences.

"Do not let anyone kid you; this is not a procedural vote," Conte argued before the vote. "This will be counted as one of the most important environmental votes that will be cast in the House this year."

Conte lost, 150-215, a dramatic reversal of the December 1982 vote. "We were battered," Conte said, conceding that Dorgan had worked hard and attributing much of the shift to new members unfamiliar with the issue. But analysis shows the voting change in House seats that changed hands was no more drastic than the voting change in the House as a whole. Departing members voted 44-17 with Conte in December, while newly arrived members voted 32-35 against him in June.

Whatever else it may demonstrate, the vote indicates members still have a big say about projects in their own districts, and that House leaders can still produce votes. Of the 70 members who switched from anti-Garrison to pro-Garrison between the two votes, 54 were Democrats.●

NATIONAL MEAT WEEK

● Mr. HUDDLESTON. Mr. President, I was pleased to join Senator HELMS as an original cosponsor to Senate Resolution 238, a resolution expressing the sense of the Senate that the week of January 22 through January 28, 1984, be observed as National Meat Week.

During National Meat Week, the meat industry plans to conduct educational programs to highlight the positive contribution of meat to the American diet.

Meat comprises a broad category of food products, including beef, pork, lamb, and veal. Meat is both wholesome and nutritious and is one of the most valuable sources of vitamins and minerals, including iron, vitamin B-12, riboflavin, thiamin, and zinc. All these nutrients are needed by the body for good health.

With annual sales of $70,000,000,000, the meat industry is the largest single component of U.S. agriculture and provides employment for thousnds of U.S. citizens. I believe this important segment of American agriculture deserves recognition by the U.S. Senate. Therefore, I urge my colleagues to join me in supporting Senate Resolution 238.

NOBEL PEACE PRIZE TO LECH WALESA

● Mr. KENNEDY. Mr. President, I am gratified that the Nobel Committee has at last awarded the Nobel Peace Prize to Lech Walesa. Rarely has this award been so richly deserved. So long as there are leaders like Lech Walesa, the light of freedom in Poland will never be extinguished, and the reflection from that light will continue to make the world a better and more decent place.

Solidarity's spirit defines the soul of the Polish nation. Through this award, the world salutes Lech Walesa and the Polish people for their indomitable struggle. I call upon the Polish authorities once again, to resume the process of national renewal through direct negotiations with Solidarity and the church.●

FANGO-45 CALLING MAYDAY

● Mr. SYMMS. Mr. President, the October 1983, edition of the popular and well-respected Reader's Digest includes an article of particular interest to Senator MCCLURE and me, in that the 1982 close call, described so eloquently by Sheldon Kelly, involved members of the Idaho Air National Guard, based at Gowen Field in Boise.

The story, "Fango-45 Calling Mayday!" relates the dramatic and miraculous events that occurred when a near tragedy in the air placed the navigator, inexperienced at flying, in sole control of a damaged 20-ton Phantom II jet fighter. With his pilot unconsicious and injured, Navigator Fred Wilson valiantly brought the plane under control, and aided by the encouragement and assistance of an Air Guard interceptor jet, landed the damaged plane. He earned the Distinguished Flying Cross for this achievement.

We are proud of Fred Wilson for his astounding feat in safely returning the plane and its injured pilot, Gregory Engelbreit, who though seriously wounded, miraculously managed to help by lowering wing flaps, landing gear and arresting hook—only accessible in his section of the cockpit.

And, we are proud of the interceptor crew, Maj. Bill Miller and Navigator Michael McGrath, who flew alongside the crippled jet and guided it back to the nearest landing field, Mountain Home Air Force Base.

This story is more than just an account of the dramatic events that April night. It is a story about miracles and answered prayers. I ask that the article be printed in the RECORD.

The article follows:

[From the Reader's Digest, October 1983]

"FANGO-45 CALLING MAYDAY!"

(By Sheldon Kelly)

The mission on that fateful April night in 1982 was to be a routine training exercise for one of the crack combat crews of the Idaho Air National Guard's 124th Tactical Reconnaissance Group. The RF-4C Phantom II fighter, call sign "Fango-45," was scheduled for a low-altitude flight over central Oregon.

Pilot Greg Engelbreit, in civilian life a 35-year-old marketing engineer, lowered himself into the cockpit. Behind him was navigator Fred Wilson, 32, a petroleum-equipment service manager. Wilson had always dreamed of becoming a jet-fighter pilot, but because of age limitations had missed the opportunity.

From his position behind Engelbreit, Wilson could see his duplicate set of twin throttles move forward as the Phantom accelerated down the runway of Boise's Gowen Field, tilted, and screamed into the evening sky. In the pilot's seat four feet in front of him, he could see Engelbreit's helmet and shoulders outlined against the sunset. It was at times like this that the urge to fly gnawed worst.

Soon they were over King Mountain, flying low, slightly less than the speed of sound. Neither man saw the giant whistling swan. The 25-pound bird smashed into the canopy with the explosive force of a 37-mm. cannon shell, disintegrating the left panel of the pilot's windshield. Razor-edged shards of plexiglass ricocheted inside the cockpit like a shrapnel burst. The explosion knocked Engelbreit unconscious, and his left arm was shredded by the canopy fragments.

Instantly the plane began buffeting, in danger of slamming into a mountainside. Navigator Wilson had been protected from the full force of the blast by the pilot's high-backed ejection seat and by his own instrument panel, which separated his compartment from the pilot's. Although stunned by the sudden wind blast, his helmet visor spattered with blood, he instinctively clutched his duplicate control stick and pulled it back. Wilson's dream of piloting a Phantom had suddenly become horrifying reality.

"Fango-45 calling Mayday! Mayday! We've got a badly damaged cockpit from a bird strike, 265 degrees west of Boise, 1000 feet and climbing! Mayday! Mayday!" Wilson shouted into his radio headset. The wind blast inside the cockpit roared like thunder, and Wilson could not even hear his own voice. Debris swirled around the cockpit. With a sickly pink substance streaming down the sides of the canopy, and with his forward visibility blocked by the pilot's seat, Wilson could see only through a small, unmarred section on the right side of his canopy.

But that was not all. While Wilson did have duplicate throttles and control stick, three other critical controls—for the wing flaps, landing gear and the retractable arresting hook that catches a barrier cable on emergency landing—existed only in the pilot's section. Even if he had been a trained Phantom pilot, Wilson had none of the controls needed to land the huge 20-ton jet.

He did know that if he pulled the control stick back, the plane would climb, reducing his airspeed and possibly easing the thunderous wind blast. But even as he climbed, the buffeting and noise continued. Still shouting Maydays, Wilson next pulled back on the throttle handles on his left console. The turbines whined down immediately, and the wind blast lessened. Finally he could hear the static in his own headset. He switched to the intercom system. "Greg! Greg! Talk to me!" There was no answer.

Fango-45 screamed on into the blackness, heading back toward the Owyhee Mountains west of Boise. Wilson studied the luminous dials of the instrument panel. When the altimeter read 5000 feet, he eased the stick forward, leveling the aircraft. The airspeed was now 290 m.p.h. He knew this speed would conserve enough fuel for one and a half more hours of flight.

After that? Clearly Engelbreit could not eject, even if he were alive; his parachute container was shattered, the nylon shrouds spilling over his seat like so much spaghetti. Regardless of what lay ahead, Wilson vowed to stay with the plane—and with his pilot.

Deeply religious, Wilson began praying for the welfare of his and Engelbreit's families. His wife, Louise, and Engelbreit's wife, Kym, would endure. It would be the children—his four and Greg's two—who would suffer most. God, help us make it, Wilson prayed.

Again and again he tried to rouse Engelbreit over the intercom. But the pilot did not move. Wilson knew that with no flaps, landing gear or arresting hook, he needed a miracle to land Fango-45 safely.

Suddenly there was movement in the front of the cockpit. Engelbreit was trying to raise himself from against the right side of the canopy.

"Greg! Greg!" Wilson repeated into the headset. "You've got to drop the wheels and flaps." Heartsick, Wilson saw Engelbreit slump over again. Then, as if summoning up every ounce of strength, the pilot slowly pulled himself back upright.

Wilson prayed, holding the stick steady. The tense minutes seemed like long, lonely hours as he watched his pilot drift in and out of consciousness. Then a gauge snapped on indicating that the landing gear was being lowered, followed by the wing-flaps indicator. The jet slowed to 230 m.p.h. "You did it, Greg! You did it!" Wilson mumbled prayerfully. "We're going to make it. Don't you worry. We're going to make it." But Engelbreit had already lapsed back into unconsciousness.

Wilson's headset suddenly came to life. "Fango-45, we've got you on our screen. What's your problem?" The voice of the civilian air-traffic controller was calm. Wilson tried to echo the controller's calmness.

"Fango-45. We took a bird strike. Pilot's canopy is badly ripped up. He's not responding."

There was a moment of silence. "We're vectoring in another aircraft. Hang in there, Fango-45."

Five long minutes passed before another voice came over the headset. "Fango-45. This is Fango-44. We've got you in sight." It was veteran RF-4C pilot Maj. Bill Miller, with navigator Michael McGrath, coming to intercept the crippled Phantom. "You've got wheels and flaps. You're looking good, Fred," said Miller, trying to reassure the navigator.

Through the small opening on his canopy Wilson could see the outline of the Phantom flying some 50 feet from his right wing tip.

"Fango-45, do you think you can follow my wing? We're going to try for an approach at Mountain Home." (Forty miles southeast of Boise, Mountain Home Air Force Base has a long, wide runway and excellent shock-trauma facilities.)

"Roger, 44," Wilson answered, feeling confident in a way he had never felt before. "let's get down."

Miller radioed the news to Mountain Home's control center. Although Engelbreit had lowered Fango-45's gears and flaps, the use of the arresting hook was equally vital. Without it, the plane's chances of crashing were high. Both Miller and Wilson realized that another miracle was needed. And quickly.

Wilson moved the control stick, flying his plane by following Miller's wing. The veteran pilot was going to lead him onto the runway.

"Altitude 2500, vector 300 and holding. We're getting close, Fred," Miller radioed. "Keep hanging in there. You're doing a real good job."

Wilson eased the stick forward, following Miller's wing lights. Twenty-four hundred feet, 2,200, 2,000. If only they had the arresting hook. He prayed that Greg would somehow respond once again.

Sure enough, Wilson saw a shadowy movement in the front of the cockpit. But then he was startled to see a yellow caution light on his console blink on. The light was designed to warn crew members of a mechanical change—or a failure. In some instances, ejection was required seconds after the light blinked on. Not now! Now now! Wilson thought. Trying to control his voice, he radioed Miller, "I've got a master caution, Bill. Something's wrong."

Miller made a careful inspection. What he saw amazed him: the arresting hook had been lowered, triggering the light. He quickly radioed back the good news to a relieved Wilson.

Now Wilson moved his jet closer, close enough that he could see two masked faces illuminated inside the other plane's cockpit. "We stay real close from here on, Fred," Miller said. The landing approach had begun. One thousand feet, 500, 300. "Nice and steady, Fred," Miller's voice intoned over the radio. "Looking real fine, just fine."

The loud screech of the tires was sudden, unexpected. The jet raced down the runway at 195 m.p.h., with Miller still alongside. The arresting hook caught the emergency runway cable, bringing the jet to an abrupt halt. Wilson saw Miller's jet continue down the runway, and then lift off to fly back to the Air National Guard base.

Wilson raised his canopy. "We're down, Greg," he whispered to the unconscious Engelbreit. "We made it."

Medics and rescue workers were shocked by what they saw. Blood and parts of the bird were sprayed everywhere. Engelbreit's left arm was horribly mutilated, and there was a large gaping hole in his upper left shoulder.

While Engelbreit was being lifted from the cockpit, he called out deliriously, "Fred, are you there? What happened?"

"I'm here, Greg," Wilson said, touching his partner's forehead. "We're on the ground at Mountain Home. We're all right!"

Engelbreit and Wilson were sped by ambulance to the base hospital's emergency room. At first, doctors did not expect Engelbreit to live. Several hours later, however, after surgery and blood transfusions, their hopes for his survival rose.

The next day, talking with Group Commander Col. Robert Corbell, Wilson was exuberant. "He did it! He really did it!" he kept repeating.

"You both did it," Corbell answered. "You refused to quit . . . and he instinctively fought until the end."

Today, Fred Wilson still flies as an Air National Guard navigator. Greg Engelbreit has been released from the hospital after extensive surgery and skin grafts. Doctors are now optimistic that he will regain some use of his arm. Meanwhile, Wilson has received the Distinguished Flying Cross—the second-highest peacetime honor for valor that can be awarded Air Force fliers.

But as mystery remains: How did Gregory Engelbreit, unable to see or hear, and only dimly aware of what had happened to him and his plane, know when to lower flaps, landing gear and arresting hook? And with the flaps control located to his left, and his left arm totally disabled, how did he manage to operate it?

Engelbreit can provide no details, for he remembers virtually nothing. Was it ESP? A desperate reaching out of Wilson's mind to Engelbreit's? Or was it, as both men believe, that Wilson's prayers were heard—and answered—on that fatefull April night?●

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I have not had a chance to consult with the minority leader on this yet, but I ask unanimous consent that when the Senate completes its business today it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, there be special orders in favor of Senators COHEN and LEAHY of not to exceed 15 minutes each and in that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. I ask unanimous consent, Mr. President, that the time remaining after the execution of the special orders until 12 noon be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF ADDITIONAL SENATORS TOMORROW

Mr. BAKER. Mr. President, I am advised that Senators CHILES and PRYOR request special orders for tomorrow. I amend my request for special orders to include them on the same basis and in that sequence to follow on after the two previous orders.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SEQUENCE OF EVENTS TO BE ADVANCED 30 MINUTES

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the sequence of events announced earlier be advanced by 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, at 12 noon tomorrow, the Senate will resume consideration of the pending business, which is S. 1529, at which time the pending question will be the Moynihan-Hatch amendment No. 2293. It is possible that a time agreement can be worked out on that measure, and we will try to ascertain that this evening.

Mr. President, it is the hope of the leadership on this side that we can finish this bill in the early afternoon tomorrow. I have already announced the intention of the leadership on this side to ask the Senate then to turn to the consideration of the second farm bill, S. 2733. We may or may not be able to reach that measure. I understand that there may be opposition to the motion to proceed, but we will await the outcome of that effort on tomorrow.

There is also a possibility, Mr. President, that we could take up the intelligence authorization bill tomorrow if negotiations between the principals involved produce that result. Of course, other matters may be cleared on both sides.

Mr. President, I am very reluctant even to suggest this, but I believe I will. Tomorrow is Thursday. I think it is possible that, if we can complete action on the measures I have just described, that is, to do what we must do on the agriculture bills and an intelligence authorization bill, and other routine matters, we may be able to go out for the October break a day early.

Mr. President, I hope for that, and I have asked that the adjournment resolution be prepared to permit adjournment of the Senate from either October 6 or October 7 until October 17.

The managers on both sides very properly suggest that Members who have amendments to the pending bill come to the floor as early as possible tomorrow after we convene or even to contact the managers before we convene in order to establish how many amendments there may be and explore the possibility of time agreements. I join them in urging Senators to contact either their leadership, or cloakrooms, or the managers of the bill, or to come to the floor as soon as possible tomorrow so that we can try to expedite the consideration of the measure now before us.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, if no other Senator is now seeking recognition, I move, in accordance with the order previously entered, that the Senate now stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and at 5:47 p.m. the Senate recessed until tomorrow, Thursday, October 6, 1983, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 5, 1983:

DEPARTMENT OF STATE

Richard W. Murphy, of Maryland, a career member of the Senior Foreign Service, class of Career Minister, to be an Assistant Secretary of State, vice Nicholas A. Veliotes, resigned.

HOUSE OF REPRESENTATIVES—*Wednesday, October 5, 1983*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O' God, for all the gifts of life that You make available to us. In spite of our own unworthiness and selfishness, You continue to offer us the fullness of Your love, a love that enriches us, forgives us, and makes us whole. We pray this day that we will receive this love with appreciation and express it in our lives through acts of kindness and generosity toward all people. Bless us this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

The Chair announces that on today, during the joint meeting to receive the President of the Federal Republic of Germany, only the doors immediately opposite the Speaker and those on his left and right will be open.

RECESS

The SPEAKER. Pursuant to the order of the House of September 14, 1983, the House will stand in recess, subject to the call of the Chair.

Accordingly (at 10 o'clock and 1 minute a.m.), the House stood in recess subject to the call of the Chair.

□ 1015

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY

During the recess, the following proceedings took place to receive His Excellency, Karl Carstens, President of the Federal Republic of Germany, the Speaker of the House of Representatives presiding.

The Doorkeeper, the Honorable James T. Malloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to conduct the President of the Federal Republic of Germany into the Chamber:

The gentleman from Texas (Mr. WRIGHT); the gentleman from Washington (Mr. FOLEY); the gentleman from Louisiana (Mr. LONG); the gentleman from Indiana (Mr. HAMILTON); the gentleman from Illinois, (Mr. MICHEL); the gentleman from Mississippi (Mr. LOTT); and the gentleman from Michigan (Mr. BROOMFIELD).

The VICE PRESIDENT. On behalf of the Senate, pursuant to a previous order of the Senate, the following Senators are appointed to join with the House committee to escort the President of the Federal Republic of Germany into the House Chamber:

The Senator from Tennessee (Mr. BAKER); the Senator from Alaska (Mr. STEVENS); the Senator from South Carolina (Mr. THURMOND); the Senator from Oregon (Mr. HATFIELD); the Senator from Utah (Mr. GARN); the Senator from West Virginia (Mr. BYRD); the Senator from Rhode Island (Mr. PELL); the Senator from Maryland (Mr. SARBANES); the Senator from West Virginia (Mr. RANDOLPH); and the Senator from Hawaii (Mr. MATSUNAGA).

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 10 o'clock and 30 minutes a.m., the Doorkeeper announced the President of the Federal Republic of Germany.

The President of the Federal Republic of Germany, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a pleasure to present to you His Excellency, Karl Carstens, President of the Federal Republic of Germany.

[Applause, the Members rising.]

President CARSTENS. Mr. Vice President, Mr. Speaker, Members of the Congress of the United States.

Please accept my thanks, Mr. Speaker, for the friendly words you have just addressed to me.

I am grateful to you and to all the Members of Congress that you have gathered for this meeting.

I appreciate the honor of speaking to you and, through you, to the American people. And please permit me to add this is a situation and an honor which is bestowed on a man only once in his lifetime, and I deeply appreciate this great honor.

In this House, the American citizen finds himself represented. Congress, together with the other great democratic institutions of this country, is at the same time guarantor of its freedom and a source of strength for its further dynamic development.

In the Senate Joint Resolution 260, Congress has declared the year 1983 the "Tricentennial Anniversary Year of German Settlement in America."

This anniversary is indeed an event which stands out in the history of German-American relations, as it underlines the historical dimension of the bonds linking our two nations.

Let us seize this opportunity to remind ourselves of our common conviction and our common responsibility. German immigration into your country began with 13 families from Krefeld who set foot on American soil on October 6, 1683, in Philadelphia. They were followed in the course of the past three centuries by more than 7 million Germans who left their homeland in search of freedom, protection, from persecution and for a better life in the New World.

The German immigrants have made their contribution to the development of the United States of America, as farmers, as businessmen, as scientists and artists, as soldiers, teachers, and politicians. America, which offered them a new home, became their Fatherland. Their lives mirrored the words of Carl Schurz, who, an immigrant from the Rhineland, became a U.S. Senator and Secretary of the Interior. He said, "They could render no greater honor to their former Fatherland than by becoming conscientious and faithful citizens of their new country."

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Members of other nations have contributed as much to the development of the United States and we realize that America increasingly has given back us Germans a great deal. The shipments of goods and food and clothing after World War II, the Marshall plan, the air lift that saved Berlin and the protective shield that America held over our young democracy will never be forgotten.

Twice in this century relations between our two countries have been subjected to grave strains. But these strains were overcome and a close friendship was born. It is a friendship founded on the kinship of our peoples. It is based on our common membership in the North Atlantic Alliance.

But, above all, it draws its stability from the common values on which the political and social order in our two countries is built: Freedom, justice, and democracy.

For us Germans there can only be partnership with the United States in the alliance of free nations or dependence on the Soviet Union. We have made our choice.

Our understanding of democracy is based on the belief in the dignity and the rights of man. We trust in the power of the law to govern the life of men in a community.

And, finally, we are convinced that it is the duty of government to preserve internal and external peace, while guaranteeing the highest possible degree of responsibly exercised personal freedom.

Ladies and gentlemen, one glance beyond the open borders of Western civilization is sufficient to show us the power of attraction of our free democracies. The freedoms we enjoy remain an unfulfilled wish for many other peoples. The vision of these freedoms has, in the past centuries and up to our times, induced people from all parts of the world to take upon themselves the hardships of a long journey and the difficulties of a new beginning here in America. And for these same reasons, Germans from the other part of Germany are willing to risk their lives in order to overcome an unnatural and inhuman border and to escape to freedom.

We truly need not fear a contest of ideologies, we stand for principles which insure freedom and lasting peace, among them: Self-determination of men and nations.

By virtue of this right of self-determination, 10 countries in Europe have formed a community. After centuries of war and bitterness, a network of close relations has emerged between them. The German-French friendship assumes a singular position in this process.

From the beginning, America has supported the European unification, recognizing that a strong united Western Europe would be a valuable partner for America.

The United States bears world responsibility. You did not seek this responsibility, but as the strongest among the free nations you accepted it in the interest of our common future.

By virtue of their right of self-determination and in response to external danger, 14 European nations, together with the United States and Canada, united to form the Atlantic Alliance. It is a purely defensive alliance; it is incapable of waging a war of aggression.

And let me add, it is the most efficient alliance in modern times.

It is to this Alliance that its members owe more than 30 years of peace and freedom. America's commitment to Europe was confirmed by President Reagan only last year when he spoke to our Parliament, to the German Bundestag, and said, "Europe's shores are our shores. Europe's borders are our borders."

We know that America, given its engagement in Europe, rightly expects partnership and a reasonable distribution of burdens. The Federal Republic of Germany has proven in the past that it is prepared to meet these expectations and will continue to contribute its fair share to the common defense.

We have 500,000 soldiers under arms, well-equipped, well-trained and willing, if necessary, to defend our country together with our allies.

Let me say a few words about the American soldiers in Germany. Within an area which in size corresponds approximately to the State of Oregon, there are, in addition to half a million German soldiers, 350,000 soldiers from six NATO countries; 250,000 Americans. It is unavoidable that such a concentration also creates difficulties for the soldiers and for the population. Life in an environment which is foreign to them is not always easy for American servicemen and their families.

Therefore, I would like to emphasize that the American soldiers and their dependents are welcome in our country as our friends. They are welcome in our country as our friends and as allies. We know that we owe to their presence our security, our freedom and peace, and in saying this, I speak for the great majority of our people.

To safeguard peace today is perhaps of greater importance than ever before. To reach that goal, we must keep a balance of power. We want a balance at the lowest possible level of armaments.

This policy, however, has come under criticism in our countries. In view of the terrifying effects of nuclear weapons, many of our citizens demand their abolition and some demand, if need be, their unilateral abolition. Although I can understand such feelings, I do not share the conclusions. My experience has taught me that good intentions alone are not enough to preserve peace. We are dealing with a highly armed superpower which is making great efforts in order to increase its influence in many parts of the world.

The fate of Afghanistan shows us what may happen to a country which is not able to defend itself. Therefore, the alliance, in striving for a balance of military power, secures not only our freedom, it also secures peace. We must not tire of pointing out this connection to those among our countrymen who, sometimes very emotionally, advocate unilateral disarmament and whose motives I respect.

I am convinced that the alliance can protect life, liberty and peace if we maintain and, where necessary, restore our ability to defend ourselves while being ready to enter into agreements on arms control and disarmament on the lowest possible level.

When I speak of defense, I do mean confrontation. On the contrary, we in the Federal Republic of Germany have tried to build bridges between East and West in order to reduce tension and, if possible, to improve conditions for the peoples in Eastern Europe. We did this in full agreement with our Western allies, and we shall continue our efforts along this line.

We, the United States of America and the Federal Republic of Germany, are partners at the Conference for Security and Cooperation in Europe; here we are working together for the realization of human rights throughout Europe.

In making this point, I am conscious of speaking to you as a representative of a divided nation which is painfully aware of the fact that freedom, rule of law and democracy are denied to the other part of our country.

We trust, however, that the unnatural division of our country, which at the same time divides Europe, will not last.

The wall cannot and will not be history's final verdict. We are grateful that you, the United States, endorse this political aim of the Federal Republic of Germany to work for a state of peace in Europe in which the German nation will regain its unity through free self-determination.

Tensions not only result from East-West relations. We are also concerned about the development of the world economy. At the meeting of the heads of state and government from seven industrial nations, which took place in Williamsburg at the invitation of the President of the United States last May, it was agreed that it is a matter of common endeavor and common responsibility to work for recovery in order to insure on the basis of sustained and lasting economic rehabilita-

tion, new jobs and a better life for the people of our own countries and of the world.

We will overcome our present difficulties only by working together. This also means that we must show consideration in dealing with one another and take no unilateral measures which could harm the other partners.

Ladies and gentlemen, German-American friendship and partnership now have lasted over a generation, and they will remain the foundation of our policy in the future. But as relations between individuals, also relations between nations demand constant attention. We must enable our young people on both sides of the Atlantic to become better acquainted with the other country and their peers. They ought to have the chance to understand that young people here as well as there share values and interests, anxieties and hopes, that their lives rest on the same foundation. We, therefore, vigorously support President Reagan's initiative to intensify the youth exchange between our two countries.

In the coming days I, myself, will be speaking at universities in St. Louis, Seattle, Madison, and at Yale. I especially welcome the creation of an exchange sponsorship program marking the tricentennial celebrations. It is a program sponsored by the Congress of the United States and the German Bundestag, designed to pave the way for more personal encounters between young Americans and Germans. And I am pleased that Mrs. Renger, Vice President of the German Bundestag, will present a document to this effect following this meeting.

Ladies and gentlemen, let me conclude: American-German friendship is founded on the German contribution to the building of the American Nation, on the unforgotten help which America gave us after World War II, on America's commitment to Berlin's freedom, on our partnership in the Atlantic alliance, which is guaranteeing freedom and peace in our part of the world, on our common commitment to a sound world economy and, above all, on fundamental values which we share: Democracy, individual liberty, and the rule of law.

Let us stand together in this spirit. It is the best contribution we can make to insuring future generations a life in freedom and peace.

Thank you very much.

[Applause, the Members rising.]

At 10 o'clock and 54 minutes a.m., the President of the Federal Republic of Germany, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been concluded, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 10 o'clock and 55 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess and resume its session at 11:30 a.m.

□ 1130

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 o'clock and 30 minutes a.m.

PRINTING OF JOINT SESSION OF CONGRESS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3913. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3913) entitled "An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WEICKER, Mr. HATFIELD, Mr. STEVENS, Mr. ANDREWS, Mr. RUDMAN, Mr. SPECTER, Mr. MCCLURE, Mr. DOMENICI, Mr. PROXMIRE, Mr. HOLLINGS, Mr. CHILES, Mr. BURDICK, Mr. INOUYE, and Mr. STENNIS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 54. Joint Resolution to authorize and request the President to designate the month of January 1984 as "National Eye Health Care Month";

S.J. Res. 114. Joint Resolution to request the President to proclaim September 1983 as "National Professional Security Month";

S.J. Res. 122. Joint Resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week";

S.J. Res. 145. Joint Resolution to designate the week of October 2, 1983, through October 8, 1983, as "National Port Week";

S.J. Res. 147. Joint Resolution to designate the week of September 25, 1983, through October 1, 1983, as "National Rehabilitation Facilities Week"; and

S.J. Res. 168. Joint Resolution to provide for the designation of a month as "National Sickle-Cell Anemia Awareness Month."

APPOINTMENT OF CONFEREES ON H.R. 3913, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 1984

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3913) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. NATCHER, SMITH of Iowa, OBEY, ROYBAL, STOKES, EARLY, DWYER, of New Jersey, HOYER, WHITTEN, CONTE, O'BRIEN, PURSELL, PORTER, and YOUNG of Florida.

SIMPSON-MAZZOLI IMMIGRATION BILL

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I want to express my strong support for your announcement yesterday that the Simpson-Mazzoli bill will not come to the floor for a vote this year due to strong opposition from the Congressional Hispanic Caucus of which I am a member, and as a result of mixed signals from the President who one minute says he supports the bill and the next minute says he is not sure. President Reagan has been wooing Hispanic voters for months, and I want to comend the Speaker for not allowing him to use this important issue as a political tool.

The employer sanctions provision of the Simpson-Mazzoli bill, the back-

bone of this legislation, is intolerable to Hispanics everywhere. Employer sanctions simply would not curb illegal immigration but would increase potential for discrimination against the Hispanic community, which is already suffering from an extraordinary high rate of unemployment. Employer sanctions would also place an unfair burden on American small businesses. Clearly, immigration laws should be enforced by the Government and not by the employer.

Hispanics won a victory yesterday. But we must not ignore the fact that something must be done to curb the increasing flow of illegal immigration. We must work with Mexico and other nations to develop a multilateral solution to this problem. Illegal immigration is not merely a domestic problem and we must look to the source if we are going to find an answer. We must come up with a viable alternative that protects the rights of Hispanic citizens here in America, and still provides an equitable solution for American workers. Developing border industries in Mexico to create jobs, enforcing current labor laws in the United States and strengthening our Border Patrol may be steps in the right direction. Employer sanctions certainly are not.

ARMS CONTROL DISAPPOINTMENT

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, I hate to rain on President Reagan's parade. But I have read his latest arms control plan, and I have to say I am disappointed. If stability is our target, this thing is off target.

It does not stop a single new weapon in the President's arms buildup.

It brings down the warhead numbers, but not enough to make a strategic difference. It lets accuracy, reliability, and sneak-attack ability increase without limit. These are the real destabilizers.

Mr. Speaker, the American people want to do more than play with the numbers. They want to stop the onrush of new destabilizing weapons that make nuclear war even more probable.

This plan in no way stops—or even slows—these new weapons. It was designed not to forestall them, but to encourage them.

By clinging to this fixation on building ever more lethal first-strike weapons, we do not gain security, because we also allow the Soviets to improve their own first strike.

On the contrary, the administration's drive toward MX and similar devices steadily increases the vulnerability of our own arsenals, the vulnerability of our own deterrent, and the vulnerability of our own security.

REPRESENTATIVE YOUNG OF MISSOURI INTRODUCES A BILL TO SUSPEND AUTHORIZATION FOR THE IMPORTATION OF ALGERIAN LNG

(Mr. YOUNG of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Missouri. Mr. Speaker, as the winter nears, it is crucial that the Congress bring forth natural gas legislation from its committees and deal with the high costs which will hit the consumer once again.

It is hard to believe that the Congress would sit back and allow the consumer to pay even higher prices than in the past for one of life's necessities.

How can we, as a government, allow the consumer to bear the burdens of the high costs of natural gas because of congressional reluctance to amend the Natural Gas Policy Act of 1978, which is the cause of our Nation's high gas bills?

My constituents are tired of the slow movement in Congress to lower their gas bills which have doubled since 1979 and will increase again this winter.

So, today I am introducing legislation which specifically addresses one of the several reasons for the higher gas prices. My bill deals specifically with the importation of liquified natural gas from Algeria. This bill is similar to a measure introduced by Senator PERCY of Illinois on September 23 which was cosponsored by Senators EAGLETON and DANFORTH of my State along with 6 others from the Midwestern United States.

Like the Percy bill, S. 1882, my bill specifically places a moratorium on the sales of Trunkline LNG to the United States and in no way effects LNG imported by Distrigas. This moratorium is achieved by suspending Trunkline's license to import Algerian LNG for a period of 18 months. After this period, the Department of Energy will determine whether or not it is in the public interest to reissue the import authorization. Such a moratorium will allow a period of time for LNG prices to adjust to market conditions, while preserving the rights of all parties to resume these imports in the future.

The need for this legislation stems from long-term contractual agreements made between Trunkline and Algeria for LNG. Trunkline, which services much of the Midwest began transporting Algerian LNG about 1 year ago. This LNG was being sold at over $7 per Mcf, while plenty of domestic gas was available at less than half the amount.

Must I remind the Congress that the consumers of the Midwest are the same consumers who were hit hard by the recession. These people are the same ones who have seen their gas bills double over a 4-year period. And those are the lucky ones; some have nearly tripled. Where natural gas is concerned these people consume rather than produce. These are the people who live in the Snow Belt not the Sun Belt. Last year we were blessed with a mild winter. That is not the prediction for this year.

It is clear to everyone that Algerian gas is over priced, yet little has changed to reduce this price over the past year and here we are, ready to face an even tougher winter.

It is my hope that the legislation I am offering today will reduce the monthly gas bill of the consumer and in the meantime send a clear message to the Department of Energy and FERC on the steps Congress is willing to take if the pricing issues of Algerian LNG are not dealt with expeditiously with the public interest in mind especially the harsh effects of this high cost gas on the consumer.

NEW START PROPOSAL REPRESENTS A SIGNIFICANT STEP FORWARD

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, the President's announcement yesterday of revised instructions to Ambassador Rowny for the upcoming fifth round of START negotiations is a significant positive development in our quest to achieve an equitable nuclear arms agreement that reduces the danger of nuclear war.

No objective observer can claim that the United States has presented a one-sided proposal that cannot serve as the basis for productive negotiation. We have explicitly stated to the Soviets and to the world that we are willing to offset reductions in areas of the strategic balance where we presently enjoy advantages, such as bombers and air-launched cruise missiles, in exchange for reductions in areas of Soviet advantage. Our position is flexible on how this will be accomplished and I am convinced that we will seriously consider any Soviet counterproposal to meet the goal of force reductions and increased stability.

I want to particularly commend the President for his willingness to work closely with interested Members of Congress and with the bipartisan Scowcroft Commission in formulating the revised U.S. proposal. The role of General Scowcroft in coordinating this effort is especially praiseworthy.

This effort gives us an opportunity to achieve a bipartisan consensus, not only in Congress but across the Nation, which is critical to sending a clear message to the Soviets that they cannot hope to gain from exploiting the natural political debates of a democracy.

The ball is clearly in the Soviets court. They can now demonstrate a true sincerity to reach an agreement by sitting down and negotiating in good faith. Or they continue to stonewall and expose their pronouncements as sheer hypocrisy. The choice is theirs.

THE AWARD OF THE NOBEL PEACE PRICE TO LECH WALESA

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, I join today millions of Americans in saluting Lech Walesa on his award of the Nobel Peace Prize.

In view of his many courageous stands against repression of freedom in his country, it seems appropriate to recall references to those who are prophets with honor, except in their own country. To this effect is the predictable criticism of the award by officials in the Polish Government.

But Lech Walesa is honored in his own country—by the millions there who have supported Solidarity and who share Lech Walesa's opposition to repression by Communist authorities.

For those of us outside of Poland, the award of the peace prize to Lech Walesa should remind us that we must continually seek additional ways to support those who struggle for freedom in Poland, and elsewhere. It is not easy to find feasible and effective ways to implement words of praise with real action, but that search is the best way for us to honor Lech Walesa.

CIVICS LESSON ON DEMOCRACY

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, good morning students, I want you to take out your civics books and turn to the chapter that discusses democracy—the notion that the consent of the governed, majority rule, and one man, one vote is the way our system works, and tear those pages out of your books.

Then I want you to paste in your books an article from this morning's Washington Post relating how the Democratic leadership has "effectively buried legislation designed to limit illegal immigration."

You see, the notion that majority rule has anything to do with the legislative process is absolutely wrong—no matter that this legislation has passed the other body overwhelmingly and has been reported out of at least four House committees.

If the Speaker does not want the bill to be debated or voted on, it is dead. Now everyone should silently apologize to George III—and that is your civics lesson for today.

□ 1140

SPEAKER'S REFUSAL TO ALLOW CONSIDERATION OF IMMIGRATION BILL

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, the stench from the rotting carcass of arrogant political partisanship lies heavily on the air of this Chamber today.

Mr. Speaker, your announced refusal to allow consideration of the immigration bill does a disservice to my constituents, to my part of the country and to the entire Nation.

Mr. Speaker, how great does the problem of immigration have to get before you are going to allow us to act in this body? Evidently 1 million arrests and 2 to 4 million successful entries on the southern border just this year does not constitute a serious problem in your view.

Worse is your unfounded accusations against the President. Mr. Speaker, where is your so-called irrefutable evidence that the President planned to support this bill for 3 years only to veto it if it should reach his desk?

And you accuse the President of being political?

Mr. Speaker, it is time to put up or shut up. Where is your evidence, Mr. Speaker?

But worst is your gratuitous insult directed against those of us who have worked for 5 years on this bill; to compare this bill with the Nazi treatment of the Jews of Germany is unconscionable. It trivializes the Jewish experience at the hands of the Nazis.

In fact, your calculated comments are nothing less than a recipe for a perverse serving of warmed-over McCarthyism.

It is a below-the-belt political attack.

James Watt's misguided and indefensible recent statements pale beside your insulting, intentional, and blatantly political comments.

Mr. Speaker, you owe your fellow Members, you owe our President and you owe the American people an apology.

INVESTIGATION OF BIGEYE BOMB PROBLEMS

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker and my colleagues, from the early part of 1982 until March 1983 certain people in the Defense Department, contractors and others who had information about the Bigeye bomb withheld that information from this Congress so that we made decisions here without the benefit or the knowledge that the Bigeye bomb had some serious problems with it. Now I have asked the GAO to investigate that. But I thought I would report to you, this morning, that we had the Inspector General of the DOD before the Committee on the Budget at 9 a.m.

He went on at great length about his jurisdiction and the fine job that they are doing. In the course of that I learned that they have 18,000 auditors, inspectors, and investigators in the DOD alone; 18,000.

When I was an FBI special agent from 1964 to 1968 we had only 6,000 special agents to investigate all of the crimes that were within the FBI's jurisdiction from coast to coast. And we cracked some pretty good cases.

So I ask the IG: Surely you have one or two birddogs out of those 18,000 investigators who can find out who knew what and when did they know it about the coverup of the Bigeye bomb program. I assure Members: We are going to get to the bottom of this. Surely he has one or two birddogs out of 18,000 people in that department.

DISASTER RELIEF

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, I take the floor today in a special appeal to the President to help those in Arizona who have suffered from the catastrophic flooding in southern and western Arizona.

If the President has not already done so, I am informed he will very shortly announce that he has declared a disaster area in Arizona which will free up Federal aid to those areas affected by the floods to allow the people to rebuild their homes, their businesses, their very lives.

I personally flew over much of the area on Monday. Two of the major highways serving as a vital link for supplies to Tucson have been washed out. The Santa Cruz River, in Tucson, which is normally a dry riverbed, now is reported a flowing river 3 miles wide.

The President's disaster declaration will be welcome news. However, due to the severe flooding in the recent past, and the civil strife due to virtual collapse of the copper industry in Arizona, the Governor's emergency funds account is nearly depleted. I am urging the President to waive the cost-shar-

ing requirements in this special instance and help those Arizonans rebuild after this catastrophe.

NEA HIT LIST IS UNFAIR

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, the National Education Association (NEA) put me on their hit list over the weekend because of what they described as my "antieducation" voting record.

The NEA Washington leadership, Mr. Speaker, is lying about my record. I called NEA spokesman Joe Standa yesterday and he told me that four votes were used to judge Republican incumbents: nuclear freeze, the Jones budget resolution, the social security bipartisan package and a vote on the vocational rehabilitation amendment.

Ironically, on the one specific education vote, the vocational rehabilitation amendment, I voted "right" according to the NEA.

Mr. Speaker, I have voted for every educational bill in the 98th Congress such as the Emergency School Aid Act, the followthrough amendments. I voted for every Labor-HHS appropriations bill—the primary funding, legislation for Federal education programs.

The NEA hit list is arbitrary, capricious and patently unfair.

The NEA hit list smacks of unhealthy partisanship and shallowness. Questions of fairness arise in my mind when one realizes that all 37 incumbent Congressmen on the hit list are Republican. That simply is not fair especially in light of our records.

I plan on taking a special order today, later on this afternoon, Mr. Speaker, to further underscore the unfairness of the NEA hit list.

EXCESSIVE SPENDING TO BEAT THE FISCAL YEAR DEADLINE

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I, along with many of my colleagues, support a strong defense. Such support is difficult when our constituents demand substantial cuts in defense spending, citing spare parts scandals and massive cost overruns in defense contracts.

The Defense Department, reeling from the spare parts publicity, promised to follow stricter management procedures to avoid such wasteful problems.

Now, a month after the spare parts disclosures, it is revealed that the Pentagon "unloaded" $4.2 billion in one day to avoid turning money back to the taxpayers.

It was reported that this spending spree, completed on the last day of the 1983 fiscal year, amounted to the largest single-day defense expenditure since American fighting in the Vietnam war ended. The Pentagon awarded 234 contracts and wiped out what would have been a surplus. A majority of these awards were in the form of "sole source" contracts, which are precisely what created the spare parts outrage.

The rapid award of these contracts hardly indicates that possibilities of cost overruns and change orders have been examined and will be avoided.

Mr. Speaker, during this period of enormous deficits and bare-bones spending allocations by Congress to much-needed Federal programs, it is outrageous that the Pentagon should find itself immune to and insulated from prudent management and the critical necessity for frugal spending.

I regret that the Pentagon did not respect the need for cost effective management in its rush to spend every available dollar.

I regret that they did not choose to give the American taxpayer confidence in their management by returning a portion of the unexpended funds.

THE MOTHER WHO WORKS AT HOME SHOULD BE ELIGIBLE FOR IRA

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, I should like to commend to the Members' attention an article in this morning's Washington Post. It is not on the editorial page nor is it concerned with Lebanon or arms control but it is of very great interest to over one-half of our constituents and Members who profess to be concerned with the rights of women and the well-being of the elderly should be particularly interested.

The article, on page C5 is by Veronica Quinn Heller, who is described only as a woman employed at a Washington law firm. The point of her article is the same one I have been making for the past 3 years, namely, the current law regarding individual retirement accounts discriminates against, as she puts it, "the mother who works" at home.

I urge each of you to read this important article because she is speaking for a very large group of Americans. I have introduced legislation, H.R. 765, to correct this inequity. It is my sincere hope that the Congress will listen to the American people on this issue and make retirement planning available to all—regardless of sex.

□ 1150

A WHOLE NATION UNDER THE SKY

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, China is a nation which is struggling to modernize technologically, but its society is surely among the most civilized of all nations in that it adheres to the modern principle that women are "half the sky."

I am one of those people who was raised in a State that believes that women can and should serve as associates, competitors, peers and leaders with their male counterparts. When I was a small child in Arkansas, Hattie Caraway was elected to the U.S. Senate, the first woman to be elected to that body.

In response recently to a questionnaire of candidates, Democratic candidates for President said they would welcome a woman as Vice President and one candidate even a woman as President.

I would hope that President Reagan would come out of his cave and join those of us who support the equal rights amendment in order to add this needed improvement to our Constitution.

Americans deserve to live in a nation which is under a whole sky.

APPOINTMENT AS MEMBERS OF SPECIAL JOINT COMMITTEE ON ARRANGEMENTS TO COMMEMORATE 100TH ANNIVERSARY OF THE BIRTH OF HARRY S. TRUMAN

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 126, 98th Congress, the Chair appoints as members of the Special Joint Committee on Arrangements to commemorate the 100th anniversary of the birth of Harry S. Truman the following Members on the part of the House to serve with himself:

Mr. PEPPER of Florida;
Mr. YATES of Illinois;
Mr. SKELTON of Missouri;
Mr. WHEAT of Missouri;
Mr. TAYLOR of Missouri;
Mr. COLEMAN of Missouri; and
Mr. EMERSON of Missouri.

THE WILLIAM A. STEIGER POST OFFICE BUILDING

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the bill (H.R. 3835) to designate the U.S. Post Office Building in Oshkosh, Wis., as the "William A. Steiger Post Office Building," and

ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan (Mr. FORD)?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office Building located at 1025 West 20th Avenue, Oshkosh, Wisconsin, shall hereafter be known and designated as the "William A. Steiger Post Office Building". Any reference in any law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "William A. Steiger Post Office Building".

The SPEAKER. The gentleman from Michigan (Mr. FORD) is recognized for 1 hour.

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is to pay honor to a former Member and friend who made significant contributions to this body and our Nation before his death at an early age nearly 5 years ago.

William A. Steiger is well deserving of this tribute. He was a Republican Member who served all the residents of Wisconsin's sixth district well. He was a remarkable man whose substance and style transcended partisan politics.

He was a reformer who remained dedicated to his party and the traditions of the institution he served. Above all, he was effective.

He devised the compromise that permitted passage of the Occupational Safety and Health Act of 1970. He was instrumental in insuring passage of the program providing legal services to the poor.

Despite an illness that plagued him from childhood, he poured an enviable amount of energy into politics and public office.

At the time of his death, Mr. OBEY of Wisconsin described him as the Republican "who was the most effective bridge between the parties in Congress."

That kind of talent is rare indeed, as was Bill himself. There is no doubt in my mind that during his career, he earned the lasting memorial that is proposed here today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I rise in support of this unanimous-consent request to name the post office building in Oshkosh, Wis., the William A. Steiger Post Office Building.

Bill Steiger, my predecessor, passed away on December 4, 1978, at the age of 40. I was a personal friend of Bill's for more than 20 years. Even in high school, as a very young man, he demonstrated his outstanding leadership abilities.

He was elected Governor of Badger Boys State by the youth of the entire State of Wisconsin, and selected by the staff of that institution to be Wisconsin's representative at Boys' Nation here in Washington, D.C. He was also elected as a national officer in the Young Republicans and was Wisconsin Chairman of Teens Against Polio at the time that was the major childhood disease.

While in high school, he was awarded the Young American Medal of Service, presented to him at the White House by President Eisenhower.

Bill graduated from the University of Wisconsin with a degree in economics. And after graduating, ran for the State assembly and won. During his three terms, he was chairman of one of the committees of the assembly, the second youngest committee chairman in the history of our State.

When Bill ran for and won a seat in Congress in 1966, he became the second youngest Member of this Congress. Bill may be most remembered for spearheading the drive to reduce taxes on capital gains. But he also played major roles in proposing legislation aimed at providing for workers' safety on the job, reforming the House committee system, establishing a volunteer army, and helping poor people to gain fair access to our court system.

Bill had a reputation in Congress as being bright, honest, full of energy, and very personable. And these qualities were acknowledged, as we have heard, by Representatives on both sides of the aisle. He was a very fine family man and a true statesman.

As a humble tribute to a great man, I believe it is fitting to name the post office building in Bill's hometown as the William A. Steiger Post Office Building.

The concept for a new post office in Oshkosh was initiated by former Congressman John Race, who represented the area before Bill was elected. And Oshkosh appreciates John's special efforts on this project.

I would also like to sincerely thank my colleague, the gentleman from Michigan (Mr. BILL FORD) and the gentleman from New Jersey (Mr. HOWARD) for bringing the legislation to the floor at this time and in this special way.

The people of Bill's hometown will be especially appreciative of the House acting favorably on this legislation, as Oshkosh holds an event to commemorate the memory of Bill Steiger this weekend.

Mr. FORD of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. MOODY).

Mr. MOODY. Mr. Speaker, I rise today in support of H.R. 3835, a bill to rename the post office building in Oshkosh, Wis., the William A. Steiger Post Office Building. And to commend the gentleman from Wisconsin (Mr. PETRI) and the chairman, the gentleman from Michigan (Mr. FORD) for authoring and moving this bill.

I was not fortunate enough to serve in Congress with the late Congressman Steiger. Nonetheless, I am very much aware of this great public servant's contribution to the House and his tireless work for the citizens of the sixth district. I know that Congressman Steiger was an articulate and admirable representative for the interests of Wisconsin. He supported issues which transcend partisan politics and State boundaries.

The renaming of the Oshkosh Post Office Building in honor of Bill Steiger is a worthy tribute to a great man. I am honored to be a cosponsor of this measure. I urge the passage of H.R. 3835.

Mr. FORD of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. ROTH).

Mr. ROTH. Mr. Speaker, Bill Steiger was truly an outstanding Congressman. The chairman, the gentleman from Michigan (Mr. FORD) mentioned that the Congressman from Wisconsin (Mr. OBEY), had stated that Bill Steiger was a bridge between the two parties.

We all remember very well during the eulogy for Bill Steiger, the Speaker delivered some very laudatory words about Congressman Steiger, which we, on this side of the aisle, and back home in Wisconsin, all appreciated very much.

That incident underscored the tremendous respect that Bill Steiger had here in this House. He was a patriot, he was a statesman, he was a good friend of mine. For 14 years, Mr. Steiger served in this body.

□ 1200

He represented the sixth district of Wisconsin through the Vietnam war, through the gains that we made in the space program, and through many of the historic events of the past decade.

Those of us who had the opportunity to know Bill Steiger knew that he was destined to be a great statesman, and serve our American Republic in many offices. He exemplified in every way and every day, what was the best in our Republic. His untimely death was a real tragedy for his family, Wisconsin, the Republican Party, and our democracy. Mr. Speaker, I rise in support of naming the Oshkosh post office, the William A. Steiger Post Office Building.

● Mr. GUNDERSON. Mr. Speaker, today the House passed legislation which designates the U.S. Post Office Building in Oshkosh, Wis., as the William A. Steiger Post Office Building. It

was with great pleasure that I joined my colleagues from Wisconsin in supporting this effort.

Bill Steiger was a Congressman of exceptional dedication, talent, and integrity. Many of us remember his fine work in the Wisconsin State Legislature before his election to the House of Representatives. His great sensitivity to the diversified needs of the district he represented was, indeed, an inspiration to all of us who knew him.

Perhaps his greatest contribution, however, was the example he set as a statesman when he served in the House. Wisconsin is well known for its progressive tradition in government and politics. Bill Steiger personified this concept and gained a reputation as one who could transcend party lines to work effectively with the minority and majority in supporting national policy he believed was best for our country.

As a second-term Congressman, I often remind myself of the many varied legislative achievements made by Bill Steiger, such as the passage of the Occupational Safety and Health Act in 1970, the creation of an all-volunteer military service, and his success in reducing our capital-gains taxes in 1978.

Bill Steiger knew that public officials have far more in common than not. He believed in working together to form legislation that would benefit the future of our country and its citizens.

Mr. Speaker, Wisconsin and the Nation has missed this man of high standards and values. It is my hope that more of us will remember the example he set for us to follow.●

Mr. FORD of Michigan. Mr. Speaker, I have no further requests for time.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill, H.R. 3835, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

JAPANESE AUTOMOBILE IMPORTS

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, this morning I woke up to read the New York Times quoting Japanese Minister of International Trade and Industry Uno as hinting that he will seek a sharp increase in the number of automobiles Japan ships to the United States when the current agreement expires.

Evidently Mr. Uno was insisting that any new curbs take into account the position of Japanese auto companies—some position: Record profits and record production compared with 3 record low years of U.S. auto production and jobs.

This is clear evidence of a total misunderstanding on the part of the Japanese Government of the mood of the Congress on this issue.

No numbers were quoted, just a sharp increase. If this means that Japan wants an additional one-half million units—a number that had been bandied about in the press:

This would hand one-half of the long delayed recovery in the U.S. auto market to the Japanese.

This amounts to the output of two assembly plants, an engine plant, a transmission plant, 400,000 tons of steel and most importantly, 100,000 U.S. jobs.

I have introduced House Concurrent Resolution 178, which would call on the administration to promptly urge Japan to extend the present restraint program at carryover levels.

I hope the House will move promptly to pass this resolution.

At the same time, we in Congress should make it clear to the administration that these comments by Minister Uno cannot be allowed to stand: The administration should take the opportunity to set the Japanese Government straight about the sentiment in the United States.

CONFERENCE REPORT ON H.R. 3363, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. YATES, Mr. Speaker, I call up the conference report on the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other reasons.

The SPEAKER. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 30, 1983.)

The SPEAKER. The gentleman from Illinois (Mr. YATES) will be recognized for 30 minutes and the gentleman from Pennsylvania (Mr. MCDADE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we bring to the House today a good conference report. The agreement by the conferees provides a total of $7,953,783,000, which is approximately $1.2 billion over the budget estimate of the President but it is $670,676,000 below the total appropriations for fiscal year 1983. It is below the 302 allocation approved by the Congress. It is almost $1 billion below that allocation. The total is also under both the House and the Senate bills by more than $100 million.

The agreement includes $230,390,000 to continue high priority land acquisition activities under the land and water conservation fund. A total of $3,093,196,000 is provided for the natural resource agencies, including $1,354,006,000 for the Forest Service and $1,739,190,000 for management of the public lands, wildlife refuges and for the national parks.

The report addresses critical energy issues. It is particularly impressive in providing $431 million for energy conservation activities, including $48 million for the schools and hospitals program and $190 million for low-income weatherization. And incidentally, Mr. Speaker, last night I happened to see on the news programs a press conference by Secretary Hodel of the Department of Energy. He pointed out how proud his Department was of the amount of funding that had been made available and the interest that the Department had in conservation activities. This is a welcome change, Mr. Speaker, from the attitude of the Department and of the administration over previous years when this committee had to provide the funds for the various conservation programs. And so we say, "Welcome to the world of reality, Secretary Hodel, welcome to the world of conservation, which is of extreme importance, as recognized by our subcommittee."

Mr. Speaker, if there is one part of the conference report which I regret, it is the part relating to the strategic petroleum reserve. The conferees, faced with the prospect of a veto by the President, have agreed upon funding that will provide for a daily fill rate of 186,000 barrels per day rather than a fill rate of 220,000 which Congress had approved time and again.

The conferees on the part of the House sought to maintain the 220,000-barrel-per-day fill rate but were restrained from doing so by the prospect of the veto. There is also the realization that the lower fill rate is necessary because we do not have the storage capacity to accommodate the 220,000-barrel-per-day fill rate. We hope that that may be achieved as promptly as possible. It is for that reason, too, that I think it is bad policy in this report to postpone the funding for construction of the permanent storage facility at Big Hill, Tex., a storage facility that will accommodate 140 million barrels of oil. That

will be postponed at a saving, may I say, in this bill of $370 million.

I can report to the House, Mr. Speaker, that a statement of administration policy, dated October 3, 1983, says that the bill that has been approved is generally consistent with administration policy.

That assumes, Mr. Speaker, that the bill will receive the approval of the administration if it is passed by the House.

The conference report recognizes the importance of continuing our support for the cultural resources of this Nation, and includes $162 million for the National Endowment for the Arts and $140 million for the National Endowment for the Humanities, $20,150,000 for the Institute of Museum Services, and $166,803,000 for the Smithsonian Institution.

The report includes modified versions of the provisions included in the House bill related to offshore oil and to coal leasing. With regard to OCS leasing, the report includes a 1-year moratorium on oil and gas leasing within portions of OCS lease sale 82 (Georges Bank) and portions of the Eastern Gulf of Mexico sale area; and establishes a permanent ban on leasing in a 3-mile area adjacent to State oil and gas drilling sanctuaries in portions of the southern California OCS planning area. These provisions will allow OCS leasing to continue in nonprohibited areas while providing for interested States and individuals and the Department of the Interior to resolve concerns associated with these sales.

The modification of the coal leasing provision gives further guidance to the Coal Leasing Commission established by the fiscal year 1983 Supplemental Appropriations Act, while also providing for a simultaneous review of the environmental issues surrounding coal leasing and development by the Office of Technology Assessment. The provision also includes a moratorium on further coal leasing until 90 days after the Commission has submitted its report to the Congress.

The statement of the managers excluded several other agreements that should have been included. They are:

Fish and Wildlife Service—animal damage control. The managers have agreed to fund the research stations at Bend, Oreg. and Olympia, Wash. in this program through fiscal year 1984. These programs support the program of the Forest Service. The managers expect these programs to be in the Forest Service budget in fiscal year 1985.

Institute of Museum Services—conservation grants. The managers agree that within the $3,000,000 provided for conservation grants $150,000 is to be allocated to the American Association of Museums to develop a program for conservation of cultural objects and property in cooperation with the National Institute for Conservation of Cultural Property and the American Institute of Conservation.

Bureau of Indian Affairs—housing program. The managers agree that no relocation of the management of the housing program was envisioned in moving the funding from the operations to the construction account, and the program should remain under the direction of the BIA Central Office.

Office of Surface Mining, Abandoned Mine Reclamation fund. The managers agreed that funding for the Wise County, Va. water project is to be derived from the State share under section 402(g)(2) of Public Law 95-87.

Fossil energy. The managers agreed that the increase for engineering and environmental analyses allows $1,000,000 for technology data base, $2,100,000 for the Grand Forks slagging gasifier and a total of $1,300,000 for associated engineering, environmental and socioeconomic analysis.

Energy conservation. The managers agree that the new appropriation for the inventor's program is $3,000,000, not $1,500,000 as indicated in the conference report. Also, in the Bureau of Mines, there is a reduction of $1,500,000 to the House position for ground control.

Reprograming procedures. The managers agree that the following are the current procedures governing reprograming actions for programs and activities funded in the Interior Appropriations Act:

1. *Definition.*—"Reprograming," as defined in these procedures, includes the reallocation of funds from one budget activity to another. In cases where either Committee report displays an allocation of an appropriation below the activity level, that finer level of detail shall be the basis for reprograming. For construction accounts, a reprograming constitutes the reallocation of funds from one construction project identified in the justifications to another. A reprograming shall also consist of any significant departure from the program described in the agency's budget justifications. This includes proposed reorganizations.

2. *Criteria for reprograming.*—(a) Any project or activity which may be deferred through reprograming shall not later be accomplished by means of further reprograming; but, instead, funds should again be sought for the deferred project or activity through the regular appropriation process.

(b) A reprograming should be made only when an unforeseen situation arises; and then only if postponement of the project or the activity until the next appropriation year would result in actual loss or damage. Mere convenience or desire should not be factors for consideration.

(c) Reprograming should not be employed to initiate new programs or to change allocations specifically denied, limited or increased by the Congress in the Act or the report. In cases where unforeseen events or conditions are deemed to require such changes, proposals shall be submitted in advance to the Committee, regardless of amounts involved, and be fully explained and justified.

3. *Reporting and approval procedures.*—(a) Any proposed reprograming must be submitted to the Committee in writing prior to implementation if it exceeds $250,000 annually or results in an increase or decrease of more than 10 percent annually in affected programs, with the following exceptions:

(1) Any land purchase not exceeding $100,000.

(2) Any construction project not exceeding $100,000, or which results in an increase or decrease of not more than 25 percent annually.

(3) Savings from a construction project in one of the Trust Territory governments may be applied to a shortfall on another project in the same area.

Timely reports on these reprogramings shall be forwarded to the Committee by the Department.

(b) All reprogramings shall be reported to the Committee quarterly and shall include cumulative totals.

(c) Any significant shifts of funding among object classifications should also be reported to the Committees in a timely manner.

(d) Reprograming proposals submitted to the Committee for prior approval shall be considered approved after 30 calendar days if the Committee has posed no objection. However, agencies will be expected to extend the approval deadline if specifically requested by either Committee.

4. *Administrative Overhead Accounts.*—For all appropriations where costs of overhead administrative expenses are funded in part from "assessments" of various budget activities within an appropriation, the assessments shall be shown in justifications under the discussion of administrative expenses.

5. *Contingency Accounts.*—For all appropriations where assessments are made against various budget activities or allocations for contingencies, the Committee expects a full explanation, separate from the justifications. The explanation shall show the amount of the assessment, the activities assessed, and the purpose of the fund. The Committee expects reports each year detailing the use of these funds. In no case shall such a fund be used to finance projects and activities disapproved or limited by Congress or to finance new permanent positions or to finance programs or activities that could be foreseen and included in the normal budget review process. Contingency funds shall not be used to initiate new programs.

6. *Declarations of taking.*—An increasing number of declarations of taking are resulting in court awards far in excess of amounts deposited with the court. The Committee, therefore, directs the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service to seek Committee approval in advance of filing declarations of taking.

7. *Report language.*—Any limitation, directive, or earmarking contained in either the House or Senate report which is not contradicted by the other report nor specifically denied in the conference report shall be considered as having been approved by both Houses of Congress.

8. *Government Comptrollers.*—Vacancies occurring in the offices of the Government Comptrollers, Office of the Inspector General, shall not be reallocated to any other organization unless approved through reprograming procedures.

9. *U.S. Forest Service.*—The following procedures shall apply to the U.S. Forest Service, Department of Agriculture:

(a) The Forest Service shall not change the boundaries of any region, abolish any region, move or close any regional office for research, State and private forestry, or National Forest System administration, without the consent of the House and Senate Committees on Appropriations and the Senate Committee on Agriculture, Nutrition, and Forestry, and the House Committee on Agriculture, in compliance with these reprograming procedures.

(b) The appropriation structure for the Forest Service shall not be altered without advance approval of the House and Senate Committees on Appropriations.

(c) Provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) shall apply to appropriations available to the Forest Service only to the extent that the proposed transfer is approved by the House and Senate Committees on Appropriations in compliance with these reprograming procedures.

10. *Assessments.*—No assessments shall be levied against any program, budget activity, subactivity, or project funded by the Interior Appropriations Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees, in compliance with these procedures.

11. *Land acquisitions*—Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91-646) except for condemnations and declarations of taking, unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with these procedures.

Mr. Speaker, I include at this point in the RECORD a table comparing new obligational authority recommended in the bill for 1984 and the respective recommendations contained in the House and Senate bills and comparison thereto:

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted including Supplementals	FY 1984 Estimates	House	Senate	Conference
TITLE I - DEPARTMENT OF THE INTERIOR					
LAND AND WATER RESOURCES					
Bureau of Land Management					
Management of lands and resources	334,821,000	352,563,000	348,852,000	359,014,000	359,601,000
Construction and access	2,243,000	1,200,000	1,200,000	2,200,000	1,200,000
Payments in lieu of taxes	96,320,000	96,320,000	96,320,000	105,000,000	105,000,000
Land acquisition	311,000	130,000	2,189,000	765,000	1,391,000
Oregon and California grant lands (indefinite, appropriation of receipts)	57,620,000	49,136,000	51,536,000	51,536,000	51,536,000
Range improvements (indefinite, appropriation of receipts)	11,199,000	10,000,000	8,604,000	10,000,000	10,000,000
Service charges, deposits, and forfeitures (indefinite, special fund)	10,000,000	13,000,000	13,000,000	10,000,000	10,000,000
Miscellaneous trust funds (indefinite)	100,000	100,000	100,000	100,000	100,000
Total, Bureau of Land Management	512,614,000	522,449,000	521,801,000	538,615,000	538,828,000
FISH AND WILDLIFE AND PARKS					
United States Fish and Wildlife Service					
Resource management	266,017,000	246,340,000	269,530,000	262,338,000	270,803,000
Construction and anadromous fish	20,665,000	14,400,000	21,816,000	19,785,000	27,301,000
Migratory bird conservation account (definite, repayable advance)	2,000,000	---	7,000,000	2,000,000	7,000,000
Land acquisition	27,200,000	---	42,316,000	30,100,000	42,297,000
National Wildlife Refuge Fund	5,760,000	5,760,000	5,760,000	5,760,000	5,760,000
Total, United States Fish and Wildlife Service	321,642,000	266,500,000	346,422,000	319,983,000	353,161,000
National Park Service					
Operation of the national park system	605,279,000	599,792,000	602,065,000	608,302,000	601,095,000
National recreation and preservation	10,055,000	---	11,325,000	---	10,377,000
Urban park and recreation fund	40,000,000	---	10,000,000	---	6,700,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	---	---	---	---
Historic preservation fund	51,000,000	---	26,500,000	26,000,000	26,500,000
Planning, Development and Operation, Visitors facilities fund	---	5,800,000	---	5,800,000	5,800,000
Construction	160,096,000	72,475,000	42,637,000	28,555,000	44,037,000
(Liquidation of contract authority)	---	---	---	(19,000,000)	(14,000,000)
Land acquisition and state assistance	250,705,000	54,671,000	161,471,000	149,450,000	148,150,000
John F. Kennedy Center for the Performing Arts	4,336,000	4,342,000	4,542,000	4,542,000	4,542,000
Total, National Park Service	1,091,471,000	737,080,000	858,540,000	822,649,000	847,201,000
Total, Fish and Wildlife and Parks	1,413,113,000	1,003,580,000	1,204,962,000	1,142,632,000	1,200,362,000
ENERGY AND MINERALS					
Geological Survey					
Surveys, investigations, and research	371,784,000	350,928,000	374,951,000	356,074,000	367,080,000
(By transfer)	(40,200,000)	---	---	---	---
Barrow area gas operation, exploration and development	6,400,000	---	---	---	---
Digital cartography	---	6,028,000	---	---	---
Total, Geological Survey	378,184,000	356,956,000	374,951,000	356,074,000	367,080,000
Minerals Management Service					
Leasing and royalty management	198,495,000	164,218,000	155,103,000	163,803,000	163,561,000
(Transfer to general fund)	---	(-126,550,000)	(-126,550,000)	---	---
Bureau of Mines					
Mines and minerals	144,568,000	117,583,000	127,865,000	129,925,000	136,425,000
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	60,983,000	63,497,000	65,900,000	65,050,000	65,450,000
Abandoned mine reclamation fund (definite, trust fund)	213,079,000	218,802,000	251,028,000	218,779,000	229,228,000
Total, Office of Surface Mining Reclamation and Enforcement	274,062,000	282,299,000	316,928,000	283,829,000	294,678,000
Total, Energy and Minerals	995,309,000	921,056,000	974,847,000	933,631,000	961,744,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted including Supplementals	FY 1984 Estimates	House	Senate	Conference
INDIAN AFFAIRS					
Bureau of Indian Affairs					
Operation of Indian Programs	954,127,000	836,515,000	844,461,000	819,710,000	822,302,000
Construction	131,940,000	41,325,000	56,320,000	75,425,000	78,920,000
Road construction	43,585,000	4,000,000	4,000,000	4,000,000	4,000,000
Papago Trust Fund	15,000,000	---	---	---	---
Cooperative Fund (Papago)	5,250,000	---	---	---	---
Eastern Indian land claims fund	---	---	---	900,000	900,000
Tribal trust funds:					
Definite amount	3,000,000	4,000,000	4,000,000	4,000,000	4,000,000
Indefinite amount	60,000,000	59,000,000	59,000,000	59,000,000	59,000,000
Revolving fund for loans (limitation on direct loans)	(19,970,000)	(13,075,000)	(13,075,000)	(13,075,000)	(13,075,000)
Indian loan guaranty and insurance fund (limitation on guaranteed loans)	(15,800,000)	(19,000,000)	(19,000,000)	(19,000,000)	(19,000,000)
Total, Bureau of Indian Affairs	1,212,902,000	944,840,000	967,781,000	963,035,000	969,122,000
TERRITORIAL AND INTERNATIONAL AFFAIRS					
Administration of territories	85,989,000	62,150,000	75,262,000	86,564,000	79,262,000
Trust Territory of the Pacific Islands	95,840,000	87,989,000	104,973,000	111,767,000	112,109,000
Total, Territorial Affairs	181,829,000	150,139,000	180,235,000	198,331,000	191,371,000
DEPARTMENTAL OFFICES					
Office of the Secretary	42,587,000	44,006,000	41,882,000	43,806,000	44,068,000
Office of the Solicitor	19,551,000	18,647,000	19,263,000	19,663,000	19,463,000
Office of the Inspector General	21,900,000	17,185,000	17,100,000	16,899,000	16,814,000
Construction Management	896,000	896,000	1,275,000	800,000	800,000
Office of the Secretary (Special foreign currency program)	---	420,000	420,000	420,000	420,000
Office of Water Policy	8,118,000	1,532,000	---	7,882,000	6,350,000
Total, Secretarial Offices	93,052,000	82,686,000	79,940,000	89,470,000	87,915,000
Total, title I, new budget (obligational) authority, Department of the Interior	4,408,819,000	3,624,750,000	3,929,566,000	3,865,714,000	3,949,342,000
Appropriations	(4,438,819,000)	(3,624,750,000)	(3,929,566,000)	(3,865,714,000)	(3,949,342,000)
Rescissions	(-30,000,000)	---	---	---	---
(Liquidation of contract authority)	---	---	---	(19,000,000)	(14,000,000)
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest research	107,672,000	100,766,000	110,316,000	105,108,000	108,555,000
State and private forestry	62,835,000	25,058,000	64,169,000	51,730,000	60,579,000
National forest system	1,097,277,000	872,841,000	869,873,000	894,041,000	888,506,000
Construction	310,566,000	239,099,000	241,604,000	257,619,000	251,724,000
Timber receipts transfer to General Fund	(-64,516,000)	(-64,516,000)	(-64,516,000)	(-64,516,000)	(-64,516,000)
Timber purchaser credits	(240,000,000)	(291,300,000)	(240,000,000)	(291,300,000)	(240,000,000)
Youth Conservation Corps (transfer out) (non-add)	(10,000,000)	---	---	---	---
Land acquisition	56,877,000	10,070,000	36,352,000	32,400,000	38,552,000
Acquisition of lands for national forests, special acts (special fund, indefinite)	753,000	780,000	780,000	780,000	780,000
Acquisition of lands to complete land exchanges (special fund, indefinite)	147,000	20,000	20,000	20,000	20,000
Range betterment fund (special fund, indefinite)	5,800,000	5,200,000	5,200,000	5,200,000	5,200,000
Miscellaneous trust funds	90,000	90,000	90,000	90,000	90,000
Total, Forest Service	1,642,017,000	1,253,924,000	1,328,404,000	1,346,988,000	1,354,006,000
DEPARTMENT OF ENERGY					
Fossil energy research and development	217,514,000	94,000,000	265,914,000	248,714,000	259,214,000
(By transfer)	(73,700,000)	(39,000,000)	(39,000,000)	(39,000,000)	(39,000,000)
Naval petroleum and oil shale reserves	222,000,000	266,100,000	256,100,000	256,600,000	256,600,000
Energy conservation	429,290,000	74,377,000	528,045,000	360,681,000	431,131,000
(By transfer)	(64,000,000)	---	---	---	---
Economic regulation	35,666,000	22,591,000	30,330,000	25,125,000	30,330,000
Strategic petroleum reserve and emergency preparedness	242,118,000	158,770,000	158,770,000	534,000,000	158,770,000
SPR petroleum account	(2,074,060,000)	(583,100,000)	(1,686,000,000)	(1,316,000,000)	(650,000,000)
Energy Information Administration	58,582,000	50,800,000	56,870,000	54,350,000	55,870,000
Total, Department of Energy	1,205,170,000	666,638,000	1,296,029,000	1,479,470,000	1,191,915,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted including Supplementals	FY 1984 Estimates	House	Senate	Conference
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Health Services Administration					
Indian health services	679,216,000	652,706,000	801,798,000	734,651,000	770,408,000
Indian health facilities	73,700,000	---	69,015,000	31,389,000	53,595,000
Total, Indian health	752,916,000	652,706,000	870,813,000	766,040,000	824,003,000
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Indian education	69,185,000	1,243,000	71,243,000	67,248,000	68,780,000
OTHER RELATED AGENCIES					
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION					
Salaries and expenses	7,691,000	16,896,000	13,783,000	18,783,000	18,783,000
SMITHSONIAN INSTITUTION					
Salaries and expenses	147,256,000	154,354,000	156,533,000	153,108,000	155,263,000
Museum programs and related research (special foreign currency program)	2,000,000	9,040,000	5,040,000	7,040,000	7,040,000
Construction and improvements, National Zoological Park	1,550,000	3,500,000	3,500,000	3,500,000	3,500,000
Restoration and renovation of buildings	8,450,000	9,000,000	9,100,000	9,000,000	9,000,000
Construction (rescission)	36,500,000	---	---	-8,000,000	-8,000,000
Subtotal	195,756,000	175,894,000	174,173,000	164,648,000	166,803,000
Salaries and expenses, National Gallery of Art	33,137,000	34,915,000	34,209,000	34,790,000	34,389,000
Salaries and expenses, Woodrow Wilson International Center for Scholars	2,341,000	2,568,000	2,568,000	2,568,000	2,568,000
Total, Smithsonian Institution	231,234,000	213,377,000	210,950,000	202,006,000	203,760,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES					
National Endowment for the Arts					
Salaries and expenses	101,675,000	86,800,000	121,300,000	102,400,000	118,900,000
Administrative expenses	12,600,000	13,100,000	13,100,000	12,600,000	13,100,000
Subtotal	114,275,000	99,900,000	134,400,000	115,000,000	132,000,000
Matching grants (indefinite)	29,600,000	25,100,000	30,600,000	28,000,000	30,000,000
Total, National Endowment for the Arts	143,875,000	125,000,000	165,000,000	143,000,000	162,000,000
National Endowment for the Humanities					
Salaries and expenses	90,619,000	72,840,000	107,750,000	88,500,000	97,750,000
Administrative expenses	11,700,000	12,290,000	12,750,000	12,500,000	12,750,000
Subtotal	102,319,000	85,130,000	120,500,000	101,000,000	110,500,000
Matching grants (indefinite)	27,928,000	27,070,000	29,500,000	29,000,000	29,500,000
Total, National Endowment for the Humanities	130,247,000	112,200,000	150,000,000	130,000,000	140,000,000
Institute of museum services: program operations	10,800,000	11,520,000	21,500,000	14,150,000	20,150,000
Total, National Foundation on the Arts and the Humanities	284,922,000	248,720,000	336,500,000	287,150,000	322,150,000
COMMISSION OF FINE ARTS					
Salaries and expenses	328,000	365,000	340,000	340,000	340,000
ADVISORY COUNCIL ON HISTORIC PRESERVATION					
Salaries and expenses	1,522,000	1,051,000	1,546,000	1,546,000	1,546,000
NATIONAL CAPITAL PLANNING COMMISSION					
Salaries and expenses	2,404,000	2,595,000	2,452,000	2,447,000	2,447,000
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION					
Salaries and expenses	---	20,000	20,000	20,000	20,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted including Supplementals	FY 1984 Estimates	House	Senate	Conference
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION					
Salaries and expenses	2,350,000	2,275,000	2,275,000	2,275,000	2,275,000
Land acquisition and development fund (borrowing authority)	---	4,000,000	---	---	---
Public development	8,750,000	10,000,000	9,600,000	9,600,000	9,600,000
Total, Pennsylvania Avenue Development Corporation	11,100,000	16,275,000	11,875,000	11,875,000	11,875,000
FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE					
Permitting and enforcement	6,125,000	9,115,000	6,500,000	2,963,000	2,963,000
UNITED STATES HOLOCAUST MEMORIAL COUNCIL					
Holocaust Memorial Council	836,000	1,953,000	1,953,000	1,683,000	1,853,000
NATIVE HAWAIIANS STUDY COMMISSION					
Salaries and expenses	190,000	---	---	---	---
Total, title II, new budget (obligational) authority, related agencies	4,215,640,000	3,084,878,000	4,152,408,000	4,188,559,000	4,004,441,000
Consisting of:					
Appropriations	4,179,140,000	3,080,878,000	4,152,408,000	4,196,559,000	4,012,441,000
Borrowing authority	---	4,000,000	---	---	---
(SPR petroleum account)	(2,074,060,000)	(583,100,000)	(1,686,000,000)	(1,316,000,000)	(650,000,000)
RECAPITULATION					
Total, new budget (obligational) authority, all titles	8,624,459,000	6,709,628,000	8,081,974,000	8,054,273,000	7,953,783,000
Consisting of:					
Appropriations	8,617,959,000	6,705,628,000	8,081,974,000	8,062,273,000	7,961,783,000
Rescissions	6,500,000	---	---	-8,000,000	-8,000,000
Borrowing authority	---	4,000,000	---	---	---
(Limitation on direct loans)	(19,970,000)	(13,075,000)	(13,075,000)	(13,075,000)	(13,075,000)
(Limitation on guaranteed loans)	(15,800,000)	(19,000,000)	(19,000,000)	(19,000,000)	(19,000,000)
(By transfer)	(113,386,000)	(-152,066,000)	(-152,066,000)	(-25,516,000)	(-25,516,000)
(Liquidation of contract authority)	---	---	---	(19,000,000)	(14,000,000)
(SPR petroleum account)	(2,074,060,000)	(583,100,000)	(1,686,000,000)	(1,316,000,000)	(650,000,000)
TITLE I -DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	512,614,000	522,449,000	521,801,000	538,615,000	538,828,000
United States Fish and Wildlife Service	321,642,000	266,500,000	346,422,000	319,983,000	353,161,000
National Park Service	1,091,471,000	737,080,000	858,540,000	822,649,000	847,201,000
Geological Survey	378,184,000	356,956,000	374,951,000	356,074,000	367,080,000
Minerals Management Serivce	198,495,000	164,218,000	155,103,000	163,803,000	163,561,000
Bureau of Mines	144,568,000	117,583,000	127,865,000	129,925,000	136,425,000
Office of Surface Mining Reclamation and Enforcement	274,062,000	282,299,000	316,928,000	283,829,000	294,678,000
Bureau of Indian Affairs	1,212,902,000	944,840,000	967,781,000	963,035,000	969,122,000
Territorial and International Affairs	181,829,000	150,139,000	180,235,000	198,331,000	191,371,000
Secretarial Offices	93,052,000	82,686,000	79,940,000	89,470,000	87,915,000
Total, Title I - Department of the Interior	4,408,819,000	3,624,750,000	3,929,566,000	3,865,714,000	3,949,342,000
TITLE II - RELATED AGENCIES					
Forest Service	1,642,017,000	1,253,924,000	1,328,404,000	1,346,988,000	1,354,006,000
Department of Energy	1,205,170,000	666,638,000	1,296,029,000	1,479,470,000	1,191,915,000
Indian Health	752,916,000	652,706,000	870,813,000	766,040,000	824,003,000
Indian Education	69,185,000	1,243,000	71,243,000	67,248,000	68,780,000
Navajo and Hopi Indian Relocation Commission	7,691,000	16,896,000	13,783,000	18,783,000	18,783,000
Smithsonian	195,756,000	175,894,000	174,173,000	164,648,000	166,803,000
National Gallery of Art	33,137,000	34,915,000	34,209,000	34,790,000	34,389,000
Woodrow Wilson International Center for Scholars	2,341,000	2,568,000	2,568,000	2,568,000	2,568,000
National Endowment for the Arts	143,875,000	125,000,000	165,000,000	143,000,000	162,000,000
National Endowment for the Humanities	130,247,000	112,200,000	150,000,000	130,000,000	140,000,000
Institute of Museum Services	10,800,000	11,520,000	21,500,000	14,150,000	20,150,000
Commission of Fine Arts	328,000	365,000	340,000	340,000	340,000
Advisory Council on Historic Preservation	1,522,000	1,051,000	1,546,000	1,546,000	1,546,000
National Capital Planning Commission	2,404,000	2,595,000	2,452,000	2,447,000	2,447,000
Franklin Delano Roosevelt Memorial Commission	---	20,000	20,000	20,000	20,000
Pennsylvania Avenue Development Corporation	11,100,000	16,275,000	11,875,000	11,875,000	11,875,000
Federal Inspector for the Alaska Gas Pipeline	6,125,000	9,115,000	6,500,000	2,963,000	2,963,000
Holocaust Memorial Council	836,000	1,953,000	1,953,000	1,683,000	1,853,000
Native Hawaiians Study Commission	190,000	---	---	---	---
Total, Title II - Related Agencies	4,215,640,000	3,084,878,000	4,152,408,000	4,188,559,000	4,004,441,000
Grand total	8,624,459,000	6,709,628,000	8,081,974,000	8,054,273,000	7,953,783,000

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report accompanying H.R. 3363, the Interior and related agencies appropriations bill and to urge its adoption by the Members of this House.

Mr. Chairman, the report before you today does not make many of us completely happy. After two extremely grueling days of preconference and conference, we have a report that tries to reach a middle ground in several very complex policy issues such as the construction and fill rate at the strategic petroleum reserve, the scope of the Coal Commission mandate, the extent of oil and gas leasing on the OCS and the overall dollar amounts that would be acceptable to avoid a veto.

I can tell you today that the choices before us are quite simple. We can accept this report and this bill will be signed by the President. We can reject the report and the very fragile compromises contained here will be further from solution than ever. I think the latter course would be a grave error.

This bill contains $7.935 billion in new budget authority. It is some $128 million below the new budget authority passed by the House earlier this year. This amount is $1.24 billion above the budget estimates but $670 million below 1983 enacted levels. It meets the criteria established by the White House for overall spending levels.

The bill clarifies and improves the legislation creating the Coal Commission which was established in the fiscal year 1983 supplemental appropriations bill. The Commission was to review and make recommendations on how the Interior Department should proceed with lease sales. The Senate language had given the Commission the mandate to examine environmental issues. This was never intended and the makeup of the language is such that its expertise is concentrated in reviewing economic considerations of the proposed sales. The committee has directed the Office of Technology Assessment to conduct the environmental review and report its findings to the Congress. The report also contains the Senate trigger that lifts the moratorium on proposed sales 90 days after the Commission issues its report to Congress. That should allow significant time to resolve any loose ends while causing no great damage to the Nation's coal leasing program.

The committee language regarding oil and gas leasing bans is quite tract specific and I recommend all the Members review it to understand where we are going here. We have responded to concerns from other Members, States, and local environmental groups, industry and concerned citizens about how we should weigh the need to develop this Nation's energy resources against the economic and social conditions of the affected areas. Indeed concern over lease sales in the Georges Bank is so high that I have received letters from practically every Member on both sides of the aisle from east of the Hudson River asking that the sales be restricted.

The committee is not insensitive to such concerns nor should we be. The committee is also not insensitive to the process that exists before leases may be sold. The committee supports this process. The committee supports the implementation of a 5 year OCS leasing plan. But this committee speaks for the Congress in affirming our role to insure that the public interest is managed and balanced by considering a multitude of consequences if wholesale leasing is to go forward. We do not enjoy chipping away at the 5-year plan but we do speak for other interests as well. We must protect the fishing, recreational, national security and other considerations at stake here. We also speak for the States. The Minerals Management Service and the Interior Department are going to have to take a second look at their policies and their attitudes toward these other considerations. If they fail to do so they will jeopardize the Nation's drive for energy sufficiency.

The third difficult task for the committee to resolve was the issue of the fill rate of the strategic petroleum reserve and whether or not to construct the last permanent storage facility at Big Hill, Tex. The committee is in a difficult position with regard to Big Hill construction. We are being asked to hold the fill rate down because of a lack of permanent storage yet we are being asked to delay the only planned permanent storage facility for budgetary reasons.

This program, in my judgment, is a high priority national security need. The world is every bit as unstable and our oil supplies every bit as vulnerable today as they were when the SPRO was first proposed. It is only with the greatest reluctance that we have agreed to a fill rate of 186,000 barrels per day with the stipulation that we would receive a budget amendment for Big Hill as part of the administration fiscal year 1985 budget submission. It is also important to note that there has been no lessening in the Congress of our intent to reach the 750 million capacity in the SPRO. Regrettably, that day will now be delayed an additional year.

Mr. Chairman, the committee has continued many of the major programs that the Congress has supported over the past several years. We have an active land acquisition program limited only by the lack of funds and the slow pace of acquisition, especially in the National Park Service. We have continued historic preservation, endangered species, minerals and mining research along with major increases in the fossil and energy conservation activities in the Department of Energy. There are modest increases in the budgets for the arts, humanities, and museum services. The committee has again invested what we think are wise uses of tax dollars in wildlife management, forest research and park protection.

I would urge the Members of this House to approve this report.

Mr. YATES. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Speaker, what we have before us today is a balanced conference report, one that comes in with a reasonable level of funding. As indicated by the gentleman from Pennsylvania, we now have the opportunity or the suggestion that this conference report will not result in a veto and can be signed into law.

□ 1210

In addition to providing the reasonable funds necessary, this conference report also puts a necessary saddle, or as some suggest, a muzzle on Jim Watt in several sensitive areas. One of these is the whole area of offshore drilling. The second is the question of coal leasing.

In the area of offshore drilling, and I know the gentleman from Massachusetts will have more specifics to add to this, there is a 1-year moratorium on drilling in areas that are very, very sensitive off Cape Cod. That is the so-called Georges Bank area. What the conference report contains is a 50-mile buffer zone around most of Cape Cod, a prohibition against drilling in the Great South Channel, which is one of the better fishing areas in that area, and also a limitation on the 60-meter Isobath, which is one of the key spawning grounds, and also a prohibition as it relates to most of the lobster canyons.

Why is this necessary? Because of the excessive proposed leases offered by the Secretary of the Interior.

Another area where there is restraint added by the committee to the excesses proposed by Secretary Watt is in the whole area of coal leasing. We are all too aware of the result of recent coal leases, which have produced, as found by a General Accounting Office report and found by a report of the professional staff of the Committee on Appropriations, fire-sale-priced leases of the lands of this country, to open them up for excessive coal leasing.

This puts a moratorium until 90 days after the Linowis Commission reports, submits its report to Congress, and we in turn have a time to act on this very critical issue.

I also support the report for the strong commitment that it makes to the whole area of alternative energy, an area for too long a period of time ignored by the administration. I would point specifically to the $190 million made available for low-income weatherization, enough to provide energy-efficient results in 190,000 homes in this country.

Second, the conference report holds the line on the conservation efforts in schools and hospitals, the Energy Extension Service, and State conservation programs.

Finally, I would point to the encouragement given to the development of alternative energy. Being from Connecticut, I am critically concerned that we maintain an energy mix for fear that some day we will wake up again and find that the OPEC countries have cut us off.

Adequate funding is in here for the development of fuel cells, one of the critical elements in providing an energy mix in this country.

Second, there is development for that project in Montana called MHD, which I think has great potential for that part of that country, for getting at our coal reserves through coal gasification, for the development of combustion systems, and for liquefaction.

On balance, it is a reasonable report, it is a solid report. It does trim, if you will, the excesses of Secretary Watt, and for all of those reasons, and knowing that it comes to you in bipartisan fashion, I urge support for this balanced conference report.

Mr. McDADE. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. LOEFFLER), a member of the subcommittee.

Mr. LOEFFLER. I thank the gentleman for yielding this time to me.

I thank my distinguished ranking minority member, and want to commend the ranking minority member and the chairman of our subcommittee for being expeditious and fair in the deliberations that we have gone through for the past 6 to 7 months, beginning with the long hearing process, as well as the subcommittee activity, the full committee activity, and now with the conference report.

Unfortunately, I am not in a position to say that I can sign and support the conference report. While I recognize that the bill now coming out of conference is below the spending levels of both the House- and Senate-passed Interior appropriation bills, I have extreme reservations about what was done in the area of energy.

With respect to the strategic petroleum reserve, there is presently a congressional mandate that we fill the reserve at 220,000 barrels each day. What we have done in this appropriation bill is to reduce that rate of fill to approximately 186,000 barrels per day.

In addition to the reduction in the fill rate for our strategic petroleum reserve, we have also delayed permanent storage construction. This primarily is a facility located in east Texas, the "Big Hill Strategic Petroleum Reserve," a salt dome which needs to be constructed and put online so we will have permanent storage available as we move forward to ultimately achieve either 750 million barrels in storage, or perhaps even 1 billion barrels in the not too distant future.

This delay in permanent storage construction basically put off for another year the conditions whereby we can move forward and fill the strategic petroleum reserve at a fair and responsible cost as far as the dollar-per-barrel acquisition cost.

Finally, Mr. Speaker, I have extreme reservations about the restrictions that we have placed on the OCS leasing, particularly with respect to southern California. First of all, I believe that it is a bad precedent, because with every supplemental, continuing resolution or regular appropriation bill, we on the Committee on Appropriations restrict development of our domestic energy resources, be it OCS, onshore oil and gas development or coal leasing. In each case, the appropriations process is being used, because efforts to restrict these activities through the proper channel, the authorization process, has failed. In fact, as we move into a thorough review of this conference report, we see that it goes beyond the bounds of the conference. In essence, what has occurred is a permanent moratorium in the southern California OCS area from the shoreline 6 miles out into the Pacific—a permanent moratorium where there can be no drilling in the future.

So what we are doing, in essence, is slowly tying the hands of the Federal Government to explore and develop our national energy resources, and that means going back to dependence on foreign oil resources and ultimately higher prices for consumers.

Again, Mr. Speaker, in the area of energy I have extreme reservations, and for those reasons I did not sign the conference report as a member of the conference. I do believe that we should move forward in this area so that we enhance America's ability to continue on the road to energy self-sufficiency and not put us in a position of curtailing that ability or even crippling our ability and have to once again resort to the OPEC situation.

With that, again I thank my distinguished chairman and my ranking Member for working very closely with me. I urge that this conference report not be adopted.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like to engage the chairman in a brief colloquy, but first may I convey my thanks and those of the people of Cape Cod and Nantucket and Martha's Vineyard and coastal Massachusetts and New England in general to the gentleman from Illinois (Mr. YATES) the chairman of the subcommittee, and the gentleman from Connecticut for their efforts to protect the marine resources of Georges Bank.

Mr. Chairman, this bill contains a long list of specific blocks and areas which the Secretary of the Interior will be barred from leasing for oil and gas exploration during fiscal year 1984. These blocks were removed from leasing consideration because Congress felt this step was essential to prevent leasing in those areas of extraordinary environmental and economic importance.

Am I correct in stating, however, that those blocks or portions of blocks which are not deleted from consideration by this bill will, nevertheless, be fully subject to the procedures mandated by the OCS Lands Act, the Coastal Zone Management Act, the National Environmental Policy Act, and other law?

Mr. YATES. If the gentleman will yield, the gentleman is correct. The answer is "Yes."

Mr. STUDDS. Am I also correct in stating that section 108(d) of the bill, as amended by the conference report, contains a list of blocks each of which consists, in whole or in part, of areas lying within or at the head of a submarine canyon?

Mr. YATES. If the gentleman will yield further, he is correct. That is true.

□ 1220

Mr. STUDDS. Finally, Mr. Speaker, may I ask the subcommittee chairman this question:

Section 108(e) of the bill, as amended by the conferees, states that "for purposes of this subsection, the geographical boundaries of the submarine canyons and submarine canyon heads shall be those recognized by the National Oceanic and Atmospheric Administration, Department of Commerce, on the date of enactment of this act."

Am I correct in my understanding that this provision does not refer to any specific document, map or list of offshore blocks which lie within canyons or canyonheads, and that the committee would expect simply that NOAA would use its present scientific procedures in order to determine which portions of the blocks listed in section 108(d) may not be leased?

Mr. YATES. Mr. Speaker, the answer to the gentleman's question is "Yes."

Mr. STUDDS. Mr. Speaker, I thank the gentleman.

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume.

Mr. FUQUA. Mr. Speaker will the gentleman yield?

Mr. YATES. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, first of all, I want to thank the gentleman from Illinois (Mr. YATES) and the committee for the very excellent job they have done in many areas, and I would like to make an inquiry of the subcommittee chairman.

Particularly, in the northeastern part of the Gulf of Mexico, as it lies off Florida as it bends from the northwest to the south, it is my understanding that there is a 10-mile buffer area for the protection of some grass areas against leasing; is that correct?

Mr. YATES. Mr. Speaker, the gentleman is correct. The so-called area known as the Sea of Grass is prohibited from being subject to leasing.

Mr. FUQUA. But this is further east of that. There is a strip that is a 10-mile buffer area, and then there is also some additional protection granted to an area that is outlined on the map.

Mr. YATES. I have the map here, and I do not know how we can get it into the RECORD. However, I will point out the areas to the gentleman.

Mr. FUQUA. This is the area I am speaking of.

Mr. YATES. That is right. That area has also been taken from leasing. I cannot describe it in any other way than the Coral Head area in that "Florida Middle Ground." That is also deleted from the leasing program.

Mr. FUQUA. And is it the intention of the committee to monitor the activities of the Department of the Interior in its leasing programs in those areas?

Mr. YATES. The answer to the gentleman's question is "Yes."

Mr. FUQUA. Mr. Speaker, I thank the gentleman very much for his response.

Mr. HUTTO. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Florida.

Mr. HUTTO. Mr. Speaker, I want to thank the subcommittee chairman and the subcommittee for the interest they have taken in funding the headquarters and visitors' center of the Naval Live Oaks facility of the Gulf Islands National Seashore.

As the Members know, Mr. Speaker, this was first authorized in 1978, and since that time a considerable amount of money, I believe over $1 million, has been used to put in the infrastructure, the roads, the water, and so on. I am grateful to the gentleman and his subcommittee for this year putting in a $3 million appropriation which passed the House.

It was my understanding that we had some support in the other body in the conference, but somehow this did not remain in the conference report. In an earlier conference the gentleman had indicated that we could come back with that in a supplemental, and I just wanted to get the gentleman's assurances of that.

Mr. YATES. Mr. Speaker, that is true. I have the assurance of the conferees that they think the construction of the visitors' center is a worthy project, and on both the House side and the Senate side they regretted that the restrictions of funding prevented us from doing it at this time.

I can state that I believe I have the assurance of the Senate conferees that they will look favorably on such construction in a future supplemental appropriations bill.

Mr. HUTTO. Mr. Speaker, I thank the gentleman very much.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SHARP).

Mr. SHARP. Mr. Speaker, I want to compliment the members of the committee for the fine work they have done in resolving the difficult issues contained in this conference report.

I particularly want to commend the work done in raising the fill rate for the strategic petroleum reserve. The administration had requested a fill rate of only 145,000 barrels per day. This level is inadequate, considering that the SPR is the United States first and only real defense against an oil shortfall or embargo. The conference committee was able to raise this level to 186,000 barrels per day. This was the best they could do without subjecting the entire bill to a Presidential veto. Their effort to reach this level deserves our respect and thanks. However, it should be noted that both the House and Senate had previously approved 220,000 barrels per day.

The Congress recognized that a rapid fill of the SPR is important. The 220,000 rate was arrived at in the 1982 debate over the Energy Emergency Preparedness Act. At that time the Congress thought it had reached an agreement with the administration. Apparently we had not.

My frustration is with the administration. The conferees did the best they possibly could under the circumstances. But this fill rate is another example of the lack of consideration and planning the administration is giving to energy emergency planning.

The SPR is currently, for the first time, at a respectable level. There are over 360 million barrels of oil in storage. Even today this is the largest stockpile in the United States. It needs to be larger, but already it has significant potential to mitigate the effects of oil shortages.

Coupled with this inadequate fill rate is an equally inadequate plan for distributing the reserve. The administration intends to auction off the SPR oil during a drawback. The oil will go to the highest bidders, possibly even foreign bidders who helped cause the shortfall in the first place. There will be no attempt to direct the oil to those areas most affected; the oil simply will go to the highest bidder, including oil brokers who have no means to refine the oil into useful products.

The administration does have a 10 percent set-aside of SPR oil which the President may use in any way he chooses. However, there has been no planning to insure that this oil will be targeted for greatest effect. The administration response is that we cannot plan until we know exactly what the shortfall is. The GAO strongly disagrees, asserting that uncertainty is no excuse for lack of planning. Even assuming some uncertainties, the Department could, and should be developing plans based upon what they do know. This knowledge include, at a minimum, some planning for likely emergency scenarios given the amount of oil in storage, current supply and demand patterns, and the sources and amounts of U.S. imported oil.

The Middle East today is an unstable as ever. I can count at least three shooting wars and numerous minor border conflicts. Yet, today, 50 percent of the oil available for international trade originates in this area. This situation, despite the current world surplus, is unlikely to improve because 69 percent of the free world's proven oil reserves are located in the unstable Middle-East/North Africa area. The North Sea and Alaska are currently supplying much of the remaining free world need. Yet the production rate from these fields will soon peak and start a rather severe decline. Middle East oil will then be even more significant.

The United States needs to be better prepared for a possible future oil shortage. Filling the SPR at 220,000 barrels per day and significantly improving emergency planning are the best places to start. I nevertheless intend to support this legislation, and I commend the committee's work.

Mr. YATES. Mr. Speaker, if the gentleman will yield, I agree completely with what the gentleman from Indiana (Mr. SHARP) has said.

I consider the strategic petroleum reserve as necessary to national defense as the strategic minerals stockpile. I think it is essential and vitally necessary that we conclude the fill of the strategic petroleum reserve as promptly as possible, and I think we must look toward increasing the fill rate, and toward the construction of Big Hills as rapidly as possible.

Mr. SHARP. Mr. Speaker, I appreciate the gentleman's work in those areas.

Mr. YATES. Mr. Speaker, I yield to the gentleman from Oklahoma (Mr. SYNAR).

Mr. SYNAR. Mr. Speaker, I thank the gentleman very much for yielding this time to me.

I would like to engage in a colloquy with the gentleman from Illinois (Mr. YATES) concerning the Bureau of Indian Affairs area offices in Oklahoma.

Mr. YATES. I would be very glad to respond, if the gentleman will yield.

Mr. SYNAR. Does the legislation under consideration change Congress requirement that any reprograming of Interior appropriations be first submitted to Congress and be subject to congressional disapproval?

Mr. YATES. No; it does not.

Mr. SYNAR. Specifically, this means that a $250,000 threshold still exists?

Mr. YATES. Yes; it does.

Mr. SYNAR. Has a reprograming request been submitted to transfer a significant percentage of employees from the Muskogee, Okla., area office to the Anadarko, Okla., area office, and to relocate the administration of programs?

Mr. YATES. No; it has not.

Mr. SYNAR. Mr. Speaker, I thank the gentleman very much.

Mr. YATES. Mr. Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. LLOYD).

Mrs. LLOYD. Mr. Speaker, I thank the gentleman for yielding this time to me.

I first want to congratulate the subcommittee chairman, the gentleman from Illinois (Mr. YATES) as well as the gentleman from Pennsylvania (Mr. MCDADE) and the gentleman from Pennsylvania (Mr. MURTHA) for bringing this conference report to the floor.

I would like to use this time to engage in a colloquy with the subcommittee chairman on the content of the conference report language.

As I understand it, although the House funding for $7 million to provide DOE environmental support to the Synthetic Fuels Corporation has been deleted, the conferees do offer strong encouragement to the SFC to utilize, through contracts and otherwise, DOE's unique capabilities in environmental research and monitoring. Is that correct as regards the reference to what should be section 131(e) of the Energy Security Act?

Mr. YATES. Mr. Speaker, will the gentlewomen yield?

Mrs. LLOYD. I yield to the subcommittee chairman.

Mr. YATES. Mr. Speaker, the gentlewoman is entirely correct in her assumption.

Mrs. LLOYD. Mr. Speaker, I thank the gentleman.

Mr. McDADE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, I rise in opposition to this conference report on two grounds: First, because of the finances that are involved; and, second, on the inclusion of a provision which frustrates the ability of this Congress to get on the road to energy independence.

On the first point, with respect to the financial side, this conference report is an excellent example of why in our contemporary political system, the President of the United States must have a line item veto if there ever is to be any control over runaway Federal spending. If we just look at these figures, we find that the President requested for fiscal year 1984 $6.71 billion for this agency of the executive branch of Government. But what have we in Congress done in our traditional, historical pursuit of a Christmas tree edition to this request of the President? We have raised his request from $6.71 billion to $7.953 billion.

Is there ever going to be a day when we in this institution will have the guts and the political determination to repress the natural desire to reward special interests and vote to protect taxpayers?

My colleague, the gentleman from Pennsylvania, when his time comes, I believe, is going to enumerate some of the ridiculous provisions in this bill for spending taxpayers' money for boondoggles all over the country which ostensibly, I suppose, are placed in this bill to obtain the vote of some Member representing a recipient district so that this Christmas tree will have a sufficient brilliance to attract the votes of enough Members of the House to obtain a majority.

Of course, in our cynicism, we would not have to look far other than at this bill to find out what we are doing here in the name of protecting the public interest.

On the second point, with respect to the moratorium of offshore drilling, 85 percent of the undiscovered oil in this country is on public lands and two-thirds of that is off our shores.

□ 1230

What are we doing in this bill? Why, we are having a moratorium. We are not going to drill on the Outer Continental Shelf. Why? Because when I sit on a beach in southern California in my beach chair under an umbrella sipping a beer, I do not want to have my vision hampered by some oil derrick out there that is going to impede my esthetic value of the coast of southern California.

Well, I happen to be opposed to that, because from the standpoint of humanity, if for no other reason, I would much rather explain to my constituents in southern California why I have supported offshore drilling on the southern California coast than I would explain to my constituents why we are asking them to send their sons to the sands of the Middle East to fight for a war for the maintenance of a supply of oil which we in our country have said is indispensable to the maintenance of the culture and the style of living we all enjoy.

Anybody who supports this ban on developing the vital resources of our own country is enhancing the prospect of this Nation some day going to war in order to protect our lifestyle. I do not think that is fair. I do not think it is humane.

And in considering public opinion, you know, it is all the more amazing to me because in California a majority of the public is supportive of the idea of drilling off the southern California coast. In 1981, the Field Poll found a plurality, of 49 to 45 percent, that oil companies should be allowed to drill more oil and gas wells.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. McDADE. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. DANNEMEYER. Mr. Speaker, the same survey found that a majority, by a margin of 59 to 35 percent, agreed that offshore development and environmental safeguards could go hand in hand. If we develop the offshore drilling in California, we would add in southern California an additional 13,000 jobs; in northern California an additional 17,000 jobs.

It is not unique. We have functioning out there today 286 wells in Federal tidelands and 1,731 wells in State tidelands for developing oil.

I think the prudent thing for us to do is tell our conferees, "We congratulate you on the work product, but we disagree with your conclusion. We are seeking energy independence for America. We don't want these bans on OCS leasing."

Mr. McDADE. Mr. Speaker, I yield 1 minute to the gentleman from Idaho (Mr. CRAIG).

Mr. CRAIG. Mr. Speaker, let me join with the gentleman from California in his concern for the ban on the OCS.

We had 2 days of very extensive hearings in the Mines and Mining Subcommittee of the Committee on the Interior. Coming out of those hearings was almost unanimous opposition in that committee to a bill that would establish some degree of ban on drilling on the Outer Continental Shelf, for all the very reasons that the gentleman from California has talked about, and a tremendous record that the oil industry in this country has built up in the last 10 years in providing their ability to go out into those

waters and drill safely without spills, and records, and reports from marine biologists that spills that had occurred in our past history had in no way shown any major, if any, effect on marine life once they had been cleaned up.

I cited a poll in that committee during that time that was taken just a few months ago in the gentleman's State of California by a very reputable national polling firm. In the three categories that they asked about, safety, about concern for pollution, about their offshore, 57 percent of the people of California supported offshore drilling.

I congratulate the gentleman on his stand.

Mr. DANNEMEYER. Mr. Speaker, I thank the gentleman for his statement.

Mr. McDADE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I thank the gentleman.

I would like to thank both the chairman, the gentleman from Illinois (Mr. YATES) and also the gentleman from Pennsylvania (Mr. McDADE) for their help in putting language in this conference report which will once and for all expedite and bring about, hopefully, in a positive environmental sound way the construction of an additional safety lane on the GW Parkway from the points of the Spout Run to the Teddy Roosevelt Bridge.

Every morning, Mr. Speaker, we have a tieup there. It is a safety hazard and what this language tells the Park Service to do is to expedite their study and their environmental EIS so that we can move ahead to see if we can eliminate this bottleneck and make this a safer way.

Again, I commend the chairman of the Interior Appropriations Subcommittee, the gentleman from Illinois (Mr. YATES), the ranking member, the gentleman from Pennsylvania (Mr. McDADE), and the other members of the committee for their work on this important legislation.

Mr. McDADE. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I want to thank the gentleman from Pennsylvania for yielding me the time.

Let me say at the outset that though my remarks with regard to the conference report will be critical, I do realize after reading through the conference report and through the amendments that the conferees from our side did put forth considerable effort toward trying to bring down some spending levels that were brought to them from the Senate side that were absolutely unbelievable in the scope and in the amounts that they dealt with.

Mr. Speaker, in going through this conference report, I find that there are a number of things in here which I have to question in light of the $200 billion deficits that we hear about so much on the floor. Time and again we hear people coming to the floor complaining about the fact that we are spending too much money in this country, spending too much money in this Congress, that the President is spending too much money; and yet I find numerous items buried in this bill which cause me to have a concern about whether or not we are really serious about getting that spending under control.

For instance, as you go through the bill, you find that we are spending $85,000 for the Harpers Ferry, W. Va., police force.

You find that we are going to spend $100,000 to come up with a site for a museum in East St. Louis, Ill.

You find $200,000 transferred to Brigham City, Utah.

You find that we are going to pay for the lunches for nonneedy students in the course of this bill.

You find $900,000 for Eastern Indian land claims.

You find reimbursement of consultant fees going back to 1980.

You find $15 million for an energy demonstration facility in Kentucky.

You find that we are going to institute a program that I am not aware there has been any authorization for R&D, for direct strip casting of steel, a $7 million project.

You find that we are going to spend $500,000 for the National Symphony Orchestra and $500,000 for the Washington Opera Society.

We are going to spend $1.3 million to pay inflation costs for the Federated States of Micronesia and the Marshall Islands.

We are going to spend money for endangered species of some sort.

We have got $1 million in this bill to provide more aid to the desert slender salamander, the Owens River pupfish, the Lohonton cutthroat trout, the Coachella Valley fringe-toed lizard and McDonald's rockcress, whatever that is.

We have also got $20,000 in the bill for preserving endangered plants.

Now, all of these may be worthwhile kinds of things. I do not know. I just find them in the bill; but I do know that at a time when we have got 200 billion dollars' worth of deficits, we might find some of those areas in which to cut some spending. The American people would have some problems understanding why millions of dollars of their money in times of $200 billion deficits is going to the Coachella Valley fringe-toed lizard.

I think it is time that we face up the fact that it is the spending that we do in these bills and these conference reports that adds up to 200 billion dollars' worth of deficits.

I am also concerned, Mr. Speaker, as I go through the bill that we have numerous instances here where we are acting in an appropriations bill on totally unauthorized projects.

Once again, this House and this Congress is faced with the situation where we are literally, through the appropriations process, providing authorization, where we have not completed the authorization process and so the Appropriation Committee goes ahead and does the job for us.

Once again, there are arguments for that, but it strikes me as being a very dangerous course that we have embarked upon where time after time, bill after bill, appropriation after appropriation, we are ignoring the authorization process of this House and of the Senate completely and going ahead and continuing projects, regardless of what the authorizing committees have said, regardless of what the process says, regardless of the fact these things have been held up for whatever reason, we are going ahead and having the Appropriations Committee make these determinations for us.

That means that many Members of this Congress who serve on these authorizing committees are being kept completely out of the process. The only vote they ever have are votes on these conference reports or votes on the appropriation bills as they clear the Congress.

I think that is a disturbing trend. I think it takes away some of the kinds of fiscal restraints that typically have been the congressional prerogative. That, to me, is a trend which I think we need to begin to speak to. One of the places we can begin to speak to that is by voting "no" on this conference report.

□ 1240

Mr. YATES. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. I thank the gentleman for yielding me this time.

Mr. Speaker, first of all, I want to commend the chairman, Mr. YATES, the ranking minority member, Mr. McDADE, Mr. AuCOIN and other members of the subcommittee, for the work they did in this bill. The cooperation, the dedication and the hard work that is involved in trying to resolve some of these issues is a difficult challenge, particularly when you are trying to deal with the resources of the Nation.

I think we have a responsibility as Members of the Congress to insure that we are good stewards of the resources that we have in this country.

Being good stewards does not mean that you put everything on the auction block for sale. It means that you develop what needs to be developed,

and you protect what needs to be protected.

Is there balance in this proposal that comes before the House? I think there is. Despite the excessive rhetoric that we have heard here today, almost 96 percent of the billion acres that Mr. Watt would like to put up for sale on offshore drilling is not touched. It will be up for sale. We are talking about 4 to 5 percent that is protected by this legislation. And what are those areas? They are areas off of Cape Cod, Mass. They are areas off of Florida. They are areas off California like Big Sur and the Mendecino coast.

It seems to me good stewardship requires that we also protect those areas.

Let me discuss just briefly the areas in California. Northern and central California are put into a 12-month moratorium by this legislation. That was recommended by the Department of Interior in the budget proposal. That is not new. We are not doing anything that the Department itself has not recommended with regard to that particular area.

The Channel Islands, the Santa Barbara Channel, those are areas that the Department itself has indicated they would protect under Executive order.

Santa Monica, which is another area that is protected by this legislation, is recommended by the Governor of California for protection.

The San Diego coastline that is involved in this legislation follows a State sanctuary in the Three Mile area and primarily is adjacent to that.

So, we are not talking about locking up the coast. We are basically talking about trying to protect the most unique areas of our coastline.

If we want to be good stewards, if we want to assert that kind of careful balance between what should be developed and what should be protected, than the legislation that is brought before this House, the conference report, ought to be supported by this House.

I yield back the balance of my time.

Mr. McDADE. Mr. Speaker, I yield 4 minutes to my colleague, the gentleman from Florida (Mr. YOUNG), a member of the committee.

Mr. YOUNG of Florida. I thank the gentleman for yielding me this time.

Mr. Speaker, I requested the time to inquire of the distinguished chairman of the subcommittee and the distinguished ranking Member as to what happened to an arrangement that we worked out in the full committee dealing with some of the offshore areas in Florida that Mr. PANETTA so eloquently spoke to just a few seconds ago.

If I recall correctly during the full committee meeting of the Appropriations Committee we agreed to place into a buffer zone, a moratorium, so to speak, until such time as the State and the Federal Government could reach agreement and/or environmental impact statements were completed—and now I find despite the fact the Appropriations Committee supported that, and of course, the House supported that general approach, when we come back from conference the so-called Middle Grounds in the Big Bend area of Florida are protected in that buffer, and a portion of the Pulley Ridge area, down near the Everglades. But a very large section along the very biologically sensitive west coast of Florida, where we have fish, marine breeding grounds and estuarian areas, swamps, et cetera, that has all been removed. I just wonder if the chairman offer some explanation as to why that was not protected in conference.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the chairman.

Mr. YATES. I thank the gentleman for yielding.

The gentleman knows of my interest and the interest of the committee in trying to protect environmentally sensitive areas. We have done so, we believe, with respect to certain areas. I would have liked to have retained the House position. It was impossible to do so in the face of the objection of the conferees of another body.

Mr. YOUNG of Florida. I think, Mr. Chairman, that is my question. Why were the conferees from the other body willing to go along with the two areas that I mentioned but not go along with the so-called 50-mile buffer that goes down a very large portion of Florida's west coast?

Mr. YATES. The reason for that is because they came forward with a proposal that they said was protective of the essential areas along the Florida coast, and would permit leasing in other areas. We thought that we were protecting the rights of the State of Florida and the wishes of the State of Florida by the agreement that we reached. The areas that are proposed to be leased below 26° north latitude still are required to submit to a 3-year environmental study which still I think has at least a year to run before any drilling, actual drilling, will be permitted. If those studies show that the environment will be disturbed by the proposed leasing site, I would expect that the leasing would not be permitted.

Mr. YOUNG of Florida. But, Mr. Chairman, it is my understanding that the leases could actually go up for sale as of November 1.

Mr. YATES. The gentleman is correct. The leases may go up for sale. But drilling may not take place under those leases until the environmental studies are completed and until they show that the leasing will take place without any damage to the environment in Florida.

Mr. YOUNG of Florida. I am really surprised that our colleagues in the other body, and whoever's interests were being protected here, rather than the people in Florida, I am surprised that they would even make a battle over this particular part of the gulf area, as they have been drilling those holes out there for years, and they are not doing anything but churning up the environment. They are not finding any oil out there. I would be very doubtful they will ever find any oil out there. In fact, Mr. Watt's own Department of the Interior says if they got what they thought they might find it would be very minimal and would not even come anywhere near the value of the environment that might be destroyed. Would the chairman have any objection if this Member offered a motion or opposed the amendment in technical disagreement and asked the Senate to review this matter again?

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield further to the gentleman from Illinois.

Mr. YATES. If the gentleman will yield, the chairman would have an objection. It is my responsibility to protect the conference report. I would hope that the gentleman would wait and see just what the environmental study showed.

Mr. McDADE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. PACKARD).

Mr. PACKARD. I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to take this opportunity to extend my appreciation to the chairman, Mr. YATES, and to our ranking member, Mr. McDADE, for their efforts in helping to bring about a compromise position and holding tenaciously to something we have been requesting from our area in southern California.

The San Diego delegation, along with some of the Orange County delegation, has made a significant effort to bring about a compromise position in the conference report as the only alternative to losing our coastline to offshore oil drilling.

We are not only concerned about the environmental issues. We are greatly concerned about the military issues. The nearshore San Diego coastline is a vital military training area, and it is essential that we do not interfere with naval and marine amphibious training programs that take place there.

I think most Members in this body are aware that the Navy is now required to determine those zones and sea lanes that are necessary for the protection of our national interest in the area of San Diego County. They need time to do that.

This compromise agreement that has been brought about by the conference committee, is certainly in the

best interests of my district. I want to thank those who were involved in helping us to save our precious coastal shoreline in southern California.

Thank you, Mr. Chairman.

□ 1250

Mr. YATES. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Speaker, I rise in strong support of the conference report to the Interior appropriations bill for fiscal year 1984. This bill provides essential funding so that America's natural resources can be managed in a rational and balanced manner. Putting it quite simply, Mr. Speaker, there is no more important bill to my home State of Oregon than the Interior appropriations bill.

I can remember our colleague, Bob Duncan—who preceded me on the Interior Subcommittee—always saying that this bill was an investment bill. That statement is just as true today. The return to the Treasury from this bill will be twice what is expended. About $8 billion will be returned to the Treasury in the way of receipts. Not only will we make improvements in the land but we will reduce the deficit at the same time. I think that is a pretty fair bargain.

I believe that it is important to acknowledge the work of all of the members of the subcommittee for their work on this bill. I particularly want to bring to the attention of our colleagues the extraordinary leadership of our chairman, the gentleman from Illinois, and the ranking minority member, Mr. McDade of Pennsylvania.

As I have said before, it is a pleasure working with them on this bill of utmost importance to the Pacific Northwest.

I am pleased with the conference report in a number of key areas. First, the conferees agreed to a timber sales program of 11.7 billion board feet of new, green timber. This will mean that at least 5.1 billion board feet of new, green timber will be sold in region 6 in this fiscal year. That is critical because only an adequate supply of lower priced new timber will help operators holding high-priced Federal timber contracts mix their sales. This is essential if operators holding high-priced sales hope to avert bankruptcy. A strong timber sales program may provide the only real relief to Northwest timber operators in the absence of a bona fide timber relief package—a package that I believe should include termination.

I am also pleased that the conferees agreed to fund the Anadromous Fish Conservation Act. The funding for this program is necessary in order to aid the declining commercial fishing industry in the Northwest. A study recently completed by the General Accounting Office, at my request, revealed that errors in the Oregon Production Index (the method of determining the abundance of Coho salmon) could be reduced by increasing the number of juvenile salmon tagged with coded wires, one type of project funded with these grants.

This bill provides for land acquisitions of great importance in my State. Bear Valley, in Klamath County, is the largest winter nesting ground of the bald eagle in the lower 48 States. This bill provides funding which will complete acquisition of this refuge. There is funding for Cascade Head on the Oregon coast and along the Rogue River in southwest Oregon. Also included is $75 million for the land and water conservation fund stateside program.

Mr. Speaker, this bill not only makes investments for our natural resources, but it keeps alive the Youth Conservation Corps. This program has always had tremendous bipartisan support in the Northwest. There can be no finer tribute to the late Henry Jackson—who did so much to foster the YCC—than continuing this program that protects and enhances our public lands and puts to work our young people. The YCC is an investment in our natural and human resources, an investment, I might add, that makes a positive return to the Treasury.

Mr. Speaker, I want to make just one more important point. The conference report is nearly $671 million less than the fiscal year 1983 bill. It is nearly $1 billion in budget authority less than the 302 allocation. Mr. Speaker, this bill makes money for the people of the United States—it helps reduce the deficit. I urge my colleagues to support this legislation for that reason and because it promotes the balanced use of America's natural resources.

Mr. McDADE. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of the full committee, the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Speaker, I rise in support of this conference report on H.R. 3363 making appropriations for the Department of Interior and related agencies for fiscal year 1984. I urge my colleagues to support it. It is a good conference report.

I want to take this opportunity to thank the gentleman from Illinois, my good friend, Sid Yates, for his leadership, his compassion, his understanding, his patience; and also my good friend from Pennsylvania, the ranking minority member on this subcommittee, for his cooperation and his leadership.

This is a good bill.

Mr. Speaker, it is more than an honor and a privilege for me to serve on the Appropriations Committee. But, as many of my colleagues know, it is not an easy task.

The conference report before us today provides $7.95 billion in new budget authority, which is some $128 million less than the House approved in June, and $100.6 million less than that approved by the Senate last month.

Many Members, including myself, have expressed support for the programs, activities, and projects for which we are recommending decreases. Those of us who have worked on this bill know that each Member of the House and Senate has a significant interest in its outcome. We have an interest because the people of this great land have an interest.

Today, we are considering a bill which deals more directly than any other bill with the management and preservation of our country's vast natural and cultural resources.

Each year, when we consider the Interior appropriations bill, we have a special opportunity and responsibility. Our opportunity is to consider the environmental and energy-related interests of all Americans—and of the generations of Americans to come. And, in light of these interests, our responsibility is to protect, preserve, manage, and develop all of the resources with which this Nation has been blessed.

Moreover, we must do this in a fiscally responsible manner.

As I say, it is not easy to be a member of the Appropriations Committee. Decisions reached in conference on virtually each line item of this bill were difficult. But, having taken part in the effort to prepare this report, I am proud to state that it is a fair compromise, and that it totals $670.7 million less than levels enacted in fiscal year 1983.

As a Member of the House, as a member of the Appropriations Committee, and as a member of the conference committee on this bill, I stand in support of the conference report, and ask my colleagues to do the same.

The fact that we have a conference report before us today is attributed to the leadership of my two good friends. I would like to take a moment here to give my compliments to my good friend, the gentleman from Illinois, Sid Yates—and to my good friend, the gentleman from Pennsylvania, Joe McDade. Both have done a commendable job on this bill.

I would also like to thank all of the members of the committee who worked hard to give us a bill which is both fiscally responsible and programmatically sound. The report is a tribute to the Members who cooperated in drafting it.

A broad range of Federal programs is covered in this report—programs at the Departments of Interior, Energy, Education, Agriculture, Health and Human Services, and in other related agencies.

The total amount of new budget authority which we recommend for these programs is $7.95 billion. Included in this are funds for the acquisition, restoration, and preservation of forest, range, and wetlands; funds for wildlife preservation; for assistance to Indian tribes; for fossil fuel development; energy conservation; and for the continuation of our many cultural programs.

Our natural and cultural resources are our national treasures. Because they are precious to this Nation, and because they are irreplaceable, they demand a continued Federal investment. But it is important to stress that the investments which we make in many of these projects return money to the U.S. Treasury.

In fiscal year 1982, $10.8 billion in receipts were generated from Department of Interior, Forest Service, and naval petroleum reserve activites. Estimated receipts in fiscal year 1984 are in the range of $15 billion.

The management of Federal lands involves activities which range from land acquisition to the acceleration of existing as well as new recovery plans for threatened and endangered species. Of the $538 million recommended by the conference committee for the Bureau of Land Management, I am pleased to support a funding increase of $1 million for recovery plans for the bald eagle and other threatened and endangered species; and I am pleased to support the $1.4 million provided for acquisition of lands.

Among the actions recommended by the committee to protect and preserve our fishery and wildlife resources are $4.6 million for the Cooperative Wildlife and Fishery Research Institutes program; $7 million for the migratory bird conservation account; the restoration of funding for a number of hatcheries proposed for closing; and $5.8 million for the national wildlife refuge fund.

For the National Park Service, the committee recommends $847.2 million. In this total is included $46.7 million for the urban park and recreations fund. This figure provides continued funding for a number of prioritized rehabilitation and restoration projects which were identified in response to the jobs bill; $26.5 million is also provided for the historic preservation fund. And I am particularly pleased by the committee's recommendation to include $525,000 for the further development of the Lowell Historic Preservation Canal Commission, and $5.8 million for further development of one of the most unique parks in our national system, the Lowell National Historic Park.

For the Forest Service at the Department of Agriculture, the committee recommends—and I strongly support—$2.8 million for the integrated gypsy moth research program, and $1.6 million for urban forestry.

The committee's recommendation of $1.2 billion for the Department of Energy includes funding for programs which I strongly support: $500,000 is provided for an acid rain review; $2.6 million is provided for thermionics; and $431.1 million for energy conservation. For State and local energy conservation programs, $24 million is provided for Energy Policy and Conservation Act State grants; $10 million for the Energy Extension Service; $48 million for schools and hospitals; and $190 million for weatherization.

Just as important as the preservation and management of our natural resources is the preservation and management of our cultural resources. To this end, the committee has included $203.8 million for the Smithsonian Institution for its valuable programs, activities and operations; and $322.2 million for the National Foundation on the Arts and Humanities.

The conference committee has reached an agreement on a number of complex and divisive issues, particularly on the issues of OCS lease sale prohibitions, coal leasing, and the strategic petroleum reserve. For the first time in 3 years, the administration has stated that the conference report is an "acceptable improvement" over the House and the Senate versions.

So that we may have a fifth fiscal year 1984 appropriations bill signed into law this year, I urge my colleagues to adopt this conference report.

Thank you, Mr. Speaker.

● Mrs. JOHNSON. Mr. Speaker, I rise today in support of H.R. 3363, the conference report on H.R. 3363, making appropriations for the Department of the Interior and related agencies for fiscal year 1984. I commend the conferees for their swift consideration of this measure and for including a number of important provisions in the final version of the bill.

I am especially pleased that the bill includes the House-passed level of funding for the National Park Service rivers and trails technical assistance program. As one who wrote to the conferees to urge that this level of funding, $900,000, be adopted, I am pleased this will allow the continuation of vital programs to improve the rivers in my State, particularly the Farmington River in my district. In my district, the National Park Service has been working closely with local officials to develop the Farmington River management plan, one of the few of its kind in the country. This work was completed at a fraction of the cost of studies for inclusion of rivers in the national system. It also identified viable, non-Federal means for protecting the river. The inclusion of language for technical assistance for this effort is also quite important, and I am pleased the conferees accepted this suggestion which many of us worked for.

In addition, the bill contains an important section restricting oil and gas leasing within the Outer Continental Shelf (OCS) Georges Bank area. The area withdrawn from leasing is not as extensive as that in the House bill, but it does go a long way to protect fragile coastal and fishery areas within 50 miles off the New England coastline and on submarine canyons in this area.

The conferees also accepted the important House-passed level of $26,500 for historic preservation for critical issues fund. This one-half million dollar increase over the Senate-approved level will allow the National Trust for Historic Preservation to administer a matching grant critical issues fund program of $1 million.

Although the funding levels for energy conservation programs are disappointing, I am pleased that $190 million remains in the bill for low-income weatherization. This figure is $53.5 million less than the House-approved figure and the $48 million for school and hospital weatherization grants is $50 million below the House level which I supported. These decreases are offset somewhat by nominal increases in several programs including building thermal efficiency propulsion systems, and transportation conservation programs.

Finally, the prohibition on further sales of coal from Federal land until 90 days after a special commission appointed by the Interior Secretary reports to Congress, represents an important compromise between the House and Senate bills. I am pleased that while the conferees agreed with the Senate in not requiring specific congressional approval of the commission's report before new coal leasing can occur, they still call on an arm of Congress—the Office of Technology Assessment—to look separately at environmental issues involved in coal leasing.

I believe this bill strikes an important balance between the House and Senate-approved bills, and I urge my colleagues to support it.●

● Mr. FRENZEL. Mr. Speaker, I shall vote against this Interior appropriation, even though it is a little down from last year's record spending levels. We cannot ever do a real job on reducing deficits if we just let bills go down a little.

The total appropriated here is more than $1 billion over the President's budget. Although he will sign it, I believe it deserves a no vote.●

● Mr. RICHARDSON. Mr. Speaker, I rise in support of the conference report on the fiscal year 1984 Interior appropriations bill although I am disappointed with some of its provisions.

First, both the House and Senate versions of the Interior appropriations bill called for a fill rate of 220,000 barrels per day for the strategic petroleum reserve. Nevertheless, the conference report allows for a fill rate of only 186,000 barrels per day. I would have preferred a fill rate of 220,000 barrels per day, and I am concerned that any lesser rate falls short of what is needed to preserve our national security.

Second, I am very disappointed the conference report earmarks only $190 million for low-income weatherization and only $48 million for schools and hospitals weatherization grants. Both of these figures are well below the House-approved level. We may have enjoyed an unusually warm summer, but winter is just around the corner and thousands of American homes, hospitals, and schools continue to need to be weatherized. Not only do these weatherization programs protect the elderly, the poor, and the sick from winter's harsh elements and the rising cost of energy, but these programs create needed jobs for small businesses in the weatherization industry. I am afraid the conference report does not provide enough funding for these programs to insure their benefits are realized.

But, Mr. Speaker, there are many portions of this conference report which I think are very positive. First of all, I want to commend the conferees for rejecting further reductions in programs that benefit our Native Americans and for setting aside $2.5 million for the Southwest Indian Polytechnic Institute.

SIPI is the only postsecondary institution in the United States specifically designed for Indians. Last year, 71 percent of SIPI's graduates were placed in vocationally related jobs. Although unemployment remains a devastating problem on Indian reservations, President Reagan proposed to cut funding for SIPI by 50 percent the coming fiscal year. I strongly opposed this short-sighted cut, and I testified against this proposal in Chairman YATES' subcommittee. I want to express my special thanks to Chairman YATES and the conferees for protecting this highly successful program.

I am also very pleased that the conference report sets aside $770 million for Indian health services, which is roughly $118 million more than the administration proposed. Furthermore, the conferees provided roughly $69 million for Indian education programs which the President proposed to virtually eliminate. I was deeply disturbed that President Reagan seemingly ignored the views of his own Secretary of Education who concluded that title IV Indian education programs substantially benefited Indian students, their parents, and local school districts.

Mr. Speaker, I think the conference report sends an important message to the President that Congress will not tolerate excessive and harsh budget cuts for those programs which protect the health and welfare of our Native Americans.

Although I have some reservations about the conference report on interior appropriations, I urge Members to vote for its final passage.●

Mr. YATES. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. KILDEE). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 296, nays 95, not voting 42, as follows:

[Roll No. 380]

YEAS—296

Ackerman	Coleman (TX)	Fuqua
Addabbo	Collins	Garcia
Akaka	Conte	Gaydos
Albosta	Conyers	Gephardt
Alexander	Cooper	Gibbons
Anderson	Coughlin	Gilman
Andrews (NC)	Courter	Gingrich
Andrews (TX)	Coyne	Glickman
Annunzio	Craig	Gonzalez
Anthony	Crockett	Gore
Applegate	D'Amours	Gray
Aspin	Daschle	Green
AuCoin	Davis	Guarini
Barnard	DeWine	Hall (IN)
Barnes	Dickinson	Hall, Sam
Bateman	Dicks	Hamilton
Bates	Dixon	Hammerschmidt
Bedell	Donnelly	Hansen (ID)
Beilenson	Dorgan	Harkin
Bennett	Dowdy	Harrison
Bereuter	Downey	Hatcher
Berman	Duncan	Hawkins
Bevill	Durbin	Hayes
Biaggi	Dwyer	Hefner
Boehlert	Dymally	Hertel
Boggs	Dyson	Hightower
Boland	Early	Horton
Boner	Edgar	Howard
Bonior	Edwards (AL)	Hoyer
Bonker	Edwards (CA)	Hunter
Borski	Edwards (OK)	Hutto
Bosco	Emerson	Jacobs
Boucher	English	Jeffords
Boxer	Erdreich	Jenkins
Breaux	Evans (IL)	Johnson
Britt	Fazio	Jones (OK)
Brown (CA)	Ferraro	Jones (TN)
Brown (CO)	Fiedler	Kaptur
Bryant	Fish	Kastenmeier
Byron	Flippo	Kazen
Carper	Florio	Kemp
Carr	Foglietta	Kennelly
Chappell	Foley	Kildee
Clarke	Ford (MI)	Kogovsek
Clay	Forsythe	Kolter
Coats	Fowler	Kostmayer
Coelho	Frank	Kramer
Coleman (MO)	Frost	Lagomarsino
Lantos	Nowak	Smith (IA)
Lehman (CA)	Oakar	Smith (NE)
Lehman (FL)	Oberstar	Smith (NJ)
Leland	Obey	Smith, Robert
Lent	Olin	Snowe
Levin	Ortiz	Spratt
Levine	Ottinger	St Germain
Lipinski	Owens	Staggers
Lloyd	Packard	Stark
Long (LA)	Panetta	Stokes
Long (MD)	Patterson	Stratton
Lowery (CA)	Pease	Studds
Lowry (WA)	Penny	Sundquist
Lujan	Perkins	Swift
Luken	Pickle	Synar
Lundine	Porter	Tallon
MacKay	Price	Taylor
Madigan	Pursell	Thomas (GA)
Marriott	Quillen	Torres
Martinez	Rangel	Torricelli
Matsui	Ratchford	Towns
Mavroules	Ray	Traxler
Mazzoli	Regula	Udall
McCloskey	Reid	Valentine
McCurdy	Richardson	Vander Jagt
McDade	Ridge	Vento
McHugh	Rinaldo	Volkmer
McKernan	Rodino	Vucanovich
McKinney	Roe	Walgren
Mica	Rostenkowski	Watkins
Michel	Roukema	Weaver
Mikulski	Rowland	Weiss
Miller (CA)	Roybal	Wheat
Mineta	Rudd	Whitley
Minish	Russo	Whittaker
Mitchell	Sabo	Whitten
Moakley	Savage	Williams (OH)
Mollohan	Scheuer	Wilson
Montgomery	Schneider	Winn
Moody	Schulze	Wirth
Moore	Schumer	Wise
Morrison (CT)	Seiberling	Wolf
Morrison (WA)	Shannon	Wolpe
Mrazek	Sharp	Wortley
Murphy	Shaw	Wright
Murtha	Shelby	Wyden
Myers	Sikorski	Yates
Natcher	Sisisky	Yatron
Neal	Skeen	Young (FL)
Nelson	Skelton	Young (MO)
Nichols	Smith (FL)	

NAYS—95

Archer	Hiler	Parris
Bartlett	Hillis	Pashayan
Bethune	Holt	Patman
Bliley	Hopkins	Paul
Broomfield	Hubbard	Petri
Broyhill	Hughes	Ritter
Burton (IN)	Hyde	Roberts
Carney	Ireland	Robinson
Chappie	Kasich	Roemer
Cheney	Kindness	Rogers
Clinger	LaFalce	Roth
Conable	Latta	Sawyer
Corcoran	Leach	Schaefer
Crane, Daniel	Leath	Sensenbrenner
Daniel	Lewis (CA)	Shumway
Dannemeyer	Lewis (FL)	Shuster
Daub	Livingston	Siljander
Dreier	Loeffler	Slattery
Erlenborn	Lott	Smith, Denny
Evans (IA)	Lungren	Snyder
Fields	Mack	Spence
Franklin	Marlenee	Stangeland
Frenzel	Martin (NC)	Stenholm
Gekas	Martin (NY)	Stump
Gradison	McCain	Tauke
Gramm	McCandless	Thomas (CA)
Gregg	McCollum	Vandergriff
Gunderson	McEwen	Walker
Hall, Ralph	Miller (OH)	Weber
Hance	Moorhead	Young (AK)
Hansen (UT)	Nielson	Zschau
Hartnett	Oxley	

NOT VOTING—42

Badham	Dellums	Goodling
Bilirakis	Derrick	Hall (OH)
Brooks	Dingell	Heftel
Burton (CA)	Eckart	Huckaby
Campbell	Fascell	Jones (NC)
Chandler	Feighan	Levitas
Crane, Philip	Ford (TN)	Markey
de la Garza	Gejdenson	Martin (IL)

McGrath	Rahall	Tauzin
McNulty	Rose	Waxman
Molinari	Schroeder	Whitehurst
O'Brien	Simon	Williams (MT)
Pepper	Solarz	Wylie
Pritchard	Solomon	Zablocki

□ 1300

Mr. CHAPPIE changed his vote from "yea" to "nay."

Mr. COURTER and Mr. EDWARDS of Oklahoma changed their votes from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

□ 1310

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair at this particular time would like to say that we have two of our former Members visiting with us today. Both of them have served in this Congress with tremendous distinction.

I know that the Members would like to greet them.

The Chair will introduce them individually.

The Chair has the great honor of introducing an old friend with whom he served for so many years, as so many of us did, the former Speaker of the House, Carl Albert.

[Applause, the Members rising.]

The SPEAKER. And another outstanding and beautiful person who debated on so many occasions with the Honorable Carl Albert, the great leader of the Republican Party for so many years, who came to this Congress with me 32 years ago, and saw fit to retire, the former great Republican leader and a friend of all, John Rhodes.

[Applause, the Members rising.]

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 1 Page 2, line 11, strike out "$348,852,000" and insert "$359,014,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion. The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$359,601,000".

The motion was agreed to.

Mr. YATES. Mr. Speaker, I ask unanimous consent that the following motions to recede and concur to the amendments of the Senate be considered en bloc: Amendments 10, 45, 60, 62, 74, 126, 127, 139, and 157.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments in disagreement.

The Senate amendments read as follows:

Senate amendment No. 10: Page 8, line 25, after "governments" insert ": *Provided further,* That subject to valid existing rights no appropriation herein made shall be used by the Secretary of the Interior for the processing or issuance of prospecting permits in certain lands in the Mark Twain National Forest, Missouri, which comprise approximately 17,562 acres, as generally depicted on a map entitled "Irish Wilderness—Proposed", dated December 1981".

Senate amendment No. 45: Page 16, line 13, after "owner" insert ": *Provided further,* That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses".

Senate amendment No. 60: Page 23, line 7, after "law" insert:

: *Provided further,* That the first section of the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a), is amended by inserting "(a)" immediately after the enacting clause and by adding at the end thereof the following new subsection:

"(b) The Secretary of the Interior is authorized to invest any operation and maintenance collections from Indian irrigation projects and revenue collections from power operations on Indian irrigation projects in—

"(1) any public-debt obligations of the United States;

"(2) any bonds, notes, or other obligations which are unconditionally guaranteed as to both principal and interest by the United States; or

"(3) any obligations which are lawful investments for trust funds under the authority or control of the United States.

The Secretary of the Interior is authorized to use earning from investments under this subsection to pay operation and maintenance expenses of the project involved."

Senate amendment No. 62: Page 23, lines 12 and 13, strike out "and architectural and engineering services by contract" and insert "and construction, repair, and improvement of Indian housing".

Senate amendment No. 74: Page 26, line 6, after "1983" ", or at the Intermountain boarding school in Utah after June 30, 1984".

Senate amendment No. 126: Page 54, line 17, strike out all after "at" down to and including "Mexico" in line 19 and insert "all Indian Health Service facilities".

Senate amendment No. 127: Page 55, line 5, after "That" insert "with the exception of service units which currently have a billing policy,".

Senate amendment No. 139: Page 58, after line 25, insert:

CONSTRUCTION

(RESCISSION)

Of the funds appropriated pursuant to section 119 of Public Law 97-276, $8,000,000 is hereby rescinded.

Senate amendment No. 157: Page 67, line 18, after "enacted" insert ", and except to carry out the obligations and responsibilities of the Secretary of the Interior under section 17(k)(1) (A) and (B) of the Mineral Leasing Act of 1920 (30 U.S.C. 226)".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendments of the Senate numbered 10, 45, 60, 62, 74, 126, 127, 139, and 157 and concur therein.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I have some questions on some of the amendments that are a part of the gentleman's motion. Could the gentleman talk to me a little bit about some of the amendments that are included in the motion?

The SPEAKER pro tempore. The gentleman from Illinois (Mr. YATES) is recognized for 30 minutes.

Mr. YATES. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WALKER) for a question.

Mr. WALKER. I thank the gentleman.

On amendment No. 26, $85,000 is provided for Harper's Ferry, W. Va., police force. Can the gentleman tell me why this money is included in the conference report?

Mr. YATES. These funds have been provided for a number of years. And the reason for having provided them in the first instance is because that in addition to being the site of Harpers Ferry NHP, Harper's Ferry is a central point in the National Park Service system for much of its planning and for other activities. Many of the employees live there.

And originally, although there was opposition to this particular appropriation, in order to reach an agreement with the Senate on a number of the matters that were the subject of the conference, it was felt it was necessary to agree to this particular appropriation. It is not very much. The House has tried for years not to accept this amendment, but each time, in order to obtain a bill, it is necessary to do so, my I say to the gentleman.

Mr. WALKER. So the gentleman would agree that that is a somewhat questionable $85,000?

Mr. YATES. This gentleman would agree with the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman.

Also on amendment No. 30, a study for a site for a museum in East St. Louis, Ill., is included. I think $100,000.

Mr. YATES. That is for a study.

Mr. WALKER. Can the gentleman explain that particular spending item?

Mr. YATES. The reason for the appropriation, may I say to the gentleman, is that it was considered that a study would be necessary to determine whether the site is appropriate, for a national museum for anthropological study.

Mr. WALKER. This is a national museum and it is not a local project; is that correct?

Mr. YATES. The gentleman is correct.

Mr. WALKER. I thank the gentleman.

Amendment No. 58. As I understand amendment No. 58, this would provide public school lunches for nonneedy students and that raised a question in my mind. I thought our programs were aimed at assuring that needy students, that the poverty students, were receiving lunches. This would seem to indicate that the public lunches were going to be provided to nonneedy students with Federal moneys. Can the gentleman explain that?

Mr. YATES. These are funds that are provided for lunches for Indian children. The Government has an obligation, by law, to provide those. In previous years, those funds were taken from any number of sources that BIA wanted to take them from.

The committee is trying to keep a check on them and, as a result, has stated that in the future the funds should be taken from the Johnson-O'Malley program only.

Mr. WALKER. So, in other words, this is basically a tightening provision, even though it still does continue the practice of giving lunches to children whose parents can probably afford to pay for them.

Mr. YATES. I do not know whether that is true, because I do not know that many Indian children come from wealthy families, or non-needy families.

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My impression is that, by and large, the Indian people are not among the wealthiest people in this country.

Mr. WALKER. I thank the gentleman for his explanation. I would certainly agree with that. But the language in the amendment states specifically that the money is going to nonneedy students. So, therefore, it would seem that we are covering students where the determinations of poverty level would not fit those particular students involved.

Mr. YATES. May I say to the gentleman that the Government is required by law to provide those funds.

Mr. WALKER. I thank the gentleman.

There is language in amendment No. 59 providing $200,000 for Brigham City, Utah. Could the gentleman explain to me what that money is for?

Mr. YATES. The school in Brigham City is going to be closed. the purpose of providing these funds is to again conduct a feasibility study as to the possibility of using that school for other purposes.

Mr. WALKER. Is this money which is going for locally derived purposes, or is this a Federal project?

Mr. YATES. We do not know the answer to that. We hope the study will disclose that. Closing the school will save $3 million to the taxpayers.

Mr. WALKER. I thank the gentleman.

Amendment No. 112 provides $15 million for an energy demonstration facility in Kentucky. Is this an energy facility which has been authorized by the appropriate committees of the Congress?

Mr. YATES. Not specifically, may I say to the gentleman. This is an atmospheric fluidized coal bed facility. TVA is authorized by this amendment to bid against other entrants for the opportunity of providing the developmental work that is involved here.

Mr. WALKER. But this is not something which has gone through the R&D budgets of the proper authorizing committees of the Congress at this point?

Mr. YATES. It has been generically authorized, may I say, just as the Department of Energy has the generic authority to provide funds for research and development for fossil energy research and development.

Mr. WALKER. This would be done under that general authority?

Mr. YATES. The gentleman is correct.

Mr. WALKER. I thank the gentleman.

I have the same kind of question about amendment No. 116 which directs strip casting of steel, where $7 million is being provided for research and development and demonstration. I also wonder whether or not that has been authorized by the appropriate committees or whether or not that is being derived from a particular authority given of a general nature.

Mr. YATES. May I say to the gentleman that the authority for that provision comes from the same generic authorization.

It is an interesting and innovative developmental project that is being proposed under which the companies that participate will be required to provide repayment to the Government, up to double the Federal expenditure, may I say, so that the Government will not only receive its funds back, but it will receive twice the money that it put up.

Mr. WALKER. I thank the gentleman.

And, finally, amendment No. 162 gives 20 acres to the Mitchell School District in Nebraska. Can the gentleman tell me why we are doing that?

Mr. YATES. That is surplus property for which the Federal Government has no use, and under the surplus property program there is authority given to the Secretary of the Interior to release land to school districts for recreation purposes or for school district purposes.

Mr. WALKER. There is usually a check and balance system, though, on that, where the Interior Department requests those kinds of surplus donations be made.

Mr. YATES. This is correct. Secretary Watt has complained that the procedures, the rigorous procedures, for checking are too onerous, as a matter of fact. Those procedures have been undertaken before this exchange.

Mr. WALKER. But in this case the Interior Department has asked that this donation be permitted to go forward?

Mr. YATES. That is correct. The gentleman is correct.

Mr. WALKER. I thank the gentleman for responding.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. YATES).

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 12: Page 9, line 15, strike out "$269,530,000" and insert "$262,338,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$270,803,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 16: Page 10, lines 10 and 11, strike out "; and for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757f)".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: "; $4,000,000, to remain available until expended, for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757f), of which $500,000 shall be made available to the State of Idaho without regard to the limitation as stated in 16 U.S.C. 757e and without regard to the Federal cost sharing provisions in 16 U.S.C. 757a-757f: *Provided*, That 16 U.S.C. 757e is amended by adding the following new sentence: 'The State of Idaho shall be eligible on an equal standing with other states for Federal funding for purposes authorized by sections 757a to 757f of this title.' "

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

POINT OF ORDER

Mr. BREAUX. Mr. Speaker, I make a point of order against the provisions in Senate amendment No. 16.

My point of order is pursuant to clause 7 of rule XVI, the provisions of which indicate that Senate amendment No. 16 is not germane.

Mr. Speaker, I make this point of order for two reasons, if the Speaker would want me to be heard at this time.

Mr. YATES. Mr. Speaker, I concede the point of order.

The SPEAKER pro tempore. The point of order is sustained.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein with an amendment as follows: Restore the matter stricken by said amendment, amended to read as follows: "; $4,000,000 to remain available until expended, for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757f)".

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. YATES).

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 17: Page 10, line 11, strike out "$21,816,000" and insert "$19,785,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein with an amendment, as follows: In lieu of the number stricken and inserted by said amendment, insert the following: "and an additional $23,301,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 25: Page 12, line 17, strike out all after "93-408," down to and including "451)" in line 19 and insert "$608,302,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451) of which $100,000 shall be made available upon entering into a cooperative agreement with the Martin Luther King, Jr. Center for Nonviolent Social Change, Inc.".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "$601,095,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451)"

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 26: Page 13, line 3, after "States" insert ": *Provided further*, That $85,000 shall be available for the National Park Service to assist the town of Harpers Ferry, West Virginia, for police force use".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 26, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 30: Page 13, line 3, after "States" insert ": *Provided further*, That up to $100,000 shall be available for a study to examine the suitability of a site in East St. Louis, in the State of Illinois, for a museum of American culture and anthropology, and to determine the variety and breadth of the collections that might be exhibited in such museum".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 30, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 36: Page 13, line 24, strike out "$42,637,000" and insert "$28,555,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$44,037,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 41: Page 14, line 15, "centum" insert ", of which not to exceed $600,000 shall be available for engineering and planning the Burr Trail Highway and access roads in and adjacent to the Capitol Reef National Park and the Glen Canyon National Recreation Area, and not to exceed $1,500,000 for engineering and construction of the Halls Crossing-Bullfrog Ferry access roads and ramps in Glen Canyon National Recreation Area, such funds to be transferred to the State of Utah for accomplishment of these activities in accordance with provisions of a cooperative agreement between the National Park Service and the State of Utah.".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ", of which not to exceed $1,500,000 for engineering and construction of the Halls Crossing-Bullfrog Ferry access roads and ramps in Glen Canyon National Recreation Area, such funds to be transferred to the State of Utah for accomplishment of these activities in accordance with provisions of a cooperative agreement between the National Park Service and the State of Utah".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 43: Page 14, line 15, after "centum" insert ": *Provided further*, That up to $1,000,000, to be derived from the Historic Preservation Fund, shall be available until expended for the preparation of a feasibility report recommending measures necessary to provide protection from the severe sloughing of bluffs in Natchez, Mississippi, between the north limits of the National Cemetery and the United States Highway 84 bridge, where potential bluff sloughing is found imminent and historic properties, roads, streets, utilities and other improvements are threatened, such funds to be transferred to the Secretary of the Army for utilization by the United States Army Corps of Engineers".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 43 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "*Provided further,* That up to $1,000,000 of the funds provided under this head, to be derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), shall be available until expended for the preparation of a feasibility report recommending measures necessary to provide protection from the severe sloughing of bluffs in Natchez, Mississippi, between the north limits of the National Cemetery and the United States Highway 84 bridge, where potential bluff sloughing is found imminent and historic properties, roads, streets, utilities and other improvements are threatened, such funds to be transferred to the Secretary of the Army for utilization by the United States Army Corps of Engineers.".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 44: Page 14, line 22, strike out "$161,471,000" and insert "$149,450,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$148,150,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 51: Page 19, line 13, strike out "$127,865,000" and insert "$129,925,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$136,425,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 57: Page 21, strike out all after line 22 over to and including "law" in line 7 on page 23 and insert "in field offices, $819,710,000 of which not to exceed $53,735,000 for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1985, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1985: *Provided,* That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640(d)-18(a)), $3,951,000, to remain available until expended: *Provided further,* That none of these funds shall be expended as matching funds for programs funded under section 103(a)(1)(B)(iii) of the Vocational Education Act of 1963, as amended (20 U.S.C. 2303(a)(1)(B)(iii)): *Provided further,* That in addition, moneys received by grant to the Bureau of Indian Affairs from other Federal agencies to carry out various programs for elementary and secondary education, handicapped programs, bilingual education, and other specific programs shall be deposited into this account and remain available as otherwise provided by law: *Provided further,* That $450,000 shall be made available until expended for transfer by the Secretary of the Interior to the Attorney General to reimburse private litigants for legal fees incurred in the State of New Mexico ex rel. Reynolds v. Aamodt water adjudication suit".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "in field offices, $822,302,000 of which not to exceed $54,135,000 for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1985, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1985: *Provided,* That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640(d)-18(a)), $3,951,000, to remain available until expended: *Provided further,* That none of these funds shall be expended as matching funds for programs funded under section 103(a)(1)(B)(iii) of the Vocational Education Act of 1963, as amended (20 U.S.C. 2303(a)(1)(B)(iii)): *Provided further,* That in addition, moneys received by grant to the Bureau of Indian Affairs from other Federal agencies to carry out various programs for elementary and secondary education, handicapped programs, bilingual education, and other specific programs shall be deposited into this account and remain available as otherwise provided by law".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 58: Page 23, line 7, after "law" insert ": *Provided further,* That any cost of providing lunches to nonboarding students in public schools from funds appropriated herein shall be paid from the amount of such funds otherwise allocated for the schools involved without regard to the cost of providing lunches for such students".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 58, and concur therein.

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 59: Page 23, line 7, after "law" insert ": *Provided further,* That $200,000 shall be transferred to the city of Brigham City, Utah, for the purpose of conducting a study to: (1) assess the socioeconomic impact on the local community due to the closure of the Intermountain Intertribal School, (2) identify and analyze possible uses for the facilities and property now occupied by the Intermountain Inter-tribal School, and (3) meet other appropriate objectives, as identified by the mayor of Brigham City to minimize any negative impact on the city resulting from the school's closure".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 59, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 61: Page 23, line 11, after "ities" insert ", including architectural and engineering services by contract".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 61, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 63: Page 23, line 13, strike out "$56,320,000" and insert "$75,425,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 63 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$78,920,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 64: Page 23, after line 22 insert:

EASTERN INDIAN LAND CLAIMS FUND

For settlement of the Mashantucket Pequot land claim in Ledyard, Connecticut, $900,000, to remain available until expanded: *Provided*, That such funds shall become available for obligation only upon enactment into law of authorizing legislation.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 64, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 78: Page 28, line 22 strike out "$104,973,000" and insert "$111,767,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 78, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$112,109,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 79: Page 28, line 22, strike out "$79,133,000" and insert "$80,249,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 79 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$78,521,000".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 80: Page 28, line 23, strike out "$25,840,000" and insert "$31,518,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 80 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$33,588,000".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 83: Page 30, line 4, strike out "$41,882,000" and insert "$43,806,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 83 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$44,068,000".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 85: Page 30, line 13, strike out "$17,100,000" and insert "$16,899,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 85 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$16,814,000".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 86: Page 31, after line 2, insert:

OFFICE OF WATER POLICY

For necessary expenses of the Office of Water Policy to develop and administer a water policy for the Department of the Interior to lands and resources managed thereby, $1,532,000, and $6,350,000 for grants to State water resource research institutes as described in title I (except section 105) of Public Law 95-467.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 86 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

OFFICE OF WATER POLICY

For grants to State water resource research institutes as described in title I (except section 105), Public Law 95-467, $6,350,000, hereby transferred to "Surveys, Investigations, and Research", Geological Survey.

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 90: Page 35, strike out all after line 5 over to and including line 25 on page 36.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 90 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following:

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the preparation for, or conduct of, pre-leasing and leasing activities (including but not limited to: calls for information,

tract selection, notices of sale, receipt of bids and award of leases) of lands within:

(a) An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree west longitude line south along that longitude line to its intersection with the line which passes between blocks 598 and 642 on Outer Continental Shelf protraction diagram NK 19-10; then along that line in an easterly direction to its intersection with the line between blocks 600 and 601 of protraction diagram NK 19-11; then in a northerly direction along that line to the intersection with the 60 meter isobath between blocks 204 and 205 of protraction diagram NK 19-11; then along the 60 meter isobath, starting in a roughly southeasterly direction; then turning roughly northeast, north, and west until such isobath intersects with the northern boundary of block 974 of protraction diagram NK 19-6; then along the line that lies between blocks 930 and 974 of protraction diagram NK 19-6 in a westerly direction to the first point of intersection with the seaward limit of the Commonwealth of Massachusetts territorial sea; then southwesterly along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degrees west longitude line.

(b) The following blocks are excluded from the described area: In protraction diagram NK 19-10, blocks numbered 474 through 478, 516 through 524, 560 through 568, and 604 through 612; in protraction diagram NK 19-6, blocks numbered 969 through 971; in protraction diagram NK 19-5, blocks numbered 1005 through 1008; and in protraction diagram NK 19-8, blocks numbered 37 through 40, 80 through 84, 124 through 127, and 168 through 169.

(c) The following blocks are included in the described area: In protraction diagram NK 19-11, blocks numbered 633 through 644, 677 through 686, 721 through 724, 765 through 767, 809 through 810, and 853; in protraction diagram NK 19-9, blocks numbered 106, 150, 194, 238, 239, and 283; and in protraction diagram NK 19-6, blocks numbered 854, 899, 929, 943, 944, and 987.

(d) Blocks in and at the head of submarine canyons: An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (45 U.S.C. 1331(a)), located in the Atlantic Ocean off the coastline of the Commonwealth of Massachusetts, lying at the head of, or within the submarine canyons known as Atlantic Canyon, Veatch Canyon, Hydrographer Canyon, Welker Canyon, Oceanographer Canyon, Gilbert Canyon, Lydonia Canyon, Alvin Canyon, Powell Canyon, Munson Canyon, and Corsair Canyon, and consisting of the following blocks, respectively:

(1) On Outer Continental Shelf protraction diagram NJ 19-1; blocks 36, 37, 38, 42-44, 80-82, 86-88, 124, 125, 130-132, 168, 169, 174-176, 212, 213.

(2) On Outer Continental Shelf protraction diagram NJ 19-2; blocks 8, 9, 17-19, 51-52, 53, 54, 61-63, 95-98, 139, 140.

(3) On Outer Continental Shelf protraction diagram NK 19-10; blocks 916, 917, 921, 922, 960, 961, 965, 966, 1003-1005, 1009-1011.

(4) On Outer Continental Shelf protraction diagram NK 19-11; blocks 521, 522, 565, 566, 609, 610, 653-655, 697-700, 734, 735, 741-744, 769, 778-781, 785-788, 813, 814, 822-826, 829-831, 857, 858, 866-869, 873-875, 901, 902, 910-913, 917, 945-947, 955, 956, 979, 980, 989-991, 999.

(5) On Outer Continental Shelf protraction diagram NK 19-12; blocks 155, 156, 198, 199, 280-282, 324-326, 369-371, 401, 413-416, 442-446, 450, 451, 489-490, 494, 495, 530, 531, 533-540, 574, 575, 577-583, 618, 619, 621-623, 626, 627, 662, 663, 665-667, 671, 672, 706, 707, 710, 711, 750, 751, 754, 755, 794, 795, 798, 799.

(6) On Outer Continental Shelf protraction diagram NK 19-9; blocks 559-561, 603-607, 647-651, 693-695, 737-739.

(7) On Outer Continental Shelf protraction diagram NK 20-7; blocks 706, 750, 662, 618, 574.

(e) Nothing in this section shall prohibit the lease of that portion of any block described in subsection (d) above which lies outside the geographical boundaries of the submarine canyons and submarine canyon heads described in subsection (d) above: *Provided*, That for purposes of this subsection, the geographical boundaries of the submarine canyons and submarine canyon heads shall be those recognized by the National Oceanographic and Atmospheric Administration, Department of Commerce on the date of enactment of this Act.

(f) Nothing in this section shall prohibit the Secretary of the Interior from granting contracts for scientific study, the results of which could be used in making future leasing decisions in the planning area and in preparing environmental impact statements as required by the National Environmental Policy Act.

(g) References made to blocks, protraction diagrams and isobaths are to such blocks, protraction diagrams, and isobaths as they appear on the map entitled Outer Continental Shelf of the North Atlantic from 39° to 45° North Latitude, (Map No. MMS-10) prepared by the United States Department of the Interior, Minerals Management Service, Atlantic OCS Region.

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 91: Page 37, strike out lines 1 to 23, inclusive.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 91 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the leasing of the following blocks located in the Eastern Gulf of Mexico Outer Continental Shelf:

(a) Blocks in an area commonly known as the seagrass beds included in Official Protraction Diagram NH 16-9, Apalachicola: 35, 36, 79-81, 122-125, 165-169, 209-213; Official Protraction Diagram NH 17-7, Gainesville: 1, 2, 45-47, 89-93, 133-138, 177-183, 225-227, 270-272, 315-317, 360-362, 404-406, 449-450, 493-495, 539, 583-585, 628-630, 672-675, 716-719, 760-764, 804-808, 850-853, 894-897, 938-941, 984-987; and Official Protraction Diagram 17-10, Tarpon Springs: 17-23, 61-67, 106-111, 150-155, 194-199, 239-244, 283-288, 328-332, 372-377, 416-421, 460-464, 505-508, 549-552, 593-596, 637-640, and 682;

(b) Blocks in an area commonly known as the Florida Middle Ground included in Official Protraction Diagram NH 16-12, Florida Middle Ground: 251, 295, 339-340, 342, 383-386, 427-430, 471-474, 515-518, and 560-561;

(c) Blocks in an area within the 20-meter isobath south of 26° N. latitude included in Official Protraction Diagram NG 17-7, Pulley Ridge: 37-43, 82-87, 126-131, 171-175, 215-219, 259-263, 303-307, 347-351, 392-395, 436-439, 480-483, 524-527, 568-571, 612-615, 656-659, 700-703, 744-747, 788-791, 833-835, 877-879, 921-923, 965-967, 1009-1011; and

(d) For those tracts offered for lease in Sale #79 which are located south of 26° N. latitude, the following lease stipulations shall apply:

(1) No exploratory drilling activities will be approved by the Department of the Interior until the Department of the Interior has accumulated 3 years worth of physical oceanographic and biological resource data; and

(2) Lessees will be required to perform biological surveys prior to approval and initiation of exploration of drilling operations and to work in cooperation with the Department of the Interior on the monitoring of any subsequent drilling activities

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. YOUNG of Florida. Mr. Speaker, reserving the right to object, does this unanimous-consent request include passage of the amendment, or will we have an opportunity to discuss it?

Mr. YATES. Mr. Speaker, if the gentleman will yield, my unanimous-consent request was that the amendment be considered as read.

Mr. YOUNG of Florida. We will have an opportunity, then, to discuss the amendment proposed?

Mr. YATES. If the gentleman will yield further, the gentleman is correct. I will take time.

Mr. YOUNG of Florida. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. YATES) is recognized for 30 minutes.

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this amendment relates to the agreement by the conferees re-

specting the permitting of leasing in the eastern Gulf of Mexico. I understand that the gentleman from Florida (Mr. YOUNG) wanted to ask me a question.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Speaker, during our earlier colloquy during the general debate, we discussed the protection of the so-called 50-mile buffer, that which we have referred to as the 50-mile buffer.

In the gentleman's response, he had indicated that that area, although no longer included in the conference report, would still be protected. We have looked very closely at the report and I think we have checked it with your staff and have come to the conclusion that we are not protected. I would like to get that matter settled first.

Mr. YATES. Mr. Speaker, the gentleman is correct. Apparently I misspoke at the time of our earlier colloquy. I repeat, the gentleman is correct in his statement that there are no prohibitions against leasing above the 26th parallel and below the 28th parallel.

Mr. YOUNG of Florida. Up to the middle ground, or which is commonly referred to as the middle ground.

Mr. YATES. The gentleman is correct.

I was just going to tell the gentleman that according to the information furnished us from the Department of the Interior respecting this map, the interest by the oil companies in drilling in this area is practically nil. There is one small area consisting of two tracts, Nos. 891 and 935, only two tracts, which is roughly 40 to 50 miles off the coast of Florida, in which there is some slight interest.

I would say further that there is also an area of about 50 tracts approximately 30 miles off the western coast of Florida where there is industry interest.

Mr. YOUNG of Florida. Mr. Speaker, the information that the gentleman has just provided is the same information that I have, and I think we concur on that.

Mr. YATES. That is correct.

Mr. YOUNG of Florida. In view of the lack of interest, except for those 2 small areas, I really find it surprising that we could not have included most of this tract in the protection.

Mr. YATES. Mr. Speaker, I would have been perfectly willing to do so, except that in dealing with Members of the other body I was unable to do that.

Mr. YOUNG of Florida. Yes; I am aware of that, because during the consideration of this matter before the full Committee on Appropriations, the chairman and the ranking member, the gentleman from Pennsylvania (Mr. MCDADE), were very instrumental in providing this type of protection.

Mr. MCDADE. Mr. Speaker, if the gentleman will yield to me, I just want to say to my friend, the gentleman from Florida, that his statement is correct. He played a very important role in establishing this as this legislation left the House. Without his efforts, it would not have been possible.

May I say to my friend that when the bill was taken to conference, the chairman and I made every effort to sustain the House position but, unfortunately, our friends in the other body did not see it that way. Maybe we should send our friend, the gentleman from Florida, over to the other body so he can protect it over there as well as he did here. He did a fine job, but we were unable to hold it in conference.

Mr. YOUNG of Florida. I thank the gentleman for that.

I thank the gentleman for his comments and I appreciate the support that both gentlemen have given us in this matter.

Discussing the other body and some of the people there who were involved in eliminating this from the conference agreement, I have been advised by a Member of the other body who represents the State of Florida in the Congress that they have been in touch with another Member of the other body who objected strongly to providing this 50-mile buffer and apparently they have reached some kind of an agreement, maybe a 20- or 30-mile buffer as opposed to 50 miles.

That being the case, I wonder if the chairman would object to taking a few more minutes and have another go at this amendment?

Mr. YATES. May I say to the gentleman that I do not think that we can do that in this bill. What I would suggest to the gentleman, and I would be glad to work with him in this respect, is that another vehicle will come along and we can attempt to put the prohibition in that vehicle.

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Mr. YOUNG of Florida. Mr. Speaker, when does the chairman of the subcommittee think that might be?

Mr. YATES. Well, later on we have a supplemental appropriations bill that is coming forward, and I think that might be an appropriate vehicle; or when the continuing resolution is again considered after November 10, we could possibly do it then.

Mr. YOUNG of Florida. Let me say this, if the gentleman will yield further.

Mr. YATES. Mr. Speaker, first, I was just going to tell the gentleman that the suggestion has just been made to me that if the Senate may be willing to provide the kind of a buffer that the gentleman has suggested, and on behalf of the House conferees I would be willing to accept it.

Mr. YOUNG of Florida. What would be the vehicle for that?

Mr. YATES. When the conference report comes back. The conference report has to come back, may I say to the gentleman, because of the point of order that has been made.

The possibility is this: If the other body is willing to accept the gentleman's suggestion, I would be perfectly willing to accept it on this side.

Mr. YOUNG of Florida. Mr. Speaker, since we have to go back to conference anyway on another part of this report, would the gentleman have any objection to taking this back formally in disagreement and reviewing it at that time?

Mr. YATES. Mr. Speaker, may I say to the gentleman that this gentleman would prefer that the Senate initiate that. I have the responsibility to protect this conference report, and if the gentleman from Florida can get the Senate to agree to do it on the other side, I would be glad to accept it on this side.

Mr. YOUNG of Florida. I think the gentleman understands that while the Senator in question might be willing to accept this, I doubt that the Senator is going to initiate it because the chairman of the subcommittee knows full well that he led the opposition in the conference committee.

Mr. YATES. Mr. Speaker, may I say to the gentleman that I cannot initiate it on this side.

Mr. YOUNG of Florida. But we could do it by motion.

Mr. YATES. No. The reason I cannot is because I took that proposition over to the other side and they would not accept it. Now, it seems to me to be futile to again put it in with the hope and expectation that the other side would do it. That is why I suggested to the gentleman that if he can get the other side to do it, it would be much more expeditious and much more reasonable for the gentleman to ask the other body to do it and obtain their consent before it comes back here.

Mr. YOUNG of Florida. Mr. Speaker, I applaud the gentleman's support for what we are trying to do. I really wish that he would allow us to initiate the action here because this is where the action was initiated in the first place.

Mr. YATES. That is right. And the gentleman knows what happened to the action we initiated. The other body would not accept it.

If the other body will not accept the initiative of the gentleman, it makes no sense to try to do it again.

I would ask the gentleman to let this go through. The conference report will then go over to the other side for the

corrective measures or for the agreement of the Senate, and if the gentleman can persuade the Senate and the other person, the Senator from Florida, and they are able to do it, we will accept it.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman allow me to speak for just a couple more minutes?

Mr. YATES. Of course, I am glad to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I wonder if the gentleman would yield to my colleague, the gentleman from Florida (Mr. IRELAND), who has been asking me for an opportunity to speak?

Mr. YATES. Yes; I yield to the gentleman from Florida (Mr. IRELAND).

Mr. IRELAND. Mr. Speaker, I thank my colleague, the gentleman from Florida (Mr. YOUNG), and also the subcommittee chairman for their interest in our very important and severe problem here. I would like to see us, I would say to the subcommittee chairman, work toward the solution that my colleague, the gentleman from Florida (Mr. YOUNG), suggests. If there is any way that we can do that, we would be most supportive.

Mr. Speaker, I thank the gentleman for yielding.

Mr. YATES. Mr. Speaker, I hope the gentleman will take my suggestion of attempting to have his recommendation incorporated into the conference report by initiating it over on the other side. I think that is the way to do it.

Mr. McDADE. Mr. Speaker, will the gentleman yield?

Mr. YATES. I am happy to yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Speaker, I want to say to my colleague, the gentleman from Florida (Mr. YOUNG), that he has made the matter indelibly clear to us, his position is clear, and the subcommittee chairman has offered as much as he can to accommodate the gentleman from Florida.

So I would urge the gentleman, too, to refrain from seeking to defeat the subcommittee chairman's motion.

I will join with the gentleman from Illinois in saying to my friend, the gentleman from Florida, that we will do everything we can in this bill to accommodate him, and we have a supplemental coming. This bill will have to go back to conference for some adjustments, as my friend has said, and we will do everything we can to accommodate the gentleman from Florida in his position. We know his feeling about it. He has presented his facts very diligently, and we will be pleased to try to accommodate him, as well as our other colleague, the gentleman from Florida (Mr. IRELAND) when we take either vehicle back. The chairman of the subcommittee has given that assurance to him in perfect language.

Mr. YATES. That is right. The gentleman has the assurances of both the distinguished ranking minority member and the subcommittee chairman, so I would urge the gentleman to try to do it in the other body.

Mr. YOUNG of Florida. Mr. Speaker, with those assurances from two very powerful Members of this body and knowing them both to be men of character and integrity and men of their word, I will agree.

Mr. YATES. That is very true.

Mr. YOUNG of Florida. I know that, and I say that very sincerely.

Mr. Speaker, with those assurances, I would agree to the subcommittee chairman's recommendation, as endorsed by the ranking minority member, and I thank them very much.

Mr. YATES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. YATES).

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 94: Page 38, strike out lines 9 to 21, inclusive, and insert:

SEC. 108. None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except for emergency leasing as defined in 43 CFR 3425.1-4, lease modifications as defined in 43 CFR 3432, and lease exchanges as defined in 43 CFR 3435, until the Secretary has appointed a Commission to review the Department's coal leasing and valuation procedures to ensure receipt of fair market value and the development of coal leases in an environmentally compatible manner; the Commission has submitted its report to the Congress within six months after appointment; and ninety days have elapsed after the report is submitted to Congress.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 94 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 112. None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except for emergency leasing as defined in 43 CFR 3425.1-4, lease modifications as defined in 43 CFR 3432, and lease exchanges as defined in 43 CFR 3435 or as specified in Public Law 96-401 until the Commission on Fair Market Value Policy for Federal Code Leasing has submitted its report to the Congress and ninety days have subsequently elapsed.

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 95: Page 38, strike out all after line 21 over to and including line 15 on page 40.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 95 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

SEC. 113. (a) No funds in this or any other act may be expended by the Department of the Interior for the lease or sale of lands within the Department of the Interior Southern California Planning area described in (1) through (4) below. No funds may be expended for lease or sale of lands within the area described in (1) through (4) so long as adjacent State Tidelands continue to be designated as State Oil and Gas Leasing Sanctuary pursuant to Sec. 6871.1 et seq. of the California Public Resources Code, or the State Lands Commission does not enter into any lease for the extraction of oil or gas on State-owned tide and submerged lands within the areas described:

(1) An area of the Department of the Interior Southern California Planning Area off the coastline of the State of California Oil and Gas Leasing Sanctuary as described by Sec. 6871.1 et seq. of the California Public Resources Code in effect September 29, 1983, and extending from the seaward extension of the northerly city limits of the City of Newport Beach south to the southerly boundary of the State of California and from the base line (defined as the seaward limit of the California State Tidelands) and which is described by a line, every point of which is at least three miles seaward of the seaward limit of the California State Tidelands;

(2) An area of the Outer Continental Shelf, as defined in Section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 (a)), located in the Pacific Ocean off the coastline of Santa Monica Bay defined in subparagraph (A) or (B), whichever lies further from the seaward limit of the California State Tidelands:

(A) an area located off the coastline of the State of California Oil and Gas Leasing Sanctuary as described by Sec. 6871.2(a) California Public Resources Code in effect September 29, 1983, and extending from the base line (defined as the seaward limit of the California State Tidelands) and which is described by a line, every point of which is three miles seaward of the nearest point of the base line and which is located between the lines extended due south from the eastern and western boundaries of the sanctuary; or

(B) an area located off the coastline of the State of California Oil and Gas Leasing sanctuary as described by Sec. 6871.2(a) California Public Resources Code in effect September 29, 1983, and which lies shoreward of a straight line between the northeast corner of block 42N, 50W, and the midway point between the northwest corner of block 36N, 42W, and the southeast corner of block 37N, 43W on the California (Lambert) Plane Coordinate System.

(3) An area within the boundaries of the Channel Island National Marine Sanctuary, as defined by Title 15, part 935.3 of the Code of Federal Regulations; and

(4) An area within the boundaries of the Santa Barbara Channel Ecological Preserve and Buffer Zone, as defined by Department of the Interior, Bureau of Land Management Public Land Order 4587 (Vol. 34, page 5655 Federal Register March 26, 1969).

(b) Until January 1, 1985, no funds may be expended by the Department of the Interior for the lease or sale of lands in OCS Lease Sale #80 which lie within an area located off the coastline of the State of California Oil and Gas Leasing Sanctuary as defined by Sec. 6871.1 et seq. California Public Resources Code in effect September 29, 1983, from the City of Newport Beach south to the southerly boundary of the State of California and extending from the base line (defined as the seaward limit of the California State Tidelands) and which is described by a line, every point of which is 9 miles seaward of the seaward boundary of the California State Tidelands.

(c) Until January 1, 1985, no funds may be expended by the Department of the Interior for the lease or sale of lands within the Department of the Interior Southern California Planning area, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of Santa Monica Bay, State of California, which lies within a line on the California (Lambert) Plane Coordinate System beginning at the point of intersection of a seaward extension of the boundary line between Los Angeles County and Ventura County with the seaward limit of the California State Tidelands: thence south to the midpoint of block 40 north, 52 west; thence diagonally southeast to the southeast corner of block 35 north, 44 west; thence due east to the first point of intersection with a line extended due south from Point Fermin along the eastern boundary of the State of California oil and gas sanctuary in effect on June 1, 1982; thence north along that line to the first point of intersectin with the seaward boundary of the California State Tidelands; thence northwesterly to the point of beginning along the seaward boundary of the California State Tidelands.

(d) This section shall not affect the authority of the Secretary of the Interior to approve any plan, or to grant any license or permit, which is restricted to scientific exploration or other scientific activities, or pre-leasing activities necessary up to the point of sale.

(e) Leasing within the Department of the Interior's Southern California Planning Area under funding provided in this title shall be conducted according to the stipulations similar to those agreed upon in the Lease Sale 73 memorandum of agreement between the State of California and the Department of the Interior, unless the Governor of California and the Secretary of the Interior agree that other provisions are more appropriate.

(f) In OCS Lease Sale 80, lease or sale of lands affecting the responsibilities of the Department of Defense shall be with the concurrence of the Secretary of Defense.

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

POINT OF ORDER

Mr. BREAUX. Mr. Speaker, I make a point of order against Senate amendment No. 95, the point of order being that under rule XVI, clause 7, the provisions are not germane.

Mr. YATES. Mr. Speaker, I concede the point of order.

The SPEAKER pro tempore. The point of order is sustained.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House insist on its disagreement to the amendment of the Senate numbered 95.

The SPEAKER pro tempore. Does the gentleman from Illinois (Mr. YATES) seek recognition on his motion?

Mr. YATES. I do not seek recognition, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. YATES).

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 96: Page 40, after line 15, insert:

SEC. 109. Notwithstanding the matching grant requirements of the provisions of section 6(f) of the Land and Water Conservation Fund Act, 16 U.S.C. 4601-8(f), funds appropriated to or expended by the Teton Disaster Relief Organization, are available for projects funded and authorized under the Land and Water Conservation Fund grant program.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment to the Senate numbered 96 and concur therein with an amendment, as follows: In lieu of the section number in said amendment, insert "114".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 97: Page 40, after line 15, insert:

SEC. 110. Notwithstanding section 507(b)(14) of the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87), cross-section maps or plans of land to be affected by an application for a surface mining and reclamation permit shall be prepared by or under the direction of a qualified registered professional engineer or geologist, or qualified registered professional land surveyor in any State which authorizes land surveyors to prepare and certify such maps or plans.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 97 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 115. Notwithstanding section 507(b)(14) of the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87), cross-sections maps or plans of land to be affected by an application for a surface mining and reclamation permit shall be prepared by or under the direction of a qualified registered professional engineer or geologist, or qualified registered professional land surveyor in any State which authorizes land surveyors to prepare and certify such maps or plans.

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 106: Page 42, line 15, strike out "$36,352,000" and insert "$32,400,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 106 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$38,552,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 107: Page 44, after line 22, insert:

None of the funds made available under this Act shall be obligated or expended to adjust annual recreational residence fees to an amount greater than that annual fee in effect at the time of the next to last fee adjustment, plus 50 per centum. In those cases where the currently applicable annual recreational residence fee exceeds that adjusted amount, the Forest Service shall credit to the permittee that excess amount, times the number of years that that fee has been in effect to offset future fees owed to the Forest Service.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 107, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 109: Page 46, after line 7, insert:

"The Secretary of Energy shall, utilizing the funds remaining for project feasibility development studies appropriated under this head in Public Law 96-126 (93 Stat. 970 (1979)), conduct a feasibility study of an alternative fuels wood pellet gasifier facility located near Sandpoint, Idaho".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 109 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"The Secretary of Energy shall, utilizing the funds remaining for project feasibility development studies appropriated under this head in Public Law 96-126 (93 Stat. 970 (1979)), use up to $200,000 to conduct a feasibility study of an alternative fuels wood pellet gasifier facility located near Sandpoint, Idaho".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 110: Page 46, after line 7, insert ": *Provided*, That the Secretary of Energy shall, utilizing $33,027.79 of the funds remaining for Project Development Feasibility Studies appropriated under this head in Public Law 96-126 (93 Stat. 970 (1979)), reimburse consultants who provided services reviewing grant applications to the Office of Alcohol Fuels within the Department of Energy in 1980.".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 110, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 112:

Page 47, line 7, after "activities" insert ": *Provided further*, That out of any money in the Treasury not otherwise appropriated, an additional $15,000,000 is to be made available on October 1, 1984, and an additional $15,000,000 is to be made available on October 1, 1985, such sums to remain available until expended, for a project to be carried out under the administrative and technical direction of the Tennessee Valley Authority, in cooperation with the Commonwealth of Kentucky and other entities, involving the planning, designing, constructing, operating, and testing of a demonstration facility near Paducah, Kentucky, for the generation of electricity from coal using an atmospheric fluidized bed combustion process".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 112, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 115: Page 47, line 23, strike out "$37,000,000" and insert "$38,100,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 115 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$33,100,000".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 116: Page 48, line 6, after "contribution" insert ": *Provided further*, That $7,000,000 of the sum provided under this head shall be made available for research development, and demonstration of a process to produce steel by direct strip casting, with the provision that the United States Treasury will be repaid up to double the total Federal expenditure for such process from proceeds to the participant from the commercial sale, lease, manufacture, or use of such process".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 116, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 120: Page 48, strike out lines 12 to 25, inclusive, and insert:

STRATEGIC PETROLEUM RESERVE AND EMERGENCY PREPAREDNESS

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), $528,770,000, to remain available until expended, and for necessary expenses in carrying out emergency preparedness activities, $5,230,000.

SPR PETROLEUM ACCOUNT

The aggregate amount that may be obligated under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), for the acquisition and transportation fo petroleum, and for other necessary expenses, is $1,316,000,000, in addition to authority provided in fiscal years 1982 and 1983, to remain available until expended.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 120 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

STRATEGIC PETROLEUM RESERVE

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), $158,770,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

The aggregate amount that may be obligated under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), for the acquisition and transportation of petroleum, and for other necessary expenses, is $650,000,000, in addition to authority provided in fiscal years 1982 and 1983, to remain available until expended: *Provided*, That the minimum required fill rate during fiscal year 1984 shall be not less than 186,000 barrels per day.

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The motion was agreed to.

□ 1350

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 130: Page 55, line 24, strike out "$51,000,000" and insert "$56,500,000".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 130 and concur therein with an amendment, as follows: In lieu of

the sum proposed by said amendment, insert "$50,900,000".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 135; Page 56, line 24, strike out all after "$156,533,000" over to and including "Center" in line 5 on page 57.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 135 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: "including not less than $786,000 to carry out the provisions of the National Museum Act and $500,000 to be made available to the trustees of the John F. Kennedy Center for the Performing Arts for payment to the National Symphony Orchestra and $500,000 for payment to the Washington Opera Society for activities related to their responsibilities as resident entities of the Center."

Mr. YATES. Mr. Chairman, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 141: Page 59, line 25 after "expended" insert "and of which not to exceed $1,810,000 for the special exhibition program shall remain available until expended".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 141 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: "and of which not to exceed $1,360,000 for the special exhibition program shall remain available until expended".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 158; Page 70, line 12, after "areas" insert ", any lands designated by Congress as wilderness study areas or any Bureau of Land Management wilderness study areas".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 158 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ", or any lands designated by Congress as wilderness study areas".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 159: Page 73, after line 4, insert:

"SEC. 316. The Senate finds that the Forest Service's proposal of March 15, 1983, to consider six million acres of the national forest for possible sale has met with considerable opposition; and the national forests are an important part of the national heritage of the United States; and the national forests provide and protect important resources; and the national forests provide unique opportunities for recreation; and it is inconsistent with past management practices to dispose of large portions of our national forests. It is, therefore, the sense of the Senate that it is not in the national interest to grant the authority to sell significant acreage of the national forest until such time as the Forest Service specifically identifies the tracts which are no longer needed by the Federal Government; inventories the tracts as to their public benefit values; provides opportunities for public review and discussion of the tracts; and completes all necessary environmental assessments of such sales".

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 159 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"The Congress finds that the Forest Service's proposal of March 15, 1983, to consider six million acres of the national forest for possible sale has met with considerable opposition; and the national forests are an important part of the national heritage of the United States; and the national forests provide and protect important resources; and the national forests provide unique opportunities for recreation; and it is inconsistent with past management practices to dispose of large portions of our national forests. It is, therefore, the sense of the Congress that it is not in the national interest to grant the authority to sell significant acreage of the national forest until such time as the Forest Service specifically identifies the tracts which are no longer needed by the Federal Government; inventories the tracts as to their public benefit value; provides opportunities for public review and discussion of the tracts; and completes all necessary environmental assessments of such sales".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 160: Page 73, after line 4, insert:

SEC. 317. Notwithstanding any other provision of law, the Secretary of the Interior is authorized and shall seek to acquire the private lands described in section 505(a) of the Act of November 10, 1978 (92 Stat. 3467), by crediting a surplus property account, to be established in the name of each landowner, in the amount of the acquisition price for such landowner's lands. The National Park Service shall update the existing appraisals for the parcels and, based on the approved appraised values, shall negotiate with the landowners for acquisition prices. Each owner may, using such credits in his surplus property account, bid, as any other bidder for surplus property, wherever located, in accordance with the Federal Property and Administrative Services Act of 1949. The Administrator of the General Services Administration shall establish each landowner's surplus property account and shall adjust the credits in such accounts to reflect successful bids under this section. Title to the lands described in this section shall pass to the Government at the time of establishment of the surplus property accounts. The credits in any of the surplus property accounts may be transferred or sold in whole or in part at any time by the landowner to any other party, thereby vesting such party with all the rights of the landowner, and after such transfer, the landowner shall notify the Administrator of the transfer. At any time the Secretary may purchase the balance of any surplus property account subject to the availability of appropriated funds.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreement to the amendment of the Senate numbered 160, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 162: Page 73, after line 4, insert:

SEC. 319. Notwithstanding any other provision of law, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") is hereby authorized to convey to Mitchell School District in Scotts Bluff County, Nebraska, all right, title, and interest, except as provided herein, to a tract of land consisting of 20 acres, more or less, more particularly described as the west half southwest quarter nothwest quarter section 17, township 23 north, range 55 west, sixth principal meridian. Conveyance of such right, title, and interest shall be upon the condition that the Mitchell School District shall simultaneously convey without cost, an easement right on certain of the above-described lands to the Pathfinder Irrigation District for the purpose of operating and maintaining irrigation canals, laterals, or drains-related storage works of the North Platte project, a Federal reclamation project. The Mitchell School District shall pay the fair market value of the lands as of the date of the conveyance, including administrative costs, as determined by the Secretary. In determining the fair market value of the lands, the Secretary shall recognize the existence of the easement right to be granted to the Pathfinder Irrigation District and shall not include the value of any improvements made on or to the lands by the Mitchell School District or its predecessors. Withdrawals from the public domain as they pertain only to the lands described in this paragraph under Secretarial Orders of February 11, 1903, and July 24, 1917, for purposes of the North Platte Project, are revoked by conveyance of the rights, title, and interests as set forth in this paragraph.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from it disagreement to the amendment of the Senate numbered 162, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the final amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 163: Page 73, after line 4, insert:

SEC. 320. (a) Section 3 of Public Law 96-315 is amended—

(1) in the first sentence of subsection (a) by striking out "December 31, 1979" and inserting in lieu thereof "July 1, 1982, and who held a valid Fish and Wildlife Service access permit for improved property owners at any time during the period from July 29, 1976 through December 31, 1979";

(2) in the second sentence of subsection (a) by inserting after "Lighthouse" the following: ", or, for anyone in continuous residency since 1976, passing through a point on the east-west prolongation of the centerline of Albacore Street, Whaleshead Club Subdivision, Currituck County, North Carolina"; and

(3) by adding at the end thereof the following:

"(f) Notwithstanding any other provision of this section or any other provision of law, the Regional Director of the Fish and Wildlife Service shall grant restricted access to noneligible permanent fulltime residents as of April 1, 1983, who can substantiate that access is essential to their maintaining a livelihood (e.g., a fulltime employee in Norfolk, Virginia).".

(b) No more than twenty-five additional permits shall be issued pursuant to this amendment.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its disagreements to the amendment of the Senate numbered 163 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: Public law 96-315 is hereby amended by adding the following new section:

"3(f) Up to 15 additional permits shall be granted to those persons meeting any one of the following conditions:

"(1) A resident as of July 1, 1982, who held a valid Fish and Wildlife Service access permit for improved property owners at any time during the period from July 29, 1976, through December 31, 1979.

"(2) Anyone in continuous residency since 1976 residing in the area bounded on the north by the refuge boundary and on the south by a straight line passing through a point on the east-west prolongation of the centerline of Albacore Street, Whaleshead Club Subdivision, Currituck County, North Carolina.

"(3) Any permanent full-time resident as of April 1, 1983, not otherwise eligible who can substantiate to the Secretary of the Interior that access is essential to their maintaining a livelihood."

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks, and that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material and tabular information on the conference report and on the amendments in disagreement on the bill, H.R. 3363, which were just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinios?

Mr. YOUNG of Florida. Reserving the right to object, Mr. Speaker, I did not hear the last part of the gentleman's unanimous consent request. Did it deal with reconsideration on the amendments?

Mr. YATES. Mr. Speaker, if the gentleman will yield, no, it did not.

Mr. YOUNG of Florida. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Without objection, a motion to reconsider the votes whereby the conference report and the various motions on amendments in disagreement were disposed of is laid on the table.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the right to object on that unanimous-consent request.

The SPEAKER pro tempore. The gentleman will state his reservation.

Mr. YOUNG of Florida. Mr. Speaker, I would like to ask the chairman if he would have any objection to that unanimous-consent request excluding amendment No. 91, so that we would have an opportunity to reconsider it when we come back to the House in view of our earlier discussion.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. Yes, certainly.

Mr. YATES. Mr. Speaker, I do not know the answer.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, before I reply to the gentleman, may I propound a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman from Illinois will state it.

Mr. YATES. One, as to whether or not the gentleman's request is in order and, two, whether it is necessary in order to preserve the gentleman's rights.

The SPEAKER pro tempore (Mr. KILDEE). The motion to reconsider the vote on the motion on amendment No. 91 is in order. But if the Senate subsequently sends over a further amendment to that House amendment to Senate amendment 91, the House could consider that issue at a subsequent time.

The point the Chair is making is that there may be no need to reconsider at this time.

Mr. YOUNG of Florida. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Only if the Senate sends over a subsequent amendment to the House amendment, the Chair wants to make that clear to the gentleman.

Without objection, a motion to reconsider is laid upon the table.

The was no objection.

PERMISSION TO TABLE RULES

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that House Resolution 221 and House Resolution 313 be laid of the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts.

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3958, WATER RESOURCE DEVELOPMENT APPROPRIATIONS, 1984

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 331 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 331

Resolved, That during the consideration of the bill (H.R. 3958) making appropriations for water resource development for the fiscal year ending September 30, 1984, and for other purposes, all points of order against the bill for failure to comply with the provisions of clause 2, rule XXI are hereby waived.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri (Mr. TAYLOR), and pending that, I yield myself such time as I may use.

Mr. Speaker, House Resolution 331 is a rule waiving points of order to permit consideration of H.R. 3958, the water resource development appropriation bill for fiscal year 1984.

Mr. Speaker, the rule specifically waives clause 2 of rule XXI which prohibits unauthorized legislation and legislation in an appropriations bill. This waiver is necessary primarily because appropriations are provided in this bill for some 20 projects whose authorizations have reached some stage of the legislative process, but have not yet been enacted into law. In fact, the Committee on Public Works has ordered reported H.R. 3678, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983. The provisions of H.R. 3678 served as the basis for this appropriations bill and since the authorization has not been enacted into law, the waiver was necessary.

In addition, Mr. Speaker, there are a few provisions of the bill protected by this waiver that technically are considered legislation, such as the language stipulating that certain studies of projects shall not constitute a commitment of the Government to begin construction.

This waiver of points of order, Mr. Speaker, will simply allow the House to proceed in an orderly fashion to consider the appropriation needed for such projects relating to flood control, water supply, navigational improvements, beach erosion control, and hydropower development.

Mr. Speaker, this bill appropriates $118.9 million for the initiation of construction of new water resource development projects and for the continuation of planning and engineering on other projects on which construction will begin in the near future.

The regular fiscal year 1984 Energy and Water Development Appropriation Act (Public Law 98-50) provided $3.6 billion for planning, construction, and maintenance of water resource development projects. However, at the time that bill was considered, the Appropriations Committee made a commitment to recommend urgently needed funding for some new construction projects and for the repair and rehabilitation of some existing projects for both the Corps of Engineers and the Bureau of Reclamation for fiscal year 1984. H.R. 3958, Mr. Speaker, responds to that need.

Mr. Speaker, I would point out to my colleagues that the funding in this bill and the amount already appropriated for energy and water development for fiscal year 1984 are within the targets set out in the budget resolution.

Mr. Speaker, it is essential that we preserve our Nation's natural resources. We must respond to the demand for development of our water supply and the need for better navigation, flood, and erosion control.

I urge support of this rule so that the bill might be considered in an orderly manner.

□ 1400

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 331 waives points of order against consideration of an appropriations bill for water resource development, H.R. 3958.

This rule represents the recommendation of the Committee on Rules as the best way for the House to deal with the issue of water resource development projects that are to be funded by the bill, and the best way to facilitate House consideration of this important legislation in a timely manner.

The rule waives clause 2 of rule XXI against H.R. 3958, because the bill does contain legislative language in an appropriations bill and because it does make appropriations that are not yet authorized by law.

Mr. Speaker, I want to reiterate a point made a moment ago by the gentleman from Massachusetts (Mr. MOAKLEY), that this rule does not preclude the offering of amendments to the bill.

There has been some considerable controversy about water resource projects, flood control projects, and the like around the Congress for as long as I have been here. We had considerable testimony about the granting of this rule in our hearing yesterday in the Rules Committee. I have no doubt that when the bill comes up later today, or tomorrow, there will be even more controversy and debate.

I simply want to point out that Members may offer any germane amendments, which are not themselves in violation of the Rules of the House.

Mr. Speaker, the bill being brought to the floor by the Committee on Appropriations contains some $119 million for 43 water resource development projects during the 1984 fiscal year.

Twenty of these projects are not yet authorized by law. They are included, however, in an authorization bill now pending on the House Calendar. The Committee on Public Works and Transportation reported H.R. 3678 in early August, and timely action on that bill is expected.

The chairman of the Appropriations Subcommittee on Energy and Water Development, the gentleman from Alabama (Mr. BEVIL), made it quite clear to the Committee on Rules that these projects are included in the bill because of the urgency of the various situations.

Mr. Speaker, I was pursuaded by Mr. BEVIL's testimony and by the testimony of the ranking Republican member of the subcommittee, the gentleman from Indiana (Mr. MEYERS), that this bill represents their best judgment of the real priority water resource development projects.

We were told that even if the authorization bill, H.R. 3678, were already enacted into law, it would not change the appropriations priorities.

Mr. Speaker, it is not my purpose to explain the necessity for each and every one of these projects. That debate will occur when the Appropriations Committee calls up their bill, and I am sure the House will have ample opportunity to delve into the reasons specific projects are contained in the bill.

I do want to say, however, that this rule does protect the bill from points of order, but it does not protect it from germane amendments. If we are to have an orderly consideration of the bill, if we are to allow the members of the Appropriations Committee the opportunity to explain their bill, then we must adopt this rule.

I support this rule, and I urge my colleagues to support it.

Mr. Speaker, at this time I yield as much time as he may consume to the distinguished minority member of the Appropriations Committee, the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. I thank the gentleman for yielding.

Mr. Speaker, I appeared before the Rules Committee in opposition to the request made by the chairman of the full Appropriations Committee, Mr. WHITTEN, for this particular rule. My objection at that time was that he was requesting waivers of points of orders against unauthorized projects.

There are 43 water projects in this particular bill. Of those 43, 20 are unauthorized. We will go into the merits and details of those projects when we get to the bill on the floor of the House. But I thought it was terribly unfair to grant this rule, waiving points of order against these unauthorized projects, in a supplemental bill.

This supplemental appropriations bill grossly prejudices the fair consideration of 100 other proposed new projects currently contained in the pending authorization bill. As I meticulously reviewed this bill, I found no urgency for any of these projects. Furthermore I received a letter from OMB this morning, from Mr. Stockman, which I will read into the RECORD.

It says:

DEAR SIL: As you know, the House Appropriations Committee marked up the Water Resource Development Appropriation Bill of 1984 on Wednesday, September 21. This letter reviews the Administration's position on the Committee action.

This Administration has placed a high priority on breaking the deadlock that has prevented initiation of new water development projects for a number of years. To this end, we proposed innovative changes in policy that would increase the participation of project beneficiaries in construction and operating costs. We engaged in highly productive discussions with state and local officials and obtained agreements that would enable the Federal government to fund important new projects at lower cost while ensuring that the projects have strong local support and large economic returns. Our efforts resulted in fifteen proposed new construction starts that were submitted to the Congress.

The fifteen projects, recommended by the Administration would require appropriate funding of $700 million to complete without any allowance for inflation; actual spending would, of course, be considerably greater, depending on inflation rates and construction schedules. To this carefully balanced mix of projects, the Committee added twenty-nine others, thereby raising the total Federal cost of the new construction projects in the bill to $4.4 billion before inflation.

Unlike the projects recommended by the Administration, those added by the Committee have no likelihood of substantial local financial participation. The Committee bill also concentrates projects in a handful of states, with Alabama, California, Colorado, and Louisiana accounting for more than half of its total cost.

The Administration is concerned, moreover, that half of the projects for which funds are appropriated have not been authorized by separate legislation—

That was the point I was making earlier—

The enactment of authorizing legislation is an important part of the procedures by which the Congress and the Administration select projects for construction.

We do not believe any worthwhile purpose is served by shortcircuiting that process. Because almost half of the funding in the bill would go to navigation projects, we believe it is especially important to await authorizing legislation that will provide for the collection of fees from the commercial users of these enhanced channels.

In this time of severe budget deficits, we must maintain the fiscal discipline in which the Committee cooperated when acting upon the regular FY 1984 Energy and Water Development appropriations bill. But with the addition of the funds that would be made available by H.R. 3958, total funding for water resources development in FY 1984 would exceed the President's request by $259 million.

As I noted above, this Administration has been trying very hard to implement changes in policy that will enable this nation to get on with the job of building essential new water development projects. It is thus with considerable regret that I must inform you that unless the serious deficiencies in H.R. 3958 are corrected, the President's senior advisors could not recommend that he approve the legislation. I urge you to exercise leadership in removing the obstacles to favorable action on this very important matter.

Sincerely,

DAVID A. STOCKMAN,
Director.

Therefore, I hope the rule is defeated.

Mr. MOAKLEY. Mr. Speaker, I yield 7 minutes to the gentleman from Pennsylvania (Mr. EDGAR) for purposes of debate only.

Mr. EDGAR. I thank the gentleman for yielding me this time.

Mr. Speaker, I take the well in opposition to this rule. Yesterday before the Rules Committee I laid out my reasons. It is a basic difference of opinion as to how to best serve the nation in developing a national public policy as it relates to water.

Congressman ROE from New Jersey who chairs the authorizing committee has worked very diligently with those of us on the committee in developing H.R. 3678 which I hold in my hand, and which contains over 150 different authorizing projects, but also includes a new program for urban water loan programs, to rehabilitate and reconstruct our urban water systems. It includes an environmental mitigation fund. It includes many projects that are in areas and districts throughout the Nation that have had substantial loss of life and property due to flood control. And it includes many reforms that were necessary to build a marriage between the environmental community and those in the construction community who want to build water projects across the country.

Over the last 7 years there have not been new water projects developed because we have killed over the last 7 years new authorizations in the omnibus water bills. We have done that for a reason. And that is because bad projects and good projects were mixed together with no overall policy considerations. And therefore, Congressman ROE from New Jersey should be commended for fast-tracking this large omnibus water bill and getting the consensus of our committee to report out 49 to 0 this bill which is now pending in the House, it is pending before the Ways and Means Committee and two other committees.

□ 1410

I think it would be more appropriate for the Rules Committee rather than reporting out this rule, which I find objectionable, to work very diligently to bring those committees together so that we might deal with the authorization bill, which I support. And for the first time in 7 years I can stand on the floor proud of supporting a particular water bill.

But Mr. Speaker, what we did in this appropriation bill is we select 20 projects, not regionally located, not located in terms of merit or quality, simply 20 projects, many of whom represent membership on the Appropriations Committee, or are strategically located and, in fact, commits us to large expenditures.

It was pointed out by several of the gentlemen on the Rules Committee that we are talking about $118 million of appropriation. The fact is if we vote for this appropriation bill we are committing ourself to $4.4 billion of construction.

Let me give some examples. We are going to spend $245 million on a second lock and dam at Alton, Ill., locks and dam No. 26. We are going to spend $525 million on channel improvements for the Mississippi River, in Louisiana, and we are going to spend $447 million on improvements to the Mobile Harbor, improvements that are necessary primarily because we have spent $2 billion constructing the Tennessee Tombigbee Waterway, and now we are going to spend another half-billion improving the Port of Mobile.

The projects may be very worthy. But if you take a look at the number of projects that are in our authorization bill, I have to believe that some of the projects that are contained there for water supply in Boston, for projects of flood control in Kansas and Nebraska and Ohio and Pennsylvania, projects that are critical to Members throughout the House, those projects have to take a back seat to the very projects that are now being listed. There are 20 projects totaling $3,036,000,000 that are being fast-tracked by the Appropriations Committee, and I believe that we ought to reject this rule, send this bill back and await the full authorization bill so that we can deal with this matter in a very constructive way. Further, Mr. Speaker, if in fact this rule by chance should pass the House, I would urge the Members of the House to support an amendment which I will offer to delete those 20 unauthorized projects so that we can go through the proper procedures of the House, we can weigh the merits and the demerits of the au-

thorization process, we can put the policy initiatives in place that are necessary.

Mr. Speaker, we have in the authorization bill cost sharing provisions on water projects, cost sharing provisions on deepening our ports throughout the Nation. All of those cost sharing provisions are not provided for in this legislation.

There is some language in the appropriation bill that says no money can be appropriated for construction until the authorization bill passes. I commend the gentleman who put that language in the bill as protection.

But I have to remind the House that this still has to go through the process of the other body, and I can envision this bill coming back from the other body with 100 water projects, each of the Senators placing their favorite project in the pipeline. Second, I can envision the bill coming back from the other body without that protection language, and that would mean that all of the pressure that is built over time to pass a reasonable and responsible authorization bill would simply go out the window.

So I urge my colleagues to look carefully at what we are doing. Each of you who have projects in your districts or in your States that are not being fast tracked should ask one simple question of the Appropriations Committee, and that is is my project not worthy. Is my flood control project not worthy of consideration in this fast-track provision? What makes the 20 projects that are listed here more worthy than all of the other projects that have been laid out? And why should be at this point fast track this shopping list of projects without full consideration of the policy initiatives that the Public Works and Transportation Committee so diligently worked for?

So my plea to you as Members is to develop a national water policy, to get us away from this confrontation that we have had 7 years. Let us join together. Let us pass an omnibus water resource bill.

Let us join together in that spirit, and then we can come to the House floor and debate the merits or demerits of which of those authorized projects should in fact be placed before the House.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO) for purposes of debate only.

Mr. VENTO. Mr. Speaker, I rise in opposition to the rule.

I am concerned about the rule, Mr. Speaker, because it does set up a precedent for bypassing the authorizing committee in this particular instance, in spite of the fact that there has been I think a rather remarkable amount of work done in that committee by the Member from Pennsylvania, my friend and colleague, Mr. EDGAR, and others on that particular committee.

More than that, I think it sends a signal to the other body and sends a signal that there is not going to be any change in terms of water policy or authorizing language, that we are going to go down the road authorizing projects without the consideration of any particular types of policy changes.

So I think it really seals the fate of the good work they have done on that committee and I think that that, Mr. Speaker, is a mistake. There is no urgency with regard to some of these projects, many of which have some merit. This is no continuing resolution. The Government is not going to close down tomorrow.

Indeed, if these projects are not enacted, they take their place waiting for an authorization bill to pass the House and the other body, and then the appropriation bill to follow.

So I think we ought to look at the process and what we are doing to it, Mr. Speaker, by voting against this rule.

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the ranking minority member of the Subcommittee on Energy and Water of the Appropriations Committee, the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Speaker, some of us who have been around here for a few years have been listening to the reasons why and the reasons why not, and frankly I do not hear any new ones through the years, and seldom see a new face. Usually it is the same people who oppose anything progressive in our country who are opposing this.

But your subcommittee on Appropriations for Energy and Water Development told this House a few months ago when we passed out of this House the appropriations bill for other water and energy projects that this bill would be coming, that we have these projects that are badly needed for our country, every one of them.

Now, we told you how we were going to go about it, that we were going to wait until the authorizing committee had reported its bill out. We had that agreement with the authorizing committee. The authorizing committee is fully aware of what we are doing today.

So if it is suggested today that in any way your subcommittee is making an end run around the authorizing process, that is absolutely not true. I am sorry the gentleman from New Jersey. (Mr. ROE) is not on the floor here today, but the chairman of the committee and a number of us had this agreement with the gentleman from New Jersey (Mr. ROE) that we would wait. He is fully aware of these projects.

To respond to some of the accusations as to why you, as a Member of this body, should vote against the rule today, it has been suggested that there is no need for the new starts.

It is a long way from the time of the first proposal of a project to completion, whether it be flood control that is badly needed or something else. Ask the people of Arizona, Utah, or the other States of this country if there is not a need now for flood control, instead of waiting for 4 or 5 years for some progress to work?

But in this bill we do provide for several projects that are badly needed. Your committee selected these because they are high in priority for a great many reasons. But the engineering work, the design work has to be done now so that actual construction, actual digging can start sometime in the next few years.

But as has already been conceded here, in the bill that will be coming up later that this rule provides for, we do provide that actual construction, the work to be done out there, may not start until authorized by Congress and signed by the President.

Let me respond to the gentleman from Pennsylvania (Mr. EDGAR) who questioned how we made this selection and with, I am sorry to say, an insinuation that there was some kind of a tradeoff made here in the selection because of what States they were located in or for some other reasons. With more than 200 applications that your committee had to look at and has been reviewing for years, I can understand why people are frustrated that their project is not in here. I too have none in here. But we had to make a selection of those highest in priority.

□ 1420

And we made that selection on merit. We selected those items that were high in our priorities. If you believe in the committee system, you have to depend upon your committees and subcommittees.

Now the gentleman, my good friend from Massachusetts read his "Dear Sil" letter. That is nothing new. There was not one thing new in there, that is new to this Congress or to the gentleman from Massachusetts.

In fact I have a "Dear John" letter from the same writer that says exactly word for word what is in his. But I also have a "Dear John".

But this was May 24, and it recited the same reason why he could not recommend to the President to sign our regular bill on 1984 energy and water appropriations.

In his last paragraph in that letter saying that the President could not sign our regular bill he says: "The administration also objects to the increases in budget authority of $27 million for the Bureau of Reclamation. In

its present form—" now, I am talking about the previous bill that has already been signed, "—the bill is unacceptable to the administration." But the President signed it. I even have a pen that he used in signing it.

So, yes, there is nothing new about this. Yes, we added some projects that were not in the President's request. That is nothing new. I have been in the Congress for a few years. I remember President Carter vetoed a bill a few years ago because we included two projects that were not on his shopping list. They had been earlier. But something happened in those States and the pressure got off so he had to withdraw them. He vetoed that bill because of two projects.

But it has been historic and constitutional that the executive branch works with the legislative branch and we work with them.

The SPEAKER pro tempore. The time of the gentleman (Mr. MYERS) has expired.

Mr. TAYLOR. Mr. Speaker, I yield to the gentleman from Indiana (Mr. MYERS) 1 additional minute.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. MYERS. Of course; I yield to my colleague.

Mr. CONTE. I will be very quick. Let me just make two points. You mentioned the floods in Arizona and Utah, and there are no projects in this bill for Arizona and Utah.

Second, with regard to the fiscal year 1984 energy and water appropriations bill, that bill originally was objectionable to the administration. But we did cut it down, thanks to the 4-percent cut offered in committee by the gentleman from Indiana.

And that brought the bill within the administration's benchmark. But here you have got 20 projects, and when this bill gets through with the other body you may have another 50 or 60. As you know, the other body is not going to be outdone by the House of Representatives. And we will have a vetoed bill here and lose all of these projects. We would be doing all this work for nothing.

Mr. MYERS. Well, to respond to your question, you have been around here more years than I have. You know we always have differences with the other body. We had an opportunity to vote on the bill at that time. But in reality the bill we have today will be completed in conference. If it is out of reason, I will not sign the conference report. In fact, I think this is on the border, the place where I think it is high enough. I think we can work out the differences with the other body.

Mr. CONTE. The gentleman and I can disagree without being disagreeable.

The SPEAKER pro tempore. The time of the gentleman (Mr. MYERS) has expired.

Mr. TAYLOR. Mr. Speaker, I yield 2 additional minutes to the gentleman from Indiana.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield to the gentleman.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the gentleman's comments.

I, too, would like to return to an earlier comment that he made in defense of the procedure. He talked about the problems in Arizona and Utah as symbolic of the need for construction projects.

I would be much more sympathetic to his bill on the floor if in fact we were taking the $100 million and committing it to the flood damage that we have seen in Arizona and Utah.

I think that if that is the case, let us fast track those projects and commit them.

But I wonder if the gentleman could answer one specific question: Why are we spending $18 million to improve the Fisherman's Wharf in California as a fast track measure? Is there some urgency for $18 million of Federal funds for Fisherman's Wharf?

Mr. MYERS. Yes. Fisherman's Wharf is a bottleneck. It has been on the docket quite some time to have some construction work done there. It is vital to commerce.

Also they have had some storms and north of San Francisco there is another harbor, a harbor of refuge that is very, very dangerous, so far from the next safe harbor that we had to put that in also. It is a low figure. It is not one of highly concentrated population but if you are out there either leisurely sailing up and down the Pacific coast and hit a storm, or if you are a commercial fisherman and you are in need of a safe harbor, you are going to wonder why we did not put one there. This is a high priority item in the judgment of this committee.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Speaker, I point out in fact that maybe what we ought to be talking about, we ought to talk about it in terms of its worthiness. In terms of the 20 projects here, most of the 20 projects listed here, there is no emergency, there is no necessity in terms of saving lives, saving property, saving people; it is simply in the judgment of the Appropriations Committee you would like to fast track these projects and, in a sense, you take the steam out of the very proper legislative direction that the authorizing committee has pursued.

I think it is a mistake.

Mr. MYERS. Is there any one of these 20 in the appropriations bill that is not in the bill that you say is OK?

Mr. EDGAR. Yes.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. TAYLOR. Mr. Speaker, I yield 1 additional minute to the gentleman from Indiana.

Mr. MYERS. Is there any one of the 20 that we have included here, you said there were 20, that is not in the authorizing bill that you say you will support?

Mr. EDGAR. Mr. Speaker, all of these are in the authorizing bill that I support.

Mr. MYERS. OK. It is a matter of judgment, then, is it not?

Mr. EDGAR. If the gentleman will yield further, there is also title VIII of the bill which provides for a loan program for urban water systems that would help build the water system in Boston, rebuild it.

Mr. MYERS. That is not ready because there is a local matter there, local involvement in this. That has not yet been resolved. I am not even sure it is going to come out of our subcommittee. It may be another subcommittee's jurisdiction.

I think there is a jurisdictional question on this one.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Speaker, I simply wanted to clarify for the RECORD the concerns, I know, of a number of Members regarding the flooding in Arizona and Utah. We are proceeding at a rapid pace. We have two studies that have been fast-tracked in the appropriations bill that was signed just several weeks ago which will lead us directly to a point where we can begin to work on some of the problems, particularly in southeastern Arizona that we are all seeing very, very clearly today.

So I think it would be unfair to imply the committee was not or is not sensitive to that region.

Mr. MYERS. I thank my colleague for responding. Many of these things will be answered in general debate when we get on the bill.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. TAYLOR. Mr. Speaker, I yield 1 additional minute to the gentleman from Indiana.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I have been intrigued by some of the questions and answers that have been taking place here. What I would like to know is, as a new Congressman who relied for a home project, a water

project, relies on the normal process available to me when I came to the Congress, that we have to go through the authorization process, what advice do you have to give to me when I see that 20 projects are jumping on to the appropriation, by-passing that authorization process, that very same authorization process to which the gentleman referred.

Mr. MYERS. If the gentleman was on the floor he would realize that we did not bypass the authorization process.

Mr. GEKAS. That is my phrase, I apologize for that, bypass.

What I am asking is: Should my procedure have been to come directly to the Appropriations Committee for this?

Mr. MYERS. No, the project that the gentleman has in mind, the Appropriations Committee is well aware of, but it is not as high in priority as some of the other projects.

When we get into the general bill, if you will enter into colloquy we will explain the procedure on each one of these. I hate to take the time of the Rules Committee here. They will probably be up here late tonight or tomorrow.

Mr. GEKAS. But the gentleman is saying that he sets the priorities?

Mr. MYERS. That is the committee system we have operated under for 200 years.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Speaker, I also rise in opposition to the rule but for a different reason than has been discussed by previous speakers.

A number of us, my colleagues and I, did appear before the Rules Committee on behalf of some 130 Members of this body to request a rule that would permit an amendment to prohibit funding for the Clinch River breeder reactor. The reason we made that request was our concern that funds for that breeder reactor might be inserted in the Senate although it is not in the bill at present and might be inserted in the Senate and we would not have the opportunity to vote on that here.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. COUGHLIN. I would be happy to yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I think the gentleman is talking about the supplemental bill, which is on next, that has the Clinch River breeder reactor in it. This is the water resources bill.

Mr. COUGHLIN. Excuse me. I stand corrected. I thought we were on the supplemental bill.

□ 1430

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I do not wish to belabor the point, but I think it is something that needs to be pointed out as often as possible that what we are doing here is bypassing the authorization process. It can be viewed no other way.

We have a situation before us where we are asked to approve a rule which waives points of order. Under the regular procedures of the House, many of the projects that are included under this appropriations bill would be subject to points of order because they have not been properly authorized. That is the regular procedure around here. That is the procedure we have operated under for 200 years, that what we do is we authorize first and then we appropriate the money.

Now, that is not going to be done here as a result of both the rule and the bill that we will take up following the rule. I would hope that there would be a vote against this rule just to point out that the Members around here, who are on authorizing committees, feel that it is important that our judgment be entered into this process of spending the Government's money.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Speaker, the gentleman is making a good point. We just had State-Justice and Commerce here, a very major bill. And points of order were made against everything in that bill that was not authorized and thrown out of that bill.

Why should this be a sacred cow? Could the gentleman answer that?

Mr. WALKER. I would agree with the gentleman if the gentleman would remember I was one of the Members who raised those points of order. And I think that that is what we have got to do in order to make certain that the authorizing and appropriating process is carried on in the House.

I think the gentleman makes an excellent point. I would hope that what we would begin to do in this House is only appropriate that money which has been properly authorized.

Mr. Speaker, I yield back the balance of my time.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the "ayes" appeared to have it.

Mr. EDGAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 270, nays 124, answered "present" 1, not voting 38, as follows:

[Roll No. 381]

YEAS—270

Ackerman	Emerson	Lott
Addabbo	English	Lujan
Akaka	Erdreich	Luken
Albosta	Fazio	Lundine
Alexander	Ferraro	MacKay
Andrews (NC)	Fields	Madigan
Andrews (TX)	Flippo	Markey
Annunzio	Ford (MI)	Marlenee
Anthony	Franklin	Martinez
Applegate	Frost	Matsui
Aspin	Fuqua	Mavroules
AuCoin	Garcia	Mazzoli
Barnard	Gaydos	McCain
Bateman	Gejdenson	McCloskey
Bellenson	Gephardt	McCurdy
Bennett	Gibbons	McDade
Berman	Gingrich	McEwen
Bethune	Gonzalez	McHugh
Bevill	Gore	Mica
Biaggi	Gray	Michel
Bliley	Guarini	Mikulski
Boggs	Gunderson	Miller (CA)
Boland	Hall (IN)	Miller (OH)
Boner	Hall, Ralph	Mineta
Bonior	Hall, Sam	Minish
Bonker	Hamilton	Moakley
Borski	Hammerschmidt	Mollohan
Bosco	Hance	Montgomery
Boucher	Hansen (ID)	Moody
Boxer	Hansen (UT)	Moore
Breaux	Harkin	Morrison (CT)
Britt	Harrison	Morrison (WA)
Broomfield	Hatcher	Mrazek
Brown (CA)	Hawkins	Murphy
Brown (CO)	Hayes	Murtha
Broyhill	Hefner	Myers
Bryant	Hightower	Natcher
Byron	Hillis	Nelson
Carney	Holt	Nichols
Carr	Horton	Nowak
Chappell	Howard	Oakar
Chappie	Hoyer	Oberstar
Cheney	Hughes	Olin
Clarke	Hutto	Ortiz
Clay	Ireland	Owens
Clinger	Jenkins	Panetta
Coelho	Jones (NC)	Parris
Coleman (MO)	Jones (OK)	Pashayan
Coleman (TX)	Jones (TN)	Patman
Collins	Kaptur	Patterson
Conyers	Kazen	Pease
Cooper	Kemp	Penny
Coyne	Kennelly	Perkins
Craig	Kindness	Pickle
Crockett	Kogovsek	Price
Daniel	Kolter	Rangel
Daschle	Kramer	Ratchford
Davis	LaFalce	Reid
Dickinson	Lantos	Richardson
Dixon	Leath	Rinaldo
Dorgan	Lehman (CA)	Roberts
Dowdy	Lehman (FL)	Robinson
Downey	Leland	Rodino
Duncan	Lent	Roe
Durbin	Levine	Roemer
Dwyer	Lewis (CA)	Rogers
Dymally	Lipinski	Rostenkowski
Dyson	Livingston	Rowland
Edwards (AL)	Lloyd	Rudd
Edwards (CA)	Long (LA)	Russo
Edwards (OK)	Long (MD)	Sabo

Savage	St Germain	Watkins
Schaefer	Stangeland	Waxman
Scheuer	Stark	Wheat
Schulze	Stokes	Whitley
Schumer	Stratton	Whittaker
Shannon	Swift	Whitten
Shelby	Tallon	Williams (OH)
Shuster	Taylor	Wilson
Siljander	Thomas (GA)	Winn
Sisisky	Torres	Wirth
Skelton	Torricelli	Wise
Smith (FL)	Towns	Wolf
Smith (IA)	Traxler	Wortley
Smith (NE)	Udall	Wright
Smith (NJ)	Valentine	Wyden
Smith, Robert	Vandergriff	Yates
Snyder	Volkmer	Yatron
Spence	Vucanovich	Young (AK)
Spratt	Walgren	Young (MO)

NAYS—124

Anderson	Gramm	Petri
Archer	Green	Porter
Barnes	Gregg	Pursell
Bartlett	Hartnett	Quillen
Bates	Hertel	Ray
Bedell	Hiler	Regula
Bereuter	Hopkins	Ridge
Bilirakis	Hubbard	Ritter
Boehlert	Hunter	Roth
Burton (IN)	Hyde	Roukema
Carper	Jacobs	Sawyer
Coats	Jeffords	Schneider
Conable	Johnson	Seiberling
Conte	Kasich	Sensenbrenner
Coughlin	Kastenmeier	Sharp
Courter	Kildee	Shaw
Crane, Daniel	Kostmayer	Shumway
D'Amours	Lagomarsino	Sikorski
Dannemeyer	Latta	Skeen
Daub	Leach	Slattery
Dellums	Levin	Smith, Denny
DeWine	Lewis (FL)	Snowe
Donnelly	Loeffler	Staggers
Dreier	Lowery (CA)	Stenholm
Early	Lowry (WA)	Studds
Edgar	Lungren	Stump
Erlenborn	Mack	Sundquist
Evans (IA)	Marriott	Synar
Evans (IL)	Martin (NC)	Tauke
Fiedler	Martin (NY)	Tauzin
Fish	McCandless	Thomas (CA)
Florio	McCollum	Vander Jagt
Foglietta	McKernan	Vento
Forsythe	McKinney	Walker
Fowler	Mitchell	Weaver
Frank	Moorhead	Weber
Frenzel	Neal	Weiss
Gekas	Nielson	Wolpe
Gilman	Obey	Young (FL)
Glickman	Ottinger	Zschau
Goodling	Oxley	
Gradison	Paul	

ANSWERED "PRESENT"—1

Packard

NOT VOTING—38

Badham	Feighan	Pritchard
Brooks	Foley	Rahall
Burton (CA)	Ford (TN)	Rose
Campbell	Hall (OH)	Roybal
Chandler	Heftel	Schroeder
Corcoran	Huckaby	Simon
Crane, Philip	Levitas	Solarz
de la Garza	Martin (IL)	Solomon
Derrick	McGrath	Whitehurst
Dicks	McNulty	Williams (MT)
Dingell	Molinari	Wylie
Eckart	O'Brien	Zablocki
Fascell	Pepper	

□ 1440

Mr. RAY, Mrs. ROUKEMA, and Mr. ANDERSON of California changed their votes from "yea" to "nay."

Mr. DUNCAN, Mrs. VUCANOVICH, and Mr. LEWIS of California changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1450

TRIBUTE TO ROBERT L. ROSS OF BENTON, KY.

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I speak today in tribute to a longtime friend of mine, Robert L. Ross of Benton, Ky.

Bob Ross died on October 3 at the Marshall County Hospital in Benton. He was 54 years of age and had fought cancer for over a year, continuing to work up until a few weeks ago when he had to enter the hospital.

In addition to his position as vice president of the Bank of Marshall County, Bob Ross was an active member and a deacon of the Benton Church of Christ. He had served as a scoutmaster and was a leader in the community of Benton as well as in the bank.

Bob Ross was held in high esteem by all in the community of Benton and in Marshall County. He was a man of honor and deserved the respect which was afforded him.

I was proud to be a friend of Bob Ross, and I will miss him. He was always kind and helpful to me.

I extend my sympathy to Bob's wife, Mrs. Jolette Ross, to his mother, Mrs. Mary Adeline Lineberry of Memphis, Tenn. to his two daughters, Mrs. Jerrice Lee Brown of Memphis, and Mrs. Greta Ann Smith of Newport, Tenn., to his son, Matthew Ross of Benton, and to his two grandchildren, Erin Lee Brown and Kimberly Ann Brown of Memphis.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3959, SUPPLEMENTAL APPROPRIATIONS, 1984

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 332 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 332

Resolved, That during the consideration of the bill (H.R. 3959) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes, all points of order against the bill for failure to comply with the provisions of clause 2, rule XXI are hereby waived, except against the language beginning with the word *"Provided"* on page 2, line 21 through the colon on page 2, line 25: *Provided*, That a point of order against that provision may be made only against that provision and not against the entire paragraph.

The SPEAKER pro tempore (Mr. KILDEE). The gentleman from Texas (Mr. FROST) is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 332 provides waivers to allow for the full consideration of H.R. 3959 which makes supplemental appropriations for fiscal year 1984. The supplemental provides funds for programs which would normally be contained in the four appropriations bill which were signed into law prior to the beginning of the new fiscal year: HUD and independent agencies; energy and water development; legislative branch; and transportation. Since these bills were signed into law the Appropriations Committee has received additional budget requests and H.R. 3959 reflects those additional administration requests.

House Resolution 332 provides for the consideration of these items by waiving all points of order against consideration of the bill for failure to comply with the provisions of clause 2, rule XXI. A number of provisions in the bill are not authorized and there is also language in the bill which is considered legislation, thus necessitating the waiver of clause 2 of rule XXI. There is, however, one exception to this blanket waiver. In chapter I of the bill, the Committee on Appropriations added legislative language to the provision of funds for the Emergency Veterans' Job Training Act of 1983 which would have changed the eligibility requirements for job training as provided in the authorizing act. Consequently, the Committee on Rules did not provide the waiver of clause 2, rule XXI for this language and a point of order against this language, but not against the entire paragraph, will stand if it is raised during consideration of the bill.

Mr. Speaker, House Resolution 332 will allow the offering of any germane amendment to H.R. 3959 which does not otherwise violate any other rule of the House. No amendments are made specifically in order, but if they can meet the germaneness test, and are not legislation, or if they are for authorized programs, they can be considered.

Mr. Speaker, I urge adoption of the rule so that the House may proceed to consideration of the supplemental.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge the adoption of the rule. It is a good rule. It is in no way a closed rule, although amendments which violate the House rules will still be subject to points of order.

Keep in mind there is $438 million in this measure most of which is for vet-

erans. The funding levels are generally consistent with administration policy. Let us not make a Christmas tree out of the supplemental. Let us hold the line and get the job done.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. I thank the gentleman for yielding this time to me.

Mr. Speaker, now that we are on the proper rule here, let me say that I am rising in opposition to the rule on behalf of a number of us who went before the Committee on Rules, on behalf of some 130 of our colleagues, requesting a rule making in order an amendment prohibiting funding for the Clinch River breeder reactor, as well as any funding for a new financing plan for that project unless it were further authorized by this House.

The concern that we had was that although there was no money in the supplemental appropriations bill for the Clinch River breeder reactor, that money might be inserted by the other body and it might be brought back here in such a way that we would not have the opportunity to vote on that.

I understand the distinguished chairman of the subcommittee has assured the Committee on Rules that we would have an opportunity to vote on that if money were inserted by the other body. The distinguished chairman, as I understand it, could not be here at the moment, but let me take this time to inquire of the distinguished ranking minority member, the gentleman from Indiana, if my understanding is correct that the subcommittee has assured that we would have a vote on the Clinch River project if it is inserted by the Senate.

Mr. MYERS. Mr. Speaker, will the gentleman yield for a response?

Mr. COUGHLIN. I yield to the gentleman from Indiana.

Mr. MYERS. I thank the gentleman for yielding.

Mr. Speaker, as the members of this committee, especially the chairman, the gentleman from Alabama (Mr. BEVILL), who is not able to be on the floor right now, and myself, and all the members, we have given assurance that the gentleman in the well, other opponents of Clinch River, that if the Senate should add provisions for Clinch River that we would assure him there would be an opportunity to vote when it comes back from conference.

□ 1500

Mr. Speaker, there is no Member on this floor who can give assurance as to what the Senate will or will not do, and there is no way for us to give the gentleman assurances today about what the wishes and will of the conferees will be. The only promise we can make is the promise that we have made for the past 2 years, that we will give the opponents an opportunity to vote on it.

The reason there is nothing in this supplemental is because of the wishes of the gentleman in the well and others. We refused to put any money in this on Clinch River because they have objected, but we give the gentleman assurance that there will be an opportunity to vote on it if the Senate should add funds or provisions for the continuation of Clinch River.

Mr. COUGHLIN. Mr. Speaker, I appreciate the gentleman's assurance.

Mr. QUILLEN. Mr. Speaker, if the gentleman will yield, I would only say that after you have beaten the cat over the head eight times, there is really no need to try to kill it again. It does not have nine lives. I hope that the breeder reactor does survive.

Mr. COUGHLIN. Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I thank the gentleman from Tennessee (Mr. QUILLEN).

Mr. Speaker, the bill that this rule makes in order helps to point out just how whacko the spending process has become around this House. The bill is entitled "making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes."

This is a supplemental appropriations bill when the fiscal year is 5 days old. It used to be around here that we would think about supplementals as being those bills that came along after the fiscal year had gone awhile and all of a sudden the agencies recognized they did not have sufficient money in their appropriations to meet their demands for the year. Here we are 5 days into the new fiscal year and already we have a supplemental appropriations before us.

What that tells us is that somewhere along the appropriations process is breaking down, too, that we are underfunding programs and we are not providing sufficient funding in the original bills and, therefore, we have got to come through with this kind of legislation. I think it makes a mockery of the authorization process and the appropriations process to be 5 days into the fiscal year and already considering supplemental appropriations.

Mr. Speaker, I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Speaker, I thank my friend, the gentleman from Texas, for yielding this time to me.

I would like to pursue the line of inquiry that was begun with the minority members of the gentleman's committee with respect to the Clinch River breeder reactor.

There are no funds in this appropriation for that project, and our concern is that the Senate might add moneys for this, that the conferees might agree to it, and that, therefore, although the House has been going on record the last two times as voting against the project, it would be denied any opportunity to express its will except by defeating the entire conference report.

Along with 130 Members of this body from both parties, we have petitioned the Rules Committee to allow an expression of the House with respect to the financing plan that has been put forward on this bill. The Rules Committee in its wisdom decided not to allow that, but what we would like is an assurance that if indeed the scenario which I have described does happen and the other body does add language or add money for this project, we would have an opportunity to vote, even if it required a rule to permit us to do so.

Mr. FROST. Mr. Speaker, if the gentleman will yield, during our consideration of this rule, the gentleman from Alabama (Mr. BEVILL), the chairman of the subcommittee with jurisdiction over this matter, appeared before our committee and committed to our committee that if this matter should be added by the Senate and should be agreed to by the conferees, we would have an opportunity for a separate vote when the conference report came back. It was understood that it would come back in disagreement with an opportunity for a separate vote on the floor.

Mr. OTTINGER. Mr. Speaker, I thank the gentleman from Texas (Mr FROST).

Mr. Speaker, I wonder if the chairman of the Committee on Appropriations who is here might confirm that understanding, and that is that we would be guaranteed a vote on any funds that might be added in the other body for the Clinch River breeder reactor.

Mr. WHITTEN. Mr. Speaker, if the gentleman will yield, during the hearing in the Rules Committee the gentleman from Alabama (Mr. BEVILL) was asked a similar question, and the members were assured that there were no funds in this bill whatsoever for the Clinch River project, and that in the event anything was added on the other side of the Capitol, we guarantee the House a separate vote on Clinch River.

So it is not in here, and there is nothing to be disturbed about as far as this bill is concerned. Should it get in there under any circumstances, the Members are assured that we would have a separate vote on it.

Mr. OTTINGER. That means that if the conferees should agree to the

Senate language, there would still be a separate vote?

Mr. WHITTEN. It would be brought outside the conference report where we would have a separate vote.

Mr. OTTINGER. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) and I thank the chairman of the committee (Mr. WHITTEN) for their assurances.

Mr. FROST. Mr. Speaker, I have no additional requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COUGHLIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 308, nays 83, answered "present" 1, not voting 41, as follows:

[Roll No. 382]

YEAS—308

Ackerman	Conte	Green
Addabbo	Cooper	Guarini
Akaka	Coyne	Hall (IN)
Albosta	Craig	Hall, Ralph
Alexander	Daniel	Hall, Sam
Anderson	Daschle	Hamilton
Andrews (NC)	Davis	Hammerschmidt
Andrews (TX)	Dickinson	Hance
Annunzio	Dixon	Hansen (ID)
Anthony	Dorgan	Hansen (UT)
Applegate	Dowdy	Harkin
Aspin	Downey	Harrison
AuCoin	Duncan	Hatcher
Barnard	Durbin	Hawkins
Bateman	Dwyer	Hayes
Beilenson	Dymally	Hefner
Bennett	Dyson	Hertel
Berman	Early	Hightower
Bethune	Edwards (AL)	Hillis
Bevill	Edwards (CA)	Holt
Biaggi	Edwards (OK)	Hopkins
Bilirakis	Emerson	Horton
Bliley	English	Howard
Boehlert	Erdreich	Hoyer
Boggs	Evans (IA)	Hubbard
Boland	Fazio	Hunter
Boner	Ferraro	Hutto
Bonior	Fiedler	Ireland
Bonker	Fish	Jenkins
Bosco	Flippo	Johnson
Boucher	Florio	Jones (NC)
Breaux	Foglietta	Jones (TN)
Britt	Ford (MI)	Kasich
Broyhill	Fowler	Kastenmeier
Bryant	Franklin	Kazen
Byron	Frost	Kemp
Carney	Fuqua	Kildee
Carper	Garcia	Kindness
Carr	Gaydos	Kogovsek
Chappell	Gekas	Kolter
Chappie	Gephardt	Kostmayer
Cheney	Gibbons	Kramer
Clarke	Gilman	Lagomarsino
Clay	Glickman	Lantos
Clinger	Gonzalez	Leath
Coelho	Gore	Lehman (CA)
Coleman (MO)	Gradison	Lehman (FL)
Coleman (TX)	Gramm	Lent
Collins	Gray	Levin
Lewis (CA)	Oakar	Smith (NJ)
Lipinski	Oberstar	Smith, Robert
Livingston	Obey	Snowe
Lloyd	Olin	Snyder
Long (LA)	Ortiz	Spratt
Long (MD)	Owens	St Germain
Lott	Panetta	Staggers
Lowery (CA)	Parris	Stangeland
Lujan	Patman	Stokes
Luken	Patterson	Stratton
Lundine	Pease	Studds
Mack	Penny	Stump
MacKay	Perkins	Sundquist
Madigan	Pickle	Swift
Marriott	Price	Synar
Martin (NC)	Pursell	Tallon
Martin (NY)	Quillen	Tauke
Martinez	Rangel	Taylor
Matsui	Ratchford	Thomas (GA)
Mavroules	Ray	Torres
Mazzoli	Reid	Torricelli
McCain	Richardson	Towns
McCandless	Ridge	Traxler
McCloskey	Rinaldo	Udall
McCurdy	Ritter	Valentine
McDade	Robinson	Vander Jagt
McEwen	Rodino	Vandergriff
McHugh	Roe	Vento
McKernan	Rogers	Volkmer
Mica	Rostenkowski	Vucanovich
Michel	Roukema	Walgren
Mikulski	Rowland	Watkins
Miller (CA)	Roybal	Waxman
Miller (OH)	Rudd	Weiss
Mineta	Russo	Wheat
Minish	Sabo	Whitley
Mitchell	Savage	Whitten
Moakley	Sawyer	Williams (MT)
Mollohan	Schaefer	Williams (OH)
Montgomery	Schneider	Wilson
Moody	Schulze	Wirth
Moore	Schumer	Wise
Moorhead	Seiberling	Wolf
Morrison (CT)	Shannon	Wolpe
Mrazek	Shelby	Wortley
Murphy	Shumway	Wright
Murtha	Shuster	Wyden
Myers	Sikorski	Yates
Natcher	Siljander	Yatron
Neal	Sisisky	Young (AK)
Nelson	Skelton	Young (FL)
Nichols	Smith (FL)	Young (MO)
Nielson	Smith (IA)	Zschau
Nowak	Smith (NE)	

NAYS—83

Archer	Forsythe	Ottinger
Barnes	Frank	Oxley
Bartlett	Frenzel	Pashayan
Bates	Gejdenson	Paul
Bedell	Gingrich	Petri
Bereuter	Goodling	Porter
Borski	Gregg	Regula
Boxer	Gunderson	Roberts
Broomfield	Hartnett	Roemer
Brown (CO)	Hiler	Roth
Burton (IN)	Hughes	Scheuer
Coats	Jacobs	Sensenbrenner
Conable	Jeffords	Sharp
Conyers	Jones (OK)	Shaw
Coughlin	Kaptur	Skeen
Courter	Kennelly	Slattery
Crane, Daniel	LaFalce	Smith, Denny
Crockett	Latta	Spence
Dannemeyer	Leach	Stark
Daub	Leland	Stenholm
Dellums	Levine	Tauzin
DeWine	Lewis (FL)	Thomas (CA)
Donnelly	Loeffler	Walker
Dreier	Lungren	Weaver
Edgar	Markey	Weber
Erlenborn	McCollum	Whittaker
Evans (IL)	McKinney	Winn
Fields	Morrison (WA)	

ANSWERED "PRESENT"—1

Packard

NOT VOTING—41

Badham	Corcoran	Dingell
Brooks	Crane, Philip	Eckart
Brown (CA)	D'Amours	Fascell
Burton (CA)	de la Garza	Feighan
Campbell	Derrick	Foley
Chandler	Dicks	Ford (TN)
Hall (OH)	McGrath	Schroeder
Heftel	McNulty	Simon
Huckaby	Molinari	Solarz
Hyde	O'Brien	Solomon
Levitas	Pepper	Whitehurst
Lowry (WA)	Pritchard	Wylie
Marlenee	Rahall	Zablocki
Martin (IL)	Rose	

□ 1520

Messrs. BURTON of Indiana, GEJDENSON, CONYERS, and CROCKETT, Mrs. KENNELLY, and Messrs. ROEMER, STENHOLM, and TAUZIN changed their votes from "yea" to "nay."

Messrs. SCHUMER, SILJANDER, WALGREN, and SNYDER changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

U.S. PRESENCE IN THE EASTERN CARIBBEAN

(Mr. DE LUGO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, this morning I attended, at the invitation of the President, the Rose Garden ceremony launching the Caribbean Basin Initiative, and I was proud to attend this ceremony as the Representative of the people of the U.S. Virgin Islands.

I sincerely hope, Mr. Speaker, that the President and his administration, and that this Congress will recognize that the U.S. Virgin Islands can play a very effective role, and can be a major asset to the United States in making certain that this new focus on the Caribbean will bring about the positive results we all desire.

During the year and a half of debate on the CBI, I consistently pointed out to my colleagues the extraordinary close ties between the U.S. Virgin Islands and the neighboring island nations of the eastern Caribbean. Over half of the entire population of the U.S. Virgin Islands can trace their roots to these other islands. We are the media center that links the islands together, the educational and training center where so many of our neighbors acquire the skills and know-how to benefit their own families and island nations.

Just recently, Mr. Speaker, I was privileged to represent the Interior Committee of the House at the Independence Day ceremonies for the newest nation of St. Christopher and Nevis, and I was struck by how many of the high ranking officials of the new island nation had studied and trained at the College of the U.S. Virgin Islands. The same is true in many other islands.

The potential the U.S. Virgin Islands offers the United States as a positive force in the Caribbean is enormous.

We can serve as the essential political bridge the United States must have to achieve its goals in the Caribbean.

In the weeks ahead, I will be speaking again on this matter, Mr. Speaker, and hope that my colleagues will listen carefully to the message I bring regarding the U.S. presence in the eastern Caribbean.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3959, and that they may include extraneous and tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SUPPLEMENTAL APPROPRIATIONS, 1984

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3959) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not exceed 1 hour, the time to be equally divided and controlled by the gentleman from Massachusetts (Mr. CONTE) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union, for the consideration of the bill, H.R. 3959, with Mr. FROST in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Mississippi (Mr. WHITTEN) will be recognized for 30 minutes and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring to you today a supplemental appropriation bill for fiscal year 1984. This is a necessary bill that appropriates $438 million for this fiscal year. Approximately 72 percent of this bill is for veterans programs. There are five veterans accounts, the largest, $150 million, is for a new veterans jobs training program which was authorized by law August 15. The supplemental budget request was just received from the administration.

Mr. Chairman, this bill was reported by the Appropriations Committee September 21 by a voice vote. The bill is made necessary because of the success the committee has had this year in passing regular appropriation bills for fiscal year 1984. Seven bills have now moved through conference with three signed into law as early as July. Since these bills have been enacted into law, the House has received budget requests from the administration totaling some $406 million. These revised requests have necessitated action by the committee to move forward.

The expedited schedule that was followed this year was made possible because the committee moved forward on its various appropriation bills based on the House-passed version of the first budget resolution in lieu of waiting for a final conference report. This action saved a number of weeks. Procedures such as this will be necessary in future years if the Congress is to make further progress toward the objective of enacting all the appropriation bills by the beginning of the fiscal year.

The committee wishes to stress that early enactment of its regular appropriation bills and speedy disposition of pending supplementals give departments and agency managers more time in which to administer their programs for the fiscal year.

□ 1530

This practice should benefit everyone and improve Government efficiency.

This supplemental, along with previous actions of the Appropriations Committee on our regular bills, is well within our budget allocations contained in the budget resolution.

At this time I would like to insert in the RECORD a listing of the major accounts which are included in this bill:

Item	*Appropriation*
Veterans Administration:	
Compensation and pensions	$66,000,000
Readjustment benefits	40,000,000
Medical and prosthetic research	57,356,000
Veterans job training	150,000,000
General operating expenses	4,165,000
Atomic energy defense activities	57,000,000
Nuclear waste disposal fund	12,000,000
Appalachian Regional Commission	9,400,000
Abandoned mine reclamation fund	42,000,000

Mr. Chairman, may I say that in connection with the continuing resolution we assured our friends on the other side of the Capitol that we would move a supplemental appropriation bill at an early date, so not only do we have a need to proceed with the supplementals that we have before you today, but we also need to do so to carry out the agreement that we made with the other side.

May I say again that these are necessary appropriations. Your committee has taken sound action, in my opinion, and we urge your support.

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. I thank the chairman for yielding. I would like to commend the chairman and all of the members of the committee for including the full amount of funding for epidemiological studies on agent orange, and especially for including in the committee report language accompanying the bill on the effort to have an outreach to the women Vietnam veterans so that they may be included in the study.

Mr. WHITTEN. We appreciate the fine statement from our distinguished colleague.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, while it is unusual to have a supplemental this early in the fiscal year, it is easy enough to understand this bill if you look at the individual items.

We approved four appropriations for the Veterans' Administration which were submitted after the HUD bill was signed into law, and the customary payment to the widow of our deceased colleague, Larry McDonald. We included some items from the Energy and Water Subcommittee which were put into this bill because of the understanding with the authorizing committee that the so-called new-starts bill would not contain any extraneous provisions.

Finally, the bill includes $42 million to deal with the Centralia Mine fires by relocating citizens of Centralia and Byrnesville, Pa.

As you can tell from this brief description, this bill, like most supplementals, is something of a mixed bag.

Of the $438 million in new budget authority, only $51.5 million is not requested by the administration.

And Budget Director Dave Stockman, in the usual "Dear Sil," says that although "the funding levels provided in this bill, as reported by the House Appropriations Committee, are generally consistent with administration policy." He is concerned about four in-

dividual provisions. I will submit a copy of Mr. Stockman's letter for the RECORD.

The letter reads as follows:

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., October 4, 1983.

Hon. SILVIO CONTE,
Committee on Appropriations,
House of Representatives,
Washington, D.C.

DEAR SIL: The House is scheduled to consider H.R. 3959, the 1984 Supplemental Appropriations Bill, on Wednesday, October 5. The funding levels provided in the bill, as reported by the House Appropriations Committee, are generally consistent with Administration policy. Funding for programs in the Veterans Administration are particularly important and deserve expeditious treatment. These programs are: compensation and pension ($66 million) and readjustment benefits ($40 million).

The Administration is concerned with several provisions of the bill and asks that they be deleted. These provisions are: the prohibition on the use of funds by the Department of Justice to represent the Tennessee Valley Authority in litigation in which the Authority is a party; the inclusion of $9.4 million for the Appalachian Regional Commission highway program, which conflicts with the Administration's efforts to discontinue this program; the authorization of $75 million for the Secretary of the Army to acquire lands around the Everglades National Park for purposes of restoring the natural flow of water to the park. The Army and the Park Service are studying the situation at the park but have not reached any conclusions yet. Acquiring these lands may prove to be unnecessary; and the appropriation of $42 million to relocate residents and businesses because of underground fires in the vicinity of Centralia, Pennsylvania. The cost is much higher than the cost of similar actions funded by other agencies, and there may be alternative actions available at less cost. To the extent that some relocations may be necessary they could be financed within amounts already budgeted for 1984.

I hope that when this bill is brought to the floor for consideration, you will use your leadership and influence to urge the House to refrain from adding provisions that would increase the level of funding in this bill, or that would burden it with unnecessary legislative language.

Sincerely,

DAVID A. STOCKMAN,
Director.

Mr. Chairman. I had intended to offer an amendment today, which was published in yesterday's CONGRESSIONAL RECORD relating to an unresolved issue arising out of the Chicago school desegregation case. I had originally proposed this amendment to the first continuing resolution (H.J. Res. 367), but it was not included in House Joint Resolution 368, which was enacted into law, in order not to load that measure down. Because the Senate added an amendment dealing with this subject during their floor consideration of the fiscal year 1984 Labor/HHS/Education appropriations bill late yesterday, I will not propose my amendment of the supplemental here today.

Let me just take a moment, however, to describe the situation, so that the Members will be aware of it. As the Members will recall, the continuing resolution enacted last week contained $20 million in unused guaranteed student loan funds for the Chicago schools arising out of a consent decree entered into by Chicago and the Department of Education in 1980, a situation that is now before the courts.

The purpose of the amendment I was considering, as well as what was done in the Senate, is to free up approximately $45 million in fiscal year 1983 education funds currently frozen by the district court in the court case. This $45 million in being held in limbo as a potential judgment fund and, as a result, a majority of States that had expected to receive these funds are encountering severe difficulties in keeping a number of programs going. The affected programs include title IV, civil rights training, follow-through, women's educational equity, national diffusion network, and projects in the Secretary's discretionary fund.

In the civil rights training program, in my State alone, 19 people are faced with losing their jobs, and the same applies to programs in States across the country, from California to Florida, to New York, to Michigan to Mississippi.

The intent of this amendment and of the action taken by the Senate is more or less a quid pro quo. If we are going to provide $20 million to fulfill what the Government's obligation may be in fiscal year 1983, and that has not even been finally decided yet, we should at least free up the fiscal year 1983 funds the judge is still holding hostage in that case, and get those funds out to the many, many States that are suffering devastating impacts in their programs, like civil rights training, as a result of this judicial impoundment.

I hope we will be able to resolve this fiscal year 1983 issue once and for all in the conference on the L/HHS/Education bill.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, chapter I of the 1984 supplemental appropriations bill contains additional funding for the Veterans' Administration. Let me briefly summarize the committee's major recommendations in this area.

The administration is requesting a 1984 supplemental appropriation of $57,356,000 for the agent orange epidemiological study. The committee has included the budget estimate of $57,356,000 in the bill.

These funds will cover the 1984 costs of the congressionally mandated study of possible health effects resulting from herbicide exposure among veterans of the Vietnam conflict. This important study is to be conducted by the Centers for Disease Control. It is estimated that the total cost of the study will be approximately $75 million.

Although recommending the full supplemental appropriation requested, hearings conducted last month raised concern that the cost of certain items in the request may be overstated. The committee report urges the CDC to carefully examine participant fees, travel arrangements, and overhead costs when reviewing potential contractors.

The Emergency Veterans' Job Training Act of 1984 authorized appropriations of $150 million in 1984 and $150 million in 1985. The program is designed to provide job training for unemployed Korean conflict and Vietnam veterans. It is estimated that if the $300 million authorized for fiscal years 1984 and 1985 is ultimately provided, approximately 50,000 unemployed veterans could be trained under both the job training and the vocational education components of this program.

On October 3, the administration requested $150 million to provide funds in 1984 for job training for unemployed Korean conflict and Vietnam veterans. The committee recommends the entire $150 million authorized for fiscal year 1984 for the Emergency Veterans' Job Training Act of 1984. These funds provide training and vocational education for approximately 25,000 veterans.

As reported from the Committee on Appropriations, this bill carries a proviso which indicates that $25 million shall be obligated on the basis of those veterans unemployed the longest period of time.

□ 1540

A rule waiving points of order on this proviso was objected to by the Veterans' Affairs Committee, the proviso is also opposed by the Veterans' Administration.

When I appeared before the Rules Committee yesterday, I indicated that I would not press for a waiver. I understand that the distinguished gentleman from Texas, MARVIN LEATH, who chairs that subcommittee dealing with this program, will offer a point of order to that provision. I will concede the point of order. Finally, although not requested by the administration, the VA indicates that $4,165,000 and 119 full-time equivalent employment in the general operating expenses are required to implement the veterans job training program. The bill includes the $4,165,000 to administer the program.

Mr. Chairman, I support the supplemental appropriations bill and trust that this body will adopt it.

Mr. CONTE. Mr. Chariman, I yield such time as she may consume to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. I thank the gentleman for yielding. Mr. Chairman, I rise in support of the supplemental appropriations bill for fiscal year 1984, H.R. 3959. I wish to compliment the chairman and the committee for their efforts to move this vitally needed legislation in timely fashion.

I am particularly interested in this legislation. Because, in preparing the bill, the committee has directed the Army Corps of Engineers to undertake a broad study of Nebraska's flood problems, particularly on the Platte River.

The committee did this at my insistence because of the need for preventing any recurrence of the 1983 May through August recordbreaking and unusually prolonged flooding on the Platte River.

According to the Nebraska Department of Water Resources, the rate of water flow on the Platte went from less than 1,000 cubic feet per second, which is nearly normal, to as high as 22,000 cubic feet per second. Total volume in this period was about 2.4 million acre-feet, more than five times normal volume of about 460,000 acre-feet. And, indeed, flows continue above normal even as we consider this bill today.

I plan to seek support of the other body for this antiflood directive, asking that identical or similar language be retained.

A comprehensive study of Nebraska's flood problems is long overdue. And, in fact, with new comprehensive authorizing legislation being drafted in both House and Senate, our State's water-policymaking leaders are going to have to run to catch up.

Fortunately, this administration and Congress continues to look to the States for leadership. There still is time for Nebraska to participate in this new Federal legislative initiative.

The broad imperative in the committee's report on this bill to study our flood problems—with an emphasis on the Platte River and its tributaries—is only a beginning. But it is vital to at least begin.

The text of the committee's directive follows:

The Committee is very concerned with the flood problems of Nebraska, particularly along the Platte River and its tributaries. During 1983, the worst flood on record occurred in this region, the volume of flood waters being so large that hydrologists estimate that such a deluge could occur only once in 200 years.

Recognizing that this flood potential has threatened this region for many years and continues to do so, the Committee therefore directs the Crops of Engineers to utilize available funds to prepare a plan of action to address this serious situation. Also the Division Engineer, Missouri River Division, is to include in the statement on the fiscal year 1985 budget a funding schedule and necessary draft legislation to facilitate an expeditions resolution to this flood problem and other water problems in the state.

I urge my colleagues to vote for this bill.

● Mr. RICHARDSON. Mr. Chairman, I rise in strong support of the supplemental appropriations bill for fiscal year 1984. Roughly 72 percent of the funding in this bill is for veterans programs; $66 million is targeted for veterans compensation and pensions; $40 million is provided for readjustment benefits; and $57 million will go for Veterans' Administration medical research programs. But one of the most important provisions of this bill is the $150 million appropriation for the Emergency Vietnam Veterans Job Training Act.

Mr. Chairman, Vietnam veterans in my district in New Mexico and throughout the Nation are suffering from severe unemployment. In June of this year, more than 619,000 Vietnam veterans were unemployed. The Veterans Job Training Act is aimed at addressing this problem by providing incentives to employers to hire and train Vietnam and Korean war veterans who have been unemployed for long periods of time.

I was proud to cosponsor this legislation which was overwhelmingly approved by both the House and Senate. However, funding for the program was dropped by the conference committee on the HUD appropriations bill at the request of the administration which objected to the veterans job training program. Although the President changed his mind and signed the bill at the VFW Convention on August 15, there is still no money for the program which became effective on October 1. The delay in implementing the Emergency Veterans Job Training Act is inexcusable and it is a result of the President's vacillating support for this program.

Mr. Chairman, I urge Members to vote for this supplemental appropriation so that implementation of the Vietnam Veterans Job Training Act can proceed as soon as possible.●

● Mr. McDADE. Mr. Chairman, H.R. 3959 contains a provision sponsored by the gentleman from Pennsylvania (Mr. MURTHA) and myself to take the first step to relocate the citizens of Centralia, Pa., away from the health and safety threat posed by the Centralia mine fire. The bill provides $42 million to be used for the relocation expenses, to purchase homes and businesses and give the people of Centralia and the adjacent town of Byrnesville the opportunity to get a fresh start.

We took this action after a great deal of time and effort and negotiation on the part of the Commonwealth of Pennsylvania, the Office of Surface Mining and the White House about what the Federal response and role should be to solve this problem. Both the Commonwealth and the Office of Surface Mining, and I believe the people of Centralia, support this provision.

Two years ago our committee provided $1 million to fund a limited borehole study to try to isolate the parameters of the Centralia fire. That report which was completed last July laid out several options ranging from a total excavation to doing nothing. Doing nothing would allow this fire which is moving and burning to continue unchecked toward areas of greater population density and would threaten more lives than at present. This is unacceptable.

The committee has taken the middle ground with this approach. These funds will relocate homes and businesses out of the fire area. In addition, the relocation will be carried on by Pennsylvania with a grant from the abandoned mine fund. The State will match the funds provided here with 25 percent funding from their share of the AML fund.

The committee has approved report language which assumes that only one government entity will take title to properties to be acquired. We expect the State to be that entity. At present there is some question of clouded titles on some of the properties and we expect the State to move administratively with the Federal Government to clean up any ambiguity.

Mr. Chairman, this is the worst mine fire situation anywhere in this Nation. We do not know how the Centralia fire started 19 years ago. We know it has led to countless years of suffering by the people of these two small towns. Their lives have, in most cases, been disrupted and their health threatened. They have clamored for help and until now we have not been able to agree on a course of action to help them.

We now have that course of action and I would urge my colleagues to support us as we try to take care of the worst mine fire threat to the public safety in the entire Nation.●

● Mr. FRENZEL. Mr. Chairman, the new fiscal year is only 5 days old, and we are already considering a supplemental appropriation bill.

I realized that most of the amounts requested in this bill were requested by the President. And I realize that revised Presidential requests can make the job of the Appropriations committee more difficult. However, that difficulty is not sufficient to necessitate a reliance on the budget-weakening supplemental process.

This bill provides supplemental appropriations of almost a half billion dollars. Out of that amount, 15 percent or $66.5 billion, is provided for programs which have not yet been authorized. Although for this bill, rule

XXI was not waived, and the bill is subject to points of order, I have little doubt that those unauthorized programs will be funded. Rule XXI may as well be removed from the House Rule, we disregard it with regularity.

The program in this supplemental are not bad programs. Yet the bill itself is a bad bill because it is bad procedure. Budgeting through supplementals is bad policy. Appropriating for unauthorized programs confusion the purposes and benefits of the authorization/appropriation process of Congress.

I urge my colleagues to vote against this bill.●

● Mr. DYSON. Mr. Chairman, I rise in strong support of H.R. 3959, the fiscal year 1984 supplemental appropriations bill, being considered by the House today. This bill will provide essential funding for veterans programs including compensation and pensions, readjustment benefits for education and training payments, and general operating expenses. The bill is of particular importance to me because it contains crucial provisions for funding medical and prosthetic research and veterans job training.

The Committee on Appropriations had recommended the full $57,356,000 requested by the Veterans' Administration for agent orange epidemiological study to be conducted by the Centers for Disease Control. The effects of exposure to agent orange and other possible health hazards during service in Vietnam is a major concern to many Vietnam veterans. One major effort to address this issue is the VA epidemiological study of Vietnam veterans. The studies protocol calls for conducting three separate concurrent studies. One will examine the issue of exposure to herbicides while serving in Vietnam; another addresses the possible long-term health effects related to service in Vietnam; and the third is a case control study of soft tissue sarrcomas and lymphomes to determine if veterans exposed to agent orange are at increased risk of developing rare cancers.

Another important aspect of this bill is the additional funding it will provide for administering the provisions contained in the Emergency Veterans Job Training Act. This program is designed to provide job training for unemployed Korean conflict and Vietnam veterans. It is estimated that the full $300 million authorized for fiscal years 1984 and 1985 will provide training for approximately 50,000 unemployed veterans.

The bill also has a tax credit provision for employers who hire certain low-income Vietnam veterans and disabled veterans. Employers could receive a credit equal to 50 percent of the first year wages up to $6,000 for each eligible employee and 25 percent of second year wages up to $6,000. Certain veterans will be eligible for unemployment compensation while looking for work following their discharge from the military.

Providing for those who served the Nation in our Armed Forces after they are discharged is a moral obligation of the highest order and must be realized as an integral part of our national defense effort. Those who left their families, their home, and their country to defend the freedom enjoyed by every citizen in this country by serving in the Vietnam war, returned to a nation which seemed to have forgotten their patriotic efforts, and which failed to demonstrate recognition and appreciation for the sacrifices these brave people had made. It is our obligation as a nation committed to personal freedom, to insure that our veterans are provided with the care and compassion they so richly deserve. Accordingly, Congress has a responsibility to see that our promises to those who served in our Armed Forces are kept, and that the needs of those who served are adequately met.

As a member of the House Committee on Armed Services, I feel a deep commitment to our Nation's veterans. I have recently appointed a Veterans' Advisory Council, comprised of veterans representative of my district, to meet periodically and discuss pending legislation regarding veterans benefits and national defense issues, and to advise me of deficiencies in our national policy for veterans as they see them. This council, though newly formed, promises to be an indispensable tool in providing me with a comprehensive understanding of the needs and concerns of our distinguished veterans.

Preserving confidence with those who served in the past is one way to demonstrate to the men and women now in the service and to potential recruits the high value that the Nation attaches to their service. I urge my colleagues in the House to join me in supporting passage of H.R. 3959.●

● Mr. LEATH of Texas. Mr. Chairman, this is in reference to the language on line 25 on page 2 and lines 1 through 6 on page 3 of the bill under the title veterans job training. As I read this provision, the Veterans' Administration is not obligated to set aside $20 million in a separate account for the funding of section 18 of the Veterans Emergency Job Training Act of 1983, Public Law 98-77.

An amount not to exceed $20 million may be transferred to the Veterans' Administration readjustment account as needed. The language seems clear, but since others may have a different interpretation of the language, I wanted to make it clear that, as I read this provision of the bill, there is no intent to set aside a specific amount of money to be used to fund the training authorized by section 18 of Public Law 98-77.●

Mr. CONTE. Mr. Chairman, I have no further requests for time.

Mr. WHITTEN. Mr. Chairman, I have no further requests for time, and I suggest that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

VETERANS JOB TRAINING

(INCLUDING TRANSFER OF FUNDS)

For payment of expenses as authorized by the Emergency Veterans' Job Training Act of 1983 (Public Law 98-77), $150,000,000, to remain available until September 30, 1986: *Provided,* That $25,000,000 of the amount appropriated shall not become available for obligation until July 1, 1984: *Provided further,* That such $25,000,000 shall be obligated on the basis of those veterans unemployed the longest period of time: *Provided further,* That not more than $20,000,000 of the amount appropriated shall be available for transfer to the Readjustment Benefits appropriation to administer the provisions of section 18 of Public Law 98-77. Any unused portion of the amount transferred shall be returned to this appropriation not later than December 31, 1984.

POINT OF ORDER

Mr. LEATH of Texas. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LEATH of Texas. Mr. Chairman, I make a point of order that the first and second provisos in the paragraph under the heading "Veterans Job Training," page 2 lines 21 through 25, constitute legislation on an appropriation bill and are not in order under rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from Massachusetts have a statement?

Mr. BOLAND. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded.

Mr. LEATH of Texas. I thank the Chairman and I thank the gentleman from Massachusetts, Mr. BOLAND.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

For an additional amount for "Appalachian Regional Development Programs", $9,400,000, to remain available until expended, for the Appalachian Development Highway System.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask the chairman of the committee—what are these projects? This is one of the items Mr. Stockman is opposed to.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. BEVILL. I thank the gentleman for yielding.

In response to the distinguished minority member of the Appropriations Committee's question, this is for the Appalachian Regional Commission Highway Program.

Mr. CONTE. Well, I realize that. I want to know where the highways are, where they are going, and who they are for.

Mr. BEVILL. They are in Mississippi and Alabama.

Mr. CONTE. Mississippi and Alabama? Well, let us include Massachusetts next time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 103. (a) The Secretary of the Army is authorized, with the concurrence of the Director of the National Park Service and the South Florida Water Management District, to modify the schedule for delivery of water from the central and southern Florida project to the Everglades National Park required by section 2 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970 (Public Law 91-282) and to conduct an experimental program for the delivery of water to the Everglades National Park from such project for the purpose of determining an improved schedule for such delivery.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

May I ask the gentleman from Alabama what this is all about?

Mr. BEVILL. Is the gentleman asking what these projects are for?

Mr. CONTE. Yes.

Mr. BEVILL. This is a flood control project. Section 104 is flood control.

Mr. CONTE. 103(a).

Mr. BEVILL. It would authorize the Secretary of the Army to conduct a 2-year experimental water delivery program on the central and southern Florida project to determine an improved delivery schedule to benefit the Everglades National Park.

As I understand the water has been pouring into the Everglades there. There has been a surplus of water. So as a result there is an environmental problem that needs to be resolved. That is what this study is for, to resolve the environmental problem.

Mr. CONTE. As I understand it, this is not mandatory, it merely authorizes?

Mr. BEVILL. That is right, it is left up to the Secretary of the Army, discretionary.

Mr. CONTE. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(b) The Secretary of the Army shall, as soon as practicable, make such modifications in the comprehensive plan for flood control and other purposes, central and southern Florida, authorized by the Congress, as may be necessary to restore the natural flow of water to the Everglades National Park. The Secretary is further authorized to acquire such interests in lands as are necessary to permit the natural flow of water to the Everglades National Park, at an estimated cost of $75,000,000. The Secretary shall acquire any interest in land under this subsection at the fair market value of such interest based on conditions existing after the construction of the project described in subsection (a) of this section and before any modification is made to the schedule for delivery of water to the Everglades National Park under such subsection and before the restoration of such natural flow. The Secretary is also authorized to construct necessary flood protection measures for protection of homes in the area affected by any modification of such delivery schedule or by the restoration of such natural flow.

AMENDMENT OFFERED BY MR. BEVILL

Mr. BEVILL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEVILL: On page 6, after line 18 insert the following new sections:

SEC. 104. The Secretary of the Army, acting through the Chief of Engineers, is directed to utilize available construction general appropriations to complete bank protection works at Wheeling Island, West Virginia, in the Hannibal Lock and Dam pool, at an estimated cost of $135,000 and to complete the local flood protection project at Russell, Kentucky, at an estimated cost of $600,000.

SEC. 105. The Secretary of the Army, acting through the Chief of Engineers, is directed to utilize available general investigation funds to initiate a study of alternatives to the Mentone Dam of the Santa Ana Mainstem project in California and the flood control study of the Illinois River between Henry and Naples, Illinois.

Mr. BEVILL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CONTE. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order.

The Chair recognizes the gentleman from Alabama (Mr. BEVILL).

Mr. BEVILL. Mr. Chairman, this amendment gives the Secretary of the Army the discretion to complete protection works at Wheeling Island, W. Va. This is in the Hannibal lock and dam pool, at an estimated cost of $135,000 and to complete the local flood protection project at an estimated cost of $600,000.

In other words, this would be $135,000 of the $600,000.

And this is really one of the urgent projects that needs immediate attention.

Mr. CONTE. Mr. Chairman, I will not pursue my point of order though a point of order does lie here because the Secretary of the Army is directed. But I hope that next time the minority can have a little more courtesy and be shown these amendments before they pop up here on the floor of the House.

Mr. MYERS. Mr. Chairman, I apologize to my colleague.

The CHAIRMAN. Does the gentleman from Massachusets (Mr. CONTE) withdraw his point of order?

Mr. CONTE. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

● Mr. MICHEL. Mr. Chairman, this amendment, among other things, instructs the Corps of Engineers to use existing funds to begin a study of the flooding problems along the Illinois River between Henry and Naples. It is important to note that this approach does not add any new funds to the bill.

We have experienced severe flooding this year along the stretch of the Illinois River between Henry and Naples and in fact such flooding is now becoming almost an annual occurrence.

Since 1970, the Illinois River has risen above flood stage some 16 different times. On seven of those occasions, the flooding has been extensive enough to cause significant damage.

Since 1978, national flood insurance has paid claims totaling $12.5 million in just the Peoria area alone, and estimates are that total damage was at least twice as high. Additional losses have taken place this year and of course in other communities along the Illinois River outside the Peoria area.

Because of the repetitiveness of the flooding problem, it is important that we set in motion a study of the problem by the Corps of Engineers at the earliest possible date. I thus urge support for this amendment.●

The question is on the amendment offered by the gentleman from Alabama (Mr. BEVILL).

The amendment was agreed to.

□ 1550

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER IV DEPARTMENT OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

For an additional amount for "Abandoned Mine Reclamation Fund", $42,000,000, to remain available until expended, to be derived from receipts of the Abandoned Mine Reclamation Fund to provide for the acquisition of private homes and businesses and nonprofit buildings occupied or utilized continuously since September 1, 1983, and the lands on which they are located, excluding all mineral interests, and the relocation of families and individuals residing in the Borough of Centralia and the Village of Byrnesville and on outlying properties who are threatened by the progressive movement of the minefire currently burning in and

around the Borough of Centralia: *Provided,* That all acquisitions made by the Commonwealth of Pennsylvania under the authority provided herein shall be at fair market value without regard to mine fire related damages as was properly done by OSM in its prior acquisitions of Centralia properties. These activities must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.), but shall not consitute a major action within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332): *Provided further,* That no funds may be used to pay for the actual construction costs of permanent housing: *Provided further,* That the Federal discretionary share shall not exceed 75 percent of the cost of such acquisition or relocation.

AMENDMENT OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURTHA: On page 7 after line 23, insert the following:

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For an additional amount for "Fossil Energy Research and Development", $1,000,000, to remain available until expended.

Mr. McDADE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MURTHA. Mr. Chairman, to explain the amendment, we had agreed in the Interior conference that if we could not find enough money there, we would add additional funds in the supplemental.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Pennsylvania has kindly shown this to us and we agree with it. We will take it over to conference and see if we can keep it in the bill. It is a good amendment, Mr. Chairman, and we recommend it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MURTHA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURTHA: On page 7, line 24, add the following:

BUREAU OF INDIAN AFFAIRS

SCHOOL OPERATIONS

For an additional amount for prekindergarten programs, $1,700,000.

Mr. MURTHA. Mr. Chairman, I offer this amendment on behalf of the gentleman from Washington (Mr. DICKS) to solve a critical problem for the Nation's Indian prekindergarten children by providing $1.7 million in funding for an existing 17 Bureau of Indian Affairs in preschool programs.

Mr. Chairman, in this year's Interior appropriations bill the conference report grants authority to the Bureau of Indian Affairs to fund the existing prekindergarten programs out of funds designated for social services. However, I have been informed the Bureau does not have sufficient funds in this account to fund these schools and is not planning to provide the funding for the 1984 fiscal year.

For this reason, this supplemental appropriation is essential to keep the programs functioning.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is another amendment thrown in here without even consulting the minority handling the bill. This is no way to legislate. These things are coming right out of the blue. Does the gentleman have any more after this?

Mr. MURTHA. Mr. Chairman, that is all I have. This is the last amendment.

Mr. CONTE. I am not going to object to it, but any more of these coming over here we are going to fight them out here today.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Mississippi.

Mr. WHITTEN. In the absence of the gentleman from Illinois (Mr. YATES), chairman of the subcommittee, has the gentleman checked this with the chairman of the subcommittee?

Mr. MURTHA. I have.

Mr. WHITTEN. Is it agreeable to him?

Mr. MURTHA. It is agreeable to the chairman of the subcommittee.

Mr. WHITTEN. Under those conditions, Mr. Chairman, I will not make any objection to it, if it has been cleared with the gentleman from Illinois (Mr. YATES), who does not appear to be present.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentleman for yielding.

Mr. Chairman, my understanding is that we had this in our regular bill and we lost in conference with the Senate. My understanding is that my chairman, the gentleman from Illinois (Mr. YATES) has examined this. I have the amendment that the gentleman has offered and we would like to take it back to conference with the Senate, because we believe it has substantive merit. We would like to try and get it in the supplemental. It is a good program for young children on Indian reservations.

I hope it will be adopted.

Mr. WHITTEN. Mr. Chairman, under those conditions, I have no objection to the amendment. I realize that sometimes in conference you have to yield on things that are serious and worthwhile in order to get agreement. And for the purposes described here, I would have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MURTHA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I have an amendment at the desk, and I ask unanimous consent to take it up with respect to the section of the bill dealing with appropriations for the Department of Energy on page 4.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. MYERS. Mr. Chairman, reserving the right to object, can the gentleman explain again what he is asking.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, the purpose of the unanimous-consent request is to take up an amendment which would appropriate $4 million pursuant to Public Law 96-205, section 102, for the purpose of beginning the implementation of the health care plan for the people of Bikini and the other three atolls who were victims of our nuclear testing operations back in the 1950's.

This has already been authorized by public law for 3 years, but it has never been implemented. It was in the House Interior appropriations bill this year and the conferees took it out because of the fact that the public law to which it applies states that it is to be charged to appropriations of the Department of Energy.

And I would like to read the statement of the managers in the conference report for the Interior appropriations bill which makes that clear. That is the only reason they took it up.

Mr. MYERS. Further reserving my right to object, I did not understand what the request of the gentleman was.

As I understand the only request is to go back and reopen that section.

Mr. SEIBERLING. That is correct.

Mr. MYERS. Because it already has passed and it would have to be by unanimous consent.

Mr. SEIBERLING. That is correct.

Mr. MYERS. Mr. Chairman, I shall not object, but if there are any other amendments besides this I feel it nec-

essary that we would have to object, because, as the gentleman knows, we are trying to hold the size of this bill down. It is marginal now in some people's minds whether this can be signed into law. If we keep burdening and going back and adding new sections, we will never get this supplemental signed into law.

Mr. SEIBERLING. I do not want to overburden the bill, but I do not think this is sufficient to tilt the scales the other way. I hope it is not.

Mr. MYERS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio (Mr. SEIBERLING)?

There was no objection.

The portion of the bill to which the amendment relates is as follows:

NUCLEAR WASTE DISPOSAL FUND

For an additional amount for "Nuclear Waste Disposal Fund", $12,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in this account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: After line 14 on page 4, insert the following new paragraph:

PACIFIC NUCLEAR VICTIMS HEALTH CARE PLAN

In addition to other funds appropriated for use of the Department of Energy, there is hereby appropriated $4 million for the purpose of beginning implementation of the four atoll health care plan authorized in Public Law 96-205, section 102.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. I thank the gentleman for yielding.

Mr. Chairman, on behalf of the gentleman from Illinois (Mr. YATES), who is not present right now, he talked to the gentleman from Florida (Mr. YOUNG) and is agreeable to this.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to respond to my distinguished friend from Pennsylvania, the amendment that Chairman YATES and I discussed is not the one that the gentleman from Ohio (Mr. SEIBERLING) is discussing.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I think there is some mixup here. The matter before us is the amendment of the gentleman from Ohio (Mr. SEIBERLING).

Until that has been disposed of, the Young amendment cannot be considered.

Mr. SEIBERLING. Mr. Chairman, if I may proceed to explain it, it seems to me that there is absolutely no question as to what the position of the gentleman from Illinois (Mr. YATES) on this matter.

Mr. WHITTEN. Mr. Chairman, may I say that I could not yield in that instance. I could not speak for him. I cannot understand and do not know why the gentleman from Illinois (Mr. YATES) is not present.

But since this has been carried a long time, 3 years, in the absence of the chairman of the subcommittee——

Mr. SEIBERLING. Mr. Chairman, I think I have a solution to this problem, if the gentleman will hear me out.

First of all, let me read from the conference report on the Interior appropriations bill, which we just approved today.

□ 1600

On page 26, it refers to this health care plan that this amendment would fund:

The managers further note that funding was deleted for the four atoll health care program only because the managers believe this program is the responsibility of the Department of Energy and should thus be funded from monies appropriated for nuclear research and development within that Department. The managers expect the Secretary of the Interior to work with the Secretary of Energy to develop and implement this program as quickly as possible.

Now, there is no way that they can implement this program without funds.

Public Law 96-205, which authorized this in 1980, has been unfunded simply because we have never focused on this before. In the past, Mr. Burton, our late colleague, used to take this under his wing; and when I took over this responsibilty as chairman of the subcommittee which deals with this in the Interior Committee, I found that this was not being adequately funded, and so I approached the gentleman from Illinois (Mr. YATES), and he included it in the House version of the Interior appropriations bill this year. However, as the conference report points out, the Senate insisted that that go out because it, really, under Public Law 96-205, comes out of Department of Energy appropriations, even though it is administered by the Secretary of the Interior.

So there is not any question as to what the position of the gentleman from Illinois is. And my position is merely this: If we can accept this amendment today, and if the gentleman from Illinois (Mr. YATES) has any problem at all with it, why, I will not object if the conferees take it out in conference. But I am so confident that he does not object that I think you would be totally safe in taking that position.

Mr. WHITTEN. Mr. Chairman, in view of the statement, I withdraw my objection, I have no objection to the amendment under those conditions.

Mr. SEIBERLING. I thank the gentleman.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to my colleague, the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I reluctantly rise in opposition to the amendment of my good friend and colleague, the gentleman from Ohio. I have never heard of this project. The gentleman is talking about an Interior Appropriations Subcommittee of matter the gentleman from Illinois (Mr. YATES). This would not be included in the bill of the gentleman from Illinois (Mr. YATES), but it would be included in my bill, the Energy and Water Development bill.

There have been no hearings by my subcommittee. There has been no testimony before my subcommittee. My subcommittee and I know nothing about this project whatsoever, we have never heard of it. There has been no budget request from the administration.

So I urge everyone to vote no on this because this has not been by my subcommittee. I have never heard of it, I have no idea what the $4 million would be used for, we have had no hearings, the Secretary of Energy has never mentioned this project, nobody has ever testified on it. So I would have to be in opposition to it.

This project, as I understand it, could cost many millions of dollars in the future, so I reluctantly oppose this amendment and urge the Members to vote no.

Mr. SEIBERLING. Mr. Chairman, will the gentleman withhold just a minute? This is for $4 million. That is all it is, and that is all it ever is going to be on an annual basis. We are not talking about hundreds of millions of dollars. These people, as they die—and these are people who were affected in the 1950's, mind you, and they are all getting up in years—as they die, the program will be phased out. So we are not talking about a huge commitment in the future, and, of course, we are only talking about $4 million here.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 3 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, let me simply say that hearings were held by the gentleman from Illinois (Mr. YATES) and his subcommittee, and I understand that since this is a kind of a mixed statute under which the program is authorized; namely, it

is administered by the Secretary of the Interior but funded by the Secretary of Energy, that it was an entirely appropriate way to proceed. And the gentleman included it in the appropriations bill for the Interior Department. But the statute says—and I will read Public Law 96-205—

All costs associated with the development and implementation of the plan shall be assumed by the Secretary of Energy, and effective October 1, 1980, there are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to achieve the purposes of this section.

It is absolutely unconscionable for us not to meet this moral obligation to these people that the United States and its nuclear testing program have injured and which by law enacted in 1980 this Congress says must be taken care of.

All I can say is, it has been the law since 1980. I do not know what more hearings are needed, since the gentleman from Illinois (Mr. YATES) had hearings. We are not talking about a huge sum of money. I am afraid that if we do not act now, another year will go by in which the United States is not meeting its obligations to these people as mandated by law.

I submit to the judgment of the committee, but that is the situation, and I would hope the gentleman would reconsider his position.

Mr. BEVILL. Mr. Chairman, if the gentleman will yield, knowing my good friend and colleague as I do, I am sure there is much merit in what he is saying. But I have never heard of this. I do not read the hearings of the gentleman from Illinois (Mr. YATES), I do not read his record. I have the greatest respect for the gentleman and his subcommittee. I am sure he has held hearings. But I do not know anything about them. And no member of my subcommittee knows of it.

If the gentleman will meet with us, we will go over this. The gentleman knows I will certainly accommodate him in any way I can. We have other appropriation bills coming up, and I will certainly be glad to work with the gentleman. But I just cannot accept an amendment on the floor like this on the basis of the hearings that the gentleman from Illinois (Mr. YATES) has held on his appropriations bill.

Mr. SEIBERLING. Mr. Chairman, could I make one suggestion, which is the same as I made to the chairman, the gentleman from Mississippi (Mr. WHITTEN)?

Mr. BEVILL. Yes.

Mr. SEIBERLING. If the gentleman, after he examines into it and conducts whatever investigation he sees fit, decides that it is not appropriate, I certainly will not object if he wants it to come out in conference. But I think when he looks into it, he will find that he does not disagree with it.

Mr. BEVILL. Mr. Chairman, I do not doubt anything my friend says. I believe everything the gentleman says. But my committee must look into this. We must know something about it before we put it in. We cannot put it in a bill and then decide if we did the right thing.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 1 additional minute.)

Mr. BEVILL. So I will have to object to it, but I will work with the gentleman.

Mr. SEIBERLING. I am sorry, I did not even realize that the gentleman's committee had any jurisdiction over this particular matter.

Mr. BEVILL. I did not either.

Mr. SEIBERLING. Or I would have talked to the gentleman before.

Mr. BEVILL. This is the first I heard of it.

Mr. SEIBERLING. Well, I think it would be tragic if we do not meet this obligation.

I abide by the judgment of the committee.

Mr. BEVILL. Mr. Chairman, I urge a no vote on it, but I certainly will work with the gentleman if there is something we can do.

Mr. SEIBERLING. The time to work will be gone, I am afraid.

Mr. BEVILL. Well, I am sorry. We always look into things like this in detail before we accept amendments on them, and I just do not know of any other way to do it. I will be glad to work with the gentleman, but my committee must be informed on it; they must have some knowledge as to what the amendment is and what the money will be spent for.

I do not question anything the gentleman says, but I just cannot accept an amendment here on the floor without my committee looking at it and discussing it and getting some evidence on it.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say that this is the only amendment that has been presented here today where the Congressman came over here and showed me the amendment beforehand and explained it. For that, alone, I ought to stand up and defend him. We took two amendments here where I could have had points of order on the gentleman from Alabama (Mr. BEVILL), and I did not do it. Points of order lie, and I understand they would have been sustained. There are roads in here for Appalachia, and who knows where they lead to. Then the gentleman from Ohio tries to help some poor people who got whacked around when we were nuclear testing out there in the territories, and wants to give them some health care, and we are going to object to it. I think we ought to pass it. It is $4 million. I think the gentleman made a good case.

Oh, I know what is wrong, where the gentleman is getting bothered about this thing. It was in the Department of the Interior, and it is being transferred over to DOE, and that is where the confusion comes in here.

I hope we go along with the amendment.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I concur with the gentleman, you ought to be aware of these amendments. I would like to be aware of them too. The gentleman and I are in the same boat. I have not seen this one. I am like the gentleman was on some of those other matters.

What we are doing and what I am saying is consistent. I will certainly be glad to work with the gentleman.

Mr. CONTE. I am being consistent because I did not object to yours and I did not object to the others and I will not object to this. There has got to be a sense of fairness around here.

Mr. MYERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as the chairman of our subcommittee has expressed very eloquently here and appropriately, I am opposed to the amendment. Earlier I could have objected to bringing this up out of order but did not. It is now transferred to our court, and we have had absolutely no knowledge of this issue. Probably it is a good cause. But no one at this point knows just what is involved, as far as the appropriation is concerned. We do not know how much it is going to cost. And to add an amendment on this floor in this procedure, as admirable as it may be, I think is the wrong process to use. I completely support our subcommittee chairman. This is not the way to legislate.

Now, the ranking minority member, the gentleman from Massachusetts, strongly objected a moment ago because he had not seen one of the amendments presented. The subcommittee had. But he strongly objected. Now he is willing to accept this, swallow this camel, saying, "Yes, I have never had the opportunity to see it, I have never heard the hearings, but I will accept it because it was shown to me in advance."

This is not the way to legislate, my goodness.

I am sorry, but I have to object to the request of the gentleman from Ohio.

□ 1610

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Illinois. He has had the hearings, and I yield to the gentleman.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, we have had the hearings. We thought it was a good proposal and we put it into the Department of the Interior appropriations bill. The other body refused to accept it on the ground that it ought to be an appropriation to the Department of Energy.

The gentleman from Ohio came up to me earlier today and I told him exactly what had happened on our bill. I said, "I suggest that you put it in the chapter for the Department of Energy," and that is the reason that he did so. Had he put it in my chapter, I would have accepted it. I do not know what the Senate would have done, however, because they objected to it in my other bill.

The gentleman from Ohio is caught in a bind. He does not know where to put it. I think it is a good amendment. I am sorry; perhaps I should have talked to the gentleman, and I should have talked to my good friend, the gentleman from Alabama (Mr. BEVILL).

Mr. MYERS. I did not object to the procedure because I think it is appropriate to bring this up, but I hope the gentleman recognizes that this is not the end of this appropriation. It is $4 million this year. How much, another $4 million, next year? It will go on and on and we are responsible. We get the ball. You lateral to us and I think we would like to know more about it.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, as far as I am concerned, I would just as soon give the subject matter to the gentleman's subcommittee.

Mr. MYERS. I think the gentleman has.

Mr. YATES. No, I think the Senate has, actually, because we have had hearing on this for 4 or 5 years and the question is: How do you take care of these people who have been waiting for years for their payment? I think it would be wrong not to approve it in this bill. Hearings have been held. The gentleman from Ohio, in all good faith, presented his amendment. If the gentleman would rather that his amendment be made to my chapter of the bill, I will be glad to accept it. We have had hearings. We know it is a good amendment. But we are going to run into difficulties in the other body. The gentleman will not run into such difficulties.

That is why I think the gentleman might want to take the word of the gentleman from Ohio and the word of our subcommittee on this and say, "All right, in this instance we will accept it; in the future, however, will you also give our subcommittee a chance to review it?"

Mr. MYERS. That is all we are asking for here. This is a supplemental appropriation bill. I see nothing urgent, because this issue has been around for 20 years now. I think we should be given the opportunity to review this. The gentleman from Ohio suggested we have hearings subsequent to passing this before we go back to conference. I do not know that there is going to be time to do that.

So in fairness, I hope this Committee of the Whole will support your subcommittee and give us the opportunity to examine it before we bring it to the House.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I will yield one more time to the gentleman from Illinois.

Mr. YATES. How many hearings must we have on this? That is the point. We have had the hearings on it. We have been hearing it for years. We think it is necessary that they receive some semblance of payment at the present time. I think it is a good amendment. I will vote for it and I will support it.

Mr. MYERS. The gentleman should have put it in his section of the bill, then.

Mr. YATES. I will be glad to put it in my section of the bill.

Mr. MYERS. But the gentleman did not do it. That is what we are saying.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the author of the amendment, the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, if the gentleman puts it in his section of the bill, then someone can make the point of order that the authorizing statute says that it shall come out of appropriations to the Secretary of Energy.

Mr. MYERS. Well, someone could have made a point of order on your bringing it up, but I did not, because I thought it should be aired, but now I am asking, because I did not do it, that you go ahead and not accept it this time. We will bring it up at a later date.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. MYERS) has expired.

(On request of Mr. YATES and by unanimous consent, Mr. MYERS was allowed to proceed for 3 additional minutes.)

Mr. MYERS. I yield further to the author of the amendment, Mr. Chairman, the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, in the meantime, what do these people do who are suffering from the after effects of nuclear radiation that we caused, and we have not met our obligations to these people.

Mr. MYERS. This is the reason I did not object, but at this point, the subcommittee has been handed this bale now and does not know. I think you ought to be fair to that subcommittee. We are assuming the responsibility for this and for all subsequent appropriations that will be coming through the years, and we do not know whether we want to start, or how much or how far.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, let me tell the gentleman that we on the Interior Committee have dealt with this problem for several years. This is urgent. Those people need these funds.

But my question to the gentleman is a parliamentary question: If this amendment goes in the section of the bill handled by the gentleman from Illinois (Mr. YATES), and in conference it is knocked out of there, can it then be placed in the other section, in your section of the bill? It is the same bill.

Mr. MYERS. I presume it can, but it would still be subject to a technical disagreement when it came back, I believe.

Mr. KAZEN. What I am asking is this: It is the same bill that Chairman WHITTEN is taking to conference. It is just different sections. So if it does not fit in one section, is there anything procedurally that will keep it from fitting in the next section?

Mr. MYERS. If the other body saw fit.

Mr. KAZEN. Yes.

Mr. MYERS. But then I believe it would be subject to a technical disagreement when it came back and subject to a separate vote.

But in any event, this subcommittee of the gentleman from Alabama (Mr. BEVILL), is going to be responsible for the future appropriations, and we have had absolutely no hearings. I think it is only fair to a subcommittee, and I certainly defend any subcommittee that is handed this ball or any other ball.

Mr. YATES. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. MYERS. I yield to the gentleman from Illinois for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, is it in order for the gentleman from Ohio to re-offer his amendment to the section of the bill for the Department of the Interior?

Mr. MYERS. Then I will object.

The CHAIRMAN. In response to the gentleman's inquiry, at first he must withdraw it by unanimous consent.

Mr. MYERS. I would object because we have got the issue before us. I think we ought to have an up-or-down vote. We are going to have it in the future, whether it is in this section or another section. It will still be our subcommittee and I would prefer not starting something without the subcommittee having the opportunity to review it.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, that is not true. We have been hearing it for 5 or 6 years.

Mr. MYERS. Well, why are you handing it to us now?

Mr. YATES. Because of the obstacle that was placed in our way by another body. We have been handling these appropriations for years, and I think we ought to continue to handle these appropriations.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

The CHAIRMAN. Without objection, the Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

There was no objection.

Mr. CONTE. Mr. Chairman, I hope that we pass this amendment. The gentleman in the well is talking as if one group was going to the conference committee, and another group was not going to the conference committee. We will all be on the conference committee. If they want to speak against this amendment, then they can speak against the amendment. If SID YATES or I want to speak for the amendment, we can. We are all going to be at the same table. We are all going to be in the same room.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I will be glad to yield to the gentleman from Indiana.

Mr. MYERS. I thank the gentleman for yielding.

Mr. Chairman, if this amendment stays where it is, this subcommittee—and you do believe in the subcommittee system, do you not?

Mr. CONTE. Sure I do.

Mr. MYERS. We are going to be responsible for future funding. We are starting something here that we know nothing about. I think the gentleman is fair; I know he is. He would not want to do that in his committee. The gentleman was concerned a moment ago about two amendments that our subcommittee had accepted, and I apologized to the gentleman for not clearing them with the ranking member of the full committee, but the subcommittee's members had seen it.

Mr. CONTE. That is the point I am trying to make. I did not object. I think that the gentleman from Alabama (Mr. BEVILL), is a big enough man to let this one go for $4 million. These people have suffered because of the fallout caused by our testing out there. They need this money for their health. Unfortunately, they have no constituents. Nobody votes for those people out there because they do not vote for us.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

□ 1620

Mr. MYERS. Mr. Chairman, will the gentleman from Massachusetts yield?

Mr. CONTE. Surely, I am glad to yield to my good friend.

Mr. MYERS. Mr. Chairman, I thank the gentleman.

As I understand, if it is put back in the gentleman's section under a different amendment, that in future years, subsequent years, it will still be in that section, not transferred?

Mr. CONTE. That is correct.

Mr. MYERS. We do not have anything to go on right now. It has not been presented.

My understanding earlier was that it was going to be handed to us in the future.

I do object and I am sorry that my friend, the gentleman from Massachusetts, thinks that the subcommittee ought to accept these without hearings.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. YATES. I gave in to the Senate in conference on the regular Interior bill under the assumption that the gentleman's subcommittee would be willing to accept this. I asked on the assumption that the gentleman's subcommittee would be willing to take it and that we could get it by the Senate.

It is a very desperate condition there. These people need the money.

I think they ought to get it.

I am willing to take it. If the gentleman will agree, I will take it in my subcommittee for now and in the future.

Mr. MYERS. Mr. Chairman, will the gentleman yield further?

Mr. CONTE. I yield to the gentleman from Indiana.

Mr. MYERS. The gentleman did not object a moment ago and I did not object, either. I allowed the amendment to come up; but if the gentleman is going to transfer it to our subcommittee, I will object. We are both agreeing on the ground rules and that is all we are doing.

Mr. CONTE. Mr. Chairman, I ask unanimous consent that the Seiberling amendment be inserted under chapter IV on page 6.

The CHAIRMAN. The Chair would inquire of the gentleman from Massachusetts, on what page and line numbers?

Mr. CONTE. It would be on page 7 of the bill after line 23.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. MYERS. Reserving the right to object, Mr. Chairman, and I do not expect to, but I would like to say this to the gentleman from Massachusetts, the author of this unanimous-consent request, that I think everyone voting on this, and I think we should have a vote, realizes this is adding $4 million this year. But can anyone know how much it is going to add in the future? We are really opening up something here. To talk about the urgency, those atolls were not destroyed yesterday. It happened 30 years ago; so the urgency to bring it up in this supplement I still question.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. MYERS. Yes, I yield.

Mr. CONTE. The gentleman from Ohio made the statement that it would never be over $4 million a year.

Mr. MYERS. A year—how many years? I have heard statements like that made in the past. They start out with $4 million and keep growing and growing.

We all realize there is a problem out there. I think we all recognize that.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman.

Mr. YATES. What difference does it make?

Mr. MYERS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts (Mr. CONTE)?

Mr. WHITTEN. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent that we return to the chapter on the Interior, that we may consider this amendment and the Young amendment only in connection with the section on Interior.

I ask unanimous consent that these two amendments be considered in connection with that, and these amendments only.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi (Mr. WHITTEN)?

Mr. EDGAR. Reserving the right to object, Mr. Chairman, could the gentleman explain why he is including the Young amendment as well?

Mr. WHITTEN. The gentleman from Illinois (Mr. YATES) was unavoidably absent from the floor when we had the Interior section under consideration. He has stated that he would approve of these two amendments. If they were in his section, he would have approved them had he been

present. He is present now, and I ask unanimous consent to return to that chapter for these two amendments only so they may be handled by the gentleman from Illinois (Mr. YATES) who is familiar with them and who has charge of this.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. EDGAR. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the reason I was not present was because I was attending a markup of another subcommittee's bill. That is the reason I was not on the floor.

Mr. EDGAR. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi (Mr. WHITTEN)?

There was no objection.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The portion of the bill to which the pending amendment and the ensuing amendment relates is as follows:

CHAPTER IV

DEPARTMENT OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

ABANDONED MINE RECLAMATION FUND

For an additional amount for "Abandoned Mine Reclamation Fund", $42,000,000, to remain available until expended, to be derived from receipts of the Abandoned Mine Reclamation Fund to provide for the acquisition of private homes and businesses and nonprofit buildings occupied or utilized continuously since September 1, 1983, and the lands on which they are located, excluding all mineral interests, and the relocation of families and individuals residing in the Borough of Centralia and the Village of Byrnesville and on outlying properties who are threatened by the progressive movement of the mine fire currently burning in and around the Borough of Centralia: *Provided*, That all acquisitions made by the Commonwealth of Pennsylvania under the authority provided herein shall be at fair market value without regard to mine fire related damages as was properly done by OSM in its prior acquisitions of Centralia properties. These activities must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.), but shall not constitute a major action within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332): *Provided further*, That no funds may be used to pay for the actual construction costs of permanent housing: *Provided further*, That the Federal discretionary share shall not exceed 75 percent of the cost of such acquisition or relocation.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: After line 23 on page 7, insert the following new paragraph:

PACIFIC NUCLEAR VICTIMS HEALTH CARE PLAN

In addition to other funds appropriated for use of the Department of Energy, there is hereby appropriated $4 million for the purpose of beginning implementation of the four atoll health care plan authorized in Public Law 96-205, section 102.

Mr. SEIBERLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SEIBERLING. Mr. Chairman, I think we have already elaborated on this amendment sufficiently. I ask for approval of the amendment.

The CHAIRMAN. Does any Member seek recognition?

If not, the question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: On page 7, after line 23, add a new section as follows:

SEC. . No funds may be expended by the Department of Interior for the lease sale of tracts in Lease Sale numbered 79 within the Eastern Gulf of Mexico planning area listed below:

All tracts in the Federal Outer Continental Shelf area between 28 degrees north latitude and 26 degrees north latitude extending from the 10-mile Federal-State boundary seaward 40 miles.

This section shall not affect the authority of the Secretary of the Interior to approve any plan, or to grant any license or permit, which is restricted to scientific exploration or other scientific activities, or other preleasing activities necessary up to the point of sale.

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, this amendment is one that we actually discussed earlier during the debate on the conference report on the Interior appropriations bill. The language of this amendment is the same language, it makes the same provisions that this House made on that Interior bill. It provides a buffer protection for certain beaches in Florida against the drilling of oil wells right up on the beach or close to the beaches.

In conference, our conferees held very strongly on all the buffer zones but this one. For some reason, the other body was just adamant.

We now have reason to believe, and it has been reported to us, that they are willing to reconsider and at least compromise on the miles.

I ask the House to adopt this language once again so that when we go to the other body we can attempt to reach that compromise, but give us some protection against drilling oil wells right up on our beaches on the west coast of Florida.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman's amendment, as I understand it, includes the language for a buffer zone between 26° N. latitude and 29° N. latitude that was contained in the original version of the Interior appropriations bill for fiscal year 1984 when it was passed by the House.

Mr. YOUNG of Florida. That is correct.

Mr. YATES. If that is true, I have no objection to the amendment.

Mr. YOUNG of Florida. That is correct. In fact, the gentleman from Illinois drafted the language.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The amendment was agreed to.

The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. OTTINGER. Mr. Chairman, I move to strike the last word.

I would like to have a colloquy with the gentleman from Alabama (Mr. BEVILL).

As the gentleman from Alabama is aware, my home community of Mamaroneck, in New York, has been subject to severe flooding; in fact, twice has been under 9 feet of water, at the cost of lives and people having to be evacuated from their homes. The major industry in the area is threatening to move out.

The committee has been very helpful to us and I appreciate that.

The fiscal year 1984 energy and water appropriations bill includes $250,000 for the continued study and design by the Army Corps of Engineers of this project. The corps has now informed us that they could make a start on this in 1987 for construction and they have the capacity to address this work at a level of $740,000 in fiscal year 1984, if additional funds were made available. These additional funds are essential if such an accelerated start is to be achieved—at last, after more than 25 years of studies.

We have been informed that the other body intends to add $490,000 to provide the fully authorized funds.

I have spoken to Chairman BEVILL and asked for his help if the other body should add these funds. I would just appreciate if I could have that assurance from the chairman.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. Yes.

Mr. BEVILL. Mr. Chairman, I thank the gentleman for yielding.

I do know of the gentleman's concerns and long efforts to see this project realized. I will consider a possible higher level if provided by the Senate.

Mr. OTTINGER. Mr. Chairman, I thank the gentleman very much.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the gentleman from Alabama, Mr. TOM BEVILL, for bringing this port dredging bill to the House floor. The people of Maryland also want to thank the gentleman for his leadership in getting port dredging projects moving forward. I think the time is going to come when we are going to erect a little statue to the gentleman from Alabama in the city of Baltimore down there in Harbor Place.

Mr. BEVILL. The gentleman will be sure to put that in the RECORD.

Mr. LONG of Maryland. Today's bill, let me point out, fulfills a commitment that the gentleman from Alabama (Mr. BEVILL) made to me last March to provide money to dredge Baltimore Harbor.

I just wanted to ask a question. I also see that the gentleman's bill would fund several projects that the administration has requested in its fiscal year 1984 budget request. Does the gentleman believe there is a "strong possibility" that the President will sign the bill and enable new construction to begin?

Mr. BEVILL. Mr. Chairman, if the gentleman will yield, yes, I do. I feel that the bill is within the President's limits and that he will sign it. It is a good bill. These are very necessary projects. They are urgent projects.

The Baltimore Harbor and many others in the west coast and all around will be deepened and this money is in the bill for that purpose.

Mr. LONG of Maryland. I see a number of projects listed in the bill are also of interest to many of our Senate colleagues.

Does the gentleman believe that the Senate will move quickly to consider and approve the bill?

Mr. BEVILL. I believe they will, yes.

Mr. LONG of Maryland. Very good. I certainly want to thank the gentleman. I thank the gentleman from Maryland, Mr. STENY HOYER, my colleague from Maryland, wants to thank the gentleman from Alabama also for what he has done for the State.

Mr. DYSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of H.R. 3959, the fiscal year 1984 supplemental appropriations bill which the House is considering today.

This bill is of particular importance to me because it contains funds for the continued operation of the Chesapeake Bay model which is located in my congressional district.

This facility, since it was first funded under the Rivers and Harbor Act of 1965, has served as an important vehicle for developing present and future water quality reports about the Chesapeake Bay. This monitoring of our Nation's largest and most productive estuary has provided us with a wealth of information that has proved very helpful to those working to keep the bay clean.

Since coming to Congress I have taken as one of my highest priorities the preservation of the Chesapeake because of its beauty and its economic impact to the residents of my congressional district and the State of Maryland. As a result, I was alarmed when the Army Corps of Engineers announced earlier this year that they would close the bay model because they felt they would no longer need to use it.

In response to this decision by the corps, I requested and received a deferral on the model's closing until I could study some possible future options for the facility. I then appointed a blue-ribbon commission of scientists and public officials to consider potential uses for the Matapeake site. After a thorough analysis, this Chesapeake Bay Model Task Force recommended that every effort be made to convert the model into a multipurpose Chesapeake Bay center. In this capacity it would serve as a place to educate the public on the value of the bay as an economic and environmental resource.

Following the task force's report, the State of Maryland agreed to conduct a feasibility study of the merits of such a multipurpose center. To complete this project, I requested that the Corps of Engineers maintain the model in a minimally operational condition until next July. To emphasize the importance of completing this study, I visited the bay model personally on two occasions. I was grateful that Representative TOM BEVILL, the chairman of the Appropriations Subcommittee on Energy and Water Development, was able to join me on one of these trips. I would like to commend him for his work on the bay and for his assistance in securing these funds.

Recently, the Environmental Protection Agency completed its 7-year Chesapeake Bay study. Its findings indicate that the bay faces serious problems that require prompt attention by all levels of the public and private sectors. I have introduced legislation to provide funds for the beginning of the bay cleanup as part of this year's reauthorization of the Clean Water Act. It is clear to me that there is a clear Federal role in restoring the bay and I am committed to doing everything that is needed to guarantee this.

My efforts to secure funding for the bay model have been directed to provide the public with an accessible facility where they can learn more about the Chesapeake Bay and how they can work to preserve it.

The House, by voting to provide funding for the model today, will be giving another sign that the Congress is working to do all that it can to save the bay. I believe this is another indication that our action today, in concert with the States of the Chesapeake Bay region and most importantly, the citizens of the bay area, is helping to begin a new era for the Chesapeake Bay.

REPORT OF CHESAPEAKE BAY MODEL TASK FORCE TO CONGRESSMAN ROY DYSON

ACTIVITIES OF THE TASK FORCE

Following appointment in April, the Task Force held three meetings—at the Chesapeake Bay Model on May 16 and June 6, and at the Maryland Department of Natural Resources on June 28. The Baltimore District of the Corps presented data and descriptive materials on the Model, outlined its capacities and listed projects within its capabilities.

Through the Maryland Department of Natural Resources, a press release was widely distributed soliciting suggestions for future use of the total facility at Matapeake. The Virginia Council on the Environment queried agencies and government offices in the Commonwealth. From all sources, including the members of the Task Force, we have received 36 comments and suggestions for future use of the facility. Broad interest was expressed in effective use of the facility. We appreciate these constructive ideas.

The Task Force secured supplementary information on the operation, uses, costs and public use of the generally similar model of San Francisco Bay. We also had the advantage of a critical review, through a subcommittee analysis, of potential studies in the Chesapeake Bay Model, the priorities among them and whether or not any of them are unique to the Model.

DEVELOPMENT OF TASK FORCE RECOMMENDATIONS

The comments and suggestions for potential uses of the facility fell into several broad categories:

Meriting full exploration, competent design and implementation:

1. Develop a major Chesapeake Bay Education Center and tourist attraction.
2. Operate as a hatchery for striped bass.
3. Use the building opportunistically for storage, boat maintenance, laboratories, offices and other functions of the Maryland department of Natural Resources.
4. Provide water for use in Queen Anne County.

The Task Force considers these uses to be feasible and complementary, with the Chesapeake Bay Education Center in the position of highest priority. The specific recommendation is detailed below.

Important potentials, constrained severely by funding requirements:

1. Further use of the Model to study the effects of engineering changes and other Bay problems.

The Task Force considers that the Chesapeake Bay Hydraulic Model has served its original purposes with substantial value in the public interest. Additional studies have been suggested, of which many are desirable and some are clearly important. Many are feasible, and the Model can provide some es-

timates more quickly and accurately than any other tool now available. It also has several unique attributes, including the possibility of direct visual observations, continuous involvement of the total Bay and its tributaries, and it is "in hand". However, the suggested studies are not now crucial for management decisions—although some may become so in future circumstances. The most urgent study is the completion of the examination of effects of reduced inflow because of consumptive withdrawal of water, especially in drought years.

We cannot, however, identify a source of the required funding—ca. $700,000 per year in stand-by maintenance plus $10,000–700,000 for each experiment and more for major projects. The Baltimore District of the Corps has largely met its described objectives, and no sponsor is in sight with sufficient incentive and funds to support further work of this type.

2. Study basic questions related to the components and processes of the Chesapeake Bay system.

There are feasible and desirable studies which would speed comprehension of the system. Costs are, however, far beyond funding available for such research and we see no possibility of piggy-backing on other studies.

3. Conduct water quality studies related to the Chesapeake Bay Program.

Solution of water quality problems could be assisted by use of the Model, but many are too local to justify full operation of the Model, and we see no opportunity for piggybacking. No funding is available for specific water quality tests in the Model.

Considered to be inappropriate for further attention:

1. Establish a task force or expert review committee to consider potential uses.

2. Use the facility as an oyster hatchery. Salinity is too low.

3. Move the facility to Baltimore or Calvert County for use in education or tourism. Not feasible.

4. Locate the East Coast Olympic training center in the building. At this time, there is insufficient information on this interesting potential if the building becomes available.

PROPOSED FUTURE USES OF THE FACILITY

The Task Force finds that further use of the Chesapeake Bay Model in experimental and engineering studies cannot be supported at this time. With reluctance, we conclude that such use should be terminated for the present. The uses recommended below would preserve the possibility of reestablishing such use, at costs of the magnitude of several million dollars, if the urgency and importance of the studies justifies the expenditures and if funds are available.

We see a positive and valuable possibility at the facility for the purposes of education of the public and students about the Chesapeake Bay, its nature, problems, potentials and needs. Several related concepts have been garnered from the suggestions received:

a. The functioning Model (in a simpler mode of operation), a Bay library, excellent displays, class-rooms, an information center, and a demonstration of solar energy application could be operated for 100,000 students and several hundred thousand tourists and other adults per year.

b. Each Maryland child should have the opportunity to see it.

c. A tourist attraction featuring "A Bird's Eye View Tour of the Bay" as a theme.

d. A public educational center/museum devoted to the Chesapeake Bay, with dioramas, sound, light and other techniques.

e. Year-round operation for public education and demonstrations, with tests (necessarily modest) in summer by university and college faculty and graduate students.

f. Chesapeake Bay Museum, with exhibits on biology, geology, archaeology, agriculture, silviculture, maritime affairs, oceanography and industrial, cultural and historical development.

g. Utilize Explorer Scouts in operations and in educational programs.

h. Studies, demonstrations and hearings related to Chesapeake Bay.

i. Teaching center related to the Marine Police and Coast Guard.

j. Joint Corps of Engineers/National Oceanic and Atmospheric Administration/State Visitors Center.

k. Operate as a Chesapeake Bay Museum, with effective promotion.

l. Bring high school and college students to the site to enhance their education via study of this unique tool.

Several other constructive uses are compatible with such use:

a. Develop a striped bass hatchery, perhaps on an experimental and demonstration scale, at the facility.

b. Establish a Center for diverse activities related to the Bay.

c. Provide, where residual space permits, storage and other use by the Maryland Department of Natural Resources.

d. Allocate excess ground water to Queen Anne County.

We believe that a valuable and heavily used Chesapeake Bay attraction can be designed and operated for these purposes. Visitors, who should pay an appropriate fee except for students, could learn of the Bay, see government at work, experience the Model and excellent unique exhibits, and gain exceptional personal pleasure as well as constructive education. We recognize the National Aquarium at Baltimore as a similar accomplishment and its success has been remarkable.

Ownership and managment of such a facility might be effective through the State of Maryland, through a consignee by the State, or, less probably, by an independent owner or consortium.

The suggestions are still diverse and undetailed, and we recognize that exceptional and intensive efforts will be required by the federal government, the State of Maryland, educators, experts in public display and many others to bring such a concept to fruition. The Model is unique and splendid for this purpose, and therefore we offer the following specific recommendations for consideration by you and other interested and concerned persons.

Therefore, the Task Force Recommends:

1. That use of the Chesapeake Bay Hydraulic Model for experimental and engineering studies be terminated in an orderly fashion, protecting as fully as possible potentials for the use described below and possible reactivation in the future. It is absolutely essential that the building and grounds be maintained and that the model be kept operable at a minimal level at least until January 1, 1984 and perhaps until July 1, 1984. Cost estimates are $35,000 per month for operation at this level.

2. That exceptional efforts be made by all pertinent agencies and individuals to enhance the further development, testing and application of 3-dimensional mathematical models of the hydrodynamics and transports in Chesapeake Bay and its tributaries. These are powerful tools which can fill much of the gap left by termination of model tests, but they have not yet achieved that full capacity. The estimated cost of achieving rapid and useful improvement in such modeling is $250-300,000 per year for 4-5 years, with additional costs for verification in the bay.

That a thorough feasibility study be conducted to explore, evaluate and recommend on the development of a Chesapeake Bay Center at the model grounds and building. The study should examine:

a. Incorporation of all levels of education possible.

b. Highly attractive and advertised tourist use.

c. Use of solar energy for heating and cooling.

d. Demonstration or production hatchery operation for bay fish.

e. Storage and other housing.

f. Allocation of surplus water to Queen Anne County.

g. Other compatible uses which are in the public benefit.

h. Suggestion of mechanisms for operation and oversight of the programs at this site.

i. Complete cost and income estimates covering a period of at least five years.

□ 1630

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise first of all to congratulate the chairman and the ranking member of the Appropriations Committee for bringing such a relatively clean supplemental appropriations bill to the floor. I think that is an appropriate process.

But I do want to rise to discuss the provision that was included in the Transportation bill, which was signed by the President in August of this year, which precluded the Office of Personnel Management from implementing regulations which it had proposed which have a very substantial and in the opinion of many adverse effect on our Federal employees. That same preclusion is included in the Treasury-Postal bill which is pending in committee, which I understand, Mr. Chairman, the full Appropriations Committee will consider during the week of October 17 and will probably be reported to the floor at the end of that week. That provision continues to preclude the Officer of Personnel Management from implementing those regulations.

The Transportation bill included a provision which precluded the Office of Personnel Management from implementing those regulations up to October 15 of this year. That was in expectation that the Postal-Treasury bill would have become law on or before that date. It appears that that will not happen.

Nevertheless, I and many, many Members of this House who are concerned about that particular question have not sought in the Rules Committee the opportunity to amend this sup-

plemental appropriation bill. We have not done so, Mr. Chairman and Members of this body, because we have received assurances, not directly but assurances have been made, particularly to the other body, that the Office of Personnel Management, notwithstanding the fact that October 15 may come and go, will not seek to implement the regulations which were noted by the Office of Personnel Management in July.

Because of that fact, and solely because of that fact, we have not sought to amend this bill. We appreciate those assurances. It is my understanding that those assurances will be noted in the other body as well.

In closing, I thank the chairman for his consideration of this issue and his deep concern with this issue which I have discussed with him and the ranking member.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

I would like to congratulate the gentleman who is a valued member of that Treasury Subcommittee that has jurisdiction over the Office of Personnel Management. I think your leadership has been very, very important in bringing Mr. Devine and the people in that agency to an understanding of the very strong opposition that exists in this body to his preemptory effort to destroy the existing merit system in the Federal governmental structure. I hope he hears your words and the words of Senator STEVENS because I think you are speaking for a very large number of Members on this floor and in the other body when you have urged upon him a very cautious course. If Mr. Devine is to move forward, I think he would be misjudging the temper of both bodies. He is already known in the Congress of the United States as a man who has acted very often without legislative support. But this would probably be the beginning of an effort to see him removed from his position. He is someone who is terribly unpopular with Federal workers and this act of congressional defiance would be the final straw were he to take any action on merit pay at this point.

I think the Congress will speak very clearly on this issue when we are given the opportunity.

I thank the gentleman for his leadership in this regard and I know all Federal workers value his contribution in this area.

Mr. HOYER. I thank the gentleman for his comments.

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MINISH) having assumed the chair, Mr. FROST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3959) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore (Mr. MINISH). Without objection, the previous question is ordered.

There was no objection.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the grounds a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 363, nays 30, not voting 40, as follows:

[Roll No. 383]

YEAS—363

Addabbo	Bonior	Crockett
Akaka	Bonker	D'Amours
Albosta	Borski	Daniel
Alexander	Bosco	Daschle
Anderson	Boucher	Daub
Andrews (NC)	Boxer	Davis
Andrews (TX)	Breaux	Dellums
Annunzio	Britt	DeWine
Anthony	Brown (CA)	Dickinson
Applegate	Bryant	Dixon
Aspin	Byron	Donnelly
Barnard	Carney	Dorgan
Barnes	Carper	Dowdy
Bartlett	Chappell	Downey
Bateman	Chappie	Duncan
Bates	Clarke	Durbin
Bedell	Clay	Dwyer
Beilenson	Clinger	Dymally
Bennett	Coats	Dyson
Bereuter	Coelho	Early
Berman	Coleman (MO)	Eckart
Bethune	Coleman (TX)	Edgar
Bevill	Collins	Edwards (AL)
Bilirakis	Conte	Edwards (CA)
Bliley	Conyers	Edwards (OK)
Boehlert	Cooper	Emerson
Boggs	Coughlin	English
Boland	Coyne	Erdreich
Boner	Craig	Erlenborn
Evans (IA)	Levin	Rodino
Evans (IL)	Levine	Roe
Fazio	Lewis (CA)	Roemer
Ferraro	Lewis (FL)	Rogers
Fiedler	Lipinski	Rostenkowski
Fields	Livingston	Rowland
Flippo	Lloyd	Roybal
Florio	Loeffler	Rudd
Foglietta	Long (LA)	Russo
Foley	Long (MD)	Sabo
Ford (MI)	Lott	Savage
Forsythe	Lowery (CA)	Sawyer
Fowler	Lowry (WA)	Scheuer
Frank	Lujan	Schneider
Franklin	Luken	Schulze
Frost	Lundine	Schumer
Fuqua	Lungren	Seiberling
Garcia	Mack	Shannon
Gaydos	MacKay	Sharp
Gejdenson	Madigan	Shaw
Gekas	Markey	Shelby
Gephardt	Marlenee	Shuster
Gibbons	Marriott	Sikorski
Gilman	Martin (NY)	Siljander
Gingrich	Martinez	Sisisky
Glickman	Matsui	Skeen
Gonzalez	Mavroules	Skelton
Goodling	Mazzoli	Slattery
Gore	McCain	Smith (FL)
Gradison	McCloskey	Smith (IA)
Gramm	McCollum	Smith (NE)
Gray	McCurdy	Smith (NJ)
Green	McDade	Smith, Robert
Gregg	McEwen	Snowe
Guarini	McHugh	Snyder
Gunderson	McKernan	Spence
Hall (IN)	McKinney	Spratt
Hall, Ralph	Mica	St Germain
Hall, Sam	Michel	Staggers
Hamilton	Mikulski	Stangeland
Hammerschmidt	Miller (CA)	Stark
Hance	Miller (OH)	Stenholm
Hansen (ID)	Mineta	Stokes
Harkin	Minish	Stratton
Harrison	Mitchell	Studds
Hatcher	Moakley	Stump
Hawkins	Mollohan	Sundquist
Hayes	Montgomery	Swift
Hefner	Moody	Synar
Hertel	Moore	Tallon
Hightower	Morrison (CT)	Tauke
Hiler	Morrison (WA)	Tauzin
Hillis	Mrazek	Taylor
Holt	Murphy	Thomas (CA)
Hopkins	Murtha	Thomas (GA)
Horton	Myers	Torres
Howard	Natcher	Torricelli
Hoyer	Neal	Towns
Hubbard	Nelson	Traxler
Hughes	Nichols	Udall
Hunter	Nowak	Valentine
Hutto	Oakar	Vander Jagt
Hyde	Oberstar	Vandergriff
Ireland	Obey	Vento
Jacobs	Ortiz	Volkmer
Jeffords	Ottinger	Vucanovich
Jenkins	Owens	Walgren
Johnson	Oxley	Watkins
Jones (NC)	Packard	Waxman
Jones (OK)	Panetta	Weber
Jones (TN)	Parris	Weiss
Kaptur	Pashayan	Wheat
Kasich	Patman	Whitley
Kastenmeier	Patterson	Whittaker
Kazen	Pease	Whitten
Kemp	Penny	Williams (MT)
Kennelly	Perkins	Williams (OH)
Kildee	Pickle	Wilson
Kindness	Porter	Winn
Kogovsek	Price	Wirth
Kolter	Pursell	Wise
Kostmayer	Quillen	Wolf
Kramer	Rangel	Wolpe
LaFalce	Ratchford	Wortley
Lagomarsino	Ray	Wright
Lantos	Regula	Wyden
Leach	Reid	Yates
Leath	Richardson	Yatron
Lehman (CA)	Ridge	Young (AK)
Lehman (FL)	Rinaldo	Young (FL)
Leland	Roberts	Young (MO)
Lent	Robinson	Zschau

NAYS—30

Archer	AuCoin	Broomfield

Brown (CO)	Frenzel	Paul
Broyhill	Hansen (UT)	Petri
Burton (IN)	Hartnett	Roth
Cheney	Latta	Schaefer
Conable	Martin (NC)	Sensenbrenner
Courter	McCandless	Shumway
Crane, Daniel	Moorhead	Smith, Denny
Dannemeyer	Nielson	Walker
Dreier	Olin	Weaver

NOT VOTING—40

Ackerman	Fascell	Pritchard
Badham	Feighan	Rahall
Biaggi	Fish	Ritter
Brooks	Ford (TN)	Rose
Burton (CA)	Hall (OH)	Roukema
Campbell	Heftel	Schroeder
Carr	Huckaby	Simon
Chandler	Levitas	Solarz
Corcoran	Martin (IL)	Solomon
Crane, Philip	McGrath	Whitehurst
de la Garza	McNulty	Wylie
Derrick	Molinari	Zablocki
Dicks	O'Brien	
Dingell	Pepper	

□ 1650

Messrs. CHAPPIE, LOEFFLER, SLATTERY, FIELDS, and LUNGREN changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3959, SUPPLEMENTAL APPROPRIATIONS, 1984

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct paragraph headings, section numbers, and cross-references in the engrossment of the bill (H.R. 3959) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 317

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 317 designating October 22 as Metropolitan Opera Day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the bill (H.R. 3958) making appropriations for water resource development for the fiscal year ending September 30, 1984, and for other purposes, and that I be permitted to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

WATER RESOURCE DEVELOPMENT APPROPRIATION BILL, 1984

Mr. BEVILL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3958) making appropriations for water resource development for the fiscal year ending September 30, 1984, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Indiana (Mr. MYERS) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BEVILL).

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from California (Mr. PANETTA) as Chairman of the Committee of the Whole and requests the gentleman from Indiana (Mr. SHARP) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3958, with Mr. SHARP (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement the gentleman from Alabama (Mr. BEVILL) will be recognized for 30 minutes and the gentleman from Indiana (Mr. MYERS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BEVILL).

Mr. BEVILL. Mr. Chairman, I yield myself 10 minutes.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to my friend and colleague, the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I ask unanimous consent that the colloquy between the gentleman from Alabama and myself which was included in the previous bill be transferred to the bill under consideration, energy and water resources.

The CHAIRMAN pro tempore. The Chair must advise the gentleman from Maryland (Mr. LONG) that such a colloquy would have to be made again. It is not possible to transfer a colloquy.

The gentleman from Alabama (Mr. BEVILL) is recognized.

Mr. BEVILL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, we bring to you today for your favorable consideration the water resource development appropriation bill for 1984. I am joined in this effort by my colleagues on the Energy and Water Development Subcommittee who have worked long and hard to bring this legislation to the floor. Let me express my special appreciation to our ranking minority member, the gentleman from Indiana (Mr. MYERS). As in years past, he and I have worked together with the subcommittee to fashion a bill that meets the present and future water resource needs of our entire country. I also want to express my appreciation and thanks to the members of the subcommittee, the gentlelady from Louisiana (Mrs. BOGGS), the gentleman from Florida (Mr. CHAPPELL), the gentleman from California (Mr. FAZIO), the gentleman from Oklahoma (Mr. WATKINS), the gentleman from Tennessee (Mr. BONER), the gentlelady from Nebraska (Mrs. SMITH), and the gentleman from Arizona (Mr. RUDD).

Mr. Chairman, the bill before the Committee today would appropriate $103,096,000 in new budget authority to the Corps of Engineers and $15,850,000 to the Bureau of Reclamation.

The bill includes funds for 39 new construction starts for the Corps of Engineers and 4 new starts for the Bureau of Reclamation. Included in the 43 projects are 23 projects which have been previously authorized and 20 projects which are included in H.R. 3678 which has been ordered reported by the Public Works and Transportation Committee.

I would like to mention at this point the outstanding work done by the Water Resources Subcommittee of the Public Works and Transportation Committee which is chaired by our colleague from New Jersey, ROBERT ROE. He and the ranking minority member of the subcommittee, our colleague from Minnesota, ARLAN STANGELAND, have worked diligently for many months to produce H.R. 3678, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983 which authorized projects and programs of the corps as well as addressing the issue of cost sharing and innovative financing.

As Members will recall, there have been no new starts for 4 years due to

differences between the executive and legislative branches regarding cost sharing and financing of water projects. In the report accompanying the regular fiscal year 1984 appropriation bill for energy and water development, the committee stated:

The committee is aware of the urgent need for some new construction projects and for the repair and rehabilitation of some existing projects. Testimony has been presented indicating the urgent needs in this area. . . . The committee fully intends to recommend funding for new construction for both the Corps of Engineers and the Bureau of Reclamation for fiscal year 1984.

This bill is in response to the commitment made by the committee.

I do not believe there are many authorizing and appropriations subcommittees which work closer together than do Chairman ROE's subcommittee and my Subcommittee on Energy and Water Development.

The passage of H.R. 3678 through the Public Works and Transportation Committee and the probability that the bill will be presented to the full House of Representatives is most encouraging.

The projects funded in the bill include a number of projects proposed by the administration in fiscal years 1983 and 1984, other authorized projects which are worthy of construction, and urgently needed projects which are awaiting authorization. The committee is confident that every effort will be made by the 98th Congress to enact legislation authorizing new projects and, where appropriate, make adjustments in cost sharing. Use of funds provided by this bill for construction of projects not yet authorized is, therefore, linked to such authorization. Moreover, adjustments in cost sharing enacted during this Congress would apply to the projects funded herein to include those presently authorized.

With regard to cost sharing, the committee recognizes the responsibility of the authorization committees to establish cost-sharing policies, but is concerned that the application of rigid cost-sharing requirements would create a situation of have versus have-nots. Many States and localities do not have the capability to share cost to the same extent, if at all, that others may have. This is particularly undesirable in the case of flood control projects where human lives and the economic viability of communities are involved. Because of this, the committee encourages a flexible approach to cost sharing. I believe it is important to note that since the exact formula for cost sharing is still under consideration, it is not possible to predict the Federal share of the costs of the projects in the bill at this time.

The committee received many requests from Members to fund projects already authorized as well as those in the pending authorization bill. Unfortunately, the number of major water resource development projects that can be funded in any particular fiscal year is necessarily limited. Even with incremental funding of only that portion of work that can be accomplished within a fiscal year, the large number of necessary projects and the high cost of many of them limit the total number that can be considered for funding at any one time.

The projects recommended for funding in this bill represent the highest priority projects in each major category of water resource development. The committee will consider funding additional projects in subsequent appropriation bills.

The report accompanying the bill provides a good explanation of the recommendations in the bill as well as a brief description of the projects funded in the bill.

This is a good bill and report and I recommend its adoption by the committee.

Mr. Chairman, I would like to call the Members' attention to a printing error in the committee report (H. Rept. 98-373). On page 2, under "Budget Request" the amount of the budget request submitted by the administration for the Corps of Engineers should be "$27,781,000."

□ 1700

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman for keeping his word which was given to me last spring to include Baltimore, among other cities, in the port-deepening project. It is very important to the city of Baltimore. And I must say I hope the day will come when we can get a monument erected to the gentleman in the inner harbor where everybody can come and see it, because he has done a great service for our State, for the workers and business firms.

I want to ask the gentleman, to clarify, I understand there are a great many projects here which are of interest to the Senate. Is the gentleman pretty confident that the Senate will approve this appropriation bill of the gentleman from Alabama?

Mr. BEVILL. I do anticipate that the Senate will and certainly the Baltimore Harbor project is a part of this bill and we hope to see that harbor deepened from 37 feet to 55 feet, so that it can handle the large seagoing vessels. We would not only like to see Baltimore Harbor, but we are also talking about the Norfolk Harbor, we are talking about the harbor in San Francisco, we are talking about the gulf coast, we are talking about Sacramento, Calif., and other harbors also. We have the finest inland waterway system in the world; $20.1 million of the funds provided is going to come from the user fees that have accumulated in the inland waterways trust fund. I think the authorization committee wisely provided that legislation.

Mr. LONG of Maryland. Did I hear correctly, the gentleman is quite confident that the President will sign this?

Mr. BEVILL. Every indication that we have, as far as we know, we never know for certain of course, but it is very close to the President's figures. As a matter of fact, in its present form right now the bill is under the President's figures. So we do not anticipate having any difficulty with it.

Mr. LONG of Maryland. I want to thank the gentleman from Alabama on behalf of myself, the State, and the gentleman from Maryland (Mr. HOYER), a member of this appropriations committee.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

I see by the report that in this bill the gentleman is funding Bureau of Reclamation programs, four of them. Now, are all four, the Animas-La Plata in Colorado and New Mexico; Buffalo Bill Dam modification, Wyoming; Headgate Rock hydroelectric project in Arizona; and Narrows units in Colorado; those are the only four which the gentleman has included in the bill?

Mr. BEVILL. The gentleman is correct.

Mr. KAZEN. And all four of these have previously been authorized?

Mr. BEVILL. The gentleman is correct. Those projects are authorized.

Mr. KAZEN. None of the Bureau projects included in the bill are unauthorized?

Mr. BEVILL. The gentleman is correct.

Mr. KAZEN. I thank the gentleman.

Mr. BEVILL. Mr. Chairman, I urge my colleagues to support this legislation. It is very critical. It is needed badly. This Nation cannot be competitive in the international market unless we maintain, update, and renovate our harbors and our inland waterways in this country.

We cannot sit back and ignore them. It is urgent. The vessels that are being built now cannot get into our harbors. We have coal, we have a third of the world's supply of coal in this country, and one way we can compete with Australia and these other coal-producing countries is to keep the cost of transportation down. And that is what this bill is about. We have the same thing with farm produce. If we can save 15, 16, 17 cents a bushel on farm produce, we can be competitive with Canada and these other countries.

And if we sit here and do nothing, we are going to lose out and that is where the jobs are, in serving the international markets. And that is what this bill is about. It reaches out and makes this Nation competitive and we get those orders from the foreign countries and export these goods to the foreign countries and that means jobs to us.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Ohio.

Ms. OAKAR. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman from Alabama (Mr. BEVILL) for this appropriation bill and the gentleman from New Jersey (Mr. ROE) for the fine work that he has done in the authorization side for including Cleveland, Ohio's harbor.

As the gentleman knows, the gentleman from Ohio (Mr. STOKES) and I have been working on this project with the gentleman's committee and the Corps of Engineers and the authorization committee for many years now. We would like to make certain that the approved project in H.R. 3859 is the same one that is described in the Chief of Engineers Survey Report of 1976 and in every approved—and I underline "approved"—report thereafter as summarized in the Buffalo District Army Corps of Engineers Report on Current Civil Works Projects dated March 1982, which I will include.

This, Mr. Chairman, as the gentleman knows, will insure that our port is properly dredged, that our large vessels will be accommodated, and that iron ore boats, for example, will be accommodated and enhance our steel industry.

The report follows:

CORPS OF ENGINEERS REPORT, MARCH 1982

Project: Cleveland Harbor Improvements.

Location: Cleveland Harbor, including navigation channels in the Old and Cuyahoga Rivers.

Congressional Districts: 20th, 21st, 22nd, 23rd.

Project authorization: The 1976 Water Resources Development Act (Section 175) authorizes the preparation of a Phase I General Design Memorandum (GDM) for this project.

Project description: The study involves investigation of possible alterations to the main or east entrances to the outer harbor for safe and efficient operation of 1,000-foot vessels, including: breakwater removal, channel deepening, and possibly new breakwater construction at the main entrance, or new breakwater construction and extensive channel dredging at the east entrance. The overall plan includes improvements for local construction and operation of lakefront facilities for transshipment of iron ore to steel plants located along the Cuyahoga River Channel and/or to other inland locations. Also included are other plans to enhance recreational fishing.

Estimated project cost: Federal cost—$36,033,000; Non-Federal cost exclusive of local costs for transshipment facilities—$1,060,000; Total cost—$37,093,000.

Project status: The Reformulation Phase I GDM is being prepared and is scheduled for completion in FY 1984. The GDM will recommend whether to improve the east or main entrance. The GDM will also determine the feasibility of (1) deepening the Cuyahoga River; (2) reducing congestion on the Cuyahoga River; (3) completing authorized but uncompleted improvements on the Cuyahoga and Old Rivers in light of current conditions; and (4) the feasibility of providing recreational fishing from the existing west breakwater. The GDM must be approved by Congress before construction can begin.

Fiscal year 1982 funding: $202,000.

Fiscal year 1983 funding in the President's budget: $270,000.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Ohio.

Mr. STOKES. I thank the gentleman for yielding.

I would like to say to our distinguished chairman in the well, that I, too, join with my colleague from Cleveland in commending the gentleman from New Jersey (Mr. ROE) on the authorizing side for this excellent legislation that has been brought to the floor.

I would like to say to the gentleman that it is our expectation that the project to be funded be based on the approved project report relative to the Cleveland, Ohio harbor project, which would modify the east and west entrances of the Cleveland Harbor and extend the breakwall at the extreme east end of the harbor. The successful completion of this project will provide the city of Cleveland with an all-weather harbor that will serve the area for decades to come.

We deeply appreciate all the consideration that the gentleman and the committee have given us in this matter.

Mr. Chairman, I also rise to express my support of H.R. 3958, the Water Resources Development Appropriations Act for fiscal year 1984. This measure approves funding for a long-awaited improvement project for the Cleveland Harbor.

As many of my colleagues know, the Cleveland Port is a very important specialized port, serving as a major transportation link to primarily the steel industry. Over 1,200 vessels and tankers from over 50 countries and 120 world ports arrive annually at the docks lining the lake's shore and the banks of the Cuyahoga River. The Cleveland Port is the largest iron ore receiving port on the Great Lakes, and ranks fifth among all the Great Lakes ports in overall tonnage.

Mr. Chairman, the activity of the Cleveland Harbor is closely linked to the economic vitality of the Cleveland metropolitan area and the entire northeast Ohio region. As such, the Cleveland-Cuyahoga County Port Authority has been working to diversify, upgrade its facilities, and increase the volume of cargo at the port.

The Cleveland Harbor improvement project, approved in H.R. 3958, is an important and integral part of these efforts. This fact has also been recognized by the House Committee on Public Works, which is considering the authorization needed for this activity as part of H.R. 3678, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983.

Congressional approval of both of these measures will enable the Army Corps of Engineers to proceed with further study of the improvement of the eastern end of the Cleveland Harbor, including an eventual deepening and expanding of its east and west entrances. These improvements are critically needed to permit the port to accommodate the new generation of bulk freighters, measuring 1,000 feet by 195 feet with carrying capacities of 60,000 tons.

Mr. Chairman, the Cleveland Harbor improvement project is a cost-effective initiative which will reap substantial economic benefits to Cleveland residents and the Nation. The additional study and design work on this project is expected to cost about $125,000 and be completed by the end of fiscal year 1984, clearing the way for construction the following year. While the total project cost is expected to be about $32 million, this amount will be more than offset by annual savings of more than several million dollars from reduced transportation costs.

Mr. Chairman, Congresswoman MARY ROSE OAKAR and I have worked diligently for several years to secure the necessary congressional approval for these harbor improvements. We have worked with and consulted my good friend, Congressman TOM BEVILL. As always, he has given his thoughtful attention and consideration to this matter and I sincerely appreciate his efforts. Similarly, I want to express my deep appreciation to Congressman ROBERT ROE, chairman of the Subcommittee on Water Resources of the House Public Works Committee, for his diligent and painstaking consultation with both Representative MARY ROSE OAKAR and myself on water resource project authorization issues affecting the Cleveland community.

In closing, I would like to reiterate that the Cleveland Harbor improvement project will have a greatly positive impact on the Cleveland economy and result in a more efficient use of the Cleveland Port. The Federal investment in and public benefit resulting from this project are amply documented. Thus, I encourage your support of this activity and urge the adoption of H.R. 3958, the Water Re-

sources Development Act for fiscal year 1984.

□ 1710

Mr. BEVILL. In response to the gentlewoman and the gentleman from Ohio, I realize that you have waited for 7 years for the authorization of this project, and this is an example of these 20 urgently needed projects and this is why the Rules Committee was kind enough to give us a waiver on your project and 19 other similar projects, so that we could go ahead and have the funding available when the authorization bill is signed by the President.

The funding in here will move that project that should have been moved many years ago. We will move it as expeditiously as possible by going ahead with this and the other 19 unauthorized projects at this point but that are contained in the authorization bill.

My subcommittee was unanimous, the Appropriations Committee as a whole was unanimous in moving on this project and the other 19 unauthorized projects.

Ms. OAKAR. I thank the chairman.

Mr. STOKES. I thank the chairman.

Mr. BEVILL. I urge the Members to support this bill.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield for a further question?

Mr. BEVILL. I yield to the gentleman from Virginia.

Mr. BATEMAN. I thank the gentleman for yielding.

Mr. Chairman, I, too, want to commend the gentleman from Alabama (Mr. BEVILL) and his committee for the work they have done in bringing this measure to the floor. I listened a few moments ago to the dialog between the gentleman from Maryland (Mr. LONG) and the gentleman from Alabama (Mr. BEVILL) with regard to the deepening of the channel in the Port of Baltimore. I note in the bill that there is also included as a project to be funded the Norfolk Harbor, Va., project. I assume that is the deepening of the channel to the Port of Hampton Roads.

Mr. BEVILL. The gentleman is correct. As the gentleman recalls, there is a constant backlog of vessels there, some 100 vessels backed up there constantly. They could not get into the Norfolk Harbor because it is not deep enough. These are coal ships that are badly needed, and it is coal that this country badly needs to export. The gentleman is absolutely correct.

Mr. BATEMAN. I thank the Chairman.

Might I comment further on this aspect of the matter as it comes to the floor: Very fortunately—and I do not complain of this—the deepening of the harbor for the Port of Baltimore has been the subject of an ancient authorization some years ago. Unfortunately, notwithstanding equal need—in fact, the Port of Hampton Roads being the largest "exporting port in the world"—that project has not been previously authorized because of the logjam over funding mechanisms.

May I have some optimism that if this good bill passes with this appropriation in it that we can look forward to the logjam being broken and the project not only as to Baltimore going forward but also the one for Hampton Roads?

Mr. BEVILL. The gentleman is correct. The gentleman has my optimism. We are optimistic about this. It is needed; it is necessary. I have no doubt that both Houses of Congress are going to approve it. I have no doubt that the President is going to sign it.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, is the gentleman prepared to abide by the cost-sharing provisions in the authorization bill for this particular project?

Mr. BEVILL. I would like to answer that. This bill specifically provides that whatever the Roe bill provides for in local participation, this bill, everything in it, but not only the 20 unauthorized but the 23 authorized projects also are subject to whatever policy this Congress adopts, beginning with the Roe bill. So it is subject to that.

Mr. EDGAR. I thank the gentleman for his clarification.

Mr. BATEMAN. Mr. Chairman, if the gentleman will yield for 1 more minute, I would like to say, in response to the previous question from the gentleman from Pennsylvania (Mr. EDGAR), this Member, too, will support whatever is the will of this Congress as the financing vehicle and the authorization procedure by which these vitally, terribly necessary projects go forward. I hope very much that through the good work of the gentleman from Alabama and his committee we are going to break that logjam and that there will be a meeting of the minds on a funding methodology that will make it possible for these projects to go forward and I will certainly join in supporting a sound basis on which that can be done, including the most equitable funding formula.

Mr. BEVILL. Mr. Chairman, I yield 7 minutes to my good friend and colleague, the gentleman from New Jersey (Mr. ROE), who, as I mentioned, has done such a great job, he and his subcommittee, in putting together an authorization bill.

Mr. ROE. I thank the gentleman from Alabama for his generous comments on my behalf. I have been listening to my name being used around here in the last couple of hours, both pro and con on this issue, and I think it is time that the gentleman from New Jersey spoke to the facts that we are faced with.

Mr. Chairman, I think it is terribly important to make the following observation: I think, No. 1, that the Appropriations Committee has worked valiantly in an atttempt to get these programs going. We just cannot fritter any more in this country. There is no sense in reiterating that. We have got to move ahead.

Now, I want to say that the Appropriations Committee worked with us and coordinated their efforts as we were developing the authorizing legislation. But for those Members who do not understand really what this confrontation may be a little bit about, I want to also publicly on this floor of the House compliment enormously the efforts of the gentleman from Pennsylvania (Mr. EDGAR). Now, for many years this gentleman has been an environmentalist, he has been a realist, he has been getting the work done in the areas of his interest, and he has strongly supported the authorization legislation as a cosigner of that legislation as we were going along. He has some concern which he has expressed, and will probably be offering an amendment later on because of his genuine concern, which I respect and understand.

Mr. Chairman, I want to caution the Members on one thing. First, I am going to tell you that I am going to support the Appropriations Committee effort, and I would like the Members to do that. But I also want to caution you that in the authorization bill that is involved, every single Member of this House is affected.

Now, the reason we rebuffed initially those projects that were projected and accepted by the administration specifically—and listen intently to this issue—the administration went out and they negotiated around this country with different communities and States, and they said to them, "If you will put up a higher user fee, we will give you a priority." It did not have to do with the situation as to whether the port was absolutely prioritized by the Appropriations Committee or the authorizing committee, it did not matter how many people were killed in a flood here, in the situation we had down South recently, or the situation in Utah, or the situation we are faced with now in Arizona. That was not the issue. The issue was the dollars and cents, who could put up the most bucks.

Now, those projects are in here and being approved because they put up the most bucks. I say that is no way to legislate, although I am supporting the committee. I am not going to argue with this. They should be done too. But I caution the other Members to recognize one point of view, that

they may be out of a project simply because you cannot allow the administration to select which ones they choose to do and who can put up the most money. There are many areas in this country that cannot afford the work that is needed to protect their people. And who has the right to determine that without a judgment made by this body?

I say that that part of the direction of this operation is incorrect. But I am going to support the committee because I want to move ahead too.

Now, let us take the second point. When we come back for this authorization, we are going to ask you to support us. The gentleman from Indiana (Mr. MYERS) has been marvelous, and so has the gentleman from Alabama (Mr. BEVILL). Yes, we have got to stick together. The concern of the gentleman from Pennsylvania (Mr. EDGAR) and the rest of us is twofold: One concern we have is the very important codicil that the Appropriations Committee has in the bill. And it says specifically that no construction shall begin until the authorization legislation is approved. That has been agreed to between myself and the leadership of the Appropriations Committee. But we do not want to lose that. We must insist in conference that that does not drop out, that absolutely does not drop out. And I think the second point that was highly germane in that piece of legislation is that whatever the authorizing committee, with the will of the Congress voting on it, would determine what the user fee relationship would be, if the Appropriations Committee and this body can hold those two elements in check when they are dealing with the other body as a sacred commitment, then we will have achieved the goal to move ahead with the total authorization bill.

Now, the good folks from Baltimore, the funding essential to build your port and the ratio of funding is going to depend on the authorization bill. It is not in the appropriation bill, as it should not be. So I just want to caution you about that. This is no panacea. I do support strongly what the Appropriations Committee is doing. We have provided valiantly, if you like, we have worked for a year and a half in hearings, we went back to 1936 and we reviewed every single project that has been before the Congress, authorized or not, since 1936.

□ 1720

We put, total environmental reforms. There are many of your projects that will not move ahead and could be checked easily in the courts unless the environmental reforms are involved.

The same situation with fast-tracking. In order to get those ports built in a reasonable length of time, what we should be doing is providing fast-tracking, which is in the authorization bill and the negotiations we have yet to do on what we, the body, here decide on the levels of cost sharing.

Let me conclude on this note: My rights as a subcommittee chairman of our Committee on Public Works and Transportation, I would vigorously oppose, as you would, too, any particular situation where we are going to have authorizations continuously on appropriations bills, but there is a higher calling involved here today, and the higher calling is that we must move ahead. There is no bill that is going to be perfect. We know there are amendments to be made. But in order to start the planning and keep the planning going and keep the work moving, we must move ahead and support this particular piece of legislation.

Some environmentalists are going to be mad at me. We are not breaking any commitments. We are going to fight just as hard for the environmental relationships that we have won in the full committee and in the subcommittee, and I know that this body is going to support us, but it is going to be essential to the Committee on Appropriations that they protect the rights of the House of Representatives on the two chief issues that are in this bill as far as the conference is concerned. Otherwise, we will lose out in 90 percent of the districts that are represented in the Congress here by our colleagues.

So I wanted to make that point clear, and again to give my strongest support to BOB EDGAR for the work he is doing. We do not always agree on every particular issue, but I think we are closer together in developing a national water policy than we have ever been in the last 6 years. Any further delay can cost this country of ours hundreds and hundreds of millions of dollars due to delay. We must move ahead.

Mr. MYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this body finds itself in a position this afternoon through no making particularly of our appropriations subcommittee. It has been said that this is an irregular procedure we are using this afternoon, the fact that this is the second appropriation bill this year brought to you by the Energy and Water Subcommittee of your Committee on Appropriations.

However, as Chairman ROE has just stated, we are in a critical situation for our country. We find ourselves this afternoon coming forth with the second part of our appropriation bill not trying to surprise anyone. If Members will recall, when we had the full appropriation bill for energy and water, we advised Members of this body that this would be coming, but out of courtesy, out of respect, and under the procedure we offered and that we understood with the authorizing committee, we had committed ourselves to the authorizing committee that we would not come forth with this bill until their bill had been reported. So it is with full understanding of that committee, just as Chairman ROE has said. We are not trying to make an end run around them or anyone else. So if you think you are opposed to the bill because we are usurping or taking away the authorizing committee's authority, this is not true, as Chairman ROE has just stated.

Why is the bill here today? Why do we bring up 20 unauthorized projects, so-called unauthorized? The reason is this, and it is very clear: These are very high priority items that simply cannot wait for another year or 2 years to get started. As we know on the subcommittee, and many of you know who have tried to get flood control projects or other needed projects for energy started, we cannot just decide we are going to do something one day and start the next. It takes a lot of planning.

As several have stated, our bill very carefully protects the right of authorization. There can be no money actually spent for digging, starting the actual construction, the initiation of construction we call it, until they are authorized by law. That means they must pass both the House and the other body and be signed by the President. The so-called questionable projects will have to be signed into law.

But every one of those projects that we have in our bill is in the authorization bill that is now in the process, fast track, to become law.

The bill contains a number of projects that are critical to our country, and several have been mentioned.

Gallipolis Lock and Dam on the Ohio River, I believe at mile 279 on the Ohio River. One side is West Virginia and on the other side is Ohio, along side this critical bottleneck in navigation in our country. If we had our way, we would have authorized reconstruction there to lengthen the lock quite some time ago, but it was not authorized by law so we have had to include that project because it is not uncommon to see a backup there of a good many hours of tows either moving from Pittsburgh south or from the lower reaches of the Mississippi and Ohio on into Pittsburgh and the metropolitan area and the highly intensified industrial area of this part of the country.

What happens is that the lock is so short and is so old that the tows have to be broken. They break them in parts, move through a few tugs or a few barges, have to cable them through, have to tie them up at the other end, and then come back and pull some more through. It is very

costly to the American consumer and to the shipping industry.

So we put that project in there, again subject to authorization.

The same is true for lock and dam 26 over on the Mississippi River just above St. Louis at East Alton, Ill. We have one new construction dam and lock started there, but already that lock is not sufficient from this time forward to transport all the grain moving out of the bread basket of our country, in the Dakotas and Minnesota and Iowa, moving down to the port of New Orleans where it will be transported, in most cases shipped overseas, to help our balance of trade and our balance of payments. But right today there is a long wait in the busy harvest time when they are trying to get the grain routed south, long waits costing, again, the American farmer, the American consumer, and most importantly, making it more difficult for our grain to enter into foreign trade because we cannot be competitive if we have to add to the cost of transportation.

So this has long been needed but we have not put it in before because if has been subject to this question. I can go on with other projects.

Freeport Harbor in Texas is the same. Earlier this afternoon on another appropriation bill we talked about SPRO, the strategic petroleum reserve, and mention was made of Texas, where we do have a large storage of the strategic petroleum reserve to protect our country against another possible embargo. Today the jetties at Freeport that reach out into the Gulf of Mexico protect shipping coming in, but those jetties are quite old and water is already washing underneath them today, and threaten to wash away the jetties completely, jeopardizing the movement of our oil coming into that strategic petroleum reserve and the transport of many chemicals for export going out of that harbor. So those jetties have to be replaced and widened. It is only 200 feet through the jetties and the turn is very narrow, making our large, economical barges and ships unable to make the turn. The benefit/cost ratio was 13 to 1 on this particular project.

It has been 7 years since your committee has had any new projects to consider; 7 years. In that period, there has been a backlog that we now draw upon. This bill provides only for some new starts that are absolutely vital to the economy of our country, to the welfare of our country.

Earlier this afternoon in the discussion on the rule, it was questioned why we selected only 43 projects, 13 of which the President recommended. It is true there are about 180 other projects that are in the authorizing bill that could have been put in, but we could not put all of them in this year. We selected and put in the ones with the highest priority in the judgment of your subcommittee, and I hope Members do believe in the committee system in this House.

□ 1730

We are not prejudicing the other projects that will come along. The gentleman's committee is going to continue to look at other projects. There are some other fine projects that we just could not put in. We took the most important in our judgment. I hope we did not make a mistake.

It is something the President can sign. It is something we can get signed into law and get started.

Yes, we did not intend to prejudice some of the other projects in the country, but we could not put 200 in. Of the 43 we have put in, it has been suggested when we finally build them that it is going to cost the country over $4 billion. The figure is probably right; but as far as outlays are concerned, we are within the budget that the President presented to us. We left $303 million when we had the regular appropriation bill.

As far as the outlays next year, we had much less than that. I do not know just what the outlays will be.

All these 43 projects that are in the bill could not possibly be started in the next year; so I must disagree with Mr. Stockman that, yes, it is in excess of the President's request. This is not the first time the Congress has passed an appropriation bill in excess of the President's request. As I related earlier, back just a few years ago, President Jimmy Carter vetoed one of our bills because we put in a couple projects that he did not ask for.

There are always going to be differences between the executive and the legislative branch. We put in all the projects that the President did request, but we in our judgment saw others in the country that were important.

Now, what the bill does is this. We do reserve that unauthorized projects shall not go to construction until authorization has been signed into law for these projects. All the other work can be done.

I do not think there is any question that most of these will be completed, but it is a matter of timing.

Most importantly, we also provide when this new local alternative financing is signed into law, which will be probably part of the new bill, that then the ratio shall be the way that the new programs will be funded. They will be under the new authorization requiring local participation. That also protects the authorizing committee.

The position of Mr. Stockman is not new. He has opposed many projects, but we do differ with him, and that is not uncommon also.

I realize that Members here will oppose this for a great many reasons. Some vote against all bills that provide for public works. Others feel that it is a large amount of money, that we cannot afford those dollars, and I quite agree. I think I can match my credentials for conservative votes with just about anybody in this body; but these are projects that are vitally needed for the commerce of our country, to get America moving, to be competitive once again.

Every one of these projects, unlike any other appropriation bill, must meet a benefit-cost ratio. That is, for every dollar that we invest, there must be a greater return back to the taxpayers. It is going to save them actual dollars, more money to the taxpayers. What other appropriation bill provides this, that we have to have a beneficial benefit to the taxpayers investment? No other appropriation bill requires this.

I might add for history, I do not know of a single project that we have ever started or built in our country in this public works area that has not returned many more times the benefits than were estimated at this time when money was being appropriated for these projects.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr MYERS. I yield to my colleague, the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for yielding.

The gentleman in the well and I have been in discussion over many, many years. The gentleman would agree that we have not had an omnibus bill for the last 7 years.

Is the gentleman aware that a very good compromise has been established with the gentleman from New Jersey and the other members of the Public Works Committee in passing out our bill 49 to nothing, to develop for the first time in 7 years an omnibus water bill that is supported by both those who want to construct and those who are concerned about the environment. Is the gentleman aware of that?

Mr MYERS. This gentleman is very much aware. As I stated earlier, we have been working with the subcommittee chairman and the ranking member for, well, about 2 years and we have been working very closely since we reported our appropriation bill earlier.

We gave the commitment at that time that we would not come forth, but it is a two-way street. The gentleman's subcommittee was well aware of what we are doing and the gentleman's chairman just expressed full support for the entire bill.

Mr. EDGAR. Mr. Chairman, will the gentleman yield further?

Mr MYERS. I yield to the gentleman.

Mr. EDGAR. The gentleman from Pennsylvania has been responsible for helping to stand in the way of these projects. It seems strange to me that because we have made this compromise and we have put this balance together, that we could not wait a month or two to complete the process.

The gentleman in the well would still have the chance by January, February, or March of next year, to come out with a supplemental that could include these projects, plus the environmental mitigation aspects of the legislation that we put in place; the urban rehabilitation program that we put in place and a number of other worthy programs.

It seems to me that the gentleman in the well, if he was really interested in breaking the backlog and not having this confrontation style that we have had over the years, would be celebrative of the fact that we put this joint effort together and that once that authorization bill is in place, with the cost-sharing provisions locked in, then we could come to the well of the House of Representatives and rather than fighting process or standing in the way of progress, we would have the opportunity to talk about the merits and demerits of each of the projects that are being listed, as well as look at the regional nature of the funding, look at the flood control nature of the funding, the loss of life, loss of property, and look at all of these projects from a perspective of what the will of the House is, which is incorporated, I believe, in the bill that came out of the Committee on Public Works and Transportation.

I realize the gentleman's impatience with out committee. It was very difficult, but the gentleman from New Jersey spent hours and hours on this.

Well, I just want to say to the gentleman that I think if the gentleman is really interested, as he says, in unleashing the backlog of projects and getting to some new construction, that the gentleman would celebrate and support the compromise that we have leveled, rather than putting the project process that is really toward the old process that is included in this bill.

Mr. MYERS. This gentleman, and every member of the Appropriations Committee, is celebrating. We are pleased that for the first time in 7 years there is a hope now of getting some new authorization. It is very badly needed; but it seems to me, I will respond to the gentleman in his own words, that if the gentleman asking the question was really interested in moving forward, he would not object to this bill, because we are following exactly the procedure requested by the chairman of the gentleman's subcommittee. There is not one single new start in this appropriation bill that is not in the bill that the gentleman cites.

I presume they are good projects, or the gentleman would not have selected them.

Mr. EDGAR. That is correct.

Mr. MYERS. The reason that has been given a number of times, it has to be brought up this year because there is still much work to be done before the digging that the gentleman's bill will authorize starts. There is work to be done.

We have protected the gentleman and his subcommittee by saying that digging will not be started until the gentleman's authorizing bill becomes law.

I do not know how much further we could go. If the gentleman really wants to celebrate, the gentleman would join us in celebration at the feast.

Mr. EDGAR. Well, if the gentleman will yield further, I appreciate the gentleman's perspective. I happen to disagree.

Mr. MYERS. It is not the first time we have, either.

Mr. EDGAR. In light of the fact that what the gentleman is doing is really fast-tracking 20 projects and saying that those 20 projects, the day this authorization bill gets passed will immediately move to construction, while all the other important projects and all the other Members of the House will have to wait until that $4.4 billion is expanded before their projects will come on line. I think that is a mistake.

Mr. MYERS. This is not a new procedure. The House, as long as we have had the authorizing procedure, has relied upon this.

The gentleman's bill does not include every request of Members that could be in the authorizing bill.

Why did the gentleman fast-track? Why did the gentleman not take all of them that he had requested and authorize them?

I yield to the gentleman for a response.

Mr. EDGAR. I thank the gentleman for his question. The gentleman from New Jersey did an excellent job with the other members of our subcommittee in anlyzing those projects which we thought had merit, which we thought needed to be fast-tracked, and we rejected many projects, including the fact that we put in our legislation some $11 billion of deauthorizations.

Mr. MYERS. I am talking with the gentleman from Pennsylvania, not the gentleman from New Jersey.

Mr. EDGAR. We believe that the bill that is coming out of the Public Works Committee is an excellent example of having looked at each of those projects from a merit selection.

The gentleman in the well talks about the importance of the committee process and the gentleman asked the gentleman from Massachusetts whether or not he believed in the committee process, just in a previous dialog.

This gentleman believes in the subcommittee and in the committee process and it has worked in this case to fashion a bill that we can all be supportive of. What we are doing by this appropriation bill is doing an end run around those projects that are also worthy.

I would just suggest to the gentleman that we ought to have the whole package before us, including the policy initiatives.

Mr. MYERS. There is absolutely no end run. There was testimony given by the chairman of the gentleman's subcommittee, and I am sure the full committee of the authorizing Committee on Public Works will state the same thing, there is no end run. There was an agreement entered into 3 months ago. There is absolutely nothing in this bill that is not in the authorizing bill or is not already authorized. We have provided, again I say, no starts until it is fully authorized. We are just going to get the housework out of the way, the everyday chores out of the way, so that we can start.

□ 1740

Now as far as the gentleman said, they did not include every project that everyone requested. They selected those they thought were most important. Your Subcommittee on Appropriations has done the same thing, except we have not prejudiced the other projects. We have taken the ones we thought were most important. But we are not setting any prejudice against the others. The authorizing committee has. They have prejudiced those not in. We can never appropriate unless they are through authorization.

But your subcommittee has done the job needed to be done to get the country moving. We have taken what is most important to our country in our judgment. It was not a vindictive act. Maybe writing a bill by myself, I would not select some of them. There are two or three I would put in that are not in there.

We believe in the committee system. We advocate and live it and practice it here. But to add all 200 into this bill, it would never become law. And that is not the way we can do it.

What we have used is the age-old process for the last 100 years, you authorize, the appropriation decides which one shall be started. But this is the way the system works. And I am going to battle for that system.

Mr. Chairman, I ask that everyone support this bill. It is very vitally needed for the economy of our country.

The CHAIRMAN. The gentleman from Indiana (Mr. MYERS) has consumed 19 minutes, and the gentleman from Alabama (Mr. BEVILL) has consumed 23 minutes.

The gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I rise in strong support of H.R. 3958 and especially to congratulate the chairman and members of the Energy and Water Development Subcommittee for their hard work in bringing this critical legislation to the floor. I cannot overstate the importance of this legislation for many regions of the country. The committee worked patiently and deliberately to construct a bill that would meet longstanding needs for water development projects and at the same time respect the ongoing efforts of the authorizing committees to develop a cost-sharing proposal. It was not an easy task, but it is one that was successfully accomplished.

Mr. Chairman, I mentioned how critical this bill is to so many areas of the Nation. In my own State of Maryland, we have been waiting 25 years for the dredging of the Port of Baltimore to begin after the Army Corps of Engineers determined the need for dredging from a depth of 42 feet to 50 feet in the main shipping channel. More than 80,000 Maryland jobs hinge on the economic health of our port—which is the commerce gateway to the Midwest. In 1980 alone, the revenue produced by the Port of Baltimore was $260 million—close to the amount necessary to dredge this harbor. But in 1980, Mr. Speaker, the Reagan administration decided to end the 200-year tradition of federally financed water projects. I opposed that policy then and still oppose it. However, it is clear that we are moving closer to some sort of cost-sharing policy and this legislation very carefully addresses this policy changes.

While respecting the possibility that the State and localities may be required to share the cost of water development projects, this bill injects the funds required to begin the long awaited work needed in so many ports, harbors, and navigable waters around the Nation. There is not a penny wasted in this legislation. I compare it to a house improvement loan in that it is an investment that will pay for itself and more. In Baltimore, funds used to deepen the shipping channels and the harbor will result in new and expanded commerce into the port. Revenues will increase immediately upon completion of the project and more than match the funding commitment made by the Federal Government.

Mr. Chairman, this bill is not pork barrel. It is totally in line with the Federal Government's tradition of taking responsibility for the country's navigable waters. And it is one of the best economic development programs, one of the best jobs-producing programs, this Government can undertake.

For the people of the State of Maryland, I thank the chairman for his leadership in bringing this legislation to the floor and urge the overwhelming support of my colleagues.

Mr. MYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Chairman, I want to take this opportunity to commend the House Energy and Water Appropriations Subcommittee, in particular my colleagues from Alabama (Mr. BEVILL) and from Indiana (Mr. MYERS) for moving forward with a bill that includes funding of critical importance to the entire Ohio Valley. The measure before us today includes fiscal year 1984 funding for the first postauthorization phase of work on a new Gallipolis locks and dam complex on the Ohio River.

Located 279 river miles below Pittsburgh and in the heart of the Appalachian region, the aging Gallipolis locks are wrapped along the edge of a dangerous saucer-like bend in the river. Gallipolis Dam is a high-lift, gated structure standing tall across the Ohio like a lordly English castle. The dam's roller gates are deteriorating rapidly. Its two undersized locking chambers are primitive and endangered. Lock walls are frequently slammed by barges, especially when the pools feeding the existing 600-foot main chamber are whipped into turbulence by the unpredictable weather and high water of early spring. There have been wall fractures leading to chamber misalinements.

With the exception of chamber closings for maintenance, the miter gates of Gallipolis have methodically opened day and night, year round since the late Joe Lewis, at 23, won his first heavyweight boxing crown. Gallipolis was dedicated in August 1937—the same year the German dirigible *Hindenberg* exploded at Lakehurst, N.J., and Joe DiMaggio hit 46 home runs and the Yankees won the World Series. The same summer the first commercial barge artfully locked through Gallipolis, gasoline was 21 cents a gallon, Spencer Tracy won an oscar and John Kennedy was a Harvard freshman.

It is the same unsafe and overworked place today. The inner guardwall of the main Gallipolis locking chamber fits along West Virginia's protruding shoreline. The compound pokes out into the river like a massive, swollen thumb. Five imposing mooring cells were strategically planted along the Gallipolis bend in the Ohio about 1,500 feet from the entrance to the locks. The inner guardwall is extended as an auxiliary navigational device to help massive tows into the main chamber. The mooring cells were in place and being used before World War II began and they are being used today. I speak in this Chamber, to lessen the risk of accidents as barges loaded with deadly chemicals, oil, coal, gravel, and agricultural products slide into the most dangerous navigational facility on the Ohio River. According to public records of the U.S. Army Corps of Engineers and to the testimony of barge industry officals and pilots, more navigational accidents have occurred at Gallipolis over the past decade than at any other lock on the Ohio River. Over one 3-year period, there were 35 serious mishaps at Gallipolis. By contrast, Racine and Greenup—on either side of Gallipolis along the river—reported only two accidents. Near misses and accidents with less than $1,500 damage are not reported. For their own safety, some commercial barge operators refuse to lock through Gallipolis at night while others have been known to wait for assistance from a second towboat to reduce the chance of yet another mishap at Gallipolis.

Gallipolis is old, tired and too small. While the balance of the navigational facilities along the Ohio River have benefited from a major consolidation and reconstruction program initiated by the corps in 1953, Gallipolis remains as the only lock with a 600-foot main locking chamber from the Pennsylvania border to the Gulf of Mexico—a distance of over 2,000 Ohio and Mississippi River miles. Renovation work by the corps at 16 of 19 navigational sites on the Ohio River has been completed or is well under way. One by one, from Pittsburgh's Golden Triangle to the southern tip of Illinois, Depression-era complexes have been dismantled and upgraded to include modern 1,200-foot locking chambers to assure the swift and safe delivery of goods up and down the river. But Gallipolis stands virtually alone and certainly unsafe, facing daily flotillas of raw materials critical to the economic appetite of the industrious Ohio Valley. Despite the fact that Gallipolis is being overwhelmed, handling more traffic by the mid-1970's than the Panama Canal, it is the last Mohican, so to speak, of the Nation's navigational system. In labor since the thirties, erected for less than $10 million, a two-way bridge on a six-lane waterway, Gallipolis braces today, and everyday, for barge ensembles longer than three football fields and with the freight capacity of 300 railcars. Barge tows must be regularly broken into segments upon reaching Gallipolis, resulting in a loss of travel time and adding to transportation costs that are ultimately passed on to the consumer.

Joe Lewis is gone, the Hindenberg disaster of 1937 is history, and DiMag-

gio laid down his bat years ago. Only Gallipolis continues today with the same expectations that were so grandly imposed upon it 45 years ago. The fertile Ohio Valley and its steel mills, farms, coal mines, refineries, and generating plants drew strength and support from the mighty Ohio as it was harnessed for heavy labor in the fifties. The need for a strong, responsive navigation system on the Ohio is no less essential today. About 5 million tons of traffic were pushed through Gallipolis in 1940. Tonnage tripled by 1955. By 1980, over 48 million tons of raw materials heading for any number of plants along the Ohio's industrialized alley transitted Gallipolis. Traffic is predicted to exceed 70 million tons annually by 1989 and waiting in the unpredictable Gallipolis approach lanes—to the main locking chamber—is expected to skyrocket to 30 hours per transit. There were approximately 10,000 lockages at Gallipolis in 1981, each a test of strength and endurance, where getting through the complex is a relief and getting it replaced and modernized is a must.

Congress has a chance to disarm the navigational minefield that is Gallipolis. With this bill, and with legislation authorizing the complete overhaul of the Gallipolis Dam and construction of a new 1,200-foot channel within shouting distance of the present site, Congress can contribute significantly to the growth of the Ohio Valley and the safety of the Ohio River. The total estimated cost of a new Gallipolis locking chamber and an updated dam is set at $325 million. We expect the House to soon consider a bill authorizing $260 million for Gallipolis, with a major portion of funding for the project to be taken from the user fees collected from the barge industry and set aside in the inland waterways trust fund. The bill before us makes money available to the corps in this fiscal year to move into postauthorization plans, specifications, and site procurement. Approval of this measure will mean that funds are available to the corps for Gallipolis immediately following authorization. All too often the gap between authorization and appropriation keeps a good project on the shelf. With this, and with priority attention given to the House Public Works and Transportation Committee's omnibus water resources bill, time and efforts already invested in getting a new Gallipolis will not gather dust while Congress ignores the obvious.

Gallipolis is obviously a good project: It has a benefit-cost ratio of 12 to 1. It is environmentally sound. It has the support of every State with Ohio River streambank as its border. It is a clear and obvious opportunity to invest in the creation of long-term jobs, both along the river and in hundreds of secondary industries and businesses who turn to the Ohio River as their highway to economic success and survival. Gallipolis has been called the missing tooth in the Ohio's wide smile. It has been called the last old dancer in a modern chorus line. The metaphors are as appropriate as the project is important. What is critical is that we get on with Gallipolis by approving this bill before us.

Mr. MYERS. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. EDWARDS).

Mr. EDWARDS of Oklahoma. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to ask the chairman of the committee a question.

Mr. Chairman, Copan Lake, which is a flood control and water supply project in my district, was authorized by the Flood Control Act of 1962 and construction was initiated in 1971. At that time, recreational facilities were scheduled for construction with 100-percent Federal funding. The current policy requires a non-Federal sponsor to bear 50 percent of the separable construction costs of recreational facilities. The committee has been very good about providing for the lake, but there is currently approximately $2.5 million needed to complete the recreational facilities.

Despite the fact that the lake was authorized at 100-percent Federal funding, construction is being delayed because of the corps insistence on 50-percent funding.

I wonder if the chairman could tell me what the committee's attitude is on a project like that?

Mr. BEVILL. It is our committee's position that the U.S. Army Corps of Engineers should certainly live up to its commitments that are made to the local sponsors.

Mr. EDWARDS of Oklahoma. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEVILL. Mr. Chairman, I yield 4 minutes to my colleague, the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. I thank the gentleman for yielding me this time.

Mr. Chairman, it is with a great deal of reluctance that I come to oppose this particular bill. We have had a debate all afternoon about the merits of the legislation or the demerits of it. I share with my colleagues a list, and I hope that those who are concerned about which projects are on the shopping list that I am going to go after will come by and take a look at this list.

I plan to offer an amendment to this bill that will delete the unauthorized projects. I do so for three basic reasons.

First, these projects do not represent the targeted aggressive regional, as well as policy initiatives that can be found in H.R. 3678, a bill that passed out committee 40 to 0 and has the support of both environmentalists and those who wish to construct.

This shopping list simply picks out in many cases the large extinct items and commits us to expending $3,036,000,000 the day after this authorization bill is passed without regard to the deauthorization of 11 billion dollars' worth of projects in our bill, without regard to the environmental mitigation fund in our bill, without regard to the urban loan program in our bill, without regard to the local cost-sharing provisions that are in our bill, and without the National Water Policy Board that is established in our bill.

These projects get fast-tracked and the other 150 or more projects in our bill have to take a back seat in their planning process and putting them in a position where they can go to construction.

So, for the first reason that I oppose this particular bill is that I believe that the authorization bill ought to be passed first and nothing ought to be done to take the steam out of that or nothing ought to be done to lesson the compromise that has been put together.

But second, I oppose this bill because I think the priorities that we set in this bill are wrong. We need to balance our priorities nationally and locally in terms of flood control, in terms of environmental mitigation, and this particular bill does not do that.

But finally, the most important reason I oppose this bill is there is no emergency. It happens to be the 5th of October. The 1984 fiscal year began 5 days ago. The Army Corps of Engineers and the Bureau of Reclamation is at work on many projects throughout the Nation that were supported in the water and energy appropriation that was passed just several months ago and signed by the President.

□ 1750

There is no emergency at the Bonneville lock in Oregon. There is no emergency at the Dade County, Fla., project. There is no emergency on Fisherman's Wharf in California. There is no emergency that I can find in most of these projects.

Gentlemen, there are some worthy projects like Gallipolis and lock and dam 7 and 8 which I strongly support, and we ought to get about the process of renovating and reconstructing those projects. But this is not the vehicle.

The vehicle is to allow the authorization process to work, and then to come back with an appropriation bill that gives all 435 Members of the House an opportunity to make their case before the Appropriations Committee as to what is essential.

I can find within this bill, for example, worthy flood control projects where there has been loss of life, worthy flood control projects where there has been astronomical damage similar to the damage we see in Arizona and Utah.

Nothing in this bill solves the problem of Arizona and Utah, and nothing in this bill really addresses the hardcore need of many areas of the country that have real flood damage.

If there is really an emergency, let us deal with the emergency needs of our Nation and not simply a shopping list of preferential projects.

Mr. MYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. PACKARD).

Mr. PACKARD. I thank the gentleman for yielding. I merely rise to announce that I intend to vote "present" on all those votes pertaining to H.R. 3958, simply because I have a conflict of interest.

Mr. MYERS. Mr. Chairman, I yield 6½ minutes to the ranking Republican member of the Appropriations Committee, the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in opposition to this bill. The $119 million in this bill can only be regarded as another investment in the pork barrel politics so often associated with water project legislation. I regret that the committee has seen fit to bring this bill to the floor. Authorizing legislation that would address a number of important water resource policy issues, including cost sharing, user fees, and procedural reforms, is moving through the House and the Senate. As I indicated in my remarks on the rule, I strongly oppose this attempt to jump 20 unauthorized projects to the front of the line, ahead of nearly 180 other water projects and ahead of a much-needed program to provide assistance for urban water supply improvements.

But this bill ignores the regular procedure of the Congress. It ignores the fact that we do not have an authorization for nearly half of these projects. And it especially ignores the economic impact of an appropriation bill of this type.

Mr. Chairman, this bill provides approximately $119 million, almost triple the budget request of $46 million for new water projects. But this is only the tip of the iceberg.

The projects requested by the administration would have had a total Federal cost of $700 million—the Federal cost of completing the projects in this bill amounts to $4.4 billion. That $3.7 billion increase in the lifetime Federal cost of these projects does not even include inflation or cost escalations, which we all know are inevitable with projects of this kind.

Of the $4.4 billion in the total Federal cost for these projects, about $3 billion is for navigation projects—virtually all of the important navigation projects currently in the pipeline. Going ahead with these projects before an agreement has been reached on user fee legislation may well kill any prospect for arriving at an agreement on such legislation. Without this user fee legislation, about $2 billion in user fees will be lost to the Federal Government.

Many of these projects require further study before informed decisions can be made to begin construction. According to the Corps of Engineers, at least eight of these projects require additional planning and engineering before construction funds can be used.

There is little or no likelihood of substantial local participation in the projects added by the committee. In contrast to the projects requested in the budget, for which substantial cost-sharing arrangements have been made, these additional projects would force the Federal taxpayers to pay more than their fair share of these projects.

According to the Office of Management and Budget, a number of these projects raise significant policy questions. According to the Office of Management and Budget, the Richmond filtration plant in Virginia should be a local responsibility. That will cost $12 million. The main purpose for the Dade County, Fla., project is a beach building for recreational purposes, with the portion of the total cost devoted to recreation exceeding the usual guidelines. That one will cost $4.3 million. And again, according to the Office of Management and Budget, the irrigation project for Narrows, Colo., would not be economical. That one will cost $300 million.

Mr. Chairman, the geographic distribution of these projects is also far from equitable. California would get six projects in this bill, while 28 States have none. Four of the five Gulf Coast States would get projects totaling more than $1.6 billion, while Colorado gets almost $1 billion in two Bureau of Reclamation projects.

And as usual, Mr. Chairman, there are environmental problems with a number of these projects.

I have received a letter from the National Audubon Society, expressing concern about the Narrows project in Colorado, which:

Will damage or destroy some of this nation's most important migratory bird habitat along the Platte River. Hundreds of thousands of ducks and geese, more than 75 percent of this nation's sandhill cranes and the endangered whooping crane depend upon this area at various times of the year.

The Friends of the Earth are concerned because a number of projects in the bill, including the Narrows project and the Animas La Plata project, which is also in Colorado:

Will aggravate water quality problems and destroy wildlife at the same time the Nation seeks to cleanse these streams of pollution and protect their wildlife.

The letter points out that the Animas La Plata project will increase salt levels in the Colorado River at the same time there is money in here to reduce salt levels in the Red River Basin.

The National Wildlife Federation has sent a letter opposing the bill. It points out that:

The Nation has waited for seven years for the Congress to reform Federal water development policy. Surely the Congress should work its will on the final terms of such reforms, before initiating a multi-billion dollar spending commitment to a hastily assembled list of politically favored projects.

The American Rivers Conservation Council opposes the bill because:

This legislation is loaded with pork barrel projects which would damage a number of rivers across the nation without providing compensating economic benefits or adequate mitigation of adverse impacts.

It continues that:

From a jobs standpoint, funding these projects really puts people out of work because almost any other federal program would create more jobs per dollar invested, as would expenditures in the private sector. This type of construction work is among the least labor intensive of any program, including other types of construction.

Mr. Chairman, this bill is strongly opposed by the administration, as I mentioned earlier, as well as by the National Taxpayers Union. It is pork barrel spending of the worst sort, and I urge the defeat of the bill.

At this point in the RECORD I include the following letters:

NATIONAL AUDUBON SOCIETY,
Washington, D.C., October 5, 1983.

Re H.R. 3958, Water Resource Development Appropriations bill.

DEAR REPRESENTATIVE: The House soon will consider HR 3958, the Water Resource Development Appropriations bill, perhaps as early as this afternoon. On behalf of the National Audubon Society, I urge you to reject this legislation. Half of the projects in the bill are not yet authorized; a number of the projects are unsound for environmental and economic reasons.

Among the questionable projects to be funded in the bill is the Bureau of Reclamation's Narrows project in Colorado. This project is of particular concern to the National Audubon Society because it will damage or destroy some of this nation's most important migratory bird habitat along the Platte River. Hundreds of thousands of ducks and geese, more than 75 percent of this nation's sandhill cranes and the endangered whooping crane depend upon this area at various times of the year. Degradation of essential habitat by the project is expected to harm these rich and diverse migratory bird populations. For example, the Fish and Wildlife Service has determined that the project, as presently designed, will have an adverse impact on the endangered whooping crane. Because of the substantial environmental harm this project will cause, we urge you to reject HR 3958.

In addition to our concerns about particular projects in the bill, we are strongly opposed to appropriating funds for unauthorized projects—of the 43 projects in the bill, over half are not yet authorized. Although the Appropriations Committee has conditioned funding on passage of authorizing legislation and cost-sharing, enactment of HR 3958 would put the horse before the cart. There is simply no need to appropriate funds for any of the unauthorized projects before Congress has a full opportunity to consider each of the projects on its merits.

The Office of Managment and Budget has strongly criticized the huge spending levels associated with this legislation. OMB has estimated, for example, that the lifetime cost to complete the projects in the bill is $5.2 billion. It seems ill-advised to commit this country to such high levels of long term spending for unneeded, unsound and unauthorized projects.

While the loss of precious habitat and the resulting impacts on migrating bird populations are distressing to the National Audubon Society, it is equally distressing that funding the projects in this bill will further burden this nation's strained financial resources. We urge you to reject HR 3958.

Sincerely,

CHARLENE DOUGHERTY,
Director of Legislation.

FRIENDS OF THE EARTH,
Washington, D.C., October 5, 1983.

Re H.R. 3958, Water Resource Development Appropriations bill.

DEAR REPRESENTATIVE: Floor action has been scheduled today for H.R. 3958, a supplemental appropriations bill for water resource development. Friends of the Earth urges your opposition to this bill, which is objectionable on both substantive and procedural grounds. We also urge your *support* for the Edgar-Conte amendment to strike those projects included in the bill for which no authorization exists.

H.R. 3958 provides construction money for a number of water projects which are environmentally destructive and economically unsound. It appropriates funding for 43 projects of the Corps of Engineers and the Bureau of Reclamation. Of these, 22 projects are not yet authorized.

A substantial debate is now going on over the level of cost-sharing for new construction starts. The House will have a chance to vote on this matter when the authorization bill (H.R. 3678) reaches the floor. The appropriations Committee, however, has preempted the entire debate by seeking funding for many unauthorized projects at this time, rather than letting the level of cost-sharing guide the project selection process, which is the basic rationale for having a strong cost-sharing policy. We strongly object to this procedure.

The price tag for completing the 43 projects is at least $5 billion according to the Office of Management and Budget. We view the attempt to start this random collection of projects, many of which are in Appropriations Committee members' districts, as completely out of line with national budget priorities and with environmental goals. A number of these projects like Narrows and Animas-La Plata, will aggravate water quality problems and destroy wildlife at the same time the nation seeks to cleanse these streams of pollution and protect their wildlife. One of the projects being funded in the bill is the Red River Chloride Control project designed to reduce salt levels in the Red River basin, while on the next page of the bill it gives the green light to Animas-La Plata, which will worsen the salt pollution problems in the Colorado River.

We are also concerned that water supply projects are being funded without any attention being given to improving the efficiency of water use in the areas to be benefitted. Parker Lake, Oklahoma, and Randleman Lake, North Carolina, fit into this category.

There are many reasons for opposing H.R. 3958—fiscal, procedural, environmental and economic. We urge you to vote against the bill's final passage and to support Representatives Edgar and Conte in their efforts to eliminate unauthorized projects from the bill.

Sincerely,

DAVID CONRAD,
Water Resource Specialist.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., October 5, 1983.

U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE: This week, the House is scheduled to take up H.R. 3958, the bill to provide FY84 appropriations to initiate construction of new Federal water resource development projects. Over two-thirds of the projects funded by the bill are not included in the President's FY84 budget. Half the projects funded by the bill are not even authorized. Unless H.R. 3958 is substantially altered, conservationists urge you to vote against passage of the bill.

Enactment of H.R. 3958 at this time would be premature. The Appropriations Committee would have the House make the first installment on a $5.2 BILLION spending program *before* enactment of major new omnibus water resource development legislation (H.R. 3678; S. 1739) now working its way through the legislative process. These authorization bills address, in varying degrees, several significant policy issues that have evaded resolution for several years, including cost-sharing, user fees, fish and wildlife mitigation, and water conservation. These authorization bills are far from perfect, and still need work. However, we submit that this legislation is the appropriate vehicle for resolving longstanding policy disputes, rather than the bill that the Appropriations Committee would rush to passage this week.

We recognize that H.R. 3958 contains a provision intended to bind the projects in the bill to any new cost-sharing requirements that may later be enacted by the 98th Congress. It should be noted, however, that the Appropriations Committee has failed to account for the impact of new cost-sharing requirements—or any other new economic or environmental requirements that may be developed by the omnibus authorization bill—on *which* projects will be ready for construction in FY84.

The Appropriations Committee has already made its selection. Although some of the Corps projects funded by H.R. 3958 are indeed worthwhile, many others are not. We believe that the full House should consider the relative merits of all potential new starts *after* enactment of the pending authorization bills.

The Nation has waited for seven years for the Congress to reform Federal water development policy. Surely the Congress should work its will on the final terms of such reforms, before initiating a multi-billion dollar spending commitment to a hastily assembled list of politically favored projects.

Sincerely,

JAY D. HAIR,
Executive Vice President.

AMERICAN RIVERS CONSERVATION COUNCIL,
Washington, D.C., October 5, 1983.

DEAR MEMBER OF CONGRESS: The American Rivers Conservation Council urges you to vote against final passage of the Water Resource Development Appropriations Bill (HR 3958) because this legislation is loaded with pork barrel projects which would damage a number of rivers across the nation without providing compensating economic benefits or adequate mitigation of adverse impacts.

This legislation provides new construction starts on several projects which will cause water pollution problems at the very time the American people have strongly supported the protection of rivers and the cleanup of pollution. The appropriations Committee has failed to recognize the need for cost-effective solutions to water problems. It proposes to begin construction of water supply projects in areas which have not undertaken programs to use water efficiently.

The bill would begin construction of several deep water ports without having made any assessment of how many deep harbors are needed for coal exports. Since 1981, the private sector has expanded coal export capability by 100 million tons, all without federal subsidy. There is no conceivable justification for significantly subsidizing expanded port capacity without completely reassessing the coal export picture in light of recent developments. The environmental impacts of harbor deepenings up to 55-feet have not been given proper attention. At stake in this process are some of the nation's greatest estuaries such as the Chesapeake Bay. No user fees are in place to provide a check on the soundness of such harbor investments.

One example of the failure of the Committee is in the area of mitigation of environmental damages. This bill would fund a second lock at Lock 26 on the Mississippi River but would provide no funds for the mitigation of the serious damages which barge transportation has caused throughout the stretch of river from St. Louis to Minneapolis. Reports prepared for the Upper Mississippi River Basin Commission stated that the river would be biologically dead within 50 years unless significant actions were taken to restore fish and wildlife habitat.

From a jobs standpoint, funding these projects really puts people out of work because almost any other federal program would create more jobs per dollar invested, as would expenditures in the private sector. This type of construction work is among the least labor intensive of any program, including other types of construction.

The taxpayers of our nation will have to pay $5.2 billion to complete the 43 projects in HR 3958. Far too many of the dams and channels are being pushed not because there is any need but because the beneficiaries do not have to pay. While the American Rivers Conservation Council would not object to some of the projects in the bill, provided adequate user fees were in place, we find that HR 3958 as a whole is laden with pork barrel and environmental destruction.

Sincerely,

CHRIS BROWN,
Conservation Director.

ENVIRONMENTAL POLICY CENTER,
Washington, D.C., September 19, 1983.

DEAR MEMBER OF THE APPROPRIATIONS COMMITTEE: This week you will be asked to approve in full Committee a supplemental appropriations bill for Energy and Water Development which will apparently contain money for two new construction projects of the Bureau of Reclamation. The price tag for these two projects, the Narrows Unit and the Animas La Plata, is in excess of $800 million.

Given the current deficit facing the nation, the present national agricultural policy of limiting production, and strong concern about protection of wildlife habitat, it makes no sense for the Appropriations Committee to recommend such fiscally irresponsible expenditures. The Narrows and Animas La Plata projects are two of the worst water projects we have ever seen. On whatever scale you chose to evaluate water development—economic, social, environmental, or national priorities—these projects flunk.

The Narrows Unit would drown out three small Colorado towns and displace several hundred farm families in order to benefit another group of more politically influential landowners. The project is likely to involve violations of international bird treaties because it would reduce critical flows in the Platte River downstream in Nebraska. This is critical habitat used by sandhill cranes, whooping cranes, white-fronted geese, and hundreds of thousands of ducks.

The half-billion Animas La Plata project in Southwest Colorado would benefit approximately 179 farmers. The largest town in the area, Durango, would have to pay four times as much for water as available from the prime option developed by an engineering firm for the town. Residents of Durango would have to approve a repayment contract before the project can move ahead, and given the excessive cost, why should they? The project will eliminate habitat for elk and mule deer and damage the fishery in the Animas River.

The Environmental Policy Center urges you to take the lead in eliminating these two projects from supplemental appropriations bill. Attached is background material.

Sincerely,

BRENT BLACKWELDER,
Washington Representative.

NATIONAL TAXPAYERS UNION,
October 5, 1983.

DEAR REPRESENTATIVE: The Water Resources Development Appropriation Bill of 1984 will soon be on the floor for your consideration. The National Taxpayers Union strongly opposes this bill. We are deeply concerned that a business-as-usual approach has reemerged from the House Appropriation Committee's mark-up of this legislation which added some 30 projects beyond the 13 already proposed by the Administration.

Although the price tag is initially $119 million, the total construction cost for projects in this bill is $5.2 billion. Some of the 43 projects have not even been authorized. Of those that have been authorized, the majority are either flood control or navigation for which there is currently no comprehensive reimbursement policy.

Passage of this legislation will only increase our federal debt burden. At a time when budget cutting is in order, it is hardly prudent to continue to increase needlessly the federal budget. We therefore urge you to oppose this legislation.

Respectfully,

JILL LANCELOT,
Director of Congressional Affairs.

Mr. HIGHTOWER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Texas.

Mr. HIGHTOWER. Mr. Chairman, I was very interested in what the gentleman had to say. But I was especially interested in his comment about the desalinization project on the Red River. The gentleman quoted some figures that are entirely new to me. We have followed that very closely. It is in my district and it is a very important project. It has been authorized, and I would be very much interested in knowing where the gentleman got those figures.

Mr. CONTE. The gentleman did not hear me correctly. All I said is that there is money in this bill to reduce the level of salinity in the Red River basin. That is all I said.

Mr. HIGHTOWER. Perhaps I misunderstood.

Mr. CONTE. I was just pointing out the inconsistency. The Animas-La Plata project in Colorado will aggravate water salinity problems at the same time we have money here to improve salinity in the Red River. I am all for you.

Mr. HIGHTOWER. I appreciate the gentleman's support.

Mr. CONTE. I thank the gentleman.

Mr. BEVILL. Mr. Chairman, I yield the balance of my time, 1 minute, to a distinguished member of the Appropriations Committee, the gentleman from California (Mr. FAZIO).

Mr. MYERS. Mr. Chairman, I yield 1 minute to our colleague from the Appropriations Committee, the gentleman from California (Mr. FAZIO).

Mr. FAZIO. I thank my chairman and the ranking minority member for yielding me the time.

It is really too bad now we are so close to reaching the kind of bipartisan national agreement on a future water policy represented by the Roe bill and that we have to go through this one more acrimonious debate about pork barrel projects that defile the environment. I think it is important to point out that all of the pork barrel rhetoric we have just heard is directed at 20 projects that are included in a bill that passed the Public Works and Transportation Committee 49 to nothing, and which has been lauded, rightly so, here on the floor tonight as a proper evolution of a water policy for this country, one that has, I believe, very few critics among the environmental community.

□ 1800

I would like to reiterate a few points.

First of all, cost sharing is probably inevitable. It is coming. The form, however, in which it comes is far from certain. We are not losing any user fees at all by supporting this bill. Once an agreement has been reached on cost sharing it will be retroactively applied and it will derive whatever local cost share is required on a national level as a result of the enactment of all of these bills.

There are 20 projects in this bill that I understand have been particularly criticized by my friend and colleague from Pennsylvania (Mr. EDGAR).

Let me say simply that the importance of moving forward on these projects right now is underscored by the fact that the corps has lost personnel year after year. We are down to a point now where we have lost approximately 3,500 people in recent years.

In order to maintain our capability to proceed with these projects we must begin immediately to construct the projects that have been delayed for many years.

There is no question we have seen a reduction of almost $800 million in the corps' construction budget over the last 4 years. And that is a direct relationship to the fact that this capability has been atrophied.

We need to move forward on this bill now and it needs to be accomplished in order to make certain that we do not lose the capability to conduct all of these projects included in the very fine Roe bill.

Mr. MYERS. Mr. Chairman, I yield myself the remaining time, and I yield to the gentleman from Oregon (Mr. WYDEN).

Mr. WYDEN. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of this legislation. The Bonneville lock project in this bill will literally create jobs in the State of Oregon, all the way from the docks of north Portland to the wheat fields of eastern Oregon, probably our single biggest job producer.

Mr. Chairman, I rise in support of this legislation and want to commend my colleagues on the Appropriations Committee for their diligent and expeditious work.

They have worked closely with the Public Works Committee and have recommended funding the highest priority and most cost-effective projects throughout the country.

This legislation includes projects critical to the economic development and expansion of our entire Nation. Though the pricetag may appear high, these are projects in which we cannot afford not to invest in. Our failure to act positively on this bill today could cause significant delays in these projects, which are needed to open up the floodgates to new jobs and economic recovery.

I would respectively disagree with my colleagues who maintain that we are "fastracking" these projects. As

my colleagues well know, the Congress has not passed authorizing and appropriating legislation for new water development projects in the past 7 years. Exhaustive deliberation has occurred in committees on this legislation. We should cease our perennial footdragging and take decisive action on this bill now.

I am particularly interested in one project that when completed will be the single biggest job creating project in the Northwest, a new lock at the Bonneville Dam on the Columbia River. This project is backed by every Congressman in Oregon and Washington whose districts reach the Columbia River and is high priority in appropriating and authorizing legislation in both the House and the Senate.

The current lock is too old, too small, and just plain obsolete. Navigation problems at the Bonneville lock, including lockage delays and damages from accidents, occur due to the restricted size of the lock chamber, hazardous approaches and the constricted Columbia River Channel.

A new lock at Bonneville Dam would generate an estimated $500,000 in new, private investment.

Waterborne commerce, which is expected to increase to 13 million tons per year, will equal or exceed the lock capacity by 1988. With a construction time of 5 years, it is imperative that we move ahead with both appropriating and authorizing legislation for this project and others like it that are being pushed to the wall.

The increasing barge, freighter, and tug traffic on the Columbia, spawned by the Northwest's growing import and export community, is a grown man doing its best to fit into children's clothing. But we cannot even approach our maximum productivity and jobs creation potential with the existing, restricted access through the existing lock to downriver ports which are our gateway to the Pacific rim.

This legislation is the drumbeat in our march to economic recovery and I urge my colleagues' support.

Mr. MYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. McEwen).

Mr. McEWEN. I thank the gentleman for yielding. I rise in support of this legislation.

Mr. PICKLE. Madam Chairman, I commend the committee for bringing this bill to the floor. It is badly needed. Boggy Creek is a small, normally calm tributary that flows through the east part of the capital city of my State—and my hometown—Austin, Tex. After meandering through a highly developed commercial and residential district in the low, flat southeastern part of the city it feeds into the Colorado River on its way to the Gulf of Mexico. It is most times a peaceful little creek, but whenever thunderstorms move out of the hill country over Austin the people who live along Boggy must keep one eye on the sky and one eye on the rising creek, for when it rains hard in Austin, as it often does, Boggy becomes a threat to life and property.

Flooding in 1975 caused millions of dollars in damage, and we have had two severe floods since then. We would have suffered major trouble again last year—but it quit raining in the nick of time and the storm never brought its full power to bear on East Austin and Boggy Creek. This problem will not go away by itself; it will only get worse until something is done.

The city and local residents are willing to do their part. But they need help. Boggy Creek is at its meanest in the heart of southeast Austin, where its frequent flooding wrecks havoc on more than 2,000 homes and businesses. Most of the people hardest hit when Boggy comes out of its banks are blacks and Hispanics of limited financial means, people for whom it is difficult to rebuild, but who can least afford insurance or to move away to safer locations. These people have suffered for years and they find it difficult to understand why their Government is so painstakingly slow in coming to their aid; they do not want to hear explanations about the size of the bureaucracy, or all the other worthy projects, or how long it takes to prepare a preliminary environmental impact statement. They want to see results, and I regret to say that far too many of them have lost hope of ever seeing positive Government action on their behalf. They sometimes doubt that help will come because they are not a rich and powerful constituency.

With every year now we come closer to showing these people that their Government can work for them. I am determined to prove it. And, I hope the Congress will help me by avoiding any delays in this project and by appropriating the funds to continue on Boggy Creek. This work has been recommended up and down the line through more than a dozen reviews from the district engineer to the Civil Works Board of Engineers for Rivers and Harbors to the Army Corps Chief of Engineers Office.

● Mr. McEWEN. Mr. Chairman, I rise in support of H.R. 3958. This bill addresses vital flood control, port development, water supply and navigation improvement needs throughout the nation. In particular, it provides funding for a project of critical importance to the Ohio Valley region, the modification of the Gallipolis locks and dam. This navigation facility is considered one of the most dangerous on the 981-mile Ohio River, due both to its location on a hazardous bend in the river, and to the obsolete size of its locks, constructed in 1937 for smaller barge tows. The Army Corps of Engineers has completed plans for new, larger locks in a canal which will bypass the river bend.

The upgrading of Gallipolis is crucial to the regional and national economies and jobs in 19 States. In 1976, nearly 41 million tons of commodity traffic passed through the Gallipolis locks, with traffic upstream and downstream increasing annually since then. Presently, average waiting time to get through the locks is 8 hours, with the delay costing as much as $6,000 per transit. Absent improvement, delay time awaiting lock access will reach an average of 32 hours in 1990, a grim prospect in view of the estimate that more than 65 million tons of bulk commodities will traverse these locks in 1990. And the costs of the delays will add up: $150 million per year by 1990. Delays time costs are sheer economic waste with no offsetting benefit to the national economy.

This project is authorized in H.R. 3678, the Water Resources, Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983. All prerequisites: studies, planning, preliminary design and environmental impact studies have been completed and satisfied. The benefits of this project are obvious and far outweigh the costs. It is time to act. The obsolescence, deterioriation, inadequate size and treacherous approach of the Gallipolis locks and dam combine to make it the single most urgent project in the entire Ohio River transportation system. With millions of dollars worth of materials being shipped along the Ohio River annually, it is imperative that we act promptly. I urge my colleagues' approval of this important legislation.●

● Mrs. BURTON of California. Mr. Chairman, I rise in support of H.R. 3958, water resource development appropriations for fiscal year 1984. As my colleagues Jamie Whitten and Tom Bevill have stated so well, this bill funds a number of urgently needed water projects, many of which have been in limbo for years.

I, of course, am particularly interested in a project which is badly needed in San Francisco, the Fishermans' Wharf breakwater. My husband Phillip spent a great deal of time and effort to bring the breakwater to fruition. I pledged during my campaign in June that obtaining funding for the breakwater would be one of my highest priorities.

Fishermans' Wharf is a world famous tourist attraction and vitally important to the economy of San Francisco. Thousands of visitors are attracted to the area, in no small part because it retains a functioning fishing fleet which provides fresh fish to the restaurants and lends color to the wharf area. The fleet has, however, been severely reduced in numbers over

the years because the boats are often damaged by the heavy tides and frequent storms in the bay. The breakwater would protect the boats currently moored there and attract some of the boats that have left for other ports.

This project requires a relatively small, one-time appropriation. It is environmentally sound and has attracted no opposition from environmental activists in the bay area. The city government and the port are eager to see this project funded.

I urge my colleagues to support the committee's bill.●

Mr. MYERS. Mr. Chairman, I yield back the balance of my time.

Mr. BEVILL. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

The Clerk read as follows:

DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by State, local governments, or private groups) authorized or made available for selection by law (but such studies shall not constitute a commitment of the Government to construction), to remain available until expended, $103,096,000; of which $20,100,000 shall be derived from the Inland Waterways Trust Fund, except that the Chief of Engineers is directed to proceed with planning, design, engineering, and construction of: Atchafalaya Basin Floodway System, Louisiana; Baltimore Harbor and Channels, Maryland and Virginia; Bodega Bay, California; Bonneville Navigation Lock, Oregon and Washington; Bonneville Power Units, Oregon and Washington; Clear Creek, Texas; Cleveland Harbor, Ohio; Colorado River and Tributaries, Boggy Creek at Austin, Texas; Dade County, Florida (North of Haulover Beach Park); Eight Mile Creek, Arkansas; Ellicott Creek, New York; Fairfield Vicinity County Streams, California; Fisherman's Wharf Area, San Francisco Harbor, California; Freeport Harbor, Texas (North Jetty); Gallipolis Locks and Dam, Ohio and West Virginia; Kahoma Stream, Hawaii; Lake Wichita, Holliday Creek at Wichita Falls, Texas; Liberty State Park Levee and Seawall, New Jersey; Little Calumet River, Indiana; Lock and Dam 26, Illinois and Missouri, (Second Lock); Merced County Streams, California; Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana; Mobile Harbor, Alabama; Monongahela River, Grays Landing (Lock 7), Pennsylvania; Monongahela River, Point Marion (Lock 8), Pennsylvania and West Virginia; Moriches Inlet, New York; Norfolk Harbor, Virginia; William Baker Oliver Lock and Dam, Alabama; Parker Lake, Oklahoma; Randleman Lake, North Carolina; Red River Chloride Control, Oklahoma and Texas; Richmond Filtration Plant, Virginia; Richmond Harbor, California; Sacramento River Deep Water Ship Channel, California; Saginaw River-Shiawassee Flats, Michigan; San Luis Rey River, California; Strube Lake and Cougar Additional Units, Oregon; Tampa Harbor Branch Channels, Florida; Virginia Beach Streams, Canal Number 2, Virginia. Initiation of construction for these projects is subject, where appropriate, to enactment of needed authorizing legislation. In the event the Ninety-eighth Congress enacts legislation specifying the requirements of local cooperation for water resources development projects under the jurisdiction of the Department of the Army, such requirements shall be applicable to projects for which funds are herein provided, notwithstanding any agreement for local cost sharing in excess of amounts specified in the relevant project authorizations. The initiation of inland waterways projects identified for planning, design, engineering, and construction in this Act may be funded from sums available in the Inland Waterways Trust Fund, established by the Inland Waterways Revenue Act of 1978 (title II of Public Law 95-502) notwithstanding the second sentence of section 204 of such Act.

Mr. BEVILL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose, and the Speaker pro tempore (Mrs. BOGGS) having assumed the chair, Mr. PANETTA, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3958) making appropriations for water resource development for the fiscal year ending September 30, 1984, and for other purposes, had come to no resolution thereof.

REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON CONSERVATION, CREDIT, AND RURAL DEVELOPMENT OF COMMITTEE ON AGRICULTURE TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. JONES of Tennessee. Madam Speaker, I ask unanimous consent that the Subcommittee on Conservation, Credit, and Rural Development of the Committee on Agriculture be permitted to sit on Thursday, October 6, 1983 during the 5-minute rule for consideration of the bill, H.R. 4052.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. LUNGREN. Madam Speaker, reserving the right to object, I do so, so I might ask the gentleman whether this has been cleared by the minority side? We have in fact not been informed that it has been cleared with the minority side.

Mr. JONES of Tennessee. Madam Speaker, will the gentleman yield?

Mr. LUNGREN. I yield to the chairman of the subcommittee.

Mr. JONES of Tennessee. Madam Speaker, I cleared it with the ranking member of the subcommittee, the gentleman from Missouri (Mr. COLEMAN).

Mr. LUNGREN. Madam Speaker, has the gentleman from Illinois (Mr. MADIGAN) the ranking member of the full committee, been consulted on this?

Mr. JONES of Tennessee. Madam Speaker, will the gentleman yield further?

Mr. LUNGREN. I yield to the gentleman from Tennessee.

Mr. JONES of Tennessee. Madam Speaker, I cleared it with the ranking member of the subcommittee, the gentleman from Missouri (Mr. COLEMAN).

Mr. LUNGREN. Further reserving the right to object, Madam Speaker, could I ask the gentleman to please withhold this request until we have a chance to check with the gentleman from Illinois (Mr. MADIGAN) momentarily?

Mr. JONES of Tennessee. If the gentleman will yield further, sure, I will be glad to. The gentleman from Missouri (Mr. COLEMAN) assured me it was all right.

The SPEAKER pro tempore. The gentleman from Tennessee (Mr. JONES) withholds his request.

HENRY M. JACKSON FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE

Mr. PRICE. Madam Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the bill (S. 1894) to designate the foundation for the Advancement of Military Medicine as the "Henry M. Jackson Foundation for the Advancement of Military Medicine," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Foundation for the Advancement of Military Medicine established pursuant to section 178 of title 10, United States Code, shall be designated and hereafter known as the "Henry M. Jackson Foundation for the Advancement of Military Medicine", in honor of the late Henry M. Jackson, United States Senator from the State of Washington. Any reference to the Foundation for the Advancement of Military Medicine in any law, regulation, document, record, or other paper of the United States shall be held and considered to be a reference to the "Henry M. Jackson Foundation for the Advancement of Military Medicine".

(b) The Council of Directors referred to in subsection (c) of section 178 of such title shall take such action as is necessary under the Corporations and Associations Articles of the State of Maryland to amend the corporate name of the Foundation for the Advancement of Military Medicine established under such section to reflect the designation made by the first sentence of subsection (a).

SEC. 2. (a)(1) Section 178 of title 10, United States Code, is amended—

(A) by inserting "The Henry M. Jackson" before "Foundation" in the section heading; and

(B) by inserting "The Henry M. Jackson" before "Foundation for the Advancement of Military Medicine" in subsection (a).

(2) The item in the table of sections at the beginning of chapter 7 of such title relating to section 178 is amended to read as follows:

"178. The Henry M. Jackson Foundation for the Advancement of Military Medicine.".

(b) Section 2113(j) of title 10, United States Code, is amended by inserting "Henry M. Jackson" before "Foundation for the Advancement of Military Medicine" each place it appears.

Mr. PRICE. Madam Speaker, earlier this year, Congress approved legislation establishing the Foundation for the Advancement of Military Medicine to support the activities of the Uniformed Services University of the Health Sciences. The university was established by Congress in 1972 to train medical officers for the uniformed services and to provide programs in continuing medical education for military members of the health professions. The Foundation is a nonprofit, charitable corporation that will receive gifts, grants, and legacies on behalf of the university.

The guiding force behind the establishment of the foundation was Senator "Scoop" JACKSON. He authored the legislation and worked tirelessly for its expeditious passage through both the House and the Senate. Later today, Members of the House will have an opportunity to express their personal respect and admiration for the late Senator from Washington during the special order of the gentleman from Washington (Mr. FOLEY). It is a fitting tribute to Senator JACKSON to name the foundation in his honor—the Henry M. Jackson Foundation for the Advancement of Military Medicine.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADJOURNMENT OF THE HOUSE AND SENATE FROM THURSDAY, OCTOBER 6, 1983, OR FRIDAY, OCTOBER 7, 1983, TO MONDAY, OCTOBER 17, 1983

Mr. FOLEY. Madam Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 184) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 184

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, October 6, 1983, or on Friday, October 7, 1983, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, and that when the Senate adjourns on Thursday, October 6, 1983, or Friday, October 7, 1983, pursuant to a motion made by the majority leader in accordance with this resolution, they stand adjourned until 12 o'clock meridian on Monday, October 17, 1983.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1810

GENERAL LEAVE

Mr. HOYER. Madam Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks, and to include extraneous matter, on the subject of the special order today of the gentleman from Tennessee (Mr. GORE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

A TRIBUTE TO SENATOR HENRY M. "SCOOP" JACKSON

The Speaker pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. FOLEY) is recognized for 60 minutes.

Mr. FOLEY. Madam Speaker, on September 1 of this year, Senator HENRY M. JACKSON, of the State of Washington, died suddenly in his home city of Everett. He was, in my judgment, one of the most remarkable public servants of our time. He was elected to the House of Representatives in 1940 and served until 1952, when he was first elected to the U.S. Senate.

He was until recently the chairman of the Committee on Energy and Natural Resources in the Senate, but also held important committee posts on the Committee on Armed Services, the Committee on Government Operations, the Intelligence Committee of the Senate.

His activities, however, in the Congress could not possibly be described by describing his important committee responsibilities. They extended far beyond that to a number of fields from national security to the concerns of the welfare of our senior citizens, to health programs, to education, to the concerns of government operations and their efficiency, in dozens of fields HENRY JACKSON made an enormous contribution to the welfare of our country and, indeed, to the welfare of the international community.

Mr. STRATTON. Madam Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

Madam Speaker, I just want to commend the gentleman for taking this special order to commemorate the great services of Senator JACKSON in both the House and the Senate.

I had the privilege of knowing him ever since the year 1941 and I know that the country has lost a great statesman, a great public servant, and I want to join with the gentleman in commemorating the services of Senator JACKSON.

Madam Speaker, the sudden and untimely passing of Senator HENRY M. JACKSON last month was a heavy blow to all of us who have known and admired the late senior Senator from Washington. And more than that, the Nation has lost one of its greatest leaders and one of the most knowledgeable officials in our entire Government.

It was my privilege to have first made the acquaintance of SCOOP JACKSON back in 1941, when SCOOP came to Washington as a freshman Congressman from the State of Washington, a member of the same class that included such distinguished Members as Hale Boggs, Eddie Hébert, and the present dean of the House JAMIE WHITTEN. At that time I was the secretary to another Member of that freshman class, Thomas H. Eliot of Massachusetts, grandson of the former president of Harvard University, Charles W. Eliot, and also one of the youthful attorneys in the U.S. Department of Labor in the Roosevelt administration, who had a major role in drafting the original Social Security Act in 1935.

Tom Eliot worked closely with SCOOP JACKSON during those exciting days of 1941 in the House, and I had a chance to get to know the new Congressman JACKSON, since I was only 3 years younger than SCOOP.

In 1942 I left Capitol Hill to join the Navy, but when I came back from the Pacific in 1946 I discovered that SCOOP JACKSON was not only still a Member of the House, but had already become one of the most effective and respected Members of the House. He had served briefly in the Army during that period, and by 1946 had become a member of the Joint Committee on Atomic Energy, a position that gave SCOOP JACKSON an unvarnished awareness of what nuclear power could do, and also a deep appreciation of how necessary it was to keep this very formidable and awesome power under very strict control, both for military and also for peaceful purposes.

I reestablished my friendship with SCOOP JACKSON after returning to Washington in 1951 when I had been called back into the Navy with the outbreak of the Korean war. Before long I found that SCOOP was already running for the Senate from the State of Washington, and in 1952 he won that seat in spite of the Eisenhower landslide, a measure of the overwhelming popularity of HENRY JACKSON.

By 1958 I had been elected mayor of my home in Schenectady and SCOOP JACKSON had visited our home on occasions when he visited the Atomic Energy Commission's research facility in Schenectady, the Knolls Atomic Power Laboratory (KAPL) operated by the General Electric Co. Early that year the incumbent Congressman in our district announced his intention to retire and I began to consider running for the seat, in spite of what appeared to be a heavy Rupublican enrollment edge for a Democratic candidate to overcome.

By June I had to make a decision on the race. My wife and I were in Washington at a convention and one night we saw the light shining from the Capitol dome that indicated that one House or the other was in session.

We went in and found that the Senate was in late session. We sent in our card and SCOOP JACKSON came out. We chatted for a while, and the result was that Senator JACKSON had convinced me to run and suggested that like him, I should try, if I was elected, for membership on the House Armed Services Committee.

In the years since 1959, when I became a Member of the House, I was proud to work with HENRY JACKSON. I shared his views that one could be a good Democrat, and could also support a strong defense. In 1960, SCOOP became the Democratic National Committee Chairman, and we worked together in the successful campaign to elect Jack Kennedy President.

We also cooperated from time to time in legislation to continue the promotion process for Admiral Rickover which Senator JACKSON had initiated. We worked together to promote nuclear power.

In 1973 after the cease-fire in the Yom Kippur war we worked to include a grant program in the House-Senate conference on the defense authorization bill for fiscal year 1974 to help Israel rebuild her military forces damaged by the war. One could go on at great length citing the achievements of Senator JACKSON. He has been one of the giants of Congress. The author of the environmental protection bill; the coauthor of the Jackson-Vanik amendment on Soviet emigration; the coauthor of the Jackson-Nunn amendment to encourage our NATO allies to make a greater contribution to the common burden.

We fought together to keep Admiral Rickover on duty in 1981. Senator JACKSON also led the drive to expand our relationship with Mainland China in an effort to offset the Soviet Union, and he had just returned from another effort in that direction when he was stricken by his final illness.

Madam Speaker, most of all I am proud to have been a part of Senator JACKSON'S 1976 campaign for President. There was no one who was more qualified to be President. There was no one who could have brought our people together than a man who, throughout his whole political life, had the support of Republicans as well as Democrats.

We carried New York State in that primary, but Senator JACKSON went down a week later in the Pennsylvania primary, largely as a result of labor votes, though SCOOP JACKSON was one of labor's strongest friends. How ironic.

How different the history of the last 6 years if Senator JACKSON had been nominated and elected in 1976.

But I am proud to have been a Jackson Democrat, and I feel sure that those of us who believe that bitter partisanship is not the best way to govern are on the right track. As a Democrat I hope my party will return to national leadership in 1984. But the best way to achieve that goal is to follow the example of Senator HENRY M. JACKSON. He set the pattern, and now we should follow his example.

Madam Speaker, we have lost a political titan, and we shall long remember him. The Navy submarine to be laid down in Groton, Conn., next week and named the *Henry M. Jackson*, will provide a constant reminder of Senator JACKSON'S firm belief in a strong defense.

Mr. FOLEY. During the long services of Senator JACKSON, 44 years in the Congress, he displayed a continual concern for certain basic values, for freedom, for the rights of individuals, for what he believed was the positive role of government and the welfare of our fellow citizens, and in particular he was a strong voice for human rights at home and abroad. Whether he was defending the civil rights of Americans in the dark days of the McCarthy period, as a courageous member of the Senate panel or when he was speaking out on behalf of the oppressed minorities throughout the world, suffering at the hands of totalitarian governments, whether he was speaking on behalf of the poor and disadvantaged in this country or on behalf of individuals who were struggling against tyranny abroad, one of his continued and basic reflections of value was his concern for individual liberty.

He believed very much that a strong national security policy was important to the protection of liberty here at home and abroad. But, to a great extent, I think, his important reputation, his great reputation in the field of national security, often obscured the fact that Senator JACKSON was deeply committed to a country that was secure, not just in military terms, but was secure in a strong educational system, was secure in a balance of rights for all of its citizens, was secure in an opportunity for all of its citizens, was secure in a strong economy, was secure in its tradition of liberty for Americans of every background.

He maintained positions over the years which were often unpopular and he was able to press forward with his views even when they were not in the fashion of the moment. And in doing so, I think, won the respect of those who agreed with them and those who disagreed with them, that he was not subject to being influenced or changed by how agreeable his views were, but whether he thought they were right.

As someone who had the honor in an earlier part of my career to serve on his staff, I must say that those who worked for him, and over the years they became a fairly large number, always came away from that experience with a sense of great privilege in having been able to work with him and to know him. And I think that is a special tribute to anyone in public life to have helped so many people by providing them an opportunity for work and association. And to have done so in a way that leads all of those who have a chance to be a personal associate of his, as a member of the staff, or colleague, to feel privileged and honored by that opportunity.

He will be very much missed. I think sometimes that the dimension of a person's service is not fully appreciated at least except in its absence. And the sudden, untimely and totally surprising death of Senator JACKSON has forced upon all of us who knew him and who worked with him the realization of what a large and important role he played in the affairs of our country, of our State, and, indeed, as I have said, of the international community.

He was known throughout the world. His influence permeated every administration, I believe very positively. There were many issues on which every American President in recent years needed to know and consider the views of Senator JACKSON. But I think it could also be said that whether an administration was Republican or Democratic, Senator JACKSON was one who very deeply felt the need to put the interests of our country first in an attempt to find a way to work constructively toward the achievement of those values and those goals that he held so dear.

And it is, I know, a fact that recent administrations have, in both Republican and Democratic times, sought his counsel and advice and valued it highly.

□ 1820

We are said to be a nation and an institution that is without heroes any more. It is suggested that there are no truly great figures in the Congress, the House and the Senate, as there once was, and the Sam Rayburns of the House and the Senator Georges

and Senator Russells of the Senate have gone. But I think that those of us who knew and who served with HENRY M. JACKSON know that it is not true, that this generation has also produced its great Senators, its great public servants and its great statesman. In any such list, the name of Senator JACKSON will loom very large.

Mr. ANDERSON. Madam Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from California.

Mr. ANDERSON. I thank the gentleman for yielding.

Madam Speaker, on September 1, the Senate not only lost one of its greatest leaders but the Nation lost one of its finest citizens. Through his tireless efforts, Senator HENRY M. "SCOOP" JACKSON has left a permanent mark on our history.

SCOOP JACKSON devoted nearly 43 years of his life to Congress, being first elected in 1940 at the age of 28. During those years, he has had a major impact on issues ranging from arms control to the environment. He was a major architect of the National Environmental Policy Act of 1969 which created the Environmental Protection Agency. He was also a major catalyst in efforts to promote Jewish immigration from the Soviet Union. Along with Senator CHARLES MCC. MATHIAS, he was the first to urge the President to appoint a commission on Central America. As a recognized authority on defense, he played an influential role during Senate consideration of the SALT I and SALT II treaties. And the list goes on and on.

During his career, he always put the interests of the country ahead of partisanships. In 1975, he stated:

> My ideology is very simple: Let's see what the problem is and what we need to do * * * the main thing is, what are you getting done. I believe in trial and error. If something doesn't work, let's try something else.

His bipartisan spirit in combination with his strong determination to work out solutions to intractable problems made him a powerful and influential force in our Government. His presence will be greatly missed by all.

Mr. FOLEY. I thank the gentleman from California for his remarks.

Madam Speaker, I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. I thank the gentleman for yielding.

Madam Speaker, those of us who were privileged to work with Senator HENRY M. JACKSON over the years feel a great sense of loss. In addition to losing a friend, we have lost a leader, an able, experienced and dedicated expert in domestic and international affairs.

His death comes at a time when this Nation can ill-afford it, a time of gathering storm clouds around the world and a time of complex problems here at home. But SCOOP JACKSON had faith in our system of government, and throughout his distinguished career he demonstrated that hard work, dedication, and plain commonsense will solve most problems.

I had the honor of working with him many times in our common areas of interest in Interior and Armed Services matters, and I came to know him as a friend. He was an inspiration to all of us, and his contributions to this Nation cannot be overemphasized, nor will they be forgotten.

He was born in Everett, Wash., and he served in the House of Representatives from 1941 until he was elected to the Senate, where he served for 30 years. Throughout that long period of pubic service, he never failed to speak out forcefully for what he believed were the best interests of the Nation. He was a compassionate man who stood up for those in need, and he was a patriot who worked tirelessly in support of a strong defense. And he was good at his job.

His influence upon the course of the United States is of historic proportions, and it will continue to be felt in the years ahead.

The whole Nation is better off for his having passed this way.

Madam Speaker, I extend my condolences, joined by my wife Connie, to his lovely widow and his family.

Mr. FOLEY. I thank the gentleman from Texas for his remarks.

Madam Speaker, I yield to the gentleman from Washington (Mr. MORRISON).

Mr. MORRISON of Washington. Madam Speaker, I thank my colleague for yielding as from this side of the aisle I join in this special tribute to the memory of HENRY M. "SCOOP" JACKSON.

Many here who have spoken and who have served in this House have had closer ties through more years than I have been privileged to have with Senator JACKSON, but I would like to, as my addition to this, start with a phone call on election night back in 1980 from my Senator and the years since then, his personal kindness, his offer to help, the help from his staff which he encouraged and, very frankly, some fatherly advice which was most important to me.

I found Senator JACKSON very, very proud of our Washington State delegation, and probably through his leadership through the years, along with Senator Magnuson, we formed a very tight team which certainly paid no attention to some of the partisan wrangles which characterize the congressional process.

"SCOOP" also had a very special touch with all of us as individuals. I recall very fondly—and I have mentioned this to his beautiful and lovely widow Helen—that dinner for the Washington State delegation in their home just a few months ago was most important. We did not know then how important it really was, as time goes by.

I represent in the State of Washington the central portion of the State, a vast rural agricultural area, and I would be remiss if I did not mention that Senator JACKSON's leadership on the Energy and Natural Resources Committees through the years has been absolutely vital for that area, and my constituents want him to be remembered for his contributions to the development of the irrigation potential of that area, flood control, the wilderness in the beautiful Cascade Mountains which he loved so much. The development of the various projects in the Yakima Valley and the Columbia basin have helped feed not only this Nation but this world. It is also an important area for energy, the hydropower potential of the Columbia River, the Bonneville Power Administration, the Northwest Regional Power Act, important to fisheries to so many of our people, and the development of nuclear energy and the Federal facilities at Hanford were all very special projects of his, and they will be part of the recollections that so many of us have of his leadership.

Also in the defense arena, most important to him, the facilities at Hanford, again, part of the peacekeeping efforts of this Nation. One of his most recent tasks was to take on a sticky problem that no one else seemed to want to handle, and that was the final resolution of the question of handling defense wastes at this reservation where the largest reservoir of American defense wastes are stored. And his efforts have come up now with a program which will finally resolve that most difficult problem.

Others have spoken about "SCOOP's" recognition internationally. He seemed to have a very special understanding of people all around the world that he displayed within the State of Washington. He certainly was a source of pride for us for this international leadership, as those of us in Washington State consider our State sort of a jumping off place for the Pacific rim and other places in the world with which we trade.

I feel very strongly that we have lost in the untimely death of Senator HENRY M. JACKSON a distinguished leader, a very hard worker, a personal friend and mentor, and that his life and service serves as a standard for all of us. He does live on through his many good works—and through us, inspired by his example.

Mr. FOLEY. I thank the gentleman from Washington for his remarks.

Mr. Speaker, I yield to the gentlewoman from Louisiana (Mrs. BOGGS).

Mrs. BOGGS. I thank the gentleman for yielding, and I thank him so

much for having this beautiful tribute to our good friend, Senator JACKSON.

Senator JACKSON served in the Congress for over 42 years, and throughout that time he was a man for all seasons. My husband Hale came to the Congress in 1941, and from that time forward, "SCOOP" JACKSON was my close friend and my inspirational leader. He, of course, was a person who believed very strongly in the protection of human rights and civil rights. Obviously, he was a person who believed in a strong defense of this country. He was a great environmentalist. He was so precious on the subject of education. But more especially than that, I remember a speech that he made to the Women's National Democratic Club. It was a speech on a call to excellence, excellence across the board, in everything that our country should be interested in, and especially excellence in education.

I believe that "SCOOP" JACKSON lived the kind of life that he called all of us to. There was nothing but excellence in all of his actions, his thoughts, his desires and his accomplishments. And we will all miss him very, very much.

I sometimes wonder what the course of history would have been if HENRY JACKSON had been elected President or if he had accepted the many Cabinet posts that were offered to him throughout the years. I am personally grateful that he did lend his considerable talents to the Democratic Party leadership. But we know that his service in the Congress consistently through the years has made this Nation a better and safe place.

With Helen and the children, I will miss him enormously, and I extend to her and to the children my heartfelt sympathy.

□ 1830

Mr. FOLEY. I thank the gentlewoman for her comments.

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Washington.

Mr. SWIFT. I thank the gentleman for yielding.

I thank the gentleman, the dean of the House delegation for calling this special order, the dean of the entire State delegation, not just the House.

Madam Speaker, sometimes I think at times like this we remember some of the smaller things and that sometimes some of the smaller things teach us as much as remembering some of the greater accomplishments.

I am reminded that as a freshman, having just arrived in this town to take a seat in the House that Senator JACKSON at one time held, and going to a dinner which was a recognition dinner for the Senator for his work on behalf of Israel, and feeling honored that he was thoughtful enough to introduce me, as he made his opening remarks in his acceptance speech, as his Congressman.

As he left the dais after the speech, he motioned to Paula, my wife, and I to come, and we did and went out through a service entrance. Here was one of the busiest men in Washington, D.C., both because of his responsibilities but also by his nature who took us out in what amounted to an alley and leaned up against the fender of the car and talked to us for about 20 minutes about how we were settling into Washington, D.C., something about his experiences in the Congress, a very fatherly and a very unhurried discussion from a man who so often seemed to always be in a hurry.

I was, I think, very privileged to be asked by Helen and the family at the memorial service for SCOOP in his hometown of Everett to be one of the speakers, and I think that evening I tried to look not only at the great things that the Senator had done, but tried to explore what made him great, because perhaps that is the real lesson that a life such as his can teach.

Madam Speaker, I include in the RECORD at this point the remarks I made on that occasion.

The remarks follow:

EULOGY BY CONGRESSMAN AL SWIFT, SECOND DISTRICT—WASHINGTON, AT THE MEMORIAL SERVICE FOR SENATOR HENRY M. JACKSON, SEPTEMBER 6, 1983, EVERETT, WASH.

By striving to make casual events seem important, we often cheapen language and thereby make strong words weak. The result is that the diluted words seem inadequate on occasions of true importance, or to describe men of genuine greatness. We all struggle tonight to find the words.

And we strive, as well, to make those words not only honor the life and achievements of the man but to reveal what the heritage of Henry Jackson can mean: What we can take with us—more than memory.

In 1952 the yellow billboard with the painting of a young Scoop proclaimed "Henry Jackson will be a great United States Senator." It was the best kept campaign promise of this century. But his greatness was of a special kind, rooted not in empty pomp and grand circumstance—but growing out of a great love for people.

Think of it: Senator Jackson advised Presidents, conferred with the best minds and worked with the most powerful leaders of the world. But we saw him—and frequently—here, at home, dedicating the new YMCA or meeting with local officials or chatting with old friends. He was a busy man certainly, but we, here, were a major part of what he was busy about.

There is always an emotional underpinning to strong motivation and I believe Scoop's was right here—in this State, in this community and in its people.

Once, my wife and I were a little surprised when the Senator, one of the world's most impatient backseat drivers, directed us—not to the shortest, fastest route from Arlington to Stanwood—but rather on a longer, meandering trip out through Silvana. He talked of the land, the farmers who had built lives on it, of businessmen he'd known, of the dyed-in-the-wool Republican who lived right over there who had voted for him in 1938.

And he had the driver stop by a church standing on a knoll overlooking the farms and he talked about Silvana—quietly, gently—not sentimentally—but with great love.

And it came to us that this was the underlying, driving force that motivated his dedicated career—the love of the land and the people where he had grown up.

But, some might say, everyone comes from somewhere. And most everyone remembers it fondly—with affection. Yet, most also go away and grow away, lose their ties and move on. There are men and women who move in important circles, doers of important things, people of important import—who, if you asked them why they work, would tell you they do it for the people.

People. A faceless abstraction. Just people. People never became abstract to Scoop because he held on to his touchstone with reality: This State, this community. He did not think in terms of faceless masses—he thought in terms of people whose faces he could see in his mind, in terms of businesses he knew, homes he visited, friends whom he'd talked to just a few days ago in Everett, or minutes ago on the phone. The people Senator Jackson represented in a life-time commitment were real people with faces and names and children and successes and sorrows.

You could tell it in the way he talked to people. Scoop usually didn't give speeches, he talked with you. He'd draw your attention saying, "think of it," and invite your judgment, saying, "don't you agree?"

So here we are trying to make words mean everything we feel and form the lessons of a life that can teach us all important things about caring and commitment.

And we try to make the word "greatness" convey not only the stature of the man in world affairs, but the dimensions of the man. To us his greatness lay in that he let us all be a part of it. He drew his inspiration from the people in his State. He let us know we were a vital part of what he did. The reason we miss him so badly, is that he shared so much. Don't you agree?

Mr. FOLEY. I thank the gentleman for his comments.

Mr. LOWRY of Washington. Madam Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. I thank the gentleman for yielding.

Madam Speaker, I thank the dean of our delegation for making the time in this House for this tribute to truly one of the great Americans who has lived and who has served this Nation. I am delighted that the comments of our colleague, the gentleman from Washington, AL SWIFT, at the memorial service for Senator JACKSON will be in the RECORD because we all felt that those were speaking for all of us just as the comments made by the gentleman in the well at the memorial service were so well said and, we thought, for all of us.

Madam Speaker, I never met a person in the State of Washington who personally knew Senator JACKSON, who had personally had the opportunity to maybe sit and talk with

SCOOP for a while, who did not like SCOOP JACKSON.

In my days in the Young Democrats, in the days of some very tough times on foreign policy questions in this country that we all know were wrenching this country apart where there were sincere hard feelings on different sides of questions, most of my associates were on the side that was more of the "Get out of Vietnam," and more on that side, and some people who did not have the opportunity to know SCOOP JACKSON perhaps had an impression that was wrong.

But those who had a chance to sit down and talk with SCOOP JACKSON, there is not a one who does not tremendously respect and tremendously honor Senator HENRY JACKSON. That was the quality of human being that he was.

In 1970 I was the president of the State Young Democrats, and it so happened that year there was a Senate race up, which I might point out Senator JACKSON got 89 percent of the vote in, but it was a tough time for Senate races at that time because of the wrenching conflicts going on in this country. As president of the State Young Democrats, probably 80 or 85 or 90 percent of our membership having a different opinion on the Vietnam war than Senator JACKSON was saying at that time, I asked Senator JACKSON if he would come and speak to the Young Democrats' State convention, and he said, "Absolutely, I will."

Senator JACKSON walked into what he knew had to not be the easiest forum, and, of course, he had walked into who knows how many, tens of thousands in his life. He stood up and gave a speech and made a presentation that would make anybody proud. He was there because he cared about what those young people were doing in politics and he was there to encourage them to be in politics. Rather than not go into what had to at that short period of time be a very difficult forum, he eagerly went into that forum because he cared so much about young people, young Democrats, young Independents, young Republicans participating in the political process in this country. I was very grateful for that.

That, of course, is the history of Senator JACKSON. We all know that there was not a young Democrat, including the one standing in the well, who Senator JACKSON was not a tremendous encouragement to and promoter of all of his political life. Many people have had the honor to serve in this Congress, and many people who have had the honor to serve in the Washington State Legislature and on down the line can look at SCOOP JACKSON as a person who encouraged them and helped them to get there.

I think that is just a tribute to a truly fine and great man who we will all miss tremendously. The State of Washington has lost an institution. We all know that. The country and the world has lost one of its great leaders. Perhaps that was shown as well in the tremendous quality that the Senator's two children expressed at the memorial in Everett where they both stood and so well represented what SCOOP JACKSON stood for in the way they spoke of their father and their experiences with their father, and how much he meant. I think that really reflected what a tremendously great man he was.

● Mr. O'NEILL. Madam Speaker, the death of Senator HENRY M. "SCOOP" JACKSON came as a shock to the nation. We have suffered the loss of a great statesman.

Senator JACKSON served in public office for more than 45 years. He began his political career in 1938 when he was elected as Snohomish County prosecuting attorney at the age of 26. Two years later, in 1940, he was elected to the U.S. House of Representatives, where he served with distinction. This extraordinary man is remembered by several of our present colleagues who served with him here in the House until his election to the U.S. Senate in 1952.

In his first term in the Senate he served on Joseph McCarthy's subcommittee on permanent investigations and he played a key role in the Senate's decision to censure McCarthy. It was the decent, methodical, and incisive manner in which he conducted himself during this delicate period—as a freshman Senator—that became his trademark, winning him the lasting respect of his Senate colleagues.

Throughout his public service, he was led by a loving vision of America which was reflected in the principles and causes he championed. His expertise in defense matters is well known, and his advocacy on behalf of strength in our defense and foreign policy was formidable. He was also a leading spokesperson on behalf of organized labor, the disadvantaged, the environment, energy—the list goes on.

Senator JACKSON's advocacy was always impressive. When he spoke, everyone listened because his mastery of detail, his attention to fact, his straightforward manner, his honor, integrity, and unabashed patriotism insured him a respectful and attentive audience.

As a former chairman of the Democratic National Committee and as a candidate for the Presidential nomination, he was one of the great Democrats of our time who made an irreplaceable contribution to his party, as well as to his country.

We are grateful for this great man's life.

We are grateful for his accomplishments and leadership; we are grateful for his wisdom and guidance. His life and his service were both magnanimous and monumental.

Millie and I extend our love and heartfelt sympathy to Helen and the children.●

● Mr. BOLAND. Madam Speaker, even now, 4 weeks after his death, it is hard to believe that Senator HENRY M. "SCOOP" JACKSON is gone.

For many Americans, regardless of political persuasion, SCOOP JACKSON personified the U.S. Senate. For them, as well as for many Members of Congress, the Senate will be a much different place without him. His strength was his constancy, and the manner in which he stuck to his convictions won him the respect of those who agreed with him as well as those who did not. I had the privilege of serving in the House of Representatives throughout SCOOP JACKSON's career in the Senate, and I had an opportunity to work with him and to get to know him. He was a man of decency, dedication, and commonsense who I believe will be regarded by history as one of the finest Senators ever to serve in the Congress of the United States.

Senator JACKSON cared deeply about the security of our country. He was a forceful advocate for a strong national defense and an articulate spokesman for the types of policies that he believed would contribute to that end. SCOOP JACKSON knew, however, that national security meant more than a strong army—that it had a lot to do with the kind of society in which we live. He therefore labored tireless to promote social and economic justice both at home and abroad. He championed the cause of human rights before it became politically profitable to do so, and he was recognized around the world as a strong voice for those who suffered religious or political persecution.

As a man of the West, SCOOP JACKSON had a special love for the wonders of nature and a special appreciation for the fragility of our environment. Most of the important environmental legislation of the last 30 years bore his imprint in some fashion. If we have made progress in cleaning up our air and water and exercising a more prudent stewardship over our natural resources, it is in no small measure due to his efforts.

The process of government in our country is a collective one and we have been blessed throughout our history with strong leaders who have made our democracy function as it was intended to function. SCOOP JACKSON was such a leader. He knew that the strength of our system of government is that no one person was indispensa-

ble to its continuation, and yet I very much regret that we will not have the benefit of his counsel as we confront the difficult problems which lie ahead. His death is a very great loss to our country and to the cause of freedom throughout the world.

I want to extend my profound sympathies to Senator JACKSON's wife Helen, and to his children, Anna Marie and Peter. While we cannot lessen their grief, we can let them know that they are not alone in it.

Madam Speaker, the eulogy delivered by George Will at the memorial service for SCOOP JACKSON in Washington, D.C., was a particularly fitting tribute to this remarkable man. I would like to include it at this point in the RECORD:

HE WAS THE FINEST PUBLIC SERVANT I HAVE EVER KNOWN

(By George F. Will)

Painted on the walls of the Senate reception room are portraits of the five men who were selected by a special committee, a quarter of a century ago, to constitute a kind of Senate hall of fame, the portraits are of Clay, Calhoun, Webster, La Follette and Taft. There is no more space on the walls of that room, but there is a nonfunctional door. That door should be removed, and the wall filled in, and adorned with a portrait of a sixth senator. A Senate hall of fame without Henry Martin Jackson is as unthinkable as Cooperstown without Geroge Herman Ruth.

A silly person once said that only silly persons have heroes. But only exceptionally small persons will not pay homage to the exceptionally large persons among us. Heroes make vivid the values by which we try to live. I say, unabashedly, and with many others: Henry Jackson was my hero.

Because he was magnificently uninterested in the cosmetics of politics, dull persons considered him unexciting. But discerning persons by the millions recognized that his kind of character is as exciting as it is rare. Persons who, under the pressure of fashion, are as flexible as fly rods found Jackson incomprehensible They came to the absurd conclusion that he had departed from the liberal tradition.

He was a pioneer of environmentalism. He was the preeminent champion of civil rights. He fought for the full domestic agenda and authorized legislation that put teeth into U.S. pronouncements on behalf of Jews and others persecuted by the Soviet regime. And if Jackson's proposals for substantial force reductions had been adopted, we might have had arms limitation agreements that actually limit arms.

The ironic truth is that Jackson was one of those persons—Felix Frankfurter was another—whose constancy was mistaken for change. He never wavered form his party's traditional belief that there is no incompatibility between government with a caring face at home and government with a stern face toward adversaries.

Jackson was an anchor against weariness wishful thinking and apostasy in his party, and his country. He nurtured in this republic something without which no republic can long endure: a sense that problems are tractable. To be in his presence was to experience the wholesome infection of a reviving spirit. This was especially remarkable because he, more than any contemporary. looked unblinkingly at, and spoke uncomfortingly about, the terrors of our time. He taught less clear-sighted, less brave persons how to combine realism and serenity.

He missed the ultimate prize of our politics, perhaps because he lacked the crackling temperament that marks persons who burn on the surface with a hard, gem-like flame. If his political metabolism seemed uncommonly calm, that is because he had the patience of a mature politician—a gift of planning, thirst, for detail and a sense of ripeness in issues. He had a flame, but he had depth in which he kept it.

In committees and on the Senate floor, he was a cannon loaded to the muzzle with knowledge born of diligence. His unrivaled effectiveness as a rebuke to the less industrious and a refutation of the theory that in politics fancy footwork is necessary and sufficient.

A legislature is a face-to-face society, where character and moral force tell. What Jackson did in committees and on the floor was awesome. But it was only a small fraction of the work he did during four decades of 18-hour days, working with one member after another, one member at a time, building coalitions of common sense.

I remember a day, nearly a decade ago, when I went panting along in the wake of Jackson on a campaign swing from Washington to Philadelphia to Shreveport and back. When I was decanted from the little plane after midnight, I was a broken shell of my former self. Henry Jackson, twice my age and fresh as a tulip, bounded off into the night.

His legendary energy flowed as much from his spirit as from his physiology. His biography is an essay on the sources of American vitality. He was the son of immigrants, and of the American West. He had the stamina of parents who crossed an ocean and then a continent and he had the optimism of his region.

For longer than I have been alive. Congress has been embellished by his presence. And for longer than I live, public life shall be enriched by the radiating force of his character. Why? Consider.

If you wonder who real leaders are, find out who has real followers. By real followers I mean persons who follow a leader onto a path of life, who adopt careers where they navigate by stars he has taught them to see. The social geology of this city is layer upon layer of persons pulled into public life by the example of lives worth emulating. Today, in numerous public offices, and in law and journalism, there is a thick layer of Henry Jackson's men and women.

There are those, and they are legion, who call themselves "Jackson Democrats." I can say with absolute authority that there is such a thing as a "Jackson Republican."

Henry Jackson mastered the delicate balance of democracy, the art of being servant to a vast public without being service to any part of it. He was the finest public servant I have known.●

● Mr. PRICE. Madam Speaker, I thank the gentleman from Washington, the majority whip, for yielding to me.

Madam Speaker, I know that all of my colleagues who were fortunate enough to know Senator JACKSON experienced with me the same feeling of emptiness and a great sense of loss when we heard of his recent untimely death in his home State of Washington.

I joined "SCOOP" JACKSON in the House in the 79th Congress, and we were good friends from that time through all his years in the House and in the Senate.

I shared with HENRY the same sense of concern for the security of our country and, at the same time, the welfare of all the people—particularly the less fortunate among us who were in need of assistance.

Over the years HENRY served with me in a variety of House-Senate responsibilities, including long-time membership on the Joint Atomic Energy Committee where Senator JACKSON was one of the most dedicated, loyal, and responsible members in the illustrious history of that committee.

In addition, HENRY joined us in many, many House-Senate Armed Services Committee conferences over the years and without exception, made invaluable contributions to resolving differences during these often long and tedious sessions.

Indeed, we met in conference just before the August recess and, as usual, SCOOP proved to be extremely well-informed and a valuable negotiator in arriving at a successful conference report. Little did I know that the pleasant personal conversations we had during those sessions would be our last.

Let me repeat, Madam Speaker, that Senator JACKSON was a warm person, and I am proud to say my friend. He was not just a good Senator, he was a great Senator, and I say that in the perspective of my continuous House membership since the 79th Congress. I am confident that history will also record him as one of the greatest.

It is unfortunate for this country that all the people of the United States were denied the opportunity of having him as their President. He was uniquely qualified.

Again, I thank the gentleman for taking this special order and yielding to me. Garry and I pass our personal consolences to his wife Helen and children, Anna Marie and Peter.●

● Mr. FORD of Michigan. Madam Speaker, there are no words to express the impact Senator HENRY JACKSON had on our Nation. There are few who have had a more distinguished career of public service and I can think of no one who was more deeply respected by his colleagues in Congress. His dedication to so many causes and his unbounding energy will be missed by both liberals and conservatives.

Senator JACKSON was at the forefront in the struggle for Soviet emigration. I will never forget the leadership he showed in passing the 1974 Jackson-Vanik amendment linking U.S. Government loans and credits to Soviet emigration performance.

Scoop was an expert on national defense issues, a staunch anti-Communist, and an outspoken ally of Israel. He was also known as the "principal architect" of our Nation's energy program. He saw clear signs of the energy crisis in the early 1970's and his response was immediate.

To the many who knew him only by his achievements, he was a strong and fearless soldier of democracy. For those of us who knew him personally, he will be remembered as a kind and caring individual with the greatest degree of decency.●

● Mr. DE LA GARZA. Madam Speaker, one of the strengths of our system of democracy is the fact that although the people may make a mistake once or twice when they elect people to public office, they very seldom make lasting mistakes.

One way of putting it is the way Abraham Lincoln did. You can fool some of the people all of the time; you can fool all of the people some of the time; but you cannot fool all of the people all of the time.

Another way of putting it is to say that when the people of a State elect and reelect a public servant over a long period of years, it is because they know him as a leader who has earned their trust. For more than 40 years, the people of Washington State elected and reelected our late friend and colleague, Senator HENRY M. JACKSON, to the House and then the Senate. They were telling us that they fully understood the character of a man who was one of our great national leaders.

To Members of the Congress, Scoop JACKSON was a friend, sometimes a teacher, a colleague in many battles, and a legislative leader. To the people of this country, he was something more. He was a national leader in the true sense of the word—a man who led his fellow citizens along roads that will benefit his country.

Senator JACKSON's mark is on our national life in many fields, and it will remain with us for a long time.

Perhaps most of the people outside his home State knew him best as one of this country's leading experts on national defense. We have all heard tributes to his knowledge and judgment in this area many times, and I will not add much to what has been said. But I want to say this. Our Nation is stronger and safer today than it might have been because this Congress, on many occasions, followed Senator JACKSON's advice.

Beyond that, however, Senator JACKSON was a great and wise leader in our efforts to preserve the quality of our environment and in making wise use of our national resources. Those of us who have served on the House Agriculture Committee know how valuable the Senator's contributions were in these fields.

There was another area in which Senator JACKSON's leadership made a great and lasting impact. He was one of those who knew and understood, years ago, that the world's conventional energy supplies were not unlimited. He was among those who awakened the Nation to the impending world energy crisis. We all have a better understanding of this vital area today partly because Senator JACKSON took the lead in helping us to see the facts.

There are many other areas of national policy in which Senator JACKSON was for many years a great leader. He had a profound commitment to the needs of senior citizens, for example, and he was a pioneer in seeking civil liberties for all Americans.

Madam Speaker, what I have said today is not the whole story. Perhaps no one of us here today can tell the whole story of Senator JACKSON's place in congressional and American history. All I can do is to say that Scoop JACKSON made a great and lasting impact, an impact for good. We mourn his loss, but we are proud to say that we served with a great man and an American leader.●

● Mr. COUGHLIN. Madam Speaker, I am pleased to join today in paying tribute to the late Senator HENRY M. JACKSON. He was surely one of the most respected Members of the Congress and news of his death at home in Everett, Wash., came as a great shock to us all.

The loss of so capable and so energetic a legislator whose Federal service dates back to before the attack on Pearl Harbor is beyond measure. Over 12 years in the House and 31 years in the Senate, "Scoop" JACKSON left his imprint on policies and events during critical decades of our country's history.

In recent times he was the driving force behind such landmark legislation as the National Environmental Policy Act of 1969 and the 1974 Trade Act clause barring favored-nation status to countries like the Soviet Union with restrictive emigration policies.

Senator JACKSON's low-key style may have frustrated his Presidential ambitions but it endeared him to many and earned him friends and admirers in both political parties. His longstanding concern about the Soviet threat and the need to improve America's defenses caused him to be mentioned for Cabinet positions in both Republican and Democratic administrations. It is somehow fitting that Senator JACKSON spent the final hours of his life speaking out with characteristic firmness to condemn the Soviets for attacking a civilian airliner. It was a message of warning to America that he had delivered so often before in his long career.

It is hard now to imagine the Halls of Congress without the friendly demeanor and thoughtful words of Senator HENRY M. JACKSON. My condolences are extended to his wife Helen, their children, and to the people of Washington State Scoop served so well for so long.●

● Mr. FUQUA. Madam Speaker, I appreciate this occasion arranged by Congressman FOLEY and the Washington delegation to pay my respects to the memory of Senator HENRY M. JACKSON. Scoop JACKSON was a remarkable man. Through his service in this Chamber and his many years in the Senate, he has forever left his mark on Congress and our Nation's laws.

He was an honest and honorable man who cared greatly for the process of lawmaking and mastered the processes to aid in passing legislation he felt was right for the country.

I knew Scoop for many years but best remember our conference committees as I served as chairman of the Science and Technology Committee and he represented the Senate as chairman of the Energy and Natural Resources Committee. He always worked long and hard to produce the best possible bill and respected the art of compromise, so long as no principles were violated.

I will miss Scoop and to his family I extend my heartfelt sympathy. He was a great man.●

● Mr. RODINO. Madam Speaker, the death of Senator HENRY JACKSON is a tragic loss—for his family, for the Congress of the United States, for the Nation.

He was a great patriot and an exemplary legislator, one who was a dominant figure in the U.S. Senate for more than 30 years.

Some of us first gained our admiration and respect for him during his 12 years of service in this body, beginning in 1941. Throughout his career in the Congress, his courtesy, friendliness, thoughtfulness, and patience earned and kept for him the respect of Republicans and Democrats, northerners and southerners, liberals and conservatives, business and labor, farmers and city folks. He was always the cool voice of reason no matter how heated the debate. It has been said of him that he preferred an arm around a shoulder to the twisting of an arm.

Senator JACKSON was the son of an immigrant Norwegian laborer who went on the counsel with some of the world's most powerful leaders and to advise many of the nine Presidents with whom he served. The Office of the Presidency eluded his grasp, but I believe the imprint he has left on the foreign policy of this Nation may be as great as that of many Presidents.

Senator JACKSON was that rather rare combination of military hawk and social liberal—an outspoken adversary of the Soviet Union and a champion of a strong national defense, but never at the expense of the downtrodden of America. He believed in a strong

America but also a just and compassionate America.

He was a staunch advocate of human rights and civil rights. He argued effectively for Jewish homeland and for the right of Jews and other persecuted people to leave the nations that oppressed them. He was always a firm supporter of civil rights and liberties, and his leadership in this field reaches back beyond the legislation he espoused on behalf of minorities. We shall never forget his performance as a newly elected Senator in the McCarthy era, when public panic and fear were fueled to the point where the reputations of many decent persons were threatened with destruction. Senator JACKSON stood up amid this national frenzy to tell the Nation that the character assassination and scandalmongering that were then ripping the fabric of our society were the real threats to our civil liberties.

From that era until his untimely death Senator JACKSON was recognized as a courageous leader, a distinguished statesman, a great American, a warm and generous person.

He will be greatly missed.●

● Mr. UDALL. Madam Speaker, the death of HENRY JACKSON means we have lost one of the most effective Senators of this generation.

As Senator JACKSON's counterpart chairman over the years, I had the special privilege to see SCOOP in action, and the pleasure to see his knack of working out compromises. He was always fair and generous with his adversaries.

SCOOP left his mark on our environment—the Alaska lands bill comes immediately to mind—and the Sierra Club honored him for all of his efforts with its highest award.

SCOOP JACKSON was no narrow-based legislator. He was a leader in issues involving defense and the Middle East. The State of Israel remained among his strongest passions. But he never forgot the poor or the elderly and he labored mightily on behalf of civil rights and against discrimination.

SCOOP JACKSON was a giant. We will all be a little poorer without him.●

● Mr. BENNETT. Madam Speaker, the sudden and tragic death of Senator JACKSON has grieved and shocked all America. He was seemingly in the best of health and was doing his usual magnificent work for our country and mankind, and suddenly he was gone. We all loved him and respected him for his great achievements. I, several times, supported him for the Presidency and think he would have been an excellent President for our country. In every capacity he held, he served America magnificently. I am sure all Americans send his wonderful wife and children our deepest sympathy.●

● Mr. JONES of Oklahoma. Madam Speaker, it is impossible in one speech or even in a book to adequately account for the outstanding record of public service which HENRY JACKSON compiled over nearly a half a century. There is a deep sense of loss and emptiness which hangs over the U.S. Congress because of Senator JACKSON's death.

HENRY JACKSON seemed always to be at the peak of life throughout his long career in public service. From what I know of his younger years and early days in Congress, he was always mature in his judgment. In his later years right up to his death, he was always youthful and full of vigor, passion, and idealism as he tackled public policy issues.

These tributes will rightly chronicle Senator JACKSON's many accomplishments, his courageous stands for a strong national defense, for a growing economy to provide the dignity of jobs for all Americans, and for his sense of justice and compassion for the minorities and the less advantaged in our midst.

But in a less tangible way he has made an indelible mark on the Government of the United States by the way he lived and conducted himself. His honesty, his courage to take a stand even though it may put him in serious conflict with temporary conventional wisdom, his steadfastness to ideals, and his workhorse style and capacity to press forward for issues in which he believed—these were the traits of HENRY JACKSON. These are the examples to follow for those who want to be the best in public service.●

● Mr. PRITCHARD. Madam Speaker, the loss of HENRY M. JACKSON, SCOOP to almost everyone, was a great blow to the citizens of Washington State, for he was a politician who was truly respected, who was trusted, who said what he meant and who kept his word. We like to think he represented the best characteristics of the Pacific Northwest, and all of us were proud of SCOOP and proud to be associated with him.

The one, two punch of Magnuson and JACKSON in the Senate, perhaps only equalled by Ruth and Gehrig of the old Yankees, gave Washington State more wallop than any other State in the Union. Someone once referred to them as Mr. Inside and Mr. Outside. Warren Magnuson concentrated on domestic legislation and bringing the State its fair share of Federal revenues, while SCOOP JACKSON gained fame and prestige on the military and international fronts. In truth, SCOOP was interested in every aspect of legislation and his accomplishments over the years were many and significant, to the point where he became a serious candidate for President of the United States.

All of us from Washington State will miss SCOOP; certainly his colleagues in the Senate will. And we will be joined by millions of others, both here and abroad, who remember SCOOP JACKSON as a man of compassion, of moral strength and courage, of foresight and wisdom.●

● Mr. BONKER. Madam Speaker, I want to thank the majority whip, TOM FOLEY, whom I know was a long and very close friend of SCOOP JACKSON's for requesting this time so we could offer our respects to the late Senator. Senator JACKSON formerly served in the House of Representatives, from 1940 to 1952, when he was elected to the U.S. Senate.

To those of us who knew him, SCOOP JACKSON was an extraordinary, larger-than-life person. His longtime Senate colleague, Warren Magnuson, noted in a recent eulogy that SCOOP JACKSON seemed "indestructible." Together, these two Washington Senators gave our State the kind of representation that was the envy of every Congressman. The "gold dust" twins were powerful. Their vast influence lay as much in their exceptional personal qualities and abilities as it did in their nearly half-century tenure in Congress and the important committees they chaired. For Washington State, the U.S. Senate will not be the same without them. We have just witnessed the passing of an era.

Senator JACKSON was a legend in his own time. His counsel was earnestly sought by Presidents of both parties and leaders around the world. In Beijing the day of his death, the official China Times announced "China loses a dear friend." Wreaths from Israel and other world capitals filled the church sanctuary in Everett the day of his funeral. Leaders of the free world mourned his passing while their counterparts in the Kremlin felt relieved to be rid of their biggest nemesis.

SCOOP JACKSON will be remembered for his expertise in Soviet affairs and strategic policy, but he was also a giant in the most important national and regional issues of our day. He was in the forefront of the environmental movement, and authored major legislation of the 1960's and early 1970's to protect the Nation's air, water, and natural resources. It was his committee—and his leadership—that dealt effectively with the energy problems that plagued our country in the mid-1970's. He was a proven authority on many subjects.

SCOOP JACKSON was most impressive in how he delivered for the Northwest. Whether it was for dams or dredging, fish hatcheries, the aerospace industry, post office, help for a pensioner, or an immigration case, we could depend on him.

I recall a few months back our frustration with getting the administration to release funds to continue vital dredging around Mount St. Helens. The White House side balked until

JACKSON posed the question: "How can I justify not being able to secure funds to protect my constituents from flooding while leading the President's efforts to obtain funding for the MX?" The message got across. The Senator was not being threatening or arrogant. He effectively stated his dilemma.

SCOOP JACKSON personified Americanism.

He was as much at home in the U.S. Capitol as in his hometown of Everett. He was as comfortable talking to corporate leaders as he was in union halls with rank and file workers. I have seen him at it a hundred times and he said pretty much the same thing to both sides. Nobody ever accused JACKSON of hypocrisy. On one occasion, I was amused watching him read the Wall Street Journal as we were driving to a union meeting.

Relate to world leaders he did, but SCOOP really enjoyed talking to senior citizens, kids, the local civic leaders, and others in the community. I marveled at his vivid description of La Center and Naselle, only two of the hundreds of small towns SCOOP knew like his own neighborhood. He would cite names and places in remote areas of the State that would surprise even his close supporters. It seemed at times everyone in the State either knew SCOOP, was a classmate, got a letter from him, or had heard the Senator speak. He touched all of our lives.

SCOOP JACKSON was a Democrat, and a tough partisan at that. But he crossed philosophical lines like few have in our history. At the funeral were the likes of Senator STROM THURMOND and BARRY GOLDWATER, elder conservatives, and Senator PAUL TSONGAS, the young liberal from Massachusetts. He was called my hero by the conservative columnist George Will; yet his labor voting record, consistently 100 percent, was totally at odds with what Mr. Will believes is best for America.

This seemingly contradictory side of Senator JACKSON was possible because of the universal respect everyone had for the man. His integrity earned him his independence.

Above all, his personal qualities impressed those who knew him.

In 45 years of public service, SCOOP JACKSON had an unblemished record of integrity. There were no gray areas—not in campaign donations or use of campaign funds, questionable votes or office accounts, not at all in his personal life. These days most Senators are supplementing their income with honorara. He averaged $40,000 a year in speaking fees, but every penny went to a foundation he set up to help needy students. SCOOP was simply incorruptable.

His self-discipline left people around him in despair. SCOOP did not indulge in smoking or drinking, not even coffee. He exercised regularly, went to bed early, read constantly, watched carefully what he ate, treated everyone equally, and worked hard. Few could match his stamina, even those 20 or 30 years his junior. But he did not impose those standards on others.

Another attribute was the Senator's constancy on issues. He did not change his views, and only reluctantly altered his position on an issue when compromise was necessary. You always knew where SCOOP JACKSON stood and there were never surprises. To SCOOP, the Senate was a no-nonsense place where a person's integrity counted.

He genuinely cared about people. At times his staff despaired when their Senator became absorbed in a constituent problem, giving it as much time and effort as he would a major speech or hearing, but that was simply his nature. SCOOP JACKSON was a father figure for his staff and supporters, forever inquiring about their family and health. His humanness was not only personal, but corporate as evidenced by his early and strong support for programs to help the needy. But he also did not excuse or approve of recipients who were not deserving or did not try to help themselves.

On a more personal note, I had my differences with SCOOP. We were at odds on issues, notably defense spending. How insignificant these things seemed last Wednesday. The man's greatness was obvious by those who were at the funeral and the eulogies spoken.

I reflected on my 20-year association with Senator JACKSON and felt something of a political renewal. One could not help but learn a great deal being around SCOOP. I do not think I fully valued the measure of the man when he was with us.

Now that he is gone I know how much SCOOP JACKSON meant to me, to our State, and Nation. He will be missed, probably more than we realize. All Washingtonians can be proud that he served us for so long and so well.●

● Mr. DICKS. Madam Speaker, as a member of the Washington delegation, and as a close personal friend of the late Senator HENRY M. "SCOOP" JACKSON, it is difficult for me to express the loss that I personally feel before this body.

I suppose it is only human to see these events first in a personal light. The loss of SCOOP JACKSON was to me the loss of a family member. It was to me the loss of a mentor who gave me guidance and advice. His loss was to me a very personal loss that has at times left me feeling just a little lonely. While our State and our Nation has lost a great leader, I have lost a great friend.

Beyond the personal dimension, there is the legend of SCOOP. It is said that you cannot be a prophet in your own land and I believe this applied to Senator JACKSON. We in the Nation's Capital knew him for his tireless work, his friendly manner and his tough unyielding commitment on defense and international affairs. SCOOP was at home on the stage of world events. But in his home State of Washington, SCOOP was the fellow who you could turn to with problems great and small. In our State he was seen as the champion of the little guy and the Senator who fought for the best interests of our State.

I think it was a little surprising to the people of our State when they realized that over half the Senate, the Vice President and assorted representatives of world powers came to Everett, Wash., to pay their last respects to the Senator.

And to the people of Washington State, the measure of SCOOP's greatness is in the number of lives he touched with his work. If every one for whom he did a kindness were to leave a petal on his grave, he would sleep tonight beneath a mountain of flowers.

God bless you SCOOP.●

● Mr. WINN. Madam Speaker, in remembering the illustrious career of public service by HENRY M. JACKSON of the State of Washington, the tendency is to remark that "they don't make them like that anymore." "They" do, of course, but there are just never quite enough of them.

Our former colleague SCOOP JACKSON was that rare type of individual who consistently performed with honor, integrity, and intelligence throughout this almost 45 years as an elected official. Whether striking a compromise on a controversial piece of legislation or participating in critical hearings on the Armed Services Committee, SCOOP stood for those ideals that all of us in this Chamber strive to exemplify in service to our Nation. He was considered the best that Congress has to offer, one who freshmen Members modeled themselves after, and everyone looked to for leadership and wisdom.

SCOOP never took for granted the privilege of serving as an elected representative and above all, the freedoms provided to Americans as a result of courageous forefathers. Like our forefathers, he worked tirelessly to insure those freedoms. SCOOP was an expert on defense who realized the role a strong U.S. defense plays in preserving and protecting peace and freedom not only in the United States, but worldwide.

Today I wish to join with my colleagues in paying tribute to HENRY M. JACKSON, a man who will be remembered as a true statesman, one who showed wisdom, skill, and vision in conducting our Nation's affairs and treating public issues. We have truly been blessed to have served in Congress with SCOOP and to have benefit-

ed from his immense dedication to our Nation and its people.●

● Mr. ADDABBO. Madam Speaker, 40 years ago, when our country and its allies were immersed in a bitter struggle against the Axis nations, few could foresee the shape a postwar world would assume, or what ideologies would guide it.

At that time of uncertainty, and during the many crises since, the late HENRY M. JACKSON brought wisdom, honesty, and integrity to the leadership of this Nation first as a U.S. Representative, then as a Senator.

His conviction brought a sense of stability to this Nation despite whirlwind change. He experienced, grasped, and acted upon every major issue of our time.

Both in domestic and foreign issues, Senator JACKSON spoke out with a voice of reason that stood firm in the face of changing political climate. He understood the nature of the Soviet Union as it emerged from World War II, and worked to establish a realistic relationship between our two countries. He knew the danger new technologies and chemicals posed to our environment, and struggled to balance economic growth with environmental safety. He recognized shortcomings within the structure of our Government, and worked to investigate and eradicate them.

His strength in the national arena was shaped by his devotion to his family, and to his community. My deepest consolation to all who knew him—the whole Nation mourns the loss of a great friend who exemplified all we have come to hope for in a legislator and statesman. This Congress will sorely miss one of its most respected Members.●

● Mrs. HOLT. Madam Speaker, all of us might wish that we would be remembered with the great respect that was earned by Senator HENRY M. "SCOOP" JACKSON during his many years of service in the Congress of the United States.

When Senator JACKSON spoke on issues of national security, the country listened and the world listened. All of us knew that his conclusions on policy were a product of sound judgment based on expert knowledge.

He will be remembered as a diligent man, a good man, an honorable man, an authentic patriot who believed in the ideals of our great country and served our Nation well.

His death is a great loss to his constituents, the Nation, and the Congress. I am sure all of us sense this loss.●

● Mr. HUGHES. Madam Speaker, it is a rare occasion on which Members of the House of Representatives and the Senate agree unanimously. However, on the subject of Senator HENRY M. "SCOOP" JACKSON, I believe that all of us share the deep sense of loss which transcends party lines. SCOOP was one of Washington's finest legislators, highly respected both at home and abroad.

SCOOP was first elected to the House in 1940, and never ceased his service to the Nation. Elected to the Senate in 1952, he served in the Congress for over 40 years. Named after SCOOP, the "Jackson Democrat," has become an archetype—liberal on the homefront, conservative in national defense and foreign affairs. Beginning as a New Deal Democrat under Franklin Roosevelt, SCOOP JACKSON was able to adapt and adjust to changes within the party, while remaining firm in his convictions.

Chairman of the Senate Interior Committee, a frontrunner in defense and energy issues, JACKSON was the main force behind the National Environmental Policy Act, and a principal author of an protective environmental legislation. Always a humanitarian and a strong supporter of Israel, JACKSON was responsible for legislation denying the Soviet Union most favored nation trade status for refusing to allow its Jewish population to emigrate.

With SCOOP's passing, we have lost a noble friend, and our country has lost a superb legislator.●

● Mr. MONTGOMERY. Madam Speaker, I would like to join in this tribute to Senator HENRY M. "SCOOP" JACKSON. His death was a shock to all of us. For so many years, he has been one of this country's most capable and dedicated leaders. His presence here in Washington will indeed be missed.

I had the opportunity to become better acquainted with Senator JACKSON when we worked together on the Armed Services Conference Committee. He was a steadfast advocate of a strong military defense and worked hard during his years here in Congress to make sure that goal was accomplished.

Senator JACKSON had admirers in both the Democratic and Republican Parties and his advice was sought by conservatives and liberals alike. He was one of the Democratic Party's most effective and knowledgeable leaders. The effects of his work here in Washington will be remembered for many years to come. I am glad I had the opportunity to know and work with this great American.●

● Mr. ASPIN. Madam Speaker, I know we were all surprised when we heard that SCOOP JACKSON had passed away. He has been around the institution of the Congress for so many decades that it is hard to imagine a Congress without him.

I was locked in a room in the Capitol with SCOOP for several days just a few weeks before his death as House and Senate conferees struggled to hammer out a report on this year's defense authorization bill. SCOOP was an active, vocal, and contributing member of that conference. His fund of knowledge and comprehension of how the legislative process works was immense—which is not surprising considering that he first came to the Congress when I was 3 years old.

SCOOP JACKSON was one of the premier legislative craftsmen of American history. This is a little understood skill. While it is the skill most necessary to keep the national policy process running, it is also one that goes largely unrecognized. It does not get you re-elected. It does not garner editorial kudos. It is work usually done in those much maligned backrooms. But without men with those backroom skills, our Nation would long ago have ground to a halt.

Regrettably, too many Americans will remember SCOOP JACKSON as a man who sought the Presidency but failed to light any sparks because—as the newspaper stories were wont to say—he lacked charisma. Perhaps he lacked charisma on the stump, though I have never heard his supporters in Washington State say that. But having seen him work a room filled with hard nosed politicos in the Capitol, merging a dozen differing points of view into one polished legislative package through his powers of logic, personality, and persuasion, I can guarantee you that he did not lack charisma. He had it in spades.

SCOOP, those of us who had the privilege of working with you for all too short a time on this planet will miss you dearly. We will miss your humor, which could cut through a testy atmosphere and relax tensions. We will miss your incisiveness, which could cut away the trivia that all too often clouds public debates. We will miss your inventiveness, which could fine tune a legislative proposal to attract the majority needed to move an idea from concept to statute. But most of all, SCOOP, we will miss you for being you.●

● Mr. MINETA. Madam Speaker, I rise to join my fellow Members in honoring one of our Nation's most respected, competent and compassionate Senators, the late HENRY M. JACKSON.

Many words have been used to describe the untiring efforts of this man from Washington State who devoted more than four decades of his life to public service. As a Member of this body for 12 years, and a U.S. Senator for the past 31 years, SCOOP JACKSON was never afraid to voice his concern for a strong defense of this country, and at the same time, he served as a voice for all citizens in need.

SCOOP JACKSON understood that our country's greatness depended upon our ability to support and defend our friends around the globe. In particular, SCOOP helped persuade Americans

that U.S. security was vitally linked to the democratic nation of Israel.

SCOOP's vast knowledge and insight also led him to realize the importance of protecting what we have here at home: our people and our environment. And while there were times when SCOOP and I arrived at different conclusions, I always respected his opinion, integrity and judgment.

I learned that SCOOP JACKSON was more than a fine American; he was a sensitive and caring man.

I was personally touched by SCOOP's generosity. When I first ran for the House of Representatives in 1974, it was SCOOP JACKSON who came to San Jose, Calif. to campaign for me. I was honored to have him there, and for the past 9 years, I felt myself fortunate to serve with SCOOP on the Smithsonian Board of Regents and to have SCOOP as a friend in the other Chamber of Congress.

I have benefited from SCOOP JACKSON's wisdom, and I must admit that I am deeply saddened by his passing. The American people have lost one of our finest citizens, but we must be thankful that HENRY M. "SCOOP" JACKSON was able to share with us his understanding, compassion, caring, and friendship.●

● Mr. HORTON. Madam Speaker, I rise to honor the late Senator from the great State of Washington and my good friend, HENRY JACKSON. I got to know SCOOP well in the over two decades we served together in the Congress. He not only brought intelligence, dedication, and loyalty to the Capitol, but also a great personal warmth and kindness.

SCOOP and I served together on the House-Senate Ad Hoc Committee on Energy. I can tell you that serving with SCOOP was certainly one of the most rewarding experiences of my time in the House. SCOOP's understanding of the vast myriad of complex energy issues and his sensitivities to other committee members' concerns certainly contributed greatly to the committee. He always listened and, even when he had a strong belief, would pay attention to someone with opposing views. SCOOP always approached issues with an open mind.

I also admired SCOOP's ability to deal with issues one by one, and not prematurely pass judgment on any matter. This is particularly true in the area of national security. While he was known as a strong defender of the Pentagon, I can tell you that he was certainly no advocate of giving the Defense Department a blank check. He scrupulously questioned all aspects of defense spending and planning. He wanted to always make sure that America was prepared to defend her freedom. To SCOOP this meant standing by our allies and making sure that American fighting men and women had the very best equipment and training in the world.

One matter I particularly enjoyed joining with SCOOP on was our continuing efforts in support of Adm. Hyman Rickover. Both of us recognized the value of Admiral Rickover to the Nation and worked for his continued service to the country. We both served on the board of the Rickover Foundation.

Nancy and I send our condolences to SCOOP's family. But we also send our gratitude and thanks for a long career of distinguished public service.●

● Mr. ANNUNZIO. Madam Speaker, I rise today to join my colleagues in paying tribute to the Honorable HENRY M. (SCOOP) JACKSON, whose untimely death on September 2, has left a void in the public life and leadership of our Nation.

Senator JACKSON was a remarkable man, and one of the Senate's most experienced and effective legislative craftsmen. His passing is a tragic loss for the Congress, and indeed, for all those who have fought relentlessly against the inroads of communism in the free world.

Serving his constituency in Congress for over 40 years, Senator JACKSON began his political career as a tough prosecuting attorney from Snohomish County, Wash., from 1938 to 1940. In 1941, he became a Member of the House of Representatives where he served for six consecutive terms. He enlisted in the U.S. Army in 1943, while retaining his congressional seat, and returned to Washington in early 1944, after President Roosevelt recalled all uniformed Congressmen back to the Capitol.

While serving in the House of Representatives, Senator JACKSON began to build his reputation as a man dedicated to the highest principles and committed to the strongest possible national defense. He was known also as a champion of public power and atomic energy development, as well as a strong supporter of the working men and women of America.

Senator JACKSON's exemplary accomplishments in the House of Representatives helped to secure his election to the Senate in 1953, where he served the people of the State of Washington with dedication and distinction for more than 30 years. At the time of his death, he was the ranking Democrat on the Senate Armed Services Committee, and a member of the Senate Select Committee on Intelligence. In previous years, he was chairman of the Senate Energy and Natural Resources Committee, formerly the Interior Committee, and former chairman of the Senate Government Operations Committee and its Permanent Subcommittee on Investigations. However, a list of principal committee assignments, barely reflects the extent of his influence in shaping the policies of our country.

As a staunch protector of the Nation's environment, Senator JACKSON was the principal architect of the Environmental Protection Agency. Also, he was well known for his tireless condemnation of Communist aggression and human rights violations.

Senator JACKSON was a powerful and popular legislative figure, a man of warmth and compassion, who courageously advanced the principles of civil rights and civil liberties. He fought with conviction to better the lives of the oppressed, the downtrodden, and the powerless who could not help themselves. Senator JACKSON's character and career alike were a vindication of democracy in an era marked by new forms of tyranny, political disillusion, single-issue politics, and small-minded partisanship. Not only will he be sorely missed in Congress, but America truly has lost one of its greatest patriots and statesmen.

Madam Speaker, I extend on behalf of Mrs. Annunzio and myself our deepest sympathy to Senator JACKSON's devoted wife, Helen, and to their two children, Marie and Peter.●

● Mr. PASHAYAN. Madam Speaker, the time we have set aside today to honor one of this Nation's finest public servants—Senator HENRY "SCOOP" JACKSON—is especially meaningful to me. As a member of the Committee on Interior and Insular Affairs, I have had the pleasure to serve with the late Senator in conference committees where the House and Senate "worked out the difference."

His untimely death shocked us all, and it robbed us of a friend, a counselor, a leader. His colleagues in the other body have called him a man of high integrity, a consummate compromiser, a friend. We on this side who did have the opportunity to work with him in fashioning public policy can but concur.

We have indeed lost a great statesman and a friend. Today we remember him, but tomorrow we must rise to continue our work. Regrettably it will be without the counsel of a HENRY JACKSON.

One book of western history comes to my mind at this point. It is entitled: "Men To Match My Mountains." In HENRY JACKSON, we just may have had that man to match the western mountains he loved so dearly, as well as the legislative mountains we seek to climb.●

● Mr. ALBOSTA. Madam Speaker, a recent editorial in the Washington Post was entitled "The Diminished Senate"—alluding, in part, to the passing from Senate ranks of one of that body's giants—HENRY M. JACKSON. While I did not serve in the House with him, nor sit on a committee with him, nor even know him on a personal

basis, his was a strong and forceful presence in the corridors of both Chambers. I will feel the loss.

A Jacksonian Democrat. One who presents the might, greatness, and power of this Nation to the rest of the world, while understanding the pain of the poor and championing civil rights for all. This Nation was enriched by more than four decades of selfless public service by the man from Washington State. With his death our Nation is diminished. We will all feel the loss.●

● Mr. LUNDINE. Madam Speaker, I would like to take this opportunity to express my sorrow and the sorrow of the entire Nation over the death of Senator HENRY M. JACKSON. In the death of Senator JACKSON we have lost both a great leader and a dear friend. As a dedicated public servant for the majority of his life, SCOOP JACKSON made his contribution to this country as few others have and our Nation will be forever indebted to him.

HENRY JACKSON dedicated his public career and his very life to the ideals of freedom and democracy. To him these ideals were of the utmost importance and no price was too high to preserve this for our Nation. Because of his deep love for freedom and democracy, SCOOP JACKSON was firmly committed to a strong America to preserve and safeguard the liberties we cherish. Senator JACKSON understood that national security must be the highest priority of our Nation in order to maintain our democracy. His strong opposition to any form of tyranny came from a deep concern that Americans and all peoples of the world experience the fresh air of freedom. HENRY was never afraid to speak out against the forces of oppression throughout the world. His colleagues in the Congress and the people of the Nation came to recognize this in him and respect him for it. While I did not always agree with his views, I was constantly inspired by his dedication to the goals of our country to maintain our principles and defend our ways of freedom. Around the world also, HENRY JACKSON stood as a symbol of our beloved way of life. He was recognized as a statesman of democracy.

To SCOOP JACKSON, government was a dynamic force for change. He firmly believed that government could make a difference in people's lives and he worked hard to bring about changes that would benefit and improve our society. As a legislator, Senator JACKSON was known as a progressive, with the public good ever in mind. He was admired by Members of both parties because of his concern for all of the people, refusing to be dominated by narrow special interests regardless of the possibility of personal benefit. HENRY was a tireless champion of all who needed assistance from the Federal Government. In the Congress, he gained a reputation as one who got things accomplished, not simply one who expressed admirable thoughts in lofty speeches.

HENRY JACKSON had a grand vision of what he believed this country could be. He was committed to expanding opportunity for all Americans. His vision was built on economic growth which every American could share in. To him equality meant the chance for all members of our Nation to partake in the prosperity that our great Nation could generate if we all worked together to make the dream come true.

I had the extraordinary opportunity to meet Senator JACKSON back in 1971. I was involved in a reelection campaign for mayor of Jamestown, N.Y., at the time. Despite a hectic schedule due to his bid for the Democratic Presidential nomination, Senator JACKSON was good enough to make the trip to help me campaign. His efforts were quite helpful. His warm manner and firm commitment to the principles of the Democratic Party made his trip a crucial asset to my successful campaign. Along with the thrill of meeting such a respected leader, I gained an immediate admiration to a man dedicated to the improvement of government and the benefit of the Nation.

Through his years of dedicated service to America, SCOOP JACKSON has captured the admiration of those who served with him and indeed, all Americans. His ambitious efforts to employ government for the improvement of the people and his unswerving dedication to the ideals of freedom, peace, and democracy serve as an inspiration to those who remain and to future generations. Thank you.●

● Mr. WAXMAN. Madam Speaker, the death of HENRY M. JACKSON was a stunning loss for all people, but it was an even greater loss for all Americans who cherish their fundamental rights and for the unfortunate Jews of the Soviet Union whose longtime champion he was.

HENRY JACKSON was the uncommon politician whose lengthy career in public life was guided by a consummate intellect, unimpeachable personal integrity, and above all, an obsession with individual liberty.

For decades, most American leaders were insensitive to the peculiar plight of Soviet Jews. It was widely assumed that official Soviet atheism resulted in discrimination of roughly equal intensity against Christians, Jews, and Muslims in the Soviet Union. Senator JACKSON was one of the first major figures in American life to recognize that Jews of the Soviet Union were singled out for systematic oppression far beyond that experience by adherents of other faiths. He swiftly concluded that Jews had little future in the U.S.S.R. He argued that liberty depended on emigration. The Jackson-Mills-Vanik amendment brought the full force of U.S. trade policy to bear on the predicament of Russian Jews.

Senator JACKSON was probably the most effective and forceful friend of Israel in Congress. His support for Israel always demonstrated both a moral commitment to the Jewish homeland, and a superb understanding of the place of the Middle East in world affairs. Israel benefited immeasurably from JACKSON'S credentials as a foreign policy and defense expert who always saw Israel in the larger context of long-range American interests.

Many have forgotten that it was Sentor HENRY M. JACKSON who alerted the Nation to the menace of McCarthyism. He resigned from McCarthy's notorious Permanent Investigations Subcommittee stating in fury that he would not participate in witch-hunts. And even though his home State of Washington was far removed from the civil rights struggle in the South in the 1960's, Senator JACKSON set no geographical or political boundaries to his sense of justice.

I have always felt very badly about SCOOP JACKSON'S reputation as a cold warrior. He and I often had different ideas about national defense. The intensity of his passionate dislike of communism in general and the Soviet Union in particular often inclined him to give the benefit of the doubt to Pentagon officials, his motives were not predicated on any absession with raw power, spheres of influence, and clever "realpolitic."

Senator JACKSON was always searching for the leverage to guarantee peace. He felt a deep moral duty to use American power to prevent Soviet totalitarianism from crushing the hopes and aspirations of defenseless people.

Though Senator JACKSON was unsuccessful in his two attempts to win the Presidency, I believe that his accumulated accomplishments over his long and distinguished service equal or surpass those of most Presidents.

Although we may see more glamorous personalities in public life, it will be a long time before anyone will come close to matching the solid and lasting achievements of Senator HENRY M. JACKSON.●

● Mr. CORRADA. Madam Speaker, the people of Puerto Rico join me in paying our respect to a great friend, the late Senator HENRY M. JACKSON.

While I did not always agree with him on every issue, SCOOP JACKSON'S door was always open to Island political leaders. He served us, as he served the Nation and his fortunate constituents in the State of Washington, with a steadfast vision of what this country should be: A Nation well armed for national defense but also a country that showed compassion and social justice for the less fortunate in society.

From the moment I first came to the Congress in January 1977, Senator JACKSON was willing to help in lending a hand on legislation of particular interest to the people of Puerto Rico. In 1980 he was instrumental in helping us in the Senate in the passage of a bill recognizing Puerto Rico's jurisdiction over 10.35 miles of submerged lands in our territorial waters. He also supported the extension of the right to vote for the President of the United States to all U.S. citizens, including those residing in Puerto Rico. He played a key role in the controversy involving the use of Culebra by the U.S. Navy and the ultimate withdrawal of the Navy from Culebra.

Senator JACKSON's friendship, commonsense, decency, integrity, and dedication to the well-being of our Nation will be sorely missed by us all. Our thoughts and prayers are with his widow, Helen, and their two children.●

● Mr. MORRISON of Connecticut. Madam Speaker I join with my colleagues in paying respects to HENRY "SCOOP" JACKSON. It is with great admiration that I remember a man whose bold stance in support of human rights manifested itself most effectively through legislation he helped to pass on the Hill.

The Jackson-Vanik amendment to the Trade Act of 1974 was a milestone effort to encourage worldwide respect for the basic human right to emigrate. It proposed that nonmarket economy countries commit themselves to freer emigration policies and practices before being eligible for most-favored-nation treatment and government credits. As a result, the Soviet Union eventually opened its doors and allowed over 51,000 Jews to emigrate in 1979, a figure all the more remarkable when it is remembered that between 1945 and 1970, only 10,000 Jews were allowed to leave.

Senator JACKSON's sensitivity toward the plight of Jews arose in part from his participation in a congressional pilgrimage to the Buchenwald concentration camp just after the end of the Second World War. The horror he felt over Hilter's cruelty was translated into his staunch defense not only of the Jewish people's right to emigrate from countries hostile to them but also of the creation and preservation of Israel as a distinctly Jewish state. Senator JACKSON called Israel "a modern oasis—a nation of democratic institutions, civil rights, economic opportunity, advanced education, and superb health care."

Scoop Jackson's example serves as a reminder to all people who believe that the quest for human rights is futile. His own clear vision of such a possiblity if gradually coming into universal focus.●

● Mr. PENNY. Madam Speaker, I join with my colleagues today in paying tribute to the late Senator HENRY M. JACKSON. I did not know Senator JACKSON personally. I met him only once. But I have long admired his dedicated service to his State and to this Nation.

I met Senator JACKSON on a flight to Washington, D.C., about a year ago. At the time, I was in the final weeks of my campaign for Congress and I could not pass by the opportunity to introduce myself to one of the giants in Congress.

Senator JACKSON was very gracious and generous with his time. He spoke of our national economic condition and the mood of the American public. He discussed life in Washington, D.C., and the workings of Congress. He revealed a surprising knowledge of Minnesota politics and the demographic makeup of southeastern Minnesota.

Senator JACKSON was truly a national leader who found time not only for the big issues but for small matters as well. Small matters like spending a little time and sharing a bit of his insight with a young Congressional candidate from southeastern Minnesota.●

● Mr. PANETTA. Madam Speaker, I would like to join my colleagues in paying tribute to one of the real giants of the Congress over the past four decades, Senator HENRY JACKSON.

The untimely death of SCOOP JACKSON has deeply saddened the entire country, I think, and not just the Congress. He was not successful in his efforts to be elected President, because he was not a flashy media-oriented politician, and he felt too strong an obligation to his work in the Senate to campaign for years the way a candidate has needed to in recent years. But there was a reservoir of respect and love for SCOOP JACKSON in this country, the kind which is rarely granted to those who spend their lives working in Congress.

As a Senator, SCOOP JACKSON leaves an enviable record of accomplishment and commitment. He concentrated on certain vital issues, and on those issues, he was usually the most respected voice in the Congress, whether it was defense, the environment, foreign policy, or energy. While one may not always have agreed with him, one always respected the strength of his viewpoint and the tremendous amount of knowledge and thought that went into forming that view.

Madam Speaker, the country will sorely miss Senator HENRY JACKSON. Presidents and Congress will have to do without his advice, and the people have lost a great advocate. There is no way of replacing him; we can only hope that those he touched during a lifetime of public service will carry on, using the memory of his commitment and strength as inspiration for their own work.●

● Mr. GILMAN. Madam Speaker, I thank our colleague, the gentleman from Washington (Mr. FOLEY) for having arranged special time for us to pay just tribute to the many achievements and accomplishments of the late Honorable HENRY JACKSON, the distinguished Senator from the State of Washington.

This Congress has lost a great man, one whose concern spanned State borders and party policies, and who leaves behind a legacy that will be difficult to carry on.

Elected to the House of Representatives in 1940, SCOOP JACKSON established himself as a Member devoted to maintaining a vital national security, as well as his commitment to the protection of liberty both at home and abroad. Although often his views did not coincide with the mainstream, those disagreeing unanimously came away from a meeting with HENRY JACKSON respecting him for his views and for his devotion to this country.

In 1952 HENRY JACKSON was elected to the Senate, and with the dozen years of experience gained on the House side, he approached his new position with the same fervor and sense of purpose with which he had served earlier.

Because Senator JACKSON was so involved with foreign policy, I came to know and respect his views when, as a member of the Foreign Affairs Committee, I often looked to SCOOP for guidance. A staunch supporter of Israel, his contributions have made lasting impressions on the policy guidelines of this Nation. The Jackson-Vanik amendment, regarding Soviet Jewish emigration, was a bold move at a time when the Soviet Jewry movement was just beginning to gain prominence both here and abroad. Much of the scope of our foreign policy was shaped by the views of Senator JACKSON, and our Nation owes him a debt of gratitude. His loss is indeed a great one, and he will be sorely missed. I join my colleagues in extending my sincerest condolences to his wife Helen, his family and close friends, and his constituents.●

● Mrs. BURTON of California. Madam Speaker, I rise today to pay tribute to one of the great men in the history of the U.S. Congress, Senator HENRY JACKSON. His passing leaves a void in this institution and in this Nation.

SCOOP JACKSON left his mark in many areas, most notably in matters concerning the defense of our Nation with less reknown but no less accomplishment, in the protection of our country's natural environment. Senator JACKSON will also be remembered as the staunchest and ablest supporter of the State of Israel in the U.S. Congress.

A recent biographical sketch of Senator JACKSON said he counted the enactment of several environmental laws among his proudest achievements. In 1969, he shepherded the National En-

vironmental Policy Act through Congress. This landmark legislation has been the backbone of the environmental protection movement. When my husband, Phillip, wanted to move some of his own environmental legislation through the Senate, the Senator he talked to would be SCOOP JACKSON. Wilderness areas, new parks, laws controlling strip mining, and other land use all owe their existence to the great efforts of the Senator from Washington.

We will all miss HENRY JACKSON. I extend my deep condolences to his wife, Helen, and their children.●

GENERAL LEAVE

Mr. FOLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on this special order.

The SPEAKER pro tempore (Mrs. BOGGS). Is there objection to the request of the gentleman from Washington?

There was no objection.

PUBLIC POLICY IMPLICATIONS OF FHA NEGOTIATED RATE AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT. Madam Speaker, I welcome the opportunity and have called this special order this evening to further respond to questions that were raised by the chairman, and the distinguished chairman and my good friend, the chairman of the Subcommittee on Housing and Community Development, the gentleman from Texas (Mr. GONZALEZ) about the public policy implications of the FHA negotiated-rate amendment which was adoped by this House in a bipartisan show of strength and support for rational thought and support for the marketplace. It was adopted by this House by a vote of 228 to 194 in July.

My friend, and the chairman who I work with a great deal on housing issues, has subsequently challenged both the soundness of the policy that the House took with the negotiated rate amendment, as well as the integrity of some of the arguments that were used by the proponents of the amendment's supporters on the floor of the House.

Last week I delivered a letter in response to those allegations and entered it into the CONGRESSIONAL RECORD, as the chairman had entered his questions of me in the CONGRESSIONAL RECORD previously. I would thoroughly and carefully this evening respond to each of those questions tonight.

Madam Speaker, this Member cares very deeply about sound public policy and the importance of well-reasoned arguments during floor debate. I believe that the FHA negotiated-rate amendment is both sound public policy, and the arguments that were used in its advocacy have been well reasoned. Reasonable men may differ on matters of public policy, but the way the mortgage market functions in this society and in this economy is very, very clear.

□ 1840

The fact is that the proponents for the FHA negotiated-rate amendment in this House, and the majority who voted for it, knew that the restrictions placed on the mortgage market by the maximum FHA interest rate ceiling in 1983 increased the cost of mortgages in this country, lessened the number of would-be home buyers, increased the cost of home prices and reduced the amount of mortgage lending in the economy. The negotiated-rate amendment, in fact, increases the availability of mortgage lending for homeownership.

The FHA negotiated rate amendment to H.R. 1 is one of the most significant pieces of legislation for home buying in this country ever to come before this House and it is an important step to increase the mortgage market.

The FHA negotiated-rate amendment will help prospective homeowners to obtain lower "effective rates" on their mortgage loans and, most importantly, will give them needed flexibility to find the mortgage loan terms that best suit their individual needs.

At the request of the chairman, I have produced and requested some specific empirical data and analyses from the Department of Housing and Urban Development regarding the first 5,000 mortgages made under the negotiated-rate pilot program and I would share some of that data and analysis with this House this evening.

The maximum FHA interest rate ceiling in current law limits would-be home buyers' ability to purchase homes in a competitive market, because if a mortgage lender cannot obtain the market yield that is set by the marketplace because of a maximum rate that is set too low, then those mortage lenders will, and we all know, obtain that market yield by either charging excessive up-front points or placing their investments elsewhere, and thus limiting much-needed mortgage credit.

Madam Speaker, I would first, in commenting on this special order, establish two fundamentals. One about the mortgage market generally and the other about the FHA negotiated rate.

First, in what was said by the proponents of the negotiated rate again and again and again during the debate on July 13 is that it is the marketplace that sets interest rates, regardless of the regulatory constraints, and this House understood that and this House understands that today.

The market will determine the cost of mortgage money regardless of where the artificial rate is set and those constraints will simply lower available credit, and reduce the number of home buyers who are able to buy a home, but they will not keep the marketplace from working.

Second, the negotiated-rate amendment allows the market to work for would-be homeowners by lessening the need for excessive points that are charged at closing.

The proponents did not argue on the floor that points would be eliminated or that effective rates would always be lower, but the proponents did argue that those instances of excessive points being charged would be reduced in a greater proportion with a negotiated rate than with the maximum rate program.

Madam Speaker, I asked some questions of HUD with regard to the analysis that they performed on the first 5,000, and I would note there are another 45,000 left to analyze in the pilot program, but I would share with the House the questions that I asked in response to the chairman's request and the answers that HUD provided. I think it will startle this House in terms of the good news as to what a negotiated rate program can do.

I asked the first question, question No. 1, with regard to the FHA negotiated-rate pilot program, what were the percentages of home buyers who received, respectively, lower effective rates, similar effective rates, and higher effective rates under the FHA negotiated-rate program for 30-year loans, compared to 30-year loans made to home buyers under the FHA maximum rate program for the same period of time?

The answer, Madam Speaker, is that the negotiated rate was lower in effective rates 38.2 percent of the time, was similar 26.1 percent of the time, and was higher 35.7 percent of the time.

Question No. 2, with regard to the FHA negotiated-rate pilot program, what were the percentages of first-time home buyers and prior homeowners purchasing a home, respectively, who received lower "commitment rates," similar "commitment rates," and higher "commitment rates" under the FHA negotiated-rate pilot program as compared to first-time home buyers and prior homeowners purchasing a home, respectively, under the FHA maximum-rate pilot program for the same period of time?

The answer is even more startling, because when you look at commitment rates, you discover that the negotiated

rate was higher than the FHA maximum rate for first-time home buyers 31 percent of the time, but was lower under the negotiated-rate program for first-time home buyers 37.7 percent of the time. The negotiated rate was similar to FHA maximum rate for first-time home buyers 31.3 percent of the time.

When you look at commitment rates for prior homeowners, the difference is even more startling. The negotiated rate was higher 28.8 percent of the time and lower 41.9 percent of the time. It was similar 29.3 percent of the time.

Question No. 3, I asked of HUD with regard to the FHA negotiated-rate pilot program, what is the percentage of all loans to borrowers under the FHA negotiated-rate program in which were charged up-front points less than or equal to the average points charged under the FHA maximum-rate program during similar time periods?

The answer is that negotiated-rate points were lower, points charged were lower under the negotiated-rate program 49.7 percent of the time, similar 14.9 percent of the time, and higher only 35.4 percent of the time.

An interesting figure which HUD supplied my office with yesterday is the comparison of average points charged under the two programs. Under the latest analysis, the average points charged on all loans made under the FHA negotiated-rate pilot program for the first 5,000 loans were 3.77, while the average points paid for regular section 203 loans was 5.15 during similar time periods.

So what are the conclusions that we can reach? First, in fact, the FHA negotiated-rate program produced a greater percentage of FHA mortgages for home buyers with lower effective rates where you combine the points and the commitment rate.

Second, the negotiated-rate program produced a greater percentage of FHA mortgages with fewer up-front points.

Third, the negotiated-rate program produced a greater percentage of FHA mortgages with shorter terms than did the regular FHA program, because buyers were able to negotiate their own terms of their mortgages under this program for the first time.

Fourth, the pilot program demonstrated that the FHA negotiated-rate worked to the benefit of a significant percentage of home buyers when you compare commitment rates. That is because the home buyers were allowed to negotiate their terms and their rates and points and, in fact, to negotiate their mortgage package as in the conventional market.

Fifth, negotiated-rate mortgages reduced the percentage of borrowers who were charged excessive up-front points by lenders under the FHA maximum-rate program.

So I asked, why in some cases, would buyers negotiate with the lenders for more points? Why could there be more points for some loans under a negotiated-rate program, even though that is only 35.4 percent of the time or half of the other?

The answer is that 64 percent of those loans with higher points had terms for less than 30 years. Seventy-four percent of the loans with higher points had a rate less than the FHA ceiling rate. Both shorter terms and lower rates benefited the borrowers; so the answer is that the market, in fact, does work and borrowers and lenders can negotiate.

It should be clearly understood, as it was by this House, that the charging of points is a function of lenders responding to market forces. As the gentleman from Ohio (Mr. WYLIE) said during the debate, and it is in the CONGRESSIONAL RECORD, I think both sides have acknowledged that market interest rates have to be paid and the people are not going to lend money on mortgages below the market. They either get paid through the interest rates or they get paid through points.

During the debate I stated very clearly again and again,

> Adoption of a freely negotiated FHA interest rate would effectively substitute the market force of supply and demand for the current artificial restriction on interest rates for FHA insured loans.

□ 1850

The CONGRESSIONAL RECORD is replete with quotations of the proponents of the FHA negotiated rate amendment who contended that the negotiated rate would lessen the need for those excessive up front points on FHA mortgage loans, but not to eliminate points altogether or require that they would never be used. These arguments support the conclusion that the charging of up front points is reduced by the availability of the FHA negotiated rate which contributes to the greater availability of mortgage credit and lower effective rates. And the proponents understood that clearly on July 13 and they understand it today.

I would next address the chairman's concern of the ability of home buyers to effectively negotiate with mortgage lenders. Times have changed and we have thousands of lenders and places where buyers and borrowers can negotiate with a lender. And if they do not like one lender or term, and if one lender will not negotiate with them they can go down the street. That is the real world as it exists today. The mortgage lending community is currently one of the most competitive industries in America.

It is possible at any given time to obtain many different quotes as to interest rates and points and terms in mortgage instruments from contacting many mortgage lenders, just simply listed in the yellow pages. In most areas prospective home buyers can obtain listings of mortgages available from real estate agents, homebuilders and local title companies quoting numerous mortgage lenders as to interest rates and points being offered. I have previously submitted for the RECORD a copy of a recent typical current mortgage loan quote sheet from the San Antonio Board of Realtors. In one phone call from this gentleman I obtained a list of 30 lenders quoting 14 different loan commitment rates and terms on one day, September 26 of 1983. It is fair I think in discussing lenders in the marketplace to discuss the reaction that mortgage lenders in this competitive environment have to artificially low maximum rates, because we do have ample evidence that recent mortgage lending history and current mortgage practices show where maximum allowable interest rates are set artificially low as sometimes happens with the FHA maximum rate program, there is a reduction in mortgage lending, especially if the effective rate needed for the mortgage lender to achieve a satisfactory profit cannot be obtained by charging additional up front points, or if additional revenues cannot be earned from the loan in some other way. The bottom line is that either more points will be charged, home prices will be higher, or less mortgage money will be available for home buyers. And any of those are tragedies. Mortgage lending declines under a maximum FHA interest rate program that is set below the market because there is insufficient yield on the mortgage to justify investment. The result is that points increase or funds are not available for home buyers.

Throughout the debate on July 13 on the FHA negotiated rate amendment, opponents of the amendment claimed that mortgage lenders, quoting from the CONGRESSIONAL RECORD, were "out to make a profit". And that is true. And that is an excellent argument and perhaps the best argument for the need for an FHA negotiated rate mortgage, because since it is the purpose of lenders to make a profit in this economy we cannot expect mortgage lenders in a free market economy to loan money at interest rates lower than the cost of money to them just because the maximum FHA program would set an artificially low rate.

And finally, an important conclusion that was discussed during the debate was that the current maximum FHA rate ceiling tends to drive the price of homes up and adds not just to inflation, but to the cost of homes, that buyers are struggling to buy, and prices too many home buyers out of the market, particularly first time home buyers. Under the current FHA program sellers including homebuild-

ers will attempt to include all or some portion of the points they pay into the sale price of the home. And they should and they will. Sellers and home builders typically expect to pay about 4 to 5 points when selling their home with FHA financing and they do often increase their asking price by about that amount. Some of those points are thereby shifted to the buyer. The immediate effect is that home buyers often end up paying more for their homes than they otherwise would have because of FHA financing and if points are less than those 4 or 5 points built into the price, that amount is not rebated to the buyer. Over the long term, this practice only serves as one more escalation to housing costs and adds to housing inflation.

Madam Speaker, I asked for this special order to answer those questions about policy and facts behind the FHA negotiated rate mortgage amendment to H.R. 1. It passed this House last July by a substantial margin. These questions have been raised by my distinguished chairman, the chairman of the Housing Subcommittee, with whom I serve, Mr. GONZALEZ of Texas. I believe that my arguments tonight, the arguments of the proponents on the floor, and the data I obtained from HUD on the first 5,000 mortgage loans made under the FHA negotiated rate program, which is admittedly a small number, reaffirm the soundness of the FHA negotiated rate amendment on policy grounds and proves that the presentation of those facts were sound. As I said at the beginning of my remarks, the FHA negotiated rate amendment to H.R. 1 is one of the most important pieces of legislation in recent history to promote home ownership and one of the most important pieces of legislation for would-be home buyers in this country. I sincerely hope that it is signed into law.

● Mr. McKINNEY. Mr. Speaker, I want to thank my friend from Texas, Mr. BARTLETT, for yielding to me. Also, I would like to commend him for taking this time today to address the concerns raised several weeks ago by the chairman of the Housing Subcommittee during a special order. Representative BARTLETT has been a most enthusiastic participant in the actions of the Housing Subcommittee since his arrival in the city and I am very grateful for his many contributions.

Among those was his amendment to H.R. 1, the housing authorization bill, which allows for negotiated FHA mortgage interest rates.

In my opinion that amendment which the House adopted last July was one of the most important improvements made during our consideration of the housing bill.

For many years I have been concerned about the impact that points have on the housing market. In previous years the constant upward pressure of inflation running into the HUD-mandated ceiling on FHA rates had to be relieved through one source only—the addition of points at the time of a home sale. These points paid by the seller are the difference between current market mortgage rates and the interest rate that may be charged on an FHA-insured mortgage. Obviously the seller of the house inflates the price by an equal amount to maintain his net return on the transaction. The result is an additional inflationary boost in the cost of housing.

Several years ago our committee instructed the Secretary of HUD to monitor closely the relationship between the FHA rate and market rates so that the spread would be kept to a minimum. At that time we would get concerned when the points being charged would exceed three or four. But even that amount in my opinion was too great a burden to put on the home purchaser when that amount is compounded over the life of the mortgage. Owning a home was and still is the ultimate dream of most Americans. When you owned your own home, you had made it.

But the cost of housing has rocketed so far upward that homeownership has become the impossible dream. I believe that one of the major forces in the across-the-board hyper inflationary price increase for housing was the use of points. The only way that homeownership can again become a realistic opportunity for the American working family is through a reduction in the price they have to pay for a house.

The point system that presently takes care of the differential between the FHA and the VA mortgage and the real estate market is probably one of the most destructive instruments that the real estate business in this country has seen in many years. This point system has been known to fluctuate as much as 6 or 7 points from 1 week to the next. This has made many builders and homeowners who have their property for sale write in contingency clauses in their contracts which say the sale will not take place if points go higher than an agreed upon level.

This means that from 1 week to the next, the person buying the home and the person selling the home do not even know, in fact, whether they have a contract.

However, we do far more damage with the point system than just simply putting the buyer and seller in doubt. Look what we, in fact, do to the whole price index structure in the United States. The points are built into the price of the house not the cost of the money. This is an aberration for the entire system. What you are saying is that you are inflating the price of housing to cover the price of money.

There was an enormous distortion when points were as high as 12, 14, and 16, when this country was suffering through our interest rate climb and our sales recession: But on top of that, 80 to 85 percent of the houses in the United States of America are sold outside of FHA, outside of the VA structure. They are sold through the conventional mortgage system. Yet since parity in real estate prices is a well-known fact, you find that owners and real estate brokers are building points into those houses that are not even going to have a VA or an FHA mortgage.

There is one last point that angers me about the point system. This is up-front cash that the seller must get when the seller is, in fact, going to be going forward and trying to replace that dwelling with something else. It is up-front cash that the buyer must get. It artificially inflates the value of the house.

If, in fact, 80-odd percent of the mortgages in this country can be done by negotiating with a bank, albeit the buyer may do it twice, and the bank may do it 200 times a day, the fact of the matter is that there are a lot of banks out there in competition with each other. Anyone who goes shopping in just one place for a mortgage is pretty darned stupid. You can get the best negotiated rate, and this could also be done with the FHA, if you shop around.

I believe the American people will make the negotiated rate system work. History shows that every attempt to impose controls in economic matters has been a failure because these limits immediately become artificial as circumstances change. The mandated rates become arbitrary and often have no relationship to conditions at hand. In a negotiated market the buyer will be able to make those arrangements best suited to his or her circumstances.

It will remove that built-in inflationary factor from the price of housing. I believe that the Bartlett amendment to H.R. 1 will take us a long way toward making the cost of a home reflect the actual price of that home.

I am not saying that this action alone will bring down mortgage interest rates. Only deficit-reduction steps by this body will do that. Negotiated rates are in the best interest of the American people and we should strongly promote that approach.

Once again I want to commend my colleague from Texas, Mr. BARTLETT, and all of my other colleagues who have taken part in this attempt to clarify for the House what the Bartlett amendment will do for future American homeowners. I think that housing finance can be a very confusing area for most people so I hope this additional explanation will help provide a better understanding.

As a final note I would like to remind the critics of this amendment that the results of this program will take time to be seen. We are trying to turn around a practice that has been well-entrenched but not necessarily well-founded. Our argument is sound and is in the best interest of the people.

I thank my friend for yielding to me.●

● Mr. WYLIE. Mr. Speaker, I commend my colleague from Texas for bringing up this important subject. Your amendment was adopted by this body not just once, but twice and by fairly comfortable margins. The chairman of the subcommittee would now have us believe this was a mistake. I do not agree with that. I believe the House knew what they were doing and I believe they made the right decision.

In his floor remarks of September 12, the chairman of the subcommittee said that claims made by proponents of the Bartlett amendment were not true. This is a serious charge and in view of the fact I was one of only six Members who spoke in support of your amendment, I went back to check my floor remarks as recorded in the CONGRESSIONAL RECORD of July 13.

I began by saying that one of the reasons I was supporting the Bartlett amendment was because of what I considered the disconcerting impact of charging unexpected points at the time of closing. I was relying on my past experience when I had practiced a little real estate law. I said that it had become so disconcerting to me that I decided I did not want to represent anybody in FHA closings. I have not bothered to go through my old legal files to dredge up examples of this, but I can assure you it is true.

Next I alluded to the fact that I had been the author of the 1980 provision which provided for the demonstration program of negotiated FHA interest rates. For the record, my amendment was offered August 21, 1980. It was adopted on that date by a vote of 296 to 68. The debate and vote on the amendment are covered on pages H7371 through H7374 of the CONGRESSIONAL RECORD of that date. To his credit, the chairman of the subcommittee has remained consistent. He voted against my amendment also.

I then mentioned that HUD has suggested that they would like to have this as permanent authority and referred to two reports from the Department of Housing and Urban Development. The first report I mentioned was the "Future Role of FHA," dated January 18, 1977. In that report, on page 47, you will find this recommendation:

> It is recommended that establishment of financing costs be left entirely to the market. The statutory requirement for the Secretary to establish interest rate ceilings for FHA loans should be eliminated and there should be no prohibition on the charging of points or discounts.

The second report was the "Final Report of the Task Force on Housing Costs," dated May 25, 1978. In that report, on page 71, you will find this recommendation:

> HUD should act now to: * * * Deregulate the FHA interest rate on all insured mortgage and other loans for any housing related purposes, including loans for land development, housing construction and rehabilitation, supporting community amenities and other activities involved in single-family and multifamily housing development, renovation and acquisition.

I then went on to quote from the "Future Role of FHA" as to the fact that points are an inevitable byproduct of interest rate ceilings on mortgages originated under FHA programs. The quote can be found on page 44.

Finally, I said these discounts can become excessive and that when sellers are required to pay points, the seller includes that cost in the price of the home which, in turn, increases the cost of housing. I believe the logic of this statement is self-evident, but my backup material was from that same HUD report on pages 44 and 45. The report says:

> Current statutory requirements stipulate that such discounts not be paid by the home buyer and, consequently, they are paid by the seller who, in turn, recoups them by adding the points to the price of the house.

I concluded by saying that I thought Secretary Pierce has made a fine effort to keep the FHA rate in line with the market, but there could be no substitute for a free floating rate. I do not think any of us will deny that there have been frequent shifts, both upward and downward, while Secretary Pierce has been at HUD. He has attempted to comply with the statutory language which requires him to set rates with sufficient frequency so as to minimize points. In spite of his efforts, however, the points persisted. An article that had appeared in the Washington Post on July 12, 1983, the day before I made my remark, had borne that out.

As I said, I commend you for bringing up this subject, and I hope my remarks have sufficient documentation to illustrate that any claims I made were, to the best of my knowledge, true.●

GENERAL LEAVE

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

WANTED: MORE ARMY GRAVES REGISTRATION SPECIALISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 15 minutes.

● Mr. PAUL. Mr. Speaker, last week, U.S. soldiers participated in a rehearsal for mass burials of battlefield casualties in Hanau, Germany near Frankfurt. Fifty of our soldiers practiced this gruesome and repugnant activity during the annual NATO maneuvers in central Germany—a new first.

Mass graves were actually dug by bulldozers and some of our soldiers were placed in body bags to simulate war casualties for the practice burial.

The official reason why they have never practiced this horrible act before was: "There are so few qualified specialists in the theater. Most graves registration personnel are stationed in the United States and would be brought to Europe if needed." The simulated exercise was "necessary" they say, to show how many could be buried in mass graves if the dead were placed shoulder to shoulder.

This activity cannot but cause revulsion among any decent civilized human being.

Why cannot our energies be used to reduce the chance of confrontation with our Soviet adversaries?

It is only the clinging to a bygone era that some continue to think our national security is dependent on our continued presence with massive conventional World War II-type troops on the Soviet borders.

Indeed, Europe is vital—that is, to the freedom-loving people of Europe—and for that reason we ought to expect more from them in the defense of their own freedom.

Our continued sacrifice and insistence that our allies accept our weapons do not serve the interests of peace. Even our allies resent and demonstrate against us. And as a result they do less for themselves. European defense as a result remains precarious, and due to our endless sacrifice, our own defenses are weakened, our deficits continue to soar, interest rates stay high, and our economy remains uncertain.

Let us not train more "grave registration specialists" for Europe. Let us bring our troops home. Let Western Europe build their own defense—which will be improved when they become less dependent on us. We cannot be the policeman of the world—our economic resources will not allow it, and our own needs for maintaining our own national security demand we do not do it.

We have had massive deaths and burials twice in Europe, as well as three times in the Far East in this century. We need no more of these foreign wars—we need true defense of our

country and we cannot achieve it with planning for massive casualties on the European Continent—or the Mid East, or Africa, or South America, or the Far East.

It is time to talk about bringing the troops home and implementing a policy of noninterference in the affairs of other nations accompanied with international economic and cultural cooperation. Strategic independence can go a long way in closing the defense gap. A new direction is necessary if we expect to build a strong national defense and assure the wherewithal to pay for it. This is the only realistic option in achieving the goals of peace and prosperity all Americans seek.●

ARKANSAS IS A NATURAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BETHUNE) is recognized for 60 minutes.

Mr. BETHUNE. Madam Speaker, a year ago I devoted almost an entire week to a personal survey of federally owned lands within the Ozark and Ouachita National Forest. While I have always enjoyed a walk through the woods in Arkansas, my trip this time had a special purpose. During that week I talked with people all over our State who might have a point of view about preserving a small part of our national forest lands as wilderness. You see, the people of my State are proud of the natural beauty of Arkansas, and they are also proud of our motto, "Arkansas is a Natural."

Since the early frontier days the forests, the streams and the mountains of Arkansas have been a source of awe-inspiring wonder. We are indeed fortunate that around the turn of the century President Theodore Roosevelt was farsighted enough to realize that some of the our lands must be preserved for future generations. So, in Arkansas we are blessed with two such areas, the Ozark National Forest and the Ouachita National Forest.

These two forests possess some of the most beautiful and unique geological formations in America and also serve as a natural habitat for many types of wildlife, including several endangered species. But, unfortunately, I have discovered during my travel across the State that there is a declining amount of land suitable for designation as a wilderness under the definition that we must use. I know the Forest Service has managed this land in a multiple purpose fashion, and that there is an argument that we must use and develop the timber in our national forests for economic reasons. But I also know that it is essential for man to have natural sanctuaries, which are unspoiled and undisturbed by harmful encroachment. Thomas De Quincey once said that the piece of nature and the innocent creatures of God seem to be secure and keep only so long as the presence of man and his restless and unquiet spirit are not there to trouble its sanctity.

I certainly realize that man must harness the Earth's natural resources. That is both necessary and beneficial. But recognizing the need for economic growth need not be interpreted as an invitation to plunder or spoil our national forests.

That is why it is incumbent upon those of us in Congress to put forth wilderness proposals so there will be growth, but growth which will not overreach and thereby mortgage the future generations to come.

To this end, I have introduced the Arkansas wilderness bill of 1983, a bill which is quite modest in terms of acreage and one which I see is a good investment for the State of Arkansas.

□ 1900

Under my bill, 11 areas, less than 6 percent of our national forests, would be set aside as wilderness, which means that the Forest Service could not let anyone cut trees, dig mines or build roads on the portions that we set aside. We are not taking land from private ownership and the Forest Service will still have the right to manage the remaining 94 percent of the national forests as they do now.

That means economic development could go on on that 94 percent of the national forests, but 6 percent would be reserved as wilderness.

We have a broad base of support for my wilderness bill across our State, and I feel that the following partial list of civic clubs and interested groups which have endorsed this legislation makes a telling point:

The Greater Little Rock Jaycees, the Greater Little Rock Chamber of Commerce, Conway Chamber of Commerce, Mountain Home Chamber of Commerce, Rogers Chamber of Commerce, Rogers Hospitality Association, Arkansas Industrial Development Commission, Metroplan Board of Directors, Arkansas Audubon Society, Arkansas Canoe Club, Arkansas Herpetological Society, Arkansas Native Plant Society, Arkansas Wildlife Federation, the Audubon Society of Central Arkansas, the Ozark Society, the Sierra Club, the League of Women Voters of Arkansas, the Arkansas Wild Turkey Federation, and the Arkansas Muzzleloading Association.

Madam Speaker, recently I had the grand opportunity to accept on behalf of the Congress a collection of etchings and poems by one of Arkansas' most recognized artists, Susan Morrison. I am working out a dedication ceremony with the Library of Congress. But for now I would like to read a sampling of the poetry and to include the balance of the collection of poetry in the RECORD.

The first poem is entitled "Wilderness Remnants."

WILDERNESS REMNANTS

Tiny Parcels of Earth
Still free from the Heavy Hand of Man
Hidden away
Tucked safely in secret valleys or atop inaccessible mountains
More real than anything we know
They seem a dream
Lost in the memory of a time when these were the only surroundings of man
Today . . . Remnants
Tomorrow . . . . Legends to be told . . . . .
To unbelieving Children

Then another one that I am particularly fond of, because it concerns the wilderness areas situated in my district, the Second District of the State of Arkansas in Saline and Perry Counties is entitled "Flatside Wilderness."

FLATSIDE WILDERNESS

I gaze across this awesome space seeing the scarred and crooked face of your mountain
I sense your sorrow
But south breezes sing songs of happiness swirling thru your forest catching the leaves of your fallen trees in their midst and whisking the warning of winters reality away
Maybe the softness of this time is the promise of a destiny less severe and a respite from too many years lost in harsh realities
The souls of your brothers lay bare beside you stripped to the bone of their proud flesh their children dead or driven away
But voices of friends cry out for your protection and on this funny warm winter day I sense you knowing that there is still hope for you
We will pray for it together . . .

I also include others of her collection as follows:

CANEY CREEK

Tiny stream
locked in the heart
of this wild wilderness
these magic mountains

You glide easily
thru your bed
of slender stratad, shale

Giant holly, pine and beech
guard your path
shading your wild heart
drinking gladly
of your sweet pure water

Your song is a whisper
your presence only a moment
in this vast space

But for those who pause
to experience you

Time stops
and the harshness
of our modern reality
seems to flow away

Around your tiny bend and out of sight . . .

DRY CREEK

The Cidadas call
cuts thru liquid silence

Owls court in mid-day
as summer showers

drift in and out
of this strange
somehow magic place

Trees grow
straight up
thru piles of river rock
leading the way
to dense forest

No paths here
only this trail of stones
made by springs
rampant water

We watch a fish
trapped in a tiny
spring fed pool
caught like this
small wilderness
in the trap of
these times

Will the turbulence
of change
wash away the hope
for this treasure

Or will the living Spring
of mans caring
create safe haven
for this precious place

THE BUFFALO

Giant Bluffs
Rise like Medieval Castles
above this Ancient River

Sending us back to a time
when all our land was wild

Leaves rustle with stories
from a past known only to the land

Legends whispered
from one forest glen to another
Of brave deeds
Performed by magnificent antlered stags
for doe eyed mates

Natures memories
held safe captive

By these towers of time . . .

By this Wilderness

INDIAN PIPE

Magnificent beauty
as fragile
as the rare flower
you are named for

Hidden safely away
behind a plain facade
Your magic heart
vibrates with the beauty
of your wild soul

Waterfalls appear
around every bend
Giant house size rocks
lie in casual random
on your water polished bed

Monumental virgin beech and oak
hover above exotic wild magnolia
all surrounded
by banks of dense forest fern

Your silence is only disturbed
by the soft calls
of your children

I feel hushed
by these surroundings
Safe in the past
that is your future

KAIMICHI

Winter reflections
cast quiet images
on nearly opaque water

Mimicking the mist
of her mornings
The young kaimichi
begins her long journey

Today her beginnings
are quiet, serene
But torn and broken trees
and giant boulders tumbling
into her bed
speak of other times
When her childish tantrums
wreaked havoc
through this forest nursery

It seems her guardian mountains
smile in quiet approval
of this precocious child
This laughing gurgling body

As beautiful as her
Sparkling Wilderness Soul

She embraces us . . . Feel it . . .

BLACK FORK MOUNTAIN

Awesome Magnificent mountain
Scarred by huge rock slides
Steep and seemingly unpenetrable
you stand in dark silence

You frown down upon us
Hiding your tender heart
the laughing streams that
caress your stern sides
the perfect miniature forests
sitting safely upon your
brush guarded top

Giant Pines stand alone
on your rock ledges
Sentinels guarding your magic domain
assuring the safety
of your treasured wildlife
and it seems
any creature who enters with respect

But I sense
a stern lack of patience
for careless intruders

Those who enter your house with disdain
risk never leaving

THE SCULPTURE GARDEN

Steep rock bluff walls
block our path

Its time to climb
up we go
hand over hand
headed for the cave passage
to this mountain museum.

Giant rocks
lie in layers before us
scattered like the
marble of Michelangelo
on a narrow table
of polished rock

We're struck
by the awesome beauty
in this sculpture garden gorge

I am reminded
of the short time
for mans creativity
compared to the centuries
this lady will spend
sculpting away at her
perfect stone

I wonder?

Would we so easily
destroy the Louvre?

Is this art less?

THE TREE ON THE RICHLAND

Silent waters
bathe my injured heart.

The soft energy
of this magic place
carefully eases my soul

Tiny agile friends
play close by
Chattering endlessly

The warm summer sun
lights and comforts

An old river oak
sits comfortably
beside the creek
scarred by time and water
posed in perfect light
enticing me
to draw his image
challenging me
to draw his soul

This is my home
This is my hearts place
Neither ambition or grief
should drive me from here
But sometimes I fear
the awesome power
of the two together will

I will always be lonely
for this land

FALLING WATER CREEK

The water laughs
as I wade knee deep
in its grasp

The soft spring sun warms
me to my heart
and I find myself smiling
back at the hidden animals
I know are sure to be watching

No emptiness lurks here
No tricks to be dealt by
the invasion of others

Time moves slower
giving my sense the long needed
opportunity to drink their fill
of this lusty wood wine.

UPLAND SWAMP

Night sounds
mingle with
day sounds
cold air slowly surrounds
warm air
the moonlight
shades the sunlight

As the earth
moves time
toward evening
I catch
my last glimpse
of this tiny dense
swamp forest moment
just sitting complacently
in so unlikely a place

and I smile

It seems we have
so much to learn
from this mighty lady

For here
in the heart
of her mountain wilderness
If a swamp
desires to grow
she good naturedly
provides a space
opening her heart
to these unlikely
friends

Letting her children
mingle with
and learn from
this beautifully different
experience

EAST POTEAU

The dense forest
looms ahead

Dwarfed, gnarled trees
Stand one after another
in an endless line
of winter design

Giant lichen
completely covers
water saturated tree trunks
Turning whole sections
of these woods
a strange light lichen green

Scattered rocks
tumble thru this battalion
laying in careless disarray
Breaking the forest pattern

Patches of moss
grow on this forest floor
like sponges in a tide pool

It is the home for the Piliated
and he flys free
frequently voicing
his sharp call
To the Wind . . .
and the Fog . . .
and the Forest . . .

THE CASSATOT

Hidden deep in
the Ouchita Wilderness
This river challange
sings its rainsong
luring the most courageous
of our water people
to its heart

It seems
whole mountain sides
slipped helplessly
falling into its bed
creating chutes and pools
some more perilous
than any other

Giant Pines whisper
of courage in extremes
quietly cheering on the athletes
maneuvering thru this
wilderness colosseum

While mountains
stand in silent monument
to the young strong hearts
Lost
to this
Awesome water trial

LOST VALLEY

Tiny fragile valley
Saved from inundation by water
only to be drowned by man's
disregard for your virgin beauty

No flowers spring
from this wild heart
No soft moss carpets
line your water path

No more the lovely wooded lane
to reach you
Those mighty oak sentinels
were slaughtered and burned
Now asphalt complete with overlooks
brings tourist laden transportation
dangerously close

Yesterday our most beautiful Wilderness
Today you lie wounded and dying
in our ignorant midst

Tomorrow you will be gone
Buried under the dust
of one kind of exploitation or another

Know in the agony of
this subtle death
There were those of us
who came to visit your dying soul
and wept for you

TINY VALLEY

Beautiful, Lyrical
Magic wilderness moment
holding in your heart
the secret of eternity

I come to you
seeking refuge
from this often
too harsh reality

You lay your gentle breezes
across my brow
easing my heart
giving me peace

I look out across
your small pristine space
and I smile

I rest my soul in you
Tiny Valley

THE RICHLAND

Giant rocks lay scattered
in almost orderly lines

I pause

It's almost like walking
through someones neighborhood

I look for addresses
on these funny solid houses
surrounded by
emerald green water lawns
I fantasize about the
animal families who
couldn't possibly live inside

I laugh
joined by the gurgling chuckle
of this cold wet friend

It seems we both welcome
this early summer respite
Enjoying the freshness
of this time
Storing it away
to replenish us
during the fierce droughts
sure to come

HURRICANE CREEK

We hear the sound
of falling water

Smiling in mutual excitement
my friend and I
leave the trail
Headed straight down
the mountain side
manuvering short ledges
hoping no real bluff
will block our path
to this liquid enticement

We break thru the forest
struck to silence
by the beauty before us
Giant rocks
sitting in stairstep ledges
are filled to the edge
with cascading singing water
With sunlight dancing
from every prismed moment

We sit together
dangling our feet
into this magic
swirling image
and feel the closeness
of our hearts
as we share
this rich
wilderness experience

Soon others will join us
but for now
this tiny moment of discovery
is ours

In a hushed voice
she says to me
"God it's so beautiful"

PENHOOK

Trees stand
in stark silhouette
against a bleak
bitter winter sky

Cold seeps into my soul
grabbing at my heart
reminding me of
other times
when winters meant
fear and loneliness

I turn to my husband
he's smiling with exuberance
bracing gladly against
this unfriendly wind
and I find comfort
in his kind strength

Time like nature
heals her wounded children
covering hearts with the
leaves of new love

I turn back to
this wilderness space
looking squarely at
this hard winter reality

But now I hear
the singing of water
the rustle of branches
the laughter of the Chickadees
as they flit from one
spot of weak sun
to the next

and I smile

Madam Speaker, what more can be said? I hope and trust this House will join me in setting aside less than 6 percent of our national forest land and wilderness so that it will be protected for our children and for our children's children.

If we do not, they may one day ask us why we ever said "Arkansas is a natural."

I yield back the balance of my time.

NEA HIT LIST UNFAIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 30 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, The National Education Association (NEA) put me on their hit list over the weekend citing an anti-education voting record, according to NEA spokesman Joe Standa.

The NEA Washington leadership is simply not telling the truth about my record, a fact most unbecoming of an organization to whom we entrust the education of our children.

Mr. Speaker, I have voted for every education bill in the 98th Congress including the Emergency School Aid Act, the Followthrough Amendments of 1983, the Emergency Vietnam Veterans Job Training Act of 1983, and just 2 weeks ago I voted for the Wright amendment to add $300 million more for education and job training programs. I have voted for every Labor, Health and Human Services appropriations bill since being elected to

Congress. These important bills provide funding for a myriad of important education programs such as compensatory education for the disadvantaged, grants to local education agencies, follow through, impact aid, education for the handicapped, preschool incentive grants, deaf-blind centers, severely handicapped projects, early childhood education, vocational and adult education, student financial assistance, Pell grants, guaranteed students loans, higher and continuing education, educational research and statistics, libraries and special institutions for the blind and deaf. Moreover, I have sponsored or cosponsored several separate bills to aid education including the Emergency Mathematics and Science Education Act, National Education and Economic Development Act of 1983, Equal Access to Education Act of 1983, Education Savings Account Act of 1983 and the Veterans Educational Assistance Act of 1983, to name a few. I am also a sponsor of a resolution establishing State commissions on teacher excellence and one to insure equal rights with regard to education opportunity.

Additionally, Mr. Speaker, I have been very active in the fight to preserve and expand the Federal role in educating handicapped children. On October 19, 1983, I am sponsoring a handicapped education breakfast for Members of Congress similar to the breakfast I put together last year to assess how Congress can best enhance handicapped education.

These pro-education actions, Mr. Speaker, seem of little importance and carry no sway with the NEA hit squad.

I called NEA's Joe Standa yesterday for an explanation of the criteria used by his group that led to my inclusion on the hit list and his characterization of my record as antieducation. Calling the NEA litmus test internal and after some initial hesitancy to release the information, he finally agreed to call me back with the data. According to Mr. Standa, four votes were used to target the 37 Republicans for defeat. Is it not strange, there are no Democrats on the list? Interestingly, of the four, only one vote—a vocational rehabilitation amendment—dealt exclusively with education, and ironically according to NEA, I voted the right way. The other three votes dealt with the nuclear freeze resolution, the first Democratic budget resolution, and social security.

While NEA gives me high marks on my freeze vote, they say I voted wrong on the democratic budget and social security.

Reasonable Members of Congress, Mr. Speaker as you well know, can and often do, disagree on complex issues such as how best to insure the solvency of social security, so vital to our senior citizens, or on the budget of the United States. These issues do not lend themselves to simplistic appraisal. And they certainly are not specific education votes.

NEA's faulty analysis Mr. Speaker, even overlooks the fact that I supported the conference agreement on the budget of the United States for fiscal year 1984. In other words, I voted for, not against, the budget.

Further underscoring the flimsy nature of their targeting criteria, Mr. Speaker, is the fact that several NEA-supported Congressmen from my own State of New Jersey including Mr. FLORIO, Mr. HOWARD, Mr. ROE, and Mr. MINISH, had sufficient reservations about the bipartisan social security package that they too voted against it. Will they now be placed on the NEA hit list? Are they now going to be accused of being antieducation because of their social security vote? Perhaps my friends on the other side of the aisle were, like me, not convinced that the package before us was the ideal solution for protecting social security. How the NEA construed that vote as antieducation is beyond me.

Conventional political wisdom Mr. Speaker probably would dictate that I say nothing, or at least very little, about NEA's attack on me and my colleagues. Respond and they will throw everything they have got at you in 1984. If that be the case, so be it. I will not compromise the truth.

The NEA is wrong, Mr. Speaker, Dead wrong. I resent the NEA's characterization of my voting record as antieducation, when clearly it is not.

As a matter of fact, even the label antieducation is questionable and misleading. Antieducation according to whom? The NEA leadership? There are many sincere Members of Congress, fiercely committed to public education, who prefer a different approach to the funding of various educational programs. Let me stress, the difference is in approach, not in support for education. To say that these Members are antieducation strikes me as unfair.

To be sure, Mr. Speaker, NEA is formidable and will have lots of bucks and personnel to spread around in the 1984 election cycle. But might does not make right. NEA's methods of Republican incumbent analysis and targeting are capricious, dishonest, and arbitrary. I am sure that the rank and file association members in my home State were never consulted on the hit list. Moreover, I have found that the professionals working in the schools in my district—and I have personally visited over 100 schools since assuming office—to be more fair and possess a more balanced perspective.

At best, Mr. Speaker, the NEA's attack on my colleagues and me smacks of unhealthy partisanship and shallowness. And is not it kind of silly and certainly premature to target anyone this early in the game without even knowing who his or her opponent will be, or what they stand for, in the 1984 elections?

But then maybe I expect too much from the NEA. Despite all of my so-called proeducation votes in the 98th Congress, I have yet to get a single thank you from the NEA. I did get one letter, however, from NEA Government Relations Director Linda Tarr-Whelan urging me to vote against the MX missile. So much for education issues.

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Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. FRANKLIN).

Mr. FRANKLIN. I thank the gentleman for yielding.

Mr. Speaker, I, too, was on the so-called hit list from the NEA. I would like my colleagues, and I think it is interesting for us, to look at this list, that has been, so-called, accidentally reported to the media by the NEA.

Just to find out, I had a staff person call the NEA about it. The NEA describes this list in question as a, and I quote, "a preliminary working paper, something some staff members were working on which is subject to considerable revision between now and next November. It is an unofficial list that has no official standing." And I unquote at that point.

If this is indeed a preliminary working paper, Mr. Speaker, then it certainly does not take a Ph. D. to figure out just exactly what the NEA is working on.

Since membership on this list is so obviously limited to those of us in the minority party, NEA's interests are fairly apparent. They are not interested in hearing what ideas our party might have about education. They are interested in two things, self-preservation and political gain.

They would have us continue the same old programs and the same old policies which have brought on the maladies now afflicting our Nation's educational systems.

Mr. Speaker, I am sure that before this issue has blown over, someone will surely take the floor of this House to come to the NEA's defense and declare that those 37 Members on the list are the real roadblocks to the path of progress in our Nation's educational systems.

I just want to say that it is insulting to suggest that any one of us is not gravely concerned about the rising tide of mediocrity in our schools. We are concerned, Mr. Speaker.

We are concerned that while Federal funding for education has skyrocketed, the achievement record of our students, in comparison with students of other countries, has dropped every year for the past 10 years. We are concerned that while we now have a cabi-

net level Department of Education, we also produce functionally illiterate high school graduates in record numbers.

We are concerned that while over 1 million teachers now hold NEA union cards, the majority of our students do not have as much as 1 hour's worth of homework at night.

We are concerned that while the NEA has consistently opposed any efforts designed to test whether teachers are actually competent to teach, more and more teachers who are phenomenally incompetent are finding their way into our classrooms.

Yes, Mr. Speaker, we are concerned that the NEA's answer to our concerns is to draw up a list and put out the word that "We have got to get rid of these guys. We have got to replace them with somebody who will think up some more programs, hold some more hearings, and send us more, and more, and more and more Federal money."

I believe sincerely that our childern are not getting the best education our country can offer them, and not getting the kind of education, that as our Nation's children, they deserve.

I also believe we need to ask ourselves why in this body and to see if perhaps it might not be that we are doing something wrong here in the Congress toward education.

Now if these sincere concerns that I have about the educational process and that my colleagues have, get me on the hit list, and if my dedication and dedication of my colleagues to try to resolve the mediocrity in our Nation's educational system warrant me being on that list, then so be it. I deserve to be there.

Mr. Speaker, I thank the gentleman for yielding.

Mr. SMITH of New Jersey. I thank my friend from Mississippi.

Mr. Speaker, I would like to add one final point. I would hope as a result of the response from not only myself but many Members who have been targeted that the media will look into this, will expose what I consider to be a misuse of the political process and would hope that many of the political watch dog groups such as Common Cause, Ralph Nader's Congress project and others will look into these kinds of methods utilized by the NEA for political purposes and try to show the American people that this is not what it is construed to be and what they are made out to be.

Mr. Speaker, I yield back the balance of my time. Again I thank my friend from Mississippi for his statement.

● Mr. HANSEN of Idaho. Mr. Speaker, I commend the gentleman from New Jersey (Mr. SMITH) for this timely opportunity to set the record straight on the partisan political warping of the legislative process and the public education system by the so-called National Education Association (NEA).

I say so-called because the NEA engages in radical political causes on so many issues that the real central theme of education is almost overlooked. In fact, the NEA has become so partisan in recent years that it is now commonly known as the National Democrat Association.

A look at the hit list in the October 3, 1983, issue of USA Today readily confirmed this political bias since all 37 lawmakers on the NEA hit list are Republicans and 48 out of 49 NEA-endorsed lawmakers are Democrats.

The enclosed letter of October 1, 1983, to Idaho State Republican Chairman Dennis Olsen further clarifies the national educational situation as seen from my district in Idaho:

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 1, 1983.

Mr. DENNIS OLSEN,
State Chairman, Republican Central Committee, Boise, Idaho.

DEAR DENNIS: I have reviewed the nine-point Republican educational program and based on our conversation, clarifying purpose and intent, support your efforts to improve the quality of Idaho's schools.

I am proud of Idaho educators and the part I have played as one of them. My family and I have a long history as public school teachers, public school students and public school supporters.

Idaho has helped bring the nation from frontier days to the space age in many ways, some very spectacular such as the invention of television and the lighting of the first city by nuclear energy.

For years public education has been a bipartisan political matter where progress and professionalism were sought to improve the quality of the schools and the educators.

Republicans have had a proud part in this effort to provide the funds and climate teachers need to give students the best education possible. Republican legislatures and governors over the years have continuously unlocked the financial doors and provided the professional guidelines, including the enactment of the education-oriented sales tax, to give Idaho a modern school system.

Now the bipartisan professional educational system we have developed over many years is threatened by political partisanship and a single-minded union mentality fostering selfish personal interests over the public welfare, professionalism, and quality of education.

Conscientious educators have been deeply concerned about the falling rates of student achievement. They are alarmed to see their professional associations become partisan political machines using the educational system as a pawn for power and narrow personal benefits—so partisan that once-proud organizations like the Idaho Education Association (IEA) is now becoming known as the Idaho Democrat Education Union. Many in Idaho complain that the IEA is more concerned with the political desires of the National Education Association (NEA) and the eastern liberal establishment than with matters important to Idaho schools.

The union-minded pre-occupation of the NEA with pay and benefits and liberal causes, to the exclusion of major educational considerations, has now become well known. In fact, it is so obvious that during its rush to head the stampede of national unions to prematurely endorse Mondale for President this week, the NEA was continuously referred to by the nation's media as one of the country's largest unions.

This totaly partisan, union-minded nature of the NEA becomes glaringly apparent since the Republicans have not announced candidates for President as yet and the Democrat offerings have not yet crystalized. And it is even more incredible to try to justify IEA support for this NEA partisanship in view of the huge Idaho voter support last election for Reagan-Bush over Carter-Mondale.

The partisan political warping of the public education system must stop and I am pleased that the Republican party is now making a major effort to see that this is done. President Reagan is leading the national drive for educational excellence and I commend you for initiating a similar move to strengthen the hand of professional educators in Idaho at the state and local levels. Hopefully, fairminded Democrats will also join in this constructive reconstitution of our public education system. Certainly at the state level in Idaho, the Governor's office should be invited to participate in a bipartisan spirit of promoting educational excellence through constructive legislative proposals and qualified appointments to professional educational positions.

In announcing and initiating Republican proposals, I hope you will not only encourage cooperation by and with the Democratic Party but will also call on the IEA to discard its dangerous political partisanship of recent years and return to the higher professional goals on which it was founded.

Our children are the future of mankind, the future of our nation, and our legacy to a better world. They must not be made pawns of political power-brokers and special-interest groups, nor the tools of self-serving benefit-seekers.

Well-paid teachers armed with adequate facilities is not a partisan goal, it is a must upon which we should all be able to unite—for the future of our children and the future of us all which they represent.

Again, you have my support and best wishes for success in your efforts to protect and provide good teachers and assure the quality of Idaho's educational system.

Sincerely,

GEORGE HANSEN,
Member of Congress.

[USA Today, Oct. 3, 1983]

THIRTY-SEVEN REPUBLICANS ARE ON TEACHERS' HIT LIST

(By Pat Ordovensky)

WASHINGTON.—The National Education Association, the union most successful in ousting its opponents from Congress two years ago, has targeted 37 more members for defeat in 1984.

All 37—six senators and 31 representatives—are Republicans.

They include House Minority Leader Robert Michel of Illinois, Senate Majority Whip Ted Stevens of Alaska and North Carolina's Jesse Helms, the Senate's most outspoken conservative.

The target list, prepared by NEA Political Director Kenneth Melley, was distributed to the teachers' union Political Action Committee that last week backed former vice president Walter Mondale for the Democratic presidential nomination.

The list also includes 49 congressional "friends" whom the NEA will try to help re-elect. Only one, Rep. Claudine Schneider of Rhode Island, is a Republican.

In the 1980 congressional campaigns, 22 Democratic challengers backed by the teachers' union knocked off Republican incumbents. It was the highest success rate in ousting opponents of any union.

In the current House, 243 of 435 members received NEA help.

The NEA's political arm will use, said Melley, a "maximum campaign effort" to oust its opponents and help its friends in 1984. That includes a political budget of $1.5 million for contributions to candidates of the full $10,000 allowed by law and a large, well-organized corps of 700,000 to 1 million volunteers.

Melley's report said the NEA also is considering independent expenditures, not authorized by a candidate—a tactic used successfully by the New Right.

Members targeted for defeat, Melley said, are in "marginal" races where the chances of being unseated are good.

Here is a list of the targeted 37 members;

Senate: Thad Cochran, Miss.; Jesse Helms, N.C.; Gordon Humphrey, N.H.; Roger Jepsen, Iowa; Ted Stevens, Alaska; John Warner, Va.

House: Herbert Bateman, Va; Ed Bethune, Ark.; Michael Bilirakis, Fla; Thomas Coleman, Mo.; Larry Craig, Idaho; Daniel Crane, Ill.; William Dickinson, Ala.; Bill Emerson, Mo.; Cooper Evans, Iowa; Webb Franklin, Miss.; George Hansen, Idaho; Thomas Hartnett, S.C.; John Hiler, Ind.; John Kasich, Ohio; Manuel Lujan, N.M.; Ron Marlenee, Mont.; Dan Marriott, Utah; John McKernan, Maine; Robert Michel, Ill.; George O'Brien, Ill.; Stanford Parris, Va.; Charles Pashayan, Calif.; Harold Sawyer, Mich.; Christopher Smith, N.J.; Denny Smith, Ore.; Gene Snyder, Ky.; Arlan Stangeland, Minn.; Donald Sundquist, Tenn.; Gene Taylor, Mo.; Frank Wolf, Va.; George Wortley, N.Y.●

UPDATE ON THE STATUS OF THE SIMPSON-MAZZOLI IMMIGRATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LUNGREN) is recognized for 60 minutes.

Mr. LUNGREN. I thank the Speaker.

Mr. Speaker, the efforts of the Speaker of the House, Mr. O'NEILL, to kill any attempt to enact a comprehensive reform of our immigration laws is, I must say, most disheartening.

Although he has attempted most recently to lay the blame on the White House doorstep, the ball is unmistakably in his own court.

It appears now that for the second year in a row, while the Senate has moved to adopt immigration reform legislation, this House, through the Speaker, has sought to delay, block and finally kill any chance that this Nation might have to regain control over its borders.

Speaker O'NEILL's allusion to a likely Presidential veto is nothing more than a smokescreen. The further assertion that immigration reform legislation lacks general support is totally belied by all the facts.

The Simpson-Mazzoli immigration reform bill is a bipartisan embodiment of proposals that have evolved over the last 10 years of study by congressional hearings, the executive branch, and the Select Commission on Immigration Policy.

The employer sanctions of the bill which proscribe the intentional employment of undocumented workers first arose as a result of the efforts of the chairman of the Committee on the Judiciary, Chairman PETER RODINO, in 1972. In fact, legislation containing this approach passed the House of Representatives during the 92d and 93d Congresses and received the continued support of both the Nixon and Ford administrations.

The Carter administration followed with similar legislation that would have provided for similar penalties for the employment of undocumented aliens and a legalization program. It was also during that time that the Select Committee on Immigration under the leadership of Father Theodore Hesburgh, who incidentally has a rather outstanding and longstanding civil rights record, was formed. The commission recommendations also contained recommendations for employer sanctions, increased enforcement and a legalization.

It is thus indisputable that a consensus has developed over what must be done to address the problem of illegal immigration.

When the Reagan administration came into office in 1981 they lost little time in coming forth with a proposal for immigration reform of their own.

Like its predecessors, this administration proposed a package that included employer sanctions and a legalization provision. In addition, when Senator SIMPSON and Congressman MAZZOLI introduced their comprehensive immigration reform proposal, the administration also expressed its support of the bipartisan alternative as necessary to our ability to formulate an effective policy.

Since that time the administration officials have testified on the reform measure a total of 28 times.

Mr. Speaker, I must say it is rather disheartening to appear here on this floor and hear some Members say we have to do something about immigration but this bill is not the way. What we have to do is form a consensus by a new commission? It is reported in the paper that the Hispanic Caucus has suggested in the House that we form a new study group to come up with a new approach.

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Mr. Speaker, this subject has been studied to death. We have Democratic administrations, we have had Republican administrations, in fact, we have had a series of administrations come up with proposals all formed around what we now have in the Simpson-Mazzoli package.

We had a Presidential Commission, that is the usual thing we do in this institution when we want to not make a decision, we form a commission and farm out the work to them. They came back and surprise of surprises, they came back with the proposals that are basically contained in the Simpson-Mazzoli package.

Let it be very clear. Those who come before this floor today and say, as I heard some say, that we need to study the issue, do not want us to decide a solution to this issue. They want no solution to this issue.

I would also suggest that this year, when we started the new Congress, as the ranking member on the subcommittee, I worked with the chairman, Mr. MAZZOLI, to hold additional hearings, even though we thought that we had been "hearing-ed" to death on this issue. And we invited every Member of Congress who wished to appear before our committee. We specifically invited every single Member who took the floor and attacked or criticized the previous Simpson-Mazzoli immigration package. I must say that not all Members took up on our offer to testify, but a number of Members did. And we requested of every single Member who appeared before us their suggestions on how they might deal with this issue, which they all admitted was an issue that must be dealt with in the near term.

And I must say, Mr. Speaker, that with very few exceptions there were no suggestions. The only suggestion that was raised as an alternative and this ought to be said out front, it ought to be loudly proclaimed in the news media of this country, because they have not asked those who criticized this proposal what the alternative is. The major alternative we had presented to us was open borders with the country of Mexico. Open borders to allow any and all Mexican citizens who wished to come to this country, take jobs, live in this country as they wished, going back and forth across the border.

Now, there is no doubt that is the way it was in the 1700's and 1800's, but that is not the circumstances of today. And I do not think anybody can reasonably propose that a reasonable, practical solution to our problem is an open border with Mexico.

As a matter of fact, I recall appearing before the Select Commission several years ago, when they held hearings in San Francisco, and having a representative from the State government of California, at that time the administration of Jerry Brown, appear before them and it was in the form of Mr. Mario Blatto, who was the head of

HHS for the State of California. And he recommended an open border between the United States and Mexico.

When it was pointed out to him that there was trouble on the southern border of Mexico, in terms of illegal aliens coming from other countries through Mexico, he said, "Well, obviously what we would have to do is help Mexico shore up their border on the south."

Now, that is obviously just pushing the problem off and not only in a timeliness sense, but in a geographical sense.

And now at this late hour, we have those who oppose any meaningful reform coming forward and telling the Speaker of the House that there is no constituency out there for immigration reform. I have waited in vain for any of those Members to volunteer to serve on the Immigration Subcommittee. I have been on that subcommittee for 5 years. Everyone wants to sit on the outside and they want to criticize and with the Speaker's most recent statements, want to cast aspersions on those of us working the problem, but they do not want to solve the problem.

And now to deflect the criticism, the Speaker of the House suggests that somehow he is doing it not because he wants to stop the legislation, but because the administration has sent mixed signals about whether they support that particular approach, the Simpson-Mazzoli package.

I am here to say, Mr. Speaker, that is pure nonsense. It is pure bull feathers, if we may use that expression on the floor of the House. In fact, as I said, the administration testified on the reform measure a total of 28 times. In testimony before our Subcommittee on Immigration in the 97th Congress, Attorney General William French Smith characterized well this administration's position on the Immigration Reform and Control Act, the Simpson-Mazzoli bill.

He stated:

On March 17 Chairman Simpson and Chairman Mazzoli introduced the Immigration Reform and Control Act of 1982. That bill is a rational and comprehensive set of reforms in the finest bipartisan tradition of the U.S. Congress. Together with the Administration proposals this legislation may represent the last real hope of correcting the inadequacy of current law. For that reason the Administration remains strongly committed to enacting this year reforms along the line set out in the Administration and the chairman's bill.

That does not sound like mixed signals to me, Mr. Speaker.

In March of this year, the Attorney General reiterated the administration's support for a bipartisan immigration reform proposal when he declared:

Discussing the need for immigration reform of this committee is a little like describing another kind of flood to Noah. During the 97th Congress this subcommittee made a tremendous stride toward that goal. The Administration appreciates your commitment to this difficult task and prompt introduction in the 98th Congress of H.R. 1510, the Immigration Reform and Control Act of 1983.

Mr. Speaker, even to the most skeptical observer of our political lexicon it is difficult to surmise from the Attorney General's remarks in both the last and present Congress that the administration has been determined to veto immigration reform legislation.

Mr. Speaker, I would refer to two more statements. One issued yesterday, October 4, 1983, by the President's principal Deputy Press Secretary.

He said:

The President was naturally disappointed today to hear press reports quoting Speaker O'Neill as saying the immigration reform legislation would not be considered by the House this year. The President hopes that the Speaker will reconsider and allow the House to vote on a bill that is essential to the future wellbeing of this Nation. As we understand it, the Speaker commented that there was no discernible constituency for the bill and that there had been mixed signals from the White House. We respectfully disagree with the Speaker on those points.

The Senate has twice passed immigration legislation by overwhelming bipartisan margins. And in the Congress immigration legislation has also been considered and approved by four committees of the House, including the Committee on the Judiciary.

Administration officials have testified on the reform measures a total of 28 times.

This is not a political issue. This is not a partisan issue. It is an issue that concerns all Americans and it is in the best interests of all Americans to have the Nation regain control of its borders.

One final point remains to be made. The President sent the original immigration reform legislation to the Congress more than 2 years ago. He supported it then, he supports it today.

Now in the face of that the Speaker of the House said there are mixed signals. The Speaker of the House said he has irrefutable evidence that the President intends to veto it.

If that is not pure political poppycock, then I call on the Speaker to show us the irrefutable evidence. Show us what he has, somehow divined from good sources in the administration that the President intends to veto this message, that the President intends to support a bill that he first introduced, support it for 3 years, only to make sure it gets to his desk so he can veto it.

I am the ranking Republican of the subcommittee, if that is the President's intention, it is absolutely 180 degrees from what I have heard from the President, from what I have heard from the White House, from what I have heard from the Attorney General.

Now the Speaker of the House, being the leading Democrat in this institution, may have a closer and a more direct pipeline to the President than I, a member of his party, a member of his State, one of his original supporters, and someone who has worked with him on this legislation has.

If the Speaker has that information, I call upon the Speaker to make public this irrefutable testimony or evidence that he said in a press conference yesterday he had.

The Attorney General today issued the following statement on the same subject:

Speaker O'Neill has announced he will not permit the House of Representatives to vote on the immigration reform bill. I am certain that the overwhelming majority of Americans will be dismayed by this decision. Speaker O'Neill said Hispanics opposed the bill, that the bill has no constituency, and that the White House has given mixed signals. He is greviously wrong on every count. Polls show that most Americans, and that includes most Hispanics, favor immigration reform. There is an enormous constituency for the bill, including the leaders of organized labor and business and industry.

Just two weeks ago, Lane Kirkland, who I am informed has some sort of representational responsibility for labor in this country, sent a letter to the chairman of the Rules Committee asking that the immigration bill be allowed on the floor and be voted up or down.

But evidently from the Speaker's remarks he does not represent any constituency.

Returning to the remarks of the Attorney General.

One has to look no further than Capitol Hill to find one of the most solid components of the constituency for the immigration legislation. A blue ribbon commission, chaired by Father Hessburg strongly urged immigration reform. The commission, including ranking Members of the House and Senate, both Democrats and Republicans, who served on a bipartisan basis.

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Twice in the past 2 years the Senate has passed the immigration reform legislation by overwhelming margins, and again on a bipartisan basis by 80 to 19 in 1982 and 76 to 18 this year.

In the House, the immigration reform bill has been considered this year by four committees. They include the vitally important Committee on the Judiciary. Speaker O'NEILL suggests there have been mixed signals from the White House. That statement is incomprehensible. It was President Reagan who directed that the immigration reform legislation be drafted and submitted to Congress 2½ years ago. It was President Reagan who sent the measure to the Congress with a strong plea that it be approved promptly. His support has never waned and today is stronger than ever because the nature of the immigration problem has grown worse. We believe that issues of this magnitude should come to the House floor and be voted upon by Members of the House in the democratic tradition.

The issues concerning immigration reform are among the most important facing this Nation today. We have lost control of our borders. Illegal immigration is massive and growing. Vast numbers of jobs that could be held by Americans are taken by illegal aliens. Illegal aliens constitute an enormous strain on our social and welfare services. Illegal immigration makes a mockery of our legal immigration system, and millions of illegal aliens, most of whom are Hispanic, have become an exploited class preyed upon by the unscrupulous.

These problems can only grow worse if the House does not act on the bill. After long effort we have come to a clear decision point. If we act with resolve, we can solve the problem, and we can do so with compassion and humanity.

Among other things, we can give legal status to many aliens who are here now, who have been productive and law-abiding.

But what happens if we fail? After so much nonpartisan effort for so long by so many individuals of all political viewpoints, partisan political considerations should not now be allowed to block the national desire for immigration reform. I sincerely hope that the Speaker will reconsider. We in the administration continue to be ready and willing to work with this Congress to complete this most important task.

That does not sound like mixed signal to me, Mr. Speaker. That does not sound like a suggestion that this administration intends to veto the Simpson-Mazzoli bill.

Speaker O'NEILL's born again deference to the leadership of the Reagan administration is somewhat suspicious. What is the source of this new-found timidity? I might suggest, parenthetically, that those of us on the supply side hope that this may be an indication of things to come when the subject of raising taxes comes up next time.

I mean if the Speaker is suggesting that because the President indicates he may veto a bill, we should not consider it here, I may rejoice then, because evidently that means, then, that the Speaker is not going to bring up any bills that are over the spending limits that the President wishes us to have.

Evidently the Speaker does not believe that we ought to have any bill on the floor that does not have a national constituency, and I have yet to find a national constituency for raising taxes, even though the Speaker indicates that we need to raise them further than they are today.

Fortunately, the attempt by Speaker O'NEILL to use the President as a strawman is not going to fool anybody. The responsibility for bringing H.R. 1510 to the floor rests solely upon the Speaker of the House's shoulders.

In their infinite wisdom, our Founding Fathers established separation of the powers and responsibilities among the three branches of government. I would like to remind this body that the responsibility to legislate lies with this body. As any college sophomore with political science 101 can tell you, it is not the President's job to schedule the legislative agenda for this Chamber. That is the job of the Speaker of the House.

Attempts to obfuscate delineations of constitutional authority between the legislative and executive branch are in fact nothing more than political hard ball.

The attempt to politicize the issue of immigration reform, unfortunately, defies the consensus and the support of what the select Commission characterized as "immigration policy in the national interest."

Instead, the Speaker of the House, unfortunately, has joined in the weeping and wailing of the various special interests who have voiced opposition to this bill or any bill because of effects on individual partisan or parochial interests.

Unfortunately, the Speaker of the House, who is supposed to represent all the people of this House, has cast his lot with those interest groups who are most comfortable with the nonsystem of immigration that currently exists.

It may be easier for some to defeat or ignore this legislation than do the responsible thing and come to grips with the crisis that currently confronts our Nation. However, the failure of the Speaker of the House to allow us to do so is, unfortunately, the height of irresponsibility and an abnegation of any leadership that we might have to offer the American people.

The option of doing nothing is really no option at all. Such an alternative is tantamount to surrendering control of our borders to the economic and political woes of the rest of the world. If we stifle the effort of this Congress to formulate a U.S. immigration policy, that prerogative will fall to others by default.

But perhaps the most tasteless comment made by the Speaker is that the Hispanics view this legislation as the same sort of move that Hitler made against the Jews in Germany because of its employer-sanctioned provision. This smacks of the same kind of innuendo that we so often hear characterize the McCarthy era of the 1950's. It is an unfortunate attempt to indirectly smear those in both parties who sought to bring about a reform of our immigration laws. And I personally resent it.

I am incredulous to ask why, if you have the courage of your convictions, Mr. Speaker, you felt a need to use a group within our society to couch the strength of your own antipathy for the legislation.

The fact is that both the Field Foundation poll taken in my own State of California, as well as the Terrance-Hart poll, that is Lance Terrance, a noted Republican pollster, and Peter Hart, a noted Democratic pollster, their poll taken throughout the Nation, the two of them indicate widespread support among all groups, regardless of race, for immigration reform legislation.

The attempt by the Speaker of the House to revert to the old politics of division by exploiting the sensitivities of different groups within our society is most unfortunate.

According to the California Field poll taken in 1982, there is strong support for imposing severe penalties on employers who hire illegal or undocumented immigrants. Statewide, such measures were supported by 76 percent of all white respondents, 71 percent of Hispanic respondents and 81 percent of all black respondents.

In fact, the interesting thing about this very poll that was taken in 1981 in my home State is the unanimity of opinion on these various issues dealing with the overall immigration problem. Interestingly enough, when asked the question, "Should we deport all immigrants found to have entered this country illegally or without documentation in the State of California?" the answer was: 75 percent favored it—77 percent of those who were white, 68 percent of those who were black, and 59 percent of those who were Hispanic.

Then asked the question, "Should we grant amnesty to illegal immigrants who have lived here 5 or more years?" 73 percent of the respondents in California answered favorably—74 percent of the whites, 74 percent of the Hispanics, 71 percent of the blacks.

Interestingly enough, when you take those two elements together, you find that they form a core of what is known as Simpson-Mazzoli that the Speaker suggests that the Hispanic community is against.

On the question of whether we should have a guest worker program—and we have an expanded H-2 provision, we have a transition program on the House side, the Judiciary Committee bill, the Simpson-Mazzoli version that was passed out of Agriculture has a guest worker provision—58 percent of all Californians said that they would support it, 57 percent of the whites, 63 percent of the Hispanics and 59 percent of the blacks.

When we asked the question during this survey of whether we should impose severe penalties on employers hiring illegal immigrants, as I mentioned before, 76 percent of all respondents agreed—76 percent of the

whites, 71 percent of the Hispanics, 81 percent of the blacks.

That is supposed to be one of those things that is being fought by the Hispanic community in America. The Hispanic community in California supports that element of the Simpson-Mazzoli bill.

Similarly, the Terrance-Hart poll indicated that by a margin of 60 percent to 33 percent Hispanic respondents support adopting legal sanctions against employers who hire illegal immigrants.

□ 1940

Blacks favor penalizing employers who hire illegal immigrants by a margin of 66 to 27 percent. In other words, we find a strong support for legal sanctions against employers who hire illegal immigrants among all categories of Americans, but also among Hispanic citizens and black citizens. As a matter of fact, Hispanic noncitizens are the only group that I can find who oppose the employer sanctions, and that not by a very wide margin. When we take it among all Hispanics who are responding, they do support it.

Stepped-up spending on tougher border enforcement is supported by all Hispanics by a margin of 61 to 30 percent, with 47 percent saying they feel strongly about their support for greater efforts to patrol the borders. Among blacks, fully 69 percent favor major increases in funding for border patrols. These just happen to be support for elements of the Simpson-Mazzoli bill that the Speaker suggests is not supported by the Hispanic community in America.

Nationally, when asked how they feel about the idea of establishing some sort of amnesty or legalization program that would allow illegal immigrants or undocumented workers who have been in the United States for a certain period of time to remain here legally, 74 percent of all Hispanics say they favor this plan; 57 percent say they favor it strongly; 19 percent oppose it. Blacks favor it by a margin of 57 to 34 percent.

Interestingly enough, only 28 percent of Hispanics feel that the period of time that would qualify people for a legalization program would be 4 years or less. Thirty-two percent say 5 years, 29 percent say more than 5 years, and 5 percent stress their opposition to any sort of amnesty. In other words, 61 percent of Hispanics nationally by this poll support the idea of a legalization as long as it is for those people who have been here 5 years or more. That happens to be the terms of the Simpson-Mazzoli bill which is in the Senate, slightly different than the House version and, in fact, the subject of the administration's concern about the House bill as opposed to the Senate bill.

Those of us, Mr. Speaker, on both sides of the aisle, caught by the broad swipe of Speaker O'NEILL's remarks, have a right to know the basis of this inaccurate misrepresentation of the facts. If the Speaker understood the issue, I think he would be the first to recognize that the illegal status of undocumented workers is currently one of the primary causes of discrimination in the workplace. In addition, this sub rosa pool has had the effect of displacing U.S. minorities from available job opportunities.

Listen to the words of Althea Simmons of the NAACP when she testified before our subcommittee.

The NAACP has long been in favor of employer sanctions. We not only believe, Mr. Chairman, we know that undocumented workers do have a disparate impact on unskilled, unemployed and marginally employed blacks.

Mr. Speaker, in crafting the employer sanctions provisions of the Simpson-Mazzoli bill, we have attempted to build safeguards into the law in order to reduce any risk of their discriminatory application. The bill requires the Civil Rights Commission to monitor implementation of the sanctions, and to submit their findings to the Congress. Also, the Attorney General will be required to join with the Secretary of Labor and the Chairman of the Equal Employment Commission to establish a task force to monitor and review allegations of discrimination.

Unfortunately, one can only conclude that the highly offensive innuendo was evidently communicated with complete disregard for the painstaking efforts many of us have made to draft a bill that has been characterized by the New York Times as not nativist, not racist, and not mean.

Mr. Speaker, those of us who have worked so hard over the last 5 years to try and go down the middle road, to try and have an employer sanctions program that would not discriminate, that would not result in discrimination, are deeply offended by the remarks of the Speaker of the House suggesting that the bill that we have come forward with somehow treats Hispanics as Hitler treated the Jews. That is offensive. That is incorrect. That is outrageous.

Mr. Speaker, contrary to the remarks of Speaker O'NEILL, there is a broad and growing recognition across the land that we must enact comprehensive immigration reform legislation.

You queried whether "Outside of editorials in a few liberal newspapers, is there any real constituency for this bill?" Although your question was probably rhetorical and I would hope in jest, I will provide you with an answer nonetheless.

On May 1, 1982, the Los Angeles Times lead editorial, "Fresh Start on Immigration" commented that:

The immigration reform bill approved by the House Judiciary Committee last week has some change from last year's version that should help its sponsors get it through Congress this year at last. In our view, some of the changes are for the better, some are for the worse. Taken all in all, they provide a basis for compromise and consensus.

On May 15, 1983, the San Francisco Chronicle stated:

Simpson-Mazzoli, in whatever its final form, is certain to strike at the heart of the illegal immigration problem. Passage of this legislation, as we have noted, is imperative.

In a most appropriate editorial, the Philadelphia Inquirer, in its August 2, 1982, editorial observed:

Supporters are trying to get House Speaker Thomas P. O'Neill to use his not inconsiderable influence to bring the bill to the floor. It is also understandable that the Massachusetts Democrat should be lukewarm about a measure that has aroused so much opposition from parts of the Democrats' natural constituency. It is not so understandable that the Speaker, who has so passionately denounced the Reagan Administration for indifference to the plight of unemployed American citizens, should be so lax about pushing a bill that would provide jobs for them. Simpson-Mazzoli is not perfection, but it is a vast improvement over what now exists and it is to be passed and gotten out of the way before election session partisanship destroys its prospects.

On May 20 of this year, the Cincinnati Inquirer concluded that:

No amount of border patrolling will halt the flow of illegals. But enough courage in Congress and the executive branch now and in the future might. The Nation needs a tough, no-nonsense immigration law fast.

The Arizona Republic, on April 18, 1983, observed that something must be done to put the United States back in control of its borders, especially with the problem of illegal aliens pouring in from Mexico. To repeat: "Something must be done, and Simpson-Mazzoli could be a start."

The Dallas Times Herald on May 28, 1983, aptly observed:

The U.S. Senate has passed badly needed immigration reform legislation. It is up to the House to follow suit and provide the Federal Government with the tools needed to stem the tide of illegal aliens into this country.

The Buffalo Evening News, on February 28 of this year, declared:

It is a pity that Congress failed to revise the Nation's tattered immigration laws last year. But the reintroduction of these reforms by the leading advocates of change, Senator Alan Simpson from Wyoming, and Romano Mazzoli from Kentucky, recognizes that something must be done because the problem has not disappeared.

The Baltimore Sun on June 5, 1983, in its editorial about the Simpson-Mazzoli bill stated:

The effort is worthy of success this year, as it was last year when similar efforts died in the House. Immigration reform is sorely needed and long overdue.

The Providence, R.I., Journal described the Simpson-Mazzoli bill in its February 28, 1983, editorial as:

The most comprehensive reform of the immigration laws in the last 30 years.

The editorial further described the failure of the 97th Congress to enact this reform legislation as "a particularly unfortunate failure of the legislative process."

□ 1950

Mr. Speaker, the editorial support for the Simpson-Mazzoli bill goes on and on and represents a broad basis of support throughout the Nation.

Now, I have not been known in this body as a real liberal and, Mr. Speaker, I and many others support this bill.

Those newspapers whose editorial comments I have included in my remarks, I do not think can all be considered liberal newspapers.

I always thought the Speaker of the House knew more about liberal newspapers than I did.

Perhaps it is because of the remarks received in one of the most liberal newspapers in the country, the New York Times, that the Speaker of the House would rather not listen to what they have to say. I think they are instructive. They are remarks of today, October 5, 1983, when they said:

Until yesterday there was something remarkable about the immigration reforms that have developed in the past 5 years. They have been truly nonpartisan. Putting the United States back in control of the borders is an idea not limited to either the liberal or conservative canon. A bill to do that has won wide support from both parties, but yesterday Speaker O'NEILL killed both the nonpartisan spirit and the bill saying, "I do not think there is a constituency out there for it."

The Speaker of the House deserves respect as a canny politician, but that reasoning could stand elaboration. No constituency? After 3 years of work, a blue ribbon Federal commission urged the immigration reforms. That at least suggested the start of a constituency. A Republican Senator, ALAN SIMPSON, and a Democratic Representative, ROMANO MAZZOLI, refined the recommendations into a bill that won overwhelming bipartisan support in the Senate twice. That at least seemed to hint at a constituency. President Reagan repeatedly expressed strong support, most lately yesterday, so did representatives of labor and industry like the president of the AFL-CIO and the chairman of Exxon. All that certainly seemed like a constituency and a broad one at that; but if the Speaker of the House sees no constituency, there must not be one. Either that or he had another reason for wanting to strangle the bill. In fact, he stated one yesterday in a burst of candor. Leaders of Hispanic organizations opposed the bill and he does not want to jeopardize the traditional loyalty of Hispanics to the Democratic party. In other words, with the 1984 campaign already under way, the day for nonpartisanship is over. Partisan politics is back and immigration reform is cooked until 1985. That means America's immigration policy will continue to be a big wink. Illegal aliens will keep streaming in past the pitifully overworked Immigration Service. Americans will turn even more cynical and nativist and sentiment to curtail all immigration will continue to rise. Slam the door, people will say, and that, Mr. Speaker, is apt to be a position with a lot of constituents.

Those are the remarks of the New York Times today and I think they make a fair remark and express a concern that I have often expressed on this floor, and that is the immigration problem is not going to go away. We have more people who are undocumented or illegal, whatever you want to call them, who are coming across our borders every single day. We will for the first time in history this past year have more than a million arrests on the southern border alone. That means between 2 and 4 million successful entries into the United States illegally and it is growing and it is growing and it is growing.

The problem is that the pressure is going to be out there, Mr. Speaker. The pressure is going to be out there and it is going to grow and grow such that at some point in time this Congress is not going to be able to hide behind the rubric of a Presidential veto threat, the rubric of no national constituency and my fear is that at that time, Mr. Speaker, we will pass a bill that we will be ashamed of. We will pass a bill that will cutoff immigration. We will pass a bill that will not be generous in terms of legalization and we will pass it because the American people demand that we do something about a problem that this House refuses to even acknowledge.

Now, the gentleman from Illinois (Mr. HYDE) this morning during his 1-minute speech said in a half facetious vein that—

Students, take out your civic books and turn to the page where we define democracy, rip out that page and instead replace it with the article from today's Washington Post where the Speaker of the House announced that he and he alone will stop this House from even considering a bill to deal with immigration, one of the major issues confronting the American people.

We do not teach our children, and my children, I have three of them in grade school, do not learn in grade school about the great democratic process, about the deliberative body of the House and the Senate, about how we are prevented from ever dealing with something because of the dictates of one individual. They are taught that this is a democracy, that we represent the people, that we have a little different perspective of our constituency based on our time in service, that is, the Senate has 6 years and we have 2 years, but that we make a good faith effort to represent our constituencies and tackle the tough problems.

How can we go home to our children and say, "Yes, this place works. We tackle the tough decisions," when the Speaker of the House has dictated that we are not even going to deal with the issue. He has dictated it because of phony, unfortunately misleading arguments, that somehow the President is going to veto it and there is no basis in fact for that or that there is no national constituency out there. It is absolutely unbelievable. I would be embarrassed to go before a group of school children today and try to explain to them how the process works when we are dealing with the question of immigration.

I would suggest instead that the characterization of the Speaker of the House of the situation is an indication that his views are out of touch with the needs of the rest of the country. It reflects, unfortunately, a narrow perspective that sometimes results from years of overexposure to the Potomac.

In fact, I would suggest that if we will not have a comprehensive immigration bill, that I might just introduce a new bill and this one would say that those we apprehend who are here illegally, we not deport to the country of origin, but rather we deport them to the State of Massachusetts, since the Speaker of the House does not seem to think that there is any problem.

When we have over a million people being apprehended crossing our southern border and 2 to 4 million successful entries across that southern border, there is a problem. There may not be a problem in Massachusetts. I suspect there is, but I can tell you, there is a problem in my part of the country. There is a problem in the Southwest and that problem is growing.

I recall just a couple weeks ago, Mr. Speaker, hearing the eloquent words of the majority leader of the House of Representatives as he did in his own inimitable fashion, with his expressive eyebrows flashing, with the lilt of his voice, suggesting to us that we had a Federal obligation—a Federal obligation to pay for the education of those children who are here on a nonlegal status, those children who came here with their parents without the possibility of legalization, that is, those people who crossed the border illegally. We have a Federal obligation to pay for those children because it is a Federal responsibility to police our border.

At that time I asked the distinguished majority leader of the House of Representatives, if there is a national problem requiring us to spend money at $500 a head for the school districts in the State of Texas and, yes, my district in California, for the number of children who happen to be here illegally, when are we going to deal with the immigration issue?

You cannot have it both ways. You cannot come here 1 week and say, "Oh, yes, let us raid the Federal Treasury and we will spread out $500 per capita for every school district that

can prove that they have people who are here illegally, essentially," and then come back 2 weeks later and say, "There is no national constituency for dealing with the immigration problem."

That is inconsistent. It is nonsensical. It does not add up and it makes a travesty of our legislative process.

In fact, Mr. Speaker, at a time when the INS is apprehending in excess of 1 million undocumented aliens attempting in cross our southern border each year, I am incredulous as to how an issue of such overriding national importance has failed to capture the attention of this House and the attention of the Speaker of the House. I can only suggest that the attempt to play politics with the immigration bill constitutes an arrogant and cavalier insult to the American people.

□ 2000

Mr. Speaker, I do not know what more can be said. You have suggested that we cannot deal with this issue, the Speaker of the House has suggested that we cannot deal with this issue because: First, the President intends to veto it. I hope I have established beyond a shadow of a doubt that there is no truth to that rumor, self-serving as it may be for some in this body. The next suggestion was there is no national constituency for it outside of some liberal newspapers. I hope we have demolished that argument. I have tried to select merely a few. I could have a special order here for 6 hours just reading editorials from newspapers around the country dealing with the question of immigration and the need to address the problem of illegal immigration in this country.

Third, I have tried to deal with the unfortunate aspersions that were cast upon those of us who dealt with this subject for the last 5 years, in the criticism registered by the Speaker of the House that somehow our bill treats Hispanics the way Hitler treated the German Jews. That, as I said this morning in my 1 minute, trivializes the experience of the Jews in Germany at the hands of the Nazis. To in any way equate their experience with what we attempted in this bill does a disservice to the memory of the people who suffered the Holocaust, and it does a disservice to the orderly proceeding in this House.

How many times have I heard the rulings from the Chair, the rulings from the Speaker, that, oh, no, that is not germane, oh, no, that has not gone through the committee process. If we are going to deal with that issue we must go through the committee process including the subcommittee process. And now when the subcommittee has done its will, when the full committee has done its will, when we finished up in Judiciary Committee in May, when it was then sent to four other committees, when they finished up in June, when the Senate of the United States has passed this overwhelmingly, somehow we are denied the opportunity to deal with this issue on the floor of the House. I am just one Member of Congress, but I happen to think or I thought before today, or the actions of the Speaker of the House this weekend, the announcement this weekend, that I was to have the right to represent the people of my district as much as any other Member of this House. I was elected to represent 520,000 people just as the Speaker of the House was, just as every other Member. Than I am being denied the opportunity to represent the people of my constituency. Every single Member here who has a constituency concerned about immigration is being denied the opportunity to have that bill on the floor so that we can address that problem directly.

There should be no mistake about it. The message ought to be crystal clear to the American people. The reason that this House is not dealing with the immigration issue has nothing to do with the President of the United States, has nothing to do with the U.S. Senate, has nothing to do with the Immigration Subcommittee, has nothing to do with the Judiciary Committee or any other committees of the House. It has to do with the Speaker of the House making a unilateral decision, a dictate that we will not have an opportunity to deal with that issue this year and suggesting we may not have the opportunity to deal with it next year.

That is a disservice to the people of my district. That is a disservice to the President of the United States. That is a disservice to all the people of this Nation. And I resent the implication that some of us who have worked on this bill for so long would be so cavalier in our attitude that we would pass a bill out on the floor for consideration that would discriminate against any group or that we would certainly treat any group here as Hitler treated the Jewish people in Germany. That has no place in the debate on this floor on any serious issue. And I personally resent it. And it does nothing to get us any place toward finishing this bill or finishing this issue.

This issue was bipartisan until this weekend. This issue was an issue that was joined by Democrats and Republicans alike to solve it. I have not seen many people actively seek positions on the Immigration Subcommittee. I have not seen the Speaker of the House hold it out as one of the real charms that someone wants to grab when they come here to the House of Representatives because of all the political benefits they can derive from working on that issue. And yet, the Speaker of the House so cavalierly kicks away the work that we have done on the subcommittee and the committee and the gratuitously insults every single person that has worked on this bill with his damaging criticism of this bill. That is beneath the dignity of this House and it is certainly beneath the dignity of the Speaker of the House of Representatives.

We need to deal with this issue and we need to deal with it very, very soon. To put it off year after year makes nothing except make the problem worse and worse and worse and worse. Let the message go out very clearly. The President did not stop this. The Senate did not stop this. Those of us on the committees did not stop this. The Speaker of the House of Representatives, Mr. O'NEILL from Massachusetts, has decided that we will not have the opportunity to deal with that issue.

I would just suggest that if the Speaker of the House has a political will to deny us this opportunity he ought to have the political guts to accept the responsibility for it. Do not lay it off on the President of the United States. Do not lay it off on anybody else. Accept the responsibility, Mr. Speaker, and take the consequences.

Mr. Speaker, if you want your party, the party of the people, so-called, the Democratic Party, to take the responsibility for denying the people of the United States the opportunity to deal with an issue that confronts many of them on a daily basis, then so be it, accept that responsibility. But do not try and dodge that responsibility.

I say to the Speaker of the House, give us the opportunity.

After the Speaker's comments on this weekend and then yesterday, we now have a revised edition of the Speaker's reasons for not bringing this bill up. As reported in the news media today, the Speaker now says he will reconsider whether or not we will bring up this bill if the President of the United States puts in writing his objections to part of the House bill.

Well, Mr. Speaker, I cannot give you the President's letter, and I hope the Speaker of the House does read these remarks tomorrow. But I would like to insert a letter of July 27, 1983, from the Attorney General of the United States to PETER W. RODINO, JR., chairman of the Committee on the Judiciary, outlining the administration's concern about certain aspects of the House bill. This should come as no surprise to the Speaker of the House as he is of course intimately knowledgeable on this issue, because in virtually every instance these remarks merely capsulize the remarks that we were receiving orally on a continual basis from the administration during the time we considered the bill in the subcommittee and in the full committee. In almost every case, I think there is one major exception, I or another

Member of the Republican side on the Judiciary Committee or the subcommittee involved offered amendments which contained the administration's viewpoint and we announced it as such. So there is no surprise here. The one exception is an amendment that I had adopted that dealt with the requirement of search warrants before conducting open field area control operations. The administration does not support that. That is one major area where I disagree with the administration. But this has been available to the Speaker of the House if he merely asked Chairman RODINO for it. On the half chance that that has not occurred, I would ask unanimous consent to insert in the RECORD the July 27, 1983, letter of the Attorney General of the United States to Hon. PETER W. RODINO, JR., chairman of the committee on the Judiciary, dealing with the subject of H.R. 1510.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., July 27, 1983.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is written to express the Administration's position on H.R. 1510. As you know, we strongly support the overall purposes of H.R. 1510. However, we must also advise you of our strong concern relating to several of the provisions in the legislation and our hope that appropriate amendments will be adopted during floor consideration.

At the outset, I want to express my appreciation for your Committee's early consideration of H.R. 1510 and the importance you have attached to achieving comprehensive immigration reform. Failure to reform our immigration laws can only result in further illegal immigration, greater public frustration over the government's inability to control our borders, and perpetuation of the negative social and economic effects of permitting a large shadow population to exist outside our laws.

We are now on the threshold of enacting legislation which will accomplish our mutual reform objectives. As you know, the Senate has already passed a companion bill, S. 529, on an impressive, bipartisan vote of 76-18 and, through your good efforts, House floor action on H.R. 1510 appears to be imminent. The public is now well informed on the issues involved in the debate and the time is right for the reforms proposed. However, the Administration cannot support H.R. 1510, in specific, until modifications are made to tighten enforcement provisions and to significantly narrow the terms of legalization to address the Administration's budget concerns.

1. Employer sanctions: Clearly the cornerstone of immigration reform is the imposition of penalties on employers who knowingly hire aliens who are not authorized to work in the United States. Only by this means can we eliminate the primary motivation for illegal migration—attractive employment opportunities in this country, particularly when compared to opportunities in sending countries. As I stated in my testimony before your Subcommittee, "employer sanctions is the only remaining, credible enforcement tool to stop the flood of illegal immigration. As long as the American job market remains open to them, illegal aliens will risk the dangers of illegal entry, the cost of smuggling or fraudulent visas, and the likelihood of apprehension and deportation."

However, the Administration is very concerned that several amendments adopted during full Committee consideration of H.R. 1510 have the potential of dramatically reducing the impact of the employer sanctions provisions. In particular, one amendment deleted the requirement that employers of four or more employees conduct employment eligibility verification checks on all employees. As amended, H.R. 1510 now provides that the important verification procedures are optional until the Attorney General has notified an employer that an illegal alien has been found in his employ.

The difficulty with this approach is that even assuming enhanced INS investigative resources it would take literally years of employment audits to bring the use of verification procedures to a level commensurate with the magnitude of the illegal immigration problem. The motivation for employers to comply voluntarily with the paperwork procedures would be minimal and, correspondingly, the deterrent effect of employers and employees attesting as to employment eligibility would be reduced significantly.

Additionally, it is our view that the failure to require a uniform verification procedure could create the potential for increased employment discrimination by employers. Requiring that the employment eligibility verification procedures are only applicable to employers who have hired an unauthorized alien could provide an improper but realistic incentive for employers to avoid hiring anyone who "looks or sounds foreign."

The Administration strongly recommends that the employment verification procedures in H.R. 1510 be applied to all employers of four or more employees as provided for in the House bill as introduced and the Senate passed bill, S. 529.

The effect of this modification would be to balance the need for effective employer sanctions with our desire not to impose unnecessarily burdensome requirements on small employers. Limiting the paperwork verification requirement to employers of four or more employees would include an estimated 95 percent of employees in the nation's workforce yet would exempt 50 percent of the employers.

Another amendment adopted at the Judiciary Committee mark-up which we believe will have a substantial negative impact on enforcement of our immigration laws mandates that immigration officers obtain search warrants before conducting open field area control operations. As you know, the courts have consistently held that warrantless entries onto open lands by law enforcement officers in the performance of their duties are appropriate because the special protection accorded to people by the Fourth Amendment is not extended to "open fields." To extend the warrant requirement as proposed gives rise to a host of enforcement problems, not the least of which is the ease with which aliens can abscond during the 4-6 hours it can take to secure a warrant. At the minimum, such a major change in our law should be supported by some record of hearings, yet no hearings have been held. Other law enforcement agencies are not restricted by a warrant requirement from entry onto open lands and so burdening the INS appears to vitiate the basic thrust of immigration control legislation.

2. Legalization:

We share your belief that a fair and workable legalization program is an integral part of any comprehensive immigration reform effort. However, we strongly oppose the overly broad provisions in H.R. 1510, both with regard to eligibility for legalization and as to the federal responsibility for welfare benefits and education assistance.

H.R. 1510 would give immediate permanent residence status (including the right to petition for family members and, after five years, apply for citizenship) to illegal aliens who have entered the U.S. as recently as 1/1/82. Legalized aliens would be barred from most federal welfare programs for five years with the notable exceptions of SSI and medical assistance because of age, blindness and disability; and in the interest of public health, serious illness, or injury. 100 percent federal reimbursement is also provided for state and local welfare costs associated with legalized aliens and payments are authorized to assist state and local educational agencies.

These terms are, in the Administration's view, precipitous and unwise. Legalization is an extraordinary benefit provided by our country in recognition of the reality that there are an estimated 6 million aliens now living in the U.S. illegally. As an accompaniment to the imposition of employer sanctions to stop illegal migration in the future, giving a legal status to many of those persons who have become productive members of our society is a humane, practical response to a most regrettable situation. However, the legalization program itself must not be permitted to encourage more illegal migration nor reward illegal entry unfairly by immediately offering permanent resident status and its associated benefits while legal immigrants wait patiently in line, often for years. We fear the current provisions in H.R. 1510 would have just these consequences.

With regard to eligibility for legalization, as I stated in my testimony before your Subcommittee, the two-tier 1977/1980 approach in H.R. 1510, as introduced, and in the Senate-passed bill "represents the limits of reasonable compromise." The Administration bill originally required ten years continuous residence for permanent residence status. The rationale for legalization is not to give legal status to all illegal aliens but to grant legal status to eligible aliens who have demonstrated a commitment to this country by long term continuous residence as self-sufficient, contributing members of their communities. Advancing the eligibility date to 1/1/82, as occurred during full Committee consideration of H.R. 1510, will provide the benefits of permanent residence status to some who have resided here less than two years—substantially before the requisite commitment to this country has been established.

The Administration cannot support the cost implications of advancing the eligibility date or the overly generous benefit and reimbursement provisions in H.R. 1510. The Department of Health and Human Services estimates that federal welfare costs alone under the bill could exceed $6.9 billion for the period FY 1984-1988. Adding the estimates for educational support and operating costs, the total cost of the legislation during that period is $11.5 billion. (See At-

tachment A.) None of these costs has been provided for in the federal budget estimates for the FY '84-88 period and at a time of budget austerity such outlays cannot be justified.

The Administration believes strongly that, in light of the above, the terms of the legalization program in H.R. 1510 should be amended along the lines of the Senate-passed legislation, to provide a more gradual adjustment of illegal aliens to permanent residence and more restrictive benefit provisions. Under S. 529, illegal aliens here before January 1, 1977 would be entitled to apply for permanent resident status. Those who came here between 1977 and January 1, 1980 would be offered temporary resident status and permanent resident status after three years. Benefits under federally funded public assistance would not be available to temporary residents or, for three years, to those receiving permanent resident status. The Senate bill does authorize a block grant to the states to provide for emergency medical care and other assistance to legalized residents as contrasted with the 100 percent federal reimbursement provision in H.R. 1510. We would strongly support such a block grant with an authorization ceiling at $1.4 billion for FY 1984-1988. Such a block grant, assuming a cap is imposed, addresses any transitional alien assistance needs, discourage welfare dependency and controls federal welfare costs. By contrast, full reimbursement provides no incentive for local governments to control welfare costs or to discourage welfare dependency. Further, a block grant would give States maximum flexibility in setting program priorities for this population. Finally, the Senate bill does not provide for state educational support. The provisions in the House bill for educational assistance are inconsistent with the Administration's position that aliens are already being educated in public schools and, if they are in need of special services, are already eligible to receive federal assistance through existing programs. As written, H.R. 1510 creates an open-ended impact aid entitlement that is unnecessary and costly. Adopting the Senate legalization approach with a block grant ceiling of $1.4 billion could keep federal FY 1984-1988 welfare costs within $2.3 billion, as the Administration firmly believes they must. (See Attachment B.)

3. Adjudication and asylum procedures:

The Administration strongly supports the intention behind Part C of Title I of H.R. 1510 to reform and simplify the procedures to adjudicate immigration cases. The current appeals process, by allowing multiple opportunities for administrative and judicial review, has resulted in unconscionable backlogs and has seriously undermined the enforcement of our immigration laws.

However, I am very much concerned about the provisions that would establish the U.S. Immigration Board as an independent agency within the Department of Justice. The proposed removal of immigration adjudications from the INS to address the perceptual problem of enforcement being combined with administrative review is appropriate and has, in fact, already occurred by the establishment on January 9, 1983 of the Executive Office for Immigration Review within the Department of Justice. To mandate that the Board be completely independent would result in a loss of accountability which would only compound the management problems that preceded our reorganization and could further protract the already slow review proceedings. Permitting the Board to remain under the supervisory authority of the Attorney General, but outside the INS, as envisioned in the Senate bill, ensures the independence of the Board without the total loss of Executive oversight.

We also have strong reservations about other provisions in the adjudication and asylum section of H.R. 1510 which appear to complicate rather than streamline the decisionmaking process. Certainly we must assure that the administrative and judicial review procedures meet the requirements of fundamental fairness but we cannot lose sight of our goal to respond realistically to a burgeoning immigration caseload, including approximately 169,000 pending asylum cases, and the possibility of a future immigration emergency. One example is our concern that the important provision in H.R. 1510 establishing an expedited exclusion procedure for aliens who have neither entry documents nor a reasonable claim for entry and who do not indicate an intention to apply for asylum has been seriously weakened by requiring Miranda type right-to-counsel advice to each alien and by providing for A.L.J. reconsideration hearings. Similarly, an amendment adopted at full Committee permitting class actions prior to exhaustion of administrative remedies has the potential for increasing rather than decreasing the time for final determination of immigration cases. It is our belief that S. 529, as amended on the Senate floor, reaches the limits of reasonableness in terms of administrative and judicial protections while still achieving reform of our seriously backlogged system.

4. H-2 and transitional worker programs:

The Administration supports codification of a distinct H-2 program to admit foreign workers temporarily for agricultural employment. Employer sanctions may create legitimate labor needs that will not be met, at least in the short run, by domestic workers. However, while the procedures for admitting needed workers must be simple and workable we must ensure that American workers are not adversely affected. The Administration has previously submitted its recommendations as to the specifics of any statutory H-2 program, many of which are reflected in H.R. 1510.

With regard to the transitional nonimmigrant agricultural worker program, the Administration supports the conceptual agreement which has been reached between agricultural and labor interests to permit a three-year adjustment period for some agricultural employers to develop new sources of domestic labor and to become familiar with the H-2 program. However, it is also agreed that the transition program cannot be permitted to become a magnet for additional illegal migration nor should it become a vehicle for displacing employed U.S. workers. To that end we would recommend that amendments be adopted to restrict eligibility to aliens within the U.S. who have previously been employed in agriculture and who register for participation within the first twelve months of the program. Additionally, the legislation should make clear that transitional workers are not to replace available U.S. workers or legal H-2 workers.

As you know, the Administration has demonstrated its commitment during the past two years to seek enactment of immigration reform. During this time we have repeatedly stressed the need to ensure effective enforcement and control of budgetary costs associated with such legislation. We strongly urge that the Administration's proposed changes to H.R. 1510 be adopted. We look forward to working with you and the Committee in the bipartisan spirit which has dominated the immigration reform debate.

The Office of Management and Budget has advised that the enactment of H.R. 1510 is not in accord with the program of the President unless amended as recommended herein.

Sincerely,

WILLIAM FRENCH SMITH,
Attorney General.

SUMMARY: HOUSE IMMIGRATION BILL (H.R. 1510)
ADMINISTRATION COST ESTIMATES

[In millions of dollars]

	Fiscal years					
	1984	1985	1986	1987	1988	1984–88
House bill (H.R. 1510):						
Welfare	676	1,462	1,832	2,083	861	6,914
Operating costs	333	266	256	247	259	1,361
Education	567	774	827	875	212	3,255
Total	1,576	2,502	2,915	3,205	1,332	11,530

Notes: House bill as amended has a January 1, 1982 entry date cutoff for eligibility for legalization. Legalized aliens are precluded from federally financed welfare for 5 years. State and local public assistance costs legalized aliens are 100 percent reimbursed for 4 years.

House bill as amended increased alien welfare (federally financed) ineligibility period from 4 to 5 years, the bill does not extend 100 percent reimbursement of State and local alien aid costs from 4 to 5 years. Should 100 percent reimbursement be extended, $1.3 billion would be added to the total fiscal year 1984–88 costs.

Education estimates are based on the 4-year authorization in the bill. Should aid be extended through 1988 (in the likelihood of reauthorization), another $0.7 billion in outlays would be added to the bill costs.

COST ESTIMATES OF H.R. 1510 REFLECTING
ADMINISTRATION'S PROPOSED LEGALIZATION AMENDMENTS

[In millions of dollars]

	Fiscal years					
	1984	1985	1986	1987	1988	1984–88
House bill (H.R. 1510):						
Welfare	225	405	430	520	664	2,244
Operating costs	333	266	256	247	259	1,361
Education						
Total	558	671	686	767	923	3,605

Notes: Reflects proposed amendments to restore January 1, 1980 cutoff date and two-tier legalization system; to delete exemptions for medicaid and SSI; and to replace authorization for 100 percent reimbursement of State and local public assistance costs with a block grant capped at $1.4 billion over 5 years. The administration's proposal is identical to the terms of the Senate bill except for the proposal to cap the block grant.

Reflects current bill. However operating costs do not include the cost of establishing a secure worker identification system.

Reflects proposed amendment to delete education assistance for legalized aliens.

Mr. LUNGREN. Mr. Speaker, the latest version of the Speaker of the House as to why he will not allow us to deal with this issue I hope has been answered. The answer was already available to him. But I have laid it upon the RECORD so that he might consult it tomorrow while he is reconsidering his previous decision not to allow this bill to come to the floor and to deny my constituents an opportunity to have the full House work its will on an issue that is of prime importance.

If the Speaker of the House intends to issue a revised version of his reasons for not allowing this on the floor, I will do my best to take another special

order and respond with documentation to the Speaker's protestations as to why this bill ought not to come to the floor. I do not like taking the time of the staff here or other Members to do this, but I will say that if the Speaker wishes to do that, I will be very happy to oblige him and do my best to have an instantaneous response and a documented response as to the reasons why we should not be able to consider this bill.

With that, Mr. Speaker, I would like to yield back the balance of my time.

CRITICS SHOULD EXPAND THEIR VISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. McKINNEY) is recognized for 10 minutes.

● Mr. McKINNEY. Mr. Speaker, recently the Wall Street Journal ran another in its series of editorials and articles criticizing the U.S. Synthetic Fuels Corporation. The attack in this newspaper and by several other parties is based wholly on the free market theory of economics.

If these critics would expand their vision to include the realities of the 20th century, they might be able to appreciate how today's world economy functions. Indeed the economic problems of the auto industry or the steel industry are directly related to subsidies given by concerned governments to our foreign competition. In the world market of today there is no such thing as a free market. Yet the free market ideologues remain adamant in their opposition to any governmental action that might allow U.S. companies to become more competitive no matter what the reason.

The economic problem in the energy area is even more acute as we learned during the 1973 Arab oil embargo. But we learned there is something the United States could do to reduce the economic impact caused by a disruption of our imported petroleum supplies. In 1980 the U.S. Synthetic Fuels Corporation was created by Congress to provide incentives for the commercial production of synthetic fuels. We took this action to reduce our Nation's dependency on imported petroleum only after a lengthy examination of the alternatives. It was obvious to those who confronted the problem that the economic threat to this Nation by such cartels is as serious as any military threat and the long construction time involved in the energy industry requires decisions now which may not appear economically sound.

The American people have cut energy consumption dramatically, but there is very little room for additional gains. If this Nation is to be able to survive a disruption in oil imports for any period of time, it will depend on a number of steps including domestic production of synthetics. The price of that product may not be competitive now with Saudi crude but a barrel in tank here is worth much more than a barrel in an Arab desert should there be a crisis.

Synthetic fuel plants take years to build; obviously we cannot wait until the pipeline is dry to react. If the alternative facing this country is a choice between $18 billion in Federal support for synthetic fuels production or a national economic disaster that could lead us into war, I am glad that I support synthetic fuels. I would feel more comfortable if those obstructionists who in the name of economic theory are blocking the SFC's efforts to carry out the law would focus their energy on positive solutions to our problems.

I would like to share with my colleagues a letter in response to the Wall Street Journal editorial from the National Council on Synthetic Fuels Production. The letter highlights my own concerns and should be considered carefully by every Member. I include it at this point in the RECORD:

NATIONAL COUNCIL ON
SYNTHETIC FUELS PRODUCTION,
Washington, D.C., September 29, 1983.

The EDITOR,
The Wall Street Journal,
New York, N.Y.

DEAR SIR: Despite our own deep appreciation of the virtues of free markets, we suspect that the Wall Street Journal may have elevated its own reverence in this regard to ecclesiastical heights in its recent scourging of the U.S. Synthetic Fuels Corporation. ("Sinful Subsidies", 9/22/83).

You are correct that the energy market will bring synfuels technologies to commercial readiness. The critical question is whether the market timetable will be soon enough, given national energy security needs.

A deep recession in the industrialized nations, rising real interest rates and declining oil prices have sharply slowed the market timetable for synthetic fuels. Today, industry is reluctant to commit billions of dollars to long lead-time projects whose profitability depends on the price of oil in the distant future. Markets do not fully reflect non-market considerations such as the threat of political disruption of world oil flows.

The SFC exists today not because some Committee Chairman misplaced his copy of The Wealth of Nations, but because elected leaders recognized their responsibility to assure U.S. energy security in the face of grave and long-term threats to our oil imports and those of our allies. The SFC program is aimed at guaranteeing that the U.S. will have commercial scale experience with synthetic fuels technologies in the years ahead.

Current U.S. strategy for energy security includes stockpiling oil in the Strategic Petroleum Reserve as short-term insurance in the event of a limited interruption in world oil supply. It includes maximum use of free market signals to encourage energy conservation and production. It includes billions of dollars of 100% subsidized outlays for a Rapid Deployment Force to keep oil flowing through the Strait of Hormuz. And this strategy includes incentives to industry to override the market-driven synthetic fuels timetable for developing these critical technologies at commercial scale in the national interest. This is a balanced strategy of market signals, short and long-term insurance and military preparedness.

WSJ editorials assailing government incentives for synfuels development do a disservice to the cause of long-term national energy preparedness by offering an apparent intellectual basis for complacency. The threat to Middle Eastern oil facilities on which we and our oil importing allies depend is rooted in centuries old religious rivalry and contemporary super-power politics. That danger is real. A real world policy that includes assured progress in synthetic fuels development is the responsible course of action.

Sincerely yours,

MICHAEL S. KOLEDA,
President.●

CHICAGO'S 1983 COLUMBUS DAY PARADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 mintues.

Mr. ANNUNZIO. Mr. Speaker, on Monday, October 10, Chicagoans will celebrate the discovery of America by Christopher Columbus 491 years ago with a gigantic parade. Many thousands will attend this gala processional, and millions more will be able to see this event live on WGN-TV.

The voyage of Christopher Columbus marked one of history's most challenging and rewarding explorations, and the theme for this year's parade, "Contributions of Italians to Atmospheric Exploration," honors the accomplishments of those brave explorers and adventurers who came after Columbus and made lasting contributions to America, helping to make our Nation the greatest the world has ever known.

This year, leading the proud parade assemblage will be Chicago's Mayor Harold Washington; Consul General of Italy Claudio Ferrari; Fire Commissioner Louis Galante; Joint Civic Committee of Italian Americans President Jerry Zurla; Grand Marshal Richard Parrillo; Mayor John Porcelli of Lincolnwood; and general chairman of the 1983 parade, Jerry Campagna; as well as myself. Also in attendance will be virtually every Italian American political leader in the Midwest, many other politicial dignitaries, civic leaders, members of the judiciary, businessmen from the community, and labor leaders.

The President of the United States, the Honorable Ronald Reagan; the Governor of Illinois, the Honorable James Thompson; and the mayor of Chicago, the Honorable Harold Washington, have issued proclamations commemorating the discovery of America by Columbus, and copies of these proclamations follow:

COLUMBUS DAY, 1983

A proclamation by the President of the United States of America

It is fitting that Americans honor those individuals who have altered the course of history in this country by exhibiting great moral character and courage—men and women who have contributed to the development of personal liberties we enjoy today. Thus, it is especially appropriate that I urge all Americans to honor one of those individuals, Christopher Columbus.

Columbus was a bold and adventurous navigator who left Europe in 1492 in search of new lands and first recorded the sighting of the North American continent. In this sense he personifies the courage and vision so many explorers exhibited during this period. Yet he is more than this. He represents a spirit, the spirit of the Renaissance which contributed to the development of America. Along with Galileo, Copernicus, and others, Columbus symbolizes a quest for knowledge, a willingness and fortitude to go beyond what is accepted as truth in the name of progress. Columbus did not fall off the face of the earth; rather, through daring, risk, and innovation, he discovered new horizons.

Since Columbus discovered America, numerous families have exhibited that same courage and fortitude in setting sail across the seas to become American citizens. By taking that step into the new and unknown, those same families created an opportunity to realize increased prosperity and greater freedom here in these United States. The accomplishments and contributions of Christopher Columbus provide an example of the rewards that can come from taking initiatives. Today Americans have the opportunity and freedom to make accomplishments and contributions of their own and to enjoy the feelings of accomplishment which follow.

Of course Columbus Day is a day of special importance to Americans of Italian heritage. It is a day when all Americans should join in recognizing the great contributions of Italian-Americans to this country's cultural, scientific, athletic and commercial achievements, and religious vitality.

In tribute to the achievement of Columbus, the Congress of the United States, by joint resolution approved April 30, 1934 (48 Stat. 657), as modified by the Act of June 28, 1968 (82 Stat. 250), has authorized and requested the President to issue a proclamation designating the second Monday in October of each year as Columbus Day.

Now, therefore, I Ronald Reagan, President of the United States of America, do hereby designate Monday, October 10, 1983, as Columbus Day. I invite the people of this Nation to observe that day in schools, churches and other suitable places with appropriate ceremonies in honor of this great explorer. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

In witness whereof, I hereunto set my hand this 6th. day of Sept., in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and eighth.

RONALD REAGAN.

PROCLAMATION—STATE OF ILLINOIS

Every American knows what historic event occurred in 1492, for in that year the history of the world took a dramatic leap. The voyage of Columbus, which spurred further exploration of the New World, is celebrated annually throughout the land.

Columbus and many other distinguished Italians have contributed to the growth of civilization. The Italian community is joined by Americans of every ethnic background in recognizing Columbus Day.

Italian-American residents in Illinois will be sponsoring their 27th annual Columbus Day Parade to honor their native hero.

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 10, 1983, as Columbus Day in Illinois.

JAMES THOMPSON.

PROCLAMATION—OFFICE OF THE MAYOR, CITY OF CHICAGO

Whereas, the Joint Civic Committee of Italian Americans (JCCIA) is sponsoring its annual Columbus Day parade on Dearborn Street on October 10, 1983 at 1:00 p.m.; and

Whereas, the Joint Civic Committee of Italian Americans was formed for the purpose of making the public more aware of the contributions of Italian Americans to the political, social, cultural and economic history of America; and

Whereas, the parade is held each year in tribute to Christopher Columbus, the intrepid Genovese navigator-explorer and the event is a highlight of the Fall season in Chicago; and

Whereas, the JCCIA, under the leadership of President Jerome N. Zurla, has performed an outstanding service to the community for many years and the organization has Jerry Campagna as general chairman, Richard Parrillo as grand marshal and Congressman Frank Annunzio as its 1983 honorary parade chairman:

Now, therefore, I, Harold Washington, Mayor of the City of Chicago, do hereby proclaim October 10, 1983, to be Columbus Day in Chicago and urge citizens to be cognizant of the events held in connection with this worthwhile observance in appreciation of the heritage provided to all by this great navigator-explorer.

Dated this 28th day of July, 1983.

HAROLD WASHINGTON.

Mr. Speaker, Chicago's Columbus Day celebration begins with a concelebrated mass at Our Lady of Pompeii Church at 9 a.m. The principal celebrant will be Rev. Peter J. Sordi, C.S., pastor, Our Lady of Pompeii Church, and the homily will be given by the Very Rev. Angelo J. Calandra, C.S., Missionaries of St. Charles. The 4th degree Knights of Columbus will serve as the colorful honor guards. Other concelebrants include Rev. Valerio Baggio, C.S., Italian Cultural Center, Sacred Heart Seminary; Rev. Angelo Biancalana, M.C.C.J., Camboni Missionaries of the Sacred Heart; Rev. Thomas J. Campana, St. Gall's Parish; Rev. Dino Dai-Zovi, C.S., St. Anthony's Church; Rev. John V. Dolciamore, Divine Providence Church; Rev. Nicholas Marro, C.S., St. Charles Borromeo Church; Rev. Luciano Morselli, C.S., St. Callistus Church; Rev. Lawrence L. Cozzi, C.S., Villa Scalabrini Home for the Aged; Rev. Joseph F. Ognibene, C.S., Our Lady, Mother of the Church; Rev. Louis Palazzola, St. Rene Goupil; Rev. Ronald E. Scarlata, Immaculate Conception of the Blessed Virgin Mary Church; Rev. Robert F. Tonelli, Holy Trinity Church at the Medical Center; Rev. Vincent I. Zarlenga, O.P., St. Vincent Ferrer Priory Church; Rev. Peter Zoni, S.X., Xaverian Missionary Fathers; Rev. Dino Ziliotto, C.S., St. Michael Archangel Church; Rev. Leonard H. Mattei, St. Cyprian Church; and Rev. Alfred P. Corbo, Holy Rosary Church.

Following the mass, there will be a breakfast in the parish hall, and then at 10:30 a.m., the Order Sons of Italy in America and the Joint Civic Committee of Italian Americans will conduct the traditional wreath laying ceremony at the Columbus statue in Arrigo Park. Thomas Baratta of the Order Sons of Italy in America will coordinate this event, aided by the color guard of the Italian American War Veterans.

Chicago's monumental Columbus Day Parade will step off from the corner of Dearborn and Wacker Drive at 1 p.m., and will include 200 floats, bands, and marching units depicting the theme of the parade. Marco De Stefano, parade marshal, will render the very important service of lining up these units, and making sure that the parade runs smoothly.

This year marks the 50th anniversary of Italo Balbo's historic trans-Atlantic flight with a mass armada of 24 seaplanes to Chicago's Century of Progress Exposition in 1933. To help commemorate Balbo's contribution to aviation, and in keeping with this year's parade theme of saluting significant Italian contributions to aerospace exploration, 10 living Balbo flyers will be guests of the Joint Civic Committee of Italian Americans for the entire day of the parade.

Colorful floats especially designed for this occasion will carry members of the Italian community wearing authentic costumes from the 19 regions of Italy, all coordinated by Floats Chairperson Marie Palello; Float Personnel Chairman Lawrence Spallitta; and Authentic Italian Costumes Chairperson Ann Sorrentino. Norman Boccio, 2609 West Superior, Chicago, Ill., will portray Christopher Columbus on one of the main floats. Also, one of the leading units will be a 45-piece band from Turin, Italy, "Fanfore di Cigliano," on a tour of the Midwest. Arranged by Dr. Sylvan Bosi, the expenses for this band will be assumed by the Italo-American National Union.

Other key leaders who play an important part in the success of the Columbus Day Parade include Mayor John C. Porcelli, finance and souvenir book chairman; John Serpico, labor committee chairman; Domenick Di Frisco and Theresa Petrone, program and arrangements cochairpersons; Fred Mazzei, queen contest chairman; Ange Tufano and Naomi Serpico, reception committee cochairpersons; Rev. Lawrence Cozzi, religious pro-

gram and organizations chairman; Richard Parrillo, grand marshal of the parade; Jerry Campagna, general chairman of the 1983 parade; all the members who so tirelessly serve on these committees; as well as all of the officers and trustees of the Joint Civic Committee of Italian Americans.

The parade will be televised locally and through cable outlet to 30 States and other countries by WGN-TV from 1 to 3 p.m., and will be narrated by Domenick Di Frisco, together with a representative from WGN, from materials researched and prepared by Theresa Petrone, theme coordinator. The parade will be sponsored by Dominick Di Matteo of Dominick's Finer Foods; Anthony Terlato of Paterno Imports; Joseph Marchetti of the Como Inn; Gene Heytow of the Amalgamated Bank of Chicago; Jerry Campagna of Heileman's Oldstyle Beer; Michael Notaro of the Statistical Tabulating Co.; Anthony Fornelli of Festa Italiana; and Richard Parrillo of Safeway Insurance; along with True Value Hardware.

The Joint Civic Committee of Italian Americans, comprised of more than 40 Italo-American civic organizations in the Chicagoland area, sponsors the Columbus Day Parade and other related activities. Many local groups cooperate with the joint civic committee in this communitywide tribute to Columbus, and Anthony Sorrentino, executive director of the joint civic committee, is again helping to coordinate the various activities of the parade as he has done so ably over the years.

One of the highlights of Chicago's Columbus Day celebration is the selection of the queen of the parade. This year, judged on her beauty, poise, and personality, Deneen Solideo, 7128 North Merrimac, Chicago, Ill., was chosen to reign as queen of the Columbus Day Parade. She won $1,000 from the Joint Civic Committee of Italian Americans, along with many other gifts.

The members of the queen's court include Rose Maria Campanella, 9804 West Grace, Niles, Ill.; Rhonda Michaeline Federico, 9316 South Major, Oak Lawn, Ill.; Lisa Patrasso, 1350 North Hamlin, Park Ridge, Ill.; and Mary Theresa Mikit, 10740 Avenue E., Chicago, Ill.

Judges for the Columbus Day Parade queen contest were Joseph Caliendo, fur fashion coordinator and designer of furs; Frank Cacciatore, Jr., real estate developer; Gilbert Cataldo, general manager of the Chicago Regional Port District; James De Leo, administrative assistant to the chief judge of traffic court; Barbara Drammis Dardones, personnel director, regional transportation authority; Rose Farina, manager of civic center events, Chicago Council on Fine Arts; Paul Finnamore, chief executive officer of Hairline Creations, Inc.; Paul A. Fosco, executive vice president of Consultants & Administrators, Inc.; the Honorable Philip Romiti, Illinois Appellate Court justice; Laura M. Spingola, assistant commissioner for international business, Chicago Department of Economic Development; and Richard Parrillo, chairman of the board of the National Republic Bank of Chicago.

Our grand Columbus Day celebration will close with a reception at the Como Inn, in honor of our guests, all officers, subcommittee chairman, and members who are participating in making the 1983 Columbus Day Parade a memorable event. Leaders of the Italo-American organizations from Illinois also will be present as well as officials from our State and city governments.

As honorary parade chairman on this 14th celebration of Columbus Day as a national holiday, I commend the members and officers of the Joint Civic Committee of Italian Americans for their dedication, careful planning, and hard work that goes into the creation of a grand event such as the Chicago Columbus Day Parade. Our city and our people are proud of these outstanding citizens and their untiring efforts to make this varied and monumental occasion into another great success.

Mr. Speaker, the officers and members of the 1983 Chicago Columbus Day Parade Committee are as follows:

LIST OF OFFICERS AND MEMBERS OF CHICAGO COLUMUS DAY PARADE

COLUMBUS DAY PARADE COMMITTEE

Jerry Campagna, General Chairman 1983; Congressman Frank Annunzio, Honorary Parade Chairman; Richard Parrillo, Grand Marshal.

HONORARY CHAIRPERSONS

Hon. Harold Washington, Mayor, City of Chicago; Dr. Claudio Ferrari, Consul General of Italy; Hon. George W. Dunne, President, Cook County Board of Commissioners; Congressman Martin Russo; Hon. James R. Thompson, Governor, State of Illinois.

JCCIA OFFICERS

Jerome N. Zurla, President; Charles C. Porcelli, 1st Vice President; Carl De Moon, 2nd Vice President; Anthony Terlato, 3rd Vice President; Fred Bartoli, 4th Vice President; Leonard Giampietro, 5th Vice President; Anthony Morizzo, Treasurer; Josephine L. Ortale, Secretary; Sam Cerniglia, Sgt.-at-Arms, Anthony Sorrentino, Executive Director.

BOARD OF TRUSTEES

Richard Parrillo, Chairman; Cong. Frank Annunzio, Vice Chairman; Michael Anneca, Sam V. P. Banks, Fred Bartoli, Tony Bertuca, Doug Buffone, Victor Cacciatore, Rep. Ralph Capparelli, Michael Cardilli, Gilbert Cataldo, Michael Coccia, James L. Coli, Senator John D'Arco, Jr., James De Leo, Pat De Leo, Dominick Di Matteo, Rep. Marco Domico, John L. Donovan, Nello Ferrara, Anthony J. Fornelli, and Paul Fosco.

Peter J. Fosco, Jr., Anthony Fratto, Dr. Raffaele Suriano, Leonard Giampietro, Dr. James F. Greco, Ernie Kumerow, Joseph Lizzadro, Jr., Steve Lombardo, Charles LoVerde, Joseph Marchetti, Pat Marcy, Jr., Michael Notaro, Mayor John C. Porcelli, Ciro Rossini, Dr. Mario O. Rubinelli, John Serpico, Joseph Spingola, Anthony Terlato, Joseph Tolitano, Lester Trilla, Phillip Zenni, and Jerome N. Zurla.

CHAPLAIN

Reverend Armando Pierini, C.S.

TELEVISION SPONSOR COMMITTEE

Pat Marcy, Jr., Chairman.

THEME COORDINATOR

Theresa Petrone.

RELIGIOUS PROGRAM AND ORGANIZATIONS COMMITTEE

Rev. Lawrence Cozzi, C.S., Chairman; Rev. Armando Pierini, C.S., Advisor; Nick Bianco, John De Bella, Michael Palello, Elvira Panarese, Chief Anthony Pilas, Anthony Pope, John Spatuzza, and Lawrence Spallitta.

AUTHENTIC ITALIAN COSTUMES COMMITTEE

Ann Sorrentino, Chairperson; Elena Frigoletti, Mary Spallitta, and Pauline Jo Cusimano.

FINANCE AND SOUVENIR BOOK COMMITTEE

Mayor John C. Porcelli, Chairman; Sam Cerniglia, Ann Sorrentino, and Angeline Annunzio.

BANDS, MARCHERS AND TRANSPORTATION COMMITTEE

Louis H. Rago and Marie Palello.

LABOR COMMITTEE

John Serpico, Chairman; Tom Crivellone, Angelo Fosco, Charles LoVerde, Tony Judge, Armando Fosco, and Chuck Spranzo.

PROGRAM AND ARRANGEMENTS COMMITTEE

Domenick Di Frisco, Co-Chairman; Theresa Petrone, Co-Chairperson; Jerry Zurla, Gilbert Cataldo, Anthony Fornelli, and James De Leo.

QUEEN CONTEST COMMITTEE

Fred Mazzei, Chairman; Josephine Bianco, Co-Chairperson; Anita Bianco, Nick Bianco, Marie Palello, Michael Palello, Hugo Panarese, Sam Bruno, Norma Battisti, Ange Tufano, and Joe Mollica.

FLOATS COMMITTEE

Marie Palello, Chairperson.

FLOAT PERSONNEL COMMITTEE

Lawrence Spallitta, Chairman.

PARADE MARSHALS COMMITTEE

Marco De Stefano, Chairman; Alex Batinich, Larry Battisti, Rocco Bellino, John De Bella, Nick Bianco, Pasquale Caputo, Ettore Di Vito, Anthony Finley, Neil Francis, Mario Lombardi, Joe Mollica, Robi Neri, Mike Palello, Joseph Pantaleo, Anthony Pilas, Louis Rago, Ron Onesto, and Jeff Garzinetti.

RECEPTION COMMITTEE

Ange Tufano, Chairperson; Naomi Serpico, Co-Chairperson; and Ange Passarelli.

STAFF PHOTOGRAPHER

Sam Bruno.

WOMEN'S DIVISION

Ange Tufano, President.

WEST SUBURBAN WOMEN'S DIVISION

Naomi Serpico.

YOUNG ADULT DIVISION

Ange Passarelli.

□ 2010

BASIC QUARTERS ALLOWANCE FOR UNIFORMED SERVICE MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise today because it is often said that haste brings waste and this we now have in collective bodies as well as in the experience of individuals. We know that hasty, fast legislation turns out to be dangerous legislation, and Presidents are not exempt from that error. When Presidents act hastily or precipitously things happen that impact human beings, and in some instances adversely.

This is happening to some of my constituents who are serving our country very loyally, patriotically, and efficiently as soldiers who have been stationed at Fort Sam Houston which is in my district, presently almost 200 serving in Honduras or other areas. To their amazement and chagrin they contacted me shortly before their departure to point out the injustice that they would be confronting and are now suffering. It has to do with the reduction or elimination of their basic quarters allowance provisions that under the law, not regulation, provides for and does so in those cases that are defined as training or camp excursions or training purposes of duration not to exceed 90 days.

In that situation those who have their basic quarters allowance because they are living off base, and at Fort Sam Houston let me say that we have been fighting for years, and up to now quite unsuccessfully to provide and have not provided adequate on base housing, and in view of the fact that it is inadequate many members serving at Fort Sam Houston have lived off base. Such individuals as medical doctors and other trained medics who were assigned for several years to permanent duty in hospitals and are now assigned to temporary duty off the shores of our coast in Honduras, among other places, but not necessarily restricted to Honduras or Central America. The same thing has resulted in Lebanon. The reason is that if this excursion of these massive deployments of the task forces were to be correctly labeled, it might be susceptible to an interpretation that the President is in violation of the war powers limitation resolution or laws and so, therefore, these individuals are confronted with service of anywhere from 6 to 8 months in Central America.

The law is rigid and says that if there is any possibility that these permanently stationed service people will find themselves on duty for more than 90 days on a temporary basis, such as this is defined as a training exercise, that that allowance stops the first day that they are off on their mission. They do not wait even until after the 90 days.

So I have constituents who are faced with the reality of losing over $600 a month, and in the meanwhile worrying down in the jungles of Honduras about whether or not they will be able to keep their long-term lease on their present living quarters or lose the mortgage that they have. They are incurring great financial hardship that I think is to be corrected, suffering an injustice we should not allow.

These are very wonderful Americans and I know that it was not intended that this should happen. But it is up to us to correct.

I have been researching the matter for 2 weeks thinking that perhaps we could find an administrative solution to it, but no, we will have to amend the law.

So today I have introduced an amendment. I am hoping that the committee here in the House will give immediate attention to this. I have been assured by the leaders that this will be the case.

I am also working with our colleagues in the other body so that we can at least minimize the impact or avoid it all together if we can provide retroactive features in this legislation, if such is necessary.

So this bill will not undercut the intent of the original legislation or it distinguishes only those service members who are not normally assigned to field or sea duty, and who had sufficient reason to be allowed to live off-station at their permanent duty station. It will protect those individuals who had sufficient reason to obtain off-station housing, whether by necessity because of a lack of adequate on-station housing, or by permission because of the expectation of the service that this member would not be shipped out to field or to sea duty.

At this point I include in the RECORD a copy of the bill.

The bill referred to follows:

H.R. 4100

A bill to amend title 37, United States Code, to correct an inequity in eligibility for basic allowance for quarters for members of the uniformed services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403(d) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) A member of a uniformed service entitled to the basic allowance for quarters who is ordered to field duty or sea duty and who (but for this paragraph) would be denied the basic allowance for quarters during the period of such field duty or sea duty may not be denied such allowance during such period if—

"(A) at the time of the assignment of the member to the duty station from which he is ordered to such field duty or sea duty the member had not been informed that there was a reasonable possibility of his being assigned to such duty; and

"(B) the field duty or sea duty is for a period in excess of 90 days, has no definite termination date, and does not result in a change of permanent station of the member.".

SEC. 2. Paragraph (2) of section 403(d) of title 37, United States Code, as added by the first section of this Act, shall apply with respect to members ordered to field duty or sea duty beginning on or after January 1, 1981.

Mr. GONZALEZ. Mr. Speaker, I yield back the balance of my time.

THE JOHN D. MALAMAZIAN BLIND REHABILITATION CENTER

The SPEAKER pro tempore. Under a previous order of the house, the gentlewoman from Illinois (Mrs. COLLINS) is recognized for 5 minutes.

● Mrs. COLLINS. Mr. Speaker, I would like to call to your attention a bill which I am introducing to designate the Blind Rehabilitation Center at the Hines Veterans Administration Medical Center in Chicago, Illinois as the "John D. Malamazian Blind Rehabilitation Center."

As representative of the Seventh Congressional District of Illinois, within which this center is located, I am particularly proud of the outstanding achievements of the late John D. Malamazian. For 37 years, John worked with blinded veterans. Not only did he enjoy the distinction of having been a member of the pioneering staff that played such a vital role in the growth and development of the Hines Blind Center. But also, over the past 22 years, John has received 19 awards for his work with blinded veterans and with others in the field. In 1977, he was named "Man of the Year" by the combined Veterans Association (CVA) of Illinois; and in 1979, he received the Lawrence E. Blaha Memorial Award which is given by the American Association of Workers for the Blind (AAWB) to the "Most Outstanding Person" in Orientation and Mobility in the United States and Canada.

John's life has been an exemplary one. There could be no more appropriate individual to honor than a man who has devoted so much talent and energy to helping the blind. I urge your support in naming the Hines Center after John Malamazian.●

SIMPSON-MAZZOLI IMMIGRATION BILL SHELVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

● Mr. CONYERS. Mr. Speaker, I was gratified to learn that H.R. 1510, the

Immigration Reform and Control Act of 1983, will not be brought to the floor. The bill is highly controversial and is opposed by a host of civil rights, civil liberties, and religious organizations. On behalf of the Congressional Black Caucus, I commend the courageous action of the Speaker.

The bill authorizes criminal penalties for employers who hire people who are in this country illegally. The theory is that these employer sanctions will reduce the demand for illegal workers and that, once the word gets out that there is no opportunity for economic improvement in this country, illegals will stop coming here.

In theory, this approach seems like a sensible and efficient way of dealing with the problem of large numbers of people illegally entering this country and taking jobs from Americans. In the real world, however, employer sanctions do not work. The General Accounting Office, at the behest of one of the originators of the legislation, Senator ALAN SIMPSON, conducted a study of some 20 countries that use such sanctions. The conclusion reached was that:

> Such laws were not an effective deterrent to stemming illegal employment for primarily two reasons. First, employers either were able to evade responsibility for illegal employment or, once apprehended, were penalized too little to deter such acts. Second, the laws generally were not being effectively enforced because of strict legal constraints on investigations, noncommunication between government agencies, lack of enforcement resolve, and lack of personnel.

The employer sanctions in H.R. 1510 will fail for the same reasons. The sanctions are weak. Enforcement, if present efforts of the Immigration and Naturalization Service are any guide, is not likely to be effective. The experience of various States in this country that have experimented with employer sanctions support the conclusion that the bill's sanctions will not stop the influx of illegal workers.

Employer sanctions are not only ineffective, they raise serious constitutional problems. First, employers will have an excuse for not hiring, or subjecting to discriminatory scrutiny, Americans who are foreign looking or who have foreign surnames. In the Southwest, for example, Americans of Spanish descent will be the victims. Moreover, despite the bill's language, a national system of identification is likely to become an integral part of any employer sanction program. Such a system, by its very nature, would necessarily impinge on the privacy rights of American citizens.

Moreover, the bill as reported by the Judiciary Committee is entirely too generous to Western growers in that it would permit them ready access to foreign agricultural workers without providing necessary protections to American workers who may want those jobs. The bill does not sufficiently protect the wages and working conditions of U.S. agricultural workers, who will be adversely affected by the influx of foreigners.

The bill reported by the Judiciary Committee, as I have indicated, already has serious problems. It can only deteriorate in conference. For example, in order to deal with the problem of the millions of undocumented workers already in this country, the bill contains a 1982 legalization date. Although the preferable solution would be to legalize all those persons illegally in the country on the effective date of the legislation, the 1982 date is a reasonable compromise. The Senate bill, however, contains a 1980 date. The Senate solution is no solution. It would be very difficult in conference to reach an agreement on a provision that would provide justice to these people, who have been working, paying taxes, and leading law-abiding lives.

For these reasons, and on behalf of the Congressional Black Caucus, I commend the decision of the Speaker not to bring the matter to the floor at this time. I am confident that with additional time and deliberation, a responsible solution to our immigration problem can be found.●

AMENDING THE FEDERAL SALARY ACT OF 1976

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. OAKAR) is recognized for 10 minutes.

● Ms. OAKAR. Mr. Speaker, I am introducing today a bill to amend the Federal Salary Act of 1976 and title 5 of the United States Code. The purpose of this legislation is to transfer the authority to determine the pay classification of Federal administrative law judges (ALJ's) from the Office of Personnel Management (OPM) to the Commission on Executive, Legislative, and Judicial Salaries.

Administrative law judges occupy a unique position in our Federal work force. They are judges serving in the executive branch, who have existed since the days of George Washington when officers were appointed to figure import duties and determine which soldiers were disabled. They hear and decide the appeals from the millions of decisions made by our Federal agencies each year, dealing with everything from the payment of social security benefits to the regulation of utilities, the media, and interstate commerce.

There are currently more than 1,100 ALJ's, serving in approximately 29 separate agencies and working under the auspices of the Administrative Procedure Act and other Federal statutes. Unlike almost all other Federal employees, administrative law judges are considered personnel of the agency to which they are appointed, but they are selected by the Office of Personnel Management independently of any agency recommendation or rating. In addition, OPM also controls the pay of the ALJ's, and they can only be removed from office after a hearing establishing good cause before the Merit Systems Protection Board.

Administrative law judges also occupy an important place in our constitutional system. While they are not appointed in the same manner as judges in our Federal judiciary, they are, nevertheless, vested with the same responsibilities for maintaining the integrity of our judicial system as are the judges commissioned pursuant to article III of the Constitution. More importantly, administrative law judges generally perform the same duties as do trial judges in our Federal courts. As a trier of fact and law, their job is to insure that agency rulings are legal and fair, and that our citizens are afforded due process of law.

The U.S. Supreme Court has recognized the special character of administrative law judges. In *Butz* v. *Economou*, 438 U.S. 478 (1978), the Court held that ALJ's are "functionally comparable" to judges employed in the judicial branch, and the Court conferred on them absolute immunity for judicial acts. Later, in *Marshall* v. *Jerrico, Inc.*, 466 U.S. 238, 250 (1980), the Court commented on the role of administrative law judges, observing that the independent administrative law judge is one "whose impartiality serves as the ultimate guarantee of a fair and meaningful proceeding in our constitutional regime."

Over the years, we in Congress have also been concerned with the unique position of administrative law judges in both the career Federal service and our judicial system. Legislative history clearly demonstrates congressional concern and action to preserve the function and the independence of administrative law judges free from agency influences and control.

In passing the Civil Service Reform Act of 1978, we in Congress expressly excluded administrative law judges from the Senior Executive Service (SES), recognizing that performance evaluations and pay bonuses are incompatible with the decisional independence required of an administrative law judge. ALJ's are, therefore, classified under the General Schedule (GS) pay system. However, ALJ's are prohibited by statute from receiving merit pay increases or other bonuses for outstanding performance and, in fact, are excluded from any performance evaluations. These exclusions are necessary and proper in order to avoid exposing administrative law judges to conflict of interest situations. ALJ's need to be independent and impartial in rendering their decisions. To be impartial, however, requires that admin-

istrative law judges must be free from all political and employment pressures and controls.

Mr. Speaker, impartiality is what this legislation seeks to assure. We have all seen the recent reports that some agencies are allegedly pressuring their administrative law judges to reject appeals. We have read that some agencies may even have quotas on the number of claims which are granted, and that some agencies are supposedly threatening to dismiss or otherwise penalize administrative law judges who grant too many appeals. In fact, one group of ALJ's has filed suit against an agency precisely on these grounds. Such allegations, expecially if true, do nothing but undermine public confidence in our Government. They strike at the heart and very foundations of our system of justice.

These reports also point out a continuing need to keep the administrative judiciary independent and free from improper control by the agencies to which those judges are assigned as well as from arbitrary actions of the Office of Personnel Management. Congress has always recognized the efficacy of an independent administrative judiciary. Such independence serves to structurally insulate ALJ's from the potential of agency retaliation for their decisions. To reassure private litigants of the impartiality of the ALJ employed by the opposing agency, to enhance the credibility of the administrative process, to remove any appearance of impropriety and to maintain public confidence in the administrative process, Congress must continue to foster the independence of administrative law judges.

Mr. Speaker, this bill creates no new obligations, rights or privileges. It follows on recommendations of the Federal Administrative Law Judges Conference and the Judicial Administration Division of the American Bar Association. It is merely a logical extension and reaffirmation of the long-recognized concepts of judicial independence. It is needed to solidify the independence of ALJ's. To retain administrative law judges on the GS pay schedule tends to encourage their agencies to view them as other Government employees and to deal with them as such. Moreover, it nutures unnecessary tensions among ALJ's and other agency personnel who often take an adversary role in litigation before them. Such dealings impede fair and impartial dispensing of justice. It is entirely appropriate, therefore, that the pay classification of administrative law judges be determined by an outside source, the Commission on Executive, Legislative, and Judicial Salaries, which has, for years, studied and recommended the salaries of Federal judges in the judicial branch.●

NATIONAL ORGAN TRANSPLANT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. GORE) is recognized for 5 minutes.

● Mr. GORE. Mr. Speaker, today I rise to introduce the "National Organ Transplant Act," a bill to establish a national strategy to cope with the growing problems presented by the increasing need for transplantable organs.

We have entered a new era in the practice of medicine. The medical community's surgical and medical prowess has given many individuals, who only recently would have faced certain death, the promise of new hope and a real chance at returning to a normal life. Unfortunately, however, far too often families must still suffer the anguish of witnessing this promise slowly slip through their fingers as the painful realities of the present organ procurement system leave them only with their hope and without the organ necessary to sustain life.

The problems families face as they attempt to work within the present system first caught my attention in January, when a family from my home state of Tennessee approached me seeking help finding a liver for their 2-year old son. In helping them, I found that thousands of others were in the same predicament. In April I held 3 days of hearings in order to more fully understand the existing problems that prevent us from meeting the increasing demand for transplantable organs.

The present system is a fragmented patchwork of 110 separate organ procurement networks. Despite the outstanding and heroic efforts of many individuals and organizations, these networks are not well coordinated, one with the other. Even though there has been widespread Federal funding, a national strategy has not emerged. A guiding mechanism is essential to the development of a cohesive and rational strategy to provide an effective national system of organ retrieval and distribution.

It has been suggested that this can be accomplished by coalitions of interested voluntary health organizations, the professional medical and surgical societies, and private sector funding. I do not wish to discount the value of these efforts, and I believe that these groups have a key role to play. However, the current gap between supply and demand is likely to grow rapidly with the advances in transplant surgery and the recent approval by FDA of the drug cyclosporin. This gap and the inevitable inequities it fosters in organ availability for transplant recipients demand forceful direction and action. I believe that only the Federal Government can best provide the glue and the conscience to form a national system.

The current scramble for organs has resulted in a variety of case-by-case solutions. The time has come for solving this problem as well as it can be solved for all those who need transplants. Clearly a national strategy is necessary. The bill I am introducing today provides just such a strategy and is crafted to achieve three primary goals:

First, to increase voluntary organ donation and to improve coordination or organ procurement and distribution.

Second, to insure equitable and timely access to lifesaving and medically effective technologies; of which organ transplants offer only one example.

Third, to prohibit the buying and selling of human organs.

During the past several months we have witnessed the recurring spectacle of families forced to mount nationwide media campaigns to save the life of a child or family member. It does not require a great deal of insight to discern that there is something wrong when families are compelled to endure this additional burden in order to save the life of a loved one. I am pleased to introduce the "National Organ Transplant Act" and look forward to its final passage so that we may have established a truly national, responsive, and effective system to redress this wrong.

Mr. Speaker, I urge my colleagues to join me in cosponsoring this legislation. A summary of the legislation follows:

SUMMARY OF H.R. 4080, THE NATIONAL ORGAN TRANSPLANT ACT

TITLE ONE

Title I of the bill: authorizes a program of grants for throughout the nation; creates a United States Transplantation Network to match donated organs with potential recipients; and establishes a National Center for Organ Transplantation within the Department of Health and Human Services ((DHHS).

Grants are available for local groups to establish or expand Organ Procurement Organizations (OPOs) which meet minimum eligibility criteria. Criteria include specification of a defined service area, agreements with a majority of hospitals within the service area to identify potential organ donors and sufficient staff to conduct systematic efforts to acquire organs from potential donors. The legislation authorizes appropriations of $5 million in 1984, $10 million in 1985, $15 million in 1986 and $20 milliion in 1987.

The United States Trasnplantation Network (USTN) is to maintain a national registry of individuals who need organs and operate a national computer system and a 24-hour telephone service to facilitate the matching of donated organs with potential recipients. The USTN is to be supported by the Federal End Stage Renal Disease program.

The National Center for Organ Transplantation is an administrative agency within DHHS to administer the develop-

ment grants to OPOs, promote public awareness of the need to donate organs, oversee the activities of the USTN and carry out the organ procurement activities of Medicare and Medicaid. An advisory council to the Center is provided to examine medical, legal, ethical and social issues raised by organ transplantation.

DHHS is also required to report annually on the scientific and clinical status of organ transplantation. This report, and other related information, is to be provided annually to Blue Cross and other major health insurers.

TITLE II

Title II of the bill revises Title XVIII of the Social Security Act to permit the Secretary of DHHS to pay for transplants and other medical procedures at specialized centers, or under other specified circumstances. Organ procurement activities are exempted from the Medicare DRG prospective cost limits that might discourage hospitals from actively pursuing the donation of organs.

The legislation revises Title XIX of the Social Security Act to require States to develop written policies for the payment for transplant procedures under Medicaid. State Medicaid programs are also required to participate in any transplant program established under Medicare and designated transplant centers are required to serve Medicaid patients.

TITLE III

Title III of the bill prohibits the sale of human organs. Violations of this title are subject to maximum criminal penalties of $50,000 and/or imprisonment for up to five years.●

● Mr. WAXMAN. Mr. Speaker, I am delighted to join with Congressman ALBERT GORE as a cosponsor of H.R. 4080, the "National Organ Transplant Act".

The successful transplantation of human organs has revolutionized the practice of medicine and human existence. For previously fatal or debilitating diseases there is now hope for complete recovery.

Following hearings conducted by the Subcommittee on Health and the Environment last July, a thorough evaluation was conducted on how adequately our health care delivery system has responded to the demands placed upon it by the miracle of transplantation.

Our system is ill prepared for this new technology. Thousands of potential donor organs are wasted. Hundreds are actually discarded each year. As a result, thousands of patients remain on waiting lists—many will die before an organ becomes available.

Introduction of the "National Organ Transplant Act" is a first step in the building of an efficient and humane system for utilizing the miracle of transplantation.

We know the need is great. We have all heard the pleas for help—from the President, from parents, and from patients. We have heard silent pleas in the faces of children the media has brought into our homes.

The transplantation of human organs places special demands upon our health care delivery system. As this new technology becomes more sophisticated, the gaps between available donors and transplant patients will widen. Without adequate planning and financing, transplants may become a medical option limited to the very rich or those clever enough to be singled out by the media for special attention. Chaos and public bitterness will inevitably result.

Thousands of patients are on waiting lists this year. Next year there will be thousands more. They cannot count on the media, the Air Force or the President for help. What they need is a health care delivery system which performs organ transplantation on a systematic, equitable and, most importantly, routine basis.

The bill we introduce today provides the framework for a nationwide organ transplantation network. Funds will be authorized to assist communities in developing and strengthening local organ procurement agencies. These local agencies will be linked together by a 24-hour computer matching system and national patients registry.

The establishment of a national network will remove happenstance as a criteria for matching donor with patient.

Hearings on this legislation will be held before the Subcommittee on Health and the Environment following the Columbus Day break. I am hopeful and optimistic that with the broad, bipartisan support this legislation enjoys, it can become law before the end of the year.

Mr. Speaker, I urge our colleagues to join us in cosponsoring this legislation.●

● Mr. SKEEN. Mr. Speaker, there is a critical need in the United States for a national policy regulating organ transplants. To that end, I am pleased to join with Congressman GORE in introducing the National Organ Transplant Act of 1983 to address the problems associated with the growing demand for transplantable organs.

No where is the human drama surrounding science greater than it is for organ transplants. The fate of waiting organ recipients, hoping that somewhere in the United States someone with matched organ characteristics has had the vision and charity to provide for the donation of organs after death, is always a poignant story.

Improvements in surgical techniques and new antirejection drugs have helped over 5,000 people benefit from organ transplants in 1981. However, thousands of would-be recipients still died that year because they could not be matched with the organs necessary to save their lives. At the same time, thousands of donated organs go to waste every year because there is no nationwide system of matching organs to donors who need them. I believe it is time these needless tragedies end. It seems such a short time ago that I lost my sister Joyce to glomerulo nephritis, an incurable kidney disease. It was actually in 1962; she was 28 years old. There were no options then, despite the best intentions of the medical profession, there simply was not anything they could do. And I am learning now, only 6-months after my niece underwent kidney transplant surgery, how the recent breakthroughs in transplant technology can make a bright and hopeful new life from one burdened with debilitating medical treatments or death.

Mr. Speaker, I feel strongly that this is an issue whose time has come. This is a totally bipartisan issue that transcends politics, and I urge all of my colleagues in this Chamber to cosponsor the bill. Because of this Nation's technology, there is hope for thousands of Americans who once knew no hope. This legislation will see to it that no one who needs a transplant operation to continue to live will have to go without one.●

● Mr. LUKEN. Mr. Speaker, I am proud to join my colleagues, Mr. GORE, Mr. WAXMAN, and Mr. SKEEN, in cosponsoring the National Organ Transplant Act, a vitally needed piece of legislation that will develop a national policy on organ transplants.

It is indeed unfortunate that it takes a tragedy such as the death of a young husband, father, child or loved one to bring home to us the gaps and shortcomings of our national health policies. However, once aware of the need for action, we are conscience-bound to pursue it. I personally became involved in this matter when one of my constituents, Joseph Montgomery of Westwood in Cincinnati, found himself helpless when his health insurance would not cover the expense of a needed heart transplant, nor could he raise the required $60,000 deposit to be placed on the organ waiting list of a Pittsburgh hospital. I am sorry to report that time ran out for Joseph Montgomery; due to his financial restrictions, he could not obtain a heart transplant and he died. His tragedy is heightened by the realization that we had the technology for a successful heart transplant that might have saved his life.

Congress must decide national policy that heart and liver transplants have advanced beyond the experimental stage, so that there should not be the slightest hesitation for all public and private carriers to cover payment for these life-saving procedures. The National Organ Transplant Act addresses the life-or-death needs of individuals such as Joseph Montgomery, by permitting the Secretary of Health and Human Services to pay for organ transplants and other investigational procedures at a limited number of specialized centers, and by requiring States to develop written policies for

medicaid payment of transplant procedures.

Providing medicare and medicaid coverage for organ transplants is only part of this essential bill. We live in an organized society, therefore we create institutions and establish policies to deal with human problems, such as the need for an organ transplant, on a level that individuals cannot possibly manage individually. The National Organ Transplant Act also establishes a National Center for Organ Transplantation within the Department of Health and Human Services. The bill authorizes a program of grants for the development and expansion of local organ procurement organizations throughout the Nation, and creates a U.S. transplantation network to match donated organs with potential recipients.

These are steps we can take immediately in the development of a comprehensive policy on transplants. We have the capacity, but do we have the will? I think when we look at the tragic death of Joseph Montgomery and millions of other Americans who will be facing a similar fate, we can understand the urgency and necessity of developing a national organ transplantation policy today. I urge my colleagues to support this bill.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RAHALL (at the request of Mr. WRIGHT), after 4:30 p.m. on October 4 and for today, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. BETHUNE, for 60 minutes, today.

Mr. LEACH of Iowa, for 30 minutes, today.

Mr. SMITH of New Jersey, for 30 minutes, today.

Mr. LUNGREN, for 60 minutes, today.

Mr. MCKINNEY, for 10 minutes, today.

(The following Members (at the request of Mr. HOYER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mrs. COLLINS, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. OAKAR, for 10 minutes, today.

Mr. MOLLOHAN, for 60 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. MORRISON of Connecticut, for 5 minutes, today.

Mr. GORE, for 5 minutes, today.

Mr. LANTOS, for 60 minutes, October 6.

Mr. RAY, for 10 minutes, October 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PICKLE, during general debate on H.R. 3958, in the Committee of the Whole, today.

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mr. ROGERS.

Mr. KEMP in two instances.

Mr. WOLF.

Mr. BROOMFIELD in three instances.

Mr. LENT.

Mr. ROTH.

Mr. SHUSTER.

Mr. MCEWEN in two instances.

Mr. PORTER.

Ms. FIEDLER.

Mr. LEWIS of California in two instances.

Mr. GOODLING.

Mrs. JOHNSON in two instances.

(The following Members (at the request of Mr. HOYER) and to include extraneous matter:)

Mr. DERRICK.

Mr. HARRISON in two instances.

Mr. HOYER in two instances.

Mr. LANTOS in three instances.

Mr. RICHARDSON in two instances.

Mr. BOLAND.

Mr. FLORIO.

Mr. ROE.

Mr. WEISS.

Mr. WHEAT.

Mr. RANGEL.

Mr. FORD of Michigan.

Mr. FAUNTROY.

Mr. CONYERS.

Mr. ROYBAL.

Mrs. BURTON of California.

Mr. BONIOR of Michigan.

Mr. SKELTON.

Mr. FUQUA in five instances.

Mr. PEPPER.

Mr. ALEXANDER.

Mr. ACKERMAN.

Mr. LEVIN of Michigan.

Mr. HAMILTON.

Ms. KAPTUR.

Mr. DASCHLE.

Mr. SHELBY.

Mr. MRAZEK.

Mr. NOWAK.

Mr. BRYANT.

Mr. DYSON.

Mr. GUARINI.

Mr. DELLUMS in two instances.

Mr. ST GERMAIN.

Mr. HAWKINS.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 54. Joint resolution to authorize and request the President to designate the month of January 1984 as "National Eye Health Care Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 114. Joint resolution to request the President to proclaim September 1983 as "National Professional Security Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 122. Joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 147. Joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "National Rehabilitation Facilities Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 168. Joint resolution to provide for the designation of a month as "National Sickle-Cell Anemia Awareness Month"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 17 minutes p.m.) the House adjourned until tomorrow, Thursday, October 6, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1957. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of defense articles to Lebanon (Transmittal No. 84-11), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

1958. A letter from the Secretary of Education, transmitting the proposed final notice of annual funding priority for fiscal year 1984—vocational education programs for Indian tribes and Indian organizations, pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1959. A letter from the Acting Assistant Secretray of State, Legislative and Intergovernmental Affairs, transmitting notice of the proposed issuance of a license for the export of defense articles or defense services sold commercially to the Government of Israel (Transmittal No. MC-19-83), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1960. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Lebanon (Transmittal No. 84-11), pursuant to section 36(b) of the Arms

Export Control Act; to the Committee on Foreign Affairs.

1961. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of Defense's proposed lease of defense articles to Turkey (Transmittal No. 23-83), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1962. A letter from the Acting Under Secretary of Agriculture, International Affairs and Commodity Programs, transmitting the initial commodity and country allocation table showing current programing plans for food assistance under title I/III of Public Law 480 for fiscal year 1984, pursuant to section 408(b) of the act, as amended; jointly, to the Committees on Agriculture and Foreign Affairs.

1963. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to establish a National Traffic Safety Administration in the Department of Transportation; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. H.R. 3729. A bill to amend the Immigration and Nationality Act to extend for 2 years the authorization of appropriations for refugee assistance, and for other purposes; with amendments (Rept. No. 98-404). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 96. A bill to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes; with an amendment (Rept. No. 98-405, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Indiana:

H.R. 4079. A bill to repeal the National Wool Act of 1954, and for other purposes; to the Committee on Agriculture.

By Mr. GORE (for himself, Mr. WAXMAN, Mr. LUKEN, and Mr. SKEEN):

H.R. 4080. A bill to amend the Public Health Service Act to authorize financial assistance for organ procurement organizations, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mrs. COLLINS:

H.R. 4081. A bill to designate the Blind Rehabilitation Center in the Hines Veterans' Administration Medical Center in Chicago, Ill., as the "John Malamazian Blind Rehabilitation Center"; to the Committee on Veterans' Affairs.

By Mr. DASCHLE (for himself and Mr. STANGELAND):

H.R. 4082. A bill to establish a wheat incentive program; to the Committee on Agriculture.

By Mr. SAM B. HALL, JR.:

H.R. 4083. A bill to provide Government indemnity for suppliers of products to the Government in certain cases in which such suppliers become liable for loss with respect to those products, and for other purposes; to the Committee on the Judiciary.

By Mr. HOPKINS:

H.R. 4084. A bill to amend the Agricultural Act of 1949 to prevent the Secretary of Agriculture from requiring deductions from the proceeds of milk marketed commercially by producers in deficit milk production areas designated as disaster areas because of drought; to the Committee on Agriculture.

By Mr. HUNTER:

H.R. 4085. A bill to provide that the Interstate Commerce Commission may exercise jurisdiction over Mexican motor carriers which provide transportation within commercial zones which straddle the international border between the United States and Mexico, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MATSUI:

H.R. 4086. A bill to amend the Economic Recovery Tax Act of 1981 to clarify the tax treatment of sale and leaseback transactions with respect to mass commuting vehicles; to the Committee on Ways and Means.

By Mr. MOORE:

H.R. 4087. A bill to provide for a 3-year suspension of the duty on B-naphthol; to the Committee on Ways and Means.

H.R. 4088. A bill to provide for a temporary suspension of the duty on 6-amino-1-naphthol-3-sulfonic acid until January 1, 1986; to the Committee on Ways and Means.

H.R. 4089. A bill to provide for a temporary suspension of the duty on 2- (4-aminophenyl) -6-methylbenzothiazole -7- sulfonic acid until January 1, 1986; to the Committee on Ways and Means.

By Ms. OAKAR (for herself and Mr. LONG of Maryland):

H.R. 4090. A bill to amend the Federal Salary Act of 1967 and title 5 of the United States Code to provide that the authority to determine levels of pay for administrative law judges be transferred to the Commission on Executive, Legislative, and Judicial Salaries; to the Committee on Post Office and Civil Service.

By Mr. PERKINS (for himself, Mr. GOODLING, Mr. HAWKINS, Mr. JEFFORDS, Mr. FORD of Michigan, Mr. COLEMAN of Missouri, Mr. GAYDOS, Mr. GUNDERSON, Mr. CLAY, Mr. PACKARD, Mr. BIAGGI, Mr. ANDREWS of North Carolina, Mr. SIMON, Mr. MILLER of California, Mr. CORRADA, Mr. KILDEE, Mr. WILLIAMS of Montana, Mr. KOGOVSEK, Mr. MARTINEZ, Mr. OWENS, Mr. HARRISON, Mr. BOUCHER, Mr. ACKERMAN, Mr. ECKART, Mr. PENNY, and Mr. SIKORSKI):

H.R. 4091. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to improve the operation of programs authorized under such acts, and for other purposes; to the Committee on Education and Labor.

By Mr. ROTH:

H.R. 4092. A bill to amend the Small Business Act to increase small business participation in the procurement process, thereby reducing costly noncompetitive procurements and increasing defense preparedness, and for other purposes; jointly, to the Committees on Armed Services and Small Business.

By Mr. ROYBAL (for himself and Mr. FRANK):

H.R. 4093. A bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who became eligible for benefits before 1979; to the Committee on Ways and Means.

By Mr. ROYBAL (for himself and Mr. PEPPER):

H.R. 4094. A bill to amend titles XVIII and XIX of the Social Security Act to provide more adequate coverage of the services of mental health specialists under the medicare supplemental benefits program and under medicaid programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SLATTERY (for himself and Mr. GLICKMAN):

H.R. 4095. A bill to amend the Natural Gas Policy Act of 1978 to prevent any acquisition of or merger with an interstate pipeline company unless the Federal Energy Regulatory Commission determines that such acquisition or merger is in the public interest; to the Committee on Energy and Commerce.

By Mr. SPRATT:

H.R. 4096. A bill to direct the Secretary of Agriculture to release a reversionary interest held by the United States in certain lands located in Sumter County, S.C.; to the Committee on Agriculture.

By Mr. WIRTH (for himself, Mr. PERKINS, Mrs. SCHNEIDER, Mr. BATES, Mr. MITCHELL, Mrs. SCHROEDER, Mr. WALGREN, Mr. LELAND, and Mr. BRYANT):

H.R. 4097. A bill to increase the availability of educational television programing for children; to the Committee on Energy and Commerce.

By Mr. WOLPE (for himself, Mr. CORCORAN, Mr. D'AMOURS, Mr. WEBER, Mr. ASPIN, Mr. BATES, Mr. BETHUNE, Mr. BONIOR of Michigan, Mrs. BOXER, Mr. BROYHILL, Mrs. COLLINS, Mr. DERRICK, Mr. DOWNEY of New York, Mr. EDWARDS of California, Mr. GEPHARDT, Ms. KAPTUR, Mr. KEMP, Mr. KINDNESS, Mr. MCHUGH, Mr. MITCHELL, Mr. OTTINGER, Mr. PORTER, Mr. PURSELL, Mr. RATCHFORD, Mrs. SCHNEIDER, Mr. SCHUMER, Mr. SEIBERLING, Mr. WAXMAN, Mr. WEISS, and Mr. WILLIAMS of Montana):

H.R. 4098. A bill to prohibit the U.S. Synthetic Fuels Corporation from making new awards of financial assistance before the comprehensive strategy (as set forth in Energy Security Act) is approved; jointly, to the Committees on Banking, Finance and Urban Affairs; Energy and Commerce; and Science and Technology.

By Mr. YOUNG of Missouri:

H.R. 4099. A bill relating to the suspension of trunkline LNG import authorization; to the Committee on Energy and Commerce.

By Mr. GONZALEZ:

H.R. 4100. A bill to amend title 37, United States Code, to correct an inequity in the eligibility for basic allowance for quarters for members of the uniformed services; to the Committee on Armed Services.

By Mr. BURTON of Indiana:

H. Con. Res. 185. Concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to immediately develop a plan outlining steps which can be taken to correct the social security benefits disparity known as the notch problem, in order to insure eq-

uitable and fair treatment for those who have based their retirement plans on benefit levels which have existed for the past decade; to the Committee on Ways and Means.

By Mr. HUGHES:

H. Con. Res. 186. Concurrent resolution declaring the sense of the Congress regarding periods of silence in the public schools; jointly, to the Committees on Education and Labor and the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. SHANNON.
H.R. 287: Mr. LEWIS of Florida.
H.R. 388: Mr. GRAMM.
H.R. 951: Mr. BOEHLERT.
H.R. 1016: Mr. WEBER and Mr. ACKERMAN.
H.R. 1028: Mrs. JOHNSON.
H.R. 1903: Mr. MINETA, Mr. FEIGHAN, and Mr. KOSTMAYER.
H.R. 1918: Mr. WISE, Mr. GEKAS, and Mr. BERMAN.
H.R. 1961: Mr. VANDERGRIFF and Mr. MOODY.
H.R. 2042: Mr. MCKERNAN and Mr. MINETA.
H.R. 2977: Mr. PACKARD and Mr. SAWYER.
H.R. 3050: Mr. SLATTERY.
H.R. 3278: Mr. SIKORSKI.
H.R. 3457: Mr. DYSON.
H.R. 3464: Mr. HYDE, Mr. MCEWEN, Mr. BOEHLERT, Mr. ROE, Mr. PATMAN, and Mr. FRENZEL.
H.R. 3519: Mrs. BURTON of California.
H.R. 3525: Mr. WYLIE, Mr. HORTON, Mr. HARTNETT, and Mr. DANNEMEYER.
H.R. 3595: Mr. ACKERMAN.
H.R. 3734: Mr. HILER and Mr. COATS.
H.R. 3789: Mr. BOEHLERT and Mr. FISH.
H.R. 3840: Mr. BLILEY.
H.R. 3886: Mr. HAWKINS, Mr. KOGOVSEK, and Mr. LEVIN of Michigan.
H.R. 3887: Mr. HAWKINS, Mr. KOGOVSEK, and Mr. LEVIN of Michigan.
H.R. 3910: Mr. CLINGER and Mrs. MARTIN of Illinois.
H.R. 3936: Mr. WAXMAN, Mr. HUTTO, and Mr. HUNTER.
H.R. 4052: Mr. BEDELL, Mr. EVANS of Illinois, and Mr. GORE.
H.J. Res. 69: Mr. STENHOLM, Mr. REGULA, Mr. SCHAEFER, Mr. OXLEY, Mr. RAHALL, Mr. HANSEN of Utah, Mr. RICHARDSON, Mrs. SCHNEIDER, Mr. WON PAT, Mr. LATTA, Mr. LUJAN, Mr. PAUL, Mr. BEREUTER, Mr. EDWARDS of Alabama, Mr. O'BRIEN, Mr. GINGRICH, Mr. YOUNG of Florida, Mr. FRENZEL, Mr. MOORE, Mr. MARTIN of North Carolina, Mr. SKEEN, Mr. DREIER of California, Mr. HOPKINS, Mr. CRAIG, Mr. HARTNETT, Mr. FIELDS, Mr. GRADISON, Mr. CONABLE, Mr. LEACH of Iowa, Ms. FIEDLER, Mr. IRELAND, Mr. LEATH of Texas, Mr. GRAMM, Mr. WALKER, Mr. DENNY SMITH, Mr. BILIRAKIS, Mr. HOWARD, Mr. CHENEY, Mr. LIVINGSTON, Mr. PRITCHARD, Mr. ORTIZ, Mr. PACKARD, Mr. ACKERMAN, Mr. ROWLAND, Mr. ROTH, Mr. SPENCE, Mr. SHUSTER, Mr. SHARP, Mr. EMERSON, Mr. BRYANT, Mr. RALPH M. HALL, Mrs. BOXER, Mr. EVANS of Illinois, Mr. DELLUMS, Mr. GILMAN, Mr. WILSON, Mr. GORE, Mr. CONYERS, Mr. MCKERNAN, Mr. LAFALCE, Mr. YOUNG of Alaska, Mr. ZABLOCKI, Mr. MICHEL, Mr. BROWN of Colorado, Mr. PHILIP M. CRANE, Mr. MORRISON of Washington, Mr. THOMAS of California, Mr. FRANKLIN, Mr. EVANS of Iowa, Mr. MINISH, Mr. AKAKA, Mr. MCCANDLESS, Mr. GREGG, Mr. COLEMAN of Missouri, Mr. SIKORSKI, Mr. SENSENBRENNER, Mr. LENT, and Mr. LUNGREN.
H.J. Res. 120: Mr. MOLLOHAN.
H.J. Res. 153: Mr. CHANDLER, Mr. BURTON of Indiana, Mr. COYNE, Mr. DASCHLE, Mr. DAUB, Mr. DONNELLY, Mr. MCCOLLUM, Mr. YOUNG of Flordia, Mr. WALGREN, Mr. ANDERSON, Mr. VALENTINE, Mr. SMITH of New Jersey, Mr. VANDER JAGT, Mr. ZABLOCKI, Mr. GRAY, Mr. PURSELL, Mr. PRICE, Mr. ROBERTS, and Mr. MURTHA.
H.J. Res. 292: Mr. DONNELLY, Mr. ANTHONY, Mr. WALKER, Mrs. BURTON of California, Mr. BONIOR of Michigan, Mr. CHAPPIE, Mr. MOODY, Mr. BOLAND, Mr. D'AMOURS, Mr. ERDREICH, Mr. FORD of Michigan, Mr. BETHUNE, Mr. GEPHARDT, Mr. AUCOIN, Mr. HUTTO, Mr. JENKINS, Mr. LONG of Maryland, Mr. KASICH, Mr. MOAKLEY, Mr. MADIGAN, Mr. MCKERNAN, Ms. OAKAR, Mr. APPLEGATE, Mr. ORTIZ, Mr. O'BRIEN, Mr. SAWYER, Mr. YOUNG of Missouri, Mr. SILJANDER, Mr. WILLIAMS of Ohio, Mr. KRAMER, Mr. DINGELL, Mr. DREIER of California, Mrs. JOHNSON, Mr. WEAVER, Mr. JONES of North Carolina, and Mr. REID.
H.J. Res. 333: Mr. WON PAT, Mr. HANSEN of Idaho, Mr. ADDABBO, Mr. GARCIA, Mr. WORTLEY, Mr. GONZALES, Mr. BEVILL, Mr. MCHUGH, Mr. CARNEY, Ms. FERRARO, Mr. TOWNS, Ms. OAKAR, Mr. SIMON, Mr. CONABLE, Mr. BIAGGI, Mr. LEVIN of Michigan, Mr. FRENZEL, Mr. HAWKINS, and Mr. JEFFORDS.
H.J. Res. 356: Mr. BURTON of Indiana, Mr. WOLF, Mr. FORSYTHE, Mr. HILER, Mr. BEILENSON, Mr. WORTLEY, Mr. FOGLIETTA, Mr. SUNIA, Mr. SMITH of Florida, Mr. SHARP, Mr. DURBIN, Mr. WAXMAN, Mr. FRANK, Mr. VENTO, Mr. LAGOMARSINO, Mr. FISH, Mr. ADDABBO, Mr. MORRISON of Connecticut, Mr. HYDE, Ms. KAPTUR, Mr. WEISS, Mr. HOWARD, Mr. MAZZOLI, Mr. BARNES, Mr. BEILENSON, Mr. RICHARDSON, Mr. ROE, Mr. LUKEN, Mr. BROWN of California, Mr. DONNELLY, Mr. WYLIE, Mr. BERMAN, Mr. FROST, Mr. FUQUA, Mr. GORE, and Mr. JONES of Tennessee.
H.J. Res. 375: Mrs. JOHNSON, Mr. STENHOLM, Mr. BARNARD, Mr. NICHOLS, Mr. BEVILL, Mr. HAMILTON, Mr. NIELSON of Utah, Mr. DAUB, and Mr. GLICKMAN.
H. Con. Res. 23: Mrs. BOXER, Mr. EDGAR, Mr. HYDE, Mr. LAGOMARSINO, Mr. LIPINSKI, Mr. MORRISON of Washington, Mr. REID, Mr. SIKORSKI, and Mr. WALGREN.
H. Con. Res. 152: Mr. MAVROULES.
H. Con. Res. 178: Mr. BONIOR of Michigan, Mr. CROCKETT, Mr. HAMILTON, Mr. PURSELL, Mrs. HALL of Indiana, Mr. ROTH, Mr. TAYLOR, Mr. MOLLOHAN, Mr. APPLEGATE, Mr. BEVILL, Mr. BARNES, Mr. MITCHELL, Mr. SMITH of New Jersey, Mr. RITTER, Mr. FLIPPO, Mr. SNYDER, Mr. HERTEL of Michigan, Mr. FRANK, Mr. MATSUI, Mr. MURPHY, Mr. MCCLOSKEY, Mr. MCDADE, Mr. DAVIS, Mr. VANDER JAGT, and Mr. HYDE.
H. Res. 281: Mr. COLEMAN of Texas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 317: Mr. SENSENBRENNER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2867

By Mr. GORE:

—Page 24, line 20, after the period, insert: "Any such facility operating under interim status under this subsection which receives hazardous waste after the applicable date shall also be required to take corrective action beyond the facility boundary in accordance with section 3004(1).".

Page 28, after line 22, insert:

(e) CORRECTIVE ACTIONS STANDARDS.—Section 3004 is amended by adding the following new subsection at the end thereof:

"(1) CORRECTIVE ACTIONS STANDARDS.—As promptly as practicable after the date of the enactment of this subsection, the Administrator shall amend the standards under this section regarding corrective action required at facilities for the treatment, storage, or disposal, of hazardous waste to require that corrective action be taken beyond the facility boundary where necessary to protect human health and the environment unless the owner or operator of the facility concerned demonstrates to the satisfaction of the Administrator that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. Such regulations shall take effect immediately upon promulgation, notwithstanding section 3010(b). Pending promulgation of such regulations, the Administrator shall issue corrective action orders, on a case-by-case basis, consistent with the purposes of this subsection.".

By Mr. LEVITAS:

—Page 59, insert after line 4 the following:

SMALL QUANTITY GENERATOR WASTE RULES

SEC. 26. (a) CONGRESSIONAL APPROVAL.—Section 3010 is amended (1) by striking out "The" in subsection (b) and inserting in lieu thereof "Except as provided in subsection (c), the", and (2) by adding at the end the following:

"(c) SMALL QUANTITY GENERATOR WASTE RULES.—(1) The Administrator shall, after promulgating a final rule under this subtitle respecting hazardous waste from a small quantity generator referred to in section 3001(d), submit such final rule to the Congress for review in accordance with this subsection. Such final rule shall be delivered to each House of the Congress on the same day and to each House of Congress while it is in session.

"(2)(A) A final rule referred to in paragraph (1) which is a major rule shall be treated, for purposes of section 3001(d), as not having been promulgated and may not take effect unless a joint resolution approving such rule has been enacted.

"(B) For purposes of subparagraph (A):

"(i) The term 'joint resolution' means a joint resolution of the Congress which states the following after the resolving clause: 'That the Congress approves the final rule promulgated by the Administrator of Environmental Protection Agency under subtitle C of the Solid Waste Disposal Act respecting hazardous waste from a small quantity generator referred to in section 3001(d) of the Solid Waste Disposal Act and transmitted to the Congress on .', with the blank space being filled in appropriately.

"(ii) The term 'major rule' means a rule promulgated by the Administrator under subtitle C of the Solid Waste Disposal Act with respect to hazardous waste from a small quantity generator referred to in section 3001(d) of the Solid Waste Disposal Act

and which has an annual economic impact of $100,000,000 or more.

"(C)(i) Enactment of a joint resolution with respect to a final rule of the Administrator shall not be construed to create any presumption of validity with respect to such rule and shall not affect the review of the rule under chapter 7 of title 5, United States Code.

"(ii) Congressional inaction on, or rejection of, a joint resolution under this subsection disapproving a final rule of the Administrator shall not be construed as an expression of approval of such final rule and shall not be construed to create any presumption of validity with respect to such final rule.

"(3)(A) Any final rule of the Administrator referred to in paragraph (1) which is not a major rule shall become effective in accordance with subsection (b) unless—

"(i) before the end of the period of thirty-five calendar days of continuous session of Congress after the date such final rule is submitted to the Congress, a joint resolution disapproving such final rule is introduced in either House; and

"(ii) before the end of the period of ninety calendar days of continuous session after the date such final rule is submitted to the Congress, a joint resolution disapproving such final rule is enacted.

"(B)(i) For purposes of this paragraph, continuity of session is broken only by—

"(I) an adjournment sine die at the end of the second regular session of a Congress, and

"(II) an adjournment by either House of Congress of more than five days to a date certain.

"(ii) If—

"(I) an adjournment sine die of the Congress which breaks the continuity of session (as specified in subparagraph (B)(i)) occurs after the Administrator has submitted a final rule under paragraph (1), but before any action necessary to disapprove the final rule is completed under this paragraph, and

"(II) such adjournment occurs (I) before the end of the period specified in subparagraph (A)(i), in a case in which a joint resolution disapproving such final has not been introduced before such adjournment, or (II) before the end of the period specified in subparagraph (A)(ii), in a case in which such a joint resolution has been introduced in either House before such adjournment,

then the Administrator shall resubmit such final rule at the beginning of the first regular session of the next Congress. The periods specified in subparagraph (A) shall begin on the date of such resubmission.

"(C) For purposes of this paragraph, the term 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the final rule promulgated by the Administrator under subtitle C of the Solid Waste Disposal Act respecting hazardous waste from a small quantity generator referred to in section 3001(d) of the Solid Waste Disposal Act and transmitted to the Congress on is disapproved, with the blank being filled with the date of submittal of the rule to the Congress.

"(D) If a final rule of the Administrator is disapproved under this paragraph, the Administrator may promulgate another final rule which relates to the same subject as the rule which was disapproved. Such other final rule—

"(i) shall be based upon—

"(I) the rulemaking record of the disapproved final rule; or

"(II) such rulemaking record and the record established in any supplemental rulemaking proceedings conducted by the Administrator in accordance with section 553 of title 5, United States Code, in any case in which the Administrator determines that it is necessary to supplement the existing rulemaking record; and

"(ii) may contain such changes as the Administrator considers necessary or appropriate.

"(E) The Administrator, after promulgating a final rule under subparagraph (D), shall submit the final rule to Congress in accordance with paragraph (1).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to final rules promulgated by the Administrator of the Environmental Protection Agency under the Solid Waste Disposal Act after the date of the enactment of this Act.

By Mr. MOLINARI:

—Page 28, line 24, after "8." insert: "(a) REGULATIONS REGARDING REUSE, RECYCLING, AND RECLAMATION.—".

Page 28, after line 14, insert:

(b) DIOXINS FROM RESOURCE RECOVERY FACILITIES.—Section 1006(b) is amended by inserting "(1)" after "INTEGRATION WITH OTHER ACT.—" and by adding the following new paragraph at the end thereof:

"(2) As promptly as practicable after the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983, the Administrator shall promulgate regulations requiring resource recovery facilities to comply with the best practicable technology for the control of emissions of polychlorinated dibenzoi-p-dioxins into the ambient air. Such regulations shall apply to all resource recovery facilities the construction of which commences on or after the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983. Nothing in this paragraph shall be construed to preempt or otherwise affect the authority of the Administrator to promulgate any regulations under the Clean Air Act regarding emissions of polychlorinated dibenzo-p-dioxins from resource recovery facilities. Any regulation promulgated by the Administrator under this paragraph shall cease to apply on the effective date of any regulation under the Clean Air Act governing emissions of polychlorinated dibenzo-p-dioxins from resource recovery facilities.".

—Page 58, after line 14, insert:

HAZARDOUS WASTE ON PROPERTY DISPOSED OF BY UNITED STATES

SEC. 24A. (a) CONTRACTS FOR SALE OF CERTAIN REAL PROPERTY.—Subtitle F (relating to Federal Responsibilities) is amended by adding the following new section at the end thereof:

"HAZARDOUS WASTE ON PROPERTY DISPOSED OF BY UNITED STATES

"SEC. 6005. (a) NOTICE.—After the effective date of regulations under this section, whenever any agency or instrumentality of the United States enters any contract for the sale of any real property (or any interest in real property) which is owned by the United States and on which any hazardous waste was generated, treated, stored, or disposed of, the head of such agency or instrumentality shall include in such contract notice of the type and quantity of such hazardous waste and notice of the time at which such generation, treatment, storage, or disposal took place. Such notice shall be provided in such form and manner as may be provided in regulations promulgated by the Administrator. As promptly as practicable after the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983, and after consultation with the Administrator of the General Services Administration, the Administrator shall promulgate regulations regarding the notice required to be provided under this section.

"(b) COVENANT.—In the case of any real property (or any interest in real property) owned by the United States on which any hazardous waste was generated, treated, stored, or disposed of, each deed entered into for the transfer of such property (or interest) by the United States to any other person or entity shall contain a covenant warranting that all remedial action necessary to protect human health and the environment with respect to any such waste remaining on the property has been taken prior to the date of such transfer.".

(b) TABLE OF CONTENTS.—The table of contents for subtitle F is amended by adding the following new item at the end thereof:

"Sec. 6005. Hazardous Waste on Property Disposed of by United States.".

Amend the table of contents by inserting the following new item after the item relating to section 24:

"Sec. 24A. Hazardous Waste on Property Disposed of by United States.".

By Mr. SKELTON:

—Page 28, after line 22, insert:

NEW AND INNOVATIVE TREATMENT TECHNOLOGIES

SEC. 7A. (a) RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS.—Section 3005 is amended by adding the following new subsection at the end thereof:

"(h) RESEARCH DEVELOPMENT, AND DEMONSTRATION PERMITS.—(1) The Administrator may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposed to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under this subtitle. Any such permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits—

"(A) shall provide for the construction of such facilities, as necessary, and for operation of the facility for not longer than 1 year, and

"(B) shall provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste which the Administrator deems necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment, and

"(C) shall include such requrirements as the Administrator deems necessary to protect human health and the environment (including, but not limited to, requirements regarding monitoring, operation, insurance or bonding, financial responsibility, closure, and remedial action), and such requirements as the Administrator deems necessary regarding testing and providing of information to the Administrator with respect to the operation of the facility.

The Administrator may apply the criteria set forth in this paragraph in establishing the conditions of each permit without separate establishment of regulations implementing such criteria.

"(2) For the purpose of expediting review and issuance of permits under this subsection, the Administrator may, consistant with the protection of human health and the environment, modify or waive permit application and permit issuance requirements established in the Administrator's general permit regulations except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures established under section 7004(b)(2) regarding public participation.

"(3) The Administrator may order an immediate termination of all operations at the facility at any time he determines that termination is necessary to protect human health and the environment.".

By Mr. VOLKMER:

—On page 18, line 2, before the quotation marks, insert the following:

"(g) ALTERNATIVE DISPOSAL.—Notwithstanding any other provision of this Act, if the Administrator at any time determines that a technologically feasible means of treatment, recovery or disposal of hazardous waste other than land disposal exists, the Administrator shall prohibit the disposal of such hazardous waste by any means of land disposal. For purposes of this section land disposal means:

"(1) the disposal on or into the land, including disposal in a salt dome, landfill, surface impoundment, waste pile, injection well, land spreading method, or co-burial with municipal waste;

"(2) treatment on or in the land (including neutralization and evaporation ponds and land farming) where the treatment residues are hazardous wastes and are not removed for subsequent processing and disposal within six months; and

"(3) storage of hazardous waste on or in the land (other than by treatment referred to in paragraph (2)) for longer than six months.".

H.R. 3231

By Mr. HUTTO:

(Amendment to the amendment in the nature of a substitute (text H.R. 3646).)

—Page 10, line 7, insert "(1)" after "Secretary".

Page 10, line 8, delete "to such end users".

Page 10, line 9, strike out the period and insert in lieu thereof the following: ", and (2) shall require, as a condition to exporting any good or technology subject to export controls under this section which is on the list of militarily critical technologies established pursuant to subsection (d) of this section, that the good or technology not be reexported to any country to which exports are controlled under this section, without the prior approval of the Secretary. The Secretary shall assure that the documentation required to carry out clause (2) of this subsection is sufficient to ensure compliance with that clause.".

Page 10, line 10, strike out "such" and all that follows through "section" on line 12 and insert in lieu thereof "goods or technology to a country which maintains export controls on such goods or technology cooperatively with the United States".

EXTENSIONS OF REMARKS

CHILE: EVIDENCE OF TORTURE

HON. WALTER E. FAUNTROY
OF DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. FAUNTROY. Mr. Speaker, I would like to bring to the attention of my colleagues a disturbing report by Amnesty International entitled "Chile: Evidence of Torture."

Specifically, I submit for the RECORD cases 14 and 15 of this report:

CASE NO. 14

Anonymous.

PERSONAL DETAILS

He is 47, unmarried and lives with his 80-year-old father. He attended school for eight years, then left and went to work for a farmer until 1974, when he became unemployed. Since then he has had his own smallholding and a few animals.

STATE OF HEALTH BEFORE ARREST

He had been in good health.

PREVIOUS DETENTION AND ALLEGED TORTURE

He was arrested in 1958 and held for eight days but not tortured.

In the third quarter of 1973 he was arrested and held for several hours, during which time he was beaten and electrically tortured. He has a scar from a blow on his left upper arm.

TIME AND PLACE OF ARREST AND DETENTION

He was arrested at his home at 10:00 a.m. in the first quarter of 1982. Before being driven to a police station he was taken to a local doctor for examination. He was held at the police station until 5:00 p.m., then released.

DURATION OF ALLEGED TORTURE

He was tortured on one day. His account of events was as follows:

He was arrested by four people in civilian clothes and accused of having thrown into the street some "miguelitos" ("partisan nails"—used to puncture tyres). No arrest-warrant was shown. He was punched several times and then taken to the Comisaria de la Roosevelt, a police station in Santiago, where he stayed for a few minutes. Then he was driven to the Comisaria de lo Prado, another police station. He was briefly interrogated the same day.

Next day he was driven through the quarter where he lived and told to point out the homes of his "co-conspirators". He was beaten on the thighs. When he was back at the Comisaria de lo Prado he was immediately interrogated. During this interrogation he was electrically tortured: his hands were sandwiched, palm to palm, between two metal plates attached to electric wires. The torture lasted for half an hour; the current was mainly applied to his left arm and it felt practically continuous.

Afterwards he was forcibly medicated. He was given an intravenous injection into the right cubital fossa which seemed to make him talk unrestrainedly and he answered every single question he was asked.

Two days after the arrest he was taken to the first police station, where he was again interrogated. He was hit in the stomach and face and on the back and again electrically tortured, this time by means of a kind of picana involving the use of a square box measuring about 10cm by 10cm. The current was applied particularly to his left cheek, throat, back and the backs of his hands.

INTERROGATION AND TORTURE

His account of events was as follows:

When he was arrested his 80-year-old father was knocked to the ground. No arrest-warrant was shown. After being taken to the police station he was interrogated and tortured. He was slapped on the head and punched in the abdomen and on the chest and back. He was beaten with truncheons on the back and on the shoulders. After he fell down he was kicked on the right shoulder and back and in the abdomen. One of the interrogators stood on his stomach, genitals and buttocks.

He underwent la bañera (the bath): He was taken outside to a dirty drinking trough for animals and two of the interrogators pinioned his arms, raised him by the legs and forced his head down into the water. He lost consciousness several times so is not sure how often his head was immersed, but thinks it was about six times. The only other thing he can remember about this experience is that at one point he was dragged by the legs with his shoulders bumping on the ground.

He was threatened with execution and electric torture. His interrogators also fastened wires round his wrists but did not administer electric shocks. He underwent a mock execution: a revolver was aimed at his head and the trigger pulled—the weapon turned out to be unloaded.

Later that day he was driven to a remote place and left there.

MEDICAL EXAMINATION AND/OR ATTENTION DURING DETENTION

Eight days before his arrest he had been brutally attacked, and he still bore the bruises from this on his left arm and right leg. He thought this was why he was taken to a local doctor before going to the police station—so that the doctor could examine him and record his bruising.

He was in such a bad state after his release that his sister took him to the same doctor as before. He was given some medicine that he could not identify.

As he was still distressed on the following day he went to the nearest clinic, where he was again examined and given some medicine that he could not identify.

MEDICAL PERSONNEL INVOLVED IN TORTURE

While he was at the police station, after having undergone la bañera, he was in such a poor state that a nurse was called. She gave him an injection, following which he almost lost consciousness.

EARLY SYMPTOMS DESCRIBED

He fainted several times while undergoing la bañera. He felt pain where he had been beaten—especially his lower back, shoulders and abdomen.

He had a bleeding wound about 3cm in diameter on the lower right area of his back, as well as an ecchymosis on the lower abdomen, and there were bruises on his chest.

The day after he was released he noticed blood in his stools. This persisted for about two days. There was no pain on defecation and his stools were a normal colour. The blood appeared on the outside stool surface. (He thought the bleeding might have been a result of trauma inflicted while he was unconscious.)

He lost his appetite.

After his release he experienced episodes of breathing difficulty.

He had a headache and shooting pains in the neck. For two days he had hearing difficulties, which he attributed to water in his ears.

For the first few days after being released he suffered from insomnia and had nightmares.

He was also very nervous and pessimistic, had less capacity for work and was weak. He had difficulty in concentrating and got tired easily.

PRESENT SYMPTOMS DESCRIBED

He still occasionally has difficulty in breathing. Such attacks are not caused by over-exertion. He still gets headaches plus shooting pains in the neck. His capacity for work has diminished. He has difficulty sleeping and takes sleeping tablets. He feels nervous and despondent and is afraid of being rearrested.

MEDICAL DOCUMENTATION

Four days after the alleged torture he was seen by a local doctor who found an ecchymosis on the anterior part of the thorax as well as a 3cm by 2cm scar in the lumbosacral region and haematomas on both shoulders. A proctological examination the next day revealed slight bleeding from tears in the anal canal caused by a trauma.

CLINICAL EXAMINATION (3½ MONTHS AFTER THE ALLEGED TORTURE)

There was a scar, 2cm in diameter, on the right side of the back flush with the iliac crest. The scar itself was an irregular shape and not sharply delineated against the skin. The area was somewhat depressed, shiny and reddish. The scar was consistent with changes observed after a blow with a blunt instrument.

He was somewhat tense and very melancholy but was cooperative.

CONCLUSION

The medical delegates found consistency between the torture alleged and both the early and present symptoms.

A medical certificate was issued by a local doctor who examined him four days after the alleged torture, and the results of this examination are consistent with both the torture alleged and the early symptoms.

A medical certificate from a proctologist who examined him five days after the alleged torture mentions slight bleeding from tears in the anal canal caused by a trauma.

The physical examination revealed a scar on the back consistent with skin changes seen after a blow with a blunt instrument.

CASE NO. 15

Sergio Patricio Aguiló Melo.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

PERSONAL DETAILS

He is 29 and a skilled engineer who has taught economics in a technical school. Since his release from prison he has earned his living as a street vendor. He is married to a teacher and has a child of two and a half. After his release he and his wife moved in with his parents for financial reasons.

STATE OF HEALTH BEFORE ARREST

In 1962 he had a appendectomy with ensuing complications for the next six months because of infection of the operation wound. He has also had a tonsillectomy.

TIME AND PLACE OF ARREST AND DETENTION

He was arrested on 4 December 1981 and taken to the CNI centre in Santiago where he was held until 14 December. Then he was transferred to the Cárcel Pública where he remained until 23 December when we was moved to the Penitenciaría, from where he was released on bail on 8 April 1982.

DURATION OF ALLEGED TORTURE

He was tortured on 10 days, on three of which the torture was exclusively psychological. He was held incommunicado for 15 days.

INTERROGATION AND TORTURE

His account of events was as follows:

At 2:30 pm on 4 December 1981 he was in a taxi which was stopped by four people in civilian clothes armed with pistols. They showed him a picture of himself but did not have a warrant for his arrest. He was forced to enter their car and then driven around for half an hour. They stopped at a house where he was taken down to the cellar, made to undress, given overalls and zapatillas, blindfolded with a mask and examined by a doctor. Then he was taken to a cell.

An hour later he was interrogated for about four hours. He was questioned about his political views, threatened and given electric shocks on the right side of the thorax and on the thigh with an instrument resembling a bicycle pump (picana).

The following morning he was interrogated and threatened for three hours. In the afternoon he was interrogated for about an hour. He was undressed and made to lie on a parrilla to which his wrists, chest, thighs and knees were tied with strips of cloth. Electrodes were put under the cloth strips and electric shocks administered.

Next morning he was interrogated and warned that if he did not cooperate he would be treated badly. He was given lunch but, as on ensuing days, vomited after eating only a very small amount. He was then taken to a doctor who took his blood pressure and told him he was nervous. In the afternoon he had an hour's interrogation on the parrilla, electric shocks being administered to his chest, thighs, knees and wrists.

The following morning he was interrogated for about three hours by someone called "Doc". This time he was not masked. He described "Doc" as being 1.8m tall, heavy and strongly built, aged about 50 and dark-haired. "Doc" asked him whether he knew a doctor called Aguiló Melo (the subject's family name). He did—his uncle. "Doc" acted the part of a "friendly" interrogator, saying he was very annoyed that the subject had been tortured, but that this was a very serious matter. He said, among other things, that weapons had been found and that the subject should now tell him everything because if he did not he, "Doc," would be unable to stop the others ill-treating him again.

In the afternoon he was told to write his life history, including an account of his political activities. The interrogators were dissatisfied with what he wrote and told him he was a liar and insulted him.

Next morning he was interrogated for about two hours. He was again undressed and forced to lie on the parrilla, and given severe electric shocks laterally on the right side of the thorax, laterally on the left thigh and on the shin. After about two hours he suddenly had such difficulty breathing that he felt as though he were suffocating. The interrogators immediately switched off the electricity and he was given cardiac massage for about two minutes. After this he had no further difficulty in breathing. He was not tortured any more that day.

After lunch next day someone claiming to be a doctor took his blood pressure and gave him an intramuscular injection in the buttock. He then felt less tense and rather dizzy after the injection, although he did not think it made him lose self-control. Afterwards he was interrogated for an hour, receiving severe electric shocks from wires attached to his right wrist and right ankle. His interrogators threatened to arrest his sick wife and child and torture them in front of him.

Before breakfast the following morning he was taken to the doctor and given an injection—probably the same sort as he had had the day before. Then he was interrogated. During this interrogation the torturers said they had brought in his wife and child and that the former was in a special women's room. They also showed him three newspaper clippings about "disappeared" Chilean children. He broke down and promised to do whatever they wanted provided they did nothing to his wife and child. Even so he was tortured again: made to sit on a chair with wires round his left wrist and left ankle and given severe electric shocks for about half an hour. Then he had to write a fresh confession.

Next morning he was interrogated but not tortured. In the afternoon he was interrogated again. He was taken to a torture room where another political prisoner lay naked tied to the parrilla. He recogized him (Case No. 8). He saw him for about 10 seconds and then was ordered to make a statement that the man belonged to the same organization as him.

The next day or the day after (he was not sure which), wearing his own clothes, he was taken with three other political prisoners to a "TV room". They were all asked a number of questions and when their answers did not satisfy their interrogators they were given electric shocks through their clothing.

On 13 December he had to write an account of his political ideology.

The following day he was brought before the Fiscal Militar (Military Prosecutor). He made a statement about the physical ill-treatment he had received, even though he had been frequently warned that day that terrible things would happen to him if he talked.

Then he was taken to the Cárcel Pública, where he was held incommunicado for the first three days.

On 23 December he was transferred to the Penitenciaría. For the first two days he was held incommunicado. He was released on bail on 8 April.

RÉSUMÉ OF INTERROGATION AND TORTURE

Picana was applied to both his upper arms and to his thighs. Stronger shocks were administered also (from a machine) on the chest, wrists and ankles, and finally on the right lateral area of the thorax, where he received the most intense shocks. He was threatened with still more severe torture and warned that he was in for a very bad time if he did not talk. They threatened to torture his wife and child, claimed that they were both being held prisoner and hinted that the child might "disappear." (In fact, neither his wife nor child were arrested.) He had a conversation with a "friendly" interrogator. He was held incommunicado for 15 days and kept blindfolded for the 10 days he spent at the CNI centre. When he was not being interrogated he was in a concrete cell measuring about 2m by 2m containing a concrete bunk. He wore overalls and zapatillas. He was made to watch another prisoner, whom he knew, lying on the parrilla.

MEDICAL EXAMINATION AND/OR ATTENTION DURING DETENTION

On arrival at the CNI centre he was examined by a man claiming to be a doctor.

He was taken to see a doctor once after vomiting and was told that he was in a nervous state. No remedy was offered.

On the 11th day he was brought before the military prosecutor, to whom he complained that he had been tortured. This complaint was supposed to have gone to the forensic institute so that he might be examined for torture sequelae, but this did not happen until at least 20 days later. He was told at the institute that they would do an electrocardiogram because of his breathing difficulties during torture, but they never did.

MEDICAL PERSONNEL INVOLVED IN TORTURE

When he had difficulty breathing during electric torture he received medical attention, possibly from a doctor.

Twice he was given an injection.

EARLY SYMPTOMS DESCRIBED

He felt extremely tired and weak. This lasted for about two months.

He did not look to see if he had marks on his skin while he was at the CNI centre, but on about 18 December he noticed a number of small, brown, freckle-like spots on the lateral part of the right side of his thorax and on the lateral part of his right thigh. (These marks appeared where he had received the most severe electric shocks.) He thought they had remained for about 10 days.

He felt as though he were being choked while being electrically tortured. He had several attacks of mild breathing difficulty while in prison as well as palpitations of the heart and precordial pain.

While at the CNI centre he vomited after every meal and had abdominal pains. His weight went down from 78kg to 71kg, and he was constipated.

His powers of concentration and memory were somewhat impaired. He suffered from serious insomnia, hardly sleeping at all while at the CNI centre, partly because he was afraid his wife would be arrested.

He was very moody while in detention. He was also alarmed by sudden noises and when confronted by a guard. He was emotionally labile and prone to weeping. On one of the early torture days the thought of committing suicide entered his mind, but he never seriously contemplated doing so.

PRESENT SYMPTOMS DESCRIBED

He still has occasional attacks of breathelessness, palpitations of the heart and precordial pain (probably caused by anxiety). He did not previously suffer in this way. He has vomited four or five times since his re-

lease. He still has difficulty concentrating and suffers from insomnia, for which he takes sleeping pills, and still has nightmares. He is quieter and more melancholy than before. He is more passive and nervous (although this is decreasing as time goes on). He smoked much more than usual while in detention but is now back to his previous level of use.

CLINICAL EXAMINATION (4½ MONTHS AFTER THE ALLEGED TORTURE)

He seemed to be well-balanced. He was relaxed and his face and gestures were expressive in a normal way. He was placid and he cooperated well with the interviewer.

He weighed 76kg.

On the right side of his thorax were three slightly depigmented, slightly shiny areas measuring about 2mm by 2mm. The shape of these areas suggested an external cause, and the skin marks were consistent with marks previously described as sequelae to the application of electric current. There was an appendectomy scar with a 2cm by 2cm incisional hernia.

CONCLUSION

The medical delegates found consistency between the torture alleged and the subsequent symptoms described. Physical examination revealed marks on the skin that could have been sequelae to the alleged electic torture.●

LECH WALESA WINS NOBEL PEACE PRIZE—A FITTING AND JUST REWARD

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. BIAGGI. Mr. Speaker, all friends of freedom and foes of repression must be delighted as I am to learn that the 1983 Nobel Peace Prize has been awarded to the famous and inspirational leader of the Solidarity Trade Union of Poland, Lech Walesa.

The Nobel Committee is to be commended on the appropriateness of their selection. As they indicated, it was Walesa's battle to win workers' rights from the Communist-dominated Warsaw Government—a battle waged through negotiation and cooperation that was critical in their decision to award Walesa the 1983 Nobel Prize.

Lech Walesa becomes the first Pole to ever win the Nobel Peace Prize—a fact which will endear him further to the hearts of the Polish people who share his yearning for Polish workers and all the oppressed people of this land.

Ironically, it remains to be seen whether Walesa will be able to leave Poland on December 10 to receive the prize. He could face any number of problems with Polish officials should he choose to leave. He could be denied readmission outright, or he could be arrested upon reentry. There, of course, does remain the outside chance that the Polish Government could allow Walesa to travel.

The Nobel Peace Prize is a most prestigious honor, and for 1983 it has been awarded to a man who embarked on a crusade for basic human, economic, and civil rights in a nation which has systematically eroded them for all their citizens. Like other patriots for freedom and justice, Walesa's crusade has cost him dearly. He was placed in detention for nearly a year once martial law was clamped down in Poland in 1981.

Since that time he and his family and associates with Solidarity have been continually harassed and intimidated by Polish authorities including the latest attempt to investigate his finances.

Undaunted by these obstacles—Walesa has extended his appeal to a much wider audience—the world community. His crusade has laid bare the moral bankruptcy of the Polish puppet regime. His perserverance has rekindled the flame of freedom which burns so strongly in the hearts of all those must live under the yoke of communism.

Lech Walesa, one of eight children of a carpenter—an unemployed electrician who gained the reputation as a troublemaker when he began to speak out for the rights of workers—a man who formed a movement which itself became a symbol—has achieved a unique distinction by being awarded the Nobel Peace Prize. Let us serve notice on the Polish Government that the world is in Solidarity with the crusade on Lech Walesa for freedom. Let the Soviet leadership be aware that no matter how much they try to suppress, they cannot strangle the desires for liberty which run so deep in the hearts and minds of the people of Poland.

I am honored to represent a large Polish-American community in both the Bronx and Yonkers portion of my congressional district in New York. Earlier today I received a call from an official of the Polish Community Center in Yonkers who was so proud of the news that Lech Walesa had won the Nobel Prize.

At this point in the RECORD, I insert an article written in 1981 in the New York Times about Walesa entitled: "The Workers Champion."

The article follows:

[From the New York Times, Dec. 14, 1981]

THE WORKERS' CHAMPION

(By Josh Barbanel)

From the moment he scaled the fence at the Lenin Shipyard in Gdansk on Aug. 14, 1980, to help striking workers negotiate the establishment of an independent labor union in Poland, Lech Walesa became a charismatic and seemingly invincible leader of a movement that promised to transform the country.

Wearing a Virgin Mary button in his lapel and speaking the language of the common man, he led the 9.5 million Solidarity union members through a series of confrontations and compromises that liberalized nearly all aspects of life in Communist Poland.

Mr. Walesa became one of the three most important figures in Poland, on a par with the primate of the Roman Catholic Church and the First Secretary of the Communist Party.

But yesterday Mr. Walesa's labor federation was in disarray after many of its leaders were arrested at a meeting in that same Gdansk shipyard. The Government declared a state of emergency and imposed a military Government on the country.

TREATED WITH ALL DUE RESPECT

A Government spokesman said that Mr. Walesa had not been arrested and was "being treated with all due respect." He was reported to have been flown from Gdansk to Warsaw for talks with the leaders of the new regime.

For most of Solidarity's existence each new confrontation with the Government brought new strength to Mr. Walesa, despite the fears of Soviet intervention and a Government crackdown. Mr. Walesa steered a difficult course between moderation and the militancy demanded by the middle-level leaders of his union.

Press and political freedoms were expanded. Many passport restrictions were dropped. The workweek was reduced and workers won a say in the management of their factories.

But Mr. Walesa's own words in recent days seemed to foreshadow the sudden turn of events. In a tape recording released by the Government last week Mr. Walesa was heard to tell a private union meeting, "The confrontation is unavoidable and the confrontation will take place."

"I wanted to reach that confrontation in a natural way, when almost all social groups were with us," he reportedly said. "But I made a mistake because I thought we would keep it up longer and then we would overthrow these parliaments and councils and so on." Mr. Walesa contended that the remarks were taken out of the context.

ATTACKED BY ARMY NEWSPAPER

The next day, the army newspaper, Zolnierz Wolnosci, made a personal attack on Mr. Walesa for the first time, calling him "a great liar and a provocateur" who headed a group of "madmen" intent on starting a civil war.

At the start of Poland's upheavels in the summer of 1980, Lech Walesa (pronounced lekh vah-WENN-sah) was an unemployed electrician, known to the authorities as a troublemaker. He was born in Popow, Poland, apparently in 1943, one of eight children of a carpenter, Boleslaw Walesa, who fought in the Polish Army and died shortly after his release from a German concentration camp.

His mother married her brother-in-law, Stanislaw Walesa, and came to the United States in 1973. She was killed in a car accident in the United States; Mr. Walesa's stepfather died last August at his home in Jersey City.

Mr. Walesa attended a state vocational school in Lipno, near Popow, and then went to work at the Lenin Shipyard in Gdansk on the Baltic Coast. After the Government raised food prices in 1970, he was involved in demonstrations that led to more than 100 deaths. When more trouble developed in 1976, he was dismissed and went to work doing odd jobs.

Three years later he joined an activist group known as the Baltic Free Trade Union. When workers at the Lenin Yards

struck in August 1980 they demanded, and received, his immediate reinstatement.

The strike spread to 300,000 workers along the Baltic Coast. After the Prime Minister was dismissed, Mr. Walesa signed an accord on Aug. 31, 1980, in which the Government granted workers the right to form independent unions. Increases in wages and social benefits were granted, censorship was relaxed, jailed activists were freed and the Roman Catholic mass was broadcast on Sundays.

Speaking in a raspy and staccato tone, and sometimes using ungrammatical language, Mr. Walesa won the loyalty of millions of Polish workers. A short man with a drooping mustache, he is often mobbed by his followers, who rush forward to touch his sleeve or the Madonna button on his lapel.

Since his rise to power, he has moved with his wife, Miroslawa, four sons and two daughters from a two-room apartment to a spacious six-room one. He receives a union salary of $333 a month, and tells visitors of his pretty secretaries, his new wardrobe of five suits and his well-stocked refrigerator.

Mr. Walesa opposed militants in the union who favored direct challenges against the Government and the division left the union deeply split.

In March, he and a small group of union leaders postponed a national strike called to protest an incident of police brutality. Last month he and three other leaders decided to compromise with the Government on worker self-management and overruled the union's collective leadership.●

SOCIAL CLASS, BUDGETS, AND POLITICAL REALINEMENT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. CONYERS. Mr. Speaker, in response to a request of 60 Members of the 97th Congress, the Institute for Policy Studies recently completed a major, comprehensive review of the Federal budget with recommendations for new policies and programs to achieve the goals of full employment, social equity, and economic growth. One of the most provocative of the papers in the study is authored by Dr. William B. Cannon, a vice president at the University of Chicago, professor of social services, and former Deputy Director of the Bureau of the Budget in the Kennedy and Johnson administrations. Dr. Cannon's analysis of the class basis of public policy and proposals for a new policy direction based on political realinement offers important insights that I want to share with my colleagues. Dr. Cannon's article, "Social Class, Budgets, and Political Realinement," follows:

SOCIAL CLASS, BUDGETS, AND POLITICAL REALIGNMENT

(By William B. Cannon)

This essay urges the Democratic Party to discard the political strategy of maintaining a coalition of the middle class and the poor against the rich; and in its place to organize a non-middle class in opposition to the middle class and the rich.

Only a change of strategy is advocated. This essay holds to the Party objective: an American society of equals, without classes; a Government on behalf of the common man, not on behalf of a class; which acts to achieve a socially integrated, an economically and socially egalitarian, democratic society.

The middle-class poor coalition strategy has led away from this. The strategy has resulted in a bipartisan government under the full control of the middle class, devoted to serving the limited vision of the class at the expense of the non-middle class.

Reversing direction is probably only possible undoubtedly through intense political conflict; at this stage direct confrontation alone can probably change the rigid middle class psyche.

To organize against the entrenched middle class may be an act of desperation but it is not an act of political naievete since there is really no other alternative.

The pragmatic and moral reasons for changing strategy, the political feasibility of the new strategy, and the implementing organization and programs are discussed below.

There are these reasons for changing strategy:

1. Social integration has made small progress in 15 years because the middle class has taken more than its fair share of Government benefits, and paid less than its fair share of costs. A 60-40/40-60 principle has evolved; 60% of the benefits accrue to a class which pays only 40% of their costs. This is as true in Defense as in Social Security; medicare and education; energy and the environment. The middle class dominates nearly every category in the Reagan budget. That budget even increases its share by cutting non-middle class benefits, while maintaining or increasing its own benefits or benefit sources (e.g., Defense Budget).

The middle class is not playing the game fairly. The moral basis of the coalition has gone.

2. Further, the middle class is becoming a political liability, too expensive for the Party to afford. Even as it presses for costly benefits, it sets up impossible financing conditions: no tax increases (except where regressive—payroll, excise, flat—taxes can be levied); a balanced budget. The Party has been forced to defend the undefendable, the unbalanced budget. The Party should return to a balanced budget, with increased benefits for the non-middle class; that is, to a policy of lower benefits, no tax expenditures for the middle class, and basing the financing of government wholly on the progressive tax. Such benefit and tax changes should aim at the long-standing Party goal of a much more even distribution of national income.

3. Political party competition has all but disappeared, and the Party class-coalition strategy has resulted in coalition government competing for the privilege of making marginal changes in pragmatic middle class policy. This cannot be a very rewarding Government to serve in; the prospect of making only incremental policy changes certainly will not attract service from those for whom influence over matters of substance is important.

4. The class-coalition strategy has held up, for over a generation, changes in Governmental operations and social structures essential for an effective and democratic Government and Society. First, the Party has had to settle for a middle class controlled New Federalism, a brushed up version of States Rights Federalism, whose failure to meet the needs of the common man swept the New Deal into office; instead of for a classless New Localism conceived during the New Deal (and last moved along by the Great Society community action program).

Second, Democratic national planning is an absolute requirement for surviving these times, as the New Deal foresaw. Governmental planning is anathema to the anarchic middle class even though the class recognizes the values of sophisticated central planning in registering its enthusiasm for corporate strategic planning. Thus we do not have coordinated planning, let alone a central Government planning unit or a systematic planning process.

Third the New Deal invention of controlling socially impacting property by regulation instead of nationalization is being repudiated (except in case of regulation of the non-middle class) or twisted to the advantage of the regulated. De-regulation has run riot and important social and economic activities are out of control. If regulation is not to be extended and reformed, then nationalization, for yardstick and for anti-economic and political monopoly purposes such as the New Deal TVA embodied, should be reinstated in the Party protocols.

Last, a major national tragedy of the middle class era has been the failure of the trade unions to develop the social promise and role foreseen in the New Deal. Government hostility and policy have converted the unions into opportunistic and shifting supplicants of the middle class, and prevented their organizing and representing the non-middle class. A re-born unionism is essential for any movement by the Party to organize the non-middle class.

5. Current middle class dominance does not reflect merely temporary social settlements or outcomes, capable of being undone in the next round of political competition. It is dubious that any set of idealistic statements will woo the middle class back to the common man, and adverse economic circumstances should not be counted on either, since the middle class controls the economy, and the distribution of its output.

6. In losing contact with the non-middle class (through the loss of impluse to associate, reflected in continuance of physical separation, school segregation), the middle class has lost touch with essential reality. This has caused it to give first priority to the values of individualism, family, and representation—to obtaining such "cultural possibles" as income, education, health, housing, and defense; and much lower priority to the values of equality, community, democracy. The original, uneasy, New Deal coalition around the common man (which then included the middle class) against the rich was held together around the sharing of these latter values. Still today the non-middle class refuses to put income, education, housing ahead of them; though valuing these cultural possibles, and certainly entitled to them so much as the middle class, the non-middle class is simply not willing to trade more basic things for them. In this sense classes arise from personal choices. Income or educational levels are not determinants of one's class, but indices of it.

Lack of contact has caused a large, hard core of racism, probably indissoluble, to abide in the middle class.

Idealism has beome suspect, and the social horizon has been lowered so much that the middle class merely hopes that the "future will be no worse than the past". "Econo-

mism" has penetrated middle class life not just its market, but in making, keeping, and judging marriages and children. Serious studies are made of the rationality of leaving money to grandchildren. Marx stands on his head: the only connection between man and man ought to be money. Man has become an appendage not only of his germ plasm but of his money management fund.

7. Renewal of inter-class contact requires social integration, which the middle class strongly opposes. It will have to be compelled to integrate. Exhortation and shaming will not do since the middle class lacks idealism and sentiment. Racial and social segregation are so fixed in the psyche of the class that it probably can only be removed by direct confrontation, stress, and conflict.

8. The class-coalition strategy has been made obselete by the middle class itself, as a result of the work of its theorists-activists (Senator D. P. Moynihan, Professors Edward C. Banfield and James Q. Wilson and others). The Moynihan School has developed and sold a new theory of American politics, namely the theory of a permanent two class society, and of the necessity for class based policies to contain the underclass. It defines the non-middle class as vicious, socially corrupted, immoral, entirely now-oriented, a group to be contained or destroyed; and the middle class as virtuous, productive and progressive. The coalition obviously cannot be run on this basis. This is a basic change in the initial consensus of the coalition to work toward a society in which class distinctions were not important politically or socially.

9. There need not be great fear that the dissolution of the Party class-coalition strategy will leave the Party with an insufficiently numerous or a politically under-active constituency. The numbers given later belie this. There is a large group to organize, quite distinctive from the middle class. Analyses of income levels, family income trends, educational achievement, work careers, spending patterns, housing, etc., show two distinct socio-political groups, each comprising about half the total population; a middle class and a non-middle class. Official statistics have heretofore divided the society between the middle class and the poor and viewed the poor as a small and shrinking group. The numbers below "demarginalize" official poverty. Half the population is certainly a sufficient number on which to base a national political organization, and sufficient ot provide as much of a chance for political success as a coalition population.

* * * * *

10. A terrifying fear is that if it appears the Party is going to be successful, the middle class, particularly through its rich component, will repress the Party. The precedent is German history, and the response to the emergent Weimar democracy which businessmen, academecians, middle class judges, and the Bureaucracy used the law to repress. Here may be the source of contemporary middle class dominance of democratic Governments; the argument that it is the only alternative to totalitarianism, as George Orwell convinced the liberal generation in his works of apostasy, "1984" and "Animal Farm." But this time around as we begin to see "1984" up close, to see the reality of a bleak, vision-less, internationally dangerous, stratified, class society, the theory cannot be so easily accepted.

11. Loss of national economic growth, resulting from demoralization of the middle class due to its depowering is a frightening issue to some. This issue forces an examination of current assumptions. The Party has long been united around economic growth, but not a mindless middle-class growth, producing too many meretricious products, and resulting in an unfair distribution of output. Further the middle class is needed but is not necessarily decisive; economic growth rests as much on the non-middle class, and there is evidence that the declining productivity over the past 15 years lies in middle class policies toward the non-middle class; in the refusal sufficiently to invest in its eductional development, in curbing its local community and workplace organizations, and generally through using the Government to constrain it.

12. There are those who depreciate the political influence of the middle class seeing it at best as the paid agent of the rich. The budgetary target, according to this theory, should be the rich, not the middle class. To build the rich into the controlling political force in the country ignores their limitations. The rich are a highly specialized segment of the middle class; and function within the class is to make lots of money, to keep building the class money stock. To make money requires intense concentration on that objective alone and the hypertrophy of certain skills at the expense of others, particularly political. As experience shows this makes them inept political leaders and merely instruments of the politician-generalists. It is equally clear from 15 years of experience however that the politician-generalists have been led by the middle class, used by it instead of using. Money alone does not make a critical political mass.

13. It is argued that it is politically wrong to write off the entire middle class as political allies of the non-middle class. Certainly it is desirable to detach the "liberal" portions of the middle class. But this should be a limited tactic not a principle since the liberal group cannot be counted on to support the non-middle class permanently. It will swing back when push comes to shove.

14. Organizing the non-middle class as an effective political opposition requires not only an accurate perception of middle class strengths and weakness, but a remake of Democratic Party organization, procedures and policies, and a substantive program to appeal to, organize, and galvanize a non-middle class constituency.

Party organizational change would involve the building of a strong, sophisticated, analytic-coordinating capacity at the Party center and the building of a local community national party base throughout the country.

The formulation of local community clubs would incorporate the community action, New Localism, principle in the field structure of the Party and build new connections with the non-middle class. Political analysis would be oriented toward non-middle class political needs, groundbreaking by being strictly political (as opposed to economic, sociological, demographic) analysis, and by providing strong competition with middle class analyses.

POLITICAL FEASIBILITY: NUMBERS AND CHARACTERISTICS OF CONSTITUENTS

The country has split down the middle, bifurcating numerically and in the conditions and orientation of lives, to such an extent that it can be made to bifurcate politically.

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In identifying and numbering a new class possessing a distinct and different life orientation, the obvious place to begin is with a group commonly acknowledged to be distinctive by general public consensus, and scholarly research, and already numbered, namely the poor.

* * * * *

In recent years the official poor have numbered about 11-13 percent of the population, or about 25-30 million people. But official figures call for adjustment. They were set in 1964 (using 1963 as the base), and intentionally at a minimum, adequate subsistence level, in order to sell the war on poverty program and to keep within tight budget constraints. The 1964 approach defined as poor, and as a typical poverty unit, a family of four (parents and children) with an annual income of $3,000 or less. Even in 1964 terms, a $4,000-$5,000, or higher level would have included families living under harsh economic conditions. (Over the years the inadequacy of the $3,000 base has been recognized and redressed, officially, by the use of the factor of 130 to 150 percent of the $3,000 poverty level in defining eligibility for benefits such as food stamps.)

By now (1982) the poverty level is about to reach $10,000 having exceeded the $9,000 level within the last two years. These are the contemporary (1981-82) equivalents of the 1964 level of $3,000. If a $4,000-$5,000 level had been used in 1964, then the current annual income ceiling for family poverty would be about $13,000-$16,000. Or if a 150 percent factor were applied, the level would be $14,000-$15,000.

These upward adjustments are important for calculating the potential numbers of non-middle constituents. Note that in 1980 one-half of all families had annual income less than $21,000. Thus $13,000-$16,000 levels indicate a substantially greater poverty population than the official statistics would suggest.

Further, the 1964 figures should be adjusted also for standard of living changes. The official $9,000-$10,000 (1982-83) levels represent only adjustments to the base $3,000 figure for changes in the Government's Consumer Price Index. Except as may be implicit in such price changes, no adjustment has been made for standard of living changes since 1964. From experience it is clear that the standard has risen substantially.

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There is no accepted way of adjusting income numbers for standard of living changes. But to give some sense of the difference between 1964 and now it is proposed to use a 2.5 percent average increase in the standard of living per year since 1964. Intuitively this seems to fit: it is for example not out of line with productivity figures, being about the same rate of growth in private business output in the period. This leads to a 50 percent factor to apply to current income levels.

In summary if the 1964 base is revised upward to reflect a more realistic, less bare minimum level of subsistence, and if then CPI changes are applied, and following that the 50 percent standard of living adjustment, an annual income level for a family of four rises from the official $10,000 to $22,500—just about the current median family (of all sizes) income. So far as income figures go—and they are by no means the only index to the non-middle class size and characteristics—there is a much more widespread poverty than official figures reveal. A new calculation yields nearly half the population, certainly a sufficiently sized

group from which to draw a political constituency . . .

To see these differences in areas other than income we will look at education. * * * Quality of education provides a good clue not only to the size and composition of the non-middle class, but also to its cultural and social identity. Analysis of the educational attainment of the society shows a large population with a distinctive and different intellectual orientation from the middle class, much less bookish and abstract and less dependent on academic discipline formulations for analyzing reality. The source of these differences lies in the different educational experiences, which the following numbers describe.

Even now, (1979) after years of high public pressure, about one-third of the population over 25 has not graduated from high school: a staggering number which includes 18 percent of that population which never made it beyond elementary school. Here may well be the intellectual core of the non-middle class.

Somewhat more than another third of that population (36 percent) completed high school only. This is the pool from which the remainder of the non-middle class is drawn. Many are drawn off into the middle class via further education in post secondary institutions other than college; about 1.7 million attended such institutions in 1978, ranging from Barber and Cosmetology Schools to art and design schools, with by far the largest number (over 500,000) enrolled in that breeding ground of the middle class, business schools. Many others are undoubtedly middle class children who have had neither the inclination nor the competence to continue. It is impossible precisely to distribute those who only graduate from high school between the classes. But even if less than half were deemed to be non-middle class, combined with the core of non-graduates, a non-middle class emerges that is certainly a large enough numerical group for effective political action.

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The percentage of the population graduating from high school increased only from 34.0% to 36.6% between 1970 and 1979; and in the same period the median school year completed jumped only from 12.2 to 12.5. Education data thus reinforce family income data and also suggest that the two class structure has not only evolved over the past 15 years but has become quite stable.

Such stability is reinforced by the strong connection between education and family income. Between one-fifth and one-third of dependent family members in families with income below $18,000 enroll in college; whereas about one half to three-fifths of those in families above that level do. Note again the significant gap between the two sets, suggesting the marked bifurcation commented on throughout this essay.

Education data connect with other information. The non-high school graduates (about 80%), for example, live in a blue collar, service, and farm labor world, certainly different life shaping experiences from the white collar. Further about 40% of the high school graduates are in those occupations. If these two groups are combined the membership of the non-middle class move up toward 45% of the current adult population.

THE COCKPIT OF THE NEW SOCIETY

Now in full control on the basis of overwhelming middle class support, the Reagan elite is using Government power to shift the central political myth from that of a classless to class myth. It is no longer practical therefore to perceive American politics as classless. The new practical politician will act as if he or she is operating in class bound society. The Budget assumes the (correct) reality of a two class structure, nothing more than a middle class and another class.

* * * * *

The non-middle class is seen as a group with low social and economic valuation and attainments, by middle class scales. As educational attainment and family income distribution trends show it is fairly much stuck in place; the vision of its continuing assimilation into a constantly growing middle class needs to be replaced with a more static view, and with the hypothesis that the two classes have about reached steady state. The vision of an aspiring non-middle class for middle class state is put aside. The non-middle class is marked out decisively from the middle class by a life condition in or closely related to poverty, with its particular set of shaping realities.

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The perception of the middle class should be that the class has reached its limits. Its ideas on the attainable quality of life have been fixed forever. It is condemned to repeating itself politically: to creating an endless series of commissions on social security, to a 60/40 society, an unchanging cycle of economic growth and contraction, inching, progress on racism; to electing multiple copies of Ford, Carter, Reagan, alternately competent or incompetent, and an occasional Nixon. The coalition is hardly worth this future.●

PROBLEMS OF DRUG AND ALCOHOL ABUSE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. KEMP. Mr. Speaker, the use and abuse of drugs and alcohol by our young people is more than an individual family's crisis; it is a national tragedy. With two-thirds of all American kids experimenting with drugs and alcohol before they finish high school, this is a problem we all must share. But there are positive steps that can be taken, day by day, in homes across the country to prevent drug use and abuse by our young people. I commend to my colleagues these 15 steps that families in Amherst, N.Y., are taking to create a positive atmosphere for dealing with the problems of drug abuse in the home and the community:

POSITIVE STEPS TO PREVENT DRUG ABUSE

(By Marcia Rubin)

(1) Get educated.—Before you can tackle the problem of prevention of drug abuse among youth, you must familiarize yourself with the facts. Become knowledgeable about drug terminology, drug effects, and patterns of behavior common to adolescents.

(2) We are role models.—We set an example for the kinds of adults we want our children to become by our own behavoir. Think about that each time you smoke a cigarette, take a drink, or ignore the speed limit.

(3) Rules and Regulations.—Set down rules and regulations that are really important to you. Make sure you know why you really care about these priority expectations for behavior, and enforce them—consistently.

(4) Enforcement of rules.—Set up a clear set of consequences for misbehavior, and make sure everyone is knowledgeable about them, and that both parents enforce them equally.

(5) Curfews.—Set reasonable times when you expect your teenagers to be home at night. (Use your sense of good judgment depending upon age). If your teenager wants a 12:00 curfew, and you want a 8:00 curfew, learn to compromise—make it 10:00. There will be no winners, but also no losers.

(6) Hard-line anti-drug policy.—Make your youngsters aware that you will not allow the use or abuse of drugs, alcohol, or tobacco in your home by them or their peers. Formulate credible reasons for your anti-drug stance.

(7) Alternatives.—Create alternatives for your children—"natural highs". Find out what they are good at, and get them involved. Ask the Guidance Department to give them an aptitude test to determine in what areas they would be most successful.

(8) Give praise.—Compliment your kids when they do something "right". Everybody needs to feel good, and to feel they have accomplished a task and achieved success. Accent the positive.

(9) Listen.—Knowing how to listen is the most important tool you have as a parent—use it—be attentive, still, and receptive until they are finished. Listen without giving advice or judgment.

(10) Touch your kids.—Start doing this when your kids are young. And remember there is nothing "wrong" with a kiss or a hug once your child is over 12 years of age—in fact, it feels pretty good—Try it on your kids—and while you're at it, tell them you love them!!!

(11) Build self-esteem.—Fancy words, but really they mean, "I like myself", "I'm OK", "I feel good about myself". Don't knock your youngster down, don't reinforce all the negative feelings adolescents have about themselves, what they really need is your support. Help give them confidence, show them alternatives, don't criticize, support.

(12) Responsibility.—Everybody needs to feel needed. Giving responsibility to your teenagers helps prepare them for the world outside the family. The sense of accomplishment derived from doing a job well is a great self-esteem booster.

(13) Don't shelter your kids.—Let your teenagers "feel" and "experience" the ups and downs of living. No one is always happy, never frustrated, never comfortable, and never aggravated. All these discomforts of life are not necessarily disadvantageous for your children. They help train youngsters to meet adverse circumstances in later life, and to cope with stress.

(14) Buy now pay later.—Let your children know that there is nothing wrong with delayed gratification. Certain pleasures in life are worth waiting for or saving for. Learning to set goals and waiting to achieve them through hard work is part of growing up. Setting goals also helps build a desire to succeed, and something to look forward to, a reason for working and living.

(15) Learn to build tolerance.—Those untrained youth who have not learned through "normal growing pains" how to

cope, have a low tolerance for any type of suffering. They usually must have relief when suffering occurs and are most susceptible to the drug culture, and to its lure of freedom of pain.

When problems seem beyond your scope and ability, seek qualified help. The youth board, school social worker, school psychologist, and guidance personnel are resources that can help you solve problems. They can also link your family up with social service agencies that can help restore your family's tranquility. But you must reach out and ask for help!!!●

ELIMINATING THE SOCIAL SECURITY NOTCH

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. ROYBAL. Mr. Speaker, recent letters in the "Dear Abby" column accurately describe the considerable differences in social security benefits paid to persons of similar incomes simply because one reached age 65 in 1981 while the other reached age 65 in 1982. In fact, the reduction in benefit levels will not only affect individuals born between 1917 and 1921, but most persons reaching age 65 during the remainder of this century.

I am concerned that this dramatic reduction in social security benefits, coupled with the recently enacted COLA delay and other benefit changes, will convince many of the Nation's elderly that they have paid more than their fair share of the price for saving social security. Therefore, I am introducing legislation which guarantees that every person born in or after 1917 will receive a benefit which is equivalent to the benefits paid to persons born in 1916. Although this will be a complex and somewhat costly amendment, it is the only just way to effectively eliminate the "notch."

It is clear that the flaw in the 1972 benefit formula needed to be corrected. However, that does not mean it is necessary to reduce benefit levels for people born after 1916. Congress clearly did not intend to create, and should not tolerate, a situation where people retiring in 1 year will continue to receive as much as $1,200 a year more than people retiring a year later.

After much research, I have decided that a comprehensive and equitable solution is needed. My legislation will not radically increase future benefit levels, but simply guarantee that persons born in or after 1917 receive no less than those who were born in 1916. In addition, for persons working past age 62, it guarantees that their continued earnings will be considered in computing benefits instead of being ignored as often happens under current law.

It should be emphasized that this proposal is not a return to the old law's overindexed formula. It is simply a much fairer transition to the new benefit formula.

The 1917 amendments ultimately stabilize future benefits at a level more in line with what would have occurred without the overindexing of the 1972 amendments. Nothing in my proposal changes the ultimate effect of the 1977 amendments. What does change is that we get from the old formula to the new formula without unjustly penalizing retired senior citizens and older workers.

I urge my colleagues to join me in seeking an appropriate legislative solution to this problem.

The text of the bill follows:

H.R. 4093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 215(a)(4) of the Social Security Act is amended—

(1) by striking out "who had wages or self-employment income credited to one or more years prior to 1979" in subparagraph (B) and inserting in lieu thereof "who has 27 or more quarters of coverage based on wages and self-employment income credited to years prior to 1979";

(2) by striking out "prior to 1984" in clause (i) of subparagraph (B) and inserting in lieu thereof "after December 1978";

(3) by inserting "as in effect in December 1983" after "section 215(d)" in clause (ii) of subparagraph (B); and

(4) by striking out the last sentence.

(b) The first sentence of section 215(a)(5) of such Act is amended—

(1) by striking out "(other than an individual described in paragraph (4)(B))";

(2) by striking out "except that," and inserting in lieu thereof "except that (A)"; and

(3) by inserting before the period at the end thereof the following: ", (B) in the case of an individual described in paragraph (4)(B), such individual's average monthly wage shall be computed as provided by subsection (b)(4)".

SEC. 2. The first sentence of section 215(b)(4) of the Social Security Act is amended by striking out "except that" and all that follows and inserting in lieu thereof the following: "except that—

"(A) paragraph (2)(A) (as then in effect) shall be deemed to provide that the number of an individual's 'benefit computation years' may not exceed twenty-five;

"(B) paragraph (2)(C) (as then in effect) shall be deemed to provide that an individual's 'computation base years' may include only calendar years in the period after 1950 (or 1936 if applicable) and prior to 1979, plus the three calendar years after 1978 for which the total of such individual's wages and self-employment income is the largest; and

"(C) the 'contribution and benefit base' (under section 230) with respect to remuneration paid in (and taxable years beginning in) any calendar year after 1981 shall be deemed to be $29,700.".

SEC. 3. Section 215(f)(7) of the Social Security Act is amended by striking out "For purposes of recomputing a primary insurance amount determined under subsection (a) or (d) (as so in effect) in the case of an individual to whom those subsections apply by reason of subsection (a)(4)(B)" and inserting in lieu thereof the following: "For purposes of recomputing a primary insurance amount determined under subsection (a) (as so in effect) in the case of an individual to whom that subsection applies by reason of subsection (a)(4)(B)(i) as in effect after December 1978, the average monthly wage shall be determined as provided by subsection (b)(4). For purposes of recomputing a primary insurance amount determined under subsection (d) (as so in effect) in the case of an individual to whom that subsection applies by reason of subsection (a)(4)(B)(ii)".

SEC. 4. Section 215(i)(4) of the Social Security Act is amended by striking out "(but the application" and all that follows down through "paragraph (4) of that subsection)".

SEC. 5. (a) Section 215(a)(7)(A) of the Social Security Act is amended by inserting "or (by reason of paragraph (4)(B)(i)) under section 215(a) as in effect in December 1978" after "under paragraph (1) of this subsection" in the matter preceding clause (i).

(b)(1) Section 215(a)(7)(B)(i) of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: "In applying subparagraph (A) in the determination of an individual's primary insurance amount, there shall first be computed (I) in the case of an individual whose primary insurance amount would be computed under paragraph (1) of this subsection, an amount which is equal to the individual's primary insurance amount under that paragraph, reduced by substituting (for purposes of this computation) the applicable percent specified in clause (ii) of this subparagraph for the percentage of the individual's average indexed monthly earnings established by subparagraph (A)(i) of paragraph (1), or (II) in the case of an individual whose primary insurance amount would be computed under section 215(a) as in effect in December 1978 by reason of paragraph (4)(B)(i) of this subsection, an amount which is equal to the individual's primary insurance amount under that section, reduced by a percentage equivalent to the percentage reduction which (as determined under regulations prescribed by the Secretary) would occur under subclause (I) if such primary insurance amount were a primary insurance amount under paragraph (1) of this subsection.".

(2) The second sentence of section 215(a)(7)(B)(i) of such Act is amended by inserting "or (by reason of paragraph (4)(B)(i)) under section 215(a) as in effect in December 1978" after "under paragraph (1) of this subsection".

(3) The third sentence of section 215(a)(7)(B)(i) of such Act is amended by inserting ", or (by reason of paragraph (4)(B)(i)) under section 215(a) as in effect in December 1978," after "under paragraph (1) of this subsection".

SEC. 6. (a) The amendments made by this Act shall be effective as though they had been included or reflected in section 201 of the Social Security Amendments of 1977.

(b) In any case where an individual is entitled on the date of the enactment of this Act to old-age insurance benefits under title II of the Social Security Act which were computed—

(1) under section 215 of that Act as in effect (by reason of the Social Security Amendments of 1977) after December 1978, or

(2) under section 215 of that Act as in effect prior to January 1979 by reason of subsection (a)(4)(B) of such section (as

amended by the Social Security Amendments of 1977).

the Secretary of Health and Human Services (notwithstanding section 215(f)(1) of the Social Security Act) shall recompute such individual's primary insurance amount so as to take into account the amendments made by this Act, and shall pay to such individual in a lump sum any additional amount to which such individual is entitled (for the period beginning with the first month for such individual was entitled to such benefits and ending with the month preceding the first month with respect to which such recomputation is effective) by reason of such amendments. No recomputation of an individual's primary insurance amount under the preceding sentence shall have the effect of reducing or otherwise affecting any monthly insurance benefit which is payable under title II of the Social Security Act to any other person on the basis of such individual's wages and self-employment income for any month before January 1984.●

SOLIDARITY DAY RALLY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. PEPPER. Mr. Speaker, I was present at a great Labor Day rally at Smith Park in Pembroke Pines, Fla., on September 5 of this year. It was a spirited gathering of over 10,000 workers from around our State. There were cheers from American workers and boos for the present administration from those in attendance. Red, white, and blue T-shirts with the union label were the costume of the day and the themes of the day were full employment, economic dignity, and equal rights for all Americans. It was my privilege to participate in this great Solidarity Day rally and to pay tribute to the accomplishments of labor unions in our country which have made it possible for so many men, women, and children to enjoy a measure of security and comfort in their lives, which they would not have had otherwise.

A stirring message was delivered at the rally by William W. Winpisinger, international president of the International Association of Machinists and Aerospace Workers. Mr. Winpisinger challenged the workers of America not to rest on their accomplishments, but to move forward in their fight to eliminate unemployment, inequality, and abject poverty—to rebuild America to fulfill the promises of America. The crowd was moved as President Winpisinger spoke with deep emotion and meaning. It is my privilege to offer the text of his challenging message for insertion in the RECORD.

NOTES FOR REMARKS BY WILLIAM W. WINPISINGER

We gather here on Labor Day 1983 in a festive spirit of camaraderie and solidarity.

For those of us here in this assemblage, that's as it should be. Individually and selfishly, we may have good cause to celebrate. We are free. We are employed. We are fully fed, clothed and housed. We may even have money in the bank and IRA accounts beckoning us toward secure retirement.

We can say we have arrived. The promise of America has been fulfilled for us. We can celebrate our political freedom and economic and social security.

We can sing the battle hymn of "Solidarity Forever." With gusto and bravado.

Today—this one day—belongs to us—and the world is ours.

But let us not get carried away on the fanciful wings of festive merriment.

Outside our own tight knit cadre of activists present here—and in those trade union enclaves celebrating in 150 other cities across this land—we are surrounded by the jungles of contempt, hostility and indifference.

The world is not ours for the asking.

From their vacation beachhouses, penthouses and yachts, our corporate employers bask in the good life made possible by our fertile minds, our skilled and talented hands, the sweat of our brow, and our commitment to economic and social justice for all.

Corporate America mocks us on this Labor Day. In its day of leisure, it sniggers at us. For it believes it has us in retreat and on the run. The multinational corporate animus represents a new sovereignty in the global economy, that, it believes, can be reached or haltered by either sovereign nations or the collective bargaining contracts of trade unions. They owe no duty of loyalty to their workers or patriotism to their home nation. They believe themselves supreme in the new world order.

From his summer palace in the Pacific cascades, the President of the United States, takes time-out from his Star Wars cinema and war against the weak and oppressed in Central America, to perfunctorily extol the virtues of the work ethic and the success of his grand economic design to make this nation one percent rich and 99 percent poor. And he looks down his nose at our gathering here, as an interference with his game plan to achieve Corporate America's dream of a union free environment. He thinks he's almost won.

Dotson is not the name of a Japanese import. It is the name of the Chairman of the National Labor Relations Board, the Klaus Barbie of free trade unionism in America. And Ronald Reagan put him there.

Reilly does not mean the "Life of Reilly." It means Hugh Reilly, legal solicitor for the National Labor Relations Board, Dotson's hatchetman from the Right-to-Work-forless committee, masterminding subversion of the nation's labor laws and collective bargaining.

Congressmen and Senators, unified in the unisex politics of the Corporate State, are flocking back to our shores from their vacation retreats and global junkets, to praise the virtues of labor in one contrived forum after another. They believe their rhetoric inspires us, regardless of their contrary words and deeds and votes. They take us to be economic and political illiterates, while they practice their politics of deceit, with the money and lucre of Corporate PAC slush funds.

Backing them up is a vast indifferent and ill-informed or uninformed citizenry, that doesn't hold membership in our trade unions; doesn't know what a trade unions is; and in a preponderant number of cases, doesn't care what a trade union is. They only know that in times like these, the "smart money" goes into the coward's crouch, hunkers down, looks at the floor, surrenders to the boss, and dare not speak of the noble causes of humankind. Its enough to look after one's own wellbeing.

Each of these adversaries—from the corporate quarterbacks of Reaganomics to the mental midgetry of the President himself, to the glib and unprincipled politics of Congressional and Senatorial neuters, to the unwashed ignorance and unabashed selfishness of four out of five workers in this country—each of them is taking the day-off to watch us—assuming we are making funeral arrangements for our own demise.

Well, we're here to say "Shove it!"

We're here to say, "We shall be heard!"

We're here to say, "Half-fast economic recovery is not recovery at all."

We're here to say that a union free environment is the economic and social smut of the politics of greed and totalitarianism.

We're here to say, "This is not Chile. This is not Poland. This land does not belong to those few and privileged economic Pharoahs perched on the peak of the economic and social pyramid.

This land is our land! We will fight for our piece of the rock.

In Arizona and Montana, the coppermine workers are fighting for their piece of the rock. In Colorado and Texas, the airline workers are fighting for their piece of the rock. In the great Pacific Northwest, the shipyard workers are fighting for their rights and livelihoods.

All across this land, workers are in revolt against the politics of greed, meanness and retrenchment.

In solidarity, trade union workers are resisting concessions, give-backs and union busting consultants.

And all across this land, trade union members are resolved to make the politics of 1984 their chief business.

We've had enough of this ship of fools running our lives aground.

We've had enough of the assumptions and theories of the free market and free trade.

We've had enough of trickle-down economics.

We've had enough of Ronald Reagan's reincarnation of Harding, Coolidge and Hoover.

We've had enough of the Corporate State's unisex politics; enough of Tweedledee and Tweedledum heading our political parties and voters' ballots.

Beginning here, now, today, we are determined to rebuild America to fulfill the promises of America.

If Ronald Reagan wants to live by the merit system, then he's going to die by the merit system. He promised full employment and delivered over twenty milion people into unemployment.

He promised prosperity and gave us a depression.

He promised economic and social equality and gave us class warfare.

He promised peace and gives us war.

He promised us a dream and gives us a nightmare.

So we say to Ronald Reagan, "Out the door in '84!"

We shall be heard.

And we're going to rebuild America in the interests of economic and social justice for all, not in the selfish interests of the privileged few.

Ronald Reagan's politics is the politics of economic recover. We must ask: recovery for whom?

Recovery for 26.5 million American workers who experienced some duration of unemployment during 1982?

Recovery for a permanent standing army of unemployed of 15 million marking time in the ranks of idleness and despair?

Recovery for 34.4 million people dwelling in the hole of poverty? Ronald Reagan has pushed more people over the brink of poverty in the past three years than he has taken off the unemployment rolls during the past three months. He's increasing poverty at the rate of 10 percent a year.

Black people in this country makeup 12 percent of the population, but they constitute 28 percent of the poor.

Hispanics are no better off.

Women makeup nearly half of the workforce in America. And nearly half of the nation's poor families are headed by women.

One out of every five children under the age of 18 in America lives in poverty.

Tell them that economic recovery is here.

When the Reagan Depression began, the unemployment rate was slightly over 7 percent—too high—but low by his standards.

True, we had double digit inflation, and today, Ronald Reagan claims credit for bringing inflation down to the three to four percent range.

But who can say they are better off with single digit inflation and double digit unemployment, than they were when we had double digit inflation and single digit unemployment?

What Ronald Reagan doesn't comprehend, what a lot of our politicians don't understand, is that meat at 10 cents a pound and bread at 10 cents a loaf is inflationary when you're out of work and have no income.

Any fool could bring inflation down by creating a depression and throwing people out of work. Harding, Coolidge and Hoover did it. Gerald Ford did it. Jimmy Carter couldn't do it. But Ronald Reagan is a master demolition expert. He knows exactly how to tear the house down to put out a roof fire.

But Ronald Reagan is touting the economics of recovery. Housing spurted for awhile, but last months figures slipped. Auto sales swelled during spring and summer, but all that pent up demand seems spent now.

Wall Street has run riotous most of the spring and summer, but that is merely investing money in money—playing roulette—and amounts to little more than feeding the bulls on Wall Street in hopes we sparrows can eat.

Those gratuitous tax cuts Ronald Reagan likes to brag about hasn't brought about that great capital investment boom they were supposed to beget either. Corporate America has used its billions in tax cuts to cannibalize each other, shutdown operations here at home and open up shop in some oppressed Third or Fourth World country, or to hire management consultants to bust unions. None of that activity adds a single productive job to the economy.

Any new equipment Corporate America has ordered with its income tax cuts is labor saving equipment—new technology—which may show up as a productivity gain on the corporate balance sheet, but shunts more workers to the end of the unemployment line at the local level.

Reaganites make a big deal out of the past three months' durable goods production, but what they don't tell us is that included in that durable goods figure is all that weapons procurement in his trillion dollar military buildup.

We can't think of anything more ironic than calling weapons "durable goods." And every military production boom we've had in this country, is followed in a few short years, by a bust and recession.

So economic recovery belongs in the same category with the rest of Ronald Reagan's doublespeak.

All we're going to get from him, is more of the same.

That's why we say, "Out the door in '84!"

If we're going to rebuild America along fair and just lines, we have to set out clear and unmistakable objectives.

Rather than dismantle the Federal system of government, we must remake that system so that it serves the needs of the people, rather than corporate might. Ronald Reagan's "new federalism" is nothing more than the old feudalism, which existed before FDR and the New Deal.

The New Deal structure and programs have served this nation well for the better part of 50 years. It built our bridges and highways; it built our water supply and electric energy systems; it gave us public ground transportation and airway services; it brought the crass and callous behavior of big businesses under some form of public control.

Harry Truman's Fair Deal extended the New Deal and helped this nation build and improve our hospitals and health care facilities; the Fair Deal gave a new impetus and placed a new emphasis on education and training.

The brief glory of John F. Kennedy's New Frontier, not only conquered space, but it launched the great Civil Rights victories of the 60's; committed the Federal Government to providing the basic necessities of life to all our citizens; and took the initial and to date, the only steps, toward abolishment of nuclear weapons and he made nuclear war unthinkable.

"Neither dead nor red," he said, "but alive and free." And he had us on the route to peace and prosperity.

The tragic demise of Lyndon Johnson's Great Society, can be attributed to war. His Great Society programs did not fail us. Monuments to the success of his domestic economic and social programs dot the landscape of America. Colleges and Universities were rebuilt and expanded with his aid to education programs. Community hospitals and health centers were modernized and expanded. His war on poverty did succeed in cutting the poverty rate in this country in half. The infrastructure of the nation continued to be built, expanded and modernized under the Great Society.

And under all these programs, taxes were more fair than they have been since Nixon. The rich, the wealthy, and the corporations all came closer to paying their fair share under those Democratic governments, than they do under Ronald Reagan.

If we're going to Rebuild America, the way we want America to look, then we cannot go back to the old economics of the pure free market and free trade. We cannot Rebuild America by tearing down the New Deal and all the rest. We cannot Rebuild America by instituting the Law of the Jungle's survival of the fittest code, for that means might makes right and the King of the Beasts is the greedy Corporate Cat.

In order to Rebuild America, we must go beyond the New Deal, go beyond the Fair Deal, the New Frontier and the Great Society.

We must ask ourselves, what Frankin D. Roosevelt would have done today, if he were alive and had the vast resources of the federal government at his command? Would he have used those resources in behalf of the wealthy and privileged few—the "economic royalists"—as he called them?

Or should he have marshalled those resources, cleared the jungles of contempt, hostility and indifference?

Would he have launched a drive for a "union free environment," or would he have moved to make trade unions strong and given them and their members a responsible role in the making of a great and civil society?

Would the great FDR have put people out of work, or put them back to work? Would he have cast people into poverty, or reached down and pulled them out of poverty?

Would FDR have undermined democracy or extended democracy in matters of economy as well as politics?

As we launch our own trade union and worker campaign for the year 1984, we must make our objectives clear and we must hold all those who solicit our contributions, our votes and our support, responsible and firmly committed to our goals.

Our objectives must be these: (1) the right of each individual to rewarding employment in a full employment economy (2) an equitable distribution of wealth, income and the political power derived therefrom (3) industrial democracy in the workplace, with the absolute right of employees to form trade unions, bargain collectively with employers over terms and conditions of employment, including the right to participate at the highest enterprise and national planning levels, in investment decisions which may impact upon our lives and livelihoods (4) the pursuit of peace as a priority and complementary goal of all of the above.

Botton line, when Ronald Reagan and his ilk start soliciting our vote by reciting the statistics of recovery, the questions we must ask are: Recovery for whom?

Has the price of deliberate economic and social wreckage of the past four years been worth the cost of limited recovery and a badly mauled federal system of government?

Are we as a people—as a nation—better-off or worse-off, than when the wrenching experience began?

Did we have to do it Reagan's way?

Did we have to do it at all?

In a nation and a world of finite natural resources, it is clear massive numbers of people are, and are going to be in need of the basic necessities of life. The current depletion of our resource base, primarily by narrow and powerful private interests, is undermining our productive capacity and potential for sustained economic growth.

The deliberate exclusion of great numbers of people from access to and the fruits and rewards of organizing and utilizing those resources, will further undermine the confidence and strength of the nation.

We can no longer rely on those private interests to act in the majority of the people's interests. They cannot be trusted to do the people's business. It is time to go beyond the great New Deal and restructure our political economy and begin the redistribution of jobs, income, goods and services on the basis of a shared materialism.

This will require a leveling of the economic pyramid and making the crooked straight. It will require hacking out of the free

market jungle a road toward peace and prosperity for all.

That's the American Dream. And that's what trade unionism on this holiday is all about: commencing the urgent task of Rebuilding America.●

TOLERANCE AND TRUTH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. LANTOS. Mr. Speaker, Senator EDWARD KENNEDY gave a thoughtful and judicious analysis of the relationship between politics and religion in a brilliant speech delivered Monday to the students of Liberty Baptist College in Lynchburg, Va. The college was founded by the Reverend Jerry Falwell. Excerpts of that speech appeared in today's Washington Post. I commend Senator KENNEDY's speech to my colleagues in the House and to the American people.

TOLERANCE AND TRUTH

A generation ago, a presidential candidate had to prove his independence of undue religious influence in public life—and he had to do so partly at the insistence of evangelical Protestants. John Kennedy said at that time: "I believe in an America where there is no [religious] bloc voting of any kind." Only 20 years later another candidate was appealing to an evangelical meeting as a religious bloc. Ronald Reagan said to 15,000 evangelicals at the Roundtable in Dallas: "I know that you can't endorse me. I want you to know that I endorse you and what you are doing."

To many Americans, that pledge was a sign and a symbol of dangerous breakdown in the separation of church and state. Yet this principle, as vital as it is, is not a simplistic and rigid command. . . .

The separation of church and state can sometimes be frustrating for women and men of deep religious faith. They may be tempted to misuse government in order to impose a value which they cannot persuade others to accept. But once we succumb to that temptation, we step onto a slippery slope where everyone's freedom is at risk. Those who favor censorship should recall that one of the first books ever burned was the first English translation of the Bible. As President Eisenhower warned in 1953, "Don't join the bookburners. . . . The right to say ideas, the right to record them, and the right to have them accessible to others is unquestioned—or this isn't America." And if that right is denied, at some future day the torch can be turned against any other book or any other belief. Let us never forget: today's Moral Majority could become tomorrow's persecuted minority.

The danger is as great now as when the Founders of the nation first saw it. In 1789, their fear was of factional strife among dozens of denominations. Today there are hundreds—and perhaps thousands of faiths—and millions of Americans who are outisde any fold. Pluralism obviously does not and cannot mean that all of them are right; but it does mean that there are areas where government cannot and should not decide what it is wrong to believe, to think, to read and to do. . . .

The real transgression occurs when religion wants government to tell citizens how to live uniquely personal parts of their lives. The failure of Prohibition proves the futility of such an attempt when a majority or even a substantial minority happens to disagree. Some questions may be inherently individual ones or people may be sharply divided about whether they are. In such cases—cases like Prohibition and abortion—the proper role of religion is to appeal to the conscience of the individual, not the coercive power of the state.

But there are other questions which are inherently public in nature, which we must decide together as a nation, and where religion and religious values can and should speak to our common conscience. The issue of nuclear war is a compelling example. It is a moral issue; it will be decided by government, not by each individual; and to give any effect to the moral values of their creed, people of faith must speak directly about public policy. The Catholic bishops and the Rev. Billy Graham have every right to stand for the nuclear freeze—and Dr. Falwell has every right to stand against it.

There must be standards for the exercise of such leadership—so that the obligations of belief will not be debased into an opportunity for mere political advantage. But to take a stand at all when a question is both properly public and truly moral is to stand in a long and honored tradition. Many of the great evangelists of the 1800s were in the forefront of the abolitionist movement. In our own time, the Rev. William Sloane Coffin challenged the morality of the war in Vietnam. Pope John XXIII renewed the Gospel's call to social justice. And Dr. Martin Luther King Jr., who was the greatest prophet of this century, awakened our national conscience to the evil of racial segregation. . . .

President Kennedy, who said that "no religious body should seek to impose its will," also urged religious leaders to state their views and give their commitment when the public debate involved ethical issues. In drawing the line between imposed will and essential witness, we keep church and state separate—and at the same time, we recognize that the City of God should speak to the civic duties of men and women.

There are four tests which draw that line and define the difference.

First, we must respect the integrity of religion itself.

People of conscience should be careful how they deal in the word of their Lord. In our own history, religion has been falsely invoked to sanction prejudice and even slavery, to condemn labor unions and public spending for the poor. I believe that the prophecy—"the poor you have always with you"—is an indictment, not a commandment. I respectfully suggest that God has taken no position on the Department of Education—and that a balanced-budget constitutional amendment is a matter for economic analysis, not heavenly appeals.

Religious values cannot be excluded from every public issue—but not every public issue involves religious values. . . .

Second, we must respect the independent judgments of conscience.

Those who proclaim moral and religious values can offer counsel, but they should not casually treat a position on a public issue as a test of fealty to faith. Just as I disagree with the Catholic bishops on tutition tax credits—which I oppose—so other Catholics can and do disagree with the hierarchy, on the basis of honest conviction, on the question of the nuclear freeze.

Thus, the controversy about the Moral Majority arises not only from its views, but from its name—which, in the minds of many, seems to imply that only one set of public policies is moral—and only one majority can possibly be right. . . .

Let me offer another illustration. Dr. Falwell has written: "To stand against Israel is to stand against God." Now, there is no one in the Senate who has stood more firmly for Israel than I have. Yet I do not doubt the faith of those on the other side. Their error is not one of religion, but of policy—and I hope to persuade them that they are wrong in terms of both America's interests and the justice of Israel's cause.

Respect for conscience is most in jeopardy—and the harmony of our diverse society is most at risk—when we re-establish, directly or indirectly, a religious test for public office. That relic of the colonial era, which is specifically prohibited in the Constitution, has reappeared in recent years. After the last election, the Rev. James Robison warned President Reagan not to surround himself, as presidents before him had, "with the counsel of the ungodly." I utterly reject any such standard for any position anywhere in public service. Two centuries ago, the victims were Catholics and Jews. In the 1980s, the victims could be atheists; in some other day or decade, they could be the members of the Thomas Road Baptist Church. Indeed, in 1976 I regarded it as unworthy and un-American when some people said or hinted that Jimmy Carter should not be president because he was a born-again Christian.

We must never judge the fitness of individuals to govern on the basis of where they worship, whether they follow Christ or Moses, whether they are called "born again" or "ungodly." Where it is right to apply moral values to public life, let all of us avoid the temptation to be self-righteous and absolutely certain of oursevles. And if that temptation ever comes, let us recall Winston Churchill's humbling description of an intolerant and inflexible colleague: "There but for the grace of God—goes God."

Third, in applying religious values, we must respect the integrity of public debate.

In that debate, faith is no substitute for facts. Critic may oppose the nuclear freeze for what they regard as moral reasons. They have every right to argue that any negotiation with the Soviets is wrong—or that any accommodation with them sanctions their crimes—or that no agreement can be good enough and therefore all agreements only increase the chance of war. I do not believe that, but it surely does not violate the standard of fair public debate to say it.

What does violate that standard, what the opponents of the nuclear freeze have no right to do, is to assume that they are infallible—and so any argument against the freeze will do, whether it is false or true.

The nuclear freeze proposal is not unilateral, but bilateral—with equal restraints on the United States and the Soviet Union.

The nuclear freeze does not require that we trust the Russians, but demands full and effective verification.

The nuclear freeze does not concede a Soviet lead in nuclear weapons, but recognizes that human beings in each great power already have in their fallible hands the overwhelming capacity to remake into a pile of radioactive rubble the earth which God has made. . . .

I am perfectly prepared to debate the nuclear freeze on policy grounds, or moral

ones. But we should not be forced to discuss phantom issues or false charges. They only deflect us from the urgent task of deciding how best to prevent a planet divided from becoming a planet destroyed. . . .

Fourth and finally, we must respect the motives of those who exercise their right to disagree.

We sorely test our ability to live together if we too readily question each other's integrity. It may be harder to restrain our feelings when moral principles are at stake—for they go to the deepest well-springs of our being. But the more our feelings diverge, the more deeply felt they are, the greater is our obligation to grant the sincerity and essential decency of our fellow citizens on the other side.

Those who favor the Equal Rights Amendment are not "anti-family" or "blasphemers" and their purpose is not "an attack on the Bible." Rather we believe this is the best way to fix in our national firmament the ideal that not only all men, but all people are created equal. Indeed, my mother—who strongly favors ERA—would be surprised to hear that she is anti-family. For my part, I think of the amendment's opponents as wrong on the issue, but not as lacking in moral character.

I could multiply the instances of name-calling, sometimes on both sides. Dr. Falwell is not a "warmonger"—and "liberal clergymen" are not, as the Moral Majority suggested in a recent letter, equivalent to "Soviet sympathizers." The critics of official prayer in public schools are not "Pharisees"; many of them are both civil libertarians and believers who think that families should pray more at home with their children and attend church and synagogue more faithfully. And people are not "sexist" because they stand against abortion; they are not "murderers" because they believe in free choice. Nor does it help anyone's cause to shout such epithets—or try to shout a speaker down—which is what happened last April when Dr. Falwell was hissed and heckled at Harvard. So I am doubly grateful for your courtesy here today. That was not Harvard's finest hour, but I am happy to say that the loudest applause from the Harvard audience came in defense of Dr. Falwell's right to speak.

In short, I hope for an America where neither fundamentalist nor humanist will be a dirty word, but a fair description of the different ways in which people of good will look at life and into their own souls.

I hope for an America where no president, no public official, and no individual will ever be deemed a greater or lesser American because of religious doubt—or religious belief.

I hope for an America where the power of faith will always burn brightly—but where no modern Inquisition of any kind will ever light the fires of fear, coercion or angry division.

I hope for an America where we can all contend freely and vigorously—but where we will treasure and guard those standards of civility which alone make this nation safe for both democracy and diversity. . . .●

"THE SWASTIKA" EPISODE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. RICHARDSON. Mr. Speaker, I would like to bring to the attention of my colleagues a recent article in the October Bulletin of the Anti-Defamation League of B'nai Brith by Saul F. Rosenthal entitled, "The Swastika" Episode.

My State of New Mexico was recently faced with the task of having the symbol of the swastika removed as an official emblem on the yearbook of New Mexico State University. Though the yearbook emblem was not exactly the same as the swastika, and was an Indian symbol long before the swastika represented Nazi Germany, the similarities were too close for those of us who value human rights, freedom, and democracy, and particularly for those Jewish Holocaust survivors who experienced firsthand the meaning of nazism.

Mr. Speaker, I am very proud of my State for its final action in changing this symbol. Mr. Rosenthal's article shows the long, never easy, at times painful, but necessary task of bringing change in the area of human relations. I hope that my colleagues will take the time to read this thoughtful piece:

"THE SWASTIKA" EPISODE

(By Saul F. Rosenthal)

For as long as anyone can remember, the student yearbook at New Mexico State University in Las Cruces, NM, has been called "The Swastika." Except for a brief period during World War II when use of "The Swastika" name was suspended, Jewish students at the University have had to contend with the emblem. Since the war, the ranks of the uncomfortable have expanded beyond Jewish students to include the larger Jewish community and all opponents of fascism and racism. In today's world, the swastika means Nazism, and Nazism means racism, genocide and barbarism.

INDIAN SYMBOL

In fairness, the swastika used at New Mexico State University is not the same as the Nazi symbol—its "legs" extend in a reverse direction. The yearbook emblem was an Indian symbol long before the swastika ever became identified with Adolf Hitler's National Socialist Party. Originally a Sanskrit symbol of good luck, it was later adopted by the Indians living in the southwestern United States. In fact, the Indian symbol appears in artwork and architecture throughout the region and a major theatre in Albuquerque has several swastikas emblazoned on its exterior.

Unlike what would likely have occurred in areas with a larger concentration of Jews—and, possibly, Holocaust survivors—many years elapsed in New Mexico before strong protests were heard about "The Swastika" yearbook. Part of the reason may lie in the fact that the Jewish community of Las Cruces had grown up with the Indian symbol and understood its meaning and how it differed from the swastika used by the Nazis. While there probably was hesitancy in challenging what was seen as an ancient and honored symbol in the state, there have been protests from the Jewish community at least twice in the last three decades. In each instance, the controversy was resolved by letting the students decide whether or not to change the name, and after a vote, the name was kept.

Unlike the previous occasions, when the issue was raised again this year the impetus emanated from the campus itself—initiated by a student, Paula Steinbach, and Jerome Brown, a professor of history whose sense of justice was surpassed only by his stubborn dedication.

The student was not typical for the campus of 11,000. She was a graduate student from Chicago who had served several years in the Navy before coming to New Mexico State University. She lived in a trailer, kept her home kosher, and, to support herself, worked parttime for the student newspaper, The Roundup. As the president of the B'nai B'rith Hillel group at NMSU, she felt an obligation to address the issue of "The Swastika."

In her search for support, she found Professor Brown who, among other things, was an ardent supporter of civil liberties and a tireless crusader for justice and equality. After many years in Las Cruces, he, too, could not tolerate the offensive symbol.

Together Miss Steinbach and Professor Brown set out to effect a change—and in the process, uncovered problems which few people knew existed in New Mexico.

With the advice and assistance of the Anti-Defamation League's Mountain States regional office in Denver, they worked first through the governing process of the University in an attempt to obtain change through responsible debate and swaying student representatives. The arguments were quite eloquent. They pointed out the modern meaning of the symbol, the hurt it causes Holocaust survivors and the poor image it projects for New Mexico.

The same arguments were also raised through the media. Students began writing letters to *The Roundup* suggesting that the name be changed. Faculty members and alumni followed suit. Soon, an ugly response to the campaign started to surface. Hateful, anti-Semitic letters were published in *The Roundup* and in general interest newspapers in New Mexico and neighboring Texas. The conflict escalated until the barrage of rhetoric was enough to attract editorial comment from regional newspapers and nearly everyone in New Mexico knew what was going on in Las Cruces.

The controversy intensified further and had personal repercussions for Miss Steinbach. Defamatory statements were printed about her in the student newspaper and sexist graffiti appeared on walls near her desk in its office. Her editor fired her at the height of the controversy, and although she was later reinstated, the damage in intensifying ill-will over the issue had clearly been done.

There were other manifestations of bigotry. One morning, students awoke to find that a swastika had been painted on one side of "Aggie Wall," an imposing sculpture in the midst of the campus, and a *Mogen David* on the opposite side.

Not too much later, a 50-year resident of Las Cruces discovered a swastika painted on a plaque in a local fraternal lodge. The plaque commemorated the contributions of a Jewish member of the lodge.

Despite all this, neither the students nor the administration of the University would yield and change the yearbook's name. A task force appointed by the University polled the students and concluded, based on a 10 percent voter turnout, that there was no sentiment to change the name. The letters to the papers became more hostile, the threat of violence increased, and the climate reached a dangerous level. At a meeting in Las Cruces with Jewish community leaders, students and faculty, ADL helped develop a

plan for seeking the intervention of the Board of Regents, which was to meet in two weeks.

From Las Cruces, Albuquerque, El Paso, TX, and elsewhere around the area, letters and telegrams were sent to the five Regents and to the president of the University. At the same time, an ADL constituent from Albuquerque and her friends assembled a coalition committed to changing the name of "The Swastika." Composed of the Jewish Community Council, Jewish and non-Jewish civic leaders, the American Indian Youth Organization, and representatives of the Governor's staff, the coalition made plans to meet with New Mexico Governor Toney Anaya and solicit his aid.

Several days before the Board was to meet, one of the Regents announced his desire to see the name changed. A second soon followed. The day after his meeting with members of the Albuquerque coalition, the Governor sent personal messages to each Regent and to the president of the University urging that in the interest of preserving the good name of the state and the University, the name be changed. By coincidence, it was during this time period that the president of the University of Mississippi announced that the Confederate flag would no longer serve as the symbol of "Ole Miss." The significance of the gesture could not have been lost on the people faced with making a decision for change in New Mexico.

SURVIVOR'S REMARKS

At the meeting of the Board of Regents both sides of the dispute were amply represented. Those who wanted the name retained spoke of tradition and urged that the students be given another chance to consider the whole matter. The proponents of the name change, led by an American Indian spokesman, addressed the matter of compassion and sensitivity. A decisive moment occurred when a Holocaust survivor brought tears to many of those present, as he spoke of his experience and of his reactions to seeing the name of the swastika in his town.

The Board voted 3 to 1 (with one Regent absent) to change the name to another Indian symbol of the students' choosing and the swastika was thus removed from the official status it held at a state university. But the wounds inflicted have not yet been removed. The hate which surfaced needs to be dealt with.

Cooperating with the coalition, ADL will help develop educational and human relations programs for the community and the campus, programs which not too long ago the people in this seemingly peaceful community did not realize were needed.●

ECONOMIC POTENTIAL OF THE MIDDLE EAST

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, the following article, written by Ghanim A. Al-Mazrui and printed in the spring issue of American Arab Affairs, clearly outlines the enormous economic potential of the Middle East, and the mutual gains to be reaped from closer cooperation between the United States and the Arab world. It also offers an important perspective on the prospects for political stability in the region, a perspective we must heed if we are to contribute to a lasting peace.

I am grateful to Richard M. Nolan, former Member of Congress and currently President of the U.S. Export Corporation, for bringing this article to my attention. I commend it to my colleagues.

The article follows:

U.S.-GULF ARAB ECONOMIC RELATIONS

(By Ghanim Faris Al-Mazrui)

(His Excellency Ghanim Faris Al-Mazrui was Director of the Political Department of the Ministry of Foreign Affairs of the United Arab Emirates between 1974-76. He is currently Chairman of the Private (Privy) Department of the Head of State of the U.A.E., as well as Governor of the U.A.E. Central Bank, Director of the Abu Dhabi National Insurance Co., Vice-Chairman of the Arab International Bank, Cairo, and Secretary-General of the Abu Dhabi Investment Authority)

Close Arab-U.S. economic ties are not a recent phenomenon. Despite enormous distances and other geographical obstacles, Arab-U.S. economic relations were opened as early as 1786, when a commercial treaty was concluded between Morocco and the newly established United States of America. A similar treaty was signed with Muscat in 1833, and economic relations developed with Egypt in the latter part of the 19th century. At the end of the 19th century thousands of Palestinians, Syrians and Lebanese emigrated to the United States, and the base was set for the current population of 3 million Arab-Americans. Today, as they have done for a century, this vital group has served as a conduit for the exchange of ideas, views and aspirations for strengthened relations between our worlds. Arab-Americans have contributed greatly to the "melting pot" that is the United States, and many occupy prominent positions in government, medicine, law, education and business. They are a source of pride for us in the Arab world.

Apart from compatible political systems that share many fundamental views concerning free enterprise and economic policy, the Arab economies and the economic system in the United States have developed in such a way that they are now bound by a unique complementarity, the full potential of which has not yet been realized.

For the Arab countries, the United States represents the leader of the Free World and traditionally has stood for the principles of justice, democracy and peace. As a result of its advances in science and technology, management and services, the United States is a natural partner to assist in the ambitious development programs underway in our countries.

The increase in oil revenues in the 1970s brought unprecedented opportunities for development in the Arab oil-producing states, and for the United States insofar as trade and other economic cooperation was concerned. Altogether, the 21 Arab countries, which have a population of over 160 million and an area of 5.25 million square miles that stretches from the Indian Ocean to the Atlantic and which constitute the world's second largest geographical, social and political grouping, represent an enormous market for U.S. goods and services. Last year some ten percent of U.S. exports, worth $18 billion, were absorbed by Arab markets. Of the nearly $80 billion in 1982 construction contracts in the Arab oil-exporting states, $12.8 billion went to the United States. Last year, for the first time since 1973, revenues from U.S. exports to the Arab world exceeded the cost of Arab imports to the United States, and relieved the growing balance of payments burden in the United States by some $4 billion.

Also, the United States has played and could continue to play an important role in the programs of the Arab oil-producing states to create secondary industries. The massive industrial complexes of Yanbu and Jubail in Saudi Arabia are examples of the degree to which American firms can assist the Arab oil-exporting states in the diversification of their economies.

In recent years the United States has received a significant percentage of Arab oil-exporting state investment. In March 1983, it was estimated by the Treasury Department that Middle Eastern oil-exporters had invested over $77.87 billion in the United States. Of that amount, $44.1 billion are thought to have been invested in Treasury bills and certificates, longer-term Treasury bonds and Federal agency issues.

But even in light of the significant economic interdependence that has developed between the Arab world and the United States, much still remains to be done to increase the pace of development in the Arab countries. The United States, by virtue of its vast industrial and technological resources, can make an important contribution to the alleviation of some of our most pressing needs. Especially through the transfer of technology and the supply of necessary expertise and know-how for its efficient use, it can play an even more vital role in the effort by Arab countries to develop their economies. American firms can benefit from this process through the sale of equipment and spare parts and through fees from training, management and consulting.

The Sudan, for example, has enormous potential for the development of its agricultural sector. With an area of 968,500 square miles and more than 200 million acres of fertile, cultivatable land, the Sudan could become, with the appropriate technology, an important regional exporter of agricultural products. Of this huge expanse of land, only 20 million acres are currently being used for agricultural production and only at low yield efficiency. With the proper coordination and assistance, agricultural production by Arab countries could make the Arab world self-sufficient in food by the year 2000. It is conceivable that Arab agricultural production, after self-sufficiency is reached, could provide badly needed food export to developing countries.

Yet despite the economic interdependence that has developed over the years between the Arab countries and the United States, the continued instability caused by the Arab-Israeli conflict threatens to overshadow the gains each side has sought to achieve. Only on the basis of a truly even-handed approach to this historical conflict can the United States maintain its strong relations with the Arab world. Otherwise, if progress is not made toward a comprehensive settlement based on the rights of the Palestinians to a sovereign state, it will be difficult for us to maintain the close cooperation that has characterized Arab-U.S. economic relations in the past.

The United States, by virtue of its world standing and influence on the disputants in this conflict, is singularly qualified to actively use its resources with the aim of ef-

fecting peace in the region. Because of its stated economic and strategic interests in the Arab world, we cannot help but reach the conclusion that an enduring peace would be in the best interests of this country. Nonetheless, there has been little evidence, most particularly in the initial stages of the Reagan Administration, that U.S. policy-makers take seriously what is undoubtedly the central cause of instability in the Middle East. Instead, with a distinctly monofocal approach, it sought to impose the priority of a potential Soviet threat on a region overwhelmingly concerned by the instability generated by the expansionist designs of Israel.

After the tragic chain of events resulting from the Israeli invasion of Lebanon, the Administration came to recognize that resolution of the Palestinian struggle for self-determination was necessary for the establishment of a permanent and lasting peace. This recognition was acknowledged in President Reagan's September 1, 1982 peace initiative, although the formula he proposed is not sufficient from our standpoint because it stops short of endorsing the establishment of a sovereign, independent Palestinian state.

We in the Arab world feel that we have made the "fair and reasonable compromises" called for in President Reagan's peace initiative. Every effort has been made by us to reach a peaceful and lasting solution to the conflict on the basis of the internationally accepted and codified principles of self-detemination and respect for the sovereignty of nations. The points advanced by the Arab heads of state at Fez, Morocco last September represent a moderate and fair approach to the Arab-Israeli dispute by calling for the return of territories occupied durintg the 1967 War and the satisfaction of the legitimate rights of the Palestinians to self-determination with the establishment of an autonomous Palestinian state in the West Bank and Gaza. In return, the Arab leaders guaranteed the right of all states in the region to live within secure and recognized borders.

Moderation has been shown by King Hussein, who as recently as last December visited President Reagan in an effort to set the circumstances for negotiation. Moderation has been shown by PLO Chairman Yasser Arafat, who has met several times with King Hussein in an attempt to reach a suitable formula whereby Palestinians would be represented in the negotiating process. Moderation was shown when the Palestine National Council, the assembly that constitutes the Palestinian parliament, adopted a progran at Algiers in support of a peaceful settlement of the conflict based on the points decided at Fez. How much more moderation and compromise can we show to prove to the United States that we too share its goal of a comprehensive and enduring peace in the region?

Yet in view of the determined intransigence on the part of Israel, reflected by the categorical rejection of President Reagan's initiative and by the intensification of its settlements program in the occupied territories, in direct contradiction to the President's appeal for a freeze, we feel that the United States is not applying the true even-handedness that it purports to represent. How else can we explain the fact that the U.S. Congress increased enormously its military aid commitments to Israel after it had invaded Lebanon and insultingly rejected President Reagan's initiative? We must sadly conclude that pressure groups are diverting the course of U.S. foreign policy in a direction that is contrary to its own best interests.

It is difficult for us to imagine why the United States has put at jeopardy, as a result of its unqualified support of what we consider to be a regional, expansionist power, the enormous potential of economic cooperation with the Arab states. We only ask the United States to play a firm role in the resolution of the conflict on the basis of justice and peace, principles with which we have identified the United States in the past.

Current U.S. policy seems to rely on the misguided proposition that the United States can simultaneously support the Israeli drive for regional domination, maintain friendly and prosperous relations with the Arab countries and provide a deterrent to Soviet penetration of a region of vast geostrategic importance. This is simply unworkable. As Israel continues its policy of systematic annexation of the occupied territories and new territories, it forecloses the only basis of a comprehensive peace. The only response for the Arab countries would be predictable animosity toward, and a fundamental reassessment of, our relations with the United States. And no development would do more to assist the Soviet Union in its aim of extending its influence to the totality of the Arab world. From the standpoint of U.S. policy, the current crisis would pale in comparison to what would result from this scenario.

We are not far from that point now. It is hoped that concerned Americans, whose interests are intertwined in peaceful and prosperous U.S. relations with the Arab world and an enduring peace in the Middle East, will make every effort to prevent this deterioration in relations between our countries, to reassess whether the current U.S. policy is in their best interests and to decide whether the consequences of the same policy are compatible with the principles for which the United States stands.

For our part, we will continue to pursue a comprehensive peace with the vigor evidenced in recent months. We, too have an enormous stake in the outcome of the forthcoming developments. The United Arab Emirates attaches considerable importance to its economic relations with the United States. It is committed to the cause of a just and lasting peace in the Middle East. We sincerely hope, like the rest of the Arab countries, that the United States will make a serious and credible move toward this goal.

In the meantime, in order to spur mutual efforts to bring about an atmosphere of understanding, we must intensify the dialogue between our worlds at the diplomatic, economic, cultural and educational levels. We must make a determined effort to correct the malicious stereotypes and images of the Arab world in the United States. We must make clear here that peace, which is clearly in the interest of this country, is also in our interests. Once a firm foundation of understanding is built and a structure of peace is achieved, we can concentrate solely on resolving the pressing development problems of our area on the basis of mutual interest and prosperity.●

CALIFORNIA VETERANS COALITION

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. DELLUMS. Mr. Speaker, I take this opportunity to commend the work of the California Veterans Coalition, an Oakland-based group that is working on behalf of veterans of the Vietnam war. The coalition's efforts especially stand out for their work providing educational and health services for potential victims of the dioxin-laced herbicide, agent orange.

The agent orange problem is one more sad story in the Vietnam affair. Our soldiers may have been exposed to potentially life-threatening chemicals emitted from our own weapons—yet the U.S. Government is very slow in acknowledging and responding to this very serious potential danger. Approximately 11 million gallons of agent orange were sprayed in South Vietnam, the most of any herbicide used in the war. Many veterans believe that their exposure to this herbicide is directly linked to their subsequent development of nervous disorders and cancers, and birth defects in their children.

The California Veterans Coalition has been very active helping to locate soldiers who may have been exposed to agent orange. The coalition is working to establish prototype procedures for the Veterans' Administration to work cooperatively with local groups to help place appropriate veterans on the agent orange registry. If our soldiers have been exposed to this dioxin-laced herbicide, they must be provided with proper health education and medical services to best offset any related health problems.

The California Veterans Coalition will be performing vital information and referral services in low- and moderate-income areas in Richmond, Calif. It is in such income areas that adequate health services are frequently unavailable or especially lacking. The group will help advise veterans in the detection and prevention of agent orange associated health problems. Ex-Vietnam soldiers will be informed of specialized tests and screenings conducted by both private and public agencies. This is part of the group's effort to put together a veterans health care network linked to the local city's health care system.

More than 80,000 veterans nationwide have already received physical examinations in connection with herbicide spraying by our Government in Vietnam. Additionally, it is estimated that some 2,700 to 2,800 new health exams are conducted each month. In helping to monitor this sad story, the

California Veterans Coalition is performing a vital service for some of the most recent generation of soldiers. Like other sad stories from the Vietnam affair, this one will not go away. But we need to recognize the problem, and provide the best possible services to those that are now suffering as a result of that conflict.●

CHILDREN'S TELEVISION EDUCATION ACT OF 1983

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. WIRTH. Mr. Speaker, today I am introducing the Children's Television Education Act of 1983, which will advance the use of television for the positive educational benefit of our children. Several of my colleagues have joined me as cosponsors of this legislation.

A series of recent reports, including that of the National Commission on Excellence in Education, have focused attention on some extremely troubling problems facing our schools. These reports have pointed to overly lenient requirements for graduation, the shortness of the school day, and ill-equipped or underpaid teachers as the crux of the problem, and have called on State and local governments to increase teacher pay and impose more stringent academic requirements on pupils.

Certainly, much can and should be done in many of these areas, but what has often been overlooked in the current debate is the present and potential role of television in helping to educate our children, by itself and in coordination with our schools.

Television had become an integral part of everyday life with profound effects on the values of children and their ability to learn a wide variety of skills and behavior. In fact, television is so pervasive an influence that by the time the average child finishes high school, he or she has spent an astonishing 10,000 to 15,000 hours in front of a television set—more time than in the classroom. Yet, little has been accomplished to maximize the tremendous educational, cultural and social potential that television holds for children.

Over the years the congressional debate concerning television's impact on our children has generally focused on negative aspects such as the relationship between TV violence and behavior. Both laboratory and field studies indicate that television violence does lead to aggressive behavior in children and adolescents. But our concerns must be broader. Available data demonstrates that for large groups of children a negative correlation exists between the amount of television watched and declining verbal skills. For high school students, studies show an inverse relationship between reading and TV viewing—the more television watched, the lower the reading scores.

While these issues of course are important, the positive attributes that television holds for children have generally been overlooked, despite extensive documentation by academic research.

For example, we know that television can teach a wide variety of skills and behavior. Programs such as "Sesame Street" have been measurably instrumental in giving children greater reading and mathematical proficiency at an early age. In addition to specific skills, there are currently a large number of research studies that demonstrate that television can teach a variety of prosocial behaviors, ranging from altruism and kindness toward others to cooperation with friends and neighbors.

Moreover, research shows that television can motivate children to learn about the world around them. At very early ages, a child's fascination with television can be effectively channeled into positive educational experiences. Television can play a pivotal role in sustaining a child's curiosity about science, natural phenomena, and our environment—without the child necessarily knowing that it is educational programing.

In these ways, television can simultaneously educate and entertain. Too often entertainment and education have been treated as separate entities, and as competitors for a child's attention. We have often viewed education as responsible and serious, and television as frivolous and wasteful. This need not be the case. In fact, extensive research shows how entertainment can be successfully intertwined with education, with the sum product being a more exciting and fruitful learning experience for children.

Both the Federal Communications Commission (FCC) and the Congress have been involved in issues relating to children and television for nearly two decades, with little to show for their efforts. In 1974 the FCC issued the Children's Television Report and Policy Statement, which concluded that broadcasters have a special obligation to serve children as a substantial and important community group. The FCC ordered television stations make a meaningful effort to increase the amount of programing for children and to air informational and informative programing for children. In 1979, 5 years after the FCC mandate, the FCC discovered that programing for children had increased by less than 1 hour per week. Because the FCC believed that this was not a meaningful effort, a rulemaking was begun in 1979 to again address the dearth of programing for children. However, no rules or other solutions have been enacted.

On September 13, 1983 the National Science Board Commission on Precollege Education in Mathematics, Science and Technology issued a comprehensive plan of action for improving education for American elementary and secondary students. Among the conclusions of this report is that while television is the most pervasive medium of informal learning today, commercial television often presents a "grossly distorted, and generally negative picture of science." Because science and technology training is important for children if we are to compete effectively in an international economy, the science board recommended that Federal regulation of commercial television include a required period of educational programing for children, at a time convenient to the student.

In an effort to better understand what is being done today by broadcasters in the way of programing the Subcommittee on Telecommunications, Consumer Protection and Finance, which I chair, sent a questionnaire to every commercial television station in the Nation. Although congressional requests usually elicit high response rates, we received responses from only 40 percent of the stations.

Last night I received the first computerized data from our survey. Results on children's programing show that this Nation's commercial broadcasters devote only 61 minutes a week to educational programing for children, or three fourths of 1 percent of their daily air time, while cartoons make up 152 minutes of children's programing. Including all other programing, such as game shows, according to the broadcast industry's own responses, stations on average air a grand total of only 4½ hours per week for our children. That, sadly, translates into only about 3 percent of total air time being devoted to our children.

Frankly, I am amazed at, and deeply disappointed by these statistics. And, I am sure that our figures are vastly understated when it comes to cartoon programing, since a glance at any TV Guide will show that on Saturday morning alone there is more cartoon programing than stations have listed as their totals.

For over a decade we have tried voluntary programs to increase the availability of children's programing on commercial television with virtually no success. Expert commissions are now pointing to an educational crisis facing our country. Yet, the tremendous educational potential of television is largely unrealized.

So today, I am introducing "The Children's Television Education Act of 1983" which adopts the recommenda-

tions of the National Science Board panel and requires that each broadcaster provide a minimum of 1 hour per day of programing, Monday through Friday, specifically designed to enhance the education of children. The bill sets forth a series of findings concerning the tremendous educational potential of television and requires the Federal Communications Commission to develop rules to maximum the use of television in educating children, and to increase the amount of educational programing specifically designed for children. Rules must be promulgated within 180 days of enactment of the legislation and the FCC is authorized to review the effectiveness of the regulations 4 years thereafter.

I am hoping that this modest proposal will be a first step toward providing the impetus for increased and meaningful programing designed for children. I urge my colleagues to join me in cosponsoring this legislation. For the benefit of my colleagues I would like to request that the text of this legislation be printed in the RECORD at this point:

Pursuant to Clause 4 of rule XXII of the rules of the House of Representatives, the following sponsors are hereby added to:

Carl Perkins, Claudine Schneider, Jim Bates, Parren Mitchell, Patricia Schroeder, Douglas Walgren, Mickey Leland, and John Bryant——

H.R. 4097

A bill to increase the availability of educational television programming for children

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Children's Television Education Act of 1983".

FINDINGS

SEC. 2. The Congress finds that——

(1) a series of expert commissions have documented serious shortcomings in our Nation's educational system, which will profoundly affect both the opportunities available to our Nation's children, and the ability of the United States to compete effectively in an international economy;

(2) by the time the average student graduates from high school, that child has spent more time watching television than in the classroom;

(3) the potential of television programming for making a major positive impact in improving the education of children has generally been overlooked;

(4) the educational potential of television is apparent because—

(A) children can learn a wide variety of information, skills, values, and behavior from television;

(B) it can be instrumental in giving children greater reading and mathematical proficiency; and

(C) it can simultaneously educate and entertain children, motivating them to learn about the world around them;

(5) commercial television does not currently provide any regularly scheduled educational programming designed for children;

(6) the Federal Communications Commission has not taken effective steps to increase educational programming designed for children on commercial television;

(7) despite diminishing Federal financial support, public broadcasting continues to provide the only significant educational programming for children broadcast on television; and

(8) it is in the public interest to significantly increase educational television programming designed for children.

SEC. 3. Part I of title III of the Communications Act of 1934 is amended by redesignating the last section as section 333 and by inserting before such section the following:

"CHILDREN'S TELEVISION PROGRAMMING

"SEC. 332. (a) It is the purpose of this section—

"(1) to further use the potential of television for the positive educational benefit of our Nation's children;

"(2) to encourage the development of educational programming for children; and

"(3) to increase the amount of educational programming broadcast which is specifically designed for children.

"(b) Every television broadcast station shall broadcast each Monday through Friday a minimum of one hour per day of programming specifically designed to enhance the education of children.

"(c)(1) The Commission shall prescribe such regulations as are necessary to carry out the purposes of this section.

"(2) Such regulations shall be initially prescribed not later than 180 days after the date of the enactment of this section.

"(3) Beginning 4 years after such date of enactment, and periodically thereafter, the Commission shall review the effectiveness of the regulations prescribed under this section and, on the basis of such review, amend or supplement such regulations to the extent necessary to assure that such regulations carry out the purposes of this section. Such regulations may require a greater amount of broadcasting of children's educational television programming than is specified in subsection (b).".●

CONGRESSIONAL SALUTE TO HON. GERRARD BERMAN AND HON. ELLA BERMAN, THE MOST COMPLETE LAYMEN IN THE CONGREGATION OF TEMPLE EMANUEL OF NORTH JERSEY, PATERSON, N.J.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. ROE. Mr. Speaker. On Saturday, October 8, the residents of my congressional district and State of New Jersey will join with Rabbi Dr. David H. Panitz and the congregation of Temple Emanuel of North Jersey, Paterson, N.J. in testimony to two distinguished leaders—Hon. Gerrard Berman and Hon. Ella Berman—whose standards of excellence throughout their lifetime have earned them the most highly coveted honor of being chosen: "The Most Complete Laymen in the Congregation of Temple Emanuel"—the highest award that Temple Emanuel can bestow upon any of its members.

This testimonial in tribute to their leadership endeavors in promulgating, enhancing, and preserving the richness of their Jewish religious and cultural heritage is being celebrated on the occasion of Garry's 60th Bar Mitzvah Anniversary and on the eve of Garry and Ella's 50th wedding anniversary.

Mr. Speaker, I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings, felicitations, and heartiest congratulations to Garry and Ella Berman and share the pride of their son, Dr. Lawrence Berman; daughter, Rina Lerner; daughter-in-law, Rosalie Berman; son-in-law, Burton Lerner; their grandchildren: Michael, Leonard, Mark, and Beth Berman; and Joshua, Jessica, and Deborah Lerner in applauding this milestone of achievement in their most illustrious and rewarding lifetime of fulfillment and purpose.

Gerrard and Ella Berman's personal commitment to the economic, social, and cultural enrichment of our community and the quality of life for people through their outstanding contributions and strong support of educational, charitable, and civic improvement endeavors has been a way of life for them. There is much that can be said of Ella and Garry Berman's lifetime of achievements in service to people.

Mr. Speaker, with your permission I insert at this point in our historic journal of Congress a brief outline of their good works and affiliations that will be cited by the officers and board of trustees of Temple Emanuel, their colleagues and friends on October 8, as follows:

THE MOST COMPLETE LAYMEN IN OUR CONGREGATION

Temple Emanuel honors Gerrard and Ella Berman as The Most Complete Jewish Laymen of our congregation. They have devoted their lives to the fulfillment of Judaism's religious values, prayer and ritual, and to the study and support of Jewish knowledge and culture. They have made significant contributions to the history of our congregation, as they have provided major leadership to the institutions of the North Jersey Jewish community.

Garry and Ella Berman have held important national and international positions within Conservative Judaism, and in area and national Jewish philanthropic organs. They have given major support to the economic and educational life of Israel. They have played important roles in the over-all general community, through service to area governmental and business organizations.

Garry served as president of our Temple Emanuel, and was president of the Jewish Federation of North Jersey, the YM-YWHA of North Jersey, the area Board of Jewish Education, the Senior Citizens Federation Housing, and the area United Jewish Appeal. He is now a member of the Boards of Directors of Temple Emanuel, the Jewish Federation of North Jersey, the Barnert Memorial Hospital Center, the Daughters of

Miriam Home of the Aged, the YM-YWHA, the Yavneh Academy, the Frisch School, and the Israel Bond Cabinet.

Nationally, he is a member of the Board of Overseers of The Jewish Theological Seminary of America; he served as national vice-president and as national secretary of the United Synagogue of America, where he also served on the national Boards of the Youth Commission and the Joint Education Commission; he is on the Board of the Camp Ramah Commission; and is Honorary International vice-president of the World Council of Synagogues, he is on the executive of the National Federation of Jewish Men's Clubs; is a member of the national Boards of the Council of Jewish Federations and Welfare Funds, the United Jewish Appeal, the American Friends of the Hebrew University and an Honorary Board member of the Jewish Welfare Board.

Garry has served as Vice-Chairman of the Board of Finance of Paterson, New Jersey, chairman of the Planning Board of Passaic County, and was a member of the Wayne Industrial Commission. He is now a board member of the State of New Jersey Brisbane Hospital. He has served as State President of the N.J. Home Builders Association, regional vice-president of the National Home Builders Assocation and as board member of the Wayne Chamber of Commerce. He is now a member of the Board of The Ramapo Bank.

Ella Snyder Berman has been president of Temple Emanuel's Sisterhood and was secretary of the congregation's Board of Trustees. One of Paterson's Mother of the Year designees, she was also president of B'nai B'rith Women, Paterson. In our area, she serves on Temple Emanuel's Board, on the board of the Jewish Federation of North Jersey, on the Women's Division Cabinet of the U.J.A., and belongs to the League of Women Voters, the national Girl Scouts Committee, the Council of Jewish Women, Hadassah, ORT, and B'nai B'rith.

Nationally, she was president of the Northern N.J. Branch of the Women's League for Conservative Judaism, national vice-president of the Women's League, United Nations Observer for the Women's League, and head of its national Social Action Committee, its National Cooperation and Community Service Committee, and its national commission for Overseas Groups. At present, she is on the Board of the World Council of Synagogues, the Armed Services Committee of the National Jewish Welfare Board, the Board of Mercaz (the international Zionist group of Conservative Judaism), and is national cochairman of the Joint Commission on Social Action of the United Synagogue of America.

Both Garry and Ella have individually received many awards and citiations for leadership and philanthropies. Together, they were presented with the prestigious National Community Service Award by the Jewish Theological Seminary of America, which also honored Ella with the Solomon Schechter Medal. They established two prekindergarten schools in Israel, one in Haifa, the other in Jaffa. They have provided for scholarships at the Hebrew University, in both the Rabbinical and Cantorial Schools at the Seminary, and at the Camps Ramah. They established annual awards at the Jewish Book Council and at the Jewish Playwright Association, and provided for an annual Cantorial Concert, and for an eight-week Concert Series every summer in the Berman Atrium at the North Jersey YM-YWHA.

We wish them, and their children and grandchildren, a host of blessings from the Almighty.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life and way of life here in America. I am pleased to have this opportunity to seek national recognition of all of the good works of Garry and Ella Berman and call your attention to the friendship and good will that they have so willingly and abundantly given over these many years which mean so much to the lives of all of us.

As the congregation of Temple Emanuel gather together in tribute to their leadership endeavors and sincerity of purpose dedicated to the quality of life and way of life for people, we do indeed salute two distinguished citizens and great Americans—Hon. Gerrard Berman and Hon. Ella Berman—the most complete laymen in the congregation of Temple Emanuel.●

NEW DRUNK DRIVING INITIATIVE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. PORTER. Mr. Speaker, I would like to call my colleagues' attention to a new and innovative program to fight drunk driving.

Although we have seen progress in recent years toward alleviating this problem, the progress at all levels of government has been slow and sometimes erratic. I have been working to raise and standardize State minimum drinking ages to help fight the tragically high number of young people driving into States with low drinking ages and being injured or killed while returning home. Though this legislation has yet to be secured for hearings, there are thousands of concerned people across the country who want to do something about the problem now, and who are volunteering their own time and money to do so.

In order to combat the problem of drunk driving, several national organizations and local citizens groups have joined together to form the CB Radio Coalition Against Drunk Driving. One of the coalition's projects is the impaired driver alert. Drivers of automobiles equipped with a citizens' band radio are encouraged to use their CB's to notify the police that they have spotted a car being driven in an erratic manner.

I commend the coalition for their instrumental role in coordinating this project.

I submit for the RECORD the coalition press release which more fully describes this project:

CB RADIO "IMPAIRED DRIVER ALERT" PROGRAM WILL HELP DISABLED, DETER DRUNK DRIVING

CHICAGO.—More effective use of CB Radio to provide emergency help for disabled motorists and to deter drunk driving is the focus of a new public education campaign starting this week on the eve of the high traffic July 4 weekend.

Called the CB Radio "Impaired Driver Alert," the program involves a network of national organizations and local citizens groups which work for highway safety and are concerned about the tragic toll of drunk driving accidents. Some 25,000 people are killed each year in alcohol and drug-related automobile crashes and more than a million are injured. Society's total cost: an estimated $24 billion.

"The new 'Impaired Driver Alert' program can help deter drunk driving," according to Gerald H. Reese, executive director of Chicago area-based REACT International Inc., "but just as important the program can help improve emergency service to drivers who become disabled because of illness or other problems."

Reese explains that motorists can use their CB Radios to transmit an "Impaired Driver Alert" on emergency Channel 9 when they see a vehicle being operated in a highly erratic or dangerous manner. "We are emphasizing that drivers should be very careful to describe only the erratic manner in which the vehicle is being operated and not to voice any judgment about the condition of the driver—that's the job of public safety officers," he says.

CB LINKS IN DISASTERS

REACT International is composed of some 25,000 volunteers organized into 1,500 local emergency communications teams in all 50 states, Puerto Rico, The Virgin Islands, Canada and other countries outside of the United States. They monitor CB Radio emergency Channel 9, cooperate with local authorities in providing help to disabled motorists and serve as vital communication links during times of disaster such as flood, fire, earthquake and major storms.

Since founding in 1962, REACT teams have handled over 100 million emergency messages including 20 million related to highway accidents. REACT received the President's Volunteer Action Award for 1982.

National Transportation Safety Board Chairman Jim Burnett has urged the public to join in a nationwide campaign to report drunken drivers. The CB Radio network could be an effective weapon in making the campaign a success. Success, in this instance, translates into lives saved, Burnett says.

SUPPORT CB PROGRAM

Mothers Against Drunk Drivers (MADD), Remove Intoxicated Drivers Inc. (RID), Students Against Driving Drunk (SADD) and Truckers Against Drunk Drivers (TADD) are among organizations cooperating in the CB Radio Impaired Driver Alert network.

Other groups include: Alliance of American Insurers, American Council on Science and Health, American Farm Bureau Federation, American Insurance Association, American Red Cross, American Trucking Associations, Associated Public Safety Communications Officers, Highway Users Federation, Insurance Information Institute, National Association of Governor's Highway Safety Representatives, National Association of Independent Insurers, National As-

sociation of Insurance Women, National Association of Mutual Insurance Companies, National Association of Professional Insurance Agents and the National Safety Council, which is the national coordinator for the serveral state REDDI (Report Every Drunk Driver Immediately) programs already in progress.

The International Association of Chiefs of Police also is a partner in the program and the CB Radio "Impaired Driver Alert" concept has been endorsed by the National Sheriffs Association.

PUBLIC SECTOR COOPERATION

Development of the CB Radio Coalition has been done in cooperation with the Presidential Commission on Drunk Driving, the Federal Communications Commission, the National Highway Traffic Safety Administration and the National Transportation Safety Board. An Advertising Council Inc. representative suggested the term "Impaired Driver Alert," or IDA for short.

The American Council on Science and Health executive director, Dr. Elizabeth M. Whelan, says, "The CB Radio approach to identifying and assisting drunk or impaired drivers is one of the most promising routes we are currently taking toward reducing automobile crash tragedies."

"Throughout the year our 22,000 members have been telling people about the problem in our drinking and driving awareness program-now, with the CB Radio Impaired Driver Alert, we can tell people what they can 'do' about it," according to Phyllis Carlson, national safety chairman of the National Association of Insurance Women.

CB Radio popularity peaked about five years ago. Today, however, the 40-channel low power personal radio system continues to be a vital communications tool for drivers who use their vehicles for business or are concerned about safety and emergency help when traveling. Although no exact count has been made, some 30 million CB Radios are believed to be in use or carried as part of an emergency kit.

CHANCE OF GETTING CAUGHT

How would the CB Radio "Impaired Driver Alert" program deter drunk driving?

"Most people who drive after drinking too much still believe the chance of getting caught is very slight because they will not be observed by a police officer. Generally, this is true," REACT's Reese explains, "but this perception will be changed as safe drivers learn proper use of their CB Radios and increase reports of vehicles being operated in a dangerously erratic manner. Then, we would hope more people will be motivated to act responsibly and not drive after drinking too much."

Earlier this year, a national survey of a sample of 1,002 adults by the Opinion Research Corporation for the Alliance of American Insurers found that nearly nine out of ten people would use their CB Radios to report apparent drunk drivers were they in a position to do so. More than eight out of ten said that they felt that such a CB program would help deter drunk driving and would "bring people together to help solve a common problem."

LICENSE IS SAFETY TRUST

"A driver's license is not a privilege granted automatically," according to L. C. Christopher, vice president—communications, Alliance of American Insurers. "The applicant first must demonstrate to the satisfaction of state officials that he or she is capable of operating the vehicle in a safe and responsible manner," he says, "but a person who drinks too much and attempts to drive violates that trust by recklessly endangering others. Those so endangered surely have some right to seek protection."

A free information leaflet about the CB Radio Impaired Driver Alert can be obtained by sending a stamped self-addressed envelope to the Impaired Driver Alert, P.O. Box 115, Northbrook, Illinois 60062.

"IMPAIRED DRIVER ALERT" PROCEDURE

Here are some tips for proper use of your CB Radio for giving an "Impaired Driver Alert":

The Impaired Driver Alert should be given on CB Emergency Channel 9.

Say—"Emergency. Any Base Station. Impaired Driver Alert."

Pause and wait briefly for police or REACT Monitor to acknowledge.

You may get no reply. Remember, monitors can hear you when you can't hear them . . . and can act. So then, after pause, proceed to describe incident.

Give exact location (identify road and direction) of vehicle being driven erratically. Give description of the vehicle such as model, color, license plate, etc. Do not say the driver is "drunk"—describe only the manner in which the vehicle is being operated. Identify your station so monitor can call you back.

Stand by once again for acknowledgement or questions, then repeat entire IDA. Monitors often need to hear it more than once.

Do not attempt to become involved personally with the vehicle or driver reported.

Remember Channel 9 is for emergencies and traveler's assistance only. Do not use Channel 9 for other CB radio communication.●

FIRE PREVENTION WEEK

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. GOODLING. Mr. Speaker, I rise today to recognize the President's proclamation of the week of October 9 through 15, 1983, as Fire Prevention Week.

The United States has one of the highest per capita fire death rates of major industrial nations in the world. Over 7,000 people are killed and over $5 billion worth of property is destroyed by fire each year. These human and economic costs are staggering and should be looked at as being totally unacceptable. A conscious effort must be made to try to alleviate the pressure the fire problem has placed on our Nation.

Important steps in recognizing this problem have been made. The Fire Prevention Act, passed in Congress in 1974, was an initial step in reducing the fire problem. This, along with the efforts of many organizations including the International Association of Firefighters, the National Volunteer Fire Council, the International Society of Fire Service Instructors, the Joint Council of National Fire Service Organizations, the National Security Council, the National Fire Protection Association, the Fire Marshals Association of North America, and the International Association of Fire Chiefs, has lead to a decade-long decline in the costs of fire on our Nation. I for one want to applaud the work of the National Fire Academy in Emmitsburg, Md. and the Federal Emergency Management Agency, which are making great strides toward making the United States a safer place to live and work.

At this time I would especially like to recognize the strongest and most important force we have for fire safety—our professional and volunteer firefighters. These men and women risk their lives daily in service to their communities. Our recognition of their activities shows our gratitude for their selfless devotion to their fellow citizens, illustrating yet another reason for the great significance of Fire Prevention Week.●

JOB TRAINING FOR VETERANS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. McEWEN. Mr. Speaker, today the House voted to appropriate funds for an important program which addresses the problem of severe and continuing unemployment among our Nation's veterans.

As an original cosponsor of H.R. 2355, the Emergency Veterans Jobs Training Act of 1983, and a member of the Veterans' Affairs Committee, I take great pride in the vote which was taken today. It is a distinct honor to have played a role in formulating this timely public policy.

I am delighted that the Budget Committee recognized the merits of this legislative proposal and provided for the necessary authorization to fund this vital program. I am grateful for the concerted effort which was made by both the Budget and Veterans' Affairs Committees to achieve this worthwhile goal.

The Emergency Veterans Jobs Training Act authorizes new on-the-job training opportunities for Vietnam and Korean veterans by paying to employers 50 percent of the veteran's starting wage, up to $10,000 per veteran, to help defray training costs.

The act provides for a maximum 9-month training period except in the case of veterans with certain service-connected disabilities who are permitted a maximum of 15 months of training. In addition, the employer is asked to certify that, at the end of the training period, he plans to employ the veteran in the position for which he was trained.

This 2-year emergency jobs program is important to the men and women

who served our Nation. The unemployment rate among wartime veterans rose in February of this year to the highest level since World War II. Unemployment among Vietnam veterans alone remains at levels significantly higher among nonveterans of the same age. In June of this year, at least 619,000 Vietnam veterans were unemployed and looking for work. Of this number, 365,000 between the ages of 25 and 44 had been out of work 15 weeks or longer.

Although recent figures from the Bureau of Labor Statistics suggest that the situation is improving, they also show that the problem persists and that the unemployment gap between veterans and nonveterans remains significant.

This job training program for veterans is designed not only to get veterans working again, but also to narrow the gap between veterans and their civilian counterparts whose education and employment were not interrupted by military service and to do so on a short-term emergency basis.

Today's action by the House reaffirms our longstanding commitment to the brave men and women who left their homes and families to serve our country.●

ACHIEVEMENTS OF CONNECTICUT'S GERMAN-AMERICANS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mrs. JOHNSON. Mr. Speaker, this weekend my hometown of New Britain, Conn., will be the site of one of the State's major tributes to the 300th anniversary of German immigration to America. In a gesture that reflects the unique sense of community and the appreciation for diversity that characterizes Connecticut, this year's annual Columbus Day Parade, sponsored by the Columbian Federation of New Britain, will salute the achievements of Connecticut's German Americans. A number of visiting German dignitaries will serve as honorary parade marshals during the Sunday event, and take part in the Central Connecticut State University symposium "CCSU Salutes the German-American Tricentennial," which will be held on the following day. More than anything else however, these events are a tangible symbol of the atmosphere of tolerance and cooperation that is at the very heart of the American ideals of freedom and independence. As Joseph A. Cannata, Sr., the Columbian Federation president and parade chairman, noted, these events provide the city of New Britain, "which has such a rich ethnic heritage," with, "an opportunity to salute another one of its great ethnic groups—the German Americans."●

HUMAN RIGHTS VIOLATIONS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. LEVIN of Michigan. Mr. Speaker, I rise today to speak of the ongoing human rights violations in Chile and to have two cases of torture from Amnesty International's report on Chile entered into the RECORD.

According to the country reports on human rights practices submitted to the Foreign Affairs and Foreign Relations Committees by the Department of State, Chile arbitrarily arrests and imprisons its citizens, usually for political reasons. Chile does not provide for trial by jury, and judges are generally unwilling to prosecute members of the CNI who torture those whom it imprisons. Though the Chilean constitution forbids searches of homes without warrants, the police often ignore this legal formality. Virtually all public meetings require prior approval by the local military zone commander, and permission is regularly denied when the rally might touch on a politically sensitive topic. Though the media is technically free of official prior censorship, the government informally tells publishers and broadcasters when they are out of line. Predictably, political party activity is banned.

Torture has been a culmination of Chile's vast abrogation of human rights. Since 1973, the security forces have interrogated and tortured political detainees in secret detention centers. The activities of the CNI have turned Chile's constitution, which forbids torture, into a mockery. I hope some of my colleagues will take time to look into the two cases I am inserting into the CONGRESSIONAL RECORD.

Amnesty International does not make legislative recommendations, but I will. I hope you will consider Chile's record on human rights and torture, then consider the American response. After many years when the United States voted against Chile under section 701(f) of the International Financial Institutions Act of 1977, deeming Chile to be a gross and consistent violator of human rights, the Reagan administration restored the U.S. vote of confidence to the Pinochet regime. I urge my colleagues to cosponsor H. Res. 310, introduced by Representative Weiss, which resolves that the United States should continue to deny any and all military assistance to Chile, and that the United States should also deny economic assistance unless the assistance is directed specifically to programs which serve the basic human needs of the people. Lastly, the U.S. should oppose loans and grants to Chile under the International Financial Institutions Act, in the World Bank, and the Asia, Africa and Inter-American Banks. Chile is surely a gross and consistent violator of human rights.

The cases follow:

CASE NO. 5

(Anonymous)

PERSONAL DETAILS

She is 21, unmarried and lives with her parents. She has two brothers. She went through high school and studied English for a year but was forced to discontinue her education for financial reasons. She works in a church library.

STATE OF HEALTH BEFORE ARREST

She had bilateral congenital dislocation of the hips which have been treated surgically. For the past two years the left hip joint has troubled her in cold weather and during periods of prolonged use.

She had a miscarriage in 1979 in the third month of pregnancy.

TIME AND PLACE OF ARREST AND DETENTION

She was arrested in the last quarter of 1981 in Santiago and held for a day at the CNI centre in Santiago, after which she was released.

DURATION OF ALLEGED TORTURE

She was tortured on one day.

INTERROGATION AND TORTURE

Her account of events was as follows:

She was arrested in the street in Santiago at 9:00 am by five people in civilian clothes. No arrest-warrant was shown. She was pushed into a car, blindfolded, beaten and had her arms forced behind her back. She was driven to the CNI centre in Santiago.

During the morning she was taken to the interrogation room, questioned and threatened.

In the afternoon she was again taken to the interrogation room. She was beaten for about an hour: slapped in the face and punched, once on the mouth and left cheek, and on the left shoulder. She was also kicked a number of times in the abdomen and on the left hip and buttock. One of the interrogators stood on her stomach for about five minutes. She was electrically tortured for about an hour. She could hear the machine they were using. Electrodes were applied anteriorly on both her wrists and to the soles of her feet.

She was threatened with rearrest and told both she and her parents would be dismissed from their jobs. Throughout her detention a "friendly" interrogator was with her, asking her, in a friendly way, to give the "right" information.

When she was not beng interrogated she was held incommunicado in a 2m by 2m concrete cell containing a concrete bunk. She had to wear a mask except when she was on her own. She wore overalls that were far too big for her and zapatillas. The cell was very cold. She was offered a meal but vomited when she tried to eat.

MEDICAL EXAMINATION AND/OR ATTENTION DURING DETENTION

She was not given a proper medical examination, but a man who said he was a doctor felt her all over and pulled down her underpants when she was lying in the interrogation room.

EARLY SYMPTOMS DESCRIBED

While being electrically tortured on the feet she had severe pain around the left hip (the site of her hip joint prosthesis).

She had a small haematoma on the left cheek, her lips were swollen and there was a haematoma on the back of her left foot. She vomited on one day and for five days suffered from nausea and lack of appetite. Her abdomen, near the navel, was tender for about three days. Periodically she felt dizzy for about half an hour and her powers of concentration were impaired. She was somewhat depressed for several months after release. She became unusually tired even though she slept a great deal. However, she felt her capacity for work had increased. She was frightened when she encountered military or police personnel. She did not dare leave home for the first weeks after release.

She was emotionally labile and prone to weeping without obvious reason. She had nightmares about the police and weapons, and she took sleeping pills and tranquillizers for the first month after release.

PRESENT SYMPTOMS DESCRIBED

She has no physical symptoms that can be related directly to torture, but she does still frequently have pain in her left hip upon prolonged use and in cold weather.

She still feels tired all day but is very active—indeed almost hyperactive. She is still afraid of things that did not frighten her before—for instance police and military personnel. She is still emotionally labile and prone to weeping.

CLINICAL EXAMINATION (SIX MONTHS AFTER THE ALLEGED TORTURE)

She was calm and equable. It was easy to make contact with her and she was cooperative and good at describing things.

Physically, there was nothing that could be related to torture, but she did have sequelae to the double hip operation, including reduced mobility, especially in the left hip.

CONCLUSION

The medical delegates found consistency between the torture alleged and the symptoms described.

CASE NO. 6

(Anonymous)

PERSONAL DETAILS

He is 29 and has four siblings. He went through high school then trained as a printer. He has also been a carpenter. He is married but has no children.

STATE OF HEALTH BEFORE ARREST

He was underweight as a child and had tonsillitis several times. At one stage he had several bouts of skin irritation which left no marks. It was described as an allergy. He had haematuria and dysuria for two weeks in 1979. Some years ago he sustained a forceful blow on the jaw.

PREVIOUS DETENTION AND ALLEGED TORTURE

He was arrested in the second quarter of 1978 and held for a day, and again in the second quarter of 1979, when he was held for seven days. He was not physically harmed while in detention.

TIME AND PLACE OF ARREST AND DETENTION

He was arrested in the first quarter of 1981 in Calama and held for four days at the CNI centre in Calama. He was then transferred to the CNI centre in Antofagasta, from where he was moved to the town's prison the next day. He remained there for about five months and then was transferred to the Penitenciaria (Penitentiary), where he stayed for a month. He was then sentenced to a 12-month period of Relegación (internal exile).

He was arrested the day after he was banished because he had gone to a nearby town to see his uncle. He was kept in isolation in prison for three months then released, but still sentenced to banishment. This sentence expired in the first quarter of 1982 and he was released.

DURATION OF ALLEGED TORTURE

He was tortured on four days and held incommunicado for 10.

INTERROGATION AND TORTURE

His account of events was as follows:

When he got home one evening he found 10 plain-clothes CNI agents waiting for him. They had searched the house. No arrest-warrant was shown. They blindfolded him, tied his hands behind his back and drove him to the Calama CNI centre. Here he was stripped, his hands were tied behind his back again and the agents immediately began to torture him.

He was beaten every day he was there: slapped in the face, punched in the abdomen and the mouth, and kicked in the abdomen and on the buttocks. He was electrically tortured on the soles of his feet, on his fingertips near the nails, on his testicles, on his penis (including near the urethral opening), around his navel and near his nipples. He was given approximately 10 shocks on each site with a single electrode. During the torture he was seated naked on a chair with his hands tied behind his back. At a later torture session he was stretched out on the floor and given electric shocks in the anus with a pencil-shaped object. Finally, he was given shocks on both temples simultaneously, which he said was much the most painful form of electric torture he underwent.

His mask dropped off on one occasion and he saw the machine that was generating the electricity. It was a small box, apparently an electromagnetic generator, measuring about 15cm by 10cm by 5cm. He said the current could be applied with one or two electrodes or with pencil-shaped objects.

At the CNI centre quirófano was inflicted—that is, he was tied to a table with only the lower part of his body, from the lumbar region down, actually on the table, then told to keep the upper part of his body horizontal for about three hours. He was informed that one of his interrogators was "Samudio", the most dreaded of the torturers, and that he would break his back and turn him into a cripple.

They threatened him also with execution a number of times and with being forced to eat excrement (as one of his friends had been forced to do during an earlier torture session). He was kept in isolation for 10 days altogether: the first four when he was at the CNI centre in Calama, one day at the CNI centre in Antofagasta, and the next five when he was in Antofagasta prison.

The torture sessions lasted for from four to six hours a day.

MEDICAL EXAMINATION AND/OR ATTENTION DURING DETENTION

He was not medically examined at the CNI centre in Calama. At the CNI centre in Antofagasta he asked for medical attention because of back pains. Someone who may have been a doctor examined him and told him the pains would resolve without treatment.

EARLY SYMPTOMS DESCRIBED

He had abrasions on his lips and tongue as well as swollen lips after being punched on the mouth. He was sore in the lumbar region for about three months. (This was presumably the after-effect of *quirófano.*) He had pain in the anal region for two days on defecation. He lost 15kg.

For some time after at the CNI centre he felt unusually tired, and his muscles felt tender and sore. He thought that his resistance to infection was diminished because he had had many colds, and minor skin lesions had developed into abscesses.

He had no mental symptoms.

PRESENT SYMPTOMS DESCRIBED

On the whole he feels well, but he still tends to get rather tired and to develop abscesses. (He had had an abscess on the back of his right hand which had been lanced the day before the interview.) He has regained weight and has no mental problems.

CLINICAL EXAMINATION (13 MONTHS AFTER THE ALLEGED TORTURE)

He was relaxed, spontaneous, cooperative and expressed himself well.

Physically he appeared to be healthy and normal. On the back of his right hand there was a freshly lanced abscess. On the back of his left hand and on his right buttock there were, respectively, 2cm by 2cm and 2cm by 3cm roundish circitrical dark scars, which he said were caused by abscesses.

On the left temple there was a 2cm depigmented scar (which developed after the blow on the jaw some years ago).

CONCLUSION

The medical delegates found consistency between both the description of torture and the early symptoms, and the present symptoms and the findings of the physical examination.●

A TRIBUTE TO BISHOP H. HARTFORD BROOKINS

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. WHEAT. Mr. Speaker, I am honored today to pay tribute to Bishop H. Hartford Brookins, a truly outstanding minister in the African Methodist Episcopal Church.

Bishop Brookins has devoted his entire life to the beliefs of the African Methodist Episcopal Church and to the need of the church to become involved in community service. He was not driven by a desire for personal recognition, but by a genuine concern for the needs of people and a true altruistic nature. It is appropriate to formally recognize his accomplishments at the same time the AME honors its most civic-minded members.

After graduating from the public school system in Mississippi, Bishop Brookins earned his bachelors of arts degree from Wilberforce University in Ohio. He then started his theological studies at Payne Theological Seminary. For more than 30 years since graduation from Payne, Bishop Brookins has served as a minister in the African Methodist Episcopal Church, dedicating his life to religious ideals and community service.

In that time, he has founded two AME churches, one in Wichita, Kans., and the other in Los Angeles, Calif. He has been named by the church hierarchy to oversee more than 400 AME churches in 17 States, stretching from the Mississippi River to the Pacific Ocean. And he has served for more than 11 years as the presiding bishop of the fifth Episcopal district.

Bishop Brookins is the current president of the African Methodist Episcopal Church Council of Bishops. He has also served on the national board of the People United to Save Humanity Organization and he has instituted a vigorous self-help economic program to benefit the members of the fifth Episcopal district. A complete litany of the accomplishments of Bishop Brookins is too lengthy to be recounted. Simply stated, his work and generous deeds have touched the lives of countless people.

Mr. Speaker, it is with great pleasure that I am asking my colleagues to join with me and AME members worldwide to honor a man whose years of unselfish community service should be a model for everyone.●

THE PRESIDENT'S TASK FORCE ON FOOD ASSISTANCE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. WEISS. Mr. Speaker, last week the President's Task Force on Food Assistance held its first meeting. President Reagan, bewildered and perplexed by reports of domestic hunger, called for the formation of this task force" to examine the extent of America's hunger problem, to determine its causes, and to recommend specific solutions." The sincerity of his concern is illustrated by the dubious credentials of the task force's membership and by the President's own record on Federal assistance programs.

Since entering office, President Reagan has cut Government nutrition programs by $3 billion. One million food stamp recipients have been dropped from this program and 3.2 million children and 2,700 schools no longer participate in the school lunch program. The ever-growing number of people who are seeking assistance at soup kitchens clearly illustrates the effects of Reaganomics. For the first time in 17 years, poverty, and consequently hunger, are on the rise. Fifteen percent of our population now lives at or below poverty level. The rate of unemployment has exceeded 10 percent for the past year. We have witnessed the birth of the "new poor," people who were employed and perhaps financially stable before the advent of Reagan's recession. As the effects of the recession linger, more and more families and individuals are seeking assistance traditionally associated with the chronic street people.

The President does not need to ask a task force to document these scenes. Instead, he should look out his window at Lafayette Park when hungry people line up for a free meal from Martha's Table. Or he should read the recent Government Accounting Office report which documents the growing demand for food assistance. Or he could ask Members of Congress to share their observations of hunger in America from hearings on poverty and visits to their districts. Finally, the President should watch the evening news or read almost any local newspaper to find further evidence of poverty and hunger in this country.

Instead, the President has chosen to convene a task force with a majority of members who have been vocal critics of Federal assistance programs. Perhaps the most conspicuous wolf in sheep's clothing is Dr. George Graham. Dr. Graham has time and again spoken out against the need for Federal nutrition programs. Of the women, infant, and children (WIC) nutrition program, he said:

> I have been collaborating with the OMB on an assessment of the WIC program and a justification for cutting this very popular but wasteful and unneeded program.

Studies document that WIC has been one of the most cost-effective and successful Federal nutrition programs. It has a central relationship to reduced infant mortality and the diminishing number of infants who need hospitalization or lifetime institutional care.

Another task force member, Kenneth Clarkson is a longstanding critic of the food stamp program. In the book, "Food Stamp and Nutrition," Clarkson contended that food stamps should be replaced by other programs or abolished.

Another devotee of the Reagan school of reducing or eliminating Federal programs, J. P. Bolduc recently served as chief operating officer of the President's private sector survey on cost control, which, this spring, called for massive cuts in food stamps. The only elected Democrat on the task force is former Massachusetts Governor, Edward King, who is often characterized as President Reagan's favorite Democratic Governor. This comes as no surprise upon reviewing King's record. As Governor he made many attempts to cut welfare and social service programs.

Finally, three other members, James Clayburn LaForce, Jr., John Perkins, and Donna Carlson-West are either affiliated with organizations that have been critical of Government assistance programs or have openly criticized the programs themselves.

Does the President expect the American public and Congress to be taken in by this poorly disguised Trojan Horse? The President has provided another vehicle for the critics of Government assistance programs, while offering the potential beneficiaries of these programs nothing but false hopes. I suggest that we be prepared to bar the gates to the recommendations of the President's would-be executioners of Federal nutrition programs.●

UNIVERSAL TELEPHONE SERVICE

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. DASCHLE. Mr. Speaker, the House Energy and Commerce Subcommittee on Telecommunications last week approved legislation to prohibit the Federal Communications Commission (FCC) access charge decision from taking effect. This was a wise decision in my opinion for as many of my colleagues are aware, the FCC access charge decision, if allowed to stand, would result in several billion dollars of additional costs for consumers and small businesses across the Nation.

The subcommittee also established a universal service fund to help pay for high cost phone service in rural areas as well as "lifeline" service for the elderly, poor, and others who may be unable to afford continued phone service as local rates increase in the days ahead. These actions will mitigate to to an extent the effects of the AT&T divestiture and resultant rate increases requested by local Bell Companies.

It is also my hope that provisions will ultimately be included in this legislation to insure that state utility commissions continue to have jurisdiction over intrastate toll rates and service. This concern is shared by the South Dakota Public Utilities Commission and was expressed in a recent letter to subcommittee Chairman WIRTH by the commission.

I would like to submit for the RECORD testimony I presented to the Telecommunication's Subcommittee this past summer as well as a copy of the South Dakota Public Utility Commission letter to Chairman WIRTH.

TESTIMONY OF CONGRESSMAN TOM DASCHLE

Mr. Chairman and Members of the Subcommittee I appreciate this opportunity to testify today on recent developments affecting the U.S. telephone industry and the need for legislation to insure the maintenance of affordable and universally available telephone service for all citizens. As you are aware, we are witnessing some of the most dramatic and far-reaching changes in the telephone industry since the invention of the telephone by Alexander Graham Bell decades ago. Without question, the

AT&T divestiture will result in profound changes in the telephone industry that we have all come to take for granted. Though I believe that in the long term the divestitute will result in more choices of equipment and service, it will in the short term cause upheaval. The impact of divestiture itself is still somewhat uncertain, especially on the local telephone companies which will now operate independently of AT&T. I am concerned that many of the rate increase requests by these local telephone companies before state public utility commissions may be somewhat premature. In South Dakota, a $21.5 million increase was requested, though only $7.5 million of the request is to mitigate the impact of divestiture and the loss of long distance subsidies. This is in direct conflict with testimony of AT&T Chairman, Charles Brown, who last year stated that divestiture would not result in increased costs. Unfortunately, Congress is now limited in its options in dealing with the issue of divestiture. State utility commissions will henceforth have primary responsibility for determining whether these rate increases are justified or not.

Where Congress must play a significant role is in addressing the FCC access charge decision, which transfers billions of dollars of network costs from long distance telephone companies to local telephone customers. The FCC decision is contrary to what the divestiture agreement had envisioned and will result in additional costs of at least $8 a month per customer by the end of the decade. This user fee would be paid by local customers for access to long distance telephone lines whether they called long distance or not. Inevitably, the elderly and poor may have to forego telephone service which would further increase costs for those still desiring service. In my view, the access charge decision should be delayed indefinitely or amended to require continued long distance payments to local telephone companies for use of local services. Any exemption for the long distance carriers still using local services would be an unwarranted windfall.

Regardless of how the access charge decision is resolved, an important and necessary safeguard would be the establishment of a Universal Service Fund (USF). This would insure that telecommunications services which currently allow large-volume customers to bypass local facilities are required to contribute to maintenance of local systems and services. Those areas, many of which would be in rural states like South Dakota, would then be reimbursed for costs above the national average. Ideally, a formula requiring total reimbursement of all costs above 110% of the national average, as advocated by the National Rural Telephone Coalition (NRTC) should be adopted.

Finally, I believe we have a moral responsibility to provide "lifeline service" to those who may be burdened beyond their ability to pay for continued service as a result of the changes in the telephone industry. Legislation provide for minimum local telephone services at reduced rates for low-income and elderly persons who might not otherwise be able to afford continued telephone service.

Though I have not come here today to endorse any particular legislation, I believe it absolutely imperative that Congress take action to limit the impact of the FCC access charge decision which it has been estimated will cost consumers $1 billion a year. There is little justification for placing the entire burden of local costs on local users when long distance carriers also utilize these local services. I urge this committtee to implement an appropriate safeguard for continued service in high cost areas through the establishment of a Universal Service Fund to reimburse local companies for above average costs. Only with legislation restricting or eliminating the FCC access charge decision and the addition of a Universal Service Fund and lifeline rates will we insure that basic telephone service at affordable cost will continue to be a national priority.

PUBLIC UTILITIES COMMISSION,
STATE OF SOUTH DAKOTA,
Pierre, S. Dak., September 8, 1983.

Hon. TIMOTHY E. WIRTH,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WIRTH: The South Dakota Public Utilities Commission strongly supports the efforts of House Resolution 3621—the Universal Service Preservation Act of 1983—and the other House Resolutions in their attempt to address the issues surrounding the placement of the access charge and the provision of universal service. However, at the same time, this Commission is very concerned about legislative attempts to circumvent the authority of the state in the area of interstate toll rates and services.

It has been a long standing position of this Commission, and obviously many members of Congress, that the provision of Universal Service is a requirement under the Communications Act of 1934. It is because of this belief that we feel that the imposition of an end user access charge would threaten the opportunity of Universal Service for many in the State of South Dakota, particularly many of the elderly and those on fixed incomes. Also, it is for this reason that we support the efforts of the House of Representatives to reverse the recent decision of the Federal Communications Commission.

The South Dakota Public Utilities Commission also supports the concept and implementation of a Universal Service fund to guarantee basic telephone service throughout the nation. South Dakota is in a unique position in this particular situation because of the fact that there are broad areas of this State which would fall into the category of high cost service areas. This is particularly true of the agricultural community.

While the above two areas are very positive in assuring that the residents of South Dakota have an equitably placed access charge and the guarantee of Universal Service, our major area of concern is the circumvention of state authority over intrastate toll rates and services. It is our firm belief that states such as South Dakota can better deal with the rate structure of the telephone companies to assure adequate service, while at the same time providing the companies a just and resonable return on their investment. We are concerned that this will not occur if the FCC's judgement is substituted for that of state commissions such as ours. Additionally, we do not believe that this provision is a necessary step to take in assuring universal service. It is for this reason that we support the provisions in H.R. 3440 which would preserve the state's authority.

Thank you in advance for your consideration of the points made in this letter. We hope that it will be useful as you ponder the legislation before your Committee. If you have any questions, or if we can ever be of assistance, please don't hesitate to contact this Commission at any time.

Respectfully yours,

KENNETH STOFFERAHN,
Chairman,
S.D. Public Utilities Commission.
JEFF SOLEM,
Vice-Chairman,
S.D. Public Utilities Commission.
DENNIS EISNACH,
Commission Member,
S.D. Public Utilities Commission.●

LOIS DE DOMENICO

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. DELLUMS. Mr. Speaker, on October 14, the citizens of Oakland, Calif., will celebrate the works of Ms. Lois de Domenico. Ms. de Domenico, a 37-year resident of the Oakland area who was born in our neighborhood to the north, Canada, has had an extensive history of philanthrophic generosity and community support. She commenced her career as a member of the junior branch of the Children's Hospital Society. She is currently the president-elect of the Alameda County Easter Seals Society. Between these endeavors she has served for 8 years, 3 as vice president, at the Oakland Ballets Board of Directors. She is an associate of the San Antonio Youth Project, a home for young men in trouble with the authorities. She has also been a longstanding member of American Women for International Understanding, a particularly noteworthy goal in these troubled times.

I join with the major, city council, and citizens of Oakland in thanking Ms. de Domenico for her generosity and kind spirit and in celebrating Lois de Domenico Day in the city of Oakland.●

CAPT. HARRY S. TRUMAN IN THE ARGONNE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. SKELTON. Mr. Speaker, an art form which has become virtually lost since the advent of electronic and telephonic communications is the tradition of oral history. For centuries, humanity relied on the spoken word to preserve its past, its cultures, and its religions. Oral history has given us the color in what would otherwise have been a black and white picture of facts, dates, names, and places.

Recently, I had the pleasure of hearing from Capt. Leo A. Tierney, a 91-year-old veteran of World War I. He had heard of Congress plans to celebrate President Harry Truman's 100th birthday next May and felt it would be

his long-awaited opportunity to tell a story about a man whom he deeply loved and respected. Captain Tierney's story painted new hues in the mosaic of American history from the early years of this century.

I would like to submit to the RECORD a transcript of Captain Tierney's story. It tells us of a great American President and of a national spirit that we could never fully understand through history books. It is stories like these which give substance to American history, and make it a country to love.

PRESIDENT HARRY S. TRUMAN CENTENNIAL BY CAPT. LEO A. TIERNEY, PITTSTON, PA., WORLD WAR I, MEXICAN BORDER SERVICE, 1916

An action in the Argonne in World War I—President Harry S. Truman, Captain of Battery "D" 129th Field Artillery, 35th Division, Missouri National Guard, by his quick decision and action destroyed two six-gun enemy Batteries and saved the 1st Battalion, 109th Field Artillery, 28th Division, Wilkes-Barre, Pa., from being destroyed.

In a minute, we were hit five times losing four men and 12 animals.

The Battalion Commander, Lt. Col. Olin Harvey was seriously wounded. His father-in-law, Mr. Woodin, was in the Roosevelt Cabinet. He had a miraculous escape. While lying in the middle of the road, a carriage rode over him. As quick as the firing started, it suddenly stopped. We never knew until the late President wrote his "Memoirs" in which he tells about a Battery of the 28th division was suffering casualties from enemy fire at Mount Blaineville. Strict orders read: "No day time movement at any time."

A bad order from Brigade Headquarters sent the 1st Battalion, 109th Field Artillery under Lt. Col. Harvey over the top at 11 o'clock, a.m., on October 2, 1918. "B" Battery led the column. Seven carriages got over the exposed section of the road. The one I was on with my 1st Sgt. and Bugler was hit, killing four of the six horses and blocking the road. I sent the message with the Bugler to Battery "A" to stop the movement. The other two horses were killed, knocking me out, and Battery "A" carriage was hit killing two drivers, six horses, and wounding the 1st Sgt. of "A" Battery.

1st Sgt. Houston carried 1st Sgt. Mader to the dressing station, Lt. Col. Harvey and Capt. Troyhill were knocked from their horses. Around a bend in the road, I found Lt. Col. Harvey saying "For God's sake—stop the movement" which I did when I sent Bugler Buffton back to Lt. Bell of "A" Battery.

With the aid of three men from a tank crew, we got the Lt. Col. to the dressing station. 1st Sgt. Houston took the two single's mounts back to where the caisson was hit on the road. He had to take the harness from the two dead wheel horses and harness them to the single mounts, hook them to the single trees, and then had to back them over two dead horses and hook them to the single trees.

The neck yoke on the pole snapped permitting it to go vertically in the air. He had to depress it to a certain level by standing on it and driving over six dead horses to the Battery position.

During the time it took 1st Sgt. Houston to remove the caisson, not one single shot was fired which was proof that the late President and Battery "D" had destroyed two six-gun enemy batteries and had opened the road for the free movement of troops and supplies for the 28th Division at Apremont where it was engaged.

For the action at Mount Blaineville, 1st Sgt. Houston of "B" Battery was awarded a Silver Star. Also, 1st Sgt. Mader of Battery "A", a gold medal. During the action, the President lost his glasses but was lucky to find them on the horse's back behind the saddle. His Major threatened him with a court martial for firing at the enemy without his permission. He stated that he was not afraid—that the Major would never come up front to conduct one.

I was in Washington on May 25, 1950 for the wedding of my nephew, the late Col. Leo A. Morris and Miss Ann Humphrey of Clifton Forge, Va., I called President Truman from Union Station about 4 p.m. His secretary said he would be busy until 5 p.m. On Friday, I met with Dan Flood, my congressman, about meeting the President.

"Who the Heck do you think you are? A Chief of Police from the Sticks disrupting Government. You will have to write him for an appointment. It will take about a month's time." "Dan, do as I say. Call and say that I wish to thank him for saving my life and the 1st Battalion 109th Field Artillery from total destruction in the Argonne on October 2, 1918, in World War I."

Dan obeyed and was told to have me at the White House at 10 a.m. on Saturday. He cancelled all appointments that day for the meeting. With Dan and George Spohrer, my neighbor and student, we were completely ringed by reporters and taken to where the press release machines were, where they got the story of the action in which his Battery saved the 1st Battalion 109th Field Artillery from destruction by destroying two six-gun enemy batteries and opening up the road for the free movement of troops and supplies for the 28th Division, Pennsylvania National Guard, in the Apremont area. His Major threatened him with a court martial for knocking out the enemy battery without his permission. The President said he was not afraid of a court martial for his Major would not go up front to conduct one.

His secretary appeared and said: "You may see the President." It all seemed too easy. What a feeling I had for this man. He was standing near his desk. In a military way, I saluted saying: "Sir, I have permission from my congressman to speak to our Battery Commander." He replied: "You're wrong. Speak to your 1st Sgt."

A map of the Argonne hung in the hallway. He was handed a pointer from which he showed the enemy positions, his Battery position, and where the 1st Battalion was hit at Mount Blaineville.

After he gave the details of the action, he seated the three of us around his desk. From a bottom drawer, he took out a lot of pictures of his Battery where they appeared in groups. He would mention their names. He said they were the best Battery in the A.E.F.

I said: "Excuse me, Mr. President, I thought we had the best one." We then agreed that we had the two best Batteries in the A.E.F. Dan Flood was wrong about the "Hick from the Sticks" disrupting Government.

For over two hours, we were in the presence of a great man and leader. I shall never forget it. He said that he and four others were the only four non-Catholics in the Battery. At one time, our Battery was Irish—replacements in World War I changed it.

The "hick from the sticks" had him late for lunch. It was not easy for me to say Goodbye. He said that "whenever you come to Washington, you don't have to ask anyone to see me, stop in anytime."

The Friendly Sons of Scranton announced that President Truman would be their speaker at their annual dinner on March 17, 1956. As Pittston is only eight miles from Scranton, I immediately contacted him in Independence and asked him to stop in Pittston and meet the survivors of Battery "B" 109th Field Artillery that he saved in the Argonne in World War I.

When he was coming East for the affair, he told Atty. Charles Murphy who was arranging the trip to tell the Scranton group that he was stopping in Pittston to see Tierney. Murphy asked: "Who is Tierney?" "See Dan Flood. He will tell you."

A special train from Scranton containing over 600 greeted him at the Lackawanna Station in Hoboken on March 17th, St. Patrick's Day, 1956. Hundreds more were at the Lackawanna Station in Scranton to greet him when his Special arrived at 2 p.m. the celebration lasted a long time. His address brought more and more applause for their great leader.

At Hotel Casey, he left word at the desk that he was not to be disturbed until Tierney came for him at 5 o'clock which I did. I was President of the Friendly Sons of Pittston at that time.

Although it was the coldest snow and blistering weather that day, hundreds came to see him at St. John's Auditorium. It was Standing Room Only. His appearance brought on the Artillery song and with Hi-Hi Harry in the Field Artillery was repeated over many times. He reached the stage by being passed over the heads and shoulders of the guests. Atty. Murphy said in all his travels, it was the greatest reception he ever received in the U.S.A.

After the introduction of our great leader and the standing ovation was over, he told of the action in which his unit knocked out two enemy batteries and saved the 1st Battalion of the 109th Field Artillery from destruction by opening the road to Apremont for the free movement of men and supplies in that area for the 28th Division.

His vast knowledge of Ireland and what it gave to the world by the renowned leadership of its sons brought on more standing ovations. He expressed thanks for the contributions to his library and desk set of Anthracite Coal which bears both of our names and to think a bad order in the Argonne was the cause of it.

"God bless Harry Truman" could be heard on his departure over the ovations that were given him as he left for Scranton. The following day, a large cavalcade from Scranton escorted him to the Avoca Airport where hundreds awaited him with more cheers.

While seated in the waiting room, he asked the man seated next to him to give me his seat which he did. The President remarked: "When it is time to go, walk to the plane with me" which I did. On the way to the plane, my nephew Leo Madden said to me that a young crippled lad with a camera would like to take a picture of him. Minutes later, a path was cleared and the President went to the lad. "Young man, I understand you'd like a picture of me. Go ahead, shoot." Louis S. Popick of Scranton will never forget that day. He later sent it to a celebrity concern in Florida who awarded him $25 for the photo.

Hundreds bid farewell to their leader who was deeply loved by all. He took my hand

and said: "I want you to write me today—not tomorrow." On the plane, he inquired from Atty. Murphy about the coal desk set. Murphy called from Pittsburgh about it. Another call came from Independence. The maker of the set sent it to the library on Saturday night where it was acknowledged.

I met him once more at the Mayflower Hotel in September 1963, where he was staying. I called him on the phone and he said: "You come right away and meet three of my friends." While with him, he was interviewed by a newsman who asked about the scandal in the McMillan Government in England. His reply was tart: "The moral code was broken." I enjoyed the visit with his friends. It sure was a pleasure to be with him again.

The action in the Argonne has brought me great publicity. Be it on a bus, in a barber ship, church, hospital or funeral home. It's Harry Truman. How they loved him.

In a documentary on TV Ch. 44 which covered 23 counties in Northeast Pennsylvania, I had many calls about it. A 16-year-old farmer lad had come 20 miles to see me. On a bus in Baltimore, two ladies from one of the counties said: "You're a friend of Harry Truman." They were right.

When President Truman came to Pittston on Mar. 17th to meet the survivors of Battery "B" that he saved in France, the late Father Leone of the Oblate Order asked to meet him. While in a seminary in Italy, President Truman spoke to his group who were very deeply impressed by his presence.

Later—Father Leone was in an Oblate mission in Cal the day he was running for the Presidency.

The media was making false returns about the election. Father Leone said that cannot be, the Lord will take care of this great man. After a long night vigil in the chapel, he gave us Harry Truman, a great leader.

Father Leone had the honor to sit on the stage with him during his visit here at the St. Patricks Day dinner 1956.

On his passing to his reward, hundreds in Pittston attended a service at St. John's. He will always be remembered. I am gratified to have had this opportunity to honor this great leader.

Sincerely, Captain Leo A. Tierney, Pittston, Pa.

I was awarded two Silver Stars by Gen. John J. Pershing, and a 28th Division Citation from Maj. Gen. W. H. Hay, USA.●

FLIGHT NUMBER SEVEN

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. TAYLOR. Mr. Speaker, like many of my colleagues here in the House, I have received numerous letters from constituents expressing their horror and dismay over the shooting down of the Korean Airlines aircraft resulting in the death of the 269 passengers.

Mr. Jerry Brown, a constituent of mine from Joplin, Mo., has set his thoughts on the incident to verse. I would like to share his poem with my colleagues at this point in the RECORD.

The poem follows:

FLIGHT NUMBER SEVEN

Just an innocent passenger plane, flying thru the sky,
with babies, children, women and men, not one deserved to die.

The plane had drifted from its course, into a forbidden space,
into a zone of no regard, for any human race.

While friends and family wait below, for loved ones to arrive,
a Russian missile hits its mark, and no one will survive.

The grief was felt around the World, and shared by all Mankind,
for the babies, children, women and men, Two hundred and Sixty Nine.
Vengeance is mine so saith the Lord, this rule was made in Heaven,
May it be applied, for those who died, on Korean Flight Number Seven.●

KOREAN AIR LINES FLIGHT 007

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Ms. KAPTUR. Mr. Speaker, the callous destruction of Korean Air Lines flight 007 by the Soviet Union deserves international condemnation and countermeasures. However, we must insure that our responses do not prompt the breakdown of meaningful communication between the two nations. Anthony Lewis clearly explains the dangerous consequences of the Reagan administration policy in the following article from the New York Times, October 3, 1983. I urge my colleagues to carefully consider the message in the Lewis piece.

A BANKRUPT SUCCESS

(By Anthony Lewis)

BOSTON, October 2.—The Reagan policy for dealing with the Soviet Union—bristling words and an allout arms race—is flourishing as never before. The Administration has succeeded in using the Korean airliner incident to intensify anti-Soviet rhetoric and win Congressional approval of an array of new weapons.

But a funny thing has happened. At the moment of its fullest application, the policy has proved bankrupt. A number of Administration officials, realizing the dangers, are alarmed. Even Ronald Reagan may have an inkling.

The event that put a chill on Washington was the statement by Yuri V. Andropov on relations with the United States. Putting his personal imprimatur on the postion, the Soviet leader painted the Administration's policy as unremittingly hostile and implied that there was no point in trying to do business with such a Government. Any "illusions" of "a possible evolution for the better" in its policy, he said, had been "finally dispelled."

The Andropov statement caused concern for evident reasons. It is one thing to give sermons about the evil of the Soviet-system. It is quite another to wake up and realize that the leaders of the other superpower no longer think it worth talking to you about matters engaging the fate of mankind.

If meaningful communication breaks down, the consequences could be immediate and severe on the question of medium-range nuclear missiles in Europe. The United States is scheduled to begin flying Pershing 2 missiles to West Germany in about six weeks. Many Europeans have been hoping for last-minute progress in the Soviet-American arms talks that would forestall the deployment. But the Andropov statement turns that possibility from remote to just about nonexistent.

Once the deployment of Pershings and cruise missiles begins, the Russians may take some threatening action in response. They might deploy missiles in East Germany. They might move nuclear-armed submarines closer to the American East Coast. It takes no great imagination to see how such steps could heighten the present mood of confrontation and increase the risk of fatal misadventure.

A perception of such danger seems suddenly to have struck the Reagan Administration. Secretary of State Shultz has reportedly told colleagues that the strident and prolonged American criticism of the Soviets over the downing of the Korean airliner may have had unintended consequences.

But only someone grossly uninformed about the Soviet Union could have failed to appreciate how the Russians might react to the words used by this Administration—and not just since the incident. For two and one-half years President Reagan has directed the harshest language at Soviet leaders, really denying their legitimacy. And they do care morbidly, about attacks of that kind.

The blithe ignorance of the Administration in its use of rhetoric has been matched in its notion of frightening the Soviet Union into submassiveness by an arms race. The Russians have matched every previous American weapons breakthrough—and sometimes, as in the terrible example of MIRV's, ended up reducing American security. There is no reason to think that this arms race will end differently.

Dealing with the Soviet Union is enormously difficult and frustrating. Its system is cruel, its reactions verging sometimes on the paranoid.

But what is the alternative to negotiation? Can anyone really believe that keeping its Foreign Minister out of New York will impress the Soviet Union? Other proposals advanced by the American right are equally irrelevant. Insult, bluster and threat do not work. No, there is no alternative to the hard work of talking—and trying to define the common interest, theirs and ours, in survival.

That is the point of a remarkable article by George Kennan in the curent issue of The New Yorker. The piece is a cri de coeur from an American who has devoted his life to the problem of dealing with the Soviets.

For all its conspiratorial nature, Mr. Kennan says, the Soviet regime has a deep interest in avoiding war. But the Reagan Administration acts as if that reality did not exist, as if the Russians were 10 feet tall, as if they had no problems, as if they could be stopped from world conquest only by military force. Then he writes:

"This view is, if one will forgive my language, simply childish, inexcusably childish, unworthy of people charged with the responsibility of conducting the affairs of a great power in an endangered world."

It is a more dangerous world today than it was on Jan. 20, 1981. Ordinary communication with the Soviet Union has virtually

ceased. Our leaders talk about the relationship more and more in military terms—to the point, as Mr. Kennan says, where the ordinary citizen "is compelled to conclude that some sort of military showdown is the only conceivable denouement."●

MORE EVIDENCE THAT VAN BUREN ANTIRAILROAD LETTER IS FRAUDULENT

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. SHUSTER. Mr. Speaker, during the coal slurry debate the supporters publicized a purported letter from Martin Van Buren to Andrew Jackson attacking railroads. I placed in the RECORD a letter from the Library of Congress indicating that the supposed Van Buren letter appeared to be a fraud.

Today I received a letter from the editor of the papers of Martin Van Buren providing further evidence of the fraudulent nature of the letter, and I include it below for the Member's information:

THE PAPERS OF
MARTIN VAN BUREN,
Media, Pa., September 30, 1983.

EDITOR,
Washington Post,
Washington, D.C.

DEAR SIR: The September 27 issue of the Washington Post containing a full page advertisement from the Virginia Coal Pipeline Associates has just been brought to my attention. The ad contains a reprint of a supposed letter of 31 January 1829 from Martin Van Buren to Andrew Jackson attacking railroads. While the letter is amusing, it is also fraudulent. To my knowledge, no one has ever seen the original of the letter. Neither original, copy, or contemporary references to the letter have been discovered in any historical repository by the exhaustive searches for the publication of the Papers of Martin Van Buren and the Papers of Andrew Jackson.

There are a number of internal inconsistencies in the letter that lead us to believe it is a twentieth century fabrication. In addition to the use of modern phraseology and references to railroad developments that had not yet occurred in 1829, there is also the fact that Jackson was not yet President at the time of the letter.

Yours is not the first publication to reprint this modern fabrication. It appears every couple of years, usually to demonstrate the stupidity of government regulation. However, I do hope you will print a clarification.

Thank you.

Very truly yours,

GEORGE W. FRANZ,
Project Director and Editor.●

PERSHING AND CRUISE MISSILE DEPLOYMENT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. MARKEY. Mr. Speaker, in just 3 months, the United States is scheduled to begin deploying the Pershing II and ground-launched cruise missiles in Europe. The deployment decision, which was made 4 years ago, is now being justified for all the wrong reasons.

The deployment is said to be needed to show NATO's will to modernize when, in fact, the deployment will do much to tear NATO apart.

The deployment is said to be needed to counter the Soviet SS-20 threat when, in fact, Pentagon officials have conceded that the deployment has little military value.

And the deployment is said to be needed to force the Soviets to cut their SS-20's, when, in fact, the deployment will likely escalate the nuclear arms race in Europe.

I commend to my colleagues an editorial in the October 2, 1983, issue of the Boston Globe. The editorial points out correctly that the United States is letting a bad decision propel it into a highly destablizing situation.

The editorial follows:

[From the Boston Sunday Globe, Oct. 2, 1983]

TO A PSYCHOLOGICAL YALU

The loss of 269 lives on Korean Air Lines Flight 7 has had the grave effect of distracting Americans at a crucial moment and obscuring the misguided and twisted rationale under which President Reagan will put a new round of nuclear weapons in Europe this December.

The 1979 NATO decision to deploy Pershing and cruise missiles had its roots 15 years earlier. In 1963, the United States quit building medium-range missiles because they were not needed. The Soviets, who continued to build them, developed a monopoly on them. That monopoly was then, and now, irrelvant because overall the US deterrent is, and always has been, superior. By the late 1970s, with the Soviet production of medium-range missiles open-ended, Moscow seemed bound to intimidate the NATO allies and Japan. NATO was understandably alarmed.

In 1979 NATO set out to persuade the Soviets to reduce their medium-range missile force. The plan was to threaten to deploy US cruise and Pershing missiles beginning in December 1983 if the Soviets did not cut back. While these deployments were being prepared, NATO was to engage in energetic "two-track" talks to achieve Soviet reductions to make the US missiles unnecessary.

Under the Reagan Administration, negotiations got second priority and the goal of getting Soviet cuts was forgotten. Pershings and cruises became an end in themselves. Soon NATO developed a set of quasi-theological arguments, asserting that NATO medium range forces had to include land-based missiles belonging to the United States.

American planes and submarine missiles were said not to count, and likewise the independent British and French nuclear forces. To the Soviets, the new focus on putting US missiles on European soil represented a major politico-military shift.

If the Reagan Administration cared about the 1979 NATO goal of reducing the Soviet arsenal an agreement could already have been reached on terms highly favorable to NATO and to other Soviet neighbors.

The Soviets have made three major concessions in the past year. First they offered to cut their European force to the size of the combined French and British forces. Then they offered to count warheads rather than missiles so their multiple-warhead SS20s would not give them an advantage. Finally, just before they shot down the KAL plane, they offered to dismantle missiles taken out of Europe, including the late-model SS20s, to meet the valid fear that they would be retargeted in Asis.

Rather than taking the next logical step—to verify the significant Soviet offers and build upon them—President Reagan has talked past the Soviet proposals. His approach suggests that the medium-range missiles, in which the Soviets have specialized, are an especially immoral category of weapons that should be eliminated entirely.

Failing that, he asserts the principle of US-Soviet "equality" within this narrow artifical category. Next, the Administration claims that it is essential (for the first time in 20 years) for the United States to have at least some land-based missiles in Europe.

This tortured offspring of the original 1979 NATO goal led first to the Reagan "zero option" proposal to have the Soviets junk all 600-odd of their medium-range missiles, period. After 15 months wasted on this obvious "non-starter," a new non-starter was offered last spring: The Soviets only had to get rid of some of their missiles and the United States would build up to match the remainder.

The Reagan-NATO package as it has evolved from October 1981 to the President's speech to the United Nations General Assembly Monday is a travesty. The original aim of getting the Soviets to roll back their excessive medium-range force is gone. Instead the Administration is pressing forward toward a psychological Yalu River by "forward basing" precise counterforce missiles within six to nine minutes of Soviet targets.

The President's recent claim—"The door to an agreement is open. It is time for the Soviet Union to walk through it."—is untrue. The disturbing fact is that Soviet criticism of the US position as "lopsided" is warranted.

When the current rhetorical monsoon blows away and public perceptions catch up to reality, it will be too late. A wrongheaded US weapons policy and negotiating strategy will have made the world a more unstable place, threatening our side, ultimately, as well as theirs. In this instance our side will deserve most of the blame.●

TO RESCUE PUBLIC RADIO

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. SEIBERLING. Mr. Speaker, earlier this year national attention fo-

cused on the financial problems of National Public Radio (NPR). NPR's problems were due to several factors, but there is no doubt that one of those factors was President Reagan's reduction in Federal funding of public radio. If the quality of public radio is to be preserved, the Government cannot be considered either a sole or a dependable source of support.

Instead, a multiplicity of solutions must be found to the problems facing public radio today. In an article which recently appeared in the New York Times, Lawrence Lader does just that. He supports the concepts behind public radio, and says that "President Reagan's budget cuts for the arts, coupled with shrinking foundation revenues, have imperiled innovative and first-quality programing." To remedy this situation, Mr. Lader has developed several solutions to help finance and expand public radio stations. For instance, he recommends that the FCC increase the power of qualified radio stations so that their programing could be heard 50 miles away. The costs for increased voltage to these stations could then be financed through alumni donations and/or advertising. Mr. Lader has several more suggestions for financing public radio, which are further detailed in his article. I hope my colleagues will take the time to read Mr. Lader's article, which follows these remarks:

[From the New York Times, Sept. 18, 1983]

TO RESCUE PUBLIC RADIO

(By Lawrence Lader)

When a few classmates and I started a college radio station in 1939, we sought a high standard in cultural, informational and entertainment programming—a vision enlarged these days by National Public Radio. Unhappily, N.P.R. was almost destroyed recently by bankruptcy.

In 1939, probably no commercial station carried a full schedule of opera, symphony, jazz and folk music. We saturated the evening hours with such programming.

Perfecting our early efforts, National Public Radio and hundreds of its member stations must be considered cultural gems. N.P.R.'s audience is devoted, almost fanatical. Still, N.P.R. had to be saved from extinction by a last-minute loan, and its long-term survival remains dubious. Public-service television, too, has remained solvent only through incessant fund drives, and by foundation and corporate support. President Reagan's budget cuts for the arts, coupled with shrinking foundation revenues, have imperiled innovative and first-quality programming.

With an immediate critical need to bring financial stability to public broadcasting, the nation must look for a permanent solution. Fortunately, one approach is inherent in the legislation through which Congress regulates the airwaves. The Communications Acts of 1927 and 1934 established that the air belongs to the people. Each radio frequency is licensed for only seven years and each TV channel for five, and the licenses are renewed only if a station serves the "public interest, convenience and necessity."

Thus, the government has given station owners a gift through which fortunes have been made—a gift subject to no down payment, royalty, air rent or franchise tax. The only cost to a station is an investment in studio plant and a transmission tower that hardly compares to the capitalization of most other industries.

The real profit for a radio station owner depends on this gift of a frequency—a profit demonstrated as early as 1942 when a Los Angeles station was sold for $1.25 million. in 1981, a Chicago station went for $9.2 million, and a station in Marietta, Ga., (with less than 35,000 population) for $7.5 million. President Lyndon B. Johnson's sizable personal fortune stemmed from the Texas licenses awarded him. The annual net income of radio and television networks, which are allowed to own stations, too, also reflect this gift: ABC netting more than $160 million in 1962, CBS hitting its peak with more than $200 million 1979.

Considering the money that has been made by station owners through use of public airwaves, it would seem logical that stations and networks owe the public something in return. Commercial radio and TV, therefore, should come to the rescue of public broadcasting by paying a tax set by Congress—or a license fee commensurate with their income. Such proceeds could go to the Corporation for Public Broadcasting or a similar trust and be divided among public stations by a prearranged formula.

Money is not the only ingredient that insures that good programs reach the widest possible audience. Large areas of America are a listeners' wasteland. In Suffolk County, Long Island, for example, the airwaves are almost totally dominated by rock and country music. A listener has to search hard for Brahms or Benny Goodman, and will only hear them regularly within range of the excellent campus stations at the State University of New York at Stony Brook and at Southampton College, which have low power and cover only parts of the county.

The solution would be for the Federal Communications Commission to increase the power of qualified college stations so that a hungry audience can hear them 50 miles away. The main cost for increasing a small station to 5,000 watts or more would be for stepped-up voltage. College stations operate on minimal budgets, with most talent contributed by students. Costs could be financed by alumni or some dignified advertising.

Naturally, neither station owners nor Congress (many of whose members own stock in commercial broadcasting) will swarm to help public broadcasting. Moreoever, the F.C.C. has been notoriously partial to business interests. But citizens' lobbies have been amazingly successful in improving children's programs on TV and forcing cigarette commercials off the air. What is needed is a lobby to guarantee the finances of public broadcasting and make certain that anyone preferring a symphony to rock can find his choice on his dial.●

PASSAGE OF THE COMMUNITY RENEWAL EMPLOYMENT ACT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. HAWKINS. Mr. Speaker, I want to thank my colleagues for their support, last Wednesday, September 21, on passage of the Community Renewal Employment Act, H.R. 1036. The solid vote of 248 to 176 clearly reflects the change in attitude of many legislators, both Democrats and Republicans, that something must be done now to help those hit hardest by the recession—"discouraged workers" who have stopped looking for nonexistent jobs, workers who want full-time jobs but can find only part-time work and those workers laid off due to plant closings.

Despite the successful vote last week, there are still those, in this body, the Senate, and in the administration, who say that the Community Renewal Employment Act and other jobs creation initiatives, are not needed because the economy is on the rebound, and jobs will be available and all we have to do is wait. While we all welcome the recent minimal decline in the unemployment rate there are still 18 million workers unemployed or underemployed. The average period of unemployment remains close to 20 weeks. About 4 million workers have been jobless for 15 weeks or more. Nearly 3 million workers have been without jobs for 27 weeks or longer. Furthermore, only about 40 percent of all unemployed workers are receiving unemployment compensation benefits.

Our economy may be moving toward recovery, however, many experts are predicting a split-level recovery which would leave millions of industrial workers, working women, and minority workers behind. Current unemployment figures reveal that the length of unemployment for those seeking work is 40 percent greater than the same periods during other economic downturns. Current economic forecasts project the unemployment rate will remain above 9 percent throughout 1983 and linger above 8 percent in 1984. Even under the optimistic assumptions of the administration's July budget review, it would take 3 more years before unemployment is down to 7.5 percent, the rate when President Reagan took office. Thus, in the absence of strong jobs creation legislation the emerging recovery is only a distant promise for the millions of Americans who want to work.

Many of our colleagues, during floor debate of H.R. 1036, expressed concern that the jobs created by this legislation would be unproductive "makework" positions. H.R. 1036

specifies that the work be in activities that are vitally needed. These activities will be in both public and private sector jobs and include road, water system, and mass transportation repair, diaster relief, child care, health care, and other services which local communities are hard pressed to provide due to the recession. In addition, H.R. 1036 requires that 20 percent of the authorized funds be made available for critically needed education facility repair projects. The need for Federal assistance in basic societal necessities becomes even more apparent when we consider the findings of the U.S. Conference of Mayors that only 36 percent of the eligible population receives health services, only 14 percent receive day care, and a scant 4 percent are reached by employment and training programs. It is also estimated that local officials met only 43 percent of the demand for emergency services, such as food and shelter.

Another concern expressed during debate was the possibility of abuse in implementation. H.R. 1036 prevents Federal funds from being used to subsidize regular municipal workers as substitution for local revenues. The act requires that all jobs be in limited duration projects additional to regular ongoing services. Furthermore, strong, enforceable antisubstitution provisions are included which will place severe financial penalties on any community abusing Federal job funds. Potential political abuse would be prevented by having the employment service, not the local elected official, certify and refer jobless individuals to available job openings.

The point of making certain that the jobs created go to those most in need was also debated. H.R. 1036 establishes a highly targeted program with jobs going to the long-term unemployed—those who have been unemployed for 15 weeks or more. In addition, priority is given to those individuals who have exhausted their unemployment compensation benefits. H.R. 1036 will provide jobs for youth, minorities, and women. Priority for employment is given to unemployed youth who are economically disadvantaged. Women would be afforded job opportunities in a variety of activities including child and dependent care, domestic violence programs, nutrition programs, and other services for the elderly and handicapped.

Jobs would be provided through grants to States and local governments. While all areas of the country would be eligible to put long-term unemployed individuals to work in their communities, the bill provides a highly targeted formula so that approximatey 75 percent of the funds would go to areas above the national unemployment rate. Rural areas, which have experienced disproportionately high unemployment during this recession, would receive their fair share of the job opportunities provided.

The Reagan administration foresees 10 million people unemployed by the end of 1984. I feel 10 million Americans unemployed is unacceptable. Yet, the administration accepts this depression-level figure and, to date, has rejected any significant jobs creation legislation in the name of economic recovery. However, the joblessness we are continuing to experience has robbed the country of productivity and has added billions to the national deficit. It is widely agreed that every percentage point increase in unemployment costs the Treasury between $25 and $30 billion. In contrast, putting people to work through programs such as the Community Renewal Employment Act would more than pay for itself through reductions in unemployment-related payments, increases in tax revenues and through the value of community improvements and the indirect employment generated by the stimulus to the economy.

House passage of the Community Renewal Employment Act is the first step toward a real recovery. Prompt and decisive legislative action is needed to stimulate the economy and to meet human needs. Unemployment is the relentless cancer which is eating away at our societal body. Putting our citizens back to work will meet most of America's societal needs. H.R. 1036 would create at least 500,000 jobs that will mesh community needs with the vast numbers of the long-term unemployed in a cost-effective and manageable fashion.

H.R. 1036 makes economic sense. Clearly much more action is needed to combat the Nation's problems. H.R. 1036 is one important and cost-effective contribution to the effort to put America back to work and enhance America's prospects for a healthy future.

It was for these reasons that over 100 organizations have recorded their support for H.R. 1036. These coalitions represent the interests of labor, women, youth, the elderly, minorities, the environment, rural, religious institutions, civil rights, and education organizations.

In order for H.R. 1036 to become law the Senate must now act as responsibly as we did in the House. We must continue to act with both economic prudence and human compassion to make reducing unemployment our Nation's highest priority.●

TO COMMEND ALLEN P. McCOMBS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. LEWIS of California. Mr. Speaker, on Thursday, October 6, 1983, the Chino Valley Chamber of Commerce and the Dairy Committee will be honoring a very special man, Allen P. McCombs, at their Eighth Annual Dairy Awards dinner as the special Dairy Award winner. Unable to attend this gathering, I would like to take this opportunity to ask the Congress to join me along with his many friends and admirers in expressing our deep appreciation and gratitude to this outstanding human being.

Mr. McCombs is a native of Berkeley and spent 3 years in the U.S. Naval Supply Corps. Allen McCombs received his B.A. in journalism from Stanford and his masters of business administration from Harvard. While attending school, Allen still found time to work on several newspapers in California and Hawaii during college vacations.

Allen McCombs is currently the editor and publisher of four weekly newspapers in San Bernardino County, the 96-year-old Chino Champion, the Chino Valley News, the South Ontario News, and the Mountain Courier-News of Crestline. In 1956, he purchased the firm, now known as Champion Publications, and on January 1, 1983, acquired the Crestline paper.

Allen has received many honors during his career for writing and photography from State and local press associations. He has twice been awarded the George Washington Honor Medal from the Freedoms Foundation of Valley Forge. Allen is the past president of the California Newspaper Publishers Association, which represents the State's daily, weekly, and college newspapers ranging from the Los Angeles Times to small rural publications.

An active member of his community, Allen McCombs has been a leader in the YMCA, United Fund, Chamber of Commerce, Toastmasters Club, Council of Social Services, and has served on the planning commission and school board. In 1976, he was named Chino Citizen of the Year.

Some of his other activities include being a member of the Chino Rotary Club, Chino Community Hospital Board of Trustees, and Community Advisory Board, and the Chamber of Commerce Legislative, Dairy, Economic Development, and Retail Committees.

All who are privileged to work with Allen McCombs recognize and admire

his dedication as an outstanding citizen and for his contributions to his community and his profession. Mr. Speaker, I take great pride in commending to my colleagues, Allen P. McCombs, a truly dedicated man who has, through his selfless years of hard work, contributed to his community in a most beneficial way.●

BROTHERHOOD AND EQUALITY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. BROOMFIELD. Mr. Speaker, when Josip Broz Tito was the head of Yugoslavia, he used the rallying cry of "Brotherhood and Equality" to lead his people.

However, for the 1.5 million ethnic Albanians living in Yugoslavia's Kosovo province, Tito's old rallying cry mocks the reality of their existence.

For these people, who make up 80 percent of the population of the Kosovo province, there is little sense of either brotherhood or equality. Their separate history and identity is one source of alienation. However, the economic neglect and oppressive political treatment by the central government in Belgrade is a greater cause of the discrimination felt by these ethnic Albanians.

Kosovo is the poorest of Yugoslavia's eight provinces. It has, in fact, been described by many as "Yugoslavia's Third World." Kosovo's per capita income is about one-sixth that of the Slovenians in the north.

Belgrade openly admits that economic errors were made in trying to improve the province's economy. But Kosovo's demands for greater economic help today and more autonomy in their own affairs have largely gone unanswered.

Beyond the economic neglect, the people of Kosovo are treated as second-class citizens by the central government.

Kosovo is designated as an autonomous province and thus has less prestige and representation in Federal policy making than the other republics of Yugoslavia. The ethnic Albanians argue that they should be entitled to the same status as the less numerous Macedonians and Montegrins, each of whose regions enjoy status as republics. The Albanian's petitions have constantly been denied.

These long-term problems of ethnic separateness, an economic inferiority, and lack of comparable political status with the other citizens of Yugoslavia, have caused increased tensions among the people of Kosovo. These feelings have resulted in violent clashes. Each time, the Yugoslav Army has crushed the demonstrations and uprisings with bloodshed and arrests.

Two years ago when nationalistic students demonstrated for greater autonomy, riots spread throughout the province. Nine people died and 257 were injured. Two thousand people were apprehended and 1,600 were imprisoned. Over 400 were jailed for terms of up to 15 years. Many more have lost their jobs in retaliation. The Yugoslav Army and Militia continue to maintain a large, visible presence in the province.

Amnesty International reports that there have been more political trials recently than in previous years. Restrictions on freedom of political expression remain although they appear to be somewhat less rigidly enforced. Still, according to Amnesty International, the most human rights violations appear to be in Kosovo Province.

As of September 1982, 363 people were detained in connection with Albanian-nationalist activities and related disturbances in Kosovo. Official and unofficial reports show that 400 others are in prison on political charges. In total, around 800 people are reportedly being detained as "political prisoners."

Mr. Speaker, we must join our Albanian-American friends in their concern for the rights of the ethnic Albanians in Yugoslavia. There is much that Belgrade can do to improve the plight of these people, and it should be encouraged to do so.

The time is overdue for the successors of Marshall Tito to give real meaning to his rallying cry of "Brotherhood and Equality." Until then, we cannot ignore the suffering and discrimination of the ethnic Albanians of Yugoslavia.●

TRIBUTE TO LARRY D. STRIPLIN, JR.

HON. RICHARD SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. SHELBY. Mr. Speaker, I would like to share with my colleagues in the House of Representatives some insight to a fine businessman who lives in Selma, Ala., which is part of my Seventh Congressional District.

Larry D. Striplin, Jr., is chairman and chief executive officer of Circle "S" Industries, Inc., an outstanding business operation in Selma. His wonderful success is the story of the American dream of hard work and dedication. And even though he had reached a pinnacle of achievement in the business world, Larry has not forgotten the people who assisted him along the way to the top.

Larry is a fine example of an individual who makes his community a strong, health, and safe environment in which to work and live. He is an asset to his community as a leader of outstanding dedication whose praiseworthy contributions serve as an inspiration to all of us.

To understand the success of a business operation, one must stop and look at the success behind the man in charge. From 1956 to 1963, Larry was employed by Pittsburgh Plate Glass in various capacities for manager of their operations in Jackson, Tenn., to teaching a management school for the company.

He was in charge of PPG's Alabama operation for approximately 2 years prior to his next move, which was purchasing the Nelson-Brantley Glass Co., Inc., in Birmingham, Ala. This action occurred in 1963 and Larry has been president and CEO since that time. He has been directly responsible for expanding the company from a 1-branch operation to presently operating the main office of Birmingham with 10 branches and 3 wholly subsidiaries located throughout Alabama, Tennessee, Texas, and Mississippi.

In 1971 DISCO Aluminum Products Co., Inc., was purchased as a subsidiary of Nelson-Brantley and the operation moved to Selma, Ala., with Larry still serving as president and CEO.

A holding company called Circle "S" Industries, Inc., of which Nelson-Brantley and DISCO are subsidiaries was formed in January of 1978. Presently there are 13 other companies which make up the Circle "S" family, and Larry serves as chairman and CEO of the operation.

Larry is not only an excellent businessman, but his contributions in leadership positions to the Selma community include serving as a member of the Young Presidents' Organization; executive board of Alabama Sports Hall of Fame; board of directors of Birmingham-Southern College; Birmingham-Southern College Athletic Steering Committee; chamber of commerce, World Business Council; and Rotary Club.

Circle "S" Industries, Inc. has played an extremely vital role in the renovation of 12 victorian cottages in the city of Selma.

Many of the homes in the turn-of-the-century neighborhood were close to condemnation until they were purchased by Circle "S" Industries, Inc., in 1980. Built between 1870 and 1920, the varied architecture included Italianto, Carpenter Gothic and Greek revival.

The exteriors were authentically restored and the interiors, while adopted to contempory living, retain many original features. The area is now called Fairoaks Square for Fairoaks was the original name of the ante bellum mansion, Henderson House, which now serves as a conference

center and a guest house of the corporation.

This project has received national acclaim from preservationists and serves as an example of commitment to the protection of the heritage of this country. Fairoaks Square was the recipient of a 1983 honor award for the National Trust for Historic Preservation, and the Alabama Historical Commission Distinguished Service Award in June of this year.

Mr. Speaker, it is with the greatest honor that I share this insight of Larry D. Striplin, Jr., with my colleagues in the House of Representatives. He has brought great honor and pride to his family, his company, the Selma community, and the State of Alabama.

Circle "S" Industries, Inc., is fortunate to have a man of Larry's caliber at the helm, and I wish him the very best of luck in all his future endeavors.●

TRIBUTE TO ELEANOR SIMPSON

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. LENT. Mr. Speaker, I would like to call to the attention of my colleagues a significant tribute being paid to Mrs. Eleanor Simpson, a noted and highly respected resident of the village of Old Westbury, Long Island, N.Y., which I had the honor to represent until the recent redistricting. On October 11, 1983, Mrs. Simpson will be honored at a dinner sponsored by the Nassau County Village Officials Association.

No one is more deserving of this honor than Ellie Simpson. In addition to serving as executive director of the Long Island Tourism and Convention Commission, she has established a notable record of devotion and commitment to public service. In her home community of Old Westbury, Ellie Simpson has held a number of appointive and elective positions. Her career in village government spans 17 years, and includes such offices as village planning board member, police commission, trustee, mayor, and deputy mayor.

Ellie Simpson's zeal to serve her fellow residents of Nassau County has taken her beyond the borders of Old Westbury. She has served as president of the Nassau County Village Officials Association, and has been a member of the executive and legislative committees of the New York State Mayors Conference.

Mrs. Simpson's civic interests extend beyond the governmental arena. She serves as trustee of the Nassau County Fine Arts Museum and is a member of the council of overseers of C. W. Post College. She is also currently a member of the Long Island Area Development Agency, and formerly served on the Nassau County Cultural Board.

Mr. Speaker, the long record of responsible governmental and civic offices held by Ellie Simpson gives eloquent testimony to her dedication and concern as a public servant. Throughout her life, she has devoted herself to assisting others through improving the quality of life for the Nassau County community. Her selfless dedication to this vital civic effort deserves the highest commendation. I know that my colleagues here in the U.S. Congress join me in congratulating Ellie Simpson for her remarkable record of community service, and in offering our best wishes for the future.●

TELEPHONE RATE INCREASES: CAUSES AND QUESTIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, October 5, 1983, into the CONGRESSIONAL RECORD:

TELEPHONE RATE INCREASES: CAUSES AND QUESTIONS

The sharp rate increases requested this year by Indiana's telephone companies have surprised and disturbed many Hoosiers. They wonder why rates have to go up, and how long they will continue to climb. Unfortunately, the second question is much harder to answer than the first.

Most Hoosiers are aware that change in the telecommunications industry is causing higher rates, and they correctly suspect that there is much more to it than higher rates. Nearly every part of the industry is undergoing fundamental, sweeping change. The industy is moving from a regulated, monopolistic pricing system to an unregulated, competitive one. Subsidies from one sector of the industry to another are being eliminated. Long-distance service and telephone sales are being opened to free-market competition. Bookkeeping practices that kept local rates down are being phased out. New equipment is being added to meet the demands of the competitive environment and the computer age. And, of course, local rates are rising.

Why is all this coming about? The change is not the product of legislation passed by Congress. Part of the cause is advancing technology. New developments in telecommunications let competitors break into the long-distance market of the American Telephone & Telegraph Company (AT&T). Other inventions gave AT&T a lead in the business equipment field. As a regulated monopoly, however, AT&T was not on an equal footing with its competitors in these areas. Another part of the cause is judicial and regulatory intervention. A long series of court decisions led up to the divestiture of AT&T in a settlement which separated AT&T's long-distance service, production facilities, and research laboratories from its local service and handed the latter over to seven independent companies. Rulings by the Federal Communications Commission (FCC) have also shaped the newly-reorganized industry.

As technology, courts, and regulators rearranged the terrain of the telecommunications industry, policymakers had to choose between alternate futures for the telephone business. One envisioned a cost-based pricing system without much government interference. Another saw a need for continuation of the "social pricing" system that has kept local telephone service rates artifically low and widely affordable while longdistance service has been overpriced. Most people are surprised to learn that a basic debate of this kind lies behind rising telephone bills. They have always assumed that the actual cost of local telephone service was what they were paying in monthly fees. The difference, usually about twice the local rate, has been made up by charging higher rates for long-distance and business connections. Today in Indiana, this subsidy is about $14 per customer per month—the average monthly "fixed cost" of local telephone service in Indiana is $25, but the average bill is only $11.

One of the FCC's more controversial decisions addresses this problem. Unless Congress chooses to override it, an FCC-mandated cost-based pricing system would be phased in over the next seven years in the form of access fees added to the local telephone bill. Indiana telephone customers would pay $2 a month in access fees next year. Access fees would increase yearly until the price of local telephone service equalled the cost.

Matching the price of telephone service to its cost enhances competition, but many persons will not be able to pay the high local rates that will result, and many may have to give up their telephones. Universal service, the ideal of inexpensive telephone service for all (and the original principle behind social pricing), would be lost. Yet social pricing presents problems of its own. When telephones were handled by one big company, AT&T, funds could be shifted around from the profitable sections of the business to the unprofitable sections just as a matter of company policy. With the sections separated from one another, government would have to tax one company to subsidize another. This would mean higher rates for less efficient long-distance service.

A special problem, called "bypass", can arise when long-distance users are charged above cost. Telephone companies are afraid that if they do not provide long-distance service at cost, the higher prices will compel large business users to set up private telephone networks and bypass the local grid. The chief danger of bypass is that a small number of high-volume customers provide most of the revenue for local telephone companies. A smart competitor could seize the opportunity to skim this "cream" off the local rate base and leave the local company with the less profitable customers. If a mere 1% of the large business users in Indiana were to elect bypass, $73 million would be lost to local companies.

The special considerations of the rural telephone user should also be considered in this debate. The cost of providing local telephone service in rural areas is much higher than in urban areas. This is due to the additional lines required. Also, because of lower volume, long-distance calls between two rural areas are more expensive than identical calls between two cities. The price of

such calls is currently averaged to yield a uniform per-mile rate favorable to rural users, but many telephone companies plan to end this practice. Having fewer persons within local calling distance, rural residents generally make more long-distance calls than city dwellers, so an end to the practice could increase their bills.

Most members of Congress value both universal service and efficiency in telecommunications. Keeping in mind that advancing technology may make any rigid regulation obsolete within a few years, they are asking themselves how they can help people who would otherwise have to give up their telephones. The focus of attention is on a subsidy from long-distance to local service (with various formulas for collecting and disbursing the funds) as a substitute for the FCC decision on access fees. Some legislators would add in a "bypass tax" to lessen that risk. It is the outcome of this legislative deliberation that ultimately will determine how high local telephone rates are headed in the next few years.●

TO CLARIFY THE TAX TREATMENT OF SALE AND LEASEBACK TRANSACTIONS WITH RESPECT TO MASS COMMUTING VEHICLES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. MATSUI. Mr. Speaker, today I have introduced a bill, on behalf of public transit systems. Upon enactment, this legislation will save the transit authorities in my State of California and possibly elsewhere millions of dollars in unnecessary State sales tax charges. I look for early consideration and expeditious approval of this bill by our Committee on Ways and Means.

It is most regrettable, Mr. Speaker, that we must resort to this additional legislative action to keep our clear congressional intent from being thwarted. While we are most sympathetic to the financial plight the State of California currently experiences, we cannot condone the current efforts taken by the board of equalization demanding that individual transit systems pay it the 6 percent State sales tax when the transit authorities complete a safe harbor tax benefit transfer transaction (TBT).

Though this sounds all so complicated, the situation boils down to very simply one in which a transit system completes a TBT as envisioned by our Federal Tax Code only to then have the State define that TBT as a "sale" in order that it might collect a sales tax payment.

Mr. Speaker, the 1981 Economic Recovery and Tax Act (ERTA), specifically allowed public mass transit agencies unable to use the depreciation associated with their buses and railcars to transfer those benefits to private entities for cash—cash that helps to keep fares down and buses running. The legislative history clearly stated that the user of the property retained all incidents of State law ownership.

Already this effort by the board has resulted in the Los Angeles Rapid Transit District making payment of over $1.4 million for the TBT completed in December of 1981.

Mr. Speaker, the money that the State is currently collecting from the local transit authorities in frustration of congressional intent would be redirected to the local transit authorities under my bill. According to the Washington, D.C., firm of Nickerson Ingram & Associates, Inc., which specializes in these mass transit TBT's, transit systems are completing transactions all over the country with three closings in California alone this month. The urgency, therefore, of expeditious consideration and approval of this legislation is apparent.●

THE SMALL BUSINESS COMPETITIVE PROCUREMENT ACT OF 1983

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. ROTH. Mr. Speaker, I am pleased to introduce today the Small Business Competitive Procurement Act of 1983.

This bill is similar to S. 1730, a bill introduced by Senator DIXON of Illinois August 3, S. 1730 has the support of the National Tooling and Machining Association, the National Federation of Independent Business, the National Small Business Association, and Small Business United. Senator DIXON's bill also has the suppport of 22 cosponsors representing a wide spectrum of political ideology.

Essentially, my bill has two aims: First, to increase small business participation in government procurement, and second, to reduce the waste and fraud that has been occurring within the Defense Department. Clearly, no one can argue with either of these goals. Further, in my bill, they complement one another.

Increased small business participation in government procurement means more competition. More competition means lower prices to government agencies, and, ultimately, lower costs to the taxpayers of this country. If procurement procedures had been more competitive, it is unlikely that we would have witnessed the recent revelations about gross overpayments for spare parts at the Defense Department.

Below are some of the gross cost overruns that have been revealed recently: $693 each for a $1 B-52 landing gear washer; $437 each for $1 measuring tapes; $1,118 each for $1 plastic caps to cover the leg of a navigator's stool; $109 for a $.04 diode for the FA-18 fighter; $80,000 paid by a Naval training center for parts that should have cost $3,658; $435 for a $15 claw hammer; $18.75 for a $2.41 metal hanger; $160.35 for a screw costing $19.80 one year before; $199 for a bearing earlier costing only $91; and $54.75 for a gear and pinion which previously cost $3.70.

Unfortunately, current procurement procedures, particularly at the Department of Defense, are geared to shutting out competition. Many contracts are given on a sole-source basis, with no bidding involved.

A 1979 Navy study indicated that

The major problems in sole-source negotiations are contractors submitting unreasonably high prices, extremely long deliveries, and obstinance or refusal to negotiate. The contractors attempt to capitalize in these situations by delay and pressure tactics as much as possible.

Further, sole-source contractors

Fail to negotiate in good faith, which causes delay in obligation of funds, contract placement and furnishing of material to the fleet. In turn, delay of contract placement results in contractors increasing their prices. It becomes a vicious cycle that is untenable to the needs of the Navy.

Despite this indictment of sole-source procurement, at the present time, only 5 to 35 percent of DOD procurement dollars are awarded competitively, depending on whose figures one uses. Yet study after study indicates that savings of up to 50 percent are possible from competitive procurements.

A 1980 study, prepared by the Small Business Administration, indicated that savings of 38 percent were achieved when 181 parts for the Air Force were broken out for small business competition. If one can safely extrapolate from this figure, approximately $4 billion per year could be saved of the $10 billion per year now spent on spare parts. Unfortunately, the results of these earlier studies continue to be reflected in more recent studies by GAO and DOD's own inspector general.

While I am aware that the Secretary of Defense is making sincere and genuine efforts to correct procurement problems, I believe that we in Congress must continue to focus on DOD's steps toward improvement. Upper level managers at DOD must continue to feel the heat so that they take the steps necessary to improve procurement procedures at all levels of the Department.

However, all procurement problems do not reside within DOD. Governmentwide, in the first quarter of fiscal 1984, only 38 percent of Federal procurement dollars were competitively bid. The Department of Energy, for instance, awarded only 29 percent of its

contract dollars competitively. That means a staggering 71 percent of the contract dollars were awarded noncompetitively. This situation has got to change if we are to save taxpayer dollars.

In order to obtain major procurement savings, my bill would make major changes in the way that agencies, particularly the Department of Defense, procure goods and services. Thus, I have no doubt but that it will be controversial. Nonetheless, it can serve as a starting point for discussions with the Department of Defense and other agencies on the best ways to insure that there are no repeats of the recent spare parts scandals.

I urge my colleagues to review the Small Business Competitive Procurement Act and to cosponsor it. Let us make a start toward reforming Federal procurement practices by increasing competitive small business involvement so that we no longer hear unbelievable tales of spare parts scandals at the Department of Defense.●

HONORING DONALD PASSON, OUTGOING PRESIDENT, MOUNTAIN CITY LIONS CLUB

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. HARRISON. Mr. Speaker, on October 9, 1983, the members and guests of the Mountain City Lions Club, Hazleton, Pa., will join in honoring their outstanding outgoing president, Donald Passon.

Mr. Passon has an outstanding record of community service in the Greater Hazleton area. He has served as chaplain, director, and vice president of the Greater Hazleton Jaycees. He has also served as vice president of the Greater Hazleton Paramedic Unit, and as president of the Young Men's Polish Association.

Prior to being elected as president of the Mountain City Lions Club, he received a certificate of appreciation from that organization, and, in addition, has been the recipient of the White Cane Award, the Key Award, and the Membership Award conferred by that group on its most outstanding and active members.

In addition, he has a truly distinguished record of military service, and has been the recipient of the U.S. Army's Good Conduct Medal, its National Defense Service Medal, its Vietnam Service Medal, and a Purple Heart.

Mr. Passon is the district manager for the J. C. Ehrlich Co., Inc., in Hazleton, where he has been cited for outstanding achievement in the field of sales in both 1973 and 1980.

It is a distinct honor for me, Mr. Speaker, to join with the Mountain City Lions Club in paying tribute to Mr. Donald Passon, who has devoted so much of his time, energy, and ability to the people of the Greater Hazleton area.●

THE ROLE OF CHURCH AND STATE

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. HARKIN. Mr. Speaker, there has been a continuing struggle since the earliest days of the founding of our Republic to delineate as clearly as possible the proper roles of the church and the state in our society. It is a struggle because we have been, and I trust will continue to be, a nation that is at once both deeply rooted in religious philosophy and principles—and at the same time a nation deeply rooted in the philosophy and principles of separation of church and state. It is also a struggle that has continued to the present, and I am certain will continue long into the future because the principles and goals of our Founding Fathers set down so clearly and concisely in the Declaration of Independence, the Constitution, and the Bill of Rights must be adaptable to the changes wrought by the passage of time. The American Revolution, I believe, is not yet over.

Throughout the passage of time and with changing technology, we must be ever vigilant to remain steadfast to the illuminating principles set forth by our Founding Fathers. Because times and conditions change, we need guideposts to mark our way through the thicket of theories about where the state ends and the church begins, and about the proper role of each. Periodically, we need beacons to guide us through the crosscurrents and turbulent waters of momentary public passions and opinions concerning moral issues and state issues.

We have recently been give another guidepost, or beacon, to guide us in the continuing struggle to define the proper role of church and state in the form of a speech given by the Honorable EDWARD M. KENNEDY of Massachusetts at Liberty Baptist College on October 3, 1983. I feel this speech to be a seminal work in this areas, and will rank alongside the writings of Thomas Jefferson regarding the issue of government and religion as a brillant and timely treatise on this subject. I include the speech in its entirety in the RECORD for the benefit of my colleagues and all other Americans.

TOLERANCE AND TRUTH IN AMERICA

(By Senator Edward M. Kennedy)

Let me thank Dr. Jerry Falwell for that generous introduction. I never expected to hear such kind words from him. So in return, I have an invitation of my own: On January 20, 1985, I hope Dr. Falwell will say a prayer—at the inauguration of the next Democratic President of the United States. Now, Dr. Falwell, I'm not sure exactly how you feel about that. You might not appreciate the President, but the Democrats certainly would appreciate the prayer.

Actually, a number of people in Washington were surprised that I was invited to speak here—and even more surprised when I accepted the invitation. They seem to think that it is easier for a camel to pass through the eye of a needle than for a Kennedy to come to the Campus of Liberty Baptist College.

In honor of our meeting, I have asked Dr. Falwell, as your chancellor, to permit all the students an extra hour next Saturday night before curfew. In return, I have promised to watch "The Old Time Gospel Hour" next Sunday Morning.

I realize that my visit may be a little controversial. But as many of you have heard, Dr. Falwell recently sent me a membership card in the Moral Majority—and I didn't even apply for it. I wonder if that means I am a member in good standing.

This is, of course, a non-political speech—which is probably best under the circumstances.

Since I am not a candidate for President, it certainly would be inappropriate to ask for your support in this election—and probably inaccurate to thank you for it in the last one.

I have come here to discuss my beliefs about faith and country, tolerance and truth in America. I know we begin with certain disagreements; I strongly suspect that at the end of the evening some of our disagreements will remain. But I also hope that tonight and in the months and years ahead, we will always respect the right of others to differ—that we will never lose sight of our own fallibility—that we will view ourselves with a sense of perspective and a sense of humor. After all, in the New Testament, even the disciples had to be taught to look first to the beam in their own eyes, and only then to the mote in their neighbor's eye.

I am mindful of that counsel. I am an American and a Catholic; I love my country and treasure my faith. But I do not assume that my conception of patriotism or policy is invariably correct—or that my convictions about religion should command any greater respect than any other faith in this pluralistic society. I believe there surely is such a thing as truth, but who among us can claim a monopoly on it?

There are those who do, and their own words testify to their intolerance. For example, because the Moral Majority has worked with members of different denominations, one fundamentalist group has denounced Dr. Falwell for hastening the ecumenical church and for "yoking together with Roman Catholics, Mormons, and others." I am relieved that Dr. Falwell does not regard that as a sin—and on this issue, he himself has become the target of narrow prejudice. When people agree on public policy, they ought to be able to work together, even while they worship in diverse ways. For truly we are all yoked together as Americans—and the yoke is the happy one of individual freedom and mutual respect.

But in saying that, we cannot and should not turn aside from a deeper, more pressing question—which is whether and how religion should influence government. A generation ago, a Presidential candidate had to

prove his independence of undue religious influence in public life—and he had to do so partly at the insistence of envangelical protestants. John Kennedy said at that time: "I believe in an America where there is no (religious) bloc voting of any kind." Only twenty years later, another candidate was appealing to an evangelical meeting as a religious bloc. Ronald Reagan said to 15 thousand evangelicals at the roundtable in Dallas: "I know that you can't endorse me. I want you to know that I endorse you and what you are doing."

To many Americans, that pledge was a sign and a symbol of a dangerous breakdown in the separation of church and state. Yet this principle, as vital as it is, is not a simplistic and rigid command. Separation of church and state cannot mean an absolute separation between moral principles and political power. The challenge today is to recall the origin of the principle, to define its purpose, and refine its application to the politics of the present.

The Founders of our Nation had long and bitter experience with the state as both the agent and the adversary of particular religious views. In Colonial Maryland, Catholics paid a double land tax, and in Pennsylvania they had to list their names on a public roll—an ominous precursor of the first Nazi laws against the Jews. And Jews in turn faced discrimination in all the Thirteen Original Colonies. Massachusetts exiled Roger Williams and his congregation for contending that civil government had no right to enforce the Ten Commandments. Virginia harassed Baptist preachers—and also established a religious test for public service, writing into the law that no "Popish followers" could hold any office.

But during the Revolution, Catholics, Jews and non-conformists all rallied to the cause and fought valiantly for the American Commonwealth—for John Winthrop's "City Upon A Hill." Afterwards, when the Constitution was ratified and then amended, the Framers gave freedom for all religion—and from any established religion—the very first place in the Bill of Rights.

Indeed the Framers themselves professed very different faiths—and in the case of Benjamin Franklin, hardly any at all. Washington was an Episcopalian, Jefferson a Deist, and Adams a Calvinist. And although he had earlier opposed toleration, John Adams later contributed to the building of Catholic Churches—and so did George Washington. Thomas Jefferson said his proudest achievement was not the Presidency, or writing the Delcaration of Independence, but drafting the Virginia Statute of Religious Freedom. He stated the vision of the first Americans and the First Amendment very clearly: "The God who gave us life gave us liberty at the same time."

The separation of church and state can sometimes be frustrating for women and men or deep religious faith. They may be tempted to misuse government in order to impose a value which they cannot persuade others to accept. But once we succumb to that temptation, we step onto a slippery slope where everyone's freedom is at risk. Those who favor censorship should recall that one of the first books ever burned was the first English translation of the Bible. As President Eisenhower warned in 1953, "Don't join the bookburners . . . the right to say ideas, the right to record them, and the right to have them accessible to others is unquestioned—or this isn't America." And if that right is denied, at some future day the torch can be turned against any other book or any other belief. Let us never forget: Today's Moral Majority could become tomorrow's persecuted minority.

The danger is, as great now as when the Founders of the Nation first saw it. In 1789, their fear was of factional strife among dozens of denominations. Today there are hundreds—and perhaps thousands of faiths—and millions of Americans who are outside any fold. Pluralism obviously does not and cannot mean that all of them are right; but it does mean that there are areas where government cannot and should not decide what it is wrong to believe, to think, to read and to do. As Professor Laurence Tribe, one of the Nation's leading constitutional scholars has written, "Law in a nontheocratic state cannot measure religious truth"—nor can the state impose it.

The real transgression occurs when religion wants government to tell citizens how to live uniquely personal parts of their lives. The failure of prohibition proves the futility of such an attempt when a majority or even a substantial minority happens to disagree. Some questions may be inherently individual ones or people may be sharply divided about whether they are. In such cases—cases like prohibition and abortion—the proper role of religion is to appeal to the conscience of the individual, not the coercive power of the state.

But there are other questions which are inherently public in nature, which we must decide together as a nation, and where religion and religious values can and should speak to our common conscience. The issue of nuclear war is a compelling example. It is a moral issue; it will be decided by government, not by each individual; and to give any effect to the moral values of their creed, people of faith must speak directly about public policy. The Catholic bishops and and the Reverend Billy Graham have every right to stand for the nuclear freeze—and Dr. Falwell has every right to stand against it.

There must be standards for the exercise of such leadership—so that the obligations of belief will not be debased into an opportunity for mere political advantage. But to take a stand at all when a question is both properly public and truly moral is to stand in a long and honored tradition. Many of the great evangelists of the 1800's were in the forefront of the abolitionist movement. In our own time, the Reverend William Sloane Coffin challenged the morality of the war in Vietnam. Pope John XXIII renewed the gospel's call to social justice. And Dr. Martin Luther King, Jr., who was the greatest prophet of this century, awakened our national conscience to the evil of racial segregation.

Their words have blessed our world. And who now wishes they had all been silent? Who would bid Pope John Paul to quiet his voice about the oppression in Eastern Europe; the violence in Central America; or the crying needs of the landless, the hungry, and those who are tortured in so many of the dark political prisons of our time?

President Kennedy, who said that "no religious body should seek to impose its will," also urged religious leaders to state their views and give their commitment when the public debate involved ethical issues. In drawing the line between imposed will and essential witness, we keep church and state separate—and at the same time, we recognize that the city of God should speak to the civic duties of men and women.

There are four tests which draw that line and define the difference.

First, we must respect the integrity of religion itself.

People of conscience should be careful how they deal in the word of their Lord. In our own history, religion has been falsely invoked to sanction prejudice and even slavery, to condemn labor unions and public spending for the poor. I believe that the prophecy—"the poor you have always with you" is an indictment, not a commandment. I respectfully suggest that God has taken no position on the Department of Education—and that a balanced budget constitutional amendment is a matter for economic analysis, not heavenly appeals.

Religious values cannot be excluded from every public issue—but not every public issue involves religious values. And how ironic it is when those very values are denied in the name of religion—for example, we are sometimes told that it is wrong to feed the hungry—but that mission is an explicit mandate given to us in the 25th Chapter of Matthew.

Second, we must respect the independent judgments of conscience.

Those who proclaim moral and religious values can offer counsel, but they should not casually treat a position on a public issue as a test of fealty to faith. Just as I disagree with the Catholic bishops on tuition tax credits—which I oppose, so other Catholics can and do disagree with the hierarchy, on the basis of honest conviction, on the question of the nuclear freeze.

Thus, the controversy about the Moral Majority arises not only from its views, but from its name—which, in the minds of many, seems to imply that only one set of public policies is moral—and only one majority can possibly be right. Similarly, people are and should be perplexed when the religious lobbying group Christian Voice publishes a morality index of congressional voting records—which judges the morality of Senators by their attitude toward Zimbabwe and Taiwan.

Let me offer another illustration. Dr. Falwell has written—and I quote: "To stand against Israel is to stand against God." Now there is no one in the Senate who has stood more firmly for Israel than I have. Yet I do not doubt the faith of those on the other side. Their error is not one of religion, but of policy—and I hope to persuade them that they are wrong in terms of both America's interest and the justice of Israel's cause.

Respect for conscience is most in jeopardy—and the harmony of our diverse society is most at risk—when we re-establish, directly or indirectly, A religious test for public office. That relic of the colonial era, which is specifically prohibited in the Constitution, has reappeared in recent years. After the last election, the Reverend James Robison warned President Reagan not to surround himself, as Presidents before him had, "with the counsel of the ungodly." I utterly reject any such standard for any position anywhere in public service. Two centuries ago, the victims were Catholics and Jews. In the 1980's the victims could be atheists; in some other day or decade, they could be the members of the Thomas Road Baptist Church. Indeed, in 1976 I regarded it as unworthy and un-American when some people said or hinted that Jimmy Carter should not be President because he was a born again Christian. We must never judge the fitness of individuals to govern on the basis of where they worship, whether they follow Christ or Moses, whether they are called "born again" or "ungodly." Where it is right to apply moral values to public life, let all of

us avoid the temptation to be self-righteous and absolutely certain of ourselves. And if that temptation ever comes, let us recall Winston Churchill's humbling description of an intolerant and inflexible colleague: "There but for the grace of God—goes God."

Third, in applying religious values, we must respect the integrity of public debate.

In that debate, faith is no substitute for facts. Critics may oppose the nuclear freeze for what they regard as moral reasons. They have every right to argue that any negotiation with the Soviets is wrong—or that any accommodation with them sanctions their crimes—or that no agreement can be good enough and therefore all agreements only increase the chance of war. I do not believe that, but it surely does not violate the standard of fair public debate to say it.

What does violate that standard, what the opponents of the nuclear freeze have no right to do, is to assume that they are infallible—and so any argument against the freeze will do, whether it is false or true.

The nuclear freeze proposal is not unilateral, but bilateral—with equal restraints on the United States and the Soviet Union.

The nuclear freeze does not require that we trust the Russians, but demands full and effective verification.

The nuclear freeze does not concede a Soviet lead in nuclear weapons, but recognizes that human beings in each great power already have in their fallible hands the overwhelming capacity to remake into a pile of radioactive rubble the Earth which God has made.

There is no morality in the mushroom cloud. The black rain or nuclear ashes will fall alike on the just and unjust. And then it will be too late to wish that we had done the real work of this atomic age—which is to seek a world that is neither red nor dead.

I am perfectly prepared to debate the nuclear freeze on policy grounds, or moral ones. But we should not be forced to discuss phantom issues or false charges. They only deflect us from the urgent task of deciding how best to prevent a planet divided from becoming a planet destroyed.

And it does not advance the debate to contend that the arms race is more divine punishment than human problem—or that in any event, the final days are near. As Pope John said two decades ago, at the opening of the Second Vatican Council: "We must beware of those who burn with zeal, but are not endowed with much sense . . . we must disagree with the prophets of doom, who are always forecasting disasters, as though the end of the Earth was at hand."

The message which echoes across the years since then is clear: The earth is still here; and if we wish to keep it, a prophecy of doom is no alternative to a policy of arms control.

Fourth and finally, we must respect the motives of those who exercise their right to disagree.

We sorely test our ability to live together if we too readily question each other's integrity. It may be harder to restrain our feelings when moral principles are at stake—for they go to the deepest wellsprings of our being. But the more our feelings diverge, the more deeply felt they are, the greater is our obligation to grant the sincerity and essential decency of our fellow citizens on the other side.

Those who favor E.R.A. are not "anti-family" or "blasphemers" and their purpose is not "an attack on the Bible." Rather we believe this is the best way to fix in our national firmament the ideal that not only all men, but all people are created equal. Indeed, my mother—who strongly favors E.R.A.—would be surprised to hear that she is anti-family. For my part, I think of the amendment's opponents as wrong on the issue, but not as lacking in moral character.

I could multiply the instances of name-calling, sometimes on both sides. Dr. Falwell is not a "warmonger"—and "liberal clergymen" are not, as the Moral Majority suggested in a recent letter, equivalent to "Soviet sympathizers." The critics of official prayer in public schools are not "pharisees"; many of them are both civil libertarians and believers, who think that families should pray more at home with their children, and attend church and synagogue more faithfully. And people are not "sexist" because they stand against abortion; they are not "murderers" because they believe in free choice. Nor does it help anyone's case to shout such epithets—or try to shout a speaker down—which is what happened last April when Dr. Falwell was hissed and heckled at Harvard. So I am doubly grateful for your courtesy here today. That was not Harvard's finest hour, but I am happy to say that the loudest applause from the Harvard audience came in defense of Dr. Falwell's right to speak.

In short, I hope for an America where neither fundamentalist nor humanist will be a dirty word, but a fair description of the different ways in which people of good will look at life and into their own souls.

I hope for an America where no President, no public official, and no individual will ever be deemed a greater or lesser American because of religious doubt—or religious belief.

I hope for an America where the power of faith will always burn brightly—but where no modern inquisition of any kind will ever light the fires of fear, coercion, or angry division.

I hope for an America where we can all contend freely and vigorously—but where we will treasure and guard those standards of civility which alone make this Nation safe for both democracy and diversity.

Twenty years ago this fall, in New York City, President Kennedy met for the last time with a Protestant assembly. The atmosphere had been transformed since his earlier address during the 1960 campaign to the Houston Ministerial Association. He had spoken there to allay suspicions about his Catholicism—and to answer those who claimed that on the day of his baptism, he was somehow disqualified from becoming President. His speech in Houston and then his election drove that prejudice from the center of our national life. Now, three years later, in November, 1963, he was appearing before the Protestant Council of New York City to reaffirm what he regarded as some fundamental truths. On that occasion, John Kennedy said: "The family of man is not limited to a single race or religion, to a single city or country . . . the family of man is nearly 3 billion strong. Most of its members are not white—and most of them are not Christian." And as President Kennedy reflected on that reality, he restated an ideal for which he had lived his life—that "the members of this family should be at peace with one another."

That ideal shines across all the generations of our history and all the ages of our faith, carrying with it the most ancient dream. For as the Apostle Paul wrote long ago in Romans: "If it be possible, as much as it lieth in you, live peaceably with all men."

I believe it is possible; the choice lies within us; as fellow citizens, let us live peaceably with each other; as fellow human beings, let us strive to live peaceably with men and women everywhere. Let that be our purpose and our prayer—yours and mine—for ourselves, for our country, and for all the world.●

SUSANNA KYNER CRISTOFANE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. HOYER. Mr. Speaker, I would like to bring to the attention of my colleagues a great lady, a true friend and an outstanding public servant. It is my honor and privilege to note the worthy accomplishments of Susanna Kyner Cristofane of Bladensburg, Md.

Susanna Cristofane has served her community, her county and her State well, since settling in Bladensbury in 1904. She was a member of the town council for 30 years and was Bladensburg's mayor for 9. In an era when women were often shut out of active political and intellectual life, Susanna Cristofane was a leader. She graduated from Goucher College in Baltimore and received her master's degree from George Washington University. Her interest in historic preservation has been recognized by numerous groups who have awarded her high honors, including the St. George's Day Award, given in 1974. She has been a leader in the task of preserving and restoring many of our county's oldest and most historic buildings, including the Indian Queen Tavern and Magruder House.

In 1970, Mrs. Cristofane was named Municipal Official of the Year by the Prince George's County Municipal Association. She served as the secretary-treasurer of the association for more than 27 years.

In 1980, she received the Alumni Achievement Award for Community Service from Goucher College. She was only the third woman in the United States to have received this award.

Because of the years of dedicated service and because of the dignity with which she has always carried out her work, the town of Bladensburg has declared that Tuesday, October 11, be designated "Susanna Kyner Cristofane Day" throughout the town of Bladensburg. This honor and the testimonial dinner which will be held on the same day, are fitting tributes to this great lady.

Mr. Speaker, I am certain that my colleagues will join with me today in expressing our appreciation for the outstanding contributions Susanna Cristofane has made during her years of public service. I am very proud to pay tribute to one of Maryland's most

outstanding citizens. Her dedicated service will surely be a hallmark for all those who follow.●

TERENCE CARDINAL COOKE—A MAN OF GOD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. RANGEL. Mr. Speaker, I was deeply saddened today to learn of the untimely death of Terrence Cardinal Cooke, the archbishop of New York.

Cardinal Cooke was indeed a man of God, a pious and compassionate man who placed devotion to his church far above material gain. He was a pastor who never forgot that his primary responsibility was to spread the Word, and to tend his flock. It was because of this unselfish example of moral strength that Cardinal Cooke was so beloved by those he ministered to.

It is not surprising that a man with such devotion would remain at peace with himself despite the lingering pain of terminal leukemia. He remained true to his faith until his last moments in this life, a symbol of a true disciple of God.

I offer my most sincere praise for Cardinal Cooke. May he rest in peace.●

THE HUBERT H. HUMPHREY CANCER RESEARCH CENTER HONORS CONGRESSMAN JOE EARLY

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. BOLAND. Mr. Speaker, on October 3 I had the pleasure of attending the Hubert H. Humphrey Cancer Research Center Awards ceremony held at the Boston University School of Medicine. The Humphrey Center award is presented to individuals who make outstanding contributions to the understanding and treatment of cancer through the support of cancer research.

This year, the Humphrey Center honored three distinguished people—Dr. Elwood V. Jensen, the Medical director of the Ludwig Institute of Cancer Research in Zurich; Dr. Henry S. Kaplan, the director of the Cancer Biology Research Laboratory at Stanford University; and my friend and colleague from Massachusetts, Congressman JOSEPH EARLY. I want to congratulate JOE EARLY on his receipt of this prestigious award and compliment officials at Boston University for his selection.

I know of no Member of the House more concerned with the plight of those suffering from serious disease than JOE EARLY. He is committed to the belief that there is no such thing as an incurable disease, and that through the advances made by medical research, the key to treating and preventing afflications like cancer will be found. He knows that research costs money but he also understands that there are heavy costs, both emotional and financial, that are borne by cancer victims and their families. As a member of the Appropriations Committee, JOE EARLY has been tireless in his advocacy of adequate funding for medical research. On more than one occasion, I have heard him argue forcefully and successfully for the research programs that he felt were essential to this Nation's future. His reputation for fiscal prudence, his command of the facts and the obvious strength of his commitment to these programs make his arguments particularly persuasive. He is an effective champion of efforts which he believes will ultimately result in better health for all Americans and I am especially pleased that his work has been recognized by the medical community.

I would like to insert at this point in the RECORD the citation which accompanied JOE EARLY's Humphrey Center Award.

THE HONORABLE JOSEPH D. EARLY, M.C.

Through your service as a member of the House of Representatives representing the Third District of Massachusetts, you demonstrate your concern not only for alleviating the suffering of cancer patients and their families, but for the support of medical research dedicated to overcoming cancer. A key member of the House Appropriations Committee since 1974—your freshman year—and its Subcommittee on Labor/Health and Human Services, you are an acknowledged expert on health policy in general, and on the financing of medical research in particular. During your years on the Appropriations Committee, yours has been a firm, respected voice advocating a continued strong commitment on the part of the federal government toward the funding of cancer research. You are known as a Congressman unusually open to his constituents and to representatives of research organizations—indeed, as a legislator who encourages the pleas of patients and the hopes of investigators to be made within the halls of government. For your outspoken support for financing the research effort against cancer we are proud to present you with this Hubert H. Humphrey Cancer Research Center Award.

October 3, 1983.

JOHN R. SILBER,
President, Boston University.
JOHN I. SANDSON,
Dean, School of Medicine.
PAUL H. BLACK,
Director, Hubert H. Humphrey Cancer Research Center.●

IS GROMYKO REALLY "DR. NO"?

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. BROOMFIELD. Mr. Speaker, the Soviets have done it again. Yesterday, Soviet Ambassador to the United Nations, Oleg Troyanovsky, delivered a blistering speech at the General Assembly on behalf of Foreign Minister Gromyko. Mr. Gromyko suggested that the General Assembly adopt a resolution urging all nuclear-armed nations to agree to a freeze to include a ban on deployment of new types of nuclear arms. The Soviets went on to suggest that they and the United States be the first to implement this freeze. The Soviets then blasted the United States for "whipping up war hysteria" because of the downing of the Korean airliner and defended their actions in the shooting down of the unarmed aircraft. They continue to be unrepentant.

As they did so often in the past, the perpetrators of the Korean airliner tragedy have resurrected their old freeze argument. It is obvious to me that the Russians will use any ruse in the book to stall the planned deployment of Pershing II and cruise missiles in Western Europe. Although they are unwilling to give an inch at the INF bargaining table in Geneva, they are determined to use clever ploys to stop the planned deployments which NATO members requested a few years ago.

Also included in the anti-American speech was a veiled threat to the nations of Western Europe suggesting that planned missile deployment in the area would provoke Soviet countermeasures.

The Ambassador also repeated the now famous Soviet suggestion that the United Nations should not be located in the United States since it was a "country where an outrageous militaristic psychosis is being imposed." I am amazed at this suggestion since it is coming from a government so paranoid about security that it ordered the senseless destruction of an unarmed civilian aircraft.

Let us look at the record to find out who really wants arms reductions. Just last week, President Reagan addressed the United Nations and challenged the Soviet Union to match America's new flexibility in that area. He took the initiative in the deadlocked INF talks by unveiling a new proposal. Our President offered the Soviets an advantage in European-based, medium-range nuclear weapons in exchange for equal global limits on such warheads. The Kremlin described this offer as a "sugar-coated ploy."

Yesterday, the President announced a new and major U.S. concession to the Soviets regarding the START talks. He told Members of Congress that he was willing to have U.S. bombers considered in strategic arms negotiations with the Soviets. Ambassador Troyanovsky responded to this offer by accusing the United States of "promoting, rather than halting, the strategic arms race."

Included in this new American offer is a proposed build-down in strategic weapons designed to encourage stabilizing systems. The proposal includes specific provisions for building down ballistic missile warheads and for addressing a parallel build-down in bombers. The President also expanded the U.S. negotiating team to include a Democratic "member-at-large" as a sign of his earnestness and sincerity in the START efforts.

I believe in America's sincerity in wanting to dramatically reduce nuclear weapons. Compromise, however, is the key to successful negotiations. The Soviets must be willing to negotiate in good faith and to make tradeoffs. I am certain of the President's sincerity, and I challenge the Russians to prove theirs. Let us hope that progress can be made.

As I have said in the past, verifiability is critical in any future arms reduction agreements between our two nations. Our national security cannot be built on faith alone. A nation that was willing to kill 269 men, women, and children for merely violating its airspace is a nation that may ignore its obligations under future treaties. We should keep this in mind.●

ALEX HALEY AIDS HUMAN SERVICES IN CARSON, CALIF.

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. DYMALLY. Mr. Speaker, for 7 nights in January 1977, 6 people out of every 10 in this country were doing the same thing. That 60 percent of the population was large enough to include every black man, woman, and child in the United States and another 105 million people besides. Those 130 million people—44 million more than voted in the 1980 Presidential election—were all watching television. What is more, they were all watching the same program. It was the largest number of people viewing the same program in the history of television. The program was called "Roots." It was the fruit of years of effort by the Pulitzer Prize winning black author Alex Haley to trace his matrilineal family back to its source in Africa.

For more than 20 million black Americans whose ancestral memory had been obliterated by forced splintering of families when the buying and selling of human beings was a part of the commerce of this country, those 7 nights were an emotional experience. For millions of Americans whose surname is less a badge of association with a family line than a brand signifying who owned their great-grandparents, those seven nights were an emotional experience. Through "Roots" Alex Haley told more than 20 million Americans that the genocide of ancestral memory they had assumed to be total was not complete. For a people to discover that 360 years of effort to destroy all memory of their familial roots has failed is just cause for an outpouring of emotion. Such resilience, such triumph over brutality could not help but give oppressed people everywhere confidence that the human spirit will survive even the most severe test.

I have great respect for Alex Haley because in the years since "Roots" was published he has gone on working to relieve human suffering by helping those who are troubled, to understand and overcome what oppresses them. I am proud to inform my colleagues in the House of Representatives that on October 9 of this year, Mr. Haley will come to the city of Carson in the 31st Congressional District of California in aid of organized efforts in our area to relieve those who are troubled and to cure those who are suffering. Many in the Carson community will spend "Sunday with Alex Haley" to raise money for El Nido Counseling Center and for the Charles R. Drew Medical School. El Nido is an outstanding nonsectarian, multi-ethnic agency which provides individual, family and group counseling for troubled children, young people, and their families in the city of Carson. And the Charles R. Drew Medical School is a unique institution whose mission is to train doctors, especially doctors from minority groups, to work in communities that are medically underserved.

The school and the agency are of inestimable value in the 31st Congressional District because of the populations they serve. Nearly half the citizens of the district are black; nearly one-fourth are Hispanic; and a large percentage of the remaining citizens are Native Americans and Asian Americans. These are precisely the groups of people who have lacked sufficient access to mental and physical health services.

Those who achieve a degree of fame are certainly not compelled to use their good fortune for the benefit of others. Each person of reknown makes that choice freely. Alex Haley has chosen to use his position of esteem to improve the situation of those who are in need. It is his generosity, his sense of concern for his fellows, that raises Alex Haley from the ranks of the merely famous to the ranks of the magnanimous, the "great-souled." I wish to publicly thank Alex Haley for his work on behalf of the Carson community and the residents of the 31st Congressional District.●

A SALUTE TO THE DANTE ALIGHIERI SOCIETY ON ITS 75TH ANNIVERSARY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. GUARINI. Mr. Speaker, this year an outstanding community organization, the Dante Alighieri Society of Jersey City, Inc., is celebrating its 75th anniversary.

Organized by Dr. Luigi Pezzi, M.D., who was a great student of Dante Alighieri, the initial group met in 1908 in Jersey City, and was incorporated on October 22, 1909. Among the original organizers were Dr. Alfred Magnoni; Dr. Emilio Del Baglivo; Louis Donato Di Paola, Felice Martignetti, Guiseppe Caroseili, Guiseppe Cuparo, Michael Zampella, Salvatore Campanella, Pasquale Leno, Antonio Maochi, Guiseppe Graziano, and Giovanni Podesta.

Dr. Pezzi was the third physician of Italian extraction to set up practice in Jersey City, where he joined Dr. Del Baglivo and Dr. Mazzoni in tending to the needs of the growing Italian-American families in the area.

It is recalled that his fee when he opened his office was 50 cents a visit. The members met in Dr. Pezzi's office at 280 Fourth Street, and were joined by Dr. William L. Dickinson, a physician attached to the Christ Hospital staff, and John Mullins, who owned a large furniture store business.

Dr. Dickinson encouraged the members to buy property on the hill; with the input of about 20 members contributing $500 each this was accomplished.

In 1927 the society enlarged its first small building, and in 1952 the mortgage was canceled. Several years ago there was a fire in the building requiring renovation work, which has resulted in the society having a beautifully refurbished headquarters.

The society is a fine fraternal organization and has been a leader in the advancement of cultural enrichment and community involvement programs since its inception. They have excelled in preserving the Italian heritage through programs of education, scholarship, art, music, and dance. One of their greatest accomplishments has been the language classes at their society headquarters at 562 Summit Avenue, Jersey City.

The Dante Alighieri Society has been in the forefront of charitable

causes, not only assisting in local campaigns raising funds, but also with Italy's earthquake, specifically the "terremoto" of November 1980, which took a terrible toll in human life, property, and priceless cultural and architectural relics.

Members of the society responded immediately, working with the Hudson County Italian Earthquake Relief Committee. They raised funds to help the beloved land of their fathers, and to alleviate the grief and hopelessness resulting from the tens of thousands injured and hundreds of thousands left homeless and dispirited. More than 3,100 were killed in the 10,000-square mile region of Southwest Italy which was devastated.

The society responded because of the needs of its people.

Nature has endowed Italy with astonishing beauty. It is a land of breathtaking mountains, seas, and sun. But Italians also know how cruel nature can be. Raging floods, earthquakes, and volcanic eruptions are part of both the ancient heritage of the Italian peninsula and the present reality.

I was pleased, as chairman of the Hudson County Italian Earthquake Relief Committee along with Gloria Esposito, cochairwoman, to have the Dante Alighieri Society join in presenting funds to the Catholic Relief Services. They have just reported that the three community centers at Fontanaro, Province of Avellino; Pignola, Province of Potenza; and Caggiano, Province of Salerno, have been completed. They are in use as multipurpose facilities, providing educational, recreational, and cultural enrichment programing.

The Dante Alighieri Society and its members indeed have helped to provide "una mano amica," a friendly hand across the sea, reflecting the true spirit of concern and love of the sons and daughters of Italy.

The society has been the meeting place for many of the areas finest families. It has helped provide community leadership in both the civic and political arenas. Its membership roster has included hundreds of dentists, doctors, lawyers, and other professionals, and dozens of judges who have helped to maintain America's system of freedom and justice.

I vividly recall visiting the club on many occasions with my father, Frank J. Guarini, Sr., who spent many hours there with my family and friends.

Dr. Luigi Pezze was the first president from 1908 to 1926, followed by Dr. John Lettieri, 1927 to 1929; Joseph Loori, Esq., 1930 to 1931; Ralph P. Messano, Esq., 1932 to 1933; Louis J. Messano, Esq., 1934 to 1935 (he was the first Jersey City commissioner of Italian heritage to be elected); Prof. Francis Pristera, Ph. D. from 1936 to 1937; Dr. Charles P. De Fuccio from 1938 to 1939; Richard Bonomo from 1940 to 1941; Hon. Dominick V. Daniels, Congressman of the United States from 1954 to 1957; Hon. Joseph S. E. Verga. from 1958 to 1961; Michael G. Comanale, Esq., from 1962 to 1965; Lawrence J. Camisa from 1966 to 1967; Anthony A. Amoroso, from 1968 to 1969; Charles A. Zito from 1970 to 1971; Salvatore V. Ciminissi from 1972 to 1973; Hon. Gustave A. Peduto Jersey City Magistrate, from 1974 to 1975, Michael De Simon, from 1976 to 1977; Guido Trisolini, from 1978 to 1979; Peter Annunziata, from 1980 to 1981; and Louis Cassaro from 1981 to 1983.

At its annual banquet, the Dante Alighieri Society singles out an outstanding individual who has provided service above self, giving of their time and talents, assisting those in need.

The sands of time have produced many brother teams. Hollywood gave us John and Lionel Barrymore, baseball gave us Joe and Dominick DiMaggio, music gave us Jimmy and Tommy Dorsey, comedy gave us the Marx Brothers, air travel, the Wright Brothers, and even the cough drop industry gave us the Smith Brothers. We are fortunate to have the Verga brothers.

Therefore, when the committee had to make their decision this year, they too had a problem in trying to select which of the Verga brothers should receive this year's honor. Their contributions have been so great and so similar in civic, church and community affairs that they decided to bestow this year's honor on both Frank and Joe Verga. Indeed both of these men have listened carefully to the words of Albert Schweitzer, who said:

Whatever you have received more than others in health, in talents, in ability, in success, in a pleasant childhood, in harmonious conditions of home life, all this you must not take to yourself as a matter of course. You must render a sacrifice of your life to help others.

They have accepted the challenge of community service, moving forward with the confidence born of success and with the skills born of experience.

Frank A. Verga is a graduate of the Fordham University School of Law, in 1929. He has been assistant corporation counsel of the city of Jersey City, was deputy attorney general of the State of New Jersey, and was the first head of the Consumer Fraud Bureau of the State of New Jersey. Frank is a retired superior court judge of the State of New Jersey, and is associated with the Hudson County Bar Association and the New Jersey State Bar Association.

He served 4½ years active duty during World War II in the U.S. Army and is a retired colonel. He is the holder of a Bronze Star Medal for meritorious service and an Army Commendation Ribbon.

Frank is a member of the Veterans of Foreign Wars, Dante Alighieri Society, and Our Lady of Mt. Carmel Holy Name Society.

Married to the former Anna Rienzo they are the parents of two children, Frank J. Verga and Rita Favetta, and three grandchildren, Tonio Favetta, Mario Favetta, and Frank J. Verga, Jr.

Joseph S. E. Verga graduated from Rutgers University in 1930. He was the assistant corporation counsel for the city of Jersey City, and retired as the chief judge of the Jersey City Municipal Court.

Joseph is a member of the University Club of Hudson County, as president of the Dante Alighieri Society, was president of the International Institute, and is second vice president of the Hudson County Bar Association. He is a member of the New Jersey State Bar Association, and the New Jersey Trial Lawyers Association. He is a member of St. Aloysius Holy Name Society.

He organized the first Boy Scout Troop No. 45 in Our Lady of Mt. Carmel Parish in 1942 and was its first Scoutmaster.

He is married to the former Clara Pranzo. They have two daughters, Mary Anne Marek and Roseanne Viscardi, and one granddaughter, Annamarie Marek.

Together, the Verga brothers have been affiliated in the practice of law for more than 50 years.

The Dante Alighieri Society Ladies' Auxiliary was formed in 1908, and the first election of officers was held in 1912. The first president was Mrs. Amelia Accordino until 1915 when Mrs. Attilio Ciappa was elected president. She was followed in 1918 by Mrs. Michael Santeramo; in 1923 by Mrs. Clotilda Rapacoli; in 1927 by Mrs. Edward Annitto; in 1929 by Mrs. Prospero Turi; in 1931 by Mrs. Michael D'Elia; in 1938 by Mrs. Maxim Losi, Ph. D.; in 1942 by Mrs. Mary Cassaro; in 1950 by Mrs. Frank J. V. Gimino; in 1954 by Mrs. Prospero Turi; in 1956 by Mrs. Joseph Toscano; in 1960 by Mrs. Gustave A. Peduto; in 1964 by Miss Marianne Basile; in 1968 by Mrs. Vincent Lobbato; in 1970 by Mrs. Eugene R. Boffa, Sr.; in 1972 by Mrs. Carlo Oefaretti; in 1974 by Mrs. Eugene Tricoli; in 1976 by Mrs. Michael De Simon; in 1978 by Mrs. Guido Trisolini; in 1980 by Mrs. John Ribaudo; and in 1982 by Mrs. George Donnarumma.

The ladies' auxiliary raises funds by having card parties, luncheons, operettas, and plays to provide $2,000 in scholarships for high school students who prove to be proficient in Italian language studies.

They are very proud of their Italian language classes, which are open to the public, and their art classes for the membership.

They have a very large charitable program, the recipients of which are Boys' Town of Italy, Cooley's Anemia, Deborrah Hospital, Girl's Town of Italy, International Institute, St. Ann's Home for the Aged; St. Joseph's School for the Blind; and the Salvation Army.

The ladies' auxiliary also participates in art displays and the city spirit program.

The ladies' auxiliary also aims to keep the Italian heritage alive by having Italian programs for the public.

I salute these ladies, the officers, and membership of the Dante Alighieri Society, together with the Verga brothers, with a strong voice and a proud heart.

Dante, who contributed greatly to Italy's glorious history, must indeed be proud this evening. He stands in history between two great ages, the medieval world and ancient world of Rome and Greece, widely influencing Italian literature.

Of deep significance is that we are celebrating this evening the birth of the great navigator Christopher Columbus, who stands with Aquinas, Dante, Leonardo da Vinci, Michaelangelo, Galileo, and Napoleon, whose achievements will forever be cited in the annals of our Earth.

Let us accept their challenges with faith and courage and friendship, providing hope and love for all men of good will. Let us walk in brotherhood joyfully over this Earth answering to that call of God in every man.●

TO COMMEND DIMAS COSTA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. LEWIS of California. Mr. Speaker, on Thursday, October 6, 1983, the Chino Valley Chamber of Commerce and the Dairy Committee will be honoring a very special man, Dimas Costa, at their eighth annual Dairy Awards Dinner as the "Dairyman of the Year." Unable to attend this gathering, I would like to take this opportunity to join with those honoring Dimas Costa and commend him to the U.S. House of Representatives.

Dimas is a native of Terceira in the Azores and emigrated to the United States in 1951. He started in dairy work as a milker and made a goal to be among the top achievers; 7 years later, he formed a three-way partnership in Artesia with a herd of 280 and produced an average of 53 pounds per day from each of 240 milking cows. After relocating to Chino he changed to a two-way partnership and then started his own business in 1967.

Dimas set a goal of achieving the highest production possible by improving all facets of his operation. He adopted the AI breeding in 1963 and currently produces 100 percent replacement and a surplus from within his own herd. For the past 10 years he has mixed his own grain to insure the highest quality. He presently utilizes computers and other advanced technology to achieve the highest standard of quality while producing 78 pounds a day per milking cow with a herd average production of 21,500 pounds a cow per year.

Mr. Costa's total herd of 648 includes 90 purebreds with a 103.3 BAA classification. Three out of five generations in one purebred family have rated well: Maureen (first generation) 90 points, excellent; Melissa (second generation) 92 points, excellent, with a record 36,500 pounds in 365 days; Costa View Melissa (third generation) 83 points. Aside from these outstanding awards, Dimas has received several Los Angeles Mutual Dairyman awards for high quality: 1978—first place; 1979—third place; 1981—second place; and 1982—first place, with a score of 99.9 maintained the entire year. He was also rated as the highest producing herd in his category for 1974 and 1975.

An active member of his community and his profession, Dimas served on the board of directors of the Los Angeles Mutual Dairymen, chairman of the Dairy Committee, board of directors of the Chino Chamber of Commerce, board of directors of the Christian Labor Union, and board of directors and president of the DES Club.

I am sure that Mr. Costa will continue with his experimentation to increase production while maintaining his high quality. Mr. Speaker, I take great pride in commending to my colleagues, Dimas Costa for his tireless devotion not only to his profession, but also to his community.●

RESOLUTION CONDEMNS SOVIET ATROCITY

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. FUQUA. Mr. Speaker, one of the truly important aviation events in Florida is the growing North Florida State Air Show in Lake City, Fla. It is outstanding.

This year's show was the fourth, and each year it gets better. It is produced by my friend, County Judge Vernon Douglas, who told me of a unique resolution they had passed which I want to call to the attention of the Congress.

This resolution condemns the cowardly and dastardly act of the Soviet Union in shooting down an unarmed Korean jetliner with the consequent loss of life of innocent men, women, and children. To paraphrase President Franklin D. Roosevelt, it is a day which will live in infamy.

The resolution adopted by the North Florida State Air Show reads as follows, and I think speaks eloquently for all of us:

It being the intent and purpose of this State Air Show to help all Americans remember the lesson learned by the destruction of an unarmed civilian aircraft by the Soviet Union, and;

Whereas, we are witnesses to an awesome display of United States military air power during this occasion, and;

Whereas, we recognize the awesome responsibility that accompanies the use of such power; Be it therefore

Resolved, That the people of North Florida make known our contempt for the disregard of human life by the Soviet Union and their intentional criminal use of deadly force toward innocent civilians.●

THE WHEAT INCENTIVE PROGRAM ACT OF 1983

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. DASCHLE. Mr. Speaker, I am today introducing for myself and the gentleman from Minnesota (Mr. STANGELAND), legislation to revise the 1984 wheat program announced by Secretary Block.

According to the most recent forecast issued by USDA, world wheat production this year is expected to equal or exceed last year's record harvest of 479.5 million metric tons. Like last year, world wheat supply continues to exceed demand, many developing countries are experiencing economic difficulties, the value of the U.S. dollar disadvantages U.S. wheat exports, the near-term prospect of increased U.S. wheat exports is at best uncertain, and unless the wheat program for next year is effective, price-depressing excess supplies of wheat will continue to increase.

In response to similiar conditions last year, as part of the Budget Reconciliation Act of 1982, Congress revised the 1983 wheat program. Participation in the 1983 wheat program announced last year, the specifics of which included a 20 percent acreage reduction program, a $4.30 target price, a $3.55 loan rate and an advance deficiency payment, was estimated by USDA to be 57 percent.

As revised by Congress to include a 15-percent acreage reduction program and 5-percent paid diversion, estimated participation in the 1983 wheat program increased to 65 percent, but in response to supply and demand conditions like those which exist today, in

January of this year Secretary Block announced the payment-in-kind program to further encourage increased participation in order to reduce production and stock holdings.

In comparison to the estimated 57-percent participation in the 1983 wheat program announced last year, participation in the 1984 wheat program announced for next year, the specifics of which include a 30-percent acreage reduction program, a 10- to 20-percent PIK with 75-percent compensation, a $4.45 target price, a $3.30 loan rate, and no advance deficiency payment, is estimated by USDA to be only 53 percent. The 1984 wheat program needs to be changed. As announced, it will not encourage participation, will not enhance the lookout for an improved supply-demand situation, and will not take advantage of the investment already made in this year's PIK program.

The wheat incentive program which is being introduced today builds on the foundation of the 1984 program which has already been announced by Secretary Block. This legislation does not change the $3.30 loan rate, the 10- to 20-percent PIK with 75-percent compensation or many other features of the announced 1984 program nor the $4.45 target price as required by current law.

Building on the foundation of the announced program, the wheat incentive program makes the following changes in the current 1984 program: A 15-percent acreage reduction program versus a 30-percent acreage reduction program; a 15-percent paid diversion, $3 per bushel payment versus no paid diversion; an advanced deficiency payment of 50 percent of projected final deficiency payment versus no advanced deficiency payment; and requires cross compliance.

Mr. Speaker, now is the time to revise and improve the 1984 wheat program which has been announced for next year and I encourage my colleagues to build upon the foundation which exists and support needed changes in the announced 1984 wheat program.●

CONGRATULATIONS, MR. WALESA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. BROOMFIELD. Mr. Speaker, I am certain that all of my colleagues will join me in congratulating Mr. Lech Walesa for winning the 1983 Nobel Peace Prize. The decision by the Nobel committee is both appropriate and timely. I am confident that all Americans and all free men everywhere can rejoice in knowing that the tremendous contributions of this man to freedom and the right to organize are finally being recognized.

I also salute the people of Poland. Mr. Walesa is the first Polish national to win this coveted prize.

Lech Walesa was born during the Nazi occupation of Poland in the village of Popow and attended a state vocational school. After his father died, Lech's mother married her brother-in-law, Stanislaw Walesa. She was later killed in an auto accident while visting the United States. Lech's stepfather died a few years ago in Jersey City, N.J. Lech Walesa became a strike leader at the Lenin Shipyard during the 1970 food price riots. Fired for his attempts at labor organizing in 1976, he helped to found the Baltic Free Trade Unions Movement. In 1981, the Polish Government granted workers the right to form independent unions.

Walesa had to steer a difficult course between moderation and the militancy demanded by the middle-level leaders of Solidarity. He won many gains for Polish workers and the Polish people. Press and political freedoms were expanded. Many passport restrictions were dropped. The work week was reduced and workers won a say in the management of their factories.

Walesa struggled to win and keep workers' rights. His battle can be characterized by a determination to resolve Poland's problems through negotiation and cooperation. Although later threatened, intimidated, and detained for nearly a year, Lech Walesa continued to struggle for the benefit of the Polish people.

Even after his release from detention, the Polish Government continued to harass him and suggested that he was involved in illicit affairs. Now, the Government has undertaken a propaganda campaign accusing Mr. Walesa of trying to steal union money which is kept in the Vatican Bank.

Solidarity's success was short lived. With Soviet armored units holding maneuvers off the Polish border, a new government was installed in Poland. The Soviets felt threatened with this resurgence of freedom and liberty. They had to put an end to the Polish success story. Solidarity was banned and the hopes of over 9 million union members were banished.

I believe that all free men can rejoice in today's announcement that Lech Walesa won the Nobel Peace Prize. His struggle was our struggle. His goals and dreams were our dreams. Try as they may, the forces of totalitarianism cannot break the spirit of freedom loving men. Congratulations again to Lech Walesa and the people of Poland.●

JAMES STANLEY: FERNANDO AWARD WINNER

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Ms. FIEDLER. Mr. Speaker, since 1959, the citizens of the San Fernando Valley have given an award annually to the most outstanding citizen of our area of over 2 million people. The Fernando Award is that honor and is given to the individual who, in the opinion of the leaders of the valley, has contributed the most to our community.

This year, the award is being given to James Stanley, better known to all of us as Mr. Transportation. I can think of no one better suited to receive this honor because he has done more than anyone I know to mold the face of our community.

Starting in 1947, he has worked to make our freeway system our vital transportation link. And, it is that system which has made our community growing and vibrant. And through all those years, Jim has worked so that the valley has received its fair share.

Off the freeways, he has been active in seeing to it that our city and county streets were paved and lighted. And, as a catalyst to getting this job done, he founded the Valleywide Committee on Streets and Highways.

Jim's work in our community has not been limited to civic affairs. He has been highly active in the American Cancer Society, the American Lung Association, the City of Hope, the La Sabre Indian School, the Boy Scouts, the Kiwanis Club, the Masons, and both the Chatsworth and Woodland Hills Chambers of Commerce.

Thirty-seven years ago, when Jim Stanley came to the San Fernando Valley, most of it was little more than orchards and fields. Today, it is one of the brightest spots in America. And Jim's contributions are a big part of the reason our valley has grown up.

So, Mr. Speaker, I would like to let the Members of the House know that in Jim Stanley, we have an example of the best that America has to offer.●

CASIMIR PULASKI

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. MOAKLEY. Mr. Speaker, I rise to commemorate the 204th anniversary of the death of one of America's often unsung patriots, Count Casimir Pulaski.

Born to great wealth and title in 18th century Poland, Count Pulaski

was imbued at an early age with a sense of noblesse oblige leading him to confront tyranny, oppression, and injustice wherever they raised their heads. He confronted an imperialistic Russian monarchy within the confines of his own nation's frontiers. With Poland being no match for the economic wealth and military dominance of the czar's forces, the Polish nationalists were not able to sustain their fight for freedom against overwhelming odds for long. General Pulaski's love for freedom and justice lead him to the Paris salon of Benjamin Franklin, then the American Colonial Representative to the French Government. Convinced of the nobility of the American colonial struggle for independence from Great Britain, General Pulaski left his wealth, title, and family behind and set sail for America to contribute whatever he could to America's struggle.

General Pulaski's contribution was magnificent. Fighting first with the American Colonial Forces in Pennsylvania, Virginia, and Maryland, General Pulaski soon amassed the influence and reputation for a genius to attract his own band of followers and led them into combat at the Battles of Brandywine, Trenton, Flemington, and Germantown, earning for himself the title of "Father of the American cavalry." Pulaski's untimely death at the age of 32 was a devastating blow to a colonial armed force clearly still in its maturation stage. His legacy of leadership, courage, and brilliance played an instrumental role in prompting the Colonial Army's development into the fighting machine that drove the British from this Nation's shores.

Moreover, even today, perhaps more so today, General Pulaski's contribution to this Nation's quest for freedom and for human rights in the world endures and prospers. Casimir Pulaski's spirit is alive today not just in the cities and towns of the American Nation he served, but especially so in the hearts and minds of freedom loving Poles who, 204 years after the death of Casimir Pulaski, continue to mount a valiant day-to-day struggle against the expansionist and dictatorial Soviet Union.

Mr. Speaker, it is indeed fitting that we pay tribute to the memory of this great American patriot and statesman of the world.●

TRIBUTE TO MARY JACKSON

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding resident of Trenton, N.J., Mary Jackson. I join with the members of the Trenton chapter of the NAACP in honoring Mary for her lifelong commitment and service to the community. Mary's civic activities have been many, and her awards in the areas of political, racial, and gender equality attest to her invaluable contribution to the citizens of Trenton and Mercer County.

As an example of her numerous and varied accomplishments, Mary has served as a member of the board of directors of Big Brothers/Big Sisters of Mercer County, on the Mayor's Advisory Committee on Community Relations, and has coauthored the "Integrated Cookbook," which recently went into its second printing. Mary's commitment to religious and humanitarian interests, as well as her support of the democratic process, are well known and admired by all.

The mother of Vincent and wife of Steven, Mary shows no sign of losing her desire and energy to serve her community. In tribute to her dedication and service, the Trenton chapter of the NAACP, on October 8, 1983 is bestowing upon Mary its "Outstanding Citizen of the Trenton Area" award, an honor which she most justly deserves.

I commend Mary for her many fine achievements, and I am sure that my colleagues will join me in wishing her many more happy and healthy years helping the citizens of Trenton, Mercer County, and the State of New Jersey.●

PAUL COMBEST

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. ROGERS. Mr. Speaker, it is with a great note of sadness that I call the attention of the House of Representatives to the recent death of one of the outstanding citizens of Casey County, Ky.—Paul Combest.

Paul represented the finest ideals any man can attain. He was a man of the soil, a farmer, and for 40 years a member of the Casey County 4-H Council. Beyond that, Paul Combest also was active in civic affairs. He served as county judge for one term, and was also mayor of Liberty for one term.

But it was his work with the 4-H program for which he will be most remembered. As one resident recently put it in the local newspaper, "Paul Combest spent his entire life in Casey County loving and helping kids." What finer a tribute could one man leave behind as a legacy for others to follow.

Mr. Speaker, there is an old saying that "no one stands so tall as when he stoops to help a child." I believe that that sentiment fits Paul Combest to a T. The people of Casey County have been enriched by having Paul Combest live among them.

I ask my colleagues here today to join me in honoring Paul Combest, and in offering our prayers for his family and friends.●

INTERCOLLEGIATE STUDIES INSTITUTE'S 30TH ANNIVERSARY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. KEMP. Mr. Speaker, I want to congratulate the Intercollegiate Studies Institute on the 30th anniversary of its founding.

I.S.I. has always proclaimed that its goal was "to educate for liberty." What does that mean? It means that I.S.I. was dedicated from the start to retrieving permanent truths about human nature.

The human spirit seems to be constituted by two essential qualities: liberty and educability. Man's eternal condition is defined by his freedom to follow the dictates of his mind, and by the mind's capacity to understand both itself and the external world which is other than itself.

Liberty and education point to the goals of the two highest kinds of life possible to man: the life of contemplative thought and the life of political action.

It seems strange that students go to universities in search of permanent truths, only to be told that there is no such thing as truth. The reigning opinion in most academic institutions ever since the Second World War has been that there is only ideology, thoughts reflecting the thinker's socioeconomic condition; or relativism, the view that all moral and political opinions are equally subjective. This orthodox opinion is doubly strange because it subverts both the university, whose very purpose is the search for truth, and our country's basic principles, since our founding document embodies a self-evident truth.

I.S.I.'s contribution to American students over 30 years has been unique and essential. As against the orthodox academic opinion, I.S.I. has taught students that there are objective standards to discover the truth about morality and politics; that the rights of the Declaration of Independence have a status in nature, not myth; and that one of the most important rights is the right to the fruit of one's labor by acquiring and keeping private property. As against conventional liberal politics, I.S.I. has elevated the American tradition by showing that liberal democracy has a root in what lies

beyond tradition, that is, in nature. Therefore, in defending America we defend the highest achievements of civilization.

I.S.I. has thus served the Nation by strengthening its founding principles of liberty and equality, and has served the university by supporting its purpose in the discovery of truth.

To defend simultaneously the two highest ways of human life is no little contribution to mankind, and I salute I.S.I. hoping it will prosper so long as there is need for someone to speak in defense of education and liberty.

I joined I.S.I. in 1956, and have been proud to be associated with its work over the years. I.S.I. has endured a difficult and lonely struggle, but its efforts have borne much fruit. The young men and women who were associated with I.S.I. in its formative years, and my colleagues when I initially joined I.S.I., are now assuming leadership roles, not only in the academy, but in journalism, law, government, and other important fields.

Goethe said that the fate of a nation at any given time depends on the opinions of its young people under the age of 25. I.S.I. has played a vital role in shaping the opinions of this important segment of our population. I congratulate I.S.I. on its success to date, and hope it will be more active in the years to come.●

INTRODUCTION OF AMENDMENT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. ROYBAL. Mr. Speaker, I am today introducing a bill to amend titles XVIII and XIX of the Social Security Act to provide more adequate coverage of the services of mental health specialists under the medicare supplemental benefits program and the medicaid program.

By expanding the existing mental health specialist coverage to include clinical psychologists, clinical social workers, psychiatric nurse specialists and clinical metal health counselors, as well as psychiatrists, would result in a more cost-effective approach in assisting individuals, particularly older persons, in coping with a variety of personal and adjustment problems.

The intent of this change is to provide adequate counseling services while appropriately utilizing the present resources. It appears there is good support for this amendment in both the House and Senate, as well as the endorsement from the White House Conference on Aging. They recommend improved coordination and delivery of mental health services to older adults that this measure would provide.●

CHILD SUPPORT ENFORCEMENT: PRIORITY LEGISLATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. WOLF. Mr. Speaker, today I am cosponsoring H.R. 3545 sponsored by our colleague from South Carolina, Mr. CAMPBELL. Representative CAMPBELL's bill addresses the issue of negligent child support payments, an enormous problem affecting the economic and psychological well-being of the children in our Nation.

Despite the provisions of the title IV-D program of the Social Security Act and the efforts of State and local officials, it still appears that full payment of child support collections is the exception rather than the rule. The title IV-D program is responsible for assisting the States in operating programs of child support enforcement and in 1982, Federal financial assistance amounted to $1.8 billion. There has been a decline, however, in the percentage of child support collections made since 1978, according to the Census Bureau.

Approximately 2 million children are added each year to the millions of children from preceding years who are in need of financial support from absent parents. When a child interprets lack of payment to mean that the parent is unsupportive, uncaring, and indifferent, self-esteem is damaged. Children are the ultimate losers when parents do not give support.

I want to commend the Senate Finance Committee for holding hearings on this issue, and the House Ways and Means Subcommittee on Public Assistance for initiating proceedings on child support enforcement legislation.

I believe Congressman CAMPBELL's bill goes a long way in tightening child support enforcement. It adds an explicit statement of purpose to title IV where none now exists which defines that all children in need of financial support from their parents will receive such assistance regardless of the economic status. It also changes the financial incentives for title IV-D programs and provides mandatory wage deductions in 2 month delinquency cases and medical support.

I hope that as Congress continues to search for quality solutions to this sensitive problem, that we will consider such issues as accountability on the custodial parent's contribution, noncustodial visitation rights, incentives for non-AFDC case collections, efficient mechanisms to improve interstate cooperation, property liens, credit reporting, and others.

Child support obligations are financial responsibilities, like car payments, yet an increasing number of noncustodial parents are displacing this responsibility onto the backs of every American taxpaying citizen. I encourage Members of Congress to focus on the goals of getting absent parents to pay the full amount of child support owed and to support child support enforcement legislation such as Congressman CAMPBELL's measure.●

THE EVANGELICAL LUTHERAN CHURCH OF THE REDEEMER OF QUEENS VILLAGE, N.Y., CELEBRATES ITS 60TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. ACKERMAN. Mr. Speaker, I would like to bring to the attention of my colleagues the 60th anniversary of the founding of the Evangelical Lutheran Church of the Redeemer in Queens Village, N.Y., which will be celebrated on October 16, 1983.

Over the years, this church has served as an important cornerstone of its community. Rev. Theodore Moldenke, the congregation's first pastor, opened the church's doors on October 23, 1923, in a neighborhood garage. In 1924, the church bought a prefabricated building, and, although the edifice has changed, the church has remained on that very site ever since then. From 1938 until 1973, the Lutheran Church of the Redeemer was led by Rev. J. Edward Vesper, whose tenure as pastor was indicative of the commitment that the members of the congregation have held for the church throughout the years. Rev. Joseph Anderson continued the spiritual leadership of the congregation from 1974 to 1977, and Rev. Thomas G. Olson has continued the proud tradition of his predessors since 1978.

During the six decades of the church's existence, it has been in the forefront of community activism and spiritual leadership. The Lutheran Church of the Redeemer has promoted the religious education of the community's youth by conducting an excellent Sunday School, and the congregation has supported a full regiment of scouting organizations, including the Cub Scouts, Boy Scouts, Explorers, Brownies, and Girl Scouts. Activities are also encouraged for senior citizens through the church's Friendship Club. Community events and civic commitment also have not escaped the congregation's attention. The Evangelical Lutheran Church of the Redeemer has been dedicated to providing events for the patients of nearby Creedmore State Hospital, and has assisted in the activities of Alcoholics Anonymous and Alanon.

Mr. Speaker, the Evangelical Lutheran Church helps its community

maintain a vibrant and healthy environment, and sets an example for other organizations to emulate. I ask that of the Members of the Congress of the United States join me in congratulating the Evangelical Lutheran Church of the Redeemer; Rev. Thomas G. Olson, pastor; James Afflebach, president; Paul Kahres, vice president; Clara Bonekofskey, secretary; Henry Abbes, treasurer; Evelyn Abbes, financial secretary; and the entire congregation, on the church's 60th anniversary.●

HONORING MISS BRENDA LOOMIS, RECIPIENT OF THE GIRL SCOUT GOLD AWARD

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1983

● Mr. HARRISON. Mr. Speaker, it is my pleasure to inform you that Brenda Loomis, 27 Brandywine Drive, Mountaintop, Pa., a member of Senior Girl Scout Troop No. 334, recently earned the Girl Scout Gold Award, the highest award in Girl Scouting.

Miss Loomis has been an active member of Girl Scouting for 11 years, beginning with Brownie Girl Scouts. She is now a member of Senior Troop No. 334, Mountaintop, Pa. In order to earn her award, Miss Loomis completely designed, developed, implemented and introduced an orienteering course at Penn's Woods Girl Scout Council's resident camp facility, Camp Louise. Her interest in the out of doors and her desire to help sister Girl Scouts prompted her to do this project. In addition, she has spent a number of hours in service at her high school and at a nursing home near her residence.

Besides this prestigious award, she has already earned the First Class Girl Scout Silver Award, Silver Leadership Award, Gold Leadership Award, Girl Scout Silver Award, and the 10-Year Award. She also has met all four of the Girl Scout challenges. Each of these awards brings her closer to her full potential as a young woman in today's society.

The Girl Scout Gold Award signifies hard work and a willingness to take on significant responsibility. The completion of the award requirements symbolizes Miss Loomis' ability to plan for her future, serve her community, and take the lead in meeting the challenges in her life.

Mr. Speaker, I am sure that all of us are pleased with Miss Loomis' accomplishments and will join me in congratulating her and in wishing her the very best of success in future years.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, October 6, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 7

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment statistics for September.
SD-106

OCTOBER 17

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nominations of Danny J. Boggs, of Virginia, to be Deputy Secretary of Energy, and Raymond J. O'Connor, of New York, to be a Member of the Federal Energy Regulatory Commission.
SD-366

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings to review environmental research and development programs.
SD-406

2:00 p.m.
Agriculture, Nutrition, and Forestry
Foreign Agricultural Policy Subcommittee
To hold hearings on the European Economic Community (EEC) proposal to reform the common agricultural policy.
SR-328A

OCTOBER 18

10:00 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 1634, to repeal certain provisions of the Federal Coal Leasing Act Amendments of 1976.
SD-366

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine the influence of communism in liberation theology.
SD-226

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on S. 1839, proposed Contractor Liability and Indemnification Act.
SD-562

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
Business meeting, to mark up S. 503, to make it unlawful to manufacture, advertise, distribute, or possess a drug which is an imitation of a controlled substance.
SD-628

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational education programs administered by the Department of Education.
SD-430

Rules and Administration
To hold hearings on Senate Resolution 127, to make the Select Committee on Indian Affairs a permanent committee of the Senate.
SR-301

2:00 p.m.
Appropriations
Business meeting, to consider proposed legislation making supplemental appropriations for fiscal year ending September 30, 1984.
SD-192

OCTOBER 19

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to review Federal and State efforts to impose higher standards in education.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to resume consideration of S. 663, to prohibit price and other Federal crop supports on highly erodible lands which have not been cultivated for agricultural purposes in the last 10 years, and to begin markup of S. 129 and H.R. 24, bills to provide that all Federal lands within the Hector Land Utilization Area in the State of New York shall be considered part of the Green Mountain National Forest; S. 566, to release a reversionary interest in specified land to the South Carolina State Commission on Forestry; and S. 1503, to release the reversionary clause by the Federal Government on certain land in the deed to the land conveyed to the State of Delaware in 1954.
SR-328A

Energy and Natural Resources
To hold hearings on S. 1678, to provide for the completion of the strategic petroleum reserve, and to insure implementation of U.S. energy emergency

preparedness policy established by the Energy Emergency Preparedness Act (Public Law 97-229).
SD-366

Environment and Public Works
To hold hearings on the nominations of Jack E. Ravan, of Georgia, to be Assistant Administrator for Water, and Courtney M. Price, of the District of Columbia, to be Assistant Administrator for Enforcement, both of the Environmental Protection Agency.
SD-406

Judiciary
Security and Terrorism Subcommittee
To continue hearings to examine the influence of communism in liberation theology.
SD-226

OCTOBER 20

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on H.R. 1149, to designate certain lands in Oregon as wilderness.
SD-366

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 1728, to establish a National Task Force on Organ Procurement and Transplant Reimbursement, and related proposals.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold hearings to examine the impact of the recent drought on American farmers, and to assess efforts by the administration in providing relief.
SR-328A

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Labor and Human Resources
Aging Subcommittee
To hold hearings to review certain programs for older veterans.
SD-628

OCTOBER 21

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on groundwater contamination.
SD-406

Judiciary
To hold hearings on S. 1581, to grant congressional approval to the central interstate low-level radioactive waste compact.
SD-226

11:00 a.m.
Judiciary
Courts Subcommittee
To resume hearings on S. 1706, to provide for the positive identification of persons holding identification documents.
SD-226

OCTOBER 24

10:00 a.m.
Finance
To hold hearings to discuss the committee report and its recommendations on reform of corporate taxation.
SD-215

OCTOBER 25

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review computer security in the Federal Government and the private sector.
SD-124

Labor and Human Resources
To resume oversight hearings on alleged illegal sales of union memberships or books to unqualified welders by officials of local chapters of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers.
SD-430

10:10 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational educational programs administered by the Department of Education.
SD-628

OCTOBER 26

9:00 a.m.
Labor and Human Resources
Business meetings, to consider pending calendar business.
SD-430

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to review computer security in the Federal Government and the private sector.
SD-628

Labor and Human Resources
To hold hearings to review volunteer initiatives in health.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
To hold hearings on S. 1841, proposed National Productivity and Innovation Act.
SD-226

OCTOBER 27

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on Federal arts policy.
SD-430

Joint Economic
To resume hearings on job training needs of American workers.
Room to be announced

OCTOBER 28

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous items, including S. 499, S. 831, S. 842, S. 1231, S. 1807, S. 1914.
SD-215

NOVEMBER 2

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1707, proposed Competition in Television Production Act.
SR-253

10:00 a.m.
Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

NOVEMBER 3

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation to revise certain provisions of the Federal Employees Compensation Act.
SD-430

NOVEMBER 4

9:30 a.m.
*Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1707, proposed Competition in Television Production Act.
SR-253

NOVEMBER 9

10:00 a.m.
Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

NOVEMBER 10

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings to review certain multiemployer plans.
SD-430

NOVEMBER 15

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to redefine old age provisions contained in the Older Americans Act.
SD-430

NOVEMBER 16

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact of the U.S. Supreme Court's legislative veto decision.
SD-430

2:00 p.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review current gas markets and alternatives for delivery of Alaskan gas through the Alaska natural gas transportation system to those markets.
SD-366

NOVEMBER 29

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review targeted scarce resource provisions of the Older Americans Act.
SD-430

NOVEMBER 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

DECEMBER 1

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings to review certain provisions of the Employee Retirement Income Security Act.
SD-430

DECEMBER 6

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review long-term care policy provisions of the Older Americans Act.
SD-430

CANCELLATIONS

OCTOBER 6

10:00 a.m.
Appropriations
Defense Subcommittee
Business meeting, to continue markup of proposed legislation appropriating funds for fiscal year 1984 for defense programs.
SD-192

Environment and Public Works
Business meeting, to consider S. 23, S. 532, and S. 1330, bills to develop long-term job opportunities in public works.
SD-406

SENATE—*Thursday, October 6, 1983*

(Legislative day of Monday, October 3, 1983)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer today will be offered by the Reverend Dr. Don S. Wheat, pastor, Central Baptist Church, Clovis, N. Mex. Dr. Wheat is sponsored by Senator PETE DOMENICI.

PRAYER

The Reverend Dr. Don S. Wheat, pastor, Central Baptist Church, Clovis, N. Mex., offered the following prayer:

Let us pray.

Almighty God, in whom we live and move and have our being. To whom we are finally accountable for the stewardship of our lives.

We bow humbly before Thee, our Father, asking for wisdom and courage tempered with compassion that we might in all things keep faith with our Nation, with ourselves and with Thee. May the deliberations of this body, as well as the actions it will take, be pleasing in Your eyes.

We thank You, Lord, for the many personal, providential blessings we enjoy daily in this good land to which You have brought us. May our generation be worthy of the unselfish sacrifices of those who have lived before us. May we pass on to our children the good things which we ourselves have enjoyed.

We ask this all in the Holy and Sovereign Name of our God. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

COMMENDATION OF THE REVEREND DOCTOR DON S. WHEAT

Mr. BAKER. Mr. President, I congratulate our guest chaplain, Dr. Wheat, for his prayer this morning.

We are always happy to have visiting chaplains and ministers with us, and we especially extend our greetings to him and our thanks to Senator DOMENICI for suggesting and sponsoring his appearance here today.

SENATE SCHEDULE

Mr. BAKER. Mr. President, there are four special orders for today which will be executed after the time for the two leaders under the standing order expires, and that will take us up to a little after 12 o'clock, probably.

Then there is an order for a very brief period for the transaction of routine morning business that will run until 12:30. That may not be enough time for morning business. If it is not, it would be the intention of the leadership on this side to provide additional time later in the day to transact routine morning business.

The program is laid out in order to give the managers on both sides of the dairy-tobacco bill adequate time to try to complete that measure today. I hope they can do that today, and I encourage them to do so.

When we get back on that bill at 12:30 p.m. or thereabouts, the Moynihan amendment will be the pending question. I am told that there are other amendments that will be offered as well.

Mr. President, in addition to that bill, we still have quite a list of things we can and should do. We will have an Interior appropriations conference report, perhaps. We may have an unemployment benefits conference report. I hope so, because those benefits will be in jeopardy if we do not act before we go out.

There may be a reconciliation bill, which I doubt; but if there is not, it may be necessary to extend the time for reconciliation compliance under the statute. That is a matter I mentioned to the minority leader this morning, and I will confer with him further about that, after I have had an opportunity to talk to the chairman of the Budget Committee, Senator DOMENICI, and especially Senator DOLE, the chairman of the Finance Committee.

The trade authorization bill may be available, and there may be other things we can take up.

It is not my intention to ask the Senate to take up the Commerce-Justice-State-Judiciary appropriations bill or the State authorization bill before we go out.

One unhappy note, and I do not mean to unduly alarm my colleagues: At this moment, in an absolute abundance of precaution, I intend to consider offering an amendment to the adjournment resolution, which refers to Thursday and Friday of this week, to make it Thursday, Friday, and Saturday. The reason for that is not to intimidate anybody but simply that we may have problems with either the unemployment conference report or some other matter that must be dealt with. I do believe I would be remiss if I did not offer that amendment.

My hope is that we can finish those things we have to finish today and adjourn tonight, but I must say that that is now less than a 50-50 prospect.

So Senators should plan to be here tomorrow, Friday; and I will work as hard as I can, as I am sure the minority leader and others, to see if we can improve on that schedule.

For the time being, Mr. President, we will do the dairy-tobacco bill, and we hope that can be finished today. We probably will have the Interior appropriations conference report, and I hope we will have the unemployment conference report. We may have to do the trade authorization bill and may have to do something on reconciliation instructions.

One other matter is intelligence authorization. I have written that as an item on my list. That is one we very much need to do. I will have a conference in a few moments with the minority leader and Members on both sides to see if we can work out an arrangement on that matter.

Mr. President, I believe that is all I can announce at this time. I have nothing further to say, and I offer my remaining time to the minority leader, if he wishes it.

Mr. BYRD. I will accept the remaining time, and I thank the majority leader.

Mr. President, I ask the majority leader this question: Is there anything under consideration for the movement of another immigration bill? Twice, this body has passed an immigration bill, and editorials in both the Washington Post and in the New York Times have called attention to the need for such legislation.

I should like to know whether or not there is a possibility that the Senate will initiate another immigration bill. It should not take long to do it, because we have gone through this twice. I think the country needs this legislation.

Mr. BAKER. Mr. President, I can assure the minority leader that I support the bill which, as he points out, we have passed twice, and I do so en-

thusiastically. I regret that, apparently, the Speaker does not plan to take up the bill before we go out, or in this session, as I read the newspapers.

I have asked the staff on this side, the keepers of the calendar on this side, to examine the bills we have, to see what might be available onto which the immigration bill might be added as an amendment. I do not know whether it will do any good, but I have that inquiry in process.

I have not yet talked to Senator SIMPSON, who is the principal sponsor of this bill and has done an excellent job of moving it, but I intend to do that today. I will confer with the minority leader during the day, and if we can find a way to do that, I suspect that we probably will.

Mr. BYRD. I hope we will.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorials to which I have alluded.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times Oct. 5, 1983]

THE SPEAKER AND THE BIG WINK

Until yesterday, there was something remarkable about the immigration reforms that have developed in the last five years: They have been truly nonpartisan. Putting the United States back in control of the borders is an idea not limited to either the liberal or conservative canon, and a bill to do that has won wide support from both parties. But yesterday, Speaker O'Neill killed both the nonpartisan spirit and the bill, saying "I don't think there's a constituency out there for it."

The Speaker of the House deserves respect as a canny politician, but that reasoning could stand elaboration. No constituency?

After three years of work, a blue-ribbon Federal commission urged the immigration reforms. That at least suggested the start of a constituency. A Republican Senator, Alan Simpson, and a Democratic Representative, Romano Mazzoli, refined the recommendations into a bill that won overwhelming, bipartisan support in the Senate—twice. That at least seemed to hint at a constituency.

President Reagan repeatedly expressed strong support, most lately yesterday. So did representatives of labor and industry like the president of the A.F.L.-C.I.O. and the chairman of Exxon. All that certainly *seemed* like a constituency, and a broad one at that. But if the Speaker of the House sees no constituency, there must not be one.

Either that, or he had another reason for wanting to strangle this bill. In fact, he stated one yesterday, in a burst of candor. Leaders of Hispanic organizations oppose the bill and he doesn't want to jeopardize the traditional loyalty of Hispanics to the Democratic Party.

In other words, with the 1984 campaign already under way, the day for nonpartisanship is over, partisan politics is back—and immigration reform is cooked until 1985.

That means America's immigration policy will continue to be a Big Wink. Illegal aliens will keep streaming in past the pitifully overworked Immigration Service. Americans will turn even more cynical, and nativist, and sentiment to curtail all immigration will continue to rise. Slam the door, people will say; and that, Mr. Speaker, is apt to be a position with a lot of constituents.

[From the Washington Post, Oct. 6, 1983]

FREE THE IMMIGRATION BILL

What kind of arbitrary and obstructionist performance is that by Speaker O'Neill in deciding that the House should not have a chance to work its will this year or next on the immigration bill?

The speaker claims the bill has no "real constituency." But that is only a way to say it's cosntroversial and does not stir widespread enthusiasm. The bill represents an exhaustive legislative compromise. It has precisely a "real constituency," one that has endured the tradeoffs any serious approach to immigration must embody.

Mr. O'Neill, with a candor bordering on shamelessness, says he is acting at the behest of the House Hispanic Caucus. How can he hand off to one special interest, which in any event may not represent the full range of its community's views, a veto over a bill of general application? The House has given a full and careful hearing to the considerations—the worthy considerations, centering on a fear that the new law would provoke discrimination against Hispanics—voiced by the Hispanic Caucus and the organized Hispanic leadership. It would be good to know, by the way, who put into the speaker's ear the demagogic nonsense that the bill would "force Hispanics to wear a tag around the neck." Added Mr. O'Neill, "Hitler did this to the Jews, you know."

Well, now listen to this, says the speaker: he buried the bill to keep President Reagan from vetoing it later in order to reap Hispanic support for the GOP in 1984. But the administration supported the version that passed the Senate (for the second time) last May, 76-18. It has voiced misgivings about some elements added in committee in the House, but there appear to be no solid grounds for the expectation of a veto. It is Mr. O'Neill who is most evidently playing politics.

Alone among nations, the United States lets its borders be violated and its immigration law mocked. It is incredible that our Congress should be content to let this situation continue indefinitely. The Simpson-Mazzoli bill represents a fastidious effort, respectful of a broad range of interests in American society, to bring immigration under what any other country would regard as minimal control.

The White House can help retrieve the bill by removing the wisps of ambivalence in its position which Mr. O'Neill uses as cover. But the main responsibility for allowing Congress to do this piece of essential national business falls on the speaker.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. COCHRAN). The minority leader is recognized.

Mr. BYRD. Mr. President, if I may proceed, how much time do I have?

The PRESIDING OFFICER. The Democratic leader has 13 minutes.

Mr. BYRD. Has the majority leader used all his time?

Mr. BAKER. The majority leader yielded to the minority leader his remaining time, which is 3 minutes.

Mr. BYRD. Which means I have what?

The PRESIDING OFFICER. Thirteen minutes.

S. 1925—THE NATIONAL COAL SCIENCE, TECHNOLOGY, AND ENGINEERING DEVELOPMENT ACT

Mr. BYRD. Mr. President, today I am introducing "The National Coal Science, Technology, and Engineering Development Act," the purpose of which is to establish a 5-year program to accelerate the development of new and advanced technologies to allow for the expanded use of coal in an environmentally acceptable manner.

When Congress established the Office of Coal Research 22 years ago in 1961, we acknowledged the significance of coal to the Nation's energy future. We also recognized at that time the need for research and development in coal technologies to expand and improve coal utilization. That was an effort in which I am proud to have taken a lead role. It was almost 13 years before the OPEC oil embargo and the subsequent rediscovery of coal as an important part of the Nation's energy future.

Late last month, a subcommittee of the House Science and Technology Committee heard testimony which echoed the hopes of earlier decades. "There is no shortage of opportunities to improve the efficiency, reliability, and environmental performance of coal combustion," said Dr. Kurt Yeager, of the Electric Power Research Institute. We need "a more constructive and coordinated partnership between Government and the private sector," Dr. Yeager testified. "This encompasses the planning and implementation of R&D as well as the commercial transfer of results."

There is a renewed interest emerging in coal research and development. This interest has been sparked by the heated public debate over the causes and consequences of acidic deposition in the Northeastern United States. Much of the debate has focused on coal-fired powerplants in the Midwest and Appalachian regions, due to the role of coal-fired powerplants in the emission of sulfur dioxide. It is estimated that such powerplants emit a little more than half of the manmade sulfur dioxide and about one-fourth of the manmade nitrogen oxides. These emissions, it has been asserted by some, travel hundreds of miles from the Midwest and Appalachia, are transformed into sulfates and nitrates, and are then deposited in the Northeast in both wet and dry form.

In the course of this debate, in which there is considerable disagreement within the scientific community, several legislative proposals have emerged which call for significant reductions in sulfur dioxide and nitrogen

oxides emission, largely from coal-fired powerplants in the Midwest and Appalachia. Reductions on the order of 50 percent from 1980 levels have been proposed. Such reductions are in addition to those already achieved since the passage of the Clean Air Act.

Mr. President, my position on this issue is well-known. I am the sponsor of the Acidic Deposition Mitigation and Research Act of 1983 (S. 454), which calls for an acceleration of the scientific work of the Interagency Task Force on Acid Precipitation, and provides for measures to alleviate the effects of high acidity on sensitive aquatic ecosystems. The point is, we simply do not have an adequate scientific understanding of acidic deposition to launch an expensive new emissions control program, the environmental benefits of which are far from assured. The benefits are highly speculative and may not be realized at all. Under the auspices of the interagency task force, an extensive research program is underway which addresses the major areas of scientific uncertainty with respect to the causes and environmental consequences of acidic deposition. It seems abundantly clear to me and to many of my colleagues that this is a reasonable approach to a very complex problem.

However, let me say that I am also convinced that a more comprehensive effort on all aspects of acidic deposition is desirable. The efforts of the task force will result in scientific data which should guide us in making the crucial decisions on the need, extent, and appropriate timing for any program to address the problem of acidic deposition. To complement this effort, we urgently need an accelerated coal R&D program to address the technological challenges raised by the acid rain debate. There must be a Federal commitment to develop, in a timely manner, a variety of advanced coal technologies representing more efficient and economically attractive alternatives to current technology.

Unfortunately, we have not acted with sufficient conviction in the past to develop that variety of technological options which would enable us to use coal in an environmentally acceptable manner. Improvements have been made in combustion efficiency; but the range of options for controlling or eliminating emissions from coal combustion remains expensive, unreliable, and very limited.

I have two major concerns with respect to the current state of technology for using coal in an environmentally acceptable manner. The first concern is based on the economic costs, and other problems, of flue gas desulfurization as the dominant approach to controlling emissions from coal combustion. Proposals for addressing the problem of acidic deposition are aimed at controlling emissions from older powerplants whose emissions are subject to State controls rather than the new source performance standards.

In my State of West Virginia there are five such plants which generate about 8,400 megawatts of electricity—almost 57 percent of the total generating capacity in my State—and consume about 19 million tons of coal per year. This is about 68 percent of total West Virginia utility coal consumption. If these plants had to retrofit "scrubbers" to control their emissions, the capital costs would be from about $640 million to about $1 billion, depending upon the level of scrubbing required.

The other option available for controlling emissions from these plants would be to switch to low sulfur coal. While the capital costs of such an approach are far lower than the use of FGD, fuel switching will cause massive unemployment in the high-sulfur, coal-producing counties of northern West Virginia.

My concern, then, is that we are in a situation where the available options for achieving any emission reduction requirements of an acid deposition control program will either be very expensive, or will cause unemployment in the high sulfur coal regions.

My second concern is related to the issue of acidic deposition. It is based upon the recognition that the environmental ethic is important to the American people. Unless we can develop a wide range of cost-effective technological options which will efficiently control or eliminate coal combustion emissions, future coal use will be constrained.

Mr. President, we should not be pursuing policies which will render large segments of the Nation's coal reserves unmarketable. We should be pursuing policies which will enable us to maximize the potential of our coal reserves while meeting the Nation's environmental goals.

The legislation I am introducing today addresses both these concerns. The National Coal Science, Technology and Engineering Development Act adds another dimension to the ongoing scientific research program of the Interagency Task Force on Acid Precipitation. It complements that effort by addressing the technological challenges raised by the acid rain issue.

However, as I have indicated, my bill also addresses the broader challenge of promoting the expanded use of coal within the framework of the Nation's environmental policies. My bill does not create an entirely new program of research and development. It recognizes the efforts which have been underway in the Department of Energy's fossil energy program for a number of years. My bill builds upon and accelerates relevant ongoing activities in the Department of Energy's coal program. It refocuses and integrates such efforts, and concentrates resources for the achievement of specific objectives within 5 years. Most importantly, my bill recognizes that any accelerated program of coal research and development must have a broad base of support. It must involve the university community and the private sector in addition to the scientific and technical resources available through the energy technology centers and the national laboratories.

My bill has the following major elements:

First. It establishes a 5-year program to accelerate the development of a range of technologies to allow the use of coal in an environmentally acceptable manner. The program would focus on three areas:

COAL SCIENCE

This would involve a comprehensive effort to understand coal structure and process chemistry. Of particular concern would be an understanding of how pollutants are bound in coal molecules and how they can be removed efficiently and effectively.

PROCESS SCIENCE AND TECHNOLOGY

This would involve a comprehensive research program to develop new and advanced technologies for coal preparation, precombustion cleanup of flue gases, and post combustion cleanup. It would also develop advanced utilization processes, such as fluidized bed combustion, fuel cells, and diesel engines and gas turbines that use coal.

ENGINEERING DEVELOPMENT

This would be a broadly based effort carried out in conjunction with the private sector. The program would be directed to establish proof-of-concept and produce, within 5 years, processes and coal systems at a scale large enough to permit ready commercialization by the private sector. This effort would involve significant cost-sharing between the Federal and non-Federal participants. It would concentrate on such technologies and approaches to emissions control as advanced coal cleaning, atmospheric and pressurized fluidized bed combustion, advanced flue gas desulfurization technologies, and SO2 and NOX removal systems.

Second. The bill would establish a leadership role for the Federal Government by which the Department of Energy would work through the energy technology centers, and research contracts with industry and universities, to accelerate the development of advanced and improved coal combustion technologies.

Third. The Assistant Secretary for Fossil Energy would be responsible for administering the program.

Fourth. It requires the preparation of a 5-year research plan which would be submitted to the President and the appropriate committees of the Con-

gress. The 5-year plan would show how the program is to achieve the objectives of the act.

Fifth. My bill provides an authorization for funding for the program for the program over a 5-year period at a level of $775 million.

Mr. President, I think this is a reasonable approach to maximizing the potential of the Nation's vast coal reserves while achieving our environmental goals. I urge my colleagues who are supporting the increased use of coal in an environmentally acceptable manner to join as cosponsors of this legislation, and as in morning business I offer my bill and ask that it be appropriately referred, and that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the bill follows:

S. 1925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Coal Science, Technology, and Engineering Development Act of 1983".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress makes the following findings:

(1) There is significant potential for the vast domestic coal resources of the United States to play an increasingly important role in the Nation's energy future.

(2) Increased coal use is dependent upon establishing a foundation in coal science which is the basis for all activites leading to process and engineering development and the commercial application of advanced technologies and systems that are consistent with the Nation's environmental goals.

(3) An inadequate foundation in coal science, process science, and engineering development is limiting current efforts to exploit the Nation's vast coal resources.

(4) There must be an accelerated and focused effort to develop and introduce into the marketplace improved and advanced technologies that limit the emissions of sulfur dioxide, nitrogen dioxides, and particulate matter which result from coal combustion. Such efforts must include a broad range of technology options that include pre- and post-combustion treatment, along with combustion modifications, and new and improved combustion technologies to limit sulfur and nitrogen oxide emissions. Waste solid and liquid treatment and disposal must be considered in these technologies to avoid negative environmental impacts.

(5) Current environmental control capabilities must be improved by reducing capital and operating costs and preserving and improving the overall availability of coal fired powerplants.

(6) Changes in the domestic economy and changes in environmental requirements, coupled with rapid changes in the supply and price of oil and gas resources, have created significant economic disincentives which preclude the private sector from sustaining a stable, long-term research and development program that will enhance expanded coal use. In recent years, both private and Federal support for coal-related research and development has declined substantially, which, if allowed to continue, could limit the future availability of coal which can be utilized in an environmentally acceptable manner.

(7) Coal research and development programs in universities and industry tend to focus on the short-term due to the lack of adequate funding, and tend to be focused on projects with a near-term payback. As a consequence, these efforts generally do not include the more extensive longer-term research necessary to develop significant technological improvements or break-throughs which can enhance the utilization of the Nation's vast coal reserves in an environmentally acceptable manner.

(8) The current thrust of the on-going Federal coal research and development program is too diverse and is not directed to establishing proof-of-concept of new and advanced technologies and systems at an engineering-scale size in a timely fashion. This has constrained the timely transfer of technology which, in turn, has constrained the expanded use of coal.

(9) A credible and productive Federal coal research and development program must be defined and sustained for many years. Such a program must be adequately funded, insulated from short-term political and market fluctuations, must be sufficiently broad in scope to produce results, and must be executed in cooperation with both the university community and the private sector.

(10) It is in the national interest for the Federal Government, through it energy technology centers, and research contracts with industry and universities, to play a leadership role in accelerating coal science, technology and engineering development, and to accelerate the development of ore efficient and cost-effective conventional and advanced coal combustion and emission control technologies.

(b) The purposes of this Act are to—

(1) promote and significantly expand the use of the full range of the coal resources of the Nation in an environmentally acceptable manner by accelerating research and development in basic coal science and the development and commercial application of more efficient and cost-effective coal utilization technologies and systems; and

(2) expand federally sponsored research and development, in a manner that permits a comprehensive, totally integrated, and clearly focused coal research and development program to be implemented in cooperation with the university community and the private sector by establishing a National Coal Science, Technology and Engineering Development Program.

ESTABLISHMENT OF PROGRAM

SEC. 3. (a) The Secretary of Energy is authorized and directed to carry out a National Coal Science, Technology, and Engineering Development Program as provided in this Act. The program shall be administered by the Assistant Secretary for Fossil Energy.

(b) The National Coal Science, Technology, and Engineering Development Program shall consist of three research and development programs—

(1) the Coal Science Research Program as provided in section 4;

(2) the Process Science and Engineering Research Program as provided in section 5; and

(3) the Engineering Development Program as provided in section 6.

COAL SCIENCE RESEARCH PROGRAM

SEC. 4. (a) The purpose of the Coal Science Research Program shall be to conduct research, for all coal ranks, that seeks an in-depth understanding of coal structure and process chemistry. The program shall be directed toward the understanding of how pollutant species are bound in the coal molecule and how such species can be efficiently and effectively removed.

(b) The Coal Science Research Program shall be—

(1) carried out through the Energy Technology Centers, the National Laboratories, the university community, and the private sector; and

(2) administered by the Assistant Secretary for Fossil Energy.

PROCESS SCIENCE AND ENGINEERING RESEARCH PROGRAM

SEC. 5. (a) The purpose of the Process Science and Engineering Research Program shall be to conduct research, applicable to all coal ranks, in the following areas:

(1) COAL PREPARATION.—Development of new processes that pulverized coal to extremely fine particles and remove ash, pyritic, and organic sulfur to levels consistent with environmental and equipment uses.

(2) SPECIFICATION FUELS.—Development of ready-to-use and fully characterized transportable coal fuels (e.g., coal mixtures) that are suitable for use in various equipment such as boilers and combustion engines. These fuels are to be economically competitive with oil and gas.

(3) PRECOMBUSTION CLEANUP.—Development of new and improved technologies that can clean coal-derived gaseous and liquid fuels prior to use, particularly gas streams at high temperatures, and remove deleterious materials that create pollutants or adversely impact equipment usage. Such technologies shall include necessary supporting analytical and control equipment.

(4) POSTCOMBUSTION CLEANUP.—Development of new and improved processes that will remove sulfur, nitrogen, and ash constituents that result in deleterious emissions. Emphasis shall be given to those processes that are regenerable and will reduce the quantity and improve the quality of disposable by product associated with sulfur dioxide scrubbing systems. This effort shall include improvements in state-of-the-art scrubbers to increase system availability and reduce costs. Emphasis shall also be given to processes that can reduce nitrogen oxide emissions and capture particulates.

(5) UTILIZATION PROCESSES.—Improvement modification, and development of new processes and equipment that will permit utilization of coal or coal-derived fuel such that pollutant formation and release is well below environmental limits, and the resulting integrated system is cost-competitive both in terms of capital costs and operational costs. Technologies to be pursued include—

(A) direct combustion of coal for process heat and steam;

(B) atmospheric and pressurized fluidized-bed combustion;

(C) fuel cells;

(D) diesel engines; and

(E) gas turbines.

(6) INSTRUMENTATION AND CONTROL.—Reduction of system operating costs and improvement of system availability by developing new sensors and control systems that will enhance the commercial application of coal utilization technologies and systems.

(7) SUPPORTING RESEARCH AND DEVELOPMENT.—Characterization of the various liquids and solid wastes generated by the use of coal, and development of processes that will assure the disposal of such wastes in an

environmentally acceptable manner. Development of processes that facilitate the cost-effective recovery of raw materials from coal utilization wastes. Materials research shall be conducted to ensure that advanced process concepts can be supported with available engineering materials.

(b) The Coal Science Research Program shall be—

(1) carried out through the Energy Technology Centers, the National Laboratories, the university community, and the private sector; and

(2) administered by the Assistant Secretary for Fossil Energy.

ENGINEERING DEVELOPMENT PROGRAM

SEC. 6. (a) The purpose of the Engineering Development Program shall be to establish proof-of-concept and producing developed processes and coal systems at a scale large enough to permit ready commercialization by the private sector. The program shall be structured and implemented to achieve the following objectives within five years of enactment of this Act:

(1) construct a fine coal preparation and cleaning process facility of no more than 500 tons per day (the facility should be constructed in such fashion as to allow the addition of advanced chemical coal cleaning);

(2) retrofit an oil-fired boiler of at least 100 MWe (Megawatts electricity) using deeply cleaned coal;

(3) demonstrate a regenerable flue gas desulfurization system of at least 50 MWe;

(4) demonstrate a combined SOX (sulfur dioxide)/NOX (nitrogen oxides) removal system of at least 50 MWe;

(5) conduct a furnace retrofit of in-boiler sulfur control technology of at least 50 MWe;

(6) demonstate an atmospheric fluidized-bed combustion system of at least 100 MWe;

(7) demonstrate a repowering application of a pressurized fluidized bed combustor of from 50 to 100 MWe;

(8) demonstrate a repowering application of combined cycle coal gasification of from 50 to 100 MWe;

(9) develop and test a coal-fueled gas turbine in a second generation combined-cycle system of at least 50 MWe;

(10) develop and test an industrial-scale coal-fueled gas turbine suitable for industrial cogeneration of at least 5 MWe; and

(11) test a utility phosphoric acid fuel cell system using coal-derived gas at a size of 10 to 50 MWe.

(b) The Engineering Development Program shall be administered by the Assistant Secretary for Fossil Energy. The program shall be structured and implemented such that there are sufficient incentives to attract private sector participation. Funds appropriated for the program shall be available on a cost-sharing basis between the Federal Government and non-Federal participants in the program.

FIVE-YEAR PLAN

SEC. 7. (a) As a part of the National Coal Science, Technology, and Engineering Development Program the Secretary of Energy, with the cooperation of the Assistant Secretary for Fossil Energy, shall prepare a five year National Coal Science, Technology, shall prepare a five year National Coal Science, Technology, and Engineering Development Research Plan. The plan shall include—

(1) identification and definition of the near- and mid-term opportunities for expanding the use of coal in the industrial, electric utility, and other sectors of the economy;

(2) a detailed description of the specific activities which have been, or will be, developed by the Department of Energy to address these opportunities and carry out the mandates of this Act;

(3) a statement and explanation of specific priorities and objectives, timetables for achieving such objectives, and a research strategy for achieving such objectives and the mandates of this Act; and

(4) A detailed description of the resource requirements for the implementation of the plan, and a description of the manner in which those resources will be deployed.

(b) The plan shall be submitted by the Secretary of Energy to the President and the appropriate committees of the Congress within six months of enactment of this Act.

ANNUAL AND FINAL REPORTS

SEC. 8. (a) At the end of each of the five fiscal years after the date of enactment of this Act, the Secretary of Energy shall submit an annual report to the President and the appropriate committees of the Congress. The report shall include a detailed description of the program and activities undertaken for that fiscal year, and the achievements and progress toward the objectives defined in the 5-year plan pursuant to this Act.

(b) Within 90 days of the end of the fifth fiscal year after the date of enactment of this Act, the Secretary of Energy shall submit to the President and the appropriate committees of the Congress a report identifying the achievements of the program, and identifying and defining further research needs and opportunites for promoting the expanded use of coal.

AUTHORIZATIONS

SEC. 9. (a) There is authorized to be appropriated for the Coal Science Research Program, $75,000,000 to be available for the fiscal years 1985 through 1989.

(b) There is authorized to be appropriated for the Process Science and Engineering Research Program, $200,000,000 to be available for the fiscal years 1985 through 1989.

(c) There is authorized to be appropriated for the Engineering Development Program, $500,000,000 to be available for the fiscal years 1985 through 1989.

The PRESIDING OFFICER. The Democratic leader still has over a minute of time remaining.

Mr. BYRD. I thank the Chair. I yield, if I may yield, that to the distinguished Senator who already has an order.

RECOGNITION OF SENATOR COHEN

The PRESIDING OFFICER. Under the previous order, the Senator from Maine is recognized for not to exceed 16 minutes.

REAUTHORIZATION OF THE OFFICE OF FEDERAL PROCUREMENT POLICY

Mr. COHEN. Mr. President, I rise this morning to bring to the attention of my colleagues what I consider to be a serious setback for procurement reform.

Last week—4 days before the authorization for the Office of Federal Procurement Policy was to expire—the Department of Defense prevailed upon some to block floor consideration of the reauthorizing legislation. The Department's 11th-hour attack against the OFPP has succeeded in jeopardizing the very existence of this worthwhile office. While the OFPP is funded for the next 45 days under the continuing resolution, its authorization has now expired, and it may be closed for good if the Department has its way.

Most of my colleagues are probably unfamiliar with the OFPP and the crucial role it plays in promoting reforms in the way our Government purchases goods and services. The OFPP is a small office of only 40 people with a budget of $2.5 million and part of the Executive Office of the President, the OFPP was established by Congress in 1974 to provide overall direction of Federal procurement policy. It serves as a link among the private sector, the Congress, and the executive branch in the continuing effort to improve Federal contracting procedures.

Why has the Department of Defense aimed its guns at this small office? Because the Department believes that it should be strictly accountable for its procurement policies.

In its own estimation, DOD's record is "ninety-nine and forty-four one-hundredths percent pure," and therefore, it has no need to abide by any Government-wide procurement reforms. According to more objective sources, however, there is much room for improvement.

Recent horror stories on DOD spare parts procurement—in which a 4-cent diode cost $110 and a 12-foot measuring tape cost $430—exemplify this point. Many small businesses are willing and able to bid on spare parts for major DOD systems, but are precluded from doing so by the DOD's noncompetitive procurement practices.

Despite the statutory requirement that agencies promote the use of full and free competition in the procurement of goods and services, sole-source contracting is the rule at DOD, not exception. In fiscal 1982, DOD awarded more than 60 percent of its contract dollars noncompetitively.

DOD's justification for going sole-source in a majority of these contract awards was simply that "competition is impracticable." Oftentimes DOD's need to award a contract by the end of the fiscal year becomes the motivation behind unnecessarily restrictive specifications that subsequently render competition impracticable.

This apparently was the case during the last day of this fiscal year when the Defense Department awarded 234 contracts—worth a remarkable $4.2 billion. This classic example of hurry-up spending, in which agencies rush to spend all their available funds at the end of the fiscal year for fear of not

receiving full funding the next year, represented the largest single-day defense expenditure since American fighting in Vietnam was ended. It is my understanding that the majority of these contracts were awarded once again noncompetitively.

The OFPP has tried to curb wasteful year-end spending. In 1981, the Office issued a policy directive outlining specific steps for all agencies to take to prevent hurry-up spending. The directive included several recommendations made by the Governmental Affairs Oversight Subcommittee as a result of its extensive hearings on unnecessary year-end buying. Evidently, the Department of Defense has chosen to ignore OFPP's directive.

This is not the first time that DOD has failed to comply with a Government-wide directive. In fact, the Department of Defense has repeatedly tried to sabotage the OFPP's procurement reform efforts. It is no secret that the DOD fought the creation of the Office in 1974, tried unsuccessfully to persuade the administration to abandon the reauthorization this year, and will always oppose the existence of a central procurement policy office committed to reform.

What makes this battle of the OFPP and the Pentagon significant is the potential savings at stake. The Federal Government spent more than half of its discretionary budget last fiscal year on the direct purchase of goods and services from the private sector. I am convinced that significant economies can be realized through the effective implementation of procurement reforms, particularly in the DOD, which comprises approximately 80 percent of the Federal procurement budget. The Congressional Budget Office found, for example, that the increased use of competition in contracting would save over $2 billion annually.

Without a strong OFPP to serve as a catalyst for procurement reform, however, these savings will never be realized. The individual procuring agencies have not been, and cannot be expected to be, a meaningful source of procurement reform. Their energies must of necessity be channeled to make procurement decisions on a day-to-day basis. In contrast, the OFPP has a Government-wide perspective, insulated from parochial interests. The OFPP is able to synthesize the interests of all the individual procurement agencies, the Congress, and the vendor community.

Given DOD's resistance, however, procurement reform has proved to be tantamount to the task facing Sisyphus as he pushed the rock uphill, never to reach the top. The late Senator Scoop Jackson, whose knowledge of the Department of Defense was unsurpassed, had the perseverance in the 1960's to battle the Department and at least get the stone rolling. Senator Jackson was the author of the legislation establishing the Commission on Government Procurement, which first recommended the creation of a central procurement policy office.

The Commission based its recommendation on the rationale that "effective management of the procurement process requires a high degree of direction and control of basic policy."

The Commission saw an urgent need for a central policy office—independent of any agency having procurement responsibility, empowered with directive rather than merely advisory authority, responsive to Congress, and consisting of a small, highly competent cadre of seasoned procurement experts.

Senator Jackson supported the Commission's work, stating:

> The time has come for a close, hard look at the statutes, regulations, procedures, and practices governing Federal procurement. There are loopholes in the laws, inconsistencies in the regulations, conflicts in the procedures, and variations in the practices. The mountain of procurement paperwork grows taller, the maze of procedures more complicated with each passing day.

Unfortunately, Senator Jackson's statement still rings true. The need for reform is today even greater than when he made his statement years ago. During the past decade, the dollar value of Government contracts has nearly tripled to $160 billion, and more than 130,000 Federal employees are now involved in the procurement process. The magnitude and budgetary significance of Federal contracting, plus the lack of progress in reforming the system, mandate the existence of a strong procurement policy office.

The legislation that I have introduced would not only reauthorize the OFPP, but strengthen the Office by restoring its regulatory authority over Government-wide procurement policies. Without regulatory authority, the Administrator is not considered a credible actor in the formulation of Government-wide policy. Lester Fettig, a former OFPP Administrator, testified during the Oversight Subcommittee's April hearing why this authority is needed. He said:

> Without that directive authority in statute behind the Administrator, even the most mundane chores are difficult. Effectively spearheading a particular reform simply could not be done without it. Why? Because there would be no clout, no threat, that OFPP could do anything but accede to the lowest common denominator of agency recalcitrance. The Administrator's kit of bureaucratic tools, in the end, would be devoid of any wrench big enough to give him or her the necessary leverage.

Let me be clear on what "regulatory authority" means. If DOD, NASA, and GSA are successful in maintaining the Federal Acquisition Regulation, OFPP's regulatory authority would not be used. It would remain a club in the closet, only to be brought out when there is conflict between the regulation-writing agencies, or as is more common, when agencies refuse to take action on a procurement reform. If, however, the agencies fail to agree or act on a Government-wide procurement issue, the OFPP could issue the regulation.

Uniformity in Federal procurement procedures is a highly desirable goal. While some agency-specific regulations will always be necessary, basic contracting procedures should not vary widely from agency to agency. For a small contractor trying to do business with the Federal Government the bewildering maze of procurement regulations is the major obstacle. The new FAR system (Federal Acquisition Regulation) is a giant leap forward in simplifying, streamlining, and consolidating procurement regulations. But, as the General Accounting Office points out, regulatory authority for the OFPP is necessary to prevent the FAR from crumbling.

The Department of Defense has raised the specter of an OFPP wildly out of control, issuing regulations that would jeopardize our national security. This argument ignores the facts and the safeguards contained in my bill.

The OFPP is not an independent regulatory agency that can issue regulations at will. It is part of the Executive Office of the President; its Administrator is appointed by the President, confirmed by the Senate, and answers to the Director of the Office of Management and Budget as well as to the President and Congress.

It is a small office that relies heavily on interagency task forces—frequently staffed by DOD officials—to develop a consensus on Federal procurement policies.

It cannot interfere with any procurement regulation which the Department of Defense determines is necessary because of its unique needs. The OFPP's role is limited to regulations which are Government-wide in application.

It cannot interfere with any agency's decision on a specific contract. The Office could not dictate to the Department of Defense which paper clip or weapon system it should purchase.

My legislation contains another safeguard against the OFPP abusing its regulatory power. The bill requires the OFPP to submit any major policy or regulation to the Senate Governmental Affairs Committee and the House Government Operations Committee 30 days prior to its effective date. I have offered to broaden this reporting language to permit the Senate and House Armed Services Committee to also review proposed OFPP regulations. This mechanism would permit Congress to block any ill-conceived Government-wide regulation before it went into effect.

Despite these safeguards against abuse, the Defense Department still opposes the restoration of regulatory authority and has gone to great lengths to kill the bill. I have even been advised that DOD officials have told defense contractors that supporting regulatory authority for the OFPP would jeopardize their future relationship with the Department. The DOD's attempts to torpedo this legislation represent one of the most pernicious subversions of the legislative process that I have ever encountered. If OFPP is killed, I intend to lay its corpse at the Department of Defense, whose shortsighted turf battles have continually impeded efforts to reform the procurement process.

The reauthorization of the OFPP, with regulatory authority, enjoys widespread support. S. 1001 was reported unanimously by the Governmental Affairs Committee, and is cosponsored by Senators ROTH, CHILES, DANFORTH, LEVIN, BINGAMAN, and SASSER. The bill has been strongly endorsed by the General Accounting Office, the U.S. Chamber of Commerce, the American Bar Association, the three former Administrators of the OFPP, former members of the Commission on Government Procurement, and several contracting associations.

I ask unanimous consent that letters from these organizations and persons be included in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. COHEN. Mr. President, I hope that my colleagues will support procurement reform by backing the OFPP reauthorization. I am pleased to yield at this point in time to a leader in the procurement reform effort, Senator CHILES, of Florida.

EXHIBIT 1

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., September 30, 1983.

Hon. WILLIAM S. COHEN,
Chairman, Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, U.S. Senate.

DEAR MR. CHAIRMAN: I am writing to express our support for the continued authorization of the Office of Federal Procurement Policy.

We at the General Accounting Office have made many reviews of the Government's procurement activities and have worked closely with OFPP since it was established. From our experience and perspective, we feel that OFPP has made significant progress in improving the Government's procurement processes. It would be unfortunate for the Office to expire just when its efforts hold considerable promise for yet further improvements.

I know you have been supportive of the OFPP and I hope you will continue to lend this strong support to the continued authorization of the OFPP. Letters similar to this have been provided to other interested Members of Congress.

Sincerely,

CHARLES A. BOWSHER,
Comptroller General of the United States.

AMERICAN BAR ASSOCIATION,
October 4, 1983.

Hon. WILLIAM S. COHEN,
Chairman, Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of the American Bar Association, I am writing to express strong support for S. 1001, legislation to extend the Office of Federal Procurement Policy (OFPP) for an additional 5 years.

S. 1001 restores to the OFPP essential statutory functions in the establishment of policies, regulations, procedures, and forms that conform to and enhance good procurement practices by all agencies of the Executive Branch. We believe the restoration of OFPP's regulatory authority is an important step in the continuing efforts to improve the federal procurement process.

The ABA endorsed the establishment of OFPP by Congress in 1974. We testified earlier this year in support of S. 1001, as did the General Accounting Office and most witnesses representing organizations that do contract business with the government. ABA believes the OFPP is a valuable and needed asset in the continuing effort to reform and improve the federal procurement process.

We are hopeful that after extensive hearings by the Oversight of Government Management Subcommittee of the Governmental Affairs Committee, and the issuance of a favorable report by the full Committee (No. 98-214), S. 1001 can be placed on the agenda for prompt Senate action. It is particularly important that the Senate act on this bill in order to assure there is a focal point for addressing procurement reforms. The House already has passed a similar bill, H.R. 2293.

Prompt action by the Senate, and resolution of the differences between the two bills, will provide needed assurance of Congress' commitment to simplifying the federal procurement system and increasing the use of competitive procurement procedures.

Sincerely,

ROBERT D. EVANS.

CHAMBER OF COMMERCE
OF THE UNITED STATES,
Washington, D.C., October 3, 1983.

Hon. WILLIAM S. COHEN,
Chairman, Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of the U.S. Chamber, which is composed of more than 207,000 members, I am writing to express support for S. 1001, "Office of Federal Procurement Policy Act Amendments of 1983." This legislation would reauthorize, for five years, the Office of Federal Procurement Policy (OFPP), which has played a vital role in improving procurement. Further, it has served as a single contact point for the business community on procurement issues within the Executive branch.

The chamber is the largest federation of business and professional organizations in the world, and is the principal spokesman for the American business community. More than 90 percent of the Chamber's members are small business firms having fewer than 100 employees. Yet, virtually all the nation's largest industrial and business concerns are also members. We are particularly cognizant of the problems of small businesses, as well as issues facing the entire business community.

We strongly endorse reinstating the regulatory authority of OFPP as provided in section 5 of S. 1001. This would enhance OFPP's ability to lead the various government agencies in developing procurement policy.

In 1969, Congress created the Commission on Government Procurement to study all aspects of procurement by the federal government, and to make recommendations for increasing economy, effectiveness and efficiency in the procurement of goods and services. This Commission submitted its final report in 1972, recommending that an Office of Federal Procurement Policy be established to provide uniform direction for procurement by all federal agencies. In response to this recommendation, Congress passed the Office of Federal Procurement Policy Act (P.L. 93-400) in 1974, establishing OFPP in the Office of Management and Budget. OFPP was reauthorized for four years in 1979 and has continued to seek improvements in the federal procurement process.

OFPP has served as a focal point for the development of procurement policy, and as the motivating force for development of a uniform Federal Acquisition Regulation (FAR), issued recently. FAR will provide, for the first time, a uniform system of procurement regulations for all agencies, which will be supplemented only with essential additional agency provisions. It is, therefore, particularly imperative that OFPP be reauthorized and that its regulatory authority be restored.

Thank you for your consideration of our views.

Cordially,

HILTON DAVIS.

AMERICAN ELECTRONICS ASSOCIATION,
Washington, D.C., October 5, 1983.

Hon. WILLIAM S. COHEN,
Chairman, Subcommittee on Oversight of Government Management, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The American Electronics Association strongly endorses S. 1001 as reported by the Senate Governmental Affairs Committee, and its House counterpart measure, H.R. 2293. In particular, AEA believes that it is essential that the Office of Federal Procurement Policy (OFPP) be given regulatory authority to implement government-wide procurement policy and to resolve inter-agency disputes.

AEA represents over 2,300 member companies nationwide, and over 450 financial, legal and accounting organizations which participate as associate members. AEA encompasses all segments of the electronics industry, including manufacturers and suppliers of computers and peripherals, semiconductors and other components, telecommunications equipment, defense systems and products, instruments, software, research, and office systems. The AEA membership includes companies of all sizes from "startups" to the largest companies in the industry, but the largest number (80%) are small companies employing fewer than 200 employees. Together, our members account for 63 percent of the worldwide sales of the U.S. based electronics industry.

As you are aware, President Reagan signed Executive Order 12352 on March 17, 1982 to provide a uniform, more efficient procurement system government-wide. Among the directives included in that Executive Order was a provision "to provide broad policy guidance and overall leadership" to the OFPP. Since the issuance of the Federal Acquisition Regulations (FAR), it is more important than ever that the need for such leadership and guidance be recognized. Further, it is essential that this leadership be centralized and apply to all federal agencies. In other words, OFPP already is established with the mandate to oversee government-wide procurement policy. It now needs the authority to ensure implementation of such policy.

The Department of Defense maintains that providing regulatory authority to OFPP infringes on its independence. It also maintains that it can conduct its own procurement reforms without the need for outside oversight. However, as the House Government Operations Committee notes in its report on H.R. 2293, "the Department has little to show for its efforts and has proved incapable of reforming its own procurement activities." That report goes on to state that the Council on Economic Priorities cited the Pentagon for "fail[ing] to correct the most persistent causes of cost growth: lack of competition in contract awards; contracting practices that reward cost maximization; simultaneous design and manufacture, or 'concurrency'; disorganized program management and decision-making . . ."

OFPP initially had regulatory authority under its original 1974 authorization. This authority was taken away, largely as a result of efforts by the Pentagon. AEA believes that OFPP's regulatory authority should be reinstated, especially since the issuance of the FAR. Without authority to ensure implementation of government-wide procurement policies and to resolve differences among government agencies, OFPP could issue all the high-minded policies it wants. But it would only be blowing smoke.

The Office of Management and Budget itself has tacitly recognized this paradox when it resorted to using the regulatory authority vested in the Office of Information and Regulatory Affairs (OIRA) in ensuring the issuance of the FAR.

In conclusion, there is no reason to believe that the nature of OFPP's activities would change if its regulatory authority were reinstated. It is and should be only capable of issuing general guidance. This is what it did from 1974 until 1979, when its regulatory authority was taken away. However, without providing OFPP with regulatory authority, there is no reason to believe that the FAR or any other government-wide procurement policy will be able to be is anything but a meaningless paper exercise.

Sincerely,

KENNETH C. O. HAGERTY,
Vice President, Government Operations.

NATIONAL COUNCIL
OF TECHNICAL SERVICE INDUSTRIES,
Washington, D.C., October 3, 1983.

Hon. WILLIAM S. COHEN,
Chairman, Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The National Council of Technical Service Industries (NCTSI) appreciates your efforts to improve procurement practices of the Government, and supports your bill, S. 1001, on the reauthorization of the Office of Federal Procurement Policy (OFPP). The OFPP offers a forum in which the issues of Federal procurement can be addressed and a point of responsibility within the Government where procurement problems receive a knowledgeable hearing. While the performance of OFPP over the past nine years can best be described as mixed, and certainly not favorable from the viewpoint of the private sector, we need it as the sole Federal office concerned with procurement.

The regulatory authority which OFPP had during the period 1974-1979 certainly needs to be reauthorized. This requirement is emphasized by the general disregard Executive agencies have shown for the Office of Management and Budget (OMB) Circular A-76 requirement to prepare a detailed schedule for the review of each commercial and industrial activity and to conduct such reviews within three years. Although the Defense Department and the National Oceanic and Atmospheric Administration have conducted some reviews, no agency is even close to compliance.

You are also to be commended for your request to the Controller General to look into the progress on procurement reform under Executive Order 12352. The same general disregard has been shown for this Order as for OMB Circular A-76. While regulatory authority for OFPP theoretically may not be needed to insure implementation of OMB Circular A-76 and E.O. 12352, the record of compliance to date suggests such authority is needed.

Overseeing the procurement of commercial goods and services is a Governmental function which requires great skill and managerial ability. The proposed Federal Procurement System and revised Federal Acquisition Regulations require the OFPP for successful implementation.

Your bill, S. 1001, is needed. We support you and wish you success in getting it passed.

Sincerely,

GEORGE A. DAOUST, Jr.,
Executive Director.

CORPORATIONS CURRENTLY MEMBERS OF THE NATIONAL COUNCIL OF TECHNICAL SERVICE INDUSTRIES

ARA Services, Inc.
Boeing Computer Services Company.
Boeing Services International, Inc.
Burns & Roe Services Corporation.
Calculon Corporation.
Cerberonics, Inc.
Chemfix Technologies, Inc.
Computer Sciences Corporation.
Comsis Corporation.
Control Data Corporation.
Federal Electric Corporation—A Subsidiary of International Telephone and Telegraph Corporation.
Hughes Aircraft Company.
Kentron International, Inc.
Lear Siegler, Inc.
Lockheed Corporation.
Northrop Services, Inc.
Northrop Worldwide Services, Inc.
Raytheon Service Company—A Subsidiary of Raytheon Corporation.
RCA Service Company—A Division of RCA.
Rural Metro Fire, Inc.
United Information Services, Inc.
Vinnell Corporation.

PROFESSIONAL SERVICES COUNCIL,
Washington, D.C., October 3, 1983.

To: Members of the U.S. Senate.
From: Virginia Littlejohn, Executive Director.
Subject: Reauthorization of the Office of Federal Procurement Policy (OFPP).

The Professional Services Council is a trade association of professional and technical services firms and associations, representing small and large businesses, with a common interest in improving the Federal government's methods of procuring professional services.

PSC strongly endorses S. 1001, reauthorizing the Office of Federal Procurement Policy (OFPP), as well as reinstating its regulatory authority as provided in Section V of S. 1001.

A meaningful OFPP will serve as a focal point for the development of procurement policy and play a vital role in simplifying and improving federal procurement policy.

We urge your support and assistance on the reauthorization of OFPP. Thank you.

THE INTERNATIONAL
COMMUNICATIONS
INDUSTRIES ASSOCIATION,
Fairfax, Va., October 4, 1983.

Hon. WILLIAM S. COHEN,
Committee on Governmental Affairs, Chairman, Subcommittee on Oversight of Government Management, Hart Senate Office Building, Washington, D.C.

DEAR CHAIRMAN COHEN: On behalf of the International Communications Industries Association, I am pleased to convey to the Senate our support for S. 1001 as reported (Senate Report 98-214, September 1, 1983).

We have dealt with the Office of Federal Procurement Policy since it was created and we continue to feel that the OFPP serves a useful public purpose and should not be abolished or diminished in any way.

As the National Audio-Visual Association, we supported the creation of OFPP in the early 1970's. It was our view at that time that General Services Administration and the Department of Defense operated far too independently making it difficult for companies selling identical products and services through two different procurement systems. While progress has been made by OFPP, there still remains much to be done.

Prior to OFPP, there was no point in the Executive Branch beyond those two agencies where outside organizations such as ours could bring issues to a focus and find resolution of public policy problems. Usually, we were forced to take our problems to Congress.

It is difficult to imagine the Office of Management and Budget containing the word "Management" in its title without clear regulatory authority in the multi-billion dollar procurement policy area. S. 1001, as reported, provides the correct measure of regulation and management authority for OFPP.

Therefore, we strongly recommend that the Senate adopt S. 1001. We feel confident that in doing so the Senate will be assuring itself that most procurement policy differences among agencies are ironed out before these problems are referred to Congress.

We appreciate your leadership on S. 1001 and we look forward to seeing this bill, with regulatory authority for OFPP, passed by the Senate in the near future.

Warmest regards.

Sincerely,

KENTON PATTIE,
Senior Staff Vice President.

COMPUTER AND
BUSINESS EQUIPMENT
MANUFACTURERS ASSOCIATION,
Washington, D.C., October 5, 1983.

Hon. WILLIAM S. COHEN,
Dirksen Senate Office Building,
U.S. Senate, Washington, D.C.

DEAR SENATOR COHEN: The Computer and Business Equipment Manufacturers Association (CBEMA) would like to re-state its support for your legislation, S. 1001, to reauthorize the Office of Federal Procurement Policy.

We feel that the reauthorization of OFPP is a matter of great importance to the Government's procurement process. CBEMA has for some time actively supported OFPP. In addition to responding to your letter dated April 7, 1983, we presented a statement in support of reauthorization before the Senate Subcommittee on Federal Spending Practices and Open Government on March 9, 1979, and provided detailed comments to OFPP's Proposal for a Uniform Federal Procurement System submitted by OFPP to the Congress on December 9, 1981.

In our letter to you dated April 22, 1983 we stated that we were in support of the reauthorization of OFPP for an additional five years. We arrived at that number because we firmly believe that at least five years is necessary to implement and maintain any well conceived changes to the procurement process. Additionally, we stated in our letter than we believe it is necessary that OFPP be given directive authority. We maintain that the office should be granted strong positive authority. However, you will recall that the issue of directive vs. regulatory authority was addressed and clarified by you and Senator Chiles during your hearings on April 27, 1983. During that exchange, it was decided that by the use of the term directive authority, what is essentially desired is regulatory authority. For the record, we would like to join you in strongly recommending that OFPP be granted regulatory authority.

The need for OFPP to have regulatory authority is clear. OFPP has been unable to successfully propose a single statute uniform procurement system, implement a single set of Federal Acquisition Regulations, and it was unable to maintain fixed timeframes in revising and publishing the FARs. Because of this lack of strong authority Federal procurement management has become indecisive and fragmented. There is an obvious need for a strong procurement office which is what OFPP was intended to be.

CBEMA appreciates your efforts to improve the Federal procurement system. If we can be of any additional assistance please feel free to call upon us.

Very truly yours,

VICO E. HENRIQUES,
President.

NATIONAL ASSOCIATION OF
PHOTOGRAPHIC MANUFACTURERS, INC.,
Harrison, N.Y., October 5, 1983.

Hon. WILLIAM S. COHEN,
Chairman, Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR COHEN: The National Association of Photographic Manufacturers (NAPM) is a voluntary association composed of companies engaged in manufacturing photographic products. Membership in the Association is open to both domestic and nondomestic manufacturers. Shipments by domestic NAPM member companies account for over 90 percent of all photographic products manufactured in this country on a dollar basis and represents a broad cross section of the products of the photographic industry.

While the majority of photographic products are sold into the private sector, a large number of agencies of the Federal government purchase a wide variety of photographic equipment, sensitized materials and chemicals that are manufactured by our member companies. It is because of this government procurement activity that we are writing you in support of S. 1001, which, if enacted, would reauthorize the Office of Federal Procurement Policy (OFPP).

Our support for this legislation which you sponsored is based upon several factors, not the least of which is an assessment of the past performance of OFPP in providing overall direction of procurement policies and procedures by government agencies. It is our opinion that, in this regard, OFPP has proven its value many times over in eliminating confusion and reducing variations between agencies to the mutual benefit of the government and private industry.

With the current emphasis on maximizing the return on government spending and with government procurement activity measured in billions of dollars, it appears to us that the reauthorization of OFPP would well prove to be an investment worth many times its relatively small budget.

We also believe that it only makes good sense that there be an independent group within the Office of Management and Budget with a charter directed at coordinating and improving the economy, efficiency and effectiveness of the procurement processess by providing this overall direction in the form of policies and regulations to the various agencies as they establish their procurement policies. In this regard, we believe it is important that OFPP have regulatory authority as was the case prior to 1979.

We strongly support your efforts and appreciate the opportunity to express our views in that regard. We would be pleased to elaborate should you deem it desirable.

Sincerely,

JOSEPH T. MORRIS,
Executive Vice President.

RECOGNITION OF SENATOR CHILES

The PRESIDING OFFICER. Without objection, the Senator from Florida may speak out of sequence.

Under the previous order, the Senator from Florida is recognized for 15 minutes.

REAUTHORIZATION OF THE OFFICE OF FEDERAL PROCUREMENT POLICY

Mr. CHILES. Mr. President, I want to join with Senator COHEN in his remarks on S. 1001, the Office of Federal Procurement Policy's reauthorization.

The Senator has made two basic sets of points. First, he brought to the Senate's attention that a duly considered and reported bill by the Committee on Governmental Affairs has been blocked from consideration on the Senate floor by the chairman of the Armed Services Committee, who was prevailed upon by the Defense Department. That came 4 days before the existing authorization expired.

It is a procedural observation that the Senator makes which has plenty of precedents in this body. Such "holds" are not uncommon. I do feel compelled to note however, that while I have high regard for the sophistication of the Defense Department's legislative activities, this maneuver was a little less than subtle.

The Senator and the Committee on Governmental Affairs have done their homework on this bill. I genuinely doubt that the Department will bring forth any "new" arguments that are not already on the record. So, on the procedural point, I want to express my view and appeal to my colleagues that this bill is entitled to consideration by the full Senate. There are Senators capable of speaking on either their own initiative or on behalf of the Defense Department, that may want to offer amendments or vote in opposition. That is fair. But the Senator from Maine is entitled to have his bill considered here in the Capitol, not killed across the river in the Pentagon.

Second, the Senator discussed the merits of the Office of Federal Procurement policy. Why should that small White House shop next to the President be reauthorized?

Let me add some historical perspective to help clarify the substantive issue about which the Defense Department is so concerned. I can assure my colleagues that reauthorization of a strong OFPP does not present a threat to our national security. The head of the Office is appointed by the President, confirmed by the Senate, and is housed with the Director of OMB. Failure to reauthorize OFPP however, does preclude an opportunity to bring about Government-wide management savings in what is now some $160 billion a year the Government spends buying goods and services. Every 1 percent that is over a billion and a half dollars—I believe you are talking about a potential 5- to 10-percent range of savings with a strong, viable Office of Federal Procurement Policy.

Back in 1974, I sponsored the legislation which originally created OFPP. The idea for a small but strong central manager for what was then a $60 billion procurement policy ball game grew out of a recommendation from the Federal Procurement Commission. The Commission was created by a law in 1969 which was sponsored here in the Senate by Scoop Jackson.

The Procurement Commission concluded in 1972 that there was a need to raise the visibility of the procurement function both within agencies

and in the White House, or the problems associated with different procurement practices, duplicative regulations, and each agency going its own way would get worse and more expensive. The regulatory and paperwork maze facing the business person who wanted to do business with the Government was wasteful and worked to discourage competition and small business participation.

The OFPP was put next to the budget process in OMB and given regulatory authority by Congress so it could excerise clout and resolve the turf wars that inevitably occur in large bureaucracies. You are going to have disputes between Defense and Labor, on such things as labor surplus and Davis-Bacon interpretations, between Defense and the Small Business Administration on small business participation, between Commerce and Defense on such things as patent law interpretations. I should add other agencies are not fond of OFPP either for similar reasons. But what often happens in these policy battles is that nobody makes a decision. A wasteful vacuum is created. Everybody keeps going their own way. That is why the Congress gave OFPP regulatory authority in 1974. The idea was to get these bureaucratic fights resolved, or, alternatively, raise their visibility so they could be focused upon by the Congress and/or the President.

I sponsored the 1979 reauthorization of OFPP as well. Then the House view that regulatory authority was not needed prevailed. Thereafter, OFPP was basically ignored by the agencies and was not able to accomplish a more limited mission of developing an executive branch consensus for a uniform procurement statute proposal to Congress.

That experience was persuasive. Without the regulatory authority, OFPP is not a credible interagency coordinator. This year the House has passed a companion reauthorization bill and regulatory authority is in it. It is in the bill Senator COHEN has reported. Neither in 1974 nor 1979 did the Armed Services Committees of either House obtain a referral of this legislation. It was not obtained in the House this session.

The Department of Defense opposes the regulatory authority. Put simply, that is why we have not, as yet, considered this legislation on the Senate floor. They opposed it in 1974; they opposed it in 1979; and they tried to get the administration to abandon reauthorization efforts this Congress.

The reasons on each occasion have been very similar. The DOD is going to resist OFPP because, among other things, OFPP is a congressional creature that facilitates and encourages more congressional oversight. I agree with that, even if the oversight comes from committees other than Armed Services, and I think it is a good thing, not a bad.

It is a little bit like the Inspector General Act we passed in 1978. None of the agencies wanted an Inspector General that had to report to Congress as well as their own Secretary. DOD successfully resisted then, and they are not very happy with the weaker kind of Inspector General they have now. But I think what is going on over there is helping to focus the Congress attention on where it should be—not hurting.

Second, Defense does not like someone who might be as close to the President as they are—particularly when you get down to the day-to-day Assistant Secretary issues—to be able to force a decision and arbitrate. Again, OFPP tends to have an overall perspective, more like the President's than a functional agency perspective. When it comes to the issue of whether or not what is good for the Government as a whole is good for DOD, the Department of Defense wants to decide that by itself. I believe a system that is more likely to give the President and the Congress a role is a better idea. The more sunshine to these decisions, the better.

This is an "institutional" point of view on the Department's part. Deputy Secretary Paul Thayer reflects this view today. But were he still presiding at the Chamber of Commerce as he was before he enterd the Defense Department, he would probably be as supportive as that organization is of this legislation. Apart from the taxpayer, it is the businessperson who is interested in selling to the Government that suffers the most from the fragmentation and inconsistency that exists in Federal procurement. Keep in mind that many do not even bother to try to do business with the Government.

When that many do not bother to try, there is no competition and that means the Government has to pay more for its goods and services.

Mr. President, there is that saying "the more things change, the more they are the same." That is kind of what I feel when you look at the situation Senator COHEN and I are trying to bring to our colleagues attention today.

I am not interested in knocking the Defense Department just for the sake of it. But I have experienced this issue before and I think the merits are on the side of reauthorizing a strong OFPP. I think, too, we should recognize the Department's agenda, and not let it deter us from considering this legislation before the full Senate on the floor.

Thank you.

Mr. HUDDLESTON. Will the Senator yield?

Mr. CHILES. I yield.

Mr. HUDDLESTON. If the Senator has finished that subject, would he yield to me the time he has remaining on his special order?

Mr. CHILES. I so yield.

The PRESIDING OFFICER. The Senator from Kentucky.

IMMIGRATION REFORM

Mr. HUDDLESTON. Mr. President, already this morning the action by the Speaker of the House (Mr. O'NEILL) in setting aside for this session of Congress the immigration bill has been referred to by both the majority leader of the Senate and the distinguished minority leader (Mr. BYRD).

Senator BYRD suggested that in view of the fact that this body has already passed that particular legislation twice by substantial margins, and that there is a need for immigration reform in this country, we ought to seek ways of either reenacting that legislation and sending it back to the House, or possibly—and I support this endeavor—finding some House-passed measure that is of particular significance and adding to it that piece of legislation.

As one who has for a number of years been closely involved in trying to develop a reasonable program of immigration reform, I was shocked by the arbitrary and ill-advised action of the Speaker of the House, and particularly some of the statements he made in justifying the actions that he took.

I do not know where he heard the phrase that the particular legislation under question would "force Hispanics to wear a tag around the neck," and likening that to the actions of Adolf Hitler against the Jews.

If that ill-informed statement were not beneath the dignity of the Speaker to utter, it is beneath the dignity of this Senator to comment on any further, except to say that it does belie a total lack of understanding about what the bill does and what it is intended to do.

The Speaker also said that he could find no constituency for that particular bill.

The Speaker is dead wrong.

Mr. CHILES. Will the Senator yield at that point?

Mr. HUDDLESTON. I yield.

Mr. CHILES. The Senator has been the leader over many years in trying to bring to the attention of the Senate and the country the need for an immigration policy. He only continues today something that he has been doing for many, many years. I share his disappointments. I just wanted to comment on one point of the constituency, that there is no constituency for the bill.

The Speaker needs to come to my State if he says there is no constituency for this bill. He does. We welcome

him there. He comes to our State sometimes.

I can assure the Speaker, and certainly the Senator from Kentucky knows from his own experience, that in Florida, having suffered the ravishes of what happens because of our failure to have an immigration policy and the hardships and the other problems that we have suffered, there is a constituency that is sort of equal to the 10.5 million people who are in our State now in the feeling that any sovereign nation needs to have an immigration policy and needs to be able to decide or elect to decide who comes to their State. There is certainly constituency in my State.

I must say I also believe as the Senator has said, that we need to find an appropriate vehicle to give the House a chance to be able to consider this bill. I share that sentiment.

Mr. HUDDLESTON. I thank the distinguished Senator from Florida.

What the Speaker apparently is not aware of, is that recently reliable professional polling has taken place on this issue. The result is that a vast majority of the Hispanics in this country and the blacks in this country support the immigration reform that would control illegal entry into the United States and provide sanctions for those who knowingly hire illegals.

It is reasonable that they do, because they are the ones who are suffering and being disadvantaged because of unlimited illegal entries into the United States.

What the Speaker said was that he was taking this action at the behest of the Hispanic Members of the House of Representatives. What he has done, then, is placate a minority of a minority, which does not represent the majority of that particular minority and certainly does not represent the other minorities that are in this country.

I find it even more incredible that the Speaker admitted that this was done as a political maneuver on his part. That indicates that he will not permit this legislation to come up during the entire remainder of this Congress, which means not only the rest of 1983, but all of 1984.

Mr. President, I call attention to the fact that hundreds of people within the Congress—Members of the Senate, Members of the House—and representatives of various organizations outside the Congress, have worked now for a number of years to reach the point of developing a reasonable and acceptable piece of legislation to reform our immigration policies. I think the Speaker has done a great disservice to all of those people, certainly a great disservice to Members of the Senate such as Senator SIMPSON of Wyoming, the chairman of the Immigration Subcommittee, who has labored so long and so hard on this complex issue, and Representative MAZZOLI, with like responsibilities on the House side. I think the Speaker's action is a great disservice to the Congress itself, because it arbitrarily set aside what has been so laboriously put together over a long period of time. His precipitate actions does not take into account the foregoing effort and the need for the legislation.

He said it was political. In my judgment, he has done a disservice to the Democratic Party, because there is a constituency out there that recognizes the need for immigration reform. Perhaps most importantly, he has done a great disservice to the people of the United States of America.

Less than 2 weeks ago, Mr. President, new figures were in about the actions of our Immigration Service along our borders and already this year, a recordbreaking 1 million apprehensions have been made of illegals coming across the border. We all know that, historically, there is about one apprehension for each two or three that come through, so I think we can generally agree that probably already this year, 2 million illegal aliens have come into the United States. The illegal alien problem is growing and growing at great proportions at a time when we have a large number of unemployed in this country. Now is not the time to be backing away from a bill that offers at least a partial solution—none of us thinks it is perfect—to these particular problems.

Mr. President, I ask unanimous consent that I may have printed in the RECORD at this point a letter I have sent to the Honorable THOMAS P. O'NEILL, Speaker of the House of Representatives, asking him to reconsider his position, and to the President of the United States, relating to this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 5, 1983.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: At the present time, there are press reports that the Speaker of the House of Representatives has decided not to call up the immigration reform and control bill because he believes you intend to veto it for political purposes.

I am greatly disappointed by this action and have written to the Speaker asking that he reconsider this decision. As a member of the Senate who has worked for immigration reform since 1975, I believe that this legislation is urgently needed and of vital importance to the United States.

Because of the importance of this legislation to the nation, I strongly believe that partisan politics should be put aside. This is why I cooperated with Senator Simpson to pass the legislation twice in the Senate. Even though I do not completely agree with the content of the bill passed by the Senate, it is the closest we have come to solving this serious problem. Without it we will continue to have little or no control of our borders.

I strongly urge you to express your strong support of this legislative effort in order to remove any doubt that may exist as to your intentions. Without this clear and open support from you, this vital piece of legislation will not be brought before the House.

Sincerely,

WALTER D. HUDDLESTON.

U.S. SENATE,
Washington, D.C., October 5, 1983.

Hon. THOMAS P. O'NEILL,
Speaker of the House,
Capitol Building, Washington, D.C.

DEAR MR. SPEAKER: I was extremely disappointed to learn that you have made the decision not to call up the immigration reform bill in the House. As a loyal Democrat who has worked for immigration reform in the Senate for many years, I strongly urge you to reconsider this decision.

I have been actively involved in the immigration issue since 1975 and I can assure you that unless we pass the long overdue legislation it will be minorities, the unemployed, and low income individuals who will suffer the consequences. It is these people, whom the Democratic party also is pledged to represent who must compete with an ever increasing flow of illegal aliens into the United States.

I agree that the bill is not perfect but it in no way represents a danger to the rights of minorities, as some representatives of special interests allege. I am enclosing a copy of a statement and poll which I placed in the Congressional Record on August 2, 1983. This poll revealed that "substantial majorities of both Hispanics and blacks favor proposals to curb illegal immigration by having penalties and fines for employers who hire illegal aliens."

I am also writing to President Reagan urging him to make clear his support of the bill. If the President wishes to play politics, as you suggest he will, with legislation which is obviously in the nation's best interest, then it is the President who should and will have to bear the burden of doing so.

Thousands of hours have been devoted to the development of this legislation. Distinguished members of Congress such as Senator Simpson and Congressman Mazzoli have joined with other fair and unbiased members of both parties to draft it. To deny them the opportunity to present their work to the House does them a great disservice.

I urge you to let the immigration reform bill stand or fall on its own merits and not to let a few individuals use it as a way of magnifying their own political influence.

Sincerely,

WALTER D. HUDDLESTON.

Mr. HUDDLESTON. Mr. President, I yield back the floor.

RECOGNITION OF SENATOR PRYOR

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas (Mr. PRYOR) is recognized for not to exceed 15 minutes.

Mr. PRYOR. I thank the Chair.

A GOOD JOB WELL DONE

Mr. PRYOR. Mr. President, I want to comment briefly on the statements of the Senator from Maine (Mr. COHEN) and the Senator from Florida

(Mr. CHILES) about the reauthorization of the Office of Federal Procurement Policy.

I commend them for their efforts to improve the Federal procurement system. I wish this morning to pledge my support to my colleagues to try to move forward with that legislation.

The Department of Defense should not be allowed to veto procurement reform that is in the interest of taxpayers. We in the Congress need to go forward and we will, I am sure, have the support of people across the country.

I would like once again to commend these two very valuable colleagues and friends, who have been so active in this particular arena.

A PROGRAM THAT WORKED

Mr. PRYOR. Mr. President, this morning, I would like to talk for a few minutes about something that is discussed so seldom on the floor of the Senate. I would like to talk about a program that works. We hear always about programs that do not work. A discussion of this program is highlighted by the fact that last Friday night, the Federal Government's fiscal year ended. It is, therefore, an opportune time to look back at the successes and failures we experienced in programs last year. Unquestionably, one of the major achievements of the year was the funding and providing of assistance to meet the Nation's emergency food and shelter needs.

As my colleagues will recall, the jobs bill enacted earlier this year contained two provisions totaling $100 million to provide emergency food and shelter. One of the programs provided for grants to the States to be administered under the community services block grant formula. The other program was to be administered by a national board consisting of the following:

The United Way of America, the Salvation Army, the National Conference of Catholic Charities, the National Council of Churches, the Council of Jewish Federations, the American Red Cross, and the Federal Emergency Management Agency. In addition, there were local boards involved in areas designated to receive funds.

I want to discuss the second program this morning. In my opinion, this program was a triumph of voluntarism, a success story of public and private-sector cooperation.

As one of the principal sponsors of this legislation proposal late last year and again early this year, I am especially pleased with its success and I commend those who made it possible. In the Senate, my colleagues, the distinguished Senators from Pennsylvania (Mr. SPECTER); from New York (Mr. MOYNIHAN); from Michigan (Mr. LEVIN); from New Mexico (Mr. BINGAMAN); from Tennessee (Mr. SASSER); and especially the distinguished chairman of the Appropriations Committee (Mr. HATFIELD), worked to secure its approval. I also commend the House leadership, and especially Representative WHITTEN, Representative CONTE, and Representative BOLAND.

More important to its success have been the board members and the volunteers who have turned legislative action into food and shelter for hungry, homeless people. The voluntary organizations, their staffs, FEMA staff, and volunteers in communities across the country made this idea a reality. It is truly an inspiring story that needs to be told.

When the program was proposed, some questions understandably arose such as: How many meals and rooms would be provided? Could administrative costs be restrained? Would there be widespread fraud or waste?

The answers are very impressive, Mr. President.

First, some 33 million meals were served and more than 2.2 million nights of lodging were provided, all within 6 months. Those are conservative estimates and truly remarkable achievements.

Second, administrative costs were waived by the national board, board organizations, the fiscal agent—the United Way of America—and by most local boards. United Way estimates that it absorbed costs of at least $250,000.

In effect, Mr. President, the administrative costs of administering some 33 million meals and providing 2.2 million nights of lodging have been almost zero.

The legislation allowed for administrative costs of 2 percent of $1 million. Even if the administrative costs had been paid and utilized, they would have totaled less than 1 percent. The efficiency and hard work donated deserve the thanks of the Congress and the American public. In short, these dollars went for food and shelter, not administrative costs.

In addition, during the time period involved, from April to September of this year, United Way itself absorbed some 6,000 staff hours as well as the $250,000 in costs it expended. FEMA devoted one full-time staff member to the project and absorbed all mailing costs involved. The national board administering the program held approximately 20 meetings on voluntary time.

Other figures resulting from the project are equally impressive. For instance, 961 civil jurisdictions received awards covering 57 percent of the Nation's unemployed. According to local board plans, awards totaling $50,790,000—including the $790,000 earned as interest on the grant funds—are making possible the 33 million additional meals and 2.2 million additional nights of lodging for the homeless.

Mr. President, over the time period covered, some 3,600 private voluntary organizations received funds. I think the speed and efficiency with which this disbursal was handled is also impressive. Award notices went out on May 9, and the first checks were cut on May 27. A month later, some $41 million had been spent, and by August 28, all allotments had been completed. At a time when bureaucracies are criticized for slow work, this program offers a model of responsiveness and quick action.

The board also established a fraud alert system to assure that these funds were not used improperly. Mr. President, once again, the system worked. The small number of problems were identified and appropriate action was immediately taken.

One major benefit of the emergency food and shelter program is that the board concept provided organizations an unusual opportunity to work together. Cooperation was not only possible, it was encouraged, and it became the rule of the day. The success rate of these varying and different boards is very high, resulting in stronger links between social service providers and a better review of community needs.

Another fringe benefit is that the program brought together Government and private agencies in a way that has far-reaching and important consequences. The positive alliances have already affected communities across America outside of food and shelter distribution.

I especially want to commend FEMA for its leadership in gathering information, reviewing it, calling together meetings, and encouraging agreement. At the same time, final decisions were made at the local level within a loose framework of regulations. Allocations were all made locally, as they should have been, and this has surely strengthened the effect of the program.

There are thousands of inspiring stories of innovative, dedicated work by committed local people all across this country. One story concerns a program in a rural area of the South where the local board wanted to use some of its funds to equip their bus with a generator so that meals could be kept on the bus and delivered to people all over the county. Since such equipment was outside the guidelines, a waiver was needed. With a letter from the program head and telephone meeting of the national board, the waiver was granted. This story demonstrates not only creative ideas at the local level, but also the repsonsiveness of the national officials and the absolute absence of redtape.

Time and again, local Red Cross chapters, ministerial associations, food

banks, Traveler's Aid societies, veterans' organizations, YWCA and YWCA branches, senior citizen organizations, community centers and other organizations have stepped forward to serve local needs in a local crisis situation. This is one more of those great stories about our country.

Mr. President, because of the remarkable success of this effort and the dedication of these participants, I intend to introduce a resolution after the recess to commend these organizations which have participated in this most successful program. I hope that my colleagues will join me in honoring these fine organizations and their members for a job well done and for their unselfish and humanitarian efforts.

Finally, Mr. President, following the recess next week, it is my plan to also propose new legislation to meet new needs. The emergency situation is not over, and the hard, cold winter once again lies ahead. This program is not meant to be a permanent program. None of the participants involved want to make it permanent. However, we must prepare today for the cold, hunger, and loneliness in the coming months, and the food and shelter that will be needed. I hope that my colleagues in the Senate, as well as the House, will respond affirmatively.

Mr. President, in closing, we can be proud of these efforts made in the past 6 months, and I am very hopeful that we will be ready for the continuing challenges that we face.

It is true, as I have stated before, that this program was a triumph of voluntarism across our country and it is a prime example of the Government and private interests working together. We hear of those programs that fail, of those programs that miss the target, where fraud becomes the rule rather than the exception, and costs of administration consume huge parts of those dollars that should be utilized for human needs. Mr. President, I thought it would be appropriate on this occasion to bring to the attention of my colleagues a program that works and that must continue to work in serving these human needs in the future.

Mr. President, I ask unanimous consent that the names and organizations of the national board members be printed in the RECORD. These are the individuals who gave so unselfishly of their time and talents and who would be honored in our commendation resolution which will be before the Senate hopefully in the coming weeks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

NATIONAL BOARD MEMBERS

Chair: Dennis Kwiatkowski, Chief, Individual Assistance Division, Federal Emergency Management Agency.

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Lt. Col. Ernest A. Miller, Director, National Public Affairs Office, Salvation Army.

Mark Talisman, Director, Washington ACTION Office, Council of Jewish Federations.

Staff: Robert M. Beggan, Senior Vice President, United Way of America; Karen Keefer, Disaster Program Specialist, Federal Emergency Management Agency.

RECOGNITION OF SENATOR LEAHY

The PRESIDING OFFICER (Mr. DANFORTH). Under the previous order, the Senator from Vermont is recognized for 15 minutes.

NATIONAL MUSEUM FOR THE U.S. ARMY

Mr. LEAHY. Mr. President, my distinguished colleague from Virginia (Mr. WARNER) and I are introducing a concurrent resolution expressing the support of Congress for the establishment of a National Museum of the U.S. Army.

The U.S. Army, since its creation over 200 years ago in the fires of the struggle for national independence, has made inestimable contributions to our national heritage. Its story is the story of our Nation, of millions of men and women, from every walk of life, who have given of themselves in their country's name. These individuals deserve our highest respect for the sacrifices they have made. The heritage they have created and inspired should be displayed for future generations of Americans.

Yet the U.S. Army is the only branch of our Armed Forces which does not have its own national historical museum. Of the leading powers in the world today, only the United States does not have a museum housing the records and memorabilia of its Army. In the past, a national museum was thought unnecessary because of the existence of the military halls of the Smithsonian Institution and the installation museums of the Army Museum System. This is no longer true. The Smithsonian has acknowledged its inability to devote adequate attention to the Army story. Each of the Army's installations can tell only a part of the whole story. We feel, then, that a national facility is required.

This year in May, a private organization, the Army Historical Foundation was formed. One of its central objectives is to raise funds for the construction of a facility to house a National Museum of the U.S. Army. Under the direction of retired Gen. E. C. Meyer, former Army Chief of Staff, the Foundation plans to meet the cost of the museum entirely through private donations. These will come primarily from veterans organizations. I ask unanimous consent that a letter from General Meyer describing the purposes of the Army Historical Foundation, and urging adoption of our concurrent resolution of support, be included in the RECORD at the conclusion of my remarks.

This planned museum will tell the story of the U.S. Army in peace and war. It will exhibit a selection of artifacts and works of art; provide a center for the study of the Army; and be a forum for the education, edification, and inspiration of members of the Armed Forces, the public, and those who seek knowledge about the history of the Army. It will bring to the American people a greater awareness of the part this institution has played in shaping their heritage. The national museum will not compete with Army installations museums, duplicate their missions, or interfere with their programs by removing pertinent objects; nor will it cater to a special branch, unit, personality, or group of the Army.

The museum will be located in the Washington, D.C. area. The proximity of the Smithsonian Institution, the National Archives, the Library of Congress, and many other museums will complement the museum as a serious research facility. Additionally, the high rate of visitors to the Nation's capital will make the museum available to the domestic and foreign visitor and to the many military personnel living in and visiting Washington. The projected size of the museum is approximately 100,000 square feet. This will provide a facility that will be able to house a museum, art gallery, supporting storage, and administrative facilities.

Mr. President, I am indeed proud to introduce this resolution, and I urge its speedy adoption as a signal of strong congressional support and approval for the concept of an Army museum.

Mr. President, I ask unanimous consent that a letter from General Meyer describing the purposes of the Foundation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ARMY HISTORICAL FOUNDATION,
Washington, D.C.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LEAHY: I wish to express the appreciation of the members of the Army Historical Foundation for your support for the idea of a National Museum for the United States Army. As you have so visibly indicated by your willingness to sponsor

legislation emphasizing congressional support for the museum, it is an idea whose time has come, if not long overdue. In seeking this legislation, it is not the Foundation's desire to seek a commitment to provide funding but to gain the sense of Congress toward this undertaking as we begin our fund raising program.

As you may know, the Army Historical Foundation is a non-stock charitable corporation the purposes for which include programs that will promote a deeper understanding of the historical contributions of the U.S. Army and its members to American society. Among several such projects that we anticipate undertaking, our premier activity is the raising of funds to support the building of a National Museum for the United States Army. It is our belief that this museum will provide a most significant monument to that historical contribution. The location of the museum in the Nation's Capital will place it appropriately along with the historical structures that Americans view as the heritage of our birth, growth, and fruition as a nation. Its attraction will be significant to all of those who have served their country in the United States Army and to their friends, neighbors, and loved ones.

As you pursue this legislative effort, if I may answer any questions or provide further information please contact me. Once again your sponsorship of this legislation is greatly appreciated.

Sincerely,

E. C. MEYER,
President, Army Historical Foundation.

Mr. LEAHY. Mr. President, I ask that the resolution be appropriately referred.

The PRESIDING OFFICER. It will be received and appropriately referred.

The text of the concurrent resolution follows:

S. CON. RES. 75

Whereas, there is no National central repository for the military material culture of this Nation which has been forged through periods of peace and war by the patriotism, sacrifice, and ingenuity of the men and women of this Nation who have come from all walks of life and from diverse races, religions, and creeds; and

Whereas, the establishment of an historical museum will provide for the preservation of the spirit and heroism in telling a story of the United States Army that extends from the tragic tolls of the battlefields, from the frontiers of science and the wilderness, from the development of industry and medicine, and from the conquering of man's baser instincts to a negotiation of Nature's wrath unleashed; and

Whereas, the history of the United States Army cannot be separated from the history of a Nation and the Nation's Senior Service stands alone among the Armed Forces of the United States in not having a National museum to tell its story and among the armies of the leading powers of the World in not having a museum; and

Whereas, there is no central point of access to the United States Army's heritage for both the military and civilian populations and such access could tell, for the first time, the story of the United States Army in peace and war as well as be a forum for the education, inspiration, and edification of those persons seeking knowledge of the United States Army; and

Whereas; a National museum of the Army would be a museum not of war but of people from diverse parts of the country and diverse ethnic backgrounds, colors, and creeds who responded, when called to act for their Nation in its darkest hours, and who prevailed; and

Whereas, the National Museum of the United States Army would promote an interest in the understanding of the land forces of this Nation among the citizenry, soldier and civilian, present and future; it is hereby

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Congress should encourage the historical preservation of the Nation's material culture and provide for the education of its citizens in the rich heritage that is theirs by the struggles of their forebears; that the Congress should recognize the contributions in both peace and war made to this heritage by the land service of this Nation; and that the Congress should encourage the establishment of the National Museum of the United States Army.

Mr. LEAHY. Mr. President, I yield to the distinguished Senator from Virginia. The museum will be located in his beautiful State, which is my part-time residence when Congress is in session.

Mr. WARNER. Mr. President, first, I inquire as to the parliamentary situation and the time that could be allocated to me and for a possible further comment by the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont has 12 minutes remaining.

Mr. WARNER. I thank the Chair.

Mr. President, I rise to express my total support for the resolution introduced today by the Senator from Vermont (Mr. LEAHY), which favors the creation of a National Museum of the U.S. Army.

The Nation's senior service is alone in not having a national museum. With the recently renovated U.S. Navy Museum joining the facilities of the U.S. Marine Corps Historical Center in Washington, and the U.S. Air Force's large complex in Dayton, it is only appropriate that the U.S. Army have a similar facility.

While serving as Secretary of the Navy, I took an active role in the establishment of the U.S. Marine Corps Museum at the Navy Yard here, where also located is a principal repository of Navy artifacts in the Navy Museum.

Not only is such a museum needed for those interested in learning more about the history of the Army, but it is also needed in order to provide for the proper storage and exhibition of the art collection and historical material from the Army's past.

The estimated $7 million required to build the museum, which would be located at Fort Myer, Va., would be raised from private sources by the Army Historical Foundation, a non-stock charitable corporation founded to promote the historical contributions of the U.S. Army.

This museum will tell the story of the U.S. Army in both times of peace and times of war. Through the collection and exhibition of representative examples of military material culture, the museum will illustrate and document the long, colorful history of the Army.

Although there are various halls in the Smithsonian set-aside for military history exhibits, they are insufficient to tell the entire history of the Army. A central national facility would be able to provide such a comprehensive display.

It is appropriate to build this new museum at Fort Myer, the Army's post in Arlington, since it is within minutes of some of our Nation's most revered monuments, and in centrally located for the benefit of the millions of tourists who visit the Nation's Capital each year.

Mr. President, I urge each of my colleagues to support this resolution. The U.S. Army has played a major role in the development of our Nation, and it is only fitting that the Congress indicate its support for such a museum.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Virginia. I am delighted to have him as a cosponsor of this resolution.

This should not be considered a partisan matter. We have tried to indicate the bipartisan nature of it, and we join in urging our colleagues on both sides of the aisle to support this resolution.

I also point out that a former Secretary of the Navy is supporting the museum for the Army; if that does not show that this is an idea whose time has come, I know of nothing else that can.

Mr. WARNER. Mr. President, I thank my distinguished colleague for his thoughtful remarks. He has taken the leadership in this matter. I urge my colleagues to express their appreciation to him for this initiative.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12:30 p.m., with statements therein limited to 2 minutes each.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TSONGAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LATEST REAGAN NUCLEAR ARMS CONTROL PROPOSALS ARE PROMISING

Mr. PROXMIRE. Mr. President, it appears possible that the Reagan administration has begun to make some arms control proposals that—if accepted by the Soviet Union might begin to provide some limit on the nuclear arms race. The proposals might also shift the nuclear arsenals of both superpowers toward less vulnerable and therefore less hair trigger and more stable systems. The new Reagan approach has been regarded as a sharp departure from past proposals and as such has reportedly been opposed by chief START negotiator, General Rowny, also by Kenneth Adelman, the Director of the Arms Control and Disarment Agency. Here is what it would do:

First, it would cut each side's missile warheads by about one-third to 5,000, plus a formula for reducing the Soviet advantage in missile throw-weight or megatonnage;

Second, it would apply this limit across the board so that the Russians could maintain a greater number of land-based missile warheads, and we could maintain a greater number of sea and air-based missile warheads, provided both sides reduced to 5,000 warheads overall;

Third, it would provide a variable formula for the so-called build-down designed to discourage the hair-trigger, immobile, MIRV'd land-based missiles like the MX and the lion's share of Russian missiles. Here is how it would accomplish this:

First, for every new fixed land-based missile warhead such as the MX, two old warheads would be destroyed;

Second, submarine-launched missile warheads, such as the new D–5 or Trident 2 missile would be converted on a 3 to 2 basis;

Third, mobile land-based missiles like the Midgetman would be on a 1-for-1 basis.

Mr. President, how useful and constructive are these latest proposals? Frankly, Mr. President, they can and should be improved, but to be fair they do represent remarkable progress, particularly coming from this administration. I have frequently attacked the so-called build-down proposal because as originally proposed I believe it would result in a definite build up. This latest proposal however is, indeed, different. Previous proposals would have driven both sides to an inevitable buildup for two reasons. First, the ongoing research programs of both superpowers could be counted on to keep the technology racing ahead to develop ever more devastating and lethal weapons, so sharply improved that one of the new weapons would be far more deadly than two or three of the old. Second, with the transition to new weapons left to the military forces of each superpower to act unilaterally within the trade off rules, neither superpower would substitute new weapons unless its military were convinced that the single new weapon would give a sharply better lethal kick than the two new weapons that had to be retired. So a buildup would be absolutely certain. Now some could ask how could the dilution of the 2 for 1 build-down idea to a 3 for 2 for submarine-launched nuclear warheads and the further dilution to an even-steven 1 for 1 no build-down, for mobile midgetman—how could this provide less nuclear killing power than the original formulation? Is not this latest build-down even weaker? No. It is not. Why not? Here is why not: The new proposal ties the build down into the reduction in warheads from roughly 7,500 down to 5,000. Also it would begin to put a limit on megatonnage and throwweight. If that warhead reduction is mandated then the build-down might, indeed, begin to reduce the lethal arsenal on both sides. And the incentives for retiring the hair-trigger land-based, heavily MIRV'd missiles and the move toward less vulnerable and more stable missiles adds an additional constructive dimension.

We cannot escape the grim fact, however, that this nuclear arms control proposal does not touch on the prime threat of a nuclear holocaust. These proposals make real progress against the relatively unlikely possibility that a super power nuclear war would break out with a planned, premeditated first strike by either superpower. The suicidal consequences make such a first strike unlikely. The proposal also makes a beginning toward reducing the possibilities of a nuclear war beginning from a more likely cause—a mistaken early warning. This is because the proposal would move us away from the hair-trigger launch warning type of weapons like the Russian land-based missiles and our MX. What the proposals fail to deal with is the most likely starting scenario for a nuclear world war which is that with nuclear technology encouraged to move ahead, these proposals would encourage exactly that on both sides, the technology will develop nuclear weapons that will fit the needs and capacity of many countries including such as Libya, Syria, Iran, Iraq, South Africa, and others. A nuclear war developing anywhere in the world would quickly spread and engulf all of us.

These latest proposals fail to meet this problem. To meet it we need two emphatic changes in policy. First, vigorous pursuit of negotiations to reduce the threshold for underground nuclear testing from 150 kilotons to a much lower figure; and second, a far more stringent antinuclear proliferation policy. Opposition to nuclear proliferation is the single area where the Soviet Union has pursued a more constructive and effective nuclear arms control policy than we have.

Mr. President, I ask unanimous consent to have printed in the RECORD, an article by Leslie Gelb in yesterday's New York Times that provided the basis for my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMS TALKS: SHIFT BY U.S. NEW OFFER A RESPONSE TO CRITICISM AT HOME

(By Leslie H. Gelb)

WASHINGTON, Oct. 4.—President Reagan's new strategic arms proposal is widely seen here as a significant advance toward compromise with the Soviet Union, an advance that will make arms control policy a more difficult target for domestic critics.

In the proposal, which was formally announced today, Mr. Reagan met the main concerns of an influential group of legislators and arms specialists by agreeing to redesign the so-called build-down idea, which provides that the deployment of new warheads must be accompanied by the destruction of older ones.

Under the new proposal, more old warheads would be destroyed if a nation deployed fixed, land-based missiles than if it deployed sea-based or mobile land-based missiles. In that way modernization would be channeled toward less vulnerable and less threatening mobile systems.

In addition, the Administration moved to meet some of the Soviet Union's major demands by showing a willingness to reduce the number of bombers, and by putting lower limits on planned bombers that carry air-launched cruise missiles and on the highly accurate D-5 submarine-launched missile.

This does not mean that Administration officials think Moscow will respond eagerly or positively, or that major differences have been resolved. For the moment at least, they see Soviet leaders as ill disposed to deal with the Administration in the wake of the controversy over the shooting down of the South Korean airliner Sept. 1.

In recognition of this, officials said there was considerable sentiment in the Administration against making the new proposal to the Soviet delegation in Geneva at this time. Instead, some are suggesting a delay until the atmosphere improves, and perhaps until Secretary of State George P. Shultz could go to Moscow and present the ideas directly to Soviet leaders.

Nor does it mean that the Congressional critics and outside experts who helped fashion the new proposal believe their job is now done. In a move several legislators and outside experts described as having great importance, these elements succeeded in putting one of their own into the negotiating delegation, "to watch things," as one legislator put it.

NEW WORKING GROUP PLANNED

R. James Woolsey, an Under Secretary of the Navy in the Carter Administration and a member of the President's Commission on Strategic Forces, will join the delegation when talks resume in Geneva later this week. Further, according to officials, he is expected to become a member—if not the chairman—of a proposed new special working group to discuss the new build-down idea with the Russians.

This new group, which will operate parallel to the formal negotiations if Moscow agrees, is seen by a number of legislators and officials as a way of getting around Edward L. Rowny, the chief American negotiator, whom they see as an obstacle to a treaty.

Officials said that Mr. Rowny and Kenneth L. Adelman, the director of the Arms Control and Disarmament Agency, were the Administration's strongest opponents of the new proposals. They were said to have argued that the United States had already lost credibility by changing its negotiating position too many times under domestic pressure.

TWO-STAGE APPROACH SOUGHT

Officials said that State Department officials under Mr. Shultz argued that an almost wholly new approach at this time would only serve to confuse Soviet leaders and make agreement with Moscow more difficult. They argued instead for a two-stage approach: an expanded version of the unratified 1979 strategic arms treaty, followed by the build-down idea.

In the formal negotiations in Geneva, Mr. Rowny will be instructed to present a modified version of the existing proposal. That calls for a reduction in each side's missile warheads by about one-third to 5,000, plus a formula for closing the 3-to-1 Soviet advantage in missile throw weight, or payload.

Moscow wants to put a ceiling on all "nuclear charges," that is, missile warheads, bombs and air-launched cruise missiles, and does not want any payload limits.

SUBCEILING WOULD BE DROPPED

To make the new United States approach more attractive, Mr. Rowny is instructed to drop the subceiling of 2,500 land-based missile warheads within the overall 5,000-warhead limit. This would permit Moscow to keep more of its powerful land-based missiles.

At the same time, officials said, the Administration is prepared to reduce its strategic bomber fleet to below 400 and limit the number of cruise missiles carried by the bombers to 3,500 instead of the previously proposed 8,000.

In the proposed parallel talks to be conducted in a separate working group, Soviet and American negotiators would work on a "double" build-down approach—in numbers of missile warheads, bombers and cruise missiles, and in "destructive capacity," or missile and bomber payloads.

In this context, the Administration will suggest an annual cut of 5 percent in missile warheads or a reduction based on a build-down formula, whichever is greater.

Officials said these are the build-down proposals, which would be put on the table with some flexibility:

For every new fixed land-based missile warhead such as those on the MX, two old warheads would be destroyed;

Submarine-launched missile warheads, such as the new D-5 or Trident 2 missile, would be converted on a 3-to-2 basis;

Mobile land-based missiles, such as the proposed Midgetman, would be on a one-for-one basis.

This would penalize modernization of potential first-strike weapons and reward modernization in the direction of submarine-launched and mobile missiles.

At some point, or so the framers of the proposal hope, the efforts of the working group would be merged into the formal talks.

DISARRAY IN ADMINISTRATION SEEN

A number of officials described the situation in the Administration as one of considerable disarray, with no senior participant showing any particular enthusiasm for the new approach.

Last Friday, according to these officials, the Administration was still without an agreed position when Ronald F. Lehman 3d, the chief arms control expert on the National Security Council staff, met with a group including Brent Scowcroft, the chairman of Mr. Reagan's Commission on Strategic Forces, Mr. Woolsey and Senator William S. Cohen, Republican of Maine, who was one of the originators of the build-down idea.

By all accounts, Mr. Scowcroft and his commission members and Mr. Cohen and several of his Congressional colleagues essentially wrote the position paper with Mr. Lehman, although they strongly preferred one overall new proposal rather than breaking it down into one piece for the formal talks and one piece for the working group.

A NOT-SO-CHEERFUL IGNORANCE

Mr. PROXMIRE. Mr. President, an article recently appeared in the Washington Post which described a certain "cheerful ignorance" of some southern California youth. The writer, Benjamin Stein, points to a pervasive phenomenon among both the high school and college students that he spends time with—an apparent lack of knowledge about the world in terms of both historical and contemporary issues. One example cited by Stein was that of the students he interviewed, "Not one could name all the Presidents since World War II. Only one could even place the correct decade in which Dwight Eisenhower was President."

While Mr. Stein makes no claim about the representativeness of his student "sample," there is a very serious point underlying this piece. Apparently, some young people are unable to put even recent historic events in perspective. What is truly frightening about this situation is that the ignorance that does exist is not restricted to purely benign historical facts. Some extremely sensitive issues are involved as well.

One such important incident pointed out by Stein concerns anti-Semitism. He describes an interaction with two students as follows:

> Recently, two of them read an article about a militantly anti-Semitic organization. One of them pointed at the word "anti-Semite" and said, "What's this word?" I explained that it was someone who hated Jews for no other reason than that they were Jews. The girl looked at me with genuine amazement and asked, "Why would anyone do that?" The other girl said, "What is that again? I never heard of that."

How are we to respond to this? Perhaps these young people have never been touched by such intolerance and bigotry but there is a sad and potentially dangerous side to such "innocence." These same youth who are unaware that anti-Semitism exists probably are unaware that a Holocaust occurred; they may not know, for that matter, if bigotry exists at all and if people are motivated to kill because of that bigotry. If we are ever to prevent a repetition of the Holocaust, it is essential that its memory be preserved.

Mr. President, I suggest that our Nation needs something symbolic to serve as a constant reminder that genocides have occurred. More importantly, we need something that will enable us to recognize genocide as it occurs and to bring its perpetrators to legal justice. Our ratification of the Genocide Convention will serve both goals. It will be a memorial to those who have perished, and a beacon to those it may save.

TERENCE CARDINAL COOKE

Mr. MOYNIHAN. Mr. President, it is an altogether sad duty for me to report to the Senate that His Eminence, Terence Cardinal Cooke, passed away early this morning.

He was a man of exalted simplicity—above all, a paster to his flock which extended far beyond the bounds of doctrine or institution.

Cardinal Cooke was the spiritual leader of nearly 2 million Catholics in the archdiocese of New York, a 175-year-old institution which now covers 10 counties in the Metropolitan New York area.

The statement read this morning by officials of the archdiocese was succinct but moving:

> Terence Cardinal Cooke . . . completed his work on earth and was called home by Almighty God to heaven this morning, October 6, 1983, at 4:45 a.m. His Eminence died peacefully at his residence . . . in the shadow of his beloved Cathedral of St. Patrick.

Pope John Paul II announced his death to a gathering of 220 bishops at a Vatican synod and asked that the bishops pray for the Cardinal. Tributes from around the world are commencing to arrive in New York.

Mr. President, Cardinal Cooke was a man of truly extraordinary grace. Even as his final moments were filled with suffering, they were filled, too, with concern and compassion for the church he loved so well. One of his very last letters, to be read this Sunday at masses throughout New York, dealt with the church's sacred view of life. The Cardinal wrote:

> Life is no less beautiful when accompanied by illness or weakness, hunger or poverty, physical or mental diseases, loneliness or old age . . .

Mr. President, it is a measure of the man that in his own suffering, he found wisdom to share with his congregation. Yet his teaching, boundlessly energetic as it was, never approached the dogmatic. Cardinal Cooke was preeminently a man of learning and recognized the diversity

of opinion that flourishes within the church.

His was a good life, his presence among us powerful in its simpleness and virtue. How we were blessed by that life.

Mr. President, I ask unanimous consent that an account of Cardinal Cooke's life, from the United Press International, be entered at this point in the RECORD along with the text of a statement issued this morning at the White House by the President:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the United Press International, Oct. 6, 1983]

CARDINAL TERENCE J. COOKE

Terence J. Cooke became archbishop of New York—the fourth largest archdiocese in the United States with nearly 2 million faithful—at a time of change and turmoil in both the church and the world at large.

On the day he was installed at St. Patrick's Cathedral—April 4, 1968—another clergyman, Dr. Martin Luther King, was killed by an assassin's bullet in Memphis.

Cooke called on Catholics at that time to understand poverty and racial tensions in a "spirit of love."

In 1969—just four years after the Second Vatican Council ended, ushering the church into a new era—Pope Paul VI gave Cooke the red cap of a cardinal, making him, at 48, the youngest "prince of the church" in the world. He also was military vicar.

He was the American leader of the church's fight against abortion, pressing for legislation to ban the practice and serving for 10 years as chairman of the National Conference of Catholic Bishop's Committee for Pro-Life Activities.

It was an issue that was to occupy Cooke until the end.

Last weekend, Vatican Radio broadcasted a letter from the cardinal condemning abortion and mercy killing. It is to be read in all of the archdiocese's churches Sunday.

"Life is no less beautiful when accompanied by illness or weakness, hunger or poverty, physical or mental diseases, loneliness or old age," Cooke said in his last message to the faithful.

While the anti-abortion position was one that Cooke's fellow bishops held, he did have his differences with them on the issue of nuclear weapons.

On Dec. 7, 1981, the 40th anniversary of the sneak attack on Pearl Harbor, in his role of military vicar, Cooke issued a letter saying "it is legitimate to develop and maintain weapons systems to try to prevent war by detering another nation from attacking."

Dissenting clergymen criticized Cooke for maintaining a limited nuclear war was possible and said his position on the use of nuclear weapons was clearly contracted by the developing position of his fellow bishops.

A letter issued last May by the National Conference of Catholic Bishops condemning nuclear war, accepting nuclear deterrence only as a step toward disarmament and calling for a nuclear freeze went farther than Cooke preferred in some aspects.

At home, the cardinal created a storm among some members of his own flock last March when he denounced the selection of Michael Flannery, an Irish Republican Army supporter, as grand marshal of the St. Patrick's Day Parade up New York's Fifth Avenue.

The dispute reached a dramatic climax parade day when Cooke snubbed Flannery by refusing to appear on the steps of the cathedral for the traditional greeting for parade leaders. After the grand marshal had headed up Fifth Avenue, the cardinal emerged to review the rest of the parade and was greeted by boos.

The ruddy-faced Cooke became archbishop after serving as secretary to his predecessor, the late Cardinal Francis Spellman.

As an administrator, Cooke was known as a hard worker who modernized the archdiocese by centralizing many operations into a new Catholic Center, a 19-story skyscraper that was criticized by some as a luxury, but defended by others as a needed change.

Besides serving the 1.8 million Catholics in the archdiocese covering 10 counties ranging from Manhattan to rural Sullivan County, and fulfilling his duties as military vicar, Cooke found time to accommodate the world leaders, celebrities and church officials who arrived to visit him and see St. Patrick's.

When Pope John Paul II visited the United States in October 1979 he was a guest of Cooke's in his residence behind St. Patrick's.

Cooke was born on LaSalle Street in Manhattan's Upper West Side on March 1, 1921.

The future cardinal's parents, Michael and Margaret Cooke, moved to the Bronx a few years later and placed their two sons in parochial schools.

Cooke graduated from Cathedral College, now Cathedral Preparatory High School, in 1940, and entered St. Joseph's Seminary in Yonkers, N.Y.

He was ordained by Spellman on Dec. 1, 1945, and became the first graduate of St. Joseph's Seminary to be appointed archbishop of New York.

Cooke always maintained that the two people who influenced his life most were his father, a private chauffeur and later a construction worker, and Cardinal Spellman.

"It was a rich experience and an education being around him," Cooke said of Spellman. "His memory was incredible. He knew how to take the best of the past and the present. His consideration was unfailing."

For a brief time Cooke was chaplain at St. Agatha's Home for Children in Nanuet, N.Y. He then studied at the University of Chicago and Catholic University of America in Washington, where he received a master's degree in social work.

From 1945 until 1956, Cooke served as an instructor of the Fordham University School of Social Services and from 1954 to 1957 he was procurator at St. Joseph's Seminary.

In early 1957 Spellman appointed Cooke as his personal secretary and in 1965 he was ordained an auxiliary bishop.

Cooke became a cardinal 22 years after entering the priesthood and was the seventh archbishop of New York.

President Johnson, Gov. Nelson Rockefeller and Mayor John Lindsay were among hundreds of dignitaries who heard Cooke's first sermon as archbishop.

In 1975, Cooke went to Rome for the canonization of another native New Yorker, Elizabeth Bayley Seton, who became the first American-born saint.

Cooke began each day with mass in his chapel, newspapers at breakfast, brief conferences with his own staff on critical subjects, appointments with administrative aides and people with pressing personal or professional business, and a review of his mail.

After lunch he would start reading reports on church, city, state, national and international affairs and meet with boards or groups. Following supper he allowed himself an occasional walk on Madison Avenue behind the cathedral and then retired with an armful of papers.

Last April, Cooke celebrated a mass marking the 175th anniversary of the archdiocese, which covers Manhattan, Staten Island and the Bronx and the counties of Westchester, Rockland, Putnam, Dutchess, Ulster, Sullivan and Orange.

[From the United Press International, Oct. 6, 1983]

STATEMENT OF PRESIDENT REAGAN

WASHINGTON.—President Reagan said today that "all of America is saddened by the loss of Cardinal Cooke, a saintly man and a great spiritual leader."

Reagan visited Cooke last week when he was in New York to address the United Nations General Assembly.

Cooke died early today, and Reagan this morning issued the following statement:

"All of America is saddened by the loss of Cardinal Cooke, a saintly man and a great spiritual leader. In life, Terence James Cooke inspired us—with his personal holiness, his dedication to his church, his devotion to his flock. But in death as well, he had for us a special gift and a special inspiration.

"The world has rarely seen a more moving display of the three cardinal virtues in the faith, hope and love with which Cardinal Cooke confronted and conquered death. He bore his suffering in imitation of his savior.

"Nancy and I consider it one of the great privileges of our lives that in his final months we had the chance to visit and pray with Cardinal Cooke. We join the people of New York and all America in mourning the grievous loss of a wonderful and holy man."

CARDINAL TERENCE J. COOKE

(By Carol Vecchione)

NEW YORK.—Cardinal Terence J. Cooke, spiritual leader of nearly 2 million Roman Catholics in the Archdiocese of New York for 15 years, died today of leukemia. He was 62.

"Terence Cardinal Cooke, tenth Bishop, seventh Archbishop, fifth Cardinal of the See of New York and Vicar to Military Service, Veterans Administration hospitals and Government Service overseas, completed his work on earth and was called home by Almighty God to heaven this morning, Oct. 6, 1983, at 4:45 a.m.," the Rev. Peter Finn read from a formal announcement.

"His Eminence, Cardinal Cooke, died peacefully this morning at his residence . . . in the shadow of his beloved Cathedral of St. Patrick," said Finn, archdiocese spokesman.

Cooke's physician, Dr. Kevin Cahill, and two nurses were in the room, and Monsignor Joseph Murphy, chancellor of the archdiocese, was praying at his bedside when the cardinal died, Finn said.

Although funeral arrangements would be announced later today, Finn said tentative plans included a wake at the cathedral Friday evening through Sunday and services on Monday.

Cooke's body was removed from his residence about 6 a.m. and was taken to the Abbey Funeral Home in Manhattan.

Cooke's death came 40 days after the archdiocese announced that the cardinal was terminally ill and two days after the

archdiocese announced he had suffered a serious setback and was near death.

He had suffered with cancer of the lymph system for eight years, which was recently complicated by the onset of leukemia. He had received chemotherapy and blood transfusions in his battle.

Pope John Paul II, who will choose Cooke's successor, announced the cardinal's death to 220 bishops attending a synod in the Vatican, shortly after he was informed of the death by telephone. The pope asked the bishops to pray for the archbishop, a Vatican spokesman said.

President Reagan, who with his wife visited Cooke at his residence on Sept. 25, issued a statement calling Cooke a "saintly man" and a "great spiritual leader" who "bore his suffering in imitation of his savior."

Mayor Edward Koch ordered city flags to be flown at half staff.

"New Yorkers of all denominations loved and respected Cardinal Cooke," Koch said in a statement. "He was a man of simple tastes but of extraordinary compassion, and he loved God with all his mind and all his heart. There is no doubt that his place in heaven is assured."

Catholic schools remained open today but were expected to be closed the day of the funeral, Finn said.

The archdiocese's Board of Consulators was expected to meet today to elect an administrator to run the archdiocese until a successor is announced, he said.

Pope Paul II, the Apostolic Delegate in Washington and members of the cardinal's family were notified immediately after his death, Finn said.

Cooke had become so weak Wednesday that he could barely speak, and he and his family decided not to see each other again. "He and they would like to remember each other at better moments in the course of his illness," Finn said.

Cooke, a leader of the church's fight against abortion during his 15 years as archbishop, received the last rites of the church Tuesday after his condition worsened.

On Wednesday he received several blood transfusions and was under heavy medication to ease his pain.

The rapid deterioration in the cardinal's condition came just days after the archdiocese released a letter in which Cooke condemned abortion and mercy killing.

The letter is to be read in the archdiocese's churches on Sunday. The 175-year-old archdiocese covers 10 counties in the metropolitan area.

MAYNARD LAYMAN, AN OUTSTANDING ALABAMIAN

Mr. HEFLIN. Mr. President, Maynard Layman, farm editor and assistant to the publisher of the Decatur Daily, has recently announced that he is retiring after more than 50 years with the newspaper. For the next few moments I would like to share a little bit of the story of this dedicated and diversely talented public servant with my colleagues.

A native of north Alabama, Maynard graduated from Maryville College in Tennessee in 1928. The next year, 1929, he simultaneously held down four jobs: Director of physical education for the Decatur public school system, boys secretary for the YMCA, and director of recreation programs for both the Louisville & Nashville Railroad and Connecticut Mills Co. In 1930, Layman joined the Decatur Daily as circulation manager and farm editor. He has been with the paper ever since.

It has been in the agricultural area that Maynard Layman has been best known. Through the years, Maynard has been chairman of the agricultural committee of the Decatur Chamber of Commerce, and is, in great part, responsible for Decatur becoming one of Alabama's finest farm marketing centers.

For more than a quarter century, Maynard has been helping the Alabama congressional delegation with agricultural issues. His work has been of particular help with the problems experienced by cotton farmers in Alabama and other States in the Southeastern United States.

In 1968, Layman was selected by the Progressive Farmer as Alabama's Outstanding Man of Agriculture. He is a former member of the Agricultural Center Board, a former consultant with the Alabama Cotton Legislative Study Committee, a soil conservation supervisor for 20 years, and was a member of the original North Alabama Cotton Hardship Committee. He was also a member of the National Feed Grain Advisory Committee.

Despite this impressive listing of honors and activities, Maynard Layman's accomplishments have not been limited to the agricultural sphere. Maynard has been an active member of the Decatur Rotary Club, and a member of the Alabama Small Business Advisory Council. He was recently chosen by the Tennessee Valley Brotherhood of the National Conference of Christians and Jews to receive one of their annual brotherhood awards. In 1981, the Alabama Chapter of the American Cancer Society named Maynard "Volunteer of the Year." He has also been named a Paul Harris fellow by the Decatur Rotary Club, the single highest honor a Rotarian can be awarded.

In addition, Layman is a past president of the Alabama Educational Television Commission, and is a former member of the Alabama Ethics Commission.

Clearly, Mr. President, Maynard Layman is a man of great and diverse talent. I wish him the best in his retirement years, and know I speak for all who have known him in thanking him for his many contributions.

THE CENTENNIAL OF ANNISTON, ALA.

Mr. HEFLIN. Mr. President, as the senior Senator from the State of Alabama, I am quite pleased and proud to congratulate the citizens of Anniston, Ala., who this week are celebrating the 100th anniversary of their city.

The city of Anniston, the seat of Calhoun County, lies in the foothills of the Appalachian Mountains. The entire region was sparsely settled until the Civil War. During the war, a blast furnace of the Oxford Iron Works, located at Anniston, was destroyed by Union forces. After the war, in 1872, the Woodstock Iron Co. was organized, with a base at the former holdings of the Oxford Iron Works.

The new company laid out a town, built a sewer system, a waterworks, and powerhouse. The town was to be called Woodstock, but Alabama already had a town named Woodstock. The town Anniston—Annie's town—was then chosen, to honor Mrs. Annie Tyler, the wife of Woodstock's company president.

A textile mill was established in 1880, and a pig iron furnace was built in 1892. A railroad was built from Anniston south to Sylacauga, and then extended north to Gadsden and Attalla.

Eighteen eighty-three saw the publication of the town's first newspaper, the Hot Blast. This same paper is still in existence today, as the Anniston Star.

The year 1883 also saw the chartering of Anniston as a municipality. Until that time, the town had functioned as a private corporation. It is the centennial of that chartering that the people of Anniston are celebrating.

Anniston has a firm hold on a prominent place in the history of Alabama. Among citizens of the town who have received national recognition have been Gen. Robert E. Noble, Surgeon-General in the U.S. Army, who assisted General Gorgas with his work in Panama; John B. Knox, president of the Alabama Constitutional Convention of 1901; former Governor Thomas E. Kilby; and Ruth Elder, first woman to attempt a trans-Atlantic flight. This, Mr. President, is by no means a complete list.

In recent years, Anniston has been known as the home of the Alabama Shakespeare Festival, which is gaining an outstanding reputation among theatergoers across the South.

The Anniston Centennial Celebration is now in the midst of a weeklong expression of pride in the city's past. I commend the people of Anniston on their 100th anniversary, marking not only an event in history, but also marking a spirit of pride and fortitude. It is truly a pleasure to represent the citizens of Anniston in the U.S. Senate.

A TRIBUTE TO TOM DeJARNETTE

Mr. HEFLIN. Mr. President, I have recently learned of a notable honor awarded to a citizen of my State of Alabama, Tom DeJarnette of Tuscaloosa, preparator (retired) of the Alabama Museum of Natural History at the University of Alabama. DeJarnette became only the third person in the last quarter of a century to be named to tribal membership in the Alabama-Coushatta Indian Tribes of east Texas.

Tom is best known in Alabama for his more than 35 years of dedicated service to the Alabama Museum of Natural History. From the middle of the 1940's on, it was his pictorial depictions that were viewed by the thousands of people who visited Mound State Park in Moundville, Ala.

For almost a decade, DeJarnette has been a consultant to the Alabama-Coushatta Tribes. In 1976, he directed an extensive exhibition program for the tribe's museum at their reservation 90 miles north of Houston.

My home State has a strong Indian historical heritage, having received its name from the Alabama Indians. More than two centuries ago, the Alabamas and the Coushattas were inhabiting the area from Selma to Wetumpka as members of the Upper Creek Confederacy. After the Treaty of Paris in 1763, many members of the two tribes migrated first to Louisiana and then to east Texas.

Being named to tribal membership is quite a signal honor for Tom DeJarnette, Mr. President, and I commend him on this recognition.

TRIBUTE TO BETTY HAMBURGER

Mr. SARBANES. Mr. President, one of the great advantages of being in public office is the opportunity it affords to work with individuals of the highest merit. Thus, it is with a great deal of personal and professional pleasure that I commend to my colleagues' attention the forthcoming testimonial to Betty Hamburger, one of the most extraordinary and forcefully compassionate members of the community of Baltimore. A pioneer and tireless champion for the rights and well-being of the senior citizens of our Nation, Betty Hamburger has devoted the majority of her considerable skills and energy since her retirement in 1969 to improving the lives of those people who have given so much to their communities and country over the years.

Admired and respected by all who have had the privilege of knowing and working with her, Betty Hamburger's career has been as diverse as it has intense. A native of San Francisco, Mrs. Hamburger is a graduate of Barnard College and holds a master's degree in political science and international law from Columbia University. She married Isaac Hamburger in 1927 and moved to Baltimore where she took courses leading to a doctor's degree from Johns Hopkins University. While a housewife and mother of two sons, she did freelance feature writing and gave lectures; in 1936, she wrote the book "Watchmen of the Night."

At the beginning of World War II, Mrs. Hamburger went to work in the family department store—Baltimore's oldest men's clothing retailer—where she was alternately an interpreter of Government regulations, buyer, comptroller, advertising manager, and finally the vice president until her retirement in 1969. In 1959, she was honored as the "Ad Woman of the Year" by the Women's Advertising Club of Baltimore.

As a volunteer, Betty Hamburger's life has been equally full. She has taken active roles in the Community Chest, the Maryland Federation of Women, the National Association of Christians and Jews and the Barnard College Club of Maryland. She has done publicity work for the Associated Jewish Charities and the Jewish Community Center; she has served as president of the Jewish Educational Alliance and the Jewish Community Center, as well as on the boards of the Maryland Conference of Social Concern and the Associated Jewish Charities. The awards she has received for such distinguished service are numerous.

At the age of 65, when many are looking toward retirement, Betty Hamburger launched herself into a whole new arena by becoming a researcher for Ralph Nader's political action group. This involvement subsequently led to an appointment to the Maryland State Commission on Aging and an instrumental role in the founding of Maryland Advocates for the Aging 8 years ago; she served as its president for 5 years. Advocates for the Aging is affiliated with the Gray Panthers; its title was selected because its membership is not limited to seniors and therefore brings in people of all ages who are interested in social issues.

As an articulate and hardworking activist, Mrs. Hamburger is a tremendous force for dramatizing senior citizen issues and getting results at all levels of government. What makes her even more effective is the contagion of her enthusiasm. She gets excited, for example, about lobbying for legislation which would insure that nursing homes not meeting standards be put into receivership with a competent administrator rather than closing them and dislocating all the patients. It is this enthusiasm which is responsible for meaningful reforms in our country.

Betty Hamburger's passionate commitment to the needs of older Americans—and her example of dedication and commitment—is an inspiration to us all. I personally have been the beneficiary of her wisdom and counsel throughout the years and feel very privileged to call her my friend. She has enriched our lives both by her many good works and by her spirit. Mr. President, at this point in the RECORD, I would like to have reprinted a brief section of an article which appeared in the Baltimore Evening Sun on June 2, 1981. Entitled "When Children and Youthfulness Fly the Coop," the interview recorded by reporter Phyllis Brill states Betty Hamburger's own philosophy on aging; in so doing, it captures as well the spirit and vitality of this extraordinary woman.

When asked when she first realized she was aging, when it first truly hit her, she just laughs. She cannot remember her first gray hair or her first wrinkle. She cannot even tell you how many years now she has been a widow. The past is not so important to her, she lives in the future.

I tell people gray hair is a crown of glory and wrinkles are a sign of honor.

SUPPORT FOR ITEM-VETO GROWING

Mr. DIXON. Mr. President, I am very pleased to see a rising level of interest in the notion of giving the President of the United States an item-veto power. I read with great interest the comments of my good friend and colleague, Senator MATTINGLY, who introduced two item-veto measures yesterday. I also want to note that a number of item-veto proposals have been introduced in the House of Representatives.

As Senator MATTINGLY pointed out in his statement, there seems to be a rising level of interest in the administration regarding the item-veto concept. Secretary of the Treasury Regan spoke strongly in support of granting the President item-veto authority earlier this week.

It is important to remember, however, that the item-veto is not, and should not become, a partisan issue. I did not offer an item-veto proposal in the last Congress, and offer it again in this Congress, because I want to give a Republican President more power, and take away power from the Democrats in Congress. Rather, I think that both the President—whether Republican or Democrat—and the Congress—whether controlled by Democrats or Republicans—will benefit from a mechanism that will help to encourage more responsible budgeting. Most Importantly, the average American will benefit, because an item-veto will help reduce the pressures that have given us $200 billion deficits as far as the eye can see.

Most of the States give their Governors item-veto power. Democratic Governors and Republican Governors make use of it every day. Democratic legislators and Republican legislators work effectively and efficiently under constitutions that give their executives item-veto authority.

Mr. President, many of the other item-veto proposals now pending before Congress differ significantly from my own. My proposal uses a constitutional majority override standard for item-vetoes; other proposals use a two-thirds standard. My proposal is a constitutional amendment; others have introduced constitutional amendments and proposed statutes.

I think the issues raised by the various proposals are important and worthy of serious attention. What is most important, however, is that the concept of an item-veto is increasingly viewed as a workable means for attacking our serious budget problems.

Most Governors could have told us decades ago that the item-veto works. Congress has been rather late in getting the message, but at long last, it seems, we are beginning to pay attention to an idea whose time has come. So I welcome my colleagues' interest. I solicit their support. Working together, we can make the item-veto part of the law of the land, and begin to restore needed discipline and restraint to the budget process.

Make no mistake. While the item-veto alone will not solve our $200 billion annual deficit problem, it can make a noticeable difference. It will help insure that fiscal responsibility is not just something that is talked about, but is something that the Government of the United States begins again to live by.

THE TRICENTENNIAL ANNIVERSARY YEAR OF GERMAN SETTLEMENT IN AMERICA

Mr. THURMOND. Mr. President, on October 6, 1683, 13 German Mennonite families arrived at Philadelphia after a long and dangerous journey across the Atlantic Ocean aboard the vessel, *Concord*. Escaping religious persecution, these courageous individuals risked their lives to find a better existence in America.

Three hundred years later, we celebrate this humble beginning of the first organized settlement of German immigrants in our land. President Reagan, with the authorization of the 97th Congress, designated 1983 as the "Tricentennial Anniversary Year of German Settlement in America."

In addition to recognizing those early German pioneers, this designation is also an appropriate affirmation of the vital relationship which exists between the United States and the Federal Republic of Germany. One of the primary purposes of the tricentennial is to salute the countless contributions that German Americans have made to strengthen our economic, political, social, and cultural way of life.

In an effort to encourage nationwide participation in the tricentennial celebration, the joint resolution passed during the 97th Congress established a Presidential Commission to plan and coordinate activities promoting this event. As President pro tempore, I had the privilege of recommending to the President, in consultation with the majority and minority leaders. 10 individuals who would serve on this important panel. The Commission, comprised of 40 outstanding leaders from across America, have done a magnificent job of stimulating public interest in the 300th anniversary of German-American relations. Their organizational efforts deserve our deepest gratitude and commendation.

Mr. President, since 1683, 7 million Germans have chosen to make America their home. Sixty million Americans of German descent make up our Nation's largest ethnic group. Nearly 30 percent of our citizens claim German ancestry, including myself. My own roots may be traced to Germany, as my name, Strom, originally spelled Straub, suggests. The ancestors of my mother, Eleanor Gertrude Strom Thurmond, arrived in South Carolina along with other German Palatines in 1764. I am proud of my German heritage and I consider it an honor to be associated with a people whose contributions have so greatly shaped the course of American history.

Throughout my home State of South Carolina, the German-American influence is greatly felt. South Carolinians consider themselves fortunate that German-based industries have chosen the resource-rich Palmetto State to locate. As vital members of our industrial community, German businesses have bolstered our economy in many ways. In fact, the German-American Chamber of Commerce notes that, on a per capita basis, South Carolina has one of the largest concentrations of German enterprise in the country. Aside from business matters, Charleston has one of the oldest German societies in the United States.

Indeed, the people of West Germany and America have much in common. Our alliance is based on common values of democracy, individual liberty, and opposition to any force which threatens our freedoms. In 1961, an enemy of freedom made an indelible stain on Germany when the Government of East Germany at the instigation of the Soviets, erected a wall in Berlin, creating a totalitarian prison for its people. The Iron Curtain continues to stand as a terrible symbol of oppression, and its presence is a dark reminder to West Germany and the entire free world of the evils of communism.

Mr. President, on the 22d anniversary of the Berlin Wall, the mayor and city council of Charleston adopted a resolution expressing their hope that the Iron Curtain will one day be dismantled. I ask unanimous consent that this proclamation be included in the RECORD at the conclusion of my remarks.

Fortunately, West Germany remains free, and we have been honored to have its leader, President Karl Carstens, and his wife, and others including Ms. Annemarie Renger, Vice President of the Bundestat, visit America during this tricentennial. Yesterday, President Carstens reaffirmed his country's support for the United States in a joint meeting of both Houses of Congress. I was pleased to request, along with House Speaker O'NEILL, that this meeting of historical significance take place.

Mr. President, I am sure that all freedom loving Americans and Germans join me in the hopes and prayers that peace and freedom will reign in Germany, and that our friendship and mutual respect will continue to grow in the centuries to follow.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, on August 13, 1961, the Government of East Germany, in total disregard of treaty obligations and international law, erected a wall in the City of Berlin; and

Whereas, by doing so, Germans living in East Berlin are prevented from moving freely in their city; and

Whereas, it is altogether fitting and proper that we call attention to the somber anniversary of The Berlin Wall; and

Whereas, by doing so we pay respect to the many citizens of Charleston of German origin who have made valuable contributions to the quality of life in our city: Now, therefore, be it

Resolved, That the Mayor and City Council of Charleston express our solidarity with the citizens of Berlin and hope the day will come when the wall is dismantled and that Berliners will once again breathe the sweet air of freedom.

ROBERT McCLORY'S ARTICLE, "WAS THE FIX IN BETWEEN FORD AND NIXON?"

Mr. THURMOND. Mr. President, I would like to bring to the attention of our colleagues an article by Robert McClory, a former member of the House of Representatives. The article is entitled "Was the Fix In Between Ford and Nixon?", and it appeared in a recent issue of National Review.

Mr. McClory's article is an excellent refutation of allegations made by Seymour Hersh in an article in the August edition of Atlantic. Mr. Hersh accuses the former Presidents of striking a deal whereby Nixon would resign and

Ford would pardon him after becoming the President. Mr. Hersh's entire calumnious attack hinges upon our acceptance at face value of the reliability of an unidentified source.

Mr. McClory does not rely on such tactics. He quotes Carl Albert, the former Speaker of the House, PETER RODINO, chairman of the House Judiciary Committee and Leon Jaworski, the Special Prosecutor. We owe a debt of gratitude to Mr. McClory for bringing the truth about this matter to light.

Mr. President, I ask unanimous consent that Mr. McClory's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the National Review]

WAS THE FIX IN BETWEEN FORD AND NIXON?

(By Robert McClory)

Seymour Hersh's article, "The Pardon," in the August Atlantic, presents a dramatic tale of illegal activity and political intrigue behind the decision of former President Gerald R. Ford to grant a full pardon to Richard Nixon.

Hersh's story hinges on dozens of questionable assertions, unidentified sources, clandestine conversations, and unsupported allegations by some of Ford's bitterest political enemies. It is more suitable as the scenario for a Hollywood thriller than as an informed account of what actually happened. Hersh tried to make the case that a top-level "deal" was struck whereby Nixon would resign the Presidency if Ford—when he became President—would grant Nixon a full and complete pardon.

The "deal," Hersh insists, was consummated during an alleged telephone conversation between Ford and Nixon on September 7, 1974, a month after the resignation, in which, Hersh says, Nixon threatened "to go public" and claim that Ford had promised the pardon in exchange for the Presidency.

At the heart of Hersh's tale is the most sacred of journalistic cows—the unidentified source. In other disciplines, such as science and law, the unidentified source is regarded as no source at all. The naming of credible sources is considered an essential ingredient in discovering the truth. In a court of law, information provided by second-hand or unidentified sources is treated as hearsay and is not admissible as evidence. In Hersh's brand of journalism, facts, sources, and evidence are whatever the author says they are.

The real story behind the resignation and the decision not to subject Nixon to criminal prosecution, at least on the congressional level, has nothing to do with Hersh's cloak-and-dagger melodrama.

As the second-ranking Republican on the House impeachment committee in 1974, the author of one of the Articles of Impeachment (Article III), and the co-author (with Congressman James Mann (D., S.C.) of another (Article II), I was one the principal actors in the events surrounding the investigation of Nixon.

After voting to impeach the President, I issued a statement to the press urging his resignation. I was present throughout the House Judiciary Subcommittee's hearings on the Nixon pardon, including President Ford's unprecedented, and voluntary, appearance before our committee—the first time that a President has testified before a committee of Congress during the period of his Presidency in more than a hundred years.

Richard Nixon was the only President of the United States to resign. His resignation, at noon on Friday, August 9, 1974, came less than 48 hours after he had vowed to members of his Cabinet that he would not resign. What happened in the House of Representatives during that 48-hour interval merits close scrutiny.

The House Judiciary Committee, including seven Republicans, had voted on July 30 to recommend three Articles of Impeachment that the full House seemed certain to adopt. A few days later, the committee received the transcript of the incriminating June 23, 1972 taped conversation that contained the "smoking gun" segment conclusive evidence of Richard Nixon's dominant role in the Watergate coverup, and other elements of the obstruction-of-justice charge. This evidence was so damaging that such hard-line Nixon supporters as Congressmen Charles Wiggins (R., Calif.) and Edward Hutchinson (Mich.), the ranking Republican on the committee, who had voted against impeachment, indicated that they would vote for impeachment when the Articles came before the full House. What little support Nixon had in Congress before the June 23 revelations had collapsed.

Meanwhile, chairman Peter Rodino and I, and several other Judiciary Committee members, were formulating a plan for the floor debate to present to the House Rules Committee. Rodino, Speaker Carl Albert, and I had agreed that there would be live national television coverage of the House debate, which was expected to take two full weeks, starting at noon Monday, August 26.

On Tuesday, August 6, in Rodino's office in the Rayburn Building, Rodino and I discussed an equal division of the time between Democrats and Republicans. He seemed favorably inclined toward such a division. The meeting was also attended by Democratic committee members Don Edwards (Calif.) and Bob Kastenmeier (Wisc.), and Republicans Tom Railsback (Ill.) and William Cohen (Me.), Jerome Zeifman, chief majority counsel for the Judiciary Committee, and Frank Polk, the committee's chief minority counsel. My recommendations, which seemed likely to be adopted, would allot each member of the House five minutes to discuss the Articles of Impeachment; members of the Judiciary Committee would have ten minutes each. The time would be broken into 397 segments of five minutes each and 38 segments of ten minutes each, for a total of about forty hours. Richard Nixon would become the center of the most damaging criticism suffered by an officeholder in the nation's history for five hours a day over a two-week period.

During the discussion in Rodino's office the bells sounded for a quorum call, bringing our formal meeting to an abrupt end. The committee counsel departed, as well as Congressmen Railsback, Cohen, and Kastenmeier. Rodino asked me to stay for a minute, Congressman Edwards also remained.

Rodino began: "Say, Bob, got your press release urging the President to resign." He continued: "I'm all for it. See what you can do. It would save us all a lot of trouble. The damage to the country will be terrible if this all goes on TV. Think what it would do around the world. If he resigns, we can drop all this, the impeachment, the threat of criminal proceedings. If he quits, that's the end, that's it."

I replied: "Pete, I'm glad you feel as you do, and the way you're talking to me, it sounds as though you want me to communicate your views to the people on my side."

Rodino answered, "Of course. You tell your guys that if he quits, we'll drop the impeachment, and there should be no criminal proceedings."

I was completely unprepared for Rodino's overtures. But was he simply speaking off the cuff or, at least, off the record? I asked him if others felt the same way—and whether I should report his position to "my guys."

Congressman Edwards volunteered, "Bob, I feel the same way. If Nixon resigns, he's through. No impeachment. No criminal prosecution. That's my position."

I placed great reliance on Edwards's statement. He had been a key figure in encouraging Rodino's fairness as chairman of the Judiciary Committee during the impeachment hearings. A one-time Republican, Edwards had switched parties and at one point served as head of the Americans for Democratic Action. A genuine liberal with an unbroken record of adherence to constitutional and civil rights, Edwards joined Republicans in insisting that Richard Nixon had a basic right to counsel during our Judiciary Committee hearings and that Nixon's counsel, James St. Clair, could examine and cross-examine witnesses during our closed executive sessions. I felt Edwards's support of the resignation movement reflected the prevailing attitude of the Democrats on the committee.

But did it reflect the position of the Democratic leadership? There was nothing to do but ask. So I said, "Pete, what about the Speaker? How does he feel about this?"

Rodino then told me that he had already talked with the Speaker, and that "he feels the same way." "Do you mind if I talk to the Speaker about this?" I asked.

Rodino replied. "No. You can talk to him right now." We hurried to the Capitol and walked onto the House floor near the end of the quorum call. Speaker Carl Albert was standing on the Democratic side of the rostrum, as was customary, awaiting an announcement by the chairman of the House that the members would rise, at which time the Speaker would take his seat on the rostrum.

My conversation with Speaker Albert was brief, but it confirmed what Congressmen Rodino and Edwards had told me: If Richard Nixon would resign, the impeachment would be dropped and the Speaker would argue against any criminal prosecution. The Speaker interposed a clear caveat—which I recall as though he had uttered the words today: "Of course, we have no authority over the criminal proceedings. That is in the hands of the special prosecutor. It's up to [Leon] Jaworski—and the Judiciary. But, sure, my advice would be to drop the whole thing—the impeachment and the criminal prosecution." This, of course, was true.

The Speaker added that the impeachment proceedings in the House and a trial of a President of the United States in the courts would be very damaging. "He ought to resign."

I made it clear to the Speaker that I was going to communicate his position "to the people on my side." The Speaker said, "Sure," as he left to take his seat on the rostrum.

I puzzled on how best to communicate this advice to the White House.

I looked but couldn't find the Republican Leader, John Rhodes, so I thought of Bill Casselman, my former legislative assistant,

who had worked at the White House during the first four Nixon years. He was now counselor to Vice President Gerald Ford.

I reached Casselman in the Republican Cloakroom at about 3:30 p.m. and recounted briefly my conversations with Rodino, Edwards, and Speaker Albert. Casselman told me that Ford wanted nothing whatever to do with any possible Nixon resignation; he didn't even want to discuss the subject. In sum, Casselman said that he couldn't talk to Ford about this subject, and he felt it would be inappropriate for him to communicate the information to the White House.

Casselman then suggested that Bill Timmons, a Nixon aide, might be the right person for me to talk to. He said he would have Timmons call me. At 4:20 p.m. I received a call in the Republican Cloakroom from Timmons. I told him the whole story, beginning with the discussion in Rodino's office about the live television debates covering the three Articles of Impeachment. Then I described Rodino's overtures, Congressman Edward's assent, and finally my discussions with Speaker Albert.

Timmons told me that at that very moment Congressman John Rhodes and Senators Barry Goldwater and Hugh Scott were talking to the President in the Oval Office. Timmons was speaking from the adjoining room.

"I know the President is not interested in any plea bargaining," Timmons told me, "but I feel that he would be interested in what you are telling me. At any rate, as soon as Mr. Rhodes and Senators Scott and Goldwater leave, I will report what you have told me directly to the President." This Timmons did. During the discussion the President had with Rhodes, Scott, and Goldwater, the subject of resignation was never mentioned.

The next day, Richard Nixon stunned the nation by announcing that he would resign the Presidency. His statement made no reference, of course, to the assurances that had been communicated to him. The decision, according to Nixon, was made because his "base of support" in the House and the Senate had diminished to the point where his vindication in impeachment proceedings seemed most unlikely. While admitting mistakes, he appeared to express no sense of guilt.

Impeachment is the sole method of removing from office a President of the United States or persons in the executive or judicial branches of government. Although in Great Britain impeachment procedures permitted the House of Lords to impose penalties (including the death sentence) on kings and lesser wrongdoers, our American system has clearly established that the only penalty the Senate may impose in an impeachment trial is "removal from office." Even if action in the House and Senate would have proceeded to a final conclusion, Richard Nixon could suffer no penalty at the hands of Congress other than his removal from office.

Special prosecutor Leon Jaworski's position on the issues of the resignation and pardon coincided with the views of Speaker Albert and Chairman Rodino, as expressed to me that August afternoon. About a month after the pardon, in an interview with Karen J. Elliott of the Wall Street Journal, Jaworski said he saw nothing wrong with President Ford's decision to pardon Richard Nixon. "If Mr. Nixon's case had been allowed to proceed to indictment and trial, the public would have learned nothing more about the President's role than will come out in the trials of his former aids," he told Miss Elliott.

Jaworski further confirmed that if Richard Nixon had been charged and tried, his trial would not have come up for many months.

When Gerald Ford appeared before a Judiciary Subcommittee on September 8, 1974 to explain his pardon of Richard Nixon, he said he did it to "change our national focus." He added: "I wanted to do all I could to shift our attention from the pursuit of a fallen President to the pursuit of the urgent needs of a rising nation."

Does Hersh dispute this? Does he claim that a trial of Richard Nixon in a criminal court would have been good for the nation?

Many regard the pardon as the single act that lost Ford the presidential election in November 1976. Obviously, he was conscious of the risk. He assumed the responsibility for making that decision.

The tragedy of Seymour Hersh's dramatic tale is that a man of courage and dedication, Gerald R. Ford, is recklessly presented as a co-conspirator with Richard Nixon, intent upon obstructing justice. Only a handful of congressmen, all bitter political enemies of Gerald Ford, supports such a conspiracy theory, and none has offered any evidence to support it.

Former Representative Bella Abzug, a compulsive Ford opponent, charged in testimony before the House Judiciary Committee that if Ford had offered to pardon Nixon in exchange for Nixon's agreement to resign the Presidency, then "conceivably Mr. Ford could be charged with accepting a bribe, which is an impeachable offense."

When cross-examined by Representative David Dennis (R., Ind.), who asked her, "Do you have any evidence whatsoever to support those suspicions?" Mrs. Abzug replied, "No, and I make it very clear, Mr. Dennis, that I make no judgment here as to whether these suspicions are justified."

Yet Hersh expects readers to share his faith in Congresswomen Bella Abzug and Elizabeth Holtzman and Congressman John Conyers. Hersh conveniently ignores the fact that the Democratic leadership had divorced itself from the position taken by these three.

President Ford acknowledged to the Judiciary Subcommittee that on August 1, 1974 he met twice (eight days before the Nixon resignation) with Alexander Haig Jr. and discussed the damaging evidence against Nixon in the June 23, 1972 "smoking gun" tape.

Haig told Ford that he was presenting various options to Nixon: a) resignation, b) temporary reliquishment of the Presidency as authorized by the 25th Amendment, and c) Nixon's possible pardon of himself and other Watergate defendants to be then followed by his resignation.

Although Haig had elicited Ford's views on the various options, Ford called Haig the next day (August 2) to advise him that he (Ford) did not intend to make any recommendation as to what Nixon should do about resigning or not resigning.

These two contacts with Haig seem to be undisputed, even by Hersh.

In his testimony before the Judiciary Subcommittee, Ford declared flatly: "At no time after I became President on August 9, 1974 was the subject of a pardon for Richard M. Nixon raised by the former President or by anyone representing him."

At his first press conference as President on August 20, 1974, Ford anticipated possible questions on the subject of the pardon. After denying any negotiations on that subject, Ford added that "the general view of the American people was to spare the former President from a criminal trial."

Ford continued: "Shortly afterward, I became greatly concerned that if Mr. Nixon's prosecution and trial were prolonged, the passions generated over a long period of time would seriously disrupt the healing of our country from the wounds of the past."

This, indeed, is the view that prevailed in Congress and in the country.

Ford's erstwhile political ally, former Secretary of Defense Melvin Laird, questioned not the pardon but the timing of the pardon. So did I.

But none of those with whom I discussed the Nixon resignation would have demanded Nixon's prosecution. They supported the resignation as an alternative to the trauma of an impeachment trial by the Senate or the criminal trial of the former President.

On August 11 of this year, I telephoned Gerald Ford to ask him about the Hersh piece. He found it grossly "unfair" and told me he had offered Hersh all the logs of telephone calls received at the White House for the period about which the charge of a Nixon call was alleged to have occurred. But Hersh refused to examine this record. When I asked the former President about the existence of an "unmonitored" call, as Hersh suggests, he replied, "Hogwash."

The fundamental fact is this: There is no evidence anywhere of a telephone call to President Ford in the early evening of September 7, 1974, from an angry Richard Nixon, 29 days after he had resigned as President of the United States, demanding a pardon.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DAIRY AND TOBACCO ADJUSTMENT ACT OF 1983

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now resume consideration of the pending business, S. 1529, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 1529) to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 2293, AS MODIFIED

(Purpose: To modify the dairy production stabilization and promotion programs)

Mr. MOYNIHAN. Mr. President, I wish to modify the amendment which is at the desk, on behalf of myself and Senator HATCH, and I send the modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment, and the amendment is so modified.

The amendment, as modified, is as follows:

On page 2, beginning on line 8, strike out all that follows through line 9 on page 19 and inset in lieu thereof the following new section:

DAIRY PRODUCTION STABILIZATION

SEC. 102. On the first day of the month following the enactment of this Act, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended—

(1) by striking out subsection (d);

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The price of milk shall be supported, through purchases of milk and the products of milk, at such level, not less than $11.60 per hundredweight for milk containing 3.67 per centum milk fat, as the Secretary determines necessary in order to assure an adequate supply of milk to meet current needs, taking into consideration the net price-support purchases of milk or the products of milk by the Commodity Credit Corporation during the preceding fiscal year. Such level shall be established by the Secretary at the beginning of each fiscal year.".

On page 23, line 8, strike out "order. Such order shall become effective" and insert in lieu thereof "order as soon as practicable, but".

On page 27, line 22, strike out "10 cents" and insert in lieu thereof "15 cents".

On page 31, strike out line 20 and all that follows through line 11, page 32, and insert in lieu thereof:

"SEC. 115. (a)(1) Within thirty days following the issuance of an order under section 112, the Secretary shall conduct a referendum among producers who, during a representative period (as determined by the Secretary), have been engaged in the production of milk for commercial use in order to determine whether such producers favor the implementation of a dairy promotion program.

"(2) If at least one-half of the eligible producers vote in the referendum and at least two-thirds of the eligible producers voting in the referendum favor the implementation of a dairy promotion program, the Secretary shall issue a dairy products promotion and research order.

"(3) If more than one-half of the eligible producers fail to vote in the referendum or less than two-thirds of the eligible producers voting in the referendum do not favor the implementation of a dairy promotion program, the Secretary may not issue a dairy products promotion and research order.".

Mr. MOYNIHAN. Mr. President, I rise today to offer an amendment on behalf of myself and my distinguished colleague from Utah, Senator HATCH, to provide a long-term solution to the critical dairy surpluses we confront today. I am pleased that Senators THURMOND and HOLLINGS join us in introducing this amendment.

Let me begin by commending the members of the Committee on Agriculture for their many hours of diligent work on this most difficult issue. The problem of surplus dairy production is quite complex, and the import of any modification of the price support program will vary from region to region. The amendment Senator HATCH and I propose today represents a fair and workable solution to the present crisis.

The cost of the dairy price-support program has grown with the Federal deficit, more than ten-fold, from $250 million in fiscal year 1979 to some $2.7 billion in fiscal year 1983. Today, the Federal Government finds itself the reluctant owner of a hugh and growing surplus of dairy goods, for which there simply is no market. On April 1 of this year, the Commodity Credit Corporation (CCC) owned 420 million pounds of butter, 758 million pounds of cheese, and 1.2 billion pounds of nonfat dry milk. The Government's cost to transport, handle, and store the commodities came to $112.8 million in fiscal year 1982.

In the 1982 Omnibus Budget Reconciliation Act, Congress tried to reduce the quantities of surplus milk products to lower the cost of the dairy price-support program. To do so, Congress authorized the Secretary of Agriculture to collect two 50-cent assessments on the sale of every hundredweight, or hundred pounds, of milk marketed commercially.

Mr. President, these assessments are a most extraordinary phenomena. The American Government is seeking to reduce the costs of the dairy price support program by imposing a tax on food. A tax, I might add, that is both unnecessary and counterproductive. It matters not that the money comes from the farmer's paycheck, or the consumer's at the checkout counter, it is a tax, pure and simple. This is the character of the $1 assessment per hundred pounds of milk—9 cents per gallon—levied on dairy production this year.

What has the tax accomplished?

Dairy production has risen steadily since the first assessment was imposed. This past June, our farmers were milking 20,000 more cows than last January, and milk production was up between 2 and 4 percent. Dairy farmers are producing more milk to compensate for $1.2 billion in income lost annually to the tax assessment. It is not, in short, reducing the surplus of milk production.

To be sure production has been reduced in one area: Small family farmers have been driven out of business. This reduction, a tragic one, has been more than offset by the overall increases in production by large producers.

We offer a simple remedy: Repeal the tax on milk, repeal the assessments. Let the Secretary of Agriculture reduce the price supports, at his discretion, to $11.60. And give dairy men and women a direct voice in whether they want to participate in, and help fund, a national promotion campaign for dairy products.

By repealing the assessment, we will eliminate the incentive for dairy farmers to increase production at a time of high surplus. In this way, we can reduce the surpluses while ending the tax on milk. Dairy farmers will be more profitable, and milk, butter, cheese, and other dairy products will cost the consumer less.

This offer is the most efficient and equitable means to reduce our current surplus and the attendent costs of the support program. Every region of the country will share the burden, and all sectors of the dairy industry will be encouraged to seek ways to expand the milk market. Our amendment has the support of a wide array of organizations representing interests of dairy farmers, manufacturers, and consumers including the American Farm Bureau, Food Marketing Institute, Milk Industry Foundation, National Independent Dairy Foods Association, Public Citizen/Congress Watch, and the Public Voice for Food and Health Policy.

I would inquire of the distinguished chairman of the committee does he wish to consider a time agreement at this point or at some later point after we have begun our discourse?

Mr. HUDDLESTON. If I might respond, Mr. President, to the Senator from this side of the aisle, we are not quite ready to explore the time agreement. We should be in just a few minutes.

Mr. MOYNIHAN. In that case, Mr. President, I will make just a few opening remarks and then turn to my colleague in this matter. First I ask unanimous consent that the junior Senator from Washington (Mr. EVANS) not be listed as a cosponsor.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. MOYNIHAN. Mr. President, there are a few things to be said in sum on this subject: The first is that the dairy price support program, as with all major agricultural programs, has grown fantastically in cost over the last 4 years.

The idea that a 1980 cost total of about $4 billion should have risen to $23 billion in the space of 3 years is a record of mismanagement and miscalculation. You would have to go back to Pearl Harbor to find even a military analogy, for none exists in the area of farm policy.

The specifics of the dairy price support program are that a Federal Government deficit of $250 million in fiscal 1979 has grown to $2.7 billion in fiscal 1983.

Mr. HUDDLESTON. Mr. President, will the Senator yield—and I apologize for interrupting—will the Senator explain the modification of his amendment?

Mr. MOYNIHAN. The modification is basically technical.

Mr. HUDDLESTON. The change is the effective date?

Mr. MOYNIHAN. The modification changes the effective date so the amendment could take effect on the first day of the month following enactment.

The cost of a program of $250 million in fiscal 1979 grew 10 times by fiscal 1983 to $2.7 billion. This is a program that has failed and is failing. The Federal Government's accumulations of butter, cheese and nonfat dry milk—420 million pounds, 758 million pounds, and 1.2 billion pounds, respectively—indicates the failure of this program. The government's cost merely to transport, handle, and store, is now over $112 million.

It has led to an absurdity in modern government. Dairy farmers are producing more than can be consumed and storing it at ever greater costs. In 1982, in the Omnibus Reconciliation Act—a term we are going to come to view with fear and loathing in this Congress as each successive Omnibus Reconciliation Act turns out to have 15 wholly unanticipated and absolutely calamitous provisions unknown to the Senators voting for them—for the first time in the history of the Nation, if I am not mistaken, we put a tax on food. Not just the exotic foods, not just marginal food which for some reason we wish to discourage consumption, but we put a tax on milk.

Now, think of milk and think how elemental a food it is. I live on a dairy farm in a dairy-producing part of New York State. The idea of raising the price of children's school lunch milk as part of a farm program is difficult for me to comprehend. This money goes to the general funds of the Treasury. And this is not the administration's work, as such. I do not want to make any political allegations here at all.

But now, Mr. President, something worse has happened, something worse could be about to happen. We are about to extend to the dairy industry a program which has so desperately affected the general production of grains and other such commodities in this country. While there is a shortage of food, in a period after the worst drought in 50 years, the Department of Agriculture pays people in kind for not growing food.

I do not wish to raise moral issues on this floor, but it seems to me there is something sinful about being paid not to produce food. I just do not know how we ever got into it. The economic catastrophe in the 1930's, when a vastly greater proportion of the population lived on farms and demand levels in the urban areas had collapsed required drastic measures. Even so, I cannot forget from my childhood the derision that was directed toward the paid diversion at the time.

The paid diversion program is said to be temporary. It will never be a temporary program. Coal mining apart, there is not a harder job in this country than dairy farming. Dairy farmers work 16-hour days.

The proposal we have before us would pay the farmer $10 per hundredweight of milk not to milk cows. Anyone who has ever been in a barn in upstate New York at 4 o'clock on a cold February morning, who calculates the benefit-cost ratio of being there, will perfer to stay in bed and receive $10 for doing so. That person will not go back into his barn, and this legislation will never end.

We have heard of the formidable powers of the milk lobby to influence events on the floors of the two bodies. They can say to their constitutents: "We have got you a genuine, guaranteed income. Just live on what was a dairy farm and say that you milked 400 cows night and day. Just sit there and draw your money. It will come in large sums regularly, as regular as a milk check, and larger than a milk check." And everything comes in and nothing goes out. It defies reason that we should think it right to do this.

This is called the dairy PIK program in the parlance of our present discourse—the PIK program entailing payments-in-kind for farmers not to produce.

Now, Mr. President, I live on a dairy farm. I have a neighbor, Eric Meyerhoff, who has a large and successful farm. He uses some of our fields. He said to me 3 weeks ago that for the first time in his long life of farming he called the grain dealer in Syracuse from whom he gets his corn, and the grain dealer said, "I don't have any. I have none to sell."

Why do the grain dealers not have any? Because nobody grew any. Why did the farmers not grow any? Because they were given the corn instead of growing it. And those that did grow found themselves faced with the worst drought in 50 years in the corn areas of the country. Western New York is one such area.

The price of corn is going to go up by 40 percent. Soybeans, I am told, as much as 60 percent. And now we are going to do the same thing to milk. The Agricultural Stabilization Conservation Service of the Department of Agriculture estimates that this diversion program will cost $1.194 billion in the coming fiscal year.

Mr. President, we have two absurd choices. We can pay $1.354 billion for the assessment, or $1.194 billion for diversion.

Senator HATCH and I offer a direct alternative, which is to lower the price support to $11.60; lower the level at which the Secretary of Agriculture can set that support; let the market work; stop taxing consumers for basic staples of their diet: milk, butter, and cheese; stop paying American farmers for not doing what they do so well, which is to produce. Simply let the market set the price.

If there is a serious case to be made against that, I do not know it. If the Members of this body want to start another program of paying farmers not to produce food, and then go out and say that this has been a period of cutting back Government activities, I am baffled. I am without any coherent response. It would have to be an act of folly.

I have now made my opening statement, Mr. President. My colleague is on his feet. I will at this point yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I would like to express my sincere appreciation for my colleague's remarks. Senator MOYNIHAN certainly covered this matter to a large degree. I would also like to express my sincere appreciation to the majority leader, to Senator DOLE, Senator HUDDLESTON, and others, for their efforts in bringing this bill to the floor. I know that similar sentiments were expressed last evening when a unanimous-consent agreement was finally reached. I would be remiss if I did not add my own.

I welcome the opportunity to debate this issue and I am confident that the dairy farmers across the Nation are equally delighted that this issue is now before us.

Mr. President, as we all know the dairy price support program has caused a great deal of controversy across the country within the last 2 or 3 years, particularly within the last 10 months.

After Congress passed the 50 cent assessment program last fall, angry dairy farmers in several States, outraged at the program because of its inequity and ineffectiveness in reducing production, filed suit against the government in an effort to prevent the assessment's implementation.

Farmers in my home State of Utah felt so strongly about the issue they filed suit in two separate States. In fact, the Utah State Legislature was so incensed by the program they passed a resolution calling for its repeal.

Mr. President, I ask unanimous consent that a copy of that resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

MILK PRODUCTION TAX RESOLUTION

Whereas, Congress recently authorized the Department of Agriculture to impose a 50 cents per hundredweight assessment on milk production;

Whereas, an additional 50 cents per hundredweight will be imposed on April 1, 1983, if surpluses are not below an acceptable level;

Whereas, this assessment will cost a small dairyman up to $40 per day for every 100 cows, or more than $14,000 per year;

Whereas, the stated purpose of the assessment is to reduce production, but is in fact counterproductive to reducing milk surpluses and unfairly penalizes the small dairyman;

Whereas, most family dairy operations are experiencing very difficult economic times and this assessment will be devastating to dairy operators in Utah; and

Whereas, a proper means of stopping overproduction would be to phase out the Price Support Program and let the free market prevail; Now, therefore, be it

Resolved by the General Session of the 45th Legislature, That the Congress of the United States be requested to repeal this repressive assessment on dairy production and develop a plan to phase out the price support system; and be it further

Resolved, That the Lieutenant Governor forward a certified copy of this resolution to the Speaker of the House of Representatives and to the President of the Senate of the Congress of the United States and to each member of Utah's delegation to Congress.

Mr. HATCH. Their furor with the assessment and with the Congress inability to address this issue has now risen to a thundering roar as producers begin to pay the full dollar required by that law.

The inequity of the current program is, I believe, apparent to all. I hear daily from dairy farmers in my home State, many of whom have never sold a drop of milk to the government. They tell me that the first 50-cent assessment took the profit out of the dairy business and the second is taking their livelihood.

This program is forcing them to do one of three things: Go out of business; increase their herds so that they make up their shortfall by increasing their marketings; or cull their cattle.

The most disturbing aspect of the current situation is the fact that while individual farmers are paying $1 to the government for every hundredweight of milk produced, processing and manufacturing plants continue to receive the $13.10 from the government for their product and are in fact very intent on keeping their plants working at full capacity.

Mr. President, I am willing to be one of the first to admit that we have a significant dairy surplus on our hands that needs to be, indeed must be resolved. But I believe this inequitable inefficient program must be repealed. On this point, there is widespread agreement. However, it is when we begin to discuss an alternative to current law that there is an honest difference of opinion.

Many long hours have been spent in forging a dairy compromise which has been suggested as the only viable alternative to the current law. This plan is embodied in S. 1529. Mr. President, I appreciate the amount of work that has gone into this compromise, but that appreciation does not extend far enough for me to accept it.

This legislation will require the establishment of an elaborate government program which will supposedly last only for a few months. Farmers will be required to establish a base year production level and farmers will be eligible to receive a $10 payment for every hundredweight of milk they choose not to produce, provided they contract with the Government to reduce their marketings between 5 to 30 percent. This plan also continues the 50-cent assessment which has been the object of several different lawsuits in order to pay for the diversion payments and will also require producers to contribute to a mandatory promotion program. The plan also calls for an initial 50-cent drop in the price support to be followed by additional cuts at later dates if purchases continue to be high.

Though well-intentioned, the program embodied in S. 1529 is a complicated, untried program that even the Department admits will be difficult to administer and even more difficult to enforce. Consequently, Senator MOYNIHAN and I are offering this amendment as an alternative to this approach.

This amendment, in contrast to S. 1529, has a historical track record; it has been tried and it has worked successfully. It will initiate a program which will be easy to administer and easy for farmers to understand, and will maintain the structure of the dairy price-support program which, by all accounts, has served this Nation well since first implemented.

This amendment will allow the Secretary of Agriculture to make adjustments in the support price at the beginning of each fiscal year. It will return the discretionary authority he had prior to 1979 to raise or lower the support price but will not allow him to lower it below $11.60.

Mr. President, some have said that $1.50 cut in the support price is too severe and too much too fast and I am sympathetic with their concerns. However, I must point out that this amendment does not decree that the price support must necessarily drop that far. Secretary Block has personally assured me that if he were granted this authority, he would use it with restraint and do only that which was necessary to reduce the dairy surplus and certainly neither Senator MOYNIHAN nor I are interested in needlessly crippling the dairy industry.

However, I would hasten to add that harsh as a $1.50 drop in the support price may sound, if such a drop were made, it would not equal the combined drop in the support price which was made in 1953–55. During these 2 years, the price support dropped 80 cents, an 18 percent decrease. A $1.50 drop in the support price today would be only a 12-percent drop.

And while I point out that this amendment does not mandate a $1.50 drop in the support price, many believe that today's problem may warrant such a drop. This may or may not be the case, but this amendment will give the Secretary the flexibility to respond to changing market conditions and adjust the program accordingly.

In fiscal year 1979, the U.S. Government was purchasing 1.1 billion pounds of milk at a cost of $250 million a year. Today, we are purchasing over 13 billion pounds of milk at a cost approaching $3 billion a year.

Between 1979 and 1982, the price support increased dramatically virtually every 6 months.

I ask unanimous consent, Mr. President, to have printed in the RECORD at this point a table which illustrates the corresponding increases in Government purchases and expenditures as the price support made its rapid ascent.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—PRICE SUPPORT LEVEL AND NET CCC PURCHASES/EXPENDITURES, SELECTED YEARS

Marketing year	Price support (per hundredweight)	Milk production (billions)	Government removals (billions)	Government expenditures (millions)
1978–79:				
Oct. 1 to Mar. 31	$9.87			
Apr. 1 to Sept. 30	10.76	$122.5	$1.1	$250.6
1979–1980:				
Oct. 1 to Mar. 31	11.49			
Apr. 1 to Sept. 30	12.36	127.3	8.2	1,279.8
1980–81:				
Oct. 1 to Sept. 30	13.10	132.0	12.7	1,974.8
1981–82:				
Oct. 1 to Oct. 20	13.49			
Oct. 21 to Sept. 30	13.10	135.0	13.8	2,239.2

Source: USDA.

Mr. BOSCHWITZ. Mr. President, what was the period the Senator referred to?

Mr. HATCH. Table 1 is the price-support level and the net CCC purchase expenditures during the market years 1978–82.

Mr. BOSCHWITZ. I thank the Senator.

Mr. HATCH. This increase, coupled with low feed prices and a strong dollar, provided a strong incentive to increase production. Government purchases between October 1978 and September 1980 increased tenfold. The caves in this country, which are filled with mountains of cheese, milk, and butter, I think are a testament to this fact.

In May alone of this year, it is estimated that the Government added 90 tons of butter, 300 tons of cheese and 1,800 tons of nonfat dry milk to our inventories at the CCC on a daily basis. In fact, we are storing enough butter

and cheese to meet the needs of approximately one-half of this Nation's population for 1 year. And we have enough dry milk to meet the needs of our country's entire populace for 2 years.

The incentive to produce has been tremendous, but let us face it, we have too many cows producing too much milk, and I believe it is in the best interest of every dairy farmer, taxpayer, and consumer in the country for Congress to address this problem once and for all. The Hatch/Moynihan amendment will do this.

The Congressional Budget Office estimates that under our proposal government purchases would fall 28.9 percent in 1984, 41.5 percent in 1985, and 58.28 percent in 1986. Under the compromise encompassed in S. 1529, or already a part of S. 1529, we cannot be sure we will get a permanent reduction in production at any time.

Many believe as I do that, while dairymen may reduce their marketings under the compromise plan, they will not necessarily reduce their herds; and in September of 1985, we will mysteriously see a number of dairy cows back into production.

In fact, the cattle and pork industry are terrified at the prospects of this plan and oppose it. The pork industry estimates that the compromise plan would result in a $90 to $180 million loss in net income to pork producers. And the cattle industry likewise anticipates severe financial loss as a result of this program, believing that dairy farmers will keep their young heifers, market their cull cows and older animals to take advantage of the diversion payments, so that when the program is terminated the total herd will not have been reduced by any significant number.

I think as a practical matter, that is what is going to happen.

In contrast, the Hatch/Moynihan amendment has a proven track record. History has shown that a reduction in the dairy price support level does reduce government purchases of excess dairy products. The price support has been lowered four times—significantly three times—1954, 1958, and 1962. On each of these occasions, CCC purchases were substantially reduced.

I ask unanimous consent to have printed in the RECORD, table 2, which covers support price in net CCC removals during marketing years from 1949 up through 1963.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—SUPPORT PRICE AND NET CCC REMOVALS, SELECTED YEARS

Marketing year	Support price (dollars per hundredweight)	Decrease in support price (cents)	Net removals (billion pounds) [1]	Decrease in net removals (billion pounds)
1949–50	3.14		2.5	
1950–51	3.07	–7	([2])	–2.45
1953–54	3.74	–11	11.3	
1954–55	3.15	–59	5.1	–7.2
1957–58	3.25		6.8	
1958–59	3.06	–19	3.5	–3.3
1961–62	3.40		11.2	
1962–63	3.11	–29	8.8	–2.4

[1] Milk equivalent.
[2] Less than 50,000,000 pounds.
Source: USDA.

Mr. HATCH. As the preceding chart indicates, Mr. President, the support price was reduced 16 percent in 1955 and government purchases fell 64 percent. In 1959, the support level was reduced 6 percent and government purchases fell 49 percent. In 1963, the support price was lowered 8 percent and purchases fell by 21 percent. I assert that what has worked before will work again.

The amendment will also have a positive effect on consumer prices and has been endorsed by several groups. CBO estimates that under the Hatch/Moynihan plan, consumers will save approximately $2 to $5 billion a year, what better way to encourage consumption of a product than to lower the price, or as the case may be, to prevent a price increase?

In contrast, S. 1529, will most definitely take us in the other direction. In fact, CBO estimates that this program will increase consumer costs by approximatly $3 billion.

That is on top of the consumer difference.

Mr. MOYNIHAN. Mr. President, I wonder if my friend from Utah will yield for a question?

Mr. HATCH. I am delighted, Mr. President.

Mr. MOYNIHAN. Would he not agree that this legislation is as much consumer legislation as it is farm legislation?

Mr. HATCH. I think the distinguished Senator from New York hits the nail right on the head. It is in the best interest of the consumers and, I think, farmers as a whole across the board. I have cited the losses that the pork producers expect to have and the cattlemen are worried about it. It really is in the best interests of the dairymen.

Mr. MOYNIHAN. The American Farm Bureau supports our amendment.

Mr. HATCH. The American Farm Bureau supports this amendment. Frankly, I do not know why we do not change it once and for all and do what is right for this country, for the consumers, for all people who are in agriculture, and above all, over the long term, for those in dairy farming.

Mr. BOSCHWITZ. Will the Senator yield, since they have gotten into a discussion? As he pointed out, in 1953–54 there was lower production with dairy supports. We have this figure of 15.7 percent. He may be correct with his higher figure of 18 percent. What percent of that reduction went to the consumers, since he maintains this is a consumer amendment?

Mr. HATCH. I do not think—I would say any time we quote figures such as these, we have to realize that they are based upon estimates and projections. While I am not necessarily wedded to these figures and realize that there may not be a dramatic effect on consumer savings in the short run, I do not think anybody can dispute that a decrease in the price support will definitely have a positive consumer benefit in the long run. Figures are figures.

Mr. MOYNIHAN. If the Senator will yield to allow me to put this in the form of a question—he having the floor—is it not the case that the Milk Industry Foundation reports in its analysis that a reduction in the price-support level of $1.50 would lower the ingredient cost of whole milk 12.9 cents a gallon, hard cheese 14.9 cents a pound, butter 16.7 cents a pound, and ice cream 22.4 cents a gallon?

Is the Senator aware that the Milk Industry Foundation estimates that these savings to consumers would come to $1.8 billion next year because, while demand for milk is relatively inelastic, milk products are very sensitive to price. The Milk Industry Foundation says that there is $1.8 billion in consumer savings in this amendment which the Senator from Utah and I are offering.

Mr. HATCH. Mr. President, may I further answer the question of the Senator from Minnesota as well? I agree with the Senator from New York.

We asked the CBO to estimate what savings consumers would experience as a result of the Hatch-Moynihan amendment. The CBO estimated that consumers would experience a decline of 0.06 percent in 1984, a 0.17 percent drop in 1985, and a zero drop in 1986.

I have to admit, I think the amount of decrease may be debatable, but I think it is clear that there would absolutely be a decrease in consumer expenses. In contrast, we know that the compromise in this bill will negatively impact consumers. I do not think there is any question about it. Both CBO and the USDA project that commercial sales will increase under the Hatch-Moynihan proposal. Both will increase under that proposal.

Mr. BOSCHWITZ. Will the Senator yield?

Mr. HATCH. Sure.

Mr. BOSCHWITZ. Does the Senator have a sense of what impact the price declines that he spoke about earlier had on the consumer? The Senator spoke about the declines that took place in the early to midfifties, 18 percent. What percentage of that was passed on to the consumer? It is very touching of the Milk Industry Foundation to say that 100 percent of whatever decrease in the support level will go to the consumer, but I wonder if the Senator is familiar with the history of that in the form of commodities in general and dairy specifically? Is every dollar that is reduced in the price passed on to the consumer?

Mr. HATCH. I have to admit that I do not know that anybody can say how much they are going to save, but I do not think anybody can say that there would not be savings to the consumer. I think if you contrast under the dairy price supports how much the price of milk has gone up—I am not sure you can prove one way or the other that if you cut this support, you are absolutely going to have a positive impact on the price of milk. If you increase the sale of milk, which both CBO and USDA say will occur, you will also help get the price down but you also help to firm up the market for the dairy farmers.

Mr. LEAHY. Will the Senator yield at that point? I want to make sure I fully understand the Senator from Utah's answer to the question of the Senator from Minnesota. As the Senator from Utah knows, a number of us spent most of yesterday trying to work to get this bill up, something we had been doing for many months it seems. When Senator HELMS and I were having a colloquy last night about it, I think we said we had 43 meetings trying to get to this point.

As the Senator recalls—I believe he was there for part of this time—we were discussing this amendment and discussing the fact that we all have an interest in saving consumers money. But I asked this same question of Senator after Senator yesterday, the same as I did for months, "Exactly how much of this cut is going to go to consumers?"

Speaking from my own individual experience, I have yet to see such a cut go to the consumer. I have seen substantial cuts, for example, in wheat programs, and yet the amount that the wheat farmer gets for a loaf of bread is about equal to the cost of the wrapper that goes around the loaf of bread. The price of wheat goes up, the price of wheat goes down, the wheat farmer gets more, the wheat farmer gets less, but the price of the loaf of bread does not go down.

I see the same cuts in the dairy price support and I never see it reflected in the grocery store. I go grocery shopping with my family all the time. Is the Senator from Utah saying his price support cut proposal is actually going to be translated into lower prices for consumers? How many cents off a gallon of milk would I see?

Mr. HATCH. Let me try to answer that.

I do have Farm Bureau figures that have been estimated by the Farm Bureau. However, let me preface it by this. I am not sure over the short term I can tell the Senator exactly what the savings to consumers will be. It stands to reason it will be——

Mr. LEAHY. It does not stand to reason on past experience, I tell my friend from Utah, they are necessarily benefiting. Past experience shows that the consumer does not get a cent from this kind of thing.

Mr. HATCH. Past experience shows that if you cut the dairy price support, it will delay a price increase and it will actually bring, we believe, prices down. But let me tell you what I understand the Farm Bureau——

Mr. LEAHY. That is not past experience, I say to my friend from Utah. Past experience has shown that it goes up.

Mr. MOYNIHAN. The Senator from Utah, I think, is being harassed.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Let me answer the question and then turn to any other colleague who wants to comment on this. It is my understanding that if the support price is reduced $1 per hundredweight, the reduction per gallon, that is, the figure at 8 pounds per gallon of fluid milk, would be about 8.6 cents. That is what could be saved. Total production available for fluid products would be about 49 billion pounds on an annualized basis. So that would be a consumer savings of about $600 million, if you choose those figures. Now, there are those in the industry who feel these are reasonable figures. I think it is difficult for anybody to pin down what will happen other than through economic reasoning, which is what the Senator from New York and I think are offering.

Mr. MOYNIHAN. Will the Senator from Utah yield for a very simple question?

Mr. HATCH. I surely will.

Mr. MOYNIHAN. Is it his belief, if we cannot precisely quantify what will be the decline in consumer prices, that the milk industry is competitive industry? Is not competition characteristic of farming? There are more than 200,000 individual producers. They do not control the market. They try to through cooperatives a bit, but it is competitive. Now, we may not be able to quantify precisely what will be the decline in price because there are many items involved in the vital end product.

Mr. HATCH. That is right.

Mr. MOYNIHAN. But could there be any question that there will be an increase in price if you tax the food and pay people not to produce it?

Mr. HATCH. There is just no question about that. I do not know how anybody can argue with that. I might add that right now we have an artifically induced price that does not allow the market system to work. Under our amendment, the market would work, and we would get rid of the artifically induced price. It seems to me there is no question that the consumers would benefit.

If you look at how the price of milk has increased over the years, it has really gone up. Let me give you a little bit more from this estimate that the Farm Bureau comes up with.

Mr. BOSCHWITZ. If the Senator would yield, I would tell him what past experience has been. Do not talk about estimates. We will tell you what happened in 1953, 1954, we will tell you what happened in 1962, when there were price reductions, how much of the price reduction was passed on to the consumer. And apparently my able colleague from New York does not realize that in the compromise plan that we are also suggesting reducing the price if production does not go down, to the level that he suggests over a period of years.

In 1953, 1954, as the Senator pointed out, the price reduction was 18 percent; 4.6 percent of that 18 percent went to the consumer, so approximately 25 percent of the price reduction went to the consumer. In 1962, there was also a price reduction in the milk support level. It was a 9 percent price reduction. One of those 9 percentage points went to the consumer. There is no evidence from the figures that a sudden upsurge of demand would respond to the lowering of the price. Quite to the contrary. The demand seems to have shrunk in those years rather than going up. So what we are suggesting is an orderly approach to the market. The cost of the program, the cost of what the Senator is suggesting is somewhat higher on budgetary terms than the compromise that we are suggesting, that whatever the consumer might save, the taxpayer is going to have to pay more.

Mr. HATCH. Well, in the initial years, that may be so, although I do not believe it is. But over the long run, I do not think that that taxpayer will pay more.

Second, it seems to me it is very difficult to argue that by maintaining an artifically high price, that really is assessing farmers who are not selling to the Government at an unfair cost, it is going to benefit the consumers in any way. I wonder where the price of milk would be today had we not had those reductions in past years. I, like the Senator from New York, share the viewpoint—at least I have taken the implications from his comments—that

the consumer should have received more benefit from that price decrease. I would like to have seen that, and I hope that they get more benefit from what we are offering today. If they do not, perhaps we ought to see that there is some way that they do get some benefit. But I wonder where the price of milk would be, had we not had those reductions. There is no question I have made a point here that goes far beyond whether or not it is going to save money for the consumers. The present system is unjust. The compromise does not solve the problem. Frankly, there are people in my State and people I think all over the country who feel that they are being ripped off by this artificially high support price.

Let me finish my statement, and then I would be happy to answer any further questions.

I would just add to this discussion at this point that the Farm Bureau estimates that if we had a $1 refund per hundredweight from a fluid milk product, it would be 8.6 cents possible savings on one gallon of fluid milk. It would save about $600 million a year.

A $1 refund—we are talking about a $1 reduction from the present level—could result in about 9.5 cents per pound on cheese. The total production available for cheese is 39 billion pounds in this country. That would be a consumer saving, assuming we could pass it on, but I do not mean to indicate that we can. The consumer saving could be as high as $3.7 billion.

The groups that are supporting our amendment include Milk Industry Foundation, National Ice Cream Association, Pizza Hut, Taco Time, National Pork Producers, Beatrice Foods, Carnation, Sara Lee, Dairy Handlers Distributors, Public Voice.

I think it is important that we give some consideration to their feelings, that it will save the consumers money and that the cost of milk will not go up even more on an artificial basis.

Our amendment will also have a positive effect on consumer prices, we think, just because of this debate. CBO estimates that under our plan, consumers will save approximately $2 billion to $5 billion a year. I agree that nobody can say that, but what better way is there to encourage consumption of a product and to lower the price? Or, as the case may be, to prevent a price increase.

I do not know whether the Senator is wrong with respect to consumption not having increased in the past. But I believe it stands to reason, over the long term, that if you lower the price, consumption will increase, especially in the case of dairy products.

I believe that S. 1529 does take us in the other direction. CBO estimates that if we go with the language in S. 1529, this program will increase consumer costs by approximately $3 billion a year.

I am the first to say CBO does not always have all the answers, and it may not be $3 billion a year, but there is no question that it is going to be an increased cost over what we are proposing today, which is fair to the dairy men and fair to agriculture in general.

Last but not least, the Hatch-Moynihan amendment allows the Secretary to set a price that will be a floor, not an incentive. It repeals the assessments which have been so troublesome and will allow dairy farmers to make their own marketing decisions, and this is how I believe it should be.

The original purpose of the dairy price support program was to insure that a reliable supply of milk would be available to consumers, at the same time providing the farmer with a reasonable return for his efforts. I do not believe anyone could construe from the original purpose of the law that the U.S. Congress has any right to dictate what the advertising practices of a particular industry should be, particularly, when the producers have had no say in the matter. In our amendment, we have called for a referendum to see if farmers do in fact want a national promotion program.

The diversion payment program in S. 1529 is also troubling to me. My calculations indicate that a dairy farmer with a 500 cow herd (and there are 822 farms in this category) would be eligible for payments of approximately $120,000 a year if marketings were reduced 17 percent. Those who do not choose to participate or who cannot participate because of the limitations of the program will have to help pay the bill. The legality of this part of the proposal, will I am sure, be challenged in court.

As I said in the beginning, I am appreciative of the time and effort that has gone into this compromise, but that appreciation does not overshadow the advantages I believe this amendment has.

Today a myriad of criticism is beginning to fall upon the dairy industry.

I think the senior Senator from New York will agree with me that there has been a myriad of criticism following the dairy industry all over this country. He has brought that out very carefully. If we do not act to rectify the situation once and for all I believe the integrity of this program will be substantially weakened.

I invite the attention of Senators to a recent article published in the Wall Street Journal, entitled "Congress at a Cattle Crossing," and I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. Mr. President, this article succinctly, and I believe correctly, outlines the causes of the dairy supply problem and urges Congress to take action to successfully address the issue once and for all. I believe the Hatch-Moynihan amendment will do this, and we have the historical record to back up our opinion.

I therefore urge that serious consideration be given to this amendment and sincerely believe that if it is adopted it will successfully address our current dairy crisis.

Mr. President, I would like to express my sincere appreciation to the majority leader, to Senator HELMS, Senator DOLE, and Senator HUDDLESTON and others for their tenacious efforts in bringing this bill to the floor. I know that similar sentiments were expressed last evening when a unanimous-consent agreement was finally reached, and I would be remiss if I did not add my own. I welcome the opportunity to debate this issue, and I am confident that dairy farmers across the Nation are equally delighted that this issue is now before us.

EXHIBIT 1

[From the Wall Street Journal, June 14, 1983]

CONGRESS AT A CATTLE CROSSING

(By Jeffrey H. Birnbaum)

INDEPENDENCE, MO.—The most compelling reason to worry about the U.S. dairy problem can be found here 90 feet beneath Truman Road.

Down in the dark and dusty caverns of a dormant limestone mine, the federal government stores so much surplus cheese, butter and powdered milk that a visitor would be hard pressed to walk past it all in one day. To save time, the management usually provides a golf cart. A tour reveals canyons of cheddar cheese packed in 500-pound barrels and teetering towers of frozen butter in 68-pound boxes. Hundred-pound brown sacks of dried milk line seemingly endless aisles.

In all, the vast chambers of Commercial Distribution Center Inc. contain 61 million pounds of taxpayer-purchased dairy products. That's enough idle food to cover 13 football fields with piles 17 feet high. Most people who visit here say, "This must be all the milk in the world." In fact, explains David Waller, the general manager, "it's only a drop in the bucket."

Indeed, this 80-acre subterranean warehouse holds a mere 2 percent of the 2.9 billion pounds of surplus dairy products owned by the government. A train filled with the total would stretch from New York City to Toledo, Ohio. Taxpayers bought these commodities over the past few years for about $3 billion, or more than $13,000 for each American dairy farmer.

A MODEL FOR SELF-DEFEAT

The purchases are far from over. Encouraged by the high milk price guaranteed by the U.S. price-support program, dairy farmers continue to increase production. At the same time, consumers repelled by that same steep price, among other factors, limit their dairy purchases. The result is a model for self-defeat: The U.S. must spend $275,000 an hour to buy burgeoning quantities of milk products, which, because of their own subsidy, are shunned by the marketplace. At last count, the U.S. paid nearly $5 million a

month to store the surplus in 700 leased warehouses like Commercial Distribution.

Such are the dimensions of a national scandal. In a well-intentioned effort to prevent a shortage of milk, Congress has created the most blatant waste of food and economic resources in U.S. agriculture—a considerable achievement given the recent excesses of federal price-supports. This fiscal year, the U.S. expects to spend more than $21 billion, or 75% more than last year, on farm-subsidy programs. The dairy program alone is expected, officially at least, to cost $2.4 billion, though many believe it may top $3 billion.

Almost everybody believes that the dairy dragon of over-generous price supports must be slain. But, as usual, Congress is wielding the dull blade of politics in the quest. Thanks to the powerful dairy lobby, critics say, Congress again is prepared only to snip at the edges of an issue that requires a courageous thrust. Such half measures, experts agree, only compound the problem.

The compromise solution now floating in Congress reads like a parody of itself. How do we staunch the flow of money into the dairy program? Why, we pay farmers *not* to milk as many cows, of course, says the House Agriculture Committee, which recently approved such a measure by voice vote. The idea isn't unique. Under its now-famous payment-in-kind (PIK) program, the U.S. already is "paying" grain and cotton farmers not to plant about one-third of the nation's cropland. But these PIK farmers are compensated mostly in surplus commodities that the government probably couldn't sell anyway; dairy farmers would get cash.

Funds for these dairy payments would come from an assessment on the dairymen themselves. For each 100 pounds of milk they market, dairy producers would pay 50 cents to the U.S. The government later would return the money to dairymen who cut their production. As added incentive to cut back the price-support level would be reduced, at first slightly, and then much later by stages under certain conditions.

Proponents see this "paid diversion" as a quick and relatively painless way to deplete ever-growing supplies. Other less-controlled methods, such as rapidly reducing the price-support level, they say, would wreak havoc on an important portion of the economy. "The solution is to cull a few cows from all dairy farms and not all the cows from a few dairy farms," says a spokesman for Associated Milk Producers Inc., the nation's largest milk cooperative.

Nonsense, cry many economists and consumer groups. Such payments may cause a brief decline in milk production, they say, but when the payments cease, production is free, and in fact likely, to rise again. Even the National Milk Producers Federation believes that the proposed 15-month payment period is too short to force a permanent decline in the cow population, which at about 10 million is at least one million larger than needed. "Paid diversion" would make dairy farmers even more dependent on the federal dole, critics contend, and place them in a stronger position to demand another bail-out, probably by prolonging the payments.

Other doubters contend that the 50-cent assessment would be needlessly complex and wouldn't raise enough money to cover the cow-reduction costs. But more important, critics say, the whole proposal appears to be just another attempt by major elements of the dairy lobby to postpone the inevitable solution: a simple cut of the price-support level.

"Through artificial means they [the dairy lobby] are trying to buy themselves a little time," concludes Thomas Smith, government affairs director for Public Voice for Food and Health Policy, a consumer group. (And with $1.7 million in contributions to national candidates in 1981-82, the dairy industry's major political action committees surely have the wherewithal to buy a lot.)

The dairy groups' influence derives from more than just cash. "There are an awful lot of dairy farms in an awful lot of congressional districts, and they're organized extremely well," says E. Linwood Tipton, a lobbyist for milk processors, who advocate lowering the price support.

But the time has come to rise above the special interests and to act decisively, many critics say. A reduction of the price-support, or guaranteed minimum level, by at least $1 or more from the current $13.10 a hundredweight is long overdue, they assert. When that happens, the least efficient farmers, who now are kept in business by unrealistically generous prices, would, over time, be forced into bankruptcy. The contraction would shrink the surplus and therefore the need for federal purchases. More buying would be done, instead, by consumers, who would be sure to appreciate cheese that costs less than chopped meat for a change.

A recent study by dairy processor gives a glimpse of the consumers' advantage. According to the study, a $1-per-hundredweight reduction in the support price would cause milk prices to fall nine cents a gallon, cheese to drop nine cents a pound and butter prices to slip 11 cents a pound. Put another way, consumers would save $1.2 billion a year.

SHAMEFUL AND ABSURD

Without question, the cut would cause hardship to many farmers. "Some people are going to have to go out of business," asserts Mr. Smith of Public Voice. But Rodney Leonard of the Community Nutrition Institute adds, "No industry can be protected from market forces indefinitely."

The Reagan administration and at least one dairy cooperative are sympathetic to this reasoning. Agriculture Secretary John Block has long wanted Congress to give him the authority to reduce the dairy price-support. And Dairymen Inc., the huge co-op in the Southwest, also has urged a cut. But after long negotiations this spring, the department and the co-op both accepted the "paid diversion" compromise, nearly assuring its success. Lately the department had complicated things by withholding support for the compromise unless Congress also freezes price-support levels for other commodities—an ever-more-likely possibility.

In the meantime, the dairy hoard mounts faster than the U.S. can give it away. In a nearby Kansas City, Kan., warehouse, three boxcars are being loaded with surplus cheese for dispersal to the needy. But across the track, five other boxcars, filled with newer cheese, are being unloaded. With such massive stockpiles, spoilage is inevitable: One million pounds of dried milk goes "out of condition" (accumulates too much moisture) each month nationwide and must be sold for animal feed.

In a world where the most common denominator among peoples, besides their humanity, is hunger, such surpluses are shameful and absurd. But Congress doesn't appear likely to end the dairy disgrace.

Mr. LEAHY. Mr. President, will the Senator yield to me for a question?

Mr. HATCH. I yield.

Mr. LEAHY. We will continue where we were earlier.

Mr. President, I agree with much of what the Senator has said with respect to what the marketing philosophy should be.

The Senator from Utah must realize that Senator BOSCHWITZ and I and the others in this body who have been working since last spring to put this compromise together have in mind the views of consumers.

For example, in my State, there are probably more consumers than producers; and the producers, themselves, of course, are consumers of necessary foodstuffs. We solicited and brought in the views of consumers and the views of producers.

We wanted to accomplish two things, especially: lower the cost to the Government and lower production.

I tell my friend from Utah that our compromise has some elements of the amendment offered by him and the Senator from New York. In it, there is the possibility of a $1.50 cut in the price support if farmers do not reduce their production over the 15-month period of the paid diversion program.

If we ever are going to get anywhere, we have to reduce production, and simply lowering the price support will not do it.

Does the Senator from Utah doubt that if all we did was to lower the support price without giving an incentive to cut production, dairy farmers would simply increase production? It is one of the easiest things in the world to do. Does he doubt that without such a policy it would happen?

Mr. HATCH. I appreciate the efforts that have been made, and I think it is a step in the right direction. I have expressed in my opening remarks that I think it is a step in the right direction. But I also have said that it does not go far enough.

I also say that the Senator's program, in the last 15 months, is a complex, elaborate program. Farmers will be required to establish a base line production level. They will be eligible to receive a $10 payment for every hundredweight of milk they choose not to produce, and they will continue to increase their heifers while culling out the cows that are not going to be affected; and at the end of the 15 months, we will be worse off than we were. I think we should approach the problem with a little more foresight and try to solve it.

I am appreciative that we have gone as far as we can, but I do not think it is the answer.

Mrs. HAWKINS. Mr. President, will the Senator yield?

Mr. LEAHY. I believe I have the floor.

The PRESIDING OFFICER (Mr. SYMMS). Does the Senator yield for a question?

Mr. HATCH. I yield to the distinguished Senator from Florida.

Mrs. HAWKINS. Mr. President, I ask that my name be added as a cosponsor of the Hatch-Moynihan amendment. I think it is a step in the right direction. It is the only solution to the supply-demand question and the imbalance in the program we have today, which is outrageous.

Producers are generating more milk than consumers are demanding, and the only sensible answer is to cut support prices.

I believe this is a step in the right direction. I believe it should go farther. However, I wish to cosponsor in support of the Moynihan-Hatch amendment.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Florida be listed as a cosponsor of the Hatch-Moynihan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I am happy to yield for a further question.

Mr. LEAHY. Mr. President, does the Senator not feel, though, that a $1.50 cut in farm price would not go to the consumer, that most of that would be absorbed by the middleman?

Mr. HATCH. I think it is already absorbed by the middleman. They get their price no matter what happens under the program we have agreed to under the compromise plan in this particular bill.

I have no qualms about saying that I would wish to see the dairy farmers always have a break. The question is how far should that break go and should it cost all other dairy farmers and all other members of the agricultural community in the process? I think it does, and I think we have made a good case that it does.

Mr. LEAHY. A $1.50 cut by itself would simply put the average family dairy farmer out of business. It will also cost all of us because we would spend $650 million more in fiscal year 1984 than if our compromise were enacted.

These are things, I say to my good friend from Utah, that we went over and over. Those of us within this working group, the Members of the House of Representatives who worked on it, and I see a distinguished leader, my colleague from Vermont (Mr. JEFFORDS) in the Chamber, one who worked on that in the House of Representatives, considered what would happen with just a straight cut. We considered every single alternative possible here.

We found that a straight cut would simply increase production and the Government would buy 8.2 billion pounds more milk under that than under the provisions of the compromise and most of whatever savings would occur would be absorbed by the middleman. The farmer would get a cut, the consumer would get no benefit, and the taxpayers would pay.

With that in mind, I certainly would not go along with the $1.50 price support cut.

Mr. HATCH. Mr. President, I shall take a few seconds to answer that.

First of all, it does not have to be $1.50. Under our program it can be. We have to place some credibility and some confidence in the Secretary of Agriculture not to do anything to hurt any member of the agricultural community.

Mr. BOSCHWITZ. Mr. President, if the Senator will yield, if the cut is not going to be $1.50 then the Senator should not argue what the size of the savings is going to be for the consumer predicated on that $1.50.

Mr. HATCH. I do not think I have been arguing that.

Mr. BOSCHWITZ. The Senator certainly has.

Mr. HATCH. I said I do not think anyone can come up with exactly what the size of the savings would be other than there will be savings. It stands to reason it would keep prices lower than they would otherwise be.

I am saying the laws of economics tell us as I think the distinguished Senator from New York pointed out.

Let me go to the other part of his question.

The Senator has indicated that if the Secretary of Agriculture would lower the price by $1.50 the dairy farmers would be forced out of business. All I can say is that the decision to go out of business I do not think is based on the price support level alone. Rather, under the present law and under the compromise it is based on whether or not the dairy farmer can receive more than his production cost. That is what it comes down to.

Dairy farmers have been leaving the dairy farming business at an average annual rate of 8 percent a year because of productivity gains, for one thing, and I expect that is going to continue. In 1959, for instance, there were 1,800,000 dairy farmers. In 1982 there are 325,000. That is an 82 percent drop between 1959 and 1982.

So farmers have obviously been leaving the business in good times and in bad times. so there is no easy way to reduce production, and I am not denying that some dairy farmers are going to continue to go out of business as they have in the historical past.

However, I think it is fair to say that our current situation demands that we take action to reduce our production and I believe that the direct price support reduction is the most equitable and the most efficient way.

Mr. MOYNIHAN. That is paying the people not to produce.

Mr. HATCH. The Senator is right.

That is paying them not to produce and keeping prices artificially high and actually allowing people to be paid more than their production costs and encouraging it in the process.

It is a never-ending scheme that turns out. I do not see how anyone can argue it will not damage all dairy farmers and in the end result—it may take years—but in the end the dairy industry is going to be hurt by continuing present law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, I wish to respond to some of the things that have been stated on the floor.

Mr. President, I suggest the absence of a quorum.

Mr. MOYNIHAN. Mr. President, if the Senator will withhold a moment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. Mr. President, if I have the floor I wish to comment that I believe the Senator from Minnesota wants to speak and I am happy to yield the floor in order that he do so. I wish a few moments at the conclusion. We do not have a time agreement, but I sense the understanding that we are prepared to vote on the matter.

Mr. HELMS. Mr. President, will the Senator yield 1 moment?

Mr. MOYNIHAN. I yield the floor.

Mr. HELMS. Mr. President, there is no purpose in having a time agreement because I understand there will be a tabling motion in any case.

But I do not want anything to happen until Senator LUGAR is on the floor and can make some comments.

So if Senators will bear that in mind I shall appreciate it.

Mr. HATCH. Mr. President, if the Senator will yield on that point, I ask unanimous consent to add Senator LUGAR as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I thank the Chair and I thank my colleagues.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. Is the Senator from Minnesota seeking recognition?

Mr. BOSCHWITZ. Yes, I am.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, I shall respond shortly to the Senators from New York and Utah, and then I also would be prepared to proceed to a vote.

The Senator from New York has spoken about the dairy program, how it has grown fantastically. My goodness, the Senator from New York has even compared the dairy program to a miscalculation on the scope of Pearl Harbor and it is a record of misman-

agement and the program has failed, and it is absurd in modern government, and so forth.

I only wish that I could use the language as well as the Senator from New York who really does so in magnificent fashion.

Let me talk for just a moment about the price of farm commodities in general and what has brought about this surplus.

Not so long ago, after the terrible incident of the Korean airliner, I heard the Senator from New York call for a grain embargo. Now the Senator from New York will remember it was the grain embargo that caused much of the problems in the dairy industry, caused much of the problems in the farm economy in general. Now he wants to repeat that.

Then he will come to the Chamber in another year or so after another embargo is declared, which the Senator supports, and declare once again that there is a surplus of this or a surplus of that.

I say to the Senator if he wants us to grow it he has to let us sell it as well, and one of my predecessors from Minnesota, Senator Humphrey, used to say about the Russians: "sell them anything and they cannot shoot back at us."

That is indeed one of the things that causes dismay in the agricultural sector—the embargo.

Then we had a series of bumper crops, and then a very expensive dollar and so our exports became too expensive on the world market and that world market was hit with a recession.

All of these things together combined to depress the commodity prices that it just became more efficient and more profitable to collect for the corn by feeding it to the cow rather than selling it on the market.

But the program has not failed. For a 35-year period we have had an even supply of milk. The program has achieved the goals that the Senator from Utah has stated, that we should have a fresh and adequate supply of the most basic food product enjoyed in this country and in the world.

Indeed, I have a sense of what the Senator is talking about, the fact that we should produce all that we can produce. Once again, I have to ask the Senator in that case not to call for embargoes of our principal customers.

The Senator said that the dairy farmer is just going to sit there and collect the check. That is not so at all. This is a diversion program which only allows the farmer to divert 5 to 30 percent of his production, and the Secretary is seeking to reduce production by 8.4 percent, not by large numbers, just 8.4 percent, so that supply and demand can come back into balance.

Mr. MOYNIHAN. Will the Senator yield for a question?

Mr. BOSCHWITZ. Certainly, I will yield for a question.

Mr. MOYNIHAN. The question regards the committee proposal. Will dairy farmers be paid for milk they do not produce or will they not be paid for milk they do not produce? The question is whether this is another farm program that pays farmers not to produce?

Mr. BOSCHWITZ. With their own money, Senator, they will indeed be paid not to produce.

Mr. MOYNIHAN. Their own money, a tax on food collected by the Treasury.

Mr. BOSCHWITZ. It is money that is taken out of the milk checks and therefore really becomes their own. If you make the case——

Mr. MOYNIHAN. Money taken out of the milk check but paid for by the consumer.

Mr. BOSCHWITZ. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. BOSCHWITZ. It is indeed a bad thing not to produce. Senator, it is just as bad to put a clamp on selling the product. If you want us to produce, do not run around saying that we should not sell to our principal customers, just sit there and collect the check. That is not the intent, that is not possible under this program.

The Senator may recall that in 1973 the milk market also underwent an adjustment. There was no rise in price, production went down and the price to the consumer went up by 27 percent, and perhaps that is what the Senator wishes to happen again.

If he wants the farmer to take the largest price cut that has ever been foisted upon the dairy farmers, will the price go down? History seems to suggest that the price may indeed go up.

Mr. President, one of the only ways that a young farmer has had to enter farming in recent years has been in dairying. Unfortunately farmers have borrowed, even with the consent and encouragement of the FHA, on the basis of their projected cash flow, and in the event the price is going to be lowered then we are going to have one or two things happen. They are going to go out of business, in which case the public, the taxpayers, will have to pick up those bad debts, those failed mortgages, or young farmers, particularly who have cash flow problems, and once again dairying is really the only way that young people have been able to get into farming in recent years, young farmers who have to increase their production for the purpose of maintaining their cash flow.

The dairy program has been successful. The dairy program has shown over the years that in the event there are price decreases they are not passed on. The most graphic of those examples has been in sugar. The sugar price escalated to higher levels than it had ever been before, and the price of sugar came down and a can of coke stayed exactly where it was, or it went up. That is the history of all farm commodities.

It is important that we in the Senate and Congress protect the most basic industry that exists in this country and indeed the world.

If there were a free market for all producers worldwide then it would be one thing, we could compete very well and there would be no need to have farm programs that have escalated in costs, as the Senator from New York has pointed out, just in recent years.

But we must face the agricultural markets of the world on a realistic basis, and there are supports in every industrial nation in the world. The Senator from New York has pointed out the cost of the farm program is $21 billion to $23 billion. The European Community will spend twice that amount this year. The European Community has spent 10 times what we do in supporting their farmers.

So if it were a free world market, our farmers would do marvelously. If it were a free market in this country, the farmers of my State of Minnesota would do marvelously in comparison to your farmers from New York, Senator, or your farmers from Utah. But because of milk marketing orders we cannot ship certain types of dairy products into your States. If you would like to change those rules, you might really be doing the consumers a favor, and I say the same thing to my friend from Florida. That is not being suggested on the floor of the Senate today and perhaps it should be if you really have the consumers at heart. We are able to produce more efficiently than farmers in Utah or farmers in Florida but we are not suggesting that farmer be pitted against farmer. We are considering that the agricultural sector be considered as a whole. The agricultural sector of this country is at the very base of our economy.

Mr. HATCH. Will the Senator yield on that point?

Mr. BOSCHWITZ. Yes.

Mr. HATCH. Why then if you are not pitting farmer against farmer would you continue the 50-cent assessment in order to pay for a program that our producers neither can nor want to participate in? Why would we continue to do that?

Mr. MOYNIHAN. Why would we call it an assessment when it is a tax?

Mr. HATCH. It is a tax on those who did not want to participate.

Mr. BOSCHWITZ. There is no question, Senator, that surpluses in some States exceed surpluses in other States. Normally there are surpluses in all States during certain parts of

the year, a so-called flush season. But if you have in mind to help the consumer perhaps we could do away with milk marketing orders that give both of your farmers, Senators, vast advantages over the farmers of the Middle West.

Mr. HUDDLESTON. Will the Senator yield?

Mr. BOSCHWITZ. I yield to the distinguished Senator from Kentucky.

Mr. HUDDLESTON. I thank the distinguished Senator from Minnesota.

Let me say that the proposition that is being offered to the Senate in the form of the amendment by the distinguished Senator from New York and others is one of several options that already has been given a considerable amount of consideration. During the period the time when persons from both sides of the aisle and both Houses of Congress, and representatives of the various dairy production ogranizations, were working on the package that is contained in the bill that is before us now, all of the arguments that we have heard today were considered, thought about very carefully, and the consensus was to adopt the program that the bill contains.

There are those who would have favored, if they had had their own particular way, a proposition closer to what the amendment offers.

However, we have got to recognize that, as far as the dairy program is concerned, the ox is in the ditch. We need to take whatever action is possible to take that can be successful that will lead toward correcting that situation. We need to correct it from the standpoint of the costs to the Federal Government, from the standpoint of the difficulties that the dairy farmers are experiencing at the present time, and, of course, from the standpoint of the consumer.

So, for the reason I would hope we would find acceptable in this body, the dairy compromise package that is included in the bill without amendment or other amendments that would substantially change that.

The dairy title of the bill is a delicately balanced package that takes into account the differences that exist across this great country, among the various sections of the country, and among the various producers in those sections. To now unbalance that package, I think, would make it much more difficult for us to achieve any good at all with this legislation.

So I would urge our colleagues to reject the amendment, stay with the package that has been carefully worked out, and I think we will find great improvements in the dairy program.

Mr. HELMS. Will the Senator yield?

Mr. HUDDLESTON. I yield to the distinguished floor manager.

Mr. HELMS. I thank my able colleague from Kentucky. He is exactly right. I hope Senators will not operate under the illusion that they really have a choice between the compromise and the Moynihan amendment.

Now, as Senator HUDDLESTON has eloquently stated, all of us have different ideas about all commodities. The less we know about commodities, the more we tend to fashion legislation. But if the Moynihan-Hatch amendment is adopted, then there will be no compromise package. We will stay where we are. Regardless of how much anybody might admire and support the Moynihan amendment, if is not going to hold together the fragile coalition that we have put together on all of these commodities. Right now we are holding it together with baling wire and scotch tape. I daresay there is not a dairy representative who likes it.

Senator HUDDLESTON will join me in testifying that nobody likes the tobacco approach, the no-cost tobacco program. We have to run pretty fast sometimes in Kentucky and North Carolina to keep from getting lynched. But the truth of the matter is we have done the best we can.

Now let me tell you what CBO says with respect to what the various options, if they were options, will cost. In 1984, the current law will cost $838 million. The committee compromise will cost $74 million extra. Now I do not like that, but it is $74 million extra. The Moynihan amendment in the first year will cost $865 million extra.

In 1985, if we let this coalition, this fragile coalition, fall apart, we will continue to have what we have and it will cost taxpayers $1.370 billion, according to the CBO. The committee compromise, I say to my distinguished colleague from Kentucky, saves $71 million if we could get that into law. While the Moynihan amendment would cost $219 million extra.

Mr. President, I ask unanimous consent that this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BUDGETARY IMPACT OF DAIRY PROPOSALS

[Dollars in millions]

	1984	1985	1986	3 year total
Current law	$838	$1,370	$1,754	.....
Committee compromise	[1] 74	[2] 71	[2] 333	[2] $336
Moynihan amendment	[1] 865	[1] 219	[2] 382	702

[1] Extra.
[2] Saves.
Source: CBO.

Mr. PROXMIRE. Will the distinguished chairman yield?

Mr. HELMS. I am happy to yield.

Mr. PROXMIRE. I thank the Senator.

Mr. HELMS. I will yield the floor, as a matter of fact.

Mr. PROXMIRE. I would like to point out that the figures the senator gives, I am sure, are accurate from the Congressional Budget Office, but the Department of Agriculture gives even more decisive figures.

They show the compromise would cost, in 1984, some $640 million less than the Moynihan amendment would cost and would cost some $300 million less than current law.

Mr. HELMS. The Senator is correct.

Mr. PROXMIRE. And in 1985 you have roughly the same kind of a situation, only a little more so, with greater savings for the compromise compared to both current law and the Moynihan amendment.

From the standpoint of the taxpayer, this is the most economical proposal.

Mr. HELMS. I used the CBO figures, as the Senator knows, because these are the figures we used in our budget considerations in the Senate. But the Senator is correct, the Department of Agriculture figures are even more decisive.

Mr. President, I yield the floor.

Mr. LUGAR. Mr. President, I rise to support the Moynihan-Hatch amendment. I do so after a careful reflection of the alternatives.

The chairman of the Agriculture Committee, the distinguished Senator from North Carolina, has presented quite accurately the fact that this legislation is fragile. As all of us know from the colloquies yesterday, it arises in this form because of disagreements among the Members of this body on whether we ought to be discussing a program that the Secretary of Agriculture and others feel was imperative for this body to consider.

Just to review the bidding, the Secretary pointed out that the target prices for corn, and wheat, cotton, and rice are likely to lead to even higher expenditures by the Federal Government in the years to come. There is certainly a disagreement in this body as to whether we ought to discuss that issue or let the 4-year farm bill run its course and simply hope that circumstances—the weather or the markets or exports—might be of assistance to us. That is not a very good hope.

Many Members have already pointed out in these past few days that however one calculates the agriculture bill it appears to have amounted to over $20 billion, some say $22 billion and others as much as $25 billion. And this is a very sizable sum of money which has been avoided. As a matter of fact, difficult decisions have been avoided to a point that the legislation is truncated now to simply a discussion of dairy and tobacco. Many Members of this body prefer to simply let the clock run on. And this is at the very time that

the consuming part of our rhetoric is about the deficit and about interest rates and about general fiscal policy. It is impossible to miss $20 billion to $25 billion and to take a look at what is suggested as a compromise amendment or now a compromise bill as somehow having general endorsement of this body.

I think the point is the compromise has been made among Senators who have dairy interests. Only these persons were involved in the compromise. I hope that the rest of the Senate that has a general interest in the budget, a general interest in fiscal policy of this country, is listening to this debate, because we are talking about a sizable sum of money and it all boils down now to a very fragile bill, a very small issue.

Now, having said that, the choice is a clear one. Those who have wrestled with the dairy problem, principally Senators with dairy interests that are substantial, have tried to fashion a compromise that includes the payment, now described by the Secretary of Agriculture as despicable, the 50-cent payment, that is retained, and hopefully it is used in part to fund a payment in cash—not payment in kind, but payment in cash—to the dairy farmers not to produce more milk and butter. It is a national scandal presently that we review frequently in all of our rhetoric about national programs, that caves in the United States are filling up with butter and cheese, and that we have no idea how we would consume 8 to 10 percent more production than we have any hope of consuming every year. The compromise suggested by the committee and the part of the bill we are trying to amend here clearly aggravates that situation.

The dairy farmers are going to find avenues out of this dilemma, and there are several. Each of us who has dairy farmers have discussed this legislation. Dairy farmers will point out how you change the feed ratio, how you cull out particular animals, how you, in essence, keep in the game so that when the game changes you go back to production as it was. And that is perfectly rational, to maximize profits.

Anyone feeling that this is going to lead to much of a change I think is in error. The Secretarty of Agriculture finally found the whole thing so marginal that he said unless you have some caps on target prices, you ought not to proceed with this dairy business at all. The whole dairy compromise is marginal, in terms of national policy.

The distinguished Senator from New York (Mr. MOYNIHAN) and the distinguished Senator from Utah (Mr. HATCH) have come forward with at least a breath of fresh air in this debate. They have offered a perfectly straightforward, simple amendment which says under the market system in this country, if you lower support prices, it is at least logical that people will probably produce less. It is not axiomatic. It may be that even with a lower support price, people will continue producing, but the Federal Government is not going to pay them as much to do it. For many years, specifically 1949 to 1977, several administrations gave the Secretary of Agriculture the power to bring the support price up and to lower it, as the case may be, to try to adjust to the problems of the dairy industry. For 28 years the system worked admirably.

Unfortunately, in 1977, we went to break the bank, and we have succeeded in doing so ever since. There has been no correlation between supply and demand in dairying since 1977 and there will not be until the support price comes down.

The Hatch-Moynihan amendment is permissive. The Secretary is not mandated to reduce the dairy support price. One might argue that $1.50 cut is inadequate. But that remains a pragmatic judgment of the Secretary.

I would simply say to my colleagues, those who believe in the market system, those who have any desire to try to move toward fiscal sanity, even in one small part of agriculture, they would have to be in favor of this amendment. I simply wish in equity that we could say the same to producers across the board. Dairy people today will argue, "Why are we in trouble? Why should we be bearing the burden of the Moynihan-Hatch amendment, whereas everyone else has gotten away scott free?"

There is a problem of equity here, of course, but we have one opportunity. That is all the agriculture legislation that remains.

Mr. MOYNIHAN. Will the Senator yield for a question?

Mr. LUGAR. Yes, I yield for a question.

Mr. MOYNIHAN. I know he is aware that New York State is the third largest producer of milk and the second largest consumer, but is he aware that the New York State Farm Bureau supports this amendment?

Mr. LUGAR. I am aware that the New York State Farm Bureau supports the amendment and as the debate has already suggested the entire American Farm Bureau supports the amendment. The American Farm Bureau not only supports it but has published in each and every periodical details about the mounting scandal that this represents.

We are talking about the very largest farm organization in the United States of America and each of its affiliate State organizations lined up behind it.

The Farm Bureau would have liked to have done a lot of other things, too, as perhaps the Senator from New York and the Senator from Indiana would like to have seen. Once again, we are dealing now just with dairy price supports. But we are dealing with a very conspicuous problem and it cannot be evaded.

I am very hopeful that Members on both sides of the aisle who have at least some thoughts about the general economic outlook of this country can rise to the occasion and support this amendment.

The Senator from North Carolina may be correct.

Adoption of the Moynihan-Hatch amendment may mean that this legislation, which is very fragile, disappears. In my own judgment, that would not be a great loss. I think it was marginal at the beginning as to whether the so-called dairy compromise was of value.

If this legislation cannot sustain a healthy marketing-oriented amendment, then it probably deserves to fail. It should have included much more.

Having said that, I congratulate my colleagues from New York and Utah for their initiative and their courage and their ability to escalate into this debate a very important issue in behalf of the economy of this country.

Mr. MOYNIHAN. I thank my friend.

Mr. BAKER addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I will not take very long. I hate to appear in the role of a spoiler. I really want to see if we can get to a time to vote on this amendment and get on with the passage of the bill. It would be my purpose, as I advised the distinguished Senator from New York and the managers of the bill, to offer a motion to table the amendment when Members have had their say. I see the Senator from Iowa on the floor. I will not make the motion until the parties are ready but I hope we can get to it pretty soon.

Mr. JEPSEN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. JEPSEN. Mr. President, today we have before us an extremely important piece of legislation. We have heard many arguments outlining the need for it. The dairy program has, over the years, proven itself a valuable tool. The program has worked to assure that we would have an adequate supply of milk by assuring producers of an adequate income to maintain their operations. The problem is, we have a mounting surplus. We all recognize the tremendous amount of Government purchases of milk during the last couple of years cannot continue.

Mr. President, in the committee report, on page 9, there is a table which shows the amount of milk

which has been produced, milk supply and utilization in selected years.

I will keep it simple. Between 1972 and 1982, we have had a 13-percent increase in production.

If you turn to page 12, we have the per capita civilian consumption of milk. Between 1972 and 1982, we had a 2-percent reduction in consumption. Therefore, we have a 13-percent increase in production and a 2-percent national decrease in consumption. You do not have to be an economist, you do not have to be a professor, to figure out we have a problem.

Two years ago, I was among those who led the battle to try to help face what we projected at that time would be some real trouble in this dairy program in the country. I said it at that time, and I am repeating it now. My family is still in business—we have a dairy, as well as a cow-calf operation, and a hog confinement feeding operation. I spent some 4 days in Iowa and I talked to a lot of people—not thousands, but many people who are dairy farmers who milk the cows, who produce the milk.

I did not find under any circumstance or in any situation a single person who supported this assessment. No one liked it.

Be that as it may, let us examine this.

The distinguished Senator from Indiana said that it is logical that if we lower the price support for milk people are going to produce less. I would like to take that one step further. If we have a lower price support, one with which the dairy people can still make a profit on—I want to make it very clear that we must have a profit in all areas of farm production. If the farmer is paid less going in for a hundredweight of milk, then it does seem logical, contrary to what some say, that the consumer should expect, in the normal private sector process, some reduction in the price of the most blue-chip quality food we have on the market today, milk, whether it be 25 cents a gallon, 10 cents a gallon, or 5 cents a gallon.

It further is logical, and has been throughout our history, that if people have a little lower price, they probably are going to consume more milk. Now we are getting at the problem, that is, we should raise the consumption, and then lower the production of milk; then we are headed in the right direction.

I might also add that some folks several years ago—and I did not agree with them then nor do I now—expounded that all the red meats and dairy products are bad for you. Most of them came from the banks of the Potomac here. For some reason, when people get a drink of this Potomac River water, they suddenly somehow get some kind of divine guidance that they know better what is best for people than the people do. Now we have reports coming out by a more scientific community that says we have a calcium deficiency in our society today, and that if we just drink one more glass of milk or have one scoop of ice cream every day, our teeth would look better, they would stay in instead of falling out, our fingernails would be healthier, we would have a little spring in our step, a song in our heart, a twinkle in our eye, we would enjoy better what we eat, all kinds of good things would happen.

I predict consumption is going to go up here. But this amendment embodies basically everything that people who are farmers—that is where I come from—know best. If we take this amendment and have a referendum on it, letting those vote who are producing the milk, I predict they would vote overwhelmingly to provide some type of checkoff or form of it to be used to support increased milk consumption. The soybean producers have done it successfully, the pork producers have done it successfully. Pork producers and soybean producers are one and the same in my State with dairy folks. They would use the checkoff funds to tell people what a good buy milk is, to increase consumption, and how healthy milk is for you.

What is the price—I do not mean any reflection, but I do not know what the price of a martini is. Can the Senator from New York (Mr. MOYNIHAN) tell me what a martini costs today?

Mr. MOYNIHAN. Mr. President, I quit the day I became a lieutenant junior grade, about 30 years ago.

Mr. JEPSEN. I do not know whom to ask, but I would guess the price of milk is somewhere in the neighborhood of 18 cents. The last time I had a chance to price one, I think martinis were $2.75 for about one-fifth as much.

Mr. President, I would suggest that if we do what we should do—that is, vote for this amendment—we are going to be a lot farther along the line to solving our problem.

I might say, in closing, that I think—in fact, I believe and know—on the basis of my discussions with those on the firing line, those who are producing milk in Iowa, that this is what they want.

Somewhere between those folks out on the ranch and who are on the firing line, and those back here in Washington who are representing them, the signals get mixed. I find it somewhat mysterious to observe what those on the producing line really believe and really are saying and what comes out here that is different.

Suffice it to say that I think this is the route and I suggest and urge my colleagues to support this amendment.

Mr. KASTEN. Mr. President.

The PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I rise in opposition to this amendment. As I sit here and listen to this debate, I think we just have to focus, look at what in fact is happening—not what we want to happen, not what we think is going to happen, not what some theory says is going to happen. We have, in the last 1½ years, had some experience with this. We have increased the assessment by 50 cents, now by another 50 cents. What is going on in the marketplace right now? One of the assumptions made by the authors of this amendment is that if we would reduce the support price, we are going to reduce the consumption of milk. We have been reducing the support price through assessments, first by 50 cents, then by another 50 cents in September. Has the production of milk increased or decreased? The production of milk has increased, not gone down. It went up because people are trapped.

The farmers who are working with these products right now are caught in a squeeze. They sit down at their kitchen table on Saturday morning and say, "In order to meet our costs, we have to get x number of dollars of income. In order to get that x number of dollars of income, if the price goes down per hundredweight, we have to produce more." So farmers across this country, large and small, have been producing more, not less. It is an assumption that is being made that if we knock the price down further, people will produce less.

Actually, what is happening—not what is going to happen, not what we think is going to happen, not what some economist thinks is going to happen—what is actually happening is that people are producing more.

The Senator from Iowa says if we reduce the support price, the price is going to go down to the consumers, at the store; people are going to buy more milk. Let us look at it last year. We dropped the support price by 50 cents on April 16, and in December we dropped it by another 50 cents. I ask any Senator, has the price of milk gone down or up in the store over the last year? It has held its own. In some places, it is going up.

Mr. JEPSEN. It has not really dropped the prices. I thought this was an assessment.

Mr. KASTEN. The effect of the 50 cents is to reduce, to knock down the price.

Mr. JEPSEN. May I suggest that what has actually happened in Iowa, and this is just as of August, from people I have talked to that are producers, as well as their neighbors, is that this 50-cent assessment has done nothing more than to prompt them, for whatever reason, to go out and buy an additional cow or two to make up

for that. That is what the Senator is saying.

Mr. KASTEN. That is the problem. What we want to do is come up with some kind of system—and the compromise has elements of this—which will allow people to do what they ought to do; level out their production, and cull out the inefficient producers of the herd, so that we get the marketplace back in line with supply and demand.

All of us need to work together in order to increase consumption of milk and milk products. We can do that domestically, and in foreign markets as well.

Mr. MOYNIHAN. Mr. President, will the Senator yield for a question?

Mr. KASTEN. I shall be pleased to yield.

(Mr. D'AMATO assumed the chair.)

Mr. MOYNIHAN. I think it is possible that a fundamental misunderstanding has entered into our debate here. The assessment, which is a tax, does not change the support price. The processors get the present support price. They take the dollar out of the milk check that goes to the farmer. But if the market is below the support price, they just ship milk off to the Commodity Credit Corporation.

Mr. KASTEN. The Senator is correct. The point I am trying to make is that, by reducing the price per hundredweight, whether it is by 50 cents or whatever, the assumption is being made by some on the floor that if we reduce the price paid to the producer—the farmer—he will produce less milk. That assumption is being made here: Reduce the support price and the dairyman will produce less milk. That is just not what is happening. We have reduced the farmers paycheck and he is producing more milk, not less. This would further harm the producer and I think that we would see dairy farmers go out of business or go bankrupt or go under. Maybe that is what the Senators are hoping to accomplish.

Mr. President, I hope this amendment is defeated. I think the amendment is wrong. I think it is bad. The price paid to dairy farmers has been frozen for better than 2 years, assessments have been levied, yet production is still going up. There are better ways we can solve this problem I hope the Moynihan/Hatch amendment is defeated.

I ask to——

Mr. MOYNIHAN. Mr. President, on a point of personal privilege, I hope the Senator from Wisconsin did not mean to suggest that it is the intention of the Senator from New York or the Senator from Utah that farmers go bankrupt. I would like to hear him say that he did not make that suggestion.

Mr. KASTEN. Mr. President, I do not think any of us want to see farmers go bankrupt. I do not think the Senator from New York, who has almost as many farmers as we do in Wisconsin, wants to see farmers go bankrupt, either. I am not suggesting that is the purpose of this amendment. What I am suggesting is that there is a better way to solve this problem.

Mr. MOYNIHAN. There may well be, but the so-called compromise bill certainly is not it.

Mr. KASTEN. If this amendment is passed, I believe we will create a very serious financial difficulty for the farmers.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am certainly not going to unnecessarily drag out this debate because I know we need to get to a vote on this amendment. I simply wanted to point out as chairman of the subcommittee that conducted hearings on this issue back in April, hearing the diverse range of suggestions for dealing with this problem of overproduction and excessive cost to the Government of the dairy program, we were confronted with a very complex challenge.

After months of very, very hard work, a delicately crafted bill has come to the floor of the Senate. The Senate Agriculture Committee has recommended to the Senate that this bill be passed as the best possible program to implement at this time to help save the dairy industry, protect the interests of consumers, and lay a basis for a continued program for milk and dairy products when the new farm bill has to be drafted. I urge the Senate to reject this amendment and support the recommendations of the Senate Agriculture Committee.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I just happened to walk into the Chamber. I thought we were on final passage. We are still on the amendment that we started on yesterday. As I understand, there is some hope we may leave here today if we dispose of some of these amendments. I have the greatest respect for the Senator from New York and the Senator from Utah, but this compromise has been about 6 months in the making, and it would seem to me that if we do not have the compromise, we are going to have that assessment that nobody likes because we are not going to have a bill. I am going to be here all weekend, but I would hope that we might dispose of this amendment and move on to some of the others. There are eight or nine pending. I yield the floor.

Mr. MOYNIHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. I am prepared to speak for 2 minutes and then I think that the supporters of the amendment will have made their point.

Three points, Mr. President. First, with the greatest respect for the Senator from Kansas, I would not say it has taken 6 months to craft this compromise. I would say it has taken 6 months to craft this deal. Second, at this moment we have a tax on milk. The committee compromise continues to tax milk. On the other hand, milk is one of the few agricultural products which this country still does not pay farmers not to produce. The compromise bill will now institute a program to do so. We will pay farmers not to produce even though the farmers asked that this not happen. It offends the very life of a farmer to be paid not to produce food.

But last, Mr. President, this is not a farm issue. This is a consumer issue. Anybody who votes against this amendment will, in my view, vote to raise the price of a basic food for consumers of this country.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. PRESSLER). The Senator from New York has the floor.

Mr. LEAHY. Will the Senator yield?

Mr. MOYNIHAN. I yield.

Mr. LEAHY. Mr. President, perhaps to some what may be one man's deal might be another statesman's legislative progress. It depends on the eye of the beholder. But I yield to no Member of this body in my interest for the consumers or my interest in consumer-oriented legislation. I think my record over nearly 9 years shows that.

But I also remind my good friend from New York and my neighboring State that farmers are also consumers. Somehow we seem to forget, when we are talking about farm legislation, that the producers of the food of this country are also consumers. They have as much of a right to be protected as everybody else.

Those of us who live in a rural State know full well that milk does not grow in the grocery store, that wheat or beef or anything else does not grow in the grocery store but is produced by the hard work of the men and women in this country. In the dairy industry, that is primarily the individual family farmers.

What we have tried to do is not craft a deal but to work out a legislative program, a bipartisan legislative program that will cut production, that will cut the ultimate cost to the taxpayers of this country but do it in such a way that family farms can stay in business. This is not a throw-the-baby-out-with-the-bath-water kind of program that will put these farms under overnight, but something that can rectify a situation that has been

long aborning. This program keeps faith with the men and women in this country who work harder than virtually every other segment of the country.

Mr. PROXMIRE. Mr. President, I will take only 2 minutes. I know we are anxious to move to a vote.

Mr. President, many of us criticize the Department of Agriculture, but when we come to a source of statistics on the farm, particularly the dairy farm, that is the place we have to go. That is the authority.

A recent USDA analysis of the current law—assessment program—the compromise presented in S. 1529, and a price support reduction of $1.50 per hundredweight, indicates that the compromise is the most effective vehicle for obtaining an immediate reduction in milk production; reducing Commodity Credit Corporation purchases of dairy products; reducing Government costs under the price support program; reducing Commodity Credit Corporation inventories of dairy products; and maintaining farm income while accomplishing these purposes.

It is for this reason that Members of the Senate and House have joined with administration representatives to develop this plan. All of the available options, including a price support cut of $1.50, were considered in developing the compromise. The need to effectively address the five points listed above was the reason why the compromise plan was adopted and has been endorsed by Democrats and Republicans in the Senate and House by the administration. We need something that will work and work quickly. This will do it. It allows the dairy farmer to make his own decision as to whether to reduce production, maintain it at current levels or even to increase output. A price support cut gives the farmer no such option. The desired production cut would come only as farmers are forced out of business entirely.

An argument advanced in favor of a price reduction is that the reduced price of milk and dairy products would spur consumption as consumers respond to the lower prices. Experience indicates that little can be expected in this regard. Dr. Truman Graf, University of Wisconsin economist, recently analyzed year-to-year price changes for fluid milk and processed American cheese at retail and the farm price for the milk going into these products. Dr. Graf's basic conclusions were:

In summary, retail dairy prices do not automatically change with farm milk prices. Increases in farm milk prices are generally outstripped by the increases in retail dairy product prices. More importantly, reductions in farm milk prices have generally been accompanied by increases in retail dairy products prices, because of increased marketing costs which are automatically reflected in retail prices.

Mr. President, I ask unanimous consent that three tables be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

[In millions of dollars]

	Fiscal year—				
	1983	1984	1985	total 1983–85	total 1984–85
Gross CCC purhcase costs:					
Current law	2,709	2,525	2,639	7,873	5,164
Compromise (H.R. 1875) [1]	2,709	426	1,029	4,146	1,455
Lower support $1.50 [2]	2,709	1,517	1,104	5,330	2,621
Net CCC purchase costs:					
Current law	2,749	2,667	2,788	8,204	5,455
Compromise (H.R. 1875)	2,749	568	1,178	4,495	1,746
Lower support $1.50	2,749	1,659	1,253	5,661	2,912
Deductions:					
Current law	375	1,354	1,365	3,094	2,719
Compromise (H.R. 1875)	375	571	201	1,147	772
Lower support $1.50	375	0	0	375	0
Diversion payments:					
Current law	0	0	0	0	0
Compromise (H.R. 1875)	0	1,022	471	1,493	1,493
Lower support $1.50	0	0	0	0	0
Net costs: [3]					
Current law	2,374	1,313	1,423	5,110	2,736
Compromise (H.R. 1875)	2,374	1,019	1,448	4,841	2,467
Lower support $1.50	2,374	1,659	1,253	5,286	2,912

[1] Diversion payments and deduction implemented on December 1, 1983, and continue through February 28, 1985.
[2] Lower support effective October 1, 1983.
[3] After adjustment for deductions and diversion payments.

	Fiscal year—		
	1983	1984	1985
	Dollars per hundredweight		
Manufacturing grade milk price:			
Current law	12.58	12.78	13.75
Compromise (H.R. 1875)	12.58	13.85	13.20
Lower support $1.50	12.58	11.60	11.60
All milk sold to plants:			
Current law	13.58	13.78	14.75
Compromise (H.R. 1875)	13.58	14.85	14.20
Lower support $1.50	13.58	12.60	12.60
Effective farm price:			
Current law	13.31	12.78	13.75
Compromise (H.R. 1875)	13.31	14.45	13.95
Lower support $1.50	13.31	12.60	12.60
	Million dollars		
Farm cash receipts: [1]			
Current law	18,170	17,440	18,910
Compromise (H.R. 1875)	18,170	18,930	18,740
Lower support $1.50	18,170	17,030	16,810
Consumer cost:			
Current law	33,560	34,830	37,510
Compromise (H.R. 1875)	33,560	36,640	37,510
Lower support $1.50	33,560	34,430	35,940

[1] After adjustment for deductions and diversion payments.

[In billion pounds]

	Fiscal year—		
	1983	1984	1985
Production:			
Current law	137.7	137.5	138.5
Compromise (H.R. 1875)	137.7	125.2	132.0
Lower support $1.50	137.7	136.2	134.4
Commercial use:			
Current law	121.3	122.0	124.0
Compromise (H.R. 1875)	121.3	123.7	126.3
Lower support $1.50	121.3	125.8	127.9
CCC net purchases: [1]			
Current law	16.8	15.5	15.0
Compromise (H.R. 1875)	16.8	1.7	6.1
Lower support $1.50	16.8	9.9	6.9
Ending CCC uncommitted inventory: [1]			
Current law	19.7	20.0	20.8
Compromise (H.R. 1875)	19.7	6.3	0.6
Lower support $1.50	19.7	14.5	7.2

[1] Milk equivalent.

Mr. PROXMIRE. Mr. President, finally, I ask unanimous consent that the analysis made by Truman F. Graf, an agricultural economist with the University of Wisconsin, entitled "Analysis of Dairy Price Variations—Farm Compared to Retail," be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS OF DAIRY PRICE VARIATIONS—FARM COMPARED TO RETAIL

(By Truman Graf)

"Cut farm milk price supports" became a popular refrain in recent years as U.S. milk surpluses mounted—to over 10% of milk production in 1982 and 1983. Advocates contend a price support cut will increase dairy sales, thereby eliminating or at least reducing the 14.3 billion pound milk surplus registered in 1982, and the even larger surplus projected for 1983.

A $1.10 per cwt. reduction in the price support level to $12.00 has been one of the more prominent proposals. Proponents indicate a support price adjustment of this magnitude would work out approximately as follows using annual 1982 data.

$13.10 per cwt.−$1.10 per cwt.=8.4% reduction in farm price.

$25.69 per cwt.−$1.10 per cwt.=4.3% reduction in retail price.

−10% retail dairy price=+4% retail dairy sales.

−4.3% retail dairy price=+1.72% retail dairy sales.

121.3 billion pounds commercial milk sales x 1.72%=+2.1 billion # milk sales.

Larger price support reductions would result in correspondingly larger increase in commercial sales, and therefore larger reductions in milk surpluses.

Critics question these conclusions, contending a major flaw—the assumption that reductions in farm milk prices will result in equal or even any reductions in retail dairy prices, which are necessary to achieve increased commercial sales.

Who is right? The answer which has major implications with respect to dairy price support policy, is the focus of this article.

The two major dairy products, fluid whole milk, and American cheese, were used in the analysis. Year to year changes in farm milk prices and retail prices for the two products from 1960–82 were determined, and compared. Results are presented in Table 1.

TABLE 1.—ANNUAL U.S. FARM AND RETAIL PRICE CHANGES FOR FLUID WHOLE MILK, AND PROCESSED AMERICAN CHEESE 1960–82

[In cents]

Year to year changes	½ gal fluid whole milk		½ lb processed American cheese	
	Farm price change [1]	Retail price change	Farm price change [2]	Retail price change
1970–71	+0.72	+1.50	+0.62	+2.32
1971–72	+.86	+.83	+1.34	+1.65
1972–73	+3.98	+5.66	+6.05	+6.02
1973–74	+5.73	+12.93	+4.07	+12.61
1974–75	+.33	+.17	+2.63	+3.83
1975–76	+5.40	+4.19	+4.36	+9.70
1976–77	−.46	+1.17	+.50	−.25
1977–78	+3.49	+3.92	+4.95	+5.98
1978–79	+6.36	+8.78	+6.63	+11.37
1979–80	+3.87	+8.34	+4.54	+10.40
1980–81	+3.96	+6.81	+3.47	+9.51

TABLE 1.—ANNUAL U.S. FARM AND RETAIL PRICE CHANGES FOR FLUID WHOLE MILK, AND PROCESSED AMERICAN CHEESE 1960–82—Continued

[In cents]

Year to year changes	½ gal fluid whole milk		½ lb processed American cheese	
	Farm price change [1]	Retail price change	Farm price change [2]	Retail price change
1981–82	−.30	+.72	−.24	+3.12
1960–70 average	+.76	+.91	+.64	+1.60
1970–80 average	+3.03	+4.75	+3.57	+6.36
1980–82 average	+1.83	+3.76	+1.62	+6.32

[1] Average U.S. Federal order class I price.
[2] Average U.S. price for farm milk used in American cheese.

Data in Table 1 reveals that year to year retail price changes for both fluid whole milk and American cheese were generally more than farm milk prices changes for these products. Furthermore, in each instance since 1970 when farm milk prices dropped, retail prices for the two products actually increase. (1976–77, and 1981–82 for fluid whole milk, and 1981–82 for American cheese).

In 9 of the 12 years since 1970, retail prices for fluid whole milk either increased more than farm milk prices for the product, or increased when farm milk prices for the product declined. For American cheese, retail price changes outstripped farm price changes in 10 of the 12 years.

The same picture emerges if we go back another decade to 1960. Since 1960, retail price changes for fluid whole milk were greater than for farm milk in 16 of the 22 years. For American cheese, retail price changes were greater than farm price changes in 19 of 22 years.

The averages for the decades of the 1960's, 1970's, and 1980's are also indicated in Table 1. Retail price changes for the two products far outstripped farm price changes in each of the three decades, and have generally widened dramatically in recent years.

Marketing margins between retail and farm prices for fluid whole milk increased from 28 cents per one-half gallon in 1970, to 50 cents in 1982,—a ¾ increase. For cheese the increase was from 27 cents to 65 cents per one-half pound,—a 1⅓ increase. Increased marketing costs have automatically increased marketing margins, hence retail prices for the dairy products. Unfortunately for farmers, increased costs to them do not automatically increase farm milk prices, which may in fact decline, as in 1982.

Figures A, B, C, and D, further illustrate these farm-retail dairy price relationships.

In summary, retail dairy prices do not automatically change with farm milk prices. Increases in farm milk prices are generally outstripped by the increases in retail dairy product prices. More importantly, reductions in farm milk prices have generally been accompanied by increases in retail dairy product prices, because of increased marketing cost which are automatically reflected in retail prices.

Thus the modest 2.1 billion pound increase in commercial sales and hence reduction in price support purchases projected earlier from a $12.00 per cwt. support price, likely overstates the actual increase in sales if any. Why? Because retail prices will not decrease $1.10 per cwt., even though price supports are reduced $1.10 per cwt. A reduction in dairy price supports does not automatically result in a decrease in retail dairy prices, and therefore an increase in commercial sales. Proposals to reduce dairy surpluses by reducing price supports, ignore the fact that retail dairy prices do not automatically drop when farm milk prices drop.

[Figures A, B, C and D not reproducible for RECORD.]

Mr. HATCH. Mr. President, in summary, let me stress that:

First, this amendment does not open up new problems or place us in uncharted and questionable waters. It will be easy to administer and simple for the farmer to understand.

S. 1529, on the other hand, sets up a complicated base program which will require extensive Government involvement with every dairy farmer in the country. The Department of Agriculture is the first to admit they will have difficulty in administering and enforcing the program.

Second, this amendment has a track record. As mentioned previously, four times USDA has reduced the price support and four times supply has fallen in line with demand. I expect the adoption of this amendment will once again accomplish the purpose we all have: To reduce Government surpluses and outlays.

Third, this amendment is equitable. It will allow market forces to work their will by allowing the Government guaranteed price to fall to a level which is in line with market demand.

Fourth, this amendment will rid farmers of the 50-cent assessment which is odious to dairy producers.

Fifth, this amendment will have a positive effect on consumer costs and encourage increased consumption, thus creating opportunities for those who wish to expand or initiate marketing programs.

Sixth, this allows freedom to the individual dairyman to make his/her own business decisions rather than operate under a mandated Government program. It does not require farmers to contribute to a costly program in which only some can participate.

Seventh, the amendment will give the Secretary of Agriculture the flexibility to respond to changing market conditions, such as rising grain and feed prices, falling interest rates, and so forth, and will allow him to adjust the program accordingly so that the program will remain in balance in future years. However, the amendment guarantees that no cuts can be made below $11.60.

Eighth, last but not least, my amendment will preserve a program which has been a success for over 30 years. Not only will it preserve the program, but I believe it will strengthen it by removing the issue once again from Congress and the political pressures often found in this body.

Mr. THURMOND. Mr. President, I rise to support this amendment, which is designed to address the problems that exist in the dairy price support program.

This amendment will direct U.S. dairy producers away from their recent excessive dependence on the Federal Government as a market for their dairy products. It would give the Secretary of Agriculture the ability to reduce the dairy price-support level to not less than $11.60 over the next 15 months. This will permit the Secretary to remove any artificial incentive for dairy farmers to overproduce.

Mr. President, this amendment also completely eliminates the current $1 per hundredweight assessment on commercially marketed milk, whereas the Agriculture Committee bill would retain a 50-cents per hundredweight assessment in order to help pay for a proposed diversion program.

I have strongly opposed the assessment because I feel that it is unjust, ineffective, and unwise. The assessment does not take into account vast differences that exist in various regions of the country within the dairy industry. For example, the milk produced in South Carolina is consumed almost entirely in fluid form, and there are no, I repeat no commodity-credit corporation purchases. Therefore, it is most unfair to ask dairy farmers in my State, who are not under a Federal milk marketing order, to pay for a program in which they do not participate, or to share in the cost of removing milk surpluses which they have not caused.

Moreover, experience to date has demonstrated that continuation of any assessment, even at the reduced level of 50 cents per 100 pounds of milk, is counterproductive in the effort to reduce milk production and the cost of the dairy price support program. Since the assessment was begun earlier this year, many dairy farmers have in fact added more cows to their herds and have increased milk production. They have done this primarily to offset the loss of income due to the assessment, which has the effect of transferring to the Treasury income which would otherwise help pay for dairy production costs. Furthermore, to the extent milk production is increased, Federal outlays to purchase dairy products and support milk prices at the minimum level required under present law are also increased. The net effect, Mr. President, is that the assessment worsens the very problem which we are trying to solve in this legislation.

Mr. President, this amendment also strikes the $10 per 100 pounds—of milk not produced—diversion program under which participating dairy farmers will be paid for cutting back up to 30 percent of their usual milk production. The diversion program, I fear, entails adverse ramifications that many members of this body may have not thoroughly considered. Dairy producers who operate in regions of the coun-

try where milk production is now less than regional consumption will be at a distinct disadvantage to those producers who operate in surplus areas.

On the one hand, processing plants and cooperatives in areas now short of milk, such as the Southeast, are encouraging their farmer producers to send them more milk. On the other hand, the present Government policy and the diversion program proposed in the committee bill are aimed at actively discouraging milk production.

To the extent that dairy farmers in the Southeast and other areas do not meet the regional market demand for milk, that demand will be satisfied by milk shipped in from the surplus-producing States—primarily the Midwest. In other words, the committee bill threatens a massive milk market dislocation and disruption. Moreover, that dislocation may easily turn into a permanent disadvantage for dairy farmers in short supply areas, once they relinquish their markets to those in surplus regions.

In addition, Mr. President, large participation in the diversion program will result in dairy farmers selling considerable numbers of excess cows for slaughter. This sudden surge of culled dairy animals will likely cause depressed market prices for beef cattle, hogs, other livestock, and poultry. Not surprisingly, the National Cattlemen's Association and the National Pork Producers Council oppose the committee bill and support the alternative approach of reducing the milk support price, as proposed in this amendment.

Mr. President, I sincerely believe that this alternative will be more equitable, effective and easier to implement. It will give the Secretary of Agriculture the necessary flexibility to address the problems that exist in the dairy price support program and will reduce the massive Federal outlays presently poured into this program. I strongly support this amendment, and I hope that my colleagues will adopt this language in lieu of the assessment and diversion program recommended by the committee.

● Mr. EVANS. Mr. President, I rise in support of the amendment of Senators MOYNIHAN and HATCH to S. 1529, the Dairy and Tobacco Adjustment Act of 1983. The amendment is a laudable attempt to discourage overproduction of milk caused by artificially high price support levels. The amendment would help encourage consumption of milk products by reducing the price consumers pay for milk products. The amendment would eliminate an inequitable program which requires all dairy farmers to pay an assessment so that the Federal Government can pay some dairy farmers to curtail production.

Mr. President, Federal price supports for dairy products have reached alarming levels. From March 1978 to the beginning of fiscal year 1981, the support price increased 40 percent. Similarly, the cost of price supports has increased dramatically. Expenditures have risen from $250 million in 1979 to more than $2.2 billion in 1982. In fiscal year 1983, the program could cost as much as $2.7 billion.

Artificially high price supports greatly stimulate production but do nothing to stimulate demand for milk products. As a result of this anomaly, the Federal Government has become the owner of 430 million pounds of butter, 758 million pounds of cheese, and 1.2 billion pounds of nonfat dry milk.

Ironically, assessments have encouraged overproduction. Dairy farmers produce more milk to compensate for the lost revenue. By February 1983, milk production was up nearly 2.3 percent from the previous year. During the same period, Federal Government purchases rose nearly 22 percent.

Mr. President, the best way to reduce the quantity of surplus milk products is to encourage consumption. Over the last 30 years, per capita consumption of dairy products has decreased by the equivalent of 170 to 180 pounds or 85 to 90 quarts of milk a year. One way to encourage consumption is to advertise. By guaranteeing a market for all dairy production, however, the Government has reduced the incentive for the industry to go through the expense of promoting their product.

Mr. President, I believe this amendment to S. 1529 would stimulate demand and reduce Federal Government purchases of surplus milk products. A price support reduction which will stimulate demand is preferable to equivalent assessments, which do nothing to lower the consumer's costs. I applaud the wise and courageous attempt of Senators MOYNIHAN and HATCH to solve this difficult and serious problem. I support the Senators from New York and Utah in their effort, and urge my colleagues on both sides of the aisle to do likewise.●

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Now, Mr. President, as I indicated earlier, I propose to make a tabling motion unless some other Senator wishes to speak at this time.

Mr. President, I see no one seeking recognition. I therefore move to table the Moynihan amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MOYNIHAN. Would the majority leader amend that to the Moynihan-Hatch amendment?

Mr. BAKER. I amend my motion in that respect, Mr. President.

Mr. PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. HUMPHREY), would vote "nay".

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Mr. LONG), are necessarily absent.

On this vote, the Senator from Massachusetts (Mr. KENNEDY) is paired with the Senator from Louisiana (Mr. LONG).

If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Louisiana would vote "nay".

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 56, nays 37, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—56

Abdnor	Eagleton	Metzenbaum
Andrews	East	Mitchell
Baker	Exon	Nickles
Bentsen	Ford	Pressler
Bingaman	Goldwater	Proxmire
Boren	Hart	Pryor
Boschwitz	Hecht	Randolph
Bumpers	Heflin	Riegle
Burdick	Heinz	Sarbanes
Byrd	Helms	Sasser
Chiles	Huddleston	Specter
Cochran	Kassebaum	Stafford
Cohen	Kasten	Stennis
Cranston	Laxalt	Stevens
D'Amato	Leahy	Tower
Danforth	Levin	Tsongas
Dixon	Matsunaga	Weicker
Dole	McClure	Zorinsky
Durenberger	Melcher	

NAYS—37

Armstrong	Hatch	Percy
Baucus	Hatfield	Quayle
Biden	Hawkins	Roth
Bradley	Jepsen	Rudman
Chafee	Johnston	Simpson
DeConcini	Lautenberg	Symms
Denton	Lugar	Thurmond
Dodd	Mattingly	Trible
Domenici	Moynihan	Wallop
Evans	Murkowski	Warner
Garn	Nunn	Wilson
Gorton	Packwood	
Grassley	Pell	

NOT VOTING—7

Glenn	Inouye	Mathias
Hollings	Kennedy	
Humphrey	Long	

So the motion to lay on the table the Moynihan-Hatch amendment (No. 2293), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BOSCHWITZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I yield to the Senator from New York.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the senior Senator from New Hampshire be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, let me inquire of the managers and other Members about how much longer it is going to take to finish this bill, how many more amendments there are, and what we can reasonably expert for the remainder of the day on this measure?

I had hoped we would have this bill passed long before now, but it is the intention of the leadership on this side to finish this bill.

I hope Members will offer amedments, if they have them, promptly, and I would even hope they would have no further amendments. But I wonder if the managers can give me an idea as to how much longer they will be?

Mr. HELMS. Mr. President, I had hoped to get a show of hands.

Mr. BAKER. Mr. President, I would not presume to take a tally on the other side but I would on this side. Could I inquire of Members on this side who have amendments? I see five hands, and that is enough. [Laughter.]

Now, Mr. President, let me say—and there is a colloquy on the other side.

Mr. HUDDLESTON. A couple of minor ones.

Mr. BAKER. It looks like we will be another hour or more on this bill, but we do plan to finish, and I would urge Senators to consider that.

It seems very likely we will be in tomorrow. I do not intend to ask the Senate to stay in late tonight. I would urge Senators to consider that we will be in on tomorrow.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. BAKER. Yes, I yield.

Mr. HELMS. If our distinguished leader, whom we all love so much, yields, may I ask if we finish this bill will we be in tomorrow?

Mr. BAKER. Mr. President, I am not sure. I would like to dangle that carrot, but I am afraid in all fairness there are other complications also. One of them, I may say to my colleagues, is the unemployment compensation extension. We have not worked that out yet, and I hope someone on the other side of the Capital, in the House of Representatives, will be aware of the fact that we may have to be in tomorrow or even Saturday to deal with that issue.

So far there has not yet been a successful conclusion to the conference. I am advised the House has passed a 30-day extension which has not reached us, but I also understand there are a lot of extraneous things added to it. So if we have that complication it may seriously complicate the business of trying to adjourn.

Let me once again urge Senators to consider that we may be in tomorrow and even on Saturday.

Mr. HELMS. I thank the Senator.

AMENDMENT NO. 2294

(Purpose: To require the Secretary of Agriculture to report to the Congress on the feasibility of imposing a limitation on the total amount of assistance a producer may receive during a year under the dairy price support program)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. RUDMAN). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) proposes an amendment numbered 2294.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 14, insert "(1)" after "on".

On page 19, line 18, insert after "productivity" the following: "and (2) the feasibility of imposing a limitation of the total amount of payments and other assistance a producer of milk may receive during a year under section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446 (d))".

Mr. PRESSLER. Mr. President, the amendment I am offering to the dairy bill will require a feasibility study on limiting annual dairy price support program benefits available to individual dairy farmers. The purpose of my amendment is to explore directing program benefits to the typical family-size dairy farmer rather than to huge corporate operations.

Section 301 of S. 1529 requires the Department of Agriculture to submit a report on recommendations for changes in the application of the parity formula. My amendment would require that a section on the feasibility of limiting annual program benefits to producers be included in the report.

Under the current program, an operator milking 20 cows is treated the same as a corporate operation milking several thousand cows. In fact, the large operator very likely receives a larger per cow benefit because of various tax benefits available to him and a lower production cost.

Wheat and feed grain farmers are subject to a Federal payment limitation of $50,000 annually. This limitation does not affect the average farmer but does limit benefits for large corporate farmers. We need to explore a similar limitation on benefits to dairy farmers.

We do not want to discourage large dairy farmers from producing, but I do not feel we should feel we should subsidize one producer to milk thousands of cows. If he wants to milk several thousand cows and receive whatever price the market will pay, that is fine. However, the Federal Government should not subsidize producers to the tune of hundreds of thousands of dollars each.

Such a limitation could have numerous benefits:

It would reduce the cost of the program. These large producers, even though they are a small percentage of total dairy farmers, produce a large share of the total milk produced. Limiting benefits per producer would reduce the amount of milk supported by the price support program and also discourage excessive production increases.

It could mean lower consumer milk prices. It large producer production were sold at a lower price it should reduce consumer prices. Lower consumer prices would help to increase consumption and reduce the surplus.

A limitation would direct program benefits to family farms rather than corporate operations. It is important that we maintain the family farm system if our agricultural sector is to continue to feed a large share of the world.

Mr. President, my amendment only requires that the USDA investigate such a limitation and its feasibility. It may prove to be beneficial and it may not, but we should investigate it. I urge my colleagues to join me in support of this amendment.

I might add, Mr. President, most of the dairy farmers in my State milk between 30 and 150 cows and I think that is true in most family farm dairies. But in some States there are herds of 2,000 to 3,000 cows. It has long intrigued me if we could find a way to pay the subsidy only to those with herds of, for example, less than 200 milking cows it would be a very good thing. We have done that with wheat and feedgrains with a $50,000 payment limitation and I think it could be done with dairy.

Some say that it is different because the payment is really paid to the processors and then goes back to the farmers. But there are recordkeeping capabilities already in place without adding any extra cost that could identify that milk and those processors who buy from herds of 200 or less.

So this would be a study to try, to come up with a plan to address this great problem.

Therefore, I ask my colleagues to carefully consider this amendment. If the amendment is not agreed to I will

seek the yeas and nays but I will not do that at this point.

Mr. COCHRAN. Mr. President, let me first of all compliment the Senator from South Dakota. As I understand the amendment, it simply seeks to enlarge the content of a report that has to be made under the bill in any event by the Department of Agriculture, adding a new section to that report dealing with the feasibility of an individual payment limitation. It does not direct the Secretary to make any kind of finding one way or the other, but simply do a study of the feasibility of such a payment limitation. Is that correct?

Mr. PRESSLER. That is true. But I hope the study is so self-evident that the Secretary is compelled to make a recommendation.

Mr. COCHRAN. But the point of the matter is the language of the amendment does not purport to say one way or the other anything about the feasibility. It simply asks a study be done as a part of a report that has to be made anyway on the parity formula by the Secretary.

Mr. PRESSLER. Yes. But it would go a step further and include in that report the feasibility of limiting the payment to smaller sized herds.

Mr. COCHRAN. Mr. President, it does not appear that this is an objectionable amendment. We are prepared to recommend that the amendment be agreed to.

Mr. HUDDLESTON. Mr. President, we have no objection on this side. We are willing to agree to the amendment without a rollcall, if that is satisfactory to the Senator from South Dakota.

Mr. PRESSLER. If we can pass the amendment without a rollcall, that would be fine with me.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from South Dakota (Mr. PRESSLER).

The amendment (No. 2294) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2295

(Purpose: To establish the dairy price support level at $12.10 per hundredweight of milk and to delete the authority of the Secretary of Agriculture to provide for an assessment or a milk diversion program.)

Mrs. HAWKINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida (Mrs. HAWKINS) for herself, Mr. WILSON and Mr. MOYNIHAN, proposes an amendment numbered 2295.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, beginning on line 8, strike out all that follows through line 9 on page 19 and insert in lieu thereof the following new section:

DAIRY PRODUCTION STABILIZATION

SEC. 102. Subsection (d) of section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446 (d)) is amended to read as follows:

"(d) Notwithstanding any other provision of law—

"(1) Effective for the period beginning on November 1, 1983, and ending February 28, 1985, the price of milk shall be supported at not less than $12.10 per hundredweight of milk containing 3.67 per centum milkfat.

"(2) The price of milk shall be supported through the purchase of milk and the products of milk."

On page 38, line 22, insert "and" after the semicolon.

On page 38, beginning on line 23, strike out all that follows through line 2 on page 39.

On page 39, line 3, strike out "(3)" and insert in lieu thereof "(2)".

Mrs. HAWKINS. Mr. President, if you like the idea of pouring billions of dollars into stockpiling dairy products in caves, if you like the idea of paying people not to work, if you like raising food prices by billions of dollars, chiefly on the poor, and if you like the idea of revisiting the dairy problem soon, then you should oppose this bill. If on the other hand, you like the idea of helping to get the Government out of the dairy business, you think it is wrong for anyone to earn up to $1 million or more for not working, and you want to lower food prices for everyone, then you should support my amendment. Under this amendment, the dairy support price is reduced from $13.10 per hundredweight to $12.10 per hundredweight.

In addition, it strikes the 50 cent assessment and the paid diversion parts of the dairy plan now under consideration. This plan substitutes a simple $1 cut in the support price for the committee's complicated creation which looks to me like a two-headed monster. What I offer instead is a market-oriented approach to solving a supply and demand imbalance problem. Since producers are generating far more milk than consumers are demanding, it is obvious that the only sensible answer is to cut the support prices. That way, the surplus will disappear as producers cut back. Those with good memories will recognize the amendment. My amendment is quite similar to the Hayakawa-Hawkins amendment offered 1 year ago today. It lost by one vote, 48 to 49.

Had our amendment become law, we probably would not have to confront the dairy dilemma again today. Unfortunately, that is not the case. One year later the national dairy problem is still very much with us. In 1982, the USDA purchased over 13 billion pounds of dairy products, about 10 percent of all the milk produced in our Nation. In 1983, CCC purchases will exceed those of last year by 10 percent. So, the Government is expected to buy over 14.2 billion pounds of milk before the year is out. It is going to cost the taxpayers almost $3 billion in fiscal year 1983 and fiscal year 1984 to do so if nothing is done. In fiscal year 1979, the program cost $49 million, about 2 percent of today's costs. To place this $3 billion in perspective, consider what $3 billion will buy.

Projected outlays in fiscal year 1984 for MX missiles are lower than projected costs for dairy products this year. The MX will cost $2.5 billion if it is built. The difference is that bulging dairy stocks are already with us. And there is no prospect that we will get anything in return from the Soviet Union or anyone else for that matter for enlarging our dairy stockpile. Consider environmental expenditures—$3 billion is three times as much as the Federal Government will spend next fiscal year for regulatory, research, and enforcement activities at the EPA. You may recall the national debate we held over the proper level for funding for EPA. After agreeing that more was needed, spending for EPA rose to about $1 billion. During other debates, we have also talked about the problem some have facing the choice of heating versus eating. Well, we spend only half as much on low-income energy assistance as we do on the dairy program. And, finally, by rolling back social security cost-of-living adjustments for 6 months, we will save $3 billion in fiscal year 1984.

The problem has gotten worse in spite of congressional efforts to repeal the laws of supply and demand. As part of the 1982 reconciliation act, the 97th Congress enacted a plan to tax dairy farmers up to almost $1 billion a year to recover the part of the costs of operating the dairy program. At the same time, lowering net prices received by producers from $13.10 to $12.10 through this tax was supposed to encourage a drop in production. It was a nice theory.

Although the 97th Congress imposed the tax to raise revenue and to discourage production, the effect of these actions has been nil. This unhappy result is due to the fact that very little of the tax has been collected. And why is this? Dairy farmers across the Nation reacted with outrage at the imposition of the assessment. Almost a dozen lawsuits kept collection of the

tax tied up in the courts. Last year's plan is still not out of the legal woods.

Yet, curiously the Senate is again being asked to play budetary roulette with the courts and the interest groups. We are told that the OPEC for milk plan will cost $2.5 billion over 2 years, and that my amendment cost $3.4 billion. But there is a big difference. There is no question my plan can be immediately implemented and that actual saving will occur. Supporters of the OPEC for milk plan cannot truthfully make the same claim. In addition to the legal controversy already surrounding the dairy tax, court action can be anticipated over the distribution of $1.4 billion in payments to dairy farmers not to produce. This is especially true since 40 percent of all dairy farmers are not expected to get a dime in payments. Also, legal trouble awaits the implementation of the 15 cents per hundredweight fee used to fund a promotion plan without a referrendum first. If this plan is delayed, just like the last one, and the odds on delay are quite high, then my plan will save more in both the short and long run. So much for the savings under this cartel plan.

I want to turn now to the specifics of the OPEC for milk plan to demonstrate why it should be rejected even if you believe the courts and interest groups are going to allow it to go into effect. In place of the failed attempts of the last year, the Senate is now asked to consider a new so-called dairy compromise. We have heard it talked about a lot today. This new compromise relies on the willingness of producers to form a national dairy cartel that will pay them handsomely not to produce. Here is how it works.

Under what should be called the "OPEC for milk" plan farmers establish a "base year" production level. This "base" cannot be bought or sold, only inherited, or received as a gift, or as an interfamily transfer. Farmers then sign a contract with the Government to reduce production up to 30 percent and receive $10 from the Government for every hundredweight they produce below their quota.

Of course, to create the cartel, Congress must guarantee suppliers a financial reward for joining. And boy is the proposed deal a rich one. Since in addition to receiving $10 for not producing, producers will also save between $7 and $11 per hundredweight in foregone feed, energy, and other costs, the incentive not to produce is over $17 per hundredweight. Right now, the artificially high support price provides only a $13.10 incentive to produce. Under the bill, the incentive to produce drops to $11.95 per hundredweight. That is what a producer will receive after his co-op subtracts a 50 cents tax and a 15 cents promotion fee from the new support level of $12.60. Clearly a payment of $10 per hundredweight not-to-produce is more than sufficient to induce participation. Even many of those who favor creation of a cartel admit that $10 is an unnecessarily high payment. When questioned, the administration admitted that $10 was very attractive and agreed that a lower payment would also induce the necessary level of participation to eliminate the surplus. As the evidence makes clear, over a $5 difference exists between the incentive not to produce and the incentive to produce under the committee proposal. A side payment half the size contemplated would likely be attractive enough to induce participation since any one participating would save time as well as money. Generosity is a fine thing. But is not unnecessarily providing producers $750 million overdoing it?

Whatever the level, Congress should realize windfalls will be received by many producers who would be forced to cut back anyway. The size of dairy herds can vary for a variety of natural causes, including accidents and diseases. Others, who were close to retirement and planned to leave the business anyway, will also receive checks from taxpayers. All they have to do is send their cows to market and not buy any more. If they do, Uncle Sam will send them a fat check. I guess timing is everything in business, just like it is in politics. Last year's former dairy producers got nothing for leaving the business. In my judgment, all this makes little sense. We should not pay farmers not to produce when they were not going to do so anyway. In addition, there are a variety of other ways to receive payments from the Treasury without reducing productive capacity. Producers, instead of culling, can feed milk to their livestock, or even dump it on the ground. Others will cut the amount of feed given to their cows to cut output.

Now throwing money at the problem might make sense if it offered a permanent solution. However, the national milk cartel proposal offers only a temporary one. As long as support prices remain high relative to feed costs, producers will have an incentive to market more milk than can be consumed. Once the cartel ends in 1985, the surplus problem will return unless there is another drought and grain prices soar. After the flood of cash from Washington stops, it will have to extend the life of the temporary cartel. Thus, the cartel solution will prove to be an expensive nonsolution.

Imagine the reaction of average working people when they find out that their Government is offering dairy producers the opportunity to reduce their productivity by 30 percent and be paid for it with taxpayer's dollars.

My office received a letter from a constituent in Palatka, Fla., that vividly illustrates what American people think of this approach to agricultural policy. I would like to share it with my colleagues.

The letter follows:

DEAR SENATOR: My friend Boreaux over in Pima County received a $1000 check from the government this year for not raising hogs. So, I am going into the not-raising-hogs business next year. What I want to know is, in your opinion, what is the best kind of hogs not to raise? I would prefer not to raise Razaorbacks, but if there is no other good breed not to raise, I will just as gladly not raise Berkshires or Durocs.

The hardest work in this business is going to be keeping inventory of how many hogs I haven't raised. My friend Boreaux is very joyful about the future of this business. He has been raising hogs for more than 20 years, and the best he ever made was $400, until this year when he got $1000 for not raising hogs. If I can get $1000 for not raising 50 hogs, then I will get $2000 for not raising 100 hogs.

I plan to operate on a small scale at first, holding myself down to about 400 hogs which means I will have $8000. Now another thing. These hogs I will not raise will not eat 100,000 bushels of corn. I understand that you will pay farmers to not raise 100,000 bushels of corn, not to feed the hogs I am not raising. I want to get started as soon as possible, as this seems to be a good time of year for not raising hogs.

P.S.—If you know of any other programs that will pay me not to produce, I sure would appreciate it.

Mr. COCHRAN. Mr. President, will the Senator yield?

Mrs. HAWKINS. No, not at this time.

Mr. President, if this OPEC for milk proposal passes, I will write a letter to my constituent in Palatka about the proposal for not producing milk. I am sure he would respond, in his words "joyfully."

Turning now to the 50-cent tax, I have briefer comments. Suffice it to say that hostility toward the tax is not going to diminish. Projections are that about 40 percent of all producers will not join the cartel. That is because they cannot qualify for membership. Either they started producing this year or recently enlarged their herds and would have to kill too many cows to profitably join up. These producers will cry foul and sue to block the tax. Supporting this program is not going to be the way to win votes from many dairy farmers.

Mr. President, I believe we should junk this proposal to create an OPEC for milk. In addition to being wasteful, it ignores the cause of the problem. The dairy overproduction problem is due solely to an artificially high support price of milk, relative to the cost to produce. To understand the profitability of the dairy business supported under current law at $13.10 per hundredweight, I ask my colleagues to consider the structure of costs for the dairy industry. About half of all costs are feed costs. Labor, depreciation,

culling, co-op expenses and utilities together round out the other half.

This means that the most important determinant of profitability in the dairy industry is the price of feed. The reason being that the costs of labor, depreciation, co-op expenses, culling, and utilities are either comparatively stable or make up a small fraction of the total. Neither is true about feed. However, the cost of feed relative to the supported price of milk has fallen sharply over the last 6 years. Profit margins and output have grown accordingly.

The question is, then, how to reduce a dairy surplus created by artifically high profit opportunities to produce

We have heard a lot of arguments about that today. Senator MOYNIHAN was eloquent about it. Senator HATCH was eloquent about it. Senator LUGAR was eloquent about it.

The simplest and fairest method is to bring support prices back into alinement with feed prices. This has been done before, and each time dairy production has been turned around. In 1955 the support level was reduced by 16 percent and Government purchases of dairy products fell by 64 percent. In 1959, the support level was reduced by 6 percent and Government purchases fell by 49 percent. In 1963, the support price was lowered by 8 percent and purchases fell by 21 percent. So we can see, Mr. President, that a reduction in the support price will lead to reductions in surplus dairy production.

Finally, keeping dairy prices artificially high is unjust. The Department of Labor has calculated that the poorest families in America spend 5 percent of their incomes on dairy produces; the wealthiest families spend 1 percent. That is why I call this approach the low income dairy assistance amendment; the poor will have proportionately, five times greater savings than the rich. And we are talking about billions of dollars in consumer savings according to the Department of Agriculture. If you really care about the conflict facing the poor between heating and eating—and I know you do, Mr. President, because I remember your amendment—you will support this amendment.

To conclude, Mr. President, I urge my colleagues to reject this defective package. It is unlikely to bring us any budgetary relief. It promises to reward people for not working with overly generous cash payments. And it pays others to do what they would do anyway. The cash for making these payments will come from the 40 percent of the farmers that will not benefit from subsidized idleness, from low income consumers and from the taxpayers. And it will not even end the dairy surplus problem which is the very reason the package was created. Why do we not simply reverse last year's narrow vote—it lost by one vote—and enact real reform by dropping support prices by $1?

Mr. President, I ask unanimous consent that Senator JEPSEN be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAWKINS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mrs. HAWKINS. I yield to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I rise in support of the amendment offered by the Senator from Florida. As I listened to the distinguished Senator from Florida recite the aspirations of her constituent who very gleefully looks forward to going into the business of not raising hogs, I am reminded of a suggestion offered some years ago in hopes of cutting the cost of State government in California. The suggestion was made that the salary of each State legislator should be raised to $100,000 a year, but they then should be docked $1,000 for each day the legislature was in session. It would remain the same every year.

I would hesitate to prescribe that for this distinguished body, but I do think the Senator's constituent in that letter has pointed out in somewhat facetious fashion what is a very serious problem that the Senator addresses in her amendment.

She is absolutely right. We have reached a critical point in the development of the dairy program. It is history, I think, but well known to the Members of this body; the purpose of the program of price supports has been well known. It was intended to try to arrive at an orderly regulation of the market that would be fair to both producers and consumers. Arguably, that goal was met reasonably well until 1977. The authors of the act in 1949, I think, never envisioned supports would reach the level they have since increases were granted first in 1977, then again in 1979. By 1980, the support level was $13.10 per hundredweight, 16 percent higher than 4 years earlier. Quite clearly, dairy producers were responding to this signal from Congress by increasing production.

Two years later, by 1982, production had soared by 10 percent, forcing the Government to purchase approximately 9 percent of the entire U.S. dairy output. This simple move by Congress of increasing the price support faster than the rise of production costs has brought us to where we are today.

History, as the Senator from Florida so eloquently pointed out, has shown that a cut in the price support results in reduced Government purchases. Let me repeat the figures she recited, because I think they are dramatic evidence of the point she makes. In fiscal years 1955 and 1959, then in 1963, Congress lowered the support levels by, respectively, 16 percent, 6 percent, and 8 percent. The resulting Federal purchases fell respectively By 46 percent, 49 percent, and 21 percent in the same year the cuts were made. There is a direct correlation, it seems, between the level of price supports and the amount of production, and the amount of dairy products which the Government is required to purchase and then to store.

What point have we come to? I think many of us have read the story in the Wall Street Journal of Tuesday, June 14, 1983, by Jeffrey Birnbaum. It is an incredible story, Mr. President. To excerpt from it briefly, it recounts that when the author visited Independence, Mo., he found an 80-acre subterranean warehouse holding a mere 2 percent of the nearly 3 billion pounds of surplus dairy products owned by the Government.

I quote:

> A train filled with the total would stretch from New York City to Toledo, Ohio. Taxpayers bought these commodities over the past few years for about $3 billion, or more than $13,000 for each American dairy farmer.

Mr. President, to put it quite simply, there is a relationship between the support level, the overproduction, and the requirement of the Government to purchase and store these surplus dairy products.

Part of the Senator's amendment relates to the so-called paid diversion program. It is argued by its proponents that this will reduce production, that it will, by an assessment taken from the producers to be paid to those who agree not to produce, significantly alter the overproduction that currently is being encouraged on the other hand by a much-too-high level of price supports.

In the same article by Mr. Birnbaum, number of economists are quoted as pointing out that this will simply not have the desired effects. The payments may cause a brief decline in production but then, as the author points out, when payments cease and production is free, the likelihood is that once again, production will rise.

To quote Mr. Birnbaum:

> Even the National Milk Producers Federation believes that the proposed 15-month payment period is too short to force a permanent decline in the cow population, which at about 10 million is at least one million larger than needed. "Paid diversion" would make dairy farmers even more dependent on the federal dole, critics contend, and place them in a stronger position to demand another bailout, probably by prolonging the payments.

I suspect he is quite right in that statement. What would happen if we prolonged the payment? The cost is about $21 billion for the year or slightly more, 15 months, that is now envisioned as the time in which this paid differential program will occur. It is quite true that when the 15 months has run, just as in any kind of wage or price freeze, when the ceiling is lifted, once again, we shall see people plunging back in if there has not been a significant cut in price supports, because the incentive will remain to overproduce, with the knowledge that you are not really overproducing—perhaps over-producing for the market, but certainly not running the risk of not having what you produce purchased by someone. The someone, of course, is the U.S. taxpayer, at prices we cannot afford.

Another feature of this so-called compromise which Senator HAWKINS seeks to amend has to do with some more wishful thinking. It is the part of the program that is aimed at a national marketing program under which producers would be assessed 15 cents per hundredweight for all milk marketed in order to fund this national milk promotion program. Mr. President, this is the first mandatory program of its kind. The decision whether to contribute to a national program should be made by the affected producers and not by Congress. In my home, State of California, a referendum was held by the producers and, as a result, we do have a State promotion program that they think serves their needs. A mandatory national program would be superfluous, it would be an additional cost to producers.

The only referendum that is provided for in the compromise is not one that is prospective; rather, it is one that would occur a mere 60 days before the scheduled termination of this program, which occurs in July 1985. The program is to expire in September 1985. The referendum would be only on whether it should be continued.

Mr. President, there are certain facts of life which I think finally are unavoidable. The unavoidable fact in terms of our dairy program in the United States is that it has encouraged overproduction to the extent that all the good intentions that have been devised for the use of those surplus foods certainly have been unable to avoid the kind of storage costs that are a national disgrace. The amendment by Senator HAWKINS is supported by the majority of the dairy farmers in my State, who recognize that the economics of the marketplace have been totally distorted by this program.

Good intentions are, indeed, not enough. I urge my colleagues who want a healthy marketplace and a healthy dairy industry to support the Hawkins amendment.

And now, Mr. President, I yield to the Senator from Georgia.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I think the Senator from Georgia ought to seek the floor in his own right. Senators cannot yield to each other.

The PRESIDING OFFICER. The Senator is correct. Is the Senator from Georgia seeking recognition.

Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. MATTINGLY. Mr. President, I rise to support the Hawkins amendment.

I have repeatedly supported efforts in the Senate which would reduce the support price for milk. It is incredible to me that we have tolerated for so long the present support formula which only encourages over production because there is no limit on how much dairy product the U.S. Treasury will buy. Such insanity will cost American taxpayers well in excess of $2½ billion this year alone. Now we are asked to pay dairy farmers not to produce so the Government will not have to buy so much milk. How ridiculous can we be? Perhaps we should pass a law saying that the Treasury will buy all the buggy whips that anyone wants to manufacture in the United States and at a price that guarantees a profit. Then in 2 or 3 years when we have storehouses overflowing with buggy whips we can say "gee * * * we seem to have a surplus of buggy whips so let's pay people not to make any more."

That is just about what we have in the dairy program today, and there are producers who are only in business to sell dairy products to the Government. Even more onerous is the fact that this legislation would help pay some operators not to produce by taxing other dairymen who sell nothing to the Government. Maybe we should tax soft drink manufacturers to help pay dairy farmers not to produce milk since obviously some people out there are drinking cokes instead of milk.

Mr. President, I hope that my colleagues in the Senate will see fit to deal effectively with this vital problem by enacting legislation which truly solves the underlying causes. The committee bill will not result in the kind of permanent resolution to the dairy dilemma. It will only create more problems. Think, for instance, what will happen to beef, pork, and poultry prices if a sudden supply of dairy cattle are placed on the meat markets. Livestock producers are already plagued by large increases in feed prices and soft markets. This bill would drive slaughter prices through the floor. Why create further disaster for these producers by paying dairy farmers to place their herds on the meat market?

I am the last person who wants to see any sector of our agricultural economy suffer unduly. I would favor any approach which would allow a period of time for dairymen to adjust to the realities of supply and demand. But the legislative mechanism must be one which faces those same realities and not just another congressional flight of fantasy. It is time that we determine just how much dairy product the Government needs for our various nutrition and foreign assistance programs and enact a dairy program which buys only that much product. The first step toward such a program must be a reduction in the support price paid by the Treasury for milk. This will begin to curtail surplus production in a more orderly manner. I support efforts such as the amendment offered by Senator HAWKINS which will achieve this result and hope that I will be joined by a majority in trying to solve this problem.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, one of the Senators came over having examined this amendment and compared it with the previous amendment which was defeated, and he said, "I don't know whether to call this the 'mini-Moynihan' or the 'pity-Pat' amendment. It is the same design."

Let me say to Senators again that it is awfully difficult for the Senator from North Carolina on occasion to be chairman of the Senate Agriculture Committee because I am as much a free market Senator as anyone else in the Senate. I think my record demonstrates that. But what we are talking about now is not an either/or situation. I will say very candidly that if an amendment of this nature, whether it be the Moynihan-Hatch, or the amendment now pending authored by a gracious and able lady from Florida (Mrs. HAWKINS), is approved, the whole coalition collapses, and we will have no legislation, which means that we will have the same unacceptable situation prevailing in the dairy program. It has been said over and over again today that the Agriculture Committee labored and labored and maybe we brought forth a mouse.

But in any case, it is a step toward exactly what they so eloquently state they want.

Now, with all the sincerity that I possess, I say to them that regardless of the merits of their amendment and despite the eloquence of their salesmanship in regard to it, if this amend-

ment prevails we may as well forget it, hang it up, and say we are going to continue with the present situation which includes the $1 assessment. Every Senator who voted for the Moynihan amendment just now was in effect voting to continue the $1 assessment.

Now, to be sure, the compromise does reduce that to 50 cents. So we may have an untenable situation in the minds of some Senators, but I feel obliged to state the facts as they are. We either hold onto this fragile coalition and do some good or we say let us chuck it all and do no good. That is the option facing us.

It is with sincere regret that I have to oppose any amendment, but I need to refer again to the CBO's figures and the USDA's figures which are even worse with respect to the savings.

In the current program, of course, there would be no savings. The compromise will save $330 million and the Hawkins amendment would cost $1.930 billion. And I am talking about over a 3-year period.

There are pros and cons, but the bottom line, Mr. President, is that if we want to do some good, we can do it by approving this compromise package which by no means is perfect. I do not advertise it as being perfect. If I could sit down and push a button to write the kind of legislation I wanted, it would be vastly different up and down the line. I said earlier, I say to my friend from Florida, that there are a lot of tobacco growers down in North Carolina who might like to form a lynching party because they would like something better from their standpoint as they see it, but that option is not available. No option is available in terms of legislative success on the dairy program.

So with all due respect—and the lady knows that I do respect her—she is putting this chairman in an untenable position because as much as I agree with her about the free market approach, we are not going to move one inch toward it if we adopt her amendment because the whole fragile compromise will collapse.

Mrs. HAWKINS. May I ask the Senator a question?

Mr. HELMS. I will be delighted to yield for a question.

Mrs. HAWKINS. Is this not just a dairy and tobacco package at this point?

Mr. HELMS. I am sorry.

Mrs. HAWKINS. Is this not just a dairy and tobacco package at this time?

Mr. HELMS. That is correct.

Mrs. HAWKINS. Target pricing is no longer a part of this fragile compromise?

Mr. HELMS. I cannot say that to the Senator because the majority leader yesterday made it clear that right after the disposition of this bill will come target prices. Now, that scheduling is not the prerogative of the Senator from North Carolina. It is the prerogative of the leadership of the Senate.

Mrs. HAWKINS. The Senator correctly enumerated the cost of my amendment as provided by the CBO. On the same piece of paper are consumer savings in 1984, $1.2 billion; in 1985, $2.8 billion.

I think we should think a little about consumers. When the chairman of the Agriculture Committee talks about figures—and I am delighted to serve with him on that committee—what do these figures mean? We have CBO figures, administration figures, Department of Agriculture figures. It is all on paper. It is a paper game.

I recall sitting with the Senator from North Carolina in 1981 when the farm bill was forecast to cost $3 billion, and it actually cost $21 billion. Those figures are not even close to each other. We were supposed to save $6 billion. It is a big program. We were supposed to save $6 billion. I read editorials about it every week. Is it saving $6 billion? Again, it depends on whose figures you use.

With dairy, this year's assessment was supposed to have saved $1 billion. I remember that argument. My amendment lost by 1 vote. It took the Treasury almost a year to collect a single dime. So we do not have anything there. It is all on paper, and I suspect it will be the same with an untried plan telling how much it is going to cost and how much it is going to save.

The Senator from California has repeated the figures and I have, that if you cut support prices, we get less of the product. History repeats that.

Also, having this amendment on this dairy-tobacco bill might make the tobacco more attractive. The dairy part is very unattractive to a lot of Senators. We are ashamed to tell people we are paying farmers not to produce. So we may be able to gain votes for the tobacco part by adopting my amendment. I should like Senators to think about that.

The administration has indicated that it was going to hold its nose and swallow the compromise and see if Congress can work its will. I think we should work our will, to do what is responsible.

I thank the Senator.

Mr. HELMS. I thank the distinguished Senator from Florida.

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. HELMS. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, in most respects, a $1 reduction in the milk price support level is simply a smaller version of the proposal for a $1.50 reduction. It does not overcome the weaknesses of that proposal. Further, by slowing down producer response, it will only prolong the problem S. 1529 seeks to address.

If a $1.50 price cut would reduce milk production by only 1.5 billion pounds next year, and 3.3 billion over the next 2 years, a $1 price support cut would certainly produce a lesser reduction.

Also, Government costs would not be as effectively reduced, and Commodity Credit Corporation removals would not drop by as much. Nor would there be as great a reduction in Government inventories as there would be with a $1.50 price support reduction.

It is important to keep in mind that the $1 price-support reduction is less effective than a $1.50 reduction in achieving the needed changes and that, to that extent, it is worse in comparison to the compromise crafted by representatives of the Senate, the House, and the administration.

The $1 support cut was one of the many options considered during the hearings and markup of the dairy legislation. It was put aside because it would not do the job in the time available. The compromise embodied in S. 1529 represents a workable program that will address each of these needs quickly and effectively. It has broad bipartisan support in the Senate and House, as well as the backing of the administration.

As to the prospects of increased consumption through reduced consumer prices, at least one economic analysis casts serious doubts on the proposal that reduced farm prices will be fully reflected in retail prices. It can be shown from a study of historical price movements that reductions in farm prices for milk have normally been accompanied by increases in retail dairy product prices due to increased marketing costs that are automatically reflected in retail prices.

Mr. President, I do not think there is a need to reiterate the arguments that were made just a few moments ago against the amendment offered by Senator MOYNIHAN and Senator HATCH. Nonetheless, more arguments do apply here, even more so, since the pending amendment is not even as effective as the previous amendment in trying to achieve what needs to be done.

Mr. CHAFEE. Mr. President, I strongly support Senator HAWKINS' proposal to regain control of the dairy price support program. This program has gone awry and modifications are desperately needed.

The dairy program is estimated to cost as much as $2.7 billion in 1983 alone. At last count, the Commodity Credit Corporation owned 4.5 billion pounds of butter, cheese, and nonfat dry milk. As Senator HAWKINS has pointed out, this amount is enough to

fill a train stretching from here to New York.

What is the cause of this surplus? Outrageously high support prices are to blame. And now the committee is suggesting that rather than reducing the support price as the best means to control supply, we pay dairy producers $10 per hundredweight not to produce. Do we not have enough problems with this program without adding more? A temporary diversion program has every possibility of becoming a permanent fixture.

To compound this situation, the bill requires that a 50 cents per hundredweight fee be levied on all producers, for the purpose of offsetting part of the cost of the diversion payment.

Mr. President, I wish to touch on a particular point that affects the area of the Nation from which I come. That is the fact that a 50 cents per hundredweight fee is going to be levied on all producers for the purpose of offsetting part of the cost of the diversion payment.

Thus all farmers, including the producer-handlers who derive no benefit from either the price support program or the diversion payment, will be required to underwrite farmers who participate in the diversion program. In my section of the country we have a number of producer-handlers who sell all the milk they produce, do not take advantage of the Government price supports, but will be taxed as if they did.

The committee calls this bill a compromise. Yet farmers across the country are crying out against the 50-cent tax. I think the Senator from Florida has a good idea—the best proposed here today—to drop the price support to $12.10 and let the market reduce supplies. Do not pay farmers to produce in excess, and by all means, do not pay farmers not to produce at all. Senator HAWKINS is on the right track—I hope my colleagues are able to see the wisdom in her proposal and support her efforts to simplify the program, as well as reduce the shameful, costly surpluses now in the Government coffers.

Mr. BOSCHWITZ. Mr. President, in response to my good friend from Rhode Island, I point out that even if the producer-handlers benefit from this dairy program, inasmuch as the milk marketing orders give them an advantage over the Middle West farmers in the price they receive for it, those producer-handlers would indeed have substantial problems.

Mr. HUDDLESTON. Mr. President, I move to table the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Nevada (Mr. LAXALT) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from New York (Mr. MOYNIHAN) and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

The PRESIDING OFFICER (Mr. COHEN). Are there any other Senators in the Chamber who have not yet voted who wish to do so?

The result was announced—yeas 47, nays 42, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—47

Abdnor	Dixon	McClure
Andrews	Dole	Melcher
Baker	Durenberger	Mitchell
Bentsen	Eagleton	Pressler
Bingaman	East	Proxmire
Boren	Exon	Pryor
Boschwitz	Ford	Randolph
Bumpers	Heflin	Riegle
Burdick	Heinz	Sarbanes
Byrd	Helms	Sasser
Chiles	Huddleston	Specter
Cochran	Kasten	Stafford
Cohen	Kennedy	Tower
D'Amato	Leahy	Weicker
Danforth	Levin	Zorinsky
Denton	Matsunaga	

NAYS—42

Armstrong	Hawkins	Pell
Baucus	Hecht	Percy
Biden	Jepsen	Quayle
Bradley	Johnston	Roth
Chafee	Kassebaum	Rudman
DeConcini	Lautenberg	Simpson
Dodd	Long	Stevens
Domenici	Lugar	Symms
Evans	Mattingly	Thurmond
Garn	Metzenbaum	Trible
Gorton	Murkowski	Tsongas
Grassley	Nickles	Wallop
Hatch	Nunn	Warner
Hatfield	Packwood	Wilson

NOT VOTING—11

Cranston	Hollings	Mathias
Glenn	Humphrey	Moynihan
Goldwater	Inouye	Stennis
Hart	Laxalt	

So the motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 2296

(Purpose: To provide for the Secretary, in carrying out the dairy diversion program, to take steps to minimize any adverse effect on beef and pork producers, and for other purposes)

Mr. JEPSEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. JEPSEN) for himself and Senators, EAGLETON, ZORINSKY, and TOWER, proposes an amendment numbered 2296.

Mr. JEPSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, line 2, insert immediately after the period the following new sentence "In setting the terms and conditions of such contracts, the Secretary shall take into account any adverse impact of the reductions in milk production on beef and pork producers in the United States and shall take all feasible steps to minimize such impact.".

On page 11, lines 24, and 25, strike out "required by the contract." and insert in lieu thereof "as specified by the Secretary for each quarter in the contract: *Provided*, That the aggregate quantity of such reductions for the entire diversion period must be at least equal to the total reduction required by the contract.".

The PRESIDING OFFICER. The Chair will ask the Senator to withhold for a moment until such time as the Chamber comes to order.

The Senator from Iowa.

Mr. JEPSEN. Mr. President, I have been asked by the floor manager of the bill to withhold my amendment at this time and yield to him. I now do so, with the understanding that after the conclusion of whatever business he has that I will be able to continue with my amendment.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. Is the Senator withdrawing the amendment or asking unanimous consent that it be laid aside?

Mr. JEPSEN. I am asking that it be temporarily laid aside in order that I might yield to the distinguished Senator from North Carolina. After he is finished with whatever he intends to do, I would like to get back on my amendment. That is as simple as I know how to put it.

The PRESIDING OFFICER. With that clarification, without objection, it is so ordered.

AMENDMENT NO. 2297

(Purpose: To repeal provisions of law concerning price support for tobacco, and for other purposes)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM), for himself, Mr. GARN, Mr. ROTH, Mr. STAFFORD, Mr. PERCY, Mr. TSONGAS, Mr. PELL, Mr. HEINZ, Mr. PROXMIRE, Mr. HATCH, Mr. DANFORTH, Mr. MITCHELL, Mr. GORTON, and Mr. MOYNIHAN, proposes an amendment numbered 2297.

Mr. FORD. A point of information, Mr. President. Does the Senator from Iowa know how long it might be before we get to his amendment; or does he care?

Mr. JEPSEN. Mr. President, the Senator does not know how long it is going to be. I have not inquired. The Senator might inquire of the person who is offering that amendment.

Mr. FORD. The Senator yielded to the Senator from North Carolina, and I was interested. I thank the Senator.

The PRESIDING OFFICER. Does the Senator from Ohio wish a reading of the amendment?

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 40, beginning with line 19, strike out through the end of the bill and insert the following:

REPEAL OF PROVISIONS OF LAW CONCERNING PRICE SUPPORT FOR TOBACCO

SEC. 201. (a)(1) Section 101(a) of the Agricultural Act of 1949 (7 U.S.C. 1441(a)) is amended by striking out "tobacco (except as otherwise provided herein), corn" and inserting in lieu thereof "corn".

(2) Section 101(c) of such Act (7 U.S.C. 1441(c)) is repealed.

(3) Section 101(d)(3) of such Act (7 U.S.C. 1441(d)(3)) is amended—

(A) by striking out ", except tobacco,", and

(B) by striking out "and no price support shall be made available for any crop of tobacco for which marketing quotas have been disapproved by producers.".

(b) Sections 106, 106A, and 106B of the Agricultural Act of 1949 (7 U.S.C. 1445, 1445-1, 1445-2) are repealed.

(c) Section 408(c) of the Agricultural Act of 1949 (7 U.S.C. 1428(c)) is amended by striking out "tobacco,".

REPEAL OF PROVISIONS OF LAW CONCERNING TOBACCO ACREAGE ALLOTMENTS AND MARKETING QUOTAS

SEC. 202. (a) Section 2 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1282) is amended by striking out "tobacco,".

(b) Section 301(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b)) is amended—

(1) in paragraph (3) by striking out subparagraph (C),

(2) in paragraph (6)(A) by striking out "tobacco,",

(3) in paragraph (7) by striking out

"Tobacco (flue-cured), July 1-June 30;

"Tobacco (other than flue-cured), October 1-September 30;",

(4) in paragraph (10) by striking out subparagraph (B),

(5) in paragraph (11)(B) by striking out "and tobacco",

(6) in paragraph (12) by striking out "tobacco,",

(7) in paragraph (14)—

(A) by striking out "(A)", and

(B) by striking out subparagraph (B),

(8) by striking out paragraph (15), and

(9) in paragraph (16) by striking out subparagraph (B).

(c) Section 303 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1303) is amended by striking out "rice, or tobacco," and inserting in lieu thereof "or rice,".

(d) Part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is repealed.

(e) Section 361 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1361) is amended by striking out "tobacco,".

(f)(1) Section 371(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1371(a)) is amended by striking out "peanuts, or tobacco" and inserting in lieu thereof "or peanuts".

(2) Section 371(b) of such Act (7 U.S.C. 1371(b)) is amended by striking out "peanuts, or tobacco" and inserting in lieu thereof "or peanuts".

(g)(1) Section 373(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373(a)) is amended—

(A) in the first sentence—

(i) by striking out "peanuts, or tobacco, and" and inserting in lieu thereof "or peanuts, and",

(ii) by striking out "peanuts, or tobacco from" and inserting in lieu thereof "or peanuts from", and

(iii) by striking out "all persons engaged in the business of redrying, prizing, or stemming tobacco for producers,", and

(B) in the last sentence by striking out "$500;" and all that follows through the end thereof and inserting in lieu thereof "$500.".

(2) Section 373(b) of such Act (7 U.S.C. 1373(b)) is amended by striking out "peanuts, or tobacco" and inserting in lieu thereof "or peanuts".

(h) Section 375(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1375(a)) is amended by striking out "peanuts, or tobacco" and inserting in lieu thereof "or peanuts".

(i) Section 378(f) of the Agricultural Adjustment Act of 1983 (7 U.S.C. 1378(f)) is repealed.

(j) The Act entitled "An Act relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended", approved July 12, 1952 (7 U.S.C. 1315), is repealed.

(k) Section 4 of the Act entitled "An Act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes", approved April 16, 1965 (7 U.S.C. 1314c note), is repealed.

(l) Section 703 of the Food and Agriculture Act of 1965 (7 U.S.C. 1316) is repealed.

EXCLUSION OF TOBACCO FROM CONCESSIONAL EXPORT SALES PROVISIONS OF PUBLIC LAW 480

SEC. 203. The proviso to the first sentence of section 402, of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1732), is amended by striking out ", and for the purposes of title II of this Act," and inserting in lieu thereof "or".

PROHIBITION AGAINST COMMODITY CREDIT CORPORATION USING POWERS WITH RESPECT TO TOBACCO

SEC. 204. Section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) is amended by adding at the end the following new undesignated paragraph:

"Notwithstanding any other provision of law, the Corporation may not exercise any of the powers specified in this section or in any other provisioin of this Act with respect to tobacco.".

PROHIBITION AGAINST TOBACCO MARKETING ORDERS

SEC. 205. Section 8c(2) of the Agricultural Adjustment Act (7 U.S.C. 608c(2)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) by striking out "tobacco,",

(2) by inserting "tobacco," after "(B) any agricultural commodity (except honey,", and

(3) by adding at the end the following new sentence: "Notwithstanding any other provision of law, no order concerning tobacco may be issued or enforced under this Act.".

WITHDRAWAL OF CONSENT RELATING TO COMPACTS AMONG STATES FOR REGULATING TOBACCO PRODUCTION AND COMMERCE

SEC. 206 (a) The Act entitled "An Act relating to compacts and agreements among States in which tobacco is produced providing for the control of production of, or commerce in, tobacco in such States, and for other purposes", approved April 25, 1936 (7 U.S.C. 515 et seq.), commonly known as the Tobacco Control Act, is repealed.

(b) The Congress hereby withdraws its consent to any compact or agreement entered into under the Act referred to in subsection (a).

PAYMENTS TO CERTAIN LOW INCOME OWNERS OF FARMS WITH TERMINATED TOBACCO ALLOTMENTS AND QUOTAS

SEC. 207. (a)(1) Each individual who—

(A) throughout the period beginning on March 8, 1983, and ending on the effective date of this section, owned all or part of a farm with respect to which a tobacco acreage allotment or marketing quota was established or assigned under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.),

(B) had a modified adjusted gross income of not over $24,000 for the taxable year ending in 1982,

(C) not later than December 31, 1984, files an application in such manner and in such form as the Secretary may require by rule, shall be entitled to receive payments from the Secretary in accordance with this subsection.

(2)(A) Subject to paragraph (7), the aggregate amount of payments which such individual shall be entitled to receive under paragraph (1) shall be equal to the product of—

(i) the percentage of the proceeds of sale such individual would have been entitled to receive if such allotment or quota had been sold on March 8, 1983, and

(ii) the product of the fair market value of such allotment or quota and the modified adjusted gross income percentage as determined under subparagraph (B).

(B) The modified adjusted gross income percentage referred to in subparagraph (A)(ii) with respect to any individual entitled to any payment under paragraph (1) is the percentage which corresponds to the modified adjusted gross income of such individual in the following table:

If the amount of such modified adjusted gross income is:	The modified adjusted gross income percentage is:
Not over $15,000	100 percent
Over $15,000 but not over $16,000	90 percent
Over $16,000 but not over $17,000	80 percent
Over $17,000 but not over $18,000	70 percent
Over $18,000 but not over $19,000	60 percent
Over $19,000 but not over $20,000	50 percent
Over $20,000 but not over $21,000	40 percent
Over $21,000 but not over $22,000	30 percent
Over $22,000 but not over $23,000	20 percent
Over $23,000 but not over $24,000	10 percent
Over $24,000	0 percent

(3) For purposes of paragraph (2), the fair market value of such allotment or quota shall be the fair market value of such allotment or quota on March 8, 1983, as determined by the Secretary. In making such determination, the Secretary shall consider studies relating to the value of tobacco acreage allotments and marketing quotas established under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 which have been conducted by universities, colleges, and other persons.

(4)(A) For purposes of paragraph (1)(B) and paragraph (2), the modified adjusted gross income of any individual entitled to payment under paragraph (1) for the taxable year ending in 1982 shall be the adjusted gross income of such individual for such taxable year—

(i) determined under section 62 of the Internal Revenue Code of 1954 without regard to the deductions from gross income otherwise allowable under such Code for such taxable year pursuant to—

(I) paragraph (7) of such section (relating to profit-sharing, annuities, and bond purchase plans of self-employed individuals),

(II) paragraph (10) of such section (relating to retirement savings), and

(III) paragraph (14) of such section (relating to reforestation expenses),

(ii) increased by—

(I) the amount of any interest and dividends not included in gross income for purposes of the tax imposed by chapter 1 of such Code for such taxable year.

(II) an amount equal to the sum of any items of tax preference described in section 57 of such Code (other than paragraph (9) thereof) applicable to such individual for such taxable year, and

(iii) decreased by fifty percent of any amount of rent received in such taxable year in connection with the lease of any such allotment or quota.

(B) In the case of an individual who filed a joint return (within the meaning of section 6013 of the Internal Revenue Code of 1954) for such taxable year, adjusted gross income under subparagraph (A) shall be the adjusted gross income of such individual and such individual's spouse for such taxable year.

(C) In the case of an individual who has not attained age 18 (or, in the case of a student, has not attained age 22), adjusted gross income for purposes of determining modified adjusted gross income under subparagraph (A) shall be the adjusted gross income of such individual and any other person who was allowed a deduction with respect to such individual for such taxable year under section 151 of the Internal Revenue Code of 1954 (relating to deductions for personal exemptions).

(5) For purposes of paragraph (1)(A), an acreage allotment or marketing quota which is—

(A) established or assigned to a farm under such part and,

(B) Transferred to another farm (other than after a sale of such allotment or quota), shall not be considered established or assigned with respect to the farm to which such allotment or quota was so transferred.

(6) The Secretary shall make payments to which individuals are entitled under this subsection from the revolving fund established under subsection (b)—

(A) as soon as amounts are received in such fund, and

(B) in as equitable, efficient, and expeditious a manner as is practicable, except that no individual shall be entitled to a payment under this subsection prior to October 1, 1984.

(7) Notwithstanding any other provision of this subsection, no payment under this subsection to any individual shall exceed an amount which is equal to the product of—

(A) 5, and

(B) $24,000 minus so much of the modified adjusted gross income of such individual as does not exceed $24,000.

(b)(1)(A) All payments made under subsection (a) shall be made from amounts received by the Secretary as assessments under this subsection and deposited in the revolving fund established pursuant to subsection (b).

(B) There is established a revolving fund for tobacco assessments. There shall be credited to the fund all amounts received by the Secretary pursuant to this subsection. Amounts deposited in the fund are appropriated to the Secretary for fiscal year 1984 and the succeeding fiscal years for the purpose of making payments under subsection (a). Such amounts shall be available without fiscal year limitation.

(2) For purposes of carrying out paragraph (1), the Secretary shall establish and impose assessments applicable to the marketing of all tobacco produced in the United States. Such assessments shall not apply with respect to tobacco of crops before the 1984 crop of tobacco. The rates of such assessments—

(A) shall generate, as soon as practicable, amounts sufficient to make such payments,

(B) shall not exceed 20 cents per pound,

(C) shall be uniform for all kinds of tobacco,

(D) shall be uniform for a particular crop of tobacco, and

(E) shall be as uniform as practicable for all crops of tobacco with respect to which such assessments are imposed.

(3) Any person who produces tobacco with respect to which such assessments are imposed shall be liable for such assessments.

(4)(A) Except as provided in subparagraph (B), assessments imposed with respect to tobacco and owed under paragraph (3) by the producer of such tobacco shall be collected from any person to whom such producer markets such tobacco.

(B)(i) If tobacco with respect to which assessments are owed under paragraph (3) is marketed through a warehouseman or other agent, then such assessments shall be collected from such warehouseman or agent.

(ii) If tobacco with respect to which assessments are owed under paragraph (3) is marketed directly by the producer of such tobacco to any person outside the United States, then such assessments shall be collected from such producer.

(5) Persons required to collect assessments under paragraph (4) shall—

(A) remit such assessments to the Secretary at such time and in such manner as the Secretary may require by rule, and

(B) maintain, and make available for inspection by the Secretary, such records as the Secretary may require, by rule, in order to ensure an accurate accounting of the collection and remittance of such assessments.

(6)(A) Any person who fails to pay, collect, or remit any assessment owed under paragraph (3) or payable under paragraph (4) and paragraph (5) may be assessed a civil penalty by the Secretary equal to the product of three and the amount of such assessment. No civil penalty may be so assessed unless such person is given notice of, and opportunity for an agency hearing on the record with respect to, such violation.

(B) Any person against whom a civil penalty is assessed under subparagraph (A) may obtain review of such penalty in an appropriate district court of the United States by filing a civil action in such court not later than 30 days after such penalty is imposed. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence.

(C) The district courts of the United States shall have jurisdiction to review and enforce any civil penalty imposed under subparagraph (A).

(c) For purposes of this section—

(1) the term "Secretary" means the Secretary of Agriculture,

(2) the term "person" shall have the meaning given to such term by section 1 of title 1, United States Code,

(3) the term "tobacco" means all the kinds of tobacco listed in section 301(b)(15) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b)(15)),

(4) the term "to market" means to sell or exchange in a commercial market,

(5) the term "United States", when used in a geographical sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States, and

(6) the term "student" means any individual who during each of 5 months of calendar year 1983—

(A) was a full-time student at an educational organization described in section 170(b)(1)(A)(ii) of the Internal Revenue Code of 1954, or

(B) was pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in such section 170(b)(1)(A)(ii) of such Code or of a State or political subdivision of a State.

EFFECTIVE DATES; SCOPE OF APPLICATION

SEC. 208. (a)(1) Except as provided in paragraphs (2) and (3) this title shall take effect on the date of the enactment of this Act.

(2) Section 206 and the amendment made by section 206 shall take effect January 1, 1984.

(3) Section 207 shall take effect October 1, 1983.

(b) The amendments made by sections 201 through 205 of this Act to any other provision of law shall not apply with respect to crops of tobacco before the 1984 crop of tobacco and shall not affect the authority of the Secretary of Agriculture under any such provision, or the force and effect of any requirement of, or any regulation or agreement under or pursuant to, any such provision, on and after the date of the enactment of this Act to the extent such provision applies to crops of tobacco before the 1984 crop year.

(C) The Agriculture Department shall provide all necessary technical assistance to tobacco farmers through fiscal year 1986 to provide, to the extent possible, a transition period for said farmers following the termination of the tobacco support program.

IMPORTED TOBACCO

SEC. 209. (a)(1) Notwithstanding any other provision of law, all tobacco offered for importation into the United States shall be—

(A) inspected for grade and quality as tobacco marketed through a warehouse in the United States is inspected for grade and quality; and

(B) accompanied by a written certification by the importer, in such form as the Secretary of Agriculture may prescribe, that none of the pesticides the registration of which has been cancelled or suspended for use on tobacco in the United States under the Federal Insecticide, Fungicide, and Rodenticide Act, has been used in the production of the tobacco offered for importation into the United States.

(2) The Secretary of Agriculture shall establish grade and quality standards for the purposes of paragraph (1)(A) that are, insofar as practicable, the same as those applicable to tobacco marketed through a warehouse in the United States.

(3) Any tobacco that is not accompanied by the certification required by paragraph (1)(B) shall not be permitted entry into the United States. The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to any such certification made by an importer under such paragraph.

(b) The Secretary shall enforce the provisions of subsection (a) at the point of entry of tobacco offered for importation into the United States. The Secretary shall by regulation fix and collect from the importer fees and charges for inspection under subsection (a)(1) which shall, as nearly as practicable, cover the costs of such services, including the administrative and supervisory costs customarily included by the Secretary in user fee calculations. The fees and charges, when collected, shall be credited to the current appropriation account that incurs the cost and shall be available without fiscal year limitation to pay the expenses of the Secretary incident to providing services under subsection (a)(1).".

Amend the title so as to read: "A bill to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to repeal provisions of law concerning price support for tobacco, and for other purposes.".

Mr. METZENBAUM. Mr. President, Senator GARN and 12 additional cosponsors—Senators ROTH, STAFFORD, PERCY, TSONGAS, PELL, HEINZ, PROXMIRE, HATCH, DANFORTH, MITCHELL, GORTON, and MOYNIHAN—join me today in offering this amendment to bring an end to the anachronistic, anticompetitive, and unworkable Federal tobacco program.

Congressman THOMAS PETRI of Wisconsin, along with 53 cosponsors, has introduced similar legislation in the House.

In addition to attracting broad bipartisan support in the Senate and the House—Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator will suspend.

Mr. HUDDLESTON. Mr. President, will the Senator from Ohio yield?

Mr. METZENBAUM. Without losing my right to the floor, I ask unanimous consent that I may yield for not more than 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Will the Senator from Ohio entertain the suggestion of a time agreement on this amendment of perhaps 30 minutes, equally divided?

Mr. METZENBAUM. At this point, I cannot.

Mr. HUDDLESTON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. In addition to attracting broad, bipartisian support in the Senate and the House, our amendment has been endorsed by an unusually wide range of organizations. These include the American Lung Association, the American Public Health Association, Action on Smoking or Health, Public Citizen, Congress Watch, the National Taxpayers' Union, the Council for a Competitive Economy, and the United Tobacco Growers of North Carolina.

There are good reasons why this legislation has attracted so much interest.

On one level, Mr. President, our bill is intended to eliminate what Senator JAKE GARN has described as "an offensive paradox." That paradox is our Government's wildly inconsistent policy of actively discouraging smoking while at the very same time promoting the production of tobacco.

There can be no doubt that smoking is one of this Nation's leading public health problems.

The American Public Health Association has described smoking as our most widespread drug addiction—and as the single most preventable cause of illness and death in the United States.

As a group, smokers have a 70-percent increased risk of death over nonsmokers of the same age. Heavy smokers, run a 100-percent higher risk of early death.

Smokers are more frequently afflicted than nonsmokers with chronic conditions—bronchitis, emphysema, sinusitis, peptic ulcer disease.

Male smokers lose 33 percent more workdays than nonsmokers; for women, that figure is 45 percent.

Smoking clearly and unequivocally causes cancer of the lung, larynx, mouth, and esophagus.

Smoking is linked with heart disease.

Smoking by pregnant women increases the incidence of fetal death and lowers birth weights.

Smoking is one of this Nation's two or three leading public health problems.

The opponents of our amendment maintain that its enactment will not discourage smoking.

We do not claim that it will. But we do say that enactment of the Tobacco, Deregulation Act will make our national policy consistent.

And we also say that as a matter of principle, the Federal Government should not be in the tobacco business.

But consistency aside, this legislation is needed in order to terminate a costly, cumbersome, and anticompetitive Federal program that has by any standard outlived its usefulness.

The USDA's tobacco program began in the 1930's, when tobacco farmers were getting as little as 6 cents a pound for their product. Supply controls were useful at that time, but as J. A. Seagraves of North Carolina State University concluded in a recent paper entitled "The Life Cycle of the Flue-Cured Tobacco Program," the program no longer serves the interests of Tobacco growers.

Mr. Seagraves wrote:

> Supply controls can have large benefits to producers at first, and then "burn themselves out" as they create incentives for other countries to expand production and for manufacturers to introduce substitutes. This happened in the case of the Flue-cured tobacco program. The U.S. share of the world's Flue-cured tobacco production has fallen from 64 percent in the late 1930's to about 18 percent today—

I want to emphasize that, that our Nation's share of the world's Flue-cured tobacco production has fallen from 64 percent in the late 1930's to about 18 percent today. Imports of Flue-cured tobacco, which were insignificant before 1967, now represent about one-fourth of domestic consumption.

Mr. Seagraves further calculates that between 1948 and 1955 the program produced a net benefit to the United States of up to $166 million per year. In the early 1980's, however, the program is responsible for a net loss to our economy of $52 million a year.

The tobacco market itself proves beyond a doubt that the system is not working.

On July 10, for example, the board of directors of the Flue-cured Tobacco Cooperative Stabilization Corp., announced a rebate program for the tobacco companies. Can you imagine that, Mr. President? A rebate of 30 cents a pound for each and every pound of tobacco purchased over the levels purchased in 1982.

How much tobacco is eligible for rebate? One hundred and sixty-two million pounds, or nearly 18 percent of the 1983 marketing quota of eight hundred and ninety-two million pounds.

I do not intend to argue here today about merits of this rebate program, which could provide to the tobacco companies a subsidy of up to $48 million.

What I wish to point out is the obvious—that the tobacco program has created a monster—an industry that operates without any reference whatever to the laws of supply and demand.

But, Mr. President, the problem goes beyond the fact that the system is not working. The real problem is the nature of that system.

Just because a farmer wants to produce tobacco in this country does not mean that he can do so. Tobacco may be produced without penalty only by those who hold an acreage allotment assigned more than 30 years ago. The penalty for growing tobacco over the allotment or without the allotment is a stiff one. It is paid to the Government and equals 75 percent of the previous year's average sale price of tobacco, or it becomes a credit against next year's allotment.

Those allotments are as hereditary as any feudal domain in medieval Europe.

But ours is supposed to be the greatest free market economy in the world.

We say that we believe in free enterprise, competition, the discipline of the marketplace.

But not, it seems, where tobacco is concerned.

We control crop volume.

We penalize backyard growing of tobacco without a license.

We keep mom and pop out of the marketplace unless he or she has an allotment.

In a letter to the editor published in the June 1983, issue of the Flue-cured Tobacco Farmer, a farmer from Zebulon, N.C., summed up the absurdity of the current system.

Edwin Atkinson wrote:

> How is it constitutional to sell a farm's tobacco allotment and not be able to sell its corn base? A farmer cannot sell or lease or transfer his corn base for cash rent and never see the land it is planted on. Why tobacco?

Mr. Atkinson wrote further that:

> Tobacco is the only agricultural commodity that carries this exclusive privilege. Is it any wonder that the present tobacco program is in trouble in Congress today?

The program is in trouble. And it deserves to be.

The allotment system, which was designed originally to help farmers, is today a major source of income for nonfarmer holders of tobacco allotments. There are 95,000 commercial tobacco farmers—and 500,000 holders of tobacco allotments.

About 84 percent of all family tobacco farmers must rent allotments in order to grow their crops. Rent can run over $1,000 per acre and increases the cost of production for growers by 30 to 60 percent. No wonder that last year, we imported $503 million worth of tobacco, mainly of the type grown in the United States. And no wonder the growers are offering rebates to buyers of tobacco.

Last year we enacted legislation entitled the "No Net Cost Tobacco Act." As many of us suspected at the time, the bill has only made cosmetic changes in the program, without addressing the real problems.

The program has resulted in massive tobacco surpluses—over 25 percent of last year's crop was bought as surplus at a cost approaching $1 billion.

The figure this year looks at this time to be about 15 percent, which is the result of this year's devastating drought.

The tobacco program is not working.

The Federal allotment system, whose benefits go disproportionately to nonfarmers, has outlived whatever usefulness it once may have had.

And I believe that it is high time to bring to tobacco production the benefits of free enterprise.

Our amendment will give the free market a chance to work.

It will give our farmers a fighting chance to recover their share of the domestic and world tobacco markets.

It will protect low-income allotment holders by buying out their allotments in accordance with a formula based on income. The buy out will be funded at no cost to the Government by an assessment not to exceed 20 cents a pound on tobacco growers. In addition the amendment authorizes continuation of existing assessments for the purpose of eliminating surpluses built up under the current program. These assessments will be more than offset by the fact that growers will no longer be required to pay exorbitant allotment rents.

Under this program, Mr. President, an allotment owner with a 1982 modified adjusted gross income of $15,000 or less would be eligible for a 100-percent buy out. Percentages would decline with higher income, phasing out altogether at $24,000.

The intent of this provision is not to recognize the legitimacy of the allotment system, rather, our intent is to provide a phaseout for those who now depend on allotment income.

In calculating incomes, our amendment does not include social security, unemployment compensation, or food stamp benefits. It does, however include tax-deferred pension contributions and proceeds from tax shelter investments, municipal bonds, and the like.

Finally, Mr. President, the amendment includes a provision to protect the public from imported tobacco containing residues of chemicals the use of which is not permitted in the United States.

How much imported tobacco would that affect?

The shocking answer is that nobody knows how much of the 452 million pounds of tobacco we imported last year is, in fact, tainted with chemicals the use of which is banned in this country. Nobody knows because nobody checks.

Smoking is dangerous in and of itself. There is no reason to multiply the danger by exposing smokers to potentially carcinogenic chemical substances.

Mr. President, I believe that this amendment is fair to all concerned.

It helps the tobacco growers by ending a cumbersome program that has cost them their markets.

It gives a cushion to needy people who might be hurt by the end of the program.

It protects the public from dangerous chemicals.

And, Mr. President, this amendment takes the Federal Government once and for all out of the tobacco business. For that reason alone, it deserves passage by the Senate.

Mr. President, I ask unanimous consent that I be permitted to yield the floor to the Senator from Utah.

Mr. HELMS. Mr. President, I object. I think the Senator from Utah ought to seek the floor in his own right.

The PRESIDING OFFICER. The objection is heard.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. GARN. I thank the distinguished Senator and the chairman of the committee.

Mr. President, one of our colleagues in the other body was quoted recently as saying that supporters of tobacco deregulation "are going around telling people, 'Help us stamp out the little tobacco farmers in North Carolina.' I have about had it." That was the Congressional Quarterly of June 11, 1983, quoting Representative CHARLIE ROSE a Democrat from North Carolina.

Mr. President, I have about had it myself, and so, I am sure, have the "little tobacco farmers." Let us just

see how much the current program is helping them:

The tobacco growers' newspaper, The Flue-Cured Tobacco Farmer:

The benefits of the support program appear to be migrating largely into the bank accounts of the non-producing quota owners, with you, the actual producers, profiting at approximately the same level you could be expected to without any program at all.

Congressional Quarterly, June 11, 1983:

Without legislation, certain malfunctions in the government program, combined with a record surplus, will devastate tobacco farmers economically, according to their spokesmen. . . .

There are several program-related factors driving up the cost of growing tobacco. One is that the assessments will jump for the 1983 crop to 7¢ per lb for flue-cured and to as much as 5¢ or 7¢ per lb. for burley.

The increases are worrisome because they will cut further into farmers' profit margins.

Many producers who rent their allotments and quotas are forced to pay the assessment twice: The law requires payments from both farmers and non-growing quota-owners, who often simply increase the rental rate of their quotas by the assessment.

Because the allotments and quotas are being reduced administratively by the government in an effort to cut the surplus, fierce competition for renting them has driven up their costs.

The article also pointed out that the cash and noncash costs of production for burley tobacco were 8 cents per pound greater than the average price for which it was sold last year.

Hugh C. Kiger, executive vice president, Leaf Tobacco Exporters Association, Inc., in testimony before Senate Agricultural Committee on June 14, 1983:

. . . the tobacco program is . . . in trouble economically because we can no longer assure our foreign and domestic customers an adequate supply of high-quality U.S. leaf at competitive prices.

It is in trouble politically . . . due to the fact that the "No Net Cost" program is not working.

U.S. prices have been forced up by the price support formula to a point where our tobacco is no longer competitive in the world market. And the end is not in sight. . . .

This is noted in statement after statement from USDA's Agricultural Attaches, who report that the relatively high U.S. tobacco prices are encouraging foreign buyers to seek alternative supplies. . . .

The quality of U.S. leaf has also declined noticeably in recent years due in part to the way price supports are operated. . . . the grower has no incentive to produce high-quality leaf when he can sell to the pool at a support price which gives him a handsome profit on the deal.

One thing is unmistakeably clear relative to the current high price support level. A grower cannot cover his costs of production, pay a high lease rate to allotment holders, make a profit, and compete in world markets. Therefore, we can expect (1) inability to compete in world markets; (2) further losses in export business; (3) further increases in U.S. imports of cigarette leaf; and (4) further reductions in quotas.

C. Hoke Leggett, Association Administrator, Agricultural Stabilization and Conservation Service, in testimony on June 14, 1983, before the Senate Committee on Agriculture:

Ten years ago nearly four-tenths of the world's flue-cured crop was grown in the U.S. . . . Last year we produced less than one-fourth of the world's flue-cured tobacco, and our exports were only one-fourth of the total.

During the same period, imports into the U.S. have grown. In 1973, less than one-fifth of the tobacco used in our cigarettes was imported. Today, nearly one-third of the tobacco consumed in . . . the United States is imported.

In short, during the past 10 years foreign-grown tobacco has taken practically all of the growth in consumption outside the U.S. and a significant portion of consumption in this country.

The erosion in demand for U.S. tobacco in the export and domestic markets is largely due to the continuing disparity between its cost and that of tobaccos produced in developing countries. Current and prospective supply and demand factors point toward acceleration in the loss of market share for U.S. tobacco, at least in the near term.

U.S. flue-cured prices for the 1981 tobacco buying season averaged 87% more than grower prices in the major tobacco-competing countries. . . . By contrast the U.S. prices in 1982 were 62% more than the grower prices in foreign countries.

Excluding land and quota charges, production costs, except for 1979, average well below the levels of price support. The levels of price support for the 1981 and 1982 crops of tobacco were substantially greater than the cost of production.

So, Mr. President, it seems that the way this program has helped the little tobacco farmers is by increasing their costs, pricing them out of both the foreign and, increasingly, the domestic tobacco markets, and by putting most of their profits into the hands of the nonfarmer allotment holders. If this kind of help does not stamp out the little tobacco farmers, I do not know what will. I am sure they are smart enough to recognize when they are being hurt. However, most of them are afraid to say so, according to the United Tobacco Farmers, for fear the allotment owners will not rent to them any more.

Much has been made of the fact that these allotment holders are people who have worked hard to pay for their allotments and are now enjoying the return on the investment. Nevertheless, the fact remains that a program ostensibly geared to help the tobacco farmer ought to be doing just that, not sustaining absentee landlords who neither farm nor share in the risk of farming.

With these facts well in mind, let us examine the effects of the proposed solution to these problems of the little tobacco farmers. I think it will become obvious that in several ways, the reforms actually benefit the absentee allotment holders, and hurt the family tobacco farmer, more than the current program does.

First, this bill calls for deleting the double assessment the family tobacco farmer pays into the No Net Cost fund. Last year, legislation was enacted which required tobacco farmers to pay an assessment to the tobacco fund when the tobacco was sold. Allotment holders also have to pay an assessment when they rent their allotments to farmers. Mostly, the allotment holders have simply passed their share of the assessment on to the tobacco farmer, who thus ends up paying twice. This bill would eliminate the assessment charge when the allotment is rented, leaving only the tobacco farmer to pay, while the nonfarming absentee landlord gets off scot-free. As a result, less revenue will go into the No Net Cost fund; this loss of revenue will result in the assessments having to be increased, and the tobacco farmers will have to pay still more. This provision is hardly a benefit to tobacco farmers, but obviously is greatly to the advantage of the allotment owner.

Second, this bill would give the tobacco cooperatives greater flexibility in the use of no-net-cost funds. Currently, the law requires tobacco co-ops to hold all assessment revenues until a particular crop is completely sold from surplus. Then the funds are used to cover any losses that may have occurred. This proposal would allow the co-ops to also use this money for their current expenses. It is a measure that is potentially disastrous in the long term, especially for the little tobacco farmer. The revenues generated by assessments are not enough even now to pay for the anticipated losses of a particular crop year. If they are also used to pay current expenses or to retire past co-op debt unrelated to the costs of 1982 and later crop surpluses, the revenues needed to cover the eventual crop loss will fall even shorter, creating yet larger losses, which will have to be covered either by the taxpayers or by the farmers—not the allotment owners, under this bill—and cutting still more deeply into farmer profits. Several years of this could have the effect of limiting current program losses at the price of creating huge future deficits.

Third, the bill would set aside up to 3 percent of all acreage that can be planted in tobacco for use by new farmers who want to begin farming. Though the intent sounds laudable, this provision also has flaws. It lets new farmers enter a feudalistic system in which they pay monopoly rents and suffer from quota reductions like the rest of the current tobacco farmers. It also means fewer allotments for current farmers, creating more demand for the remaining allotments, driving the rental prices still higher, thus

making it even more difficult for the family farmer to make a living growing tobacco.

Fourth, the bill would place several restrictions on the lease of acreage allotments. It would require allotments to be forfeited if they are not used in 2 out of 3 years. The proposal is insignificant, since allotments are valuable, and almost all of them are used every year to grow tobacco. Another provision would prohibit cash leasing with payments in advance, by prohibiting any lease payment until the crop is sold. This is supposed to make the allotment owners share the costs and risks of production, but the proposal does not accomplish this. It would still allow a fixed cash lease payment, with the allotment owner's only risk being that the farmer will fail to pay. To insure that the allotment holder share the risk, we would have to require at least that the lease payment be simply a percentage of the profits, and perhaps also that the lessor contribute an equal percentage of the costs of production.

The last allotment proposal would prohibit lease and transfer of allotments. This is an arrangement where a farmer leases an allotment from an owner or owners and then transfers it to his own farm. As written, the provision leaves open several potential loopholes. For example, it seems that you could create a limited partnership including all the farms having allotments which a single farmer was going to rent, and then the farm would be nothing but a large legal entity and no allotments would be leased and transferred off the farm. Even if lease and transfer is effectively ended, though, the provision hurts the family farmer. In that case, either farmers will have to travel to the various farms having allotments and farm widely separated plots, or allotments will have to be sold and accumulated in economic blocks of 20 or 30 acres or more. Since most family farmers will not have the capital to purchase allotments, which cannot be used as collateral, only wealthy farmers and investors will be able to accumulate allotments. The family farmer will either be squeezed out of business or converted into a tenant farmer under a single landlord or partnership, a condition even worse than that under which he suffers at present, where at least he has the economic flexibility of bargaining with numerous allotment holders. The absentee landlord problem could be even more severe, since the allotments and accompanying power might be concentrated in fewer hands.

Finally, the bill extends from December 1, 1983, to December 1, 1984, the date by which nonfarming entities are required to sell their allotments under the No Net Cost bill. In other words, the absentee landlords would be able to hold on to their allotments without either farming or sharing the risks of farming for a little while longer.

Mr. President, I think by now it should be apparent that if the current arrangement does not stamp out the little tobacco farmers, this legislation will. In fact, I would go so far as to suggest that a more fitting title might be the "Tobacco Allotment Owners' Relief Act of 1983."

I believe that, given the opportunity, the U.S. farmer can compete with anyone in the world for his share of market position, providing he can operate under laws that will reflect any current situation and allow the appropriate response. A free market does this best, and our amendment will give the free market a chance to work. It will permit tobacco growers to get out from under the feudalistic allotment system and enjoy the rewards of farming themselves. It will protect low-income allotment holders by buying out their allotments at the fair market price as of March 8, 1983. This one-time payment, to be made on a sliding scale to holders with modified adjusted gross incomes up to $24,000, will be funded at no cost to the Federal Government, by a levy imposed upon growers. It should be less costly for the farmers, since they will have no lease payments for allotments.

In closing, let me simply note that I am not singling tobacco out. I have also opposed the acreage allotments system that was in place for peanuts, and have consistently supported free market reforms in other commodity programs as well. I urge the support of my colleagues for the deregulation of tobacco as outlined in this amendment.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. BAKER. Mr. President, I beg the indulgence of the two managers for a moment.

The minority leader is on the floor, and there is one routine matter to be taken care of and perhaps some colloquy about the remainder of the program for today.

Mr. President, the request I am about to put has been cleared, I believe, by the minority leader, and I will state it now for the benefit of the Senate.

EXTENSION OF REPORTING DEADLINE FOR RECONCILIATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate committees instructed pursuant to House Concurrent Resolution 91 be given until October 31, 1983, to report their recommendations to the Senate Committee on the Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, the minority leader asked me privately a moment ago what I saw in prospect for the remainder of the day. If I can anticipate that question now, I would like to repeat what I said earlier today. I do not see the benefit of asking the Senate to remain in late today. I would estimate a recess time of about 6 or 6:30, unless we can finish this bill and the unemployment benefits conference report.

Now, those are the two matters that we have to deal with that remain between us and adjournment until October 17. There may be other matters we can do such as the Interior appropriations conference report which we are cleared to do on this side, and I would like to do if we can. But with those three items, I think we have done all we can do. If we can complete those today, then we would not be in tomorrow. But at the rate we are going on the farm bill, it looks like we may not be able to do that. We have not yet done that on the unemployment matter. So I say to the minority leader that it would be my present plan to ask the Senate to stay in until about 6 or 6:30 this evening, come back at 10 o'clock tomorrow, and attempt to do these three items.

Mr. BYRD. We cannot do the Interior conference report because the manager on this side is gone.

Mr. BAKER. I understood that was the case. Could I inquire, will he be here tomorrow?

Mr. BYRD. No.

Mr. BAKER. Very well. Mr. President, it may be that we cannot do that at all. But we must do, in my opinion, the unemployment matter.

Mr. BYRD. I agree

Mr. BAKER. And the farm bill. So I would expect us to be in tomorrow unless we can finish those two items tonight.

Mr. BYRD. What is the progress on the unemployment compensation bill?

Mr. BAKER. I think good progress. Mr. President, the distinguished chairman of the Finance Committee, Senator DOLE, advised me a few moments ago that he has a conference arranged with the chairman of the House Ways and Means Committee that may be going on at this moment and will make one more effort to try to settle their differences in conference. If they do that, it may go very fast. If it does not, then we will have to do something else because we cannot let that program expire.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. I thank the minority leader.

Mr. HUDDLESTON. If the majority leader will yield, I hope that we will stay long enough tonight to complete action on this pending bill.

Mr. BAKER. May I say in that respect, if we finish, if we can get the unemployment thing out of the way, then if the managers and others tell me that they can finish this bill by staying later, I would be willing to do that. But as I say, at the rate we are going, it does not look like that would profit us much. It looks like we would be better off to come in in the morning at 10 o'clock, but I will reserve final judgment on that until we get a little further in the day and judge the likely outcome.

DAIRY AND TOBACCO ADJUSTMENT ACT OF 1983

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2297

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I have the greatest affection and respect for the distinguished Senator from Ohio and the distinguished Senator from Utah.

I regret that they feel compelled to press their tobacco amendment on this bill. In fact, I find it very disappointing.

For a number of years those of us who represent the Nation's 276,000 tobacco farmers in 22 States have made efforts to modernize the tobacco program and to do everything we reasonably can to make the kinds of adjustments that are designed to answer the criticisms raised today.

I have already described the substantial changes made in the tobacco program in 1982 and have described in greater detail the comprehensive modifications made in the tobacco program in the legislation presently before us.

Every one of the modifications before us in this bill respond directly to the criticisms we have heard today. Short of destroying the equity base of hundreds of counties in many States, I just do not know what more we can do.

Our proposals are substantive and far-reaching, and will accomplish the purposes for which they have been drawn in a sound and practical—and yet effective—way.

Let me just say that the amendment now offered—and the bill upon which it is based—is just not sound legislation. It is not sound because it is based on a number of premises that are simply not accurate.

Permit me to take them one by one.

First, there is the assertion that there is a tobacco subsidy. Mr. President the No Net Cost Tobacco Program Act of 1982 assured that there would be no tobacco subsidy. In fact there never has been a tobacco subsidy. Since the program began in 1933, the producer associations have handled almost $7 billion in loans. During this time a net cost of $56.7 million in lost principal has been borne by the taxpayers. This compares to the more than $140 billion in excise taxes collected on manufactured tobacco products, and the scores of billions of dollars lost on other farm commodity programs over the years.

But since the enactment of the no-net-cost tobacco program, the taxpayers are assured that even those minor losses on tobacco of the past will not happen from 1982 forward.

The sponsors of this amendment attribute a cost of $591 million in lost interest to the CCC for this tobacco program—but that is just not true. The Commodity Credit Corporation set its interest rates for all nonrecourse loans. Tobacco was treated no differently than other program, of course. It is just not accurate to talk about CCC's interest losses on tobacco without addressing their interest losses on every other loan CCC has ever made.

In fact, this charge is really quite irrelevant. In 1981 the CCC announced that it would begin collecting interest fees which reflect the true cost of money to the Government for all price support loans made henceforth—including CCC tobacco loans.

Another charge is that the administrative costs attributed to the tobacco program somehow constitute a subsidy of tobacco. The attribution of the $15 million or so in incidential administrative costs for the tobacco program is based upon the person-hours of employees of the Agricultural Stabilization and Conservation Service (ASCS) in each of the county offices, and on up the line all the way to the office of the Secretary of Agriculture.

I remind Senators that there are ASCS offices in every county in the Nation, and that those offices would be in tobacco States even if there were not a stalk of tobacco in a county. Those costs are attributed to tobacco simply because that is what is grown in the area served by those offices. There is no certainty that any less money would be spent if tobacco were not grown, because they would then just attribute the expenses to some other commodity. The offices would not close down.

But perhaps these facts about the absence of any true tobacco subsidy are really not as important to the issue raised by the amendment as the fact that the tobacco program is not in contradiction to the smoking and health issue.

The tobacco program has been referred to as an absurd paradox because the Government provides funds for anticancer research and for the tobacco program.

I can assert without hesitation that there is no paradox at all. Permit me to quote the Honorable Joe Califano, former Secretary of Health, Education, and Welfare who made the following remarks in 1980:

> * * * If the tobacco program has any effect at all on public health it is favorable. The purpose of the program is to stabilize tobacco production, and thus, to assure fair prices to the farmer. If the program were to be withdrawn, though, prices would fall, and cigarettes might become less expensive, possibly encouraging more young people to smoke.

The allotment system has been likened unto feudalism, as "harking back to medieval times of lords and serfs," to quote one critic.

This, Mr. President, is highly charged emotionalism. The allotment system in the tobacco program is the very means by which production is limited. If Senators have aversions to allotments, then I am sure they will want to discuss the full range of marketing orders and agreements on fruits and vegetables. It would seem likely that they would be adverse to the quotas imposed on a host of producers of many crops in our own country, as well as quotas imposed on the importation of certain foreign products into the United States.

I should add, Mr. President, that the allotments and quotas inherent in the tobacco program are not at all feudalistic. They are franchises.

One obtains a franchise from the Government to do just about every kind of economic endeavor undertaken in a modern economy. For instance, the distinguished chairman of the Senate Banking Committee, who has sponsored the legislation to deregulate the tobacco program franchises, would have to acknowledge that the Government provides what amounts to franchises to operate banks.

None of us here could go out and start a bank tomorrow without going to the Government for permission.

Many States franchise the selling of alcoholic beverages.

New York City, I am told, has franchises for taxicabs. Are we going to abolish that franchise on this legislation?

The fact is that franchises are as part of American economic activity as they can be. The tobacco allotment franchises are no different.

We have undertaken substantial reforms to encourage the movement of tobacco allotments into the hands of active farmers. Corporations and other entities not actively engaged in farming will have to sell their allotments, and the general sales of allotments have been provided for in the 1982 No Net Cost Program Act.

In the bill now before us further substantial modifications have been made in the manner in which allotments and quotas can be held and transferred. I have explained them already in great detail, but let me once again emphasize that in order to en-

courage owners to become directly involved with the growing of the crop or to sell their allotments, the bill would permit, beginning with the 1984 crop year, the lease and transfer of the quota off the farm to which it is assigned only if the lessor shares in the risk of producing the crop. This is achieved by requiring that no payment on the lease prior to the sale of the crop would be permissible.

This restriction is designed to provide for a more equitable relationship between the lessor and the lessee so that both would share in the potential risk from the growing of tobacco.

Furthermore, beginning with the 1987 crop, the lease and transfer of Flue-cured allotments and quotas would be prohibited except for quotas consisting of 3,000 pounds or less. The tobacco would be required to be grown on the farm to which it was assigned unless it was combined with another farm in those instances in which the entire farm was leased.

The provision for the continuation of lease and transfer in the case of relatively small quotas of 3,000 pounds or less would last only through the 1989 crop when all lease and transfer of Flue-cured allotments and quotas would be terminated. The exemption would insure that these small allotment owners, many of whom are elderly, widowed, or otherwise have a significant dependence upon the income derived from the lease of their allotments or make other arrangement for the growing of the tobacco. The delay in the implementation of the prohibition of lease and transfer in these instances is deemed necessary to avoid causing any undue hardship on these individuals.

The delay in the elimination of lease and transfer of these smaller allotments will also assist farmers who depend upon leasing quota each year. Farmers who own small allotments are able to grow tobacco by leasing in enough quota for an efficient operation. The additional 3 years of lease and transfer of allotments of 3,000 pounds or less will allow these growers, who must have access to some tobacco quota in order to continue farming, an opportunity to make suitable arrangements prior to 1990, when all lease and transfer will be eliminated.

To require the massive sale or the abolition of allotments would totally disrupt the equity base of virtually all agricultural enterprise in the principal tobacco-producing regions.

As an example of the financial impact on small farms which have traditionally produced tobacco, Federal land banks, PCA's and other lending institutions in the tobacco-growing area have traditionally placed a value of $5,000 per acre allotment on any given farm; therefore, a 100-acre farm assigned a loan value of approximately $120,000 without tobacco allotments would be increased to $170,000 with a 10-acre tobacco allotment. Most lending institutions in the area would normally come up to 80 percent of the assigned loan value, in this case approximately $135,000. If tobacco allotments were eliminated, a high percentage of small family farms would not have sufficient collateral to justify their loans presently made by lending institutions including Farmers Home Administration. Many small family farms would undoubtedly be eliminated.

Mr. President, every purpose attributed to this legislation by its sponsors has already been addressed by the No Net Cost Program Act of 1982 and in the legislation now before us.

The subsidy is eliminated—though it never existed in reality.

The relationship of the allotment holder to the farmer has been corrected in large measure in the 1982 Act, and even more substantially in the present bill.

The crop has been made more competitive in world markets, through the proposed freeze in loan rates and other changes in the price support formula.

The quotas inherent in the allotments make the tobacco program supportive of the health goals of the sponsors of the amendment.

In short, there is no basis for the wholesale eradication of the program as is proposed by my distinguished colleagues.

Mr. HUDDLESTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. HUDDLESTON. Mr. President, I think it is somewhat unfortunate, that again, the time of the Senate is taken up on the amendment that is before us. We have dealt with this issue a number of times in recent history, and each time the Congress has agreed that this program should continue.

I have listened with great interest to the remarks of the two cosponsors, and while I have the highest regard for both of them—and they did make very eloquent speeches—the fact is that neither speech has much of a relationship to reality. I would remind those who represent other constituencies in the farm community and who frequently are before this Chamber speaking in favor of support programs that what we are talking about in relation to tobacco is not making an adjustment in the program, not just changing a price figure or a formula; we are talking about eradication of the program. We are talking about obliterating a program that has been, without question, the most successful agriculture program ever devised by the Congress of the United States. We are talking about a program that, if eliminated, would cause economic devastation in many States in these United States and would upset a system that has served well the consumer, the manufacturers, and the growers for a number of years.

In contrast to the pending amendment, S. 1529, the Tobacco Adjustment Act of 1983, will make the tobacco program more responsive to domestic and world supply-demand conditions, without wreaking havoc on farmers and agribusinesses.

I ask my colleagues to join me in voting against the pending amendment, and to continue to work with me and other tobacco State Senators to make sound and reasonable changes in the tobacco program—changes that will not impose significant losses on the 124,000 farmers in Kentucky, and the thousands more in some 21 other States, who rely on Tobacco as their principal source of income.

The elimination of the tobacco program as proposed in the pending amendment would throw into disorder the tobacco production and marketing system that has functioned effectively for over 40 years, a system that today assures 276,000 farmers market stabilty and a minimum price for their crops.

The amendment would create a boom and bust cycle in world markets where tobacco prices are 25 to 30 percent lower than the minimum domestic support prices for the major types of tobacco.

The amendment would lead to greater concentration in production and to the elimination of thousands of small family farms.

Obviously, tobacco companies will want to continue to receive tobacco to produce their products. They will, in all likelihood, seek out those farmers who produce in large amounts and can produce large acreages. They will likely contract for their production, get it at a lower rate, and thousands and thousands of farmers who are now able to stay on the farm just because of the cash income from their tobacco plot will not only be out of tobacco production but many of them, without any question, will be forced to quit farming altogether.

So, we are not just talking about this crop. There is no doubt in my mind it would have an effect on the amount of other crops that are produced.

The elimination of the tobacco program would force farmers wanting to remain in production to expand their acreage of tobacco, and to do so with a greater price risk in the market.

It would force producers to risk per-acre investment in tobacco, excluding rental costs, of over $2,000 per acre.

It would leave farm prices at the will of 6 major tobacco companies, 2 of which buy over 65 percent of the domestic crop. It would in time promote the production of tobacco in large

units, most likely under contract with the tobacco companies.

It would immediately destabilize the economy of the Commonwealth of Kentucky and of the other States and regions where tobacco is produced.

Local communities in Kentucky and the State, as a whole, would face an immediate financial crisis if the tobacco program was eliminated.

For each acre of tobacco, about $6,000 is added to the value of Kentucky's farms.

The elimination of tobacco quotas would, overnight, lower the appraised land values and the tax base for our State. Prof. Milton Shuffett, an agricultural economist at the University of Kentucky, has said that elimination of tobacco quotas would reduce State and local tax revenues by $1.5 billion. Such a loss would mean less money for schools, hospitals, assistance for the poor, and local community services—at a time when State and local governments are searching for every penny they can find to maintain adequate public services.

The elimination of the tobacco program would adversely affect businesses and credit institutions that serve agriculture and that are already suffering from the worst net farm income position agriculture has experienced since the depression. With the equity loss that would occur with the elimination of the tobacco program, the loan collateral of the tobacco farmer would fall. This would compound the farm foreclosure problems already resulting from the recession and the drought.

The elimination of the program would precipitate a sharp decline in tobacco prices and not benefit tenant farmers or others who the amendment may be designed to benefit.

It would lower the net worth of farmers who purchased their farms with an allotment and those who have in the settlement of estates been given land in lieu of other items.

It would take a source of income from retired farmers.

It would add to the Federal deficit as loan stock values plummet, and inventories of tobacco now under loan are marketed.

It would also likely add to outlays in the Federal budget for Federal assistance programs as small farmers' incomes are reduced and those without employment alternatives become eligible for assistance.

In short, Mr. President, this amendment would kill a producer-supported program that has been effective and efficient in providing market stability and price support for our fifth major farm commodity for over 40 years.

Too frequently, Mr. President, the impression has been given that tobacco is important only in the Flue-cured area and the leading Flue-cured tobacco State, North Carolina. But, I wish to assure my colleagues who may consider supporting this amendment that this is not the case.

As the leading burley tobacco State, the tobacco program is vital to Kentucky, as it is to the other 21 tobacco producing States.

Only 3 of Kentucky's 120 counties are not affected by the farming, auctioning, manufacturing, or wholesaling of tobacco. One of every 14 jobs in the Commonwealth, either directly or indirectly, is tobacco related.

The farm value of Kentucky's burley crop in 1982 was almost $1 billion. Seventy-three percent of the farms in Kentucky produce tobacco. And of those farms, over 75 percent of the burley tobacco farms contain less than 50 acres. Over two-thirds of the producers grow less than 2 acres of tobacco.

While many burley farm households received some off-farm income, a third receive no nonfarm income or less than $2,500 from nonfarm source.

While produced on only 0.3 percent of the Nation's cropland, tobacco is consistently the fourth or fifth most valuable crop, accounting for approximately 4 percent of cash receipts from all U.S. crops.

The contribution of tobacco has long been recognized, as has the need for orderly marketing in the industry.

Congress, in the Agricultural Adjustment Act of 1938, declared it in the national public interest:

> To assist in the marketing of agricultural commodities for domestic consumption and for export; and to regulate interstate and foreign commerce in cotton, wheat, corn, tobacco, and rice, to the extent necessary to provide an orderly, adequate, and balanced flow of such commodities in interstate and foreign commerce through storage of reserve supplies, loans, marketing prices for such commodities and parity of income, and assisting consumers to obtain an adequate and steady supply of such commodities at fair prices.

Following the passage of the 1938 act, cooperative marketing associations were established to serve as agents for the Commodity Credit Corporation (CCC) and take under loan quantities of tobacco that would depress farm prices and farm income, and to offer those stocks to the market when production shortfalls occur.

Similar loan and support operations have been provided for other commodities.

For 40 years, the tobacco program has assured thousands of tobacco farmers minimum prices for their crops. And, it has provided tobacco companies with quality tobacco and a reserve supply of domestic tobacco when production shortfalls have occurred.

During its 40 years of operation, the Burley Tobacco Growers Cooperative Association, located in Lexington, Ky., has received and resold 1.8 billion pounds of tobacco, an amount equal to almost three crops and an amount that, if allowed to overhang the market, would have depressed farm prices and farm income.

To take this quantity of surplus tobacco under loan, process and resell it, the association has borrowed from and paid back to the CCC an amount, with interest and fees, totaling $1.28 billion, and distributed to its members net gains of over $32 million.

Without question, the tobacco program has been effective, remains fiscally sound, and is needed.

Mr. President, while modified legislatively and administratively during its history, the tobacco program has been supported, repeatedly and overwhelmingly, by farmers voting in regularly scheduled referenda.

In return for a minimum support price and an orderly marketing system, farmers have voted to limit production.

Perhaps the most frequent misrepresentation regarding the tobacco price support program has been the assertion that it is inconsistent with programs administered by the Department of Health and Human Services to discourage smoking. As clearly shown by statements issued from the Office of the Secretary, and the Office of Smoking and Health, in the Department of Health, Education, and Welfare, there is not an inconsistency.

In an April 15, 1980, letter to me from Mr. Wilson B. Welsh, then Assistant Secretary for Legislation, Office of the Secretary, Department of Health, Education, and Welfare, Mr. Welsh stated, and I quote:

> * * * The Department has long held that the price support program of the Department of Agriculture is not a public health issue. The purpose of the program is to protect the price the farmer gets for this tobacco, not to encourage or uphold cigarette smoking. Presumably, if the program were removed the price would drop, which would mean either more profit for the cigarette manufacturer or lower prices for the person who buys cigarettes. This might actually increase consumption.

Similarly, Mr. Robert Hutchins, Associate Director, Office of Smoking and Health, and an ardent antismoking advocate, stated with regard to the tobacco price support program, and I quote:

> We must do what we can to encourage current smokers to quit and to encourage nonsmokers, especially young people, not to take up the habit. We are doing this through our smoking and health initiatives. If the government's price support program for the tobacco farmer has any effect at all on public health it is favorable. The purpose of the program is to stabilize tobacco production, and, thus, assure fair prices to the farmer. If the program were to be withdrawn, tobacco prices would fall, and cigarettes would become less expensive, possibly encouraging more young people to smoke.

President Reagan and Secretary Block have supported the tobacco price support program.

Secretary Bergland stated that it makes no sense to dismantle the tobacco price program and suggested that the issues of smoking and health and the tobacco support program be separated. I agree.

It is my hope that others realize, as has Joseph Califano, the former Secretary of Health, Education, and Welfare, that abolition of the tobacco price support program would not result in one less cigarette being smoked.

Further, the tobacco program is not costly. It has been effective and the least costly farm commodity price support program administered by the USDA during the 40-year history of commodity programs.

During the period 1970 through 1982, net outlays for feed grain, wheat, cotton, dairy, rice, and wool and mohair, totaled $16.5 billion, $10.4 billion, $6.1 billion, $6.9 billion, $0.6 billion, and $0.6 billion, respectively. In fact, the cumulative loss on the tobacco program represents less than 0.2 of 1 percent of CCC's total loss of about $21.1 billion on all commodity loan inventory operations since 1933.

Last year, the 97th Congress enacted the No-Net-Cost Tobacco Program Act and doubled the Federal excise tax on cigarettes. To continue to assert that the tobacco program is a burden to the taxpayers of this country is nothing more than a repetition of the same arguments that opponents of the program used prior to the actions of the 97th Congress. Producers now contribute to a reserve account an amount the Secretary determines will be sufficient to pay costs incurred in the tobacco loan program operations of the Commodity Credit Corporation.

To eliminate the tobacco program, or make modifications that would signficantly reduce domestic production and exports, would lead to increased imports of tobacco and tobacco products. This could erase the net trade balance in tobacco of $2 billion from which the U.S. economy benefited last year.

Further, to assert that tobacco is a drain on the Federal Treasury, one would have to ignore the $7.4 billion in Federal, State, and local excise taxes on tobacco that support other Federal and State programs each year.

If the amendment that is now before this body is enacted, hundreds of thousands of small tobacco farmers in my State, and others, will suffer.

There is no way that small farmers in my State would be able to continue to produce tobacco facing the capital requirements and the market uncertainty that would exist if there was no tobacco program.

As I have noted, tobacco farmers in Kentucky are not large nor well-capitalized farmers. They are small operators who could not continue farming under the boom and bust conditions that would prevail in the absence of the tobacco program.

Even if tobacco production in this country was totally ended, cigarette manufacturers would continue to make cigarettes using imported tobacco. Who would benefit under this type of situation?

Not the American public generally because our balance of payments deficit would grow; not the 55 million cigarette smokers in the United States: and not the tobacco farmers.

Interest rates on CCC loans have already been raised to a level equal to the cost of money.

Further, tobacco farmers during the past 2 years have paid fees to cover $8 million in annual costs that previously had been expended from the treasury to maintain the tobacco grading and inspection service—an essential marketing function that has been covered many times over by taxes imposed on tobacco products.

The elimination of the program would adversely affect tobacco farmers, rural communities, and the national economy. With farm income already a major national concern, a high farm debt load, and interest rates unabated, there is little doubt that the elimination of this tobacco program would exacerbate an already severe income problem for farmers.

Really, it is a strange departure, it seems to me, that my good friend from Ohio is offering this particular amendment. He has stood on this floor time and time again, hour after hour, upholding the rights and the interests of the small people in this country, according to his understanding of what their needs are. Yet, what he would do with his amendment is eliminate virtually all of the small farmers who now have an opportunity to raise tobacco.

All we have left under the tobacco program is a mechanism for stabilizing prices. We have made it a no-cost program to the Government. Nonetheless, this mechanism spreads the opportunity to grow tobacco among hundreds of thousands of small farmers rather than having it consolidated in the hands of a very, very few large farmers. Unfortunately, consolidation is what the amendment offered by the distinguished Senator from Ohio would do.

I yield to the majority leader who is on the floor at the present time.

Mr. FORD. Mr. President, the complexity of the multibillion-dollar tobacco industry is deeply rooted in the 22 States producing tobacco. A balancing factor in this industry, be it supply or price assurance, is that of the tobacco price support program.

This program has too often been maligned by the uninformed who do not understand the basic components by which it operates. The public must be relieved of the notion that the program is a subsidy; in truth, it is an interest-bearing loan from the Commodity Credit Corporation, a separate division of the U.S. Department of Agriculture.

The Burley Tobacco Growers Cooperative Association and its farmer members are proud of their history and contribution of stability for farmers in Kentucky, Missouri, West Virginia, Indiana, and Ohio.

The program provides not only stability to farmers, but to industry and export concerns as well. For example, prior to 1982, there were virtually no pool stocks, less than one-tenth of 1 percent of a normal year's production.

The 1982 crop, bountiful because of the graceful weather, proved to be a bumper crop. The large production proved to be more than the trade could handle, therefore a large amount was placed under loan with the cooperative. The responsibility of this tobacco was, and is that of those farmers, especially with the implementation of the no-net-cost program.

We have just experienced the worst drought in over 50 years in Kentucky. The crop is expected to only yield about 50 percent. Now this drought is undoubtedly going to prove an undue hardship on our farmers.

There exists, because of the stability of the program, a definite advantage to the trade and export concerns. The pool stocks under loan this year assured a supply to the industry. If we did not have these pool stocks, many export orders would have gone unfilled due to the drought. Anyone in the export business will tell you, if you cannot fill an order any given year, there is no guarantee that customers will be back the following year, even with a bumper crop.

Assurance of quality and stability are the reasons U.S. tobacco producers are the leaders in the world. We are the world's largest exporter of tobacco and tobacco products, approximately $2.8 billion annually.

I might point out that over 60 percent of all loan stocks in burley have been sold this year. According to the no-net-cost provision, any profits will be placed in the no-net-cost account, to assure that there will be no loss to the Government.

Mr. President, the modifications for tobacco outlined in S. 1529 are further proposals, made by the farmer, to make the no-net-cost tobacco program more responsive to market conditions. Tobacco farmers are asking for price changes, out of their own pockets, to shore up and solidify the no-net-cost tobacco program.

I see no reason to object to any of the provisions included in S. 1529.

It was just last year, that with the passing of the no-net-cost tobacco pro-

gram, a pioneering piece of legislation, we as the Congress entered into a good faith agreement with tobacco producers in 22 States. To this day the farmers have lived up to this agreement.

The changes in S. 1529, are only changes made to go further, in assuring the tobacco program is of no cost to the Government, in fact, a money maker. To object to these changes outlined in S. 1529 is to object to the principle of a no-cost program, no cost to the taxpayer. Yet let us not forget, that all tobacco farmers are taxpayers, and deserving of the same considerations as all taxpayers.

Mr. HATCH. Mr. President, I should like to take this opportunity to speak in favor of the Garn-Metzenbaum tobacco deregulation bill.

I have always felt that it made absolutely no sense for the Government to be involved with the production of a commodity which is believed to be the single most important cause of preventable death and illness in the United States.

Smoking accounts for an estimated $13 billion in direct health care costs every year and an annual cost of $25 billion in lost wages, productivity, and absenteeism. I have continually stressed the need for a strong cigarette labeling bill which would outline the risks an individual is taking when he/she smokes a pack of cigarettes, and I will continue to do so. I believe this to be an equally, if not more, important piece of legislation.

It is estimated that the administrative costs associated with this program alone equaled $15.9 million in fiscal year 1983. It makes no sense for the Government to be concerned on the one hand with the health problems caused by the use of tobacco while at the same time investing in its cultivation.

As compelling as I believe this argument to be, I also believe it behooves us to rid ourselves of an archaic allotment system, which has existed since the 1930's. It is almost inconceivable to think that farmers must pay others for the right to grow tobacco, and at a handsome figure as well. The principal beneficiaries of this tobacco program, according to the General Accounting Office, are indeed tobacco allotment holders, most of whom are not tobacco growers.

A farmer routinely has to pay more than $15,000 to rent a tobacco allotment for 1 acre of land. Yet, an average acre of agricultural land in the United States would rent for about $50 to $60 an acre. The rent alone equals 65 percent of the production cost.

While the Government is involved in the regulation and support of other commodity groups, I believe that we must point out that tobacco is not a crop that nourishes, that it is not a crop that we could consider in the same category as wheat or grain, and the criticism of Government involvement in this program should not be construed to be linked with the merits of any other agricultural program.

I therefore urge Members to give this proposal the serious consideration it deserves and vote for its adoption.

Mr. SASSER. Mr. President, I rise today in opposition to the Metzenbaum amendment which seeks to do away with the tobacco price support program. This amendment would in effect eliminate what is one of the most successful of all our Federal agriculture programs.

Since 1933, the Federal Government has expended some $6 billion in loans under the tobacco program. Of this amount, only $58 million in principal was not repaid. Tobacco has the best overall loss record of all the major commodities involved in Government price support programs. Only about .02 percent of the total price support losses for all of these programs is attributable to the tobacco program. The Department of Agriculture expects a 98.8-percent return of all dollars invested in the tobacco program, according to the Agriculture Committee report accompanying this legislation.

This is the type of program we should take pride in, Mr. President, not one we should be moving to take apart. The present price support program is very important to the 55,000 to 60,000 tobacco farmers in Tennessee. In conversations with these men and women I have been told time and time again that without the tobacco program we will have a lot of tobacco being unsold and many of our smaller tobacco producers will be forced out of business.

Such a negative impact would be devastating to a State like Tennessee. The preliminary figures for 1981 show that tobacco production in Tennessee topped 161 million pounds. This crop made Tennessee the Nation's third leading tobacco producer in that year.

This tobacco crop brought in over $250 million to the Tennessee farm economy. This figure represents 13.8 percent of all 1981 farm income in Tennessee from both crops and livestock. This sum made tobacco the second leading cash crop in Tennessee behind soybeans. Many tobacco farmers contend, however, that when you look at net profits, tobacco is actually the leading cash crop in our State.

The $250 million tobacco brought to Tennessee's farm economy does not include the income generated from tobacco related jobs in Tennessee. The 1981 figures show that 1 out of every 32 jobs in Tennessee exist because of tobacco. There are jobs in every one of Tennessee's 95 counties that are connected with the tobacco industry.

Tobacco also means income to the State of Tennessee in addition to the individual citizens of our State. State and local governments in Tennessee received vast amounts from the various taxes associated with tobacco and tobacco products. For example, in the fiscal year ending July 1982 the State of Tennessee collected over $78 million from taxes on the sale of tobacco products. When you start to factor in additional taxes such as sales tax, local government taxes and the like, you reach a total of approximately $160 million in revenues in Tennessee due to tobacco.

Clearly, neither the State nor the individuals associated with Tennessee's tobacco industry would gain from abolishing the price-support program. Without the certainty and stability generated by the tobacco program, thousands of small tobacco farmers in Tennessee would be forced out of farming. This would be the case as most tobacco farmers in Tennessee are small producers who could not continue operations under the uncertain conditions spawned by abolishing the tobacco program.

While I have focused my attention on the benefits of the tobacco program to Tennessee, the same benefits apply on the national level. The Federal Government collected some $2.5 billion in revenues from tobacco products in fiscal year 1981. And a recent study by the Wharton Center shows that tobacco and tobacco products generate $57.6 billion toward the Nation's gross national product. This study continued to show that in 1979 tobacco gave, directly and indirectly, to all 50 States 2 million jobs of all kinds, $30 billion in wages and earnings, and $15.5 billion in capital investment.

I ask my colleagues to consider the significant contributions made by the tobacco industry to our Nation when they vote on this amendment. I further ask them to realize the important role the tobacco price support program plays in maintaining this strong economic contribution.

Mr. THURMOND. Mr. President, I rise in support of the language in this bill which amends the tobacco price support program.

These specific provisions contain reasonable, farmer-initiated changes in the program, and are directed at resolving the controversial aspects of the tobacco allotment system.

Among its provisions, the bill gives new tobacco growers a greater percentage of tobacco quotas. It eliminates the double assessment on growers contributing to the Government no-net-cost fund. In addition, this legislation abolishes the practice of lease and transfer by the beginning of the 1989 crop year.

Mr. President, the elimination of lease and transfer is, in my view, a major concession to the persistent, vocal opponents of this program. This

particular change will result in many South Carolinians and farmers in other tobacco-producing States to alter their tobacco farming system.

Mr. President, it is very important that this legislation pass Congress without substantial change to insure that a smooth, dependable tobacco production program and marketing process remain in place.

Tobacco is vital both to the economy of my State and to the Nation. Tobacco is the fifth largest cash crop nationwide in terms of value, with marketings of $3.5 billion last year. This important crop is grown in 22 States on some 200,000 separate farms. In South Carolina, tobacco is grown on over 5,000 farms and employs over 27,000 people.

Mr. President, in my home State, as well as in the other Flue-cured tobacco producing States, the Flue-cured tobacco farmer typifies the family farmer. This remains true even though many changes have taken place over the years. In the early years of the program, all the cultivation was done with mules, and the crop was hand harvested by the family and neighbors. Now we are in an age of expensive tractors, bulk barns, and mechanical harvesters. Yet, despite this extensive mechanization, Flue-cured tobacco farmers still exemplify the independent family farm operator, whose economic vitality is essential to the future well-being of American agriculture.

Mr. President, the United States is the leading exporter of tobacco. Tobacco product exports greatly improve our balance of trade, with the value of U.S. exports amounting to over $2.8 billion in 1982. Last year alone, Federal, State, and local governments collected $7.4 billion in sales and excise taxes on tobacco. South Carolina received $29 million taxes from the sale of tobacco products in 1982.

Mr. President, tobacco is a vital contributor to the health of our economy. We must stand behind the tobacco program and reject any changes that are designed to weaken or restrict it. Few, if any, farm programs can match the record of farmer cooperation and fiscal responsibility achieved under the tobacco program in its extensive history.

Of course, there is always room for improvement and timely revision in any program to insure that it remains current and cost effective. This is the purpose of this legislation—to make changes in the tobacco program as appropriate as possible in light of economic and other developments, but only such changes as are necessary to preserve the cost effectiveness of tobacco farm policies which have a proven track record of success.

For these reasons, I support this legislation and hope that my colleagues will go on record in support of it and table the Metzenbaum amendment.

Mr. BAKER. I thank the Senator for yielding.

Mr. President, I am prepared to move to table the amendment. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS announced that the Senator from Oregon (Mr. HATFIELD), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), are necessarily absent.

I further announce that, if present and voting, the the Senator from New Hampshire (Mr. HUMPHREY), would vote "nay".

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from New York (Mr. MOYNIHAN), are necessarily absent.

The PRESIDING OFFICER (Mr. KASTEN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 33, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—57

Abdnor	East	Mattingly
Andrews	Exon	McClure
Armstrong	Ford	Melcher
Baker	Goldwater	Nunn
Baucus	Grassley	Pressler
Bentsen	Hecht	Pryor
Bingaman	Heflin	Quayle
Boren	Helms	Randolph
Boschwitz	Huddleston	Sarbanes
Bumpers	Jepsen	Sasser
Burdick	Johnston	Stennis
Byrd	Kassebaum	Stevens
Chiles	Kennedy	Symms
Cochran	Laxalt	Thurmond
Denton	Leahy	Tower
Dole	Levin	Trible
Domenici	Long	Wallop
Durenberger	Lugar	Warner
Eagleton	Matsunaga	Zorinsky

NAYS—33

Biden	Gorton	Percy
Bradley	Hatch	Proxmire
Chafee	Hawkins	Riegle
Cohen	Heinz	Roth
D'Amato	Kasten	Rudman
Danforth	Lautenberg	Simpson
DeConcini	Metzenbaum	Specter
Dixon	Mitchell	Stafford
Dodd	Murkowski	Tsongas
Evans	Nickles	Weicker
Garn	Pell	Wilson

NOT VOTING—10

Cranston	Hollings	Moynihan
Glenn	Humphrey	Packwood
Hart	Inouye	
Hatfield	Mathias	

So the motion to lay on the table Mr. METZENBAUM's amendment (No. 2297) was agreed to.

Mr. HUDDLESTON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the Jepsen amendment which was temporarily set aside. The Senator from Iowa.

Mr. JEPSEN. Mr. President, I now ask unanimous consent that my amendment be temporarily laid aside in its order so that the Senator from Georgia might present an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Reserving the right to object, Mr. President, it is my understanding that the Senator from North Carolina (Mr. HELMS) asked me to yield for someone else, and now I understand I am three back.

Mr. HELMS. Mr. President, I think we can act on all of these in fairly rapid order, and we will move as fast as we can.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Georgia is recognized.

AMENDMENT NO. 2298

(Purpose: To delete the exemption from the elimination of lease and transfer and to require option for installment payments for sales of Flue-cured tobacco allotments)

Mr. MATTINGLY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia (Mr. MATTINGLY) for himself and Mr. NUNN proposes an amendment numbered 2298.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, line 9, strike out "1989" and insert in lieu thereof "1986".

On page 45, lines 17 and 18, strike out "for the 1984 through 1986 crops of such tobacco".

On page 46, line 5, delete the colon and all that follows through "pounds" on line 10 and insert in lieu thereof ". The Secretary shall promulgate rules which establish a similar requirement for fall payment of any rental of Flue-cured tobacco allotment acreage and quota, and further shall require that any seller of a Flue-cured tobacco allotment and quota grant to the buyer an option to make payment therefor in equal

annual installments payable each fall for a period not to exceed five years from the year in which the sale is made."

On page 46, line 10, strike out "1990" and insert in lieu thereof "1987".

On page 48, strike out line 21 and all that follows through line 25.

On page 49, line 1, strike out "(c)" and insert in lieu thereof "(b)" and strike out "1990" and insert in lieu thereof "1987".

On page 49, line 3, strike out "subsections (a) and (b)" and insert in lieu thereof "subsection (a)".

Mr. MATTINGLY. Mr. President, let me just say that I applaud the hard work of the distinguished chairman of the Agriculture Committee, Mr. HELMS, and that of the able ranking member, Mr. HUDDLESTON, and each of the committee members. I think they have come a long way in attempting to solve the complicated problems which face our farmers in growing and marketing tobacco in an orderly and efficient manner. Let me also remind my colleagues at this point that these proposed changes come only a year after we passed legislation which makes the tobacco program unique among farm programs. Unique because the tobacco farmers themselves support this program through an assessment which is charged against all tobacco grown and marketed so that there will be no cost to the Government because of its operation. So again, I wish to extend my thanks and appreciation to those on the committee who have helped to restructure this program so vital to our growers.

However, while the measure before us today makes significant improvements, I feel that there are several areas where further modifications of a relatively minor nature are needed. The committee has wisely included provisions which will terminate the practice of leasing Flue-cured tobacco allotments and transferring them to the lessee's farm to be grown. This practice has significantly added to the overall cost of production and has left the actual grower in many instances with very small profits as a reward for his investment, labor, and expertise. Unfortunately, the committee bill provides that any marketing quotas of 3,000 pounds or less would be exempted from this phaseout in lease/transfer until the year 1990. Since a large portion of Flue-cured quotas are in fact less than the 3,000 pounds, most actual growers would be forced to continue paying someone else for the right to grow and market tobacco. I feel that the committee was exactly correct in their initial conclusion that the practice of lease/transfer should be terminated in an orderly manner. However, I also think that we should require all allotment owners to play by the same rules. There is no reasonable justification for a different treatment based simply on the number of pounds an allotment owner is assigned for marketing purposes. There is no rational logic which would require us to tell one allotment owner who has 3,001 pounds of quota that he must either grow it on his own land after 1986 or sell it to an active grower in his area, and then turn right around to the owner who has only 2,999 pounds and say that it is OK for him to keep charging rent to active growers for another 3 years until 1989.

With this exception, the committee has taken great strides toward helping the tobacco producer lower his costs of production in the near future. The committee provision requiring lease payments during the phaseout period to be made in the fall, and that such payments be in the form of a percentage of the sales price of the crop rather than a fixed cash basis will further reduce front-end costs to the farmer. Most present lessees are forced to borrow money early in the year in order to pay cash rents. They must then bear the interest expense until the harvest is in and the bank is repaid. Thus, the measure will eliminate this portion of the farmer's expense leaving him more in the way of a reasonable profit.

Throughout the committee's deliberations, most witnesses testified that the elimination of the lease/transfer practice would result in the actual grower acquiring the right to grow tobacco in his own right. I agree that this would be the result in general, and that this is a very desirable result. However, I again feel that the Committee can go one small step further and have provided some assistance to the grower who wants to buy the allotment from his former landlord. In the measure proposed, we would put the pressure on the present nonproducing allotment owners to transfer the right to grow to the hands of the actual producer. Unfortunately, however, many of those individuals who are currently having to lease allotments in order to grow tobacco are not in any financial condition which would allow them to borrow large sums of money for the purchase of the allotment. This amendment will offer a small measure of assistance to the grower who wants to buy the allotment from his landlord by requiring the landlord to accept payment in annual installments. These installment payments would be made in the fall after the harvest is in, and would not extend more than 5 years from the date of the sales agreement. Again, this provision helps to facilitate the orderly transfer from the nonproducer into the hands of the actual grower. At the same time, it requires no funding on the part of the Government and a minimum amount of USDA involvement.

Mr. President, I feel that this amendment is simply a logical modification of the very good product which the Agriculture Committee and its able leadership have already provided to us. I hope that my colleagues will see the reasonableness of this amendment and will support it enthusiastically.

Senator GARN pointed out that the small farmer might not have access to funds to buy his allotment. My amendment would cure any such problem by requiring the seller to accept the purchase price in annual installment over a period of 5 years.

Mr. NUNN. Mr. President, I rise to support my colleague from Georgia, and his amendment to the Dairy and Tobacco Adjustment Act of 1983 to delete the exemption from the elimination of lease and transfer of Flue-cured tobacco.

The No Net Cost Tobacco Program Act of 1982 made great strides toward providing that the tobacco program be operated at "no net cost" to American taxpayers. Toward that end, a number of changes in the program were made to provide a better tobacco program for the American taxpayer, as well as for the tobacco growers. The bill we are considering today, Mr. President, makes further changes to encourage Flue-cured tobacco allotment holders to become more directly involved with growing tobacco, or to sell their allotment. However, the bill allows for an exemption for quotas consisting of 3,000 pounds or less.

I feel that this exemption, if allowed to stand, would mean that very few allotments held by those not involved in growing tobacco would be sold. The average quota is less than 3,000 pounds, and therefore the majority of quota held by nongrowers would be exempt from the requirement that they must either become directly involved in growing the tobacco, or must sell the allotment.

Mr. President, I feel this exemption to be unfair to growers, as well as to allotment holders who are not growers but are sharing in the risk of growing tobacco. One of the reasons given for this exemption is to allow the allotment holders additional time to sell the allotments. Under the provisions of this amendment, these allotment holders will have until 1987 to sell the allotment or to become actively involved in production.

The Agriculture Committee has brought to the floor a bill which moves the tobacco allotments to the tobacco growers. I applaud this important move, Mr. President. However, I see no reason for delaying by 3 years the deadline for allotment holders whose quotas are less than 3,000 pounds. I believe the 1987 deadline for poundages over 3,000 pounds allows adequate time for an allotment holder to make a decision on whether to sell the allotment or share in the risk. Additionally, I feel it would be unfair and

unnecessary to allow certain allotment holders such an exemption.

Mr. President, I again commend the efforts of the chairman and ranking member of the Agriculture Committee. I do, however, urge the adoption of this amendment which will make a small but significant change in the committee version.

Mr. MATTINGLY. I ask whether the honorable chairman of the committee would be willing to accept these two small modifications in the program which are really going to create equity?

Mr. HELMS. Mr. President, we have examined the amendment and, speaking for this side, we are willing to accept it. It will give the Senator from Georgia and the rest of us an opportunity to look at it in conference, and I appreciate his offering the amendment. We will accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia.

The amendment (No. 2298) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATTINGLY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the pending Jepsen amendment be temporarily laid aside in order that I may present an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. JEPSEN. I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 2296

Mr. JEPSEN. Mr. President, my amendment is intended to provide for the orderly marketing of the cull dairy cows which must be a part of this program if it is to be successful. The potenital exists for a severe impact on both pork producers and cattlemen by the cull dairy cows which dairymen will be selling for slaughter. That is, the additional volume of meat on the market will be directly competing with beef and pork for the consumers' dollar.

While it is true that anything we do to reduce the huge milk surplus will bring additional meat on the market, we must make sure that it is done in an orderly fashion to protect against an unnecessarily adverse impact on the pork and beef industries.

Mr. President, it is important to recognize the strains under which livestock producers have been operating this year. First, the Congress and the administration implemented the payment-in-kind (PIK) program which resulted in a significant increase in feed costs to livestock producers. Next, we saw devastating drought conditions in many parts of the country.

Many livestock producers who have traditionally produced all their feed grains are now without feed for their livestock. We must recognize the additional impact on the red meat sector that will result from the dairy compromise program.

My amendment attempts to do this in a constructive manner. First, my amendment will require that the Secretary, in setting up the contracts for the paid diversion program, take into account any adverse impact the reduction in milk production would have on pork and beef producers, and he should take all feasible steps to minimize such impact.

The Secretary may accomplish this, in effect, by choosing to decrease the incentive for dairymen to reduce production excessively in the first quarter of the program.

Second, under this amendment, the Secretary, if he saw the need, could allow a producer who has contracted for a 10-percent reduction, for example, to cut production in the first quarter by only 5 percent and still receive the same payment as if he had reduced the full 10 percent during that quarter.

However, the producer's total reduction for the full 15-month diversion period would still have to equal 10 percent, so he would necessarily have to make reductions during the later quarters of the contract period.

This amendment, then, would allow the Secretary to permit adjustments in the diversion contracts aimed at reducing the impact on red meat prices, and thus provide for a more orderly marketing of dairy cows.

I recognize that this would result in additional purchases of milk by the Government during the first 6-month period. However, I think that my colleagues will agree with me that my amendment keeps intact the major provision of the dairy compromise proposal while attempting to address the orderly marketing of the cull dairy cows.

I urge my colleagues to join in support of my amendment.

If the managers of this bill would accept this amendment, I would ask, without asking for the yeas and nays, that it be so done.

Mr. HELMS. It is my pleasure to support this amendment. The proposal before us addresses concerns which have recently been raised by the pork and beef producers. Upon analyzing the projected result of the dairy compromise, these groups came to fear the impact which the diversion program would have upon red meat markets.

With so much surplus dairy production taking place these days, and so many surplus cows giving milk, any adjustment which we make to bring dairy production more in line is bound to bring more meat on the market. However, in making our adjustments to the dairy program, we should take every precaution to help minimize any adverse effect which these adjustments could have upon livestock producers. The Jepsen amendment accomplishes this by giving the Secretary the opportunity to promote a more orderly flow of cull cows to slaughter during the diversion period.

Specifically, this amendment would require that the Secretary of Agriculture shall, in setting the terms and conditions of the diversion contracts, take into account any adverse impact which the reduction in milk production would have upon pork and beef producers, and should take all feasible steps to minimize any such impact.

In addition, it would clarify the Secretary's discretionary authority to make payments to producers on a quarterly basis under the diversion contracts in such a way that producers would not be encouraged to make excessive reductions in production in any one quarter.

I well understand that it must have been no easy matter producing an amendment which both takes into account the situation of the livestock industry, and retains the effectiveness of the diversion program. Another faced with the dilemma of reconciling these interests could have well been content to turn a deaf ear to the concerns of their cattlemen and pork producers. However, my colleague from Iowa has taken the bull by the horns and has given us this amendment.

Let me say, too, that as a Senator who also represents many pork and beef producers, I have been pleased to work with Senator JEPSEN and other members of the committee, including my friend from Minnesota on this proposal. I am most grateful to Senator JEPSEN for taking the lead on this question, and I encourage my colleagues to join me in support of this amendment.

Mr. President, I do support the amendment. I believe the Senator from Kentucky does, as well.

Mr. HUDDLESTON. I have no objection to the amendment.

Mr. HEFLIN. Mr. President, I rise in support of the Senator from Iowa in this connection. I think it is needed. The drought and some planting that was not carried out relative to the PIK program caused a substantial increase in the feedgrains that cattle producers and hog producers use.

I think that the Jepsen amendment, which would require that the Secretary, in setting the terms of the dairy diversion contracts, take into account any adverse impact resulting from the diversion program on beef and pork producers and take all feasible steps to minimize the impact to these producers, is an excellent amendment. I am a

cosponsor of the amendment and I urge its adoption.

Mr. JEPSEN. Mr. President, I ask unanimous consent that Senators GRASSLEY, THURMOND, DIXON, BOREN, HEFLIN, and BOSCHWITZ be added as cosponsors.

Mr. BENTSEN. And the Senator from Texas.

Mr. JEPSEN. And the Senator from Texas (Mr. BENTSEN).

Mr. COCHRAN. Will the Senator also add my name?

Mr. JEPSEN. And the Senator from Mississippi (Mr. COCHRAN).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I find little pleasure standing here today facing the dilemma presented by this agriculture legislation. In all the years I have served in Congress, I do not remember a time that I have had to choose sides on issues pitting the different farm sectors from within my State against each other. I suppose that we should have seen it coming during the last 2 or 3 years when it became abundantly clear that the spending spree of the Federal Government must come to a halt. The debate over the 1981 farm bill was our first real taste of how the once strong, bipartisan farm coalition was crumbling from the pressures of budget restraint.

The dairy proposal contained in S. 1529, is unique because it has drawn fire from our livestock producers who stand to be harmed by the milk production reduction incentive. I have urged representatives of dairy, cattle, and pork interests to meet to iron out their differences and to formulate a proposal that will accommodate all concerned. This has not occurred. One side says the other will not talk; the other argues that outside groups should not have a say in their farm programs.

It would be nice if this controversy would simply disappear. It will not, so I have to determine how best to represent my broadest constituency. I am certain that most of my colleagues have a certain number of constituents involved in cattle, pork, and dairy production. I would like to share with my colleagues the latest statistics from the Iowa Department of Agriculture.

In 1980, 50,000 farms in Iowa marketed slaughter hogs. Roughly 40,000 farms included farrowing operations. Thirty-two thousand Iowa farms marketed grain-fed cattle and 40,000 farms included beef cows. During the same year, Iowa had about 14,000 dairy farms.

In 1980, Iowa led the Nation in livestock and livestock marketing cash receipts. Hogs in Iowa produced about $2.2 billion in farm cash income. This equals 22 percent of Iowa's total farm cash income. Cattle and calves produced over $2.6 billion in farm cash income, or about 26 percent of Iowa's total. Dairy farmers produced about $507 million in farm cash income, or 5 percent of the State total. In all, these three groups produced 33 percent of Iowa's total cash farm income of over $10 billion.

Agriculture is Iowa's basic industry. Thirty-six percent of our workers depend directly upon agriculture for their jobs; two-thirds of Iowa's workers depend either directly or indirectly on agriculture.

It is clear, from this background of information, that any impact on red meat marketings is going to have a broad effect upon the State of Iowa as a whole. There is no need for me to discuss details of other States, for my colleagues have a good grasp of their constituencies and the economic characteristics of their States. I will conclude, however, by pointing out that in 1982, over 1.6 million farms in the United States included beef cow operations; 484,000 farms included hog operations; and about 324,000 farms included dairy operations.

Now let us address the focal point of this controversy. This new dairy proposal provides a $10-per-hundredweight diversion payment to producers who can establish a net reduction in production of between 5 and 30 percent. The committee report to S. 1529 acknowledges that a price support drop would not in itself bring about enough of an immediate reduction in production to satisfy the budgetary contraints faced by the committee. The report also states that—

> The committee believes that the success of the program * * * depends on producers taking cattle out of production.

The beef cattle industry opposes diversion incentive because it fears that it will result in a substantial increase in beef supplies, depressing already strained beef prices. The National Cattlemen's Association recently estimated that if this dairy diversion programs is implemented, beef output will rise by 1 percent during the last 2 months of 1983 over last year and beef output during the first quarter of 1984 will increase by 2 to 3 percent. The NCA also points out that a 1 percent increase in beef output has historically translated into a 2 percent drop in steer prices. The NCA also points to the inequities of high grain prices, the drought and stressed pastures forcing cattlemen to liquidate their herds, while Congress is suggesting that dairy producers be paid to do the same thing.

The pork industry also opposes this dairy diversion program. The National Pork Producers Council estimates that between 500,000 to 1 million additional dairy cows will go to market the year following the enactment of this legislation. This would result in a $90 million to $180 million loss in net income to pork producers. As with the cattle producer, the pork producer is caught in the severe cost/price squeeze caused by PIK and drought-aggravated high grain prices. Net income losses from the dairy diversion program for the years 1984-87 have been estimated at between $180 million to $360 million.

Iowa ranked second in the Nation in cattle numbers in 1980 and ranked first in hog numbers. A large portion of our feedgrains are utilized by our own livestock farmers; therefore, if livestock producers are hurt, our grain farmers are adversely impacted. And as I pointed out earlier, Iowa's entire economy depends to some degree on agriculture.

Consequently, there is no way that I can stand here today, and do my duty to represent the majority of my constituents of Iowa, and turn my back on our livestock producers. I do not have the luxury of buying the argument that this dairy package should not concern other groups. It does affect other groups—it affects all red meat producers, and in Iowa, that is a lot.

And it affects all farmers, workers, and businesses that rely on the viability of our livestock industry—and that encompasses a lot.

As I said, I do not relish this dilemma. I have prided myself in being able to support most legislation supported by farm sectors in my State. But this time, I am going to have to oppose the diversion plan of the dairy package as it stands. There is no way that anyone can represent the broadest interest of Iowa and support it.

Therefore, I join my colleague from Iowa, in cosponsoring this amendment to mitigate the impact of the dairy diversion program on our Nation's livestock producers. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa (Mr. JEPSEN).

The amendment (No. 2296) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JEPSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2299

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 2299.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 53, following line 15, insert the following:

IMPORTED TOBACCO

SEC. 216(a)(1) Notwithstanding any other provision of law, all tobacco offered for importation into the United States shall be—

(A) inspected for grade and quality as tobacco marketed through a warehouse in the United States is inspected for grade and quality; and

(B) accompanied by a written certification by the importer, in such form as the Secretary of Agriculture may prescribe, that none of the pesticides the registration of which has been cancelled or suspended for use on tobacco in the United States under the Federal Insecticide, Fungicide, and Rodenticide Act, has been used in the production of the tobacco offered for importation into the United States.

(2) The Secretary of Agriculture shall establish grade and quality standards for the purposes of paragraph (1)(A) that are, insofar as practicable, the same as those applicable to tobacco marketed through a warehouse in the United States.

(3) Any tobacco that is not accompanied by the certification required by paragraph (1)(B) shall not be permitted entry into the United States. The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to any such certification made by an importer under such paragraph.

(b) The Secretary shall enforce the provisions of subsection (a) at the point of entry of tobacco offered for importation into the United States. The Secretary shall by regulation fix and collect from the importer fees and charges for inspection under subsection (a)(1) which shall, as nearly as practicable, cover the costs of such services, including the administrative and supervisory costs customarily included by the Secretary in user fee calculations. The fees and charges, when collected, shall be credited to the current appropriation account that incurs the cost and shall be available without fiscal year limitation to pay the expenses of the Secretary incident to providing services under subsection (a)(1).

Mr. METZENBAUM. Mr. President, my amendment regarding imported tobacco would do nothing more than prohibit the importation of tobacco into this country of tobacco which contains residues of pesticides and other chemicals whose use has been prohibited for health reasons in the United States. This amendment is designed to protect both the American farmer and the health of the American public. It will give the American farmer an opportunity to compete more fairly with foreign competitors.

In recent years, the amount of foreign tobacco imported into this country has increased dramatically. Currently, close to one-third of the tobacco in American cigarettes is imported. I am concerned about this increase not only because it hurts domestic farmers, but because foreign tobacco is produced using chemicals and fertilizers that are banned from use in this country. For example, tobacco from Thailand is imported into the United States. Yet, we know that Thailand permits the use of DDT, dieldrin, endrin, and paraquat, each of which has been banned in this country for health reasons. Despite our knowledge that pesticides which have been prohibited from use in this country are being used abroad, at the present time we do not monitor or in any way control the importation of tobacco containing residues of these pesticides.

Therefore, I urge you to support this amendment. A virtually identical provision was introduced in the House of Representatives by Congressman CHARLES ROSE of North Carolina earlier this year and was approved unanimously by the full House Agriculture Committee on June 23, 1983. In short, this is that rare provision which benefits both the American farmer and the American public.

Mr. HELMS. Mr. President, I am inclined to accept the amendment and express my appreciation to the distinguished Senator from Ohio. I think he will have a number of tobacco growers in my State and other States singing his praises tonight—they may be singing off tune when you balance off the two amendments, but, seriously, I thank the Senator.

Speaking for this side, I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio (Mr. METZENBAUM).

The amendment (No. 2299) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the distinguished Senator from West Virginia, Mr. JENNINGS RANDOLPH, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2300

(Purpose: To provide for emergency feed assistance in natural disaster areas)

Mr. BENTSEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas (Mr. BENTSEN), for himself, Mr. TOWER, Mr. BOREN, Mr. BINGAMAN, Mr. DOMENICI, Mr. BUMPERS, Mr. RANDOLPH, Mr. PRYOR, Mr. DIXON, Mr. MELCHER, Mr. JEPSEN, Mr. BURDICK, Mr. GRASSLEY, Mr. NICKLES, and Mr. MATTINGLY, proposes an amendment numbered 2300.

Mr. BENTSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE III—EMERGENCY FEED ASSISTANCE

SHORT TITLE

SEC. 301. This title may be cited as the "Emergency Feed Assistance Act of 1983".

SEC. 302. (a) As used in this section—

(1) the term "damaged corn" means corn that is classified as U.S. No. 4, U.S. No. 5, or U.S. Sample grade under section 810.353 of title 7, Code of Federal Regulations; and

(B) the term "eligible farmers and ranchers" means farmers and ranchers who are eligible to receive loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961).

(b) To assist eligible farmers and ranchers in areas that have been adversely affected by the drought, hot weather, or related disaster to preserve and maintain foundation herds of livestock and poultry (including their offspring) and secondary livestock, the Secretary of Agriculture shall make damaged corn held by the Commodity Credit Corporation available to such farmers and ranchers in accordance with section 407 of the Agricultural Act of 1970 (7 U.S.C. 1427).

(c) In making damaged corn available to such farmers and ranchers under this section, the Secretary shall offer the damaged corn held by the Corporation at a price that is equal to 75 percent of the current basic county loan rate for such corn in effect under the Agricultural Act of 1949 (or a comparable price if there is no such current basic county loan rate).

(d) The Secretary shall make damaged corn available for sale, as provided under this section, until September 30, 1984, or the date, as determined by the Secretary, on which any emergency created by the drought, hot weather, or related disaster no longer exists.

(e) Effective for the period beginning on the date of enactment of this Act and ending September 30, 1984, the fifth sentence of Section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended by inserting "and secondary livestock," after "sheep, and goats, and their offspring,".

Mr. BENTSEN. Mr. President, this amendment which I am offering is a simple one. First, it requires the Secretary of Agriculture to make available to drought-stricken livestock producers emergency feed assistance that should have been provided months ago. Second, it requires him to do this by selling, not giving, them damaged grain that is useless for any purpose except livestock feed and which the taxpayers should not be paying to keep in storage.

Mr. President, let me illustrate the need for this amendment with an example from my home State of Texas. The west Texas ranch country has been hit as hard as any part of this Nation by the drought. The USDA declared 23 of these counties as drought disaster areas this summer. Last January those 23 counties contained about 617,000 cattle and about 652,000 sheep and goats. Range specialists in that area now estimate that 60 to 70 per-

cent of those herds have been liquidated, and more are being sold every day. Some of that country had its last significant rain in August 1982, and with normal weather patterns more rain cannot be expected before July 1984.

These ranchers told me that they desperately needed feed for their livestock. I asked Secretary Block to help them out with livestock feed. Instead, USDA offered them Farmers Home Administration disaster loans. Most ranchers said they had too much debt already, and those who tried to apply for these loans found out that under FmHA's regulations this help was like a mirage on the desert—nonexistent.

Then USDA, under increasing pressure, announced that they were lowering the interest rates on these loans and would make regulatory changes to improve this program for ranchers. These changes have not been made public yet, and perhaps they will help. But most ranchers still tell me they have too much debt. They need something a cow can eat, not another note at the bank.

What looks like a bad situation is actually a tragedy, because help is just around the corner. Less than 200 miles from the center of this drought is a huge mountain of livestock feed—enough to feed every animal in those 23 counties for almost 2 years. This corn, owned by the Commodity Credit Corporation, is costing the American taxpayer over $11 million per year in interest and storage charges. It has been sitting there for 3 years. And it is in such bad condition that it cannot be used for export or for the PIK program. It is suitable only for livestock feed. But USDA will not allow ranchers to use it to keep their herds together.

Mr. President, words cannot express the tragedy, the sheer frustration that these ranchers are facing. They have spent a lifetime developing and tailoring their breeding herds to the demands of this harsh country. Now the worst drought in 30 years has made productive grassland as barren as the marble halls of this Congress, and they must move out, sell out, or starve out.

Why, Mr. President, should the American taxpayer loan money to a rancher and yet deny him the feed he needs to preserve his herd so that he can repay that loan? The combination of the drought and the PIK program have caused feed prices in this area to jump by 25 to 80 percent. Why should the Treasury loan a rancher money to help him, and then spend more money to store cheap feed while requiring this rancher to buy expensive feed? What kind of help is that? What kind of Government policy is that?

I think it is a bad policy and I want to change it.

The Commodity Credit Corporation tells me that they own 83 million bushels of corn that is U.S. No. 4, U.S. No. 5, or U.S. Sample grade. CCC has 21.1 million bushels of that damaged corn stored in Texas, mostly in the Lubbock area. The rest of the damaged grain is stored in 26 other States, with the heaviest concentrations in Iowa, Minnesota, Nebraska, Indiana, Illinois, Kansas, South Dakota, and Missouri. Disaster designations have been requested or made for counties in each of these States, with most of them coming because of the drought.

Mr. President, the loans that come with these disaster designations are small comfort to most livestocks producers. The same drought which made them eligible for these loans has caused the price of feed for their livestock to shoot right through the roof. Even with these loans many livestock producers cannot affort to buy feed at today's high prices in order to keep their herds together.

Mr. President, I think our current situation is ridiculous. This 83 million bushels of damaged grain costs over $48 million per year in interest and storage, while ranchers need livestock feed and they need it at an affordable price.

Mr. President, the Secretary of Agriculture has the authority to provide livestock feed assistance through several programs. The Secretary can make cash payments to farmers and ranchers to assist them in buying feed. However, this would result in additional cash outlays by the Treasury. I think we should look for the cheapest alternative, considering the record budget deficits that we are running.

The Secretary also has the authority to sell Government-owned grain at reduced prices to farmers and ranchers. But much of CCC's inventory of good-quality grain is being used in the PIK program, and much of the rest is needed as an emergency reserve.

Mr. President, I do not think the taxpayers should have to pay for storing damaged grain. We should get rid of it instead of paying to store it. The USDA should use that option to provide help.

Livestock producers are in desperate need of feed. What better use could this damaged grain be put to than to provide emergency feed assistance to livestock producers in drought areas?

Livestock producers are willing to pay for this grain. In addition, they will transport it themselves. The taxpayers will not have to pay any transportation charges.

By selling this damaged grain as emergency livestock feed we can save the taxpayers a considerable amount of money. We can turn a liability into an asset.

Mr. President, this proposal is good business for the American taxpayer and for the American livestock producer. I urge its adoption by the Senate.

Mr. HELMS. Mr. President, I commend the Senator from Texas for offering this amendment. It provides a reasonable approach to meet the needs of our livestock producers who are suffering from the high cost of livestock resulting from this year's drought.

As I understand the amendment, it would simply provide for the sale, at 75 percent of the current support rate, of CCC corn that is graded 4 or 5, or lower. In practical terms, corn that is grade 4 or lower is marketable only as feed. It is also my understanding that the producers purchasing this corn would be responsible for the transportation costs, and the estimated cost to the Government is $64 million.

The concern is the liquidation of herds due to the high cost of feed, and the lack of feed in various areas throughout the country. Costs of feed has skyrocketed primarily due to the PIK program and this year's severe drought.

The purpose of this amendment is to provide relief from the high cost of feed to our livestock producers in order to maintain livestock herds.

The amendment offered by the Senator from Texas offers a realistic approach, to meet the needs of our livestock producers and keeps any additional costs to the Government to a minimum. I urge its adoption.

Mr. DOMENICI. Mr. President, will the Senator from Texas ask that the Senator from New Mexico be added as a cosponsor?

Mr. BENTSEN. I am delighted to do so. I ask unanimous consent that the Senator from New Mexico be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. And the Senator from West Virginia (Mr. RANDOLPH).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, this is a good amendment. Speaking for our side, we are delighted to accept the amendment.

Mr. HUDDLESTON. Mr. President, we accept the amendment on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas (Mr. BENTSEN).

The amendment (No. 2300) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the Senator from North Dakota (Mr. BURDICK) and the Senator from Wyoming (Mr.

WALLOP) be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter in regard to the amendment just agreed to. I assume the amendment has been accepted, but there are some reservations that ought to be noted in the RECORD, even though it has been adopted.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C.

Subject: Problems Associated with Loading Out Low Grade Corn.

To: Deputy Assistant Secretary for International Affairs and Commodity Programs.

Under the Uniform Grain Storage Agreement (UGSA), approved warehouses are allowed to commingle different grades of corn for storage purposes. This is due to the impracticality and cost associated with requiring storage segregated by grade.

Warehousemen attempt to upgrade the grain when it is received and commingled. Therefore, it may be impractical to expect the warehousemen to deliver a quantity of a specified low grade at any one time, and, in many cases, it may be impossible for the warehousemen to do so.

Discounts are required for corn loaded out which is a lower grade than called for on the warehouse receipt. Under the UGSA, CCC would be required to pay premiums to the warehouseman for corn loaded out at higher grades from country warehouses, but no premium applies for higher grade corn from terminal warehouses. One-third of CCC's inventory of low grade corn is located in country warehouses, and we would expect to pay premiums on a substantial portion of this corn.

CCC holds more than 83 million bushels of #4 or lower grade corn. The vast majority is located in three States: Texas—21 million bushels; Iowa—17 million bushels; and Minnesota—16 million bushels. Many States where the drought was severest have little, if any, low grade CCC corn in storage. Consequently, large scale transportation may be involved in furnishing CCC low grade corn to drought stricken areas which in many cases are already grain deficit. A major cost could be incurred in this transportation with rates approaching as high as $3.50 per bushel from surplus to deficit areas, and averaging more than $1.50 per bushel. CCC would not be able to avail itself of lower rates usually associated with unit trains or rail contract rates, due to the expected small lots needed and the widespread distribution necessary. CCC would also be required to use trucks for moving a substantial amount of the corn which will result in CCC paying higher transportation costs.

ROBERT H. SINDT,
Assistant Deputy Administrator,
Commodity Operations.

AMENDMENT NO. 2301

(Purpose: To exempt noncontiguous areas of the United States from the dairy promotion program)

Mr. MATSUNAGA. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii (Mr. MATSUNAGA), for himself, Mr. INOUYE, Mr. STEVENS, and Mr. MURKOWSKI, proposes an amendment numbered 2301.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 22, strike out lines 16 through 19 and insert in lieu thereof the following: "(1) the term 'United States' means the forty-eight contiguous states in the continental United States."

Mr. MATSUNAGA. Mr. President, the amendment which I am offering for myself, Mr. INOUYE, Mr. STEVENS, and Mr. MURKOWSKI, is somewhat technical in nature. It is intended to correct an inadvertent omission on the part of the committee which I will not explain.

Mr. President, it is important at the outset to recognize the fact that historically, the noncontiguous areas have not been affected by the milk price support program for a number of reasons which I will shortly describe. As a result, the Department of Agriculture and the Congress has always treated the noncontiguous areas differently with respect to milk production. When the 50-cent per hundredweight assessment was applied to all areas of the country including Hawaii, Alaska, and all the insular areas, that decision was made without the benefit of the knowledge that these areas have long been treated differently by specific provisions in the law. I am hopeful that my amendment can be accepted to correct the problem that was created by the reconciliation measure.

Mr. President, the 50-cent-per-hundredweight assessment is now being applied to Alaska and all the U.S. insular areas—Hawaii, Puerto Rico, the Virgin Islands, Guam, and American Samoa—which in each case have relatively small, separate, and self-contained dairy markets which are not part of the national dairy market.

In the case of Hawaii and Puerto Rico, the dairy markets in these insular areas are wholly separate and distinct and bear no relationship to the U.S. mainland milk market. Cost of production in Hawaii and Puerto Rico are considerably higher than those of any mainland States. Hawaii's cost of production last year was $21.06 per hundredweight compared to the Federal price support figure of $13.01 per hundredweight. This means that in Hawaii, the cost of milk production is 60 percent higher than the rate of the Federal price support.

Puerto Rico is in an even worse situation than Hawaii in terms of the cost of milk production. It is my understanding that Puerto Rico's cost of production last year reached $23.27 per hundredweight, again compared to the $13.00 Federal price support figure. I believe this works out to about an 80-percent difference in the cost of production for Puerto Rico.

It should be recognized, Mr. President, that this translates into high costs for milk consumers in the insular areas. In Hawaii, for example, consumers are paying an average of 98 cents per quart while their counterparts of the mainland are paying on the average of only 60 cents per quart of milk. This fact alone should make case for the exemption of the insular areas from the assessment program.

The fact of the matter is, Mr. President, the Federal dairy program has not, over the years, been able to have any effect on the dairy markets of Hawaii, Alaska, Puerto Rico, and the other insular areas. It is important to note that because of the inability of the Federal milk program to have any impact on island production of milk, the governments of both Hawaii and Puerto Rico enacted strict controls over island dairy industries. The Hawaii Milk Control Act, for instance, provides for a quota system based on consumer demand and is set at a level that prevents virtually any surplus production. The result of the Hawaii Milk Control Act is that supply and demand are in balance in the Aloha State, and Hawaii contributes no surplus milk to the national market.

Furthermore, our dairy industry produces only fresh milk. We have no facilities to process milk for cheese, butter, or nonfat dry milk, the forms in which excess production can be stored. In view of these circumstances—and I believe they apply to the other insular areas as well—we cannot possibly contribute to the dairy production surplus problem that we face nationally.

In recognition of these differences between the 48 contiguous States and the noncontiguous areas of the United States, the committee judiciously excluded Hawaii, Alaska, and other noncontiguous areas from coverage under subtitle A, title I, of S. 1529. The committee, however, inadvertently omitted the exclusion from subtitle B of the bill, pertaining to the establishment of a dairy promotion program.

Mr. President, the U.S. insular areas, Alaska and Hawaii should be exempted from the dairy promotion program and its assessment of 15 cents per hundredweight of milk, for the simple reason that they do not produce any surplus dairy products and do not need any dairy promotion program conducted by the Federal Government. The amendment, which I am offering with the cosponsorship of all Senators representing the noncontiguous States, will do just that.

Mr. President, on behalf of my colleagues from Hawaii and Alaska and the congressional Representatives of Puerto Rico and the U.S. territories, I urge the adoption of my amendment.

Mr. HUDDLESTON. Mr. President, if the Senator will yield, the Senator and his State do us all a great favor by not creating a surplus for the other 48 States, the contiguous 48 States. Out there, they produce exactly what they sell. They have not piled up the big surplus that we have. We are delighted to accept the amendment.

Mr. HELMS. We accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii (Mr. MATSUNAGA).

The amendment (No. 2301) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATSUNAGA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2302

(Purpose: To exempt producer-handlers from the milk assessment and diversion programs)

Mr. RUDMAN. Mr. President, on behalf of the senior Senator from New Hampshire (Mr. HUMPHREY), I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The Senator from New Hampshire (Mr. RUDMAN), on behalf of Mr. HUMPHREY, proposes an amendment numbered 2302.

Mr. RUDMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 11, insert after the period the following new sentence: "This paragraph does not apply to any of the milk produced by a producer who produces any quantity of milk, processes such quantity into consumer packages, and markets such packages.".

On page 6, line 2, insert after the period the following new sentence: "This paragraph does not apply to a producer who produces any quantity of milk, processes such quantity into consumer packages, and markets such packages.".

Mr. RUDMAN. Mr. President, first, I ask unanimous consent that I be added as a cosponsor and that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Rhode Island (Mr. CHAFEE) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUDMAN. Mr. President, I am offering this amendment as a courtesy to my senior colleague (Mr. HUMPHREY) who, due to a very serious illness in his family, had to leave the city this morning and will not be back before the recess. Thus, Mr. President, I would like to now read into the RECORD a statement offered by Mr. HUMPHREY.

Mr. HUMPHREY. Mr. President, the amendment I am introducing today would exempt producer-handlers from the 50-cent assessment used to finance the proposed paid diversion program. For those who are not familiar with this term, producer-handlers are dairy farmers who produce, process, and market their own product.

In an attempt to induce dairy farmers to reduce production, S. 1529 establishes a paid diversion program that compensates farmers $10 for every hundredweight of production they do not produce. This program would be financed by a uniform 50-cent assessment on all milk products. While I applaud efforts to reduce this country's huge dairy surplus, I must, however, question the equity in requiring producer-handlers, who do not contribute to the surplus, to finance the paid diversion program.

Mr. President, of the approximately 250,000 dairy farmers in the United States, less than 500 are producer-handlers. It is estimated that they produce less than 1-percent of the dairy supply. Because their local market is an established one, most producer-handlers produce at a level that would simply meet this demand. It would, therefore, seem unfair to impose a uniform dairy assessment on all dairy producers since not all dairy farmers are to blame for the current surplus.

In addition, producer-handlers offer competition to the monied corporations that have come to dominate milk retailing. Their preservation is important to protect the consumer and public interest.

In summary, Mr. President, this amendment would exempt producer-handlers from the 50-cent assessment as well as participation in the paid diversion program. Such an exemption would seem fair since it is apparent that producer-handlers are not contributing to this country's huge dairy surplus. I urge my colleagues to join me in support of this amendment.

Mr. President, in my own right, let me simply add this: I have looked at the legislation that is now before the Senate and I must say to the distinguished chairman of the Agriculture Committee I have some serious reservations in my own mind as to whether or not, if this bill goes through in its present form, the tax, if you will, or the service charge, or whatever you wish to call it, on people who in no way are connected with the problem this is intended to correct, is a constitutional levy at all. I would hope that we might avoid further legal wrangling over this by either accepting this amendment or something that was close to it.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I ask that I be made a cosponsor.

Mr. RUDMAN. I ask unanimous consent that Senator D'AMATO be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I will oppose this amendment on the basis that these producer-handlers are small in number in relation to the whole, yet very many dairy farmers around the country maintain that since they do not contribute to the surplus they should be exempted. I know that my friend from Florida feels that her farmers do not contribute to the problem. In our State, they say that the average number of cows in a herd is only 34 and it is the larger farmers who have created the surplus.

While I have sympathy with the Senator from New Hampshire and the Senator from Rhode Island, and Senator HUMPHREY who, due to sickness in his family, is unable to be here today, nevertheless, if we are to exempt from the provisions of the bill those who feel they do not create the surplus, nobody would be included.

It is the same in any taxing situation. Some people wish that the money they pay to the Government should not go to certain causes because they simply do not believe in them, or that their actions have in no way caused the necessity for the spending, be it money for a social program or any other part of the budget.

While I have deep admiration for both Senators from New Hampshire, I will have to oppose this amendment. I would hope it would be withdrawn.

THE PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I join the Senators from New Hampshire in support of this amendment. It seems to me that with a producer-handler the typical situation is a farmer who producers the milk on his farm and then has an outlet set up on his farm for the retail sale of the milk. This is the essence of the small businessman. I find if he has to contribute to this diversionary fund it is just plain not fair.

I think the Senator from New Hampshire has made a good point. It is easy to establish who they are. As was pointed out, they are a tiny portion of the total, 500 out of 250,000 milk producers producing less than 1 percent of the milk. I think to burden them with this extra charge for something they are not at all responsible for is unfair. I think the Senator from New Hampshire has a good point.

THE PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, should the apple farmer who sells apples at a stand on his farm therefore not pay taxes for the roadway which might otherwise be used to take

them to market? The examples could go on and on.

As I pointed out to my friend from New England, there are milk marketing orders that grant to people in New England higher prices for dairy products than producers in the Midwest, or in Minnesota, for their dairy products.

We have not suggested that those farmers should be compromised at this time, so we would hope that other elements not be compromised.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, I very reluctantly find myself in opposition to this particular amendment. I can certainly understand where the supporters of the amendment are coming from. However, we are dealing here with a national dairy program.

It is not exactly accurate to say that those who are outside the program and are producing just a small portion of the total milk production, are not contributing to the problem, because they are, of course, contributing to the problem of surplus dairy supply. They are producing dairy products that are used in this country and, as such, make a contribution to the surplus that we are trying to deal with.

If we keep exempting certain areas or certain groups, it occurs to me that we are going to have more and more dairy producers joining those groups, and more and more outside the program, with less and less opportunity to bring the surplus under control. This will make it extremely difficult to get to a supply and demand equivalence that we all know is highly desirable. I fear for what this could lead to. I feel that we should protect the program that has been developed by not opening up loopholes that might very well have a devastating effect on the particular program that we are working with.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the distinguished Senator from Kentucky has illustrated the split stick on which those of us who try to manage legislation find ourselves.

The truth of the matter is that I wish there were some way we could take the amendment. I agree with what the Senator from New Hampshire is saying, but what he will do with this amendment is destroy—if not destroy, mortally wound—a fragile coalition that we have. He will open a loophole.

Let me say this to the Senator from New Hampshire: We have been thinking about this ourselves. It will be my purpose to try to work out some legislation, freestanding legislation, upon which we can have some hearings and get some expert advice, because what he is proposing is right. Nobody can argue with it. But every manager of every bill that has ever been before the Senate has said, "That is a good idea, but do not put it on this bill." I find myself in that position.

I will say to the Senator that many of us who have farmers who have not been producing for the Government do not like the idea of a continuing 50 cent assessment. That may be the greatest understatement I have uttered in 2 weeks. They are hot about that thing in North Carolina. And I do not blame them.

However, in the light of the special circumstances which I have discussed too many times, I fear, on this floor this afternoon, I hope the Senator will let us, in good faith, set up some hearings of freestanding legislation.

I understand that producer-handlers make up a very small, infinitesimal segment of the industry. There are, as I understand, about 500 producer-handlers in America. They are responsible for about 1 percent of the Nation's milk production. In support of this amendment, it has been said that producer-handlers are not responsible for the current surplus, that they produce mostly to fill the needs of their local markets and sell little, if anything, to the Commodity Credit Corporation. However, this is the same argument that can be made by the producers in all of the deficit regions.

Frankly, I say to my friend from New Hampshire, I do not know how I could handle all of the complaints and demands that are bound to come in as a result of this amendment. It would virtually destroy the paid diversion program provided for in the compromise. So if the Senator would be willing, let us agree that we will work with him and with Senator HUMPHREY and develop some freestanding legislation, have hearings on it, and get it reported out to the floor and I shall urge the majority leader to hasten it. That is about the best I can do.

I do not want to be in the position of opposing the Senator, because I respect him too much and, as I said at the outset, I agree with his amendment. I just find myself in a ticklish position.

Mr. RUDMAN. Mr. President, I thank the distinguished chairman of the committee. I shall be very brief, because I know that most of our colleagues are more interested tonight in the pursuits of Abner Doubleday than in milk.

Let me say to the chairman that I have heard him speak of this fragile coalition all afternoon. I hope that if this bill somehow miraculously is passed tomorrow, the chairman and the ranking member will handle it very carefully as they walk it over to the House, because this coalition must be so fragile that a light breath of wind might shatter it completely.

I have said to my senior colleague from New Hampshire that I would follow his wishes, and I really am bound, as the chairman, I am sure, can understand, to ask for the yeas and nays on this. This is Senator HUMPHREY's amendment. He asked for it. He is unavoidably out of town because of very serious illness in his family. So I shall now ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. RUDMAN. Mr. President, I shall simply conclude by saying this to my good friend from Minnesota, who was on the floor just a moment ago: I think it is ironic in many ways, although I understand the distinguished Senator from North Carolina, that here, on the floor of the U.S. Senate, an amendment is offered by those who are saying, "Hey, wait a minute, I believe in the free enterprise system. I am a little farmer in Dover, N.H., I have 35 cows. My wife and my kids and I milk them every morning. We have a nice processing plant that we borrowed money for and we have lived frugally. We process high-quality milk, we put it in our little truck, and we take it down to the local restaurants, we take it down to the local stores, and we sell our entire production. We are not interested in national milk programs. We are not interested in some socialist form of farming. We just want to be left alone. That is all we are asking. We are simply asking to be left alone."

I hope somebody might support this particular amendment.

Mr. D'AMATO. Mr. President, I am going to talk to the issue of the total bill, the so-called compromise that was crafted. We are really saying we are going to choose from two kinds of death for the small farmer. We are either going to pick a death by hanging or a death by drowning. But we are not going to address the root cause of the problem. We are going to take people out of production, not because they are less efficient or effective. We are giving a bonanza to farmers who, perhaps, should not be in business. We are now going to pay them $10 for not producing. Let me suggest that that is going to take place.

Those of us in the Northeast, and I am now getting somewhat parochial, whose farmers have been producing dairy products or class 1 fluid milk, who have been selling 90 percent plus of that to the consumer—those farmers are not fools. They are going to start taking their herds out of production. And let me tell you what is going to happen.

The consumer is going to pay; the prices are going to go up. And the deficits are going to go up. Because we are going to be paying for this 15 months from now. We are not going to be in any better position.

I offered a bill today and I may still bring forth an amendment to deal with this. I for one do not see why fluid milk should be part of this situation, why we should penalize those people who produce it. If you want to produce dry products and sell it to the Government, let us cut that support and stop this proposal to pay people not to produce. We went into the great PIK program which went from $14 billion to $24 billion. That is what it costs the Government.

I think my colleagues from New Hampshire, at least, are going to address some of the shortcomings that everybody in this Chamber should begin to see. I do not see why those who are producing and selling to the private sector should be penalized. That is what this legislation does. It is just downright wrong.

You can talk about the fragile coalition coming together, particularly those people who speak about the free enterprise system. We will do great violence to that system if this is the manner in which we continue to proceed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I have done this more than once today on a bill that I certainly am not expert on but I am advised by the managers of the bill that they would support a motion to table on this amendment. Mr. President, if no other Senator now wishes to speak, and I see none arising, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER (after having voted in the affirmative). Madam President, on this vote I have a live pair with the distinguished Senator from New Hampshire (Mr. HUMPHREY). If he were present and voting, he would vote "nay." I have voted "aye." I withdraw my vote.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Pennsylvania (Mr. HEINZ), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

The PRESIDING OFFICER (Mrs. HAWKINS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 44, nays 40, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—44

Abdnor	Ford	Pressler
Andrews	Grassley	Proxmire
Bingaman	Helms	Pryor
Boschwitz	Huddleston	Randolph
Bumpers	Jepsen	Riegle
Burdick	Kasten	Sarbanes
Chiles	Leahy	Sasser
Cochran	Long	Simpson
Danforth	Lugar	Specter
Dixon	Matsunaga	Stafford
Dole	Mattingly	Stennis
Durenberger	McClure	Stevens
Eagleton	Melcher	Wallop
East	Nunn	Zorinsky
Exon	Percy	

NAYS—40

Baucus	Gorton	Pell
Biden	Hatch	Quayle
Boren	Hawkins	Roth
Bradley	Hecht	Rudman
Byrd	Heflin	Symms
Chafee	Kassebaum	Thurmond
Cohen	Lautenberg	Tower
D'Amato	Laxalt	Trible
DeConcini	Levin	Tsongas
Denton	Metzenbaum	Warner
Dodd	Mitchell	Weicker
Domenici	Murkowski	Wilson
Evans	Nickles	
Garn	Packwood	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Baker, for.

NOT VOTING—15

Armstrong	Hart	Inouye
Bentsen	Hatfield	Johnston
Cranston	Heinz	Kennedy
Glenn	Hollings	Mathias
Goldwater	Humphrey	Moynihan

So the motion to table Mr. RUDMAN's amendment (No. 2302) was agreed to.

Mr. HELMS. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. BOSCHWITZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mrs. HAWKINS). The majority leader.

Mr. BAKER. Madam President, may we have order in the Senate, please?

Mr. RANDOLPH. Madam President, I think we ought to have order in the Senate. I think it is important that we honor that request.

The PRESIDING OFFICER. There will be order in the Senate.

Mr. BAKER. I thank the Chair.

Madam President, may I say that I announced earlier today we would go until about 6:30 tonight, and it is just about 6:30 p.m.

May I inquire of the distinguished managers—and I think I already know the answer—is it possible to finish this bill in the next few minutes?

Mr. HELMS. Madam President, if the Senator will yield, I think it may be. There have been some remarkable developments. However, we move along so fast that I do not want to tax the patience of Senators.

As I understand it, we have one more amendment on which Senator BOSCHWITZ and Senator HAWKINS have worked; we have the Baucus amendment, which will require a rollcall vote.

Mr. HUDDLESTON. Senator NUNN has one which will be accepted.

Mr. BAKER. Let me say this to my friend from North Carolina and my friend from Kentucky: I understand the desire to finish this bill, and I share that desire. However, I wish to announce that there will be no more record votes tonight. I am perfectly willing for the managers to go forward with matters they can dispose of without record votes, and I would encourage them to do so. Before I do that I would like to set the agenda for tomorrow. The minority leader is on the floor. I have not had an opportunity to consult with him, but let me now make these announcements and suggestions.

ORDERS FOR FRIDAY

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. First of all, Madam President, I wish to announce that we will be in session tomorrow. I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Madam President, I ask unanimous consent that after the recognition of the two leaders under the standing order tomorrow that the time remaining before 10 a.m. be devoted to the transaction of routine morning business in which Senators may speak for 1 minute each.

ORDER FOR RESUMPTION OF PENDING BUSINESS ON TOMORROW

Madam President, I ask unanimous consent that at 10 a.m. the Senate resume consideration of the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Now, Madam President, at 10 a.m. we will be back on this bill, and it will be up to the managers to determine what the pending question will be when we return. But I will tell Senators there will be votes tomorrow, and I say that in the plural. I fully expect more than one vote tomorrow.

It is my hope we can finish the matters at hand which are the completion of this bill, and the unemployment compensation extension matter if we do not do that tonight, and whatever else may be brought up, including the Executive Calendar, and there may be one item on the Executive Calendar which will require a rollcall vote.

So Senators should be on notice that there will be votes tomorrow. I hope we can finish our business between 10 a.m. in the morning and 2 p.m. in the afternoon.

Madam President, I thank all Senators.

DAIRY AND TOBACCO ADJUSTMENT ACT OF 1983

The Senate continued with the consideration of the bill.

Mr. HELMS. Madam President, I suggest the absence of a quorum.

Mr. NUNN. Madam President, who has the floor?

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I would be glad to yield, but I want to ask the Senator a question. I do not want to interrupt the Senator from North Carolina.

Mr. HELMS. I want the quorum call so that I can talk to the Senator.

Mr. BYRD. The Senator does not have the floor and he cannot ask for a quorum call. This Senator has the floor.

Mr. NUNN. I yield to the Senator or I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2303

Mr. NUNN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia (Mr. NUNN), for himself and Mr. MATTINGLY, proposes an amendment numbered 2303.

Mr. NUNN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, line 2, strike out "subsection" and insert in lieu thereof "subsections".

On page 43, line 11, strike out the quotation marks and the second period.

On page 43, lines 11 and 12, insert the following: "(g) Notwithstanding the provisions of subsection (d) and section 403, the Secretary, if requested by the board of directors of the association through which price support for Flue-cured tobacco is made available to producers, may (1) designate for any crop certain grades of Flue-cured tobacco that are eligible for price support (but representing in the aggregate not more than 25 percentum of the total quantity of the Flue-cured tobacco crop that the Secretary estimates will be produced) that the Secretary determines are of such quantity or quality as to impair their marketability, and (2) without regard to the weighted average of the support rates for eligible grades of Flue-cured tobacco determined under the proviso to the first sentence of subsection (d), further reduce the support rates for such grades to the extent the Secretary deems necessary to reflect their market value, but in no event by more than 12 percentum of the respective support rates that would otherwise be established under this section.".

Mr. NUNN. Madam President, for the information of the Senator from Kentucky and the Senator from North Carolina, the amendment is as you see it except on page 2 of the amendment I have scratched through the 15 percent and substituted in lieu thereof 12 percent.

Madam President, I would like to commend my colleagues, the chairman of the Agriculture Committee, Mr. HELMS, and the ranking minority member, Mr. HUDDLESTON, for their work on this bill. Last year the Senate passed the No Net Cost Tobacco Program Act of 1982 which made great strides toward bringing the tobacco program back to the tobacco growers. This bill takes further steps in that direction.

I feel, however, that significant improvements can be made to this bill by the adoption of some minor adjustments. I send to the desk, Madam President, an amendment to provide the Secretary of Agriculture additional flexibility to reduce the price support on certain grades of Flue-cured tobacco.

Under current law, the Secretary may adjust the price support of certain grades of tobacco up or down, but must maintain a weighted average price. Such adjustments are made to assist in the marketing of grades affected by extremes in quantity or quality. However, by being required to maintain an average price over all grades, the Secretary, when he lowers the price support for certain grades, must raise the price support for other grades. This situation has the potential of hurting the market for grades which have undergone the support price increase.

My amendment, Madam President, allows for the Secretary to adjust certain grades of Flue-cured tobacco that are eligible for price support and that the Secretary has determined are of such a quantity or quality as to impair marketability. These grades, however, cannot represent in the aggregate more than 25 percent of the total quantity of the Flue-cured crop that the Secretary estimates will be produced.

The Secretary may further reduce the support rates for such grades without regard to the weighted average in an effort to reflect the market value of the crop, but in no way by more than 12 percent of the respective support rates.

Furthermore, before the Secretary can make such adjustments, a request to the Secretary by the board of directors of the association through which price support for Flue-cured tobacco is made available to producers, must be made for such a designation.

Madam President, it is my understanding that the Senator from North Carolina and the Senator from Kentucky have reviewed the amendment. I hope it will be acceptable.

Madam President, I also want to call to the attention of my colleagues that Senator MATTINGLY is a cosponsor of this amendment.

Mr. HELMS. Madam President, there remains some concern that the adjustments made in the tobacco price support loan rate in the 1982 No Net Cost Tobacco Program Act and the freeze of those rates for 1983 and 1984, and possibly for 1985, contained in Public Law 98-59 and S. 1529, are not yet sufficient to make U.S. tobacco competitively priced with tobacco from other countries.

Now, I happen not to share that view. The compounding effect of the 1982 adjustment at 65 percent of the regular formula is substantial. Indeed, with the freeze for 1983 and 1984, and possibly 1985, if inflation under 5 percent is factored into the equation, the adjustments are large and enough to make U.S. tobacco prices competitive. This is especially so because U.S. tobacco will always bring a premium price because of the stability of our production and the natural competitive advantages we have in tobacco production.

Also, we cannot forget that the sum of 750 million pounds of old crop tobacco remain under CCC loan. This tobacco is worth about $1.2 billion. We cannot simply move to undercut its value by too much price cutting. It is just not good business.

However, having said all that, Madam President, I do recognize the sentiment to give additional flexibility to the pricing system for tobacco. Because there are so many factors to consider, I am willing to accept the amendment of the distinguished Senator from Georgia and we will iron out the details in conference, if that is satisfactory.

Mr. NUNN. I thank the Senator from North Carolina.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia (Mr. NUNN).

The amendment (No. 2303) was agreed to.

Mr. HELMS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Madam President, I thank the Senator from North Carolina.

Mr. HELMS. I thank the Senator from Georgia.

AMENDMENT NO. 2304

Mr. DOMENICI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes an amendment numbered 2304.

At the appropriate place insert the following new language:

The Secretary shall establish a marketing order for pecans dealing with promotional activities.

Mr. DOMENICI. Madam President, I shall take only a few moments on this issue. I had the clerk read it because I cannot do any better job explaining it than did the simple sentence that he read.

If this became law, it would mean that the Secretary, who has some discretion in this matter of a marketing order for promotional activities in the area of pecan sales and promotion, this amendment would take that away and mandate it.

I introduce this with the full knowledge that the unanimous consent under which we are operating here today was probably intended to preclude it, but it does not. I am not going to make the Senate consider it, because I think the spirit of the unanimous consent that we are operating under did not have in mind that we have any amendments to deal with pecans. People do not even know we grow them in New Mexico, but we do. In fact, we have the finest pecan farms in all America in New Mexico, probably the second largest of anywhere in America.

Before I get all the southerners excited here, I want them to understand that I am not going to make you vote on this, but I want to make a point.

I cannot believe that the Secretary of Agriculture and certain Senators truly want to deny those who grow pecans in the United States an opportunity to exercise democracy by taking a vote on whether or not they want to collect a few little pennies from each sale in order to promote the sale of pecans. The findings in this decision which is pending are really incredible. If they conclude we are not going to have one, it is because somebody does not like them, not because the facts do not clearly indicate we ought to.

The purpose of these marketing orders, which are clearly in the law, is that if there is going to be a surplus of a commodity, you ought to promote it if there is evidence that you can sell more, but you are not able to promote it. That is a fact.

Everybody is getting into the act of growing these and they are fantastic nuts. But we do not have enough demand yet. So what these people, including the distinguished Secretary of Agriculture, want to do, they want to wait 3 or 4 years until there are so many around that everybody is going to go broke before they decide to promote them and, if they did, they would sell like hotcakes. Now we have got both nuts and hotcakes involved here today.

But, in any event, let me tell you that I really cannot believe that there are people around who do not want to let the growers of pecans vote on whether or not they ought to have a marketing order to promote the sale of pecans where the evidence is overwhelming that there is going to be a surplus, that a marketing order would engender significant new demand, and yet there are those around saying, "Don't do it." I wonder why. I really think it is because they are fearful of the product or they are fearful that it will go beyond marketing.

Well, that is not what the law says. We are not attempting to establish quality preference. Actually, if we did, we would win because the kind we grow are the best. There is no question about that. But, in any event, that is not what anybody seeks.

So, having made my point, I would like the Secretary of Agriculture to know, and my good friends in the Senate to know, that if we do not get a marketing order there will not be another agriculture bill that comes to the floor without this Senator offering an amendment mandating it. I think by the time this U.S. Senate hears the facts they will mandate rather than leave it to the discretion of the Secretary.

I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

ORDER OF PROCEDURE

Mr. BAKER. Madam President, I will not take but a moment. I apologize to my friend from Alabama and the Senator from South Carolina, my friend, the President pro tempore.

I have consulted with the minority leader and I hope within a few moments we will be able to clear for action a limited extension of the unemployment benefits bill. If that does come through the clearance process live in the next few moments, I hope whoever has the floor will let us ask him to yield temporarily so we can pass that bill because the House of Representatives is now in recess subject to the call of the Chair awaiting this action by the Senate.

I thank Senators for permitting me to make this statement. I hope they will take that into account.

Mr. STENNIS. If the Senator will yield, does that contemplate a rollcall vote?

Mr. BAKER. No, it does not.

Mr. THURMOND. Madam President, I have to leave very shortly. May I speak for a half minute?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, with regard to the point made by the distinguished Senator from New Mexico, I do not think we ought to be trying to inject the Federal Government into new farm programs. That is the very trouble we are in today. If we inject the Federal Government into the pecan business, then 20 years from now we are going to be here fighting over that. There will be all kinds of amendments.

Let us keep the Federal Government out of everything we can so long as it is doing all right. Private enterprise can set this matter up. The growers of these pecans can set this matter up. We do not need to inject the Federal Government into it.

AMENDMENT NO. 2305

(Purpose: To require the Secretary of Agriculture to review, revise, and report to the Congress on federal milk marketing orders)

Mr. HEFLIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. HEFLIN) proposes an amendment numbered 2305.

Mr. HEFLIN. I ask unanimous consent, Madam President, that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 11, insert "(a)" after "Sec. 103.".

On page 19, between lines 18 and 19, insert the following new subsection:

(b) Not later than 6 months after the date of the enactment of this Act, the Secretary of Agriculture shall—

(1) review in light of current economic conditions all regulations governing, and provisions of, milk marketing orders issued under section 8c of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c), that have not been reviewed by the Secretary at any time during the ten year period preceding the date of the enactment of this Act;

(2) take such actions as the Secretary determines are necessary to revise such regulations and provisions in light of such review; and

(3) submit a report on such review and actions to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

Mr. HEFLIN. I do not believe this will cause great controversy. It is not an amendment of great or significant dimensions. However, it is important.

There are certain studies, hearings and determinations dealing with marketing orders that should be reviewed in light of current economic conditions. My amendment would place on the Secretary of Agriculture the burden of having these studies, hearings and determinations on any type of marketing order under the milk provisions that has not been reviewed by the Secretary at any time during a 10-year period preceding the date of enactment of this bill.

Then, of course, after he reviews this and has the hearings, he is to take such action as the Secretary determines is necessary to revise such regulations and provisions in light of such review.

Madam President, the amendment that I offer is simple and addresses a condition in the dairy industry which has existed for years but which has only recently become a problem of significant dimensions. Section 8c of the Agricultural Marketing Act of 1937, U.S.C. 608c, as amended, provides that provisions of the milk marketing orders may be reviewed and revised by the Secretary of Agriculture. It also prescribes methods for carrying out hearings and making revisions in the various dairy marketing orders.

Under those provisions, dairy producers operating within the marketing orders may request hearings to amend the order to adjust for changes in supply and the economics of the production and distribution within the order. However, there is no provision which would require such hearings, and make needed adjustments in rules or regulations in all orders simultaneously.

The purpose of my amendment is to require such hearings by the Secretary. It would also require needed adjustments in the rules by the Secretary as determined by the hearings and would require that a report be made to the Agriculture Committee of both Chambers of the Congress by the Secretary.

In essence, Madam President, this amendment changes nothing which is not already implicit in the law. It is important to all dairy producers, however, that the various marketing orders now in existence be reviewed simultaneously to avoid any inequities which might logically result from any hearings on individual marketing orders on a piecemeal or random basis. In other words, the economics of the industry, particularly supply and demand conditions, must be viewed as a single entity if the program is to work fairly and equitably for all producers. I believe that is what we are seeking in the bill before us.

I am fully aware of the immense Government purchases of dairy products and the cost of these purchases to the Federal Government and our taxpayers. I know that we have large stocks of these dairy products and that both the stocks and milk production are increasing. And, I am very conscious of the fact that we must do something to bring about a correction of this problem. We must adopt a program that moves toward bringing about a better balance of our national milk supplies and demand. However, I am also concerned that any action we take to correct the problem does not at the same time create other unnecessary problems. And, I am afraid that the proposal presented to us now might just do that. This dairy proposal approaches the problem as if surpluses were equally developed in all parts of the country and for all uses of milk. But this assumption of equality is far from actuality. The dairy industry varies markedly in different parts of our country. In some sections milk is produced mainly for the local fluid or bottled milk market. In other parts of the country milk is produced principally for manufactured dairy products to be used throughout the country and at present for sale to the Government.

Milk is not easily transported from one section of the country to other sections that are in short supply. Milk is bulky and perishable. It is expensive to transport and that expense has been and is still increasing with the increase in the cost of fuel and equipment such as over the road tankers. When milk has to be transported, the price to consumers is increased and the dairy farmer gets no benefit from those higher prices. In some parts of the country such movements of milk are even now taking place. I am afraid that the proposal before us now will invite even more unnecessary transportation of milk over long distances.

In my own State of Alabama, we have been attempting over the years to coordinate our milk supply closely to our local demand for fluid milk without any burdensome surplus. We have had at times to bring in milk from other areas at great expense. But these instances have been rare and occasioned by some weather disaster. This same kind of a dairy development has taken place in other parts of the country. We have been helped in our efforts by the operation of Federal milk orders. The Federal orders are set up as orderly systems of milk marketing in separate marketing areas of the country. They are voted in and out by dairy farmers and are much respected and appreciated by them. The minimum prices which each order sets for milk dealers to pay farmers are geared to the supply and demand conditions in each area where they are in operation. As I mentioned earlier, we have coordinated our milk production in Alabama to our fluid milk market in Alabama and under the milk order program, we have a steady, orderly, and efficient dairy industry. We have been able to do this as a natural economic response to the prices set up in the Federal milk order and we could expect that this stability and orderliness would continue if market prices continued to reflect economic changes. But we are introducing a new factor in this proposal that of a payment for not producing milk. The experience in the PIK program has shown that the reaction of farmers to such a program can exceed the expectations of everyone including the Secretary of Agriculture. And if we do get that response among dairy farmers to the $10 per hundredweight payment for nonproducing, I am afraid that this delicate balance we have achieved between supply and demand for milk in Alabama will be destroyed. We cannot stand a lower milk supply in Alabama without importing milk from other areas at great expense. New and more expensive sources of supply will have to be developed. Then when the diversion payment program is terminated, Alabama would be without the local supplies and would then have to be again developed with great disruption to this industry.

It appears to me that we need to maintain these local supplies. I am not in any way suggesting that they be maintained at unreasonable price levels. But, local farmers ought to receive at least the same price for their milk for fluid use as milk dealers are paying for alternative milk supplies brought into Alabama. In the milk orders the class I price is the price which dairy farmers receive for their milk which is used in fluid form by consumers. It is a combination of (1) a base price which is the average price paid to dairy farmers in Minnesota and Wisconsin for milk of manufacturing grade quality; and, (2) a differential which includes an amount equal to

1½ cents per hundredweight for every 10 miles the regulated market is in distance from Wisconsin. This 1½ cents per hundredweight represented the estimated cost of transporting milk in the days the class I pricing formula was developed. It is to the policy of those days that I am now suggesting we return, that is, to have the local prices for class I milk be made equal to the cost of good quality milk brought in from alternate sources which were in those days and also now located in Minnesota and Wisconsin. But that 1½ cents per hundredweight included in milk orders has not changed since 1968. Present rates for moving milk are running in the vicinity of 3.5 cents per hundredweight. It is my information that many cooperatives throughout the country have been urging the Department of Agriculture to hold hearings to increase the rate. The restoration of these rates to reflect more closely the present day costs would cause no marketing problems and would tend to correct some that now exist. Because of the need to keep close alignment of prices in Federal orders, the change would have to be made in all milk orders.

Certain other possible inequities might be avoided by making the change. Federal milk orders cover only about 70 percent of the fluid milk in the country. Some States have their own State orders and in those orders class I prices do not change with a change in the price support levels. As a result, their differential over manufacturing grade milk will increase with a drop in the price support level for manufacturing milk. In other markets, including some with Federal milk orders, higher prices for class I milk will be negotiated. In all Federal order markets, the prices paid by all milk dealers, both those who buy local milk, as well as those who will have the burden of bringing in the more expensive other source milk, will be more nearly equal. All in all, a much more equitable and stable marketing situation will prevail.

Therefore, it is my recommendation that the proposal before us be amended by requiring the Secretary of Agriculture to hold public hearings for the purpose of receiving evidence to determine the amount that class I differential in all Federal milk orders should be increased to reflect more nearly the cost of transporting milk.

I believe the chairman of the committee and the ranking minority member will accept this. It is not a controversial amendment.

Mr. HELMS. Will the Senator yield?

Mr. HEFLIN. Yes, I yield.

Mr. HELMS. It certainly is not controversial with me in terms of accepting the amendment. There may be a discussion of it in conference, about the details. For our side, I will say to the Senator from Alabama we accept the amendment.

Mr. HUDDLESTON. We are prepared to accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2305) was agreed to.

Mr. HEFLIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2306

(Purpose: to amend the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, to authorize the development of marketing orders for eggs)

Mr. HEFLIN. Madam President, I send another amendment to the desk which I have discussed with the chairman and ranking member of this committee. This amendment deals with eggs. It would provide for domestic egg producers to have an opportunity to develop a marketing order for the egg industry. We have had hearings on this. Of course, this is not mandatory.

Mr. HELMS. Has the amendment been reported?

The PRESIDING OFFICER. The amendment has not been reported. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. HEFLIN) proposes amendment numbered 2306.

Mr. HEFLIN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 53, after line 15, insert a new title as follows:

"TITLE III—EGGS

"SEC. 301. This title may be cited as the "Egg Adjustment Act of 1983".

"SEC. 302. The Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence of section 8c(2) by striking out "poultry (but not excepting turkeys), eggs (but not excepting turkey hatching eggs)," and inserting in lieu thereof "poultry (but not excepting turkeys and not excepting poultry which produce commercial eggs),"; and in subsection (I) of section 8c(6) by inserting after the word "pecans," and before the word "avocados,", the word "eggs,".

Mr. HEFLIN. Madam President, I have furnished copies of this amendment to the chairman and to the ranking member. They have had hearings on this.

This amendment would allow for hearings to be held and for the egg people to get together with the Secretary of Agriculture to make determinations as to whether or not they would like to have this. This would mean that it could be available, provided the egg producers of the country wanted to develop it and the Secretary wanted to develop it.

Madam President, I rise today to offer an amendment to S. 1529 which would provide domestic egg producers with the opportunity to develop a marketing order for the egg industry.

This amendment is similar to my bill, S. 1368, which was subject to hearings on July 14 before the subcommittee. I have modified it slightly to reflect the testimony received at that hearing.

This amendment would amend the Agricultural Marketing Agreement Act of 1937 which provides producers of numerous agricultural commodities the opportunity to establish marketing orders. My amendment would merely provide egg producers the same opportunity which producers of these other commodities currently enjoy.

This amendment would not be mandatory in the sense that it would not force the egg industry to develop a marketing order. This decision would be left to the industry and the Secretary of Agriculture. Any such order would have to be developed with the cooperation and joint efforts of the industry and the USDA. Moreover, the public would have ample input and opportunity for hearing. I am hopeful that my distinguished colleague from North Carolina and chairman of the Senate Agriculture Committee will accept this noncontroversial amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, I support the Heflin amendment, and I encourage the Senate to adopt it.

These past few years have been especially difficult for America's egg producers. Forced to sell their product at prices below their cost of production for some time now, many egg producers have chosen to leave the business. From October 1981 to December 1982, the number of egg producers has dropped from more than 6,000 to less than 4,000.

The difficulties which our egg producers are experiencing has much to do with their shrinking export sales. In 1981, our egg producers exported 234 million dozen eggs. Their largest markets were in Japan and Iraq. In 1982, our egg producers saw their total exports decline by 31 percent, with sales to Japan and Iraq falling 37 percent. The decline so far this year, however, has been even worse. From January to March exports were down 52 percent from the same period in 1982.

Most of the decline in U.S. export sales of eggs has nothing to do with the efficiency of our producers. Rather, our egg producers and their

export markets have fallen prey to predatory subsidies employed by other nations. Countries such as France and Brazil, in order to infiltrate traditional U.S. markets, commonly employ export subsidies of 9 to 11 cents per dozen.

While it has been estimated that our falling egg exports alone have caused a 4 cents per dozen decline in farm prices for our egg producers over a 1-year period, this is not the only problem they face. No doubt, the escalating support mechanisms adopted by Congress for the grain programs has combined with other disruptions in these programs to further exacerbate the price squeeze which egg producers now find themselves in.

The Agriculture Committee has already taken action to help bring our egg producers through these difficult times. Earlier this year, the committee reported out S. 822, the Agricultural Export Equity and Market Expansion Act of 1983. As part of this legislation, it is required that the remaining $90 million of the Helms export promotion amendment money provided in the 1982 Omnibus Budget Reconciliation Act be used for price or credit subsidies for exports of value added American agricultural products. The legislation specifies that at least $20 million of this money be used for poultry and eggs. As this legislation is currently awaiting floor action, 10 committee members recently signed a letter to President Reagan encouraging him to use part of the Helms promotion amendment money to facilitate an egg sale to Iraq.

In order to help egg producers help themselves, Senator HEFLIN has proposed the amendment now before us. This is a simple amendment; all it does is include eggs in the Agricultural Marketing Agreement Act of 1937, and in this way, authorizes egg producers to develop a marketing order. This amendment does not implement a marketing order, and does not require that the industry develop one. It simply provides the industry with the opportunity which so many other commodities now have to consider whether it wants and needs the types of programs provided for under the act.

I think it is important to note that if the industry does decide that a marketing order or agreement is desired, it will be developed by the industry in cooperation with the USDA. The order, or agreement must be approved by two-thirds of domestic egg producers, or a majority of producers responsible for two-thirds of total U.S. egg production. In addition, the Secretary of Agriculture has veto power over anything the industry may develop.

I have found that egg producer groups are unanimous in their agreement that their product be included in the 1937 act. While all involved realize that the Heflin amendment is neither a cure-all nor an immediate remedy, the amendment does provide producers with the same opportunity and flexibility to help themselves that producers of many other agricultural products already have.

Mr. HUDDLESTON. Madam President, we likewise support this amendment and urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2306) was agreed to.

Mr. HEFLIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Madam President, I ask unanimous consent that when the distinguished Senator from Montana calls up an amendment, and after it is reported by the clerk, that it be made the pending business after we return to the bill tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2307

(Purpose: To limit the application of the milk assessment and diversion programs to areas in which a federal milk marketing order is in effect)

Mr. BAUCUS. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an amendment numbered 2307.

Mr. BAUCUS. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 11, insert after the period the following new sentence: "At the discretion of the Secretary this paragraph applies only to a producer who produces any quantity of milk in a production area specified in a marketing order issued under section 8c of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c).".

On page 6, line 2, insert after the period the following new sentence: "At the discretion of the Secretary this paragraph applies only to a producer who produces any quantity of milk in a production area specified in a marketing order issued under section 8c of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c).".

Mr. BAUCUS. Madam President, I thank the chairman of the committee for making provision that this amendment be the pending business when the Senate convenes tomorrow morning. I yield the floor.

STATEMENT ON AMENDMENT NO. 2297

Mr. LEVIN. Mr. President, I voted reluctantly to table Senator METZENBAUM's amendment to eliminate the tobacco program because it would have made too drastic a change in the Federal tobacco program and would, therefore, cause great economic hardship for those involved in that business.

I agree with my colleague from Ohio that the Federal Government should not be involved in the tobacco business because smoking tobacco has been proven to have many serious health effects.

It is important, however, that any changes in the tobacco program, not inadvertently cause the price of tobacco to decrease—thereby making cigarettes more attractive to potential new smokers. Rapid elimination of the allotment could well reduce tobacco prices. I hope that any future proposals to abolish the tobacco allotment program would not have the effect of lowering the price of tobacco products as this amendment well could.

This amendment of my colleague from Ohio is some improvement upon previous attempts at abolishing the tobacco program. He has recognized to an extent the economic hardships that would face small tobacco farmers from the elimination of the allotment and support programs. However, the tobacco allotment system and price support program should be phased out gradually, with appropriate reimbursement to those small farmers who would suffer the most from the abolition of the allotment system. I hope such a balanced and fair program will be brought before the Congress in the near future.

Mr. STENNIS. Mr. President, I intend to support this dairy legislation we are considering today. While the bill does not provide a dairy program that is completely to my liking or to the benefit of dairy farmers in Mississippi, it does represent a compromise between the various groups in the dairy industry, the Congress, and the administration. For that reason, and because many of our dairy farmers are on the brink of failure, I think it is important to act today to accept the provisions of S. 1529, the dairy compromise package.

This legislation repeals the authority of the Secretary of Agriculture to collect a $1 assessment on every hundredweight of milk sold commercially. This is probably the most important part of this legislation, since that assessment is causing such hardship on our farmers and is doing nothing to reduce production. In fact, it is encouraging production.

I have some concern about one portion of the bill in particular, the paid diversion program. I agree with the intent of the program but I am con-

cerned about the impact this program may have on another part of our agriculture community, the beef cattle industry. I have been assured by the Department of Agriculture that this legislation provides them with the tools they need to see that those dairy cattle which are taken out of milk production are not flooded onto the beef market all at once. However, I wanted to reiterate this concern because I think it is very important that we do not provide help to one part of our agriculture community at the expense of another. I intend to keep my eye on the dairy program to see that this does not happen.

I urge my colleagues to join me in supporting this legislation which is desperately needed by our dairy farmers.

Thank you.

Mr. ABDNOR. Mr. President, it is my hope that the Senate will act today on S. 1529, better known as the dairy compromise.

The pending dairy compromise, developed jointly by the Senate and House Agriculture Committees working diligently with the dairy industry and the administration, represents a reasoned and comprehensive solution to the dairy surplus problem. USDA's own economic projections show the compromise measure to be drastically superior to the current law—as well as other proposals under consideration—in terms of lowering milk production, reducing net Commodity Credit Corporation (CCC) purchases, and decreasing Government held dairy product inventories.

The dairy compromise is designed to move quickly to restore the needed supply demand balance in the dairy industry by providing an incentive to dairy farmers to reduce milk production. It also aims at expanding consumption of milk and dairy products through establishment of a dairy farmer funded and directed program of promotion of milk and dairy products. This combination of efforts is aimed at reducing Commodity Credit Corporation purchases of dairy products under the price support program and cutting Government costs.

The compromise will cut the cost of the dairy program nearly $1.4 billion next year and to $989 million in fiscal year 1984 according to USDA estimates. Commodity Credit Corporation purchases of surplus dairy products will be cut from 16.3 billion pounds to 0.5 billion pounds over the same time period. The compromise will do this fairly and effectively without putting many young and highly leveraged farmers out of business.

We all are aware of the high cost of the current dairy program. A program that cost the Government $56 million in 1979 skyrocketed to $1 billion in 1980, to $2 billion in 1981, $2 billion in 1982, and is likely to cost as much as $3 billion this year.

We need to pass the dairy compromise today because the current law of assessing dairy farmers $1 per hundredweight on all milk marketed has not proved to be effective in reducing milk production and is extremely unfair. During the period that the assessment has been collected, milk production has actually increased because dairy producers saw their milk checks shrink while their costs have continued in increase. The natural reaction is to increase production in order to cover fixed and variable costs.

Since April 16, over $250 million has been collected in assessments with no evidence to suggest that this approach is effective in slowing milk output. The assessments threaten to cost dairy farmers nearly $1.5 billion in fiscal year 1984—dealing not only a devastating blow to farmers, but also to the broad range of businesses dependent on dairying in rural economies throughout the Nation.

The dairy compromise provides a sensible and effective solution to milk surpluses by offering dairy farmers strong individual incentives to reduce production. The program features $10 per hundredweight diversion payments for producers who reduce marketings from 5 to 30 percent of their history. This plan is based on supply management with an added incentive principle.

Other major elements of the dairy compromise include: A mandatory 50 cents per hundredweight assessment which will be used to finance diversion payments; a 50 cent per hundredweight reduction in the milk price support program with further reductions if milk production is not sufficiently curtailed during the diversion program and; a national advertising and promotion program, funded entirely by dairy farmers, to alleviate milk surpluses by increasing consumption.

The compromise balances the interest of taxpayers, consumers, and dairy producers. It cuts the taxpayer cost of the dairy program to less than one-third of what it will cost in 1983. It reduces the farm price of milk in order to help reduce the retail cost of milk and milk products. It has an effective incentive plan to induce farmers to reduce production, which will be financed by the farmers themselves.

Mr. President, I urge my colleagues to join with me in order to pass the compromise bill. Dairy farmers in my home State of South Dakota as well as from across the Nation need congressional action on dairy legislation. The $1 per hundredweight which is being collected is ruinous for dairy farmers. Although some Members of this body may advocate dropping the support price, doing so will not save the taxpayers money. Cutting the support price actually increases taxpayer costs as farmers produce more to make up for the price cut. The consecutive monthly increases in production which have occurred during the period in which the $1 assessment has been collected provide clear evidence of how counterproductive any effort to reduce surpluses is in the absence of a paid incentive program. Taxpayers will only get relief if the surplus is eliminated; this can only be accomplished through a paid incentive program to cut production.

Straight price cuts, like the assessments, run the risk of forcing many dairy farm families out of business. With milk price supports frozen for 3 years now, dairy families are being squeezed by the rapid surge in feed prices caused by the combined impact of the summer drought and the PIK program.

Other production costs for equipment, electricity, and interest also have risen at alarming rates, pushing many dairy families to the point of economic ruin. A drop in the support price without an incentive program to reduce production is ill-conceived and disastrous.

Mr. President, I urge my colleagues to vote for the dairy compromise. Although I do not endorse enthusiastically all provisions of the compromise, such as a continuation of one 50 cent assessment and a drop of the support price, I will support it because it truly is a compromise which was worked out by proponents and opponents of the dairy price support program. It is much better than the alternatives of either continuing the $1 assessment or dropping the support price to $11.60 per hundredweight without any diversion payments.

The compromise is supported strongly by virtually all of the major dairy cooperatives and their member owners. Eighty percent of the milk production across the country is marketed by farmers through the cooperatives they own and operate. The overwhelming support for the compromise is clear evidence of dairy farmers' thoughts on dairy legislation.

Dairy farmers are fully aware of the need to address the dairy surplus problem. It must, however, be addressed in a manner that will have the least possible adverse impact on dairy farmers and their ability to meet the needs of the markets they serve.

For these reasons, I urge prompt passage of S. 1529.

Mr. SYMMS. Mr President, the dairy support program as we all know is out of control. Steps must be taken now to reduce the amount of the dairy surplus and the high cost of support prices. Senator HAWKINS and I introduced the National Dairy Equity Act of 1983 to stop the budget hemorrhage caused by the runaway dairy support program. The approach we advocate is

to lower the support price by $1, not level any fee, not create a mandatory National Dairy Promotion Board, not create a diversion program, but to use a tested method of price support reduction. Along with the reduction the Secretary would keep the price support at $12.50 per hundredweight until Government purchases drop to below 7 billion pounds annually. If purchases were less than 7 billion, but more than 5 billion then the new support price could be raised to $12.60. If purchases the next year were less than 5 billion, the old support price of $13.10 would be restored.

This approach, coupling a temporary price reduction with a mechanism for restoring prices when Government purchases fall, is fair to consumers and farmers alike. Lower support prices mean lower consumer prices for milk, cheese, and butter, with consumer savings distributed in a progressive fashion. The poor spend 5 percent of their income on dairy products as compared to the well-to-do who spend only 1 percent. I hope that you will join me in an effort to achieve budgetary savings in a way that treats farmers, consumers, and taxpayers fairly.

● Mr. KASTEN. Mr. President, as a Senator from Wisconsin, the Nation's No. 1 dairy State, I feel it is imperative for me to voice my concern over two provisions of the dairy compromise bill laid before us today. The two provisions deal with direct cuts in the support price and the mandated promotion plan.

I cannot, in good conscience, support a program that calls for direct cuts in the support price. Proponents of this measure point to the fact that the present dairy program is costing the Government billions of dollars. They also say that dairy farmers are getting rich on Government subsidies. I strongly disagree. I invite my colleagues to visit the dairy farms in Wisconsin where the average herd size is 42 cows, the average farm size is less than 200 acres, the farms are operated by farm families not by corporations and net income per dairy farm last year was approximately $16,500. If my colleagues feel that farmers are getting rich on dairy subsidies, I tell them to look again.

The price paid to dairy farmers has been frozen for better than 2 years. By directly cutting the support price we are jeapordizing their livelihoods. Dairymen's management capabilities are already pressed to the utmost by rising production costs and living expenses.

The Senate recently voted themselves a pay raise. I did not support this raise, yet I have dairy farmers ask me how the Senate can vote to increase their salaries, while at the same time vote to cut dairy farmer's paychecks. Can anyone here today answer that question?

The second provision of the compromise that I am concerned with deals with the National Promotion Plan. I have no objection to promotion, per se, but to mandate such a program without dairy farmer's input is absurd. As these farmers will be the ones to pay for this program, they should be given the chance to vote on it. This provision is a blatant example of Government meddling. I strongly believe that if the dairy farmers want a promotion program, they should be the ones to decide, not the U.S. Senate.

Should this provision pass intact, it will set a poor precedent for future legislation of this type. What is to stop Congress from voting a mandatory promotion program for corn, rice, cotton, beef, pork, and other commodities? As I stated before, I have no objection to the promotion of products, yet I question the way we are dealing with this issue today.

Mr. President, my record of voting for dairy legislation has been consistent. It has been one directed at maintaining a reasonable and fair dairy price support program. I understand we have a good number of amendments pending on this compromise. I will listen with interest as these amendments are considered, and will cast my vote on the compromise accordingly.

I would hope that we can resolve this issue today. For too long the dairy price support program has been a roller coaster affair with no positive direction. Time after time, we have witnessed the ups and downs. We have been laboring in a state of limbo, unfairly leaving our dairy farmers unsure of what to expect. It has been frustrating for all.

I feel it is time the Senate "bite the bullet" and move a dairy plan through. We have waited too long and the longer we wait the more frustrating and difficult the situation becomes. In the best interest of all, I urge my colleagues to act in a responsible manner by voting final passage of dairy legislation today.●

ORDER OF PROCEDURE

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Madam President, I am advised by the managers on both sides that there is nothing further to be done on this bill this evening. The Baucus amendment will be the pending question when we resume consideration of this bill at 10 o'clock tomorrow.

There is one other matter to be dealt with before we conclude, and that is the extension of the unemployment benefits bill.

ROUTINE MORNING BUSINESS

Mr. BAKER. While awaiting final clearance on the extension of unemployment benefits bill, Madam President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend beyond the hour of 8 o'clock during which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The following statements and proceedings occurred during the day and are printed at this point for the purpose of continuity in the RECORD)

FLIGHT 007 AFTERMATH

Mr. BYRD. Mr. President, the British author and adventurer T. E. Lawrence once noted that a liar is bad because he knows the truth and chooses to ignore it, but one who tells half-truths is worse because he does not even remember what the truth looks like. The Soviet campaign of half-truths in the aftermath of the attack on Korean Air Line flight 007, has succeeded only in reaffirming the world's opinion of Soviet brutality. This is clear from the fact that the Soviets failed in their efforts to weaken language in a resolution passed by the International Civil Aviation Organization which deplored the Soviet action that cost the lives of 269 innocent civilians from 13 countries.

It is also clear from a recent report in the New York Times, that the official Soviet line is no more credible at home than it is abroad. Soviet citizens have learned to read between the lines to discover their government's treachery, and they seem to share the sense of horror felt by all civilized people.

Mr. President, I ask unanimous consent that the Times article of October 2, 1983, be printed in the RECORD.

There being no objection, the article was order to be printed in the RECORD, as follows:

[From the New York Times, Oct. 4, 1983]

REPORTER'S NOTEBOOK: SOME DOUBTS AMONG RUSSIANS ON DOWNING OF JET

(By John F. Burns)

Moscow, Oct. 1—A month after a Soviet jet fighter shot down Korean Air Lines Flight 007 over Sakhalin Island, the incident has maintained a surprising momentum here, despite Kremlin efforts to switch public attention back to the "military threat" posed by the United States.

Conversations with some Russians suggest that the campaign to persuade them the Soviet Union bears no guilt and no lasting stigma in world affairs may have been less successful than Westerners here originally thought, at least among the more educated.

An engineer, a university lecturer and an industrial manager who discussed the matter in separate conversation, as well as others, indicated that members of the middle class had a fairly accurate idea of what happened to the airliner, and that quite a number were uneasy about it.

One man, returning to Moscow after a summer vacation, said he and his friends had known from the first ambiguous statement by Tass, the official press agency, that a disaster had occurred and that the victims

must have been on a civilian aircraft, facts unmentioned by Tass.

'TERRIBLE MISTAKE' INFERRED

The man said that subsequent announcements, up to the admission on Sept. 6 that the plane had been shot down, convinced them that a "terrible mistake" had been made by the Soviet armed forces and that Moscow was engaged in an exercise in damage control.

The man drew his conclusions in a familiar fashion, by reading between the lines of official statements, learning as much from what was not said as from what was.

A surprising number of other people learned the full story behind the incident by listening to Russian-language broadcasts from West Germany and Britain and from the Voice of America. Although the foreign broadcasts were heavily jammed, many Russians reported during the airliner crisis that, as one man put it, "if you want to listen and keep searching the dial long enough, you'll get a signal."

Among such people, by no means all dissidents, the words used to describe the fate of Flight 007's passengers are little different from those heard in the West.

'HORRIBLE, JUST HORRIBLE'

"It was horrible, just horrible," said one man. "I mean, they actually shot down an airliner. It's unimaginable."

Those voicing such comments said that the airliner's deviation from its flight path needed clarifying, but there seemed little disposition to accept the official argument that the suspicion that it was on a spying mission justified shooting it down.

Against this, many other Russians, particularly those in blue-collar jobs, seemed content to accept the Government's argument that the defense of the country's "sacred borders" out-weighed the loss of life.

The number of casualties was officially mentioned only twice, in the Government newspaper Izvestia and a Moscow paper, Sovetskaya Rossiya. But even the death toll of 269 failed to shift the convictions of those whose instinct was to back the authorities. "I don't think that's so many, when you consider how many people died in the war," was a typical comment.

Although Western envoys here have abandoned any hope that Soviet officials will heed demands for an apology and for compensation for the casualties, diplomatic efforts to win Soviet cooperation in the affair continue almost every day.

But even when requests are presented in a manner designed to avoid the issue of blame, the Foreign Ministry here has reacted in a peremptory fashion, refusing even to accept the notes on which the requests are put forward.

One ambassador whose nation had several citizens aboard the South Korean plane went to the Foreign Ministry this week with a note listing the names and personal particulars, including passport numbers.

Among other things, the note asked that any human remains or belongings be returned to the country concerned, and requested that the Soviet authorities consider issuing provisional death certificates to speed up legal processes for the victims' families. A senior official of the ministry's consular department pushed the note straight back across the table and with a stone face ended the encounter.

Another ambassador, treated in similar fashion, admitted he had abandoned his diplomatic demeanor. "I said to this bloke, 'Listen to me, because my Government would like you to understand something of the human dimensions of this thing. I want you to imagine the scene aboard that aircraft as those people went to their watery graves, crying out for help and grasping for their loved ones. This is what occurred, and when you respond to us in this fashion it would be as well if you thought about it a little.'"

Another prominent Western ambassador reacted by cutting off social contacts with Russian officials, a decision that involved telling one group of Soviet guests that a dinner dance had been canceled, then reinstituting the occasion, without them, as a dinner. The ambassador's wife has made her feelings known in another way. Since the airliner went down, she has dressed only in black on formal occasions.

In putting its case before the Soviet public, the Kremlin showed something of its attitude toward Western news organizations. In general, these are denounced here for their "lies" and "distortions," but after the airliner was shot down, Tass and the principal newspapers reprinted dozens of items from Western papers in the effort to prove Moscow's case that the Korean jet was spying.

The calculation seemed to be that Soviet readers doubtful of the official Government account would be convinced when they saw what seemed to be support for the official version coming from The New York Times, The Washington Post and other newspapers in the West. But many of the citations were taken out of their context or otherwise doctored to distort their intent.

For example, a long article that appeared in Pravda last week quoted triumphantly from a British television report to show that Britain's Civil Aviation Authority had run simulations and seemingly concluded that it was "an absolute impossibility" for the Korean plane to have deviated so far from its course as a result of crew error or navigational failure.

QUITE A DIFFERENT CONCLUSION

In fact, the British authority's investigation had concluded that if the Korean pilot had made a mistake of a single notch in setting one switch on his automatic pilot, placing the aircraft on a compass heading instead of a pre-set, computer-guided course, it could have ended up five miles from where it was shot down.

Perhaps the most illuminating example was a Tass item on Sept. 16 reporting that the Soviet Embassy in Canberra had received a letter on the airliner incident from "the Australian pilot F. James with 46 years' seniority."

Tass quoted Mr. James as saying that "a growing number of pilots" were like him, "indignant" at the Australian Government's having been drawn into the "propaganda campaign of distorting facts" put out by Washington. What Tass did not mention was that Francis James is an elderly Australian maverick with leftist sympathies whose flying experiences were in World War II.

The Korean airliner incident illuminated the Soviet system in many unexpected ways, mainly in the glimpses it gave of the workings of the armed forces. For Western analysts, one bonus was the appearance at a two-hour news conference of Marshal Nikolai V. Ogarkov, the Chief of the General Staff, who was previously to be glimpsed only on ceremonial occasions in Red Square.

Although the case he presented convinced few diplomats, the marshal's demeanor was generally considered impressive.

An engineer by training, Marshal Ogarkov is perhaps the outstanding example of the new generation of technically skilled officers who were advanced rapidly under the leadership of Nikita S. Khrushchev, who believed that the armed forces needed a younger, more efficient general officer corps than the one that took over in the aftermath of World War II.

Now aged 65 and in his seventh year as the nation's top soldier, Marshal Ogarkov rose to the top on the strength of his skills as an overseer of weapons procurement and research programs.

EVERY INCH A PROFESSIONAL

At the news conference, he was every inch an accomplished general staff officer, running through the Soviet version of the Korean plane's flight to destruction smoothly and with barely a sign of irritation at the blunt questions that came from Western newsmen.

When one reporter asked if the Kremlin was prepared to risk war on the decision of local military commanders, and another asked sarcastically if the defense of the nation's "sacred borders" was worth 269 lives, he responded calmly, as though a dry run at the general staff headquarters had prepared him for every question.

With Defense Minister Dmitri F. Ustinov nearing his 75th birthday, Marshal Ogarkov heads the short list of those expected by many Western diplomats to be his eventual successor. On the basis of his performance at the news conference, many diplomats believed the marshal could be a formidable figure, particularly at a time when the Soviet military's political influence appears to be running high.

"He's smart, and he's tough, and he's cool, and the way he's handling this business shows that he can take a bad brief and give it a pretty good run," one Western envoy said. "What more could the Kremlin want?"

LECH WALESA'S NOBEL PRIZE

Mr. ROBERT C. BYRD. Mr. President, Alfred Nobel established annual awards, to be given to those men and women whose work in physics, chemistry, medicine, physiology, literature, and peace was deserving of exceptional recognition. In that last and most important category—peace—the prize has been bestowed on some of the greatest men and women of our century. These recipients have contributed to the fundamental stability of our world, and to the quality of human life. Recent recipients have included Mother Theresa, Anwar Sadat, Menachem Begin, and Soviet dissident Andre Sakharov.

Yesterday, the peace prize was awarded to Lech Walesa, leader of the outlawed Polish labor union, Solidarity. Walesa has championed the cause of freedom of association and basic human rights in a time and place where those causes are anathema. He has gone toe-to-toe with the Soviet-inspired repression in his native Poland, and he bears the scars. He was imprisoned, slandered, and humiliated by a system that has nothing but contempt for the dignity of its own people. He was dismissed from his job, and his

union was broken up by force. But at a recent sports event, people in the audience learned that Walesa was there, and that it was his birthday. Suddenly, without any prompting, thousands in the stadium rose to sing him "Happy Birthday." No amount of repression or fear can suppress the kind of spirit that Walesa has ignited in his fellow countrymen, and they hold the man—and what he stands for—in a special place in their hearts.

In its citation, the Nobel Committee said Walesa's battle for worker's rights has been characterized by "A determination to solve his country's problems through negotiation and cooperation." They went on to say that "This contribution is of vital importance to the wider campaign to secure universal freedom to organize."

Walesa is an ordinary working man—an electrician—who saw the need for fundamental change in his society and went on to bring about that change through peaceful means. Working men and women in this country identify with him, and support him in his efforts to achieve the basic rights that Solidarity sought. The Polish Government knows all too well that the imposition of martial law did not stop the inexorable movement toward those goals. The pride and dignity of the Polish people will not be submerged by force. The selection of Lech Walesa as recipient of the Nobel Peace Prize renews that pride and the legitimacy of Walesa's struggle. I congratulate him; and wish him every success.

I ask unanimous consent to have printed in the RECORD the news story announcing the award.

There being no objection the matter was ordered to be printed in the RECORD, as follows:

NOBEL PEACE PRIZE

(By Chris Lund)

OSLO (UPI).—Lech Walesa, the electrician who led Poland's Solidarity trade union in a defiant quest for freedom under a Communist regime, won the 1983 Nobel Peace Prize, the Nobel Committee announced Wednesday.

The committee citation said Walesa's battle to win workers' rights from the Warsaw government has been characterized "by a determination to solve his country's problem through negotiation and cooperation" and his efforts "will contribute to a relaxation of international tension."

When the news came, Walesa was picking mushrooms near his home in Gdansk, Poland, and unaware he had become the first Pole ever to win the Nobel Peace Prize.

"I am so happy, so happy," his wife Danuta, said in disbelief. "I cannot say how happy I am. It's wonderful. I told him not to go out. Now he'll be the last to know."

"It is a great thing for him and for the whole nation," said Walesa's priest, Rev. Henryk Jankowski. "Walesa symbolizes the nation."

In Warsaw, the Polish Government refused to comment on the award, which came at the height of government propaganda campaign accusing Walesa of trying to stash $1 million in the Vatican Bank.

Committee Chairman Egil Aaryik acknowledged the choice of Walesa would not please Poland's military rulers.

Walesa was notified by telegram he had won the prize and was invited to the Dec. 10 award ceremony in Oslo. "We don't expect anything but we very strongly hope he comes," Aaryik said.

The committee praised his "considerable personal sacrifice" in battling for workers' rights—including nearly a year of detention while Poland was under the martial law declared in December 1981.

"This contribution is of vital importance in the wider campaign to secure universal freedom to organize—a human right as defined by the United Nations," the committee said.

Other nominees for the prize this year included Desmond Tutu, a black Anglican bishop active in fighting South Africa's apartheid policy, and former U.S. Middle East enjoy Philip Habib.

Prize winners receive a gold medal and monetary prize that this year is 1.5 million Swedish kronor ($200,000). It is uncertain how Walesa will collect or whether he will be allowed to travel to Oslo to receive his prize.

ANOTHER VOICE AGAINST HIGHER PHONE RATES

Mr. DIXON. Mr. President, an editorial in the New York Times urges that the Senate not rush to judgment on S. 1660, the bill which interjects the Congress into the morass surrounding the break up of the American Telephone & Telegraph Co.

This is my feeling exactly—that haste is only going to complicate an already complex situation, rather than improve it.

Even though we are distracted at the moment, Mr. President, by the important business at hand, I beseech my colleagues to pay particular attention to developments in the telecommunications field. All of us must be thoroughly briefed on this vital matter, lest we compound the situation by making serious and long-reaching mistakes.

I request unanimous consent, Mr. President, that the editorial from the New York Times be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 6, 1983]

PUTTING CONGRESS ON HOLD

The Federal Communications Commission wants residential telephone users to pay $2 a month and businesses as much as $6 a month for access to long distance. But Congress, fearful of a backlash when the proposed rates start in January, threatens to overrule the decision. That would be an ill-informed mistake.

To the F.C.C.'s critics, the access charges are another assault on common sense by economic theoreticians bent on tinkering with the best telephone system in the world. In fact, flat-fee access charges are no threat to phone service. Far from it. They would produce better service for no more money. Congress seems not to understand that—and should not rush to judge until it does.

A few decades ago, long distance was an expensive luxury in a telephone system built primarily for local use. The way long-distance costs were apportioned was relatively unimportant. But new technology has dramatically changed the economics of telecommunications. Today, the real cost of calling cross-country is only slightly greater than calling crosstown.

Yet for reasons of inertia and politics, the regulators have only recently begun to adjust rates accordingly. Despite this failure to adjust, American phone service remains first-rate. Why should we tinker with it now? In part, because technology forces us to.

Long-distance callers will pay inflated charges only if they have no alternative. Now, heavy users can create their own satellite communications systems, entirely bypassing Ma Bell and her high rates. For the moment, such systems carry only a tiny fraction of long-distance traffic, but the handwriting is on the wall if not in the airwaves: Long-distance charges must come down.

Long-distance callers share the use of billions in equipment in local phone company offices. On average, a quarter of the messages traveling along local wires are long-distance. To compensate the local phone companies, long-distance users are now billed for about a quarter of the local equipment costs, about 15 cents a minute.

What's wrong with that? Once local systems are built, it costs little or nothing to provide access to long distance. The 15-cent-a-minute charge thus needlessly discourages long-distance calls. So Billy calls home from college once a month rather than once a week. Businesses spend $4 to type and mail a message that would cost the phone companies only $3 to handle. Multiply that by millions of long-distance calls not made each day and you get some idea of what the inefficiency costs.

With fixed access rates, individual long-distance calls will cost less, encouraging people to make more of them, thus creating more efficient use of the whole phone system.

Critics charge that to rely more on fixed access fees would force poor people to give up their phones. If that were a realistic danger, more efficient use of long distance might not be worth the social cost. But it's not realistic. In fact, the F.C.C. has invited phone companies to create cheap, no-frills, "life-line" service if they haven't already established. it.

Congress has a choice. It can surrender to political panic and vote to retard change, hoping that long-distance callers don't find ways to beat the overcharges. Or it can allow a gradual transition to efficient, cost-based pricing, taking care to protect access to phone service at reasonable prices. And that is no choice at all.

THE WEIRTON STEEL CO. ESOP

Mr. LONG. Mr. President, on September 23, the community of Weirton W. Va., took a historic vote on a matter of potential great significance not only to that community but to communities all across the Nation.

For three-quarters of a century, the dominant industry—as well as the largest private employer—the Weirton

has been the local steel mill which operated as a division of Pittsburgh-headquartered National Steel Corp.

In order to survive in the beleagured steel industry, Weirton's 7,000 steelworkers voted to utilize an employee stock ownership plan (SOP) to buy the Weirton facility. In order to undertake this historic buyout, the employees agreed to reduce their compensation approximately 20 percent below that of other steelworkers in the United States.

These sacrifices were necessary, not only to make the Weirton plant more cost competitive, but also to make it financially possible for the new company to bring its facilities more in line with the prevailing state of technology in this capital-intensive industry.

In March of 1981, National Steel announced that it would no longer invest additional funds in the Weirton Division, funds that were essential if the facility was to remain a financially viable entity. At the same time, National Steel indicated a willingness to cooperate with the Weirton community to facilitate an acquistion by the employees.

During the 18½ months following that announcement, the Weirton community has demonstrated remarkable courage, determination, and resolve in undertaking the many complex steps required to complete this unique transaction.

In order to coordinate the numerous details involved, a joint study committee was formed, with representatives from both labor and management working closely together to insure that the buyout project continued to move forward. The joint study committee contracted with consultants in all of the many fields of expertise required, including attorneys, investment bankers, employee benefit consultants, management consultants, and other.

The Weirton community demonstrated their support for the efforts of the joint study committee by sponsoring a broad range of fund-raising activities. The State of West Virginia also put its resources behind this effort, with Gov. Jay Rockefeller helping to obtain State economic development funds to assist the joint study committee's efforts.

West Virginia's fine congressional delegation also helped by lending their enthusiastic support to this undertaking. In particular, Senators ROBERT BYRD and JENNINGS RANDOLPH were instrumental in helping to overcome Federal regulatory barriers that would otherwise have imposed additional costs on the firm at a very inopportune time.

Mr. President, the support that united behind this proposal provides an excellent example of how a community can find its way out of economic adversity.

The vote approving the employee stock ownership plan—82 percent approval—is, of course, only the first step. The ESOP alone is not going to save Weirton, although the tax incentives available for ESOP's will help to make the acquisition possible. But the new Weirton Steel Co. will still need to produce a high quality product at a competitive price. Fortunately, Weirton has a well-deserved reputation for top quality production by a highly skilled work force.

The eyes of the world are going to be on Weirton for some time to come. Over the next few weeks and months, this historic vote will be discussed and debated in business and labor circles all across the Nation, and, indeed, all across the world.

The Weirton community is stepping out in a new direction, a direction that I believe can show people the world over how the benefits of our system can reach out and include people in all walks of life. This farsighted and courageous community has the potential to set an example of workability, to show other industries, and other nations, how an enterprise—and a community—can pull together to make it through difficult times.

Their efforts have been a source of pride and inspiration to those of us who have watched them closely over the past year and a half. I know that people everywhere join me in wishing them great success.

There have been many articles discussing the Weirton ESOP as the planning proceeded. One of the best appeared in the August 13, 1983 edition of the National Journal.

I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORKERS AT WEIRTON STEEL SEE ONLY ONE WAY TO SAVE THEIR FAILING PLANT: BUY IT

(By Richard Corrigan)

WEIRTON, W. VA.—Everyone here knows how the most important election ever held in this city will come out, even before the voting date has been set and the thousand-page voters' guides have been passed around. Don Michaux, a gray-haired shop steward at the huge Weirton steel plant, cheerily sums up the limited choice that will be on the ballot: "It's a two-horse race. One of 'em's dead and one of 'em's not."

The live horse may have its drawbacks, but few votes are expected for the alternative.

This is an economic election, not a political one, and it represents a landmark development in U.S. labor-management relations. Workers at the Weirton Steel Division of National Steel Corp. expect to vote soon—maybe in September—to swallow cuts in wages and benefits as part of a deal in which local labor and management will take over ownership of the plant.

If all goes according to plan, the newly independent Weirton Steel Corp. will become the biggest employee-owned company in the nation, with annual revenues of up to $1 billion or more, making it one of the nation's top 10 steel companies and a member of the Fortune 500 industrials.

The alternative to accepting the package deal is to let National Steel keep the plant. But National doesn't want it and has declared that it will cut back its Weirton operations drastically if the employees don't take it over. That would lead to, if not a total shutdown of the plant, something very close.

With National's encouragement, Weirton jumped at the chance to keep the plant going under local ownership. The major union at the plant, the Independent Steelworkers Union, teamed up with the Weirton division's management to form a joint study committee to engineer a takeover plan. In an outpouring of hometown boosterism, community groups staged a series of fund-raising drives to help meet the $2 million-plus costs of outside advisers. Bake sales, telethons, golf outings, "We Can Do It" posters and T-shirts and a benefit performance by Frankie Yankovic and his polka band were all part of the campaign.

The Commerce Department's Economic Development Administration chipped in $100,000 to help meet initial costs, and the city of Weirton is readying an application for a $20 million urban development action grant from the Housing and Urban Development Department. The grant would be used for capital improvements inside the steel plant.

Weirton's effort to save the plant has attracted national attention, not because a worker-owned plant is a novelty but because this smokestack enterprise is so big that it dominates the local economy. In its heyday, the Weirton plant employed some 13,000 workers; even now, with 7,200 on the job and another 2,500 on the recall list, it is West Virginia's biggest single-location employer, says union president Walter F. Bish.

At a time when plant closings have become a nationwide phenomenon, Weirton's effort sparks hopes that other endangered companies might be rescued through the same tactic.

Sen. Russell B. Long, D-La., congressional champion of employee-owned stock plans, said in a June speech to the Weirton Chamber of Commerce, "You are on the threshold of creating something that will not only give new life to the Weirton community but will also serve as a beacon of hope to people in distressed communities all across this nation."

There is, however, no guarantee that the new company will survive. It is, after all, entering an industry whose major companies lost a combined total of more than $3 billion last year. And Weirton enters the business with a reputation of having the highest-priced labor in an overpriced labor sector.

"Whatever the USW [United Steelworkers of America] got, Weirton always got a little bit extra," said John G. Redline, president of National's Weirton Steel Division. "Which meant we never had any fear of work stoppages."

That "little bit extra" bought a no-strike clause in the local union's contract—the last Weirton steel strike was a half-century ago—but has been pricing Weirton out of the world steel market, Redline said. Weirton's veteran steelworkers commonly pull down $30,000, $40,000 or even $50,000 a year.

"The Japanese are $10 a man-hour cheaper than the [American] steel industry, and they're $13 a man-hour less than Weirton," Redline said. "Is it any wonder that these plants are dropping like flies?"

Redline said of the pending wage and benefit cuts in the Weirton plant, "Eighty percent of $27 an hour is a hell of a lot better than 100 percent of nothing. And that's what we're faced with." Redline was a candidate for the top job in the new company but announced his retirement after the incoming board of directors chose someone else.

A plant closing anywhere can be painful, but in Weirton's case the result would be a wipeout. This little Ohio River Valley city, jammed between wooded ridges in the northern tip of West Virginia, has been a one-company town since the first Weirton steel mill was founded by Ernest T. Weir around the turn of the century. Weir's company later was one of the founders of National Steel Corp.

The mill, which has provided jobs for generations of Weirton-area residents, overwhelms the city. To visualize its size, imagine that the Washington Mall, from the foot of Capitol Hill to the Lincoln Memorial and from Constitution Avenue to Independence Avenue, was one big steel plant. That's about the size of the Weirton plant—389 acres of furnaces and smokestacks, steel coils and railroad yards looming over a city of 25,000 residents.

Downtown Weirton is just a thin commercial outcropping along the rim of the plant. If the plant closed, it would be the end of civilization as Weirton knows it.

PUTTING THE SQUEEZE ON

The takeover campaign began when Pittsburgh-based National Steel announced on March 2, 1982, that it had decided to "substantially limit its future investments" in the Weirton plant. In effect, National said it was preparing to pull the plug—but suggested that an employee-owned company could be a "viable option."

While National's announcement stunned the city, the company had already made clear that it was diversifying out of the steel industry. In 1980, National moved into the financial sector with a $241 million cash purchase of United Financial Corp. of California. In its 1981 annual report, the company explained its strategy by saying that "businesses that cannot demonstrate either cash-generating capabilities or solid growth prospects will be reduced or divested." The company said it would "continue to adjust the size of its steel businesses downward."

The Weirton division, which accounts for nearly 40 per cent of National's steel production, generated revenues of more than $1 billion in each of 1980 and 1981. The figure skidded to $817 million in 1982, a calamitous year for the steel industry. On a company-wide basis, National lost nearly $500 million in 1982 as revenues fell by more than $1 billion.

In its 1982 annual report, National said the Weirton division had been "marginally profitable" during the previous five years but would require hundreds of millions of dollars in additional capital investments, with "slim prospects" of returning a reasonable profit. "Weirton's high cost position, due in large part to the fact that its employment costs are the highest in the steel industry, made even its long-term survival a question mark," National said.

Howard M. Love, National's chairman and chief executive officer, told the company's annual meeting this May, "The decision to sell the plant to the employees was, in large measure, predicated on our very real and sincere concern for the welfare of our Weirton employees and the people of Weirton." Love also said that if the employees voted against the agreement, the company would proceed with its plan to cut back operations there. There would be "no second vote," he said.

National's motive in promoting the idea of an employee-owned Weirton is not wholly altruistic, critics say.

"My personal opinion is that the reason for this whole froth is for National Steel to avoid the costs associated with a shutdown," said Staughton Lynd, senior attorney for Northeast Ohio Legal Services, a National Legal Services Corp. unit in nearby Youngstown. Lynd, a longtime activist in civil rights and antiwar movements, is representing some Weirton steelworkers in a legal challenge to the pending takeover. "If anybody thinks they did this for their Boy Scout interest in the welfare of Weirton, they're off their rocker," he said.

Barron's magazine, in a critique of the deal, said the Weirton plant is more costly dead than alive from National's standpoint. "National would face liabilities of hundreds of millions of dollars for early pensions and income supplements if it tried to liquidate the operation," the magazine said. "If the proposed worker-owned concern survives just five years . . . it can forget about them. So National is willing to part with hundreds of millions in assets (as valued by its bookkeepers) for not very much immediate cash."

THE WORKERS RESPOND

"We get paid to tell people what will work and what will not work," said Ronald M. Bancroft, a principal in the consulting firm of McKinsey & Co., Inc. For a $500,000 fee, McKinsey surveyed the prospects for an independent Weirton Steel and concluded that it could indeed work—if the employee-owners would be willing to accept big concessions.

The McKinsey firm is not the only blue-chip adviser involved in launching Weirton Steel Corp. The New York investment banking house of Lazard Freres & Co. and the New York law firm of Willkie Farr & Gallagher have provided financial, negotiating and other services—for fees of about $300,000 and $900,000 through May 31.

The Weirton Joint Study Committee, the labor-management unit that was set up to plan the takeover, has rolled up expenses of more than $2 million so far and a deficit of more than $500,000. Before entering into takeover negotiations with National, the labor-management committee retained an actuarial consultant to estimate National's liabilities for pensions and other benefits if it shut the plant.

According to union president Bish, the study showed that National's current pension and benefits liabilities totaled $452 million and its current pension fund assets totaled $350 million. But in the event of a shutdown, the study showed, National's liabilities would balloon to $770 million because of the added costs of early pension payments, severance payments and other items.

These numbers gave the Weirton team some negotiating room in the talks with National, which clearly wanted to avoid the shutdown costs.

"Definitely they did not want to shut it down and assume the pension liabilities," Bish said. Under the terms of the proposed deal, he said, "they did not get out of any pension liabilities."

If the employee-owned plant folded after five years, it would be liable for newly earned pension benefits. But National will continue to be responsible for its current pension liabilities, including its share of pension benefits for future retirees, Bish said. A worker "will never lose anything that he would have now with National," he said.

On Jan. 31, National announced a $286 million loss in the fourth quarter of 1982 in connection with the proposed sale of the Weirton plant, after including the money it would receive from the sale. More than half the total loss, $151 million, represented employment-related costs such as projected pension payments, with the rest covering projected losses on assets and other items.

Then on July 19, National said in its report on the second quarter that it was adding another undefined $100 million to its projected loss on the Weirton sale. The company added that it did not think any further writeoffs would be necessary. The announcement of the additional $100 million loss suggested that the Weirton labor-management unit, through its outside negotiating team, had succeeded in getting National Steel to assume heavier pension and benefits liabilities than the company originally had thought it would.

The final terms of the deal, including the workers' concession package, will be set forth in the election document. The long-delayed election is scheduled to be held three weeks after the document has been issued.

Most workers seem willing to accept cuts in pay and benefits as the price they must pay to start the new company.

Estimates of the total cuts range from a high of 32 per cent—the target figure suggested by the McKinsey study—to a low of about 14 per cent in reduced take-home pay. A figure in the lower range seems likely to show up in the final concessions package.

"A big part of the difference is that they got a more favorable settlement from National" than was originally expected, said McKinsey's Bancroft.

"I don't care about the cuts," said Richard Pernell, a 35-year-old shop steward and third-generation Weirton worker. He said he hoped that by taking the cuts, those still working would help make it possible for laid-off employees to be recalled.

"My people are worried about the management," he said. "Are we going to have the right personnel to make this thing work?" He added, "I wouldn't give 2 cents" for the current management team.

Carl Ferguson, a 49-year-old steward, said of the concessions package: "Pensions are the priority. Pensions have always been the priority." He said he was satisfied with the way pension rights were being protected in the contract negotiations.

But not everyone thinks the concessions, like doses of bitter medicine, must be swallowed.

"I'm voting against every proposal and every motion to take a nickel away from the people who work in this mill," said "Big Mike" Hrabovsky, a 43-year-old steward who came out third in a threeway race for the union presidency last year. He is a leader of a dissident organization that is challenging the term of the takeover.

The big issue is pensions. Hrabovsky said many veteran workers—himself included—stand to lose early pension benefits and severance payments for which National should be held liable under the current contract.

Under the takeover proposal, National would stand behind these special pension commitments for five years. The new company then would be on its own, and if it failed in its sixth year, these employees could be left in the cold.

The concession package ("fishheads and rice") and other aspects of the deal also drew angry comments from Hrabovsky, a militant labor man who derides the Weirton independent group as a "scab union."

The new Weirton company will eventually cut the work force just as National Steel planned to do, Hrabovsky said. If this is the best deal the workers can get, he said, they might as well let the plant close. "What good does it do to the people in this town to tell the world, 'Look at me, I'm working.'" Nevertheless, he conceded that the vote would be heavily in favor of the plan.

A similar challenge to the concessions package was brought by 181 Weirton employees who said they stood to lose pension benefits if the new company should collapse. John R. Spon Jr., a Steubenville (Ohio) attorney who represents these workers, said of the takeover deal:

"It raises the fundamental question of whether an employer can, down through the years, offer pensions and supplemental pensions . . . and then threaten a shutdown of the mill . . . and then say they will not shut the mill if the employees buy it and agree to amend the pension plan."

After an initial setback in U.S. District Court for the District of West Virginia, Spon is preparing an appeal to the U.S. Court of Appeals for the 4th Circuit. He said his clients were prepared to take their case to the Supreme Court if necessary. "What other choice do they have?" he asked. "Who's going to hire a 51-year-old unemployed steelworker?"

These legal challenges may not prevail in court, but so long as they are pending, the start-up of the new company could be delayed.

"National is not going to complete this transaction until those lawsuits are settled," said Eugene J. Keilin, senior vice president of Lazard Freres, which participated in the negotiations with National Steel on behalf of the Weirton labor-management group. Keilin said National could get "the worst of both worlds" if it lost the pension cases because it would be selling its Weirton assets at a knockdown price while still being held liable for steep pension and other benefit bills.

Keilin said of National: "They are wagering that the company is going to survive. Obviously they never would have agreed with this [five-year] safety net if they thought it wouldn't."

Additional suits may be filed on the question of whether laid-off workers will be allowed to vote on the takeover package. David L. Robertson, counsel to the steel union, said if the laid-off workers were not allowed to vote, they would probably sue, and if they were allowed to vote, some workers might sue. "Either way, we get to go to federal court," he said. "It's a question of who drives us there."

EMPLOYEE-OWNERS

As the Weirton case amply demonstrates, it takes more than a signature on the dotted line to swing a takeover deal by employees of a sinking plant. This will be the biggest, and probably most convoluted, organization yet of an employee stock ownership plan, or ESOP.

There are about 5,000 ESOP plans in effect nationwide, says the Employee Stock Ownership Plan Association, but most are modest profit-sharing plans in which workers hold a small amount of stock. Workers probably hold majority control of the stock in only a few hundred of these plans, the association believes.

"It's taken longer than we expected," said Keilin of Lazard Freres. There were "so many turns in the road that had to be negotiated slowly. Most ESOPs either hold a small percentage of the company's stock or were the creation of lawyers and consultants." In this case, investment advisers were involved from the start because of the capital needs of the upstart company.

"This thing could have fallen apart 50 different times," said McKinsey's Bancroft.

"It's an enormous project," said union counsel Robertson. "No one had any realistic time frame."

The viability of the plan is based on the assumption that Weirton's employees would never agree to make substantial concessions to National Steel on wages and benefits but would go along with cuts if they held majority ownership in the plant. The ESOP mechanism, as established and embellished by Congress, also lets employee-owned firms use special tax breaks that could not be used by National Steel.

"The big thing about an ESOP is that it allows individuals access to capital that they couldn't otherwise get," said Corey M. Rosen, executive director of the National Center for Employee Ownership in Arlington, Va. He offered this checklist for workers who may try to assume ownership of a failing company:

Time. Employees need at least six months to a year to plan a successful takeover while the company is still operating. "Once a company closes," he said, "it loses its customers very quickly."

Potential profits. If the company is not making money now, there ought to be a reasonable expectation of reasonable profits in the future. Definitions of "reasonable" vary; a given percentage may be "not good enough for a conglomerate" but adequate for employees, who will at least keep their jobs.

Organization. Some sort of leadership structure has to be put together to keep the takeover process rolling.

Financing. With the availability of employee stock ownership plans and other mechanisms with built-in tax breaks, financing is "not so much of a barrier as it used to be."

Cooperation. "You have to have a willing seller."

Rosen said an ESOP is an especially handy device for carrying out a so-called leverage buyout such as the Weirton deal, in which money is borrowed to buy a company with the loan to be paid back from the future revenues of the acquired firm. When the ESOP pays back such a loan, he explained, both the interest and principal can be deducted from taxable income. Thus the entire amont of the loan is repaid in pre-tax dollars.

"The future earning stream is really what the banks are looking for," said Luis Granados, managing director of the ESOP Association. And as for the borrowing company, it gets the ESOP tax breaks.

The current tax advantages are spelled out in a paper by Jeffrey G. Gates, a Senate Finance Committee minority staff member. The paper notes that a company can pay up to 25 percent of its annual payroll into an ESOP to repay the principal of a loan and take a tax deduction, while there is no limit on the tax-deductible amount that can be spent on interest payments. The various ESOP provisions have been used by companies to raise capital, engineer takeovers and fend off takeovers, not simply to give employees a piece of the ownership.

"Organizing a buyout can be a very complicated, difficult process, and the necessary resources for it may not be available in many situations," said the Conference Board, a business research group. "In addition, the parent company may be able to do better from a tax write-off of the building and land than by selling the plant to the employees."

Nevertheless, the report said, just because a parent firm opts to close a plant does not necessarily mean the plant is a sure loser. The company may simply figure it could make more money elsewhere, the report observed, whereas local managers and workers may be satisfied with a lower profit potential if their jobs could be saved. The report described the Weirton takeover as a case in point.

Under the agreement in principle between National Steel and the Weirton joint committee as announced in March, the new Weirton Steel Corp. will buy the Weirton plant for $66 million, or 22 per cent of its listed value of $300 million. No principal payments will be due until the sixth year, and no interest payments will be due until the new company achieves a net worth of $100 million. The interest rate is set at 10 per cent.

Weirton's current assets—such as raw materials, steel inventory and accounts receivable—will be purchased under a separate provision. The amount was not listed in the tentative agreement; the Conference Board report lists a figure of $300 million, with $75 million due up fron t and the balance spread over 28 years. The new firm will also assume some of Weirton's debts, with details to be spelled out in the election package.

Even though the blue-collar workers will hold about 70 per cent of the company's stock—with white-collar employees getting the rest—this will not be a worker-run enterprise. Sink or swim, the new company will operate pretty much as any other.

Employees will have no direct voice in the running of the plant. Control will be vested in the 10-member board of directors. The management and labor camps will select two directors each; the balance of power will be held by the six outside directors, all with business backgrounds, who were named by the joint committee from a list drawn up by an executive recruiting firm.

The employees will be workers by day and owners by night, as the setup is generally described here. This is the only way the fledgling company could gain credibility when it approaches bankers for investment capital, the parties agreed.

"It's like having the sailors come on deck to decide which way to turn the aircraft carrier," said Keilin of Lazard Freres. "You couldn't do it that way."

WHAT THE FUTURE HOLDS

It remains to be seen whether the new company will make it. Weirton has always prided itself on the quality of its steel products—with tinplate used for cans it's lead item—but the can market has been shrinking steadily under competition from aluminum. "There's nothing wrong with being in a good, solid declining market if you've got a good position in it," Bancroft said.

One thing that has changed is that the union is in an unusual position in negotiating wage and benefit scales. In the old days, said union president Bish, the union simply tried to get as much as it could. "Now we're looking at the costs of things," he said. "We're negotiating with us."

Weirton's traditionally top-of-the-line labor costs will have to be held in line to give the company a chance, industry analysts say.

"More power to them if they can pull it off," said Charles A. Bradford, a vice president at Merrill Lynch, Pierce, Fenner & Smith Inc. The key factor will be the cost of labor, he said. "Nothing will help if you don't get the wages down."

As the extended negotiations here have shown, there are limits to the concessions that the workers will make. Union counsel Robertson suggested that Weirton would try to get its costs in line with other American steel firms, not beneath them. "We're not doing this to start a price war because we'd get wiped out in a year," he said.

John Spon, attorney for the dissident workers, predicted a bleak future. The new company will be a "grossly insolvent" entry in a declining smokestack industry, he said, speculating that National Steel may place just enough orders with Weirton during the first five years to keep the new company alive and avert its own pension and benefits liabilities.

"Lots of people whose businesses are in trouble are going to think, if Weirton gets off the ground, that ESOPs are the answer," said Keilin of Lazard Freres. But in practice, he said, "I think it will be explored in lots of cases and done in relatively few."

Richard Prosten, a pensions and investments analyst at the AFL-CIO's industrial union department, said of ESOPs: "The only people who come in with these ideas are companies that are in trouble. I've never heard of a healthy company of any size that offered the company to its employees." There is nothing wrong with the ESOP concept, he said, but it can be used "to bilk employees out of their future security. It's not a substitute for a real pension plan."

Meanwhile, there are about 2,500 laid-off workers wondering whether their jobs at the Weirton plant will return once the new firm gets rolling. Redline, the just-retired Weirton Steel Division president, fanned these hopes while campaigning for the chief executive officer's position.

Joseph M. Mayernick, a laid-off employee at Weirton, is among those who doubt the plant will ever regain its glory days. Mayernick is now executive director of a church-sponsored group called Change Inc., which offers job-search and counseling services to laid-off steelworkers. "Most of them are here sitting and waiting for ESOP," Mayernick said.

"We have to change," he said. "Things that have gone on for 70 years in this town have to change." He said he would ask a worker who might be No. 825 on the recall list and whose unemployment and supplemental benefits have now run out: "Can you afford to lose your house, your cars, everything you've worked for, while you're waiting? What if they only call back 824?"

The trouble is, there is not much else to look for in Weirton. And at the Weirton Bus Terminal, where steelworkers drop in for coffee before entering the plant across the street, proprietor Louis G. Fekaris said many who left town later came back. Some ended up in tent cities in Houston, he said, and then their parents came to Fekaris's terminal—which also serves as the local Western Union agency—and wired money for the trip home.

People here want to believe that the employee-owned company will work—which may be a precondition to the company's having any chance at all. William E. Freeze, general manager of the Steel Works Community Federal Credit Union, spoke hopefully about the coming "turnaround," saying: "It looks like this is going to be our biggest and best year. I think everybody is confident that the ESOP plan is going to be approved, and everybody will be working for something that they're sharing in for the profits." In the meantime, he said, the credit union at least is still in the black after cutting its own expenses and is being patient about overdue loans from laid-off members.

Weirton had a good thing going and doesn't want to lose it. As Sen. Long said in his speech here, "The Weirton community's all-out support for the ESOP reminds me of that great American philosopher, Mae West, who once said, 'Too much of anything is simply marvelous.' "

At union headquarters, a secretary said laid-off workers call in to get their number on the recall list. "I had one call in this morning who was two thousand three hundred and something," she said. "I had another one call in who was No. 6."

"If I had five years [seniority] or less, I'd get out," she said. "But I wouldn't tell them that for the world. If they still have hope, more power to them."

Mr. RANDOLPH. Mr. President, will the able Senator yield?

Mr. LONG. I yield.

Mr. RANDOLPH. Mr. President, the approval of the Employee Stock Option Plan by the employees of Weirton Steel is a very important action. To reach the successful vote on September 23, required the cooperation of literally thousands of persons in the Weirton community as well as the workers in the steel plant, formerly the Weirton Steel Division of National Steel Corp., now the Weirton Steel Co.

The families and the men and women of that community have come together in a positive commitment to continued employment, and the special quality of life enjoyed by the close-knit Weirton citizens. The plant will continue to produce the essential products which are necessary for many steel consumers and add to the economic well being of that area of West Virginia and parts of Ohio and Pennsylvania.

I commend my colleagues, Senator BYRD, with whom I have worked, as well as many others, and I thank the Senator from Louisiana (Mr. LONG) for his thoughtfulness in bringing this matter to the attention of the Senate.

Mr. LONG. Mr. President, both Senators from West Virginia, Mr. RANDOLPH and Mr. BYRD, played a major part in helping to save the jobs of these workers.

In my judgment, what was done here is a good indication of what can be done where a plant is no longer competitive particularly because a line of the product is no longer being produced and because the plant is growing old and because the labor wage rates are out of line compared with conditions around the world. If other workers are willing to make a similar sacrifice, I hope management will be willing to meet them half way in order to save this important industry.

Mr. RANDOLPH. Mr. President, I thank my colleagues again, because this action was thought through carefully and brought to fruition by tenacity.

The people in management and the people in the labor force and the people of that area which is vital to three States—notably Weirton, W. Va.—are leading the way, as the Senator from Louisiana has indicated, in an accomplishment that I hope will provide a pattern for continued production of steel in this country. I repeat that steel is one of the basic industries of our Nation, and the Weirton workers and community, when faced with the possible reduction in capacity and employment at their steel plant, met the initial hurdles and approved the ESOP. We shall continue to stand together as Weirton Steel moves forward to meet the challenges facing this creative plan.

Mr. LONG. I thank the Senator.

STRATEGIC ARMS REDUCTION TALKS

Mr. BOREN. Mr. President, yesterday's edition of the Washington Post carried a headline "Reagan Sends Team Back to Arms Talks With New Proposals." Tuesday, I was privileged to attend a meeting at the White House with some 20 other Members of Congress at which the President outlined the nature of the proposals which he has directed our negotiators to advance at the Strategic Arms Reduction Talks.

The President's proposals demonstrate clearly and forcefully that the United States is acting in good faith to reach an agreement with the Soviets which is balanced and fair to both sides. If the Soviets fail to give serious consideration to these proposals, it will be an admission to the rest of the world that the Soviet Union is not serious about its professed desire to reduce the dangers of nuclear war.

In these proposals, the President has walked the extra mile. He has included the variable build-down proposal among the items which will be presented. He also made it clear that he is willing to consider combining the bomber and the throw weight issues. Failure to consider the American bomber advantage and the Soviet throw weight advantage simultaneously has proved a stumbling block in past negotiations.

In making these decisions the President has maintained a real working partnership with Congress. The approach has also been truly bipartisan.

I am also especially pleased that the President has named my fellow Okla-

homan, R. James Woolsey, to the negotiating team. Jim Woolsey, who has served as Undersecretary of the Navy and as counsel to the Senate Armed Services Committee when it was chaired by Senator JOHN STENNIS, is an able addition to the negotiating team and makes it clear that the President is truly following a bipartisan approach.

When the meeting at the White House reached its conclusion, the President received an unusual spontaneous round of applause from the Members of Congress who were present. The President deserved that applause. It should demonstrate to the Soviet Union that the President's negotiators return to Geneva, not with the proposal of just one party or faction, but with an American proposal which has broad bipartisan support. It is a fair and realistic proposal and the world will have a chance to judge real Soviet intentions by weighing their reaction to it. For the sake of the safety and security of all peoples of the world, let us hope and pray that the Soviets will respond positively.

TOLERANCE AND TRUTH

Mr. BOREN. Mr. President, when I am asked by a constituent to define what our Nation most needs, I answer by saying that we need to rebuild our spirit of community, that we need to get into the same boat together and pull together as Americans. We need the kind of spiritual revival that will enable us to see that we are indeed brothers and sisters, part of one human family, mutually deserving of respect and consideration.

All too often, we concentrate upon our differences. We emphasize our economic, geographical, political, or religious differences instead of focusing upon the values which we all share as Americans.

There are too many in our society who are adept at name calling, at building stereotypes which make it harder to achieve tolerance and mutual respect. We have too many wedge drivers in our midst and not enough bridge builders.

Some bridge building took place this week that deserves our recognition and appreciation. Our colleague, Senator TED KENNEDY of Massachusetts, appeared at Liberty Baptist College in Lynchburg, Va., to speak to the faculty and student body. He was hosted by Dr. Jerry Falwell, founder of the college and leader of the Moral Majority.

What took place reflects credit upon all of the participants, especially upon Senator KENNEDY who had the courage to forthrightly present his views to an audience which has opposed him on most issues, upon Dr. Falwell who was a gracious host, and upon the students at Liberty Baptist College who gave Senator KENNEDY a respectfully and courteous hearing.

The entire event provides for all of us a glimpse into the true greatness of America. It displayed the American spirit at its best. Let us hope that each of us will remain forever dedicated to the proposition that "While I may disagree with what you have to say, I will fight for your right to say it."

Senator KENNEDY's speech eloquently expressed the need to preserve the separation of church and state and the maintenance of religious freedom. Our ancestors came to this country seeking religious freedom. It was not an absence of religious conviction that led them to seek religious freedom. On the contrary, it was because their religious convictions were central to their lives that they sought such freedom. They knew clearly the dangers of misusing the power of government to impose values which we cannot get others to voluntarily accept.

They knew from their own experience that today's majorities can become tomorrow's persecuted minorities. They knew that in diminishing the freedom of others, they were ultimately diminishing their own freedom. As Senator KENNEDY aptly stated, "Once we succumb to that temptation, we step onto a slippery slope where everyone's freedom is at risk." Historically, Baptists have been among the most diligent in guarding the separation of church and state for that reason. They were themselves the early targets of oppression.

Whether or not one agrees with Senator KENNEDY about partisan contemporary issues, his speech is well worth reading. He sets forth four basic principles which define the relationship between church and state. He says:

First we must respect the integrity of religion itself. Second, we must respect the independent judgments of conscience. Third, in applying religious values, we must respect the integrity of public debate. Fourth, we must respect the motives of those who exercise their right to disagree.

Surely every American, regardless of party or creed, will join in expressing the hope outlined in the last two paragraphs of Senator KENNEDY's speech:

I hope for an America where the power of faith will always burn brightly—but where no modern Inquisition of any kind will ever light the fires of fear, coercion or angry division.

I hope for an America where we can all contend freely and vigorously—but where we will treasure and guard those standards of civility which alone make this nation safe for both democracy and diversity. . . .

Mr. President, I again congratulate our colleague Senator KENNEDY, Dr. Falwell, and the students at Liberty Baptist College for the manner in which they approached this unusual occasion. Let us resolve as Americans to drive fewer wedges to push us apart from one another and commit ourselves to building more bridges to bring us together.

I ask that Senator KENNEDY's remarks be printed in the RECORD.

The remarks follow:

[From the Washington Post, Oct. 5, 1983]

TOLERANCE AND TRUTH

(Sen. Kennedy at Jerry Falwell's dinner table? The senator accepted an invitation to speak at Liberty Baptist College Monday night. We excerpt his speech here.)

A generation ago, a presidential candidate had to prove his independence of undue religious influence in public life—and he had to do so partly at the insistence of evangelical Protestants. John Kennedy said at that time: "I believe in an America where there is no [religious] bloc voting of any kind." Only 20 years later another candidate was appealing to an evangelical meeting as a religious bloc. Ronald Reagan said to 15,000 evangelicals at the Roundtable in Dallas: "I know that you can't endorse me. I want you to know that I endorse you and what you are doing."

To many Americans, that pledge was a sign and a symbol of a dangerous breakdown in the separation of church and state. Yet this principle, as vital as it is, is not a simplistic and rigid command. . . .

The separation of church and state can sometimes be frustrating for women and men of deep religious faith. They may be tempted to misuse government in order to impose a value which they cannot persuade others to accept. But once we succumb to that temptation, we step onto a slippery slope where everyone's freedom is at risk. Those who favor censorship should recall that one of the first books ever burned was the first English translation of the Bible. As President Eisenhower warned in 1953, "Don't join the bookburners. . . . The right to say ideas, the right to record them, and the right to have them accessible to others is unquestioned—or this isn't America." And if that right is denied, at some future day the torch can be turned against any other book or any other belief. Let us never forget: today's Moral Majority could become tomorrow's persecuted minority.

The danger is as great now as when the Founders of the nation first saw it. In 1789, their fear was of factional strife among dozens of denominations. Today there are hundreds—and perhaps thousands of faiths—and millions of Americans who are outside any fold. Pluralism obviously does not and cannot mean that all of them are right; but it does mean that there are areas where government cannot and should not decide what it is wrong to believe, to think, to read and to do.

The real transgression occurs when religion wants government to tell citizens how to live uniquely personal parts of their lives. The failure of Prohibition proves the futility of such an attempt when a majority or even a substantial minority happens to disagree. Some questions may be inherently individual ones or people may be sharply divided about whether they are. In such cases—cases like Prohibition and abortion—the proper role of religion is to appeal to the conscience of the individual, not the coercive power of the state.

But there are other questions which are inherently public in nature, which we must decide together as a nation, and where religion and religious values can and should speak to our common conscience. The issue of nuclear war is a compelling example. It is

a moral issue; it will be decided by government, not by each individual; and to give any effect to the moral values of their creed, people of faith must speak directly about public policy. The Catholic bishops and the Rev. Billy Graham have every right to stand for the nuclear freeze—and Dr. Falwell has every right to stand against it.

There must be standards for the exercise of such leadership—so that the obligations of belief will not be debased into an opportunity for mere political advantage. But to take a stand at all when a question is both properly public and truly moral is to stand in a long and honored tradition. Many of the great evangelists of the 1800s were in the forefront of the abolitionist movement. In our own time, the Rev. William Sloane Coffin challenged the morality of the war in Vietnam. Pope John XXIII renewed the Gospel's call to social justice. And Dr. Martin Luther King, Jr., who was the greatest prophet of this century, awakened our national conscience to the evil of racial segregation.

President Kennedy, who said that "No religious body should seek to impose its will," also urged religious leaders to state their views and give their commitment when the public debate involved ethical issues. In drawing the line between imposed will and essential witness, we keep church and state separate—and at the same time, we recognize that the City of God should speak to the civic duties of men and women.

There are four tests which draw the line and define the difference.

First, we must respect the integrity of religion itself.

People of conscience should be careful how they deal in the word of their Lord. In our own history, religion has been falsely invoked to sanction prejudice and even slavery, to condemn labor unions and public spending for the poor. I believe that the prophecy—"the poor you have always with you"—is an indictment, not a commandment. I respectfully suggest that God has taken no position on the Department of Education—and that a balanced budget constitutional amendment is a matter for economic analysis, not heavenly appeals.

Religious values cannot be excluded from every public issue—but not every public issue involves religious values. . . .

Second, we must respect the independent judgments of conscience.

Those who proclaim moral and religious values can offer counsel, but they should not casually treat a position on a public issue as a test of fealty to faith. Just as I disagree with the Catholic bishops on tuition tax credits—which I oppose—so other Catholics can and do disagree with the hierarchy, on the basis of honest conviction, on the question of the nuclear freeze.

Thus, the controversy about the Moral Majority arises not only from its views, but from its name—which, in the minds of many, seems to imply that only one set of public policies is moral—and only one majority can possibly be right. . . .

Let me offer another illustration. Dr. Falwell has written: "To stand against Israel is to stand against God." Now, there is no one in the Senate who has stood more firmly for Israel than I have. Yet I do not doubt the faith of those on the other side. Their error is not one of religion, but of policy—and I hope to persuade them that they are wrong in terms of both America's interests and the justice of Israel's cause.

Respect for conscience is most in jeopardy—and the harmony of our diverse society is most at risk—when we reestablish, directly or indirectly, a religious test for public office. That relic of the colonial era, which is specifically prohibited in the Constitution, has reappeared in recent years. After the last election, the Rev. James Robison warned President Reagan not to surround himself, as presidents before him had, "with the counsel of the ungodly." I utterly reject any such standard for any position anywhere in public service. Two centuries ago, the victims were Catholics and Jews. In the 1980s, the victims could be atheists; in some other day or decade, they could be the members of the Thomas Road Baptist Church. Indeed, in 1976 I regarded it as unworthy and un-American when some people said or hinted that Jimmy Carter should not be president because he was a born-again Christian.

We must never judge the fitness of individuals to govern on the basis of where they worship, whether they follow Christ or Moses, whether they are called "born again" or "ungodly." Where it is right to apply moral values to public life, let all of us avoid the temptation to be self-righteous and absolutely certain of ourselves. And if that temptation ever comes, let us recall Winston Churchill's humbling description of an intolerant and inflexible colleague: "There but for the grace of God—goes God."

Third, in applying religious values, we must respect the integrity of public debate.

In that debate, faith is no substitute for facts. Critics may oppose the nuclear freeze for what they regard as moral reasons. They have every right to argue that any negotiation with the Soviets is wrong—or that any accommodation with them sanctions their crimes—or that no agreement can be good enough and therefore all agreements only increase the chance of war. I do not believe that, but it surely does not violate the standard of fair public debate to say it.

What does violate that standard, what the opponents of the nuclear freeze have no right to do, is to assume that they are infallible—and so any argument against the freeze will do, whether it is false or true.

The nuclear freeze proposal is not unilateral, but bilateral—with equal restraints on the United States and the Soviet Union.

The nuclear freeze does not require that we trust the Russians, but demands full and effective verification.

The nuclear freeze does not concede a Soviet lead in nuclear weapons, but recognizes that human beings in each great power already have in their fallible hands the overwhelming capacity to remake into a pile of radioactive rubble the earth which God has made. . . .

I am perfectly prepared to debate the nuclear freeze on policy grounds, or moral ones. But we should not be forced to discuss phantom issues or false charges. They only deflect us from the urgent task of deciding how best to prevent a planet divided from becoming a planet destroyed. . . .

Fourth and finally, we must respect the motives of those who exercise their right to disagree.

We sorely test our ability to live together if we too readily question each other's integrity. It may be harder to restrain our feelings when moral principles are at stake—for they go to the deepest wellsprings of our being. But the more our feelings diverge, the more deeply felt they are, the greater is our obligation to grant the sincerity and essential decency of our fellow citizens on the other side.

Those who favor the Equal Rights Amendment are not "anti-family" or "blasphemers" and their purpose is not "an attack on the Bible." Rather we believe this is the best way to fix in our national firmament the ideal that not only all men, but all people are created equal. Indeed, my mother—who strongly favors ERA—would be surprised to hear that she is anti-family. For my part, I think of the amendment's opponents as wrong on the issue, but not as lacking in moral character.

I could multiply the instances of name-calling, sometimes on both sides. Dr. Falwell is not a "warmonger"—and "liberal clergymen" are not, as the Moral Majority suggested in a recent letter, equivalent to "Soviet sympathizers." The critics of official prayer in public schools are not "Pharisees", many of them are both civil libertarians and believers who think that families should pray more at home with their children and attend church and synagogue more faithfully. And people are not "sexist" because they stand against abortion; they are not "murderers" because they believe in free choice. Nor does it help anyone's cause to shout such epithets—or try to shout a speaker down—which is what happened last April when Dr. Falwell was hissed and heckled at Harvard. So I am doubly grateful for your courtesy here today. That was not Harvard's finest hour, but I am happy to say that the loudest applause from the Harvard audience came in defense of Dr. Falwell's right to speak.

In short, I hope for an America where neither fundamentalist nor humanist will be a dirty word, but a fair description of the different ways in which people of good will look at life and into their own souls.

I hope for an America where no President, no public official, and no individual will ever be deemed a greater or lesser American because of religious doubt—or religious belief.

I hope for an America where the power of faith will always burn brightly—but where no modern Inquisition of any kind will ever light the fires of fear, coercion or angry division.

I hope for an America where we can all contend freely and vigorously—but where we will treasure and guard those standards of civility which alone make this nation safe for both democracy and diversity.

OFFICE OF PERSONNEL MANAGEMENT PROPOSED REGULATIONS

Mr. STEVENS. Mr. President, on October 15, the bar on implementation of regulations proposed by the Office of Personnel Management involving pay for performance and RIF's will expire. The Subcommittee on Civil Service, Post Office and General Services, which I chair, has been receiving frantic phone calls and visits from concerned Federal employees, and their representatives, who fear that at midnight on October 15 these regulations will suddenly become law.

Our subcommittee has held four hearings, drafted numerous alternatives, and conducted an untold number of meetings to resolve the impasse over these regulations. I have personally met with officials of the administration to attempt to reconcile our po-

sitions. It was my understanding that we were very close to an agreement and no action to bar the OPM proposed regulations would be required.

We are continuing to negotiate with the Office of Personnel Management to modify these regulations so that when they are implemented our subcommittee's objectives—maximum employee participation, fairness, and viable protections against abuse—will be achieved. The Congress, however, will not be in session when October 15 arrives. If final regulations are promulgated, on that date, that fail to meet our objectives, an amendment to bar the implementation of the regulations will be offered and I will support such an amendment.

ANGEL DUST

Mrs. HAWKINS. Mr. President, there is a new drug in town that may replace marihuana as the high schoolers' most popular abused substance. It is called Phencyclidine, or PCP, and it is a real killer. Its street name is angel dust—I do not know whether it gets its name because it gives you a heavenly high or because it turns your brain to dust or because it sends you to the angels before your time. Drug mythology has it that PCP came from the west coast in the 1970's in the saddlebags of the Pagans motorcycle gang. Today, the devils who are making it and selling it to our children are legion.

One reason PCP may have not received the fame—or infamy—it deserves is that its production and distribution are not linked to organized crime or international smuggling. It can be produced in a backyard garbage can with a couple of industrial chemicals, petroleum, cyanide, and parsley—a real witches' brew. One of the most monstrous effects it has on the body is an uncontrollable violence coupled with an insensitivity to pain. Drug abusers "dusted" with PCP have been known to gouge their own eyes out and not feel a thing. An armed angel dust user is deadly.

I do not want to imply that one illegal drug is more dangerous or deadly than another, but there are gradations of toxicity. And angel dust seems to be one of the most destructive evils around. Mr. President, I request permission to enter into the RECORD at this point an article from the Laurel Leader on angel dust.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Laurel (Md.) Leader, July 28, 1983]

PCP USE SEEN ON RISE LOCALLY

(By Jonathan Lyons)

Veterans of the county courts still talk about the time a prisoner tore open his handcuffs, shattering his wrists in the process.

He was, they say, high on phencyclidine and didn't feel a thing.

While that spectacular level of violence hasn't appeared lately, local, state and federal officials fear they may be facing a dramatic rise in the use of the drug—known as PCP or Angel Dust.

One evidence of this increased use is a clear increase in the number of clandestine laboratories uncovered by area police.

Last year, federal agents found eight PCP labs across the Baltimore metropolitan region. Already this year, Howard County alone has accounted for two more major operations and three potential labs.

Like cancer on the aging artery that is Route 1, PCP factories have spread from Baltimore south through Washington to Loudoun County, Virginia.

"This corridor is now the leading producer of the drug (perhaps in the nation)," says George Brosan, special agent in charge of the U.S. Drug Enforcement Administration's Baltimore office.

People have made phencyclidine in lonely farmhouses and in crowded apartment complexes. One manufacturer even produced it in the back of a truck, circling the Washington beltway, Brosan said.

And North Laurel in Howard County, with its rural spots and its relatively small police force, has become a favorite site, he and other officials suspect.

CAME FROM THE WEST

Local legend says the secret of PCP came from the West Coast, in the mid-1970s, tucked in the saddlebags of two brothers from the Pagans motorcycle gang.

Police officers around the region tell variants of the same story. Most admit they've only heard it secondhand.

Still, there's plenty of evidence the Pagans, based locally in Prince George's County, have a hand in much of this lucrative cottage industry.

Street dealers seeking top dollar for their wares often bill their dope as the product of a special Pagan recipe. And big-time dealers such as Johnny Ray Goff have bragged to police of their gang connections. Goff was arrested in Howard County in October 1982 with $6 million worth of PCP.

"There's no doubt the gang looks at PCP as a real money-maker," said a county officer who makes his living chasing large-scale producers. And federal drug enforcement officials have one agent assigned full-tme to "major in motorcycle gangs."

Other explanations for the drug's regional popularity include the availability of chemicals in the suburban corridor between Washington and Baltimore, the confluence of many different—and competing—jurisdictions and a transient population.

But authorities admit these elements exist in dozens of metropolitan areas across the country.

"How do you explain methamphetamine in Philadelphia, LSD in California or PCP in Baltimore?" asks the DEA's Brosan.

"We don't know."

First synthesized more than 50 years ago, phencyclidine was patented in 1960 as an anesthetic. Surgeons hailed the new drug—nonbarbiturate and nonnarcotic—for its ability to block pain in conscious patients.

It was soon rejected, however, when a pattern of unpredictable side effects—ranging from hallucination to seizures and muscle rigidity—emerged. Since then, it has been used as an animal tranquilizer, particularly for apes and other primates.

Phencyclidine first appeared on the streets of San Francisco around 1967, according to the National Institute on Drug Abuse, a federal agency. Called Peace Pill, it has since picked up numerous tags.

Rocket Fuel. Goon. LBJ. Mist. All are names for the powdery crystal brewed in garbage cans, then dissolved and sprayed on institutional-size cans of dried parsley.

A DRUG FOR ALL SEASONS

PCP, cheap to make and unpredictable when taken, has commonly been sold on the streets as other more desirable substances.

Analyses of chemicals billed as hallucinogens such as mescaline and psyilocybin or as THC—the synthesized active ingredient in marijuana—often reveal nothing but Angel Dust in disguise.

But more and more, researchers are reporting an increased demand for PCP itself. And local drug counselors say the age at which kids are experimenting with the drug is dropping.

"PCP has become the drug of choice for kids who want to kill part of their lives," said one. "The brain takes a holiday from the body."

Recently, scientists have linked the drug to schizophrenia.

On the witness stand in March, drug informant George Parsons testified phencyclidine amplified his moods:

"Say if you were in a depressed mood, it would make you more depressed. If you were in an angry mood, it would make you more angry. If you were in a working mood—if you really loved your job—maybe it would make you do it better."

Martha Ellerton of the County Drug Abuse Center said that effect comes from the drug's properties as a "disassociative anesthetic. The brain is sedated but the body is not."

This, she says, accounts for the high level of violence among PCP users. The body simply doesn't feel the pain of a hand smashing through a plate glass window.

Fellow counselor Anne Gottschalk said her PCP clients have suffered from delusions of omnipotence and dwelt heavily on talk of suicide and death.

"They were also the most violent of my clients. I have never seen anything like it," she said.

One man told her he experienced "huge bursts of power. He would describe them as a surge of energy he could not control."

Another client, a woman, wore large dark sunglasses to each session. They hid a pair of scars beneath the eyes where, high on dust, she had carved her nails through the flesh.

The best treatment for a bad reaction, said a third counselor, requires shielding the user from outside stimuli. Also, orange or cranberry juice—with their high acid contents—help counteract the more base PCP.

While health professionals see high levels of violence among PCP users, law enforcement officials say they are encountering "more and more guns" in the hands of the producers, many of whom take the drug themselves.

During an April raid in North Laurel, one police officer had a loaded revolver placed at his head. The suspected dealer backed down and agents captured an alleged $2.4 million in PCP, a lab operation and two submachine guns.

Booby traps, built from hand grenades or homemade explosives are sometimes used to protect labs from outsiders. One setup was rigged to power lines to electrocute intruders. More and more cookers are armed.

So far, police say, the violence has been aimed at rival outfits or suspected informants, but local authorities are taking no chances. All lab busts involve heavily armed SWAT team.

"Someone high on PCP and armed to the teeth could be a lot of trouble," concluded one officer.

DEMOCRATIC DOPE

By its very nature, PCP resists formation of the vast criminal empires associated with trafficking in heroin and cocaine.

There are no foreign supply centers to monopolize and no need for elaborate smuggling operations. Indeed, anyone with $2,000 and a few connections can assemble the necessary industrial chemicals and go into business for himself.

Thus the regional market, say local and federal officials, is filled with "freelance cookers" out to make some easy money. One agent said "sporadic attempts" by the Pagans to control the market have ended in failure.

Only once have detectives uncovered a large, highly structured organization producing PCP in the Baltimore-Washington corridor.

In 1979, DEA operatives closed down six labs and made dozens of arrests, mostly in Baltimore and Anne Arundel counties. Each lab, federal chemists estimate, was capable of treating 350 pounds of parsely with PCP.

Each outfit then farmed out the dope to two wholesalers, who diluted it. They then sold through 48 retailers and almost 100 street dealers.

Members of the gang were assigned specific duties. Some traveled up and down the eastern seaboard in search of chemicals. Others supervised the labs or managed the distribution.

"They showed a remarkable amount of discipline," said Brosan.

Federal drug experts say, as far as they know, no one has ever created another such tightly-knit organization to produce PCP. "There's too much of a demand and it's too cheap to make," said one.

The closest thing in Laurel may be the large-scale operation run by the Gray brothers—Jerome, Charles and Andrew—from their rented ranch house on Whiskey Bottom Road.

In December 1981, police nabbed the three with an estimated $40 million worth of PCP. Since then, detectives say they suspect drug traffic at the house has continued on and off.

This spring, police again raided the Gray household but turned up nothing. A third search several weeks ago turned up a small quantity of drugs.

Local police are reluctant to discuss the case, but a federal agent familiar with the operation said police delay in obtaining a warrant allowed "about three or four pounds" to leave the house.

Later, Baltimore County police raided a St. Denis house, confiscating what they suspect is much of the missing drug.

In general, police report more of a loose confederation or fraternity. A number of the major suspects nabbed in Howard and other counties are connected by blood or business.

"The Grays know the Goffs and the Goffs know the Ganims (suspected county dealers facing trial)," said Lt. Michael Chiuchiolo. Often, cookers will exchange chemicals or know-how, he added.

Hampering efforts toward organization is the high incidence of PCP use among the large manufacturers.

A Severn man, recently sentenced to 25 years for cooking PCP, couldn't remember his address and added extra digits to his telephone number. Others wear a continual blank stare that drug counselors say characterizes many PCP users.

Despite the enormous amounts of money to be made, PCP cookers have reportedly never developed sophisticated financial techniques capable of laundering their profits. Rather, they have been banished to an all-cash world, reduced to burying their money in so many underground caches, according to a police theory.

FIRE BURN AND CAULDRON BUBBLE

Chemistry abstracts and the U.S. Patent Office offer public files on phencyclidine, first marketed legally under the trade name Sernylan. But a simple, step-by-step "recipe" for the home chemist is also available on the street. Some reportedly cost a bundle.

When local police arrested Douglas Ganim last month in North Laurel, they found his formula written on the back of a business card.

Experts say most underground cookers use one of a handful of techniques. Extremely popular, they say, is the "two-bucket method."

That's what prosecution witness Norman Newby—a DEA chemist—said Johnny Ray Goff was doing, when police arrested him last October.

Another witness, informant George Parsons, described what he saw that night:

Goff begain pouring one chemical solution into another, using paint buckets for mixing bowls. "I watched these chemicals turn into a reddish solution. It was boiling a little bit."

Then Goff asked Parsons to add some petroleum to the reddish solution. Goff then "mixed it around a bit and looked at it. He proceeded to pour it in this bag of parsley."

That's when county police, who had been tipped off, burst through the doors with automatic weapons drawn.

Had they not been interrupted, Goff and his partners would have dried the parsely and packed it into film canisters—known as "tins." Each tin could then be sold for about $50.

Many of the industrial chemicals used in the process have distinctive pungent odors. Thus, PCP chefs are often forced into remote spots away from neighbors. Others have rigged elaborate exhaust systems to remove the fumes.

Besides the danger of discovery, cookers run the risk of explosion. Ether, a key ingredient, is extremely flammable. Even the smallest spark could ignite the chemicals, taking the lab, the chemists and anything in the vicinity with them.

Another danger comes from the poisons used in later stages. At one point, cyanide must be added to the mixture.

Recently, police seized four pounds of potassium cyanide—used in the state's gas chamber—during a raid in Savage. Police suspect the underground chemists arrested at the time thought they had obtained PCC, an illegal chemical just one step away from phencyclidine.

This could have led to the sale of hundreds of thousands of dosages laced with the lethal crystals, according to DEA chemists.

A source close to the case called the two men charged in the case, Richard A. Cook Jr., and Howard R. Martin Jr., "a pair of amateurs."

Such errors, the source continued, are likely to continue. "All the good cookers are locked up."

LOWLY PCP

Phencyclidine is not a status drug.

Even when it first came into common use in the 1960s, PCP users were shunned by other segments of the drug culture.

"People just didn't have a heck of a lot of respect for them," recalled one drug counslor. "They were looked at as lower than heroin addicts."

Today, that image has improved—but not much. A pair of Columbia teenagers say most of their friends have tried Angel Dust but quickly gave it up.

"Too dangerous," said one. "Too sick,"added the other.

For the most part, attitudes like these have kept the bulk of the heavy use out of the more affluent Columbia neighborhoods. Instead the bulk, of the heavy users, and the majority of the lab busts, are found along Route 1.

A composite—pieced together from interviews with lawyers, health professionals and cops—reveals this portrait:

Most are males and nearly all are white. They come from lower middle-class families, have little education and few job skills.

"They're rednecks," explained one lawyer who represents a number of them.

"They're not going anywhere. They're losers."

SENATOR HENRY JACKSON

Mr. LONG. Mr. President, with the death of our friend and colleague, Henry Jackson, the U.S. Senate, as well as the entire Nation, has suffered a terrible loss.

Henry Jackson and I served together in the U.S. Senate for more than 30 years. He was among the finest, most honorable, and intelligent persons I have ever known.

I was attending meetings with members of the European Economic Community when I heard the news of Senator Jackson's untimely death. In that setting, I could not help but reflect on the impact "Scoop" as we all called him, had on the entire world.

"Scoop's" love of freedom and of humanity extended beyond our borders. He sought to insure that all nations respected every individual's basic human right to leave a country where his religious or political beliefs are not respected. He shined the light of freedom in some of the darkest corners of this world.

Our friend, "Scoop" Jackson, brought the same vigor to issue of defending our own country and its bountiful resources. He had the honesty to recognize the world as it really is and the vision to work toward the goals to which we aspire.

Mr. President, "Scoop" Jackson was not only one of the giants of the free world. He was one of the rare Senators who made a special impact on this institution. Senators come and go, and we all have some kind of effect on the Senate.

It is unusual, however, to be correct in saying that the Senate was improved by the presence of a single Member. The Senate is a better, a more thoughtful, and a more caring body because "Scoop" Jackson served here for 31 years.

Mr. President, I want to extend my heartfelt sympathies to Mrs. Jackson and the members of the Jackson family. We thank them for graciously sharing their husband and father with us.

His death is a great personal loss to me and I know that he will be missed by all of us who have had the opportunity to work closely with him.

LECH WALESA RECEIVING THE NOBEL PEACE PRIZE

Mr. HATCH. Mr. President, yesterday Lech Walesa was awarded the Nobel Peace Prize for his valiant efforts on behalf of Polish workers. Walesa has been congratulated for this acknowledgement of his courageous struggle by President Reagan, Pope John Paul II, Poland's Cardinal Josef Glemp, Mr. Francis Blanchard, the director general of the International Labor Organization, and labor leaders around the world including AFL-CIO president, Lane Kirkland. Mr. President, as chairman of the Senate Labor and Human Resources Committee, I want to add my personal congratulations to Lech Walesa and to applaud his courage and his determination. As Michael Davis eloquently stated in the Washington Times this morning, Walesa climbed a wall of the Lenin Shipyard in Gdansk because "he was struggling for workers' rights in a quote 'workers' paradise.'"

In July of this year martial law was officially lifted in Poland. In practice, however, are workers any better off than they were before this cosmetic change? Unfortunately, according to a report by the U.S. Department of Labor, the picture is still extremely bleak for Polish workers. I know my colleagues are well aware of this tragic situation, but I want to highlight some of the specific comments noted in the report:

First, Solidarity is still outlawed in violation of ILO Convention 87, Article 4.

Second, Solidarity activists continue to suffer persecution. The report notes that although some Solidarity internees were granted limited amnesty, "a significant number are still imprisoned for 'criminal' or political offenses." Even those Solidarity internees who have been released from prison may still be subject to persecution such as being denied the right to return to their previous job or being arrested if they are unable to find a job within 3 months.

Third, working conditions are worse. The report notes that sick-leave pay has been drastically reduced and that the right of employers to impose a 56-hour workweek—with no overtime pay—has been reaffirmed by recent law.

Mr. President, I would like to summarize the other conclusions of the Department of Labor report concerning the Polish labor situation:

First, forced labor: worse.

Second, imposition of trade union monopolies: worse.

Third, prohibitions on federations and confederations: some progress.

Fourth, restrictions on strikes: no progress.

Fifth, restrictions on collective bargaining: little progress.

It is not pleasant to focus on the intolerable conditions that Polish workers endure every day. But this is what makes Lech Walesa such an extraordinary person. As he reportedly told a room of Polish steelworkers "You and I, we eat the same bread." Lech Walesa, an electrician and the son of a carpenter who died in a Nazi concentration camp, is a symbol of hope to the Polish people and an inspiration to all who cherish freedom. In my opinion, Walesa is such a powerful symbol because he is first and foremost "just another Polish worker." He exemplifies the dreams of thousands of Poles and he has gone one giant step further by standing up for workers' rights. Throughout his ordeal since marshal law was imposed nearly 2 years ago, Walesa has demonstrated tremendous inner strength. Although the Polish authorities have tried to discredit him, to paraphrase President Reagan their "brute force" is not winning over Walesa's "moral force." And that, it seems to me, is what the Nobel Peace Prize is all about.

Once again, Mr. President, I wish to offer my congratulations to Mr. Walesa. For the benefit of my colleagues, I ask unanimous consent that the Department of Labor report I referred to be printed in the RECORD as well as an article from the New York Times entitled "Labor Organizer With A Tall Dream" by John Kifner.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
Washington, D.C., July 22, 1983.

POLAND: EFFECT OF THE END OF MARTIAL LAW ON TRADE UNION RIGHTS

1. DISSOLUTION OF SOLIDARITY: NO PROGRESS

Solidarity is still outlawed by administrative action, in violation of ILO Convention 87, Article 4. While the Polish Parliament has not yet made participation is Solidarity directly punishable by up to three years in jail, it is expected to discuss this possibility next week. Nevertheless, other changes introduced into the penal code on December 18, 1982 have the same effect: activities such as printing and distributing illegal printed matter, tapes and films, one of Solidarity's principal means of communication, may be punishable by imprisonment up to five years; in addition, creating a public unrest or disturbance can be punished by up to three years imprisonment.

2. PERSECUTION OF SOLIDARITY ACTIVISTS: NO PROGRESS

While the amnesty bill adopted by the Parliament on July 21, 1983 grants limited amnesty to certain categories of Solidarity internees, a significant number are still imprisoned for "criminal" or political offenses, most notably the top-ranking members of Solidarity. Underground activists may now be pardoned—but only if they confess to criminal offenses, hardly a fair deal. the bill also releases prisoners sentenced to less than three years, and cuts in half the sentences of those sentenced to more than three years. However, those released are effectively placed on probation for the next 2½ years: the full sentence will have to be served if the person is caught committing a similar offense during that time.

In addition, it is questionable whether those released are returning home to a persecution-free life; they may be still subject to repressive and discriminatory measures, in violation of ILO Convention III, such as the following:

a. Denial of the right to return to previous job, or demotion to a lower-skill and lower-paying job.

b. Harassment of strict supervision at the job and home, as exemplified by the case of Lech Walesa.

c. Requirement in certain key industries until December 31, 1985, established by the July 21, 1982 omnibus bill, that workers be forced to work for six months after filing a notice of intent to change jobs. This may violate ILO Convention 29 on forced labor.

d. The July 21, 1983 omnibus bill also provides the government with the authority to fire teachers, students, and administrators for breaching the public order.

e. Arrest of forced labor if unable to find employment within three months. (See no. 32 below)

3. FORCED LABOR: WORSE

The omnibus bill adopted on July 21, 1983 by the Polish Parliament tightens a recent law that conforms with Soviet legislation imposing forced labor, and which is applicable under Polish civilian rule. The original law, which was passed on October 26, 1982, requires compulsory registration of males between the ages of 18 and 45 who have been unemployed for three months. The government now has eliminated fines as a penalty for non-compliance with the law. Failure to register or to perform the assigned work on public projects is subject to up to one year of imprisonment involving forced labor. These provisions violate ILO Convention 29 on forced labor.

Between January and March, 1983, at least 8,000 persons were assigned to perform work under this law. The law is a particularly effective means of continuing control over former Solidarity members who were fired from their jobs or were refused permission to return to work.

IMPOSITION OF TRADE UNION MONOPOLIES: WORSE

On July 21, 1983 the Polish Parliament retracted the right to establish more than one union per factory beginning in 1985, which had been promised in a law adopted October 8, 1982. This is a real setback, for only one union per enterprise is currently permitted, in violation of ILO Convention 87, Article 3. The decision on whether more than one union can be established is now in the

hands of the Council of State, and is delayed until at least 1986. In addition, the October 1982 law imposed a single national federation on agriculturalists, which is still in effect.

5. PROHIBITION ON FEDERATIONS AND CONFEDERATIONS: SOME PROGRESS

While the ban on national federations was lifted on April 12, 1983, no confederations of trade unions are permitted until 1985, in violation of ILO Convention 87, Article 5.

6. RESTRICTIONS ON STRIKES: NO PROGRESS

None of the numerous and cumbersome restrictions on strike action have been eased. Among the ones most criticized by the International Labor Organization as violating Convention 87, Article 3, are:

a. Requirement for majority agreement in order for a union to legally declare a strike. Such a decision on how many votes are needed to strike should be the union's prerogative.

b. Prohibition of strikes in an excessively wide list of industries. At least eight of the industries are not considered "essential" by the ILO, and thus should have the right to strike.

c. Penal sanctions for an overly broad range of activities. Workers participating in anything from a protest action to an illegal strike may be imprisoned for up to one year.

7. RESTRICTIONS ON COLLECTIVE BARGAINING: LITTLE PROGRESS

While the prohibition on all collective bargaining was lifted with the April 12, 1983 law permitting the establishment of national federations, unions are still prohibited from determining the level and scope of collective bargaining, in violation of ILO Convention 98. The Polish Parliament passed legislation on October 8, 1982 that permits bargaining only at the national level and which must be applied to all workers in that industry.

8. CONDITIONS OF WORK: WORSE

On February 1, 1983 the Polish Parliament adopted a social security bill that reduces sick leave pay for the first three days of sick leave by 50 percent. This drastic measure may be used to further squeeze the salaries and morale of workers, while discouraging resort to passive resistance.

The omnibus law passed by the Parliament on July 21, 1983 maintains the right of employers to impose a 56-hour work week, with no overtime pay. Enterprises are also prohibited from awarding new pay or other benefits to workers.

[From the New York Times, Oct. 6, 1983]

LABOR ORGANIZER WITH A TALL DREAM

(By John Kifner)

WARSAW, Oct. 5—For Lech Walesa, this has been a difficult year.

The one-time unemployed electrician who rose to become an international figure, the embodiment of the dreams of millions of Poles for a better life, emerged from 11 months of solitary confinement last fall to find his Solidarity union crushed by martial law. He had thrilled crowds and negotiated with the Government; he had even met, virtually as an equal, with the heads of the two institutions that dominate Poland—the Communist Party and the Roman Catholic Church. Now, the Government said, he was a has-been, the "former head of a former union."

Yet his allure has not entirely faded. During the eight days of Pope John Paul II's visit last June, the crowds once again unfurled their red and white Solidarity banners and shouted, "Lech Walesa! Lech Walesa!"

For those Poles, as well as for Mr. Walesa, the awarding of the Nobel Peace Prize to the founder of the first—and last—free trade union in the Soviet bloc was a vindication. To the Communist authorities it was a slap in the face.

HOW HE GOT THE NEWS

The news of his Nobel Prize came to Mr. Walesa—the name is pronounced vah-WENN-sah—as he was picking mushrooms in the woods, a very Polish activity at this time of the year. His wife, Danuta, said later that he had become so worked up by the knowledge that he was a candidate for the award that he could not sleep and had gone to the country north of Gdansk with friends to try to relax.

The word was brought by the Western television crews, whose attendance on Mr. Walesa is a constant irritant to the authorities. The mushroom-hunting party promptly grabbed the new laureate, who wore his ever-present badge of the Black Madonna of Czestochowa on his gray cardigan sweater, and tossed him in the air.

"The world recognizes Solidarity's ideals and struggles," he said when he got his breath back.

Laszek Michal Walesa was born Sept. 29, 1943, in the village of Popowo, near the Vistula River north of Warsaw, the son of a carpenter who was to die in a Nazi concentration camp. He was trained as a an electrician at a state agricultural school, served two years in the army and in 1967 moved to the Baltic seaport of Gdansk and a job in the sprawling Lenin Shipyard.

His introduction to political opposition came in the turbulent days of December 1970 when workers in Gdansk took to the streets to protest rising food prices and were gunned down. The demonstrations toppled the Government of Wladyslaw Gomulka, but, ultimately, the bloodshed brought little but broken promises.

A MONUMENT TO THE DEAD

The experience so burned Mr. Walesa that one of his obsessions was the unlikely project of building a monument to honor the more than 100 slain workers. The towering monument of three crosses, whose dedication was attended by party leaders, stands now at the shipyard gate, a constant reproach to the authorities. The police come at night and take away flowers people place at its base.

Mr. Walesa was on the strike committee that briefly shut down the shipyard in the next round of protests in 1976. Dismissed from his electrician's job, he became a full-time agitator, editing and passing out an underground newspaper, The Coastal Worker, and helping to organize the illegal Baltic Free Trade Union Movement. In this period, too, he made contact with the newly formed organization of dissident intellectuals called the Workers' Self-Defense Committee, which became important in guiding and spreading Solidarity.

In 1980, Mr. Walesa led the strike that drove Mr. Gomulka's successor, Edward Gierek, from power. When he climbed over the fence of the Lenin Shipyard on Aug. 14, the short and slightly pudgy Mr. Walesa became very much the right man at the right moment.

The week-old strike he took over had been touched off by the dismissal of Anna Walentynowicz, a grandmotherly looking crane operator. Feeding on long-held grievances, it spread like a bushfire along the Baltic coast, to the Nowa Huta steel mill, the coal mines of Silesia, engulfing most of Poland. Bus drivers writers, peasant farmers, trainee firemen, even party members joined the strike.

Neither an intellectual nor a profound strategist, Mr. Walesa nevertheless possessed a magnetism that set him apart from the other Solidarity leaders. What he had was a shrewdness, a keen sense of the dramatic and a flair for summing up the feelings of the workers in an earthy phrase. "You and I, we eat the same bread," he told a room overflowing with grimy, blue-jacketed steelworkers. He did not have to complete the thought—that there were others, the privileged party elite, who ate much differently.

LEADERSHIP IS CHALLENGED

While the authorities tend to portray him as wild-eyed public enemy, Mr. Walesa spent much of his efforts during the hectic 16 months of Solidarity trying to calm striking workers, staving off confrontations. Indeed, he was sharply challenged from within his own ranks as being too willing to compromise with the authorities. Mr. Walesa and others kept insisting that theirs was a "self-limiting revolution," that they meant to reform the system, not overthrow it, but the Poles and their rulers understood that, inevitably, the challenge was more profound than that.

Mr. Walesa lives in what is by Polish standards a relatively luxurious six-room apartment in a vast housing project with his wife, a former florist's assistant whom he married in 1969, and their three daughters and four sons, the last born while he was interned. The apartment was given to him during his days of recognized prominence. A portrait of the Pope dominates the living room.

The authorities have been trying for months to discredit Mr. Walesa. The latest step was a special television program, titled "Money," broadcast last week. It centers on a purported tape recording in which Mr. Walesa is reputed to speak of squirreling away a million dollars abroad, to complain that the Pope was edging him out of last year's Nobel Prize and to use foul language.

The effort appears to have had little effect. The next day Mr. Walesa went to a World Cup soccer match in Gdansk, the home team playing an Italian squad, and when he was recognized the stadium burst into cheers.

SOVIET DECEPTION VERSUS NUCLEAR WEAPON BUILD-DOWN OPTIONS

Mr. HELMS. Mr. President, as negotiations get underway in Geneva for START, we need to ask ourselves some very basic questions. How do we negotiate limits on nuclear capabilities that we do not understand; and, should agreements be reached, how would they be verified?

The problems of such uncertainties are vividly illustrated in our seeming inability to bring the Soviets to task for the use of lethel chemicals and toxins in Southeast Asia and Afghanistan. The treaties simply were unable to foresee new developments in technology, and as a result are inadequate when it comes to verification.

The problem in the nuclear arena is equally severe. For example, can we limit the number of SS-20 missiles if we cannot see them with our national technical means of verification, or if we do not know for certain where they are stored—or not stored—and in what quantity? Can we limit strategic nuclear stockpiles if all we can count are silos? How do extra, or reload, missiles enter in to the question, and how will the new strategic mobile system, the PL-5, of SS-X-25 be "counted"?

Mr. President, the Soviet practices of concealment and camouflage, often referred to as maskirovka, have been raised with increasing frequency. They become especially important as the new "build-down" proposal is considered. If we do not know for sure the extent and characteristics of the Soviet nuclear stockpile, then what is the meaning of "build-down"? Specifically, build-down from what?

As background for considering these questions and their implications, I would like to bring to the attention of my colleagues a recent, thought-provoking article from the Armed Forces Journal by Samuel Cohen and Joseph Douglass, "Selective Targeting and Soviet Deception." Mr. Cohen, once a member of the Manhattan project, is known as "the father of the neutron bomb." Dr. Douglass has been an eminent defense analyst for 20 years. They point out very effectively the limitations in our knowledge of Soviet capabilities and its implications for U.S. military strategy. The implications for arms control are equally important.

Mr. President, I ask that the article on Soviet deception be printed in the RECORD.

The article follows:

[From the Armed Forces Journal International, September 1983]

SELECTIVE TARGETING AND SOVIET DECEPTION

(By Samuel T. Cohen and Joseph D. Douglass, Jr.)

("However absorbed a commander may be in the elaboration of his own thoughts, it is necessary sometimes to take the enemy into consideration."—Winston Churchill)

During the decade of the 1970s, the Pentagon worked hard to revise America's nuclear doctrine. The objective was to be able to fight a restrained intercontinental nuclear war with the Soviet Union.

The new doctrine was first publicized in January of 1974 by Defense Secretary James Schlesinger. Should the Soviets attack with a restrained counterforce strike, the United States henceforth would have the capability of striking back in a "selective" manner, only striking crucial military targets while avoiding unnecessary collateral damage to urban areas.

In the summer of 1980, the doctrine was reaffirmed by President Carter in the form of Presidential Directive No. 59 (PD-59). Since that time the meaning of this doctrine has become more apparent as its generic target list has become known. In addition to traditional SIOP[2] targets such as ICBMs, nuclear submarine bases, and airfields capable of handling strategic bombers, the new list emphasizes control targets—military, party and internal security control—and power projection forces.

Defense Secretary Harold Brown explained that this latest iteration was "designed with the Soviets in mind" and would "take account of what we know about Soviet perspectives on these issues, for, by definition, deterrence requires shaping Soviet assessments about the risks of war—assessments they will make using their models, not ours."

However, in comparing the new U.S. nuclear strategy with that of the Soviets, a very substantial question emerges: namely, does the U.S. really know enough about the actual targets (and about Soviet efforts to deny the United States access to critical information, such as target location) to realistically and effectively implement a selective targeting strategy? Or, alternatively, is the strategy merely rhetoric unsupported by capabilities?

The problem is that while American planners are beginning to recognize Soviet doctrine, they have yet to accept some of its most central tenets, one of which emphasizes the importance of surprise and the need to employ secrecy, cover, and deception to mislead the enemy.

Surprise is, perhaps, the single most important principle of war in the nuclear age in Soviet thinking. It is achieved mainly "as a result of poor knowledge by the adversary of one's true intentions, as a result of subjective errors in assessing intentions and plans, as well as a result of shallow analyses of measures taken to achieve surprise." This helps explain why, in discussions of surprise in Soviet military textbooks, dictionaries, and encyclopedias, objectives such as "misleading the enemy about one's intentions" or "leading the enemy into error concerning one's own intentions" always appear at the top of the list—closely followed by other important concepts such as "covert preparations," "unexpected use of nuclear weapons," "camouflage actions," and "the use of means and methods unknown to the enemy."

This suggests a possibly critical PD-59 targeting problem. Targeting normally consists of identification and selection. While the process already must be extremely complicated—that is, the selection of several thousand targets from a target list containing tens of thousands of targets—to this problem must be added the questions, "How does one separate real targets from false targets, and identify real targets where there has been an extensive effort (by masters of the trade) to hide them?" Bear in mind that the principal, almost only, means for identification and location is satellite photography—using cameras that cannot see at night, through weather or into boxes, buildings, or underground facilities.

This problem is further compounded by Soviet efforts to disperse and duplicate critical facilities and move them on the eve of the war. Mobility is especially important, and when undertaken in anticipation of an enemy nuclear strike even has a special name, "anti-atomic maneuvers." These maneuvers are intended to negate the effectiveness of enemy strikes simply by moving targeted items, such as military units, weapons and ammunition stockpiles, especially nuclear warheads, air and missile defenses, political administrative control centers, communication facilities, transportation assets, and so forth. Insofar as strategic force targeting the United States is not a real time or even a near real time operation, the effectiveness of such a Soviet effort could be considerable.

T.K. Jones, Deputy Under Secretary of Defense for Research and Engineering, explained the consequences of Soviet mobility to a Senate arms control subcommittee in 1982:

Our ability to retaliate effectively against Soviet military assets is also no longer as clear as it once was. Their conventional military forces and nuclear reserves are protected by mobility. Although we could retaliate against the peacetime locations of such military units, there is doubt that such action would eliminate the fighting capability of the Soviet forces.

Soviet leadership is a particularly important PD-59 target category where secrecy, cover, deception, and mobility may negate US pre-attack targeting. The Defense Department recently observed: "Protection of their leadership has been a primary objective of the Soviets. . . . This protection has been achieved through the construction of deep, hard urban shelters and countless relocation sites." But the Defense Department acknowledged in 1980 that it had identified only "relatively few leadership shelters."

How many of these relocation shelters are known today, and which would be occupied, and by whom? The problem is revealed in the testimony of a Soviet civil projects engineer who emigrated in 1978, as reported in the monthly newsletter, HUMINT: "Wilkinson Swords, the British razor manufacturer, built a completely equipped plant in Moscow. On the basis of expected profits, the Soviets were able to build two shelters, one in Moscow and one in Leningrad. The shelter for the five-story Wilkinson razor factory was built before the British engineers arrived. They were walking on the 'ceiling' of the shelter and never knew what it was or that anything was there." It is entirely possible that an extensive complex of such unknown shelters and camouflaged shelters exist and have completely escaped detection by Western intelligence.

One high level defector has pointed out that the key Soviet leaders have two relocation sites: one to be used on the eve of war, the second to be used about seven hours after war begins.

A recent CIA study stated that identified fixed shelters were vulnerable to direct attack. If so, why would the Soviet leadership desire to arrange for their extermination by occupying these shelters, especially if they thought they were targeted? This wouldn't make any sense. So maybe they have been constructing some decoy shelter systems to draw attention, knowing we will see them being constructed, and to draw fire, as a subterfuge to encourage the wasteful expenditure of US warheads; their real plans being to occupy only shelters believed to be unknown to US nuclear planners. The importance of constructing decoy targets to draw both attention and fire is stressed in the Soviet literature, but rarely appears to be considered in Western analyses.

Not only would this make good deception sense, it also would make good economic sense, in the event the unknown shelters became known. The cost to the United States to dispatch an ICBM warhead to a target has escalated to tens of millions of dollars per warhead, vastly more expensive than the cost of a hardened shelter. Which

[1] SIOP: Strategic Integrated Operational Plan.

suggests the possibility of a large proliferation of Soviet leadership shelters—playing a shell game as we once sought to do with the M-X missile. This raises additional questions about the ability of US nuclear targeters to implement the PD-59 strategy against one of its most important target categories.

Probably the highest priority and most dominant PD-59 target class is the Soviet land-based strategic nuclear reserves. US intelligence credits the Soviets with about 1,400 land-based ICBM launchers. But, the 1,400 number really refers to known silos. Are all these silos filled? And, how many missiles are stored elsewhere?

The dominant theme that runs through the Soviet and German analyses of World War II is the importance of secret reserves. The Soviets won the war because of massive reserves that the Germans did not know existed. In Soviet General Staff analyses of present day conditions, reserves "have become much more important than in the past." The "Why?" is simple. "In the final analysis, decisive defeat of the enemy and achievement of war aims are secured by the offensive reserves"—whose successful employment, the Soviets further advise, is heavily dependent upon "secrecy and concealment."

In examining the Soviet nuclear capabilities, two very different, almost conflicting, strategic objectives should be considered. First, the United States (and the world) must "see" a strong, superior Soviet capability. This is an important ingredient of Soviet political warfare—intimidation. In this regard, Amrom Katz, a former director of verification at the US Arms Control and Disarmament Agency, has noted that the CIA has been a most effective Soviet public relations agent by providing the world with most credible data on Soviet nuclear superiority. The second aspect is the equally dominant requirement to hide from any enemy the true extent of Soviet nuclear capabilities and especially any knowledge of Soviet nuclear capability that might be to the enemy's advantage. In this regard, the location of nuclear forces and the number of reserves are most critical and most important to hide from the enemy.

Considering this, does it make sense to assume that all Soviet ICBM silos are filled and that all reserve missiles will be fired from silos? In accordance with PD-59's strategy to limit damage from Soviet second and third ICBM strikes, US strategy would involve attacking these silos both to destroy missiles not fired during the first strike and to deny the Soviets the ability to reload the silos for subsequent strikes.

We have long known that Soviet ICBMs can be fired from their containing canisters, in which they remain stored from the time they leave the factory assembly line. When they are fired from silos in test flights, technically speaking the missiles leave the canisters, not the silos.

This poses the following question: How many canisters that are lowered into silos actually contain missiles? An honest answer would have to be: We really don't know. There is no way that a reconnaissance satellite can see what is inside a canister. But, the dilemma is even more complicated than this.

If the Soviets wished to, they consistently could conceal from satellite view even the delivery and emplacement of the canisters. They could cover the railway cars transporting them and lower them into the silos during periods of darkness or inclement weather—in which case we would see, in a word, nothing. But apparently they don't. Why? Could it be that they have conducted a program of massive deception toward leading us to believe that all silos contain missiles, to insure the wasteful expenditure of US ICBMs and the defeat of US targeting strategy? Could it be that the silos mainly contain missiles intended for the first strike (including extra missiles ready to rapidly substitute for launch aborts), and that there are a number of extra empty silos to create the impression that the entire land-based force is silo-based and hence to draw fire-e.g., dummy targets, recognizing that with today's sensors, the only way to make a good dummy silo is to make a real silo, which would still be well worth the cost.

Nor is this the only ICBM reserves intelligence problem. The Defense Department has observed Soviet reloading exercises and has become concerned about Soviet plans to reload and refire missiles from "used" ICBM silos. DoD's estimate of the time required for the Soviets to reload a significant number of silos is several days, which may not be sufficiently rapid to constitute a SALT II violation and is sufficiently slow to enable US forces to strike before the reload is completed. Aside from the fact that the reload time observed is more like one day, or as one intelligence source has reported, several hours, why would the Soviets deny themselves the ability to thwart the selective targeting strategy? Why give the United States ample time to destroy the Soviet silos before they could be reloaded. Or could it be that these reloading exercises were part of a Soviet deception?

Why, one could argue, would the Soviets, knowing we would be watching, wish to conduct a reloading exercise that plainly was sufficiently slow to encourage US efforts to keep all silos targeted in the US response second strike? Still further, why would the Soviets plan to reconstitute a force, either rapidly or slowly, in the main areas where rubble and fallout radiation levels should be expected to be most severe? Unless, in the words of Lenin, they were deceiving us by telling us what we wanted to believe. Could it be that they were bent on ensuring that the United States would wastefully dispatch its missiles toward "known" critical targets (i.e. silos), while the actual (unknown) targets were someplace else? The cold military logic of the situation would dictate that this is exactly what the Soviets should have been up to. If there is one thing that can be said about Soviet military doctrine, it is that it tends to be logically impeccable.

What a rapid reload capability (whether several hours or several days) really implies is not so much the ability to reuse silos, but rather the existence of a "wooden round" ICBM that is self-contained in, and capable of being fired from, its own canister—an ICBM that does not need a silo. Canistered ICBMs easily can be stored in garages or sheds, simply erected, aligned (the only possible difficulty), and fired from any surface capable of supporting the missile weight. Such canisters for "sabotted" ICBMs are simple and cheap—sections of steel sewer pipe welded together are more than adequate—and just as good as silos for launching purposes. The missiles can be erected and fired from any location. Only minimal preplanning to presurvey the site locations and enable initial orientation of the guidance system is necessary; considering stellar guidance technology, this could be a trivial task.

Then there is the issue of the SS-20, which has been "sold" as strictly a theater nuclear system. However, with the recently increasing Soviet encryption of missile test telemetry, including that on the SS-20, another question emerges: Does the SS-20, whose deployments are mounting, have an intercontinental capability? Has US intelligence only been allowed to see the heavy-payload, short-range version? There is considerable disagreement over the SS-20 payload and range. Payload estimates in the IISS Military Balance 1982-1983 range from single 50-kiloton warheads to three 150-kiloton warheads, with corresponding ranges from 7,400 kilometers to 4,500 kilometers. Clearly when loaded with only one warhead (and 50 kilotons is larger than the Poseidon warheads), the system is intercontinental. It is then an excellent land-based strategic reserve. Moreover, in such a configuration it also could play a disturbing role in a Soviet surprise first strike because of its ability to launch out of unexpected areas, and out of areas uncovered by the defense warning satellites, thus confusing or even negating the most critical part of the US attack warning system.

There is no target base in Europe that comes even close to justifying the SS-20 system in its most advertised form, which equates to between 2,000 and 5,000 150-kiloton warheads. There are fewer than 30 so-called nuclear hardened targets (none of which are even hardened to withstand 150-kilotons delivered with SS-20 accuracies); the shorter range Soviet missiles deployed in Eastern Europe, coupled with a few of the ICBMs tested at intermediate range (SS-11 Mod. 4s and SS-19s), long have had the capability to conduct an effective disarming first nuclear strike against all NATO land targets.

Since the early 1960s, the Soviets have stressed the need for mobile missiles for survivability. Because of their ability to change location and relative ease of concealment and camouflage, survivability is achieved because the enemy cannot effectively find and target the missiles. Were the SS-20 indeed an ICBM, its deployment would thwart the PD-59 targeting strategy. There is also the longer range mobile SS-16, that apparently has been deployed in quantity (100 to 200) under cover at Plestsk; in the future, there is expected to be the mobile PL-5.

The problem becomes further compounded when the nature of US intelligence assets used to target the nuclear forces is also taken into account. These assets are really intelligence assets driven by intelligence needs, not by military target acquisition requirements needed to identify targets for nuclear strike after a war begins. The Soviets, who have a warfighting strategy and battle management capability, stress the need for target acquisition after the war starts and the need to destroy an enemy's target acquisition capability in the first strike.

The Soviets should be expected to target all US reconnaissance capabilities in the first strike, including any known reconstitution capabilities. Thus, the US would be blinded in the first strike. This would also appear to operate greatly to our disadvantage in trying to implement a selective second strike. How will this strike be targeted in the face of Soviet secrecy, cover, deception and mobility? This underscores a very important constraint on doctrine—capabilities. One can only realistically change doctrines within the latitude that the capabilities will support.

Another serious intelligence problem has been the prevalent attitude, not limited to

the intelligence community, that deception is not a real problem. The former Deputy Chief, Counterintelligence Staff, CIA, explained the situation quite nicely when he said: "So we come to the real question: How does one get people at the political level, or even at the high or medium-high decision-making level within the intelligence organization to recognize that deception is a real problem?"

There probably is no one explanation for this condition. However, a number of possibly contributing factors can be identified. First, there is the image of Soviet Union military and intelligence operations as clumsy and heavy handed. This is perhaps best represented by the "cold warrior" mentality that inhabits many of the national security catacombs. Rarely does one encounter an image of the Soviet Union as well organized, sophisticated, talented, and clever.

Second, the U.S. government is not equipped to deal with deception, except perhaps in a very specialized manner, and even that may be somewhat questionable since the CIA counterintelligence staff was purged in the mid-1970s. All-source analysis is necessary to come to grips with modern, multi-source, coordinated deception. But there is no place where all-source analysis is conducted. With the exception of some technical areas, analysts—even intelligence analysts—who use the data, who should be most concerned about possible deception, have almost no access to sources—and most of the time, security is not the real reason.

Third, there is no sense of Soviet long-range planning or belief in the possible existence of a Soviet "grand-plan" in the intelligence agencies (or almost anywhere else in the U.S. national security community, for that matter). In recent Congressional hearings on Stategic Forces, Richard Pipes stated that one of the fundamental problems with the National Intelligence Estimates (NIEs) was the disbelief of those drafting the estimates in Soviet grand strategy. As a result, they dealt with each aspect of Soviet behavior separately, "with politics and military affairs separately, economics, propaganda and ideology separately, and then within each of these categories, with each item, such as each weapon system, separately." No one ever brought the pieces together.

When Czechoslovakia's General Major Jan Sejna defected in 1968, he felt that the most valuable information he brought with him was his knowledge of the Soviet "Long Range Plan for the Next Ten to Fifteen Years and Beyond." Sejna was the only Czech with access to the Russian version of that plan. Yet US intelligence authorities never debriefed him on its contents. Special sections on deception appear throughout the plan, and it spells out one of the main strategic deception goals this way: "To cover the nature and intended use of the main tools, of which one of the most important is the nuclear forces."

Fourth, specifically in regard to unknown strategic nuclear capabilities, there is an organizational belief that if the Soviets would attempt anything truly massive, such as the hiding of several hundred missiles, let alone a complete Soviet Missile Force Army, word would leak out—too many people would have to be involved. However, rumors have leaked out—rumors of missiles in lakes, caves, mountain hide-aways, and sheds. Presumably such rumors were pursued, but nothing found.

Unfortunately, there are massive installations in the Soviet Union with whole towns supporting them, that the intelligence community has only been able to speculate about for over two decades. Why has information on those installations not leaked out; or, if it has, to what avail? US intelligence refused to recognize the civil defense program in the Soviet Union until some analysts outside the government, and PD-59, forced the issue. Only then, following an extensive reviews of data, did shelters, relocation sites, and even some duplicate industrial facilities begin to emerge. No one had looked for before. The Soviet Union is supposed to have a large chemical warfare capability, but just try and find any data on it. Intelligence can not even say whether the Soviet stock-pile of chemical weapons is 500 tons or 5,000,000 tons; and, until the Sverdlovsk accident (which the Soviets claimed was food poisoning) the existence of a Soviet biological warfare capability was dismissed.

Consider the following paragraph taken from an article on camouflage in a classified Soviet General Staff journal in the early 1970s:

"If it is not possible to conceal troops and facilities from hostile observation, then one can reduce their revealing features by altering their external appearance. For example, a large camp or supply base can be camouflaged as a town; a tank farm can be camouflaged as apartment houses, while individual military installations can be camouflaged as rubble, smoldering ruins, etc. Important elements of a camouflage effort are the mounting of feigned assaults and *the construction of dummy defensive fortifications (control posts).* Such action can be employed not only at the tactical echelon but *particularly at the operational and strategic* levels." [Emphasis added.]

It does not take much imagination to conceive of an entire Soviet Missile Force Army camouflaged as a test site, or deployed as a remote town, or of a town built exclusively to house such an army, complete with farming, perhaps lumbering, and some light manufacturing—enough activity to justify a rail spur and moderate rail traffic.

Nor does it take much imagination to envision people arriving and departing by train, perhaps at night or in trains with no windows, so that no one in town—including even the commander—knows where they are located, or better still, are misinformed as to where they are. (This type of practice is normal behind the Iron Curtain. When the Czech Politburo, the highest ranking government officials, were taken to review a new air defense site in the mid-1960s, they were driven in buses that had the windows painted black to prevent even their knowing where the site was!)

Perhaps the most serious contributing factor is an associated fear of deception and of even trying to tackle the problem. Fear over studies of deception, is not just an intelligence organization fear. Deception studies run the risk of having numerous far-reaching ramifications. A serious investigation into Soviet secrecy, cover, and deception could be far more revealing and serious than was the US Senate's Church Committee investigation in the mid-1970s. The Church Committee unfortunately did not deal with deficiencies that adversely reflected upon US national security. A truly serious study of Soviet secrecy and deception should be expected to be actively and forcefully opposed by most of the US intelligence community, and, equally important and unlike the Church Committee investigation, also by the KGB.

The above discussion is not intended to claim the definite existence of a large hidden Soviet missile force. Rather, the point is that the United States appears to have adopted targeting strategies that require good information on enemy military capabilities; yet that required information may not exist because of Soviet secrecy, cover, and deception.

Soviet efforts to defeat US strategy rarely if ever are taken into account. Estimates of enemy capability tend to be several times removed from the actual data and often bear scant resemblance to the data. When one tries to find the data supporting a statement on enemy capabilities—statements of the type that are the main input to the policy and strategy planning process—one often discovers as house built of cards. For example, silos become launchers, which then become warheads, throw weight, and the force locations. Any resemblance between this and the actual numbers of warheads or missiles or launchers is strictly coincidental, and the locations only cover one possibility. The estimates might be right, but the data certainly do not tell whether this is the case or not. And, the United States not only seems oblivious to the possible problem, but worse still, may have serious internal structures and bureaucratic beliefs that make dealing with the problem very, very difficult.

In considering PD-59 and the impact of Soviet secrecy and deception, a second problem, made especially serious because of the targeting problem, is defense. For years the US has denigrated any defense effort. This is the mutual vulnerability portion of the mutual assure destruction (MAD) doctrine. The reasonableness of this approach has now been seriously questioned and for the first time in two decades, the folly of standing defenseless is being recognized along with the increasingly percieved need for a major shift to a defense oriented strategy.

Even before President Reagan called attention to the need for strong defense initiatives, the importance of this action was clearly presented in Defense Secretary Caspar Weinberger's 1983 Annual Report to the Congress. In his overview of US strategy, he identifies three main principles. First, "our strategy is defensive." Second, "the deterrent nature of our strategy is closely related to our defensive stance." And third, "In responding to an enemy attack, we must defeat the attack and achieve our national objectives while limiting—to the extent possible and practicable—the scope of the conflict."

Throughout this Annual Report, the critical importance of defense in the new doctrine is obvious when such phrases as "defeat the attack," "limit the scope of the conflict," "deny the enemy his political and military goals," and "terminate hostilities at the lowest possible level of damage to the United States," are examined with full comprehension of Soviet secrecy, cover, deception, and mobility practices and the resultant US nuclear force targeting limitations discussed above.

The goals of PD-59, or its successor, NSDD-13, simply cannot be met, even partially met, with only offensive capabilities. Indeed, because of Soviet secrecy, cover, deception, and mobility, US offensive forces may be almost totally unable to do much other than hit fixed, pre-briefed targets, which, if important to the Soviets, may no longer be valid targets when the war starts.

The goals of the new US nuclear strategy truly lack credibility in the absence of ABM

defenses, the current situation. And, therefore, to change the doctrine, once again, much more than mere words are required. Substantial actions are essential in both defense and offense.

Most important are the development of reasonable active and passive (civil) defenses of our country, of which we now have essentially none. If we desire to survive nuclear war (we can, if we really want to), we must take measures to protect ourselves—our military forces, our civilian population, our economy, and our government. This would call for changing the current organization, acquisition, and management attention to include a heavy defensive component; in fact; a dominant defensive component.

For passive defense, first and foremost, a sensible civil defense system should be designed and built. The myth that America cannot survive a nuclear war with the Soviets—a myth that the US government, for political reasons, has helped to promote—is exactly that: a myth.

As for active defense, despite the general discouragement resulting from the Anti-Ballistic Missile (ABM) Treaty of 1972, considerable technical progress has been made in recent years toward attaining a defense against ballistic missile attack. We should be doing for active defense development what we did for the ICBM 30 years ago: give it a top, presidentially-directed priority. In March, 1983, President Reagan took the first step in this direction. Were Reagan now to move on active defense as Eisenhower did on the ICBM, or as Kennedy did on the Apollo man-on-the-moon program, chances are that enormous progress would be made and a reasonably effective layered defense capability could become real within a decade.

Regarding air defense, it is ironic that all the considerable gains we have made in this area have been applied to the defense of other countries, while our own continental defenses have been emasculated. In the meantime, the Soviets have been building up a strategic bomber capability which, if we do not restore air defense, will get a free ride over US territory.

In the area of offensive strategic weapons, in deploying our land-based systems, being a completely open society, we do not have the ability to disinform the Soviet targeteers, as they so readily do to us. If we are to have survivable land-based systems, since they cannot be successfully hidden or the Soviets spoofed as to their whereabouts, the weapons will have to be mobile and exist in reasonably large numbers. In this respect, a small road-mobile ICBM should be developed with top priority as the main land-based missile force. Nuclear warhead technology exists to permit such a system to be fielded unarmed and free of threats from terrorists (the actual arming would take place only in the event of a crisis or war itself).

In sum, the United States may be heading down in illusory path in devising nuclear strategy and defenses. Not having taken into account the Soviet propensity and capability for deception, we may (and probably) have been foolishly playing into the Soviet hands and unwittingly given them an even larger degree of strategic nuclear superiority than we now admit they have.

It is essential to our security that this error be understood and corrected. Deception is a singularly important aspect of Soviet strategy. It is also a national talent in the Soviet Union. It is an integral part of their planning process. One would expect it to be employed in significant ways—probably accompanied by a variety of poor efforts undertaken to distract the attention of US intelligence and create the image of ineffective and clumsy Soviet deception practices.

But, where are the significant deception efforts? How have we been or are we being misled? Where are the examples of these efforts? Perhaps we should consider Amrom Katz's not too facetious observation, "We have never found anything the Soviets have successfully hidden"—and add to it the thought that the Soviets may be very good at hiding—when they want to be.

ALL SERVICES CAMPAIGN OF POSTAL SERVICE

Mr. STEVENS. Mr. President, Postmaster General William Bolger recently announced that the Postal Service will be instituting an ambitious all-out campaign to improve the quality of service to the mailing public. This effort, called the All Services Campaign, will involve each and every employee in the Postal Service and should greatly enhance the Service's ability to serve the Nation's mailers.

The campaign will adopt the theme "We'll Help You Get Our Best" in its program to help educate the public on available services and products and how to most effectively use the Postal Service's resources. An employee awareness effort, with the theme "Know and Tell," will place emphasis on educating and motivating employees who interact with the public to improve courtesy and professionalism. Emphasis will also be placed on improving the efficiency, orderliness, and cleanliness of post office window and lobby areas.

The campaign was kicked off on September 13 with an unprecedented 2-hour video conference between the Postmaster General, headquarters staff, and 3,000 postal employees in designated cities in 38 States from Tampa, Fla., to Anchorage, Alaska; from Honolulu, Hawaii, to Hanover, N.H.

I am particularly pleased at this effort because I have long felt and urged the Postal Service to make a greater effort to inform the public of the services they offer, as well as remind postal employees of the need to meet the wants of the public. Recent studies by both the Postal Service and independent organizations show that although the Postal Service does a creditable job in moving the mail, it needs to more effectively deal with the general public and the individual customer.

In a study conducted last year, the National Academy of Public Administration applauded the Postal Service for its outstanding achievements but noted that reduced costs and increased productivity "may have been accomplished at some sacrifice in employee courtesy and customer services." It noted that while the Postal Service had "done a good job of working with big mailers," more attention should be given to the needs of the general public.

Last year, the Postal Service studied customer attitudes in Denver, Baltimore, Houston, and New York City. The customers identified three areas of concern: Waiting in lines, discourteous window clerks, and inconsistent local mail delivery. In interviews with employees, the Postal Service was cited as a good employer but was viewed as being perhaps too concerned with productivity and not enough concerned with the "human element."

The All Service Campaign is designed to address the shortcomings identified. The program's general publicity campaign began on September 18 with full-page color ads explaining postal products and services. These advertisements will continue on a monthly basis in the Sunday supplement of major newspapers throughout the Nation. Each will feature a different message about postal services in an effort to help customers select the product or service which best meets their needs and budgets. Each month's advertisement will be reinforced by displays and posters in the post offices and free brochures on the subject will be available. The know and tell portion of the campaign will encourage employees to know about the services and tell the customers about them.

Research by the Postal Service found a general lack of public understanding of the various mail services available. By increasing the public's knowledge of what is available, more customers will enter a post office knowing what they need. This should make it easier for the clerk to serve the customer, shorten the customer's time at the post office, and generally improve the level of service provided to the public as a whole.

I commend Postmaster General Bolger for not only recognizing the Postal Service's shortcomings but for entering into this aggressive program to make improvements where they are needed. I am sure that we all welcome the Postal Service's efforts to reaffirm its partnership with the American mailing public.

CIVIL RIGHTS COMMISSION

Mr. PERCY. Mr. President, I am very disappointed that the U.S. Civil Rights Commission has been allowed to expire. Beginning October 1, the Commission began to wind up its operations. I think it is very unfortunate that this situation has been allowed to occur. The Civil Rights Commission was established in 1957 to provide an independent source of information on our progress as a nation toward the goal of assuring full civil rights for all Americans. Since then, virtually every

President and every administration has come in for its share of criticism. But this is one reason why the Congress established the Commission in the first place—to assure that there would be capable but independent assessments and information provided on vital civil rights issues. It is one reason why the Congress is now intent on preserving the Commission's independence and its fundamental authorities.

During the debate over extension, several important principles have emerged which—I strongly believe—must be closely adhered to in any reauthorization bill. First, the Commission should be bipartisan, with an equal number of Republicans and Democrats. This division helps greatly to assure independence and continuity when control of the administration shifts from one party to another. Second, providing that no President may appoint a majority of commissioners within his term prevents one administration from stacking the membership with individuals holding a single set of views. Third, the President should not be authorized to dismiss commissioners except for neglect of duty or malfeasance. This, too, is a fundamental safeguard of the Commission's independence, and closely tracks such safeguards in other independent organizations throughout Government. Finally, no special preference in structuring the Commission should be given to any particular President. Presidents since Eisenhower—Republican and Democratic—have had to deal with forthright expressions of views from the Civil Rights Commission. I have heard no good reason why the time-honored process of nomination, with the advice and consent of the Senate, should not apply in this instance.

Mr. President, through the patient efforts of Senators SPECTER, DOLE, BIDEN, and others, an approach has been developed which fully comports with these principles. The House has already passed reauthorization legislation. It is time for the Senate to act. I sincerely hope the Judiciary Committee will report an acceptable bill this week, that the Senate can then move on it expeditiously, and that Congress can present a bill to the President for signature before the Columbus Day recess.

CONGRESSMAN JOHN ERLENBORN TO RETIRE

Mr. PERCY. Mr. President, I would like to speak of a friend and colleague who, for the past 27 years, has devoted his life to public service. Representative JOHN ERLENBORN has recently announced his intention to retire at the end of his current term, an announcement received with great regret by his colleagues, by the people of the 13th Congressional Distirct, and by myself as well.

It is difficult to do justice in such brief remarks to the achievements of a man who has served in Congress for 18 years. His long and distinguished career has produced a legacy whose impact will be felt by generations to come. His record is one of achievement, balance, and of a deep knowledge of the legislative and parliamentary skills vital to success in the House of Representatives.

He examines each issue on its own merits: JOHN is no hostage to ideology. He could be a strenuous advocate of Government involvement in education while questioning the need for a Department of Education. JOHN devoted his energies to problem solving on behalf of the people of his district and the State of Illinois, but he also turned his creative mind to national problems in the areas of education, pension and retirement policy, as well as Government efficiency. He will be missed on both sides of the aisle, and indeed, on both sides of the Capitol.

It was not easy to have been a Republican with good ideas for those many years in a Democratic House. However, the sheer number of measures that bear his imprint, either by authorship or sponsorship, is a testimony to JOHN's stature as a thoughtful legislator and a persuader. The balance I mentioned previously was often brought to bear in terms of JOHN's willingness to negotiate and compromise without ever losing sight of his substantive goals. The majority on the Education and Labor Committee will no doubt recall the ever-present danger of the Erlenborn substitute should they fail to close ranks. Yet, in spite of the differences that sometimes divided JOHN from his Democratic colleagues, the significant legislation that emerged over the past decade from education and labor has been notably influenced by him, most often in the area of minimum wage legislation and pension law. In fact, as ranking Republican on the committee, he became the acknowledged congressional expert on pension law. The wonderful innovation of the individual retirement account owes its conception largely to JOHN ERLENBORN.

In an era of enormous expansion of Government in the 1970's into increasingly diverse aspects of American life, he consistently sought to insure its accountability to the public interest. He became involved in legislation necessary to monitor Federal budget procedures and Government operations. As a senior member of the House Committee on Government Operations, JOHN sponsored legislation in 1969 to create a commission to study Government purchasing practices and to promote efficiency. This legislation was buttressed in 1974, under JOHN's leadership, by the Federal Procurement Act and the Congressional Budget Act—a measure very close to my own heart—to reform and streamline spending procedures. Consistent with his principles, he strenuously advocated legislation for increased vigilance over the spending practices of the Federal agencies. These efforts came to fruition in 1978 and again in 1982 with the establishment of the Office of Inspector General in each of 12 Federal agencies, and the creation of a special inspector to monitor spending in the Defense Department. Finally, on another issue of special interest to me, he has been militant in his efforts to establish stronger enforcement procedures in the collection of Federal debts, and to close loopholes through which many have defaulted on student loans. I express my deep appreciation to JOHN for his assistance in securing final passage of the Federal Debt Collection Act of 1982.

But JOHN ERLENBORN was no enemy of regulation when he perceived a legitimate need for it. Witness his efforts as floor manager in 1970 for the House debate on the EPA Act to establish an independent Environmental Protection Agency, consolidating major programs for combating pollution into a single agency. Similarly, in 1970 he managed the floor debate calling for the creation of the National Oceanic and Atmospheric Administration.

Recently we have been made aware of deficiencies in our educational system. A Presidental Commission on Education has assessed the situation as tantamount to an act of war against the future of our country. Experts have competed with each other to suggest methods for reversing the tide of deteriorating standards. Given JOHN ERLENBORN's experience with education issues, it is reassuring to know that, while he leaves public office, he nonetheless maintains an active interest upon which we may rely in the continuing debate on this subject. He has long advocated that Government address itself to the goals of education in the United States. As early as 1971, JOHN proposed and secured passage of a resolution calling for a White House Conference on Education. In 1972, he cosponsored legislation creating the National Institute of Education to provide leadership in scientific inquiry into the educational process. JOHN understands fully that investment in education is an investment in our future. Toward this end, he undertook to increase the lending capacity of Federal assistance programs for college students, and to author legislation to create a secondary market for student loans, and to support efforts to insure that loans are repaid. In addition, numerous pieces of legislation have been passed under his leadership that reflect his concern for the special

needs of gifted and handicapped children. At a time of perceived crisis in our national education, we need his participation in the process of devising creative proposals to reinvigorate education in America.

It has been a special pleasure for me to work closely with him on the increasing number of Illinois-related projects that our delegation is jointly taking on. I want particularly to commend him for his efforts on behalf of the Argonne National Laboratory in insuring its future growth and stability. Although we were not successful in our most recent effort of securing the electron accelerator for Argonne, we have received reasonable assurance from Energy Secretary Don Hodel that future requests from Argonne will have top priority at the Department of Energy. Without JOHN's commitment to this valuable national and Illinois resource, we would not now enjoy this hopeful prospect.

I trust that JOHN will look forward to new opportunities and to greater leisure to enjoy the company of his wife Dorothy and their three children, Debra, Paul, and David. Personally, I deeply regret the departure of a man whose counsel and partnership have benefited me ever since I have served in the Senate. As a colleague, JOHN will be irreplaceable; as a friend, I wish him every success and happiness in the future. I, along with many here, will miss him.

WE CAN SOLVE OUR PROBLEMS

Mr. DIXON. Mr. President, Mr. W. B. Johnson, chairman and chief executive officer of Illinois Central Industries, a major corporation headquartered in my State, recently spoke at the annual banquet of the Greater Salisbury Committee in Salisbury, Md. The speech raises a number of crucially important issues concerning how to get our economy back on the path to sustained strong economic growth. Bill Johnson's comments are thought-provoking, and I am sure would be of interest to the entire Senate. I ask unanimous consent, therefore, that the entire test of his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY W. B. JOHNSON

Good evening—and thanks so much, Tony (Hannold), for the generous introduction. First off, I want to congratulate the Greater Salisbury Committee for its 16 years of civic commitment and service—indeed, results are evident and should be cause for pride.

Since leaving Salisbury more than 45 years ago, I've lived and worked in Washington, D.C., Philadelphia, New York, and Chicago. But wherever I've been, the Eastern Shore has always been home.

I went to school at Wicomico High, and then Washington College. My father was a Judge here. My brother Rufus and his wife Grace, and most of their family, still live here. Mary and I have a second home in Ocean Pines. And we come back as often as we can, because you just can't get Eastern shore scrapple, or really good sweet corn and peaches anywhere in Chicago.

Under the heading of "the road not taken", or "what might have been", there was a time long ago when Mary and I and my father planned to form a three-Johnson law firm here. And then, after some years, the late Dale E. Adkins flattered me by suggesting that I leave the Pennsylvania Railroad Law Department to join his firm in Salisbury. But events led me down another road, and those former possibilities are now just material for pleasant speculation.

It's good to be back home again tonight. The world always looks a little more peaceful—and also more hopeful—from the Chesapeake Bay Region than it does from my desk in the Midwest. Perhaps the perspective is better here.

Many years ago, the famed John Dickinson of the Pennsylvania Railroad, wrote an essay on the lawyers of the early Philadelphia bar in the 17th and 18th centuries. The most influential—men like Andrew Hamilton who defended Peter Zenger; William Tilgham, who was Chief Justice of Pennsylvania's highest court; and Tench Francis who served as Attorney General in Pennsylvania—all came from Salisbury, Cambridge, or elsewhere on the Eastern Shore.

The fascinating thesis of the essay is that there was something special in the environment of this area which produced such outstanding men, with their great imagination, integrity, and common sense. I would surely be reluctant to disagree with that! Rather, I would obviously and immodestly prefer to think that my own career has benefited similarly from my Eastern Shore heritage.

According to Dickinson's essay, what those great legal personalities acquired from the diversified beauty of this area was a respect for nature; from the businesses here, an appreciation of responsibility, work, and private enterprise; from our agriculture, a sense of patience; and from the schools and churches, a respect for literature, art, and, above all, philosphy and logic.

In that sense, Salisbury has not changed very much over the years. The same basic forces still sustain the people and the area today.

That's not to say it's been smooth sailing here in Salisbury—especially in the past few years. The Eastern Shore has been altered by economic change, and hurt like everyone else in America by the recent recession, the longest and deepest economic crisis since the Great Depression of the thirties.

In the past few years, America has discovered the limits of the national economy's ability to finance solutions for all our problems and, at the same time, achievement of all our goals. It has been a sobering experience for the people of the greatest nation of the world.

For the first time in my memory, a majority of the people on some public opinion surveys have said that they expect their children will be worse off than their parents.

But this cynicism and discouragement doesn't extend to the Eastern Shore. At a time when some Americans are trying to convince themselves that small is beautiful, the people in Salisbury are looking for ways to make the economic pie bigger. You've successfully put together a coalition—represented here tonight—of business, government, and workers that has tackled the issues of jobs, education, and economic growth.

And with all of this, you've helped bring the unemployment rate in the area down to 8.7 percent—that's still somewhat high, but well below the national average, and I congratulate you for it. Any knowledgeable visitor to downtown Salisbury or the river front would have to admire the solid accomplishments that your group, working with others, has achieved.

I wish the rest of the country were doing as well, but unfortunately, it is not. Economists tell us that the recession officially ended last November—but even though the Gross National Product grew at a remarkable annual rate of 9.7 percent of this year's second quarter, the heavy industrial sector of the American economy remains stalled.

Consumers are indeed spending more money—on furniture, food, clothing, and on the big ticket items of housing and autos. But business has not yet started to substantially replenish inventories, buy machine tools, or rebuild and expand factories—and that's why the recovery has not yet really taken hold across the board. Investment in plant, property, and equipment is still running about two and a half percent below last year's level—and that was not a high level.

We can see the pattern at my own company, because the diversity of IC Industries provides a uniquely broad view of the American economy. Since 1966, when I joined the company as its CEO, we have announced and pursued three carefully conceived plans of diversification and development. We've transformed ourselves from a modest midwestern railroad—the Illinois Central—to a four billion dollar multinational company with operations in a great variety of specialty foods, soft-drinks, consumer services, commercial products, and railroads.

Even so, we have been severely tested by the economic developments of the past two years—and I believe we have passed the test, proving the wisdom of our program of diversification.

At a time when many fine companies lost money, margins, and market share, we continued to report decent profits, pay our dividends, increase our share of most of our major markets. And we continued to make the capital investments that will keep us efficient and competitive out ahead. Thus, we are now in good position to leverage our earnings and take full advantage of the recovery which appears at last to be firmly begun.

Our food company, Pet, our soft-drink company, Pepsi Cola General Bottlers, and our service company, Midas, are once again all setting new records for sales and earnings in 1983, just as they did in 1982.

With food stores now making the capital improvements they have postponed during the past two years, our international refrigeration company—Hussmann—is having one of the best years in its history.

But our commercial products company—Abex—which manufactures hydraulic systems, castings, and other components for the country's basic industries, and our railroad, the Illinois Central Gulf, continue to lag behind the consumer companies. Only during the last 60 days have these too begun to show any real improvement in business volume. They will recover quickly, once the basic industry sector of the economy catches up with the consumer and service sectors.

Full economic recovery may be 6 to 10 months away, however, and we must be continuously concerned that enormous government deficits, high real interest rates, and the growing international trade imbalance,

do not limit or abort the recovery. More than 10 million Americans are still out of work. Factories are running at only 76 percent of capacity. And foreign competitors are having a field day in our national markets—our trade deficit may rise to $70 billion for the full year.

America's leaders need to face the economic facts of life, and move proptly to avoid risk of permanent structural damage to our basic industries and institutions.

The reasons for America's economic troubles aren't so hard to find—we're paying the price for 40 years of mismanagement of the economic system—for a misguided energy policy that kept the price of oil artificially low, and discouraged conservation.

We are paying the price for 14 consecutive years of ever-larger budget deficits, for the over-regulation of our economy, for double-digit inflation, and for loss of productivity and dilution of our national work ethic.

Some people would have us believe that these unhappy experiences prove that America has had the course—that our political and economic system cannot cope with the problems of a permanent condition of no-growth.

Indeed I must confess that there was a time, about ten years ago, when I perceived our economic and political systems to be inherently in conflict with one another, and wondered whether Capitalism could survive the inevitable excesses of democracy. It is thus understandable to me that others, concerned by our economic problems, by our newly violent cyclical swings, and our presently vast unemployment are voicing new themes and schemes to achieve better and more stable national performance. Indeed the 1984 Federal election rhetoric will almost certainly feature some of these as the answer to Reagan's supply-side economics.

We are already being told by some political leaders that we need a new national industrial policy in order to survive—a national planning agency to supplant the give and take of the free market.

We're told that foreign companies have cheaper and better labor, are better disciplined, have better support from their respective governments, and are too clever and productive for us to compete with in low-cost production and marketing of hard goods.

We are told by some to put all our capital into new high-tech industries, into information businesses, and into fast food chains. Become a service economy—Japan will build the cars, and we'll buy them and change the oil and wash the windshield!

You know that litany as well as I do. But I am far from convinced—and my principal point tonight is that you should not accept these cynical counsels as the only viable long-range economic alternatives for our country.

The people who say the sun is setting on American basic industry have forgotten the enormous strengths available to our producers—(even outside the Eastern Shore).

The United States has a greater abundance of essential natural resources than any other nation. We have highly efficient agriculture that routinely produces three times the food that our own country needs each year. We have a highly skilled, increasingly educated work force. We can claim management skills able to create and direct efficient corporate enterprises that continue to serve as models of organization for European and Japanese businesses. Most important, is the hard fact that our political and economic systems have produced a higher standard of living for more people than any system in the history of the world. The U.S. dollar is by far the world's most cherished currency other than gold, and our country is overwhelmingly the preferred site for investment of foreign capital.

Our government's relationship with our nation's businesses can assuredly be improved, but this country really does not need central planners to write a national agenda for bureaucratic implementation in the name of reindustrialization. Of course, we can learn from others, but the United States does not need political, social, or industrial systems designed by other cultures for other countries. We need only to get back to the basics of Democratic capitalism—and to give that system the freedom to do its job. I have no illusions about the effort it will take. But I also have no doubt that we have the physical and human resources to get America back on track if we but summon the national will to make the effort. Let me suggest now three specific major efforts that I believe we should resolutely pursue.

First, cut the federal deficit. The country is already one trillion dollars in debt—and economists, Congress and the Administration are predicting a string of annual deficits of about about $200 billion "for years to come."

These $200 billion deficits are not pre-ordained or inevitable. We can get much closer to a balanced budget and lower interst burdens without killing off the economic recovery through big tax increases, and without sacrificing either essential social programs or strong national defenses.

Obviously it's hard to implement remedial programs in our political environment, but it's really not all that complicated to at least determine the desirable course. We need mainly to produce much more national wealth (make a bigger pie), through great increases in savings, investment, and productivity, and above all, we should eliminate government waste.

Two and a half years ago President Reagan asked 161 businessmen to examine the federal government operations, and use their experience to find ways to cut the fat, and improve operating efficiency. The group was headed by Peter Grace—and it's popularly known as the Grace Commission or the PPSSCC. (President's Private Sector Survey on Cost Control.)

I had the honor to serve as Co-Chairman of one of 36 Task Forces. Mine was the one on Federal Hospitals—a $16 billion annual expense. Our group alone found ways to save over $11 billion in three years—and I believe our recommendations would also improve the quality of Federal health care.

Even greater possible savings were found in other agencies, in the White House, and in the Pentagon. If all the recommendations were implemented, the cost of government would be cut by $300 billion over the next three years. Our preliminary recommendations are now on President Reagan's desk, and he'll get the final report in the next few weeks.

I believe that the President and Congress will adopt many of our proposals, and considerably clean up the act of the federal government. But they will do so only if they realize that the people are solidly behind them, and want no more unnecessary tax increases, and no more unnecessary budget deficits. I hope you will support us in that effort. I know from my own experience in business, and with organizations like the American Productivity Center, that both government and business organizations can dramatically improve their operating efficiency if they make a serious effort to do so.

Second, to keep the economy growing, we need to reform today's inefficient system of taxes. We have today a patchwork of laws, rules, and regulations that often work at cross purposes. We cut taxes for individuals at the federal level to stimulate the economy—but then we raise social security and state and local taxes, and it's a wash for most taxpayers.

We offer Research and Development tax credits that cover at best only one to two percent of the cost of the investment—and then we wonder why the incentive doesn't work. Germany and Japan strongly encourage such investments through substantial tax credits.

We want people to save and invest, but we tax their capital gains, their income from savings accounts, and "double tax" their dividends from corporate earnings. The basic bias of our tax system is to reward the consumers of wealth and penalize the producers.

If ever we needed a Blue-Ribbon bipartisan Presidential Commission, this is the time—and taxes are the issue. We need a fair, simple, common sense tax policy which will provide incentives for savings and productive investments, which will encourage competition with foreign companies, and reward individuals and companies whose savings and investments create jobs and wealth. We are a rich country, but we need to be richer.

Third, we need to renew and accelerate the program of getting government off the backs of American industry. Many people don't realize how far we've gone down the road of excessive regulation. We have over 90 regulatory agencies in government today, issuing more than 10,000 new regulations each year, that cost us over $100 billion annually. Theoretically, at least, we'd create over two million new jobs a year if we invested that amount in basic industries. On a practical basis, there can be no doubt that our industries would be more effective marketplace competitors if they were not required by government regulation to serve as instruments of social purpose and reform.

The railroad industry, in which I have worked for 35 years, is perhaps the classic example of what can happen when the regulatory process becomes totally bureaucratized and an end in itself—and, even more dramatically, what can happen when you reverse the process, and remove the worst of the regulations. Since 1887, almost 100 years ago, Federal and state regulatory agencies controlled market prices and services of the nation's railroads. The resulting tremendous accumulation of regulations killed innovation, stifled competition, increased costs, and in our recent memory, were a major factor in forcing several good companies into bankruptcy.

By 1980, it was clear to all interest groups that the industry had to be de-regulated—or there wouldn't be any industry to serve the public. In that year, Congress passed the Staggers Act—the first time in a century that so-called de-regulation measures had any real substance. So, what happened?

In the three years since Staggers, the railroad industry has increased its share of the transportation market. Capital spending has increased. Return on investment has increased—all this despite the prolonged recession that devastated American industry. The results prove the benefits of letting the

private market system work. More freedom has conferred on the railroad industry more opportunity to realign, manage, and compete. The lesson can, I believe, be carried over to other basic industries, with comparable value to the economy through steady, thoughful de-regulation. The resulting risks and uncertainties can admittedly make the adjustment period painful, as in the case of the airlines, but it is better to face the underlying economic necessities and build a solid market base for long-range economical public service.

Let me hasten to assure you that I do not urge abandonment of such national goals as clean air and water, industrial safety, or conservation of energy. But the people want government to use the most sensible means of achieving these goals at minimum cost. This is because it's always the consumer and taxpayer who ultimately foot the bill for every regulatory restraint on business freedom and flexibility, whether or not the restraint is worth the cost. To truly promote the public welfare, competition is generally a better bet than regulation by a government bureau.

The competitive free enterprise systems provide opportunity to succeed or fail according to effectiveness in responding to consumer needs. This strong public interest incentive should not be substantially diluted by government rules which either protectively insulate or frustratingly burden the competitor.

Summing it up, I believe the American people now want their political leaders to face the hard questions of deficits, taxes, and regulation—and the leaders will respond if we send them a clear message. But we do have to send it. Only people working at the local level and making their desires known at the national level can influence the political leaders.

Those who no longer have the courage to trust free Democratic capitalism and, therefore, want to substitute national planning and government regulation for a free market are simply wrong. Those who want to build walls to keep out foreign competition are wrong.

Those who want us to believe that our children and grandchildren will have to accept a lower standard of living are wrong, and their pessimism should be rejected.

You and others have shown that we can rebuild our cities. We can educate the young, care for the old, insure against health catastrophes, and narrow the gap between rich and poor. We can streamline government, reduce deficits and interest rates, increase productivity and national wealth, and revitalize basic industry.

But we can reach these worthy goals only through the private efforts of thousands of Salisbury's—people who will chart their own destinies and make things happen through the vitality inherent in a free economy of free people. You are proving it here for the nation to see in the 1980s, just as Eastern Shoremen did in the 1700's.

I'm proud to share your heritage and proud also to share your evening here in my hometown. Mary and I thank you most sincerely. Good night.

TRADE WAR POSSIBLE WITH EUROPE

Mr. PERCY. Mr. President, it is with a great deal of personal regret that I must report that it appears inevitable that the United States and the European Economic Community (EEC) are moving rapidly toward an agricultural trade war.

I have just learned that it appears likely that shortly the Agricultural Commission of the EC will recommend the imposition of a quota levy on U.S.-origin corn gluten feed (CGF). The recommendation must be acted upon by the council of ministers, which will meet this December in Athens. The imposition of a quota levy would be a serious violation of a trade agreement reached between the United States and the European Community during the 1962 Kennedy round of tariff negotiations. It was entered into by both parties in good faith under the General Agreement on Tariffs and Trade.

U.S. exports of CGF amounted to about 3.1 million metric tons during 1982, almost all of it going to Europort in Rotterdam. It amounted to about $500 million in sales by U.S. producers, many located in east central Illinois.

Mr. President, time and again, I have received assurances from leading officials of the EC that a quota levy would not be imposed, particulary in view of stabilized production of CGF in the corn wet milling industry. Despite many meetings with Community officials to warn them of the serious consequences of imposing a quota levy on CGF, it appears that the Community is poised to act.

On April 15, 1982, the Senate unanimously adopted Senate Resolution 362 to urge the President of the United States to take appropriate action to protect U.S. exports of CGF. I would like to repeat subparagraph B of the first resolve clause:

> The imposition of any trade restriction on CGF would be a serious impediment to our relations with the European Community since it is specifically directed against the United States interests.

Perhaps, the officials of Agricultural Commission do not believe that we are serious. I hope not.

Therefore, I support the recent actions of the U.S. Government in drawing up lists of various agricultural and industrial commodities that might be subject to similar treatment if this critical trading agreement is unilaterally violated.

Further, I would urge the Secretary of Agriculture to develop contingency plans for another targetted sale of U.S. surplus dairy products to third countries, similar to the recent sale to the Arab Republic of Egypt.

Recently, I learned from the Bureau of Alcohol, Tobacco and Firearms of certain shipments of European-origin wine that may have been mislabeled. That is, these labels indicate a higher quality than the real contents of the bottle.

If that proves to a pattern of behavior, then I would urge the Department of Treasury to institute a screening program to ensure that the American public is getting the imported wine it is paying to receive.

Mr. President, I hope against hope that we do not have to enter into a trade war that will serve no useful purpose. However, it seems that the officials of the European Community have turned a deaf ear to our warnings and have invited this type of reaction.

Mr. President, I would like to include for the Record a report specifically prepared by the Bureau of Alcohol, Tobacco and Firearms on a completed case which deals with the mislabeling of French wine. I understand there are other mislabeling cases still under investigation. Of course, we do not know how many of these incidents go unreported. I note the cooperation of the European authorities in investigating the following case. However, that does not diminish the legitimate concern of the American public about the authenticity of the European wine they are buying.

I ask unanimous consent that this report be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CASTLETON IMPORTS, INC., LONG ISLAND, N.Y.

This investigation was initiated subsequent to allegations that Castleton Imports, Inc., and its sole corporate officer, Samuel Savitsky, were importing ordinary French table wine, worth about $1 per bottle, with fraudulent high quality "appellation controllee" labels and retailed for inflated prices up to $20 and $30 per bottle.

This investigation was conducted with the assistance of French, British, and Dutch authorities; the U.S. Customs Service, the Department of State, Department of Justice, the Office of International Affairs, and the U.S. Attorney's Office. ATF's participation was from the Offices of Criminal and Regulatory Enforcement, Office of Chief Counsel, Regulatory Audit Staff, and the Office of North Atlantic Regional Counsel.

A case report was submitted on March 18, 1981, charging Castleton Imports, Inc., and Samuel Savitsky with violations of 18 U.S.C. 1001, knowingly and willfully making false, fictitious, or fraudulent statement or document, and 26 U.S.C. 5603(a)(2), making false entry in documents required by this chapter with intent to defraud.

On December 22, 1982, Castleton Imports Inc. pleaded guilty to a 1-count information charging the corporation with 18 U.S.C. 545, smuggling. Mr. Savitsky admitted in court that he and Bernard Grivelet, French producer of Grivelet wines, conspired to import the fraudulent wine. Castleton Imports was fined $10,000 and as part of the plea agreement, the corporation forfeited its basic permit and thus terminated the business. Also, as part of the plea agreement, the corporation was ordered to ship, at their expense, all wines seized in the U.S., approximately 8000-9000 cases, to the French authorities for their seizure.

As a result of the European part of this investigation, Mr. Grivelet was fined $3,000,000; two subjects in Liverpool were sentenced to 18 months in jail and in Holland, one subject was sentenced to five years

imprisonment and subsequently fled the country.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ACTIVITIES UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT FOR 1982—MESSAGE FROM THE PRESIDENT—PM 82

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 26 of the Occupational Safety and Health Act of 1970 (Public Law 91-596), I transmit herewith the 1982 annual reports on the activities under that law of the Department of Labor and of the Department of Health and Human Services.

RONALD REAGAN.

THE WHITE HOUSE, *October 6, 1983.*

MESSAGE FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 11:21 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1499. An act to settle certain claims of the Mashantucket Pequot Indians;

H.R. 3813. An Act to amend the International Coffee Agreement Act of 1980;

S.J. Res. 102. Joint resolution to designate the week of October 16, 1983, through October 22, 1983, as "Lupus Awareness Week"; and

S.J. Res. 128. Joint resolution to desginate the day of October 22, 1983, as "Metropolitan Opera Day."

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

At 12:13 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1894. An act to designate the Foundation for the Advancement of Military Medicine as the "Henry M. Jackson Foundation for the Advancement of Military Medicine," and for other purposes.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 96. An act to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2379. An act to provide for the protection and management of the national park system, and for other purposes;

H.R. 3835. An act to designate the U.S. Post Office Building in Oshkosh,Wis., as the "William A. Steiger Post Office Building";

H.R. 3932. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act, and for other purposes; and

H.R. 3959. An act making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 184. Concurrent resolution providing for an adjournment of the two Houses from October 6 or 7 until October 17, 1983.

At 4:38 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4101. An act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

ENROLLED BILL SIGNED

At 6:25 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker pro tempore (Mr. WRIGHT) has signed the following enrolled bill:

S. 1894. An act to designate the Foundation for the Advancement of Military Medicine as the "Henry M. Jackson Foundation for the Advancement of Military Medicine," and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 7:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1852. An act to extend the expiration date of the Defense Production Act of 1950.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1556) to authorize the conveyance of the Liberty Ship *John W. Brown.*

The message further announced that the House has agreed to the following resolution:

H. Res. 333. A resolution electing the Honorable Jim Wright from the State of Texas as Speaker pro tempore.

At 7:37 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 4041) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

HOUSE MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2379. An act to provide for the protection and management of the national park system, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3932. An act to amend the District of Columbia Self Government and Governmental Reorganization Act, and for other purposes; to the Committee on Government Affairs.

H.R. 3959. An act making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes; to the Committee on Appropriations.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary reported that on today, October 6, 1983, he had presented to the President of the United States the following enrolled bill and joint resolutions:

S. 1499. An act to settle certain claims of the Mashantucket Pequot Indians;

S.J. Res. 102. Joint resolution to designate the week of October 16, 1983, through October 22, 1983, as "Lupus Awareness Week"; and

S.J. Res. 128. Joint resolution to designate the day of October 22, 1983 as "Metropolitan Opera Day".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 489: A bill for the relief of James A. Ferguson (Rept. No. 98-264).

S. 1212: A bill for the relief of 16 employees of the Charleston Naval Shipyard (Rept. No. 98-265).

S. Res 164: A resolution to refer S. 1519, entitled, "A bill for the relief of Frank L. Hulsey", to the Chief Commissioner of the

United States Court of Claims for a report thereon (Rept. No. 98-266).

H.R. 730: A bill for the relief of Ronald Goldstock and Augustus M. Statham (Rept. No. 98-267).

H.R. 732: A bill for the relief of Gregory B. Dymond, Samuel K. Gibbons, Jack C. Kean, James D. Nichols, and Roy A. Redmond (Rept. No. 98-268).

H.R. 745: A bill for the relief of Stephen C. Ruks (Rept. No. 98-269).

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

H.R. 3103. An act to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. STAFFORD, from the Committee on Environment and Public Works:

A. James Barnes, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency;

Josephine S. Cooper, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency; and

By Mr. STAFFORD, from the Committee on Environment and Public Works:

John C. Martin, of Virginia, to be Inspector General, Environmental Protection Agency.

(Pursuant to the order of September 20, 1983, referred to the Committee on Governmental Affairs for not to exceed 20 days.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD:

S. 1925. A bill to establish a National Coal Science, Technology, and Engineering Development Program; to the Committee on Energy and Natural Resources.

By Mr. TOWER:

S. 1926. A bill for the relief of Katie Wood, Kathryn Wood, and Nancy Wood of San Antonio, Tex.; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. PELL):

S. 1927. A bill to amend the Intelligence Authorization Act for fiscal year 1984 to prohibit U.S. support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America; to the Select Committee on Intelligence.

By Mr. DURENBERGER (for himself and Mr. BOREN):

S. 1928. A bill to amend the Social Security Act to authorize the conduct of federally assisted pilot projects designed to improve the delivery of services under the various human services programs by establishing integrated service delivery systems for those programs; to the Committee on Finance.

By Mr. D'AMATO:

S. 1929. A bill to amend the Agricultural Act of 1949 and the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, to modify the dairy price support program and to establish a minimum price for class I milk subject to milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURENBERGER (for himself, Mr. PACKWOOD, Mr. HATFIELD, and Mr. HART):

S. 1930. A bill to amend title 5, United States Code, to provide for equitable support of former spouses, spouses, and children of Federal employees; to the Committee on Governmental Affairs.

By Mr. DURENBERGER (for himself, Mr. PERCY, Mr. BAUCUS, Mr. EXON, Mr. MCCLURE, Mr. HART, and Mr. PRYOR):

S. 1931. A bill to amend the Internal Revenue Code of 1954 to revise the tax incentives for certain alcohol fuels; to the Committee on Finance.

By Mr. JOHNSTON (for himself and Mr. LONG):

S. 1932. A bill to amend section 98 of title 28, United States Code, to permit Federal district court to be held in Houma, La.; to the Committee on the Judiciary.

By Mr. BYRD (for himself and Mr. INOUYE):

S. 1933. A bill to amend the Small Business Act; to the Committee on Small Business.

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 1934. A bill to amend the Railroad Retirement Act of 1974 to make certain adjustments in benefits contingent on the financial condition of the railroad retirement system.

By Mr. HEINZ (for himself, Mr. DANFORTH, and Mr. CRANSTON):

S. 1935. A bill to establish an interagency task force on cigarette safety; to the Committee on Governmental Affairs.

By Mr. QUAYLE (for himself and Mr. KENNEDY):

S. 1936. A bill to amend the Trade Act of 1974; to the Committee on Finance.

By Mr. LEVIN:

S. 1937. A bill to amend the Internal Revenue Code of 1954 to impose an additional excise tax on the sale of certain imported automobiles in the United States; to the Committee on Finance.

By Mr. HATCH:

S. 1938. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WALLOP (for himself, Mr. DOMENICI, Mr. BAKER, Mr. BYRD, Mr. MCCLURE, Mr. DURENBERGER, Mr. MATSUNAGA, Mr. HATFIELD, and Mr. FORD):

S. 1939. A bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain property for the energy tax credit, and for other purposes; to the Committee on Finance.

By Mr. DANFORTH (for himself, Mr. MITCHELL, Mr. EVANS, Mr. BENTSEN, Mr. GORTON, Mr. MOYNIHAN, Mr. COHEN, Mr. HEINZ, Mr. WALLOP, Mr. SYMMS, and Mr. BAUCUS):

S. 1940. A bill to amend the Internal Revenue Code of 1954 to deny the deduction for amounts paid or incurred for certain advertisements carried by certain foreign broadcase undertakings; to the Committee on Finance.

By Mr. SPECTER:

S. 1941. A bill to establish the Crime Victim's Assistance Fund to provide Federal assistance to State and local programs to aid juvenile and adult victims of crime; to the Committee on the Judiciary.

By Mr. DIXON (for himself and Mr. PERCY):

S. 1942. A bill to amend the Merchant Marine Act of 1936 to provide that government generated cargoes transported on U.S.-flag or foreign vessels shall be shipped at the lowest landed cost, and that the transport of such cargoes shall be subject to a competitive bidding system; to the Committee on Commerce, Science, and Transportation.

By Mr. DIXON (for himself, Mr. PERCY, and Mr. RIEGLE):

S. 1943. A bill to eliminate the collection of tolls on the U.S. portion of the St. Lawrence Seaway, to terminate the St. Lawrence Seaway Development Corporation and establish a St. Lawrence Seaway Development Administration in the Department of Transportation, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ANDREWS:

S. Res. 239. A resolution relative to expenditures by the Select Committee on Indian Affairs; to the Select Committee on Indian Affairs.

By Mr. BYRD (for himself and Mr. RANDOLPH):

S. Res. 240. A resolution to commemorate the 50th anniversary of Jamboree U.S.A.; submitted and placed on the calendar.

By Mr. TSONGAS (for himself, Mr. ABDNOR, Mr. ANDREWS, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BINGAMAN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BUMPERS, Mr. Byrd, Mr. CHILES, Mr. COCHRAN, Mr. COHEN, Mr. D'AMATO, Mr. DECONCINI, Mr. DIXON, Mr. DOLE, Mr. DURENBERGER, Mr. EAGLETON, Mr. EXON, Mr. FORD, Mr. GARN, Mr. GLENN, Mr. GRASSLEY, Mr. HART, Mr. HATCH, Mr. HEINZ, Mr. HUDDLESTON, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. LAXALT, Mr. LEVIN, Mr. LUGAR, Mr. MATTINGLY, Mr. MELCHER, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. PELL, Mr. PRESSLER, Mr. PROXMIRE, Mr. PRYOR, Mr. QUAYLE, Mr. RANDOLPH, Mr. RIEGLE, Mr. RUDMAN, Mr. SARBANES, Mr. SASSER, Mr. SIMPSON, Mr. SPECTER, Mr. STENNIS, Mr. WARNER, Mr. WILSON, Mr. ZORINSKY, Mr. HOLLINGS, Mr. PERCY, and Mr. JEPSEN):

S. Con. Res. 74. A concurrent resolution to encourage and support the people of Afghanistan in their struggle to be free from foreign domination; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself and Mr. WARNER):

S. Con. Res. 75. A concurrent resolution favoring a National Museum of the U.S. Army; to the Committee on Armed Services.

By Mr. DODD (for himself, Mr. PERCY, Mr. PELL, and Mr. KENNEDY):

S. Con. Res. 76. A concurrent resolution to congratulate Lech Walesa, leader of the independent Polish trade union Solidarity, on being awarded the 1983 Nobel Peace Prize; submitted and placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD:

S. 1925. A bill to establish a National Coal Science, Technology, and Engineering Development Program; to the Committee on Energy and Natural Resources.

(The remarks of Mr. BYRD on this legislation and the text of the legislation appear earlier in today's RECORD.)

By Mr. DURENBERGER (for himself and Mr. BOREN):

S. 1928. A bill to amend the Social Security Act to authorize the conduct of federally assisted pilot projects designed to improve the delivery of services under the various human services programs by establishing integrated service delivery systems for those programs; to the Committee on Finance.

DELIVERY OF VARIOUS HUMAN SERVICES

● Mr. DURENBERGER. Mr. President, we are all familiar with the frustration of trying to wade through the bureaucratic redtape of the Federal Government. This problem, while troublesome for all citizens, is particularly difficult for those members of society who are disadvantaged or without formal education. These individuals, often elderly and frail, are frequently confronted by a massive array of paperwork and caseworkers when applying for governmental assistance. They are commonly sent from building to building in order to complete their applications for various Federal programs—frequently in the dead of winter when they have little transportation available.

Not only does this create needless emotional and physical hardship, but these bureaucratic layers often result in duplication of efforts. From a cost perspective, utilization of multiple agency locations, application forms, and other program functions is quite inefficient.

Senator BOREN and I are introducing legislation today in an effort to return efficiency and compassion to our welfare system. My "One Stop" Federal assistance bill would streamline our public assistance programs by establishing an integrated service delivery system.

This bill would authorize funding for four to eight pilot projects to improve the delivery of human services in several ways:

Develop a common set of terms for use in all human service programs involved;

Develop for each applicant a single comprehensive family profile;

Establish and maintain a single resource directory to inform community citizens;

Develop a unified budget process, and

Consolidate agency locations and related transportation services.

I believe this legislation is an important first step in improving delivery of services by the Federal Government in an effective fashion and I urge my colleagues to support this bill.

I ask unanimous consent that the entire test of this legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part A of title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"PILOT PROJECTS TO DEMONSTRATE THE USE OF INTEGRATED SERVICE DELIVERY SYSTEMS FOR HUMAN SERVICES PROGRAMS

"SEC. 1135. (a) In order to develop and demonstrate ways of improving the delivery of services to individuals and families who need them under the various human services programs, by eliminating programmatic fragmentation and thereby assuring that an applicant for services under any one such program will be informed of and have access to all of the services which may be available to him or his family under the other human services programs being carried out in the community involved, and State having an approved plan under part A of title IV may, subject to the provisions of this section, establish and conduct one or more pilot projects to demonstrate the use of integrated service delivery systems for human services programs in that State or in one or more political subdivisions thereof.

"(b) The integration of service delivery systems for human services programs in any State or locality under a pilot project established under this section shall involve or include—

"(1) the development of a common set of terms for use in all of the human services programs involved;

"(2) the development for each applicant of a single comprehensive family profile which is suitable for use under all of the human services programs involved;

"(3) the establishment and maintenance of a single resources directory by which the citizens of the community involved may be informed of and gain access to the services which are available under all such programs;

"(4) the development of a unified budget and budgeting process, and a unified accounting system, with standardized audit procedures;

"(5) the implementation of unified planning, needs assessment, and evaluation;

"(6) the consolidation of agency locations and related transportation services;

"(7) the standardization of procedures for purchasing services from nongovernmental sources;

"(8) the creation of communications linkages among agencies to permit the servicing of individual and family needs across program and agency lines;

"(9) the development, to the maximum extent possible, of uniform application and eligibility determination procedures; and

"(10) any other methods, arrangements, and procedures which the Secretary determines are necessary or desirable for, or consistent with, the establishment and operation of an integrated service delivery system.

"(c)(1) Any State which desires to establish and conduct a pilot project under this section, after having published a description of the proposed project and invited comments thereon from interested persons in the community or communities which would be affected, may submit an application to the Secretary (in such form and containing such information as the Secretary may require) within 18 months after the date of the enactment of this Act. The proposed project may be statewide in operation or may be limited to one or more political subdivisions of the State; and the application shall in any event include or be accompanied by satisfactory assurances that the project as proposed would be permitted under applicable State and local law.

"(2) The Secretary shall consider all applications and accompanying comments and materials which are submitted to him under paragraph (1), and shall approve not less than four nor more than eight of the proposed projects (including not more than two such projects to be operated on a statewide basis). In considering and approving such applications the Secretary shall take into account the size and characteristics of the population that would be served by each proposed project, the desirability of wide geographic distribution among the projects, the number and nature of the human services programs which are in active operation in the various communities involved, and such other factors as may tend to indicate whether or not a particular proposed project would provide a useful and effective demonstration of the value of an integrated service delivery system.

"(d) Any State whose application is approved under subsection (c) is authorized to waive any of the requirements which would otherwise apply with respect to the proposed project under the laws governing the human services programs to be included in the project, if and to the extent that the Secretary determines (and certifies to the State in writing) that such waiver is necessary for the project to provide a useful and effective demonstration of the value of an integrated service delivery system.

"(e) The Secretary shall from time to time pay to each State which has an approved pilot project under this section, in such manner and according to such schedule as may be agreed upon by the Secretary and such State, amounts equal in the aggregate to—

"(1) 90 percent of the costs incurred by such State and its political subdivisions in carrying out such project during the first 12 months after the date on which the project begins,

"(2) 80 percent of any such costs incurred during the second 12 months after such date, and

"(3) 70 percent of any such costs incurred during the third 12 months after such date.

"(f) If the establishment and conduct of any pilot project approved under this section results in financial savings in the operation of the human services programs involved and successfully demonstrates that the use of integrated service delivery systems for such programs in the manner pro-

vided under such project would ensure or enhance proper caseload management in the project area (as determined by the Secretary in consultation with the State conducting such project), the amount of the savings (as so determined) shall to the extent feasible be placed in a separate account and used to increase or improve the aid, assistance, benefits, or help being provided in that State under those programs. For this purpose the amount of any such savings shall be distributed among the human services programs involved in such manner as will best reflect the relative need for additional funds under the various programs, the relative ability of such programs to utilize additional funds effectively, and the particular programs (if determinable) to which the savings are most directly attributable, as agreed upon by the Secretary and the State.

"(g)(1) For purposes of this section, the term 'human services program' includes the program of aid to families with dependent children under part A of title IV, the supplemental security income benefits program under title XVI, the Federal food stamp program, and any other Federal or federally assisted program which provides aid, assistance, or benefits based wholly or partly on need or on income-related qualifications to specified classes or types of individuals or families or which is designed to help in crisis or emergency situations by meeting the basic human needs of individuals or families whose own resources are insufficient for that purpose.

"(2) In carrying out his duties under this section the Secretary shall regularly consult with the Secretary of Labor, the Secretary of Agriculture, the Secretary of Housing and Urban Development, and the head of any other Federal agency having jurisdiction over or responsibility for one or more human services programs, in order to ensure that the administrative efforts of the various agencies involved are coordinated with respect to all of the pilot projects being carried out under this section.

"(3) Any determination and certification by the Secretary with respect to the waiver of a requirement of law under subsection (d), where such law is within the jurisdiction of a Federal agency other than the Department of Health and Human Services, shall be made only with the express approval of the head of such other agency.

"(h) The Secretary shall require each State which is carrying out a pilot project under this section to submit periodic reports on the progress of such project, giving particular attention to the cost-effectiveness of the integrated service delivery system involved and the extent to which such system is improving the delivery of services. No pilot project under this section shall be conducted for a period of longer than 3 years.

"(i) There are authorized to be appropriated, for each of the three fiscal years 1984, 1985, and 1986, such sums as may be necessary to carry out this section.".●

By Mr. D'AMATO:

S. 1929. A bill to amend the Agricultural Act of 1949 and the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, to modify the dairy price support program and to establish a minimum price for class I milk subject to milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY FARMER PROTECTION ACT OF 1983

● Mr. D'AMATO. Mr. President, I rise today to introduce the Dairy Farmer Protection Act of 1983. This legislation would impose a policy designed to relieve the Government of its large purchases of dairy products and at the same time, protect the dairy industry from a swift disruption which would endanger many small, family-run farms.

In order to reduce the high levels of spending required by the current program, the price support for class II dairy products, such as cheese and dry milk, would be dropped by $1.25—from $13.10 to $11.85—while the price of class I dairy products would remain frozen at $13.10. The two current 50-cent assessments on dairy production would be eliminated. I believe this represents the best solution to the dilemma we now face for a number of reasons.

Most importantly, this compromise would result in the greatest possible reduction in the dairy surplus which the Government must purchase. The underlying reason for this is the inelasticity of demand for fluid milk. No disincentive, such as a price support cut, would result in a significant reduction in the demand for fluid milk. Such a disincentive to production, however, will result in a lessening of the current surplus of nonfluid dairy products. Thus, if we are sincere in our desire to reduce Federal expenditures for dairy programs, while not doing undue injury to dairy farmers, this is the best course to follow.

Those farmers who produce fluid milk for market are not the ones responsible for the unprecedented situation in which we now find ourselves. They should not be asked to bear the burden of corrective measures that will have a drastic effect on their incomes. The dairy industry is responsible for only a small portion of the rising cost of the farm program. It is not reasonable that it—and it alone—should be singled out for a very large cut in Federal support. It is especially true that it should not be singled out for an indiscriminately targeted cut that unjustifiably imposes increased taxes on those producers of fluid milk who now sell all of their products on the open market.

Since the advent of the PIK program, the cost of production for dairy farmers has risen dramatically. If the price of fluid milk were frozen at $13.10 per hundredweight, the market would soon produce the reduced levels of production necessary to meet demand. If the price support were cut from $1 to $1.50 as many now espouse, rural economies, which are essentially dependant upon the dairy industry, would be jeopardized. If, instead, a 50-cent price support decrease, in combination with a retained 50-cent assessment and a diversion payment plan were to be adopted, it is certain that many large dairy farmers would simply take their herds out of production and realize a greater income than would have been the case if milk were produced. That is a phenomena which I would have a great difficulty justifying.

For all these reasons, I believe Congress should adopt the recommendations in this legislation. If we are going to cut price support and levies, let us cut them only for the dairy products the Federal Government actually purchases. Let us not cut them or impose taxes on those products that are sold at market. This is the only fair way to reduce dairy production and save the Government money, without crippling the entire dairy industry.

There is no justification for singling out dairy farmers to bear the brunt of reductions in expenditures for the farm program. I urge my colleagues to adopt this legislation and I ask unanimous consent that it be printed in the RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dairy Farmer Protection Act of 1983".

DAIRY PRICE SUPPORT PROGRAM

SEC. 2. (a) Subsection (c) of section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446(c)) is amended to read as follows:

"(c)(1) The price of milk shall be supported at not less than $11.85 per hundredweight of milk containing 3.67 per centum of milkfat.

"(2) The price of milk shall be supported through the purchase of milk and the products of milk.".

(b) Subsection (d) of section 201 of such Act is repealed.

MINIMUM PRICE FOR CLASS I MILK UNDER MILK MARKETING ORDERS

SEC. 3. Section 8c(5)(A) of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c(5)(A)), is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision in this section, in the case of milk and its products, orders issued pursuant to this section shall fix, or provide a method for fixing, the minimum price for milk classified as class I milk under this paragraph at no less than $12.56 per hundredweight.".●

By Mr. DURENBERGER (for himself, Mr. PACKWOOD, Mr. HATFIELD and Mr. HART):

S. 1930. A bill to amend title 5, United States Code, to provide for equitable support of former spouses, spouses, and children of Federal employees; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES' FAMILY EQUITY ACT OF 1983

● Mr. DURENBERGER. Mr. President, although a great deal of progress has been made toward providing pension rights for divorced and widowed spouses of Federal employees, civil service spouses remain unprotected. Because the courts have not considered civil service pension rights as valid property rights in divorce, many women have found that the retiree walks away from divorce with full retirement benefits and health insurance while she is left nothing.

Consider the case of the "too typical" divorced civil service spouse. She was married at age 21 and left the workplace at age 25 to raise her family. At age 40, she found her marriage dissolving and by age 45 was raising her family alone.

Because she was not employed outside the home for 22 years, she quickly found herself with insufficient job training and experience. Although she may receive adequate child support, statistics predict that she will not.

In far too many cases, this woman may find herself reaching retirement age without any pension benefits. She undoubtedly anticipated, at the time of her divorce, that she would be entitled to receive a portion of her husband's civil service pension or, at the very least, social security. If she is fortunate, and has worked long enough, she may receive some minimal amount of social security. In many cases, however, she will not.

As a result of current public pension laws, the civil service pension benefits she had anticipated will not be available to her. Without adequate pension protection, she may soon find herself unable to remain self-sufficient and will be forced to turn to public assistance for support.

This situation is shocking, but it is not unusual. The plight of the displaced homemaker is becoming well recognized in a society where nearly half of all marriages end in divorce. Recent statistics revealing the percentage of women and children living in poverty are frightening. Equally startling are statistics identifying growing numbers of elderly women living in poverty.

Congress began to address this issue by amending the Social Security Act in 1977 to provide pension benefits for divorced spouses married 10 years or more. However, even these basic protections were not afforded a significant number of women married to Federal employees. For military and civil service employees, their spouses do not automatically receive social security—something they often fail to discover until it is too late.

In 1980, Congress enacted legislation to permit divorced spouses of Foreign Service personnel to receive a pro rata share of their former husband's retirement annuity and survivor's benefits, subject to court review modification or rejection.

In 1982, additional legislation was passed to provide similar protections for CIA spouses. Military wives were also the subject of pension rights legislation in 1982.

Unfortunately, these pieces of legislation did not go far enough, and civil service spouses remain outside the scope of any protective pension legislation. Not only are former spouses frequently left without pension rights, but widows of civil service employees may also be ineligible for pension benefits. Current law allows a civil service employee to opt out of survivor's benefits without notification to the spouse or former spouse. As a result, many widows find themselves without retirement income without any notification prior to the employee's death.

I am introducing today, the Federal Employees Family Equity Act of 1983 which addresses these problems and is identical to the public pension provisions of title I of the Economic Equity Act of 1983, S. 888.

This legislation will help to remove the inequities faced by divorced and widowed spouses of civil service employees and grant them pension protection similar to that afforded Foreign Service and CIA spouses. The provisions would:

Entitle women who were married to civil service employees for at least 10 years to the right to a pro rata share of the benefits earned during the marriage. This provision is subject to court review and modification, depending on the divorce settlement.

Demand that the courts view pensions as a valid property right.

Mandate survivor's benefits unless the spouse and former spouse choose to waive receipt of such benefits.

Mr. President, this legislation is an effective, equitable, and practical way to deal with this serious problem. Although I am pleased that attention is being focused on this issue, I believe the most effective way for Congress to address economic discrimination is to pass the Economic Equity Act with all its reinforcing provisions.

In June, the Senate Finance Committee formally examined the Economic Equity Act. It was the first time any committee of the U.S. Congress had thoroughly considered such a comprehensive piece of legislation to eliminate discrimination against American women. I am even more convinced, after reflecting on testimony presented at those hearings and correspondence I have received, of the serious need for pension equity.

I recently received a letter from a constituent, 52 years old, crippled with arthritis, with a mentally retarded and handicapped child which poignantly identifies the urgency of reform.

We are now in the process of a divorce, and this is where I have a great problem and desperately need some help. I am listed as his beneficiary on a survivor's annuity from the Government, but, I understand that with the divorce, I will no longer benefit from this plan. To me, this is really unfair. The Government Retirement Plan took the place of social security so I will not be receiving this. This survivors annuity plan was supposed to be for my benefit later in life.

I urge my colleagues to act favorably on this legislation in the near future. Society will benefit from these changes.●

By Mr. DURENBERGER (for himself, Mr. PERCY, Mr. BAUCUS, Mr. EXON, Mr. MCCLURE, Mr. HART, and Mr. PRYOR):

S. 1931. A bill to amend the Internal Revenue Code of 1954 to revise the tax incentives for certain alcohol fuels; to the Committee on Finance.

TAX INCENTIVES FOR CERTAIN ALCOHOL FUELS

● Mr. DURENBERGER. Mr. President, today I am joined by a number of my colleagues in introducing legislation that constitutes a wise investment in our energy future. It deals with an industry that has demonstrated its positive contributions to the Nation's agricultural and energy security, as well as environmental and job creation objectives. The bill we are introducing here today would increase by 4 cents the current exemption for ethanol-enhanced fuel—commonly known as gasohol—to equal the full 9 cents of the excise tax. In doing so, it also helps to surmount a major impediment to the industry's development by providing for a uniform Federal policy.

Since the enactment of the first fuel ethanol tax exemption, in the Energy Tax Act of 1978, private sector investment in the production of this liquid fuel extender and octane enhancer has been nothing short of remarkable. Despite a temporary oil glut and soft market prices, as well as threatened reversals in Federal energy policy, the fuel ethanol industry has in only 5 short years become the most significant high grade liquid fuel alternative in the United States. From less than 1 billion gallons of 10-percent ethanol-enhanced fuel blend sold in 1981, the levels have risen dramatically to 2.5 billion gallons in 1982, 4.3 billion gallons expected in 1983, and over 5 billion gallons in 1984. This success stands in stark contrast to the virtual paralysis of the other, more highly touted liquid fuel alternatives like oil shale and tar sands. The fuel ethanol industry has soundly disproven the claims of early detractors who said it would never work. It works indeed.

Recent analyses of the fuel ethanol industry have filled volumes, but it is worth listing the major elements of its

uniqueness that have led to its suprising growth:

Fuel ethanol is derived from a renewable resource with most first-generation facilities utilizing agricultural commodities canning wastes, and forestry residues. Rapid advances in technology will expand this feedstock base considerably;

In drawing on feedgrains as a source of fuel ethanol, the industry offers a significant, stable new market for U.S. agriculture, thus helping to reduce taxpayer outlays for surplus farm programs while simultaneously stimulating a key sector of the U.S. economy;

The production of fuel ethanol provides a double boost to improve the Nation's trade balance: It transforms the starch portion of surplus feedgrains into a high grade liquid fuel that backs out costly imported crude oil, while also preserving all the original protein, vitamins, and minerals in a concentrated feed product that has amply-demonstrated export demand;

The fuel ethanol industry allows those dollars that would otherwise be exported to foreign oil producers to be instead invested productively in the United States. A recent analysis done for the DOE's Office of Alcohol Fuels found each gallon of annual ethanol production capacity generates roughly $4 to $4.50 of new economic activity;

Fuel ethanol is a proven compatible liquid fuel additive that extends gasoline supplies by at least 10 percent, increases blend octane by roughly 3 points, and enjoys full warranty coverage by virtually every U.S. automobile company. Already, at least one substantial U.S. refinery is blending ethanol directly at the refinery in place of the more conventional octane enhancement additives that are petroleum based;

As one of the paramount replacements for lead as an octane enhancer, fuel ethanol helps protect the Nation's health. EPA's recent health-motivated tightening of lead-in-gasoline standards will cause a substantial "octane gap" that can be filled by ethanol. The Nation's children, motorists, and refiners would benefit from the growth of fuel ethanol production, enabling the widespread blending of medically safe, high octane ethanol in gasoline.

Like any other investment, stimulation of the fuel ethanol industry will not come without up-front costs. The externality costs of conventional energy forms usually are not reflected in the marketplace—for example, the price of a gallon of gasoline at the pump does not reflect the costs to the taxpayers of maintenance of a Rapid Deployment Force to keep the oil supply lanes open, or the economic damage caused by exporting billions of dollars to foreign producers each year. For this reason, fuel ethanol costs are currently higher than gasoline and other petroleum-derived octane enhancing additives. During this formative period, the fuel ethanol industry needs tax incentives to allow it to remain competitive in the marketplace. These incentives, as we have seen, pay very significant dividends in a broad range of national goals.

In short, fuel ethanol—while far from a panacea—carries many benefits that, taken together, make it an important part of a consistent, uniform, national energy policy. Thirty-five States have acknowledged this fact with their own fuel tax incentives designed to complement the current 5-cent Federal exemption, in an effort to make fuel ethanol competitive at the pump. While these varied State incentives have played a key role in the industry's development over the past 5 years, the resulting lack of uniformity is a potentially serious impediment to the maturation of the fuel ethanol industry.

For example, the exemption in New Mexico is 11 cents per gallon but it is extended only to in-State produced ethanol. Kentucky's exemption is 3.5 cents per gallon which is qualified by requiring reciprocity treatment by other States for Kentucky's product and requiring that qualifying fuel alcohol be produced from facilities that utilize other than petroleum or natural gas for process energy. While many terms at the State level are now being extended to match the Federal expiration date of 1992, there still is a wide array of expiration dates in the various States, further complicating investment and marketing decisions.

The legislation we are introducing here today would allow an end to the patchwork approach. More importantly, it would provide the needed stimulus without any net increase in total exemption levels—since the weighted average of the current exemption of Federal/State exemptions is 9 to 9.5 cents per gallon—simply by shifting part of the burden from the States to the Federal Government to achieve uniformity.

This shift makes good sense from a budgetary point of view, too. As chairman of the Subcommittee on Intergovernmental Relations, I have spent a great deal of time in an effort to identify the best means of achieving an appropriate balance in the shouldering of Federal and State responsibilities. It would seem that one major criterion for deciding where the incidence of a program's cost should fall is to determine where the bulk of the benefits would go. In the case of the fuel ethanol industry, there can be little question but that the major beneficiary is the Federal taxpayer. It has been amply demonstrated in the past 5 years that the fuel ethanol industry provides significant net returns to the Federal Treasury as a result of the combination of all of its positive impacts.

The logical extension of this argument has led us to include a provision that would reimburse the highway trust fund from the windfall profits tax account for the amount of tax revenues forfeited from the fund due to exempted fuel alcohol blend sales. It makes sense for us to reimburse the trust fund so that the attainment of a uniform Federal policy for fuel ethanol does not occur at the expense of our infrastructure repair goals. This reimbursement mechanism also makes sense from the standpoint of where the paybacks go: At the present time, the highway trust fund's loss is actually the general fund's direct gain. This is so because gasoline retailers are able to increase their incomes—and so pay more income tax when they sell exempted fuel alcohol blends. Because these retailers have higher taxable income, the general fund gains revenue, while the highway trust fund loses. The provision in this legislation to reimburse the fund will correct this imbalance, and put the full incidence of the costs where the benefits occur.

One only has to consider the costly dilemma facing our agricultural sector to understand that it is time for us to take action. While U.S. agricultural productivity has grown steadily over the past decade, domestic utilization and exports have expanded more slowly, or even declined. As a result of record grain surpluses, Agriculture Secretary John Block was forced to implement the PIK program, in which surplus commodities were given to producers as an incentive to idle acreage and reduce production. When added to the soaring costs of the traditional farm programs, the PIK brought outlays for this fiscal year to over $30 billion. A uniform national policy to stimulate a vigorous fuel ethanol industry would be a wise step toward avoiding future PIK's. A dollar spent in stimulating fuel ethanol production capacity is far more productive than a dollar spent to idle large percentages of our farm sector.

The fuel ethanol industry provides the Federal taxpayer with one of the best possible returns on the dollar. It provides a stable outlet for U.S. agricultural surpluses. It is an environmentally safe alternative to lead in gasoline as an octane enhancer. It would establish a technological base for an industry that will someday convert a wide range of abundant renewable and waste materials to fuel ethanol at a competitive price creating jobs and expanding tax bases. Finally, a viable fuel ethanol industry would enhance our national security by backing out expensive imported petroleum.

Mr. President, I ask unanimous consent that the bill along with the section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE—AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This Act may be acted as the "Renewable Fuels Tax Incentives Act."

(b) AMENDMENT OF 1954 CODE.— Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. EXCISE TAX EXEMPTIONS.

(a) EXEMPTION FROM EXCISE TAX ON GASOLINE.—

(1) INCREASE IN EXEMPTION.—Paragraph (1) of section 4081(c) (relating to gasoline mixed with alcohol) is amended by striking out "subsection (a) shall be applied by substituting '4 cents' for '9 cents' in the case of any gasoline" and inserting in lieu threof "no tax shall be imposed on the sale of any gasoline."

(2) TREATMENT OF LATER SEPARATION.—Paragraph (2) of section 4081(c) is amended to read as follows:

"(2) LATER SEPARATION OF GASOLINE.—If any person separates the gasoline from a mixture of gasoline and alcohol on which tax was not imposed by reason of this subsection, or with respect to which a credit or payment was allowed or made by reason of section 6427(f)(1)."

(b) EXEMPTION FROM EXCISE TAXES ON DIESEL AND SPECIAL FUELS.—

(1) INCREASE IN EXEMPTION.—Paragraph (1) of section 4041(k) (relating to fuels containing alcohol) is amended to read as follows:

"(1) IN GENERAL.—Under regulations prescribed by the Secretary, no tax shall be imposed by this section on the sale or use of any liquid fuel at least 10 percent of which consists of alcohol (as defined in section 4081(c)(3)."

(2) LATER SEPARATION OF FUEL.—Paragraph (2) of section 404(k) is amended to read as follows:

"(2) LATER SEPARATION.—If any person separates the liquid fuel from a mixture of the liquid fuel and alcohol on which tax was not imposed by reason of this subsection, such separation shall be treated as a sale of the liquid fuel."

(c) REFUNDS ON TAX PAID GASOLINE.—Subsection (f) of section 6427 (relating to fuels not used for taxable purposes) is amended to read as follows:

"(f) GASOLINE USED TO PRODUCE CERTAIN ALCOHOL FUELS.—

"(1) IN GENERAL.—Except as provided in subsection (i), if any gasoline on which tax is imposed by section 4081 is used by any person in producing a mixture described in section 4081(c) which is sold or used in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the aggregate amount of the tax imposed on such gasoline. The preceding sentence shall not apply with respect to any mixture sold or used after December 31, 1992.

"(2) COORDINATION WITH OTHER REPAYMENT PROVISIONS.—No amount shall be payable under subsection (d) or (e) of this section or under section 6420 or 6421 with respect to any gasoline with respect to which amount is payable under paragraph (1)."

(d) FLOOR STOCKS REFUNDS.—

(1) IN GENERAL.—Where, before January 1, 1984, any tax-repealed article has been sold by the manufacturer, producer, or importer and on such day is held by a dealer and has not been used and is intended for sale, there shall be credited or refunded (without interest) to the manufacturer, producer or importer an amount equal to the tax paid by such manufacturer, producer, or importer on his sale of the article if—

(A) claim for such credit or refund is filed with the Secretary of the Treasury or his delegate before October 1, 1984, based on a request submitted to the manufacturer, producer, or importer before July 1, 1984, by the dealer who held the article in respect of which the credit or refund is claimed, and

(B) on or before October 1, 1984, reimbursement has been made to the dealer by the manufacturer, producer, or importer in an amount equal to the tax paid on the article or written consent has been obtained from the dealer to allowances of the credit or refund.

(2) ELIMINATION OF ELIGIBILITY FOR CREDIT OR REFUND.—No manufacturer, producer, or importer shall be entitled to credit or refund under paragraph (1) unless he has in his possession such evidence of the inventories with respect to which the credit or refund is claimed as may be required by regulations prescribed by the Secretary of the Treasury or his delegate under this subsection.

(3) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the tax imposed by section 4081 shall, insofar as applicable and not inconsistent with paragraphs (1) and (2) of this subsection, apply in respect of the credits and refunds provided for in paragraph (1) to the same extent as if the credits or refunds constituted overpayments of the tax.

(4) SPECIAL RULES.—For purposes of this subsection—

(A) the term "dealer" includes a wholesaler, jobber, distributor or retailer.

(B) An article shall be considered as "held by a dealer" if title thereto has passed to such dealer (whether or not delivery to him has been made) and if for purposes of consumption title to such article or possession thereof has not at any time been transferred to any person other than a dealer.

(C) The term "tax-repealed article" means any article on which a tax was imposed by section 4081 as in effect on December 31, 1983, and which will not be subject to tax under section 4081 as in effect on January 1, 1984.

(D) Except as otherwise expressly provided herein, any reference in this subsection to a section or other provision shall be treated as a reference to a section or other provision of the Internal Revenue Code of 1954.

(e) TRANSFER OF FLOOR STOCKS REFUNDS FROM HIGHWAY TRUST FUND.—The Secretary of the Treasury shall pay for time to time from the Highway Trust Fund into the general fund of the Treasury amounts equivalent to the floor stocks made under this section.

SEC. 3. ALCOHOL; CREDIT TARIFF.

(a) CREDIT FOR ALCOHOL USED AS A FUEL.—Section 44E (relating to alcohol used as a fuel) is amended—

(1) by striking out "50 cents" each place it appears and inserting in lieu thereof "90 cents," and

(2) by striking out "37.5 cents" each place it appears and inserting in lieu thereof "67.5 cents."

(b) TARIFF ON ALCOHOL IMPORTED FOR USE AS A FUEL.—Item 901.50 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "50 cents per gallon" each place it appears and inserting in lieu thereof "90 cents per gallon."

SEC. 4. TRANSFER OF CERTAIN WINDFALL PROFIT TRX REVENUES TO THE HIGHWAY TRUST FUND.

Subsection (b) of section 9503 (relating to transfers to Highway Trust Fund) is amemded—

(1) by striking out the heading and inserting in lieu thereof "(b) TRANSFERS TO THE HIGHWAY TRUST FUND.—", and

(2) by adding at the end thereof the following new paragraph:

"(4) CERTAIN WINDFALL PROFIT TAX REVENUES.—Notwithstanding any other provisions of law, there is hereby appropriated to the Highway Trust Fund out of the Windfall Profit Tax Account in the general fund of the Treasury an amount equal to the sum of—

"(A) the excess of—

"(i) the amount of taxes which the Secretary estimates would have been imposed by section 4041 or 4081 and received into the Treasury after December 31, 1983, and before January 1, 1993, if the amendments made by section 2 of the Renewable Fuels Tax Incentives Act had not been enacted, over

"(ii) the amount of taxes actually imposed by section 4041 or 4081 and received into the Treasury after December 31, 1993, plus

"(B) the amount of credits or refunds allowed—

"(i) by reason of the amendments made by section 2 of the Renewable Fuels Tax Incentives Act—

"(I) under section 39 with respect to fuel used before January 1, 1993, or

"(II) under section 6427(f) (but only if such refund is paid before July 1, 1993), or

"(ii) under section 2(d) of the Renewable Fuels Tax Incentives Act.".

SEC. 5. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall take effect on January 1, 1984.

(b) TARIFF ON IMPORTED ALCOHOL.—The amendment made by section 3(b) of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after December 31, 1983.

SECTION-BY-SECTION ANALYSIS OF THE RENEWABLE FUELS TAX INCENTIVES ACT

Section 1. This section names the short title of the bill as the "Renewable Fuels Tax Incentives Act," and establishes that this Act shall amend the 1954 Internal Revenue Code where appropriate.

Section 2. This section amends current law to provide that the exemption for renewably-derived alcohol fuel blends shall be increased from its existing level of 5 cents per gallon to 9 cents per gallon. As under existing law, this exemption is extended to gasoline, diesel, and "special fuel" blends which contain at least 10 percent of renewably-derived alcohol. Current law is maintained as far as providing protections against later separation of the mixture to prevent resale of the liquid without tax. Provision is also made in this section for the refund of allowable levels to a taxpayer who has demonstrated the legal blending of alco-

hol with a tax-paid blend of gasoline (limiting such treatment to the current statutory limit of the exemption itself of December 31, 1992). This section also covers certain technical matters relating to the handling of eligible fuel alcohol/gasoline blends, including the treatment of floor stocks that is consistent with current law.

Section 3. This section again tracks with current law by bringing the existing so-called "blender tax credit" (which can be used by blenders such as refineries in lieu of the excise tax exemption in percentages varying from one to ten percent) and the tariff on imported alcohol used for fuel into conformity with the change in the excise tax exemption. The blender tax credit is applied to each gallon of ethanol used, and will figure more prominently as the nation's refineries begin to use more ethanol as an octane enhancer to replace lead. This credit is also allowable to small scale producers who produce their own fuel and use it directly in their own equipment at a reduced rate to reflect the reduced proof (increased water content) of that type of alcohol. The credit is a taxable and nonrefundable credit.

Section 4. This section provides that the Highway Trust Fund will be reimbursed from Windfall Profits Tax funds on a quarterly basis as the IRS receives the quarterly excise tax payments and exemption tallies from gasoline retailers.

Section 5. This section establishes the effective dates for the various provisions, which in all cases is set at January 1, 1984, with the exception of the tariff on imported alcohol, which is set for December 31, 1983.●

● Mr. PERCY. Mr. President, today I am joining a number of my colleagues in introducing legislation which would continue to stimulate the alcohol fuels industry—an industry that has proven to utilize our surplus agricultural commodities to produce liquid energy. Since 1978, we have had the rare opportunity to witness the birth of the domestic fuel ethanol industry that today is one of the most significant high grade fuel alternatives in the marketplace. While not a total replacement for imported crude, the alcohol fuels industry provides jobs, a renewable domestic energy supply, increased agricultural productivity, positive environmental impacts, and ties these elements together in a way that results in a substantial return to the taxpayer. In addition to these tangibles which enhance our economic "balance sheet," there are many intangibles that bolster our energy and national security and contribute to political stability both at home and abroad.

As chairman of the Foreign Relations Committee, I am particularly concerned about the continuing oil supply vulnerability. A recent report by the International Energy Agency concluded that, if the existing Iran-Iraq war was to escalate, and we were to have a shortfall of only 12 percent in our oil supply, we could face serious economic problems.

Five years ago, I joined with a number of my colleagues to put in the Energy Tax Act of 1978 that provided a 4-cent exemption from the Federal excise tax on gasoline for renewably derived alcohol blends. Since that time, there have been over 100 alcohol fuel plants built in 33 States and plans to build more in 48 States, including Alaska and Hawaii. The current fuel ethanol capacity is equivalent to over $2 billion of new economic activity. The fuel ethanol industry is dispersed and diversified. It currently utilizes agricultural feedstocks, wood residues, food processing wastes (like cheese whey) to produce what is currently the most significant renewable liquid fuel extender and octane enhancer available in the United States. In 1983, just 5 short years after its inception, this industry will produce over 400 million gallons of fuel ethanol that is compatible with the existing gasoline distribution system and enjoys full warranty coverage by all the major domestic and imported automobile manufacturers. Moreover, the Environmental Protection Agency recently imposed strict restrictions on the use of lead in gasoline—increasing the importance of ethanol as an octane enhancer.

In a time of tight budgets, 35 States have passed legislation to supplement the Federal Government's efforts to promote the use of alcohol fuels and reduce our oil imports and political vulnerability. I am proud to say the State of Illinois has been a leader in this field. Our fuel ethanol industry has been a terrific success story over the past few years. Just look at the statewide facts:

Ethanol capacity, 286,500,000 gallons; Operating plants, 11; Corn utilization, 114,600,000 bushel per year; Capital investment, $429,750,000; Direct employment, 3,131; Increased crop value, $523,000,000; and Product value, $630,000,000.

Illinois' success in this area is no secret, and many other States are pursuing vigorous fuel ethanol programs. Both large and small scale plants can benefit all regions of the United States. Processing grain into ethanol produces a high protein byproduct—a product now sold in limited quantities overseas.

Mr. President, I strongly urge my colleagues to carefully consider the many benefits of this legislation, and the industry it would advance. By injecting needed uniformity into the national program, we would allow States to remove themselves from the burden of expanding an industry that addresses national energy, agricultural, and environmental objectives. Traditionally, programs that contribute to energy and agricultural security have been mounted by the Federal Government, not the States. I strongly believe the same rationale applies here.●

By Mr. JOHNSTON (for himself and Mr. LONG):

S. 1932. A bill to amend section 98 of title 28, United States Code, to permit Federal district court to be held in Houma, La.; to the Committee on the Judiciary.

HOLDING FEDERAL DISTRICT COURT IN HOUMA, LA.

● Mr. JOHNSTON. Mr. President, today I am pleased to introduce S. 1932, legislation which designates Houma, La., as a place to hold court for the eastern district of Louisiana.

Presently, court for the eastern district may only be held in New Orleans. This limitation places an undue burden on a growing number of citizens from the southeast Louisiana gulf coast region who must travel long distances to New Orleans for Federal court appearances. This region is comprised of the parishes of Terrebonne, St. John the Baptist, St. James, Assumption, and Lafourche.

Mr. President, legislation similar to what I am introducing today was first introduced by Senators ELLENDER and LONG in 1971. The need to hold court in Houma was apparent then and it has grown in magnitude since that time.

For example, in 1981, approximately 875 cases, or 16 percent of the district's annual caseload, involved claims from this five-parish area or residents of the area as plaintiffs, defendants, or attorneys. Furthermore, many jurors are chosen from this area. Some of these individuals find it necessary to travel up to 4 hours round trip per day when they must appear in district court. The situation is even worse for those who must rely on public transportation. Bus and train service is sparse to nonexistent in many of the small towns that comprise the southeast Louisiana gulf coast region. Consequently, prospective jurors are often required to spend the night in New Orleans in order to assure that they are in court at the proper time.

Furthermore, a recent study of the eastern district indicates that this five parish area is one of the fastest growing areas in the State in terms of employment, new business formation, and per capita income. In fact, during the past decade, the number of jobs in this area increased by almost 130 percent in the construction, manufacturing, and mining industries. Supporting service-type industries have also expanded during this period, resulting in a 93-percent increase in transportation-related jobs and a 158-percent increase in finance, real estate, and insurance-related employment.

This region is growing almost twice as fast as the New Orleans metropolitan area. The Houma-Thibodaux corridor now has a population of over 100,000 people and it was recently designated by the Department of Commerce as a standard metropolitan statistical area. This tremendous growth is expected to outpace the State and

national growth rates for the next two decades.

Mr. President, obviously, the time has come to designate Houma as a place for holding court in the eastern district of Louisiana. It is inevitable that the continuing growth of the southeastern Louisiana gulf coast region will result in an increase in Federal litigation. The expense and time factors related to this litigation will be aggravated unnecessarily if the eastern district continues to only hold court in New Orleans.

The designation of Houma as a place for holding court has been unanimously approved by the district judges of the eastern district of Louisiana, by the Fifth Circuit Judicial Conference, and by the Judicial Conference of the United States. The designation has also received the support of the mayor and board of aldermen of the city of Houma. It is now time for the Congress to act on this matter. Consequently, I urge my colleagues to expeditiously approve this legislation.

I ask that the text of S. 1932 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 98(a) of title 38, United States Code, is amended by inserting "and Houma" after "New Orleans".●

● Mr. LONG. Mr. President, I join as a cosponsor of the bill introduced today by my colleague from Louisiana, to designate the city of Houma, La., as a place for holding U.S. District Court in the Eastern District of Louisiana. This bill addresses the needs of individuals residing in the five Louisiana parishes of Assumption, St. James, St. John the Baptist, Terrebonne, and Lafourche. Passage of this measure will also promote judicial efficiency and has the official support of the judges within the district.

At the present time, Mr. President, all lawsuits filed in the eastern district of Louisiana are tried in New Orleans. However, approximately 16 percent of the cases filed within the district involve claims related to the Houma area, and those parishes nearby. As a result, even though there are a significant number of cases arising within the immediate vicinity, litigants and jurors residing in the Houma area are required to travel long distances, at great hardship, to appear in court in New Orleans. The bill introduced today addresses this problem by designating Houma as a place for holding court within the eastern district of Louisiana.

This designation has the unanimous approval of the district judges in the eastern district of Louisiana and by the Judicial Conference for the Fifth Circuit Court of Appeals. On September 21, 1983, this designation was endorsed by the U.S. Judicial Conference. The bill filed today also has the strong support of the citizens in the Houma area.

I strongly urge my Senate colleagues to approve this most important measure.●

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 1934. A bill to amend the Railroad Retirement Act of 1974 to make certain adjustments in benefits contingent on the financial condition of the railroad retirement system; to the Committee on Labor and Human Resources.

RAILROAD RETIREMENT LEGISLATION

Mr. HEINZ. Mr. President, today, I am introducing legislation, along with Senator SPECTER, that would improve upon the Railroad Retirement Solvency Act of 1983—Public Law 98-76—which the Senate passed on August 2, this year, after very little consideration. As I said at the time, the urgency of the railroad retirement system's financial situation warranted quick Senate action. We were in the 11th hour, and the railroad retirement benefits of nearly 1 million retirees would have suffered a drastic cut if we had not acted in time.

Let me reiterate my support for that legislation, as a whole, and let me reiterate my praise for the hard work of rail labor and management in devising an agreement that averted what otherwise would have been Draconian benefit cuts.

I also expressed at that time serious reservations about several provisions in that legislation, and in particular, the provision calling for the next 5 percent of the tier 1—social security—cost-of-living increases to be used to reduce the tier 2 railroad industry pension.

Because of this COLA provision, railroad retiree benefits are, in effect, frozen through 1984 and capped in 1985. Thus, the real benefit of railroad retirees, adjusted for inflation, will decline. Now, when we consider that railroad retirement benefits have also become taxable, for the first time, the real, after tax income of the beneficiaries will be substantially reduced. The COLA offset provision alone is projected to reduce benefits by $1 billion over the next 5 years—or an average of $1,000 per beneficiary. The taxation of tier 2 and so-called windfall benefits will reduce beneficiaries' checks by an additional $960 million over the next 5 years, and it comes on top of another $341 million to be paid by retirees through the new income tax on railroad tier 1 benefits. In all, retirees could suffer a reduction in benefits of some $2.3 billion over the next 5 years—an average of $2,300 per beneficiary.

These steep benefit reductions may be the necessary, inevitable price to pay for restoring solvency to the financially troubled railroad retirement system. But then again, the full benefit reductions may not be inevitable. Rail employment, after dipping to a low point of 388,000 in March 1983, has had a healthy rebound to 405,000 as of June 1983, which is well above the employment assumptions used by the Railroad Retirement Board under its so-called best guess estimate. Indeed, the low point for rail employment so far this year is above the average yearly employment level assumed under the best guess assumptions. The assumptions used also predict rail employment will decline again in 1984 and beyond.

But what happens if we have erred in our assumptions—for once—by using too pessimistic an estimate? That could mean that some part of the benefit reductions imposed on beneficiaries may not, in fact, be necessary, and that some portion of the tax increases on rail labor and management might also prove not to be necessary. Public Law 98-76 does, in fact, contemplate the latter possibility as far as taxes go. Section 502 calls for annual reports to Congress by the Railroad Retirement Board on the actuarial status of the fund, including whether there are sufficient reserves in the account and whether the rates of such taxes should be reduced. So presumably, if Congress legislated more tax increases than are necessary, there is a way for Congress to know about that and correct it.

But what about the 1 million railroad retirees? What happens to them if the economic recovery proves to be robust, and rail employment stabilizes or even increases in contrast to the declining forecasts of employment used in developing the bill? There is no provision in the law that protects beneficiaries from any potentially unnecessary benefit reductions.

I am concerned, in particular, with the provision in the bill that will save nearly $1 billion over 5 years by reducing retirees' tier 2 benefits, dollar for dollar, for any tier 1 social security equivalent cost-of-living increases, up to a cumulative 5 percent. On January 1, 1984, the social security cost-of-living increase of 3.5 percent will be deducted from the tier 2 benefit. But since the new law calls for a cumulative 5-percent adjustment, the remaining 1.5 percent will be taken from the social security cost-of-living increase paid on January 1, 1985.

Now, what happens if rail employment picks up and if the reserves exceed the current best estimate? Well, under the present law, the second phase of the COLA offset will take place anyway. There is no provision for a contingency.

The philosophical and the policy implications of this COLA provision also trouble me deeply. We keep telling railroad retirees that their monthly check is really two pensions combined, a social security pension and a private industry pension. This COLA offset, however, uses the social security benefit increase to reduce the industry's obligation for the private pension. In my judgment, it is not good policy to allow social security benefit increases to be used to reduce a private pension obligation.

I am also troubled by the erratic distributional effects of this provision.

As chairman of the Special Committee on Aging, I asked the GAO to give me some data on the distribution of this tier 2 cut. They advised me that 45 percent of beneficiaries would lose less than 10 percent of their tier 2 benefits; 37 percent will lose between 10 and 20 percent of their tier 2; an additional 11 percent will lose between 20 and 30 percent of their tier 2 benefits. And 7 percent would lose more than 30 percent of their tier 2 benefits.

I realize that no one's total monthly retirement check will go down because of this offset. But since we have divided this pension into two parts, there seems to me to be serious equity problems about using the social security benefit increase to cover up really wide ranging, disparate reductions in the industry pension.

My bill would change current law so that the second phase of the COLA offset, that which is scheduled for January 1, 1985, would not take place unless the reserves available for the payment of railroad retirement benefits are less than 30 percent of the 1985 benefit payments and administrative costs.

Under the so-called best guess estimates, reserves should be at 30 percent in December 1984. Under this bill, the COLA would not be reduced in 1985 if the rail industry and rail employment are better than predicted under the best guess estimates, and it is, therefore, not necessary to further reduce retiree benefits. But if the reserves are below 30 percent, then, in the interest of prudence, the COLA offset provision would take effect under this bill.

Let me also point out that the first phase of the COLA offset, that which is scheduled for January 1, 1984, regrettably, cannot be repealed at this juncture. But during consideration of H.R. 1646, both in the Senate Finance Committee and on the Senate floor, Senator DOLE and I agreed that there was a need for a study on the effects of the provision. One of the things we have specifically asked the Railroad Retirement Board to do, in this study, is to advise the Congress on how the COLA reductions could eventually be restored to beneficiaries if—and when—the financial condition of the railroad retirement system permits it.

Mr. President, this bill is therefore the first step in restoring some balance into the recently enacted Railroad Retirement Solvency Act, to avoid certain benefit reductions if it becomes clear that they are excessive and not needed to assure the continued payment of railroad retirement benefits. When taken in conjunction with the study we have asked the Railroad Retirement Board to undertake in its report to Congress next year, we will be in a better position to know the effects of the COLA offset provision and to correct any inequities that resulted from its application on January 1, 1984.

Mr. SPECTER. Mr. President—I am pleased to join my colleague, Senator HEINZ, in introducing legislation that would prevent railroad retirees from unnecessarily suffering excessive cuts in their benefits. The bill we are proposing today would eliminate the cost-of-living adjustment offset that is scheduled to take effect in January 1985, unless the financial condition of the Railroad Retirement Trust Fund necessitates it.

This summer we took the necessary steps to avert the impending bankruptcy of the Railroad Retirement System. More than 80,000 residents of my State of Pennsylvania rely on the continued solvency of this system. But we passed the Railroad Retirement Solvency Act of 1983 in the face of an emergency deadline threatening a possible curtailment of benefits. The drastic actions we took, including freezing tier 1 benefits in 1984 capping them in 1985, as well as taxing them for the first time, result in severe reductions in benefit levels. The average railroad retiree will experience a loss of $2,300 in his annuity over the next 5 years.

The so-called COLA offset reduces the tier 2, or industry component, of railroad retirement benefits dollar for dollar for any adjustment in tier 1 benefits up to 5 percent. On January 1, 1984, benefits are scheduled to increase 3.5 percent. Under current law, retirees will be forced to forfeit this portion of their annuity, in addition to 1.5 percent of their January 1, 1985, COLA, in order to offset the cost of tier 2 benefits.

The bill Senator HEINZ and I introduce today would eliminate the 1985 offset if reserves in the Railroad Retirement Trust Fund are greater than 30 percent of the amount estimated to pay annuities for that calendar year.

Cuts may have been necessary to inject a measure of financial stability and solvency to both the railroad retirement and employment insurance programs, however, nothing in the Solvency Act of 1983 shields retirees from unnecessary reductions in the event of a strong recovery, or perhaps, an increase in rail employment.

This legislation demonstrates to thousands of railroad retirees, as well as those workers who look forward to benefiting under the railroad retirement system, that Congress is sensitive to their many years of dedication to our Nation's rail system and to their needs during retirement. I urge the Senate to promptly consider this thoughtful proposal.

By Mr. HEINZ (for himself, Mr. DANFORTH, and Mr. CRANSTON):

S. 1935. A bill to establish an interagency task force on cigarette safety; to the Committee on Governmental Affairs.

INTERAGENCY TASK FORCE ON CIGARETTE SAFETY

● Mr. HEINZ. Mr. President, I am pleased to introduce today, along with Senators DANFORTH and CRANSTON, S. 1935, the Cigarette Safety Study Act which would establish a Federal interagency task force to study cigarette safety, specifically, the feasibility of developing a cigarette which has a reduced propensity to ignite upholstered furniture and mattresses.

Cigarettes are the leading cause of home fire deaths in the United States. It is an all too familiar story—a carelessly dropped cigarette smolders in a chair, couch, or mattress, and in a few hours, tragedy strikes. Cigarettes cause approximately 2,000 deaths each year in residential fires. That is over one-third of all home fire deaths, far more than any other single cause. An estimated 40 percent of those killed in cigarette fires were innocent—not the smoker of the cigarette which caused the fire. Cigarette fires also cause approximately 3,800 reportable injuries and over $300 million in property loss annually. This bill is particularly timely because next week has been designated as "National Fire Prevention Week" by President Reagan.

This problem has special significance for our Nation's 26 million senior citizens since older Americans are three times as likely as younger persons to die in home fires caused by cigarettes.

Most of these deaths are preventable. The Senate Special Committee on Aging's recent hearing on "Home Fire Deaths: A Preventable Tragedy" focused on how a Federal study could substantially reduce the risk of home fire death.

We heard about the nationwide campaign for a "fire-safe" cigarette, that is, a cigarette with a reduced propensity to cause smoldering fires in upholstered furniture and mattresses. According to substantial testimony, such a cigarette is feasible. The tobacco industry disputes this. Therefore, to resolve this disagreement, and, more importantly, to address this terrible problem of fire death and injury, we are introducing S. 1935 "The Cigarette Safety Study Act." This legislation would establish a Federal inter-agency

task force which would report to Congress on the technical and economic feasibility of producing "fire-safe" cigarettes, that is cigarettes with a reduced propensity to ignite upholstered furniture and mattresses. It would include participation by the Department of Health and Human Services, the Consumer Product Safety Commission, the Federal Trade Commission, the National Bureau of Standards of the Department of Commerce as well as that of the tobacco industry. Moreover, the Tobacco Institute at our hearing endorsed the concept of a Federal study bill that would focus on cigarette safety.

This report would give Congress and the executive branch the scientific, technical and economic information necessary to develop an intelligent and informed policy with respect to the tobacco industry's responsibility and the Government's role, if any, with respect to the reduction of cigarette-caused fires.

Congressional action on the fire-safe cigarette is supported by the American Medical Association, the American Burn Association, the American Association of Retired Persons, the American Association of Public Health Physicians, the National Fire Protection Association, the American Public Health Association, the International Association of Fire Chiefs, the National Volunteer Fire Council, the Citizens Committee for Fire Protection, and numerous other groups.

Senator CRANSTON and Representatives MOAKLEY and JACOBS have introduced legislation to require fire-safe cigarette standards.

Although S. 1935 differs in particulars from those introduced by my distinguished colleagues, I commend them for their important efforts to reduce fires caused by cigarettes. We all share the same goal, that is, to explore how the Federal Government can help to reduce the tragedy of thousands of lives lost each year in home fires caused by cigarettes. The time to act is now.

I ask unanimous consent that the text of our bill be printed at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cigarette Safety Study Act".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) cigarettes and little cigars are the leading cause of deaths from home fires in the United States;

(2) it is in the national interest to reduce fire death and injuries to the public health which are caused by cigarettes and little cigars;

(3) approximately 2,000 deaths from fires and 3,800 disfiguring and crippling burn injuries are caused annually by cigarettes and little cigars, and such deaths and injuries result in the expenditure of thousands of dollars for hospitalization and other medical care paid in part under Medicare or Medicaid or by the Public Health Service, and involve significant losses in productivity;

(4) approximately $300,000,000 in annual property losses result from fires ignited by cigarettes and little cigars; and

(5) accordingly, the development of cigarettes and little cigars with a reduced propensity to ignite fires should be encouraged.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "Task Force" means the Cigarette Safety Task Force established under section 4 of this Act;

(2) the term "Technical Advisory Group" means the Technical Advisory Group established under section 5(d) of this Act;

(3) the term "cigarette" means—

(A) any roll of tobacco wrapped in paper or in any substance not containing tobacco; and

(B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filter, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (A); and

(4) the term "little cigar" means any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco which is a cigarette within the meaning of paragraph (3)) and as to which one thousand units weigh not more than three pounds.

ESTABLISHMENT

SEC. 4. (a) There is established a Cigarette Safety Task Force, which shall be composed of:

(1) the Secretary of Health and Human Services, or the designee of the Secretary;

(2) the Surgeon General of the United States, or the designee of the Surgeon General;

(3) the Director of the National Institutes of Health, or the designee of the Director;

(4) the Chairman of the Consumer Product Safety Commission, or the designee of the Chairman;

(5) the Chairman of the Federal Trade Commission, or the designee of the Chairman;

(6) the Director of the National Bureau of Standards of the Department of Commerce, or the designee of the Director; and

(7) one representative of the tobacco industry, appointed by the Secretary of Agriculture.

(b) A vacancy in the Task Force shall be filled in the same manner as the original appointment was made. A vacancy in the Task Force shall not affect is powers.

(c)(1) Except as provided in paragraph (2), members shall be appointed for the life of the Task Force.

(2) If any member of the Task Force who was appointed to the Task Force under paragraphs (1) through (6) of subsection (a) leaves the office specified under such paragraph, or if any member of the Task Force who was appointed under paragraph (7) of such subsection becomes an officer or employee of the United States, such individual may continue as a member of the Task Force for a period not in excess of thirty days beginning on the date such individual leaves that office or becomes such an officer or employee, as the case may be.

(d) The Secretary of Health and Human Services shall designate a Chairman from among the members of the Task Force.

(e) Four members of the Task Force shall constitute a quorum, but a lesser number may hold hearings.

(f) The Task Force shall hold its first meeting not later than thirty days after the date of enactment of this Act. Thereafter, the Task Force shall meet at the call of the Chairman or a majority of its members, but shall meet at least three times during the life of the Task Force.

DUTIES OF THE TASK FORCE

SEC. 5. (a) The Task Force shall conduct studies and make recommendations concerning the technical and economic feasibility of developing cigarettes and little cigars which have a reduced propensity to ignite upholstered furniture and mattresses.

(b) In carrying out subsection (a), the Task Force shall—

(1) develop a method to test the propensity of cigarettes and little cigars for igniting upholstered furniture and mattresses;

(2) identify the physical characteristics of cigarettes and little cigars which affect their propensity to ignite upholstered furniture and mattresses;

(3) make recommendations for criteria by which the propensity of cigarettes and little cigars to ignite upholstered furniture and mattresses may be rated;

(4) make recommendations for criteria for the manufacture of cigarettes and little cigars in a manner which will minimize the propensity of cigarettes and little cigars to ignite upholstered furniture and mattresses;

(5) identify the health consequences which will result from the implementation of the criteria recommended under paragraph (4); and

(6) analyze the costs and benefits, to the public and to the tobacco industry, of requiring the manufacture and distribution in the United States of cigarettes and little cigars which conform to the criteria recommended under paragraph (4).

(c) The Task Force shall use the resources of the Federal departments and agencies represented on the Task Force to carry out this Act, and such departments and agencies may make grants or enter into contracts to conduct research and studies to carry out this Act. The authority of Federal departments and agencies to enter into contracts under this subsection shall be to such extent or in such amounts as are provided in appropriations Acts.

(d)(1) To assist the Task Force in carrying out this Act, the Task Force shall appoint a Technical Advisory Group, which shall be composed of fifteen individuals who have knowledge and expertise concerning the health consequences of smoking, the problem of fires in upholstered furniture and mattresses caused by cigarettes and little cigars, and the development and manufacture of cigarettes and little cigars which have a reduced propensity to ignite upholstered furniture and mattresses.

(2) Four members of the Technical Advisory Group shall be appointed by the Task Force from individuals nominated by the Tobacco Institute. One member of the Technical Advisory Group shall be appointed by the Task Force from individuals nominated by the American Burn Association.

(3) All appointments to the Technical Advisory Group shall be approved by a majority vote of all members of the Task Force.

ADMINISTRATIVE PROVISIONS

SEC. 6. (a) For the purpose of carrying out this Act, the Task Force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Task Force considers appropriate. The Task Force may administer oaths or affirmations to witnesses appearing before the Task Force.

(b) The Secretary of Health and Human Services shall provide the Task Force with such staff and administrative and support services as may be necessary to enable the Task Force to carry out its duties under this Act. Upon the request of the Chairman of the Task Force, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Task Force to assist the Task Force in carrying out this Act.

(c) The Task Force may secure directly from any Federal department or agency such information as may be necessary to enable the Task Force to carry out this Act. Upon request of the Chairman of the Task Force, the head of such department or agency shall furnish such information to the Task Force.

REPORT

SEC. 7. (a) The Task Force may transmit to the President and to each House of the Congress such interim reports as the Task Force considers appropriate.

(b) The Task Force shall transmit a final report to the President and to each House of the Congress not later than two years after the date of enactment of this Act. The final report of the Task Force shall contain a detailed statement of the findings and conclusions of the Task Force and the recommendations of the Task Force for such legislation and administrative actions as the Task Force considers appropriate.

TRADE SECRETS

SEC. 8. (a) Except as provided in subsection (b), commercial, technical, or financial information which is submitted to the Task Force or the Technical Advisory Group and which the Task Force considers to be confidential, shall be considered trade secrets for purposes of section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code. Except as provided in subsection (b), no member, officer, or employee of the Task Force or the Technical Advisory Group shall disclose any such information to any person who is not a member, officer, or employee of the Task Force or the Technical Advisory Group.

(b) Notwithstanding subsection (a), the Task Force may use any information submitted to the Task Force or the Technical Advisory Group in any report submitted to the Congress under section 7.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. For fiscal years beginning after September 30, 1983, there are authorized to be appropriated such sums as may be necessary to carry out this Act.

TERMINATION

SEC. 10. The Task Force shall terminate three months after the date on which the Task Force transmits the final report required under section 7(b) to the President and each House of Congress.●

● Mr. DANFORTH. Mr. President, Americans have given increased awareness in recent years to the problem of preventing fires at homes. Residential smoke detectors, once a rarity and a luxury item, now are commonplace. But nothing has been done about the leading cause of residential fires—smoking. Cigarette fires kill thousands of persons every year, many of them elderly. Indeed, one-third of all Americans who are killed by fire die in fires started by cigarettes. Often the victims are not the smokers themselves. But, other than admonition, little has been done to lessen the dangers of careless smoking.

The Cigarette Safety Study Act, introduced by the Senator from Pennsylvania (Mr. HEINZ), would take a first step toward avoidance of such tragedies. This legislation would create a 2-year interagency task force on cigarette safety, with the goal of developing criteria for a "fire-safe" cigarette—that is, a cigarette that will go out by itself or that will generate so little heat it would not ignite bedding or upholstery. Tests conducted by the National Bureau of Standards, among others, indicate that such a goal is attainable.

Most cigarettes continue to burn for 20 to 40 minutes if left unattended. A reduction in that burn time could reduce the risk of accidental fires significantly.

This bill would impose no new requirements on the tobacco industry; indeed, the Tobacco Institute has expressed support for such a study. Mr. President, the goals are worthy and the legislation modest, and I am hopeful that this bill can receive prompt action in the Committee on Governmental Affairs and the Senate as a whole.●

Mr. CRANSTON. Mr. President, I would like to commend my colleague from Pennsylvania, Senator HEINZ for his initiative in introducing a bill to address the serious loss of life and property caused by accidental fires ignited by cigarettes. I am pleased to be a principal cosponsor of this measure.

As present sponsor of cigarette safety legislation, S. 51, and author of similar bills in the 96th and 97th Congresses, I have long been interested n seeking solutions to the Nation's leading cause of residential fire deaths. A comprehensive study of the feasibility of producing safer cigarettes, as this bill proposes, would bring us measurably closer to this goal.

The U.S. Fire Administration statistics confirm, year after year, that the problem of cigarette fires will not diminish of its own accord: In 1981, the last year in which data are available, more than 2,000 people lost their lives, more than 3,800 were injured, and property damages totaled $305 million. To accomplish a substantial reduction in the number of residential deaths and injuries caused by cigarette-ignited fires, cigarette manufacturers should look at ways to develop a safer product—in addition to educational efforts alerting the public to the dangers of carelessly dropping ignited cigarettes.

There is every reason to believe a safer cigarette can be produced. The National Bureau of Standards and the U.S. Testing Co., an independent laboratory, have both concluded there are at least two commercial brands that are relatively safe: More, made by the R. J. Reynolds Tobacco Co., and Nat Sherman's, a specialty cigarette brand made in New York City. The manufacturing of these cigarettes suggests that the production of a safer cigarette is economically feasible and provides an excellent basis for expanding research and development.

Mr. President, it is also evident that we do not know everything about the relative interactions of factors contributing to the burn rate of a cigarette, as relatively little systematic research has been performed. Changes in the tobacco packing density, cigarette circumference, moisture content of the tobacco porosity and thickness of the cigarette paper, and various chemicals often times added to either or both the tobacco and the wrapping paper to promote continuous burning may all affect tar and nicotine levels. This study would explore not only the technical and economic feasibility of producing a cigarette with a lower propensity to ignite upholstered furniture and mattresses, but would also consider any health consequences of implementing fire-safe cigarette criteria.

With industry and Government pooling their efforts in this study, I am confident our shared goal of reducing accidental fires can be met.

By Mr. QUAYLE (for himself and Mr. KENNEDY):

S. 1936. A bill to amend the Trade Act of 1974; to the Committee on Finance.

TRADE ACT AMENDMENTS

● Mr. QUAYLE. Mr. President, today I am introducing a bill to amend the Trade Adjustment Assistance Act (TAA). I am pleased that this bill is cosponsored by Senator KENNEDY. The bill requires that TAA training be administered through the dislocated worker program under title III of the Job Training Partnership Act (JTPA). This is merely a matter of administrative efficiency.

My amendment will not affect the eligibility requirements for TAA or the determination process for eligibility. Although the training funds flow through the same administrative structure as the JTPA funds, they are strictly earmarked for eligible TAA trainees.

In some States, two separate entities administer the TAA and JTPA training programs for dislocated workers. As a matter of commonsense, they ought to be consolidated because there is no basis for distinguishing between the trainees, other than the cause of

job termination. These programs provide the same kind of training to unemployed workers with very similar needs. Therefore, we should not treat them differently by establishing separate programs.

In those instances where an organization is training both TAA and JTPA dislocated workers, my amendment could also mean more equitable services for TAA trainees. This is because of different program requirements. JTPA programs must meet performance standards, such as placement of a percentage of trainees in jobs or placement in jobs at specified wage rates. Since TAA training programs are not required to meet these standards, the JPTA dislocated worker could possibly receive preference in job placement or placement at higher wage rates.

Aside from the question of equal treatment, as a general rule, all Federal programs should meet performance standards. Not only will performance standards lead to greater efficiency and program quality, but so will other JTPA program requirements such as coordination with related training and supportive services and, selection of service providers on the basis of cost effectiveness and demonstrated performance.

Under title III of JTPA, Governors have complete discretion on the administrative structure of the dislocated worker program, whereas TAA training is administered by the Secretary of Labor through the Employment Service. Under my amendment, Governors could continue to use the Employment Service to contract for TAA training, but the training programs would have to meet JTPA standards for efficiency and quality.

In addition, my amendment assures that the TAA training funds would not be subject to the State matching requirement that applies to other title III funds.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subchapter B of chapter 2 of the Trade Act of 1974 is amended by striking out sections 235 through 238 and inserting in lieu thereof the following:

"SEC. 235. TRAINING, OTHER EMPLOYMENT SERVICES, AND ALLOWANCES

"There are authorized to be made available to adversely affected workers covered by a certification under subchapter A, job training, counseling, testing, placement services, job search allowances, and relocation allowances, to be provided subject to the terms and conditions of discretionary funds under title III of the Job Training Partnership Act."

SEC. 2. Section 239 (a) of such Act is amended—

(1) by striking out clause (2) thereof;

(2) by inserting "and" at the end of clause (1);

(3) by redesignating clause (3) as clause (2); and

(4) by striking out "and services" in clause (2) as so designated.

SEC. 3. The amendments made by sections 1 and 2 shall be effective 6 months after the date of enactment of this Act.●

By Mr. LEVIN:

S. 1937. A bill to amend the Internal Revenue Code of 1954 to impose an additional excise tax on the sale of certain imported automobiles in the United States; to the Committee on Finance.

ADDITIONAL EXCISE TAX ON IMPORTED AUTOMOBILES

● Mr. LEVIN. Mr. President, the bill I am introducing today is designed to insure that U.S. auto manufacturers have the ability to continue modernizing and retooling for the production of new models to compete against foreign imports by restoring a measure of competitive equity in the U.S. marketplace.

Domestic manufacturers face a number of government imposed restrictions and barriers that increase the cost of autos sold in foreign markets, while autos imported to the United States have traditionally not faced similar barriers. This bill is designed to correct that inequity by imposing on imported autos a tax equal to the cost increases borne by domestic autos when entering foreign markets.

The economic recession, in combination with auto imports, have had a devastating effect on the U.S. auto industry. In 1982, total new car sales in the United States fell for the fifth consecutive year, with sales of domestic autos at their lowest levels in 21 years. Over the same 5-year period, the market share of imported autos, mostly from Japan, continued to increase.

These factors in turn have contributed to the deterioration in the financial condition of the industry, despite the all-out efforts of management, labor, suppliers and dealers to reduce costs and improve productivity while containing price increases. In addition, approximately 210,000 auto workers are on indefinite layoff, which is compounded by unemployment in the supplier industries.

In spite of these circumstances, the U.S. auto industry has invested billions of dollars in construction of new plant and equipment and conversion of existing facilities to improve productivity and build more high quality, small fuel-efficient front-wheel-drive autos. During the 1978 to 1982 period, the auto manufacturers invested approximately $51 billion—an important effort for the longer term prospects of the industry.

While sales are returning and the industry is showing improved profitability as the economy begins to rebound, it will require several years of improved earnings to recoop this investment. And a portion of this investment could be recovered by exporting vehicles for sale overseas, now that they have expanded production of small, fuel-efficient autos. However, they are not able to do so without incurring substantial costs caused by restrictive trade barriers.

Probably some of the most restrictive practices are imposed by the Japanese Government. This particularly disturbing not only because its policies are highly restrictive but also because Japanese auto makers have reaped enormous profits from sales in the United States. The effect of these barriers on U.S. manufactured autos is to increase prices beyond the reach of most Japanese consumers. It is estimated that these restrictions increase the price of domestically produced autos by almost twice the price at which they sell in the United States. This is one reason why U.S. manufacturers sold a little more than 3,500 autos in Japan during 1982.

While not all of the differential in prices can be attributed to restrictive Japanese policies, clearly a portion can. One example is the Japanese "commodity tax." The tax is imposed on all new cars at a 17.5-percent rate on autos with small engines, and 22.5 percent on autos with engines larger than 2,000 cc. It is no coincidence that the typical U.S. manufactured auto is taxed at the higher rate.

In addition, the tax is imposed on the factory wholesale price of Japanese autos, but on the "landed price"—which includes freight—of foreign autos entering Japan, while the United States bases its duty on the auto's value exclusive of freight.

Another example is the inspection and certification requirements. U.S. manufacturers must modify autos to meet Japanese safety and emission standards. While the certification requirement for imported autos has recently been eased, the Japanese Government still does not recognize U.S. manufacturers' self-certification of automobiles to Japanese standards. As a result, every vehicle, except models receiving large volume "Type Designation" approval and those sold in quantities of 300 or less, are individually approved. The United States permits all domestic and foreign manufacturers to self-certify compliance with U.S. safety and emission standards, regardless of the number of vehicles sold here.

Moreover, the Japanese Government has not adopted administrative procedures to implement a May 1980 commitment to accept U.S. notaries public affirmation of the "dates of manufac-

ture" of U.S. autos. These dates are necessary in Japan to determine which year's regulations tests must be performed on U.S. imported autos.

The legislation I am introducing today would add a tax on Japanese autos entering the U.S. market equivalent to the costs which are imposed on U.S. autos entering their market and which are attributable to the procedures which unreasonably burden, restrict or discriminate against the entry of U.S. autos. It would apply only to those countries whose imports exceed 10 percent of the U.S. new car market, which at the present time would include only Japan.

Mr. President, I believe this legislation would, if enacted, achieve two important goals: allow U.S. auto manufacturers to continue modernizing and retooling for the production of competitive vehicles for domestic and foreign markets, and opening the Japanese market to U.S. manufacturers. These are goals we can all support.●

By Mr. HATCH:

S. 1938. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, and for other purposes; to the Committee and Labor and Human Resources.

FOOD SAFETY MODERNIZATION ACT OF 1983

Mr. HATCH. Mr. President, the United States has the safest, most wholesome food supply in the world. As chairman of the Senate Labor and Human Resources Committee, I am committed to assuring the American people that this situation continues, and that nothing is done to jeopardize it. At the same time, since the last major revision of the food safety laws in 1958, technology has changed greatly, while the law has stood still. Laws that were designed for the science in 1958 are no longer entirely appropriate for the science in 1983. I am today introducing legislation to modernize the food safety laws of the United States. This bill, the Food Safety Modernization Act of 1983, is being introduced simultaneously in the House of Representatives by my good friend and respected colleague Mr. EDWARD MADIGAN.

During the past few years, impressive clinical, scientific, and medical support has been mounting for food safety reform. The National Academy of Science recommended that Congress overhaul the prevailing food regulatory system, calling it complicated, inflexible, and inconsistent in implementation. The U.S. General Accounting Office, based on its interviews with former FDA Commissioners and general counsels, also favors making necessary revisions.

Two years ago, I introduced S. 1442, a bill to overhaul the food safety laws. While some argued that provisions of that bill were too sweeping or went too far in one direction or another, I intended that bill to serve as a vehicle to stimulate discussions on these important issues, and it did. Through thorough and comprehensive hearings, and discussions with all interested parties, I believe that we have learned a great deal since the introduction of that bill. I believe that the bill I am introducing today represents a significant advance. The bill is focused on fine tuning a few areas of the law where there is a demonstrable need for change, and it is based on a hearing record in which a consensus supported that change. The 3 days of hearings I chaired on June 8, 9, and 10, 1983, in the Senate Labor and Human Resources Committee centered on two fundamental questions about our food safety laws:

First, how have recent scientific and technological developments affected food safety regulation?

Second, should existing law be revised in order to accommodate advances in science and technology?

I was struck throughout the hearings by the nearly unanimous testimony supporting the need for the Congress to modernize our 25-year-old food safety laws. Witness after witness testified that current law does not permit the FDA and USDA to consider all pertinent scientific information in their decisionmaking. Witnesses further pointed out that while we can scientifically distinguish between significant and trivial risks, we have no latitude to make such distinction in our regulatory policy under current law. In particular, many witnesses noted that it is unrealistic to expect us to achieve a zero risk food supply.

Some of the most enlightening and persuasive testimony came from two respected former Commissioners of the Food and Drug Administration who served under the previous administration: Dr. Donald Kennedy and Dr. Gere Goyan. Both former Commissioners testified that although the current food safety laws are basically sound, these laws need some fine tuning so that they conform to contemporary scientific reality. Further, they seemed to agree on three points:

First, the food safety laws have generally worked well to protect the American public;

Second, scientific knowledge has advanced greatly since the food safety laws were last revised in 1958, and these advances have made parts of the law outmoded;

Third, FDA is hampered in its ability to utilize its best scientific judgment in evaluating and in determining policy for various substances.

Mr. President, I agree with the views expressed by the two distinguished former Commissioners, which, I might add, were echoed by many of the other witnesses at the June hearings.

Mr. President, I am pleased that Mr. MADIGAN is introducing this bill in the House of Representatives with a broad bipartisan consponsorship. It indicates that "reasonable men can reason" when it is the right thing to do to bring about credible regulation of our food supply. The bill is not a wish list, but rather a hard nucleus of realistic and necessary changes. The bill would achieve two goals: It would insure that the criteria and standards for food safety decisionmaking are rigorous and it would bring the law into conformance with current scientific and technological capabilities. It does this while retaining the concepts and approaches of current law which have served us well.

Mr. President, over the last several years, I discovered how difficult it is to write a law regulating highly complex scientific concepts. This bill represents some of my colleagues and my own best effort to do so. It is based on the views expressed by most, though admittedly not all, of the witnesses at the June hearings that modest but meaningful changes in key areas are needed.

I urge my colleagues on both sides of the aisle to discuss and support this important effort to update our food safety laws. If anyone—my colleagues, or members of industry, consumer groups, or the scientific or academic communities—has suggestions, I would be happy to listen.

Mr. President, I have included with this bill a detailed section-by-section analysis. At this point, I would like to describe briefly the most significant features of the legislation.

First, the bill would define, for the first time, the important concept of "safety" as it is applied to food additives, color additives, substances which are generally recognized as safe, pesticide residues, and residues of new animal drugs, under the Federal Food, Drug, and Cosmetic Act. The bill would define safe as a "reasonable certainty that the risks of a substance under its intended conditions of use are negligble."

Second, the bill gives authority to FDA to permit, under specified conditions, the gradual elmination or phaseout of substances from the food supply if FDA determines that there will be no unreasonable risk to the public health from continued use of a substance while it is phased out, and there is no practicable substitute.

Third, the bill retains the Delaney clauses special treatment for cancer-causing substances, except in those circumstances when these substances are demonstrated to FDA's satisfaction, based on a specified set of criteria, to present no more than a negligible risk.

Fourth, the bill provides that FDA can take into consideration the health-related benefits of a food additive in

determining whether to allow continued use of substance that has along history of use and no practical substitute. To utilize this provision, FDA would have to conclude that "the risks * * * are acceptable on account of the benefits to human health."

Fifth, the bill directs FDA to establish a mechanism for receiving expert external scientific advice on significant food safety issues when the Commissioner of FDA determines this will help resolve substantial scientific issues.

Sixth, the bill provides for the clarification of the criteria and procedures for regulating so-called "indirect additives," such as packaging materials.

Seventh, the bill simplifies the procedures for setting tolerances for food contaminants.

Finally, the bill conforms the Federal Meat, Poultry, and Egg Acts, enforced by the USDA, to the changes in the Federal Food, Drug, and Cosmetic Act. Notably, the conforming changes would provide for independent scientific peer review and authorize a phaseout under these agricultural laws.

Mr. President, this bill is a balanced approach to this difficult area of public health regulations. It carefully preserves the authority of FDA and USDA to carry out their essential responsibilities. It continues to require that the food industry bear the burden of proof in establishing the safety of food constituents. It retains the historic focus of our food safety laws on protecting the public health. And it brings our food safety laws into conformity with contemporary scientific capability. Mr. President, it is time for the Congress to modernize our food safety laws. I urge careful and prompt consideration of the Food Safety Modernization Act of 1983 as the way to achieve these goals.

Mr. President, I ask unanimous consent that the text of the bill as well as the section-by-section analysis be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Safety Modernization Act of 1983".

TITLE I—AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

DEFINITION OF SAFE

SEC. 101. Section 201(u) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(u)) is amended to read as follows:

"(u) The term 'safe', as used in subsection (s) of this section and in sections 408, 409, 512, and 706, means a reasonable certainty that the risks of a substance under the intended conditions of use are negligible.".

PHASEOUT AUTHORITY

SEC. 102. (a) Section 306 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 336) is amended by inserting "(a)" before "Nothing" and by adding at the end thereof the following new subsection:

"(b)(1) In any case in which the Secretary determines with respect to a use of a substance that a regulation may not remain in force under section 409(c), 512(c), or 706(b) or that such use of the substance may render food injurious to health under section 402(a)(1), or determines that a substance which has been generally recognized as safe is no longer so recognized, the Secretary may by regulation permit the continued use of such substance for a period of up to five years under such conditions as may be imposed by the Secretary pursuant to this subsection, if the Secretary determines that no unreasonable risk to the public health will result from such continued use.

"(2) During such period, the Secretary may impose such conditions on use of such substance as may be necessary and sufficient for protection of the public health, including—

"(A) a phased reduction of the foods or classes of foods in or on which such substance may continue to be used;

"(B) a phased reduction of the quantity of such substance which may be used or permitted to remain in or on such food; and

"(C) labeling or packaging requirements for foods containing or exposed to such substance.

"(3) In determining whether to permit such continued use, and the duration and conditions of any such continued use, the Secretary shall take into account—

"(A) the nature and extent of the risks associated with such use of the substance, or limitation or prohibition of use, as the case may be; and

"(B) effects of such use of the substance, including effects on the nutritional value, cost and availability of food, and use for dietary management and other health related purposes.

"(4) Continued use of a substance shall be permitted under this subsection only so long as a practicable substitute is not available for such substance for such use, except that the Secretary may by regulation allow the continued use of such substance during a period otherwise permitted by this section in which a substitute is available if the Secretary determines that the public health will be better served by the simultaneous use of such substance and such substitutes.

"(5) Upon the expiration of a period of continued use permitted under this subsection, the Secretary may by regulation permit the use of such substance for one additional period of up to five years, and under such conditions as may be imposed under this subsection, based upon a consideration of the factors listed in subparagraphs (A) and (B) of paragraph (3) of this subsection and a determination that diligent efforts to develop a substitute for such substance are being made.

"(6) While a regulation issued under this subsection with respect to a substance is in effect, a food shall not, by reason of bearing or containing such substance in accordance with such regulation, be considered adulterated within the meaning or paragraph (1), (2), or (6) of section 402(a) or section 402(c).".

(b) The section heading for such section is amended by adding at the end thereof a semicolon and "PHASEOUT AUTHORITY".

DELANEY CLAUSE

SEC. 103. (a) Section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(3)(A)) is amended by striking out all after "*Provided,* That" through "except that this proviso shall not apply" and inserting in lieu thereof the following: "no additive shall be deemed to be safe if the additive as a whole is found to induce cancer when ingested by man or animal, or if the additive as a whole is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal, except that this proviso shall not apply with respect to a use of a substance if the Secretary, on the basis of scientifically adequate experimental evidence with respect to the substance's mechanism of action or the manner in which the substance is metabolized or other experimental evidence, including the use of risk assessment procedures when appropriate, determines that the risk of cancer to humans from exposure to the additive under the intended conditions of such use is negligible, or".

(b) Section 512(d)(1)(H) of such Act (21 U.S.C. 360b(d)(1)(H)) is amended by striking out ", except that" and inserting in lieu thereof the following: ": *Provided,* That the foregoing provisions of this subparagraph shall not apply with respect to a use of such drug, if the Secretary, on the basis of scientifically adequate experimental evidence with respect to such drug's mechanism of action or the manner in which such drug is metabolized or other experimental evidence, including the use of risk assessment procedures when appropriate, determines that the risk of cancer to humans from exposure to such drug under the intended conditions of such use is negligible: *Provided further,* That".

(c) Section 706(b)(5)(B) of such Act (21 U.S.C. 376(b)(5)(B)) is amended by striking out all after "A color additive" through ": *Provided,*" and inserting in lieu thereof the following: "(i) shall be deemed unsafe, and shall not be listed, for any use which will or may result in ingestion of all or part of such additive, if the additive as a whole is found by the Secretary to induce cancer when ingested by man or animal, or if the additive as a whole is found by the Secretary, after tests which are appropriate for the evaluation of the safety of additives for use in food, to induce cancer in man or animal, and (ii) shall be deemed unsafe, and shall not be listed, for any use which will not result in ingestion of any part of such additive, if, after tests which are appropriate for the evaluation of the safety of additives for such use, or after other relevant exposure of man or animal to such additive, the additive as a whole is found by the Secretary to induce cancer in man or animal: *Provided,* That the foregoing provisions of this subparagraph shall not apply with respect to a use of a color additive, if the Secretary, on the basis of scientifically adequate experimental evidence with respect to the additive's mechanism of action or the manner in which the additive is metabolized or other experimental evidence, including the use of risk assessment procedures when appropriate, determines that the risk of cancer to humans from exposure to the additive under the intended conditions of such use is negligible: *Provided further,*".

CONSIDERATION OF HEALTH BENEFITS

SEC. 104. Section 409(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.

348(c)) is amended by adding at the end thereof the following new paragraph:

"(6) Notwithstanding any other provision of this Act, the Secretary shall issue a regulation with respect to a use of a food additive prescribing the conditions under which such additive may be used, if a fair evaluation of the evidence before the Secretary demonstrates—

"(A) that there is a substantial history of such use of the food additive and there is no practicable substitute for such food additive for such use, and

"(B) that the risks to human health presented by such use of the food additive are acceptable on account of the benefits to human health from such use of the food additive, including effects on the nutritional value and availability of food and uses for dietary management and other health-related purposes.".

SCIENTIFIC PEER REVIEW

SEC. 105. Title IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end thereof the following new section:

"SCIENTIFIC PEER REVIEW

"SEC. 413. Within 180 days after the date of enactment of the Food Safety Modernization Act of 1983, the Secretary shall by regulation establish procedures for receiving advice from a committee of scientifically qualified individuals, supported by a scientifically qualified staff of individuals, whose members and scientically qualified staff are not in the full-time employ of the United States Government, in cases in which the Secretary determines with respect to the safety of a substance in food that there is a substantial scientific issue the resolution of which may be materially facilitated by independent scientific peer review.".

INDIRECT ADDITIVES

SEC. 106. Title IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) (as amended by section 105 of this Act) is further amended by adding the following new section:

"INDIRECT ADDITIVES

"SEC. 414. Within two years after the date of enactment of the Food Safety Modernization Act of 1983, the Secretary shall by regulation establish standards for determining whether an intended use of a substance will be deemed to result in its becoming a food additive under section 201(s), taking into account relevant factors including levels of human exposure to the substance (based upon a meaningful projection from reliable data) under its intended conditions of use of the substance and the toxicological characteristics of the substance.".

SECTION 406 PROCEDURES

SEC. 107. Section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)) is amended by striking out "406,".

TITLE II—AMENDMENTS TO THE POULTRY PRODUCTS INSPECTION ACT, THE FEDERAL MEAT INSPECTION ACT, AND THE EGG PRODUCTS INSPECTION ACT

REGULATION OF SUBSTANCES

SEC. 201. (a) Section 4(g)(2)(A) of the Poultry Products Inspection Act (21 U.S.C. 453(g)(2)(A)), section 1(m)(2)(A) of the Federal Meat Inspection Act (21 U.S.C. 601(m)(2)(A)), and section 4(a)(2)(A) of the Egg Products Inspection Act (21 U.S.C 1033(g)(2)(A)) are each amended by striking out "which may, in the judgment of the Secretary, make such article unfit for human food" and inserting in lieu thereof: "which is unsafe within the meaning of section 406 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That if no regulation under such section is in effect with respect to such substance, the Secretary may promulgate a regulation with respect to such substance in accordance with the provisions of section 406 of the Federal Food, Drug, and Cosmetic Act".

(b) Section 4(g)(2)(D) of the Poultry Products Inspection Act (21 U.S.C 453(g)(2)(D)), section 1(m)(2)(D) of the Federal Meat Inspection Act (21 U.S.C. 601(m)(2)(D)), and section 4(a)(2)(D) of the Egg Products Inspection Act (21 U.S.C. 1033(a)(2)(D)), are each amended by inserting after "*Provided*, That" the following: "while a regulation or approval with respect to a use of a substance is in effect under sections 406, 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act, a product shall not, by reason of bearing or containing such substance in accordance with such regulation or approval, be considered to be adulterated under subparagraph (1) of this paragraph: *Provided further*, That".

PHASEOUT AUTHORITY—SCIENTIFIC PEER REVIEW: POULTRY PRODUCTS INSPECTION ACT

SEC. 202. Section 14 of the Poultry Products Inspection Act (21 U.S.C. 463) is amended by adding at the end thereof the following new subsections:

"(d) If the Secretary determines that a use of a substance in food or food packaging violates a general or specific safety provision of this Act, the Secretary may issue a regulation with respect to such use of such substance in accordance with the provisions of section 306(b) of the Federal Food, Drug, and Cosmetic Act.

"(e) Within 180 days after the date of enactment of the Food Safety Modernization Act of 1983, the Secretary shall by regulation establish procedures for receiving advice from a committee of scientifically qualified individuals, supported by a scientifically qualified staff of individuals, whose members and scientifically qualified staff are not in the full-time employ of the United States Government, in cases in which the Secretary determines with respect to the safety of a substance in food that there is a substantial scientific issue, the resolution of which may be materially facilitated by independent scientific peer review.".

PHASEOUT AUTHORITY—SCIENTIFIC PEER REVIEW: FEDERAL MEAT INSPECTION ACT

SEC. 203. Title I of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended by adding at the end thereof the following new sections:

SEC. 25. If the Secretary determines that a use of a substance in food or food packaging violates a general or specific safety provision of this Act, the Secretary may issue a regulation with respect to such use of such substance in accordance with the provisions of section 306(b) of the Federal Food, Drug, and Cosmetic Act.

SEC. 26. Within 180 days after the date of enactment of the Food Safety Modernization Act of 1983, the Secretary shall by regulation establish procedures for receiving advice from a committee of scientifically qualified individuals, supported by a scientifically qualified staff of individuals, whose members and scientifically qualified staff are not in the full-time employ of the United States Government, in cases in which the Secretary determines with respect to the safety of a substance in food that there is a substantial scientific issue the resolution of which may be materially facilitated by independent scientific peer review.".

PHASEOUT AUTHORITY—SCIENTIFIC PEER REVIEW: EGG PRODUCTS INSPECTION ACT

SEC. 204. Section 14 of the Egg Products Inspection Act (21 U.S.C. 1043) is amended by inserting "(a)" before "The" and by adding the following new subsections:

"(b) If the Secretary determines that a use of a substance in food or food packaging violates a general or specific safety provision of this Act, the Secretary may issue a regulation with respect to such use of such substance in accordance with the provisions of section 306(b) of the Federal Food, Drug, and Cosmetic Act.

"(c) Within 180 days after the date of enactment of the Food Safety Modernization Act of 1983, the Secretary shall by regulation establish procedures for receiving advice from a committee of scientifically qualified individuals, supported by a scientifically qualified staff of individuals, whose members and scientifically qualified staff are not in the full-time employ of the United States Government, in cases in which the Secretary determines with respect to the safety of a substance in food that there is a substantial scientific issue the resolution of which may be materially facilitated by independent scientific peer review.".

TITLE III—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 301. The provisions of this Act shall become effective upon enactment.

SECTION-BY-SECTION ANALYSIS OF THE "FOOD SAFETY MODERNIZATION ACT OF 1983"

I. INTRODUCTION

The "Food Safety Modernization Act of 1983" (the "FSMA") contains several significant amendments to the food safety provisions of the Federal Food, Drug and Cosmetic Act (the "FDC Act") and conforming changes to the Federal Meat Inspection Act (the "FMI Act"), Poultry Products Inspection Act (the "PPI Act") and Egg Products Inspection Act (the "EPI Act"). The FSMA is a successor to, and is evolved from, legislation introduced in the Congress in recent years, notably S. 1442 and H.R. 5491, each of which was introduced during the 97th Congress. The provisions of the FSMA are derived not only from these prior bills, but from the three days of comprehensive hearings on food safety law and policy held before the Senate Labor and Human Resources Committee on June 8-10, 1983.

At those hearings, testimony was received from witnesses representing diverse interests and perspectives, including those of the Food and Drug Administration ("FDA") and the U.S. Department of Agriculture ("USDA"), prestigious scientists, and industry and consumer groups. It was the clear consensus of those witnesses that the current law is basically sound and has worked well to ensure that the American food supply is safe. Many of those witnesses also testified, however, that current food safety law does not conform to current scientific and technological knowledge and capabilities, does not permit the FDA and USDA to consider all pertinent scientific information in making food safety regulatory decisions and does not give FDA and USDA sufficient flexibility to develop appropriate regulatory responses to all food safety issues which arise. The FSMA addresses these problems

while also retaining the basic structure and requirements of the current laws, laws which have ensured that the American food supply is the safest in the world.

The FSMA consists of three titles. Title I contains amendments to several specific provisions of the FDC Act relating to food additives, color additives, new animal drugs and contaminants of food, as well as provisions which would affect food safety decisions generally. Title II contains conforming amendments to the FMI Act, PPI Act and EPI Act, each of which is enforced by the USDA, and several changes to those laws intended to further ensure consistency between the policies and requirements imposed by FDA and USDA. Title III specifies the effective date of the FSMA. Each of the changes to current law which would be made by the FSMA are described below.

II. DEFINITION OF "SAFE"

One of the central concepts of the FDC Act—a concept which is not altered by the FSMA—is the requirement that substances used to produce, process, package, hold, or otherwise affect food (*i.e.*, substances defined under the law as food additives, color additives, pesticide residues, and residues of new animal drugs) be demonstrated to be "safe" before use. A manufacturer or food processor who wants to use a substance in food is now required to provide to FDA all of the scientific and technical data needed to prove that the substance is safe. This requirement is not altered by the FSMA.

These requirements have their origins in the Food Additive Amendment of 1958 (the food additive provisions of the FDC Act have not been revised since then) and have been extended to color additives, pesticide residues and residues of new animal drugs. Although the Food Additives Amendment of 1958 required, for the first time, that "food additives," as defined in section 201(s) of the FDC Act, 21 U.S.C. § 321(s), be shown to be "safe," the Amendment did not define the term. The legislative history of the Amendment, however, reflects the judgment of the Congress in 1958 that "safe" required the proponent of use of an additive to demonstrate, by competent scientific evidence, to a "reasonable certainty," that "no harm" would occur from use of the additive. This "definition" has been incorporated in FDA regulations and has guided food safety decisions by FDA for twenty-five years.

It is evident from the legislative history of the 1958 Amendment (and subsequent amendments related to other types of food constituents) that a policy of "zero risk" was not intended by the Congress; indeed, such a policy would be difficult, if not impossible, to implement. In recent years, science has provided ever more exquisite analytical techniques and increasingly sophisticated techniques to identify, assess, and quantify potential risks. FDA has attempted to adapt its regulatory policies to these changes in scientific capability. Current scientific capability enables us to identify potential risks throughout the food supply (*e.g.*, we can detect substances in food at parts per trillion). Scientific capability also enables us to determine the upper boundary of these potential risks and thus to identify those which may pose public health concerns. The absence of a definition of "safe" has made it increasingly difficult for FDA to apply consistently appropriate regulatory policies which distinguish between trivial risks and those which warrant concern. The FSMA would add a definition of "safe" to the FDC Act, and, in so doing, insure that the public health is protected from those risks in food which are not demonstrated to be trivial.

Under section 101 of the FSMA, section 201(u) of the FDC Act would be amended to define the term "safe"—as it applies to food additives, color additives, residues of new animal drugs, and pesticide residues—as "a reasonable certainty that the risks of a substance under the intended conditions of use are negligible." This definition would accomplish several objectives.

First, it would continue the requirement that the manufacturer or user of a food constituent, such as a food additive, demonstrate safety to a "reasonable certainty." This feature of the new definition will ensure that the scientific evidence needed to demonstrate safety is comprehensive and reliable and resolves the issues pertinent to the safety decision. The "reasonable certainty" language is consistent with the approach of current law, but by making the phrase a part of the FDC Act (as opposed to its presence in the legislative history) its continued viability as part of the concept of safety will be preserved.

Second, the benchmark for distinguishing substances shown to be "safe" and those that have not, would be clarified. Under the definition, a substance determined to present no more than "negligible" risks would be safe. The inclusion of a standard of "negligible" risk would ensure that the public health is fully protected; trivial risks, that is, those that do not endanger the public health, would not be a basis for prohibiting the use of substances in food. With the development of techniques for quantitative risk assessment and the greatly enhanced information on, and understanding of, the toxicology of food constituents, distinctions can reasonably and appropriately be made between the risks, if any, presented by substances in food. The definition would help FDA to better adapt its regulatory policies to distinguish between those substances which may present public health concerns or otherwise warrant attention and those which do not.

The definition would thus reaffirm the requirement for persuasive proof of the safety of food constitutents, distinguish between negligible risks and those of public health concern, and help to provide for food safety regulatory decisions that embody consideration of, and reliance on, current scientific and technological information and capabilities.

III. PHASEOUT AUTHORITY

The FDC Act does not currently authorize the FDA to provide for the gradual elimination of a substance from food when such substance has been determined not to satisfy the substantive criteria of the FDC Act for continued use. The lack of this authority and the potentially undesirable consequences because of its absence, were illustrated several years ago when a study appeared to implicate nitrites as animal carcinogens. Nitrites are widely used to preserve meat and poultry products. Precipitous action to eliminate them, if the evidence had demonstrated a risk which required such action (ultimately the study in question was determined not to implicate nitrites directly in cancer causation), would have created unacceptable risks (there being no practicable substitutes for nitrites to protect certain foods from the growth and development of botulism) and adversely affected the costs related to, and the availability of, a major component of the food supply.

When it became apparent that a gradual elimination or phaseout of nitrites (or any other substance in use) was not permitted under current law, the Administration proposed legislation to authorize the phaseout. That specific phaseout legislation became unnecessary, but the episode did demonstrate the need generally to provide for the orderly removal of substances from food, under certain circumstances, when a decision is made to ban further use. The phaseout provision in the FSMA deals only with the implementation of a decision to eliminate gradually a substance from food; the criteria under the FDC Act for determining whether a substance may remain in further use indefinitely is not affected by the provision.

Under section 102 of the FSMA, section 306 of the FDC Act, would be amended by redesignating the current provisions as paragraph (a) and by adding a new paragraph (b). The amendment to section 306 would authorize FDA, by regulation, to permit the continued use of a substance (a food additive or color additive, a substance with a prior sanction or one generally recognized as safe, and a new animal drug) which it had determined no longer met the criteria for indefinite continued use, for a period up to five years. A phaseout would be permitted under this section only if the FDA decided that "no unreasonable risk to the public health" would result from continued use of the substance during the phaseout period. A phaseout would be permitted only as long as a practicable substitute for the substance in question was not available.

The section would authorize the FDA, as appropriate, to reduce the amount of a substance allowed in food, restrict the foods in which substance may be used, or to provide for labeling or packaging requirements during the phaseout period. In addition, because five years may not, in some instances, be adequate to develop and obtain approval of a practicable substitute (or substitutes) for the substance in question, the phaseout could be extended for up to an additional five years. An extension would only by permitted, however, if the FDA decided that diligent efforts were being made to develop substitutes and if a continuation of the phaseout period were consistent with requirements of the section.

In deciding on the length and conditions of a phaseout, the section directs the FDA to consider, for each use of a substance, the risks associated with using the substance and the risks associated with limiting or prohibiting its use. Also, the FDA would be required to consider the effects of the use of the substance on such factors as the nutritional value of food, the cost and availability of food, and the use of the substance for dietary management and other health-related purposes. In short, decisions on the length and conditions of a phaseout would be based on an evaluation of numerous factors and would reflect the judgment of the Agency as to how best to implement a decision to ban a substance. As is the case under the FDC Act in general, the Agency's judgment about the risks of continued use of a substance would be an important element of any phaseout decision.

Finally, the FDA would be permitted to provide for the continued use of a substance subject to a phaseout regulation even after a practicable substitute is available only if it is determined by FDA that the public health is enhanced by the simultaneous use of more than one substance for a particular use or uses (*e.g.*, FDA might conclude that

the use of lower levels of two or more substances better protects the public health than reliance on a single substance).

IV. DELANEY CLAUSE

An important feature of the Food Additives Amendment of 1958 is the inclusion of a special provision for additives shown to induce cancer in laboratory animals or in man. This provision—the Delaney Clause—was initially applied to food additives and subsequently extended to color additives and residues of new animal drugs. (The FDA Act thus contains three Delaney Clauses).

Unlike the concept of general safety embodied in the 1958 Amendments—that is, the "zero risk" is not the standard—the Delaney Clauses do adopt a policy of zero risk with respect to substances to which they apply. The "zero risk" approach of the Delaney Clause was based on the state of knowledge about cancer causation, risk assessment, toxicology, and analytical chemistry in the late 1950's. It was generally believed then that few substances would be shown to induce cancer in laboratory animals, that essentially all substances shown to induce cancer in laboratory animals presented significant risks of cancer to humans, and that all animal carcinogens behaved in the same way. Also, in 1958, the tools to distinguish cancer-causing substances on the basis of their risks under the intended conditions of human use did not exist. Finally, analytical techniques could only detect substances in the parts per million range, which meant that low levels of animal carcinogens in food went undetected.

In the twenty-five years since the Delaney Clause was first enacted, dramatic changes have occurred with respect to the scientific and technological premises underlying the provision. It is now known, for example, that of the numerous substances shown to induce cancer in laboratory animals (in part because of more and better testing techniques) some act as direct carcinogens, while others act indirectly or through secondary means. It is also known that the risks to humans from substances shown to induce cancer in animals vary greatly, depending on the potency of the substance, its mechanism of action, the level of exposure, and numerous other factors. Techniques of quantitative risk assessment have been refined to aid in distinguishing substances on the basis of risk to humans under the intended conditions of use. The need to distinguish among these substances on the basis of risk is further demonstrated by the sensitivity of analytical methods, which detect trace amounts of cancer-causing substances throughout the food supply.

The scientific capability now exists to distinguish between those substances which present risks of public health significance and those which, because the risk is so small or remote, do not. Current law does not, however, permit these distinctions to be made as a matter of regulatory policy. Regulatory policy under a revised Delaney Clause can reflect current scientific capabilities while continuing to ensure that the public health is protected.

Under section 103 of the FSMA, each of the three Delaney Clauses in the FDC Act would be amended. The amendments would not alter the basic concept of the Clauses. The amendments would, however, provide for judgments about the risk of the substance to humans under the intended conditions of use to be a factor in regulatory decisionmaking.

Under the revised Delaney Clauses, a substance would not be required to be banned (or could be approved) if the proponent of use demonstrated on the basis of credible experimental evidence, that the risks to humans under the intended conditions of use were negligible. This standard would be consistent with current science and with the definition of safe set forth in section 101 of the FSMA, while also retaining the special provisions of current law for dealing with carcinogenic substances.

In deciding whether a substance shown to induce cancer presented only a negligible risk of cancer, the FDA would consider the evidence (generally based on studies in laboratory animals) bearing on whether the substance induces cancer, as well as other "scientifically adequate experimental evidence" on such matters as the mechanism of action and metabolism of the substance. When FDA determines that it is feasible and appropriate, quantitative risk assessments could be used to aid in evaluating the safety of substances under the Delaney Clause. The revised Delaney Clause does not specify that any particular weight be given to any single component of the scientific inquiry, but does provide for all pertinent scientific evidence to be considered and for the regulatory decision ultimately to be based on the magnitude of the risk, if any, to humans.

The Delaney Clauses for food and color additives (in section 409 and 706 of the FDC Act) would also be revised to confirm that the Clause, if it applies at all, applies to the "additive as a whole" and not to the constituent parts of the additive, such as trace amounts of reaction products and chemical impurities. The safety of the constituents would continue to be determined under the general safety requirement for additives. This clarification of the scope of the Delaney Clause would ensure that additives are not banned because of the presence of trace carcinogenic constituents unless those constituents present greater than negligible risks.

VI. CONSIDERATION OF HEALTH BENEFITS

Under section 409 of the FDC Act, 21 U.S.C. § 348, regulatory decisions on food additives are based primarily on scientific judgments about the risks, if any, presented by the additive. Although food additives are required to be shown to be functional, that is, to achieve the technical or physical effect for which their use is intended, the FDC Act does not authorize an inquiry into the "benefits" of the additive. The Congress squarely addressed this issue in 1958, and decided then not to interject into the regulatory process, a consideration better left, in most instances, to the marketplace. The criteria for food additive decisionmaking has thus focused on the effects of the additive on the public health.

There exists a circumstance, however, in which current law excludes from consideration matters pertinent to the public health. This circumstance, illustrated by such diverse substances as the antioxidant BHA, the sweetener saccharin, and the preservative nitrites, occurs when an additive with a substantial history of use and no practicable substitute, can no longer be permitted on the basis of a safety assessment alone. Under current law, FDA could not, in such a circumstance, consider the health-related benefits of the additive before deciding what action to take. It is thus possible under current law, for FDA to be required to ban a long-used and unique additive even though, on balance, the public health would be better served by continued use of the additive.

Section 104 of the FSMA would correct this deficiency in current law by authorizing FDA to consider the benefits to human health from a long-used additive with no practicable substitute before prohibiting its use on the basis of the risks to human health presented by the additive. The provision would permit continued use of an additive if, after considering such benefits to human health as the effects of its use on the "nutritional value and availability of food," "uses for dietary management, and other health-related purposes," the risks to human health were found to be acceptable.

The authority to consider benefits under section 104 of the FSMA is appropriately limited in several ways. First, the provision authorizes the consideration of health-related benefits only and thereby retains the twenty-five year old concept of food additive regulation that places protection of the public health at the center of FDA's responsibilities. The provision authorizes consideration of health benefits from a broad perspective, but does not provide for the consideration under any circumstances of non-health-related benefits.

Second, benefits would be considered only for food additives (and not for color additives), and then only for those food additives which have a substantial history of use and for which there are no practicable substitutes. This limitation will help to ensure that the consideration of benefits will occur only in those situations in which there is likely to be adequate evidence bearing on the benefits, and not simply speculation about them.

Third, as is the case with establishing the safety of a food additive, the burden to demonstrate that the risks to human health are acceptable on account of the benefits to human health would rest with the proponent of use of the additive. The FDA's role would continue to be to evaluate the evidence provided by others consistent with the criteria set forth in the FDC Act. Evidence to demonstrate benefits would be required to meet the same standards for evidence of risk to health.

VII. SCIENTIFIC PEER REVIEW

It is widely acknowledged that the reliability, credibility, and integrity of the scientific process depends, in large measure, on the careful use of scientific peer review. Consideration of scientific findings, evidence, and reports by other scientists with appropriate expertise, helps to ensure that decisions (regulatory or others), are based on sound, reproducible, valid, and reliable studies. The essence of a sound system for scientific peer review is the reliance on independent and qualified scientists to undertake a careful and comprehensive review of all data pertinent to a scientific proposition or conclusion.

Scientific peer review is an important component of food safety regulation. It helps to ensure that decisions are based on a scientifically sound basis and thereby to maintain public confidence in the appropriateness of the regulatory system. FDA has resorted to peer review on occasion in recent years for advice and assistance on significant scientific issues related to food safety (and other aspects of its regulatory responsibilities). The resort to scientific peer review by FDA, however, has not been consistent or predictable.

Section 105 of the FSMA would direct the FDA, within 180 days of enactment, to pro-

vide by regulation for a system of independent scientific peer review on "substantial scientific" issues related to food safety. The regulations would be required to embody the essential features of a workable independent scientific peer review provision but would leave the details of the system to be determined by the FDA, after it received comments from the public on its proposed system. The peer review system mandated under section 105 does not, of course, prevent FDA from seeking advice on its own initiative from scientists employed by other agencies of the Federal Government.

Under Section 105, the FDA would be required to obtain advice from qualified scientists who are not employed by the Federal Government whenever a substantial scientific issue arises, the resolution of which, in the judgment of the FDA, would be "materially facilitated" by independent scientific peer review. To assist the committee of experts in reaching independent conclusions, the provision provides for the appointment of a scientifically-qualified staff of persons who, like the committee members, are not fulltime employees of the Federal Government.

Peer review would be required only when FDA finds that because, for example, the issues are unique, the scientific findings are controversial, or conflicting data are presented, the resolution of the scientific issues underlying a regulatory decision and, therefore, the credibility of the regulatory decision itself, would be enhanced by independent scientific peer review.

Section 105 provides for the receipt of *advice* from scientific experts. It does not change the fact that the ultimate responsibility for the regulatory decision rests with the FDA.

VIII. INDIRECT ADDITIVES

Among the substance which are defined as "food additives" under section 201(s) of the FDC Act, are those which, because of their use in food production, packaging or holding, become or may reasonably be expected to become a part of food. This category of additives is know as "indirect additives" because, although they are used in contact with food, they are not deliberately or "directly" added to it.

Beginning in 1958 and continuing until today, FDA has differentiated in its regulatory policy between direct and indirect additives. Unlike most direct additives, the indirects are not advertently added to food and if present there at all (through food contact surfaces) are present at low levels, sometimes so low as to defy detection by even the most sophisticated analytical techniques available.

A recurring difficulty in the regulation of indirect additives has been the determination of whether a substance is subject to food additive regulation at all (i.e., is there a reasonable expectation that a substance, such as a component of a plastic container, will become a component of food). It is important that this question be resolved so that scarce FDA resources are not allocated to substances which are not likely to become part of food and, if they do, only at levels of no public health significance, and to provide predictability and certainty for manufacturers and users of food contact materials.

Section 106 of the FSMA would add a new section 414 to the FDC Act to require, within two years of enactment, that FDA establish, by regulation, standards to determine under what circumstances the use of a substance in a food contact situation (i.e., an indirect additive) meets the food additive definition in section 201(s) of the FDC Act. In issuing these regulations, the FDA would be directed to consider, among other relevant factors, the extent of human exposure to a substance under the intended conditions of use and the toxicological characteristics of the substance. The regulations would then clarify when there is not a "reasonable expectation" that a substance will become a part of food within the meaning of section 201(s) of the FDC Act.

IX. SECTION 406 PROCEDURES

Section 107 of the FSMA would provide for the adoption of regulations under section 406 of the FDC Act by informal rulemaking, rather than the formal rulemaking now required. This amendment would provide for the adoption of tolerances for food contaminants, for example, through less cumbersome and time-consuming regulatory procedures. Because the current procedures for tolerances under section 406 are so cumbersome, FDA has rarely relied formally on the section, opting instead for the informal approach of "action levels." With less involved procedures required under Section 406, it is expected that FDA would no longer need to rely on action levels to the extent that it has and would, instead, use section 406 as it was intended to be used.

X. CONFORMING CHANGES TO THE FMI, PPI AND EPI ACTS

Title II of the FSMA would make several changes to the FMI, PPI and EPI Acts, each of which is enforced by the USDA.

First, section 201 of the FSMA would amend each of the three agricultural product laws to provide that a meat, poultry or egg product is adulterated because it contains an added poisonous or added deleterious substance when the presence of the substance renders the food "unsafe within the meaning of section 406" of the FDC Act. This amendment would thereby substitute the standard of section 406 for the current "unfit for human food" criterion. In so doing, the amendment would permit USDA to consider the factors set forth in section 406 for determining when an added poisonous or added deleterious substance adulterates a meat, poultry or egg product and make its regulatory policy consistent with that of FDA. The amendment would also authorize USDA to issue regulations under section 406 for added poisonous or added deleterious substances in meat, poultry and egg products, but, to avoid duplication, only if FDA has not already done so. The amendment does not affect FDA's current authority to issue regulations under section 406.

Second, section 201(b) of the FSMA would correct a technical defect in the FMI, PPI and EPI Acts. Unlike the FDC Act, the three agricultural laws do not provide that the use of a substance, in a meat, poultry, or egg product in accordance with a regulation issued under sections 406, 408, 409 or 706 of the FDC Act, does not result in the adulteration of the product under one of the general adulteration provisions of those laws. Without this amendment, it is possible for a meat, poultry, or egg product to be adulterated because of the presence of a food contaminant, pesticide residue, food additive, or color additive even though the use of the substance conforms to a regulation providing for its use.

Third, sections 202, 203 and 204 amend the PPI, FMI and EPI respectively, to authorize USDA to phase out the use of substances in meat, poultry and egg products for which it has primary responsibility (*e.g.*, a substance for which it has issued a prior sanction under section 201(s) of the FDC Act). Phaseout regulations for such substances would be issued by USDA in accordance with the phaseout provision in section 306(b) of the FDC Act.

Finally, sections 202, 203 and 204 of the FSMA would provide for USDA to adopt, within 180 days of enactment, regulations for the establishment of an independent scientific peer review system. This provision is identical to that for FDA and a consistent approach to this subject between the two agencies is expected.

XI. EFFECTIVE DATE

Title III of the FSMA provides that its provisions take effect upon enactment.

By Mr. WALLOP (for himself, Mr. DOMENICI, Mr. BAKER, Mr. BYRD, Mr. MCCLURE, Mr. JOHNSTON, Mr. DURENBERGER, Mr. MATSUNAGA, Mr. HATFIELD, and Mr. FORD):

S. 1939. A bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain property for the energy tax credit, and for other purposes; to the Committee on Finance.

ALTERNATIVE ENERGY TAX INCENTIVES ACT OF 1983

● Mr. WALLOP. Mr. President, today I am introducing the Alternative Energy Tax Incentives Act of 1983 and I am especially pleased to note that joining me as cosponsors of this proposal are the distinguished majority and minority leaders, Senator BAKER and Senator BYRD, as well as Senators DOMENICI, MCCLURE, JOHNSTON, DURENBERGER, MATSUNAGA, HATFIELD, and FORD. Similar legislation was introduced in the House of Representatives earlier this week.

The major national organizations which represent most alternate energy technologies have participated with us in the drafting of this legislation and consequently, this bill already has the support of the majority of those interests that are actively pursuing the development of synthetic fuels and renewable energy resources.

The provisions of this legislation do not provide any one group, neither those involved in synthetic fuels development, nor those pursuing the development of renewable energy resources, with all those tax incentives which have been advocated by the particular group. Rather, this bill has been drafted in a spirit of compromise; equal attention has been given toward drafting a measure which provides those minimum tax-related incentives needed to encourage development of alternative energy technologies while also taking into account our country's pressing Federal deficit and the need to minimize overall negative revenue impacts to the Federal Treasury.

I would also note that the major provisions of this bill are derived from proposals which have been previously introduced by Senator DOMENICI, the

late Senator Jackson, and others (S. 1396) and by Senator PACKWOOD, Senator MATSUNAGA, and others (S. 1305). These two measures were originally referred to the Subcommittee on Energy and Agricultural Taxation which I chair. The subcommittee has already conducted 2 days of public hearings on these tax bills and has received testimony from a broad cross section of public and Government witnesses. At the outset of the hearings I stated that while I believed a case could be made for tax incentives for the continued development of our alternative energy resources, I also cautioned those who provided testimony that it was incumbent upon the synthetic fuels and renewable energy industries to make a convincing and substantiated case that tax incentives are important in developing various alternative energy technologies and that without some incentives those technologies will not be otherwise economically feasible.

In my opinion that case has been made, and, I believe that the legislation we introduce today reflects the findings of those hearings. More specifically, our proposal, which attempts to consolidate the major provisions of S. 1396 and S. 1305 and those additional meritorious suggestions of certain witnesses, provides the following changes to current law:

MAJOR PROVISIONS OF LEGISLATION AFFECTING ENERGY TAX CREDITS

Affected items	Existing law	New proposal
Solar tax credit for individuals	40 percent until Dec. 31, 1985	40 percent until Dec. 31, 1985; 30 percent from Jan. 1, 1986 through Dec. 31, 1988; 20 percent from Jan. 1, 1989 through Dec. 31, 1990.
Energy investment tax credits (EITC) for businesses:		
Solar wind geothermal	15 percent EITC until Dec. 31, 1985	20 percent EITC until Dec. 31, 1990; 30 percent EITC until Dec. 31, 1990 for solar photo voltaics.
Ocean thermal	15 percent EITC until Dec. 31, 1985	20 percent EITC until Dec. 31, 1990.
Biomass	10 percent EITC until Dec. 31, 1985	10 percent EITC until Dec. 31, 1990.
Hydroelectric	11 percent EITC until Dec. 31, 1985	11 percent EITC until Dec. 31, 1990.
Cogeneration	10 percent EITC until Dec. 31, 1985	10 percent EITC until Dec. 31, 1990.
Affirmative commitment deadlines:		
Solar wind geothermal biomass	None	EITC extended until Dec. 31, 1995 if: (1) feasibility studies and permit applications completed by Dec. 31, 1990; (2) half of equipment ordered by Dec. 31, 1993.
Ocean thermal cogeneration	do	Do.
Hydroelectric	do	EITC extended until Dec. 31, 1995 if FERC permit application filed by Jan. 1, 1990.
Coal-derived synthetic fuels shale oil	Eligible for 10 percent EITC until Dec. 31, 1990, provided: (1) engineering studies and permit applications completed before Jan. 1, 1983; and (2) binding contracts signed for half of specially designed equipment before Jan. 1, 1986.	Eligible for 10 percent EITC until Dec. 31, 1995 if condition 1 met by Dec. 31, 1987 and condition 2 met by Dec. 31, 1990.
Tar sands	Ineligible for coverage	Eligible for EITC coverage tar sands depletion allowance.
Shale oil hydrogenation equipment	Eligible for coverage through Dec. 31, 1982	Eligible for coverage until Dec. 31, 1995.

The Department of the Treasury has expressed opposition to the continuation of energy tax credits. This position is not surprising but I am deeply troubled by the rationale utilized to oppose tax incentives for development of alternative energy technologies. During the subcommittee's hearings this past summer, the Treasury Department testified that continuation of energy tax credits was contrary to the administration's general philosophy of relying on the free operation of the marketplace to allocate resources. I have no quarrel with that policy as a matter of general economic principle. However, I cannot agree with the operation of that principle as a guideline for determining our energy policy.

The hearing record of the Energy and Agricultural Taxation Subcommittee is replete with testimony that energy tax incentives are an absolute necessity to insure the economic development of alternative energy technologies, be it the production of oil from shale or tar sands or electricity from geothermal or solar energy. Given the current price of traditional fossil fuel resources it is not surprising that few companies, if any, can justify massive expenditures on energy technologies which produce a product that is more costly than current traditional energy supplies. Without some type of incentives, the marketplace will not allocate resources to such endeavors. As a matter of energy policy, I believe Government has an obligation to provide those incentives and thereby better insure the prospect of energy selfsufficiency. Surely, opposition to incentives by Government which could assist in our gaining energy independence is an ostrich-like approach. If we learned anything from the energy crises of the 1970's it was that dependency on foreign energy supplies can cause massive worldwide economic upheaval. What good is strict adherence to an economic philosophy if we cannot run our factories or move our produce and people? To protect the interests of the United States and to avert economic devastation like that which was wrought by OPEC in our recent past it seems to me that Government has a proper role in the energy marketplace. For these same reasons, while I am ever mindful of budget constraints and large Federal deficits I, nevertheless, think it prudent to incur the short-term revenue impact of this type of legislation in order to insure long-term energy self-sufficiency. To concentrate only on the costs of lost tax revenues, which is the litmus test for opposition by the Treasury Department, ignores the danger—which the economy of this country has already experienced—of depending on foreign supplies of crude oil.

I enthusiastically recommend the passage of this legislation which I believe is vital to the development of economically feasible alternative energy technologies.●

By Mr. DANFORTH (for himself, Mr. MITCHELL, Mr. EVANS, Mr. BENTSEN, Mr. GORTON, Mr. MOYNIHAN, Mr. COHEN, Mr. HEINZ, Mr. WALLOP, Mr. SYMMS, and Mr. BAUCUS):

S. 1940. A bill to amend the Internal Revenue Code of 1954 to deny the deduction for amounts paid or incurred for certain advertisements carried by certain foreign broadcast undertakings; to the Committee on Finance.

CANADIAN BORDER BROADCASTING

● Mr. DANFORTH. Mr. President, today I am joined by a number of my distinguished colleagues in reintroducing legislation to redress an unfair Canadian trade practice. This bill is the product of two Presidential recommendations in response to a complaint filed by 14 U.S. broadcasters in 1978 pursuant to section 301 of the Trade Act of 1974.

At issue is a Canadian practice that discriminates against American border television and radio stations through the denial of a tax deduction to Canadian advertisers who wish to use their services. By one estimate, the Canadian practice is costing U.S. broadcasters $20 million annually in lost revenues.

Viewed in trade policy terms, the border broadcasting case is simple: A restrictive foreign trade practice has adversely affected the export of a U.S. service. The Canadian practice is a clear distortion of the principle of free trade. Imposition of an offsetting barrier for the purpose of convincing the Canadians to eliminate their restrictive trade practice is now appropriate.

In the face of our growing balance of trade deficit, it is crucial that Con-

gress stand behind American export interests. The communications industry is an important service industry and the service sector is becoming an increasingly important growth factor on our export ledger. Thus, it is vitally important that we reenforce one of the few legal mechanisms which U.S. service exporters can invoke to gain relief from foreign trade barriers.

The border broadcast case is the first case involving services filed under section 301 of the Trade Act to receive a Presidential recommendation for a reciprocal response. This case has, therefore, assumed symbolic importance for our service industry exporters. Moreover, failure to vigorously implement the finding in this case would threaten to undermine the credibility of section 301.

The Finance Committee, Mr. President, held full hearings on the identical bill, S. 2051, on May 14, 1982. No committee member expressed opposition. The witness from the Department of the Treasury expressed complete support and urged prompt approval in order to send a clear message to Canada that the United States finds the policies of the Canadian Government in this regard to be totally unacceptable.

After the House held hearings on an identical bill, H.R. 5205, on July 26, 1982, the Canadians for the first time indicated informally a willingness to negotiate. The 97th Congress took no action on the mirror bill in the hope that a resolution was near.

By midsummer of this year, it was clear that the Canadians had no serious intention to negotiate a solution to the broadcasters' complaint. The administration resubmitted the mirror proposal on August 3.

The administration wants this legislation passed quickly. It enjoys bipartisan support. We must show the Canadians that the U.S. Government is serious about ending this grossly unfair trade practice. The only way is to pass the mirror bill.

The administration and the Congress have been threatening to retaliate against Canadian bill C-58 for more than 4 years. The border broadcast industry has waited long enough. The industry has used the section 301 process which Congress provided for them. They have patiently waited for us to pass this mirror legislation. Now is the time to act.

In view of the bipartisan support, the administration's recommendation, and the thorough hearings held in both Houses on the identical bill, there is no reason to delay. On the contrary, I intend to seek expeditious enactment of this legislation.

Mr. President, I ask unanimous consent that both the text of the bill and the administration's message on the Canadian border broadcasting case be included in the RECORD.

S. 1940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 162 of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by redesignating subsection (i) as subsection (k) and by inserting before such subsection the following new subsection:

"(j) CERTAIN FOREIGN ADVERTISING EXPENSES.—

"(1) IN GENERAL.—No deduction shall be allowed under subsection (a) for any expenses of an advertisement carried by a foreign broadcast undertaking and directed primarily to a market in the United States. This paragraph shall apply only to foreign broadcast undertakings located in a country which denies a similar deduction for the cost of advertising directed primarily to a market in that foreign country when laced with a United States broadcast undertaking.

"(2) BROADCAST UNDERTAKING.—For purposes of paragraph (1), the term 'broadcast undertaking' includes (but is not limited to) radio and television stations."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

U.S. TRADE REPRESENTATIVE,
Washington, D.C., August 3, 1983.

Hon. GEORGE BUSH,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: On November 17, 1981, the President recommended legislation concerning tax deductions for expenses for advertising placed with a foreign broadcast station and directed primarily at the U.S. market. The President's transmittal was as follows:

To the Congress of the United States:

On September 9, 1980, President Carter sent a message to the Congress concerning the Canadian tax law which denies a deduction for Canadian income tax purposes for the cost of advertising placed with a foreign broadcast undertaking and directed primarily at the Canadian market. President Carter determined that this provision within Canadian law is an unreasonable practice which burdens U.S. commerce within the meaning of section 301(a)(2)(B) of the Trade Act of 1974, as amended (19 U.S.C. 2411(a)(2)(B)). President Carter further determined that the Canadian practice resulted in the loss of access by U.S. broadcasters to more than $20 million in advertising revenues annually.

President Carter, under provisions of the Trade Act of 1974, proposed legislation which would amend the Internal Revenue Code to deny a deduction, otherwise allowable under the Code, for expenses of an advertisement placed with a foreign broadcast undertaking and directed primarily to a market in the United States. This restriction would apply only if a similar deduction is denied to advertisers in the country in which such station is located for the cost of advertising directed primarily to a market in that country when placed with a U.S. broadcast undertaking. It would, therefore, be applicable with Canada.

Section 301 of the Trade Act of 1974 requires that if the President determines that action by the United States is appropriate to respond to any act, policy or practice of a foreign country that is unjustifiable, unreasonable or discriminatory and burdens or restricts United States commerce, he shall take all appropriate and feasible action within his power to obtain the elimination of such act, policy or practice. The intent of section 301 is to resolve disputes and thereby eliminate the unjustifiable, unreasonable or discriminatory trade practices which burden or restrict United States commerce. The Canadian tax law is the subject of one such dispute. Notwithstanding a good faith effort on the part of the United States Trade Representative to resolve the dispute and have the offending practice eliminated, this dispute has not been resolved. Therefore, I am acting under the authority of section 301 to recommend legislation similar to the amendment proposed by President Carter. This amendment to the Internal Revenue code would mirror the Canadian law as it applies to broadcast undertakings, i.e., it would deny a tax deduction for expenses of advertisements placed with a foreign broadcast undertaking and directed primarily to a market in the U.S. This restriction would apply only if the laws of the country in which such foreign broadcast undertaking is located deny a similar deduction to advertisers in that country. Thus, the legislation will establish a disincentive to the transfer of U.S. advertising revenues to foreign broadcast undertakings only if the laws of the country in which such broadcast undertakings are located create a similar disincentive vis-a-vis U.S. broadcast undertakings. Thus, if Canada should repeal its law, the amendment will cease to apply to Canada. It would be effective with respect to deductions attributable to transactions entered into on or after the date of introduction of this bill.

At this time, the mirror image legislation is an appropriate response to the Canadian practice. The intent of such legislation is not to erect new barriers to trade, but rather to encourage the Canadians to eliminate their unreasonable and restrictive practice. I recognize, however, that this amendment by itself may not cause the Canadians to resolve this dispute. Therefore, I note that I retain the right to take further action, if appropriate to obtain the elimination of the practice on my own motion under the authority of section 301(c)(1). Hopefully, this will not be necessary.

This legislative proposal is being submitted at this time because I believe it is imperative that the Government of Canada be made to realize the importance the U.S. Government attaches to the resolution of this issue. I urge its early passage.

(Signed) RONALD REAGAN.

THE WHITE HOUSE, *November 17, 1981.*

In the intervening time the problem has not been satisfactorily resolved. I therefore renew the President's request for the early enactment of the legislation described in the enclosed proposal.

There is no objection from the standpoint of the Administration's program to the presentation of this legislative proposal to the Congress and its enactment would be in accord with the program of the President.

Very truly yours,

WILLIAM E. BROCK.●

● Mr. MITCHELL. Mr. President, I am pleased to join Senator DANFORTH in introducing this legislation, which is intended to induce the Canadian Government to provide fair treatment for U.S. radio and television stations.

It is unfortunate that this bill needs to be introduced. This dispute began in 1976, when Canada acted to deny Canadian firms a business tax deduc-

tion for advertising on U.S. stations. Since then, the United States has made many good-faith efforts to resolve the dispute, including the proposal of a reasonable compromise earlier this year. Unfortunately, the Canadians appear unwilling to make any serious efforts to accommodate U.S. concerns, so we have no alternative to passing this "mirror-image" bill. I look forward to working with Senator DANFORTH, Chairman DOLE and other Finance Committee members in seeking timely passage of this legislation.

U.S. television stations, including many in Maine, are widely viewed in Canada. They offer services which include entertainment and information services, additional commercial availability to Canadian advertisers, and a programming service to Canadian cable systems. These are services with undeniable value in the international marketplace. Yet the Canadian tax law prevents our broadcasters from being justly compensated.

The situation involving radio stations provides an even more compelling illustration of just how misguided and unfair this Canadian trade barrier is. Calais, Maine, and St. Stephen, New Brunswick, are separated only by a narrow river. Commercially, they are virtually one city. The only radio station in the area, WQDY, broadcasts from Calais. Canadian businesses have no choice if they want to advertise on radio. Yet the Canadian Tax Code interferes with the ability of business people to choose the most efficient means to achieve their advertising objectives.

It is no surprise that President Carter found, and President Reagan reiterated, that this Canadian trade barrier violates section 301 of the Trade Act of 1974. I join in sponsoring this bill so that we can back up the Presidential finding with action to compel Canada to repeal this offensive tax law. Under this bill, as long as Canada denies fair treatment for U.S. stations, the U.S. Tax Code will deny deductions to U.S. businesses which advertise on Canadian stations.

It is difficult for an industry, especially smaller businesses, to pursue a section 301 complaint. I commend the broadcasters for perservering through a lengthy and no doubt expensive process. Clearly, prompt congressional consideration of President Reagan's proposed response will confirm the merits of their case. We are obliged to vindicate their decision to use section 301 to obtain relief from a unilateral barrier to the export of services.

By enacting effective legislation, we can test and, I think, demonstrate the efficacy of using section 301 to obtain foreign market access.●

By Mr. SPECTER:

S. 1941. A bill to establish the crime victim's assistance fund to provide Federal assistance to State and local programs to aid juvenile and adult victims of crime; to the Committee on the Judiciary.

CRIME VICTIM'S ASSISTANCE FUND

Mr. SPECTER. Mr. President, I now introduce a bill to provide compensation and assistance to the innocent victims of crime. For too long the forgotten participants in our criminal justice systems, these victims have in recent years been murdered, raped, robbed, and assaulted at staggering rates. As if to add insult to injury, the physical and emotional injuries suffered by these innocent victims and their families are often compounded by enormous financial losses for medical bills, lost wages, rehabilitation expenses, counseling expenses, and funeral expenses.

This bill will provide Federal assistance to qualifying State victim compensation programs and to victim and witness assistance programs. Up to 50 percent of State awards to victims of State crimes can be reimbursed by the Federal Government. States will obtain 100 percent reimbursement of awards to victims of purely Federal crimes. Funding will come from the crime victim's assistance fund, composed of a special court assessment to be imposed in every Federal criminal case, fines, forfeitures, and any other funds so appropriated.

Victims of crime comprise perhaps the largest group of people ever systematically ignored by the Federal Government. Consider these facts. In 1982, according to the FBI's Uniform Crime Report, a violent crime occurred every 25 seconds in this country. Murders left the families and friends of over 21,000 persons devastated; 77,000 women suffered the degradation of forcible rape. Over half a million people were robbed, 650,000 were victims of aggravated assault, and almost 3.5 million burglaries occurred. These crimes alone thus accounted for almost 5 million victims of violent crime. And each of those victims, I suggest from my experience as district attorney of Philadelphia, will carry the physical, emotional, or financial scars of this victimization for many years to come.

Perhaps nothing we can do will solve the hurt, the shock, and the sense of violation these victims and others have suffered. Yet if we can have the conscience and dedication to assure that these victims will not be victimized a second time—this time financially—then we will have made an important start. Money to help pay medical bills for those without insurance, funeral expenses, lost wages, and counseling and rehabilitation expenses can go a long way toward getting these victims on their feet again.

I am greatly encouraged by the response of the States to this problem. Beginning with California in 1965, 38 States and the District of Columbia now have victim compensation programs. The majority—24—have been instituted in the last 6 years. At a cost of approximately $44 million a year, these programs have provided funds and hope to those innocent victims who had no place else to turn.

At the same time, I sound a note of caution. The programs do not operate in all States. Some programs are seriously underfunded. Some programs have overly stringent eligibility requirements and redtape. Some set their maximum award limits too low. Some programs do no advertising, and victims are unaware of their existence. As a result, most programs make awards to only a fraction of those eligible, and the States are anxiously looking to other possible funding sources to keep victim compensation alive and well.

I believe that there is a role for the Federal Government in the field of victim compensation. Currently there is no compensation at all available for the victims of purely Federal crimes. Moreover, many States will compensate only victims of crimes who live in that State; visitors from one State who are victimized in another are simply out of luck. The Federal Government now provides aid to many parts of State and local criminal justice systems—surely the victims of crime are as deserving as the perpetrators. My bill will help to fill the critical gaps in State programs.

On September 20 of this year, the Subcommittee on Juvenile Justice, which I chair, held a hearing on the need for Federal assistance to victim compensation programs. We found compelling examples of financial need. One man had been shot six times and is now paralyzed from the waist down. Unable to work, he finds himself with no money at all for rent, physical therapy, pain medication, or even to pay for his rented wheelchair. A woman who was shot through the shoulder has amassed over $100,000 in medical expenses, is unable to work, is chronically in severe pain, and will live the rest of her life with a partially paralyzed arm. And a woman from an inner-city Washington, D.C., neighborhood has had her house broken into eight separate times over the past few years—on one occasion the intruder attacked her in her bed, and on another her sister was raped.

I wish to recognize the debt we owe to my distinguished colleague from my own State of Pennsylvania, Senator HEINZ, a recognized leader in the field of victim's rights and assistance. Last year he engineered the passage of the Omnibus Victims Protection Act of 1982. This year he has also introduced crime victim compensation legislation, S. 704, which is a significant step in the correct direction. Under this bill, I

hope we will be able to assist even greater numbers of deserving, innocent victims of crime.

I am also greatly encouraged by the response of the administration. Last year, the President's Task Force on Victims of Crime strongly endorsed the concept of Federal assistance to State victim compensation programs. At our hearing on September 20, Lois H. Herrington, Assistant Attorney General and formerly chairman of the President's task force, advised us that the proposal of such legislation was under serious and careful consideration within the Department of Justice.

This bill will provide 80 percent of the money in the fund directly toward reimbursement of States with qualifying victim compensation plans. The rest of the fund will be devoted to victim and witness assistance programs.

I urge every Member of the Senate to give innocent victims of crime a high priority on our agenda, and to move swiftly to consider and pass this vital legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part II of title 18, United States Code, is amended by adding at the end thereof the following:

"CHAPTER 239—CRIME VICTIM'S ASSISTANCE FUND

"Sec. 3801. Establishment of Crime Victim's Assistance Fund.
"3802. Imposition and collection of fines.
"3803. Distribution of fund to State victim compensation programs.
"3804. Distribution of fund to victim and witness assistance programs.
"3805. Definitions.

"§ 3801. Establishment of Crime Victim's Assistance Fund

"(a) There is established in the Treasury of the United States a revolving fund, to be administered by the Attorney General and to be known as the Crime Victim's Assistance Fund. The fund shall be the depository of—

"(1) fines paid by all individuals convicted of Federal offenses in the amount of—

"(A) $10 to $100 for each misdemeanor and $25 to $500 for each felony as a special court assessment; and

"(B)(i) an additional surcharge of up to 100 per centum on all Federal fines paid in the courts of the United States; or

"(ii) double any gain by the defendant or loss by the victim in any case where the fine authorized by clause (i) is less than the gain realized by the defendant or the harm suffered by the victim; and

"(2) all forfeitures with the exception of those required by Federal law enforcement agencies.

"(b) In addition, there are authorized to be appropriated to the fund such other sums as may be necessary for each fiscal year to carry out the provisions of this chapter.

"§ 3802. Imposition and collection of fines

"(a)(1) In imposing a fine under section 3801(a)(1)(B)(ii) the court shall consider the ability of the defendant to pay. In any case where a fine is not imposed under section 3801(a)(1)(B) or any other provision of law the court shall state for the record the reasons a fine was not imposed.

"(2) If a fine is imposed under this chapter or any other provision of law, the sentencing court shall promptly certify to the Attorney General—

"(A) the name of the person fined;

"(B) his last known address;

"(C) the docket number of the case;

"(D) the amount of the fine imposed;

"(E) the time and method of payment specified by the court;

"(F) the nature of any modification or remission by the court; and

"(G) the amount of the fine that is due and unpaid.

"In addition to the preceding information, the court shall promptly certify to the Attorney General the amount of any subsequent payment that the court may receive with respect to, and the nature of any subsequent remission or modification of, a fine concerning which certification has previously been issued.

"(b)(1) The Attorney General shall be responsible for collection of an upaid fine concerning which a certification has been issued as provided in subsection (a)(2).

"(2) A fine imposed pursuant to the provisions of this section or any other provision of law is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of paragraph (3).

"(3) A lien becomes unenforceable and liability to pay a fine expires—

"(A) twenty years after the entry of the judgment;

"(B) upon the death of the individual fined.

The period set forth in clause (A) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in clause (A) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), or 7508(a)(1)(I), or section 513 of the Act of October 17, 1940, 54 Stat. 1190.

"(4) The provisions of sections 6323, other than subsections (f)(4) 6331 through 6343, 6901, 7402, 7403, 7405, 7423 through 7426, 7505(a), 7506, 7508, 7602 through 7605, 7622, 7701, 7805, and 7810, of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331 through 6343, 6901, 7402, 7403, 7405, 7423 through 7426, 7505(a), 7506, 7508, 7602 through 7605, 7609, 7610, 7622, 7701, 7805, and 7810), and of section 513 of the Act of October 17, 1940, 54 Stat. 1190, apply to a fine and to the lien imposed by paragraph (1) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine.'

"(5) A notice of the lien imposed by paragraph (1) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by paragraph (4).

"§ 3803. Distribution of fund to State victim compensation programs

"(a) Eighty per centum of the funds in the fund established by section 3801 shall be distributed to qualifying State crime victim's compensation programs by the Attorney General.

"(b) In order to qualify for funds under this section, a State victim's compensation program shall—

"(1) provide compensation for medical expenses (including mental health counseling and care, prosthetic devices, dental services, and services rendered in accordance with any method of healing recognized by the law of such State) attributable to any injury resulting from a compensable crime;

"(2) provide compensation for lost wages attributable to an injury resulting from a compensable crime;

"(3) provide compensation for funeral expenses attributable to a death resulting from a compensable crime;

"(4) promote victim cooperation with the reasonable requests of law enforcement authorities;

"(5) not discriminate against nonresidents of the State in the availability and awarding of compensation;

"(6) provide compensation to otherwise compensable victims of crime within such State where such crimes are subject to exclusive Federal jurisdiction;

"(7) take into account in determining compensation awards any contributory misconduct of the victim or recipient;

"(8) not automatically exclude any person from compensation solely on the ground of the person's relationship with the perpetrator of the crime; and

"(9) subrogate the State to any claim that a compensation recipient has against the perpetrator of the crime forming the basis for compensation, to the extent of such compensation.

"(c) The Attorney General shall make grants to eligible State victim's compensation programs—

"(1) of up to 50 per centum of the total awards made by the State program during the previous year; and

"(2) of 100 per centum of the total awards made during the previous year by the State program to victims of crimes within such States which would be compensable crimes but for the fact that such crimes are subject to exclusive Federal jurisdiction.

"(d) No State shall receive funds under this section until the crime victim's compensation program of such State has been operational for a year.

"(e) No State shall receive funds under this section for any amount awarded as compensation—

"(1) for pain and suffering;

"(2) for property loss; or

"(3) that is double recovery for loss.

"§ 3804. Distribution of fund to victim and witness assistance programs

"(a) Twenty per centum of the funds collected by the Crime Victim's Assistance Fund shall be distributed by the Attorney General to support victim and witness assistance programs. Twenty per centum of these victim and witness program funds shall be distributed equally among the States; eighty per centum shall be distributed on the basis of the States' respective populations.

"(b) For purposes of this section, a victim and witness assistance program is eligible for funds if the program—

"(1) provides services exclusively to Federal crime victims and witnesses; or

"(2) provides services to crime victims and witnesses—

"(A) is a nonprofit private organization, a State or local government program, or a combination thereof;

"(B) provides services directly to crime victims and their families;

"(C) provides, or makes referrals for, crisis intervention services, medical and mental health treatment and counseling, information concerning the investigation and prosecution of crime, and information concerning victim compensation;

"(D) utilizes volunteers in performing services; and

"(E) demonstrates independent support by receiving at least one-half of its financial support from sources other than funds distributed pursuant to this section.

"§ 3805. Definitions

"As used in this chapter the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

"§ 3806. Report to Congress

"The Attorney General shall report to the Congress three years after the date of enactment of this chapter concerning the effectiveness of this chapter and any necessary modifications or other legislative action.".

(b) The table of chapters for part II of title 18, United States Code, is amended by adding at the end thereof the following:

"239. Crime Victim's Assistance Fund..... 3801.".

SEC. 2. The Attorney General shall promulgate regulations within six months of the date of enactment of this Act to assure equitable distribution of funds among eligible programs.

By Mr. DIXON (for himself and Mr. PERCY):

S. 1942. A bill to amend the Merchant Marine Act of 1936 to provide that Government-generated cargoes transported on U.S.-flag or foreign vessels shall be shipped at the lowest cost, and whenever possible at the lowest landed cost, and that the transport of such cargoes shall be subject to a competitive bidding system; to the Committee on Commerce, Science, and Transportation.

LOWEST COST CARGO TRANSPORT ACT OF 1983

Mr. DIXON. Mr. President, I am today, along with Senator PERCY introducing the Lowest Cost Cargo Transport Act of 1983. This legislation amends the Merchant Marine Act of 1936, to require that U.S.-generated cargoes, which are transported under U.S.-flag or foreign-flag ships, will be shipped at the lowest cost to the Federal Government. It will also introduce a competitive bidding system to be used by Federal agencies.

This legislation recognizes that the U.S. merchant marine is an important component of our country's defense and foreign export system. The legislation requires that under a competitive bidding system, a Federal agency is required to insure that shipping rates are solicited from each of the four seacoasts, and only one final bid can be accepted. In addition, the legislation would rescind the current 3-year waiting period to "reflag" a foreign vessel owned and operated by a U.S. citizen, as along as the foreign vessel has had all the necessary repairs to bring such a vessel into conformity with the U.S. maritime standards. This work must be accomplishied in U.S. shipyards.

Mr. President, the Government finances for export a wide range of products through many Federal agencies. For example, during calendar year 1979, a total of 10,858,608 metric tons of cargo was shipped from the United States under Public Law 664. This is a program which includes all preference cargo, with the exception of Export-Import Bank-financed sales. The cargo preference laws dictate that 50 percent or more of the cargo be shipped on U.S. flag vessels. This is a major source of cargo assurance to a fleet that is not economically competitive. My legislation will increase the size of the U.S. merchant marine fleet, and require competitive bidding similar to the bidding system used by the Military Sea Lift Command. This program has consistently demonstrated that cargo shipped by U.S. commercial fleets, determined by an open bidding system, saves the U.S. Government and the taxpayers money.

Mr. President, I wish to emphasize, at the outset, that this legislation does not in any way alter the U.S. merchant marine entitlements under the Jones Act, and it will probably see a great increase in U.S. cargo being shipped under the U.S. flag. I believe this legislation could well provide the needed incentive for American business to increase the size of our merchant marine fleet.

Mr. President, toward the end of the 97th Congress, I introduced similar legislation contained in S. 2511. However, this new bill will, I believe, accommodate the many interests within the U.S. shipping industry. It seems to me that a fundamental principle of any economically sound operation is its intent to achieve a result at the lowest cost. It is certainly the expectation of the American taxpayer that the Federal Government will eliminate unnecessary spending wherever it is found. I submit that this bill will insure that shipments of Government-generated cargoes, be they Agency for International Development or General Services Administration cargoes, will involve as little expenditure of the Federal purse as possible. The savings from this bill can thus be used more productively to generate more export cargo. As a Nation, we need to be committed to achieving and maintaining clear maritime superiority with a sound fiscal program. We can reach that goal without paying more than necessary.

By Mr. DIXON (for himself, Mr. PERCY and Mr. RIEGLE):

S. 1943. A bill to eliminate the collection of tolls on the U.S. portion of the St. Lawrence Seaway, to terminate the St. Lawrence Seaway Development Corporation and establish a St. Lawrence Seaway Development Administration in the Department of Transportation, and for other purposes; to the Committee on Environment and Public Works.

ST. LAWRENCE SEAWAY DEVELOPMENT ADMINISTRATION

Mr. DIXON. Mr. President, the St. Lawrence Seaway system is a dynamic international waterway extending from the Atlantic Ocean to as far inland as Duluth, Minn. When it was readied for navigation in 1959, the seaway opened the Great Lakes to the world, tying the heartland of America to the commerce of the world, permitting ships from such ports as Casablanca and Le Havre to reach the Great Lakes ports of Chicago, Milwaukee, Detroit, and Cleveland. In fact, it opened a new coastline for the United States and began a new chapter in the maritime history of the United States.

However, this new coastline has had, and still continues to have, a handicap that the three tidewater coasts do not suffer: shippers and vessel operators have to pay a toll to use the seaway in order to reach the Great Lakes' ports. Today, Mr. President, I rise to introduce legislation to correct this handicap and eliminate the collection of tolls on the U.S. portion of the St. Lawrence Seaway.

When the Seaway opened in 1959, the United States and Canadian Seaway Corp. entered into their first joint agreement on tolls. Tolls were to be levied on both the St. Lawrence River locks and the Welland Canal with 29 percent of the toll revenue from the St. Lawrence returned to the U.S. Corporation, and the remaining 71 percent of the revenues returned to the Canadian Seaway Authority. This revenue split was based upon relative costs of operation anticipated by each seaway corporation.

In 1962, tolls levied on the use of the Welland Canal were suspended, leaving tolls levied only on the St. Lawrence River locks.

That was how it stayed until January 1967. At that time, the Canadian

Authority moved to increase the toll on the seaway as a whole. The U.S. Corporation agreed to a toll increase, but the U.S. Government did not concur in the proposed increases. As a result, there was no toll increase, but the U.S. Corporation had to surrender 2 percent of its toll revenue to the Canadian Corporation.

Again in 1976, Canada initiated talks to raise tolls. In March of that year, the United States and Canadian corporations agreed to a toll increase. The agreement restored the original seaway revenue split, reintroduced tolls on the Welland Canal, and incrementally raised tolls over a 3-year period. This was the first major toll increase since the seaway had opened 19 years earlier.

However, it was a major increase—100 percent. In a 5-year period since that first toll increase in 1978, tolls have continued to increase by another 28 percent. These increase have had a major negative impact on Great Lakes shipping. At the Port of Chicago alone, calls have dropped nearly 50 percent, from 370 in 1977 to 156 in 1982.

These large toll increases occurred even after the Merchant Marine Act of 1970 relieved the Seaway Corporation's requirement to pay interest on its construction debt. Also, this act officially established seacoast status for the entire system. However, it fell far short of putting the Great Lakes on an equal footing with the three tidewater coasts. Since it costs nothing for shippers to sail to ports on the east, gulf and west coasts, the St. Lawrence Seaway is, and continues to be, the only waterway in American history compelled to pay its own way.

Last December, Congress acted to cancel the seaway's construction debt. The major benefit of the debt elimination was the cancellation of massive toll increases on the waterway, which would have been needed by 1986, when the U.S. corporation's annual debt service requirement would have risen drastically.

The winter, 1983 Seaway Review said of this action:

> We don't necessarily see the legislation as producing any more cargo. However, in the long term, we know that we will be able to keep cargo that we might have otherwise lost to the railroads or down the rivers as a result of toll increases.

At the time we considered the debt forgiveness legislation, I stated that debt elimination was setting a precedent for action on other Great Lakes priorities. I believe that this legislation is part of that agenda to insure that economic vitality of the Great Lakes region. The Seaway plays a primary role in shipping grain and iron ore from the Midwest to the world.

A recent Government Accounting Office report stated that the already established tolls for the 1983 season on the Seaway were required to finance deferred and planned projects. Budget expenses will exceed revenue by nearly $600,000, and that further deferral of lock replacement projects could lead to operational inefficiency. But if tolls are raised to pay for these repairs, it could bring an abrupt close to that new chapter of maritime history begun only 24 years ago.

However, in the 1982 St. Lawrence Seaway Development Corporation annual report, an article entitled, "Congress Cancels U.S. Seaway Debt," explained the impact of debt relief. "The Seaway Corporation will not be able to undertake vital maintenance and improvement projects that had been deferred, replace aging equipment, and continue its development program."

The St. Lawrence Seaway System is a great natural resource, which should be developed further. However, if these improvements are financed by increased tolls. The Seaway will be a fine system, but most likely the tolls imposed for use will result in less use due to high costs. Currently, it affords significant farming and manufacturing interests of the Midwest access to low-cost water transportation, allowing the Midwest to provide low-cost commodities to the world market. If tolls rise in the future, Great Lakes ports will no longer be able to provide low-cost commodities to the world. If this occurs, the economic vitality of the ports will be damaged and many jobs would be lost.

This legislation has already received support from the Great Lakes Commission, which was established by interstate compact in 1955, and is concerned with issues directly relating to the economic welfare of the Great Lakes. At this time, I request unanimous consent to insert a copy of a resolution adopted in June at its semiannual meeting supporting this legislation.

Similar legislation has been introduced in the House of Representatives by my Illinois colleague, Congressman WILLIAM LIPINSKI.

I hope that my colleagues will join me in cosponsoring this legislation, which will insure the economic well-being of the Great Lakes ports and shipping industry.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION TO AMEND THE ST. LAWRENCE SEAWAY ACT

Whereas, on May 13, 1954 Congress passed the Seaway Act which authorized the construction of the St. Lawrence Seaway, established the Saint Lawrence Seaway Development Corporation (SLSDC) and empowered the Corporation to work with its Canadian counterpart—the St. Lawrence Seaway Authority—to prepare agreements relative to construction and operation of the Seaway, cooperate in the operation and negotiate the level of tolls for vessels transiting the Seaway; and

Whereas, while under the provisions of the Act, the SLSDC was authorized to establish tolls on vessels and cargoes sufficient to repay the costs of construction plus interest and the annual costs to operate and maintain the U.S. portion of the Seaway, the Act was amended in 1970 to relieve the SLSDC of the obligation to repay to the general fund of the Treasury the interest on the construction cost of the Seaway, and in 1982, a provision in the fiscal year 1983 appropriation bill for the Department of Transportation relieved the Corporation of the obligation to repay the remaining outstanding capital costs of about $110 million; and

Whereas, the schedule of tolls on vessels and cargoes transiting the Seaway continues to be collected to pay the annual costs of operating and maintaining the Seaway. These tolls continue to be a burden on the ability of the Great Lakes/Seaway system to compete for cargoes against the tidewater ports; and

Whereas, a major finding of a study completed by the General Accounting Office, entitled "Need for The 1983 St. Lawrence Seaway Toll Increase," April 11, 1983, is that even with the increased revenues from toll increases which averaged 18 percent in 1982 and 10 percent in 1983, the St. Lawrence Seaway Development Corporation will incur a deficit of $600,000 in 1983. As a result, the study concludes that "less than 50 percent of the 1982 deferred maintenance projects and probably none of the deferred capital replacement and improvements projects will be accomplished in 1983 because of the lack of funds." The study adds that, over the long term, continued deferred maintenance and replacement will affect the Corporation's ability to provide safe and efficient service to users and the structural integrity of the locks could be affected. "This would result in the shutdown of the entire international system." Now, therefore, be it

Resolved by the Great Lakes Commission: The Commission supports introduction of legislation in Congress which amends the Seaway Act as follows:

1. Establishes a St. Lawrence Seaway Development Administration within the Department of Transportation.

2. Assigns the St. Lawrence Seaway Development Administration responsibility for operation and maintenance of the locks and channels under U.S. authority on the St. Lawrence River, for accepting appropriations for the purposes of planning, operating, maintaining, rehabilitating and improving those works and for conducting plans and studies for future improvements and to identify funding requirements.

3. Prohibits the St. Lawrence Seaway Development Administration from establishing or collecting tolls or any type of charges on vessels or cargoes transiting the locks and channels under the authority of the United States on the St. Lawrence River.

4. Requires that the Secretary of State, in consultation with the Secretary of Transportation, initiate discussions with the Government of Canada with the objective of eliminating all tolls on the St. Lawrence Seaway.

5. Authorizes Congress to appropriate such sums as may be necessary to carry out the provisions of the Act.

6. Terminates the Act of May 13, 1954.

Recommended for adoption by the Subcommittee on Great Lakes/Seaway & Related Transportation, May 25, 1983.

Recommended for adoption by the Transportation & Economic Development Committee, May 26, 1983.

Adopted by the Great Lakes Commission, May 26, 1983.

ADDITIONAL COSPONSORS

S. 430

At the request of Mr. TSONGAS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 430, a bill to prohibit employment discrimination on the basis of sexual orientation.

S. 593

At the request of Mr. INOUYE, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 593, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit distribution of certain State-inspected meat and poultry products, and for other purposes.

S. 702

At the request of Mr. DANFORTH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 702, a bill to correct any misinterpretion in the classification of textile fabrics, articles, and materials, coated, filled, or laminated with rubber or plastics.

S. 764

At the request of Mr. WARNER, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 1001

At the request of Mr. COHEN, the names of the Senator from Tennessee (Mr. SASSER), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1001, a bill to authorize appropriations for the Office of Federal Procurement Policy for an additional 5 fiscal years.

S. 1145

At the request of Mr. DENTON, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1145, a bill to recognize the organization known as the Catholic War Veterans of the United States of America, Inc.

S. 1305

At the request of Mr. PACKWOOD, the name of the Senator from New Hampshire (Mr. RUDMAN) was added as a cosponsor of S. 1305, a bill to amend the Internal Revenue Code of 1954 to extend the energy tax credit for investments in certain classes of energy property, and for other purposes.

S. 1369

At the request of Mr. DURENBERGER, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1369, a bill to amend section 170 of the Internal Revenue Code of 1954 to increase the amounts that may be deducted for maintaining exchange students as members of the taxpayer's household.

S. 1410

At the request of Mr. BENTSEN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1954 to exempt holdings in independent local newspapers from taxes on excess business holdings of private foundations.

S. 1570

At the request of Mr. MITCHELL, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 1570, a bill to amend the Internal Revenue Code of 1954 to provide simplification in accounting rules related to inventory.

S. 1592

At the request of Mr. DOLE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1592, a bill to amend title XVIII of the Social Security Act to correct provisions relating to the cap for hospice care.

S. 1598

At the request of Mr. DOLE, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1598, a bill to amend the Internal Revenue Code of 1954 to provide a credit against tax for interest on home mortgages in cases where State or local authorities elect not to use mortgage subsidy bonds.

S. 1666

At the request of Mr. CHAFEE, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1666, a bill to amend the Internal Revenue Code of 1954 to reduce the capital gains tax rates for individuals who hold new issues of stock at least 5 years.

S. 1676

At the request of Mr. DURENBERGER, the name of the Senator from Kansas (Mrs. KASSEBAUM), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1676, a bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes.

S. 1758

At the request of Mr. BENTSEN, the names of the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 1758, a bill to amend the Internal Revenue Code of 1954 to provide a simplified cost recovery system based on recovery accounts, and for other purposes.

S. 1874

At the request of Mr. CRANSTON, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 1874, a bill to provide for the restoration of the fish and wildlife in the Trinity River Basin, Calif., and for other purposes.

S. 1888

At the request of Mr. HELMS, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 1888, a bill to amend title II of the Social Security Act to provide for due process requirements for the termination of disability benefits.

S. 1924

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1924, a bill to create a central Federal file of sexual assault and child molesting arrests and convictions to allow businesses and organizations who hire persons whose employment brings them into regular contact with children to have access to such arrest or conviction records for the purpose of determining the suitability of job applicants.

SENATE JOINT RESOLUTION 105

At the request of Mr. RUDMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of Senate Joint Resolution 105, a joint resolution calling upon the Department of Justice and all other appropriate Federal agencies to enforce Federal antitrust laws including the prohibition against vertical price restraints.

SENATE JOINT RESOLUTION 112

At the request of Mr. INOUYE, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Illinois (Mr. DIXON), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of Senate Joint Resolution 112, a joint resolution to proclaim the month of March 1984 as "National Social Work Month."

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theatre Week."

SENATE JOINT RESOLUTION 138

At the request of Mr. ZORINSKY, the name of the Senator from Illinois (Mr. DIXON), was added as a cosponsor of Senate Joint Resolution 138, a joint resolution to establish a Commission on Teacher Education.

SENATE JOINT RESOLUTION 153

At the request of Mr. MOYNIHAN, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of Senate Joint Resolution 153, a joint resolution to congratulate the people of the County of New York on the occasion of the tricentennial of the founding of the County of New York.

SENATE JOINT RESOLUTION 155

At the request of Mr. WILSON, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of Senate Joint Resolution 155, a joint resolution designating the week beginning November 6, 1983, as "National Disabled Veterans' Week."

SENATE JOINT RESOLUTION 160

At the request of Mr. BYRD, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Kansas (Mr. DOLE), and the Senator from Idaho (Mr. MCCLURE) were added as cosponsors of Senate Joint Resolution 160, a joint resolution to designate the week of October 17, 1983, through October 24, 1983, as "National Adult Continuing Education Week."

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. DOMENICI, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Indiana (Mr. LUGAR), the Senator from Minnesota (Mr. DURENBERGER), the Senator from South Dakota (Mr. PRESSLER), the Senator from Oregon (Mr. HATFIELD), and the Senator from Utah (Mr. GARN) were added as cosponsors of Senate Concurrent Resolution 70, a concurrent resolution expressing the sense of the Congress regarding actions the President should take to commemorate the anniversary of the Ukrainian famine of 1932-33.

SENATE CONCURRENT RESOLUTION 72

At the request of Mr. MOYNIHAN, the names of the Senator from Ohio (Mr. GLENN), and the Senator from Colorado (Mr. HART) were added as cosponsors of Senate Concurrent Resolution 72, a concurrent resolution calling on the President to appoint a special envoy for Northern Ireland.

SENATE RESOLUTION 233

At the request of Mr. DIXON, the names of the Senator from Michigan (Mr. RIEGLE), and the Senator from Wisconsin (Mr. KASTEN) were added as cosponsors of Senate Resolution 233, a resolution to express the sense of the Senate concerning the adverse effect on U.S. agricultural exports of proposals to modify the Common Agricultural Policy of the European Community.

AMENDMENT NO. 2293

At the request of Mr. MOYNIHAN, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of amendment No. 2293 proposed to S. 1529, an original bill to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes.

At the request of Mr. MOYNIHAN, the name of the Senator from Washington (Mr. EVANS) was withdrawn as a cosponsor of amendment No. 2293 proposed to S. 1529, supra.

SENATE CONCURRENT RESOLUTION 74—URGING SUPPORT FOR THE PEOPLE OF AFGHANISTAN IN THEIR STRUGGLE FOR FREEDOM

Mr. TSONGAS (for himself, Mr. ABDNOR, Mr. ANDREWS, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BINGAMAN, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BUMPERS, Mr. BYRD, Mr. CHILES, Mr. COCHRAN, Mr. COHEN, Mr. D'AMATO, Mr. DECONCINI, Mr. DIXON, Mr. DOLE, Mr. DURENBERGER, Mr. EAGLETON, Mr. EXON, Mr. FORD, Mr. GARN, Mr. GLENN, Mr. GRASSLEY, Mr. HART, Mr. HATCH, Mr. HEINZ, Mr. HUDDLESTON, Ms. KASSEBAUM, Mr. KENNEDY, Mr. LAXALT, Mr. LEVIN, Mr. LUGAR, Mr. MATTINGLY, Mr. MELCHER, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. PELL, Mr. PRESSLER, Mr. PROXMIRE, Mr. PRYOR, Mr. QUAYLE, Mr. RANDOLPH, Mr. RIEGLE, Mr. RUDMAN, Mr. SARBANES, Mr. SASSER, Mr. SIMPSON, Mr. SPECTER, Mr. STENNIS, Mr. WARNER, Mr. WILSON, Mr. ZORINSKY, Mr. HOLLINGS, Mr. PERCY, and Mr. JEPSEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 74

Whereas the freedom fighters of Afghanistan have withstood the might of the Soviet Army for over three and a half years and gained the admiration of free men and women the world over with their courageous sacrifice, bravery and determination;

Whereas the Soviet invasion of Afghanistan is the first Soviet seizure of independent territory since the 1940's and represents a dangerous and unacceptable development in Soviet foreign policy;

Whereas the struggle for liberation in Afghanistan can succeed if those of us who believe in freedom come to its support;

Whereas the European Parliament, the Non-Aligned Movement, the United Nations, the Conference of Islamic Nations, the Association of Southeast Asian Nations, and the United States Congress have all codemned Soviet invasion and occupation of Afghanistan;

Whereas the Soviet airbases in southwest Afghanistan present an unacceptable threat to the Hormuz oil passage lanes which are so vital to the free world's economies;

Whereas many individuals and private organizations all over the world have already sent substantial aid to the Afghan freedom fighters;

Whereas it would be indefensible to provide the freedom fighters with only enough aid to fight and die but not enough to advance their cause of freedom: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it should be the policy of the United States:

(1) to encourage and support the people of Afghanistan in their struggle to be free from foreign domination;

(2) to provide the people of Afghanistan, if they so request, with material assistance, as the U.S. considers appropriate, to help them fight effectively for their freedom;

(3) to pursue a negotiated settlement of the war in Afghanistan, based on the total withdrawal of Soviet troops and the recognition of the inalienable right of the Afghan people to choose their own destiny free from outside interference or coercion, so that the four million Afghan refugees can return to their country in safety and in honor.

Mr. TSONGAS. Mr. President, I am very proud indeed to submit today a concurrent resolution calling upon the U.S. Government to encourage and support the Afghan freedom fighers. I am pleased to welcome 56 of my colleagues as cosponsors.

It has been over 3½ years since the Soviet Union invaded Afghanistan and began their bloody, ruthless occupation of the Afghan nation.

The stark facts of this brutal episode are not in question. During the second half of 1979, Moscow became uneasy about the deteriorating situation surrounding the pro-Soviet government in Kabul. Faced with the threat of losing control of the situation altogether, Moscow decided on armed intervention to install a new pro-Moscow leader. The invasion took place during the Christmas holidays in 1979. The Soviet invasion and occupation by over 100,000 troops has been harsh and unrelenting. Hiding behind a relative news blackout, the Soviet military has unleased deliberate attacks on the civilian population to discourage any support for the Mujahideen freedom fighters. The result—tens of thousands of casualties and 3 million people have left the country as refugees.

The Afghan primary industry—agriculture—has been severely disrupted. A large number of farmers have either fled to Pakistan or Iran or are being conscripted into the army. Gasoline and fertilizer are spiraling in cost or unavailable. The country's irrigation system is in a state of collapse. These factors among others have led to a drop of 80 percent in agricultural output over the last 3 years and a reduction in the amount of available land actually put to use—from 46 percent in 1978 to 16 percent in 1982. The Soviets routinely destroy field crops to deny their use by the freedom fighters.

In other areas of the economy, the Soviets are attempting to integrate Afghanistan economically with the Soviet bloc. In return for imported Soviet goods, the Afghans export 95 percent of their natural gas to the U.S.S.R. at bargain prices. The revenue for the sale is reportedly used by the Afghan regime to pay interest payments on their outstanding Soviet debt.

The "Sovietization" of Afghanistan and the war itself continue. The U.N. sponsored talks in Geneva have not

achieved concrete results. The resistance is not directly represented. The talks are a sincere effort, but it is clear that their prospects for success are not good. The Soviets are not yet convinced that they should negotiate their withdrawal from Afghanistan.

The Soviets have weathered protests, grain embargos, economic sanctions, and Olympic game boycotts. They have taken heavy casualties in Afghanistan. They remain in Afghanistan because they believe that ultimately they will achieve their goal of consolidating Afghanistan as a Soviet dependency.

Their opponents, the Mujahideen, are extraordinary in their bravery, resourcefulness and unbreakable morale. In the face of superior airpower, weaponry, and numbers of troops the freedom fighters have fought the Soviets to a draw. Their struggle to be free from foreign domination is a timeless and universal theme. It transcends the ideological differences between East and West. We cannot let this war fade into obscurity because it is far away. The Mujahideen need to know that the U.S. Congress has not forgotten their struggle, that their pursuit of freedom is admired and supported by the United States.

Mr. President, the Afghan resistance is a genuine expression of the independence and dignity of the Afghan people. Their struggle to liberate their country from a foreign invader deserves the attention and support of us all.

The resolution is a nonbinding statement of congressional concern with three objectives: First, to inform the resistance that the U.S. Congress has not forgotten them; second, to encourage urgent negotiations seeking the withdrawal of Soviet troops, the return of Afghan refugees in peace to their homeland, and the self-determination of the Afghan people; and third, to state clearly that Congress supports sending material assistance to the freedom fighters.

In a March 21, 1983 message from the President, titled "Afghanistan Day 1983", Mr. Reagan stated:

> To the Afghan people, I say on behalf of all Americans, that we admire your heroism, your devotion to freedom and your relentless struggle against your oppressors.

I concur. I venture to say that most of my colleagues concur.

This resolution is the product of a joint effort with various groups and individuals in the United States committed to a free Afghanistan. I am hopeful that the Senate will join them and approve this resolution.

SENATE CONCURRENT RESOLUTION 76—CONGRATULATING LECH WALESA ON WINNING THE 1983 NOBEL PEACE PRIZE

Mr. DODD (for himself, Mr. PERCY, Mr. PELL, and Mr. KENNEDY) submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 76

Whereas a secure and universal peace is a major objective of people of good will throughout the world;

Whereas one of the necessary conditions of achieving such peace is universal respect for and realization of internationally recognized human rights and fundamental freedoms;

Whereas article 23 of the Universal Declaration of Human Rights establishes the right of every individual to work, to free choice of employment, to just and favorable conditions of work, and to form and to join trade unions for the protection of the interests of such individual;

Whereas the right to form and to join trade unions for the protection of the interest of the individual is a right guaranteed by the Helsinki Final Act, of which Poland is a signatory;

Whereas the independent Polish trade union Solidarity has for three years represented the interests of the Polish working class in a cooperative, moderate and conciliatory fashion;

Whereas the trade union Solidarity preserved peaceful methods and intentions even in the face of persecution, imprisonment of union leaders, and government violence against the union;

Whereas the founder and elected leader of Solidarity, Lech Walesa, has had a fundamental role in establishing and leading Solidarity as a labor organization working for peaceful goals by peaceful means; and

Whereas Lech Walesa has been awarded the 1983 Nobel Peace Prize in recognition for inspiring all peace-loving people by attempting to solve the labor problems of Poland through negotiations and cooperation, and suffering imprisonment and unjust vilification as a result of these actions: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States of America—

(1) congratulates Lech Walesa as the recipient of the 1983 Nobel Peace Prize and commends the Norwegian Nobel Committee on this outstanding choice,

(2) requests the Government of Poland to facilitate the personal attendance at the award ceremony and to guarantee the safe return to Poland of Lech Walesa, and

(3) calls upon all peace-loving nations to continue to support the cause of free trade unions everywhere, to promote internationally recognized human rights and fundamental freedoms, and to help establish on the basis of freedom and mutual trust a secure and universal peace.

Mr. DODD. Mr. President, I send a resolution to the desk and ask unanimous consent that it be placed on the calendar.

Mr. BAKER. Mr. President, the request has been cleared on this side. The request, as I understand it, is that the resolution be placed on the calendar. There is no objection on this side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DODD. Mr. President, I am pleased to submit a concurrent resolution with the distinguished chairman of the Foreign Relations Committee, Mr. PERCY and the distinguished ranking minority member, Mr. PELL, and Senator KENNEDY to congratulate Lech Walesa, the remarkable Polish labor leader for being the recipient of the 1983 Nobel Peace Prize.

This resolution acknowledges the contributions of Mr. Walesa to the cause of free trade unions and free and fair labor relations which form a very important part of internationally recognized human rights. Respect for and implementation of such rights is, of course, one of the most important conditions of international peace, and the resolution commends the Norwegian Nobel Committee for this profound realization that was manifestd in their decision.

The resolution also requests the Polish Government to let Lech Walesa travel to Oslo to attend the award ceremony in person, and, even more importantly, to allow him to return to Poland.

Finally, the resolution calls upon the peace-loving nations to continue to work for the freedom of labor, for human rights and for universal peace, following the example of Lech Walesa.

Mr. President, yesterday I saluted Lech Walesa on this floor and recalled the unforgettable evening I spent with him last August in Gdansk in friendly discussion. He is not only an extraordinarily warm, friendly, open human being but a genuine hero of our age, a real inspiration for the oppressed of the world.

I urge my colleagues to join Senators PERCY, PELL, KENNEDY, and myself in paying tribute to this modern hero of labor, human rights and the cause of peace.

SENATE RESOLUTION 239—RELATING TO EXPENDITURES BY THE SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS submitted the following resolution; which was referred to the Select Committee on Indian Affairs:

S. RES. 239

Resolved, That Senate Resolution 76, section 21, paragraph (A) 98th Congress, be amended by striking out "January 2, 1984" and inserting in lieu thereof "February 29, 1984"; and be it further

Resolved, That Senate Resolution 76, section 21, paragraph (B) 98th Congress, as amended by Senate Resolution 111, 98th Congress, be amended by striking out "$620,990" and inserting in lieu thereof, "$745,188".

AMENDMENTS SUBMITTED

DAIRY AND TOBACCO PRICE SUPPORTS

PRESSLER AMENDMENT NO. 2294

Mr. PRESSLER proposed an amendment to the bill (S. 1529) to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes; as follows:

On page 19, line 14, insert "(1)" after "on".

On page 19, line 18, insert after "productivity" the following: "and (2) the feasibility of imposing a limitation of the total amount of payments and other assistance a producer of milk may receive during a year under section 201 (d) of the Agricultural Act of 1949 (7 U.S.C. 1446 (d))".

HAWKINS AMENDMENT NO. 2295

Mrs. HAWKINS (for herself, Mr. WILSON, and Mr. MOYNIHAN) proposed an amendment to the bill S. 1529, supra; as follows:

On page 2, beginning on line 8, strike out all that follows through line 9 on page 19 and insert in lieu thereof the following new section:

DAIRY PRODUCTION STABILIZATION

SEC. 102. Subsection (d) of section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446 (d)) is amended to read as follows:

"(d) Notwithstanding any other provision of law—

"(1) Effective for the period beginning on November 1, 1983, and ending February 28, 1985, the price of milk shall be supported at not less than $12.10 per hundredweight of milk containing 3.67 per centum milkfat.

"(2) The price of milk shall be supported through the purchase of milk and the products of milk.".

On page 38, line 22, insert "and" after the semicolon.

On page 38, beginning on line 23, strike out all that follows through line 2 on page 39.

On page 39, line 3, strike out "(3)" and insert in lieu thereof "(2)".

JEPSEN (AND OTHERS) AMENDMENT NO. 2296

Mr. JEPSEN (for himself, Mr. TOWER, Mr. EAGLETON, Mr. ZORINSKY, Mr. GRASSLEY, Mr. THURMOND, Mr. DIXON, Mr. BOREN, Mr. HEFLIN, Mr. BOSCHWITZ, Mr. BENTSEN, and Mr. COCHRAN) proposed an amendment to the bill S. 1529, supra; as follows:

On page 6, line 2, insert immediately after the period the following new sentence "In setting the terms and conditions of such contracts, the Secretary shall take into account any adverse impact of the reductions in milk production on beef and pork producers in the United States and shall take all feasible steps to minimize such impact.".

On page 11, lines 24 and 25, strike out "required by the contract." and insert in lieu thereof "as specified by the Secretary for each quarter in the contract: *Provided*, That the aggregate quantity of such reductions for the entire diversion period must be at least equal to the total reduction required by the contract.".

METZENBAUM (AND OTHERS) AMENDMENT NO. 2297

Mr. METZENBAUM (for himself, Mr. GARN, Mr. ROTH, Mr. STAFFORD, Mr. PERCY, Mr. TSONGAS, Mr. PELL, Mr. HEINZ, Mr. PROXMIRE, Mr. HATCH, Mr. DANFORTH, Mr. MITCHELL, Mr. GORTON, and Mr. MOYNIHAN) proposed an amendment to the bill S. 1529, supra; as follows:

On page 40, beginning with line 19, strike out through the end of the bill and insert the following:

REPEAL OF PROVISIONS OF LAW CONCERNING PRICE SUPPORT FOR TOBACCO

SEC. 201 (a)(1) Section 101(a) of the Agricultural Act of 1949 (7 U.S.C. 1441(a)) is amended by striking out "tobacco (except as otherwise provided herein), corn" and inserting in lieu thereof "corn".

(2) Section 101(c) of such Act (7 U.S.C. 1441(c)) is repealed.

(3) Section 101(d)(3) of such Act (7 U.S.C. 1441(d)(3)) is amended—

(A) by striking out ", except tobacco,", and

(B) by striking out "and no price support shall be made available for any crop of tobacco for which marketing quotas have been disapproved by producers.".

(b) Sections 106, 106A, and 106B of the Agricultural Act of 1949 (7 U.S.C. 1445, 1445-1, 1445-2) are repealed.

(c) Section 408(c) of the Agricultural Act of 1949 (7 U.S.C. 1428(c)) is amended by striking out "tobacco,".

REPEAL OF PROVISIONS OF LAW CONCERNING TOBACCO ACREAGE ALLOTMENTS AND MARKETING QUOTAS

SEC. 202. (a) Section 2 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1282) is amended by striking out "tobacco.".

(b) Section 301(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b)) is amended—

(1) in paragraph (3) by striking out subparagraph (C),

(2) in paragraph (6)(A) by striking out "tobacco,",

(3) in paragraph (7) by striking out—

"Tobacco (flue-cured), July 1-June 30;

"Tobacco (other than flue-cured), October 1-September 30;",

(4) in paragraph (10 by striking out subparagraph (B),

(5) in paragraph (11)(B) by striking out "and tobacco",

(6) in paragraph (12) by striking out "tobacco,",

(7) in paragraph (14)—

(A) by striking out "(A)", and

(B) by striking out subparagraph (B),

(8) by striking out paragraph (15), and

(9) in paragraph (16) by striking out subparagraph (B).

(c) Section 303 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1303) is amended by striking out "rice, or tobacco," and inserting in lieu thereof "or rice,".

(d) Part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is repealed.

(e) Section 361 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1361) is amended by striking out "tobacco,".

(f)(1) Section 371(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1371(a)) is amended by striking out "peanuts, or tobacco" and inserting in lieu thereof "or peanuts".

(2) Section 371(b) of such Act (7 U.S.C. 1371(b)) is amended by striking out "peanuts, or tobacco" and inserting in lieu thereof "or peanuts".

(g)(1) Section 373(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373(a)) is amended—

(A) in the first sentence—

(i) by striking out "peanuts, or tobacco, and" and inserting in lieu thereof "or peanuts, and",

(ii) by striking out "peanuts, or tobacco from" and inserting in lieu thereof "or peanuts from", and

(iii) by striking out "all persons engaged in the business of redrying, prizing, or stemming tobacco for producers,", and

(B) in the last sentence by striking out "$500;"

and all that follows through the end thereof and inserting in lieu thereof "$500.".

(2) Section 373(b) of such Act (7 U.S.C. 1373(b)) is amended by striking out "peanuts, or tobacco" and inserting in lieu thereof "or peanuts".

(h) Section 375(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1375(a)) is amended by striking out "peanuts, or tobacco" and inserting in lieu thereof "or peanuts".

(i) Section 378(f) of the Agricultural Adjustment Act of 1983 (7 U.S.C. 1378(f)) is repealed.

(j) The Act entitled "An Act relating to burley tobacco farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended", approved July 12, 1952 (7 U.S.C. 1315), is repealed.

(k) Section 4 of the Act entitled "An Act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes", approved April 16, 1965 (7 U.S.C. 1314c note), is repealed.

(l) Section 703 of the Food and Agriculture Act of 1965 (7 U.S.C. 1316) is repealed.

EXCLUSION OF TOBACCO FROM CONCESSSIONAL EXPORT SALES PROVISIONS OF PUBLIC LAW 480

SEC. 203. The proviso to the first sentence of section 402, of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1732) is amended by striking out ", and for the purposes of title II of this Act," and inserting in lieu thereof "or".

PROHIBITION AGAINST COMMODITY CREDIT CORPORATION USING POWERS WITH RESPECT TO TOBACCO

SEC. 204. Section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) is amended by adding at the end the following new undesignated paragraph:

"Notwithstanding any other provision of law, the Corporation may not exercise any of the powers specified in this section or in any other provision of this Act with respect to tobacco.".

PROHIBITION AGAINST TOBACCO MARKETING ORDERS

SEC. 205. Section 8c(2) of the Agricultural Adjustment Act (7 U.S.C. 608c(2)), reenacted with amendments by the Agricultural

Marketing Agreement Act of 1937, is amended—

(1) by striking out "tobacco,",

(2) by inserting "tobacco," after "(B) any agricultural commodity (except honey,", and

(3) by adding at the end the following new sentence: "Notwithstanding any other provision of law, no order concerning tobacco may be issued or enforced under this Act.".

WITHDRAWAL OF CONSENT RELATING TO COMPACTS AMONG STATES FOR REGULATING TOBACCO PRODUCTION AND COMMERCE

SEC. 206. (a) The Act entitled "An Act relating to compacts and agreements among States in which tobacco is produced providing for the control of production of, or commerce in, tobacco in such States, and for other purposes", approved April 25, 1936 (7 U.S.C. 515 et seq.), commonly known as the Tobacco Control Act, is repealed.

(b) The Congress hereby withdraws its consent to any compact or agreement entered into under the Act referred to in subsection (a).

PAYMENTS TO CERTAIN LOW INCOME OWNERS OF FARMS WITH TERMINATED TOBACCO ALLOTMENTS AND QUOTAS

SEC. 207. (a)(1) Each individual who—

(A) throughout the period beginning on March 8, 1983, and ending on the effective date of this section, owned all or part of a farm with respect to which a tobacco acreage allotment or marketing quota was established or assigned under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.),

(B) had a modified adjusted gross income of not over $24,000 for the taxable year ending in 1982,

(C) Not later than December 31, 1984, files an application in such manner and in such form as the Secretary may require by rule, shall be entitled to receive payments from the Secretary in accordance with this subsection.

(2)(A) Subject to paragraph (7), the aggregate amount of payments which such individual shall be entitled to receive under paragraph (1) shall be equal to the product of—

(i) the percentage of the proceeds of sale such individual would have been entitled to receive if such allotment or quota had been sold on March 8, 1983, and

(ii) the product of the fair market value of such allotment or quota and the modified adjusted gross income percentage as determined under subparagraph (B), by the percentage obtained by multiplying—

(B) The modified adjusted gross income percentage referred to in subparagraph (A)(ii) with respect to any individual entitled to any payment under paragraph (1) is the percentage which corresponds to the modified adjusted gross income of such individual in the following table:

If the amount of such modified adjusted gross income is:	The modified adjusted gross income percentage is:
Not over $15,000	100 percent
Over $15,000 but not over $16,000	90 percent
Over $16,000 but not over $17,000	80 percent
Over $17,000 but not over $18,000	70 percent
Over $18,000 but not over $19,000	60 percent
Over $19,000 but not over $20,000	50 percent
Over $20,000 but not over $21,000	40 percent
Over $21,000 but not over $22,000	30 percent
Over $22,000 but not over $23,000	20 percent
Over $23,000 but not over $24,000	10 percent
Over $24,000	0 percent

(3) For purposes of paragraph (2), the fair market value of such allotment or quota shall be the fair market value of such allotment or quota on March 8, 1983, as determined by the Secretary. In making such determination, the Secretary shall consider studies relating to the value of tobacco acreage allotments and marketing quotas established under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 which have been conducted by universities, colleges, and other persons.

(4)(A) For purposes of paragraph (1)(B) and paragraph (2), the modified adjusted gross income of any individual entitled to payment under paragraph (1) for the taxable year ending in 1982 shall be the adjusted gross income of such individual for such taxable year—

(i) determined under section 62 of the Internal Revenue Code of 1954 without regard to the deductions from gross income otherwise allowable under such Code for such taxable year pursuant to—

(I) paragraph (7) of such section (relating to profit-sharing, annuities, and bond purchase plans of self-employed individuals),

(II) paragraph (10) of such section (relating to retirement savings), and

(III) paragraph (14) of such section (relating to reforestation expenses),

(ii) increased by—

(I) the amount of any interest and dividends not included in gross income for purposes of the tax imposed by chapter 1 of such Code for such taxable year,

(II) an amount equal to the sum of any items of tax preference described in section 57 of such Code (other than paragraph (9) thereof) applicable to such individual for such taxable year, and

(iii) decreased by fifty percent of any amount of rent received in such taxable year in connection with the lease of any such allotment or quota.

(B) In the case of an individual who filed a joint return (within the meaning of section 6013 of the Internal Revenue Code of 1954) for such taxable year, adjusted gross income under subparagraph (A) shall be the adjusted gross income of such individual and such individual's spouse for such taxable year.

(C) In the case of an individual who has not attained age 18 (or, in the case of a student, has not attained age 22), adjusted gross income for purposes of determining modified adjusted gross income under subparagraph (A) shall be the adjusted gross income of such individual and any other person who was allowed a deduction with respect to such individual for such taxable year under section 151 of the Internal Revenue Code of 1954 (relating to deductions for personal exemptions).

(5) For purposes of paragraph (1)(A), an acreage allotment or marketing quota which is—

(A) established or assigned to a farm under such part and,

(B) transferred to another farm (other than after a sale of such allotment or quota),

shall not be considered established or assigned with respect to the farm to which such allotment or quota was so transferred.

(6) The Secretary shall make payments to which individuals are entitled under this subsection from the revolving fund established under subsection (b)—

(A) as soon as amounts are received in such fund, and

(B) in as equitable, efficient, and expeditious a manner as is practicable,

except that no individual shall be entitled to a payment under this subsection prior to October 1, 1984.

(7) Notwithstanding any other provision of this subsection, no payment under this subsection to any individual shall exceed an amount which is equal to the product of—

(A) 5, and

(B) $24,000 minus so much of the modified adjusted gross income of such individual as does not exceed $24,000.

(b)(1)(A) All payments made under subsection (a) shall be made from amounts received by the Secretary as assessments under this subsection and deposited in the revolving fund established pursuant to subsection (b).

(B) There is established a revolving fund for tobacco assessments. There shall be credited to the fund all amounts received by the Secretary pursuant to this subsection. Amounts deposited in the fund are appropriated to the Secretary for fiscal year 1984 and the succeeding fiscal years for the purposes of making payments under subsection (a). Such amounts shall be available without fiscal year limitation.

(2) For purposes of carrying out paragraph (1), the Secretary shall establish and impose assessments applicable to the marketing of all tobacco produced in the United States. Such assessments shall not apply with respect to tobacco of crops before the 1984 crop of tobacco. The rates of such assessments—

(A) shall generate, as soon as practicable, amounts sufficient to make such payments,

(B) shall not exceed 20 cents per pound,

(C) shall be uniform for all kinds of tobacco,

(D) shall be uniform for a particular crop of tobacco, and

(E) shall be as uniform as practicable for all crops of tobacco with respect to which such assessments are imposed.

(3) Any person who produces tobacco with respect to which such assessments are imposed shall be liable for such assessments.

(4)(A) Except as provided in subparagraph (B), assessments imposed with respect to tobacco and owed under paragraph (3) by the producer of such tobacco shall be collected from any person to whom such producer markets such tobacco.

(B)(i) If tobacco with respect to which assessments are owed under paragraph (3) is marketed through a warehouseman or other agent, then such assessments shall be collected from such warehouseman or agent.

(ii) If tobacco with respect to which assessments are owed under paragraph (3) is marketed directly by the producer of such tobacco to any person outside of the United States, then such assessments shall be collected from such producer.

(5) Persons required to collect assessments under paragraph (4) shall—

(A) remit such assessments to the Secretary at such time and in such manner as the Secretary may require by rule, and

(B) maintain, and make available for inspection by the Secretary, such records as

the Secretary may require, by rule, in order to ensure an accurate accounting of the collection and remittance of such assessments.

(6)(A) Any person who fails to pay, collect, or remit any assessment owed under paragraph (3) or payable under paragraph (4) and paragraph (5) may be assessed a civil penalty by the Secretary equal to the product of three and the amount of such assessment. No civil penalty may be so assessed unless such person is given notice of, and opportunity for an agency hearing on the record with respect to, such violation.

(B) Any person against whom a civil penalty is assessed under subparagraph (A) may obtain review of such penalty in an appropriate district court of the United States by filing a civil action in such court not later than 30 days after such penalty is imposed. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence.

(C) The district courts of the United States shall have jurisdiction to review and enforce any civil penalty imposed under subparagraph (A).

(c) For purposes of this section—

(1) the term "Secretary" means the Secretary of Agriculture,

(2) the term "person" shall have the meaning given to such term by section 1 of title 1, United States Code,

(3) the term "tobacco" means all the kinds of tobacco listed in section 301(b)(15) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b)(15)),

(4) the term "to market" means to sell or exchange in a commercial market,

(5) the term "United States", when used in a geographical sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States, and

(6) the term "student" means any individual who during each of 5 months of calendar year 1983—

(A) was a full-time student at an educational organization described in section 170(b)(1)(A)(ii) of the Internal Revenue Code of 1954, or

(B) was pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational organization described in such section 170(b)(1)(A)(ii) of such Code or of a State or political subdivision of a State.

EFFECTIVE DATES; SCOPE OF APPLICATION

SEC. 208. (a)(1) Except as provided in paragraphs (2) and (3), this title shall take effect on the date of the enactment of this Act.

(2) Section 206 and the amendment made by section 206 shall take effect January 1, 1984.

(3) Section 207 shall take effect October 1, 1983.

(b) The amendments made by sections 201 through 205 of this Act to any other provision of law shall not apply with respect to crops of tobacco before the 1984 crop of tobacco and shall not affect the authority of the Secretary of Agriculture under any such provision, or the force and effect of any requirement of, or any regulation or agreement under or pursuant to, any such provision, on and after the date of the enactment of this Act to the extend such provision applies to crops of tobacco before the 1984 crop year.

(c) The Agriculture Department shall provide all necessary technical assistance to tobacco farmers through fiscal year 1986 to provide, to the extent possible, a transition period for said farmers following the termination of the tobacco support program.

IMPORTED TOBACCO

SEC. 209. (a)(1) Notwithstanding any other provision of law, all tobacco offered for importation into the United States shall be—

(A) inspected for grade and quality as tobacco marketed through a warehouse in the United States is inspected for grade and quality; and

(B) accompanied by a written certification by the importer, in such form as the Secretary of Agriculture may prescribe, that none of the pesticides the registration of which has been cancelled or suspended for use on tobacco in the United States under the Federal Insecticide, Fungicide, and Rodenticide Act, has been used in the production of the tobacco offered for importation into the United States.

(2) The Secretary of Agriculture shall establish grade and quality standards for the purposes of paragraph (1)(A) that are, insofar as practicable, the same as those applicable to tobacco marketed through a warehouse in the United States.

(3) Any tobacco that is not accompanied by the certification required by paragraph (1)(B) shall not be permitted entry into the United States. The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to any such certification made by an importer under such paragraph.

(b) The Secretary shall enforce the provisions of subsection (a) at the point of entry of tobacco offered for importation into the United States. The Secretary shall by regulation fix and collect from the importer fees and charges for inspection under subsection (a)(1) which shall, as nearly as practicable, cover the costs of such services, including the administrative and supervisory costs customarily included by the Secretary in user fee calculations. "The fees and charges, when collected, shall be credited to the current appropriation account that incurs the cost and shall be available without fiscal year limitation to pay the expenses of the Secretary incident to providing services under subsection (a)(1)."

Amend the title so as to read: "A bill to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to repeal provisons of law concerning price support for tobacco, and for other purposes.".

MATTINGLY AMENDMENT NO. 2298

Mr. MATTINGLY proposed an amendment to the bill S. 1529, supra; as follows:

On page 45, line 9, strike out "1989" and insert in lieu thereof "1986".

On page 45, lines 17 and 18, strike out "for the 1984 through 1986 crops of such tobacco".

On page 46, line 5, delete the colon and all that follows through "pounds" on line 10 and insert in lieu thereof". The Secretary shall promulgate rules which establish a similar requirement for Fall payment of any rental of Flue-cured tobacco allotment acreage and quota, and further shall require that any seller of a Flue-cured tobacco allotment and quota grant to the buyer on option to make payment therefor in equal annual installments payable each Fall for a period not to exceed five years from the year in which the sale is made."

On page 46, line 10, strike out "1990" and insert in lieu thereof "1987".

On page 48, strike out line 21 and all that follows through line 25.

On page 49, line 1, strike out "(c)" and insert in lieu thereof "(b)" and strike out "1990" and insert in lieu thereof "1987".

On page 49, line 3, strike out "subsections (a) and (b)" and insert in lieu thereof "subsection (a)".

METZENBAUM AMENDMENT NO. 2299

Mr. METZENBAUM proposed an amendment to the bill S. 1529, supra; as follows:

On page 53, following line 15, insert the following:

IMPORTED TOBACCO

SEC. 216(a)(1) Notwithstanding any other provision of law, all tobacco offered for importation into the United States shall be—

(A) inspected for grade and quality as tobacco marketed through a warehouse in the United States is inspected for grade and quality; and

(B) accompanied by a written certification by the importer, in such form as the Secretary of Agriculture may prescribe, that none of the pesticides the registration of which has been cancelled or suspended for use on tobacco in the United States under the Federal Insecticide, Fungicide, and Rodenticide Act, has been used in the production of the tobacco offered for importation into the United States.

(2) The Secretary of Agriculture shall establish grade and quality standards for the purposes of paragraph (1)(A) that are, insofar as practicable, the same as those applicable to tobacco marketed through a warehouse in the United States.

(3) Any tobacco that is not accompanied by the certification required by paragraph (1)(B) shall not be permitted entry into the United States. The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to any such certification made by an importer under such paragraph.

(b) The Secretary shall enforce the provisions of subsection (a) at the point of entry of tobacco offered for importation into the United States. The Secretary shall by regulation fix and collect from the importer fees and charges for inspection under subsection (a)(1) which shall, as nearly as practicable, cover the costs of such services, including the administrative and supervisory costs customarily included by the Secretary in user fee calculations. The Fees and charges, when collected, shall be credited to the current appropriation account that incurs the cost and shall be available without fiscal year limitation to pay the expenses of the Secretary incident to providing services under subsection (a)(1).

BENTSEN (AND OTHERS) AMENDMENT NO. 2300

Mr. BENTSEN (for himself, Mr. TOWER, Mr. BOREN, Mr. BINGAMAN, Mr. DOMENICI, Mr. BUMPERS, Mr. RANDOLPH, Mr. PRYOR, Mr. DIXON, Mr. MELCHER, Mr. JEPSEN, Mr. BURDICK, Mr. GRASSLEY, Mr. MATTINGLY, Mr. NICKLES, and Mr. WALLOP) proposed

an amendment to the bill S. 1529, supra; as follows:

At the end of the bill, add the following new title:

TITLE III—EMERGENCY FEED ASSISTANCE

SHORT TITLE

SEC. 301. This title may be cited as the "Emergency Feed Assistance Act of 1983".

SEC. 302. (a) As used in this section—

(1) the term "damaged corn" means corn that is classified as U.S. No. 4, U.S. No. 5 or U.S. Sample grade under section 810.353 of title 7, Code of Federal Regulations; and

(B) the term "eligible farmers and ranchers" means farmers and ranchers who are eligible to receive loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961).

(b) To assist eligible farmers and ranchers in areas that have been adversely affected by the drought, hot weather, or related disaster to preserve and maintain foundation herds of livestock and poultry (including their offspring) and secondary livestock, the Secretary of Agriculture shall make damaged corn held by the Commodity Credit Corporation available to such farmers and ranchers in accordance with section 407 of the Agricultural Act of 1970 (7 U.S.C. 1427).

(c) In making damaged corn available to such farmers and ranchers under this section, the Secretary shall offer the damaged corn held by the Corporation at a price that is equal to 75 percent of the current basic county loan rate for such corn in effect under the Agricultural Act of 1949 (or a comparable price if there is no such current basic county loan rate).

(d) The Secretary shall make damaged corn available for sale, as provided under this section, until September 30, 1984, or the date, as determined by the Secretary, on which any emergency created by the drought, hot weather, or related disaster no longer exists.

(e) Effective for the period beginning on the date of enactment of this Act and ending September 30, 1984, the fifth sentence of Section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended by inserting "and secondary livestock," after "sheep, and goats, and their offspring,".

MATSUNAGA (AND OTHERS) AMENDMENT NO. 2301

Mr. MATSUNAGA (for himself, Mr. INOUYE, Mr. STEVENS, and Mr. MURKOWSKI) proposed an amendment to the bill S. 1529, supra; as follows:

On page 22, strike out lines 16 through 19 and insert in lieu thereof the following: "(L) the term "United States" means the forty-eight contiguous states in the continental United States."

HUMPHREY (AND OTHERS) AMENDMENT NO. 2302

Mr. RUDMAN (for Mr. HUMPHREY, Mr. RUDMAN, Mr. CHAFEE, and Mr. D'AMATO) proposed an amendment to the bill S. 1529, supra; as follows:

On page 4, line 11, insert after the period the following new sentence: "This paragraph does not apply to any of the milk produced by a producer who produces any quantity of milk, processes such quantity into consumer packages, and markets such packages.".

On page 6, line 2, insert after the period the following new sentence: "This paragraph does not apply to a producer who produces any quantity of milk, processes such quantity into consumer packages, and markets such packages.".

NUNN (AND MATTINGLY) AMENDMENT NO. 2303

Mr. NUNN (for himself and Mr. MATTINGLY) proposed an amendment to the bill S. 1529, supra; as follows:

On page 41, line 2, strike out "subsection" and insert in lieu thereof "subsections".

On page 43, line 11, strike out the quotation marks and the second period.

On page 43, lines 11 and 12, insert the following: "(g) Notwithstanding the provisions of subsection (d) and section 403, the Secretary, if requested by the board of directors of the association through which price support for Flue-cured tobacco is made available to producers, may (1) designate for any crop certain grades of Flue-cured tobacco that are eligible for price support (but representing in the aggregate not more than 25 percentum of the total quantity of the Flue-cured tobacco crop that the Secretary estimates will be produced) that the Secretary determines are of such quantity or quality as to impair their marketability, and (2) without regard to the weighted average of the support rates for eligible grades of Flue-cured tobacco determined under the proviso to the first sentence of subsection (d), further reduce the support rates for such grades to the extent the Secretary deems necessary to reflect their market value, but in no event by more than 17 percentum of the respective support rates that would otherwise be established under this section.".

DOMENICI AMENDMENT NO. 2304

Mr. DOMENICI proposed an amendment to the bill S. 1529, supra; as follows:

At the appropriate place insert the following new language: "The Secretary shall establish a marketing order for pecans dealing with promotional activities.".

HEFLIN AMENDMENT NOS. 2305 AND 2306

Mr. HEFLIN proposed two amendments to the bill S. 1529, supra; as follows:

On page 19, line 11, insert "(a)" after "Sec. 103.".

On page 19, between lines 18 and 19, insert the following new subsection:

(b) Not later than one hundred and twenty days after the date of the enactment of this Act, the Secretary of Agriculture shall—

(1) review in light of current economic conditions all regulations governing, and provisions of, milk marketing orders issued under section 8c of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c), that have not been reviewed by the Secretary at any time during the ten year period preceding the date of the enactment of this Act;

(2) take such actions as the Secretary determines are necessary to revise such regulations and provisons in light of such review; and

(3) submit a report on such review and actions to the Committee Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

AMENDMENT No. 2306

On page 53, after line 15, insert a new title as follows:

"TITLE III—EGGS

"SEC. 301. This title may be cited as the "Egg Adjustment Act of 1983".

"SEC. 302. The Agricultural Adjustment Act (7 U.S.C. 601 *et seq.*), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence of section 8c(2) by striking out "poultry (but not excepting turkeys), eggs (but not excepting turkey hatching eggs)," and inserting in lieu thereof "poultry (but not excepting turkeys and not excepting poultry which produce commercial eggs),"; and in subsection (I) of section 8c(6) by inserting after the word "pecans," and before the word "avocados,", the word "eggs,".

BAUCUS AMENDMENT NO. 2307

Mr. BAUCUS proposed an amendment to the bill S. 1529, supra; as follows:

On page 4, line 11, insert after the period the following new sentence: "At the discretion of the Secretary this paragraph applies only to a producer who produces any quantity of milk in a production area specified in a marketing order issued under section 8c of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c).".

On page 6, line 2, insert after the period the following new sentence: "At the discretion of the Secretary this paragraph applies only to a producer who produces any quantity of milk in a production area specified in a marketing order issued under section 8c of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c).".

FEDERAL SUPPLEMENTAL COMPENSATION ACT OF 1982

DOLE AMENDEMENT NO. 2308

Mr. DOLE proposed an amendment to the bill (H.R. 4101) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following.

EXTENSION OF PROGRAM

SECTION 1. (a) Paragraph (2) of section 602(f) of the Federal Supplemental Compensation Act of 1982 is amended by striking out "September 30, 1983" and inserting in lieu thereof "October 18, 1983".

(b) Paragraph (2) of section 605 of such Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "November 1, 1983".

EXTENSION OF PROVISION ALLOWING PAYMENT OF DISABILITY BENEFITS DURING APPEAL

SEC. 8. Section 223(g)(3)(B) of the Social Security Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "December 7, 1983".

EXTENSION OF PROVISIONS RELATING TO DEPENDENT CHILDREN VOLUNTARILY PLACED IN FOSTER CARE

SEC. 9. (a) Section 102(a)(1) of the Adoption Assistance and Child Welfare Act of 1980 is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1984".

(b) Section 102(e) of such Act is amended by striking out "October 1, 1983" each place it appears and inserting in lieu thereof in each instance "October 1, 1984".

SOCIAL SECURITY COVERAGE OF RETIRED FEDERAL JUDGES ON ACTIVE DUTY

SEC. 10. Notwithstanding section 101(d) of the Social Security Amendments of 1983, the amendments made by section 101(c) of such Act shall apply only with respect to remuneration paid after December 31, 1985. Remuneration paid prior to January 1, 1986 under section 371(b) of title 28, United States Code, to an individual performing service under section 294 of such title, shall not be included in the term "wages" for purposes of section 209 of the Social Security Act or section 3121(a) of the Internal Revenue Code of 1954.

CLARIFICATION WITH RESPECT TO REPAYMENT OF LOANS

Sec. 12. (a) Section 1202(b)(2) of the Social Security Act is amended—

(1) in the matter preceding subparagraph (A), by striking out "advance" and inserting in lieu thereof "advance or advances";

(2) in subparagraph (A), by striking out "advance is" and inserting in lieu thereof "advances are";

(3) in subparagraph (A), by striking out "advance was" and inserting in lieu thereof "advances were"; and

(4) in subparagraph (B), by striking out "advance" the second place it appears and inserting in lieu thereof "advances".

(b) The amendments made by this section shall apply to advances made on or after April 1, 1982.

PUBLIC LANDS AND NATIONAL PARKS ACT OF 1983

THURMOND AMENDMENT NO. 2309

Mr. BAKER (for Mr. THURMOND) proposed an amendment to the bill H.R. 1213, to amend certain provisions of law relating to units of the national park system and other public lands, and for other purposes; as follows:

On page 4, line 21, strike the period, insert in lieu thereof a semicolon, and add the following: and by striking out "$500,000" and inserting in lieu thereof "$2,000,000".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will hold a hearing on October 12, 1983, in Buffalo, N.Y., on the impact of crime on small business. The hearing will begin at 10:30 a.m. in room 226, second floor conference room, Federal Building, 111 W. Huron Street. Senator D'AMATO will chair. For further information, please contact Mike Haynes of the committee staff at 224-8487.

Mr. President, I would like to announce that the Senate Small Business Committee will hold a hearing on October 17, 1983, in Sioux Falls, S. Dak., on the impact of interest rates on the small business and agricultural sectors. The hearing will begin at 10 a.m., Augustana College, Morrison Commons Lounge, 29th and South Summit Street. Senator PRESSLER will chair. For further information, please contact Mike Haynes of the committee staff at 224-8487.

Mr. President, I would like to announce that the Senate Committee on Small Business will hold a hearing on October 17, 1983, in Nashville, Tenn., on the obstacles faced by small business in Federal procurement. The hearing will begin at 1:45 p.m., in room 29, Legislative Plaza. For further information, please contact Bill Montalto of the committee staff at 224-3099.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider the nomination of Danny J. Boggs, of Virginia, to be Deputy Secretary of Energy; and the nomination of Raymond J. O'Connor, of New York, to be a member of the Federal Energy Regulatory Commission.

The hearing will be held on Monday, October 17, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. David Doane of the committee staff at 224-7144.

In addition, I would like to announce the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider S. 1678, to amend the Energy Policy and Conservation Act to strengthen our Nation's energy emergency preparedness consistent with the policy set forth in section 271 of said act, and for other purposes. The hearing will be held on Wednesday, October 19, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing testify or who wish to submit written statements for the hearing record should write to the committee at the above-listed address.

For further information regarding this hearing you may wish to contact Mr. Richard Grundy of the committee staff at 224-2564.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Energy and Mineral Resources will hold another hearing in a series of oversight hearings on the condition of America's coal industry. The hearing will look at the competitiveness of American coal in both the domestic and the international energy market. The focus will be on America's coal railroad transportation system—specifically how recent regulatory actions have impacted the movement and utilization of coal, both domestically and internationally.

The hearing will be held on Tuesday, November 15, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Energy and Mineral Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224-5205.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Energy Conservation and Supply, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Thursday, October 6, at 9:30 a.m., to hold a hearing to consider S. 1366, a bill to implement the recommendations of the Interim Report of the Northern Mariana Islands Commission on Federal Laws and to amend the Revised Organic Act of the Virgin Islands and the Organic Act of Guam, and for other purposes; and S. 1367, a bill to repeal certain provisions of law relating to the territories and insular possesions of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Thursday, October 6, at 9 a.m., to hold a hearing to consider Senate Joint Resolution 139, a resolution to commemorate the centennial of Eleanor Roosevelt's birth; S. 1868, a bill to add $17,996,558 to the budget ceiling for new acquisitions at Sleeping

Bear Dunes National Lakeshore; S. 1775, a bill to repeal the designation of the Georgia O'Keefe National Historical Site; S. 1790, a bill to authorize the Secretary of the Interior to enter into a contract or cooperative agreement with the Art Barn Association to assist in the preservation and interpretation of the Art Barn and Pierce Mill located in Rock Creek Park within the District of Columbia; S. 806, a bill to provide for a plan to reimburse the Okefenoke Rural Electric Membership Corporation for the costs incurred in installing electrical service to Cumberland Island National Seashore; S. 1389, a bill to transfer administration of certain lands in California and Nevada to the Bureau of Land Management; S. 1654 and H.R. 451, bills to validate conveyances of certain land in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Co.; S. 1547 and H.R. 1191, bills to amend the conditions of a grant of certain lands to the town of Olathe, Colo., and for other purposes; S. 1860, a bill to clear title to certain lands along the California-Nevada boundary; and S. 1688, a bill to amend the act of October 18, 1972, to modify the authorization of appropriations for Sitka National Park, Alaska, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 6, to hold a hearing on the Pacific Air Frontier.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 6, to consider the nomination of Ronald Spiers to be Under Secretary for Management of the Department of State.

THE PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BIBLE TRANSLATION DAY

● Mr. ARMSTRONG. Mr. President, more than 400 people met Thursday, September 29, here in the Nation's Capital to honor the quiet, unsung heroes of the Christian movement: Bible translators.

Anyone who reads a Bible should offer their heartfelt thanks to these translators. Without them, the Word of God, as expressed in the Bible, would not be available to us in our native language.

Mr. President, I ask my colleagues, and anyone reading these remarks to think about their favorite Scripture passage, the passage that offers the greatest personal meaning. Then I ask you to think about what your life would be like if that passage were not available in English.

You can now begin to understand the great role that these people have played in transforming the world by translating the Word.

Senators, Congressmen, ambassadors, top White House staff, Cabinet officials, military officers and hundreds of others gathered for an hour in the U.S. Senate Caucus Room Thursday to pay tribute to Bible translators. The occassion was held on the feast of the death of St. Jerome, the first Bible translator, and a day that has been selected by Congress as Bible Translation Day. The event featured greetings from President Reagan, remarks by Senator HATFIELD, Dr. Richard Halverson, Senate Chaplain, Rev. Roy Gesch, Lutheran Bible translators, Dr. Barclay Newman, American Bible Society, Mr. David Cummings, and Wycliffe Bible International.

The highlight was the presentation of the 200th Bible translation prepared by Wycliffe Bible International to the Ambassador of Ghana, Eric Otoo. This 200th translation was in the Hanga dialect, the language of a tribe living in Ghana. This translation was more than a decade in the making, and represented the life's work of Geoffrey and Rosemary Hunt, who were on hand to make the presentation. But as Geoffrey Hunt said yesterday:

> I am only one translator. My wife, Rosemary, is only one other. And there are thousands of people out there right now working for Bible translation, struggling, some of them having great difficulties. But we are only representatives. If we had been number 199 or number 201, you would not have known anything about us.

Mr. President, in recent years there have been great achievements in the field of Bible translation in recent years. In fact, the progress made in the last 20 years equals the progress of the preceding 400 years. The Bible has now been translated into 1,763 languages and dialects and is available to 95 percent of the world's population in their native tongue.

But more remains to be done. Some 3,000 languages remain either unwritten or untranslated. So yesterday's gathering both honored past achievement in translation and encouraged further progress.

It is the goal of the Bible translation societies represented yesterday to deliver a transcript of the proceedings into the hands of every translator now working in this field. To help achieve this goal, Mr. President, it is my honor to ask that the transcript from the proceedings of Bible Translation Day be printed in the CONGRESSIONAL RECORD.

The transcript follows:

BIBLE TRANSLATION DAY RECEPTION,
SEPTEMBER 29, 1983

PROCEEDINGS

Senator ARMSTRONG. This is an historic occasion in many ways, not the least of which is, this is probably the only meeting to take place on Capital Hill this year, that is starting on time.

[Laughter.]

Senator ARMSTRONG. And I don't know about you but I am enthusiastic. Praise the Lord. To think of a gathering like this, in this setting, and an overflow crowd, and it's just great.

I want to recall a story told by a constituent of Mark Hatfield, a pastor from Oregon, who related that when Vince Lombardi was the coach of the great Green Bay football team that just won week after week after week and got into such a habit of it, that one time they lost. And those of you—I don't know if there are any football fans in the room, but those of you who know anything about football will recall that he didn't take well to losing football games.

And after it was over, so the story goes, he just bundled his people up into a bus, took them right out after the game to the practice field, he lined them up, and he said, "All right, it's back to basics. This is a football."

[Laughter.]

Senator ARMSTRONG. Now, the point of the story is that what this meeting is all about, aside from honoring some people who have given such dedicated and effective service to the Lord, is to hold up this document for all the world to see, and say to them, "This is the Holy Scripture. This is the word of God." And I think that is the real symbolism of this occasion, and I'm just excited and proud and pleased that so many of you are able to be with us today.

One of those who we're honored to have is Herb Ellingwood, who comes here from the White House where he serves the President, and I'm wondering, Herb, would you come forward and open us with a word of prayer?

Mr. ELLINGWOOD. Our Father in Heaven, in the name of Jesus, it's the most delightful thing to be here where you allowed us to live, in the most exciting time in history, when people around the world are accepting Jesus as Savior, in numbers unheard of. And we thank you, God, for the servants that you've placed here, not only in the Capitol, but in Wycliffe translators and everywhere else, God, that they've given to you their lives, that what you want to have happen can happen, and happen in a way, God, that the world can recognize that there's a validity in the process here, when the President of this country will name this year, at the request of the Congress, the year of the Bible.

What a fabulous thing, God, to live in this time. And we thank you for that. Each of us here just thank you for this opportunity to be alive now and to be a part of your family. And now we ask that your blessing would be upon all those that are here, especially the leadership of the building that are here, the leadership of the Congress. But also for all of the guests that are here, and we give you the praise for that. Amen.

Senator ARMSTRONG. As we gather here today, people throughout the world are dedicating themselves to the task of translating the Bible, the Word of God, into every language and dialect. Nothing that we can say or do will begin to match or even compare with the reward that will be theirs in the life to come, as a result of their service.

But it does seem to me to be particularly appropriate that we gather here in the very shadow of the Capitol, in the nation's capital city, to pay our respects to them, to the thousands of people who have participated so effectively in this effort.

The Bible has been translated into 1,763 languages and dialects. Some 95 percent of the world's population now have the opportunity to read the word of God in their native language and, if they choose, to act upon its promises.

Apart from the spiritual significance of this program which, of course, is the primary emphasis, this work has also fostered literacy and communications through-out the world. Often, whole nations and tribes who have had only spoken, not written, communication, have gained the opportunity of a written language through the work of Bible translators.

Bible translators go to these countries, dedicate a decade or more of their life to the task of mastering the language, developing the alphabet, committing it to paper, building a vocabulary, and finally, then, the work of Bible translation can begin. There are many examples of this work.

For example, Marianna Slocum and Florence Gerdel have brought literacy, communication, and the spirit of God to 80,000 Mexican and Colombian people who before they came had no written language. These two women dedicated 15 years of their lives developing an alphabet and bilingual education materials for the Tzeltal tribe in Mexico, including a complete copy of the New Testament in their language.

Their work, literally, transformed that tribe. When Marianna and Florence began their work, there were only 12 churches among the 45,000 people. Today there are more than 263 congregations where 30,000 new believers worship. This morning we're going to hear more about the great progress that has occurred in this field.

We will learn firsthand of the work of Geoffrey and Rosemary Hunt who translated the New Testament into the dialect of a tribe living in Ghana. We'll hear about the work of the Lutheran Bible Translators who just completed their first New Testament translation for people living there.

These are exciting times for Bible translators. The progress they have achieved in the past 20 years exceeds the progress of the preceding 400 years. Right now there are more than 1,000 language and Bible translation projects underway all over the Globe. And yet despite this tremendous progress much remains to be done.

About 3,000 languages and dialects still need translation. Some 200 million people are represented by these dialects. And until we have completed the translation of the Bible into these remaining languages, we will not have fulfilled the task of the Great Commission.

So, we are gathered here today to express appreciation for the work already complete and to encourage progress in the work that remains.

Let me mention just a few of the organizations actively involved in the work of Bible translation: Wycliffe Bible Translators, the World Home Bible League, Evangel Bible Translators, New York International Bible Society, Mission to the World, American Bible Society, Living Bibles International, Pioneer Bible Translators, Christian & Missionary Alliance, Logos Translators, Lutheran Bible Translators, and for those of you who may be as surprised as I was when I learned this, I just want to share, before we begin our program, one fact that I must say, really took me by complete surprise when I learned it yesterday, that the persons who show the most natural aptitude for the work of Bible translation are musicians and scientists, musicians because of their keen ear for tonal values, and scientists and mathematicians because of their inherent and trained appreciation for logic.

Now, as one who has a tin ear——

[Laughter.]

Senator ARMSTRONG [continuing]. And no background in science whatsoever, I must say I stand not only in appreciation but in awe of those who have performed and are performing this extraordinarily important work.

Now, my dear brothers and sisters, it is my great privilege to present to you a beloved person here on Capitol Hill, and a man who is known and respected and admired and loved all over the world, our dear brother, Dr. Richard Halverson. Dick, would you come and read to us from the scripture?

[Applause.]

Dr. HALVERSON. Thank you. I just want to say before I start reading this, these selected verses, that in the brief time I've been in the Senate I've learned to love all of the senators, and I really mean that. I have fallen in love with them. There are some of them who, in my mind, are beloved senators, and I always address them that way, and one of the most beloved is the one who is unable to be here today, and because of which I am asked to read these scriptures, Senator Jennings Randolph. It's a real honor to try to take his place. I am sorry that he can't be here.

Let me just read a few scriptures which I am sure are familiar, but perhaps in the context of this meeting can have special meaning. I was interested in Paul's word in his first letter to the Corinthians. He was actually talking about the spoken word, but it appeared to me as I read this that this is precisely what the Wycliffe Bible Translators are doing. Paul exhorts: "So likewise ye, except ye utter by the tongue words easy to be understood, how shall it be known what is spoken, for ye speak into the air?" And, of course, Wycliffe Translators are—have dedicated themselves through the years to first of all putting language into writing and then translating into the New Testament and giving to that people a word easy to be understood.

Here's an interesting statement from the Psalms. "The Lord gave the Word. Great was the company of those that published it." And our Lord Jesus Christ reminded us, "Heaven and earth shall pass away, but my words shall not pass away." And, of course, Wycliffe is the instrument of God, among others, to fulfill that prophecy.

Isaiah wrote: "So shall My Word be that goeth forth out of My mouth. It shall not return unto me void, but it shall accomplish that which I please and it shall prosper in the thing whereto I sent it."

It's interesting to think of the Wycliffe Translators, often in their loneliness of going to a new tribe, and identifying there with the language in order to give them the Bible, the word of God.

Here's an interesting comment about the word from the Hebrew epistle, the third verse, "And he upholdeth all things by the word of his power."

James admonishes: "Wherefore lay apart all filthiness and superfluity of naughtiness and receive with meekness," and then this interesting phrase, "the engrafted word which is able to save souls."

And Peter reminds us in his first epistle that we are "born again, not of corruptible seed, but of incorruptible, by the Word of God which liveth and abideth forever." He also reminds us in the second chapter of his first epistle: "As newborn babes desire the sincere milk of the word."

One of the exciting experiences I've had on a number of occasions is being somewhere in the world when a translation of a book of the New Testament has been completed, not even yet published. And I have been able to be part of the dedication of that translation in manuscript form. And it's wonderful to think of this statement of Peter's, the milk of the word, as it is given to these people.

In his second epistle, Peter writes, "We have also a more sure word of prophecy whereunto ye do well that ye take heed," and then this clause, "as unto a light that shineth in a dark place." Think of the lights that are being turned on all over the world by Wycliffe.

A test that has come to mean a great deal to me, perhaps one of the first I memorized in my pilgrimmage with Christ, but has come to mean a great deal in these last couple of years to me, the very familiar passage from II Timothy 3:16 and 17. "All scripture is given by inspiration of God, and it is profitable," "It is profitable for doctrine, for reproof, for correction, for instruction in righteousness, that the man of God may be perfect, thoroughly furnished unto all good works."

And finally, listen to these ways the word is described in the New Testament. James refers to the word as—in this way: "Of his own will be begat us with the Word of truth." John refers to the word as "the words of eternal life."

Paul, in his Second Letter to the Corinthians, refers to the "word of reconiliation". In his letter to the Philippians Paul speaks to "holding forth the word of life," and finally, in his first letter to Timothy, Paul says to this young pastor: "Nourish up in the words of faith." The word of truth, the word of eternal life, the word of reconciliation, the word of life, and the word of faith. Amen.

Senator ARMSTRONG. Thank you, Dick. My friends, it is now my pleasure to present Senator Mark Hatfield, who brings with him greetings from the President and a word of thanks for Bible translators worldwide. Receiving the greetings from the President is Mrs. William Cameron Townsend, wife of the founder of Wycliffe.

You know, ladies and gentlemen, there are only a handful of men in America who bear the political responsibility that my colleague, Mark Hatfield, bears. This very day, and in fact I think I am correct in saying at this very instant, the Appropriations Committee, of which he is the Chairman and leader, is marking up a bill of enormous dollar amount, to keep the government operating beyond midnight, September 30th. And day after day, week after week, he shoulders this responsibility, an immense political responsibility. But he does it in a way that I think is a tremendous to the love and saving power of Jesus Christ.

And it is really a privilege for me to present to you a great man of God, Senator Mark Hatfield. Mark?

[Applause.]

Senator HATFIELD. Thank you very much, Bill. Senator Armstrong, Senator Jepsen, distinguished ambassadors, ladies and gentlemen, as we gather here today for the recognition of the marvelous scholarship and work of translations for the scripture. I am mindful of the fact that when we speak of the Bible we could speak of it as a book of history, a book of beautiful literature, a book of lilting poetry. But I think the great gospel of John states it most succinctly to delineate it from all other publications in his first chapter when he speaks of the word of God, and the word becoming flesh.

It's so easy to see the beauty of a leather-bound book, and being a bibliophile, I can especially appreciate beautifully bound books. But unless we understand that it is a part of the continuing incarnation of our own lives, to represent the truth of that book, and live our life in relationships to others as a testimony to the incarnation, for the word to be made flesh, it is but just another book.

And I think the thing that's inspired and motivated these people throughout the ages to spread and to share this unique word of God is because it is different from any other book.

I have received from the White House, the President of the United States, an envelope containing a letter that he has written to——

[Laughter.]

Senator HATFIELD. I guess their machine, their typewriter, got it.

[Laughter.]

Senator HATFIELD. "I am delighted to send my warm gretings to all who are gathered for the congressional reception honoring Bible translators. This special occasion provides a fine opportunity to recognize and show appreciation for the individual work of our nation's Bible translators. Through their endeavors the Bible has been translated into more than 1,700 languages and dialects. These translations serve as a powerful force fostering literacy, greater communication, and better understanding throughout the world.

"The Bible still remains to be translated into some 3,000 languages. By addressing that need, your enthusiastic and dedicated efforts serve to heighten the commitment of all who are working to achieve that goal. Because the Bible serves as a foundation for so many faiths, it is most fitting that we honor those who pursue this work for such devotion.

"I especially want to congratulate the Wycliffe Bible Translators for completing successfully the 200th translation of the New Testament. Just as I took great pride in proclaiming 1983 as the year of the Bible, so I am honored to join in this tribute to the individuals responsible for the translation of the scriptures."

Signed, Ronald Reagan.

Now, I have to be honest with you. While this is such a magnificent letter—well, I'll make a xerox of the letter and give that to Mrs. Townsend, and then my conscience got the better of me, and so I decided to present her the original copy of it.

[Laughter. Applause.]

Mrs. TOWNSEND. Senator Armstrong, Senator Hatfield, Your Excellencies, Honorable Members of Congress, Representatives of the Cabinet and the White House, distinguished guests and friends of Bible translation, on behalf of Wycliffe Bible Translators and the Summer Institute of Linguistics, and all Bible translators and organizations and devoted support persons, I really am highly honored to respond to this special message from our President Reagan on this occasion of Bible Translation Day, first celebrated in this beautiful Capital of Washington, D.C.

It's been my pleasure as a member of Wycliffe Bible Translators and wife of its founder, William Cameron Townsend, to know personally many of the Bible translators and support personnel working in language groups in the United States and throughout the world. In the Mexican Indian village where I lived and worked for many years, the Aztecs divided the human race into two groups. Those who could read and write were classified as "gente de razón"(?) or rational beings. Those who cannot, they classify, unfortunately, as animals.

Years ago my late husband, who many of you knew as "Uncle Cam," saw one of these Aztec Indians in the cornfield picking up a newspaper that was flying down the road, and held it to his ear. And, you know, these people have been—they learned that paper could talk. So here he was trying to hear this paper talk. But it didn't. For two reasons. One, it wasn't in his own language. And, then, he couldn't read it if it was.

But now, however, that paper does talk loud and clear to him. The reason being that my own daughter and her husband, David and Joy Tuggy(?), finished the translation for this language group in 1978, and now it is in the hands of the people. You can imagine what rejoicing it is for us.

I'm sure that I speak not only for all Bible translators and literacy workers, of whom I was one for many years, but also for the cultural communities who have been given their own alphabets and scriptures through the efforts of the translators. They too, I am sure, would want their heartfelt gratitude expressed for the milestone which we are celebrating today.

In accepting this honor on behalf of the Bible translators of this country, we hasten to assure our colleagues, some of whom are here this morning from other lands, that the major contributions they have made to this effort are profoundly recognized and appreciated as well.

But it would be a mistake to suppose that as we thank God for the 200 New Testaments finished in the last 40 years, any feeling of conceit or smugness accompanies this ceremony. On the contrary, we recognize with greater humility and concern than ever the fact that more than 3,000 language groups are still without their own alphabets and their own scriptures. You're probably going to hear this number several times before the morning is over, so don't forget. There are 3,000 tongues to go.

As we ponder the plight of these disenfranchised groups, we are reminded of the word of Ezra, to Israel, so many centuries ago, at the feast of Yom Kippur, the Day of Atonement, which was celebrated, again, just this month.

"Go your way," commanded Ezra, to those who had rebuilt the wall of Jerusalem. "Eat the fat, drink the sweet, and send portions to those for whom nothing has been prepared." We believe the need to translate for those still without the scriptures in their mother tongue is symbolically specified by what Ezra said to the people, to this people.

And we are here to rededicate ourselves anew to completion of this unfinished task. Thank you.

[Applause.]

Senator ARMSTRONG. Ladies and gentlemen, we have a roomful of distinguished persons and I'm not going to, at this moment, seek to introduce in any formal way anyone who is here. But I would like you to know, and I think you would like to know, that a number of members of the Senate and of the House of Representatives are either in the room or have been here earlier and have indicated their desire to take part in this occasion. I'm not going to ask them to stand, but if there are others who I have not noted in the room, I'd like to know about it before this is over.

My colleague, Roger Jepsen, who you will meet presently, is here. Senator John East, Senator Pell, Senator Slade Gorton, Senator Ted Stevens, Senator John Warner, and Congressman Bill Dannemeyer was here earlier and had to return to the House. I believe Representative Bob McCair is here, Congressman Denny Smith, Congressman Duncan, Congressman Mack, Congressman Claude Pepper, Ambassador and Mrs. Otoo, of course, Ambassador Pondi. There may be others who I have not noted.

But I think it is significant and symbolic of the occasion that these men and women who have important responsibilities here on the Hill and elsewhere to think that this is an occasion of importance to take part in.

Now, it is my pleasure to call upon Mr. David Cummings, President of Wycliffe Bible Translators, International. He is from Australia. And I assume it will be his purpose to come forward to give us apologies for the recent events of——

[Laughter.]

Senator ARMSTRONG. I'm sorry. I'm sure you hadn't heard about that and I didn't want to—I apologize for bringing it up. But if there's anything that he can say at this time which will ease the sense of loss that we feel, I hope you'll feel called upon to do that.

Mr. Cummings is a Bible translator himself. He is trained in the electrical industry, but chose instead a career of translation. His first assignment was in New Guinea and he has worked since on Bible translation projects in both Australia and New Guinea.

In 1981, after 31 years of service, he was elected President of Wycliffe Bible Translators, International. We are hoping that he will talk to us about the work of Wycliffe and also introduce Geoffrey and Rosemary Hunt, who completed the 200th Wycliffe Bible translation.

Mr. Cummings?

[Applause.]

Mr. CUMMINGS. Senator Armstrong, Senator Hatfield, Your Excellencies, Honorable Members of Congress, Representatives of the Cabinet and the White House, and to you distinguished guests and friends of Bible translation, it's a privilege to be here.

I'd like to say, first of all, thank you to the three senators who have hosted our gathering this morning. I appreciate their willingness and their kindness in doing this so that we could be together.

It's a very special opportunity for me to introduce the two translators who, in a sense, are symbolic of the teams around the world. It's been a very marvelous experience for me to be in an international organization that is truly related to goodwill in international relations.

As an organization we are serving today in some 56 different countries and entities around the world. We have membership today in Wycliffe from some 26 countries. So, this means that in many, many ways we

are truly international and for those of us in the team we're just thrilled at the privilege of working alongside of so many other national brothers and sisters dedicated to this single cause of giving the scripture.

And I might say our world view has been enlarged greatly. And as an Australian, I have enjoyed learning so much from my colleagues.

I enjoyed the Senator's first remarks, if I might just go back to them, about the football team that hadn't lost in a long time, and I couldn't help thinking of a certain——

[Laughter.] [Applause.]

Mr. CUMMINGS. Actually, we're riding the crest of the wave at the moment.

[Laughter.]

Mr. CUMMINGS. And I've heard that your skipper in the United States here has taken the men down the wharf, they've lifted the boat out and said, "Back to basics, men. This is the keel."

[Laughter.]

Mr. CUMMINGS. But it's really been a joy to be part of this international team.

We're represented in Sweden to Surinam, from Pakistan to Peru, and many, many countries in between. This has given us a great sense of the need in our world in terms of communication, as you will understand. And so a second theme that runs through today is undoubtedly the place of language, because so often misunderstandings, sad misunderstandings, are because we haven't understood the language or the culture of another group.

Bible translators in particular are dedicated to this very factor of recognizing that if a person is going to fully and clearly understand, it must be in the language that he first learned at his mother's knee.

There are many barriers in communicating and the science of descriptive linguistics, which is the very tool that the translator uses, we have seen over these years be an instrument to bring understanding as people have moved from their isolation into the national life of many countries in which we're working.

Today it's true we are looking at a very significant point in time as we celebrate the completion of the 200th New Testament. But it is merely a celebration and a stepping stone because we've got so far, still, to go. For us we're excited as we move into our fiftieth anniversary, the fiftieth commencing in November of this year, and during our anniversary year we expect to enter the thousandth tribe of our work. And that is yet another milestone.

But, that is not good enough either. We are praying that in this decade we will see 3,000 more people recruited into the team. In the last two years, since we have set this as a faith goal, we have seen almost 300 each year. So, we feel as though we're on target and we're excited to believe that God is going to let us fulfill this.

The work of translation, however, has already been stated. But I should state it again. It is not just done unilaterally by the translator. Far from it. We are so committed to the help of the nationals where we're working, and without their help we couldn't do it. Today we honor them for what they have done in helping us. For without them we would have been impotent.

Back in 1970, a young British couple left Great Britain to go to Ghana. They went with their three-month-old baby son and went to live in a village some 400 miles north of Accra in Ghana. And there, in that isolated place, they began to make friends with the Hanga people. It was a slow introduction, for the language had never been written before. And they had to listen to the sounds, and by gesture begin to analyze and reduce the language to writing. And then to teach the people to read. It wasn't an easy language. And today we know that Geoffrey and his wife Rosemary, in analyzing this, found a very significant thing in the vowel system there, of that language, of the strong and the weak vowels, which were very significant, and in the relations with the university, later, in Legon, they accepted this insight and were very grateful because this was a tool that unlocked other languages in that country.

They worked for the next 13 years, amongst these people, learning to love these people, and that was reciprocated as they lived together there with their little family.

During this process it was not just the work of Geoffrey, but in fact, as most translation teams, husband and wife worked very closely together. And so often, as we see it, the way one will complement the other. And Geoff's testimony is that his wife had a very keen ear to be able to hear the sounds and to learn the language well. He, with his training, did an excellent job in reducing and analyzing the language so that it could be very clear as it communicated the message.

Rosemary was a trained teacher, taught in Great Britain for four years prior to leaving for the field. Geoffrey graduated with his Master's Degree at Cambridge University in physics and electrical engineering, and that training prepared him well for the analytical work, I can assure you.

It's my very real privilege and pleasure today to introduce the translators of the 200th New Testament, Geoffrey and Rosemary Hunt.

[Applause.]

Mr. HUNT. Senator Armstrong, Senator Hatfield, Your Excellencies, Members of Congress, representatives of the Cabinet and White House, distinguished guests, I don't really deserve that applause, you know. It's a real joy to be here. But I am only one. Rosemary is only one other. And there are thousands of people out there right now working for Bible translation, struggling, some of them having great difficulties. But we are only representatives. If we had been number 199 or number 201 you wouldn't have known anything about us.

[Laughter.]

Mr. HUNT. We wouldn't, perhaps, never would have seen Washington either.

[Laughter.]

Mr. HUNT. Never met a senator. But we're here and we're grateful to be here. And as you have heard, I am one of those scientists the Lord called to be a Bible translator. My wife makes up for my very noticeable inability with music. So, we are a team and God has used us in the way that he has and it's a real honor to be a Bible translator. But, again, I would like to say this: that when you are even applauding us, you're not just applauding the other Bible translators around the world. But you're applauding a lot of people in a lot of countries, with whom we were partners.

We received great encouragement from a lot of people and I'm thinking now of people in Ghana. I'm thinking of people in the university. Professor Kwesi Dickson (?) of the University Institute of African Studies at Legon in Ghana, how he has encouraged us. I am thinking of illiterate people in some villages up in the north of Ghana, and the whole range in between, people who have encouraged us, people who have helped us, without whom this task would not have been done.

This is a question of partnership. This transcends the barriers, the international barriers, the curtains that we have across our world, Bible translation, and the love that is spoken of in the Bible. These things transcend those barriers. These things bring man and another man together across cultural barriers. And I would like to tell you some of the things that we have experienced in partnership with Ghanaian people.

One of the real delights there was to see the beginning of an organization called The Ghana Institute of Linguistics, Literacy, and Bible Translation. And when we started it was almost entirely composed of expatriates. But it was a Ghanaian organization and it had a majority of Ghanaian on the trustees.

And before I left that body had a majority of Ghanaians on the Executive Committee. And they were voted to that position by a majority of expatriates. And do you know why we could do that? Because we loved them and we trusted them and we respected them. And I really want to say thank you. I would like to express it personally to Ambassdor Otoo (?) for the privilege we had of being in Ghana, for what it meant to us to work with people like this, people with whom we could work so closely.

And just a week or two before I left Ghana I was traveling through the African bush with a Ghanaian friend. He was actually driving my truck. And he turned to me, unprompted, and said, "Geoff, you know, there's no other organization in Ghana where expatriates and Ghanaians can work together like this." And I felt so proud at that moment. It meant so much to me that we had entered into a partnership that was acknowledged by Ghanaians as something special.

And we went into that partnership with that one purpose, of giving these people the scriptures and all that went with it, with literacy, people reading. And this has been a marvelous experience, since we have been away from Ghana, to hear what has happened.

While we were there, and in the particular language, the Hanga language, very few people were literate when we arrived. But while we were there we started a literacy program and there was one man from a distant village. His name was Seedu Duwa. He had never been to school. His village was 25 miles from the main road, right in the African bush. There was no electricity and no television, very few books, and he couldn't read anyway. And that man learned to read and write in one month and a half.

Now, I don't know if you have any children who have done it as quickly as that. With all their abilities, with all the literature that they have around them, my son certainly didn't. In fact, my son was on one occasion reading some of the scriptures in Hanga and he said to me, "You know, this is easier than the English Bible". And it was lovely to see this happen, and to see the literacy continue as it spread from village to village. If in one village it didn't take off very well, well then the village that got hold of it, once they started doing better, the competition spurred on the other village.

[Laughter.]

Mr. HUNT. And it bounced backwards and forwards like a pendulum oscillating. And then we left. We left the work for these people, the work to teach them to read, in the hands of one local person, or two local people.

And one of them in particular has carried it on during that time. We're not paying him to do this. He regards this as his duty to God and his duty to his own people. He will spend two weeks working as a tailor to get some money and then he'll spend a week traveling through the bush to teach people to read and encouraging—encourage those who are also teaching.

And since we left Ghana a year and a half ago, more people have learned to read among those Hanga people, than learned to read while we were there. And you can understand how much of an encouragement I feel that to be. Because if you are a missionary and you go to a country and you leave nothing behind that really lasts, what have you done? But we have left behind the scriptures and the people appreciate that. They have learned to read their own language. And that has given many of them a new identity, a new respect, and in a way that they can go on to learn other languages. It is for them a stepping stone. They have proved they can do it. And we don't know what other possibilities will be opened up to them because they have taken this first step.

But we thank God for people who are now carrying on this work.

In a sense, we had to get out of the way so that the work could continue. We were there for the initial stage, and we thank God for it. If you like, we sewed and others are reaping. And we thank God that others are reaping.

And so you will understand that it's, for me, a great privilege to ask my wife to come forward and to present a copy of the Hanga New Testament. I have written in it a small phrase, a proverb, a Hanga proverb, which says that you cannot look into a bottle with two eyes. And that was told me by a Hanga person when he understood that when you turn to Christ it has to be with everything. And that was how he explained it to me. And it is a beautiful memory for me.

I am now going to invite Ambassador Otoo, who with his wife is here this morning. I am going to ask him to come forward and to accept this New Testament. Unfortunately, it's not in a language that he speaks. But I would ask him to come here and receive this New Testament.

Mrs. HUNT. Your Excellency, it's a great privilege and honor to be able to present you with this Hanga New Testament.

Ambassador OTOO. Thank you.

[Applause.]

Ambassador OTOO. Senator Armstrong, Senator Hatfield, Your Excellencies, Honorable Members of the Congress, Representatives of the government and the White House, distinguished guests, ladies and gentlemen, I must confess to some trepidation as I stand here before you this morning to receive in all humility and on behalf of the government and people of Ghana this copy of the Bible in Hanga, a native language of my own country.

About a century and a half ago the first translation to a Ghanian language of the Bible appeared. Prepared by the Basel Missionary Society which operated in the eastern part of Ghana. Since then several other languages of my country have been—the Bible has been translated into several other languages of my country.

There was a time, of course, when it became fashionable to belittle the efforts of the missionaries, particularly in Africa. This was during the time when the whole of Africa was engulfed in the struggle for independence and so on, and the whole question of colonialism was being condemned and everybody associated with this system were also being condemned.

But when the dust settled down and in our hearts of hearts we realized, of course, that it was through the missionaries' efforts that a great deal of Africa was opened to the light and to Christianity, which in turn enabled the first generations of the educated people, almost without exception in Africa, to emerge. These were educated in what became known as the missionary schools. They still exist in many parts of Africa. They still contribute to educating the masses of the people. But what is more important, that through the Bible being translated into native languages, the literacy campaign in Africa, and particularly in my own country, Ghana, has accelerated.

Whatever successes we achieve in this direction are due to the humble beginnings in the villages and hamlets where these missionaries, like Geoffrey and Rosemary Hunt, give of themselves for the benefit of others, to stay with the people and to help them to reduce their own language into writing. We hope that this will not be the last Ghanaian language that we use to translate the Bible for more people to read the Bible.

I want to thank them, particularly on behalf of the people of Hanga, and on behalf of the government of Ghana for what they have done and for the nice things that Geoffrey has said about the people of Ghana and the people he worked with in Ghana. We hope that God in his own way will bless this type of work and that in good time more and more people will be able to read the Bible in their own languages.

Thank you very much, Senator.

Senator ARMSTRONG. Thank you, Mr. Ambassador.

[Applause.]

Senator ARMSTRONG. Thank you, Mr. Ambassador. Thank you very, very much.

When I announced earlier the names of a number of my colleagues who have come here this morning I did not note in the room at that time my colleague from the House, Congressman Frank Wolf, and Frank, we're delighted that you could join us, and I see Lindy Boggs has arrived as well. Thank you for coming, Lindy. Good to have you with us. And my colleague, John Warner from Virginia is here. Senator Warner, we're very grateful to you for coming to be with us.

It may have crossed your mind to wonder why this program is being recorded on videotape. You might like to know that it is the intention and goal of the Bible translating organizations represented here that a videotape or an audio tape or a transcript will be made available to translators around the world so that they will know that we are thinking of them and that this occasion has occurred in their honor, on behalf of and in recognition of the work and service and testimony and lives of so many people who could not be with us here this morning.

It was our intention and hope this morning, as many of you know, to present a copy of the first translation of the Lutheran Bible Translators to the Ambassador of Sierra Leone. Unfortunately, however, the Ambassador was called at the very last minute to New York to meet the President of his country who has come to the United Nations on urgent business, and therefore it is impossible for him to be with us this morning. A copy of this translation will be formally transmitted in a ceremony later this week at the embassy.

But we are glad to have with us, at this time, Reverend Roy Gesch (?) of the Lutheran Bible Translators who will tell us about the work which they have just begun.

Reverend?

Reverend GESCH. Senator Armstrong, Senator Hatfield, Your Excellencies representing other countries, honored guests of the Senate and of the House, of the White House, and also my good friends, and Wycliffe and others who are really concerned about Bible translation, and in that I particularly also include the representatives of the United and American Bible Societies, I really do appreciate the opportunity to say a word to you, because it does give me a chance to say two things that I really would like to say.

First of all, I would like to express on behalf of our organization, and I know I am re-echoing some things that Dave Cummings and others of Wycliffe have said, and this is addressed to you, honorable ambassadors of other countries, and other representatives of other countries. We owe you so much thanks. I know that our people, for example, in the countries in which they are working, not only love and feel very close to the people who are doing the work, and I want to emphasize this. We are not doing the work. Your people are doing the work. But we have the joy of working with them.

But we also owe a tremendous debt of gratitude to your governments and to the many people who are in high places in your country who make it possible for this work to go on. We appreciate you. We thank you. And we hope that you can relay this to your countries also.

The second thing that I'm very happy to say is addressed particularly to those of you who are involved in Bible translation work. I feel a little bit as if I'm an interloper here from the standpoint that being a relatively young organization and having a first completed New Testament doesn't seem like much. And as you look and say "Lutheran Bible Translators, why in the world would anybody want a Lutheran Bible?"

[Laughter.]

Reverend GESCH. Except for Senator Armstrong and me.

[Laughter.]

Reverend GESCH. But the fact is that our organization, which began—it's getting close to 20 years ago now—it doesn't seem possible. But it also began with a realization, particularly on the part of a missionary in Nigeria and encouraged by other missionaries from Nigeria, to pursue this idea because you cannot really share the gospel of Jesus Christ unless you make it possible for people to have the word in their own language. That was the dream.

But the realization of it came about through our good friends in Wycliffe, and we must say this, that neither we nor any other Bible translation organization is a competitive organization. There is no room for competition in Bible translation. We all have the same dream, the same desire, and that is to share the life-giving word of the Lord. So, we work together.

Up until a few years ago all of our people were working on Wycliffe fields. Now we have fields of our own in West Africa. But by the same token, we are working hand-in-hand and Wycliffe and we, about every other month, we get together to discuss, to pray together, and to work so that we make sure that nobody is competing, but that we're strengthening each other and helping each other.

And so I say to all of you, on behalf of a young organization, or at least a little younger, thank you. Thank you and God bless you.

Now, I have—I think I am not exaggerating if I say this is the newest New Testament that's existing in the world today. Because I just got the first copy off the press yesterday.

[Laughter.]

Reverend GESCH. This is the Limba New Testament, and I am so sorry that Ambassador Kamara (?) could not be with us today, because he was overjoyed as he told me on the telephone last week. He said, "I speak Limba," and this is his. However, as was explained, he's in New York.

Mr. Willie Bonglo (?) of the embassy was to be here. But there is no one here from Sierra Leone Embassy, is there? Then I have the great joy of presenting a New Testament to no one today.

[Laughter.]

Reverend GESCH. I also have the sadness that we had hoped the actual translator, who happens to be in Michigan at the present time, could be here for this also. He could not.

But this is it. Thank God with us. It's the beginning of what we pray will be many also. And thank all of you.

[Applause.]

Senator ARMSTRONG. Thank you very much.

Our final speaker is Dr. Barclay Newman of the American Bible Society. The American Bible Society is the largest Bible translation and distribution, and publishing, society in the world. And to summarize their work and to talk about the future of their work is Dr. Barclay Newman. He is here today with his wife, Jean. He is a Baptist minister, a college professor who has lectured, among other places, at the University of Malaysia. He is also a translation consultant for the United Bible Society and a member of the Society for Biblical Literature.

Dr. Newman, we are looking forward to hearing from you.

[Applause.]

Dr. NEWMAN. Senator Armstrong and Honorable Ambassador, and other distinguished guests, including my wife, who got me here with a map, because I was driving, I am very happy to be here, especially after what happened yesterday. We went to Mt. Vernon, and at 4:00 o'clock in the afternoon started driving back toward Arlington, where we are staying. At 4:30 I looked up and there was the Bureau of Engraving, downtown here in Washington. We ended up a little later, getting home, than we expected.

We drove here from Springfield, Missouri. I guess most of you have heard of Missouri, but not of Springfield. Some of you may not want to admit to knowing Missouri. But in any case, they asked me there, "Does it not bother you to go up to Washington to speak to all those dignitaries?" I said, "Well, it's very much like speaking to the folks in our Baptist church here, of which I'm a member. The same people have heard the same thing for so long that no one listens anyhow."

[Laughter.]

Dr. NEWMAN. So, I hope it will be something different.

I want to emphasize two or three things. One is what was emphasized just a moment ago, and that is that in all of our translation work we need to cooperate. Within the Bible societies, ourselves, we cooperate. As a matter of fact, most of you may not know that the American Bible Society is a sister Bible society with more than a hundred other Bible societies scattered throughout the world.

And it used to be that we kind of competed. The American Bible Society did the work in the Philippines. The British and Foreign Bible Society did the work in Hong Kong. The Indonesian Bible Society was under the guardianship of the Bible Society from the Netherlands. And we found out that we were losing effort and it was costing us more than it ought to, not good stewardship of our funds.

And so we set up this program by which we cooperate within our Bible societies and have a cooperative effort that we call the United Bible Society, through which we pool our money and our resources or personnel.

Also, I think there needs to be an emphasis that was made by Brother Gesch, and that is that we cooperate not only within the Bible societies, but the Bible society cooperates with other groups of translators, the newest group, the Lutherans, and this very active group, the Wycliffe Bible Translators.

And so we need to emphasize this aspect of cooperation in order that we might get the best use of our resources and might become good stewards of our finances and of our personnel.

We are fortunate in the Bible societies to be able to work in places where other groups cannot work. For example, we have a Bible society in Burma. No one, no expatriate, can go into Burma for more than seven days at a time. But we do have a Bible society there which is active in translation work in a number of languages in Burma. Some of us who are consultants go in there for a week at a time twice a year in order to give technical help. I'll be there for a week next month.

But in the main we are working with nationals there in the Bible Society of Burma who, under their own auspices, are translating the Bible into languages in which we, as expatriates, cannot work.

We also are grateful to Ghana. We have a man by the name of Dr. Gilbert Ansre (?) who taught for a number of years at the University of Lagon, who is one of our translation consultants in the program of the United Bible Society. And I had the privilege of working with him in Ghana for the month of April—rather, it was July, last July I was there in Ghana.

And so we have, in the Bible societies, a program by which we try to cooperate and invest our funds in a way to get the most out of our personnel and our money.

We also intend to produce quality translations. For us this means the training of nationals to do the translation work. The native speaker of a language can do a much better translation work, job of translating, than any of us can. I worked on one translation project myself into this exotic language called English, on the Good News Bible. And I have worked with a number of translators, especially in Asia, in other languages, and I discover that no matter how well you may know a language, no matter how well I may speak Indonesian or Malay, there is an emotional value about a language that can be captured only by a native speaker of a language.

I remember once, in giving these lectures at the University of Malaysia, a young lady said that, "When my husband and I argue we like for it to be in English because it doesn't leave scars."

[Laughter.]

Dr. NEWMAN. Well, my wife and I can argue in Indonesian and it doesn't leave scars, until some of the Indonesians tell me what the words really mean. I told an Indonesian once I liked his wife. We were talking there. And I did not realize that the word meant, "I want your wife."

[Laughter.]

Dr. NEWMAN. So, the dictionary and the emotional value of the word meant two different things.

So, one emphasis that we are making in the United Bible Society is that we train nationals to do the work. We select them, we try to give them as much Biblical backgrounds as we can, but we are looking for native speakers of the language who are creative in their own language. And we will guide them in understanding the Hebrew and the Greek text and we will try to help them in translation principles. But they are the ones who must have the final say in what is done.

Also, in gaining quality translation, we are trying to develop a program of translation consultants throughout the world. We already have this program, as a matter of fact, but we are trying to get Asians to work in Asia, trying to get Africans to work in Africa, so that we who are not indigenous to those areas can leave and go back and produce the kinds of written help to translators that also are necessary in order to produce quality translation.

We feel like a person who is an Asian can work much better in the Asian climate than can someone who is non-Asian, no matter how well he may know the situation, no matter how adaptable he may be.

One of our best consultants, Danny Arachea (?), is a Filipino with a Ph.D. from Duke University, now working in Indonesia. He works there much better than I could because he is indigenous to the area.

So, we are trying, therefore, to develop a program of translation consultants, persons who can give linguistic and Biblical help to individuals who are working on these programs. We are far short of what we ought to be and some persons in Africa have as many as 30 language projects to oversee, and you can imagine that you cannot do very much with that.

I spent close to 10 years working very closely with one language and a number of other languages, but with one language in particular, with Malay, and also with Indonesian, I should add, in Asia. And a person working with 30 languages can do very little, and so we need more translation consultants from Africa and from Asia in particular.

And then the Bible societies, in order to obtain quality translation, is in the process of preparing a number of written helps. We prepared a technical Hebrew text, a Greek text. Also, we've prepared commentaries on all books on the Bible. We are in the process of doing that now, and that is my major responsibility, to write handbooks for translators.

We publish "The Bible Translator" which comes out quarterly, twice a year technical papers, and twice a year non-technical papers. Of course, the Wycliffe and other groups of translators publish helps in order to enable their translators to do better jobs.

And so we also cooperate at the level of these publications because we share these with others and with Wyckliffe and other groups of translators share their written resources with our translators to enable them to do a better job.

A third thing I want to say is that we are now aiming at specific communities of readers in our translation program.

One might ask, "What is the best translation in English?" Well, I have to ask another question. "For whom?" Because we are aiming our translations at particular audiences. The Good News Bible, on which I worked, was aimed at persons who are nonchurch and maybe who do not speak English as a first language. It caught on among others, of course, but that was our intention, to aim it at these people.

There are other translators which are done for scholars, other translations which are more aimed at liturgical uses. And then we're working on a childrens' Bible which I find more difficult than anything else. We need a child translator, but there's some difficulty in developing a good child translator.

I'm almost to the point of senility but I don't know if that will qualify me to work on that or not, going into my second childhood.

So a translation for children is still a different kind of translation.

One program that we have that's a very active program, especially in Africa, is a translation program for new readers, in which we are supplying scripture, sometimes in conjunction with governments, in order to teach people to read, and they learn to read by having in their hand attractive publications of scripture at a level that they can understand, that adults can read in these literacy programs.

And so we are aiming our translations at different levels of people, at different audiences, so that everyone may have the word of God in their language. And I don't want to fail to emphasize what I have been asked to emphasize, and what has already been emphasized, that there are between 2,500 and 3,000 languages in which translation work has not been done before. The Bible Society at present is working in some 574 languages. this last year we published complete Bibles in two languages, which had never before had Bibles published in those languages, 34 New Testaments, which have never had New Testaments, and over 20 languages. We have published books which never before have had books in those languages.

The intention, the major thrust, of our translation, at present, is to translate in what we call a common language, a language which is not looked down upon by the educated, but yet which can be read by persons who know a—have a minimum amount of education. And so we are aiming at wide audiences and at specific audiences as well.

I think our aim ought to be that of Martin Luther, if you don't mind a Baptist quoting a Lutheran. And that is when we translate we "Want to make Moses sound so German that no one would believe he was a Jew."

[Laughter.]

Dr. NEWMAN. We want to translate the Bible in such a way that everyone would say, "Well, God must speak my language. The Bible must have been written in my language originally. This doesn't sound like a translation. This sounds like God speaking my language to me, here and now."

Thank you very much.

Senator ARMSTRONG. Thank you very much.

[Applause.]

Senator ARMSTRONG. Thank you very kindly.

My colleagues, a vote is in progress on the floor of the Senate. Someone from my office has called to let them know that we will be leaving here in one or two minutes. And let me explain, friends, that Senator Warner and Senator Jepsen and I are going to duck out the door just almost instantly because a vote on the war powers measure is occurring and it had been my plan and hope to stay and chat, but when this program ends in about 90 or 120 seconds, we must excuse ourselves.

Finally, before we close in prayer, I just want to say that there are a lot of people who have had a big part in making this event possible this morning. I do not know who all of those people were. I do know that Ed Davis, Ron Gluck, Dave Witmer, and Brian Waidmann had a lot to do with it, and gentlemen—and others whose names we may not know, or at least are not known to me—we are very grateful to you.

To close us in prayer, I'm going to call a dear friend of mine, the senior senator from Iowa, to come forward, He's an authority on agriculture matters, but that is not why I've asked him to close us in prayer. He is an expert on military affairs, particularly those related to military personnel. But, of course, that's not why I've asked him to come forward.

I've asked Roger Jepsen to close this meeting in prayer, recalling the promise of scripture that the prayer of a righteous man availeth much. And Roger walks very close with the Lord. Would you come and close us, Roger?

Senator JEPSEN. Let's bow our heads.

Father, we adore you. We lay our life before you. We love you. We thank you for your son, our savior, Jesus Christ, who you gave to the world so that all of us might have everlasting life.

And Father, and we call you Father because we are your children, we thank you for letting each of us come to you just as we are, and we thank you for the strength that you give us to serve you in meeting the responsibilities that each of us have. Forgive us if we childishly look the other way sometimes, thinking that we accomplish these things all by ourself.

Lord, bless us as we leave here today and go our separate ways, and we ask a special, special blessing on Geoffrey and Rosemary Hunt, and all those who give of their talents and their work so that people of all nations may come to know and serve you.

And now all glory be to God, who by his mighty power at work within all of us enables all of us to do much more than we ever did ask or even dream of, infinitely beyond our highest hopes and thoughts and desires. Amen.

Senator ARMSTRONG. Thank you, ladies and gentlemen. Thank you for coming to be with us today.●

STRATEGIC MYTHS MISLEAD REAGAN ADMINISTRATION

● Mr. KENNEDY. Mr. President, one of the continuing concerns about the Reagan administration's arms control policies, as well as its foreign policy in general, is whether it has an accurate perception of the threat posed by outside forces to the United States. The difficulty of seeing events as they actually are, not just as one thinks they are, is a serious problem for decisionmakers. This is particularly true when basic conceptions are inaccurate.

In a recent article in the Washington Post, Alton Frye, Washington director of the Council of Foreign Relations, and a valued adviser to many of us in the Senate, describes convincingly the present administration's inaccurate assessment of the strategic position of the United States. Despite President Reagan's stated desire to achieve meaningful reductions in nuclear weapons, his administration's misperception of the true strategic situation reduces the chance for those reductions. I ask that Dr. Frye's important article, "Strategic Myths Mislead Reagan," appear at this point in the RECORD.

The article follows:

STRATEGIC MYTHS MISLEAD REAGAN

WRONG ASSESSMENTS OF OUR STRENGTH LEAD TO BAD POLICIES

(By Alton Frye)

"It ain't what a man don't know that makes him a fool, but what he does know that ain't so." Josh Billings' insight, spoken in the last century, endures. Misinformation is often more dangerous than ignorance, especially when it comes to the great issues of state.

Mistaken notions and incorrect data are troubling in any realm of policy, but they are especially pernicious in cases involving the nation's security. Policy makers may not be able to filter out the dubious claims and spurious numbers which are commonplace in debates on national security. They are vulnerable to the selective use of evidence chosen to play upon their predilections about defense issues.

These potential problems have become real in the Reagan presidency. Neither the president nor his senior colleagues came to office with significant backgrounds in defense policy. There is reason to worry that they have been systematically misinformed on key issues which have shaped the scale and direction of the administration's national security posture.

Ronald Reagan has been a victim of his administration's penchant for assertions which, it turns out, "ain't so." Consider three themes advanced by various officials to support the administration's strategic weapons programs:

U.S. strategic forces are many years older than Soviet strategic forces. Secretary of Defense Caspar Weinberger has stated as "simple fact" that "we haven't done any strengthening or any modernization of our strategic systems virtually since they were built."

Soviet strategic forces pose a vastly greater threat to U.S. forces than the United States poses to the Soviets. Weinberger told Congress in May that ". . . at the heart of the current U.S.-Soviet strategic force imbalance is the Soviet monopoly of prompt hard target kill capability."

The United States has drastically and unilaterally reduced its nuclear capabilities over the last 20 years. "Ironically," says Assistant Defense Secretary Richard Perle, "it's been roughly a two-for-one buildown"—i.e. two warheads were eliminated for every new one deployed, he claimed.

Each of these assertions is marshaled to buttress the claim that the United States must modernize its strategic forces rapidly. Unfortunately, each is either wrong or utterly misleading. The valid case for force modernization rests on more measured premises.

American strategic weapons are hardly so ancient or obsolescent as some aver. At West Point recently, a Defense Department official evoked sharp criticism when he declared that "three-fourths of U.S. warheads are on systems that are 15 years old or more." That same line recurs in current interdepartmental analyses of strategic arms control options. It is a dreadful distortion.

Most U.S. strategic weapons are now deployed on ballistic missiles. Of the 7,000-8,000 warheads those missiles can carry, less than 500 are on missiles 15 years old or older (the Minuteman II and Titan II). The 550 Minuteman III missiles (1,650 warheads) were deployed from 1970-1975, as were the 304 Poseidon seabased missiles (3,040 warheads). Furthermore, some Minutemen III were built as late as 1978, with new guidance and warheads installed on 300 missiles in the late 1970s. The Trident missiles in the late 1970s. The Trident missiles (264 boosters with 2,112 warheads) began to enter service in 1979 and are currently in production.

Thus, most U.S. strategic weapons (about 6,800 warheads) are mounted on missiles from one to 13 years of age—thousands on missiles five years old or less. The newest Minuteman III and Poseidon are about the same age as the oldest SS-17, SS-18 and SS-19 missiles which carry the bulk of Soviet warheads. And our confidence in the longevity of these missiles is well placed. The Air Force has just successfully fired a rocket motor from a Minuteman I built in 1963 and decommissioned in the mid-seventies. We need not disparage our forces in order to recognize that Soviet weapons are indeed modern and dangerous.

Exasperated with Weinberger's erroneous description of the age of U.S. missiles, strategic analyst Richard Garwin says: "It's incredible that a business executive [as Weinberger used to be] would tolerate in his staff . . . persons providing demonstrably wrong information for his public speeches and presumably for his program decisions."

The thesis that the Soviet have a far greater ability to strike our missiles in their silos than we have to strike theirs also requires qualification. Under plausible assumptions, Soviet missiles could destroy virtually all the U.S. strategic missiles based in silos. But those silos hold less than one-fourth of U.S. warheads, meaning that the Soviets would still face retaliation from the overwhelming forces at sea and on aircraft. This is why the Scowcroft Commission—whose main findings the administration embraced—said we ought not worry to much about the once-trumpeted "window of vulnerability," because we have many more weapons than the land-based missiles that some analysts put in that window. In reality, because we have more balanced strategic forces, the United States is far less vulnerable to a "counterforce" strike (an attack on enemy weapons systems) than the Soviet Union.

According to the North Atlantic Treaty Organization's official comparison of NATO and Warsaw Pact forces, we have a potent capability to attack Soviet forces. NATO credits the present Minuteman III force with the capacity to destroy over 800 "hard targets" (missiles in silos). The Soviet Union has concentrated well over 5,000 warheads in fewer than 800 ICBMs. Thus, even without the MX missiles, NATO data show that the United States already holds hostage a larger number of Soviet warheads—over 60 percent of their total force—than the Soviet Union threatens by placing American land-based missiles at risk. (Those missiles carry about one-fourth of total American warheads.)

Testimony by the Joint Chiefs of Staff indicates that the United States already has rough parity with the Soviet Union in overall capacity to attack hardened targets, although it has only about one-third the Soviet ability to strike such targets quickly.

Some analysts argue that NATO overstates present U.S. capabilities—maybe our missiles aren't quite so accurate and Soviet silos are harder than ours. But even if the NATO calculation were in error by a factor of two, even if the United States could destroy only 400 silos, the conclusion holds: Soviet warheads are more vulnerable in absolute and percentage terms than are U.S. weapons.

Marshal Nikolai Ogarkov, the Soviet commander has not missed the point. There are clear signs that he and his colleagues are trying to move toward a less vulnerable posture in the coming decade. Ambassador Edward Rowny has said that he detects keen Soviet interest in moving toward deployment of smaller, mobile ICBMs. The awareness that both sides have serious vulnerabilities could be a crucial advantage in mapping a mutually acceptable path toward more survivable and stable forces. But neither military planning nor diplomacy benefits from the myth that the United States is worse off than the Soviet Union when it comes to land-based missile vulnerability. The Soviets are in comparable jeopardy, and they know it.

One also needs to dissect the contention that the United States has made major cuts in forces over the last two decades. That is absolutely untrue with regard to strategic offensive forces. While many nuclear warheads for air defense systems, theater forces and similar weapons have been retired by the United States, both Soviet and American strategic offensive forces have acquired thousands of additional warheads. Since 1968, Soviet offensive warhead totals quadrupled from about 1,800 to over 8,000; U.S. totals have more than doubled from about 4,000 to around 10,000. Current modernization progams on both sides could move each country to 15,000 or more strategic warheads in the early 1980s.

Partly because they deal with technical and complex issues, these three false assertions have received little critical appraisal. Such contrived figures and arguments appear in many administrations. They stem not from malice but from understandable pressures to dress up the case, to put the best face on favored policies. Yet sound policy requires more than mere debating points.

How might the president react to this challenge to the evidence on which the administration is basing its strategic programs and arms control proposals? He could ignore it, denounce it, rebut it—or he could welcome it as a caution to scrutinize more closely information he receives from subordinates.

In particular, the president should ask whether the administration is actually meeting his oft-repeated pledge to seek deep reductions in strategic forces. On April 17, 1982, Reagan declared that "It must be the objective of any negotiations on arms control to reduce the numbers of nuclear weapons." In February 1983, he reiterated "our willingness to seek reduction to sigificantly lower levels of nuclear forces based on equal, balanced levels of comparable systems."

Yet, Congressional Budget Office studies indicate that, even if the Soviets accepted the American proposals at the Strategic Arms Reduction Talks, the United States would have more strategic nuclear weapons in the 1990s than it has today. The dramatic cuts called for in missile-borne weapons—where the Soviets have most of their warheads—would be more than offset by the massive expansion planned for U.S. bomber weapons. Such proposals directly contravene Reagan's commitments to the nation as candidate and incumbent. And many of his own associates admit privately that the proposals are non-negotiable.

Perhaps, as congressional leaders are urging, President Reagan will see merit in broadening his circle of advisers, relying more on retired Gen. Brent Scowcroft, chairman of the strategic forces commission, and other independent figures.

In his eloquent address to the United Nations on Sept. 26, Reagan made the "unequivocal pledge" to seek and accept "any equitable, verifiable agreement that stabilizes forces at lower levels than currently exist." To devise—or even to recognize—such an agreement requires precise and judicious analysis.

Knowing things "that ain't so" serves neither the president's nor the nation's interest.●

SOVIET SALT VIOLATIONS—U.S. UNILATERAL BUILD-DOWN

● Mr. SYMMS. Mr. President, I ask that an article entitled "The Soviets Are Violating Arms-Control Accords," by Edgar Ulsamer, Air Force magazine, October 1983, be printed in the RECORD. This article is a very good summary of the status of the Soviet SALT violations and I wish to make it available to all my colleagues. The article contains several important quotations from my distinguished colleague, the senior Senator from Idaho, JIM MCCLURE. Senator MCCLURE, Senator HUMPHREY, Senator GARN, Senator JEPSEN, Senator HELMS, and myself have been in the forefront of exposing Soviet SALT violations as threats to American national security.

I also ask consent that another Air Force magazine article also by Edgar Ulsamer from the October edition, entitled "Early Retirement for B-52G," be printed in the RECORD. This article shows how the United States is continuing its unilateral build-down of strategic forces.

[From the Air Force magazine, October 1983]

THE SOVIETS ARE VIOLATING ARMS-CONTROL ACCORDS

(By Edgar Ulsamer)

At President Reagan's behest, the National Security Council is reviewing the Soviet track record of compliance with all major arms-control and other pertinent international accords. The findings of this comprehensive analysis are bound to have broad impact on the country's defense program and arms-control policy.

The National Security Council's review is to summarize Moscow's general performance with regard to creating and exploiting loopholes, willingness to breach treaty pro-

visions either blatantly of subtly, and prowess in tilting the terms of treaties toward long-term unilateral advantages. The process is likely to be drawn out, to result initially in several individual reports clustered around specific issues, and to culminate eventually in a central document.

The overall conclusions are to serve as a guide through the mine-fields of negotiating with the Soviets, such as in the START (Strategic Arms Reduction Talks) and INF (Intermediate-range Nuclear Force) talks under way in Geneva. Two of the key areas the analysis is to illuminate are verifiability and enforceability. Obviously, evidence of circumvention or violation of treaty provisions that can't be documented in unassailable fashion tends to generate discontent and media attention. Similarly, treaty provisions that mean one thing to the Soviets and another to the United States are bound to impinge on this country's national security interests and polarize public opinion about the merits of arms control.

The primary fallacy that has shaped US views in the past concerning strategic arms-control accords is that they are essentially self-enforcing, meaning that the consequence of any significant violation would be so severe that a potential transgressor is automatically deterred. Arms-control experts in Congress and the executive branch suggest plausibly that the weight of the evidence confirms the reverse: There is considerable bias within the US governmental structure against finding the Soviets guilty of violating arms-control accords, even in instances where the evidence is reasonably unambiguous concerning Soviet noncompliance.

Fostering this bias is the fact that once an administration has—on the basis of substantial evidence—charged the Soviets with a violation, the American people understandably expect their government to take corrective action. Yet the mechanism for response and the nature of the responses open to the US discourage rather than encourage such action. As a result, the decision to level a charge of noncompliance against the Soviets has been extremely difficult, painful, and, hence, rare.

SALT LOOPHOLES

As assistant Secretary of Defense for International Security Policy Richard N. Perle recently told this writer, the main difficulty is that past accords are riddled with loopholes and ambiguities. Concomitantly, Soviet behavior that the US finds inconsistent with bilateral arms accords is usually defended by Moscow as being consonant with the accords because of the loopholes its negotiators succeeded in weaving into the treaty language.

Mr. Perle complained that, as a consequence, the Soviets assert that these ambiguous provisions permit them "to go forward with programs that we thought they would terminate when the agreements were signed. It's not a neat set of rights and obligations against which one can [evaluate] Soviet behavior."

In spite of the obvious dilemma that results from the fact that whenever the US wants to go to the mat with the Soviets over their violations of arms-accord treaties, the Russians pull the rug out from under the US agrumentation, the Administration has requested a special session of the SALT Standing Consultative Commission (SCC). The senior US member is Gen. Richard Ellis, USAF (Ret.), who holds the rank of ambassador. Purpose of the SCC's special session, according to Sen. James A. McClure (R-Idaho), is to "discuss probable Soviet non-compliance with the SALT II treaty and also with the SALT I treaty."

The two key issues the US plans to air, according to a formal letter by the Idaho Senator to President Reagan, are the new Soviet PL-5 ICBM and the "new Soviet ABM [anti-ballistic missile] battle management radar."

Terming the new Soviet radar "the most flagrant Soviet SALT violation yet," one that runs afoul of as many as five provisions of the SALT I ABM Treaty, Senator McClure requested both the President and the Senate leadership "to arrange for the Vice President to conduct a special briefing of the entire Senate in closed session as soon as possible so that the Senate can be [made] aware of the evidence of Soviet SALT violations and your intended course of action in dealing with these grave threats to US national security."

Senator McClure charged on the floor of the Senate that the new Soviet ABM battle management radar system is located some 500 miles north of the Mongolian border and, in clear-cut violation of the ABM treaty, is "pointed inside the USSR toward Alaska, rather than outward toward the nearest border." That treaty prohibits the deployment of radars "for early warning of strategic ballistic missile attack except at locations along the periphery of [its signatories'] national territory and oriented outward."

The Idaho lawmakers told the Senate that "large radars of the battle management type are clearly the long-term element of an ABM system [that, with the exception of one site, the treaty prohibits]. They are the basis for a Soviet breakout from the ABM treaty, together with the following interceptor missiles: the SAM-5, SAM-10, and SAM-12, all tested illegally in an ABM mode, and the ABM-3 missiles and radar, which are illegally mobile."

Two years ago, the Joint Chiefs of Staff warned in their Military Posture Statement that "Soviet phased-array radars, which may be designed to improve impact predictions and target-handling capabilities for ABM battle management, are under construction at various locations throughout the USSR. These radars could perform some battle management functions as well as provide redundant ballistic missile early warning coverage. The first of these radars is expected to become operational in the early 1980s."

Senator McClure argued that the five or six ABM battle management radars now in operation "constitute a base for an ABM defense of the territory of the USSR. Moreover, when coupled with SAM-5s, SAM-10s, and SAM-12s in an ABM mode, and with the mobile ABM-3 now reportedly in mass production and being deployed around Moscow, it can be argued that the Soviets already have more than a base for nationwide ABM defense."

In spite of its size—its transmitter building is almost 500 feet long and 300 feet wide—the new Soviet ABM radar has been under construction for about a year before a US satellite was able to spot it after US intelligence received clues about its existence and location. The new system resembles closely large ballistic missile tracking radars undergoing test elsewhere in the Soviet Union and, in the view of US intelligence analysts, closes the gap in coverage against this country's ICBMs and SLBMs targeted against eastern Soviet territory. Combined with existing Soviet radar capabilities, this new network provides the USSR with a solid foundation for a comprehensive ABM system.

The White House has let it be known that a senior-level verification committee is reviewing Soviet ABM activities along with other acts that put in question Soviet compliance with existing treaties.

A PATTERN OF SOVIET INFRACTIONS

Among other indications of Soviet violations of existing treaties known to be of concern to the White House are tests of a new ICBM on at least three occasions this spring. The design characteristics of this missile, in concert with those of another new ICBM—the SS-X-24—tested in October 1982, suggest strongly a Soviet violation of SALT.

As Secretary of State George P. Shultz recently told the Senate Foreign Relations Committee, Moscow continues "the practice of stretching a series of treaties and agreements to the brink of violation and beyond. The Soviet Union's infringement of its promises and legal obligations is not confined to isolated incidents. We have to express our concerns about Soviet infractions on one issue after another—human rights and the Helsinki Final Act, 'yellow rain,' and biological warfare. We are becoming increasingly concerned about Soviet practices—including the recent testing of ICBMs—that raise questions about the validity of their claim of compliance with existing SALT agreements. Little else is so corrosive of international trust as this persistent pattern of Soviet behavior."

US intelligence analysts, according to Administration spokesmen, are "convinced by detailed, independent, and scientific analysis of evidence that the Soviets are using chemical and toxic weapons in Afghanistan and are involved in their use by Vietnamese and [Laotian] forces in Southeast Asia in violation of human rights, international law, and existing arms-control agreements." Secretary Perle affirmed that there is not the slightest doubt about the use of Soviet chemical and biological weapons in Southeast Asia and Afghanistan in "which thousands of people have been killed." The use of these chemical and toxin weapons in Laos dates from the mid-1970s, in Kampuchea from 1978, and in Afghanistan from 1979. The 1925 Geneva Protocol prohibits the use of these weapons, and the 1972 Biological and Toxin Weapons Convention prohibits possession, as well as use, of toxin weapons. The USSR is a signatory of both agreements.

US diplomatic efforts to dissuade the Soviets and their allies from further use of these outlawed weapons have remained singularly unsuccessful. Other efforts by this country to gain Soviet support for an effective, comprehensive ban on chemical weapons have also been rebuffed so far.

ICBM VIOLATIONS

Discussions with the Soviets about the legality of the PL-5ICBM involving diplomatic channels rather than the sluggish SCC, not too surprisinlgly, have only produced the claim that this ICBM is permissible, Secretary Perle said. The Soviet contention is seemingly that the PL-5 represents a derivative of an authorized new missile and hence is covered by the provisions governing such modifications. This tactic, he intimated, is in line with the traditional Soviet habit of sidestepping U.S. cmplaints about Russian treaty violations by stocially asserting that "everything [we] are doing is in full compliance with [our] obligations." He

added that "it takes forever to get a reply from them. I would guess that the average time that an issue is under SCC consideration comes to between two and a half and three years."

He acknowledged that, in the case of the PL-5ICBM, the U.S. does not yet have the total picture in terms of how the Soviets plan to deploy the weapon, and other ramifications. In this context, he complained about U.S. media proclivity to ferret out intelligence information extremely rapidly and the subsequent "degradation in some important techniques of intelligence collection." The result, he explained, is "that the Soviets have learned what we collect, what use we make of it, and how rapidly we get and analyze" such intelligence information.

The ambiguities of SALT II, in Secretary Perle's view, exceed the worst fears of those who warned against them at the time the treaty was being negotiated. Saying that four or five new Soviet missiles are under development, he predicted that a "whole new generation of Soviet ICBMs will be exploiting the SALT II loopholes." The U.S. SALT II negotiators had through the accord's language permitted the deployment of only one new ICBM.

A related area of possible Soviet noncompliance with SALT II, he told this writer, involves the encryption of telemetry data produced during Soviet ICBM test flights. SALT II stipulates in a curious way that neither side will encrypt telemetry data the other side needs for verifying compliance with the accord's provisions. It seems hard to envision Soviet, or for that matter even US, rectitude sufficient to abstain from encrypting information that documents a violation of the accord. Heightening the absurdity of this "honor code" is the fact that certain test flights involve only self-contained data, meaning there is no telemetry the other side can listen in on.

The Soviets have been encrypting their ballistic missile tests, approaching "in some cases 100 percent," according to Secretary Perle. Consequently, the US has in effect been deprived of information "we need in order to evaluate Soviet compliance" with key provisions of the SALT accords. Encryption leads to one of the principal ambiguities "that trouble us with regard to the build-down proposals" that have been espoused by influential elements of the Senate.

THE BUILD-DOWN ISSUE

Early in August of this year White House National Security Advisor William P. Clark reported to Sen. Larry Pressler (R-S. D.)—in response to a Senatorial mandate—about "our ongoing assessment of how we could implement the build-down concept in the US START proposals." Explaining that the concept of a "guaranteed mutual build-down has been the subject of intensive interagency study," Judge Clark said that "our detailed technical work is essentially complete. We have now begun the process of developing specific recommendations." He promised that the Administration's recommendations concerning how a mutual build-down could be entwined with START would be made available to the Senate by the time that body holds hearings on this subject in mid-September.

The build-down concept was germinated early in 1983 by Senate Resolution 57, which called on the US and the USSR to agree—while START is being negotiated—to dismantle two warheads for every new one they deploy. Sponsored by Sens. William S. Cohen (R-Me.) and Sam Nunn (D-Ga.), along with forty-three other members of the Senate, Resolution 57, as first conceived, was flawed seriously because it seemed to make little allowance for the fact that the Soviets are close to completing a stem-to-stern modernization of their ICBM force while the US force is approaching obsolescence. Hence the Soviets could wait years to start their build-down, while the US could not.

Since then the concept has matured to what its principal sponsors call "bounded flexibility," meaning the option to use variable build-down ratios consonant with fundamental US START objectives, such as a general reduction in the two countries' nuclear arsenals to 5,000 warheads. As Secretary Perle told this writer, the US over the past fifteen years has dismantled roughly "two older nuclear weapons for each new one we deployed." The Soviets responded to the US build-down by building up, however. As a result, the Administration is chary of any "mechanistic two-for-one build-down measure," he said, and instead is looking for ways to implement the spirit of build-down mitigated by "flexibility, variable ratios, floats, ceilings, and the like."

Senator Cohen, claiming that a coalition extending from longstanding proponents of strategic force modernization to strong supporters of the nuclear freeze favors build-down, recommends that "to assure negotiability of the principle, each side should be free to deploy its new warheads on launchers of its own choosing, and to retire older warheads on launchers of its own choosing, subject to previously negotiated strategic restraints."

The sponsors of the build-down resolution envision also that each side would build down under agreed ratios until it reaches a negotiated floor at which it would hold until the other side reaches the same "plateau." The build-down would then resume. The sponsors also claim that their build-down "would not undermine the US START position. Indeed, it would be wholly consistent with reduction ceilings [such as President Reagan's proposed] cut in ICBM and SLBM warheads to 5,000 on each side. The build-down floor might include that number plus a suitable allowance for warheads ascribed to other strategic launchers."

BUILD-DOWN AND MODERNIZATION

Clearly one of the most contested aspects of the build-down concept is the possibility that the Soviets might defer modernization—assuming of course that they would sign a build-down accord in the first place—to avoid having to reduce their nuclear arsenal. Senators Cohen and Nunn argue that if the Soviets chose to stand still, "they would then not add the thousands of new warheads" that the US intelligence community reports are programmed for deployment in the coming years. Senator Cohen believes that "it is most improbable that the Soviet leaders would direct their military to suspend development and deployment of the *Typhoon* submarines and the SLBMs [they carry], the new Blackjack bomber, and the two new ICBMs reportedly already being tested."

The sponsors of Resolution 57 claim further that "because the Soviets have a great number of single-warhead SLBMs and a relatively small bomber force, their ongoing modernization programs would have to induce substantial reductions in their existing ICBM force." This assumption is based on the Senators' belief that "each *Typhoon* submarine added to their fleet would require elimination of 360 warheads—more than the total number of warheads on all existing *Yankee I*-class submarines. After the first 1,000 or so new warheads added by the Soviets, each additional warhead would require reductions in their existing MIRVed ICBMs—the forces of greatest concern for stability."

Citing as supporters of the build-down concept President Reagan; Gen. David C. Jones, USAF (Ret.), the past Chairman of the Joint Chiefs of Staff; the present and most recent Under Secretaries of Defense for Research and Engineering, Dr. Richard DeLauer and Dr. William Perry; and the past USAF Deputy Chief of Staff for Research, Development and Acquisition, Lt. Gen. Kelly Burke, USAF (Ret.), Senator Cohen told the Senate Foreign Relations Committee that the "concept should be looked at as a complement to but not a substitute for START."

The mechanism for negotiating a build-down, the sponsors believe, should be a U.S.-Soviet working group meeting in Geneva that reports to the START delegations. Once this group has agreed on a build-down, the proposed accord should then be forwarded to Washington and Moscow for ratification. Once in effect, it would serve as an interim measure while negotiations proceed on the broader and more complex START agreement.

While it is possible to question the merits of a build-down as a prelude to START—especially Soviet willingness to participate in such an exercise—there is little doubt about the importance of this concept to the shaky coalition that has so far kept the strategic force modernization program, especially MX production, alive in Congress.

Typical of the quid pro quo character of the issue was this statement on the floor of the Senate by Senator Cohen: "I do not intend to permit the build-down to become a meaningless link in the process of procuring the MX missile. In this regard, without a clear and constructive formulation of a build-down proposal by the Administration, I do not intend to continue supporting the MX program." Strangely absent from this kind of reasoning is consideration of the need to modernize the U.S. strategic deterrence forces in the face of age creep and the massive, steady growth in Soviet capabilities.

ON THE ROAD TO START

The head of the U.S. START delegation, Ambassador Edward Rowny, reported at the end of Round IV of the negotiations early in August that the U.S. had tabled a complete treaty text that shows maximum flexibility. He explained that "reducing the warheads of each side by about a third to 5,000 remains the central element of our position. We are also determined to reduce, over time, the three-to-one Soviet advantage in nuclear destructive capability and potential. Our goals are two-fold: deep reductions and a more stable strategic relationship."

The new U.S. approach, he said, meets the two main complaints lodged previously by the Soviets: "That we were prescribing how the Soviets must restructure their forces and that we were not being comprehensive—that is, not including from the outset all our strategic forces." While there have been suggestions that the Soviet position as of late has shown some "give," there are questions about whether this represents atmospherics or substance.

A key point here is that the Soviets have backed off from their original demand that

the US hold the deployment of Trident submarines to four boats. This "concession" is probably not too significant since the US never took this demand seriously and considered it a transparent tactical move designed for negotiating leverage. The US plans to deploy at least fifteen Trident SSBNs and treats them as replacements for older boats.

In Secretary Perle's view there has not, as yet, been any "significant movement" by the Soviets so far as the principal START issues are concerned, with their basic position revolving around the general SALT II structure. The latest Soviet proposals are somewhat below the SALT II levels, he said, but still too high in terms of what the US considers stabilizing reductions.

"We believe a useful, stabilizing agreement can be reached [involving substantially lower levels of weapons], in particular lower levels of accurate high-yield ICBM warheads," he stressed. While the US originally favored a two-phased approach to START, Secretary Perle explained, the emphasis is now on a single-phase accord in order "to speed up the negotiations."

Press reports to the contrary, neither the US nor the Soviet Union favors combining the START and INF negotiations at this time, he said.

The question of how to bring about a reduction in total usable yield, or throw-weight, of the arsenals of the two sides continues to divide the US experts. One group, which includes Secretary Perle, favors setting a specific, discrete thrown-weight limit, while other members of the interagency group setting START policy prefer to control throw-weight by setting limits for the various categories of delivery vehicles that carry nuclear warheads.

The issue is being argued with "emotional fervor" by both sides even though there is a common goal, a sharp drop in the number and yield of strategic nuclear weapons. He said that "I see no reason why we should not limit throw-weight directly—so many kilograms on each side distributed as one likes."

The other way is to set numerical limits for various delivery systems and "when you add it all up it produces a throw-weight limitation that is essentially the same," he explained, adding "it really isn't the big issue that it's being made out to be and it certainly should not cause people to divide along ideological lines. It's a technical question but, like other arms-control questions, it elicits inexplicable emotions."

While both the US and the Soviets are chary of discussing their various proposals and counterproposals in detail at this time, the White House has disclosed certain basic elements of the US position. These include that "the US will continue to propose constraints that indirectly get at the throw-weight problem, while making clear to the Soviets our readiness to deal directly with destructive capability, if they prefer."

While stressing the importance of reducing ballistic missile warheads, the US START proposal "also calls for reductions in heavy bombers to equal levels and for limitations on the number of air-launched cruise missiles carried on heavy bombers. Thus, the US START approach would lead to comprehensive reductions in all three elements of the US and Soviet strategic arsenals."

The START negotiations will resume this month.

[From the Air Force Magazine, October 1983]

EARLY RETIREMENT FOR B-52G

(By Edgar Ulsamer)

WASHINGTON, D.C., September 1.—The Defense Department's central arbitrating body, the Defense Resources Board (DRB), has ordered the phaseout—effective in 1988—of all B-52G models from the country's strategic nuclear, or SIOP (Single Integrated Operational Plan) forces. The Air Force has recommended retention of the some ninety aircraft involved until the Advanced Technology Bomber (ATB), known also as Stealth, enters the operational inventory and pick up some of the slack.

Prompting the DRB's decision was an immediate cost saving of several hundred million dollars resulting from not modifying the G models to the extent originally planned. The impact of this accelerated phaseout on the SIOP force level is major, especially since it compounds the effect of the previously announced retirement of the Titan ICBMs.

The ninety Gs are designated ALCM (air-launched cruise missile) carriers, with each aircraft nominally carrying twelve missiles. The result is the elimination of 1,080 ALCM stations. The scrapping of these aircraft will not impinge on the transfer of sixty-one other B-52Gs to SAC's Strategic Projection Force (SPF) and their availability for conventional warfare missions.

The DRB's insistence on retiring the ninety B-52Gs was based in part on earlier Air Force willingness to drop these aircraft from the SIOP inventory in the late 1980s. At that time, however, the Air Force expected that 200 MX ICBMs would be deployed. Since then that number has been scaled back to 100 missiles.

Also, the B-1 program, as currently structured, calls for the acquistion of no more than 100 aircraft. These strategic bombers are to be augmented by around 125 ATB's that should enter the inventory in the early 1990's. Because of these schedules, the Air Force had planned to retain the B-52Gs, along with the Hs, until a significant number of Stealth bombers became operational.

Meanwhile, the just-released Senate/House Conference Report contains an ironclad prohibition against diverting any funds earmarked for the ATB program to any other purpose. The implication is that the conferees enjoin the Defense Department and the Air Force in the FY '84 authorization bill from siphoning off funds from ATB to expand the B-1 program.

Sen. Sam Nunn (D.-Ga.), along with other prominent Democrats in Congress, has expressed concern that the sheer momentum of the B-1 program will lead to a production run in excess of 100 aircraft and deferral of the ATB. As the Georgia lawmaker recently claimed, the B-1 program, as presently structured, reaches a peak production of forty-eight aircraft—involving a work force of about 60,000—in 1986, its last year.

Explaining that "I know something about human nature in Congress," Senator Nunn suggested that there "isn't any way in the world that you are going to shut down that production line flat out—from forty-eight to zero." Even though in reality the forty-eight aircraft entering production in 1986 would not be completed for several years thereafter—and hence the B-1 work force would remain on the job correspondingly—Senator Nunn and many other members of Congress claim that the schedule and structure of the B-1 program—especially its multiyear procurement feature—stack the deck against the ATB: "We may or may not build the ATB, but I don't think it a coincidence that the B-1 production is geared like it is. We are making fateful decisions right now on ATB, and if the decisions the Senate has made so far stick through the appropriations process, then I think the changes of the ATB go down, no matter how good the technical data might be."

Senior USAF personnel recently briefed a group of Senators on the status of the ATB program under top-secret conditions to allay their fears that the Defense Department and the Air Force were pursuing the project at less than an expeditious rate. Senator Nunn told this writer afterward that the evidence presented indeed indicated that the Air Force was pursuing the ATB program vigorously and without favoritism toward the B-1. Nevertheless, the political facts of life militate against the ATB, he claimed.

NEW STRATEGIC PENETRATION AID REQUIREMENTS

The concept of "salvage-fuzing" nuclear warheads is getting a second hearing. The notion of equipping penetrating nuclear weapons with sensors that cause them to detonate in the face of otherwise disabling action by the enemy's nonnuclear or nuclear defenses is far from new. The reason why it might make sense to cause the warheads of ICBMs, SLBMs, and cruise missiles that are about to be intercepted by a defender to explode with full force is that in doing so they can cause grave damage to the defender's ground-based sensors and command and control system.

Rather than "wasting" the warhead that the defense is about to put out of commission, the weapon might deal a mortal blow to the radars and other "soft" elements of the enemy's strategic defense systems.

In the past, both the US and the USSR have shied away from deploying salvage-fuzed weapons—at least so far as is known—because of two potential drawbacks. For one, the salvage-fuzed weapon might cause fratricidal effects on the attacker's other warheads that were arriving in the same area at about the same time. Another problem might ensue if the defender succeeds in causing the salvage-fuzed warhead to go off at a point and time of his choosing. Sophisticated sensor technologies can probably prevent this from happening, especially if contact fuzes are used that simply react to the impact of a nonnuclear interceptor.

The advantage of such an approach is especially pronounced in the case of air-launched cruise missiles (ALCMs) that penetrate the defender's territory at low altitude and, therefore, preclude him from intercepting them by nuclear means. In the case of ICBMs and SLBMs, it might be possible to send in salvage-fuzed warheads as "precursors" to disable the ballistic missile defenses (BMD) or disrupt the command and control system, thereby paving the way for the main attack. Careful timing might avoid fratricide. There are indications that the Soviets—who in contrast to the U.S. rely heavily on strategic defenses—are quite concerned about the possibility of the U.S. deploying salvage-fuzed weapons since they, in effect, represent a special form of penetration aid.

Because of mounting concern about growing Soviet strategic defense capabilities, including putative violations of the SALT ABM accord, the Pentagon is examining the potential for a wide spectrum of penetration

aids. As the result of studies of Soviet ABM capabilities that in turn prompted the so-called Scowcroft Commission on Strategic Forces to delve into this issue, the Defense Resources Board has just arranged for a joint Air Force-U.S. Navy study of advanced penetration aids.

While OSD originally wanted to include MaRVing (maneuvering reentry vehicles, which avoid interceptors by descending in corkscrew or other irregular fashion on their targets) in this study—and eventually to develop them on a joint basis—the services insisted on confining their work to various types of decoys. The services feared that a uniform approach to MaRVing would facilitate the Soviets' BMD task by enabling them to cope with both ICBMs and SLBMs at once.

The Scowcroft Commission's concern about Soviet ABM capabilities drives in part the need for MX and its substantial throw-weight: "As Soviet ABM modernization and modern surface-to-air missile development and deployment proceed—even within the limitation of the ABM treaty—it is important to match any possible Soviet breakout from that treaty with strategic forces that have the throw-weight to carry sufficient numbers of decoys and other penetration aids; these may be necessary in order to penetrate the Soviet defenses which such a breakout could provide before other compensating steps could be taken. Having in production a missile that could . . . counter such a Soviet step should help deter them from taking it."

SOVIET ARMS-CONTROL GAMBITS

The Soviet Union is seemingly getting on US political bandwagons to gain military advantage. One ploy seems designed to erode US domestic support for MX by hinting at Soviet intentions to build and deploy small, mobile ICBMs to increase the survivability of its strategic nuclear force. The word from the US START negotiator in Geneva is that the Soviet delegation let it be known there that Moscow had plans to transform at least a part of its ICBM force to small, mobile systems.

The Administration and influential members of Congress—at the recommendation of the bipartisan Presidential strategic force modernization panel, the so-called Scowcroft Commission—are committed to the development and deployment of a small, single-warhead ICBM that could probably be reasonably mobile.

Such a weapon offers a number of advantages, in the view of the Commission. For one, since the small ICBM (SICBM) carries only a single warhead, it represents a far less attractive target for a potential attacker than does a large ICBM carrying many MIRVs. Undeniably, if both sides shifted to SICBMs, a more stable strategic balance would exist than is the case with large, MIRVed weapons. An SICBM can also be deployed in a mobile mode—and hence made more survivable—more readily than can large, heavy missiles. These factors, in combination, create conditions conducive to sharp arms reduction. As a result, sizable constituencies that favor bypassing MX and concentrating on SICBMs are forming in Congress and elsewhere. The expression of Soviet intent to move toward such a design is bound to feed the aversion to MX of these groups.

Another Soviet move in the field of arms control that presumably is designed mainly to influence the US political climate was the announcement by President Yuri Andropov of a "unilateral moratorium" on the deployment of ASAT (antisatellite) weapons. The Soviet leader made the offer to nine visiting Democratic US Senators headed by Claiborne Pell of Rhode Island.

The Soviet Union has had an operational ASAT for several years. The Defense Department credits this weapon with the "capability to seek and destroy US space systems in near-earth orbit" and reports that the Soviets conduct yearly tests to practice satellite interception and to refine the system. The Soviets are also known to be working on follow-on ASAT weapons.

Since their ASAT uses an SS-9 ICBM as launcher, verification of such a moratorium is basically impossible. In addition, since the USSR has a space-tested operational system and the US as yet has no comparable capability, Moscow could well afford to forego further ASAT flights if that were to cause this country to halt its nascent ASAT program.

Here, too, the Soviets are capitalizing on US congressional sentiments, specifically the fear of an arms race in space. Notwithstanding that the Soviets are running such a race already, more than 100 House members recently petitioned the Administration to "immediately propose to the Soviet Union a mutual moratorium on the testing of antisatellite weapons in space."

The petition argues with odd logic that since the present Soviet ASAT is limited to near-earth orbits and hence can't attack US satellites in geostationary altitude, a "mutual ban on ASAT testing would not place the US at a disadvantage." From this premise the signers of the petition leap off to the startling conclusion that "since the American ASAT is much more advanced and capable than the Soviet ASAT, there are compelling incentives for Soviet compliance with the mutual test moratorium."

Curiously disregarded in this reasoning is the fact that a weapon that does not yet exist—and has not been tested—is a weak means for ensuring compliance. Similarly, the fact that the Soviets are working on follow-on ASATs, including a system probably capable of direct ascent to geostationary orbits, is also swept under the rug.

Yet a third move by Moscow to accelerate the U.S.—and European—political momentum toward arms control at any price involved a vague but highly touted promise by President Andropov, carried in the Communist Party newspaper *Pravda*, that Moscow is willing to scrap some of its intermediate-range ballistic missiles (IRBMs), including the formidable SS-20, if the U.S. agrees not to deploy its Pershing II and ground-launched cruise missiles in Europe later this year.

The catch is that this offer covers only Soviet IRBMs currently deployed in Europe. Moreover, it does not change the fact that the Soviets insist on retaining 162 of these missiles—ostensibly to offset French and British nuclear weapons—while denying the United States the right to deploy any IRBMs at all.

Bolstering this maneuver to prevent the scheduled deployment of 572 U.S. Pershing IIs and GLCMs, beginning in December of this year, are preparations in Western Europe for massive antinuclear demonstrations this fall. As Assistant Secretary of Defense for International Security Policy Richard N. Perle observed recently, "The buses have been chartered already, and the concessionaires are ready to go. But we don't think that any of the [European] governments involved will allow their parliamentary process to be subverted by demonstrations on the streets."

The Administration, he explained, does not expect the Soviets to begin serious negotiations at the INF (Intermediate-range Nuclear Force) talks in Geneva until the Soviets become convinced that the Pershing II/GLCM deployment "becomes inevitable. Their proposals so far have all entailed the complete abandonment of any Western deployment and freedom for the Soviets to retain hundreds and possibly thousands of warheads on their SS-20s. . . . I would be surprised if the last-ditch Soviet effort to stop the deployment of [U.S. INF weapons] does not consist of negotiating ploys as well as continuation of the threats and intimidations that have characterized their actions" in the past.

Although he did not rule out the possibility that the Soviets might make good their oblique threat to put Soviet IRBMs into Cuba if the U.S. goes ahead with the Pershing II/GLCM deployment in Europe, Secretary Perle did not consider such an action likely. Violation of the Kennedy/Khrushchev understanding of 1962—which ended the Cuban missile crisis of that year by committing the US to put out and keep out its nuclear missiles—he said, "would be totally unjustified and have serious ramifications." He pointed out also that the Soviets have threatened to do things as a reprisal against U.S. INF deployments "that they have already done, such as putting nuclear missiles in Eastern Europe."

The U.S. negotiating stance at the INF talks revolves around what Secretary of State George P. Shultz termed "equal rights and limits" for the principals. The central U.S. goal, announced by President Reagan in November 1981, is the complete elimination of longer-range, land-based INF missiles. After more than a year of negotiating, the Soviets continue to resist this so-called "zero-zero" option.

In an effort to break the stalemate, the U.S. has proposed an interim agreement whereby, according to Secretary Shultz, "we would reduce the number of missiles we plan to deploy in Europe if the Soviet Union will reduce the total number of warheads it has already deployed to an equal level. This would result in equal limits for both sides on a global basis. President Andropov's latest offer of scrapping only missiles the Soviets have deployed in Europe obviously circumvents the U.S. principle of "equal rights and limits."

WASHINGTON OBSERVATIONS

The differences between the Air Force and some elements of OSD over how to conduct the deep interdiction mission, known as Counter Air '90, remain pronounced. The principal issue under contention is OSD's penchant for using ballistic missiles to perform a major portion of the deep interdiction mission. Air Force analyses do not support the cost-effectiveness of such an approach. Much of the dispute—which has attracted congressional attention and partisanship—is taking place behind closed doors because of the heavy involvement of classified Stealth technologies in terms of both the platforms and munitions under consideration.

Typical of the divergent trends now at play is the question of what kind of replacement should be picked for the Medium-Range Air-to-Surface Missile (MRASM) that was dropped, largely because it lacked Stealth qualities. OSD and the Navy apparently favor an extremely expensive cruise missile that incorporates the full range of low-observable technologies. The Air Force,

on the other hand, favors a far cheaper "stealthy" cruise missile that could be acquired in far larger quantities.

The Defense Resources Board recently endorsed development of an advanced, follow-on version of the Strategic Air Command's Short-Range Attack Missile (SRAM). The first-generation SRAM is aging, lacks adequate nuclear hardening, and lags behind the performance that could be built into a modern missile of this type. Among the advantages accruing to a new, advanced SRAM are nuclear hardness, greater range, greater compactness that would enable carrier aircraft to accommodate more of them, and an improved capability to deal with imprecisely located targets.

Some senior USAF leaders believe that an advanced SRAM system can be tied to the carrier aircraft's and other external sensors to provide the system with a near real-time targeting feature.

There are indications that influential elements of the Air Force prefer the advanced SRAM over the Advanced Cruise Missile (ACM). The latter is thought to be less suitable for adaptation to near real-time targeting.

Meanwhile, the joint conference report on the 1984 Defense Authorization Act supports the acquisition of 240 ALCM-B cruise missiles. The Defense Department had wanted to terminate the ALCM-B program now and to concentrate instead on ACM, a longer-range, "stealthy" follow-on to ALCM-B.

Due to damage to essential test equipment caused by lightning, a series of crucial tests of the hardness of various transporters associated with the small CBM (SICBM) have been delayed until October 1983 or later. Known as "Direct Contact," these tests by the Defense Nuclear Agency (DNA) are counted on for pivotal information concerning what forms of mobile basing of SICBMs show maximal promise.

The degree of dispersal and, hence, the size of the areas within which SICBM can roam without becoming vulnerable to Soviet barrage attacks are determined largely by the hardness level and speed of the transporter. Another area to be probed by DNA tests involves the hardness of advanced ICBM silo designs.

White House officials have hinted that this fall the Administration plans to announce, with considerable fanfare, a general commitment to an advanced strategic defense system centered on the eventual deployment of directed-energy and space-based weapons. This announcement would be in extension of the President's speech on March 23, 1983, when he hinted at the eventual feasibility of leak-proof strategic defenses.

By pulling together all Defense Department and Department of Energy programs that have, or might eventually have, impact on strategic defense, the Administration is expected to show that it will be investing about $5 billion annually in this field.●

A TRIBUTE TO LECH WALESA

● Mr. BIDEN. Mr. President, the Norwegian Nobel Committee has acknowledged what the Polish people have believed for several turbulent years: That Lech Walesa is an inspiration and an example of the struggle for peace, freedom, and human dignity. He deserves the Nobel Peace Prize both as a tribute for what he has accomplished and as an encouragement for him to continue his work for the Polish people.

Perhaps there would have been a Solidarity movement even without Lech Walesa, for the Polish people for centuries have yearned for national independence and personal liberty. But he provided the magnetic spark which galvanized the nation and forced the government to grant some long-denied basic human rights. When Polish aspirations for greater freedom proved too strong for their Communist masters, the brutal leadership imposed martial law and imprisoned Lech Walesa for 11 months. He emerged, still strong and resolute, and remains the embodiment of the dreams of the Polish people for a better life.

Walesa became a leader by virtue of his personal courage, personal sacrifice, and genuine humility. Those qualities are rare in any nation, but especially in one where power and privileges go to the self-chosen few and the rest of the people struggle just to survive. As a man of profound faith and hard work, he represented the authentic Polish citizen—and the people responded with their trust and support.

Even today, despite the ominous shadow of Soviet troops and martial law, Poland remains free in spirit, though caged in body. And as we join in honoring Lech Walesa, let us hope that he can continue to guide the Polish people to a rebirth of freedom and solidarity.

Mr. President, I ask that the official citation of the Nobel Committee and a profile of Lech Walesa from the New York Times be printed in the RECORD.

The citation and profile follow:

NOBEL COMMITTEE STATEMENT

OSLO, October 5.—Following is the text, in official translation, of a statement by the Norwegian Nobel Committee today:

The Norwegian Nobel Committee has awarded the Nobel Peace Prize for 1983 to Lech Walesa.

In reaching this decision the committee has taken into account Walesa's contribution, made with considerable personal sacrifice, to insure the workers' right to establish their own organizations.

This contribution is of vital importance in the wider campaign to secure the universal freedom to organize—a human right as defined by the United Nations.

Lech Walesa's activities have been characterized by a determination to solve his country's problems through negotiation and cooperation without resorting to violence.

He has attempted to establish a dialogue between the organization he represents—Solidarity—and the authorities. The committee regards Walesa as an exponent of the active longing for peace and freedom which exists, in spite of unequal conditions, unconquered in all the peoples of the world.

The committee has on several occasions when awarding the Peace Prize emphasized that a campaign for human rights is a campaign for peace. Furthermore the committee believes that Walesa's attempt to find a peaceful solution to his country's problems will contribute to a relaxation of international tension.

In an age when détente and the peaceful resolution of conflicts are more necessary than ever before, Lech Walesa's contribution is both an inspiration and an example.

[From the New York Times, Oct. 5, 1983]

LABOR ORGANIZER WITH A TALL DREAM

(By John Kifner)

WARSAW, Oct. 5.—For Lech Walesa, this has been a difficult year.

The one-time unemployed electrician who rose to become an international figure, the embodiment of the dreams of millions of Poles for a better life, emerged from 11 months of solitary confinement last fall to find his Solidarity union crushed by martial law. He had thrilled crowds and negotiated with the Government; he had even met, virtually as an equal, with the heads of the two institutions that dominate Poland—the Communist Party and the Roman Catholic Church. Now, the government said he was a has-been, the "former head of a former union."

Yet his allure has not entirely faded. During the eight days of Pope John Paul II's visit last June, the crowds once again unfurled their red and white Solidarity banners and shouted, "Lech Walesa! Lech Walesa!"

For those Poles, as well as for Mr. Walesa, the awarding of the Nobel Peace Prize to the founder of the first—and last—free trade union in the Soviet bloc was a vindication. To the Communist authorities it was a slap in the face.

HOW HE GOT THE NEWS

The news of his Nobel Prize came to Mr. Walesa—the name is pronounced vah-WENN-sah—as he was picking mushrooms in the woods, a very Polish activity at this time of the year. His wife, Danuta, said later that he had become so worked up by the knowledge that he was a candidate for the award that he could not sleep and had gone to the country north of Gdansk with friends to try to relax.

The word was brought by the Western television crews, whose attendance on Mr. Walesa is a constant irritant to the authorities. The mushroom-hunting party promptly grabbed the new laureate, who wore his ever-present badge of the Black Madonna of Czestochowa on his gray cardigan sweater, and tossed him in the air.

"The world recognizes Solidarity's ideals and struggles," he said when he got his breath back.

Leszek Michal Walesa was born Sept 29, 1943, in the village of Popowo, near the Vistula River north of Warsaw, the son of a carpenter who was to die in a Nazi concentration camp. He was trained as an electrician at a state agricultural school, served two years in the army and in 1967 moved to the Baltic seaport of Gdansk and a job in the sprawling Lenin Shipyard.

His introduction to political opposition came in the turbulent days of December 1970 when workers in Gdansk took to the streets to protest rising food prices and were gunned down. The demonstrations toppled the Government of Wladyslaw Gomulka, but, ultimately, the bloodshed brought little but broken promises.

A MONUMENT TO THE DEAD

The experience so burned Mr. Walesa that one of his obsessions was the unlikely project of building a monument to honor the more than 100 slain workers. The towering monument of three crosses, whose dedication was attended by party leaders, stands

now at the shipyard gate, a constant reproach to the authorities. The police come at night and take away flowers people place at its base.

Mr. Walesa was on the strike committee that briefly shut down the shipyard in the next round of protests in 1976. Dismissed from his electrician's job, he became a full-time agitator, editing and passing out an underground newspaper, The Coastal Worker, and helping to organize the illegal Baltic Free Trade Union Movement. In this period, too, he made contact with the newly formed organization of dissident intellectuals called the Workers' Self-Defense Committee, which became important in guiding and speading Solidarity.

In 1980, Mr. Walesa led the strike that drove Mr. Gomulka's successor, Edward Gierek, from power. When he climbed over the fence of the Lenin Shipyard on Aug. 14, the short and slightly pudgy Mr. Walesa became very much the right man at the right moment.

The week-old strike he took over had been touched off by the dismissal of Anna Walentynowicz, a grandmotherly looking crane operator. Feeding on long-held grievances, it spread like a bushfire along the Baltic coast, to the Nowa Huta steel mill, the coal mines of Silesia, engulfing most of Poland. Bus drivers, writers, peasant farmers, trainee firemen, even party members joined the strike.

Neither an intellectual nor a profound strategist, Mr. Walesa nevertheless possessed a magnetism that set him apart from the other Solidarity leaders. What he had was a shrewdness, a keen sense of the dramatic and a flair for summing up the feelings of the workers in an earthy phrase. "You and I, we eat the same bread," he told a room overflowing with grimy, blue-jacketed steelworkers. He did not have to complete the thought—that there were others, the privileged party elite, who ate much differently.

LEADERSHIP IS CHALLENGED

While the authorities tend to portray him as wild-eyed public enemy, Mr. Walesa spent much of his efforts during the hectic 16 months of Solidarity trying to calm striking workers, staving off confrontations. Indeed, he was sharply challenged from within his own ranks as being too willing to compromise with the authorities. Mr. Walesa and others kept insisting that theirs was a "self-limiting revolution," that they meant to reform the system, not overthrow it, but the Poles and their rulers understood that, inevitably, the challenge was more profound than that.

Mr. Walesa lives in what is by Polish standards a relatively luxurious six-room apartment in a vast housing project with his wife, a former florist's assistant whom he married in 1969, and their three daughters and four sons, the last born while he was interned. The apartment was given to him during his days of recognized prominence. A portrait of the Pope dominates the living room.

The authorities have been trying for months to discredit Mr. Walesa. The latest step was a special television program, titled "Money," broadcast last week. It centers on a purported tape recording in which Mr. Walesa is reputed to speak of squirreling away a million dollars abroad, to complain that the Pope was edging him out of last year's Nobel Prize and to use foul language.

The effort appears to have had little effect. The next day Mr. Walesa went to a World Cup soccer match in Gdansk, the home team playing an Italian squad, and when he was recognized the stadium burst into cheers.●

THE ANNIVERSARY OF THE SENIOR CITIZENS NUTRITION PROGRAM

● Mr. LUGAR. Mr. President, on October 7, Indiana will celebrate the 10th anniversary of the senior citizens nutrition program.

I bring this to the attention of my colleagues because I count the consolidation and expansion of senior citizen nutrition programs in Indianapolis as one of my key accomplishments as mayor of Indianapolis.

Prior to the passage of comprehensive Federal legislation many private and public organizations had worked valiantly to meet the nutritional needs of older citizens. At the time, the needs were critical. I recall working with the Northeast Side Community Organization, the United South Side Community Organization, and the rest of the Neighborhood Congress to find ways to focus money and attention on the problem.

Finally in 1973 we were able to utilize new Federal programs and the Greater Indianapolis Progress Committee to consolidate these efforts. We were on our way to maintaining the health and dietary needs of older Hoosiers.

The program in Indianapolis and across the State has been tremendously successful. We now serve over 18,000 meals a day in over 415 meal sites. Meal service which also brings fellowship and activity to people who might otherwise remain lonely and isolated.

Of course, these 415 meal sites are supplementary by a massive Meals-on-Wheels program. Our homebound elderly have benefitted from the efforts of many, many volunteer organizations, churches, and agencies on aging. I am proud of the success of the nutrition program in Indiana and of all those individuals who have devoted their time, effort, and money to make these programs work.

In spite of the tremendous progress that has been made, since those days in the early seventies, when funding was so short and the needs so great, much more needs to be done. Housing, nutrition, and health care remain as high priorities for further attention and work. We must and we will continue our work. I am committed to further progress and I know that I can count on the area agencies, the senior centers, the nutrition programs, and the Indiana Department of Aging to help make that progress.●

STUDENTS OF WENDELL, IDAHO, COMPLAIN ABOUT DOWNED KAL FLIGHT 007

● Mr. SYMMS. Mr. President, it has been just over a month now since the world listened in shock to the news that a Korean passenger plane, which had strayed off course into Russian airspace, had been savagely shot down by a Soviet fighter jet.

Many countries of the free world, to no avail, have asked for an explanation and apology from the Kremlin, and reparations for the families of the 269 victims of that flight. The Soviet system is such that admits to no wrongdoing, and its power such that we have little leverage to exert to preclude the recurrence of future atrocities.

As one writer in the Washington Times aptly commented, after the downing of KAL flight 007:

Whatever is left of the disarmament movement in this country and in Europe is probably permanently discomfited. The Korean 747, after all, was "disarmed" and has been turned into a giant metaphor. Do you want to turn your country, it is now proper to ask the peace movement, into a Korean 747?

Certainly, the unilateral disarmament movement has suffered a setback, but it is far from dead. We cannot afford, therefore, to let this barbarous and revealing deed slip from our national consciousness. We must not forget what the Soviet leadership is capable of, and what the future portends if we fail to insure that America maintains a strong deterrent force.

Mr. President, as the following article details, the people of Idaho have not forgotten this massacre. It has served to strengthen their commitment to our President's defense program and foreign policy initiatives. I request that this item from the Twin Falls, Idaho, Times-News, which reflects the deep concerns of one Idaho community about this outrage, be included in today's RECORD.

The article follows:

[From the Twin Falls (Idaho) Times News, Sept. 24, 1983]

WENDELL STUDENTS COMPLAIN IN WRITING TO SOVIET LEADER

(By Terrell Williams)

WENDELL.—Russia soon will be hearing from Wendell High School students and other residents of Wendell.

The seventh-grade world geography students of Gay Petersen have compiled a letter to Yuri Andropov, the Soviet head of state, stating that they strongly disapprove of the Russians' destruction of a Korean commercial airliner.

"The students think it's a good idea to send it," Petersen says of the 3-by-6-foot letter. "They think (President Ronald) Reagan did all he could do, but they wish we could have done something in retaliation."

Each week, the geography class brings world news articles to class. On Fridays, the students discuss the articles and voice their

opinions. To protest the downing of the airliner, students decided to send Andropov a letter.

"The kids in the high school here are very patriotic," Petersen says. "They really stand behind their government. They're upset at what the Russians did."

None of the students believe the airliner was a spy plane, says the teacher, and she adds, when the Russians said the plane was accidentally fired upon, "all of them thought that was just ridiculous."

Their letter reads:

Dear Mr. Andropov: We are seventh-graders in the small town of Wendell, in the state of Idaho, U.S.A. We decided to write you a letter and have as many students and members of our community sign it as wish to do so, to let you know how angry we are that the leaders of your country killed 269 innocent people when the Korean aircraft passed accidentally over your country this month. We think that you should at least apologize for this act of murder, and that you should pay back the families for their grief. We also ask that you never let such a terrible tragedy happen again.

Sincerely,

THE WENDELL SEVENTH GRADE.

This letter, Petersen admits, probably will get no reaction or results.

"It's just a way of doing something to show our disapproval."

The large letter now is being signed by WHS students and will be at the Wendell post office on Monday, Tuesday and Wednesday to collect the signatures of residents who agree with the students.

At the advice of Sen. Steve Symms' office, the letter then will be sent to the Russian Embassy in Washington, D.C., rather than directly to the Russian leader.●

THE IMPENDING CONFRONTATION

● Mr. SYMMS. Mr. President, I ask that an article by Patrick Buchanan entitled "The Impending Confrontation" from the Washington Times of October 5, 1983, be printed in the RECORD. This excellent article reinforces the points which Senator HELMS made in his recent Senate speech "Paralysis In The Face of Soviet SALT Breakout." Mr. Buchanan has rightly pointed out that the world faces a major crisis just months away in December, when they have threatened to walkout of the INF and START negotiations and to create a new threat to the United States in the Caribbean.

The article follows:

THE IMPENDING CONFRONTATION

(By Patrick Buchanan)

The Cold War is getting colder—and is likely to get colder still by autumn's end.

Charging that the United States' "special services" engineered the KAL massacre, Yuri Andropov has decried America's "militarist course" and warned that any U.S. effort to shift the balance of power will be offset by the Soviet Union.

Andropov's threat comes after reports that the Soviets are violating both the SALT II agreement—by testing two new strategic missiles—and the ABM treaty that was at the center of SALT I—by constructing an ABM battle management radar in Central Asia.

The reflexive response of the American left is already in: Reagan is responsible. He has challenged the legitimacy of the Soviet regime; now we are in for it. The same critics who, one month ago, were congratulating Reagan for confining his response to the Soviet air massacre to rhetoric, are now denouncing the rhetoric.

But rhetoric is not the problem; this impending confrontation with the Kremlin was a long time coming. It was made inevitable by Reagan's determination not to allow the Soviet Union to maintain an absolute monopoly on modern theater nuclear weapons. Within weeks, American Pershing II missiles will be en route to West Germany for deployment, and the Soviet monopoly will be broken. It is this prospect that has enraged the Communist Party of the U.S.S.R. and its generals and marshals.

To understand the origins of the gathering storm, we need to go back to Moscow, 1972.

At SALT I, both the United States and the Soviet Union agreed to strict limits on the number of long-range strategic-weapons launchers—land-based and sea-based. The Soviets were conceded advantages in missile size and number—the latter roughly 3-2—and those numbers were fixed by treaty.

Then, in 1977, there began deployment of two new weapons systems—the Backfire bomber and the SS-20 missile—both designed to fall just outside, by virtue of their range, the strategic arms limits. Since the late '70s, the Soviets have been building and deploying these weapons at the rate of one new Backfire bomber every 12 days, one new SS-20 each week.

Threatening Europe and Asia, there are now hundreds of Backfire bombers and 350 mobile SS-20 missiles, each with three warheads, each with a reload and refire capability.

These are the weapons of hegemony, the weapons that enable the Soviet Union to dominate all the countries of the Eurasian land mass, from Japan to the Philippines, from Pakistan to the Persian Gulf, from the Middle East to the Mediterranean, from Spain to Iceland to Scotland. These are the weapons that enable the Kremlin, occupying what global strategist Harold Mackinder called the Heartland, to dominate the World Island.

To offset this Soviet reach for hegemony. Helmut Schmidt and Jimmy Carter decided to counterbalance the SS-20s with American missiles deployed in five NATO countries—108 Pershing II single-warhead ballistic missiles, and 464 cruise.

That these Soviet weapons of intimidation and terror are fulfilling their purpose seems undeniable. The same German Social Democratic Party that courageously took the decision to deploy the Pershing II and cruise missiles is now riven over the issue. So, too, are the other socialist parties of Europe.

As American deployment appears more and more certain, however, the repeated specific Soviet warnings about putting the United States in "an analogous position," ought to be taken seriously.

The administration should be prepared for something dramatic from Moscow, not excluding the possibility of Soviet Bear or Backfire bombers arriving in Cuba, or the stationing of SS-20 missiles in the Soviet Far Northwest, whence they can reach the United States.

Reagan's real test may be just ahead. Is he prepared to declare the Soviet Union in violation of the ABM treaty and SALT II, and announce that the United States is no longer bound by either pact? Is he prepared to respond in kind to a strategic provocation? Is he prepared to tell the American people that the strategic arms talks are deadlocked, that the Soviets are demanding nothing less than a visible superiority the United States cannot concede? Are the American people prepard to hear, to accept, to respond, to such a message? As the Soviets do not sound as though they are bluffing, we may see.●

SPEECH BY SENATOR PELL ON ENVIRONMENTAL ISSUES

● Mr. MITCHELL. Mr. President, a broad range of environmental programs and problems will confront the Congress in the coming months. The distinguished senior Senator from Rhode Island, Senator PELL, recently addressed a number of these environmental issues in an address to the Narragansett Group of the Sierra Club in Rhode Island.

Senator PELL has been a strong advocate and supporter of environmental protection programs. He is a cosponsor of the legislation which I have proposed to reduce acid rain, which causes particularly heavy environmental damage in the northeastern section of our country.

In his address to the Sierra Club, Senator PELL urged a return to a strong Federal Government commitment to environmental protection and argued cogently for effective action to combat acid rain.

I believe Senator PELL's remarks will be of interest to my colleagues and I ask that the text of his address be printed in the RECORD.

The remarks follow:

REMARKS BY SENATOR CLAIBORNE PELL

I am delighted to be with you today.

The Sierra Club has a proud and distinguished history of effective action and national leadership on environmental issues. For that reason I am particularly pleased at this opportunity to discuss with the Rhode Island membership of the Sierra Club some of the environmental issues, including acid rain, which confront us today.

At the outset let me say that in my view, one of the great environmental challenges of our day is to ensure that our government in Washington has renewed its earlier respect for the environmental rights of the American public.

We must ensure that our government in Washington has an understanding and conviction that government has a basic responsibility to protect the interests of the general public in clean air, and clean water, in public lands, parks and forests, in the preservation of wildlife and wilderness—to assure that those interests are not sacrificed routinely, dogmatically and without thought, to private interests.

As all of you know, the decade of the 1970's was a time of immense progress in the United States and throughout most of the world in understanding the threat to our environment and in acting to solve environmental problems, some of which had accumulated over a period of decades.

With that background of a decade of strong bipartisan progress in environmental

affairs, the record of these first few years of the 1980's is disheartening.

In fact, the environmental record of our national government in the past three years has been aptly described as a national catastrophe. It certainly has been a time measured by public lands lost forever to the public; by wilderness areas already scarred by mineral prospecting; by an effort to sell in three years a public heritage carefully nurtured for decades and decades. And it is a catastrophe measured by lost opportunities to make progress in meeting national goals and objectives for cleaner and more healthy air and water.

And, sadly, none of this was necessary. The catastrophe of the past several years has occurred because of a basic philosophical error by the Administration. That error was to assume that if one believes in a free enterprise economic system one must be opposed to the public enterprise of protecting the environment. The truth is that both of these enterprises, public and private, serve public needs.

I believe strongly in our free enterprise economic system, and I believe just as strongly in the public enterprise of protecting our environment through government action.

In my view, the government's responsibility to protect our environment ranks with the government's responsibility to provide for the national defense. Both by their very nature are public enterprises that must be undertaken by government for the public good.

Neither national defense nor environmental protection can be achieved except through government programs, government policies and government financing. Neither can be turned over to the private sector with a blind assumption that free enterprise and a free market will provide the answers.

Sad to say, real progress in solving our nation's environmental problems is unlikely until our federal government once again accepts and embraces the responsibility to take positive action to protect and improve the environment.

As a beginning toward that objective, I suggest that the President ask for the resignation of his Secretary of the Interior, James Watt, and replace him with a good Republican who is devoted to the public interest in the environment and in public lands.

The Republican Party, after all, has counted among its members through the years many outstanding leaders in conservation and environmental protection dating back at least to President Theodore Roosevelt. And the party today includes many outstanding environmentalists, including Russell E. Train and Russell W. Peterson, both of whom served with great distinction as Chairmen of the Council on Environmental Quality and as Administrators of the Environmental Protection Agency. In addition, in the Senate, the Republican membership includes such recognized environmentalists as Senator Robert Stafford of Vermont and our own John Chafee of Rhode Island.

To be sure, Secretary Watt is only symbolic of the basic faults in this Administration's environmental policies, but symbols are important, and the President does have a pool of talent within his own party.

The Administration, belatedly, understood the importance of replacing the embarassing leadership of the Environmental Protection Agency, which now has an excellent Administrator, who does us all proud. However, it is now time to take similar action at the Interior Department.

Let me turn now to acid rain, as one of the most serious environmental problems we face.

As all of you know, acid rain is a problem that most heavily affects the Northeastern United States. Rain of more than normal acidic quality falls regularly in the Northeastern states, including Rhode Island. The acid rain increases the acidity of lakes and groundwater, and the increasing acidity is environmentally destructive, ultimately making lakes uninhabitable by fish. Other effects include the destruction of pine forests and damage to buildings and other structures.

The annual economic damage in the Northeast, including damage to fisheries and loss of tourism, is estimated at $5 billion.

There is some controversy over the causes of acid rain, but the basic facts are incontrovertible. The acid content of rain is increased by the presence of sulfur dioxide emissions, and those emissions come primarily from coal-burning electric power generating plants.

There is no question, in my view, that the federal government should require a reduction in the amount of sulfur dioxides thrown into the atmosphere by power plants. For that reason, I have co-sponsored, in the 97th Congress and in this Congress, legislation offered by Senator Mitchell of Maine that would require utility plants to reduce sulfur dioxide emissions by 35 percent during the next 12 years.

Opponents of this proposal argue that we just don't know enough about exactly how much acidity is caused by sulfur emissions, or exactly what are the sources of the sulfur emissions that cause the increased acidity in specific areas. For example, it is suggested that we do not know for certain whether the acid rain in Rhode Island is caused by power plants in the Midwestern United States, or by emissions from Canada, or from states closer to us, such as New York or Connecticut.

The truth is that we don't have all of the answers we would like to have. But a study by the National Academy of Sciences, in my view, did resolve the basic question. The Academy found that sulfur dioxide emissions do cause increased acidity of rainfall, and that decreases in sulfur emissions will reduce the acidity of rainfall. The Academy agrees that it is not now possible to say where the acid rain caused by a particular power plant will fall, but there is no doubt that if you reduce sulfur emissions there will be less acid rain.

Reducing sulfur emissions will be costly, particularly for power utilities in the Midwest, and their electric customers, because those are the plants that make the greatest use of coal with high sulfur content for power generation. The costs of a 35% reduction are estimated by independent studies at from $1.5 to $3 billion a year—an amount significantly less than the value of the anticipated benefits.

One may ask if the acid rain problem is a serious one for us here in Rhode Island. The answer is an emphatic yes.

In a study conducted by one of your sister environmental organizations, the National Wildlife Federation, Rhode Island was identified as one of 15 states that are "extremely vulnerable" to the harmful effects of acid rain.

Rainfall in Rhode Island averages 4.4 on the pH scale. The pH scale, on which zero is most acid and 14 is most alkaline, sets the neutral level of distilled water at 7, and normal rainfall at a slightly acidic 5.6. Remember that each numerical decrease below the neutral 7 means a 10-fold increase in acidity.

The Rhode Island Department of Environmental Management has advised me that we are experiencing rainfall in this state that is as low as 3 or 4 on the pH scale—close to the acidity of vinegar or lemon juice.

Rain of this acidity has a cumulative effect on surface waters, such as lakes. The Scituate Reservoir measures about 6 on the pH scale and other lakes, including one in Exeter, have been measured at even higher acidity of 4.6. Studies have shown that most fish species die at acidities between 4.5 and 6.0.

Acid rain is a serious problem here and throughout the Northeast, and it is time that the Congress bit the bullet and acted on the problem. We should see some significant developments within the coming weeks. The Office of Technology Assessment, an arm of the Congress, will be making public its report on acid rain within a few weeks. I serve on the Congressional Board which directs the activities of the OTA and in the field of environmental policy the reports of the OTA are extremely helpful to the Congress.

Also, within a very short time, the new director of the Environmental Protection Agency, William Ruckelshaus, is expected to announce the Administration's policy proposals on acid rain. I hope very much that the policy will go beyond a call for more studies.

From all reports, it appears that Bill Ruckelshaus is fighting hard within the Administration for a program of action, going beyond research, and I hope very much that he is able to persuade the President to accept his recommendation.

We do need more studies, particularly in developing new and less expensive technology to reduce sulfur emissions, but action to begin reducing the emissions should not be delayed.

I would like now to mention several other environmental projects involving federal government policy on which I have been working and which I believe will be of interest to you.

One of these projects is my proposal to assure that state and local governments are given a real chance to obtain surplus federal government lands for public park use.

This proposal arose, as many of you may know, out of the incredible decision by the Reagan Administration to sell to the highest bidder two parcels of surplus military land in Rhode Island—at Fort Wetherill and Beavertail—without giving an opportunity or preference to the desires of the state government to preserve these properties for park use.

The decision was more than incredible since the sites are not only ideal for park use but are surrounded entirely by existing state parks. The Administration's public-be-damned sale policy raised the specter of possible condominium development or other commercial development in the very center of a carefully planned state park.

Administration officials ignored the protests of state and local officials and of our Congressional delegation. At that point I decided that legislation was necessary to save these Rhode Island lands for public use, and to establish a correct policy nationally.

In that regard, I want to commend and thank the Sierra Club for the assistance and support it has provided in pursuing this sur-

plus property legislation. The experts of the Sierra Club's Washington offices, who have great experience in federal lands policy issues, were extremely helpful in preparing the legislation which I introduced to give state governments preference in obtaining surplus lands for park use with a requirement that the state governments be given a discount of at least 50% of the market value of such land.

As you may know, the Administration, faced with clear and strong Congressional opposition finally relented last April and agreed to make the Rhode Island Properties available for state park use.

The Administration, I think, hoped that with this action I would forget about the needed national legislation. They are wrong. I am continuing to press for enactment of my bill and I am happy to report that the Senate Committee will hold a hearing on this bill and related legislation later this year.

I am pleased to be able to report also that the Senate recently approved, as part of the State Department Authorization Bill, two additional environmental acts which I had proposed.

One of these provisions establishes a program for exchanges between American and foreign scientists, scholars, leaders and other experts in the fields of environmental science and environmental management.

Under this program, the United States and other nations could benefit immensely from an exchange of experts on the environment, just as we have all benefited from such exchanges in the health sciencies, and other fields.

A couple of examples I think will make clear the great potential advantages of such exchanges.

For one example, American scientists concerned with acid rain could benefit greatly by exchanges with scientists in Scandinavia who have been observing and studying the problem for more than 50 years.

Similarly, we could benefit greatly from exchanges with European experts on disposal of toxic and hazardous wastes. Our Rhode Island jewelry industry is confronted with a serious problem of handling wastes from such processes as electroplating, and European countries have long and successful experience in solving these problems.

So I am hopeful that this new program, which I originally introduced with Senator Chafee, Glenn and Percy as co-sponsors, will soon be enacted into law.

A second program which I originally proposed as the International Environmental Protection Act, also has been included in the State Department Authorization Act passed by the Senate.

This second program would encourage and assist other nations in efforts to preserve endangered plant and animal species. It is clear that the extinction of plant and animal species is a world-wide problem, and that efforts to preserve endangered species in the United States will do little good without similar efforts in other nations.

Experts have testified that 15 to 20 percent of the earth's species may be driven to extinction by the end of the century—in less than 20 years. That would mean the permanent loss of from 500,000 to 2,000,000 different types of living things that would never again be seen on this Earth.

To begin to deal with this problem, the legislation I proposed would authorize programs under the Foreign Assistance Act to help other nations protect animal and plant species and require that our government develop a comprehensive strategy to conserve biological diversity.

Here, again, I am grateful to the Sierra Club for the national support it has given to this proposal, and I am encouraged by the recent Senate approval of the proposal.

I believe it has become increasingly clear that effective answers to many of the most pressing environmental problems require cooperative actions among nations. Acid rain, ocean pollution, and atmospheric and stratospheric pollution are clear examples of problems that have no respect for national boundaries.

It is because of this environmental interdependence among nations that I have pressed for expanded international agreements on environmental affairs.

I was proud to be the sponsor of legislation which authorized United States support and contributions to the United Nations Environment Program. For similar reasons, I proposed a resolution urging the United States government to seek the negotiation of a treaty requiring the preparation of an International Environmental Impact Statement by any nation proposing to undertake any activity which might have an adverse impact on the physical environment of another nation or on an international commons area, such as the oceans.

And finally, I would be remiss if I did not mention to you today a threat to the world environment that surpasses all other threats in its potential for environmental destruction.

I refer, of course, to the threat and the danger of nuclear war. Other environmental problems and threats fade into insignificance when compared to the catastrophic destruction of human life, entire species, and life-supporting environment that would result from a nuclear war.

For that reason, I believe the highest priority on everyone's environmental agenda must be given to efforts to reduce the threat of nuclear war. That is the reason I strongly support the movement for a mutual, verifiable nuclear freeze leading to reduction and ultimate elimination of the world's nuclear arsenal.

I hope I can look forward to your support in this effort just as I have enjoyed your help and support in so many environmental battles.●

S. 1826, THE HUNGER RELIEF INCENTIVE TAX ACT OF 1983

● Mr. DANFORTH. Mr. President, although there is no official figure on the number of hungry or malnourished Americans, institutions providing emergency food assistance do know the extent to which today's numbers compare with those from earlier periods. The number of Americans seeking food assistance has increased noticeably over the past few years. Fifteen percent of the population—a 17-year high—has fallen below the official poverty line, based on a spartan food budget. Moreover, the profile of those seeking assistance is of particular importance. Food centers no longer serve only the emergency cases and the hard-core poor; they are now responding to the needs of the new poor as well. The new poor are people who were employed and possibly financially stable not very long ago. One-third of the families seeking food aid these days fall into this category.

The Federal Government has a number of programs desighed to aid the hungry, but the Government cannot, and indeed should not, do everything. Presently, our Government spends almost $17.8 billion on about 10 separate programs. State and local agencies, as well as private-sector charitable organizations, are necessary if costs are to be kept from escalating further—and these groups are essential if hunger in America is to be eliminated.

It is the purpose of the Hunger Relief Incentives Tax Act to encourage food contributions through tax incentives. With so many undernourished Americans, it is critical that we increase food donations by taxpayers to organizations which are involved in feeding the needy. We must use all of the resources available to feed our people. This is what the Hunger Relief Tax Incentive Act proposes to do.

This bill seeks to enlarge the food distribution system by increasing the number of eligible donee organizations. At present, donations of food to certain government operations, such as public housing authorities and welfare departments operating emergency food programs, are not eligible for tax deductions. The Hunger Relief Tax Incentives Act would change this. It would allow institutions already in place to be more active and effective food distributors.

The proposed bill also calls for expanding the number of eligible donors by granting to cooperatives, individuals, and other noncorporate taxpayers a tax deduction that is already available to corporations. The present law was enacted because Congress believed that it was desirable to provide a greater tax incentive for contributions of certain types of property to a charity. Congress specified, however, that the deduction allowed should not place the donor in a better after-tax situation by donating the property than he would be in if he had sold the goods. For this reason, and with this stipulation, the present law came into existence, and corporations were given a tax break for contributions of property used for the care of the ill, the needy and infants. The Hunger Relief Incentives Tax Act of 1983 does not offer additional incentives for these donors. Instead, it simply seeks to give cooperatives, individuals, and other noncorporate taxpayers a similar deduction. In this way it hopes to increase the amount of food donated.

Finally, the bill I am introducing will make present law more effective. A recent Government Accounting Office report noted that the lack of transportation was a chief obstacle confronting public and private organizations seeking to help those in need

of food assistance. The lack of transportation is probably ther most significant factor inhibiting the effectiveness of present law. Emergency food centers face tremendous difficulties getting the food from where it is donated to where it is needed. The Hunger Relief Incentives Tax Act specifically addresses this issue by offering the same tax deduction that is available for donors of property to qualified taxpayers transporting food. This provision is necessary to improve the contributed food distribution process. Without such a deduction for transportation, food will continue to be destroyed rather than donated to those Americans who are desperately in need of it.

The Hunger Relief Incentive Tax Act of 1983 is a crucial piece of legislation if we are truly serious about feeding our Nation's hungry. This bill seeks not only to increase food contributions—it also seeks to utilize more effecitvely those resources we have at our disposal. Potential donors and donees already exist. The utilization of transportation facilities can and should be increased. Most importantly, there is surplus food that could be distributed to America's undernourished citizens. The USDA estimates that there was almost 35 million tons of food wastage in 1983—excluding the fod left in the field after harvesting. In a country where the number of hungry people may run into the tens of millions, this is not just unacceptable, it is outrageous. It is imperative that we address this problem now. This is what the Hunger Relief Incentives Tax Act of 1983 seeks to do.●

A TRIBUTE TO JOE FRANK, JR.

● Mr. EAGLETON. Mr. President, on October 15, 1983, The American Legion, Department of Missouri, will have a homecoming for the newly elected Department of Missouri commander, Joe Frank, Jr.

Joe Frank, Jr. is, in my view, an outstanding choice for Department of Missouri commander. He was inducted into the U.S. Army on November 29, 1966 and served his country with honor and distinction as a combat engineer with the 39th Engineer Battalion. A land mine explosion on January 14, 1968 caused Mr. Frank to become a paraplegic, and he was honorably discharged on April 1, 1968.

In no way has Mr. Frank's disability reduced his desire and ability to serve his country and his fellow veterans. He became active in Lemay Memorial American Legion Post 162 in his home town of Lemay, Mo., and served as the Post's first Vietnam veteran commander.

Seeing the need for an American Legion Post in his neighboring community of Crestwood, Mr. Frank was a founder of Crestwood Memorial Post 777 in 1979 and has been a charter member since that time.

Also in 1979, he began working with the Paralyzed Veterans of America, serving as a full-time national service officer. In this capacity, Mr. Frank was responsible for developing, submitting, and pursuing claims for Veterans' Administration benefits for veterans, their dependents, and survivors, among other duties.

In 1981, he resigned from PVA in order to campaign for the office of eastern division vice commander of the American Legion for the Department of Missouri. He was elected to that position for the term of 1981–82.

Mr. President, the list of Joe Frank, Jr.'s accomplishments goes on and on. He was named an "Outstanding Young Man of America" in 1982; was named 1968 "Veteran of the Year" by the Combined Veterans Association; and has received two Presidential certificates—one in 1976 in appreciation for his service to the Nation and the Selective Service System and another in 1979 for "Outstanding Community Achievement." These are just a few of the many awards and honors Mr. Frank has achieved.

Joe Frank, Jr.'s dedication to serving his fellow man is a inspiration not only to disabled veterans, but to all disabled and handicapped Americans. Missouri and the Nation are proud to have him serve as the State's American Legion commander.●

UKRAINIAN FAMINE MUST NOT BE FORGOTTEN

● Mr. BIDEN. Mr. President, 50 years ago this year, the Soviet dictator Stalin decided to eliminate the political, cultural and ethnic identity of the Ukraine by starving to death more than 7 million Ukrainian men, women and children.

Stalin succeeded in murdering those millions by expropriating their crops. To subjugate a large and free-thinking non-Russian minority within the Soviet Socialistic Republics, he deliberately created a manmade famine. The Ukrainian people were the victims of genocide, of the attempted destruction of a nation to serve Soviet policy.

But despite the murderous success of that ill-intended famine, it did not achieve its full purpose. With the Soviet Union today, the more than 40 million Ukrainians still preserve their language, their culture and their national identity. And here in the United States, the Ukrainian-American community, one of our proudest and most patriotic ethnic groups, keeps alive the memory and the hope of a free and independent Ukraine.

They call upon all Americans this year to observe the 50th anniversary of the Ukrainian famine. It was, in fact, one of the great tragedies of human history, and it is a melancholy anniversary that should be observed by every free nation on Earth in recognition of the brutal and inhuman capacities of despotic government.

It is all the more disturbing and ironic, in this 50th anniversary year, to be reminded by the fate of the Korean Air Lines passenger plane over Sakhalin Island, that the realities of Soviet society, Soviet Government, and Soviet policy still do not rule out such cold-blooded attacks on human life and humane values. Even after 50 years, we are not after all so far beyond murder by policy.

It is, Mr. President, a sobering but necessary reminder. The Soviet Union and the United States confront each other across the world with nuclear arsenals capable, in only a few destructive hours, of inflicting devastation and death on a scale so vast that, even in our most horrified anticipation, we cannot adequately imagine it.

Possessed of such power, our two nations must find a way to live together on this planet. We must negotiate our differences with the Soviets, especially with regard to arms control. We must compose Soviet and American anxieties and aspirations if we are to avoid a nuclear holocaust.

But we must never forget the suffering of those millions in the Ukraine, nor the permanent Soviet contempt for human rights and human life that decreed their tragic fate.●

RABBI MENACHEM SCHNEERSON, SHLITA, LUBAVITCHER REBBE

● Mr. HECHT. Mr. President, I invite the attention of my colleagues to the June 23 comments of Rabbi Menachem M. Schneerson, the current leader of the Lubavitch movement.

in his address, Rabbi Schneerson emphasizes his deep desire for religious and moral freedoms throughout the world and the right of every human being to realize these freedoms.

Mr. President, whatever one's views may be on these subjects, Rabbi Schneerson's remarks stress his strong belief in the need to pursue the course of quiet diplomacy and the return to basic beliefs, practices, and ideals. His personal experiences and thoughtful comments reflect the overwhelming sincerity of a highly learned man. For myself and my distinguished colleague and friend, Mr. BOSCHWITZ, I ask that the statement be printed in the RECORD.

The statement follows:

SYNOPSIS OF ADDRESS OF RABBI MENACHEM M. SCHNEERSON, SHLITA, LUBAVITCHER REBBE, 12 TAMMUZ—JUNE 23, 1983

We celebrate today the anniversary of the liberation in 1927 of my saintly father-in-law, Rabbi Joseph I. Schneersohn of blessed memory, preceding leader of the Lubavitch movement. His arrest followed his struggle

for religious freedom and the right of every individual to act according to his religious and moral convictions.

Prominent among those who intervened in his behalf and were instrumental in securing his release and ultimate permission to emigrate, enabling him to continue his beneficial work throughout the world, was the then-incumbent President of the United States. Together with our humble thanks to the Al-mighty G-d, Master of the Universe, for His great kindness, we owe a debt of profound gratitude to those fortunate to be the human agents of the Divine Hand. We express our gratitude to this blessed land and to its government, to the President then and to all who occupied this office to our own day, particularly to its present highly honored incumbent who continues to govern this land with wisdom and justice.

Our Torah teaches that from every occurrence, we must derive a practical lesson applicable to our current situation. From the manner in which the previous Rebbe's release was accomplished, we can gain insight as to which approach to international relations has a greater chance of success.

There are two possible approaches a super power can employ to persuade another super power to adopt a given policy. One is through open, public confrontation or a show of force. The other is through quiet diplomacy.

The successful intervention to secure the previous Rebbe's release demonstrates the efficacy of the second approach. It was quiet, high-level diplomatic efforts which facilitated his release and permission to emigrate.

We mention this in regard to a current pressing issue which can be resolved in a similar manner. Basic to human rights is the freedom to choose where one wishes to live. This universally recognized right has not been fully granted to all citizens of all countries.

Just as silent diplomacy succeeded in 1927, so can it succeed today. To succeed, however, we must separate from this issue any discussion as to the relative merits or superiority of one economic or social system over another. Varying viewpoints on religion or philosophy are irrelevant to this issue. It is important to note that both super powers are signatories to the Human Rights Convention which explicitly guarantees freedom to emigrate.

The time is now opportune. The recent change in Soviet leadership has brought a more positive attitude in this issue, and we are convinced that the new leader of the U.S.S.R. will be amenable to such overtures from high echelons of our government.

At this point we should address ourselves to another issue of vital importance to all citizens of our country. The guarantee of one's freedom and human rights depends upon civilized rules of law and order. The imperative to live a life of law, morality and ethics cannot be based solely upon the citizen's fear of societal reprisal for wrongdoing. It must essentially be derived from a deep awareness of a Supreme Being, an everpresent "Eye that sees and Ear that hears". This concept is basic to all faiths and beliefs, and must be inculcated from early childhood on.

To foster this awareness among all children, enabling them to grow into law-abiding, ethically-minded, productive citizens, we have advocated introduction of a "moment of silence" to start the day in every school in the land, including all public schools. The benefits of increased awareness of the Supreme Being will be reflected in commensurate reduced crime and juvenile delinquency (which have risen so sharply in recent years), and restoration of this great land to its ethical moral ideals, thereby enhancing the welfare and safety of all citizens.

Separation of religion and state is not an issue here. The Founding Fathers of the United States were men who believed in a Supreme Being, and often wrote and spoke about their trust in Him. It is inconceivable that their insistence on freedom of religion was intended to exclude all mention of a Supreme Being from the educational system of the land.

Even if change is required, the Constitution contains a built-in apparatus for change through amendments, "for the People"—for the common good. The Establishment Clause itself, the basis of religious freedom in this land, was such an amendment. New problems, such as the drastic increase in crime, directly attributable to the lack of awareness of a Supreme Being, warrant new measures to correct them and benefit the people. Since parents today play a much-reduced role in their children's education, and more responsibility now rests with the schools, it is the government's duty to ensure that all children be given an opportunity to become aware of the "Eye that sees and Ear that hears."

We are fortunate to have a President who with deep foresight, strongly supports the proposal of a "moment of silence" lending to it the weight of his prestige and position. This bodes well for its adoption by Congress, with the hopeful results that our children will grow up to become law-abiding citizens of this great country, the United States of America.●

THE POLAR BEARS

● Mr. LEVIN. Mr. President, during a recent ceremony at Fort Wayne in Detroit, I had the opportunity to honor the survivors of a World War I regiment of Michigan soldiers who were known as the Polar Bears. Today, I would not only like to honor these survivors of a long-ago and little-remembered military campaign, I would like to honor the lives and spirit of those who died, as well.

On September 12, I presented the group, which fought the Communist revolutionaries in northern Russia at the end of World War I, with documents that were uncovered in my office after 54 years—documents that pay tribute to the brave Michigan soldiers who died in Russia. Last May, 22 members of the statewide Polar Bear Association, the youngest of whom is 87 years old, held what was to be their last reunion at the Book Cadillac Hotel in downtown Detroit. I was grateful that several of these same veterans were able to attend the ceremony at Fort Wayne.

Mr. President, the uncovered documents, two 1929 CONGRESSIONAL RECORD reprints of a Senate tribute to the Polar Bears by the late Senator Arthur H. Vandenberg, Republican from Michigan, were discovered by a carpenter who was refurbishing a storage closet in the office suite to which I recently moved on the fourth floor of the Russell Senate Office Building. The CONGRESSIONAL RECORD reprints, which had fallen behind a shelf, led to the discovery that Senator Vandenberg occupied from 1929 to 1940, the same offices.

Senator Vandenberg, who as we all know, was a highly respected and distinguished Member of this Chamber remembered for his efforts to forge a bipartisan foreign policy, reported to the Senate in an eloquent speech on October 7, 1929, that "cablegrams from the north of Russia this week announce the successful culmination of one of the most poignant pilgrimages in American history." Senator Vandenberg went on to describe the efforts of a Veterans of Foreign Wars (VFW) delegation sent to Russia to retrieve the bodies of Michigan men who died fighting in the Soviet Union in 1918–19 and listed the names of 175 Michigan men killed there. He also listed the names of nearly 1,300 Michigan casualties of World War I who were buried in Europe.

Senator Vandenberg said:

> There was little romance to soften the hard duty befalling these "Polar Bears," as they subsequently have become known, upon the obscure and dubious errand which our World War strategy assigned to them far, far from the western front . . . It was desperate business amid the bitterest exposure. It was patriotism under acid test. If ever homage was deserved it is by such patriots as these.

Mr. President, a polar bear monument marks the gravesites of 86 Detroit-area men buried in White Chapel Cemetery in Troy, Mich., after their remains were returned to Michigan by the VFW delegation.

In 1918, before the November armistice was signed ending the Great War, the 5,500 troops of the 339th Infantry Regiment—known as Detroit's Own because 70 percent of the nearly all-Michigan regiment were from the city—were shipped to England and assigned to an Allied Expeditionary Force under British command.

Soon after they sailed for the north Russian city of Archangel, inside the Arctic circle. Their mission was to guard supplies sent to czarist Russia, which had fought with the Allies against Germany. Instead the Michigan men were ordered into combat against the Bolshevik revolutionaries who were then fighting the white Russian counter-revolutionaries.

The 339th Infantry Regiment fought on past the armistice and into the winter and spring of 1919, contending with harsh conditions and temperatures that fell to more than 50° below zero. The soldiers dubbed their unit the Polar Bears as a reminder of the frigid conditions in which they served.

Mr. President, I ask for a somewhat unusual request, but one befitting of

the bravery and patriotism shown by the Polar Bears: I ask to resubmit Senator Vandenberg's CONGRESSIONAL RECORD reprint.

The reprint follows:

[From the CONGRESSIONAL RECORD, Seventy-First Congress, First Session, Oct. 7, 1929]

MICHIGAN'S WAR DEAD

BURIAL IN EUROPE OF WORLD WAR SOLDIERS FROM MICHIGAN

(Remarks of Hon. A. H. Vandenberg of Michigan, In the Senate of the United States, Monday, October 7, 1929)

Mr. VANDENBERG. Mr. President, cablegrams from the north of Russia this week announce the successful culmination of one of the most poignant patriot pilgrimages in American history. Back upon this bleak, mysterious, and inscrutable World War front the lost graves of our martyred dead at last have been found by official groups of their own faithful and unforgetting buddies.

Most of these brave boys who last saw their country's flag upon strange and unsupported battle lines in this far north Russian country were from Michigan. From Michigan largely came the impulse which after 10 years has insisted that these honored dead once more should know the Stars and Stripes above their last, long home. The precious adventure has succeeded. Back to Michigan these sons are coming home.

I am advised from Archangel, outpost on the rim of a far-distant world, that the mortal remains of nearly 100 of these martyrs have been redeemed from unmarked and unknown ground. It is a solemn, yet a thrilling achievement.

There was little romance to soften the hard duty befalling these "Polar Bears," as they subsequently have become known, upon the obscure and dubious errand which our World War strategy assigned to them far, far from the western front. The more the honor that is their due for fathful service rendered. It was desperate business amid the bitterest exposure. It was patriotism under acid test. If ever homage was deserved it is by such patriots as these.

Under loving escort these dead are now bound for the United States. In another month they will arrive. I am assured by the War and Navy Departments that all honors will be paid the sacred pilgrimage when it arrives. Michigan similarly will do her full share in these sacrificial obsequies. In addition, I beg the Senate's indulgence for this memorial contribution to our own records. I ask unanimous consent to print in the CONGRESSIONAL RECORD the names of these sons of Michigan who died for their country on this north Russian front in the World War.

The VICE PRESIDENT. Without objection, it is so ordered.

The list is as follows:

LIST OF NAMES OF SOLDIERS FROM THE STATE OF MICHIGAN WHO DIED IN NORTH RUSSIA

Name	Serial No.	Rank and organization
Ballard, Clifford B		2d lt., M. G. Co., 339th Inf.
Agnew, John	2021637	Sgt., Co. K, 339th Inf.
Angove, John P	2983406	Pvt., Co. B, 339th Inf.
Asire, Myron J	2031390	Pvt., 1 cl., Co. A, 310th Engr.
Auslander, Floyd R	2052911	Pvt., 1 cl., Co. H, 339th Inf.
Avery, Harley	2052896	Pvt., Co. H, 339th Inf.
Babinger, William E	2021926	Cpl., Hq. Co., 339th Inf.
Bayer, Arthur C	2981652	Pvt., Co. C, 339th Inf.
Bayer, Charles	2021207	Pvt., Co. F, 339th Inf.
Berger, Carl G	2021737	Wag., Sup. Co., 339th Inf.
Berry, Ernest R	2051814	Pvt., Co. F, 339th Inf.
Berryhill, Chester W	2053404	Do.
Bigelow, John W	2981826	Pvt., Co. E, 339th Inf.

LIST OF NAMES OF SOLDIERS FROM THE STATE OF MICHIGAN WHO DIED IN NORTH RUSSIA—Continued

Name	Serial No.	Rank and organization
Bloom, Helmer	2031395	Sgt., 1 cl., Co. A, 310th Engr.
Boreson, John	2054102	Pvt., Co. H, 339th Inf.
Bosel, John J	2050508	Cpl., Co. C, 339th Inf.
Bowman, William H	2020842	Sgt., Co. B, 339th Inf.
Brieve, Joseph	2980123	Pvt., Co. E, 339th Inf.
Burdick, Andrew T	2984233	Pvt., Co. B, 339th Inf.
Byles, James B	2022202	Pvt., Sup. Co., 339th Inf.
Campbell, Martin J	2021108	Cpl., Co. E, 339th Inf.
Cannizzaro, Rafield	2982005	Pvt., Co. K, 339th Inf.
Carter, James	2021948	Pvt., Hq. Co., 339th Inf.
Carter, William J	2043695	Pvt., 1 cl., Co. A, 339th Inf.
Christian, Arthur	2986131	Pvt., Co. L, 339th Inf.
Ciesielski, Walter	2048968	Pvt., 1 cl., Co. E, 339th Inf.
Clark, Clyde	2986001	Pvt., Co. L, 339th Inf.
Clark, Joshua	2047349	Pvt., Co. C, 339th Inf.
Clemens, Raymond C	2981406	Do.
Clish, Frank M	2053395	Pvt., Co. B, 339th Inf.
Cole, Elmer B	2020756	Pvt., Co. A, 339th Inf.
Connor, Lloyd	2031408	Cpl., Co. A, 310th Engr.
Conrad, Rex H	2051613	Cpl., Co. F, 339th Inf.
Cook, Clarence R	2020758	Pvt., Co. A, 339th Inf.
Cronin, Lewis	2050691	Pvt., 1 cl., Co. K, 339th Inf.
Crook Alva	2982307	Pvt., Co. M, 339th Inf.
Cwenk, Joseph	2041692	Pvt., 1 cl., Co. A, 339th Inf.
Deamicis, Guissepi	2042211	Cpl., Co. A, 339th Inf.
Detzler, Allick F	2052170	Pvt., Co. B, 339th Inf.
Dial, Charles O	2021851	Mech., Co. M, 339th Inf.
Dunaetz, Isadore	2051025	Pvt., Co. C, 339th Inf.
Dusablon, William H	2054247	Pvt., Co. I, 339th Inf.
Dyment, Schiloma	2041417	Pvt., Co. M, 339th Inf.
Easley, Albert H	2982436	Pvt., Co. L, 339th Inf.
Farrand, Ray	2051858	Pvt., Co. I, 339th Inf.
Fields, Clarence	2054250	Pvt., Co. E, 339th Inf.
Finnegan, Leo N	2981495	Pvt., Co. B, 339th Inf.
Foley, Morris J	2020857	Cpl., Co. B, 339th Inf.
Frank, Arthur A	2022141	Pvt., M. G. Co., 339th Inf.
Franklin, Walter E	2985888	Pvt., Co. E, 339th Inf.
Frucce, John	2982806	Pvt., Co. H, 339th Inf.
Fuller, Alfred W	2980106	Pvt., Co. K, 339th Inf.
Gariepy, Henry	2931114	1st sgt., Co. B, 339th Inf.
Gasper, Leo	2030041	Pvt., Co. B, 339th Inf.
Gauch, Charles D	2042972	Pvt., Hq. Co., 339th Inf.
Gottschalk, Milton E	2020770	Cpl., Co. A, 339th Inf.
Graham, Claus	2054401	Pvt., Co. H, 339th Inf.
Gresser, Joseph A	2054358	Pvt., Co. C, 339th Inf.
Grewe, Bernard C	2042436	Sgt., Co. K, 339th Inf.
Gutowski, Boleslaw	2052845	Pvt., Co. C, 339th Inf.
Hannon, John T	2986523	Pvt., 1 cl., Co. A, 339th Inf.
Hendy, Alfred H	2052558	Pvt., Co. C, 339th Inf.
Hodgson, Fred L	2054397	Pvt., Co. L, 339th Inf.
Hunt, Bert	2980253	Pvt., Co. D, 339th Inf.
Hutchinson, Alfred G	2047958	Pvt., Co. A, 339th Inf.
Ida, James T	2019015	Pvt., 337 Amb. Co., 310th San Tr.
Jackson, Jesse C	2021991	Pvt., 1 cl., Hq. Co., 339th Inf.
Jenks, Stillman V	2981423	Pvt., 1 cl., Co. A, 339th Inf.
Jonker, Nicholas	2981459	Pvt., Co. C, 339th Inf.
Jordan, Carl B	2981382	Pvt., Co. B, 339th Inf.
Kalaska, Joseph	2052289	Pvt., Co. I, 339th Inf.
Kenney, Michael J	2021671	Sgt., Co. K, 339th Inf.
Kenny, Bernard F	2031129	Cpl., Co. A, 339th Inf.
Kiecz, Andrzci	2020958	Pvt., Co. C, 339th Inf.
Kieffer, Simon P	2043240	Pvt., M. G. Co. 339th Inf.
Kistler, Herbert B	2984321	Pvt., Co. I, 339, Inf.
Kozlowsky, Mattios	2021478	Pvt., 1 cl., Co. H, 339th Inf.
Kreizinger, Edward	2021767	Cpl., Co. L, 339th Inf.
Kroll, John Jr	2980404	Pvt., Co. D, 339th Inf.
Kukla, Valentin	2986398	Pvt., Co. K, 339th Inf.
Kurowski, Max J	2981544	Pvt., Co. A, 339th Inf.
Kwasniewski, Igancy, II	2021585	Mech., Co. I, 339th Inf.
Lauzon, Henry	2984384	Pvt., Co. L, 339th Inf.
Lehmann, William J	2020786	Cpl., Co. A, 339th Inf.
Lyttle, Alfred E	2031460	Cpl., Co. A, 310th Engr.
McDonald, Angus	2982389	Pvt., Co. E, 339th Inf.
McLaughlin, Frank L	2981701	Pvt., Co. I, 339th Inf.
McTavish, Stewart M	2020790	Pvt., 1 cl., Co. A, 339th Inf.
Malm, Clarence A	2032894	Pvt., Co. G, 339th Inf.
Marchlewski, Joseph W	2053164	Do.
Marriott, Fred R	2020883	Sgt., Co. B, 339th Inf.
Martin, William J	2984430	Pvt., Co. A, 339th Inf.
Maybaum, Harold	2053222	Pvt., Co. E, 339th Inf.
Mead, William	2980033	Pvt., Co. F, 339th Inf.
Meister, Emanuel	2022161	Sgt., M. G. Co., 339th Inf.
Merrick, Walter A	2052506	Pvt., Co. M, 339th Inf.
Mertens, Edward L	2021774	Cpl., Co. L, 339th Inf.
Michel, Louis F	2054385	Pvt., Co. C, 339th Inf.
Moore, Albert E	2051357	Cpl., Co. A, 339th Inf.
Mylon, James J	2021164	Cpl., Co. E, 339th Inf.
Negake, William W	2981541	Pvt., Co. H, 339th Inf.
Neri, Vincent	2020975	Bug., Co. C, 339th Inf.
Nichols, Charles	2054992	Pvt., Co. B, 339th Inf.
Nunn, Arthur	2980251	Pvt., Co. M, 339th Inf.
O'Brien, Raymond A	2020891	Pvt., Hq. Co., 339th Inf.
O'Connor, Lawrence S	2054342	Cpl., Co. C, 339th Inf.
Ozdarski, Joseph S	2021783	Pvt., Co. L, 339th Inf.
Parrott, Jesse F	2051820	Pvt., Co. K, 339th Inf.
Patrick, Ralph M	2048653	Pvt., Co. A, 339th Inf.
Pawlak, Joseph	2049353	Pvt., Co. B, 339th Inf.
Peltom, Henry	2985918	Pvt., Co. A, 310th Engr.
Peterson, August B	2981777	Pvt., Co. H, 339th Inf.
Petraska, Oscar H	2980235	Pvt., Co. K, 339th Inf.
Pilarski, Alexander	2049806	Pvt., Co. B, 339th Inf.
Pitts, Jay B	2981795	Pvt., Co. G, 339th Inf.
Poth, Russell A	2052347	Pvt., Co. A, 339th Inf.

LIST OF NAMES OF SOLDIERS FROM THE STATE OF MICHIGAN WHO DIED IN NORTH RUSSIA—Continued

Name	Serial No.	Rank and organization
Potulski, John J	2054147	Pvt., Co. K, 339th Inf.
Ramotowske, Josef	2021507	Pvt., 1 cl., Co. H, 339th Inf.
Rauschenberger, Albert	2981247	Cpl., Co. A, 339th Inf.
Redmond, Nathan L	2021509	Cpl., Co. H, 339th Inf.
Richardson, Eugene E	2021514	Do.
Richey, August K	2054442	Cpl., Co. A, 339th Inf.
Rickert, Albert F	2052928	Pvt., Co. C, 339th Inf.
Robbins, Daniel	2053355	Pvt., Co. B, 339th Inf.
Rodgers, Yates K	2020805	Sgt., Co. A, 339th Inf.
Rose, Floyd H	2983535	Pvt., Co. I, 339th Inf.
Rowe, Ezra T	2981303	Pvt., M. G. Co., 339th Inf.
Russell, Archie E	2981327	Pvt., 1 cl., Co. A, 339th Inf.
Russell, William H	2021902	Cpl., Co. M, 339th Inf.
Ruth, Frank J	2044788	Pvt., Co. B, 339th Inf.
Rynbrandt, Raymond	2054853	Pvt., Co. D, 339th Inf.
Sapp, Frank E	2981789	Cpl., Co. M, 339th Inf.
Savada, John	2041678	Cpl., Co. B, 339th Inf.
Schepel, Tiemon	2054882	Pvt., Co. D, 339th Inf.
Schroeder, Herbert A	2041747	Cpl., Co. B, 339th Inf.
Scott, Perry C	2022073	Cpl., Hq. Co., 339th Inf.
Shingledecker, Dwight	2980294	Pvt., Co. A, 339th Inf.
Sickles, Floyd A	2052492	Pvt., Co. M, 339th Inf.
Skocclas, Andrew	2980340	Pvt., Co. C, 339th Inf.
Smith, George J	2051549	Pvt., Co. A, 339th Inf.
Smith, Wilbur B	2020990	Sgt., Co. C, 339th Inf.
Soczkoski, Anthony	2021620	Pvt., Co. I, 339th Inf.
Sokol, Philip	2044132	Pvt., Co. L, 339th Inf.
Speicher, Elmer E	2042323	Cook, Co. C, 339th Inf.
Staley, Glenn P	2052777	Pvt., Co. K, 339th Inf.
Stier, Victor	2041538	Pvt., Co. A, 339th Inf.
Stocken, Orville I	2053647	Do.
Surran, Harry H	2980254	Pvt., Co. A, 339th Inf.
Sweet, Earl D	2054020	Do.
Syska, Frank	2980054	Pvt., Co. D, 339th Inf.
Szymanski, Louis A	2042585	Pvt., Co. C, 339th Inf.
Tamas, Stanley P	2984284	Pvt., Co. D, 339th Inf.
Tegges, William G	2022093	Pvt., Hq. Co., 339th Inf.
Thompson, Henry	2054233	Pvt., Co. A, 339th Inf.
Van Der Meer, John	2984234	Pvt., Co. B, 339th Inf.
Van Herwynen, John	2054857	Pvt., Co. D, 339th Inf.
Wadsworth, Lawrence L	2042393	Pvt., Co. I, 339th Inf.
Wagner, Harold H	2981758	Pvt., 1 cl., Co. E, 339th Inf.
Waldeyer, Norbert C	2980132	Pvt., Co. D, 339th Inf.
Weaver, Louis O	2980195	Pvt., Co. A, 339th Inf.
Weesner, Clifford E	2981807	Pvt., Co. F, 339th Inf.
Weitzel, Henry R	2053339	Pvt., Co. C, 339th Inf.
Welstead, Walter J	2053801	Pvt., Co. A, 339th Inf.
Wenger, Irvin	2981444	Pvt., Co. C, 339th Inf.
Westrhof, John T	2981337	Pvt., Co. B, 339th Inf.
Whitford, Jason J	2052695	Pvt., Co. C, 339th Inf.
Williams, Edson A	2041492	Pvt., Co. A, 339th Inf.
Wilson, Dale L	2981901	Pvt., Co. B, 339th Inf.
Wing, Homer	2042146	Pvt., 1 cl., Co. A, 310th Engrs.
Witt, Louis C	2043554	Pvt., Hq. Co., 339th Inf.
Wood, Stewart W	2020998	Cpl., Co. C, 339th Inf.
Young, Edward L	2021418	Sgt., Co. G, 339th Inf.
Zajackowski, John	2041939	Pvt., Co. B, 339th Inf.
Ziegenbein, William J	2031516	Sgt., Co. A, 310th Engrs.
Zlotcha, Mike	2052767	Pvt., Co. E, 339th Inf.

Mr. VANDENBERG. At this same time, Mr. President, it seems to me that the patriot inventory should be made complete.

There is no "front" on any battle line in any war in which the United States has engaged since Michigan entered the sisterhood of States that has not been hallowed with Michigan's patriot blood. Unfailingly and unstintingly our State always has walked the Nation's sentry posts, whether in the travail of the rebellion, or in the challenge of 1898, or in the bitter crisis of 1917-18 when Columbia commanded our young manhood to put its heart upon the altars of the world.

We pretend no monopoly upon this patriotism. On the contrary, we proudly acknowledge that we thus have but done our share in the fraternity of a common national defense. Yet we may be forgiven a special and a solemn pride that our "share" has been prodigal.

All sons of Michigan who thus have borne their country's colors alike are decorated with the affections of their Commonwealth. They need no eulogy. It is most eloquently provided by their own services. Nor would we differentiate between the living and the dead. Nor between those who sleep in the soil they helped to save and those whose long, last home is on a foreign strand.

But, Mr. President, there is something particularly poignant in contemplation of this latter group. It seems to me that they have earned a particular and a peculiar emphasis so that none who follow after may remotely suspect that the seas have separated them from our grateful memories. Such is not the fact. Best evidence to the contrary is furnished by this present pilgrimage which is searching northern Russia for the only graves which our own Government heretofore has neglected—Michigan graves in large degree, because it was almost exclusively Michigan troops who held this remote but fatefully dangerous line. Other evidence is eloquently furnished by the tender and unremitting care which we give to hallowed ground in those Old World cemeteries which are peopled with the living spirits of those American martyrs whom "taps" gave to eternity. Still further evidence is furnished by the recent action of the Congress in arranging that our gold-star mothers may be the Nation's guests in journey to these gold-star shrines.

No, we have not forgotten. The impulse toward universal peace—remembering always that the peace and honor of our own America is first charge upon our consciences—is one of the memorials to those who died that we may live. The impulse to democratize our national defense—insisting hereafter, in the unforeseen and unhappy event of another war, that every material as well as human resource shall submit to common draft for the common cause—is another very practical memorial. Yet another is the practice of the utmost liberality, consistent with our immense resources, not only in adequate pensions for the Nation's wards from former wars but also and particularly in the generous and sympathetic and understanding administration of Federal aid, shorn of all possible technicalities, for those World War veterans who now battle life under the handicap of incapacity inherited from service and from hazards which we civilians never faced.

We have not forgotten, Mr. President. But in the light of this precious reclamation now proceeding on that old Russian front, I take the occasion to put Michigan's record in this general connection into the permanent archives of the Republic.●

HUMAN RIGHTS IN THE UKRAINE

● Mr. LAUTENBERG. Mr. President, 50 years ago the Ukrainian people faced the brutally enforced collectivization program of the Soviet Government. In a brave struggle against loss of their land and their basic rights, millions of Ukrainians perished from starvation, physical abuse, and internment. What was then known as a great famine or natural disaster, we now know was a broad and orchestrated campaign by the Soviet Government.

I am pleased to join as a cosponsor of Senate Concurrent Resolution 70 today to pay tribute to the victims of this tragedy and to add to congressional expressions of resolve to see basic human rights respected everywhere. This resolution condemns the policies of the Soviet Union, then and now, that systematically disregard human rights and liberties. It calls upon the President to proclaim May 24, 1984, as a day to commemorate the 50th anniversary of the first congressional condemnation of the Ukrainian famine. And it also urges a new diplomatic effort to press the Soviet Government to remove current restrictions on food parcels and other necessities sent to Soviet citizens by private individuals and charitable organizations.

Earlier this week, Washington was the scene of a serious demonstration organized by the National Committee to Commemorate Genocide Victims in Ukraine 1932-33. Thousands, many from New Jersey, gathered as close as they could to the Embassy of the U.S.S.R. here to commemorate the victims of the famine. But the larger message relates to a continuing struggle, by Ukrainians and by others in the Soviet Union, for basic human rights. It is a struggle that the Congress of the United States will never ignore.●

WILLIAM H. KENNEDY, JR.

● Mr. PRYOR. Mr. President, tomorrow the American Bankers Association begins its annual convention and marks the end of the presidency of William H. Kennedy, Jr., of Pine Bluff, Ark.

Bill Kennedy has led the ABA through 12 critical months, a time when the industry was struggling with the effects of deregulation and competition from new, nonbank sources. He led the successful fight against the withholding of interest and dividend payments, the most massive grassroots campaign Washington has ever seen, and was able to reconcile the interests of both large and small banks on a variety of issues.

Federal Reserve Chairman Paul Volcker has said of Kennedy: "His calm and commonsense manner in the midst of all of the bank turmoil and change have been important for banking and the country at large."

Bill Kennedy has worn many hats in his career. He is president and chairman of the board of the National Bank of Commerce in Pine Bluff and has been active for many years in the American Bankers Association. Bill has also promoted industrial development in our region by serving as director of the Jefferson County Industrial Foundation, president of the Arkansas Basin Association, a trustee of the Midwest Research Institute, chairman of the Arkansas State Chamber of Commerce, the Pine Bluff Chamber of Commerce, the Arkansas State Council on Economic Education and the Arkansas Waterways Commission. He is a retired colonel in the U.S. Marine Corps Reserves and a hero of the battle at Iwo Jima, with a Purple Heart and a Silver Star.

In a recent poll by U.S. News & World Report, Bill was chosen by members of the financial community as the third most influential financial leader in the Nation, behind only the chairman of Citicorp and the chairman of the Federal Reserve. That is not bad for a country banker from Pine Bluff, Ark.

Bill and his wife Marylena have done a magnificent job representing the State of Arkansas and the banking community as a whole during this past year, and I am sure my colleagues join me in wishing them all the best in the days to come.●

STATECRAFT AND STRATEGY IN THE NUCLEAR SHADOW

● Mr. GOLDWATER. Mr. President, recently I received a copy of the statement of policy adopted by the Air Force Association at their annual national convention held here in Washington last month. This policy statement makes several very good points in outlining the breadth and scale of our national security mechanism at the present time. Not only does the statement highlight our capabilities but it points out, as a fundamental national security requirement, that we must continue a steadfast national commitment to rebuild and maintain our essential defense capabilities. We have made substantial progress in redressing some errors of the past by rebuilding our Nation's defenses in many areas. However, unless this progress is to continue, we put at risk our precious freedoms. As quoted in the policy statement, in the words of President Eisenhower, "In the final choice, a soldier's pack is not so heavy a burden as a prisoner's chains." That statement says something to all of us.

There are thoughts in this policy statement which encompass the spectrum of our Nation's current political and military activities. I urge my colleagues to read this statement and to digest the very important messages contained therein.

Mr. President, I ask that the Air Force Association's 1983-84 statement of policy be inserted in the RECORD following my remarks.

The article follows:

STATECRAFT AND STRATEGY IN THE NUCLEAR SHADOW

United States military policy is, and throughout history has been, defensive. Our armed forces, and the doctrines that guide them, are structured accordingly. We don't create huge military arsenals to conquer or coerce. Our forces exist to keep others from using force against us and our allies. We seek to deter rather than fight wars. But hollow deterrence based on bluff weakens rather than strengthens peace; reliable deterrence is achieved only if potential aggressors know clearly that they would confront determined, combat-ready forces they cannot defeat. Our overriding concern obviously must be deterrence of the most destructive form of conflict, nuclear war. The world today lives in the shadow of nuclear weapons; we cannot wish them away or dis-

invent them even though the abhorrence of nuclear war and the desire to prevent holocaust are shared by rational people. And yet, we must remember the last conventional global war cost 40,000,000 to 50,000,000 lives, and that this nuclear shadow has prevented conventional war between major nations for thirty-eight years, the longest period in modern history.

If we want to lower the risk of nuclear war, we must build and maintain the forces that prevent it. This logic may not be comfortable but it is sound, for the principle of deterrence is as old as the history of warfare and has not been changed by the advent of nuclear weapons. What has changed is that the stakes of deterrence have increased in step with the deadliness of nuclear arsenals. The central requirement of effective nuclear deterrence is for the Soviet leadership to remain convinced that we have the capability and will to respond to aggression by denying Moscow its political and military objectives and impose on the USSR costs that outweigh any potential gain. In turn, this requires that we have the capability to hold at risk that which the Soviet leadership itself values most—military and political control, military forces, both nuclear and conventional, and that critical industrial capability which sustains war. Moreover, we must maintain this capability, at appropriate countervailing levels, whether the Soviet Union consents to equitable arms reduction or not.

This Association's longstanding contention that the US can no more negotiate from a position of weakness than it can deter through inferiority is as valid as ever. Arms-control objectives and strategic capabilities must be shaped for mutual support and serve the common goal of a stable military balance and, hence, peace. Effective arms control can and should be an essential tool for lessening the danger of nuclear war. But no negotiations can change the fact that this country and the Soviet Union are ideological and geopolitical adversaries.

The Soviet Union regards arms control as a competitive process which serves both political and military objectives. Politically, the Soviet Union poses as a champion of peace and frequently advances propagandistic arms-control initiatives. Many of these are one-sided, impractical, unverifiable, and not really intended to control armaments or even to be adopted in practice.

At the same time, the Soviet Union also advances proposals that are aimed at achieving military as well as political benefits. The Soviets seek to place constraints on US technological advantages while protecting their own military advantages.

If follows that arms-control agreements with a highly secretive adversary like the Soviet Union cannot be based simply on trust. There must be effective means of verification that enable the US to know with confidence whether the terms of agreements are being honored. In practice, this means the US must be able to monitor activities in the areas covered by these treaties in order to detect any violations at a very early stage. Arms-control agreements that cannot be verified and enforced effectively are worse than no accords at all.

This Association believes also that US arms-control policies must not focus on the threat of nuclear war to the exclusion of the threat of totalitarian imperialism. We must prevent the former while containing the latter. At the same time arms-control policies must not become entangled in domestic partisan politics. The formulation of this nation's arms-control policy is not a contest between supporters of peace and supporters of war, but an issue of statecraft that preserves both liberty and peace. There is reason to fear that the national discourse over arms control is being subverted into sloganeering exercises by those who favor arms control at any price. Arms-control accords that do not lessen the danger of war and undermine further the strategic balance—or especially a unilateral nuclear freeze—may serve temporarily the propagandists of the peace movement. But they do not serve the cause of peace. In fact, they increase the risk of nuclear war.

The positions taken by this Association previously on this issue are worth repeating: Domestic and international groups promoting simplistically an immediate nuclear freeze are achieving ends diametrically opposed to their own professed goals of nuclear stability and arms reduction. Such a freeze would leave us with a permanently weakened deterrent posture and perpetuate the very vulnerabilities and inadequacies we are making great efforts to correct.

A nuclear freeze would decrease strategic stability and grant the Soviets, without incentive to reciprocate, their major objectives in the START (Strategic Arms Reduction Talks) and INF (Intermediate-range Nuclear Force) negotiations. Concurrent with the nuclear freeze movement is a campaign against the first use of nuclear weapons, especially so far as NATO is concerned. The claimed Soviet "no-first-use" policy is deceptive. The North Atlantic Treaty Organization is a defensive alliance, with a longstanding policy that no NATO weapon of any kind will ever be used for aggressive purposes. NATO's doctrine of deterrence and flexible response links the U.S. strategic forces with NATO's conventional and nuclear forces in Europe to deter aggression of any kind.

The Soviets continue to maneuver toward a joint pledge of no first use of nuclear weapons, an idea that is finding a sympathetic echo in the U.S. and other NATO countries. A no-first-nuclear-use policy would undermine the Alliance's strategy of flexible response, necessitate large increases in expenditures for conventional forces, foster the impression that the U.S. commitment to NATO has been reduced, and leave entirely to the Soviets the initiative and timing of conflict escalation. This Association believes that NATO's policy of no first use of military force is more effective, credible, and workable than a promise not to use nuclear weapons after an attack has begun.

Therefore, deployment of the full complement of US Pershing II and ground-launched cruise missiles must proceed on schedule to offset the destabilizing, one-sided Soviet advantage in intermediate-range nuclear forces in Europe. There is no inconsistency in deploying these weapons while the US and the Soviet Union engage in negotiations that seek balanced, equitable, and verifiable reductions in the two sides' arsenals.

The central harsh lesson of past arms negotiations with the Soviets is that they have yet to give up an advantage that they did not have to give up. The way to peace is through painstaking negotiations from a position of US strength. In the strategic nuclear sector, recommendations by the President's Commission on Strategic Forces, adopted in full by the Administration, provide the formula for rebuilding this strength. This plan provides for an integrated, mutually reinforcing approach to modernizing the nation's strategic forces consonant with our arms-reduction policy. We urge Congress to adopt the administration's recommendations in their entirety and provide the long-term funding needed to bring these vitually needed forces and weapons into being. Deletion of any one element of this integrated modernization proposal could cause its unraveling. The consequences to the nation's ability to deter nuclear conflict could be grave. The Administration's five-pronged strategic force modernization program—consisting of ICBMs, strategic bombers, the Trident force, improved, survivable command and control systems, and revitalized strategic defenses—will ensure that the nation's nuclear forces could survive a Soviet first strike and retaliate. At the same time, this program provides essential leverage for equitable arms reduction; it does not move the world toward nuclear war but away from it.

Modernization of US military capabilities, this Association believes, is imperative because of the scope and tempo of the Soviet weapons programs that outdistance this country's efforts in vital areas. The Soviets, over the past year, have begun testing new models in almost every class of nuclear weapons. They are dramatically expanding their Navy and Air Force. Their ground forces are being trained and equipped for preemptive attack. And they are using their military power to extend their influence and enforce their will—directly or with the help of surrogates—in every corner of the globe.

Exacerbating the problem is Soviet progress in narrowing or eliminating the technological gap between us and them. A key reason for this advance is that the Soviets have the world's largest R&D manpower—estimated at more than 900,000 scientists and engineers—compared to fewer than 700,000 on the part of the United States. The percentage of Soviet R&D manpower engaged in defense-related work is between fifty and seventy-five percent of the total number.

Supporting this force is the world's largest military-industrial base that includes more than 150 major plants located throughout the USSR. In turn, these key facilities are supported by a network of thousands of feeder plants. In recent years, the military has absorbed about fifteen percent of the Gross National Product of the USSR, compared to less than seven percent for the US, and, if current trends continue, the Soviet military share of the GNP will approach twenty percent by the late 1980s. Soviet military investments over the past decade were eighty percent higher than US investments; in terms of R&D spending, the Soviets topped the US investment by about seventy percent over the same period.

The main role of the Soviet war machine clearly is to undergird the step-by-step extension of Soviet influence and control by instilling fear and promoting paralysis, by sapping the vitality of collective security arrangements, by subversion, and by coercive political actions of every kind.

The latest manifestation of Soviet power politics is the crisis they and their surrogates are fanning in Central America. Enlightened self-interest—including our own national security requirements and those of our allies and friends—necessitates that the United States counter by diplomatic, economic, and other means Soviet, or Soviet-aided, efforts to set up Marxist governments anywhere, but especially at our doorstep. Military assistance, including training of

anti-Communist forces, must be intensified to keep Moscow and its surrogates from toppling non-Marxist governments in that area and transforming these countries into Soviet satellites.

Our national security policy seeks to deter war at any level and of any kind. It follows that our military forces must be structured to provide an umbrella of military power that extends from strategic nuclear war and deterrence of space combat through conventional combat to special operations. In this context, this Association has, and continues to advocate, vigorous and prudent tapping of technological opportunities to provide our armed forces with the most potent tools and capabilities for deterring or, if need be, for winning wars. But the pursuit of technology must not become a substitute for sustainable, field-proven capabilities. Theoretical technological feasibilities at some uncertain future date are no substitute for forces in being and prudent development of technology that fills requirements established and formulated by combat-tested military professionals. Shunting aside technological evolution that builds on sound military doctrines and experience in favor of speculative approaches of uncertain military validity is likely to yield both poor defense and poor technology. The nation can afford neither.

The cause of deterrence is served best by increasing the warfighting capabilities of the armed forces. There is need for continued improvements in the readiness and staying power as well as modernization of the general-purpose forces, enhancement of mobility and airlift capabilities, and expansion and modernization of tactical forces. In turn, these capabilities must be built on the bedrock of readiness and sustainability, top-notch, realistic training, and, first and foremost, the dedication, motivation, and professionalism of the men and women serving in the Air Force and the other services. The nation must safeguard the central advantage that underlies our defense posture—the well-trained, experienced professionals of its armed forces.

The Air Force Association applauds increased recognition of the total joint character of national defense and concerted efforts to avoid separate, narrow approaches that duplicate capabilities. No service fights alone. They must plan and exercise together just as they would fight—shoulder to shoulder.

This Association sees, as the overriding national security requirement continuation of a steadfast national commitment to rebuild and maintain essential defense capabilities. The progress that is being made must continue through steady growth in defense funding levels in line with sound, long-term planning strategies. The preservation of America's heritage of freedom and liberty is well worth this price for, in the words of President Eisenhower, "in the final choice, a soldier's pack is not so heavy a burden as a prisoner's chains."●

A MAJOR HOUSING AUTHORIZATION BILL

● Mr. METZENBAUM. Mr. President, I am deeply disturbed by the announcement made last week by the chairman of the Senate Banking Committee that the Senate will not pass a housing authorization bill this year.

If this is so, it will be the third year in a row Congress has failed to enact a major housing authorization bill.

For nearly 50 years, this Nation was committed to the principle that every citizen deserved a decent home and a suitable living environment.

That basic principle was never a partisan issue.

Consistently, Democrats and Republicans in the Senate and the House worked together to meet the housing needs of lower income Americans.

Administrations of both parties made low-income housing a high priority.

And we made progress.

The 1940 census revealed that 46 percent of the Nation's occupied housing units were without modern plumbing. That figure today is under 5 percent.

In 1940, 18.1 percent of occupied buildings were dilapidated and in need of major repair. Today, the figure is under 3 percent.

Nine percent of all housing in 1940 was described by the census as overcrowded. Today, it is 0.9 percent.

In 1981, however, when the Reagan administration came to power, the Federal Government began to reverse its longstanding commitment to low-income housing.

This administration has sharply reduced virtually all social programs. But in housing, the cuts have truly been draconian.

Immediately after taking office, President Reagan requested, and received, a rescission of $5.2 billion in fiscal year 1981 budget authority for public housing and section 8 units.

Less than 2 months after signing the $17 billion fiscal year 1982 HUD Appropriations bill, President Reagan attempted to rescind $9 billion of that amount.

The President's January budget request for additional low-income housing assistance for fiscal year 1984 is, in constant dollars, only 1.2 percent of the level proposed by President Ford just before he left office. It is one-sixtieth of the amount appropriated by Congress in fiscal 1981 before the Reagan cuts, cancellations and rescissions.

Consider for a moment the effect of these cuts on low-income housing programs.

Substantial rehabiliation of section 8 and public housing has been largely eliminated. So has new construction.

Modernization of public housing units has been cut back.

Tenant rents have been raised.

Eligibility for housing assistance has been tightened.

In addition, the administration has recaptured $8.5 billion appropriated in previous years for housing construction. Projects in cities all over the country have been canceled.

In just 3 short years, this administration has halted 50 years of progress toward housing the poor of this country.

But housing is not all bricks and mortar. I draw your attention to a whole series of rent increases which the administration is now attempting to impose by regulation.

These include changes in the definition of income, which would eliminate deductions for medical expenses and day care expenses and alterations in the method by which fair market rents are calculated in the existing section 8 program. Only congressional objection prevented the administration from including the value of food stamps in the income calculation.

And I would point out, Mr. President, that all of this comes on top of an increase from 25 to 30 percent in the percentage of income assisted housing tenants are required to pay as rent.

This administration may believe that it can make problems go away by pretending that they do not exist. But the fact is that President Reagan's own commission on housing has estimated that there are 20 million American families with incomes below 50 percent of the median. And only one out of every eight of these households now lives in subsidized housing.

The fact is, we cannot continue to make cuts on the Reagan scale and still expect to have a housing program that begins to meet the needs of low-income families.

The fact is that housing needs of low-income people are desperate and growing.

It is time Congress lived up to its responsibility to set national housing policy. This is why it is so important that we bring the housing bill to the Senate floor.

I urge my colleagues to support this effort. We have a commitment to provide decent housing for those who cannot otherwise afford it.

We should live up to this commitment.●

BABI YAR

● Mr. MOYNIHAN. Mr. President, 42 years ago this week, over 70,000 Jews were machine-gunned by Nazi troops at Babi Yar.

Babi Yar is a ravine on the outskirts of Kiev in the Soviet Union which became a mass grave for the Jews of Kiev in 1941. Today the very name of Babi Yar evokes memories of the worst of Hitler's Holocaust and is a chilling reminder of the many cherished lives lost to Nazi barbarism.

It is important that we take note of the anniversary of this terrible atrocity and that in doing so we remember the Jewish community of Kiev that was brutally slaughtered. For the

monument erected by the Government of the Soviet Union at Babi Yar does not say a word about the Jews of Kiev. The plaque at Babi Yar reads, "Here, from 1941 to 1943 the German fascist invaders shot and killed more than 100,000 citizens of Kiev."

This does not surprise. The Soviet Union has long followed a policy designed to crush Jewish identity and erase Jewish culture. For years, the Soviet Government resisted placing a monument at Babi Yar as part of its effort to remove from the consciousness of Soviet Jews all sustaining elements of martyrdom. In fact, since the early 1970's the Soviets have gone so far as to equate Zionism with Nazism and have made the outrageous charge that the mass murder at Babi Yar was a collaboration of Zionist and Nazis.

By distorting the atrocity that took place at Babi Yar, Soviet authorities deny the murdered Jews of Babi Yar the basic respect of remembrance—they deny the lost Jewish community of Kiev a place in history.

In 1979 the President's Commission for the Holocaust visited Babi Yar. The Commission's chairman, the distinguished author and educator Elie Weisel, stated on this occasion:

When I stood here 15 years ago there was no monument at Babi Yar. But we all knew what Babi Yar meant. Now there is a monument at Babi Yar. But what kind of monument is it? We all had hoped to find a memorial for all the Jews who died as Jews, as well as for all the others who died here. But the Jews are not being remembered. O Jews of Babi Yar! We shall remember you. For 10 days in 1941, from Rosh ha-Shanah to Yom Kippur you were brought here and shot. We shall not forget when we are home and when we say the Kaddish we shall remember you as well.

We will not forget the Jews of Babi Yar. We will not forget this dark moment in the history of man when Jews were slaughtered for being Jews. We will continue to condemn Hitler's massacre of the Jews even if another nation chooses to obscure it.

I should like to conclude by submitting for printing in the RECORD a poem by the Russian poet Yevgeny Yevtushenko which appeared in Literaturnaya Gazeta on September 19, 1961. Yevtushenko was publicly denounced by Premier Nikita Khrushchev on March 8, 1963, for having spoken out against the Soviet Government's campaign to romote anti-Semitism in the U.S.S.R.

The poem follows:

BABI YAR

(By Yevgeny Yevtushenko)

No gravestone stands on Babi Yar;
Only coarse earth heaped roughly on the gash.
Such dread comes over me; I feel so old
Old as the Jews. Today, I am a Jew . . .
Now I go wandering, an Egyptian slave;
And now I perish, splayed upon the cross.

The marks of nails are still upon my flesh.
And I am Dreyfus whom the gentry hound;
I am behind the bars, caught in a ring;
Belied, denounced, and spat upon I stand,
While dainty ladies in their lacy
Squealing, poke parasols into my face.

I am that little boy in Bialystok
Whose blood flows, spreading darkly on the floor.
The rowdy lords of the saloon make sport.
Reeking alike of vodka and of leek,
Booted aside, weak, helpless, I, the child
Who begs in vain while the pogromchik mob
Guffaws and shouts; "Save Russia, beat the Jews!"
The shopman's blows fall on my mother's back.

O my own people, my own Russian folk,
Believers in the brotherhood of man!
But dirty hands too often dare to raise
The banner of your pure and lofty name.
I know the goodness of my native land.
How vile that anti-Semites shamelessly
Preen themselves in the words that they debase:
"The Union of the Russian People."

Now, in the moment, I am Anne Frank,
Frail and transparent as an April twig.
I love as she; I need no ready phrases . . .
Only to look into each other's eyes!
How little we can sense, how little see . . .
Leaves are forbidden us, the sky
forbidden . . .
Yet how much still remains; how strangely sweet
To hold each other close in the dark room.
They come? No, do not fear. These are the gales
Of spring; she bursts into this gloom.
Come to me; quickly; let me kiss your
lips . . .
They break the door? No, no the ice is breaking.

On Babi Yar weeds rustle; the tall trees
Like judges loom and threaten . . .
All screams in silence; I take off my cap
And feel that I am slowly turning gray.
And I too have become a soundless cry
Over the thousands that lie buried here.
I am each old man slaughtered, each child shot.
None of me will forget.

Let the glad "internationale" blare forth.
When earth's last anti-Semite lies in earth.
No drop of Jewish blood flows in my veins,
But anti-Semites with a dull, gnarled hate
Detest me like a Jew.
O know me truly Russian through their hate!

—Translated by Marie Syrkin.●

RUSSIAN IMPORTS TO NEW ORLEANS

● Mr. McCLURE. Mr. President, I wish to bring to the attention of my distinguished colleagues a situation that I find to be deplorable with regard to one of our most important industries. The industry of which I speak is the ferroalloy industry, and the situation of which I speak is the undermining of this industry by the Soviet Union.

On September 1 of this year, I learned of a shipment of 5,365 tons of 50-percent ferrosilicon from the Soviet Union to New Orleans destined for use by our declining steel industry. This material had a declared value of 13.6 cents per pound plus a 2 cents per pound assessed tariff, according to the Department of Commerce. This contrasted with the prevailing market value of 39 to 41 cents per pound is extremely alarming.

While this single shipment from the Soviet Union of 50-percent ferrosilicon, in and of itself, may not appear to some to be of significance, I was concerned that this was just the beginning of a long term effort by the Soviets to undermine the last vestige of a dying domestic ferroalloy industry. Today, I learned of yet another shipment of 50 percent Soviet ferrosilicon arriving at the Port of New Orleans last Tuesday. This shipment consisted of 6,300 tons of 50 percent ferrosilicon at the same declared value as the first.

As many of my colleagues know, I have been conducting a series of hearings before the Energy and Natural Resources Committee on the subject of the geopolitics of strategic and critical materials. The committee learned of the decline of the ferroalloy industry at its hearing on June 20 of this year. Not only did the committee learn of the plight of the ferroalloy industry but of virtually all segments of our domestic mining industry as well. Our primary focus in these hearings has been the growing U.S. dependence and/or vulnerability for strategic and critical minerals from unstable foreign sources. We are currently dependent for over 50 percent or half of the 40 minerals considered vital to our multitrillion dollar economy. While there are those that would argue that some of the countries from which we import certain strategic and critical minerals are not unstable or that we are not necessarily vulnerable to cutoff of supplies of these minerals in a national emergency, I can not imagine that anyone could be naive enough to suggest that the Soviet Union could be considered a reliable supplier of strategic and critical minerals in a national emergency.

If this country is seriously concerned about reducing our dependence upon foreign sources for strategic and critical minerals, then we must not allow ourselves to become dependent upon the Soviet Union for such a vital commodity as ferrosilicon.

Mr. President, in expressing my concern about this recent invasion of the ferrosilicon market by the Soviets, I want to make it clear that other vital elements of the ferroalloy industry are also suffering from low-priced imports. I certainly do not wish to minimize my concern regarding the decline of the ferrochrome, ferromanganese and silicomanganese elements of the ferroalloy industry. We have stood by during the last decade and watched our ferroally industry deteriorate as a result of low-priced imports to the point where we only have 21 furnaces of 84 with production at 28 percent of capacity. This deterioration, if allowed to continue, not only forces the United

States into greater dependence on foreign sources of ferroalloys but also jeopardizes our national security.

Today, I am calling upon the Chairman of the International Trade Commission and the U.S. Trade Representative to investigate this eggregious invasion of the ferrosilicon market by the Soviet Union. If the threat to our national security is not sufficient to launch such an investigation, then perhaps a reminder of the recent atrocity involving KAL flight 007 over the Sea of Japan will.●

CRUCIAL INTERESTS IN ASIA

● Mr. KENNEDY. Mr. President, Representative STEPHEN J. SOLARZ, with whom I have worked on a range of issues from the Philippines to Taiwan, has written a thoughtful op-ed piece in today's New York Times. In a cogent analysis of challenges we face in Pakistan, South Korea, and the Philippines, Mr. SOLARZ argues that "American strategic interests often conflict with our human rights concerns, but in these three nations they dovetail, for long-term American security interests would be enhanced by their establishment of more open political systems."

I fully concur in this judgment and ask that Mr. SOLARZ' important article appear at this point in the RECORD.

The article follows:

CRUCIAL INTERESTS IN ASIA

(By Stephen J. Solarz)

Among the threats America faces in Asia are pressing challenges in three strategically important countries—Pakistan, South Korea and the Philippines—where internal instabilities create possibilities for damaging political upheavals. American strategic interests often conflict with our human rights concerns, but in these three nations they dovetail, for long-term American security interests would be enhanced by their establishment of more open political systems.

The United States has an important interest in Pakistan's continued resistance to the Soviet occupation of Afghanistan. A failure to secure the withdrawal of Soviet forces, or to make Moscow pay a heavy price for refusing to do so, could whet its appetite for military adventures elsewhere. And without Pakistani support for the Afghan resistance movement, Moscow will have little incentive to withdraw.

But Pakistan needs a stable political system to maintain this policy, and the recent riots in the Sind province indicate that the people will no longer accept martial law. Prolonged authoritarian rule also poses a threat to national unity. Punjabi domination of the military and civil service denies the Sindhi, Pathan and Baluch minorities a role in government. Failure to create a freer political system, with considerable provincial autonomy and political participation for all, could lead to nationwide turmoil and enable the Russians to undermine Pakistan's stability.

President Mohammad Zia ul-Haq recognizes these dangers, but his recent moves toward civilian rule could flounder if he fails to give the people a say in his proposed constitution or to allow political parties to participate in the forthcoming elections. Most Pakistanis want us to continue providing arms and economic aid, but do not want us to remain silent about their political future. We should use our influence to encourage the establishment of a more democratic political system.

Preserving peace on the heavily armed Korean Peninsula is also essential to United States security, given the 40,000 American troops there, Korea's strategic importance to Japan and the risk of a war that could draw in outside powers. The danger on the Korean Peninsula is less a surprise attack from the North than that authoritarian rule in the South will lead to turmoil, thereby tempting the North to intervene.

The Republic of Korea remains an authoritarian state with a facade of democracy. President Chun Doo Hwan has lifted martial law, freed many political prisoners and held controlled national elections. But President Chun's seizure of power by force, the army's brutal suppression of popular demonstrations in Kwangju in 1980 and financial scandals involving his family have made if difficult for the Government to establish its legitimacy. For years, most South Koreans accepted an authoritarian system because it provided domestic stability, national security and rapid economic growth. But a more urbanized, better educated and more prosperous people want a free press and the right to choose their own government.

Virtually no one in South Korea wants us to withdraw our forces, but most Koreans do want us to promote human rights in their country. We should make clear our belief that progress toward democracy will promote long-term stability and increase the American people's willingness to continue to support South Korea's security.

Finally, in the Philippines, the United States' bases at Subic Bay and Clark Field are essential to our ability to preserve peace and the balance of power in Asia. Yet use of the bases could be jeopardized by the increasing opposition to the Marcos Government and a growing Filipino belief that American aid is propping up a corrupt and discredited regime.

The Government's repressive policies have weakened the democratic opposition while allowing the Communist New People's Army to make significant gains. The murder of Benigno S. Aquino Jr. eliminated the moderates' strongest leader and fanned opposition to the Government. The real danger is not so much an Iranian style upheaval but increasing polarization and growing support for the New People's Army as the only perceived alternative to the Marcos regime. Unless peaceful change becomes possible, violent change may become inevitable.

Filipinos differ about whether the bases should remain, but most believe the United States should use its influence to promote a return to democracy. We should press for a thorough and impartial investigation of the Aquino assassination and for genuinely free and fair parliamentary elections next spring.

American ability to influence internal developments in sovereign nations is not unlimited. But through skillful diplomacy, we can have a constructive influence on countries that rely on us for aid and security. By doing nothing, we abdicate our leadership and imperil our interests.●

SUCCESS OF PRIVATE FINANCING FOR BAY BEACH WILDLIFE SANCTUARY

● Mr. KASTEN. Mr. President, in this day of reductions of Federal funding for many programs. I would like to recognize the efforts of a number of private citizens who have demonstrated the best in American spirit. Through the use of private funds, these individuals have provided for the operation and expansion of an important wildlife sanctuary.

In Green Bay, Wis., we have a fine example of the dedication of the American people. An organization known as Friends of the Wildlife Sanctuary has built and operated the Bay Beach Wildlife Sanctuary. The friends of the sanctuary have demonstrated that alternatives to Federal funding can work very well. These people have insulated the important programs of their sanctuary from the all too often shifting pattern in the availability of public funds. In fact, they have put together a very successful and expanding program.

Beginning in the mid 1930's a group of spirited citizens began this undertaking by hand digging a small pond which has become a central feature of the sanctuary. The original 200-acre tract has been expanded to over 700 acres through gifts and acquisitions. Most recently, the friends of the sanctuary have embarked on supporting the construction of a 22,000 square foot education center. They have already raised over $1 million of the $1.5 that it will take to complete the center.

By pointing out this example of successful cooperation between private individuals and their municipal government, I am not calling for reductions in Federal wildlife programs. I believe these programs are critical, and should be strengthened. I do want to demonstrate, however, that alternatives to the use of Federal tax dollars can work in some cases, and work very well.

I ask to have printed in the RECORD a letter I recently received from Brian Peterson, president of the Friends of the Wildlife Sanctuary, and the letter he enclosed. In these, Mr. Peterson describes some of the accomplishments of the group, and compares their accomplishments with those of another group that has relied on public funds for support.

The letters follow:

FRIENDS OF THE WILDLIFE SANCTUARY,
Green Bay, Wis., September 26, 1983.

Hon. ROBERT KASTEN,
Hart Senate Office Building,
Washington, D.C.

DEAR SENATOR KASTEN: As a representative of the people of Northern Wisconsin, the Friends of the Bay Beach Wildlife Sanctuary, a non-profit, volunteer organization, thought you might be interested in the letter we are sending to several national

publications. We believe that we have a unique and timely story to tell about the Bay Beach Wildlife Sanctuary.

The July 1983 issue of the "Audubon Magazine" contained an article entitled "Refuges on the Rocks." It highlighted the failure of the Tinicum National Wildlife Project in Philadelphia. We could not help but draw some comparisons. With a population of 90,000, we have more than 400,000 visitors annually from all parts of the United States and many foreign countries. The Tinicum objective was 250,000. We are raising through pledges and donations $1,500,000 to build a 22,000 square foot Nature Center for educational purposes and already have more than $1 million of that goal. Their 21,000 square foot center never broke ground.

The comparisons go on, but there is one real reason for our success. The Bay Beach Wildlife Sanctuary has been successful for fifty years because of the support of the local community and its elected officials. The public officials of the area have been extremely cooperative in helping our program expand. Without their support, our efforts would not have been nearly as successful as they are today.

We thought that you would like to know about a program that is doing well in these hard times. It is an example of how volunteer effort and private contributions can and have made up the slack. Every resident of Wisconsin can take pride in the Bay Beach Wildlife Sanctuary because it represents the attitude of all the people of the state, not just a few in the Green Bay area.

Through the enclosed letter we are attempting to interest national media in highlighting this important priviate sector/government partnership for community improvement. We would appreciate any assistance or advice you may have for us in this effort.

Thanks for your past support. We of the Friends of the Bay Beach Wildlife Sanctuary look forward to your continued assistance in the future.

Sincerely,

BRIAN C. PETERSON,
President.

THE FRIENDS OF THE BAY BEACH WILDLIFE SANCTUARY, INC.,
September 26, 1983.

Mr. GARY SOUCIE,
Executive Editor, Audubon Magazine,
New York, N.Y.

DEAR MR. SOUCIE: Would you believe that in Green Bay, Wisconsin more people visit an urban wildlife center and feed the resident flock of Canada geese than go see the National Football League Green Bay Packers play football?

With a population of less than 90,000, the people of Green Bay are successfully building an urban wildlife refuge that is unique in America. Our experience can be a model for other communities, both large and small. The private sector/government partnership we have established is building a program that educates the community to the value and beauty of wildlife around them while providing a home for those animals that are displaced as people move in.

That's where we need your help. We believe that we have a good news story about how dedication and hard work, plus a strong bond between elected officials and the private sector have made our sanctuary come to life and grow. Not only do we have an excellent story to tell, but the time is right.

What made us realize that we had something special was when we read the July, 1983, Audubon Magazine's article entitled "Refuges on the Rocks." While the author, Jim Doherty, painfully pointed out how others, like the Tinicum National Environment Center in Philadelphia, have failed to achieve their goals, we at the Bay Beach Wildlife Sanctuary have been exceeding ours. Not only has the refuge grown in size, but supported by a volunteer, non-profit organization, The Friends of the Bay Beach Wildlife Sanctuary, we are now on our way to constructing a 22,000 square foot educational center. The construction is totally supported by private contributions and the staffing provided by the local park district. When completed and operational, the center will teach our children and the community as a whole the importance of living in harmony with nature. We have already raised over one million dollars of our $1,500,000 goal.

Here are just a few of the interesting and meaningful aspects of the Bay Beach Wildlife Sanctuary that can make a story important to your readers:

The original acreage for the Bay Beach Wildlife Sanctuary was one of the worst disposal areas in Northern Wisconsin. Fifty years ago volunteers transformed the area into what has become a model urban wildlife sanctuary. The Sanctuary now has more than 700 acres and is celebrating its 50th Anniversary.

Annually, more than 400,000 people come to the Bay Beach Sanctuary. These visitors from all parts of America and many foreign countries can see firsthand the beauty of Northern Wisconsin. The Sanctuary has migratory waterfowl, raccoons, and other urbanized animals, a herd of deer, a flock of wild turkeys, and a home for some special animal species that are on the endangered list. We have even had the majestic bald eagle dip into our lagoons to snatch lunch on its migratory path north. All this is less than a mile from several large multi-national corporations. It does show that big business and wildlife can live side by side in harmony.

The many trails are used for cross country skiing in the winter and educational outings such as moonlight walks with Sanctuary staff in the summer.

The Bay Beach Sanctuary is an ideal example of how the private sector can work with the public sector, even in times of budget cutbacks, to build strong programs. The acreage is a part of the City of Green Bay park program. As such, the annual operating budget is funded from local tax dollars. Expansion and special programs such as the new Nature Center are funded through contributions raised by volunteers and lead by the Friends of the Sanctuary.

Many of the program activities are devoted to educational efforts and projects. Can you imagine learning to walk on snowshoes and going out into the snow to see how the rabbit, fox, and even the mouse make us look clumsy when they move around without any special equipment. Kids of all ages love it.

If you get the idea that we are proud of our Sanctuary and our new Nature Center, you are absolutely right. We know that we are not impartial observers, but we think that your publication can highlight how we have been successful. We are not interested in gaining credit. We want others in both large and small communities to realize they, too, can do this. Our partnership with the local government in this effort is showing that it can be done.

We look forward to hearing from you regarding development of an article. Thank you for your consideration.

Sincerely,

BRIAN C. PETERSON,
President.

TINICUM NATIONAL ENVIRONMENTAL CENTER, PHILADELPHIA, PA.

Purpose: To acquire lands necessary for purposes of preserving, restoring and developing . . . Tinicum Marsh. Also, to construct, administer and maintain a wildlife interpretive center for the purpose of promoting envionmental education and to afford visitors an opportunity for the study of wildlife in its natural habitat.

900 acres of ponds, wetlands, woods surrounded by Interstate 95, heavy industry in Philadelphia. Located on the site of a solid waste landfill, it is an urban retreat planned to develop into twelve miles of nature trails, boardwalks, canoe and boat launches, observation towers and photography blinds.

U.S. Fish and Wildlife project: 21,000 square foot "environmental-education" building complete with amphitheater, lecture hall, classrooms, library and research center.

Projected visitors: 250,000 annually.

Funding: U.S. Dept. of Interior-Fish and Wildlife Service—total project.

Status: In doubt because of lack of federal funds.

Occupancy: In doubt.

BAY BEACH WILDLIFE SANCTUARY, GREEN BAY, WIS.

Purpose: To manage an uran wildlife refuge environment for maximum diversity . . . To provide learning experiences that promote and emphasize a greater general public awareness, understanding, appreciation and concern for wildlife . . . To provide recreational opportunities that promote enjoyable human contact with wildlife in a refuge environment.

700 acres of ponds, wetlands, and woods bordered by Interstate 43 and the bay of Green Bay and less than a mile from several major industries and the core city area. A former industrial landfill, the Sanctuary presently contains miles of nature trails, boardwalks, bridges and observation decks.

Private sector/city project: 22,000 square foot Nature Education Center including learning/center/lecture hall, nature discovery complex, library/conference room, greenhouse and lab, dark room, classrooms, and exhibit galleries.

Projected visitors: Over 500,000 annually.

Funding—Friends of the Bay Beach Wildlife Sanctuary, Inc.—building parking lot and furnishings. City of Green Bay—Park and Recreation Department—operations, staffing and maintenance.

Status: Under construction, with over $1 million raised of the $1,500,000 goal.

Occupancy: December 1983.●

SENATE CONCURRENT RESOLUTION 71—RELATING TO AN INVESTIGATION ON THE ASSASSINATION OF BENIGNO S. AQUINO, JR.

● Mr. RIEGLE. Mr. President, I rise today as a cosponsor of Senate Concurrent Resolution 71, which articulates the anxieties felt by many Amer-

icans over the brutal murder of Benigno Aquino.

Mr. President, in a speech given 2 years ago at Manila, Vice President BUSH told his host, Ferdinand Marcos, "We love your adherence to democratic principles." In light of recent events in that country, it is now fair to question the commitment of the Marcos government to those principles.

The Constitution of the Philippines was written with the assistance of two U.S. Presidents—Franklin D. Roosevelt and Harry S. Truman—along with Gen. Douglas MacArthur and thousands of Filipinos and Americans who died at Corregidor, Bataan, and Luzon in World War II—all of whom would be dismayed by the failure of President Marcos to uphold the democratic institutions and principles which elected him.

"On the seventh year of his nonextendable 8-year term, Marcos declared martial law in an attempt to prolong his stay in power, putting an end to a democratic experiment that started some seven decades earlier at the turn of the century." This portrayal of Filipino history was written by the only plausible successor to Marcos—Benigno Aquino.

On August 21, 1983, Benigno Aquino was shot down at the Manila Airport, just moments after returning from 3 years of exile in the United States. With parliamentary elections scheduled for next year and a presidental election promised for 1987, Aquino knew that his presence was necessary to rally the moderate political groups. He was willing to abandon his safe and comfortable existence in the United States for one more chance to shape the political future of his country. In his words:

> There is no substitute for the democratic institutions introduced and encouraged by Americans in the Philippines since 1898. . . . Man's sense of justice makes democracy possible; man's injustice makes it necessary.

From the moment gunfire ended the hopes of political moderates in the Philippines, political violence has ensued, prompting Marcos to threaten a return to martial law. The Aquino assassination and subsequent lack of any serious investigation into the circumstances surrounding it, has greatly discredited the Marcos government. Any confidence his regime once enjoyed, both inside and outside the country, is rapidly disappearing. Should the ailing President Marcos die, responsibility for ruling the country would likely be passed on to his wife, Imelda, or the military. In light of these unpleasant possibilities, it is incumbent upon the United States to encourage the Marcos government to take positive steps toward implementing the democratic practices which form the framework of its political system.

The many political, military and strategic interests of the United States in the region do not allow the United States to watch developments in the Philippines with detachment. In a letter to President Marcos dated May 31, 1983, President Reagan pledged to seek $900 million in security assistance for the Philippines, in an effort to underline the close and historic ties linking our two countries.

President Marcos can demonstrate to America and to the world his commitment to the democratic principles upon which the Philippine Government was built, by reopening the political system to all participants, and by pursuing a thorough investigation into the tragic death of opposition leader Benigno Aquino.

Mr. President, Filipinos take their political rights seriously, as well they should. Suppressing those rights for long will be dangerous for the Philippines, for the United States and for the entire region.●

LECH WALESA—1983 NOBEL PRIZE WINNER

● Mr. D'AMATO. Mr. President, I rise this afternoon to applaud the selection of Lech Walesa as the recipient of the 1983 Nobel Peace Prize.

From the shipyards of Gdansk, Walesa has emerged as a symbol of the struggle for freedom and dignity. His experience has served as an inspiration to millions of men and women who continue to be denied even the most basic of human rights by totalitarian dictators. Despite adverse conditions in his native Poland, Walesa has remained steadfast in his commitment to the advancement of justice and human rights. While some have suggested that he attempt to break the chains of Communist repression through violent means, he has relied upon nonviolent methods to achieve his objectives. But his accomplishments on behalf of his fellow workers have not come easily. They have been made with considerable personal sacrifice. Through his unwavering dedication, and tireless efforts, the workers of Poland were successful in attaining some degree of freedom.

The world witnessed the birth of the Solidarity Trade Union in August 1980. At that time, few realized the significance of this action or the man behind the movement. Through his skillful negotiations with the Polish Communist leadership, millions of Polish workers were granted the right to establish an independent trade union with the right to strike. These achievements were unheard of in a Communist state and largely the result of Lech Walesa's selfless dedication.

Walesa and his supporters came to represent a major threat to the Polish Communist Party and ultimately to the Soviet Union. Their quest for freedom was viewed as a challenge to the system of communism, a movement which had to be eliminated. Accordingly, the Polish authorities, under pressure from the Kremlin have attempted to crush the spirit of the Polish workers. The Jaruzelski regime resorted to the imposition of martial law, the imprisonment of thousands of Solidarity supporters, and a suspension of the limited freedoms enjoyed by the Polish people in an attempt to destroy the Solidarity movement. Walesa himself was interned for 11 months by the Government. Despite these actions, Solidarity remains a reality in Poland today and provides a glimmer of hope to many of the people in Eastern Europe.

The selection of Walesa as this year's Nobel Peace Prize winner comes at a fitting time and serves to focus the attention of the world on the repressive policies pursued by the Polish authorities. As a member of the Commission on Security and Cooperation in Europe, I have become painfully familiar with the disregard for human rights and civil liberties displayed by Communist officials both in Poland and elsewhere. The time has come to expose these blatant violations of the U.N. Universal Declaration on Human Rights and the Helsinki Final Act. In this regard, Lech Walesa has truly served to advance the course of peace through his dedicated defense of human rights.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of Senate employees who propose to participate in a program, the principal objective of which is educational, sponsored by a foreign government, or a foreign educational, or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received requests for determinations under rule 35 which would permit Ms. Anne Burt, a member of the staff of Senator GORDON J. HUMPHREY, Mr. Ronald L. Tammen, a member of the staff of Senator WILLIAM PROXMIRE, Mr. Winslow T. Wheeler, a member of the staff of Senator NANCY LANDON KASSEBAUM, and Mr. Thomas M. Palmerlee, a member of the staff of Senator MALCOLM WALLOP, to participate in a program sponsored by foreign educational organization, the Konrad Adenauer Stiftung, in the Federal Republic of Germany, from October 8 through 15, 1983.

The committee has determined that participation by Ms. Burt, Mr. Tammen, Mr. Wheeler, and Mr. Palmerlee in the program in the Federal Republic of Germany, at the expense of the Konrad Adenauer Stiftung, to discuss United States-German relations, is in the interests of the Senate and the United States.●

ORDER OF BUSINESS

Mr. DOLE. Madam President, I hope that very quickly we can take up the extension of the unemployment compensation matter. I shall just explain what we propose to do. We propose to extend for 18 days the existing FSC law so that no one who may become eligible between now and the 18th, which is the Tuesday following when we return, will be adversely impacted. I repeat, it is an 18-day extension.

The House sent us a 30-day extension with a number of amendments that had been agreed to in conference. We have stricken seven of those amendments. We are going to send back four because there is some urgency to these provisions. They include a 60-day extension of disability benefits during appeal—that expires September 30. There is clearly some urgency there. Second, we included a 1-year extension of provisions relating to dependent children voluntarily placed in foster care. That provision otherwise expires on September 30. Third, we included a 2-year delay of social security coverage of retired Federal judges on active duty. I am told by the Chief Justice that that is a matter of urgency needing immediate attention.

The last is clarification with respect to repayment of State unemployment insurance loans. This provision is extremely important in the State of Vermont, and needs to be acted on now. This provision is retroactive to April 1, 1982, so that any State adversely affected under the incorrect interpretation of prior law will be reimbursed for interest already paid.

That would leave about seven provisions that have been approved in conference. These will likely become law but, very honestly, until we have some more indication on the House side that they want to be be reasonable in conference, it did not seem that we should accept all those provisions at this time. As soon as the majority leader is willing, we are prepared to bring the substitute up.

Mr. BAKER. Madam President, will the Senator from Kansas yield to me?

Mr. DOLE. I am happy to yield.

Mr. BAKER. Would it be fair to characterize this bill—is it H.R. 4101?

Mr. DOLE. Yes, H.R. 4101.

Mr. BAKER, What the Senator proposes to do is pass a simple 18-day extension?

Mr. DOLE. Yes, Madam President. On October 18, we will be in the same position we are in today. No unemployed worker gets hurt in the interim.

Mr. BAKER. Nothing is being added to it, not even those things that were agreed to in conference?

Mr. DOLE. Only those things I have cited which need to be added because of a expiration date of September 30 or some other urgent time consideration.

Mr. BAKER. May I inquire of the Senator if he is prepared to proceed on it now?

Mr. DOLE. I am prepared to proceed. This has been discussed with the ranking Democratic member on the Finance Committee (Mr. LONG). He is agreeable.

Mr. BAKER. Madam President, if I may have a moment to consult with the minority leader on final clearance, I believe we are ready to proceed.

Mr. BAKER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF FEDERAL SUPPLEMENTAL COMPENSATION ACT OF 1982

Mr. BAKER. Madam President, may I inquire now of the minority leader if he is prepared to proceed to consideration of H.R. 4101, which is the unemployment compensation measure?

Mr. BYRD. Madam President, I have consulted with Members on this side. We on this side are prepared to proceed.

Mr. BAKER. Madam President, I ask unanimous consent that the Senate now turn to consideration of H.R. 4101.

The PRESIDING OFFICER. Is there objection?

The clerk will state the bill by title. The assistant legislative clerk read as follows:

A bill (H.R. 4101) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 2308

Mr. DOLE. Madam President, I call up an amendment which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 2308.

Mr. DOLE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

EXTENSION OF PROGRAM

SECTION 1. (a) Paragraph (2) of section 602(f) of the Federal Supplemental Compensation Act of 1982 is amended by striking out "September 30, 1983" and inserting in lieu thereof "October 18, 1983".

(b) Paragraph (2) of section 605 of such Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 19, 1983".

EXTENSION OF PROVISION ALLOWING PAYMENT OF DISABILITY BENEFITS DURING APPEAL

SEC. 2. Section 223(g)(3)(B) of the Social Security Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "December 7, 1983".

EXTENSION OF PROVISIONS RELATING TO DEPENDENT CHILDREN VOLUNTARILY PLACED IN FOSTER CARE

SEC. 3. (a) Section 102(a)(1) of the Adoption Assistance and Child Welfare Act of 1980 is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1984".

(b) Section 102(c) of such Act is amended by striking out "October 1, 1983" each place it appears and inserting in lieu thereof in each instance "October 1, 1984".

SOCIAL SECURITY COVERAGE OF RETIRED FEDERAL JUDGES ON ACTIVE DUTY

SEC. 4. Notwithstanding section 101(d) of the Social Security Amendments of 1983, the amendments made by section 101(c) of such Act shall apply only with respect to remuneration paid after December 31, 1985. Remuneration paid prior to January 1, 1986 under section 371(b) of title 28, United States Code, to an individual performing service under section 294 of such title, shall not be included in the term "wages" for purposes of section 209 of the Social Security Act or section 3121(a) of the Internal Revenue Code of 1954.

CLARIFICATION WITH RESPECT TO REPAYMENT OF LOANS

SEC. 5. (a) Section 1202(b)(2) of the Social Security Act is amended—

(1) In the matter preceding subparagraph (A), by striking out "advance" and inserting in lieu thereof "advance or advances";

(2) In subparagraph (A), by striking out "advance is" and inserting in lieu thereof "advances are";

(3) In subparagraph (A), by striking out "advance was" and inserting in lieu thereof "advances were";

(4)In subparagraph (A), by striking out "advance " the second place it appears and inserting in lieu thereof "advances".

(b) The amendments made by this section shall apply to advances made on or after April 1, 1982.

Mr. DOLE. Madam President, the provisions I outlined earlier are included in this amendment. All we seek to do with this amendment is as follows: the House sent us a simple 30-day extension of the existing law. They also added to that about 11 or 12 provisions agreed to in conference last week. The House conferees did not consult with

the Senate conferees before taking this step. I have since had a conversation with the distinguished chairman of the Committee on Ways and Means (Mr. ROSTENKOWSKI). He indicated we could eliminate any of those provisions not important on a time-sensitive basis and send back the simple extension.

So what we have before the Senate is an 18-day extension of the current FSC program. We have included those provisions agreed to in conference which would expire on September 30, or which were pointed out to us as urgent matters. It is simply this: a 67-day extension of disability payments; the 1-year extension of the foster care provision; a 2-year delay of social security coverage for judges; and a clarification of the repayment of State UI loans. That amendment simply involved changing the word "advance" to "advances." At this time, the amendment is very important to the State of Vermont. In the future it could affect other States.

That, essentially, is what we have done. We will come back on the 17th. We hope to go to conference again on the 18th and to conclude the conference, as I have indicated, if we have some willingness on the part of the House to come down a bit on their demands.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2308) was agreed to.

Mr. DIXON. Mr. President, here we are again, applying a Band-Aid to the gaping wound of unemployment. Last week, the House and Senate passed differing versions of an extension of the Federal supplemental compensation program. There were major differences in the two bills.

The conferees have failed to reach an agreement between the House and Senate versions, so now we have an 18-day extension of current law. I guess it's better than leaving people who depend on these benefits with nothing, but how much more confusing can we make it?

In my State of Illinois, approximately 5,500 people would exhaust FSC benefits, either because of the termination of the program, or because they have used all available weeks, by October 15.

Other States have already begun to mail notices to recipients, informing them that the program has not been extended. A rough calculation, assuming approximately 700,000 recipients, multiplied by 5 minutes for notification, calculation, and mailing, plus 20-cent postage means that every time we have to notify people of a change in this program, it costs taxpayers $1,162,196. Couple that with the sheer complexity of this whole system to begin with, and you have one of the biggest legislative lalapaloozas ever created.

I certainly hope that in the next 18 days we will be able to address this program with some rationality—an optimistic hope, I realize. But we cannot continue to fail to provide leadership on an issue of such importance to so many.

This morning's editorial in the Washington Post supports the position of many of us in this body, as well as in the House, that the insured unemployment rate is an inadequate measure of the labor market. It also points to the time constraints which face us. It supports the House-offered position as reasonable. I agree. At this point, I would like to include that editorial in the RECORD.

I am disappointed that we are faced with another emergency and we have failed to address it responsibly.

In the meantime, Mr. President, I support this extension, because I have no choice. We cannot turn our backs on 700,000 people who need this program, while we continue to search for a better way.

JOBLESS BENEFITS IN DANGER

Unless House and Senate conferees are able to resolve their differences quickly, thousands of jobless workers around the country will have their unemployment benefits abruptly terminated. These are workers who have used up all their regular unemployment benefits and have been receiving special federal benefits under a law that expired last Friday.

Both houses recognize the need to extend the temporary federal benefit program until more permanent reforms can be made. Because of changes made in 1981, extra state benefits are being paid in only two states while total unemployment remains at record levels. But the House wants to provide somewhat more generous benefits—especially for people who have been out of work for many months. It is also rightly concerned that the so-called insured unemployment rate, which now determines how long extra benefits are paid in each state, has been behaving in mysterious ways. Not only is the gap between insured unemployment and total unemployment abnormally high, but some states with lower total unemployment now measure higher insured rates than other states that are in more serious labor market trouble. To make the system fairer, the House would count total unemployment in determining state benefit extensions.

The Senate, under strong pressure from the administration, wants to keep costs much lower—primarily by denying extra benefits to the long-term jobless who have already used up their previous benefits. It also wants to renew the federal program long enough to delay reconsidering this politically tricky issue until after the next election. And the Senate is also concerned about the technicalities of changing the yardstick by which unemployment is measured for program purposes.

These are not trivial concerns, but they are not important enough to justify considerable hardship for the very people who have suffered most from the recent deep recession. The unemployment insurance system is certainly in need of basic overhaul, but for the moment only stopgap measures are attainable. Ways and Means Committee chairman Dan Rostenkowski has proposed a reasonable compromise between the House and Senate positions that the conferees should take.

Mr. BYRD. Mr. President, before us is a bill that can only be described as emergency legislation—to keep the Federal supplemental compensation program from dying while thousands of innocent jobless workers and their family members are left to suffer the deprivation of these essential benefits.

I am distressed, Mr. President, that we have come to this point. Although immediate passage is absolutely critical, an 18-day extension fails to care for a number of inequitable and destructive circumstances in the current program. For example, several States ranking in the top 5 of total unemployment are eligible for the bottom tier of FSC benefits. And this emergency bill will do nothing about the plight of those who already have exhausted all FSC benefits—the longest term of the long-term unemployed, whose cases are most desperate.

It did not have to be this way. Both the House and the Senate last week passed legislation to make changes in the program and extend it. Unfortunately, the Senate bill did not provide the level of assistance that I believe we should be providing to the long-term unemployed. But the House's bill was strong and worthy, and a reasonable compromise between the two would have resulted in a suitable FSC program that would remedy a number of the worst flaws in the current program.

Sadly, the conferees could not bridge their differences. The House yesterday evening made a good-faith effort to present a possible compromise, but the administration's inflexibility and refusal to move toward a fair compromise destroyed that effort. The unemployed and their families should have no illusions about why many of them will continue to receive no benefits, and others will receive benefits of shorter duration than both the House and Senate earlier approved. They can place the responsibility squarely on the administration's shoulders.

There must be no higher priority when the Congress returns to Washington on October 17 than for the conferees on the original FSC extension bill to complete action—to achieve a suitable bridging of differences—and to return a bill to both Houses forthwith so that the stopgap extension we must now pass can be retired.

There now is no alternative to passing the bill before us. Sadly, it is the very least we can do for the victims of the recession before we leave this weekend. I regret that the administration's stiffness on this issue has delayed a more nearly sufficient response. I hold high hope that a truly

fair agreement on the bill we passed last week will be reached by the conferees immediately after we return from our States on October 17.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read a third time, the question is, Shall it pass?

The bill (H.R. 4101), as amended, passed.

Mr. BAKER. I move to reconsider the vote by which the bill passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. BAKER. Madam President, in a moment, I am going to ask the Senate to stand in recess while we await action of the House. I shall not do so at the moment so we may see if any other Senator has a matter he wishes to bring up.

COMMEMORATION OF 50TH ANNIVERSARY OF JAMBOREE U.S.A.

Mr. BYRD. Madam President, I send to the desk a resolution I am joined in by Mr. RANDOLPH to commemorate the 50th anniversary of Jamboree U.S.A., which is located in Wheeling, W. Va. I have talked with the distinguished majority leader about this. I ask unanimous consent that the resolution go directly to the calendar and be printed in the RECORD.

Mr. BAKER. Madam President, reserving the right to object, and I shall not object, I thank the minority leader for consulting with me in advance. Of course, I concur with the request and will look forward to disposition of this matter tomorrow.

Mr. BYRD. I thank the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, country music and bluegrass music are dear to the hearts of millions of Americans. It is with pleasure, therefore, that I join with my distingushed colleague from West Virginia, Senator JENNINGS RANDOLPH, in paying tribute to one of our Nation's oldest country music institutions, Jamboree U.S.A., in Wheeling, W. Va., on the anniversary of its 50th year of broadcasting.

October is recognized by artists and fans of our grassroots musical traditions as Country Music Month. Jamboree U.S.A. has chosen October 15 to celebrate a half century of producing a live, late night show on Saturdays by hosting a gala event at Capitol Music Hall, in Wheeling, W. Va.

The anniversary celebration will recognize the contribution of Jamboree U.S.A. to the spread and popularity of country and western music and bluegrass music over the years, and scores of entertainers, top stars in the now multi-million-dollar industry, will be on hand for the occasion.

It is difficult to remember when country and oldtimer music were not part of the broad spectrum of our national culture. And yet, 50 years ago, it was, for the most part, regional in nature. Oldtime and country music had grown out of the folk music of our European ancestors, who migrated to the New World with violins under their arms, and lyrics in their hearts. Whole music was adapted to life and conditions on our frontiers, by generations of ballad singers and fiddlers. By the turn of the 20th century, country and oldtime music had become largely a phenomenon of Appalachia and mountainous parts of the rural South.

Indeed, the isolation of the mountaineer served to preserve for future generations a unique and precious culture in the music he fondly nurtured. Purists, even today, can point to traces of an Elizabethan origin in words and tunes of cherished mountain ditties and ballads.

It was here, in the heartland of Appalachia, that Jamboree U.S.A. was introduced to America. Visionary officials of the radio station, WWVA of Wheeling, set out to provide "something special for late Saturday night listeners," and Jamboree went on the air at 11 p.m., on January 7, 1933. Jamboree found an audience clamoring to see the artists in action. By April, Jamboree opened in Wheeling's Capitol Theatre for its first live performance, featuring Silver Yodelin' Bill Jones, the Tweedy Brothers, and others, in a fast-moving medley of country humor, song, and instrumental music.

This, and ensuing programs, drew heavily on local talent in various parts of Appalachia, musicians taught by their fathers over the generations, who poured forth songs of love, heartbreak, and trouble. The time was the Great Depression, when the plaintive ballads touched tender chords of insecure audiences.

With World War II, and its vast reshuffling of our population, country music and then bluegrass music began to attract a nationwide following and to assimilate new sounds and rhythms. Jamboree U.S.A. moved with the times, accepting the sophisticated trends introduced into the country music realm by radio, movies, and innovative artists.

Today, of course, country music, oldtime, western, and bluegrass music have become an integral part of our culture, with Jamboree U.S.A. acting as an important catalyst in its ever-widening influence on our performing arts.

More than 5 million tickets have been sold for the show. The broadcasts have reached the lonely motorists on interstate highways, and listeners in 18 Northeastern States and 6 Canadian Provinces.

Since the first live program 50 years ago, Jamboree U.S.A. has had many homes. Now, the show is back in a refurbished Capitol Theatre renamed Capitol Music Hall, where the marquee glitters with the billings of the country's most talented, glamorous stars of country and bluegrass music.

On October 15, when many of these stars will pay tribute to Jamboree U.S.A., some will recall beginnings on the show, Doc Williams and Wilma Lee Cooper, among them. Jamboree U.S.A. has, in fact, opened the doors to fame and fortune for more than a few whose names are familiar to most of us today.

Madam President, for Jamboree U.S.A.'s dedication to preserving the integrity of traditional country and bluegrass music, for the show's tenacity in promoting a musical style that is recognized today as an important American cultural heritage, for encouragement to country music artists over the years, and, most of all, for Jamboree U.S.A.'s gift of a great entertainment to America, I join with Senator RANDOLPH in asking unanimous consent that our resolution be printed at this point in the RECORD to commend Jamboree U.S.A. in Wheeling on its golden anniversary.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 240

To commemorate the fiftieth anniversary of Jamboree U.S.A.

Whereas country music is a unique American art form and dear to the hearts of millions of Americans;

Whereas Jamboree U.S.A. has promoted and preserved traditional country music as an American culture for fifty years;

Whereas Jamboree U.S.A. has encouraged country music artists since its inception in 1933;

Whereas Jamboree U.S.A. has delighted audiences and radio listeners for a half century with a live show every Saturday night; and

Whereas Jamboree U.S.A. has distinguished West Virginia by establishing an important capitol for the performance of country music: Now, therefore, be it

Resolved, That the Senate recognize the dedication and vision of the producers of Jamboree U.S.A. in Wheeling, West Virginia, and pays tribute on the golden anniversary of this grand country music tradition.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the director of Jamboree U.S.A.

Mr. RANDOLPH. Mr. President, it is a privilege to join with my able col-

league and fellow West Virginian, the Democratic leader, Senator BYRD. We introduce this resolution commemorating the growth of the country music industry on its golden anniversary.

Its beginning was on January 7, 1933, with the first live country music program broadcast from Wheeling, W. Va., Radio Station WWVA. "Jamboree U.S.A." has grown in stature. It is one of the major forces in today's country music.

America's music has evolved from the soulful ballads and lively jigs of our ancestors. Country music artists have moved to the concert stage. A single performance reaches millions of listeners. In the depression years, performers appeared at family gatherings, barn dances, and other events. Country music has become a vital part of entertainment today.

Over the past half century, Jamboree U.S.A. has brought live performances to families throughout the Northeastern United States. It is the soothing sound to the lonely trucker, a solace to the shut-in, and it provides the best in country music. More than 5 million people have traveled to Wheeling to view the show.

Country music is a way of life for millions of Americans. Over the years, Jamboree U.S.A. has been a vital part of the lives of hundreds of artists. It is a great American tradition and a source of pride.

I urge my colleagues to join in this timely recognition of those pioneering musicians of earlier times. They brought their uniquely American artistry to millions of listeners in a celebrated entertainment of joy and faith.

ORDER OF PROCEDURE

Mr. BAKER. Madam President, I am told that there are a number of items that may be disposed of by unanimous consent. If the minority leader is prepared to consider these, I am prepared to describe them.

BUDGET ACT WAIVER

Mr. BAKER. Madam President, first I say to the minority leader I would propose to take up the budget waiver to accompany S. 1513, and then the bill itself, if there is no objection.

Mr. BYRD. That is fine with us.

Mr. BAKER. I thank the minority leader.

I ask the Chair to lay before the Senate Senate Resolution 196, a budget waiver to accompany S. 1513.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 196) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1513.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the budget resolution waiver.

The resolution (S. Res. 196) was agreed to as follows:

S. RES. 196

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1513. Such waiver is necessary because S. 1513 authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before the appropriate date required under section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The waiver of section 402(a) is necessary to permit congressional consideration of statutory authority for the National Historical Publications and Records Commission.

S. 1513 provides an authorization for fiscal year 1984 of $4,000,000, as part of a five-year reauthorization totaling $23,000,000.

AUTHORIZATION FOR THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Mr. BAKER. Now, Madam President, I ask the Chair to lay before the Senate the companion measure, S. 1513.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1513) to extend for 5 years the authorization of appropriations for the National Historical Publications and Records Commission.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2504(b) of title 44, United States Code, is amended to read as follows:

"(b) For the purposes specified in subsection (a), there is authorized to be appropriated to the General Services Administration an amount not to exceed $4,000,000 for each of the fiscal years ending on September 30, 1984, and September 30, 1985; and an amount not to exceed $5,000,000 for each of the fiscal years ending on September 30, 1986, September 30, 1987, and September 30, 1988. Amounts appropriated under this subsection shall be available until expended when so provided in appropriation Acts.".

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLIC LANDS AND NATIONAL PARKS ACT OF 1983

Mr. BAKER. Madam President, next I ask if the minority leader is agreeable to taking up H.R. 1213, which is Calendar Order No. 215?

Mr. BYRD. Madam President, this side is ready to proceed.

Mr. BAKER. I thank the Senator.

Madam President, I ask the Chair to lay before the Senate that measure.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1213) to amend certain provisions of law relating to units of the National Park System and other public lands, and for other purposes, reported with amendments.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

There being no objection, the Senate proceeded to consider the bill (H.R. 1213) which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 2, strike line 22, through and including line 23 on page 3.

On page 3, line 24, strike "4.", and insert "3.";

On page 4, line 4, strike "5.", and insert "4.";

On page 4, line 10, strike "6.", and insert "5.";

On page 4, line 16, strike "7.", and insert "6.";

On page 4, strike line 22, through and including line 2 on page 5;

On page 5, line 3, strike "9.", and insert "7.";

On page 5, line 9, strike "10.", and insert "8.";

On page 8, line "12", strike "11.", and insert "9.";

On page 10, line "19", strike "12.", and insert "10.";

On page 11, strike line 7, through and including line 8 on page 13, and insert the following:

SEC. 11. (a) All right, title, and interest of the United States in certain lands within the boundaries of the Sequoia National Forest in Tulare County, California, and described in subsection (b) is hereby conveyed to those persons who submit a written application to the Secretary of Agriculture within five years after the date of enactment of this Act, with such proof of title as the Secretary may consider appropriate.

(b) The lands to be conveyed under subsection (a) are described as follows:

On page 14, line 1, strike "14.", and insert "12.";

On page 17, line 18, strike "15.", and insert "13.";

SEC. 14. (a) Title 31, United States Code, is amended as follows:

(1) Section 6901(2) is amended to read as follows:

"(2) 'unit of general local government' means—

"(A) a county (or parish), township, borough existing in Alaska on October 20, 1976,

or city where the city is independent of any other unit of general local government, that (i) is within the class or classes of such political subdivisions in a State that the Secretary of the Interior, in his discretion, determines to be the principal provider or providers of governmental services within the State; and (ii) is a unit of general government as determined by the Secretary of the Interior on the basis of the same principles as were used on January 1, 1983, by the Secretary of Commerce for general statistical purposes. The term 'governmental services' includes, but is not limited to, those services that relate to public safety, environment, housing, social services, transportation, and governmental administration;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico;

"(D) Guam; and

"(E) the Virgin Islands;"

(2) Section 6903(a)(4) is repealed.

On page 17, after line 23, insert the following:

(b) The United States shall not be subject to any cause of action or any liability for distribution of payments made prior to January 1, 1983, under the Act of October 20, 1976 (90 Stat. 2662), as amended, or regulations pursuant thereto.

Mr. BAKER. Madam President, the fourteenth committee amendment I have been requested to withdraw. Therefore, I ask unanimous consent that the fourteenth committee amendment be withdrawn from the list of committee amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I now ask unanimous consent that the remainder of the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendments.

The amendments were agreed to.

AMENDMENT NO. 2309

(Purpose: To increase the funds authorized for development of access and visitor facilities in the Congaree Swamp National Monument)

Mr. BAKER. Madam President, I send to the desk an amendment on behalf of the distinguished Senator from South Carolina (Mr. THURMOND) and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. THURMOND, proposes an amendment numbered 2309.

Mr. BAKER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 21, strike the period, insert in lieu thereof a semicolon, and add the following: and by striking out "$500,000" and inserting in lieu thereof "$2,000,000".

Mr. THURMOND. Madam President, this amendment would increase the amount authorized for development of visitor facilities and access roads in the Congaree Swamp National Monument near Columbia, S.C., to a more realistic and adequate figure.

Mr. President, the Congaree Swamp National Monument, which is a relatively new addition to the National Park System, was established in 1976 by legislation which I was pleased to author. Congaree is unique among all the national parks and scenic areas in our Nation. It consists of approximately 15,000 acres of forested swamp in a near-virgin state, and is a prime example of a natural southern hardwood forest. Contained within its boundaries are several varieties of trees of record dimensions. Centuries old cypress trees and giant loblolly pines grow from among the Swamp's meandering streams and oxbow lakes. As long as 20 years ago, the National Park Service recognized Congaree's value and recommended that it be added to the National Park System.

The 1976 act establishing the monument also authorized the sum of $500,000 to be used for access roads and essential visitor facilities. Since that time, litigation over land acquisition cost has delayed progress on the development of these facilities. The question of just compensation is still pending in the U.S. district court. However, by virtue of the Government Declarations of Taking, the lands which comprise Congaree Swamp National Monument now belong to the United States.

In order to make this beautiful site accessible to the public, roads, parking, and visitor facilities must be constructed. The amount originally authorized for this purpose in 1976 is clearly inadequate to accomplish the task of making Congaree accessible to visitors. Over 17 months ago, the National Park Service, Denver Service Center indicated that these facilities would require at least $1.5 million. By increasing the original authorization to a sum of $2 million, the Park Service should have adequate funding authority to accommodate inflation and construct the necessary facilities so that the American public can begin to enjoy this remarkable natural site.

Mr. President, I want to take this opportunity to urge the National Park Service to complete the general management plan for Congaree Swamp National Monument. I also want to urge the Park Service to promptly begin construction of the access road and basic facilities. Although litigation continues over the issue of just compensation, the lands within the park have been under Government control since the Declarations of Taking in 1977 and 1980. However, without these most basic improvements, it remains largely inaccessible. I would, therefore, urge the cooperation of the Park Service in opening Congaree to visitors as soon as possible.

Mr. President, I would also like to express my deep appreciation to Chairman WALLOP and the other distinguished members of the Public Lands and Reserved Water Subcommittee for their cooperation in this matter of importance to the citizens of our Nation.

Mr. HOLLINGS. Madam President, Senator THURMOND and I have worked jointly for many years to complete the land acquisition and develop the Congaree Swamp National Monument. I can remember a long night before we passed the original authorizing legislation in 1976, poring over the results of the timber cruise and trying to assess the value of the properties involved. While it has subsequently been determined that the estimated values were too low, my staff, and particularly the assistance we received from Representative SIDNEY YATES' staff expert, can attest that those amounts were the best that could be determined. A recent commissioner's report has recommended an award for the 4 tracts of land involved that necessitates raising the authorization for land acquisition to $60,500,000. The House of Representatives and the committee has concurred in that recommendation, and I am glad that the Senate is also taking that step today.

Several months back, I prevailed on the distinguished chairman of the Committee on Energy and Natural Resources (Mr. MCCLURE), in his capacity as chairman of our Interior Appropriations Subcommittee, to include the additional $25,000,000 in the Interior Appropriations bill for fiscal 1984 (H.R. 3363). Unfortunately, that was a casualty in the conference with the managers from the House of Representatives due to this authorization bill not having cleared. With both Houses now having approved the additional $25,000,000, I will ask that the funds be reinstated in the Supplemental Appropriations bill, H.R. 3959, that the Committee on Appropriations will consider immediately after the Columbus Day recess of the Congress.

Mr. President, I also want to voice my support to the amendment of the senior Senator from South Carolina (Mr. THURMOND) that raises the authorization for visitor facilities from $500,000 to $2,000,000. My distinguished colleague has amply outlined the need for this addition, and I will not detain the Senate by repeating things he has well stated. I appreciate the acceptance of this necessary increase for the facilities so that we can finally get on with the development of the Congaree Swamp National Monument.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2309) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CUMBERLAND ISLAND NATIONAL SEASHORE

Mr. BAKER. Next, Madam President, I propose to go to S. 807, if there is no objection.

Mr. BYRD. No objection.

Mr. BAKER. Madam President, I ask the Chair to lay that measure before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 807) to amend the boundaries of the Cumberland Island National Seashore.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources with an amendment, as follows:

On page 1, line 4, strike "1066), is amended by striking out "numbered CUIS" and insert 1066), as amended by the Act of November 10, 1978 (92 Stat. 3489), is further amended by striking out "numbered CUIS"

So as to make the bill read:

S. 807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of October 23, 1972 (86 Stat. 1066), as amended by the Act of November 10, 1978 (92 Stat. 3489), is further amended by striking out "numbered CUIS 40,000D" and substituting "numbered CUIS 40,000E"

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NUNN. Madam President, my colleague (Senator MATTINGLY) and I introduced S. 807 on March 15 of this year in order to address what we believe is a relatively minor, yet important, boundary change in the Cumberland Island National Seashore.

In October 1972, the Congress enacted legislation designating Cumberland Island as a National Seashore in order to preclude any further development of this natural wilderness area. Cumberland Island is a barrier island off the coast of southern Georgia of immense beauty which remains in virtually its natural state. The preservation of this island resource for the enjoyment of present and future generations of Americans is truly representative of the philosophy underlying our National Park System.

Following the designation of Cumberland Island as a National Seashore, the National Park Service conducted several studies in order to determine the best means through which to make visitation on Cumberland available to the largest number of visitors without overburdening the island and thereby endangering its natural character. I will not attempt to recite all of the various stages of the Park Service's consideration of the troublesome issue. However, at one point, the Park Service contemplated an extremely high visitation volume and, as a result, concluded that it would be necessary to acquire mainland property in order to permit the construction of a large embarkation complex to handle this increased volume of visitors. Consequently, the Park Service requested the Congress to amend the original map delineating the Cumberland Island National Seashore in order to include a tract of land on the mainland known as Point Peter so as to facilitate the construction of a visitor center.

In November 1978, the Congress passed the Parks and Recreation Act of 1978 which included this boundary adjustment.

Public hearings, environmental analyses, and further planning undertaken by the Park Service since 1978 has resulted in the Park Service altering its plans for Cumberland Island and substantially reducing the contemplated levels of visitation. The embarkation facilities currently available at the Georgia city of St. Marys have been determined to be adequate to handle the current and projected visitation levels for the area. As a result, the Park Service has concluded that the acquisition of Point Peter will not be necessary now or in the future.

Legislation was introduced during the last Congress with the support of the Park Service which defined the boundaries of the Cumberland Island National Seashore in the same terms that were included in the original 1972 enactment. Although that legislation passed the House of Representatives in 1982, in the press of business prior to our adjournment, we were unable to obtain its passage in the Senate. The passage of S. 807 will simply remove the area on the mainland known as Point Peter from the Cumberland Island National Seashore and cause the boundaries of that area to revert to those which were in effect when the National Seashore was first enacted. Since no one contemplates public acquisition of Point Peter, it seems only reasonable to eliminate that area from the area encompassed by the National Seashore's boundaries.

Madam President, this bill was favorably reported from the Senate Energy and Natural Resources Committee, and I urge its passage.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of October 23, 1972 (86 Stat. 1066), as amended by the Act of November 10, 1978 (92 Stat. 3489), is further amended by striking out "numbered CUIS 40,000D" and substituting "numbered CUIS 40,000E".

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRANSFER OF CERTAIN LANDS IN LANE COUNTY, OREG.

Mr. BAKER. Madam President, I hope to proceed next to H.R. 1062, if the minority leader concurs.

Mr. BYRD. Madam President, there is no objection.

Mr. BAKER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1062.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1062) to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oregon.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WILLIAM A. STEIGER POST OFFICE BUILDING

Mr. BAKER. Madam President, H.R. 3835 is at the desk, is it not?

The PRESIDING OFFICER. It is.

Mr. BAKER. I say to the minority leader that I propose to proceed to that measure now, if he has no objection.

Mr. BYRD. Madam President, there is no objection.

Mr. BAKER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3835.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3835) to designate the United States Post Office Building in Oshkosh, Wisconsin, as the "William A. Steiger Post Office Building."

Mr. KASTEN. Madam President, I rise in support of this measure to name the Post Office Building in Oshkosh, Wis., the William A. Steiger Post Office Building.

In 1978, Congress lost one of its finest Members with the death of Bill Steiger. I knew Bill Steiger as a friend for many years and was privileged to have had the opportunity to work with him in the House of Representatives for 4 years. Bill Steiger's integrity and commitment to good Government was a tremendous inspiration to every Member of Congress.

When Bill Steiger was elected to the House in 1966, he became the youngest Member of Congress at age 28. He quickly became a respected Member of the House and soon took a seat on the Ways and Means Committee. As a member of this committee, Steiger was at the forefront of many efforts in the area of tax reform. His work on capital gains tax reforms was his highest achievement and many of us in recent years have continued to make progress in this area because of the sound foundation Bill Steiger's work provided.

Madam President, Bill Steiger was a true statesman. His ability and hard work were appreciated by all of us who had the pleasure of knowing him. By passing this legislation, the people of Oshkosh, Wis., will gain a lasting memorial to a truly great man, Bill Steiger.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EDWIN D. ESHLEMAN POST OFFICE BUILDING

Mr. BAKER. Madam President, I propose now to proceed to the consideration of H.R. 3379, if there is no objection.

Mr. BYRD. There is no objection, Madam President.

Mr. BAKER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3379.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3379) to name a United States Post Office Building in the vicinity of Lancaster, Pennsylvania, the "Edwin D. Eshleman Post Office Building".

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SEQUENTIAL REFERRAL OF SENATE RESOLUTION 233

Mr. BAKER. Madam President, I have a request in my folder for a sequential referral of Senate Resolution 233, and I shall make a unanimous-consent request for that purpose if the minority leader has no objection.

Mr. BYRD. There is no objection, Madam President.

Mr. BAKER. Madam President, I ask unanimous consent that once the Foreign Relations Committee reports to the Senate, Senate Resolution 233, to express the sense of the Senate concerning the adverse effect on U.S. agricultural exports of proposals to modify the common agricultural policy of the European Community, it be sequentially referred to the Committee on Agriculture, Nutrition, and Forestry for not to exceed 60 calendar days.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR DISCHARGE OF VETERANS' AFFAIRS COMMITTEE FROM CONSIDERATION OF AND REFERRAL OF S. 1805

Mr. BAKER. Madam President, another request, I say to the minority leader, is for the discharge of the Veterans' Affairs Committee from the consideration of S. 1805.

I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of S. 1805, a bill to permit the surviving spouse and unmarried children of a person interred in a cemetery located on a military installation to be interred in such cemetery, and the bill be referred to the Armed Services Committee.

Mr. BYRD. Madam President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR DISCHARGE OF THE JUDICIARY COMMITTEE FROM CONSIDERATION OF SENATE RESOLUTION 230

Mr. BAKER. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 230, to commend Eve Ball, and I ask that it be placed on the calendar.

Mr. BYRD. Madam President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT H.R. 3044 BE HELD AT THE DESK

Mr. BAKER. Madam President, I ask unanimous consent that H.R. 3044, the Atlantic Salmon Agreement, be held at the desk until the close of business on Friday, October 7, 1983.

Mr. BYRD. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Madam President, on today's Executive Calendar are a number of nominations, on pages 1, 2, 3, 4, and 5 under the heading "Nominations placed on the Secretary's desk in the Army and Navy."

I inquire of the minority leader if his calendar shows clearance for all or any part of those nominations for consideration at this time.

Mr. BYRD. Madam President, on page 1, the first nomination, under the judiciary, is cleared; on page 2 all nominations under the Department of State are cleared, as are all nominations under the Department of State on page 3; and we go to page 4 and there are no nominations on that page that are cleared, but the nominations placed on the Secretary's desk in the Army and Navy on page 5 are cleared.

Mr. BAKER. I thank the Senator.

Madam President, let me describe these then by calendar number, if I may.

EXECUTIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the fol-

lowing nominations: Calendar Order No. 324 under the judiciary; Calendar Order Nos. 327, 328, 329, 330, and 331 under the Department of State; Calendar Order Nos. 332, 333, 334, 335, and 336 under the Department of State; and those nominations on page 5 placed on the Secretary's desk in the Army and Navy.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

THE JUDICIARY

The legislative clerk read the nomination of Maryanne Trump Barry, of New Jersey, to be U.S. District Judge for the District of New Jersey.

Mr. BRADLEY. Madam President, I welcome the addition of Maryanne Barry to the U.S. District Court for New Jersey.

Ms. Barry will bring to the bench the energy and dedication she has demonstrated as New Jersey's first assistant U.S. attorney. Since 1974, Ms. Barry has served in that office as an outstanding professional. She progressively attained increased responsibilities under both Republican and Democratic administrations. Her tenure with four U.S. attorneys is a tribute to her legal and administrative abilities. In fact, she is currently the highest ranking woman attorney in any of the major U.S. Attorney's Offices.

The courts in general, and most particularly, the Federal district court in New Jersey, face almost overwhelming backlogs. A workload of between 400 and 500 cases for each district court judge is not uncommon in New Jersey. No vacancy can afford to go unfilled and I am pleased that this one is being acted upon expeditiously. Therefore, a clear requirement for any prospective judge should be whether he or she has the stamina and the energy to bear up under that burden. I believe Ms. Barry has more than demonstrated that vigor in managing the extraordinary caseload in the U.S. Attorney's Office.

It is also important that the nominee have the dedication to the law to undertake the personal sacrifice required of our judiciary. Ms. Barry long ago committed herself to public service.

Finally, a judge must have the special sensitivity which is necessary to administer justice. The lack of women and other minorities on our Federal bench has been of special concern to me. I have urged a special effort to reach out to those communities which have traditionally been excluded from the judiciary. First, such outreach expands the pool of exceptional talent available for the Federal bench. Second, the inclusion of those who have suffered from discrimination can bring this special sensitivity to the Federal judiciary.

I hope and I believe Maryanne Barry will bring the necessary energy, skill, and sensitivity to the U.S. district court. I am proud of the Federal justices who serve in our State and look forward to Ms. Barry's addition to the bench.

Mr. LAUTENBERG. Madam President, I am pleased to support the confirmation of Maryanne Trump Barry to the Federal District Court of New Jersey.

Since her graduation from Hofstra University Law School in 1974, Ms. Barry has served in the U.S. Attorney's Office in New Jersey where she has earned an excellent reputation among fellow members of the New Jersey Bar. Maryanne Trump Barry began as an assistant U.S. attorney, but quickly rose to the position of chief of the appeals division. In 1981 she became the first assistant U.S. attorney. Her work has manifested competence, honesty, and fairness.

Ms. Barry joins Judge Anne Thompson as the second woman to sit in the U.S. District Court for the District of New Jersey. My State and our Nation need more highly qualified women, such as Maryanne Trump Barry, to serve in the Federal judiciary.

I believe Ms. Barry will make a significant contribution to the administration of justice in New Jersey. I support here appointment.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF STATE

The legislative clerk read the nominations of Donald Charles Leidel, of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain.

George E. Moose, of Maryland, a Foreign Service officer of class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Benin.

George Roberts Andrews, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mauritius.

Edmund DeJarnette, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Robert Hopkins Miller, of Washington, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ivory Coast.

Charles Franklin Dunbar, of Maine, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Reginald Bartholomew, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Nicolas M. Salgo, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Hungary.

Gerald Eustis Thomas, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Nicholas A. Veliotes, of California, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the Army and in the Navy, placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. BAKER. Madam President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Madam President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Madam President, on tomorrow we are going to try to finish the farm bill and I think we will, and I am committed, as the minority leader will recall, to try to reach the target price bill after that, and I may say in a seizure of excess candor I doubt we succeed with that, but I am committed to try.

In addition to that, I hope that we can go to the executive calendar again and take up some of the items that we were not able to clear today. Perhaps there will be a rollcall vote on one or more of those nominations, but Senators should anticipate that possibility.

The Export Administration bill was extended by 14 days and there are further negotiations to try to extend that bill for another 14 days, and it is possible that the leadership on this side would ask the Senate to turn to the consideration of that measure if the difficulties are worked out.

However, I do not expect to ask for a rollcall vote on that or to take it up if they are not worked out. But Senators should be on notice of that possibility.

So tomorrow possibly Export Administration, finish dairy and tobacco, the executive calendar, and possibly a Defense Production Act, which I also do not think will require a rollcall vote. There may be other matters cleared for action by unanimous consent.

We will come in at 9:30 a.m. and be on the bill at 10 a.m. It is my hope we can finish the business of the Senate by midafternoon and maybe as early as 2 p.m.

In a moment I will ask the Senate to recess awaiting the action by the House on the unemployment benefits extension bill, and probably the passage of the adjournment resolution, but I will not do that at the moment.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BAKER. Madam President, I see no other Senator seeking recognition. Since we are unsure of when the House will act, we have to await their further action on this bill, so I ask unanimous consent that the Senate now stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 7:16 p.m. recessed until 7:37 p.m. whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. WARNER).

The PRESIDING OFFICER. The Chair recognizes the acting majority leader.

ADJOURNMENT OF THE TWO HOUSES UNTIL OCTOBER 17, 1983

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate the adjournment resolution, House Concurrent Resolution No. 184.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 184) providing for an adjournment of the two Houses from October 6 or 7 until October 17, 1983.

Mr. STEVENS. Mr. President, I ask for its immediate consideration.

There being no objection, the Senate proceeded to its immediate consideration.

The concurrent resolution (H. Con. Res. 184) was considered and agreed to.

The concurrent resolution reads as follows:

H. CON RES. 184

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, October 6, 1983, or on Friday, October 7, 1983, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, and that when the Senate adjourns on Thursday, October 6, 1983, or Friday, October 7, 1983, pursuant to a motion made by the majority leader in accordance with this resolution, they stand adjourned until 12 o'clock meridian on Monday, October 17, 1983.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. STEVENS. Mr. President, there is an order for the convening of the Senate in the morning, I understand.

The PRESIDING OFFICER. The assistant leader is correct. The order provides for reconvening at 9:30 a.m.

Mr. STEVENS. Mr. President, I move that the Senate stand in recess in accordance with that order.

The motion was agreed to; and, at 7:38 p.m., the Senate recessed until Friday, October 7, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 6, 1983:

IN THE ARMY

The following officers for appointment as Reserve Commissioned officers in the Adjutant Generals Corps, Army National Guard of the United States, Reserve of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen Vernon J. Andrews, xxx-xx-xx... xxx-... Army National Guard of the United States.

Brig. Gen Luis E. Gonzalez-Vales, xxx-xx-x... xxx-... Army National Guard of the United States.

Brig. Gen. Gray W. Harrison, Jr., xxx-xx-x... xxx-x... Army National Guard of the United States.

Brig. Gen. John W. Kiely xxx-xx-xxxx, Army National Guard of the United States.

Brig. Gen. Alexis T. Lum xxx-xx-xxxx, Army National Guard of the United States.

Brig. Gen. Willard A. Shank, xxx-xx-xxxx, Army National Guard of the United States.

To be brigadier general

Col. Edward G. Pagano xxx-xx-xxxx, Army National Guard of the United States.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Albert J. Baciocco, Jr., xxx-xx-x... xxx-.../1120, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Thomas J. Hughes, Jr., xxx-xx-x... xxx-.../1110, U.S. Navy.

INTERNATIONAL ATOMIC ENERGY AGENCY

The following-named persons to be the Representatives and Alternate Representatives of the United States of America to the 27th Session of the General Conference of the International Atomic Energy Agency:

Representative

Donald P. Hodel, of Oregon.

Alternative Representatives

Richard T. Kennedy, of the District of Columbia.

Nunzio J. Palladino, of Pennsylvania.

Richard Salisbury Williamson, of Virginia.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 6, 1983:

DEPARTMENT OF STATE

Donald Charles Leidel, of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain.

George E. Moose, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Benin.

George Roberts Andrews, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mauritius.

Edmund DeJarnette, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Robert Hopkins Miller, of Washington, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ivory Coast.

Charles Franklin Dunbar, of Maine, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar.

Reginald Bartholomew, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Nicolas M. Salgo, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Hungary.

Gerald Eustis Thomas, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Nicholas A. Veliotes, of California, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Maryanne Trump Barry, of New Jersey, to be U.S. district judge for the district of New Jersey.

IN THE ARMY

Army nominations beginning Bryan R. Cole, and ending Alan E. Santo, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 26, 1983.

Army nominations beginning Lorraine M. Bivalec, and ending Ivan P. Szilvassy, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 26, 1983.

IN THE NAVY

Navy nominations beginning William J. Dyer, and ending William R. Davis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 26, 1983.

HOUSE OF REPRESENTATIVES—*Thursday, October 6, 1983*

The House met at 10 a.m.

Rabbi Robert A. Rothman, D.H.L., D.D., Community Synagogue, Rye, N.Y., offered the following prayer:

Lord God, great in wisdom, grant us, we of finite minds, the ability to understand that wherever Your children call upon You for strength, guidance, courage, and inspiration, Your spirit comes among them to bless them. We beseech Your presence this day and in this place.

May the efforts expended in worthy aspirations, and the deeds accomplished through exemplary commitment, help bring nigh to You those who look to this House for guidance and direction. May the power of principle rather than the principle of power be the measure of this leadership's contribution. Teach them neither to be afraid of espousing good causes nor of cherishing good convictions. Save them and us from that life's outlook which consists of slogans that numb the mind, starve the soul, and stultify progress. May they come to learn, as we must all, that prayer without performance is perfidy, faith without function is fanaticism, and democracy without devotion is denial.

Guide and preserve, we pray You, all who zealously and wisely direct this body, and those who contribute to its strength. May they continue to strive for the beauty of studious reason, for the satisfaction of a vibrant and viable Nation, for the enlargement of fearless truth, and for the sweetness of adding dignity and joy to humanity's earthly home by touching our dust with the quality and spirit of divinity. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 155. Joint resolution designating the week beginning November 6, 1983, as "National Disabled Veteran's Week."

RABBI ROBERT ROTHMAN

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OTTINGER. Mr. Speaker, Dr. Robert Rothman, who gave the invocation this morning, is the spiritual leader of the Community Synagogue in Rye, N.Y. Rabbi Rothman has worked with this congregation for more than 20 years, and recently was awarded a life tenure by the synagogue.

Rabbi Rothman is an ardent devotee of human rights, interfaith and higher education, and humanitarian causes. He is the recipient of distinctive service awards by the United Jewish Appeal and the New York Federation of Jewish Philanthropies, and has been named Man of the Year by both the Community's Synagogue's Men's Club and the Rye Lodge of B'nai B'rith. He maintains an abiding interest in higher education and has lectured at many universities. He has served as a professor at a number of colleges in New York, including Iona College in New Rochelle, Marymount College in Tarrytown, and the State University of New York at Purchase.

Rabbi Rothman has proven himself to be an accomplished student as well as teacher. He most recently received a doctorate of divinity, adding to his two bachelor degrees, two master's degrees, and doctorate in Hebrew letters, which he received from the Hebrew Union College in Cincinnati, Ohio.

Dr. Rothman has had numerous articles and poems published, dealing with a wide range of issues. One of his many articles, concerning the values of a diverse American society, which appeared in Liberty magazine, received the George Washington Medal Award from the Freedoms Foundation at Valley Forge in 1966.

The rabbi has a sensitive and ongoing concern for the people of his community. He serves as an adviser to the Rye Association for the Handicapped, the Rye Youth Council, the Westchester Council on Alcoholism, the Westchester County Tricentennial Commission, and is the chaplain of the Rye Police Department. He has won the esteem of his colleagues, the love of his congregation, and the admiration of his community, by virtue of his deep commitment to his religious convictions and his humanitarian concern for his fellow man.

I am delighted that Dr. Rothman is here with us today and welcome him to the House of Representatives.

LACK OF CONGRESSIONAL HEARINGS WITH RESPECT TO THE INSTITUTE OF MUSEUM SERVICES

The SPEAKER pro tempore (Mr. MITCHELL). The Chair recognizes the gentlewoman from Illinois.

Mrs. COLLINS. Mr. Speaker, at this very moment the Senate is probably engaged in confirming the appointment of Ms. Susan Phillips to the Institute of Museum Services. The problem is that this is being done without benefit of any kind of hearing. As a matter of fact, the hearing was scheduled to be held on October 26, but last night at 5 o'clock we learned that, indeed, a hearing had been very hastily called for today. To top that off, the decision was made that there would be no witnesses. I find this to be very disturbing.

As chairwoman of the Government Operations Subcommittee on Government Activities and Transportation, which has oversight over IMS, along with the National Endowment for the Arts and Humanities, I have been following with great interest the affairs of this tiny but troubled agency.

I am concerned that the Senate appears to be willing to rush through this appointment with no opportunity for discussion.

Since May, our subcommittee has been investigating various internal problems of IMS: such as the lack of annual reports; the lack of regular audits of the grants; and the lack of any peer review process. We have been told by many IMS board members of the arbitrary and unilateral decisions made by IMS officials without any consultation with the IMS board—in a manner contrary to law. In fact a tradition has developed for the Executive Director to run the Board of Directors, instead of the reverse. Ms. Phillips should be questioned on this.

We are further concerned by allegations of open meetings which have been closed—in violation of the Sunshine Act. Likewise, we know that staffing levels have been well below the number approved by the Office of Management and Budget.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

This agency is now on its fourth Director in 4 years. The head of IMS is to serve as a spokesman for the arts and as an advocate. That is why I was surprised to learn that in a meeting with our subcommittee staff on July 11 when asked whether she thought there was a Federal role for funding of the arts, Ms. Phillips refused to answer the question.

Yet this is a pivotal question for any proposed Director for this agency, especially since IMS has now received bipartisan support in both the House and the Senate resulting in a budget that will almost double its 1983 appropriation. This is an interesting reversal since earlier this year the White House called for zero funding, but the administration has since muted its opposition. We interpret this as a signal that the IMS should not only continue to exist but that it should do so in an effective manner.

I have invited Ms. Phillips to appear at 2 p.m. on October 26 before the House Government Operations subcommittee on Government Activities and Transportation to answer these questions in detail.

I express my concern because it is my understanding that in Ms. Phillips' previous work with other organizations, she was an outspoken critic of any and all governmental funding or support for the arts.

MAXIMUM CONCENTRATION LEVELS FOR ASPARTAME ARE NEEDED

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, today, I am introducing a bill to require the Secretary of Health and Human Services to establish maximum concentration levels for Aspartame as a food additive. I would like to take this opportunity to explain some of the reasons why I feel this legislation is so essential.

Aspartame is virtually an infant product that is thought to be the magic alternative to saccharin. Although most people agree that the risks posed by the use of Aspartame are less than those associated with saccharin, it has not been conclusively determined that Aspartame is safe at different consumption levels. Since the inception of this product, there has been much debate in the scientific community about the potential health risks associated with it. Regardless of the questions that remained, the Food and Drug Administration (FDA) approved this product for use in both dry foods and carbonated beverages. I have talked to a number of people, both scientists and consumer groups, who are firm in their belief that the FDA approved Aspartame prematurely.

The dissenters are concerned that the use of this product in unlimited quantities may cause brain tumors. In addition, others feel that its unlimited use may affect certain chemicals in the brain thereby affecting human behavior.

I do not wish to enter the scientific debate over this issue, but as a matter of public policy, I feel that Congress should take the necessary steps to insure that Aspartame is distributed in the safest manner possible.

At present, due to the costs associated with the production of Aspartame, manufacturers are combining Aspartame and saccharin. In the near future, producers will begin to phase out saccharin and replace it with Aspartame, substantially increasing the quantity of its use in carbonated beverages.

My bill will require the FDA to establish concentration limits on the use of Aspartame as a safeguard against the unregulated use of this product until further studies are completed.

CONGRATULATIONS TO LECH WALESA

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, since martial law was established in Poland in 1981, the world community has watched the growth of the Polish Union Solidarity. Renouncing the use of force, their weapons have been their solidarity and their faith in their cause.

The announcement yesterday that their leader has been awarded the Nobel Prize for Peace, is a confirmation of that faith and the nobility of their cause.

Lech Walesa is more than just one person. He is a symbol of courage and hope, of peace and freedom. He is, as one of his opponents said "a man who will grow rapidly * * * a man touched by the finger of God."

I want to offer my congratulations and Niech Pan Bog Blogoslawi, God bless, to Lech Walesa and the Polish people.

□ 1010

ILLUMINATION ON UNEMPLOYMENT STATISTICS

(Mr. COYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COYNE. Mr. Speaker, those who point to a drop in national unemployment figures as evidence the recession is over argue that statistics are on their side.

Use of statistics in this manner is not unlike the way a drunken man uses a lamppost—for support rather than illumination.

Let us have a little illumination on this subject. Unemployment follows a straight line neither on a Department of Labor chart nor a Commonwealth of Pennsylvania map. Consider a tale of two cities. The July unemployment rate for Philadelphia was 8.1 percent, while in the four-county Pittsburgh area, a region of heavy industry, unemployment was more than 13 percent. The persistence of unemployment in western Pennsylvania is not adequately reflected in a statewide unemployment rate of 11.5 percent. In the Pittsburgh area, the recession continues, all averages notwithstanding.

We should not become so preoccupied with averages that we overlook the severity of joblessness in critical industrial regions. A person can drown in a river with an average depth of 3 feet, we should remember, if he fails to account for the possibility of deep and dangerous waters. Any national strategy for recovery must account for that possibility as well.

VOLUNTARY ORGAN DONATIONS

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, On May 3, 1983, Janeen, a 7-pound, 3-ounce, baby girl, the second child of Patrick and Susan Fukuhara, was born in Hawaii. She was a seemingly normal and healthy baby. However, at her 2-month checkup, it was discovered that her liver was enlarged and subsequent tests confirmed that she had a malfunctioning liver.

In her first 3 months, Janeen had two unsuccessful operations to correct her liver deficiency. The doctors told Janeen's parents that they did not expect Janeen to live past Christmas 1982.

In July of this year, President Reagan made a compassionate appeal for a liver donor for a critically ill 11-month-old girl. The Houston-based Living Bank, which coordinates organ donations, received over 1,000 calls in response to the President's plea. In July and August, the Pittsburgh Children's Medical Center performed a record number of liver transplants, but, like old news and the passing of time, the number of donors dropped significantly and Janeen is now awaiting a suitable liver donor at the Pittsburgh center.

I have been asked by Janeen's grandparents to remind our American people that the need for donor livers is a continuing one and we cannot forget our children like Janeen. I believe we are a compassionate society, which oc-

casionally needs a gentle reminder, so that we do not forget our most precious resource, our children.

I remind the people of our Nation that organ donors are greatly needed. One way we in Congress can assist is by supporting our colleague, Mr. GORE of Tennessee, who has proposed legislation to increase voluntary organ donations and to improve coordination of organ procurement and distribution. I wholeheartedly support this measure and encourage my colleagues to do everything possible to expedite the passage of this legislation.

RESOLUTION OF CELEBRATION AND CONGRATULATIONS FOR LECH WALESA

(Mr. HERTEL of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERTEL of Michigan. Mr. Speaker, I rise this morning to celebrate and congratulate Lech Walesa, leader of Solidarity, for being awarded the Nobel Peace Prize. There is no greater spokesman in the world for human rights and for the basic freedoms that we all believe in.

I ask my colleagues to join in cosponsoring a resolution of celebration and congratulations for Lech Walesa for winning the Nobel Peace Prize.

ADMINISTRATION'S NEW GUIDELINES ON COMMUNIST CHINA

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, Prof. Anthony Sutton of Stanford estimates that up to 95 percent of the Soviet war machine is of Western origin, having come directly or indirectly from the United States and our allies. We forget this, at our own peril, and I bring this fact to my colleagues' attention in light of recent developments in our relations with Peking.

In recent weeks the administration has prepared new guidelines regarding Communist China. Henceforth, according to these guidelines, Communist China will be considered a friendly, nonalined nation. These new guidelines will pave the way for the approval of almost all of China's requests for military sales by the United States. Such taxpayer-financed business transactions are expected to surpass $1 billion by 1984.

The President, meanwhile, plans to visit Peking in April, as part of this ongoing effort to cozy up to the Communists. The White House also intends to open up cultural and military exchanges, allowing officials of the Chinese military to inspect American installations. All of which called to mind this week the President's apparent flipflop in his attitude toward the anti-Communist government on Taiwan. Last year, for example, he said that "the Taiwan question is a matter for the Chinese people on both sides of the Taiwan Strait. We will not interfere in this matter * * *. At the same time, we have an abiding interest and concern that any resolution be peaceful." If this is the case, it makes little sense to arm to the teeth the Communists in Peking who have never renounced their longstanding commitment to annex the last bastion of anticommunism in China.

Our cozying up to the Communists comes precisely at the time when the Communists in China are cozying up to the Communists in the Soviet Union, and we do so in the wildly unrealistic notion that Communists can ever be our allies. Having already built the Soviet war machine only to have the weapons it produced pointed at us, we must never make the same mistake again.

Communists are Communists, regardless of the territory which they have taken by force and on which they oppress their subjects. It is the sheerest folly to subsidize their military buildups, then have to drain the lifeblood of our own economy just to keep pace in an escalating arms race.

JAMES WATT SHOULD REMAIN

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, Interior Secretary James Watt is not the first public official to make unfortunate remarks for which he readily apologized, nor will he be the last. While the judgments are still coming in the wake of his misstatements, we should not leave him short on his achievements.

The facts remain that James Watt has been the best qualified, perhaps the greatest Secretary of the Interior.

He has brought vast experience to a Department in which he had knowledge in virtually all phases of its operation. His performance as the manager of America's vast natural resources has reflected commonsense: Removing the cumbersome and punitive controls on energy and economy growth without sacrificing the environment, despite the vastly exaggerated rhetoric of his enemies.

James Watt is the first Secretary of the Interior to cut back on the bureaucracy and endless redtape stifling decisionmaking. In walking down the hallways of that agency now, you do not find aimless workers without a job to do. As was the case until he took the helm.

His progress and enthusiasm for his role in one of our Nation's most visible agencies cannot be doubted. The Department's annual report, "A Year of Change: To Restore America's Greatness," detail a remarkably good record.

James Watt should be judged by his accomplishments, not his unfortunate remarks, which have become a wedge by his enemies to have him removed. James Watt should remain on the job.

IN MEMORY OF AMERICAN STUDENTS WHO FOUGHT IN VIETNAM

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, last Saturday I had the privilege to be the speaker at Fort Hays State University in Hays, Kans., rededicating the Memorial Student Union on that campus in memory of the students who lost their lives during the Vietnam war.

In my remarks, I recalled the speech given by the former General of the Army, Douglas MacArthur, to the cadets of West Point in regard to another conflict similar to that of Vietnam. Speaking about the courage and example of the men who fought in Korea, General MacArthur said:

> These men will fight and per chance die, for one reason only, for their country—for America. Just the simple fact their country called.

Mr. Speaker, the country called and Kent Amerine, Barton Brooks, Michael Donovan, James Eisenhour, Samuel Gardner, James Heskett, Terry Householter, Arthur Klaus, and Norman Leikam all answered. We also answered that call last weekend in remembering these young men and that the responsibility and task of safeguarding individual freedom belongs and falls to every generation.

I commend to the attention of my colleagues the full text of General MacArthur's quote:

> These men will suffer hunger and thirst, boiling suns and frozen beaches, but they must go on and on and on when everything within them seems to stop and die.
>
> They will grow old in youth burned out in searing minutes, even though life owes them many tranquil years. In these troublesome times of confused and bewildered international sophistication, let no man misunderstand why they do that which they must do.
>
> These men will fight and per chance die, for one reason only—for their country—for America. No complex philosophies of world intrigue and conspiracy dominate their thoughts. No exploitation of extravagance of propaganda dims their sensibilities. Just the simple fact their country called.

THE WHEAT EXPORT INCENTIVE ACT

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, I have introduced today a new farm proposal, the Wheat Export Incentive Act. I believe this act will break the impasse which has developed between Congress and the administration in recent months. My bill includes a target price freeze which the administration and the American Farm Bureau have sought. It also moves out in a new direction to control the major and worsening problems of wheat oversupply and export.

The Wheat Export Incentive Act is a significant improvement over the announced 1984 wheat program. The Congressional Budget Office estimates that my bill, which would use the wheat portion of the target price freeze savings to fund a new system of wheat export certificates, will save $50 million the first year and over $200 million the second year, compared with the announced program. I believe I have the only wheat program proposal which will save money, and at the same time, increase gross income to the wheat producers who participate. Further, my bill will make us more competitive in the world market and will allow us to begin to recapture our higher, traditional market share. This bill takes a supply management approach by providing incentives for program participation. The Congressional Research Service estimates a participation rate in excess of 70 percent.

Initial reaction from my colleagues from agriculture States and from major farm organizations has been very positive. I look forward to early Wheat Subcommittee hearings on the Wheat Export Incentive Act. I am convinced this is an idea whose time has come: More wheat exports, more farm income, high program participation, containment of program costs, and reduction of excess stocks.

ADDITIONAL NONDEDUCTIBLE IRA CONTRIBUTIONS

(Mr. MOORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORE. Mr. Speaker, I would like to make known to the House an important event that occurred yesterday in the Committee on Ways and Means, which I think will go a long way to increasing the savings rate in this country. Yesterday in marking up a life insurance taxation bill, I offered an amendment, which was accepted, which will now allow for the first time in the history of individual retirement accounts a nondeductible contribution of $1,750, after an owner of an individual retirement account has made the maximum deductible contribution which under present law is $2,000.

This means you could now contribute and deduct $2,000, and add an additional $1,700 which is nondeductible to your IRA for a total of $3,750 in the case of an individual IRA.

This is important to nonworking spouses as the law now provides for a spousal IRA of $2,250 that is deductible. You can now by my amendment, put the $1,750 in such an account also, and designate all of that for the nonworking spouse, so that the nonworking spouse would have $2,000 in the IRA as well as the $2,000 for the working spouse.

I think this is a very important event and I would urge my colleagues to support this bill when it comes to the floor.

□ 1020

SOCIAL SECURITY NOTCH PROBLEM

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to be introducing legislation today which addresses the social security benefit disparity, commonly referred to as the notch problem.

I think the Members of this body are all aware of the gross inequities in benefit payments which have resulted from the benefit formula change signed into law in 1977 by former President Carter. The 1977 Social Security Financing Amendments were intended to prevent what was then perceived to be a benefit overcompensation problem. Instead, however, President Carter's so-called solution has snowballed into an unfair and penalizing disparity between benefits payed to individuals who have similar work records but were born only 1 year, or 1 month, and in some cases, just 1 day, apart.

Mr. Speaker, I am sure that, like me, many of my colleagues have been concerned about the notch problem since its inequities became clearly evident early in 1982; 1982 was the year that those who were born in 1917 and worked until age 65 began to look forward to a secure and rewarding retirement. However, these retirees soon learned that regardless of their work records, their benefits would be calculated under a different formula than those who were born a year before them. Consequently, their benefits are now substantially lower even though they retired at a later date.

Mr. Speaker, had the 1971 formula been designed in a fashion enabling newer retirees to receive benefits which were more consistent with those of their older coworkers, we would not need to readdress this issue. Unfortunately, however, the 1977 Carter legislation fell far short of fully considering the unjust impact the new benefit calculation has had on our Nation's retirees.

Mr. Speaker, it is not easy for an individual who has worked hard all his/her life to understand why an older neighbor, with a similiar or even less impressive work record, should receive $100 more in social security benefits per month; $100 per month, $1,200 per year, is a considerable amount of money, particularly for those who are dependent upon fixed pension incomes. Mr. Speaker, it is not fair, and it certainly is not right for us to ask this worker, who has the same financial burdens as the older worker, to accept the incredible benefit difference just because he was born at a later date. Instead, as responsible leaders, in a nation proud of its quest for equality, this Congress must commit itself to further investigating this benefit disparity and acting to bring justice to those who have become victims of the notch.

Mr. Speaker, in the last 4 weeks, I have received more than 1,000 inquiries from social security recipients who have been wronged by the notch. Who are these people who have been asked to endure a benefit miscalculation and unfair compensation? Mr. Speaker, they are our older Americans: a class of our most respected citizens; children during the Great Depression, heros of the World War II era, and the parents of modern America. Their efforts, their dedication and their work for this Nation is embedded in our universal recognition as a world leader. We cannot shadow their contributions. We cannot ignore this inequity.

The bill I have introduced today outlines steps for developing recommendations to remedy the disparity in the computation of social security awarded benefits to persons born after 1917. I urge my colleagues to support this bill as a way to rescind the notch problem and insure that all our senior citizens are equally and fairly compensated for their lifetime contributions to the industrial and economic strength of this Nation.

JOSEPH McCAFFREY: THE DEAN RETIRES

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, a knowledgeable and respected correspondent who has covered Capitol Hill longer than all but one Member of the House has been here, recently retired, and I would like to take personal note of that special event. Joe McCaffrey, dean of broadcast journalists who had been here for 38 years, left at the end of last month to retire to his farm in Virginia.

Joe was WMAL's correspondent and commentator for most of those years, earning a reputation for competence, reliability, and fairness. His report, "Today in Congress," a program reporting the floor and committee proceedings in Congress, was the longest running sponsored program on the air in the Nation's Capital. His program, "Meet the Member," a biographical sketch of House and Senate Members, was on the air for 12 years. In addition he did daily commentaries on the major issues. All of these he presented with an understanding born of experience amassed by no other member of the broadcast media.

Joe was in love with this institution, he worried about it, he tried to nurse it along. He believed in representative government. He exhibited none of the cynicism frequently shown by members of his profession and I think for that reason he leaves many friends here.

Joe McCaffrey is a member of Sigma Delta Chi's Washington Reporters Hall of Fame and was the winner of five Emmy's from the Washington Chapter of the Academy of Arts and Sciences. I said earlier that he was retiring to his farm in Virginia, but he is really fulfilling one of the dreams of most longtime reporters: to own and publish a small town newspaper. Joe's attention will now be focused on the Culpeper News of which he is owner-publisher.

I know all my colleagues join me in paying tribute to this exceptional news reporter, commentator and friend, and wishing him many more productive and interesting times.

ON CREATING A DEPARTMENT OF INTERNATIONAL TRADE AND INDUSTRY

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, earlier this week the Senate Government Affairs Committee approved a major trade reorganization bill which would create a Cabinet-level Department of International Trade and Industry.

I have introduced similar legislation in the House and strongly support this reorganization which would consolidate trade policymaking functions which are now scattered among a number of agencies.

This reorganization would enable us to more fully develop our international trade opportunities and defend our international trading rights.

For the first time, a single Cabinet Department would be responsible for both policymaking and policy implementation. It would enable development of a policy that emphasizes anticipation and coordinated action, rather than reaction and ad hoc trade restrictions.

It would also send a signal to our trading partners that we are serious about trade, serious about stopping unfair trading practices and serious about increasing our export market.

The Senate, however, tacked on a major industrial policy component which is strongly opposed by the administration and which could result in this important legislation being vetoed.

Industrial policy is suddenly perceived as the panacea for all of our ills, a philosophy I do not necessarily subscribe to.

While the issue of industrial policy may deserve its day in court, attaching this to legislation which is considered vital for cutting America's ballooning trade deficit is unwise.

I am hopeful that the House will give prompt consideration to this important trade reorganization legislation and will not cloud the issue with the highly controversial and separate question of industrial policy.

DISABLED VIETNAM VETERAN NOMINATED OUTSTANDING HANDICAPPED FEDERAL EMPLOYEE OF THE YEAR

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to bring to the attention of my colleagues a selfless and dedicated American combat veteran who has been selected in a keen competition as 1 of 10 outstanding handicapped Federal employees of 1983.

He is Daniel R. Brophy of Brush Prairie, Wash., a clinical social worker at the Vancouver, Wash., division of the Portland, Oreg., Veterans' Administration Medical Center.

Mr. Brophy was nominated for this award by Harry Walters, the Administrator of the Veterans' Administration. Of 68 nominees from 39 Federal agencies, Mr. Brophy emerged as 1 of the top 10.

Daniel Brophy was a Marine Corps captain during the Vietnam conflict. While on a helicopter aerial observation mission, he was hit in the neck by enemy gunfire which immediately paralyzed him from the chest down.

He underwent months of intensive rehabilitation and operations at the VA Spinal Cord Injury Center in Long Beach, Calif.

Mr. Speaker, I have long known of that marvelous center, and I know of the tremendous efforts on the part of staff and patients there to work through the pain and psychological hardship that accompanies spinal injuries. Daniel Brophy is a testimonial not only to himself but to the success of the Center's caring and medical skill.

Upon his release from the medical center, and undaunted by his handicap, Mr. Brophy completed 2 years of schooling at Clark College in Vancouver and then 2 more years at the Vancouver campus of Evergreen State College, receiving his B.A. degree in 1978. Later, he received a masters degree in social work from Portland State University, Oreg.

It is a tribute to his energy and sense of public service that Daniel Brophy should be named an outstanding handicapped Federal worker—but, Mr. Speaker, I suspect he would be nominated an outstanding worker, handicap or not, no matter where he worked. His perservering spirit, his dedication to his job and his community work typifies the strength of the American veteran who becomes disabled in the service of his country.

Even with his already active and demanding job schedule, Mr. Brophy also serves on the board of directors of a coalition of handicapped organizations, works with a Vietnam veterans self-help group, is on an advisory board of Evergreen College and serves as a consultant and counselor to a crisis hotline and to the Southwest Washington Health Systems Agency. He is also a member of the Portland Federal Executive Board's Committee on Special Placement of the Handicapped.

Mr. Speaker, many, many nonhandicapped citizens would be hard-pressed to match Mr. Brophy's efforts.

He and his wife have 2 children and they have served as foster parents for 17 other children over the past several years.

Mr. Speaker, on October 6, Mr. Brophy and the nine other outstanding handicapped Federal workers will be honored at a ceremony here in Washington. As a member of the House Veterans' Affairs Committee, I am especially proud of the Veterans' Administration's selection of Daniel Brophy as their representative in this fine program.

As excellent a choice as he is, I am sure the VA had a difficult time choosing one candidate from all the dedicated and patriotic handicapped men and women working for them. I wish to extend my congratulations to Mr. Brophy and I am sure I do so with the best wishes of each and every Member of the House of Representatives.

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND SELF-SUFFICIENCY ACT OF 1983

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, yesterday, the Subcommittee on Conservation, Credit and Rural Development of the Committee on Agriculture began hearings on H.R. 3050, the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983. As an original cosponsor, I rise in strong support of this bill.

Mr. Speaker, rural areas have always played an important role in the growth and development of the State of Tennessee as well as the Nation. Often, however, our attention is focused on the issues and concerns of the Nation's urban areas. H.R. 3050 gives us an opportunity to turn our attention back to the issues of our rural communities. One of these issues is the expense to provide affordable electric and telephone service to rural areas. In fact, this expense has made it unattractive to most companies to string service lines despite the clear needs of our rural neighbors. Many families can remember when the flicker of burning candles was the only light they had in their homes at night. Consequently, the Congress passed the Rural Electrification Act of 1936, which provided low-interest loans to the consumer-owned cooperatives for building power facilities in rural areas. As a result of this act, these families and all Tennesseans finally have the benefits of affordable electricity and telecommunications services that urban centers have had for a much longer period.

H.R. 3050 would insure the solvency of the REA by allowing outstanding loans to be paid directly to the Rural Electrification Administration, as opposed to the Treasury. If passed, the bill would, in the words of the bill's sponsor, allow the Rural Electrification Administration to continue to do what it set out nearly 50 years ago: To provide adequate, reliable, and affordable electric and telephone service to the citizens of rural America.

I commend Representative ED JONES for introducing this legislation and I urge my colleagues to join us in securing passage of the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983.

RESOLUTION HONORING DR. BENJAMIN E. MAYS

(Mr. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOWLER. Mr. Speaker, on the long-awaited eve of final congressional action on legislation to make Dr. Martin Luther King's birthday a national holiday I believe it particularly fitting that we consider a resolution honoring the man who was Dr. King's spiritual mentor, the man who first preached the message that Dr. King later spread to our great Nation that, "Discrimination, inequality, and injustice have no place in American society."

The man I speak of, the distinguished educator, theologian, and civil rights leader is Dr. Benjamin E. Mays.

I can think of no individual more deserving of our Nation's highest civilian award, the Presidential Medal of Freedom, than Dr. Benjamin E. Mays.

At the appropriate time today, Mrs. KATIE HALL, Mr. JULIAN DIXON, and myself will seek to bring such a resolution to the floor.

THE HUMAN COSTS OF A CORPORATE MERGER

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, L.T.V. and Republic Steel have proposed a merger that would create the second largest steel company in America.

Over the next few months the Justice Department will look at the facts and figures to determine whether or not this merger should be permitted.

I rise today to urge my colleagues to join me in calling for this Congress and this administration to take a very close look at the facts and figures in this proposal.

In doing so let us not overlook something that is too often overlooked: The human costs of a corporate merger.

These flesh and blood statistics are too often only footnotes in a corporation merger proposal. I think we should put them on the front page.

We should take this opportunity of a proposed merger in the most hard hit industry in the country to set a precedent so that from now on the human costs are factored into the final equation. How many steelworkers will no longer have jobs? Which steelworkers will no longer have jobs? Which towns will lose their corporate tax base?

My colleagues, these questions should be answered before this merger is cleared by the Justice Department. We must have full disclosure of the corporate plan. Our constituents demand and deserve the right to know what their future will bring.

I commend my colleagues, Mr. RODINO, chairman of the Judiciary Committee and its Subcommittee on Monopolies and Commercial Law, and Mr. SEIBERLING, a member of that committee, on their bill, H.R. 3561, of which I am a cosponsor. Their bill clearly addresses the concerns I have expressed here. I respectfully suggest that this merger in the already devastated steel industry provides an opportunity for subcommittee hearings to discuss our concerns and questions about the human costs of this merger.

Mr. Speaker, our constituents only ask that their hard work, their years of service to these corporations, and the terrible human costs their unemployment would bring are factors in determining whether or not this merger is good for the steel industry and good for the country.

I suggest to my colleagues that this is not too much to ask of their Congressmen.

THE INFAMOUS SIMPSON-MAZZOLI BILL

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, today's Washington Post and yesterday's New York Times editorials lambasted our great Speaker, THOMAS "TIP" O'NEILL because he, as leader of this body, pulled the infamous Simpson-Mazzoli bill, which would have had a discriminatory effect on many citizens in this country.

I hope that both the New York Times and the Washington Post, which are great newspapers, and generally speaking I agree with their editorials, understand that this bill would have had terrible effects on the Hispanic communities, on Asian communities and on the black communities.

□ 1030

It seems to me that TIP O'NEILL, our Speaker, understood this when he decided that the bill would be discriminatory.

I, as chairman of the Congressional Hispanic Caucus, applaud him, but I want to make it very clear to my colleagues that we are prepared and willing to sit down to draft a meaningful immigration reform bill in this Congress.

THE BELLS DID NOT TOLL

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, on Sunday, thousands of Ukrainian Americans, massed at the Washington Monument and marched to the Soviet Embassy to commemorate the millions killed by the Soviet regime through the 1933 famine.

Fifty years ago 7 million people died in the Ukraine; 1 month ago 269 persons died over Sakhalin Island. Today more will die! The Soviets have killed more than 800 people a day for the past 66 years.

One of the marchers Sunday carried a sign which said, "when these million died, bells did not toll, and nobody wept for these people." It is amazing that Americans must die at the hands of the Soviets before some of us finally realize the threat that our Ukrainian American friends have tried to warn us about so long. Many sit and

try to analyze the actions of the Soviet regime and some even say that they are simply victims of paranoia. Instead of analyzing the Soviet Government, why not ask those who know the Soviet Union, those who have suffered under Communist rule. We must listen to the 10,000 who marched in Washington last Sunday, because they know.

LEE METCALF WILDERNESS AND MANAGEMENT ACT OF 1983

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the Senate bill (S. 96), to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. WHITLEY. Reserving the right to object, Mr. Speaker, under House rule X, section 1(a)(13), the Committee on Agriculture has jurisdiction over forestry in general and forest reserves other than those created from the public domain. Speaking as chairman of the Agriculture Committee's Subcommittee on Forests, Family Farms, and Energy, I can say that we feel very strongly about protecting the jurisdictional interests of the Agriculture Committee.

The Montana wilderness bill was very recently reported by the Committee on Interior and Insular Affairs. The bill was also referred to the Agriculture Committee. I have been assured that all concerned parties are satisfied with the compromise that has been struck in the Committee on Interior and Insular Affairs. Thus, because the Congress will soon enter its Columbus Day recess, the Committee on Agriculture has been asked to allow this bill to be presented on today's calendar. I have no objection to the House considering the bill today and support its passage as a compromise that meets the needs of all the concerned parties.

Mr. Speaker, the expedited consideration of this bill is done in light of the severe time restrictions which are now present. However, if any of the provisions of this bill relating to matters within the jurisdiction of the Committee on Agriculture should become an issue with the Senate, I intend to request that the Agriculture Committee be represented in any conference which may be held. Further, if the bill is not enacted during the current session and is reintroduced in the 99th Congress, I shall endeavor to assure that the bill is again referred to the Agriculture Committee for full consideration in an orderly fashion.

Mr. MARLENEE. Mr. Speaker, will the gentleman yield?

Mr. WHITLEY. I yield to the gentleman from Montana.

Mr. MARLENEE. I thank the gentleman for yielding.

Mr. Speaker, as a member of the Subcommittee on Forests and Agriculture, we recognize the jurisdiction that we have over that. And I commend my chairman in his diligence in evaluating the wilderness bills that come through Congress that deal with Forest Service lands.

I can assure the gentleman that all of the parties in Montana—and we have visited about this bill—are now in agreement. We have labored long and hard and I know that this does involve some Forest Service land in a game management area and we visited about that.

I appreciate the gentleman's consideration in expediting this because of the time constraints placed on us. I stand with him in maintaining our jurisdiction over these bills.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. WHITLEY. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

I want to thank the gentleman. I certainly concur with his statement on the jurisdictional interests of the Committee on Agriculture and with his statement about what he plans to do with respect to reasserting the jurisdiction if it becomes necessary to have a conference or to bring the bill up next year.

I am hopeful that because of the tremendous work that has been done within the Montana delegation, whose bill this is, that it will have no problem getting through the Senate and the conference will not be necessary.

I want to thank the gentleman again for his cooperative spirit.

Mr. WHITLEY. I thank the gentleman from Ohio.

Mr. WILLIAMS of Montana. Mr. Speaker, will the gentleman yield?

Mr. WHITLEY. I yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. I thank the gentleman for yielding.

Mr. Speaker, I, too, want to express my appreciation to the chairman of the subcommittee for his generosity in allowing this bill to go forward and apologize to him for not having visited with him sooner about his obvious jurisdictional rights.

Under the gentleman's reservation, I wish to ask the chairman of the Subcommittee on Public Lands for some clarification concerning new language which has been added to this bill.

As the gentleman from Ohio knows, we have added to this bill language permitting Forest Service management flexibility in motor vehicle access in the prescribed management area. Because this provision is addressed in neither the House nor the Senate report, I would like to clarify with the subcommittee chairman his understanding.

Is it the understanding of the gentleman from Ohio that the Forest Service should not allow continual and casual four-wheeling, motorcycling, and other recreational vehicle use in the area and that rather, the language of the provision is very narrowly drawn to allow historic wheeled vehicular use and access for those who have traditionally driven into the area for such practical reasons as retrieving big game species legally killed during the hunting season, for search and rescue, for accessing or stocking hunting camps, or for permitted uses incidential to activities on private lands, such as clearing trails for outfitters?

Mr. SEIBERLING. If the gentleman will yield, that is the intent of the provision in question, section 2(c). This is an area that is important to wildlife migration and habitat.

Mr. WILLIAMS of Montana. I thank the chairman.

Mr. WHITLEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. MARLENEE. Mr. Speaker, reserving the right to object, I would like to address the chairman of the Subcommittee on Public Lands. With reference to the mentioned maintenance and use of vehicular traffic within that management area, am I to understand that also there will be allowed the necessary access to maintain and support livestock grazing and the snowmobile use, such as snowmobile trail maintenance?

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. MARLENEE. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

That is correct. That is also within the intent as contemplated by the committee.

Mr. MARLENEE. Further reserving the right to object, I certainly commend the chairman of the subcommittee, my colleague from Ohio (Mr. SEIBERLING) for his work in bringing forth a bill that addresses all of the needs of those who use that area and gives consideration to every constituent who uses the area.

□ 1040

I think we have done a good job as a subcommittee in drafting this bill.

And, I am here today to speak in support of S. 96 which establishes 259,000 acres of wilderness known as

the Lee Metcalf Wilderness and another 38,000 acres for special management proscriptions.

Mr. Speaker, S. 96 represents several years of negotiations and compromise between the timber industry, snowmobilers, miners, wilderness advocates and others who are interested in our natural resources.

The Montana congressional delegation has worked hard to accommodate many different and diverse resource needs and uses in this bill. The boundaries for the wilderness areas and the management area have been carefully drawn to avoid commercial timber wherever possible. The boundaries also exclude possible conflict with a potential ski area, Ski Yellowstone, by allowing a comfortable distance between the wilderness area and the potential ski resort.

S. 96 designates 38,000 acres of land in the Monument Mountain area as a management area to allow for snowmobile uses, including snowmobile trail maintenace, and other limited motorized access which the Secretary of Agriculture deems appropriate as long as wildlife are protected in the area. Administrative access by the Forest Service is also allowed as well as such access which may be necessary to maintain and support livestock grazing in the area.

The Lee Metcalf wilderness bill allows the Forest Service and the Bureau of Land Management to release certain areas which have been adequately studied for wilderness potential but which Congress feels do not have enough characteristics to qualify as wilderness.

Finally, S. 96 adds another 259,000 acres of undeveloped and unroaded land to the 3.1 million acres of wilderness which we have in the State of Montana.

Mr. Speaker, I would like to commend the chairman of the Public Lands Subcommittee, Mr. SEIBERLING, for his efforts on this bill. It is through his moderation and support that we have been able to bring this bill to the floor of the House today. I thank him and the other members of that committee as well as the chairman of the House Interior Committee, Mr. UDALL, and its members for their support of the Lee Metcalf wilderness bill. Mr. Speaker, I urge all Members to support S. 96.

Mr. WILLIAMS of Montana. Mr. Speaker, will the gentlemen yield?

Mr. MARLENEE. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. Mr. Speaker, I thank my colleague from Montana for yielding.

I am in support of S. 96, a bill designating the Lee Metcalf Wilderness Area. This wilderness spans some of the wildest, most beautiful mountain country left in America. The wilderness area is adjacent to Yellowstone National Park, and represents critical habitat for the grizzly and other species.

When Lee Metcalf died in 1978, he left a legacy of untiring devotion to preserving this Nation's last great wild places. It is fitting that this land in Montana—rugged, diverse and grand—will carry Lee Metcalf's name. Lee's deep concern for the land sprang from a boyhood roaming the Bitter Root country in Montana.

Born in Stevensville, Mont., on January 28, 1911, Lee Metcalf devoted his entire professional life to public service. He remains one of Montana's finest statesmen, remembered by former Senate majority leader Mike Mansfield of Montana as "the best partner I ever had * * * such a good and intelligent man."

After attending public schools in the Bitter Root Valley of Montana, Lee graduated from Stanford University in 1936 and received his law degree from Montana State University Law School. In 1937 he was elected to the State house of representatives, commencing 41 years of public service, which included a period as associate justice on the Montana Supreme Court; a delegate to the State Democratic Conventions in 1936, 1940, 1952-58; a delegate to the Democratic National Convention in 1956; a Member of Congress during four consecutive four terms from 1953-1961; and as a Member of the United States Senate from 1960 until his death in Helena, Mont., January 12, 1978.

Lee is perhaps best known for his interest in and work on behalf of conservation and protection of America's natural resources, but his work also encompassed public education, consumer protection, economic development and governmental reform.

Lee participated in the development of much of the major legislation dealing with conservation and environmental protection of the 1960's and 1970's. His legacy lives today as the "godfather of America's environmental movement."

Beginning in 1956, he sponsored wilderness preservation legislation, eventually enacted in the Wilderness Act of 1964, giving statutory protection to areas which has been protected only by agency fiat. His work resulted in designation of the Lincoln-Scapegoat Wilderness Area, passage of the Montana Wilderness Study Act in 1976 and designation of the Welcome Creek Wilderness.

At his death, Lee was working on bills to give wilderness protection to nearly a million acres in the Absaroka-Beartooth region adjacent to Yellowstone National Park, and to nearly 400,000 acres of the Great Bear area just south of Glacier National Park.

Throughout his legislative career, Lee had been a staunch supporter of the National Wild and Scenic River System and was instrumental in including in the system over 200 miles of the three forks of the Flathead River in western Montana and approximately 150 miles of the Missouri River in central Montana.

Lee was also instrumental in working on legislation establishing the Clear Air Act, the Water Quality Act, the Solid Waste Disposal Act and Surface Mining Control and Reclamation Act.

In the matter of education and human resources, Lee sponsored the famed Murray-Metcalf education bill, designed to provide for the transfer of Federal funds to the States to help hard-pressed local school districts. That legislation was the direct forerunner of the landmark Elementary and Secondary Education Act of 1965.

His efforts in jobs legislation and economic development included calling for creation of the Youth Conservation Corps, patterned after the Civilian Conservation Corps of the 1930's, and the Public Works and Economic Development Act of 1965 and the Rural Development Act of 1972.

Lee always maintained a particular interest in conservation and the wise use, rather than the misuse, of the Nation's forests and their resources. He sponsored legislation leading to the Forest and Rangeland Renewable Resources Act of 1974 and the National Forest Management Act of 1976.

Lee was vitally interested in congressional reform and he served on the committee which reported the recommendations that were incorporated in the Legislative Reorganization Act of 1970, the first comprehensive congressional reform in almost 25 years. The legislation was important in opening the deliberations of Congress to the media and public.

In 1973, he conducted the hearings on proposals for strengthening congressional control over the Federal budget. The hearings led to the landmark Congressional Budget and Impoundment Control Act of 1974, which created the House and Senate Budget Committees and the Congressional Budget Office. The act has resulted in Congress ability to obtain current information relating to spending and revenue decisions, enhancing its constitutional power over the purse.

Today, we again remember our friend Lee Metcalf as we name this great wilderness area after this great man.

Mr. MARLENEE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 96

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Lee Metcalf Wilderness and Management Act of 1983".

DESIGNATION AND MANAGEMENT OF LEE METCALF WILDERNESS AND MANAGEMENT AREA

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131), certain lands within the Beaverhead and Gallatin National Forests and certain lands in the Dillon Resource Area, Montana, administered by the Bureau of Land Management which comprise approximately two hundred and forty-four thousand acres as generally depicted as the "Lee Metcalf Wilderness" on a map entitled "Lee Metcalf Wilderness—Proposed", and dated January 1983 are hereby designated as wilderness and shall be known as the Lee Metcalf Wilderness.

(b) Subject to valid existing rights, the Lee Metcalf Wilderness as designated by this Act shall be administered by the Secretary of Agriculture, hereafter referred to as "the Secretary", in accordance with the Wilderness Act governing areas designated by that Act as wilderness: *Provided,* That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act: *Provided further,* That the Bear Trap Canyon portion of the Lee Metcalf Wilderness shall be administered by the Secretary of the Interior.

(c)(1) Certain lands within the Gallatin National Forest near Monument Mountain have important recreational and wildlife values, including grizzly bear and elk habitat which the Congress recognizes. In order to conserve and protect these values, there is hereby established within the Gallatin National Forest the Lee Metcalf Management Area.

(2) The area in (c)(1) shall comprise approximately thirty-five thousand five hundred acres as generally depicted on a map entitled "Lee Metcalf Management Area", dated January 1983. The area shall be managed to protect the wildlife and recreational values of these lands and shall be hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and geothermal leasing, and all amendments thereto, and further shall be administered by the Secretary to maintain presently existing wilderness character, with no commercial timber harvest nor additional road construction permitted. The Secretary shall permit continued use of the area by motorized vehicular equipment only where such use is compatible with the protection and propagation of wildlife within the area. Management direction for the area that recognizes these values shall be included in the forest plan developed for the Gallatin National Forest in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976.

DESIGNATION AND MANAGEMENT OF CERTAIN NATIONAL FOREST LANDS IN THE STATE OF MONTANA

SEC. 3. (a) The Congress hereby determines and directs that—

(1) the areas listed in subsection (b) of this section have been adequately studied for wilderness pursuant to Public Law 95-150 or in the RARE II Final Environmental Statement (dated January 1979);

(2) such studies shall constitute an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option for such areas prior to revision of the initial plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 (Public Law 94-588) and in no case prior to the date established by law for completion of the initial planning cycle;

(3) such areas need not be managed, unless otherwise specified in this Act, for the purposes of protecting their suitability for wilderness designation pending revision of the initial plans.

(b) The areas covered by subsection (a) of this section are as follows:

(1) the Mount Henry Wilderness Study Area as designated by Public Law 95-150;

(2) those portions of the Taylor-Hilgard Wilderness Study Area as designated by Public Law 95-150 but not designated as wilderness by this Act;

(3) certain lands on the Gallatin National Forest and Beaverhead National Forest identified as area 1549 in the Forest Service Roadless Area Review and Evaluation (II) Final Environmental Statement, Executive Communication Numbered 1504, May 3, 1979, not designated as wilderness by this Act;

(4) certain lands on the Custer National Forest known as the proposed Tongue River Breaks Wilderness, which comprise approximately sixteen thousand five hundred acres, as identified in Executive Communication Numbered 1504, Ninety-sixth Congress (House Document Numbered 96-119).

(c)(1) The lands described in subsection (c)(2) of this section have been adequately studied for wilderness pursuant to section 603 of the Federal Land Policy and Management Act (Public Law 94-579) and need not be managed, unless otherwise specified in this Act, for the purposes of protecting their suitability for wilderness designation, and may be made available for such uses as are deemed appropriate in land use plans developed pursuant to the Federal Land Policy and Management Act.

(2) The lands covered by subsection (c)(1) of this section are as follows:

(A) certain lands administered by the Bureau of Land Management in the Powder River Resource Area, Montana, identified as area numbered 736, Tongue River Breaks Contiguity, comprising approximately two thousand acres as described in the "Final Decision Montana Wilderness Inventory" published November 1980 by the Bureau of Land Management;

(B) certain lands administered by the Bureau of Land Management in the Dillon Resource Area, Montana, identified as area numbered MT-076-079 "Madison Tack-Ons" comprising approximately one thousand five hundred acres, as described in the "Final Decision Montana Overthrust Belt Wilderness Inventory" published by the Bureau of Land Management, not otherwise designated as wilderness by this Act; and,

(C) certain lands administered by the Bureau of Land Management known as "Bear Trap Canyon Study Area", Madison County, Montana, as described in "Draft Suitability and Environmental Impact Statement for Wilderness Designation of Bear Trap Canyon Instant Study Area" published April 1980 by the Bureau of Land Management, not otherwise designated as wilderness by this Act.

(d) The Secretary is directed to revise the boundary of the Absaroka-Beartooth Wilderness, Montana, to exclude from the wilderness the non-Federal lands platted as homestead entry survey numbered 865 (within section 8, township 7 south, range 10 east, Montana principal meridian) and such additional land as deemed appropriate by the Forest Service to provide vehicular access thereto, and approximately forty acres located in the West Fork Mill Creek (section 13, township 7 south, range 9 east, Montana principal meridian) to exclude about three-tenths of a mile of existing road, parking area, and public facilities. Lands excluded pursuant to this subsection are hereby removed from the National Wilderness Preservation System.

(e) The road depicted on a map entitled "U. L. Bend Wilderness Access for Motor Vehicles" dated January 1983 and fifty feet on either side of such road are hereby removed from the National Wilderness Preservation System. Such map shall be on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service.

(f) To provide for more efficient administration of lands designated by this Act as wilderness:

(1) the exterior boundaries of the Beaverhead and Gallatin National Forests in the State of Montana are hereby modified to exclude all lands within the Bear Trap Canyon portion of the Lee Metcalf Wilderness and the said national forest boundaries shall hereafter be the same as the wilderness boundaries depicted on the maps referred to in section 2(a) of this Act. All national forest lands within the Bear Trap Canyon portion of the Lee Metcalf Wilderness are transferred to the administration of the Secretary of the Interior to be managed as public lands in accordance with this Act, the Wilderness Act and the Federal Land Policy and Management Act of 1976, as amended (90 Stat. 2743);

(2) the public lands in section 12, township 10 south, range 1 east, Montana principal meridian, administered by Secretary of the Interior are hereby transferred to the Secretary of Agriculture to be hereafter administered in accordance with this Act the laws, rules, and regulations applicable to the national forest system;

(3) for purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903, as amended), the boundaries of the Beaverhead and Gallatin National Forests, as modified by this subsection, shall be treated as if they were the boundaries of those forests on January 1, 1965;

(4) nothing in this Act shall affect valid existing rights or interests in existing land use authorizations, except that any such or authorization shall hereafter be administered by the agency having jurisdiction of the land after the enactment of this Act, in accordance with this Act and applicable law. Reissuance of any such authorization shall be in accordance with applicable law and the regulations of the agency having jurisdiction.

LAND ACQUISITION AND EXCHANGE

SEC. 4. (a) The Congress finds that the wilderness area within the Gallatin and Beaverhead National Forests in Montana established by this Act contains significant amounts of intermingled lands owned by Burlington Northern Railroad Company and that in order to manage the wilderness in an efficient and effective manner these lands should be owned by the Federal Gov-

ernment. Notwithstanding any other provision of law, this section hereby authorizes and directs the exchange of lands and interests in lands between Burlington Northern Railroad Company and the United States through the Secretary and the revocation of existing withdrawals on the Federal lands. Accordingly, the Congress directs the Secretary to accept from Burlington Northern Railroad Company the following described lands and interests therein, consisting of twenty-four thousand and seven and twenty-three one-hundredths acres of land, more or less, subject to valid existing rights of record acceptable to the Secretary.

Township 6 South, Range 1 East, Montana Principal Meridian

Section 13: All,

Township 6 South, Range 2 East

Section 1:
Lots 13, 14,
North half,
West half southeast quarter,
Section 19: All fractional,
Section 27: All,
Section 29: All,
Section 31: All fractional,
Section 33: All,

Township 7 South, Range 1 East

Section 1: All fractional,
Section 3:
Lots 1 and 2,
South half northeast quarter,
Section 11: North half northeast quarter,

Township 7 South, Range 2 East

Section 5: All fractional,
Section 15: All,
Section 17: All,
Section 21: All,
Section 25: All,
Section 27: North half,
Southeast quarter,
East half southwest quarter,
Section 35: North half,

Township 7 South, Range 3 East

Section 31: All fractional,

Township 8 South, Range 1 East

Section 25: North half,

Township 8 South, Range 2 East

Section 1: All fractional,
Section 3: All fractional,
Section 9: All,
Section 11: All,
Section 13: All,
Section 15: All,
Section 17: All,
Section 19: All fractional,
Section 21: All,
Section 23: All,
Section 25: All,
Section 27: All,
Section 33: East half,
Section 35: All,

Township 8 South, Range 3 East

Section 5: All fractional,
Section 7: All fractional,
Section 17: All,
Section 19: All fractional,
Section 21: West half,
Section 29: All,
Section 31: Lots 1 and 2,
Northeast quarter,
East half northwest quarter,

Township 9 South, Range 2 East

Section 1: All fractional,
Section 11: All.

The lands acquired by the United States under the provisions of this section shall become parts of the Gallatin and Beaverhead National Forests subject to the laws, rules, and regulations applicable to the national forest system.

(b) Upon acceptance of title by the United States to the lands described in subsection (a) of this section, the United States through the Secretary shall convey to Burlington Northern Railroad Company all right, title, and interests to the following described national forest system lands and interests therein, consisting of eleven thousand eight hundred and ten and forty-seven one-hundredths acres of land more or less, which are of substantially equal value to the lands and interests conveyed to the United States and described as follows:

Township 5 South, Range 1 East, Montana Principal Meridian

Section 24: South half,
Section 26: All,
Section 34:
Lots 1, 2, 3, 4,
Southeast quarter,
Section 36: All, less HES 187 and 190,

Township 5 South, Range 2 East

Section 30: All fractional,
Section 32: All,
Section 34: South half,

Township 6 South, Range 1 East

Section 2: All fractional,
Section 12: All,

Township 6 South, Range 2 East

Section 2: All fractional,
Section 4: All fractional,
Section 6: All fractional,
Section 8: All,
Section 10: All,
Section 12: All fractional,
Section 14: All,
Section 16: All,
Section 22: All,
Section 24: All,

Township 6 South, Range 3 East

Section 18: All fractional.

The lands described in this subsection are conveyed subject to the following reservations:

(1) Ditches and canals as provided for in the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945); and

(2) For so long as the Secretary deems necessary, Burlington Northern Railroad Company accepts the responsibility accruing from this exchange to provide and manage three (3) public recreational accesses, including trail head facilities, in the Jack Creek drainage over routes approximately as illustrated on Exhibit C of the Memorandum of Understanding dated November 20, 1981, between the United States Forest Service and Burlington Northern Railroad Company to utilize national forest lands.

(c) The transactions necessary to effect the conveyances of title to lands authorized by this section shall be completed within ninety days of enactment of this Act: *Provided*, That the rights and responsibilities of the respective owners shall remain with such owners until such time as the conveyances are executed.

(d) The following orders of withdrawal, as they apply to the lands conveyed by the United States and involved in the transactions authorized by this section, are hereby revoked:

Executive Order Numbered 30—Montana 7—Phosphate Reserve—October 9, 1917 (One hundred and eighty-five acres).

Executive Order Numbered 30—Montana 8—Coal Reserve—December 27, 1911 (two thousand two hundred and eighty acres).

Montana 1—Coal Reserve—July 9, 191 (seven thousand three hundred and sixtee and seventy-three one-hundredths acres).

Public Land Order Numbered 1370—Han mond Administrative Site—November 2 1956.

Public Land Order Numbered 909—Jac Creek Administrative Site—July 13, 1953.

FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enac ment of this Act, maps and legal descrip tions of the Lee Metcalf Wilderness an Management Area shall be filed with th Committee on Interior and Insular Affair of the House of Representatives and th Committee on Energy and Natural Re sources of the United States Senate, an such maps and legal descriptions shall hav the same forc and effect as if included i this Act: *Provided, however*, That correctio of clerical and typographical errors in suc legal descriptions and maps may be made.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There is hereby authorized to b appropriated such funds as may be neces sary to carry out the purposes of this Act.

INTERIOR AND INSULAR AFFAIRS COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Interior and Insular Affairs Committee Amendment in the nature of a substitute Page 1, line 3, strike all after the enacting clause and insert the following:

That this Act may be cited as the "Lee Metcalf Wilderness and Management Act of 1983".

DESIGNATION AND MANAGEMENT OF LEE METCALF WILDERNESS AND MANAGEMENT AREA

SEC. 2.(a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131), certain lands within the Beaverhead and Gallatin National Forests and certain lands in the Dillon Resource Area, Montana, administered by the Bureau of Land Management which comprise approximately two hundred and fifty-nine thousand acres as generally depicted as the "Lee Metcalf Wilderness" on a map entitled "Lee Metcalf Wilderness—Proposed", and dated October 1983 are hereby designated as wilderness and shall be known as the Lee Metcalf Wilderness.

(b) Subject to valid existing rights, the Lee Metcalf Wilderness as designated by this Act shall be administered by the Secretary of Agriculture, hereafter referred to as "the Secretary", in accordance with the Wilderness Act governing areas designated by that Act as wilderness: *Provided*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act: *Provided further*, That the Bear Trap Canyon portion of the Lee Metcalf Wilderness shall be administered by the Secretary of the Interior.

(c) The Congress finds that certain lands within the Gallatin National Forest near Monument Mountain have important recreational and wildlife values, including critical grizzly bear and elk habitat. In order to conserve and protect these values, the area lying adjacent to the Monument Mountain and Taylor-Hilgard units of the Lee Metcalf Wilderness as designated by this Act and comprising approximately thirty-eight thousand acres, as generally depicted on the map entitled "Lee Metcalf Wilderness—Pro-

posed", dated October 1983, shall be managed to protect the wildlife and recreational values of these lands and shall be hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and geothermal leasing, and all amendments thereto. The area shall further be administered by the Secretary of Agriculture to maintain presently existing wilderness character, with no commercial timber harvest nor additional road construction permitted. The Secretary shall permit continued use of the area by motorized equipment only for activities associated with existing levels of livestock grazing, administrative purposes (including snowmobile trail maintenace) and for snowmobiling during periods of adequate snow cover but only where such uses are compatible with the protection and propagation of wildlife within the area: *Provided*, That the Secretary may, in is discretions, also premit limited motor vehicle access by individuals and others within the area where such access is compatible with the protection and progagation of wildlife and where such access was established prior to the date of enactment of this Act. Management direction for the area that recognzies these values shall be included in the forest plan developed for the Gallatin National Forest in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976.

DESIGNATION AND MANAGEMENT OF CERTAIN NATIONAL FOREST LANDS IN THE STATE OF MONTANA

SEC. 3. (a) The Congress hereby determines and directs that—

(1) the areas listed in subsection (b) of this section have been adequately studied for wilderness pursuant to Public Law 95-150 or in the RARE II Final Environmental Statement (dated January 1979);

(2) such studies shall constitute an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option for such areas prior to revision of the initial plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 (Public Law 94-588) and in no case prior to the date established by law for completion of the initial planning cycle;

(3) such areas need not be managed, unless otherwise specified in this Act, for the purposes of protecting their suitability for wilderness designation pending revision of the initial plans.

(b) The areas covered by subsection (a) of this section are as follows:

(1) the Mount Henry Wilderness Study Area as designated by Public Law 95-150;

(2) those portions of the Taylor-Hilgard Wilderness Study Area as designated by Public Law 95-150 but not designated as wilderness by this Act;

(3) certain lands on the Gallatin National Forest and Beaverhead National Forest identified as area 1549 in the Forest Service Roadless Area Review and Evaluation (II) Final Environmental Statement, Executive Communication Numbered 1504, May 3, 1979, not designated as wilderness by this Act;

(4) certain lands on the Custer National Forest known as the proposed Tongue River Breaks Wilderness, which comprise approximately sixteen thousand five hundred acres, as identified in Executive Communication Numbered 1504, Ninety-sixth Congress (House Document Numbered 96-119).

(c)(1) The lands described in subsection (c)(2) of this section have been adequately studied for wilderness pursuant to section 603 of the Federal Land Policy and Management Act (Public Law 94-579) and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act pertaining to management in a manner that does not impair suitability for preservation as wilderness.

(2) The lands covered by subsection (c)(1) of this section are as follows:

(A) certain lands administered by the Bureau of Land Management in the Powder River Resource Area, Montana, identified as area numbered 736, Tongue River Breaks Contiguity, comprising approximately two thousand acres as described in the "Final Decision Montana Wilderness Inventory" published November 1980 by the Bureau of Land Management;

(B) certain lands administered by the Bureau of Land Management in the Dillon Resource Area, Montana, identified as area numbered MT-076-079 "Madison Tack-Ons" comprising approximately one thousand five hundred acres, as described in the "Final Decision Montana Overthrust Belt Wilderness Inventory" published by the Bureau of Land Management, not otherwise designated as wilderness by this Act; and

(C) certain lands administered by the Bureau of Land Management known as "Bear Trap Canyon Study Area", Madison County, Montana, as described in "Draft Suitability and Environmental Impact Statement for Wilderness Designation of Bear Trap Canyon Instant Study Area" published April 1980 by the Bureau of Land Management, not otherwise designated as wilderness by this Act.

(d) The boundary of the Absaroka-Beartooth Wilderness, Montana, as designated by Public Law 95-249, is hereby modified to exclude from the wilderness approximately forty acres in the West Fork of Mill Creek and approximately twenty-seven acres in the Passage Creek drainage as depicted on a map entitled "Absaroka-Beartooth Wilderness-West Fork Mill Creek and Passage Creek Deletions", dated August 1983.

(e) The boundary of the UL Bend Wilderness, Montana, as designated by Public Law 94-557 is hereby modified to exclude from the wilderness approximately twenty-eight acres as depicted on a map entitled "UL Bend Wilderness Deletion", dated July 1983.

(f) To provide for more efficient administration of lands designated by this Act as wilderness:

(1) the exterior boundaries of the Beaverhead and Gallatin National Forests in the State of Montana are hereby modifed to exclude all lands within the Bear Trap Canyon portion of the Lee Metcalf Wilderness and the said national forest boundaries shall hereafter be the same as the wilderness boundaries depicted on the maps referred to in section 2(a) of this Act. All national forest lands within the Bear Trap Canyon portion of the Lee Metcalf Wilderness are transferred to the administration of the Secretary of the Interior to be managed as public lands in accordance with this Act, the Wilderness Act and the Federal Land Policy and Management Act of 1976, as amended (90 Stat. 2743);

(2) the public lands in section 12, township 10 south, range 1 east, Montana principal meridian, administered by Secretary of the Interior are hereby transferred to the Secretary of Agriculture to be hereafter administered in accordance with this Act the laws, rules, and regulations applicable to the national forest system;

(3) for purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903, as amended), the boundaries of the Beaverhead and Gallatin National Forests, as modified by this subsection, shall be treated as if they were the boundaries of those forests on January 1, 1965;

(4) nothing in this Act shall affect valid existing rights or interests in existing land use authorizations, except that any such right or authorization shall hereafter be administered by the agency having jurisdiction of the land after the enactment of this Act, in accordance with this Act and applicable law. Reissuance of any such authorization shall be in accordance with applicable law and the regulations of the agency having jurisdiction.

LAND ACQUISITION AND EXCHANGE

SEC. 4. (a) The Congress finds that the wilderness area within the Gallatin and Beaverhead National Forests in Montana established by this Act contains significant amounts of intermingled lands owned by Burlington Northern Railroad Company and that in order to manage the wilderness in an efficient and effective manner these lands should be owned by the Federal Government. Notwithstanding any other provision of law, this section hereby authorizes and directs the exchange of lands and interests in lands between Burlington Northern Railroad Company and the United States through the Secretary and the revocation of existing withdrawals on the Federal lands. Accordingly, the Congress directs the Secretary to accept from Burlington Northern Railroad Company the following described lands and interests therein, consisting of twenty-four thousand and seven and twenty-three one-hundredths acres of land, more or less, subject to valid existing rights of record acceptable to the Secretary.

Township 6 South, Range 1 East, Montana Principal Meridian

Section 13: All,

Towship 6 South, Range 2 East

Section 1:
Lots 13, 14,
North half,
West half southeast quarter,
Section 19: All fractional,
Section 27: All,
Section 29: All,
Section 31: All fractional,
Section 33: All,

Township 7 South, Range 1 East

Section 1: All fractional,
Section 3:
Lots 1 and 2,
South half northeast quarter,
Section 11. North half northeast quarter,

Township 7 South, Range 2 East

Section 5: All fractional,
Section 15: All,
Section 17: All,
Section 21: All,
Section 25: All,
Section 27: North half,
Southeast quarter,
East half southwest quarter,
Section 35: North half,

Township 7 South, Range 3 East

Section 31: All fractional,

Township 8 South, Range 1 East
Section 25: North half,
Township 8 South, Range 2 East
Section 1: All fractional,
Section 3: All fractional,
Section 9: All,
Section 11: All,
Section 13: All,
Section 15: All,
Section 17: All,
Section 19: All fractional,
Section 21: All,
Section 23: All,
Section 25: All,
Section 27: All,
Section 33: East half,
Section 35: All,
Township 8 South, Range 3 East
Section 5: All fractional,
Section 7: All fractional,
Section 17: All,
Section 19: All fractional,
Section 21: West half,
Section 29: All,
Section 31: Lots 1 and 2,
Northeast quarter,
East half northwest quarter,
Township 9 South, Range 2 East
Section 1: All fractional,
Section 11: All.

The lands acquired by the United States under the provisions of this section shall become parts of the Gallatin and Beaverhead National Forests subject to the laws, rules, and regulations applicable to the national forest system.

(b) Upon acceptance of title by the United States to the lands described in subsection (a) of this section, the United States through the Secretary shall convey to Burlington Northern Railroad Company all right, title, and interests to the following described national forest system lands and interests therein, consisting of eleven thousand eight hundred and ten and forty-seven one-hundredths acres of land more or less, which are of substantially equal value to the lands and interests conveyed to the United States and described as follows:

Township 5 South, Range 1 East, Montana Principal Meridian
Section 24: South half,
Section 26: All,
Section 34:
Lots 1, 2, 3, 4,
Southeast quarter,
Section 36: All, less HES 187 and 190,
Township 5 South, Range 2 East
Section 30: All fractional,
Section 32: All,
Section 34: South half,
Township 6 South, Range 1 East
Section 2: All fractional,
Section 12: All,
Township 6 South, Range 2 East
Section 2: All fractional,
Section 4: All fractional,
Section 6: All fractional,
Section 8: All,
Section 10: All,
Section 12: All fractional,
Section 14: All,
Section 16: All,
Section 22: All,
Section 24: All,
Township 6 South, Range 3 East
Section 18: All fractional.

The lands described in this subsection are conveyed subject to the following reservations:

(1) ditches and canals as provided for in the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945); and

(2) for so long as the Secretary deems necessary, Burlington Northern Railroad Company accepts the responsibility accruing from this exchange to provide and manage three (3) public recreational accesses, including trail head facilities, in the Jack Creek drainage over routes approximately as illustrated on Exhibit C of the Memorandum of Understanding dated November 20, 1981, between the United States Forest Service and Burlington Northern Railroad Company to utilize national forest lands.

(c) The transactions necessary to effect the conveyances of title to lands authorized by this section shall be completed within ninety days of enactment of this Act: *Provided,* That the rights and responsibilities of the respective owners shall remain with such owners until such time as the conveyances are executed.

(d) The following orders of withdrawal, as they apply to the lands conveyed by the United States and involved in the transactions authorized by this section, are hereby revoked:

Executive Order Numbered 30—Montana 7—Phosphate Reserve—October 9, 1917 (one hundred and eighty-five acres).

Executive Order Numbered 30—Montana 8—Coal Reserve—December 27, 1911 (two thousand two hundred and eighty acres).

Montana 1—Coal Reserve—July 9, 1910 (seven thousand three hundred and sixteen and seventy-three one-hundredths acres).

Public Land Order Numbered 1370—Hammond Administrative Site—November 28, 1956.

Public Land Order Numbered 909—Jack Creek Administrative Site—July 13, 1953.

FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, maps and legal descriptions of the Lee Metcalf Wilderness and Management Area shall be filed with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and legal descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There is hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

SEC. 7. (a) Subsection (b)(3) of section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 (Public Law 96-476) is amended to read as follows:

"(3) If for any reason, including but not limited to the failure of the Secretary of the Interior to offer for lease lands in the Montana portion of the Powder River Coal Production Region as defined in the Federal Register of November 9, 1979 (44 F.R. 65196), or the failure of the holder of the bidding rights to submit a successful high bid for any such leases, any bidding rights issued in an exchange under this Act have not been exercised within two years from the date of enactment of this Act, the bidding rights may be used as a monetary credit, which shall be considered 'money' within the meaning of section 35 of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 191), against that portion of bonus payments, rental or royalty payments paid into the Treasury of the United States and retained by the Federal Government on any Federal coal lease won or otherwise held by the applicant, its successors or assigns. The holder of the bidding rights shall pay the balance due on such bonus payments, rental or royalty payments in cash for transmittal to the States in the same manner and in the same amounts as though the entire payment were made in cash under the provisions of the Mineral Leasing Act of 1920 as amended. The bidding rights may be transferred or sold at any time by the owner to any other party with all the rights of the owner to the credit, and after such transfer, the owner shall notify the Secretary.".

(b) Section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 (Public Law 96-476) is further amended by adding a new subsection to read as follows:

"(e) The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall consummate the exchange of the lands owned by the Montana Power Company within the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness by issuing bidding rights to the Montana Power Company which shall equal the negotiated cash equivalent of the fair market value of such Montana Power Company lands, as provided in the agreement of April 4, 1983, signed by the authorized representatives of the Secretary of Agriculture, the Secretary of the Interior and the Montana Power Company, except that adjustments in the 'Cash Equivalency Rate' referred to in said agreement shall not exceed a rate determined by the Secretary of the Interior taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the remaining period during which the bidding rights may be used.".

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the Interior and Insular Affairs Committee amendment in the nature of a substitute.

The Interior and Insular Affairs Committee amendment in the nature of a substitute was agreed to.

Mr. SEIBERLING. Mr. Speaker, first of all, I would like to commend our colleagues, the gentleman from Montana (Mr. WILLIAMS), the gentleman from North Carolina (Mr. WHITLEY), and the gentleman from Montana (Mr. MARLENEE), as well as the two Senators from Montana and all of the interests that were affected by this legislation in the State for working together to produce this consensus legislation. I have to tell my colleagues that it was not easy but, nevertheless, it has been done, and it is a real achievement which they should be proud of.

Mr. Speaker, I rise in support of S. 96, the Lee Metcalf Wilderness Act of 1983. As amended by the Committee

on Interior and Insular Affairs, S. 96 would establish an approximate 259,000-acre Lee Metcalf Wilderness in the Beaverhead and Gallatin National Forests in Montana. The area in question is one that was highly prized by our late colleague, Senator Lee Metcalf, for its outstanding wild values and superlative wildlife habitat, and is, therefore, a most appropriate area for memorializing Senator Metcalf's tireless efforts in the cause of land conservation in general and wilderness preservation in particular.

As part of his efforts to protect our Nation's wildlands, Senator Metcalf focused keen attention on the national forest lands surrounding Yellowstone National Park and especially those lands in Montana. Due largely to his efforts, Congress in 1978 designated the 904,500-acre Absaroka-Beartooth Wilderness north of the park, and a few months prior to that established a Taylor-Hilgard wilderness study area covering much of the land proposed for wilderness in S. 96. This land adjourns the northwest boundary of the park and as described in the Senate committee report filed by Senator Metcalf:

Major herds of elk, moose, mountain goat, and big-horn sheep migrate freely between the Park and the Taylor-Hilgard area. These undisturbed ancestral migration routes are of prime importance to the well being of these wildlife populations. As part of the Yellowstone Ecosystem, the area in its undeveloped state is of vital significance to the wide-ranging grizzly bear, which is listed by the Department of the Interior as threatened with extinction in Montana and Wyoming.

The legislation before us today will go a long way toward achieving Senator Metcalf's vision of maximum wilderness or park protection for the lands in the Greater Yellowstone ecosystem, and in so doing, will help insure that species such as the grizzly bear, which need vast expanses of wild land for survival, are not threatened with extinction in the lower 48 States.

Quite frankly, I would have hoped that even more lands could have been included in the proposed Lee Metcalf Wilderness than are embodied in S. 96, but complicated landownership patterns, pressure from industry and motorized vehicle interests, and several statutory changes in recent years have resulted in a wilderness proposal that is less than some of us would have preferred as a tribute to Senator Metcalf. However, I believe the bill before us today represents the best that can be done under existing circumstances, and I note that the S. 96 proposal does protect key areas such as Spanish Peaks, Monument Mountain, Indian Creek, and thousands of acres of absolutely critical wildlife habitat.

I, therefore, urge my colleagues support of S. 96 as a tribute to one of the Nation's greatest conservationists and truly heroic defenders of the environment. Senator Metcalf has been physically departed from Congress for almost 6 years now, and those of us who worked with him on conservation and other issues realize how immense a void was left by his departure. However, as is evidenced in the bill before us today, his conservation legacy is undiminished. I am only too happy to be able to assist today in putting the finishing touch on one of the remaining portions of that legacy.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE 1982 ANNUAL REPORTS ON ACTIVITIES UNDER OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 OF THE DEPARTMENT OF LABOR AND DEPARTMENT OF HEALTH AND HUMAN SERVICES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, Thursday, October 6, 1983.)

WATER RESOURCE DEVELOPMENT APPROPRIATION BILL, 1984

Mr. BEVILL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3958) making appropriations for water resource development for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BEVILL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3958, with Mr. PANETTA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, October 5, 1983, the Clerk had read through line 9 on page 4.

Are there any amendments to this paragraph?

AMENDMENT OFFERED BY MR. EDGAR

Mr. EDGAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDGAR: On page 2, line 12, strike "$103,096,000" and insert "$51,596,000" in lieu thereof;

On page 2, lines 15 and 16, strike "Atchafalaya Basin Floodway System, Louisiana;";

On page 2, lines 17 and 18, strike "Bonneville Navigation Lock, Oregon and Washington;";

On page 2, line 20, strike "Cleveland Harbor, Ohio;";

On page 2, lines 20 and 21, strike "Colorado River and Tributaries, Boggy Creek at Austin, Texas;";

On page 2, lines 21 and 22, strike "Dade County, Florida (North of Haulover Beach Park);";

On page 2, line 22, strike "Eight Mile Creek, Arkansas;";

On page 2, lines 24 and 25, strike "Fisherman's Wharf Area, San Francisco Harbor, California;";

On page 2, line 25 and page 3, line 1, strike "Gallipolis Locks and Dam, Ohio and West Virginia;";

On page 3, lines 2 and 3, strike "Lake Wichita, Holiday Creek at Wichita Falls, Texas;";

On page 3, line 4, strike "Little Calumet River, Indiana;";

On page 3, lines 4 and 5, strike "Lock and Dam 26, Illinois and Missouri, (Second Lock);";

On page 3, lines 6 and 7, strike "Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana;";

On page 3, line 7, strike "Mobile Harbor, Alabama;";

On page 3, lines 7 and 8, strike "Monongahela River, Grays Landing (Lock 7), Pennsylvania;";

On page 3, lines 8 and 9, strike "Monongahela River, Point Marion (Lock 8), Pennsylvania and West Virginia;";

On page 3, line 10, strike "Norfolk Harbor, Virginia;";

On page 3, lines 10 and 11, strike "William Baker Oliver Lock and Dam, Alabama;";

On page 3, lines 11 and 12, strike "Parker Lake, Oklahoma;";

On page 3, line 14, strike "Richmond Harbor, California;";

On page 3, lines 14 and 15, strike "Sacramento River Deep Water Ship Channel, California;";

On page 3, lines 19 through 21, strike "Initiation of construction for these projects is subject, where appropriate, to enactment of needed authorizing legislation.".

Mr. EDGAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. EDGAR. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BEVILL. Reserving the right to object, Mr. Chairman, I would like to ask, is this the amendment that was published in the RECORD?

Mr. EDGAR. If the gentleman will yield, Mr. Chairman, that is correct.

Mr. BEVILL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. EDGAR) is recognized for 10 minutes.

Mr. EDGAR. Mr. Chairman, this has been a little bit confusing to many Members of the House who are busy with their important duties in their committees and subcommittees. As they approached the debate yesterday they were a bit confused by the fact that we have two supplemental appropriations. One supplemental appropriation dealt with veterans' issues and a whole host of other important issues that we face as we begin the fiscal year, and the second, which took less of their attention and less of their time, was this particular supplemental appropriation to provide funding in the neighborhood of $4.4 billion for 43 projects, 20 of which have never been authorized by the House of Representatives.

Now, as many Members know, it has been traditional that as water appropriation bills have come to the House floor, while there has been controversy, in most cases they have passed primarily because all of the Members of the House have had interest in some portion of that water or energy appropriation. In this case, we have been told that it is critical for us on the 6th of October, 1983, 6 days after we begin the fiscal year, to come before the House and to not only ask the House for $1.2 billion of commitments for a whole host of 19 water projects for the Army Corps of Engineers and 4 for the Bureau, but for 20 projects which have not been authorized, a total cost of $3,036,000,000.

Now, I stand in the well offering an amendment to delete the 20 unauthorized projects. This would not impact on the Baltimore Harbor project. It would not impact on the Bonneville Power Unit in Oregon, the $17.3 million, it would not impact on the Freeport Harbor, Tex., project or the projects in Red River, Okla. and Tex. They would not be affected by my amendment.

The only projects affected by my amendment are those that have not been authorized by the Congress.

Now, we have an authorization bill, H.R. 3678, which, for the first time in 7 years, I, as one of the opponents of water policy, can fully support. It has more than 200 authorized projects, but more importantly, it has policy direction to the Appropriations Committee and to the Nation as it relates to cost sharing, as it relates to deep port development, as it relates to the very critical issues of water in the Nation.

In my opinion, we can no longer take water for granted, and we can no longer have a policy where water initiatives are not looked at from a national perspective. And I think that it is wrong to take these 20 projects out of some 200 projects and fast-track them.

Now, these 20 projects will be given first shot at putting together their planning initiatives and getting all of their paperwork ready so that the day that this bill is passed and signed by the President we have already committed ourselves to $3 billion of expenditures or this particular list of projects. That means that other worthy projects which have not had this advanced planning time, which have not had the advanced commitment of $119 million of fast-tracking, those projects will have to wait on the back burner.

Let me give the Members some specifics, and I hope Members from particular States will take a look at this. For example, all of the Members from the State of New York ought to pay attention to this bill, particularly those who live in New York City. I am not sure how many Members are aware of the fact that before our Public Works Committee harbors and ports from all over the country came and testified that it was critical that they move quickly to 55-foot depths so that they could make way for the larger super colliers that carry coal so that these ports can be competitive with ports around the world.

The only harbor project not included that wants to move to 55-foot depth is the Port of New York. Baltimore is included, and that is not affected by my amendment, to move to its 50-foot depth and perhaps even higher.

□ 1050

The Port of Norfolk is included. The Port of Mobile is included. Louisiana and the Mississippi area is included to move to that 55-foot depth.

What it really means is that we are giving an economic advantage to those ports and a disadvantage to the Port of New York that presently would like to move to a 55-foot depth and would like to have the opportunity to take coal out of Pennsylvania and other portions of the New England area and move that for export.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Virginia.

Mr. BATEMAN. I thank the gentleman for yielding.

Mr. Chairman, is the gentleman aware that the Port of New York is not a significant, certainly not a major, port for the shipment of bulk cargo, and especially coal and the heavy draft cargoes, unlike the other ports which were mentioned, which are the major coal ports of the United States where the harbor deepening is vitally important?

Mr. EDGAR. Mr. Chairman, let me reclaim my time and answer the gentleman's question, because I have limited time.

I am very much aware of that and that is one of the reasons I raised the point. If, in fact, we give fast-tracking to the gentleman's port and in Norfolk, and to the ports in Mobile and Louisiana, but do not give that same fast-tracking to New York City, it will continue not to be a major port. It will continue to take a back seat to other areas of the Nation that, because of their ability to move to a 55-foot depth, may have an economic advantage.

I think that is pretty much part of the traditional way in which we have funded water programs in the past. We have been fascinated with building new locks and dams on the Tennessee-Tombigbee Waterway, on other water projects in the South and West. Only now are we getting around to the rehabilitation and reconstruction of locks and dams in the older portions of the Northeast and Midwest region of the country.

I think the first argument that can be made not to support this is a regional argument. But let me move past that regional argument, not just pointing out the problems that New York faces or the problems of rehabilitation. Let me move to a very important, critical point.

The authorization committee passed a bill 49 to 0 that includes a title VIII which provides a major new program for rehabilitation and reconstruction of deteriorated water supply systems. Not a dime is provided in this supplemental for that water program, and yet with the commitment of this bill, we tie up some $4.4 billion that will, in fact, be committed, and when we come to this Congress and ask for additional funds to repair and rehabilitate our aging water systems, I believe we will not have the advocacy that many of these projects will receive because they are fast-tracked in the pipeline.

There is no reason why we ought to have a supplemental that does not take into account the major title VIII of this legislation.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from California.

Mr. FAZIO. I appreciate the gentleman yielding.

Mr. Chairman, I am sure we will make this point more than once today. I think it would be important to make clear to the Members that simply because there are 40 projects in this bill, 20 that the gentleman is attempting to eliminate with this amendment, that would have perhaps a 1-year advantage in the sense that they would have the opportunity to go after funds appropriated in the 1984 fiscal year, that we are not going to be all-inclusive, comprehensive and fair minded in terms of how we appropriate funds for all of the 200 or so projects which are included in the Roe bill, which the gentleman had a major role in crafting and I support very strenuously.

I agree that the committee can do a better job in terms of moving to develop national support for water development policy, and I think we are well on our way to doing that. I do not think this committee will be responsible for targeting funds to simply these 20 projects. I think we are going to be fair minded every year down the road as we appropriate funds. I would hope that there would not be any implication that this fast-tracking, as the gentleman puts it, for these 20 projects is going to forever put them in the lead and that it is going to forever penalize the others that will be authorized in the Roe bill because that is just not going to be the case.

Mr. EDGAR. Let me thank the gentleman from California for his very good statement. I respect the gentleman as a legislator, and I believe the gentleman would be interested in having a fair and equitable distribution.

But it is troubling when we spend a half a billion dollars on the Mobile Harbor project to make ready for the increased traffic of the Tennessee-Tombigbee and we spend a half a billion dollars on the lower Mississippi area and we commit ourselves to spending a quarter of a million dollars on lock and dam 26 in Alton, Ill., the second lock and dam in that area, projects that may on the shopping list of 200 projects be important, but I am suggesting to this House that those mega projects may in fact be less important than some of the critical smaller projects of flood control, of smaller navigation projects.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. EDGAR) has expired.

(On request of Mr. HIGHTOWER and by unanimous consent, Mr. EDGAR was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. Mr. Chairman, if I may just finish my point, then I will yield to the gentleman.

There are many smaller projects. Let me just point out a couple of them that are in our authorization bill.

I find it strange that there is money in this bill for flood control for floods in just a couple areas when, in fact, there is not a dime in this for Arizona, not a dime for Utah, not a dime to improve the flood conditions in the Quincy coastal streams area in Massachusetts, not a dime for the Carniverous Creek in New York, not a dime for the Rahway River and the Van Winkle Brook project in New Jersey, and those areas have had significant flooding.

My colleague, the gentleman from Pennsylvania (Mr. GEKAS), asked a very important question. Because of hurricane flooding along the Susquehanna River, it devastated places like Wilkes-Barre and Scranton and we responded to that. It came back and devastated areas along the Harrisburg area. Loss of life occurred, death and destruction. Those projects are not being fast-tracked, and it seems to me unfair at this point not to wait for the authorization bill in order to have that.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

Mr. Chairman, I understand the gentleman's point very well, but I think it is fair to say that this committee is very sensitive to some of these problem areas as well.

For example, a lot of national attention is being focused on southeastern Arizona and on Utah. In order to be in a position even to authorize funding to then go ahead with appropriations, we are fast-tracking in the 1984 bill that has already been signed, the studies that will bring us to a point where we can begin to help those people.

So I think it is important to make clear that this committee is sensitive and very concerned about some of these projects, but we cannot help them right now.

Mr. EDGAR. I join with the gentleman in that, and I just hope all of the funds have not been spent here for the needed projects.

Mr. HIGHTOWER. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Texas.

Mr. HIGHTOWER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has said a good deal about fast-tracking, but in talking about fast-tracking he is talking about all of the projects in the bill. He is talking about everything that is in this bill, so actually the gentleman is opposed to this whole bill.

Mr. EDGAR. Not correct.

If I may reclaim my time, my amendment only cuts out the unauthorized projects. The Red River, Tex., project would not be affected by my amendment.

Mr. HIGHTOWER. I understand that, and it also is fast-tracked in the sense that the gentleman has been talking.

Mr. EDGAR. The gentleman is correct that if we, in fact, accept my amendment, we will commit ourselves to spending $1.2 billion on those 19 projects which are fast-tracked, and while I have some concern about that, waiting for the regular authorization bill to be put in place, I did not offer an amendment to delete those projects. I simply offered an amendment to delete the unauthorized projects, the 20 or so projects that we have carefully considered here but which are so important to have the policy initiatives attached to them before we get them authorized by the House of Representatives.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. EDGAR) has again expired.

(On request of Mr. HIGHTOWER and by unanimous consent, Mr. EDGAR was allowed to proceed for 3 additional minutes.)

Mr. HIGHTOWER. If the gentleman will yield further, then the gentleman does support the bill if his amendment is adopted.

Mr. EDGAR. I would support the one billion dollars' worth of projects if my amendment is adopted.

Mr. HIGHTOWER. I am so pleased that the gentleman's committee, with his hard work and that of others, have the authorization bill. We understand that it has moved along out of committee. But we have waited a long time in this Congress. The gentleman helped pass an authorization bill, what, two Congresses ago, that never saw the President's signature.

Mr. EDGAR. If I may speak to the gentleman's point, the gentleman is correct. We are impatient for getting an omnibus authorization bill out of this House.

□ 1100

It has been stopped for the last 7 or 8 years because we have mixed good projects and bad projects together, and we had no policy in terms of cost sharing and cost initiatives.

Mr. HIGHTOWER. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. Let me just finish my point.

The very point the gentleman makes is that if we take the steam out of getting an authorization bill passed, when we have the environmental community and when we have the construction community in concert jointly working together on a common bill, if we want them to scuttle that possibility for those other authorizations, plus the policy initiatives, all we have to do is

revert back to the kind of project-by-project analysis without regard to policy that is included in this particular supplemental bill.

All we are asking is, "Let's wait." We are saying, "Let's wait on the supplemental for a month or two." We have passed it out of the Committee on Public Works and Transportation.

Mr. HIGHTOWER. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. The gentleman from New Jersey (Mr. BOB ROE), will be more than pleased to work with the leadership in getting the bill to the floor as soon as we get back from the Columbus Day recess. There is no reason why the Rules Committee cannot work very diligently to place this bill before us, and then we can go to the Senate and work out the policy initiatives. When the gentleman from Alabama (Mr. BEVILL) comes back to us with a supplemental in January, February, or March of next year that includes all of these projects, plus the initiatives and the policy decisions that we have made in the authorizing legislation, than I as a Member of Congress who has supported this omnibus bill for the first time in 8 years would be more than pleased to stand side by side with the Appropriations Committee and fight for the kinds of funds the gentleman is looking for, as long as we have the policy initiatives in place first.

Mr. HIGHTOWER. Mr. Chairman, I would like to make one more point, if the gentleman will yield.

Mr. EDGAR. I yield to the gentleman from Texas.

Mr. HIGHTOWER. Mr. Chairman, the gentleman has done a magnificent job here, but what has gone on in the Senate? Have they moved along with this?

Mr. EDGAR. The Senate has moved very aggressively on parallel legislation on the Senate side. They have included in the Senate bill many of the same decisions we have made.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. EDGAR) has expired.

(On request of Mr. HIGHTOWER, and by unanimous consent, Mr. EDGAR was allowed to proceed for 1 additional minute.)

Mr. HIGHTOWER. Mr. Chairman, will the gentleman yield further?

Mr. EDGAR. I yield to the gentleman from Texas.

Mr. HIGHTOWER. Mr. Chairman, I would not ask the gentleman to prophesy the vote and certainly he could not predict what the White House will do, but does the gentleman anticipate support in the administration if the bill passes substantially in the form it came out of the gentleman's committee?

Mr. EDGAR. Mr. Chairman, I think there is an excellent chance for administration support of the authorizing bill, far more support than for the supplemental bill.

I have a letter from David Stockman indicating that if this supplemental reached his desk in this form, it would be vetoed. What he is asking for is the very cost-sharing initiatives we have put in the authorizing bill, and once that is passed, I believe not only that the President will sign it but it will at least set the stage for a comprehensive national policy as it relates to water in all these areas, and then we can all work together to make sure the projects meet the cost-sharing criteria and the merit criteria that are included in the legislation.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. EDGAR) has expired.

Mr. Chairman, this amendment would simply strike appropriations for all unauthorized projects in the bill and would reduce the funding level for Corps of Engineers projects to reflect elimination of funds for those unauthorized projects.

The basic reason that I offer the amendment is that legislation authorizing new projects starts has not yet been enacted, though such legislation is making progress in both the House and Senate. In fact, in early August the House Public Works and Transportation Committee, on which I serve, reported an omnibus water resources bill by a unanimous 49 to 0 vote. If enacted, this would be the first authorizing bill to pass since 1976.

More than half the corps projects in this supplemental appropriation are not yet authorized. If the 20 unauthorized projects are put on a fast track through the appropriations process, it will become impossible to give fair and equal consideration to at least 200 other proposed new projects currently pending in authorization legislation. Obviously, projects funded in this bill would become the funding priorities in subsequent appropriations bills. Funding of these unauthorized projects would, in fact, commit us to a total cost of over $3 billion needed to complete each of the projects.

The appropriations measure also contains none of the policy changes, reforms, and environmental protections contained in the authorizing bill. Action on these broad policy issues was essential to building the consensus needed to pass this bill in the Public Works Committee, and will be fundamentally important to developing a national water policy based on merit and equity which commands broad support from Congress and the public. Among the reforms contained in the authorizing bill are deauthorizations for billions of dollars worth of obsolete projects, creation of a National Water Policy Board to study project merits, and key reforms on environmental mitigation. Another provision of the authorizing bill would create a new loan program for rehabilitation of water supply infrastructure in Boston, New York, Chicago, Tucson, and other cities and towns across the Nation. Yet, there is no funding to address this water supply infrastructure in H.R. 3958, the supplemental appropriations bill.

Further reforms made by the authorizing bill on the issue of local cost sharing for projects would not be guaranteed by the appropriations bill. While the authorizing bill would require minimum local commitments to deep port and flood control projects, the port and flood control projects funded by the appropriations bill have no likelihood of substantial local financial participation.

Although the bill attempts to insure that the provisions and requirements of the authorizing legislation will prevail once that bill is passed, there is no assurance that the Senate or a conference committee might not strike cost sharing or other provisions of the authorizing bill. We should also ask why it is necessary to fund unauthorized projects if the money for construction cannot be spent until authorizing legislation is enacted. If we must enact authorizing legislation before we build these projects, why not concentrate our efforts on the authorization bill—fast track that bill—so that all projects could be assessed fairly once that bill is enacted.

The appropriations bill undoubtedly contains several worthy projects. I personally support a number of these projects, such as the renovation of the locks and dams on the Ohio River system in West Virginia and Pennsylvania. My point is, though, that consideration of the projects contained in H.R. 3598 as well as those contained in the authorization bill should go forward as quickly as possible through the normal authorization and appropriations process. Appropriation of funds prior to project authorization is unfair to the majority of Members of the House seeking approval of their own needed projects and would set back efforts to achieve substantive reforms in the water policy process.

This bill should not be viewed as a simple appropriation of $118 million. That $118 million is merely a downpayment on a $4.4 billion commitment for projects that we will be funding for at least the next 10 years. Those Members who support this bill should not wonder whether future years to construct other projects besides those listed on the Appropriations Committee's shopping list. There will be no money for other projects. We are committing our resources here today without even having the chance to examine other projects and other needs.

When there is no money available next year for flood control in Pennsylvania or Arizona or Utah, we should

know that we have already committed those funds to port and navigation projects in Louisiana and Alabama. The projects listed in this bill are not emergency projects. But funding these projects will make it more difficult to deal with the problems we will face in the future.

Mr. BATEMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is somewhat difficult for me, this being my first session as a Member of this body, to be engaging in debate with one who has been here much longer and who has labored very extensively in this area of water resource projects, how they should be authorized, what should be authorized, and what funds should be appropriated. But it does occur to this new Member that from such experience as I have had in legislative bodies other than this one, there is in the nature of things a way in which selections have to be made within finite resources as to what can and cannot be done at a given time.

We have had a committee that has done, I believe, an excellent job, under the leadership of its chairman, the gentleman from Alabama (Mr. BEVILL), and the leadership of the ranking minority member, the gentleman from Indiana (Mr. MYERS), in bringing to the floor of this House a well conceived, properly evaluated bill setting forth projects which they have determined on their research and analysis are worthy and appropriate for being funded.

But they have done something more than that. They have been very sensitive to the fact—and the gentleman from Pennsylvania (Mr. EDGAR) has alluded to this—that it has been 6 or 7 years since this Congress has been able to act to completion on any authorization and appropriation measure for any water resource projects in these United States.

We hear talk from the gentleman who preceded me of so-called fast tracking. Let me speak to so-called fast tracking as it relates to a project contained in the Appropriations Committee bill as it comes to the floor that is, obviously, of particular interest to me, but one with which I have some particular familiarity. That is the deepening of the channel in the Port of Hampton Roads, the Norfolk port, as it is referred to in the bill.

Is this fast tracking, the deepening of the channel in that port which is now 45 feet when maintained to its original or proposed or proper level? It is woefully inadequate in today's commerce with large, heavy coal carriers requiring a 55-foot depth of channel in order to move American coal into the export markets of the world.

The American coal industry is a sick industry, and it is sick largely because our export market is drying up, because we cannot competitively get the coal from our ports to the ports throughout the world that need it and would buy it.

Now, how long are we supposed to let this very critical part of our economy remain depressed and distressed? How long are the workers in Appalachia to remain at levels of unemployment that run to 20 and 25 percent? How long are we to leave our ports, not only of Norfolk-Newport News but of Baltimore, New Orleans, and Mobile, which are the major coal-exporting ports of the Nation, without the ability to move the cargo to the benefit of all of America, to the benefit of the economy of the entire United States, and to the diminishment of unemployment in some of the highest unemployment areas of the United States?

Is this project of deepening the channel of the Port of Hampton Roads fast tracking? We have been trying to get it done for these 6 or 7 years during which there has been no authorization or no appropriation.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I am happy to yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I serve on the authorizing committee, and I support moving to a 55-foot depth in most of the ports that can handle that across the country.

I also support at least some cost sharing, and our authorization bill provides for 50 percent cost sharing from the local community and a 50-percent Federal commitment. So the amount of funding above 45 feet of depth—or below it, I guess I would have to say—would in fact be a partnership between the local officials and the Federal officials, so that as we move to port development beyond the 45-foot maintenance channels that are provided by the port, all of the economic markets that would like to move in that direction can compete fairly.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. BATEMAN) has expired.

(On request of Mr. EDGAR, and by unanimous consent, Mr. BATEMAN was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. But, Mr. Chairman, if the gentleman will yield further, in fact if we exclude the New York Port and allow all the other ports to move to 55 feet, if we allow four other ports to be fast tracked, and one not to be fast tracked, what we are really saying to the economic interests in those areas is that we are going to give advantage to four and disadvantage to the other.

All I am saying is that if we are going to bring a supplemental bill before the House, why not be fair? Why not have all of the ports that want to move to a 55-foot depth be included, the only proviso being that the amount above 45 feet has to be 50 percent local and 50 percent Federal commitment? That would give all the ports an economic incentive. That would build the Hampton Roads-Norfolk Port, and that would allow Mobile and New Orleans, La., an incentive.

□ 1110

But it would also allow Sacramento or the ports on the California coast and the ports in the New England area to compete fairly, rather than the disadvantage that would be placed by the removal of New York from this shopping list.

Mr. BATEMAN. The gentleman brings me more rapidly than I might have gotten there to the two points he just addressed.

No. 1, let us discuss the Port of New York vis-a-vis the other ports which are included in this appropriation measure as it relates to depths of channel.

I do not believe there is anyone who would seriously propose that the Port of New York is in significant distress or in jeopardy of not remaining the major, if not one of the major ports of the United States, on account of the lack of a 50- or 55-foot depth channel. The nature of the cargo which comes to the Port of New York and leaves the Port of New York does not require, is not as important and sensitive to depths as in the depth of the channel in the other ports.

The Port of New York exports, or is a center for export of very little coal and bulk cargo. The ports that we have previously alluded to, Hampton Roads, is the world's largest coal exporting port, not just the United States, but the world. Mobile, New Orleans, Baltimore, are in that category.

For that reason, I find nothing exceptional or unusual in the fact that the committee in its wisdom has determined that the Port of Norfolk, the Port of Mobile, the Port of New Orleans, the Port of Baltimore, should be early on authorized to go forward. It is a rational, realistic appraisal of where the need exists and where the entire economy of the United States will be most advanced by doing it.

I hope that addresses the question of the gentleman's concern for New York.

I would respond only further by suggesting that if the gentleman's concern be fairness to the Port of New York, why not propose an amendment to include New York, rather than to exclude those where there is the heavier, larger justification for doing it now, it already having been deferred too long.

Mr. WHITEHURST. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I am happy to yield.

Mr. WHITEHURST. Mr. Chairman, I want to commend the gentleman.

I have a certain parochial interest in this, since both our congressional districts abut on Hampton Roads.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(At the request of Mr. WHITEHURST, and by unanimous consent, Mr. BATEMAN was allowed to proceed for 3 additional minutes.)

Mr. WHITEHURST. Mr. Chairman, if the gentleman will yield further, let me ask the gentleman just a couple questions.

In the authorization bill at this point, has this project been approved?

Mr. BATEMAN. The authorization bill as it comes from the committee and will shortly be on the floor of this House does, indeed, include authorization for the Port of Mobile, Ala., for the New Orleans Harbor deepening and for the Hampton Roads Harbor deepening. Baltimore Harbor is already the subject of authorization and is in the bill.

May I comment further, if I might in full response to the question, that not only are they in the authorization bill, the authorization bill will contain a formula by which these projects will be funded and including a participation by user fees or other devices for distributing or allocating the cost. This has been the roadblock which has prevented any action and which has paralyzed these kinds of projects which are desperately needed for many years.

The amendment, quite frankly, offered by the gentleman from Pennsylvania (Mr. EDGAR) is striking at the very heart of the best opportunity this body has had in at least 7 years to break this impasse in a responsible manner, where we as a body can agree, the other body can agree, and hopefully we can induce agreement from the administration where the impasse is broken and we go forward.

I hope that we will not get caught up in some sort of a chicken and egg syndrome where we are going to argue, "Don't let this bill go through until the projects have been authorized," when the bill before us conditions any of these projects going forward or moneys being expended to the authorization bill passing and with the specific projects included in it. Every safeguard is there.

Mr. WHITEHURST. Mr. Chairman, I want to salute the gentleman. It is a beautiful statement. It is cogent. It is to the point and it lays the problem out and it is not fogged at all. I hope that every Member of this body, whether or not they have a project in this bill, will understand that we have reached the point of truth and if we are going to solve this issue, now is the time.

If the amendment of the gentleman from Pennsylvania passes, we are going to be set back again.

It does not do to talk about we will put it in a continuing resolution or a supplemental or something like that. It is not going to work.

The only thing we should do is pass this bill right now, as the committee has voted it out.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. If I have the time.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(At the request of Mr EDGAR, and by unanimous consent, Mr. BATEMAN was allowed to proceed for 30 additional seconds.)

Mr. EDGAR. Mr. Chairman, if the gentleman will yield, to answer the gentleman's question about whether or not the ports were included, I wish the gentleman before he leaves would listen to this.

The Port of Norfolk is included as the first project in our authorization bill. I commend the gentleman in the well for pointing out the policy initiatives.

The second port is the Mobile Port.

The third port is the Mississippi River Port. All three of those are included. All three of them are moving to a 55-foot depth.

The ones that are excluded from this are Texas City channel, Texas; the New York Harbor and adjacent channels, the Los Angeles and Long Beach channels.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. BATEMAN) has expired.

(By unanimous consent, Mr. BATEMAN was allowed to proceed for 1 additional minute.)

Mr. EDGAR. Mr. Chairman, will the gentleman yield further?

Mr. BATEMAN. I yield.

Mr. EDGAR. The point that I just want to underscore to the gentleman, the gentleman in the well has been clear and that is, that his port and your port need to move to a 55-foot depth.

The question is how much cost sharing. We solved that in the authorization bill.

The second question is fairness. Should not all the ports across the Nation have the opportunity to go above a 45-foot depth, equally competing, if we believe in the free enterprise system?

Mr. BATEMAN. Mr. Chairman, may I reclaim the time?

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

(By unanimous consent, Mr. BATEMAN was allowed to proceed for 3 additional minutes.)

Mr. BATEMAN. Mr. Chairman, I would just like to conclude with what little I can offer to this debate.

The Appropriations Committee by the bill before us has given us the first opportunity in years to break an impasse and to produce a productive and responsible result that advantages the United States.

Sure, it advantages the port that I am particularly interested in. It advantages the port of the gentlewoman from Louisiana (Mrs. BOGGS). It advantages other ports.

It is regrettable that every port that needs improvement in the United States cannot be in this bill; but I would say that it is going to be a very strange and peculiar way to legislate if we are going to allow by amendment on the floor the choices and selections and the preferences of one Member to override the choices, selections, and the collective wisdom of the full committee that has sent us this bill, based upon an effort to arrive at sound priorities, especially when they have done it in a manner most conducive to our acting on the authorization bill that must include everything they have proposed for funding and which must include passage by this House, the other body, and signing by the President in order to arrive at an equitable funding cost-sharing formula.

This is our last best hope of breaking this tragic impasse, which has been inflicting a devastating blow on the economy of major areas of the United States and a major contribution to unemployment in the United States.

I thank the Chair and Members of the House for their indulgence.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I yield briefly to the gentleman from Oregon (Mr. WYDEN).

Mr. WYDEN. Mr. Chairman, I thank the gentleman for yielding.

We have heard a lot of discussion today that the committee bill is somehow being improperly put on a fast-track kind of basis.

I oppose the Edgar amendment. I think we are not talking about a fast track at all. I am convinced that if the committee legislation is not passed, critical projects may not be on any track at all. I hope my colleagues will remember that it has been 7 years since we have had an authorization bill, and it has been 4 years since we have had any new starts.

The project in my area, the Bonneville lock, is just critical to the growth of the Northwest. It is our single biggest job producer; the estimate is that we will generate about $500 million in new private investment in the State of Oregon as a result of this project.

Mr. Speaker, there have been extensive hearings on the Bonneville lock project in a variety of different committees. If the Northwest does not get

the Bonneville lock project funded, we will continue to lose out on trade and shipping opportunities to Vancouver, British Columbia, and a number of other major shipping areas around our country. The Bonneville lock project is simply critical to our region's economic growth.

I urge my colleagues to reject the Edgar amendment.

I very much appreciate my colleague, the gentleman from California (Mr. FAZIO) yielding me this time.

□ 1120

Mr. FAZIO. I appreciate the gentleman's comments. I would like to say that I think it is really tragic that we are having this rather divisive debate at this time on issues which I think we are so close to resolving. All of us on both sides of this debate, I think, see the Roe bill, and particularly the role Mr. EDGAR played in the drafting of it, as a healing of the wounds that have been opened through the years between regions of the country and between environmentalists and development interests. These are people who are often more emotionally involved in their opposition than specifically at odds on individual projects.

But I think it is important that we oppose and defeat the amendment that Mr. EDGAR offers today because this bill, as introduced, has been written to very easily coincide with the values expressed in the Roe bill.

For example, we all understand that cost sharing, some form of local participation, is inevitable, it is going to occur. Perhaps it occurs as in the Roe bill through the use of customs revenues allocated for specific port development purposes without as much local involvement as some might find desirable, for example, this administration, Mr. Stockman, our OMB Director, or perhaps some of the environmental interest groups that see cost sharing as a way of slowing down water development. But in my opinion, the committee has been sensitive to that and we will retroactively apply whatever standard is agreed to as the Roe bill is enacted in whatever form the Congress may wish.

We are not here attempting to lock in 20 projects that are not yet authorized but which have been recommended unanimously to be authorized by the Roe committee and by the full Public Works Committee. We are simply giving some of them a slight advantage in the next fiscal year only because they are long overdue, at least 7 years from the last authorization, and in many cases 10, 15, or 20 years behind the times in which they were originally conceived. And I think it is only fair that we make clear that we are, when all of these projects, all 200 are authorized, about to appropriate money in a broad-based fashion. We will not be favoring these 20 over the other 180 or so on a permanent basis. I think that is important to make clear.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, it seems to me there are some flood control projects that have been waiting 8 years where there has been loss of life. Why were not those flood control projects also included?

Mr. FAZIO. We are all in support of the Roe bill. We want to see all of those projects moved ahead. But there is not one project in this bill, not one of the 20 in your amendment, that could be in any way, shape, or form termed porkbarrel or inappropriate.

If I could continue, I simply think it is important for us to focus on another related problem.

The Corps of Engineers that would be charged with doing most of the work here has had a tremendous reduction in its capability. We have lost 4,500 people in the last 4 years. We have seen about $900 million construction reductions as a result of the cutbacks that have been made in the last two administrations in this agency of the Federal Government. If we do not begin to give them some work to maintain their existing capability and the existing personnel available to them, they will not be available in the years ahead to do the work that is included in the Roe bill that I know the gentleman from Pennsylvania wants to see done.

We are not, I want to make very clear, appropriating any money until the authorization is enacted. If this bill passes and the Edgar amendment is defeated, we will not be circumventing the process, undermining the Roe committee. We simply will give these projects some slight advantage in the 1984 fiscal year, if they are authorized. If they are not authorized, if we are not able to enact the Roe bill, they will have no advantage whatsoever and receive no funding.

I think it is exceedingly important to understand that we have gone for a long period of time in this country arguing about the merits of "porkbarrel projects", and then all of a sudden, floods occur, ports are inadequate for our international commerce, and we realize the new term "infrastructure" has some value.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. EDGAR and by unanimous consent, Mr. FAZIO was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I was intrigued by a point the gentleman made yesterday and again today about the fact that this bill on October 6, 1983, is an urgent supplemental, not just because the projects are worthy, but because somehow the Army Corps of Engineers needs it to keep their employment force high. You talked about the $900 million reduction over the 7 or 8 years. If, in fact, we waited for the Roe bill to pass, and we put in place title 8 of that bill, which is the Urban Water Supply System, that calls for $800 million of commitment on an annual basis to replace aging water systems throughout the country in the older industrial areas of the North, East, South, and West. That would clearly make up for the amount of dollars.

Mr. FAZIO. I very strongly support that provision which you were so instrumental in getting into the bill. But it will take several years before all of the machinery to put that program into effect is available. I certainly intend to support the Roe bill and that aspect of it. I see it as taking a larger share of the future civil works budget in this country. But it is not going to be immediately operative and it, frankly, is not competing with the projects we are attempting to appropriate for today.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentleman for yielding and also for his comments. You have put the entire issue in perspective.

While I have great respect for my friend from Pennsylvania, I just want to say a few words about what this bill means to my area of Cleveland, Ohio. Our harbor project is not a porkbarrel project. Thousands of jobs are dependent on it.

Now, when I hear this talk about fast track, nothing could be more ironic. We have been waiting more than a decade to get our harbor dredged. Our area is a very high unemployment area. I am convinced that because we were unable to get the funding to dredge our harbor properly and to make other necessary improvements and to provide for an all-weather harbor, that we lost hundreds, if not thousands, of jobs.

And it not only affected our area of northeast Ohio, it affected Minnesota, upon whom we depend for their large iron-ore boats.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Ms. OAKAR and by unanimous consent, Mr. FAZIO was allowed to proceed for 2 additional minutes.)

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentleman for again yielding.

It affected the State of Minnesota, because we depend upon the State of Minnesota and others for their iron ore. Their boats could not make the turn into our harbor, we could not accommodate these large vessels. And this has been a tremendous problem. Every year we have attempted, and through the generosity of the Chair in hearing the plight of Congressman STOKES, myself, and others from our area, we have attempted to get something passed to help dredge our harbor properly, to give positive relief to our area.

It is the industrial heartland of our area. Five hundred thousand jobs directly connect in one way or another through our steel industry, our small parts industry, our auto industry, the fact that it is an international harbor—500,000 jobs in one way or another from northeast Ohio and other areas—plug into whether or not our harbor is able to accommodate the vessels properly and is weatherized to the extent that it is possible.

Now, we are being in this Congress penny-wise and pound-foolish when every year we reject new projects.

It is our turn, and we need this, really and truly, in many ways for the survival of our people. So, I hope, with all due respect to my friend from Pennsylvania—I know he is well-intentioned and I know what he is trying to do in terms of the spirit of what he is trying to do. But the practical reality is we cannot wait any longer. We need this project. I am sure other areas are equally as desperate in many ways. And I hope that we soundly reject that amendment and get on with it so that we can get a bill approved by both branches and get on with this project of putting our people back to work making the north coast truly viable, and making our country competitive again.

I thank the gentleman for yielding.

Mr. FAZIO. I appreciate the gentlewoman's comments.

Mr. Chairman, I yield back the balance of my time.

Mrs. BOGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I would like to call particular attention to probably the grandmother of all the authorized projects within this bill. The Atchafalaya basin project was first authorized in 1928. It is 60 percent complete and the purpose of it is mostly for the flood protection of the people of the area.

In 1968, work had to stop on the Atchafalaya basin project because an environmental impact statement was demanded. In 1972 we finally had the authorization to develop a comprehensive plan for the management and preservation of the water and land related resources of the basin.

Mr. Chairman, the future of the Atchafalaya basin is of great importance to all the citizens of the United States. The basin is one of the few remaining semiwilderness areas left in the United States, consisting of 593,000 acreas of bottom land hardwood forest, cypress-tupelo swamps, marshes, and bayous of enormous productivity and significant beauty.

□ 1130

The Atchafalaya basin also serves as a natural flood plain and a man-made floodway that protects the lives of hundreds of thousands of people and over $10 billion of private investment in the lower Mississippi Valley.

In addition, the basin provides both commercial and sports fishermen and hunters with a great variety of fish and wildlife. In order to safeguard the vast resources of the basin and protect the people and land surrounding it, the State of Louisiana and the Federal Government must cooperate in a concerted effort to manage the basin wisely.

After a number of years, since 1972, of work by an agency management group a viable multipurpose plan has been developed for the preservation of the basin. A key to this plan is an agreement developed by the State for the purchase of certain lands within the basin from private owners. The State has agreed to pay half of the cost of purchasing the land.

The plan recognizes the Atchafalaya basin is first and foremost a floodway; thus, most of the multipurpose basin plan involves flood control features. But in addition to the flood control aspect, the plan takes into account environmental, recreational, cultural, and economic interests. The plan has been carefully constructed and involves many compromises by all parties concerned.

The proposed real estate portion of the plan has been overwhelmingly endorsed by the landowners in the basin; the mineral and forestry industries; fishermen and hunters; wildlife enthusiasts and naturalists; and the environmental community. The proposed real estate plan fully responds to the multipurpose requirements that Congress has established for the Atchafalaya basin.

The multipurpose plan for the Atchafalaya basin is virtually without controversy. It is critical that this plan be considered expeditiously or the carefully constructed compromise could easily fall apart and devolve into the bitter controversy that surrounded the Atchafalaya basin prior to 1981.

Mr. Chairman, I believe that this plan, this project is typical of the 20 projects that indeed are included in this bill and they have been carefully examined and passed unanimously 49 to 0 by the authorizing committee. They are indeed appropriate for so-called fast-tracking.

Mr. BREAUX. Mr. Chairman, will the gentlewoman yield?

Mrs. BOGGS. I will be happy to yield.

Mr. BREAUX. I would like to commend the gentlewoman from Louisiana for her statement.

I think it is important to note that as one of the projects in this resolution the benefit to cost ratio on this particular project is something like 16.7 to 1. For every dollar in costs the public gets back $16-plus in benefits.

This is not like something that is being tried to be snuck in. The project has been around since 1928 when it was first authorized.

So I think the gentlewoman has made some excellent points about the importance of this project and the fact that it is not really a new project at all but has been here since 1929.

I would commend her for her statement.

Mrs. BOGGS. I thank the gentleman.

Mr. PURSELL. Mr. Chairman, I move to strike the requisite number of words.

I will be very brief. I want to oppose the Edgar amendment.

I think the committee has done an outstanding job in looking at these programs for the long term.

I do not think we can play one region against another. These programs, like the Cleveland Harbor, I was in Cleveland 2 weeks ago visiting some projects and had an opportunity to tour the harbor. I think the gentlewoman from Ohio (Ms. OAKAR) is correct about that development historically for the expansion and improvement of jobs in the Cleveland and the Ohio and Midwestern area.

The gentlewoman from Louisiana (Mrs. BOGGS), and the gentleman from Alabama (Mr. BEVILL) were kind enough to tour the St. Lawrence Seaway recently. Our fourth coastline is important to the United States and Canada. We will be before the committee to make recommendations for the modernization of the Seaway. Therefore, if the United States is to be competitive I strongly urge a no vote on the Edgar amendment.

Mr. MORRISON of Washington. Mr. Chairman, will the gentleman yield?

Mr. PURSELL. I will be pleased to yield.

Mr. MORRISON of Washington. I want to add my voice in opposition to the Edgar amendment. I have reviewed this measure having a great

deal of interest in a number of the projects and I believe that the procedure here being followed is in the best interests of congressional action and the citizens of this country.

So I compliment the subcommittee chairman for his leadership on this and trust that we will move on to defeat this amendment and proceed with some excellent water projects that will be authorized as the process allows.

Mr. PURSELL. If you look at the potential of the great harbors and the great opportunities for these projects to be expanded, not only for jobs but to be competitive, as Marshal McLuhan said, we are in a global colony in which we will be competing all over the world.

In order to deliver our products to that global competitive market throughout the world, these projects must move forward.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. PURSELL. I am happy to yield.

Ms. OAKAR. We in Cleveland were delighted that you took the time out of your busy schedule to visit the north coast of this country, and Cleveland, Ohio's harbor in particular and see firsthand what our needs are and the potential it has to be a great international harbor, not only for our own area but for the sense of the Nation in general.

Being right across from Canada, of course, we would rather have the boats use our harbor on the American side.

Mr. PURSELL. I thank the gentlewoman for those remarks and I yield back the balance of my time.

Mr. HIGHTOWER. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment of my friend, the gentleman from Pennsylvania, and I urge my colleagues to oppose it as well. I have here before me a "Dear Colleague" which my colleague circulated yesterday about his amendment. The gentleman said:

> The adoption of this amendment would allow the Appropriations Committee and the House to re-examine these projects once authorizations for all pending new projects has been approved.

Now, Mr. Chairman, I have a project on the gentleman's reexamination list, and for years my constitutents and I have waited for the authorization approval that is now so near but yet so far away. The point is, how long will the gentleman require us to wait? An authorization bill is promised soon. I sincerely hope it passes soon. But the passage of this bill will do no harm to the authorization bill.

Not only the gentleman from Pennsylvania, but the administration now urges us to wait. Yesterday, our colleague from Massachusetts read a letter from the Chairman of OMB which urges members to support the amendment to delete these projects, mentioning the need for fiscal discipline; Mr. Stockman's letter goes on to talk optimistically of a new kind of approach to water projects, and that if we will all just wait, this new approach can be implemented. Yes, Mr. Stockman, maybe, someday. I am convinced, however, that the best way to kill a proposal is to study it, the next best way is to postpone it or reexamine it.

Mr. Chairman, I am not talking about a water project that should be the subject of some philosophical discussion regarding priority. This portion of the bill, or at least that part of which I speak, deals with the question of flood control. Quite another matter.

My opinion, Mr. Chairman, is that the people exposed to constant flooding have waited long enough. It is ironic that at a time when we express great concern for the victims of serious flooding in several parts of our Nation, legislation is considered on the floor of this House to delay or delete a project which would prevent such a tragedy in another area.

The people of Wichita Falls, Tex., have already waited many years. They have continued to wait for the last couple of years since the most recent major flood which destroyed homes and personal property of 5,000 citizens, cost at least one life, and caused $25 to $30 million in damages. The cost of repairing the damage from this latest flood, more than exceeded the estimated cost of the flood control project provided in this bill. The Army Corps of Engineers estimate that it will cost $25.5 million to complete the needed construction projects which will alleviate this serious problem.

The people of Wichita Falls have not sat back to wait for help from Washington. They have not taken the attitude that Uncle Sam would come to their rescue to keep such damages from occurring again. They have already completed several millions of dollars worth of necessary work on the channels of the creek. They have begun, at our own taxpayers expense, necessary work on bridges. They are doing with local tax funds all that they can do. They must have some help, however, on the rebuilding of the dam. We just hope and pray that another flood does not come until the proposed work can be completed.

This project is in the authorization bill. If any authorization bill passes, I feel sure that this project will be included on its merits. The question now is, shall we wait for the legislative process to grind in its slow manner or shall we proceed with what we know needs to be done and what will be authorized in due course at some unknown time in the future.

We are not asking for something that has not been heard in committee. We are not asking for something that lacks local support, or for something where the local people have not been willing to pay their part. We ask today that the safety of people and property in this area be assured as best we can by moving in an orderly manner to repair a dangerous dam that all agree must be repaired.

Many Members of this House whose districts have sustained damages from floods are painfully aware of the unbelievably long interval between official acknowledgment of a critical flood control problem and the actual start of construction to correct it. In this specific instance, it would be possible for a youngster to ask of his grandfather: "Grandfather, what did you do for a living?" and to get a response: "I spent all of my life trying to complete the Lake Wichita-Holliday Creek Flood Control Project." Regretfully, the youngster could say, "But grandfather, that is what daddy does for a living." This statement is not far from the truth. The Lake Wichita-Holliday Creek project has a lengthy history. The U.S. Army Corps of Engineers testified that the Lake Wichita-Holliday Creek Flood Control project's origins go back to the authority granted in 1938 by the House of Representatives' Committee on Rivers and Harbors to begin examining and studying flooding along various drainage areas or watersheds feeding the Red River. That authority extended to the Holliday Creek Basin. During the 43 years since that study was begun, generations of Wichita Falls citizens and those in adjacent areas have suffered many millions of dollars in personal property losses, and lives have been lost to floods. Studies by the Corps of Engineers indicates that this area averages an unbelievable two floods per year. The Corps also testified that the average annual property damage caused by flooding in that particular area is $3.7 million. Mr. Chairman, if the people who live under such a constant threat do not deserve immediate flood control protection, who does?

Mr. Chairman, I believe in an orderly appropriations process. I believe in the system of authorization followed by appropriations. In this case, however, there is an urgency that justifies an exception to the rule. I am grateful to the distinguished chairman and the members of the subcommittee that have carefully examined these priority projects and have directed our attention to those projects that should be exceptions to the authorization rule.

Mr. Chairman, I urge my colleagues to vote "No" on the Edgar amendment.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. HIGHTOWER. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I support the gentleman's project. I think the gentleman's project is as worthy as the gentleman from Harrisburg's project is that would prevent flood damage in an area where there has been loss of life and property there, too.

Mr. HIGHTOWER. We appreciate your support. We just want to move ahead.

Mr. EDGAR. Right.

The gentleman, I think, makes a good point about his particular flood control project.

I would have less of a problem with this supplemental if all $119 million was committed to flood control, but it is not. It is committed to all kinds of projects that a month or two of wait, allowing for the authorization bill to pass in its form, would not damage the priorities.

Mr. HIGHTOWER. I appreciate that.

Mr. MYERS. Will the gentleman yield?

Mr. HIGHTOWER. I will be happy to yield.

Mr. MYERS. We have heard this argument time and time again. If the gentleman from Pennsylvania will go back and look at the first bill passed this year he will find most of the flood control projects were in that bill.

This bill was never intended to be a catch grab for all of those we did not get in that particular bill. But most of the flood control was in that particular bill, and I wish instead of bringing it up you would look at what has already been done and signed into law I might add.

Mr. HIGHTOWER. I appreciate the gentleman's comments.

Mr EDGAR. Will the gentleman yield again?

Mr. HIGHTOWER. I yield to the gentleman.

Mr. EDGAR. I appreciate the gentleman's enthusiasm for that. The gentleman from Pennsylvania is offering an amendment on the unauthorized projects which were not considered at the earlier time.

The unauthorized projects are listed in this particular supplemental and the gentleman from Pennsylvania is simply making a point if flood control is that important and we are going to list unauthorized projects in this supplemental as an urgent supplemental, then we ought to list those flood control projects in Kansas and Nebraska, in Pennsylvania and Ohio, and in New York and other places that also have a worthy need, just as the gentleman's project is worthy as well.

□ 1140

(By unanimous consent, Mr. HIGHTOWER was allowed to proceed for 2 additional minutes.)

Mr. HIGHTOWER. The gentleman from Pennsylvania (Mr. EDGAR) and I came to the House the same day. We have been here all along and both of us have waited for a long time to find the perfect bill. I told a constituent not long ago if I waited and never voted for something until it met every requirement that I might have, until it was perfect in every way, that I would consistently vote "no" on everything and sometimes people think I wait a little too long. But the people have waited many years. We have had loss of life, recently we have had a loss of life in Wichita Falls in the last flood. Incidentally, a man by the name of Hightower was drowned, I do not know if he was kin or not, but that brought it close to home.

Mr. Chairman, I yield back the balance of my time.

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Somehow I think we are missing an important point here. That point is that these projects still cannot be started until they are authorized and the authorizing legislation is proceeding through the Congress. We will be having another supplemental bill, believe it or not, another supplemental appropriations bill; you know it and I know it.

At most passage of this amendment would delay these projects by a few months and most of the projects will take years to complete.

So why should we not follow the orderly process that this house provides for authorizing projects, then appropriating the funding for them? We are talking about potentially $3 billion worth of projects. We are talking about an authorizing bill that provides the mechanisms for helping to fund those projects.

If we let the projects out from under the hat, in this kind of a bill, it makes it much more difficult, it seems to me, to get those funding provisions through this House.

So I would urge my colleagues to follow the process of the House, authorization, appropriation. We are not going to be delaying the projects unduly. The projects are considered in the authorizing bill.

I have no objection to the projects, personally; but I do have an objection to the way we are doing this because it is A, backward, and B, takes away the impetus to pass an authorization bill through this House which would be comprehensive in nature and which will avoid this kind of problem in the future.

Mr. Chairman, I yield back the balance of my time.

Mr. WATKINS. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the legislation and against the Edgar amendment.

When I was a youngster there was a gentleman who spoke to a meeting that I was attending by the Name of Bob Kerr, the late Senator Robert Kerr.

He held a similar glass of water such as this one I am holding today in front of that audience. He said some day this glass of water will be worth $1 million. He said it would be worth $1 million if you did not have it.

Ladies and gentlemen, there are people in Oklahoma today who do not have a glass of water. There are people all across the State of Oklahoma and across the Nation who are having to carry water. Much of that water is salty, much polluted, much of that water should not be used for drinking purposes.

I rise against the Edgar amendment because the Parker Reservoir, which has not been fast-tracked but in the planning stages for over 15 years can provide the only, and I repeat for my colleagues on this floor and in their offices who might be viewing television, Parker Reservoir provides the only possibility for surface water, to my hometown of Ada, Okla., with a population of 17,000 people.

My hometown has received water for all these years by spring water. That spring water last summer got down to slow flow which did not provide adequate water to all who need it.

There were lawsuits. Lawsuits by people downstream who had water rights, because water was not flowing on down to the cattlemen and the farmers so they could irrigate. My hometown is in a lawsuit today for that drinking water.

Ladies and gentlemen, they have tried to purchase other water rights. They are drilling other wells at an expensive cost to the ratepayers. They have been waiting and waiting and waiting and hoping that Parker Reservoir might come to their rescue.

I can only tell them that Parker will not be an answer overnight. We have to try to provide water in the interim. We have to try to provide drinking water to them.

But let me say that my neighboring county is depending on Parker Reservoir-Pottawatomie County and Shawnee, the hometown of the late Tom Steed, desperately need water.

We cannot solve their water problem overnight from Parker Reservoir. We are actually building to meet the interim need, North Deer Creek Reservoir, in order to try to provide some kind of water in the next 5 years. But we hope and we pray that Parker Reservoir can be built. We hope that my colleagues in this House will see fit to pass this legislation today in order that our people can have this essential ingredient that most of our people take for granted, that of drinking water.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. I do not have but a few moments. I will try to finish and then I will yield.

Mr. Chairman, we have to provide that drinking water so that they can provide a living for their people and be able to have needed water to their home and business.

The chlorite control program is absolutely necessary. Right today in many areas of southern Oklahoma and northern Texas people are looking at diluting saltwater with other water in order to try to come up with a quantity of water—they have given up on quality—they are trying to provide the quantity of water for drinking purposes, for washing machines, et cetera.

Have you ever seen what saltwater does to hot-water tanks? It just eats out the bottom of hot-water tanks. There are many elderly people today who are having problems with their water hydrants, waterlines, water tanks, because at one time, not too many years ago, they used diluted saltwater out of Red River in order to try to have enough water for their homes.

We are not talking about something that is fast tracked. Ladies and gentlemen, we are talking about something that is desperately needed in order to help people survive.

As a youngster I used to carry water from a Choctaw Indian's home in Karo syrup buckets. I had to do this because we had hard sulfur salt water. I know what it means not to have drinking water. I hope we will not prolong this particular problem for many hundreds of thousands and millions of people across this Nation.

So I hope we will defeat the Edgar amendment so that we can provide this essential ingredient to the people across this Nation and move forward with building America.

BOB ROE from New Jersey, the chairman of the authorizing committee, is in favor of this program 100 percent; the ranking member stands in support of it 100 percent.

I think we all should take their lead, work with them, work with the Appropriations Committee and let us move a water program forward for America.

Thank you.

(On request of Mr. EDGAR and by unanimous consent, Mr. WATKINS was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. Mr. Chairman, will the gentleman yield to me?

Mr. WATKINS. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. The gentleman's illustration of water is really a critical one. I come from a small community of Springfield, Delaware County, that has some of the best water in the Nation. And the reason it has that is because its citizens put together a municipal and private investor-owned municipal water supply system some 50 or 100 years ago and provided that water to the communities in and around my area.

Water supply for the people of Parker and the other communities around that particular dam is a relatively new function of the Federal Government of getting involved in water supply.

□ 1150

The gentleman is correct in terms of the need for his area. But if the gentleman will yield further, Buffalo, N.Y.; Berlin, N.H.; Rochester, N.Y.; the Virgin Islands; Chicago; New York City; Fort Smith, Ark.; Jersey City——

Mr. WATKINS. Mr. Chairman, reclaiming my time, this is not a regional bill. And I know the gentleman's profession as a Methodist minister. But the gentleman from Pennsylvania must realize, we are not going to have enough water to sprinkle the new baptized children if we do not get on with a water program.

I yield back the balance of my time.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman I rise in support of this amendment. I was going to start out this debate today by wearing this pig mask because I think it is the only way we can properly describe this bill.

But I was asked by my dear friend the Speaker not to wear it, and I am not going to put it on. But I wish I could wear it.

Because all this amendment would do is trim a little of the fat. If this amendment is adopted it will not keep anyone from bringing the bacon back home.

Mr. Chairman, I want to stress, and I hope my colleagues will listen to this, I think this bill is a great piece, a masterwork, for the gentleman from Alabama (Mr. BEVILL). When those political science professors write books about Congress they make one mistake. They do not come down here and spend any time with the Congress. They are living in ivory towers. They should come here and work for people like the gentleman from Alabama (Mr. BEVILL). I compliment him, I like him, he is my friend, and he is a smart guy—and one can see how he has got all these Members, for when he put projects in the bill, standing up here today defending their particular projects. And believe me, most of those projects are good projects.

But remember one thing, that authorization bill that the Public Works Committee has worked up has 180 projects. Why single out 20 projects?

If I were a Congressman or Congresswoman whose project was not in here, I would be on this floor today condemning this bill. What are they going to tell their people? That they did not have an "in" with the Appropriations Committee? Are they second-class citizens? Were they not elected by a half a million people like the Members for whom these 20 unauthorized projects were put in this bill? This is blatantly unfair. It is wrong. Smart though, smart.

You are going to win the skirmish, but you are going to lose the battle.

My friend at OMB, the young slasher, has written a letter and I read it here yesterday. He is going to recommend a veto on this bill. And when this bill gets over to that greedy other body, they will not resist the temptation to get into the trough—slup, slup, slup—and slop up more and more.

I really wish I could wear that mask, because when the other body finishes with this bill, it will be the biggest pork-barrel bill that ever came down the pike.

And then the bill is going to go down to the White House. And I just hope that we have enough Members on this floor with the backbone to stand up and sustain that Presidential veto.

Mr. Chairman, I am ashamed by some of the speeches we have heard in the past 2 weeks, especially the other side of the aisle. We have had a series of 1-minute speeches, amounting to a campaign against an honorable man here. This was a campaign by the Democratic Congressional Campaign Committee against our minority leader, ROBERT MICHEL, claiming that he is the one who caused the $200 billion deficit. Shame on them, shame on them, they know better than that. No more fiscally responsible human being ever lived and ever worked in this House of Representatives than BOB MICHEL. He does not talk out of both sides of his mouth. He is straight down the line. I may disagree with him on a lot of issues, but you know where BOB MICHEL stands. He is for a balanced budget. He is for cutting down deficits. The Members who have claimed otherwise are the same Members with their snouts right in the trough today on this bill, creating more and more of a deficit. The projects in this bill will have a price tag of $4.4 billion, and when it finishes in the other body, there is not a Mack truck in the United States that will be able to carry that bill back here. The springs will break on that truck.

I want to stress, and I hope my colleagues will listen to this, that the amendment is no reflection on the merits of these 20 projects. A number of them are clearly needed, and will certainly be funded once the authorization is enacted. But there is no reason to rush ahead with them right now.

I know that we are going to hear from a number of Members today in passionate defense of their projects. And the irony of this situation is that by and large I agree with them.

Yesterday we heard from the distinguished gentleman from Ohio (Mr.

MILLER) about the importance of the Gallipolis lock and dam. I agree. The project is critical. But it is going to take from 8 to 10 years—not months, but years—for that project to be completed. And I have to ask the gentleman from Ohio, and the many other supporters of that fine project, whether a 2- or 3-month delay makes that much difference to an 8- or 10-year project.

Yesterday we heard from members of the Virginia delegation about the harbor projects in their State. And I have to say that there is without question a great need for these deep harbor projects.

But should we not wait until the port user fee legislation is passed before we go ahead with these projects? Once the user fee formula has been authorized, it may be that some of these projects will no longer be economical to build. These projects are not going to be built overnight—they will take years. Let us wait a few months.

The effect of this amendment would be to reduce the amount in the bill by $51.5 million, which is the amount of first year work that the Corps of Engineers has estimated would be required on these unauthorized projects. But perhaps more important are the more than $3 billion in outyear costs that would be saved.

Mr. Chairman, the effect of moving ahead with these projects in this bill before an authorization is enacted is to soak up the available funds for new water projects. There are more than 180 other water projects contained in the authorization bill that is currently moving through the Congress, projects that are going to be out of luck when the authorization finally goes through because these 20 fast-track projects have already absorbed all the money.

There is no reason to put these projects on a fast track. Nine of them require additional studies before construction can begin. This is not the only supplemental bill for fiscal year 1984. There is no reason why these projects cannot wait until they are authorized in order to receive appropriations.

We had some reference to the severe flood conditions in Arizona and Utah yesterday. Mr. Chairman, if I thought there was anything this bill could do about those conditions, I might have more appreciation for the emergency driving these unauthorized projects. But there is no emergency project in this bill.

The projects in this bill are not going to be built in the course of a few months, or in some cases, even a few years. The projects in this bill are going to take many years to complete, and I am positive that the difference between beginning work on them next March rather than next June is going to make absolutely no difference in the grand scheme of things.

Mr. Chairman, as my friend at the Office of Management and Budget, Mr. Stockman, has said, these projects do not have provision for local cost sharing. What we are saying by going ahead with this bill is that the local sponsors will not have to come up with cost sharing. This will completely undercut the efforts of the Corps of Engineers to get the State and local sponsors to come up with some local financing.

What this bill says to the opponents of user fee increases on the inland waterways is "Go ahead, dig in your heels—we'll go ahead on these navigation projects before the user fee issue is decided in the authorization." How about that for undercutting your bargaining position?

The effect of this bill is to go ahead with projects before the important fish and wildlife mitigation issues in the authorization bill have been resolved.

This bill says "Go ahead, finish up the planning and prepare to break earth" before we resolve the outstanding environmental and water conservation issues contained in the authorization bill.

I think that these are all of the wrong signals to send on this bill

Mr. Chairman, one of the other items contained in the authorization but not included in this bill is a new program to improve the quality of local urban water supplies. Our urban water systems are in terrible disrepair. Some experts have estimated that as much as half of the water supply of cities such as New York and Boston is lost through leakage from systems that have not been improved for 100 years. There is an urgent need for this—but we do not see it in this bill. That program is going to have to wait until it is authorized before it comes before the Appropriations Committee—and we will just have to see if there is any money left over when that time comes.

Mr. Chairman, these unauthorized projects are not urgently needed, and there is no justification for putting them at the front of the line. I urge that we maintain the integrity of the authorization and appropriations processes, strike the unauthorized projects from the bill, and adopt this amendment.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Edgar amendment today. Of course, we are all faced with a very difficult problem. Sometimes it becomes very emotional. But this water resource and development appropriation really gives many of us, a Hobson's choice.

As I listened to the debate today on the floor, I heard many of my colleagues rise and talk about the much needed projects in their districts. I want to know that I share their concerns and obviously we all share responsibility to try to meet the types of needs, whether they are economic, whether it is drinking water, flood protection whatever need related to water development.

But there are a number of factors that we have to look at that is within a certain context, in terms of what moneys are appropriate and how we meet these needs.

This bill, of course, can be attacked, I think, rightfully so, on various environmental grounds. That is not the amendment before us at this particular point, but, of course, that may well be a very significant aspect of the debate.

Second, of course, it can be and is attacked on the basis of cost. This bill, while $119 million, sets in motion spending for $5.2 billion. Now that means that over the life of these existing projects that $5.2 billion will not be available for other needs that we may have in terms of exercising our national policy prerogatives, whether it is with respect to other water projects, or other public projects and needs.

The fact of the matter is that hardly anyone could really speak authoritatively as to the accuracy of the $5.2 billion because in the future we intend to have a cost-sharing formula. And so we really do not know how much of that will offset the $5.2 billion, what the inflation rate will be, and, of course, I think all of us know the sad history of what has happened with water projects in terms of cost escalation.

The major problem with this measure is the process issue and the Edgar-Conte amendment seeks to rectify this. We have labored and the Committee on Public Works has labored to come up with a new policy with respect to how we authorize water projects. And, in fact, the water resource authorization has an entirely new title addressing many urban water resource concerns, which I applaud. Additionally this new authorizing measure addresses the cost-sharing issue with regard to water projects.

This bill—inadvertently, I understand, but obviously the result is the same, whether it is inadvertent or intentional—undercuts, undermines, and literally pulls the rug out from under any real possibility for water project cost sharing this year.

Make no mistake about it, this will break the back of any effort to implement cost sharing, because we are losing the leverage. What is the leverage? This bill puts in place, this bill suggests we can have our dessert, the

easy part of it first and later on somehow we are going to get people to drink the vinegar.

Well, that just is not how the process works. What we really should be trying to do here is what the Public Works Committee did, that is to put together a balanced bill, a bill that had in it the cost recovery and the local participation and combined that with the authorization, the initiative to fund these particular projects.

But this measure, H.R. 3958, really suggests that we can have all the easy part of this matter first and then later on we can come back and we are going to pass the difficult part all by itself, without any trouble.

□ 1200

Well, I think that that is, to say the least, naive, with regards to the voting behavior and the way that people perform in this body.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Virginia.

Mr. BATEMAN. I thank the gentleman for yielding.

Mr. Chairman, is the gentleman aware that by the terms of the bill as it comes from the Appropriations Committee, the expenditures of any of the money is conditioned upon the approval of a cost-sharing formula?

Mr. VENTO. Yes, I am familiar with the way the bill comes to the floor today that suggests that none of this money can be appropriated or spent until it is authorized, and there are some other provisions within the bill. But the administration has talked a lost about cost-sharing formulas. And, really, they are as much to blame, in my judgment, as anyone, insofar as there is not a cost-sharing formula, because they have not put forth the specifics. It makes good rhetoric, it makes good discussion in terms of budget savings but the administration just has not delivered on that promise. And it is a credit, really, to the Public Works Committee that they have been able to put something together in that vein, so I fault the administration for their lack of attention to this important policy. It is fine to have vocal support, but things do not develop in here on the basis of vocal support. You need specifics and followthrough to accomplish the goal of cost sharing on water projects. And the administration has not put forth the necessary effort. It is a credit politically to Members who do not want this cost-sharing initiative that they have prevailed on the administration. Once we pass this particular water project supplemental appropriation, we will break the back of any initiative in terms of developing the type of comprehensive and logical selection and financing process that could exist with regard to these water projects. I think almost everyone in this body has voiced support for that type of policy, but we are not going to get it by proceeding as is proposed in H.R. 3958 by the committee. This is a step in the wrong direction. We are being whipsawed back and forth with the idea of bringing up worthy projects within the context of this bill. But the net effect will be that we will not attain the type of public policy that we should have with regard to water policy.

The legislation before us, H.R. 3958, strikes at the heart of the authorization/appropriations process. The circumvention of the normal legislative process to fund these 20 new unauthorized starts pulls the rug out from under efforts to develop a sound national water policy.

Certain Members would have us believe that funding these 20 new starts will not usurp the authorization process because use of the funds is held up until the authorizations are passed. What this assessment ignores is the fact that by fast tracking these chosen few unauthorized projects we are precluding the fair consideration of numerous other projects awaiting authorization. More importantly, this appropriations bill effectively commits the Federal Government to building these 20 new unauthorized projects without Congress first having settled the cost sharing and financing issues. To look at it another way, it is like a homeowner's proceeding with building a house on the assurance of his banker that the financial terms and conditions will be worked out later. That is just plain bad policy.

Members are being asked to vote to fund these new projects with little or no idea of the total Federal commitment that these projects will entail. The committee report does not break down the initial funding by project, yet alone gives an idea of total project cost to the Federal Government. The reason this was done was that the committee does not know what the Federal cost will be because they do not know what final cost sharing and financing policy the Congress will adopt. H.R. 3958 is a prime example of putting the cart before the horse.

In the interest of a fair and equitable water policy, I urge support of the Edgar amendment, and commend the gentleman from Pennsylvania for offering it in the House today.

Mr. RUDD. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I simply want to say that in this bill here there are no projects for the State of Arizona that are involved, so I do not have any axes to grind on this bill. I also would like to point out that water is fast becoming the most valuable resource of this entire Nation, a fact little recognized sometimes by my friends and colleagues on the eastern seaboard where water is plentiful. But that will not last forever, and I predict that within the next 5 to 10 years water will be recognized across the Nation, solidly, as the most valuable resource of the Nation.

It has been deemphasized and mentioned one or two times, but let me just point out very emphatically in response to my good friend and colleague, the gentleman from Pennsylvania, who is no longer on the floor, I see, indicating that they were concerned about the unauthorized projects that are involved in this bill. There are 23 projects that are authorized and there are 20 that are not authorized. But let me point out to the Members that the authorizing bill is underway, and those 20 unauthorized projects are being considered and will be taken up, and this bill specifically states on page 3, line 19, that initiation of construction for these projects is subject to enactment of the needed authorizing legislation.

Water is a valuable resource, it is something we cannot live without, and sometimes we cannot live with it because of the tremendous forces that it generates in times of storms and torrential rains.

In my home State of Arizona—and I flew over the tragedy that has occurred there last Monday by helicopter—there is a solid sheet of water west of Casa Grande and Eloy that extends almost to the horizon. This could be prevented or alleviated with proper flood control. Part of the problem is that we have not been able to get through the legislation that we need to control this.

I landed in Tucson, and I could not have traveled from International Airport to my destination by automobile—and the airport was closed—because of the tremendous storm that was underway. A bridge washed out 60 yards from where my helicopter landed. On the way back, a bridge washed out in Eloy, the town was engulfed from the Santa Cruz River which was running yesterday morning about 3 miles wide through the city of Tucson, unheard of, because of the uncontrollable and the lack of planning so far. I hope we can remedy that in the future.

The projects that we are talking about generally, every time these water projects come up, are projects that are not boondoggles. They provide a service to the people of the country that the people cannot provide for themselves.

For example, there was a dam that washed out. We are going to have all kinds of problems about dams and how unsafe they are, because this dam washed out; it was built by a cattleman 100 years ago under no guidelines whatsoever, and left as a kind of fish-

ing pond and watering pond for cattle whenever they choose to use it for the last 100 years. But it washed out above the town of Willcox and put that town under water, because it was not properly built and there was no control over it. But the projects that we do authorize and the projects that we do build are not boondoggles, they are not gifts, and they are something that we should not do. The people cannot do it for themselves. They are paybacks. It might take 50 years to do this, but we do pay back a loan from the peoples Treasury to the people.

I would urge defeat of the amendment of the gentleman from Pennsylvania and adoption of this bill.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. RUDD. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for his comment about water but caution the gentleman about pointing a finger at those of us on the east coast of not seeing the value of water. For generations the people in Philadelphia, New York, and Boston have provided their water supply either through municipal-owned or investor-owned water systems, and they have worked very diligently on a water program that develops quality and quantity water in our region of the country. And we understand very much not only as we see the tragedy in the gentleman's State as it relates to flooding, but also the value of water for Tucson, Ariz. That is why in the authorizing bill we provide for Tucson, Ariz., an opportunity to borrow some money from the Federal Government to replace the aging water supply system that they have. And if we take the steam out of that authorization bill——

Mr. RUDD. Mr. Chairman, I will reclaim my time in order to respond to some of the statements that the gentleman from Pennsylvania has made. As yet the damage and how to go about doing something about it is not apparent. That investigation is underway, and we cannot make any requests, we cannot do anything until we establish that.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we could leave our children all the money in the world, and a worn-out land, and they would never make it. Whereas if we are wise enough to leave them a rich land, with rivers and harbors developed, protected from floods, a rich country—they could set up their own financial system.

I believe in a balanced budget. I believe in working toward a balanced budget. But not at the expense of wearing out or letting go down the drain our Nation and all its physical resources on which all of the rest of this stands.

May I say to the Members that our Committee on Appropriations represents the whole country. When Mount St. Helens erupted in May 1980, I stopped one bill and had the committee act on another measure so our friends (Members of the House) from the State of Washington could be responsive in providing assistance after that tragedy. When we had the earthquake in California a few months ago, provision was made in the 1983 supplemental in response. Whether the need is in New York, Michigan, Washington, Ohio, Pennsylvania, Arizona, California or elsewhere, the Appropriations Committee will address it. In response to Hurricane Agnes and the terrible flooding, especially in Johnstown, Pa., some years ago—and my colleague, the gentleman from Pennsylvania, maybe unaware of this—we rushed in here with $1.5 billion to meet the urgent need of the area and its people.

But what I want to tell you here is this: They say, "Wait until it is authorized." But we have not had an authorization for a new start for bills since 1976. We have not funded a new start in 4 years. What our friends do not seem to realize, the longer you delay, the greater the damage, and the greater the cost. And it is said here that if you cannot do all 200, do not even start any. Now, the folks who say that, would they not raise sand if you tried to start all 200?

They are against even starting these few. Of course they are for the 16, the President recommends.

We have an all-American Appropriations Committee, and I am proud of it. We look after every section of this country as best we can in our recommendations and in our reports to the Members. I do not know where you would find more able people than the members on this subcommittee to pick and choose. The members of this subcommittee have spent years listening to the problem that we have. The committee bill includes 16 projects requested by the administration. These projects are needed, and there is no significant opposition to them that I know.

Let me repeat: Some years ago a President vetoed a public works appropriations bill which included 67 new starts. It was my privilege to offer the successful motion to override his veto, after the House failed to do so the first time. The Presidents' veto message was that in view of the desperate situation we have at home financially and otherwise, in view of our commitments abroad, we cannot afford the 67 new public works starts. My motion, proposed a cut in other appropriations of 2.5 percent and retain the 67 new public works projects, keeping in the Congress the right to select projects. And I used his veto message as my argument. I said that in view of our financial problems at home our commitments abroad and at home we cannot afford to neglect our own country on which all the rest depends.

We are taking care of the country's needs in this bill. I am sure that some who object to this bill did not object when we had a bill providing for the Johnstown, Pennsylvania flood and it was all right when we were looking at the needs associated with Mt. St. Helens and other problems not repairs after floods have occurred or water when the supply is exhausted. But remember this: If we do not get started, we never will get finished.

□ 1210

The longer we wait, the worse the conditions that we have and the greater the cost. Let us get started on the recommendations of members of this subcommittee, the best informed group you will find anywhere—we represent the whole country. Let us start protecting it now.

Vote against the present amendment which puts off again what is needed now.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I have heard the remarks by some of the Members here in the well to the effect that these projects are by and large representative of pork-barrel politics. But I think it can be plainly agreed that one man's pork is another man's staple, and that is truly the case in this situation.

These projects are needed. The gentleman from Arizona (Mr. RUDD) made an eloquent statement showing the need of the people of that great State for revision, modernization, and upgrading of existing projects.

The gentleman from Mississippi (Mr. WHITTEN) pointed out that we have not been able to move on water projects in this country for almost 10 years. We have not had a new authorization bill since 1976. And yet here we go on picking at these projects in this bill because some of them are not authorized yet. The fact is, they will be authorized. They are all contained in the authorization bills that will soon be before this body and will pass the Congress before long if we go forward with all due haste.

But, something else to consider is that these projects will be contingent on any agreement that is worked out between Congress and the administration on cost sharing in the authorization bill. There will be such an agreement, or these projects will not go forward.

With respect to the Members of this body who worked diligently to set our national water resources policy, I think it can easily be perceived that the priorities set forth in this bill will not be altered to any substantial degree, even if we did wait for the authorization bill to be signed into law.

Every one of the new starts in this bill in included in Chairman ROE's pending omnibus authorization bill. We have critical projects that must move forward but which would be eliminated by the adoption of the Edgar amendment.

The Gallipolis lock and dam on the Ohio River and lock and dam 26 on the Mississippi are two vital examples of projects that could not go forward but for this bill.

Two projects in the State of Louisiana are just as critical. Moving ahead with projects such as the Mississippi River deep draft port proposal is vital to our economy in Louisiana, where unemployment is still running in excess of 12 percent in many areas. Seventeen States are immediately impacted by the drainage basin of this river.

Over 43 percent of the grain exported by farmers is shipped through the lower Mississippi River. However, the river system is suffering from difficulties caused by the neglect of harbor improvements and maintenance and the failure to take advantage of advances in technology. The lower Mississippi River is the No. 1 port area in the country, yet there are over 3,000 ships that pass through its ports on an annual basis that must sail in and sail out without full loads because of the present depth of the channel. This puts us at an extreme economic disadvantage with foreign ports.

In addition, according to the Heritage Foundation, if our port facilities in this country are indeed modernized, American coal producers could capture 38 percent of the world coal market over the next 20 years and beyond. Without this modernization, in fact without this bill, this country stands to lose an estimated $14 billion annually in foreign currency earnings.

The New Orleans Port studies reveal that deepening of the channel of the lower Mississippi River will result in direct economic benefits to the entire region of $2.5 billion annually and account for nearly 350,000 jobs over a long period of time. Most importantly and often overlooked are the environmental benefits that the present deep draft plan calls for. The dredged material from the river would be used to create approximately 11,000 acres of marsh area and marsh nourishment acreage. This is vital to a State like Louisiana which is losing nearly 48 square miles per year of marshland to salt water erosion.

If we agree to the Edgar amendment, we will also be delaying and possibly destroying one of the few remaining semiwilderness areas left in the United States, and that is the Atchafalaya basin mentioned by my colleague, the gentlewoman from Louisiana (Mrs. BOGGS). Gov. Dave Treen of Louisiana was the first Governor of that State to finally resolve a longstanding dispute between the environmentalists on the one hand, and the landowners on the other, over how to preserve the 593,000-acre Atchafalaya Basin Wilderness Area.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. LIVINGSTON) has expired.

(By unanimous consent, Mr. LIVINGSTON was allowed to proceed for 2 additional minutes.)

Mr. LIVINGSTON. The preservation of the valuable bottomland hardwood forests, cypress tupelo swamps and marshes is the No. 1 environmental concern of most environmental groups in this Nation. Governor Treen finally worked out a plan that all parties in Louisiana have agreed to, environmentalists, landowners, and so forth.

The plan calls for selling 48,000 acres in the basin wilderness to the State for preservation by willing private vendors. This acreage, along with 54,000 acres already donated by the Dow Chemical Co., is the key to finally resolving what should be done with the entire Atchafalaya basin. However, the Governor has told me and testified to Congress and the administration officials that without some commitment by the Federal Government, the willing sellers of this valuable wilderness acreage will not stand by their agreement.

The Governor of Louisiana reached his agreement with the willing sellers 2 years ago, and we in Washington have failed to show some firm commitment. The bill before us today is the initial installment on that commitment and we should move forward with it.

I ask the House to oppose this amendment and to support the bill.

Mr. ALEXANDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was sitting over in my office a minute ago watching the television monitor when my friend, the distinguished gentleman from Massachusetts, appeared in the well with his pig ears and his pig snout attached to a set of glasses which he affected for the purpose of illustrating his view of this bill.

"Pork," he said. Well, it was later stated that one man's pork is another man's staple, and I come from the part of the world where it happens to be a staple. I would like to describe to my colleagues something about the conditions that exist and continue to exist in Arkansas where I originate.

When I was a little kid growing up on a farm in Arkansas, during the spring of the year when the rains came the ditches and the rivers would swell, and it was common for me to see water coming up through the floor furnace during the February and March rains of the year. It was very common. It was common for those of us who attended school in that region to go from a school bus into a flat-bottomed boat to get to the schoolhouse during that time of the year.

It was the work of the Committee on Appropriations and the Committee on Public Works that relieved this condition in the South. It was a big day when the levee was being raised 50 feet in our region. It was so big to us that school was turned out so we could show appreciation to the Corps of Engineers and to the contractors who had come there to help us, and help us they did, and progress was made for years and years and years, until suddenly, about 8 or 10 years ago, progress stopped. It stopped altogether and our projects are yet to be completed. As a result of that work stoppage and of the vicissitudes of nature, last year we experienced the most ravaging flood ever recorded in the history of our State.

□ 1220

As measured on one of the county courthouse doors, the previous 100-year flood was 1½ feet, and in December of 1983 the high water mark was 7½ feet on the door of the courthouse in Van Buren County, Ark. And it was there because work had stopped on flood control in America.

Now the Appropriations Committee is trying to begin anew to complete the job, and I am here today to oppose this amendment because I think it continues the delay and obstructs the efforts of the Appropriations Committee to complete the job.

It is not funny to us who live in the flood plains of America when someone refers to our needs as "pork barrel," because the investment that has been made in that region has many times over repaid the Federal Government for the investments that have been made there. That area has become productive because it has been protected from the ravages of the floods that would otherwise make that land unsuitable for production and uninhabitable for people to live in that area.

Everyone has a different view. In recent years I have hunted ducks with some friends that I have come to know from Springfield, Mass., and I asked them if they have these conditions in their region. Their response was, "No, we are high and dry."

Yes, "high and dry." If you are high and dry, you do not have to worry about the flood coming up through the floor furnaces in your home nor ruining the crops nor stopping production in the factories of your region;

you can wear some silly expression on your face which says, "this is pork barrel legislation that we are voting on today."

But if you live in a flood region, it is serious business.

I am opposing this amendment, and I applaud the chairman of the subcommittee and the chairman of the full committee for the work that they have done. I say, vote down this amendment and let us get on with the job.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

The Cleveland Port is a very important specialized port, serving as a major transportation link to primarily the steel industry. Over 1,200 vessels and tankers from over 50 countries and 120 world ports arrive annually at the docks lining the lake's shore and the banks of the Cuyahoga River. The Cleveland Port is the largest iron ore receiving port on the Great Lakes, and ranks fifth among all the Great Lakes ports in overall tonnage.

Mr. Chairman, the activity of the Cleveland Harbor is closely linked to the economic vitality of the Cleveland metropolitan area and the entire northeast Ohio region. Ohio has the third highest unemployment in the Nation, as such, the Cleveland-Cuyahoga County Port Authority has been working to diversify, upgrade its facilities and increase the volume of cargo at the port.

The Cleveland Harbor improvement project, is an important and integral part of these efforts.

Congressional approval of both of these measures will enable the Army Corps of Engineers to proceed with further study of the improvement of the Eastern end of the Cleveland Harbor, including an eventual deepening and expanding of its east and west entrances. These improvements are critically needed to permit the port to accommodate the new generation of bulk freighters, measuring 1,000 feet by 195 feet with carrying capacities of 60,000 tons.

Mr. Chairman, the Cleveland Harbor improvement project is a cost-effective initiative which will reap substantial economic benefits to Cleveland residents and the Nation. The additional study and design work on this project is expected to cost about $125,000 and be completed by the end of fiscal year 1984, clearing the way for construction the following year. This amount will be more than offset by annual savings of more than several million dollars from reduced transportation costs.

In closing, I would like to reiterate that the Cleveland Harbor improvement project will have a greatly positive impact on the Cleveland economy and result in a more efficient use of the Cleveland Port. The Federal investment in and public benefit resulting from this project are amply documented. Thus, I encourage your support of this activity and urge the defeat of the Edgar amendment.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the Cleveland project pending the authorization bill.

Mr. STOKES. Mr. Chairman, I yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am one of those unusual Members who rises when I do not have a project that is in the bill, and I imagine that most people will not be surprised to find out that the Appropriations Committee has not included a project from my district in the bill, nor have I asked for one to be in the bill.

I really do not know whether there is any pork in the bill. The projects that Members stand on the floor and describe sound to me to be worthwhile projects, the kind of things the Nation should be engaged in.

But I think that the gentleman from Mississippi, when he spoke here earlier, made it clear as to why some of us have a problem with the method by which we are proceeding around here. The gentleman pointed out that we have had no authorization since 1976, and that seems to say something. One of the things it says is that this Congress has had some problems with the authorization process. We think that there are some problems in the way we have gone about funding these programs in the past. We have been unable to define as a priority through the authorization process the ways and means in the past of getting projects accomplished, and changes should be made.

Now, have we been able to accomplish reform? No. There has not been any authorization since 1976 because we have gone ahead and appropriated the money anyhow. There has been no need for authorization. It does not matter whether programs are authorized; we just go ahead and appropriate the money and thereby obliterate the need for the authorization process.

Mr. Chairman, I submit to the Members that that authorization process exists for a reason. One of the reasons it exists is to control the spending habits of this body and of the Congress as a whole. It provides a dual track process. It provides a process by which an authorizing committee takes a look at various things and makes determinations about priorities, and then, in addition, the Appropriations Committee takes a look at those same items and decides whether or not the money should be spent.

With that dual track process, we have some protection, not only protection for individual Members because they do not have to deal with a mere handful of people who make decisions about what goes on in their district, but it also provides protection for the taxpayers by assuring them that all projects and programs are examined and examined thoroughly.

That is what we are losing if we do not adopt the amendment as offered by my colleague, the gentleman from Pennsylvania (Mr. EDGAR). We are losing that dual track process which protects all districts in the country and protects all Americans. We get down to a process that is kind of a wheeling-and-dealing process. We get down to a process that looks almost like the old ward-heeling politics of the past in this country, where, if you went along with the committeeman in a particular district and you voted the way he told you to vote on election day, he could see to it that a bucket of coal was delivered to your house when you needed it in the wintertime.

That is what we deal with around here. The Members who speak in favor of the bills that are brought out under this appropriations process are Members who just happen to have those projects in their districts. They almost have to sign oaths in blood that they will support not only the bill that their project is in but future bills as well. They are asked to "keep with the committee process, do what the committee asks you to do, and then we will make certain your project moves forward. But if you are not one of those people who feels that you can support the committee along the way, well, now, we may have trouble finding room for your project in our process."

That is good politics. I do not claim it is politics that has not worked. It certainly worked in the past, it worked in a number of our major urban areas, and it has worked in my district in the past. But I submit to the Members that it is the politics of 30, 40, and 50 years ago.

This Nation deserves better today. The people deserve to have a Congress that acts on the problems that face it, and one of the major problems that faces it is the $200 billion of deficits that this country has before it.

□ 1230

If we can adopt a system of checks and balances which goes along with what our rules state we should be doing, we will do the Nation a favor and it will move us out of the old ward heeling kind of politics into an age in which the American people can be assured that we have defined only those things which are absolute priorities.

So, if the gentleman from Pennsylvania deserves to be supported at all, he deserves to be supported on the process issue of whether or not it is not right to authorize first before you appropriate.

Every one of the projects that is in this bill may well be a very meritorious process.

I have no doubt that the Appropriations Committee has worked hard.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. I think that they have brought forth a project that they can defend in all honesty; but it is not the process by which we have the kinds of checks and balances that this gentleman would prefer to have and I think a vast majority of the American people would prefer to have.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am very happy to yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I thank my colleague for yielding.

The gentleman has made some rather serious charges here against his committee.

Which one of these projects is the gentleman suggesting was included based upon favoritism or back scratching—the gentleman did not use those words—but with which one of these did the committee not exercise the diligence, the oversight that the gentleman is talking about, which one of these 20?

Mr. WALKER. I just said to the gentleman that all the projects seemed meritorious.

Mr. MYERS. The gentleman made charges, though.

Mr. WALKER. Well, I am making a comment about the process, which this gentleman has talked about on the floor on a consistent basis. Every one of those projects has merit, but I would submit to the gentleman that probably every project that exists in the authorization bill, all 180 of them have merit, too.

Therefore, it seems to me that what we are doing here is that we are selecting without the authorization. Let us have the authorization and then select among them after we have an authorization bill in place and which that committee can render its judgment, too.

Mr. MYERS. That is exactly what happened. We took that authorization bill with the realization that all these were not going to be approved, that 200 could be funded at any one time; but we did not act, if the gentleman remembers, the Appropriations Committee did not act until the authorizing committee did act. Then in our judgment—now, the gentleman is charging we did not use the criteria that he would like to see; but I ask, when the gentleman makes those charges, just prove it.

Mr. WALKER. All I would say to the gentleman is that the authorization bill to which he refers has not yet been brought to the floor. This House has not worked its will on that bill on that point.

It is fine for these committees to deal among each other, but all 435 of us in this body have some say on what goes on in this country and I am simply saying that all 435 should have a chance to work their will.

Mr. LUKEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish the gentleman from Massachusetts were still here.

Mr. Chairman, I rise today in opposition to the amendment to H.R 3958, the water resource development appropriations for fiscal year 1984, offered by Mr. EDGAR of Pennsylvania.

I believe that this supplemental water appropriations bill is a good one and I commend Mr. WHITTEN, Mr. BEVILL, and the other members of the Appropriations Committee and the Energy and Water Appropriations Subcommittee for their diligent work on this bill and their prompt manner in getting this important legislation to the floor.

The funding of new construction starts for water projects has essentially been at a standstill for the past 4 years. This problem is compounded by the lack of authorization of new projects in the past 7 years, many of which are urgently needed. The committee has recognized the importance of infrastructure improvements to the overall well-being of this Nation, and this bill represents a major effort to address the need to initiate a variety of new water projects, both authorized and unauthorized, without bypassing the authorization process. The bill specifically states that "Initiation of construction for these projects is subject, were appropriate, to enactment of needed authorizing legislation." Moreover, the funding in this bill is based on the assumptions in H.R. 3678, the omnibus water authorization bill recently passed by the Public Works Committee.

I believe that the Edgar amendment is unwise, and would unnecessarily delay the initial construction of water projects essential to the vitality of the entire Nation. I urge Members to oppose this nearsighted amendment.

Water is our Nation's most precious and valuable resource. Because water is a national asset, and benefits all States and jurisdictions, the Federal Government historically and continues to assume much of the responsibility for financing water resource development.

The existing national water resource infrastructure in America is the most impressive in the history of man. This vast system has one central purpose—to serve the public's needs. It provides efficient and economical transport of goods, and makes possible residential and industrial development to provide homes and jobs for American people. Unfortunately much of this infrastructure is in a serious state of decay with a rising rate of obsolescence.

Water resource development in the United States is a continuing process that requires our constant vigilance. I believe it is essential that new projects be constructed in order that our Nation's natural resources be developed and preserved for the benefit of future generations. When water projects are completed, they make enormous contributions to America. The benefits derived from completed projects, in many instances, vastly exceed those contemplated during project development. However, for our Nation to enjoy these benefits, we must allow construction to begin.

Virtually all of the projects included in this supplemental appropriations bill both authorized and unauthorized, will continue to provide increasing benefits in years to come. I cannot stress forcefully enough the necessity of authorizing and appropriating for these important projects, so that construction can begin.

One of the unauthorized projects in this bill, which the Edgar amendment attempts to delete, is the Gallipolis lock and dam modification on the Ohio River. This project, which is of particular interest to me because of its importance to my district and the Ohio Valley region as a whole, has a benefit to cost ratio of 13 to 1.

The Gallipolis project modification is an absolute necessity, affecting the welfare of not only the Ohio Valley region, but much of the midcontinent and northeast quadrant of the United States. It has been designated by the Corp of Engineers as one of the two most critical bottlenecks on the inland water system. Prompt action in implementing the Gallipolis project is of critical importance to the economic growth and prosperity of the Ohio Valley region and the Nation as a whole.

In addition, this bill contains funding for other projects in the Ohio Valley that are essential to the inland waterways system. Improvements to locks 7 and 8 on the Monongahela, the second lock at lock and dam 26 on the Mississippi, and the William Baker Oliver lock in Alabama, are critical to the health of our region. All of these projects have been included in H.R. 3678, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983, the omnibus authorization bill

introduced by Congressman ROE and passed unanimously by the full Public Works Committee.

H.R. 3958, the water development appropriations for fiscal year 1984 provides funding to initiate construction of new water resource development projects and to continue planning and engineering on projects nearing readiness to begin consideration. The projects funded in this bill are an integral part of the overall national water resource development program. This bill represents the best vehicle for early construction starts for new water projects, and does not violate the authorization process.

I am confident that the construction of the 43 projects in this bill will create an overall growth in the Nation's economy. It would be a tragic mistake to accept the Edgar amendment and delete funding for half of these vital projects. I wholeheartedly support the passage of the water resource development appropriations for fiscal year 1984.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. LUKEN. I yield to the author of the amendment.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for yielding.

I rise in very, very strong support of the Gallipolis project and lock and dams 7 and 8 on the Monongahela River system. I think they are excellent projects and ought to be constructed. The funding ought to be committed to those projects as quickly as possible, pending the passage of an authorization bill that deals with the policy issue in those bills.

Mr. LUKEN. Mr. Chairman, if I may reclaim my time, "as quickly as possible" will be accomplished by opposing this amendment.

Mr. MURPHY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and I have to question why my colleague, the gentleman from Pennsylvania, would introduce an amendment to strip the Gallipolis lock and dam, and locks and dams 7 and 8 of the Monongahela River from this measure.

Let me tell you about these three locks and dams. They are the very heart of the northeastern part of the U.S. commerce. We rely on the Monongahela River, the Allegheny, the Ohio, and the Mississippi Rivers, tremendously for shipment of commerce in the northeastern part of the United States, our very industrial heartland.

If we go 1 more year on locks 7 and 8 waiting for their replacement, they may no longer be there. We will have lost a major portion of the Monongahela River which is navigable for 70 miles from Pittsburgh south into West Virginia.

I have stood at the locks and gates of those dams and I have watched as coal tows come through from West Virginia and western Pennsylvania and as they break the tow apart and have to take one barge at a time through and the delay there delays barges and boats for miles waiting to go through the narrow and now deteriorating locks and dams.

It is not only the use of the commercial interests, but we rely on our inland rivers for our water system, for our recreation, for our sewage disposal and treatment. These waters mean so much to us.

Mr. Chairman, I resent the remarks of the gentleman from Massachusetts who says those of us who are standing here espousing these projects have personal interests. We are not at the trough. I do not consider a single project in this bill my project. I do not consider that one Member of this Congress has any personal interest in a single project.

We are concerned with what is happening to America.

Two weeks ago we authorized $187 billion for our national defense, and yet we quibble today over one-tenth of 1 percent of that total amount to keep the interior of America, keep its water system and its water supply, intact.

It is absolutely essential that we oppose this amendment and that we get started on these projects.

Speaking about timeliness, yes, I know many Congressmen would like it to be business as usual, do it at the congressional speed—not today, tomorrow; not tomorrow, next year. It can wait another year.

This committee has been studying our water system and supply system and transportation system for years. They realize that this is an essential move and that this move be taken now, not while other committees in both bodies, and while we, dilly and dally and delay, these water projects are vital to America.

□ 1240

Mr. WISE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as many of my colleagues here know, I have not always stood in the well to argue in favor of water projects. I find myself today, though, rising in opposition to this amendment. When there is waste in a project I oppose it, but at the same time we have to also recognize when there is definite need and merit.

I appreciate the matter of principle that is being brought before us. But I also speak in favor and, using as an example a project that has been discussed by the two previous speakers, the Gallipolis locks and dams. It does happen to be in my district. But at the same time, I think the two speakers before me have borne out and those who have gone before them there is indeed a regional project, one in some scope national, a project that many of us realize is a choke point in the Ohio River and is continuing to restrict the commerce that could be so much a part of our area. It is a vital project, one that is vital to our area.

The plan of this project, we have known about it because it has been around this body for many years, calls for replacing the Gallipolis locks in the Ohio River, about 280 miles downstream from Pittsburgh. When were these locks built? 1937. The locks are too small today to accommodate modern barge traffic and have become bottlenecks in our waterway system. I stood on the banks of the Gallipolis locks and dams and watched while they brought a set of barges up. The locks are too small, the chamber is too small. They have to break them. This is at a bend in the river. As the water comes around the bend you have different currents, you have winds blowing, in any kind of storm you have barges swinging back and forth. It is not only hazardous, but a bottleneck to the Ohio River.

Gallipolis epitomizes our Nation's deteriorating infrastructure. Pittsburgh depends upon it, the Ohio River depends upon it, Ohio, West Virginia, Kentucky, Pennsylvania. Products from 19 different States move through the Gallipolis locks and dams.

Continuation of planning, engineering, and construction of Gallipolis is urgently required. Congestion and delays are mounting. In 1979 they averaged 8.8 hours per tow transit. At a cost to carrier, shippers, and receivers exceeding $3,400 for an average one-way movement. Delay of ever-rising duration obscures the passage of coal, petroleum products, steel, chemicals, other critical materials in a State that has an unemployment rate now of approximately 17 percent resulting in ever-higher increasing costs of electrical power supply.

We had a briefing the other day by officials of the administration telling us about the decline in the coal market with Japan. You know, in the last 3 years, whereas we were once supplying 31 percent of all Japan's coal needs we are now supplying 16 percent. Why? One reason is because of transportation. How do we get that back.

The funding provided for Gallipolis in this bill is sincerely needed or else a major traffic crisis at Gallipolis can be expected by the end of the decade.

I would like to say, as I mentioned earlier, I appreciate the principle that is being argued. I also appreciate the principle that Gallipolis is an urgently needed project. It needs to go. We have been talking about 7 or 8 years of construction. How much longer do I tell the people in Mason County they have to wait? How much longer do we tell people in three States they have to wait?

I appreciate the problems with authorization. But let us have the money ready to go. I think it is time Gallipolis went.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I would like to commend the gentleman in the well for his leadership on water projects. I understand the gentleman's frustration with this very needed, necessary project, the Gallipolis. I would like to suggest to the gentleman in the well that support of this bill and opposition to my amendment may in effect delay, not increase or escalate, the ability to construct Gallipolis lock and dam 7 and 8 for two reasons.

First, the pending legislation depends on passage of the authorization bill which passed on August 1 out of our committee and which had a unanimous agreement between both environmentalists and development people who merged together for the first time on some policy initiatives. If you take the steam out of this particular piece of legislation, that will also hold up this bill.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. EDGAR and by unanimous consent, Mr. WISE was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield further to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for again yielding.

The second point I have to make is that the administration, which I have not always been in support of, is interested in having a national water policy put in place that has a number of features dealing with flood control, navigation, and port development. And they are interested in legitimate cost-sharing provisions. They have sent a letter to a number of Members in the House indicating that this very bill that your vital project is part of will in fact be part of their shopping list of bills which may be vetoed if, in fact, it is not pending this passage of the authorization bill.

So, the bottom line is the gentleman from Pennsylvania is urgently trying to get Gallipolis lock and dam 7 and 8 and other very worthy projects put on a priority list so that we break the backlog, we get away from this 7 years of putting projects into a supplemental or a continuing resolution or whatever method we can use to get around the legitimate process.

We are on track. The House Public Works Committee has acted, we have acted unanimously, we have brought all of those conflicting forces together. Passage of this bill could jeopardize that. I am afraid it could jeopardize the steady progress that the gentleman and I both share is very necessary for the Gallipolis.

Mr. WISE. In response, because I have always looked to your leadership on the issue of water policy, but where I respectfully disagree, first of all, I think we have to get the money in place for when the authorization finally does come. I know many of us are working to get this bill through the other committees, the authorization bill on its way. If the administration is going to veto it so be it. I will stand and ask the question why they will stifle economic recovery in my State when there is clearly such a need for a project such as Gallipolis.

Thank you.

Mr. WILLIAMS of Montana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the gentleman's amendment. I do not rise in opposition to any of these projects. I come from western Montana where we understand as well as anyone in this country the necessity for appropriate developoment of water projects. We know that the West and much of the Midwest and South rely, often desperately, upon the appropriate beneficial use of water which includes, of course, irrigation and good hydroelectric development projects.

Having said that, though, let me add that it is therefore crucial to us in these areas that the legislative development for those projects be such that the resultant project is the best, most cost beneficial and least environmentally damaging project as is possible.

It does those of us who rely on water development no good to agree to appropriate money for water projects for which there has not been adequate consideration in the authorizing committees, for we run the risk of moving ahead with projects that indeed are not cost beneficial, indeed are not fully cognizant of environmental protection.

Let me point out to you a personal example of that which I speak.

When I first came to this body 5 years ago, Montana was in a heated debate about a hydroelectric development project called the Libby Reregulating Dam. The Corps of Engineers, as is their wont, was plowing merrily ahead in preparing for the construction of the Libby Reregulating Dam. It had never been authorized, as these projects in the gentleman's amendment have never been authorized. The Libby Reregulating Dam, the largest proposed hydroelectric project in America, was stopped in its tracks by a Federal district court judge. The authorizing committee then came forward with the proper authorization of that dam, and in the consideration of that authorization we determined that; First, Libby Reregulating Dam was not cost beneficial; second, it would produce little if any additional power at the cost of one-half billion dollars to the ratepayers; and third, it was going to completely destroy 10 miles of one of America's great remaining trout fisheries.

I successfully moved to kill that dam in my own district.

Now, what that tells me is that the Congress must continue to move prudently, reasonably, through a good authorization process. And I am unconvinced that that has been done on these projects.

Without this amendment, this bill is a slam dunk. Without this amendment, this bill lends congressional authority to foot-in-the-door funding for water projects.

We all know how it is done.

□ 1250

We prepare for the planning. We go ahead with as much of the project as we can, and then we come back to the Congress and say, "Look, we have already spent $70 million on this. We know that it is not terribly cost beneficial but look, it is better now to build it because we have already spent $70 million, or $100 million, or $200 million on it."

That is foot-in-the-door funding and I must say frankly to my colleagues that that is the type of funding that the Corps of Engineers likes best because it makes it almost impossible for this Congress to then stop unneeded, unwise, wasteful water projects.

Let us not put the congressional stamp of approval on foot-in-the-door funding. Let us ask for reasoned, prudent consideration of these projects and vote aye on the gentleman's amendment.

I yield back the balance of my time.

Mrs. HALL of Indiana. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment and I feel that it should be defeated.

First I should like to congratulate the committee for doing an excellent job in working diligently and recognizing some of the vital needs of important areas of our country. I would like to point out that the projects enclosed here do not represent pork barrel; they represent vital needs.

There is one in particular that I would like to speak of and that is the Little Calumet River project for northwest Indiana. And I am not embarrassed to stand here and say, yes, that is a project that I recommended because I am here to represent the concerns and needs of my constituency.

For the last many decades we have had flooding problems which have been very serious, resulting in over $10 million worth of damage annually. It means that people have to lose their homes annually. It means that farmers have to lose their crops and their soil is eroded. Our golf courses have to be closed.

Indiana University, Northwest, which is a major commuter institution of higher learning, has to be closed at times. The tristate, which extends across the Midwest, has to be closed at times. Many of the ramps have to be closed. The damage is very great there.

We have come many times seeking this help. It has not been granted, and I am here today to say that this legislation should be allowed to move so that progress can proceed and so that we can take care of the needs of the people of these regions where there is a flood problem.

I am in support of flood control and I would like to say that yes, we know that there should be an authorization. We know that that should take place.

But let us not hold up progress because it has not taken place. I would hope that the Edgar amendment is defeated and that this committee can go ahead with the legislation and that it is adopted by the House and we can go ahead and take care of some of the needs of our citizens in this country.

I would also like to say that flood control is very important, there is no doubt about it. Many of us have waited and waited and waited and waited. I have had three predecessors to come here requesting this legislation and it has not been granted.

I am hoping that in 1983 the Congress will see fit to develop the Little Calumet River and take care of some of the other vital projects in this country which are so much needed.

Mr. MARLENEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it seems to me in this country we get tied up in semantics and organizations and evaluation after evaluation, study after study, cost after cost, delay after delay. Keep it up and the cost escalation kills the incentive, kills the benefits for any project, or at least greatly diminishes them.

I have heard them decry these water projects that are an investment in America's future. I get tired of seeing our money squandered in a lot of areas, sometimes in foreign countries and sometimes on foreign aid, in other areas, some social programs with waste, fraud, and abuse.

But the money invested in these water projects is an investment in the future of the United States of America and I feel very strongly about that.

Let me outline to you what some of these costs do as compared to some other areas. Right north of my ranch they have built, they are developing a coalfield. Right north, within 5 miles of my headquarters, where I live, that is home, they are developing a coal field.

They started that stripping, coal stripping. They started the mine. Within 1 year after the project was announced they were stripping coal, they were building the plant, and they built a dam. Within 1½ years they were producing power after building a plant, stripping the coal, and building the dam.

Had that been this country it would have been 7 years before this would have come down. But I do hasten to add that this project was in Canada and not in the United States of America.

It is my understanding that none of these funds will be spent until the authorization is in place and from what I can read in the bill that is the case.

If you will just pick up the bill, on page 3 you can read it for yourself. It is there.

I yield back the balance of my time.

Mr. SHELBY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all I want to commend the chairman of the subcommittee, my colleague from Alabama, TOM BEVILL, for the work he has done here. I would like to associate myself with the remarks of the chairman of the full Appropriations Committee, the gentleman from Mississippi, Chairman WHITTEN. I like what he said.

We have been talking about infrastructure around here since I have been in Congress. This is my third term and fifth year. We are talking about infrastructure.

What does that mean? I think it means more than just roads. It ought to mean waterways. It does mean waterways, highways, and other things.

I want to address just for 1 minute what I am interested in here particularly. I am interested in the whole bill because I have a lot of confidence in the Appropriations Committee. I believe the items in this bill will be authorized and if it is not authorized it will not go anywhere. I do not believe it is just the foot in the door.

In Tuscaloosa, Ala., my hometown, we have the Oliver lock and dam. I hope the gentleman from Pennsylvania has inspected that. I do not know if he has but he is at least familiar with it. I know he is familiar and has done a lot of work on a lot of water projects.

That is the oldest dam on the Warrior River, which feeds into the Tennessee-Tombigbee.

It is antiquated. They are having to break barges apart to go through it now.

We in Alabama, in my hometown, my home county of Tuscaloosa, the Birmingham area, the Warrior area, Walker County area, and north of there, we are using a lot of water transportation for coal and everything else. We are not going to be able to do it if we do not have modern facilities.

Other people talked about the problem on the Ohio River and I am sure they have it because I am familiar with that to some degree from what I have read and who I have talked to.

On the other hand, in Alabama we have a similar problem. This is not an environmental problem. This is not something we are going to do new. It is something we are trying to replace or renovate and I think it has merit.

I commend this project and all of the projects in this bill to the House of Representatives and I hope you will join me in opposing the amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

First, I would like to commend the distinguished chairman of the Appropriations Subcommittee that is offering this legislation. I think it is an important piece of legislation because it addresses important needs.

Mr. Chairman, I represent the First Congressional District of West Virginia. We are the heart of the north central West Virginia bituminous coalfields. We have heavy industry. We rely on steel, chemicals, and major manufacturing.

One of the crucial elements in the success of our economy is a good transportation system and crucial to that is a good river system.

Mr. Chairman, we are fortunate to have the Ohio River as our western border and we are fortunate to have the Monongahela River come out of our coalfields and feed into the Ohio River. But in order to take advantage of that natural transportation advantage, we need good river transportation control systems.

Right now we are facing a major deterioration of those systems. Locks 7 and 8 that are a part of the proposal in this legislation were built in 1925. The Gallipolis lock on the Ohio River down south of my district was built in 1937. They are aging. They are deteriorating. They are in need.

The question is not do we need this legislation or do we need these major improvements to these locks and to these dams. The question is when are we going to do it.

I suggest to you that this legislation addresses timing, not the question of need.

□ 1300

We have major bottlenecks, we have difficulty getting coal out of the northern West Virginia bituminous coalfields because locks 7 and 8 on the Monongahela River cannot handle the large barges. When we come out of West Virginia with coal we have to down-size those barges to even get them through locks 7 and 8 and that is a major bottleneck.

We had major accidents at Gallipolis, the greatest number of accidents have occurred at Gallipolis.

There is no question of the need.

Mr. Chairman, I rise in strong opposition to the amendment.

I commend the committee and I commend the distinguished chairman, TOM BEVILL from Alabama, for his initiative and leadership on this major legislation because it will accelerate projects of undisputed need.

I rise in strong opposition to this amendment and I yield back the balance of my time.

Mr. MYERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think we have probably spent enough time on this amendment, and we have made no attempt whatsoever to cut time off, making sure everyone had the opportunity to express their views here. We have heard a great many expressions here.

Our colleague from Pennsylvania, I do not for a moment question his motives or his sincerity. He certainly is sincere. Through the years he has offered a great many amendments similar to this. But I must say I am somewhat confused by those proponents of his amendment today. Some give the reason about lack of authorization for these 20 projects. Others object on the fact that it is going to cost a lot of money. Others object for various reasons.

So I am not at all sure as to just why. I am as concerned as anyone in this Chamber about the increase in the national debt this year, $200 billion. I will rest my credentials on doing something about reducing that $200 billion with any Member here.

However, that does not mean you stop everything and do not do things that need to be done. You repair the fence before you let all the cows out, back on the farm.

I used to be in the theater business. I remember that we did well back in the theater business until television came along. Then we had to make massive expensive changes. We had to put new projectors in, we had to put a new sound system in. We had to widen our screens because we had to go to wide angle. That cost a lot of money.

Now we could have sat back and said, "Well, we cannot afford it. The revenue is not coming in the gate." But we made an investment.

Industry after industry in this country complains to us constantly that they cannot be competitive with the rest of the world because they do not have the capital to modernize.

Much of what is in this bill, the 20 projects that the gentleman from Pennsylvania would strike, are modernization to make jobs for this country, not jobs in building but so that we can be competitive with the rest of the world. Coal has been an example.

Last Monday, I spoke at Purdue University, at a seminar on energy, attended by industrialists, business people, government at State, national, and local levels, and academia.

Continuously through this group of people who were talking about energy, water was injected, that is, the need for water in the future.

A number of statements were made here today about the importance of water.

So I say that, yes, we need to spend money so our country can get more tax revenue coming in, get people working again. As for the fast track, why not all of them? Time after time, we have had individuals, members coming here and saying that their project, that affected their district, was in it. The author of this amendment stood up and said—and I am sure he is sincere and he is honest—he said, "I support yours, but let's wait." And that is what this amendment says. "Oh, yes, they are all OK, I do not think any of them is faulty or we would not have put them in, but let's just wait a little bit longer."

Now, why the bill today? As witness after witness said today, nothing will be started as far as construction until authorization is signed into law. However, those of us who know something about how long it takes to start these much-needed projects know that there is a lot of engineering that must be completed between now and the time you start construction: the final design work and, in some cases, environmental impact statements have to be finalized. This is why it is necessary today to have this bill.

Subsequently, of course, we are going to have the authorization.

There are going to be people today who will vote against this for a variety of reasons: Authorization, some who object, conscientiously, with regard to funding; others will say they always vote against water projects.

I am not going to question anyone's reason for voting no, but I want to suggest to you that, first, the authorization question has been taken care of. Second, there is a provision that the funds will come with the new cost-sharing formula that will be in the authorization bill.

When a new formula is developed in the authorizing bill by Congress and the President working together, that shall prevail.

But I am sure there is not anyone here today who suggests that we want to start with 200 new projects in this bill. I would not vote for it. I do not think there would be half a dozen people here vote for it. Those who suggest that know this is true also.

Mr. Chairman, for those who say that we should wait just a little bit longer, I have told this story many times. It keeps coming back to me.

When I was a little boy, more years ago than I care to remember, back in a rural town in Indiana, we had one little firetruck.

(By unanimous consent, Mr. MYERS was allowed to proceed for 2 additional minutes.)

Mr. MYERS. It was a Model A Ford. It got to the fires, put out a lot of fires. They had a good fire department.

Out at the edge of town, a house caught on fire; not one of the fancier houses in town but it was important to the people who lived there. Their house caught on fire.

The firetruck rushed out, they responded to the call. But when they got to the street, they realized that it was on the other side of the street, outside the jurisdictional boundaries of the city and their department.

They were in a dilemma. What did they do? They waited and could not decide. Without jurisdiction, they had no authority to go over there. The house burned to the ground.

A few weeks later, the burned property was annexed. They could have gone out then.

Now this is what we are talking about today. Are we going to put the fire out? I am parochial, I will admit it. I am parochial on America. I want to do these things the country has to have, be it flood control, improvement of our ports so we can be competitive with the rest of the world in exporting our coal and grain, which is so badly needed to be exported.

Yes, I am parochial, but I am provincial because there is nothing in here for me. Nevertheless, I am still a strong supporter of what this country needs. If you really are concerned about building America, you will vote "no" on this amendment. If you are concerned about the other issues that I believe are not important, we have taken care of all of them. We have worked in conjunction with the authorizing committee, with the chairman of the committee that the gentleman from Pennsylvania (Mr. EDGAR) serves on, with Mr. ROE, the subcommittee chairman on Public Works, and they are both in agreement with everything we have on this bill. We ask you for our country's sake, for the

future of our country, vote "no" on this amendment.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we have been on this amendment for several hours. I am going to make this very brief. I am hoping that we can move right on to a vote. I think we have covered every possible issue in this bill.

I think the statement of the gentleman from Virginia pointed out more than any other what the effect of the amendment would be on the Norfolk Harbor project. This amendment would delay for all practical purposes the construction of these 20 projects, which are very necessary, very needed projects, projects that have met all the environmental tests, that have met the benefit-cost ratio criteria, that have been checked by your committee, that were approved by the Rules Committee of the House which said there ought to be a waiver, projects that are here before you for a vote simply because we did follow the rules of the House.

□ 1310

We followed every rule. We have not violated one single rule of this House.

I have one of the hardest working subcommittees in this Congress and they do a good job and they do not put pork barrel projects in a bill. You have not heard one person get up here and attack one single project that is in this bill, not one.

They say, "Oh, it is pork barrel." It is this, it is that. "We ought to follow the procedure." "Wait until we get the authorization." Members who actually voted for the authorization and the projects and they are going to vote again.

There will be another vote on this after you defeat this amendment and after you pass this appropriation bill, then you are going to have another vote to stop any project you want that is in this bill—any of these 20 projects that are in this amendment. You are going to have a vote and if you find out—and we hope you do—that one of these projects does not come up to par, my subcommittee and I will be delighted if you would just oppose it when it comes up in the authorization bill. You are going to have the opportunity, because no construction is going to start on any of these 20 projects that the gentleman's amendment is attacking, no construction is going to start until the President signs the authorization bill and until you have decided what you want in the way of local cost sharing.

This bill provides that nothing is going to be done as far as local participation is concerned until the authorization committee makes that determination.

There is no appropriations subcommittee in this House that makes more effort to work closely with the authorizing committee and to stay out of their jurisdiction. We are delighted that they passed a good bill. We are delighted that they have addressed the issues of water policy and local cost sharing.

So let us not delay these critical projects. You saw the picture of those hundreds of ships out there waiting to load coal in the Norfolk Harbor—you remember seeing that on the front page of the Washington Post, back last winter.

You are going to be seeing this some more. Should we delay the project another year? That is what the gentleman from Pennsylvania said with his amendment—he wants to delay it, he wants to wait. And you know what happens if you delay a project 1 year—you may delay it forever. And you know also that it is going to cost more.

Now this Nation has the highest unemployment that it has had since the Great Depression; there is no question, nobody questions that. This is one of the most important votes that you are going to cast this year because you are voting on investing in the development of this Nation.

We are blessed in this country. We have 25,000 miles of inland waterways. People from countries from all over the world come over here to see our water projects. We need to rehabilitate them, we need to maintain them, we have got to deepen them. Those ships that require 55 feet cannot come into the Norfolk Harbor. Let us just take that one project that he wants to delay 1 year. Let us just talk about that harbor just a minute.

Less than $500 million is what it will cost over a period of years to deepen that harbor and think of the millions and millions of dollars it costs as a result of those ships sitting out there.

Now this is your development bill of the year. You and I supported jobs bills this year and it has worked, it has helped. We are talking about investing money in the development of the United States. And if we do not get these harbors dredged, we are not going to be competitive.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. BEVILL) has expired.

(By unanimous consent, Mr. BEVILL was allowed to proceed for 2 additional minutes.)

Mr. BEVILL. If you do not dredge those harbors—we are not just talking about the gulf, we are not just talking about the east coast, we are talking about San Francisco, we are talking about Sacramento Harbor, we are talking about harbors all over this country. And there is not a more important project in these 20 than the Gallipolis project, not one more important.

Members of my subcommittee, go see these projects. We listened to 2,000 people who come before us in hearings every year. There are no boondoggles in this bill. There is nothing in this bill that this committee has to apologize for. I think when you stop and think that nobody has attacked one single project, I think that tells you something.

I urge my colleagues to vote against this amendment and pass this bill.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to respond to three things that the chairman said. One, he said that this procedure did not violate any rules of the House. And that is technically correct, because the chairman went to the Rules Committee and obtained a rule waiving points of order against these unauthorized projects.

Mr. Chairman, about 2 weeks ago we brought to the floor the State-Justice and Commerce Appropriations bill. That bill was much bigger than this one, and much more important to this country. But we did not go to the Rules Committee asking for favoritism, and seeing that points of order against unauthorized programs should be waived on the bill. We brought it out under the House rules, and the gentleman from Pennsylvania and others had a field day and knocked out about half of that measure. And this bill should have been given the same treatment.

Second, the gentleman claims that this is a jobs bill. That is a joke. There would not be one person going to work on an unauthorized project because of this bill in 1983, and probably not in 1984. The environmental impact statements, the planning and engineering, and the design work are far from complete. Nine of these twenty projects require additional design work. In addition, experience with these types of public works projects clearly shows that this is the least effective way of putting people to work. These projects are capital intensive, and take years to get going.

And third, we are not delaying these projects. We are only saying let the authorization bill come out here in a few months. Bring these projects to the floor of the House, authorize them, and then we will consider each and every one of those projects in the Appropriations Committee. But let us treat all of these projects equally, without favoritism for these lucky twenty.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for his statement. I would just like to point out the chairman of the subcommittee said that this was a ridiculous amendment and that is pretty strong language for simply asking to abide by the process of the House.

The House Public Works Committee has completed action on the legislation. If we would have spent as much time, as we spent this morning in opposition to this particular bill, working with the Rules Committee and the leadership to get the authorizing bill before the House floor, we would have done a far better service for the House of Representatives.

I regret the fact that we had to take the time of the House to offer this kind of an amendment simply because we are rushing to judgment on these 20 projects.

I thank the gentleman for his calling attention to the fact that this is not a ridiculous amendment. It is a process question that we have to raise.

And the bottom line is whether or not this Nation will have a national water policy based on merit, whether we will address the needs of the Nation in all of the aspects of the water policy, and that is really the bottom line of what I am interested in.

Mr. CONTE. I thank the gentleman.

I think that this has been a good debate, and I am glad that we have had an opportunity to debate these issues.

Mr. RALPH M. HALL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in support of H.R. 3958, and in opposition to the amendment to delay the water resource development appropriation bill, and commend the members of the Subcommittee on Energy and Water Development for their untiring efforts to meet the present and future water needs of this country. The future has now become the present with many of the projects in this appropriations bill have been authorized by the Congress years ago.

Of special interest to Texans and Oklahomans is the Red River chloride control project. My predecessor, Speaker Sam Rayburn began this project over 20 years ago, and my goal is to complete his dream of having potable water in Lake Texoma. Ten areas were designated for work and this bill would initiate construction of two of the areas not yet completed. The first area was finished in 1964. The areas we fund today have been authorized since 1966—think of the savings in dollars if the money had been appropriated and construction begun at the prices of materials and labor 20 years ago.

Texas and Oklahoma have lived up to the mandate of the authorization that the States clean up the manmade sources of pollution. In Texas alone we have spent $52,000,000 in 1983 dollars, and the State of Oklahoma spends about $5 million annually. The States have patiently waited for the Federal Government to live up to its obligation to build this project. The approval of construction in these two areas will make that obligation a reality.

I applaud our colleagues on this committee, and especially WES WATKINS. I vote in support of their recommendations.

● Mr. GAYDOS. Mr. Chairman, if industrial America has one strong weapon in the cutthroat world economy, it is the river system. Raw materials, finished goods, and agricultural commodities move on the river system in great bulk and with great cost efficiency.

But Mr. EDGAR's perennial amendment would hamstring the system and one of the Nation's prime industrial cities, Pittsburgh.

Although landlocked, Pittsburgh is the Nation's sixth largest port; and Pittsburgh and western Pennsylvania draw their life's blood through the rivers.

The Waterways Association of Pittsburgh estimates we have 1.4 million jobs tied to the rivers.

Of these, 500,000 are industrial jobs and 850,000 are support jobs.

Of these, 75,000 are tied directly to the river banks and 12,000 are engaged directly in river transport.

Ancient Gallipolis on the Ohio, crumbling Locks and Dams 7 and 8 on the Monongahela, are dangerous, delay-causing and costly bottlenecks on the system.

The amendment would keep them that way. Defeat of the amendment would put us on the road to having an efficient system that does not promise to collapse and wound whole regions of the country.

Both 60 years old, Locks and Dams 7 and 8 are officially characterized as in "advanced deterioration" and yet 2.3 million persons in the Pittsburgh area and thousands more upstream depend on them in critical ways.

If the pool is lost at either, and that is a very real probability, water supply for daily living and for industry is lost. Emergency repairs are routine on these ancient structures.

In addition, much of the coal that generates electric power in the region moves on the Mon and there is more waiting to be taken out for sale to the world.

This is low sulphur coal. It is coal that is high in Btu's. It is the kind of coal avidly sought at home and by the world in general. There is a 75-to-100 year supply waiting to be put into the world's commerce.

But it will not move if there is no river to move it.

It will stay in the ground and a competitive advantage will be lost. A major city and scores of thriving communities will be made vulnerable to the inevitable decay of what once was an asset.

The amendment would practice false, harmful economy if false economy was ever put before this body.

Mr. Chairman, I urge the defeat of the amendment.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. EDGAR).

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. EDGAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 133, noes 271, answered "present" 1, not voting 28, as follows:

[Roll No. 384]

AYES—133

Ackerman	Goodling	Ottinger
Anderson	Gradison	Oxley
Aspin	Gramm	Paul
Barnes	Green	Petri
Bartlett	Gregg	Porter
Bates	Gunderson	Pritchard
Bedell	Harkin	Ratchford
Beilenson	Hertel	Ray
Bilirakis	Hiler	Richardson
Boehlert	Hyde	Ridge
Bonior	Ireland	Ritter
Broomfield	Jacobs	Roth
Broyhill	Jeffords	Roukema
Bryant	Johnson	Sawyer
Burton (IN)	Kastenmeier	Schneider
Carper	Kennelly	Schulze
Coats	Kildee	Schumer
Conable	LaFalce	Seiberling
Conte	Lantos	Sensenbrenner
Coughlin	Leach	Shannon
Courter	Lent	Sharp
Crane, Daniel	Levin	Shumway
Crane, Philip	Lewis (FL)	Sikorski
Daniel	Lundine	Slattery
Dannemeyer	Lungren	Snowe
Derrick	Mack	Spratt
DeWine	MacKay	Stark
Donnelly	Markey	Studds
Downey	Martin (NC)	Synar
Dreier	Mavroules	Tauke
Early	McCandless	Thomas (GA)
Edgar	McCollum	Vander Jagt
English	McDade	Vento
Erlenborn	McHugh	Walker
Evans (IA)	McKernan	Waxman
Evans (IL)	McKinney	Weaver
Fish	Michel	Weber
Florio	Minish	Weiss
Forsythe	Molinari	Williams (MT)
Fowler	Moody	Wolpe
Frank	Moorhead	Wortley
Frenzel	Morrison (CT)	Yatron
Gejdenson	Nielson	Zschau
Gingrich	Obey	
Glickman	Olin	

NOES—271

Addabbo	Berman	Brown (CA)
Akaka	Bethune	Brown (CO)
Albosta	Bevill	Byron
Alexander	Biaggi	Campbell
Andrews (NC)	Bliley	Carney
Andrews (TX)	Boggs	Carr
Annunzio	Boland	Chandler
Anthony	Boner	Chappell
Applegate	Bonker	Chappie
Archer	Borski	Cheney
AuCoin	Bosco	Clarke
Barnard	Boucher	Clay
Bateman	Boxer	Clinger
Bennett	Breaux	Coleman (MO)
Bereuter	Britt	Coleman (TX)

Collins	Jones (NC)	Rahall
Conyers	Jones (OK)	Rangel
Cooper	Jones (TN)	Regula
Coyne	Kaptur	Reid
Craig	Kasich	Rinaldo
Crockett	Kazen	Roberts
D'Amours	Kemp	Robinson
Daschle	Kindness	Rodino
Daub	Kogovsek	Roe
Davis	Kolter	Roemer
Dellums	Kostmayer	Rogers
Dickinson	Kramer	Rostenkowski
Dicks	Lagomarsino	Rowland
Dingell	Latta	Roybal
Dixon	Leath	Rudd
Dorgan	Lehman (CA)	Sabo
Dowdy	Lehman (FL)	Savage
Duncan	Leland	Schaefer
Durbin	Levine	Scheuer
Dwyer	Lewis (CA)	Schroeder
Dymally	Lipinski	Shaw
Dyson	Livingston	Shelby
Eckart	Lloyd	Shuster
Edwards (AL)	Loeffler	Siljander
Edwards (OK)	Long (LA)	Sisisky
Emerson	Long (MD)	Skeen
Erdreich	Lott	Skelton
Fazio	Lowery (CA)	Smith (FL)
Feighan	Lowry (WA)	Smith (IA)
Ferraro	Lujan	Smith (NE)
Fiedler	Luken	Smith (NJ)
Fields	Madigan	Smith, Denny
Flippo	Marlenee	Smith, Robert
Foglietta	Marriott	Snyder
Foley	Martinez	Solarz
Ford (MI)	Matsui	Spence
Franklin	Mazzoli	Staggers
Frost	McCain	Stangeland
Fuqua	McCloskey	Stenholm
Garcia	McCurdy	Stokes
Gaydos	McEwen	Stratton
Gekas	Mica	Stump
Gephardt	Mikulski	Sundquist
Gibbons	Miller (CA)	Swift
Gilman	Miller (OH)	Tallon
Gonzalez	Mineta	Tauzin
Gore	Moakley	Taylor
Gray	Mollohan	Thomas (CA)
Guarini	Montgomery	Torres
Hall (IN)	Moore	Towns
Hall, Ralph	Morrison (WA)	Traxler
Hall, Sam	Mrazek	Udall
Hamilton	Murphy	Valentine
Hammerschmidt	Murtha	Vandergriff
Hance	Myers	Volkmer
Hansen (ID)	Natcher	Vucanovich
Hansen (UT)	Neal	Walgren
Harrison	Nelson	Watkins
Hartnett	Nichols	Wheat
Hatcher	Nowak	Whitehurst
Hawkins	Oakar	Whitley
Hayes	Oberstar	Whittaker
Hefner	Ortiz	Whitten
Hightower	Owens	Wilson
Hillis	Panetta	Winn
Holt	Parris	Wirth
Hopkins	Pashayan	Wise
Horton	Patman	Wolf
Howard	Patterson	Wright
Hoyer	Pease	Wyden
Hubbard	Penny	Yates
Huckaby	Perkins	Young (AK)
Hughes	Pickle	Young (FL)
Hunter	Price	Young (MO)
Hutto	Pursell	
Jenkins	Quillen	

ANSWERED "PRESENT"—1

Packard

NOT VOTING—28

Badham	Heftel	Russo
Brooks	Levitas	Simon
Burton (CA)	Martin (IL)	Solomon
Coelho	Martin (NY)	St Germain
Corcoran	McGrath	Torricelli
de la Garza	McNulty	Williams (OH)
Edwards (CA)	Mitchell	Wylie
Fascell	O'Brien	Zablocki
Ford (TN)	Pepper	
Hall (OH)	Rose	

□ 1330

Mrs. BYRON, and Messrs. LOWRY of Washington, YATES, and MRAZEK changed their votes from "aye" to "no."

Mr. GRAMM and Mr. MOODY changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find myself in the extraordinary position of having no voice.

□ 1340

Mr. Chairman, I rise to bring to the attention of the distinguished chairman of the subcommittee the critical needs of the Port of Oakland, a major western export port.

In 1982, the Port of Oakland handled more than 10 million tons of cargo. The outer harbor waterway leading to the port now needs significant improvements to accommodate the navigation requirements of modern ships. Army Corps of Engineers studies have determined that the benefit-cost ratio of this project is an outstanding 7 to 1. A viable and smooth running Port of Oakland has an economic impact of more than one billion dollars annually. While not funded in this year's bill, it is my hope that renovation of the Port of Oakland will benefit from the committee's full consideration in the next fiscal year.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the distinguished chairman of the subcommittee.

Mr. BEVILL. Mr. Chairman, I would like to thank my friend and colleague, the gentleman from California, for yielding to me.

The gentleman has made me aware of this problem. I am familiar with the problem of the Port of Oakland, and I assure the gentleman we will give full consideration to his concerns next year.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman very much, and I yield back the balance of my time.

● Mr. KRAMER. Mr. Chairman, as we prepare to act on the first major new water project construction appropriation in at least 4 years, let me share with you the urgency I and many of my western colleagues feel in seeing that funding for the much-needed western water resources development projects is started again. In Colorado, the Animas La Plata and the Narrows unit are both authorized water projects Colorado communities have been waiting years to see started.

These projects are necessary to provide reliable drinking water supplies for farmers, towns, Indian reservations, and irrigation water in semiarid regions of Colorado and New Mexico.

As you know Mr. Chairman, water is the life blood of the West. We need water for crops, water for grazing, water for mining and water to sustain a population. While Colorado has the distinction of being a State where high in the Continental Divide the headwaters of six major rivers are born, it is also the only State in the Union where water only flows out. In a State where the average precipitation is 16.5 inches per year, mostly from snowfall, water retention is vitally important. Along with the fact that Colorado receives on the average of 16.5 inches of precipitation per year, evaporation which is the world's greatest user of water presents its own special problems to a State like Colorado in that both temperature and altitude affect the rate of evaporation. It is estimated that Colorado water loss due to evaporation may be as high as 75 percent.

In a State where future development of agriculture, industry, rural life and continued municipal growth all depend upon the availability of a stable water supply, it becomes apparent that these projects are vital. More so because the use and development of all of Colorado's major river systems is controlled by interstate compacts. Of the nearly 16 million acre-feet of water generated by Colorado watersheds annually, approximately one-half is allocated for use by other States. Of the water which is allocated as Colorado's share, approximately 90 percent of that is used for agriculture.

Therefore, you can see why the Animas la Plata, which was authorized in 1968, and the Narrows unit, originally authorized in 1946, is very important to the continued growth and prosperity of Colorado. These water projects would provide Colorado with precious water for irrigation, recreation, water for farmers who are no strangers to chronic water shortages, water for towns, and Indian tribes. It would also enhance wildlife habitats and fisheries, and provide the much needed and heretofore lacking flood control project Colorado urgently needs.●

● Mr. WALGREN. Mr. Chairman, it is most important that the Congress act on H.R. 3958, the water resources appropriations bill, to begin the rejuvenation of many waterway facilities across the country, including several affecting my home area of Pittsburgh.

Our waterways and ports are an essential aspect of our transportation network. Our rivers and canals have proven to be one of the cleanest, most efficient, and most economical modes of transportation available. Historically, our waterways have been essential to the birth and development of cities and industries.

Water projects have also played an important role in both protecting and improving our quality of life. Reservoirs have substantially improved our standard of living by providing for the generation of hydroelectrical energy, by creating flood protection for low-lying areas, by providing recreational opportunities, and by supplying our communities, industries, and farms with an abundant supply of clean water.

Pittsburgh is the No. 1 inland port in the country, handling nearly 41 million tons of freight annually. In addition, the entire region surrounding Pittsburgh, including sections of West Virginia and Ohio, handles over 70 million tons of freight annually. The tremendous amount of traffic on the Ohio, Monongahela, and Allegheny Rivers has over loaded outdated lock and dam systems.

Three lock and dam systems included in this bill are particularly in need of repair: the Gallipolis lock and dam, the Gray's Landing lock and dam (No. 7), and the Point Marion lock and dam (No. 8).

The Gallipolis lock and dam is on the Ohio River in West Virginia and Ohio, roughly halfway between Pittsburgh and the Mississippi River. This lock and dam faces two major problems: First, it is located in a river bend making navigation extremely hazardous. There is an average of 10 accidents per year at Gallipolis, sometimes resulting in a complete loss of pool, meaning a serious disruption in traffic and a break in water supply to the public and to industry. The second problem is the rapid deterioration of these locks and their inadequate size. The Gallipolis lock and dam was completed in 1937, to meet the needs of the 1930's. The average tow at that time was between 6 to 10 barges. Today the locks are too small to accommodate the current tows which average between 15 to 20 barges. This creates expensive delays which result in higher prices for products.

The Upper Ohio River Basin is the center of much of the country's steel, coal, and chemical production for which river transporation is essential. This area produced 17.5 percent of the Nation's raw steel in 1980 and employed 108,000 people, contributing $3.24 billion in direct steel incomes. The coal industry employed 31,450 coal miners and transported over 23 million tons of coal through this river system in 1979. In that same year, the coal industry generated $551.1 million in payroll. Projections estimate that by 1990 that payroll will increase to $835.5 million. The chemical industry is also affected by inefficiencies in the system. Nearly 20 percent of the traffic through Gallipolis originates from the chemical companies in Texas and Louisiana. These chemicals are shipped to the Upper Ohio River Basin where they are processed then reshipped throughout the world. The Gallipolis lock and dam is certainly one of the most important and overburdened locks in the country. The plan to build two new locks to replace the old lock would generate a benefit-to-cost ratio of 12.9 to 1.

Lock and dam No. 7 and No. 8 on the Monongahela River were built in 1925 and are to small to handle modern traffic. These locks which measure 56 feet by 360 feet are much smaller than the Morgantown lock and dam 84 feet by 600 feet which lies upstream and the Maxwell lock and dam, 84 feet by 720 feet, which lies downstream creating a bottleneck on the Monongahela River and increasing shipping costs.

The age of these structures presents a problem of increasingly high repair costs. Direct repair costs, traffic delays and downtime are making these locks expensive to use. It is estimated that 99 percent of the traffic on the Monongahela River is coal that is used in steel and electricity production. This relates directly to jobs in the steel and coal industries. Twelve thousand other jobs are directly tied to the transportation of raw material and finished products on this river. Lock and dam No. 7 and No. 8 are clearly inadequate for future commerce. Projections estimate that by 1990, 14 million tons of freight will be shipped through these locks. Recent studies have concluded that if these locks were modernized they would save $750,000 annually in operation and maintenance expenditures for the next 50 years. In addition the plan to replace these locks would create a benefit-to-cost ratio of 5.5 to 1. The moneys used to replace the Gallipolis, Gray's Landing, and Point Marion lock and dam systems would be money well invested. Studies have shown that if major action is not taken to rehabilitate or replace these structures they will only be able to serve a declining amount of traffic after 1990 and could be permanently closed by the year 2000.

These locks and dams are extremely important to the local economies of Pennsylvania, West Virginia, and Ohio. Millions of jobs and billions of dollars in revenue are directly affected by the availability and dependability of transportation on the Ohio, Allegheny, and Monongahela Rivers. This, however, is not a local issue. As the No. 1 inland port and center of America's industrial heartland Pittsburgh has a tremendous effect on the Nation's economy. Certainly the current problem in the coal and steel industries have sent shock waves through our economy. We cannot afford to cripple these industries any further. If these locks and dams are not replaced, we run the risk of damaging these industries permanently. In addition, a total of 19 States depend on these outmoded facilities to transport their raw materials and finished products.

Congress must support cost-effective improvements to these structures in order to save river transportation and help local and the national economies. The money invested in water projects would help other areas of the economy. The steel industry and electric utilities could be significantly stimulated by more efficient transportation. I believe that now is the most important time to start the funding and rebuilding of this country's water transportation system. We cannot afford to let these assets and our economy deteriorate any further.●

● Mr. KOGOVSEK. Mr. Chairman, I rise in support of H.R. 3958, the water resource development appropriation bill. This legislation is a commendable effort by the Subcommittee on Energy and Water Development Appropriations, for which the chairman is to be praised. I think my colleagues will agree that we have delayed, for too long, the construction of the projects included in this bill. We must send the people of this country a loud and clear message that we will not delay any longer. We must assure our constituents that this body of Congress is enthusiastic about investing in our country's future by initiating a strong construction program once again, in the area of water resource development.

The State of Colorado has two projects included in this legislation, one of which is located in my congressional district and has my strong endorsement—the Animas-La Plata project. Yesterday, reference was made regarding this project as being a "boon-doggle." Mr. Speaker, nothing could be farther from the truth. The Animas-La Plata project is a top priority for the States of Colorado and New Mexico, as well as the Nation. I can assure my colleagues that this project will provide a great return on the investment we are making today. In order to set the record straight about this most important project, I am including for the RECORD, a fact sheet which outlines the benefits and features of the Animas-La Plata project.

The information follows:

ANIMAS-LA PLATA PROJECT

INDIAN WATER CLIAMS

Without the project, Tribal water claims would have a severe impact on agricultural, municipal and industrial water users in Colorado and New Mexico.

In the Mancos and La Plata River drainages, all non-Indian irrigation could be eliminated if the project is not constructed.

The primary sources of Durango, Colorado's municipal water (Florida and Animas Rivers) would be significantly impacted from Tribal water claims.

AGRICULTURE

Agricultural production in the project area is primarily livestock, alfalfa and pinto beans.

The agricultural component of the project is vitally important to our international balance of trade, as well as to the improvement of local and State economies.

ENVIRONMENTAL IMPACT

The environment will be enhanced by the project in two ways:

(1) The development of wildlife habitat is included as part of the project's mitigation program.

(2) A minimum stream flow requirement will be maintained to protect and enhance fish habitat.

RECREATION

The multi-purpose project would greatly enlarge recreation opportunities for reservoir boating, fishing, hiking, camping and picnicking.

Tourism in the area of Mesa Verde National Park, the San Juan National Forest and other significant points of interest would be greatly enhanced by the additional recreational opportunities provided by the project.

REPAYMENT

Agricultural interests will provide a return to the federal government, based on their ability to pay.

Power revenues from the Colorado River Basin Fund will be used to make up the difference in agricultural payments to the federal government.

Municipal and Industrial water users will return to the federal government, the "full cost" of the water value, as well as operation and maintenance costs.

Project costs (January 1983 prices):	*Millions*
Estimated construction cost	$535
Estimated annual operation and maintenance cost	3.2
Project benefits:	
Estimated total average annual benefits	36.2
Total benefit cost ratio	1.6:1

PROJECT WATER SUPPLY

[In average annual acre-feet]

	Colorado	New Mexico	Total
Irrigation	103,100	15,100	118,200
Municipal and industrial	41,700	38,400	80,100
Total	144,800	53,500	198,300

INDIAN WATER SUPPLY

[In annual acre-feet]

	Ute Mountain Ute Tribe	Southern Ute Tribe	Navajo Tribe
Irrigation	26,800	3,300	
Municipal and industrial	6,000	26,500	7,600

RECREATION

Annual Recreation Days:	
Ridges Basin Reservoir	210,000
Southern Ute Reservoir	97,500

PROJECT AUTHORIZATION

The Animas-La Plata Project is a participating project under the Colorado River Storage Project Act of 1956 (P.L. 485) as a result of amendatory language in the Colorado River Basin Project Act of 1968 (P.L. 90-537). This Act also authorized the Central Arizona Project now under construction.●

The CHAIRMAN. The Clerk will read.

The Clerk completed the reading of the bill.

Mr. BEVILL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. PANETTA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3958) making appropriations for water resource development for the fiscal year ending September 30, 1984, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERSONAL EXPLANATION

(Mr. ROGERS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, on rollcall No. 380, I inadvertently voted "nay," when I meant to vote "yea."

I would like the permanent RECORD to show that I strongly support the conference report on H.R. 3363, that I commend the distinguished chairman and ranking minority member for their excellent leadership on this bill, and that I firmly believe this bill should be signed into law.

Mr. Speaker, I ask unanimous consent that this statement be inserted in the permanent RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3324, AUTHORIZATION FOR ELLENDER FELLOWSHIPS AND CERTAIN LAW-RELATED EDUCATION PROGRAMS

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up H.R. 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3324) to authorize appropriations for grants to the Close Up Foundation and for certain law-related education programs, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived, and all points of order against the bill for failure to comply with the provisions of clause 5(a), rule XXI, are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio (Mr. LATTA) and pending that, I yield myself such time as I may use.

Mr. Speaker, House Resolution 330 is a 1-hour open rule providing for the consideration of H.R. 3324, the authorization for Allen Ellender Fellowships and certain law-related education programs.

House Resolution 330 waives section 402(a) of the Congressional Budget Act which provides that it shall not be in order to consider any bill which authorizes the enactment of new budget authority for a fiscal year unless that bill has been reported on or before May 15 preceding the beginning of such fiscal year.

A waiver of section 402(a) is necessary because the bill increases the authorization ceiling for fiscal year 1984 to conform with the amount already appropriated in the continuing resolution for fiscal year 1984 and the bill was not reported by May 15. It should be noted that the Committee on Education and Labor did report on time on H.R. 2943 which contains the identical authorization. Unfortunately, H.R. 2943 failed to receive two-thirds of those voting when the bill was considered under suspension of the rules on June 7, 1983. The Budget Committee has indicated that in light of the technical nature of the waiver and the small amount of the authorization, it would not oppose a waiver of section 402(a).

Mr. Speaker, the resolution also waives clause 5(a) of rule XXI which prohibits appropriations in a legislative bill. In this instance the waiver is necessary because the bill would amend the Education Consolidation and Improvement Act to remove law-

related education from the chapter II block grant and place it in the Secretary's discretionary fund with the stipulation that at least $500,000 be set aside for that purpose.

This could be considered a reappropriation since it would make funds previously appropriated for one purpose available for other purposes. However, such waivers are routine and noncontroversial in the case of bills of this type. Indeed, it would be virtually impossible to make changes in grant programs or any multiyear funding program with a technical violation of clause 5(a) of rule XXI.

Mr. Speaker, under the provisions of this rule, any germane amendment would be in order. Upon conclusion of consideration of the bill, one motion to recommit could be offered.

Mr. Speaker, H.R. 3324 would authorize $1.5 million for the fellowship program operated by the Close Up Foundation for fiscal year 1984 through fiscal year 1985. The Ellender fellowship program enables students and teachers from low income communities to come to Washington and learn firsthand about the operations of the Federal Government by participating in Close Up.

The bill increases the authorization for the law school clinical experience program to $2 million for each fiscal year. This program provides grants to accredited law schools to establish or expand clinical training programs for law students.

The Close Up Foundation has received Federal funds since 1972 and currently serves 16,000 students annually. Mr. Speaker, it is hoped that these additional funds for Close Up will attract more private sector matching funds and will enable Close Up to expand into new communities.

This is a worthwhile program which I have enthusiastically supported over the years. Close Up has been very successful in promoting better understanding of the Federal Government among young people. The Washington Workshop Congressional Seminar Program has interested many of these youths in the political process and made them aware of their responsibilities as citizens in a democratic society.

Mr. Speaker, I urge adoption of House Resolution 330 so that the House will have an opportunity to consider this legislation.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

□ 1350

Mr. Speaker, I oppose this rule and the bill it makes in order.

First the rule includes one more waiver of the Budget Act requirement that authorization bills be reported by May 15. An occasional Budget Act waiver might not be a problem, Mr. Speaker, but we are waiving this reporting date requirement far too frequently.

In addition, Mr. Speaker, the rule waives the prohibition against appropriating on a legislative bill. The waiver is included because this bill establishes a new funding priority which could cause some previously appropriated funds to go to a new purpose. This constitutes an appropriation on a legislative bill.

Mr. Speaker, there are also problems with the bill made in order by this rule.

The administration opposes enactment of this bill, according to information provided by the Office of Management and Budget at the time of the Rules Committee meeting.

The President's budget did not request any funding for two of the programs included in this bill, the Ellender fellowship program and the law school clinical experience program. The administration policy statement points out that further activity under these programs would more properly be conducted without further Federal assistance.

The administration also opposes removing the law related education program from the State block grant authorized by chapter 2 of the Education Consolidation and Improvement Act and requiring the Secretary of Educatin to fund it at a level of at least $500,000 within his discretionary fund. This would be a slip backward from the objective of maximizing State and local discretion and flexibility in education programs.

Mr. Speaker, there was testimony in the Rules Committee, opposing this bill on the grounds that it would ratify the unraveling already underway of the education block grant.

For these reasons, Mr. Speaker, this rule, and the bill it makes in order should be defeated.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL SUPPLEMENTAL COMPENSATION ACT OF 1982 EXTENSION

Mr. PEASE. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 4101) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. FRENZEL. Reserving the right to object, Mr. Speaker, I yield to the gentleman to explain the nature of his request.

Mr. PEASE. Mr. Speaker, I thank the gentleman for yielding.

The Federal supplemental compensation program expired on September 30. This program provides additional weeks of unemployment benefits to jobless workers who have exhausted all other State and Federal benefits.

The House passed, on September 29, the bill, H.R. 3929, that would have extended the program for 45 days and substantially modified the benefits provided under the program. The Senate, on September 30, passed H.R. 3929 with amendments and requested a conference. The Senate's extension is for 18 months with a drastically reduced benefit package. The conference committee has not been able to resolve the differences between the House and Senate versions of the bill.

Mr. Speaker, the bill we are now considering would simply extend the program from September 30 through October 31. This is a simple extension of current law. The passage of the bill is vital if we are to avoid the disruption of this program and the delay in the payment of unemployment benefits. When we adjourn today, we will not be returning until the week of October 17. Failure to pass this temporary extension will result, at a minimum, in a 3-week delay in the payment of unemployment benefits.

In addition to the 30-day extension of the FSC program, this bill contains all of the items that have been agreed to by the conference. These items are unrelated to an FSC extension.

They include:

An increase in the permanent cap on title XX social service funds from $2.5 billion to $2.7 billion.

An extension of the authority to continue social security disability payments during an appeal from October 1 through December 7.

A provision to conform the Federal unemployment tax treatment of payments to the estate or survivor of a deceased individual with the social security tax treatment of such payments.

A 2-year extension of the exclusion from Federal unemployment tax of wages paid to certain alien farmworkers.

Provisions requiring Department of Labor studies on the use of substate triggers to target unemployment benefits; the identification of structurally unemployed workers; and the prevention of incorrect payments of unemployment benefits.

Two technical amendments relating to the repayment of Federal loans to

State unemployment trust funds and the payment of interest on such loans.

The extension of an expiring program that provides financial incentives to States for the voluntary placement of children in foster care facilities.

A 2-year delay in the social security tax coverage of salaries paid to Federal judges in senior status.

And an authorization of not more than $5 million for the Department of Education to assist in the development of the Mansfield Center for Public Affairs and the Maureen and Mike Mansfield Center at the University of Montana.

If we adjourn without extending the FSC program, we will be sending a cruel message to the jobless workers of this country. I urge my colleagues to support the passage of this bill.

Mr. FRENZEL. Further reserving the right to object, Mr. Speaker, I shall not object. I know that States will have to stop paying unemployment compensation claims that are otherwise valid.

We ought to modify the Federal supplemental compensation, but we should not let it expire merely because we cannot reach agreement in the conference committee on the details of the program.

This request will allow the conference committee another month to work out the details of a new FSC program. It should be passed.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio (Mr. PEASE)?

Mr. CAMPBELL. Mr. Speaker, reserving the right to object, I will not object to the unanimous-consent request of the gentleman, because the principal objective of this course of action is to provide a 30-day extension of the Federal supplemental compensation program, as he has so adequately explained; however, I think there are some major differences that are resting between this body and the other body in what we passed. I do not think we can reconcile those differences. We are too far apart, and yet we do not want to have this program expire.

Accordingly, the conference committee has been unable to resolve any of the difficult issues and has agreed only on those provisions that are considered relatively minor.

This measure that we have before us today will assure that eligible claimants will continue to receive their benefits for an additional 30 days while we try to reconcile those differences—and I certainly support that. I do not want to see anyone cut off of FSC because of differences in what we are trying to do.

The differences essentially are in the amounts of money, not in the extension of the benefits and not in taking care of the problems of the high unemployment States. The differences are whether we are going to spend a couple of billion dollars beyond anything that we had agreed to earlier, or whether we are going to go back and be realistic about deficits and this sort of thing. I happen to be one that wants to be realistic; but in addition to the 30-day extension of the current program, the legislation includes other incidental provisions which we did agree to.

As has been explained, these provisions include a 2-year extension of the exclusion of H-2 agricultural workers from the Federal Unemployment Tax Act, as well las the exclusion of payments of deferred compensation paid to survivors of deceased persons.

□ 1400

The Department of Labor will be directed to perform a 6-month study of the feasibility of substate area triggers and the feasibility of identifying structurally unemployed workers in this extension. The legislation also includes an increase in the title XX ceiling to $2.7 billion for fiscal year 1984 and following years. This will provide an additional $200 million this year and $100 million in 1984 and 1985 respectively for these programs, and these programs alone. The title XX money will not be targeted in this bill. Furthermore, no report language will deal with recommendations to the States. I think the Members should know that this provision is in the legislation.

Next, it extends until December 7 the time period in which a person may continue to receive social security disability payments during his appeal of a determination which seeks to deny benefits to the person. All of these provisions were part of H.R. 3929, though we did have some minor adjustments that have been agreed to in the conference committee.

The House conferees agreed to several provisions that were part of S. 1887. In the Senate bill, the ones that we agree to included directing the Department of Labor to study methods to prevent the payment of incorrect unemployment benefits. Next, it includes a 1-year extension of Federal participation in voluntary foster child placement programs. There is a 2-year delay in the application of social security coverage to the salaries of certain senior status judges.

Finally, the bill clarifies the treatment of the interest on certain cash management loans made to the State unemployment compensation agency. All of the provisions which our House conferees agreed to were not in controversy in the committee.

Mr. Speaker, I would have preferred for the conference committee to have concluded its action on H.R. 3929. However, the reality of the situation is that it could not reach agreement in a timely manner, and so, this somewhat unusual course of action is necessary.

We had the choice of either spending an enormous sum to reach agreement or going this route. I chose as others to go this route, and I think that we should honor the gentleman's unanimous-consent request, and I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

EXTENSION OF PROGRAM

SECTION 1. (a) Paragraph (2) of section 602(f) of the Federal Supplemental Compensation Act of 1982 is amended by striking out "September 30, 1983" and inserting in lieu thereof "October 31, 1983".

(b) Paragraph (2) of section 605 of such Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "November 1, 1983".

PAYMENT TO SURVIVORS OF DECEASED EMPLOYEES

SEC. 2. (a) Subsection (b) of section 3306 of the Internal Revenue Code of 1954 (defining wages) is amended by striking out "or" at the end of paragraph (13), by striking out the period at the end of paragraph (14) and inserting in lieu thereof "; or", and by inserting after paragraph (14) the following new paragraph:

"(15) any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died.",

(b) The amendments made by subsection (a) shall apply to remuneration paid after the date of the enactment of this Act.

TREATMENT OF CERTAIN AGRICULTURAL LABOR

SEC. 3. Subparagraph (B) of section 3306(c)(1) of the Internal Revenue Code of 1954 (relating to agricultural labor) is amended by striking out "January 1, 1984" and inserting in lieu thereof "January 1, 1986".

REPORT BY SECRETARY OF LABOR

SEC. 4. Not later than April 1, 1984, the Secretary of Labor shall submit a report to the Congress on—

(1) the feasibility of using area triggers in unemployment compensation programs, and

(2) the feasibility of determining whether individuals filing claims for unemployment compensation are structurally unemployed.

INCREASE IN TITLE XX FUNDING

SEC. 5. Section 2003 (c) of the Social Security Act is amended—

(1) by adding "and" at the end of paragraph (2); and

(2) by striking out paragraphs (3), (4), and (5), and inserting in lieu thereof the following:

"(3) $2,700,000,000 for the fiscal year 1984 and each succeeding fiscal year.".

EXTENSION OF PROVISION ALLOWING PAYMENT OF DISABILITY BENEFITS DURING APPEAL

SEC. 6. Section 223(g)(3)(B) of the Social Security Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "December 7, 1983".

DIRECT REPAYMENT OF GENERAL REVENUE ADVANCES

SEC. 7. (a) Section 1203 of the Social Security Act is amended by inserting after the first sentence the following: "Amounts appropriated as repayable advances shall be repaid, without interest, by transfers from the Federal unemployment account to the general fund of the Treasury, at such times as the amount in the Federal unemployment account is determined by the Secretary of the Treasury, in consultation with the Secretary of Labor, to be adequate for such purpose. Any amount transferred as a repayment under this section shall be credited against, and shall operate to reduce, any balance of advances repayable under this section.".

(b) Any amounts transferred from the Federal unemployment account to the employment security administration account as of September 30, 1983, shall be transferred back to the Federal unemployment account.

ARRANGEMENTS TO PREVENT PAYMENTS OF UNEMPLOYMENT COMPENSATION TO RETIREES AND PRISONERS

SEC. 8. (a) The Secretary of Labor, the Director of the Office of Personnel Management, and the Attorney General are directed to enter into arrangements to make available to the States, computer or other data regarding current and retired Federal employees and Federal prisoners so that States may review the eligibility of these individuals for unemployment compensation, and take action where appropriate.

(b) The Secretary of Labor shall report to the Congress, prior to January 31, 1984, on arrangements which have been entered into under subsection (a), and any arrangements which could be entered into with other appropriate State agencies, for the purpose of ensuring that unemployment compensation is not paid to retired individuals or prisoners in violation of law. The report shall include any recommendations for further legislation which might be necessary to aid in preventing such payments.

EXTENSION OF PROVISIONS RELATING TO DEPENDENT CHILDREN VOLUNTARILY PLACED IN FOSTER CARE

SEC. 9. (a) Section 102(a)(1) of the Adoption Assistance and Child Welfare Act of 1980 is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1984".

(b) Section 102(c) of such Act is amended by striking out "October 1, 1983" each place it appears and inserting in lieu thereof in each instance "October 1, 1984".

SOCIAL SECURITY COVERAGE OF RETIRED FEDERAL JUDGES ON ACTIVE DUTY

SEC. 10. Notwithstanding section 101(d) of the Social Security Amendments of 1983, the amendments made by section 101(c) of such Act shall apply only with respect to remuneration paid after December 31, 1985. Remuneration paid prior to January 1, 1986 under section 371(b) of title 28, United States Code, to an individual performing service under section 294 of such title, shall not be included in the term "wages" for purposes of section 209 of the Social Security Act or section 3121(a) of the Internal Revenue Code of 1954.

MAUREEN AND MIKE MANSFIELD FOUNDATION

SEC. 11. (a) The Secretary of Education is authorized to provide financial assistance in accordance with the provisions of this section to the Maureen and Mike Mansfield Foundation to assist in the development of the Mansfield Center for Pacific Affairs and the Maureen and Mike Mansfield Center at the University of Montana.

(b) No financial assistance provided under this section may be made except upon an application at such time, in such manner, and containing such information as the Secretary of Education may require.

(c) There are authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

CLARIFICATION WITH RESPECT TO REPAYMENT OF LOANS

SEC. 12. (a) Section 1202(b)(2) of the Social Security Act is amended—

(1) in the matter preceding subparagraph (A), by striking out "advance" and inserting in lieu thereof "advance or advances";

(2) in subparagraph (A), by striking out "advance is" and inserting in lieu thereof "advances are";

(3) in subparagraph (A), by striking out "advance was" and inserting in lieu thereof "advances were"; and

(4) in subparagraph (B), by striking out "advance" the second place it appears and inserting in lieu thereof "advances".

(b) The amendments made by this section shall apply to advances made on or after April 1, 1982.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid upon the table.

GENERAL LEAVE

Mr. PEASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3648, AMTRAK IMPROVEMENT ACT OF 1983

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 320 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 320

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3648) to improve the cost effectiveness of the National Railroad Passenger Corporation, to authorize appropriations for such Corporation for the fiscal year ending September 30, 1984, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as having been read. It shall be in order to consider the amendment recommended by the Committee on Energy and Commerce inserting new sections 212 and 213 now printed on page 24, line 15 through page 29, line 18 of the bill, and all points or order against said amendment for failure to comply with the provisions of clause 7, rule XVI are hereby waived. It shall also be in order to consider the amendment printed in the Congressional Record of September 28, 1983, by, and if offered by, Representative Foley of Washington and all points of order against said amendment for failure to comply with the provisions fo clause 7, rule XVI are hereby waived. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio (Mr. LATTA), and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 320 provides for the consideration of H.R. 3648, the Amtrak Improvement Act of 1983. It is a 1 hour open rule.

Mr. Speaker, the resolution provides a waiver of section 402(a) of the Budget Act—the May 15 reporting deadline for authorization bills. The waiver is necessary because the bill authorizes the enactment of new budget authority effective in fiscal year 1984 at a level $14 million higher than the level appropriated in the fiscal year 1984 Department of Transportation Appropriation, Public Law 98-78 and was not reported by May 15, 1983. Because of the expressed need for the authorization slightly higher than the existing appropriation, the Budget Committee had no objection to granting this emergency waiver to permit consideration of H.R. 3648.

Mr. Speaker, in order to facilitate the amendment process, the rule provides for consideration of the bill by title instead of by section with each title to be considered as having been read.

The resolution provides a waiver of clause 7 of rule XVI—the germaneness rule—to permit consideration of the committee amendment adding new sections: First, 212—Rail service improvement; and second, 213—Nonnavigable water. The committee amendment striking out the provisions relating to nonnavigable water changed the scope and meaning of the text to simply an Amtrak authorization bill.

The test of germaneness of an amendment adding new sections to the bill is the relationship to the bill as a whole as perfected. According to the precedents by which we are guided, "[w]here the matter has been stricken from the bill the amendment that might have been germane to such matter may be ruled out as not germane to the bill." Therefore, a technical waiver of clause 7 of rule XVI was necessary.

Mr. Speaker, the resolution also waives the germaneness rule to permit consideration of an amendment printed in the RECORD by Representative FOLEY. That amendment provides that the compensation paid by a railroad carrier to an employee who performs his regular assigned duties in more than one State, shall only be subject to the income tax laws of the employee's State of residence and the State in which the employee earns more than 50 percent of the compensation.

Upon conclusion of consideration of the bill, one motion to recommit would be in order.

Mr. Speaker, I wish to commend the gentleman from New Jersey (Mr. FLORIO) and the gentleman from New York (Mr. LENT) for their diligent efforts in developing this important legislation. This bill represents a bipartisan consensus with the exception of one controversial issue and that is the mechanism for congressional review of the Transportation Secretary's plan to sell Conrail to the private sector.

Under the provisions of the Omnibus Budget Reconciliation Act of 1981, the Secretary of Transportation's proposed sale of the Government's common stock in the rail system may be disapproved by concurrent resolution. The Supreme Court's decision in Chadha and subsequent rulings invalidates this form of the legislative veto. Therefore, the committee modified the review procedures to require enactment of specific legislation before Conrail could be sold. There is no agreement on the proper approach to the congressional review of a proposed sale of Conrail. However, the House will have an opportunity to work its will on this matter during the amendment process under this completely open rule.

Mr. Speaker, H.R. 3648 is of vital importance to the economy and transportation needs of the Nation, particularly the Northeast corridor. It authorizes $730 million for the National Railroad Passenger Corporation for fiscal year 1984.

Several significant modifications are designed to improve Amtrak's cost effectiveness and to avert default. The bill extends, for 1 year, until October 1, 1984, the period for which interest on Amtrak's debt to the Federal financing bank is deferred. In addition, the bill would require that beginning in fiscal year 1984, Amtrak's revenues cover 55 percent of operating costs, rather than 50 percent as is currently mandated.

Mr. Speaker, it is critical that we continue our national commitment to maintaining a viable railroad system and I am grateful to my colleagues on the Commerce Committee who have consistently supported this effort.

Mr. Speaker, I strongly urge adoption of House Resolution 320 so that we may proceed to consideration of this important bill.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since the provisions of the rule have already been described by the gentleman from Massachusetts (Mr. MOAKLEY), I am not going to repeat them, except to note that the rule does include a waiver of section 402(a) of the Budget Act. This waiver is included because the bill contains fiscal year 1984 authorizations but was not reported before the May 15, 1983, deadline for reporting authorization bills.

Mr. Speaker, as I earlier pointed out, we are again waiving provisions of the Budget Act. If we are going to have a Budget Act, we should adhere to it.

Mr. Speaker, let me emphasize that this bill authorizes $730 million for Amtrak for fiscal year 1984. In the recently enacted appropriation bill for the Department of Transportation, only $716.4 million was provided for this purpose. So, it is above what the appropriation bill contains. It is also $30 million above what we appropriated for Amtrak last year.

Mr. Speaker, the bill would continue the existing deferral on Amtrak debt to the Federal Government for another year. If this interest were to be paid, additional Federal appropriations would be required for this purpose.

□ 1410

Amtrak currently owes the Federal Government over $800 million.

The bill does require that Amtrak revenues, including contributions from States and other agencies, cover 55 percent of its operating costs rather than the present 50 percent. This is really an improvement and I think the taxpayers will enjoy this one.

Let me say something about the taxpayers and Amtrak. I saw some statistics awhile back that were put out by OMB about the cost of travel to the taxpayers for Amtrak passengers. Lo and behold, it would cost the taxpayers more to send a person on Amtrak between Washington, D.C., and Cincinnati, Ohio, than it would to give them a roundtrip ticket on the airline.

It seems to me there is something wrong with the cost of Amtrak to the taxpayers when we have such a rate.

This bill also deals with a number of miscellaneous rail issues. For example, in response to the recent Supreme Court case striking down the legislative veto, the bill would require specific legislation before the Department of Transportation could sell Conrail. Thirteen members of the committee filed minority views in the committee report objecting to this procedure. They conclude that the provision in this bill will seriously jeopardize the effort to sell Conrail to the private sector.

Mr. Speaker, need I point out that the administration strongly opposes this bill. One of the administration objections is to require congressional approval of every detail of a proposed sale of Conrail to the private sector. The administration's policy statement concludes that H.R. 3648 would be recommended for veto if it is passed in its current form.

Mr. Speaker, I have no requests for time and I yield back the balance of my time.

Mr. MOAKLEY, Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2655, DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1973

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 301 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 301

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2655) to extend and improve the Domestic Volunteer Service Act of 1973, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by titles instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in

the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Mississippi (Mr. LOTT) and pending that I yield myself such time as I may use.

Mr. Speaker, House Resolution 301 provides for the consideration of H.R. 2655, the Domestic Service Volunteer Act Amendments of 1983. House Resolution 301 is an open rule, providing 1 hour of general debate. The rule makes in order the committee amendment in the nature of a substitute as original text for the purpose of amendment. The substitute is to be considered by title with each title considered as read.

The rule waives clause 7 of rule XVI against consideration of the substitute. This waiver is necessary because the committee substitute is comprised of the text of two separate bills which were combined during consideration by the Education and Labor Committee. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2655 authorizes appropriations for the ACTION agency. ACTION is the Federal agency that administers domestic volunteer programs. These include VISTA, service learning programs and special volunteer programs.

ACTION also administers the Older American Volunteer programs, including the Foster Grandparent program, the Senior Companion program and the Retired Senior Volunteer program.

In addition to authorizing appropriations, H.R. 2655 amends the Domestic Volunteer Service Act to include homelessness, joblessness, hunger, and illiteracy as areas to be given new emphasis for VISTA volunteers. The legislation also increases the opportunities for persons over the age of 55 by stating that not less than 20 percent of VISTA volunteers be over the age of 55. In addition, H.R. 2655 increases the stipend limit for foster grandparents and senior companions from $2 an hour to $2.20 an hour. The legislation also places a funding floor of $25 million, $28 million, and $30 million from fiscal year 1984 through fiscal year 1986 for the VISTA program.

Mr. Speaker, H.R. 2655 is very important legislation and House Resolution 301 allows full and open debate for its consideration. I urge my colleagues to adopt this open rule.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BARTLETT).

Mr. BARTLETT. Mr. Speaker, I rise in support of the resolution. This resolution provides for an open rule with 1 hour of debate on H.R. 2655, the Domestic Volunteer Service Act Amendments of 1983.

H.R. 2655 as presently written contains highly objectionable provisions calling for the continuation and expansion of the Volunteers in Service to America (VISTA) program. These provisions would require that the first $25 million in appropriations for title I of the Domestic Volunteer Service Act be spent for VISTA. Under this "floor," unless $25 million is appropriated nothing can be spent for the service learning programs or for demonstration projects such as the Vietnam veterans leadership project. I believe this provision as presently written is tantamount to legislating the termination of these important volunteer programs. I would also point out that the administration has communicated to the Hill its opposition to these particular provisions and has suggested that if these provisions are included in the legislation presented to the President, a veto might be forthcoming.

When H.R. 2655 is considered on the floor, I intend to offer an amendment that would address this problem. Because House Resolution 301 will provide me a full opportunity to do so, I support the rule.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule would make in order consideration of H.R. 2655, the Domestic Volunteer Service Act. This bill would reauthorize programs under title I and II of the Domestic Volunteer Service Act for 3 years.

This resolution provides for an open rule with 1 hour of general debate, which should give all Members an opportunity to amend the bill and should give this body an opportunity to work their will on this legislation.

After general debate, the bill is open to amendment under the 5-minute rule. An amendment in the nature of a substitute, recommended by the Education and Labor Committee, has been made in order. The substitute is the result of the incorporation of the reauthorization of the Older Americans Volunteer program into the original bill. Therefore, the rule also waives clause 7 of rule 16, which is the germaneness rule, for the substitute only. The substitute will be considered as the original bill for the purpose of amendment. The rule provides for no other motion, except for one motion to recommit with or without instructions.

Mr. Speaker, I have no opposition to the rule, but I do have problems with the bill in its present form. The bill significantly increases the funding to the Volunteers in Service to America (VISTA) program and prevents funding to the other ACTION programs until VISTA is funded first. That bill would create a funding floor of $25 million for fiscal year 1984, $28 million for fiscal year 1985 and $30 million for fiscal year 1986. Since 1981, Congress and the administration have attempted to gradually phase out this program. Appropriations in the past 2 years have decreased from $30.5 million to $11.8 million. Now this bill more than doubles the size of the VISTA program.

As to the incorporation of the reauthorization of the Older Americans Volunteer program which requires a waiver of germaneness, I feel that I must point out that included among the programs reauthorized as a result is the foster grandparents program. We are all aware that this is the First Lady's favorite program and that she is the major spokeswoman for that program. I hope that the combining of these two bills is not an attempt to hold the foster grandparents program hostage to the increase in funding for the VISTA program or just to insure that the President will not veto this overfunded program.

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Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

● Mr. MURPHY. Mr. Speaker, I ask support for the rule providing for the consideration of H.R. 2655, the Domestic Volunteer Service Act Amendments of 1983. H.R. 2655 includes a 3-year reauthorization of the ACTION agency's domestic volunteer programs. These include in title I the VISTA program, service learning programs and special volunteer programs, and in title II the Foster Grandparent program, the Retired Senior Volunteer program, and the Senior Companion program. Title IV of the act provides authority for the administration of both title I and title II programs.

In order to expedite the consideration of these programs, and in recognition of their interdependence, the Education and Labor Committee incorporated the provisions of the Older American Volunteer Program Amendments of 1983, H.R. 1917, as an amendment to H.R. 2655 during committee action. The rule provides a waiver of points of order on germaneness made necessary by this committee action.

Mr. Speaker, H.R. 2655 provides a funding floor within title I for VISTA of $25 million in fiscal year 1984, $28 million in fiscal year 1985 and $30 million for fiscal year 1986. VISTA is the Federal Government's only full-time domestic antipoverty volunteer program, and unlike any other Federal program offers opportunities for full-time antipoverty service to persons

from all walks of life, all economic levels, and all age groups. I would point out the fiscal year 1984 funding level provided for VISTA in this bill is more than 25 percent below the program's funding level for fiscal year 1981. Since January of 1981, VISTA's budget has been reduced from $34 million to $11.8 million, nearly a 65-percent reduction. The number of VISTA volunteers has been reduced from nearly 5,000 to only 1,500, and number of projects assigned volunteers has been slashed from 860 to 350.

This reduction has taken place at a time when, according to the Census Bureau, the number of people living in poverty has increased from 29.3 to 34 million. Not since 1965, the year that VISTA was created, has the poverty level been this high. H.R. 2655 recognizes that the need for the VISTA program has grown significantly, rather than diminished since 1981, and that VISTA can play an important role in addressing the problems of today such as unemployment, hunger, homelessness, and illiteracy.

I would also point out, Mr. Speaker, that funding floors for the VISTA program within title I of the act are not a new addition. For more than 10 years, Congress has included a funding floor for the VISTA program to insure that this exclusively antipoverty program has received first priority funding among title I programs. Recently, the funding floor prevented arbitrary cuts in the VISTA program. In fiscal year 1982, when ACTION administrators reduced VISTA's funding level below its statutory floor, the Comptroller General issued a legal opinion resulting in the restoration of nearly $1 million in funds to the VISTA program.

It is important to understand that the VISTA funding floors in no way jeopardize the popular Older American Volunteer programs. In fact, the National Associations Representing RSVP, the Foster Grandparents, and Senior Companion project directors wholeheartedly support the funding floors for VISTA included in H.R. 2655.

Arguments may be made that the funding floors tie the hands of those in charge of the ACTION Agency and prohibit the funding of initiatives in areas such as drug abuse, refugees, Vietnam veterans, food banks, illiteracy, and runaways. The truth is, however, that more volunteers and more resources are being focused on these areas using VISTA's current budget than could ever be mobilized through the Agency's approximately $1 million demonstration budget that some would say is being held hostage by VISTA. There is no more cost effective or productive way to support these new priorities than through the proven VISTA program.

I ask my colleagues' support for the rule today and hope I may also have their support in opposition to weakening amendments that may be offered when the bill comes to the floor during the week of October 17.●

● Mr. LONG of Louisiana. Mr. Speaker, I rise to speak in support of the rule accompanying H.R. 2655 and to express my strong support for the bill as reported by the House Education and Labor Committee. This bill reauthorizes the ACTION agency's domestic volunteer programs, including the VISTA program and the three Older American volunteer programs, the retired senior volunteer program, the Foster Grandparent program, and the Senior Companion program. At a minimal cost to the Federal Government these vital volunteer programs have provided so much to so many of our Nation's poor and disadvantaged.

Having watched and supported the VISTA program since its birth, in 1965, at which time I had the privilege of serving as Director of Congressional Affairs for the newly created Office of Economic Opportunity, I have been deeply saddened by the efforts of the current administration to eliminate this most cost-effective and worthwhile program.

The proposed elimination flies in the face of the President's commitment to voluntarism. As Hyman Bookbinder, president of the American Jewish Committee and an early colleague of mine at OEO, recently told the Congress, "If there were not a VISTA program on the books today, I think the Reagan administration probably would have joyfully invented it * * * it is so consistent with the basic philosophy of the current administration." VISTA from its inception has always stressed the importance of self-help, neighbor helping neighbor, citizen participation, community self-help.

VISTA has demonstrated that our Government can help people to help themselves. Over and over again, for 18 years, VISTA volunteers have reached out their hearts and hands to help citizens take on the increasingly tough battle of staying healthy, having enough to eat, being warm in the winter months, and being safe in their own neighborhoods.

Literally thousands of community self-help projects ranging from battered women's shelters to agricultural cooperatives, from food banks to economic development projects in Appalachia, from literacy education groups to programs focusing on job placement and job referral programs for the unemployed, from food and nutrition programs for the young and the old to low-income energy assistance programs—all have had their roots in VISTA or have been developed with the help of VISTA volunteers. Many of these projects would never have gotten off the ground without the initial helping hand of a VISTA volunteer. Studies have shown that 75 percent of all VISTA projects are continued by the local communities once VISTA assistance is phased out.

Today 34 million Americans are living in poverty and the number of homeless, jobless, and hungry continue to grow. I could not agree more with the Education and Labor Committee's conclusion that "the need for VISTA has grown rather than diminished and VISTA can and should play an important role in addressing emerging national problems such as unemployment, hunger, homelessness and illiteracy."

Over the past 2½ years, VISTA's budget has been decimated. The program has been slashed by 65 percent. The funding levels provided in this bill are modest in view of the program's accomplishments. H.R. 2655 is a bill that deserves our wholehearted support.●

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was passed.

A motion to reconsider was laid on the table.

PERMISSION TO PRINT COMPROMISE VERSION OF H.R. 1878, THE SHIPPING ACT OF 1983, AND ACCOMPANYING EXPLANATORY STATEMENT

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the compromise version of H.R. 1878, the Shipping Act of 1983, as agreed to by the Committee on the Judiciary and the Committee on Merchant Marine and Fisheries. It is necessary to print this version to inform the Members of the changes made from the versions reported by the two committees. To further aid their consideration, a brief explanatory statement of changes is attached to the compromise bill and this request extends to the printing of that statement. This request is made in behalf of the leadership of the Judiciary and Merchant Marine and Fisheries Committees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The texts of the explanatory statement referred to and the bill, H.R. 1878, are as follows:

EXPLANATION OF CHANGES IN THE AMENDMENT TO H.R. 1878, THE SHIPPING ACT OF 1983

The Committee on Merchant Marine and Fisheries reported H.R. 1878 with amendments on April 12, 1983 (H. Rept. 98-53, Part 1). The Committee on the Judiciary, to which the bill was referred for a period ending July 1, 1983, on that date reported the bill with an amendment that substituted a new text (H. Rept. 98-53, Part 2).

Discussions between the two Committees have resulted in a compromise proposal that reconciles the differences between the two reported versions of the bill. The members of each of the Committees have had an opportunity to review the proposal, which will be scheduled for prompt consideration by the full House.

The compromise would make a number of changes to the bill reported by the Judiciary Committee on July 1. The most important of these changes are described below.

DEFINITIONS

A small change was made in the definition of ocean common carrier by deleting the words "bulk cargo vessels." However, the elimination of the term is not intended to extend coverage of this Act to bulk shipments, but merely removes an ambiguity. That is, the antitrust immunity granted in H.R. 1878 does not extend to agreements relating to rates and service practices for the transportation of bulk commodities.

FILING AND PRECLEARANCE PROCEDURES

The compromise amendment omits from Section 4(b)(1) the requirement that a conference agreement state "the manner in which it will be implemented." This recitation within the body of an agreement is unnecessary in light of the Maritime Commission's powers to require submission of information and documentary material under Section 4(a). The Commission has sufficient flexibility under Section 4(a) to obtain information necessary to carry out its regulatory responsibilities. To be sure, this flexibility carries with it a responsibility to avoid overreaching or abuse. Consistent with the legislative scheme calling for a low regulatory profile for the Commission, the information to be submitted at the time of filing should be kept to a minimum—the Commission retains the authority to seek additional information under Section 5(d) in the event an initial filing raises substantial questions.

The compromise amendment adds a new subsection (f) to Section 5. The new language will prevent the Commission from imposing a fixed term on an agreement. Decisions to limit the term of effectiveness of an agreement could arbitrarily or unfairly limit the parties' business flexibilty and undermine their ability to raise investment capital. The new provision does not affect the parties' right to limit voluntarily the term of agreement, nor does it prevent the Commission from at any time exercising its authority under Sections 5(g) and (h), or 10(c) based upon the short or long term consequences of the agreement.

SUBSTANTIALLY ANTICOMPETITIVE AGREEMENTS

The compromise retains the provisions that permit the Federal Maritime Commission to seek a court injunction against agreements whose likely anticompetitive effects outweigh likely benefits. The intent of these provisions (Section 5(g) and Section 5(h) in the compromise proposal) is set forth in considerable detail in the report of the Committee on the Judiciary (H. Rept. 98-53, Pt. 2, at 8-22). The compromise amendment would make several wording changes to clarify and reinforce this intent.

As approved by the Committee on the Judiciary, the provision was to be triggered by a Commission determination "that an agreement is likely substantially to reduce competition in the ocean commerce of the United States in a manner that outweighs the public benefits of the agreement." As revised, the provision would be triggered by a Commission determination that

(1) an agreement is likely to result in a harmful reduction in competition in the ocean commerce of the United States; and

(2) the likely harm from the reduction outweighs any likely private or public benefits of the agreement. . . .

Two aspects of the wording change are significant. The substitution of the phrase "harmful reduction in competition" for "substantially to reduce competition" emphasizes that any reduction in competition must be harmful in order for the test to be triggered. As before, even if the Commission shows a harmful reduction in competition, it must also show that the likely anticompetitive effects outweigh likely benefits of the agreement. The revised wording emphasizes that private as well as public benefits of an agreement are to be weighed.

Some carriers have expressed concern that the weighing test might apply too harshly in judging the legality of pooling arrangements entered into in response to pressure from foreign governments. As the Judiciary Committee report indicates (Rept. 98-53, Part 2, at 21), such cargo and revenue allocation agreements generally run counter to the free trade principles of this Government and should be kept to a minimum; at the same time, the competition standard has been crafted to allow the Commission and the courts sufficient flexibility to weigh foreign policy concerns and the realities of the international marketplace in assessing particular agreements.

The provision authorizing the Commission to seek injunctive relief against substantially anticompetitive agreements (Section 5(h) in the compromise proposal) contains two new sentences: "In a suit under this subsecion, the burden of proof is on the Commission. The court may not allow a third party to intervene in a suit under this subsection." This new language spells out the intent expressed in the Judiciary Committee's report that the burden of proof in an injunctive proceeding is on the Commission and that third parties may not intervene in the injunction proceeding. H. Rept. 98-53, Part 2, at 10-13.

INDEPENDENT ACTION

The compromise amends Section 4(b) to expand the right of independent action. Independent action is the right of a conference carrier to charge a different price, or institute a different service practice, than the rest of a conference.

H.R. 1878, as reported by the Merchant Marine Committee, contained two limitations on the right of independent action. First, independent action was limited only to those conferences that offer loyalty contracts. Second, the bill required that any member of the conference desiring to take independent action must give the conference 45 days' notice and wait for the conference to actually meet on its proposed tariff amendment before it could take independent action.

As reported by the Judiciary Committee, H.R. 1878 permitted any carrier that is a member of the conference to take independent action on any rate or service item on 10 days' notice to the rest of the conference. The Judiciary Committee also removed the linkage between the right to take independent action and the use of loyalty contracts by a conference.

The compromise provision—Section 4(b)(7)—extends the right of independent action beyond that approved by the House Judiciary Committee. It allows an individual ocean carrier to take independent pricing action on two working days' notice. The ten-day notice provision is retained, however, for independent action on any service item not related to price.

The compromise amendment reflects the view that the right of independent action can be an important competitive force in the international ocean carrier industry. Many observers have argued, in fact, that independent action is potentially the most important competitive force within a conference against fixed rates and service practices that could otherwise be anticompetitive in the future. In order to compete effectively with foreign competitors, U.S. companies must be in a position to quote freight rates and be able to export their goods promptly. It has been argued that a 45-day notice requirement, and even a ten-day notice requirement, unfairly subordinates trade to the availability of transportation.

The Senate-passed bill (S. 47) allows independent action within conferences which offer loyalty contracts as well as those conferences which serve OECD countries. When this amendment was adopted on the floor of the Senate, Senator Hatch, the author of the independent action provision, stated that "no notice" was necessary for a carrier to take independent action.

The compromise amendment improves the balance between carriers, on the one hand, and shippers and consumers, on the other hand, in the overall context of H.R. 1878. The suggested two working days' notice period will encourage the use of independent action and is consistent with the majority of conference rate agreements now in effect. This expansion compromise amendment prohibits the use of loyalty contracts that would violate the antitrust laws. Consequently, the prior linkage between loyalty contracts and independent action no longer has any relevance or utility. The overall result of the compromise amendment on independent action will be to encourage greater competition within the conferences and among the conferences. It is an improvement in this legislation that will be welcomed by both shippers and consumers.

LOYALTY CONTRACTS

The compromise amendment eliminates Section 6 of the Judiciary version of the bill. That section had set limits for the use of loyalty contracts by ocean carriers and conferences. The compromise amendment substitutes a broader prohibition on loyalty contracts in Section 9(b)(9)—carriers, either alone or in concert, would be prohibited from use of loyalty contracts, except in conformity with the antitrust laws.

Under antitrust analysis, loyalty contracts involving a single carrier would probably be lawful unless the carrier had a very substantial market position. Any concerted use of loyalty contracts by carriers is likely to violate the antitrust laws.

EXEMPTION FROM ANTITRUST LAWS

The compromise amendment substitutes the phrase "reasonable belief" for "actual belief founded upon a reasonable basis" in Section 6(a)(2). The abbreviated phrase still requires that the belief be "actual"—not a constructive relief based upon what a reasonable man might have believed—and that the belief have a "reasonable basis."

The compromise eliminates subsection (a)(3), a provision no longer needed in view of the broader proscription on the use of loyalty contracts in Section 9(b)(9). A new subsection (a)(3) replaces (a)(4) in the Judiciary version of the bill. Modelled after a provision in S. 47, the new (a)(3) extends antitrust immunity to foreign inland seg-

ments of intermodal movements to or from the United States. Consistent with the concerns set forth in the report of the Judiciary Committee, (a)(3) leaves the antitrust laws in place for factual settings comparable to that in *Pacific Seafarers, Inc.* v. *Pacific Far East Line, Inc.*, 404 F.2d 807 (D.C. Cir. 1968), cert. denied, 393 U.S. 1093 (1969).

The compromise amends the wording of Section 6(b)(3), which excludes from antitrust immunity agreements among common carriers to establish, operate, or maintain a marine terminal in the United States. Because no antitrust immunity would be conferred on such agreements, the compromise amendment also eliminates the requirement in Section 4(a) that they be filed.

RESTORATION OF TARIFF FILING

The compromise restores, as Section 7 of the bill, the provisions in the Merchant Marine and Fisheries Committee version of the bill providing for the filing and enforcement of tariffs. Tariff enforcement is supported by the carriers and many small shippers who fear unfairly discriminatory rates. The restored provisions are described in the report of the Committee on Merchant Marine and Fisheries (H. Rept. 98-53, Part 1, at 18.)

The compromise also restores the authority of the Federal Maritime Commission to suspend tariffs for violation of the Shipping Act, including for failure to adhere to valid tariffs (Section 12(b)(1), (2), (3)).

However, language has been added in Section 17(c)(10) directing the Commission on the Deregulation of International Ocean Shipping specificially to consider "the contining need for, and the utility of the statutory requirement that tariffs be filed with and enforced by the Federal Maritime Commission." Thus, Congress may well consider recommendations made by this Commission relative to tariff filing and enforcement at a later date.

EXEMPTIONS

The compromise amendment substitutes a revised wording of Section 15, a provision allowing the Commission to exempt a class of agreements or specified activity from requirements of the Act. The new wording closely tracks that of Section 35 of the Shipping Act of 1916. The change permits the Commission to impose conditions upon such an exemption, including the partial or total removal of antitrust immunity for agreements or conduct that might be exempted from filing requirements. Commission authority under this section is limited—it must act within the parameters of the regulatory scheme approved by Congress (the Commission must find, inter alia, "that the exemption will not substantially impair effective regulation by the Commission.")

SUNSET PROVISION

The compromise eliminated the sunset provision added by the Judiciary Committee. That provision was strongly opposed by the Administration and the ocean carriers, who feared a severe crippling of the industry's efforts to raise investment capital. The elimination of this provision in no way restricts a future Congress in responding to the recommendations of the Study Commission. In order to ease any future re-examination of the regulatory scheme, the compromise adds a new section requiring the Maritime Commission to collect and analyze data that will assist in assessing the impact of this legislation.

PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary.
HAMILTON FISH, Jr.,
Ranking Minority Member, Committee on the Judiciary.
WALTER B. JONES,
Chairman, Committee on Merchant, Marine and Fisheries.
EDWIN B. FORSYTHE,
Ranking Minority Member, Committee on Merchant Marine and Fisheries.

H.R. 1878

A bill to improve the international ocean commerce transportation system of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Shipping Act of 1983".

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SEC. 2. DEFINITIONS.

As used in this Act—

(1) "agreement" means an understanding, arrangement, or association (written or oral) and any modification or cancellation thereof; but the term does not include a maritime labor agreement.

(2) "antitrust laws" means the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended; the Federal Trade Commission Act (38 Stat. 717), as amended; sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended; the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended; the Antitrust Civil Process Act (76 Stat. 548), as amended; and amendments and Acts supplementary thereto.

(3) "assessment agreement" means an agreement, whether part of a collective-bargaining agreement or negotiated separately, to the extent that it provides for the funding of collectively bargained fringe benefit obligations on other than a uniform manhour basis, regardless of the cargo handled or type of vessel or equipment utilized.

(4) "bulk cargo" means cargo that is loaded and carried in bulk without mark or count.

(5) "Commission", except in section 17, means the Federal Maritime Commission.

(6) "common carrier" means a person holding itself out to the general public to provide transportation by water of passengers or cargo between the United States and a foreign country for compensation that—

(A) assumes responsibility for the transportation from the port or point of receipt to the port or point of destination, and

(B) utilizes, for all or part of that transportation, a vessel operating on the high seas or the Great Lakes between a port in the United States and a port in a foreign country.

(7) "conference" means an association of ocean common carriers permitted, pursuant to an approved or effective agreement, to engage in concerted activity and to utilize a common tariff, but does not include a joint service, consortium, pooling, or transshipment arrangement.

(8) "controlled carrier" means an ocean common carrier that is, or whose operating assets are, directly or indirectly, owned or controlled by the government under whose registry the vessels of the carrier operate; ownership or control by a government shall be deemed to exist with respect to any carrier if—

(A) a majority portion of the interest in the carrier is owned or controlled in any manner by that government, by any agency thereof, or by any public or private person controlled by that government; or

(B) that government has the right to appoint or disapprove the appointment of a majority of the directors, the chief operating officer, or the chief executive officer of the carrier.

(9) "deferred rebate" means a return by a common carrier of any portion of the freight money to a shipper as a consideration for that shipper giving all, or any portion, of his shipments to that or any other common carrier, or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement.

(10) "fighting ship" means a vessel used in a particular trade by an ocean common carrier or group of such carriers for the purpose of excluding, preventing, or reducing competition by driving another ocean common carrier out of that trade.

(11) "forest products" means forest products in an unfinished or semifinished state that are of a size too large for the largest commercially available container or that are offered for carriage by the shipper as noncontainerized cargo in lot sizes having a volume greater than two thousand five hundred and sixty cubic feet or that are transported in shipload lot sizes.

(12) "inland division" means the amount paid by a common carrier to an inland carrier for the inland portion of through transportation offered to the public by the common carrier.

(13) "inland portion" means the charge to the public by a common carrier for the nonocean portion of through transportation.

(14) "loyalty contract" means a contract with an ocean common carrier or conference, other than a service contract or contract based upon time-volume rates, by which a contract shipper or consignee obtains lower rates by committing all or a fixed portion of its cargo to that carrier or conference.

(15) "marine terminal operator" means a person engaged in the United States in the business of furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier.

(16) "maritime labor agreement" means a collective-bargaining agreement between an employer subject to this Act, or group of such employers, and a labor organization representing employees in the maritime or

stevedoring industry, or an agreement preparatory to such a collective-bargaining agreement among members of a multiemployer bargaining group, or an agreement specifically implementing provisions of such a collective-bargaining agreement or providing for the formation, financing, or administration of a multiemployer bargaining group; but the term does not include an assessment agreement.

(17) "non-vessel-operating common carrier" means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in his relationship with an ocean common carrier.

(18) "ocean common carrier" means a vessel-operating common carrier, but does not include one engaged in ocean transportation by ferry boat or ocean tramp.

(19) "ocean freight forwarder" means a person in the United States that—

(A) dispatches shipments from the United States via common carriers and books or otherwise arranges space for those shipments on behalf of shippers; and

(B) processes the documentation or performs related activities incident to those shipments.

(20) "person" includes individuals, corporations, partnerships, and associations existing under or authorized by the laws of the United States or of a foreign country.

(21) "service contract" means a contract between a shipper and an ocean common carrier or conference in which the shipper makes a commitment to provide a certain minimum quantity of cargo over a fixed time period, and the ocean common carrier or conference commits to a certain rate or rate schedule as well as a defined service level—such as, assured space, transit time, port rotation, or similar service features; the contract may also specify provisions in the event of nonperformance on the part of either party.

(22) "shipment" means all of the cargo carried under the terms of a single bill of lading.

(23) "shipper" means an owner or person for whose account the ocean transportation of cargo is provided or the person to whom delivery is to be made.

(24) "shippers' council" means an association of shippers or their agents.

(25) "through rate" means the single amount charged by a common carrier in connection with through transportation.

(26) "through transportation" means continuous transportation between origin and destination for which a through rate is assessed and which is offered or performed by one or more carriers, at least one of which is a common carrier, between a United States point or port and a foreign point or port,

(27) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, and all other United States territories and possessions.

SEC. 3. AGREEMENTS WITHIN SCOPE OF ACT.

(a) OCEAN COMMON CARRIERS.—This Act applies to agreements by or among ocean common carriers to—

(1) discuss, fix, or regulate transportation rates, including through rates, cargo space accommodations, and other conditions of services;

(2) pool or apportion traffic, revenues, earnings, or losses;

(3) allot port or restrict or otherwise regulate the number and character of sailings between ports;

(4) limit or regulate the volume or character of cargo or passenger traffic to be carried;

(5) engage in exclusive, preferential, or cooperative working arrangements among themselves or with one or more marine terminal operators or nonvessel-operating common carriers; and

(6) control, regulate, or prevent competition among themselves.

(b) MARINE TERMINAL OPERATORS.—This Act applies to agreements among marine terminal operators (to the extent the agreements involve ocean transportation in the foreign commerce of the United States) and to agreements among one or more marine terminal operators and one or more ocean common carriers to—

(1) discuss, fix, or regulate rates or other conditions of service; and

(2) engage in exclusive, preferential, or cooperative working arrangements.

(c) ACQUISITIONS.—This Act does not apply to an acquisition by any person, directly or indirectly, of any voting security or assets of any other person.

SEC. 4. AGREEMENTS.

(a) FILING REQUIREMENTS.—A true copy of every agreement entered into with respect to an activity described in section 3 shall be filed with the Commission, except agreements related to transportation to be performed within or between foreign countries and agreements among common carriers to establish, operate, or maintain a marine terminal in the United States. In the case of an oral agreement, a complete memorandum specifying in detail the substance of the agreement shall be filed. The Commission may by regulation prescribe the form and manner in which an agreement shall be filed and the information and documentary material that is to accompany the agreement.

(b) CONFERENCE AGREEMENTS.—Each conference agreement must—

(1) state its purpose;

(2) provide reasonable and equal terms and conditions for admission and readmission to conference membership for any ocean common carrier willing to serve the particular trade or route;

(3) permit any member to withdraw from conference membership upon reasonable notice without penalty;

(4) prohibit a conference from engaging in—

(A) a boycott or any other concerted action resulting in an unreasonable refusal to deal,

(B) conduct that unreasonably conditions or otherwise unreasonably restricts the ability of a shipper to select a common carrier in a competing trade, an ocean tramp, or a bulk carrier,

(C) conduct that discourages the use or development of intermodal services or technological innovations by members, and

(D) any predatory practice designed to eliminate the participation or deny the entry, in a particular trade of a common carrier not a member of the conference, an ocean tramp, or a bulk carrier;

(5) provide for a consultation process designed to promote—

(A) commercial resolution of disputes, and

(B) cooperation with shippers in preventing and eliminating malpractices;

(6) establish procedures for promptly and fairly considering shippers' requests and complaints; and

(7) provide that any member of the conference may take independent action—

(A) on any matter relating to the price of services offered by the conference and resulting in a decreased cost to a shipper, upon not more than two working days' notice to the conference, and that the conference will include the new price as a rate item in its tariff for use by any member, effective no later than two working days after the receipt of such notice, and

(B) on any service item not related to price, upon not more than ten working days' notice to the conference, and that the conference will include the new service item in its tariff for use by any member, effective no later than ten working days after the receipt of such notice,

however, this paragraph does not impair the right of the conference to enforce compliance by its members with respect to contractual commitments undertaken under section 7(c).

(c) INTERCONFERENCE AGREEMENTS.—Each agreement between carriers not members of the same conference must provide the right of independent action for each carrier. Each agreement between conferences must provide the right of independent action for each conference.

(d) ASSESSMENT AGREEMENTS.—

(1) Assessment agreements shall be filed with the Commission and become effective on filing. The Commission shall thereafter, upon complaint filed within two years of the date of the agreement, disapprove, cancel, or modify any such agreement, or charge or assessment pursuant thereto, that it finds, after notice and hearing, to be unjustly discriminatory or unfair as between carriers, shippers, or ports. The Commission shall issue its final decision in any such proceeding within one year of the date of filing of the complaint. To the extent that an assessment or charge is found in the proceeding to be unjustly discriminatory or unfair as between carriers, shippers, or ports, the Commission shall remedy the unjust discrimination or unfairness for the period of time between the filing of the complaint and the final decision by means of assessment adjustments. The adjustments shall be implemented by prospective credits or debits to future assessments or charges, except in the case of a complainant who has ceased activities subject to the assessment or charge, in which case reparation may be awarded.

(2) This Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, do not apply to maritime labor agreements or to assessment agreements, except as provided in paragraph (1). This section does not exempt from this Act, the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, any rates, charges, regulations, or practices of a common carrier that are or have been acquired to be set forth in a tariff, whether or not those rates, charges, regulations, or practices arise out of, or are otherwise related to, a maritime labor agreement.

SEC. 5. ACTION ON AGREEMENTS.

(a) NOTICE.—Within seven days after an agreement is filed, the Commission shall transmit a notice of its filing to the Federal Register for publication.

(b) REVIEW STANDARD.—The Commission shall reject any agreement filed under section 4(a) that, after preliminary review, it finds inconsistent with the requirements of section 4. The Commission shall notify in writing the person filing the agreement of the reason for rejection of the agreement.

(c) REVIEW AND EFFECTIVE DATE.—Unless rejected by the Commission under subsec-

tion (b), agreements, other than assessment agreements, shall become effective—

(1) on the forty-fifth day after filing, or on the thirtieth day after notice of the filing is published in the Federal Register, whichever day is later; or

(2) if additional information or documentary material is requested under subsection (d), on the forty-fifth day after the Commission receives—

(A) all the additional information and documentary material requested; or

(B) if the request is not fully complied with, the information and documentary material submitted and a statement of the reasons for noncompliance with the request. The period specified in paragraph (2) may be extended only by the United States District Court for the District of Columbia upon an application of the Attorney General under subsection (i).

(d) ADDITIONAL INFORMATION.—Before the expiration of the period specified in subsection (c)(1), the Commission may request from the person filing the agreement any additional information and documentary material it deems necessary to make the determinations required by this section.

(e) REQUEST FOR EXPEDITED APPROVAL.—The Commission may, upon request of the filing party, shorten the review period specified in subsection (c), but in no event to a date less than fourteen days after the date on which notice of the filing of the agreement is published in the Federal Register.

(f) TERM OF AGREEMENTS.—The Commission may not limit the effectiveness of an agreement to a fixed term.

(g) SUBSTANTIALLY ANTICOMPETITIVE AGREEMENTS.—If, at any time after the filing or effective date of an agreement, the Commission determines that—

(1) the agreement is likely to result in a harmful reduction in competition in the ocean commerce of the United States; and

(2) the likely harm from the reduction outweighs any likely private or public benefits of the agreement; it may, after notice to the person filing the agreement, seek appropriate injunctive relief under subection (h).

(h) INJUNCTIVE RELIEF.—The Commission may, upon making the determination specified in subsection (g), request the Attorney General to bring suit in the United States District Court for the District of Columbia to enjoin operation of the agreement. The court may issue a temporary restraining order or preliminary injunction and, upon a showing that—

(1) the agreement is likely to result in a harmful reduction in competition in the ocean commerce of the United States; and

(2) the likely harm from the reduction outweighs any likely private or public benefits of the agreement;

may enter a permanent injunction. In a suit under this subsection, the burden of proof is on the Commission. The court may not allow a third party to intervene in a suit under this subsection

(i) COMPLIANCE WITH INFORMATIONAL NEEDS.—If any person filing an agreement, or any officer, director, partner, agent, or employee thereof, fails substantially to comply with any request for the submission of additional information or documentary material within the period specified in subsection (c), the United States District Court for the District of Columbia, upon application of the Attorney General at the request of the Commission—

(1) may order compliance;

(2) shall extend the period specified in subsection (c)(2) until there has been substantial compliance; and

(3) may grant such other equitable relief as the court in its discretion determines necessary or appropriate.

(j) NONDISCLOSURE OF SUBMITTED MATERIAL.—Except for an agreement filed under section 4, information and documentary material filed with the Commission under section 4 or 5 is exempt from disclosure under section 552 of title 5, United States Code and may not be made public except as may be relevant to an administrative or judicial action or proceeding. This section does not prevent disclosure to either body of Congress or to a duly authorized committee or subcommittee of Congress.

SEC. 6. EXEMPTION FROM ANTITRUST LAWS.

(a) IN GENERAL.—The antitrust laws do not apply to—

(1) any agreement that has been filed under section 4 and is effective under section 4(d) or section 5, or is exempt under section 15 from any requirement of this Act;

(2) any activity or agreement within the scope of this Act, whether permitted under or prohibited by this Act, undertaken or entered into in the reasonable belief that (A) it is pursuant to an agreement on file with the Commission and in effect when the activity took place, or (B) it is exempt under section 15 from any filing requirement of this Act;

(3) any agreement or activity concerning the foreign inland segment of through transportation that is part of transportation provided in a United States import or export trade;

(4) any agreement or activity with a shippers' council organized under the laws of a foreign country and operating exclusively outside the United States, including an agreement or activity that affects cargo transported in a United States import or export trade;

(5) any agreement or activity to provide or furnish wharfage, dock, warehouse, or other terminal facilities outside the United States; or

(6) subject to section 19(e)(2), any agreement, modification, or cancellation approved by the Commission before the effective date of this Act under section 15 of the Shipping Act, 1916, or permitted under section 14b thereof, and any properly published tariff, rate, fare, or charge, classification, rule, or regulation explanatory thereof implementing that agreement, modification, or cancellation.

(b) EXCEPTIONS.—this Act does not extend antitrust immunity—

(1) to any agreement with or among air carriers, rail carriers, motor carriers, or common carriers by water not subject to this Act with respect to transportation within the United States;

(2) to any discussion or agreement among common carriers that are subject to this Act regarding the inland divisions (as opposed to the inland portions) of through rates within the United States; or

(3) to any agreement among common carriers subject to this Act to establish, operate, or maintain a marine terminal in the United States.

(c) LIMITATIONS.—(1) Any determination by any agency or court that results in the denial or removal of the immunity to the antitrust laws set forth in subsection (a) shall not remove or alter the antitrust immunity for the period before the determination.

(2) No person may recover damages under section 4 of the Clayton Act (15 U.S.C. 15), or obtain injunctive relief under section 16 of that Act (15 U.S.C. 26), for conduct prohibited by this Act.

SEC. 7. TARIFFS.

(a) IN GENERAL.—

(1) Except with regard to bulk cargo and forest products, each common carrier and conference shall file with the Commission, and keep open to public inspection, tariffs showing all its rates, charges, classifications, rules, and practices between all points or ports on its own route and on any through transportation route that has been established. However, common carriers shall not be required to state separately or otherwise reveal in tariff filings the inland divisions of a through rate. Tariffs shall—

(A) plainly indicate the places between which cargo will be carried;

(B) list each classification of cargo in use;

(C) set forth the level of ocean freight forwarder compensation, if any, by a carrier or conference;

(D) state separately each terminal or other charge, privilege, or facility under the control of the carrier or conference and any rules or regulations that in any way change affect, or determine any part or the aggregate of the rates or charges; and

(E) include sample copies of any loyalty contract, bill of lading, contract of affreightment, or other document evidencing the transportation agreement.

(2) Copies of tariffs shall be made available to any person, and a reasonable charge may be assessed for them.

(b) TIME-VOLUME RATES.—Rates quoted in tariffs may vary with the volume of cargo offered over a specified period of time.

(c) SERVICE CONTRACTS.—An ocean common carrier or conference may enter into a service contract with a shipper to provide specified services under specified rates and conditions, subject to the requirements of this Act. Each contract entered into under this subsection shall be filed confidentially with the Commission, and a concise statement of its essential terms shall be filed with the Commission and made available to the general public in tariff format, and such essential terms shall be available to all shippers similarly situated. The essential terms shall include—

(1) the origin and destination port ranges in the case of port-to-port movements, and the origin and destination geographic areas in the case of through intermodal movements;

(2) the commodity or commodities involved;

(3) the minimum volume;

(4) the line-haul rate;

(5) the duration;

(6) service commitments; and

(7) the liquidated damages for non-performance, if any.

The exclusive remedy for a breach of contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree.

(d) RATES.—No new or initial rate or change in an existing rate that results in an increased cost to the shipper may become effective earlier than thirty days after filing with the Commission. The Commission, for good cause, may allow such a new or initial rate or change to become effective in less than thirty days. A change in an existing rate that results in a decreased cost to the shipper may become effective upon publication and filing with the Commission.

(e) REFUNDS.—The Commission may, upon application of a carrier or shipper, permit a common carrier or conference to refund a portion of freight charges collected from a shipper or to waive the collection of a portion of the charges from a shipper if—

(1) there is an error in a tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff and the refund will not result in discrimination among shippers, ports, or carriers;

(2) the common carrier or conference has, prior to filing an application for authority to make a refund, filed a new tariff with the Commission that sets forth the rate on which the refund or waiver would be based;

(3) the common carrier or conference agrees that if permission is granted by the Commission, an appropriate notice will be published in the tariff, or such other steps taken as the Commission may require, which gives notice of the rate on which the refund or waiver would be based, and additional refunds or waivers as appropriate shall be made with respect to other shipments in the manner prescribed by the Commission in its order approving the application; and

(4) the application for refund or waiver is filed with the Commission within one hundred and eighty days from the date of shipment.

(f) FORM.—The Commission may by regulation prescribe the form and manner in which the tariffs required by this section shall be published and filed. The Commission may reject a tariff that is not filed in conformity with this section and its regulations. Upon rejection by the Commission, the tariff is void, and its use is unlawful.

SEC. 8. CONTROLLED CARRIERS.

(a) CONTROLLED CARRIER RATES.—No controlled carrier subject to this section may maintain rates or charges in its tariffs filed with the Commission that are below a level that is just and reasonable, nor may any such carrier establish or maintain unjust or unreasonable classification, rules, or regulations in those tariffs. An unjust or unreasonable classification, rule, or regulation means one that results or is likely to result in the carriage or handling of cargo at rates or charges that are below a just and reasonable level. The Commission may, at any time after notice and hearing, disapprove any rates, charges, classifications, rules, or regulations that the controlled carrier has failed to demonstrate to be just and reasonable. In a proceeding under this subsection, the burden of proof is on the controlled carrier to demonstrate that its rates, charges, classifications, rules, or regulations are just and reasonable. Rates, charges classifications, rules, or regulation filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission are void, and their use is unlawful.

(b) RATE STANDARDS.—For the purpose of this section, in determining whether rates, charges, classifications, rules, or regulations by a controlled carrier are just and reasonable, the Commission may take into account appropriate factors including, but not limited to, whether—

(1) the rates or charges which have been filed or which would result from the pertinent classification, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs, which are hereby defined as the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade;

(2) the rates, charges, classifications, rules, or regulations are the same as or similar to those filed or assessed by other carriers in the same trade;

(3) the rates, charges, classifications, rules, or regulations are required to assure movement of particular cargo in the trade; or

(4) the rates, charges, classifications, rules, or regulations are required to maintain acceptable continuity, level, or quality of common carrier service to or from affected ports.

(c) EFFECTIVE DATE OF RATES.—Notwithstanding section 7(d), the rates, charges, classifications, rules, or regulations of controlled carriers may not, without special permission of the Commission, become effective sooner than the thirtieth day after the date of filing with the Commission. Each controlled carrier shall, upon the request of the Commission, file, within twenty days of request (with respect to its existing or proposed rates, charges, classifications, rules, or regulations), a statement of justification that sufficiently details the controlled carrier's need and purpose for such rates, charges, classifications, rules, or regulations upon which the Commission may reasonably base its determination of the lawfulness thereof.

(d) DISAPPROVAL OF RATES.—Whenever the Commission is of the opinion that the rates, charges, classifications, rules, or regulations filed by a controlled carrier may be unjust and unreasonable, the Commission may issue an order to the controlled carrier to show cause why those rates, charges, classifications, rules, or regulations should not be disapproved. Pending a determination as to their lawfulness in such a proceeding, the Commission may suspend the rates, charges, classifications, rules, or regulations at any time before their effective date. In the case of rates, charges, classifications, rules, or regulations that have already become effective, the Commission may, upon the issuance of an order to show cause, suspend those rates, charges, classifications, rules, or regulations on not less than sixty days' notice to the controlled carrier. No period of suspension under this subsection may be greater than one hundred and eighty days. Whenever the Commission has suspended any rates, charges, classifications, rules or regulations under this subsection, the affected carrier may file new rates, charges, classifications, rules, or regulations to take effect immediately during the suspension period in lieu of the suspended rates, charges, classifications, rules, or regulations—except that the Commission may reject the new rates, charges, classifications, rules, or regulations if it is of the opinion that they are unjust and unreasonable.

(e) PRESIDENTIAL REVIEW.—Concurrently with the publication thereof, the Commission shall transmit to the President each order of suspension or final order of disapproval of rates, charges, classifications, rules, or regulations of a controlled carrier subject to this section. Within ten days after the receipt or the effective date of the Commission order, the President may request the Commission in writing to stay the effect of the Commission's order if he finds that the stay is required for reasons of national defense or foreign policy, which reasons shall be specified in the report. Notwithstanding any other law, the Commission shall immediately grant the request by the issuance of an order in which the President's request shall be described. During any such stay, the President shall, whenever practicable, attempt to resolve the matter in controversy by negotiation with representatives of the applicable foreign governments.

(f) EXCEPTIONS.—This section does not apply to—

(1) a controlled carrier of a state whose vessels are entitled by a treaty of the United States to receive national or most-favored-nation treatment;

(2) a controlled carrier of a state which, on the effective date of this section, has subscribed to the statement of shipping policy contained in note 1 to annex A of the Code of Liberalization of Current Invisible Operations, adopted by the Council of the Organization for Economic Cooperation and Development;

(3) rates, charges, classifications, rules, or regulations of a controlled carrier in any particular trade which are covered by an agreement effective under section 5, other than an agreement in which all of the members are controlled carriers not otherwise excluded from the provisions of this subsection;

(4) rates, charges, classifications, rules, or regulations governing the transportation of cargo by a controlled carrier between the country by whose government it is owned or controlled, as defined herein and the United States;

(5) a trade served exclusively by controlled carriers; or

(6) a controlled carrier registered in a state that on the effective date of this Act, is among those designated a beneficiary developing country for purposes of the generalized system of preferences, provided for in title V of the Trade Act of 1974 (88 Stat. 2066; 19 U.S.C. 2461 et seq.), and set forth in general headnote 3(c) of the Tariff Schedules of the United States, and that has vessels registered within its jurisdiction that are privately owned and not operated by a controlled carrier.

SEC. 9. PROHIBITED ACTS.

(a) IN GENERAL.—No person may—

(1) knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means obtain or attempt to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable;

(2) operate under an agreement required to be filed under section 4 that has not become effective under section 5, or that has been rejected, disapproved, or canceled; or

(3) operate under an agreement required to be filed under section 4 except in accordance with the terms of the agreement or any modifications made by the Commission to the agreement.

(b) COMMON CARRIERS.—No common carrier, either alone or in conjunction with any other person, directly or indirecty, may—

(1) charge, demand, collect, or receive greater, less, or different compensation for the transportation of property or for any service in connection therewith than the rates and charges that are specified in its tariffs;

(2) rebate, refund, or remit in any manner, or by any device, any portion of its rates except in accordance with its tariffs;

(3) extend or deny to any person any privilege, concession, equipment, or facility except in accordance with its tariffs;

(4) allow any person to obtain transportation for property at less than the rates or charges established by the carrier in its

tariff by means of false billing, false classification, false weighing, false measurements, or by any other unjust or unfair device or means;

(5) retaliate against any shipper by refusing, or threatening to refuse, cargo space accommodations, or resort to other unfair or unjustly discriminatory methods because the shipper has patronized another carrier, or has filed a complaint, or for any other reason;

(6) engage in any unfair or unjustly discriminatory practice in the matter of—

(A) rates;

(B) cargo classifications;

(C) cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage;

(D) the loading and landing of freight in proper condition; or

(E) the adjustment and settlement of claims;

(7) employ any fighting ship;

(8) offer or pay any deferred rebates;

(9) use a loyalty contract, except in conformity with the antitrust laws;

(10) demand, charge, or collect any rate or charge that is unjustly discriminatory between shippers or ports;

(11) make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or subject any particular person, locality, or description of traffic to an unreasonable refusal to deal or any undue or unreasonable prejudice or disadvantage in any respect whatsoever; or

(12) knowingly disclose, offer, solicit, or receive any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to a common carrier without the consent of the shipper or consignee if that information—

(A) may be used to the detriment or prejudice of the shipper or consignee;

(B) may improperly disclose its business transaction to a competitor; or

(C) may be used to the detriment or prejudice of any common carrier.

Nothing in paragraph (12) shall be construed to prevent providing such information, in response to legal process, to the United States, or to an independent neutral body operating within the scope of its authority to fulfill the policing obligations of the parties to an agreement effective under this Act. Nor shall it be prohibited for any ocean common carrier that is a party to a conference agreement approved under this Act, or any receiver, trustee, lessee, agent, or employee of such carrier or person, or any other person authorized by that carrier to receive information, to give information to the conference or any person, firm, corporation, or agency designated by the conference, or to prevent the conference or its designee from soliciting or receiving information for the purpose of determining whether a shipper or consignee has breached an agreement with the conference or its member lines or for the purpose of determining whether a member of the conference has breached the conference agreement, or for the purpose of compiling statistics of cargo movement, but the use of such information for any other purpose prohibited by this Act or any other Act is prohibited.

(c) CONCERTED ACTION.—No conference or group of two or more common carriers, may—

(1) boycott or take any other concerted action resulting in an unreasonable refusal to deal;

(2) engage in conduct that unreasonably conditions or otherwise unreasonably restricts the ability of a shipper to select a common carrier in a competing trade, an ocean tramp, or a bulk carrier;

(3) engage in conduct that discourages the use of intermodal services or technological innovations by member carriers;

(4) engage in any predatory practice designed to eliminate the participation, or deny the entry, in a particular trade of a common carrier not a member of the conference, a group of common carriers, and ocean tramp, or a bulk carrier;

(5) negotiate with a nonocean carrier or group of nonocean carriers (for example, truck, rail, or air operators) on any matter relating to rates or services provided to ocean common carriers within the United States by those nonocean carriers: *Provided*, That this paragraph does not prohibit the setting and publishing of a joint through rate by a conference, joint venture, or an association of ocean common carriers; or

(6) except as otherwise required by the law of the United States or the importing or exporting country, or as agreed to by a shipper in a service contract, allocate shippers among specific carriers that are parties to the agreement or prohibit a carrier that is a party to the agreement from soliciting cargo from a particular shipper.

(d) MARINE TERMINAL OPERATORS.—(1) No marine terminal operator may—

(A) fail to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property; or

(B) agree with any other marine terminal operator or group of two or more common carriers to boycott, or unreasonably discriminate in the provision of terminal services to, any common carrier or ocean tramp.

(2) The prohibitions in subsection (b) (11) and (12) apply to marine terminal operators.

(e) JOINT VENTURES.—For purposes of this section, a joint venture or consortium of two or more common carriers but operated as a single entity shall be treated as a single common carrier.

SEC. 10. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

(a) FILING OF COMPLAINTS.—Any person may file with the Commission a sworn complaint alleging a violation of this Act, other than section 5(g), and may seek reparation for any injury caused to the complainant by that violation.

(b) SATISFACTION OR INVESTIGATION OF COMPLAINTS.—The Commission shall furnish a copy of a complaint filed pursuant to subsection (a) of this section to the person named therein who shall, within a reasonable time specified by the Commission, satisfy the complaint or answer it in writing. If the complaint is not satisfied, the Commission shall investigate it in an appropriate manner and make an appropriate order.

(c) COMMISSION INVESTIGATIONS.—The Commission upon complaint or upon its own motion may investigate any conduct or agreement that it believes may be in violation of this Act. The Commission may by order disapprove, cancel, or modify any agreement filed under section 4(a) that operates in a manner inconsistent with this Act. With respect to agreements inconsistent with section 5(g), the Commission's sole remedy is under section 5(h).

(d) CONDUCT OF INVESTIGATION.—Within ten days after the initiation of any proceeding under this section, the Commission shall set a date on or before which its final decision will be issued. This date may be extended for good cause by order of the Commission.

(e) UNDUE DELAYS.—If, within the time period specified in subsection (d), the Commission determines that it is unable to issue a final decision because of undue delays caused by a party to the proceedings, the Commission may enter a decision adverse to the delaying party.

(f) REPORTS.—The Commission shall make a written report of every investigation made under this Act in which a hearing was held stating its conclusions, decisions, findings of fact, and order. A copy of this report shall be furnished to all parties. The Commission shall publish each report for public information, and the published report shall be competent evidence in all courts of the United States.

(g) REPARATIONS.—For any complaint filed within four years after the cause of action accrued, the Commission shall, upon petition of the complainant and after notice and hearing, direct payment of reparations to the complainant for actual injury (which, for purposes of this subsection, also includes the loss of interest at commercial rates compounded from the date of injury) caused by a violation of this Act plus reasonable attorney's fees. Upon a showing that the injury was caused by activity that is prohibited by section 9(b) (5) or (7) or section 9(c) (1) or (4), or that violates section 9(a) (2) or (3), the Commission may direct the payment of additional amounts; but the total recovery of a complainant may not exceed twice the amount of the actual injury. In the case of injury caused by an activity that is prohibited by section 9(b)(6) (A) or (B), the amount of the injury shall be the difference between the rate paid by the injured shipper and the most favorable rate paid by another shipper.

(h) INJUNCTION.—

(1) In connection with any investigation conducted under this section, the Commission may bring suit in a district court of the United States to enjoin conduct in violation of this Act. Upon a showing that the Commission has reasonable cause to believe that a violation of this Act has or is about to take place, and that enjoining that conduct is in the interest of the public, and after notice to the defendant, the court may grant a temporary restraining order or preliminary injunction for a period not to exceed ten days after the Commission has issued an order disposing of the issues under investigation. Any such suit shall be brought in the district in which the defendant resides or transacts business.

(2) After filing a complaint with the Commission under subsection (a), the complainant may file suit in a district court of the United States to enjoin conduct in violation of this Act. Upon a showing that standards for granting injunctive relief by courts of equity are met and after notice to the defendant, the court may grant a temporary restraining order or preliminary injunction for a period not to exceed ten days after the Commission has issued an order disposing of the complaint. Any such suit shall be brought in the district in which the defendant has been sued by the Commission under paragraph (1); or, if no suit has been filed, in any district in which the defendant resides or transacts business.

SEC. 11. SUBPENAS AND DISCOVERY.

(a) IN GENERAL.—In investigations and adjudicatory proceedings under this Act—

(1) depositions, written interrogatories, and discovery procedures may be utilized by any party under rules and regulations issued by the Commission which rules and regulations, to the extent practicable, shall be in conformity with the rules applicable in civil proceedings in the district courts of the United States; and

(2) the Commission may by subpena compel the attendance of witnesses and the production of books, papers, documents, and other evidence.

(b) WITNESS FEES.—Witnesses shall, unless otherwise prohibited by law, be entitled to the same fees and mileage as in the courts of the United States.

SEC. 12. PENALTIES.

(a) ASSESSMENT OF PENALTY.—Whoever violates any provision of this Act, or any regulation issued thereunder, or Commission order is liable to the United States for a civil penalty. The amount of the civil penalty, unless otherwise provided in this Act, may not exceed $5,000 for each violation unless the violation was willfully and knowingly committed, in which case the amount of the civil penalty may not exceed $25,000 for each violation. Each day of a continuing violation consitutes a separate offense.

(b) ADDITIONAL PENALTIES.—

(1) For any violation of section 9(b) (1), (2), (3), (4), or (8), the Commission may suspend any or all tariffs of any common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member, for a period not to exceed twelve months.

(2) For failure to supply information ordered to be produced or compelled by subpena under section 11, the Commission may, after notice and an opportunity for hearing, suspend any or all tariffs of any common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member.

(3) A common carrier who accepts or handles cargo for carriage under a tariff that has been suspended or after its right to utilize that tariff has been suspended is subject to a civil penalty of not more than $50,000 for each shipment.

(4) If, in defense of its failure to comply with a subpena or discovery order, a common carrier alleges that documents or information located in a foreign country cannot be produced because of the laws of that country, the Commission shall immediately notify the Secretary of State of the failure to comply and of the allegation relating to foreign laws. Upon receiving the notification, the Secretary of State shall promptly consult with the government of the nation within which the documents or information are alleged to be located for the purpose of assisting the Commission in obtaining the documents or information sought.

(5) If, after notice and hearing, the Commission finds that the action of a carrier or a foreign government has unduly impaired access of a vessel documented under the laws of the United States to ocean trade between foreign ports, the Commission shall take action that if finds appropriate, including the imposition of any of the penalties authorized under paragraphs (1), (2), and (3).

(6) Before any order under this subsection becomes effective, it shall be immediately submitted to the President who may, within ten days after receiving it, disapprove the order if he finds that disapproval is required for reasons of the national defense or the foreign policy of the United States.

(c) ASSESSMENT PROCEDURES.—Until a matter is referred to the Attorney General, the Commission may, after notice and an opportunity for hearing, assess each civil penalty provided for in this Act. In determining the amount of the penalty, the Commission shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree or culpability, history of prior offenses, ability to pay, and such other matters as justice may require. The Commission may compromise, modify, or remit, with or without conditions, any civil penalty.

(d) REVIEW OF CIVIL PENALTY.—Any person against whom a civil penalty is assessed under this section may obtain review thereof under chapter 158 of title 28, United Stated Code.

(e) FAILURE TO PAY ASSESSMENT.—If any person fails to pay an assessment of a civil penalty after it has become final or after the appropriate court has entered final judgment in favor of the Commission, the Attorney General at the request of the Commission may seek to recover the amount assessed in any appropriate district court of the United States. In such an action, the court shall enforce the Commission's order unless it finds that the order was not regularly made or duly issued.

(f) LIMITATIONS.—

(1) No fine or other punishment may be imposed for criminal conspiracy to violate any provision of this Act, or to defraud the Commission by concealment of any such violation.

(2) Any proceeding to assess a civil penalty under this section shall be commenced within five years from the date the violation occurred.

SEC. 13. COMMISSION ORDERS.

(a) IN GENERAL.—Orders of the Commission relating to any violation of this Act or any regulation issued thereunder shall be made, upon sworn complaint or on its own motion, only after opportunity for hearing. Each order of the Commission shall continue in force for the period of time specified in the order or until suspended, modified, or set aside by the Commission or a court of competent jurisdiction.

(b) REVERSAL OR SUSPENSION OF ORDERS.—The Commission may reverse, suspend, or modify any order made by it, and upon application of any party to a proceeding may grant a rehearing of the same or any matter determined therein. No rehearing shall, except by special order of the Commission, operate as a stay of such order.

(c) ENFORCEMENT OF NONREPARATION ORDERS.—In case of violation of any order of the Commission, or for failure to comply with a Commission subpena, the Attorney General, at the request of the Commission, or any party injured by the violation, may seek enforcement by a United States district court having jurisdiction over the parties. If, after hearing, the court determines that the order was properly made and duly issued, it shall enforce the order by an appropriate injunction or other process, mandatory or otherwise.

(d) ENFORCEMENT OF REPARATION ORDER.—(1) In case of violation of any order of the Commission for the payment of reparation, the person to whom the award was made may seek enforcement of the order in a United States district court having jurisdiction of the parties.

(2) In a United States district court the findings and order of the Commission shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs, nor for the costs of any subsequent stage of the proceedings, unless they accrue upon his appeal. A petitioner in a United States district court who prevails shall be allowed a reasonable attorney's fee to be assessed and collected as part of the costs of the suit.

(3) All parties in whose favor the Commission has made an aware of reparation by a single order may be joined as plaintiffs, and all other parties in the order may be joined as defendants, in a single suit in any district in which any one plaintiff could maintain a suit against any one defendant. Service of process against a defendant not found in that district may be made in a district in which is located any office of, or point of call on a regular route operated by, that defendant. Judgment may be entered in favor of any plaintiff against the defendant liable to that plaintiff.

(e) STATUTE OF LIMITATIONS.—An action seeking enforcement of a Commission order shall be filed within four years after the date of the violation of the order.

SEC. 14. REPORTS AND CERTIFICATES.

(a) REPORTS.—The Commission may require any common carrier, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report or any account, record, rate, or charge, or memorandum of any facts and transactions appertaining to the business of that common carrier. The report, account, record, rate, charge, or memorandum shall be made under oath whenever the Commission so requires, and shall be furnished in the form and within the time prescribed by the Commission. Conference minutes required to be filed with the Commission under this section shall not be released to third parties or published by the Commission.

(b) CERTIFICATION.—The Commission shall require the chief executive officer of each common carrier and, to the extent it deems feasible, may require any shipper, consignor, consignee, or broker to file a periodic written certification made under oath with the Commission attesting to—

(1) a policy prohibiting the payment, solicitation, or receipt of any rebate that is unlawful under the provisions of this Act;

(2) the fact that this policy has been promulgated recently to each owner, officer, employee, and agent thereof;

(3) the details of the efforts made within the company or otherwise to prevent or correct illegal rebating; and

(4) a policy of full cooperation with the Commission in its efforts to end those illegal practices.

Failure to file a certification shall result in a civil penalty of not more than $5,000 for each day the violation continues.

SEC. 15. EXEMPTIONS.

The Commission, upon application or on its own motion, may by order or rule exempt for the future any class of agreements between persons subject to this Act or any specified activity of those persons from any requirement of this Act if it finds that the exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory, result in a substantial reduction in competition, or be detrimental to commerce. The Commission may attach conditions to any exemption and may, by order, revoke any exemption.

No order or rule of exemption or revocation of exemption may be issued unless opportunity for hearing has been afforded interested persons and departments and agencies of the United States.

SEC. 16. REGULATIONS.

The Commission may prescribe rules and regulations as necessary to carry out this Act.

SEC. 17. COMMISSION ON THE DEREGULATION OF INTERNATIONAL OCEAN SHIPPING.

(a) ESTABLISHMENT AND COMPOSITION.—(1) There is established the Commission on the Deregulation of International Ocean Shipping (hereinafter referred to in this section as the "Commission").

(2) The Commission shall be composed of twenty-two members as follows:

(A) The President or a person designated by him.

(B) The Secretary of State, the Attorney General, the Secretary of Transportation, the Chairman of the Federal Trade Commission, and the Chairman of the Federal Maritime Commission, or a person designated by each official.

(C) Four members from the United States Senate appointed by the President, two from the membership of the Committee on Commerce, Science, and Transportation and two from the membership of the Committee on the Judiciary.

(D) Four members from the United States House of Representatives appointed by the President, two from the membership of the Committee on Merchant Marine and Fisheries and two from the membership of the Committee on the Judiciary.

(E) Eight members from the private sector appointed by the President, including representatives of ocean common carriers, shippers, maritime labor organizations, nonvessel-operating common carriers, and ports.

(3) The President or his designee shall be the chairman of the Commission.

(4) The majority leader of the Senate and the Speaker of the House shall make recommendations for the appointments of their respective members to be made pursuant to paragraphs (2) (C) and (D) within thirty days after the date of the enactment of this Act.

(5) The President shall make all of the appointments in accordance with paragraph (2) after receiving the recommendations set forth in paragraph (a)(4), but such appointments shall be made no later than sixty days after such date of enactment. The membership of the Commission shall be selected in such a manner as to be broadly representative of the various interests, needs, and concerns which may be affected by deregulation of international shipping.

(6) The first meeting of the Commission shall be called by the President no later than thirty days after the beginning of the first fiscal year occurring after the date of enactment of this Act.

(7) The term of office for members shall be for the term of the Commission.

(8) A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(9) Twelve members of the Commission shall constitute a quorum (but a lesser number may hold hearings).

(10) The Commission shall select a vice chairman from among its members.

(b) COMPENSATION OF MEMBERS OF THE COMMISSION.—(1) Officials of the United States Government and Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as officials and Members, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(2) Members of the Commission appointed from the private sector shall each receive compensation not exceeding the maximum per diem rate of pay for grade 18 of the General Schedule under section 5332 of title 5, United States Code when engaged in the performance of the duties vested in the Commission, plus reimbursement for actual travel, subsistence, and other necessary expenses incurred by them in the performance of those duties, notwithstanding the limitations in sections 5701 through 5733 of title 5, United States Code.

(3) Members of the Commission appointed from the private sector are not subject to title II of the Ethics in Government Act of 1978, Public Law 95-521, as amended, or to section 208 of title 18, United States Code. Before commencing service, these members shall file with the Commission a statement disclosing their financial interests and business and other relationships involving or relating to ocean transportation. These statements shall be available for public inspection at the Commission's offices.

(c) COMMISSION FUNCTIONS.—The Commission shall conduct a comprehensive study of, and make recommendations concerning, the deregulation of international ocean shipping by common carriers. The study shall specifically address—

(1) various options for deregulation of the international ocean shipping industry, with reference to their ability to promote an efficient, stable, and competitive United States common carrier fleet;

(2) the opportunities for harmonizing United States policy toward international ocean shipping with the policies of our major trading partners;

(3) the system for determining tariffs based on the classification of goods and its role in a future deregulated industry; including the most effective method for eliminating unnecessary cargo classifications as a basis for establishing tariffs and the feasibility of establishing a single tariff by each conference or common carrier for all cargoes shipped in units of comparable size, weight, and handling characteristics;

(4) the role of the antitrust laws in the international shipping industry and their impact upon our relations with foreign nations;

(5) the impact of any rules of competition adopted or being considered by our trading partners and their relationship to the trend in the developing world toward structured cartelization;

(6) the impact deregulation may have on the growth of State-owned or State-controlled merchant fleets;

(7) the size of the United States liner fleet, by number and cargo capacity, which each of the deregulation options may produce;

(8) the future structure and role of the Federal Maritime Commission in a deregulated international ocean shipping industry;

(9) the need for antitrust immunity for ports and marine terminals in their commercial relations with one another and with conferences of ocean common carriers; and

(1) the continuing need for, and the utility of, the statutory requirement that tariffs be filed with and enforced by the Federal Maritime Commission.

(d) POWERS OF THE COMMISSION.—(1) The Commission or, on the authorization of the Commission, any committee thereof, may, for the purpose of carrying out its functions, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or the committee may deem advisable. Subpenas may be issued to any person within the jurisdiction of the United States courts, under the signature of the chairman or vice chairman, or any duly designated member, and may be served by any person designated by the chairman, the vice chairman, or that member. In the case of the failure of a witness to comply with a subpena or to testify when summoned under authority of this section, sections 102, 103, and 104 of the Revised Statutes of the United States (2 U.S.C. 192-194) apply to the Commission to the same extent as those sections apply to Congress.

(2) For the purposes of sections 552, 552a, and 552b of title 5, United States Code, the Commission shall not be considered to be an "agency", as that term is defined in sections 551(1) and 552(e) of that title. The Commission is not subject to the Federal Advisory Committee Act, Public Law 92-463, as amended.

(3) Each department, agency, and instrumentality of the executive branch of the government, including independent agencies, shall furnish to the Commission, upon request made by the chairman or vice chairman, such information as the Commission deems necessary to carry out its functions under this section.

(4) Subject to such rules and regulations as may be adopted by the Commission, the chairman may—

(A) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of that title, and

(B) procure temporary and intermittent services in accordance with the provisions of section 3109 of title 5, United States Code.

(5) Persons in the employ of the Commission pursuant to subsection (4) shall be considered to be Federal employees for all purposes.

(6) The chairman may rent office space for the Commission, may utilize the services and facilities of other Federal agencies with or without reimbursement, may accept voluntary services notwithstanding section 1342 of title 31, United States Code, may accept, hold, and administer gifts from nongovernmental sources and transfers of funds from other Federal agencies, and may enter into contracts with any public or private person or entity for reports, research, or surveys in furtherance of the work of the Commission.

(e) FINAL REPORT.—The Commission shall submit to the President and to the Congress not later than one year after the first meeting of the Commission, a final report containing a detailed statement of the findings and conclusions of the Commission resulting from the study undertaken pursuant to subsection (c), including its recommenda-

tions for such administrative, judicial, and legislative action which it deems advisable. Each recommendation made by the Commission to the President and to the Congress must have the majority vote of the Commission present and voting.

(f) EXPIRATION OF THE COMMISSION.—The Commission shall cease to exist sixty days after the submission to Congress of the final report under subsection (e).

(g) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Commission.

SEC. 18. OCEAN FREIGHT FORWARDERS.

(a) LICENSE.—No person may act as an ocean freight forwarder unless that person holds a license issued by the Commission. The Commission shall issue a forwarder's license to any person that—

(1) the Commission determines to be qualified by experience and character to render forwarding services; and

(2) furnishes a bond in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

(b) SUSPENSION OR REVOCATION.—The Commission shall, after notice and hearing, suspend or revoke any license if it finds that the ocean freight forwarder is not qualified to render forwarding services or that it willfully failed to comply with any provision of this Act or with any lawful order, rule, or regulation of the Commission. The Commission may also revoke a forwarder's license for failure to maintain a bond in accordance with subsection (a)(2).

(c) EXCEPTION.—A person whose primary business is the sale of merchandise may forward shipments of the merchandise for its own account without a license.

(d) COMPENSATION OF FORWARDERS BY CARRIERS.—

(1) A common carrier may compensate an ocean freight forwarder in connection with any shipment dispatched on behalf of others only when the ocean freight forwarder has certified in writing that it holds a valid license and has performed the following services:

(A) Engaged, booked, secured, reserved, or contracted directly with the carrier or its agent for space aboard a vessel or confirmed the availability of that space.

(B) Prepared and processed the ocean bill of lading, dock receipt, or other similar document with respect to the shipment.

(2) No common carrier may pay compensation for services described in paragraph (1) more than once on the same shipment.

(3) No compensation may be paid to an ocean freight forwarder except in accordance with the tariff requirements of this Act.

(4) No ocean freight forwarder may receive compensation from a common carrier with respect to any shipment in which the forwarder has a direct or indirect beneficial interest nor shall a common carrier knowingly pay compensation on that shipment.

SEC. 19. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The laws specified in the following table are repealed:

Shipping Act, 1916:	
Sec. 13	36 Stat. 117
Sec. 14a	46 U.S.C. 813
Sec. 14b	46 U.S.C. 813a
Sec. 18(b)	46 U.S.C. 817(b)
Sec. 18(c)	46 U.S.C. 817(c)
Sec. 26	46 U.S.C. 825
Sec. 44	46 U.S.C. 841b
Merchant Marine Act, 1920:	
Sec. 20	41 Stat. 996
Merchant Marine Act, 1936:	
Sec. 212(e)	46 U.S.C. 1122(e)
Sec. 214	46 U.S.C. 1124
Omnibus Budget Reconciliation Act of 1981:	
Sec. 1608	95 Stat. 752

(b) CONFORMING AMENDMENTS.—The Shipping Act, 1916 (39 Stat. 728), as amended (46 U.S.C. 801 et seq.), is amended as follows:

(1) in section 1 by striking the definitions "controlled carrier" and "independent ocean freight forwarder";

(2) in sections 14, 15, 16, 20, 21(a), 22, and 45 by striking "common carrier by water" wherever it appears in those sections and substituting "common carrier by water in interstate commerce";

(3) in section 14, first paragraph, by striking "or a port of a foreign country";

(4) in section 14, last paragraph, by striking all after the words "for each offense" and substituting a period;

(5) in section 15, fourth paragraph, by striking "(including changes in special rates and charges covered by section 14b of this Act which do not involve a change in the spread between such rates and charges and the rates and charges applicable to noncontract shippers)" and also "with the publication and filing requirements of section 18(b) hereof and";

(6) in section 15, sixth paragraph, by striking ", or permitted under section 14b," and in the seventh paragraph, by striking "or of section 14b";

(7) in section 16, in the paragraph designated "First", by striking all after "disadvantage in any respect" and substituting "whatsoever.";

(8) in section 17 by striking the first paragraph, and in the second paragraph, by striking "such carrier and every";

(9) in section 21(b) by striking "The Commission shall require the chief executive officer of every vessel operating common carrier by water in foreign commerce and to the extent it deems feasible, may require any shipper, consignor, consignee, forwarder, broker, other carrier or other person subject to this Act," and substituting "The Commission may, to the extent it deems feasible, require any shipper, consignor, consignee, forwarder, broker, or other person subject to this Act.";

(10) in section 22 by striking subsection (c);

(11) in section 25, at the end of the first sentence, by adding "under this Act";

(12) in sections 30 and 31, after the words "any order of the board", by adding "under this Act,";

(13) in section 29, by striking out "any order of the board," and inserting in lieu thereof "any order of the board under this Act,"; and

(14) in section 32(c), after the words "or functions,", by adding "under this Act,".

(c) TECHNICAL AMENDMENTS.—Section 212 of the Merchant Marine Act, 1936 (46 U.S.C. 1122) is amended by—

(1) striking after subsection (d) the following undesignated paragraph:

"The Federal Maritime Commission is authorized and directed—"; and

(2) striking after subsection (e) the following undesignated paragraph:

"The Secretary of Transportation is authorized and directed—".

(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, and exemptions previously approved or licensed previously issued by the Commission shall continue in force and effect as if approved or issued under this Act; and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act.

(e) SAVINGS PROVISIONS.—

(1) Notwithstanding subsection 7(c), each service contract entered into by a shipper and an ocean common carrier or conference before the date of enactment of this Act may remain in full force and effect and need not comply with the requirements of that subsection until fifteen months after the date of enactment of this Act.

(2) This Act and the amendments made by it shall not affect any suit—

(A) filed before the date of enactment of this Act; or

(B) with respect to claims arising out of conduct engaged in before the date of enactment of this Act, filed within one year after the date of enactment of this Act.

SEC. 20. EFFECTIVE DATE.

This Act shall become effective one hundred and eighty days after the date of its enactment, except that sections 16 and 17 shall become effective upon enactment.

SEC. 21. COMPLIANCE WITH BUDGET ACT.

Any new spending authority (within the meaning of section 401 of the Congressional Budget and Impoundment Control Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in advance in appropriations Acts. Any provision of this Act which authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1983.

SEC. 22. COMMISSION REPORT.

The Commission shall collect and analyze information that will assist in determining the impact of this Act, including data on:

(1) increases or decreases in the level of tariffs;

(2) changes in the frequency or type of common carrier services available to specific ports or geographic regions;

(3) the number and strength of independent carriers in various trades; and

(4) the length of time, frequency, and cost, of major types of regulatory proceedings before the Commission.

The Commission shall report this information, together with an analysis of the impact of this Act, to Congress before December 31, 1988.

AUTHORIZING CONVEYANCE OF THE LIBERTY SHIP "JOHN W. BROWN"

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, (H.R. 1556) to authorize the conveyance of the Liberty ship *John W. Brown*, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, after line 21, insert:

SEC. 4. Section 202 of the Act of July 12, 1983 (Public Law 98-44), is amended by

striking "July 1, 1983," and substituting "August 1, 1983,".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. FORSYTHE. Mr. Speaker, reserving the right to object, I do so solely to yield to my chairman to explain the reason we need this.

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield to me?

Mr. FORSYTHE. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, the amendment added by the Senate merely changes by 1 month the date by which a resident alien who is an officer of a corporation subject to the citizenship requirements of the Shipping Act must have declared an intention to become a citizen of the United States in order to retain the exemption provided by section 202 of Public Law 98-44. Normally, all officers of shipping companies must be citizens of the United States, but this Congress created a narrow one-time exemption so long as declaration was made by July 1, 1983. This amendment changes the date to August 1, 1983. All other provisions of the bill, H.R. 1556, remain as they were when this body passed the bill on July 19, 1983.

Does that answer the question of the gentleman (Mr. FORSYTHE)?

Mr. FORSYTHE. That is very satisfactory.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

A motion to reconsider was laid on the table.

HAZARDOUS WASTE CONTROL AND ENFORCEMENT ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 274 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2867.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2867) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes, with Mr. BARNARD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Thursday, August 4, 1983, section 4 was open for amendment at any point.

Are there any amendments to section 4?

If not, the Clerk will read.

The Clerk read as follows:

LAND DISPOSAL OF HAZARDOUS WASTE

SEC. 5. Section 3004 is amended by inserting "(a) IN GENERAL.—" after "3004." and by adding the following at the end thereof:

"(b) LIQUIDS IN LANDFILLS.—Not later than six months after the enactment of the Hazardous Waste Control and Enforcement Act of 1983, the Administrator shall promulgate final regulations which minimize (to the extent technologically feasible) the disposal of containerized liquid hazardous wastes in landfills, and which prohibit the landfill disposal of bulk or noncontainerized liquid hazardous wastes. Such regulations shall become effective immediately upon promulgation. Pending promulgation of such regulations, the Administrator shall maintain the requirements (as in effect on April 30, 1983) in regulations under section 3004 respecting the disposal in landfills of liquid hazardous wastes and free liquids contained in hazardous wastes.

"(c) PROHIBITIONS ON LAND DISPOSAL OF SPECIFIED WASTES.—(1) The Administrator may promulgate regulations prohibiting one or more methods of land disposal of specified hazardous wastes (in addition to the wastes referred to in paragraph (2) of this subsection) which are identified or listed under section 3001. The Administrator shall specify each such hazardous waste for which it may reasonably be anticipated that one or more methods of land disposal may not be protective of human health and the environment for as long as the waste remains hazardous, taking into account the long-term uncertainties associated with land disposal, the goal of managing hazardous waste in an appropriate manner in the first instance, and the persistence, toxicity, mobility, and propensity of bioaccumulate of such hazardous wastes and their toxic constituents. In promulgating such regulations, the Administrator shall consider each hazardous waste which is prohibited from one or more methods of land disposal by any State.

"(2) Not later than twelve months after the enactment of the Hazardous Waste Control and Enforcement Act of 1983, the land disposal of the following hazardous wastes is prohibited unless the Administrator determines the prohibition on one or more methods of land disposal is not required in order to protect human health and the environment for as long as the waste remains hazardous, taking into account the factors referred to in paragraph (1):

"(A) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free or complex cyanides at concentrations greater than or equal to 1,000 mg/l.

"(B) Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing the following dissolved metals (or elements) or compounds of these metals (or elements) at concentrations greater than or equal to those specified below:

"(i) arsenic and/or compounds (as As) 500 mg/l;

"(ii) cadmium and/or compounds (as Cd) 100 mg/l;

"(iii) chromium (VI and/or compounds (as Cr VI)) 500 mg/l;

"(iv) lead and/or compounds (as Pb) 500 mg/l;

"(v) mercury and/or compounds (as Hg) 20 mg/l;

"(vi) nickel and/or compounds (as Ni) 134 mg/l;

"(vii) selenium and/or compounds (as Se) 100 mg/l; and

"(viii) thallium and/or compounds (as Th) 130 mg/l.

"(C) Liquid hazardous waste having a pH less than or equal to two (2.0).

"(D) Liquid hazardous wastes containing polychlorinated biphenyls at concentrations greater than or equal to 50 ppm.

"(E) Hazardous wastes containing halogenated organic compounds in total concentration greater than or equal to 1,000 mg/kg.

Where necessary to protect human health and the environment, the Administrator may substitute more stringent concentration levels than the levels specifed in subparagraphs (A) through (E).

"(d) SCHEDULED FOR ADDITIONAL PROHIBITION DETERMINATIONS.—(1) Not later than six months after enactment of the Hazardous Waste Control and Enforcement Act of 1983, for all hazardous wastes listed in 40 C.F.R. 261.31 and 261.32 (as in effect on the date of the enactment of this subsection) which are not covered by a prohibition under subsection (b) or (c), the Administrator shall submit a schedule to Congress for reviewing those wastes under this subsection. The Administrator shall complete such review and shall promulgate regulations in accordance with paragraph (2) for the percentages of such wastes set forth in the following table before the expiration of the corresponding period set forth in such table:

Pecentage of listed hazardous wastes for which a determination of land disposal prohibition must be made	Period after enactment by which determination must be made and regulation promulgated
25	24 months
50	34 months
75	44 months
100	54 months

The Administrator shall add to the schedule required under subsection (d)(1) any hazardous waste identified or listed under section 3001 after the date of enactment of the Hazardous Waste Control and Enforcement Act of 1983 and before fifty-four months after such date of enactment. The Administrator shall also determine, within fifty-four months after the enactment of such Act, whether all remaining hazardous wastes identified or listed under section 3001 should be prohibited from one or more methods of land disposal in accordance with paragraph (2). In the case of any hazardous waste identified or listed under section 3001 after fifty-four months after enactment, the Administrator shall determine whether such waste shall be prohibited from one or more methods of land disposal in accordance with paragraph (2) within six months after the date of such identification or listing.

"(2) In accordance with the schedule and time periods set forth in paragraph (1), the Administrator shall promulgate final regulations prohibiting one or more methods of land disposal of hazardous wastes if it may reasonably be anticipated that such method of land disposal may not be protective of human health and the environment for as long as the waste remains hazardous, taking into account the long-term uncertainties associated with land disposal, the goal of managing waste in an appropriate manner in the first instance, and the persistence, toxicity, mobility, and propensity to bioaccumulate of such hazardous wastes and their toxic

constituents. In promulgating such regulations, the Administrator shall consider each hazardous waste which is prohibited from one or more methods of land disposal by any State.

"(3) If the Administrator fails to make a determination for any hazardous waste listed or identified under section 3001 within the time provided in paragraph (1), such hazardous waste shall be prohibited from land disposal.

"(e) EFFECTIVE DATES UNDER (c)(2) AND (d).—(1)(A) Except as provided in subparagraph (B), the prohibition under section (c)(2) shall be effective on the date twelve months after the date of the enactement of this subsection and a prohibition in regulations under subsection (d) shall be effective immediately upon promulgation.

"(B) The Administrator may establish an effective date other than that required under subparagraph (A) with respect to a specific hazardous waste subject to a prohibition under subsection (c)(2) or (d) on the basis of the earliest date on which adequate capacity for alternative management will be available. No such other effective date established by the Administrator shall be later than forty-two months after the effective date specified in paragraph (A) of promulgation.

"(2) For those hazardous wastes for which no other effective date is established under paragraph (1)(B), the Administrator may grant a variance on a case-by-case basis for up to six months, renewable twice only, upon a showing by a generator of severe economic hardship. No such variance shall be granted for wastes generated by any agency or instrumentality of the United States.

"(3) The Administrator may, from time to time after the initial promulgation of regulations required by this subsection, revise such regulations to add additional hazardous wastes to be prohibited from one or more methods of land disposal.

"(f) IMPOSITION OF CONDITIONS.—The Administrator may impose such conditions as may be necessary to accomplish the purpose of this section, including but not limited to pretreatment and detoxification prior to land disposal, and limitations on waste dilution.".

Mr. FLORIO. Mr. Chairman, I ask unanimous consent that section 5 be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey.

There was no objection.

The CHAIRMAN. Are there amendments to section 5?

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: Page 11, line 15, after "5." insert: "(a) LAND DISPOSAL.—".

Page 12, strike out lines 24 and 25 and substitute:

"(2) Effective on the date specified in subsection (e), except as provided in paragraph (3) with respect to underground injection into deep injection wells,".

Page 13, line 1, insert "listed or identified" before "hazardous".

Page 14, after line 18, insert:

"(3)(A) Not later than 32 months after the enactment of the Hazardous Waste Control and Enforcement Act of 1983, the Administrator shall complete a review of the disposal of all hazardous wastes referred to in paragraph (2) by underground injection into deep injection wells and shall promulgate final regulations prohibiting the disposal of any such hazardous waste into such wells if it may reasonably be determined that such disposal may not be protective of human health and the environment for as long as the waste remains hazardous, taking into account the factors referred to in paragraph (2). In promulgating such regulations, the Administrator shall consider each hazardous waste referred to in paragraph (2) which is prohibited from disposal into such wells by any State.

"(B) If the Administrator fails to make a determination for any hazardous waste referred to in paragraph (2) within the 32 month period referred to in subparagraph (A), such hazardous waste shall be prohibited from disposal into any deep injection well.

"(C) Not later than 18 months after the enactment of the Hazardous Waste Control and Enforcement Act of 1983, the Administrator shall submit a report to the Congress setting forth the interim results of the review required to be carried out under subparagraph (A).

"(D) As used in this subsection, the term 'deep injection well' means a well used for the underground injection of hazardous waste other than a well to which section 7010(a) applies.

Page 14, line 20, strike out "six" and substitute "twelve".

Page 15, line 1, after the period, insert: "The submission of such schedule shall not be treated as rulemaking for purposes of chapter 5 of title 5 of the United States Code or for purposes of the Paperwork Reduction Act of 1980.".

Page 15, strike out the table following line 6 and substitute:

Percentage of listed hazardous wastes for which a determination of land disposal prohibition must be made:	Period after enactement by which determination must be made and regulation promulgated:
33⅓	32 months
66⅔	42 months
100	52 months

Page 15, line 8, strike out "subsection (d)(1)" and substitute "this paragraph".

Page 18, after line 2, insert:

(b) APPLICATION OF AMENDMENTS TO AUTHORIZED STATES.—Section 3006 is amended by adding the following new subsection after subsection (f):

"(g) AMENDMENTS MADE BY 1983 ACT.—(1) Any requirement or prohibition which is applicable to the generation, transportation, treatment, storage, or disposal of hazardous waste and which is imposed under this subtitle pursuant to the amendments made by the Hazardous Waste Control and Enforcement Act of 1983 shall take effect in each State having an authorized State program on the same date as such requirement takes effect in other States. The Administrator shall enforce such requirement directly in each such State unless—

"(A) the State program is authorized (or is granted interim authorization as provided in paragraph (2)) with respect to such requirement, or

"(B) the State has entered into a cooperative agreement with the Administrator under which the State will enforce the requirement in that State pending amendment of the State hazardous waste program to incorporate such requirement.

"(2) Any State which, before the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983, has an existing hazardous waste program which is authorized under this section may submit to the Administrator evidence that such existing program contains (or has been amended to include) any requirement which is substantially equivalent to a requirement referred to in paragraph (1) and may request an interim authorization to carry out that requirement under this subtitle. The Administrator, if the evidence submitted shows the State requirement to be substantially equivalent to the requirement referred to in paragraph (1), grant an interim authorization to the State to carry out such requirement in lieu of direct enforcement in the State by the Administrator of such requirement.".

(c) INTERIM STATUS FACILITIES.—Section 3005(c)(2), as amended by section 7 of this Act, is further amended by adding the following at the end thereof:

"(D) In the case of each land disposal facility which has been granted interim status under subsection (e) before the date of the enactment of this subsection, interim status shall terminate on the date 12 months after the date of the enactment of this subsection unless the owner or operator of such facility—

"(i) applies for a final determination regarding the issuance of a permit under subsection (c) for such facility before the date 12 months after the date of the enactment of this subsection; and

"(ii) certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.".

(d) STATE LAW REGARDING HAZARDOUS WASTE MANIFEST.—Section 3009 is amended by adding the following at the end thereof: "Nothing in this title (or in any regulation adopted under this title) shall be construed to prohibit any State from requiring that the State be provided with a copy of each manifest used in connection with hazardous waste which is generated within that State or transported to a treatment, storage, or disposal facility within that State.".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, this amendment which I offer on behalf of Mr. LENT and my colleague, Mr. ECKART, a member of the subcommittee improves the schedule by which EPA must decide whether to ban each listed hazardous waste from one or more methods of land disposal. Our amendment would essentially give EPA a little more time in which to make the crucial decisions involving the toxicity, mobility, and risk associated with each waste, as well as the safety of various methods of treatment, recycling, and disposal.

This amendment has been favorably reviewed by the environmental community and EPA, as well as the regulated community, by providing for a more orderly, and better targeted, de-

cisionmaking process, this amendment will help assure that this program will be implemented the way Congress intended. Specifically, the amendment:

Reduces the number of rulemakings from four to three for EPA's review of all hazardous wastes;

Gives EPA more time to set up a schedule for the review of each waste and allows EPA to develop that schedule without formal rulemaking;

Shortens the overall time for review from 54 to 52 months;

Allows the "deep well" injection method of disposal—normally 4,000 to 6,000 feet below the surface—and an additional 20 months in which to prove that this method of disposal is safe with respect to wastes that would otherwise be banned in 12 months;

Requires self-certification of ground water monitoring and financial responsibility requirements; and

Allows States to require disposers and generators to send manifests directly to that State.

I believe this amendment is carefully crafted and will help EPA accomplish the important task we have directed them to do.

Mr. LENT. Mr. Chairman, will the gentleman yield to me?

Mr. FLORIO. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Is it not a fact that the changes being made by this amendment will change the land disposal deadlines in a way that will assist EPA in making its decisions under section 5?

Mr. FLORIO. The gentleman is correct.

Mr. LENT. This amendment, then, gives a segment of the regulated community, those who utilize underground injection for their waste disposal practices, some relief from the stringent deadlines contained in section 5?

Mr. FLORIO. Under the appropriate circumstances, that is correct.

Mr. LENT. My understanding is that this amendment contains a change that is essential to speeding the RCRA landfill permitting procedures along; this change requires that all owners of hazardous waste landfill facilities certify that they are in compliance with all applicable ground water monitoring, postclosure and financial responsibility requirements as a condition for maintaining interim status and again it will assist, it should assist EPA in performing its responsibilities since owners will now be forced to close down if they fail to certify that they are in compliance with the basic RCRA requirements.

Mr. FLORIO. Once again the gentleman is correct.

Mr. LENT. I thank the gentleman. I support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FLORIO).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 5?

AMENDMENT OFFERED BY MR. BREAUX

Mr. BREAUX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BREAUX: Page 11, line 15, after "5." insert: "(a) LAND DISPOSAL OF CERTAIN HAZARDOUS WASTES.—".

Page 11, strike out line 18 and all that follows down through line 5 on page 12 and substitute:

"(b) SALT DOME FORMATIONS, UNDERGROUND MINES AND CAVES.—(1) Effective February 1, 1984, the placement of any liquid hazardous waste or free liquids contained in hazardous waste (whether containerized, noncontainerized or bulk and whether or not absorbents have been added) in any salt dome formation, underground mine, or cave is prohibited. Effective on the date of enactment of this subsection, the placement of any other hazardous waste in a salt dome formation, underground mine, or cave is prohibited until such time as the Administrator has promulgated performance and permitting standards for such facilities under this subtitle and a permit has been issued under section 3005(c) for the facility concerned.

"(2) The Administrator shall conduct a study and, within 2 years after the date of the enactment of this subsection, submit a report to the Congress regarding the effects on human health and the environment which are associated with the placement of liquid hazardous waste in salt dome formations, underground mines, and caves. Such report may include recommendations for the modification of the prohibition contained in paragraph (1) on the placement of liquid hazardous waste in salt dome formations, underground mines, and caves.

"(3) No determination made by the Administrator under subsection (d) or (e) of this section regarding any hazardous waste to which such subsection (d) or (e) applies shall affect the prohibition contained in paragraph (1) of this subsection.

"(c) LIQUIDS IN LANDFILLS.—(1) Effective six months after the date of the enactment of this subsection, the placement of bulk or noncontainerized liquid hazardous waste or free liquids contained in hazardous waste (whether or not absorbents have been added) in any landfill is prohibited. Prior to such date the requirements (as in effect on April 30, 1983) promulgated under this section by the Administrator regarding liquid hazardous waste shall remain in force and effect to the extent such requirements are applicable to the placement of bulk or noncontainerized liquid hazardous waste, or free liquids contained in hazardous waste, in landfills.

"(2) Not later than six months after the date of the enactment of this subsection, the Administrator shall promulgate final regulations which—

"(A) minimize (to the extent technologically feasible) the disposal of containerized liquid hazardous waste (whether or not absorbents have been added) in landfills, and

"(B) minimize (by means other than the addition of absorbent material where technologically feasible) the presence of free liquids in containerized hazardous waste to be disposed of in landfills.

Prior to the date on which such final regulations take effect, the requirements (as in effect on April 30, 1983) promulgated under this section by the Administrator shall remain in force and effect to the extent such requirements are applicable to the disposal of containerized liquid hazardous waste, or free liquids contained in hazardous waste, in landfills.

"(3) Effective 1 year after the date of the enactment of this subsection, the placement of any liquid which is not a hazardous waste in a landfill for which a permit is required under section 3005(c) or which is operating pursuant to interim status granted under section 3005(e) is prohibited unless the owner or operator of such landfill demonstrates to the Administrator, or the Administrator determines, that—

"(A) the only reasonably available alternative to the placement in such landfill is placement in a landfill or unlined surface impoundment, whether or not permitted under section 3005(c) or operating pursuant to interim status under section 3005(e), which contains, or may reasonably be anticipated to contain, hazardous waste; and

"(B) placement in such owner or operator's landfill will not present a risk of contamination of any underground source of drinking water. As used in this subparagraph, the term 'underground source of drinking water' has the same meaning as provided in regulations under the Safe Drinking Water Act (Title XIV of the Public Health Service Act).

"(4) No determination made by the Administrator under subsection (d) or (e) of this section regarding any hazardous waste to which such subsection (d) or (e) applies shall affect the prohibition contained in paragraph (1) of this subsection.

Page 12, line 6, strike out "(c)" and substitute "(d)".

Page 14, line 19, strike out "(d)" and substitute "(e)".

Page 14, line 25, strike out "(b) or (c)" and substitute "(d)".

Page 15, line 8, strike out "subsection (d)(1)" and substitute "this paragraph".

Page 16, line 21, strike out "(e) EFFECTIVE DATES UNDER (c)(2) AND (d).—" and substitute "(f) EFFECTIVE DATES; SPECIAL RULES.—".

Page 16, line 23, strike out "(c)(2)" and substitute "(d)(2)".

Page 17, line 1, strike out "(d)" and substitute "(e).

Page 17, line 6, strike out "(c)(2) or (d)" and substitute "(d)(2) or (e)".

Page 17, line 10, strike out "of promulgation." and substitute the following: ", except that in the case of disposal of a specific hazardous waste by agencies or instrumentalities of the Federal government, no such other effective date established by the Administrator may be later than 18 months after the effective date specified in subparagraph (A) unless the Administrator determines at that time that alternative available capacity is still unavailable or inadequate for the management of such hazardous waste. If the Administrator makes such a determination concerning disposal by an agency or instrumentality of the waste concerned, he may establish another effective date which may not be later than 30 months after the effective date specified in subparagraph (A).".

Page 17, line 23, strike out "(f) IMPOSITION OF CONDITIONS.—" and substitute "(4)".

Page 17, line 25, strike out "this section" and substitute "subsections (b) through (f) of this section".

Page 18, line 2, strike out the closing quotation marks.

Page 18, line 2, insert:

"(5) In the case of any hazardous waste which is prohibited from one or more methods of land disposal under subsection (d) or (e) of this section (or under regulations promulgated by the Administrator under such subsection (d) or (e)) the storage of such hazardous waste is prohibited unless such storage is solely for the purpose of the accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.

"(6) For the purposes of subsections (d) and (e) of this section, the term 'land disposal', when used with respect to a specified hazardous waste, shall be deemed to include, but not be limited to, any placement of such hazardous waste in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, or underground mine or cave.".

(b) INTERIM STATUS SURFACE IMPOUNDMENTS.—Section 3005 is amended by adding the following after subsection (g):

"(h) INTERIM STATUS SURFACE IMPOUNDMENTS.—(1) Except in the case of a surface impoundment which meets the requirements of subparagraph (A) or (B) of paragraph (3), no hazardous waste listed or identified under section 3001 as of the date of enactment of this subsection may be placed or maintained in a surface impoundment which has been granted interim status under subsection (e) unless the Administrator has issued a permit for such surface impoundment under subsection (c). The requirement set forth in the preceding sentence shall take effect on the date 4 years after the date of the enactment of this subsection. In the case of any surface impoundment which is granted interim status after the date of the enactment of this subsection and which receives hazardous waste which is listed or identified under section 3001 after such date of enactment, the requirement set forth in the first sentence of this paragraph shall take effect on the date 4 years after the date on which such hazardous waste is listed or identified.

"(2) Except in the case of a surface impoundment which meets the requirements of subparagraph (A) or (B) of paragraph (3), any permit issued under subsection (c) for a surface impoundment which is operating under interim status pursuant to subsection (e) shall require such impoundment to comply with the requirements which are applicable to new surface impoundments under section 3004(k)(1). Any such permit may allow the surface impoundment to come into compliance with such requirements in accordance with a compliance schedule if such schedule requires compliance as rapidly as practicable but not later than 2 years after the issuance of the permit.

"(3) The prohibition set forth in paragraph (1) and the requirement set forth in paragraph (2) may be waived by the Administrator for any surface impoundment if the owner or operator of the surface impoundment demonstrates to the satisfaction of the Administrator that, as of the date of the enactment of this subsection, the impoundment—

"(A) was not within ¼ mile of underground source of drinking water, and—

"(i) had a liner designed, constructed, installed and operated to prevent hazardous waste from passing into the liner at any time during the active life of the facility; or

"(ii) had a liner designed, constructed, installed and operated to prevent hazardous waste from migrating beyond the liner to adjacent subsurface soil, groundwater, or surface water at any time during the active life of the facility; or

"(B) was designed, operated, and located so as to prevent the migration of any hazardous constituent into the groundwater or surface water at any future time.

The exemption provided under subparagraph (A) of this paragraph for any surface impoundment shall cease to apply at any time that the Administrator determines that the liner of the surface impoundment has failed to meet the requirements of clause (i) or (ii) of subparagraph (A) and repairs acceptable to the Administrator have not been made to insure that such requirements are met. The exemption provided under subparagraph (B) of this paragraph for any surface impoundment shall cease to apply at any time that the Administrator determines that the surface impoundment has failed to prevent the migration of any hazardous constituent into the groundwater or surface water. In the case of any surface impoundment which has been granted interim status and which has been determined under this paragraph to meet the requirements of subparagraph (A)(ii), at the closure of such impoundment the Administrator shall require the owner or operator of such impoundment to remove or decontaminate all waste residues, all contaminated liner material, and contaminanted soil to the extent practicable. If all contaminanted soil is not removed or decontaminated, the owner or operator of such impoundment shall be required to comply with appropriate post-closure requirements, including but not limited to groundwater monitoring and corrective action.

"(4) If the Administrator allows a hazardous waste which is prohibited from one or more methods of land disposal under subsection (d) or (e) of section 3004 (or under regulations promulgated by the Administrator under such subsection (d) or (e)) to be placed in a surface impoundment (which is operating pursuant to interim status) for storage or treatment, such impoundment shall meet the requirements that are applicable to new surface impoundments under section 3004(k)(1) as of the effective date of such prohibition, unless such impoundment meets the exemptions contained in paragraph (3) of this subsection. Where necessary to protect human health or the environment, taking into account the factors referred to in section 3004(d)(1), the Administrator may impose additional requirements to any surface impoundment operating pursuant to interim status under section 3005(e) or for which a permit has been issued pursuant to section 3005(c).

"(5) In the case of any hazardous waste which is prohibited from one or more methods of land disposal under subsection (d) or (e) of section 3004 (or under regulations promulgated by the Administrator under such subsection (d) or (e)) the placement or maintenance of such hazardous waste in a surface impoundment for treatment is prohibited as of the effective date of such prohibition unless the treatment residues which are hazardous are, at a minimum, removed for subsequent management within one year of the entry of the waste into the surface impoundment.

"(6) In the case of each surface impoundment which has been granted interim status under subsection (e) before the date of the enactment of this subsection, interim status shall terminate on the date 12 months after the date of the enactment of this subsection unless the owner or operator of such impoundment—

"(A) applies for a final determination regarding the issuance of a permit under subsection (c) for such facility before the date 12 months after the date of the enactment of this subsection; and

"(B) demonstrates that such impoundment is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

"(7) Before the date 3 years after the date of the enactment of this subsection the Administrator shall make a determination regarding the issuance of a permit under section (c) for all surface impoundments which have been granted interim status under subsection (e) and which are located within ¼ mile of an underground source of drinking water.

"(8) As used in this subsection, the term 'underground source of drinking water' has the same meaning as provided in regulations under the Safe Drinking Water Act (Title XIV of the Public Health Service Act).

(c) AIR EMISSIONS FROM LAND DISPOSAL FACILITIES.—Section 3004 is amended by adding the following new subsection after subsection (k):

(1) AIR EMISSIONS FROM LAND DISPOSAL FACILITIES.—Not later than 24 months after the date of the enactment of this subsection, the Administrator shall promulgate regulations for such monitoring and control of air emissions at hazardous waste storage, treatment, and land disposal facilities (including but not limited to open tanks, surface impoundments, and landfills) as may be necessary to protect human health and the environment.".

(d) FEDERAL FACILITY INSPECTIONS; REPORT TO CONGRESS.—Section 3007 of such Act is amended by adding the following new subsections after subsection (d):

"(e) FEDERAL FACILITY INSPECTIONS.—Beginning one year after the date of enactment of this subsection, the Administrator shall, or in the case of a State with an authorized hazardous waste program the State shall, undertake no less often than every year a thorough inspection of each facility for the treatment, storage, or disposal of hazardous waste which is operated by an agency or instrumentality of the Federal government to enforce its compliance with this subtitle and the regulations promulgated thereunder. The records of such inspections shall be available, consistent with section 1006, to the public as provided in section 3007(b).

"(f) FEDERAL AGENCY HAZARDOUS WASTE FACILITY INVENTORY.—Each Federal agency shall undertake a continuing program to compile, publish, and submit to the Administrator (and to the State in the case of sites in States having an authorized hazardous waste program) an inventory of each site which the Federal agency owns or operates or has owned or operated at which hazardous waste is stored, treated, or disposed of or has been disposed of at any time. The inventory shall be submitted every two years beginning January 31, 1986. Such inventory shall be available, consistent with section 1006, to the public as provided in section 3007(b). Information previously submitted by an agency under section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, or under section 3005 or 3010 of this Act, or under this section need not be resubmitted except that the agency shall update any previous submission to reflect the latest available data and information. The inven-

tory shall contain each of the following, at a minimum:

"(1) The location of each site, and where hazardous waste has been disposed, a description of hydrogeology of the site and the location of withdrawal wells and surface water within one mile of the site.

"(2) Such information relating to the amount, nature, and toxicity of the hazardous waste in each site as may be necessary to determine the extent of any health hazard which may be associated with any site.

"(3) Information on the known nature and extent of environmental contamination at each site, including a description of the monitoring data obtained.

"(4) A list of sites at which hazardous waste has been disposed and environmental monitoring data has not been obtained, and the reasons for the lack of monitoring data at each site.

"(5) A description of response actions undertaken or contemplated at contaminated sites.

"(6) An identification of the types of techniques of waste treatment or disposal which have been used at each site.

"(7) The name and address and responsible agency for each site, determined as of the date of preparation of the inventory.".

□ 1430

Mr. BREAUX (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana.

There was no objection.

Mr. BREAUX. Mr. Chairman, I want to first of all thank the chairman of the subcommittee, the gentleman from New Jersey (Mr. FLORIO) and also the ranking Republican member from New York (Mr. LENT) for their cooperation and also, particularly, the cooperation we have had between their staffs and my staff on helping us to develop this amendment over the literally several months that we have had an opportuntiy to work on it since we last considered this legislation.

My amendment is basically fairly simple. It is simple in the sense that it deals with two major areas that we are concerned with.

First, it deals with how we handle liquid hazardous waste in salt domes and in mines and in underground caves. We set certain standards, we list certain prohibitions, we also mandate that the Environmental Protection Agency undertake a study that should be completed within 2 years to determine whether it is proper to dispose of liquid hazardous waste in these type of facilities.

The second thing in general that my amendment does is to deal with surface impoundments. Surface impoundments are really landfills in the sense that they are areas in which individuals, companies, or operators place substances that are liquid, hazardous, toxic, in which they either treat these substances or they leave them untreated.

We deal with those surface impoundments by setting out certain standards and requiring certain steps to be taken before you can use a surface impoundment that is going to contain these hazardous wastes.

I would say to the Members that what we are dealing with today is most serious. We are dealing with the health of every citizen in every congressional district in the United States of America.

What we are dealing with is the health of our entire country. The question today is really: Are we, as a society, intelligent enough to protect our own human health and our own environment? The question is: Are we, as a society really intelligent enough to balance the needs of a highly technical and industrial society with the need of providing a healthy environment for the citizens of our country?

The question is often asked: Is this going to cost us something? And the answer is, of course it is going to cost us something. It is going to cost something to clean up the environment.

The next question is: Is it going to be too expensive? Can we afford this? Am I going to be put out of business if I have to follow these new standards?

I would suggest to those who take that line of thought that they ask the person who is lying in a hospital bed, dying of stomach cancer, is the cost too great.

I would suggest that those who think it may cost too much that they ask a sportsman, who pulls out another fish from his favorite fishing river or stream or lake and finds that yet again this particular fish is filled with carcinogenic tumors caused by somebody's mistake somewhere, is the cost too great.

I suggest that if you think it is going to cost too much that you ask a citizen who has been uprooted from his hometown after living there for 30 years and being required to be moved by the Federal Government because his town is infested with toxic chemicals that we did not treat correctly in the first place, is the cost too great.

I say ask those people if they think the cost of cleaning up a country is too much. And I think that the answer that you will get is, no, it is not. It is in fact a very cheap price to pay for a healthy environment, balanced with a healthy industrial climate.

During the consideration and the development of this amendment, we have learned a number of things. And some of the things that we have learned have been absolutely frightening.

We have learned that there are 770 facilities in this country of ours that operate what we call surface impoundments. A beautiful phrase that means we are putting it on top of the ground and we are hoping that it does not leak. Those 770 facilities have somewhere—we do not even know how many—between 1,712 and 1,775 surface impoundments that are individually being operated in this country. EPA tells us further that 684 of them have at least a single liner on the bottom and that 374 are doubled lined and thank goodness they are. That is 62 percent. But EPA further tells us that 655 of these surface impoundments around the country have no lining. They are just surface impoundments placed on top of the ground and we hope that they will not leak.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. BREAUX) has expired.

(By unanimous consent, Mr. BREAUX was allowed to proceed for 5 additional minutes.)

Mr. BREAUX. Mr. Chairman, what we have tried to do is come up with an amendment that addresses these problems in a forthright way, in a manner that we can accomplish with existing technology and science in this country.

Basically with regard to the salt domes and the mines and the caves that I first indicated, what we say quite simply is, look, do not put liquid hazardous wastes into these areas until we know whether it is safe or not. One company has a proposal to put liquid hazardous waste in a salt dome in Louisiana, in my congressional district, and I asked them, "What is your experience in other parts of the country?"

They said, "We don't know, we have never done it before in the United States."

I said, "Oh, OK. What is your experience with doing this in Europe where you are from?"

They said, "Oh, we have never done it there either. They don't let us do it there."

But yet they wanted to do it in the United States as a first test on a commercial scale. And I say we should not do that until such time as we have a study to show that it can be done safely.

This amendment mandates that.

Second, with regard to surface impoundments that I have just talked about, my amendment would start off with a clear general rule that says simply that hazardous wastes that are now being put in surface impoundments around the country operating under interim status permits are going to be prohibited, unless that impoundment gets a final permit.

We are giving them 4 years under this amendment to get their final permit in order. And that final permit has to say that these surface impoundments have to be retrofitted; and retrofitting requires they be double lined and that they establish a monitoring

system to see that it is not leaking into the environment.

Some say, "Well, we should not have to do this." So we provide exemptions. We provide specific exemptions that say as follows: If the owner or the operator has a surface impoundment that has only one liner, we say, all right, if it has only one liner you are not going to have retrofit, but you are going to have to show us something. And I do not think that is too much to ask. You are going to have to show us that the liner is designed, constructed, installed, and operated in a manner to prevent the hazardous waste from leaking through. That is not too much to ask.

We also want it not to be located within one-quarter of a mile of a source of underground drinking water. That is not too much to ask.

We even go further than that, and say, look, whether or not it is lined, if you have a surface impoundment that has no lining at all, we are still going to give you an exemption if you can show that your surface impoundment was designed and operated and located so as to prevent the migration of any hazardous constituents into the ground water or the surface water at any future time.

I think that that is not too much to ask. The only thing we are saying is, look, come in and show that it is not leaking. Come in and show that it is not leaking hazardous constituents.

Do my colleagues know what hazardous constituents are defined as in this bill? Hazardous constituents: the Administrator shall identify those wastes that contain hazardous constituents such as identified carcinogens, mutagens, or tetragens at concentration levels that may harm human health and the environment. We are talking about a lot of waste, not just a drop in the Atlantic Ocean, but a waste at concentration levels in excess of levels which adversely affect the human health and the environment.

The only thing we are asking a company to do that has an unlined surface impoundment is to prove that what is leaking is not a hazardous constituent and thus not likely to have an adverse consequence and effect on the human health and the environment.

And if they cannot meet those three exemptions, they should and must take action to clean up their act.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from New Jersey.

Briefly, and not desiring to repeat, Mr. Chairman the amendment would:

First, ban, not later than February 1, 1984, the placement of containerized, noncontainerized or bulk liquid hazardous waste into salt dome formations, underground mines or caves. Effective on the date of enactment of this subsection, the placement of other hazardous waste into these types of land formations would also be prohibited until such time as the Administrator of EPA has promulgated performance and permitting standards for such placement and a final permit has been issued pursuant to section 3005(c) of the Resource Conservation and Recovery Act (RCRA);

Second, ban, effective 6 months after the date of enactment, the placement of bulk or noncontainerized liquid hazardous waste into any landfill. EPA has admitted that all landfills leak. This provision would allow generators and/or disposers of these waste 6 months to find alternative waste management practices. Current EPA policy is already minimizing such disposal in recognition of the human health and environmental risks associated with this practice. The committee bill already requires EPA to develop regulations, in 6 months, to proscribe the practice. My amendment merely codifies the committee's intent;

Third, require the Administrator of EPA to develop regulations, within 6 months of enactment, which minimize, to the extent technologically feasible, the disposal of containerized liquid hazardous waste in landfills. This provision is intended to allow the continued landfilling, until such time as alternative management capacity is available, of small containers, commonly referred to as lab packs, that result from ongoing research at medical and other educational institutions;

Fourth, ban, effective 1 year after enactment, the placement of any liquid waste, whether hazardous or not, into a landfill containing hazardous waste. It makes no sense for EPA or the Congress to determine that the placement of liquid hazardous waste into landfills is a bad practice because of the problems associated with the migration of such wastes and not to proscribe practices which could lead to the comingling of solid hazardous waste with other liquids. An exception has been provided that will prevent the shifting of nonhazardous liquid waste from regulated landfills to municipal landfills and unlined surface impoundments that contain or might contain hazardous wastes due to prior disposal practices; and

Fifth, establish a timeframe for the issuance of final permits to existing interim status surface impoundments. Such final permits must, with three exceptions, contain a compliance schedule for the retrofitting of those impoundments that do not meet the double liner, leachate detection and ground water monitoring requirements established for new surface impoundments by section 21 of the bill. I should emphasize that this section on impoundments requires retrofitting to meet the minimum containment technology standards of section 21—two liners, a leak detection system in between—plus ground water monitoring.

Mr. Chairman, as I indicated, the committee reported bill also contains a mechanism by which the Administrator of EPA can decide to allow specific liquid hazardous waste to be placed in certain land disposal facilities. It is my understanding that the intent of the committee was not to allow the Administrator to overturn or modify the prohibitions contained in section 5 of the bill (new subsection 3004(b) of RCRA. I certainly share that belief and have included in my amendment a provision that would so restrict the Administrator's discretion under the remaining provisions of section 5 of the bill. I would note that this restriction now applies to the prohibitions contained in new section 3004 (b) and (c) of RCRA as added by my amendment.

Mr. Chairman, there are four other significant provisions contained in my amendment to section 5 of the bill. These provisions:

First, restrict the ability of Government agencies to obtain the so-called capacity waiver for alternative waste management once a particular waste is prohibited from one or more methods of land disposal. This provision requires the Administrator to conduct an alternative capacity review to determine if Federal waste can be placed in alternative waste management facilities within 18 months of the imposition of a prohibition with respect to a particular waste. If there is still inadequate alternative management capacity, the Federal waiver may be continued for only another 12 months, that is to a total of 30 months after a prohibition determination, rather than the 42 months allowed private industry. The justification for reducing the time for the Federal Government's variance from land disposal prohibitions is twofold. First, capacity is available for treatment and recovery right now, and even if it is not enough for all of this country's waste, its existence should not be ignored while additional, sufficient capacity is built. The Federal Government could be and should be using better waste management methods, and the amendment will encourage the Federal agencies to use existing capacity. Second, the Federal Government should be out in front encouraging a market for better technologies. The amendment will encourage Federal agencies to plan now for prohibitions which will be imposed over the course of section 5's implementation;

Second, require EPA to promulgate air emission monitoring and control regulations within 2 years of enactment for land storage, treatment and disposal facilities as necessary to protect human health and the environment;

Third, require Federal agencies and authorized States, within 1 year, to undertake annual inspections of federally owned or operated land storage, treatment and disposal facilities; and

Fourth, require Federal agencies to undertake a continuing inventory of their present storage and past and present disposal facilities. The amendment stipulates that information previously submitted pursuant to the Comprehensive Environmental Resource, Compensation, and Liability Act (Superfund) need not be resubmitted, but it should be updated.

This provision has been carefully drafted to fill in the remaining gaps of a generally comprehensive bill that will, as I have previously indicated, go a very long way to insuring the long-term health of the American people and their environment. I would reiterate that my amendment does not, in any way, conflict with the intent of section 5 to minimize the continued use of land disposal for hazardous waste. Rather, the amendment complements section 5 of the bill by further restricting certain land disposal practices and requiring better management practices for those wastes which are still permitted to be placed in the land by the Administrator of EPA.

I have worked very closely with Mr. FORSYTHE in developing both the language and intent of this amendment and knowing that he will shortly speak in favor of these provisions would note my full concurrence in his remarks. I have also prepared and would include in these remarks a section-by-section analysis of the amendment which provides greater detail on the scope of the amendment and our intent.

SECTION-BY-SECTION ANALYSIS OF BREAUX AMENDMENT

SUBSECTION (b)(1)

This paragraph establishes a prohibition on the placement of containerized, non-containerized, or bulk liquid hazardous waste in salt dome formations, underground mines or caves after February 1, 1984. This paragraph also prohibits, upon enactment, the placement of other waste into these land formations until such time as EPA promulgates performance and permitting standards, and issues a final permit, for such placement. The use of the term "placement" is intended to cover all types of hazardous waste handling and management. While there is no current placement of hazardous waste into these types of formations, the prohibition on liquids is scheduled so that EPA can complete its current promulgation of regulations defining the term "liquid hazardous waste." The agency has indicated that such regulations will be final by February 1, 1984. When EPA defines what a liquid is—it should do so for both bulk and containerized waste and the definition and operational test should apply to both.

SUBSECTION (b)(2)

This paragraph requires EPA to conduct a study of the effects of human health and the environment associated with the placement of liquid hazardous waste in salt dome formations, underground mines or caves. The report, to be concluded within 2 years of enactment, shall be submitted to the Congress and may contain recommendations for a modification of the statutory prohibition on the placement of liquid hazardous waste into these types of land formations.

SUBSECTION (b)(3)

This paragraph makes clear that the Administration may not, in reviewing the suitability of land disposal for specified waste and other listed or identified waste under Section 5(c) and (d) of the bill, overturn or otherwise modify the statutory prohibitions set forth in paragraph 1, described previously.

SUBSECTION (c)(1)

This paragraph prohibits, within six months of enactment, the placement of bulk or noncontainerized liquid hazardous waste in any landfill. Prior to the effective date of this prohibition, regulations promulgated by EPA on April 30, 1983 shall remain in effect.

SUBSECTION (c)(2)

This paragraph, like the provision in the Committee reported bill, directs the Administrator of EPA to promulgate final regulations minimizing the disposal of containerized liquid hazardous waste into landfills within six months of the date of enactment. While current EPA policy generally prohibits the disposal of containerized liquid waste into landfills, the policy and amendment allow the Administrator sufficient discretion to permit the disposal of containerized waste, such as lab packs which contain small ampules of laboratory wastes, and yet maintain the existing prohibition on drums and other unsuitable containers. Moreover, the use of the phrase "to the extent technologically feasible" is intended, as stated in the Committee report "to discourage landfilling of containerized liquid hazardous waste to the extent technology can provide a means to discontinue the practice." As in the previous provision, prior to the effective date of the final regulations required by this paragraph, EPA regulations in effect on April 30, 1983 shall remain in effect.

SUBSECTION (c)(3)

This paragraph prohibits the placement of any non-hazardous liquid into a landfill operating under either Section 3005(c) or 3005(e). The purpose of this provison is to prevent the placement of any liquid waste into a landfill containing hazardous waste. The placement of such liquids into landfills containing hazardous waste contributes to the likelihood of migration of hazardous materials out of the facility. EPA should ensure that the definition of liquids is the same for liquid hazardous and non-hazardous liquid waste.

An exception has been provided to this general rule where the owner or operators of a permitted landfill demonstrates to the Administrator, or the Administrator determines, that the imposition of the prohibition with respect to a particular permitted landfill would cause the non-hazardous liquid to be placed (1) in a landfill or unlined surface impoundment, whether or not regulated by RCRA, (2) such landfill or impoundment contains, or may reasonably be anticipated to contain hazardous wastes, and (3) the placement of the non-hazardous liquid waste in the permitted landfill will not present a risk of contamination to any underground source of drinking water.

SUBSECTION (c)(4)

As in the provision contained in subsection (b)(3), this provision limits the ability of the Administrator, when reviewing the options for land disposal of various waste pursuant to subsections (d) and (e) of the Committee reported bill as amended by this amendment, to modify the prohibition on the disposal of bulk or non-containerized liquid hazardous waste in landfills.

SUBSECTION (f)(1)(B)

This amendment modifies the availability of the so-called "alternative management capacity waiver" set forth in the Committee reported bill, as that waiver relates to hazardous waste disposed of by agencies or instrumentalities of the Federal government. The general rule of subparagraph (f)(1)(A) is that the effective date for a prohibition from one or more forms of land disposal for the so-called "California wastes" is 12 months after enactment. The effective date for the prohibition on one or more forms of land disposal for all other waste reviewed by the Administrator is the date on which the prohibition is promulgated. Subparagraph (f)(1)(B) allows the Administrator to establish a different effective date, so long as it is no longer than 42 months after the effective date specified in subparagraph (f)(1)(A), if, with respect to a specified waste, such a date is established "on the basis of the earliest date on which adequate capacity for alternative management will be available."

The amendment restricts the availability of this waiver for a prohibited hazardous waste disposed of by Federal agencies to a period no longer than 30 months after the effective date specified in subparagraph (f)(1)(A). Furthermore, the amendment requires the Administrator to examine the capacity of alternative management as it relates to a prohibited waste disposed of by Federal agencies within 18 months of the effective date set forth in subparagraph (f)(1)(A). Only if it is determined that a lack of capacity for alternative management still exists may the waiver be extended for an additional 12 months, that is, for a total of 30 months after the otherwise effective date of a prohibition.

SUBSECTION (f)(5)

The purpose of this amendment is to avoid the potential problem of waste generators, handlers or disposers utilizing "sham" storage to avoid a prohibition on the disposal of a particular waste from one or more methods of land disposal. Thus, the amendment provides that the storage of a hazardous waste that has been prohibited from one or more methods of land disposal is also prohibited unless such storage is solely for the purpose of accumulating such quantities of the waste as necessary to facilitate proper recovery, treatment or disposal. This requirement should be imposed by EPA as of the effective date of a prohibition, at the latest.

SUBSECTION (f)(6)

This paragraph clarifies the intent of Congress that the types of "land disposal" subject to review by the Administrator pursuant to subsections (5) (d) and (e) of the Committee reported bill, or amended by this amendment, include all forms of hazardous waste placement in or on the land. Thus, it is clear that the Administration shall review the appropriateness of placing hazardous waste into not only traditional land disposal facilities, but land treatment and storage facilities as well.

SUBSECTION 3005(k)

This subsection describes the requirements for the retrofitting of existing interim status surface impoundments.

Paragraph (h)(1) states the general rule that the placement or maintenance of a hazardous waste listed or identified as of the date of enactment in an interim status surface impoundment is prohibited unless such impoundment has been granted a final permit pursuant to Section 3005(c) of RCRA within 4 years of the date of enactment of this subsection. For those surface impoundments which receive interim status after the date of enactment because a waste which it is receiving is listed or identified after the date of enactment, the requirement for obtaining a final permit pursuant to Section 3005(c) pertains 4 years after the date on which such waste is listed or identified.

Paragraph (h)(2) states the general rule requiring such final permits to contain a compliance schedule mandating the retrofitting of each such surface impoundment so that they meet the requirements applicable to new surface impoundments established pursuant to Section 3004(k)(1) of RCRA (as added by Section 21 of the bill). The compliance schedule shall require the retrofitting to be accomplished as rapidly as practicable, but not later than 2 years after the issuance of the permit.

Paragraph (h)(3) provides certain exemptions to the prohibition contained in paragraph (h)(1) and the requirement of paragraph (h)(2). Thus, the prohibition and requirement may be waived by the Administrator if the owner or operator demonstrates that as of the date of enactment the impoundment was not within one-quarter mile of an underground source of drinking water and had a liner that was designed, constructed, installed and operated in such a manner as to either prevent hazardous waste from passing into the liner, or beyond the liner into adjacent subsurface soils, groundwater or surface water, at any time during the active life of the facility. Similarly, if the owner or operator demonstrates that the impoundment was designed, operated and located so as to prevent the migration of any hazardous constituent into groundwater or surface water at any future time, the Administrator may waive the prohibition and requirements of paragraphs (h)(1) and (2).

An exemption granted pursuant to the above described provisions ceases to apply at any time that the Administrator determines that the liner fails to meet the requirements of the exemption and acceptable repairs have not been made or where the Administrator determines that the impoundment is no longer preventing the migration of any hazardous constituent into groundwater or surface water.

With respect to those impoundments that are exempted from the prohibition and requirement of (f)(1) and (f)(2) because it has a liner that has been designed, constructed, installed and operated so as to prevent hazardous waste from migrating beyond the liner, at closure, the owner or operator must remove or decontaminate all waste residues, all contaminated liner material, and contaminated soil, to the extent practicable. If this can not be accomplished, the owner or operator must comply with appropriate post-closure requirements.

Subsection (f)(4) prohibits the storage or treatment of any hazardous waste prohibited from one or more methods of land disposal in an interim status surface impoundment unless that impoundment meets the requirements applicable to new impoundments pursuant to 3004(k)(1) (as added by Section 21 of the bill) or it meets the exemptions described above. The Administrator is granted the authority to impose additional requirements on any surface impoundment receiving such a prohibited waste, where such requirements are necessary to protect human health and the environment. The statutory requirements for storage and treatment of restricted wastes in impoundments are *minimum* requirements. The Administrator is authorized to set more stringent requirements or to prohibit any placement of restricted waste in impoundments altogether if he deems it appropriate taking into account the factors in Sections 5 (d) and (e) of the Committee reported bill, as amended by this amendment. Again, the purpose of the amendment is not to carve out an exception to the land disposal restrictions of Section 5, but rather to set minimum standards for the surface impoundments which the Administrator allows to continue receiving a prohibited waste land disposal should still be viewed as a last resort option by the Administrator, and land disposal includes the use of surface impoundments for storage or treatment.

Subsection (f)(5) requires surface impoundments receiving hazardous waste that have been prohibited from one or more methods of land disposal for treatment, to remove treatment residues that are hazardous within at least one year of the entry of the waste into such impoundment.

Subsection (f)(6) requires all surface impoundments that have been granted interim status prior to the date of enactment of this section to apply for a final permit and show compliance with groundwater monitoring and financial responsibility requirements within 12 months of the date of enactment. If this requirement is not complied with, that surface impoundment shall lose its interim status, until such time as it can meet these requirements.

Subsection (f)(7) requires the Administrator to make a determination regarding the issuance of final permits to those interim status surface impoundments that are located within one-quarter mile of an underground source of drinking water within 3 years of enactment.

Finally, subsection (f)(8) clarifies that the term underground source of drinking water, as used in this subsection, has the same meaning as that term is defined in regulations pursuant to the Safe Drinking Water Act.

SUBSECTION 3004(l)—"AIR EMISSIONS FROM LAND DISPOSAL FACILITIES"

This subsection directs EPA to promulgate regulations, within two years of the date of enactment, for the monitoring and control of air emissions from hazardous waste disposal, treatment and storage facilities as may be necessary to protect human health and the environment. Under current regulations, there is no requirement for land disposal facilities to identify or measure the air pollution they cause. Many of these facilities contain hazardous waste which can and do evaporate into the air, subjecting local neighborhoods to potentially unsafe levels of hazardous air pollutants.

SUBSECTION 3007(e)—FEDERAL FACILITY INSPECTIONS

This subsection requires the Administrator, or a state which has an authorized hazardous waste program, to undertake within one year of enactment a thorough annual inspection of each hazardous waste treatment, storage or disposal facility which is operated by a federal agency for compliance with RCRA. The record of these inspections are to be made available to the public consistent with both Section 3007(b) and 1006 (providing for integration and consistency with other laws).

SUBSECTION 3007(f)—FEDERAL AGENCY HAZARDOUS WASTE FACILITY INVENTORY

This provision specifically requires the federal government to keep track of the location and disposition of their hazardous wastes in as detailed and thorough a manner as possible. The initial report is due to be compiled, published and submitted to the Administrator by January 31, 1986, with updated reports due every two years thereafter. This inventory is to contain, among other things, a description of the location of the facility, the amount and type of hazardous waste disposed of and a description of how these waste have been stored, treated or disposed of. The amendment is designed to elicit information on each current storage and treatment facility as well as past and present disposal facilities containing a hazardous waste regulated pursuant to RCRA. Information previously submitted pursuant to Superfund need not be resubmitted but should be updated.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I strongly support the amendment offered by the gentleman from Louisiana. The use of surface impoundment for the storage and disposal of hazardous wastes has been the Nation's leading cause of toxic contamination. Almost one-third of the Federal Superfund sites were caused by leaking surface impoundments. Eight of California's top 10 dumpsites were contaminated by unlined impoundments which were incapable of containing hazardous liquids.

Yet today, millions of tons of hazardous waste continue to be legally dumped in unlined impoundments. The EPA's Office of Solid Waste now estimates that in 1981 almost 40 percent of the country's hazardous wastes were disposed of in surface impoundments and a high percentage of these are unlined.

Recent studies on surface impoundments provides overwhelming evidence that:

First, surface impoundments have been responsible for extensive environmental contamination.

Second, the continued use of thousands of unlined pits for the disposal of hazardous wastes poses an unprecedented risk to public health.

Third, existing laws and EPA regulations affecting hazardous waste surface impoundments are totally inadequate to halt the widespread contamination of our air, land, and water.

For these reasons, I strongly support the Breaux amendment and urge my colleagues to vote for its adoption.

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Mr. BREAUX. We have seen examples, and I have seen statements by companies that they are willing to spend $500 million to fix up a refinery, but are they not willing to spend enough money to insure a clean environment?

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. BREAUX) has expired.

(On request of Mr. ECKART and by unanimous consent, Mr. BREAUX was allowed to proceed for 5 additional minutes.)

Mr. FORSYTHE. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from New Jersey.

Mr. FORSYTHE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Louisiana (Mr. BREAUX) to H.R. 2867. I have been working with him on this amendment and concur completely with his remarks and explanations of our intent in developing each section.

I believe that this amendment, which we have been developing for the past 6 months, is necessary and will, in conjunction with the excellent provisions of H.R. 2867, provide a comprehensive mechanism for controlling hazardous waste. The gentleman from New Jersey (Mr. FLORIO) and the gentleman from New York (Mr. LENT) and their staffs, have worked with us and have been very helpful in the refinement of our proposal.

We have attempted to ensure that the timetables included in the amendment are ambitious, but reasonable and achievable; and we are convinced that technologies to attain those schedules are available.

The amendment provides that not later than February 1, 1984, the placement of liquid hazardous wastes in salt dome formations, underground mines, or caves is prohibited. To the best of my knowledge, none of these disposal locations are currently being used, and I do not believe that they are appropriate locations for the disposal of liquid hazardous wastes which may leak and be irretrievably lost to the surrounding environment. The use of the term "placement" is to insure that these types of locations are not used even for the temporary storage of material while awaiting further treatment or disposal processes or as treatment chambers.

The effective date of Feburary 1, 1984, for the prohibitions on liquid hazardous wastes in salt domes, mines, and caves is intended only to give sufficient time to the Environmental Protection Agency (EPA) to formalize the testing procedures to be used to determine whether or not a hazardous waste is in liquid form or contains free liquids, not to give time to utilize those practices. EPA should insure that the same definition of "liquid hazardous waste and free liquids contained in hazardous waste" is used regardless of whether the waste is containerized or not, and regardless of the method of placement proposed.

Legitimate concerns have been raised that this prohibition would forever foreclose the opportunity to utilize these hybrid facilities when, in fact, the use of these facilities for disposal of certain wastes might be found to be acceptable or preferable at some time in the future. Therefore, we have included a provision which requires the Administration to conduct a 2-year study regarding the effects on human health and the environment which are associated with the placement of hazardous wastes in salt dome formations, underground mines, and caves. The report may include recommendations to Congress for the modification of the prohibitions contained in this amendment.

The placement of hazardous wastes other than liquids is prohibited in salt dome formations, underground mines, or caves until such a time as the Administrator has issued permit standards for such facilities and a permit has been issued pursuant to section 3005(c). While the risks associated with nonliquid hazardous waste disposal would, intuitively, seem to be less and it is conceivable that these hybrid locations for disposal of hazardous wastes may prove to be an acceptable alternative, those risks and the restrictions which must be placed on such use have not been fully decribed or developed. Therefore, it is the intent of this section to insure that such practices do not take place until the Administrator has carried out the necessary regulatory process to issue standards and permits, in accordance with this act.

The amendment provides that 6 months after date of enactment the placement of bulk or noncontainerized liquid hazardous wastes in any landfill is prohibited, even if that landfill has liners and ground water monitoring. The practice of disposal of liquid hazardous wastes into landfills presents a substantial risk to the environment. This practice, which is currently only utilized by about 10 disposal facilities is certainly a practice which should be stopped immediately. All of the witnesses testified at the hearing held by the Subcommittee on Fisheries and Wildlife Conservation and the Environment on these issues stated that all liners will eventually leak.

The amendment provides that until the effective dates, EPA's present restriction on the disposal into landfills or liquid hazardous wastes and free liquids contained in hazardous wastes will remain in effect.

The prohibition also applies to liquid hazardous wastes to which absorbents have been added which runs counter to existing EPA practice. I am not opposed—but rather, strongly support—the stabilization of liquid hazardous wastes in a manner which renders them permanently unavailable to the environment, such as some of the chemical stabilization processes which have proven to be effective. However, absorbent, such as kitty litter, may act like sponges when squeezed—as might occur when additional material is placed on top in a landfill—and yield back the liquid.

Not later than 6 months after date of enactment, EPA is required to promulgate final regulations which minimize, to the extent technologically feasible, the disposal of containerized liquid hazardous wastes in any landfill. EPA's present practice is that, in general, containerized liquid hazardous wastes are already prohibited from disposal in landfills because of the significant risk of container failure and resultant contamination of the surrounding environment. When we were developing this amendment, we gave serious consideration to prohibiting outright the disposal of all containers of liquid hazardous wastes into any landfill. However, we learned that there are some cases in which the disposal of specifically designed containers for very small quantities of laboratory wastes, called lab packs, are necessary, relatively safe, and there are no available alternatives. These lab packs are drums in which small containers of laboratory wastes are placed along with sufficient absorbent material to insure that if inner containers rupture, the wastes are contained. Therefore, we have chosen to retain the minimization criteria of H.R. 2867 with the requirement that the general restrictions on land disposal of containerized liquid hazardous wastes will remain in effect, and that the effective date for finding alternatives for the disposal of restricted wastes in these lab packs cannot be later than a total of 54 months after enactment of this act. This section also requires that the presence of free liquids will be minimized in containerized hazardous wastes by means other than the addition of absorbent material, where technologically feasible.

The amendment also prohibits, effective 1 year after the date of enactment, the placement of any liquid which is not a hazardous waste in a landfill for which a hazardous waste permit is required, unless the owner/operator demonstrates, or EPA determines, that the only reasonably available alternative is placement in a landfill or unlined surface impoundments which contains hazardous wastes, and the placement in the permitted landfill will not risk contamination of any source of ground water. As used in this context, the term "unlined" means a

unit which does not meet the requirements of 40 C.F.R., part 264, subpart K, as promulgated on July 26, 1982. EPA in its present regulations has taken into account the risk which the placement of even water on existing hazardous wastes will cause. Leaching of the hazardous waste and the subsequent hydraulic pressure on the liner structure, if one exists, can be every bit as serious as the risk posed by the disposal of liquid hazardous wastes.

The prohibitions established in this amendment may not be modified by EPA during the review of land disposal prohibitions required in section 5 of H.R. 2867.

The storage of any hazardous waste which is prohibited from one or more methods of land disposal under section 5 of H.R. 2867 is prohibited, except for storage which is solely for the purpose of accumulating the necessary amount to facilitate proper recovery, treatment, or disposal. It is intended that this language will ease EPA's burden in defining "sham storage," a problem of recognized importance. Storage based only on some vague hope for a future development of appropriate treatment is no longer acceptable. Hazardous waste generators must understand that if there is no ultimate, acceptable, disposal technique available for the hazardous wastes which they generate, they should not generate them.

Our amendment also clarifies that EPA, in making the reviews called for prohibition of land disposal for certain wastes in section 5 of H.R. 2867, must consider at least placement of hazardous wastes in landfills, surface impoundments, waste piles, injection well, land treatment facilities, salt domes, and undergound mines or caves. This does not mean that in all cases these types of activities must be prohibited, but rather, must be subjected to the rigorous review and analysis required to determine the acceptability of each method of land disposal for restricted wastes.

One of the most serious environmental problems that we have today is the seepage of industrial wastes, including hazardous materials, into the ground water from unlined or ineffectively lined surface impoundments.

The record is clear that a large number of the present Superfund sites have resulted from the use of unlined surface impoundments—including some of those used in industrial wastewater treatment facilities. A current EPA draft report assessing the magnitude and potential effects of surface impoundments on ground water quality states that nearly half of the existing industrial impoundments are located over unsaturated zones that afford little or no protection to ground water supplies. Seventy percent of these industrial sites are unlined. Two hundred and fifty cases of ground water contamination from industrial surface impoundments have been documented and 45 percent of these contaminated sites were not discovered until after water quality had been adversely affected. We can no longer run the risks involved in allowing unlined, or inadequately lined, surface impoundments to be used for the disposal of hazardous wastes.

Therefore, this amendment contains a requirement that, not later than 4 years after date of enactment, hazardous wastes cannot be place in a surface impoundment which is operating under interim status, unless the Administrator has issued a final permit for that facility. For hazardous wastes listed after the date of enactment, the schedule for permitting and retrofit requirements would run from the date on which such hazardous waste is listed. The permits must contain a compliance schedule for retrofitting those impoundments to meet the requirements established in section 21 of the bill for new impoundments as rapidly as possible, but in no event later than 2 years after the permit issuance date. Exceptions are allowed for surface impoundments which already have a properly designed, constructed, installed, and operated liner and are located farther than one-quarter mile from any ground water source of drinking water, or can demonstrate that they will prevent the migration of any hazardous constituent into the ground water or surface water at any future time. It is intended that, when making the determinations regarding the exception of a particular unit, EPA will apply similar standards to those they now use in determining compliance with the requirements of 40 CFR 264, subpart K as currently in effect. In order to insure continued proper operation, the exceptions shall terminate at such a time as the Administrator determines that the liner has failed in operation, unless the Administrator also determines that acceptable repairs have been made. The exemptions are intended to recognize the decreased risks which may be associated with those facilities which have shown good faith in operating properly installed liners and are not in close proximity to underground water sources, or which are located in such a manner as to preclude, for all time, the migration of hazardous constituents to surface or ground waters. The prohibitions and exemptions are not intended to preclude the Administrator of EPA from instituting more stringent requirements or prohibitions should he consider them necessary or appropriate.

The term "underground source of drinking water" is used as provided for in regulations developed under the Safe Drinking Water Act and exempts the same aquifers which are, or will be, exempted in those regulations.

For surface impoundments which are used to treat the most hazardous of wastes, those prohibited from one or more forms of land disposal, and the treatment residues remain hazardous, those residues must be removed within 1 year of their entry into the impoundment. If the removal process is continuous in nature, the 1-year period would be applicable to an estimated average retention time.

The requirements for surface impoundments, operating under interim status or a final permit, used to store or treat hazardous wastes which have been prohibited from one or more forms of land disposal, shall become effective on the same date as those prohibitions become effective.

For surface impoundments which are operating under interim status at the date of enactment, completed applications (part B's) for final permits under section 3005(c) must be received within 12 months and the owner or operator must demonstrate compliance at that time with ground water monitoring requirements or interim status shall terminate. EPA's ground water monitoring requirements have been in effect since November 1981 and there is no excuse for noncompliance at this late date. Prompt receipt of the completed applications for final permits should allow EPA to undertake the permitting process without further delay.

Within 3 years, the Administrator shall make final permit determinations for all surface impoundments which are located within one-quarter mile of an underground source of drinking water. This provision is intended to give the Environmental Protection Agency guidance in setting priorities for permit issuance.

Air emissions from land disposal facilities have long been recognized as a serious source of risk to human health and the environment. The amendment would require that EPA promulgate regulations for monitoring and control of air emissions at hazardous waste facilities not later than 2 years after enactment. I believe that 2 years is ample time for EPA to develop such regulations.

Finally, I believe that the Federal Government should take a lead role in developing and implementing acceptable hazardous waste disposal practices. Therefore, the amendment contains three provisions which deal with Federal facilities.

First, Federal facilities are allowed an initial waiver, by the Administrator, of only 18 months for waste prohibited in accordance with H.R. 2867 for which adequate capacity is unavailable. The waiver may be extended to 30 months for instances in which capacity is found to be still unavailable at 18 months, but for no longer than a total of 30 months. The bill,

H.R. 2867, contains an allowable waiver of 42 months for other facilities faced with the same problem. I believe that the Federal Government can, and should develop its own alternatives on an accelerated schedule if so required.

Second, the inspection frequency for some Federal facilities is reduced from 2 years, applicable to all sources, to not less often than every year for facilities operated by a Federal agency.

And, third, each Federal agency is required to compile and publish an inventory describing the location of each hazardous waste site which the Federal agency is responsible for, and update that report no less frequently than every 2 years. The Federal Government is a major source of hazardous waste, and I believe that such an inventory is vital in order to insure that the Federal agencies are acting in a manner which sets an example for the rest of the country.

Mr. Chairman, obviously I strongly support this amendment to H.R. 2867 and urge my colleagues to do likewise. I believe that in combination with other provisions of H.R. 2867, which I cosponsored and fully support, this amendment will offer a truly comprehensive protection program for human health and our land, air, and water environments. Thank you.

Mr. ECKART. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Ohio.

Mr. ECKART. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for his amendment. It raises several issues that are of critical importance to my constituency and I think to the Nation at large.

The definition of "land disposal" was not broad enough in the existing legislation. The gentleman's inclusion in his amendment of dealing with natural formations, such as caves, salt domes, and underground mines, of which I find several in my particular constituency, is of particular importance to me.

We witnessed attempts to dispose of hazardous wastes in very large salt caverns that occur naturally beneath my constituency and beneath Lake Erie, which is a source of fresh drinking water for tens of millions of people in the Northeastern part of the United States. Including this in the definition section of "land disposal" is a very important additional safeguard.

The second thing that is of great significance is for the first time including the question of air emissions from these sites. Clearly, people who live nearby are plagued not only by potential contamination of their ground water, but the noxious fumes that can result from the disposal at these waste sites of these wastes in the ground.

Of course, the last thing is to include the Federal Government in the penumbra of our protections. There is no reason to derive a lower standard of protection for individuals who happen to live near Federal lands than individuals who may happen to live near other, private-owned lands. To include Federal facilities, to add air quality protection and to include natural formations I think makes sense both environmentally and economically.

I commend the gentleman for his amendment.

Mr. BREAUX. I thank the gentleman.

Mr. LOTT. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to my friend, the gentleman from Mississippi.

Mr. LOTT. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman a couple of questions about his amendment, but first I would like to say once again that the gentleman has been a leader in trying to deal with problems that concern people in his district and State, and in our country, and I know that is what he is trying to do here.

But I do have some questions about the extremes, perhaps, to which this amendment goes.

Let me just ask, as one who is not that knowledgeable in this area, why is it necessary to have two liners? If you have a liner of clay or synthetic material, or whatever, that would prevent any leakage, why have two? It seems to me that you are calling for an unnecessary expenditure of funds. If the liner is going to work, you do not need two—one will do the job.

Mr. BREAUX. I absolutely agree with the gentleman. This is why we have contained, in this legislation, certain exemptions. We have exemptions that say, "company, if you have a surface impoundment that has one liner, you can be exempted. The only thing you have to show us is that the single liner is in fact working."

The second point is that we go even further than that. We say, "OK, company, if you have no liner at all, and you have a surface impoundment sitting on top of the ground and you have no liner, you can still come in and get an exemption if the operator can demonstrate that the impoundment was designed, operated, and located so as to prevent the migration of any hazardous constituents into the ground water."

So what we are saying is that even if you have no liner, the only thing we need you to do is to come in and show that it is designed not to leak and it in fact is not going to leak any hazardous constituents into the ground water.

If they can show that, they do not have to have any liner. Or if they have a single liner, as I pointed out, the exemption also is available in that case.

Mr. LOTT. I would like to ask a couple more specific questions, and then I will comment, on my own time, about the amendment in general.

What if a company is able to show that they may not have the type of liner the gentleman is looking for but can show clearly that there is no leakage in their impoundment area. Do they still have to retrofit?

Mr. BREAUX. Under the second part of the exemption, if a company has absolutely no liner and that company can come in and show that their impoundment where they are keeping the hazardous waste is in fact designed and is being operated and is located in an area as to prevent the migration of any of these hazardous constituents into the ground water, the Administrator can waive the prohibition. They do not have to do anything more. So whether they have one liner or no liner or a different type of liner, if they can show what we are saying, and that is, basically, "Do not mess up the human health and environment," they do not have to take these actions.

Mr. LOTT. So if they can show that there is not that leakage, then they could get an exemption; is that right?

Mr. BREAUX. I would say that from the point of being technically correct, we need to look at the exact exemption. But the exact exemption, basically, in summary, says: If a company has a single liner and that is installed——

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. BREAUX) has again expired.

(By unanimous consent, Mr. BREAUX was allowed to proceed for 2 additional minutes.)

Mr. BREAUX. The first exemption is if the owner or the operator of the surface impoundment can demonstrate that, first of all, his impoundment is not within a quarter of a mile of a source of underground drinking water and that it has one liner that is designed to prevent the hazardous waste from going through the liner, they are all right, they are out.

The second category is if the surface impoundment has no liner at all, I mean just hazardous waste on top of the ground in a surface impoundment, the company can still get out of having to retrofit if they can show that their operation is operated and located so as to prevent the migration of any hazardous constituents into the ground water or the surface water at any future time. That is all they have to do.

Mr. LOTT. I would like to address one additional question to the gentleman. If this company has a liner and can also show that there is not any migration, but they are located within a quarter of a mile of an underground source of drinking water, then they are still out of the ball park; they still have to retrofit with two liners?

Mr. BREAUX. I would say to the gentleman that they would be completely eliminated from any requirement if they can meet the second test, which is the test that I just repeated, that they could be within a quarter of a mile, they could be on top of a source of drinking water and they could have no liner, if they can only show that their operation is designed to prevent the migration of any hazardous constituents into the ground water.

Mr. LOTT. Well, what needs to be pointed out, is that the showing which must be made to qualify that for the second exemption is that there will be no migration into the ground water at any future time. This is almost impossible to show.

Mr. BREAUX. I will say to my friend, the gentleman from Mississippi, that the second part of the amendment lets that operator out even though he is on top of a source of drinking water if he can show that his operation is designed to prevent the migration of any hazardous constituents.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I would just observe, with regard to the gentleman's first question, the definitive study on this whole matter was conducted by Professor Montague at Princeton, who looked at four state-of-the-art double liners and found that all four of them were operating in an effective way. That reinforces the point the gentleman from Louisiana is making, that this almost has to be a site-specific evaluation to see what it is that is being put into these facilities, because the liners are effectively plastic. There is a substantial difference between the nature of the toxic wastes that are being put in. So even double liners, under certain circumstances, put in a state-of-the-art fashion, may not be appropriate. That is the beauty of the gentleman's amendment. He spells out that capability of dealing with it in an appropriate site-specific way.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. BREAUX) has again expired.

(On request of Mr. RITTER and by unanimous consent, Mr. BREAUX was allowed to proceed for 3 additional minutes.)

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Chairman, item 3, part (A), where they talk about the characterization of the impoundment, they talk about that the impoundment (a) was not within one-quarter of a mile of an underground source of drinking water and first had a liner designed and constructed, and second had a liner designed and constructed. So there are three features, and it sounds as if either of those features would, if not fulfilled, disqualify the impoundment, and the conversation between the gentleman from Louisiana and the gentleman from Mississippi indicated that if the liner was designed so as to prevent migration was so deemed effective, then the drinking water source could be on top of the impoundment, but the language does not say that.

Perhaps the gentleman wishes to adapt the language to accommodate what he has spoken about to the gentleman from Mississippi.

Mr. BREAUX. Let me try and explain the situation to the gentleman as intended in the written language. We basically say that we have three categories of exemptions so that you do not have to retrofit. First of all you have to not be within a quarter of a mile of a source of underground drinking water. And then, if you fit that, you either have to have the first liner, which is a synthetic liner, like a plastic vinyl liner, or the second liner, which is generally a clay liner.

So if you are not within a quarter of a mile of a source of drinking water and you have either a plastic liner or a clay liner that is designed to prevent hazardous wastes from going through those liners, you are out. That is your exemption.

Then we have the third category. The third category does not talk about the quarter of a mile. You could be within a quarter of a mile of a source of drinking water and you do not have to have any liner, you do not have to have a single liner in that category, or you could have a liner, but you do not have to. In the third category, the standard is that your operation is designed and operated and located so as to prevent the migration of any hazardous constituents into the ground water or surface water at any future time.

□ 1450

If you can meet that standard, then you are also out. I would also offer to the Members at this time that that standard is current EPA regulations as far as surface impoundments are concerned.

So they have three exemptions, is what I am saying, to get out of it.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I would be happy to yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, first of all let me say that I was happy to work with the gentleman from Louisiana and with his staff in developing the language of this amendment. It does address a very serious environmental problem involving surface impoundments.

The EPA has taken a position opposing passage of this particular amendment, and one of the points that EPA makes is——

Mr. BREAUX. I am more concerned about the gentleman's position as opposed to EPA's position.

Mr. LENT. The EPA makes the point that they cannot make the necessary regulatory amendments, they do not have time within the stringent framework and timetable provided by this amendment to issue final permits to all the surface impoundments that exist.

Could the gentleman comment on that?

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. BREAUX) has expired.

(On request of Mr. LENT and by unanimous consent, Mr. BREAUX was allowed to proceed for 2 additional minutes.)

Mr. BREAUX. Let me comment on that point.

Here is what we are giving them, folks. We are giving them 4 years to go out and look at the 1,700 surface impoundments in the United States; 4 years to go out and look at those that have an interim permit right now, and say, "Hey, guys, you have to get your final permit."

Then after they get the final permit, we give them an additional 2 years to have in place a program that meets these new requirements.

We are giving them 6 years to reach the goal that we are trying to accomplish, which is only, "Hey, do not leak that junk into the surface ground water that we are drinking." If they tell you that they cannot do it within 6 years, then we better get an entirely new EPA; 6 years is plenty of time.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I would be glad to yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, a very important point is the amendment that was just passed with the self-certification provisions in it will be able to target EPA's resources and energies to those facilities that do not certify that they are in compliance with ground water, with fiscal requirements, with regard to postclosure, so the argument that you have this broad scope, we can very much refine that because we have just changed the law to be able to target in on those land surface impoundments that are most in need of scrutiny early on.

So what it is we have done here today with this amendment and the previous amendment will enable us to

deal with EPA's problem of scarce resources.

Mr. LOTT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is an unusual experience for me. The gentleman from Louisiana and I usually are together on most bills and amendments that come to the floor of the House of Representatives, and while I do not have, admittedly, the expertise on this issue that the members of the committees and the gentleman from Louisiana have, I do have some basic concerns that come into my mind on this amendment, and I would like to address some of those concerns.

First, I wonder if the gentleman from New Jersey would advise me as to why this is being done in the form of an amendment, on a bill that has been in the works for many, many months, a bill I thought had been very thoroughly developed. It seems to me that an amendment of this impact would have been considered and included in the bill if, in fact, there was really a great need for this particular approach.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from New Jersey for a response to that question.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, there are a number of reasons for this amendment. The fact of the matter is, this subject was addressed in our basic bill, but the gentleman from Louisiana came forward with a number of very creative suggestions as to how to perfect section 5.

We have taken a long time trying to perfect this provision. As the gentleman knows, I suspect there has been some controversy as to how to go about getting the final language. All those involved in this issue have really contributed, and I think there is, with certain limited exceptions, the gentleman being one, a large consensus that has evolved that this is the most moderate, cost-effective way to deal with this problem.

Over and above that, almost on a daily basis there is new information coming out on surface impoundments. The gentleman from New York and I yesterday released a GAO study that came forward with some devastating information concluding that the current state of the law is not serving our basic environmental needs.

So this is an evolving problem, and that is why this proposal is appropriate and timely at this point.

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Louisiana.

Mr. BREAUX. I thank the gentleman for yielding.

Mr. Chairman, just for a brief comment, I guess more to a point than anything else, we only have EPA's study on surface impoundments, industrial surface impoundments, in this country in July of this year. This amendment is largely based on the problem that they pointed out existed in their July report.

Mr. LOTT. I thank the gentleman.

Mr. Chairman, I would like to make just a few points. First of all, it has already been stated that the Environmental Protection Agency oppose this amendment, and at the proper time, Mr. Chairman, I will ask that a letter to the gentleman from North Carolina (Mr. BROYHILL) from Mr. Thomas, the Assistant Administrator of EPA for Solid Waste and Emergency Response, stating the reasons for their opposition, be made a part of the RECORD so that all Members will have access to it.

The letter follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., October 5, 1983

Congressman JAMES BROYHILL,
Ranking Minority Member, House Energy and Commerce Committee, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN BROYHILL: When Floor consideration of HR 2867 resumes, the House will take up the Breaux amendment. I want to take this opportunity to state EPA's concerns with that amendment.

I share the goal of Congressman Breaux in wanting to prevent future contamination of our ground water by providing tougher liner requirements for surface impoundments. Through his amendment Congressman Breaux attempts to prevent leakage from ineffective or poorly constructed surface impoundments. However, because of the stringent timeframes and the "hammer provision", this amendment will cause severe strain on EPA's permitting resources and bring harsh sanctions on the surface impoundment operators.

This amendment requires that most surface impoundments receive a final permit in 4 years or cease operation. These permits must require that double liners be installed within 2 years after issuance. Although one of the provisions of the amendment gives an exemption from the double-liner regulation for certain surface impoundments, it does not apply to any surface impoundment located within a quarter mile of an underground source of drinking water. An estimated 95 percent of all currently operating sites are located within a quarter mile of a drinking water supply. The second exemption is also narrow and we expect that only a small percentage of surface impoundment operators will be able to make the required demonstration. Therefore the exemptions offered by Congressman Breaux are so slight that they offer little relief from this amendment.

EPA cannot make the necessary regulatory amendments and issue final permits to all surface impoundments within the stringent timeframe provided by this amendment. Yet, under the "hammer" provision in the amendment, many currently operating surface impoundments will be forced to close as a result of not receiving a permit. This will be particularly problematic for on-site surface impoundments associated directly with a manufacturing process. Because such impoundments are frequently used on a continuing basis for waste treatment, storage, or disposal, closure of the impoundment is likely to disrupt the manufacturing process itself until alternative management capacity is found and necessary changes are made to accommodate off-site shipment of waste. Thus, the amendment places a severe burden on the surface impoundment owner/operator who has no control over EPA's ability to issue permits.

The amendment also bans the disposal of bulk and containerized liquid hazardous waste in salt domes, underground mines, and caves. It temporarily bans the placement of other hazardous waste in salt domes, underground mines, and caves until the EPA promulgates permitting standards and permits are issued. EPA is not aware of any technical basis for this ban, and therefore opposes it.

I would appreciate your efforts in bringing to the Members' attention the severe implications of the Breaux amendment to both the EPA and the regulated community.

The Office of Management and Budget (OMB) advises that there is no objection to the submission of this letter from the standpoint of the President's program.

Sincerely,

LEE M. THOMAS,
Assistant Administrator.

Mr. LOTT. Now, as I understand this amendment, it requires that most surface impoundments receive a final permit in 4 years or cease operation. These permits must require double liners within 2 years after issuance. Although one of the provisions of the amendment gives an exemption for double-liner regulation for certain surface impoundments, it does not apply, as I understand the language in the bill, to any surface impoundment located within a quarter mile of an underground source of drinking water.

So there seems to be some confusion on that. Maybe our colloquy here has helped to clear it up, but this is a point that was raised by EPA.

An estimated 95 percent of all the currently operating surface impoundments are located within a quarter of a mile of underground drinking water.

The second exemption is also narrow, and we expect that, as I understand, only small percentages of surface impoundment operators will be able to make the required demonstration.

Clearly, we do not want hazardous materials leaking into ground water.

But I am also worried about us going overboard in the other direction and requiring very expensive retrofitting that may not be necessary. In my hometown we have a refinery, one of the most modern in the world, that just completed an extensive expansion. They utilize surface impoundments in their operations. These impoundments are within a quarter of a mile of drinking water. The operator can show very clear proof that there is no leakage, but according to the language of this amendment, they still might be unable to qualify for one of

these exemptions. If this happens the facility may have to shut down and/or spend $27 million to comply with this amendment.

The last exemption in the amendment would waive retrofit requirements for impoundments "designed, operated, and located so as to prevent the migration of any hazardous contaminants into the ground water or surface water at any future time. EPA officials say that a showing of no migration at any future time is impossible in most circumstances. Therefore, this exemption has little applicability.

While we do not want these hazardous substances leaking into the drinking water or the soil unnecessarily, we also have to be concerned about whether or not this goes too far in requiring a finding now that there will be no migration at any future time. We must consider what this could do to that facility, which means a great deal to our Nation from an energy standpoint and a lot to my hometown as far as the opportunity for people to have jobs.

So I am just not sure that we are granting reasonable exemptions where there is not a leakage, even if they are close to ground water, or if they have adequate protection so that they do not have to go in and, in effect, shut down such a facility.

AMENDMENT OFFERED BY MR. HANCE TO THE AMENDMENT OFFERED BY MR. BREAUX

Mr. HANCE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCE to the amendment offered by Mr. BREAUX: Insert "salt bed formations," after "salt dome formations" wherever it appears.

Mr. HANCE. Mr. Chairman, this amendment is very brief and self-explanatory. It just inserts the words "salt beds." In the drafting of the original amendment, salt beds were left out. They are almost the same as salt domes.

I wanted to make sure that this clarification was made. The amendment, I believe, is agreeable with the author of the original amendment.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. HANCE. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, with the concurrence of the author of the basic amendment, I have no difficulty with it.

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. HANCE. I yield to the gentleman from Louisiana.

Mr. BREAUX. I thank the gentleman for yielding.

Mr. Chairman, I agree that the gentleman's amendment to the amendment is necessary and needed, and I support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HANCE) to the amendment offered by the gentleman from Louisiana (Mr. BREAUX).

The amendment to the amendment was agreed to.

□ 1500

Mr. RITTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say that I do not oppose the Breaux amendment. What I am trying to do is engage in a colloquy that clarifies that the amendment does not do what the gentleman from Mississippi (Mr. LOTT) fears, which is close off things and close down things that are basically not troublesome. I think that is what we have to look at when we look at the Breaux amendment.

In my colloquy with the gentleman from Louisiana, he did point out a part of the amendment which talked about the impoundment being all right if it was designed, operated, and located so as to prevent the migration of any—that is zero—hazardous constituent into the ground water or surface water at any future time. What that is saying is zero amounts, zero migration off into perpetuity.

I submit that there may be no facilities that meet that kind of a rigorous test. It is simply a test which leaves zero room for difference.

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to my colleague, the gentleman from Louisiana.

Mr. BREAUX. Mr. Chairman, the third exemption that is listed is basically existing law in the regulations with regard to an exemption that an operator can in fact get from having to have a surface impoundment with a single liner.

Let me say something else. As to hazardous constituents, in the bill offered by the gentleman from New Jersey (Mr. FLORIO), on page 43 of that bill, it talks about "hazardous constituents," and it says:

The Administrator shall also identify or list those hazardous wastes which shall be subject to the provisions of this subtitle solely because they contain hazardous constituents.

And they identify some of them, and then they go further and say—

At concentration levels in excess which adversely affect human health and the environment.

So what this exemption says, when it talks of "hazardous constituents," or the migration of any hazardous constituents, is that we are concerned about the migration of any hazardous constituents that are of such a concentration which adversely affects human health and the environment. That is a qualifying phrase on any hazardous constituent. It would have to be sufficient enough to adversely affect human health and the environment.

If it can be shown that a hazardous constituent that is leaking through does not adversely affect human health and the environment because it was of such a low concentration, then it would be all right as far as the retrofit requirement is concerned.

Mr. RITTER. Mr. Chairman, I thank the gentleman for that clarifying statement.

Mr. LOTT. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Chairman, I would like to express my concern one more time in a very direct question to the gentleman from Louisiana.

If a facility can show that there is no migration from its impoundment, even though they are within one-quarter of a mile of an underground drinking water source, can they be exempted?

Mr. BREAUX. Mr. Chairman, the answer to the gentleman's question is yes, and qualifying to that, as opposed to the way he asked the question, is the statement that if they have no liner and they are in fact located within one-quarter of a mile of an underground source of drinking water, if they can show that that facility was designed, and operated, and located so as to prevent the migration of any hazardous constituents into the environment, they are out.

Mr. LOTT. Mr. Chairman, I am afraid I got lost somewhere in there again.

Mr. BREAUX. In layman's language, what they would have to show, if they have no liner, is that their facility is not allowing the migration of any hazardous constituent into the environment. And the definition of "hazardous constituent" talks in terms of the concentration of that hazardous toxic chemical.

Mr. LOTT. Mr. Chairman, let me try this one more time.

Regardless of what they can show or how they would construct it, if they can show there is no leakage, will they be exempted?

Mr. BREAUX. Well, that question mandates an additional phrase in front of it. If they can show that there is no migration of any hazardous constituents into the ground water, the answer is, yes, they can get out of the retrofit requirement.

Mr. LOTT. Mr. Chairman, I thank the gentleman.

Mr. RITTER. Mr. Chairman, if I might reclaim my time, is the gentleman saying that this item (B) is dependent on a previous definition of "hazardous constituents" which takes into account the level of hazard to human health?

Mr. BREAUX. Mr. Chairman, if the gentleman will yield, the gentleman is absolutely correct.

For those who say we can never show any, I would say "hazardous constituents" means constituents at a concentration level which will adversely affect human health and the environment. It does take into consideration concentration levels.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. RITTER) has expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for 2 additional minutes.)

Mr. BREAUX. Mr. Chairman, if the gentleman will yield further, they would not be prohibited if what was leaking through their surface impoundment is not at a concentration level that is likely to adversely affect human health and the environment. That is part of the definition on page 43 of the bill.

Mr. RITTER. Mr. Chairman, I thank the gentleman.

I would like to return again to this part referring to one-quarter of a mile from an underground source of drinking water. It has two provisions:

* * * a liner designed, constructed, installed, and operated to prevent hazardous waste from passing into the liner at any time during the active life of the facility; or * * * had a liner designed, constructed, installed, and operated to prevent hazardous waste from migrating beyond the liner to adjacent subsurface soil, ground water, or surface water at any time during the active life of the facility.

Do the same definitions of "hazard to human health and concentrations" apply to part (A)(i)(ii) as the gentleman has defined it in part (B)?

Mr. BREAUX. I am sorry. I would ask the gentleman to repeat the question.

Mr. RITTER. I am referring to part (A) which defines this one-quarter of a mile distance from a source of underground drinking water. And I might add that as the Safe Drinking Water Act defines "drinking water," it is not only a drinking water source at the present time but it is a drinking water source which, while not potable presently, can be treated to become potable at some point in the future. So it is a fairly rigorous definition.

And in part (i) it says this:

. . . had a liner designed, constructed, installed and operated to prevent hazardous waste from passing into the liner at any time during the active life of the facility; or

(ii) had a liner designed, constructed, installed and operated to prevent hazardous waste from migrating beyond the liner to adjacent subsurface soil, ground water, or surface water at any time during the active life of the facility.

That indicates again a kind of perfect operation, a kind of an attempt to achieve a zero risk.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. RITTER) has again expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for 2 additional minutes.)

Mr. RITTER. Mr. Chairman, with reference to the kind of definition that the gentleman described in part (B) which talked about the relative level of hazard to human health and hazardous constituents, is that operative in part (A)(i) and (ii)?

Mr. BREAUX. Mr. Chairman, if the gentleman will yield, and if I understand the gentleman's question, I would respond with the following answer: That when we are talking about the hazardous constituents under part (B), we are talking about a definition that follows the definition on page 43 of the bill itself which talks about wastes that are in such a concentrated form that they have an adverse effect on human health and the environment.

Mr. RITTER. That is part (B)?

Mr. BREAUX. That is part (B).

In part (A), subsection (i) and (ii), we are talking about hazardous wastes that are in fact on the EPA RCRA list. They are listed because of their concentrations or because of the particular characteristics they have.

Mr. RITTER. Mr. Chairman, I think this is an important one, and it is one on which I do not think we are in disagreement. But we have the chemical instrumentation to detect conceivably in this day and age parts per trillion, and this says: "* * * to prevent hazardous waste from migrating beyond the liner to adjacent subsurface soil, ground water, or surface water at any time * * *." So what we are getting into again is a kind of a zero risk description, and I do not think that is what the gentleman intends with his language.

Mr. BREAUX. Mr Chairman, if the gentleman will yield further, I would say to the gentleman that "hazardous waste" in this context is the same definition of "hazardous waste" that is in fact used by RCRA and EPA to decide whether a waste is in fact hazardous. That takes into consideration concentrated amounts. So if it is not hazardous because it is only one drop in the ocean, it would not apply here.

Mr. RITTER. I think the definition of "hazardous waste" does not necessarily take into account concentrations. The definition is "flammable, toxic, reactive, or corrosive," and it has nothing to do with the amount of concentration. That is my concern with this.

Mr. BREAUX. Mr. Chairman, if the gentleman will yield further, I will say to the gentleman that if a substance, because of its limited amount or content, loses the characteristics of being hazardous, then, of course, it would not fall within this definition.

Mr. RITTER. Well, the substance itself could be hazardous, but in parts per billion or trillion it may well not be hazardous. That is the problem that I think the language in (A)(i) and (ii) brings up.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. RITTER) has expired.

□ 1510

AMENDMENT OFFERED BY MR. TAUZIN TO THE AMENDMENT OFFERED BY MR. BREAUX, AS AMENDED

Mr. TAUZIN. Mr. Chairman, I offer an amendment to the amendment, and I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The text of the amendment to the amendment is as follows:

Amendment offered by Mr. TAUZIN to the amendment offered by Mr. BREAUX, as amended: In section 3005(h)(2) as added by the Breaux amendment insert "and except in the case of a surface impoundment which is used only for the placement of any waste described in section 8002 (f), (n), or (p)" after the phrase "Except in the case of a surface impoundment which meets the requirements of subparagraph (A) or (B) of paragraph (3)".

At the end of section 3005(h)(2) as added by the Breaux amendment insert:

"In the case of any surface impoundment—

"(A) which is operating under interim status pursuant to subsection (e), and

"(B) which is used only for the placement of any waste described in section 8002 (f), (n), or (p) which has become subject to regulation under this subtitle,

the Administrator may impose such requirements (by regulation or on a case by case basis) as necessary to protect human health and the environment.".

In section 3005(h)(4) as added by the Breaux amendment, at the end of the first sentence, strike out "unless such impoundment meets the exemptions contained in paragraph (3) of this subsection" and substitute "unless such impoundment meets the requirements of subparagraph (A) or (B) of paragraph (3) or unless such impoundment is a surface impoundment which is used only for the placement of any waste described in section 8002 (f), (n), or (p)".

Mr. TAUZIN. Mr. Chairman, the amendment I am offering to my colleague's amendment is a clarifying one and is consistent with a second amendment I will be offering later on section 21.

The amendment focuses on those wastes currently under study as mandated by section 8002 (f), (n), and (p) of the Solid Waste Disposal Act. Those studies will lead to determinations by the Administrator as to which of those wastes, if any, are hazardous and how those wastes should be managed to protect human health and the environment.

My amendment is designed to guard against the premature and inappropriate capturing of those section 8002 (f), (n), and (p) wastes in the Interim Status Surface Impoundment Provisions being offered by my colleague. My amendment does not establish any permanent exemptions from regulation for these wastes, nor does it deprive the administrator of any discretionary authority that he presently has. The amendment makes it clear that the wastes under the mandated studies of section 8002 (f), (n), and (p) are to be examined on their own merits and are not to be automatically captured in any broad reaching provisions that could be inappropriate to these wastes.

I ask the support of my colleagues for this very reasonable approach.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I am glad to yield to the gentleman.

Mr. FLORIO. Mr. Chairman, I would just say that I have no particular difficulties with the gentleman's amendment to the amendment and would agree that mining waste exemptions should not be interpreted as a reason for not listing smelting wastes, which does not meet the high volume, low toxicity criteria through appropriate rulemaking.

For example, EPA did list several smelting wastes prior to the 1980 amendments to the Solid Wastes Disposal Act, including pot liners for aluminum production.

With the understanding that that is the approach the gentleman is taking, I would accept the gentleman's amendment.

Mr. TAUZIN. Well, the gentleman's understanding is correct.

Mr. BREAUX. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I do rise in support of the amendment of my colleague, the gentleman from Louisiana. I understand it really is consistent with what the basic thrust of the original amendment does.

As I understand, and I would ask the gentleman's attention, as I understand the amendment of the gentleman from Louisiana, it would postpone the requirements for altering the existing design and construction criteria applied to the placement in surface impoundments of wastes currently being studied by EPA.

The amendment would require impoundments receiving such wastes to meet design and construction criteria developed by EPA if after the ongoing studies that are now being done or completed, EPA decides that such waste should be covered by RCRA.

Furthermore, if as a result of ongoing studies, these wastes are covered by RCRA and become a prohibited waste pursuant to the provisions of section 5 of the bill, then impoundments used to treat these wastes shall be constructed and designed so as to prevent a risk to human health and environment.

While this might result in a requirement such as those set forth in section 21 of the bill, this determination should await the completion of the ongoing study.

With that understanding, if I may have the attention of the gentleman from Louisiana, with that understanding which is I think the intent of the gentleman's amendment, I certainly support it and it is consistent with debate on the previous amendment.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for his support and his understanding is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. TAUZIN) to the amendment offered by the gentleman from Louisiana (Mr. BREAUX) as amended.

The amendment to the amendment, as amended, was agreed to.

The CHAIRMAN. Are there any other amendments to section 5?

Mr. TAUZIN. Mr. Chairman, I move to strike the last word. I rise to enter into a colloquy on this section.

Mr. Chairman, I would like to share with the Members concerns that I and several of my colleagues have with certain provisions of this section of the bill. Specifically, I will address section 5(c) which requires the Administrator of EPA to determine within 12 months whether any form of land disposal is protective of human and the environment for several specific categories of hazardous wastes. If the Administrator does not make such a determination by this deadline, then land disposal of these wastes is automatically banned, at least until EPA makes a determination that such wastes are safe for land disposal.

When the Energy and Commerce Committee dealt with this section H.R. 2867, it was our desire to provide a mechanism that would force EPA to look at these wastes and decide if certain methods of disposal were appropriate. My concern today is that we may not have fully appreciated the nearly impossible burden that a 12-month deadline will place upon EPA—a deadline they have said they cannot meet—and upon generators of hazardous wastes who may be left without access to any appropriate means of disposal or treatment when the ban comes into effect.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I am happy to yield to my colleague, the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, I join in an expression of concern over this provision, because in studying it several questions have arisen in my mind.

One, why have we forced 12-month deadline on EPA when in comments before the Senate Environment and Public Works Committee they indicated that 32 to 36 months would be the very shortest possible time in which they could make these findings?

I might add that the Senate committee was sympathetic on this matter and has given the EPA 32 months.

Second, what do we know about the available capacity of existing hazardous waste treatment and incineration facilities to handle the increased volume of waste that will, of necessity, be directed to them when the land disposal law is imposed? That volume will, incidentally, be further increased by our lowering of the small generator exclusion.

Third, it seems that this section can only act to delay the cleanup of priority existing disposal sites, either under Superfund or by independent action, if alternative treatment capacity is either strained or unavailable.

And finally, this bill does nothing to help solve the problems involved in siting additional hazardous waste treatment and incineration facilities. While we would greatly increase the volume of wastes going to such facilities, we have done nothing here to insure new capacity.

Mr. DOWDY of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I am happy to yield to the gentleman from Mississippi.

Mr. DOWDY of Mississippi. I thank the gentleman.

The wood preserving industry provides a good example of the dilemma, Mr. Chairman, that many will face should this provison be implemented. Many wood preserving sludges fall under one of the categories of hazardous wastes that would be banned from land disposal if EPA cannot, as it says it cannot, meet the 12-month deadline. I am referring to halogenated organic compounds. Many of these wood preserving facilities are small, independent businesses, but apart from the extra money it will likely cost the 295 plants in the industry to incinerate these sludges, there is already a backlog of wastes for one of the hazardous waste incineration facilities in the southern part of the United States. To further compound this problem it has been estimated that it would require the total capacity of every incineration facility in the country 3 years to treat the contaminated soils from Times Beach, Mo., alone. Incineration is the only known alternative to land disposal for all of these wastes.

Under these circumstances, even with a 42-month extension, there is no assurance that adequate capacity will be available, and in that case, how does he legally handle his waste? I do not think this section of the bill now provides a good answer. The Senate

Environment and Public Works Committee recognized this problem and provided for continued land disposal in a facility with double liner and leachate collection system.

Mr. TAUZIN. Mr. Chairman, my colleagues and I share the concern of the gentleman from New Jersey (Mr. FLORIO) and the committee about safe disposal and treatment of the wastes listed in section 5(c). We are, however, raising legitimate questions about the way the section will work. Faced with similar concerns, the State of California, where this list originated, provided for extensions of the land disposal ban if alternate treatment capacity were, in fact, unavailable. The Senate Environment and Public Works Committee, in its version of the bill, provided for similar extensions, in addition to providing EPA with more time to examine the list.

In lieu of offering amendments which would provide for similar flexibility to this section, I would ask at this time for the agreement of the gentleman from New Jersey (Mr. FLORIO) to address these concerns when the bill is before the conference committee and to view with sympathy the approach taken by the Senate committee on this provision.

□ 1520

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, let me say that the gentleman has my sympathy, and to also indicate that section 5 as the gentleman correctly indicated, permits the Administrator to allow generators of wastes (which would be banned from land disposal) up to 42 months to develop an alternative to land disposal. This is a very important element of the provision.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. FLORIO, and by unanimous consent, Mr. TAUZIN was allowed to proceed for 1 additional minute.)

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding further.

I believe this provision will provide for an orderly transition from land disposal to more appropriate technology.

I will, however, take into account the concerns expressed by the Members who have spoken on this subject when we go to conference. I suspect the gentleman will be a conferee and we will have the opportunity then to address those legitimate concerns.

Mr. TAUZIN. I thank the gentleman for his statement and his sympathy and concern.

Mr. Chairman, I yield back the balance of my time.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 2867, the bill to amend the Solid Waste Disposal Act.

Mr. Chairman, I would like to begin by congratulating my good friend from New Jersey, the chairman of the subcommittee, Mr. FLORIO, for the excellent work he has done on the legislation before us. In fact, I would like to take this opportunity to congratulate him for the years of diligent work he has performed on the hazardous waste problem in this country.

My colleagues are aware of the great number of abandoned and dangerous hazardous waste sites around the country that need to be cleaned up. The gentleman from New Jersey did a fine job several years ago for passage of the Superfund law to help in the effort to clean up these sites. But cleanup is an expansive option for addressing the hazardous waste problem.

In my own district I have a site, familiar to many of my colleagues, called the Stringfellow acid pits. Estimates of the cost for total cleanup at Stringfellow are about $70 million. Unfortunately, Stringfellow is not unique. The number of sites around the country like Stringfellow, and the high cost of cleaning up these sites, is going to require Congress to authorize more funds, and extend the time beyond that which Superfund was originally envisioned.

We are here today, perfecting the Solid Waste Disposal Act, because we don't want any more Stringfellows. We do not want to have to spend billions and billions of dollars to clean up chemical messes. The bill before us is an attempt to strengthen current provisions, and move us toward the day we can hope to control the hazardous waste problem—not let it control our lives, and the lives of millions of people across the country.

Mr. Chairman, having said this, I would like to discuss the provisions relating to the land disposal of hazardous liquid wastes. The legislation requires the Environmental Protection Agency (EPA) to promulgate regulations within 6 months to prohibit the disposal of hazardous liquid wastes in landfills, and minimize disposal of containerized liquid wastes in landfills.

Mr. Chairman, I applaud the intent of this provision of the legislation before us. I am concerned, however, because this provision only addresses less than 25 percent of the land disposal problem. A recent Office of Technolgy Assessment report, entitled "Technologies and Management Strategies for Hazardous Waste Control," which I highly commend to my colleagues, found that the various forms of land disposal, landfills do not constitute the major use. In fact, the use of injection wells, surface impoundments, and waste piles account for larger amounts of hazardous waste—each individually—than do landfills. It is important to clarify here that a landfill is only one kind of land disposal technique.

While the bill before us addresses the problem of disposal of hazardous liquid waste disposal in landfills, it does not address the serious problem of disposal in surface impoundments. A rough estimate of the volume of liquids we are talking about indicates that there are 8 million tons of hazardous wastes being deposited yearly in landfills, 14 million tons in injection wells, 10 million tons in surface impoundments, and 10 million tons in waste piles, with another 3 million undergoing land treatment, incineration and other methods. So we are clearly addressing only a fraction of the problem by phasing out landfilling as an option for disposal of liquid hazardous wastes. The existing language therefore does little to reduce the serious health and environmental risks of surface impoundments and other forms of land disposal.

The Environmental Protection Agency is now completing a 5-year, $5 million assessment of the magnitude and potential effects of surface impoundments on ground water quality. The draft report reveals that there are at least 8,000 active surface impoundments used for the storage and disposal of hazardous wastes; 6,500 of these impoundments are unlined. Roughly 3,500 are estimated to have a high potential to contaminate ground water. The EPA found that close to 90 percent of all the impoundment sites are located over aquifers currently or potentially used for drinking water.

Mr. Chairman, I urge adoption of the Breaux amendment, but I do have a concern remaining which I would like to discuss. The Breaux amendment does not seek to address sites in any order of priority, from most threatening to least threatening. I considered offering an amendment seeking to identify a class of surface impoundments which requires our urgent attention, those unlined surface impoundments receiving hazardous wastes which pose a threat of contaminating ground water. The amendment would have required the Administrator to use available data to compose, within a year, a list of those sites which are unlined surface impoundments receiving hazardous wastes and located within 1 mile of an aquifer supplying water for human use.

I have chosen not to offer such an amendment, because I think this information is readily available and it

should not be difficult for the Environmental Protection Agency to identify and act on these priority sites. The definition of these sites is the same definition which the agency has used in drafting the surface impoundment assessment required under the Safe Drinking Water Act. It is also information which the Administrator will need in any event if the Agency is to proceed in a rational manner in dealing with high risk unlined surface impoundments under the existing permitting process.

While the provisions of the Breaux amendment dealing with surface impoundments are a major improvement upon current law, they do not set a priority on those hazardous waste surface impoundments which pose the greatest health hazard, those unlined impoundments above groundwater reservoirs. These conditions are also the ones which prove to be the most expensive to deal with, as communities in my district are unfortunately finding out. Each delay, no matter how small, increases the potential health hazard, since over half of our drinking water comes from groundwater sources. Each delay also increases the expense of the eventual cleanup. To delay dealing with these sites is foolish.

There are at least 8,000 active surface impoundments used for the storage and disposal of hazardous wastes, according to the draft of the "Surface Impoundment Assessment National Report." Seventy percent of these impoundments are unlined and at least 20 percent have a high potential to contaminate groundwater. There are 416 cases of groundwater contamination from surface impoundments which were documented from State surveys, the primary source of which—in 79 percent of the cases—was seepage. Unfortunately, 49 percent of these sites were not discovered until they had adversely affected water quality in supply wells. One case resulted in the closure of 50 domestic wells.

The Environmental Protection Agency ought to begin the process of identifying high priority sites for action. It is a reasonable approach and one that will generate the information which the Agency, the public, and the Congress need in order to make informed decisions under the Resource Conservation and Recovery Act.

Mr. Chairman, the OTA report found that the cost of cleaning up a contaminated site is 10 to 100 times the cost of preventing the release of hazardous substances. The Breaux amendment is a move in this direction.

Mr. Chairman, I urge adoption of the bill and the amendment.

Mr. RITTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I found the preceding colloquy interesting. I certainly sympathize with the gentlemen who participate in it. That was to take care of an impending problem in section 5(e), dealing with small business problems with hazardous waste containing halogenated organic compounds in total concentration greater than or equal to 1,000 milligrams per kilogram. I would like to say we are talking about solvents like TCE (trichlorethylene), talking about these kinds of wastes.

Make no mistake about it. Whereas these gentlemen have been able to predict particular problem on the horizon. It is quite conceivable that what we have regulated here on the floor, yes we have actually set regulatory standards, as opposed to setting legislative guidelines, that items (d), (c), (b), and (a) will all have their own small business problems in due time. I say this as a note of caution, because what we have done with this bill is to go very far toward setting specific regulatory standards in legislation as opposed to setting up guidelines for administrative agencies to set those regulatory standards with the normal give and take. This is a first. I hope we do not live to regret it.

I yield back the balance of my time.

● Mr. SUNDQUIST. Mr. Chairman, I rise in support of H.R. 2867, however, I am opposed to the amendment offered by the gentleman from Louisiana, (Mr. BREAUX). I share the gentleman's objective which is to dramatically limit our use of landfilling as a method of disposal. And although this amendment prohibits new landfills and requires liners in existing ones, it does not provide any incentives for alternative methods of disposal. Unless we provide those incentives, we stand to create havoc in those impacted industries and the end result is widespread economic disruption.

Specifically, this amendment could significantly affect at least one major plant in my district which has used fully permitted deep wells for disposal of its wastes for the past 26 years. And even though they have the facilities to recycle their wastes they sit idle because use of that equipment is not economically feasible under current conditions. Other businesses will be in the same predicament. They will have great difficulty complying with this legislation. For this reason, I advise my colleagues to look closely at the long-term effects of this amendment. If you vote in favor of this amendment realize that we will soon have to begin considering how to make alternative methods of disposal cost effective and affordable to those affected, particularly small businesses.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BREAUX), as amended.

The amendment, as amended was agreed to.

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUZIN: Page 18, after line 2, insert:

EARLY LEAK DETECTION SYSTEM

SEC. 5A. Section 3004 is amended by adding the following new subsection at the end thereof:

"(1) Not later than thirty months after the date of enactment of the Hazardous Waste and Control Enforcement Act of 1983, the Administrator shall promulgate standards requiring that new landfill units, surface impoundment units, waste piles, underground tanks and land treatment units for the storage, treatment or disposal of hazardous waste identified or listed under section 3001 shall be required to utilize approved leak detection systems. For the purposes of this paragraph, the term 'approved leak detection system' means a system or technology which the Administrator determines to be capable of detecting leaks of hazardous constituents at the earliest practicable time and the term 'new units' means units on which construction commences after the date of promulgation of regulations under this paragraph.

Mr. ECKART (during the reading), Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TAUZIN. Mr. Chairman, I am certain that Members of the House were as alarmed as I was by the General Accounting Office report that toxic wastes are leaking into our ground water supplies, into the soil, and that the EPA State regulators and dump site operators are not monitoring for leaks.

How serious is the problem? EPA calls toxic pollution of ground water the most serious potential threat to human health. Yet both EPA and the GAO discovered that there is substantial noncompliance with existing requirements.

The chairman of our subcommittee yesterday in a press statement which was carried today in the Washington Post indicated that the GAO study reported that some 78 percent of the current systems for impoundment were not in compliance with the leak detection requirements in ground water monitoring—78 percent out of compliance as of June 30 of this year. The problem of noncompliance can be and should be immediately addressed by the EPA and State agencies responsible for enforcing existing law.

Under existing law, site operators are required to monitor ground water supplies for contamination. In other words, they are supposed to check the water to see if it is already polluted. And that is done through a system of monitoring devices placed in an under-

ground water supply which is then sampled and analyzed.

My amendment would require that the EPA develop new detection standards that allow us to discover toxic waste leaks before they get into the water supply. New waste disposal sites would be required to install such new equipment.

The law must keep up with developments in technology, particularly in the toxic waste area.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I strongly support the amendment by the gentleman from Louisiana. As the gentleman pointed out, there is an important new technology developing which will allow land disposal facilities to detect leaks before contamination of ground water. This will, potentially, prove to be a method protection which will save millions of dollars in cleanup costs.

Wherever feasible this technology should be utilized and become a regular feature of storage, treatment, and disposal facilities. I commend my colleague for his effort to incorporate state-of-the-art technology for RCRA facilities.

I urge the adoption of this amendment.

Mr. TAUZIN. I thank the chairman for that support. As the chairman well knows, new technologies in leak detection are presently available. Over 15 patents are on the market today. And folks who want to put hazardous waste in ground impoundments ought to use that technology to insure that leaks do not occur in the ground water supply.

Mr. ECKART. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Ohio.

Mr. ECKART. I thank the gentleman for yielding.

The amendment is indeed wise, particularly as a result of hearings conducted by our friend from Oklahoma (Mr. SYNAR), our Energy and Commerce Committee and Public Works Committee. The revelations of what is being transported into our water systems is indeed startling. This testing and assessment program that the gentleman seeks to offer is an ounce of prevention which saves the taxpayers that pound of cure that could result if we allow these toxic substances to enter our water system. The amendment is good, fully compatible with the balance of the bill. I would urge its adoption as well.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding.

I rise in support of my colleague's amendment. I think it is a wise amendment. I think we are witnessing the kind of technologies that can monitor or protect prior to finding these kinds of disasters where the water has already been contaminated. In most instances, RCRA regulations are stringent and will provide a substantial degree of protection. But there is room for improvement. And the RCRA regulations require that all new landfills and surface impoundments behind that ground water be monitored. While this approach will be helpful in preventing facilities from leaking, liners may not last and ground water monitoring will pick up leakage only after it reaches the ground water.

So, I think it is wise to look at ways to determine leaks and leak detection and this amendment is a step in the right direction. I commend my colleague from Louisiana for his amendment.

Mr. TAUZIN. I thank the gentleman.

The gentleman is well aware, particularly with his scientific background, once an underground water supply is contaminated that is probably forever. Helping to prevent that from occurring with a leak detection system that catches it before it reaches the water is important to us.

Mr. RITTER. It is no easy task, but it is a task that we should pursue and it is a worthwhile amendment.

Mr. TAUZIN. I thank the gentleman.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

I would like to join with my colleague from Pennsylvania in commending the gentleman for his leadership on this amendment. It is a good amendment. I understand that the EPA opposes the amendment, not on the merits necessarily, but because they feel that again the time limit set within the amendment, 30 months of enactment mandating the installation of leak detection systems at new landfills, surface impoundments, waste piles, land treatment units, and underground tanks is too short. They fear the fact they have too many deadlines that they are trying to meet, we are piling one after another on top of them, and they may not be able to meet all of the requirements.

□ 1530

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. TAUZIN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER: On page 18, line 2, before the quotation marks, insert the following:

"(g) ALTERNATIVE DISPOSAL.—Notwithstanding any other provision of this Act, if the Administrator at any time determines that a technologically feasible means of treatment, recovery or disposal of hazardous waste other than land disposal exists, the Administrator shall prohibit the disposal of such hazardous waste by any means of land disposal. For purposes of this section land disposal means:

"(1) the disposal on or into the land, including disposal in a salt dome, landfill, surface impoundment, waste pile, injection well, land spreading method, or co-burial with municipal waste;

"(2) treatment on or in the land (including neutralization and evaporation ponds and land farming) where the treatment residues are hazardous wastes and are not removed for subsequent processing and disposal within six months; and

"(3) storage of hazardous waste on or in the land (other than by treatment referred to in paragraph (2)) for longer than six months.".

Mr. VOLKMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. VOLKMER. Mr. Chairman, first I would like to congratulate the committee and the gentleman from New Jersey and the gentleman from New York and others who have worked so diligently on this piece of legislation and for the direction it has taken.

I also wish to commend the previous sponsor of the amendment, the gentleman from Louisiana, for making some stricter requirements and strengthening the bill as far as land disposal is concerned.

The amendment I am offering applies a little bit different direction than the committee and others have taken. As you will note, under the bill, as the way I see it, the committee working is trying to assure that anything that does go in the ground will not contaminate the soil nor the waters, our water supplies. That, however, after a period of years, would permit chemicals that EPA finds that would not still permit them to be disposed of in the ground, and the gentleman from Louisiana (Mr. BREAUX) and his amendment has strengthened the necessity for requirements for our landfills, which I wholly support, because it is necessary to make sure that we, if we are going to have landfills, that we are operating them properly, they are properly constructed, and that they do not provide leakage into the ground water supplies.

This amendment I am offering goes one step further and says that in the event that the Administrator finds a

technologically feasible means of treatment other than land disposal, however it is, on a given chemical or hazardous wastes of any kind, then it must be treated in that fashion and not disposed of in the ground.

If you take my provision and add it to what we have done in the bill and what the gentleman from Louisiana has done as far as land disposal is concerned, I think you will find essentially that we will end in the position, we will have very little placed in our ground that could be treated in other fashions.

I feel we must in the future at least go to this provision so that we do not have our ground waters contaminated with hazardous wastes. I think it is necessary to prevent in any way possible contamination for generations to come in the use of our soils and the use of our waters so that they can be used properly.

Therefore, I feel that this amendment just adds to what the committee is trying to do and I ask the committee to support the amendment.

Mr. FLORIO. Mr. Chairman, I rise in opposition to the amemdment.

Mr. Chairman, I rise in opposition, reluctantly, because I know the gentleman is sincere and has made a good faith effort to address what he perceives as a problem, and I think we all perceive the problem of land-based disposal. But all I am suggesting is that the amendment the gentleman has offered, notwithstanding the sincerity of his intentions, is a bit of a simplistic answer to a very complex problem that we think we have addressed in a very thorough way in the various amendments that have already been passed today dealing with section 5.

Unfortunately, the passage of this amendment will disrupt much of what has been done to this point and will have the unintended consequence, I am sure, of not enabling us to address these problems in a thoughtful way.

So I am reluctant, but I am required, to oppose the amendment.

Mr. Chairman, although well-intentioned, it is a complete rewrite of section 5, the land disposal provision. The amendment would completely undermine and destroy months of very hard work by my subcommittee and the Committee on Energy and Commerce to develop effective, workable legislation to restrict inappropriate land disposal of hazardous waste.

Mr. VOLKMER's amendment does not establish clear guidance to EPA or the regulated community. If adopted, it will only result in confusion.

I urge my colleagues to preserve the substantial consensus developed around section 5 and to defeat this inappropriate attempt to overhaul this legislation.

Mr. ECKART. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Mr. Chairman, this amendment keys on one phrase in the first sentence in which any exemption would be made under the bill would only deal with "technological feasibility."

Despite the well-intentioned and great motivation of the sponsor of the amendment, the consequences of it could be to undo, with one very short sentence, everything that has been put together in a very carefully crafted way by both the committee and the amendments of the gentlemen from Louisiana (Mr. BREAUX and Mr. TAUZIN).

Something could get an exemption simply because it is technologically feasible and thus could leave open ocean dumping, open dumping into streams, and open dumping into lakes. Limiting the test simply to technological feasibility removes from the process the three major criteria that we use to test for whether or not there should be disposal of certain toxic wastes. The main test should not be technological feasibility but their toxicity, their mobility, and their tendency to bioaccumulate.

Those three health tests, those three health standards ought to be the criteria by which we decide to make these decisions, and not technological feasibility which could encourage the random, clear open dumping policies that we have tried to close in previous legislation.

I think while the motivation is certainly great, the consequences of putting this one sentence in this particular section would wreak havoc on the balance of the bill.

I submit to you it would potentially open up greater sources of pollution and greatly jeopardize the fresh water supplies so important to this Nation and I would urge the rejection of the amendment.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I am happy to yield to my friend from Missouri.

Mr. VOLKMER. In other words, as I understand, which was not the intent of the sponsor of the amendment, that the means of treatment recovery or disposal of the land disposal, that your feeling then is that it would permit ocean dumping?

Mr. ECKART. Because the predication of the sentence is surrounded with the phrase "technologically feasible" that leaves any assessment—it is technologically feasible to do a lot of things, including the prospect of open stream, open lake, and ocean dumping, because those are not methods of land disposal. So clearly what happens in a back-door loophole is a whole area that I am sure the gentleman did not intend.

Mr. VOLKMER. There is no intention of doing that, and I do not believe that it does what the gentleman says.

Mr. ECKART. It would wreak havoc with the section and perhaps we can do some work with the gentleman on it in the future. I understand that the gentleman is well intentioned and well motivated.

Mr. LENT. Will the gentleman yield?

Mr. ECKART. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding and I want to thank him for his statement and support it. I want to join with the gentleman in opposing this ban because, as the gentleman knows, as a member of the committee, after months of legislative consideration, the Energy and Commerce Committee carefully crafted these provisions that are in the bill before us to address the problem of disposing of hazardous wastes into the ground.

Section 5, which we are now discussing, outlines a very precise schedule of review whereby land disposal of hazardous wastes will be banned within a reasonable period of time unless the Administrator makes an afirmative determination that one or more methods of land disposal should be allowed for certain wastes.

I feel that this method makes sense and there is no reason why this very carefully thought-out plan should be completely disregarded by passage of the amendment offered by the gentleman from Missouri.

I can appreciate the spirit in which the amendment is offered but I must regrettably rise in opposition to it.

Mr. ECKART. I thank the gentleman for his remarks.

Clearly we all wish that this problem would go away and we could just make it go away with the stroke of pen. But clearly the language proferred today is not consistent toward that end and I would urge its rejection.

Mr. RITTER. Mr. Chairman, I rise in opposition to the Volkmer amendment. This amendment would ban all placement of hazardous waste into the ground if such waste may be "effectively disposed of through incineration, recycling, or any other method." I oppose this amendment for a number of reasons, which I will discuss, but they are all related to one issue: The Subcommittee on Commerce, Transportation, and Tourism of the Energy and Commerce Committee, on which I serve, literally spent weeks formulating the phased-in land disposal ban contained in section 5 of H.R. 2867. The Volkmer amendment would wipe out all of this work with one ill advised, inadequate provision.

Looking at my specific objections, first, I do not know what it means if wastes can be "effectively disposed of" by incineration or recycling. Does that

mean that any waste that can, technically, be incinerated will be required to be, regardless of cost or availability of incineration capacity? This certainly makes no sense. What if the nearest facility is 1,000 miles from the generator? Or 2,000 miles? This amendment does not address this problem. What if a certain method of land disposal is actually the preferred disposal technique for a certain waste? Again, the amendment contains no flexibility to address this situation.

Second, what about the cost of alternative disposal? Should there be any concern whether shipping the waste the 1,000 to 2,000 miles will put a company out of business? What if it is simply not feasible to go to an alternative disposal method? This problem is not addressed by the amendment.

Third, what does "or any other method" of alternative disposal mean? Does this "other method" have to have been commercially demonstrated, or can it be one that someone merely claims will work? Who determines the state of the art in alternative disposal? The Administrator? The disposal industry? The generator? The amendment does not address this problem.

Section 5 of H.R. 2867 is the result of a well-thought out, bipartisan agreement reached by the subcommittee. It contains many of the safeguards which are missing from the Volkmer amendment. Under section 5, several wastes are listed for which land disposal will be banned in 12 months. Others are identified for which land disposal will be banned on a staggered schedule, with all bans being effective no later than 54 months. In each instance, however, the Administrator may determine that the prohibition of one or more methods of land disposal for a certain waste is not necessary to protect human health and the environment. Congress should not absolutely declare that all hazardous wastes are unfit for any form of land disposal. The expert agency must have the flexibility to determine if some methods are safe.

A further safeguard is provided by section 5 in the case of alternative capacity. What if there is no incineration or other alternative disposal method reasonably available or feasible to use? Section 5 recognizes this possibility and allows the Administrator to grant up to a 42-month reprieve from a land disposal ban for lack of alternative capacity.

As my colleagues can see, it makes absolutely no sense to substitute the phased-in land disposal prohibiton of section 5 with the rigid, vague, ill-advised approach contained in the Volkmer amendment.

I urge my colleagues to defeat this amendment.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. VOLKMER).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to section 5?

If not, the Clerk will designate section 6.

The text of section 6 is as follows:

BURNING AND BLENDING FOR ENERGY RECOVERY

SEC. 6(a) NOTICE.—(1) Section 3010 is amended by inserting the following after the first sentence thereof: "Not later than twelve months after the date of the enactment of this sentence—

"(1) the owner or operator of any facility which produces a fuel (A) from any hazardous waste identified or listed under section 3001, (B) from such hazardous waste identified or listed under section 3001 and any other material, (C) from used oil, or (D) from used oil and any other material;

"(2) the owner or operator of any facility which burns for purposes of energy recovery any fuel produced as provided in paragraph (1) or any fuel which otherwise contains used oil or any hazardous waste identified or listed under section 3001; and

"(3) any person who distributes or markets any fuel which is produced as provided in paragraph (1) or any fuel which otherwise contains used oil or any hazardous waste identified or listed under section 3001;

shall file with the Administrator (and the State in the case of a State with an authorized hazardous waste program) a notification stating the location and general description of the facility, together with a description of the identified or listed hazardous waste involved and, in the case of a facility referred to in paragraph (1) or (2), a description of the production or energy recovery activity carried out at the facility and such other information as the Administrator deems necessary. For purposes of the preceding sentence, the term 'hazardous waste listed under section 3001' also includes any commercial chemical product which is listed under section 3001 and which, in lieu of its original intended use, is (i) produced for use as (or as a component of) a fuel, (ii) distributed for use as a fuel, or (iii) burned as a fuel. Not more than one notification shall be required under this subsection in the case of a facility which burns for purposes of energy recovery any fuel which is generated at the site of such facility unless the burning practices to which such notice applies changes following such notification. Notification shall not be required under this subsection in the case of facilities (such as residential boilers) where the Administrator determines that such notification is not necessary in order for the Administrator to obtain sufficient information respecting current practices of facilities using hazardous waste for energy recovery. Nothing in this subsection shall be construed to affect or impair the provisions of section 3001(b)(3). Nothing in this subsection shall affect regulatory determinations under section 3012 (as amended by the Used Oil Recycling Act of 1980).".

(2) Section 3010 is amended by striking out "the preceding sentence" and substituting "the preceding provisions".

(b) STANDARDS.—(1) Section 3004 is amended by adding the following at the end thereof:

"(g) HAZARDOUS WASTE USED AS FUEL.—Not later than two years after the date of the enactment of this subsection, and after notice and opportunity for public hearing, the Administrator shall promulgate regulations establishing such—

"(1) standards applicable to the owners and operators of facilities which produce a fuel (A) from any hazardous waste identified or listed under section 3001, or (B) from any hazardous waste identified or listed under section 3001 and any other material;

"(2) standards applicable to the owners and operators of facilities which burn for purposes of energy recovery any fuel produced as provided in paragraph (1) or any fuel which otherwise contains any hazardous waste identifed or listed under section 3001; and

"(3) standards applicable to any person who distributes or markets any fuel which is produced as provided in paragraph (1) or any fuel which otherwise contains any hazardous waste identified or listed under section 3001

as may be necessary to protect human health and the environment. Such standards may include any of the requirements set forth in paragraphs (1) through (7) of subsection (a) as may be appropriate. The standards under paragraph (2) may consider differences in destruction efficiency, and waste content of the fuel, and shall, where appropriate, not include requirements beyond the notification referred to in section 3010. Nothing in this subsection shall be construed to affect or impair the provisions of section 3001(b)(3). For purposes of this subsection, the term 'hazardous waste listed under section 3001' includes any commercial chemical product which is listed under section 3001 and which, in lieu of its original intended use, is (A) produced for use as (or as a component of) a fuel, (B) distributed for use as a fuel, or (C) burned as a fuel.

"(h) LABELING.—Notwithstanding any other provision of law, it shall be unlawful for any person who is required to file a notification in accordance with paragraph (1) or (3) of section 3010 to distribute or market any fuel which is produced from any hazardous waste identified or listed under section 3001, or any fuel which otherwise contains any hazardous waste identified or listed under section 3001 if the invoice or the bill of sale fails—

"(1) to bear the following statement: 'WARNING: THIS FUEL CONTAINS HAZARDOUS WASTES', and

"(2) to list the hazardous wastes contained therein.

Such statement shall be located in a conspicuous place on every such invoice or bill of sale and shall appear in conspicuous and legible type in contrast by typography, layouts, or color with other printed matter on the invoice or bill of sale.

"(i) EXEMPTION.—(1) Unless the Administrator determines otherwise as may be necessary to protect human health and the environment, the requirements of subsection (h) shall not apply to fuels produced from petroleum refining waste containing oil if—

"(A) such materials are generated and reinserted onsite into the refining process;

"(B) contaminants are removed; and

"(C) such refining waste containing oil is converted along with normal process streams into petroleum-derived fuel products

at a facility at which crude oil is refined into petroleum products and which is classified as a number SIC 2911 facility under the Office of Management and Budget Standard Industrial Classification Manual.

"(2) For exemption of used oil which is recycled from standards under this section, see section 3012(c).".

(2) Section 3003 is amended by adding the following new subsection at the end thereof:

"(c) FUEL FROM HAZARDOUS WASTE.—Not later than two years after the date of the enactment of this subsection and after opportunity for public hearing, the Administrator shall promulgate regulations establishing standards, applicable to transporters of fuel produced (1) from any hazardous waste identified or listed under section 3001, or (2) from any hazardous waste identified or listed under section 3001 and any other material, as may be necessary to protect human health and the environment. Such standards may include any of the requirements set forth in paragraphs (1) through (4) of subsection (a) as may be appropriate."

Mr. BLILEY. Mr. Chairman, I move to strike the last word.

I seek to engage the manager of the bill in a colloquy. Section 6(G) requires that EPA issue regulations within 2 years on facilities which burn waste-derived fuel for energy recovery. The section specifies that those standards "shall consider differences in destruction efficiency, waste content of the fuel, and shall, where appropriate, not include requirements beyond the notification (to EPA) referred to in section 3010 * * *" of RCRA.

The committee report states that "All combustion units * * * including boilers, cement kilns, and other industrial furnaces (must be regulated) under the same ultimate standards as other hazardous waste management facilities" such as incinerators. The report also notes that a blanket exemption from these regulations for cement kilns and other industrial furnaces would not be proper.

□ 1540

My understanding of section 6(G) and the report taken together is that while a blanket exemption for all cement kilns and other industrial furnaces should not be allowed, EPA should, in its regulations, follow the mandate of this provision and recognize, where appropriate, differences among facilities such as kilns and other industrial furnaces, boilers, and incinerators based on differences in destruction efficiency and the waste content of the fuel. Is my understanding correct?

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, yes, the gentleman is correct. Section 6(G) allows EPA to recognize beneficial recycling activities that are environmentally sound. In the interest of encouraging legitimate recycling of waste-derived fuels while insuring that the environment and human health is protected, EPA should account in its regulations for differences in destruction efficiencies and waste content of the fuel.

Mr. BLILEY. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. FROST

Mr. FROST. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FROST: Page 21, line 15, after "as a fuel." insert: "After the date of the enactment of this subsection and until standards are promulgated and in effect under paragraph (2) of this subsection, no fuel which contains hazardous waste may be burned in any cement kiln which is located within the boundaries of any incorporated municipality with a population greater than 500,000 (based on the most recent census statistics) unless such kiln fully complies with the regulations (as in effect on the date of the enactment of this subsection) under this subtitle which are applicable to incinerators. Any person who knowingly violates the prohibition contained in the preceding sentence shall be deemed to have violated section 3008(d)(2)."

Mr. FROST (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Chairman, I offer an amendment to section 6 that would provide interim controls on the burning of hazardous wastes for energy recovery by cement kilns located in areas with populations of 500,000 or greater.

As my colleagues know, section 6 requires the EPA to develop the regulations for cement kilns and other facilities who are engaged in or proposed to engage in the burning of hazardous wastes for energy recovery. However, the provisions of section 6 give the EPA 2 years to develop these regulations. In my congressional district, a cement plant has proposed to burn hazardous wastes as a part of their fuel mix. Yet there are currently no controls on this type of activity other than compliance with the Clean Air Act.

My constituents have expressed their grave concern, which I share, that the Clean Air Act will not provide adequate monitoring of the emissions that could be produced by the burning of hazardous wastes in these cement kilns nor will it provide adequate monitoring of the operation of the plant under these circumstances.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. FROST. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I would just express my support for this amendment. The gentleman is correct. It is important that cement kilns in densely populated areas are required to meet incinerator standards before they use hazardous wastes as fuels.

Of course, as the gentleman correctly stated, once EPA promulgates specific regulations in such areas, such regulations will supersede this provision. But in the meantime the gentleman's amendment is highly desirable and I support it.

Mr. FROST. I thank the gentleman.

Mr. Chairman, while the Environmental Protection Agency has had the authority, and has recognized its authority, to regulate facilities blending and burning hazardous waste for energy recovery, the Agency has failed to develop relevant regulations. Section 6 of H.R. 2867 compels the EPA to close this major loophole in RCRA regulations within 2 years. My amendment would close this loophole immediately for cement kilns in urban areas with populations of 500,000 or greater.

The committee report accompanying H.R. 2867 quotes the EPA's acknowledgment that "such burning is environmentally identical to burning the same material in an incinerator and could pose a parallel or greater risk of environmental dispersal of hazardous waste constituents and products of incomplete combusion." Despite their acknowledgment that risk is involved in the burning of hazardous waste for energy recovery, the Agency has not moved forward to impose regulations on this activity. Instead, they have proposed interim controls for some, but not all, of these facilities. I believe it is imperative that EPA move with all due speed to develop a comprehensive regulatory scheme for the burning of these substances in order that this acknowledged gap in RCRA regulations can be closed and our citizens can be assured that all facilities burning hazardous waste for energy recovery are doing so in an environmentally safe manner.

My amendment addresses a particular concern of the committee and seeks to immediately close one part of the existing regulatory loophole. The report language specifically states that the committee wants assurance that EPA will exercise its authority over all facilities that blend or burn hazardous waste for energy recovery, and facility, as defined by RCRA, includes cement kilns burning hazardous waste for energy recovery. The committee does not consider a cement kiln to be distinguishable from a commercial hazardous waste incinerator in its potential impact on human health and the environment. I could not agree more.

In my district, a cement plant recently made application to the Texas Air Control Board for a Clean Air Act modified source permit to burn hazardous waste as part of their fuel mix. If the TACB granted the modified source permit to the plant, that permit would not be oriented toward

regulating the kinds of hazardous emissions and products of incomplete combustion that could possibly be emitted from this kiln as a result of the introduction of hazardous waste in the fuel mix. Rather, the permit would primarily address the issue of control of pollutants regulated under Clean Air, such as lead, sulphur and carbon monoxide. Consequently, the Clean Air Act, which is the only law now regulating kiln emissions, cannot be solely relied upon to regulate whatever hazardous emissions may emanate from the cement kiln stacks.

The EPA has informed me that of the compounds classified as hazardous the plant proposed to burn, all could be destroyed to a high degree if properly fed into the clinker end of the kiln. However, they went on to tell me, since they are not familiar with the proposed operating mode and combustion conditions of the plant, they could not speculate as to whether the five chlorinated compounds in the mix would, in fact, be difficult to destroy in this kiln. Since there is no appropriate regulation relating to the possible hazardous emissions that could be created by burning these compounds, the likelihood exists that we might not know if they were properly fed into the clinker end of the kiln and if they were adequately destroyed.

This plant is located in a densely populated residential area of the city of Dallas and its plan to burn hazardous waste in an essentially unregulated fashion, was, to say the very least, of great concern to the residents of the area. The proposal generated a significant level of controversy. This controversy was based on a number of factors, not the least of which was the concern of the residents of the area that no governmental agency would monitor or control what kinds of hazardous emissions might come out of the stack. As a result of the community opposition, the plant has subsequently withdrawn its application to the Texas air control board, but the company has not dismissed the possibility that an application may be made again in the future.

As a result of the situation in Dallas, and because of my strong concurrence with the thrust of the committee report relating to the burning and blending of hazardous waste for energy recovery, I am proposing that until EPA promulgates the regulations mandated in section 6, that those kilns located in urban areas with a population of 500,000 or more be barred from burning wastes unless that cement kiln makes application for, and receives, a permit as a hazardous waste incinerator in the existing regulatory framework. Cement kilns, burning hazardous waste as fuel, act as the functional equivalent of a commercial hazardous waste incinerator, and until the EPA develops regulations specifically applicable to facilities burning hazardous waste for energy recovery, cement kilns should operate under regulations applicable to hazardous waste incinerators.

While there is general agreement that cement kilns can ultimately prove useful in the destruction of hazardous wastes while at the same time using those substances for energy recovery, it is my view that kilns must be viewed as having the potential to emit hazardous waste constituents. We cannot rely solely on the Clean Air Act to regulate these facilities: The statutory authority exists for the EPA to regulate these facilities under RCRA and my amendment provides for the immediate implementation of that authority for these kilns.

I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. FROST).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 6?

The Clerk will read.

The Clerk read as follows:

INTERIM STATUS; PERMITS

SEC. 7. (a) EXPANSION DURING INTERIM STATUS.—Section 3005(e) is amended by inserting "(1)" after "INTERIM STATUS.—", redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), and adding the following at the end thereof:

"(2) Any owner or operator of a treatment, storage, or disposal facility operating under interim status pursuant to this subsection who expands the capacity of the facility (except the capacity for storage or treatment in tanks or containers and enclosed waste piles) by an amount in excess of 10 per centum of the capacity specified in the permit application shall be required to obtain a permit under subsection (c) prior to the construction or expansion. The Administrator may promulgate regulations under this subsection which, in the discretion of the Administrator, contain standards for facilities which expand such capacity by 10 per centum or less; such standards may vary from the standards applicable to those facilities operating pursuant to a permit under this subsection which do not expand such capacity.

"(3) The standards concerning ground water monitoring, corrective action, liners and leachate collection systems which are applicable under section 3004 to new landfills, surface impoundments, and waste-pile units required to be permitted under subsection (c) shall also apply to any landfill, surface impoundment or waste-pile unit (including any new unit, replacement of an existing unit or lateral expansion of an existing unit) operating under interim status under this subsection which receives hazardous waste after the applicable date. In the case of standards concerning ground water monitoring and corrective action, the applicable date is July 26, 1982. In the case of standards concerning liners and leachate collection systems, the applicable date is the date six months after the date of enactment of this paragraph. The Administrator may amend the requirements in effect under section 3004 and applicable to liners and leachate collection systems required under this paragraph as may be necessary to protect human health and the environment.

"(4) In the case of any facility in which a liner and leachate collection system has been installed pursuant to the requirements of paragraph (3) and in compliance with the Administrator's regulations and guidance documents governing liners and leachate collection systems, no liner or leachate collection system which is different from that which was originally installed pursuant to paragraph (3) shall be required by the Administrator when issuing permits under subsection (c) to such facility."

(b) TIME LIMIT FOR PERMITS.—Section 3005(c) of such Act is amended by adding after the words "complete the modifications" the following: "No permit issued under this subsection may remain in force and effect for more than ten years after the date on which the permit is issued unless the permit is renewed for additional periods of not to exceed ten years each. Any such renewal shall be subject to the same requirements as are applicable to the issuance of a new permit."

(c) TIMETABLE FOR REVIEW OF EPA PERMIT APPLICATIONS.—Section 3005(c) of such Act is amended by inserting "(1)" after "PERMIT ISSUANCE.—" and by adding the following new paragraph at the end thereof:

"(2)(A)) (i) Not later than the date four years after the enactment of the Hazardous Waste Control and Enforcement Act of 1983, in the case of each application for a permit for a land disposal facility under this section which was submitted before such date, the Administrator shall issue a final permit pursuant such application or issue a final denial of such applicaiton. In considering permit applications for existing land disposal facilities, the Administrator shall give highest priority to permits for facilities that are currently contaminating ground water.

"(ii) Not later than the date five years after the enactment of the Hazardous Waste Control and Enforcement Act of 1983, in the case of each application for a permit for an incinerator facility under this section which was submitted before such date, the Administrator shall issue a final permit pursuant to such application or issue a final denial of such application.

"(B) Not later than the date eight years after the enactment of the Hazardous Waste Control and Enforcement Act of 1983, in the case of each application for a permit for any facility under this section (other than a facility referred to in subparagraph (A)) which was submitted before such date, the Administrator shall issue a final permit pursuant to such application or issue a final denial of such application.

"(C) The time periods specified in this paragraph shall also apply in the case of any State which is administering an authorized hazardous waste program under section 3006. Interim status under subsection (e) shall terminate for each facility referred to in subparagraph (A) or (B) on the expiration of the four-, five-, or eight-year period referred to in subparagraph (A) or (B), whichever is applicable, unless an application is filed for a permit under other provisions of this subsection within—

"(i) nine months after the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983 (in the case of a facility referred to in subparagraph (A) which is a landfill facility),

"(ii) two years after the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983 (in the case of a

facility referred to in subparagraph (A) other than a landfill facility), or

"(iii) four years after such date of enactment (in the case of a facility referred to in subparagraph (B)).".

(d) CLASS PERMITS.—Section 3005 of such Act is amended by adding the following new subsection at the end thereof:

"(g) CLASS PERMITS.—(1) After notice and opportunity for hearing, the Administrator may promulgate permit application requirements and permit conditions applicable to owners and operators of a class of facilities if he determines that the facilities in the class should be subject to similar design, operating, and management requirements. Such classes shall be limited to facilities which treat or store hazardous waste in containers, tanks, or enclosed piles and mobile treatment units designed to treat specified types of hazardous waste.

"(2) If, after notice and opportunity for an informal hearing under section 7004(b)(2), the Administrator determines that a facility in any class designated under paragraph (1) meets the requirements and conditions promulgated under that paragraph, he may issue a class permit for such facility containing such permit conditions.

"(3) Notwithstanding the foregoing, the Administrator may, in establishing requirements and conditions under paragraph (1), provide that certain permit conditions shall be established for each facility on a site-specific basis. Additional permit conditions shall be promulgated to take into account site-specific factors in the case of mobile treatment units.".

Mr. TORRES (during the reading). Mr. Chairman, I ask unanimous consent that section 7 be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there amendments to section 7?

AMENDMENT OFFERED BY MR. TORRES

Mr. TORRES. Mr. chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TORRES: Page 28, after line 22, insert:

(e) HEALTH EFFECTS STUDIES.—Section 3005 is amended by adding the following new subsection after subsection (g):

"(h) HEALTH EFFECTS STUDIES.—(1) Each landfill which is operating pursuant to a permit under this section (or for which a permit is treated as having been issued under subsection (e)) shall be required by the Administrator (or the State in the case of an authorized State program under section 3006) to conduct a health effects study for the affected community of the hazardous waste associated with such landfill (including hazardous waste transported to or released from the landfill). The study shall include, for individuals residing or working in the affected community, a statistical analysis of the present and future health effects associated with the landfill. Such study shall include an analysis of health effects associated with all pollutant pathways through which hazardous waste may reach individuals in the affected community. Not later than one year after the date of the enactment of this subsection (or after the commencement of operations at the landfill, if later), the results of each such study shall be made available to the public and shall be submitted to the Administrator and to the appropriate State authorities for the State in which the landfill is located. The study shall be periodically updated as determined by the Administrator.

"(2) For purposes of the study under this subsection, the affected community shall consist of individuals residing or working within such distance of the landfill as the Administrator determines to be appropriate based on a site specific analysis, except that in all cases, the surrounding community shall be treated as including at least those individuals working within the landfill and those residing or working within a 2.5 mile radius of the landfill. The Administrator shall specify the surrounding community for each landfill referred to in paragraph (1) as promptly as practicable after the date of the enactment of this subsection.".

Mr. TORRES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TORRES. Mr. Chairman, there are approximately 450 hazardous waste landfills in this country. These are class 1 hazardous waste dumps. My amendment would make it possible to find out exactly how the health of our constituents is affected by these 450 landfills. Right now there is no way of knowing with any certainty whether a person's health is in danger if he or she is living next to a hazardous waste landfill.

People living next to landfills need to know if the operations of the landfill within their community have any effect on their health. They need to know the facts. Landfill operators should not be afraid to disclose the facts. If they are operating a safe landfill the facts just might show that nearby residents have nothing to fear. But without the facts, our constituents have only to fear the worst, and contrary to belief my amendment is not intended to close down any particular landfill but rather to disclose facts in order to minimize constituent fears—I know about constituent fears firsthand because a hazardous waste landfill is located in my district. Last June 3, the Small Business Subcommittee on Energy, Environment and Safety, Chaired by the distinguished gentleman from Missouri, Mr. SKELTON, held a factfinding hearing about a hazardous waste landfill in West Covina, Calif.

This particular landfill is surrounded by homes and businesses. The testimony we received from State agencies, local enforcement officials, the landfill operators, and residents of the area clearly indicated that no one knows if the landfill in West Covina adversely affects the health of the nearby 50,000 residents, and people that work in the area.

My amendment will require every hazardous waste landfill operator to conduct an independent health effects study. I would anticipate that a landfill operator will hire an independent consultant to conduct the health study. The study will include a site specific examination of the landfill and the surrounding area within at least a 2.5-mile radius. The site specific examination will consider the unique hydrological and geological characteristics of each site. For example: The study should investigate the presence of ground water or earthquake faults underneath or adjacent to the landfill.

Following a determination of the unique characteristics of each site, the consultant will then make a decision about the field monitoring procedures to be used.

These procedures may include taking soil samples by coring the landfill at predetermined locations, sampling the ambient air at the landfill and the surrounding area and collecting ground water specimens. These monitoring procedures will provide information about the types, locations, and concentrations of the chemical hazards which may affect the lives of the people who live or work close to the landfill.

The health study will also include information about the health characteristics of the nearby residents and workers. Demography, transience, and general health status are among the items usually included in health effects studies. The consultant will solicit from the people living and working near the landfill their health history. The consultant could have the residents complete a questionnaire similar to the one filled out when first visiting a doctor's office.

Once the site specific information is obtained, it will be applied to an analytical system. The system will show the degree of danger the landfill poses—if any—to the health of the persons residing or working in the surrounding community. The U.S. Army uses an analytical system called the Preliminary Pollutant Limit Value Method. It uses site specific information, considers both single and multiple pathways of exposure, utilizes the new laboratory data recorded from the soil, air and water, and incorporates previous site studies. The analytical system used by the Army is capable of using all this information and translating it into a health effect assessment which nonscientists can understand.

For example, the study will show how clean a site is or how clean a site can become. The study will also offer a number of procedures the landfill operators might consider if the landfill needs to be cleaned up or if changes need to be made in the landfill's operating procedures.

Following the completion of the study by the independent consultant, my amendment provides that it shall be made available to the Administrator of the Environmental Protection Agency, the appropriate State agencies and to the general public.

Mr. Chairman, the technology for such studies is available. The people of this country deserve to know if their lives are in danger because hazardous waste is being dumped improperly near their homes and businesses.

We owe the people of this Nation a safe environment within which to reside and work.

I urge my colleagues to vote for this amendment. Thank you.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. TORRES. I yield to the gentleman.

Mr. SKELTON. I thank the gentleman for yielding.

The gentleman will recall that he and I conducted a Small Business Subcommittee hearing in his district in West Covina, Calif., and the very thing to which he speaks right now, constituent fears, was a very real thing.

I am not sure that there is any way that we can describe it to our colleagues today, but what the gentleman does, I think, is a step in the right direction. He is to be commended for it. I certainly support his amendment. The members of the small business community, up and down Azuza Avenue, if he will recall, those who testified really had a message for us.

Today the gentleman not only is listening to his constituents but he is taking action.

I wish him well and thank him.

Mr. TORRES. I thank the gentleman from Missouri who did accompany me and did preside over those hearings.

The testimony that we received at those hearings from local and State agencies, local officials, landfill operators, residents of the area clearly indicated no one knows if the landfill in West Covina adversely affects residents in the area.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. TORRES. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

First of all, Mr. Chairman, I want to commend the gentleman (Mr. TORRES) for his participation. And I certainly sympathize with and appreciate the problems that he has in his district.

I think we all can say that we have one sort or another of districts where we have something having to do with water contamination, hazardous landfills, and so forth.

But I did want to ask the gentleman a couple of questions on his amendment.

First of all, has he done any assessment of the nationwide availability of contractors to perform the required health studies on these 450-odd hazardous waste landfills?

Mr. TORRES. I would like to respond to the gentleman from New York by saying that I was concerned with this question when I first began to consider this amendment. However, I have talked to scientists who have conducted health effects studies and they assure me there are ample individuals in the Nation, across the country, who could conduct these studies.

Moreover, it is not a very complicated process because there is availability of expertise in this area.

There are feelings that there are ample amounts of people of could conduct studies in the period of 1 year for the kinds of sites that I have just indicated.

Mr. LENT. The gentleman's amendment requires that all of these studies be consummated within a period of 1 year. Is that true?

Mr. TORRES. Yes, it is.

Mr. LENT. I am concerned that this timeframe may be too short.

Is the gentleman aware of any health studies which have been performed within a 1-year period?

Mr. TORRES. Well, there are a number of studies that have taken place. For example, I might cite the U.S. Army has a very effective program, they conduct health studies and have been doing it in the past 2 years.

So there is ample evidence for the record that these have taken place.

Mr. LENT. As I understand the gentleman's amendment, it pertains to landfills only and not to surface impoundments. Is that correct?

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Mr. TORRES. That is correct.

Mr. LENT. Assume that there is a lined landfill that exists on one side of the street and an unlined surface impoundment on the other side. I would like to ask the gentleman, under the gentleman's amendment, which facility would have to pay for the health effect study?

The CHAIRMAN. The time of the gentleman from California (Mr. TORRES) has expired.

(At the request of Mr. LENT and by unanimous consent, Mr. TORRES was allowed to proceed for 2 additional minutes.)

Mr. TORRES. The gentleman from New York has asked a hypothetical question obviously and I think that it is highly unlikely that there would be a landfill and a surface impoundment located next to each other.

Mr. LENT. Well, maybe they are a quarter of a mile apart, or a half a mile apart. But which of the two facilities would have to pay for the health effect study?

Mr. TORRES. Well, we would obviously like to see that aspect of the study take place perhaps the language to be included, but let me say this, that I think if you have such a case, in terms of the gentleman's question, that the passage of this bill, as amended, it requires surface impoundments be double lined and that the quality of the operations be upgraded.

So we would really be taking care of that problem by approving this bill.

Mr. LENT. I thank the gentleman.

Mr. MOLINARI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California. Too often American citizens suffer illness and personal injury due to nearby landfills. And by the time a threat is discovered a significant portion of the population surrounding a disposal site become seriously ill. An early investment to detect potential health effects and geological defects around the landfill will save us massive expenditures later in damage suits and clean-up costs.

A population health survey does not present an onerous task. And I speak from personal experience because we had one in my congressional district. In fact, there were two done. One by the city of New York and one by my own office. Volunteers visited 254 households competing questionnaires and it took 11½ weeks. We are talking about a year in the gentleman's amendment, which allows more than sufficient time. I can tell the gentleman that we had a very extensive survey done both by the New York City Health Department and by my own office in 11½ weeks. It was not a considerable expenditure. Ours cost about $1,600. And when we consider the savings that would result from this preventative measure, such minimal costs are worth it.

I think it is a good amendment and I would urge my colleagues to support the gentleman from California.

Ms. MIKULSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment because like the sponsor of the amendment I believe that citizens have a right to know what is occurring in their own community. Each one of us does have horror stories where the horror was not so much the landfill, but the absence of knowledge and treating the community with seriousness.

Too often I have seen in my own experience and even in oversight hearings that I have conducted that citizens are treated as if they were the problem rather than the landfill. And, as a result, often their questions are ignored, causing both anxiety and then usually community protest.

I think the gentleman's amendment is an excellent one and I am happy to support it.

However, I do have a question for the gentleman from California.

Does the gentleman's study or the gentleman's requirement mandate that landfills operated by government, be they municipal or State, also conduct such health studies?

Mr. TORRES. Mr. Chairman, will the gentlewoman yield?

Ms. MIKULSKI. I yield to the gentleman from California

Mr. TORRES. I thank the gentlewoman for yielding.

Yes. Let me answer the gentlewoman from Maryland in the affirmative saying that if they have a permit under section 3005 of this bill they would come under that regulation.

Ms. MIKULSKI. I am delighted to hear that. Too often government is exempted from the requirements we place on the private sector and government often does not always wear a white hat in these situations.

I compliment the gentleman from California on his amendment.

Mr. TORRES. I thank the gentlewoman from Maryland.

Mr. RITTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think there is anyone in this House that has paid more attention to the subject of assessing risks and hazards in trying to gain some perspective on what is dangerous and what is not than the gentleman from Pennsylvania.

But I must say that what this amendment does is attempt a blanket risk assessment study of every single landfill with hazardous waste in the entire United States of America. I think we are talking about 1,700 landfills.

Now, let me point out that the gentleman from New York talked about $1,600. I do not know who did the study for $1,600, but $1,600 in this area will buy you a couple of days of consultants' time and that is it. Maybe New York City and the Big Apple came up with the rest of the money. It cost them in their congressional district $1,600, but we are talking about figures in the tens of thousands of dollars for each and every one of these studies, conceivably in the hundreds of thousands of dollars.

Mr. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from New York.

Mr. MOLINARI. Mr. Chairman, I thank the gentleman for yielding.

I would like to clear up perhaps a misunderstanding of what I said. The cost of $1,600 actually was our own cost, not what it normally would cost. And I think that the gentleman has a point in terms of the cost.

But I would like to tell the gentleman to do a full and proper population health survey, you need the development of a questionnaire, 1 week, 40 man-hours. Actual interviewing, 1½ weeks, 60 man-hours. The total is at $80 an hour, an average of 332 man-hours, it would run somewhere in the vicinity of $26,000, if you had to go outside and hire professional consultants to do it.

Mr. RITTER. I thank the gentleman for that clarification.

And that is $26,000 only to start, because what happens is once you have the data, once you have done the study, then you have to assess it. And that is a much more difficult procedure. Then you have to normalize it, then you have to find out what the control populations are you are dealing with, then you get into the whole framework of risk assessment. I am not against risk assessment. In fact, we have a bill that is going forward to make some sense of ongoing risk assessments.

Let me say this. In 1 year—and that is the way this amendment is set up—you can come up with data that is Love Canal style data that will scare people, that may or may not be true, that the politicians will run around with, and flail before the television cameras, and that the media will just jump up and down with. This is a kind of shotgun approach. I must say that the gentleman from California is well intended and that of course we want to understand and realize the health impacts of every single landfill with any hazardous waste around the country. However, what he is proposing to do in 1 year's time and with no regard for the resources required to do it, is perhaps impossible.

For example, who is going to do it? I suggest to some of the staff or perhaps some of my colleagues on the committee that they may wish to start up something called Congressional Research and Risk Assessment Studies Corporation because I think there is going to be a windfall business opportunity there. The number of available firms to study 1,700 sites is dismally small. But the number of available firms is not even the point, nor is the cost even the point. The real point is the quality of the effort possible in 1 year given the relatively low level of the state of the science. We are talking about so much more than simply a survey.

□ 1600

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. RITTER) has expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for 3 additional minutes.)

Mr. MOLINARI. Let me just conclude, if I may, the remarks I made before.

We have reached the point, I think, in this country where we have had so many problems with illnesses that some additional work has to be done. In the case I cited before, when the study was completed, indeed it showed that there was a problem in the area, a serious problem, which is now being looked at. The only way we would know that was by having this survey done.

Now, I suggest, when you say, "Who is going to pay it?" those who are engaged in the business, they are the logical ones who should have to pay it. And I also suggest that at the completion of these studies we are going to have a lot more information on the health of the nearby populations than we do today. And that is something that is very desirous.

Mr. RITTER. I do not argue against the desirability of gaining this information. What I am saying is that this amendment goes about seeking the information in a way which may well be flat out impossible, may cause far greater concerns and disruptions that may never be solved, ending up with additional closures of facilities where we may not be fully informed.

When the gentleman talks of health risk studies, he is not just talking about a survey. He is also talking about the interpretation and the comparison of surveys with control populations, and the evaluation of control populations. These are the kinds of things that are going to be essential if we are not to repeat the kind of Love Canal quick and dirty, 1-year chromosome damage study that ended up greatly impacting the people who live there to no avail. Since in the final analysis, when the Love Canal study was done more seriously, the first results turned out not to be true.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, just to put into question the gentleman's implication that somehow this is a new, very unthought out approach, this is identical to what it is that is currently being done by HHS and EPA on Superfund.

The gentleman recalls, of course, that we put into the law the same type of capability with regard to abandoned dumps.

Mr. RITTER. If I may reclaim my time—and I will yield to the gentleman again—I think the point is extremely well taken that the 104(i) study in Superfund, has approached this very question.

Let me tell you how they have done it. You know, of course, the gentleman from New Jersey is responsible for this legislation and I must say the 104(i) study is a responsible legislative ap-

proach. Under the Superfund statute enacted in 1980, there is authorized under section 104(i) of that statute an agency within the Public Health Service known as the Agency for Toxic Substances and Disease Registry, which shall report directly to the Surgeon General of the United States. Under a recent court order that established—with the concurrence of environmental and industry interest—a timetable for the Agency's action. The Agency will:

Establish and maintain a national registry of serious diseases and illnesses and a national registry of persons exposed to toxic substances;

Establish and maintain inventory of literature, research, and studies on the health effects of toxic substances; and

Conduct periodic survey and screening programs to determine relationships betwen exposure to toxic substances and illness.

Moreover, the land disposal regulations effective in January of this year (1983) minimize the release of contaminants into the environment. Furthermore, safeguards—for example, in the form of mandatory groundwater monitoring—insure that materials from a waste disposal site would be detected prior to their release from the property boundary.

I might add that here we are talking about toxic substances. We sometimes mistakenly use the terms "toxic" and "hazardous" interchangeably. I tried to point this out in previous debate. The two are not interchangeable.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. RITTER) has again expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for 3 additional minutes.)

Mr. RITTER. We use the terms interchangeably, and the two are not the same.

Vinegar can be considered hazardous because it is corrosive acetic acid, but is certainly not in the toxic category. Flammability is a part of the definition of "hazardous," and there are many things that are flammable which are not toxic. There are also many things that are just slightly reactive which are not toxic.

The gentleman from New Jersey points out that in 104(i) of Superfund we do have provisions to evaluate in this sense—and I might add, the language does not only pertain to abandoned sites. It establishes and maintains a national registry of serious diseases and illnesses and a national registry of persons exposed to toxic substances.

It is my understanding that on Superfund—the gentleman may correct me. It establishes and maintains an inventory of literature of research studies and health effects of toxic substances, and it conducts periodic surveys—this is the part, I think, that the gentleman is referring to—and screening programs to determine relationships between exposure to toxic substances and illnesses.

In other words, what we are doing there is approaching the far more severe problem of toxic materials as opposed to hazardous materials, which can be defined in a way substantially less dangerous to human health and safety than the toxic materials.

What the gentleman from California is doing, without the kind of definition that is present in 104(i) of Superfund, is extending it to a vast new playing field. He is trying to do something in one year that we are having some difficulty in accomplishing over many years. It is not the substance of what the gentleman is proposing, it is the mechanism and the scope and the extent which makes the gentleman's amendment extremely unworkable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. TORRES).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 7?

AMENDMENT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment to section 7.

The Clerk read as follows:

Amendment offered by Mr. SKELTON: Page 28, after line 22, insert:

NEW AND INNOVATIVE TREATMENT TECHNOLOGIES

SEC. 7a. (a) RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS.—Section 3005 is amended by adding the following new subsection at the end thereof:

"(h) RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMITS.—(1) The Administrator may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposed to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under this subtitle. Any such permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits—

"(A) shall provide for the construction of such facilities, as necessary, and for operation of the facility for not longer than 1 year, and

"(B) shall provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste which the Administrator deems necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment, and

"(C) shall include such requirements as the Administrator deems necessary to protect human health and the environment (including, but not limited to, requirements regarding monitoring, operation, insurance or bonding, financial responsibility, closure, and remedial action), and such requirements as the Administrator with respect to the operation of the facility.

The Administrator may apply the criteria set forth in this paragraph in establishing the conditions of each permit without separate establishment of regulations implementing such criteria.

"(2) For the purpose of expediting review and issuance of permits under this subsection, the Administrator may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements established in the Administrator's general permit regulations except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures established under section 7004(b)(2) regarding public participation.

"(3) The Administrator may order an immediate termination of all operations at the facility at any time he determines that termination is necessary to protect human health and the environment.".

Mr. SKELTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Chairman, the amendment I offer encourages the development of alternatives to landfilling for hazardous waste disposal at the Federal policy level, especially those ideas developed by people in small business.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I support this amendment and I commend the gentleman for offering it. The central purpose of H.R. 2867 is to restrict land disposal of hazardous waste and to develop safe alternatives. Unfortunately, EPA currently has no system to facilitate research projects involving hazardous waste treatment. A new technology must go through the same regulations designed for commercial use facilities, such as those for permanent disposal. This is necessarily a lengthy process. Since EPA does not have permit standards for new treatment technology, there is little chance innovative treatment methods will become available.

My colleague's amendment provides a mechanism for developing the new technologies that we need to intelligently neutralize or destroy hazardous wastes. The Administrator would be able to accelerate the permit process to some extent so that an innovator has a chance to prove the validity of his idea and establishes a factual base to support his process. The amendment still provides for full public participation and a showing of financial responsiblility. Additionally, the Administrator retains the power to limit the type and quality of waste to be treated and can require extensive safety monitoring. The Administrator

can terminate the process at any time if human health or the environment is endangered.

Restricting land disposal of hazardous waste and to develop safe alternatives are the main goals of this bill under consideration. This amendment helps to accomplish these goals and I fully support it.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I also rise in support of this amendment. If a person or a company has a good idea for a treatment technology, I believe we should make it easier for them to obtain a permit for a limited period of time in order to test that technology.

As I understand it, the gentleman's amendment would provide all of the proper environmental protections and would safeguard the necessary public participation requirements. I support the gentleman's thoughtful amendment.

Mr. SKELTON. I thank the gentleman.

Mr. Chairman, first, I would like to commend my colleague from New Jersey (Mr. FLORIO) for his perseverance and thoroughness on such a complex and important issue. At the time I would like to ask my colleagues' consideration of an amendment regarding the development of new and innovative technologies for the treatment of hazardous waste. As we have discussed today we cannot continue to dispose millions of tons of hazardous waste in landfills. We now know we only relocate the problem. We must look for safe alternatives to provide the most efficient disposal of hazardous waste.

As a result of recent hearings held by the Small Business Subcommittee on Energy, Environment and Safety which I chair, and being approached by small businessmen with ideas for new methods of disposal, I have found that we are stifling the innovativeness and possible solutions to our ever growing hazardous waste problem. How? Under current RCRA statutes and regulations innovative approaches to hazardous waste treatment are constrained by the potentially complex, lengthy and expensive procedures for obtaining a RCRA permit. Innovators must go through a permitting process designed for operational hazardous waste facilities before they can even experiment with a new technology or demonstrate its feasibility. Furthermore, in many cases EPA has not yet promulgated technical standards to cover new and innovative technologies so that the permit cannot be issued. Finally, the technical standards that have been issued designed for commercial hazardous waste facilities and do not provide the flexibility needed to conduct experimentation. Many innovative small businessmen with new and workable ideas cannot afford the time and expense of the present permit procedure just to test their process.

This amendment authorizes the Administrator to issue a research, development, and demonstration permit for innovative and experimental hazardous waste treatment technologies. These permits may be issued only after EPA has reviewed the proposed treatment, established requirements for monitoring and testing, and placed limits on the type and quantity of wastes treated.

Whereas the general permit application requirements may not be suited for facilities engaged in experimental activities and to expedite this type of permitting process the Administrator may, consistent with the protection of human health and the environment, modify or waive permit application requirements established. However, the Administrator may not modify or waive regulations regarding public participation. The Administrator also has the authority to terminate the experimental operations at any time if he should determine it is not consistent with the operation of human health and the environment.

The supporters of my amendment are the Environmental Protection Agency and the Hazardous Waste Treatment Council.

To elaborate on this amendment, this Nation needs new and innovative approaches to solve the growing problems of hazardous waste disposal. Individual entrepreneurs and small businesses are frequently the source of new technologies and new ideas that can become tomorrow's innovative approaches to hazardous waste treatment. However, under the current RCRA statutes and regulations, these entrepreneurs are constrained by the potentially complex, lengthy, and expensive process and procedures for obtaining a RCRA permit. Under the current RCRA statute and regulations these innovators must go through a permitting process designed for operational hazardous waste facilities before they can even experiment with a new technology or demonstrate its feasibility. Furthermore, in many cases EPA does not have technical standards to cover new and innovative technologies. This often causes further delays in obtaining a RCRA permit as EPA tries to fit existing permit standards to these new technologies, or worse, determines that no permit can be issued. Finally, the technical standards that have been issued are designed for commercial hazardous waste facilities and do not provide the flexibility needed to conduct experimentation.

This amendment is offered to provide a means of expedited permitting of experimental facilities used to develop and demonstrate hazardous waste treatment technologies. It recognizes that experimental activities involving research, development, and demonstration are fundamentally different from operational hazardous waste activities and require special standards and simplified permitting procedures. Otherwise, the development of new treatment approaches that are being counted on as alternatives to land disposal will not be forthcoming.

The amendment provides the authority for EPA to issue permits directly against the criteria established in the amendment without a requirement that it go through new rulemaking to establish special standards for experimentation and demonstration of new types of technologies. This may help avoid further delay in permitting of these facilities while EPA conducts the often lengthy rulemaking process. The amendment provides that a permit may be issued under this section "for any hazardous waste treatment facility * * * for which permit standards for such experimental activity have not been promulgated under this subtitle." Thus, if EPA develops special regulations for experimental facilities, those rules would become the basis for research, development, and demonstration permits.

To expedite permitting of these facilities this amendment also gives the Administrator the authority to modify or waive permit application requirements established in regulations under section 3005(b) of this act. These regulations outline the general permit application requirements for all treatment, storage and disposal facilities. In addition, they include specific application requirements for container and tank storage facilities, incineration facilities, and land disposal facilities. These requirements are written for conventional technologies and may not be well suited for facilities engaged in experimental activities. In giving the Administrator the authority to modify or waive portions of these application requirements that are not appropriate for experimental technologies, the permit can be designed to fit the technology, rather than have the permit writer and facility owner try to fit the technology into the conventional permit structure. This amendment provides authority for the Administrator to modify these requirements without a separate rulemaking action to establish special application requirements.

A second area where the Administrator is given authority to modify or waive portions of the permitting regulations is for those regulations developed under section 3005(c) of the act. These regulations establish criteria and procedures for modification of the

permit once it is issued. Since experimental technologies are developmental and do not operate at steady State conditions for normal permit lifetimes, more frequent permit modifications may be required. The present modification criteria are too constraining to fit the situations anticipated for developmental technologies. Some modifications for permitted facilities require procedures as complex as for obtaining the original permit. These procedures deter the type of developmental changes—fine-tuning—that are required with any new technology.

The permits issued under this provision are initially to be issued for a maximum period of 360 days of operation. This will be sufficient time to complete testing or to demonstrate the feasibility of a technology. The 360 days is meant to be actual days of operation using hazardous waste. It does not refer to calendar days, to periods of construction, or to operation using materials other than hazardous waste.

The research, development, and demonstration of innovative technologies includes a variety of experimentation activities. While EPA will need to define the limits of these terms more precisely, it should at a minimum include experimentation and demonstration with technologies that have never been utilized in commercial application as well as further refinement and development or performance testing of technologies that in some form have been operated in a commerical capacity. In all cases, however, the permits issued under this subsection are to be applicable only to experimental activities.

A hazardous waste management experiment is intended to mean the treatment of hazadous waste in a unit or device made primarily from nonearthen materials; that is, other than a surface impoundment or "land treatment" for the sole purpose of gathering information to evaluate the technical or economic feasibility of a particular waste management technology, process, method, or device. The definition has two major elements: First, defining the activities that could be carried-out in a hazardous waste management experiment; and second, defining the purpose which makes these activities the subject of special consideration under this amendment.

Activities that may be carried out during a hazardous waste management experiment under this definition are the treatment of hazardous waste, defined in 40 CFR 260.10 as:

Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste nonhazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

And the associated storage of hazardous waste, defined in 40 CFR 260.10 as:

The holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

The purpose of a hazardous waste management experiment is the demonstration or evaluation of a treatment process, device, or equipment system. These are some examples which illustrate the types of activities covered by this amendment.

First, a common experiment involves an individual or company who has designed on paper or in the laboratory an innovative treatment system for hazardous waste. In order to determine whether this new technology is technically feasible a small pilot scale unit may be constructed and operated for purposes of evaluation. If this is successful, a larger, but still pilot scale, experimental unit may be constructed to demonstrate the reliability, economic feasibility, and environmental impacts of the process.

A second type of hazardous waste management experiment involves an equipment vendor and a waste generating or processing customer. Vendors often custom-prepare storage and processing equipment; that is, tanks, incinerators, et cetera, based on a customer's individual needs, and this may require one or more tests with a pilot facility using samples of the customer's waste. And third, a manufacturer or user of a particular commercial treatment process may want to improve its efficiency or effectiveness or reduce its environmental impacts. This may involve the construction of a pilot scale treatment unit that will be operated in an experimental mode to test new wastes or alternate operating conditions.

Two aspects of the definition of hazardous waste management experiment limit applicability of today's amendments. First, the definition includes storage and treatment, but does not include disposal.

Disposal, is defined in part 260.10 as:

The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or onto any land or water so that such solid waste or hazardous waste or any constitutent or decomposition or reaction by-product thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

And second, the definition limits coverage of today's amendments to experiments conducted in units or devices made primarily from nonearthen materials. The amendment purposely excludes from coverage those experiments and research projects that involve the placement of hazardous waste into or onto the land or water, for example, land treatment, surface impoundments, landfills, and piles, whether this placement is for storage, treatment, or disposal.

As a result of the recent promulgation of standards for operational land disposal facilities (47 FR 32274, July 26, 1982), EPA can now consider appropriate tailoring of these requirements for experimental land disposal activities. EPA can determine if those standards inhibit research and consider whether special standards are needed for land disposal research. It should be noted that some land disposal research can be conducted in nonearthen units and devices; for example, small-scale simulations in glass or plastic cells, and as such, would not involve placement into or on the land. These experiments would be covered by this amendment.

A further limitation on the scope of this amendment is that the amendment is intended to apply only to hazardous waste management experiments conducted in experimental units. An experimental unit is a treatment process or unit used only for a hazardous waste management experiment. This means that experimental units must be units dedicated to research. If a unit or process is used at any time to store or treat waste for any reason other than the conduct of a hazardous waste management experiment, the unit must be permited, and operated, in accordance with all applicable sections of 40 CFR 264.

Finally, experimentation covered by this amendment must be limited by scale of operation. This amendment is intended only for experimentation in facilities no larger than pilot scale. Although EPA may further define and limit this term, the maximum scope of operations covered by this amendment is limited to experiments in which: First, a maximum of 15,000 kilograms of hazardous waste are treated at a facility for experimental purposes in any month; second, a maximum of 15,000 kilograms of hazardous waste intended for use in hazardous waste management experiment is stored at the facility at any time; and third, any experiment conducted involves the treatment of a maximum of 400 kilograms of hazardous waste per hour. This limit would allow up to one tank truck; that is, 4,000 gallons of waste to be processed in a month. This would assure a reasonable scale for demonstrating technical and economic feasibility but would be well below the scale of most commercial operations. The 400-kilogram-per-hour limit would assure that a short-term, for example, 1 day, experiment at very large scale could not be conducted. Such an experiment could pose unnecessary risks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 7? If not, the Clerk will read.

The Clerk read as follows:

REUSE, RECYCLING, AND RECLAMATION

SEC. 8. Section 3001 of the Solid Waste Disposal Act is amended by adding the following at the end thereof:

"(e) REUSE, RECYCLING, AND RECLAMATION.—The Administrator shall promulgate such regulations as may be necessary to protect human health and environment ensuring that the use, reuse, recycling, and reclamation of hazardous waste identified or listed under this section is conducted in a manner consistent with such protection. Such regulations shall be applicable to a recoverable metal waste material only if the Administrator has identified or listed that material as a hazardous waste under this section. Regulations implementing this provision shall not contain a definition of solid waste that makes such regulations apply, directly or by implication, to nonhazardous wastes being recycled (such as nonhazardous metals, paper, textiles, or rubber used or reused for beneficial reclamation).".

The CHAIRMAN. Are there are any amendments to section 8?

AMENDMENT OFFERED BY MR. MOLINARI

Mr. MOLINARI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOLINARI: Page 28, line 24, after "8." insert: "(a) REGULATIONS REGARDING REUSE, RECYCLING, AND RECLAMATION.—".

Page 29, after line 14, insert:

(b) DIOXINS FROM RESOURCE RECOVERY FACILITIES.—Section 1006(b) is amended by inserting "(1)" after "INTEGRATION WITH OTHER ACT.—" and by adding the following new paragraph at the end thereof:

"(2) As promptly as practicable after the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983, the Administrator shall promulgate regulations requiring resource recovery facilities to comply with the best available control technology, (taking cost into account) for the control of emissions of polychlorinated dibenzo-p-dioxins into the ambient air. Such regulations shall apply to all resource recovery facilities the construction of which commences on or after the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983. Nothing in this paragraph shall be construed to preempt or otherwise affect the authority of the Administrator to promulgate any regulations under the Clean Air Act regarding emissions of polychlorinated dibenzo-p-dioxins from resource recovery facilities. Any regulation promulgated by the Administrator under this paragraph shall cease to apply on the effective date of any regulation under the Clean Air Act governing emissions of polychlorinated dibenzo-p-dioxins from resource recovery facilities.".

Mr. MOLINARI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MOLINARI. Mr. Chairman, today we are confronted with a gigantic dilemma—where to dispose of our garbage. Approximately 90 percent of American waste is disposed of on land and new dumping sites are increasingly difficult to find. As early as 1990, America may run out of space for all the garbage it generates. Indeed, the No. 2 problem confronting cities and local govenments, behind crime and before education, is the disposal of garbage. In order to remedy this, we are accelerating construction of new resource recovery plants. Resource recovery, that is, recovery of material or energy from solid wastes, can achieve significant volume reduction. Furthermore, rising costs of landfills and other forms of disposal, along with dwindling energy supplies, make resource recovery increasingly attractive.

However, new proposals for additional resource recovery plants have been blocked because of the fear of dioxin emissions. The Hempstead, Long Island, resource recovery facility for example, was closed after EPA tests found traces of dioxin from incinerator emissions. Consequently, construction of new plants in New York has been obstructed. My amendment will allay public fears and allow resource recovery plants to move forward. It directs the Administrator of EPA to promulgate regulation requiring resource recovery facilities to comply with the best practicable technology for control of dioxins into the air. These regulations shall only apply until new regulations governing dioxins from resource recovery facilities are promulgated under the Clean Air Act.

The commissioners of the departments of conservation of New York, New Jersey, and Connecticut also recognized the problem of dioxin emissions from resource recovery plants and wrote to Administrator Ruckelshaus urging him to issue standards for dioxin emissions from resource recovery facilities. This problem is not confined to the New York region. Within the United States there are currently listed 97 facilities across a span of 36 States. Thirty States have 104 planned resource recovery plants.

As we enter a new phase of resource recovery technology, we cannot begin construction in the absence of a standard. We may discover later, when a standard is finally issued, that many operating resource recovery plants are in violation of that standard and emitting dangerous levels of dioxin.

My amendment will not usurp any authority from the Clean Air Act. It will merely provide an interim measure with the purpose of protecting public health and permitting continued development and operation of resource recovery plants. Once new regulations are promulgated under section 112 of the Clean Air Act, the regulations issued under this amendment will cease to apply.

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Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I am prepared to accept the gentleman's amendment.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I want to especially commend my colleague, the gentleman from New York, for his leadership here. This is an area that has been very, very troubling, particularly to those municipalities where they are endeavoring now to have resource recycling plants in operation and are prevented from doing so because there are no standards for dioxin.

I want to commend the gentleman and urge adoption of the amendment.

Mr. MOLINARI. I thank the gentleman from New York and I thank the gentleman from New Jersey.

Mr. Chairman, I would just like to close by saying that the gentleman from New York is correct. A number of States have requested some assistance because they simply do not know what technology should be used in coping with the problem of dioxin emissions. This is one way of trying to help them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. MOLINARI).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 8?

If not, the Clerk will read.

The Clerk read as follows:

SIZE OF CERTAIN FACILITIES

SEC. 9. (a) FUTURE NEEDS.—Section 4001 is amended by adding the following at the end thereof: "In developing such comprehensive plans, it is the intention of this Act that in determining the size of a waste-to-energy facility, adequate provision shall be given to the present and reasonably anticipated future needs of the recycling and resource recovery interest within the area encompassed by the planning process.".

(b) AMENDMENT OF SECTION 4003.—Section 4003 is amended by redesignating the second subsection (b) as (c) and by adding the following new subsection (d) at the end thereof:

"(d) SIZE OF WASTE-TO-ENERGY FACILITIES.—Notwithstanding any of the above requirements, it is the intention of this Act and the planning process developed pursuant to this Act that in determining the size of a waste-to-energy facility, adequate provision shall be given to the present and reasonably anticipated future needs of the recycling and resource recovery interest within the area encompassed by the planning process.".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous con-

sent that section 9 be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. Are there any amendments to section 9?

The Clerk will read.

The Clerk read as follows:

HAZARDOUS WASTE FACILITIES OWNED BY STATES OR POLITICAL SUBDIVISIONS

SEC. 10. Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by—

(1) striking out "owned" and substituting "owned and operated" in subparagraph (C)(ii); and

(2) adding the following at the end thereof: "In the case of any State which has paid, at any time after the date of the enactment of this Act, in excess of 10 per centum of the costs of remedial action at a facility owned, but not operated by, such State or by a political subdivision thereof, the President shall use money in the Fund to provide reimbursement to such State for the amount of such excess.".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that section 10 be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. Are there any amendments to section 10?

AMENDMENT OFFERED BY MR. LENT

Mr. LENT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LENT: Page 30, strike out all of line 18 through the quotation marks (but not including the word "In") and substitute:

(2) striking out "The President shall grant the State a credit against the share" and all that follows down through the end of such section 104(c)(3) and inserting in lieu thereof the following: "The President shall grant the State a credit for amounts expended or obligated by such State or by a political subdivision thereof after January 1, 1978 and before December 11, 1980 for any response action costs which are covered by section 111(a)(1) or (2) and which were incurred at a release listed pursuant to section 105(8). For purposes of subparagraph (C)(ii), the term facility does not include navigable waters or the beds underlying those waters.

Mr. LENT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LENT. Mr. Chairman, I rise to offer an amendment to H.R. 2867 to rectify a serious shortcoming of the Superfund law. My amendment would restore the original congressional intent of enabling a State that received credit for its expenditures prior to the enactment of Superfund to apply that credit toward the State share at other abandoned hazardous waste dumpsites.

Just before passage of Superfund in December 1980, the credit provision language was slightly reworded, and resulted in States only being able to apply the credit granted toward future work at the site where the credit was earned. In other words, section 104(c)(3) of the law now provides for States to be granted a credit for certified State expenditures made during the "window" period of January 1, 1978, to December 11, 1980, but limits application of the credit toward the State of future work at that one site only. The credit cannot be used by the State at any other site, even if little or no work remains to be done at the site where credit was earned. Thus, any State which recognized and assumed early environmental responsibility might not be permitted to use its credit at all, and certainly could not use it at any other site.

Failure to adopt this amendment, Mr. Chairman, would penalize these States unnecessarily; passage will rectify the inequity.

I have heard concern regarding the potential drain on Superfund should the amendment be approved. From what I have been able to ascertain, there would in fact be very little drain on the fund. According to the Environmental Protection Agency, the following seven States have applied or could apply for the credit: California, Florida, Louisiana, Michigan, New Jersey, New York, and Ohio. Unfortunately, EPA has been unable to provide me with an exact estimate of the total amounts of credit these States are seeking, except for New Jersey, which spent approximately $20 million at the chemical control site during the window period, and New York, which spent approximately $14 million at the Love Canal during the window period. However, the exact amount spent by New York is being challenged by EPA, which alleges that only about $800,000 in creditable expenditures were made. In any event, it should be remembered that these total amounts will not represent the credit amount; only the amount above the State share of cleanup costs will be eligible for credit.

Several other points about this amendment should be made clear. First, this credit may be used at any site at which EPA can take remedial action—at sites on the interim, proposed or final priority lists. Second, this credit may be used only toward cleanup action at other sites in the State. If no further cleanup actions need to be taken, the State has no right to a straight reimbursement for the credit. Third, this amendment is to apply to all contracts and cooperative agreements entered into pursuant to section 104 of Superfund since December 11, 1980.

Mr. Chairman, my amendment also clarifies section 104(c)(3)(C)ii of Superfund to make it clear that the required State cost share is 10 percent for those facilities which were owned by the State, but not used primarily for treatment, storage, or disposal. When State land is contaminated with hazardous materials, and that land was primarily used for treatment, storage, or disposal, the cost share is 50 percent. The fact that the State permitted a specific release to water does not make that facility a 50-percent, State-cost share. State-owned land that was not permitted to accept hazardous substances such as municipal landfills, but which is nevertheless creating an environmental problem, still requires a 50-percent, State-cost share.

Mr. Chairman, I very strongly urge the adoption of this amendment.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. LENT. I would be happy to yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I am pleased to join the gentleman in cosponsoring this amendment.

Mr. Chairman, I commend my colleague, Mr. LENT, for offering this amendment. As the gentleman from New York has explained, this amendment would enable a State to receive credit for certain expenditures made at hazardous waste sites in the 3 years prior to the enactment of Superfund and to apply that credit toward the State share of cleanup costs at other Superfund sites within that State.

Under current law, a State can already receive credit for work done during the so-called window period between January 1, 1978, and December 11, 1980, as contribution to the State match—but only at that specific site. This amendment would allow the State to use this credit against any Superfund site in the State.

This amendment will also accomplish the orginal purpose of section 10. As currently drafted, section 10 does not specify which facilities that qualify for 50 percent cost sharing. Under this amendment, where the State or political subdivision owned and primarily operated a facility that accepted hazardous substances, the State share is 10 percent. For example, where the State permitted a specific release to a public waterway, the primarily operated language would make that facility a 10-percent facility. The original language would arguably still make that facility a 50-percent facility.

In essence, the amendment would assist those conscientious States which commenced remedial work at Superfund sites before the enactment of CERCLA and which remain active in pursuing the cleanup of other sites.

This is a worthwhile addition to the Nation's effort to eliminate the threat from hazardous waste sites and I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. LENT).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. MIKULSKI

Ms. MIKULSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offererd by Ms. MILKULSKI: Page 30, after line 25, insert:

EXPORT OF HAZARDOUS WASTE

SEC. 10A. (a) EXPORT.—Subtitle C is amended by adding the following new section at the end thereof:

"EXPORT OF HAZARDOUS WASTE

"SEC. 3016. (a) IN GENERAL.—Beginning twenty four months after the date of enactment of the Hazardous Waste Control and Enforcement Act of 1983, no person may export any hazardous waste identified or listed under section 3001 unless—

"(1) such person has provided the notification required in subsection (c) of this section,

"(2) the receiving country has consented to accept such hazardous waste,

"(3) a copy of the receiving country's written consent is attached to the manifest accompanying each waste shipment; and

"(4) the shipment conforms with (A) the terms of the consent of the receiving country required pursuant to subsection (e) or with (B) the terms of an agreement entered into between the United States and the receiving country as provided in subsection (f).

"(b) REGULATIONS.—Not later than twelve months after the date of enactment of the Hazardous Waste Control Enforcement Act of 1983, the Administrator shall promulgate the regulations necessary to implement this section.

"(c) NOTIFICATION.—Any person who intends to export a hazardous waste identified or listed under section 3001 after the date beginning twelve months after the date of enactment of the Hazardous Waste Control Enforcement Act of 1983, shall, before such hazardous waste is scheduled to leave the United States, provide notification to the Administrator. Such notification shall contain the following information—

"(1) the name and address of the exporter;

"(2) the types and estimated quantities of hazardous waste to be exported;

"(3) the estimated frequency or rate at which such waste is to be exported, and the period of time over which such waste is to be exported;

"(4) the ports of entry;

"(5) a description of the manner in which such hazardous waste will be transported to and treated, stored, or disposed in the receiving country; and

"(6) the name and address of the ultimate treatment, storage, or disposal facility.

"(d) PROCEDURES FOR REQUESTING CONSENT OF THE RECEIVING COUNTRY.—Within 30 days of the Administrator's receipt of a complete notification under this section, the Secretary of State, acting on behalf of the Administrator, shall—

"(1) forward a copy of the notification to the government of the receiving country;

"(2) advise the government that United States law prohibits the export of hazardous waste unless the receiving country consents to accept the hazardous waste or has entered into an agreement with the United States establishing notice, export, and enforcement procedures for the transportation, treatment, storage, and disposal of hazardous waste;

"(3) request the government to provide the Secretary with a written consent or objection to the terms of the notification; and

"(4) forward to the receiving country a description of the Federal regulations which would apply to the treatment, storage, and disposal of the hazardous waste in the United States.

"(e) CONVEYANCE OF WRITTEN CONSENT TO EXPORTER.—Within 30 days of receipt by the Secretary of State of the receiving country's written consent or objection (or any subsequent communication withdrawing a prior consent or objection), the Administrator shall forward such a consent, objection, or other communication to the exporter.

"(f) INTERNATIONAL AGREEMENTS.—Where there exists an international agreement between the United States and the receiving country establishing notice and export procedures for the transportation, treatment, storage, and disposal of hazardous wastes, only the requirements of subsection (a)(4)(B) and subsection (g) shall apply.

"(g) REPORTS.—After the date of enactment of the Hazardous Waste Control Enforcement Act of 1983, any person who exports any hazardous waste identified or listed under this subtitle shall file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year.

"(h) OTHER STANDARDS.—Nothing in this section shall preclude the Administrator from establishing other standards for the export of hazardous wastes under section 3002 or section 3003 of this subtitle.".

(b) PENALTIES.—Section 3008(d) is amended by adding the following new paragraph at the end thereof:

"(6) knowingly exports a hazardous waste identified or listed under section 3001 (A) without the consent of the receiving country or (B) if an agreement has been entered into with the receiving country under section 3016(f), in an manner which is not in conformance with such agreement;".

CONFORMING AMENDMENTS

Page 39, line 12, strike out "or".

Page 39, line 18, insert "or".

Ms. MIKULSKI. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. MIKULSKI. Mr. Chairman, I am offering this amendment today in order to close a major loophole in the Resource Conservation and Recovery Act.

Currently EPA has no authority to regulate the export of hazardous wastes to other countries. My amendment will provide EPA with the authority to prohibit the export of hazardous wastes if the receiving nation does certify that it is aware of the hazardous nature of the waste, and that it is willing to receive the shipment.

This amendment does not mandate an outright ban on such shipments. I recognize the fact that there are several legitimate reasons for exporting hazardous wastes, such as for scientific testing, reprocessing and recycling. My amendment is not aimed at these shipments.

The focus of my amendment is those wastes which are exported to avoid the stringent and more expensive requirements which govern the disposal of hazardous wastes in this country.

We must prevent the dumping of hazardous waste in unsuspecting Third World nations and we must make it very clear to other countries that we will not export our problems onto their shores.

There have been several incidences in the past few years where American companies have sought to export wastes in order to dump them in someone else's backyard. This reflects poorly on our country and harms our foreign policy interests.

In Mexico, an American citizen illegally disposed of PCB's and mercury sludge (both extremely hazardous substances) in an abandoned mine without adequate safeguards to the surrounding area.

Last year a Florida company proposed to incinerate large quantities of PCB-contaminated wastes in a Honduran facility after it had been denied an EPA permit for PCB incineration in this country. Once the Honduran Government learned of the hazardous nature of the waste, it refused to permit the activity.

In both of these cases if the receiving country was notified of the nature of the waste and certified it was willing to accept it, this amendment would provide no obstacle to the shipment. However, if the receiving country does not want the shipment, EPA would have the authority to stop the shipment.

Both the State Department and EPA agree that the RCRA legislation is the appropriate place to deal with this issue and I have worked with the EPA to create the least administrative burden on that Agency.

Our own country will have safeguards from the ill effects of hazardous waste upon passage of this legislation. We should take an equally firm stand on the transportation of hazardous waste bound for export to other countries. I urge you to support my amendment to insure such a clear message to the rest of the world.

Mr. FLORIO. Mr. Chairman, will the gentlewoman yield?

Ms. MIKULSKI. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentlewoman for yielding.

Mr. Chairman, I would just say that I express my support for this amendment. The gentlewoman is correct. As

we strive to upgrade our laws, and perhaps even because we are upgrading our laws, the loophole the gentlewoman makes reference to is being used more and more to provide for the disposal of these wastes overseas, and that certainly is not in our interest or in the world's interest.

Mr. Chairman, I commend the Congresswoman from Maryland for offering her amendment on the export of hazardous waste and I want to voice my strong support for this amendment.

I have become increasingly concerned that the RCRA legislation provides no regulatory authority for EPA to control the export of hazardous waste. Even while our own Nation is striving to improve the disposal of hazardous wastes, this loophole is being exploited by those who seek to find ways to circumvent our laws by disposing of the wastes in other nations.

The number of incidents in which this is happening is increasing. I know of arrangements that have been attempted in Nigeria, Liberia, Senegal, Sierra Leone, Chile, Haiti, Honduras, Antigua, Anguilla, the Bahamas, and Mexico, to name just a few.

So far we have been fortunate that most of these plans have been prevented through public awareness and public pressure. However, the fact is that we have little if any way of knowing how many of these shipments have occurred or how many have gone unnoticed.

Like water running downhill, hazardous wastes invariably will be disposed of along the path of least resistance and least expense. In light of the current loopholes and the increasing costs of waste disposal, conditions are ripe for further attempts to find "safe havens" for hazardous wastes around the globe.

I applaud the Congresswoman's efforts to address this problem through this amendment. Her amendment has the support of EPA, environmental groups, and the waste-handling industry.

We must all look beyond our individual borders to recognize that even the most stringent national requirements can be subverted unless we mutually assure the control and monitoring of international hazardous waste shipments. I urge you to support this amendment.

Ms. MIKULSKI. I thank the gentleman from New Jersey for his support.

Mr. LENT. Mr. Chairman, will the gentlewoman yield?

Ms. MIKULSKI. I yield to the gentleman from New York.

Mr. LENT. I thank the gentlewoman for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Maryland.

It appears to me to be only fair to afford a country to which a hazardous waste is being exported the opportunity to know in advance of that pending export.

Therefore, I support the amendment offered by the gentlewoman from Maryland.

Ms. MIKULSKI. I thank the gentleman from New York for his support, and I urge the adoption of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland (Ms. MIKULSKI).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 10?

AMENDMENT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

Mr. FLORIO. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from New Jersey reserves a point of order on the amendment.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SKELTON: Page 30, line 25, insert:

COMMUNITY RELOCATION

SEC. 10A. (a) The second sentence of paragraph (23) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510) is amended by inserting after "not otherwise provided for," the phrase "costs of permanent relocation of residents where it is determined that such permanent relocation is cost effective or may be necessary to protect health or welfare," and by striking out the semicolon at the end thereof and inserting in lieu thereof a period and the following: "In the case of a business located in an area of evacuation or relocation, the term may also include the payment of those installments of principal and interest on business debt which accrue between the date of evacuation or temporary relocation and thirty days following the date that permanent relocation is actually accomplished or, if permanent relocation is formally rejected as the appropriate response, the date on which evacuation or temporary relocation ceases. In the case of an individual unemployed as a result of such evacuation or relocation, it may also include the provisions of the assistance authorized by sections 407, 408, and 409 of the Disaster Relief Act of 1974;".

(b) Section 104(c)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510) is amended by inserting before "authorized by section (b) of this section," the phrase "for permanent relocation or".

(c) Nothing in the amendments made by this section shall be construed to appropriate funds (or divert appropriated funds) for any purpose for which such funds would not otherwise be available.

Mr. SKELTON. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Chairman, during the last year Missouri has had the unfortunate experience of providing a laboratory for the operation of the superfund law. The amendment which I offer today is an effort to learn from our experience of the past.

In Missouri, through the activities of one waste hauler, Mr. Chairman, over 200 potential sites were created and to this date over 30 have been confirmed.

□ 1620

The problems which my amendment addresses are not huge ones; instead, they clarify what the administrator can do in certain hopefully rare cases where superfund must be applied to a contaminated community.

I would like to especially emphasize that discretion is left with the Administrator as to whether to use these tools in a given case. We do not seek, Mr. Chairman, to create an entitlement in any way, but it should be made clear what tools the Administrator has if he needs them.

Let me go through the three sections of my amendment briefly. The first part provides that the Administrator can if he deems it appropriate or cost effective or necessary to protect health and welfare, permanently relocate a community that is contaminated beyond repair by hazardous wastes.

This is exactly the situation we had in Missouri at Times Beach and at Quail Run. The ground was so contaminated that nothing short of permanent relocation made any sense; and yet, the EPA went through the motions of a temporary relocation until a loophole could be found to move the residents permanently. After the flood at Times Beach, they used the disaster law to effect a permanent relocation; in other words, indirectly doing what we say in this amendment can be done directly.

The second provision provides that the Administrator can again if he finds it appropriate pay the principal and interest on business debts so that the economy of an area can be kept alive during a temporary relocation or until a permanent relocation can be put into effect.

Now, does it make sense to rescue a community, but endanger its economy? Why bother to send them back if every business has been either run off or put into bankruptcy?

We found that in Times Beach the residents were asked to relocate by the Government and were provided assistance to mitigate their financial mishap; but the businesses now left without customers were put into a situation where their income was zero, but their obligations continued on.

My amendment in its second portion would not replace their lost profit, but

it would maintain the status quo so that all the residents had something to return to.

Finally, my amendment provides that some of the aid provided to individuals under the Disaster Relief Act of 1974 would be permitted for those persons thrown out of work by relocation. This could include again at the Administrator's discretion unemployment and reemployment assistance, food stamps, and certain grants where other programs were not available to meet the serious needs of these relocated residents.

This third provision simply provides the kind of assistance that is available to the victims of a natural disaster to those who suffer from a manmade one.

This amendment has been recommended by the Governor of Missouri. It has been recommended by the National Governors' Conference and again it has been accepted in committee on the Senate side.

I urge my colleagues to benefit from the experience that we had in Missouri and to make these tools that I offer in this amendment clearly available so that they can be used, if necessary, in other parts of the country in the future.

Mr. Chairman, I urge adoption of my amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New Jersey (Mr. FLORIO) insist on his point of order?

Mr. FLORIO. Yes; I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. FLORIO. Mr. Chairman, I would just say on my point of order that this amendment attempts to amend a portion of the Comprehensive Environmental Response, Compensation, and Liability Act Superfund, which is not before this committee and, accordingly, is not germane.

On the merits of the proposal, I would just say that the gentleman is attempting to expand the scope of Superfund. That may very well be desirable, but it should be desirable at the appropriate time when we are dealing with that.

I would represent to the gentleman that my committee will be undertaking hearings in the immediate future to propose legislation to reauthorize Superfund next year, so it may very well be that we can accommodate some of the gentleman's needs; but it is not appropriate at this point.

Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. Does the gentleman from Missouri (Mr. SKELTON) desire to be heard on the point of order?

Mr. SKELTON. I certainly do, Mr. Chairman.

The fact that section 10 deals with the Superfund in and of itself opens the door.

My colleague, the gentleman from New Jersey, has indicated his view that this money in the Superfund was intended for cleanup alone and that my amendment takes it beyond that purpose or that we should limit it to just that purpose.

I would remind my colleague that the very title of the Superfund law is the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Section 101, paragraph 23, which I seek to amend, clearly provides for compensation as a result of actions taken by the Administrator or the President to protect the health and welfare of our citizens. That is the central purpose of the Superfund, to protect people. All too often we forget what that entails. The people in a contaminated community have property. They have jobs and their families to support. In some cases they own businesses that provide jobs and provide an economy for the area.

I submit that a temporary relocation can cause the death of a local economy as quickly as dioxin can cause the death of a population.

I would like to point out that this is not an entitlement, but it is rather a useful tool which the Administrator can use if it is appropriate.

We do not direct him to take these actions, but merely make it clear that they are there in case he needs them.

Now, I also submit to the chairman that section 10 is far more sweeping in its effect on the Superfund than my amendment is. The previous section, section 10, changes the amount of the State's contribution for State-owned sites from 50 percent to 10 percent, because in some cases they cannot afford the expense.

All my amendment would do is to clarify that the Administrator can in his discretion in those rare instances where such action is appropriate to take actions himself to help the residents of a contaminated area.

The CHAIRMAN (Mr. BARNARD). The Chair is prepared to rule.

Section 10 of this bill does amend subsection 104(c)(3) of the Superfund law, Public Law 96-510, but only in a very narrow respect regarding State contributions and reimbursements from the fund. The bill does not so comprehensively amend the Superfund law as to permit futher amendments to the law which are unrelated to the specific changes contained in the bill.

The amendment from the gentleman from Missouri relates to eligibility for certain community relocation assistance for the Superfund and is not related to the issue contained in the bill.

The Chair sustains the point of order.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is a terribly important amendment and the Chair has made its ruling and, of course, I abide by the ruling.

The chairman of the subcommittee, the gentleman from New Jersey, was kind enough to point out that next year his subcommittee would be dealing with this Superfund issue.

In my opinion, Mr. Chairman, time is of the essence. I would urge, because the Senate committee has included the same Skelton amendment in its bill on the Senate side in the form of a Danforth-Eagleton amendment, and the germaneness out of the scope ruling is not applicable on the Senate side, that when this item comes to conference that this body, this subcommittee and this chairman, could look favorably upon this issue, because in my opinion, time is of the essence.

I do appreciate the attitude of the gentleman from New Jersey and his offer to take this up next year; but for many, Mr. Chairman, should this manmade tragedy strike, it would be too late, I would certainly urge the subcommittee chairman to do so.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman.

Mr. FLORIO. Mr. Chairman, I appreciate the gentleman's comments, and rest assured that as we go to conference, we will certainly take into account the merit of what it is the other body has done and we will look at it with close scrutiny, because I am sensitive to the problems the gentleman has raised and certainly we will give his views appropriate consideration in the course of our conference.

□ 1630

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Missouri.

Mr. GEPHARDT. I thank the gentleman for yielding.

I want to commend my colleague from Missouri for having attempted to make this amendment. Having a district in Missouri where dioxin is probably found in the second greatest quantities in Missouri, I am well aware of the problems that are presented to residents. I am also aware of the problems we have had with the state of the present law and Superfund and in other areas in trying to get aid and relief to these people. I believe this amendment is very important. I appreciate the chairman's comments that he will consider these matters as we go into conference.

The CHAIRMAN. Are there further amendments to section 10?

If not, the Clerk will read.

The Clerk read as follows:

ENFORCEMENT

SEC. 11. (a) IMMINENT HAZARD.—Section 7003(a) is amended—

(1) by inserting "past or present" after "evidence that the";

(2) by striking out "to immediately restrain any person" and substituting the following: "against any person (including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage, or disposal facility) who has contributed or who is";

(3) by striking out "to stop" and substituting "to restrain such person from"; and

(4) by striking out "or to take such other action as may be necessary" and substituting ", to order such person to take such other action as may be necessary, or both".

(b) ATTORNEY'S FEES.—Section 7002(e) is amended by striking out "to any party" and substituting in lieu thereof "to the prevailing or substantially prevailing party" and inserting "or section 7006" after "this section".

(c) PRESERVATION OF OTHER RIGHTS.—Section 7002(f) is amended by striking out "section" and substituting "Act".

(d) CIVIL ACTIONS.—Section 2002 is amended by adding the following new subsection at the end thereof:

"(c) CIVIL ACTIONS.—(1) The Administrator shall request the Attorney General to file, and represent the Administrator in, any civil action which the Administrator is authorized to bring under this Act. If the Attorney General does not—

"(A) notify the Administrator within thirty days after the date on which such request is transmitted that he will commence such action and represent the Administrator, and

"(B) file such civil action within one hundred and fifty days after the date of transmittal of such request,

the Administrator shall, except as provided in paragraph (2), have the exclusive authority to commence and conduct the litigation of such action, and any appeal of such action, in his own name. For such purposes, the Administrator shall be represented by one or more attorneys of the environmental Protection Agency designated by the Administrator.

"(2) Paragraph (1) shall not apply in the case of actions before the United States Supreme Court. The provisions of this subsection shall apply notwithstanding any other provision of law.".

(c) LAW ENFORCEMENT AUTHORITY.—(1) The Congress finds that—

(A) personnel of the Environmental Protection Agency who are engaged in investigations of activity which is criminal under the Solid Waste Disposal Act, particularly criminal activity which is associated with organized crime groups (such as the illegal disposal of hazardous waste), are unable to effectively investigate such activity and enforce the criminal sanctions concerned without having full law enforcement powers, including the authority to make arrests and carry firearms; and

(B) the lives of such personnel are endangered in situations where they are carrying out such investigations but are not authorized to carry firearms and make arrests independently of other Federal, State, or local law enforcement authorities.

(2) Any officer or employee of the Environmental Protection Agency authorized by the Administrator to conduct criminal investigations (to investigate, or supervise the investigation of, any activity for which a criminal penalty is provided) under the Solid Waste Disposal Act is hereby authorized, in the enforcement of such Act, to—

(1) carry firearms;

(2) execute and serve warrants, summons and subpenas, issued under the authority of the United States;

(3) make arrests without warrant for offenses against the United States committed in their presence;

(4) make arrests without warrant for felonies cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony; and

(5) administer oaths for the purposes of taking a sworn statement.

(f) CITIZEN SUITS.—(1) Section 7002(a)(1) is amended by inserting "(A)" after "(1)" and by inserting the following at the end thereof:

"(B) against any person, including the United States and any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution and including any past or present generator, past or present transporter, or past or present owner or operator of a treatment, storage or disposal facility who has contributed or who is contributing to the past or present handling storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment; or"

(2) Section 7002(b)(1) is amended by striking out all after "alleged violator" down through "; or" and substituting "referred to in subsection (a)(1); or".

(3) Section 7002(a) is amended by striking out "to enforce such regulation or order, or to order the Administrator to perform such Act or duty as the case may be" and substituting "to enforce the permit, standard, regulation, condition, requirement, prohibition, or order, referred to in paragraph (1)(A), to immediately restrain any person contributing to the endangerment referred to in paragraph (1)(B), to order such person to take such other action as may be necessary, or both, or to order the administrator to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties under section 3008(a) and (g).

(4) Section 7002(b) is amended by adding the following at the end thereof: "No action may be commenced under subsection (a)(1)(B) if the Administrator has commenced, and is diligently prosecuting, an action under section 7003, or if the State has brought an action under this section, to immediately restrain any person contributing to the endangerment referred to in subsection (a)(1)(B). No action may be commenced under subsection (a)(1)(B) by any person (other than a State or local government) with respect to the siting of a hazardous waste treatment, storage, or disposal facility.".

(g) OPEN DUMPING ENFORCEMENT.—(1) Section 4005 is amended by inserting after the first sentence in subsection (a) the following: "The prohibition contained in the preceding sentence shall be enforceable against persons engaged in the act of open dumping under section 7002."

(2) Section 7002(a)(1) is amended by inserting "prohibition," after "requirement,".

(h) MISCELLANEOUS AMENDMENTS RELATING TO ENFORCEMENT.—(1) Section 2002 is amended by inserting the following at the end thereof:

"(d) CRIMINAL INVESTIGATIONS.—In carrying out the provisions of this Act, the Administrator, and duly-designated agents and employees of the Environmental Protection Agency, are authorized to initiate and conduct investigations under the criminal provisions of this Act, and to refer the results of these investigations to the Attorney General for prosecution in appropriate cases.".

(2) Section 3008(a)(1) is amended to read as follows: "(1) Except as provided in paragraph (2), whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of this subtitle, the Administrator may issue an order: (A) assessing a civil penalty for any past or current violation; (B) requiring compliance immediately or within a specified time period; or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.".

(3) Section 3008(a)(3) is amended to read as follows:

"(3) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Administrator or a State under this subtitle and shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of noncompliance for each violation of a requirement of this subtitle. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.".

(4) Section 3008(b) is amended by inserting "the person or" before "persons".

(5) Section 3008(c) is amended to read as follows:

"(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Administrator may suspend or revoke any permit issued to the violator (whether issued by the Administrator or the State).".

(6) Section 3008(d) is amended as follows:

(A) in paragraph (1)—

(i) insert after "knowingly transports" the following; "or causes to be transported", and

(ii) strike out "section 3005 (or 3006 in the case of a State program)" and substitute "this subtitle";

(B) in paragraph (2)—

(i) strike out "either";

(ii) strike out "section 3005 (or 3006 in the case of a State program)" and substitute "this subtitle"; and

(iii) strike out subparagraph (B) and substitute:

"(B) in violation of any material condition or requirement of such permit; or

"(C) in violation of any material condition or requirement of any applicable interim status regulations or standards;"; and

(C) strike out all after paragraph (2) and substitute:

"(3) knowingly omits material information or makes any false material statement or representation in any application, label, manifest, record, report, permit or other document filed, maintained, or used for purposes of compliance with regulations promulgated by the Administrator (or by a State in the case of an authorized State program) under this subtitle;

"(4) knowingly generates, stores, treats, transports, disposes of, or otherwise handles any hazardous waste (whether such activity

took place before or takes place after the date of the enactment of this paragraph) and who knowingly destroys, alters, conceals or fails to file any record, application, manifest, report, or other document required to be maintained or filed for purposes of compliance with regulations promulgated by the Administrator (or by a State in the case of an authorized State program) under this subtitle; or

"(5) knowingly transports without a manifest, or causes to be transported without a manifest, any hazardous waste required by regulations promulgated under this subtitle (or by a State in the case of a State Program authorized under this subtitle) to be accompanied by a manifest;

shall upon conviction, be subject to a fine of not more than $50,000 for each day of violation, or imprisonment not to exceed two years (five years in the case of a violation of paragraph (1) or (2)), or both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment under the respective paragraph shall be doubled with respect to both fine and imprisonment.".

(7) Section 3008(e) is to read as follows:

"(e) KNOWING ENDANGERMENT—Any person who knowingly transports, treats, stores or disposes of any hazardous waste identified or listed under this subtitle in violation of paragraph (1), (2), (3), or (5) of subsection (d) of this section who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than fifteen years, or both. A defendant that is an organization shall, upon conviction of violating this subsection, be subject to a fine of not more that $1,000,000.".

(8) Section 7006(b) is amended by inserting the following before the last sentence thereof: "Action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement.".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that section 11 be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

JUDICIARY COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the first Judiciary Committee amendment.

The Clerk read as follows:

Committee amendment: Page 32, strike out lines 1 through 24.

Mr. LENT. Mr. Chairman, I move to strike the last word.

I would like to ask the gentleman from New Jersey if it is his intention to rise very shortly?

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. LENT. I yield to the gentleman from New Jersey.

Mr. FLORIO. It is my intention to enter into a brief colloquy with the gentleman from New York in response to his question and then to rise.

Mr. LENT. Can the gentleman explain some of the reasons behind the additional amendment to section 7003?

Mr. FLORIO. As you know, section 7003 together with its sister provision, section 106 of CERCLA, are among the most important weapons in the Agency's hazardous waste enforcement arsenal. There have been a number of Federal courts which have not fully understood the breadth of these provisions—particularly their applicability to inactive facilities and nonnegligent generators—and have issued decisions suggesting that they are to be read more narrowly than Congress intended. The purpose of the amendments to section 7003 is to clarify our intent in this regard.

Because of the confusion that has surrounded the interpretation of section 7003 (and section 106 of CERCLA), I think it is important to reiterate that these provisions are to be liberally construed to effectuate their broad remedial purpose, and to be implemented by the courts and EPA in a manner which will assure rapid and effective compliance.

This latter concept is particularly critical for the successful implementation of EPA's administrative order authority under sections 7003 and 106. Indeed, Congress has expressly designed those provisions so that orders can be issued quickly and enforced effectively.

For example, Congress has never intended that EPA provide lengthy administrative hearings before issuing these orders. In most cases, EPA gives an opportunity for consultation prior to an enforcement action, and, in cases where there is need for prompt action to abate an emergency—as opposed to more long-term remedial action, it may be appropriate to dispense even with those procedures.

Similarly, it has always been our intent that EPA be able to effectively enforce orders under sections 7003 and 106. Orders issued under these provisions should not be subject to judicial review except in an EPA action to enforce them. Allowing preenforcement review of these orders will seriously undermine the Agency's ability to obtain prompt compliance and slow cleanup efforts—the primary goals of both provisions.

In addition, where these orders are reviewed in an enforcement action, they should be reviewed based on the record developed by the Agency and under an arbitrary and capricious standard. Requiring de novo review in a district court would almost inevitably delay compliance. Furthermore, it would subject EPA decisionmaking to a standard of review which we believe is to stringent given the important health and environmental objectives to be achieved by these provisions.

We trust that EPA will increasingly rely on the powerful enforcement tools that Congress has given it in section 7003 and section 106. The amendments added to section 7003 by H.R. 2867 should assist in that effort.

● Mr. PHILIP M. CRANE. Mr. Chairman, in recent years, Americans have become increasingly frustrated and angered by the improper disposal of hazardous wastes. Each new media horror story brings court suits, protests, and calls for restrictive legislation. While these news accounts have been very effective in arousing public interest and concern, they have not provided Americans with the information they need to find practical solutions to our hazardous waste disposal problems. Without that information, we may find ourselves saddled with new laws and regulations that will not protect Americans from hazardous wastes and that could wreck our economy.

The Federal bureaucracy defines hazardous waste as discarded material that may pose a substantial threat or potential hazard to human health or the environment when improperly handled. These wastes may be toxic, reactive, combustible, corrosive, or infectious, and they vary widely in the degree to which they are dangerous to our health. In fact, almost every small business, school, or hospital in the United States produces wastes that can be classified as hazardous—ranging from service station rags to used hypodermics or bandages. However, the problem associated with the disposal of truly dangerous materials has grown significantly in recent years. Old, leaky landfills, illegal dumping, and accidental spills have created a number of severe environmental problem areas around the country. The U.S. Environmental Protection Agency now estimates that there are at least 14,000 sites nationwide that can be labeled as "potentially dangerous." These sites pose fire hazards, threaten ground water resources, or emit noxious fumes.

I believe that a healthy environment is essential to the present and future well-being of our people, and to sustainable national growth. Unfortunately, I do not believe that the Federal regulatory process is capable of dealing with the threat posed by inadequate hazardous waste disposal. All too often, the Federal regulation of a problem is counterproductive—causing more harm than it prevents. This is especially true in the case of hazardous waste regulation.

Since 1976, the primary Federal law governing the disposal of hazardous wastes has been the Resource Conservation and Recovery Act (RCRA). The EPA regulations needed to implement this extraordinarily complicated law were not put in place until May 1980. Now, in 1983, the Congress is considering H.R. 2867, a bill intended to reauthorize and amend RCRA. Before it

was amended on the House floor, H.R. 2867 would have forced hundreds of thousands of small businesses to comply with EPA hazardous waste regulations—at an average cost of $3,000 each year. As it stands now, the bill delays the implementation of new regulations for a few months and might reduce the costs to small business. The rest of H.R. 2867 is more a regulatory blueprint than it is a legislative document.

H.R. 2867 is a bad bill and it will make worse law. It is a bill entangled in the technical details of hazardous waste regulation—it is not a bill that would set clear, effective standards to protect Americans from those wastes. The hazardous waste problem is too large and too complex for a comparative handful of Federal regulators to handle. Congress and the EPA have failed to develop an effective, nationwide waste disposal control program. Instead, we have put in a place an enormously complicated, costly, and inefficient bundle of redtape.

A Federal hazardous waste control program cannot be effective. Hazardous waste problems vary from State to State and region to region. The industries in Illinois are different from those in Maine, and the hazardous wastes they produce are not the same. At the same time, air, soil, and water conditions vary dramatically from area to area. These environmental conditions play an important role in determining which technologies can be used safely to dispose of hazardous wastes. Clearly, the responsibility for hazardous waste regulation must be placed where it belongs—at the State and local level.

Current Federal waste disposal regulations require business to use certain, approved technologies. These technologies are often ineffective and costly. They cost jobs without solving problems. State and local laws that set clear standards for environmental quality will encourage the development of realistic, innovative, and cost-effective waste disposal technologies. The case for decentralizing hazardous waste regulation is clear and compelling. State and local control will help insure a cleaner environment and a healthy, growing economy.

While the laws governing hazardous waste disposal and treatment should set clear standards for environmental quality, they should also be administered at the lowest possible level of government. Citizens ought to be able to take their complaints to a local official—they should not be compelled to wander through the bureaucratic mess in Washington, D.C. Then, if companies or individuals break the law, they can justly be subjected to the harshest possible penalties for endangering peoples' lives and property. If the responsibility for hazardous waste regulations is clearly defined, State agencies and the Federal Government can no longer pass the buck back and forth—as they have at the Antioch landfill in my own district. Instead of hiding behind meaningless questions of jurisdiction, they will have to buckle down and work to solve the very real hazardous waste problems that plague our Nation.

Every American desires a clean and healthy environment, but that goal cannot be met by a cumbersome and costly Federal hazardous waste program. As we look for solutions to this problem, Congress must remember that our aim should be to clean up waste, not to create a hazardous waste bureaucracy. We must protect the environment, but in doing so, we must not destroy the American economy. Returning waste regulation to State and local governments would be a giant step in the right direction.●

Mr. FLORIO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. BARNARD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2867) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. LENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the legislation just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AMTRAK IMPROVEMENT ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 320 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3648.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3648) to improve the cost effectiveness of the National Railroad Passenger Corporation, to authorize appropriations for such Corporation for the fiscal year ending September 30, 1984, and for other purposes, with Mr. BENNETT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey, Mr. FLORIO, will be recognized for 30 minutes, and the gentleman from New York, Mr. LENT, will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FLORIO).

Mr. FLORIO. Mr. Chairman, the House is now considering H.R. 3648, the Amtrak Improvement Act of 1983. This is an important piece of legislation designed to improve Amtrak's operations.

This bill reauthorizes Amtrak at $730 million for fiscal year 1984 and makes changes designed to improve the cost effectiveness of Amtrak's system. The bill anticipates that all routes in Amtrak's basic system would continue to be operated.

Of particular importance, the legislation also deals with the problem of Amtrak's debt to the Federal Government as a result of loan guarantees issued in the early 1970's. When Amtrak was first established, it was expected that Amtrak would one day be profitable and Congress provided loan guarantees to Amtrak instead of grants for its capital expenses. However, it soon became clear that Amtrak would not become profitable and Congress decided instead to use direct grants for Amtrak's capital expenses. In the meantime, Amtrak had accumulated a significant debt to the Federal Government—close to $1 billion—as a result of these loan guarantees.

Originally, this loan was serviced by direct appropriations to Amtrak for the purpose. But this amounted to the Federal Government paying itself. In 1981, Congress decided to defer repayment until October 1, 1983. The administration could have administratively extended this date to avoid a default, particularly in light of the fact that this legislation sought to avoid default by extending the existing deferral of Amtrak's obligation to pay interest until October 1, 1984. Unfortunately, the administration preferred seeing Amtrak in default rather than wait for passage of this legislation. It is now crucial that this default be cured, so as to prevent serious ramifications in the future. I will be offering an amendment later to do this.

In addition, the bill deals with a number of other important rail issues—for example, the recent Supreme Court decision striking down the legislative veto provisions which will affect the sale of Conrail to the private sector. Because of the importance of careful oversight of any sale, the bill would require specific legislation before Conrail could be sold. Indeed, the Department of Transportation has said, given the complexity of the transaction, that legislation will

be required in any event. Also, to improve Congress ability to evaluate a proposed sale, the bill reauthorizes the U.S. Railway Association, which serves as an unbiased source of information on Conrail.

I should note that the bill as reported represents a compromise between the majority and minority on our committee, with one exception. We have agreed to disagree on how to deal with the sale of Conrail. I expect I will have more to say on this later on.

I also expect that there may be an amendment dealing with the boxcar deregulation decision of the ICC. I want to make clear at this point my strong opposition to this special interest amendment, an opposition which is shared by the administration.

This is a good bill and I urge its passage.

Mr. LENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3648, the Amtrak Improvement Act of 1983. This is an important piece of rail legislation.

The bill reauthorizes Amtrak for 1 year at a level of $730 million. This funding will enable Amtrak to continue to operate service on its existing system and to undertake capital projects.

Section 108 of H.R. 3648 would require Amtrak to cover 55 percent of its operating costs with revenues, commencing in fiscal year 1984. Currently, Amtrak is required to meet 50 percent of its operating costs with revenues. Amtrak met this statutory goal in fiscal year 1982 and was confident it could improve on it in the future. This provision will encourage Amtrak to become more cost efficient and reduce its dependence on Federal subsidies.

Section 202 of this legislation reauthorizes the Office of the Administrator of the Federal Railroad Administration at a level of $12 million for fiscal year 1984. The bill also reauthorizes the U.S. Railway Association, which was important financial monitoring responsibilities toward Conrail, for fiscal year 1984 at a level of $2.5 million as provided in the fiscal year 1984 DOT appropriations (Public Law 98-78).

This important piece of rail legislation also insures the continuation of vital rail passenger service between Tampa and St. Petersburg, Fla., which has been threatened with discontinuance. Section 110 of the bill requires Amtrak to continue to operate this service until, at a minimum, October 1, 1985. This legislation also contains a provision respecting rehabilitation of a freight line, which, absent such funds, would have to be abandoned, leaving the surrounding community without a vital rail link.

Although this bill represents, in large part, a bipartisan consensus, one issue does remain outstanding. That issue relates to the sale of Conrail.

Under the Northeast Rail Service Act (NERSA), enacted into law in 1981, the Secretary of Transportation is given the authority to negotiate a plan for the sale of Conrail. NERSA provided that such plan be submitted to the Congress for review for 60 days. During this period of time, Congress could disapprove the plan by the passage of a resolution.

The U.S. Supreme Court decision in Immigration and Naturalization Service against Chadha struck down the validity of the legislative veto mechanism. Accordingly, to retain congressional input into the sale, we must replace the procedure in NERSA with a constitutional approach.

Section 206 of the bill, being considered by the House today, replaces the existing procedure with a totally unworkable approach. That section requires the affirmative enactment of the plan to sell Conrail either in the form negotiated by the Secretary or after its modification by the Congress. This procedure will certainly have a chilling effect on the sale of Conrail. It injects great uncertainty into the negotiating process that must occur with a private purchaser.

Accordingly, I will strongly support an amendment to be offered by the gentleman from North Carolina, the ranking minority member of the Committee on Energy and Commerce, which will simply make the procedure in existing law constitutional.

I am strongly supportive of the effort to sell Conrail to the private sector and am confident that this amendment will do much to accomplish that result.

□ 1640

Mr. FLORIO. Mr. Chairman, I have no further requests for time.

Mr. LENT. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina (Mr. BROYHILL), the ranking member of the Committee on Energy and Commerce.

Mr. BROYHILL. Mr. Chairman, I reluctantly rise in opposition to this bill. It is mainly over one part of this legislation that gives me a great deal of concern. My concern lies in section 206, that section of the bill which attempts to replace an existing legislative veto device. In so doing, this section completely undermines the intent of Congress.

In the Northeast Rail Service Act, we gave the Secretary of Transportation explicit authority and direction with respect to the sale of Conrail. Under that law we said that the Secretary of Transportation would submit her plan to sell Conrail to the private sector, to the Congress for review.

Congress would then have 60 days in which to disapprove the plan by passage of a resolution which spoke to that specific plan.

Of course, as this body well knows, the Supreme Court decision in the Chadha case held legislative veto unconstitutional. That case said congressional participation in the sale process would have to be discontinued.

What is contained here in this legislation H.R. 3648, is an amendment which has the announced purpose of correcting the language from the standpoint of the Chadha decision. But what it does is leaves the authority to sell Conrail very much up in the air.

What the language in the bill says is that the Committee on Energy and Commerce shall attempt to review and hold hearings on proposed legislation which embodies any such plan within 60 days after such plan's submission to the Congress, and shall attempt to report such proposed legislation within 120 calendar days.

This is no real legislative review at all.

The administration opposes this provision.

A potential buyer would certainly be discouraged from negotiating a plan with the Secretary knowing that there would be all of these uncertainties out there on the horizon. In other words, the plan would be advisory only and I doubt that Conrail could successfully be sold under such a process.

Conrail has achieved a profitable status. Great progress has been made in reaching that profitable status as a freight railroad.

I intend to offer an amendment at the proper time to amend section 206 of the bill. The intent of my amendment would be to preserve the original intent of Congress when it fashioned the Northeast Rail Service Act back in 1981. And it would do this by simply amending the existing procedure to provide that Congress could enact a joint resolution disapproving the plan that the Secretary of Transportation proposes for the sale of Conrail. This joint resolution of Congress would be acceptable under the Chadha decision in that it would be submitted to the President for his signature.

This procedure satisfies constitutional requirements. This review procedure would preserve the role of the Congress that was envisioned back in 1981 when the Northeast Rail Service Act was passed. Congress can play a role in that process but, at the same time, it would not, as the language in the bill does, have a chilling effect on the potential completion of the process of the sale of Conrail and transfer of this service to the private sector.

Mr. Chairman, I would urge the Members' attention to this amendment. I feel that this amendment is

necessary for the final approval of this legislation.

I am concerned, at least from what I have heard of the opposition to this particular section, that it could lead to disapproval of this legislation and all of our efforts thus would be for naught.

So what I am trying to do is to preserve a congressional review of any potential sale of Conrail but, at the same time, not put such restrictions on it that no buyer would come forward in order to make an offer for the system.

Mr. FLORIO. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. KAZEN).

□ 1650

Mr. KAZEN. Let me ask the distinguished chairman, what happened on October 1 when Amtrak could not meet its interest payment?

Mr. FLORIO. They went into default.

Mr. KAZEN. It is in default now?

Mr. FLORIO. That is correct.

Mr. KAZEN. And how does this bill correct that situation if at all?

Mr. FLORIO. I will be offering an amendment to wipe out that default by transferring notes for perferred stock. That will come at a later point in time.

Mr. KAZEN. I thank the gentleman.

● Mr. ROGERS. Mr. Chairman, I would like to commend the distinguished chairman and ranking minority member of the subcommittee, along with the gentleman from Michigan and my good friend from North Carolina for their work on this bill. While I do have some disagreements with the Conrail portion of the bill, I would like to commend them for their expeditious efforts to take care of Amtrak's financial difficulties.

And I would especially like to commend the committee for having included reauthorization for the Railroad Principles Accounting Board in this bill.

This Board was originally authorized in the Staggers Act. It was an important feature of that act, and though this is the first year we will see it hopefully get off the ground, its work remains badly needed.

This summer, the Commerce, Transportation, and Tourism Subcommittee held oversight hearings on the Staggers Act. Throughout the day, serious questions were raised about the accounting methods used to determine the financial condition of our railroads. And these accounting methods take on particular significance since the determination of revenue adequacy determines the extent of ICC regulation of railroad rates, which in turn affects the shipping rates for many of our commodities, most notably including the coal which comes out of eastern Kentucky.

In view of the importance surrounding these issues—the need to insure that the level of regulation accurately reflects congressional intent in the legislation, the need to insure that our shippers have fair rates, and the need to insure that our railroads receive the revenue they need and deserve, it is essential for us to remove the cloud of controversy which has hung over some of the recent ICC decisions regarding accounting methods. The Railroad Principles Accounting Board is intended to do just that, in bringing together representatives from the railroads, the shippers, and economist, and an expert on accounting, to develop a fair and accurate set of accounting principles. And I commend my good friend from New Jersey for having included this authorization.●

● Mr. BILIRAKIS. Mr. Chairman, I rise in support of H.R. 3648, the Amtrak Improvement Act of 1983. I have carefully followed the work of the Subcommittee on Commerce, Transportation, and Tourism as well as the final markup of the full Committee on Energy and Commerce.

I know that the committee and Amtrak Board are not in full agreement on the final version of this bill. It has been the policy of Amtrak to attempt to dictate to Congress what should be included and what should not be included in the bill. While I agree Amtrak has a mandate from Congress to improve its service and decrease its dependence on Federal funds, I do not believe Congress abdicated its authority and responsibility to Amtrak to make all the decisions on how this is to be done.

This problem area led to another area of conflict. Amtrak says that the passenger rail service between Tampa and Clearwater/St. Petersburg, Fla., must be terminated. On the other hand, the local governments and—even more important—the taxpayers of the area who are helping to subsidize Amtrak, violently oppose this service loss.

In this case, though, it is even more important to look closely at the citizens who are raising such a loud cry. They represent a very special and vulnerable group—the elderly. I ask you, can we overlook these people? What will happen to those who depend on this form of transportation? Who will assist these individuals in changing from the train to the new proposed bus service, if the Amtrak plan is followed? Who will carry their luggage or who will help the elderly who need assistance to walk?

The members of the subcommittee and the full committee had the foresight to include provisions that would accommodate the needs of these special citizens. Any attempt to delete these provisions would be contrary to what we, as representatives of the people, stand for.●

● Mr. MARKEY. Mr. Chairman, I rise today to lend my support to H.R. 3648, the Amtrak Improvement Act. I rise in support for this act for I recognize the need of the funds for the Amtrak system. I support the bill as written and urge my colleagues to oppose any amendments which compromise the rights of this body to have its say on the sale of Amtrak.

As a member of the Energy and Commerce Committee, I have been mindful of the growing debt of Amtrak. I am sure my colleagues would concur with me when I wish the system were profitable. Unfortunately, experience shows us that the present system, as currently designed, is a long way from profitability. To carry the system over, the Treasury lent Amtrak money during the past years and has now had to defer payment on this money. I support postponing payment of the interest for I see no reason in pushing Amtrak to the wall on the interest payments. Who will gain by squeezing blood out of a dry rock; what will be served by pushing the public railroad over the brink?

The bill before the committee, Mr. Chairman, is a sound one which recognizes limits on public subsidies. In particular, this gentleman supports the provisions of performance criteria on trains operated jointly by Amtrak and the States. The standards imposed are rational and fair; performance criteria allow for continuation in some circumstances if it appears the train will become profitable. I support these performance criteria as a sound public policy and a good balance of the interest for continued service and a limit on economic losses.

The last point I want to raise on this bill has to do with the provisions concerning the sale of Amtrak. Since 1971, when Amtrak was established, the people of this Nation have been pouring in dollars to support the system. The people of this Nation have sacrificed service and millions of dollars to keep a viable railroad. I urge my colleagues to oppose any amendment which would deny congressional review over the sale terms of the system. I urge my colleagues to uphold the integrity of congressional input in the system. We have chosen to spend millions of taxpayers' money on the system. We are also charged with making sure that the taxpayers get a fair return on their investment.●

Mr. LENT. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

Mr. FLORIO. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 3648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Amtrak Improvement Act of 1983".

The CHAIRMAN, The Clerk will designate title I.

The text of title I is as follows:

TITLE I—AMTRAK AND AMTRAK-RELATED PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Section 601(b)(2) of the Rail Passenger Service Act (45 U.S.C. 601(b)(2)) is amended—

(1) in subparagraph (A) by striking out "and" after "of this Act;";

(2) in subparagraph (B) by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) not to exceed $730,000,000 for the fiscal year ending September 30, 1984.".

COST EFFECTIVENESS

SEC. 102. (a) Section 403(b) of the Rail Passenger Service Act (45 U.S.C. 563(b)) is amended by adding at the end the following new paragraph:

"(7)(A) The Corporation shall discontinue any service operating under this subsection which the Corporation has projected will—

"(i) have an avoidable loss per passenger mile of greater than 6.5 cents for the fiscal year ending September 30, 1984, or greater than an amount which the Corporation calculates to be an equivalent amount, adjusted for inflation, for any subsequent fiscal year; and

"(ii) have a passenger mile per train mile ratio of less than 60 for any fiscal year.

"(B) The Corporation shall determine annually the avoidable loss per passenger mile and passenger mile per train mile ratio of all service operating under this subsection.

"(C) For purposes of this paragraph, payments by any State, agency, or person toward the costs of service under this subsection shall be taken into account in any determination of avoidable loss per passenger mile.".

(b) Section 403(d) of the Rail Passenger Service Act (45 U.S.C. 563(d)) is amended by inserting "(1)" before "Beginning October"; and by adding at the end the following new paragraph:

"(2)(A) Notwithstanding paragraph (1), the Corporation shall discontinue any service operating under this subsection which the Corporation has projected will—

"(i) have an avoidable loss per passenger mile of greater than 11 cents for the fiscal year ending September 30, 1984, or greater than an amount which the Corporation calculates to be an equivalent amount, adjusted for inflation, for any subsequent fiscal year; and

"(ii) have a passenger mile per train mile ratio of less than 120 for any fiscal year,

unless the State or States through which such service passes agree to pay 80 percent of the short term avoidable loss in the first fiscal year beginning after the first projection described in clauses (i) and (ii) of this subparagraph and 100 percent of the short-term avoidable loss in each fiscal year thereafter, and 50 percent of the capital costs associated with such service and any other service operated on the same line as such service.

"(B) Subparagraph (A) of this paragraph shall not apply to any train which is operated under both this subsection and subsection (b) of this section.

"(C) The Corporation shall determine annually the avoidable loss per passenger mile and passenger mile per train mile ratio of all service operating under this subsection.".

DEBT RETIREMENT

SEC. 103. Section 602(k) of the Rail Passenger Service Act (45 U.S.C. 602(k)) is amended to read as follows:

"(k) On and after September 30, 1983, the Secretary shall, at the request of the Corporation, discharge the obligations of the Corporation to the Federal Financing Bank which have been guaranteed by the Secretary pursuant to this section, including interest thereon. For the purposes of subsection (f) of this section, the obligation of the Secretary under this subsection shall be deemed to be a responsibility of the Secretary under the guarantees issued pursuant to subsection (a) of this section. The Corporation shall not be deemed to be in default of any obligation to the Federal Financing Bank to be discharged by the Secretary under this subsection, and the Secretary shall continue to guarantee loans to the Corporation to meet commitments under previously approved capital programs and to repay existing equipment obligations.".

SURPLUS ROLLING STOCK

SEC. 104. Section 305 of the Rail Passenger Service Act (45 U.S.C. 545) is amended by adding at the end the following new subsection:

"(o) If the Corporation wishes to dispose of any of its rolling stock which it has determined to be surplus, such rolling stock shall first be offered for sale to public agencies operating rail service, at a price not to exceed the original cost of such rolling stock less depreciation.".

AMTRAK REVOLVING CAPITAL FUND

SEC. 105. Section 305 of the Rail Passenger Service Act (45 U.S.C. 545) is amended by adding at the end the following new subsection:

"(o)(1) All operating revenues received by the Corporation from passenger operations (excluding funds appropriated by the United States for the benefit of the Corporation) shall be deposited into a fund called the 'Amtrak Revolving Capital Fund'. Such fund shall remain the property of the Corporation and shall be administered exclusively by the Corporation.

"(2)(A) All capital projects of the Corporation, and all costs to the Corporation for the operation of service under section 403(b) of this Act, shall be funded exclusively from the Amtrak Revolving Capital Fund.

"(B) For the purposes of this subsection, the term 'capital projects' includes the rehabilitation and replacement of rolling stock, rights-of-way, maintenance facilities, station facilities, and other facilities.

"(3) Any revenues in the Amtrak Revolving Capital Fund not used for capital projects or section 403(b) service may be used for other expenses of the Corporation.

"(4) The Corporation shall, before March 1 of each year, submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate for review by such committees a report containing a list of the capital projects for which funds in the Amtrak Revolving Capital Fund are proposed to be used for the fiscal year which begins on October 1 of such year.".

SERVICE CONSENT

SEC. 406. (a) Section 401(c) of the Rail Passenger Service Act (45 U.S.C. 561(c)) is amended—

(1) by striking out ", without the consent of the Corporation,";

(2) by striking out "over any route over" and inserting in lieu thereof "between any points between";

(3) by inserting ", or was, as of June 1, 1983, performing," after "Corporation is performing"; and

(4) by adding at the end the following new sentences: "Any railroad or other person desiring to conduct such service shall negotiate a proposed service agreement with the Corporation. The Corporation shall notify the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of any such agreement and shall request appropriate implementing legislation.".

(b) The amendments made by subsection (a) of this section shall not apply to any intercity rail passenger service to which the Corporation has consented before July 1, 1983.

ROUTE AND SERVICE CRITERIA AMENDMENTS

SEC. 107. Section 404(c)(3)(B) of the Rail Passenger Service Act (45 U.S.C. 564(c)(3)(B)) is amended—

(1) by striking out "60" and inserting in lieu thereof "120"; and

(2) by striking out ", unless either" and all that follows through "such amendments".

CONTINUANCE OF SERVICE

SEC. 108. (a) Section 404(f) of the Rail Passenger Service Act (45 U.S.C. 564(f) is amended by adding at the end the following new sentence: "The Corporation may not discontinue rail service between Tampa and Saint Petersburg, Florida.".

(b) The amendment made by subsection (a) of this section shall be effective until October 1, 1985.

ELECTRIFICATION EXPENSES

SEC. 109. Section 704(a)(1)(A) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C 854(a)(1)(A)) is amended—

(1) by inserting "(i)" after "shall be available"; and

(2) by inserting ", (ii) to finance any such modification and replacement costs incurred in reasonable anticipation of any such conversion plan which is subsequently canceled, and (iii) to finance any equipment modification and replacement costs necessary for reconversion after the cancellation of any electrification conversion plan" after "pursuant to this title".

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. FLORIO. Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc, considered as read, and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of the committee amendments is as follows:

Committee amendments: Page 3, line 12, through page 4, line 15, strike out subsec-

tion (b) and insert in lieu thereof the following new subsections:

(b) Section 403(d) of the Rail Passenger Service Act (45 U.S.C. 563(d)) is amended—

(1) by inserting "(1)" before "Beginning October";

(2) in the first sentence by striking out "if such service" and all that follows through "to such service"; and

(3) by adding at the end the following new paragraph:

"(2)(A) Notwithstanding paragraph (1), the Corporation shall discontinue any service operating under this subsection which the Corporation has projected will have an avoidable loss per passenger mile of greater than 11 cents for the fiscal year ending September 30, 1984, or greater than an amount which the Corporation calculates to be an equivalent amount, adjusted for inflation, for any subsequent fiscal year, unless (i) the State or States through which such service passes agree to pay 80 percent of the short-term avoidable loss in the first fical year beginning after the first such projection and 100 percent of the short-term avoidable loss in each fiscal year thereafter, and 50 percent of the capital costs associated with such service and any other service operated on the same line as such service, or (ii) the Corporation projects that it can and will modify or adjust the operation of such service, including the frequency of such service, in a manner which will permit such criterion to be met.

"(B) Subparagraph (A) of this paragraph shall not apply to any train which is operated under both this subsection and subsection (b) of this section.

(C) The Corporation shall determine annually the avoidable loss per passenger mill of all service operating under this subsection.".

(c) Section 305(b) of the Rail Passenger Service Act (45 U.S.C. 545(b)) is amended by adding at the end the following new sentences: "The Corporation shall conduct an annual review of its auto-ferry operations to determine if the revenues from such operations are projected to equal to equal or exceed the short-term avoidable costs of such operation. The auto-ferry service of the Corporation shall be discontinued if the Corporation projects that revenues from such service for any fiscal year will be less than the short-term avoidable costs of such service for such fiscal year. The General Accounting Office shall study the capital requirements for any auto-ferry service of the Corporation and shall determine whether such capital requirements can be met through revenues generated by such serviced. In the event that the General Accounting Office determines that such captial requirements are not met through such revenues, the General Accounting Office shall determine whether the amount of such capital requirements which exceed such revenues is greater than the amount of subsidies provided to competing modes of transportation. The General Accounting Office shall report the results of such study and determination to the Congress within 6 months after the date of enactment of the Amtrak Improvement Act of 1983.".

Page 6, line 22, through page 7, line 15, amend section 103 to read as floows:

DEBT DEFERMENT

SEC. 103, Section 603(j) of the Rail Passenger Service Act (45 U.S.C. 602(j)) is amended by striking out "1983" and inserting in lieu thereof "1984".

Page 7, line 20 through Page 8, line 3, strike out section 104.

Page 9, line 9, through page 10, line 5, amend section 106 to read as follows:

SERVICE CONSENT

SEC. 106. Section 401(c) of the Rail Passenger Service Act (45 U.S.C. 561(c)) is amended—

(1) by inserting "(1) before "Except as"; and

(2) by adding at the end the following new paragraph:

"(2)(A) Any railroad or other person intending to operate intercity rail passenger service to which the Corporation has consented under this subsection before July 1, 1983, but which has not begun operation before such date, shall submit to the Corporation a detailed plan for such service, including the proposed station stops and methods of financing.

"(B) The Corporation shall submit such plan to the Congress, along with the Corporation's comments on the effect such service would have on existing service of the Corporation. such proposed service may not begin operation unless during the 120-day period of continuous session of the Congress following the submission of such plan to the Congress, the Congress has not enacted a joint resolution of disapproval with respect to such plan.

"(C) The Corporation shall submit to the Congress any subsequent substantial amendment, proposed before such service begins regular operation, to such plan or to the terms of the original service consent of the Corporation, along with the Corporation's comments on the effect such amendment would have on such service. Such service may not begin operation according to the amendment unless during the 120-day period of continuous session of the Congress following the submission of such amendment to the Congress, the Congress has not enacted a joint resolution of disapproval with respect to such amendment.

"(D) For purposes of this paragraph—

"(i) continuity of session of the Congress is broken only by an adjournment sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 120-day periods.".

Page 12, lines 1 through 21, strike out sections 108 and 109.

Page 12, after line 21, insert the following new sections:

REVENUE-COST RATIO

SEC. 108. Section 404(C)(4)(A) of the Rail Passenger Service Act (45 U.S.C. 564(C)(4)(A)) is amended by adding at the end the following new sentence: "Commencing in fiscal year 1984, the Corporation shall recover an amount sufficient that the ratio of its revenues, including contributions from States, agencies, and other persons, to costs, excluding capital costs, shall be at least 55 percent.".

CONTINUANCE OF SERVICE

SEC. 110. (a) Section 404(f) of the Rail Passenger Service Act (45 U.S.C. 564(f)) is amended by adding at the end the following new sentence: "The Corporation may not discontinue rail passenger service between Tampa, Florida, and Saint Petersburg, Florida.".

(b) The amendment made by subsection (a) of this section shall be effective until October 1, 1985.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: Page 13, after line 12, insert the following new section:

DEBT DISCHARGE

SEC. 111. Upon the enactment of this Act, the National Railroad Passenger Corporation shall issue preferred stock to the Secretary of Transportation at par value to discharge any obligation of such Corporation to the Secretary with respect to loans guaranteed by the Secretary under section 602 of the Rail Passenger Service Act (45 U.S.C. 602). Effective upon the discharge of all obligations of the Secretary with respect to loans guaranteed under such section 602, such section 602 is repealed.

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. It there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, I offer this amendment in conjunction with the gentleman from New York.

Mr. Chairman, this amendment would solve a very serious financial problem facing Amtrak as a result of a rash action taken by the administration.

As I indicated earlier, the existing deferral on Amtrak's obligation to pay interest to the Federal Government as a result of past loan guarantees expired October 1. This legislation sought to extend that deferral to October 1, 1984.

I had hoped that the administration would have administratively extended the deferral to avoid the serious problems of an Amtrak default. Unfortunately, the administration, for reasons unknown to me, preferred to see Amtrak in default. This default, unless cured, will have serious implications in the future. It could seriously affect Amtrak's ability to get financing and credit from the private sector. It could result in defaults under existing arrangements or nonrenewal of existing agreements. As Amtrak's president Graham Claytor said a few months ago.

Amtrak does not believe that default should be seriously considered as a solution to the problem because the implications of such an action would negatively impact on all of the corporation's future financial transactions.

Yet, default was the solution preferred by the administration.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, did I understand the gentleman (Mr. FLORIO) in his opening remarks to say that I was joining with the gentleman on this particular amendment?

Mr. FLORIO. That is my understanding. I am prepared to be corrected.

Mr. LENT. I think the gentleman should stand corrected.

Mr. FLORIO. Let the record show that I stand corrected, that this is my amendment.

What I am indicating is that until this default is in fact cured there will be a permanent problem at Amtrak.

Right now, the Department of Transportation, as guarantor of the debt, holds Amtrak's notes. This would give the Department significant and undesirable leverage over Amtrak and its operations.

It is now necessary to cure this default. While I had hoped we could have avoided this problem altogether, I am hopeful a cure will adequately resolve this situation.

This amendment would discharge any obligations remaining by Amtrak to the Department of Transportation, which guaranteed Amtrak's loans. The Secretary will receive preferred stock in Amtrak in exchange. Thus, it will wipe the slate clean. The amendment would also repeal the existing loan guarantee provision so that Amtrak could not borrow from the Federal Government in the future, as is the consensus feeling in the subcommittee.

Therefore I would urge support for the adoption of this amendment.

Mr. LENT. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment. It is not required. The Department of Transportation has indicated that it does not support this amendment, nor does it need it.

There should not be any issuance of preferred stock or any other type of debt discharge arranged by the Members of Congress.

The Department of Transportation has the situation well in hand and they are presently working with the Amtrak people to examine this issue.

DOT is working with Amtrak on the problem and they do not expect that they are going to need any legislative remedy whatsoever. It is going to be worked out between the parties. I regretfully must be opposed to this amendment, simply on the basis that it is superfluous, not needed, and it may further complicate what already is a situation that needs some patience rather than the interjection of congressional legislation at this time.

Mr. FLORIO. If the gentleman would yield.

Mr. LENT. I yield to the gentleman.

Mr. FLORIO. I thank the gentleman for yielding. I might just ask the question, is it not the case that as a result of this default Amtrak now owes DOT $800 million and technically, and in fact, is in default. Should there be a need for capital borrowing in the future, is not the default clearly going to result in increased costs to Amtrak when they go into the capital markets to borrow money?

Mr. LENT. The gentleman is correct in saying that because of the failure of the Congress to, in a timely way, address this problem there has been, yes, technical default on the part of Amtrak in its obligation to the Federal Government.

But this is now being worked out. I think frankly that we ought to stay out of the kitchen, there are too many cooks there already.

If we can leave well enough alone this matter can be worked out. It is clearly a technical default.

Mr. FLORIO. The gentleman is talking about $800 million that I do not regard as technical. I would just ask the gentleman when he says things are being worked out, by whom and in what way?

Mr. LENT. The parties to the negotiations are the Department of Transportation and Amtrak.

Mr. FLORIO. Well, I certainly will work very closely with the gentleman, but there certainly is a congressional prerogative to be informed as to what it is that is happening to cure this very serious situation that resulted from the intrusion of the DOT into the legislative process that prohibited us from going forward in an orderly way.

As the gentleman knows, DOT had asked for time and that for the full month of August and also September nothing happened, at the specific request of the Department of Transportation.

So if the gentleman is privy to what it is that is going on, I would be happy to hear it.

Mr. LENT. As the gentleman knows the bill was not reported out of the Committee on Energy and Commerce until late August.

Mr. FLORIO. At the request of the Department of Transportation in letter form from the Secretary.

Mr. LENT. Let me correct my earlier statement; the bill was not reported in August as I stated, but it was reported in September only days before the deadline for the payment of the obligation.

If there is any responsibility here, I think it rests with the Congress.

Mr. FLORIO. I appreciate the gentleman's need to take that position but the fact of the matter is you will recall before the August recess markup was scheduled and it was deferred as a direct result of the communication received from the Department of Transportation.

But that aside, we are where we are now. I have a proposal that is designed to cure the problem and the gentleman tells me that it is not needed because there is something else going on to cure this very serious problem after a default in the amount of $800 million.

I just inquire if he can share with us what it is that is being done to deal with this problem.

Mr. LENT. My point to the gentleman is simply, because it may well be the responsibility of the Congress for our tardiness in handling of the bill beyond the date the obligation became due, if we had taken this bill up in the normal course before the 1st of October we would not be in this position.

So my response to the gentleman is, while we may be responsible for this technical default, the Department of Transportation tells me that in essence, "Thank you very much, we don't want you to fix it, we will fix it in our own way during our negotiations with Amtrak."

□ 1700

Mr. FLORIO. Well, if the gentleman will yield just for a final observation, assuming everything the gentleman says is correct—and some of it is not—he is also saying it is a bad problem. It is an $800 million problem as of the first of October and now we are prepared to deal with it, late though it may be, and the gentleman is saying no, let it not go forward, because there is something else that is happening.

And I renew my question, what is it that is happening?

Mr. LENT. My understanding, in response to the gentleman, is that the debt has been paid. The question now that is under negotiation is how to accommodate that payment.

Mr. FLORIO. The Department of Transportation has paid the debt. The debt is still there on the part of Amtrak which is in default because it has not paid the debt.

Mr. LENT. The point that I want to make is that the method that the gentleman has selected in this amendment, namely the issuance of preferred stock to the Secretary of Transportation at a par value, et cetera, is not the proper remedy. There are other remedies that are on the table.

The CHAIRMAN. The time of the gentleman from New York (Mr. LENT) has expired.

(At the request of Mr. KAZEN and by unanimous consent, Mr. LENT was allowed to proceed for 1 additional minute.)

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. LENT. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Let me see if I understand this. We were talking about an $800 million debt and all of a sudden the statement is made that that debt has been paid off.

Am I correct? Did I hear correctly?

Mr. LENT. The debt was owing from Amtrak to the Treasury.

Mr. KAZEN. All right.

Mr. LENT. On the due date the Department of Transportation made good on Amtrak's obligation by paying the debt in its full to the Treasury.

So right now it is the Department of Transportation that is out of pocket and is making arrangements with Amtrak to recoup through some mechanism——

Mr. KAZEN. Is the bottom line that this Congress is going to have to appropriate the $800 million?

Mr. LENT. I doubt that very much.

Mr. KAZEN. I would hope not.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. LENT. I yield to the gentleman from North Carolina.

Mr. BROYHILL, I thank the gentleman for yielding.

One solution to this was to, at least for a period of time, roll over that debt.

But the gentleman now comes before us and says we are going to issue pieces of paper to discharge that debt.

The CHAIRMAN. The time of the gentleman from New York (Mr. LENT) has again expired.

(At the request of Mr. FLORIO and by unanimous consent, Mr. LENT was allowed to proceed for 1 additional minute.)

Mr. FLORIO. If the gentleman from New York will yield, the proposal that we are offering is exactly the proposal that the Department of Transportation was supporting just a few weeks ago. And this was to be, the gentleman may recall, the permanent solution to this problem. And, of course, in the last few weeks we decided on an interim solution to carry us through to the 1st of October of next year.

But the amendment that I have offered, and this is why I inadvertently represented that the gentleman was supporting this amendment, this is what we have been talking about as the long-term answer to this problem from the start of debate early in this year.

Mr. LENT. Well, let me try to straighten out the matter of this technical default, if I can. And I am reading from a memorandum dated October 5, 1983, on the letterhead of the U.S. Department of Transportation. And this memorandum indicates that the Amtrak guaranteed loan debt problem has been resolved using administrative procedures available to Amtrak.

The CHAIRMAN. The time of the gentleman from New York (Mr. LENT) has again expired.

(By unanimous consent, Mr. LENT was allowed to proceed for 2 additional minutes.)

Mr. LENT. These are administrative procedures that are available to Amtrak and the Department of Transportation under section 602 of the Rail Passenger Service Act.

The Department of Transportation, will discharge the Amtrak debt to the Federal Financing Bank, FFB, under the provisions of its guarantee. Payment to the FFB will be financed by a Treasury loan to DOT. The DOT loan and payment to FFB amounts to an intergovernmental accounting transaction with no cash impact upon the U.S. Treasury.

The loan to DOT will be resolved at a later date by an appropriation to the Department authorizing payment of the Treasury loan. Again, an intergovernmental accounting transaction, with no cash effect on the U.S. Treasury.

This resolution of the Amtrak guaranteed loan does not in any way affect Amtrak's current Federal financial support levels, its continuing financial arrangements with vendors, equipment suppliers, railroads over which Amtrak operates, or any other aspects of its ongoing operations.

So, with all due deference to the gentleman from New Jersey, this particular amendment is not needed, it is not wanted, and it might, in fact, have an unwarranted effect on the negotiations and the procedure that is being worked out.

Mr. FLORIO. If the gentleman would yield, I would just observe that the gentleman's explanation as contained in the letter that he has startles me a bit, because I know the gentleman's fiscal conservativism is well established, because what he is implying to us is that borrowing out of the Federal Treasury to give to the Department of Transportation, to pay off these obligations, has no impact, because I do not know where the gentleman thinks the moneys come from out of the Federal Treasury.

But the fact of the matter is there is an impact. The fact of the matter is it is money out of the Treasury that is going to be required to cure this default.

What I am suggesting is a much more appropriate—and up until a few weeks an acceptable approach—was the approach that is contained in this particular amendment.

Mr. LENT. If I could just reclaim my time, and I would just remind the gentleman he may have overlooked this point, but in the gentleman's leadership in enacting the Rail Passenger Service Act, particularly section 602, we already have on the books this administrative procedure for the resolution of this sort of a situation.

So the existing law covers it. And the gentleman was probably the author of this existing law and everything is going along well right now and this amendment is not needed.

The CHAIRMAN. The time of the gentleman from New York (Mr. LENT) has expired.

(By unanimous consent, Mr. LENT was allowed to proceed for 3 additional minutes.)

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. LENT. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I do not understand. The gentleman is trying to tell the members of the committee that this amendment that he offers is supported by the administration. And this is the first time I have even seen this. The gentleman cannot say that this has been supported by the administration. When have we ever seen this? The gentleman just showed it to me just 5 minutes ago.

Mr. FLORIO. If the gentleman will yield, the amendment contains the operative approach that has been suggested by the Department of Transportation, the issuance of preferred stock in lieu of the obligation that Amtrak admittedly owes to the Department of Transportation. And that has clearly been the major focus of debate. The gentleman from New York and myself are familiar with this problem as a result of hearings over the last number of years. This is not the first year that this proposal has been considered. This is the same proposal that was discussed 2 years ago and at which time we extended the period of time within which to deal with the matter until the first of October of this year.

It had been the intention of the committee to resolve the obligation once and for all in the way I have suggested, but the committee in its wisdom said no, what we would rather do is extend it for a year. The way that we were intending to deal with it on the long haul was the very means that is suggested in this amendment.

Mr. BROYHILL. If the gentleman will continue to yield, as the gentleman knows, there was a section 103 on page 7 in the bill which provided for the debt deferment for a moderate period of time. But the administration has just told us that the Amtrak guaranteed loan debt has been resolved using administrative procedures available to Amtrak and the Department of Transportation under section 602 of the Rail Passenger Service Act.

Now the gentleman is trying to come along with an amendment to undo what has already been done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FLORIO).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BROYHILL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1720

The CHAIRMAN. A quorum of the Committee of the Whole has not appeared.

The Chair announces that a regular quorum will now commence.

Members who have not already responded under the noticed quorum call will have a minimum of 15 minutes to record their presence. Members will record their presence by electronic device.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 385]

ANSWERED "PRESENT"—348

Ackerman	Brown (CA)	DeWine
Akaka	Brown (CO)	Dicks
Albosta	Broyhill	Donnelly
Anderson	Bryant	Dowdy
Andrews (NC)	Burton (IN)	Downey
Andrews (TX)	Byron	Dreier
Annunzio	Campbell	Duncan
Anthony	Carney	Durbin
Applegate	Carper	Dymally
Aspin	Carr	Dyson
Barnard	Chandler	Eckart
Barnes	Clarke	Edgar
Bateman	Clay	Edwards (AL)
Bates	Clinger	Edwards (OK)
Bedell	Coats	Emerson
Beilenson	Coleman (MO)	English
Bennett	Coleman (TX)	Erdreich
Bereuter	Collins	Erlenborn
Berman	Conable	Evans (IA)
Bethune	Conte	Evans (IL)
Bevill	Conyers	Fazio
Biaggi	Cooper	Feighan
Bilirakis	Coughlin	Fiedler
Bliley	Courter	Florio
Boehlert	Coyne	Foglietta
Boggs	Craig	Foley
Boland	Crane, Daniel	Ford (MI)
Boner	Crane, Philip	Forsythe
Bonior	Crockett	Fowler
Bonker	Daniel	Frank
Borski	Daschle	Franklin
Boucher	Daub	Frenzel
Breaux	Davis	Fuqua
Britt	Dellums	Garcia
Broomfield	Derrick	Gaydos
Gejdenson	Lujan	Rostenkowski
Gekas	Luken	Roth
Gephardt	Lundine	Roukema
Gibbons	Lungren	Rowland
Gilman	Mack	Roybal
Gingrich	MacKay	Rudd
Glickman	Madigan	Sabo
Gonzalez	Martin (NC)	Savage
Goodling	Martin (NY)	Sawyer
Gore	Martinez	Schaefer
Gradison	Matsui	Schneider
Gramm	Mazzoli	Schroeder
Gray	McCain	Schulze
Green	McCandless	Seiberling
Guarini	McCloskey	Sensenbrenner
Gunderson	McCollum	Shannon
Hall (IN)	McCurdy	Sharp
Hall, Ralph	McDade	Shaw
Hall, Sam	McEwen	Shelby
Hamilton	McHugh	Shumway
Hammerschmidt	McKernan	Shuster
Hance	McKinney	Sikorski
Hansen (ID)	Mica	Siljander
Hansen (UT)	Michel	Sisisky
Harkin	Miller (CA)	Skeen
Harrison	Miller (OH)	Skelton
Hartnett	Mineta	Slattery
Hatcher	Minish	Smith (FL)
Hayes	Moakley	Smith (NE)
Hefner	Molinari	Smith (NJ)
Hertel	Mollohan	Smith, Robert
Hightower	Moody	Snowe
Hiler	Moore	Snyder
Hillis	Moorhead	Spence
Holt	Morrison (CT)	Spratt
Hopkins	Morrison (WA)	Staggers
Horton	Mrazek	Stenholm
Hoyer	Murphy	Stratton
Hubbard	Murtha	Studds
Huckaby	Myers	Stump
Hughes	Natcher	Swift
Hunter	Neal	Tallon
Hutto	Nelson	Tauke
Hyde	Nichols	Tauzin
Ireland	Nielson	Taylor
Jacobs	Nowak	Thomas (CA)
Jeffords	Oakar	Thomas (GA)
Jenkins	Oberstar	Torres
Johnson	Obey	Torricelli
Jones (NC)	Owens	Towns
Jones (OK)	Oxley	Udall
Jones (TN)	Packard	Valentine
Kasich	Panetta	Vandergriff
Kastenmeier	Parris	Vento
Kazen	Pashayan	Volkmer
Kennelly	Patman	Vucanovich
Kildee	Patterson	Walgren
Kindness	Pease	Walker
Kolter	Penny	Watkins
Kostmayer	Perkins	Waxman
Kramer	Petri	Weber
LaFalce	Pickle	Weiss
Lagomarsino	Porter	Wheat
Lantos	Price	Whitehurst
Latta	Pritchard	Whitley
Leach	Quillen	Whittaker
Lehman (FL)	Rahall	Whitten
Leland	Rangel	Williams (MT)
Lent	Ratchford	Williams (OH)
Levin	Ray	Wilson
Levine	Regula	Winn
Lewis (CA)	Reid	Wise
Lewis (FL)	Richardson	Wolf
Livingston	Ridge	Wolpe
Lloyd	Rinaldo	Wortley
Loeffler	Ritter	Wright
Long (LA)	Roberts	Wyden
Long (MD)	Robinson	Yates
Lott	Rodino	Yatron
Lowery (CA)	Roemer	Young (FL)
Lowry (WA)	Rogers	Zschau

□ 1740

The CHAIRMAN pro tempore (Mr. STRATTON). Three hundred forty-eight Members have answered to their names, a quorum is present, and the Committee will resume its business.

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from New Jersey (Mr. FLORIO) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 198, answered "present" 1, not voting 83, as follows:

[Roll No. 386]

AYES—151

Ackerman	Garcia	Obey
Akaka	Gaydos	Owens
Albosta	Gejdenson	Panetta
Annunzio	Gephardt	Patterson
Anthony	Gilman	Pease
Applegate	Gore	Perkins
Aspin	Gray	Price
Barnes	Guarini	Rahall
Bates	Hall (IN)	Rangel
Beilenson	Hamilton	Ratchford
Bennett	Harrison	Reid
Berman	Hatcher	Richardson
Biaggi	Hayes	Rodino
Bilirakis	Hefner	Rowland
Boggs	Hertel	Sabo
Boland	Hoyer	Savage
Bonior	Hughes	Scheuer
Bonker	Jacobs	Schneider
Borski	Jones (NC)	Seiberling
Boucher	Kastenmeier	Shannon
Britt	Kennelly	Sharp
Brown (CA)	Kildee	Smith (FL)
Bryant	Kolter	Spratt
Carr	Kostmayer	Staggers
Clarke	LaFalce	Stark
Clay	Lantos	Stratton
Coleman (TX)	Lehman (FL)	Studds
Collins	Leland	Swift
Conyers	Levin	Tallon
Cooper	Levine	Thomas (GA)
Coyne	Luken	Torricelli
Crockett	Lundine	Towns
D'Amours	Martinez	Udall
Dellums	Matsui	Vento
Derrick	McHugh	Volkmer
Dingell	McKinney	Walgren
Donnelly	Miller (CA)	Waxman
Dowdy	Mineta	Weaver
Durbin	Minish	Weiss
Dymally	Mitchell	Wheat
Eckart	Moakley	Williams (MT)
Edgar	Molinari	Williams (OH)
Evans (IL)	Mollohan	Wise
Fazio	Moody	Wolpe
Feighan	Morrison (CT)	Wright
Florio	Mrazek	Wyden
Foglietta	Murphy	Yates
Foley	Murtha	Yatron
Ford (MI)	Nowak	Young (FL)
Frank	Oakar	
Frost	Oberstar	

NOES—198

Anderson	Craig	Gramm
Andrews (NC)	Crane, Daniel	Green
Andrews (TX)	Crane, Philip	Gunderson
Archer	Daniel	Hall, Ralph
Barnard	Daub	Hall, Sam
Bateman	Davis	Hammerschmidt
Bedell	DeWine	Hansen (ID)
Bereuter	Dicks	Hansen (UT)
Bevill	Dreier	Harkin
Bliley	Duncan	Hartnett
Boehlert	Dyson	Hightower
Boner	Edwards (AL)	Hiler
Breaux	Edwards (OK)	Hillis
Broomfield	Emerson	Holt
Brown (CO)	English	Hopkins
Broyhill	Erdreich	Horton
Burton (IN)	Erlenborn	Hubbard
Byron	Evans (IA)	Huckaby
Campbell	Fiedler	Hunter
Carney	Fish	Hutto
Carper	Forsythe	Hyde
Chandler	Franklin	Ireland
Chappell	Frenzel	Jeffords
Clinger	Fuqua	Jenkins
Coats	Gekas	Johnson
Coleman (MO)	Gibbons	Jones (OK)
Conable	Gingrich	Jones (TN)
Conte	Glickman	Kasich
Coughlin	Goodling	Kazen
Courter	Gradison	Kindness

Kramer	Myers	Shumway
Lagomarsino	Natcher	Shuster
Latta	Neal	Sikorski
Leach	Nelson	Siljander
Lent	Nichols	Sisisky
Lewis (CA)	Nielson	Skeen
Lewis (FL)	Oxley	Skelton
Livingston	Packard	Slattery
Lloyd	Parris	Smith (NE)
Loeffler	Pashayan	Smith (NJ)
Long (LA)	Patman	Smith, Robert
Long (MD)	Penny	Snowe
Lott	Petri	Snyder
Lowery (CA)	Pickle	Spence
Lowry (WA)	Porter	Stenholm
Lujan	Pritchard	Stump
Lungren	Quillen	Tauke
Mack	Ray	Tauzin
MacKay	Regula	Taylor
Madigan	Ridge	Thomas (CA)
Martin (NC)	Rinaldo	Valentine
Martin (NY)	Ritter	Vandergriff
Mazzoli	Roberts	Vucanovich
McCain	Robinson	Walker
McCandless	Roemer	Watkins
McCollum	Rogers	Weber
McCurdy	Roth	Whitehurst
McDade	Roukema	Whitley
McEwen	Rudd	Whittaker
McKernan	Sawyer	Whitten
Mica	Schaefer	Wilson
Michel	Schroeder	Winn
Miller (OH)	Schulze	Wolf
Moore	Sensenbrenner	Wortley
Moorhead	Shaw	Young (AK)
Morrison (WA)	Shelby	Zschau

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—83

Addabbo	Ford (TN)	Ottinger
Alexander	Fowler	Paul
AuCoin	Gregg	Pepper
Badham	Hall (OH)	Pursell
Bartlett	Hance	Roe
Bethune	Hawkins	Rose
Bosco	Heftel	Rostenkowski
Boxer	Howard	Roybal
Brooks	Kaptur	Russo
Burton (CA)	Kemp	Schumer
Chappie	Kogovsek	Simon
Cheney	Leath	Smith (IA)
Coelho	Lehman (CA)	Smith, Denny
Corcoran	Levitas	Solarz
Dannemeyer	Lipinski	Solomon
Daschle	Markey	St Germain
de la Garza	Marlenee	Stangeland
Dickinson	Marriott	Stokes
Dixon	Martin (IL)	Sundquist
Dorgan	Mavroules	Synar
Downey	McCloskey	Torres
Dwyer	McGrath	Traxler
Early	McNulty	Vander Jagt
Edwards (CA)	Mikulski	Wirth
Fascell	Montgomery	Wylie
Ferraro	O'Brien	Young (MO)
Fields	Olin	Zablocki
Flippo	Ortiz	

The Clerk announced the following pairs:

On this vote:

Mr. Dixon for, with Mr. Ortiz against.

Mr. Markey for, with Mr. Badham against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1750

Mr. WRIGHT. Mr. Chairman, I move to strike the last word.

(By unanimous consent Mr. WRIGHT was allowed to speak out of order.)

LEGISLATIVE PROGRAM FOR REMAINDER OF THE DAY

Mr. WRIGHT. Mr. Chairman, I know a good many Members are interested in going to the White House this evening. I know that even more Members probably are concerned about being able to leave this evening when we adjourn and not have to come back tomorrow.

We are in this situation: If we were to leave this evening before the other body passes the adjournment resolution we would have to be in session tomorrow, at least for a pro forma session and we would like to avoid that if we can.

Representatives of the other body have told us that they will not pass the adjournment resolution until a final disposition of the temporary extension of the Unemployment Compensation Act, and that is proper. We should not adjourn until that is done.

The difficulty is that we understand the other body is making some changes in the act as it was sent to them from the House. The House essentially had embodied in the bill some amendments which had been agreed to by both sides of the conferees on the regular extension.

The representatives speaking for the other body indicate to us that they may want to strip some of that out.

I cannot speak for the committee of jurisdiction. I have the impression, however, that whatever is removed from the temporary extension would be language that had been added in the other body in any event.

But we are in this technical position: There are Members of the other body who also have spouses wanting to go with them to the White House event this evening and we have told them that we will stay in session until they have done that work so long as they are in session so that when we adjourn we can adjourn and not have to be in session tomorrow and Members safely can make their plans for their travel.

I do not think that is going to take more than another 30 or 40 minutes. I surely hope it will not. I cannot imagine Members of the other body being any less desirous of concluding the business of the sesssion than we ourselves.

But I thought I should report that to the membership so you can know where we are. We are waiting action by the other body on the temporary extension of the Unemployment Compensation Act and only after that has been disposed of will the other body pass the adjournment resolution. Only then can we adjourn. That is where we are.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Yes, of course, I yield, with pleasure.

Mr. MICHEL. Would there be any kind of approximate hour that the gentleman could give us as to when we might get out of here? I guess what I am trying to advise our friends down the avenue is if nobody is going to get down there until 9 o'clock, that is one thing, and if we have an opportunity to get down there, according to sched ule, at 6:30, that is another thing, too

Mr. WRIGHT. I think we may be some of us, a little late from 6:30. I do not anticipate any rollcall votes after this. I am advised that the gentleman from New Jersey expects to move that the Committee rise and we need simply to be in session in order that we may act, if necessary, upon any Senate amendments or agree to them

Once that is done and the other body then acts upon the adjournment resolution we are free to go.

I hope that would be within a few minutes but I cannot speak for the other body, as the gentleman is well aware.

Mr. MICHEL. If the gentleman would yield further, and I am sorry my attention was distracted while the gentleman was making his comment, did I understand that if the other body would alter that 30-day extension we would obviously, to make it effective, have to concur in those changes. Would we be prepared to do that tonight?

Mr. WRIGHT. I would like at this time to yield to one of the distinguished members of the Ways and Means Committee who is more familiar with the details of that legislation than I am. I think the gentleman from Ohio (Mr. PEASE) could probably answer.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Ohio.

Mr. PEASE. The answer to the question is yes. What we added on the floor today were several amendments that were in the Senate and House versions of the longer term bill that had already been agreed to by both sides.

However, if the other body strips those out, we on the House side are prepared to accept the stripped-down version.

Mr. MICHEL. I thank the gentleman, because I think that might very well be the prospect. Then I was wondering how long it might be beyond that.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. WRIGHT) has expired.

(By unanimous consent Mr. WRIGHT was allowed to proceed for 2 additional minutes.)

Mr. WRIGHT. Let me just say this to my distinguished friend, the minority leader, I just make this suggestion, and I think it is in everyone's interest, with any cooperation at all, assuming the situation to be as we anticipate that it will be, we ought to be able to approve by voice vote whatever the other body might send to us.

But I cannot be sure of that and neither could any of us. Therefore I think it would be wise if we stuck

around for just a little while, at least in order that we would have some Members present who are knowledgeable on that subject.

Mr. MICHEL. I thank the gentleman and I join him in calls to the other body to get something done.

Mr. FLORIO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MINISH) having assumed the chair, Mr. STRATTON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3648) to improve the cost effectiveness of the National Railroad Passenger Corporation, to authorize appropriations for such Corporation for the fiscal year ending September 30, 1984, and for other purposes had come to no resolution thereon.

□ 1800

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO HAVE UNTIL 5 P.M., OCTOBER 14, 1983, TO FILE REPORTS

Mr. JONES of North Carolina. I ask unanimous consent that the Committee on Merchant Marine and Fisheries be permitted to have until 5 p.m., October 14, to file its report on H.R. 3082, the Emergency Wetlands Resources Act of 1983, as amended, and H.R. 3416, the Antarctic Marine Living Resources Convention Act of 1983, as amended.

This has been cleared with the minority and they have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

TRIBUTE TO JOHN G. ROBERTS

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I speak today in tribute to my longtime friend John G. Roberts, who was mayor of Bardwell, Ky., for 22 years.

On October 3, Mayor Greg Roberts died at Western Baptist Hospital in Paducah following a lengthy illness. He was 60 years of age and had been active in public service throughout most of his adult life. In addition, for 37 years he had owned and operated Roberts Insurance Agency and he was a member of the Bardwell Christian Church.

Greg Roberts served our country during World War II, and he was for many years a member of the Bardwell Veterans of Foreign Wars Post No. 5109, the Bardwell Masonic Lodge, and the Cairo Elks Lodge in Cairo, Ill.

Before he became mayor of Bardwell, Greg Roberts served on the Bardwell City Council for 8 years. He was truly dedicated to public service, and he received very little pay for his years of working in the public sector. Greg was always cooperative with me, and he was well liked by other officials at the local, county, State, and Federal levels.

One of the examples of Greg Roberts' leadership and effectiveness was the purchase by the city of Bardwell of its own natural gas utility system, unusual in western Kentucky. He urged me many times to work for a new post office for Bardwell. His efforts were successful. His community has a beautiful, modern U.S. Post Office.

Greg Roberts' term as mayor of Bardwell was due to expire in January, 1984, and because of his health problems he was not a candidate for reelection, However, Greg Roberts was so well liked and respected that he almost surely would have won had he chosen to run for reelection.

Mayor Greg Roberts put the needs of the community and its individuals before his own needs, and he was beloved and respected for his dedication to improving the lives of those who live in the city of Bardwell and in Graves County, Kentucky. In fact, he was so popular that the residents of Cairo, Ill., often referred to him as mayor. He brought honor to the title of mayor, and I was proud to call Greg Roberts my friend.

I extend my deep sympathy to Greg's wife, Mrs, Dean Boyd Roberts, to his daughter, Mrs. Mona Lawrence of Paducah, to his two sons, Johnny Roberts of Bardwell and Joe Roberts of Paducah, to his sister, Mrs. Mildred Farrow of Athens, Ala., to his brother, Tom Patterson of Elizabethtown, Ky., and to his two grandsons, Darren Guhy and Nick Roberts.

ELECTION OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING THE ABSENCE OF THE SPEAKER

Mr. FOLEY. Mr. Speaker, I offer a privileged resolution (H. Res. 333) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 333

Resolved, That the Honorable Jim Wright, a Representative from the State of Texas, be, and he is hereby, elected Speaker pro tempore during any absence of the Speaker, such authority to continue not later than October 9, 1983.

Resolved, That the President and the Senate be notified by the Clerk of the election of the Honorable Jim Wright as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SWEARING IN OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING ABSENCE OF THE SPEAKER

The SPEAKER pro tempore. The Chair will ask the Dean of the House, the distinguished gentleman from Mississippi (Mr. WHITTEN), to administer the oath of office.

Mr. WRIGHT assumed the chair and took the oath of office administered to him by the gentleman from Mississippi (Mr. WHITTEN).

DEFENSE PRODUCTION ACT OF 1950 EXTENSION

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1852) to extend the expiration date of the Defense Production act of and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BETHUNE. Mr. Speaker, reserving the right to object, I do so in order to propound some questions to the gentleman from New York, the distinguished chairman of the Subcommittee on Economic Stabilization.

Would the gentleman state what the bill will contain in the form in which he is presenting it now?

Mr. LAFALCE. Mr. Speaker, will the gentleman yield to me?

Mr. BETHUNE. I yield to the gentleman.

Mr. LAFALCE. I think the gentleman for yielding.

Mr. Speaker, I am offering an amendment to the Senate bill which would basically accept the provisions of the Senate with two amendments: First, reducing the extension period from 5 to 2 years; and second, including a threshold provision in the bill where they did not have threshold provisions, the dollar amounts to coincide with the dollar amounts that existed for legislative veto provisions in the law now deemed inoperative because of the Chadha decision.

Mr. BETHUNE. Further reserving the right to object, with respect to those provisions which would constitute a threshold, is it the gentleman's intention and understanding that those be the gross amount of credit that could be allocated or the gross cost programed there?

Mr. LAFALCE. That is correct.

Mr. BETHUNE. As opposed to the net cost involved in the guarantee program?

Mr. LAFALCE. That is correct.

Mr. BETHUNE. I thank the gentleman for those explanations.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1988".

SEC. 2. (a) Section 301(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(a)) is amended by adding at the end thereof the following:

"(3) A guarantee may be entered into under this section only if the President determines that—

"(A) the guaranteed contract or operation is for a material, or the performance of a service, that is essential to the national defense;

"(B) without the guarantee, United States industry cannot reasonably by expected to provide the capability for the needed material or service in a timely manner;

"(C) the guarantee is the most cost-effective, expendient, and practical alternative for meeting the need;

"(D) the United States national defense demand is equal to or greater than the output of domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the guarantee; and

"(E) the material or service of the guaranteed contract has been identified in specification agreed to by the United States and the contractor.".

(b) Section 302 of such Act (50 U.S.C. App. 2092) is amended by inserting before the period at the end of the second sentence the following: ", and (3) no such loan may be made unless the President determines that—

"(A) the loan is for the expansion of capacity, the development of a technological process, or the production of materials essential to the national defense;

"(B) without the loan, United States industry cannot reasonably be expected to provide the needed capacity, technological processes or materials in a timely manner;

"(C) the loan is the most cost-effective, expedient, and practical alternative method for meeting the need;

"(D) the United States national defense demand is equal to or greater than domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the loan; and

"(E) the material or service has been identified in a specification agreed to by the United States and the borrower.".

(c) Section 303(a) of such Act (50 U.S.C. App. 2093(a)) is amended by adding at the end thereof the following: "The President may not execute a contract under this subsection unless he determines that—

"(1) the mineral, metal, or material is essential to the national defense;

"(2) without Presidential action under authority of this section, United States industry cannot reasonably be expected to provide the capability for the needed mineral, metal, or material in a timely manner;

"(3) purchases, purchase commitments, or other action pursuant to this section are the most cost-effective, expedient, and practical alternative method for meeting the need;

"(4) the United States national defense demand for the mineral, metal, or material is equal to or greater than the output of domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the purchase, purchase commitment, or other action; and

"(5) the mineral, metal or material has been identified in a specification agreed to by the United States and the contractor.".

SEC. 3. (a) Section 301(e)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 209(e)(1)) is amended to read as follows:

"(e)(1) Except during periods of national emergency declared by the Congress or the President, a guarantee may be made under this section only if the industrial resource shortfall which such guarantee is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of subsection (a)(3) of this section, and if guarantees to correct such industrial resource shortfall have been authorized by law.".

(b) Section 302(2) of such Act (50 U.S.C. App. 2092(2)) is amended to read as follows: "(2) no such loan may be made under this section, except during periods of national emergency declared by the Congress or the President, unless the industrial resource shortfall which such loan is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of paragraph (3) of this section, and unless such loans to correct such industrial resource shortfall have been authorized by law".

(c) Section 303(a) of such Act (50 U.S.C. App. 2093(a)) is amended by adding at the end thereof the following: "Except during periods of national emergency declared by the President or the Congress, the President shall take no action under authority of this section unless the industrial resource shortfall which such action is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of the preceding sentence, and unless actions to correct such industrial resource shortfall have been authorized by law.".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LA FALCE

Mr. LAFALCE. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute to S. 1852 offered by Mr. LAFALCE: Strike out all after the enacting clause and insert in lieu thereof the following:

That the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1985".

SEC. 2. (a) Section 301(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(a)) is amended by adding at the end thereof the following:

"(3) A guarantee may be entered into under this section only if the President determines that—

"(A) the guaranteed contract or operation is for a material, or the performance of a service, that is essential to the national defense;

"(B) without the guarantee, United States industry cannot reasonably be expected to provide the capability for the needed material or service in a timely manner;

"(C) the guarantee is the most cost-effective, expedient, and practical alternative for meeting the need;

"(D) the United States national defense demand is equal to or greater than the output of domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the guarantee; and

"(E) the material or service of the guaranteed contract has been identified in a specification agreed to by the United States and the contractor.".

(b) Section 302 of such Act (50 U.S.C. App. 2092) is amended by inserting before the period at the end of the second sentence the following: ", and (3) no such loan may be made unless the President determines that—

"(A) the loan is for the expansion of capacity, the development of a technological process, or the production of materials essential to the national defense;

"(B) without the loan, United States industry cannot reasonably be expected to provide the needed capacity, technological processes or materials in a timely manner;

"(C) the loan is the most cost-effective, expedient, and practical alternative method for meeting the need;

"(D) the United States national defense demand is equal to or greater than domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the loan; and

"(E) The material or service has been identified in a specification agreed to by the United States and the borrower".

(c) Section 303(a) of such Act (50 U.S.C. App. 2093(a)) is amended by adding at the end thereof the following: "The President may not execute a contract under this subsection unless he determines that—

"(1) the mineral, metal, or material is essential to the national defense;

"(2) without Presidential action under authority of this section, United States industry cannot reasonably be expected to provide the capability for the needed mineral, metal, or material in a timely manner;

"(3) purchases, purchase commitments, or other action pursuant to this section are the most cost-effective, expedient, and practical alternative method for meeting the need;

"(4) the United States national defense demand for the mineral, metal, or material is equal to or greater than the output of domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the purchase, purchase commitment, or other action; and

"(5) the mineral, metal or material has been identified in a specification agreed to by the United States and the contractor.".

SEC. 3. (a) Section 301(e)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(e)(1)) is amended to read as follows:

"(e)(1) Except during periods of national emergency declared by the Congress or the President, a guarantee may be made under this section only if the industrial resource shortfall which such guarantee is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of subsection (a)(3) of this section. If the making of any guarantee or guarantees to correct an industrial resource shortfall would cause the aggregate outstanding amount of all guarantees for such industrial resource shortfall to exceed $38,000,000, any such guarantee or guarantees may be made only if specifically authorized by law.".

(b) Section 302(2) of such Act (50 U.S.C. App. 2092(2)) is amended to read as follows: "(2) no such loan may be made under this section, except during periods of national emergency declared by the Congress or the President, unless the industrial resource shortfall which such loan is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of paragraph (3) of this section. If the making of any loan or loans to correct an industrial resource shortfall would cause the aggregate outstanding amount of all loans for such industrial resource shortfall to exceed $48,000,000, any such loan or loans may be made only if specifically authorized by law.".

(c) Section 303(a) of such Act (50 U.S.C. App. 2093(a)) is amended by adding at the end thereof the following: "Except during periods of national emergency declared by the President or the Congress, the President shall take no action under authority of this section unless the industrial resource shortfall which such action is intended to correct has been identified in the budget or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of the preceding sentence. If the taking of any action or actions under authority of this section to correct an industrial resource shortfall would cause the aggregate outstanding amount of all such actions for such industrial resource shortfall to exceed $48,000,000, any such action or actions may be taken only if specifically authorized by law.".

Mr. LAFALCE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New York. (Mr. LAFALCE).

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXPRESSING SENSE OF THE HOUSE THAT THE PRESIDENT SHOULD AWARD BENJAMIN ELIJAH MAYS THE PRESIDENTIAL MEDAL OF FREEDOM

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the House resolution (H. Res. 17) expressing the sense of the House of Representatives that the President should award Benjamin Elijah Mays the Presidential Medal of Freedom in honor of his distinguished career as an educator, civil rights leader, and theologian, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. GINGRICH. Mr. Speaker, reserving the right to object, I simply want to commend the gentlewoman for bringing up this resolution.

I am very familiar with Dr. Mays' long career—the work he did at Howard University, his essential work at Morehouse College, and as the spiritual mentor of Dr. Martin Luther King, Jr. Furthermore, he did excellent as chairman of the Atlanta Board of Education where he presided over the development of the modern city school system in Atlanta. Dr. Mays is a tremendous man whose career spans over a half century. In every job he has inspired Americans of all races. He is truly the kind of man worthy of the Presidential Medal of Freedom. I simply want to commend the gentlewoman for bringing this up.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 17

Whereas Benjamin Elijah Mays, throughout his distinguished career of more than half a century as an educator, civil rights leader, and theologian, has inspired people of all races throughout the world by his persistent commitment to excellence;

Whereas Benjamin Mays persevered, despite the frustrations inherent in segregation, to begin an illustrious career in education;

Whereas, as head of the School of Religion of Howard University and later as President of Morehouse College in Atlanta, Georgia, for twenty-seven years, Benjamin Mays overcame seemingly insurmountable obstacles to offer quality education to all Americans, especially black Americans;

Whereas, at the commencement of World War II, when most colleges suffered from a lack of available students and the demise of Morehouse College appeared imminent, Benjamin Mays prevented the college from permanently closing it doors by vigorously recruiting potential students and thereby aiding in the development of future generations of black leaders;

Whereas Benjamin Mays was instrumental in the elimination of segregated public facilities in Atlanta, Georgia, and promoted the cause of nonviolence through peaceful student protest during a time in this Nation that was often marred by racial violence;

Whereas Benjamin Mays has been the recipient of numerous accolades throughout his career, including fifty-three honorary degrees from universities across the Nation and the naming of a school and a street in his honor; and

Whereas the Presidential Medal of Freedom, the highest civilian honor in the Nation, was established in 1945 to appropriately recognize Americans who have made an especially meritorious contribution to the security or national interests of the United States, world peace, or cultural or other significant public or private endeavors: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should award Benjamin Elijah Mays the Presidential Medal of Freedom in honor of his distinguished career as an educator, civil rights leader, and theologian and his many contributions to the imnprovement of American society.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to Benjamin Elijah Mays.

● Mr. FOWLER. Mr. Speaker, on the long-awaited eve of final congressional action on legislation to make Martin Luther King, Jr.'s birthday a national holiday, it is particularly fitting that we consider a resolution honoring the man who was his spiritual mentor, the man who first preached the message that Dr. King later spread to this great Nation, that "discrimination, inequality, and injustice have no place in American society." The man I speak of, a distinguished educator, theologian and civil rights leader, is Dr. Benjamin E. Mays, and I can think of no individual more deserving of the Presidential Medal of Freedom, the highest civilian honor bestowed in this Nation.

The son of former slaves, Dr. Mays devoted his life to righting the wrongs of racial oppression. Determined to get an education—even cleaning outhouses to finance his schooling—Dr. Mays spent years working to remove barriers to educational opportunities for others. In his 89 years, Dr. Mays has been a tireless advocate of civil rights, and promoted the cause of nonvio-

lence during a time in this Nation that was often marred by conflict. he was instrumental in the elimination of segregated public facilities in Atlanta and has done much to bring the people of our city together to improve life for all Atlantans.

Dr. Mays served as president of Morehouse College in Atlanta for 27 years, and during his tenure there he inspired many young black leaders, including Martin Luther King, Jr. Dr. Mays often spoke to his students about the importance of striving for excellence, urging them to "do whatever you do so well, that no man yet unborn could do it better." His words and his life inspired them to greatness. He encouraged them to dream—and to devote their lives to fulfilling those dreams.

There are many individuals on whom we bestow awards and accolades each year. Many men and women who have made outstanding contributions to society. Today I ask you to join me in honoring a truly remarkable man, one who has repeatedly demonstrated his concern for his fellow man and who has changed American society for the good of us all. I urge you to support House Resolution 17 and award this great man with this honor.●

● Mr. DIXON. Mr. Speaker, I would like to thank the gentleman from Michigan (Mr. FORD) chairman of the Committee on Post Office and Civil Service, and the gentlewoman from Indiana (Mrs. HALL), chairwoman of the Subcommittee on Census and Population for their management of this resolution and bringing it before the House today. I would also like to thank the 218 Members who cosponsored House Resolution 17.

This resolution, which I introduced on behalf of the Congressional Black Caucus at the urging of Dr. Clarence Littlejohn of Los Angeles, expresses our support for the President to award the Presidential Medal of Freedom to Dr. Benjamin E. Mays for his distinguished career as an educator, theologian, and civil rights leader.

During a time when the Nation has voiced strong support for quality education, this will be an appropriate tribute to a man who has strived to provide quality education for all Americans during a career that has encompassed six decades. I sincerely believe that Dr. Mays merits this honor and I urge your support of this legislation.●

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

AUTHORIZING THE SPEAKER PRO TEMPORE TO CALL RECESSES AT ANY TIME TODAY

Mr. ECKART. Mr. Speaker, I ask unanimous consent that the Speaker pro tempore be empowered to declare recesses appropriate to the Chair's discretion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will announce that we are prepared to begin now, while we await the action of the other body, with the special orders.

The Chair will take requests from Representatives of the minority side and the majority side, and then the special orders may be interrupted, it is understood, if legislative business is required pursuant to the action of the other body.

□ 1810

GENERAL LEAVE

Mr. LEVINE of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from California (Mr. LANTOS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California.

There was no objection.

HONORING LECH WALESA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LANTOS) is recognized for 60 minutes.

● Mr. LANTOS. Mr. Speaker, the announcement that the Nobel Peace Prize for 1983 will be awarded to Lech Walesa is welcome recognition of one individual's peaceful efforts to protect human rights and freedoms. In honoring Walesa, leader of Poland's banned Solidarity trade union, the Nobel Committee cited his "determination to solve his country's problems through negotiation."

I would like to pay tribute to this man who championed the cause of workers in Poland and throughout the world. Lech Walesa's determination and dedication is an inspiration to all of us who live in this world with too few heroes. Walesa's undaunted commitment to the people of Poland provided his countrymen with a ray of hope in their continuing struggle for the right to organize. In the face of danger and incarceration, Walesa never relented in his efforts to secure basic freedoms and a voice in their own affairs for the workers of Poland. Throughout, his approach has always been peaceful and nonviolent.

It is a sad comment, however, on the nature of the current Polish Government, that when one of its citizens is honored with a Nobel Prize, the official response is to malign Walesa in the press. The recent campaign to slander him, claiming that he stashed a million dollars in a Vatican bank account, is an insult that cannot be tolerated.

This is not the first time that the Polish regime has sought to discredit the accomplishments of a Pole. Both His Holiness, Pope John Paul II, and Lech Walesa are treated as enemies of the state. Yet both have brought honor and recognition to their native Poland. It is to be hoped that two of Poland's most distinguished sons will soon be given the same recognition in their native country as they have received from around the world.

It is my hope that Walesa be present to receive the Nobel Peace Prize in Oslo in December. This is one of the highest honors to be bestowed on so worthy an individual and it would be a disgrace to the Polish regime if Walesa were unable to accept an award in person that he so justly deserves.●

● Mr. PORTER. Mr. Speaker, my colleague TOM LANTOS and I have called for a special order to encourage our colleagues to express their support for Lech Walesa being awarded the Nobel Peace Prize for 1983 and his efforts to find a peaceful solution to his country's problems. The committee cited Walesa's considerable personal sacrifice to insure Polish workers' right to establish their own organization as a key factor in his award.

Against overwhelming odds, Walesa has skillfully worked to resolve profound internal tensions in Poland. This award not only recognizes his hard work and determination to fight through peaceful means for a cause that he believed in, but adds credence and leverage to a national effort to deal with the oppressive Polish Government. The freedoms that Walesa sought are ones that we in the Western world take for granted.

Recently I visited Poland. The people there seemed depressed and unhappy. Armed soldiers everywhere confirmed that I was in a country where the Government denies its people fundamental freedoms and controls its citizens by force. The timeliness of this award is critical, for it will uplift the hard-pressed spirits of the Polish people.

It is amazing that the commitment of the Polish people has survived despite threats by their Government, the imprisonment of Lech Walesa and other leaders of the Solidarity movement, and the media campaign to discredit Walesa. Although the Polish Government has denied the existence of Solidarity and then pronounced it dead, it cannot destroy the will of the people. And so, without official Polish recognition, the international community has shown the Polish Government that Walesa will not be deterred from his cause and that his efforts will not cease.

I am pleased with the Nobel committee's selection. I know that we are joined by people throughout the free world in congratulating Lech Walesa and his supporters in Solidarity.●

● Mr. BORSKI. Mr. Speaker, yesterday our world was once more inspired by the personal courage and example of one our fellow human beings. The 1983 Nobel Prize for Peace was awarded to a man who on a hot Thursday morning in August 1980 climbed the wall of the Lenin Shipyard in Gdansk, Poland, and announced to the manager of the plant: "I've a mandate from the crew, I proclaim a sit-in strike." Without assurances of success or a large following, and fully aware of the tremendous personal danger that accompanied his actions, Lech Walesa took the first step that brought one of the most repressive systems of tyranny in history to its knees. His actions are even more marvelous because he and his followers did so without firing one shot; without taking the life of one of their oppressors.

Mr. Speaker, I rise before this distinguished body to honor Lech Walesa, leader of the Solidarity movement, winner of the Nobel Peace Prize, champion of the dignity of all men. To his fellow Poles, Walesa is the proud bearer of the name freedom fighter and hero. Throughout their long history, Poles have proven themselves to be a people not given to subjugation. In this history, the Polish freedom fighter is a patriot of extraordinary courage and sacrifice.

In the proud tradition of previous winners of this esteemed honor, Lech Walesa appealed to the basic goodness and God-given rights of all men to seek freedom for his people. Solidarity, the movement Walesa has come to represent, organized 10 million people. Solidarity was the first truly legal and representative body of power—power derived from the will of the people—ever known within the Soviet bloc. Walesa showed that Poland could be free. The disciplined and nonviolent manner of Solidarity forever changed the face of Poland—and even all of Eastern Europe. This great honor, and other honors, proclaim the achievements of Walesa and Solidarity. Other prisoners within the Soviet Empire—Jews, Ukrainians, Lithuanians, Estonians, Latvians, Czechoslovakians, and scores of other peoples who long to be free of Communist rule—are inspired to act and to remain strong.

Gandhi, a man with whom Walesa shares the philosophy of action, once said that: "Freedom is always won by a few, brave, self-sacrificing souls who will stake everything for the sake of honor." Lech Walesa anguished in confinement for 10 long months, months during which he suffered tremendous psychological coercion. Yet he did not betray his cause or his people. Walesa remained firm in his faith, strong in his example.

The awarding of this prize to Walesa will not resurrect the Solidarity labor federation tomorrow; nor will it restore independence to Poland in the near future. Its effect is the same as that of the visits of Pope John Paul II or the achievements of any native son. It inspires and gives strength to the Polish nation, and it brings its day of final victory closer to our lifetime.

Lech Walesa, lacking in formal education, has taught the entire world the meaning of human dignity. The honor of the Nobel Prize is given to Lech Walesa but it represents much more. It represents everyone who holds dear the principles of freedom, justice, and peace.●

● Mr. SMITH of New Jersey. Mr. Speaker, I rise this afternoon to pay tribute to Nobel Peace Prize winner Lech Walesa, a man whose leadership, indomitable courage, and unstinting dedication to fundamental moral principle and human rights has made him one of the greatest figures of the 20th century.

A devout Roman Catholic, husband, and father of seven, Mr. Walesa has endured considerable personal hardship—including imprisonment—as Poland's rugged leader of Solidarity—Poland's independent trade union.

Mr. Walesa catapulted into international prominence in the summer of 1980 when he scaled the gate of Gdansk's Lenin shipyard to assume control of a volatile shipyard strike. A charismatic but iron-willed man, he quickly achieved what most observers would have thought impossible: The settlement of the strike and the creation of an independent union in Poland.

Mr. Speaker, as you well know, an independent union in the Communist bloc is unheard of. Now, for the first time since the Communists seized control in Poland, workers were pressing for better pay, working conditions, and benefits. Now, for the first time, there was at least the semblance of some freedom. Poland, it appeared to the world, was on the brink of an historic period of reform.

Poland's slavemasters in Moscow, however, would have none of this and soon directed their puppets in the Jaruzelski government to crush Solidarity. Martial law was imposed on December 13, 1981. Solidarity was shortly thereafter outlawed. Lech Walesa was jailed for 11 months, other Solidarity leaders were imprisoned and the Communists resorted to their favorite method of negotiation—brute force.

The Soviets, through their proxies in the Jaruzelski regime, will never still the hunger and thirst for freedom so deeply imbued in the hearts of the Polish people. Recent attempts by the Communists to smear Mr. Walesa have completely backfired, and have only served to underscore the moral bankruptcy of the ruling regime.

As a commissioner of the Helsinki Commission, Mr. Speaker, I recently heard testimony from Jersy Milewski, Solidarity's emissary to the Western World. Mr. Milewski said in no uncertain terms, that Solidarity, although outlawed for now, would never die.

Solidarity, Mr. Speaker, then is alive and well in Poland, if only in the hearts of its patriots.

Mr. Speaker, I again want to express my elation and sheer joy over today's news. I believe the people of Poland, Americans of Polish descent, and all who cherish basic decency and human rights have reason to celebrate in the streets, because Lech Walesa's selection as recipient of the Nobel Peace Prize could not be more richly deserved.●

● Mr. ANNUNZIO. Mr. Speaker, I rise today to pay tribute to Lech Walesa, the leader of the Polish independent trade union Solidarity, who recently was named the recipient of the 1983 Nobel Peace Prize for his exemplary efforts to insure the human rights of his fellow workers. Walesa's peaceful actions at considerable personal sacrifice to himself are a source of strength for people all over the world who must daily face the tyranny and oppression of the Communists.

Because of Lech Walesa's inspirational achievements on behalf of the Polish people, almost 1 year ago I nominated him for the Nobel Peace Prize, and I am delighted that the Nobel Peace Prize Committee has acted favorably in presenting Walesa with this award, because he has dedicated his life to achieving a better life for all Poles in the face of imprisonment and personal danger. At the time I wrote my letter, Poland was under strict martial law and Walesa was held in prison by the Communists. Nevertheless, Walesa's position remained firm, as he refused to succumb to the pressure of the Communists. At this point in the RECORD, I would like to include excerpts from my nominating letter. A copy of the letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C.

MR. JAKUB SVERDRUP,
Director, Nobel Peace Prize Committee, Stortingets Nobelkomite, Drammensveien 19, Oslo 2, Norway.

DEAR MR. SVERDRUP: Lech Walesa, leader of the Polish independent trade union Solidarity, has devoted more than a decade to peaceful, nonviolent activities to improve job conditions and to insure the human rights of the workers in Poland. Because of these exemplary actions furthering the cause of human dignity, I write this letter to the Members of the Nobel Peace Prize Committee to express my strong support for the selection of Lech Walesa as the recipient of the Nobel Peace Prize.

In April, 1976, Lech Walesa, an electrician at the Lenin Shipyard in Gdansk for fifteen years, requested, as a delegate to the official communist trade union, the reinstatement of rights given to shipyard employees six years earlier. The response of the Polish authorities was to fire Walesa for his boldness in challenging communist authority, rather than to grant his humanitarian appeal.

During the next four years, Lech Walesa provided for his large family the best he could, despite successive job losses and more than 100 arrests by the Polish government because of his gallant efforts on behalf of his fellow workers. Throughout this time period, the advancement of human rights for all of Poland's workers transcended his concern about his own personal well-being and the economic security of his family, and his actions helped to create an underground labor movement that eventually became known as the Baltic Free Trade Unions, a predecessor of Solidarity.

On July 1, 1980, the Polish government, plagued by an enormous debt and serious food shortages, doubled the meat prices, and scattered work stopages followed in factories throughout Poland as workers demanded higher wages to compensate for the increased prices. On August 15, work stopped at Lenin Shipyard, and among other demands, the workers called for the immediate reinstatement of Walesa and two other workers. Although two days later authorities granted this request and raised the wages, Walesa, who had become the leader of this walkout, persuaded the Lenin Shipyard workers to stay out of work in solidarity with those in other plants who did not obtain agreements with the authorities. Walesa did not just think in selfish terms of the benefits to be gained by himself and by the workers he represented in one shipyard, but instead fought for the interest of all Polish workers, and the Solidarity movement was born.

On August 31, Lech Walesa and the Deputy Prime Minister of Poland signed an accord, known as the Gdansk agreement, which recognized Solidarity as an independent trade union, and also granted wage increases and social benefits for all workers, relaxed censorship, opened the state-controlled media to a wide variety of opinion, and insured broadcasts of Roman Catholic Mass on Sunday. Walesa, as spokesman and chief negotiator for Solidarity, moved courageously, but cautiously, toward achieving improved working conditions and an improved life for all Poles, and resisted all bribes and other temptations to lure him away from his humanitarian cause.

With the pressure of the Soviets, Polish authorities have attempted to put an end to Solidarity, rather than to co-exist with it. Although martial law has been imposed in Poland since last December, and scores of people have been killed and imprisoned in their quest for human dignity, Walesa has consistently advocated peaceful, nonviolent means to achieve his humanitarian goals. Walesa is considered a threat to the government only because he rekindled Polish nationalism in the hearts of over ten million workers, who joined in the Solidarity movement, and who were encouraged by him to stand up against the military dictatorship.

Today, Lech Walesa remains a prisoner, isolated from his friends and family, held by the Polish authorities without charges and with no prospects for his release. Nevertheless, the communists have been unable to crush the Solidarity movement, and its leader's unwaivering spirit and his commitment to achieve human dignity for all Polish workers.

Walesa remains devoted to his religious faith, and is a man of peace—a symbol to all those striving to free themselves from the yoke of tyranny and oppression. He had dedicated his life to achieving a better life for all Poles, in the face of unemployment, imprisonment, and personal danger. For these reasons, I strongly recommend that the Nobel Peace Prize Committee select Lech Walesa as the recipient of the Nobel Peace Prize.

Sincerely,

FRANK ANNUNZIO,
Member of Congress.

Mr. Speaker, Lech Walesa inspires and furthers the centuries-old Polish ideals of freedom and human dignity in the hearts of over 10 million workers who joined in the Solidarity movement, and who are encouraged by him to stand up against the military dictatorship. I congratulate Lech Walesa on his monumental courage against the Communists, as he continues in his fight to achieve personal and economic freedom for all Poles.●

● Mr. FRANK. Mr. Speaker, the awarding of the Nobel Peace Prize to Lech Walesa is heartening to lovers of peace and liberty everywhere. This man stands out as a model of determination and selflessness. In the struggle of the Polish workers to win a measure of human dignity, Lech Walesa has served as an inspiration and as a guide.

Mr. Speaker, the Polish Government's initial reaction seems to be to dismiss the awarding of the prize as unworthy of the Nobel tradition. We in Congress can only hope that this ill-considered response will not set official policy in the coming months. How much wiser the Polish Government would be to recognize—if only internally—the justice of this award and the eminent reasonableness of Lech Walesa and the Solidarity movement. Then the stage would be set for peaceful reconciliation and reform, and oppressed peoples among the world would see in this Polish drama a message of hope.●

● Mr. SUNIA. Mr. Speaker, I rise to support the warm recognition and praise for Lech Walesa the Norwegian Nobel Peace Committee's most appropriate choice for this year's Nobel Peace Prize. I can think of no better choice and admire and wish to add my humble tribute to those of this House.

In the face of seemingly insurmountable odds and against the entire authoritarian process of the established Polish Government, Lech Walesa has endured, succeeded and shown the whole world what persistence and sheer guts will do.

In his steady unrelenting pressure for freedom and negotiation through his banned trade union, Solidarity, he has inspired the world with his undaunted determination and dedication to democratic principles and processes to solve the issues confronting the Polish people.

I applaud the choice of Lech Walesa as the recipient of this year's Nobel Peace Prize for 1983 and the efforts of the Human Rights Caucus to honor and pay tribute to this fine example of the epitome of the peace loving and God-fearing man that pursues his objectives and motives through democratic and nonviolent avenues—more should emulate his path and virtues.●

● Mrs. BURTON of California. Mr. Speaker, I join my colleagues in paying tribute to Lech Walesa, winner of the 1983 Nobel Peace Prize.

I am a native of Poland. I spent my childhood there before emigrating to the United States. The struggles of the Polish people are a deep personal concern of mine. I ferverently hope these beleaguered people become free and able to determine their own future.

Lech Walesa symbolizes the struggles of the Polish people for basic human rights and liberties. His selection as the recipient of the 1983 Nobel Peace Prize will strengthen his efforts to insure workers' rights to establish their own organizations.

Lech Walesa has used his position as founder and leader of the Solidarity Trade Union movement to change the situation in Poland peacefully and is most deserving of this award. As the words of the Nobel Committee announcing this award state: "In an age when détente and peaceful resolution of conflicts are more necessary than ever before, Lech Walesa's contribution is both an inspiration and an example."●

● Mr. LIPINSKI. Mr. Speaker, it is with great pride that I join in this tribute to Lech Walesa. From the time he started his efforts to bring a trade union to the Gdansk shipyards, up until the present day, Walesa has always stressed peaceful methods of protest. Although Walesa has not yet brought freedom to the Polish people, he has brought dignity to the Polish worker. The Soviets have found that they cannot break the will of the Polish people, nor defeat their drive for freedom.

The Polish people have shown time and again their undying commitment

to freedom and justice. Walesa's actions have served to awaken in the Polish people the desire to untie themselves from the rope of totalitarian domination. He has kept the Polish will strong by steadfastly striving for peace and freedom.

As the central figure in Poland's fight for political freedom, Walesa has set an example of dignity and integrity to be followed around the globe. He demonstrated his selflessness by announcing that he will donate the almost $200,000 Nobel Prize to the Polish Catholic Church, which has been instrumental in the Polish fight for liberty. Walesa has never advocated violence to obtain his goal of basic freedoms for the Polish people. Oppressed people around the world are inspired and encouraged by Walesa's struggle for freedom, and his example of peace and dignity. Let us hope that the Nobel Peace Prize will help both Lech Walesa and Poland obtain the freedom they so greatly deserve.●

● Mr. GUARINI. Mr. Speaker, because of a personal relationship with members of the Walesa family, I would like to add my congratulations to Lech Walesa, the Polish Solidarity labor leader who was awarded the 1983 Nobel Peace Prize yesterday.

I wish to commend the Norwegian Nobel Prize Committee for their courage in making this award to this dynamic young man. Lech Walesa has electrified the entire world by seeking to establish the rights of workers in Poland, a most important human right as defined by the United Nations.

It was my pleasure in 1981 and for each subsequent year to recommend Mr. Walesa for this award.

The Walesa family has deep roots in Jersey City and Hudson County, which I represent in the 14th District. Walesa's mother came to Jersey City in 1971 to live with her sister. She lived in my district with Stanislaw Walesa, her second husband. He was the brother of Bolek Walesa, Lech's father, who died after World War II. Lech's mother died in 1974 after she was struck by an automobile and killed while crossing a street in Bayonne.

Stanislaw Walesa remained in Jersey City and worked with Mr. Herman Boeckner, owner of the Henderson Lumber Mill, until his death in 1981. I attended the funeral of Stanislaw Walesa, who died last year, just 2 months before he would have been 65 years of age.

A closeness developed between Mr. Walesa and Walter Brolewicz, Lech's first cousin, who was born and raised in Jersey City and now resides in Passaic. The three of us met periodically to discuss Lech's plight.

Deeply impressed with Lech's leadership of the struggle in Poland for the cause of peace and justice and freedom of all people, I recommended him for the Nobel Peace Prize. My remarks appeared in the CONGRESSIONAL RECORD of February 18, 1981, as follows:

Mr. Speaker, I rise today to discuss a subject which not only gives us great personal pleasure, but is also a subject of great pride in my District.

Mr. Speaker, Lech Walesa, the courageous leader of the Polish Free Trade Union known as Solidarity, has recently been nominated for the 1981 Nobel Peace Prize. I would like to take this occasion to state here on the floor of the House that I can think of no more appropriate recipient for this prestigious award than Mr. Walesa. He has set an example for all persons, regardless of nationality or the political system their nation follows, as one who cherishes freedom and the dignity of working men and women.

Lech Walesa has arrived at his present position of international prominence not as a man seeking personal power, or even a formal office in his country's government. He has come to our attention because of spectacular events in Poland, for which he has been the prime catalyst, having galvanized the imagination and respect of peoples throughout the world.

It is not my intention here today to speak to the merits or shortcomings of the communist system under which Mr. Walesa's Poland finds itself operating—that is a subject for another time and another day. In leading his people, Lech Walesa has remained a calm and steady figure in the face of the overwhelming threat of a Soviet invasion of his beloved Poland. And Mr. Speaker, as we all know from the sad and tragic history of Hungary and Czechoslovakia, such threats are far from idle exercise. Mr. Walesa has balanced these concerns with the very real needs of working people in Poland. He has resisted provocative counsel to push immediately to a confrontation even as at the same time he has resisted the easy path of retreat and surrender.

Mr. Speaker, I said that we in New Jersey's 14th Congressional District have great pride in Lech Walesa's achievements. That is for two reasons. Stanislaw Walesa, father of this now world renowned labor leader, lives and works in our District and is employed at the Henderson Lumber Mills in Jersey City. Like so many before him, the senior Mr. Walesa came to our shores in search of freedom and the land of opportunity. And, as you know, New Jersey's 14th Congressional District lies in the very shadow of the Statue of Liberty, long a symbol to generations of immigrants seeking a new life in America and leaving behind the oppression and totalitarian governments of their native lands. The people of our District, tens and thousands of them, feel a special bond with the Walesas, father and son.

We all fervently pray that awarding the Nobel Peace Prize to Lech Walesa will be the crowning event in a peaceful and successful achievement of his worthy goals. Perhaps such international recognition will give pause for reflection to those who would crush freedom in Poland through force of arms.

It is my hope, Mr. Speaker, in speaking out before the House today, to, in some small way, add my own voice, representing the people of Hudson County and New Jersey's 14th Congressional District, in supporting the nomination of Lech Walesa for the 1981 Nobel Peace Prize.

In a letter dated October 7, 1981 from Solidarnosc Headquarters, in Gdansk, Poland, Lech Walesa sent me the following letter:

Dear Mr. Guarini, Thank you very much for your cordial letter and tribute you paid to me but first of all I am happy to hear that you approve the activities of our independent, self-governed union.

All of us are very grateful for the moral support of aims and tasks we declared and which must be of concern to all who are interested in justice.

Thanks to your letter and many others from the U.S.A. and all over the world our union is becoming stronger and aware that in our struggle for human rights and dignity we are not alone. It is the source of hope for us that these aims should be achieved not in Poland only but also in other countries.

I am absolutely convinced that the proposal of mutual cooperation you suggested and I accept with great pleasure will serve the cause of peace, justice and freedom of all the people.

I hope that my visit to the U.S.A. will help to achieve our aims.

I am grateful, Sir that you supported my nomination for the 1981 Nobel Peace Prize. This is a matter of great importance, particular for the whole of "solidarity" as the union, much more than for me, personally.

Thank you for the American flag and the photos you enclosed.

I extend our best wishes for you and all the "Solidarity's" friends in the U.S.A., I remain, Sincerely, Lech Walesa, Chairman of NSZZ "Solidarnosn".

During the past few years contact has been maintained by mail and by individuals visiting Poland. Roger Castor, a student at Jersey City State College, studying with the Kosciuszko Foundation in Poland, on two occasions brought messages and gifts of an American flag and Royal Doulton Bunnykins sent for their new born child.

The Hudson County Central Labor Union, through the leadership of Al Beck, president, and Edward Pulver, Secretary-Treasurer of the AFL-CIO, received Stanislaw Walesa and me when we presented an enlargement of the U.S. postage labor stamp which was issued by the U.S. Postal Service. This message was brought to Lech Walesa in Poland.

On another occasion, January 1981, when Lech was invited to visit with Pope John Paul II, he sent for his father in Jersey City to make the historic visit. It was on that occasion that I sent this message to His Holiness, on behalf of all the people of Hudson County, New Jersey, as follows:

To His Holiness, Pope John Paul II, On behalf of all the people of Hudson County, New Jersey, I wish to express our gratefulness for your great inspiration and leadership for a peaceful world. We need your blessings and constant intercession. Pray for us.

Over the past 2 years I have reported messages from Lech Walesa to community leaders in my area, such as Jean Kozmor of the Jersey City Chapter of the Polish National Alliance, Thomas Wojslawowicz, national director of the Polish American Congress;

William Kowalski, Stanley Kosakowski of WSOU Radio; Stanley Arsulowicz, of Bayonne Chapter of Polish American Congress; Marion Marawski of the Jersey City Chapter of Polish American Congress; Joseph Plonski, past state commander of the Polish Legion of American Veterans; Joseph Sluka; Father Leonard Miodowski, associate pastor of St. Ann's Polish R. C. Church; Col. Anthony Podbielski of the Bayonne Chapter of Polish American Congress; Edward Warlikowski of the Polish American Progress Association, and Father Walter Niedzwiecki, pastor of Our Lady of Czestochowa Church, Jersey City.

Who would imagine that the child born in Popowo, a tiny village in Poland, with no square but a tiny road running through the center, would be placed in the illustrious company of past prize winners including the following: Theodore Roosevelt, Woodrow Wilson, Cordell Hull, Ralph J. Bunche, Albert Schweitzer, George C. Marshall, Dag Hammarskjold, Martin Luther King, Jr., Willy Brandt, Henry Kissinger, Anwar Sadat; Menachem Begin; and Mother Theresa of Calcutta.

Lech Walesa's contributions for the cause of human rights and world peace in both inspirational and an outstanding example of service above self. His announced intention of donating the almost $200,000 in prize money to his beloved church in Poland is further proof of his desire to serve both God and man. I am sure that my colleagues in Congress and millions of freedom loving people throughout the world join me in wishing Lech Walesa "Sto Lat." May you live 100 years.●

● Ms. KAPTUR. Mr. Speaker, today I join with many of my colleagues to pay tribute to Lech Walesa, Poland's Solidarity leader who yesterday was named as the winner of the 1983 Nobel Peace Prize. Lech Walesa's courage and perseverance in attempting to solve Poland's problems by peaceful means, has made an invaluable contribution to the cause of peace and freedom. The Nobel Prize should bolster Walesa's advocacy of a nonviolent effort, in a nation which has known too much violence.

Walesa has shown the world that ideas can be outlawed, movements crushed and people imprisoned, but the human instinct for freedom and dignity can never be suppressed. The latest in a long tradition of leaders who have kept the flame of liberty alive in a country so often in the oppressor's shadow, he transformed a grimy shipyard into a beacon seen afar from Eastern Europe. Ten million people rallied to his call, and they created a movement directed against a regime that does not know the meaning of human rights.

I have been to Poland and witnessed the patriotic fervor of the people, their love of their nation, their heritage, and their dream of a better future. My heart is with my relatives and extended family who live there. To me, as a new Member of this freely elected body, I cannot help but sense the contrast between me and my Polish loved ones. Each day, they and their fellow countrymen bear the silent pain of a protracted struggle of wills that now spans decades. Lech Walesa, the Nobel Peace Prize winner for 1983, embodies the hope of his people for a better life.●

● Mr. LUNGREN. Mr. Speaker, I would like to thank both of my colleagues, Congressmen JOHN PORTER and TOM LANTOS as cochairmen of the Human Rights Caucus for the opportunity to pay tribute to Lech Walesa. As the leader of the outlawed Solidarity Union, he is a most deserving recipient of the Nobel Peace Prize for 1983.

It is befitting that the Norwegian Nobel Committee, announcing the award, cited "Walesa's contribution, made with considerable personal sacrifice, to insure the workers' right to establish their own organizations." The Nobel committee should be commended because, although the subject of human rights was probably not originally conceived by Alfred Nobel as a category within the scope of the prize, it is a most appropriate expression of its purpose. With the advent of totalitarian dictatorships in this century the cause of human rights has become a part of the cause of global peace. This is so because these same totalitarian governments have declared war against the rights of their citizens. Yet despite such oppression Lech Walesa's activities have been characterized by a determination to solve his country's problem through negotiation and cooperation without resorting to violence.

In this respect the deafening silence of the Soviet Union after the announcement that Walesa was to receive the Nobel Peace award is ironically the highest tribute that could be paid to the Nobel committee for their choice.

Similarly, I recall 5 months ago that the Polish authorities published their most vitriolic attack against Lech Walesa, saying he was no longer fit to play any role in public life. The article stated "Whatever Walesa does or says, he is no longer credible anyway," the article said, "The time when he could have been a partner—but when he refused—has passed. He himself has crossed out the value of his name in the public life of Poland." His receipt of the Nobel Prize is evidence that such reports of his demise were premature and is likely to give further impetus to the Solidarity movement's efforts to achieve the human dignity and rights that workers in the freer half of the world enjoy.

I share the sentiments of AFL-CIO President Lane Kirkland in his recent remarks that:

> Lech Walesa symbolizes more than any other man in the world today the basic principle of freedom of association as a fundamental human right of which the other rights and privileges and freedoms that men and women aspire to are based.●

● Mr. GILMAN. Mr. Speaker, I would like to thank my colleages, the Gentleman from Pennsylvania, (Mr. PORTER), and the Gentleman from California, (Mr. LANTOS), for arranging this special order today so that we, too, may recognize the achievement announced this morning by the Nobel committee.

Lech Walesa is certainly worthy of receiving the Nobel Peace Prize. It is a tribute to the people of a troubled country that their compatriot has been recognized time and again. In 1980, as Time magazine's Man of the Year; this year, as the one man in the entire world who has done the most to realize peace.

The people of Poland are fortunate indeed, for both in spirit and reality they are represented by men of vision. Their spiritual comfort is Pope John Paul II; their needs as worthy individuals are sought for by Lech Walesa. It is important that we realize the ongoing contribution made by the Polish people. Not only have we read of past achievements in the history books, but recent events, such as today's announcement, only magnify this proud heritage.

Lech Walesa's accomplishment is clear recognition that every attempt must be made to achieve world peace. By working in a nonviolent manner, Lech Walesa exemplifies the noblest goal of mankind, that of quiet negotiation aimed at compromise. He is clearly worthy of our congratulations and the high honor which accompanies being a Nobel Peace Prize recipient.●

● Mr. CORCORAN. Mr. Speaker, it is an honor to join in this special order on behalf of Lech Walesa, who has just become the 1983 Nobel Peace Prize winner. As the leader of Solidarity, he has served as an inspiration to freedom-loving people not only in Poland but all over the world. This award also marks the contrast between the free world and the totalitarian East; we reward peaceful expression of human rights and freedoms while the Soviets and their satellites repress and punish these pursuits.

Lech Walesa has shown himself to be courageous leader, and one who represents the democratic ideals that we so cherish in our Nation. But his prize is as much a triumph for the Polish people as it is a personal achievement for him. Their determined but nonviolent resistance to totalitarian rule is a source of strength

to all of us. No individual leader and nation deserve this prize more than Lech Walesa and the Polish people because their fight for fundamental human freedoms is inseparable from the fight for world peace. Peace will never be brought about through appeasement of tyrants, only through courageous defense of freedom.

Outside one of the shipyards in the Baltic port of Gdynia stands a statue commemorating those massacred by the Polish authorities during the protests in 1970. The statue presents an image of a worker who has been shot being helped to his feet by two fellow workers. The inscription beside this monument reads, "It is better to die in the arms of your brothers than to live your whole life on your knees." Lech Walesa and the Polish people are continuing to refuse to submit and live their lives on their knees. I hope that this Peace Prize will give hope to all those involved in the Solidarity movement, especially those still imprisoned and awaiting Communist show trials as punishment for their courage.

With this announcement the free world has made a concrete statement against repression, and the symbolism of this gesture will not be lost on all those struggling against totalitarianism. Lech Walesa and the Polish people deserve our support. This is why I strongly commend to the House the legislation I introduced on June 16 to make Lech Walesa an honorary citizen of the United States. This high honor has only been granted twice before—to Winston Churchill and to Raoul Wallenberg. In this way, we, as a nation, would not only be rewarding a deserving individual but also issuing a statement to the Soviets and the Polish Government that we stand firmly behind the efforts of Lech Walesa and the Polish people in their fight for justice and freedom. I hope that this Peace Prize will serve as a catalyst to my colleagues to get behind my bill, House Joint Resolution 299, and confer honorary citizenship to Lech Walesa.●

● Mr. TORRICELLI. Mr. Speaker, I rise today in celebration of the Nobel Prize Committee's decision to award Lech Walesa the 1983 Nobel Peace Prize. As the leader of Solidarity, Poland's only independent labor group, Lech Walesa has demonstrated an unyielding committment to human rights and freedom. In a world in which political violence is so commonplace, Walesa's methods of peaceful protest should be internationally heralded. In opposing the oppressive measures imposed upon the Polish people, he has relied upon a greater power: The spiritual power of the people who strive for change in a bleak and enslaved society.

In paying tribute to Lech Walesa, as a New Noble Laureate, we must recognize the enormous personal sacrifices he has made in his quest for social justice. While authorities have tried time and time again to thwart his quest, Walesa has refused to waiver in the face of threats, intimidation, and imprisonment.

By honoring this great leader, the world honors the principles of social justice and human dignity. I join my colleagues on this day in paying tribute to a courageous man who is a source of inspiration to those around the world who cherish freedom.●

● Mr. GEJDENSON. Mr. Speaker, I am pleased to join in this special order to honor the recipient of the 1983 Nobel Peace Prize, Lech Walesa. Mr. Walesa's ceaseless efforts on behalf of the rights of his countrymen, and his unswerving adherence to peaceful means of change, make him an exemplary choice for this international honor.

Over the past 3 years, the world has watched Mr. Walesa's efforts with growing admiration for his realistic and humanitarian approach to his nation's problems and for his continued hope and tenacity in the face of government repression. But we have also watched with a growing frustration as the Jaruzelski government has outlawed and sought to destroy the workers movement which he still leads. Since his release, the official press has used ridicule and slander to try to limit Walesa's influence. It seems likely that only international opinion prevents the government from taking stronger measures against him. It is to be hoped that this much-deserved award not only honors Walesa, but will also help to shield him. The struggle for freedom in Poland is proving a very long and slow road. We in the West must take care not to forget that movement or its leader.●

● Mr. TALLON. Mr. Speaker, I join my colleagues today in applauding the Nobel committee for its decision to award the 1983 Noble Peace Prize to Lech Walesa, the great Polish dissident and leader of Solidarity. By paying tribute to this great man, the Noble committee has recognized the brave individuals everywhere who strive against the repression of Communist regimes. In the words of the committee, Lech Walesa serves as an "exponent of the active longing for peace and freedom which exists, in spite of unequal conditions, unconquered in all the peoples of the world."

From the founding in 1980 of the Solidarity movement in the Gdansk shipyards, Lech Walesa came to represent that movement's battle for the heart and soul of Polish people against the Communist repression imposed on their country. From the beginning, Solidarity was a threat to Poland's Communist rulers. Unable to accept Solidarity's demand, in the name of the Polish people, for a more democratic Poland, the nation's military rulers in late 1981 established martial law, arrested Walesa, and outlawed Solidarity. While martial law has been lifted, Poland's rulers continue to reign by repression. But events such as the Polish reception of Pope John Paul II demonstrate that repression has not vanquished the Polish people's longing for freedom.

This longing is a continuing threat to the authorities who rule Poland, and the government rightly fears the impact a man like Walesa can have. He still refuses to bow to the regime's assertion of its absolute authority. When he was released from captivity in November 1982, Walesa said, "I am a man for agreement and I want to do something for us all, but I will always say what I am thinking, because I have not changed." Both as a leader in his own right and as the representative of millions of Poles, Walesa stands for the striving for a better life, for the right of a people to control their own destiny. His winning of the Nobel Peace Prize serves to remind Americans that, while we enjoy the comforts of liberty, millions of the world's citizens are, in the word's of the Soviet dissident, Andrei Sakharov, "forced to live without the freedom to exchange information, the freedom of conscience, the freedom to choose one's country of residence."

We must aid the repressed people of the world in any way possible. For Poland, we must do what we can to insure the eventual return of the control of Poland to the Polish people. Our democratic values require us to assist Lech Walesa and the other brave individuals who are willing to fight and die for freedom.●

● Mr. OTTINGER. Mr. Speaker, I would like to thank my colleagues Mr. PORTER and Mr. LANTOS for calling this special order to honor a man whose diligence, perseverance and humanity have been the hallmark of the Solidarity movement in the troubled country of Poland.

I can think of no one more deserving of the Nobel Peace Prize than Lech Walesa. Throughout the short but troubled history of the Solidarity movement, Mr. Walesa's total commitment to the people of Poland has pushed him to work tirelessly, to the point of losing his freedom and risking his life, to attain freedom and peace for his fellow countrymen.

Spurred by the spirit and example of Lech Walesa, Solidarity has survived continued attacks on its goals and its very existence. It survived nearly 2 years of a brutally imposed martial law, it survived the arrest and continued imprisonment of thousands of its supporters, it survived a ban of its name and functions, forcing it back underground, but not out of sight. The visit in June of Pope John Paul II re-

kindled the spirit which formed Solidarity in 1979. It is the spirit of people who have suffered through and survived atrocities at the hands of foreign powers and at the hands of their own leaders, and it will continue.

The Polish news agency has already tried to belittle Mr. Walesa's accomplishments by denegrating the Nobel Peace Prize as political propaganda. But those of us in the free world who know the value and appreciate the honor of this prize can only hope that Lech Walesa and the people of Poland understand the support that this award symbolizes. It recognizes the work of Solidarity as the work of a freedom and peace-loving people. It recognizes that one man has come to symbolize freedom in the eyes of his own people and the people of the world. And it recognizes the value of self-sacrifice in the pursuit of a greater good. I hope that the true message of the Nobel Prize will underscore the new hope engendered by the Pope's visit, and that the Polish people will continue their fight against oppression with the knowledge that they do not stand alone.●

● Mr. GREEN. Mr. Speaker, I would like to join my colleagues in praising the Nobel Peace Prize Committee for its selection of Lech Walesa as the 1983 recipient of the Peace Prize.

This prize is a tribute to those who are made to suffer while fighting against oppression and for freedom. It gives hope to the millions who are without basic freedoms and sustains them in their continuing fight against repression.

Lech Walesa is especially worthy of this award; few have achieved such international prominence for such simple acts of faith and perseverance. He is an example to us all. By speaking out when it might have been more prudent not to, by acting, when action risked the complete loss of freedom, and perhaps life, he is a testament to the power of individual action against the seeming implacability of the totalitarian state.

This prize is a reminder to all Americans of the basic freedoms that we enjoy and which we must never take for granted. It is a reminder, also, that for most of the people of the world, the rights and freedoms we enjoy are but hopes that must be fought for again and again.●

● Ms. MIKULSKI. Mr. Speaker, as the first woman of Polish extraction ever to sit in this Congress, I rise today with great pride to salute Lech Walesa, recipient of this year's Nobel Prize for Peace.

All of us here are familiar with the remarkable story of this heroic leader of Solidarity, the first and only independent labor union in the Eastern bloc. We know how his ideas and determination were forged in 1970 when he was a strike leader during riots over the price of food. We know how he scaled the fence at the Lenin Shipyard in Gdansk in 1980 to help striking workers negotiate the establishment of Solidarity. We marvelled as Solidarity won expanded freedoms and rights for workers in confrontations with the Polish Government. And our hearts went out to the Polish people when the Government suddenly and brutally declared martial law, swept away those freedoms, disbanded Solidarity and arrested Walesa and other leaders.

But we also know that only the visible manifestations of Solidarity have been removed. The idea and the ideals of Solidarity burn as brightly today as ever. This tribute to Lech Walesa also honors Solidarity itself. At a time when the Polish Government is trying to discredit Walesa with vicious lies, Oslo has spoken the conscience of the world by paying tribute to this brave leader and the movement of which he is still the acknowledged champion.

For those of us who are Polish Americans, this is a moment of special pride. I am delighted that Lech Walesa has joined two-time Nobel Laureate Marie Sklodowska, known to the world as Madame Marie Curie, as Polish winners of the Nobel Prize.

I am inspired by Mr. Walesa's example. It is in keeping with the great Polish tradition of struggle everywhere, even against overwhelming odds. Here in America, it was Polish immigrants who first struck for the right to vote. That was in 1619. Today, in Poland, the struggle continues. Beleaguered, perhaps. Underground, perhaps. But the struggle, led by those like Lech Walesa, will continue until Poles are once again free with dignity.●

● Mr. YATRON. Lech Walesa's being awarded the Nobel Peace Prize acts as both a tribute to this peaceful and determined hero, and an incentive to those struggling to further human rights throughout the world. I commend the Norwegian Nobel Committee on their excellent selection.

Mr. Walesa attracted the eyes of the world to the plight of the Polish worker. We watched as he waged war without violence against the repression being leveled at his countrymen by the Polish Government. He was clearly visable to us in the midst of his supporters who cheered him, and amid his oppressors who attempted to denigrate him. Through all of his endeavors, Mr. Walesa never stopped showing us his courage and dedication.

Yesterday, Lech Walesa received the Nobel Peace Prize, and once again worldwide recognition was centered on this brave Pole. Finally, he has received the accolades which millions of individuals who have witnessed his bravery, and have been unable to express their admiration, believe he truly deserves. Our eyes will continue to be focused on Mr. Walesa, and our hearts will always be with him. At this point in the RECORD I include the following editorial:

[From the Washington Post]

A PRIZE WELL EARNED

The Nobel committee's selection of Lech Walesa for its 1983 peace prize is one of its best. It confers a useful extra ration of prestige and international visibility and, hence, personal protection on a figure who still represents Poland's best hope for a peaceful and productive resolution of its profound internal tensions.

The committee specifically cited Mr. Walesa's nonviolent methods. By no other means could the founder of the Solidarity trade union have accomplished what he did in organizing a mass movement and in offering his country an alternative to domination by an armed, foreign-supported minority. It was not Lech Walesa and the Polish workers but the Polish authorities, acting under the pressure of Moscow, who cut short his experiment in democratic socialism and brought force to bear.

The Polish government seeks now, still, to deny Lech Walesa a place in the organized public life of his country. It wants the Polish people to write him out of their plans for their future. But short of the complete Sovietization of Poland—a step from which, wisely, the regime hangs back—there is no way the government can deny him a place in the very active realm of the *unorganized* public life of Poland. He retains enormous courage, energy and tactical skill, a popular following far superior to any that the regime's leadership can command and, thanks in part to the first two, media access and a measure of personal inviolability—the Nobel award should help him here.

Warsaw finds the choice of Mr. Walesa an abuse of the Nobel award. But such prizes are not given to comfort governments that can't solve problems substantially of their own making. The Polish authorities might recall that a year ago the Nobel people honored two disarmament figures, a Swede and a Mexican, whose principal contribution to the American government had been a mild case of heartburn. The Nobel committee does take a broad view of what sort of activity constitutes "peace," but its choices have stood up pretty well over time.

The committee intends not merely to hail the past achievements of its honorees but also to enable them to continue their work. No one can doubt this is what Lech Walesa intends to do.●

● Mr. DWYER of New Jersey. Mr. Speaker, it is truly an honor to join my colleagues today in humble tribute to this year's recipient of the Nobel Peace Prize, Lech Walesa.

In a relatively short period of time, Lech Walesa has become a worldwide symbol of courage and determination. The principles he so valiantly has fought for are the same ones which we cherish in this country: freedom, justice, and human rights.

As the father of the Polish Solidarity movement, Walesa has provided his fellow workers and citizens with a real measure of hope and dignity which they have been denied for so long.

The regime's response to Solidarity was one of weakness; the imposition of martial law did not dilute the unity or the purpose of the Polish workers

under their inspired leader. Walesa's message—Solidarity's message—resounded in every corner of the world.

It was and remains a call for human rights and world peace. It was with great personal sacrifice that Walesa led this crusade for justice, and through it all, he has stood fast to his dedication to reason and nonviolence in making his powerful and persuasive case to the Polish Government.

Walesa has already generously and unselfishly dedicated the Noble Prize funds to the church for its agricultural reform program. We must all be moved by this gesture of continued and meaningful support for the people and the country he so dearly loves.

The Nobel Committee is to be commended highly for its choice for this year's Peace Prize. They have selected a man of courage and vision and hope who can stand tall among the many other worthy recipients of this distinct honor.

But today it is Walesa we honor, and we do so with the fervent hope that his dream of freedom and justice for his people and others will someday become a reality.●

● Mr. WINN. Mr. Speaker, yesterday the free world celebrated the announcement that the Nobel Peace Prize for 1983 will be awarded to Lech Walesa, leader of Poland's banned Solidarity trade union. In hearing the news, Lech Walesa called it a "prize for Solidarity," a description that demonstrates his selfless attitude in his quest for the freedom of his people.

It might seem a bit odd to award a peace prize to a leader still in the thick of battle. No, Lech Walesa has not yet achieved his goal of peace for the Polish people . . . but he has proposed peaceful methods to reconcile the conflict in Poland. He has taken peaceful action to make his homeland free from discord and malcontent.

The Nobel Peace Prize announcement comes as good news for Solidarities' embattled supporters who, under the leadership of Lech Walesa, have persevered through many Government-imposed trials in their efforts to have free and independent trade unions. To them, the Nobel Peace Prize represents a moral victory and provides new momentum as they continue to work for their cause. Lech Walesa is their champion, a genuine Polish folk hero, whose personal sacrafices have translated into tremendous gains for Poles.

But his impact has not been limited to within Poland's borders. Lech Walesa has touched the lives of people throughout the world. He has made us more appreciative of our own freedoms, and he has helped us to guard against their infringement. Both the United States and Japan have recognized his courageous contributions by awarding him honorary national citizenship. And now, with the announcement of the Nobel Peace Prize for 1983, Lech Welesa will receive the international recognition he rightly deserves.●

● Mr. PATTERSON. Mr. Speaker, today the world recognizes anew the achievements of one man whose courage and integrity have come to symbolize the heart of an entire nation. The Nobel Peace Prize has been awarded to Lech Walesa, the shipworker from Gdansk who led the workers of Poland to the greatest freedom they and their compatriots have known since pre-Communist days.

The award symbolizes far more than the courageous commitment of one man to the peaceful achievement of freedom in a militaristic society. It serves as a reminder of the "solidarity" struggle by people everywhere to better their lives by nonviolent means—a struggle often fueled only by the courage of conviction and the hope of a brighter future.

The Polish Government will no doubt continue its propaganda campaign against Lech Walesa. What it has not been able to accomplish through force and intimidation, it hopes to achieve through deceit. But the heart of the Polish people remains strong, and will be encouraged by the international recognition that the Nobel Peace Prize carries. I join my colleagues and freedom-loving people everywhere today in saluting Lech Walesa and the people of Poland.●

● Mr. DREIER of California. Mr. Speaker, yesterday word came from Norway that Lech Walesa had been chosen this year's Nobel Peace Prize winner. I can think of no other person who more appropriately represents the ideals behind that prize than he.

Lech Walesa holds no official position in government or religion. He no longer holds an official position with the labor movement he founded. But he does represent something more important. He represents the spirit behind the average Pole—and in fact the average worker behind the Iron Curtain: A person working hard to make ends meet in a system that is not working; a person who finds peace and solitude in God; a person whose spirit of freedom grows with each new restrictive act the Government puts into place. This is why Lech Walesa is so popular in Poland and so admired around the world. This is also why the governments of Eastern Europe are so afraid of him and people like him.

I suppose that Lech Walesa will have a hard time getting to Norway to receive his award. But there will be a day not too far away when he and his countrymen will be able to freely express those principles and beliefs which have resulted in this high personal honor for him.

Congratulations Lech Walesa.●

● Mr. LEWIS of Florida. Mr. Speaker, Lech Walesa, like Andrei Sacharov, put his life and the security of his family on the line in a moral confrontation with an insensitive and totalitarian regime.

The Nobel Committee's decision to award Walesa the 1983 Peace Prize is a triumph for all working women and men who seek those universal freedoms in life that we, in the United States, too, often take for granted.

Like Sacharov, Walesa has inspired us all with his spirit, his courage and his tireless energy.

I join the Polish people in their celebration. The Polish Government, or any other government like it, cannot dominate the hearts and minds of those, like Walesa, who refuse to give any quarter and will risk all in defense of their beliefs.

Long live Solidarity.●

● Mr. NOWAK. Mr. Speaker, I rise today to heartily applaud the Norwegian Nobel Committee's award of the Nobel Peace Prize for 1983 to Poland's Lech Walesa.

Unquestionably this is a richly deserved tribute to this man's persistent, patient struggle for human rights—for individuals and for workers.

But this year's Peace Prize belongs as much to the Polish people, who thronged to Walesa's Solidarity banner. The award this year symbolizes much more than the courage and struggle of an individual. It recognizes the bravery and strength of the Poles and I hope it is a source of continuing encouragement for these freedom-loving people to persist in the difficult effort to reform and liberalize a political system that is alien to their nature and an affront to their sensibilities.

Certainly the award announcement could not come at a more appropriate time. With Solidarity banned and the Polish Government engaged in a campaign to discredit Walesa, the Nobel award can only be a major boost to the morale of the Polish voices which continue to call for freedom of expression and freedom of choice. In recent months, those voices have been muted but not totally silenced.

The yearning for a free Poland remains vibrant within Lech Walesa and the strong-willed Polish people.

Mr. Speaker, I know we all hope and pray that this year's Nobel Peace Prize will inspire these admirable people to persist in their struggle to be free, armed with renewed knowledge that the free world recognizes and applauds their efforts and their goals.●

A TRIBUTE TO MATT GARCIA

(Mr. BRYANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks)

Mr. BRYANT. Mr. Speaker, Texas State Representative Matt Garcia, who died Saturday at the age of 55, was a remarkable man whose loving commitment to human dignity and opportunity unselfishly touched the lives of hundreds of thousands of Americans.

During six terms in the Texas Legislature, Matt Garcia's persistence in speaking eloquently, arguing convincingly, and fighting tenaciously for those least equipped to do so for themselves gave Texas its first funded program of bilingual education in 1973, its first Human Rights Commission in 1983, and dozens of other legislative landmarks in between.

As one who was privileged to serve with Matt, I know well that he appealed to his colleagues' hearts and consciences as much as to their minds. He had the courage to oppose the powerful when they were wrong and the compassion to defend the weak when they were right.

Matt Garcia was not a glory seeker. He knew well that there is no limit to the good that can be accomplished if one does not care who gets the credit, and, as a result, his legacy is vast.

He helped shepherd open government reform bills through the legislature in the wake of corruption and scandal. He battled for legislative rules reforms to make the Texas House of Representatives more democratic. And he fought for reasonable pay for teachers and State employees.

Matt was the son of an immigrant who crossed the border from Mexico with hope for a better future. Perhaps because he knew so well what it was to grow up poor, he stood up on the floor of the Texas House of Representatives when few others would to prove how wrong it would be to deny any child the best education our society can offer.

Matt Garcia was founder and chairman of the Mexican-American Legislative Caucus. He was a founder and twice chairman of the Mexican-American Democrats of Texas. He served for 4 years on the board of the Mexican-American legal defense fund (MALDEF).

Matt Garcia was a leader without being dictatorial, and he was vocal without being strident.

When Matt stood up from his desk, strode confidently to the podium, grasped it firmly, and pulled the microphone close, everyone in the chamber and everyone in the gallery quickly learned that something worth hearing was about to be said.

Matt Garcia loved politics and people. He loved justice and the law. And he loved his family. For the things and people he loved and believed in, he gave his all.

I think Matt Garcia had a special love of the legislative process, of its potential for resolving the large problems and serving the broad needs of our society. He loved the satisfaction of winning one fight and going on to the next, of knowing that if you are right and persistent you can ultimately win even if it takes a decade or more of effort, as it did to create the Texas Human Relations Commission.

That, I believe, is why Matt Garcia twice turned down offers to be appointed to judgeships—because the justice that comes in a courtroom is dependent upon the legislative decisions which he wanted to continue shaping.

He was tempted by President Carter's nomination of him as director of the Immigration and Naturalization Service (INS), however—a thankless position to be sure, but one which challenged his abundant talent and coincided with his commitment to those of our Nation and others "yearning to breathe free." Politics intruded and denied him the opportunity to serve his country in this way, but it was a blessing to the people of Texas who continued to be served by him in the legislature.

I find it hard to believe that Matt Garcia is gone. I am proud that I knew him, proud that I learned from him, and proud that a gifted, caring man managed to touch so many lives.

CARDINAL COOKE'S PIETY AND FAITH

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. MOLINARI) is recognized for 10 minutes.

Mr. MOLINARI. Mr. Speaker, today the world bows its head in sorrow at the passing a man whose piety, integrity, and courage made him among the most beloved clergymen of our time. Terence Cardinal Cooke, Archbishop of New York and Catholic vicar of our Nation's armed services, has gone to his final, much-deserved reward, to the end offering us an example of faith, sacrifice and love.

Cardinal Cooke was the son of a poor Irish immigrant whose simplicity and humanity were to shape his character and his values for the rest of his life. He never forgot his beginnings, and he took with him that simplicity and humanity wherever he went, from the Gothic majesty of St. Patrick's to the humblest urban school building; from the Renaissance splendor of the Sistine to the smallest rural parish house. He was a man whose faith in the decency of his flock was surpassed only by his devotion to the service of God. He served both with all his energy and all his talent.

His father once told him to do everything in life "with your heart." Cardinal Cooke lived up to those words every day of his life. As a youth growing up in New York, as a seminarian in Dunwoodie, as assistant to Cardinal Francis Spellman, and, finally, as leader of New York's 2 million Roman Catholics, Cardinal Cooke faced the challenges of life with enthusiasm, with purpose, and, most of all, with heart, the heart of a man of faith and conviction.

Cardinal Cooke took over from his mentor, Cardinal Spellman, in the late 1960's, a time of dramatic change in the world and within the church itself. The Nation and the archdiocese looked for leadership, and Cardinal Cooke responded. There might have been more charismatic leaders, but none with more character. There might have been better theologians, but none with more piety. There might have been savvier diplomats, but none with more decency.

He took over an archdiocese that was once the richest diocese in the Nation, and one that was seeing its schools in the inner city closing doors for lack of money.

There was a need for action, and action he took, with all his energy and all his heart. He saw to it that the wealthier parishes began helping the poorer parishes, and the rash of school closings was brought to a halt.

□ 1820

He saw the power of education and discipline in the inner city, and he opened the schools for everybody, not just Catholics. He saw a need for social justice, and he reached out to New York's minorities, not just with words, but with action and policies. He saw a need for moral leadership, and through simplicity of faith, devotion to duty and dedication to principle, he provided it without perhaps realizing it.

When the end was in sight, the cardinal accepted his illness as the will of God and prepared for his final days in peace and serenity, offering his terrible suffering and pain as a beautiful gift to others.

The whole of Cardinal Cooke's life was spent for the greater good of others. In his dying days he demonstrated how little he had changed from the days of his youth. Disease had overcome his body but not his spirit. His faith had not withered, it had grown stronger. His humanity, his simplicity had shown us not only the beauty of life, but the dignity of its end.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from New Jersey.

Mr. RODINO. Mr. Speaker, I want to commend the gentleman for making this statement and to call to the attention of all of us the loss of an individual who is mourned not only by those who profess the Catholic faith, but by all people who recognized the great qualities of Cardinal Cooke.

As the gentleman has so well stated, he gave up his last moments, his pain, as a beautiful gift so that all of us might be mindful of the fact that even though we are in pain in this life, it is indeed through suffering that we learn to recognize the importance of living.

Mr. Speaker, the painful death of Cardinal Terence Cooke is a tremendous loss not only for world catholicism but for the entire world community. He was the revered leader of the 1.8 million Roman Catholics of the Archdiocese of New York, and his life will surely be a model and an inspiration for those who will follow in his footsteps. For Cardinal Cooke's influence reached beyond the world of religion to other problems that trouble our Nation and all humankind.

Throughout his lifetime he was a compassionate shepherd who put the welfare of his fellow human beings above all other concerns. By all accounts, Cardinal Cooke endured awful physical suffering during his last days. His offering of that pain "as a beautiful gift for others" exemplifies the strength and selflessness of this man.

His passing will be greatly mourned, and his presence, his character, and his leadership will be greatly missed.

Mr. MOLINARI. I thank the gentleman from New Jersey for his wonderful remarks.

Mr. Speaker, I would only conclude by saying that Cardinal Cooke was one of those rare people you meet in your lifetime, and I can look back and say how fortunate I was to know him and to be able to call him my friend.

LECH WALESA AWARDED THE NOBEL PEACE PRIZE

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BOLAND. Mr. Speaker, what a day yesterday was for the Polish people.

The selection of Lech Walesa as the winner of the 1983 Nobel Peace Prize is a tribute to the indomitable spirit and courage, of not only the award recipient, but that of his countrymen as well. Lech Walesa's life is evidence of what can be accomplished by a man of deep conviction, who is willing to take the risks and bear the sacrifices associated with challenging the policies of an unpopular and oppressive government. He is a symbol to millions of people around the world that the pursuit of justice can be furthered by the actions of a single person.

There can be no underestimating of the significance of this award. The selection of Lech Walesa by the Nobel Committee is a ringing endorsement of his efforts to resolve Poland's internal tensions, through negotiation rather than through violence. As the leader of Solidarity, the first free, independent trade union to emerge in a country under Communist rule, he was at the vanguard of the events which led to profound social change in Poland in 1980. While the military crackdown in 1981 interrupted many of the gains made by Solidarity, it neither stilled Walesa's voice nor diminished his popularity. In spite of 11 months of confinement at the hands of Poland's military rulers, and numerous attempts to discredit him by the state-controlled media, Lech Walesa endures. The Nobel Committee describes him as, "an inspiration and an example." He truly is, to those who believe that the cause of human rights can be advanced by peaceful means and to those who would seek to deny such rights by force.

Mr. Speaker, on the NBC "Nightly News" broadcast on October 5, John Chancellor had an excellent commentary on Lech Walesa. I would like to include Mr. Chancellor's remarks at this point in the RECORD:

When we are young, we are taught values, we are taught that courage, sacrifice, determination and idealism will triumph in the end.

When we grow up, we learn that the world is tougher than we had been led to believe, that the old virtues do not always win the battle.

So it is good to know that in this cold, hard grown-up world, there are times when the old virtues are celebrated and honored.

Lech Walesa's life * * * is a tribute to the old virtues of courage, sacrifice, determination and idealism.

The Nobel committee recognized that when it gave him the peace prize.

Walesa is the quintessential little guy, but he now joins a group of peace prize winners which includes Teddy Roosevelt, Woodrow Wilson, Martin Luther King, Albert Schweitzer—people like that.

And on that list is Andre Sakharov, the Soviet dissident. He and Walesa are the only people who live behind the Iron Curtain to have been given this prize.

The Soviet Union and its fraternal socialist allies love to win international prizes.

Look at the money they spend subsidizing their olympic athletes.

It tells us something about that system when we realize that the only two people living under it who've been awarded the peace prize are rebels against that system.

But Lech Walesa's prize goes beyond politics * * *.

It represents a triumph of the old values.

His accomplishment, when you get right down to it, is, that he believed what he was taught in school about being brave, about sticking to your principles, about acknowledging truth.

He believed it and acted on it.

And when the kid who listened to his teachers grows up, and influences an entire nation, you have to pay attention.

Lech Walesa deserves the prize.

NATIONAL FIRE PREVENTION AND CONTROL WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALGREN) is recognized for 5 minutes.

● Mr. WALGREN. Mr. Speaker, I join Mr. BOEHLERT and other members of the Committee on Science and Technology today in introducing a concurrent resolution honoring National Fire Prevention Week. The President has proclaimed October 9–15, 1983, Fire Prevention Week. I would like to applaud the efforts of America's firefighters and other members of the fire service community in their efforts to reduce the hazards associated with fire.

I note with pride that the Commonwealth of Pennsylvania has 3,000 volunteer departments with 300,000 firefighters and 70 paid or partially paid fire departments with 18,000 career firefighters. The Commonwealth has the largest number of volunteer firefighters in the Nation.

The Nation's fire organizations should be commended for helping the Federal Government develop an effective fire program and for taking full advantage of the programs offered at the U.S. Fire Administration and the National Fire Academy. The State of Pennsylvania, in particular, has participated in 75 percent of the grants that have been available through the U.S. Fire Administration and Pennsylvanians have been spared tragedy and loss because of that.

The efforts of the Nation's firefighters and fire service community to reduce the losses associated with fires through public education, smoke detector installation, enforcement of fire codes and standards has had a dramatic pay-off—reducing the number of deaths by approximately 25 percent since 1976. Those are real lives—individuals who are alive today because of the efforts of the fire service community.

We in the Congress are interested in eliminating the tragedy of fire and want to be supportive of efforts across the country. We still have an alarming fire problem in the country but the efforts of dedicated members of the fire service community, as demonstrated by the citizens in my State can make a positive difference. I salute National Fire Prevention Week and members of the fire service community in Pennsylvania and throughout the country. Mr. Speaker, I ask that the following statement of Hon. SHERWOOD BOEHLERT appear directly following my remarks.

Mr. BOEHLERT. Mr. Speaker, the press of congressional business sometimes leads us to believe that the daily lives of Americans revolve around what we do here in Washington. But, of course, that just is not true. People are more concerned about the safety and welfare of their communities.

That is why I am so pleased the President has designated October 9

through October 15 as National Fire Prevention Week. It gives us a chance to recognize our firefighters—people who are willing to put their lives on the line daily for the people they serve. Volunteer or professional, our firefighters are the guarantors of our lives and our safety in our communities.

That does not mean, though, that we in the House play no role in fire safety. We must continue to do all we can to promote fire safety.

I was happy, therefore, when the Congress earlier this year increased the budget for the U.S. Fire Administration by $1 million. This will mean more money for training, research, and prevention programs throughout the country.

Our firefighters are willing to make great sacrifices for us. We should do no less for them.●

STATUS REPORT UNDER FIRST CONCURRENT RESOLUTION ON THE BUDGET

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. JONES of Oklahoma. Mr. Speaker, I hereby submit for printing in the RECORD a status report under the first concurrent resolution on the budget for fiscal year 1984:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, D.C., October 5, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending. Pursuant to Committee Rule 10, I am herewith transmitting the status report under H. Con. Res. 91, the First Concurrent Resolution on the Budget for Fiscal Year 1984. This report reflects the adjusted resolution of September 27, 1983, and the current CBO estimates of budget authority, outlays, and revenues based on all completed action on spending and revenue measures as of the close of business September 30, 1983.

With best wishes,

Sincerely,

JAMES R. JONES,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1984 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 91, REFLECTING COMPLETED ACTION AS OF SEPTEMBER 30, 1983

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	923,340	852,917	696,600
Current level	898,857	840,498	665,341
Amount Under Ceilings	24,483	12,419	

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1984 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 91, REFLECTING COMPLETED ACTION AS OF SEPTEMBER 30, 1983—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Amount Under Floor			14,259

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $24,483 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $12,419 million in outlays for fiscal year 1984, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1984, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., October 5, 1983.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1984 budget (H. Con. Res. 91). This report for fiscal year 1984 is tabulated as of close of business October 4, 1983 and is based on our estimates of budget authority, outlays, and revenues using the assumptions and estimates consistent with H. Con. Res. 91.

These totals include estimates for all legislation that has cleared the Congress this session including annualized amounts for the 1984 continuing appropriations based on the language of the conference agreement adopted by the House and Senate on September 30, 1983, P.L. 98-107.

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	498,703	584,469	665,341
2. Entitlement authority and other mandatory items requiring further appropriation action	5,572	4,822	
3. Continuing resolution authority	386,491	247,919	
4. Conference agreements ratified by both Houses	7,701	2,899	
Current level	898,857	840,498	665,341
Second budget resolution, revised, H. Con. Res. 91	923,340	852,917	679,600

[In millions of dollars]

	Budget authority	Outlays	Revenues
Current level is:			
Over resolution by			
Under resolution by	24,483	12,419	14,259

Sincerely,

RUDOLPH G. PENNER,
Director.

PARLIAMENTARIAN STATUS REPORT, HOUSE SUPPORTING DETAIL, FISCAL YEAR 1984 AS OF CLOSE OF BUSINESS OCTOBER 4, 1983

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	510,518	488,021
Enacted previous session		154,335
Offsetting receipts	−107,231	−107,231
Enacted this session:		
HUD, Independent Agencies, P.L. 98-45	51,223	30,310
Energy water development, P.L. 98-50	14,449	7,855
Legislative branch, P.L. 98-51	1,473	1,282
1983 supplemental appropriations, P.L. 98-63	72	1,038
Transportation appropriations, P.L. 98-78	10,932	9,738
1983 jobs supplemental, P.L. 98-8	0	2,080
Social Security Act amendments, P.L. 98-21	13,780	−3,200
Tobacco support level freeze, P.L. 98-59	0	−132
Caribbean Basin Initiative, P.L. 98-67	10	10
Railroad Retirement Solvency Act, P.L. 98-76	3,444	331
Amendments to the Federal Supplemental Compensation Act, P.L. 98-92	31	31
Total enacted this session	95,415	49,344
Total enacted	498,703	584,469
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Child nutrition	417	222
Department of Defense:		
Civilian pay raises	517	501
Military pay raises	1,205	1,169
Foreign Service retirement fund	3	3
Offsetting receipts	−3	−3
Range improvements	2	1
FUBA (TAA extension, H.R. 3813)	40	40
Guaranteed student loans	1,120	655
PHS retirement	3	
Medicaid	556	556
Payment to health care trust fund	54	54
Offsetting receipt	−54	−54
Advances to unemployment:		
Insurance trust fund	4,337	4,337
Offsetting receipts	−4,337	−4,337
Special benefits, disabled coal miners	61	61
Special benefits, Federal employees	17	17
Supplemental security income	107	107
Assistance payments	690	651
Government payment for annuitants	164	149
Payment to civil service retirement fund	197	197
Offsetting receipt	−197	−197
Payment to Foreign Service retirement fund	1	1
Offsetting receipt	−1	−1
Civilian agency pay raises	673	692
Total	5,572	4,822
III. Continuing resolution authority: Continuing appropriations, 1984, P.L. 98-107	386,881	248,309
IV. Conference agreements ratified by both Houses:		
Military Construction Authorization Act, H.R. 2972	−4	−4
Military construction appropriation, H.R. 3263	7,104	2,322
District of Columbia appropriation, H.R. 3415	601	581
Total conference agreement	7,701	2,899
Total, current level as of October 4, 1983	898,857	840,498
Second budget resolution, H. Con. Res. 91	923,340	852,917
Amount remaining:		
Over ceiling		
Under ceiling	24,483	12,419

Note: Detail may not add due to rounding.●

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, I have asked this time for the purpose of yielding to the distinguished majority whip, the gentleman from Washington (Mr. FOLEY), for the schedule for the week beginning October 17.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, we are moving toward the conclusion of the week's business. There are actions to be taken by the other body, including the adoption of the adjournment resolution. When the House adjourns tonight, we hope we will be able to adjourn to meet on Monday, October 17.

At that time the House will meet at noon and will consider the Consent Calendar, and five bills on the Suspension Calendar: H.R. 3231, Louisiana, World Exposition Medal; H.R. 1870, Vietnam Veterans Medal; H.R. 1878 Shipping Act of 1983; H.R. 4091, school lunch and child nutrition amendments; and H.R. 3718, Joint Chiefs of Staff reorganization.

There will be general debate only on H.R. 2655, domestic volunteer service amendments, and H.R. 3324, Close Up Foundation grant authorization. The rules have been adopted on these two bills.

I might say that any votes ordered on the Suspension Calendar on Monday, October 17, will be postponed until Tuesday, October 18.

On Tuesday, October 18, the House will meet at noon. The House will consider the Private Calendar, followed by two bills on the Suspension Calendar: H.R. 4013, small business development programs extension, and H.R. 3348, gold medal for the family of the late Honorable Leo Ryan.

Recorded votes will be postponed on these two suspension bills until after the conclusion of the debate on those bills.

The House will also complete consideration of H.R. 3231, the Export Administration Act.

For Wednesday and the balance of the week, the House will meet at 10 a.m. and will consider H.R. 2968, the Intelligence Authorization Act for fiscal year 1984, a modified open rule, with 1 hour of general debate; complete consideration of H.R. 3648, the Amtrak Improvement Act; complete consideration of H.R. 2867, the Hazardous Waste Control and Enforcement Act; complete consideration of H.R. 2655, the domestic volunteer service amendments; and complete consideration of H.R. 3324, the Close Up Foundation grant authorizations.

The House will adjourn by 3 p.m. on Friday. Adjournment times on other days will be announced later. Of course, this announcement is made subject to the usual reservation that conference reports may be brought up at any time, and any further program will be announced later.

Mr. LOTT. Mr. Speaker, I thank the gentleman for the schedule.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS, AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, October 17, 1983, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, OCTOBER 19, 1983

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday, October 19, 1983, be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

RECESS

The SPEAKER pro tempore. The Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 29 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1920

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MURTHA) at 7 o'clock and 24 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4101. An act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

FEDERAL SUPPLEMENTAL COMPENSATION ACT OF 1982 EXTENSION

Mr. PEASE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4101) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

EXTENSION OF PROGRAM

SECTION 1. (a) Parapagrah (2) of section 602(f) of the Federal Supplemental Compensation Act of 1982 is amended by striking out "September 30, 1983" and inserting in lieu thereof "October 18, 1983".

(b) Paragraph (2) of section 605 of such Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 19, 1983".

EXTENSION OF PROVISION ALLOWING PAYMENT OF DISABILITY BENEFITS DURING APPEAL

SEC. 2. Section 223(g)(3)(B) of the Social Security Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "December 7, 1983".

EXTENSION OF PROVISIONS RELATING TO DEPENDENT CHILDREN VOLUNTARILY PLACED IN FOSTER CARE

SEC. 3. (a) Section 102(a)(1) of the Adoption Assistance and Child Welfare Act of 1980 is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1984".

(b) Section 102(c) of such Act is amended by striking out "October 1, 1983" each place it appears and inserting in lieu thereof in each instance "October 1, 1984".

SOCIAL SECURITY COVERAGE OF RETIRED FEDERAL JUDGES ON ACTIVE DUTY

SEC. 4. Notwithstanding section 101(d) of the Social Security Amendments of 1983, the amendments made by section 101(c) of such Act shall apply only with respect to remuneration paid after December 31, 1985. Remuneration paid prior to January 1, 1986 under section 371(b) of title 28, United States Code, to an individual performing service under section 294 of such title, shall not be included in the term "wages" for purposes of section 209 of the Social Security Act or section 3121(a) of the Internal Revenue Code of 1954.

CLARIFICATION WITH RESPECT TO REPAYMENT OF LOANS

SEC. 5. (a) Section 1202(b)(2) of the Social Security Act is amended—

(1) in the matter preceding subparagraph (A), by striking out "advance" and inserting in lieu thereof "advance or advances";

(2) in subparagraph (A), by striking out "advance is" and inserting in lieu thereof "advances are";

(3) in subparagraph (A), by striking out "advance was" and inserting in lieu thereof "advances were"; and

(4) in subparagraph (B), by striking out "advance" the second place it appears and inserting in lieu thereof "advances".

(b) The amendments made by this section shall apply to advances made on or after April 1, 1982.

Mr. PEASE (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

Mr. CAMPBELL. Reserving the right to object, Mr. Speaker, I do not intend to object to the gentleman's unanimous-consent request. However, I would like to take this opportunity to describe the changes which the other body made to H.R. 4101 which we passed earlier this afternoon.

First, the amended bill provides an 18-day extension of the Federal supplemental compensation program (FSC) or until October 18, 1983. H.R. 4101 as it passed the House provided for a 30-day extension. The 18-day extension will prevent any disruption in benefits paid to claimants. It also will create a little added incentive for the conference committee on H.R. 3929 to act promptly when we return from the district work period.

In addition, H.R. 4101 as amended by the other body retains 4 of the 11 minor provisions which were in the House-passed bill. First, it provides a 2-year delay in the social security coverage of certain senior status judges. Second, it provides a 1-year extension of the Federal participation in the voluntary foster care placement program which began in the Adoption Assistance and Child Welfare Act of 1983. Third, it provides an extension of the period during which social security disability payments may be made while a contested case is on appeal. Four, it makes a technical clarification in the provisions related to the interest charges on certain temporary loans to State unemployment agencies.

Mr. Speaker, considering the urgency of the situation, I acknowledge the need to accept H.R. 4101 as amended by the other body. It is by no means the preferable approach but it is the best we can do under the current circumstances.

Mr. PEASE. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Ohio.

Mr. PEASE. Mr. Speaker, the Federal supplemental compensation program expired on September 30. This program provides additional weeks of unemployment benefits to jobless workers who have exhausted all other State and Federal benefits.

The House passed, on September 29, the bill H.R. 3929, that would have extended the program for 45 days and substantially modified the benefits provided under the program. The Senate, on September 30, passed H.R. 3929 with amendments and requested a conference. The Senate's extension is for 18 months with a drastically reduced benefit package. The conference committee has not been able to resolve the differences between the House and Senate versions of the bill.

Earlier today, under a unanimous-consent request, the House passed H.R. 4101. This bill would extend the FSC program through October 31. This is an extension only of current law. It is designed to prevent the delay of unemployment benefits that will occur if we adjourn without acting on this program.

As originally passed, H.R. 4101 also included provisions unrelated to an FSC extension that had been agreed to by the conference committee on H.R. 3929. H.R. 4101, as amended by the Senate, provides for an extension of the FSC program through October 18. The provisions unrelated to FSC now only include:

An extension of the authority to continue social security disability payments during an appeal from October 1 through December 7;

The extension of an expiring program that provides financial incentives to States for the voluntary placement of children in foster-care facilities;

A 2-year delay in the social security tax coverage of salaries paid to Federal judges in senior status; and

A technical amendment relating to the payment of interest on Federal loans to State unemployment trust funds.

Mr. Speaker, I urge passage of H.R. 4101 as amended.

Mr. CAMPBELL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio (Mr. PEASE)?

There was no objection.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. The Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1940

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MOAKLEY) at 7 o'clock and 47 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 184. Concurrent resolution providing for an adjournment of the two Houses from October 6 or 7 until October 17, 1983.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MIKULSKI (at the request of Mr. WRIGHT), after 4:30 p.m. today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EMERSON) to revise and extend their remarks and include extraneous material:)

Mr. CORCORAN, for 10 minutes, today.

Mr. MOLINARI, for 10 minutes, today.

(The following Members (at the request of Mr. LEVINE of California) to revise and extend their remarks and include extraneous material:)

Mr. ST GERMAIN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. WALGREN, for 5 minutes, today.

Mr. REID, for 30 minutes, on October 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RITTER, immediately prior to the vote on the Volkmer amendment.

(The following Members (at the request of Mr. EMERSON) and to include extraneous matter:)

Mr. BROOMFIELD.
Mr. SHAW in two instances.
Mr. DANNEMEYER.
Mr. YOUNG of Alaska.
Mr. CAMPBELL.
Mr. DREIER of California in two instances.
Mr. PURSELL.
Ms. SNOWE.
Mr. HOPKINS.
Mr. CORCORAN.
Mr. GREEN.
Mr. LEWIS of Florida in two instances.
Mr. KRAMER.
Mr. RUDD.
Mr. MADIGAN.
Mr. HYDE.
Mr. SHUMWAY in two instances.
Mr. GREGG.
Mr. BOEHLERT.
Mr. WOLF in two instances.
Mr. MCDADE.
Mrs. JOHNSON.
Mr. RITTER.
Mr. BLILEY.
Mr. BETHUNE in three instances.
Mr. EVANS of Iowa.
Mr. CONTE.
Mr. SMITH of New Jersey.
Mr. BILIRAKIS.

(The following Members (at the request of Mr. LEVINE of California) and to include extraneous matter:)

Mr. LAFALCE.
Mr. SMITH of Florida.
Mr. NOWAK.
Mr. HAMILTON.
Mr. WALGREN.
Mr. ST GERMAIN.
Mr. KILDEE.
Mr. FRANK.
Mr. DWYER of New Jersey.
Mr. MURTHA in two instances.
Mr. SHELBY.
Mr. RODINO.
Mrs. FERRARO in two instances.
Mr. FEIGHAN.
Mr. FUQUA.
Mr. FLORIO in two instances.
Mr. SISISKY.
Mr. MORRISON of Connecticut.
Mr. MARKEY in four instances.
Mr. PANETTA.
Mr. OBERSTAR.
Mr. BARNES.
Mr. WON PAT.
Mr. BOLAND in two instances.
Mr. YATRON in two instances.
Mr. VENTO.
Mr. LANTOS.
Mr. HERTEL of Michigan.
Mr. GEJDENSON in two instances.
Mr. TALLON.
Mr. OTTINGER.
Mr. LELAND.
Mr. ANTHONY.
Mrs. BYRON.
Mr. GORE.
Mr. FLIPPO.
Mr. GEPHARDT.
Mr. DONNELLY in two instances.
Mrs. SCHROEDER in two instances.
Mr. GAYDOS in two instances.
Mr. LIPINSKI in two instances.
Mr. STARK.
Mr. SCHUMER.
Mr. MAVROULES.
Mr. KENNELLY.
Mr. RANGEL.
Mr. WIRTH.
Mr. TOWNS.
Mr. AUCOIN.
Mr. DIXON.
Mr. KOSTMAYER.
Mr. BERMAN.
Ms. KAPTUR.
Mr. WEISS.
Mr. BIAGGI.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 1499. An act to settle certain claims of the Mashantucket Pequot Indians;

S.J. Res. 102. Joint resolution to designate the week of October 16, 1983, through October 22, 1983, as "Lupus Awareness Week"; and

S.J. Res. 128. Joint resolution to designate the day of October 22, 1983, as "Metropolitan Opera Day."

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore announced his signature to an enrolled bill of the Senate of the following title:

S. 1894. An act to designate the Foundation for the Advancement of Military Medicine as the "Henry M. Jackson Foundation for the Advancement of Military Medicine," and for other purposes.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3813. An act to amend the International Coffee Agreement Act of 1980.

BILL PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on October 5, 1983, present to the President, for his approval, a bill of the House of the following title:

H.R. 2480. An act to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska.

ADJOURNMENT

Mr. MURTHA. Mr. Speaker, pursuant to House Concurrent Resolution 184, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 184 of the 98th Congress, the House stands adjourned until 12 o'clock noon, Monday, October 17, 1983.

Thereupon (at 7 o'clock and 48 minutes p.m.) pursuant to House Concurrent Resolution 184, the House adjourned until Monday, October 17, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1964. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense articles to Lebanon (Transmittal No. 84-12), pursuant to 10 U.S.C. 133(b); to the Committee on Armed Services.

1965. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of Air Force's proposed sale of certain defense articles to Norway (Transmittal No. 84-04), pursuant to 10 U.S.C. 133(b); to the Committee on Armed Services.

1966. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the Army's decision to convert to contractor performance the motor vehicle operations at Fort Hood, Tex., purusant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1967. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting the annual report of the Council for fiscal year 1982; to the Committee on Banking, Finance and Urban Affairs.

1968. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's proposed intention to offer to sell certain defense articles and services to Lebanon (Transmittal No. 84-12), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1969. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's proposed intention to offer to sell certain defense articles and services to Norway (Transmittal No. 84-04), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1970. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Navy's proposed lease of defense articles to the United Kingdom (Transmittal No. 4-84), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1971. A letter from the Chairman, Council on Environmental Quality, Executive Office of the President, transmitting a report on the Council's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1972. A letter from the Assistant Secretary of the Interior, Land and Water Resources, transmitting a copy of an application by the Santa Ana Watershed Project Authority, Riverside, Calif., for a loan under the Small Reclamation Projects Act, pursuant to section 4(c) of that act; to the Committee on Interior and Insular Affairs.

1973. A letter from the Comptroller General of the United States, transmitting a report on the reviews of the audits of the Federal Home Loan Mortgage Corporation for the years ended December 31, 1982 and 1981 (GAO/AFMD-83-99; September 30, 1983); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

1974. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities, pursuant to section 208 of Public Law 93-438; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MITCHELL: Committee on Small Business. H.R. 4013. A bill to extend the Small Business Development Center program administered by the Small Business Administration until January 1, 1985 (Rept. No. 98-406). Referred to the Committee of the Whole House on the State of the Union.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 597. A bill to amend sections 2733, 2734, and 2736 of title 10, United States Code and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims, and for other purposes; with an amendment (Rept. No. 98-407). Referred to the Committee of the Whole House on the State of the Union.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 2479. A bill to amend the act of March 3, 1969, incorporating the Masonic Mutual Relief Association of the District of Columbia, now known as Acacia Mutual Life Insurance Company; with amendments (Rept. No. 98-408). Referred to the Committee of the Whole House on the State of the Union.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 3083. A bill to provide for equitable waiver in the compromise and collection of Federal claims (Rept. No. 98-409). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 3435. A bill to revise and extend the Education of the Handicapped Act, and for other purposes; with an amendment (Rept. No. 98-410). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

Consideration of the bill (H.R. 2848) by the Committee on Foreign Affairs extended for an additional period ending not later than October 19, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI:

H.R. 4101. A bill to extend the Federal Supplemental Compensation Act of 1982, and for other purposes; to the Committee on Ways and Means.

By Mr. WIRTH (for himself, Mr. DINGELL, Mr. MARKEY, Mr. SWIFT, Mrs. COLLINS, Mr. GORE, Mr. LELAND, Mr. BRYANT, Mr. SCHEUER, Mr. WAXMAN, Mr. WRIGHT, Mr. WYDEN, Mr. DORGAN, Mr. DONNELLY, Mr. GUNDERSON, Mr. SIKORSKI, Mr. BONKER, Mr. KILDEE, Mr. TRAXLER, Mr. ALBOSTA, Mr. RICHARDSON, Mr. BOSCO, Mr. ROSE, Mr. WISE, Mr. CHAPPIE, Mr. TALLON, and Mr. TORRICELLI):

H.R. 4102. A bill to amend the Communications Act of 1934 to assure universal telephone service within the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WIRTH (for himself, Mr. LELAND, Mrs. COLLINS, Mr. BATES, Mr. WAXMAN, Mr. TAUZIN, Mr. BLILEY, Mr. SYNAR, Mr. RICHARDSON, Mr. FLORIO, Mr. MADIGAN, Mr. OXLEY, Mr. DOWDY of Mississippi, Mr. TALLON, Mr. WHITTAKER, Mr. WHITEHURST, Mr. KOSTMAYER, Mr. MARKEY, Mr. NIELSON of Utah, Mr. TAUKE, Mr. LEVINE of California, Mr. COATS, Mr. BERMAN, and Mr. RITTER):

H.R. 4103. A bill to amend the Communications Act of 1934 to provide a national policy regarding cable television; to the Committee on Energy and Commerce.

By Mr. BATES (for himself, Mr. LELAND, Mr. FEIGHAN, Mr. DYMALLY, Mr. RICHARDSON, Ms. OAKAR, Mr. STAGGERS, Mr. WEAVER, Mr. ASPIN, and Mr. WISE):

H.R. 4104. A bill to amend the Communications Act of 1934 to limit the areas subject to sports broadcasting blackouts of home games; to the Committee on Energy and Commerce.

By Mr. DASCHLE (for himself, Mr. BEDELL, Mr. COEHLO, Mr. DORGAN, Mr. EVANS of Iowa, Mr. FAZIO, Mr. GLICKMAN, Mr. HORTON, and Mr. ROE):

H.R. 4105. A bill to amend the Internal Revenue Code of 1954 to revise the tax incentives for certain alcohol fuels; to the Committee on Ways and Means.

By Mr. DERRICK:

H.R. 4106. A bill to amend title 18, United States Code, to regulate polygraph and other detection of deception examinations and prohibit certain practices with respect thereto for the purpose of protecting the privacy rights of employees and individuals seeking employment with employers engaged in any business or activity in or affecting interstate commerce while permitting such employers to use such examinations to protect their businesses and control property losses attributable to employee theft and other acts of misconduct; to the Committee on the Judiciary.

By Mr. DYSON:

H.R. 4107. A bill to designate the Federal Building in Salisbury, Md., as the "Maude R. Toulson Federal Building"; to the Committee on Public Works and Transportation.

H.R. 4108. A bill to amend the Federal Water Pollution Control Act to provide for the enhanced water quality of the Chesapeake and Narragansett Bays, and for other purposes; jointly, to the Committees on Public Works and Transportation and Science and Technology.

By Mr. EVANS of Iowa:

H.R. 4109. A bill to establish a Strategic Materials Collateral Corporation Charter Act; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. WRIGHT (for himself, Mr. FOLEY, Mr. LONG of Louisiana, Mr. RODINO, Mr. MINETA, Mr. MATSUI, Mr. LOWRY of Washington, Mr. ACKERMAN, Mr. AKAKA, Mr. BATES, Mr. BERMAN, Mr. BOSCO, Mrs. BOXER, Mrs. BURTON of California, Mrs. COLLINS, Mr. CONYERS, Mr. CORRADA, Mr. CROCKETT, Mr. DASCHLE, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. EDGAR, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Ms. FERRARO, Mr. FISH, Mr. FOGLIETTA, Mr. FRANK, Mr. GARCIA, Mr. GRAY, Mr. HAYES, Mr. HEFTEL of Hawaii, Mr. HUGHES, Mr. KASTENMEIER, Mr. KILDEE, Mr. KOLTER, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVINE of California, Mr. MARKEY, Mr. MARRIOTT, Mr. MARTINEZ, Mr. MILLER of California, Mr. MITCHELL, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. OTTINGER, Mr. OWENS, Mr. PATTERSON, Mr. RANGEL, Mr. ROE, Mr. ROYBAL, Mr. SAVAGE, Mr. SCHEUER, Mr. SCHUMER, Mr. SHANNON, Mr. SIMON, Mr. STARK, Mr. SUNIA, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. UDALL, Mr. VENTO, Mr. WAXMAN, Mr. WEISS, Mr. WIRTH, Mr. WON PAT, Mr. WILSON, and Mr. JEFFORDS):

H.R. 4110, A bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians; to the Committee on the Judiciary.

By Mr. FEIGHAN (for himself and Mr. ECKART):

H.R. 4111. A bill to amend title II of the United States Code to provide that in cases under chapter 11 of such title certain debts for medical benefits payable to retired employees shall not be dischargeable; to the Committee on the Judiciary.

By Mr. GEJDENSON:

H.R. 4112. A bill to require the Secretary of Health and Human Services to establish maximum concentration levels for Aspartame as a food additive; to the Committee on Energy and Commerce.

By Mr. GLICKMAN (for himself, Mr. COLEMAN of Missouri and Mr. STAGGERS):

H.R. 4113. A bill to amend the Federal Crop Insurance Act to provide relief to farmers stricken by the 1983 drought and to increase enrollment in the crop insurance program; to the Committee on Agriculture.

By Mr. GUARINI (for himself, Mr. CAMPBELL and Mr. FRENZEL):

H.R. 4114. A bill to amend the Internal Revenue Code of 1954 to defer the inclusion in income with respect to transfers of stock in a corporation pursuant to certain employee stock options; to the Committee on Ways and Means.

By Mr. HAMILTON:

H.R. 4115. A bill to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. HANCE:

H.R. 4116. A bill to amend the Communications Act of 1934 to assure universal telephone service within the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HUNTER:

H.R. 4117. A bill to prohibit the disposal of decommissioned nuclear powered submarines in ocean waters; to the Committee on Merchant Marine and Fisheries.

By Mr. IRELAND (for himself and Mr. BEDELL):

H.R. 4118. A bill to amend title 31, United States Code, to strengthen provisions relating to civil actions for false claims against the United States; to the Committee on the Judiciary.

By Mr. KRAMER:

H.R. 4119. A bill to establish a uniform procedure for congressional review of agency regulations, and for other purposes; jointly, to the Committee on the Judiciary and Rules.

By Mr. LELAND (for himself, Mrs. COLLINS, Mr. MITCHELL, Mr. WAXMAN, Mr. RICHARDSON, Mr. CLAY, Mr. FAUNTROY, Mr. BRYANT, Mr. HAWKINS, Mr. CONYERS, Mr. FLORIO, Mr. ORTIZ, Mr. BATES, Mr. DIXON, Mr. DELLUMS, Mr. SAVAGE, Mr. DYMALLY, Mr. CROCKETT, Mr. RANGEL, Mr. HAYES, Mr. OWENS, Mr. TOWNS, Mrs. HALL of Indiana, Mr. WHEAT, Mr. FORD of Tennessee, Mr. CORRADA, and Mr. STOKES):

H.R. 4120. A bill to provide a moratorium until June 30, 1988, on changes to the Federal Communications Commission rules regarding multiple ownership of radio and television broadcast stations; to the Committee on Energy and Commerce.

By Mr. MADIGAN (for himself, Mr. GORE, Mr. JEFFORDS, Mr. HARKIN, Mr. MARTIN of North Carolina, Mr. COELHO, Mr. COLEMAN of Missouri, Mrs. SMITH of Nebraska, Mr. BEDELL, Mr. ROBERTS, Mr. LUKEN, Mr. MARLENEE, Mr. TAUKE, Mr. RITTER, and Mr. COATS):

H.R. 4121. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, and for other purposes; jointly, to the Committees on Agriculture and Energy and Commerce.

By Mr. MARLENEE:

H.R. 4122. A bill to authorize the Secretary of Agriculture to prescribe the established price for the 1984 or 1985 crop of wheat, corn, upland cotton, or rice as appropriate but at no less than the established price for the 1983 crop of the commodity; to require that deficiency payments for the 1984 and 1985 crops of wheat be paid only with respect to wheat produced for domestic consumption; to require the Secretary of Agriculture to carry out an export incentive program for such crops, and for other purposes; to the Committee on Agriculture.

By Mr. MARLENEE (for himself, Mr. ROBERTS and Mr. STANGELAND):

H.R. 4123. A bill to authorize the Secretary of Agriculture to prescribe the established price for the 1984 or 1985 crop of wheat, corn, upland cotton, or rice as appropriate but at no less than the established price for the 1983 crop of the commodity; to require the Secretary of Agriculture to carry out an export incentive program for such crops, and for other purposes; to the Committee on Agriculture.

By Mr. MURTHA (for himself, Mr. BROYHILL, Mr. CAMPBELL, Mr. GAYDOS, Mr. SCHULZE, and Mr. SPRATT):

H.R. 4124. A bill to improve the operation of the countervailing duty, antidumping duty, import relief, and other trade laws of the United States; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself and Mrs. BOXER):

H.R. 4125. A bill to amend the Internal Revenue Code of 1954 to increase the excise tax on cigarettes to 28 cents a pack; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 4126. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that the label of all drugs disclose the active and inactive ingredients in the drug; to the Committee on Energy and Commerce.

By Mr. OWENS:

H.R. 4127. A bill to provide a tax credit for individuals for expenses incurred for neighborhood patrols provided by neighborhood associations; to the Committee on Ways and Means.

By Mr. PETRI:

H.R. 4128. A bill to amend the Agricultural Act of 1949 to repeal the authority of the Secretary of Agriculture to make certain deductions from the proceeds of milk marketed commercially by producers; to the Committee on Agriculture.

H.R. 4129. A bill to amend the Nuclear Waste Policy Act of 1982 to increase the authority of States and Indian tribes to disapprove the location of repositories and monitored retrievable storage facilities for high-level radioactive waste and spent nuclear fuel, and for other purposes; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Rules.

By Mr. RINALDO:

H.R. 4130. A bill to amend the Communications Act of 1934 to assure universal telephone service within the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROYBAL:

H.R. 4131. A bill to amend the Immigration and Nationality Act to provide, in the case of elderly individuals applying for naturalization, for waiver of the English language requirement and for demonstrating a knowledge and understanding of American government in a language other than English; to the Committee on the Judiciary.

By Mr. SAWYER:

H.R. 4132. A bill to amend section 10713(a) of title 49 of the United States Code to define "purchasers of rail services," and for other purposes; to the Committee on Energy and Commerce.

By Mrs. SCHROEDER:

H.R. 4133. A bill to authorize certain appropriations to the Office of Personnel Management, the Merit Systems Protection Board, the Special Counsel of the Merit Systems Protection Board, and the Federal Labor Relations Authority, and to make certain miscellaneous changes in laws relating to the civil service; to the Committee on Post Office and Civil Service.

By Mr. SHUMWAY:

H.R. 4134. A bill to amend the National Trails System Act by authorizing for study the Pony Express Trail as a national historic trail; to the Committee on Interior and Insular Affairs.

By Mr. STARK:

H.R. 4135. A bill to amend the Internal Revenue Code of 1954 to limit the amount of depreciation and investment tax credit allowable for luxury automobiles; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 4136. A bill to amend title XVIII of the Social Security Act to provide for reconciliation savings and other changes with respect to the medicare program, to amend title XIX of such act to increase the Federal medical assistance matching percentage for services provided to certain pregnant women and young children under State medicaid plans, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. AUCOIN (for himself and Mr. WYLIE):

H.J. Res. 382. Joint resolution to establish a bipartisan National Commission on Federal Budget Deficit Reductions; to the Committee on Government Operations.

By Mr. DANNEMEYER:

H.J. Res. 383. Joint resolution to designate the week beginning November 6, 1983, as "Florence Crittenton Mission Week"; to the Committee on Post Office and Civil Service.

By Mr. MARKEY (for himself, Mr. MCKINNEY, Mr. SABO, and Mr. RATCHFORD):

H.J. Res. 384. Joint resolution to delay U.S. Pershing II and cruise missile deployments for 6 months if there is prompt United States-Soviet agreement to negotiate mutual nondeployment and reductions of intermediate-range nuclear force (INF) missiles in Europe; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey:

H.J. Res. 385. Joint resolution providing for a study by the Secretary of Health and Human Services to develop recommendations to remedy disparities in the computation of social security benefits (commonly referred to as the "notch problem") caused by the enactment (in 1977) of the present formula for computing primary insurance amounts under title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. SOLARZ (for himself, Mr. WHITEHURST, Mr. PRITCHARD, Mr. DYMALLY, Mr. LANTOS, Mr. TORRICELLI, Mr. LEVINE of California, Mr. EDGAR, Mr. YATRON, Mrs. SCHNEIDER, Mr. MCHUGH, Mr. WEAVER, and Mr. CROCKETT):

H. Con. Res. 187. Concurrent resolution deploring the assassination of Benigno Aquino, calling for the conduct of a thorough, independent, and impartial investigation of that assassination, and calling for free and fair elections in the Philippines; to the Committee on Foreign Affairs.

By Mr. WALGREN (for himself, Mr. BOEHLERT, Mr. TORRICELLI, Mr. REID, Mr. VALENTINE, Mr. ANDREWS of Texas, Mr. DYMALLY, Mr. GORE, Mrs. LLOYD, Mr. MINETA, Mr. MCGRATH, Mr. SKEEN, Mr. SIMON, Mr. OTTINGER, Mr. SCHEUER, Mr. FUQUA, Mr. GREGG, Mr. CARNEY, Mr. LEWIS of Florida, Mr. LOWERY of California, Mr. MCCANDLESS, and Mr. WINN):

H. Con. Res. 188. Concurrent resolution expressing the sense of the Congress that Fire Prevention Week, 1983 should be observed with appropriate activities and remembrances; to the Committee on Post Office and Civil Service.

By Mr. FLORIO (for himself and Mr. BONKER):

H. Res. 334. Resolution urging the President to give priority attention, in forthcoming discussions with Japanese Government leaders, to current imbalances in the yen-dollar relationship having an adverse impact on U.S. goods and services in interstate and foreign commerce; to the Committee on Foreign Affairs.

By Mr. LIPINSKI:

H. Res. 335. Resolution honoring the Chicago White Sox—the American League western division baseball champions; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Ms. MIKULSKI introduced a bill (H.R. 4137) for the relief of Edna Amazeen, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. BARNARD, Mr. FORD of Michigan, Mr. MAVROULES, Mr. MCCLOSKEY, Mr. MINETA, Mr. NEAL, Ms. OAKAR, Mr. ROTH, Mr. REID, Mr. ROWLAND, Mr. SIKORSKI, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mr. THOMAS of California, and Mr. VANDER JAGT.

H.R. 408: Mr. MARTINEZ, Mr. BILIRAKIS, Ms. FERRARO, and Ms. MIKULSKI.

H.R. 765: Mrs. VUCANOVICH.

H.R. 953: Mr. IRELAND.

H.R. 1249: Mr. SHARP.

H.R. 1315: Mr. BIAGGI, Mr. ERDREICH, Mr. HALL of Ohio, Mr. KRAMER, Mr. NIELSON of Utah, Mr. OBERSTAR, and Mr. SCHEUER.

H.R. 1397: Mr. BORSKI, Mr. WAXMAN, Mr. TORRICELLI, and Mr. LONG, of Louisiana.

H.R. 1415: Mr. RINALDO, Mr. PURSELL, Mr. MCCAIN, Mr. VANDER JAGT, Mr. TRAXLER, and Mr. WHITLEY.

H.R. 1609: Mrs. KENNELLY.

H.R. 1796: Mr. MINETA.

H.R. 1797: Mr. LEVIN of Michigan and Mr. BATES.

H.R. 1918: Mr. WATKINS.

H.R. 1955: Mr. GRAMM and Mr. ORTIZ.

H.R. 1991: Mr. DEWINE, Mr. GREGG, Mr. PASHAYAN, Mr. TAUKE, and Mr. YATES.

H.R. 2053: Mr. ROBERTS.

H.R. 2059: Mrs. BURTON of California, Mr. MARKEY, and Mr. DIXON.

H.R. 2126: Mr. YATES.

H.R. 2127: Mr. YATES.

H.R. 2154: Mr. SMITH of New Jersey, Mrs. BURTON of California, Mr. FRANK, Mr. MATSUI, Mr. WON PAT, Mr. RANGEL, Mr. BATES, Mr. PRICE, and Mr. STUDDS.

H.R. 2242: Mr. WAXMAN.

H.R. 2374: Mr. YATES.

H.R. 2382: Mr. ANDREWS of North Carolina, Mr. CONTE, Mr. SOLOMON, Mr. BOLAND, Mrs. HOLT, and Mr. VALENTINE.

H.R. 2624: Mr. UDALL.

H.R. 2697: Mr. OTTINGER, Mr. HOPKINS, Mr. FROST, Mr. KOGOVSEK, and Mr. CHANDLER.

H.R. 2715: Mr. LOWRY of Washington.

H.R. 2789: Mr. HARTNETT.

H.R. 2841: Mr. OBERSTAR, Mr. SIMON, Mr. STARK, Mr. DYMALLY, Mr. MINETA, Mr. BONIOR of Michigan, and Mr. HANCE.

H.R. 2847: Mr. MARTINEZ.

H.R. 3009: Mr. CLAY and Mr. DIXON.

H.R. 3010: Mr. CLAY, Mr. MARLENEE, Mr. DIXON, and Mr. FISH.

H.R. 3028: Mr. MCEWEN, Mr. PACKARD, Mr. ERDREICH, and Mr. MINISH.

H.R. 3043: Mr. CONTE, Mr. STUDDS, Mr. FRANK, and Mr. MOAKLEY.

H.R. 3094: Mr. FORD of Michigan.

H.R. 3264: Mr. BEILENSON and Mr. MCNULTY.

H.R. 3297: Mr. DASCHLE, Mr. FRENZEL, Mr. OLIN, Mr. STENHOLM, and Mr. VOLKMER.

H.R. 3318: Mr. CONTE, Mr. MARRIOTT, and Mr. SEIBERLING.

H.R. 3371: Mr. PENNY, Mr. BONER of Tennessee, and Mr. LANTOS.

H.R. 3381: Mr. SMITH of Florida.

H.R. 3441: Mr. ROE, Mr. SUNIA, Mr. FORD of Tennessee, Mr. BONIOR of Michigan, Mr. CROCKETT, Mr. HYDE, Mr. BIAGGI, Mr. MITCHELL, and Mrs. COLLINS.

H.R. 3544: Mr. EVANS of Iowa.

H.R. 3546: Mr. CARPER.

H.R. 3591: Mr. DOWNEY of New York, Mr. FASCELL, Mr. FISH, Mr. FORSYTHE, Mr. GARCIA, Mr. OBERSTAR, Mr. PEPPER, Mr. PRITCHARD, Mr. RAHALL, Mr. ROYBAL, and Mr. WYLIE.

H.R. 3594: Mr. MCCOLLUM.

H.R. 3603: Mr. EDGAR.

H.R. 3702: Mr. TORRICELLI, Mr. LEVIN of Michigan, Mr. GONZALEZ, Mr. HAWKINS, and Mr. FISH.

H.R. 3775: Mr. BRITT, Mr. SCHUMER, Mr. BIAGGI, Ms. OAKAR, Mr. ANDREWS of Texas, Mr. MCCANDLESS, Mr. PARRIS, Mr. FISH, Mr. DYSON, Mr. MARTINEZ, Mr. GEKAS, Mr. LEATH of Texas, Mr. SIMON, Mr. KILDEE, Mr. YATRON, Mr. BERMAN, Mr. MCKINNEY, Mr. BARNES, Mr. DOWNEY of New York, Mr. ROWLAND, Mr. FORD of Tennessee, Mr. PEPPER, Mr. GUARINI, Mr. OTTINGER, Mr. OBERSTAR, Mr. MORRISON of Connecticut, Mr. FEIGHAN, Mr. MOODY, Mr. EDGAR, Mr. REID, Mr. ANNUNZIO, Mr. BONIOR of Michigan, Mr. SWIFT, Mr. MCCURDY, Mr. MCDADE, and Mr. VENTO.

H.R. 3819: Mr. CROCKETT.

H.R. 3846: Mr. ARCHER and Mr. LEWIS of Florida.

H.R. 3870: Mr. MINISH, Mr. BEILENSON, and Mr. HANSEN of Idaho.

H.R. 3947: Mr. SMITH of Florida.

H.R. 4049: Mrs. VUCANOVICH, Mrs. JOHNSON, and Mr. NELSON of Florida.

H.R. 4050: Mrs. VUCANOVICH, Mrs. JOHNSON, and Mr. NELSON of Florida.

H.R. 4051: Mrs. VUCANOVICH, Mrs. JOHNSON, and Mr. NELSON of Florida.

H.R. 4052: Mr. OLIN, Mr. ENGLISH, and Mr. DASCHLE.

H.R. 4078: Mr. WINN.

H.R. 4091: Mr. CHANDLER and Mr. WOLPE.

H.R. 4098: Ms. FERRARO, Mrs. HOLT, Mr. GREEN, and Mr. HILER.

H.J. Res. 51: Mr. MATSUI.

H.J. Res. 103: Mr. ALBOSTA, Mr. DOWDY of Mississippi, Mr. HEFTEL of Hawaii, Mr. MATSUI, Mr. MORRISON of Connecticut, and Mr. WIRTH.

H.J. Res. 121: Mr. MILLER of Ohio.

H.J. Res. 206: Mr. BREAUX, Mr. ROEMER, and Mr. MOORE.

H.J. Res. 215: Mr. LOWERY of California, Mr. ORTIZ, Mr. KINDNESS, Mr. MARTINEZ, Mr. LOEFFLER, Mr. SUNDQUIST, and Mr. JENKINS.

H.J. Res. 243: Mr. CHAPPIE and Mr. CRAIG.

H.J. Res. 268: Mr. FISH, Mr. JACOBS, Mr. PORTER, Mr. DE LA GARZA, Mr. GUNDERSON, Mrs. HOLT, Mr. MADIGAN, Mr. DEWINE, and Mr. SHARP.

H.J. Res. 319: Mr. HILLIS and Mr. JEFFORDS.

H.J. Res. 375: Mr. HORTON, Mr. HUTTO, and Mr. ROWLAND.

H. Con. Res. 9: Mr. ROSE and Mr. MAVROULES.

H. Con. Res. 121: Mr. CLINGER.

H. Con. Res. 139: Mr. CLINGER, Mr. CHANDLER, Mrs. LLOYD, Mr. SIMON, and Ms. SNOWE.

H. Con. Res. 163: Mr. EDGAR, Mr. FEIGHAN, Mr. KILDEE, Mr. MCKINNEY, Mr. WEISS, AND Mr. YATRON.

H. Con. Res. 178: Mr. LATTA, Mr. MADIGAN, Mr. STRATTON, Mr. MINISH, Mr. KOLTER, Mr. WHITEHURST, Mr. KASICH, Mr. GRAY, Mr. PATTERSON, Mr. DINGELL, Mr. VANDERGRIFF, Mr. GINGRICH, Mr. DANIEL, and Mr. OTTINGER.

H. Res. 205: Mr. LEWIS of California, Mr. BROWN of California, and Mr. FAUNTROY.

H. Res. 280: Mr. LANTOS.

H. Res. 291: Mr. MCCANDLESS, Mr. GRADISON, Mr. DENNY SMITH, and Mr. MONTGOMERY.

H. Res. 321: Mr. BERMAN, Mr. BARNES, Mr. OTTINGER, Mr. WIRTH, Mr. DOWNEY of New York, Mr. GEJDENSON, Mr. KASTENMEIER, Mr. WEAVER, Mr. RATCHFORD, Mr. DASCHLE, Mr. LEVINE of California, Mr. D'AMOURS, Mr. SIKORSKI, Mr. RICHARDSON, Mr. HAWKINS, Mr. MATSUI, Mr. MARTINEZ, Mr. ROSE, Mr. MITCHELL, Mrs. SCHROEDER, Mrs. KENNELLY, Mr. GARCIA, Mr. LEVIN of Michigan, Mr. FOGLIETTA, Mr. EDWARDS of California, Mr. LELAND, Mr. VOLKMER, Mr. BATES, Mr. DELLUMS, Mr. TRAXLER, Mr. MOODY, Mr.

FRANK, Mr. OWENS, Mr. EVANS of Illinois, Mr. MAVROULES, Mrs. BOXER, Mr. PENNY, Mr. FROST, Mr. EDGAR, Mr. HOWARD, Mrs. SCHNEIDER, Mr. WAXMAN, Mr. SPRATT, Mr. CROCKETT, Ms. KAPTUR, Mr. WEISS, Mr. SLATTERY, Mr. VENTO, Mr. OBERSTAR, Mr. AUCOIN, Mr. GUARINI, Mr. HOYER, Mr. STARK, Ms. MIKULSKI, Mr. MINETA, and Mr. LOWRY of Washington.

H. Res. 327: Mrs. VUCANOVICH and Mr. NELSON of Florida.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

249. By the SPEAKER: Petition of the student body, University of Florida, Gainesville, Fla., relative to the destruction of a civilian airliner by the Soviet Union; to the Committee Foreign Affairs.

250. Also, petition of the Maple Heights City Council, Ohio, relative to the destruction of a civilian airliner by the Soviet Union; to the Committee on Foreign Affairs.

251. Also, petition of the Annual General Assembly of the Bar Association of Puerto Rico, San Juan, Puerto Rico, relative to the Federal court in Puerto Rico; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

VICA MEMBERS RESPOND: A NATION AT RISK

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. JONES of North Carolina. Mr. Speaker, I recently had the pleasure of visiting with Ms. L. Beth Cowan, a constituent of mine who is serving as national vice president of the Vocational Industrial Clubs of America, Post-Secondary Division.

The Vocational Industrial Clubs of America [VICA] is the national organization for students in trade, industrial, technical, and health occupations programs in public high schools, vocational schools, junior colleges, and community colleges. VICA's purpose is to complement the student's skill training with development of the whole person. Students learn such personal qualities and attitudes as leadership, good citizenship, self-respect, and high standards of crafts, skill, and ethics, all of which will make them fully professional in their chosen careers.

The students who are members of VICA have compiled and published a response to the recent report made by the National Commission on Excellence of Education. I would like to include a portion of the VICA report in the RECORD.

VICA MEMBERS RESPOND: A NATION AT RISK

BACKGROUND

With the publication of its report, the Commission on Excellence in Education hoped that it would set in motion a national dialogue on the quality of education in America. Specifically, Commission members stated that "help should come from the students themselves."

VICA members accepted the challenge.

During the 1983 VICA National Leadership Conference in Louisville, Kentucky, 2,500 student delegates from 48 states and two territories, representing 275,000 VICA members nationwide, participated in Task Force discussions to address issues related to the Commission's report. Also involved in the dialogue were more than 1,500 instructors who served as advisors to the students.

To carry out the work of the Task Force, 288 voting delegates were given copies of a brochure printed by the Commission on Excellence in Education summarizing its findings and recommendations as well as a task force workbook prepared by National VICA. The workbook gave background information on the activities of the Commission, and then asked for essay responses to questions based on recommendations quoted from the Commission's report and amplified by quotes from a different source.

The delegates were asked to review the brochure and the task force workbook and then talk to both students and teachers in their state delegations about the issues. From the resulting discussions within their delegations, they were to summarize the thinking of their state representatives and then return, after three days, to meet officially in Task Force groups to share their findings. The final Task Force meetings were chaired by VICA alumni.

Following is the VICA delegates' response to the Commission's report. As can be expected in any survey, there are some differences of opinion in delegate responses. However, every delegate report evidenced these commonly held beliefs:

First, VICA members value their vocational training. They consider the time they spend learing as crucial, and any shortcomings in their education will have a direct and lasting impact on their futures. They fully support instruction in the basics, but not at the expense of their vocational training.

Second, they believe they will play a key role, as leaders, in reestablishing America's leadership in the industrial world.

ISSUE: CONTENT

"We recommend that State and local high school graduation requirements be strengthened and that, at a minimum, all students seeking a diploma be required to lay the foundations in the Five New Basics by taking the following curriculum during their 4 years of high school: (a) 4 years of English; (b) 3 years of mathematics; (c) 3 years of science; (d) 3 years of social studies; and (e) one-half year of computer science."—Commission On Excellence.

Comment. In a meeting in April with state directors of vocational education, Secretary Terrel H. Bell stated that more emphasis on basic skills could be good for vocational education because of "the increasing demand and complexity of vocational-technical courses."

Question. How would your completion of the New Basics better prepare you for your occupational training and future employment?

Response. The issue of new and expanded requirements drew the most interest from the delegates. The overwhelming majority expressed a belief that completion of the New Basics would ensure a "well-rounded" education, a strong foundation upon which they could build their knowledge and skills. Many were concerned that they needed the New Basics, not only to excel in their vocational programs, but also to succeed in continuing educational programs, whether at the university level, in seminars and workshops, or at night school.

Virtually all of the delegates, however, voiced sentiment that the New Basics should not be required at the expense of their vocational training. Further, they felt that some of the requirements should be completed in the early high school years, before they began study in their vocational programs. Secondary school stduents were particularly concerned that they be in a position to earn a living wage when they graduate from high school.

Specifically, most delegates responded that the proposed English and mathematics requirements would directly relate to their success in their chosen occupations. Almost every respondent enthusiastically supported the computer science requirement, stating that they would advocate even more time in computer related training. Certainly these students were aware that "computers are the wave of the future, and the future begins today."

Less widespread support was evidenced for the recommended social studies and science courses. It appeared that if students saw no direct and immediate application for the course, they "didn't need it" at all. However, those students enrolled in technical or health occupations programs were vocal in their support for science education. Clearly, they saw a direct relationship to their occupational goals.

The postsecondary delegates added a requirement of their own. These students stated that a "communications and human relations" component was essential to their success on the job.

ISSUE: TIME

"We recommend that significantly more time be devoted to learning the New Basics. This will require more effective use of the existing school day, a longer school day, or a lenghtened school year."

Comment. In responding to the report, Gene Bottoms, Executive Director of the American Vocational Association (AVA) stated, "I think we have lowered our expectations. I don't think there's any doubt about; we have to expand time (in school) if students are going to acquire all we expect them to know."

Question. How would you be affected if you spent more time in school? Do yo need more time in school for your occupational training?

Response. The two-part question on increased time in school drew mixed responses from the VICA delegates. While two-thirds of the secondary school students disagreed with the recommendation to devote more time in school to learning the New Basics, fully one-half of the postsecondary task force members supported the recommendation. Their opinions were based, of course, on the fact that they had completed high school and had the benefit of hindsight secondary students could not have.

The most frequently expressed comment was that the quality of time spent in learning was much more important than the quantity of time passed in classes. Delegates blamed poor use of time on both students and teachers: teachers who do not provide instruction, and students with poor attitudes.

While many of the VICA delegates were not opposed to spending more time in school learning the basics, they did voice concern that students who already find school "boring" might be discouraged and inclined to drop out of school. Some spoke of possible student "burn out," but one delegate countered saying, "students who would complain about being 'burned out' after 6 to 7 hours of school are looking for an excuse

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member of the Senate on the floor.

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and are not mentally prepared for the world of work."

There were also mixed reactions to the idea of increased time in vocational training. Discussion centered both on the total length of the occupational training and on the length of time spent each day in vocational preparation.

The delegates stated that more training time in their vocational programs would allow students to absorb a wider range of more difficult occupational material so that they would be better qualified to enter the job market. "It would be worthwhile to spend the additional time now since we are training for the rest of our lives."

Not surprisingly, students complained that currently not enough time is allocated each day for their occupational programs. "We don't have time to complete all our assigned tasks. It seems as though we just get involved and suddenly it's time to clean up and start all over tomorrow."

In another vein, students enrolled in cooperative education programs worried about loss of time and training on their jobs if the school day was lengthened. But those whose training program did not include cooperative education stated that they wished they had more time in vocational training so they could add a work experience component to their occupational preparation.

In addition to sharing their concerns about time in school, delegates also provided constructive solutions to the problem of limited time in vocational training. Their recommendations included: completing the New Basics early in the high school years to permit more concentrated study in occupational programs; beginning vocational training at an earlier age; designing programs to include more full days and fewer half days; and increasing opportunities to add a "capstone" work experience program.

ISSUE: CITIZEN INVOLVEMENT

"We recommend that citizens across the Nation hold educators and elected officials responsible for providing the leadership necessary to achieve these reforms, and that citizens provide the fiscal support and stability required to bring about the reforms we propose."

Comment. The Commission call upon educators, public officials, parents and students to assist in bringing about the educational reform proposed in this report and to use the report as a beginning to discuss and debate ways to achieve excellence in education.

Question. What could VICA members, at the local, state and national levels, do to respond to the report? Also, how might club activities relate to our theme "Making US First"?

Response. In answering the call for involvement by citizens across the nation to ensure quality in education, VICA delegates in Task Force meetings proposed specific recommendations for members who would join them in responding to the challenge of the Commission on Excellence in Education. It is clear that the delegates are willing and able to assist in bringing about the educational reforms recommended in the report. These delegates have no place in their plans to be members of a "silent majority." Their ideas were educational, exciting, and (best of all) inexpensive.

On the whole, the delegates hoped to see a continued focus on excellence in education at the national level of VICA. They suggested that national VICA publications highlight outstanding and unusual activities that address the report of the commission and that VICA also recognize these efforts at the National leadership Conference in 1984.

To carry the focus to state level, delegates recommended that statewide projects be developed, that state and regional forums be sponsored by VICA, and that VICA members meet with state legislators to discuss the implications of the report and plan creative ways to implement the Commission's recommendations.

Special interest centered on activities at the local club level, because it is here that all members can become involved. In general, delegates believed that every club should initiate a planned program of activities in the community to include all segments of the population mentioned in the report.

The product of the Task Force meetings is a proposed "Action Agenda for Local Clubs" which is outlined below:

Set up an ad hoc committee to formulate a comprehensive plan of action for the year to inform the community about the Commission's report. This committee should comprise students, parents, teachers, administrators, alumni and industry representatives.

Focus the plans of VICA standing committees on response to the report.

Use the theme of "Making U.S. First/Excellence in Education" for VICA activities.

Create a public awareness campaign and distribute a newsletter or pamphlet to summarize the findings and recommendations of the report. Follow up by conducting a community survey.

Request time and space from local media to report periodically on VICA activities related to the report. Such reports would cover the issues raised by the Commission's report, special issues that affect the community, survey results, interviews with community members, and suggestions for program improvement.

Organize and sponsor activities to involve the citizens such as town meetings, panel discussions, or debates to address the issues of quality education.

Meet with the decision-makers in the community including school boards, teacher's groups, parent associations, business and service organizations and local government representatives. Ask to attend meetings and talk about what's right with the educational system as well as what improvements need to be made.

Conduct a Goodwill Tour to both education and industry focusing of excellence in education, especially the quality training VICA members receive in vocational programs.

Prepare a "Report Card" on the state of the schools highlighting both strengths and weaknesses.

Hold an open house to demonstrate "excellence in action" in vocational programs.

Visit elementary, intermediate and junior high schools to talk to younger students about the need to get a good education.

Most important, as an individual make a "personal commitment to excellence in education." VICA members are encouraged to pledge to improve in one aspect of learning or to design a personal plan to tutor a student or adult, or provide needed training assistance.

CONCLUSION

America's workers have always been the link between dreams and reality. Their skills and their minds built America, and VICA members are committed to contributing their talents and abilities to the continued growth and strength of our country.

While our members are serious about their training and their goals for the future, experience has taught them that often the general public perceives them in a different light. They hear about the poor image of the vocational student and feel that they are sometimes treated as second class citizens. They are at the same time indignant and hurt. But more, they are determined to change their image.

Despite (and because of) this, the delegates welcomed the opportunity to participate on VICA's Task Forces on Excellence in Education. As members of an association, as citizens in a democracy, and as a part of the educational system itself, they hope to carry home the drive for quality education. It is their hope, their dream if you will, that be demonstrating "leadership in action" they will be recognized as tomorrow's leaders. In the words of Kevin Yodjas, 1983 VICA President for the Postsecondary Division: "Your leadership in VICA offers you a unique opportunity to demonstrate that you can be part of the solution, not simply part of the problem."●

RESOLUTION URGES CORRECTION OF YEN/DOLLAR MISALINEMENT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. FLORIO. Mr. Speaker, recent figures released by the Department of Commerce confirm a further deterioration in our international trade performance. During August, the merchandise trade deficit reached a recordbreaking $7.2 billion, bringing the total deficit for the year to date to $40.8 billion. Exports remained depressed, while imports rose 3.6 percent over the previous month. If these trends continue, our trade deficit will reach an unprecedented $70 billion by the end of the year. Some experts now believe that in 1984 the deficit will exceed $100 billion.

This dismal performance is one of our country's most serious economic problems. Its adverse consequences reverberate throughout our domestic economy. Hundreds of thousands of jobs are lost as exports stagnate and foreign-made goods make inroads into the domestic market. Based on current projections, another 1½ million American jobs may be lost to our foreign competitors by the end of next year. In an increasingly internationalized economy, our prosperity depends heavily on the continued competitiveness of U.S. goods at home and abroad. We cannot attain full recovery as long as our foreign trade picture remains so bleak.

A principal factor in the erosion of our international competitive position is the abnormally high value of the dollar on foreign exchange markets. The dollar has appreciated over 35 percent against foreign currencies over

the past 3 years, increasing 7.5 percent just since the beginning of the year. This spiraling valuation makes American products more expensive abroad, while giving imports a substantial price advantage on the domestic market. Even with the most vigorous programs of capital investment and productivity improvement, American firms can hardly hope to offset the 20 percent or larger advantage accruing to major competitors through misalined exchange rates. Such an advantage gives Japanese car manufacturers, for example, a virtually insurmountable edge in the domestic automobile market, allowing them to undersell American cars or to reap excessive profits of $800 or more for every car sold.

The current imbalance in the yen/dollar relationship poses special hardships as our domestic firms struggle to compete with the Japanese in so many vital industrial sectors. Not only can Japanese companies easily penetrate the American market with artificially priced goods, they can also offer unbeatable terms to potential customers in third countries. The results are graphically depicted in the looming trade deficit with Japan, amounting to $2 billion in July, or nearly one-third of our total trade deficit.

As you are well aware, Mr. Speaker, the situation is giving rise to strong protectionist pressures in this country. Unless our underlying trade difficulties with Japan are quickly and effectively addressed at their source, we are apt to stumble into a full-scale international trade war that will have irreparable consequences for our relationship with a key trade partner and diplomatic ally.

High-level officials in the administration have recognized the deleterious effects of an overvalued dollar on our economic performance. The Secretary of Commerce, as quoted recently in the Wall Street Journal, has stated that because of the dollar's continued strength, a rapid near-term recovery is unlikely. Turning the tide of this sea of red ink will require a lower dollar.

But it is one thing to recognize a problem, and quite another to do something about it. The administration has not given the currency imbalance issue the attention it deserves in view of its widespread adverse effects on domestic economic expansion and trade relations. This official neglect gives speculators free rein to drive up the value of the dollar and ignores the many distortions in international trade and investment flows that could be alleviated through more forceful governmental action and cooperation.

The unchecked, unreasonable appreciation of the dollar is something that we can, and must, do more about than simply acknowledge and deplore. Foreign leaders, including the Japanese, have repeatedly expressed their concern over the current misalinements and volatility in international exchange markets and have indicated their willingness to take corrective action. The administration itself demonstrated this past summer that its refusal to intervene to curb the dollar's strength is not absolute, and that Government intervention is justifiable as a means to correct disorderly market conditions.

It is now necessary to establish a more equitable and durable equilibrium in exchange-rate relationships by taking advantage of the favorable international climate for cooperation and developing and applying more effective and compatible national policy measures. Greater evidence that our Government recognizes the currency imbalance problem and is willing to take appropriate corrective measures would exert a powerful and beneficial stabilizing effect on international exchange markets.

The President will shortly have an ideal opportunity to take a significant step toward the resolution of this issue. In scheduled discussions with Prime Minister Nakasone and other Japanese officials during his forthcoming trip to Asia, the President should give priority attention to the existing yen/dollar misalinement and explore compatible national measures to achieve better balance and stability between the two currencies. Such measures could include actions to create greater equality in the access of foreign investors to domestic capital markets, to reduce disparities in interest-rate levels prevailing in the two countries, to enhance the international status of the Japanese currency, and to achieve more coordinated and effective government intervention in foreign exchange markets when circumstances warrant.

Mr. Speaker, today I am introducing a resolution urging the President to focus on the currency imbalance problem in his forthcoming discussions with Japanese Government leaders. I urge all my colleagues to join me in support of this resolution. It is the responsibility of Congress to express a clear sense of urgency and priority in dealing with this vitally important issue. We must put on record our commitment not only to the removal of exchange-rate distortions in international commerce, but also to the alleviation of the frustration and hardship experienced by so many of our industries and workers, faced with a deteriorating position in world trade that they alone are powerless to overcome.

Mr. Speaker, I request permission to insert the text of the resolution in the RECORD at this point. The text of the resolution follows:

Mr. FLORIO (for himself and Mr. BONKER) submitted the following resolution; which was referred to the committee:

H. RES. —

Urging the President to give priority attention, in forthcoming discussions with Japanese government leaders, to current imbalances in the yen-dollar relationship having an adverse impact on United States goods and services in interstate and foreign commerce.

Whereas the continuing misalignment of the yen with the United States dollar is a principal factor undermining the competitiveness of United States goods and services in interstate and foreign commerce; and

Whereas the consequence has been the loss of many hundreds of thousands of jobs in the United States and a major impediment to domestic economic recovery; and

Whereas such misalignment is resulting in a growing deficit of the United States in foreign trade and giving rise to pressures to restrict the entry of foreign goods, services and investments in interstate commerce; and

Whereas the current misalignment between the yen and the dollar is an underlying cause of many of the issues now troubling the economic relations of the United States with Japan; and

Whereas discrepancies in fiscal and monetary policies and in policies affecting capital markets adopted by the governments of Japan and the United States are important factors contributing to such misalignment; and

Whereas the President is scheduled to meet with the Japanese Prime Minister and other Japanese government officials in November: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that:

(1) the President should give priority attention, in forthcoming discussions with Japanese government officials, to current imbalances in the yen-dollar exchange rate and to the development of compatible national measures by the governments of Japan and the United States to achieve the earliest possible realignment of the yen and the dollar and greater equilibrium in the flow of goods, services and investments in the foreign commercial relations of the two countries; and

(2) such measures should include the development of mechanisms for close and continuous consultations and policy coordination between the governments of Japan and the United States for purposes of maintaining fluctuations in the value of the yen relative to the dollar within acceptable bounds, reducing disparities in interest-rate levels, and achieving equivalent access of foreign investors to domestic capital markets.●

NATIONAL EMPLOY THE HANDICAPPED WEEK

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. DWYER of New Jersey. Mr. Speaker, this week marks "National Employ the Handicapped Week." In recent years, many advancements have been made in improving the quality of life for the handicapped, progress which has been achieved primarily through increased educational and employment opportunities.

These opportunities have helped the disabled to lead independent and productive lives. As the public and private commitment to the handicapped has increased, the number of job opportunities suited to both the talents and needs of the handicapped have also increased.

Passage of the Education for All Handicapped Act marked a milestone for disabled Americans, and promoting the goals set forth in this landmark legislation remains one of our most important congressional priorities.

There is still much to be done for the handicapped, even with the great progress that has been made. The handicapped still face employment and wage discrimination because of their disabilities; their mobility is still hampered by transportation and architectural barriers. There is legislation now pending in the Congress which I have cosponsored to address these and other issues of concern to the disabled.

Mr. Speaker, I have always believed strongly in the need to increase opportunities and equity for the handicapped. We must remain vigilant in promoting these most worthwhile goals. National Employ the Handicapped Week offers an excellent means through which we can focus on the needs of the disabled, and reaffirm our enduring commitment to handicapped Americans and their inalienable right to work and prosper in our society.●

A CONDUCIVE ENVIRONMENT FOR SUPERCOMPUTERS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. FUQUA. Mr. Speaker, the United States faces a great technological challenge from competitors. Our preeminent position in technology steadily erodes under foreign developments. The recent Japanese emphasis on high technology development, with specific interest in supercomputers, could have vast economic and security consequences for the United States.

Supercomputers, today's computing systems which are unsurpassed in power and speed, play integral roles in scientific and engineering research. Many problems in energy resource development, environmental monitoring, and weapons systems design require supercomputers for solution. Also, development of future generations of electronics products often depend upon the current generation of supercomputers.

Concern over maintaining U.S. leadership in supercomputers prompted researchers, executives, and policymakers from universities, industry, national laboratories, and the Federal Government to meet in August at Los Alamos National Laboratory for the conference "Frontiers of Supercomputing". The Federal role in stimulating continued progress in supercomputer technology emerged as an overriding concern of the participants.

William C. Norris, chairman of the board at Control Data Corp., presented a provocative and thoughtful paper outlining a general plan for supercomputer development. I hope that my colleagues will take a minute to review this paper.

The paper follows:

A CONDUCIVE ENVIRONMENT FOR SUPERCOMPUTERS

(Presented by William C. Norris to the "Frontiers of Supercomputing" Conference, Los Alamos National Laboratory, Aug. 18, 1983)

It's a great pleasure for me to be here today to participate in this important meeting. Let me begin by noting that we must increase our efficiency in developing and applying technology if this country is to reverse its steadily eroding position as the world's technological leader. Further, the most important single step in achieving this objective is a vast increase in technological cooperation.

It is in this context that I want to talk about the topic of a conducive environment for supercomputers which Dr. Kerr asked me to address today.

Our once strong position in technology has been steadily eroding as Japan and other countries have taken a number of steps to accelerate their development and application of advanced technology. Broadly speaking, our foreign competitors have greatly accelerated research and development expenditures, have dramatically increased the number of trained scientific and technical personnel available to them, reduced the cost of capital for this key industry, reduced needless and wasteful duplication of technology development, and fostered growth in targeted areas.

Clearly, the greatest progress in advancing and exploiting technology has been made by Japan in targeted industries where the Japanese Government has promoted cooperation among industry members at the base technology level as a key ingredient for success.

Automobile, steel, shipbuilding and consumer electronics were the principal Japanese industries targeted for development in the generation after World War II. I need not remind you of Japanese successes in these areas.

Today, microelectronics and computers have replaced them as the most highly subsidized industries and the supercomputer sector has a particularly high priority within their general thrust. This strategy is an ominous threat which has serious implications for virtually all modern industries because superior microelectronics and computer technology provide the critical basis for competitive advantages in almost all other industries. Beyond the threat to industry is the threat to our national security. This country can ill afford to lag in semiconductor and computer technologies because they underpin the superiority of most of our weapons systems.

An adequate response requires myriad actions: However, increased technological cooperation is a key element which must include cooperation among large companies, between large and small companies, and among industry academia and government. I should also emphasize that to achieve the scope and depth of cooperation needed will require legislation to clarify our anti-trust laws. Appropriate legislation has been introduced in both Houses of Congress, but there is a long way to go before it can become law.

But, let me return specifically to supercomputers, and provide some perspective on the environment which spawned it, what history has taught us, and what needs to be done to preserve and enhance it.

First, let me observe that supercomputers simply cannot be designed, developed, manufactured and brought to useful application in society without a vast underpinning of research and advanced technology.

Technologies that are vital to supercomputers include thermodynamics, surface analysis, mathematics, material science, device physics, very large scale integrated circuits, sophisticated manufacturing technology, including robotics, computer aided design software and the list goes on.

So, any discussion of a fertile environment for supercomputers must deal in part with the more general requirement for technology development, application and leadership in a broad spectrum of disciplines.

Perhaps the first question that I should answer is, "What is a supercomputer?" Today, I want to restrict myself to the breed which is commonly known as large scale scientific computers. I am not going to talk about the world of so-called artificial intelligence as important as that may be. Such "super-intelligent" machines will no doubt depend on many of the same advanced technologies as supercomputers, but the particular needs of supercomputer development are the ones which require special attention at this point.

That leaves me with the need to define the term "supercomputer" in the context of scientific computing. A simple definition is that it is "Today's most powerful computer." Thus, in their day, the ENIAC, the EDVAC, the UNIVAC 1100 series, the CDC 6600, the CDC 7600, the GRAY 1, and the CYBER 205 could be legitimately tagged as supercomputers. It is also reasonable to restrict the title to machines produced in quantity once we got through the first flurry of invention that occurred in the decade immediately after World War II.

ENVIRONMENT WHICH GAVE BIRTH TO SUPERCOMPUTERS

History shows that each of these computers was designed and developed by small teams of highly capable technologists usually in an environment of high risk but none of them would have succeeded without the underpinning of advanced technology which resulted from years of Federal Government research and development funding nurtured in an environment of cooperation between the Federal Government, universities and industry.

It is no mere coincidence that the rate of supercomputer innovation has declined during the last decade with a time lag of five to ten years behind the decline of the Federal Government support of the base technologies required for supercomputer development, which was high in the 1950's and 1960's but declined in the 1970's.

In the 1940's and early 1950's the direct Federal Government funding of supercomputer development leaned heavily on the vast reservoir of electronic technology de-

veloped under Government auspices during World War II.

In the late 1950's and 1960's the pattern changed to government supported base technology development and the placing of government orders in advance of development by small companies which risked their future on technical success with supercomputers.

During the most recent decade the Federal Government's approach has been to buy its supercomputers, at arm's length from established suppliers who take the full risk for their development, and its no coincidence that the rate of progress has slowed. Examples of this three phased evolution abound.

This "try before buy" policy is now common in government procurements and superficially seems equitable in protecting government interest. But it places too much of the risk for developing new supercomputer technology on the manufacturers without any assurance of a market. In addition, since the market for supercomputers is relatively small, the major manufacturers are increasingly unable to justify the necessary investments to achieve the best performances in the time frame needed.

Let's look now to a brief history of supercomputer development to see what it can teach us. (Discussion omitted due to lack of space.)

It is clear that the decades of the 1950's and 1960's were a most fertile time for the advancement of supercomputers. The environment was characterized by enlightened self-interest and financial support from knowledgeable government agencies working with small entrepreneurial terms of computer engineers focused on the creation of a single product. The work was underpinned by a vast reservoir of base technologies derived largely by government funding in the natonal laboratories, universities and major company basic and applied research organizations.

In the late 1950's and 1960's assistance from the national laboratories was very important. The orders from Livermore for the first 6600 and CDC 7600 computers was of enormous help in alleviating the risk for control data. The technical assistance provided by the national laboratories, particularly in system software, was also invaluable.

It should also be noted that the 6600 and 7600 developments followed the same pattern of success with a small development team. Seymour Cray's development group never exceeded thirty people and, of course, in the case of the 6600, control data was a small company.

It's also important to note that the availability of risk capital for small companies over the period since World War II has been a uniqueness of the U.S. economy which was vital to spawning the entrepreneurial enterprises that have done most to accelerate the state of the art in supercomputers. Eckert and Mauchly, ERA, Control Data, and Cray Research and salient examples.

LESSONS FROM HISTORY

The worldwide market for supercomputers is small. Although growth is expected—for the next generation, it is only capable of supporting a few competitors worldwide. Thus, the supercomputer market can be entered with the hope of a reasonable return. However, most companies opt for larger markets with lower risk and the potential for greater returns. Or it can be entered as an item of corporate prestige with the hope that the beneficial image which it carries will provide better than average returns in other product and service lines of the company. To say the least, the second motivation is too tenuous a proposition on which to bet our national survival and international competitiveness.

For whatever reason entry is attempted into the supercomputer market, I have to conclude that direct government support is necessary. It should take two forms. The first is to provide funding for national labs and universities to buy and use supercomputers. This will serve to increase the size of the market so that more competitors can stay in the game. Secondly, it will help enormously in the development of base technology within the national labs and universities and that technology can, in part, be the catalyst for new advances in supercomputers.

The funding available for national laboratories and universities to buy supercomputers has seriously declined since 1970. For example, since that time Control Data has delivered 85 Cyber 7600 and Cyber 176 computer systems, not one of which was procured for a university in this country. In contrast, we have delivered seven 7600 systems to universities abroad. Two Cyber 205 systems are installed in U.S. universities, while three are installed and a fourth is on order in European universities. And we wonder why the rest of the world is gaining on us so rapidly in basic research and advanced technology!

To the best of my knowledge, there are only three supercomputers installed in U.S. universities today—at Colorado State, Minnesota, and Purdue. Each of them is underutilized and other university researchers are unable to take advantage of their research benefits because of lack of funds. So, first, lets increase government funding for the purchase and use of supercomputers within the national laboratories and universities, particularly the latter.

The second needed form of support is for the government to assume more of the funding risk for supercomputer development and the advanced technology on which it relies. Industrial cooperative enterprises such as the Microelectronics and Computer Technology Corp. and Semiconductor Research Corp., can bear some of that advanced technology burden but not enough of it.

The funding risk for actual supercomputer development can be alleviated by a commitment to purchase quantities of supercomputers in advance of their development.

Direct government R&D funding beyond basic advanced technology should be concentrated in the area of applications. Learning to fully use the power of new architectures is a painfully slow process, but this could be much faster if there was more directly sponsored government work in universities and laboratories as means of better applying these machines to important classes of problems.

The second lesson from history is that the product development, per se, is best done by small engineering teams working in an environment which is uncluttered by bureaucracy. The small company is undoubtedly the most conducive environment for such development. It is entrepreneurial. It is dedicated. Its personnel have fortunes to gain from success and bankruptcy to face from failure. There is no better motivation for hard and creative work. The small company lacks deep pockets and is therefore forced to focus on the simple direct route to success.

Government agencies and national laboratories who place advanced orders can look forward to a far closer working relationship with a small company than is possible with a large corporation. That relationship can be the stimulus for more beneficial cooperation between the parties if for no other reason than that the chief executive is inevitably more accessible—and if the small company gets out of line, the government's kick, if it chooses to kick, will be felt far more keenly in a small company than in a big one.

The government also, it seems to me is less vulnerable to the accusation and fact of providing unfair competitive advantage to the small company than would be the case if the same contract were awarded to an established competitor.

There is also enormous untapped potential which can be brought to bear on this problem by way of greatly increased cooperation between large business and small business. Studies show that small companies produced twenty-four times more innovations per dollar than larger ones.

By making available its underutilized technology and by offering its professional and management assistance to a small company, a large company can realize additional income from past investment and through equity investments in and research and development contracts with small companies, large companies can gain more economical access to new products and markets. Several years ago my company started a program for making equity investments in small companies and offering other types of assistance. There are now over 70 of these companies, many of which are developing products and services using Control Data technology as well as their own. In some cases, Control Data markets the resulting products; in some cases, both of us do and in many cases—especially those involving specialized markets, the small company has sole marketing responsibility.

The potential of cooperation between large and small business, particularly in the context of supercomputer development, can hardly be overemphasized. This opportunity is not as readily available to other countries because of lack of a well developed securities market where equity capital can be raised by small companies. Therefore, we must capitalize on it just as the Japanese capitalize on the unique attributes of their cultures.

THE FUTURE

What, then, should be the future course of action for the United States? Much of the answer to that question is implicit in what I have already said.

First, cooperation is required among government, universities and industry in the development of base technologies which are vital to effective supercomputer product development. Some progress is being made.

It is clear that the Federal Government, as evidenced by initiatives of the Department of Energy and Department of Defense is prepared to take needed steps with regard to base technologies. On the industry side, Microelectronics and Computer Technology Corp. (MCC), a consortium of large companies in those industries, has ambitious plans to derive some of the needed base technologies. MCC is probably the best vehicle, but it clearly needs a greater resource commitment if it is to fully achieve its potential.

Semiconductor Research Corp. (SRC) is another important cooperative effort and its work is in consonance with and complementary to MCC.

MCC and SRC exist. They can be major conduits for government support of some of the needed base technologies. In addition to the concentration of intellectual and capital resources which MCC and SRC provide, they are also very important vehicles for the widespread dissemination of resultant technologies for greater national gain and enhanced competition within the industry.

The second point is the need for direct government support. One obvious form is just increased funding for national labs and universities to buy and use supercomputers. But beyond that, government must assume more of the funding risk for supercomputer development. This can best be achieved by advanced commitment to the purchase of successfully developed supercomputer systems in order to assure the developers a start in a market.

Direct government support is also needed to bring about widespread acceptance of machine architectures which are different from traditional scalar machines. The government can and should do this by concentrating funding in universities on research in applying those non-traditional architectures to major scientific applications.

The third and final point is the need to foster smaller entrepreneurial companies engaged in the development of supercomputers. This is a responsibility of both government and industry. Government can clearly help by the way in which it channels procurement funds. Industry, however, has the prime responsibility and this must take the form of greatly increased cooperation between large business and small business. The best way I know to show what needs to be done is by example, and that's what Control Data intends to do.

Tonight for the first time, I am announcing that Control Data is helping to establish this month a new supercomputer company whose name is ETA Systems. Control Data will take a minority position in ETA and the rest will be held by its employees and the public.

The business purpose of ETA systems is very simply to design, manufacture, and market the world's fastest scientific computers. Its initial product mission will be to develop a 10 Gigaflop machine for delivery by the end of 1986. In order to do this, the architecture, VLSI Technology, and software that Control Data has been developing under the project for successor machines to the Cyber 205 will be transferred to the new enterprise.

But lest I be misunderstood, that is only an initial supportive measure. One of the major secondary benefits of supercomputer development at Control Data has been the flow of technology from that group to the main computer product line. Through cross licensing arrangements, with ETA Systems, we will continue to enjoy such benefits. In fact, we will undoubtedly enjoy an increased and long-term technological benefit to our computer product line. And so the ultimate beneficiaries of this will be Control Data's customers, present and future, from supercomputers to the bottom of the line.

There's much more that could be said, but time is running out and so let me close with one last point.

Through its 26 years, Control Data has been a leader and an innovator in many regards. But perhaps the most important of these has been with regard to technological cooperation. Because of these undertakings, not only has Control Data survived and prospered, but literally thousands of small companies have had access to more affordable technology and products.

And with ETA Systems, we are taking yet another step—one which will not only help assure Control Data's future in supercomputers but also help assure our Nation of leadership in an arena of vital national importance.

Thank you.●

NATIONAL PORT WEEK, OCTOBER 2-8, 1983

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. BIAGGI. Mr. Speaker, starting this Sunday, we celebrate National Port Week—a time set-aside by congressional resolution and Presidential proclamation to recognize the vital importance of our coastal—inland—and Great Lakes ports. These gateways of commerce make a significant contribution to both our Nation's economic health and defense.

First, consider the importance of ports to the economic life of our Nation. Each year, our ports are the conduits through which pass goods worth billions of dollars. As vital links in the U.S. intercoastal and domestic trade process, ports help:

Insure the efficient and safe export of U.S.-produced goods to foreign markets;

The prompt transportation of agricultural products to the marketplace; and

The widest selection of goods at the lowest possible cost to consumers.

The port infrastructure which achieves these goals is only maintained through substantial investment by local port entities—and the joint efforts of waterfront labor and management.

The port industry is responsible for more than 1 million jobs—and, in 1982, generated a total of $70 billion in direct and indirect benefits to the U.S. economy. In 1982, the industry's tax payments to Federal, State, and local governments exceeded $15 billion—and customs duties collected at ports were approximately $6 billion.

Aside from these important economic contributions to our national well-being, our ports play a major role in our national defense. Not only do ports such as Norfolk, San Diego, and—most recently—New York serve as naval support facilities, but these and other ports would play an important role in the shipment of arms, supplies, and troops to any foreign battlefield. It is estimated that 90 percent of the materials needed to support a foreign military action would pass through our national port system before reaching our troops stationed overseas.

These few words offer only an overview of the port industry—and the critical role that industry plays in the life of our Nation. During National Port Week, I ask colleagues to join me in saluting the men and women of the port industry whose ingenuity—perseverance—and dedication have made our system of ports one admired by nations throughout the world.●

LET US END WASTE AND FRAUD IN THE MILITARY PROCUREMENT ARENA

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. IRELAND. Mr. Speaker, today Representative BERKLEY BEDELL and I are introducing legislation to address the serious question of fraud in our military procurement. Quite simply our bill would restore the substance and spirit of the original Federal False Claims Act passed in 1863 and known as the Abraham Lincoln Law.

Congress first enacted the False Claims Act of 1863 in response to the widespread corruption, fraud and misuse of Federal funds during the Civil War. Few private actions under the False Claims Act were reported prior to the 1940's, and, other than a minor substitution of words in 1936, the act remained unchanged until 1943. In 1943, the Supreme Court, in *United States ex rel. Marcus* v. *Hess*, 317 U.S. 537, approved a plaintiff's suit based upon the act. Subsequently, after the involvement of the Attorney General, the Congress amended the law, in effect removing the teeth from it.

What is wrong with the present law? Plenty. For example, a private citizen may file suit alleging fraud in Government transactions. However, after he files the suit, his filing, along with all the evidence, is turned over to the Government. The Government then has 60 days to enter an appearance and then 6 months after entering an appearance to decide whether or not to proceed. If they decide to proceed, the citizen is then out of the case and the Government can proceed as it sees fit. In fact, they can then simply ask for dismissal of the case.

Another major problem involves the question of what is evidence? If the Government decides not to proceed, the court can still dismiss an action brought by the private citizen if the case is based upon "evidence or information the Government had when the action was brought." One can see that it would be difficult to find a case where evidence is not somewhere in the hands of some Government official.

Still other problems exist. For example:

The amount of awards for a private citizen are now 10 percent if the Gov-

ernment proceeds and wins and 25 percent if the citizen proceeds and wins. The amounts used to be 25 and 50 percent;

Also, in every instance in the law, the citizen "may" collect. This leaves the decision to the courts whether or not the citizen's efforts were worthwhile even if his case is proven.

As one can see, the deck is stacked and not in favor of the public interest. In such cases how can the Government always be ignorant of wrongdoing? Often Government officials are party to the fraud. Also, why should the Department of Justice be allowed such wide authority? As A. Ernest Fitzgerald, head of the Management Systems Office, U.S. Air Force, has said:

> When did you last see the King's Attorney (the Attorney General) prosecute one of the King's men (a Presidential appointee) for doing the King's business (handing out patronage)?

So what does the Ireland-Bedell bill do? It restores the spirit and the substance of the Abraham Lincoln Law.

First, reduces the time from 6 months to 60 days that the Government has to proceed with an action.

Second, the private citizen must come forward with evidence that the Government has not previously used in a public proceeding.

Third, restores the 25 and 50 percent levels of proceeds for successful private plaintiffs (these figures still assume that the Government would collect all its damages as well as a fine since the law as is calls for double damages).

Fourth, changes the law so that a successful plantiff "shall" receive his proceeds.

Fifth, assures that no individual who is a participant to a fraud may proceed with an action. Abraham Lincoln once said:

> What constitutes the bulwark of our own liberty and independence? It is not our frowning battlements, our bristling sea coasts, our Army and our Navy. These are not our reliance against tyranny. All of those may be turned against us without making us weaker for the struggle. Our reliance is in the love of liberty which God has planted in us. Our defense is in the spirit which prized liberty as the heritage of all men, in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your own door.

We must restore the public's faith that we in Government are fairly and efficiently spending their tax dollars.

Mr. Speaker, today Mr. BEDELL and I have sent the President and the Secretary of Defense letters on this issue. We have asked them to join us in a bipartisan effort to root out and end fraud and waste in the military procurement area and to support our legislation. The solutions to the problem are not that complex and can be set in place in a relatively short period of time if we all seriously commit ourselves to the effort. We would welcome any colleagues who would like to support us in this effort.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 6, 1983.

Mr. CASPAR W. WEINBERGER,
Secretary of Defense, Department of Defense, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: We are writing to you to express our concern over the enormous amount of fraud and waste in the military procurement area of the defense budget. We applaud your recent efforts to root out such abuse and your determination to solve the problem. We would like to join you in this important effort.

The primary federal tool which may be used to fight fraud is the Federal False Claims Act. This Act was formerly the False Claims Act of 1863, more commonly referred to as the "Abraham Lincoln Law." When originally written, this was a strong and tough law. Unfortunately, Congress in 1943 amended the law and seriously weakened it. We believe it is time to restore the law to its original Lincolnian form. Today we introduced legislation to do just that. We seek your support in this effort and believe such a cooperative bipartisan approach could help cure a problem which has justly outraged the American public.

Sincerely,

ANDY IRELAND,
Chairman, Subcommittee on Export Opportunities and Special Small Business Problems.
BERKLEY BEDELL,
Chairman, Subcommittee on General Oversight and the Economy.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 6, 1983.

The PRESIDENT,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: We are writing to you to express our concern over the enormous amount of fraud and waste in the military procurement area of the defense budget. We applaud your recent efforts to root out such abuse and your determination to solve the problem. We would like to join you in this important effort.

The primary federal tool which may be used to fight fraud is the Federal False Claims Act. This Act was formerly the False Claims Act of 1863, more commonly referred to as the "Abraham Lincoln Law." When originally written, this was a strong and tough law. Unfortunately, Congress in 1943 amended the law and seriously weakened it. We believe it is time to restore the law to its original Lincolnian form. Today we introduced legislation to do just that. We seek your support in this effort and believe such a bipartisan approach could help cure a problem which has justly outraged the American public.

In addition to our legislation, we would like to direct your attention to a serious problem which exists at the Federal Aviation Administration. On January 15, 1981, this agency proposed rule 77-19C, 46 F.R. 3776. This rule is the fifth effort in recent years to change the rules under which the aircraft parts industry operates. Our Committee has held two hearings on this issue. As a result of what we heard at those hearings we have asked the GAO to investigate the matter. In our opinion the proposal is clearly anti-competitive. The Small Business Administration, the Department of Justice, and the Federal Trade Commission have all filed comments expressing concern about the rule.

We would respectfully ask that you request the Secretary of Transportation to inquire into this matter and find out why such repeated attempts have been made in this agency to rewrite rules covering an industry that the FAA claims does not have safety problems in this area.

Again, we appreciate your efforts in these areas. It is unfortunate that the same procurement problems have existed for so long in our country. It appears now is the time to address them. In doing this we may join together to assure our common goal of efficient and appropriate expenditure of taxpayer dollars.

Sincerely,

ANDY IRELAND,
Chairman, Subcommittee on Export Opportunities and Special Small Business Problems.
BERKLEY BEDELL,
Chairman, Subcommittee on General Oversight and the Economy.●

THOUGHTS ON THE FREEZE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. BROOMFIELD. Mr. Speaker, let me recommend that all of my colleagues in the Congress read an interesting New York Times editorial concerning the nuclear freeze. It was written by someone who knows a lot about this subject. He has spent many months underground in a reinforced strategic missile silo. The writer of the editorial is an Air Force captain and I believe he presents some excellent arguments about the freeze-now school of thought.

I am constantly amazed at the manipulative ability of the Soviet Union. As they stonewall our negotiators at the INF and START talks, they appeal to the U.N. and call for a bilateral freeze between the Soviet Union and the United States. They accuse the United States of war hysteria and proclaim their peaceful goals. Should this tactic fail, they are also threatening our European allies with Soviet countermeasures if the U.S. intermediate-range missiles are actually deployed this December in the European area.

The recent initiatives taken by the President to present new and more flexible American positions at the INF and START talks have been summarily dismissed by the Kremlin as a sugar-coated ploy. They claim that they can be trusted to abide by any future freeze agreement while they install new radar and missile systems in the Soviet Union which may be in violation of the 1972 Antiballistic Missile Treaty and the unratified 1979 arms treaty. After shooting down an unarmed Korean civilian airliner which had strayed into their airspace, they proudly announced to the stunned world that they would do it again.

As President Reagan said:

What can be the scope of legitimate mutual discourse of a state whose values permit such atrocities, and what to make of a regime which establishes one set of standards for itself and another for the rest of humankind?

The maneuverings of the Kremlin leaders worry me. I am concerned that they constantly push for a "freeze now" approach rather than show a spirit of compromise. As the editorial writer suggests, the Soviet Union has a lot to gain from getting America to stop our rearmament program now. Let us not play into their hands this time. We have made too many mistakes in the past. We may not be able to recover from the next one.

With these thoughts in mind, let me suggest this fine article to all of you.

[From the New York Times, Oct. 5, 1983]

NO FREEZE, PLEASE

(By David H. Burton, Jr.)

Following are excerpts from a letter that David H. Burton Jr., an Air Force captain, had distributed in his hometown, Lexington, Mass. He sent a copy to President Reagan.

Dear Dr. and Mrs. ——,

I've noticed that you have lent your names and support to the Lexington Committee for a Nuclear Weapons Freeze. I am glad to see that our community is now taking an active interest in this vital matter.

I have also studied Soviet strategic doctrine. I have lived one full week out of every three in a concrete shelter, behind a fence, with my combat-ready, nuclear-loaded embodiment of human genius and failure quietly waiting outside my door in the snows of North Dakota. I have eaten with it, lived with it, and slept with it. One does not come to this position with a blinded eye or heart. Nor does one become immune to the consequences of his mission. To the contrary, one's awareness is dramatically increased during those hours of waiting for the klaxon (is it real or another exercise?).

What then, you may wonder, could so possess a man that he would be ready to inflict such destruction upon his fellow men? Is it some sense of patriotism or chauvinism? No. It is the knowledge that by his very determination, skill and willingness to follow that ultimate command, he is serving the strange principles of the maintenance of Peace on Earth.

Let me state an extremely paradoxical Truth: Nuclear weapons have been the single greatest force for peace that our generation has known. Their existence has made global war utterly unthinkable. So long as both sides have had a "second-strike capability," that is, the power to inflict unacceptable losses upon the enemy even after suffering a full-scale first strike, the concept of either a preemptive attack or an attack to further one's political objectives has remained an absurdity. This condition has prevailed from the late 50's.

Advances in technology, as well as a relative neglect of our strategic forces (the B-52's I flew were older than some of our pilots), have upset this fragile balance. We are now entering an era when the greater numbers, destructive capacity, and, most of all, accuracy of Soviet missiles can render a devastating blow on our retaliatory capability. The Soviet perception is shifting, and justifiably, toward the concept that they could survive, and even win, a nuclear war. There is nothing that could make their leaders happier than freezing the current stategic situation.

What, then, are we to do? The first step is to recognize that the opposing side has vastly different objectives. They need not be responsive to the demands of their people; they can maniplulate those demands through their societal controls. They will make promises only when the making serves the State, and break them for the same reason.

With the Soviets, you bargain from a position of strength, or you lose the negotiation. Unlike the U.S., the leadership in the U.S.S.R. seldom changes and their objectives have never changed. What was true during the Cuban Missile Crisis is true today: The Soviets will be bluffed only when you're not bluffing.

While a freeze of the current situation may be desirable from the Soviet point of view, what's to motivate them to reduce their nuclear capability? The Soviet Union cannot afford another high-tech round in the arms race. They recognize that in a head to head technological/industrial competition they would lose despite multibillion dollar efforts. If nuclear arms reduction were clearly the only alternative to an arms race, it is extremely likely, in the present economic, technological, and political climate, that they would choose it.

Thus, we must show that we are not bluffing. We must vigorously pursue the President's arms program to restore our second-strike capability or we can forget meaningful limits to nuclear weaponry, much less reductions. Ironically, during this pursuit it will be our fervent prayer that the millions in research, design, and test funds will have been "wasted" because the Soviets found our resolve to be credible. Of course they'll probably wait until we're ready to deploy the first new system before their first meaningful concession is made but serious and meaningful reductions and a safer world for our families will result from our resolve.

Consider the worst-case result of this strategy: If this strategy should fail, we'll still have accomplished an important, though less ideal, goal. We'll have restored that stabilizing condition known as second-strike capability. The expense would continue, but we'd have done our part, for a while longer, to insure the security of the free world. On the other hand, the worst-case result of the freeze stategy is the fruition of your greatest fears. A freeze is the easy way out. It is free, and it is expedient, and so it appeals to the frustrated souls who share the strong gut feeling that something must be done. But it totally ignores the political and military realities. It even increases the risks that it is meant to reduce.●

PHYSICAL EFFECTS OF THE ATOMIC BOMB

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. BARNES. Mr. Speaker, recently one of my constituents sent to me a paper entitled "The Physical Effects of the Atomic Bomb on the People of Hiroshima and Nagasaki," which was written by his daughter, Miriam Herman.

I was so impressed with Ms. Herman's work that I want to share it with my colleagues.

Her paper is very well done, very concise, and informative. In light of the current arms control negotiations it is important that people remember the devastation that these small bombs created.

Ms. Herman is now a senior in high school. Her paper won second place in the National Science Writer's contest, and she was recently notified that she is a national merit finalist. And just in the past day or so I learned that Ms. Herman has been selected as a State of Maryland distinguished scholar.

What Miriam Herman has to say is powerful and frightening. I am very impressed with her work and strongly urge my colleagues to read her thoughtful study.

THE PHYSICAL EFFECTS OF THE ATOMIC BOMB ON THE PEOPLE OF HIROSHIMA AND NAGASAKI

A blinding burst of light, a shockwave ravaging thirteen square kilometers of land, a ball of fire hundreds of feet in diameter with a temperature reaching fifty million degrees centigrade, a mushroom-shaped cloud dispersing lethal radioactive particles: the nuclear age had begun. On August 6, 1945, the atomic bomb euphemistically called "Little Boy" exploded 5.8 kilometers above the industrial city of Hiroshima, Japan. The United States B-29 bomber Enola Gay dropped the historic bomb at 8:15 in the morning and accomplished its destructive purpose in a matter of seconds. The bomb exploded with a force equivalent to 12.5 kilotons of TNT propelling two separate masses of uranium 235 into each other at such a high velocity that they combined to become critical. A critical mass is one large enough to sustain a nuclear reaction and immediately triggers the fission process. The bomb then began wildly emitting the entire range of nuclear particles. Three days later, a plutonium bomb called "Fat Man" exploded five kilometers over the urban city of Nagasaki with an explosive power equal to twenty-two kilotons of TNT. Unlike the bomb dropped on Hiroshima, it encased a single mass of fissionable material. This material was not uranium, but plutonium, a by-product of uranium refining, which was compressed until it became critical.

The bombs dropped on Hiroshima and Nagasaki are now obsolete, and yet they killed over one-quarter of a million people and had a death rate of forty percent. Mere statistics, though, cannot describe the degree of devastation inflicted upon the two cities because they "convey no sense of the brutalized human being . . . . Statistics don't bleed." The death and the physical suffering that occurred in Hiroshima and Nagasaki and that continue to this day foreshadow the ultimate destruction and demonstrate the disastrous potential of nuclear war. Thirty-seven years have passed and "yet we are still unable to grasp the totality of the disaster. The destruction produced by nuclear weapons may simply be incomprehensible."

The atomic bombs dropped on Hiroshima and Nagasaki released three forms of energy resulting in tremendous immediate physical effects on the populations. The blast, the heat, and the radiation took their biggest toll within a twenty kilometer radius

from the hypocenter. The hypocenter or epicenter is the point above which an atomic bomb explodes. The atomic bombs released fifty percent of their energy in the form of a blast creating a pressure of lethal strength. This region of high pressure air passed through the cities at the speed of sound covering eleven kilometers in thirty seconds. The impact from the bombs flattened areas of about two and a half kilometers around the hypocenters of both Hiroshima and Nagasaki. Two kilometers from the hypocenters, the pressure amounted to approximately three tons per square meter. It sent sixty thousand of the ninety thousand buildings in the vicinity of Hiroshima tumbling to the ground, crushing thousands of people. Mrs. Nakamura 1.2 km from Hiroshima's hypocenter was literally, "picked . . . up (by the blast) and seemed to fly into the next room . . . pursued by parts of her house. Timbers fell all around her as she landed and a shower of tiles pommelled her; everything became dark for she was buried. (As) she rose up and freed herself, she heard a child cry, 'Mother, help me!' and saw her youngest—Myeko, the five-year old—buried up to her breast and unable to move."

The pressure injured many in this manner and since only three of fifty-five hospitals in Hiroshima remained standing, medical help was scarce. The blast also scattered debris throughout the areas, and clogged Hiroshima's sewer system, which ruptured, propelling glass through the air, and injuring many. The blast effect in Nagasaki was not as damging because the city's mountainous terrain contained it more effectively.

The atomic bombs were detonated high above ground to achieve optimal blast effect causing radiation to disseminate in the form of a cloud. The pressure of the blast in combination with expanding gasses heated to extreme temperatures by the explosion carried radioactive products and dirt high into the air in an ascending column. As the debris reached high altitudes, the decreasing density of the surrounding air caused the particles to expand into what resembled a mushroom shape. As the air cooled, moisture condensed around the column and the radioactive particles began to fall as a deadly "black rain" of radioactive fallout. The rapid decrease in atmospheric pressure after the initial shockwave had passed through both cities resulted in winds of hurricane strength. The winds further dispersed the radioactive fallout which produced immediate and long-term physical effects.

Immediately following the blast, the explosion generated a gigantic ball of fire with a temperature of fifty million degrees centigrade. Thermal radiation, accounting for one-third of the energy emitted by each atomic bomb, killed and injured many people. After 1/10,000 of a second, the fireball increased to a diameter of twenty-eight meters and its temperature was still 300,000 degrees centigrade. The heat released by the fireball achieved an intensity of 2.6 calories per square centimeter at a distance of three kilometers. This amount is the equivalent of forty times the thermal radiation reaching humans from the sun. Within one kilometer from "ground zero" it incinerated all living things without heavy shielding in the form of a hill or crumbling building. Morton Sontheimer, an American captain who entered the city soon after the explosion, said in reference to the piles of human ash, "there were thousands [and] it occurred to me that they marked the most instantaneous deaths in the history of the world. They never knew, never felt a thing. they lucked out."

All those within 1.2 kilometers from the hypocenter who were not incincerated were simply burned to death. Even at four kilometers from the hypocenter, thermal radiation burned skin unprotected by clothing. The heat burned some people so dramatically that they became unrecognizable to their relatives. Thick blistering scars covered by a tough layer of skin developed in the burned areas. These scars called keloid scars were unlike anything ever seen before, and permanently distorted the faces and bodies of many. Mrs. Futaba Ketayama, thirty-three years old at the time and over 1.6 kilometers from the hypocenter describes her discovery of the severity of her burns, saying, "Thinking the bomb that hit might have been a yellow phosphorus incendiary like those that had fallen on so many other cities, I rubbed my nose and mouth hard with a towel . . . To my horror, I found that the skin of my face had come off in the towel. . . . All the skin of my left hand fell off too, the five fingers, like a glove."

The burns were one of the most gruesome effects of the atomic bombs. The faces of many were so swollen that they couldn't see for months. Although all burns directly from the atomic bombs occurred within a period of five seconds while the fireball was at high temperatures, thousands were burned in this short time.

Ionizing radiation composed fifteen percent of the atomic energy release. One-third of the total ionizing radiation was the initial radiation emitted in the first minute after the explosion. The initial radiation at Hiroshima's hypocenter amounted to approximately 24,000 roentgens and at Nagasaki's hypocenter, the quantity was 29,000 roentgens. A roentgen is the international unit measuring the intensity of X rays or gamma rays in the atmosphere.

Radiation given off by fission products, and irradiated soil, buildings, and other material is called residual radiation. Although it accounts for two-thirds of all the radiation emitted by the atomic bombs, its maximum intensity is not believed to have exceeded two hundred roentgens in any single place. The blast distributed the deluge of radioactive debris consisting of over two hundred isotopes with varying half-lives over large areas. A few of the isotopes in the fallout continued to give off radiation for long periods of time. Strontium-90, for example, loses only half of its radioactive strength every twenty-six years. Strontium-90 and other radioactive isotopes can enter the body by means of the air or food a person consumes.

High doses of either initial or residual radiation frequently induced death. The radius of lethal radiation extended about 1.2 kilometers in each city. Within this area the exposure level was seven hundred roentgens or higher. Of those exposed to doses between four hundred and six hundred roentgens, fifty percent died. One-third of the people exposed to doses from three to four hundred percent died. Some people who received doses ranging from two hundred to three hundred roentgens died within a month.

Many people exposed to ionizing radiation did not die immediately but suffered from varying degrees of radiation sickness. The symptoms experienced included nausea, vomiting, loss of appetite, fever, and diarrhea. Inflammation and ulceration of the mouth, throat, and gums, as well as bleeding from the mouth, throat, gums, rectum, and urinary tract also characterized the illness. Purple spots covered the victims' bodies revealing the fact that they were bleeding into their skin. Victims also suffered from epilation and leukopenia, a condition resulting in low numbers of white blood cells. Radiation sickness was a slow process of bodily destruction. In the first week, the gastrointestinal effects became apparent and in the second week the hemorrhaging and leukopenia set in. The radiation also weakened the body's immune systems, causing cuts and burns to heal more slowly than usual.

In addition to its immediate physical effect, ionizing radiation also caused many long-term physical effects that will not be fully understood for at least another twenty years. The first delayed effect of the atomic bomb to manifest itself was radiation cataract present in twenty-five percent of those exposed within one hundred meters of the hypocenter. Radiation cataract refers to opacity of the lens or capsule of the eye which results in partial or total blindness. This eye impairment became evident after a latent period of two years. In 1947 the Atomic Bomb Casualty Commission reported lens abnormalities in 54.7 percent of all hibakusha exposed within two thousand meters of the epicenter at either of the cities. Hibakusha is the Japanese word used to refer to all atomic bomb survivors. It translates as A-bomb received person.

Neoplasia, one of the long-term physical effects of the atomic bombs, is a major cause of the shortened life expectancy for hibakusha. The mortality rate is especially high in those exposed at distances up to fourteen kilometers from the hypocenters and in those exposed at a young age. Between 1950 and 1974, 1.2 to 1.8 people per one thousand atomic bomb survivors died from neoplasia believed to be the result of nuclear radiation. 350 to 510 cases of leukemia attributed to the atomic bombs appeared in a group of 285,000 survivors who were examined.

Leukemia, a cancer of the blood, was the first form of neoplasia to demonstrate increased prevalence among A-bomb survivors. The incidence of leukemia "peaked" ten years after the bomb's explosion when it was thirty times higher than average. A higher than normal occurrence of leukemia in children of survivors is not present, so as of now the susceptibility is not regarded as hereditary. A high incidence of other forms of neoplasia later became apparent. Radiation induction of cancer has a longer period of latency than leukemia. After 1950 the leukemia incidence began to decrease while that of other cancers increased. This difference results from the life cycles of the mother cells. The cancer rate remains abnormally high in survivors exposed to over 200 roentgens.

Of twenty thousand survivors examined, forty-three had thyroid cancer. In these cases, the proximity of people to the hypocenter confirmed radiation as a contributing factor. Hibakusha contract five times the normal number of cases of cancer of the salivary gland and have a risk for breast cancer 1.5 to 3.5 times the normal. High rates of cancer of the urinary tract, stomach, ovary, uterine wall, cervix, bone, prostate, lung, and digestive system have also become evident.

In addition to shortening the lives of hibakusha, the atomic bombs had physical effects on their descendants. The incidence of infant death among babies exposed in utero increases according to the proximity of the

mother to the hypocenter during the explosion. A particularly high rate of congenital malformations afflicted those infants exposed in utero within fifteen kilometers from the hypocenter. These infants were also more prone to microcephaly. A microcephalic child has an abnormally small head that results in mental retardation. In utero exposure also caused numerous stillbirths and abortions. In Nagasaki children at ages fourteen and fifteen who had been exposed in utero had extremely low height, weight, and head and chest circumference. Hiroshima seventeen year olds displayed the same characteristics.

At this point, there is no statistically valid proof that the nuclear radiation released by the bombs produced any genetic damage that has been transmitted from parent to child. Scientists have found no connection between exposure of parents and increased incidences of stillbirth, infant death, low birth weight, or leukemia among their children. This statement of course does not consider congenital malformations which did not result from genetic damages but from in utero exposure to radiation. A study conducted in the 1950's suggested that mutations in the X chromosome had caused exposed men to have more sons while exposed women had more daughters. Later studies did not support this evidence and showed the sex-ratio to be normal.

Despite the lack of conclusive evidence, the fear of genetic damage is well-founded and arose from the radiation effects on lab animals. More recently a study by Neel, Kato, and Shull discovered a relationship between a father's exposure to radiation and the risk of his child's death before age seventeen, but the results were extremely tentative. The lack of information to prove the existence of genetic damage could be the result of many factors. Since only a small number of survivors are still alive and those who are, received rather low doses, the genetic damage present is insufficient to be statistically significant. Mutations resulting from the radiation could be recessive, appearing only in the second and third generations. Another possible reason that genetic damage has not been demonstrated is that one can't produce ideal and controlled situations like those in a laboratory when dealing with the human population. Genetic damage has not been proved but most importantly, it has not been disproved. Scientists must continue examining the health and the rate of survival of the children and grandchildren of the exposed.

The information compiled on the effects of the atomic bomb is not being used as it should be. The tremendous physical effects upon the people of Hiroshima and Nagasaki should serve as a most powerful deterrent to the manufacture and use of nuclear weapons. In spite of their knowledge, governments around the world continue on their destructive course. The world-wide arms race is more heated than ever. In the past, the United States government has helped promote the prevention of incurable diseases such as the plague, smallpox, polio and tuberculosis, and yet the government has not restricted the use of the weapon with the greatest potential for injury and death. Although germ warfare and chemical warfare have been outlawed, our society accepts nuclear warfare, the most dangerous of the three. On November 24, 1961, the U.N. General Assembly declared that "the use of nuclear weapons is a violation of international law and a crime against humanity." The United States, Great Britain, and Canada voted against it, unwilling to accept responsibility for a-bomb survivors.

A group called Physicians for Social Responsibility formed in 1962 in response to this attitude. Their goal is to publicize the medical and ethical consequences of thermonuclear war. They believe that government studies promote the misconception that people could survive a nuclear war. In February 1980, they sponsored a conference in cooperation with the medical schools of Harvard and Tufts Universities. The group believes that nuclear war is not only a political issue but also a social one.

The promulgation and understanding of the devastating physical effects of the atomic bombs' use are of crucial importance. The steps taken by the super powers, namely the United States and the Soviet Union, concerning nuclear war will determine the future of the world. It is not too late to restrict the use of nuclear energy to productive purposes. In the past, man has overcome many obstacles and there is still hope that he will overcome this one too. Thomas Alva Edison predicted the situation and expressed his faith in mankind, saying, "There will one day spring from the brain of science a machine or force so fearful in its potentialities, so absolutely terrifying that even man, the fighter . . . will be appalled and so abandon war altogether. What man's mind can create, man's character can control."●

BUDGET TWISTS AND TURNS

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. PANETTA. Mr. Speaker, I would like to place in the RECORD an article on the congressional budget process by Mr. Roy Millenson of the Association of American Publishers. This article appeared in the most recent edition of the Committee for Education Funding Newsletter.

Mr. Millenson has taken on the unenviable task of explaining our complicated and constantly evolving budget process to those outside the Congress. In the following article, entitled "A Budget Bedtime Story," he describes our difficulties in meeting budget deadlines and following House rules on budget procedures. I think his comments are perceptive and his puzzlement over some of our practices justified.

The budget process is still relatively young, and there are, frankly, too few people who understand it. Roy Millenson does the Congress a great favor by struggling to comprehend its twists and turns and trying to communicate what has happened to others. I strongly recommend the following article to the Members of the House.

A BUDGET BEDTIME STORY

(By Roy H. Millenson)

Just about the time that almost everyone has mastered the details and timetables of the budget process as laid down by the Congressional Budget Act of 1974, it becomes increasingly apparent that those endless seminars on how it all works may have been in vain. What we have been told the law says and what has been happening are not necessarily one and the same.

Item: The Act provides that the Second Budget Resolution is to be adopted by September 15. Last year, Congress finessed that one quite neatly. A provision in the First Budget Resolution stated that if a Second Budget Resolution were not approved by the deadline date, then the First Budget Resolution would automatically become the Second Budget Resolution.

Item: The law sets down May 15 for completion of action on the First Budget Resolution. In 1981, the First Budget Resolution was adopted on May 21, in 1982, it was adopted on June 22, and this year, it was adopted on June 23. Better late than never.

Item: We all know from Political Science 101 that you cannot provide an appropriation unless there is an authorization. The Omnibus Reconciliation Act of 1981, enacted in accord with the Congressional Budget Act, clearly states that no funds are authorized for fiscal year 1983 for Title II (Library Construction) of the Library Services and Construction Act. However, the emergency jobs bill (Public Law 98-8) enacted this past March includes $50 million for that program. And the Administration has indicated its intent to expend that money.

Item: Long may it waive. Congress can waive restrictions imposed by the budget law. In the Senate, these waivers are in the form of a separate resolution; in the House the usual procedure is to include the waiver language in the rule for consideration of a bill. And both President Carter and President Reagan benefitted from quick enactment of special legislation enabling them to delay the submission of their annual budget messages. Budget waivers are not uncommon and, like buses, they often come along in bunches.

Item: The continuing resolution adopted last December blazed a new trail. It detailed all the Department of Education appropriation line items in the same manner as if they had appeared in the routine Labor-HHS-Education Appropriation Bill. But, of course, this was a "continuing resolution", which preserved the fiction (believed by no one, not even the Easter bunny) that a Labor-HHS-Education appropriation measure would yet be enacted.

The rules of the House and Senate are not self-enforcing. It is not up to the Parliamentarian or the presiding officer to declare that a motion of a bill is out of order. A Representative or Senator must rise and utter those three magic words "Point of Order" to prevent a questionable provision from being approved. This explains in part how end runs can be made around the budget law. Lest all this encourage you, gentle reader, to believe that the Congressional Budget Act and the budget process can be ignored, be not so encouraged. While the will and the means to overlook the process are exercised from time to time, the case more often is that the members of the House and Senate, although reluctant to repair the tears and dents in the act, are nevertheless dedicated to follow some sort of orderly budget and appropriation process. The Congressional Budget Act provides that order and process. Despite the cynicism of both participants and observers, the Congressional Budget Act of 1974 (Public Law 93-344) is still in force and will still be followed—except, of course, in those instances

where it is agreed that it is convenient not to do so.

In summary, the relationship of the Congress to the Budget Act is something like those "outré" couples of the last decade—they agree that they can be unfaithful to one another but they also agree to stay married.●

EXPORTING: GOOD OR BAD

HON. JAMES J. FLORIO
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. FLORIO. Mr. Speaker, as a Representative from a productive farming district, I am very concerned about the economic instability plaguing U.S. agriculture today. In recent years, increased pressure to produce mass quantities of commodities for export has caused many farmers to barter precious soil and water needed to provide the food of tomorrow.

A recent Washington Post article examined the plight of our Nation's farmers, and the role exporting plays in the current financial crisis they now face. As the article points out, selling farm goods abroad is no longer automatically making farmers rich. Instead, the exact opposite is happening. Exporting, combined with grain surplus, inflationary farm machine and pesticide prices, and the worst drought in the past 50 years, is pushing farmers and agribusiness deeper into debt. A debt that neither they nor we as a country can afford at this time.

I submit the following for my colleagues review:

[From the Washington Post, Sept. 25, 1983]

BY HAWKING OUR GRAIN WE GAMBLE OUR FUTURE

(By Ward Sinclair)

American farmers are being sold down the river.

You can actually see it happening by standing in a Missouri midnight at Lock 22 on the Mississippi, right in Mark Twain's Hannibal backyard, watching a late August traffic jam of grain-laden barges waiting to be shuttled on toward New Orleans and then to overseas customers.

Sights such as this gladden the hearts of politicians and farm organization leaders who see grain exports as the road to salvation for the faltering farm economy. But on the corn and soybean farms just a stone's throw from the lock, this traffic doesn't bring the elation you might expect. There's restrained pleasure that the Russians are buying more grain again this summer, but no real sense of salvation—most farmers know better.

There is increasing evidence that the policies promoting massive exports of American farm products, down from record highs a couple of years ago but still in the $35 billion range this year, have only worsened the crisis in U.S. farming.

The crisis is social, economic and environmental. The pressure to produce more and more food is rapidly changing the shape of rural America, creating larger and larger farms, undermining community structure and businesses. It is driving farmers to make indefensible investment decisions. And it is forcing them to squander the resource base of soil and water that must be kept whole to feed future generations.

Export agriculture has become so vital to the American farmer that the crops from about two of every five acres he harvests now are sold abroad. An astounding 65 percent of the wheat, 55 percent of the soybeans and 35 percent of the coarse grains—corn, sorghum, barley—produced in this country go to buyers overseas.

This is achieved at high cost. With little regard for the future, farmers are mining the soil and water to grow still more grain to add to the surplus that depresses their price. Some of the nation's best topsoil is eroding at shocking rates because of the pressure farmers feel to produce more. The vast underground reservoir known as the Ogallala aquifer, underlying the Great Plains grain belt, is being depleted rapidly to irrigate fields that were meant only for dryland farming. Rich hardwood forests of the lower Mississippi Valley are being cleared systematically for conversion into land for cultivation of crops that add to the glut. At the same time, urban encroachment is eating away some of the most-productive farmland, and shrinking the base for future production.

"We can see evidence of a depleting resource base," Sen. Roger Jepsen (R-Iowa) said this month, pointing out that soil erosion each year wipes out the productive capability of enough land to feed, clothe and provide lumber for a population the size of San Diego, a city of roughly 1.8 million people. "Preservation of the resource base for present and future . . . production should be paramount. This is basic to national security."

As they deplete the resources, these same farmers go deeper into hock, expanding their debt and their size just to keep pace. They continue to spend billions of dollars annually for unrenewable oil, petrochemical fertilizers and pesticides, seeds and expensive machinery that help them grow grain that sells for less than it costs them to produce. The good times of the mid-1970s, when prices were high and export demand was rising, have become the bad times of the 1980s, with recession and foreign competition leaving farmers high, dry and frightened.

Soil conservationist R. Neil Sampson has put it this way: "Farmers face a constant level of inflation in the cost of the things they purchase, without an offsetting steady rise in the price of the goods they sell. . . . The impact on young farmers, or those trying to overcome cash flow deficits, is devastating."

This litany might be understandable, although hardly acceptable, if farmers in general were getting fat and rich from exports. But precisely the opposite is the case. In the dizzying decade of farm export growth that began in 1970, sales went from $7 billion to more than $40 billion. Yet farm income actually has gone down, farmers' debt-interest costs are about equal to their income and the cost of federal support programs has zoomed to record proportions.

The American farmer, in effect, ends up subsidizing foreign countries, which find it more convenient to buy cheap U.S. food than to invest in their own self-sufficiency. American topsoil and water, used up to grow food, is sent off to places like the Soviet Union, China and Japan in the form of grains that those countries cannot produce in adequate amounts to feed their populations. Contrary to popular notions that American farmers are feeding the world's hungry, the bulk of the exports go to the more developed nations that can afford to pay cash.

U.S. taxpayers further subsidize these same clients by providing cheap irrigation water that adds to the agricultural bounty, and by underwriting the cost of the river transportation system and ports so vital to moving the grain.

Something obviously is very wrong with farming, American-style, and it's generating wide concern among policy makers. The $21 billion price tag of federal farm-support programs this year, in league with the political and social stress of agricultural recession, have ignited a full scale debate over the future of U.S. farm policy.

The issue takes on timeliness with a presidential election next year and with Congress scheduled to write a new four-year farm bill, the basic roadmap for agriculture, in 1985. Farm groups are holding policy forums. Secretary John R. Block this summer held a "summit" to get agribusiness thinking about policy changes.

But with the exception of a few boat-rockers like Rep. James H. Weaver (D-Oreg.), former Iowa Gov. Robert Ray and Walter W. Goeppinger, a respected Iowa farmer, most of the politicians, farm organization leaders and agribusiness executives who presume to speak for American farmers are talking and marching in lockstep.

As they have done virtually without exception for 25 years, they urge more exports as the most expedient way of unloading American surpluses. This approach became graven into policy after the Soviets made huge, unexpected grain purchases here in 1972. The Nixon administration urged farmers to expand their plantings and count on a continuing upward surge of income and exports.

The talk today points in the same direction: more market development, more credit gimmicks for the developing countries, more federal subsidization of exports, more vending of processed food overseas, more punitive measures against competing nations that are crowding American farmers out of their traditional "safe" markets.

For the sake of argument, let's call this bankrupt thinking, literally and figuratively.

The Carter administration, in its final days, suggested as much in its controversial "Time to Choose" study of the changing structure of U.S. farming. Exports in the 1980s, the report says, "will tend to have high additional costs—both for farmers . . . and in a broader social and economic sense, in raising food prices, intensifying the use of renewable and nonrenewable resources, and putting further stress on the environment." The entire report was so antithetical to market-oriented Reaganites that Block's USDA has allowed it to go out of print.

Farm exports unquestionably are important to the American economy and the foreign buyers who rely on U.S. farmers. Even with imports of roughly $16 billion worth of food this year, we will be left with an agricultural trade balance of $20 billion. That balance is crucial in the country's ability to pay for its oil and other necessities.

But basic questions remain avoided or unasked. For example, at what point do these export proceeds become diminishing returns? At what cost to the American natural resource base of rich soil and abundant water do we produce food for the world?

Why should the American farmer be required to subsidize a world over which he has no control and which dictates his prices?

Congress, for one, and the Reagan administration, for another, have shown little inclination to grapple with questions of that sort in their debating of farm policy. Bright ideas get shot down with regularity. In 1981, for example, Weaver was virtually laughed out of the Agriculture Committee when he resurrected an idea he had floated on a number of occasions.

Arguing that export prices ought to reflect the stress on the natural resource base, Weaver wanted to create an export grain bank that would set an official U.S. price for commodities sold abroad. Free-marketeers were aghast at the idea of intruding in markets that way. Never mind that global agriculture is basically protectionist. Never mind that several other major exporting nations handle their agricultural sales through government boards, or through government-mandated price ceilings and subsidy programs.

Weaver's proposal was defeated in the Agriculture Committee, then voted down as a floor amendment after the big private grain-trading firms put out the word against it. He still picked up 135 votes.

Ray, the former Iowa governor, was so frustrated over the sight of his state's eroding topsoil being sluiced down the Mississippi that he raised the idea of a special tax on export crops to help pay for repair of the land. Ray left office early this year before he could follow up and his idea has gone to pasture.

More interesting, perhaps, is the thinking of Walter Goeppinger, an Iowa farmer who feels that the intense pressure put on the land by export farming may be the ruination of American agriculture. He worries about the ability of U.S. farmers to maintain markets if their best soil washes away.

What makes this important is that Goeppinger long has been a champion of expanded agricultural exports. He was a founder and president of the U.S. Feed Grains Council, which promotes overseas sales and new markets.

"Fence-to-fence, free-market-oriented policy has turned into an economic disaster for the farmer and a soil-loss tragedy for the nation," he wrote recently in the Des Moines Register. He proposed a mandatory idling of 20 percent of all soil used to produce field crops, resting the soil for three years by planting it in grass.

In 15 years, all U.S. cropland would have been rested and rebuilt.

"A 20 percent cut in our crop acreage would still produce more than enough for the domestic needs of the United States and leave ample quantities of grain for export,' he wrote "Foreign cash customers should be given first place at our export-buying window and credit customers could come after them in buying any that is left."

If the policy makers would stop and listen, they would understand that Weaver, Ray, Goeppinger and others like them are saying it is time for the United States to approach its most important industry with the same rationale the OPEC nations, have applied to their petroleum. They justify their prices by arguing that their oil is a nonrenewable resource. Mine it, sell it, it's gone.

In agriculture, the rationale has tended to be the opposite: a bushel of wheat is a renewable resource. Grow it, sell it, grow it again, sell it again. But that is arguable. If the soil and water base is depleted, as is increasingly the case, the bushel of wheat becomes a nonrenewable resource.

Theee will be no cheap solutions, or easy answers, to the problems that American agriculture now faces. In seeking them it will be necessary to consider the interests of a diverse group: consumers at home and abroad, and, above all, less developed nations for which America remains a granary of last resort. These groups have a common interest in seeing that American farmland remains as fruitful in the future as it is now. That hope will be threatened if unbridled exports continue to sell farmers down the river.●

THE TRUTH ABOUT UNEMPLOYMENT

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. WALGREN. Mr. Speaker, while we all know that statistics can be misleading, and that some politicians will use numbers deceptively, nowhere is this more apparent than in this administration's misuse of unemployment statistics. As the following article from the Pittsburgh Business Times demonstrates, the economic recovery is not putting people back to work. The Government has simply stopped counting them.

I call my colleagues' attention to this article because I feel it is imperative that we enact comprehensive reform of our system of unemployment insurance. My home State of Pennsylvania recently triggered off the extended benefits program—not because people were working, but because thousands of people were no longer considered meaningful by the Government. I have joined my colleague from Pennsylvania (Mr. COYNE), in sponsoring such legislation, and I urge the Ways and Means Committee to expedite its consideration.

"PHANTOM" UNEMPLOYED HAUNTING REGION

(By Dr. David Arthur Page)

As I was going up the stair.
I met a man who wasn't there.
He wasn't there again today.
I wish, I wish he'd go away.

In July, 70,000 people in this region disappeared from the Bureau of Labor Statistics rolls.

One hundred and three thousand were no longer reported among the unemployed. But only 33,000 showed up in the labor force. What happened to the other 70,000 people?

The July unadjusted unemployment rate in the immediate Pittsburgh area fell 2.9 percent, according to the Office of Employment Security. Although still in the double-digit range, it was generally reported the Pittsburgh area's unemployment picture had shown a "marked improvement."

But did such a marked improvement in fact, take place?

Let's look at the facts. For the past eight months Pittsburgh-based Regional Research, Inc. has been calculating the unemployment rates for 119 counties in the western Pennsylvania, eastern Ohio and West Virginia region. Using government figures compiled county-by-county for the Tri-state region (rather than for an entire state) we have found the unadjusted unemployment rate running consistently 16 percent or more during this period.

Suddenly, in July this figure dropped to 13.5 percent. How can this abrupt change of 2.5 percent in our region's unemployment rate be explained?

First, note the federal government does not report these figures. Unemployment figures are reported for the nation and by state but not by Tri-state regions such as our own. Unemployment rates also are calculated for Standard Metropolitan Statistical Areas (SMSAs).

What actually happened in this crucial period in July was that the number of reported employed persons in our region increased by 33,000. The number of reported unemployed persons decreased by 103,000. The net loss of reported persons was 70,000.

Put differently, the number of people who gained jobs in this period was only one-third the number of those who went off the unemployment rolls. The large decrease in the numerator combined with a small increase in the denominator produced a marked reduction in the unemployment rate.

What happened to the 70,000 or more people who disappeared from the unemployment rolls? Our research shows this region has endured double-digit unemployment for more than 18 months. Even with extended benefits, unemployment compensation generally runs out in 12 months.

The state Office of Employment Security estimates some 50,000 workers lost their unemployment compensation benefits in the Pittsburgh four-county SMSA alone in 1982. An additional 25,000 reportedly lost their benefits in the first six months of 1983.

The office also says for the first time in 30 years, less than half the unemployed workers are receiving unemployment compensation. Using the Pittsburgh SMSA as a microcosm of our larger 119-county region, the evidence suggests the 70,000 or more who are no longer reported as unemployed have lost their unemployment benefits and are no longer being counted.

What about those who gained employment during this period? Those who have witnessed the 20 percent to 25 percent Reductions In Force (RIFs) by many of our regional corporations are aware there have been few jobs available at the professional level. There have been, however, a limited number of unfilled positions at the semi-professional level, and these are now being filled.

Our analysis suggests, therefore, the traditional professional male breadwinner is increasingly becoming unemployed. The new jobs being reported are primarily semi-professional ones (e.g. nurses, secretaries) being filled by wives and other family members who were previously not working, at least not fulltime.

The situation here in western Pennsylvania is being aggravated by our being lumped with eastern Pennsylvania in the calculation of the state unemployment rate. The unadjusted July unemployment rates for Harrisburg and Philadelphia were only 6.2 percent and 8.1 percent, respectively, even lower than the national rate.

Averaging the low unemployment numbers of the counties in eastern Pennsylvania with the high numbers of our western Pennsylvania counties substantially reduces the overall state rate.

Consequently, in July for the first time the state rate dropped sufficiently to cause the loss of extended unemployment compensation benefits in our region.

Therefore, our analysis indicates we did not have a marked improvement in July in our unemployment picture. On the contrary, the evidence suggests a continual worsening of this situation in our Tri-state region. Like a ripe plum shrinking into a prune, our work force is becoming both smaller and less well compensated.

These statistics represent human beings. These statistics also affect public policy, public programs and public opinion. It is important that this subject be reported as accurately and as completely as possible.●

"TOLERANCE AND TRUTH IN AMERICA"—REMARKS BY SENATOR EDWARD M. KENNEDY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. RICHARDSON. Mr. Speaker, in the course of our national elections during recent years, it has become apparent that single-issue, in some cases irrational, forces have prevailed to the detriment of our country as a whole. Unthinking emotionalism and cleverly marketed extremism have been substituted in place of reason and common sense in public affairs. Senator EDWARD KENNEDY, in a recent speech at Liberty Baptist College, eloquently addressed this issue and warned that if we continue on this course, our entire democratic process will be severely jeopardized.

Mr. Speaker, I honor the tradition of religious evangelism in our country. But my parents never taught me that God was a rightwing reactionary. When Rev. Jerry Falwell speaks on the Old Time Gospel Hour, I agree with many things he says on that program when he's talking about religious matters.

But I share Senator KENNEDY's concerns about those who have considerable influence using that influence to propagate a narrow, extremist political dogma that has nothing to do with a Biblical foundation. We should never confuse the new right with the New Testament. Not only is it a potential threat to a rational political process, but it weakens the spiritual vitality of American society. Nor should we impute religious sanctity to what are essentially secular issues.

We would do well to recall Judge Learned Hand's sensible advice that "the spirit of liberty is the spirit that is not too certain it is right." The tendency to see all issues, no matter how complicated, as black or white, right or wrong, moral or immoral, is a threat to both religion and politics.

I am including the complete text of Senator KENNEDY's thoughtful address. I urge all my colleagues to set a few minutes aside to read this excellent speech.

TOLERANCE AND TRUTH IN AMERICA—REMARKS OF SENATOR EDWARD M. KENNEDY, LIBERTY BAPTIST COLLEGE, OCTOBER 3, 1983

Let me thank Dr. Jerry Falwell for that generous introduction. I never expected to hear such kind words from him. So in return, I have an invitation of my own: On January 20, 1985, I hope Dr. Falwell will say a prayer—at the inauguration of the next Democratic President of the United States. Now, Dr. Falwell, I'm not sure exactly how you feel about that. You might not appreciate the President, but the Democrats certainly would appreciate the prayer.

Actually, a number of people in Washington were surprised that I was invited to speak here—and even more surprised when I accepted the invitation. They seem to think that it is easier for a camel to pass through the eye of a needle than for a Kennedy to come to the campus of Liberty Baptist College.

In honor of our meeting, I have asked Dr. Falwell, as your chancellor, to permit all the students as extra hour next Saturday night before curfew. In return, I have promised to watch "The Old Time Gospel Hour" next Sunday morning.

I realize that my visit may be a little controversial. But as many of you have heard, Dr. Falwell recently sent me a membership card in the Moral Majority—and I didn't even apply for it. I wonder if that means I am a member in good standing.

This is, of course, a nonpolitical speech—which is probably best under the circumstances.

Since I am not a candidate for President, it certainly would be inappropriate to ask for your support in this election—and probably inaccurate to thank you for it in the last one.

I have come here to discuss my beliefs about faith and country, tolerance and truth in America. I know we begin with certain disagreements; I strongly suspect that at the end of the evening, some of our disagreements will remain. But I also hope that tonight and in the months and years ahead, we will always respect the right of others to differ—that we will never lose sight of our own fallibility—that we will view ourselves with a sense of perspective and a sense of humor. After all, in the New Testament, even the disciples had to be taught to look first to the beam in their own eyes, and only then to the mote in their neighbor's eye.

I am mindful of that counsel. I am an American and a Catholic; I love my country and treasure my faith. But I do not assume that my conception of patriotism or policy is invariably correct—or that my convictions about religion should command any greater respect than any other faith in this pluralistic society. I believe there surely is such a thing as truth, but who among us can claim a monopoly on it?

There are those who do, and their own words testify to their intolerance. For example, because the Moral Majority has worked with members of different denominations, one fundamentalist group has denounced Dr. Falwell for hastening the Ecumenical Church and for "yoking together with Roman Catholics, Mormons, and others." I am relieved that Dr. Falwell does not regard that as a sin—and on this issue, he himself has become the target of narrow prejudice. When people agree on public policy, they ought to be able to work together, even while they worship in diverse ways. For truly, we are all yoked together as Americans—and the yoke is the happy one of individual freedom and mutual respect.

But in saying that, we cannot and should not turn aside from a deeper, more pressing question—which is whether and how religion should influence government. A generation ago, a Presidential candidate had to prove his independence of undue religious influence in public life—and he had to do so partly at the insistence of Evangelical Protestants. John Kennedy said at that time: "I believe in an America where there is no (religious) bloc voting of any kind." Only 20 years later, another candidate was appealing to an evangelical meeting as a religious bloc. Ronald Reagan said to 15,000 Evangelicals at the Roundtable in Dallas: "I know that you can't endorse me. I want you to know that I endorse you and what you are doing."

To many Americans, that pledge was a sign and a symbol of a dangerous breakdown in the separation of church and state. Yet this principle, as vital as it is, is not a simplistic and rigid command. Separation of church and state cannot mean an absolute separation between moral principles and political power. The challenge today is to recall the origin of the principle, to define its purpose, and refine its application to the politics of the present.

The Founders of our Nation had long and bitter experience with the state as both the agent and the adversary of particular religious views. In Colonial Maryland, Catholics paid a double land tax, and in Pennsylvania, they had to list their names on a public roll—an ominous precursor of the first Nazi laws against the Jews. And Jews, in turn, faced discrimination in all the 13 Original Colonies. Massachusetts exiled Roger Williams and his congregation for contending that civil government had no right to enforce the Ten Commandments. Virginia harassed Baptist preachers—and also established a religious test for public service, writing into the law that no "Popish followers" could hold any office.

But during the Revolution, Catholics, Jews, and nonconformists all rallied to the cause and fought valiantly for the American commonwealth—for John Winthrop's "City Upon a Hill." Afterward, when the Constitution was ratified and then amended, the Framers gave freedom for all religion—and from any established religion—the very first place in the Bill of Rights.

Indeed, the Framers themselves professed very different faiths—and in the case of Benjamin Franklin, hardly any at all. Washington was an Episcopalian, Jefferson a Deist, and Adams a Calvinist. And although he had earlier opposed toleration, John Adams later contributed to the building of Catholic churches—and so did George Washington. Thomas Jefferson said his proudest achievement was not the Presidency, or writing the Declaration of Independence, but drafting the Virginia Statute of Religious Freedom. He stated the vision of the first Americans and the first amendment very clearly: "The God who gave us life gave us liberty at the same time."

The separation of church and state can sometimes be frustrating for women and men of deep religious faith. They may be tempted to misuse government in order to impose a value which they cannot persuade others to accept. But once we succumb to that temptation, we step onto a slippery slope where everyone's freedom is at risk. Those who favor censorship should recall that one of the first books ever burned was

the first English translation of the Bible. As President Eisenhower warned in 1953: "Don't join the bookburners . . . the right to say ideas, the right to record them, and the right to have them accessible to others is unquestioned—or this isn't America." And if that right is denied, at some future day the torch can be turned against any other book or any other belief. Let us never forget: Today's Moral Majority could become tomorrow's persecuted minority.

The danger is as great now as when the Founders of the Nation first saw it. In 1789, their fear was of factional strife among dozens of denominations. Today there are hundreds—and perhaps thousands of faiths—and millions of Americans who are outside any fold. Pluralism obviously does not and cannot mean that all of them are right; but it does mean that there are areas where government cannot and should not decide what it is wrong to believe, to think, to read and to do. As Prof. Laurence Tribe, one of the Nation's leading constitutional scholars has written, "Law in a nontheocratic state cannot measure religious truth"—nor can the state impose it.

The real transgression occurs when religion wants government to tell citizens how to live uniquely personal parts of their lives. The failure of Prohibition proves the futility of such an attempt when a majority or even a substantial minority happens to disagree. Some questions may be inherently individual ones or people may be sharply divided about whether they are. In such cases—cases like Prohibition and abortion—the proper role of religion is to appeal to the conscience of the individual, not the coercive power of the state.

But there are other questions which are inherently public in nature, which we must decide together as a Nation, and where religion and religious values can and should speak to our common conscience. The issue of nuclear war is a compelling example. It is a moral issue; it will be decided by government, no by each individual; and to give any effect to the moral values of their creed, people of faith must speak directly about public policy. The Catholic Bishops and the Reverend Billy Graham have every right to stand for the nuclear freeze—and Dr. Falwell has every right to stand against it.

There must be standards for the exercise of such leadership—so that the obligations or belief will not be debased into an opportunity for mere political advantage. But to take a stand at all when a question is both properly public and truly moral is to stand in a long and honored tradition. Many of the great evangelists of the 1800's were in the forefront of the abolitionist movement. In our own time, the Reverend William Sloane Coffin challenged the morality of the war in Vietnam. Pope John XXIII renewed the gospel's call to social justice. And Dr. Martin Luther King, Jr., who was the greatest prophet of this century, awakened our national conscience to the evil of racial segregation.

Their words have blessed our world. And who now wishes they had all been silent? Who would bid Pope John Paul to quiet his voice about the oppression in Eastern Europe; the violence in Central America; or the crying needs of the landless, the hungry, and those who are tortured in so many of the dark political prisons of our time?

President Kennedy, who said that "no religious body should seek to impose its will," also urged religious leaders to state their views and give their commitment when the public debate involved ethical issues. In drawing the line between imposed will and essential witness, we keep church and state separate—and at the same time, we recognize that the city of God should speak to the civic duties of men and women.

There are four tests which draw that line and define the difference.

First, we must respect the integrity of religion itself.

People of conscience should be careful how they deal in the word of their Lord. In our own history, religion has been falsely invoked to sanction prejudice and even slavery, to condemn labor unions and public spending for the poor. I believe that the prophecy, "the poor you have always with you" is an indictment, not a commandment. I respectfully suggest that God has taken no position on the Department of Education—and that a balanced budget constitutional amendment is a matter for economic analysis, not heavenly appeals.

Religious values cannot be excluded from every public issue—but not every public issue involves religious values. And how ironic it is when those very values are denied in the name of religion—for example, we are sometimes told that it is wrong to feed the Hungry—but that mission is an explicit mandate given to us in the 25th chapter of Matthew.

Second, we must respect the independent judgments of conscience.

Those who proclaim moral and religous values can offer counsel, but they should not casually treat a position on a public issue as a test of fealty to faith. Just as I disagree with the Catholic bishops on tuition tax credits, which I oppose, so other Catholics can and do disagree with the hierarchy, on the basis of honest conviction, on the question of the nuclear freeze.

Thus, the controversy about the Moral Majority arises not only from its views, but from its name—which, in the minds of many, seems to imply that only one set of public policies is moral—and only one majority can possibly be right. Similarly, people are and should be perplexed when the religious lobbying group, Christian Voice, publishes a morality index of congressional voting records—which judges the morality of Senators by their attitude toward Zimbabwe and Taiwan.

Let me offer another illustration. Dr. Falwell has written, and I quote: "To stand against Israel is to stand against God." Now there is no one in the Senate who has stood more firmly for Israel than I have. Yet I do not doubt the faith of those on the other side. Their error is not one of religion, but of policy—and I hope to persuade them that they are wrong in terms of both America's interest and the justice of Israel's cause.

Respect for conscience is most in jeopardy—and the harmony of our diverse society is most at risk—when we reestablish, directly or indirectly, a religious test for public office. That relic of the colonial era, which is specifically prohibited in the Constitution, has reappeared in recent years. After the last election, the Reverend James Robison warned President Reagan not to surround himself, as Presidents before him had, "with the counsel of the ungodly." I utterly reject any such standard for any position anywhere in public service. Two centuries ago, the victims were Catholics and Jews. In the 1980's the victims could be atheists; in some other day or decade, they could be the members of the Thomas Road Baptist Church. Indeed, in 1976, I regarded it as unworthly and un-American when some people said or hinted that Jimmy Carter should not be President because he was a born again Christian. We must never judge the fitness of individuals to govern on the basis of where they worship, whether they follow Christ or Moses, whether they are called "born again" or "ungodly." Where it is right to apply moral values to public life, let all of us avoid the temptation to be self-righteous and absolutely certain of ourselves. And if that temptation ever comes, let us recall Winston Churchill's humbling description of an intolerant and inflexible colleague: "There but for the grace of God—goes God."

Third, in applying religious values, we must respect the integrity of public debate.

In that debate, faith is no substitute for facts. Critics may oppose the nuclear freeze for what they regard as moral reasons. They have every right to argue that any negotiation with the Soviets is wrong—or that any accommodation with them sanctions their crimes—or that no agreement can be good enough and therefore all agreements only increase the chance of war. I do not believe that, but it surely does not violate the standard of fair public debate to say it.

What does violate that standard, what the opponents of the nuclear freeze have no right to do, is to assume that they are infallible—and so any argument against the freeze will do, whether it is false or true.

The nuclear freeze proposal is not unilateral, but bilateral—with equal restraints on the United States and the Soviet Union.

The nuclear freeze does not require that we trust the Russians, but demands full and effective verification.

The nuclear freeze does not concede a Soviet lead in nuclear weapons, but recognizes that human beings in each great power already have in their fallible hands the overwhelming capacity to remake into a pile of radioactive rubble the Earth which God has made.

There is not morality in the mushroom cloud. The black rain of nuclear ashes will fall alike on the just and unjust. And then it will be too late to wish that we had done the real work of this atomic age—which is to seek a world that is neither Red nor dead.

I am perfectly prepared to debate the nuclear freeze on policy grounds, or moral ones. But we should not be forced to discuss phantom issues or false charges. They only deflect us from the urgent task of deciding how best to prevent a planet divided from becoming a planet destroyed.

And it does not advance the debate to contend that the arms race is more divine punishment than human problem—or that in any event, the final days are near. As Pope John said two decades ago, at the opening of the Second Vatican council: "We must beware of those who burn with zeal, but not endowed with much sense . . . we must disagree with the prophets of doom, who are always forecasting disasters, as though the end of the Earth was at hand."

The message which echoes across the years since then is clear: The Earth is still here; and if we wish to keep it, a prophecy of doom is no alternative to a policy of arms control.

Fourth and finally, we must respect the motives of those who exercise their right to disagree.

We sorely test our ability to live together if we too readily question each other's integrity. It may be harder to restrain our feelings when moral principles are at stake—for they go to the deepest wellsprings of our being. But the more our feeling diverge, the

more deeply felt they are, the greater is our obligation to grant the sincerity and essential decency of our fellow citizens on the other side.

Those who favor ERA are not "anti-family" or "blasphemers" and their purpose is not "an attack on the Bible." Rather, we believe this is the best way to fix in our national firmament the ideal that not only all men, but all people are created equal. Indeed, my mother—who strongly favors ERA—would be surprised to hear that she is anti-family. For my part, I think of the amendment's opponents as wrong on the issue, but not as lacking in moral character.

I could multiply the instances of name-calling, sometimes on both sides. Dr. Falwell is not a "warmonger"—and "liberal clergymen" are not, as the Moral Majority suggested in a recent letter, equivalent to "Soviet sympathizers." The critics of official prayer in public schools are not "Pharisees"; many of them are both civil libertarians and believers, who think that families should pray more at home with their children, and attend church and synagogue more faithfully. And people are not "sexist" because they stand against abortion; they are not "murderers" because they believe in free choice. Nor does it help anyone's cause to shout such epithets—or try to shout a speaker down—which is what happened last April when Dr. Falwell was hissed and heckled at Harvard. So I am doubly grateful for your courtesy here today. That was not Harvard's finest hour, but I am happy to say that the loudest applause from the Harvard audience came in defense of Dr. Falwell's right to speak.

In short, I hope for an America where neither fundamentalist nor humanist will be a dirty word, but a fair description of the different ways in which people of good will look at life and into their own souls.

I hope for an America where no President, no public official, and no individual will ever be deemed a greater or lesser American because of religious doubt—or religious relief.

I hope for an America where the power of faith will always burn brightly—but where no modern inquisition of any kind will ever light the fires of fear, coercion, or angry division.

I hope for an America where we can all contend freely and vigorously—but where we will treasure and guard those standards of civility which alone make this Nation safe for both democracy and diversity.

Twenty years ago this fall, in New York City, President Kennedy met for the last time with a Protestant assembly. The atmosphere had been transformed since his earlier address during the 1960 campaign to the Houston Ministerial Association. He had spoken there to allay suspicions about his catholicism—and to answer those who claimed that on the day of his baptism, he was somehow disqualified from becoming President. His speech in Houston and then his election drove that prejudice from the center of our national life. Now, three years later, in November 1963, he was appearing before the Protestant Council of New York City to reaffirm what he regarded as some fundamental truths. On that occasion, John Kennedy said: "The family of man is not limited to a single race or religion, to a single city or country . . . The family of man is nearly 3 billion strong. Most of its members are not white—and most of them are not Christian." And as President Kennedy reflected on that reality, he restated an ideal for which he had lived his life—that "The members of this family should be at peace with one another."

That ideal shines across all the generations of our history and all the ages of our faith, carrying with it the most ancient dream. For as the Apostle Paul wrote long ago in Romans: "If it be possible, as much as it lieth in you, live peaceably with all men."

I believe it is possible; the choice lies within us; as fellow citizens, let us live peaceably with each other; as fellow human beings, let us strive to live peaceably with men and women everwhere. Let that be our purpose and our prayer—yours and mine—for ourselves, for our country, and for all the world.●

TOLERANCE AND TRUTH

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. LaFALCE. Mr. Speaker, this past Monday evening, Senator KENNEDY spoke at Liberty Baptist College. His remarks remind us how important tolerance is when diverse and opposing world views compete in the free marketplace of ideas which is America.

The appearance of Senator KENNEDY in Lynchburg and the earlier address of Reverend Falwell at Harvard elevate public debate to the level where ideas become more important than epithets and where even radically divergent spokesmen learn firsthand the primacy of truth and comity as they discuss their own and opposing views.

America, since its inception, has been blessed with both a tradition and a constitution which encourage church and state to work each in its own vineyard—cooperating where possible but striving never to interfere. We also protect individual rights of expression and association, deeming them essential to a free society of free men.

Mr. Speaker, I commend Senator KENNEDY's marvelously reasoned approach and words to my colleagues—whatever their political or religious preferences, and insert them at this point in the RECORD.

[From the Washington Post, Oct. 5, 1983]

TOLERANCE AND TRUTH

(By Senator Edward M. Kennedy)

A generation ago, a presidential candidate had to prove his independence of undue religious influence in public life—and he had to do so partly at the insistence of evangelical Protestants, John Kennedy said at that time: "I believe in an America where there is no [religious] bloc voting of any kind." Only 20 years later another candidate was appealing to an evangelical meeting as a religious bloc. Ronald Reagan said to 15,000 evangelicals at the Roundtable in Dallas: "I know that you can't endorse me. I want you to know that I endorse you and what you are doing."

To many Americans, that pledge was a sign and a symbol of a dangerous breakdown in the separation of church and state. Yet this principle, as vital as it is, is not a simplistic and rigid command. . . .

The separation of church and state can sometimes be frustrating for women and men of deep religious faith. They may be tempted to misuse government in order to impose a value which they cannot persuade others to accept. But once we succumb to that tempation, we step into a slippery slope where everyone's freedom is at risk. Those who favor censorship should recall that one of the first books ever burned was the first English translation of the Bible. As President Eisenhower warned in 1953, "Don't join the bookburners. . . . The right to say ideas, the right to record them, and the right to have them accessible to others is unquestioned—or this isn't America." And if that right is denied, at some future day the torch can be turned against any other book or any other belief. Let us never forget: today's Moral Majority could become tomorrow's persecuted minority.

The danger is as great now as when the Founders of the nation first saw it. In 1789, their fear was of factional strife among dozens of denominations. Today there are hundreds—and perhaps thousands of faiths—and millions of Americans who are outside any fold. Pluralism obviously does not and cannot mean that all of them are right; but it does mean that there are areas where government cannot and should not decide what it is wrong to believe, to think, to read and to do. . . .

The real transgression occurs when religion wants government to tell citizens how to live uniquely personal parts of their lives. The failure of Prohibition proves the futility of such an attempt when a majority or even a substantial minority happens to disagree. Some questions may be sharply divided about whether they are. In such cases—cases like Prohibition and abortion—the proper role of religion is to appeal to the conscience of the individual, not the coercive power of the state.

But there are other questions which are inherently public in nature, which we must decide together as a nation, and where religion and religious values can and should speak to our common conscience. The issue of nuclear war is a compelling example. It is a moral issue; it will be decided by government, not by each individual; and to give any effect to the moral values of their creed, people of faith must speak directly about public policy. The Catholic bishops and the Rev. Billy Graham have every right to stand for the nuclear freeze—and Dr. Falwell has every right to stand against it.

There must be standards for the exercise of such leadership—so that the obligations of belief will not be debased into an opportunity for mere political advantage. But to take a stand at all when a question is both properly public and truly moral is to stand in a long and honored tradition. Many of the great evangelists of the 1800s were in the forefront of the abolitionist movement. In our own time, the Rev. William Sloane Coffin challenged the morality of the war in Vietnam. Pope John XXIII renewed the Gospel's call to social justice. And Dr. Martin Luther King Jr., who was the greatest prophet of this century, awakened our national conscience to the evil of racial segregation. . . .

President Kennedy, who said that "no religious body should seek to impose its will," also urged religious leaders to state their views and give their commitment when the public debate involved ethical issues. In drawing the line between imposed will and essential witness, we keep church and state separate—and at the same time, we recog-

nize that the City of God should speak to the civic duties of men and women.

There are four tests which draw that line and define the difference.

First, we must respect the integrity of religion itself.

People of conscience should be careful how they deal in the word of their Lord. In our own history, religion has been falsely invoked to sanction prejudice and even slavery, to condemn labor unions and public spending for the poor. I believe that the prophecy—"the poor you have always with you"—is an indictment, not a commandment. I respectfully suggest that God has taken no position on the Department of Education—and that a balanced-budget constitutional amendment is a matter for economic analysis, not heavenly appeals.

Religious values cannot be excluded from every public issue—but not every public issue involves religious values. . . .

Second, we must respect the independent judgments of conscience.

Those who proclaim moral and religious values can offer counsel, but they should not casually treat a position on a public issue as a test of fealty to faith. Just as I disagree with the Catholic bishops on tuition tax credits—which I oppose—so other Catholics can and do disagree with the hierarchy, on the basis of honest conviction, on the question of the nuclear freeze.

Thus, the controversy about the Moral Majority arises not only from its views, but from its name—which, in the minds of many, seems to imply that only one set of public policies is moral—and only one majority can possibly be right. . . .

Let me offer another illustration. Dr. Falwell has written: "To stand against Israel is to stand against God." Now, there is no one in the Senate who has stood more firmly for Israel than I have. Yet I do not doubt the faith of those on the other side. Their error is not one of religion, but of policy—and I hope to persuade them that they are wrong in terms of both America's interests and the justice of Israel's cause.

Respect for conscience is most in jeopardy—and the harmony of our diverse society is most at risk—when we re-establish, directly or indirectly, a religious test for public office. That relic of the colonial era, which is specifically prohibited in the Constitution, has reappeared in recent years. After the last election, the Rev. James Robison warned President Reagan not to surround himself, as presidents before him had, "with the counsel of the ungodly." I utterly reject any such standard for any position anywhere in public service. Two centuries ago, the victims were Catholics and Jews. In the 1980s, the victims could be atheists; in some other day or decade, they could be the members of the Thomas Road Baptist Church. Indeed, in 1976 I regarded it as unworthy and un-American when some people said or hinted that Jimmy Carter should not be president because he was a born-again Christian.

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We sorely test our ability to live together if we too readily question each other's integrity. It may be harder to restrain our feelings when moral principles are at stake—for they go to the deepest wellsprings of our being. But the more our feelings diverge, the more deeply felt they are, the greater is our obligation to grant the sincerity and essential decency of our fellow citizens on the other side.

Those who favor the Equal Rights Amendment are not "anti-family" or "blasphemers" and their purpose is not "an attack on the Bible." Rather we believe this is the best way to fix in our national firmament the ideal that not only all men, but all people are created equal. Indeed, my mother—who strongly favors ERA—would be surprised to hear that she is anti-family. For my part, I think of the amendment's opponents as wrong on the issue, but not as lacking in moral character.

I could multiply the instances of name-calling, sometimes on both sides. Dr. Falwell is not a "warmonger"—and "liberal clergymen" are not, as the Moral Majority suggested in a recent letter, equivalent to "Soviet sympathizers." The critics of official prayer in public schools are not "Pharisees"; many of them are both civil libertarians and believers who think that families should pray more at home with their children and attend church and synagogue more faithfully. And people are not "sexist" because they stand against abortion; they are not "murderers" because they believe in a free choice. Nor does it help anyone's cause to shout such epithets—or try to shout a speaker down—which is what happened last April when Dr. Falwell was hissed and heckled at Harvard. So I am doubly grateful for your courtesy here today. That was not Harvard's finest hour, but I am happy to say that the loudest applause from the Harvard audience came in defense of Dr. Falwell's right to speak.

In short, I hope for an America where neither fundamentalist nor humanist will be a dirty word, but a fair description of the different ways in which people of good will look at life and into their own souls.

I hope for an America where no President, no public official, and no individual will ever be deemed a greater or lesser American because of religious doubt—or religious belief.

I hope for an America where the power of faith will always burn brightly—but where no modern Inquisition of any kind will ever light the fires of fear, coercion or angry division.

I hope for an America where we can all contend freely and vigorously—but where we will treasure and guard those standards of civility which alone make this Nation safe for both democracy and diversity. . . .●

SECOND ANNIVERSARY OF HONORARY AMERICAN CITIZENSHIP FOR RAOUL WALLENBERG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. LANTOS. Mr. Speaker, yesterday was the second anniversary of the signing of the law making Raoul Wallenberg an honorary citizen of the United States. Several of my colleagues in the House joined me in sending a letter to the President on this occasion. The text of the letter follows. I commend it to the Members of the House.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 5, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Two years ago today, you signed legislation making Raoul Wallenberg an honorary American citizen. On that occasion you pledged your earnest support to Wallenberg's family and to the people of the world that the United States government would act to secure his freedom.

On the second anniversary of that event, we think it appropriate to reaffirm our commitment to this man, who exemplifies the ideals which we as Americans hold sacred.

We recognize and appreciate that you have made Wallenberg a symbol of humanity, decency, and heroism around the world. We urge you to continue and intensify your efforts and the efforts of the United States government in locating Wallenberg and securing his return to freedom.

Sincerely yours,

Tom Lantos, Jack F. Kemp, Sidney R. Yates, Olympia J. Snowe, Jim Leach, Gus Yatron, Dante B. Fascell, Stephen J. Solarz, Clement J. Zablocki, William S. Broomfield, Gary Ackerman, George W. Crockett, Jr., Howard Wolpe, Barbara Boxer, Daniel A. Mica, Charles E. Schumer, Toby Roth, Robert Garcia, Sander M. Levin, Ken Kramer.

Robert G. Torricelli, Michael Barnes, Mel Levine, Douglas Bereuter, Barney

Frank, Martin Frost, Benjamin Gilman, Joel Pritchard, Robert J. Lagomarsino, Henry A. Waxman, Dan Glickman, Andy Ireland, William Lehman, Bobbi Fiedler, Mark D. Siljander, Peter H. Kostmayer, Hamilton Fish, Jr., Ted Weiss, Howard L. Berman, Sam Gejdenson.●

SPECIAL INTEREST SHOWS UP ON THE FLOOR

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. SHELBY. Mr. Speaker, I would like to share with my colleagues in the House of Representatives a delightful story that appeared in the Tuscaloosa News, written by Laura Crawford of the paper's staff.

It is a wonderful account about how Jimmy Poole, a local outstanding businessman, combined his love for football with his business operations. Following is the enjoyable story:

Jimmy Poole 64-year-old president of Euco Beverage Inc., has found a way to combine his business and enthusiasm for football.

A specially-designed carpet featuring college football's Southeastern Conference (SEC) emblem, the University of Alabama's (UA) seal and Auburn University's (AU) mascot, a tiger, covers the party room floor in the new Tuscaloosa Euco Beverage office.

The buff-colored carpet measures 29 feet by 50 feet.

The SEC emblem includes the 10 colleges in the conference: Alabama, Auburn, Florida, Georgia, Kentucky, Louisiana, Ole Miss, Mississippi State, Tennessee, and Vanderbilt.

Miller beer company, Miller Lite beer, and Pabst beer company emblems are also at one end of the carpet.

The carpet in the Tuscaloosa Euco Beverage office is the third Poole has had made.

Euco Beverage moved into its new Tuscaloosa office in June. The Eutaw office also has a SEC carpet. The first carpet made with the design is at the old Cottondale office.

The Cottondale and Eutaw carpets feature a device that makes the AU tiger roar when a certain spot on the carpet is stepped on. The Cottondale roar-button will be transferred to the new carpet soon.

Using football emblems as part of the carpet was an idea Poole conceived in his head seven years ago, he said.

"I wanted a conversation piece in the party room," he said.

"I've always liked football. I've been going to Alabama football games since 1928. And around here (Tuscaloosa), football is the hub of everything."

Poole said he attended Auburn University.

Poole contacted a carpet-maker in Georgia to ask about making the first carpet. The Georgia carpet-maker suggested a Hong Kong company which would sew the emblems into a wool carpet.

"That was too expensive," said Poole. "Wayland Fields here in Tuscaloosa said he'd do it.

"I roughed up the idea. Fields had Willie Logan actually make the designs. They made the first two carpets. Bill Dunaway from Wheat's Carpet made the carpet in the new office."

Sales meetings and even Poole's daughter's club meetings are held in the party room.

"Everybody who comes in is really impressed with the carpet," said Poole.

"The carpet is an element of surprise. Showmanship is what the carpet is."

Poole, a Eutaw native, and his wife, Marguerite, have five daughters, one son, and 14 grandchildren. His son, Jim, is Euco vice president.

Poole's love for football began when he went to his first UA game with an uncle.

"A bunch of us would come up in the pickup. It cost a quarter to get in then," Poole said.

"When I got old enough to drive, I'd take people to games in the pickup. We'd park right by the football field."

Poole hasn't stopped his football game transportation service. He has an executive coach bus that's driven to in-state and some out-of-state football games. He said he takes between 20 to 30 people to games.

Poole said through his long-time interest in UA football, he has known all the coaches. He emphasized, however, he was never a close friend with them.

He said one of his fondest memories of UA football is a Thanksgiving Day clash between Alabama and Vanderbilt.

"It used to be an annual affair that Alabama and Vanderbilt played on Thanksgiving Day," Poole said.

"I think it was in 1933, that Dixie Howell made a 67-yard run on Thanksgiving Day. I once told him before he died that play was the one that was most outstanding to me in Alabama football.

"He told me that that play had always been his favorite, too."

Euco's distributors recently set a Miller beer sales record which entitles them to a tail-gate party catered by Miller beer company.

"The party will be held Saturday," said Poole.

"The company always sends one of its celebrities from its Miller Lite Beer television commercials to the tail-gate parties. Grits Gresham, champion fisherman, is coming to our party."

Poole plans to retire from directing the day-to-day operations of Euco Beverage next month.

"I've been active in the running of the business since 1948," Poole said, "I'm still going to be a part of it in some way. I may try selling some again."

Asked about the origin of his company's name, Poole replied, "When I went into business in 1948, I didn't have money. I had to have a name that could be stamped on invoices, so I wanted something short.

"There were already Greene and Warrior distributors. I didn't want to name the company after the city, Eutaw, so I just took its first two letters and the first two out of 'county.'

"We once did some trucking up and down the highways and the name 'Euco' was well-known."

Poole also operated a small wholesale grocery business when he first acquired the beer distributorship.

"In the old days, beer was sold over the bars," said Poole. "I got to know and understand people better in the bars."

"I've met some of the finest people in this business—everybody from bank presidents to bartenders."

Beer was once sold only through bars.

Customers had to go to their favorite tavern to pick up a six-pack.

"When television came out, bars started putting them in," said Poole. "Folks would go to bars to watch television in its early days."

Poole said he looks forward to trying his hand at selling again. However, he and his wife plan to travel some.

"I was always too busy to do much traveling. My wife was busy raising six kids," said Poole.

If he had his way, he'll take a few trips by train. His citizens band radio handle is "Train Man."

"I've loved trains all my life," said Poole. He bought land for his new Tuscaloosa offices that placed the building in the intersection of two railroad tracks.

He will eventually have a spur built between the tracks, connecting his loading area with both of them.

"I want to lay some tracks behind the building and put train cars on them for living quarters," said Poole. They will be made along the design of the train cars used for lodging at the old train station in Chattanooga, Tenn.

Poole lives in Eutaw, but drives to his Tuscaloosa office often. He said he looks forward to staying in a train car when he comes to town.

His fondness for an old-fashioned, handmade toy, the Hooie stick, got him involved with the Aluminum Company of America (ALCOA) in aluminum can reclamation.

While visiting in another city, Poole's playing with a Hooie stick caught the attention of a man who turned out to be an ALCOA executive. Aluminum recycling was eventually discussed, and Poole had the beginnings of an idea.

He started the first aluminum can recycling center in Tuscaloosa.

"I have the largest reclamation center that does business with ALCOA," said Poole.

When the new Euco offices were built on 27th Street, a large building was erected by the warehouse and offices just for recycling aluminum cans.

Trains, Hooie sticks, football, business—all of those are a part of Poole's life. But there's more.

He and his son share a passion for driving Caterpillar heavy duty equipment.

"I have a machine here (Tuscaloosa office), and my son and I did all the ground leveling and preparations to build here," said Poole.

Poole enjoys sharing his party room with others and watching them see his carpet for the first time.

He equates the basic ideas behind beer-drinking to that of what the carpet does for the party room. They both should derive pleasure.

"The theory of beer is that it's a bottle of pleasure," said Poole. "You shouldn't drink it if you don't enjoy it. Of course, we strongly preach moderation.

"That's the basic idea behind this carpet and party room. We want the atmosphere relaxed and something people enjoy."

Mr. Speaker, football is such a tradition in the South. Mr. Poole's combination of football and carpets is quite an outstanding enterprise.

Mr. Poole's success is the story of the American dream of hard work and dedication. He is a shining example of the backbone of this country's busi-

ness community which has made America such a great land of opportunity.

I am honored to be able to share this delightful story with my colleagues in the House and wish Jimmy the very best in all of his future endeavors.●

A CASE OF MISSING PERSONS: NATIONAL AND STATE UNEMPLOYMENT STATISTICS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. COYNE. Mr. Speaker, 70,000 people disappeared in July from the Bureau of Labor Statistics rolls in my region. While 103,000 were reported in July as no longer unemployed, the labor force added only 33,000.

The question of the hour is: Where are the other 70,000? A likely place to find them is among those who have lost their unemployment benefits but are no longer counted as unemployed. For the first time in 30 years, less than half of those unemployed in the Pittsburg area are receiving benefits.

Fifty thousand workers in the four-county Pittsburgh area alone ran out of benefits in 1982. Thirty thousand Pennsylvanians lost their benefits in June of this year, forty-seven thousand in July.

Dr. David Page, chairman of Regional Research, Inc., took note of this disturbing trend in a recent Pittsburgh Business Times article. I would like to share his findings with my colleagues.

The article follows:

"PHANTOM" UNEMPLOYED HAUNTING REGION

(By Dr. David Arthur Page)

As I was going up the stair.
I met a man who wasn't there.
He wasn't there again today.
I wish, I wish he'd go away.

In July, 70,000 people in this region disappeared from the Bureau of Labor Statistics rolls.

One hundred and three thousand were no longer reported among the unemployed. But only 33,000 showed up in the labor force. What happened to the other 70,000 people?

The July unadjusted unemployment rate in the immediate Pittsburgh area fell 2.9 percent, according to the Office of Employment Security. Although still in the double-digit range, it was generally reported the Pittsburgh area's unemployment picture had shown a "marked improvement."

But did such a marked improvement in fact, take place?

Let's look at the facts. For the past eight months Pittsburgh-based Regional Research, Inc. has been calculating the unemployment rates for 119 counties in the western Pennsylvania, eastern Ohio and West Virginia region. Using government figures compiled county-by-county for the Tri-state region (rather than for an entire state) we have found the unadjusted unemployment rate running consistently 16 percent or more during this period.

Suddenly, in July this figure dropped to 13.5 percent. How can this abrupt change of 2.5 percent in our region's unemployment rate be explained?

First, note the federal government does not report these figures. Unemployment figures are reported for the nation and by state but not by Tri-state regions such as our own. unemployment rates also are calculated for Standard Metropolitan Statistical Areas (SMSAs).

What actually happened in this crucial period in July was that the number of reported employed persons in our region increased by 33,000. The number of reported unemployed persons decreased by 103,000. The net loss of reported persons was 70,000.

Put differently, the number of people who gained jobs in this period was only one-third the number of those who went off the unemployment rolls. The large decrease in the numerator combined with a small increase in the denominator produced a marked reduction in the unemployment rate.

What happened to the 70,000 or more people who disappeared from the unemployment rolls? Our research shows this region has endured double-digit unemployment for more than 18 months. Even with extended benefits, unemployment compensation generally runs out in 12 months.

The state Office of Employment Security estimates some 50,000 workers lost their unemployment compensation benefits in the Pittsburgh four-county SMSA alone in 1982. An additional 25,000 reportedly lost their benefits in the first six months of 1983.

The office also says for the first time in 30 years, less than half the unemployed workers are receiving unemployment compensation. Using the Pittsburgh SMSA as a microcosm of our larger 119-county region, the evidence suggests the 70,000 or more who are no longer reported as unemployed have lost their unemployment benefits and are no longer being counted.

What about those who gained employment during this period? Those who have witnessed the 20 percent to 25 percent Reductions In Force (RIFs) by many of our regional corporations are aware there have been few jobs available at the professional level. There have been, however, a limited number of unfilled positions at the semi-professional level, and these are now being filled.

Our analysis suggests, therefore, the traditional professional male breadwinner is increasingly becoming unemployed. The new jobs being reported are primarily semi-professional ones (e.g. nurses, secretaries) being filled by wives and other family members who were previously not working, at least not fulltime.

The situation here in western Pennsylvania is being aggravated by our being lumped with eastern Pennsylvania in the calculation of the state unemployment rate. The unadjusted July unemployment rates for Harrisburg and Philadelphia were only 6.2 percent and 8.1 percent, respectively, even lower than the national rate.

Averaging the low unemployment numbers of the counties in eastern Pennsylvania with the high numbers of our western Pennsylvania counties substantially reduces the overall state rate.

Consequently, in July for the first time the state rate dropped sufficiently to cause the loss of extended unemployment compensation benefits in our region.

Therefore, our analysis indicates we did not have a marked improvement in July in our unemployment picture. On the contrary, the evidence suggests a continual worsening of this situation in our Tri-state region. Like a ripe plum shrinking into a prune, our work force is becoming both smaller and less well compensated.

These statistics represent human beings. These statistics also affect public policy, public programs and public opinion. It is important that this subject be reported as accurately and as completely as possible.●

DIPLOMACY WEAK SUIT IN ADMINISTRATION'S FOREIGN POLICY DECK

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. ALEXANDER. Mr. Speaker, in supporting H.R. 4042, which would continue the current certification requirements for El Salvador until Congress enacts new legislation, I call the attention of my colleagues to several recent documents and articles which have a bearing on the issue.

First are two op-ed articles written by Wayne Smith for the New York Times. Mr. Smith, now a senior associate at the Carnegie Endowment for International Peace, performed with distinction as chief of the United States interests section in Havana from 1979 to 1982. His is a continuing voice of reason, sanity, wit, and logic, and his advice is a welcome antidote to the unthinking bellicosity which we so ofter hear from administration spokesmen.

The article "Needed in Central America" appeared on Wednesday, September 28, and it is a timely reminder that diplomacy has so far been the weak suit in the administration's foreign policy deck.

The other article by Mr. Smith, "Reagan's Latins," appeared on May 18, and I reproduce it here because, even after 4½ months, it is a telling commentary on the administration's failure to respond to initiatives from our presumed adversaries.

I would call attention to the fact Mr. Smith—before entering the foreign service—was a drill instructor at Parris Island for the Marine Corps. His credentials and military record might be aptly contrasted with those of some of the armchair warriors around Mr. Reagan.

The articles follow:

[From the New York Times, Sept. 28, 1983]

NEEDED IN CENTRAL AMERICA

(By Wayne S. Smith)

WASHINGTON.—President Reagan's approach in Central America brings to mind an image of a man long accustomed to driving nails who is given the opportunity to use a screw. Ignoring the more sophisticated option, he just keeps banging away and calling for a bigger hammer—and blaming Congress when his pounding doesn't work. Mr. Reagan's "secret" war against Nicaragua

has accomplished nothing. It has not interdicted a single rifle. Certainly it has no chance of getting rid of the Sandinistas. On the contrary, by providing an external threat against which they can rally the Nicaraguan people, it may have helped them more than it has harmed them. Yet, the President is determined to go on with it.

He also clearly intends to press on for a military victory in El Salvador—even though the chances of success are slight without the eventual expenditure of United States blood as well as treasure.

A far more promising approach would be built around multilateral diplomacy. It could be based principally on the Contadora process, although not necessarily limited to it. The aim would be to produce verifiable and enforceable accords (enforced by an international peacekeeping force, if necessary) that would end all activity by one country in support of guerrillas operating against a second, limit arms and armies and reduce foreign military involvement.

Meanwhile, negotiations should begin in El Salvador, possibly under international supervision and aimed at bringing about an immediate cease-fire and then conditions for really meaningful elections in which all sides could participate. If the left is to lay down its arms before elections, so must the right-wing death squads. There must be give and take on both sides—and since neither would trust the other to oversee an electoral process, they would have to work out some way to share the responsibility. The Administration rejects this as "power-sharing." In fact, it would be a perfectly reasonable arrangement if the limits of the shared mandate were made absolutely clear—to oversee a political process culminating in elections.

But the Administration has no intention of trying a diplomatic approach. It insists, for public relations purposes, that it favors negotiations, while doing everything it can to avoid them. The proof is in what it does, not in what it says. It says, for example, that it supports the Contadora process. Yet representatives of the Contadora countries—Mexico, Venezuela, Panama and Colombia—have stated openly that the Administration is undermining their efforts.

And what of the Cuban and Nicaraguan proposals for negotiations put forward in July? They are far from perfect, but they do address several of our key concerns, including the halting of support for guerrillas and the withdrawal of foreign advisers. At the very least, they seemed to offer a useful first step in a negotiating process. Did we open such negotiations? Of course not. President Reagan said Fidel Castro's proposals were "encouraging" and Secretary of State George P. Shultz assured Congressional leaders that they would be thoroughly explored. But that was the end of it. Less than 10 days later, President Reagan dismissed the Cuban proposals as "not serious" and made it clear that we had no intention of discussing them. The Nicaraguan proposals received even shorter shrift: Mr. Reagan responded almost immediately that there was little hope of a regional settlement so long as the Sandinistas were in power.

Nor, predictably, have contacts with the Salvadoran opposition produced anything useful. They could not, for the Administration and the Salvadoran Government continue to insist that the only thing there is to talk about is the opposition's participation in a political process organized and overseen exclusively by the Government. Not being fools, the opposition will never agree to that.

Why is the Administration avoiding serious negotiations in Central America? Largely because it believes that talks might get in the way of its real objectives—to get rid of the Sandinista Government one way or another and to force a military victory in El Salvador. By the time the Administration realizes that neither of these goals is achievable and that its policies are leading toward a dangerous dead end, it will probably be too late. We will already have a regional conflagration on our hands.

What's needed in Central America is diplomacy, but the Reagan administration has shown no sign that it is capable of competent diplomacy. It has no durable diplomatic achievement to its credit—not in the South Atlantic, not in the Middle East, not in Namibia. Why should Central America be any different?

[From the New York Times, May 18, 1983]

REAGAN'S LATINS

(By Wayne S. Smith)

WASHINGTON.—The Reagan Administration now says it will support dialogue and negotiations in Central America. Assurances to that effect are being given to Congress, and Richard Stone has been appointed negotiator. One can hope this reflects a basic change of course rather than a tactical shift to assuage Congressional concern. So far, however, the signs are not encouraging. Certainly, there was nothing in the President's speech before the joint session of Congress on April 27 to suggest he intends to call off the "secret" war against Nicaragua and negotiate seriously with the Sandinist Government.

Even if one assumes that the Administration now really means to explore negotiating options, one must wonder why those options have not been explored before.

The Administration, of course, seeks to give the impression that it never opposed negotiations. Demonstrably, however, that is not true. For more than two years, it has rejected efforts to get them started. Remember the proposals of ex-President José López Portillo of Mexico early last year? Remember the Mexican-Venezuelan initiative? Remember the Salvadoran left's offer last October to open a dialogue without conditions? All were turned down.

With imaginative diplomacy and some flexibility on all sides, it would not be impossible to negotiate a ceasefire in El Salvador and then bring about conditions under which full and meaningful elections—with the participation of the opposition—could be held. Yet the Administration has not explored that possibility.

As for Nicaragua, the President tells us, "It has rejected our repeated peace efforts." Really? How then does one explain the Sandinist offer of last Aug. 13 to discuss all issues roiling relations between us—an offer to which we never responded? And what about the fact that in early 1981 the Sandinists acceded to our demands and did, at least for a time, stop their support to the Salvadoran guerrillas—a fact acknowledged in the Administration's announcement of April 2 that year that it was going to cut off economic assistance anyway?

Nor has there been any interest in engaging Cuba in the diplomatic process. When Senator Lowell P. Weicker was in Cuba in March, Fidel Castro reviewed with him the agenda of contentious issues between the two countries—everything from inadvertent interference in one another's radio channels to the civil war in El Salvador. As he had to a group of American scholars and journalists in the spring of 1982, Mr. Castro reiterated his willingness to discuss all these issues with Washington. He emphasized that obviously the United States and Cuba cannot sit down to "negotiate" the situation in El Salvador. That would infringe upon Salvadoran sovereignty and in other ways be entirely inappropriate, both from our perspective and from Cuba's. But certainly it would serve United States interests to secure Cuba's commitment to peaceful solutions in Central America. Mr. Castro seemed to be saying, in effect, that this is possible. But there are no interlocutors in Washington.

The Administration has dismissed or finessed all these overtures and opportunities. Yet, Assistant Secretary of State Thomas O. Enders continues to tell Congressional committees that "Cuba refuses to address our agenda." One can only wonder on what basis that assertion is made.

Why should the Cubans favor a negotiated solution in El Salvador? After all, their side seems to be doing well militarily; it is our side that is coming unglued. But the Cubans fear that as the military situation in El Salvador deteriorates—and it is deteriorating—Washington may retaliate by taking direct military action against them, or possibly against Nicaragua.

Does this not simply confirm the Administration's contention that it takes the threat of force to get Mr. Castro's attention? Not really. The Cubans are acutely aware of the reach of United States power. To be productive, however, there must be a purpose to the use of that power. Cubans' concern over drastic United States countermeasures is, to be sure, an incentive for them to negotiate. But such an incentive will lead to nothing unless there is a negotiating process to join or to which they could contribute. So far, there is none.

The United States does indeed have a responsibility in Central America. It should not walk out in the middle of the act. But simply providing more military assistance will not solve the problem. That way lies a dead end. We need meanwhile to be exploring other alternatives. Yet, so far, diplomacy has not been our strong suit. As long as the Administration views the other side as evil incarnate, it will be unable to deal pragmatically with the problem. Clear-eyed pragmatism, however, is and always has been the basis of successful diplomacy.●

ANNIVERSARY CELEBRATION FOR MARIAN HALL AND FOR THE SISTERS OF THE PRECIOUS BLOOD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. KILDEE. Mr. Speaker, on October 15 there will be a joint anniversary celebration in Flint, Mich., of Marian Hall and of the Sisters of the Precious Blood. Marian Hall, a residence for senior citizens, will be celebrating its 25th anniversary. The Sisters of the Precious Blood, the Catholic religious order which administers the home, will be observing the 150th anniversary of their order's founding. The cele-

bration will include an open house, a mass and a community dinner.

Marian Hall was founded and opened on November 4, 1958, and has served more than 950 senior citizens over the past 25 years. It is an outstanding example of the loving care which can and should be provided our senior citizens in these residential homes. The Sisters of the Precious Blood was founded in Switzerland in 1833 to serve the orphans, the sick, the young and the elderly. Three members of the order came to the United States in 1844 and their work has spread from there.

I would at this time like to share with my colleagues in the Congress the brief history of Marian Hall which is printed in the anniversary booklet:

MARIAN HALL—THE FIRST TWENTY-FIVE YEARS

Marian Hall, originally the Flint Tavern Hotel, was purchased by the Lansing Catholic Diocese under the leadership of Bishop Joseph Albers from George A. Barnes in June, 1958, for $274,000. A gift to the Diocese from the will of Mrs. Alice B. Murray also helped in the purchase of the hotel. The Sisters of the Precious Blood were chosen to manage and operate the facility.

On November 4, 1958, two Sisters of the Precious Blood, Sister Christiana and Sister Mary George, arrived from Dayton, Ohio, to take charge. (They were accompanied by their mother general, Rev. Mother Mary Aquinas, and her assistant, Sister Mary Joseph.) Two weeks later Sister Mary Leonidas joined the group. It was the desire of the Sisters to establish a home for senior citizens and to make it a place of hope rather than resignation—a residence where people could share a common bond and draw strength from their common experience.

Sister Mary Christiana Smyth was the first Administrator. It was under her leadership that the hotel was remodeled and converted into a home for senior citizens. The work included transforming the tavern area into Our Lady of Perpetual Help Chapel. The first Mass offered in the chapel was on November 11, 1958. The celebrant was the Rt. Rev. Monsignor Earl Sheridan, pastor of St. Michael Parish. The first person to enter Marian Hall was Mr. Thomas Shell on January 9, 1959.

The first full time chaplain at Marian Hall was the Rev. Aloysius Hayden. The Rev. Francis Sharpe followed Father Hayden and the Rev. Hugh Conklin became chaplain on December 10, 1959. It was during this time that plans and discussion centerd on an expansion to care for the chronically ill. Father Conklin was succeeded by the Rev. Camillus Lutkemeier, and in 1967 the Rev. Eugene Luckey, C.P.P.S., came to Marian Hall where he remained until he passed away in 1979. The Rev. Joe Papes came in 1979 and still serves as chaplain.

Marian Hall originally housed and served 95 people. The Sisters and staff stressed a home-like atmosphere and residents were encouraged to be independent. Although administered by the Sisters of the Precious Blood, Marian Hall accepted persons of all faiths. Ministers and church visitors of several denominations have held and continue to hold services at Marian Hall.

The Marian Hall Advisory Board was started on April 30, 1959. The Advisory Board, composed of 15 members, is currently headed by Judge Harold Resteiner, president; Edward Tozer, vice president; amd Mrs. Eugene Herzog, secretary. (Other prominent members were Arthur Sarvis, Dr. John Benson, F. A. Bower, R. T. Longway, Frank Manley, Amos Root, Jack DeYonker, Gilbert Rubenstein, Patrick Fagan, Paul Hughes, Judge Frank McAvinchey, and Alton Miller.) In addition to the present officers, other current members are Mary Bovine, Sister Gertrude Droll, George Frieling, Frank Gilsdorf, Dr. Evelyn Gordon, George Jaksa, Walter Krapohl, John Logan, Patrick McAvinchey, Raymond Piesko, James Sheaffer, and Margaret Lambrick.

On September 28, 1959, a very supportive group was formed under the leadership of Mrs. Arthur Sarvis. It was named the Marian Hall Auxiliary. Mrs. Frank Manley was elected its first president on October 15, 1959. The charter members in addition to Mrs. Sarvis and Mrs. Manley were Mrs. Barney Credile, Mrs. Dee Cramer, Mrs. Russell Foley, Mrs. Tess Hughes, Mrs. Reinger Lengelbach, Mrs. William McDonald, Mrs. Gerald Maginn, Mrs. A. H. Patterson, Mrs. Donald Pilkinton, Mrs. Roland Scott, and Sister Mary Christiana. The Auxiliary was established to promote Marian Hall, acquaint the public with Marian Hall, and to be of service to the residents. Today there are 116 members of the Auxiliary. They sponsor many events for the residents, and hold monthly card parties, bazaars and raffles for the benefit of Marian Hall.

Generosity is Marian Hall Auxiliary's middle name. Their contributions have helped to furnish, replace and install furniture, carpet, drapes, a fence, a kitchenette, an automatic elevator, and many other gifts over the years in addition to annual cash contributions of $3,000 to $5,000. The Auxiliary also initiated and established the gift shop on October 8, 1964.

Many of the charter members served as presidents of the Auxiliary, and others who have given superb leadership have been Mrs. Kenneth Weed, Mrs. Vivian Gerow, Mrs. C. S. Wagner, Mrs. Leo Lindgren, Mrs. Gerald Antior, Mrs. Leo Jacobs, Mrs. James, Doyle, Mrs. William Howard, Mrs. Walter Powers, Mrs. William Dever, Mrs. Joseph Knapp, Miss Geraldine Griggs, and the current president, Mary Bovine.

In 1960 the Advisory Board of Directors created the "Outstanding Flint Senior Citizen Award'. The first recipient of this prestigious award was Patrick J. Walters, a resident 89 years of age. Others to be so recognized included the Rev. Edward H. Longman, Mrs. Katherine Bishop Miner and Charles Stewart Mott.

In June of 1963 the Sisters of the Precious Blood purchased 26,000 square feet of land adjacent to Marian Hall from George Barnes. The purchase included the Barnes-Michigan Corporation Building directly behind Marian Hall and property extending from Second to Third Avenue, with 246 feet of frontage on Garland Street. The property was bought for future development of a nursing facility for senior citizens. A pavilion was built in 1972 and is used for picnics, outdoor concerts, and a gathering place on warm days. The DeWaters Dining Room and new kitchens were dedicated on October 12, 1979. The room was named for the DeWaters Family Trust because of their generous gift of $250,000. The cost of the addition totaled $550,000, twice as much as the original building.

The Sunshine Room, formerly Herrlich's Drug Store, was dedicated on November 5, 1963. A contest was held to name the room. The winner was Mrs. Phoebe Cooper. She proudly accepted the honor with a bright, warm sunshine smile.

During these first 25 years, five dedicated administrators have all shown concern for the well-being and health of the residents at Marian Hall. Sister Mary Christiana served from 1959 until 1968. She was followed by Sister Mary Marcella Hinders, who served for two years until 1970. The first lay person to serve as director was Robert Hale. He served until 1972, at which time William Flick became administrator, serving nine years until 1981. In September of 1981, the present administrator, James Kintz, joined the staff in caring for the residents of Marian Hall.

All privately sponsored agencies and organizations owe an everlasting gratitude to all of the people who help Marian Hall in their work. On behalf of the Sisters of the Precious Blood and the staff, we acknowledge with sincere gratitude our thanks to everyone who has given time, talent and financial assistance to make it possible for a senior citizens residence to flourish in Genesee County.●

THE NEED FOR CHILD SUPPORT ENFORCEMENT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Ms. SNOWE. Mr. Speaker, the problem of ineffective child support enforcement in America has been aptly described as a national disgrace. It is essential that we, as Members of Congress, recognize our personal accountability for the millions of children who live at or near poverty because we have neglected to create a realistic system of child support enforcement. To that end, I urge my colleagues to read and seriously consider the proposals suggested by my honorable colleague, MARGE ROUKEMA, in her recent New York Times article, "To Force Child Support."

[From the New York Times, Oct. 4, 1983]

TO FORCE CHILD SUPPORT

(By Marge Roukema)

WASHINGTON.—The growing number of parents who financially abandon their children is a national disgrace.

That a divorced father (or mother, as in the rare case) would refuse to help support his children—in effect, deny them food, shelter and clothing—is beyond belief. Yet it happens every day.

Child-support delinquency has reached epidemic proportions and is growing in all income brackets. A struggling California mother collected $13,761 in back child-support payments only after her former husband spent several days in jail following an eight-year nationwide chase. A Pennsylvania woman, whose pre-divorce family income was $178,000 a year, finds herself refused regular money for the children and must fall back on food stamps in order to survive.

Such cases are not rare. In 1981, according to the latest Census Bureau data available, only 53 percent of custodial parents received the full court-ordered payments that were due their children. Twenty-eight percent receive nothing. Out of $9.9 billion due in court-ordered child support, $3.8 billion went uncollected. The issue here is not alimony—only child support.

The present system of collection is costly and ineffective. Fundamental reform is in order. And the heart of any such reform should be the mandatory withholding of wages for child support, coupled with a reciprocity agreement among the states. Legislation designed to do just that, called the National Child Support Enforcement Act, is now under consideration by a House subcommittee.

The bill would require states to enforce laws to collect child-support payments through mandatory withholding of wages from the time a support decree was issued. The withholding would be no more complicated than other current wage deductions; for example, an employer would send only one check to each state child-support agency. The reform could exclude a parent with a currently clean record of compliance.

This basic overhaul must address four concerns.

First, it must be clearly understood that no Federal law should infringe on existing state divorce or alimony laws or on a judge's discretion to determine the level of child support. These are clearly areas of state, not Federal, jurisdiction. But it is equally important that states work together. In theory, the nation currently has a reciprocal interstate system. In practice, it has become far too easy for a person to move from state to state to avoid child-support payments. My bill would deny Federal welfare funds to states that do not cooperate. This would make possible an enforcement system transcending state boundaries without violating a state's prerogatives in divorce law.

The system must also apply to all economic classes. Previous attempts at reform have generally focused on collection problems involving families that are dependent on welfare. Such class-oriented enforcement is unfair and does nothing to help the children of families not on welfare.

Third, we must have a system that is simple to enforce. It should use existing state mechanisms, establish no new bureaucracies and place no further strains on already overcrowded court dockets.

Finally, we need genuine reform, not just the illusion of reform. Some reformers have suggested that we allow two months of missed child-support payments before triggering wage withholding. Their view is that garnisheeing wages is a form of punishment—as if caring for one's child is a penalty to be endured. But to permit even two months' delinquency would be to perpetuate the complexities—and the pain—of the present system.

Some fathers argue that the threat to withhold payments is a necessary weapon to insure their visiting rights. Yet to engage in economic terrorism with one's own children as hostages is not the solution. Automatic withholding of wages removes the children as pawns. The main objective is to prevent delinquency in all cases. Why should the custodial parent wait two months or more before any support is received? Bills do not stop coming; the children still need to eat and be clothed. Many fathers will eventually pay when the money is dragged out of them. Why delay the inevitable?

A system of mandatory deduction of wages would relieve crowded court dockets, use existing state agencies more productively, provide universal coverage and keep many families off welfare. Most importantly, it would guarantee as completely as possible that no child is held hostage by inadequate economic support.

Child support is not a voluntary commitment. Denying a child the support he or she needs is an injustice that can no longer be endured.●

THE LOOK-ALIKE RIPOFF

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. SISISKY. Mr. Speaker, on July 21, I introduced legislation designed to curtail the abuse and traffic of look-alike controlled substances. I took that action because many localities across the country are troubled by retail outlets which specialize in selling these harmful substances to young people.

As I said then, if these drugs were harmless frauds, then parents and teachers and local officials would not be so alarmed. But, these drugs do pose a serious health risk.

A very timely article in the August 1983 National Association of Retail Druggists Journal bears this fact out. Dr. Sidney Cohen has written a very important article on the dangers posed by look-alike drugs. Dr. Cohen is a world-renowned authority on alcohol and drug abuse and his article deserves wider recognition. For that reason, I am asking that the text of his article, "The Look-Alike Ripoff," be reprinted as follows:

THE LOOK-ALIKE RIPOFF

(By Sidney Cohen, M.D.)

A relatively new phenomenon appeared on the American drug scene about five years ago. It was the look-alike explosion, a bizarre outgrowth of the Controlled Substances Act of 1970. The effort to reduce the quantity of prescription amphetamines was successful enough to reduce their manufacture by 80 percent. Counterfeit amphetamine production also come under somewhat better control.

At this point an enterprising trucker in Florida bought a quantity of phenylpropanolamine (PPA), ephedrine and caffeine made up to look like Dexedrine® and other prescription stimulants and proceeded to sell them at truck stops. Business was so good that it expanded into a nationwide network. Other entrepreneurs rushed in, and at the height of the look-alike period, dozens of manufactures and hundreds of "speed boutiques" sold look-alike stimulants.

Eventually, the look-alikes also expanded to sedatives and cocaine. At the time, drugs that looked like others and did not contain controlled substances were not deemed illegal. They consisted of items found in over-the-counter preparations, although usually in larger doses. Their mimicry of "cartwheels" (amphetamine sulfate), "rainbows" (Tuinal®) and "black beauties" (Biphetamine®) required lengthy litigation if each manufacturer of the resembled product wanted to force the bogus manufacturers to desist.

By 1981 millions of doses were being made, and income was estimated at 50 million dollars a year. At this time, direct mail advertising space in certain magazines, and handbills in classrooms and on bulletin boards proclaimed the availability of hassle-free stimulants. Shortly thereafter, pressure from parents groups and other organizations who saw these items as a step toward the road to genuine drugs, resulted in post office seizures and local ordinances prohibiting look-alike sales.

The FDA eventually stated that combinations of phenylpropanolamine, ephedrine and caffeine were a new drug and required Federal approval to market. Misbranding and improper labeling was charged. For example, a cocaine look-alike called Peruvian flake was labeled as an incense, not to be used for medical purposes. At present, most states have prohibitive legislation passed or pending.

ARE THEY DANGEROUS?

How dangerous are the look-alikes? When taken in average doses they are rarely harmful. However, when used to achieve a "high," four to eight dosage units must be consumed, and then the risks mount. Increasing numbers of undesired reactions are being reported.

The ingredients of the various look-alikes will be discussed along with their possible untoward effects.

1. THE AMPHETAMINE LOOK-ALIKES

These are usually combinations of the three drugs mentioned, although the FDA ruling may reduce them to two.

Phenylpropanolamine. Usually found in 25 to 50 mg amounts, phenylpropanolamine or PPA has an ephedrine-like effect, reducing appetite and producing alerting and mild stimulation. It should not be used by hypertensives or people with coronary artery disease. In larger than average amounts, dizziness, tremulousness, anxiety, palpitations and nausea can occur. Sudden hypertension has resulted in cerebral hemorrhages in a few published cases. A PPA psychosis has been described when large doses are consumed. A discussion is underway on whether PPA should be made a prescription item in view of its potential for harm under unsupervised conditions.

Ephedrine. From 12.5 to 50 mg are found in the look-alikes. Ephedrine increases norepinephrine activity by increased adrenergic receptor stimulation. As a stimulant it is about five times weaker than amphetamine. It increases blood pressure, heart rate and dilates bronchioles. It has the same side effects and contraindications as PPA.

Caffeine. The caffeine amount ranges from 37.5 to 325 mg, the latter quantity is about the same as three cups of strong coffee. People sensitive to caffeine or those who take large amounts are aware that headache, jitteriness, palpitations, anxiety and gastritis can result. Enormous doses can

produce convulsions and heart rhythm disruptions. The lethal dose of caffeine is about 10 grams or about 30 of the high dose look-alike tablets.

Naturally, when the mild stimulants are taken together, an additive effect will occur.

2. THE COCAINE LOOK-ALIKES

These are flakes or powders that resemble cocaine and may provide a mild stimulant effect upon inhalation. More than a dozen products are known, including Pseudocaine, Snocaine, Toot, Florida Snow, Real Caine and Ultra Caine. Their contents may vary from batch to batch. Ephedrine, PPA, caffeine, procaine, benzocaine or lidocaine are the usual active ingredients. Sometimes they are sold on the street as cocaine.

3. THE SEDATIVE-HYPNOTIC LOOK-ALIKES

Most of the look-alikes contain 25 to 50 mg of the sedative antihistamine, doxylamine succinate, a component of Formula 44® and Nyquill® . Many also have an analgesic like acetaminophen (Tylenol®) or salicylamide, an aspirin-like compound. The combination of doxylamine and alcohol can induce oversedation. Doxylamine overdose is associated with confusion, tremors and stupor.

Quaaludes® are popular among chemical hedonists. Therefore they are counterfeited. Some Quaalude-appearing tablets stamped "Lemmon 714" contain no methaqualone. Phenobarbital and diazepam are common adulterants. Some street Quaaludes® contain as much as 200 mg of diazepam, about 40 times the average dose. Look-alike Quaaludes ordinarily contain doxylamine succinate.

The appearance of the look-alike/sound alikes in the marketplace resulted in a number of unwanted consequences.

Since they have been promoted among and used by schoolchildren, the danger of establishing non-medical drug use patterns early in life exists. Preadolescents and adolescents can start using these "drugs for kids" and move on to the real thing.

Youngsters and adults may be persuaded that the real drugs can't be so bad, maybe only a little stronger than the look-alikes.

The fundamental education issue of drug abuse prevention is: "Don't put any substance in your body that is unneeded" is undermined by the look-alikes.

These drugs are not safe when taken in the amounts needed for euphoria. When an amphetamine-like effect is achieved, they have as many side effects as the amphetamines.

In instances of overdose due to unknown cause, the look-alikes complicate the diagnostic problem for emergency room physicians.

It may be that we are seeing the end of the look-alike caper. But man's ability to exploit his fellows should never be underestimated, and something like the look-alikes will rise again.●

GUAM B-52 CREW SELECTED FOR MAJOR AIR FORCE AWARD

ANTONIO B. WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. WON PAT. Mr. Speaker, excellence is often said to be its own reward. But in the case of a very special B-52 crew stationed at Guam's Andersen Air Force Base, excellence also means being recognized as the best there is in the entire Air Force.

The Air Force has announced that it has awarded the 1983 Gen. Curtis E. LeMay Strategic Aircrew Award to crew S-12 of the 60th Bombardment Squadron, 43d Strategic Wing.

The crew, which was selected out of 1,100 air crews within the Strategic Air Command (SAC) is commanded by Capt. Michael S. Reese with Capt. David A. Romer as radar navigator; 1st Lt. Randall S. McCarter, electronic warfare officer; 1st Lt. Phillip A. Mente, copilot; 1st Lt. Bertis J. Parsons, navigator, and A1c. Douglas E. Lunsford, defense gunner.

The Air Force established the award last year to honor people on the cutting edge of today's military service. This is certainly true of the exemplary efforts of Captain Reese and his highly talented and hard-working crews.

As a member of the House Armed Services Committee, I am particularly pleased at the success of Captain Reese and his men since they are stationed on Guam. For years, I have stressed the importance of Andersen Air Force Base to the defense requirements of this country and the news that Andersen has a crew which is being honored as the very best strategic air crew is good news indeed to the men and women stationed at the base and to the people of Guam.

It took countless hours of hard work and endless devotion to duty to win this award and the October issue of Air Force magazine carried a very nice article which outlines why the crew was successful and what it did to be singled out for such a unique honor.

I certainly join with the Air Force in saluting Captain Reese and the crew of S-12 for their distinguished contributions to the defense of our Nation. They are truly among the finest our country has in uniform and I am certain that my colleagues will join with me in praising these young men for doing a great job.

At this point, I ask permission to include the text of the Air Force magazine article in the RECORD so that I may share it with my colleagues here today. Text follows:

[From Air Force Magazine, October 1983]

STRATEGIC AIRCREW

A year's worth of group and individual accomplishments won crew S-12 of the 60th Bombardment Squadron, 43d Strategic Wing, the nod as recipient of the 1983 Gen. Curtis E. LeMay Strategic Aircrew Award. The Andersen AFB, Guam, B-52 crew is commanded by Capt. Michael S. Reese, and includes Capt. David A. Romer, radar navigator; 1st Lt. Randall S. McCarter, electronic warfare officer; 1st Lt. Phillip A. Mente, copilot; 1st Lt. Bertis J. Parsons, navigator; and A1C Douglas E. Lunsford, defensive gunner. They represent some 1,100 SAC aircrews.

The crew piled up an impressive record of excellent inspection results; standardization evaluations; participation in various local, SAC, and joint service exercises; and international missions to claim the award.

"The motivation to excel was incredible," Captain Reese said of his crew's accomplishments. "Each crew member flew every mission with the goal of doing his best every time out. We took pride in being a top wing crew and, once at the top, wanted to stay there."

In just a little more than nine months, S-12 was elevated from "ready" through "experienced" to the highest, or "select crew" status—a wing commander's judgment of a crew's war readiness.

"The radar nav, Dave Romer, was more responsible [for the extraordinarily fast advancement] than anyone," Captain Reese said, "But we were all motivated to move up, to excel."

Now the only select crew in the squadron, S-12 proved its mettle by passing every inspection of the 1st Combat Evaluation Group and recording perfect bombing and electronic warfare reliability scores during Global Shield '82. SAC's worldwide dispersal and readiness exercise. During the wing's ORI, Captain Reese and crew scored a perfect "damage expectancy" rating of 1.0, a combination of factors including aircraft generations, navigation, and elelctronic counter-measures events, and the accuracy of its bomb drops. Theirs was the best DE of any 43d SW crew.

Cope Road/Readiex, a combined Air Force and US Navy exercise, gave S-12 an opportunity to practice its maritime mission while penetrating the defenses of a carrier battle group. During Team Spirit '82, S-12 was the only B-52 crew tagged to fly three sorties, and in Coral Aces , a defense maneuver exercise with the Japanese, they flew the first USAF mission. The crew capped a year of exercises by participating in two successful Busy Observer maritime missions, locating Soviet intelligence-gathering and combatant vessels.

In November 1982, the crew thrilled nearly a quarter million Australians during a low-level flyby of Adelaide before landing at Darwin to stage the first B-52 static display on the continent. "People waited in line for three hours to climb into the cockpit," Captain Reese recalled.

The crew's competence in emergency procedures was also tested during the year in an incident that might have caused an aircraft loss. Returning to Andersen from a training mission, Captain Reese was descending from 10,000 to 5,000 feet into the holding pattern when he felt binding in the yoke, which limited his ability to bank the bomber beyond fifteen or twenty degrees. Abandoning the aircraft, although never mentioned, was a possibility in each crew member's mind. Reese leveled the B-52 and began controllability checks—a series of gentle left and right turns—until one hour later he could command twenty-five degrees of bank before binding was apparent.

With improved prospects. Captain Reese made a successful approach and landing. On rollout, as the flexible wings drooped and the Stratofort rumbled to a halt, the control column froze hard to the left—an event which, had it occurred while airborne, would have been catastrophic.

Numerous individual accomplishments garnished the crew's already impressive record. Captain Reese was upgraded to instructor pilot only six months after becoming an aircraft commander and earned an "outstanding performance" on his first checkride. He was named a squadron junior

officer of the quarter and Guam finalist for the Jaycees' "outstanding Young People of America" award.

Lieutenant Mente led his peers in upgrading to instructor copilot and was also rated outstanding in his annual check flight. The Lieutenant served as squadron project officer for the Air Force Assistance Fund drive, and netted 140 percent of the goal.

Radar navigator Romer is credited with saving Andersen crews more than 1,000 hours of planning time annually by developing canned mission packages. The packages contain such data as fuel curves, navigation plots, and bombing factors used on each of the wing's fourteen typical missions. Where a crew had previously spent eight hours designing a mission, they now spend three or four—a welcome reduction when flights range to Korea, Australia, or the Philippines and last as long as twelve hours.

Lieutenant McCarter, the EWO, was certified as combat-ready ahead of schedule and built a perfect record of top ratings during scheduled and no-notice evaluations.

Crew S-12 was called on repeatedly to give briefings to the press and a number of visiting foreign and US dignitaries and senior military officials. Among them were the US Ambassador to Australia, the Chairman of the Joint Chiefs of Staff, and the Commander of the US Seventh Fleet.

Gen. Bennie L. Davis, SAC's Commander in Chief, lauded this year's LeMay award winners for their "sustained superior performance in both daily activities and direct competition within SAC's elite combat crew force."●

THE COMPREHENSIVE TRADE LAW REFORM ACT OF 1983

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. MURTHA. Mr. Speaker, the Comprehensive Trade Law Reform Act of 1983, of which I am a cosponsor, will be introduced today. This legislation is a bipartisan set of proposals that would provide for thorough and comprehensive reform of U.S. trade laws. In addition, these proposals have a broad range of support throughout American industry and labor including such sectors as chemicals, color televisions, fiber/textile/apparel, footwear, leather goods, metalworking, nonferrous metals, and steel.

As a matter of perspective, this legislation should be considered as an alternative to proposals currently being reviewed by the House Ways and Means Subcommittee on Trade under the leadership of SAM GIBBONS.

Chairman GIBBONS has provided vigorous leadership in the effort to seek improvements in our trade laws and these bipartisan proposals should be useful to the chairman and the subcommittee members during their consideration of these important issues. By introducing this legislation today, we sincerely hope to encourage and contribute to further debate, discussion and deliberation on trade issues.

This bill seeks changes in four major areas of U.S. laws:

First, our antidumping/countervailing duty statues;

Second, our "escape clause" which is section 201;

Third, our unfair trade remedy tool which is section 301; and

Fourth, the Revenue Act of 1916 which allows for court cases to be brought against dumped imports.

These reforms are intended to make U.S. trade laws less complex, less expensive, less arbitrary, more certain, more expeditious, more fair, and more effective for all petitioners.●

U.S. EXPORT SUBSIDIES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. HAMILTON. Mr. Speaker, I want to bring to the attention of my colleagues correspondence I have had with Mr. David A. Stockman, the Director of the Office of Management and Budget, on the amounts of money the U.S. Government is spending to subsidize U.S. exports.

Mr. Stockman's June 30, 1983, letter and accompanying tables illustrate the significant commitment the U.S. Government has made to subsidizing exports. An examination of the interest subsidies on direct loan programs as well as the cost of the PIK grant, such as that to support the recent wheat sale to Egypt, shows the annual subsidy figure for both fiscal years 1983 and 1984 exceeds $1 billion annually. The gross credit flows to U.S. Government agencies for all federally assisted programs is $13.5 billion in fiscal year 1983 and $12.8 billion for fiscal year 1984.

Subsidization of exports has become a controversial issue in world trade. Americans are rightly disturbed about excessive foreign subsidies which hurt American exporters, but the figures given below show that the United States is also involved in export subsidies. A solution to this problem which threatens the free flow of trade will depend on the willingness of many nations, including the United States, to negotiate mutually beneficial alternatives. I urge my colleagues to examine the figures given by Mr. Stockman.

The correspondence follows:

JUNE 30, 1983.

Hon. LEE H. HAMILTON,
House of Representatives
Washington, D.C.

DEAR LEE: This responds to your request of April 13, 1983, for information concerning the amounts being spent by the U.S. Government in fiscal year 1983 and proposed in fiscal 1984 for subsidizing U.S. exports.

The enclosed Table 1 provides estimates of interest subsidies in direct loan programs and the cost of the wheat flour PIK grant used to support the recent sale to Egypt. As the table shows, these subsidies exceed $1 billion annually in 1983 and 1984.

Table 1 also includes estimates of cross credit flows under federally assisted programs for the two years. These gross flows better represent the degree of federal intervention in credit markets, intervention which alters the allocation of resources and the distribution of income. By increasing the total volume of credit going to export promotion and other federally sponsored uses, credit available to other borrowers is reduced and the cost of credit to them is increased. Recent experience has shown that by preemption private sector investment resources, federal credit programs have an inhibiting effect on productivity and economic growth.

It is worth noting that while agriculture accounted for only 18 percent of U.S. exports in 1982, it is budgeted to get 38 percent of federally assisted export financing and 45 percent of interest subsidies and grants over the 1983-1984 period.

The estimates in Table 1 for 1983 and 1984 are based on estimates in the President's 1984 Budget. Table 2 provides alternative interest subsidy estimates for Eximbank's direct loan program over a longer period of time. This table illustrates how such subsidy programs work to shelter certain sectors of the economy, particularly when market conditions get tight. The table also demonstrates that Eximbank has been a significant net drain on the Treasury over the previous decade.

I hope this material will be useful to you.

Sincerely,

DAVID A. STOCKMAN,
Director.

Enclosures.

TABLE 1.—EXPORT CREDIT SUBSIDIES

[In millions of dollars]

	1983	1984	Total
Interest subsidies on direct loans and program grants	1,376	1,172	2,538
Nonagricultural: Eximbank direct loans [1]	699	699	1,398
Agricultural	677	473	1,140
CCC direct loans	89	25	114
Public Law 480 title I [1]	438	448	886
Wheat flour export PIK	150		150
Gross credit disbursements	13,536	12,870	26,406
Nonagricultural	7,486	9,002	16,488
Eximbank direct loans	2,816	3,442	6,258
Eximbank guaranteed loans	4,670	5,560	10,230
Agricultural	6,050	3,868	9,918
CCC direct loans	350	100	450
CCC guaranteed loans	4,800	3,000	7,800
Public Law 480 title I	750	768	1,518
Wheat flour export PIK	150		150

[1] Source: "1984 Budget Special Analysis," table F-14a.

TABLE 2.—EXPORT-IMPORT BANK

[Present value calculations of profit or subsidy (—) on bank's annual direct loan authorizations]

	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	Projections 1983	Projections 1984
Weighted average interest rate on new loan authorizations (percent)	6.00	6.00	6.38	7.90	8.42	8.50	8.38	8.28	8.44	8.76	10.63	[2] 11.00	[2] 11.00
Treasury 10-year OM (percent)	6.14	6.52	7.14	7.80	7.97	7.32	8.10	9.04	10.97	13.50	13.86	10.38	9.90
New AA utility bonds (percent)	7.56	7.50	8.47	9.67	9.19	8.30	8.87	9.67	12.50	15.60	16.18	11.95	11.15
Difference: Exim rate minus:													
Treasury 10-year (percent)	—.14	—.52	—.76	+.10	+.45	+1.18	+.28	—.76	—2.53	—4.74	—3.23	+.62	+1.10
AA utility (percent)	—1.56	—1.50	—2.09	—1.77	—.77	+.20	—.49	—1.39	—4.06	—6.84	—5.55	—.95	+.15
Direct loan authorization net (percent	$2,223	$2,336	$3,872	$2,592	$2,200	$684	$2,868	$3,750	$4,001	$5,079	$3,104	[3] $3,730	[3] $3,730
Present value of profit or subsidy on loans—using: [1]													
Treasury 10 year (millions)	—$19	—$75	—$176	+$15	+$57	+$48	+$46	—$158	—$522	—$1,132	—$466	+$122	+$220
AA utility (millions)	—$204	—$207	—$460	—$249	—$94	+$8	—$79	—$282	—$792	—$1,520	—$739	—$176	—$29

[1] Assuming average 10 years repayment and 3 year grace period with interest paid (to factor in disbursement period) and level payments of principal.
[2] Eximbank's interest rates on new loans will depend on the outcome of international negotiations and are, therefore, hard to predict.
[3] Budget estimates, actuals may be lower.

[Calculations of profit or subsidy (—) on value of bank's assets]

	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	Projections 1983	Projections 1984
Eximbank's weighted average interest rate on loans outstanding (percent)	5.49	5.60	5.75	5.89	6.10	6.38	6.60	6.80	7.11	7.47	7.76	8.02	8.30
Treasury 1/year bill rates (percent)	4.93	5.98	7.99	7.38	6.61	5.66	7.63	10.05	11.66	14.85	13.38	8.35	8.22
Prime plus 1 percent (percent)	6.38	7.07	10.78	10.82	8.22	7.54	9.27	12.60	15.85	19.80	17.12	11.98	11.38
Difference: Exim rate minus:													
Treasury 1-year (percent)	+.56	—.38	—2.24	—1.49	—.51	+.72	—1.03	—3.25	—4.55	—7.38	—5.62	—.33	+.08
Prime plus 1 percent (percent)	—.89	—1.47	—5.03	—4.93	—2.12	—1.16	—2.67	—5.80	—8.74	—12.33	—9.36	—3.96	—3.08
Average value of assets	5,946	6.396	7,392	8,826	10,320	11,414	11,795	11.972	13,114	15,150	16,747	17,500	18.500
Gain (loss) on assets: difference times assets:													
Treasury 1-year (millions)	+33	—24	—166	—132	—53	+82	—122	—389	—597	—1,118	—946	—58	+15
Prime plus 1 percent (millions)	—53	—94	—372	—435	—219	—132	—315	—694	—1,146	—1,868	—1,568	—693	—570

CONGRESS OF THE UNITED STATES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., April 13, 1983.

Hon. DAVID A. STOCKMAN,
Director, Office of Management and Budget, Washington, D.C.

DEAR MR. STOCKMAN: In view of the increasing interest being expressed to the Congress in promoting exports of U.S. goods and of the large number of bills introduced on this subject, particularly concerning agricultural commodities, I am in need of information relating to governmental costs involved in such export promotion.

Specifically, I would like to have information from OMB showing the amounts being spent by the U.S. Government in fiscal 1983 and proposed in fiscal 1984 (1) for subsidizing U.S. exports of all types, not including farm commodities, and (2) for subsidizing exports of U.S. agricultural commodities. In providing your answers please exclude from your calculations the amounts the U.S. Government is spending for the purpose of giving aid to foreign governments or organizations such as the military and economic assistance programs financed under the Foreign Assistance legislation. Rather, your answer should be directed to those expenditures whose primary purpose is to promote sales of U.S. products abroad.

I appreciate your consideration of this matter and look forward to hearing from you. If you have any questions about this request, please feel free to contact me or Lewis Gulick (225-5021) or Mike Van Dusen (225-3345) of the Committee staff.

With best wishes, I remain

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.●

TECHNOLOGICAL BLOAT PLAGUES THE PENTAGON

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. VENTO. Mr. Speaker, later this month the House will probably consider the 1984 appropriations for the Department of Defense. I expect that the debate on specific items in this bill will be lengthy, contentious, and complex.

But while this body focuses on specific programs, we pay little or no attention to the wider issue of Pentagon procurement policies. By focusing on the trees, we miss the forest. This is most unfortunate. Pentagon spending is increasing at unprecedented peacetime rates. Our deficit remains at record levels threatening our fragile recovery. Yet, neither Congress nor the administration have come to grips with Pentagon waste or abuse. There have been strong words against blatant abuses, but the actual response has been weak.

This administration and the Pentagon blindly follow the erroneous precepts that the bigger, more complex and more expensive a program is, the better it will be.

The facts run against this philosophy. The mere expenditure of more and more funds will not enhance our defense capabilities. Goldplated, inefficient programs are a costly drain on our limited Federal funds, detracting from needed programs.

Mr. Speaker, we must correct the basic flaws in our current defense policies. At this time, I would like to bring to my colleagues' attention a recent column in the Wall Street Journal by a Marine lieutenant colonel. While I do not agree with all of the points made, I believe that this column raises basic questions to which we must respond.

"TECHNOLOGICAL BLOAT" PLAGUES THE PENTAGON

(By David Evans)

We have all suffered through big-budget Hollywood movies that failed to entertain because they were based on fundamentally weak scripts. Now, critics assert that the administration's defense-spending plans are a parody of the oversold cinematic epic—that on the basis of a flawed concept of what needs to be done, billions will be spent on flashy new gee-whiz weapons, and the promise of modernized and ready forces will prove to be little more than a flickering illusion. This may be particularly true, skeptics charge, with respect to conventional forces, where most of the money is spent.

President Reagan contends that less is spent on the armed forces today than in 1970, measured as a percent of the gross national product. This is true. But while defense spending declined relative to GNP in the 1970's, it has increased about 30 percent in constant dollars in the 1980s.

Even though congressional committees have trimmed $12 billion from the administration's original $274 billion request for fiscal 1984, enough remains to provide a sixth consecutive year of real growth in defense spending, unprecedented since the end of World War II.

SPENDING MORE FOR LESS

There is one nagging problem: We seem to be spending more and getting relatively less. Taking 1973 as a base (the first year of the

all-volunteer force), total defense spending has increased 20 percent since in constant dollars. During this period the number of Air Force strategic bombers declined 35 percent. Today's Navy is about 30 percent smaller than the 1970 fleet, and even with the current shipbuilding program the Navy of 1990 will be about 100 ships smaller than the fleet of a decade ago. The number of tank, infantry and mechanized battalions—the very heart of the Army—has remained virtually unchanged over the past 10 years.

There are exceptions. Air Force tactical aircraft have increased by a third, but this has been accomplished by expanding procurement funds sixfold.

Significantly, the cost volunteer manning isn't squeezing funds for weapons and equipment. Manpower costs, including retirement, have declined steadily relative to the defense budget. Labor costs in 1973 absorbed about 60 cents of every defense dollar, compared with about 46 cents today. In fact, if manpower still consumed 60 percent of the budget there would be about $28 billion less for procurement this year, or roughly the entire amount the Navy will spend for ship construction and aircraft production.

Rather than manpower burdens, the high cost of hardware is what is slowing the pace of needed modernization and complicating the prospect of a significant force expansion. From 1982 through 1988 spending for weapons and equipment is planned to increase 177 percent, and after all that money has been spent the Russians will still have more missiles, planes, tanks and submarines. In a great many respects, the U.S. equipment is better, but the numerical imbalances will remain largely unchanged.

The drive for technological superiority is costing a great deal of money. Three examples illustrate the mixed results:

In order to penetrate the Soviets' massive air-defense network, the Air Force has loaded down the B-1 bomber with 9,000 pounds of electronics. The weight increase has degraded performance and driven up the cost to about $230 million a plane. The B-1's cost per ounce is now almost triple silver's market price of about $11 a troy ounce. Even if all 100 of the planned B-1's are built, the U.S. bomber force will not be restored to its strength of a decade ago.

U.S. tactical aircraft traditionally have enjoyed the advantage of a greater combat radius than their Soviet counterparts, yet the Navy's F-18 is criticized as an expensive, overweight machine emulating short-range Russian aircraft and unable to meet its attack-mission requirements. Although the airplane has its merits (the alternatives are even more costly), the F-18 may not offer enough of a performance increase to justify its $20 million-plus sticker price.

At $2 million a copy, the Army's new M-1 tank should be a marvelous machine, and in many respects it is. A quieter, better armored and more agile tank than the M-60 workhorse it replaces, the M-1 also is bigger, heavier and incredibly thirsty. Traveling cross-country, the M-1 consumes more than twice as much fuel as its M-60 predecessor: 56 gallons an hour, compared with 25 gallons.

The striking thing about much of the new defense hardware is its perverse immunity to trends in the private sector. For example, the electronics industry continues to introduce table-top computers that pack more capability and reliability into ever-cheaper machines. However, packing more computer power into military weaponry has almost inevitably entailed a terrific rise in unit price.

In recent years, private automobiles have evolved into smaller and ligher models that still retain impressive carrying capacities. But both the weight and size of U.S. ground-forces equipment are increasing in both dimensions at a rate of about 4 percent a year. Recently dubbed the "technological bloat factor," it means that the fighting divisions are growing heavier and larger, and therefore more difficult to deploy.

Improvements in fuel consumption haven't kept pace. Consequently, much of the ground-forces equipment now entering service consumes more, rather than less, fuel. In sharp contrast to this trend, Ford has improved the average fuel consumption of its domestic cars by one mile a gallon each year since 1977.

Not only were these trends in military procurement avoidable, their implications are well recognized within the Pentagon. Deputy Secretary of Defense Paul Thayer is devoting top priority to changing the way the Pentagon designs and buys its weapons. He has little choice. Concludes Bob Richardson, a retired Air Force general whose experience on the subject dates back to the missile programs of the early 1960s: "Today's Pentagon acquisition process is probably the Achilles heel . . . of our ability ever to achieve an acceptable U.S. security posture.

This is a frank recognition that spending more money won't necessarily resolve the paradox of a smaller force structure today that is more expensive than the larger military establishment of a decade ago. This is the real issue that this summer's defense spending debate is largely missing—not how much money is poured into the procurement budget, but the skyrocketing price of hardware that virtually debars the U.S. from achieving anything close to quantitative parity with its greatest adversary.

Of course, we cannot be technological Luddites, opting for greater numbers of simple weapons. But the value of robust machines that work, are effective and can be supported in the chaos of combat cannot be overstated.

The U.S. is producing highly complex weapons in the hope that each fighter or tank will destroy several of the enemy's. Improved kill ratios may have a certain "force-multiplier" effect, but the cost of these sophisticated machines, and their associated "operations and maintenance" costs, are both accelerating out of proportion to the gains in capability.

SELF-IMPOSED DISARMAMENT

If this situation isn't altered fundamentally, and soon, we will continue to be engaged in a form of self-imposed disarmament. Our conventional forces in particular will be increasingly outnumbered as we reluctantly spend more on defense.

Napoleon once said, in effect, that victory goes to the last battalion. The spending patterns ingrained in our defense budgets may be leading to a situation where we simply run out of battalions before the enemy in the desperate hours of some future conflict. We shouldn't forget that in the closing days of World War II the Germans had jet fighters and ballistic and cruise missiles. These "wonder weapons" were supposed to turn the tide by providing what the Pentagon now calls "qualitative superiority in a target-rich environment."●

ABORTION IS A MORAL ISSUE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. DANNEMEYER. Mr. Speaker, on September 22, during House consideration of the Labor, Health and Human Services, Education appropriations, there was considerable debate over the question of abortion. This is a subject about which I feel very strongly, but some of my comments were misconstrued by some or taken out of context by others. Lest there be no further misunderstanding, I insert into the CONGRESSIONAL RECORD a sermon by the Reverend Thomas Litteer which underscores the fact that abortion is, above all, a moral issue of profound significance. If one believes, as I do, that life begins at conception, then abortion on demand is tantamount to the taking of human life and there is no greater issue, moral or otherwise, than that. I commend Reverend Litteer's sermon to my colleagues, not just for its message, but also for the eloquence with which it is presented.

ABORTION: FREEDOM OR VIOLENT OPPRESSION?

(By Reverend Thomas Litteer)

I realize abortion is a controversial subject. I don't like to talk about it. But I find it more difficult to remain silent. What I am about to say in no way represents the official policy of any governing body in our church or denomination. It simply represents my own search for truth. I have not always been such a strong supporter of the pro-life position. Until two years ago I did not consider it to be much of an issue. It was at that time I saw an abortion on film and became convinced that abortion was taking the life of an unborn child.

In this sermon I an not primarily concerned with abortions due to rape or abortions that are necessary to save the life of the mother. I am concerned with abortions that are used as an after-the-fact form of birth control. These number more than 90% of the 4,000 abortions carried out each day. Approximately 3,600 unborn children die each day because they are an inconvenience; they are unwanted.

In 1973, the Supreme Court ruled that a woman's constitutional right of privacy included the right to put to death an unwanted, unborn child. The details of that decision are: 1. a woman's decision to have an abortion during the first three months of pregnancy must be left to her and her doctor, 2. During the second trimester, states may interfere in that decision only to protect the woman's health, and 3. The state may take steps to protect fetal life only in the third trimester.

The result of this decision of the Supreme Court has been a widespread adoption of a utilitarian philosophy. A utilitarian philosophy means basically this: the greatest good for the greatest number. This philosophy in turn gives birth to a pragmatic morality which maintains: "Whatever solves a problem on the practical level must be considered as moral. No action is right or wrong in itself. If a given action results in a desirable

effect, it is ethically acceptable. Simply put, the end justified the means.

The effect this new ethic had on the status of the unborn was to declare them subhuman. If a category of human beings is declared sub-human, as has happened in every war—in war the enemy is always considered less than human—and as it happened in Germany during the 1930's and 1940's—if this happens, the group of human beings so classified become for us devoid of value and respect. Once this occurs, their deaths mean very little and we have a powerful tool to rationalize our actions.

The sanctity of life has given way to convenience as an absolute value. The old ethic is slowly being replaced by the new ethic. David Hosick says, "Convenience has become more important than the life of a human being. In claiming to pursue a higher quality of life for the living through abortion, we have instead pitted children as adversaries to adult fulfillment. More and more, abortion in American culture is creating an atmosphere in which children are veiwed as inconvenient impediments to adult development and personal growth which, if caught soon enough, can be easily removed." (Monday Morning)

How did we arrive at this new ethic—this pragmatic morality? John Powell says, "I personally suspect that our problems began with a heavily commercialized approach to the good life. The script reads that we should go through life with the maximum amount of pleasure and the minimum amount of pain." We have confused living a good life with having a good time. We believe we have a right to have a good time with minimal interference from the outside. Living a good life requires commitment, giving, sharing, and love. Having a good time calls for self-centeredness and shallow relationships. "The biblical formula for living a good life," says Powell, "is to love persons and use things." But we have inverted the biblical formula—we love things and we use people. In the process we lose the ownership of our things and they begin to own us. And we use people to get the things we love.

Secular humanism has given us a value system that says there are no absolutes. Right or wrong is determined by the individual for himself or herself. What you believe to be true may be true for you, but may not be true for someone else. Truth is relative—relative to the individual and to the situation. There is life only in the here and now, and we are to live it for all it is worth—there are no eternal considerations. In this value system there is no room for a personal God under whose authority we stand.

Then, there is the attempted rationalization of evil by a society. We hear excuses like, "Well, everybody else is doing it, it can't be that bad." Or, "It's the only way a person can survive", or "That's the way business is." John Powell says, "An essential part of this process of societal rationalization is cleaning up the language. Language is something like the sugar coating of the ideas which we swallow and digest. And ideas have serious consequences. It's a lot easier to swallow dishonesty if you call it 'a fast buck' or 'easy money'. It's a lot easier to commit adultery if you trivialize it as "fooling around". Fornication is 'swinging.' It's a lot easier to kill a baby if you call it 'terminating a pregnancy'. It's a lot easier to discuss abortion if you never mention the tiny human victim or refer to the victim's death."

In 1968 Dr. Bernard Nathanson was one of the key organizers for a political action group known as the National Association for Repeal of Abortion Laws. In 1971 he organized and ran the Center for Reproductive and Sexual Health—what he calls an amusing euphemism for an abortion clinic. 60,000 abortions were performed in a period of 19 months. The clinic performed abortions from 12-16 hours a day and made $5,000,000 per year. Dr. Nathanson changed his mind about abortion—not for any religious reasons because he is an atheist. As he says, "My change of mind began with the realization, the inescapable reality that the fetus, that embryo, is a person, is a protectable human life. The change also began on the basis of my own secular belief in the golden rule. If you would not have your own life taken away from you, you must not take someone else's away." He also concludes, "The value of life has become subjective. Life or death has become a matter of whether 'I' want 'you' or whether 'we' want 'them' to live. Life in and of itself is no longer treated as having intrinsic worth."

This is exactly the point at which our theology must speak out. I cannot stand up here and say that God loves you, and then say to the million and a half unborn who die every year—but he doesn't love you—you are not wanted.

In both Psalm 139 and Galatians 1 we witness an overwhelming conviction that God is involved in the creation of life before its conception. In the mind and purposes of God, we exist long before we are conceived. This involvement of God in our creation is deeply personal, "For thou didst form my inward parts, thou didst knit me together in my mother's womb." The psalmist believes that God is at work in every stage of his human development from his conception to the present. The place of God in the life of the Apostle Paul was just as significant. Paul was convinced that God had "set him apart before he was born" in order to preach the gospel to the Gentiles.

And this is the work of a loving, caring, forgiving God who is interested in every detail of his children's lives. There is no part of our lives that does not belong to God; there is no time in our lives that we are not his. The love of God for his children, without question, is real and powerful even during their development in the wombs of their mothers. God's love is with us from the very beginning, "Thy eyes beheld my unformed substance; in thy book were written, every one of them, the days that were formed for me, when as yet there was none of them."

This love of God for the unborn is also offered to the woman with a problem pregnancy. Those who face such a situation need the love, compassion, understanding, and acceptance of the church. The church is to serve as a therapeutic community for those who have experienced physical, emotional, and spiritual wounds from abortion or giving up a child for adoption. These women must never be ignored or rejected.

Either an unborn child is a human being or it is not. I believe it is. Whether that child is wanted or not does not determine its value. It has value because it is a human life—a creation of God. God is intricately and intimately involved in the creation and development of that human life. Simply because it is not as far along the process of human development as we are, does not make it any less human.

I will close with these words of Mother Teresa, "To me, the nations with legalized abortions are the poorest nations. The great destroyer of peace today is the crime against the innocent unborn child . . . In destroying the child, we are destroying love, destroying the image of God in the world."●

TRIBUTE TO OFFICER WALTER P. LANGLEY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. FRANK. Mr. Speaker, last Sunday, the family of Mansfield Police Officer Walter P. Langley received the terrible news that tragically comes too often to the relatives of our police officers: they learned that Officer Langley had been killed in the line of duty, while working to protect the people of Mansfield. He was investigating an automobile accident early Sunday morning when he was killed by a passing automobile. Once again, Mr. Speaker, we are reminded of the dedication to duty and willingness to risk their lives which police officers demonstrate every day. While most of his fellow citizens slept in those early morning hours, Officer Langley was doing his job of protecting them, and in this instance, doing that job cost him his life.

This reminds us of the great debt which we owe to those who police our communities. To the family of Officer Langley, we offer our very deepest sympathies, knowing all too well that this can do little to ease the sense of pain and loss that they feel at this time. We can only hope that, as time passes and the pain recedes, they will be comforted by the pride they are entitled to feel in the memory of Officer Langley's devotion to duty and the gratitude his fellow citizens feel for the work he did.

I hope that the terrible tragedy which befell Officer Langley will remind all of us of how great a debt we owe all of those who serve in our police forces and who daily face the kind of risks which Officer Langley faced last Sunday. Certainly it is a reminder to those of us who serve in elected office that we should be doing more than we are now to see that the conditions under which these men and women work are improved to the point where they more accurately reflect the sacrifice that they may at any moment be called upon to make on our behalf.●

DANGER OF GENERAL WARFARE IN CENTRAL AMERICA

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. ALEXANDER. Mr. Speaker, although recent events in Lebanon and the Sea of Japan have temporarily diverted our Nation's attention from the continuing crisis in Central America, the fact is that hostilities there have not diminished but intensified.

Amidst claims from numerous sources that our Government is stepping up assistance to counterrevolutionary, anti-Sandinista elements in both Honduras and Costa Rica, the border war has flared up dangerously—with a series of air attacks and armed incursions.

One result has been that Nicaraguan Defense Minister Humberto Ortega—never a very temperate personality—has threatened to retaliate by crossing the Honduran border.

Mr. Speaker, such an action would obviously carry with it the danger of general warfare in Central America, and I for one would not be pleased if history should judge our Nation as having contributed to the provoking of such a catastrophe.

The people of our country do not want war in Central America. As one evidence of this, I call to your attention a recent series of articles by John Workman of my own home-State newspaper, the Arkansas Gazette.

The article follows:

[From the Arkansas Gazette, Sept. 3, 1983]

HOME-BOUND REFLECTIONS

(By John S. Workman)

En route from Managua, Nicaragua, to Miami—Someone has just reported that the landmass we see below is Cuba, adding the comment—which may or may not be true—that we couldn't be here if we were flying with a United States airline rather than a Nicaraguan one.

In any event, the thought gives rise to a theme that has been present, although subliminally, throughout the last nine days as I have traveled in Honduras and Nicaragua with a nine-member group of reporters from United States: That although human beings have made fantastic technological advances during the past decades—accomplishments that have done so much to bring this world together—there are still vast chasms that separate us.

The theme, although it has such definite and threatening political and military expressions these days, is essentially a spiritual one. General Douglas McArthur made the observation when signing the peace treaty with Japan following World War II: That the world's problems are ultimately spiritual in nature, not military or political.

If such a contention is true, it has tremendous implications regarding what responses we make to "the problems" in Latin America—and, indeed, to all those vast, complex issues that threaten world peace today.

Such thoughts are too much, however, for home-bound reflections.

What crowds the mind now are more personal and immediate images and reflections.

I see the face of a little girl in a poor barrio in Tegucigalpa, Honduras, as she watches our American translator, an attractive young woman who, to this poor slum-bound child, must have symbolized an unattainable world of freedom, plenty and security. The world's dreams are in that little girl's eyes.

I see the impassioned faces of people with totally opposing causes—from one of the top leaders of the United States-supported "Contras," who met with us behind closed doors in Honduras, to the animated countenance of Nicaragua's Comandante Tomas Borge, who 10 hours later bristled when he spoke of his mortal enemy.

I see the stoic countenance of a young Sandinista soldier, one of six teen-aged veterans of border skirmishes who, with their AK-47 rifles, provided security while we rode in an East German army truck during an unforgettable 12-hour trip to the border combat zone.

I see the zealous faces of American nuns and other United States citizens who have devoted their lives—and who risk them daily—in ministry to Nicaragua's poor. I still feel their pained exasperation at what they perceive as the cynicism of the press and of other Americans who insist on imposing their own patterns and measurements on Third World issues.

In a few minutes our plane will land in Miami. It's such a small and beautiful world, really. There's got to be a way to hold it together.

[From the Arkansas Gazette, Sept. 10, 1983]

WHERE ARE THE RECONCILERS?

(By John S. Workman)

One should, as the saying goes, do what one does best. If ever there were such an occasion for this country's religious community and peace groups, it is now.

At the risk of being called do-gooders and Communist symphathizers, someone needs to bring a little reason to the current barrage of vitriolic rhetoric directed toward the Russian people as a whole in regard to the actions of a few of their military personnel in shooting down the Korean civilian airplane.

It goes without saying that the act was indeed a crime against humanity, as President Reagan said, and that those immediately responsible, and their government, should be required to answer to internationally accepted rules of morality and law and make restitution to the bereaved parties.

But much of the rhetoric in the President's response goes beyond that required of our national leader. That rhetoric itself is open to critical examination. Who will do that examining—who will bring reason to the debate—if not the churches, synagogues and peace groups?

One of the liabilities of such a task is that no matter what you say, you're going to be misunderstood. No matter how forcefully and plainly the case is made that such an appeal for reason is in no way an apology for such a dastardly deed, there are those who will see such efforts at reconciliation as "knuckling under."

Among other things, the President's harsh condemnation unjustly indicts a whole people for the actions of a few. It heightens tensions that could lead to a nuclear holocaust. It increases the already-too-high level of suspicion, mistrust and hatred of the Russian people—and God knows we need more trust among people these days, especially among Americans and Russians.

Unrestrained rhetoric that condemns the innocent with the guilty is not only a bad way to pursue peace—it is behavior unbecoming the president of the United States.

As objectionable, if not moreso, as the blanket comdemnation of all the Russian people, is Mr. Reagan's politicizing of the issue for partisan gain—by using the occasion to campaign for his MX missile program. Such a tactic—using the sorrow of the grieving for political leverage—is an affront that is unworthy of a national leader.

What rankles most, however, is Mr. Reagan's continued insistance that the Russian people represent "the focus of evil in the modern world."

Perhaps I could get more on the national bandwagon if I had not come, just days ago, from the border combat zone in Nicaragua where an American religious worker told me of how, just minutes before, United States-backed "Contra" troops, in a covert war that some congressional leaders say violates both United States and inter-American laws, launched a mortar attack on a refugee camp just a few miles from where our group of nine North American reporters was gathered. That, too, is a crime against humanity.

Perhaps I could get more enraged at the Russians if I could erase from my memory the fact that soldiers of the United States-backed government of El Salvador cut the throats of seven of my acquaintances, poor farmers on a church-sponsored project I visited 16 months ago, leaving six widows and 24 fatherless children. A crime against humanity.

The point: There are places in this world where it isn't the Russians that are viewed as the sole "focus of evil."

Just as no one people can be said to have a corner on righteousness, no one people can embody evil. "None is righteous, no not one," an old book says.

Now is the time for all good persons to come to the aid of the human race.●

MERIT PAY FOR TEACHERS WORKS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. RUDD. Mr. Speaker, one of the recommendations to improve the quality of teaching cited in the National Commission on Excellence in Education's widely publicized report was to make salaries for the profession performance-based. The report states:

Salary, promotion, tenure, and retention decisions should be tied to an effective evaluation system that includes peer review so that superior teachers can be rewarded, average ones encouraged, and poor ones either improved or terminated.

I fully endorse this concept, which deserves recognition not just in the education establishment but in all other fields as well—including those within the Federal Government—and I am pleased to report on a successful program of performance evaluation of teaching skills in Arizona.

Williams Air Force Base Elementary School in Chandler, Ariz., has been operating under a performance evaluation system for 7 years and continues to modify the program as it evolves. Since the program's inception, teacher morale has improved, cooperation and teamwork among staff members, teachers, and the school administrators is reported to be at an all time high. This has been accomplished through observation of the teachers' classroom performance, regular meetings and conferences between department heads and teachers, constructive criticisms and open communication among faculty personnel, and after final evaluations which are shared openly with the teachers, the teachers are grouped into categories for salary increases.

In my opinion, such a program would immeasurably benefit the quality of instruction in our schools—whether private or public—and should serve as an example of what our institutions are aiming for in educational excellence.

A more comprehensive report on the Williams Air Force Base Elementary School program, provided to me by Maricopa County School Superintendent Richard L. Harris, follows:

UNIFORM TEACHER ASSESSMENT AND EVALUATION MERIT INCREASES BASED ON PERFORMANCE EVALUATION

(Williams Air Force Base Accommodation School No. 510; Horse Mesa Accommodation School No. 509; and Maricopa County Accommodation School No. 512)

HISTORY

The Maricopa County Accommodation Schools Uniform Teacher Assessment and Evaluation, "Performance Evaluation" was first implemented in the 1977-78 school year. Prior to that time, teachers' annual salary increases were awarded in much the same manner as most school districts do today, e.g., salary scales or indexes with predetermined increments over a number of steps based on a classification index which is determined by the teacher's educational degrees and number of earned graduate hours. Although teachers were "evaluated", they received their increases as established on the scale regardless of results unless nonrenewal or termination was being considered.

At first, the teachers were very much opposed to this form of performance evaluation that would determine the amount of salary increase (if any) they would receive the next school year. But at that time, there were a number of different problems plaguing the district, so morale was at a low point anyway.

As time progressed, the performance evaluation system underwent changes which were designed to improve the accuracy and objectivity of the instrument and in the evaluation procedures as well. In addition to these changes, other problem areas were gradually resolved and teacher acceptance of the system was becoming more evident.

The system is now in its seventh year and continues to undergo minor changes and adjustments as they become necessary. Teacher morale has reached a new plateau; cooperation and teamwork among staff members and teachers, and the school adminstration appears to be at an all time high.

Since its inception, the performance evaluation system has included the classified sector of the staff. Obviously another instrument is used but when compared to the certified instrument, there are fundamenal similarities. The instrument used for evaluating special education teachers evolved from the basic instrument with adjustments made in the areas which are unique to special education instruction. All administrators are evaluated in a similar fashion with appropriately designed instruments.

PURPOSE

The primary purpose of the performance evaluation system is to improve instruction. Performance evaluation determines to what extent the goals and objectives purported by the school district are being met; it provides a foundation for supervisory activities and inservice programs which are both constructive and meaningful.

Further, it supplies information for sound administrative decisions, and establishes an atmosphere for motivation for self-improvement as well as giving impetus to personal and professional growth.

The principal goal of the district is to help develop students who will be both productive and self-sufficient people when they become adult members of our society. Included as the most crucial component of its instructional goals are the advancement of student knowledge, especially in basic skills, and the development and encouragement of good pupil study skills as well as work habits and attitudes.

The district firmly believes that teachers impact the accomplishment of these goals in their classroom interactions with students, in the behavior models they present to the students, and in their interaction with staff, administration and parents.

HOW IT WORKS

Terms are defined, timetables are identified and procedures for observations, conferences and appeals are explained. One or more observations are announced in advance and depending on individual circumstances, several more may be unannounced. In addition, department heads will observe each teacher for which the department head is responsible. Only what actually takes place in the classroom during the observation is recorded. Other forms of data are gathered and regular meetings are held with department heads so that there is a smooth, constant flow in communication. Teachers are kept informed both individually on items which pertain to their particular circumstances as well as in general as part of the entire organization.

Areas which are identified as needing improvement are addressed by the supervisor directly. Suggestions for improvement are given; in many cases, other staff members who may be helpful to the teacher are asked to work with the individual. Other solutions might be pursued, such as university course work, observing other teachers who have been identified as proficient in the areas needing improvement, and/or inservice. In every situation a definite period of time is set and periodic meetings with the principal are held to make note of progress.

Areas which have been identified as inadequate are handled in much the same manner, but must be corrected in ninety days. Notice of nonrenewal or termination may be issued for one or more inadequacies. In either instance, written notification of the deficiency is given along with written suggestions for improvement. In addition, every effort is made to help the teacher improve. Even the smallest area of inadequacy has a negative effect on the instructional program, not only in the particular area of occurrence but also in the interaction of other staff and students.

When evaluations have been completed, all teachers are requested to begin establishing goals for the remainder of the present school year and the next one. The final evaluation gives rise to the development and identification of these goals. In addition, teachers are requested to commit themselves to two or three goals which are directed to the advancement of their professional growth and development. These are submitted to the principal in writing and progress is monitored by both individuals.

An important item which deserves mention at this point, is that teachers are informed that the evaluation system is ongoing, and the remaining portion of the current school year will be considered as part of the "next evaluation" year. If, in extreme cases, there might be a need for action before then, it will be taken.

SALARY DETERMINATION

After all data has been evaluated, and conferences have been held with teachers, the principal and superintendent review and discuss all information regarding the results of the evaluation. Teachers are then grouped into categories for salary increases.

Those that are placed in the lowest category may not receive an increase for the next school year. Teachers placed in the other categories will receive increases that elevate according to the category in which they are placed. There may be as many as six categories or as little as three. The amount of increases is determined when the preliminary district budget has been prepared and monies for salaries have been identified.

IMPACT ON THE DISTRICT

Teachers

1. Average salary has almost doubled in last six years for teachers with three or more years in the district. Currently, this figure is $20,600.00 with a range of $15,250.00 to $26,600.00.

2. Teacher turnover (attrition rate) has gradually lowered but teachers who were identified as inadequate have either been removed or have removed themselves from the district. Of this group, 50% were tenured teachers.

3. Morale is highest it has been since 1977-78 school year when the merit system was first initiated. This too has been a gradual type of improvement.

4. Cooperation with the administration has improved considerably as has cooperation among staff members increased. Teamwork is now clearly evident in all aspects of the operation.

5. More concern and involvement in almost all aspects of the instructional program by a greater portion of the staff has been witnessed.

6. A much greater interest in extracurricular activities has been taken by a greater portion of the staff.

Students

1. Classroom management skills have improved and as a result, the entire disciplinary atmosphere of the school reflects organization, and order. Student conduct is more business-like and evidence indicates that students are making a greater effort at self-control.

2. Student proficiency in the classroom has increased in all subject areas. Acceptance of homework is much more evident than it has been and parents appear to be more willing to do their share in this area.

3. Over the past three years, Achievement Test Scores in virtually every area of the CAT (state mandated test) at every grade level (1-8) have exceeded the National and State norms. The significance of this is even more pronounced when one considers that the average membership of our students is less than two years.●

WINNERS OF THE NATION'S HIGHEST AWARD

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. WOLF. Mr. Speaker, on June 7, 1983, U.S. Postmaster General William F. Bolger dedicated a 20-cent postage stamp honoring winners of the Nation's highest award for valor, the Medal of Honor.

Instituted in 1861 for the U.S. Navy and in 1862 for the U.S. Army, the Medal of Honor is awarded only for courage above and beyond the call of duty. U.S. Air Force personnel were awarded the Army Medal of Honor until 1965, when an Air Force Medal was created.

Mr. Speaker, in the northern Virginia suburbs of Washington, D.C., Representative STAN PARRIS and I are privileged to represent eight Medal of Honor winners who were recently paid tribute by the Northern Virginia Management Sectional Center of the U.S. Postal Service. They are Gen. Leon W. Johnson, U.S. Air Force, McLean, Va.; Col. Lloyd L. Burke (Retired), U.S. Army, Burke, Va.; Col. Robert F. Foley, U.S. Army, Fairfax, Va.; Col. Reginald R. Myers, U.S. Marine Corps, Annandale, Va.; Lt. Col. Jack H. Jacobs, U.S. Army, Annandale, Va.; Lt. Col. Walter J. Marm, U.S. Army, Woodbridge, Va.; Sfc. John F. Baker, Jr., U.S. Army, Alexandria, Va.; and St. John L. Levitow, U.S. Air Force, Vienna, Va.

The stories of how these men came to receive their medals are truly remarkable and inspiring. Because they are so moving and because they reflect so much credit upon themselves and the U.S. Armed Forces, I would like to include the narratives in the RECORD at this point:

The narratives follow:

GEN. LEON W. JOHNSON (RET.), U.S. AIR FORCE

General Leon W. Johnson, (then Colonel), United States Army Air Corps, 9th Air Force, Ploesti Raid, Rumania, 1 August 1943.

For conspicuous gallantry in action and intrepidity at the risk of his life above and beyond the call of duty on 1 August 1943. Colonel Johnson, as commanding officer of a heavy bombardment group, led the formation of the aircraft of his organization constituting the fourth element of the mass low-level bombing attack of the 9th United States Air Force against the vitally important enemy target of the Ploesti oil refineries. While proceeding to the target on this 2,400-mile flight, his element became separated from the leading elements of the mass formation in maintaining the formation of the unit while avoiding dangerous cumulous cloud conditions encountered over mountainous territory. Though temporarily lost, he reestablished contact with the third element and continued on the mission with this reduced force to the prearranged point of attack, where it was discovered that the target assigned to Colonel Johnson's group had been attacked and damaged by a preceding element. Though having lost the element of surprise upon which the safety and success of such a daring form of mission in heavy bombardment aircraft so strongly depended, Colonel Johnson elected to carry out his planned low-level attack despite the thoroughly alerted defenses, the destructive antiaircraft fire, enemy fighter airplanes, the imminent danger of exploding delayed action bombs from the previous element, of oil fires and explosions, and of intense smoke obscuring the target. By his gallant courage, brilliant leadership, and superior flying skill, Colonel Johnson so led his formation as to destroy totally the important refining plants and installations which were the object of his mission.

COL. LLOYD L. BURKE (RET.), U.S. ARMY

Colonel, (then First Lieutenant), United States Army, Company G, 5th Cavalry Regiment, 1st Cavalry Division, near Chongdong, Korea, 28 October 1951.

For conspicuous gallantry and outstanding courage above and beyond the call of duty in action against the enemy near Chong-dong, Korea, on 28 October 1951. Intense enemy fire had pinned down leading elements of his company committed to secure commanding ground when Lieutenant Burke left the command post to rally and urge the men to follow him toward three bunkers impeding the advance. Dashing to an exposed vantage point he threw several grenades at the bunkers, then, returning for an M1 rifle and adapter, he made a lone assault, wiping out the position and killing the crew. Closing on the center bunker he lobbed grenades through the opening and, with his pistol, killed three of its occupants attempting to surround him. Ordering his men forward he charged the third emplacement, catching several grenades in midair and hurling them back at the enemy. Inspired by his display of valor his men stormed forward, overran the hostile position, but were again pinned down by increased fire. Securing a light machinegun and three boxes of ammunition, Lieutenant Burke dashed through the impact area to an open knoll, set up his gun and poured a crippling fire into the ranks of the enemy, killing approximately 75. Although wounded, he ordered more ammunition, reloading and destroying two mortar emplacements and a machinegun position with his accurate fire. Cradling the weapon in his arms he then led his men forward killing some 25 more of the retreating enemy and securing the objective. Lieutenant Burke's heroic action and daring exploits inspired his small force of 300 troops.

COL. ROBERT F. FOLEY, U.S. ARMY

Colonel, (then Captain), United States Army, Company A, 2nd Battalion, 27th Infantry, 25th Infantry Division, near Quan Dau Tieng, Republic of Vietnam, 5 November 1966.

For conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty. Captain Foley's company was ordered to extricate another company of the Battalion. Moving through the dense jungle to aid the besieged unit, Company A encountered a strong enemy force occupying well concealed, defense positions, and the company's leading element quickly sustained several casualties. Captain Foley immediately ran forward to the scene of most intense action to direct the company's efforts. Deploying one platoon on the flank, he led the other two platoons in an attack on the enemy in the face of intense fire. During this action both radio operators accompanying him were wounded. At grave risk to himself he defied the enemy's murderous fire, and helped the wounded operators to a position where they could receive medical care. As he moved forward again one of his machinegun crews was wounded. Seizing the weapon, he charged forward firing the machinegun, shouting orders and rallying his men, thus maintaining the momentum of the attack. Under increasingly heavy enemy fire he ordered his assistant to take cover and, alone, Captain Foley continued to advance firing the machinegun until the wounded had been evacuated and the attack in this area could be resumed. When movement on the other flank was halted by the enemy's fanatical defense, Captain Foley moved to personally direct this critical phase of the battle. Leading the renewed effort he was blown off his feet and wounded by an enemy grenade. Despite his painful wounds he refused medical aid and persevered in the forefront of the attack on the enemy redoubt. He led the assault on several enemy gun emplacements and, singlehandedly, destroyed three such positions. His outstanding personal leadership, under intense enemy fire during the fierce battle which lasted for several hours, inspired his men to heroic efforts and was instrumental in the ultimate success of the operation.

COL. REGINALD R. MYERS, U.S. MARINE CORPS

Colonel Reginald R. Myers, (then Major), United States Marine Corps, 3d Battalion, 1st Marines, 1st Marine Division (Reinforced), near Hagaru-ri, Korea, on 29 November 1950.

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as executive officer of the 3d Battalion, 1st Marines, 1st Marine Division (Reinforced), in action against enemy aggressor forces in Korea on 29 November 1950. Assuming command of a composite unit of Army and Marine service and headquarters elements totaling approximately 250 men, during a critical stage in the vital defense of the strategically important military base at Hagaru-ri, Major Myers immediately initiated a determined and aggressive counterattack against a well-entrenched and cleverly concealed enemy force numbering an estimated 4,000. Severely handicapped by a lack of trained personnel and experienced leaders in his valiant efforts to regain maximum ground prior to daylight, he persisted in constantly exposing himself to intense, accurate, and sustained hostile fire in order to direct and supervise the employment of his men and to encourage and spur them on in pressing the attack. Inexorably moving forward up the steep, snow-covered slope with his depleted group in the

face of apparently insurmountable odds, he concurrently directed artillery and mortar fire with superb skill and although losing 170 of his men during 14 hours of raging combat in subzero temperatures, continued to reorganize his unit and spearhead the attack which resulted in 600 enemy killed and 500 wounded.

LT. COL. JACK H. JACOBS, U.S. ARMY

Lieutenant Colonel, (then Captain), United States Army, United States Army Element, United States Military Assistance Command, Republic of Vietnam, In Kien Phong Province, Republic of Vietnam, on 9 March 1968.

For conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty. Captain Jack H. Jacobs, Infantry, distinguished himself on 9 March 1968 while serving as Assistant Battalion Advisor, 2nd Battalion, 16th Infantry, 9th Infantry Division, Army of the Republic of Vietnam, during an operation in Kien Phong Province, Republic of Vietnam. The 2nd Battalion was advancing to contact when it came under intense heavy machinegun and mortar fire from a Viet Cong battalion positioned in well fortified bunkers. As the 2nd Battalion deployed into attack formation its advance was halted by devastating fire. Captain Jacobs, with the command element of the lead company, called for and directed air strikes on the enemy positions to facilitate a renewed attack. Due to the intensity of the enemy fire and heavy casualties to the command group, including the company commander, the attack stopped and the friendly troops became disorganized. Although wounded by mortar fragments, Captain Jacobs assumed command of the allied company, ordered a withdrawal from the exposed position and established a defensive perimeter. Despite profuse bleeding from head wounds which impaired his vision, Captain Jacobs, with complete disregard for his own safety, returned under intense fire to evacuate a seriously wounded advisor to the safety of a wooded area where he administered lifesaving first aid. He then returned through heavy automatic weapons fire to evacuate the wounded company commander. Captain Jacobs made repeated trips across the fire-swept open rice paddies evacuating wounded and their weapons. On three separate occasions, Captain Jacobs contacted and drove off Viet Cong squads who were searching for allied wounded and weapons, singlehandedly killing three and wounding several others. His gallant actions and extraordinary heroism saved the lives of one United States advisor and thirteen allied soldiers. Through his effort the allied company was restored to an effective fighting unit and prevented defeat of the friendly forces by a strong and determined enemy.

LT. COL. WALTER J. MARM, U.S. ARMY

First Lieutenant, (then Second Lieutenant), United States Army, Company A, 1st Battalion, 7th Cavalry, 1st Cavalry Division (Airmobile), in the Vicinity of La Drang Valley, Republic of Vietnam, on 14 November 1965.

For conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty. As a Platoon Leader in the 1st Cavalry Division (Airmobile), he demonstrated indomitable courage during a combat operation in the La Drang Valley. His company was moving through the valley to relieve a friendly unit surrounded by an enemy force of estimated regimental size. Lieutenant Marm led his platoon through withering fire until they were finally forced to take cover. Realizing that his platoon could not hold very long, and seeing four enemy soldiers moving into his position, he moved quickly under heavy fire and annihilated all four. Then, seeing that his platoon was receiving intense fire from a concealed machinegun, he deliberately exposed himself to draw its fire. Thus locating its position, he attempted to destroy it with an antitank weapon. Although he inflicted casualties, the weapon did not silence the enemy fire. Quickly, disregarding the intense fire directed on him and his platoon, he charged 30 meters across open ground, and hurled grenades into the enemy position, killing some of the eight insurgents manning it. Although severely wounded, when his grenades were expended, armed with only a rifle, he continued the momentum of his assault on the position and killed the remainder of the enemy. Lieutenant Marm's selfless actions reduced the fire on his platoon, broke the enemy assault, and rallied his unit to continue toward the accomplishment of this mission.

SFC. JOHN F. BAKER, JR., U.S. ARMY

Sergeant First Class (then Private First Class), United States Army, Company A, 2nd Battalion, 27th Infantry, 25th Infantry Division, in the Republic of Vietnam, 5 November 1966.

For conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty. En route to assist another unit that was engaged with the enemy, Company A came under intense enemy fire and the lead man was killed instantly. Sergeant Baker immediately moved to the head of the column and together with another soldier knocked out two enemy bunkers. When his comrade was mortally wounded, Sergeant Baker, spotting four Viet Cong snipers, killed all of them, evacuated the fallen soldier and returned to lead repeated assaults against the enemy positions, killing several more Viet Cong. Moving to attack two additional enemy bunkers, he and another soldier drew intense enemy fire and Sergeant Baker was blown from his feet by an enemy grenade. He quickly recovered and singlehandedly destroyed one bunker before the other soldier was wounded. Seizing his fallen comrade's machinegun, Sergeant Baker charged through the deadly fusillade to silence the other bunker. He evacuated his comrade, replenished his ammunition and returned to the forefront to brave the enemy fire and continue the fight. When the forward element was ordered to withdraw, he carried one wounded man to the rear. As he returned to evacuate another soldier, he was taken under fire by snipers, but raced beyond the friendly troops to attack and kill the snipers. After evacuating the wounded man, he returned to cover the deployment of the unit. His ammunition now exhausted, he dragged two more of his fallen comrades to the rear. Sergeant Baker's selfless heroism, indomitable fighting spirit, and extraordinary gallantry were directly responsible for saving the lives of several of his comrades, and inflicting serious damage on the enemy.

SGT. JOHN L. LEVITOW, U.S. AIR FORCE

Sergeant, (then Airman First Class), United States Air Force, 3rd Special Operations Squadron, Bein Hoa Air Base, Long Binh Army Post, Republic of Vietnam, on 24 February 1969.

For conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty. Sergeant John L. Levitow distinguished himself by exceptional heroism on 24 February 1969, while assigned as a loadmaster aboard an AC-47 aircraft flying a night mission in support of Long Binh Army Post, Republic of Vietnam. On that date Sergeant Levitow's aircraft was struck by a hostile mortar round. The resulting explosion ripped a hole two feet in diameter through the wing and fragments made over 3,500 holes in the fuselage. All occupants of the cargo compartment were wounded and helplessly slammed against the floor and fuselage. The explosion tore an activated flare from the grasp of a crewmember who had been launching flares to provide illumination for army ground troops engaged in combat. Sergeant Levitow, though stunned by the concussion of the blast and suffering from over forty fragment wounds in the back and legs, staggered to his feet and turned to assist the man nearest to him who had been knocked down and was bleeding heavily. As he was moving his wounded comrade forward and away from the opened cargo compartment door, he saw the smoking flare ahead of him in the aisle. Realizing the danger involved and completely disregarding his own wounds, Sergeant Levitow started toward the burning flare. The aircraft was partially out of control and the flare was rolling wildly from side to side. Sergeant Levitow struggled forward despite the loss of blood from his many wounds and the partial loss of feeling in his right leg. Unable to grasp the rolling flare with his hands, he threw himself bodily upon the burning flare. Hugging the deadly device to his body, he dragged himself back to the rear of the aircraft and hurled the flare through the open cargo door. At that instant the flare separated and ignited in the air, but clear of the aircraft. His heroic actions saved the aircraft and its entire crew.●

ANOTHER HARVEST OF DESPAIR

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. ANTHONY. Mr. Speaker, we are now into the fourth consecutive harvest season of discontent and despair among our farmers. The combined effects of drought, low prices, high interest rates, and continued lack of profitability are sapping the future of American agriculture and endangering the Nation's sources of food and fiber for generations to come.

Many of my colleagues have heard these warnings before from those of us representing agricultural districts and I fear that our pleas may be falling on deaf ears. Certainly that appears to be the case with regard to this administration's interest in taking decisive action to deal with the drought disaster which has occurred this year. However, the pernicious effects of year after year of growing indebtedness is inevitably going to produce massive bankruptcy in American agriculture. It is already upon us, but the adminis-

tration's only solution seems to be to cut price support and income protection programs.

I have decided to put into the RECORD copies of letters I have received recently from two production credit associations in Arkansas. These letters sum up the predicament of farmers far better than anything else I can say about the present disaster.

Finally, I am including the editorial published in the September 30 issue of the Delta Farm Press which summarizes the indifference and incompetence of this administration in the management of basic farm programs during the past 3 years. Even if many farmers are no longer in business next year due to the policies imposed on them, they will not forget who did it to them.

LONOKE PRODUCTION CREDIT ASSOCIATION,
Lonoke, Ark., September 21, 1983.

Hon. BERYL F. ANTHONY, Jr.,
U.S. House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN ANTHONY: As you are well aware, most of the mid west is experiencing one of the most severe droughts since the 1930's. This has significantly reduced crop yields for most farmers and in some instances crops have been completely destroyed. This situation, coupled with the drought of 1980, grain embargoes, and the depressed farm economy for 4 years has depleted the resources of many good farmers.

A large number of our farmers obtained emergency credit from SBA and FmHa as a result of the 1980 drought and have been unable to service these debts, because of lack of profits since that time.

In the 3½ county area, served by Lonoke PCA, we believe that between twenty and twenty-five per cent of the farmers may not be able to continue, unless some form of help is provided.

We do not believe that additional credit is the answer as history shows this has not been effective, at least in the manner it was distributed and supervised. One only has to review the delinquencies, past due loans, and other problems cited by the press recently about FmHa to be sure that past remedies have not been beneficial. We would like to suggest some things we believe could be of benefit and which we would ask that you consider, and if feasible, obtain passage in the form of a Farm Program.

1. Re-amortize the existing emergency loans presently outstanding which have been made by SBA and FmHa, and set these up over a 10 year period. At the same time, reduce the interest rates on these loans to 1 percent. This will save a lot of money. We believe that most farmers can and will repay these loans on this basis. Unless some change is made, the government will get this collateral. The farmer will be broke and the lenders will own some collateral having little value and which will be difficult to sell.

2. The Federal Crop Insurance Program is a step in the right direction, however, in many cases the coverage is too low to justify the premium and the program is too complicated. We believe that coverage can be increased; the program properly administered, and protection provided without additional cost.

3. To improve our export markets will be of real benefit, and we believe this must be done. At this time we need some help which will be of benefit in early 1984, and the export markets would probably not improve rapidly enough for that need.

4. The PIK Program is of benefit now and possibly it could be considered to be continued in 1984, or else a mandatory acreage control with paid diversion on all acres set aside.

5. The FmHa loan guaranty program could be expanded and simplified to encourage use by increasing guarantee to 100 per cent and simplifying procedures involved. This could be of benefit to many farmers, and would probably cost a relatively small amount. Professional conventional lenders such as the commercial banks and PCA's could administer this type program and the cost would be less then it would cost the government to hire staff for administering this program, if these changes were made.

6. Continued encouragement of coordination by the SBA and FmHa by making all efforts in subordinated type loans in addition to the guaranteed loan program.

We certainly appreciate all that you have done for us, and hope that you will consider these suggestions. If we can be of help in this matter, do not hesitate to call upon us.

Very truly yours,

GARLAND P. CAZER,
Chairman.
WILLIAM M. DOROUGH,
Vice Chairman.
EUGENE RICE,
Director.
JIMMY B. SIMS,
Director.
JIMMY C. DEVORAK,
Director.

PIONEER PRODUCTION CREDIT ASSOCIATION,
Stuttgart, Ark., September 30, 1983.

Representative BERYL ANTHONY, Jr.,
Longworth Building,
Washington, D.C.

DEAR REPRESENTATIVE ANTHONY: You are well aware of the critical situation which exists in agriculture. However, I'm compelled to write and share some of the feelings which are prevalent out here.

During the past twelve years, all or parts of Pioneer PCA's chartered territory has experienced disasters at least six times. These have either been natural or economical in nature. This has contributed significantly to a steady deterioration of farmers' balance sheets, particularly those farmers who are tenants.

We have monitored the disaster loan programs which were administered by the FmHA and SBA. We find that although they succeeded in keeping some less than efficient farmers in business, they did not seem to have an overall beneficial effect for all of agriculture. More debt is not the answer to the crisis in agriculture. Improved farm cash flow and a competitive world market place for commodities seem to be goals which would be more beneficial.

Our commodities must be able to compete in a market place where tariffs and subsidies abound. Our competitors, foreign producers, seem to have advantages in the export market which more than offset our efficiencies.

You know, much better than I, the tools that are at your disposal. I would ask you to make the best use of those tools to ensure a healthy agricultural economy as expeditiously as possible.

All segments of the legislative and administrative branches of government, plus the public must be made aware of the importance of a strong and stable ag sector.

I appreciate your contributions to this effort in the past and support, wholeheartedly, your continuing efforts to achieve a much improved outlook for agriculture.

Sincerely,

WAYMON HORNBECK,
Pioneer PCA Board Member.

WILL FARM PROGRAMS BE GUTTED?

(By Forrest Laws)

WASHINGTON, D.C.—The Reagan Administration appears to be trying to make farm programs bear the brunt of its mistakes of the last two years.

Administration officials in recent months have been seeking support for what would amount to a gutting of farm programs as producers have known them for the past five decades.

The "new thinking" is that growers somehow would be better off without any form of production restraints and price protection measures.

NO 1984 PROGRAM?

This abrupt departure in farm policy is being targeted by the Administration for the 1985 farm bill. But some of the "logic" apparently will be incorporated into next year's feed grain and cotton programs.

The chief reason being given for the about face is cost: budget analysts now estimate the U.S. Treasury could spend more than $21 billion on farm programs in fiscal year 1983, including PIK.

That compares to an annual cost of no more than $3.5 billion in the 1970s.

Agriculture Secretary John Block has been telling audiences that the fault of the huge budget exposure lies in the "inflexibility" of the current farm program.

ADMINISTRATION BUNGLING

He contends that the much-needed loan and target price protection built into the 1981 Farm Law has somehow "tied the Administration's hands" in preventing the huge buildup of commodities of the past two crop years.

But a number of Democratic congressmen and farm leaders who have heard Block's lament say that it won't wash.

"If the Secretary had been willing to use the tools at his disposal," one representative said, "the crop surplus would not have risen so sharply and this year's staggering expenditures would not have been necessary by any stretch of the imagination."

Block, another congressman said, has made several critical errors in the management of farm programs that have come back to haunt him.

PLANTING SNOW-BALLED

A review of recent farm program history shows that following on the heels of the 1980 drouth producers—encouraged by higher price levels for cotton, wheat and rice—sharply stepped up their plantings.

Many growers, of course, were trying to make up for substantial losses from the previous year and in most cases they received generous assistance in the form of low-interest rate disaster loans from the Farmers Home Administration to help them seed their full acreage.

The result was record or near-record crops in almost every category: 15.7 million bales of cotton, 2 billion bushels of soybeans, 8.2 billion bushels of corn, 2.79 billion bushels

of wheat and 185 million hundredweight of rice.

Storage capacity was stretched to the limit. One analyst estimated that enough rice had been grown to fill a row of storage bins between Memphis, Tenn., and Greenville, Miss., a distance of about 140 miles.

MANDATORY CONTROLS SOUGHT

As the 1982 planting season approached, numerous farm leaders urged Block to implement some type of mandatory acreage controls or a paid diversion program to stem the rising tide of commodities.

In the best traditions of Midwestern Republicanism, Block refused, saying such supply management techniques were an anathema to everything he believed in.

Instead, the Secretary authorized a voluntary Reduced Acreage Program of RAP that drew only limited participation from growers.

With excellent growing weather returning in 1982, production again soared, and because of the previous year's carryover and slow off-take in the midst of the 1982 recession, the surplus continued to mount.

BINS BURSTING

At the end of the 1982-83 marketing year, the carryover of cotton was 7.9 million bales; soybeans, 455 million bushels; corn, 3.4 billion bushels; wheat 1.5 billion bushels; and rice, 58.2 million hundredweight.

Analysts estimated that by the end of the 1982 harvest, the United States was storing up to 60 per cent of the world's grain supply.

Finally realizing that drastic measures were needed, Administration officials began casting about for solutions. Mandatory cutbacks and paid diversions were included in the initial program announcements last fall.

Then UDSA leaders decided to adopt the suggestion of a member of a west Texas cotton marketing firm to use part of the surplus to pay farmers not to plant this year.

MORE SWEETENERS

Possibly because they did not understand how dire the financial straits of many farmers had become, Administration officials greatly underestimated the potential response of growers to payment-in-kind.

In their eagerness to attract participation, they offered to give away many billions of dollars in commodities and then tried to persuade Congress that the crops had no value since they could not be sold right away.

Faced with another year of record low prices, almost 90 percent of the eligible farmers agreed to take from one-fourth to one-half of their acreage out of production in exchange for "crop swap" commodities.

The cutbacks and another drouth have dramatically altered the supply/demand picture for this year, leading some economists to talk about the need for the market to ration the supplies of commodities for the first time since 1980.

BAD TASTE LEFT

Meanwhile, taxpayers are left with a bill for at least $21 billion, prospects for higher food prices and a bad taste in their mouth for farm programs.

(At least one observer has speculated that the Administration charged ahead with payment-in-kind because leaders felt that if costs did skyrocket, it would give them good ammunition to use against a continuation of any farm programs in 1985.)

President Reagan's appointees have made no secret of the fact that they are opposed to traditional farm programs.

They have repeatedly told farmers that the government should be removed from the business of supply management and that loan rates and target prices should be lowered so that producers could sell more crops in the export market.

This is what we had in all the years prior to 1933 and the result was continuous boom and bust with almost solid bust beginning in 1921. It didn't work then and few people believe it would work now.

"FEEL THE MARKET"

Assistant Secretary of Agriculture William Lesher recently spoke on that subject at a meeting of the American Agricultural Economics Association.

Repeating the "flexibility" theme that Block has stressed so frequently, Lesher said farm policies must be developed that strengthen the sector's capacity to adjust to rapid and dramatic shifts in supply and demand.

"To do this," he said, "we must establish policies that assure that farmers feel the market, get accurate and timely market signals and are free to act accordingly."

What Block nor Lesher seem to want to admit, however, is that that was exactly what farmers were doing in 1981 and again in 1982 when they produced the largest crop surpluses in the nation's history.

SHARP DECLINES

Most growers "felt" in 1981 that the market was telling them to open up their production full blast. Then when prices had dropped 20 to 30 per cent by the fall of 1981, they thought they had to again grow all they could in 1982 just to survive.

If in that second year, they could have cut back on production without cutting their throats financially, the situation would have turned out differently, according to Abner Womack, a University of Missouri agricultural economist.

He testified before a recent congressional hearing that a paid diversion program in 1982 would have increased farm income by $4 billion and cut the grain surplus substantially.

The "short-term budget constraints that deny paid diversion reasoning then and now puts U.S. agriculture on an excess supply course that continuously builds stocks and runs farm prices at or near loan rate levels," Womack said.

"AVOID NONBELIEVERS"

Another economist echoed Womack's position, saying that little or no payment-in-kind would have been necessary had a paid diversion program been in effect in 1982.

Much of the apparent lack of success of the farm program in the last two years, he charged, stems from Block's opposition to the general concept.

"No program ought to be turned over to nonbelievers. That is an unwritten rule of government."●

CHUCK CUSHMAN—A GOOD AMERICAN WHO LOVES THE LAND

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, in the rush to create national parks throughout the United States by acquiring ever-growing amounts of land from private owners, there has been little said about the individual's rights. In fact, some of the most vocal public defenders of an individual's rights to jobs, peace, freedom, and sexual preference are the very people to whom an individual's rights to own property seem to mean very little.

Within the enormous Federal domain there are thousands of private landowners who have no representation against the large hand of the Federal Government. These people love their property, and would be the last to damage any of its value or its beauty. I should say these people had no representation, until Mr. Chuck Cushman.

Chuck Cushman, of Sonoma, Calif., is the leader of the National Inholders Association. The organization is dedicated to defending property owners' rights against the wishes of special interests and their mouthpieces in the Federal bureaucracy. His public interest group defends the poor against the rich Government interests who seek to ever expand the reaches of the Federal domain at the expense of individual freedoms. His is a noble cause, Mr. Speaker. I commend him and his membership's fight against the Leviathan, and offer the following article for the Member's attention. Thank you Mr. Speaker.

[From the Santa Rosa Press Democrat, Sept. 20, 1981]

PARK ADVISER IS READY TO FIGHT

(By Paul Ingalls)

When Charles Cushman's appointment to the nation's top park advisory board was announced last month, environmentalists across the country reacted with all the enthusiasm of a camper who finds a porcupine in his sleeping bag.

For part promoters, mention of the 35-year-old Sonoma resident's name was enough to raise hackles, and the idea of allowing him to advise the president, Congress and the secretary of interior on park matters was a classic case of the fox guarding the chicken house.

Cushman would not deny a certain foxiness, although the 250-pound former insurance salesman looks more like a bear. But Cushman claims the only chickens he's after are park service bureaucrats and politicians who use the nation's park system as a political springboard.

Cushman's miserable reputation among conservationists is the result of his leadership of the National Inholders Association, a 6,000-member organization of people who own property within national parks.

Since founding the group in 1977 Cushman has bounced around the country like a laser beam in a hall of mirrors, visiting 130 parks, talking to thousands of people and fighting a "guerrilla war" against what he sees as high-handed bureaucracy.

Home is Sonoma, where he moved last year with his two teenage sons.

"I've probably been to more parks in the last four years than anyone in the country—unless the park service has had someone following me around," he said with characteristic enthusiasm.

Cushman, the son of a former park ranger, had his first scrapes with the park service in 1973, after he bought a log cabin in Wawona, a 185-acre island of private land within Yosemite Park.

Cushman describes Wawona as a long-established community which cannot expand and which is in no conflict with the remaining 758,000 acres of Yosemite. But the park service's policy was to buy out "inholders" and Cushman claims bureaucrats began using "midnight phone calls" and other harassment to pressure property owners into selling.

For Cushman, the quintessential example of the park service's abuse of individual rights is the story of a 76-year-old Wawona resident who was told that if he built a bathroom onto his house the home would be condemned because the project was "incompatible with the purpose for which the park was established."

By 1977 Cushman had acquired enough contacts among inholders throughout the country and had had enough brushes with the park service to become convinced that Smokey the Bear was intent on mauling inholders into submission.

The introduction of a bill which would have required that all inholders by bought out within four years was the last straw.

"It became obvious that if we didn't do something we were going to become history," the Los Angeles native said of the creation of the inholders' organization.

Newspaper clips show that Cushman, who had quit his lob as an insurance agent and moved to Tahoe for health reasons, threw himself into the new job with a manic frenzy. Living on savings—as he ostensibly continues to do—he appeared almost everywhere that a congressional hearing was held or a federal land acquisition was being proposed.

Washington, D.C., politicos became accustomed to the sight of the ebullient giant, dressed in cowboy boots and a leather vest or fringed coat, and to his frantically persuasive delivery. Over the next several years he was instrumental in preventing legislation that would have allowed federal purchase of thousands of privately owned parcels, drummed up congressional support for hearings into land acquisition practices and wrote the Republican Party platform plank on purchase of inholders' property.

Newspaper reports show him stirring local opposition to federal land purchases in places as widely separated as Big Sur, Grand Rapids, Mich., and Forks, Wash.

Although more than one opponent has accused Cushman of demagoguery, he says he simply informs people of what will happen if Uncle Sam becomes their neighbors.

"We're a people organization," he said. "What we want to do is protect the rural homestead culture that sill exists."

Cushman says it is unfair and unnecessary for the government to force out property owners who have shown impeccable responsibility in taking care of their land.

"When you've got a place like Big Sur, where (homeowners) wouldn't let McDonald's within 50 miles of the place, are we going to penalize them for their good stewardship by throwing them off their land?" he asked.

All this has not exactly endeared him to conservationists, but Cushman contends neither he nor his group are anti-park. He says he opposes subdivisions, commercial development or any speculative building within parks.

But at least for the time being he also opposes further federal purchase of park land. It is a policy, he believes, which is necessary if the nation's park system is to be maintained.

"The national park system is twice as large as it was two years ago and yet there is less money and fewer people to run it," he said.

Cushman says there are between 30 and 35 water systems near failure in Yosemite and hundreds of people have been poisoned because of conflicts between water and sewer systems at Crater Lake.

In all, he says, there is $1.6 billion worth of deferred maintenance in the national park system.

"The emphasis has got to move away from land acquisition and toward maintenance and development," he said.

"Redwood National Park was created in 1968 and there isn't a single park bench there. We're creating these parks for the backpacker. That's fine, but what about the guy in a wheelchair? He paid for that park, too."

Meanwhile, the federal government is spending millions of dollars on acquiring new land such as the Santa Monica Mountains National Recreation Area, a tract of land in Southern California Cushman says burns every four or five years and which he claims is too hot during the summer to enjoy.

Why such seemingly illogical behavior?

"They're ego-political parks," says Cushman. "It used to be that every congressman wanted to have his name on a public works project. Now it's parks. As a result we're getting a lot of crap in the national parks system."

The chief offender of this environmental self-promotion, Cushman believes, is Rep. Phil Burton of San Francisco, whom the Sonoman describes as a member of the "park of the month club."

"No man has done more damage to the park system," Cushman says with angry intensity.

Although Cushman supports a temporary halt to new parkland purchases, he doesn't believe the government should ignore other natural treasures.

"We probably have enough parkland to use," he said. "But the question is whether all places that need to be protected are protected. The answer is probably no."

Cushman's solution is to use alternatives such as local zoning, land trades, requirements for "scenic easements" and other mechanisms that would protect areas of natural beauty without resorting to outright purchase.

Cushman's unconventional approach to operation of the park service is underscored by his support of Secretary of Interior James Watt.

"I think the secretary is doing a hell of a job," he said.

It was Watt who appointed Cushman to the unpaid position on the advisory board.

Cushman says he has met Watt only twice and that his appointment came as the result of recommendations by 12 senators and congressmen and the national and state Republican parties.

Cushman supports Watt's move to survey mineral resources on federal land, although he says he would "scream bloody murder" if drilling began without the justification of a national emergency.

He says Watt's predilection for off-road vehicle use in parks has been misunderstood.

"We're talking about snow machines in the winter on roads that cars drive on in the summer," he said.

On the issue of offshore drilling, Cushman is somewhat more equivocal.

"If I lived on the coast I would be real concerned about drilling," he said. "On the other hand I can see that everyone doesn't want it here."

But there are those who see Cushman as another attempt by Watt to open the park system's door to monied and corporate interests.

Nathaniel Owings, a Big Sur architect and nine-year member of the National Park System Advisory Board, said Cushman represents a "totally foreign attitude toward parks than we're used to." He describes Cushman's philosophy as "the parks take second place to the individual and the inholder has superior rights to the rights of the whole."

According to Owings, appointees to the parks board traditionally have been people with expertise in specific disciplines related to parks operation—planning, biology, anthropology and the like.

Is Cushman then a political appointee?

"You have to draw your own conclusions," said Owings. "I don't know what other category he fits into."

But Owings believes Cushman will temper his views when he is faced with the responsibility of decision making.

"I think it will be a great experience for Mr. Cushman and I think he'll come out of it a different person than he went in," he said. "I think it will do him a lot of good and I don't think it will do us much harm."

Cushman says that the parks board always has been a political body.

"I think the reason the secretary appointed me to this position is to have someone in there saying 'what the hell are you guys doing?' " he said.

But, like Owings, Cushman is optimistic about his tenure there.

"The National Parks Advisory Board is going to give me a chance to show that I'm not a one-issue person," he said. "It's going to give me a chance to show I'm not anti-park."●

THE ARMY FAMILY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. WOLF. Mr. Speaker, I want to bring to the attention of Members of the House a U.S. Army white paper issued on August 15, 1983, entitled "The Army Family."

The white paper is an excellent presentation of the evolution of the partnership between the Army and the families of those who serve. It combines thorough demographic information on Army families with an analysis of what those families say they need and how those needs may be met by the Army's senior leadership. It then lays out the basis for building an Army family philosophy and developing an Army family action plan.

Mr. Speaker, after reading this white paper, I am very encouraged by the Army's recognition of its responsibility to promote family life by encouraging family members and by

helping to create a sense of community. As a member of the Select Committee on Children, Youth, and Families, I want to commend the Chief of Staff of the Army, Gen. John A. Wickham, Jr., for taking the lead in enhancing a partnership between Army and family which by fostering individual excellence among family members can at the same time maximize their contribution to maintenance of national security.

At this point in the RECORD, I want to insert a letter from General Wickham which went to all soldiers, civilians, and family members of the Army as a preface to the white paper. Following the letter, I also want to insert an excerpt from the white paper called "The Army Family Plan," as well as the "Summary" of the white paper.

UNITED STATES ARMY,
THE CHIEF OF STAFF,
August 15, 1983.

To the soldiers, civilians, and family members of the U.S. Army.

The Constitution of the United States calls for raising and maintaining an Army for the purpose of national defense. As a consequence the Army's first priority must be to execute the missions entrusted to it by political authority. While this priority is clear, the Army can and must assure within available resources and commitments adequate care for families of its members.

Although we now have the smallest Army in 30 years, improvements are underway to strengthen the Army's capabilities for deterring war and for winning war should deterrance fail. During this decade several hundred new systems of equipment will be distributed to the Active Army and Reserve Components. Through tough, realistic training such as that at the National Training Center, readiness of the Army has increased. Manning initiatives including the Regimental System, coupled with the high quality of recruits and reenlistees, continue to strengthen the human dimension of the Army.

The Army Goals have become the management tools for the planning and programing necessary to move our Army to the future in the most effective way balancing constrained resources and force improvement requirements.

Since the Army's strength lies in its people, the Human Goal undergirds the other Army Goals and realization of their full potential. A crucial component of the Human Goal is our objective of fostering wholesome lives for our families and communities. Policy reviews of this goal led to the need for formally articulating a basic Army philosophy for families. The purpose would be to direct in a comprehensive way our current and future efforts to foster Army Families of Excellence within available resources and in concert with other Army Goals.

The purpose of this paper is to assure that all of us—family members, sponsors, the chain of command, and planner/programers—understand the direction we are headed in development of an Army Family Action Plan.

Our stated philosophy is—

A partnership exists between the Army and Army Families.

The Army's unique missions, concept of service and life-style of its members—all affect the nature of this partnership. Toward the goal of building a strong partnership, the Army remains committed to assuring adequate support to families in order to promote wellness; to develop a sense of community; and to strengthen the mutually reinforcing bonds between the Army and its families.

The basis of this statement is the understanding that the Army is an institution, not an occupation. Members take an oath of service to the Nation and Army, rather than simply accept a job. As an institution, the Army has moral and ethical obligations to those who serve and their families; they, correspondingly, have responsibilities to the Army. This relationship creates a partnership based on the constants of human behavior and our American traditions that blend the responsibility of each individual for his/her own welfare and the obligations of the society to its members.

Our unique mission and lifestyle affect this partnership in ways rarely found in our society. Since we are in the readiness business, we are concerned not only with the number of people in the force but also with their degree of commitment—their willingness to not only train, but also to deploy and, if necessary, to fight—their acceptance of the unlimited liability contract. The need for reciprocity of this commitment is the basis of the partnership between the Army and the Army Family.

As a result, adequacy of support must be based on this unique partnership. The Army will never have all the resources it needs. Therefore, we must balance our dollars spent for family programs with those spent to discharge our moral responsibilities to give our soldiers the equipment, training, and leadership they need to have the best chance for survival (from a family perspective) and victory (from a societal perspective) on the battlefield. This is why we have targeted "Wellness" and "Sense of Community" as the major thrusts of our efforts.

In promoting family wellness, we must also find ways to transfer the skills, experiences, attitudes, and ethical strengths of the many healthy Army families. Despite the pressures the vast majority of families manage and grow through their involvement with Army life. We know that most Army families find military lifestyle exciting; enjoy the opportunities for travel and cultural interaction; and most importantly, have positive feelings about the Army and its place in our society. While the needs of families experiencing stress must be considered, we must research and promote the positive aspects of Army families as our primary goal.

The strength of a community lies in the contributions and talents of its members. If the right elements are together in the right environment, the end product is often greater than what would otherwise be expected from the elements functioning independently.

Our concept of the Army-Family community is such a relationship. The family is linked to the unit by the servicemember and those unit programs in which the family wishes to participate. The family and unit are linked also by common community activities. Our goal is to increase the bonding between the family unit and the Army community—create a sense of interdependence.

In fostering interdependence between the family and the Army, we are again looking at the Army as an institution. The Army has a responsibility to its members and the members have a responsibility to the Army and each other. If for the greater good resources must be used now for modernization or other programs, Army families, communities, and the chain of command must through their own efforts insure that the reciprocity of commitment remains. It is not a we/they situation, it is us—US as in U.S. Army.

JOHN A. WICKHAM, JR.,
General, U.S. Army, Chief of Staff.

THE ARMY FAMILY PLAN

The Army is fully committed to supporting families, but we must be realistic enough to recognize that we will not have unlimited resources as we develop our plan for the rest of the 1980's. We must avoid the "shotgun" approach by identifying specific needs and prioritizing them to ensure that we spend our money where it will make the greatest difference. To do this, the Army must continue to sponsor forums from which we can receive direct responses from family members, and analyze their perceived problems to identify how they can be met most efficiently. In addition, we must define areas where research and studies are necessary to target effectively resources and programs. There is a pressing need for basic research on the role of Army families and the effect, both positive and negative, of Army life on those families. While we have made progress in this area, reliable data are still rare. We must have more information on stress factors, needs of single soldiers with children, ways to build bridges between heterogeneous family groups, ways to train families for wellness, and myriad other factors. Without this information, we will be groping in the dark and will never approach the maximum possible level of effectiveness.

Once a target list of needs has been developed, we must divide them into two groups: those that can be addressed with few, if any, additional resources; and those which will require major expenditures of new resources. The first group of requirements can be met by replicating throughout the Army low cost/high payoff programs that currently exist at individual installations. At most posts, innovative leaders have developed new methods of employing existing assets to extend the amount of support available to families. A good example is the assignment of a family support mission at Fort Bragg to the Rear Detachment commander of the Sinai Peace Keeping Force. The Rear Detachment commander coordinates support services for the families of the oversea troops, distributes information from the Sinai Force, and responds to any unusual situation that affects family members. This type of effort strengthens the bonds between the families and the unit, provides peace-of-mind for the soldiers in the field, and helps to make the most efficient use of Fort Bragg's community service resources. This program has had a major impact on the quality of life of the families of the Sinai Force with a negligible increase in resource requirements. We have to do a better job of identifying similar low cost, but effective, programs and implementing them throughout the Army.

Of course, not every legitimate family need can be met by changing the way we do business at the installation. There are some problems which will require additional funding, for which we will fight, in spite of tight budgets. In contrast with the low cost initiatives which deal with assistance to individual families, most of our high cost requirements are generated by systemic problems

which affect a very large percentage of our soldiers. As noted earlier, Army families have clearly identified those problems which need to be addressed. Improved medical and dental care, more and better on- and off-post housing, a more equitable reimbursement system for expenses incurred on PCS moves, financial assistance for higher education of our children, and similar issues have been repeatedly cited by family members as areas where improvement is needed. Most of these problems affect the basic needs of families. Failure to meet these needs can generate severe dissatisfaction with Army life. For example, even a young soldier who is dedicated to the Army may decide not to stay if his or her family must face continued financial hardship.

Responsibility for resolving these issues rests with the Department of the Army. The solutions require obtaining congressional support for major new funding. Although difficult, the potential result in improved retention and readiness is correspondingly great. We must convince the Congress of the necessity of these programs.

Replicating low cost programs and allocating new resources on high payoff projects must be priority efforts, but we must also make sure that we get the most out of what is already available. In the immediate future, there are two areas which require attention:

1. The structure of the Army family support system. Because our family support system developed piecemeal over the long history of our service, there is no standard "Family Support System." The services available, and the system for delivering those services, change from installation to installation. A program which is operated by the Adjutant General at one post may belong to the Chaplain at a second and the DPCA at a third. As a result, duplication of effort and confusion exist among consumers. We need to examine our system, realign functions where required and standardize it so that everyone knows who to see for help.

2. Policy review. While the support structure is being examined, we will also review policy in areas with a direct effect on families. The range of questions to be considered must include such basic issues as quarters clearing procedures; our allocation of resources, such as the percentage of our family housing units allocated to various grades; as well as major shifts in direction for our family support system, such as seeking legislation to allow the Army to employ more volunteers as staff for the Army Community Services program. In all cases, we must strive to streamline the system to provide more effective service, and to eliminate "red tape."

The Army recognizes its responsibility to work with families to promote a partnership which fosters individual excellence among sponsors and family members, as well as maximizing their contribution to maintenance of national security. Simply stated, the Army intends to meet this responsibility by capitalizing on low cost programs to assist families by promoting wellness and by building a sense of community, by seeking additional resources when required to correct major systematic problems, and by reorganizing our management structure to maximize efficiency.

SUMMARY

This white paper describes the evolution of the Army family: its history, present status, and future. It is the first time that information about the Army family has been systematically gathered and consolidated. In that regard, this paper is only the first step of our needs assessment. Future months will be devoted to a continuing analysis in needs and the development of solutions. It will be a time-consuming process; but, given the long history of the Army family and the piecemeal planning to date, our time will be well spent. The Army will articulate a well conceived strategic plan for the Army family.

It is important the Department of the Army proceed to implement and institutionalize the programs, plans, and other solutions identified through our needs assessment. However, this plan will not work if it is fed only by Department of the Army initiatives. Each component of the Army, be it unit, installation, or activity, and all members of the Army community—active duty, civilian, reservist, or family member—must understand and embrace the philosophy articulated in this paper. All need to contribute to make it a reality.

This plan envisions family members as true partners in an Army which is seen as a way of life, not a job. The family responsibility in this partnership is to support soldiers and employees and participate in building wholesome communities. The Army's responsibility is to create an environment where families and family members prosper and realize their potential. Each of us has a part to play in this partnership.●

LEGISLATION TO MAKE CERTAIN DEBTS FOR MEDICAL BENEFITS PAYABLE TO RETIRED EMPLOYEES NONDISCHARGEABLE IN CHAPTER 11 BANKRUPTCY PROCEEDINGS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. FEIGHAN. Mr. Speaker, today I am introducing legislation that I believe is much needed and long overdue to aid retired employees retain medical benefits—bargained for and relied upon—when a corporation reorganizes under chapter 11 of the Bankruptcy Code.

Under the Bankruptcy Code as currently constituted, employees who have retired because of age or disability too often find themselves victims in the reorganization of the company they worked for in the scramble by creditors to get a share of what remains of the old entity.

Because medical benefits as part of collective bargaining agreements are currently dischargeable upon the reorganization by the company, too often, these retirees find their legitimate expections of long-term health coverage shattered—they are too often left unprotected with no way to enforce the rights they worked for and relied upon. These employees find that the Bankruptcy Code can be used as a hammer to crush the security of their livelihoods at a time when their legitimate needs for health care are the greatest. Particularly for older employees, even if they have modest savings and pensions, finding medical coverage is extremely difficult. Because of their age or disabilities, they are virtually uninsurable. If they are fortunate enough to find an insurance carrier who will provide coverage, the cost is always astronomical.

I am concerned that retirees who have worked a lifetime in the good faith belief that after retirement their health insurance benefit program would continue, are simply cast by the wayside in the rubble of a reorganization in bankruptcy, because the courts have construed the present provisions of the Bankruptcy Code to permit companies to discharge their obligation to their employees and terminate these medical benefits. What is left for the retiree is too often only a questionable and often worthless general unsecured claim against the bankrupt estate.

The legislation I am introducing today does not create any rights for a retiree that were not already earned. It simply clarifies the Bankruptcy Code to make it clear to companies using chapter 11 as a tool to get out from under existing obligations to its former employees that they will not be allowed to disrupt the legitimate expections of their elderly and retired employees to receive the medical benefits they earned and that they deserve.

While I am sympathetic to the need to maintain flexibility in the Bankruptcy Code to encourage the legitimate reorganization of companies facing financial trouble, I strongly believe that it is unconscionable to allow such reorganizations without providing some mechanism to allow those who worked for the earned medical benefits to attempt to make sure those benefits are continued even though a reorganization is taking place.

Simply stated, my bill provides only that such companies filing for chapter 11 are not discharged from any debt for a contribution to an employee benefit plan to the extent that the contribution was to provide medical benefits to retired employees.

The change in the Bankruptcy Code created by my bill is limited only to medical benefits earned by employees who retired because of age or disability before the filing of the bankruptcy by the company. This is a narrow amendment to the Bankruptcy Code, but one that I believe will provide enormous relief to the thousands of retirees faced with the spectre of losing all medical protection because the company they worked for is reorganizing, dashing their expectations that the company would honor the commitment it made to them to protect them when they became old or disabled and had to retire.

I believe that this legislation goes a long way toward helping those em-

ployees enforce their rights to medical benefits, and I urge my colleagues' support.

Thank you, Mr. Speaker.

H.R. —

A bill to amend title 11 of the United States Code to provide that in cases under chapter 11 of such title certain debts for medical benefits payable to retired employees shall not be dischargeable

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 523 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) A discharge under section 1141 of this title does not discharge a debtor from any debt for a contribution to an employee benefit plan to the extent such contribution is for the purpose of providing medical benefits to employees who because of age or disability terminate employment before the order for relief.".

SEC. 2. Section 1141(d)(2) of title 11, United States Code, is amended by inserting before the period the following: "and does not discharge any debtor from any debt excepted from discharge under section 523(e) of this title".●

CONGRESSIONAL REVIEW OF AGENCY RULES AND REGULATIONS

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. KRAMER. Mr. Speaker, today I am introducing legislation I have been working on for some months designed to provide for systematic congressional review of agency rules and regulations, and to be in compliance with the bounds established by the Supreme Court in its ruling in Immigration and Naturalization Service against Chandha.

Basically, the bill is designed to establish a framework for legislative review of proposed agency rules and regulations and to provide a mechanism for expedited disapproval of those rules to which Congress objects through the use of joint resolution. Generally, the bill:

Mandates a 90-day report and wait period for all rules proposed by Federal agencies, with certain identified exceptions.

Provides for joint resolution of disapproval during the 90-day report and wait period. Upon passage and favorable mandated action, the agency's authority to implement the regulation is repealed. Absent passage of the disapproval resolution, the regulation or rule automatically takes effect.

Charges each standing committee with designating one subcommittee as having responsibility for reviewing all agency regulations which come within the legislative and oversight jurisdiction of that committee.

Establishes procedures to insure that the full committee takes action on resolutions of disapproval which are approved by the oversight subcommittee, including automatic discharge from further consideration in the event the committee fails to act.

Creates a resolutions on regulations calendar for consideration of disapproval resolutions and establishes times when it shall be in order for a Member to call up a resolution.

For a number of years I have been concerned about excessive regulation which saps the life out of our economy, and robs the Congress of its power to legislate; and in past Congresses have introduced legislation to streamline the review process. Prompted by the Supreme Court ruling, I redrafted my previous legislative veto legislation to comply with that ruling.

I am encouraged by recent articles in the press and elsewhere, as well as by the introduction of similar legislation that indeed, Congress can and should regain its appropriate role of oversight. Moreover, I believe that it can be accomplished in broad legislation, and not simply by a piecemeal approach. The concept of a report and wait period, a special regulations calendar, and joint resolution language which complies with the Supreme Court ruling, is an idea whose time has come, and I urge its adoption.●

SENATE—*Friday, October 7, 1983*

(Legislative day of Monday, October 3, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, we remember in silence the family of Noel Coffey, one of our doorkeepers, who lost his son, and ask Thy blessing and peace for them.

Father in Heaven, we thank Thee for our families. Help all of us to be sensitive to the sacrifices which spouses and children must make so that Senators and all Senate staffs can devote themselves to the demanding tasks of public service.

May the October recess be a time when families have opportunities to be together in ways that will bring healing and reconciliation where there is estrangement and alienation and during which relationships between spouses, parents, and children will be deepened and strengthened. Enable Senators and staffs to accomplish all the work which awaits them in the recess without sacrificing family time.

Protect those who travel, keep them healthy and whole, and return them to their duties refreshed. We pray this in the name of the Lord who taught the sanctity of marriage and the priority of the family. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SENATE SCHEDULE

Mr. BAKER. Mr. President, as I indicated last evening near the end of the session, I hope we can finish the farm bill today, and I think we can. I am committed then to try to get to the second farm bill, the so-called target price bill, after disposing of the farm bill. I say in all candor that I think it is unlikely I will be able to. I may not be able to reach that bill. There may be opposition to a motion to proceed. Even if I reach the bill, I think it is unlikely that we can dispose of the bill before the close of business today. However, Senators should know that I will try to go to that bill when the farm bill is finished.

We may be able to do another 14-day extension of the Export Administration bill today. That is still being negotiated. It came apart yesterday afternoon. I hope it is put back together. Otherwise, there is going to be a hiatus in the authority of the Government to forbid the export of strategic equipment and material from this country from the expiration of the last extension until the time we return and have an opportunity to address it once more.

It is possible we can do the defense procurement bill extension. Yesterday, it looked as if that might clear, too, but I am told this morning that there are still stumbling blocks in the way.

I do want to go to the Executive Calendar today. There are a number of items left on today's calendar.

I am advised that at least one of them will require a rollcall vote. I also anticipate a rollcall vote, at least one or two, and maybe more, on the farm bill.

Incidentally, Senators should be on notice that there will be votes today almost assuredly.

Back to the Executive Calendar. I hope we can do all of it or most of it. As I say, there is a notation on our calendar that a rollcall vote will be required on one of the nominations.

That is about it, Mr. President. When we finish, I expect to ask the Senate to adjourn pursuant to the adjournment resolution adopted last evening. The Senate will return, of course, on Monday, October 17.

Mr. President, I have nothing further to report at this time.

Mr. President, I have no further need for my time under the standing order. I offer the remainder of my time under the standing order to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. BYRD. I thank the majority leader for yielding me his remaining time.

SENATE SCHEDULE FOR WEEK OF OCTOBER 17

Mr. BYRD. Mr. President, I would like to inquire as to what business we will be discussing on Monday, October 17.

Mr. BAKER. Mr. President, Monday, October 17, is the first day after our Columbus Day break. I would like to be able to say to the minority leader it will be a good, full day taken up by worthwhile legislative endeavor. But he and I have both been around here long enough to know that unless we can do it ourselves, we are not likely to have all of our troops on hand. So I expect Monday will not be a heavy day, but we will be in session. I expect we will be getting ready for Tuesday and Wednesday because Tuesday and Wednesday will be devoted to the Martin Luther King, Jr., holiday bill, with a vote occurring on Wednesday.

The literal answer to the minority leader is that when we adjourn today, the unfinished business will be the State authorization bill, and the pending question at that time will be the perfecting amendment to the Byrd amendment.

Mr. BYRD. Mr. President, on that note, I do not intend to press the matter today involving my amendment. Several Senators will be absent.

On what day would the majority leader see the Senate considering my amendment?

Mr. BAKER. Mr. President, when we come back, even though the State authorization bill will be the unfinished business and will recur as the unfinished business, we will probably not finish it on Monday.

Tuesday and Wednesday will be devoted to the consideration of the Martin Luther King, Jr., holiday bill. After the Martin Luther King, Jr., holiday bill is disposed of on Wednesday, the State authorization bill once again will be before us. I would guess Wednesday afternoon or Thursday I will probably have put all my fingers into the dike.

We shall be at the place where we are very likely to have a vote.

Mr. BYRD. On Wednesday or Thursday?

Mr. BAKER. Yes, Mr. President. More likely Thursday.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. I thank the minority leader.

Mr. BYRD. Mr. President, I have no further use for my time. I yield it back.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. BAKER. Mr. President, I yield back my time if I have time remaining.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 10 a.m., with statements therein limited to 1 minute each.

NOMINATIONS

Mr. BAKER. Mr. President, there are a couple of items on the Executive Calendar. After consulting with the distinguished minority leader and the distinguished President pro tempore, I believe there is one nomination cleared for action by unanimous consent. I would like to do that now, if the minority leader is agreeable.

Mr. BYRD. Yes, Mr. President. I am.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed into executive session for the purpose of considering the nomination on the calendar numbered 325, Francis M. Mullen, Jr., of Virginia, to be Administrator of Drug Enforcement.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF JUSTICE

The bill clerk read the nomination of Francis M. Mullen, Jr., of Virginia, to be Administrator of Drug Enforcement.

Mr. THURMOND. Mr. President, I urge my colleagues' support for President Reagan's nominee for Administrator of the Drug Enforcement Administration—Mr. Francis M. Mullen.

Mr. Mullen is a fine and capable law enforcement officer who has devoted over 30 years of service to his country. Mr. Mullen served in the U.S. Air Force from 1953 to 1958. After leaving the Air Force, he served 4 years with the New London, Conn., Police Department. In 1962, Mr. Mullen joined the FBI where he has served with distinction. Through hard work and a display of exceptional talent, he rose to the rank of executive assistant director of investigations. Since 1981, Mr. Mullen has been the Acting Administrator of the Drug Enforcement Administration and has now been nominated to serve full time in this position.

This nomination has been the subject of intensive investigation by the Judiciary Committee for over a year and a half. The results have proven that Mr. Mullen is a qualified and capable individual who will act with integrity and ability to enforce our Nation's drug laws. I have personally spent many hours reviewing reports and being briefed on Mr. Mullen's nomination, and I have concluded, as have the majority of the members of the Judiciary Committee, that Mr. Mullen should be confirmed as Administrator of DEA. I support the nomination and urge my colleagues to do likewise.

Mr. HATCH. Mr. President, at a most critical time in the history of our Nation's drug enforcement effort, President Reagan has nominated Mr. Francis M. Mullen to head the Drug Enforcement Administration. Some questions arose in the Judiciary Committee over Mr. Mullen's alleged association with a bank official who was later convicted of bank fraud and embezzlement. To ascertain if there was any substance to these allegations, I personally examined thousands of records kept in secure vaults at FBI headquarters, met often with Justice Department and FBI investigators, and employed every means at my disposal to examine the available evidence. On the basis of an 18-month process of scrutiny, I can aver that Mr. Mullen had no unseemly association whatsoever with the convicted bank official and deserves the approval of the Senate.

In the first place, Mr. Mullen only knew Mr. Lota, the felonious bank loan officer, as a passing acquaintance who processed the paperwork on the mortgage of Mr. Mullen's home. Mr. Mullen was transferred to Washington, D.C., 18 months before the FBI learned of Mr. Lota's criminal activities. Moreover, Mr. Mullen did not know Lota was involved in illicit activities until after he had settled his account with Lota's former bank. Mr. Mullen received no form of special treatment from Mr. Lota and paid full interest rates on his loans.

Any questions about the purportedly lenient sentencing Mr. Lota received for his confessed crimes were dispelled by extensive evidence that Mr. Lota has cooperated with law enforcement officers in three States. His cooperation was responsible for at least nine other convictions. Mr. Mullen had nothing to do with Lota's sentencing.

There was also no substance to the insinuations that Lota was somehow linked to the criminals who murdered Judge Wood or the criminals involved in bribing corrupt State officials. These supposed links between Lota and other major crimes never materialized. Obviously, if Lota was not associated with these notorious crimes, any insinuation that Mr. Mullen, who was barely acquainted with Lota, knew of those supposed ties is fallacious.

Another concern was several accounts opened by FBI agents serving under Mr. Mullen in other branches of the bank that employed Mr. Lota. Careful investigation revealed that those accounts were used in undercover operations and that Mr. Mullen had no part in selecting the bank used for those operations.

Finally, several representations made by Mr. Mullen on an application for a mortgage when he moved here to Washington, D.C., and on his annual financial disclosure forms comprise another question raised about Mr. Mullen. The Department of Justice, after a thorough examination of these matters, determined that Mr. Mullen had made some good faith mistakes in completing these forms, but that nothing in the forms remained unexplained. In fact, the operative effect of the mistakes on his mortgage application was to understate his new worth by $70,000. It is hardly in the interest of any borrower to understate his own net worth. With regard to the financial disclosure forms, Mr. Mullen has since filed correct amended versions of his reports.

With all clouds over Mr. Mullen's reputation and ability to serve dispelled, I urge the Senate to approve this nomination and allow him to continue his vital mission. At this point, I will present for the RECORD more detail rebutting the allegations against Mr. Mullen.

Mr. President, rarely, if ever, in its entire history has our Nation faced a law enforcement problem of the magnitude of our current drug trafficking epidemic. In 1980 alone, the estimated value of illegal drug sales in the United States reached more than $79 billion—up approximately 22 percent from the previous year. Not only are these drugs destroying countless productive lives, but the illicit drug enterprise is proving largely responsible for the growth in other forms of crime. Some studies have shown that 50 to 60 percent of all property crimes are related to drugs. For example, one study found that 49 drug criminals had claimed responsibility for 10,500 other crimes. In a very real sense, our response to this crisis may affect the future of our way of life. For this reason, I personally examined thousands of documents filling over eight file drawers, met repeatedly with Department of Justice and FBI investigators, committed extensive personnel resources, and pursued every available bit of evidence in an effort to establish the veracity or falsity of assertions that President Reagan's nominee to head the Drug Enforcement Administration may have had some association with a bank official who was later convicted of bank fraud and embezzlement. No unsubstantiated speculation could be permitted to cast a chilling shadow over Mr. Mullen's ability to lead a relentless battle against illicit narcotics.

In the 18 months that this nomination has remained pending, I have received invaluable cooperation from Chairman THURMOND and would like

to thank him for his personal dedication to this effort dismissing any lingering question about the integrity of the nominee which would reflect upon our national drug enforcement commitment. I would also like to commend the rest of the Judiciary Committee for patiently granting me the time to resolve my concerns over these important issues. Finally, I would also like to express my appreciation for the careful, deliberate, and exhaustive examination conducted by law enforcement officials at the Department of Justice, whose careful analysis is the primary reason that I can, with confidence, based upon objective inquiry and study, advise the committee that any remaining doubts about these questions have been dispelled.

Before proceeding further, however, I would like to set the record straight once again on Mr. Mullen's appearance before the Labor Committee. It is well known that Senator KENNEDY and I, among others, were very concerned with Mr. Mullen's testimony before our committee regarding the nomination of Secretary Donovan to his Cabinet post. Misunderstandings between Mr. Mullen and the committee on the technical wording of questions and the adequacy of his responses on behalf of the FBI led to hearings on the process of investigating and confirming appointees.

Mr. Mullen has explained his conduct, regretted certain responses and pledged that he would in the future fully inform the committee to the degree permitted by law. Hereafter he will call for a closed hearing if necessary to address sensitive issues before a Senate committee. I accepted his explanation, regrets, and pledge months ago and I do so now. Accordingly, the misunderstanding involving the Labor Committee's obligation to examine the qualifications of Presidential nominees was resolved in my mind before these more recent allegations came forth.

My endeavors with regard to Mr. Mullen's nomination arose out of an earlier Labor Committee investigation and documents in his file that I did not see until July 14, the day this committee first discussed the appointment. Just before that markup, I was cautioned by knowledgeable friends to examine Mr. Mullen's file carefully before voting. Indeed when I checked that file after our committee meeting, it contained three letters with attachments that I had not seen in earlier examinations of the information about Mr. Mullen. Those three letters disclosed Mr. Mullen's association with Victor J. Lota, the bank official later convicted of embezzlement, Mr. Mullen's real estate transactions, and Mr. Mullen's personal finances. These letters contained information about matters which if not fully clarified, malign Mr. Mullen's reputation and undercut his professional efforts. My purpose today is to clarify these matters.

Incidentally, this sequence of events clarifies a misconception conveyed by a recent Newsweek article on this nomination. Newsweek was under the impression that this information about Mullen was available to me before the July 14 meeting. In fact, these three documents were not in the files I examined prior to July 14. I saw those documents for the first time after the July committee meeting.

The first issue and the basis for other insinuations, was whether Mr. Mullen was inappropriately associated with Victor J. Lota, a loan officer at a New Orleans bank later convicted of embezzling funds for a drug ring and other reputed organized crime activities. Mr. Mullen did indeed know Victor Lota, but only as the officer assigned by Mr. Mullen's bank to do the paperwork for his housing loans. In fact, Mr. Mullen's primary contact at the Hibernia National Bank was its president, Mr. Miler. Mr. Mullen left New Orleans on October 28, 1978; it was another year and a half (February 18, 1980 to be precise) before the FBI learned of Lota's criminal activity.

Mr. Mullen has explained that he first learned of Lota's criminal conduct only after settling his debt at Hibernia. After extensive FBI investigation, no evidence was uncovered that Lota's criminal conduct ever came to Mr. Mullen's attention until months after terminating his business relationship with Hibernia.

In short, the only contact Mr. Mullen had with Lota were passing business exchanges. This has been supported by Hibernia Bank records. Mr. Mullen never received special treatment, but paid the full market interest rate on his loans. Moreover the single instance of deviation from established bank practices was completely unknown to Mr. Mullen. In this instance, Lota recorded one loan in the name of "Bud Mullen," rather than "Francis M. Mullen"—the name used on all other loans to Mr. Mullen—in an effort to avoid the lending limit of $100,000 per client imposed on Lota by the bank. Mr. Mullen was oblivious to Lota's alteration and endorsed the loan note with his full name as he had all earlier loans.

Mr. Mullen, according to a comprehensive FBI investigation, simply had no unseemly association with Victor Lota whatsoever. He did not even know certainly that Lota was involved in criminal enterprises until after he settled his account at the bank that had dismissed Lota.

The next question raised about Mr. Mullen involves the sentencing of Victor Lota for bank fraud. Although convicted of offenses with a maximum penalty of over 75 years, Lota received a 3-year prison sentence. The insinuation behind these facts is that Lota may have been treated lightly due to his association with Mr. Mullen. I have established to my personal satisfaction that this is false. The sentencing judge, the U.S. attorney, and assistant U.S. attorneys involved in the Lota case have refuted this allegation. There is no evidence that Mr. Mullen ever contacted or in any way intervened with law enforcement or judicial officers handling Lota's case.

Lota's cooperation with law enforcement officials in at least three States has been extensive. Although all the details of this cooperation are not public—either due to the need to protect Lota or due to legal protections extended to grand jury records—I personally examined records of nine convictions obtained as a result of Lota's willingness to testify. For instance, his assistance led to the conviction of Ciro Callico, an organized crime figure, for bank fraud, and Frank D'Acquisto for drug trafficking. In addition, his assistance helped indict Robert Walsh, a fugitive former police officer, for drug dealing. Any hint that Lota was treated leniently is fallacious.

A third issue raised by Victor Lota's name involves two major criminal investigations code-named Brilab—short for bribery of corrupt State officials—and Woodmur—short for the murder of Judge Wood. During surveillance associated with the Brilab investigation, the FBI learned that one organized crime figure had speculated that an individual associated tangentially with Lota was responsible for the killing of Judge Wood. This speculation was wrong. The Chagra crime family, not the Lota associate, was responsible for the murder. Extensive FBI investigations revealed no link between Lota and the Brilab and Woodmur investigations other than the organized crime figure's single, offhand guess about an associate of Lota. Moreover Mr. Mullen was not apprised of Lota's tendentious link to Brilab and Woodmur until after he had terminated all association with Lota's former bank.

Another question about Mr. Mullen involved deposit of government funds in noninterest-bearing accounts benefitting Hibernia Bank. During Mr. Mullen's tenure at the head of operations in New Orleans, the FBI did use Hibernia National Bank, in Lota's former place of employment, in connection with two undercover operations. In one undercover operation, an interest bearing account of $5,000 and a noninterest-bearing checking account of $3,000 were opened by an FBI case agent at Hibernia due to its proximity to the undercover business location. While these accounts were used an extended period, the total balance never exceeded $8,000. In the other undercover operation, $236,000 was deposited on one afternoon and $225,000 removed the next day. The balance of

the account was transferred into FBI accounts in other banks. This account was open 1 day to launder funds for use in an undercover investigation in another city.

In neither of these instances did Mr. Mullen himself participate in selecting Hibernia or opening the accounts. His entire involvement with these accounts was the ministerial duty of signing the requisition forms for the funds. None of the accounts in question was maintained in the branch where Lota worked. No evidence indicates that Lota even knew or could have known of the undercover operations or the accounts.

The final question raised about Mr. Mullen concerns the representations he made on an application for a mortgage loan on a home in northern Virginia. This aspect of Mr. Mullen's record is the subject of an extensive legal memorandum prepared by the Public Integrity Section of the Department of Justice concluding that no legal violation occurred. I have studied that memorandum and the surrounding documents. Although these circumstances are somewhat troubling, I am satisfied that Mr. Mullen has adequately explained the apparent inconsistencies in his application.

Mr. Mullen made eight questionable representations on his mortgage application:

First, in the block marked "Source of Down Payment and Settlement Charges" the Mullens inserted the words "Personal Cash."

Second, under the "Asset" category headed "Cash Deposits Toward Purchase Held By," the Mullens inserted "Hibernia Bank N.O., La. Cash or Market value $50,000."

Third, in the block entitled "Schedule of Real Estate Owned," the Mullens omitted reference to their ownership of a home in Harahan, La.

Fourth, under the "Liabilities and Pledged Assets," category, the Mullens inserted "Hibernia Bank N.O. La., $70,000."

Fifth, under the "Asset" category headed, "Real Estate Owned," the Mullens listed total real estate holdings of $10,700.

Sixth, under "Net Rental Income" the $9,000 entry appears to have been made with a pen different from the pen used to make other entries in the application. This entry is inconsistent with the assumed sale of the Louisiana home.

Seventh, the residential loan application also contained the question "Is any part of the down payment borrowed?", to which the Mullens responded "No."

Eighth, under the "Liabilities and Pledged Assets" category the Mullens failed to include a $5,000 signature loan obtained by Francis Mullen at the Hibernia Bank on Novemer 9, 1978.

Six of those representations spring from his effort to project what his financial condition would have been if he had consummated the sale of his Louisiana home. Although at the time of the application he had not sold the home, he expected sell the home within a short period of time. When this anticipated sale did not occur, a belated entry was made on the application reporting rental income of $9,000 on the Louisiana home that was nowhere mentioned in the form because earlier entries has assumed it would be sold. This later representation, according to the DOJ assessment, was an attempt to acknowlege the change in circumstance: rental instead of sale of the home.

A seventh questionable statement related to whether the "downpayment" for the Virginia home would be borrowed. Mr. Mullen answered "no" because he considered his cash deposit to be "earnest money," not a "downpayment" which he would pay upon closing the real estate deal. The legal distinction between "earnest money" and "downpayments" can be considered, as the DOJ memo avers, very muddled. Mr. Mullen credibly asserted that he thought his payment was "earnest money," rather than a "downpayment" which he paid later without resort to borrowed funds.

The final questionable representation on his statement was an apparent oversight. He failed to report that he still owed Hibernia $5,000 on a signature loan. This oversight, according to Mullen's explanation, was understandable because he was continually "rolling the loan over" and overlooked the fact that it was still outstanding.

The primary factor arguing against any wrongful intent on Mr. Mullen's part, however, is that the cumulative effect of his inadequate completion of the application was to underestimate his net worth by $70,000. It is hardly in the interest of any borrower to understate his own net worth when seeking a loan. The DOJ's scrutiny of this matter concluded that Mr. Mullen was not attempting to mislead lending officials, but that he legitimately miscomprehended what the application required. Two other factors are prominent in the DOJ conclusion. First, the Northern Virginia Savings & Loan suffered no pecuniary loss whatsoever. Second, the president of that institution, Mr. Martin Schnider, states that he would have extended the loan regardless of the application based on Mr. Mullen's personal integrity.

Under the Ethics in Government Act, Mr. Mullen is required to submit annually a financial disclosure report. Over the past few years, Mr. Mullen has failed to report some required information, such as the $5,000 signature loan, while reporting some unrequired information. These filings are also discussed in Public Integrity Section's memorandum. DOJ concluded that Mr. Mullen, without assistance, completed the forms in the mistaken, good faith, belief that he had supplied the necessary information. In order to fully comply with the Ethics Act, he has submitted susequently amended reports.

This lengthy confirmation process has provided the committee one unexpected benefit. For over 2 years, Mr. Mullen has been acting as the Administrator of the Drug Enforcement Administration. We are not solely confirming a single individual, but also approving a record of performance. Since taking over at DEA, Mr. Mullen has effected a significant reorganization of the Administration. He has eliminated unnecessary intermediate layers of supervision and thus put more manpower directly on the front lines of the battle against drugs. He has successfully implemented a new program of cooperation with the FBI. In July of 1981 the FBI and DEA were involved in 12 joint enterprises; today they are cooperating on 539 cases. All of our Nation's law enforcement resources are being marshalled for this vital effort. In 1981, the DEA seized heroin with a street value of $23,231,819. Under Mullen in 1982, the street value of the seized heroin was $45,945,116, nearly double the amount of the year before. Already in the first half of 1983, the DEA has captured heroin with a street value of $34,890,652. These statistics attest both to the success of Mr. Mullen's work and to the growth in drug trafficking. Currently the DEA is arresting more than 1,000 offenders a month, but more enforcement is needed.

While Mr. Mullen's success at DEA speaks for itself, his record prior to joining the DEA also commends this outstanding individual. After only 3 years in managerial positions at FBI headquarters, he was entrusted with the post of Deputy Assistant Director for Criminal Investigations, making him second in charge of the Bureau's criminal work. Within a year, he had taken charge of all criminal investigations. Ten months later, he was placed in charge of all FBI investigations, where he served until his Presidential appointment. In each of the last 5 years he received an outstanding performance evaluation and won special commendations for excellence in 4 of those years. Mr. Mullen's record provides us with an excellent reason to support him as he continues his service.

I regret that Mr. Mullen has had to endure months of uncertainty during this process. In the long run, however, this delay will prove a benefit to him. If these doubts had not been dispelled, they would have haunted him throughout his career and hampered

his ability to make significant contributions in public service.

As many of you realize, this examination of the questions publicly raised concerning Mr. Mullen has not been easy for me. My examination has been wrongly perceived as an effort to obstruct the confirmation of this exemplary law enforcement officer and question President Reagan's new emphasis on drug enforcement. My intent is exactly the opposite: To clear Mr. Mullen's reputation and assure that President Reagan's drug enforcement drive is not jeopardized by unfounded suspicions. After months of personal effort, after personally examining more than eight file drawers of information, after meeting repeatedly with FBI and DOJ investigators, after committing extensive resources to this investigation, after questioning Mr. Mullen himself at length, I am satisfied that the questions have been answered and that the DOJ's careful point-by-point analysis which found no substance to these allegations is correct. Naturally I must rely extensively upon the evidence produced by comprehensive DOJ investigations. Based on my examination of this evidence, I am prepared to vote to confirm Mr. Mullen and urge this body to do likewise. No questions remain in my mind about his suitability for this important post. Exposed to the light of careful DOJ investigation, the allegations pose no threat to Mr. Mullen's name or the conduct of our battle against drugs. I urge the Senate to join me in dispelling any clouds over this man or his work and let him get on with his essential task.

This is not an exhaustive statement of the facts concerning Mr. Mullen's suitability to serve, but it gives a summary of the reasons the President's appointment ought to be confirmed by the Senate.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. METZENBAUM. Mr. President, if there were to be a rollcall vote on the nomination of Francis Mullen to be Director of the Drug Enforcement Administration, I would vote in the negative.

While I have no question that Mr. Mullen has had a long and distinguished career at the Federal Bureau of Investigation, I feel that the evidence submitted to the Judiciary Committee, Mr. Mullen's actions, or inactions, in the confirmation investigation of Labor Secretary Donovan and Mr. Mullen's own testimony before the Judiciary Committee are ample reasons to conclude that he should not be confirmed for this highly important position.

The weight of the evidence shows, in my mind, that Mr. Mullen has made serious errors of judgment in his decision to withhold what could have been critical information from the Labor and Human Resources Committee in the Donovan investigation.

The same type of judgment, or lack of it, evidenced itself in dealings he had with a New Orleans banker who later was to be indicted and convicted in a massive embezzlement case. While it appears Mr. Mullen was in no way involved in the embezzlement case, his lack of candor with his superiors about his business dealings with the banker raises cause for concern.

In another personal financial case in Virginia, the same lack of candor and judgment was apparent.

As I told Mr. Mullen at his confirmation hearing, he is going to be required, in his official duties, to testify frequently before congressional committees. Based on his past performance, I am afraid that any committee may have a difficult time replying on his testimony or knowing whether or not the full story is being told.●

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. I move to reconsider the vote by which the nomination was confirmed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECRETARY LEHMAN AND THE PHILADELPHIA NAVAL YARD

Mr. SPECTER. Mr. President, I speak out today on statements made yesterday by the Secretary of the Navy, John Lehman, at the Philadelphia Naval Yard. I do so on the floor of the Senate with some reluctance, because the public comments by the Secretary do require a public response. It would have been preferable, I believe, to have vented these issues privately, at least initially, but that potential moment for private discussions is past in the light of Secretary Lehman's press conference yesterday. I attempted earlier today—the hour now being 9:50—to reach Secretary Lehman by telephone, but I am advised by his office that he is on the west coast and unavailable.

The comments which Secretary Lehman made yesterday in Philadelphia related to the *Saratoga.* A lead story in this morning's Philadelphia Inquirer reports that the decision to overhaul the aircraft carrier *Independence* at the Philadelphia Naval Shipyard is under review because of the "serious problems in the work performed here"—referring to Philadelphia—"earlier on the *Saratoga.*"

Mr. President, based on what I know of the situation of the *Saratoga* and based upon the direct statements attributed to Secretary Lehman in this news account, it is my judgment and conclusion that the comments made by the Secretary are unwarranted, considering all the facts.

The news report contains a number of factual matters which demonstrate on their face that the problems with the *Saratoga* are not, in fact, the responsibility of the Philadelphia Naval Yard. The news story contains this reference:

> The new welding process used on the steam system had proved to be "not mature," he—

Referring to Secretary Lehman—

> said, and its use on carriers has been discontinued.

The newspaper account goes on to say:

> It was a calculated risk to make a breakthrough in technology on the welding," Lehman said.

Based on those factual matters and what I have heard on briefings from the Department of the Navy, it is plain that the problems which have arisen with the *Saratoga* are due to the methodology that was employed on the welding processes.

It may well be true that there have been significant problems with the welding which was done on the *Saratoga,* but the matters referred to in this news account stated by Secretary Lehman yesterday and the other information which I have had on briefings by Navy officials demonstrate that the problem in issue here is the technology used and not the fault of the personnel at the Philadelphia Naval Yard.

Continuing from the story:

> The new process involved complicated robotics and automatic welding techniques that had worked well on destroyer-size ships, he said.

The work which was done on the *Saratoga,* an aircraft carrier, was a novel approach so that it should not be surprising that the procedures did not work as well as they had on destroyer-type ships.

The comments made by the Secretary of the Navy further in this news article appear to be ambivalent with the quotations already made showing that the defects were caused by the technology as opposed to the work-

manship. But Secretary Lehman then proceeds to say that:

It was a gamble that failed and it failed particularly because the yard quality control was not appropriate for the risk involved.

That, Mr. President, in my judgment is inconsistent on its face. With the earlier statements that the welding had failed because of the techniques, it is not logical to say that it failed because of the yard quality control. If the techniques were not adequate for the job, then it may be that the quality control could have had some impact but is hardly the causative factor.

The newspaper account goes on to say, again referring to Secretary Lehman:

He said that the new process would not be used on the *Forrestal*. When asked whether the chief problem with the *Saratoga* was with the welding process or the procedure followed by yard personnel, Lehman replied "both."

Now, that is an obvious hedge, but the thrust of what Secretary Lehman has had to say, it seems to me, is plain; that the problem has arisen here because of the techniques which were employed.

For some time now, Mr. President, I have been concerned about the reports of problems with the *Saratoga* and what effect this would have on the continuing work which is to be done at the Philadelphia Naval Yard. Because of that, I had inquired of the Navy about an opportunity to have a personal inspection of the *Saratoga*, because I have learned that it is one thing to read documents and have briefings and quite another to see the ship and talk to personnel who are directly involved with the process.

Toward that end, I had requested some 10 days to 2 weeks ago an opportunity to visit the *Saratoga* in Florida on Saturday, October 8, which is tomorrow. I had asked for that date because it was the first Saturday that I could make the trip in 1 day to see the *Saratoga*, considering the fact that we have been in session continuously recently.

The Department of the Navy responded, asking that I not make that trip but instead rely on the briefing. I replied that I would be willing to have the briefing in the first instance but, if that proved insufficient, reserved the pressing of my request to see the ship, the carrier *Saratoga*.

Earlier this week, I did have the briefing. While helpful, it was not as informative as a visit to the *Saratoga* would be, and I again pressed the issue, and at this time I am scheduled to make the trip to Florida tomorrow to inspect the *Saratoga*. That will give me a better opportunity to gain the facts firsthand.

In the course of the Navy briefing which I have had, however, I was assured by ranking naval authorities that there was no problem with the *Saratoga* which was attributable to the work done at the Philadelphia Naval Yard and that those issues, in fact, were behind the Navy's consideration. While I consider that to be comforting to an extent, I still had a concern about what the facts might disclose, especially in light of the fact that the work at the Philadelphia Naval Yard is so important to the State of Pennsylvania and, really, to the Nation.

The work at the naval yard involves some 10,000 employees and turns on a $600 million contract to overhaul the *Independence* in 1985. Above and beyond the issue of the *Independence*, the work at the Philadelphia Naval Yard concerns a great many additional jobs which are very vital to the continued vitality of the naval yard.

As the news account this morning summarizes, it is not only the contract for the *Independence*, but also, contracts for the *Kitty Hawk* class of carriers; and the *Kitty Hawk* contracts could keep the yard at full employment through the end of this century.

This is a matter of concern above and beyond Philadelphia, the State of Pennsylvania, the Delaware Valley area, the State of New Jersey, and the State of Delaware, and it has a very material impact upon the ability of this Nation to do what is necessary to keep our fleet in operation. We need facilities like the Philadelphia Naval Yard throughout this country on a diversified basis; and if this work were to be withdrawn from the Philadelphia Naval Yard, there is a real question as to whether that naval yard could continue to exist.

Historically, the Philadelphia Naval Yard has been a major factor in the naval preparedness of this Nation for many wars and many conflicts and many wars not called wars.

So it is not only the interest of a Pennsylvania Senator on this subject, but also, it is a matter of national interest that the Philadelphia Naval Yard be preserved as a locale where this important work can be carried out.

Mr. President, there is a factor above and beyond the Philadelphia Naval Yard itself in the matters to which I have referred, and that is a very decided tilt which has come into play away from the Northeast, where defense contracts have been allocated in large numbers, to the Sun Belt. While I do not wish to take away any of the job opportunities from the Sun Belt, there should be some balance in this matter for an allocation of Department of Defense contracts to areas such as the Northeast and Midwest as well as to the Sun Belt areas.

This issue has come into focus as a result of activities of the Northeast-Midwest coalition, which I cochair, and meetings we have had this year, in early August, with Secretary of Defense Weinberger on a related question of employment in labor surplus areas, where there is a congressional mandate for the years 1981, 1982, and 1983 that there be some $12.1 billion in defense contracts allocated; and as of the statistics available in early August, approximately 2 months ago, only $3.1 billion had been allocated. So the congressional mandate is not being followed.

The competition, obviously, is very keen in various sections of the country on the kind of work which is involved.

There is a related matter in the Philadelphia area, in Chester, Pa., where the work force was reduced from 4,200 to about 1,000, and work which had been sought by that yard has been allocated in other directions. That may be necessary, depending upon a given contract; and while a Senator may press to have work in his own area, it is understandable that there has to be some judgment by the Department of the Navy on some specific situations.

However, the comments made by the Secretary of the Navy yesterday, it seems to me, will inappropriately exacerbate the kind of congressional competition which is involved in this type of issue. The Virginia delegation, quite appropriately, in its own interest, and for its own State, carried on a pitched battle when the *Saratoga* was an issue, and they can be expected to carry on a pitched battle for further contracts. That kind of controversy is going to be fueled by the comments which were made by the Secretary of the Navy yesterday.

I think it not inappropriate to comment that when the Secretary of the Navy seeks support in Congress and the Senate and the Appropriations Committee, he comes to us, privately and quietly, to lay out his case, and we listen to him privately and quietly and, to the extent we can, agree with what he seeks, and we try to be cooperative.

So I am especially surprised to see that in this kind of sweeping, condemnatory statement, the Secretary of the Navy does not seek out the same type of quiet, private meeting so that the matters can be considered and deliberated upon without the kind of front page story which casts an unfair aspersion on the Philadelphia Naval Yard and subjects the 10,000 people who are working at the Philadelphia Naval Yard to the fear of losing their jobs, a fear which is immediately translated to their families and is a matterof enormous concern, especially given the very high unemployment rate which is present in Pennsylvania—in excess of 10.8 percent and in excess of 620,000 individuals.

The news account points out:

Twelve civilians and two military officers at the Philadelphia yard, including the commander, Commodore Thomas U. Seigenthaler, have been reprimanded by the Navy for not providing enough quality control in the welding process. No Washington-based officials have been similarly reprimanded, and Lehman said the Saratoga case was not closed.

If the matter is still pending and if the issue exists as to sanctions or reprimands as to others in the Department of the Navy—and certainly there are other issues involved beyond the quality control, as shown on the face of the facts here, in terms of an inappropriate technique having been applied—I wonder why the officials at the Philadelphia Naval Yard are singled out for censure and reprimand in advance of conclusion of the investigation and in advance of blame on a proper basis, if any blame does exist.

I shall report further to my colleagues in this body after I have had an opportunity to inspect personally the *Saratoga* in Florida tomorrow, and I am scheduled to visit the Philadelphia Naval Yard to see the work which is currently in progress on the carrier *Independence.*

However, I do believe that if there is to be cooperation and joint action between Congress, including the Senate, and the executive branch, including the Department of Defense and the Department of the Navy, such public pronouncements are not to be made when they are not supported by the underlying facts.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of the article in the Philadelphia Inquirer of this morning to which I have referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Oct. 7, 1983]

SHIPYARD DECISION REVIEWED: NAVY MAY REVOKE INDEPENDENCE JOB

(By Robert R. Frump)

The decision to overhaul the aircraft carrier Independence at the Philadelphia Naval Shipyard is under review because of the "serious problems" in the work performed here earlier on the Saratoga, Secretary of the Navy John F. Lehman said yesterday.

The quality of work being done now on the carrier Forrestal will determine whether the Philadelphia yard and its 10,000 workers receive the $600 million contract to overhaul the Independence in 1985, Lehman said.

"I would say very strongly to everyone at the Philadelphia Navy Yard that they must work hard to see that this problem does not occur again," Lehman said. "The role of every worker will make up the sum total upon which the yard is judged."

After the Saratoga's two-year, $520 million overhaul at the Philadelphia yard, the ship developed leaks in its steam system that forced it into port.

At a news conference at Penn's Landing aboard the battleship Olympia, the Navy secretary discussed for the first time in public the Navy's opinion of the Philadelphia yard's record and the region's chances of retaining future carrier contracts. (At stake is not only the contract for the Independence but contracts for the Kitty Hawk class of carriers. The Kitty Hawk contracts could keep the yard at full employment through the end of this century.)

In addition to putting Philadelphia on notice, Lehman said Navy officials in Washington should share some of the blame for the Saratoga's problems. The leaks, he said, were "not solely the problem of the Philadelphia Navy Yard."

Twelve civilians and two military officers at the Philadelphia yard, including the commander, Commodore Thomas U. Seigenthaler, have been reprimanded by the Navy for not providing enough quality control in the welding process. No Washington-based officials have been similarly reprimanded, and Lehman said the Saratoga case was not closed.

The new welding process used on the steam system had proved to be "not mature," he said, and its use on carriers has been discontinued.

That new process involved complicated robotics and automatic welding techniques that had worked well on destroyer-size ships, he said, but had never been applied to carriers.

"It was a calculated risk to make a breakthrough in technology on welding," Lehman said. "It was a gamble that failed, and it failed partly because the yard quality control was not appropriate for the risk involved."

He said that new process would not be used on the Forrestal. When asked whether the chief problem with the Saratoga was with the welding process or the procedures followed by the yard personnel, Lehman replied: "Both."

The Saratoga contract was sought by Philadelphia-area politicians in 1978 and 1979 to assure the survival of the shipyard. Philadelphia won after a fight on the Senate floor against the Virginia delegation, which argued that Philadelphia had no experience in carrier work.

After the overhaul, the ship's leakage problems forced it into port in August at Mayport, Fla., for further repair. That repair work was to have been finished Sept. 15 and cost $2 million. It was extended to Nov. 1 after more than 3½ extra months out of service. The repair bill, Lehman said yesterday, has climbed to $12 million.

The Navy had announced earlier in the year that it was planning to send the Independence to Philadelphia, and Lehman's comments yesterday were the first indication that that decision might be revoked. But he said the final decision on the Independence—and future contracts—would be based on the quality of work done on the Forrestal and not as a direct result of failures on the Saratoga.

"Overall, it is not accurate to say that the problem with the Saratoga will lead to a lessening of work levels," Lehman siad. "The judgments on work levels, say on the Independence, will depend more on the quality of the work on the Forrestal."

ORDER OF BUSINESS

(The following proceedings occurred during Mr. SPECTER's remarks:)

The PRESIDING OFFICER. The Chair advises the Senator from Pennsylvania there is a limitation of 1 minute this morning, and it has expired.

Mr. BAKER. Mr. President, may I inquire of the Senator from Pennsylvania how much more time he needs? I will be glad to provide it.

Mr. SPECTER. I thank the majority leader. I would like about 10 more minutes. I had not asked for a special order this morning because I had not anticipated making these comments, which were occasioned by the morning report.

Mr. BAKER. Let me say to my friend from Pennsylvania that at 10 a.m. we are scheduled to go to the farm bill.

I would have to clear it with the managers before I could go past 10. I know that the Senator from Wisconsin is seeking time.

I wonder, since no other Senator is here, if they might be agreeable to splitting the time between now and 10 a.m.

Mr. PROXMIRE. I only need a minute or two.

Mr. BAKER. Mr. President, I ask unanimous consent, if I may, that the Senator from Wisconsin next be recognized in the time remaining before 10 a.m., and that the Senator from Pennsylvania be recognized for 2 minutes before 10 in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, one other thing. If the Senator would give me 15 seconds, I would like to get two nominations confirmed.

Mr. SPECTER. I yield whatever time it will take. I am sure it will be more than 15 seconds.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering two nominations, that of Lyn P. Meyerhoff, of Maryland, to be Alternate Representative to the United Nations, and Josephine S. Cooper, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

UNITED NATIONS

The assistant legislative clerk read the nomination of Lyn P. Meyerhoff, of Maryland, to be an Alternate Representative to the 38th session of the General Assembly of the United Nations.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to consider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENVIRONMENTAL PROTECTION AGENCY

The assistant legislative clerk read the nomination of Josephine S. Cooper, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER Mr. President, I am now advised that the principal cosponsor of the pending question will not be here promptly at 10 a.m. I ask unanimous consent, therefore, that the time for morning business be extended until 10:15 a.m. and that 10 minutes of that be allocated to the Senator from Pennsylvania and 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the majority leader for extending the time in that manner.

(Conclusion of earlier proceedings.)

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER (Mr. COCHRAN). Under the previous order, the Senator from Wisconsin is recognized.

UNITED STATES AND SOVIET NUCLEAR STRENGTH ROUGHLY EQUIVALENT—NOW IS THE TIME FOR COMPREHENSIVE AGREEMENT

Mr. PROXMIRE. Mr. President, at the heart of the drive for a massive buildup of our nuclear forces is the conviction held as an absolute truth by many that at the present time the Soviet Union has nuclear military strength that is decisively superior to the United States. This view is demonstrably wrong. And yet we encounter it in some of the most widely read and authoritative publications such as U.S. News & World Report. Even in the top echelons of the Reagan administration—among officials who should know better we find this erroneous and false view.

On the other hand last spring we had a series of hearings before the Defense Appropriations Subcommittee at which the Government's most authoritative experts overwhelmingly agreed that the United States and the Soviet Union have roughly equal nuclear military power. In an article in the Washington Post on October 2, Alton Frye takes a look at three myths that allege Soviet nuclear superiority. Like a veteran baseball player, Frye eyes these myths as they come over the plate, swings at each one in turn and slams each of them out of the park and over the fence. Frye is a former strategic analyst for the Rand Corp., and is presently the Washington director of the Council on Foreign Relations.

The first so-called simple fact so stated by Defense Secretary Caspar Weinberger was that U.S. strategic forces are many years older than the Soviet's and that "we haven't done any strengthening or modernization of our strategic systems since they were built." Frye points out that at West Point a Defense Department official recently said that three-fourths of our missiles are on systems that are 15 years old or older. This statement is flatly wrong. Of the 7,000 to 8,000 warheads our ballistic missiles can carry, less than 500 are on missiles 15 years old or older. In Frye's words: "Most U.S. strategic warheads are mounted on missiles from 1 to 13 years of age—thousands on missiles 5 years old or less."

The second myths of the Reagan administration was Weinberger's assertion that "at heart of the current United States-Soviet strategic force imbalance is the Soviet monopoly of hard target kill capability." And Weinberger's consequent conclusion was that the Soviets strategic forces pose a vastly greater threat to U.S. forces than the United States poses to the Soviets. Again this is flatly wrong. Here's why:

Sure, the Soviets could destroy virtually all the U.S. land-based, immobile missiles—the Minuteman missiles and the new MX. But this constitutes less than one-fourth, less than 25 percent, of our warheads. But they cannot find, and they cannot knock out the 75 percent of our nuclear missiles that we have based under the oceans in our submarines and in the air in our bombers. On the other hand the Soviets have more than 70 pecent of their nuclear warheads sitting on land like ducks in a row—stationary, immobile, in fixed mode. We know precisely where they are now and where they will be next month and next year. Yes, indeed, there is a difference in vulnerability between the United States and the Soviet Union. The difference is that their deterrent is far, far more vulnerable than ours. In fact NATO data shows that the United States, right now, today, holds hostage a larger number of Soviet warheads—60 percent of their total force—than the 25 percent of our warheads that the Soviet Union threatens.

The third myth held by the Reagan administration and destroyed by Frye is the assertion that the United States has reduced its nuclear capability in the past 20 years. Frye quotes Assistant Defense Secretary Richard Perle as contending that "it's been a roughly 2-for-1 build-down" that is two warheads eliminated for every new one deployed. Here is the answer which the Defense Department will confirm if pressed. As Frye puts it:

> Since 1968, Soviet offensive warhead totals quadrupled from about 1,800 to over 8,000; U.S. totals have more than doubled from about 4,000 to 10,000. Current modernization programs on both sides could move each country to 15,000 or more strategic warheads in the early 1980's.

Mr. President, the perennial argument of those who resist moving toward a comprehensive arms control agreement like a nuclear freeze is that the Russians are far ahead of us today in nuclear capability, and that we should catch up before we negotiate so we can negotiate from strength. This argument is based on an absolutely false premise. The fact is that the Soviet Union is not ahead of the United States in nuclear military power. We have now, today, exactly the kind of rough equivalence in nuclear power that should be the basis for an agreement on limiting nuclear power to stop the arms race while our two countries are in a nuclear power balance. Of course, the nuclear strength of the two countries is not precisely symmetrical, Yes; indeed, they do have more megatonnage and throwweight. They do have more land-based missiles. But we have more nuclear warheads. Their numerical superiority in land-based warheads is matched by our superiority in sea-based and air-based warheads. The advantage the Russian land-based missiles hold in megatonnage, throwweight, and accuracy is balanced by the far greater invulnerability of our sea- and air-based missiles. This is precisely why I have never seen nor heard an American military official who will tell me that if he had a choice, he would prefer the Soviet over all strategic position to the United States over all strategic position. If we wait for the day when we have a precise parity with the Soviet Union in land-based missiles before negotiating an agree-

ment, we would have to wait for many years longer until they have a parity in sea-based and air-based missiles. The day will never come when both sides have a precise symmetry, an exact mirror image, in all nuclear weapons up and down the line. In fact, it is doubtful if we would ever reach the point when the nuclear military power of our two countries are in closer overall balance. The time to negotiate, and negotiate comprehensively is now.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Alton Frye to which I referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 2, 1983]

STRATEGIC MYTHS MISLEAD REAGAN

(By Alton Frye)

"It ain't what a man don't know that makes him a fool, but what he does know that ain't so."Josh Billing's insight, spoken in the last century, endures. Misinformation is often more dangerous than ignorance, especially when it comes to the great issues of state.

Mistaken notions and incorrect data are troubling in any realm of policy, but they are especially pernicious in cases involving the nation's security. Policy makers may not be able to filter out the dubious claims and spurious numbers which are commonplace in debates on national security. They are vulnerable to the selective use of evidence chosen to play upon their predilections about defense issues.

These potential problems have become real in the Reagan presidency. Neither the president nor his senior colleagues came to office with significant backgrounds in defense policy. There is reason to worry that they have been systematically misinformed on key issues which have shaped the scale and direction of the administration's national security posture.

Ronald Reagan has been a victim of his administration's penchant for assertions which, it turns out, "ain't so." Consider three themes advanced by various officials to support the administration's strategic weapons programs:

U.S. strategic forces are many years older than Soviet strategic forces. Secretary of Defense Casper Weinberger has stated as "simple fact" that "we haven't done any strengthening or any modernization of our strategic systems virtually since they were built."

Soviet strategic forces pose a vastly greater threat to U.S. forces than the United States poses to the Soviets. Weinberger told Congress in May that ". . . at the heart of the current U.S.-Soviet strategic force imbalance is the Soviet monopoly of prompt hard target kill capability."

The United States has drastically and unilaterally reduced its nuclear capabilities over the last 20 years. "Ironically," says Assistant Defense Secretary Richard Perle, "it's been roughly a two-for-one buildown"—i.e. two warheads were eliminated for every new one deployed, he claimed.

Each of these assertions is marshaled to buttress the claim that the United States must modernize its strategic forces rapidly. Unfortunately, each is either wrong or utterly misleading. The valid case for force modernization rests on more measured premises.

American strategic weapons are hardly so ancient or obsolescent as some aver. At West Point recently, a Defense Department official evoked sharp criticism when he declared that "three-fourths of U.S. warheads are on systems that are 15 years old or more." That same line recurs in current interdepartmental analyses of strategic arms control options. It is a dreadful distortion.

Most U.S. strategic weapons are now deployed on ballistic missiles. Of the 7,000–8,000 warheads those missiles can carry, less than 500 are on missiles 15 years old or older (the Minuteman II and Titan II). The 550 Minuteman III missiles (1,650 warheads) were deployed from 1970–1975, as were the 304 Poseidon sea-based missiles (3,040 warheads). Furthermore, some Minutemen III were built as late as 1978, with new guidance and warheads installed on 300 missiles in the late 1970s. The Trident missiles (264 boosters with 2,112 warheads) began to enter service in 1979 and are currently in production.

Thus, most U.S. strategic weapons (about 6,800 warheads) are mounted on missiles from one to 13 years of age—thousands on missiles five years old or less. The newest Minuteman III and Poseidon are about the same age as the oldest SS–17, SS–18 and SS–19 missiles which carry the bulk of Soviet warheads. And our confidence in the longevity of these missiles is well placed. The Air Force has just successfully fired a rocket motor from a Minuteman I built in 1963 and decommissioned in the mid-seventies. We need not disparage our forces in order to recognize that Soviet weapons are indeed modern and dangerous.

Exasperated with Weinberger's erroneous description of the age of U.S. missiles, strategic analyst Richard Garwin says: "It's incredible that a business executive [as Weinberger used to be] would tolerate in his staff . . . persons providing demonstrably wrong information for his public speeches and presumably for his program decisions."

The thesis that the Soviet have a far greater ability to strike our missiles in their silos than we have to strike theirs also requires qualification. Under plausible assumptions. Soviet missiles could destroy virtually all the U.S. strategic missiles based in silos. But those silos hold *less than one-fourth* of U.S. warheads, meaning that the Soviets would still face retaliation from the overwhelming forces at sea and on aircraft. This is why the Scowcroft Commission—whose main findings the administration embraced—said we ought not worry too much about the once-trumpeted "window of vulnerability," because we have many more weapons than the land-based missiles that some analysts put in that window. In reality, because we have more balanced strategic forces, the United States is far less vulnerable to a "counterforce" strike (an attack on enemy weapons systems) than the Soviet Union.

According to the North Atlantic Treaty Organization's official comparison of NATO and Warsaw Pact forces, we have a potent capability to attack Soviet forces. NATO credits the present Minuteman III force with the capacity to destroy over 800 "hard targets" (missiles in silos). The Soviet Union has concentrated well over 5,000 warheads in fewer than 800 ICBMs. Thus, even without the MX missiles, NATO data show that the United States already holds hostage a larger number of Soviet warheads—over 60 percent of their total force—than the Soviet Union threatens by placing American land-based missiles at risk. (Those missiles carry about one-fourth of total American warheads.)

Testimony by the Joint Chiefs of Staff indicates that the United States already has rough parity with the Soviet Union in overall capacity to attack hardened targets, although it has only about one-third the Soviet ability to strike such targets quickly.

Some analysts argue that NATO overstates present U.S. capabilities—maybe our missiles aren't quite so accurate and Soviet silos are harder than ours. But even if the NATO calculation were in error by a factor of two, even if the United States could destroy only 400 silos, the conclusion holds: Soviet warheads are more vulnerable in absolute and percentage terms than are U.S. weapons.

Marshal Nikolai Ogarkov, the Soviet commander, has not missed the point. There are clear signs that he and his colleagues are trying to move toward a less vulnerable posture in the coming decade. Ambassador Edward Rowny has said that he detects keen Soviet interest in moving toward deployment of smaller, mobile ICMBs. The awareness that both sides have serious vulnerabilities could be a crucial advantage in mapping a mutually acceptable path toward more survivable and stable forces. But neither military planning nor diplomacy benefits from the myth that the United States is worse off than the Soviet Union when it comes to land-based missile vulnerability. The Soviets are in comparable jeopardy, and they know it.

One also needs to dissect the contention that the United States has made major cuts in forces over the last two decades. That is absolutely untrue with regard to strategic offensive forces. While many nuclear warheads for air defense systems, theater forces and similar weapons have been retired by the United States, both Soviet and American strategic offensive forces have acquired thousands of additional warheads. Since 1968, Soviet offensive warhead totals quadrupled from about 1,800 to over 8,000; U.S. totals have more than doubled from about 4,000 to around 10,000. Current modernization programs on both sides could move each country to 15,000 or more strategic warheads in the early 1980s.

Partly because they deal with technical and complex issues, these three false assertions have received little critical appraisal. Such contrived figures and arguments appear in many administrations. They stem not from malice but from understandable pressures to dress up the case, to put the best face on favored policies. Yet sound policy requires more than mere debating points.

How might the president react to this challenge to the evidence on which the administration is basing its strategic programs and arms control proposals? He could ignore it, denounce it, rebut it—or he could welcome it as a caution to scrutinize more closely information he receives from subordinates.

In particular, the president should ask whether the administration is actually meeting his oft-repeated pledge to seek deep reductions in strategic forces. On April 17, 1982, Reagan declared that "It must be the objective of any negotiations on arms control to reduce the numbers of nuclear weapons." In February 1983, he reiterated "our willingness to seek reduction to significantly lower levels of nuclear forces based on

equal, balanced levels of comparable systems."

Yet, Congressional Budget Office studies indicate that, even if the Soviets accepted the American proposals at the Strategic Arms Reduction Talks, the United States would have more strategic nuclear weapons in the 1990s than it has today. The dramatic cuts called for in missile-borne weapons—where the Soviets have most of their warheads—would be more than offset by the massive expansion planned for U.S. bomber weapons. Such proposals directly contravene Reagan's commitments to the nation as candidate and incumbent. And many of his own associates admit privately that the proposals are non-negotiable.

Perhaps, as congressional leaders are urging, President Reagan will see merit in broadening his circle of advisers, relying more on retired Gen. Brent Scowcroft, chairman of the strategic forces commission, and other independent figures.

In his eloquent address to the United Nations on Sept. 26, Reagan made the "unequivocal pledge" to seek and accept "any equitable, verifiable agreement that stabilizes forces at lower levels than currently exist." To devise—or even to recognize—such an agreement requires precise and judicious analysis.

Knowing things "that ain't so" serves neither the president's nor the nation's interest.

GENOCIDE—THE INDELIBLE SHADOW

Mr. PROXMIRE. Mr. President, last Sunday's New York Times contained a review of Annette Insdorf's new book "Indelible Shadows," in which she examines and analyzes over 50 films on the Holocaust. She begins with the questions, It occurred to me that if I, the only child of Holocaust survivors, needed a film to frame the horror and give it meaning, what about the others? How great a role are films playing in determining contemporary awareness of the Final Solution? Yet, her book goes far beyond simple criticism of films, it explores their ethical impact on society.

Her book makes it clear that the pains and fears of the Holocaust are not forgotten. Even the title, "Indelible Shadows," implies that this tragedy will always haunt us. The stains of genocidal blood are permanent. The nightmares of Holocaust memories are permanent. And they are permanent thanks in part to the medium that will not allow this dark incident in our history to be forgotten. As Ms. Insdorf so aptly notes, "Images are wounds that won't heal."

Mr. President, we will never heal the wounds inflicted by past atrocities. We will never be able to turn back the hands of time and save those who are depicted in these films.

But it is not too late for us to reassure those living today, and generations yet to be born, that we are committed to their right to exist, their right to live free from fear of extinction.

We have the means at our disposal to take the first small step toward providing them that assurance. By ratifying the Genocide Convention we will place would-be perpetrators of these grave crimes on notice that the world community will not tolerate such despicable actions, that we will take firm action to prevent their occurrence and firmly punish the guilty if our preventive efforts fail.

Mr. President, ratification of the Genocide Convention is just one small step forward. But with the indelible shadow of past genocides looming in mankind's history, can we afford to do any less?

Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, I commend the distinguished Senator from Wisconsin on his very cogent statement, and I agree with the statement which he has made about the necessity for arms reduction.

His statement comes at an opportune time with the President having earlier this week announced a new approach in Geneva, and I for one am hopeful the President will proceed to initiate action to have a summit at the earliest possible moment in accordance with the resolutions enacted by this body urging that summit and hopefully a summit before the deployment of the Pershing II missiles because that deployment will have a very marked impact on relations between the United States and the Soviet Union.

While it may ultimately be necessary to have that deployment as the facts may unfold, it would be my hope that if and under any circumstance there could be an arms reduction agreement as urged by the distinguished Senator from Wisconsin that the action could be taken and I think must be taken for the summit and hopefully could be taken before the deployment of the Pershing II's and cruise missiles.

I thank the Chair and yield the floor.

Mr. PROXMIRE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Florida is recognized.

REGAN WRONG AGAIN

Mr. CHILES. Mr. President, as you know the reporting date for the reconciliation package has been put back once again, this time until Halloween. In some ways, I suppose, that is appropriate, because the budget debate has been haunted by some strange events lately.

The most recent of those came this week when Secretary of the Treasury Donald Regan said he thought the budget deficit could be down to somewhere around $100 billion by 1985. That would really be a supernatural event, especially if you examine how the Treasury expects that to be accomplished.

Indeed, Mr. Regan is wrong again.

After Secretary Regan's remarks before the U.S. Chamber of Commerce, I had my staff check out how the Treasury expected to reach $100 billion deficit figure, especially since the deficit now is around $200 billion. Here is what Treasury had to say.

They said they expected a 1983 real growth rate of around 6½ percent, and a 1984 rate of 5 percent to bring the deficit down to $155 billion, down $15 billion from their current policy estimate of $170 billion.

Next they expect something they call spending underruns to carry through to next year and cut the deficit another $15 billion, down to $140 billion.

Finally they anticipate additional spending cuts to bring the deficit down $20 billion to around $120 billion by 1985. That figure of $120 billion by their arithmetic, is close enough to $100 billion to justify Secretary Regan's claim.

I would remind the Senate, Mr. President, these faulty figures are provided by the same Department of the Treasury which just this summer issued a report claiming that deficits really had no effect on interest rates. Now, after claiming in effect that deficits do not really matter, they are saying that at least half the deficit does not really exist, or will not exist next year.

Frankly, Mr. President, I think the Department of the Treasury either ought to be ashamed of itself, or enter the 1984 Olympics competition for gymnastics. They really ought to be ashamed of themselves.

The same day that Secretary Regan claimed the deficit would fall to $100 billion by 1985, he also said the administration should not commit itself to serious deficit-cutting measures until 1985 which, of course, just happens to be after the election.

And, if there is any doubt elections effect budgets, just look at yesterday's Washington Post which opened with the headline, "Election-Year HUD Budget Would Reverse Three Years of Cuts."

So just when we could use some real leadership from Treasury, we are getting continued gamesmanship as a substitute.

Let us look more closely at the Treasury claim of $100 billion deficit by 1985.

For openers, they chose to start with a current policy deficit estimate of $170 billion. That is not the way the Congressional Budget Office sees it. CBO estimates the current policy deficit to be $197 billion. So Treasury seems to have started with wishes that do not reflect the facts.

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Next, the Treasury found another $15 billion in savings from those spending underruns. That is a relatively new term for those familiar with the budget. We heard it first this summer when Budget Director David Stockman found saving in the defense budget of more than $2 billion because of lower inflation rates. Of course spending underruns would be a treat for the budget, but if past experience is any guide, chances are it will become nothing more than a Halloween trick.

Unfortunately, the current spending shortfalls are not a permanent fact. Mostly they are due to this summer's drought driving up farm prices, which reduces farm price supports. I wonder if the Treasury is predicting another drought for 1985?

The other major shortfall is a delay in spending for new defense systems. CBO says that while those outlays are lower than projected in 1983 and 1984, they will add almost a billion dollars to the 1985 deficit.

So Treasury seems to be using a minus sign where it should have a plus.

Finally, the Treasury Department anticipates another $20 billion a year in spending cuts to help reduce the deficits. That estimate comes at a time when the entire reconciliation package is under a threat because of what appears to be an impasse over the extent of spending cuts and revenues in this year's budget.

To give you an idea of how big the "if" is, the original Reagan cuts that passed in 1981 added to $39 billion. The total the President asked for this year was $12 billion. The total being hung up in reconciliation is only $3 billion a year.

So simply assuming $20 billion a year is absurd.

So, to say the very least Mr. President, I think we should be very skeptical about Secretary Regan's claims. His projections for actually cutting the deficit in half are based on assumptions of strong growth, matched to expected savings which the odds seem to be against just now.

I for one, do not see how we expect rapid growth to continue when a $200 billion deficit stands in the way at the very outset. I do not see how interest rates can stay low enough to foster strong growth when the deficits are so high. And I do not see how private concerns will find the money to borrow when Federal deficits are chewing up so much of available funds. If growth goes at that higher rate, we are clearly going to get a real credit crunch.

Let me point to a recent study by Chase Econometrics to underscore the problem. Part of that study measured credit supply and demand. It showed that in 1984 total domestic nonfinancial credit demand will exceed supply by $58 billion. By 1985, they expect demand to exceed supply by $270 billion.

That does not sound to me like a recipe for robust recovery. In fact, it sounds like a classic formula for crowding out. And Chase Econometrics agrees. In their study, they estimated probabilities—figured the odds, in other words—on when deficits would really start putting the screws to the credit markets. They figured, and I quote, "There is a 65 percent probability that crowding out will begin to occur in 1985—and only a 2 percent probability it will not occur at all."

Frankly, the 2-percent probability is about the same bet I would be willing to place on Secretary Regan's hopes of $100 billion deficit when he prescribes no hard action to bring that about.

If you look at the dates in the Chase survey, one thing comes through loud and clear. Crowding out is certain to occur soon. In fact, there is a 25-percent chance it will begin in the coming year. If that happens, our current economic recovery will end.

Let me explain. A classic recovery goes on for about 3 years. The first year is pushed along by consumer spending that dries up business inventories. The second year is when business starts to rebuild capital. The third year normally finds recovery operating on all cyclinders before it begins to ebb.

Mr. President, the second year of the current recovery is 1984, the same year Chase Econometrics predicts a 25-percent chance that crowding out will begin. You simply cannot have a recovery when Federal deficits are keeping business investors out of the credit markets.

So I have strong doubts about Treasury Department optimism on the deficits. Treasury expects deficits to fall without doing anything to make them fall.

What that means is that the pressure is that much greater on us to stick with the budget we passed in June. It was an action plan, a blend of spending restraint and revenues designed to reduce the deficit by $89 billion over the next 3 years. It is a positive plan that gets us moving rather than just hoping.

It certainly beats waiting for the administration tooth fairy to put $100 billion under the deficit pillow on Halloween.

Mr. President, I ask unanimous consent that the Chase Econometrics study I cited earlier be printed in the RECORD at this point.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

CROWDING OUT? AN ANALYSIS OF CREDIT SUPPLY AND DEMAND

(Bernard M. Markstein, III)

SUMMARY

Public concern over the Federal deficit remains at a high level, yet little relief is in sight. In the past, alarms about crowding out have been raised only to be proven false. Is this the case now?

An estimate of credit supply is made based on the historical relationship between domestic nonfinancial debt and GNP. The demand for credit is projected using the experience of the recovery following the 1973-75 recession and the forecast for the Federal deficit. The analysis suggests that credit needs may be met throughout 1984, but that starting in 1985 pressures of excess demand will build. Other methods of analysis confirm this result.

INTRODUCTION*

Much public discussion has centered on the anticipated size of the Federal Government deficit over the next several years. The current deficit is running around $200 billion. Projections call for the deficit to continue near this record high well into the recovery. Chase Econometrics is not alone in its projections for the deficit: the Administration, Congress, and other forecasters have produced similar figures. More disturbing, the deficit projections are not significantly lower for higher GNP growth paths. Among the many factors contributing to this result are the indexation of taxes, accelerated defense spending, and benefit increases for Social Security recipients. The first reduces the beneficial effects on the deficit of bracket creep, and the latter two will widen the deficit on the expenditure side.

At this stage of the recovery large deficits are not only acceptable but are even desirable—they provide needed stimulus to the economy. The economy is able to absorb them because of low private credit demands. It is later in the recovery that problems arise. In the past, private credit demands have increased as a recovery proceeds. Simultaneously the deficit has fallen—generally in absolute terms, as well as relative to GNP—permitting the rising private credit needs to be funded. This time, however, it appears that the deficit will remain high both in absolute terms and relative to GNP. Will the economy be able to properly fund private credit needs or will there be crowding out?

This article first will examine the supply of credit, then the demand for credit. Finally the implications of the interaction of the two will be discussed. The results indicate that through 1984 the large government deficits will not crowd out private investment, but that starting in early 1985 there will be increased competition for funds due to rising private credit demands. This will lead to some crowding out of private investment.

THE SUPPLY OF CREDIT

Pioneering work has been done by Dr. Benjamin M. Friedman, a Professor of Economics at Harvard University, indicating a strong historical relationship between total domestic nonfinancial credit and GNP. (Benjamin M. Friedman, "Debt and Eco-

Charts and graphs not reproduced in the Record.

*Based on the presentation, "Forecast and Planning Issues for 1984," given at the Chase Econometrics Economic Outlook Forum on September 13, 1983 in Atlantic City, New Jersey.

nomic Activity in the United States" National Bureau of Economic Research, Reprint No. 278.) Dr. Friedman has found this ratio to be almost constant over the 1960 to 1980 period; there has been only a slight trend upward, with almost negligible cyclical movements. Whatever cyclical movements there are result from the fact that the denominator—total domestic non-financial credit—is a stock that changes slowly while the numerator—nominal GNP—is a flow that changes more rapidly. Hence, during a recession the ratio tends to rise somewhat (note particularly the recent 1981-83 period) while during an expansion phase it declines. Yet over longer periods of time the ratio is very stable.

This stability occurs despite considerable variation in the components. Total domestic nonfinancial debt represents the stock of outstanding debt instruments issued by nonfinancial entities (entities that are not banks or thrift institutions). These include nonfinancial businesses (corporations, farms, partnerships), households, state and local governments, and the Federal Government. Nonfinancial Federal Government debt excludes such financial governmental borrowings as those of the various federally sponsored credit agencies, such as GNMA, and mortgage pools.

In the early 1950's the Federal portion of this debt was considerable, due to debt remaining from World War II. This share was gradually reduced as the economy grew faster than new debt was acquired, to a low in 1974. From that nadir the Federal Government share has again grown.

The decline in the Federal Government portion of domestic nonfinancial debt has allowed the business and household shares to grow. Most of the growth in the household share can be traced to increased mortgage borrowing—much of it encouraged by Federal programs and policies.

Friedman has tested the stability of the overall ratio—domestic nonfinancial debt to GNP—and found it to be as good or better than many comparable measures, including the money supply-GNP relationship. Further, when he extended his study to four other major industrial countries (Canada, Germany, Japan, and the United Kingdom) he found similar overall stability in the credit ratio. (Benjamin M. Friedman, "Money, Credit and Nonfinancial Economic Activity: An Empirical Study of Five Countries," National Bureau of Economic Research, Working Paper No. 1033.)

Based on this strong historical evidence, the credit supply may be forecasted by extrapolating the credit ratio through the end of 1985. Table 1 presents historical and extrapolated values along with GNP figures (including forecast figures) and the implicit total domestic nonfinancial credit levels. This extrapolation is the supply of domestic nonfinancial credit in the sense that it represents the willingness of the economy to hold domestic nonfinancial debt. The extrapolation lies within the Fed's target range of growth for domestic nonfinancial credit.

TABLE 1.—CREDIT SUPPLY PROJECTIONS

[Dollar amounts in billions]

	Domestic nonfinancial debt-GNP ratio	GNP	Domestic nonfinancial credit supply
1983.1 [1]	151.32	$3,172	$4,799
1983.2 [1]	150.95	3,272	4,939
1983.3	151.15	3,359	5,077

TABLE 1.—CREDIT SUPPLY PROJECTIONS—Continued

[Dollar amounts in billions]

	Domestic nonfinancial debt-GNP ratio	GNP	Domestic nonfinancial credit supply
1983.4	151.35	$3,418	$5,174
1984.1	151.56	3,496	5,299
1984.2	151.76	3,582	5,436
1984.3	151.97	3,672	5,580
1984.4	152.17	3,754	5,713
1985.1	152.37	3,851	5,867
1985.2	152.58	3,939	6,010
1985.3	152.78	4,021	6,143
1985.4	152.99	4,103	6,277

[1] Actual.

THE DEMAND FOR CREDIT

The projection for credit demand is based on the experience coming out of the 1973-75 recession. The choice of this period was made for two reasons. First, the 1981-82 and 1973-75 recessions were very similar. They were of equal length and of similar severity. Second, the recovery phase from the 1981-82 recession has had a similar profile to that after the 1973-75 recession and is forecasted to proceed on a similar path.

The quarterly growth rates of nonfinancial debt for households, corporations, noncorporate businesses, and state and local government for the 1975-80 recovery period were calculated. A projection of the level of debt for each sector was made using these rates. To calculate the Federal nonfinancial debt, the deficit for each quarter was added to the level of U.S. debt. Table 2 shows the individual sector projections and the total credit demand.

TABLE 2.—CREDIT DEMAND PROJECTIONS

[In billions of dollars]

	Federal Government	State and local government	Household	Nonfinancial corporations	Other nonfinancial businesses	Total domestic nonfinancial credit demand
1983.1	1,047	364	1,694	1,091	603	4,799
1983.2	1,094	383	1,737	1,105	621	4,939
1983.3	1,139	391	1,788	1,119	637	5,074
1983.4	1,186	397	1,815	1,127	646	5,171
1984.1	1,231	407	1,872	1,156	663	5,329
1984.2	1,276	414	1,928	1,173	679	5,469
1984.3	1,320	417	1,996	1,207	693	5,633
1984.4	1,364	418	2,044	1,234	711	5,771
1985.1	1,408	428	2,128	1,276	736	5,975
1985.2	1,453	439	2,218	1,305	756	6,171
1985.3	1,499	444	2,313	1,352	780	6,389
1985.4	1,547	447	2,372	1,388	793	6,547

SUPPLY AND DEMAND

The results of the supply and demand projections are summarized in Table 3. The third column of the table is the difference between supply and demand. Of course, on an ex post basis the amount lent and the amount borrowed are always equal. Thus, the third column represents a measure of the pressure on interest rates. Excess supply (a positive value) represents downward pressure on interest rates, and excess demand (a negative number) upward pressure. The changes in rates would have the usual effect—lower rates producing increased demand and reduced supply, higher rates the reverse. Thus Table 3 indicates that upward pressure on interest rates may begin to be felt as early as 1984, and continue to build progessively throughout 1985. Given the method of deriving these estimates, excess demand of under $75 billion does not necessarily represent a serious mismatch of supply and demand. If excess demand of that magnitude is not due to statistical error, a relatively small increase in interest rates would bring about equilibrium with only minor private sector crowding out. Excess demand of over $7 billion probably does represent true upward pressure on interest rates. Clearly, by the end of 1985 excess demand grows to the point that interest rates will have to rise are some private credit demands will be crowded out of the financial markets. Figure 5 shows the supply and demand graphs in terms of their relationship to GNP.

TABLE 3.—CREDIT SUPPLY AND DEMAND

[In billions of dollars]

	Total domestic nonfinancial credit supply	Total domestic nonfinancial credit demand	Supply-demand
1983.3	5,077	5,074	3
1983.4	5,174	5,171	3
1984.1	5,299	6,329	−30
1984.2	5,436	5,469	−33
1984.3	5,580	5,633	−53
1984.4	5,713	5,771	−58
1985.1	5,867	5,975	−108
1985.2	6,010	6,171	−161
1985.3	6,143	6,389	−245
1985.4	6,277	6,547	−270

Why does pressure on credit market build in 1984 and 1985 when similar pressure did not occur in 1967-77? The answer is, of course, Federal deficits. Taking the ratio of deficits to GNP, in both the 1973-75 recession and the 1981-82 recession, deficits peaked at just over 6 percent of GNP. However, where in the recovery following the 1973-75 recession deficits quickly fell back to the 1 to 2 percent range, Chase Econometrics projections are for deficits to remain above 4 percent of GNP through 1985. These estimates are in agreement with those of the Reagan Administration and the Congressional Budget Office. Even more disquieting, our forecast is not changed appreciably by altering the growth path of GNP.

SENSITIVITY OF ESTIMATES

The nature of the data and the methodology for this study suggest that the specific numbers and timing could vary somewhat. Hence, caution is required in their application. Before addressing this point more directly, it is useful to look at the problem from a different perspective. Table 4 presents a table of net new funds raised (excluding equity) from 1973 through second quarter 1983 by domestic borrowers divided into Federal Government borrowing and private borrowing (which includes state and local government borrowing) along with each sector's percentage share of total funds raised. Table 4a provides a breakdown of private borrowing by major sector and each sector's percentage of total domestic nonfinancial funds raised. Table 5 shows the percentage of funds available for nonfederal borrowing under different assumptions. The assumptions are: (1) credit supplied grows by the amount projected above, (2) available credit grows according to the Federal Reserve Board's target range of growth for domestic nonfinancial credit. The latter is broken into two cases: (a) available credit grows according to the Fed's lower target bound of 8½ percent for 1983 and 8 percent for 1984 and 1985, and (b) available credit grows according to the Fed's upper target bound of 11½ percent for 1983 and 11 percent for 1984 and 1985. For each assumption the Federal Government's demand for

funds as a percentage of total available funds has been calculated to determine the residual percentage of funds available for private borrowing needs. Clearly pressure builds throughout 1985. This conclusion is compatible with the analysis above.

TABLE 4.—NET FUNDS RAISED IN THE CREDIT MARKET

[Dollar amounts in billions]

Date	Total domestic nonfinancial borrowing (amount)	Federal Government borrowing		Private domestic borrowing	
		Amount	Percent of total	Amount	Percent of total
1973	$188.2	$8.3	4.4	$180.0	95.6
1974	175.1	11.8	6.7	163.3	93.3
1975	194.6	85.4	43.9	109.2	56.1
1976	243.8	69.5	28.5	174.3	71.5
1977	321.4	56.8	17.7	264.7	82.3
1978	364.0	53.7	14.7	310.4	85.3
1979	386.1	37.4	9.7	348.8	90.3
1980	342.6	79.2	23.1	263.4	76.9
1981	377.0	87.4	23.2	289.6	76.8
1982	386.3	161.3	41.7	225.0	58.3
1983.1 [1]	88.9	55.6	62.6	33.3	37.4
1983.2 [1]	140.0	46.9	33.5	93.1	66.5

[1] Not seasonally adjusted.

Source.—Flow of funds.

TABLE 4a.—PRIVATE DOMESTIC BORROWING

[Dollar amounts in billions]

Date	State and local		Household		Corporation business		Noncorporation business	
	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total
1973	$12.3	6.5	$79.6	42.3	$48.8	25.9	$39.3	20.9
1974	15.5	8.9	53.7	30.7	66.2	37.8	27.9	16.0
1975	13.7	7.1	51.9	26.7	21.0	10.8	22.5	11.6
1976	15.2	6.2	90.5	37.1	43.0	17.6	25.6	10.5
1977	15.4	4.8	137.6	42.8	71.2	22.1	40.6	12.6
1978	19.1	5.3	167.7	46.1	78.5	21.6	45.0	12.4
1979	20.5	5.3	177.0	45.9	95.4	24.7	55.8	14.5
1980	20.3	5.9	119.9	35.0	75.5	22.0	47.6	13.9
1981	9.7	2.6	125.4	33.3	98.8	26.2	55.8	14.8
1982	36.3	9.4	80.2	20.8	75.6	19.6	32.9	8.5
1983.1 [1]	4.2	4.7	19.7	22.2	4.4	5.0	5.0	5.6
1983.2 [1]	18.8	13.4	43.1	30.8	14.1	10.1	17.2	12.2

[1] Not seasonally adjusted.

Source.—Flow of funds.

TABLE 5.—PRIVATE FUNDS AVAILABILITY RELATIVE TO FEDERAL FUNDING NEEDS UNDER ALTERNATIVE SCENARIOS

	Total funds available			Federal demand for funds				Private credit availability		
	Projected available funds	Fed's lower target bound	Fed's upper target bound	Federal Government demand for funds	As a percent of projected available funds	As a percent of Fed's lower bound	As a percent of Fed's upper bound	As of percent of projected available funds	As a percent of Fed's lower bound	As a percent of Fed's upper bound
1983.3	137.72	101.76	136.25	45.23	32.84	44.45	33.20	67.16	55.55	66.80
1983.4	96.89	103.86	140.01	46.57	48.07	44.84	33.26	51.93	55.16	66.74
1984.1	125.45	99.94	137.86	45.70	36.43	45.73	33.15	63.57	54.27	66.85
1984.2	136.87	101.88	141.50	44.45	32.48	43.63	31.42	67.52	56.37	68.58
1984.3	143.75	103.86	145.24	44.11	30.69	42.48	30.37	69.31	57.53	69.63
1984.4	133.37	105.88	149.08	43.66	32.74	41.24	29.29	67.26	58.76	70.71
1985.1	154.07	107.94	153.02	44.10	28.62	40.86	28.82	71.38	59.14	71.18
1985.2	142.38	110.03	157.06	44.78	31.45	40.70	28.51	68.55	59.30	71.49
1985.3	133.93	112.17	161.22	46.78	34.93	41.70	29.02	65.07	58.30	70.98
1985.4	133.41	114.35	165.48	47.96	35.95	41.95	28.99	64.05	58.05	71.02

Accuracy of supply estimates

The projection for supply may be a little optimistic because the figures key off of the data for second quarter 1983. Since the ratio of domestic nonfinancial debt to GNP was high in that period due to the cyclical effects of the recession, there is a slight upward bias to the projections. Thus from the supply side, it is more likely that the pressure on the financial markets will build slightly sooner rather than later.

On the other hand, there is a small chance that the estimate may prove too low because foreign inflows and a higher personal saving rate might add to the supply of funds moving the pressure to a later date or eliminating it all together. The latter seems very unlikely, however. At best such developments might delay the problem by a quarter or two. Recent foreign purchases of Treasury securities have not exceeded the 1977 figure of $31.5 billion which represents only about 15 percent of this year's deficit and an even smaller percentage of the anticipated shortfall between supply and demand for credit in 1985. The net inflows of foreign funds to the credit market have not been much different in absolute size—the top figure to date is the 1977 inflow of about $40 billion. At present, about $16 billion has come in from foreigners in the first half of 1983 (about $15 billion of that to purchase Treasury securities). An increase in savings also would do little to help. This can be seen in Table 6, which is a reproduction of Table 13 from the article "Federal Deficits and Private Credit Demands: Economic Impact Analysis" by James R. Capra in the Federal Reserve Bank of New York Quarterly Review for Summer 1983.

TABLE 6.—SAVINGS AS A PERCENTAGE OF GNP

[Calendar year]

Item	1961 to 1970	1971 to 1980	1985 projection
Gross private saving	16.4	16.9	17.5
Personal	4.7	4.9	4.0
Business	11.7	12.0	13.5
Total use of saving	16.4	16.9	17.5
Less:			
Financing the Federal deficit	0.5	1.9	5.9
Other [1]	0.5	−0.9	−2.6
Equals: Amount available for gross private investments	15.4	15.9	14.2

TABLE 6.—SAVINGS AS A PERCENTAGE OF GNP—Continued

[Calendar year]

Item	1961 to 1970	1971 to 1980	1985 projection
Addendum: Capital consumption allowance	8.4	9.9	11.0
Amount available for net new private investments[1]	7.0	6.0	3.2

[1] Includes net foreign investment and State and local deficits.

Source.—Federal Reserve Bank of New York.

Accuracy of demand estimates

On the demand side estimates could be a bit too high since the present recovery may prove weaker than the recovery from the 1973–75 recession, although to date it has proved to be remarkably strong. This would push the credit conflict to a later date.

Alternatively, the estimate of credit demand could possibly prove too low because of the tax cuts. With the exception of the small 1975 tax rebates, there were no tax cuts in the recovery following the 1973–75 recession—hence our estimates do not account for them. Together with pentup consumer demand for durable goods, the cuts might increase demand and move the problem to an earlier date.

Accuracy of timing estimates

The timing of pressures in the credit market outlined in this analysis represents the most likely projection. While crowding out could occur in the credit markets at an earlier date, it is unlikely to be postponed to a later period. A reasonable subjective probability distribution would be that there is a 65 percent probability that crowding out will begin to occur in early 1985, a 25 percent probability it will begin to occur by mid-1984, an 8 percent probability it will not occur until 1986, and a 2 percent probability it will not occur at all.

CONCLUSION

Pressures on the credit markets are likely to arise in early 1985 and increase throughout the year. Available domestic nonfinancial credit was estimated by extrapolating from its historical relationship to GNP. Demand for credit was projected based on the experience following the 1973–75 recession and the forecast of the Federal deficit. The economy should be able to accommodate credit demands through 1984, but after that demand pressures grow progressively higher.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DAIRY AND TOBACCO ADJUSTMENT ACT OF 1983

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1529, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 1529) to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 2307

The PRESIDING OFFICER. The pending question is the Baucus amendment. The Senator from Montana.

Mr. BAUCUS. Mr. President, yesterday before the Senate recessed we considered the Rudman amendment dealing with producer handlers. That amendment was tabled by a very narrow margin. The amendment I have before the Senate today is similar.

My amendment is an amendment which addresses an inequity that the pending bill imposes upon States like Montana, Wyoming, North Dakota, New Jersey, New Hampshire, Vermont, Maine, Virginia, North Carolina, South Carolina, Nevada, and California.

Let me explain: Very simply the bill reported out of committee attempts to provide a solution to the dairy support system that we have in our country to encourage the production of milk and to eliminate surpluses, essentially an approach to handle the dairy surplus that we face.

Mr. President, my amendment addresses what I see as a gross inequity in the compromise dairy bill now before us. The purpose of my amendment is to limit the milk assessment and diversion programs to areas in which Federal milk marketing orders are in effect.

The pending bill, the bill reported out of committee, requires that all producers pay a 50-cent assessment. Well, the States I mentioned, Mr. President, including the State of Montana, are States that are non-Federal marketing order States. Nevertheless producers in Montana and the States I mentioned still have to pay the 50-cent assessment.

Moreover the producers in Montana are producers that do not produce a surplus, it is a nonsurplus State. Consumers in Montana consume the milk produced in Montana.

We are not the only producers that face this situation. Producers in other States I mentioned also face the same inequity. So my amendment, Mr. President, is very simple. It is very fair. It is designed to address this inequity. It says the Secretary shall have discretion to exempt those procedures in non-Federal marketing order States from the 50-cent assessment.

The dairy compromise provides a direct subsidy encouraging the slaughter of dairy cows in direct competition with unsubsidized beef cattle slaughter. U.S. cattlemen face high grain prices, drought and stressed pastures—all forcing liquidation. They now must also face the prospect of the dairy industry being paid not to produce milk and also being paid to put more beef on the market.

The National Cattlemen's Association provides some startling figures. If the dairy incentive payment program attracted participation like that in the PIK grain program, dairy cow slaughter could be increased by 3.5 million head in a matter of months. This additional cow slaughter would be equal to half of the total cow slaughter in 1982.

I cannot put my stamp of approval on a dairy program that will further depress beef cattle prices.

If the 50-cent assessment does not put the dairymen in my State out of business, they will have the opportunity to receive a diversion payment for cutting their production by 5 to 30 percent. This $10 per hundredweight payment may look too good to pass up.

Two major problems would result if dairy production is cut in Montana in this way.

First, if production is reduced we will be forced to import milk from Washington State, Wyoming, or somewhere even more distant. Because of the high cost of transportation the cost to consumers would skyrocket. If the price of milk increases dramatically, no amount of market promotion will convince consumers to buy more dairy products. In short, Montana would fall into a chaotic marketing system—not an orderly one.

The second problem that would result from reducing dairy production in Montana and other areas is the increased marketing of dairy cattle. Dairy cattle would directly compete with beef cattle in the marketplace. Selling additional cattle to slaughter would force down already depressed beef prices even further.

Mr. President, I support the efforts of many of my colleagues in reforming the present dairy program. The current 50-cent assessments do nothing to curb production. They do, however, impose an undue hardship on many dairy farmers across the country. The current assessments must be repealed—I think most of us agree with that.

The dairy compromise before us is no more palatable to many dairymen or consumers than the current assessments. My amendment would correct a basic inequity in the compromise bill.

So, Mr. President, I urge my colleagues to listen closely to this amendment, weigh it carefully, and put themselves in the shoes of the dairymen in these States that I mentioned so that we can come up with a fair and equitable solution.

Mr. HUDDLESTON. Mr. President, as the distinguished Senator from Montana pointed out earlier, amendments similar to this one have been rejected by the Senate already during consideration of this bill. The Senate

has rejected the amendments principally because of the recognition that the bill contains a very carefully crafted compromise on the dairy program. The compromise takes into account differences in the various States as to the production of milk and the distribution of milk, the sale of milk, but accommodates such differences within a nationwide program.

What the Senator from Montana is offering throws us into an area of the unknown. He, himself, has indicated that there may be an unknown amount of milk exempted or an unknown certain percentage of the total production exempted. I do not think anybody knows precisely what impact that would have on the overall program. If a great deal of milk is excluded from the diversion program, the program could not be operated effectively.

I reiterate what has already been said: Those who are in the States where there is no particular surplus are in fact benefiting from the program. They benefit from the price levels that are established, whether or not they would have to make a contribution into the fund or not.

On the question of fairness, on the question of practicality, on the question of whether we are going to have a program that works at all, on the question of whether we can really reduce the surplus that exists, we can only say that the answers will depend on whether or not we have a nationwide program that treats all producers the same. Every loophole that is built into the bill, as we have learned from past experience, will be a great attraction, a great magnet, to draw more and more producers through that loophole. Moreover, the amendment could prohibit milk producers who produce milk in an area not under a Federal marketing order from participating in the voluntary paid diversion program.

So I hope that the Senator from Montana might be willing to modify his amendment. I propose that we direct the Department of Agriculture to conduct a study. This is an area that undoubtedly does need investigation as to what impact it would have on the overall program.

Otherwise, of course, we would have to oppose the amendment, principally on the bases that it would, first, destroy what has been so carefully put together and would probably make it impossible to pass any kind of dairy legislation; and second, even if we were able to pass it, we would have such a variety in the program, such a loophole, that there is no assurance that it would in any way accomplish the objectives that we are trying to accomplish here.

Mr. HELMS. Mr. President, I have several problems with the amendment. I have none with the distinguished Senator from Montana. What he wishes is simply to exempt his State. And everyone can understand that because all Senators would like to exempt their States.

I do not quite understand one provision which relates to a producer who does not market milk to the Commodity Credit Corporation. No producer does. The amendment is a bit defective, but I know that was not the fault of the distinguished Senator from Montana.

But this amendment would exempt from the assessment and paid diversion program those producers in areas not covered by a Federal milk marketing order.

Now, as I say, I sympathize with my colleague's desire to exempt his State's producers from this facet of the compromise. I have heard that all over this Chamber. We could all be popular back home by offering such an amendment. And that may be the way to go.

But we have already voted on this proposition and we have a lot of Senators out today. Speaking for this side of the managers of the bill, I just cannot accept in good faith this amendment, because the Senate has already voted on this proposition and Senators have left. I know it is Friday and the Senator from Montana, the Senator from North Carolina, and the Senator from Kentucky are here working, but the fact is there are a lot of Senators out on both sides.

Now, Mr. President, let me say again that a significant portion of U.S. milk production occurs outside of the Federal milk marketing orders, and to exempt this production could subvert the effectiveness of the program. So if you do not want a program, offer amendments like this.

I go back to the statement I made yesterday. We have a fragile coalition on all of these farm matters including cattle, wheat, feed grains, and all the rest. I want to be cooperative with all of the commodities. But it would be unfair to those producers who live in areas covered by the Federal orders to adopt any amendment of this sort. Either we are going to have the program or we are not.

Mr. CHAFEE. Will the distinguished floor manager yield for a question in connection with this subject?

Mr. HELMS. I would rather finish my statement, but as a courtesy to the Senator I would be glad to yield to him.

Mr. CHAFEE. The Senator may complete his statement and then I will be glad to ask him a question.

Mr. HELMS. Whatever the Senator wishes.

Federal milk marketing orders are part of a broad program of marketing agreements and orders authorized by the Agricultural Marketing Agreement Act of 1937. So this is no new thing. Under this authority, the Secretary of Agriculture is empowered to help stabilize market conditions by issuing Federal orders which apply to handlers of milk and its products. In its simplest terms, a marketing order, a milk marketing order, is a legal instrument issued, subject to the approval of the affected producers, to provide the ground rules for transactions between producers and buyers of grade A milk in a specific geographic area.

Mr. President, at the present time there are about, as I recall, 46 milk marketing orders in effect. Last year, about 69 percent of all milk sold to processing plants and dealers, and about 81 percent of the fluid grade deliveries in the United States, were regulated by these orders. Through this amendment, then, 31 percent of milk sold to plants and 19 percent of all fluid grade deliveries would be exempt from the assessment. Acceptance of this amendment would effectively undermine the support for the compromise and thus take the steam out of the movement to replace the current assessment program. Farmers would have to continue to pay the present $1 per hundredweight assessment under those circumstances.

Now, let me put it like it is, Mr. President. Senators really have a choice of continuing the obviously undesired situation now or the compromise which moves us several steps in the right direction of getting this matter under control.

There is no other option.

This amendment will break down what I call repeatedly the fragile coalition. While many—including myself—do not like certain aspects of the compromise, it is the best we can do if we want to move away from the horrendous situation that we now have.

That is the choice. This amendment, in effect, like the one yesterday, is a killer amendment in terms of doing anything about a bad situation. It is like the little boy holding a fish in his hand saying, "Hold still, little fish. I am not going to hurt you. I am just going to gut you."

It is not apparent, furthermore, that there is any correlation between production under Federal milk marketing orders and sales of surplus dairy products to the Commodity Credit Corporation. For example, under this amendment we would be exempting all but 1 percent of the production in California, since that State is not under a Federal marketing order. However, purchases of surplus dairy products from California have accounted for 19 percent of the total Commodity Credit Corporation purchase costs for dairy products during the years 1979-82.

Do we want to burden the taxpayers with respect to California? Let them have it both ways? The Senate will have to make a choice on that.

On the other hand, much of New Jersey does fall under a Federal order. Still, the producers in New Jersey last year were responsible for only 0.3 percent of CCC expenditures. Thus, to exempt California from the program and not exempt the producers in New Jersey seems to be patently unfair.

Maybe we want to go to the situation where we just say, "What we have is just fine. Just pile up these surpluses. Do not do anything about it." But I do not think the Senate really wants to do that. That is the reason I hope the Senator will work with the Committee on Agriculture in formulating a new farm bill which will take care of the situation he is talking about. We begin that in January 1985. I am involved in an election in November 1984. It may be that I ought to say, "They will begin it." But in any case, in January of 1985 we will need all of the input we can have about solving this problem. In the meantime, we ought not destroy what little hope we have of bringing down surpluses.

If the Senator will allow us to modify his amendment, or if he will modify it along the lines the Senator from Kentucky has suggested, we will work with him, fully understanding the way he feels about it. If he does not, I will have to oppose the amendment. I would do so with regret, maintaining the highest degree possible in our friendship.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I will speak very briefly.

We have a national milk supply and the dairy price support program influences prices farmers receive for their milk in every State—Wisconsin, Montana, Kentucky, and so on. By undergirding the price structure for all milk, the price support program effectively provides all dairy farmers a minimum degree of price assurance whether their milk is sold to a cheese plant in Wisconsin or to a fluid milk processor in Florida, or sold in the Montana area by Montana producers.

Several States have developed and maintain State milk marketing programs that provide some additional price or market assurance to their dairy farmers. For the most part, these programs deal with the pricing of milk eligible for the fluid market. None of them eliminate the effect of the price support program, however.

At present, some 13 States utilize a State marketing program for all or a portion of the milk produced within their borders. These include California, Maine, Massachusetts, Montana, Nevada, New Jersey, New York, North Carolina, North Dakota, Oregon, Pennsylvania, South Carolina, and Virginia.

That is what the amendment, as I understand it, of the Senator from Montana would do. It would exempt these 13 States from the assessment. In 1982, the combined milk production in these States was 43.9 billion pounds, 32 percent of the total U.S. milk production. The Baucus amendment would take 32 percent, one-third, of the milk production out of the bill. Such a situation would not only be totally inequitable to the remaining two-thirds of the milk producers across the country; it would effectively guarantee the failure of the program.

The differing regional and marketing conditions across the country were fully considered as the dairy compromise was developed by Members of the Senate, the House, and administration representatives. The need to address the current problem on a national basis is recognized by dairy farmers across the country and is at the heart of the support expressed for the compromise by the administration and a broad bipartisan coalition within the Congress.

Carving out exemptions for this group or that region or a number of States would simply weaken the entire effort and place a still greater burden on those producers not exempted.

Mr. President, I have great admiration and respect for the Senator from Montana, but I do think what his amendment would do would be literally to gut this bill. I think if this happened, the bill would have no prospect of working. There is no way you can provide for a reduction in production but then exempt one-third of all the producers from that. The fact is we do have a national milk market, whether we like it or not. I do think that the amendment proposed by the Senator from Montana, as I say, would simply finish, would end, the effectiveness of these programs that have been so carefully worked out by the committee. Therefore, I hope the amendment will be rejected.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I appreciate the statement of the distinguished Senator from Wisconsin. Let me make a few observations.

The Senator from North Carolina would lead this body to conclude that the Senator from Montana is trying to provide a special provision for his own State. That is the implication.

Mr. President, let me say there are already exemptions in the present law for the State of Hawaii and the State of Alaska. There are exemptions.

Second, this amendment that I am offering benefits the State of North Carolina. North Carolina producers would benefit by the provision that I am suggesting because North Carolina is in the same situation.

There are many States in this situation. It is not just Montana. As the Senator from Wisconsin mentioned, there are roughly the portions of 12 States that are in this situation. It is not just one of 50 States that this Senator is speaking for.

Mr. President, I submit even if it were that the situation only applied to the State of Montana, I would proudly be standing here making the same case. I would do so because it is my right and also because it is my obligation. But mainly because Montana is being treated unfavorably, as are producers in the other 11 or 12 States. In all the comments we have heard, I have not heard any Senator say that the situation that Montana faces is fair. There is an implicit ring in their words, that they are agreeing that the dairymen and producers in Montana and other States are at a disadvantage. It is comparatively less fair for those producers than for producers in Federal market order States.

Mr. President, what we have heard basically is that there is this fragile coalition, we do not want to upset the fragile coalition the committee has come up with. Part of the legislative process is to work to mold and shape legislation as it goes through the process. This Senator is offering an amendment which improves the bill.

Beyond that, we are only one part of the legislative process. The House of Representatives, the other body, has not taken up this bill yet. The bill in the other body has not yet reached the floor. There will be plenty of opportunities for further correcting and modifying amendments to make a better deal in the other body. When we go to conference, there is a chance to modify it in conference, too. It is all part of the process.

So, I find it difficult to swallow the argument that this is a fragile coalition, leaping into the unknown, without an opportunity to amend the compromise bill before us.

It has been suggested on the floor this morning, well, let us have a study; let us look at it. You know, let us not force the issue; the coalition is too fragile.

Mr. President, we have had studies. We have had lots of studies. There was a dairy study mandated by the 1981 farm bill. Where is it? What happened to that study?

Further, Mr. President, there is no guarantee that the Senator from North Carolina or the Senator from Montana is going to be able in 1985 to help fashion a better solution. The Senator from North Carolina and the Senator from Montana both, appropriately and properly, face our constituents in 1984. The voters of the State of North Carolina and the voters of the State of Montana will decide whether or not they wish to send us back here

or send somebody else back here. There is no guarantee that we are going to be here in 1985 when a new farm bill comes up.

Mr. President, we have to address this issue; we know we have to address this issue sooner or later. Let us address it. Let us not procrastinate.

Mr. President, I am not trying to force a solution here. The amendment is very definitely crafted to give the power into the hands of the Secretary at his discretion—at his discretion—to exempt producers from the 50-cent assessment in non-Federal marketing order States. It is not mandatory. It does not require it. It does not require this leap into the unknown this big risk, this destruction of the fragile coalition. It gives the Secretary discretion, according to his judgment based upon the circumstances, whether it is 32 percent of the production or 20 percent of the production or 50 percent of the production. It gives the Secretary discretion to do what he thinks best in all circumstances, to fashion a solution that is better for everyone.

So, Mr. President, The fundamental question is one of fairness. It is true that it will be a change from the present bill but it is intended to address an inequity in several parts of the country and to make this a better bill.

Mr. President, the amendment that I submitted last night essentially addresses this question. I have a minor modification which is a clarifying provision. I send that modification to the desk and ask unanimous consent that it be made.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The modified amendment is as follows:

On page 4, line 11, insert after the period the following new sentence: "The Secretary may grant exemptions from the provisions of this paragraph to a producer if the producer does not produce any quantity of milk in a production area specified in a marketing order issued under section 8c of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c).".

On page 6, line 2, insert after the period the following new sentence: "The Secretary may grant exemptions from the provisions of this paragraph to a producer if the producer does not produce any quantity of milk in a production area specified in a marketing order issued under section 8c of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c).".

Mr. BAUCUS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, may I have a copy of the modified amendment?

I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. Mr. President, this amendment would allow the Secretary, at his discretion, to apply the milk assessment and paid diversion only to producers who produce milk in a production area specified in a Federal milk marketing order. I think this amendment would have the effect of breaking the compromise, of ruining the compromise dairy program that people have tried to craft. I think it would destroy the efforts that the committee and others have made over the past several months. Let me point out a few reasons why this amendment must be rejected.

First of all, it applies to producers producing milk in a production area specified in a Federal order. In other words, Federal orders do not regulate milk production, they regulate handlers in certain geographic regions. A producer in a regulated area might sell the milk to a handler outside of that area; thus, his milk would not be regulated by the order.

Also, producers outside the marketing order area might ship milk to a regulated handling area; thus, the milk would be covered by the order.

For example, in the Senator's own State of Montana, there are producers shipping milk to handlers regulated under the inland empire marketing order covering parts of Washington and Idaho, outside of the State of Montana. The question here is, How would this work? It would not work.

I think there is a basic reason why we ought not to, No. 1, destroy the compromise and, No. 2, adopt an amendment that would create further confusion and further trouble in the overall program.

Mr. President, I urge that the Senate defeat this amendment by a tabling motion or a simple up or down vote.

Mr. THURMOND. Mr. President, I rise in support of the amendment offered by the Senator from Montana, Mr. BAUCUS. This amendment will exempt dairy producers in non-Federal milk marketing areas from the assessment on milk production and from the paid diversion program.

Mr. President, there are thousands of dairy producers across this Nation who are understandably opposed to the assessment on commercially marketed milk, and who, for various reasons, are not attracted to the concept of a paid diversion program. Many of those who oppose both the assessment and the diversion program produce milk in areas where that commodity is now, or traditionally has been, in short supply. Many of these dairy farmers also operate under State-controlled milk markets, such as is the case in my State of South Carolina. Dairy farmers in these State-order areas do not have their milk prices set by the Federal support level. They do not directly benefit from the Federal dairy price support program which has recently constituted an artificial incentive to overproduce. They are not a significant contributor to the current surplus problem.

Mr. President, it is inequitable to ask dairy farmers to finance the cost of a Federal milk price support and diversion program which does not benefit them and in which they have no desire to participate. By eliminating the assessment, along with the right of diversion program participation, in non-Federal milk market areas, we can add a greater degree of fairness to this dairy compromise.

Mr. President, in South Carolina the $100 assessment is costing the dairy industry $450,000 a month, or an average of $1,285 for the typical milk producer. In other words, the assessment has largely taxed away their profit margin. An auctioneer in my State who handles a large percentage of the farm dispersals has informed my office that he has a long list of dairy farmers who are requesting his services to liquidate their herds.

I cannot stand idly by and watch the dairy farmers in my State forced out of business one after the other because of this heavy tax on their milk production. The Southeast is generally short of fluid milk now, and if South Carolinians and Southeastern citizens are to continue to have adequate supplies of fresh, locally produced milk, this unjust and counterproductive assessment must be terminated.

Mr. President, it is a well known fact that vast differences exist in various regions of the country within the dairy industry. It is very difficult to fashion a dairy program that will satisfy all factions of our national dairy industry. In my view, this amendment takes these differences into account and makes the program more suitable for all concerned.

Mr. President, this amendment does not substantially revise the dairy compromise that was worked out in the Agriculture Committee. It simply narrows the focus to Federal milk marketing areas where the present costly surpluses have been occurring. This is a workable solution to some of the problems that have resulted from the assessment on commercially marketed milk. It does not place any undue burden on dairy producers in any area of the country, and it will greatly im-

prove the effectiveness and fairness of our dairy price support program.

Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am prepared to make a tabling motion. Because of my high regard for the distinguished Senator from Montana (Mr. BAUCUS), I hesitate to do that, but duty calls. I have had a lot of practice in that regard. If no other Senator is now seeking recognition, I move to table the Baucus amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. BAKER. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from New Mexico (Mr. DOMENICI), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from Oklahoma (Mr. NICKLES), the Senator from Illinois (Mr. PERCY), the Senator from Wyoming (Mr. SIMPSON), the Senator from Alaska (Mr. STEVENS), the Senator from Virginia (Mr. TRIBLE), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

Mr. BYRD. I announce that the Senator from Oklahoma (Mr. BOREN), the Senator from New Jersey (Mr. BRADLEY), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. METZENBAUM), the Senator from New York (Mr. MOYNIHAN), and the Senator from Arkansas (Mr. PRYOR) are absent on official business.

The PRESIDING OFFICER (Mr. SYMMS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 58, nays 12, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—58

Abdnor	Bingaman	Byrd
Andrews	Boschwitz	Chafee
Baker	Bumpers	Chiles
Biden	Burdick	Cochran
Cohen	Huddleston	Proxmire
D'Amato	Jepsen	Quayle
Danforth	Kasten	Randolph
DeConcini	Kennedy	Riegle
Denton	Leahy	Roth
Dixon	Levin	Sarbanes
Dole	Long	Sasser
East	Lugar	Stafford
Exon	Matsunaga	Stennis
Ford	Mattingly	Symms
Garn	Mitchell	Tower
Gorton	Murkowski	Tsongas
Grassley	Nunn	Weicker
Heflin	Packwood	Zorinsky
Heinz	Pell	
Helms	Pressler	

NAYS—12

Baucus	Hecht	Specter
Bentsen	Kassebaum	Thurmond
Hatch	Melcher	Warner
Hatfield	Rudman	Wilson

NOT VOTING—30

Armstrong	Goldwater	McClure
Boren	Hart	Metzenbaum
Bradley	Hawkins	Moynihan
Cranston	Hollings	Nickles
Dodd	Humphrey	Percy
Domenici	Inouye	Pryor
Durenberger	Johnston	Simpson
Eagleton	Lautenberg	Stevens
Evans	Laxalt	Trible
Glenn	Mathias	Wallop

So the motion to lay on the table Mr. BAUCUS' amendment (No. 2307, as modified) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. BAKER Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2312

(Purpose: To express the sense of the Congress that the Secretary of Agriculture should barter, under existing provisions of law, commodities (especially dairy products) owned by the Commodity Credit Corporation for materials produced in foreign countries)

Mr. KASTEN Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN) proposes an amendment numbered 2312, for himself and Mr. NICKLES.)

Mr. KASTEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38, between lines 7 and 8, insert the following new section:

BARTER OF DAIRY AND OTHER COMMODITIES

SEC. 124. (a) It is the sense of the Congress that the Secretary of Agriculture should exchange or barter, to the maximum extent practicable under the provisions of law specified in subsection (b), commodities (especially dairy products) owned by the Commodity Credit Corporation for materials, goods, and equipment produced in foreign countries.

(b) The provisions of law referred to in subsection (a) are—

(1) section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)),

(2) section 310 of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 83-480, as amended; 7 U.S.C. 1692), and

(3) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431).

Mr. KASTEN. Mr. President, I ask unanimous consent that Senators TOWER, JEPSEN, BOREN, and GRASSLEY be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. Mr. President, all of us want to save the taxpayer's dollars, promote our national security, and assist those in need. I am introducing an amendment that fulfills all of these goals.

My amendment urges the Secretary of Agriculture to utilize to a maximum extent the authorities that he already possesses under current law to barter surplus commodities owned by the Commodity Credit Corporation for materials, goods, and equipment produced overseas that we need for our national security stockpiles.

Under the Strategic and Critical Materials Stock Piling Act of 1979, the administration is rebuilding our stockpiles. The purpose of the act passed by Congress is "* * * to decrease and preclude * * * a dangerous and costly dependence by the United States upon foreign sources of supplies * * * in times of national emergency."

Already some $11 billion worth of critical materials have been procured for these stockpiles. These purchases are costing our constituents money. At the same time, USDA is purchasing and storing at taxpayer expense surplus agricultural products while depressed commodity prices are forcing many farmers into bankruptcy. Through barter, we can save money and remove agricultural surpluses from the commercial market.

Between 1950 and 1967, USDA had an active barter program under which some 60 strategic materials, valued at $1.2 billion, were secured from more than 50 nations in exchange for surplus, USDA-owned agricultural commodities. Since 1967, only one further barter agreement has been enacted: An agreement with Jamaica to trade surplus milk-based products for bauxite.

It is only commonsense that the Government more actively pursues this avenue of trade that has a proven track record. Some 20 percent of world trade is already conducted through barter. And America's major corporations—including McDonnell-Douglas, Northrup, and Pepsico—have active barter programs.

No new legislation is needed to reap these benefits. The administration already has the authority. All that we

here in Congress need to do is assure that maximum use is made of these powers.

Mr. President, this amendment simply states that it is the sense of Congress that barter agreements be pursued to all possible extent.

The objective is to urge the administration to aggressively pursue and use the present authority which they have in regard to barter agreements.

Mr. President, I ask unanimous consent that the Senator from Utah (Mr. HATCH) be named as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, will the Senator add my name onto the amendment?

Mr. HELMS. Mr. President, I ask unanimous consent that the Senator from South Carolina be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, commend the Senator from Wisconsin for his amendment supporting barter. At the same time, it would be unfair not to say that there are a number of Senators who also have barter proposals. All of these proposals have their merits.

The Committee on Agriculture, Nutrition, and Forestry recognized the need for the increased use of barter of agricultural commodities by adopting an amendment proposed by the Senator from Nebraska (Mr. ZORINSKY) in the Export Equity Act, reported earlier this year—S. 822. Another member of the Agriculture Committee, the senior Senator from Iowa, has introduced legislation that would provide for enhanced barter opportunities for U.S. agricultural products.

My friend from Texas, Senator TOWER, has also introduced a bill that would eliminate a number of the roadblocks that now exist in current law with regards to the barter of agricultural commodities.

Since the committee continues to have a strong interest in these various proposals, I let Senators know that I plan to call for a hearing by the Committee on Agriculture, Nutrition, and Forestry—early next year. I expect that the committee will be able to make a recommendation to the Senate on the barter issue soon thereafter.

With regards to the pending amendment by the Senator from Wisconsin, I know of no objection to it. Passage of this amendment will set the stage for future consideration of this issue by the Senate.

Mr. President, I have indicated my approval of this amendment by cosponsoring it.

I do support the Senator's amendment.

● Mr. JEPSEN. Mr. President, I would like to commend my colleague, Senator KASTEN for his initiative in introducing this amendment. This past June I introduced S. 1703, which would require the Department of Agriculture to barter surplus dairy products for minerals designated for priority acquisition for the strategic stockpile.

The gist of the legislation is to have USDA dispose of 15 percent of its surplus dairy products in each of the next 2 years.

Currently, the dairy stocks owned by the Commodity Credit Corporation (CCC) are valued at over $3.25 billion. These stocks include over 476 million pounds of butter, 891 million pounds of cheese, and 1.33 billion pounds of nonfat dry milk.

Even with the movement of some of this dairy surplus through domestic and international donation programs, procurement and storage costs for the uncommitted dairy stocks continue to mount.

Over the past year (July 16, 1982, to July 15, 1983) the butter stocks increased by 33 million pounds or 7.4 percent, the cheese stocks increased 107 million pounds or 13.6 percent, and the nonfat dry milk stocks increased 202 million pounds or 17.9 percent.

It seems to me and some of my colleagues that swapping some of our surplus dairy products for the strategic and critical materials that our country needs makes good sense.

We have been encouraging the administration to use the barter authority that exists and have introduced some measures that would strengthen or open up new methods of reaching a better balance in these two areas.

In cosponsoring this resolution, my colleagues and I are not attempting to place the burden of the barter transactions on the shoulders of the Government, but rather in the hands of the private traders who are better equipped for trading.

I urge you to support this amendment. I also would like to urge the Agriculture Committee to hold hearings on this important topic by early next year.●

Mr. KASTEN. Mr. President, I thank the Senator from North Carolina for his support of my amendment.

The PRESIDING OFFICER. Is there further debate? It not, the question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 2312) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2313

(Purpose: To require that the dairy promotion assessment be levied on imported milk and milk products)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) for himself and Mr. BENTSEN proposes an amendment numbered 2313.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 21, insert "and on all milk and milk products imported into the United States" after "use".

On page 27, line 5, insert "and each person importing milk or milk products into the United States" after "the producer".

On page 27, line 7, insert "or the equivalent thereof" after "hundredweights".

On page 27, line 8, insert "or imported by the importer" after "producer."

The PRESIDING OFFICER. Will the Senator please suspend? May we have order in the Chamber so that the Senator can be heard? Senators wishing to have conversations please retire from the Chamber.

Mr. PRESSLER. Mr. President, the amendment I am offering to S. 1529, the dairy price support legislation, will expand the authority for the promotional assessment to include imported dairy products. As the legislation is currently written, a 15 cent per hundredweight fee will be assessed on all domestic milk production to finance a dairy promotion program.

The program will encourage consumers to use more milk products, thus insuring a demand for dairy products. However, not only domestically-produced dairy products will benefit from increased consumption—so will imported dairy products. It is only fair that importers of dairy products also help finance a promotion program.

Dairy imports are a small percentage of total dairy production, but a promotional assessment on them would still raise a substantial amount of money. In 1982, 2.5 billion pounds of dairy products or 1.8 percent of domestic production were imported. A 15 cent per hundredweight assessment on these products would have raised approximately $3.7 million in 1982. The small fee would have little or no impact on consumer prices.

My amendment also addresses the fairness of the assessment program. If domestic producers are to be assessed a fee to promote dairy products, then importers of foreign dairy products should also be assessed a fee. Charging assessments for promotion or research to importers is not new. The 1981 farm

bill included the Floral Research and Consumer Information Act, which requires importers to pay the same fees as domestic producers. Efforts have also been made by other commodity growers to include assessments on importers. If importers are going to benefit from domestic programs, then they should have to pay for them.

Mr. President, I urge my colleagues to join me in support of this amendment.

I think it is important to take a look at the fact sheet on this amendment to expand the assessment fee to include dairy imports.

This would not be a violation of GATT because we are treating the imported products the same as we are treating the products which are grown in our own country.

But if those imported products are going to enjoy the benefits of sales the same as our domestic products, then the same promotion fee should be assessed.

In 1982, 2.5 billion pounds of dairy products, valued at $612 million, were imported into the United States.

Dairy imports in 1982 equalled 1.8 percent of domestic production.

A 15 cent per hundredweight assessment on imports in 1982 would have generated $3.7 million. The $3.7 million assessed by the fee would have equalled only 0.06 percent of the total value of dairy product imports.

This amendment is equitable in requiring promotional fee assessments against dairy imports and domestic production without imposing excessive dairy price increases.

This would really put the imports on the same basis as our domestic products are, and I think it is very important. It is not a violation of GATT, and it is something that we should do.

Mr. President, on this amendment I would ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order so that we can hear the committee chairman.

Mr. HELMS. I thank the Chair.

We have been in a huddle, I will say to the distinguished Senator from South Dakota, in trying to figure out some way in which we can be helpful to him with his amendment.

We start off with a small problem. Some feel that the amendment is unconstitutional since it provides for a tax, which it does, to originate in the Senate. I have several questions. First, let me ask the Senator, who would collect this, the customs service, the CCC, or who? How would you implement this?

Mr. PRESSLER. It would probably be collected by the CCC at the time of import when it comes into the United States.

Mr. HELMS. By whom? I am not trying to press the Senator. Maybe Senator DANFORTH would like to take over? This is under his subcommittee.

Mr. DANFORTH. Well, Mr. Chairman, thank you.

I would like to pose a question to the Presiding Officer, a parliamentary inquiry.

If an assessment is imposed at the port of entry and if it is collected by the U.S. Customs Service, is it, therefore, a tariff and must it, therefore, under the Constitution, originate in a House bill?

The PRESIDING OFFICER. The Chair would state to the Senator that under the precedents of the Senate, points of order as to the constitutionality of a bill or amendments proposing to raise revenue will be submitted to the Senate for decision; the Chair or Presiding Officer has no power or authority to pass thereon.

Mr. DANFORTH. Mr. President, I make the point of order that this amendment would impose a tariff; therefore, it would be unconstitutional to attach it to a Senate bill.

Mr. PRESSLER. Mr. President, may I respond to that? Under the rules, may I respond to that?

The PRESIDING OFFICER. It is debatable.

Mr. PRESSLER. Mr. President, the assessment could be collected by the CCC, which now has machinery to collect it, but still some might call it a tariff. Essentially, it would not be a tariff for bringing products into the country but the same promotion fee that our domestic producers are paying.

I would not want this to be classified as a tariff. It is a promotion fee for the sale of those products, just the same as our domestic products are assessed. The imported products are benefiting. It would not be a tariff, in my view.

Mr. DANFORTH. Mr. President, if the Senator will yield, I withdraw my point of order.

The PRESIDING OFFICER. The point of order is withdrawn.

Mr. HELMS. Mr. President, if I may have the attention of the Senator from South Dakota, I do not think that there are any Senators who would not agree with what the Senator from South Dakota has in mind. As a matter of fact, the administration, the President, and Bill Brock sent me over to Geneva last November to make the kind of point that the Senator is implicitly making with this amendment when I attended the GATT ministerial conference.

But we have to do something about the unfair trade practices of a lot of these countries around the world. Clearly, I think there is some question about the constitutionality of the Senator's amendment, but let us see.

I am perfectly willing—I have not discussed this with the Senator from Kentucky—but I would be willing to accept the amendment and then study it further and do the best we can in conference.

Mr. PRESSLER. I am very worried about that because I am afraid it will be taken out in conference. I think we could have an overwhelming vote for it. I will tell you the reason I am concerned. I think there is going to be some technical reason somebody will come up with and say, "Well, this is really a tariff," or this or that.

I am a student of the fine speeches of the Senator from North Carolina on this subject. We have to start doing something in this whole area of trade. This is a very constitutional thing. It is not an import tariff.

I am prepared to go to a vote on it, because I would like it to stay in the bill. I do not want to prolong this. I know there are some Senators waiting to catch airplanes. I have asked for the yeas and nays, and I am prepared to vote.

Mr. HELMS. In that case, I think the Senator from Missouri might well wish to reconsider his point of order and have a vote on that question.

Mr. PRESSLER. I am objecting to that point of order in the sense that we do not consider it an import tariff. We consider it an assessment.

Mr. HELMS. But under the rules of the Senate, the Chair is obliged to put this question to the Senate. The Chair will not rule on it.

Here is the difference in the vote that the Senator is talking about. If I have to vote on a question of constitutionality, if I have to vote on the Senator's amendment, feeling absolutely persuaded that it is unconstitutional, at this moment, pending further study, I am going to have to vote against an amendment with which I agree.

I yield the floor.

Mr. PRESSLER. Is the Senator saying that his feeling is it is unconstitutional because he considers it an import tariff? The way we would set it up, it would not be an import tariff. It is an assessment.

Mr. DANFORTH. Mr. President, at the time that I withdrew the point of order, I did so after discussing the matter with the chairman of the Agriculture Committee. I was perfectly

content to let the conferees decide the matter on the merits.

I do think that on the merits, this is a very questionable amendment. It is a very questionable amendment because the United States is now facing the possibility of very stringent import restrictions being imposed on corn gluten and vegetable oil by the European Community. If, in fact, that takes place, then in that context, I think the United States is going to have to respond in some very tough way. I would rather respond in some very tough way to what the Europeans may do than trigger by this kind of an amendment, if it were to become law, the kind of protectionism and aggressive subsidization which may be accelerated in the future by the European Communities.

So, on the merit, I think it is a very bad amendment. But I think that there is another line of attack on the amendment, and that is, that it is unconstitutional. This is a tax. This is a tariff to be imposed on an import. You do not go around collecting a fee from farmers located in France. The only way you can do it is at the point of entry. Therefore, it is a tariff and, therefore, under the Constitution, it must originate in the House of Representatives.

Therefore, Mr. President, I renew the point of order and submit it to the Senate.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, is it permissible to debate this point of order?

The PRESIDING OFFICER. It is permissible.

Mr. MELCHER. Mr. President, there is one thing that has not been mentioned here. It is as if we are operating somehow in a vacuum on the principle of this amendment. Section 22 provides that the Secretary of Agriculture is required to either impose quotas or tariffs on an agriculture product that is imported into this country that works to the detriment of an agricultural program.

Now, this is very explicit. Here is an agriculture program, the dairy program, and imports that are brought into this country are operating detrimental to the dairy program. The dairy program costs us a bundle of money every year because we are in a surplus condition. And that is exactly what section 22 is supposed to operate under.

Now what the Senator from South Dakota is doing actually by his amendment, though he does not refer to section 22, is to force the issue. The Secretary of Agriculture simply has not used the authority under the law that he is required to use under the law. He has ignored it under section 22, and we continually import dairy products into this country without any restrictions, without applying a quota to it—not all of them, but a great number of them—without applying a quota to them and without applying a tariff to them, to slow that down and help operate the agriculture programs we have.

So I do not think there is any question but what the amendment is, first of all, constitutional. Second, it is clearly within the intent of section 22, which is an old standing law to make sure that it is enforced.

So the point of order can be voted upon. I hope it is voted upon and voted upon correctly. Indeed, there should be no point of order lie against it and that the will of the Senate is to consider the amendment.

The PRESIDING OFFICER. Is there further debate on the point of order?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I yield to the Senator from South Dakota.

Mr. PRESSLER. As I understand, the chairman will take the amendment and I will, therefore, vitiate the request for the yeas and nays.

Mr. HELMS. I will take it and do the best I can in conference. The Senator must understand that I agree with him, and I think we can come up with a satisfactory solution. But I wanted to level with the Senator.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Is it my understanding that the yeas and nays have been vitiated?

The PRESIDING OFFICER. They have not been vitiated. The present business before the Senate is the point of order raised by the Senator from Missouri.

Mr. DANFORTH. Mr. President, I would simply repeat what I have previously said. I think this is very bad trade policy. I think it would put us in a very bad position in dealing with the Europeans in what I think is going to be a very serious situation that may happen in any event.

On the merits, I think it is a bad amendment. My hope would be that if it is taken, it be dropped in conference. I understand that the Senator from North Carolina is prepared to accept the amendment, I hope for the purpose of dropping it in conference.

It is my understanding that the Senator from South Dakota is prepared to ask to vitiate the yeas and nays. If he does so, I would then be prepared to withdraw the point of order.

Mr. PRESSLER. Mr. President, I cannot vitiate the yeas and nays with the legislative history being the intent to drop it in conference.

Let me say that I, too, have been concerned for a number of years about the European Community.

Mr. HELMS. Will the Senator yield?

Mr. PRESSLER. Yes.

Mr. HELMS. Senator DANFORTH was speaking as one Member with conviction, but he is not a member of the Agriculture Committee and he will not be a conferee.

Mr. PRESSLER. Let me give a little background. For 9 years, I have served in Congress and I am always told, "Do not offer amendments that will do anything to Europeans because they might retaliate."

This is just saying that the dairy products coming in will pay the same promotional fees as our domestic producers would pay. That is what they do on our products going into their countries in five or six categories.

I admired so much the speeches of the Senator from North Carolina that he made when he returned from Geneva. I have served as a lawyer in our delegation in Geneva, at GATT. But on amendment after amendment, we are told, "Do not do this because the Europeans might retaliate."

Well, the Europeans have retaliated in every which way and so have the Japanese. We continue to be the good guys. The only way we are going to get the message across is to start taking some strong measures. This is not a very strong measure. It is a first step.

I think I can win this on a vote. If there is legislative history that indicates this is being taken to be dropped, I will not accept that.

Mr. RANDOLPH. Mr. President, who has the floor?

The PRESIDING OFFICER. The floor is open to whoever seeks the floor.

The Senator from West Virginia.

Mr. RANDOLPH. I ask the Senator who offered the amendment if there is to be a rollcall on the amendment.

Mr. PRESSLER. There is a rollcall vote ordered on the amendment but there is a procedural point that has been raised.

The PRESIDING OFFICER. The business before the Senate is the point of order of the Senator from Missouri. The Chair has no authority or power

to pass on a constitutional point of order. The Chair, therefore, submits the question to the Senate: Is it in order to offer the pending amendment on constitutional grounds to the Senate?

Mr. PRESSLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DANFORTH. Will the Chair restate the question?

The PRESIDING OFFICER. The question is, Is it in order to offer such an amendment to the pending bill? Those in favor of it being constitutional will vote yea and those not in favor will vote nay.

Mr. DANFORTH. If the Chair will repeat, if a Senator believes that the amendment is unconstitutional because it is a tariff originating in a Senate bill, if a Senator believes it is unconstitutional, how would the Senator vote?

The PRESIDING OFFICER. The Senator would vote no.

The question is, Is it in order to offer such an amendment to the pending bill? Those in favor, vote yea; those opposed, vote nay.

Is there further debate?

Mr. PRESSLER. Mr. President, I would much rather have that framed if a Senator believes that placing an assessment on European products the same as they place on ours domestically, which has nothing to do with a tariff, and is not a constitutional question, he should vote yes. But if he believes their products should be sold in the same market as ours without paying the promotional assessment, then the Senator would vote no. That is the way I would frame the question.

The PRESIDING OFFICER. Under the precedents and practices of the Senate, the Chair has no power or authority to pass on such a point of order. The Chair, therefore, under the precedents of the Senate, submits the question to the Senate. Is it in order to offer such an amendment to the pending bill?

Those in favor will vote yea, those opposed vote nay. If there is no further debate, the clerk will call the roll.

Mr. MELCHER. Will the Senator from Missouri yield for a practical question?

Mr. DANFORTH. Yes.

Mr. MELCHER. The Senator, of course, is basing his call for a determination of constitutionality on the assessment only in this amendment, not the assessment that would be raised by the rest of the bill?

Mr. DANFORTH. Correct.

Mr. MELCHER. Does the Senator from Missouri see any inconsistency?

Mr. DANFORTH. The Senator from Missouri does not because this amendment requires a duty to be imposed at the border. A duty imposed at the border is a tariff. A tariff under the Constitution must originate in the House of Representatives.

Mr. MELCHER. Mr. President, I simply want to make the point that the assessment that we are talking about is called a tariff at the border and, therefore, a tax. But the assessment that is required from the milk producers of this country is collected out of their money. To make this amendment unconstitutional we are going to say that the assessment collected from the milk producers is not a tax. To me it seems a little bit inconsistent. If one is to be declared a tax, then it seems to me that both should be declared a tax, no matter what kind of language is used.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. BAKER. Mr. President, the situation that we find ourselves in is that the Chair has properly submitted to the Senate a constitutional question on a point of order in respect to this amendment. I have been tabling amendments, or attempting to, at the request of the managers of this bill for the last 2 days. I am prepared to do that now.

May I inquire of the Chair, is a tabling motion in order notwithstanding the submission of a point of order on a constitutional question?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. Mr. President, I move to lay the Pressler amendment on the table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from New Mexico (Mr. DOMENICI), the Senator from Washington (Mr. EVANS), the Senator from Florida (Mrs. HAWKINS), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from Oklahoma (Mr. NICKLES), the Senator from Illinois (Mr. PERCY), the Senator from Wyoming (Mr. SIMPSON), the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. TOWER), the Senator from Virginia (Mr. TRIBLE), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

Mr. BYRD. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. METZENBAUM), the Senator from New York (Mr. MOYNIHAN), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

The PRESIDING OFFICER (Mr. QUAYLE). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 47, nays 25—as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—47

Andrews	Dole	Matsunaga
Baker	Durenberger	Mattingly
Bentsen	East	Murkowski
Biden	Ford	Nunn
Bingaman	Garn	Packwood
Boschwitz	Goldwater	Pell
Bumpers	Gorton	Proxmire
Burdick	Hatfield	Quayle
Chafee	Helms	Randolph
Chiles	Huddleston	Roth
Cochran	Jepsen	Rudman
Cohen	Kassebaum	Sasser
Danforth	Kasten	Stafford
DeConcini	Leahy	Stennis
Denton	Long	Wilson
Dixon	Lugar	

NAYS—25

Abdnor	Heflin	Specter
Baucus	Heinz	Symms
Boren	Kennedy	Thurmond
Byrd	Levin	Tsongas
D'Amato	Melcher	Warner
Exon	Mitchell	Weicker
Grassley	Pressler	Zorinsky
Hatch	Riegle	
Hecht	Sarbanes	

NOT VOTING—28

Armstrong	Hollings	Nickles
Bradley	Humphrey	Percy
Cranston	Inouye	Pryor
Dodd	Johnston	Simpson
Domenici	Lautenberg	Stevens
Eagleton	Laxalt	Tower
Evans	Mathias	Trible
Glenn	McClure	Wallop
Hart	Metzenbaum	
Hawkins	Moynihan	

So the motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. Mr. President, if I may have the attention of the Senate, I wish to state two things.

First, I urge Senators to remain in the Chamber, because votes are running much longer than they should. Members have planes to catch. I have ventured the guess that we could finish by midafternoon, and we will not make it if we do not stick close by.

Second, I wonder if the managers can give me some idea of how many amendments and how many rollcall votes they anticipate.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. HELMS. I think we had better poll the delegation. First, let us ask who wants to get away from here by 3 o'clock.

Mr. BAKER. I will not do that on this side. Perhaps the manager on the Democratic side can do that.

I inquire on this side of the aisle, how many amendments do we know of?

I see two hands raised. We know of two on this side.

May I inquire if rollcall votes will be required?

I suppose "perhaps" is the best way to describe it.

I now yield to the Senator from Kentucky.

Mr. HUDDLESTON. I will be glad to inquire on this side, of those who are here. I am not aware, specifically, of any amendments that will be offered on this side. I ask those present.

I do not see any hands raised at this time, so I hope that the two amendments that have been identified will be the only two.

Mr. BAKER. Mr. President, I yield the floor.

I encourage Senators to stay here and to settle for a voice vote if at all possible, and to keep the debate as short as possible, because Members on both sides are trying to finish this bill by about 2 o'clock.

Mr. EXON. Mr. President, will the Senator yield for a question?

Mr. BAKER. I yield.

Mr. EXON. I wonder if it might be possible to expedite the proceedings by agreeing now to a time limit for final passage, regardless of the number of amendments.

Mr. BAKER. I will be glad to try that. I should like to confer with the minority leader and the two managers before I make the request; so let me get started on that.

AMENDMENT NO. 2314

(Purpose: To modify the dairy production stabilization program, establish a minimum price for class I milk subject to milk marketing orders, and delete the milk assessment, diversion, and promotion programs.)

Mr. D'AMATO. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. D'AMATO) proposes an amendment numbered 2314.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, beginning on line 3, strike out all that follows through line 17 on page 40 and insert in lieu thereof the following new title:

TITLE I—DAIRY

SHORT TITLE

SEC. 101. This title may be cited as the "Dairy Farmer Protection Act of 1983".

SUBTITLE A—DAIRY PRODUCTION STABILIZATION

DAIRY PRICE SUPPORT PROGRAM

SEC. 102. (a) Subsection (c) of section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446(c)) is amended to read as follows:

"(c)(1) The price of milk shall be supported at not less than $11.85 per hundredweight of milk containing 3.67 per centum of milkfat.

"(2) The price of milk shall be supported through the purchase of milk and the products of milk.".

(b) Subsection (d) of section 201 of such Act is repealed.

MINIMUM PRICE FOR CLASS I MILK UNDER MILK MARKETING ORDERS

SEC. 103. Section 8c(5)(A) of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c(5)(A)), is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this section, in the case of milk and its products, orders issued pursuant to this section shall fix, or provide a method for fixing, the minimum price for milk classified as class I milk under this paragraph at no less than $12.56 per hundredweight.".

SUBTITLE B—DAIRY REPORT

REPORT

SEC. 110. Not later than July 1, 1984, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the effect of applying nationally, standards similar to the current California standards for fluid milk products in their final consumer form, as they would relate to—

(1) overall consumer consumption trends and total per capita consumption;

(2) nutritional augmentation, particularly for young and older Americans;

(3) implementing improved interagency enforcement of minimum standards to prevent consumer fraud and deception;

(4) multiple component pricing for producer milk;

(5) reduced Commodity Credit Corporation purchases;

(6) consistency of product quality throughout the year and between marketing regions of the United States; and

(7) consumer prices.

The PRESIDING OFFICER. Before the Senator commences, the Chair will attempt to get order in the Senate. The Senate will be in order.

Mr. D'AMATO. Mr. President, yesterday I introduced S. 1929, the Dairy Farmer Protection Act of 1983. Now, as we come to the end of our lengthy deliberation on the dairy/tobacco compromise bill, I offer my legislation as an amendment. I am convinced that it is the only reasonable alternative left for the dairy industry, for the Federal Government, and for the consumer.

There are certain principles on which I believe everyone in this chamber can agree: The current excessive cost to the Federal Government of the dairy program must be reduced; the dairy industry, especially small producers and family farmers, must not be driven to the verge of bankruptcy—or beyond; and, to protect the consumer, the cost of dairy products should not be driven up through the creation of artificial shortages. And, Mr. President, I think that is exactly what is going to take place if this compromise bill passes.

I think we have a situation where we are going to take out of production anywhere up to 30 percent of the small dairy farmers, and we are going to be penalizing exactly the wrong person.

To place an assessment on those farmers who sell their product to the consumer directly and not to the Federal Government is not fair to that farmer and it certainly is a disservice to the consumer.

I have asked my good friends and colleagues who have labored on this difficult subject to attempt to justify what we are going to say to the consumer when they go to the dairy counter and find the price of dairy products going up in the next year or 18 months because we have taken dairy herds out of production.

I suggest that if we are really interested in relieving the burdens to both the consumer and to the taxpayer, then let us not penalize people who sell fluid milk directly to the consumers. Let us see to it that we do not pay premiums to people to sell to the Federal Government, and that is what this compromise does.

So, Mr. President, let me boil it down basically to what my proposal is.

I believe that the producer of fluid milk known as class I dairy products, which are sold to the consuming public, should not be penalized. Keep the target prices as they are, at $13.10. Do away with the assessments. Drop by $1.25 the payment to those who produce class II dairy products.

For God's sake, have we not really had enough of attempting to subsidize and pay people for nonproduction? Have we not seen what has happened to the Federal deficit when we are now

paying $20 billion plus in terms of our agricultural products that are not being produced under the PIK and other programs? This is another PIK program and there is no reason to think this is going to inure to the benefit of the consumers or reduce the Federal deficit or benefit the Federal Treasury.

We will have a situation where we have tampered with the free flow of dairy products and we have driven people out of business because we gave them $10 not to produce. We will take out 30 percent of the herds or 20 percent or 15 percent if this compromise is passed. The Northeast in particular may have to pay higher prices because we have to get the fluid milk transported from different regions when we do not have the available local supply. I think this is a very, very, very dangerous experiment. I believe all the Senators in this Chamber would prefer a workable market solution.

Despite our basic agreement on these principles, however, there is substantial controversy in this Chamber—and elsewhere—over how best to achieve these goals. Many alternatives have been put forth and either discarded or defeated. At this time, therefore, we are left with only three possible options: We can pass the dairy bill as it now stands, we can defeat this bill and enact no new legislation, or we can accept my amendment.

Let us examine the options. The easiest to dispose of is the alternative of adopting no new legislation. That would maintain the current situation and would make no one happy. Dairy farmers would continue to be hit with a $1 assessment—a $1 tax—on every hundredweight of milk they produce, whether or not they sell their product to the Government. The Government would continue to spend more than $2 billion a year to purchase this excess production, as well as untold additional amounts to store it and, eventually, to dispose of it. Consumer prices for class II products would continue to be maintained at artificially high levels, as market conditions for these products would continue to be completely subverted.

No one wants this solution—or nonsolution. That is why we have this dairy bill on the floor. This, then, leaves us two alternatives: The complicated and untried diversion plan or the simple, tried-and-true market solution offered by the Dairy Farmer Protection Act of 1983.

What do these two plans entail? How do they differ? Well, simply put, the diversion plan provides welfare for some dairy farmers—or should I say soon to be ex-dairy farmers—by unfairly taxing other dairy farmers to pay for it. The Dairy Farmer Protection Act, on the other hand, solves the problem by reducing the artificial incentive to overproduce, which now exists. It eliminates the $1 tax entirely because there would be no more need for it. By allowing market conditions to operate, we can greatly reduce both excess production and the cost to the Federal Government, without the imposition of a tax on those dairy farmers who continue to produce to meet market demand.

We all know what the diversion plan now contained in this bill does. It has been discussed and debated on the floor of this Chamber for the past 2 days. I will not burden my colleagues by describing it again. The question, therefore, is "What does the Dairy Farmer Protection Act do?"

It does three things. First, it completely eliminates the $1 per hundredweight assessment now imposed on dairy production. Second, it maintains the $13.10 price support level now in place for class I dairy products. Finally, it lowers the price support level for class II dairy products by $1.25, to $11.85 per hundredweight.

This is the superior solution to the dairy problem for several reason. Since the Government purchases only class II products, this amendment provides the logical solution of lowering the price support level solely for class II. This lowered price support will provide a sufficient disincentive to excess production. Thus, why should we penalize the producers of class I products? The answer, of course, is that we should not.

This amendment also avoids the well-known problem that Congress created with the PIK program: It does not pay farmers not to produce. It does not undermine the important American tradition that the only way to get ahead is through hard work. It does not tell people that being lazy is better than being productive. My amendment does not say that staying in bed in the morning is better—or at least more profitable—than getting up and going to work. My amendment upholds the basic American principle that work will be rewarded and sloth will not.

My amendment also relies on history, rather than theory. Yesterday, my distinguished colleague from the State of Florida, Senator HAWKINS, made the point—and made it well—that, every time in the past that the price support level has been reduced, the market has responded with a reduction in excess production and a decrease in the cost to the Federal Government. If we are trying to eliminate the surplus and cut the Federal cost for the dairy program, as we all agree we are, then my amendment is the route to take.

The Congress has examined, eliminated, reexaminated, and reeliminated the dairy problem countless times in the past and we may do so countless times in the future, no matter which solution we now choose. I am convinced that we will be back to the issue sooner, however, if we adopt the diversion plan than if we accept my amendment.

Mr. President, the Dairy Farmer Protection Act offers a reasoned solution to the dairy crisis. I urge its adoption.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BOSCHWITZ. Mr. President, if I understood the Senator's amendment a little better, perhaps I could respond to it, but it is difficult to understand. Forty percent of the milk produced in the State of New York is used for liquid consumption; 60 percent is for cheeses and nonfat dried milk and butter, and so forth.

New York produces as much that goes to the CCC as the national average.

Somehow, the Senator wants to lower the price of that which is purchased by the CCC but, on the other hand, wants a different price for fluid milk, and I am not sure if he wants a different price for the cheeses or the nonfat dried milk that is consumed by the public, but this would absolutely cause consternation, in my judgment, in the entire dairy industry. A new and a different price formula would apply on top of the already difficult situation that exists.

The good Senator from New York talks about cost of the agricultural program being $21 billion or $20 billion.

I ask him in that case when it comes to embargoing, as his colleague from New York often says we should do with respect to farm products, that he desist from joining such a force because that is the underlying problem in agiculture. When we embargo our principal customers, it just causes that same consternation to go up and down through the dairy industry.

Mr. President, the price-support programs in agriculture until this most recent year have been rather reasonable, $4 billion, $1 billion, $600 million for an entire year, $3 billion, $2.7 billion in 1980, $4 billion in 1981.

Yes, they have risen in recent years. Yes, there have been embargoes. Yes, there have been very expensive dollars which have prevented us from shipping abroad. Yes, there has been a worldwide recession.

The agricultural industry is at the base of the economic success of this country, and support over the years has been modest for agriculture.

Most recently, it has gone up. It will go down once again. If there had not been the PIK program that my friend talked about, there would have been just enormous disaster and catastro-

phe payments around the country this year. There would have been enormous FHA mortgage foreclosures and taxpayers would have been picking up mortgages in every corner of the country where the drought hit. So the cost of these programs has not been excessive over the years.

The base of our economy is agriculture. I resist the amendment of my friend from New York. I think it would cause consternation throughout the dairy industry.

The whole pricing mechanism would be disrupted if you are going to now establish another level of price for manufacturing grade milk and yet another price for liquid milk.

I yield the floor.

Mr. HUDDLESTON. I thank the distinguished Senator from Minnesota.

Mr. President, I also rise in opposition to this amendment and shall make two very simple points that have been made before.

First of all, if this amendment were to pass, in all likelihood we would not have a dairy program to deal with the tremendous surpluses that we are confronted with, nor would we be able to relieve the taxpayers of the costs of the program, including the storage of surpluses.

Second, it is not accurate, as it has been indicated, that the production referred to by this amendment does not contribute to the problem. The fact is, of course, that every gallon of milk produced and sold in the United States contributes to the surplus problem that we have. Every farmer, whether he is within the marketing orders or without the marketing orders, benefits from the program.

The amendment of the distinguished Senator from New York would, of course, establish two classes of dairy farmers in the country, one with a higher sale price than the other. That does not seem to me particularly reasonable. So I urge that this amendment not be accepted, and that we move forward with the program that has been worked out and is available to us in the bill.

Mr. BAKER. Mr. President, notwithstanding the withering glances being cast in my direction, I move to table the amendment.

Does the Senator wish the yeas and nays?

Mr. D'AMATO. Yes.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment of the Senator from New York.

The Clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from New Mexico (Mr. DOMENICI), the Senator from Washington (Mr. EVANS), the Senator from Florida (Mrs. HAWKINS), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from Oklahoma (Mr. NICKLES), the Senator from Illinois (Mr. PERCY), the Senator from Wyoming (Mr. SIMPSON), the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. TOWER), the Senator from Virginia (Mr. TRIBLE), the Senator from Wyoming (Mr. WALLOP), and the Senator from Utah (Mr. HATCH) are necessarily absent.

Mr. BYRD. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. METZENBAUM), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Montana (Mr. BAUCUS), and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 50, nays 19, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—50

Abdnor	East	Levin
Andrews	Exon	Lugar
Baker	Ford	Matsunaga
Bentsen	Garn	Melcher
Biden	Goldwater	Mitchell
Bingaman	Gorton	Pressler
Boren	Grassley	Proxmire
Boschwitz	Hatfield	Randolph
Bumpers	Hecht	Riegle
Byrd	Heinz	Roth
Chiles	Helms	Sarbanes
Cochran	Huddleston	Sasser
Cohen	Jepsen	Stafford
Danforth	Kassebaum	Stennis
Dixon	Kasten	Tsongas
Dole	Kennedy	Zorinsky
Durenberger	Leahy	

NAYS—19

Chafee	Murkowski	Symms
D'Amato	Nunn	Thurmond
DeConcini	Packwood	Warner
Denton	Pell	Weicker
Heflin	Quayle	Wilson
Long	Rudman	
Mattingly	Specter	

NOT VOTING—31

Armstrong	Bradley	Cranston
Baucus	Burdick	Dodd
Domenici	Inouye	Percy
Eagleton	Johnston	Pryor
Evans	Lautenberg	Simpson
Glenn	Laxalt	Stevens
Hart	Mathias	Tower
Hatch	McClure	Trible
Hawkins	Metzenbaum	Wallop
Hollings	Moynihan	
Humphrey	Nickles	

So the motion to lay on the table amendment No. 2314 was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2315

(Purpose: To limit total annual payments to a product under the milk diversion program to $50,000 and to permit the Secretary of Agriculture to reduce the minimum reduction in milk marketings required under such program to encourage participation in such program)

Mr. CHAFEE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE) for himself and Mr. JEPSEN proposes an amendment numbered 2315.

Mr. CHAFEE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, line 12, strike out "Except as provided in subparagraph (D)," and insert in lieu thereof "Except as otherwise provided in this subparagraph and subparagraph (D),".

On page 7, line 21, insert after the period the following new sentence: "The total amount of payments that a milk producer may receive in a year under this subparagraph may not exceed the greater of $85,000 or the total assessment (not including the assessment for dairy promotion) paid by that producer in that year.

On page 9, line 11, insert "(i)" after "(E)".

On page 9, between lines 22 and 23, insert the following:

"(ii) If the Secretary determines that the reduction required under subparagraph (B) in the quantity of milk marketed by a producer is such that such producer would not elect to enter into a contract with the Secretary under this paragraph, the Secretary may reduce the level of such reduction to the extent the Secretary determines is necessary to encourage such producer to enter into such contract.

Mr. CHAFEE. Madam President, what my amendment would do is place a cap of the greater of $85,000 or the total assessment—not including the assessment for dairy promotion, but the total other assessment paid by that producer in that year—as a limitation which can go to a single producer. In other words, that producer can get up to $85,000 or, if his payments under the program were greater than that,

up to the total payments of his program.

Madam President, whom does this cover? This covers practically all the dairy farmers in the United States and over 90 percent of the milk produced. If you take the situation of 15,000 pounds per cow per year, that is 150 hundredweight, or, at $10 a hundredweight, 1,500 pounds per cow. That would provide that at the 30 percent limitation presently in the bill, 56 cows would be covered and, therefore, that would be a herd of 185 cows. If the percentage were dropped, as is estimated under this, it could go at 20 percent. It would be a herd of 370 cows.

So, Madam President, I know the time is short. I have discussed this in considerable detail with the Senator from Minnesota. It is my understanding that it is agreeable with him. I hope the amendment will be accepted.

Mr. BOSCHWITZ. Madam President, while I shall not speak against the amendment, it is with very great reluctance that I do not do so. It was the intention of this program not to set this type of limitation inasmuch as we wanted to reduce milk production and would be happy to have the larger producers also able to participate in order to get the reduction. We do not want to shift the production from small producers to large producers, which I hope this amendment does not do.

In any case, the Senator is correct that the farm programs in general suffer when the very large payments are made to individual farmers. Weighing the equities, Madam President, I reluctantly do not object to this amendment.

Mr. SYMMS. Will the Senator yield for a question?

Mr. CHAFEE. Yes, Madam President.

Mr. SYMMS. How large a dairy would then be limited under the Senator's amendment?

Mr. CHAFEE. If they stay at the 30-percent level, in other words, they will take out pay for 30 percent of a herd, then a herd would be 185 cows. If it dropped to 20 percent, then it would be, as they estimate it could well be, it would go up to a herd of 370 cows. Plus, it could even be higher than that because, as my colleagues recall, this amendment is the greater of $85,000 or whatever the producer paid into the program. So it will get nearly all the herds in the country.

Mr. SYMMS. Does the Senator mean the amendment will affect nearly all——

Mr. CHAFEE. No, Madam President, nearly all the herds in the country will qualify, be able to collect even with these limitations.

Mr. SYMMS. The reason I asked the question is Senator ABDNOR and I held a hearing on agricultural problems in the Joint Economic Committee. We received testimony from one dairyman who was milking 7,000 milk cows three times a day, producing 350,000 pounds of milk. They were beating the average of the rest of the dairymen in the Idaho producing area by about 20 pounds per milk cow per day. Will the result of the amendment of the Senator from Rhode Island be to end up punishing the more efficient producer who happens to be bigger?

Mr. CHAFEE. No, not at all.

Mr. SYMMS. How would that person qualify? I do not know whether they are getting a subsidy or not, but I think they do.

Mr. CHAFEE. He will qualify, because if he has that many cows, he is paying a very substantial sum into the program and thus can collect the diversion payments at least up to the amount that he pays into the program, so he is not going to be adversely affected. What we are trying to do is hold down the size of the checks that are going out.

Mr. BOSCHWITZ. If the Senator will yield, in the example that the Senator from Idaho gives, that farmer would not be able to participate in the diversion program to 30 percent, or even 10 percent. He would be able to participate in the diversion program to perhaps 4 or 5 percent. Yes, there is a certain penalty that we would impose upon very large farmers. But the very large farmers are not always the most efficient.

Mr. SYMMS. I know the Senator is correct. Most times, they are not. However, in this particular case, I think there are people who are milking cows in this country who are milking them three times a day and being very careful with the breeding stock and the management of it that are actually more efficient in some cases, in terms of production per cow, anyway. That is what I was wondering, if this is going to affect someone like that.

Mr. BOSCHWITZ. Those folks will survive, I say to the Senator, because of all the things he has said.

The PRESIDING OFFICER. Is there any further debate on the amendment? If not——

Mr. COCHRAN. Madam President, the person who said he would not debate the amendment is not the chairman or the manager of the bill. He is a Senator on the floor expressing his opinion about the amendment. This Senator, if the Chair please, opposes the amendment. I hope the managers of the bill will not accept it.

One thing that comes to mind immediately, Madam President, about the merits of this amendment is the fact that we have other provisions in farm legislation that do effectively limit the amount of money that can be paid to an individual under certain farm programs, specifically in the cotton, rice, wheat, and other areas. But in the payment-in-kind program that we implemented last year, there was a specific exception made so that there would not be any limitation.

The fact of the matter is if we are going to limit the amount of money paid to these producers to a relatively low level, we are not going to be able to take out of production the amounts of commodity or product that we are seeking to remove from the marketplace, to bring supply in line with demand.

I am afraid that although the intentions of the Senator from Rhode Island are quite commendable, the practical result is going to be that this program will be much less effective if this amendment is agreed to; just as the payment-in-kind program in the wheat, corn, grain sorghum, rice, and cotton areas would have been totally inadequate if there had been a payment limitation written into the program.

We have seen that program turn out to be quite successful in terms of the amount of stocks removed from production this year, bringing supply in line with demand.

I hope the Senate will not agree with this amendment and the managers will resist it.

Mr. HELMS. Madam President, I share the sentiment of the Senator from Mississippi in respect to the amendment. We simply cannot accept it. Here I go again: It will destroy the very thing we are trying to accomplish and we shall end up with nothing, with no movement whatsoever toward controlling these surpluses. I do hope that the Senator will consider himself an ex officio member of the Committee on Agriculture, and I mean this in all sincerity, and help us work on this, meaning the farm bill of 1985.

I sort of feel, I say to the Senator from Rhode Island, that we are trying to put together a horse on the Senate floor with these kinds of amendments and ending up with a camel.

I respect the Senator, but I hope the amendment will not prevail.

Mr. HUDDLESTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. HUDDLESTON. I will not delay the Senate at all except to associate myself with the remarks of the distinguished Senator from Mississippi and the Senator from North Carolina, who I think have made the case exactly as it should be made against this particular amendment. I urge its defeat.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. I think it is a worthwhile amendment. I would like to have the Senate voice its views on it. Sure, it is a cap, but I think these other programs have gotten into an awful lot of

trouble by being uncapped. This was a generous cap. I started out with $50,000, and we have worked our way up to $85,000, or the greater of $85,000 or whatever the producer pays into the program, and thus I would hope the Senate would accept it. If not, I would ask for the yeas and nays at the proper time. I am not trying to cut off debate on this, Madam President.

Mr. HUDDLESTON. Madam President, if there are no other Senators who want to speak on this particular amendment, I would move that the amendment be laid on the table.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table the amendment of the Senator from Rhode Island (Mr. CHAFEE).

The clerk will call the roll.

The bill clerk called the roll.

Mr. BAKER. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Alabama (Mr. DENTON), the Senator from New Mexico (Mr. DOMENICI), the Senator from Washington (Mr. EVANS), the Senator from Washington (Mr. GORTON), the Senator from Florida (Mrs. HAWKINS), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from Oklahoma (Mr. NICKLES), the Senator from Illinois (Mr. PERCY), the Senator from Wyoming (Mr. SIMPSON), the Senator from Alaska (Mr. STEVENS), the Senator from Texas (Mr. TOWER), the Senator from Virginia (Mr. TRIBLE), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

Mr. BYRD. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from New Jersey (Mr. BRADLEY), the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. METZENBAUM), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Tennessee (Mr. SASSER), the Senator from Louisiana (Mr. LONG), and the Senator from Arkansas (Mr. BUMPERS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 36, nays 30, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—36

Abdnor	Ford	Melcher
Andrews	Garn	Nunn
Baker	Goldwater	Proxmire
Bentsen	Grassley	Quayle
Bingaman	Hecht	Randolph
Boren	Heflin	Riegle
Chiles	Helms	Stafford
Cochran	Hollings	Stennis
Cohen	Huddleston	Symms
Dole	Kasten	Thurmond
East	Levin	Warner
Exon	Matsunaga	Weicker

NAYS—30

Biden	Hatfield	Packwood
Boschwitz	Heinz	Pell
Byrd	Jepsen	Pressler
Chafee	Kassebaum	Roth
D'Amato	Kennedy	Rudman
Danforth	Leahy	Sarbanes
DeConcini	Lugar	Specter
Dixon	Mattingly	Tsongas
Durenberger	Mitchell	Wilson
Hatch	Murkowski	Zorinsky

NOT VOTING—34

Armstrong	Gorton	Moynihan
Baucus	Hart	Nickles
Bradley	Hawkins	Percy
Bumpers	Humphrey	Pryor
Burdick	Inouye	Sasser
Cranston	Johnston	Simpson
Denton	Lautenberg	Stevens
Dodd	Laxalt	Tower
Domenici	Long	Trible
Eagleton	Mathias	Wallop
Evans	McClure	
Glenn	Metzenbaum	

So the motion to lay on the table Mr. CHAFFE's amendment (No. 2315) was agreed to.

Mr. HUDDLESTON. Madam President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD addressed the Chair.

Mr. BAKER. Madam President, I shall not take a moment, and I apologize to the Senator from Oregon.

Madam President, on that vote I know there are Senators who did not get to vote.

I regret it, but we were 5 minutes over.

We have dropped now to less than 70 Senators—I believe 67 Senators—and we simply must finish this bill before we lose a quorum.

So I urge Senators to keep their remarks brief, to avoid rollcall votes where necessary, and for goodness' sake stay on the floor or very close by.

AMENDMENT NO. 2316

(Purpose: To modify the dairy compliance program)

Mr. HATFIELD. Madam President, I send an amendment to the desk and ask for its immediate consideration on behalf of Senators MATTINGLY, RUDMAN, WILSON, and PACKWOOD.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Oregon (Mr. HATFIELD), for himself, Mr. MATTINGLY, Mr. RUDMAN, Mr. WILSON, and Mr. PACKWOOD, proposes an amendment numbered 2316.

Mr. HATFIELD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, beginning with line 12, strike out all down through line 2 on page 4 and insert in lieu thereof the following:

"(1)(A) Effective for the period beginning on the date of the enactment of the Dairy Production Stabilization Act of 1983, and ending on September 30, 1985, the price of milk shall be supported at a rate equivalent to $12.40 per hundredweight for milk containing 3.67 per centum milkfat, except that—

"(i) if on October 1, 1984, and thereafter on the first day of each fiscal-year quarter, the Secretary estimates that for the twelve-month period beginning on such date net price-support purchases of milk or the products of milk would be more than six and one half billion pounds milk equivalent, the Secretary shall reduce the price-support rate in effect on such date in the amount of 20 cents per hundredweight, but in no event may the Secretary reduce the price-support rate below the rate equivalent to $11.40 per hundredweight for milk containing 3.67 per centum milkfat; or

"(ii) if on October 1, 1984, or thereafter on the first day of any fiscal-year quarter the Secretary determines that during the three fiscal-year quarters preceding such date net price support purchases of milk or the products of milk were less than 75 percent of the annual equivalent of six and one half billion pounds of milk equivalent, estimates that for the twelve-month period beginning on such day net price-support purchases of milk or the products of milk will be six and one half billion pounds milk equivalent or less, and determines that it is necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, the Secretary shall increase the price-support rate in effect on such date in an amount not less than 10 cents per hundredweight but not more than 20 cents per hundredweight.

"(B) The price of milk shall be supported through the purchase of milk and the products of milk.

On page 4, line 5, strike out "December 31, 1984" and insert in lieu thereof "the date which occurs two years after such date of enactment".

On page 4, line 9, strike out "50 cents" and insert in lieu thereof "30 cents".

On page 4, line 11, insert after the period the following new sentence: "Notwithstanding the preceding sentence, in carrying out this subparagraph, the Secretary shall provide for a reduction of 15 cents per hundredweight to be made in the price received on all milk marketed in the United States for commercial use by producers who produce any quantity of milk, process such quantity into consumer packages, and market such packages.".

On page 5, lines 10 and 11, strike out "made using funds otherwise available to the Commodity Credit Corporation" and insert in lieu thereof "reduced among producers participating in the milk diversion program on a pro rata basis".

On page 6, lines 1 and 2, strike out "December 31, 1984" and insert in lieu thereof "the date which occurs two years after such date of enactment".

On page 7, line 12, strike out "Except as provided in subparagraph (D)," and insert in lieu thereof "Except as otherwise provided in the second sentence of this subparagraph, paragraph (2) (C), and subparagraph (D),".

On page 7, line 21, insert after the period the following new sentence: "The total amount of payments that a milk producer may receive in a year under this subparagraph may not exceed $100,000.".

Mr. HATFIELD. Mr. President, the amendment I have just sent to the desk should finally break the logjam over the dairy provisions of this bill. It is plainly obvious that the committee compromise penalizes the majority of dairy farmers in this country, to pay for the excesses of a very few. We should not predicate our dairy policy on those who take undue advantage of the provision.

The dairy farmers of the Northwest, Southeast, and elsewhere do a good job at marketing, promotion, and sales of their milk production. In my State, the cheese manufacturing industry has helped keep Oregon farmers from adding to the dairy surplus. Unfortunately, this is not the case everywhere. We must remove the incentive to produce for the surplus, which is essentially what has been happening under the current program.

The incentive has been the $13.10 price-support level, which is sufficiently higher than the market price to cause the huge influx of surplus to the CCC. We must reduce this support level to a more realistic figure, which provides the protection for the farmer, while more accurately reflecting the true cost of production.

We must not provide too large a diversion payment for cutting back on overproduction. Far from providing an incentive to permanently cut back on production, it rewards those few that have been abusing the program, and causing the problem.

We must also provide the Secretary with sufficient flexibility to solve this problem once and for all. What I propose is:

Reduce support for 1 year by $0.70 per hundredweight—$12.40/cwt. At end of 12 months, Secretary will lower support by $0.20 each quarter until projected CCC purchases are estimated to be below 6.5 billion pounds annually, however rate cannot be reduced below $11.40 per hundredweight. When projections reach 6.5 billion no further reductions and after estimate has held steady for three quarters Secretary mandated to raise support at least $0.10 with maximum increase in any quarter of $0.20.

Continued $0.30 per hundredweight assessment on all milk produced but with exemption of $0.15 per hundredweight for those who produce and market own supplies. Terminates after 2 years. Revenue from $0.30 assessment would be used to pay "diversion" but no appropriated funds in excess of actual revenue could be used for such purpose.

A. Producers in marketing areas would receive diversion payments in proportion to that area's total sales to CCC for the 1983 fiscal year.

B. No producer could receive more than $100,000 per year from diversion payment.•

Mr. President, this issue has been discussed enough. We all know what must be done to provide equity for all dairy farmers. Not just those that have presented us with this problem.

Madam President, I shall briefly outline the amendment. What this amendment would do is reduce the support for 1 year by 70 cents per hundredweight from $13.10. At the end of the 12 months the Secretary will lower the support by 20 cents each quarter until they reach the level of 6.5 billion pounds annually.

The rate cannot be reduced below $11.40 per hundredweight level.

When the production reaches 6.5 billion pounds then no further reductions, and after the estimate has held steady at that level for three quarters the Secretary would be mandated to raise the support at least 10 cents per hundredweight with maximum increases in any one quarter to 20 cents.

We would continue under this amendment the 30-cent assessment for all milk produced but with the exception of 15 cents a hundredweight for those who produce and market their own supplies, and this would terminate at the end of 2 years.

Revenues from the 30 cents assessment will be used to pay for diversion but no appropriated funds in excess of actual revenues could be used for such purpose.

The producers in the marketing areas would receive diversion payments in proportion to that area's total sales to the Commodity Credit Corporation for the 1984 fiscal year and cap producers. No producer could receive more than $100,000 per year in diversion payments.

This issue has been discussed so long and I am not going to go into further detail, but that basically is a compromise that finds itself somewhere between the amendment offered by the Senator from New York (Mr. MOYNIHAN) and the Senator from Florida (Mrs. HAWKINS), and it to me is a reasonable compromise and I wish to query at this time if the committee managers are willing to accept this amendment.

I thank the committee managers for considering this amendment.

Mr. HELMS. Madam President, we are all rushing to stand up. I need not express again my affection and respect for the Senator from Oregon. But his amendment, while somewhat different from previous ones, would do the same thing that the others would have done if they had been approved; that is, to assure the defeat of this compromise legislation and I regret to tell my good friend from Oregon but I must resist the amendment.

Mr. HATFIELD. Did I understand the Senator is not willing to accept it?

Mr. HELMS. Words to that effect, yes.

Mr. HATFIELD. I see.

Mr. MATTINGLY. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. HATFIELD. Can we not get the yeas and nays on this simple amendment?

Mr. BAKER. If we are going to have a vote, as much as I hate to say this to the Senator from Georgia, I prefer to do it on a tabling motion. If there be no further debate, I make that motion.

Mr. THURMOND. Wait a minute. Let us see if we can have a standing vote. Some have to catch a plane. Does the Senator mind having a standing vote?

Mr. MATTINGLY. No.

Mr. BAKER. I overhear the conversation.

Let me tell Senators this rollcall is going to be as close to 15 minutes as we can make it.

Mr. CHILES. Why do we not have a standing vote?

Mr. BAKER. If we can have a division vote, fine.

Mr. HUDDLESTON. There has been no request for a rollcall vote on the tabling motion.

Mr. THURMOND. Let us have a division vote.

Mr. HATFIELD. Is there is a motion to table this fine amendment?

Mr. BAKER. Yes. It is a fine amendment and it has fine sponsorship.

But I feel constrained in the interest of the fine lateness of the hour to move to table, and I do now move to table.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HUDDLESTON. No one asked for the yeas and nays.

Mr. BAKER. There has been no request for the yeas and nays.

Mr. WILSON. Madam President, I ask for the yeas and nays.

Mr. THURMOND. Do not ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HATFIELD. Madam President, give me a moment to count the House before we agree to that.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment of the Senator from Oregon.

Mr. MATTINGLY. Madam President, I ask for the yeas and nays.

Mr. THURMOND. No. Let us have a division vote.

Mr. COCHRAN. Regular order.

The PRESIDING OFFICER. The question is on the motion to table. (Putting the question.)

The PRESIDING OFFICER. The Chair is in doubt and asks for a division.

All those in favor stand please and be counted.

Those opposed, please stand.

The ayes appear to have it. The ayes do have it.

The motion to lay on the table was agreed to.

Mr. BAKER. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Madam President, we are rapidly running out of time and, maybe more importantly, we are running out of Senators. So I urge we get on with the business at hand and try to avoid rollcalls.

AMENDMENT NO. 2317

Mr. ABDNOR. Madam President, I have an amendment to send to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota (Mr. ABDNOR) for himself and Mr. BOREN proposes an amendment numbered 2317.

Mr. ABDNOR. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title I, insert a new section and number appropriately:

"SEC. . The minimum limitation of 1,250,000,000 pounds provided under subsection (f)(1) of the Meat Import Act of 1979 is hereby suspended for 1984 and 1985."

Mr. ABDNOR. Madam President, I am going to be very, very brief. This amendment, as short as it is, limits the amount of beef which can be imported into the United States.

Let me tell you why I am doing this.

Under section 7 of the limitation on beef imports there is a provision that says:

No limitation imposed under this paragraph for any calendar year may be less than 1,250,000,000 pounds.

I need not tell anyone in this Chamber of the depressed situation in the livestock industry. It has been with us for a long time and is starting to grow worse.

High feed prices, the PIK program, the drought, high interest rates, and now the dairy program are painting a dark and bleak picture for those in the cattle business.

I am not making any big changes in the Meat Import Act of 1979; I am simply removing a base floor so that beef imports may fall below that level. It is very critical to do this because if 1.5 million dairy cows are sent to slaughter, as expected upon enactment of S. 1529, beef prices will plummet and cattlemen's income will diminish even more.

My amendment would suspend two sentences of the Meat Import Act and would allow meat imports to drop during the period of increased dairy cow slaughter. If slaughter cattle numbers are high, imports of foreign beef would be allowed to decrease below the minimum amount which is now specified in the law.

Let me add this: Other countries of the world which are presently importing beef into this country are using voluntary restraint, and I commend them for it. They have been holding back their beef exports and are very close to the minimum floor level of 1.25 billion—just a few pounds short—and I predict with an extra 1.5 million dairy cows going to slaughter, the floor level of 1.25 billion pounds will be much too high and permit too much beef into the United States, pushing our own cattlemen into economic ruin and bankruptcy.

This is a worthy amendment, an amendment worthy of your consideration, and I urge your support.

Mr. RANDOLPH. Madam President, will my colleague yield? I ask unanimous consent that I be made a cosponsor of the amendment.

Mr. ABDNOR. I would be happy to have the Senator from West Virginia as a cosponsor; also Senator BOSCHWITZ and Senator THURMOND as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Madam President, this is another one of the amendments that would appeal to all Senators. On the other hand, it will have a very, very sensitive impact on our trading relationship. But I will say this to the Senator: I will be glad to accept the amendment and take it to conference even though this is an amendment that should go on a Finance Committee bill. On that basis I will accept the amendment.

Mr. ABDNOR. We are not ramming anything down the throat of the board. If they felt it necessary and advisable to do it they could do it.

I appreciate the Senator's accepting the amendment.

The PRESIDING OFFICER. Is there any further debate? If not, the question is on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 2317) was agreed to

AMENDMENT NO. 2318

(Purpose: To make technical and other necessary modifications in the dairy production stabilization provisions and for other purposes)

Mr. BOSCHWITZ. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. BOSCHWITZ) proposes an amendment numbered 2318.

Mr. BOSCHWITZ. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(1) On page 2, line 9, insert "(a)" immediately after "Sec. 102.".

(2) On page 2, line 14, strike out "September 30, 1983" and insert in lieu thereof "on the last day of the month of enactment of such Act".

(3) On page 2, strike out lines 18 and 19 and insert in lieu thereof the following:

"(B) Effective for the period beginning on the first day of the first calendar month following the date of enactment of the Dairy Production Stabilization Act of 1983 and ending on September 30, 1985, the price of".

(4) On page 2, line 23, strike out "on January 1, 1985," and insert in lieu thereof "on the date following by fifteen months the date established by the Secretary for the beginning of the diversion program under paragraph (3) of this subsection, but not later than March 31, 1985,".

(5) On page 3, line 3, strike out "shall" and insert in lieu thereof "may".

(6) On page 3, line 12, strike out "shall" and insert in lieu thereof "may".

(7) On page 3, line 23, strike out "shall" and insert in lieu thereof "May".

(8) On page 4, strike out line 3 and all that follows through "1984," on line 5, and insert in lieu thereof:

"(2)(A) Effective for the period beginning with the first day of the first calendar month following the date of enactment of the Dairy Production Stabilization Act of 1983 and ending on the date of termination of the milk diversion program established under paragraph (3) of this subsection,".

(9) On page 4, strike out lines 9 through line 11, and insert in lieu thereof: "duction of 50 cents per hundredweight from the price received on all milk marketed by producers in the United States for commercial use: *Provided*, That enactment of the Dairy Production Stabilization Act of 1983 shall not affect in any manner the collection or enforcement of any deduction from the price of milk previously implemented by the Secretary under this subsection as in effect

for any milk marketed for commercial use prior to the effective date of the reduction provided for in this paragraph, as added by section 102(a) of the Dairy Production Stabilization Act of 1983.".

(10) On page 4, strike out line 23 and all that follows through "Fund are" on page 5, line 8, and insert in lieu thereof "(C) To the extent that funds collected under this paragraph are".

(11) On page 5, line 18, insert "as soon as practicable following the enactment of the Dairy Production Stabilization Act of 1983, but no later than January 1, 1984," immediately after "shall".

(12) On page 5, line 23, strike out "period beginning" and all that follows through "1984." on line 2, page 6, and insert in lieu thereof "fifteen month period beginning with a date determined by the Secretary (not earlier than the date of enactment of the Dairy Production Stabilization Act of 1983, nor later than January 1, 1984)".

(13) On page 6, strike out line 22 and all that follows through line 4, page 7, and insert in lieu thereof the following: "sold, leased, or otherwise transferred to another person after the date of enactment of the Dairy Production Stabilization Act of 1983, unless such cattle are sold for slaughter or sold or transferred to another producer with respect to whom there is in effect a contract entered into under this subsection, except that the Secretary may, to the extent practicable and to the extent deemed consistent with the goals of the diversion program, permit the sale of registered, purebred cattle for breeding purposes subject to such terms and conditions as the Secretary may prescribe based on a history of such sales by the producer;".

(14) On page 7, strike out lines 7 and 8 and insert in lieu thereof "section, including simple interest payable at a rate prescribed by the Secretary which shall, to the extent practicable, reflect the cost to the Commodity Credit Corporation of its borrowings from the United States Treasury, commencing on".

(15) On page 8, line 13, strike out the semicolon and insert in lieu thereof a colon, and between lines 13 and 14, insert the following proviso: "*Provided*, That no payment may be made for any reduction in the quantity of milk greater than 30 per centum of the aggregate quantity of milk marketed by the producer for commercial use during the marketing history period;".

(16) On page 9, line 6, strike out "and", and between lines 6 and 7, insert the following:

"(iii) any reduction in the quantity of milk marketed for commercial use by a producer who, as determined by the Secretary, was not actively engaged in the production of milk for commercial use as of the date of enactment of the Dairy Production Stabilization Act of 1983; and".

(17) On page 9, line 7, strike out "(iii)" and insert in lieu thereof "(iv)".

(18) On page 9, line 11, insert ", in accordance with such rules or procedures as prescribed by the Secretary," after "may".

(19) On page 9, line 15, strike out "paragraph and the Secretary" and all that follows through line 22, and insert in lieu thereof the following: "paragraph. In the event of such modifications, the Secretary may reduce the required reduction among all contracts on such basis as the Secretary determines will serve to reduce future dairy surpluses: *Provided*, That in no event shall any such reduction be apportioned on the basis of geographic region or area.".

(20) On page 10, strike out line 2 and all that follows through the period on line 10 and insert in lieu thereof "marketing history shall be the marketings of milk by such producer for commercial use during the 1981-1982 milk marketing year (October 1 through September 30) or, at the option of the producer, the average marketings of milk by the producer during the 1980-1981 and the 1981-1982 milk marketing years.".

(21) On page 10, line 13, strike out "or manmade disaster" and insert in lieu thereof "disaster or other condition".

(22) On page 10, line 16, strike out "The Secretary" and all that follows through line 21.

(23) On page 11, line 16, strike out "card".

(24) On page 12, strike out lines 21 through 23, and insert in lieu thereof "such producer.".

(25) On page 13, strike out lines 2 through 19, and insert in lieu thereof "Allotment Act.".

(26) On page 19, line 7 strike out "graph (2) through (5)" and insert in lieu thereof "graphs (2) and (3)".

(27) On page 19, between lines 9 and 10, insert the following:

"(b) The Secretary shall implement the provisions of section 201(d) of the Agricultural Act of 1949, as amended by subsection (a) of this section, without regard to the provisions requiring notice and other procedures for public participation in rulemaking contained in section 553 of title 5, United States Code.".

Mr. BOSCHWITZ. Mr. President, these are technical amendments agreed to by both sides.

I ask unanimous consent to have printed in the RECORD a summary of the amendments.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF DAIRY AMENDMENTS

Item 1—makes a technical change that designates all of section 102 as subsection (a).

Items 2 and 3—provide for the dairy support price to drop to $12.60 effective on the first day of the month following enactment of this bill and clarify that the current $13.10 support price will continue through the last day of the month of enactment.

Item 4—establishes the date for the Secretary to make the second 50 cent reduction in the dairy support price at the end of the 15 month diversion program, but in no event later than March 31, 1985.

Items 5, 6, and 7—make all adjustments of the dairy price support level after the initial reduction to $12.60 discretionary rather than mandatory as currently provided in the bill.

Items 8 and 9—provide that the 50 cent deduction from all milk will begin on the first day of the first month after enactment of the bill and will terminate at the end of the diversion program, and clarify that enactment of this bill will not affect in any way the Secretary's authority to collect the current $1.00 assessment on all milk marketed for commercial use prior to the effective date of the 50 cent deduction established in this bill.

Item 10—deletes all reference to a Dairy Stabilization Fund from this bill.

Items 11 and 12—set the length of the diversion program at 15 months and provide that it will begin on a date following enactment of the bill determined by the Secretary, but not later than January 1, 1984.

Item 13—provides that the diversion contract for a producer must prohibit any sale or transfer of cattle by the producer, after enactment of this bill, except sales for slaughter, sales or transfers to another producer participating in the diversion program, or sales of breeding cattle by a producer with a history of such sales.

Item 14—modifies the provision that requires producers who fail to comply with their diversion contracts to repay any advance diversion payments by specifying that they must also pay interest at a rate comparable to the cost of money borrowed by CCC from the Treasury.

Item 15—establishes a 30% cap on the total amount of milk reduction that a producer can get paid for under the diversion program.

Item 16—provides that a producer must have been actively engaged in the production of milk on the date of enactment of this bill to be eligible to participate in the diversion program.

Item 17—makes a technical change to renumber a paragraph.

Item 18—provides that modifications of diversion contracts by the Secretary will be made in accordance with rules and procedures established by the Secretary.

Item 19—clarifies the Secretary's authority to modify diversion contracts to prevent an excessive reduction of milk in the U.S. The change would allow the Secretary to modify all contracts in such a way as to reduce future dairy surpluses, but would prohibit any modifications on the basis of geographic region or area.

Item 20—provides that the marketing history period is the 1981-1982 milk marketing year (October 1 through September 30) or at the producer's option the average of the 1980-1981 milk marketing year and the 1981-1982 milk marketing year.

Item 21—makes a technical change to delete reference to "manmade" disasters in the provision allowing the Secretary to make adjustments in the marketing history period of a producer.

Items 22 and 23—delete from the bill all reference to a marketing history card.

Items 24 and 25—delete from the bill the provisions that would have allowed milk handlers to make diversion payments to producers and would have allowed the Secretary to require a handler to collect any overpayments made by the handler to a producer.

Item 26—makes a technical change in the definition of United States to clarify that it applies only to the provisions of the bill establishing the dairy assessment and the diversion program.

Item 27—would add to section 102 of the bill a new subsection (b) to allow the Secretary to implement the dairy price support provisions, including the assessment and diversion program provisions, of this bill without regard to the provisions of the Administrative Procedure Act or any Secretarial memorandum requiring notice and public participation in rulemaking proceedings.

Mr. BOSCHWITZ. I move the adoption of the amendment.

The PRESIDING OFFICER. Is there any further discussion? If not, the question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 2318) was agreed to.

AMENDMENT NO. 2319

(Purpose: To make technical corrections)

Mr. HELMS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2319.

Mr. HELMS. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 25, insert "than" after "less".

On page 4, line 16, strike out "prerscribed" and insert in lieu thereof "prescribed".

On page 20, line 9, strike out "is" and insert in lieu thereof "are".

On page 28, line 18, strike out "prinicpal" and insert in lieu thereof "principal".

On page, 29, line 14, strike out "informatioin" and insert in lieu thereof "information".

On page 31, line 16, strike out "milk fluid" and insert in lieu thereof "fluid milk".

On page 34, line 8, strike out "thrity" and insert in lieu thereof "thirty".

On page 37, line 3, strike out "were" and insert in lieu thereof "where".

On page 38, line 8, strike out "and Cotton".

On page 39, strike out line 22 and all that follows through line 17 on page 40.

On page 40, line 23, strike out "1983" and insert in lieu thereof "1984".

On page 41, line 3, strike out "(e)" and insert in lieu thereof "(f)".

On page 41, strike out lines 5 through 9.

On page 41, line 10, strike out "(2)" and insert in lieu thereof "(1)".

On page 41, line 13, strike out "(3)" and insert in lieu thereof "(2)".

On page 42, line 4, strike out "(4) and insert in lieu thereof "(3)".

On page 42, line 11, strike out "kind of such" and insert in lieu thereof "such kind of".

On page 42, line 23, strike out "(5)" and insert in lieu thereof "(4)".

On page 44, line 7, strike out "(17 U.S.C. 1445-2(a))" and insert in lieu thereof "(7 U.S.C. 1445-2(a))".

On page 44, strike out line 8 and insert in lieu thereof "(1) in paragraph (1), striking out ', except that".

On page 44, line 18, strike out "1983" and insert in lieu thereof "1938".

On page 44, line 23, strike out "price-support" and insert in lieu thereof "price support".

On page 46, line 9, strike out "the" and insert in lieu thereof "this".

On page 48, lines 4 and 5, strike out "any person knowingly failed to comply with the provisions of paragraph (1)" and insert in lieu thereof "the conditions for forfeiture specified in such paragraph exist".

On page 49, line 19, insert a semicolon immediately before "and".

On page 51, strike out lines 11 through 19.

On page 51, line 22, strike out "SEC. 212" and insert in lieu thereof "SEC. 211".

On page 52, line 9, strike out "SEC. 213" and insert in lieu thereof "SEC. 212".

On page 53, strike out lines 1 through 15.

Mr. HELMS. Mr. President, the amendment I have offered simply makes technical corrections in the bill. In addition to correcting typographical errors, the amendment deletes several provisions that have already been enacted into law and makes the necessary changes to conform the remainder of the bill.

The provisions deleted include section 131 relating to the payment-in-kind program for upland cotton. This provision was enacted in the Supplemental Appropriations Act for 1983 (Public Law 98-63). Also deleted is the price-support freeze for the 1983 crop of tobacco contained in section 202, section 211 giving the Secretary of Agriculture additional authority to provide for reductions in the national marketing quota for burley tobacco, and section 214 requiring the Secretary of Agriculture to review the effects of imports of burley tobacco. These tobacco program provisions were included in Public Law 98-59.

The amendment has been cleared on both sides of the aisle and I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 2319) was agreed to.

Mr. MELCHER. Madam President, I shall not send an amendment to the desk. I will make a brief description of an amendment which was offered and which we considered in committee that dealt with the importation of casein. That amendment would not place a limitation on the amount used for industrial uses but would limit the amount of casein imported for food.

The reason why that is significant, Mr. President, is that every pound of casein that is imported into this country that is used for food displaces a certain amount of dry powdered milk and, therefore, costs the program.

In 1982 our International Trade Commission study revealed that casein imports for the year 1980 displaced 330 million pounds of nonfat dried milk for the market, and thus added $300 million to the Commodity Credit Corporation purchase costs.

We believe the CCC nonfat dried milk purchase necessitated by casein imports continues above the level of 1980 and intervening years. In other words, it costs the program that much each year.

The amendment in committee failed by an 8 to 8 vote. It is an amendment that we should consider.

The agrument will be made that it ought to come up in the Finance Committee, Madam President, and I take note that this is a matter we should take up, and if it is not taken up in a bill from the Finance Committee within the next several months I hope we can consider an amendment on another bill, regardless of what the Finance Committee does.

Mr. COCHRAN. Mr. President, over the years the dairy price-support program has performed quite well. While there have been times when supplies have been in surplus and Government cost of the program increased to unacceptable levels, adjustments were made and supply was brought back in line with demand.

However, the Food and Agriculture Act of 1977 increased the minimum support level for milk to 80 percent of parity with a midyear adjustment. This level of parity combined with low grain prices and low cattle prices resulted in expansion of dairy cow numbers for the first time in 30 years. At the same time productivity per cow continued to increase. Everyone knows the results. Surpluses of dairy products started to mount and the cost of the program went from $250 million in 1978-79 to over $2 billion a year for the last 2 years.

Congress addressed the problem starting in the spring of 1981 by eliminating the April 1 adjustment that year thus leaving the support price at the $13.10 level. Subsequent action has left the dairy support price at the $13.10 level.

Last fall during the budget process legislation was passed to more directly address the mounting surplus problem faced by the dairy industry. The House passed a plan to establish a refundable assessment program to encourage farmers to cut production. The Senate passed a bill which kept the support price level at $13.10. During the House-Senate conference a compromise was reached to give the Secretary authority to impose a $0.50 nonrefundable assessment and if production was still in surplus by April he could impose a second $0.50 assessment which was to be refunded to those that cut production.

Litigation resulted which effectively blocked the implementation of the first $0.50 assessment until April 16 of this year. With Government purchases projected to continue at a high level the Secretary of Agriculture announced on May 31 the second assessment would be put into effect on September 1, 1983. Very soon now dairy farmers will receive milk checks reflecting the $1 per hundred deduction.

The assessment program has been very unpopular and with implementation of second $0.50, concern by dairy farmers is growing rapidly. Their concern is twofold: Production costs have increased considerably this year due to impact of the PIK program and the drought on feed prices. And apparently the assessment program has not effectively dealt with excess milk supply. This year the Government will purchase over $2 billion of surplus

dairy products and unless adjustments are made, about the same will be purchased next year.

During this same time there has been a general belief among producers that there is a better way to encourage farmers to cut production and to encourage consumers to buy more. And Mr. President, too often there has been inadequate attention given to the consumption side of not only dairy products, but all agriculture products. After all, to solve the farm income problem there must be improvements on the demand side and not just reductions of supply.

That is why we are here today—to consider a better way. If the assessment program is eliminated, something has to be put in its place to more effectively bring the supply of milk in line with demand.

My Subcommittee on Production, Marketing, and Price Stabilization held 2 days of hearings on April 13 and 14 to hear testimony from Members of Congress, the administration, producers, processors, and consumers. There was agreement by all that changes needed to be made in the current dairy program. Unfortunately, that is where the agreement ended. The proposals ranged all the way from a paid diversion approach to a simple reduction in the support price.

The administration chose not to present a specific plan but rather outline the criteria of a program which would be acceptable to them. The two criteria which I believe are most significant are the freedom of initiative for the individual dairy farmer and the need to lower dairy surpluses by both reducing production and increasing demand.

It can be argued to one degree or another that all the proposals meet these two main objectives. For example, those arguing for a price support cut point to the economic signals it will send to producers to reduce production and to consumers to increase consumption. And, clearly, a price reduction still allows dairy farmers the freedom to produce milk at what ever level they desire. A paid diversion program like that proposed by the National Milk Producers Federation would cut production. They argue that when combined with their proposal to increase promotion and advertising there would be an increase in consumption even though the price to the consumer would remain the same. They also say that their plan would not restrict the right of an individual farmer to produce at what ever level he wishes. Therefore, both competing proposals satisfy USDA's criteria for a dairy program.

After a great deal of effort, the dairy industry has now agreed to support this bill as the best way to address the dairy problem. The dairy program is contained in title I of S. 1529. The program does not completely satisfy everybody because individual proposals to solve the dairy problem varied greatly. The bill is described as "the dairy compromise." Many have worked sincerely and diligently with a common purpose of putting together a program that would effectively address the immense problem confronting the dairy industry. I am confident it represents the best that can come from such a diverse range of needs, production, marketing operations, and economic conditions. It certainly is the only program or proposal to gain industrywide support this year. It was favorably reported by the Agriculture Committee on June 23.

I strongly urge the Senate to support S. 1529 without any substantive changes.

Mr. LEAHY. Mr. President, I am pleased that after these many months of negotiations begun in my office on April 8 that we are about to enact the dairy compromise legislation contained in S. 1529.

I want to express my appreciation to those Senators of both parties who participated in the crafting of this bill.

The dairy compromise is a fair, workable, and effective program. It provides dairy farmers an incentive to reduce production, not a penalty for being some of the best business men and women in this country.

Mr. President, this is a compromise bill designed to address an emergency situation in the dairy industry. It is not a long-term solution. That long-term solution must be addressed in the next farm bill, which the Agriculture Committee will work on in 1985.

As with any compromise, Mr. President, this bill represents the thinking of many diverse interests. I do not agree with every part of this legislation, particularly the price support cuts contained at the end of this program.

I am also concerned with the lack of a payment limitation in this legislation. I voted in favor of the amendment of the Senator from Rhode Island (Mr. CHAFEE) which would have placed a cap on the amount of money an individual dairy farmer could receive under the diversion program.

Absent this, I want to urge the Secretary of Agriculture to use the authority available to him in this legislation to insure that unusually large payments to certain dairy farm operations are not made.

Despite these reservations, Mr. President, the dairy compromise legislation is clearly superior to either a straight price support cut or the current unfair, ineffective assessment program.

It will cut Government costs, reduce surplus purchases and buildup, and do so in a way that enables dairy farmers in Vermont and the Nation to stay in business.

Mr. WARNER. First, I would like to thank the distinguished chairman of the Agriculture Committee, Senator HELMS, and the Senator from Kentucky, Senator HUDDLESTON, for the diligence and hard work that has gone into finally bringing this legislation to the floor, and to the point which it now appears we may pass it.

This legislation is extremely important to both the dairy and tobacco farmers in Virginia. Mr. President, I strongly supported the no net cost tobacco program passed by the Congress in 1982. This program solved some of the problems of the tobacco industry, however, many of these problems remain.

S. 1529 will freeze the price support for tobacco in 1984 at 1982 levels just as was done for the 1983 crop year. This is necessary in order to keep the price of American tobacco more in line with the world markets. American tobacco is the finest in the world, but if we are to reverse the current decline in the U.S. market share of tobacco, we must be able to keep our prices competitive. This bill also addresses some of the problems associated with leasing transfer.

Phasing out the necessity of many growers to pay allotment holders for the right to grow tobacco will lower the production costs of growing tobacco—further increasing the likelihood of lowering the price of U.S. tobacco and enabling us to recapture our share of the world market. There are 16,360 farms growing tobacco in Virginia, the overwhelming majority being family farming operations.

The tobacco program is the least costly, most successful farm program ever operated in our country. With the adjustments contained in S. 1529, the program will continue and be still improved so that these hard-working farmers can remain in business.

S. 1529 also addresses the problems currently within the dairy industry. The production of dairy products has been increasing steadily over the past several years. We are now at a point where surpluses of dairy products and costs of operating the dairy program are dangerously high. It is important that the excessive production be cut severely.

While I supported the amendments to replace the assessment and paid diversion programs because I believe that there are better ways to address the problems of the dairly industry, I will vote for final passage so that the consideration process of this legislation can continue. However, it is my judgment that the solutions to the dairy problems contained in S. 1529 are temporary and I fully expect that, in the near future, we will be back here on the floor of the Senate debating these same issues.

Virginia's dairy production is overwhelmingly in the form of fluid milk, and dairymen in Virginia are, in my judgment, rightfully opposed to this sort of program.

Mr. President, I hope that the Senate will move expeditiously to pass this much needed and overdue agriculture legislation.

STATEMENT ON DAIRY CAP AMENDMENT

● Mr. LEVIN. I would like to take this opportunity to describe why I voted to table the amendment offered by Senator CHAFEE that would have put a cap on the amount that could be paid under the dairy diversion program.

Since coming to the Senate, I have been a supporter of efforts to reform agriculture programs to concentrate Federal payments to family and other small farms. I have supported proposed modifying the deficiency payment program, for example, so that the benefits of that income supplement program would go to family farms. I support such efforts, not only because of a Jeffersonian belief in the value of small farms, but also because of the benefits such farms provide for rural America and also as a counterpoint to the many benefits—from the standards in the Tax Code to Federal reclamation projects—that accrue to large, primarily corporate, landholders.

The amendment offered by Senator CHAFEE would have modified the diversion program envisioned by the dairy bill. Unlike deficiency payments, which supplement farmers' income, the purpose of a diversion program is to lessen the supply of a particular crop. The Government is trying to entice individual farmers to reduce production to lower surpluses overall. With a diversion program, we are concerned less with the attributes or needs of individual farmers; rather we are trying to get a concerted effort by as many farmers as possible to limit agricultural output.

Unfortunately, the amendment offered by Senator CHAFEE would have decreased the chance for success of the diversion provisons of the dairy bill, S. 1529. I fear that if the Senate had agreed to the cap many dairy producers would not find the diversion program profitable and would decide not to limit their production. The amendment, then, would have helped defeat the very purpose of the diversion program—to limit dairy production.

Although I did not vote for the amendment, I still am committed to working toward a farm policy that emphasizes benefits for small farms. I hope that when we draft other agriculture bills, leading up to the preparation of the 1985 farm bill, many changes in the current agriculture programs will be proposed with the family farm in mind.●

Mr. HELMS. Madam President, I wish to express my deep appreciation to the Senator from Montana.

Third reading.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time, and was read the third time.

PAYMENT-IN-KIND PROGRAM RELATING TO COTTON PRODUCERS

Mr. HELMS. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar 311, H.R. 3385.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3385) to provide equity to cotton producers under the payment-in-kind program.

The Senate proceeded to consider the bill.

Mr. HELMS. Madam President, I move that all after the enacting clause be stricken and that the language of S. 1529, as amended by the Senate, be substituted therefore.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time. The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (H.R. 3385), as amended, was passed, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Dairy and Tobacco Adjustment Act of 1983".

TITLE I—DAIRY

SHORT TITLE

SEC. 101. This title may be cited as the "Dairy Production Stabilization Act of 1983".

Subtitle A—Dairy Compliance Program

DAIRY PRODUCTION STABILIZATION

SEC. 102. (a) Section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)) is amended to read as follows:

"(d) Notwithstanding any other provision of law—

"(1)(A) Effective for the period beginning with the date of enactment of the Dairy Production Stabilization Act of 1983 and ending on the last day of the month of enactment of such Act, the price of milk shall be supported at a rate equivalent to $13.10 per hundredweight for milk containing 3.67 per centum milkfat.

"(B) Effective for the period beginning on the first day of the first calendar month following the date of enactment of the Dairy Production Stabilization Act of 1983 and ending on September 30, 1985, the price of milk shall be supported at a rate equivalent to $12.60 per hundredweight for milk containing 3.67 per centum milkfat, except that—

"(i) on the date following by fifteen months the date established by the Secretary for the beginning of the diversion program under paragraph (3) of this subsection, but not later than March 31, 1985, if the Secretary estimates that for the twelve-month period beginning on such date net price-support purchases of milk or the products of milk would be in excess of six billion pounds milk equivalent, the Secretary may reduce the price-support rate in effect on such date in the amount of 50 cents per hundredweight; and

"(ii) on July 1, 1985—

"(I) if the Secretary estimates that for the twelve-month period beginnng on such date net price-support purchases of milk or the products of milk would be in excess of five billion pounds milk equivalent, the Secretary may reduce the price-support rate in effect on such date in the amount of 50 cents per hundredweight; or

"(II) if the Secretary estimates that for the twelve-month period beginning on such date net price-support purchases of milk or the products of milk would be five billion pounds milk equivalent or less and if the Secretary determines it necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, the Secretary may increase the price-support rate in effect on such date in an amount not less than 50 cents per hundredweight.

"(C) The price of milk shall be supported through the purchase of milk and the products of milk.

"(2)(A) Effective for the period beginning with the first day of the first calendar month following the date of enactment of the Dairy Production Stabilization Act of 1983 and ending on the date of termination of the milk diversion program established under paragraph (3) of this subsection, to encourage the adjustment of milk production to levels consistent with the national demand for milk and the products of milk, the Secretary shall provide for a reduction of 50 cents per hundredweight from the price received on all milk marketed by producers in the United States for commercial use: *Provided*, That enactment of the Dairy Production Stabilization Act of 1983 shall not affect in any manner the collection or enforcement of any deduction from the price of milk previously implemented by the Secretary under this subsection as in effect for any milk marketed for commercial use prior to the effective date of the reduction provided for in this paragraph, as added by section 102(a) of the Dairy Production Stabilization Act of 1983.

"(B) The funds represented by the reduction in the price required to be applied to the marketings of milk by a producer under subparagraph (A) shall be collected and remitted to the Commodity Credit Corporation at such time in such manner as prescribed by the Secretary by each person making payment to a producer for milk purchased from the producer, except that in the case of a producer who markets milk of the producer's own production directly to consumers, such funds shall be remitted directly to the Commodity Credit Corporation by the producer.

"(C) To the extent that funds collected under this paragraph are inadequate to make the payments to producers who reduce marketing under paragraph (3), such

payments shall be made using funds otherwise available to the Commodity Credit Corporation. The funds remitted to the Commodity Credit Corporation under this paragraph shall be considered as included in the payments to a producer of milk for purposes of the minimum price provisions of the Agricultural Adjustment Act of 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

"(3)(A) The Secretary shall as soon as practicable following the enactment of the Dairy Production Stabilization Act of 1983, but no later than January 1, 1984, provide for a milk diversion program under which the Secretary shall offer to enter into a contract with any producer of milk in the United States for the purpose of reducing the quantity of milk marketed by the producer for commercial use during the fifteen month period beginning with a date determined by the Secretary (not earlier than the date of enactment of the Dairy Production Stabilization Act of 1983, nor later than January 1, 1984). In setting the terms and conditions of such contracts, the Secretary shall take into account any adverse impact of the reductions in milk production on beef and pork producers in the United States and shall take all feasible steps to minimize such impact.

"(B) Each such contract shall require that—

"(i) the producer shall reduce the quantity of milk marketed for commercial use in an amount equal to a percentage specified by the producer, but not less than 5 per centum and not more than 30 per centum, of the quantity of milk marketed by such producer for commercial use during the marketing history period described in subparagraph (F);

"(ii) any production capacity of a facility that becomes available for us because a producer reduces milk production in order to comply with the contract shall not be used by the producer, or made available by the producer for use by any other persons, for the production of milk;

"(iii) any dairy cattle that would or could have been used by the producer for the production of milk if the producer had not entered into and complied with such contract shall not have been sold, leased, or otherwise transferred to another person after the date of enactment of the Dairy Production Stabilization Act of 1983, unless such cattle are sold for slaughter or sold or transferred to another producer with respect to whom there is in effect a contract entered into under this subsection, except that the Secretary may, to the extent practicable and to the extent deemed consistent with the goals of the diversion program, permit the sale of registered, purebred cattle for breeding purposes subject to such terms and conditions as the Secretary may prescribe based on a history of such sales by the producer;

"(iv) the producer shall repay to the Secretary the entire payment received under this subsection, including simple interest payable at a rate prescribed by the Secretary which shall, to the extent practicable, reflect the cost to the Commodity Credit Corporation of its borrowings from the United States Treasury, commencing on the date of payment is first received under this paragraph, if the producer fails to comply with such contract.

"(C) Except as provided in subparagraph (D), the Secretary shall pay to a producer who complies with a contract, entered into under this paragraph, an amount equal to the product of $10 per hundredweight and the amount, measured in hundredweights, by which the quantity of milk marketed by such producer for commercial use during the period specified in such contract is less than the quantity of milk marketed by such producer for commercial use during the marketing history period.

"(D) No payment may be made under subparagraph (C) to a producer with respect to—

"(i) any reduction in the quantity of milk marketed by the producer for commercials use that exceeds the sum of—

"(I) the reduction in the quantity of milk marketed for commercial use required under the provisions of the contract the producer has entered into under this paragraph, after any adjustment by the Secretary under subparagraph (E); and

"(II) 3 per centum of the quantity of milk marketed by the producer for commercial use during such producer's marketing history period: *Provided,* That no payment may be made for any reduction in the quantity of milk greater than 30 per centum of the aggregate quantity of milk marketed by the producer for commercial use during the marketing history period;

"(ii) any reduction in the quantity of milk marketed by the producer for commercial use if such reduction is less than the larger of 5 per centum of the aggregate quantity of milk marketed by the producer for commercial use during the marketing history period or the difference between—

"(I) the reduction in the quantity of milk marketed for commercial use required under the provisions of the contract the producer has entered into under this paragraph, after any adjustment by the Secretary under subparagraph (E); and

"(II) 3 per centum of the quantity of milk marketed by the producer for commercial use during such producer's marketing history period;

"(iii) any reduction in the quantity of milk marketed for commercial use by a producer who, as determined by the Secretary, was not actively engaged in the production of milk for commercial use as of the date of enactment of the Dairy Production Stabilization Act of 1983; and

"(iv) any reduction in the quantity of milk marketed for commercial use by a producer who violates any requirement specified in this paragraph.

"(E) The Secretary may, in accordance with such rules or procedures as prescribed by the Secretary, modify contracts entered into under this paragraph if the Secretary determines that an excessive reduction in the level of milk production in the United States would result from contracts entered into under this paragraph. In the event of such modifications, the Secretary may reduce the required reduction among all contracts on such basis as the Secretary determines will serve to reduce future dairy surpluses: *Provided,* That in no event shall any such reduction be apportioned on the basis of geographic region or area.

"(F) Any producer of milk in the United States seeking to enter into a contract for diversion payments under this paragraph shall provide the Secretary with evidence of such producer's marketing history. The marketing history shall be the marketings of milk by such producer for commercial use during the 1981-1982 milk marketing year (October 1 through September 30) or, at the option of the producer, the average marketings of milk by the producer during the 1980-1981 and the 1981-1982 milk marketing years. The producer's marketing history may be adjusted as the Secretary determines necessary to correct for abnormally low production resulting from a natural disaster or other condition beyond the control of the producer or such other factors as the Secretary determines necessary to provide a fair and equitable marketing history.

"(G) No marketing history shall be assigned to any producer who commenced marketing of milk after December 31, 1982, except as provided in subparagraph (H).

"(H) A producer's marketing history established under this paragraph shall not be transferable to any other person, unless the entire milk production facility used by the producer to produce milk for commercial use during the marketing history period and the producer's entire dairy herd were transferred by reason of the death of the producer, by reason of a gift from the producer, or to a member or members of the family of the producer. The term 'member or members of the family of the producer' means (i) an ancestor or ancestors of the producer, (ii) the spouse of the producer, (iii) a lineal descendant or descendants of the producer, or the producer's spouse, or a parent of the producer, or (iv) the spouse of any such lineal descendant.

"(I) Eligibility for diversion payments shall be determined on the basis of the marketing history provided for in subparagraph (F).

"(J)(i) Producers eligible for diversion payments shall apply for such payments at the end of each quarter. Payment may be made to any producer who can establish that marketings of milk by such producer for commercial use have been reduced from the level of marketings during the corresponding period of the marketing history period in an amount as specified by the Secretary for each quarter in the contract: *Provided,* That the aggregate quantity of such reductions for the entire diversion period must be at least equal to the total reduction required by the contract. Prior to approving such payment, the Secretary shall require evidence that such reduction in marketings has taken place. As part of such evidence, the producer shall certify, in a form specified by the Secretary, that such reduction is a net decrease in marketings of milk for commercial use and has not been offset by expansion of production in other production facilities in which the producer has an interest, or by transfer of partial interest in the production facility, or by employment of such other scheme or device to qualify for payment for which such producer would otherwise not be eligible.

"(ii) Payments made under this paragraph during the year shall be considered preliminary settlements for reductions in marketings. A final settlement shall be made following the end of the contract period and shall be based on the volume of marketings for the entire contract period. If, based on total marketings for the contract period, it is determined that preliminary settlements have resulted in overpayments to the producer, the Secretary shall recover such overpayments from such producer.

"(K) Application for payment shall be made by producers through the county committees established under section 8 of the Soil Conservation and Domestic Allotment Act.

"(L) A producer may assign a contract entered into under this paragraph only if–

"(i) the producer's interest in the entire milk production facility and the entire dairy herd used by the producer to produce milk for commercial marketings have been trans-

ferred as a unit to the person to whom the assignment is to be made;

"(ii) the assignee is a person to whom the producer's marketing history may be transferred unde subparagraph (H);

"(iii) the producer and the assignee agree in writing that the assignee shall succeed to all rights and liabilities of the producer under the contract; and

"(iv) a copy of such writing is submitted to the Secretary before the transfer occurs.

"(M) A contract entered into under this paragraph by a producer who by reason of death cannot perform or assign such contract may be performed or assigned, in accordance with subparagraph (L), by the estate of such producer.

"(N) If the provisions for reductions in the price received for milk marketed for commercial use as provided for in paragraph (2) are held to be invalid by any court, or the Secretary is restrained or enjoined by any court from implementing such provisions, the Secretary shall immediately suspend making any diversion payments under this paragraph for the period beginning with the date of such court action and shall resume making such payments only if such court action is overruled, stayed, or terminated.

"(O) If the Secretary determines that there has been a marked deviation in the composition of milk marketed for commercial use by a producer from that of such producer's marketing during the marketing history period, an adjustment as determined appropriate by the Secretary shall be made in the producer's diversion payments to reflect the composition of milk marketed during the marketing history period.

"(4) Each producer who markets milk and each person required to make payment to the Commodity Credit Corporation under this subsection shall keep such records and make such reports, in such manner, as the Secretary determines necessary to carry out this subsection. The Secretary may make such investigations as the Secretary deems necessary for the effective administration of this subsection or to determine whether any person subject to the provisions of this subsection has engaged or is engaged or is about to engage in any act or practice that constitutes or will constitute a violation of any provision of this subsection or regulation issued under this subsection. For the purposes of such investigation, the Secretary may administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of records. Such court may issue an order requiring such person to appear before the Secretary to produce records or to give testimony on the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district of which such person is an inhabitant or wherever such person may be found.

"(5)(A) The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any provision of this subsection or any regulation issued under this subsection. Any such civil action authorized to be brought under this subsection shall be referred to the Attorney General for appropriate action. The Secretary is not required, however, to refer to the Attorney General minor violations of this subsection whenever the Secretary believes that the administration and enforcement of this subsection would be adequately served by suitable written notice or warning to any person committing such violation.

"(B) Each person (i) as to whom there is a failure to make a reduction in the price of milk received by such person as required by paragraph (2), (ii) who fails to remit to the Commodity Credit Corporation the funds required to be collected and remitted by paragraph (2)(B), or (iii) who fails to make the reduction in marketing required by a contract under paragraph (3) shall be liable, in addition to any amount due, to a marketing penalty at a rate equal to the support price for milk for the fiscal year in which the failure occurs on the quantity of milk as to which the failure applies. The Secretary may reduce any such marketing penalty in such amount as the Secretary determines equitable in any case in which the Secretary determines that the failure was unintentional or without knowledge on the part of the person concerned. Each person who knowingly violates any provision of this subsection, or any regulation issued under this subsection, shall be liable for a civil penalty of not more than $1,000 for each such violation. Any penalty provided for under this subparagraph shall be assessed by the Secretary after notice and opportunity for a hearing.

"(C) Any person against whom a penalty is assessed under subparagraph (B) may obtain review of such penalty in an appropriate district court of the United States by filing a civil action in such court not later than thirty days after such penalty is imposed. The Secretary shall promptly file in such court a certified copy of the record upon which the penalty is based. The findings of the Secretary may be set aside only if found to be unsupported by substantial evidence.

"(D) The district courts of the United States shall have jurisdiction to review and enforce any penalty imposed under subparagraph (B).

"(E) The remedies provided in this paragraph shall be in addition to, and not exclusive of, the remedies otherwise provided at law or in equity.

"(F) In carrying out this subsection, the Secretary may, on a reimbursable basis, as the Secretary deems appropriate, use—

"(i) administrators of Federal milk marketing orders;

"(ii) State and county committees established under section 8 of the Soil Conservation and Domestic Allotment Act; or

"(iii) administrators of State milk marketing programs.

"(6) The term 'United States' as used in paragraphs (2) and (3) of this subsection means the forty-eight contiguous States in the continental United States.".

(b) The Secretary shall implement the provisions of section 201(d) of the Agricultural Act of 1949, as amended by subsection (a) of this section, without regard to the provisions requiring notice and other procedures for public participation in rulemaking contained in section 553 of title 5, United States Code.

REPORT

SEC. 103. (a) Not later than December 31, 1984, the Secretary of Agriculture shall submit to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry, a report on (1) recommendations for changes in the application of the parity formula to milk so as to make the formula more consistent with modern production methods and with special attention to the cost of producing milk as a result of changes in productivity and (2) the feasibility of imposing a limitation of the total amount of payments and other assistance a producer of milk may receive during a year under section 201 (d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)).

(b) Not later than six months after the date of the enactment of this Act, the Secretary of Agriculture shall—

(1) review in light of current economic conditions all regulations governing, and provisions of, milk marketing orders issued under section 8c of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c), that have not been reviewed by the Secretary at any time during the ten year period preceding the date of the enactment of this Act;

(2) take such actions as the Secretary determines are necessary to revise such regulations and provisions in light of such reviews; and

(3) submit a report on such review and actions to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

Subtitle B—Dairy Promotion Program

FINDINGS AND DECLARATION OF POLICY

SEC. 110. (a) Congress finds that—

(1) dairy products are basic foods that are a valuable part of the human diet;

(2) the production of dairy products plays a significant role in the Nation's economy; the milk from which dairy products are manufactured is produced by thousands of milk producers and dairy products are consumed by millions of people throughout the United States;

(3) dairy products must be readily available and marketed efficiently to ensure that the people of the United States receive adequate nourishment;

(4) the maintenance and expansion of existing markets for dairy products vital to the welfare of milk producers and those concerned with marketing, using, and producing dairy products, as well as to the general economy of the Nation; and

(5) dairy products move in interstate and foreign commerce, and dairy products that do not move in such channels of commerce directly burden or affect interstate commerce of dairy products.

(b) It, therefore, is declared to be the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of the powers provided herein, of an orderly procedure for financing (through assessments on all milk produced in the United States for commercial use) and carrying out a coordinated program of promotion designed to strengthen the dairy industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for fluid milk and dairy products produced in the United States. Nothing in this subtitle may be construed to provide for the control of production or otherwise limit the right of individual milk producers to produce milk.

DEFINITIONS

SEC. 111. As used in this subtitle—

(a) the term "Board" means the National Dairy Promotion and Research Board established under section 113 of this subtitle;

(b) the term "Department" means the United States Department of Agriculture;

(c) the term "Secretary" means the Secretary of Agriculture;

(d) the term "milk" means any class of cow's milk produced in the United States;

(e) the term "dairy products" means products manufactured for human consumption which are derived from the processing of milk, and includes fluid milk products;

(f) the term "fluid milk products" means those milk products normally consumed in liquid form as a beverage;

(g) the term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity;

(h) the term "producer" means any person engaged in the production of milk for commercial use;

(i) the term "promotion" means action such as paid advertising, sales promotion, and publicity to advance the image and sales of and demand for dairy products;

(j) the term "research" means studies testing the effectiveness of market development and promotion efforts, studies relating to the nutritional value of milk and dairy products, and other related efforts to expand demand for milk and dairy products;

(k) the term "nutrition education" means those activities intended to broaden the understanding of sound nutritional principles including the role of milk and dairy products in a balanced diet;

(l) the term "United States" means the forty-eight contiguous States in the continental United States.

ISSUANCE OF ORDERS

SEC. 112. (a) During the period beginning with the date of enactment of this subtitle and ending thirty days after receipt of a proposal for a dairy products promotion and research order, the Secretary shall publish such proposed order and give due notice and opportunity for public comment upon the proposed order. The proposal for an order may be submitted by an organization certified under section 114 of this subtitle or by any interested person affected by the provisions of this subtitle.

(b) After notice and opportunity for public comment are given, as provided for in subsection (a) of this section, the Secretary shall issue a dairy products promotion and research order. Such order shall become effective not later than ninety days following publication of the proposal.

(c) The Secretary may, from time to time, amend dairy products promotion and research orders.

REQUIRED TERMS IN ORDERS

SEC. 113. Any order issued under this subtitle shall contain terms and conditions as follows:

(a) The order shall provide for the establishment and administration of appropriate plans or projects for advertisement and promotion of the sale and consumption of dairy products, for research projects related thereto, for nutrition education projects, and for the disbursement of necessary funds for such purposes. Any such plan or project shall be directed toward the sale and marketing or use of dairy products and fluid milk products to the end that the marketing and use of dairy products may be encouraged, expanded, improved, or made more acceptable. No such advertising or sales promotion program shall make use of unfair or deceptive acts or practices with respect to the quality, value, or use of any competing product.

(b) The order shall provide for the establishment and appointment by the Secretary of a National Dairy Promotion and Research Board that shall consist of not less than thirty-six members. Members of the Board shall be milk producers appointed by the Secretary from nominations submitted by eligible organizations or associations certified under section 114 of this subtitle, or, if the Secretary determines that a substantial number of milk producers are not members of, or their interests are not represented by, any such eligible organization or association, then from nominations made by such milk producers in the manner authorized by the Secretary. In making such appointments, the Secretary shall take into account, to the extent practicable, the geographical distribution of milk production volume throughout the United States. In determining geographic representation, whole States shall be used as a unit. A region may be represented by more than one director and a region may be made up of more than one State. The term of appointment to the Board shall be for three years with no member serving more than two consecutive terms, except that initial appointments shall be proportionately for one-year, two-year, and three-year terms. The Board shall appoint from its members an executive committee whose membership shall equally reflect each of the different regions in the United States in which milk is produced and, to the maximum extent practicable, the membership composition of the Board. The executive committee shall have such duties and powers as are conferred upon it by the Board. Board members shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in performing their duties as members of the Board including a per diem allowance as recommended by the Board and approved by the Secretary.

(c) The order shall define the powers and duties of the Board that shall include only the powers enumerated in this section. These shall include, in addition to the powers set forth elsewhere in this section, the powers to (1) receive and evaluate, or on its own initiative develop, and budget for plans or projects to promote the use of fluid milk and dairy products as well as projects for research and nutrition education and to make recommendations to the Secretary regarding such proposals, (2) administer the order in accordance with its terms and provisons, (3) make rules and regulations to effectuate the terms and provisions of the order, (4) receive, investigate, and report to the Secretary complaints of violations of the order, and (5) recommend to the Secretary amendments to the order. The Board shall solicit, among others, research proposals that would increase the use of fluid milk and dairy products by the military and by persons in developing nations, and that would demonstrate the feasibility of converting surplus nonfat dry milk to casein for domestic and export use.

(d) The order shall provide that the Board shall develop and submit to the Secretary for approval any promotion, research, or nutrition education plan or project and that any such plan or project must be approved by the Secretary before becoming effective.

(e) The order shall require the Board to submit to the Secretary for approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of the order, including projected costs of dairy products promotion and research projects.

(f) The order shall provide that the Board, with the approval of the Secretary, may enter into agreements for the development and conduct of the activities authorized under the order as specified in subsection (a) and for the payment of the cost hereof with funds collected through assessments under the order. Any such agreement shall provide that (1) the contracting party shall develop and submit to the Board a plan or project together with a budget or budgets that shall show estimated costs to be incurred for such plan or project, (2) the plan or project shall become effective upon the approval of the Secretary, and (3) the contracting party shall keep accurate records of all of its transactions, account for funds received and expended, and make periodic reports to the Board of activities conducted and such other reports as the Secretary or Board may require.

(g) The order shall provide that each person making payment to a producer for milk purchased from the producer shall, in the manner as prescribed by the order, collect an assessment based upon the number of hundredweights of milk for commercial use handled for the account of the producer and remit the assessment to the Board. The assessment shall be used for payment of the expenses in administering the order, with provision for a reasonable reserve, and shall include those administrative costs incurred by the Department after an order has been promulgated under this subtitle. The rate of assessment prescribed by the order shall be 15 cents per hundredweight of milk for commercial use or the equivalent thereof: *Provided*, That a milk producer or the producer's cooperative who can establish that the producer is participating in active, ongoing qualified State or regional dairy product promotion or nutrition education programs intended to increase consumption of milk and dairy products generally shall receive credit for contributions to such programs of up to 10 cents per hundredweight of milk marketed in determining the assessment due from such producer. Any person marketing milk of that person's own production directly to consumers shall remit the assessment directly to the Board in the manner prescribed by the order.

(h) The order shall require the Board to (1) maintain such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may prescribe, (2) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe, and (3) account for the receipt and disbursement of all funds entrusted to it.

(i) The order shall provide that the Board, with the approval of the Secretary, may invest, pending disbursement under a plan or project, funds collected through assessments authorized under this subtitle only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

(j) The order shall prohibit any funds collected by the Board under the order from being used in any manner for the purpose of

influencing governmental policy or action except as provided by subsection (c)(5).

(k) The order shall require that each person receiving milk from farmers for commercial use maintain and make available for inspection such books and records as may be required by the order and file reports at the time, in the manner, and having the content prescribed by the order. Such information shall be made available to the Secretary as is appropriate or necessary to the administration or enforcement of this subtitle, or any order or regulation issued under this subtitle. All information so obtained shall be kept confidential by all officers and employees of the Department, and only such information so obtained as the Secretary deems relevant may be disclosed by them and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving the order with reference to which the information to be disclosed was obtained. Nothing in this subsection may be deemed to prohibit (1) the issuance of general statements, based upon the reports, of the number of persons subject to an order or statistical data collected therefrom, which statements do not identify the information furnished by any person, or (2) the publication, by direction of the Secretary, of the name of any person violating any order, together with a statement of the particular provisions of the order violated by such person. No information obtained under the authority of this subtitle may be made available to any agency or officer of the Federal Government for any purpose other than the implementation of this subtitle and any investigatory or enforcement actions necessary for the implementation of this subtitle. Any person violating the provisions of this subsection shall, upon conviction, be subject to a fine of not more than $1,000, or to imprisonment for not more than one year, or both, and, if an officer or employee of the Board or the Department shall be removed from office.

(l) The order shall provide terms and conditions, not inconsistent with the provisions of this subtitle, as necessary to effectuate the provisions of the order.

CERTIFICATION OF ORGANIZATIONS

SEC. 114. (a) The eligibility of any organization to represent milk producers, and to participate in the making of nominations under section 113 of this subtitle shall be certified by the Secretary. The Secretary shall certify any organization that the Secretary determines meets the eligibility criteria established by the Secretary under this section and the Secretary's determination as to eligibility shall be final.

(b) Certification shall be based, in addition to other available information, upon a factual report submitted by the organization, which shall contain information deemed relevant and specified by the Secretary, including, but not limited to, the following:

(1) geographic territory covered by the organization's active membership;

(2) nature and size of the organization's active membership including the proportion of the total number of active milk producers represented by the organization;

(3) evidence of stability and permanency of the organization;

(4) sources from which the organization's operating funds are derived;

(5) functions of the organization; and

(6) the organization's ability and willingness to further the aims and objectives of this subtitle.

The primary considerations in determining the eligibility of an organization shall be whether its membership consists primarily of milk producers who produce a substantial volume of milk and whether the primary or overriding interest of the organization is in the production or processing of fluid milk and dairy products and promotion of the nutritional attributes of fluid milk and dairy products.

REQUIREMENT OF REFERENDUM

SEC. 115. (a) Within the sixty-day period immediately preceding September 30, 1985, the Secretary shall conduct a referendum among producers who, during a representative period (as determined by the Secretary), have been engaged in the production of milk for commercial use for the purpose of ascertaining whether any order then in effect shall be continued. Such order shall be continued only if the Secretary determines that it has been approved by not less than one-half of the producers voting in the referendum, who during a representative period (as determined by the Secretary) have been engaged in the production of milk for commercial use. If continuation of the order is not approved by a majority of the producers voting in the referendum, the Secretary shall terminate collection of assessments under the order within six months after the Secretary determines that such action is favored by a majority of the producers voting in the referendum.

(b) The Secretary shall be reimbursed from assessments collected by the Board for any expenses incurred by the Government in connection with the conduct of any referendum under this section and section 116, except for the salaries of Government employees.

SUSPENSION AND TERMINATION OF ORDERS

SEC. 116. (a) After September 30, 1985, the Secretary shall, whenever the Secretary finds that any order issued under this subtitle or any provision thereof obstructs or does not tend to effectuate the declared policy of this subtitle, terminate or suspend the operation of such order or such provisions thereof.

(b) After September 30, 1985, the Secretary may conduct a referendum at any time, and shall hold a referendum on request of a representative group comprising 10 per centum or more of the number of producers subject to the order, to determine whether the producers favor the termination or suspension of the order. The Secretary shall suspend or terminate the order and collection of assessments under the order within six months if the Secretary determines that suspension or termination of the order is favored by a majority of the producers voting in the referendum who, during a representative period (as determined by the Secretary), have been engaged in the production of milk for commercial use.

(c) The termination or suspension of any order, or any provision thereof, shall not be considered an order within the meaning of this subtitle.

COOPERATIVE ASSOCIATION REPRESENTATIVE

SEC. 117. Whenever, under the provisions of this subtitle, the Secretary is required to determine the approval or disapproval of producers, the Secretary shall consider the approval or disapproval by any cooperative association of producers, bona fide engaged in marketing milk or the products thereof, as the approval or disapproval of the producers who are members of or under contract with such cooperative association of producers: *Provided*, That if a cooperative association of producers elects to vote on behalf of its members, such cooperative association shall provide each producer on whose behalf the cooperative association is expressing approval or disapproval a description of the question presented in the referendum together with a statement of the manner in which the cooperative association intends to cast its vote on behalf of the membership. Such information shall inform the producer of procedures to follow to cast an individual ballot should the producer so choose within the period of time established by the Secretary for casting ballots. Such notification shall be made at least thirty days prior to the referendum and shall include an official ballot. The ballots shall be tabulated by the Secretary and the vote of the cooperative association shall be adjusted to reflect such individual votes.

PETITION AND REVIEW

SEC. 118. (a) Any person subject to any order issued under this subtitle may file with the Secretary a petition stating that any such order or any provision of such order or any obligation imposed in connection therewith is not in accordance with law and requesting a modification thereof or an exemption therefrom. The petitioner shall thereupon be given an opportunity for a hearing upon the petition, in accordance with regulations issued by the Secretary. After such hearing, the Secretary shall make a ruling upon the petition which shall be final if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant or carries on business are hereby vested with jurisdiction to review such ruling, if a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering a copy of the complaint to the Secretary. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires.

ENFORCEMENT

SEC. 119. (a) The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any order or regulation made or issued under this subsection shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General minor violations of this subtitle whenever the Secretary believes that the administration and enforcement of this subtitle would be adequately served by suitable written notice on warning to any person committing such violation.

(b) Any person who willfully violates any provision of any order issued by the Secretary under this subtitle shall be assessed a civil penalty by the Secretary of not more than $1,000 for each such violation and in the case of a willful failure to pay, collect, or remit the assessment as required by the order, in addition to the amount due, a penalty equal to the amount of the assessment on the quantity of milk as to which the failure applies. The amount of any such penalty shall accrue to the United States and

may be recovered in a civil suit brought by the United States.

(c) The remedies provided in subsections (a) and (b) of this section shall be in addition to, and not exclusive of, the remedies otherwise provided at law or in equity.

INVESTIGATIONS; POWER TO SUBPENA AND TAKE OATHS AND AFFIRMATIONS; AID OF COURTS

SEC. 120. The Secretary may make such investigations as the Secretary deems necessary for the effective administration of this subtitle or to determine whether any person subject to the provisions of this subtitle has engaged or is about to engage in any act that constitutes or will constitute a violation of any provision of this subtitle or of any order, or rule or regulation issued under this subtitle. For the purpose of such investigation, the Secretary may administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of records. The court may issue an order requiring such person to appear before the Secretary to produce records or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. Process in any such case may be served in the judicial district in which such person is an inhabitant or wherever such person may be found.

ADMINISTRATIVE PROVISIONS

SEC. 121. (a) Nothing in this subtitle may be construed to preempt or supersede any other program relating to dairy product promotion organized and operated under the laws of the United States or any State.

(b) The provisions of this subtitle applicable to orders shall be applicable to amendments to orders.

SEPARABILITY

SEC. 122. If any provision of this subtitle or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this subtitle and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 123. There are hereby authorized to be appropriated such funds as are necessary to carry out the provisions of this subtitle. The funds so appropriated shall not be available for payment of the expenses or expenditures of the Board in administering any provisions of any order issued under the terms of this subtitle.

BARTER OF DAIRY AND OTHER COMMODITIES

SEC. 124. (a) It is the sense of the Congress that the Secretary of Agriculture should exchange or barter, to the maximum extent practicable under the provisions of law specified in subsection (b), commodities (especially dairy products) owned by the Commodity Credit Corporation for materials, goods, and equipment produced in foreign countries.

(b) The provisions of law referred to in subsection (a) are—

(1) section 4 (h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b (h)).

(2) section 310 of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 83-480, as amended; 7 U.S.C. 1692), and

(3) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431).

Subtitle C—Dairy Reports

REPORTS

SEC. 130. The Secretary of Agriculture shall submit to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry the following reports:

(1) Not later than July 1 of each year after the date of enactment of this title, an annual report describing activities conducted under the dairy products promotion and research order issued under subtitle B of this title, and accounting for the receipt and disbursement of all funds received by the National Dairy Promotion and Research Board under such order including an independent analysis of the effectiveness of the program;

(2) Not later than April 15, 1985, a report on effectiveness of the paid diversion program carried out under section 201(d) of the Agricultural Act of 1949; and

(3) Not later than July 1, 1984, a report on the effect of applying, nationally, standards similar to the current California standards for fluid milk products in their final consumer form, as they would relate to—

(A) Overall consumer consumption trends and total per capita consumption;

(B) Nutritional augmentation, particularly for young and older Americans;

(C) Implementing improved interagency enforcement of minimum standards to prevent consumer fraud and deception;

(D) Multiple component pricing for producer milk;

(E) Reduced Commodity Credit Corporation purchases;

(F) Consistency of product quality throughout the year and between marketing regions of the United States; and

(G) Consumer prices.

MEAT IMPORT ACT AMENDMENT

SEC. 131. The minimum limitation of 1,250,000,000 pounds provided under subsection (f)(1) of the Meat Import Act of 1979 is hereby suspended for 1984 and 1985.

TITLE II—TOBACCO

SHORT TITLE

SEC. 201. This title may be cited as the "Tobacco Adjustment Act of 1983".

PRICE-SUPPORT ADJUSTMENTS

SEC. 202. Effective for the 1984 and subsequent crops of tobacco, section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) is amended by adding at the end thereof the following new subsections:

"(f) Notwithstanding the foregoing provisions of this section—

"(1) For the 1984 crop of Flue-cured tobacco, the support level shall be the level in cents per pound at which the 1982 crop was supported.

"(2) For the 1985 crop of Flue-cured tobacco, the support level shall be the level in cents per pound at which the 1982 crop was supported, plus or minus, respectively, the amount by which (A) the support level for the 1985 crop, as determined under subsection (b), is greater or less than (B) the support level for the 1984 crop, as determined under subsection (b), as that difference may be adjusted by the Secretary under subsection (d) if the support level under clause (A) is greater than the support level under clause (B), except that the support level for the 1985 crop shall be the level in cents per pound at which the 1982 crop was supported if the support level as determined under subsection (b) for the 1985 crop would not be more than 5 per centum greater than the support level as determined under subsection (b) for the 1984 crop.

"(3) For the 1984 and 1985 crops of any kind of tobacco (other than Flue-cured tobacco) for which marketing quotas are in effect or are not disapproved by producers, the Secretary shall establish the support level at such level as will not narrow the normal price-support differential between the Flue-cured tobacco and such other kind of tobacco. Before establishing the support level under this paragraph for any such kind of tobacco the Secretary shall publish in the Federal Register a notice of the level the Secretary proposes to establish and give an opportunity for the public to comment on the proposal. In determining the level to be established under this paragraph for a particular kind of tobacco, the Secretary shall take into consideration the cost of producing such kind of tobacco, the supply and demand conditions for such kind of tobacco, the comments received in response to the public notice of the proposal, and such other relevant factors as the Secretary determines appropriate.

"(4) For the 1986 and each subsequent crop of any kind of tobacco for which marketing quotas are in effect or are not disapproved by producers, the support level shall be the level in cents per pound at which the immediately preceding crop was supported, plus or minus, respectively, the amount by which (A) the support level for the crop for which the determination is being made, as determined under subsection (b), is greater or less than (B) the support level for the immediately preceding crop, as determined under subsection (b), as that difference may be adjusted by the Secretary under subsection (d) if the support level under clause (A) is greater than the support level under clause (B).

(g) Notwithstanding the provisions of subsection (d) and section 403, the Secretary, if requested by the board of directors of the association through which price support for Flue-cured tobacco is made available to producers, may (1) designate for any crop certain grades of Flue-cured tobacco that are eligible for price support (but representing in the aggregate not more than 25 per centum of the total quantity of the Flue-cured tobacco crop that the Secretary estimates will be produced) that the Secretary determines are of such quantity or quality as to impair their marketability, and (2) without regard to the weighted average of the support rates for eligible grades of Flue-cured tobacco determined under the proviso to the first sentence of subsection (d), further reduce the support rates for such grades to the extent the Secretary deems necessary to reflect their market value, but in no event by more than 12 per centum of the respective support rates that would otherwise be established under this section.

ELIMINATION OF DOUBLE ASSESSMENT; USE OF FUND

SEC. 203. Section 106A(d) of the Agricultural Act of 1949 (7 U.S.C. 1445-1(d)) is amended by—

(1) in paragraph (2), striking out "and subsequent crops" and inserting in lieu thereof "crop only"; and

(2) in paragraph (3), inserting before the semicolon at the end thereof the following: ": *Provided*, That, notwithstanding any other provision of law, use by the association of moneys in the Fund, including interest and other earnings, for the purposes of reducing the association's outstanding indebtedness to the Corporation associated with 1982 and subsequent crops of quota tobacco and making loan advances to producers is authorized, and use of such moneys for any other purposes that will be mutually beneficial to producers who contribute to the Fund and to the Corporation, shall, if approved by the Secretary, be considered an appropriate use of the Fund".

NO NET COST TOBACCO ACCOUNT—FLUE-CURED TOBACCO

SEC. 204. Section 106B(a) of the Agricultural Act of 1949 (7 U.S.C. 1445-2(a)) is amended by—

(1) in paragraph (1), striking out ", except that the term does not include such an association that has entered into such an agreement to make price support available to producers of Flue-cured tobacco"; and

(2) in paragraph (5), striking out "except Flue-cured tobacco".

LEASE AND TRANSFER OF FLUE-CURED TOBACCO; FORFEITURE OF ALLOTMENT AND QUOTA

SEC. 205. (a) Effective for the 1984 and subsequent crops of tobacco, section 316(a)(1) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314(a)(1)) is amended to read as follows:

"(a)(1) Notwithstanding any other provision of law—

"(A)(i) The Secretary, if the Secretary determines that it will not impair the effective operation of the tobacco marketing quota or price support program, may permit the owner and operator of any farm for which a tobacco acreage allotment (other than a Burley, Flue-cured, dark air-cured, Fire-cured, Virginia sun-cured and cigar-binder, type 54 or 55 tobacco acreage allotment) is established under this Act to lease and transfer all or any part of such allotment to any other owner or operator of a farm in the same county for use in such county on a farm having a current tobacco allotment of the same kind.

"(ii) The Secretary shall, only with respect to the 1984 through 1986 crops of Flue-cured tobacco, permit the owner of a farm to which a Flue-cured tobacco acreage allotment or quota is assigned under this Act to lease and transfer all or any part of such allotment or quota to any other owner or operator of a farm in the same county for use in such county on a farm having a current Flue-cured tobacco acreage allotment or quota only if (except as otherwise provided in paragraph (2)(A)) the parties to the lease file a copy of the lease agreement with the county committee for the county in which the farms are located, together with a written statement certifying that none of the consideration for the lease has been or will be paid to the lessor, either directly or indirectly in any form including a loan by the lessee to the lessor, the endorsement of a note by the lessee for the lessor, or any other similar arrangement which represents the anticipated income for the lease, prior to the marketing of the tobacco produced under the lease and that the lease and transfer is otherwise in compliance with the provisions of this section. The Secretary shall promulgate rules which establish a similar requirement for fall payment of any rental of Flue-cured tobacco allotment acreage and quota, and further shall require that any seller of a Flue-cured tobacco allotment and quota grant to the buyer an option to make payment therefor in equal annual installments payable each fall for a period not to exceed five years from the year in which the sale is made. With respect to the 1987 and subsequent crops of Flue-cured tobacco, the Secretary shall not permit the lease and transfer of Flue-cured tobacco acreage allotments and quotas.

"(B) If, after notice and opportunity for a hearing, the county committee determines that the lessee or the lessor of a Flue-cured tobacco acreage allotment or quota knowingly made a false statement in the written statement filed under subparagraph (A), (i) in the case of a false statement knowingly made by the lessee, the lease agreement for purposes of the Flue-cured tobacco marketing quota program with respect to the lessee's farm shall be considered null and void as of the date approved by the county committee or (ii) in the case of a false statement knowingly made by the lessor, the Flue-cured tobacco allotment and quota next established for the farm of the lessor shall be reduced by the percentage which the leased allotment or quota was of the total Flue-cured allotment or quota for the farm. Notice of any determination made by the county committee under the preceding provision shall be mailed as soon as practicable to the lessee or lessor involved. If the lessee or lessor is dissatisfied with such determination, the lessee or lessor may request, within fifteen days after notice of such determination is mailed, a review of such determination by a local review committee under section 363 of this Act.".

(b) Effective for the 1984 and subsequent crops of tobacco, section 317 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314c) is amended by inserting at the end thereof the following new subsection:

"(k)(1) Notwithstanding any other provision of law, any person who, on or after January 1, 1968, owns a farm for which a Flue-cured tobacco acreage allotment or marketing quota is established under this Act shall, subject to paragraph (2) of this subsection, forfeit such allotment or quota after February 15 of any year immediately following the last year of the three-year period immediately preceding the year for which the determination is being made in which Flue-cured tobacco has not been planted or considered planted on such farm during at least two years out of such three-year period.

"(2) The allotment or quota specified in paragraph (1) of this subsection shall be forfeited if, after notice and opportunity for a hearing, the appropriate county committee determines that the conditions for forfeiture specified in such paragraph exist. Any allotment or quota so forfeited shall be reallocated by such county committee for use by active Flue-cured tobacco producers (as defined in section 316(g)(1) of this Act) in the county involved.

"(3) Notice of any determination made by the county committee under paragraph (2) of this subsection shall be mailed, as soon as practicable, to the person involved. If such person is dissatisfied with such determination, such person may request, within fifteen days after notice of such determination is mailed, a review of such determination by a local review committee under section 363 of this Act.".

CONFORMING AMENDMENTS

SEC. 206. (a) Effective for the 1984 and subsequent crops of tobacco, section 316(c) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314b(c)) is amended by striking out the second through the sixth sentences.

Effective for the 1987 and subsequent crops of tobacco, section 316 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314b), as amended by subsection (a), is further amended by—

(1) in subsection (a), striking out paragraph (2);

(2) in subsection (e)(1), striking out "or, in the case of Flue-cured tobacco," and inserting in lieu thereof "or, in the case of the sale of Flue-cured tobacco acreage allotment or poundage quota,"; and

(3) in subsection (g)(2), striking out the second sentence.

MANDATORY SALE OF ALLOTMENTS AND QUOTAS BY NONFARMING ENTITIES

SEC. 207. (a) Section 316A(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314b-1(a)) is amended by—

(1) striking out clause (2) and inserting in lieu thereof "(2) does not use the land on the farm for agricultural purposes;" and

(2) striking out "1983" and inserting in lieu thereof "1984".

(b) Section 316B(a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314b-2(a)) is amended by—

(1) striking out clause (2) and inserting in lieu thereof "(2) does not use the land on the farm for agricultural purposes;"; and

(2) striking out "1983" and inserting in lieu thereof "1984".

FLUE-CURED MARKETING QUOTA ANNOUNCEMENT DATE

SEC. 208. Section 317(d) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314c(d)) is amended by striking out "December 1" and "February 1" each time they appear in the first and sixth sentences and inserting in lieu thereof "December 15" and "March 1", respectively.

RESERVE OR NEW FLUE-CURED TOBACCO GROWERS; FARM YIELD

SEC. 209. (a) The second sentence of section 317(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314c(e)) is amended by—

(1) striking out "1 per centum" and inserting in lieu thereof "3 per centum"; and

(2) inserting "(except that not less than two-thirds of such reserve shall be for new farms)" immediately before the period at the end thereof.

(b) The last sentence of section 317(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314c(e)) is amended by striking out the phrase ", and shall not exceed the community average yield".

DETERMINATION OF FLUE-CURED TOBACCO PLANTED ACREAGE

SEC. 210. Section 317 of the Agriculture Adjustment Act of 1938 (7 U.S.C. 1314c), as amended by section 205 of this Act, is further amended by adding at the end thereof the following new subsection:

"(l) The Secretary shall determine the acreage planted to Flue-cured tobacco on each farm whenever an acreage-poundage program for Flue-cured tobacco is in effect under this section.".

LIMIT ON THE LEASE OF BURLEY QUOTA; PROHIBITION AGAINST FALL LEASING

SEC. 21. Effective for the 1984 and subsequent crops of tobacco, section 319(g) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(g)) is amended by striking out the third proviso and inserting in lieu thereof the following new provisos: *"Provided further*, That not more than fifteen thou-

sand pounds of Burley tobacco quota may be leased and transferred to any farm under this section. *Provided further,* That a lease and transfer of Burley tobacco quota shall not be effective for any crop year unless a record of the transfer is filed with the county committee not later than July 1 of that crop year:".

COMBINATION OF FARMS WITH BURLEY QUOTA

SEC. 212. (a) Section 318(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314d(b)) is amended by inserting "except as provided in section 379(b) of this Act," immediately after "(1)".

(b) Section 379 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379) is amended by—

(1) inserting "(a)" immediately after the section designation; and

(2) adding at the end thereof a new subsection as follows:

"(b) In any case in which two or more tracts of land are located in contiguous counties in the same State and are owned by the same person, the Secretary shall permit such tracts to be combined as one farm if (1) a Burley tobacco poundage quota is established for one or more such tracts, and (2) the county committee determines that such tracts will be operated as a single farming unit.".

IMPORTED TOBACCO

SEC. 213. (a)(1) Notwithstanding any other provision of law, all tobacco offered for importation into the United States shall be—

(A) inspected for grade and quality as tobacco marketed through a warehouse in the United States is inspected for grade and quality; and

(B) accompanied by a written certification by the importer, in such form as the Secretary of Agriculture may prescribe, that none of the pesticides the registration of which has been cancelled or suspended for use on tobacco in the United States under the Federal Insecticide, Fungicide, and Rodenticide Act, has been used in the production of the tobacco offered for importation into the United States.

(2) The Secretary of Agriculture shall establish grade and quality standards for the purposes of paragraph (1)(A) that are, insofar as practicable, the same as those applicable to tobacco marketed through a warehouse in the United States.

(3) Any tobacco that is not accompanied by the certification required by paragraph (1)(B) shall not be permitted entry into the United States. The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to any such certification made by an importer under such paragraph.

(b) The Secretary shall enforce the provisions of subsection (a) at the point of entry of tobacco offered for importation into the United States. The Secretary shall by regulation fix and collect from the importer fees and charges for inspection under subsection (a)(1) which shall, as nearly as practicable, cover the costs of such services, including the administrative and supervisory costs customarily included by the Secretary in user fee calculations. The fees and charges, when collected, shall be credited to the current appropriation account that incurs the cost and shall be available without fiscal year limitation to pay the expenses of the Secretary incident to providing services under subsection (a)(1).

TITLE III—EMERGENCY FEED ASSISTANCE

SHORT TITLE

SEC. 301. This title may be cited as the "Emergency Feed Assistance Act of 1983".

EMERGENCY FEED ASSISTANCE

SEC. 302. (a) As used in this section—

(1) the term "damaged corn" means corn that is classified as U.S. No. 4, U.S. No. 5, or U.S. Sample grade under section 810.353 of title 7, Code of Federal Regulations; and

(2) the term "eligible farmers and ranchers" means farmers and ranchers who are eligible to receive loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961).

(b) To assist eligible farmers and ranchers in areas that have been adversely affected by the drought, hot weather, or related disaster to preserve and maintain foundation herds of livestock and poultry (including their offspring) and secondary livestock, the Secretary of Agriculture shall make damaged corn held by the Commodity Credit Corporation available to such farmers and ranchers in accordance with section 407 of the Agricultural Act of 1970 (7 U.S.C. 1427).

(c) In making damaged corn available to such farmers and ranchers under this section, the Secretary shall offer the damaged corn held by the Corporation at a price that is equal to 75 per centum of the current basic county loan rate for such corn in effect under the Agricultural Act of 1949 (or a comparable price if there is no such current basic county loan rate).

(d) The Secretary shall make damaged corn available for sale, as provided under this section, until September 30, 1984, or the date, as determined by the Secretary, on which any emergency created by the drought, hot weather, or related disaster no longer exists.

(e) Effective for the period beginning on the date of enactment of this Act and ending September 30, 1984, the fifth sentence of section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended by inserting "and secondary livestock," after "sheep, and goats, and their offspring,".

TITLE IV—EGGS

SHORT TITLE

SEC. 401. This title may be cited as the "Egg Adjustment Act of 1983".

EGG INDUSTRY MARKETING ORDERS

SEC. 402. The Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence of section 8c(2) by striking out "poultry (but not excepting turkeys), eggs (but not excepting turkey hatching eggs)," and inserting in lieu thereof "poultry (but not excepting turkeys and not excepting poultry which produce commercial eggs),"; and in subsection (L) of section 8c(6) by inserting after the word "pecans," and before the word "avocados,", the word "eggs,".

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read as follows: "A bill to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1984 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, to provide emergency livestock feed assistance, and for other purposes."

Mr. HELMS. Mr. President, I am pleased that the Senate has finally concluded consideration of the dairy compromise. It has been too long a time coming.

Let me reiterate, that while many of us are not entirely endeared to this compromise, it does substantially modify the current program, places a definite end to the 50-cent assessment, and achieves the heretofore unobtainable goal of reducing the support level.

Dairy farmers across the Nation, I believe, owe a great debt of gratitude to those members of the Agriculture Committee who have been so instrumental in putting together and assisting in the passage of this legislation. Hopefully, all dairymen will take note of the leadership demonstrated by the ranking minority member of the committee, Senator HUDDLESTON, by the chairman and ranking member of our subcommittee overseeing this issue, Senator COCHRAN and Senator LEAHY, and of course, by Mr. Dairy himself, Senator BOSCHWITZ.

Mr. BAKER. Madam President, there may have been so much commotion that everyone did not hear. We have just passed the farm bill, and I am grateful.

Mr. RANDOLPH. Madam President, we are not able to hear what is going on. I want to hear the able majority leader.

The PRESIDING OFFICER. The point of the Senator from West Virginia is well taken. The Senate will be in order.

The majority leader.

Mr. BAKER. Madam President, there may be other Senators who wish to speak on this measure. And while the bill has been passed, I certainly have no objection to having a colloquy with any Senator or any statement that may be inserted in the RECORD in the proper context. Let me say, for the benefit of Senators, that I will confer now with the minority leader on any other business that he wishes to transact, but I know of no other rollcall votes that will be anticipated before we go out.

Mr. DOLE. Will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. DOLE. It is my hope that we might now move to at least see if we can get up the Quayle bill which has the target prices on it.

Mr. BAKER. Madam President, I am committed on the record, and in personal conversations with the distin-

guished Senator from Kansas and others, that we will try to get to the other farm bill now, which is the bill that the Senator described.

Before we do that, though, I know that the Senator from West Virginia has something he wants to say. We will move to that in just a moment.

Madam President, I yield the floor.

Mr. WEICKER assumed the chair.

Mr. BAKER. Mr. President, I indicated earlier that when we finished this bill we would then try to get to H.R. 2733, which is another agriculture bill, to which I understand might be offered a target price amendment. I believe that the principals involved are here on the floor.

ORDER TO INDEFINITELY POSTPONE S. 1529

Mr. BAKER. Before I do that, Mr. President, I ask unanimous consent that S. 1529, which was the Senate dairy and tobacco bill, be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CRITICAL AGRICULTURAL MATERIALS ACT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 262, H.R. 2733.

Mr. MELCHER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, this bill, if I am not mistaken, is the target price freeze bill on wheat, feed grains, rice, and cotton. It is a bill that we have discussed previously on this floor.

We would not be prepared to agree to the unanimous-consent request at this time. So I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, was the objection to bringing up H.R. 2733?

The PRESIDING OFFICER. That is the bill which was being requested by a unanimous-consent request and an objection was heard.

Mr. DOLE. Mr. President, I regret the Senator from Montana objects to this bill because there are a number of us on both sides, and hopefully the Senator from Montana will finally agree, trying to work out some satisfactory approach that would save some dollars and also provide producers with a better program.

The amendment that I intended to offer for myself and the distinguished Senator from Iowa, Senator JEPSEN, would have target price minimums for 1984 and 1985 crops of $4.38 for wheat, $2.95 for corn, and 78½ cents a pound for cotton and $11.65 per hundredweight for rice. The wheat program would be a 20-percent acres reduction, 10-percent paid land diversion, and an 85-percent minimum PIK payment rate for the 1984 crop. It would also have a $300 million revolving fund to be used in fiscal years 1984 and 1985 each year for export programs with repayment diverted to a permanent revolving fund.

This was an idea of the distinguished Senator from Minnesota, Senator BOSCHWITZ, and Senator JEPSEN, Senator HUDDLESTON, and others.

In addition, it has a provision for drought assistance. It would insure that $600 million would be available for disaster assistance. That is the idea of the distinguished ranking member of the committee, Senator HUDDLESTON, who has been pursuing that for a long time.

This would, in addition to the provision Senator HUDDLESTON proposes, try to target it to make certain it was going to areas with the greatest need, such as eastern Texas and other areas that have had a great deal more problems than some of the other areas.

It would also require the Secretary to promulgate regulations on loan deferrals and foreclosure deferrals, because this is another very real problem with some farmers across the Nation, such as many areas in the southeastern part of the country where they just cannot meet their obligations and, rather than some broad moratorium saying, "You don't have to make your payment," we are trying to figure out a case-by-case review and this would authorize that.

So it would just be my hope, and it obviously is not possible today, because the Senator from Montana is objecting. But I visited with the Senator from Montana earlier. There is a House bill introduced by Congressman FOLEY and others that I think is pretty much the same as the amendment that I have been discussing. I hope that when we return here on the 17th or 18th that perhaps at that time the Senator from Montana would be willing to sit down with me and Congressman FOLEY and others who have an interest in this legislation to see if there is not something we can do.

There is no need to stand here and debate it, because it is not going to do any good. But if we can reach some agreement, I believe that the commodities directly involved—whether it is wheat, rice, feed grains, or cotton—I believe we could move on this bill very quickly.

I wish to thank the distinguished chairman for his efforts on the bill we have just completed, but also for his efforts in trying to make certain that we could get this bill considered. I regret that we cannot do that. In the winter wheat areas, we are planting wheat. Our farmers are frustrated, as they usually are, because here we are still trying to legislate and have been trying for several months, while they are trying to make plans on what they should do right now. So, Mr. President, I thank the chairman of the committee.

I say to my good friend from Montana that we are advised by the national wheat growers that the program that we are suggesting for wheat is much better for the American farmer and it still saves money for the Federal Treasury. As I have said many times before, we are going to have to be responsible, those of us in farm areas, for the ballooning cost of farm programs or we are going to wake up in 1985 without any farm program at all.

So I hope over the next 7 or 8 days we can sit down and try to work out some accommodation.

Mr. President, I have long believed that compromise requires willingness to recognize some merit in each opposing or different viewpoint and to make some concession in order to get agreement. Our work here would come to a complete stop if Senators representing every special interest refused to even enter into a discussion of differences and how to bridge them.

It has become increasingly clear in the past few months, Mr. President, that at least as far as agricultural legislation is concerned, we may have arrived at such a point. And until the opponents of any reduction in the level of 1984 and 1985 target prices are willing to acknowledge the administration's rationale for proposing the freeze, we are very likely to remain at an impasse.

REVIEW OF 1983 EFFORTS

Let us put the issue, for one last time, into perspective. Back in December 1982, the administration responded to the growing crisis in the farm economy—high production, increasing stocks, and tumbling prices—by devising the payment-in-kind program. PIK was a radical and innovative method to attract acreage out of production. It has not been perfect, but it has reduced stocks and raised prices for most commodities, except for wheat. Even for wheat, PIK prevented a significant increase in stocks this year.

But PIK also has not been cheap. Estimates of its cost vary from $9 to $12 billion, outlays that were expensed when commodity loans and inventories were made and acquired in previous fiscal years. And as these assets have now been written off, we all know that, at some point, the Commodity Credit Corporation will come in for a reimbursement to its revolving fund. And then the debate over the cost of farm programs will become even more acrimonious.

Also back in December, the administration proposed offsetting the cost of PIK, at least in part, through a freeze on target prices scheduled in the farm

bill. However, due to the limited time remaining in the 97th Congress, USDA agreed to support legislation to authorize the PIK program with the understanding that the target price issue would be dealt with by the new Congress.

RISING COST OF FARM PROGRAMS

The administration's commitment to reducing target prices has only become more firm as the cost of farm programs has skyrocketed this year. After averaging between $3 and $4 billion in the late 1970's and in fiscal year 1981, regular program outlays rose to $12 billion in 1982 and to nearly $22 billion in the fiscal year just ended.

Against this backdrop, Congress delayed consideration of the target price proposal until July, when the Senate Agriculture Committee finally reported it out. Even after some of us, working with the National Association of Wheat Growers, developed a compromise to improve the 1984 wheat program, a small number of Senators continued to refuse to allow the plan to come up for a vote. As a result, we were not able to change the program, and the USDA was forced to announce a less attractive package built around the higher scheduled wheat target price.

Since recess, Mr. President, some of us have continued to work with the wheat growers and with several wheat State Senators who have opposed the freeze proposal to try to come up with a new compromise that we can all support. After numerous meetings, we reached a point where the differences were minor, and could have been easily bridged.

THE DOLE PROPOSAL

Two weeks ago, I proposed a package that would have allowed target prices to increase about one-third of the way toward the scheduled 1984 levels. After discussions with other wheat State Senators, my proposal would now set the increase at one-half of the difference. Specifically, wheat would increase from $4.30 this year to $4.38 in 1984; corn from $2.86 to $2.95; cotton from 76¢ per pound to 78.5¢; and, rice from $11.40 per hundredweight to $11.65. The Department of Agriculture estimates that this plan would save $3.2 billion over the next 3 fiscal years, compared to $4.4 billion if target prices were frozen at current levels.

In addition, my proposal would make major improvement in the 1984 wheat program announced on August 9. In place of the 30-percent unpaid acreage reduction program, I would include a 20-percent unpaid, 10-percent paid land diversion. In place of the 75-percent payment rate announced for next year's wheat PIK program, I would raise the level to 85 percent.

FAVORABLE RESPONSE FROM WHEAT PRODUCERS

Mr. President, this proposal has been receiving favorable reaction from wheat producers across the country. They recognize the importance of effective curbs on production to prevent the high level of current wheat stocks from increasing. They know that, without such controls, wheat production next year could top 3 billion bushels, raising stocks to over 2 billion bushels. Mr. President, such an increase would deal a devastating blow to wheat prices and to this country's wheat farmers.

THE SITUATION FOR OTHER CROPS

I would like to briefly address the possible concerns of Senators who represent other commodities which would be affected by my proposal. We are all aware of the important effect of this year's PIK program on the production of crops covered under target prices. Corn stocks, which totaled over 3.4 billion bushels at the end of last week, are expected to drop to nearly 900 million bushels by October 1, 1984.

About half of this reduction is due to the extensive drought this summer, but PIK was responsible for taking about 2 billion bushels out of production.

For cotton and rice, the results of PIK were equally beneficial to farmers. Cotton stocks are projected to decline from 7.9 million bales at the end of the 1982-83 year to about 4.7 million bales 1 year later. Supplies of rice are expected to be cut from 66.6 million hundredweight to 30.1 million hundredweight—a reduction of more than one-half.

In the opinion of most industry analysts, these stock levels are either below desired levels in the case of corn or at the high end of desired levels in the case of cotton and rice. As a result, farm prices are much improved over last year.

Under these circumstances, Secretary Block decided last week not to continue a cash land diversion program for the 1984 feed grain crop. He has not yet decided on the details of the cotton and rice crops which are to be announced by the end of this year. There is an important distinction, however, between buying land out of production when stocks are heavy and prices are low and doing so when supply and demand are close to being in balance.

I make this point, Mr. President, only to make clear that I am not seeking some special benefit or advantage for wheat producers by including a paid diversion in my proposal. As I said earlier, wheat stocks will remain at over 1.5 billion bushels at the end of this marketing year on next June 1. This level is about double the desired stock level, and will only increase if we do nothing to restrain production next year. I firmly believe that wheat producers must be provided some incentive to bring production and stock levels down.

EXPORT REVOLVING FUND

Mr. President, I also believe that we must increase our efforts to maximize exports of all agricultural commodities if we are to remain competitive in world markets and prevent future price-depressing surpluses. Unilateral production restraint is a self-defeating proposition. We must make clear the intention of the United States to aggressively defend its position as the world's principal supplier of farm products.

For this reason, I have kept the provision of H.R. 2733 regarding financing of the export revolving fund in my proposal. This provision was sponsored by the distinguished ranking member of the Senate Agriculture Committee, Senator HUDDLESTON, and my distinguished colleague from Iowa, Senator JEPSEN. It would divert $300 million in both fiscal year 1984 and 1985 to be used to restore our competitive position in world trade. Combined with other export funds already appropriated, this initiative would establish a permanent fund of nearly $1 billion to finance agricultural exports.

DROUGHT ASSISTANCE

Mr. President, many of us have expressed our grave concern over the serious impact of this summer's drought on U.S. farmers and ranchers. I do not believe that our political differences should be allowed to prevent us from responding by targeting assistance to those most in need.

The distinguished Senator from Kentucky and ranking minority member of the Agriculture Committee, Senator HUDDLESTON, has been waiting since January to bring his farm credit bill, S. 24, before this Chamber. I would like to compliment the Senator on his patience.

I would also indicate to the Senator, in the interest of responding to the critical drought situation in his State, my State, and in all of the other States affected, I have taken the liberty of making several modifications in S. 24 and would like to include it in this package. In brief, the revised version would make available $600 million in disaster relief to those farmers and ranchers most affected by the drought. It would also require the Secretary to promulgate regulations under which FmHA loan repayments would be deferred.

ELIMINATION OF COUNTY DESIGNATION

Finally, Mr. President, my proposal would delete the requirement that counties be designated for disaster relief before individual farmers can receive assistance. If a State has been severely affected, I see no reason why local authorities must go through the redtape of county damage assessment reports. It is the individual farmer, not

his county, that we should be trying to assist.

CONCLUSION

Mr. President, after all the delay, I believe that its time that we decide whether farm legislation is to remain subject to amendment and compromise like all other legislation or whether opinion has become so polarized on the subject that we should just give up our efforts to work out the differences. My own position is clear—agricultural legislation has always been achieved through compromise and must periodically be adjusted through further compromise. Those of us concerned not only with farm program benefits but with the consequences of their rising cost have made every effort to accommodate the views of other Senators on the target price issue. In return, there has been progress in working out the problems. But at some point, we must decide to either pass an amendment on target prices or drop the effort entirely. I believe that farmers would be best served in the long run if we proceed to its consideration as soon as possible.

Thank you, Mr. President.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I very much appreciate the comments of the Senator from Kansas. I will look with great interest at his proposal. I hope during the next week or two we can find some common ground.

The Senator from Kansas is really in earnest in his proposal, I assume. I think it is similar to the one that the Senator from Kansas put into the RECORD not too long ago. Indeed, if it follows that pattern or is perhaps even more comprehensive than that pattern that was published in the CONGRESSIONAL RECORD a week or two back—if it is more comprehensive than that—it would be just that much better and would be much of an improvement over the wheat program which has been offered to wheat farmers of this country by the administration in the August 9 announcement by the Secretary of Agriculture, John Block.

I hope we can arrive at something because the sad situation that farmers are faced with this year is a drag on the economy. It is extremely difficult for the country. It is not accomplishing our true goals for the agricultural producers.

The truth of the matter is that it is an extremely bleak proposal for the wheat producers so far and the prospects for the sale of this year's crop as well as next year's crop is very much on the low side.

The wheat situation as we started this year was that the 1982 wheat crop was 2.8 billion bushels, I believe an all time record. At the start of the year, Secretary Block announced the payment in kind program.

Mr. DOLE. Will the Senator yield for one moment?

Mr. MELCHER. Yes.

Mr. DOLE. I want to assure the Senator from Montana that the Senator from Kansas is serious about the proposal. In fact, we have also added some other components. In a bipartisan way I have discussed a lot of this with the distinguished Senator from Oklahoma (Mr. BOREN) and the junior Senator from Oklahoma (Mr. NICKLES). I see others present who may have a little different view, but we are serious that it is a comprehensive proposal. I cannot be 100 percent certain, but I do believe the administration would support this provision if, in fact, we could work it out.

Mr. MELCHER. I thank my friend from Kansas for those remarks. The last part of it really is the nub.

I do not know when this administration wants to change its wheat policy. I am in hopes, as the Senator from Kansas says, they will want to change their policy on wheat. I do not know when that is coming but I am waiting and hoping that they will change it.

The Secretary of Agriculture at the start of this year announced the payment-in-kind program, the PIK program, and he announced that program despite the fact that the Senate had not acted on his proposal. Nevertheless it took a great number of acres out of production. I think the total now can be added up as far as wheat is concerned. It took a total of 32 million acres out of production. That was not all in the PIK program. Part of that was the other set-aside land that those producers must agree to set aside as they sign up for the wheat program.

But the bulk of that 32 million, almost 18 million, was taken out of production because of the PIK program. In fact, the total set-aside in this country with no production because of PIK was 48.1 million acres: 4 million in cotton, 1 million in rice, 18 million in wheat, and 25 million in corn set aside for the PIK program.

Mr. President, what happened with the almost 50 million acres of PIK land taken out of production and almost another 30 million other set-aside agreements with producers meant a total of 80 million acres taken out of production from crops this year. What happens when the land is out of production does not necessarily relate to a reduction in crops. What most farmers do when they agree as to what acres are going to be taken out of production, with no planting on those acres, is generally select the poorer producing land. Quite often they fertilize and concentrate more heavily on the cropland that is in production. The results have been that we have had a pretty high production of wheat for this year, almost as high as the record 2.8 billion bushels 1982 crop. The estimate for the total 1983 crop i 2.4 billion bushels.

As far as reducing the amount o production, even though that grea amount of land was taken out of pro duction, it did not follow that very much production was reduced.

To adopt the proposed bill before us would mean a reduction in the target prices for wheat in 1984 from the $4.45 down to $4.30 and for the 1985 crops a reduction from $4.65 as the target price down to $4.30. That is objected to by many wheat producers because the target price, after all, is the safety net feature that assures them some income on a portion of their crop.

It is what they have to depend upon when prices are low and that is the situation they are faced with as it is right now.

The announced program of August 9, Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(See exhibit 1.)

Mr. MELCHER. Mr. President, this announced program is not very encouraging. It is no surprise that the highest figure of how many of the wheat farmers will be signed up in the program is about 50 percent. That is half and that does not create a very good atmosphere as far as the Department is concerned. I know most of the wheat producers would like to see a better program being offered and get a higher sign-up in the wheat program than 50 percent. The problem is that we have no assurance on what the administration position will be, no assurance that they will change their position. Until we hear from the administration on that, it is a little bit dubious, despite the great interest and sincere desire of the Senator from Kansas and the Senator from North Carolina, the chairman of the Committee on Agriculture.

It is questionable whether we could actually enact into law the program that has been offered for wheat by the Senator from Kansas. Furthermore, we are not certain of what the House action will be, but I believe that the House action will await some indication from the administration that they are willing to accept such an offer that has been proposed by the Senator from Kansas and has also been proposed by Representative FOLEY in the House, who is the assistant majority leader and also an outstanding member of the House Committee on Agriculture.

I believe that the administration should change its position, should come up with a much better proposal for the wheat program for next year. I am hoping they will. I think it would be very wise on their part and would

be well received not only by the people in the Wheat Belt, but I think it would be well received by the public. It would be good policy.

I think there are other things we should do in the bill. I think we should increase the requirement that Secretary of Agriculture use concessionary sales to our traditional, usual customers abroad. I am speaking of such countries as the Philippines, Mexico, some of the friendly nations in Africa, and others in Central and South America.

I think the use of food through either the Food for Peace or other authorities granted to the Secretary of Agriculture for foreign sales should be pushed to the ultimate.

Another point that should become part of the bill is a requirement that better conservation practices be made available for our land, because we are losing that through erosion, through the loss of fertility. It is a problem that can wait through no longer delay by Congress. I would be greatly hopeful that all of this would start to come together during the next week or several weeks and that not only the Senate but also the House will be acting on comprehensive legislation that will indeed put us in a better position.

Mr. President, I yield the floor.

EXHIBIT 1

USDA ANNOUNCES 1984 WHEAT PROGRAM

WASHINGTON, August 9.—Deputy Secretary of Agriculture Richard Lyng today announced provisions of the 1984 wheat program and set the signup period from Jan. 16 through Feb. 24.

Lyng said because Congress took no legislative action on a proposed freeze in the wheat target price before its summer adjournment, he is now putting into effect provisional measures previously announced on July 29. The U.S. Department of Agriculture is required by law to announce the wheat program for the following year no later than Aug. 15.

The 1984 wheat program includes:

A $4.45 per bushel target price.

A $3.30 per bushel national average loan rate.

An acreage reduction requirement of 30 percent.

No advance deficiency payments.

To be eligible for program benefits, producers must limit 1984 wheat planted acreage to no more than 70 percent of the farm's wheat base and devote to conservation use of acreage of eligible cropland equal to 42.86 percent of the 1984 planted and payment-in-kind (PIK) acreage.

The 1984 acreage base will be the average of the acreage planted and considered planted to wheat in 1982 and 1983.

Farmers participating in the acreage reduction program may divert an additional 10 to 20 percent of their wheat base and receive payment-in-kind equal to 75 percent of the established yield times the acres diverted.

PIK program participants will not receive wheat from Commodity Credit Corporation stocks. Producers signing up on the PIK program will agree first to use their outstanding reserve or regular CCC price support loans. Producers with no outstanding loans agree to harvest for PIK. Those producers with no outstanding loans and who are unable to harvest for PIK will not receive a PIK payment.

Land designated for conservation use must have been devoted to row crops or small grains in two of the last three years except for a summer fallow farm. Under summer fallow rules the land must be acreage that would have been planted to small grains or row crops in 1984 in the absence of the 1984 wheat program.

Haying will not be permitted on the conservation use acreage. However, the acreage may be grazed except during the six principal growing months.

Offsetting and cross compliance will not apply to the 1984 program.

There will be no immediate entry into the farmer owned reserve for the 1984 crop of wheat. Further, USDA intends to review the size of the reserve before regular price support loans for the 1984 crop reach maturity. A ceiling may be placed on the size of the wheat reserve at that time which will effectively preclude entry of the 1984 crop into the reserve.

Contracts signed by program participants for either the acreage reduction or PIK program will be considered as binding and will provide for liquidated damages for failure to comply with program requirements.

SUPPORT FOR H.R 2733

Mr. HELMS. Mr. President, I urge the Senate to proceed to H.R. 2733, because this legislation is very important and timely.

H.R. 2733, as amended, will extend and expand certain agricultural research programs, it will make a much-needed adjustment in farm commodity programs, and it will strengthen U.S. farm exports.

The legislation includes the provisions of the bill passed by the House of Representatives relating to research on guayule rubber. In addition, H.R. 2733 now contains a provision on target prices and export initiatives which was adopted by the Agriculture Committee with bipartisan support.

The legislation would allow the Secretary of Agriculture to "freeze" or maintain target prices at current levels for the 1984 and 1985 crops. In addition, H.R. 2733 will generate $600 million for export initiatives and will finance the agricultural export credit revolving fund.

According to the Department of Agriculture, a "freeze" in target prices will result in potential budget savings of nearly $4.4 billion in fiscal years 1984 through 1986. I ask unanimous consent that two tables from USDA showing estimated deficiency payments and target prices be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Beyond that, the escalation of target prices which was mandated in the 1981 farm bill is not necessary. Economic conditions have changed since 1981. The Reagan administration has been more successful at whipping inflation than we estimated. Therefore, the escalation of target prices is costly and unnecessary.

I remind Senators that this is only authority to "freeze" target prices, it is not a reduction. This legislation will not reduce the income protection provided to farmers by 1 penny. It will simply maintain it at current levels, which are the highest levels in history.

Maintaining target prices at current levels will send a more correct price signal to farmers and will help the United States in our efforts to negotiate freer world trade for agricultural commodities.

Farm programs should be cost-effective and consistent. At a time when USDA is attempting to drastically cut production by implementing a massive acreage cutback through the payment-in-kind program, it makes no sense to encourage production through an escalation in the target price. Our farmers are not well served by such mixed signals from the Government.

The bipartisan compromise contained in H.R. 2733 will also provide for two export initiatives:

First, use $300 million for export assistance in 1984 and again in 1985, and

Second, use repayments from the annual $300 million export initiative and from the annual $175 million program for export activities in the 1982 Budget Reconciliation Act to fund the agricultural export credit revolving fund established in the 1981 farm bill.

I urge my colleagues to consider what this package would accomplish. It will require the use of $600 million to help expand farm exports and strengthen farm prices. It will send a more accurate price signal to farmers through the target price mechanism. According to the Congressional Budget Office, it will save the taxpayer $185 million in fiscal year 1984, $1.262 billion in fiscal year 1985, and $2.490 billion in fiscal year 1986 for total savings of $3.397 billion over the 3 years.

These savings are important, if we are to preserve the support of the public for all farm programs. Adoption of this proposal will show the taxpaying public that those in agriculture are willing to bear a fair share of spending cuts.

At the same time, we can support our farmers through the marketplace, rather than through an income transfer from the Government. This action will send a signal to competitive exporting nations around the world that we intend to stand by our farmers in seeking world markets. It will help us to regain and retain our competitive edge in farm exports.

What is more, the revolving fund will be a continuing source of export credit, in contrast to a one-time, nonrecoverable target price payment.

These savings will be an investment in building long-term demand for American farm products.

Export promotion efforts to stimulate increased foreign demand for U.S. agricultural products will help reduce our current massive surpluses, strengthen domestic prices, and ultimately increase farm income.

That is what farmers prefer—not Government checks, but higher prices in the marketplace.

The best way to strengthen the farm economy is through the market mechanism. That is embodied in H.R. 2733, so I urge my colleagues to proceed to consideration of this important measure.

EXHIBIT 1

DEFICIENCY PAYMENTS [1]

[By fiscal years, in millions of dollars]

	1982	1983	1984	1985	1986	Total 1984–86
Wheat:						
Current law	414	816	435	960	2,014	3,409
Frozen			435	742	1,095	2,272
Savings				218	919	1,137
Feedgrains:						
Current law	277	766	10	851	2,560	3,421
Frozen			10	403	906	1,319
Savings				448	1,654	2,102
Cotton:						
Current law	467	790	333	805	1,175	2,313
Frozen			333	521	559	1,413
Savings				284	616	900
Rice:						
Current law	22	390	123	280	278	681
Frozen			123	207	124	454
Savings				73	154	227
Total:						
Current law	1,180	2,762	901	2,896	6,027	9,824
Frozen			901	1,873	2,684	5,458
Savings				1,023	3,343	4,366

[1] Analysis based on supply/demand estimates as of Sept. 1, 1983.

TARGET PRICES

(By crop year)

	1982	1983	1984	1985
Wheat (bushels):				
Current law	$4.05	$4.30	$4.45	$4.65
Frozen			4.30	4.30
Corn (bushels):				
Current law	2.70	2.86	3.03	3.18
Frozen			2.86	2.86
Cotton (pounds):				
Current law	.71	.76	.81	.86
Frozen			.76	.76
Rice (hundredweight):				
Current law	10.85	11.40	11.90	12.40
Frozen			11.40	11.40

Source: U.S. Department of Agriculture.

Mr. RANDOLPH. Mr. President, many may not think of West Virginia as an agriculture State. It is a very important State for the growing and harvesting of food. It is one of the most important States in the livestock industry and in crop production.

Our State has approximately 4,000 dairy farmers so we are a substantial dairy State. The measure which the Senate approved a short time ago is important to our dairy farmers.

Now, the Senate is moving to consideration of another agriculture measure.

West Virginia has a high level of production of corn and hay that complements our cattle production. In 1982, over 37,000 head of cattle were slaughtered, amounting to nearly 35 million pounds.

Our State is a major grower of apples, 240 million pounds in 1982, and peaches, 14 million pounds.

Thus, Mr. President, while many people might not think of West Virginia as an agriculture State, the fact of the matter is that agriculture is a vital industry for our citizens.

Personally, I have derived great satisfaction from my experiences in farming and livestock. I wish the record to indicate that my grandfather, when I was 9 years of age, taught me to milk a cow. As a young boy, I loaded into the cars in West Virginia, with the help of others, more than 100 carloads of cattle that were shipped to Baltimore and Jersey City eastern markets. I understand farming, although I do not appear as an expert. An expert is, you know, seldom right, but never in doubt; and all day here, we have had this difference of opinion among knowledgeable Senators on the dairy price support bill.

For the record, these lines, rather simplistic, I shall repeat for my colleagues: "The doctor heals, the lawyer pleads, the miner follows precious leads, but this or that, whate'er befall, the farmer feeds them all."

I thank the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, it is clear that we are not going to reach this point by unanimous consent. I am not going to try to move to the consideration of this bill at this time. I frankly do not think we are ready for that. I join the others in hoping that the parties can work out a satisfactory solution to this problem yet this session and present something that we can consider when we return.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend no longer than 2:45 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, if any Senator wishes to speak, I shall yield the floor. Otherwise, I suggest the absence of a quorum while I consult with the minority leader preparatory to taking care of routine wrap-up matters before we adjourn for the Columbus Day recess.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

SENATOR KENNEDY'S REMARKS AT LIBERTY BAPTIST COLLEGE

Mr. RIEGLE. Mr. President, Senator KENNEDY, the senior Senator from Massachusetts, delivered a most important address this week at Liberty Baptist College in Virginia. This eloquent plea for religious tolerance in America deserves the attention of the country, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TOLERANCE AND TRUTH IN AMERICA, REMARKS OF SENATOR EDWARD M. KENNEDY, LIBERTY BAPTIST COLLEGE, OCTOBER 3, 1983

Let me thank Dr. Jerry Falwell for that generous introduction. I never expected to hear such kind words from him. So in return, I have an invitation of my own: On January 20, 1985, I hope Dr. Falwell will say a prayer—at the inauguration of the next Democratic President of the United States. Now Dr. Falwell, I'm not sure exactly how you feel about that. You might not appreciate the President, but the Democrats certainly would appreciate the prayer.

Actually, a number of people in Washington were surprised that I was invited to speak here—and even more surprised when I accepted the invitation. They seem to think that it is easier for a camel to pass through the eye of a needle than for a Kennedy to come to the campus of Liberty Baptist College.

In honor of our meeting, I have asked Dr. Falwell, as your chancellor, to permit all the students an extra hour next Saturday night before curfew. In return, I have promised to watch "The Old Time Gospel Hour" next Sunday morning.

I realize that my visit may be a little controversial. But as many of you have heard, Dr. Falwell recently sent me a membership card in the Moral Majority—and I didn't even apply for it. I wonder if that means I am a member in good standing.

This is, of course, a non-political speech—which is probably best under the circumstances.

Since I am not a candidate for President, it certainly would be inappropriate to ask for your support in this election—and probably inaccurate to thank you for it in the last one.

I have come here to discuss my beliefs about faith and country, tolerance and truth in America. I know we begin with certain disagreements; I strongly suspect that at the end of the evening some of our disagreements will remain. But I also hope that tonight and in the months and years ahead, we will always respect the right of others to differ—that we will never lose sight of our own fallibility—that we will

view ourselves with a sense of perspective and a sense of humor. After all, in the New Testament, even the Disciples had to be taught to look first to the beam in their own eyes, and only then to the mote in their neighbor's eye.

I am mindful of that counsel. I am an American and a Catholic; I love my country and treasure my faith. But I do not assume that my conception of patriotism or policy is invariably correct—or that my convictions about religion should command any greater respect than any other faith in this pluralistic society. I believe there surely is such a thing as truth, but who among us can claim a monopoly on it?

There are those who do, and their own words testify to their intolerance. For example, because the Moral Majority has worked with members of different denominations, one fundamentalist group has denounced Dr. Falwell for hastening the Ecumenical Church and for "yoking together with Roman Catholics, Mormons, and others." I am relieved that Dr. Falwell does not regard that as a sin—and on this issue, he himself has become the target of narrow prejudice. When people agree on public policy, they ought to be able to work together, even while they worship in diverse ways. For truly we are all yoked together as Americans—and the yoke is the happy one of individual freedom and mutual respect.

But in saying that, we cannot and should not turn aside from a deeper, more pressing question—which is whether and how religion should influence government. A generation ago, a Presidential candidate had to prove his independence of undue religious influence in public life—and he had to do so partly at the insistence of Evangelical Protestants. John Kennedy said at that time: "I believe in an America where there is no (religious) bloc voting of any kind." Only twenty years later, another candidate was appealing to an Evangelical meeting as a religious bloc. Ronald Reagan said to 15 thousand Evangelicals at the roundtable in Dallas: "I know that you can't endorse me. I want you to know that I endorse you and what you are doing."

To many Americans, that pledge was a sign and a symbol of a dangerous breakdown in the separation of church and state. Yet this principle, as vital as it is, is not a simplistic and rigid command. Separation of church and state cannot mean an absolute separation between moral principles and political power. The challenge today is to recall the origin of the principle, to define its purpose, and refine its application to the politics of the present.

The Founders of our Nation had long and bitter experience with the state as both the agent and the adversary of particular religious views. In colonial Maryland, Catholics paid a double land tax, and in Pennsylvania they had to list their names on a public roll—an ominous precursor of the first Nazi laws against the Jews. And Jews in turn faced discrimination in all the Thirteen Original Colonies. Massachusetts exiled Roger Williams and his congregation for contending that civil government had no right to enforce the Ten Commandments. Virginia harassed Baptist preachers—and also established a religious test for public service, writing into the law that no "popish followers" could hold any office.

But during the revolution, Catholics, Jews, and non-conformists all rallied to the cause and fought valiantly for the American commonwealth—for John Winthrop's "city upon a hill." Afterwards, when the constitution was ratified and then amended, the Framers gave freedom for all religion—and from any established religion—the very first place in the Bill of Rights.

Indeed the Framers themselves professed very different faiths—and in the case of Benjamin Franklin, hardly any at all. Washington was an Episcopalian, Jefferson a Deist, and Adams a Calvinist. And although he had earlier opposed toleration, John Adams later contributed to the building of Catholic churches—and so did George Washington. Thomas Jefferson said his proudest achievement was not the Presidency, or writing the Declaration of Independence, but drafting the Virginia Statute of Religious Freedom, he stated the vision of the first Americans and the first amendment very clearly: "The God who gave us life gave us liberty at the same time."

The separation of church and state can sometimes be frustrating for women and men of deep religious faith. They may be tempted to misuse government in order to impose a value which they cannot persuade others to accept. But once we succumb to that temptation, we step onto a slippery slope where everyone's freedom is at risk. Those who favor censorship should recall that one of the first books ever burned was the first English translation of the Bible. As President Eisenhower warned in 1953, "Don't join the bookburners . . . the right to say ideas, the right to record them and the right to have them accessible to others is unquestioned—or this isn't America." And if that right is denied, at some future day the torch can be turned against any other book or any other belief. Let us never forget: Today's Moral Majority could become tomorrow's persecuted minority.

The danger is as great now as when the Founders of the Nation first saw it. In 1789, their fear was of factional strife among dozens of denominations. Today there are hundreds—and perhaps thousands of faiths—and millions of Americans who are outside any fold. Pluralism obviously does not and cannot mean that all of them are right; but it does mean that there are areas where Government cannot and should not decide what it is wrong to believe, to think, to read and to do. As Professor Laurence Tribe, one of the Nation's leading constitutional scholars has written, "Law in a nontheocratic state cannot measure religious truth"—nor can the state impose it.

The real transgression occurs when religion wants government to tell citizens how to live uniquely personal parts of their lives. The failure of prohibition proves the futility of such an attempt when a majority or even a substantial minority happens to disagree. Some questions may be inherently individual ones or people may be sharply divided about whether they are. In such cases—cases like prohibition and abortion—the proper role of religion is to appeal to the conscience of the individual, not the coercive power of the State.

But there are other questions which are inherently public in nature, which we must decide together as a nation, and where religion and religious values can and should speak to our common conscience. The issue of nuclear war is a compelling example. It is a moral issue; it will be decided by government, not by each individual; and to give any effect to the moral values of their creed, people of faith must speak directly about public policy. The Catholic bishops and the Reverend Billy Graham have every right to stand for the nuclear freeze—and Dr. Falwell has every right to stand against it.

There must be standards for the exercise of such leadership—so that the obligations of belief will not be debased into an opportunity for mere political advantage. But to take a stand at all when a question is both properly public and truly moral is to stand in a long and honored tradition. Many of the great Evangelists of the 1800's were in the forefront of the abolitionist movement. In our own time, the Reverend William Sloane Coffin challenged the morality of the war in Vietnan. Pope John XXIII renewed the gospel's call to social justice. And Dr. Martin Luther King, Jr., who was the greatest prophet of this century, awakened our national conscience to the evil of racial segregation.

Their words have blessed our world. And who now wishes they had all been silent? Who would bid Pope John Paul to quiet his voice about the oppression in Eastern Europe; the violence in Central America; or the crying needs of the landless, the hungry, and those who are tortured in so many of the dark political prisons of our time?

President Kennedy, who said that "no religious body should seek to impose its will," also urged religious leaders to state their views and give their commitment when the public debate involved ethical issues. In drawing the line between imposed will and essential witness, we keep church and state separate—and at the same time, we recognize that the city of God should speak to the civic duties of men and women.

There are four tests which draw that line and define the difference.

First, we must respect the integrity of religion itself.

People of conscience should be careful how they deal in the word of their Lord. In our own history, religion has been falsely invoked to sanction prejudice and even slavery, to condemn labor unions and public spending for the poor. I believe that the prophecy—"The poor you have always with you" is an indictment, not a commandment. I respectfully suggest that God has taken no position on the Department of Education—and that a balanced budget constitutional amendment is a matter for economic analysis, not heavenly appeals.

Religious values cannot be excluded from every public issue—but not every public issue involves religious values. And how ironic it is when those very values are denied in the name of religion—for example, we are sometimes told that it is wrong to feed the hungry—but that mission is an explicit mandate given to us in the 25th chapter of Matthew.

Second, we must respect the independent judgments of conscience.

Those who proclaim moral and religious values can offer counsel, but they should not casually treat a position on a public issue as a test of fealty to faith. Just as I disagree with the Catholic bishops on tuition tax credits—which I oppose, so other Catholics can and do disagree with the hierarchy, on the basis of honest conviction, on the question of the nuclear freeze.

Thus, the controversy about the Moral Majority arises not only from its views, but from its name—which, in the minds of many, seems to imply that only one set of public policies is moral—and only one majority can possibly be right. Similarly, people are and should be perplexed when the religious lobbying group Christian voice publishes a morality index of congressional voting records—which judges the morlity of

Senators by their attitude toward Zimbabwe and Taiwan.

Let me offer another illustration. Dr. Falwell has written—and I quote: "To stand against Israel is to stand against God." Now there is no one in the Senate who has stood more firmly for Israel than I have. Yet I do not doubt the faith of those on the other side. Their error is not one of religion, but of policy—and I hope to persuade them that they are wrong in terms of both America's interest and the justice of Israel's cause.

Respect for conscience is most in jeopardy—and the harmony of our diverse society is most at risk—when we re-establish, directly or indirectly, a religious test for public office. That relic of the colonial ERA, which is specifically prohibited in the Constitution, has reappeared in recent years. After the last election, the Reverend James Robison warned President Reagan not to surround himself, as Presidents before him had, "With the counsel of the ungodly." I utterly reject any such standard for any position anywhere in public service. Two centuries ago, the victims were Catholics and Jews. In the 1980's the victims could be atheists; in some other day or dacade, they could be the members of the Thomas Road Baptist Church. Indeed, in 1976 I regarded it as unworthy and un-American when some people said or hinted that Jimmy Carter should not be President because he was a born again Christian. We must never judge the fitness of individuals to govern on the basis of where they worship, whether they follow Christ or Moses, whether they are called "born again" or "ungodly." Where it is right to apply moral values to public life, let all of us avoid the temptation to be self-righteous and absolutely certain of ourselves. And if that temptation ever comes, let us recall Winston Churchill's humbling description of an intolerant and inflexible colleague: "There but for the grace of God—goes God."

Third, in applying religious values, we must respect the integrity of public debate.

In that debate, faith is no substitute for facts. Critics may oppose the nuclear freeze for what they regard as moral reasons. They have every right to argue that any negotiation with the Soviets is wrong—or that any accommodation with them sanctions their crimes—or that no agreement can be good enough and therefore all agreements only increase the chance of war. I do not believe that, but it surely does not violate the standard of fair public debate to say it.

What does violate that standard, what the opponents of the nuclear freeze have no right to do, is to assume that they are infallible—and so any argument against the freeze will do, whether it is false or true.

The nuclear freeze proposal is not unilateral, but bilateral—with equal restraints on the United States and the Soviet Union.

The nuclear freeze does not require that we trust the Russians, but demands full and effective verification.

The Nuclear freeze does not concede a Soviet lead in nuclear weapons, but recognizes that human beings in each great power already have in their fallible hands the overwhelming capacity to remake into a pile of radioactive rubble the Earth which God has made.

There is no morality in the mushroom cloud. The black rain of nuclear ashes will fall alike on the just and unjust. And then it will be too late to wish that we had done the real work of this atomic age—which is to seek a world that is neither red nor dead.

I am perfectly prepared to debate the nuclear freeze on policy grounds, or moral ones. But we should not be forced to discuss phantom issues or false charges. They only deflect us from the urgent task of deciding how best to prevent a planet divided from becoming a planet destroyed.

And it does not advance the debate to contend that the arms race is more divine punishment than human problem—or that in any event, the final days are near. As Pope John said two decades ago, at the opening of the Second Vatican Council: "We must beware of those who burn with zeal, but are not endowed with much sense . . . We must disagree with the prophets of doom, who are always forecasting disasters, as though the end of the Earth was at hand."

The message which echoes across the years since then is clear: The Earth is still here; and if we wish to keep it, a prophecy of doom is no alternative to a policy of arms control.

Fourth and finally, we must respect the motives of those who exercise their right to disagree.

We sorely test our ability to live together if we too readily question each other's integrity. It may be harder to restrain our feelings when moral principles are at stake—for they go to the deepest wellsprings of our being. But the more our feelings diverge, the more deeply felt they are, the greater is our obligation to grant the sincerity and essential decency of our fellow citizens on the other side.

Those who favor E.R.A. are not "anti-family" or "blasphemers" and their purpose is not "an attack on the Bible." Rather we believe this is the best way to fix in our national firmament the ideal that not only all men, but all people are created equal. Indeed, my mother—who strongly favors E.R.A.—would be surprised to hear that she is anti-family. For my part, I think of the amendment's opponents as wrong on the issue, but not as lacking in moral character.

I could multiply the instances of name-calling, sometimes on both sides. Dr. Falwell is not a "warmonger"—and "liberal clergymen" are not, as the Moral Majority suggested in a recent letter, equivalent to "Soviet sympathizers." The critics of official prayer in public schools are not "pharisees"; many of them are both civil libertarians and believers, who think that families should pray more at home with their children, and attend church and synagogue more faithfully. And people are not "sexist" because they stand against abortion; they are not "murderers" because they believe in free choice. Nor does it help anyone's cause to shout such epithets—or try to shout a speaker down—which is what happened last April when Dr. Falwell was hissed and heckled at Harvard. So I am doubly grateful for your courtesy here today. That was not Harvard's finest hour, but I am happy to say that the loudest applause from the Harvard audience came in defense of Dr. Falwell's right to speak.

In short, I hope for an America where neither fundamentalist nor humanist will be a dirty word, but a fair description of the different ways in which people of good will look at life and into their own souls.

I hope for an America where no President, no public official, and no individual will ever be deemed, a greater or lesser American because of religious doubt—or religious belief.

I hope for an America where the power of faith will always burn brightly—but where no modern inquisition of any kind will ever light the fires of fear, coercion, or angry division.

I hope for an America where we can all contend freely and vigorously—but where we will treasure and guard those standards of civility which alone make this Nation safe for both Democracy and diversity.

Twenty years ago this fall, in New York City, President Kennedy met for the last time with a Protestant assembly. The atmosphere had been transformed since his earlier address during the 1960 campaign to the Houston Ministerial Association. He had spoken there to allay suspicions about his Catholicism—and to answer those who claimed that on the day of his baptism, he was somehow disqualified from becoming President. His speech in Houston and then his election drove that prejudice from the center of our national life. Now, three years later, in November 1963, he was appearing before the Protestant Council of New York City to reaffirm that he regarded as some fundamental truths. On that occasion, John Kennedy said: "The family of man is not limited to a single race or religion, to a single city or country . . . the family of man is nearly 3 billion strong. Most of its members are not white—and most of them are not Christian." And as President Kennedy reflected on that reality, he restated an ideal for which he had lived his life—that "the members of this family should be at peace with one another."

That ideal shines across all the generations of our history and all the ages of our faith, carrying with it the most ancient dream. For as the Apostle Paul wrote long ago in Romans: "If it be possible, as much as it lieth in you, live peaceably with all men."

I believe it is possible; the choice lies within us; as fellow citizens, let us live peaceably with each other; as fellow human beings, let us strive to live peaceably with men and women everywhere. Let that be our purpose and our prayer—yours and mine—for ourselves, for our country, and for all the world.

Mr. RIEGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S REMARKS IN LOUISVILLE ON A BALANCED BUDGET

Mr. HOLLINGS. Mr. President, President Reagan's remarks in Louisville, Ky., have come to my attention. The wire service report states:

> In a stinging attack on Congressional Democrats, President Reagan Friday renewed his call for a balanced budget amendment to the Constitution to help build "a new era of lasting economic expansion."

Amazing. We have not heard anything about a balanced budget amendment to the Constitution for almost a year. Yet now the President of the United States, having enacted a $33 billion tax cut for the rich in July, having exacted a 6.5 percent increase in defense for another $26 billion—for a total of $59 billion—is demeaning the

Democrats in Congress for fiscal irresponsibility. Yet just the day before yesterday, in light of all the money the President has wasted, those same Democrats were defeated in a modest attempt to increase education funding for the disadvantaged and the college students of America.

Then, Mr. President, the wire service report states:

In the meantime, Reagan said, "We will reduce deficits by encouraging growth and handcuffing the big spenders. . . . It is their profligacy, not our economic recovery program, that is the source of Federal red ink."

Mr. President, I think the record should show exactly who is responsible for the red ink. I think we should talk with some historic perspective here, so that those who have not followed exactly what has been occurring in this Nation's Capital will know that it is none other than President Reagan, himself, who is responsible for the profligacy and the red ink.

You could see it coming. When President Reagan took office, his program had already been described as "voodoo economics" by Vice President BUSH. Later it was described by the chairman of the National Governors Conference, Richard Snelling of Vermont, as an economic Bay of Pigs.

The PRESIDING OFFICER. The Chair informs the Senator that time for morning business has expired.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for routine morning business be extended until 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

Mr. President, it was Governor Snelling who characterized Reaganomics as an economic Bay of Pigs. I had personally described it as economic quackery because, in simplest terms, it said, "We will increase revenues by decreasing taxes, spend that mystery money to increase defense, and then produce a balanced budget."

I repeat that. He said, "We will increase revenues by decreasing taxes, increase defense, and then produce a balanced budget."

Having been the chairman of the Budget Committee I knew this was nonsense. And having met with the President Carter's economic advisers and counselors during 1980 and having stood here in the well of the U.S. Senate during 1980 we were able to stonewall a number of various tax cuts because they were inflationary. I refer specifically to Kemp-Roth, the Carter tax cut, the Reagan proposal, and even the Finance Committee tax bill—we stonewalled all of these in 1980 because they were ill founded, inflationary, and just bad public policy.

And on the spending side, President Carter was determined that we were not going to leave the deficit in excess of the one we inherited from President Ford. And we succeeded. With the cooperation of President Carter, a lameduck President, and a lameduck Democratic Party in the Senate, we passed the 1980 reconciliation bill. This was the first such bill that was ever passed. It cut spending and reduced the deficit to $57.8 billion.

So despite the rhetoric of the President, the reality was that we did show discipline and we did reduce the deficit.

However, under the leadership of the President and the policy of Reaganomics—of taking the increased revenues from the decreased taxes and increasing defense—we are now swamped by a tidal wave of $200 billion deficits today, next year, and every ensuing year thereafter.

It is so terrifying that the homebuilders came to Washington this week and called these deficits a pistol pointed at the temple of the economy.

The American business conference, with most of its business members obviously of a Republican political bent, met in emergency session recently. They were trying to find out how to get President Reagan's attention on these deficits given that he feels that Reaganomics is working, the economy is turning around, and everything is just fine. Of course it isn't, and they know differently.

Why do they know differently, Mr. President? For the simple reason that they know this recovery is lopsided. What you are seeing is consumer demand. You are not seeing capital investment—that investment is critical to a strong and lasting recovery.

The record now shows the projection of Alan Greenspan, one of the economic advisers to this administration, a minus 4.6 percent capital investment in 1983 over 1982.

Since that time 2 weeks ago the Department of Commerce, President Reagan's own department, has projected a minus 3.1 percent in capital investment and an incredible minus 9.2 percent change in new plant and facilities investment.

What we are seeing is that those in business are telling you in the simplest terms what—that this program is not working. I went last year to a meeting of the executives of the high-tech industries at Stamford, Conn. I started in on my talk about high tech, and the executives, before I could even proceed very far said, "Senator, cool it." They said, "High tech has all the money it needs. We are ready, willing, and able to invest. We can borrow now at 9 percent, but what really concerns us is that by 1985 this 9-percent rate will be back up to an inflationary 18 percent. We do not see any way out of it with the high deficits you have in Washington."

I will list those deficits that have been projected by the Congressional Budget Office under current policy. They are $186 billion for 1984, $187 billion for 1985, $198 billion for 1986, $211 billion for 1987, and $216 billion for 1988. The 5-year total is an add on of $998 billion, nearly a trillion dollars in new debt and red ink.

Mr. RANDOLPH. Mr. President, will my able colleague yield for an observation of 1 minute?

Mr. HOLLINGS. I yield.

Mr. RANDOLPH. The comment of my friend from South Carolina is very legitimate and candid. Turning aside, however, for the moment from deficit, we in West Virginia and many other States continue to have unemployment rates that are not dropping but unemployment rates that in many instances are rising. Also, in the nearby State of Maryland, close to West Virginia, let us take what happened in the last few days. At Cumberland, Md., Celanese has stopped the production and the 1,100 workers that have been gainfully employed are now not laid off but the plant has closed. At Hagerstown nearby West Virginia, we have the Mack Truck program of production. Five hundred workers have been laid off. We have Fairchild Industries where 1,100 workers have now been laid off just in the last week. I mention these two communities to indicate the rising unemployment as well as the problem of deficits to which the Senator makes a very realistic approach.

We must not forget that unemployment is not easing in this country but deepening in many parts of the United States and West Virginia with more than 17 percent of our workers that want to work unable to secure jobs.

Mr. HOLLINGS. The distinguished Senator from West Virginia is right on target. I did not want to hold him up. I know the afternoon is late. The leadership is prepared to go and it is not my idea to take the time but I just could not in conscience let this moment pass with respect to the President on balanced budgets.

The economic recovery is not taking hold. We have the highest rate of unemployment and the lowest rate of capital investment of any recovery. We are not having the turn around that Reaganomics, as pointed out by the Senator from West Virginia, was supposed to produce with supply side economics. Supply side held that with tax incentives industry would invest, that they would retool, that they would reemploy, and that they would stimulate the economy and produce increased revenues. Well, that is not working here in October 1983.

We still have that high rate of unemployment and negative investment in capital investment and in plant and new facilities. All we have really seen

to date is a spurt of automobile purchasing and the little increae in housing. And that has basically been from the simple turn of the economic cycle—consumer demand exists because it was pent up for the last few years in this recession. And another statistic to remember is that we have gone down to our lowest rate of savings in 30 years. Remember supply side said that if we have the money we would save and in saving we would then have a large capital pool and with that capital pool interest rates would stay low. But the savings rate is at a 4-percent level and the real cost of money is between the 4-percent inflation rate and the 12.5 interest rate—8.5 percent is the real cost of money.

So anyone who has been in economics and Federal budgeting must look the facts coldly in the face, as Marty Feldstein does. Yet for doing so he is in disrepute as the Chairman of the Council of Economic Advisers, and he says, "I cannot smile; I am trying to put on the best face." But we have a President who can put on any face. And he is putting on the face of Democratic profligacy when in fact we can hardly get our foot in the door for needed education funding here this week and when in fact he is the one who has been wasting the billions. And add to those billions the interest costs of his $200 billion deficit. We are adding another $16 billion onto interest costs and will soon be paying at the rate of $150 billion to $160 billion annually in interest cost alone.

Therein is the high cost of government. When you add those things together you can see where the money is going and who is profligate. Do not go out to the poor people on food stamps who have been cut $2 billion and tell them that they are getting more. They know differently. Go ask the mayors of the cities of the United States where people are backed up in the churches in hunger.

Senator MARK ANDREWS and myself had a bipartisan hearing at the mayor's conference this year. Do not tell the 2 million kids who have dropped out of title 1 for the disadvantage when this President was running around saying "stay the course." Do not tell those 2 million kids. They have to quit the course; the money is cut off. And we can go down the list. Do not tell legal services. Do not tell the student loans. Do not tell women, infants, and children's feeding programs. We can go down every particular program, that has been cut back.

But this President thinks that all government is Hollywood East and that all he needs do is get his cue cards and start back in with the tent show speech about Democratic profligacy. And their ending with an appeal for congressional amendment for a balanced budget.

I was on the point, Mr. President, how under President Carter the discipline persisted and how this President broke it. We went to President Reagan at the very beginning of his term and repeated exactly what the economists and what the financial community had told us time and again. Yes, some supply side, Mr. President, if it is of a nature of only a $15 billion investment tax credit for business. Let me emphasize that—for business only. I have been in the presence of President Reagan three times when he has misquoted the Kennedy situation back in the 1960's. He leans over with a bright, warm smile and he says, "But Senator, I only want to do it exactly like they did it under Kennedy in the 1960's."

(Mr. GORTON assumed the chair.)

Mr. HOLLINGS. But he does not understand the fact. The fact is that, yes, in 1962 we passed the investment tax credit for business only but we waited 2 years to trigger in the individual income tax cut. But President Reagan went whole hog and got it all at once by pushing a $750 billion tax cut.

Within a month of that legislation, President Reagan was on the national TV saying "We are in trouble. We have got to retrench." And a bipartisan group developed under the distinguished leadership of Senator BAKER, and we started working on trying to see what we could do to repair the damage because we all realized that we just had gone too far, far too far.

And the sad fact of the matter is, Mr. President, that here with 46 Democrats in the U.S. Senate only 8 Democrats voted against Reaganomics. It is a very interesting thing. The President persuaded an overwhelming majority of Democrats as well as Republicans under the cry "Give him a chance, give him a chance." I am willing to give anybody a chance but I do not want to give the people a disaster with this kind of Reaganomics and economic quackery.

Yet we were on course working out a plan to find a solution. But then the Stockman article came up in the Atlantic Monthly and thereupon the whole White House reacted. It reminded me of the Navy, "When in danger, when in doubt, scream, in circles run about."

So they retrenched and said after all that was a Carter budget and what we really needed to do was let the President submit his own first budget.

The President did submit his first budget in 1982. And I made the motion, as a member of the Budget Committee, to approve President Reagan's budget. And what happened? All 12 Republicans voted "no," voted against the Ronald Reagan budget?

Let us keep that event fixed in our minds because President Reagan submitted his second budget this year. And do you know that they do not even have the guts to present that budget on the floor of the U.S. Senate? Our Republican colleagues asked us on the Democratic side, "Please do not present it because we can not get any votes for it."

So we now have a President, a Chief Executive Officer and Chief Financial Officer of our Government, talking about balanced budgets. He has presented two budgets, and under no circumstance has anyone, even with a Republican majority here, has anyone ever presented the Reagan budget for consideration and debate because everyone knows it is totally unrealistic. One of the things, just to point out what I am trying to emphasize, is that he proposed that in 1985, if we still had deficits, we would trigger in a tax increase. In other words, if the house was still burning in 1985 we would call the fire department.

If I had presented that kind of an approach on the floor of the State legislature back in my home State they would have laughed me off the floor. They would say "Some loon is up there in the legislature trying to tax the next Governor and the next legislature. Have you ever heard such a silly way to legislate?" Why they could not even take it seriously.

But here we are now, with the President having made such a proposal and with a budget that no one would present, making a talk about irresponsibility and lack of discipline. But I see some distinguished colleagues on the floor who understand and remember congressional discipline. Harry Truman balanced the budget four times. President Kennedy lived within his means. Lyndon Baines Johnson balanced the budget in 1968-69—the last time the Federal Government's budget was balanced. And I just related President Jimmy Carter moved toward a balanced budget at a lesser deficit in December of 1980.

But here this President comes forth and in his address to the joint Congress stated categorically "Don't listen to this talk about deficits being caused by increases in defense." That does not cause deficits at all. Yet he was asking for a $36 billion increase and he got $26 billion. He says "Don't listen to the logic that tax cuts reduce revenues and cause deficits. I want my tax cut, I want my increase in defense." And he had some addons for other special programs. Well, that is a strange way for discipline to get started.

Also, at the beginning of this year when we were attempting to have some kind of bipartisanship and discipline you would go to the individual Member and he would say "Look, I don't want to be postured as antitax cut and antidefense. The President said he is going to veto it. He already has asked for his and since he is going to get it I want to protect my money

for education, I want a little more for school lunches, I want a little more for research and development and other programs."

So in the end there is no discipline at all. We have mounted our horses and gone in different directions, but the President should have come right in and said "Look, we are going to do like every mayor and freeze the budget." If he had appeared before a joint session of Congress and said we must live within our means he could have acheived bipartisan discipline. He could have also enhanced his foreign policy by saying "Look, the world leaders are worried about the turn-around in the economy, they cannot get hold of their own economies until we do in Washington. Therefore I am going to do like every mayor and every Governor and freeze spending increases—no cuts, no increases. Just take the budget I sent down in December and sign that into law for next year."

It would have been a shared sacrifice that would have balanced the budget rather than this political charade of talking about the Democrats' profligacy.

In my 30 some years of public service at every level of service, and 17 years here in the U.S. Senate, I can say categorically that the biggest spender that I have ever had the occasion to meet is Ronald Reagan. Yet he does not even understand it, or maybe he does. Maybe he does know what he is doing to the programs for the needs of the people, to the programs to open up opportunities, and to the programs to remedy public education in America. Yet rather than provide solutions for those programs which are a national problem, we have a $241 billion defense budget. We have a national problem in public education but we only spend $15 billion a year. But if the President could recommend $2 or $3 billion to improve this situation, that would be terrific. But instead he comes in for all of the sophisticated weaponry that you could possibly imagine, all the high-ticket defense items he can find, and all of these outrageous tax cuts. But in reality he comes in with a big deficit which results in even higher interest rates, and a plea for a constitutional amendment as the solution to the problem.

He has succeeded. He is getting his defense money. He is getting his programs though. And now that he is getting near the announcement of his campaign, he is going to beat his chest and be the warrior going out there to save the country from going broke.

Well, it worked pretty well last year. But I can tell you it is an outrageous fraud. I do not think the President of the United States can get by with it. The Governors have come to Washington this year and asked us to freeze the budget. The mayors have come to Washington and asked us to freeze the budget. But every interested party, whether homebuilders, business leaders, or consumers, has come and asked: "How do you get through to Ronald Reagan and make him understand? He doesn't realize."

I happen to believe he does realize. I think he believes this is a good way to really strip down the Government, break down the bureaucracy, and prove his point that the Government is the enemy.

Mr. President, I am glad to yield to my distinguished friend from Hawaii.

Mr. MATSUNAGA. I thank the Senator for yielding.

I wish to commend the Senator for bringing out the truth, for the truth shall set Americans free from all this confusion that they are being put into by such rhetoric as the Senator quoted earlier.

What the Senator failed to point out, in addition to all the facts he brought out, is that since President Reagan has occupied the White House, we have had the highest rate of bankruptcy. Businessmen are not going to be taken in by this rhetoric, because today we are suffering the highest rate of bankruptcy since the Great Depression of the 1930's. I would like to add that to the facts which the Senator from South Carolina has brought out.

I thank the Senator for yielding. I commend him again for taking the truth to the American people.

The PRESIDING OFFICER. The period for morning business has expired.

Mr. HOLLINGS. Mr. President, one more item about handcuffing the big spenders.

The President has been here for 3 years now and he has not encouraged economic growth. His whole idea was to reduce the size of Government and increase the size of the economy but he has failed on both courts.

If you look at the size of Government, Government has gone from 23.1 percent of the GNP to 25.2 percent of the GNP. The deficits that we are running are 6 percent of the GNP. Government has gotten bigger and bigger and bigger and, as the distinguished Senator from Hawaii says, businesses in the economy are disappearing from Main Street. The economy has gotten less with these high deficits. We have people out of jobs with no chance of reemployment.

The best jobs bill is to get the deficits down. The President of the United States, to the dismay of the world leaders, held a conference in Williamsburg. They came looking, knowing that the richest country in the world would have some idea, some plan for paying the bill. And, to their dismay, they heard no idea and no plan but rather the Secretary of the Treasury just stating that:

Don't worry about deficits. Deficits don't cause high interest rates.

The President cannot finesse it now. If you voted a constitutional amendment in the next 10 minutes, you could not put it on the ballot before 1984. Come 1985, then, it would have to be confirmed, and by then you would have to start with fiscal year 1986 at the earliest. So he should not be going to Louisville and telling the people that there are some real plans afoot for cutting the deficit.

The President has got to get hold of himself and take responsibility for the size of Government. We happen to feel on this side of the aisle that the wrong part of the Government is increasing. It is the deficit that is increasing, and it is defense that is increasing, and in an extraordinary fashion. And, of course, it is the President's own tax cuts for the rich.

I thank the distinguished majority leader for his indulgence.

Mr. BAKER. Mr. President, I thank my friend from South Carolina. I have just been listening to an account of his participation in the Democratic debate last evening in New York among the Presidential candidates, of which he is one. The report I have is that he fared very well indeed. My other duties prevented me from staying and listening to his entire presentation, but I am sure it is worthwhile and a valuable contribution.

He will understand, being a fellow southerner, when I say that if all of our colleagues did not understand him, I would be glad to translate for them.

Mr. President, I am awaiting now for the minority leader to arrive so we can do the wrapup. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, I have a folder now of routine matters that can be taken care of, I believe, by unanimous consent. I would like to go through them, if the minority leader is prepared to do that, and see how far we can get.

Mr. President, I first would propose to call up H.R. 1035 and pass that bill if the Senate will agree and the minority leader has no objection.

Mr. BYRD. That matter has been cleared on this side.

Mr. BAKER. I thank the Senator.

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT AMENDMENTS

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 451, H.R. 1035.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 1035) to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2320

Mr. BAKER. Mr. President, I now send to the desk an amendment in the nature of a substitute on behalf of the distinguished Senator from Utah (Mr. HATCH) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. HATCH, proposes and amendment numbered 2320.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 2320

STATE PROGRAM DESIGN

SECTION 1. (a) Section 555(b) of the Education Consolidation and Improvement Act of 1981 (Public Law 97-35; 20 U.S.C. 3801 et seq.) (hereinafter in this Act referred to as "the Act") is amended to read as follows:

"(b) PROGRAM DESIGN.—State agency programs shall be designed to serve migratory children of migratory agricultural workers or of migratory fishermen, handicapped children, and neglected and delinquent children (as described in subparts 1, 2, and 3, respectively, of part B of title I of the Elementary and Secondary Education Act of 1965) in accordance with section 554(a)(2) and the other applicable requirements of this chapter. The Secretary shall continue to use the definitions of 'agricultural activity', 'currently migratory child', and 'fishing activity' which were in effect on June 30, 1982, in regulations prescribed under subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965. No additional definition of 'migratory agricultural worker' or 'migratory fisherman' may be applied after the date of enactment of this subsection to such subpart 1.".

(b) Section 555 of the Act is amended by adding at the end thereof the following new subsection:

"(e) EVALUATION.—Each State educational agency shall—

"(1) conduct an evaluation of the programs assisted under this chapter at least every two years and shall make public the results of that evaluation; and

"(2) collect data on the race, age, and gender of children served by the programs assisted under this chapter and on the number of children served by grade-level under the programs assisted under this chapter.".

APPLICATIONS

SEC. 2. (a) Section 556(b) of the Act is amended by inserting "or" at the end of paragraph (1)(A) and by striking out "or" at the end of paragraph (1)(B) and by striking out paragraph (1)(C).

(b) Section 556 of the Act is amended by adding at the end thereof the following:

"(c) EXEMPTION FROM TARGETING.—The requirements of subsection (b)(1) shall not apply in the case of a local educational agency with a total enrollment of less than one thousand children, but this subsection does not relieve such an agency from the responsibility to serve children under the assurances set forth in subsection (b)(2).".

(c) Clause (2) of section 556(b) of the Act is amended by striking all that follows "areas," in such clause and inserting in lieu thereof "requires, among the educationally deprived children selected the inclusion of those children who have the greatest need for special assistance, and determines the needs of participating children with sufficient specificity to ensure concentration on those needs;".

(d) Clause (4) of section 556(b) of the Act is amended by inserting before the semicolon a comma and the following: "and that the results of such evaluation will be considered by such agency in the improvement of the programs and projects assisted under this chapter; and".

FLEXIBILITY TO CONTINUE TITLE I TYPE EXPENDITURES

SEC. 3. Section 556 of the Act is further amended by adding at the end thereof the following new subsection:

"(d) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (b)(1) of this section, a local educational agency shall have discretion to make educational decisions which are consistent with achieving the purposes of this chapter as set forth in this subsection, as follows:

"(1) A local educational agency may, with the approval of the State educational agency, designate as eligible (and serve) school attendance areas with substantially higher numbers or percentages of educationally deprived children before school attendance areas with higher concentrations of children from low-income families, but this provision shall not permit the provision of services to more school attendance areas than could otherwise be served. A State educational agency shall approve such a proposal only if the State educational agency finds that the proposal will not substantially impair the delivery of compensatory education services to educationally deprived children from low-income families in project areas served by the local educational agency.

"(2) Funds received under this chapter may be used for educationally deprived children who are in a school which is not located in an eligible school attendance area when the proportion of children from low-income families in average daily attendance in such school is substantially equal to the proportion of such children in an eligible school attendance area of such agency.

"(3) If an eligible school attendance area or eligible school was so designated in accordance with section 556(b)(1)(A) in either of two preceding fiscal years, it may continue to be so designated for a single additional fiscal year even though it does not qualify in accordance with section 556(b)(1)(A).

"(4) With approval of the State educational agency, eligible school attendance areas or eligible schools which have higher proportions of children from low-income families may be skipped if they are receiving, from non-Federal funds, services of the same nature and scope as would otherwise be provided under this chapter, but (A) the number of children attending private elementary and secondary schools who receive services under this chapter shall be determined without regard to non-Federal compensatory education funds which serve eligible children in public elementary and secondary schools, and (B) children attending private elementary and secondary schools who receive assistance under this chapter shall be identified in accordance with this section and without regard to skipping public school attendance areas or schools under this paragraph.

"(5) Educationally deprived children who begin participation in a program or project assisted under this chapter who, in the same school year, are transferred to a school attendance area or a school not receiving funds under this chapter, may continue to participate in a program or project funded under this chapter for the remainder of such year.

"(6) The local educational agency is not required to use funds under this chapter to serve educationlly deprived children in greatest need of assistance if such children are receiving, from non-Federal sources, services of the same nature and scope as would otherwise be provided under this chapter.

"(7) In the case of any school serving an attendance area that is eligible to receive services under this chapter and in which not less than 75 per centum of the children are from low-income families, funds received under this chapter may be used for a project designed to upgrade the entire educational program in that school in the same manner and only to the same extent as permitted under section 133(b) of the Elmentary and Secondary Education Act of 1965 (but without regard to paragraph (4) of such section).

"(8) Public school personnel paid entirely by funds made available under this chapter may be assigned limited, rotating, supervisory duties which are assigned to similarly situated personnel who are not paid with such funds, and such duties need not be limited to classroom instruction or to the benefit of children participating in programs or projects funded under this chapter. Such duties may not exceed the same proportion of total time as is the case with similarly situated personnel at the same school site, or 10 per centum of the total time, whichever is less.".

PARENTAL INVOLVEMENT

SEC. 4. Section 556 of the Act is further amended by adding at the end thereof the following new subsection:

"(e) PARENTAL INVOLVEMENT.—For the purposes of complying with the assurances given pursuant to subsection (b)(3) with respect to consultation with parents of participating children, (1) a local educational agency shall convene annually a public meeting, to which all parents of eligible students shall be invited, to explain to parents the programs and activities provided with funds made available under this chapter, and (2) if parents desire further activities, the local educational agency may, upon request, provide reasonable support for such activities.".

AREAS FOR SERVICES TO PRIVATE SCHOOLCHILDREN

SEC. 5. Section 557(a) of the Act is amended by inserting "(1)," immediately after "556(b)".

APPLICATION OF NONSUPPLANTING RULE TO STATES

SEC. 6. Section 558(b) of the Act is amended—

(1) by inserting "State educational agency or other State agency in operating its State level programs or a" before "local educational agency" in the first sentence; and

(2) by striking out "a local educational agency shall not be required" in the second sentence and inserting in lieu thereof "no State educational agency, other State agency, or local educational agency shall be required".

EXCLUSIONS OF SPECIAL PROGRAM FUNDS

SEC. 7. Section 558(d) of the Act is amended—

(1) by striking out "if such programs are consistent with the purposes of this chapter" and inserting in lieu thereof "including compensatory education for educationally deprived children (which meets the requirements of section 131(c) of the Elementary and Secondary Education Act of 1965)"; and

(2) by adding at the end thereof the following new sentence:

"For the purpose of determining compliance with the requirements of subsection (c), a local educational agency may exclude State and local funds expended for—

"(1) bilingual education for children of limited English proficiency,

"(2) special education for handicapped children or children with specific learning disabilities, and

"(3) certain State phase-in programs as described in section 131(d) of the Elementary and Secondary Education Act of 1965.".

OVERLAP IN COUNTY BOUNDARIES

SEC. 8. Section 558(e) of the Act is amended by striking out "In any State" and inserting in lieu thereof "Notwithstanding section 111(a)(3)(C) of the Elementary and Secondary Education Act of 1965, in any State".

PHASEOUT AND TRANSITION EXPENSES

SEC. 9. Section 562(c) of the Act is amended by adding at the end thereof the following: "Until September 30, 1983, such funds may also be used to assist in phasing out programs described in section 561(a) and in promoting an orderly transition to operations under this chapter.".

STATE ALLOTMENTS

SEC. 10. The first sentence of section 563(a) is amended by striking out "not to exceed".

AUDIT REQUIREMENT OF SMALL LEA'S

SEC. 11. Section 564(a) of the Act is amended by inserting after paragraph (7) the following new sentence: "Notwithstanding section 1745 of this Act, local educational agencies receiving less than an average $5,000 each year under this chapter shall be audited at least once each five years.".

REQUIREMENT FOR STATE CERTIFICATION OF LEA APPLICATIONS

SEC. 12. Section 566(a) of the Act is amended by striking out everything preceding paragraph (1) and inserting in lieu thereof the following:

"SEC. 566. (a) A local educational agency may receive its allocation of funds under this chapter for any year for which its application to the State educational agency has been certified to meet the requirements of this subsection. The State educational agency shall certify any such application if such application—".

SCHOOL-LEVEL PROGRAMS

SEC. 13. Section 573(a) of the Act is amended by striking out "chapter" in the first sentence and inserting in lieu thereof "subchapter".

STATE RULEMAKING

SEC. 14. Section 591 of the Act is amended by adding at the end thereof the following new subsection:

"(d) Nothing in this subtitle shall be interpreted (1) to authorize State regulations, issued pursuant to procedures as established by State law, applicable to local educational agency programs or projects funded under this subtitle, except as related to State audit and financial responsibilities, or (2) to encourage, preempt, or prohibit regulations issued pursuant to State law which are not in conflict with the provisions of this subtitle. The imposition of any State rule or policy relating to the administration and operation of programs funded by this subtitle (including those based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State-imposed requirement.".

WITHHOLDING OF PAYMENTS

SEC. 15. Section 592(a) of the Act is amended—

(1) by striking out "on the record" in the first sentence; and

(2) by adding at the end thereof the following new sentence: "A transcript or recording shall be made of any hearing conducted under this subsection and shall be available for inspection by any person.".

JUDICIAL REVIEW

SEC. 16. Section 593(b) of the Act is amended by inserting "and a local educational agency" after "A State educational agency".

APPLICATION OF GEPA

SEC. 17. (a) Section 596 of the Act is amended to read as follows:

"APPLICATION OF OTHER LAWS

"SEC. 596. (a) Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this subtitle.

"(b) The following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this subtitle with respect to the programs authorized by this subtitle:

"(1) Section 408(a)(1) of the General Education Provisions Act is superseded by section 591(a) of this subtitle.

"(2) Section 426(a) of such Act is superseded by section 591(b) of this subtitle.

"(3) Section 427 of such Act is superseded by section 556(b)(3) of this subtitle.

"(4) Section 430 of such Act is superseded by sections 556(a) and 564(b) of this subtitle.

"(5) Section 431A of such Act is superseded by section 558(a) of this subtitle.

"(6) Section 453 of such Act is superseded by section 592 of this subtitle.

"(7) Section 455 of such Act is superseded by section 593 of this subtitle with respect to judicial review of withholding of payments.

"(c) Sections 434, 435, and 436 of the General Education Provisions Act, except to the extent that such sections relate of fiscal control and fund accounting procedures, shall not apply to the programs authorized by this subtitle and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this subtitle.".

(b) Section 406A(a) of the General Education Provisions Act, as added by the Education Amendments of 1974 (relating to responsibility of States to furnish information), is amended—

(1) by striking out paragraphs (3) and (4);

(2) by inserting "and" at the end of paragraph (2); and

(3) by redesignating paragraph (5) as paragraph (3).

CONFORMING AND TECHNICAL AMENDMENTS TO TITLE I OF ESEA

SEC. 18. (a) Title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 142(a) by striking out "subpart 3 of part A, other than sections 122, 123, and 126(d) thereof" in paragraph (3) and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 of the Education Consolidation and Improvement Act of 1981"; and

(2) in sections 147 and 152(a), by striking out "subpart 3 of part A, other than sections 122, 123, 125, 126(d), and 126(e) thereof" and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 (other than subsection (c)) of the Education Consolidation and Improvement Act of 1981".

(b) The amendments made by subsection (a) shall apply only with respect to funds for use under the Education Consolidation and Improvement Act of 1981.

AVAILABILITY OF TITLE I APPROPRIATIONS

SEC. 19. (a) Section 553 of the Act is amended—

(1) by inserting "(a)" after "SEC. 553."; and

(2) by adding at the end thereof the following new subsection:

"(b) From the amount appropriated to carry out this chapter, not more than 14.6 per centum of such amount for each of the fiscal years 1983 and 1984 shall be available to carry out programs described in sections 141, 146, and 151 of the Elementary and Secondary Education Act of 1965. After the allocations for programs operated by State agencies, the Secretary shall assure that the amount available for allocation under section 117 of such Act bears the same ratio to the amount appropriated in each such fiscal year for this chapter as the amount available for such section in fiscal year 1980 bore to the total amount appropriated for title I of such Act in fiscal year 1980.".

(b)(1) Section 514(a)(2) of the Act is repealed.

(2) Section 514(a) of the Act is amended by striking out "(1)".

EXTENSION OF AUTHORIZATION FOR TITLE VII OF ESEA

SEC. 20. Section 528 of the Omnibus Budget Reconciliation Act of 1981 is amended—

(1) by striking out "and" at the end of paragraph (13);

(2) by striking out the period at the end of paragraph (14) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new paragraph:

"(15) title VII of the Elementary and Secondary Education Act of 1965.".

CONFORMING AMENDMENTS

SEC. 21. (a) Section 565(a) of the Act is amended by striking out "nonpublic" and inserting in lieu thereof "private, nonprofit".

(b) The first sentence of section 1003(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by inserting after "Act" a comma and the following: "or the Education Consolidation and Improvement Act of 1981".

ASSESSMENT OF COMPENSATORY EDUCATION

SEC. 22. Chapter 1 of the Act is amended by adding at the end thereof the following new section:

"NATIONAL ASSESSMENT OF COMPENSATORY EDUCATION ASSISTED UNDER THIS CHAPTER

SEC. 559. (a) The Secretary shall conduct a national assessment of compensatory education assisted under this chapter, through independent studies and analysis by the National Institute of Education. The assessment shall include descriptions and assessments of the impact of (1) services delivered, (2) recipients of services, (3) background and training of teachers and staff, (4) allocation of funds (to school sites), (5) coordination with other programs, (6) effectiveness of programs on student's basic and higher order academic skills, school attendance, and future education, and (7) a national profile of the way in which local educational agencies implement activities described under section 556(b). The National Institute of Education shall consult with the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives in the design and implementation of the assessment required by this section. The National Institute of Education shall report to Congress the preliminary results of the assessment required by this section in January and July of 1986, and a final report shall be prepared and submitted to the Congress not later than January 1, 1987.

"(b) Notwithstanding any other provision of law or regulation, such reports shall not be subject to any review outside of the Department of Education before their transmittal to the Congress, but the President and the Secretary may make such additional recommendations to the Congress with respect to the assessment as they deem appropriate.

"(c) From amounts otherwise available to the National Institute of Education, $2,000,000 for the fiscal year 1984 and $4,000,000 for each of the succeeding fiscal years ending prior to October 1, 1987, shall be made available to carry out the provisions of this section.".

IMPACT AID

SEC. 23. Section 5(c) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by adding at the end thereof the following: "In the determination of amounts of payments made on the basis of entitlements established under sections 2, 3, and 4 after March 31, 1983, by reason of any provision of law other than this Act which places any additional restriction on payments based on the concentration of children counted under subsection (a) or (b) of section 3 in the schools of the local educational agency, such restriction shall be applied, in the case of any State (other than a territory or possession of the United States) within which there is only one local educational agency, by treating each administrative school district within such State as a local educational agency (solely for the purpose of computing the amount of such payments).".

EFFECTIVE DATE

SEC. 24. (a) Except as provided in subsection (b), the amendments made by this Act to the Education Consolidation and Improvement Act of 1981 and title I of the Elementary and Secondary Education Act of 1965 shall be effective July 1, 1983.

(b) With respect to the period beginning July 1, 1982, and ending June 30, 1983, no recipient of funds under the Education Consolidation and Improvement Act of 1981 shall be held to have expended such funds in violation of the requirements of such Act if such funds are expended either in accordance with such Act as in effect prior to the date of enactment of this Act or in accordance with such Act as amended by this Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment in the nature of a substitute (No. 2320) was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 1035) was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Now, Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives and that the Presiding Officer be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. HATCH, Mr. STAFFORD, Mr. QUAYLE, Mr. KENNEDY, and Mr. PELL conferees on the part of the Senate.

ORDER TO PLACE S. 1327 ON THE CALENDAR

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 1327, the Atlantic Salmon Agreement, and that the item be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS ACT AMENDMENTS

Mr. BAKER. Mr. President, next I will say to the minority leader that I propose to go to S. 1323, if he has no objection.

Mr. BYRD. No objection.

Mr. BAKER. Then I ask the Chair to lay before the Senate Calendar Order No. 195, S. 1323.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 1323) to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

AMENDMENT NO. 2321

(Purpose: To permit assistance under the certified development company loan program to certain small business concerns)

Mr. BYRD. Mr. President, I send an amendment to the desk on behalf of Mr. NUNN, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for Mr. NUNN, proposes an amendment numbered 2321.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

DEVELOPMENT COMPANY DEBENTURES

SEC. 5. Section 503(a)(2) of the Small Business Investment Act of 1958 is amended by inserting before the period at the end thereof the following: ": *Provided*, That the Administration shall not decline to issue such guarantee when the ownership intersts of the small business concern and the ownership interests of the property to be financed with the proceeds of a loan made pursuant to subsection (b)(1) are not identical because one or more of the following classes of relatives have an ownership interest in either the small business concern or the property: father, mother, son, daughter, wife, husband, brother, sister: *Provided further*, That the Administrator or his designee has determined on a case-by-case basis that such ownership interest, such guarantee, and the proceeds of such loan, will substantially benefit the small business concern".

SBA'S CERTIFIED DEVELOPMENT COMPANY PROGRAM

● Mr. NUNN. Mr. President, the amendment that I am offering today will provide that the Small Business Administration may provide financial assistance to certified development companies to assist in purchasing fixed assets—such as land, plant and equipment—to assist small business concerns under the 503 certified development company program, even though the ownership interests in the property to be financed are not identical to the ownership interests held in the small business concern. The amendment would provide that, within the section 503 program only, financial assistance would be made available in those situations where the

ownership deviation is within interfamily relationships.

Since the Small Business Administration's creation in 1953, the agency has had a statutory provision requiring that all financial assistance which it provides be made available to an identifiable small business concern. The agency has interpreted this legislative requirement strictly. This prohibition has been slightly modified by the agency to recognize that there are legitimate business reasons why the ownership interest in the small business concern is separated from the ownership interest in the assets of the firm. This deviation has been called the alter-ego rule.

Thus, as part of its regulatory scheme, SBA prohibits financial assistance unless the ownership interest in the applicant is completely identical with the ownership interest in the project. Furthermore, the proportion of the ownership interests in the small business, and the identity of interest must remain unchanged until the loan is repaid in full, or SBA gives approval for any ownership change.

In 1979, when Senator WEICKER and I initiated the legislation in the Senate which became the 503 certified development company program, our interest was to create an economic development program that would enhance the growth and expansion of small business, and take advantage of the ability of small business to create jobs, increase opportunities for entrepreneurship, and assist in community development.

Today, there are over 400 SBA licensed 503 certified development companies. In this fiscal year alone, through June 1983, these companies have made a total of 785 loans for $149.9 million. Since the inception of the program in 1981, 1,445 loans for a total of $264.9 million have been approved. In my own State of Georgia, I have seen the program used repeatedly. I was pleased to be present at Georgia's first loan closing of a 503 project in Columbus. Since that time, Georgia has had 32 loans made to small business concerns, for a total of $6.1 million. In Georgia, and around the Nation, this program has proven to be an important financial assistance tool for small business, an important economic development tool for States and communities, and an important source of job creation and retention.

However, the Small Business Administration has taken the regulations that were applied to its regular business loan programs, and has fully applied them to the certified development company program created under section 503 of the Small Business Investment Act of 1958, even though that act has a different policy, and a different financing scheme for its programs. This rule has prevented small businesses from receiving the assistance that this program was designed to provide. I believe the explanation of this regulatory provision, and the impact it has had on small businesses, is fully explained in the Senate Small Business Committee's report on this bill, and I will not take the time today to review that matter in any greater detail.

However, in that report, the committee indicated that the alter ego exception, by itself, was not sufficient to take into account the legitimate business reasons why there would be a different ownership interest between the small business concern and the ownership interest in the project to be financed for purposes of this program. We urged the agency to act regulatorily to deal with this matter. Repeatedly, the agency has decided that it will not act by regulation, and, regrettably, I believe it is now necessary that Congress act legislatively.

Mr. President, SBA appears to be unique among the Federal agencies which provide direct or guaranteed financial assistance in their use of the alter ego rule. However, I want to make clear that the entire problem is not with the agency. There has been, and continues to be, a legitimate reason to have the alter ego rule; namely, to insure that the benefits of the agency's programs, and of the Federal Government's extension of assistance for economic development, flows to benefit small business, not speculators or investors. I believe we are providing latitude to the certified development companies, and to the Small Business Administration, if this amendment is adopted, which will maintain the integrity of the program and the solid finanical base that Congress put it on when the legislation was adopted in 1980. More importantly, this legislation will insure that small businesses are able to take advantage of both this program and legitimate business decisionmaking in economic development.

This amendment does not address the entire problem which the alter ego rule has created for small business concerns under the 503 program. However, the detailed cases which we have had before our committee clearly show that a great number of transactions involving the family are prohibited from being helped because the financial relationship does not fully comply with the alter ego exception. I believe this situation needs to be reversed, and I believe that this amendment will correct it. But I want to reiterate that the problem goes beyond the family situation. During the next several weeks, and before we conclude the conference that I believe will be likely on this legislation, I will be trying to determine the full extent to which the alter ego rule is impeding the legitimate use of the 503 program. It would be my intent to insure that an appropriate solution is found to this important issue, even to the extent that a legislative override of the agency's rule be expanded beyond the family situation that we have addressed in this amendment.

Mr. President, I appreciate the support from Senator WEICKER, the chairman of the committee. During the past 3 years, it has been my privilege to serve as the ranking Democratic member of the Senate Small Business Committee. I believe that we have forged an excellent, bipartisan, working relationship within the committee, and on behalf of small business. Although I am no longer the ranking member, having yielded that responsibility to the distinguished Senator from Arkansas (Mr. BUMPER), I expect to remain active in this important area.

Mr. President, I urge the Senate to approve this amendment.●

● Mr. WEICKER. Mr. President, I fully support the amendment offered by Senator NUNN that would permit financial assistance in the 503 program to be made available in the those cases where ownership interests of the small business and ownership interests of the property to be financed with the proceeds of a section 503 loan are not identical because of the interfamily relationships. Currently, this is not permitted because of SBA's alter-ego rule which requires identical ownership interests.

The Small Business Committee has heard testimony on this important issue which showed clearly that there are legitimate business reasons for different ownership interests between the small business concern and the property to be financed. Most of the cases cited to the committee involved reasons dealing with family relationships. Therefore, I fully support Senator NUNN's amendment. In addition, we have agreed to work together to determine the full extent to which the alter-ego rule impedes the legitimate use of the 503 program and whether further action is necessary. I have instructed the committee staff to work jointly with Senator NUNN's staff in this endeavor.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2321) was agreed to.

● Mr. NUNN. Mr. President, I rise in support of S. 1323, a bill amending the Small Business Act and the Small Business Investment Act of 1958, and urge its passage by the Senate.

Mr. President, the Small Business Committee last year reported an authorization bill to the Senate (S. 2408) which, unfortunately, we did not have time to consider. The issue of the appropriate program levels for the Small Business Administration's lending pro-

grams for fiscal year 1983 and 1984, among other items, were considered in that bill. Since the Congress did not complete action on that legislation before the close of the 97th Congress, in March of this year I introduced four separate pieces of legislation. Three of those four bills dealt with setting the program level for key financial assistance programs within the Small Business Administration, including the 503 certified development company program, the Small Business Investment Company (SBIC) program, and the Minority Enterprise SBIC (MESBIC) program. The fourth bill, S. 745, provided new authority so that the Small Business Administration could purchase or guarantee debentures issued by State development companies which are established under existing section 501 of the Small Business Investment Act of 1958.

On May 15 of this year, the Small Business Committee approved these four bills, and incorporated them in full in the original bill which is now pending before the Senate. I will not take the Senate's time today to review those proposals because I believe they are fully and accurately spelled out in the Small Business Committee's report on this legislation, and highlighted again by the chairman's opening remarks here today.

In addition to these four proposals, the committee bill addresses the critical issue of the appropriate program levels for direct loans and other programs to be undertaken by the Small Business Administration in fiscal years 1984 and 1985, makes permanent the statutory authority for sheltered workshops to participate in the small business procurement program, and includes language which has been twice included in appropriations bills that SBA shall enter into commitments to guarantee loans in the full amounts provided by the authorization, subject only to the availability of qualified applicants and limitations imposed by the appropriations process.

Mr. President, the need for prompt congressional action on this legislation has become very important for two SBA programs, in particular. The first is the Small Business Investment Company, or SBIC, program. In July of this year, 41 SBIC's submitted applications to the Small Business Administration, qualifying for almost $95 million in new leveraging requests. Based on the quarterly allocation of funds within SBA, only $16 million was available to meet this demand. The remaining $79 million in outstanding requests for leveraging has been deferred until October, the start of the new fiscal year. However, unless the Congress enacts this legislation to increase the program level for the SBIC program for fiscal year 1984, the Small Business Administration will have pending on the first day of the new fiscal year qualified applications that could exceed 50 percent of the total current program level of $160 million for the entire year.

The second important program that needs this legislation if it is to continue to remain as an active partner with SBA in meeting the financing needs of the small business community is the 501 State development company program. Under current law, the Small Business Administration is limited to providing direct loans to these State development companies, which in turn combine these funds with private sector resources to make financial assistance available to the small business. With SBA's across-the-board administrative phase down of direct loans, and our committee's recommendation that direct loans be limited to specifically determined target groups, a change in the law is necessary if this economic development program is to remain viable, and if SBA is to continue working with these State development companies as the agency has told our committee they would like to do.

Mr. President, I believe the recommendations made by the committee are sound, that the needs of the small business community will be fully accommodated by the levels we have proposed, and that the Small Business Administration will be put in a better position to provide quality financial assistance to the small business sector.

I want to compliment Chairman WEICKER for his cooperation in putting this entire package together, and for accommodating in full in this bill the legislation that I had proposed earlier.

I urge my colleagues to support this bill.●

● Mr. WEICKER. Mr. President, I rise in support of S. 1323, legislation passed by the Small Business Committee to set authorization levels for the Small Business Administration (SBA) in the 1984 and 1985 fiscal years.

The provisions set forth in this bill reflect the current reality of the programs being administered by the SBA, and the needs of the small business community for the 1980's. It has been carefully crafted to insure that funding for such worthwhile programs as the guaranteed lending and "503" economic development, is maintained at adequate levels, while money for the direct lending program, which has not delivered as much to the taxpayer or the individual small business borrower, is eliminated. Direct loans for handicapped, veterans, and minority enterprise small business investment companies (MESBIC's) are continued under this bill, however. Finally, this legislation increases authorization levels for salaries and expenses at SBA in order to insure that a sufficient level of qualified personnel is available to discharge and effectively meet the agency's congressional mandate.

This bill was reported out of the Small Business Committee on May 13, 1983, with the bipartisan support of all of the committee's members. It has been the subject of a number of hearings before the committee, and is the product of considerable work and discussion between the past ranking minority member, Senator NUNN, and myself.

Mr. President, let me just step off the subject for 1 minute here, and allow me to say that it has been a pleasure and privilege to work alongside SAM NUNN for the past 2½ years that I have been chairman of the Small Business Committee. I do not think anyone would disagree that ours has been a truly bipartisan committee in every sense of the word, and that is largely due, I believe, to the fine leadership, cooperation, and commitment of Senator NUNN. I have no doubt that even as he steps down as ranking member on this committee, he will maintain that same high level of commitment and concern for the needs of the Small Business Community. I have the greatest respect for my colleague from Georgia, as I know many of us do here in this body, and I wish him the best of success as ranking member of the Armed Services Committee. Although it is in sad circumstances that he takes over the role, I can think of no man better qualified to fill the shoes of Scoop Jackson in this regard than SAM NUNN.

Now, as to the specifics of the bill before us today: Over the past several years, this committee has consistently urged the SBA to shift its program priorities to place a greater emphasis on its nonlending functions, such as advocacy, economic and innovation research, and management, technical and procurement assistance. Studies, surveys, and the lessons of experience have long shown us that the diverse needs of the small business community are best served through the effective administration of these programs, as well as the agency's more traditional lending activities.

In these tight budgetary times, it is the committee's view that the agency can no longer be all things for all small businesses. Programs that effectively leverage private sector resources and expertise must be emphasized, and fundamental shifts in the allocation of agency resources must take place.

Through the drafting of S. 1323, the committee has attempted to address the need for a greater emphasis on these programs, by strengthening those functions of the agency, which have truly delivered, in terms of the small business owner and the American taxpayer.

The primary example of this is the guaranteed lending program, which leverages Federal dollars by a 5-to-1 ratio, through the use of the secondary market and the private sector. The committee has consistently supported guaranteed lending as the most efficient, economical, and practical means of providing access to debt-financing for small businesses, and in this bill, increases funding for the program from $2.708 billion to $2.8 in fiscal year 1984, and to $3 billion in fiscal year 1985.

For years, Mr. President, the SBA's guaranteed lending program has helped small businesses, who otherwise could not get credit, to obtain capital to sustain and expand their operations. An extensive study, conducted by the General Accounting Office (GAO), and released just this past April, concluded that fully 82 percent of the loans made under the guaranteed loan program would not have been made on the same terms and conditions—or made at all—without the Government guarantee.

GAO supported the longstanding claim by many small firms that they are the victims of discrimination and inequitable treatment in the commercial market. The study found that the absence of a guaranteed loan program would result in many small businesses not getting credit-rationing, or that they would only qualify for shorter maturities, higher interest rates, or smaller loan amounts.

Mr. President, this bill also increases funding for the SBA's 503 certified development company program. With severe cutbacks at EDA, UDAG, and other traditional suppliers of economic development assistance, this program has become one of the primary sources of economic development funding in the country.

The 503 program allows municipalities to be licensed by SBA as certified development companies, which can then issue federally guaranteed debentures for up to 50 percent of the cost of land, plants, and equipment necessary for the expansion of small business concerns. I believe this program, enacted in 1980, is a classic example of a Federal Government program that takes advantage of the best resources the private and public sectors have to offer.

Under the program, banks are encouraged to make, and are making, long-term loans to small businesses under more favorable terms than they normally would have. In fact, prior to the program's enactment, there was little, if any, long-term, fixed-asset lending available for many of these companies.

In the 2½ years the program has been operating, 381 entities have been licensed as certified development companies under 503. Many of these companies are still getting off the ground, but nonetheless, by April of this year, 1,185 loans, representing a Federal guarantee of $217.5 million, had been made under the program. As of October of last year, 28,846 documented jobs had been created as a result of 503 financings, with an average cost to the Government of only $3,990 per job. And, as the number of jobs created climbs, the corresponding cost per job drops steadily lower. In every quarter since the creation of the 503 program, more and more jobs have been created and the Federal commitment per job has declined.

The committee bill also makes statutory changes in the SBA's 501 program by authorizing SBA or purchase or guarantee debentures issued by State development companies.

Accordingly, S. 1323 increases the program level for the section 501, 502, and 503 programs from $350 million to $500 million in fiscal 1984 and 1985.

Two other important SBA programs that create jobs and promote economic development are the Small Business Investment Company (SBIC) and Minority Enterprise Small Business Investment Company (MESBIC) programs.

SBIC's and MESBIC's are SBA-licensed companies, which, through a private and public sector partnership, provide equity capital, long-term loans and management assistance to small business concerns and to small business concerns owned by socially or economically disadvantaged persons. In return for a commitment to invest in a small business, SBIC's are licensed and authorized by SBA to issue a debenture which is guaranteed by the Federal Government at the full cost of money to the Treasury, plus a premium. MESBIC's, which go through the same licensing procedure, obtain leverage capital from the Government through the purchase of preferred securities in the MESBIC itself, and through debentures. To be currently licensed as an SBIC or MESBIC, the company must first have a minimum of $500,000 in private sector, paid-in captial. Before an SBIC can leverage any funds, it must first have committed at least 60 percent of its assets to investment in small business concerns.

At a December 16, 1982, committee hearings, SBA Administator James Sanders testified that "for every taxpayer dollar invested in the SBIC and MESBIC programs, the Government has received $100 back in the form of tax revenues." Current figures show that there are now 500 SBIC's operating around the country, of which 140 are MESBIC's.

Since the program's inception 25 years ago, SBIC's have invested more than $4.5 billion in some 60,000 small businesses. The MESBIC program, which began only 5 years ago, has invested more than $190 million in minority-owned small firms.

As a result of the successful track record of these two valuable programs, the committee's bill increases the SBIC program level from $160 million to $250 million for fiscal years 1983-85. The program level for the MESBIC program (which is funded in the form of a direct loan) is also increased, from $35 million to $45 million in fiscal year 1983-85.

Mr. President, under the bill, funding for the direct lending activities at SBA—with the exception of the MESBIC program, and loans for veterans and the handicapped—is eliminated. This was done with a great deal of thought and much hard work and consideration. The fact is, that while the direct loan program may be what the SBA is best known for, it has been one of the agency's least effective programs in terms of "bang for the buck."

The business of making loans is one that requires considerable manpower and a ready supply of cash—two things in short supply in today's economy. SBA, unfortunately, has neither sufficient personnel or capital to effectively run such a program. In recent years, as the pool of direct loans has decreased, the number of loans and the average size of the loans have also decreased. In fiscal year 1982, the agency made less than half the loans at half the dollar amount than it made 2 years earlier—2,206 loans at a value of $145.5 million. This averages out to about 52 loans per State. At this level, it seems to me ludicrous to tell prospective borrowers that such a program exists and then have so many firms competing for so few loans.

Even those who do get the loans are going to find it does not go very far. The average loan these days is about $50,000, hardly enough to make any kind of impact in today's economy.

Finally, as the economy has improved recently and interest rates have begun to decline, there is little differential between the cost to a borrower of a direct and a guaranteed loan. Direct loans are now being made at 11¾ percent. This compares to a guaranteed lending rate of 10½ percent (prime) plus a maximum of 2½ percent to 2¾ percent. When interest rates are so comparable, one has to seriously question whether to keep SBA in the business of making direct loans, particularly when, if these businesses are to survive, they must begin to establish a track record with a banking institution, and not with the SBA.

Let me quickly mention some of the other lending activities at the agency addressed in the committee's bill.

S. 1323 maintains a $250 million authorizations level for the SBA's pollution control equipment contract guarantee program, and a $1.4 billion authorization level for its surety bond guarantee program. By using tax-exempt, SBA-guaranteed, pollution

control bonds, SBA cooperates with commercial and investment banks and local and State authorities to make financing available to eligible small businesses for pollution control equipment mandated by environmental regulatory agencies. The surety bond guarantee program is virtually the only program available that provides small business contractors access to bonding, and is vitally needed.

Another provision of the bill maintains the eligibility of certain not-for-profit organizations for assistance under SBA's setaside program for small businesses, not to exceed $100 million for each fiscal year. This action was taken by the committee after we received a report from the SBA indicating that there were no complaints from small businesses concerning the participation of nonprofit sheltered workshops in the program, and that no measurable economic injury was sustained by small businesses as a result of participation by nonprofits in the program.

An amendment, offered by Senator DIXON, and unanimously adopted by the committee, also provides that SBA shall enter into commitments to guarantee loans, debentures, and other types of financial assistance in the full amounts provided by law, subject only to the availability of qualified applications, and limitations contained in the appropriations acts. It should be noted, however, that this provision is not intended to require SBA to enter into commitments where the guarantee authorization is not being used because of an absence of applicants, or where the applicants do not meet the threshold eligibility requirements for such guarantees as provided for in the law.

The salaries and expenses section of the SBA budget covers all of the nonlending activities of the agency. In accordance with the committee's desire to shift the emphasis of the agency's overall focus, and to strengthen many of its nonlending functions, this bill recommends that $265.5 million be authorized for the salaries and expenses portion of the SBA budget for fiscal year 1984. The committee assumes that $15 million budgeted for business development expense will be accounted for under the business loan and investment fund, rather than salaries and expenses account, as suggested by the administration. Therefore, the committee's recommendation is $23.4 million over the administration's salary and expense request in fiscal year 1984.

Under salaries and expenses, the committee provides an additional $1.8 million for the Office of Veterans' Affairs, over and above the approximately $1.5 million remaining from the inital $3 million appropriated in Public Law 97-276 to establish the office. This sum will be used to cover personnel and administrative costs, as well as to assist the agency in meeting its mandate of giving "special consideration" to veterans in the delivery of its assistance programs.

Also, $500,000 is specifically earmarked for the Office Innovation, Research, and Technology to develop a technology transfer system at SBA. This system will be used to assist small business participation in the small business innovation research program, as established in Public Law 97-219. A million dollars was appropriated for the development of this program in fiscal year 1983, and this $500,000 will help to continue the progress that has already begun.

In fiscal year 1984, the administration requested funding for 3,910 permanent position at SBA, as well as an additional 425 temporary position. As of 1982, SBA's loan portfolio was $17.9 billion, with 476,022 loans requiring service. It is the committee's feeling the Congress should recognize the enormous growth in this portfolio, and allocate, on a permanent basis, the appropriate number of people to handle a fund of this size. Accordingly, $15 million is added to the administration's budget request to allow for additional permanent staff needed to accommodate the increased demand expected to result from the guarantee levels recommended in this bill.

Mr. President, that is the summary of the committee's authorization request. I think it is fair, I think it is reasonable, and I think it is realistic. Most importantly, I think it addresses, in a very constructive way, the programs facing the SAB and the small business community in this economy. I urge my colleagues to support this legislation.●

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SMALL BUSINESS ADMINISTRATION PROGRAM LEVELS

SECTION 1. Section 20 of the Small Business Act is amended—

(1) by striking from paragraph 2 of subsection (n) "section 503" each time it appears and inserting in lieu thereof "sections 501 and 503", and by striking "$350,000,000" and inserting in lieu thereof "$400,000,000";

(2) by striking from paragraph 3 of subsection (n) "$35,000,000" and inserting in lieu thereof "$45,000,000", and by striking "$160,000,000" and inserting in lieu thereof "$250,000,000";

(3) by amending paragraph 1 of subsection (q) to read as follows:

"(1) For the programs authorized by section 7(a) of ths Act, the Administration is authorized to make $20,000,000 in direct and immediate participation loans as provided in paragraph (10) and $25,000,000 in loans to be made only to disabled veterans and veterans of the Vietnam era as defined in section 1841, title 38, United States Code, under the general terms and conditions of title III of Public Law 97-72.";

(4) by striking from paragraph 2 of subsection (q) "section 503" each time it appears and inserting in lieu thereof "sections 501 and 503", by striking "$3,140,000,000" and inserting in lieu thereof "$3,380,000,000", and by striking "$350,000,000" and inserting in lieu thereof "$500,000,000";

(5) by striking from paragraph 3 of subsection (q) "$35,000,000" and inserting in lieu thereof "$45,000,000", and by striking "$160,000,000" and inserting in lieu thereof "$250,000,000".

(6) by striking from the first sentence of subsection (r) "$804,000,000" and inserting in lieu thereof "$1,069,500,000";

(7) by striking from the second sentence of subsection (r) "$531,000,000" and inserting in lieu thereof "$779,000,000", by striking "$239,000,000" and inserting in lieu thereof "$256,500,000," and by striking the phrase "of which amount—" and inserting in lieu thereof a period;

(8) by striking from subsection (r) paragraphs (1), (2), (3), (4), and (5), and by striking "(6)" from the last numbered paragraph; and

(9) by adding at the end of section 20 the following:

"(t) The following program levels are authorized for fiscal year 1985:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $20,000,000 in direct and immediate participation loans as provided in paragarph (10) and $25,000,000 in loans to be made only to disabled veterans, and veterans of the Vietnam era as defined in section 1841, title 38, United States Code, under the general terms and conditions of title III of Public Law 97-72.

"(2) For the programs authorized by section 7(a) of this Act and sections 501 and 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $3,580,000,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $5,000,000 in loans as provided in paragraph (10), $60,000,000 in loans as provided in paragraph (11), $15,000,000 in loans as provided in paragraph (12), and $500,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in sections 501 and 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $45,000,000 in direct purchases of debentures and preferred securities and to make $250,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,400,000,000.

"(5) For the program authorized by section 7(b)(3) of this Act, the Administration shall not enter into any loans, guarantees or other obligations or commitments.

"(6) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $250,000,000.

"(7) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(u) There are authorized to be appropriated to the Administration for fiscal year 1985, $896,000,000. Of such sum $601,000,000 shall be available for carrying out the programs referred to in subsection (t), paragraphs (1) through (3); $30,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $261,000,000 shall be available for salaries and expenses of the Administration.".

STATE DEVELOPMENT COMPANY PROGRAM

SEC. 2. Section 501 of the Small Business Investment Act of 1958 is amended—

(1) by inserting in the first sentence of subsection (a), after the phrase "make loans to" the phrase ", or to purchase or guarantee debentures issued by,";

(2) by striking in the second sentence of subsection (a), the phrase "funds advanced" and inserting in lieu thereof the phrase "loans made";

(3) by adding at the end of subsection (a), the following new sentence: "Any purchases of guarantees of debentures made under this section shall be subject to the provisions of subsection (c) of this section, but shall be made without regard to the use and investment by the development company of funds secured by it from other sources."; and

(4) by adding at the end thereof the following:

"(c)(1) The Administration may purchase, or guarantee the timely payment of all principal and interest scheduled on, any debenture issued by any qualified State development company, except that the Administration may not purchase or guarantee any debenture collateralized by obligations described in section 103(b) of the Internal Revenue Code of 1954.

"(2) Such purchases or guarantees may be made by the Administration on such terms and conditions as the Administration may by regulation determine to be appropriate. The Administration may impose an additional charge for administrative expenses with respect to each debenture purchased or guaranteed under this section.

"(3) The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this section.

"(4) Debentures purchased or guaranteed under this section shall be treated on an equal basis in repayment and liquidation with those funds borrowed by the qualified State development company, regardless of source, unless the Administration is in its exercise of reasonable investment prudence and in considering the financial soundness of such company determines that debentures purchased or guaranteed may be subordinate to other debts and obligations of such company.

"(5) The interest rate on any such debenture shall be the rate of interest determined by the Secretary of the Treasury pursuant to section 303(b) of this Act.

"(6) The proceeds of any such financing shall be used solely to assist an identifiable small business concern and for a sound business purpose as determined by the Administration.".

ELIGIBILITY OF CERTAIN NOT-FOR-PROFIT ORGANIZATIONS FOR ASSISTANCE UNDER THE HANDICAPPED PROCUREMENT PROGRAM

SEC. 3. Section 15(c) of the Small Business Act is amended—

(1) by striking from paragraph (1) "During fiscal years 1981, 1982 and 1983, public" and inserting in lieu thereof "Public", and by striking "such" after the phrase "not to exceed $100,000,000 for each"; and

(2) by striking from paragraph (2) "1982" and inserting in lieu thereof "of each year", and by striking "Select".

PROGRAM GUARANTEE AUTHORITY

SEC. 4. Section 20(a) of the Small Business Act is amended—

(1) by inserting "(1)" after "SEC. 20. (a)"; and

(2) by adding at the end thereof the following:

"(2) Notwithstanding any other provision of law, the Administration shall enter into commitments to guarantee loans, debentures, payment of rentals or other amounts due under qualified contracts and other types of financial assistance and enter into commitments to guarantee sureties against loss pursuant to programs under this Act and the Small Business Investment Act of 1958, in the full amounts provided by law subject only to (A) the availability of qualified applications for such guarantees, and (B) limitations contained in appropriations Acts. Nothing in this paragraph authorizes the Administration to reduce or limit its authority to enter commitments for such guarantees to qualified applicants.".

DEVELOPMENT COMPANY DEBENTURES

SEC. 5. Section 503(a)(2) of the Small Business Investment Act of 1958 is amended by inserting before the period at the end thereof the following: ": *Provided*, That the Administration shall not decline to issue such guarantee when the ownership interests of the small business concern and the ownership interests of the property to be financed with the proceeds of a loan made pursuant to subsection (b)(1) are not identical because one or more of the following classes of relatives have an ownership interest in either the small business concern or the property: father, mother, son, daughter, wife, husband, brother, sister: *Provided further*, That the Administrator or his designee has determined on a case-by-case basis that such ownership interest, such guarantee, and the proceeds of such loan, will substantially benefit the small business concern".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRANSFER OF CERTAIN SATELLITE SYSTEMS TO THE PRIVATE SECTOR

Mr. BAKER. Next, Mr. President, I propose to go to Senate Concurrent Resolution 67, Calendar Order No. 450, if the minority leader concurs.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 67) expressing the sense of the Congress that it is not appropriate at this time to transfer ownership or management of any civil meteorological satellite system and associated ground system equipment to the private sector.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 67) was agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con. Res. 67) and the preamble are as follows:

S. CON. RES. 67

Whereas the Federal Government has traditionally provided weather forecasts which rely significantly upon data gathered by civil meteorological satellites;

Whereas within the United States the Federal Government is the principal user of data gathered by civil meteorological satellites;

Whereas the Federal Government has the responsibility for providing forecasts and warnings regarding severe weather in order to protect property and public safety;

Whereas the United States has engaged for over one hundred years in the free international exchange of meteorological data;

Whereas civil meteorological satellite systems and associated ground system equipment are essential components in ensuring the national security of the Nation, through their use in conjunction with satellites operated by the Department of Defense;

Whereas transfer to the private sector of ownership or management of any civil meteorological satellite system and associated ground system equipment would likely create a Government-subsidized monopoly and jeopardize the cost-efficiency and reliability of data gathered by such system and equipment;

Whereas it is highly unlikely that, under the current plan for transfer of civil meteorological satellites, any significant new commercial venture involving marketing of weather data would develop;

Whereas continued consideration of the transfer of civil meteorological satellite systems only serves to complicate and delay the pressing decision about the future of the civil land remote sensing satellite system; and

Whereas no satisfactory explanations or proposals have been advanced for the transfer of ownership or management of any civil meteorological satellite and associated ground system equipment to the private sector: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that it is not appropriate at this time to transfer ownership or management of any civil meteorological satellite system and associated ground system equipment to the private sector.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. BAKER. Mr. President, I propose to go to Senate Concurrent Resolution 76.

Mr. BYRD. There is no objection.

Mr. BAKER. I make that request, Mr. President, that the Senate proceed to consider that resolution.

The PRESIDING OFFICER. Without objection. It is so ordered.

CONGRATULATING LECH WALESA ON WINNING THE NOBLE PEACE PRIZE

The concurrent resolution (S. Con. Res. 76) to congratulate Lech Walesa, leader of the independent Polish trade union Solidarity, on being awarded the 1983 Noble Peace Prize, was considered, and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 76

Whereas a secure and universal peace is a major objective of people of good will throughout the world;

Whereas one of the necessary conditions of achieving such peace is universal respect for and realization of internationally recognized human rights and fundamental freedoms;

Whereas article 23 of the Universal Declaration of Human Rights establishes the right of every individual to work, to free choice of employment, to just and favorable conditions of work, and to form and to joint trade unions for the protection of the interests of such individual;

Whereas the right to form and to join trade unions for the protection of the interest of the individual is a right guaranteed by the Helsinki Final Act, of which Poland is a signatory;

Whereas the independent Polish trade union Solidarity has for three years represented the interests of the Polish working class in a cooperative, moderate, and conciliatory fashion;

Whereas the trade union Solidarity preserved peaceful methods and intentions even in the face of persecution, imprisonment of union leaders, and government violence against the union;

Whereas the founder and elected leader of Solidarity, Lech Walesa, has had a fundamental role in establishing and leading Solidarity as a labor organization working for peaceful goals by peaceful means; and

Whereas Lech Walesa has been awarded the 1983 Nobel Peace Prize in recognition for inspiring all peace-loving people by attempting to solve the labor problems of Poland through negotiations and cooperation, and suffering imprisonment and unjust vilification as a result of these actions: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States of America—

(1) congratulates Lech Walesa as the recipient of the 1983 Nobel Peace Prize and commends the Norwegian Nobel Committee on this outstanding choice,

(2) requests the Government of Poland to facilitate the personal attendance at the award ceremony and to guarantee the safe return to Poland of Lech Walesa, and

(3) calls upon all peace-loving nations to continue to support the cause of free trade unions everywhere, to promote internationally recognized human rights and fundamental freedoms, and to help establish on the basis of freedom and mutual trust a secure and universal peace.

Mr. BAKER. I move to reconsider the vote by which the resolution was adopted.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FIFTIETH ANNIVERSARY OF JAMBOREE U.S.A.

Mr. BAKER. Mr. President, I ask unanimous consent to proceed to the consideration of Senate Resolution 240.

Mr. BYRD. I join the majority leader in that request.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A Senate resolution (S. Res. 240) to commemorate the fiftieth anniversary of Jamboree U.S.A.

The Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, I hope the majority leader and the Presiding Officer can attend the Wheeling Jamboree. I must say I have listened to it many a lonely night as I have driven over the hills and through the valleys of West Virginia. I have to admit that I have been invited to go there and have not been able to accept the invitation up to now. I do hope to some day. The majority leader comes from Musicland, USA, where the Grand Ole Opry is located, to which I listened when I was a boy, doing a little courting on the side and also, from which Hee Haw emanates. I know that he has the same appreciation for country music, Western music, bluegrass music, and classical music that I have. I invite him to go sometime and I shall try to make every arrangement to see that the red carpet is laid out for him.

Mr. BAKER. Mr. President, I am grateful for that. The distinguished minority leader has been in my State and visited the Grand Ole Opry.

As a matter of fact, he was invited to be and was indeed a distinguished performer at that institution. Not only did he prove his prowess as a musician, but he also represented the Senate in a most admirable way. We all share his glory from that standpoint.

It is my supreme regret that I have no corresponding and compensating talent. All I can offer the minority leader is the opportunity to listen attentively to his musical performance and to do so wherever he may choose to perform.

Mr. BYRD. I thank the majority leader.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 240

Whereas country music is a unique American art form and dear to the hearts of millions of Americans;

Whereas Jamboree U.S.A. has promoted and preserved traditional country music in the American culture for fifty years;

Whereas Jamboree U.S.A. has encouraged country music artists since its inception in 1933;

Whereas Jamboree U.S.A. has delighted audiences and radio listeners for a half century with a live show every Saturday night; and

Whereas Jamboree U.S.A. has distinguished West Virginia by establishing an important capitol for the performance of country music: Now, therefore, be it

Resolved, That the Senate recognizes the dedication and vision of the producers of Jamboree U.S.A. in Wheeling, West Virginia, and pays tribute on the golden anniversary of this grand country music tradition.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the director of Jamboree U.S.A.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESOLUTION PLACED ON THE CALENDAR—SENATE RESOLUTION 243

Mr. BYRD. Mr. President, on behalf of myself and Mr. BAKER, I send to the desk a resolution authorizing the printing of additional copies of a Senate document. I ask in this instance that the resolution be placed on the Senate Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDATION OF EVE BALL

Mr. BAKER. Mr. President, I am now prepared to go to Senate Resolution 230, if the minority leader can clear that item.

Mr. BYRD. There is no objection, Mr. President.

Mr. BAKER. I thank the minority leader.

I ask the Chair to lay before the Senate, Senate Resolution 230.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A resolution (S. Res. 230) to commend Eve Ball.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 230) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 230

Whereas Eve Ball, of Ruidoso, New Mexico, is widely regarded as the "First Lady of Letters" of New Mexico;

Whereas the numerous awards and honors received by Eve Ball include the coveted Golden Spur and Golden Saddleman Awards of the Western Writers of America;

Whereas the writings of Eve Ball have contributed enormously to an American understanding and appreciation of the Apache Indian;

Whereas these and other historical pieces have been adopted as textbooks in the schools and universities of this Nation as well as Europe;

Whereas the commitment to the preservation of history compelled Eve Ball to persevere in pursuit of the facts upon which such historical pieces are based; and

Whereas at the age of ninety-four Miss Ball remains indefatigable in the zeal to recount history: Now therefore, be it

Resolved, That it is the sense of the Senate that the people of the United States owe Eve Ball a tremendous debt of gratitude for writings which enrich our knowledge of the Indian, the West, and those courageous persons who settled that vast land and for the invaluable legacy such writings will be for future generations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Eve Ball.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE JOINT RESOLUTION 180, AMERICAN ENERGY AWARENESS WEEK, PLACED ON THE CALENDAR

Mr. BAKER. Mr. President, I next have a joint resolution which I am pleased to cosponsor with the minority leader, who is the principal sponsor, marking the 10th anniversary of the OPEC oil embargo and certain other recitations in respect thereto. I ask unanimous consent that the joint resolution be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the joint resolution is as follows:

S.J. RES. 180

Whereas 1983 marks the 10th anniversary of the OPEC oil embargo which precipitated unprecedented inflation, a major recession and national vulnerability in energy supply; and

Whereas the decade gave rise to dramatic advances by individual industry and government in conservation and improved energy efficiency, expanded exploration for domestic reserves of oil and natural gas, a greater utilization of coal and nuclear energy, and an accelerated development of renewable resources and synthetic fuels; and

Whereas the momentum for change must be sustained to maintain and expand conservation and all indigenous energy resources and technologies to consolidate the advances of the last decade and assume a diversified and practical base of energy resources for the future; and

Whereas realization of any long-term gains depends to a great extent on the awareness of individuals and industry of the social, economic and security benefits resulting from conservation, a balanced, timely development of all our resources and the scientific and technological advances that have been the hallmark of American Industry; now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the week of October 23, 1983 through October 29, 1983 is designated "American Energy Awareness Week"; and be it further

Resolved, That, American Energy Awareness Week is dedicated to stimulating the development of America's resources and technologies and energy conservation for a more secure and stable future for our nation; and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. BYRD. Mr. President, this year marks the 10th anniversary of the OPEC oil embargo which shook the very foundations of the world economy. That event awakened us to the extent to which America's economy was vulnerable to sudden disruptions in the supply of oil. We realized that the economic health of the United States was far too dependent upon a thin line of oil tankers from the Middle East. In response to the challenge raised by OPEC, a bipartisan national energy policy was passed by the Congress to address our dependence on imported oil, to promote the more efficient use of energy, and to develop and use our abundant domestic energy resources, such as coal.

Mr. President, we have made great strides since those dark days in 1973. In that year our oil imports were 6.2 million barrels per day. By 1977 our oil imports reached a peak of about 8.8 million barrels a day. So far, in 1983, our oil imports are about 5 million barrels a day, a 43-percent reduction. In 1973 the Nation used 562 million tons of coal. Last year our coal consumption was 702 million tons.

Despite the progress we have made, the United States and the world remain vulnerable to disruptions in oil supply as a result of political turmoil in the Middle East. The current situation in that region of the world should be a reminder to all of us that another disruption of oil supplies is not out of the question. Events in the Middle East, including the war between Iran and Iraq, could threaten supplies of oil from the Persian Gulf.

Mr. President, we need to continue our efforts to expand the use of coal and other domestic energy resources. We need to continue to use energy more efficiently. We must not allow ourselves to become complacent in the face of the current world oil situation. The relatively low world price of oil and the over abundance of oil are only temporary phenomena. A wrong turn of events in the Middle East can change the situation virtually overnight.

Therefore, Mr. President, I am introducing a resolution cosponsored by my distinguished colleague, Senator BAKER, to declare the week of October 23-29, the week of the OPEC oil embargo, "American Energy Awareness Week."

THE EXECUTIVE CALENDAR

Mr. BAKER. Now, Mr. President, the Executive Calendar on this side is cleared to act on nomination Nos. 312, 326, 337, 338, 339, and 340.

May I inquire of the minority leader if he is in a position to clear all or any part of those nominations at this time?

Mr. BYRD. Mr. President, on this side we are prepared to clear all of the nominations to which the majority leader has referred with the exception of the first nominee, Calendar No. 312.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask that the Senate now go into executive session for the purpose of considering the nominations beginning with Calendar Order 326, and then including 337, 338, 339, and 340.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, I ask unanimous consent that the nominees so described be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

Clarence J. Brown, of Ohio, to be Deputy Secretary of Commerce.

UNITED NATIONS

Alan Lee Keyes, of California, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

The following-named persons to be Representatives and Alternate Representatives of the United States of America to the Thirty-

eighth Session of the General Assembly of the United Nations:

Representatives

Jeane J. Kirkpatrick, of Maryland.
John Langeloth Loeb, Jr., of New York.
Joel Pritchard. U.S. Representative from the State of Washington.
Stephen J. Solarz, U.S. Representative from the State of New York.
Jose S. Sorzano, of Virginia.

Alternate Representatives

Constantine Nicholas Dombalis, of Virginia.
Alan Lee Keyes, of California.
Charles M. Lichenstein, of the District of Columbia.
William Courtney Sherman, of Virginia.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Hugh W. Foster, of California, to be U.S. alternate Executive Director of the International Bank for Reconstruction and Development for a term of 2 years.

ENVIRONMENTAL PROTECTION AGENCY

A. James Barnes, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency.

CLARENCE J. BROWN

● Mr. GLENN. Mr. President, I am pleased to support the nomination of a fellow Ohioan, Clarence J. Brown, to become Deputy Secretary of Commerce. The name is a familar one to the people of Ohio's Seventh Congressional District. The nominee's father, Clarence Brown, represented the area from 1938 until his death in 1965. In that year, Clarence Brown, better known as "Bud," was elected to fill the seat, a position he held until his unsuccessful gubernatorial campaign in 1982.

I relate this background because I want to emphasize that Bud Brown is a man who understands Congress. As a former member of the House Commerce and Government Operations Committee, he developed intimate familiarity with many of the complex issues that he will be expected to deal with daily in his new capacity. But Bud Brown brings more than a political background to this challenging assignment. As a newspaper and radio executive, he learned the businessman's view of commerce.

I know that I speak for all Ohioans when I wish Bud Brown well as he attempts to bring his broad background to bear in a way that promotes the smooth functioning of American commerce.●

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. Mr. President, I repeat that tired old motion. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I say somewhat in jest that I made that same motion for more years than the minority leader has now made it.

Mr. President, I ask that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, before we return to legislative session, may I give first a moment of explanation for what I am about to do and then make an inquiry of the minority leader.

I have adhered lately to the policy of not taking up either a legislative item or an executive item until that item has first appeared in print on the regular calendars of the Senate for at least 1 day. That way, all Members will be aware of matters that are to be or might be considered for action by unanimous consent or otherwise.

I believe it is a good policy, and I intend to adhere to that policy in the future. However, with all policies there must be exceptions in exceptional cases, and I believe we have such a case here. The nomination of Donald P. Hodel of Oregon to be our representative to the 27th Session of the General Conference of the International Atomic Energy Agency is now in progress.

The Secretary is there, along with his Alternate Representatives, Mr. Richard P. Kennedy, Mr. Nunzio J. Palladino, and Mr. Richard Salisbury.

Mr. President, when I learned that, through an error, these nominations were not delivered to the officials of the Senate in time to reach the calendar for today, through an inadvertence, I initiated on this side a hotline inquiry to our Members to see if there was any objection to proceeding with the confirmation of these nominations, notwithstanding the policy I have just described, and there was none.

I am prepared to clear this matter on this side, and I am prepared to make this exception because of the extraordinary circumstances.

However, I wish to say that this in no way diminishes my determination to see that nominations and legislative items be on the calendar in printed form before they are addressed to the Senate on motion or request of the leadership on this side.

Now the inquiry: Mr. President, having made that concession, so to speak, I wonder if the minority leader would be in a position to clear this nomination.

Mr. BYRD. Mr. President, all nominations have been cleared.

Mr. BAKER. I thank the minority leader.

INTERNATIONAL ATOMIC ENERGY AGENCY

Mr. BAKER. Mr. President, I ask that the Senate now proceed to the consideration of four nominations, en bloc, to be the representative and alternative representatives of the United States of America to the 27th session of the General Conference of the International Atomic Energy Agency.

There being no objection, the Senate proceeded to consider the nominations which had been reported earlier today by the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

REPRESENTATIVE

Donald P. Hodel, of Oregon.

ALTERNATE REPRESENTATIVES

Richad T. Kennedy, of the District of Columbia.
Nunzio J. Palladino, of Pennsylvania.
Richard Salisbury Williamson, of Virginia.

Mr. BAKER. Mr. President, I ask unanimous consent that it be in order to move en bloc to reconsider the vote by which the nominations were confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I make that motion.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

DEFENSE PRODUCTION ACT EXTENSION

Mr. BAKER. Mr. President, I have one other matter of a legislative character. The Defense Production Act extension has now been cleared for action on this side with an amendment to the message from the House on S. 1852.

I inquire of the minority leader if he would object if I asked the Senate to proceed to the consideration of that matter at this time.

Mr. BYRD. Mr. President, I have no objection. It is my understanding that the amendment is the text of S. 1852 as it originally passed the Senate.

Mr. BAKER. Yes, I believe that is correct.

Mr. BYRD. In which case, there is no objection.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1852.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1852) entitled "An Act to extend the expiration date of the Defense Production Act of 1950," do pass with the following amendment:

Strike out all after the enacting clause, and insert: That the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1985".

SEC. 2. (a) Section 301(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(a)) is amended by adding at the end thereof the following:

"(3) A guarantee may be entered into under this section only if the President determines that—

"(A) the guaranteed contract or operation is for a material, or the performance of a service, that is essential to the national defense;

"(B) without the guarantee, United States industry cannot reasonably be expected to provide the capability for the needed material or service in a timely manner;

"(C) the guarantee is the most cost-effective, expedient, and practical alternative for meeting the need;

"(D) the United States national defense demand is equal to or greater than the output of domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the guarantee; and

"(E) the material or service of the guaranteed contract has been identified in a specification agreed to by the United States and the contractor.".

(b) Section 302 of such Act (50 U.S.C. App. 2092) is amended by inserting before the period at the end of the second sentence the following: ", and (3) no such loan may be made unless the President determines that—

"(A) the loan is for the expansion of capacity, the development of a technological process, or the production of materials essential to the national defense;

"(B) without the loan, United States industry cannot reasonably be expected to provide the needed capacity, technological processes or materials in a timely manner;

"(C) the loan is the most cost-effective, expedient, and practical alternative method for meeting the need;

"(D) the United States national defense demand is equal to or greater than domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the loan; and

"(E) the material or service has been identified in a specification agreed to by the United States and the borrower".

(c) Section 303(a) of such Act (50 U.S.C App. 2093(a)) is amended by adding at the end thereof the following: "The President may not execute a contract under this subsection unless he determines that—

"(1) the mineral, metal, or material is essential to the national defense;

"(2) without Presidential action under authority of this section, United States industry cannot reasonably be expected to provide the capability for the needed mineral, metal, or material in a timely manner;

"(3) purchases, purchase commitments, or other action pursuant to this section are the most cost-effective, expedient, and practical alternative method for meeting the need;

"(4) the United States national defense demand for the mineral, metal, or material is equal to or greater than the output of domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the purchase, purchase commitment, or other action; and

"(5) the mineral, metal or material has been identified in a specification agreed to by the United States and the contractor.".

SEC. 3. (a) Section 301(e)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(e)(1)) is amended to read as follows:

"((e)(1) Except during periods of national emergency declared by the Congress or the President, a guarantee may be made under this section only if the industrial resource shortfall which such guarantee is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of subsection (a)(3) of this section.

If the making of any guarantee or guarantees to correct an industrial resource shortfall would cause the aggregate outstanding amount of all guarantees for such industrial resource shortfall to exceed $38,000,000, any such guarantee or guarantees may be made only if specifically authorized by law.

(b) Section 302(2) of such Act (50 U.S.C. App. 2092(2)) is amended to read as follows: "(2) no such loan may be made under this section, except during periods of national emergency declared by the Congress or the President, unless the industrial resource shortfall which such loan is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of paragraph (3) of this section. If the making of any loan or loans to correct an industrial resource shortfall would cause the aggregate outstanding amount of all loans for such industrial resource shortfall to exceed $48,000,000, any such loan or loans may be made only if specifically authorized by law.

(c) Section 303(a) of such Act (50 U.S.C. App. 2093(a)) is amended by adding at the end thereof the following: "Except during periods of national emergency declared by the President or the Congress, the President shall take no action under authority of this section unless the industrial resource shortfall which such action is intended to correct has been identified in the budget, or amendment thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of the preceding sentence. If the taking of any action or actions under authority of this section to correct an industrial resource shortfall would cause the aggregate outstanding amount of all such actions for such industrial resource shortfall to exceed $48,000,000, any such action or actions may be taken only if specifically authorized by law.

AMENDMENT NO. 2322

Mr. BAKER. Mr. President, I move that the Senate concur in the amendment of the House with an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Tennessee (Mr. BAKER) proposes an amendment numbered 2322.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1988".

SEC. 2. (a) Section 301(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(a)) is amended by adding at the end thereof the following:

"(3) A guarantee may be entered into under this section only if the President determines that—

"(A) the guaranteed contract or operation is for a material, or the performance of a service, that is essential to the national defense;

"(B) without the guarantee, United States industry cannot reasonably be expected to provide the capability for the needed material or service in a timely manner;

"(C) the guarantee is the most cost-effective, expedient, and practical alternative for meeting the need;

"(D) the United States national defense demand is equal to or greater than the output of domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the guarantee; and

"(E) the material or service of the guaranteed contract has been identified in a specification agreed to by the United States and the contractor.".

(b) Section 302 of such Act (50 U.S.C. App. 2092) is amended by inserting before the period at the end of the second sentence the following: ", and (3) no such loan may be made unless the President determines that—

"(A) the loan is for the expansion of capacity, the development of a technological process, or the production of materials essential to the national defense;

"(B) without the loan, United States industry cannot reasonably be expected to provide the needed capacity, technological processes or materials in a timely manner;

"(C) the loan is the most cost-effective, expedient, and practical alternative method for meeting the need;

"(D) the United States national defense demand is equal to or greater than domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the loan; and

"(E) the material or service has been identified in a specification agreed to by the United States and the borrower".

(c) Section 303(a) of such Act (50 U.S.C. App. 2093(a)) is amended by adding at the end thereof the following: "The President may not execute a contract under this subsection unless he determines that—

"(1) the mineral, metal, or material is essential to the national defense;

"(2) without Presidential action under authority of this section, United States industry cannot reasonably be expected to provide the capability for the needed mineral, metal, or material in a timely manner;

"(3) purchases, purchase commitments, or other action pursuant to this section are the most cost-effective, expedient, and practical alternative method for meeting the need;

"(4) the United States national defense demand for the mineral, metal, or material is equal to or greater than the output of domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the purchase, purchase commitment, or other action; and

"(5) the mineral, metal or material has been identified in a specification agreed to by the United States and the contractor.".

SEC. 3. (a) Section 301(e)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(e)(1)) is amended to read as follows:

"(e)(1) Except during periods of national emergency declared by the Congress or the President, a guarantee may be made under this section only if the industrial resource shortfall which such guarantee is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of subsection (a)(3) of this section, and if guarantees to correct such industrial resource shortfall have been authorized by law.".

(b) Section 302(2) of such Act (50 U.S.C. App. 2092(2)) is amended to read as follows: "(2) no such loan may be made under this section, except during periods of national emergency declared by the Congress or the President, unless the industrial resource shortfall which such loan is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of paragraph (3) of this section, and unless such loans to correct such industrial resource shortfall have been authorized by law".

(c) Section 303(a) of such Act (50 U.S.C. App. 2093(a)) is amended by adding at the end thereof the following: "Except during periods of national emergency declared by the President or the Congress, the President shall take no action under authority of this section unless the industrial resource shortfall which such action is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of the preceding sentence, and unless actions to correct such industrial resource shortfall have been authorized by law.".

Mr. BAKER. Mr. President, as the minority leader has indicated, I believe this amendment is the Senate bill, to be substituted for the text.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECORD TO REMAIN OPEN

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD remain open today until the hour of 5 p.m. so Senators may submit bills and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN TRIBUTE TO EDWIN D. ESHLEMAN

Mr. HEINZ. Mr. President, I am proud to report that my colleagues have chosen to honor a close friend and constituent from Pennsylvania for a lifetime of devoted service by naming the U.S. Post Office in Lancaster, Pa., the "Edwin D. Eshleman Post Office."

Born in Lancaster, Pa., on December 4, 1920, Edwin Eshleman has spent his life in public service to his fellow man. He graduated from Franklin and Marshall College with a degree in political science and continued his education by enrolling in the graduate school at Temple University. After the outbreak of World War II, he attended the Coast Guard's Officer Candidate School and eventually served 18 months overseas. As a result of his distinguished service as a lieutenant of a landing ship, he was awarded a commendation for conduct.

Following the war, Edwin Eshleman served as a teacher in the public schools in his home State of Pennsylvania for several years. Upon leaving teaching, he directed the Pennsylvania Bureau of County Audits and, soon after, became an executive assistant in the Pennsylvania Department of Treasury.

By 1955, Edwin Eshleman was about to embark on what would ultimately be a long and illustrious legislative career. In that year, he was elected to the first of six consecutive terms to the Pennsylvania State Assembly. It was during this period that his prominence as an expert in the field of education rose. As chairman of the House Education Committee, assistant Republican leader, and finally, majority whip, he used his influence and expertise to shape, direct, and refine Pennsylvania's education programs.

On November 8, 1966, Edwin Eshleman was elected to the first of a total of six successive terms in the U.S. House of Representatives. Using his tremendous knowledge of education issues, he secured an assignment on the House Education and Labor Committee, later becoming the ranking Republican on the Select Education Subcommittee. In 1975, he retired from public service to return to Lancaster County where, to our benefit, he has continued to be active in numerous civic affairs.

Mr. President, Edwin D. Eshleman served Pennsylvania and the Nation at the local, State, and Federal levels with unsurpassed vigor and devotion. During his years in Congress, he became a recognized spokesman on education issues and a prime mover in the constant effort to improve the Nation's system of education. As a friend and a public servant, Edwin Eshleman demonstrated his desire to improve the quality of life for all Americans. The tribute we have bestowed upon him by renaming the Lancaster Post Office in his honor is our attempt to thank him for his dedication, loyalty, and caring. We will long remember the contributions that this generous public servant made while in office.

ARMS CONTROL WHITE PAPER BY SENATOR BOSCHWITZ

Mr. BAKER. Mr. President, the public's perception of the issue of arms control becomes more important every day as our negotiators try to work out agreements with the Soviets on a number of fronts. Therefore, public understanding of the intracacies of this complex issue becomes crucial.

For that reason I would like to include in the RECORD a white paper written by Senator RUDY BOSCHWITZ, I know that Senator BOSCHWITZ did the research and the writing of this work completely himself. The result is a concise and understandable survey of our negotiations. I think it is one of the more thoughtful treatments of the subject I have seen.

I ask unanimous consent that it be included in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NUCLEAR ARMS: THE PROBLEM AND THE PROMISE

I. INTRODUCTION

Nuclear weapons are the problem of the age . . . perhaps of all ages. Nothing facing us is more important than controlling them.

I hope you'll read this newsletter. It's the most important one I've ever written. It concerns nuclear weapons and their control. I've organized it so it reads quickly and understandably. It summarizes my views and conclusions on what is truly the most serious problem and the highest challenge of our age.

After a brief look at the historical environment of arms control, I discuss our relationship with the Soviets, how we negotiate with them, a review of earlier agreements, and some of the problems in dealing with the Soviet society.

Second, I discuss the legacy of SALT I and SALT II, their value, shortcomings and lessons.

Third, I supply an overview of the comparative power of the superpowers.

Then I write a "Conclusion and Hope".

I suppose much of my perspective is shaped by my life and also my father. He had great insight into world events, and we

spent a lot of time talking about them. He lived through what for many people is merely an intellectual exercise in political philosophy or historical analysis. If he were living, he would be 105 (I was a late arrival!) He was 40 at the end of World War I, faced the tyranny of Hitler, arrived in the United States with his family in the midst of the Depression (I was 5), and then came World War II in which much of our family was lost and war was certainly a threat to the continuation of the democratic form of civilization endangered.

But nuclear weapons threaten the continuation of the human experience.

As a Senator, I often feel like a fireman: I respond to emergencies and I travel a lot. The emergencies keep coming up and demand my attention—the budget, environmental problems, farms, education, Central America, defense, taxes, withholding, Social Security, the Korean Airline tragedy, and on and on, plus about 600 letters a day and endless meetings. And then on at least two weekends out of three meetings. And then on at least two weekends out of three (36-40 times a year), I travel back and forth to Minnesota.

So it's easy to lose one's focus, and be caught in the swirl of events and the busy life of the Senate. But I've tried (with mixed success) not to let that happen and this paper reflects that effort in the area of nuclear weapons.

II. SOME EARLY CONCLUSIONS AND PROBLEMS

In the emotionally charged debate over the control of nuclear weapons, some people almost seem to trade on fear. Horrible pictures of death and destruction are outlined and from there the whole subject becomes extremely emotional. Of course all those terrible things are possible, but I believe it is highly unlikely that we or the Russians will ever use nuclear weapons against one another. In fact, I think the chances are remote. Both sides are simply too powerful. If one side unleashes an attack, the other—even after absorbing that attack—could still respond with awesome force. Ironically, the enormous power of both sides creates a standoff and stability.

But we surely have enough power, and so do they. So say the Nuclear Freeze proponents, and I agree (more about that later). Building more weapons adds little and certainly doesn't reduce threats . . . though they may add to stability and the ability to negotiate (more about that later, too). On the other hand, more weapons could add to the possibility of an accident or mistake, and that indeed has to be guarded against.

While the use of nuclear weapons by either of the superpowers is remote, the other half of the problem is nuclear proliferation: That is, that other countries have or are developing the technology to build nuclear weapons. The "Nuclear Club" now includes England, France, India, China, and probably Israel and South Africa. On the way to joining is Pakistan (perhaps Brazil, Argentina, South Korea and Taiwan). Many other developed countries could join the club if they wished.

The technology of making nuclear weapons is proliferating. Colonel Qadhafi of Libya has a current outstanding offer to buy a bomb, the technology, or the technicians. Iraq was on the way to going nuclear before the Israelis destroyed their reactor (for which the Israelis were roundly criticized, though they probably should have been thanked).

If proliferation continues, it is not unlikely that in our lifetime a nuclear weapon will be used (can you imagine what would happen if one of the sides of the Iran-Iraq war had a bomb, or if Colonel Qadhafi gets hold of one). While the use of a weapon in this way would be horrible, indeed, it is unlikely that all of civilization would be threatened.

Hopefully it won't happen. If it does, perhaps it will finally compel us to halt such proliferation and negotiate the number of nuclear weapons down to a level where civilization is not threatened by their presence.

Is is reasonable or realistic to assume that we will negotiate away all nuclear weapons? Probably not, but removing a large portion of the threat through negotiations is entirely possible.

What the future holds we can't chart. My Dad would agree. For the the first 35 years of his life there were only steam engines and horses. When he died in 1974 (at 95) much had changed—mostly for the better—but the enormity of the threat between the superpowers had not been dealt with . . . and it must be.

III. SOME BACKGROUND, BASIC FACTS AND PRINCIPLES

This section will have the following subsections:

A. A Look at History,

B. How Are We Presently Negotiating with the Russians,

C. A Short Review of Earlier Agreements and Negotiations,

D. Some Recent Notes of Optimism,

E. The Russian Society and Verification.

A. A look at history

Sadly, human history is in a large part the chronicling of armed conflicts. The periods between wars get comparatively scant attention. A clear lesson of history is that strong nations are seldom attacked. Another lesson is that a balance of power between nations or alliances mostly keeps the peace (as it did in Europe for the century following Napoleon).

But in Europe in August 1914 a rough balance of power existed between the alliance made up of England, France, and Russian and the other alliance composed of Germany and the Austro-Hungarian Empire. Yet, these great powers still stumbled into war despite the considerable military power they had amassed for the expressed purpose of preventing war.

The course of events might have been quite different if prior to 1914 European leaders had relied not only on amassing armaments but also on diplomatic efforts, such as disarmament negotiations, to lessen tensions among them.

Neither arms alone nor negotiations alone have been sufficient to keep the peace. After World War I, political leaders shifted the focus of keeping the peace from military preparedness to international agreements and disarmament. The Kellogg-Briand Pact, signed by virtually all nations, condemned war and called for peaceful settlement of disputes. In the 1930s European leaders, in particular England's Neville Chamberlain, chose to negotiate and appease Adolf Hitler rather than confront him. As a diversion Hitler himself even convened a disarmament conference in Geneva in the '30s. Chamberlain and the free world stood by and watched the Nazis seize large portions of central Europe in the hope that such a policy would satisfy Hitler and prevent war. As we now know, it did exactly the opposite.

I was a young boy in Germany back in those days. Fortunately, my father read Hitler's intentions far more accurately than did the British Prime Minister. My Dad made his decision to leave Germany the very day Hitler came to power. We left several months later. Chamberlain should have listened to Churchill (or my father!) but, instead, history repeated itself with a war of unmatched horrors.

My point in citing the examples of World War I and World War II, ones which appear on the surface to be contradictory, is that those of us who care about keeping the peace (and who among us is not?) can draw a lesson from these two examples. It is this: Maintaining the military balance so as to deter a potential attack does not contradict or impede disarmament efforts. They complement one another. The European powers in 1914 had plenty of weapons but weren't talking to one another. On the other hand, the democracies could only have gotten Hitler to listen if they had combined diplomatic efforts with military preparedness.

Winston Churchill said it best: "We arm to parley."

George Washington reflected the same thought nearly 200 years ago: "To be prepared for war is one of the most effectual means of preserving peace."

One October 6, 1938, after Hitler's invasion of Czechoslovakia, Neville Chamberlain said in the House of Commons: "Our past experience has shown us only too clearly that weakness in armed strength means weakness in diplomacy."

One final point must be made. Some people in our own country are very distrustful of the intentions of the United States. I am not. For a 25-year period following World War II we had an undisputed nuclear advantage of enormous force. Indeed for a good share of that period we had a nuclear weapons monopoly. Seldom in human history has one country had overwhelming superiority and used it to keep the peace rather than to gain hegemony over others. So I trust our intentions both on the basis of history and also from what I have seen and learned here in Washington. I am sometimes critical of my government's actions, but I trust it.

Would the Russians have kept the peace if they had such a monopoly or overwhelming force? Looking at how they treat stray airliners, their own people, their neighbors—Poland, Hungary, Czechoslovakia, Afghanistan—and their extensive support of world terrorism wherever it appears, I wouldn't be comfortable in a world where Russia was the dominant nuclear force.

B. How we're presently negotiating with the Russians

Of course we have many contacts with the Russians in trade, cultural exchanges and the like, but in addition to normal diplomatic relations we also deal with them in the following four specific negotiations:

1. *The Strategic Arms Reduction Talks (START).* The START talks (in Geneva) replaced the SALT talks (Strategic Arms Limitation Talks) because of President Reagan's desire to shift the emphasis from limiting arms to reducing arms. He named a retired Army General, Edward Rowney, a man with years of experience in arms control (and who also happens to speak fluent Russian) as chief START negotiator. The START talks include those weapons that have intercontinental range. They are also the most powerful and destructive weapons (more details later).

2. *The Intermediate Nuclear Force (INF) Talks.* The INF Talks were initiated by

President Reagan in November 1981, and are also being conducted in Geneva (in fact, in the same building as the START talks). Our negotiator is 76-year-old Paul Nitze, a veteran of the SALT I negotiations, who has been involved in disarmament negotiations longer than anyone else (under Democratic and Republican Administrations) and is perhaps the most highly regarded person in the business. The INF talks involve so-called theatre nuclear weapons, those with shorter ranges than intercontinental weapons and concern principally Europe. The INF talks involve our proposed deployment of Pershing missiles and ground-launched cruise missiles in Europe and the 360 existing SS-20 missiles. The Russians put in one additional SS-20 missile every 5 days.

3. *The Mutual and Balanced Force Reduction Talks (MBFR).* These have been going on since 1973 without much forward progress. The 30th round of talks has just been completed in Vienna. These talks involve conventional weapons and are conducted on our side by Ambassador Morton Abramowitz, a veteran diplomat. Despite the fact that there may not have been much progress, it is important to keep contacts going at all levels. Surprises sometimes happen (or are kept from happening).

4. *The Helsinki Talks.* The Helsinki Agreements are concerned primarily with human rights and are being ably conducted by Max Kampelman, a Minnesotan, long a human rights activist, and an experienced and skilled negotiator. These talks include some elements of arms control and have recently been concluded (at least for now) on a successful and optimistic note.

C. A short review of earlier agreements and negotiations

The number of negotiations in progress and treaties that have been signed will probably surprise you. They certainly indicate the usefulness of continuing such negotiations and being bold and aggressive in our approach.

Every President since Harry Truman has sought a dialog with the Soviet Union and every President (except Harry) succeeded in reaching an agreement. Interestingly that ardent cold warrior, Richard Nixon, was the most prolific negotiator.

In 1946 Truman submitted a proposal called the Baruch Plan (named for its originator, Bernard Baruch) proposed international control over nuclear weapons and energy. The American nuclear monopoly would have been shared with the world for peaceful purposes. The Russians rejected the idea.

The treaties we save entered into with the Russians since then include:

The Antarctic Treaty (1959) pledged that the Antarctic would be used solely for peaceful purposes.

2. The *Limited Test Ban Treaty* (1983) banned the testing of nuclear weapons in the atmosphere, underwater and in outer space (the treaty was concluded within a year of the cold war's coldest moment—the Cuban Missile Crises—and demonstrates that confrontation with the Russians does not prevent negotiations, an important lesson after the recent Korean Airliner incident).

3. The *"Hot Line" Modernization Agreement* (1963) to establish a direct communications link to prevent war by misunderstanding or poor communications.

4. *The "Hot Line" Agreement* (1971) that established satellite contact and multiple terminals in each country. *Treaty* (1967) which bans the placing of nuclear weapons in outer space.

6. *Nuclear Non-Proliferation Treaty of 1968.* Under this treaty, to which 119 nations, including the U.S. and USSR, signed, the nuclear "have not" nations pledge not to obtain nuclear weapons, and the "have" countries promise to supply nuclear technology for peaceful purposes. Secondly the U.S. and the Soviet Union, pledged to pursue good faith negotiations toward nuclear disarmament (that led to SALT I which was postponed initially due to the Soviet invasion of Czechoslovakia in 1968, just as the Russian invasion of Afghanistan in 1979 scuttled President Carter's attempt to get the Senate to ratify SALT II).

7. *SALT I.*

8. SALT II are both discussed in detail later.

9. *The Seabeds Arms Control* (1971) *Treaty*, which prohibits placing nuclear weapons on the ocean floor.

10. *The "Accident Measures" Agreement* (1971) to prevent war in case of the accidental detonation of a nuclear weapon.

11 *The Anti-Ballistic Missile (ABM) Treaty* (1974) perhaps the most significant one negotiated by Nixon and signed in the height of Watergate a month before he resigned, it prevented the arms race from extending into defensive weapons (although unfortunately a major violation by the Russians has been recently reported).

12. *The Vladivlastok Accords* (1975) setting numerical limits on weapons.

In addition, the Senate has not ratified three treaties that have been negotiated: SALT II (due to the Russian invasion of Afghanistan), The Threshold Test Ban Treaty, and The Peaceful Nuclear Explosions Treaty. Further negotiations on verification on the latter two agreements are proceeding.

All in all we've done a lot of negotiating with the Russians, (more probably than you realized). They have been tough negotiations. Almost without exception it has been our country that has taken the lead and made the initial and boldest steps. Negotiations can succeed and must be continued.

(This section on optimism was written before the Korean airliner—with 269 aboard including 51 Americans—was callously and brutally shot from the skies. The President was right in saying that this cruel act should not interrupt arms control negotiations. Interestingly, one of the arms control negotiators who has read this newsletter before it was printed said that progress is sometimes made after the most difficult moments. By the airliner depicts again for us so very graphically what a tough, determined and ruthless foe we face.)

D. Some recent notes of optimism

An election or a change of leadership always causes observers to watch carefully for a policy change. the Harvard Nuclear Study Group in an article entitled "The Realities of Arms Control" (the Atlantic Monthly, June 1983) noted: "Andropov came into office last November at the age of 68. With only a few years to leave his mark, he may wish to move faster in arms-control negotiations."

There have been some recent signs that perhaps are hopeful and could be notes of optimism (in the start-stop business of negotiating with the Russians one has to be cautious about being too optimistic).

Not long ago Yuri Andropov—about six months after assuming power—suggested that in discussing arms controls we count warheads, not launchers (the U.S. made this suggestion some time ago). Since launchers can be verified by satellite (by and large), but warheads presently cannot, perhaps Chairman Andropov has in mind permitting other forms of verification. That could be a breakthrough.

Shortly after that the USSR said they might be amenable to having the International Atomic Energy Agency inspect their nuclear power producing facilities. That kind of inspection has never even been hinted at before.

Then Ambassador Max Kampelman at the Helsinki Talks suggested on-site inspection of Soviet military ground maneuvers anywhere west of the Ural Mountains (1,200 miles inside Russia) when more than 25,000 troops were involved. This was not initially rejected.

Several days after the industrial nations had a successful meeting at Williamsburg the Kremlin proffered what Time magazine called "a sudden and surprising olive branch." The wartime U.S. Ambassador to Moscow, Averell Harriman, met Andropov for 80 minutes and quoted him as saying that "the Soviet Union is ready and interested in searching for joint initiatives, which would make the present situation easier." There was no way of knowing whether Andropov's conciliatory tone "was prompted by Williamsburg, or whether it was genuine," said Time.

But there are many discordant notes. One was reported by Jack Anderson in the Washington Post on April 9, 1983. The Soviet Union was withdrawing from the World Psychiatric Association probably to avoid being expelled or suspended for its practice of imprisoning dissidents as mentally ill. As Yuri Andropov extends olive branches, it must be kept in mind that the pioneered the loathsome practice of imprisoning opponents in mental wards. I don't want to appear cynical—just cautious, but think what we Americans would feel about a person who did this in our society.

It is these kinds of hints and subtle movements that have often been indications of Russian intent. The bold and broad proposals have always come from our side.

In any case some recent events do leave room for guarded optimism. The Korean airliner doesn't wipe out all optimism, but re-emphasizes the need for great caution.

E. The Russian society and verification

Russia is a very closed society. We never saw a picture of Mrs. Andropov. Russian leaders even keep secrets from one another. During the SALT I negotiations one of the Russian generals on their negotiating team told his American military counterpart not to discuss certain weapon systems in the presence of Russian civilian members of their negotiating team. The generals hadn't even told the civilian negotiators about all of their own weapons! That's a closed society!

The normal Russian could not decide one morning to make a trip the distance of the Twin Cities to Duluth. They would have to check with the authorities and use their internal passport. Most Russians have never made a trip that far from home in their lifetime.

The Russians build walls. They build fences. They lay mine fields and build towers to keep their people in.

I remember meeting a Minnesotan at the State Fair who was marrying a Finnish girl. He went over there to meet the in-laws. They lived near the border, and even there—in the northern reaches—it was

fenced, mined and watched from towers. He was horrified. The Russians don't trust their own people. There truly is an "Iron Curtain" around them.

A few years ago the Cuban guards were taken from the front of the Peruvian Embassy in Havana. Within hours 17,000 Cubans crowded the Embassy grounds seeking asylum.

When President Reagan recently appeared in Minneapolis, several thousand people demonstrated—principally about the nuclear freeze. How different it would be in Russia. Two days earlier an article entitled "Peace Activities Gets 3 Years" appeared in the Minneapolis Tribune. It said: "A Siberian who circulated a petition calling on the United States and the Soviet Union to scrap nuclear weapons has been convicted of 'anti-Soviet slander' and sentenced to three years in prison."

I am neither a hardliner nor the last of the cold warriors. I want to negotiate with the Russians and I want a verifiable agreement. But I'm cautious. In our open society with a free press it's hard to keep a secret. Verification is easy. Not so in the Soviet Union and this always must be factored into the equation.

IV. SALT I AND SALT II—THE '70S

The 70's were the decade of SALT negotiations (Strategic Arms Limitation Treaty).

The SALT I got underway in 1969 and was signed by President Nixon in 1972. It was considered an interim agreement that would lead to a fuller negotiation (SALT II). SALT I froze existing levels of strategic offensive weapons, namely, ground-launched intercontinental missiles (ICBM) and submarine-launched missiles (SLBM). This freeze preserved a Soviet numerical advantage in ballistic missiles to 2,347 to 1,710. This was not a freeze on warheads or the actual missiles themselves. Rather it froze the launchers for the missiles. Launchers are large and can be verified by satellite. Furthermore, the agreement did not prohibit modernization of existing launchers (except for certain size limitations). In short, the SALT I agreement did not reduce nuclear weaponry; it merely ratified the existing balance.

The other SALT I agreement was the *Anti-Ballistic Missile Treaty*, referred to as the ABM Treaty. Under its present terms both the U.S. and the USSR are allowed only one site of 100 launchers for defensive anti-missile-missiles, an insignificant number given the number of offensive warheads possessed by both sides. The ABM Treaty was a solid achievement for arms control. It halted a potential defensive arms race between the two superpowers (but regretfully it has been recently violated by the Russians).

After SALT I the Nixon, Ford, and Carter Administrations pushed ahead with SALT II. In 1979 an agreement was signed with the Russians, but the Russian invasion of Afghanistan ended any chance for Senate ratification. Unlike SALT I the new agreement established equal ceilings on the number of strategic launchers for both sides—2,400 initially, and then down to 2,250 a year later. For the first time heavy bombers were included in these ceilings. There was subceiling (within the overall ceiling) of 820 on the number of launchers for ICBMs with multiple-independent re-entry vehicles (MIRVs). MIRVs are multiple warheads carried by a single missile. The missile acts as a carrying agent to get the warheads to the vicinity of their targets. Then each warhead has its own separate target and is separately programmed to hit it. Both the U.S. and the Soviet Union added MIRVs to their arsenals during the 1970s. Before that ballistic missiles each carried single warheads. With MIRVs it has been possible for both sides to increase the number of nuclear warheads without increasing the number of missiles. MIRVs are among the most destabilizing elements in nuclear weaponry (as I'll describe later).

SALT II also focused on limiting launchers, not warheads. Although a limit was established on the number of warheads a single ICBM could carry (10) and on the number a single submarine launched ballistic missile (SLBM) could carry (14), no direct limits were put on the total number of warheads each side could possess. Each side was allowed to deploy one new type of "light" missile (as defined by the Treaty). The MX falls under the definition of a "light" missile. So the Russians (despite their present protests) alway expected us to update our ground-launched missiles and develop the MX. The failure of SALT II to actully reduce nuclear weapons was one of the factors which made the Senate suspicious of the Treaty even before President Carter withdrew it from the Senate after the Soviet invasion of Afghanistan. Objections were heard from the most liberal to the most conservative sources.

Their concern was justified. Since 1972 the Soviets have legally introduced: three new ICBM types (the SS-17, the SS-18, and SS-19, all MIRVed and all more accurate than previous models); four new SLBMs (the SS-N-8, the SS-N-17, SS-N-18 and the SS-N-20, the latter two with MIRV capability); three new types of ballistic submarines (including the Typhoon); and the Backfire bomber.

The U.S. did not stand still either during the decade of SALT. We introduced one new type of submarine missile (the Trident) and a new variant of an existing Minuteman missile, the Minuteman III, with MIRVs and a more accurate MARK 12A warhead. However, we did unilaterally slow or cancel a number of strategic programs during the '70s in the hope that the Russians would respond and restrain their massive buildup. The cruise missile program was delayed. So was the new Trident nuclear submarine. Development of the MX was slowed (indeed our only ICBM production line was closed down.) And President Carter cancelled the B-1 bomber, and mothballed many B-52s. None of these steps was reciprocated by the Soviets in any way. As Carter's Secretary of Defense, Harold Brown, stated: "We have found that when we build weapons, they build; when we stop, they nevertheless continue to build . . ."

But the most glaring deficiency in the SALT process was its failure to halt the growth of the numbers of warheads. In 1970 the U.S. had 3,742 warheads, the Soviets 1,861. By January 1983 these numbers had been increased to 9,662 for the U.S. and about 8,300 for the Soviets. Not much of a victory for arms reduction! And the 3,080 warheads on top of the Soviets new SS-18 missile are so large that they alone pack more punch (megatonnage) than the whole U.S. arsenal of 9,662!

I do not mean to suggest by these criticisms of SALT that the whole effort did not produce some results. The ABM Treaty was a successful agreement. The SALT I freeze was not a bad place to start, and SALT II had the additional useful provision of equal ceilings on the number of launchers for both sides, which served to emphasize the principle of equality. Also SALT II includes a prohibition against either side interfering with the other's "national technical means" of verifying the agreement (surveillance satellites, electronic listening posts, etc.). Even so, any fair analysis of the achievements of strategic arms control in the 1970s would have to conclude that the challenge of actually reducing nuclear weapons and achieving stability remains unanswered. The 1980s had to be better.

V. AN OVERVIEW OF COMPARATIVE POWER—THE U.S. AND RUSSIA—THE TRIAD

To appreciate the realities which disarmament negotiations must address, we must review certain highlights of the military equipment which we and the Russians now possess.

STRATEGIC NUCLEAR FORCES AS OF JUNE 8, 1983

Name	Number of missles	Warheads per missile
United States		
Land-based intercontinental-range ballistic missile launchers (ICBM's):		
Titan II	52	1
Minuteman II	450	1
Minuteman III	550	3
Total ICBM's	1,052	
Total ICBM warheads	[1] 2,100	
Submarine-based [2] (ballistic missiles (SLBM's):		
Poseidon	304	10
Trident I	216	8
Total SLBM's	520	
Total SLBM warheads	[1] 5,000	
Bombers:		
B-52	347	
FB-111	63	
Total Bombers [3]	410	
Total missiles	1,572	
Total missile warheads	[1] 7,100	
Total missiles and bombers	2,007	
U.S.S.R.		
Land-based intercontinental-range ballistic missile launchers (ICBM's):		
SS-11	580	1
SS-13	60	1
SS-17	150	4
SS-18	308	([5])
SS-19	300	6
Total ICBM's	1,398	
Total ICBM warheads	[1] 6,000	
Submarine-based [2] ballistic missiles (SLBM's):		
Golf and Hotel	30	1
SS N-3	396	1–2
SS N-8 & 18	504	1–3
Typhoon	20	
Total SLBM's	950	
Total SLBM warheads	[1] 1,500	
Bombers:		
Bear	100	
Bision	45	
Backfire	200	
Total bomber [3]	345	
Total missiles	2,348	
Total missile warheads	7,500	
Total missiles and bombers	2,693	

[1] Approximately.

[2] Includes on the U.S. side: 20 Poseidon submarines with 320 Poseidon missiles, 11 Poseidon submarines with 176 Trident I missiles and 2 Trident submarines with 48 Trident I missiles. Includes on Soviet side: 1 Golf and 7 Hotel class submarines, 25 Yankee-class submarines with 396 missiles, 36 Delta-class submarines and 504 missiles and 1 Typhoon submarine with 20 missiles.

[3] Chart does not include number of bombs carried on bombers or more than 3,000 air-launched cruise missiles to be deployed on U.S. bombers. Also not shown are several hundred cruise missiles to be deployed on U.S. submarines and battleships.

[4] This total can be higher due to the capability of Poseidon and Trident I to carry up to 14 warheads.

[5] Up to 10.

Source.—U.S. Government unclassified sources.

The above chart is of Strategic Nuclear Forces. Strategic means they are intercontinental weapons capable of long range or that their carriers (submarines or planes)

can take them to another continent. The intermediate nuclear forces (the Russians' SS-4, SS-5, SS-20, or our Pershings, ground-launched cruise missiles, plus shorter range aircraft on either side) are not counted here. They are certainly powerful but the intercontinental weapons are the principal threat to each other's homeland.

You'll note that each country operates with a TRIAD. That is, weapons can be delivered 3 ways: From land bases (ICBM), or from submarines (SLBM) or from airplanes (ALCMs—Air-Launched Cruise Missiles). By having three types of delivery systems (TRIAD) and keeping some airplanes up in the air at all times and some submarines out at sea, each side can always respond if attacked. Since each side has an assured response, the initial attack is discouraged. That's deterrence.

A. Land-based intercontinental ballistic missiles (ICBM)

ICBM's are the most destabilizing weapons of all. They are the most powerful; they have the longest range; they are the most accurate (pretargeted to go thousands of miles—their accuracy is within hundreds of feet of the target); they are often MIRVed (with up to 10 separate warheads on a single missile); they are in fixed, easily targeted silos so that possessors of ICBM's could get nervous if they receive warning that something (another missile?) is coming their way; once fired they cannot be recalled or deactivated in flight. They are the most destabilizing of all nuclear weapons.

We have about 1,052 ICBM's. The Russians have 1,398. But they have almost three times as many nuclear warheads on their ICBM's (our 2,100 to their 6,000). Only one of our ICBM's, the Minuteman III, has more than one warhead per missile. It has three MIRV's (Multiple Independent Reentry Vehicles) warheads. A MIRVed missile carries more than one warhead from one continent to another and then the warheads go off in separate directions.

The Russians have three missiles that are MIRVed—the SS-17, SS-18, and SS-19. They were all put into the ground (deployed) in the mid- to very late-70s. The SS-18 itself is so large and powerful that the 308 SS-18 missiles have more power than all the nuclear missiles we possess combined (whether ICBM's, SLBM's or air-launched).

It was the Russian installation of the SS-17, SS-18, and SS-19 in the middle-late '70s that upset the military balance and has caused such a stir in our country.

Their SS-11s are approaching 20 years in age, the SS-13s 10 years. Our Titans are over 20 years old and ailing, and the Minuteman II average about 20 years, too (missiles like any other mechanical things needs to be replaced). The Minuteman III is 10 years or older.

B. Submarine-launched ballistic missiles (SLBM)

The Russians have 70 missile carrying submarines that carry 950 missiles with about 1,500 warheads. We have 33 such submarines with 520 missiles carrying approximately 5,000 warheads. Because of our warhead numbers and because our submarines are quieter and thus harder to detect, we are thought to have the advantage in this leg of the TRIAD.

SLBMs are neither as powerful nor as accurate as land-based ones. It's obviously harder to precisely aim at a target from a submarine that's moving around all the time (or, for that matter, to aim at a target if the target is moving about). Present SLBMs cannot, therefore, attack an ICBM in its land-based silo. An SLBM is not that accurate. So, an SLBM is considered an anti-population weapon (or other more area-type targets). That is of great concern to our country because 60 percent of our population lives within 200-300 miles of the open ocean and so more vulnerable to Russian submarines. No major Russian city is exposed to the open ocean.

Because of that military planners worry about the following "scenario," as they call it: the Russians launch their overwhelming ICBM force against our ICBMs plus our submarine bases and military airfields. They then reload their own ICBM missile silos. We would be left with the submarines we have at sea and planes that were on alert—not a very formidable force against what they would then have. That's the worst case. That's armageddon, and the Russians know our warning systems are so fine that we would never let that happen.

The 31 Poseidon submarines replaced the Polaris that got old and were phased out. The Poseidon itself is about 15 years old and is due to be phased out in this decade or the early 1990s. The Trident submarine (we presently have two) replaces the Poseidon and the Trident II missile will be as accurate as an ICBM (it will be in service in 1989).

The Russians' 36 Delta-class subs (with the SS-N-8 and 18 missiles) were built in the mid-late '70s, and their newest is the Typhoon which caused such a stir because it is so large and fast (45 miles per hour underwater).

While submarines are presently considered invulnerable (since they can't be found), don't count on this being the case indefinitely.

C. The air arm of the triad

Our air arm is the B-52s and FB-111s. The FB-111 is smaller, very capable, and 10-15 years old. The B-52s are so old (up to 25 years) that we are losing them through accidents. Even the most ardent proponent of the Nuclear Freeze, Senator Alan Cranston, supports the B-1, which would replace the B-52 (there are often these types of voting inconsistencies . . . when a Democratic President, Jimmy Carter, supported the MX, many Democrats supported it though they now oppose it under Reagan).

The Russian Bear airplane is even older than the B-52 and is a turbo-prop. But the Backfire bomber, which would need to be refueled in flight to be truly intercontinental—but so do our B-52s—is much newer (mid-'70s) and has great speed and capacity.

Due to the age of the B-52 (more than one-half of our B-52s have already been decommissioned) and the scope of Russian air defenses (they have 10,000 surface-to-air missiles), this arm of our triad needs prompt improvement.

D. Military conclusion

The Russians have all kinds of problems in their own society. They have trouble feeding themselves (despite their huge land mass); they are becoming a minority within their own country; there is unrest in Eastern Europe; and most significantly their economy functions poorly and they have a declining rate of economic growth. But in one area they have excelled and that's in the military. At great cost and deprivation to their economy and their people, they have focused huge and growing resources on defense. Much more so than we have and with great consistency over many years. We have to be cautious. We had an enormous military advantage for many years, but a great shift in the military balance occurred in the '60s-'70s as our involvement in Vietnam sapped our dollars and our national resolve as well. The Russians engaged in the most massive arms buildup in the history of the world during those decades. A shift in power took place.

Former Secretary of State Henry Kissinger, when testifying on the SALT II Treaty before the Senate Foreign Relations Committee, said about shifting world power: "Rarely in history has a nation [the U.S.] so passively accepted such a radical change in military balance."

VI. WHAT TO DO? HOW DO WE CONTROL NUCLEAR WEAPONS?

There are a number of proposals on controlling nuclear weapons. All are well motivated because who among us does not want to limit or eliminate even the remotest possibility of nuclear war. Being opposed to one plan or the other doesn't mean much. I don't know a single Senator who would not like to reduce, freeze or eliminate tensions and weapons. The five principal proposals for achieving those goals are:

A. The Strategic Arms Reductions Talks (START).

B. The Nuclear Freeze.

C. The Cohen-Nunn Build-Down.

D. The Mighty Midgetman.

E. Other Disarmament Ideas.

They are not mutually exclusive. Each has strengths and weaknesses and what is finally worked out will probably contain elements of all of them (and some other thoughts as well).

A. START—"Reduction" instead of "limitation"

Throughout the 1980 presidential campaign Ronald Reagan criticized the SALT process for failing to reduce the number of nuclear weapons. Limiting growth was not enough, he said. He pointed out that the '70s saw weapons increase in size, scope and number as never before. In order to emphasize this, President Reagan named his strategic arms control efforts START, Strategic Arms Reduction Talks. Critics argue that the President was slow getting off the mark with START proposals. Perhaps he had in mind Jimmy Carter's effort at the very beginning of his presidency. Carter sent Secretary of State Vance to Moscow with a proposal for deep cuts. The Russians rejected them out of hand. Maybe they wanted to size up the new President first. In any event President Reagan wanted to establish his emphasis on defense before he made disarmament proposals.

So it was not until May 9, 1982, nearly a year and four months after assuming office that President Reagan announced his START proposal. It was a two-phased approach to reduce strategic arms. In the first phase each side would reduce the number of ballistic missile warheads (land- and sea-based) by at least one-third, to about 5,000 warheads. No more than half (2,500) would be deployed on ground-launched ICBMs. The number of missiles would also be correspondingly reduced.

The second phase would focus on reductions in missile throw-weight, that is, missile and warhead size and destructiveness (the Russians have a sizable lead over us in this category). Finally, although our proposal does not mention bombers and cruise missiles (where we appear to have a lead) it was said that these items are not excluded from the negotiations.

The Reagan plan has two main strengths. First, not only does it call for real reductions in nuclear arms, it also focuses these reductions on the missiles that are inherently more destabilizing than bombers and cruise missiles. Ballistic missiles have short flight times to targets (on the order of 30 minutes for ICBMs), carry MIRVs, are the most accurate, the most powerful and once launched can't be recalled or deactivated. On the other hand, bombers with cruise missiles have very long flight times (7-10 hours) making them inappropriate weapons for a first-strike attack. Furthermore, bombers can be recalled.

Ground-launched ICBMs are also more destabilizing than submarine SLBMs. First, they are larger and more accurate. Second, ICBMs are deployed in fixed sites and are more vulnerable.

Thus, the traditional Soviet reliance on ICBMs—roughly 80 percent of their total warheads are deployed on ICBMs as opposed to about 20 percent for the U.S.—is most unsettling. The key to avoiding first-strike situations is for neither superpower to place undue emphasis on ICBMs. The Administration's arms reduction package would help achieve this goal.

The second strength of the Reagan idea is that for real arms reduction it makes more sense to concentrate not on launchers but on deployed missiles themselves and their warheads. We have already noted how the SALT launcher limitations in no way prevented the considerable growth in both U.S. and Soviet warhead levels during the 1970s.

What are the prospects for a START agreement? There is evidence that the Soviet Union is not unreceptive to the idea of sizable reductions in nuclear forces. In response to President Reagan's initiative of reduction by one-third, the Soviets have proposed reducing ballistic missiles and bombers to a common ceiling of 1,800. As noted previously, the most stringent SALT II ceiling provided for a launcher limitation of 2,250, so the present Soviet offer represents a 20 percent reduction. Not a bad opening offer.

But the Russian response is not directed at dismantling their ICBMs which they so recently deployed. Critics of the Reagan approach say that by calling on the Russians to deeply reduce ICBMs, their principle advantage, that the President is making unrealistic demands and therefore is not serious about arms control. Similarly the President was again called unrealistic (and so not serious about arms control) when he suggested the "Zero Option" (no nuclear arms at all) in Europe.

It will be hard to negotiate START—or any agreement for that matter. Verification in our open society is easy for the Russians, but tough in their closed society for us. Verification is difficult under SALT, START, a Freeze, or any negotiation. Yet we have to take some risks for peace because an unrestrained arms race creates greater risks and deprivation of human goals in society. This form of agreement—START, similar to SALT but with different objectives, and allowing for modernization of forces, will prevent an unstable situation—seems to be a sound approach.

B. The nuclear freeze

More than anything else the nuclear freeze movement has focused attention on the urgent need to control nuclear weapons. In this regard it has really achieved a lot. However, some nuclear freeze activists would have you believe that the freeze is the only rational or humanitarian way to cope with nuclear weapons. This is clearly not the case. In fact, reasonable people do indeed differ on the freeze. The American Catholic Bishops support the freeze. The position of Catholic Bishops of Germany and France and the Anglican Bishops of England can only be construed as opposing the freeze. Having in mind, perhaps, the events that led to the Second World War, the European Bishops also strongly defend the doctrine of deterrence and don't even rule out first strike.

A careful review of the nuclear freeze is in order.

What are we freezing? Freeze resolutions vary but generally they freeze research, development, production, deployment and testing of nuclear weapons. The Kennedy-Hatfield freeze resolution that is before the Senate calls for a freeze on production, deployment, and testing of all nuclear weapons. The freeze does not propose to reduce nuclear weapons. Negotiations to reduce nuclear weapons would be a second set of negotiations that follow the freeze negotiations. The details of verification and the details of the freeze itself would be part of the first set of negotiations.

Freeze advocates say the time is right because both superpowers are at rough parity (I agree) so a freeze would not make either side worse off.

A freeze has a great deal of political appeal—it appears simple, direct and understandable. But like any other negotiation in the field of nuclear arms, a freeze is anything but simple. A number of considerations arise:

(1) A freeze should not be thought of as something that would happen immediately—it wouldn't (the same criticism applies to START and other negotiations as well). The freeze would be a new and very tough set of negotiations that may go on for years (these kinds of negotiations always have). Nothing is frozen during the negotiations. So during the years of negotiations there would be a rush on both sides to increase armaments so that when the freeze does come, each side will be frozen in the highest possible level with the most modern arms. Ironically, therefore, during the period of negotiations (undoubtedly years) the prospect of a freeze would probably accelerate the arms race. This acceleration is less likely to happen in START or other negotiations which allow for force modernization.

There is a more menacing possibility: that is, that the freeze may accelerate development and production on just one side, the Russian side, and that we find that during the freeze negotiations political pressures arise that prevent military spending on our side. Why spend the money if we're going to freeze, the argument will run, just as it did when we were negotiating SALT.

(2) In an agreeement or freeze, verification is a far easier matter for the Russians than it is for us. We can verify deployment and testing by satellite. But the freeze would also cover production. We can't verify that (just as we can't verify research or development, which are included in some resolutions). We can't see inside their factories (we can see your house and car by satellite but we can't see what you're cooking in the kitchen.) We, therefore, risk a "breakout." That is, they develop and manufacture something without our knowledge. They then quickly test and deploy (put into place) the new weapon. Such a "breakout" could create a dangerous imbalance and a large advantage for the Russians. In our open society with a free press it's hard to imagine our doing the research, development and manufacturing under wraps. If they develop an advantage in a "breakout," it would spell big trouble and be most destabilizing.

Take another example. The Russians have a submarine called the Hotel Submarine (incidentally we give them these names—with their closed society we're not even sure what they call some of their weapons). Suppose they develop a whole new submarine missile technology. Further, suppose that the Russians just plain cheat—but they put their new technology in the same package. The new Hotel Sub looks just like the old one, but what's inside may be entirely different. In their society we'd have a hard time checking it out. In an open society we could never do that. A "breakout" could occur. While these problems exist under any treaty with the Russians, at least under START, technology is not frozen, and technology is our advantage.

(3) Even though research and development are not frozen, if we discover anything we won't be able to put it to use. Clearly, there will be no private sector research under those circumstances. (Can you imagine a business doing research and development on something it could never use?) In any free society like ours where we have to budget government dollars in the open, it will be very hard politically to direct government funds to research (particularly with these deficits) if a freeze is in place. Since research and development cannot be verified, the Russians may go right ahead with their programs. We thereby risk a "breakout" on the Russians' part that can give them an advantage and create a dangerously unstable situation.

Is all this talk of a "breakout" a danger that is exaggerated? Absolutely not. In 1958 we, the Russians and Great Britain voluntarily agreed to suspend nuclear testing. We and the British complied fully. The Russians did not and secretly did the research, development and also production. On August 30, 1961, the Soviets announced they would resume testing. The very next day they began the largest series of nuclear explosions ever conducted—40 tests in a two-month period all in the atmosphere (a cruel environmental blow). This prompted President Kennedy to say: "We know enough now about broken negotiations, secret preparations and long test series never again to offer an uninspected moratorium."

(4) A freeze is not a reduction. As mentioned, it appears the Russians are agreeable to a 20 percent reduction. Why freeze first and reduce later if they want to reduce now?

(5) Eighty percent of our weapons are 15 years or older. Eighty percent of their power is 5 years or newer. We'd be frozen into older technology; they into newer technology. The B-52 bomber (representing technology of the '50s—the planes themselves are often older than the people who fly them) could not be replaced with better technology. The freeze resolution allows each side to replace worn out weapons with exactly the same thing. If the B-52 were an auto, it would be entitled to antique license plates. Is that what we want to replace?

And yet, the freeze resolution does not disallow the development of new submarine technology. Entirely new submarines can be built (although new types of missiles for those submarines cannot be built—a very hard thing to verify). It's extraordinary that the freeze allows force modernization in submarines. If the freeze would allow force modernization of other parts of the TRIAD

plus allow reductions, then the freeze would be the same as START.

(6) The freeze would not prevent the Russians (or us) from developing methods for detecting submarines. Nor would the freeze prevent the Russians (or us) from developing and improving their anti-aircraft defense (theirs is already formidable—they have 10,000 surface-to-air missiles in place dedicated to strategic air defense; we have none). Both are non-nuclear weapons and so are not frozen. As a matter of fact a freeze would allow the Russians to direct more of their resources at anti-submarine and anti-aircraft defense. Technology breakthroughs in both these areas are very possible. In the meantime we can only make old-fashioned B-52s. We cannot upgrade them even though they can upgrade their defenses against them. If they achieve a technology breakthrough and feel they can find our submarines and repel our old airplanes, a very dangerous imbalance and unstable situation can develop (due to their great advantage in ground ICBMs).

(7) If a freeze is negotiated, why in the world would they ever want to negotiate a reduction after a freeze, if with the passage of time their position under a freeze gets stronger?

Even if we freeze where we are, the strategic balance is not a static phenomenon—it never has been. You just can't freeze all technology & development in society in place. Furthermore, it is a mistake to believe that just because a weapons system is new and more advanced, that it is destabilizing. It may well be safer from attack and so give confidence and stability rather than the reverse (more about that later). Freezing in place can be destablizing.

Nationally the freeze—while popular—has received little editorial support. Such publications as the Minneapolis Star and Tribune, the New York Times, the Washington Post, and the New Republic have all editorialized against the freeze. One of the most interesting and thoughtful articles was written by the Harvard Nuclear Study Group. It is entitled, "The Realities of Arms Control." It appeared in the June edition of Atlantic Monthly.

Will the freeze be rejected in the Senate? Perhaps, but in my judgement part of it will—and should—be adopted in the final negotiation. Parts of many ideas, formulas and plans will be incorporated in whatever agreement is finally worked out.

C. The Cohen-Nunn build-down

Senators Bill Cohen (R-Maine) and Sam Nunn (D-Georgia) both serve on the Armed Services Committee and are acknowledged experts in national security. They introduced a resolution, which I have cosponsored, calling for the President to propose to the Soviet Union that the two superpowers build-down their nuclear forces. Under the build-down principle both the U.S. and USSR could modernize and introduce new warheads to their respective arsenals, but for each new one introduced two existing warheads would have to be destroyed. A two-for-one build-down. Its great strength is its flexibility.

It would, like the START proposal, allow modernization programs but would make such modernization costly—for every one warhead added, two must be withdrawn. With the guaranteed build-down both we and the Soviets would deploy more survivable nuclear systems that could not be easily attacked. Hence, they would be more stabilizing. And simultaneously the trend line in the total stock of warheads possessed by both sides would move where it should—downward.

Freeze advocates fear that modernization means more powerful weapons. They could be right, but not necessarily so. The mobility of weapons makes them quite invulnerable to attack. But to be mobile a weapon can't be as large as an ICBM dug into the ground. New arms are likely to be mobile, therefore, they are also likely to be smaller.

But there are problems with Cohen-Nunn, too.

(1) We have older weapons so we have to modernize faster and thereby reduce our numbers faster. Cohen answers this by pointing out (correctly) that despite the fact that the Russians have introduced many new weapons in the last five years, they have more new ones in the works than we do.

(2) We improved the accuracy (the guidance system) of the Minuteman III. Does that count? Do we have to build something else down? Suppose we only increase the destructiveness (megatonnage) of an existing missile. How is that counted? How is this verified (under START, the Freeze, or Cohen-Nunn for that matter!)? The answer is it often can't be. In a freeze if the Russians cheat it would mean real trouble because in our open society we can't make any changes. But under START or Cohen-Nunn we could fashion new survivable weapons not threatened by those kind of secret changes. We could factor in possible cheating.

(3) There are some asymmetries the White House says about Cohen-Nunn. For instance the Russians have 10,000 surface-to-air missiles (SAMs) to defense against our 410 bombers. The SAMs are not nuclear so don't count. Do we have to reduce to 200 bombers to replace the 400? The answers are that perhaps a different build-down formula (one-for-one, four-for-three) could be used for different elements of the TRIAD or use SALT II counting rules (which defined how many cruise missiles a bomber could carry). Or, allow interchangeability, so that if you reduce submarine or ICBM warheads, you could actually increase bombers (Cohen-Nunn is quite flexible).

(4) There is another asymmetry: the 308 Russian SS-18 ICBMs are so large that the total explosive power (megatonnage) of that on Russian missile exceeds our entire nuclear arsenal—land, sea and air combined. The asymmetry is that as the build-down progresses, their megaton advantage grows. I'm not sure how to solve that or all the implications of that unless we were to say that we would still have enough power to act as an adequate deterrence.

There is also a possibility of a compromise Cohen-Nunn build-down. Each side could build down a certain number to a plateau and then renegotiate. In any case, the Cohen-Nunn plan is a principle only, that has to be coordinated with a broader approach. No approach is simple and all have problems like START or the Freeze. Cohen-Nunn reduces weapons and retains stability between the superpowers. That's why I support it.

D. The mighty Midgetman

The Midgetman is mighty not in nuclear power but in achieving the two most cherished goals of arms control—reduced force levels and strategic stability.

The Midgetman is a land-based mobile missile with a single warhead and intercontinental range. It would weigh about 30,000 pounds. So they would be mobile but could only be hauled around on military reservations. How would the other side target them? They would be hard pressed to do so.

If our country had 500 mobile midgetmen, we could feel secure against a Russian first strike. They would know that they couldn't knock out our mobile land-based missiles—the most accurate and powerful—in a first strike. The probability of an attack is thereby lessened, because we have an assured response. That's stability.

Furthermore, midgetmen would not be MIRVed, and MIRVs are destabilizing. Let me illustrate how: Presume that after hard bargaining each side is down to only 5 missiles. Also assume that each missile is MIRVed with 10 warheads (so each side has 50 warheads). The lineup looks like this (each circle represents one missile; each missile has 10 warheads):

United States	Russia
0	0
0	0
0	0
0	0
0	0

The accepted rule is that if you first strike at your opponent you should shoot two warheads at each one of your opponent's missiles.

Great temptations now exist. One of your missiles, with 10 warheads could take out the other side's total of 5 missiles. To be safe let's assume the attacker shoots two missiles with 20 warheads at his opponent's 5 missiles. The attacker would have 3 missiles left, each with 10 warheads! That's terrible. Those MIRVs make an attack very tempting. That's total instability where one side ends up with 30 warheads and the other side has none.

But if each of the 5 missiles had one warhead apiece, and the 5 stood opposite each other (as shown) with single warheads, there could be no attack. The two-for-one rule demands you have two warheads for each missile the opponent has. But each side has only 5 warheads. Single headed missiles in equal number on each side prevent attacks from happening. No one dares attack. That's stability.

Are there any problems with the Midgetman? Yes. Rapid reloading of mobile missiles might become a complication. But small mobile missiles will continue to be hard to track and attack. At the present time they spell stability.

Suppose instead of having 33 submarines with 5,000 warheads, as we presently have, we had instead 300 small subs with 5 single warheaded missiles each, or a total of 1,500 warheads. Which would be harder for the Russians to defend against? How would the Russians plan an attack against all those submarines hidden underwater? If your weapons are secure from attack, they spell stability—for you and for your opponent.

E. Other disarmament ideas

There is no lack of disarmament ideas and plans. Thus far I've mentioned only the principal ones being considered. The Harvard Nuclear Study Group (which arrives at many of the same conclusions that I have in this paper) presented some additional approaches:

(1) "It might be possible to freeze the most destabilizing weapons first, followed by less dangerous weapons," the Harvard Group suggests.

(2) A freeze that allows modernization. For every new one, one must be withdrawn (destroyed). "This would be consistent with the simplicity that is the virtue of the freeze idea," says the Harvard Group. It might lead to a quick agreement and "would avoid the potentially dangerous approach of freezing the modernization of certain forces while letting their countermeasures (anti-submarine technology) run free," notes the Harvard Study Group.

(3) Force restructuring which is an idea to find areas on both sides where agreement can be reached and negotiated in stages and different weapons areas one at a time rather than in a comprehensive manner.

(4) Deal with land-based missiles by providing a schedule by which they would be replaced by mobile midgetman missiles. If this could be achieved, it would be terrific. Henry Kissinger (initially and others since) has suggested going ahead with the midgetman whether or not the Russians agree to it, and thereby render their MIRVs less useful and less destabilizing.

(5) "An agreement for both sides to abandon development of weapons in space, either for satellite destruction or for ballistic missile . . . satellites have become increasingly central to early warning and to command and control of nuclear forces. An attack on them would so threaten to blind the other side that it would be considered an act of war requiring immediate retaliation." I agree with this idea.

(6) Agree to notify each other of missile tests, bomber takeoffs and military exercises. We proposed this in Geneva in March 1983.

(7) Prohibit the close approach of submarines to either the American or Russian coastline. One side could do this voluntarily as it gains confidence in its ability to track the other's submarines. This, too, is a good idea, but presently hard to verify.

(8) Senator Sam Nunn and the late Senator "Scoop" Jackson have suggested (and I agree) a joint crisis management center—jointly manned by Russians and Americans which would examine and analyze all facts relevant to any developing crisis. Such crisis management centers which would be in operation full time, all the time, could also include representatives of the Joint Chiefs of Staffs of the Armed Services of both sides plus civilians. Meetings, contacts, communications between both sides could be confidentially carried on at any time. There could be two such crisis management centers—one in each capital (this would have been most helpful and perhaps even prevented the Korean Airlines tragedy).

Television communication centers in each capital have also been discussed. They would be jointly manned (Russians and Americans) so high level government officials can quickly communicate face to face. The new updated Hotline negotiations (this would be the third agreement) contemplates these kinds of things including communications procedures in the event of international acts of terrorism.

These so-called "Confidence-Building Measures" between the two superpowers are most significant in my judgment and have been endorsed by the President.

While the above ideas and approaches are not as sweeping as freezes or reductions, nevertheless, concludes the Harvard Study Group, they "can be of equal importance in averting nuclear war . . . most important, the beginnings of a process between the two major nuclear adversaries, and the process has weathered very difficult times."

We have indeed concluded many agreements with the Russians, and we must forge onward.

VII. NUCLEAR PROLIFERATION

The Israeli raid on Iraq's nuclear reactor on June 7, 1981 and the subsequent Senate Foreign Relations Committee hearings on this incident, which I chaired, brought home to me another and equally frightening aspect of the nuclear arms issue. That is the issue of horizontal nuclear proliferation, which is to say the proliferation of nuclear armaments to those countries which do not now possess them. So far we have only been discussing vertical proliferation, that is, the escalation of the arms race by the superpowers. At a time when nuclear weapons can be made small enough to fit in a suitcase horizontal proliferation is a challenge of nearly equal proportions.

The U.S. has historically taken the leadership in the problem of horizontal proliferation. We helped devise an international mechanism for halting the spread of nuclear weapons. The Baruch Plan (of 1946) mentioned earlier would have been an intelligent response to the problem had it been implemented. The Nuclear Non-Proliferation Treaty (NPT) of 1968 is probably the next best thing. As noted, this treaty calls for non-nuclear nations to foreswear the development of nuclear weapons in return for a pledge from nuclear nations to supply nuclear technology for peaceful purposes. Signatories agree to periodic inspection of all their nuclear facilities by an international monitoring agency known as the International Atomic Energy Agency (IAEA).

What the NPT seeks to do is control the use of fuel that can be used to make nuclear weapons. One such fuel is uranium that has been highly "enriched." Natural uranium cannot be used for nuclear explosions. It must be enriched with the isotope uranium-235. Low-enriched uranium (generally containing about 3 percent uranium-235) is used in most nuclear reactors. Highly enriched uranium (containing more than 90 percent uranium-235) is used for some research reactions, for power plants in naval ships—and for nuclear weapons. A small nuclear weapon can be made from about 20 kilograms (44 pounds) of highly enriched uranium. Equipment to turn natural uranium into highly enriched uranium is quite technologically advanced. A by-product of most nuclear processes, plutonium, can also by used for nuclear weapons. Ten kilograms (22 pounds) of plutonium is enough for a small nuclear device. Uranium that has been used in a reactor (called "spent fuel") contains a small amount of plutonium. To be useful for explosive purposes the spent fuel must be chemically reprocessed. This procedure, like uranium enrichment, is technologically sophisticated. Consequently, the U.S. and, increasingly, the Europeans dominate the worldwide market for enrichment and reprocessing technology.

Because possession of an enrichment or reprocessing capability gives a nation at least the potential to construct a nuclear device, the export of this technology is one of the key issues of proliferation. The NPT, by forcing its signatories to allow IAEA inspection of all their nuclear facilities, addresses this issue to a degree. But what about nuclear exports to non-NPT members like Argentina or India? The nuclear suppliers are under no obligation not to supply such countries nor are the countries themselves obliged to allow inspection of their nuclear plants.

The U.S. Congress attempted to close this loophole in the global non-proliferation system by passing the Nuclear Non-Proliferation Act (NNPA) in 1978. Under this act any U.S. exports of nuclear materials to nations which do not accept IAEA inspection (also called full-scope "safeguards") are prohibited. The President is permitted to waive this prohibition subject to a Congressional veto. In one major test of the NNPA restriction President Carter in 1980 decided to continue supplying nuclear fuel to India in spite of India's refusal to accept IAEA safeguards on all its nuclear facilities. An attempt to overturn Carter's decision was defeated in the Senate by only two votes. Together with Senator John Glenn, I was a leader in the effort to block the President's action.

What follows is a list of the countries which are widely assumed to have the potential capability or desire to develop nuclear weapons. These countries should, therefore, be a major focus of our non-proliferation efforts.

Argentina: Argentina has neither signed the NPT nor accepted IAEA safeguards on all its nuclear facilities. It possesses a reprocessing capability and has declared its desire to become self-sufficient in all aspects of nuclear energy production. In 1977 the U.S. Energy Research Development Administration (ERDA) reported that Argentina could build a nuclear bomb within one to three years of deciding to do so.

Brazil: Brazil has not signed the NPT but has allowed all but two minor facilities to be placed under safeguards. Like Argentina, Brazil has stated a desire for nuclear independence. It has acquired enrichment and reprocessing facilities from West Germany.

India: India has not signed the NPT and has refused IAEA safeguards for some of its facilities. In May 1974, using plutonium from a Canadian-supplied reactor, India exploded a nuclear device, calling it a "peaceful nuclear explosion." Prime Minister Indira Gandhi has refused to rule out further tests. She spoke about all this in a small meeting with Senate Foreign Relations Committee members (including me). She's a very tough-minded lady indeed about these matters.

Iraq: Iraq has signed the NPT and has all its facilities under safeguards. The Iraqis may have obtained some reprocessing capability from Italy. In 1981 the Israelis were convinced Iraq was moving toward weapons capability and demonstrated their lack of faith in the non-proliferation regime by attacking Iraq's 40-megawatt research reactor. Prior to the bombing Iraq had received a shipment of highly enriched uranium (not necessary for power generation which they say was their objective) from France which, if reprocessed, could have been used for a nuclear bomb.

Israel: Israel has not signed the NPT and has not accepted IAEA safeguards on some of its facilities. Israel is rumored to possess nuclear weapons but it has said it will not be the first to introduce such weapons into the Middle East. It has called for a nuclear weapons-free zone in the region.

Libya: Although Libya has signed the NPT and has accepted IAEA safeguards on all its nuclear facilities, Colonel Qadhafi has been known to make statements about the development of an "Islamic bomb." Libya has bought a small research reactor from the Soviet Union and has negotiated with the Soviets to buy a nuclear power reactor. Libya is widely believed to have a standing offer out to buy nuclear weapon(s) from

anyone who will sell one to them. Wouldn't that be something!

Pakistan: Pakistan has not signed the NPT nor has it accepted safeguards on all its nuclear facilities. It is reported to be clandestinely acquiring both an enrichment and a reprocessing capability. President Zia strongly denied this when he met with us at the Foreign Relations Committee.

South Africa: The South Africans have not signed the NPT and have not accepted full IAEA safeguards. South Africa is building a full-scale enrichment facility. There continues to be a dispute about the cause of a bright flash over the Atlantic Ocean near South Africa in 1979. Some analysts fear this may have been a nuclear explosion.

South Korea: South Korea has ratified the NPT and has accepted full IAEA safeguards. The concern with the South Koreans is that their technological capability is highly sophisticated for a developing country. Further, South Korea faces a serious threat to its security from North Korea.

Taiwan: The Taiwanese have signed the NPT and all their nuclear facilities are safeguarded. However, Taiwan perceives a threat to its security from mainland China, and has said that although it does not intend to develop a nuclear weapon, it has the ability to do so.

In my judgment there are three fundamental weaknesses in the present non-proliferation system which must be addressed if we are to halt horizontal proliferation.

(1) The first is the problem of nuclear exports, particularly the export of enrichment and reprocessing technology, which can give a country a potential bomb-making capability. We have already noted that several potential "problem countries" are acquiring or have such technology. One approach to this problem, employed by the Carter Administration, is to embargo all U.S. exports of reprocessing and enrichment equipment and press our major competitiors in this market to do the same. However, our European "allies" were not persuaded by Carter's admonitions. The President failed to persuade West Germany not to sell reprocessing and enrichment facilities to Brazil or Italy not to sell reprocessing equipment to Iraq. Unilateral U.S. restraint in the absence of European cooperation would therefore appear to be a fruitless policy.

There is a more modest but also a more realistic step the U.S. could take in the nuclear export area. We could convene a meeting of a major nuclear supplier nations (principally ouselves and the Europeans) and urge all of them to at least export only to those nations which accept safeguards on all their nuclear facilities. As noted previously, U.S. exporters are legally bound to this principal policy.

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(2) The second major weakness in the nonproliferation system is the International Atomic Energy Agency (IAEA) itself. The basic idea of IAEA inspections, or safeguards, is to give the world "timely warning" of attempts to divert nuclear material from peaceful uses into nuclear bombs. Nations with safeguarded nuclear facilities are required to account for all nuclear materials (especially fuel) and to submit their facilities to periodic inspections by the IAEA. The inspections are aimed mainly at accounting for nuclear fuel. Each nation must keep track of its fuel and send reports on all fuel to the IAEA. Agency inspectors then make independent checks on the material, but they can check only those facilities that are reported by the host nation to contain nuclear fuel. In addition, the IAEA has about 120 inspectors to cover some 700 nuclear installations, a number the U.S. General Accounting Office in May 1981 reported was quite limited. Further, the IAEA naturally depends on cooperation from nations it is inspecting, but this is not always provided. In testimony before the Foreign Relations Committee hearings on the Israeli raid on the Iraqi reactor, Roger Richter, a former IAEA inspector who resigned after the raid in order to be able to testify in the Senate, maintained that the Iraqis had placed numerous obstacles in the path of Agency inspectors.

The IAEA has to give notice of any inspection, and can inspect only what the host country allows. Further, the host country can virtually choose inspectors. For these reasons, Richter resigned to bring these inadequacies to the world's attention. The Iraqis never allowed inspectors from the West into their facilities; only Communist nations could send inspectors.

Finally, a nation can withdraw from the NPT and drop its adherence to IAEA safeguards with only three-months' advance notice. Regarding the IAEA itself, it is not entirely clear to me how we can make it more effective. One constructive step could be a multinational conference to investigate possible initiatives in this regard.

(3) The final inadequacy which I detect in our nonproliferation efforts is a failure to understand what is at the root of the whole problem—fear. Nations want nuclear weapons partly for reasons of prestige but mainly because they feel their basic security interests require them to obtain such weapons. A look back at the list of "problem countries" cited earlier makes the point: India and Pakistan are at odds; so are Israel and Libya and Iraq; so are South Africa and its neighbors. South Korea and Taiwan feel threatened as well. In terms of their desire to obtain nuclear weapons, it matters very little what the American assessment of the threat these countries face happens to be. What counts is that they feel the threat.

For this reason I think U.S. security assistance has an important role to play in stopping nuclear proliferation. For example, was South Korea more or less likely to consider developing nuclear weapons after President Carter announced his intention to withdraw U.S. troops from the Korean peninsula? I think the answer is obvious. Similarly, the Reagan Administration should, if only because of the proliferation issue, be very careful in its dealings with mainland China. Otherwise Taiwan could come to doubt the U.S. security commitment and act accordingly. I do not mean to suggest here that the U.S. should provide military aid or sell weapons to any nation that asks for such help, but we should always keep in mind that the issue of security assistance has very important implications for proliferation. It is better for us to provide a country with conventional weapons than to see the country resort to nuclear option.

VII. CONCLUSION AND HOPE

I started this paper by saying that nuclear weapons are the problem of the age . . . perhaps of all ages. Nothing is more important than controlling them. I conclude with the same thought.

This paper has reviewed just the highlights of arms control, and the first conclusion is that there is no single formula, no simple answer, but I do believe an answer can and will be found. I believe both sides realize that. The lack of easy answers does not mean that we should despair of mastering the challenge. But it does mean that we must be careful in our thought. We must be cautious. We must look at all sides of every proposal and test each idea against the realities of history and circumstance.

The second conclusion I draw is that we must pursue our national goal of preserving peace through a combination of both strength and diplomacy. We must not let our hopes for disarmament distract us from maintaining adequate military strength to resist and deter agression. At the same time we must not become caught up in an arms race and fail to seize any opportunity to achieve arms control.

The third conclusion concerns our negotiations with the Soviet Union. We have a long history of these negotiations and a lot of experience to draw upon. We have actually achieved many agreements with the Russians. Each of these resulted from lengthy and difficult negotiations. Each covered only one aspect of the total military balance of power. Each was a step toward peace, but none has provided a total solution. We must forge ahead.

A fourth conclusion is that proliferation of nuclear weapons is a great danger that has not received adequate attention, and we should heighten our efforts to see that nuclear weapons not only are reduced, but do not spread to more and more nations.

Finally, a fifth conclusion is one of hope. Negotiations should work. They must. Even the most tough-minded analyst could not argue that the Russians want to risk self-destruction . . . not after all they have been through so many times.

Furthermore, technology—while awesome and destructive—is making weapons that are hard to find, so that the idea of a pre-emptive first strike may well recede. That would create a much more stable situation between the superpowers.

Also, both sides seem intent on negotiating, and a series of communications links and confidence building measures are in place and will be expanded.

Both sides also appear to want to reduce weapons, even as we both build our arsenals. The urgency of serious and intensive negotiations cannot be overstated, and there are a number of most constructive ideas being considered.

My final consluion is that we must be cautious. The agreement I believe will be adopted will include a freeze so that weapons numbers will no longer increase, but modernization of forces will be allowed (to assure stability) and some form of build-down or formula leading to a reduction of nuclear weapons will be invoked. Single-warheaded missiles may also be a significant element of the agreement.

It must be done. There is no option. Decisions must transcend politics, and what is right must displace what is popular or expedient. It is the greatest gift we can give our children.

How would my father have concluded? His long life was a hard one in which he witnessed two world wars and many tragedies. His conclusion would have been more tough-minded. I believe he would have said:

"Stay strong. Never relax your vigilance or let your power slip. Don't place your trust on other countries to maintain your security. Certainly do not rely on a country that prohibits the worship of God, that censors the press, that tramples on human liberty and holds its people in imprisonment. Remember, it is America that embodies the freedoms that we want to preserve. In short, stay strong, and from strength strive for peace. Bargain from your strength to reach agreements that will enhance the prospects of peace."

THE WALL STREET JOURNAL ON ITEM VETO

Mr. DIXON. Mr. President, today's Wall Street Journal contains a strong, cogently argued editorial on the need to create an item-veto power for the President. Modesty would usually prevent me from bringing an editorial such as this one to the Senate's attention, since it mentions me by name in a way that my press secretary views as favorable. However, I believe this subject is of enough importance to take the risk of seeming to blow my own horn just a bit.

I invite my colleagues' attention to this editorial because it makes the case for the item veto so well. It makes many of the same points I have been making on this issue throughout my public career, and makes the points clearly and concisely.

The case for the item veto is a compelling one, and one that should receive serious attention in both the Senate and the House of Representatives. We all know—Democrats and Republicans, liberals and conservatives—that we simply cannot continue to budget the way we do now. We are facing $200 billion deficits as far as the eye can see. It seems clear that patchwork solutions just will not work, and that real, long-term solutions will require fundamental changes in the way we address the Federal budget.

The item veto is such a fundamental change—one that has been proven workable in 43 States. What works at the State level can work at the Federal level, where the item veto is even more crucially needed.

I urge the Senate, therefore, to review this editorial carefully; to begin to consider the questions surrounding the item veto in a serious way; and to join a broad, bipartisan effort to establish the item veto as part of the law of the land.

I ask unanimous consent that the editorial from the Wall Street Journal be included in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 7, 1983]

STOP THE MERRY-GO-ROUND

There now appears to be a very good chance that President Reagan will take the one step that can put Congress out of the misery it brought down on itself by creating the "budget process." He may ask Congress next year to create the power of line-item veto for the president.

The line item was put squarely on the public-policy table this week by Treasury Secretary Donald Regan. "I'll be pushing for it," Mr. Regan said. Moreover, the Journal's Kenneth H. Bacon reported that the president may seek the line-item veto in his budget proposal to Congress next year, raising the possibility that Mr. Reagan will make the item veto a campaign theme in 1984. If so, we suggest the president set his intention in concrete and have it deadbolted to his desk so no one will doubt his resolve.

The growth in federal spending is the single most intractable problem this country has on its hands right now. And the line-item veto is the one—the only—tried and proven management tool ever created in this country to control public spending.

Spending contol is traditionally thought to be the pet project of Republican politics. The corollary, we take it, would be that undermining control of public spending is the pet project of Democratic politics. However, this sort of crude stereotyping is accurate only if limited to the behavior of Congress since the Hansen-Bolling committee reforms of the early 1970s and the Budget Control Act of 1974. Unintentionally, these reforms broke Congress' back, and the members know it.

But the line-item veto, which lets a governor—or president—reject individual items in an appropriation bill, has a history of support among Democrats serving in the executive branch. Both FDR and Harry Truman favored it. And back in 1981, Lloyd Cutler, former counsel to President Carter, spoke in favor of the line-item veto at a conference on the ills of the presidency. Mr. Cutler later told the Christian Science Monitor, "We are the only country where the legislature can vote a larger budget than the executive proposes."

This week, for instance, the Senate voted a single, mind-boggling $91 billion appropriation bill for several departments' domestic spending. The president is supposed to accept it or veto it in toto. Surely the item veto is a more prudent way to deal with sums of this size.

The line-item veto does in fact have support in the current Congress, and it is bipartisan. In the House, Republican Jack Kemp has just introduced a constitutional amendment to give the president the line-item veto. The item veto's leading proponent in the Senate is Alan Dixon, a Democrat from Illinois, which uses the line-item veto, as do 42 other states. Mr. Dixon served in the Illinois State Legislature from 1951-71 and as state treasurer from 1971-77. It's a well-known fact that the "budget process" of the last two sessions has been hell on earth for members of Congress, and someone with Sen. Dixon's experience with the item veto must surely wonder why Congress persists in grinding its gears this way. Sen. Dixon hopes to find out several weeks from now, when he holds hearings on his line-item-veto proposal.

It's becoming evident that the closer members of Congress look at the item veto in the context of their current difficulties, the better it looks. On Wednesday Georgia's Sen. Mack Mattingly introduced his own bill and a call for a constitutional amendment. The Dow Jones News Service also reported this week that House Budget Committee Chairman Jim Jones said that although he hadn't formed an opinion on the item veto, "I have asked for a whole lot of information on it." Chairman Jones's interest indicates the idea may get the serious discussion it deserves.

We're pretty sure what the pro forma objections will be to the line-item veto. It would, as the irrepressible Rep. Jim Wright has said, give the president "dictatorial powers." It's an article of faith among legislators that giving the executive the item veto comes at their expense. But if opponents in Congress of the item veto fear that it will diminish their constitutionally established mandate, they should be challenged to state whether they now regard the primary and proper exercise of that mandate to be finding ways to spend annually larger shares of the gross national product. That is what Congress does now. Can the members of Congress give any reason why the people should not regard them as mainly an automated spending machine?

Before the gentleman and gentleladies of Congress pull themselves up to their full aristocratic height to inveigh against the imperial presidency, we'd like to suggest that they sit down and think a little about what the Congress of the United States has become.

Nearly every aspect of American life has become politicized and now has its own squadrons of lawyers and flacks in Washington. The city—and especially the halls of Congress—has become a permanent circus of lobbyists and public-interest groups cartwheeling through Congress for some of Uncle Sam's cotton candy. Odd, isn't it, how none of them ever seems satisfied? In short, the balance of power has rolled free of both the elected chief executive and the legislature, where it properly belongs, and into the unelected hands of the public-policy specialists.

Congress badly needs some way to get off this merry-go-round. It badly needs to find its way back to a life of serious, constructive politics. A strong campaign by Mr. Reagan on behalf of the line-item veto would be the right step in that direction.

PRESIDENTIAL LINE-ITEM VETO PROPOSAL

Mr. HATFIELD. Mr. President, the Secretary of the Treasury, Donald Regan, was quoted this week as saying that the administration should be granted a "line-item veto" authority because Congress was "unable or unwilling to cut spending" and that "This President is willing to take the tough steps necessary to reducing deficits." Reducing Federal deficits is a goal none of us quarrel with, but the proposal suggested by the Secretary once again illustrates H. L. Mencken's axiom that for every difficult and complex problem, there is an obvious solution which is simple, easy, and wrong.

The proposed line-item veto cannot reach the enormous sums provided for entitlement programs because if those funds are not provided, eligible recipi-

ents can sue the Government for their payments. Neither does there seem to be any inclination on the part of the administration to pare back on congressional appropriations for the Department of Defense or for foreign assistance, especially military aid. We, therefore, are left with that small percentage of the Federal budget, domestic, nondefense discretionary programs, against which the administration has pledged to take its "tough steps necessary to cut spending." But this spending, the core of the bills under the Committee on Appropriations jurisdiction, has precious little to do with the $200 billion deficit. It amounts to $75 billion or only about 9 percent of the Federal budget. The President could veto each line-item in every appropriation bill and still end up with a deficit of well over $100 billion per year.

Beyond the fact that Mr. Regan's proposal does not make budgetary sense, it also erodes the very critical balance of powers between the exeutive and legislative branches. If the President is granted the power to veto in part or in whole individual appropriations accounts, he would be able to virtually dictate to Congress what could be provided for each program and activity of the Government. This is not merely a concern over saving money, but rather over the issue of whether Congress should have a separate and equal voice in making those decisions as to how Federal resources are allocated.

Mr. President, the Secretary of the Treasury knows full well that the President has been very effective in using his current veto power in getting Congress to keep down the size of our appropriations bills. Just look at the Labor-HHS appropriations bill passed by the Senate this week. It was billions within the congressional budget allocation for this subcommittee, and although in aggregate it did exceed the President's budget request, it is a very tight bill. This is so because of direct negotiations with the administration and the explicit threat of a veto unless overall spending was restrained.

The current veto authority of the President is clearly working here, but Secretary Regan wants even more. He advocates a procedure whereby even if the aggregate total of a bill was acceptable to the administration, the President could still use a veto to cut or eliminate appropriations for specific accounts. This is not budgetary restraint, this is actually the old impoundment strategy in different clothing. The President would not be vetoing spending because it was excessive, he would use his veto to kill programs for political or policy reasons.

Mr. President, the real issue here is not money, it is a question of power. The Congress is responsible for writing spending legislation and the President is empowered to veto bills he finds objectionable. This is a sharing of power in which neither party dominates this decisionmaking process. Were the President to be granted line-item veto power, he would on a line-by-line basis be able to "edit" legislation passed by the Congress, and thereby usurp the authority currently held by the legislative branch.

Aside from the institutional problems raised by Secretary Regan's proposal there are a host of issues associated with putting a line-item veto into practice. As an example, how does a President exercise a line-item veto on a spending measure like a continuing resolution where no line-item appropriations are actually written into the legislation? Does the Secretary of the Treasury suggest that the budgetary impact of such legislation as it pertains to certain accounts are the actual object of the veto, in effect an impoundment of budget authority currently prohibited by the Congressional Budget Act? In the case of regular appropriations bills, can the President veto earmarks of appropriated funds, conditions or limitations on the use of funds, or legislative riders enacted in appropriations bills? What about contract authority enacted as part of some authorization bills, can these too be subject to line-item vetos?

Mr. President, I note with some interest that the distinguished senior Senator from Kansas (Mr. DOLE) has endorsed Secretary Regan's proposal. While I have profound respect for his ability as chairman of the Finance Committee, many disturbing questions relative to legislation under his committee's jurisdiction are involved by line-item veto authority. With this power could the President veto portions of social security legislation, which is in effect direct spending of Federal funds? How about individual tax expenditure provisions contained in the revenue bills occasionally moved by his committee, are these costly items of expenditure of tax revenue subject to veto as would be regular appropriations from funds already in the Treasury? If not, why? Tax expenditures, especially refundable tax credits, contribute to the same deficit so often associated exclusively with direct spending.

Mr. President, I do not mean to sound overly negative about Secretary Regan's proposal, but, frankly, I can find almost nothing worthwhile in it. If the Secretary is seeking a procedure with which the President can seek to excise certain spending from the Federal budget, this already exists in the impoundment provisions of the Congressional Budget Act. If those procedures are inadequate, then let us correct that legislation, rather than launch off on a rewrite of the delicate balance of power built into the Constitution. Such restraint is not only prudent, but would better reflect the conservative values ostensibly held in high regard by this administration. If Mr. Regan is truly concerned about achieving savings in a broader array of Federal programs, perhaps it is time that he join me in taking a hard look at excessive military spending and entitlement programs. In any event, while I plainly disagree with the Secretary's proposal, his initiative is commendable and I know we will continue to work together to achieve our mutual goal of deficit reduction.

SECRETARY JAMES WATT

Mr. SYMMS. Mr. President, as the lynch mobs move forward for Secretary Watt's hanging I am reminded of how a coop full of chickens will attack one of their own if a weakness occurs.

The Idaho-Press Tribune in Caldwell and Nampa, Idaho, ran the following article by a well known and highly respected businessman, freedom fighter, and patriot Ralph Smeed.

Mr. President, the printing of this article will probably not slow the lynch mob but it will at least make this Senator feel better—I therefore ask unanimous consent to insert Ralph Smeed's article in the RECORD and I hope my colleagues will enjoy it as much as I did.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Idaho Press-Tribune, Oct. 2, 1983]

WATT: HIS CANDOR ENRAGES MEDIA

(By Ralph Smeed)

It looks as though U.S. Secretary of the Interior James Watt has "had it." Why? Well, he's made a lot of special interests angry, that's why. But they are not new interests as the liberal media would have us believe. Of all those who are calling for the gutsy politician's resignation there are none who haven't wanted him out long before his recent off-the-cuff remarks.

As a little background here's what he said with some context added which most of the Watt-hating liberal media censored. Sunday's UPI story on page 6 in the relatively middle-of-the-road Idaho Press-Tribune: "Watt is under fire for telling a group of lobbyists Wednesday about the panel: 'We have every kind of mix you can have. I have a black, I have a woman, two Jews and a cripple. And we have talent.'" In context, it isn't even unkind.

Now then, Watt is so terribly controversial not because he is blunt and outspoken, but because he is perceived to be—for private property, for the free market, for limited government and for capitalism. Oh yes, add one more for good measure: Watt is thought to be vigorously anti-Communist. His is not only courageous and absolutely not intimidated by the left-liberal news media, but he absolutely outrages the media moguls. It's what they think he stands for that they hate.

When the American press sets out to bring a political maverick to his knees they usually get the job done whether said boat-

rocker is an outspoken conservative or a non-statist liberal. But the only time Watt gets on his knees is to pray to his God. His God is definitely, so he claims, NOT the government. By the way, I'm told he does pray quite frequently and quite openly and is deeply religious, whatever that means. Still, whatever it means, it absolutely drives his adversaries up the wall, but did you ever see this in print? I mean this ogre, this representative of the greedy, capitalist-pig coal miners and this rip, rape and ruin-the-forests politician actually praying to some supreme entity—instead of government, that god which the media, generally speaking, almost worship? Of course you have not. And you probably won't. Worship these days, is usually "good news" and the press finds good news ever so difficult to deal with, not to mention conservative personalities in public life who are not easily intimidated.

In fairness one should add that readers do seem more willing to read and devour bad news than good. Still the suspicion lingers, if good news were pursued with the same liberal zeal that they now pursue the bad, we'd all love the be-gooders more than the do-gooders.

Regardless of Watt's actual desires to sell a small portion or a large portion of the greedy government's sprawling millions of acres he is perceived as wanting to "sell off" (a la George Orwell's "newspeak") all he possibly can. I know for a fact that this isn't true, but, again, he must do most of his communicating through a hostile news media.

And last, but not least, according to the Confederation of the Associations for Unity of the Societies of the Americas (CAUSA, International) there are two concepts alongside which Communism cannot exist, namely, private property and God. Watt is perceived by the media to be red hot for both. True or not, this seems to make him a threat.

Furthermore, the theoreticians from CAUSA claim that, "the reason America keeps losing (i.e., their fanny and all the fixtures) is that the theoretical underpinnings of Communism are not understood."

Toward that end I was invited to and did attend one of their theoretical seminars at the Mayflower Hotel in Washington, D.C., a few weeks ago. Let me say their fine presentation would do credit to any that IBM might put on for their high level executives. It was so successful they are presently seeking nationally known media people to attend a similar seminar in two or three cities in Europe. I wish them luck and Godspeed.

I mention all this in the hope of showing conservatives they should give moral support to our leaders who have beliefs they agree with and guts enough to pursue those beliefs against ignorance, cowardliness and sin. Moral support for leadership is something conservatives are too often more stingy with than they are with their money to support ideas. And believe me, they're slow to support new ideas.

Unfortunately, Watt is, I fear, more competent and articulate in religion (God) than he is in free market capitalism (private property). But like it or not he is perceived as a leader of both. So if a decent man is shot down for the above candor with decent if abrupt words, then conservatives everywhere who were stingy as usual with their moral support, publicly, deserve to lose.

MESSAGE FROM THE HOUSE

At 3:19 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3958. An act making appropriations for water resource development for the fiscal year ending September 30, 1984, and for other purposes.

ENROLLED BILLS SIGNED

At 3:26 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the Speaker pro tempore (Mr. WRIGHT) has signed the following enrolled bills:

H.R. 1062. An act to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Ore.;

H.R. 1556. An act to authorize the conveyance of the Liberty ship *John W. Brown;*

H.R. 3379. An act to name a U.S. Post Office Building in the vicinity of Lancaster, Pa., the "Edwin D. Eshleman Post Office Building";

H.R. 3835. An act to designate the U.S. Post Office Building in Oshkosh, Wis., as the "William A. Steiger Post Office Building"; and

H.R. 4101. An act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

Under the authority of the order of today, October 7, 1983, the enrolled bills were subsequently signed by the majority leader (Mr. BAKER) on October 7, 1983, during the adjournment of the Senate.

HOUSE MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3958, An act making appropriations for water resource development for the fiscal year ending September 30, 1984, and for other purposes; to the Committee on Appropriations.

ENROLLED BILL PRESENTED

The Secretary reported that on today, he had presented to the President of the United States the following enrolled bill:

S. 1894. An act to designate the Foundation for the Advancement of Military Medicine as the "Henry M. Jackson Foundation for the Advancement of Military Medicine."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1660. A bill relating to the preservation of universal telephone service (with minority views) (Rept. No. 98-270).

By Mr. HATFIELD (for Mr. MCCLURE), from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 622. A bill to authorize the Secretary of the Interior to undertake feasibility investigations (with additional and minority views) (Rept. No. 98-271).

By Mr. ANDREWS, from the Select Committee on Indian Affairs, without amendment:

S. Res. 239. A resolution relative to expenditures by the Select Committee on Indian Affairs; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

The following-named persons to be the Representative and Alternate Representatives of the United States of America to the 27th Session of the General Conference of the International Atomic Energy Agency:

Representative: Donald P. Hodel, of Oregon. Alternate Representatives: Richard T. Kennedy, of the District of Columbia; Nunzio J. Palladino, of Pennsylvania; and Richard Salisbury Williamson, of Virginia.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. RUDMAN (for Mr. HUMPHREY (for himself and Mr. RUDMAN)):

S. 1944. A bill to allow the obsolete submarine U.S. ship *Albacore* to be transferred to the Portsmouth Submarine Memorial Association, Inc., before the expiration of the otherwise applicable 60-day congressional review period; to the Committee on Armed Services.

By Mr. STAFFORD (by request):

S. 1945. A bill to terminate the authorization for the Lake Brownwood modification project, Pecan Bayou, Tex.; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S. 1946. A bill for the relief of Catherine and Robert Fossez; to the Committee on the Judiciary.

By Mr. SASSER (for himself and Mr. BAKER):

S. 1947. A bill to designate certain lands in the Great Smoky Mountains National Park as wilderness; to provide for settlement of all claims of Swain County, N.C. against the United States under agreement dated July 30, 1943; and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 1948. A bill to establish a national minimum drinking age of 21; to the Committee on Commerce, Science, and Transportation.

By Mr. HUDDLESTON (for himself, Mr. COCHRAN, Mr. BOREN, Mr. MELCHER, Mr. DIXON, Mr. HEFLIN, Mr.

NUNN, Mr. BAUCUS, Mr. FORD, Mr. SASSER, Mr. BENTSEN, and Mr. HOLLINGS):

S. 1949. A bill to provide emergency drought relief assistance for farmers and others; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MATTINGLY:

S. 1950. A bill to amend the Internal Revenue Code of 1954 to increase the annual contribution limit for individual retirement accounts from $2,000 to $3,000 and to make such accounts more equitable in the case of lesser earning and nonworking spouses; to the Committee on Finance.

By Mr. HATCH:

S. 1951. A bill for the relief of Pedro (Jimenez) Castro and Amalia Conrona De Castro; to the Committee on the Judiciary.

By Mr. BAKER (for Mr. BYRD (for himself and Mr. BAKER)):

S.J. Res. 180. A joint resolution to designate the week of October 23, 1983, through October 28, 1983, as "American Energy Awareness Week"; read twice and placed on the calendar.

By Mr. BENTSEN:

S.J. Res. 181. Joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself and Mr. WILSON):

S. Res. 241. A resolution expressing the sense of the Senate that the foreign policy of the United States should take account of the genocide of the Armenian people, and for other purposes; to the Committee on Foreign Relations.

By Mr. HELMS (for himself and Mr. SYMMS):

S. Res. 242. A resolution to obtain Senate access to Federal records on Martin Luther King, Jr; to the Committee on the Judiciary.

By Mr. BYRD (for himself and Mr. BAKER):

S. Res. 243. A resolution to authorize the printing of additional copies of a Senate document entitled "Dangerous Stalemate Superpower Relations in Autumn 1983—A Report of a Delegation of Eight Senators to the Soviet Union"; submitted and placed on the calendar.

By Mr. GORTON (for himself and Mr. HEFLIN and Mr. STEVENS):

S. Con Res. 77. Concurrent resolution expressing the sense of the Congress that Fire Prevention Week, 1983, should be observed with appropriate activities and remembrances; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOUTIONS

By Mr. RUDMAN (for Mr. HUMPHREY and Mr. RUDMAN):

S. 1944. A bill to allow the obsolete submarine U.S.S. *Albacore* to be transferred to the Portsmouth Submarine Memorial Association, Inc., before the expiration of the otherwise applicable 60-day congressional review period; to the Committee on Armed Services.

TRANSFER OF U.S.S. "ALBACORE" TO PORTSMOUTH SUBMARINE MEMORIAL ASSOCIATION

● Mr. HUMPHREY. Mr. President, I introduce today a bill to allow the obsolete submarine U.S.S. *Albacore* to be transferred to the Portsmouth Submarine Memorial Association, Inc., before the expiration of the otherwise applicable 60-day congressional review period.

The *Albacore* was born at the Portsmouth Naval Shipyard. It is only proper that the ship return home to a place of honor in the museum of the Portsmouth Submarine Memorial Association. Beginning on the drawing boards in 1950 to its launching in 1953, the ship was a Portsmouth product. The *Albacore* (SS569) represented a dramatic advance in submarine design. The ship was reputedly the fastest and most maneuverable submarine of the time. The submarine was the result of the Navy's planning far into the future in the field of undersea warfare. The *Albacore* was a unique ship, as she was conceived and designed as a full-scale experimental submarine. These unique features provided the ability to be the first ship with a hull specifically designed for running submerged and even today the *Albacore* would be one of the world's fastest submarines. When the sub was first launched in 1953, she was a breakthrough in hydrodynamic design, which was derived from early research on optimum dirigible hull forms. *Albacore* tests proved so successful that the Navy adopted her design for today's nuclear-powered submarine fleet.

For many years since her launching, the *Albacore* remained in the forefront of new developments. With her the Portsmouth Naval Shipyard has made new and advanced concepts come to life in a sound and practical submarine.

Her motto of "Praenuntius Futuri", forerunner of the future, is very appropriate. It is also equally appropriate that she should return home to the Portsmouth area as a lasting tribute to her many accomplishments.

I recommend this bill be referred to the Armed Services Committee for prompt consideration.●

By Mr. STAFFORD (by request):

S. 1945. A bill to terminate the authorization for the Lake Brownwood modification project, Pecan Bayou, Tex.; to the Committee on Environment and Public Works.

TERMINATION OF AUTHORIZATION FOR LAKE BROWNWOOD MODIFICATION PROJECT

● Mr. STAFFORD. Mr. President, during the last Congress I intoduced a bill on behalf of the administration to deauthorize the Lake Brownwood modification project at Pecan Bayou, Tex. The project would make safety related modifications to a non-Federal dam, projects that have traditionally been viewed as a non-Federal reponsibility.

Because the Congress did not consider this legislation last year and because the administration has renewed its request that such legislation be passed, I am reintroducing this bill. I am pleased that our Committee on Environment and Public Works will be meeting October 19 to begin to markup omnibus water resources legislation, as well as a related infrastructure proposal.

Mr. President, I ask unanimous consent that a copy of this legislation, along with a copy of a letter describing its justificaton, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the authorization for the Lake Brownwood Modification project, Pecan Bayou, Texas, contained in the Flood Control Act of 1968 (Public Law 90-483), is hereby terminated.

DEPARTMENT OF THE ARMY,
Washington, D.C., September 8, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To terminate the authorization for the Lake Brownwood Modification project, Pecan Bayou, Texas."

The proposal is a part of the Department of the Army's Civil Works legislative program for the 98th Congress. The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to enactment of this proposal. The Department of the Army recommends that the proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

Congress authorized the construction of a new dam and protective measures for the spillway at the existing earthen dam at Lake Brownwood, Pecan Bayou, Texas, in the Flood Control Act of 1968, Public Law 90-483. At the time of authorization, it was concluded that the existing dam and spillway at Lake Brownwood, which are owned and operated by the Brown County Water Improvement District No. 1, were inadequate for safe operation. Recent investigations of the existing dam, conducted pursuant to the National Dam Inspection Program, have confirmed that safety problems exist. However, recommendations forwarded to the Congress on 16 November 1976 with the report on the National Program of Inspection of Dams made it clear that the regulation of non-Federal dams on non-Federal lands is a State responsibility and that dam owners have the ultimate responsibility for safe structures. Accordingly, when local interests discharge their obligations by correcting the unsafe conditions at Lake Brownwood, there will be no need for additional work by the Federal Government.

In view of the absence of Federal interest in participating in Lake Brownwood modifications, and in order to eliminate the uncer-

tainty created by the authorization for Federal involvement in the project, the Department of the Army recommends that the authorization for the Lake Brownwood Modification project be terminated.

COST AND BUDGET DATA

The enactment of this proposal will cause no increase in the budgetary requirements for the Department of the Army.

ENVIRONMENTAL AND CIVIL RIGHTS IMPACT CONSIDERATIONS

Enactment of the enclosed proposed legislation will not have any significant environmental or civil rights impacts.

Sincerely,

ROBERT K. DAWSON,
Deputy.●

By Mr. SASSER (for himself and Mr. BAKER):

S. 1947. A bill to designate certain lands in the Great Smoky Mountains National Park as wilderness; to provide for settlement of all claims of Swain County, N.C., against the United States under the agreement dated July 30, 1943, and for other purposes; to the Committee on Energy and Natural Resources.

GREAT SMOKY MOUNTAINS WILDERNESS ACT

Mr. SASSER. Mr. President, I rise today to introduce legislation, along with my distinguished colleague, Mr. BAKER. The legislation that we are introducing today, S. 1947 provides for the designation of approximately 467,000 acres of the Great Smoky Mountains National Park as wilderness. In addition, S. 1947 also addresses the longstanding dispute between the Federal Government and Swain County, N.C.

Mr. President, almost 50 years ago, Congress recognized the tremendous beauty, history, and importance of the Great Smoky Mountains. Congress saw fit then to designate this great natural resource, which stretches across the Tennessee-North Carolina border, as a national park.

Now, almost 50 years later, Tennessee, North Carolina, and the Nation prepare for the 50th anniversary celebration of the most visited park in these United States.

Mr. President, I can think of no more fitting nor apt tribute to this great natural resource than the further designation of a portion of the Great Smoky Mountains National Park as wilderness.

The Wilderness Act of 1964 recognized the need to preserve our Nation's wild and rugged land resources. Indeed, the preamble to the Wilderness Act declared it to be "the policy of the Congress to secure for American people of present and future generations the benefits of an enduring resource of wilderness."

Wilderness areas serve as a vivid reminder of our past. Wilderness areas are, essentially, "ecological yardsticks" by which man may measure his progress. The wild and roadless acres of the Great Smoky Mountains sustain these guiding principles of the Wilderness Act of 1964.

Let me share with you briefly some of the outstanding features of the Great Smoky Mountains, recently cited in the National Park Service's general management plan.

For 36 of its 71 miles, the crest of the Great Smoky Mountains stands above 5,000 feet; 16 peaks reach more than 6,000 feet. The majestic and rugged beauty of the Smokies is rare indeed.

Nearly 200,000 acres of the Smokies forest land have never been commercially logged. The Smokies boasts some 130 species of trees and over 1,200 species of plants.

In addition, there are a variety of animal habitats found in the Great Smoky Mountains. There are over 50 species of mammals in the park ranging from the black bear to the pygmy shrew. A variety of fish, reptiles, amphibians, invertebrates, and over 200 species of resident and migratory birds are found in the Smokies. The incredible ecological diversity found in the Smokies recently prompted several observers to concur that the Great Smoky Mountains is an "international biosphere reserve."

Mr. President, I would like to take this opportunity to commend the city of Gatlinburg, the officials and the citizens, for allowing the many visitors to the Smokies to share a great natural resource which, for these fine Tennesseans, is simply "home." The courtesy and hospitality which is so typical of Gatlinburg is second to none. It is with pride that I can say that Gatlinburg truly is the "gateway to the Smokies."

I believe that it is high time that the Congress took the final step and designated these 467,000 acres as wilderness.

Mr. President, the movement toward wilderness designation has been ongoing. Indeed, wilderness designation for the Great Smoky Mountains has been an issue about which I have been greatly interested and actively involved for the past three Congresses.

In the past, Mr. President, there have been those who have been reluctant to join the efforts toward wilderness designation for the Smokies. Today, those who would line up in opposition to the Great Smoky Mountains designation as wilderness are few in number.

One of the problems which has delayed positive congressional consideration of wilderness designation for the Smokies is the longstanding dispute between Swain County, N.C., and the Federal Government. As has been the case in previous legislation introduced in this body, S. 1947 addresses the Swain County situation. I believe that the provisions of S. 1947 providing for a settlement of the Swain County claims are fair and equitable. It is my understanding that officials in Swain County will concur on this settlement.

Mr. President, this Senator is not unmindful that the senior Senator from North Carolina, Mr. HELMS, has some remaining problems with S. 1947. I believe that S. 1947 goes a long way toward accommodating those concerns which the Senator from North Carolina has expressed during this Senator's previous introduction of Smoky Mountain wilderness legislation. S. 1947 goes a long way toward bridging the gap of differences which have, heretofore, delayed the passage of this legislation. I can assure the Senator from North Carolina that I am willing to work with him to iron out any remaining differences.

I believe that it is high time that the Congress took the final step and designated these 467,000 acres as wilderness.

Mr. President, therefore it is with a sense of personal pride and a spirit of national celebration that my distinguished colleague, Mr. BAKER, and I are introducing this legislation. The raw, untainted beauty of the Great Smoky Mountains must be preserved for future generations. The Great Smoky Mountains represents one of the few and vital remaining links which we, as Americans, have with our pioneering past. I urge my colleagues to join Senator BAKER and myself in seeking swift and early approval of wilderness designation for the Great Smoky Mountains.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Great Smoky Mountains Wilderness Act."

SEC. 2. In accordance with section 3(c) of the Wilderness Act (78 Stat. 892), certain lands in the Great Smoky Mountains National Park, North Carolina and Tennessee, which comprise approximately four-hundred and sixty-seven thousand acres, (including the lands previously owned by Cities Service Company), and which are depicted on the map entitled "Proposed Management Zoning, Great Smoky Mountains National Park, North Carolina and Tennessee," and dated March 15, 1981, are hereby designated as Wilderness, and are made a part of the National Wilderness Preservation System. The map and the description of such lands shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior, and in the office of the Superintendent of the Great Smoky Mountains National Park.

SEC. 3. The lands described are those classified in the January, 1982, General Management Plan for Great Smoky Mountains National Park as Natural Environment Type I Subzone (including the tracts for-

merly owned by Cities Service Company). The classification incorporates most of the area recommended by the National Park Service in 1974 (revised in November 1979) for inclusion in the National Wilderness Preservation System. In this subzone, visitor uses and park management practices are to be of a transient nature and nonmotorized except in extreme emergencies involving either human safety or critical resource protection needs.

Except for special cemetery access provisions for the north shore of Fontana Lake (Appendix D of the General Management Plan), visitor and normal administrative access will be only by foot or by horse, and camping will be of the primitive backcamping type. Park operational facilities will only be necessary for safety, research, and communications. Such facilities will be small and will not be able to be located elsewhere.

SEC. 4. (a) The Secretary of the Interior and the Tennessee Valley Authority are directed to negotiate the transfer of certain legal rights and easements retained by the Authority over lands within the Park, where such legal rights and easements are—

(1) Inconsistent with the provisions of the Wilderness Act; or

(2) Not necessary for the operation and maintenance of Fontana Reservoir and Dam.

(b) The tract of land formerly owned by the Tennessee Valley Authority, comprising approximately forty-four thousand acres, as described in the 1943 agreement referred to herein, shall be designated and administered as Wilderness effective on the date of the enactment of this Act.

SEC. 5. The Secretary of the Interior is authorized to allocate funds and personnel necessary to place a suitable historical market at or near the approach to the Cherokee Qualls Reservation, at Soco Gap, in recognition of the historical importance of Soco Gap and the contribution of the Cherokee Nation.

SEC. 6. As soon as practicable after the date of the enactment of this Act, a map of the Wilderness area and a description of its boundaries shall be filed with the Energy and Natural Resources Committee of the United States Senate and with the Interior and Insular Affairs Committee of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in the map and legal description may be made.

SEC. 7. The Wilderness designated by this Act, including Section 4(b) shall be known as the Great Smoky Mountains Wilderness. It shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by such Act as Wilderness areas, except that any reference to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and reference to the Secretary of Agriculture shall be deemed, where appropriate, as a reference to the Secretary of the Interior.

SEC. 8. Swain County, North Carolina, claims certain rights acquired pursuant to an Agreement dated July 30, 1943, between the Secretary of the Interior of the United States, the State of North Carolina, the Tennessee Valley Authority, and Swain County, North Carolina, which provided, on certain conditions, that the Department of the Interior would construct a road along the north shore of Fontana Reservoir to replace a road flooded by the construction of Fontana Dam and the filling of the reservoir, which road has not been completed. In order to settle and quiet all claims arising out of said Agreement, the following provisions are made—

(a)(1) The Secretary of the Treasury shall be authorized to pay to Swain County, North Carolina, the sum of $9,500,000.00.

(2) The sum of $9,500,000.00 shall be deposited in an account in accordance with the rules and regulations established by the North Carolina Local Government Commission; the principal of such sum may only be expended by Swain County under a resolution approved by an affirmative vote of two-thirds of the registered of said county; interest earned on the unexpended principal of said sum may only be expended by a majority vote of the duly elected governing commission of said county.

(b) Swain County, North Carolina, is relieved of any liability to make payments of principal and interest which become due after the date of enactment of this Act with respect to the loan (Case Numbered 3887000271600, Code numbered 9704) obtained on October 12, 1976, from the Farmers Home Administration.

(c) The payment and relief from liability provided for in subsections (a) and (b) of Section 8 of the Act shall constitute full and complete settlement of all claims of Swain County, North Carolina against the United States of America, the Department of the Interior, and the Tennessee Valley Authority arising out of the Agreement of July 30, 1943, and the United States of America, its Departments and Agencies, including the Department of the Interior, the National Park Service, and the Tennessee Valley Authority hereafter shall be deemed to have performed said Agreement in every particular.

SEC. 9. There is hereby authorized to be appropriated any sums necessary to carry out the provisions of this Act.

Mr. BAKER. Mr. President, I heartily congratuate the Senator from Tennessee for his fine work on this bill, and I am both proud and happy to cosponsor it. The Smokies are a fine example of nature's intricate handiwork, and passage of this bill will insure that their quiet beauty is retained for future generations. Mr. President, I should be remiss were I not also to mention at this time the contribution of Governor Alexander of Tennessee and the Tennessee Department of Conservation. Those efforts went a considerable distance toward enabling us to introduce this bill today. I should note, however, Mr. President, that the Senators from North Carolina have chosen not to cosponsor this legislation at this time. Given the circumstances surrounding that part of the park which lies in North Carolina, I find that condition to be understandable.

Yet, it is my hope that the problems which our neighbors have with this legislation will soon be resolved. In that regard, I know the Senators from North Carolina are working on a proposal to address some of the issues that affect their North Carolina interests. I would hope that the Senate Energy and Natural Resources Committee in their consideration of this bill will review their ideas and it appropriate incorporate them in the Senate's final version of this legislation.

Mr. EAST. Mr. President, I regret that I cannot at this time support the legislation introduced by my able colleague Senator SASSER and cosponsored by the majority leader Senator BAKER. I would like to make a few remarks regarding the proposal.

This bill designates certain lands in the Great Smoky Mountains as wilderness and resolves a long-standing controversy between the Federal Government and the citizens of Swain County, N.C. Over the last several weeks, my staff and the staffs of Senator SASSER and others have worked on the legislative language.

An agreement in principle has been reached that would make a few changes regarding lands in North Carolina, access for the handicapped, and other minor matters. Unfortunately, the Columbus Day recess is upon us and these differences have not yet been incorporated into the proposal. Therefore, I must withhold my support for this bill as these details are worked out.

The establishment of an appropriate management and use policy for the public lands of the United States is a matter of great interest to the citizens of North Carolina. I recognize the idea of setting aside areas of Federal lands to be preserved in their natural state. I endorse this concept because it comports with an orderly consideration of the competing values at work for use of public lands.

Moreover, I support provisions in the bill that would settle the 1943 agreement between the Federal Government and Swain County. This issue has been involved in bureaucratic redtape for longer than North Carolinians want to remember.

I am confident that the changes sought by my constituents in North Carolina can be accommodated. I look forward to supporting a final version of this bill.

Mr. HELMS. Mr. President, I regret that I cannot lend my unconditional support to the proposal offered by my colleagues from Tennessee establishing the Great Smoky Mountains Wilderness Area and settling a 40-year-old dispute between the Federal Government and Swain County, N.C.

My hesitancy to endorse this bill should not in any way indicate that I disagree with its purpose. In fact, I commend Senator BAKER and Senator SASSER for the effort they are making to preserve this unique and valuable area for future generations. I had simply hoped a few changes could be made to accommodate some concerns I have heard from North Carolinians living in the area. Indeed, it is my intention to offer a very similar bill.

My staff worked with the staffs of the Senators from Tennessee to iron out a few differences we have, but time ran out. I understand the need to introduce this proposal before the recess so that sponsors of the bill can go home and talk with constituents about it. I had hoped to do the same. But rather than rush to judgment on a bill having only a few details remaining to be worked out for the citizens of North Carolina, I think it prudent to withhold my support and offer my own version after the recess.

Mr. President, let me emphasize that I support the concept of establishing a "core" wilderness in the Great Smoky Mountains National Park, some areas of which are a ideally suited for wilderness. Much of the area is remote and accessible only by foot.

I do have serious concerns about placing 98 percent of the Great Smoky Mountain National Park under wilderness designation. Some areas included by the bill are already used extensively. For instance, trails and primitive roadways along the northern edge of Fontana Lake provide access to cemeteries and other historic sites. Likewise, I am told the Cherokee Indians use a portion of the park near their reservation regularly. I cannot support a proposal that would curtail these uses. Nor could I support legislation that would limit recreational use of Fontana Lake, as this bill might do.

Mr. President, I hope we can improve on the bill offered by my friends from Tennessee by enabling the Secretary of Interior to fight forest fires and insect infestations in the designated wilderness areas. Without that authority, the chances of a catastrophe are obvious.

In my judgment, it is also important to authorize the Secretary of the Interior to provide whatever reasonable access he deems appropriate for handicapped Americans who want to enjoy scenic overlooks and other opportunities for experiencing the wilderness near existing roads that will border units of the wilderness area.

Mr. President, I also have reservations about the manner which this bill purports to settle the so-called North Shore Road controversy. A settlement is long overdue, to say the least. However, the terms outlined in the bill make no accommodation for what I believe were the intended beneficiaries of a 1943 agreement between the Federal Government and Swain County. I support the $9.5 million lump sum payment, as well as forgiveness of the bond debt. However, I hope to authorize the expenditure of a small sum over and above these amounts for construction of a primitive road that will enable citizens to reach homesteads and gravesites north of Fontana Lake.

Again, I extend my congratulations and support to the intent of distinguished Senators from Tennessee, and my regrets that we were not able to iron out the details of certain aspects of the bill that would have allowed me to cosponsor at this time. As soon as possible after the pending Columbus Day recess, I intend to introduce a suitable compromise version that will address the specific areas that I have already mentioned, and I hope that accommodation can be reached regarding the minor differences that yet remain.

By Mr. LUGAR:

S. 1948. A bill to establish a national minimum drinking age of 21; to the Committee on Commerce, Science, and Transportation.

NATIONAL MINIMUM DRINKING AGE

● Mr. LUGAR. Mr. President, today I am introducting a bill to establish a national minimum drinking age of 21. There is overwhelming evidence of a direct relationship between a 21-year drinking age and highway traffic fatalities. Each year, some 50,000 people in America are killed in auto accidents, and hundreds of thousands more are seriously injured. Half of these fatalities are caused by drunk drivers. These drivers are disproportionately young people.

In the past decade, a number of States have experimented with a lower drinking age than 21. Overwhelmingly, these States have experienced sharp increases in fatalities and injuries involving young drivers. A number of these States have since raised the minimum drinking age, with a corresponding decline in fatalities and injuries among young people. Currently, more than half of the States have a minimum drinking age of 21 years.

The evidence is clear that now is the time for a national solution to this problem, based on the experience of the States. The bill which I am introducing today is identical to H.R. 3870, which was introduced in the House of Representatives by Congressman FLORIO of New Jersey on September 13. I invite cosponsorship of this bill by all colleagues, and ask that the text of the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS

SECTION 1. The Congress finds that—

(1) consumption of alcohol beverages by those driving automobiles and other vehicles is a major cause of accidents, resulting in numerous fatalities and injuries and in the destruction of property with far-reaching social and economic consequences;

(2) a disproportionate number of accidents caused by intoxicated drivers involves drivers under the age of twenty-one; and

(3) prohibition of the sale of alcoholic beverages in interstate commerce and by establishments in or affecting interstate commerce to those under the age of twenty-one is necessary for the public safety and welfare.

SALES

SEC. 2. No person may sell or offer to sell any alcoholic beverage to any individual who is under the age of twenty-one if the beverage is or has traveled in interstate commerce or if the sale or offer to sell is made in an establishment which is in or affects interstate commerce.

DEFINITION

SEC. 3. For purposes of section 2, the term "alcoholic beverage" means beer as defined in section 5052(a) of the Internal Revenue Code of 1954, wine of not less than 5 per centum of alcohol by volume, or distilled spirits as defined in section 5002(a)(8) of the Internal Revenue Code of 1954.

PENALTY

SEC. 4. (a) Any person who violates section 2 shall be subject to a civil penalty of not more than $5,000.

(b) A civil penalty for a violation of section 2 shall be assessed by the Secretary of Commerce by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing such an order the Secretary shall—

(1) give written notice to the person to be assessed the civil penalty under such order of the Secretary's proposal to issue such an order, and

(2) provide such person an opportunity to request, within fifteen days of the date the notice is received by such person, such a hearing on the order.

(c)(1) In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, any history of such prior violations, the degree of culpability, and such other matters as justice may require.

(2) The Secretary may compromise, modify, or remit, with our without conditions, any civil penalty which may be imposed under this section.

(d) Any person who requested in accordance with subsection (b) a hearing respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the thirty-day period beginning on the date the order making such assessment was issued.

(e) If any person fails to pay an assessment of a civil penalty—

(1) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with subsection (d), or

(2) after a court in an action brought under subsection (d) has entered a final judgment in favor of the Secretary.

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the thirty-day period referred to in subsection (d) of the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the va-

lidity, amount, and appropriateness of such penalty shall not be in subject to review.

CITIZENS' CIVIL ACTIONS

SEC. 5. (a) Any person (including a State) may commence a civil action against any person who is alleged to be in violation of section 2 to enjoin such person from violating such section.

(b) Any civil action under subsection (a) may be brought in any State court of competent jurisdiction or in a United States district court. An action brought in a United States district court shall be brought in the United States district court for the district in which the alleged violation occurred or in which the defendant resides or in which the defendant's principal place of business is located. The district courts of the United States shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties. In any civil action brought in a United States district court process may be served on a defendant in any judicial district in which the defendant resides or may be found and subpoenas for witnesses may be served in any judicial district.

(c) The court, in issuing any final order in any action brought under subsection (a), may award to the plaintiff costs of suit and reasonable fees for attorneys and expert witnesses if the court determines that such an award is appropriate. Any court, in issuing its decision in an action brought to review such an order, may award to the plaintiff costs of suit and reasonable fees for attorneys if the court determines that such an award is appropriate.

(d) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of section 2.

(e) For purposes of this section, the term "State" includes the several States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.●

By Mr. HUDDLESTON (for himself, Mr. COCHRAN, Mr. BOREN, Mr. MELCHER, Mr. DIXON, Mr. HEFLIN, Mr. NUNN, Mr. BAUCUS, Mr. FORD, Mr. SASSER, Mr. BENTSEN, and Mr. HOLLINGS):

S. 1949. A bill to provide emergency drought relief assistance for farmers and others; to the Committee on Agriculture, Nutrition, and Forestry.

DROUGHT RELIEF ACT OF 1983

Mr. HUDDLESTON. Mr. President, the bill I am introducing today will provide emergency assistance to farmers and others adversely affected by this year's drought.

I seriously considered offering this proposal as an amendment to S. 1529, the dairy and tobacco legislation before the Senate today. However, to insure timely action on S. 1529, I am offering this important drought relief legislation as a measure to be considered separately.

During the past several weeks, I have met with administration officials to discuss the drought situation and the steps that should be taken to provide relief to farmers and others. To date, I have been disappointed in the administration's response to this potential crisis situation. For that reason, I have developed this legislative proposal that I have already shared with the administration.

The drought and 2 consecutive years of record low net farm income have left many farmers facing the prospect of foreclosure or liquidation of their farming operations.

Federal agricultural credit programs and other farm protection programs must be adjusted immediately to provide emergency assistance to farm operators who are experiencing temporary financial hardship through no fault of their own. In addition, many farm-related businesses and rural communities are also in need of assistance.

A significant part of the proposal I am offering today comes from S. 24, the Emergency Agricultural Credit Act of 1983, that several of my colleagues and I introduced earlier this year and that the Agriculture Committee reported on March 18. I have made significant modifications in S. 24, as reported, to reduce possible costs and to address other concerns that have been raised. These modifications have been included in the bill.

Outlays under the other provisions of the bill will be relatively small in comparison to the losses to U.S. agriculture caused by the drought. The bill, for the most part, involves lending activities, with the loans made from revolving funds that are replenished by loan repayments. The advance deficiency payment provision involves only a shifting of the time at which deficiency payments are made—it does not increase the payments. The emergency livestock feed provision, while having a budget impact, involves no outlays. I might note that this particular provision was adopted yesterday by the Senate as an amendment to S. 1529 sponsored by the distinguished Senator from Texas (Mr. BENTSEN).

PROVISIONS OF THE BILL

The bill will require the Secretary to make advance deficiency payments to producers of 1984 crops for which there will be acreage reduction programs and for which deficiency payments are likely to be required.

In terms of credit assistance, there are several provisions in the bill that provide needed assistance through the Farmers Home Administration.

Included in the bill is a deferral provision that will require the Secretary of Agriculture to identify Farmers Home Administration farm loan borrowers who are faced with foreclosure or liquidation for financial reasons. Under the bill, after having exhausted all other servicing tools for such borrowers, the Secretary will be required to grant a deferral if the borrower can show to the satisfaction of the Secretary that:

First, he has exercised good management practices;

Second, due to circumstances beyond his control, he is temporarily unable to continue making payments; and

Third, he has a reasonable chance of repayment of the loan after the deferral period ends.

The bill will make additional changes in Farmers Home Administration programs that include:

Extending discretionary authority to implement the insured economic emergency loan program, with preference to be given to farmers affected by the drought;

Raising the operating loan limits to $300,000 for insured loans and to $400,000 for guaranteed loans;

Requiring that loan funds be made available for the limited resource farmer programs in this fiscal year;

Requiring that certain farm loans be reamortized or rescheduled at the original rate of interest or the current rate, whichever is lower;

Extending the maximum repayment period for operating loans from 7 to 15 years.

Requiring that natural disaster emergency loans be made available based on individual loss;

Requiring the use of funds allocated to the business and industrial loan guarantee program to help small rural businesses adversely affected by the drought and the payment-in-kind program; and

Modifying the rural water and waste disposal facility loan and grant program to provide:

First, a scale of graduated interest rates with more communities made eligible for lower interest rate loans;

Second, a grant distribution formula based on a community's size and median household income;

Third, a project selection system that uses three basic need factors in determining which communities get preference for the available assistance. These factors include: potential threats to community health, community size, and median household income;

Fourth, authorization for a technical assistance program to aid communities in obtaining impartial advice on the type and size of facilities needed; and

Fifth, establishment of a predevelopment fund to help communities with special needs.

EMERGENCY LIVESTOCK FEED

The bill will also require the Secretary of Agriculture to make low-grade corn held by the Commodity Credit Corporation available for sale to drought-stricken livestock producers. The corn would be sold at a price equal to 75 percent of the basic county loan rate.

This provision would be of particular assistance to hard-pressed livestock producers in States, such as Texas and

Iowa, in which the drought has destroyed animal feed crops. In Texas, for example, the Commodity Credit Corporation currently is storing 21 million bushels of grade 4 and 5 corn in warehouses. Another 17 million bushels of low-grade CCC corn is available for immediate use in Iowa.

INDIVIDUAL EMERGENCY LOAN DESIGNATIONS

The provision of the bill requiring that FmHA make natural disaster emergency loans available based on individual loss without regard to area designations, simply makes clear the intent of Congress. Although Congress amended the Consolidated Farm and Rural Development Act in 1978 and deleted all references to area designations, the FmHA continues to make county disaster designations.

A report issued by the Comptroller General stated that this practice was, and I quote "inconsistent with congressional intent and in violation of the act" end of quote. Administration officials have testified that FmHA makes natural disaster emergency loans available to individual farmers not located in a designated county when a small number of farmers in the county suffer losses in excess of 30 percent but the county loss does not exceed 30 percent. If FmHA is in fact making loans available in such cases, this provision in the bill will not result in any additional cost but will eliminate the appearance of inequity and political favoritism.

DEFERRAL PROVISION

Under the deferral provision of this bill, no principal or interest owed to FmHA by borrowers is forgiven. In addition, the bill restricts the number of borrowers who may apply for a deferral and the burden of proof to qualify for a deferral rests solely on the borrower.

According to the Congressional Budget Office, the deferral provision contained in this bill would be much less costly than the original provision in S. 24. CBO estimates the bill would result in a maximum of $700 million in delayed payments if all persons eligible got deferrals. This compares to an estimated maximum of $2.6 billion in delayed payments under the original provision of S. 24.

The bill also addresses the administration's other concern about the deferral provision contained in S. 24. The administration feared that large numbers of FmHA borrowers could have filed law suit seeking loan deferrals. This bill resolves that issue by including a provision that effectively limits the granting of a deferral to borrowers identified by the Secretary as being faced with foreclosure or liquidation.

I share the administration's concern involving the Farmers Home Administration in excessive litigation. FmHA is already being sued in numerous district courts and in several bankruptcy proceedings because its present foreclosure policy is not clear to the public and is too subjective and open to interpretation by FmHA employees at the county level.

In addition, the U.S. District Court for the District of Columbia recently found that the administration acted illegally by not implementing the economic emergency loan program during 1982; and the U.S. District Court for the Western District of Missouri has found that FmHA acted improperly by not making natural disaster emergency loans available based on individual losses.

By adopting the changes in the FmHA programs provided for in the bill, Congress can resolve the existing confusion, eliminate the appearance of inequity, and provide much needed emergency credit assistance to farmers, farm-related businesses, and rural communities.

CONCLUSION

In total, the provisions of this bill provide a comprehensive drought assistance plan. The bill will provide the tangible and sensible emergency drought assistance that our farmers, farm-related businesses, and rural communities need.

I urge my colleagues to join me in supporting this legislation.

I ask unanimous consent that the text of the bill, an explanation of the bill, and the report issued by the General Accounting Office on the issue of county designations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drought Relief Act of 1983".

EMERGENCY LOAN PROGRAM ELIGIBILITY

SEC. 2. Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended by adding at the end thereof the following new sentences: "Eligibility of an applicant seeking assistance based on production losses shall be determined solely on the basis of the factors designated in this section and shall not be affected by the Secretary's failure to designate a county or counties for emergency loan purposes, except that the applicant must establish to the satisfaction of the Secretary that the production losses were sustained as a result of such disaster. The determinations of the Secretary under this section shall be final unless found by a court of competent jurisdiction, on the basis of the administrative record, to have been arbitrary, capricious, or otherwise not in accordance with law or regulations issued in accordance with law.".

LOAN DEFERRALS

SEC. 3. Section 331A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981a) is amended by—

(1) inserting "(a)" after the section designation;

(2) in the second sentence, striking out "section" and inserting in lieu thereof "subsection"; and

(3) adding at the end thereof the following new subsections:

"(b)(1) During the period beginning on the date of enactment of this subsection and ending September 30, 1984, effective with respect to any outstanding loan made, insured, or held by the Secretary for farm ownership purposes under subtitle A of this title, farm operating purposes under subtitle B of this title, disaster emergency purposes under subtitle C of this title, or economic emergency purposes under the Emergency Agricultural Credit Adjustment Act of 1978, the Secretary, at the request of the borrower, shall permit the deferral of principal and interest on the loan and shall forego foreclosure of the loan, subject to the limitations in paragraph (2) of this subsection and under the conditions specified in paragraph (3) of this subsection.

"(2) The loan assistance provided under this subsection shall be available only to borrowers (A) who own or operate not larger than family-size farms, as certified by the county committee, and (B) for whom the Farmers Home Administration (in the normal course of its loan making and loan servicing operations) determines that, absent such loan assistance, there are no loan servicing alternatives available other than foreclosure of the borrower's loan or full or partial liquidation of the farm operation for financial reasons.

"(3) To obtain a deferral of principal and interest and avoid foreclosure under this subsection, the borrower must show, to the satisfaction of the Secretary, that the borrower (A) has followed good management practices, (B) due to circumstances beyond the borrower's control, is temporarily unable to continue making payment of principal and interest on the loan involved when due, and (C) has a reasonable chance of repayment of the loan after the deferral of principal and interest and foregoing of foreclosure.

"(c) At the expiration of any period of deferral of principal and interest and foregoing of foreclosure by the Secretary under subsection (b) of this section, the Secretary shall make available to the borrower, at the borrower's request, procedures whereby the loan may be consolidated, rescheduled, or reamortized to provide equitable repayment terms consistent with the borrower's farm and financial situation, and any loan so consolidated, rescheduled, or reamortized shall bear interest at a rate that is the lower of (1) the rate of interest on the original loan or (2) the rate being charged by the Secretary for loans of the same type at the time of the consolidation, rescheduling, or reamortization.

"(d) The Secretary shall promulgate regulations that provide (1) for notification of all farm borrowers under this title and the Emergency Agricultural Credit Adjustment Act of 1978 of the provisions of this section and all other servicing alternatives offered by the Secretary, (2) clear procedures by which farm borrowers may petition the Secretary for relief under such provisions and alternatives, and (3) for appeal within the Department of Agriculture from a decision that denies relief under such provisions and alternatives.

"(e) Any farm loan, other than a guaranteed loan, deferred, consolidated, rescheduled, or reamortized under any authority of the Secretary under this title other than under subsections (b) and (c) of this section

shall, notwithstanding any other provision of this title, bear interest on the balance of the original loan and for the term of the original loan at a rate that is the lower of (1) the rate of interest on the original loan or (2) the rate being charged by the Secretary for loans, other than guaranteed loans, of the same type at the time of the deferral, consolidation, rescheduling, or reamortization.".

ECONOMIC EMERGENCY LOAN PROGRAM

SEC. 4. The Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961 note) is amended by—

(1) inserting, before the period at the end of the second sentence of section 204(b), a colon and the following proviso: *"Provided,* That, in no case may a loan insured under this title issued during fiscal year 1984 bear an interest rate in excess of 8 per centum per annum";

(2) adding, at the end of section 210, the following new sentence: "During fiscal year 1984, the Secretary, in making financial assistance available under this title, shall give preference to applicants seeking such assistance because their farming or ranching operations have been adversely affected by drought, hot weather, or a related disaster."; and

(3) in section 211, striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1984".

OPERATING LOAN PROGRAM; LIMITED RESOURCE BORROWERS

SEC. 5. (a) Section 313 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended by striking out "$100,000, or, in the case of a loan guaranteed by the Secretary, $200,000" and inserting in lieu thereof "$300,000, or, in the case of a loan guaranteed by the Secretary, $400,000".

(b) Section 316(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(b)) is amended by—

(1) in the second sentence, striking out "seven" and inserting in lieu thereof "fifteen"; and

(2) in the fifth sentence, striking out "The interest rate" and inserting in lieu thereof "Except as otherwise provided for farm loans under section 331A(e) of this title, the interest rate".

(c) Section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994) is amended by adding at the end thereof the following new subsection:

"(e)(1) Notwithstanding any other provision of law, not less than 20 per centum of the loans for farm ownership purposes under subtitle A of this title, and not less than 20 per centum of the loans for farm operating purposes under subtitle B of this title, authorized to be insured, or made to be sold and insured, from the Agricultural Credit Insurance Fund during fiscal year 1984 shall be for low-income, limited-resource borrowers.

"(2) The Secretary shall provide notification to all farm borrowers under this title, as soon as practicable after the date of enactment of the Emergency Agricultural Act of 1983, of the provisions of this title relating to low-income, limited-resource borrowers and the procedures by which persons may apply for loans under the low-income, limited-resource borrower program.".

ADVANCE DEFICIENCY PAYMENTS

SEC. 6. Section 107C of the Agricultural Act of 1949 (7 U.S.C. 1445b-2) is amended by—

(1) in subsection (b)(1)—

(A) striking out "1983 crop" in clause (A) and inserting in lieu thereof "1983 and 1984 crops"; and

(B) striking out "1984 and" in clause (B); and

(2) in subsection (c)(4), striking out "(and, in the case of the 1983 crops of wheat, feed grains, and rice, the requirements of the land diversion program involved)" and inserting in lieu thereof "(and, in the case of each of the 1983 and 1984 crops of wheat, feed grains, upland cotton, and rice, the requirements of any land diversion program for such crop)".

EMERGENCY ANIMAL FEED

SEC. 7. (a) As used in this section—

(1) the term "damaged corn" means corn that is classified as U.S. No. 4, U.S. No. 5, or U.S. Sample Grade under section 810.353 of title 7, Code of Federal Regulations; and

(2) the term "eligible farmers and ranchers" means farmers and ranchers who are eligible to receive loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961).

(b) To assist eligible farmers and ranchers, in areas that have been adversely affected by drought, hot weather, or related disaster, to preserve and maintain foundation herds of livestock and poultry (including their offspring) and secondary livestock, the Secretary of Agriculture shall make damaged corn held by the Commodity Credit Corporation available for purchase by such farmers and ranchers in accordance with section 407 of the Agricultural Act of 1970 (7 U.S.C. 1427).

(c) In making damaged corn available to farmers and ranchers under this section, the Secretary shall offer the damaged corn held by the Corporation at a price that is equal to 75 percent of the basic county loan rate for such corn in effect under the Agricultural Act of 1949 at the time of sale (or a comparable price if there is no such current basic county loan rate).

(d) The Secretary shall make damaged corn available for sale, as provided under this section, until September 30, 1984, or such earlier date, as determined by the Secretary, on which the emergency created by drought, hot weather, or related disaster no longer exists.

(e) Effective for the period beginning on the date of enactment of this Act and ending September 30, 1984, the fifth sentence of Section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended by inserting "and secondary livestock," after "sheep, and goats, and their offspring,".

EMERGENCY BUSINESS LOANS

SEC. 8. Effective for the period beginning with the date of the enactment of this Act and ending September 30, 1984, section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding at the end thereof a new subsection (f) as follows:

"(f) Notwithstanding any other provision of law—

"(1) The Secretary shall guarantee loans under this section to small businesses that—

"(A) are located in rural areas;

"(B) are engaged in furnishing machinery, supplies, and services to farmers and ranchers; and

"(C) establish by substantial evidence that they are experiencing severe economic hardship directly attributable to the adverse effects of drought, hot weather, or related disaster on the business's farming or ranching customers or to the operation of the 1983 payment-in-kind land diversion program.

"(2) A loan shall be guaranteed under this subsection for the purpose of assisting an eligible borrower to continue to operate the business of the borrower during the period of economic hardship described in paragraph (1)(C) of this subsection.

"(3) The principal amount of a loan guaranteed under this subsection may not exceed $200,000.

"(4) The period of repayment of a loan guaranteed under this subsection shall be eighteen months.

"(5) To the extent necessary to guarantee loans to eligible borrowers who have applied for assistance under this subsection, an amount equal to not less than 25 per centum of the funds appropriated under the heading "RURAL DEVELOPMENT INSURANCE FUND" in title II of the Act entitled "An Act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1983, and for other purposes", approved December 18, 1982 (96 Stat. 1799), for the purpose of guaranteeing industrial development loans, shall be made available to guarantee loans under this subsection.

"(6) Not later than sixty days after the date of the enactment of the Emergency Agricultural Act of 1983, the Secretary shall issue regulations to carry out this subsection.".

RURAL WATER AND WASTE DISPOSAL PROGRAM IMPROVEMENTS

SEC. 9. (a) Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by—

(1) adding at the end of paragraph (2) the following: "The Secretary shall fix the grant rate for each project in conformity with regulations promulgated by the Secretary that shall provide for a graduated scale of grant rates establishing higher rates for projects in communities that have lower community population and income levels and that are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing rates and terms in the area in which the applicant is located for loans for similar purposes and periods of time: *Provided,* That the grant rate shall be the maximum rate permitted under this paragraph for any project in a community that has a population of fifteen hundred or less inhabitants and a median household income level below 80 per centum of the statewide nonmetropolitan median household income and that is unable to obtain sufficient credit elsewhere to finance its actual needs at reasonable rates and terms, taking into consideration prevailing rates and terms in the area in which the applicant is located for loans for similar purposes and periods of time."; and

(2) adding at the end thereof new paragraphs (16), (17), (18), (19), and (20) as follows:

"(16) In providing financial assistance for water and waste disposal facilities under this section, the Secretary shall use a project selection system to determine which of the applicants for assistance meeting the basic requirements of this section shall be selected to receive assistance. Such project selection system shall provide for the objective and uniform comparison of requests for assistance (in the form of preapplications) on the basis of relative need as reflected by (A) low community median income; (B) low population; and (C) severity of health hazards resulting from inadequate provision for

the reliable supply of potable water or from inadequate means of disposing of waste. For purposes of the project selection system, each of these three factors shall be weighted equally.

"(17)(A) The Secretary may make payments to associations described in paragraph (1) of this subsection that are reasonably likely to receive financial assistance under paragraph (1) or paragraph (2) of this subsection for community water and waste disposal facilities, for predevelopment costs incurred in connection with the planning and design of such facilities. Such costs may include the costs of drilling test wells and of preparing alternative engineering designs to determine the most feasible and economical method to improve the water supply or waste disposal system of the community involved.

"(B)(i) The amount of any payment received under subparagraph (A) with respect to a project by an association that receives, before the expiration of the five-year period beginning on the date that such payment is received, a loan under paragraph (1) or a grant under paragraph (2) of this subsection to finance such project shall be treated as part of the amount of such loan or the amount of such grant, as the case may be.

"(ii) The amount of any payment received under subparagraph (A) with respect to a project by an association that does not receive, before the expiration of the five-year period beginning on the date that such payment is received, a loan under paragraph (1) or a grant under paragraph (2) of this subsection to finance such project shall be repaid to the Secretary as if such payment were a loan made under paragraph (1) unless the Secretary waives the repayment requirement with respect to all or part of such amount.

"(C) The total of payments made by the Secretary under subparagraph (A) for any fiscal year shall not be less than 5 per centum of any funds provided in appropriation acts to carry out paragraph (2) of this subsection for the fiscal year unless the applications for payments received by the Secretary for eligible associations for the fiscal year total less than 5 per centum of such amount.

"(D) For purposes of section 346 of this Act, each payment made under subparagraph (A) shall be deemed to be a loan unless and until such payment is offset against a grant or the Secretary waives the repayment of such payment.

"(18)(A) The Secretary may make grants to private nonprofit organizations for the purpose of enabling them to provide to associations described in paragraph (1) of this subsection technical assistance and training to—

"(i) identify, and evaluate alternative solutions to, problems relating to the development, storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas;

"(ii) prepare applications to receive financial assistance for any purpose specified in paragraph (2) of this subsection from any public or private source; and

"(iii) improve the operation and maintenance practices at any existing works for the storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas.

"(B) In selecting recipients of grants to be made under subparagraph (A), the Secretary shall give priority to private nonprofit organizations that have experience in providing the technical assistance and training described in subparagraph (A) to associations serving rural areas in which residents have low incomes and in which water supply systems or waste facilities are unhealthful.

"(C) The total of grants made by the Secretary under subparagraph (A) for any fiscal year shall not be less than 2 per centum of any funds provided in appropriation acts to carry out paragraph (2) of this subsection for the fiscal year unless the applications for grants received by the Secretary from eligible associations for the fiscal year total less than 2 per centum of such amount.

"(19) In the case of water and waste disposal projects serving more than one separate rural community, the Secretary shall use the median population level and the median community income level of all the separate communities to be served in applying the formulas provided in paragraphs (2) and (16) of this subsection and section 307(a)(3)(A) of this title.

"(20) In providing financial assistance for essential community facilities under this section, the Secretary shall use a project selection system to determine which of the applicants for assistance meeting the basic requirements of this section shall be selected to receive assistance. Such project selection system shall provide for the objective and uniform comparison of requests for assistance (in the form of preapplications) on the basis of the factors of (A) a community median household income level below 80 per centum of the statewide median household income, (B) a community rate of unemployment and underemployment that takes account of individuals employed on a part-time or seasonal basis, or both, and individuals not participating in the work force because of continued inability to find employment (commonly referred to as 'discouraged workers') and that exceeds the national nonmetropolitan average rate thereof by at least 10 per centum of such rate, and (C) a sudden economic dislocation the community has experienced or is about to experience resulting in a loss of jobs that is significant, both in terms of the number of jobs eliminated and the effect on the unemployment rate of the community. For purposes of the project selection system, each of the factors described in clauses (A), (B) and (C) of the preceding sentence shall be weighted equally.".

(b) Section 307(a)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)(A)) is amended by—

(1) by striking out "the poverty line prescribed by the Office of Management and Budget as adjusted under section 624 of the Economic Opportunity Act of 1964 (42 U.S.C. 2971(d))" and inserting in lieu thereof "80 per centum of the statewide nonmetropolitan median household income";

(2) inserting before the period at the end thereof the following: "; and not in excess of 7 per centum per annum on loans for such facilities that do not quality for the 5 per centum per annum interest rate but are located in areas where the median household income of the persons to be served by the facilities does not exceed 100 per centum of the statewide nonmetropolitan median household income"; and

(3) adding at the end thereof the following: "The interest rate on loans for water and waste disposal facilities and loans for essential community facilities shall be the lower of (i) the rate in effect at the time of the loan approval, or (ii) the rate in effect at the time of the loan closing".

(c) The amendments made by this section shall become effective on January 1, 1984, and shall apply to any association described in section 306(a)(1) of the Consolidated Farm and Rural Development Act without regard to whether the application for the loan or grant involved was made by such association before such effective date.

SUMMARY OF SENATOR HUDDLESTON'S LEGISLATIVE PROPOSAL ON DROUGHT ASSISTANCE, OCTOBER 7, 1983

(1) *Natural Disaster Loans.*—The proposal will require the Secretary to make natural disaster emergency loans available based on individual loss regardless of area designation.

(2) *Loan Deferrals.*—The Secretary of Agriculture, during the period beginning on the date of the enactment of the bill and ending September 30, 1984, will be required to permit family farmers with insured economic emergency loans or insured farm loans under the Consolidated Farm and Rural Development Act, on request, to defer repayment of the loans, if the borrower can show to the satisfaction of the Secretary that he has followed good management practices, is temporarily unable to continue making payments on the loan due to circumstances beyond his control, and has a reasonable chance of repayment of the loan after the deferral.

Deferral assistance under the proposal will be available only to borrowers for whom the Farmers Home Administration (in the normal course of its loan making and loan servicing operations) determines that, absent such assistance, there are no loan servicing alternatives other than foreclosure of the loan or liquidation of the farm operation for financial reasons.

(This provision is similar but less costly than the deferral provision contained in S. 24, the Emergency Agricultural Credit Act of 1983. CBO estimates the provision would result in a maximum of $700 million in delayed payments if all persons eligible got deferrals. This compares to an estimated maximum of $2.6 billion in delayed payments under the original provision contained in S. 24.)

(3) *Economic Emergency Loans.*—The proposal will extend the discretionary economic emergency loan program to September 30, 1984. The proposal will make loans available to family farm operations that meet a test for credit with preference given to farmers adversely affected by the drought. The authorized funding level will be $600 million and loans would bear an interest rate not in excess of 8 percent. (Note: the natural disaster emergency loan program no longer provides credit for future production purposes, but the economic emergency loan program does.)

(4) *Operating Loan Limits.*—The proposal will raise the loan limits for FmHA farm operating loans to $300,000 for insured loans (currently $100,000) and $400,000 for guaranteed loans (currently $200,000).

(5) *Reamortization and Rescheduling.*—The proposal will establish that, for any insured farm loan deferred, consolidated, rescheduled, or reamortized by the Secretary, the interest rate for the remaining balance and term of the original loan will be lower of (a) the rate of interest for the original loan or (b) the current interest rate being charged.

(6) *Limited Resource Farmers.*—The proposal will require that not less than 20 percent of the amounts authorized for FmHA insured farm ownership and farm operating loans in fiscal year 1984 be made available

for the low-income, limited-resource farmer program (under which farmers who qualify for the program receive loans at a reduced rate of interest).

(7) *Advance Deficiency Payments.*—The proposal will require the Secretary to use the discretionary authority provided in the Omnibus Budget Reconciliation Act of 1982 with respect to wheat, feed grains, upland cotton, and rice, to make advance deficiency payments available to producers of 1984 crops for which there will be acreage reduction programs and for which deficiency payments are likely to be required.

(8) *Repayment Period.*—The proposal will extend the maximum repayment period, for FmHA insured farm operating loans that have been consolidated or rescheduled, from seven to fifteen years from the date of the consolidation or rescheduling.

(9) *Emergency Livestock Feed Assistance.*—The proposal will require the Secretary of Agriculture to make available for sale, to drought-stricken livestock and poultry producers, low grade corn held by the Commodity Credit Corporation. The corn would be sold at a price equal to 75 percent of the loan rate.

(10) *Business Loans.*—The proposal will require the Secretary to use existing authorities and authorized funding to issue loan guarantees under the FmHA business and industrial loan program to rural small businesses adversely affected by the drought or payment-in-kind program.

(11) *Rural Water.*—The proposal (similarly to S. 1789) provides for, with respect to FmHA's rural water and waste disposal facility loan and grant program—

(a) a graduated interest rate for water and waste disposal loans, with more communities made eligible for lower interest rate loans;

(b) a grant distribution formula based on a community's size and median household income;

(c) a project selection system based on potential threats to community health, community size, and median household income;

(d) a technical assistance program to aid communities in obtaining impartial advice on the type and size of facilities needed; and

(e) establishment of a predevelopment fund to help communities with special needs.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., January 10, 1983.

Hon. THOMAS F. EAGLETON,
Ranking Minority Member, Subcommittee on Agriculture, Rural Development, and Related Agencies, Committee on Appropriations, U.S. Senate.

DEAR SENATOR EAGLETON: This responds to your letter dated May 25, 1982, requesting our opinion on whether the Farmers Home Administration (Administration) has been unlawfully limiting the availability of natural disaster emergency loans authorized under the Consolidated Farm and Rural Development Act (7 U.S.C. §§ 1013a, 1921 et seq. (1976) (Act)). In your view, the Administration's practice of basing loan eligibility on county-wide, rather than individual, crop losses violates the Act. You asked us to review the loan program's authorizing legislation and advise you as to the legality of the Administration's practice. As explained below, we agree that the Administration is conducting the program in a manner which is inconsistent with Congressional intent and in violation of the Act.

You are concerned that the Administration may be administering the loan program contrary to the letter and intent of the provisions of its authorizing legislation, 7 U.S.C. §§ 1961 et seq. (1976). Generally under the program, the Secretary of Agriculture makes and insures loans to established farmers, ranchers, or persons engaged in aquaculture (or United States businesses engaged primarily in farming, ranching or aquaculture) who have suffered production losses as a result of having been affected by a natural disaster or by a major disaster or emergency designated by the President. 7 U.S.C. § 1961(a).

7 U.S.C. § 1970, provides that,

"[t]he Secretary shall make financial assistance under this subchapter available to any applicant seeking assistance based on production losses if the applicant shows that a single enterprise which constitutes a basic part of the applicants' farming, ranching, or aquaculture operation has sustained at least a 30 per centum loss of normal per acre or per animal production or such lesser per centum of loss as the Secretary may determine as amended by Pub. L. 97-35 § 163, approved August 13, 1981, 95 Stat 378, as a result of a disaster * * *."

Your understanding is that the Administration denies individual farmers emergency loans unless county-wide losses exceed 30 percent of normal production in cases where more than 25 farmers have been affected by a disaster. (If fewer than 25 farmers sustain losses, applications for assistance are considered by Agriculture on an individual basis.)

In your view, 7 U.S.C. § 1970 directs the Secretary to consider each farmer's crop reduction individually when determining if the 30 percent production loss eligibility requirement has been met in cases where more than 25 farmers are affected. Any applicant meeting the 30 percent test should be considered for a loan regardless of the percentage of crop loss of others in his county, under your reading of section 1970. The Administration's practice, however, prevents individual farmers from applying for loans where more than 25 farmers in a county are affected even though they have suffered a 30 percent crop reduction if county-wide losses do not average 30 percent.

Upon receiving your inquiry, we asked the Secretary of Agriculture for his comments on the issues you raise. His response indicates that your understanding of the Administration's practice is essentially correct, although the Department describes it in a slightly different way. The Administration's procedure when a natural disaster occurs is to determine whether a county has suffered a 30 percent loss, and if so the Secretary designates it as a disaster reiief area. Upon such designation, the farmers within the county may apply for loans individually. However, farmers not in a designated county may not receive assistance, unless there are fewer than 25 farms in the county which have suffered a 30 percent loss. The area designation procedure is prescribed by regulation. 7 C.F.R. § 1945.20 (1982). A guideline established by the Secretary sets forth the requirements that a designation be made on the basis of county-wide losses.

The Secretary's position is that determination of loan eligibility on a county-wide basis is not contrary to the Consolidated Farm and Rural Development Act. In his view, the Act gives the Secretary sufficient discretion in administering the emergency loan program to allow the Department to use the county designation procedure. 76 U.S.C. § 1961, which provides the Secretary the general authority to conduct the program, states in pertinent part:

"The Secretary shall make and insure loans under this subchapter * * * to (1) established farmers, ranchers, or persons engaged in aquaculture * * * where the Secretary finds that the applicants' farming, ranching, or aquaculture operations have been substantially affected by a natural disaster in the United States * * *".

We recognize that under the statute the Secretary is accorded a degree of latitude in administering the emergency loan program. However, the Secretary does not have the discretion to establish a procedure, such as making an area designation based on county-wide losses, which systematically excludes those farmers which the Congress intended the program to benefit.

The legislative history of section 1961 indicates that Congress does not intend that the Administration follow an area designation procedure in conducting the natural disaster emergency loan program. Before amendment in 1978, section 1961 specified that the Secretary was required to designate emergency areas and make loans in such areas if he found that a natural disaster had occurred in that area which had substantially affected farming. However, in 1978, Congress amended section 1961 by deleting the area designation requirement. (Public Law No. 95-334, § 118, 92 Stat. 426 approved August 4, 1978). Congress altered section 1961's language to its current form, quoted above. The provision deleting the requirement was a Senate floor amendment to the Senate's version of the bill which was later enacted as the Agriculture Credit Assistance Act of 1978. Senator Allen, Chairman of the Subcommittee on Agriculture Credit and Rural Electrification offered the amendment, apparently on the recommendation of the Farmers Home Administration. 124 Cong. Rec. S 12139 (Daily ed. May 2, 1978) (remarks of Sen. Allen). He explained the amendment's purpose as follows:

"The purpose of this amendment, which contains all the present provisions in section 114, is to give the Secretary of Agriculture greater discretion in making available emergency loans. It will permit the Secretary to adopt revised procedures that would make emergency loans more readily available to farmers, ranchers, and aquaculture operators after the occurrence of a natural disaster, therefore making assistance available to disaster victims on a more timely basis." Id at S. 12139.

The explanation of the Conference Committee Chairman, Senator Talmadge, during the Senate's consideration of the conference report also indicates that Congress intended that the Administration determine disaster loan eligibility on an individual basis. Senator Talmadge said:

"In the past, the emergency loan program could not be put into effect without going through the process of having an entire county declared a disaster, under this bill, the emergency program administered by the Farmers Home Administration can be made available to individual farmers on a case-by-case basis. This is a significant improvement over the existing law." 124 Cong. Rec. S 21996 (daily ed. July 20, 1978) (remarks of Senator Talmadge).

Further, Representative Jones, chairman of the House of Representatives Agriculture Committee's Subcommittee on Conservation and Credit during the House of Representa-

tive's consideration of the conference report stated:

"Another change which should go a long way to reducing frustrations of farmers and their Congressmen is natural disaster situations. One of the first actions I took as chairman of the Subcommittee on Conservation and Credit was to hold hearings on our emergency programs especially as they were operating under the drought conditions. This bill makes some changes in the FmHA disaster loan program which will make it operate much more effectively.

"The secretarial emergency designation would no longer be required in order to make disaster loans to farmers. Instead emergency loans would be made when the applicant's farming, ranching, or aquaculture operations have been substantially affected by a natural disaster in the United States or by a major disaster. I feel this simplified procedure will end a lot of the problems with this program." 124 Cong. Rec. H 21752 (daily ed. July 20, 1978) (remarks of Rep. Jones).

For other portions of the legislative history of section 1961 which indicate that Congress intended that the Secretary administer the program on an individual basis, see 124 Cong. Rec. H 21749 (daily ed. July 19, 1978) (remarks of Rep. Foley); 124 Cong. Rec. S 21998 (daily ed. July 20, 1978) (staff summary of conference substitute); and the Joint Explanatory Statement of the Committee of Conference, reprinted in the U.S. Code Cong. and Admin. News at 1185, 1186 (1978).

The cited legislative history shows that Congress believed that the disaster loan program would operate more effectively if the area designation requirement was abolished. Accordingly, in light of the legislative history discussed above, it is clear that Congress intended that the Administration stop following the area designation procedure and begin determining disaster loan eligibility on a case-by-case basis after the 1978 amendment to 7 U.S.C. § 1961.

The Secretary contends that notwithstanding this legislative history, the Act gives him sufficient discretion to continue to use the county designation procedure. He reads 7 U.S.C. § 1961 as setting forth the basic eligibility criteria for emergency loans. He contends that 7 U.S.C. § 1989, which authorizes him to make regulations and to prescribe conditions for making loans permits him to "issue regulations necessary to define a natural disaster along with establishing guidelines as to the manner of determining whether or not an area is substantially affected by such a natural disaster." The Secretary also acknowledges that under his interpretation of 7 U.S.C. § 1989 he has the discretion to make loans available to individual farmers. He informs us, however, that the Department has concluded that the continued use of the county designation process is necessary for "administrative convenience".

The provisions of 7 U.S.C. § 1961 are mandatory, not permissive; the Secretary may not ignore the section's directives. In *Berends* v. *Butz*, 357 F. Supp. 143, 150 (1973), the Secretary of Agriculture made a similar argument to justify terminating an emergency loan program under the previous version of this Act. The United States District Court for the District of Minnesota stated:

"'Shall' is mandatory language * * * The language in the statutes and regulations relied on by plaintiffs is not of a permissive nature, but affirmatively directs defendants to perform. Whereas the Secretary may have a great deal of discretion in the administration of emergency loans, he has no license to act in violation of mandatory language of statutory laws or agency regulations." id. at 150.

See also *Dubrow* v. *Small Business Administration*, 345 F. Supp. 4 (D. Cal. 1972) where the right to apply for Small Business Administration disaster loans was at issue. The Government contended that under the Disaster Relief Act of 1972, the agency had absolute discretion to determine whether or not to make a loan. The Court Stated:

"Whatever the limits on this Court's authority to review denial of an application, they do not preclude judicial review when the SBA has refused to follow its statutory duty to determine whether the loan to a given applicant is necessary or appropriate." *id.* at 8, 9.

Accordingly, as subsection (a) states, if the Secretary finds that an applicant's farming operations, as opposed to designated areas, have been substantially affected by a natural disaster, he must make or insure a loan in accordance with the program's authorizing provisions * * *. In that way the program would be available to all farmers—by county designation in counties where more than 25 farmers have been affected by a natural disaster, and by FmHA State Director authorization in counties where 25 or fewer farmers have been affected.

Sincerely yours,

MILTON J. SOCOLAR,
(For Comptroller General
of the United States).

● Mr. COCHRAN. Mr. President, I am glad to cosponsor Senate bill 1949, the Drought Relief Act of 1983 that will provide farmers with needed assistance to continue in business.

There is great concern in this country about the future of many of our farmers. This concern is not restricted to the producing sector of the agriculture industry, either. Financial interest in all other related support elements of the agriculture industry are just as concerned because should the farmer not survive they know all to well how wide spread the economic impact will be in their area. Furthermore, the drought impact is coming at a time when the farm economy is already depressed due to several years of low income. Many farmers were already faced with the real prospect of losing their farming operation. This year's drought will only make those prospects more imminent.

The bill that I join in introducing today represents a realistic approach to implementing programs designed to provide needed assistance to farmers. When all reports of damage are finalized and assessments are made of the impact on American agriculture, we will likely find that this year's drought, in terms of severity and intensity, will be the worst in over 50 years.

In light of this drought, we find crop production of all major commodities has dropped significantly and many producers have found their crops which are their main source of income severly curtailed. Additionally, our livestock producers have seen the costs of livestock feed skyrocket as a result of the drought.

I praise the administration for their efforts to date, however, there are still needs, resulting from the drought, yet unmet. This package is designed to meet those needs and provide further assistance to our drought-plagued farmers.

The bill will require the Secretary to make advance deficiency payments to producers of 1984 crops for which there will be acreage reduction programs and for which deficiency payments are likely to be required.

In terms of credit assistance, there are several provisions in the bill that provide needed assistance through the Farmers Home Administration.

Included in the bill is a deferral provision that will require the Secretary of Agriculture to identify Farmers Home Administration farm loan borrowers who are faced with foreclosure or liquidation for financial reasons.

The bill will also require the Secretary of Agriculture to make low-grade corn held by the Commodity Credit Corporation available for sale to drought-stricken livestock producers. The corn would be sold at a price equal to 75 percent of the basic county loan rate.

The provision of the bill requiring that FmHA make natural disaster emergency loans available based on individual loss without regard to area designations, simply makes clear the intent of Congress. Although Congress amended the Consolidated Farm and Rural Development Act in 1978 and deleted all references to area designations, the FmHA continues to make county disaster designations.

Under the deferral provision of this bill, no principal or interest owed to FmHA by borrowers is forgiven. In addition, the amendment restricts the number of borrowers who may apply for a deferral and the burden of proof to qualify for a deferral rests solely on the borrower.

I will be chairing a hearing before the Senate Agriculture Committee's Subcommittee on Agriculture Production, Marketing, and Stabilization of Prices on October 20, 1982. At that time we will assess the impact the drought has had on farmers and ranchers, evaluate the assistance provided by the Department, and discuss the proposals that are contained in this measure.●

By Mr. MATTINGLY:

S. 1950. A bill to amend the Internal Revenue Code of 1954 to increase the annual contribution limit for individual retirement accounts from $2,000 to $3,000 and to make such accounts more equitable in the case of lesser earning and nonworking spouses; to the Committee on Finance.

CONTRIBUTIONS TO INDIVIDUAL RETIREMENT ACCOUNTS

Mr. MATTINGLY. Mr. President, I rise today to introduce legislation which will serve two purposes. First, it will increase the amount of money that can be placed tax free in an individual retirement account (IRA) from $2,000 to $3,000. Second, it will eliminate the "non-working" spouse discrimination, and thus allow those individuals who have chosen to work in the home the opportunity of setting up and contributing the maximum allowed to their own IRA.

The individual retirement account provides an attractive incentive for Americans to save. In particular, the IRA is an attractive inducement for individuals to save for their retirement. A recent New York Times article revealed that Americans invested about $30 billion in IRA's during the 1982 tax year. Original estimates by the Treasury Department had predicted only around $18 billion would be invested in such investments. The article further pointed out that nearly one of every five employed adults had opened an IRA during the 1982 tax year. These statistics provide conclusive evidence that the individual retirement account is an attractive incentive for individuals to save.

By providing Americans with an incentive to save, the individual retirement account also has a potentially favorable effect on the Nation's savings pool. At a time when Government borrowing is at an alltime high, the need to increase the Nation's savings pool is presently important to prevent the "crowding out" of private sector credit demands.

Finally, the individual retirement account serves a valuable purpose of tax relief. The amounts invested in an IRA each year are deductible to the individual, while the savings accumulate untaxed until they are withdrawn. Because IRA funds are typically withdrawn after retirement when the saver would be in a lower tax bracket, the investor would pay less tax when the funds are withdrawn.

Because the individual retirement account is providing an attractive incentive for individuals to save, while at the same time increasing the Nation's savings pool and providing valuable tax relief for the American taxpayer, the amount of money that can be placed tax free in the individual retirement account should be increased from $2,000 to $3,000.

The second and most important feature of this legislation will eliminate the nonworking spouse discrimination. Currently, a nonworking spouse is allowed a deduction of only $250 compared to the $2,000 amount that can be placed in an IRA by a working spouse. The need to eliminate this obviously discriminatory feature of the Tax Code is twofold. First, as a matter of simple equity, there is absolutely no justification to penalize those who choose to work in the home. Homemakers play an extremely important role in our society. The fact that the spouse has chosen to work in the home is no reason to prevent that individual from an equal opportunity to save for the future.

Second, a strong argument can be made that those who choose to be homemakers need to save for their future more than their counterparts in the work force. Workers who retire from career jobs in the work force most often have pensions and retirement income to provide for their needs in their later years. Unfortunately, the nonworking spouse does not enjoy such protection. Therefore, the need to provide an opportunity and incentive to those individuals who work in the home is obvious. The nonworking spouse discrimination should be eliminated, and this proposal will accomplish that goal.

Mr. President, I ask my colleagues to join me in cosponsoring this much needed legislation. I ask that the proposal appear in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (A) of section 219(b)(1) of the Internal Revenue Code of 1954 (relating to maximum amount of deduction for retirement savings) is amended by striking out "$2,000" and inserting in lieu thereof "$3,000".

(b)(1) Subparagraph (A) of section 219(b)(4) of such Code is amended to read as follows:

"(A) IN GENERAL.—In the case of an individual to whom this paragraph applies, the limitation of paragraph (1) shall not be less than the sum of—

"(i) the amount referred to in paragraph (1)(B), and

"(ii) any qualifying alimony received by the individual during the taxable year.".

(2) The following provisions of such Code are each amended by striking out "$2,000" each place it appears and inserting in lieu thereof "$3,000":

(A) Section 408(a)(1) (defining individual retirement account).

(B) Section 408(b) (defining individual retirement annuity).

(C) Section 408(j) (relating to increase in maximum limitations for simplified employee pensions).

(D) Section 409(a)(4) (defining retirement bond).

(3) Subparagraph (A) of section 408(d)(5) is amended by striking out "$2,250" and inserting in lieu thereof "$3,000".

SEC. 2. Subsection (c) of section 219 of the Internal Revenue Code of 1954 is amended to read as follows:

"(1) IN GENERAL.—In case of any individual with respect to whom a deduction is otherwise allowable under subsection (a) who files a joint return under section 6013 for a taxable year, there shall be allowed as a deduction any amount paid in cash for the taxable year by or on behalf of the individual to an individual retirement plan established for the benefit of his spouse.

"(2) LIMITATION.—The amount allowable as a deduction under paragraph (1) shall not exceed the excess of—

"(A) the lesser of—

"(i) $6,000, or

"(ii) an amount equal to the sum of the compensation includible in the individual's and the spouse's gross income for the taxable year, over

"(B) the sum of—

"(i) the amount allowable as a deduction under subsection (a) to the individual and the spouse for the taxable year (determined without regard to so much of the employer contributions to a simplified employee pension as is allowable by reason of paragraph (2) of subsection (b)), and

"(ii) the amount allowable as a deduction to the spouse under paragraph (1) for the taxable year.

In no event shall the amount allowable as a deduction under paragraph (1) exceed $3,000.".

SEC. 3. The amendments made by this Act shall apply to taxable years beginning after December 31, 1983.

By Mr. BENTSEN:

S.J. Res. 181. Joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America; to the Committee on Banking, Housing, and Urban Affairs.

AWARDING A GOLD MEDAL TO LADY BIRD JOHNSON

● Mr. BENTSEN. Mr. President, it is a very special pleasure for me to introduce a Senate joint resolution authorizing the President, on behalf of the Congress, to present a special gold medal to Lady Bird Johnson in recognition of her contributions to our Nation.

Lady Bird Johnson is a remarkable, talented individual who has left an indelible imprint of loveliness on the American landscape. She has enriched the lives of millions of Americans, and provided her many friends with the touch of grace, and warmth, and charm that so many of us associate with Mrs. Johnson.

Lady Bird Johnson has been a successful businesswoman; she was one of the most active and effective First Ladies in the history of America; she has been a loving mother, a valued political counselor, and an active regent of the University of Texas.

There is no question, Mr. President, that Lady Bird Johnson has given generously of her talents and her time to make America a more beautiful and more just land. Her touch is all around us; in the brilliant reds and yellows of tulips in the springtime; in plantings along the Potomac; in vast stretches of highway rendered more beautiful through her efforts.

I think it is only appropriate for America to present Lady Bird Johnson

with a token of our appreciation for her efforts over the years. The medal provided for in this resolution can reflect only a few rays of the light and warmth that Lady Bird Johnson has shared with America, but it is an important symbol for a woman who stands as a symbol of what is finest and most noble in our American experience.

During her tenure in the White House, Lady Bird Johnson took on the tough issues. She helped promote the Head Start program and Lyndon Johnson's War on Poverty by visiting some of the most depressed and needy regions of the Nation. Her efforts to make this land of America even more beautiful took her on a journey of more than 200,000 miles. As Liz Carpenter has remarked, Lady Bird crisscrossed America by "rubber raft, bus, ski lift, surrey, orchard wagon, rail, and foot."

In the process, Lady Bird did more than make our Nation's Capital one of the most beautiful cities of the world. She let millions of Americans know a deeper meaning of beauty; one they could see reflected in the commitment and energy and caring of their First Lady.

President Johnson's decision not to seek reelection removed Lady Bird from the political visibility of the White House, but it did not dampen her concern for the landscape of America and the people who inhabit it. She has worked hard and effectively to improve the education available to the young people of Texas through her service as a regent of the university. She has led the effort to preserve and protect the incredible beauty of Texas wildflowers.

Lady Bird Johnson also finds time to remain active at the LBJ Library and School of Public Affairs; she manages her communications interests, and is involved with the National Park Service. She serves on two bank boards as well of the board of directors of the National Geographic Society. But even with all this activity and devotion to public service, Lady Bird Johnson has not lost sight of what is truly important in life. As she herself puts it, "the core of it all is my two daughters and seven grandchildren."

These days, Mr. President, Lady Bird Johnson claims to be indulging herself, "doing all those things I put on the shelf for so long." Well, I think Lady Bird has a right to indulge herself, but those of us who have known her over the years, those of us who have benefited from efforts and learned from her example, would like to mark that indulgence with a tribute to a great and wonderful woman.

I sincerely believe that the medal for Lady Bird Johnson is richly deserved; it is a medal for inspiration, and beauty, and effective action on behalf of America. I urge the Senate Banking Committee to act favorably on this resolution, and request that the full text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 181

Whereas Lady Bird Johnson represents the finest qualities of American women, having demonstrated exceptional abilities in the fields of government, business, and social justice;

Whereas Lady Bird Johnson's life of service to the Nation covers a generation of change in the status of women;

Whereas the intelligence and devotion of Lady Bird Johnson to the concerns of the family, natural resources, and education have eased the transition of the roles of women and benefited the Nation;

Whereas Lady Bird Johnson in her roles as wife of a United States Representative and Senator, First Lady of the United States, skilled businesswoman, and Regent for the University of Texas, has served as an example of the bridge between the traditional role and the contemporary roles of women in the United States;

Whereas Lady Bird Johnson has received national recognition with the presentation of many awards, including the George Foster Peabody Award, the Eleanor Roosevelt Golden Candlestick Award, the B'nai B'rith Humanitarian Award, the Business and Professional Women's Club Businesswoman's Award, the Ladies Home Journal Woman of the Year Award, the University of Texas Distinguished Alumni Award, the Department of the Interior Conservation Service Award, and the Presidential Medal of Freedom: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President is authorized to present, on behalf of the Congress, to Lady Bird Johnson a gold medal of appropriate design, in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

(b) For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury.

(c) There are authorized to be appropriated not to exceed $22,000 to carry out the provisions of this section.

SEC. 2. (a) The Secretary of the Treasury may cause duplicates in bronze of the medal provided for in the first section to be coined and sold under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal.

(b) the appropriation used to carry out the provisions of the first section may be reimbursed out of the proceeds of such sales.

SEC. 3. The medals provided for in this Act are national medals for the purpose of section 5111 of title 31, United States Code.●

ADDITIONAL COSPONSORS

S. 476

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 800

At the request of Mr. STEVENS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 800, a bill to establish an ocean and coastal development impact assistance fund and to require the Secretary of Commerce to provide to States national ocean and coastal development and assistance block grants from moneys in the fund, and for other purposes.

S. 1001

At the request of Mr. COHEN, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Illinois (Mr. PERCY), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of S. 1001, a bill to authorize appropriations for the Office of Federal Procurement Policy for an additional 5 fiscal years.

S. 1197

At the request of Mr. STEVENS, the name of the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1197, a bill to admit certain passenger vessels to the coastwise trade.

S. 1511

At the request of Mr. JEPSEN, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 1511, a bill to amend title XVIII of the Social Security Act to provide that certain hospice programs may provide nursing care through arrangements with certified medicare providers.

S. 1537

At the request of Mr. DANFORTH, the names of the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1537, a bill to provide additional authorization of appropriations for certain programs for fiscal year 1984, and each of the 4 following fiscal years.

S. 1660

At the request of Mr. PACKWOOD, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1660, a bill relating to the preservation of universal telephone service.

S. 1707

At the request of Mr. WILSON, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1707, a bill to provide a moratorium until June 30, 1988, on changes to the Federal Communications Commis-

sion rules regarding network television syndication, network television financial interests, and prime time access.

S. 1716

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1716, a bill to clarify the personal injury and death provisions of section 844 of title 18, United States Code, relating to arson.

S. 1737

At the request of Mr. DOLE, the name of the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 1737, a bill to make permanent section 1619 of the Social Security Act, which provides SSI benefits for individuals who perform substantial gainful activity despite a severe medical impairment.

SENATE JOINT RESOLUTION 160

At the request of Mr. BYRD, the names of the Senator from Rhode Island (Mr. PELL), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of Senate Joint Resolution 160, a joint resolution to designate the week of October 17, 1983 through October 24, 1983, as "National Adult Continuing Education Week".

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE CONCURRENT RESOLUTION 77—RELATING TO THE OBSERVANCE OF FIRE PREVENTION WEEK

Mr. GORTON (for himself, Mr. HEFLIN, and Mr. STEVENS) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 77

Whereas fire is responsible annually for the deaths of more than 6,000 Americans, injury to thousands of other Americans, and destruction of property valued at billions of dollars;

Whereas in recent years there has been a reduction in the deaths and injuries of citizens due to fires, but the number of deaths for firefighters due to fires showed no appreciable change from previous years;

Whereas both career and volunteer firefighters continue to face the threat of serious injury and death in performing their firefighting responsibilities;

Whereas the United States Fire Administration within the Federal Emergency Management Agency is the lead entity for the Federal Government's fire prevention activities and has sought to develop technologies for firefighting, to improve the design of protective clothing for firefighters, and to improve training for firefighters at the National Fire Academy; and

Whereas the President has designated the week of October 9, 1983 as Fire Prevention Week, 1983: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the week of October 9, 1983, designated by the President as Fire Prevention Week, 1983, be observed with appropriate activities, and that the firefighters who have died while performing their official duties be honored appropriately at the Annual National Observance Services for Fallen Firefighters, to be held on October 16, 1983, at the Federal Emergency Management Agency's National Emergency Training Center campus in Emmitsburg, Maryland.

● Mr. GORTON. Mr. President, in the last decade progress has been made in reducing fire deaths and property losses. However, over 6,000 Americans still lose their lives each year in fires, and more than $5 billion worth of property is destroyed each year by fires.

The Nation's fire program has come a long way, Mr. President. The U.S. Fire Administration within the Federal Emergency Management Agency (FEMA) is committed to achieving progress in the design of firefighter's protective clothing and equipment. The National Fire Academy, also within FEMA, provides academic programs for firefighter education.

A special emphasis is placed by both of these agencies on improving the role of local fire service leaders as equal partners in a community's emergency management plan and program. Two of the greatest fire protection advances in recent years are the promotion and acceptance of smoke detectors—now in over 70 percent of our homes—and the development of fast-acting sprinkler heads for residential applications. Used together, these two systems have the tremendous potential to reduce dramatically the loss of life and to reduce property losses and injuries from fire.

Yet, while we applaud the advances in devices which save lives and property, we cannot forget that the number of deaths and injuries for firefighters remains high. The volunteer and professional men and women who face daily the challenge and danger of protecting our lives and property must not be forgotten. For this reason, I am proud to introduce with my colleagues today a resolution, expressing the sense of the Congress that Fire Prevention Week, October 9 to 15, should be observed with appropriate activities and remembrances. The resolution also provides for appropriate honors on October 16 for firefighters who have died while performing their official duties. These ceremonies, the annual national observance services for fallen firefighters, will be held at the Federal Emergency Management Agency's National Emergency Training Center in Emmitsburg, Md.●

Mr. STEVENS. Mr. President, I would like to spend a few moments today commenting on the President's recent proclamation of Fire Prevention Week, 1983. I have long supported an increased awareness of the hazards of fire for the simple reason our Nation continues to have one of the worst fire safety records in the industrialized world.

The Federal Emergency Management Agency estimates that some 7,600 people are killed every year in the United States by fire. In addition, fires are responsible for 230,000 injuries and over $6 billion in property damages annually.

What is particularly sad about these grim statistics is the fact that a method of preventing a great deal of this human suffering and property loss currently exists. Studies have shown that quick-response sprinkler systems are better than 98-percent effective in suppressing fires. The addition of inexpensive smoke detectors should enhance the sprinklers preventive capabilities even more.

The installation of quick-response sprinkler systems also represents a financial benefit to the property owner in many cases. Many construction codes allow greater design flexibility as well as the use of less expensive materials when sprinkler systems are also installed. Insurance companies also often provide substantial premium discounts for fire insurance when a building is protected by a sprinkler system.

Nevertheless, many buildings continue to remain unprotected by either sprinkler systems or smoke detectors. The State of Alaska has taken the lead in encouraging the use of sprinkler systems by allowing a 2-percent reduction in the assessed value of any structure protected by a sprinkler system. The State also provides low interest loans through the small business loan program to any property owner who wishes to install sprinklers.

The benefits garnered through fire prevention extend not only to property owners but to State and municipal governments as well. Any improvement in fire safety may relieve some of the burden upon local governments in providing fire protection.

In addition, I would like to commend the outstanding contributions that professional firefighters have made in protecting us from the hazards of fire.

The Federal Emergency Management Agency has established a Fallen Firefighters Memorial at the National Emergency Training Center located in Emittsburg, Md., which commemorates the actions of these brave individuals and the thousands of others like them through the years that have given their lives in trying to protect millions of Americans from the rav-

ages of fire. Last year alone, 122 firefighters died in serving their communities. I am proud of our Nation's firefighters and what they have done for America.

I therefore applaud the President's designation of October 9 to 15, 1983, as "Fire Prevention Week," for the recognition that it gives to this serious problem. Increased awareness will not only aid us in better exploring the preventive devices available, but it also allows us to recognize the efforts of firefighters everywhere who protect the people of this Nation at the risk of their own lives. I would like to join the President in urging each person to work toward reducing one of our greatest public safety problems.

SENATE RESOLUTION 241—RELATING TO THE GENOCIDE OF THE ARMENIAN PEOPLE

Mr. LEVIN (for himself and Mr. WILSON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 241

Whereas the Armenian genocide was conceived by the Turkish Ottoman Government and implemented from 1915 to 1923, resulting in the extermination of one and a half million Armenian men, women, and children, the deportation of an additional five hundred thousand survivors, and the elimination of a two thousand five hundred-year Armenian presence in its historic homeland;

Whereas the Armenian genocide is amply documented in the Archives of the United States, as well as of Austria, France, Germany, and Great Britain;

Whereas United States Ambassador to Turkey Henry Morgenthau organized and led protests by all nations, among them Turkey's allies, over Turkey's program of race extermination;

Whereas an organization known as Near East Relief, chartered by an Act of Congress, contributed some $113,000,000 from 1915 to 1930 to aid the Armenian genocide survivors and, whereas, one hundred and thirty two thousand orphans became foster children of the American people;

Whereas the fact of the Armenian genocide was confirmed in Senate Resolution 359, dated May 13, 1920, which stated in part, "the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered";

Whereas the fact of the Armenian genocide was also confirmed in House Resolution 148 which stated in part, "that April 24, 1975, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man', and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all victims of genocide, especially those of Armenian ancestry who succumbed to the genocide perpetrated in 1915, and in whose memory this date is commemorated by all Armenians and their friends throughout the world";

Whereas former President Jimmy Carter in a May 16, 1978, speech at the White House stated in part, "I feel very deeply that I, as President, ought to make sure that this (Armenian genocide) is never forgotten";

Whereas the United States, during the March 14 and 16, 1979, sessions of the United Nations Commission on Human Rights, voted in support of paragraph 30 in a report entitled, "Study of the Questions of the Prevention and Punishment of the Crime of Genocide" which stated, "Passing to the modern era, one may note the existence of relatively full documentation dealing with the massacres of Armenians.";

Whereas the United States Holocaust Memorial Council, an independent Federal agency, unanimously resolved on April 30, 1981, that, "the Armenian genocide should be included in the Holocaust Museum Memorial";

Whereas President Reagan in Proclamation numbered 4838, dated April 22, 1981, stated in part, "like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other persecutions of too many other peoples—the lessons of the holocaust must never by forgotten";

Whereas the fact of the Armenian genocide has been documented, affirmed, and reaffirmed for over six decades; and

Whereas, it has been the policy of the United States to acknowledge these historical events: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President and the Secretary of State should, in formulating and carrying out the foreign policy of the United States, recognize and take into account the genocide of the Armenian people.

SEC. 2. It is further the sense of the Senate that the President should direct his representatives, including the Permanent Representative of the United States to the United Nations, to communicate at all appropriate times in international forums the abhorrence of the United States Government to the genocide of the Armenian people.

SEC. 3. The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State.

● Mr. LEVIN. Mr. President, on April 27, 1983, Senator WILSON and I submitted Senate Resolution 124—a bipartisan resolution to reaffirm the historical realities of the Armenian genocide. However, I am today submitting an updated version of this resolution.

Mr. President, this resolution is necessary because of recent State Department inconsistencies in U.S. policy with regard to the Armenian genocide—the first genocide of the 20th century which resulted in the murder of 1.5 million innocent victims of man's inhumanity to man from 1915 to 1923. This tragic event, which is recorded by eyewitness accounts in historical archives throughout the world, documents the crime perpetrated against the Armenian nation and people by the Turkish Ottoman Government. Whosoever denies it must not be allowed to succeed in rewriting history.

Mr. President, never before has the attention of Congress been so focused on Armenians as it was during a 2-week period in April when 89 Representatives and Senators recognized and honored the 68th anniversary of Armenian Martyrs Day. This congressional participation took place despite efforts by the Turkish Government to still our voices. This congressional participation also prompted the State Department to correct a recent bureaucratic blunder that denied decades of U.S. policy toward the Armenian genocide. This correction should not have been necessary to make in the first place. But it is a positive first step toward the State Department's tacit recognition of this historical record—recognition of the difference between fact and fiction.

The next step should be Senate approval of this updated version of Senate Resolution 124.●

SENATE RESOLTUION 242—ACCESS TO FEDERAL RECORDS ON MARTIN LUTHER KING, JR.

Mr. HELMS (for himself and Mr. SYMMS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 242

Resolved, That the Senate Legal Counsel, on behalf of the United States Senate, in conjunction with such agencies of the United States as may be advisable, is directed to seek access, by all available legal means, including but not limited to subpena, to the following:

(a) Any and all records, tapes, documents, files, materials, and other evidence relating in any way to Martin Luther King, Jr., in the possession of the Department of Justice, the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency; and

(b) Any and all records, tapes, documents, files, material, and other evidence relating in any way to Martin Luther King, Jr. and sealed by order of the United States District Court for the District of Columbia, dated January 31, 1977, in the cases of *Lee* v. *Kelley, et al.*, Civil Action No. 76-1185, and *Southern Christian Leadership Conference* v. *Kelley, et al.*, Civil Action No. 76-1186; for the confidential examination of the United States Senate;

Resolved, further, that if the above items and materials are too voluminous for confidential examination by the United States Senate in a reasonable time, in the determination of the Senate majority and minority leaders, a Select Committee on Martin Luther King, Jr., shall be established to summarize and present the salient portion of the material for confidential examination by the United States Senate.

Mr. HELMS. Mr. President, this Senator was not oblivious to the fact that his opposition to H.R. 3706, the King holiday bill, would produce sharp adverse reaction. Feelings run high on this issue, and therefore it is doubly important that we approach this matter objectively and dispassionately and with all due deliberation.

It is my sincere hope that by raising the issues of how expensive a new holiday would be, Dr. King's questionable

ties to the far left, his derogatory statements about the United States during the Vietnam war, and the continued secrecy of the FBI records on Dr. King the Senate would pause in its rush to pass this bill. Such a pause would be helpful in assuring reasonable consideration by the Senate—and perhaps even full consideration if the Senate would commit the bill to the Judiciary Committee, hold hearings, and examine the FBI records and other items involving Dr. King.

Mr. President, I believe it is aceurate to say my objective in round 1 has been accomplished. The Senate has not yet rushed to pass the bill, and it appears that we will be able to devote some time, either in this body or in the Judiciary Committee, and to focus some public attention on the bill before a final vote.

Mr. President, this Senator is frank to admit that the consent agreement entered into Wednesday, postponing the King bill until October 18, is more than he could have reasonably hoped to accomplished by his engaging in extended debate on the Senate floor. Thus, I applaud the majority and minority leaders for their successful initial efforts at achieving comity and fair play with respect to the time agreement on the King bill.

Mr. President, in the spirit of reasonableness and due deliberation which prevails at the moment, and in hopes that this spirit will continue to prevail from here out, I want to put before the Senate another proposal in connection with the King bill. Again, it is my sincere hope that this proposal will contribute to a more deliberate and effective consideration of this matter by the Senate. The proposal is wholly consistent with the unanimous consent agreement entered into Wednesday.

Mr. President, while I anticipated that some persons would not listen with an open mind to the detailed discussion of Dr. King's philosophy and associates which this Senator discussed on the floor on Monday, I find it strange that no one has yet attempted to present a point-for-point rebuttal of the factual situation. I think that I presented, in a reasoned and carefully substantiated way, the history of Dr. King's associations with persons clearly identified with the Communist Party of the United States.

As I made clear in my remarks, I do not have evidence that Dr. King himself was a Communist. The facts which I presented do show clearly that some of his closest advisers were actual members of the Communist Party or closely identified with furthering the objectives of the Communist Party of the United States.

It seems to the Senator from North Carolina that these facts must be weighed carefully in any consideration of the proposal to make Dr. King's birthday a national holiday. Even if many approve very enthusiastically of some aspects of Dr. King's work, I do not see how Dr. King's ideological associates and activists can be disregarded as merely a negative influence. By making his birthday a holiday, we are holding up Dr. King as a role model for the young people of the United States. And if Dr. King's behavior, in its entirety, is not worthy of his being a role model for the young, then the Senate will be doing a grave disservice to the United States and to future generations in virtually canonizing this individual.

Now, Mr. President, there may be those who are not willing to accept my evidence. I would like to see at least some attempt to deal with that evidence honestly and on its merits. But if no one is willing to do that, there are other sources from which competent evidence may be obtained. If the Senate is not willing to examine my own evidence, then perhaps Senators will be willing to examine evidence that comes from other sources. That is one reason why I propose to move, on October 18, that the bill be committed to the Judiciary Committee for hearings, a thorough review of the evidence, and a comprehensive report to the Senate.

Mr. President, I am hopeful that if the Senate carefully considers the gravity of the King holiday bill and the scant deliberation given it thus far by this Congress, the Senate will agree to commit the bill to the Judiciary Committee before acting on it further. On balance, there really is no other responsible course.

However, as has been evident since early this week, there does exist in the major news media a uniform hypersensitivity with regard to Dr. King which cannot help but intimidate even seasoned Senators. A good example of this occurred when I met with the news media outside on the Senate steps after the debate. It was apparent to anyone present that the media representatives were livid that anyone had had the temerity to say Dr. King did not deserve a national holiday. A raw nerve had obviously been struck by my putting detailed documentation of Dr. King's far left associations and activities into the CONGRESSIONAL RECORD. Dispassionate and objective journalism vanished as quickly as straightfoward criticism of Dr. King was delivered. I learned that day that there are indeed sacred cows in our time which are not to be touched lest one bring down the wrath of the gods of American high journalism.

Because of this media factor, and the atmosphere of fear and intimidation it brings, I am not at all confident that reason will prevail and the motion to send the bill to committee adopted. Instead, the motion may well be rejected out of hand, and the Senate begin again a stampede toward passage. In such event, I intend to put the issues that would have been before the Judiciary Committee before the Senate itself.

Mr. President, it is well known that there is substantial documentary evidence concerning Dr. King in the possession of various agencies of the Federal Government. Everyone in Washington knows that these materials exist. Many of them were ordered and gathered under the direction of President John F. Kennedy and his brother Attorney General Robert F. Kennedy. Transcripts of tape recordings of Dr. King circulated on official levels throughout the Johnson administration. There are many people in Washington today who actually had or may still have official access to these materials.

Perhaps the most notorious are those materials that were locked up for 50 years by a Federal district judge here in Washington in 1977. They are under court-ordered seal at the National Archives until the year 2027. They are apparently so incriminating that the groups favorable to Dr. King have a real fear of their being made public.

What is not widely known, Mr. President, is that according to reliable sources available to my staff, the Department of Justice and the FBI have had and presumably still have extensive investigative files on Dr. King that are not under any protective court order. My staff has also been informed that the intelligence agencies may have files on Dr. King as well. Again, the materials were compiled primarily during the Kennedy and Johnson administrations.

Mr. President, we now have before us this strange specter. On the one hand, Congress is on the verge of enacting a national holiday for Martin Luther King, Jr., with not 1 minute of Senate hearings on the matter and with a corresponding lack of evidence available to us. On the other hand, extensive evidence on Dr. King is now—this day—in the possession of Federal agencies in the executive branch.

Mr. President, it is fair to say under these conditions that, if the Senate fails to commit the King bill to the Judiciary Committee on October 18, it will have proceeded ostrich-like to create a holiday for a man about whom such information existed but which was blissfully ignored. Needless to say, the judgment of the country and of history will not be kind to such slipshod, incomplete, and irresponsible legislative practice.

Mr. President, to help guard against such an eventuality I am today introducing a Senate resolution aimed at getting access for the whole Senate to the materials on Dr. King now in the possession of various executive agen-

cies. If the King bill is not committed to the Judiciary Committee, I intend to have the Senate vote on this resolution in some form prior to the vote on final passage. Then, should the Senate decline to adopt this resolution seeking access to the King materials, it will be doing so directly, not indirectly, and it will be plain to the American public that the Senate is not just blissfully but also willfully and deliberately ignoring the available evidence.

The resolution directs the Senate legal counsel, on behalf of the Senate, to seek access to all the King materials in the possession of the Department of Justice, the FBI, the National Archives, and the intelligence agencies for confidential examination by the Senate as a whole. I stress that the examination sought is confidential. This was done in an effort to bend over backward to accommodate concerns about national security and undue public exposure of Dr. King's private life.

The resolution makes available subpenas if necessary, but in most cases it is not expected they will be needed. The House Select Committee on Assassinations, for example, gained access in 1978 to the materials in the National Archives on Dr. King with the help of the Justice Department without resort to a subpena. The judge modified his order to permit access. although it is not certain how many records and materials will be turned up by this process, in the event they are voluminous the resolution contains a provision to establish a select committee to summarize and present the salient portion of the materials for confidential examination by the Senate. The majority and minority leaders would determine whether they are too voluminous for review in a reasonable time.

Mr. President, if the Senate will, either through committee or as a whole, examine the King materials, it will discharge a singulary important responsibility. It will, in effect, be putting down a straight stick alongside one that now appears crooked, and the American public will be left with no doubts about whether the Senate fully performed its duties in connection with this matter.

SENATE RESOLUTION 243—PRINTING OF ADDITIONAL COPIES OF A SENATE DOCUMENT

Mr. BYRD (for himself and Mr. BAKER) submitted the following resolution; which was placed on the calendar:

S. RES. 243

Resolved, That there shall be printed for the use of the Senate the maximum number of copies of a Senate document (S. Doc. 98-16) entitled "Dangerous Stalemate: Superpower Relations in Autumn 1983—A Report of a Delegation of Eight Senators to the Soviet Union" which may be printed at a cost not to exceed $1,200.

AMENDMENTS SUBMITTED

DEPARTMENT OF STATE AUTHORIZATION, 1984

PROXMIRE AMENDMENT NOS. 2310 AND 2311

(Ordered to lie on the table.)

Mr. PROXMIRE submitted two amendments intended to be proposed by him to the bill (S. 1342) to authorize appropriations for the fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes; as follows:

AMENDMENT NO. 2310

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

PROHIBITION ON CERTAIN ASSISTANCE TO THE KHMER ROUGE IN KAMPUCHEA

SEC. 701. (a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the purpose, or with the effect, of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Kampuchea or elsewhere in Indochina.

(b)(1) All funds appropriated before the date of enactment of this section which were obligated but not expended for activities having the purpose or effect described in subsection (a) shall be deobligated.

(2) All funds deobligated pursuant to paragraph (1) shall be deposited in the Treasury of the United States as miscellaneous receipts.

AMENDMENT NO. 2311

At the bottom of page 11, add the following new section:

PROHIBITION ON CERTAIN ASSISTANCE TO THE KHMER ROUGE IN KAMPUCHEA

SEC. 502. (a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the purpose, or with the effect, of promoting sustaining or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Kampuchea or elsewhere in Indochina.

(b) (1) All funds appropriated before the date of enactment of this section which were obligated but not expended for activities having the purpose or effect described in subsection (a) shall be deobligated.

(2) All funds deobligated pursuant to paragraph (1) shall be deposited in the Treasury of the United States as miscellaneous receipts.

DAIRY AND TOBACCO PRICE SUPPORTS

KASTEN (AND OTHERS) AMENDMENT NO. 2312

Mr. KASTEN (for himself, Mr. TOWER, Mr. JEPSEN, Mr. BOREN, Mr. NICKLES, Mr. BENTSEN, Mr. GRASSLEY, Mr. THURMOND, and Mr. HATCH) proposed an amendment to the bill (S. 1529) to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes; as follows:

On page 38, between lines 7 and 8, insert the following new section:

BARTER OF DAIRY AND OTHER COMMODITIES

SEC. 124. (a) It is the sense of the Congress that the Secretary of Agriculture should exchange or barter, to the maximum extent practicable under the provisions of law specified in subsection (b), commodities (especially dairy products) owned by the Commodity Credit Corporation for materials, goods, and equipment produced in foreign countries.

(b) The provisions of law referred to in subsection (a) are—

(1) section 4 (h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b (h)),

(2) section 310 of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 83-480, as amended; 7 U.S.C. 1692), and

(3) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431).

PRESSLER (AND OTHERS) AMENDMENT NO. 2313

Mr. PRESSLER proposed an amendment to the bill S. 1529, supra; as follows:

On page 20, line 21, insert "and on all milk and milk products imported into the United States" after "use".

On page 27, line 5, insert "and each person importing milk or milk products into the United States" after "the producer".

On page 27, line 7, insert "or the equivalent thereof" after "hundredweights".

On page 27, line 8, insert "or imported by the importer" after "producer".

D'AMATO AMENDMENT NO. 2314

Mr. D'AMATO proposed an amendment to the bill S. 1529, supra; as follows:

On page 2, beginning on line 3, strike out all that follows through line 17 on page 40 and insert in lieu thereof the following new title:

TITLE I—DAIRY

SHORT TITLE

SEC. 101. This title may be cited as the "Dairy Farmer Protection Act of 1983".

Subtitle A—Dairy Production Stabilization

DAIRY PRICE SUPPORT PROGRAM

SEC. 102. (a) Subsection (c) of section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446 (c)) is amended to read as follows:

"(c) (1) The price of milk shall be supported at not less than $11.85 per hundredweight of milk containing 3.67 per centum milkfat.

"(2) The price of milk shall be supported through the purchase of milk and the products of milk.".

(d) Subsection (d) of section 201 of such Act is repealed.

MINIMUM PRICE FOR CLASS I MILK UNDER MILK MARKETING ORDERS

SEC. 103. Section 8c(5)(A) of the Agricultural Adjustment Act, as amended and reenacted by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c(5)(A)), is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this section, in the case of milk and its products, orders issued pursuant to this section shall fix, or provide a method for fixing, the minimum price for milk classified as class I milk under this paragraph at no less than $12.56 per hundredweight.".

SUBTITLE B—DAIRY REPORT

REPORT

SEC. 110. Not later than July 1, 1984, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the effect of applying, nationally, standards similar to the current California standards for fluid milk products in their final consumer form, as they would relate to—

(1) overall consumer consumption trends and total per capita consumption;

(2) nutritional augmentation, particularly for young and older Americans;

(3) implementing improved interagency enforcement of minimum standards to prevent consumer fraud and deception;

(4) multiple component pricing for producer milk;

(5) reduced Commodity Credit Corporation purchases;

(6) consistency of product quality throughout the year and between marketing regions of the United States; and

(7) consumer prices.

CHAFEE (AND JEPSEN) AMENDMENT NO. 2315

Mr. CHAFEE (for himself and Mr. JEPSEN) proposed an amendment to the bill S. 1529, supra; as follows:

On page 7, line 12, strike out "Except as provided in subparagraph (D)," and insert in lieu thereof "Except as otherwise provided in this subparagraph and subparagraph (D),".

On page 7, line 21, insert after the period the following new sentence: "The total amount of payments that a milk producer may receive in a year under this subparagraph may not exceed the greater of $85,000 or the total assessment (not including the assessment for dairy promotion) paid by that producer in that year."

On page 9, line 11, insert "(i)" after "(E)".

On page 9, between lines 22 and 23, insert the following:

"(ii) If the Secretary determines that the reduction required under subparagraph (B) in the quantity of milk marketed by a producer is such that such producer would not elect to enter into a contract with the Secretary under this paragraph, the Secretary may reduce the level of such reduction to the extent the Secretary determines is necessary to encourage such producer to enter into such contract.

HATFIELD (AND OTHERS) AMENDMENT NO. 2316

Mr. HATFIELD (for himself, Mr. MATTINGLY, Mr. RUDMAN, Mr. WILSON, and Mr. PACKWOOD) proposed an amendment to the bill S. 1529, supra; as follows:

On page 2, beginning with line 12, strike out all down through line 2 on page 4 and insert in lieu thereof the following:

"(1)(A) Effective for the period beginning on the date of the enactment of the Dairy Production Stabilization Act of 1983, and ending on September 30, 1985, the price of milk shall be supported at a rate equivalent to $12.40 per hundredweight for milk containing 3.67 per centum milkfat, except that—

"(i) if on October 1, 1984, and thereafter on the first day of each fiscal-year quarter, the Secretary estimates that for the twelve-month period beginning on such date net price-support purchases of milk or the products of milk would be more than six and one half billion pounds milk equivalent, the Secretary shall reduce the price-support rate in effect on such date in the amount of 20 cents per hundredweight, but in no event may the Secretary reduce the price-support rate below the rate equivalent to $11.40 per hundredweight for milk containing 3.67 per centum milkfat; or

"(ii) if on October 1, 1984, or thereafter on the first day of any fiscal-year quarter the Secretary determines that during the three fiscal-year quarters preceding such date net price support purchases of milk or the products of milk were less than 75 percent of the annual equivalent of six and one half billion pounds of milk equivalent, estimates that for the twelve-month period beginning on such day net price-support purchases of milk or the products of milk will be six and one half billion pounds milk equivalent or less, and determines that it is necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, the Secretary shall increase the price-support rate in effect on such date in an amount not less than 10 cents per hundredweight but not more than 20 cents per hundredweight.

"(B) The price of milk shall be supported through the purchase of milk and the products of milk.

On page 4, line 5, strike out "December 31, 1984" and insert in lieu thereof "the date which occurs two years after such date of enactment".

On page 4, line 9, strike out "59 cents" and insert in lieu thereof "30 cents".

On page 4, line 11, insert after the period the following new sentence: "Notwithstanding the preceding sentence, in carrying out this subparagraph, the Secretary shall provide for a reduction of 15 cents per hundredweight to be made in the price received on all milk marketed in the United States for commercial use by producers who produce any quantity of milk, process such quantity into consumer packages, and market such packages.".

On page 5, lines 10 and 11, strike out "made using funds otherwise available to the Commodity Credit Corporation" and insert in lieu thereof "reduced among producers participating in the milk diversion program on a pro rate basis".

On page 6, lines 1 and 2, strike out "December 31, 1984" and insert in lieu thereof "the date which occurs two years after such date of enactment".

On page 7, line 12, strike out "Except as provide in subparagraph (D)," and insert in lieu thereof "Except as otherwise provided in the second sentence of this subparagraph, paragraph (2)(C), and subparagraph (D),".

On page 7, line 21, insert after the period the following new sentence: "The total amount of payments that a milk producer may receive in a year under this subparagraph may not exceed $100,000.".

ABDNOR (AND OTHERS) AMENDMENT NO. 2317

Mr. ABDNOR (for himself, Mr. RANDOLPH, Mr. BOSCHWITZ, Mr. THURMOND, and Mr. BOREN) proposed an amendment to the bill S. 1529, supra; as follows:

At the end of Title I, insert a new section and number appropriately:

"SEC. . The minimum limitation of 1,250,000,000 pounds provided under subsection (f)(1) of the Meat Import Act of 1979 is hereby suspended for 1984 and 1985."

BOSCHWITZ AMENDMENT NO. 2318

Mr. BOSCHWITZ proposed an amendment to the bill S. 1529, supra; as follows:

(1) On page 2, line 9, insert "(a)" immediately after "SEC. 102.".

(2) On page 2, line 14, strike out "September 30, 1983" and insert in lieu thereof "on the last day of the month of enactment of such Act".

(3) On page 2, strike out lines 18 and 19 and insert in lieu thereof the following:

"(B) Effective for the period beginning on the first day of the first calendar month following the date of enactment of the Dairy Production Stabilization Act of 1983 and ending on September 30, 1985, the price of".

(4) On page 2, line 23, strike out "on January 1, 1985," and insert in lieu thereof "on the date following by fifteen months the date established by the Secretary for the beginning of the diversion program under paragraph (3) of this subsection, but not later than March 31, 1985,".

(5) On page 3, line 3 strike out "shall" and insert in lieu thereof "may".

(6) On page 3, line 12 strike out "shall" and insert in lieu thereof "may".

(7) On page 3, line 23, strike out "shall" and insert in lieu thereof "may".

(8) On page 4, strike out line 3 and all that follows through "1984," on line 5, and insert in lieu thereof:

"(2)(A) Effective for the period beginning with the first day of the first calendar month following the date of enactment of the Dairy Production Stabilization Act of 1983 and ending on the date of termination of the milk diversion program established under paragraph (3) of this subsection,".

(9) On page 4, strike out lines 9 through line 11, and insert in lieu thereof: "duction of 50 cents per hundredweight from the price received on all milk marketed by producers in the United States for commercial use: *Provided*, That enactment of the Dairy

Production Stabilization Act of 1983 shall not affect in any manner the collection or enforcement of any deduction from the price of milk previously implemented by the Secretary under this subsection as in effect for any milk marketed for commercial use prior to the effective date of the reduction provided for in this paragraph, as added by section 102(a) of the Dairy Production Stabilization Act of 1983.".

(10) On page 4, strike out line 23 and all that follows through "Fund are" on page 5, line 8, and insert in lieu thereof "(C) To the extent that funds collected under this paragraph are".

(11) On page 5, line 18, insert "as soon as practicable following the enactment of the Dairy Production Stabilization Act of 1983, but no later than January 1, 1984," immediately after "shall".

(12) On page 5, line 23, strike out "period beginning" and all that follows through "1984." on line 2, page 6, and insert in lieu thereof "fifteen month period beginning with a date determined by the Secretary (not earlier than the date of enactment of the Dairy Production Stabilization Act of 1983, nor later than January 1, 1984)".

(13) On page 6, strike out line 22 and all that follows through line 4, page 7, and insert in lieu thereof the following: "sold, leased, or otherwise transferred to another person after the date of enactment of the Dairy Production Stabilization Act of 1983, unless such cattle are sold for slaughter or sold or transferred to another producer with respect to whom there is in effect a contract entered into under this subsection, except that the Secretary may, to the extent practicable and to the extent deemed consistent with the goals of the diversion program, permit the sale of registered, purebred cattle for breeding purposes subject to such terms and conditions as the Secretary may prescribe based on a history of such sales by the producer;".

(14) On page 7, strike out lines 7 and 8 and insert in lieu thereof "section, including simple interest payable at a rate prescribed by the Secretary which shall, to the extent practicable, reflect the cost to the Commodity Credit Corporation of its borrowings from the United States Treasury, commencing on".

(15) On page 8, line 13, strike out the semicolon and insert in lieu thereof a colon, and between lines 13 and 14, insert the following proviso: *"Provided,* That no payment may be made for any reduction in the quantity of milk greater than 30 per centum of the aggregate quantity of milk marketed by the producer for commercial use during the marketing history period;".

(16) On page 9, line 6, strike out "and", and between lines 6 and 7, insert the following:

"(iii) any reduction in the quantity of milk, marketed for commercial use by a producer who, as determined by the Secretary, was not actively engaged in the production of milk for commercial use as of the date of enactment of the Dairy Production Stabilization Act of 1983; and".

(17) On page 9, line 7, strike out "(iii)" and insert in lieu thereof "(iv)".

(18) On page 9, line 11, insert ", in accordance with such rules or procedures as prescribed by the Secretary," after "may".

(19) On page 9, line 15, strike out "paragraph and the Secretary" and all that follows through line 22, and insert in lieu thereof the following: "paragraph. In the event of such modifications, the Secretary may reduce the required reduction among all contracts on such basis as the Secretary determines will serve to reduce future dairy surpluses: *Provided,* That in no event shall any such reduction be apportioned on the basis of geographic region or area.".

(20) On page 10, strike out line 2 and all that follows through the period on line 10 and insert in lieu thereof "marketing history shall be the marketings of milk by such producer for commercial use during the 1981-1982 milk marketing year (October 1 through September 30) or, at the option of the producer, the average marketings of milk by the producer during the 1980-1981 and the 1981-1982 milk marketing years.".

(21) On page 10, line 13, strike out "or manmade disaster" and insert in lieu thereof "disaster or other condition".

(22) On page 10, line 16, strike out "The Secretary" and all that follows through line 21.

(23) On page 11, line 16, strike out "card".

(24) On page 12, strike out lines 21 through 23, and insert in lieu thereof "such producer.".

(25) On page 13, strike out lines 2 through 19, and insert in lieu thereof "Allotment Act.".

(26) On page 19, line 7, strike out "graph (2) through (5)" and insert in lieu there "graphs (2) and (3)".

(27) On page 19, between lines 9 and 10, insert the following:

"(b) The Secretary shall implement the provisions of section 201(d) of the Agricultural Act of 1949, as amended by subsection (a) of this section, without regard to the provisions requiring notice and other procedures for public participation in rulemaking contained in section 553 of title 5, United States Code.".

HELMS AMENDMENT NO. 2319

Mr. HELMS proposed an amendment to the bill S. 1529, supra; as follows:

On page 3, line 25, insert "than" after "less".

On page 4, line 16, strike out "prerscribed" and insert in lieu thereof "prescribed".

On page 20, line 9, strike out "is" and insert in lieu thereof "are".

On page 28, line 18, strike out "prinicpal" and insert in lieu thereof "principal".

On page 29, line 14, strike out "informatioin" and insert in lieu thereof "information".

On page 31, line 16, strike out "milk fluid" and insert in lieu thereof "fluid milk".

On page 34, line 8, strike out "thrity" and insert in lieu thereof "thirty".

On page 37, line 3, strike out "were" and insert in lieu thereof "where".

On page 38, line 8, strike out "and Cotton".

On page 39, strike out line 22 and all that follows through line 17 on page 40.

On page 40, line 23, strike out "1983" and insert in lieu thereof "1984".

On page 41, line 3, strike out "(e)" and insert in lieu thereof "(f)".

On page 41, strike out lines 5 through 9.

On page 41, line 10, strike out "(2)" and insert in lieu thereof "(1)".

On page 41, line 13, strike out "(3)" and insert in lieu thereof "(2)".

On page 42, line 4, strike out "(4)" and insert in lieu thereof "(3)".

On page 42, line 11, strike out "kind of such" and insert in lieu thereof "such kind of".

On page 42, line 23, strike out "(5)" and insert in lieu thereof "(4)".

On page 44, line 7, strike out "(17 U.S.C. 1445-2(a))" and insert in lieu thereof "(7 U.S.C. 1445-2(a))".

On page 44, line 8, strike out "(1) in paragraph (1), striking out ', except that".

On page 44, line 18, strike out "1983" and insert in lieu thereof "1938".

On page 44, line 23, strike out "price-support" and insert in lieu thereof "price support".

On page 46, line 9, strike out "the" and insert in lieu thereof "this".

On page 48, lines 4 and 5, strike out "any person knowingly failed to comply with the provisions of paragraph (1)" and insert in lieu thereof "the conditions for forfeiture specified in such paragraph exist".

On page 49, line 19, insert a semicolon immediately before "and".

On page 51, strike out lines 11 through 19.

On page 51, line 22, strike out "SEC. 212" and insert in lieu thereof "SEC. 211".

On page 52, line 9, strike out "SEC. 213" and insert in lieu thereof "SEC. 212".

On page 53, strike out lines 1 through 15.

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT AMENDMENTS

HATCH AMENDMENT NO. 2320

Mr. BAKER (for Mr. HATCH) proposed an amendment to the bill (H.R. 1035) to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes; as follows:

STATE PROGRAM DESIGN

SECTION 1. (a) Section 555(b) of the Education Consolidation and Improvement Act of 1981 (Public Law 97-35; 20 U.S.C. 3801 et seq.) (hereafter in this Act referred to as "the Act") is amended to read as follows:

"(b) PROGRAM DESIGN.—State agency program shall be designed to serve migratory children of migratory agricultural workers or of migratory fishermen, handicapped children, and neglected and delinquent children (as described in subparts 1, 2, and 3, respectively, of part B of title I of the Elementary and Secondary Education Act of 1965) in accordance with section 554(a)(2) and the other applicable requirements of this chapter. The Secretary shall continue to use the definitions of 'agricultural activity', 'currently migratory child', and 'fishing activity' which were in effect on June 30, 1982, in regulations prescribed under subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965. No additional definition of 'migratory agricultural worker' or 'migratory fisherman' may be applied after the date of enactment of this subsection to such subpart 1.".

(b) Section 555 of the Act is amended by adding at the end thereof the following new subsection:

"(e) EVALUATION.—Each State educational agency shall—

"(1) conduct an evaluation of the programs assisted under this chapter at least every two years and shall make public the results of that evaluation; and

"(2) collect data on the race, age, and gender of children served by the programs assisted under this chapter and on the number of children served by grade-level

under the programs assisted under this chapter.".

APPLICATIONS

SEC. 2. (a) Section 556(b) of the Act is amended by inserting "or" at the end of paragraph (1)(A) and by striking out "or" at the end of paragraph (1)(B) and by striking out pargaraph (1)(C).

(b) Section 556 of the Act is amended by adding at the end thereof the following:

"(c) EXEMPTION FROM TARGETING.—The requirements of subsection (b)(1) shall not apply in the case of a local educational agency with a total enrollment of less than one thousand children, but this subsection does not relieve such an agency from the responsibility to serve children under the assurances set forth in subsection (b)(2).".

(c) Clause (2) of section 556(b) of the Act is amended by striking all that follows "areas," in such clause and inserting in lieu thereof "requires, among the educationally deprived children selected, the inclusion of those children who have the greatest need for special assistance, and determines the needs of participating children with sufficient specificity to ensure concentration on those needs:".

(d) Clause (4) of section 556(b) of the Act is amended by inserting before the semicolon a comma and the following: "and that the results of such evaluation will be considered by such agency in the improvement of the programs and projects assisted under this chapter; and".

FLEXIBILITY TO CONTINUE TITLE I TYPE EXPENDITURES

SEC. 3. Section 556 of the Act is further amended by adding at the end thereof the following new subsection:

"(d) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (b)(1) of this section, a local educational agency shall have discretion to make educational decisions which are consistent with achieving the purposes of this chapter as set forth in this subsection, as follows:

"(1) A local educational agency may, with the approval of the State educational agency, designate as eligible (and serve) school attendance areas with substantially higher numbers or percentages of educationally deprived children before school attendance areas with higher concentrations of children from low-income families, but this provision shall not permit the provision of services to more school attendance areas than could otherwise be served. A State educational agency shall approve such a proposal only if the State educational agency finds that the proposal will not substantially impair the delivery of compensatory education services to educationally deprived children from low-income families in project areas served by the local educational agency.

"(2) Funds received under this chapter may be used for educationally deprived children who are in a school which is not located in an eligible school attendance area when the proportion of children from low-income families in average daily attendance in such school is substantially equal to the proportion of such children in an eligible school attendance area of such agency.

"(3) If an eligible school attendance area or eligible school was so designated in accordance with section 556(b)(1)(A) in either of two proceeding fiscal years, it may continue to be so designated for a single additional fiscal year even though it does not qualify in accordance with section 556(b)(1)(A).

"(4) With approval of the State educational agency, eligible school attendance areas or eligible schools which have higher proportions of children from low-income families may be skipped if they are receiving, from non-Federal funds, services of the same nature and scope as would otherwise be provided under this chapter, but (A) the number of children attending private elementary and secondary schools who receive services under this chapter shall be determined without regard to non-Federal compensatory education funds which serve eligible children in public elementary and secondary schools, and (B) children attending private elementary and secondary schools who receive assistance under this chapter shall be identified in accordance with this section and without regard to skipping public school attendance areas or schools under this paragraph.

"(5) Educationally deprived children who begin participation in a program or project assisted under this chapter who, in the same school year, are transferred to a school attendance area or a school not receiving funds under this chapter, may continue to participate in a program or project funded under this chapter for the remainder of such year.

"(6) The local educational agency is not required to use funds under this chapter to serve educationally deprived children in greatest need of assistance if such children are receiving, from non-Federal sources, services of the same nature and scope as would otherwise be provided under this chapter.

"(7) In the case of any school serving an attendance area that is eligible to receive services under this chapter and in which not less than 75 per centum of the children are from low-income families, funds received under this chapter may be used for a project designed to upgrade the entire educational program in that school in the same manner and only to the same extent as permitted under section 133(b) of the Elementary and Secondary Education Act of 1965 (but without regard to paragraph (4) of such section).

"(8) Public school personnel paid entirely by funds made available under this chapter may be assigned limited, rotating, supervisory duties which are assigned to similarly situated personnel who are not paid with such funds, and such duties need not be limited to classroom instruction or to the benefit of children participating in programs or projects funded under this chapter. Such duties may not exceed the same proportion of total time as is the case with similarly situated personnel at the same school site, or 10 per centum of the total time, whichever is less.".

PARENTAL INVOLVEMENT

SEC. 4. Section 556 of the Act is further amended by adding at the end thereof the following new subsection:

"(e) PARENTAL INVOLVEMENT.—For the purposes of complying with the assurances given pursuant to subsection (b)(3) with respect to consultation with parents of participating children, (1) a local educational agency shall convene annually a public meeting, to which all parents of eligible students shall be invited, to explain to parents the programs and activities provided with funds made available under this chapter, and (2) if parents desire further activities, the local educational agency may, upon request, provide reasonable support for such activities.".

AREAS FOR SERVICES TO PRIVATE SCHOOLCHILDREN

SEC. 5. Section 557(a) of the Act is amended by inserting "(1)," immediately after "556(b)".

APPLICATION OF NONSUPPLANTING RULE TO STATES

SEC. 6. Section 558(b) of the Act is amended—

(1) by inserting "State educational agency or other State agency in operating its State level programs or a" before "local educational agency" in the first sentence; and

(2) by striking out "a local educational agency shall not be required" in the second sentence and inserting in lieu thereof "no State educational agency, other State agency, or local educational agency shall be required".

EXCLUSIONS OF SPECIAL PROGRAM FUNDS

SEC. 7. Section 558(d) of the Act is amended—

(1) by striking out "if such programs are consistent with the purposes of this chapter" and inserting in lieu thereof "including compensatory education for educationally deprived children (which meets the requirements of section 131(c) of the Elementary and Secondary Education Act of 1965)"; and

(2) by adding at the end thereof the following new sentence:

"For the purpose of determining compliance with the requirements of subsection (c), a local educational agency may exclude State and local funds expended for—

"(1) bilingual education for children of limited English proficiency,

"(2) special education for handicapped children or children with specific learning disabilities, and

"(3) certain State phase-in programs as described in section 131(d) of the Elementary and Secondary Education Act of 1965.".

OVERLAP IN COUNTY BOUNDARIES

SEC. 8. Section 558(e) of the Act is amended by striking out "In any State" and inserting in lieu thereof "Notwithstanding section 111(a)(3)(C) of the Elementary and Secondary Education Act of 1965, in any State".

PHASEOUT AND TRANSITION EXPENSES

SEC. 9. Section 562(c) of the Act is amended by adding at the end thereof the following: "Until September 30, 1983, such funds may also be used to assist in phasing out programs described in section 561(a) and in promoting an orderly transition to operations under this chapter.".

STATE ALLOTMENTS

SEC. 10. The first sentence of section 563(a) is amended by striking out "not to exceed".

AUDIT REQUIREMENT OF SMALL LEA'S

SEC. 11. Section 564(a) of the Act is amended by inserting after paragraph (7) the following new sentence: "Notwithstanding section 1755 of this Act, local educational agencies receiving less than an average $5,000 each year under this chapter shall be audited at least once each five years.".

REQUIREMENT FOR STATE CERTIFICATION OF LEA APPLICATIONS

SEC. 12. Section 566(a) of the Act is amended by striking out everything preceding paragraph (1) and inserting in lieu thereof the following:

"SEC. 566. (a) A local educational agency may receive its allocation of funds under this chapter for any year for which its application to the State educational agency has been certified to meet the requirements

of this subsection. The State educational agency shall certify any such application if such application—".

SCHOOL LEVEL PROGRAMS

SEC. 13. Section 573(a) of the Act is amended by striking out "chapter" in the first sentence and inserting in lieu thereof "subchapter".

STATE RULEMAKING

SEC. 14. Section 591 of the Act is amended by adding at the end thereof the following new section:

"(d) Nothing in this subtitle shall be interpreted (1) to authorize State regulations, issued pursuant to procedures as established by State law, applicable to local educational agency programs or projects funded under this subtitle, except as related to State audit and financial responsibilities, or (2) to encourage, preempt, or prohibit regulations issued pursuant to State law which are not in conflict with the provisions of this subtitle. The imposition of any State rule or policy relating to the administration and operation of programs funded by this subtitle (including those based on State interpretation of any Federal law, regulation, or guideline) shall be indentified as a State-imposed requirement.".

WITHHOLDING OF PAYMENTS

SEC. 15. Section 592(a) of the Act is amended—

(1) by striking out "on the record" in the first sentence; and

(2) by adding at the end thereof the following new sentence: "A transcript or recording shall be made of any hearing conducted under this subsection and shall be available for inspection by any person.".

JUDICIAL REVIEW

SEC. 16. Section 593(b) of the Act is amended by inserting "and a local educational agency" after "A State educational agency".

APPLICATION OF GEPA

SEC. 17. (a) Section 596 of the Act is amended to read as follows:

"APPLICATION OF OTHER LAWS

"SEC. 596. (a) Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this subtitle.

"(b) The following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this subtitle with respect to the programs authorized by this subtitle:

"(1) Section 408(a)(1) of the General Education Provisions Act is superseded by section 591(a) of this subtitle.

"(2) Section 426(a) of such Act is superseded by section 591(b) of this subtitle.

"(3) Section 427 of such Act is superseded by section 556(b)(3) of this subtitle.

"(4) Section 430 of such Act is superseded by sections 556(a) and 564(b) of this subtitle.

"(5) Section 431A of such Act is superseded by section 558(a) of this subtitle.

"(6) Section 453 of such Act is superseded by section 592 of this subtitle.

"(7) Section 455 of such Act is superseded by section 593 of this subtitle with respect to judicial review of withholding of payments.

"(c) Sections 434, 435, and 436 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to the programs authorized by this subtitle and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this subtitle.".

(b) Section 406A(a) of the General Education Provisions Act, as added by the Education Amendments of 1974 (relating to responsibility of States to furnish informaton), is amended—

(1) by striking out paragrphs (3) and (4);

(2) by inserting "and" at the end of paragraph (2); and

(3) by redesignating paragraph (5) as paragraph (3).

CONFORMING AND TECHNICAL AMENDMENTS TO TITLE I OF ESEA

SEC. 18. (a) Title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 142(a) by striking out "subpart 3 of part A, other than sections 122, 123, and 126(d) thereof" in paragraph (3) and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 of the Education Consolidation and Improvement Act of 1981"; and

(2) in sections 147 and 152(a), by striking out "subpart 3 of part A, other than sections 122, 123, 125, 126(d), and 126(e) thereof" and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 (other than subsection (c)) of the Education Consolidation and Improvement Act of 1981".

(b) The amendments made by subsection (a) shall apply only with respect to funds for use under the Education Consolidation and Improvement Act of 1981.

AVAILABILITY OF TITLE I APPROPRIATIONS

SEC. 19. (a) Section 553 of the Act is amended—

(1) by inserting "(a)" after "SEC. 553."; and

(2) by adding at the end thereof the following new subsection:

"(b) From the amount appropriated to carry out this chapter, not more than 14.6 per centum of such amount for each of the fiscal years 1983 and 1984 shall be available to carry out programs described in sections 141, 146, and 151 of the Elementary and Secondary Education Act of 1965. After the allocations for programs operated by State agencies, the Secretary shall assure that the amount available for allocation under section 117 of such Act bears the same ratio to the amount appropriated in each such fiscal year for this chapter as the amount available for such section in fiscal year 1980 bore to the total amount appropriated for title I of such Act in fiscal year 1980.".

(b)(1) Section 514(a)(2) of the Act is repealed.

(2) Section 514(a) of the Act is amended by striking out "(1)".

EXTENSION OF AUTHORIZATION FOR TITLE VII OF ESEA

SEC. 20. Section 528 of the Omnibus Budget Reconciliation Act of 1981 is amended—

(1) by striking out "and" at the end of paragraph (13);

(2) by striking out the period at the end of paragraph (14) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new paragraph:

"(15) title VII of the Elementary and Secondary Education Act of 1965.".

CONFORMING AMENDMENTS

SEC. 21. (a) Section 565(a) of the Act is amended by striking out "nonpublic" and inserting in lieu thereof "private, nonprofit".

(b) The first sentence of section 1003(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by inserting after "Act" a comma and the following: "or the Education Consolidation and Improvement Act of 1981".

ASSESSMENT OF COMPENSATORY EDUCATION

SEC. 22. Chapter 1 of the Act is amended by adding at the end thereof the following new section:

"NATIONAL ASSESSMENT OF COMPENSATORY EDUCATION ASSISTED UNDER THIS CHAPTER

"SEC. 559. (a) The Secretary shall conduct a national assessment of compensatory education assisted under this chapter, through independent studies and analysis by the National Institute of Education. The assessment shall include descriptions and assessments of the impact of (1) services delivered, (2) recipients of services, (3) background and training of teachers and staff, (4) allocation of funds (to school sites), (5) coordination with other programs, (6) effectiveness of programs on student's basic and higher order academic skills, school attendance, and future education, and (7) a national profile of the way in which local educational agencies implement activities described under section 556(b). The National Institute of Education shall consult with the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives in the design and implementation of the assessment required by this section. The National Institute of Education shall report to Congress the preliminary results of the assessment required by this section in January and July of 1986, and a final report shall be prepared and submitted to the Congress not later than January 1, 1987.

"(b) Notwithstanding any other provision of law or regulation, such reports shall not be subject to any review outside of the Department of Education before their transmittal to the Congress, but the President and the Secretary may make such additional recommendations to the Congress with respect to the assessment as they deem appropriate.

"(c) From amounts otherwise available to the National Institute of Education, $2,000,000 for the fiscal year 1984 and $4,000,000 for each of the succeeding fiscal years ending prior to October 1, 1987, shall be made available to carry out the provisions of this section.".

IMPACT AID

SEC. 23. Section 5(c) of the Act of September 30, 1950 (Public Law 874, eighty-first Congress) is amended by adding at the end thereof the following: "In the determination of amounts of payments made on the basis of entitlements established under sections 2, 3, and 4 after March 31, 1983, by reason of any provision of law other than this Act which places any additional restriction on payments based on the concentration of children counted under subsection (a) or (b) of section 3 in the schools of the local educational agency, such restriction shall be applied, in the case of any State (other than a territory or possession of the United States) within which there is only one local educational agency, by treating each administrative school district within such State as a local educational agency (solely for the purpose of computing the amount of such payments).".

EFFECTIVE DATE

SEC. 24. (a) Except as provided in subsection (b), the amendments made by this Act

to the Education Consolidation and Improvement Act of 1981 and title I of the Elementary and Secondary Education Act of 1965 shall be effective July 1, 1983.

(b) With respect to the period beginning July 1, 1982, and ending June 30, 1983, no recipient of funds under the Education Consolidation and Improvement Act of 1981 shall be held to have expended such funds in violation of the requirements of such Act if such funds are expended either in accordance with such Act as in effect prior to the date of enactment of this Act or in accordance with such Act as amended by this Act.

SMALL BUSINESS ACT AMENDMENTS

NUNN AMENDMENT NO. 2321

Mr. BYRD (for Mr. NUNN) proposed an amendment to the bill (S. 1323) to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

At the end of the bill, add the following:

DEVELOPMENT COMPANY DEBENTURES

SEC. 5. Section 503(a)(2) of the Small Business Investment Act of 1958 is amended by inserting before the period at the end thereof the following: ": *Provided*, That the Administration shall not decline to issue such guarantee when the ownership interests of the small business concern and the ownership interests of the property to be financed with the proceeds of a loan made pursuant to subsection (b)(1) are not identical because one or more of the following classes of relatives have an ownership interest in either the small business concern or the property: father, mother, son, daughter, wife, husband, brother, sister: *Provided further*, That the Administrator or his designee has determined on a case-by-case basis that such ownership interest, such guarantee, and the proceeds of such loan, will substantially benefit the small business concern".

DEFENSE PRODUCTION ACT EXTENSION

BAKER AMENDMENT NO. 2322

Mr. BAKER proposed an amendment to the amendment of the House to the bill (S. 1852) to extend the expiration date of the Defense Production Act of 1950, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1988".

SEC. 2. (a) Section 301(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(a)) is amended by adding at the end thereof the following:

"(3) A guarantee may be entered into under this section only if the President determines that—

"(A) the guaranteed contract or operation is for a material, or the performance of a service, that is essential to the national defense;

"(B) without the guarantee, United States industry cannot reasonably be expected to provide the capability for the needed material or service in a timely manner;

"(C) the guarantee is the most cost-effective, expedient, and practical alternative for meeting the need;

"(D) the United States national defense demand is equal to or greater than the output of domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the guarantee; and

"(E) the material or service of the guaranteed contract has been identified in a specification agreed to by the United States and the contractor.".

(b) Section 302 of such Act (50 U.S.C. App. 2092) is amended by inserting before the period at the end of the second sentence the following: ", and (3) no such loan may be made unless the President determines that—

"(A) the loan is for the expansion of capacity, the development of a technological process, or the production of materials essential to the national defense;

"(B) without the loan, United States industry cannot reasonably be expected to provide the needed capacity, technological processes or materials in a timely manner;

"(C) the loan is the most cost-effective, expedient, and practical alternative method for meeting the need;

"(D) the United States national defense demand is equal to or greater than domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the loan; and

"(E) the material or service has been identified in a specification agreed to by the United States and the borrower".

(c) Section 303(a) of such Act (50 U.S.C. App. 2093(a)) is amended by adding at the end thereof the following: "The President may not execute a contract under this subsection unless he determines that—

"(1) the mineral, metal, or material is essential to the national defense;

"(2) without Presidential action under authority of this section, United States industry cannot reasonably be expected to provide the capability for the needed mineral, metal, or material in a timely manner;

"(3) purchases, purchase commitments, or other action pursuant to this section are the most cost-effective, expedient, and practical alternative method for meeting the need;

"(4) the United States national defense demand for the mineral, metal, or material is equal to or greater than the output of domestic industrial capability which is reasonably determined to be available for national defense, including the output to be established through the purchase, purchase commitment, or other action; and

"(5) the mineral, metal or material has been identified in a specification agreed to by the United States and the contractor.".

SEC. 3. (a) Section 301(e)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(e)(1)) is amended to read as follows:

"(e)(1) Except during periods of national emergency declared by the Congress or the President, a guarantee may be made under this section only if the industrial resource shortfall which such guarantee is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of subsection (a)(3) of this section, and if guarantees to correct such industrial resource shortfall have been authorized by law.".

(b) Section 302(2) of such Act (50 U.S.C. App. 2092(2)) is amended to read as follows: "(2) no such loan may be made under this section, except during periods of national emergency declared by the Congress or the President, unless the industrial resource shortfall which such loan is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of paragraph (3) of this section, and unless such loans to correct such industrial shortfall have been authorized by law".

(c) Section 303(a) of such Act (50 U.S.C. App. 2093(a)) is amended by adding at the end thereof the following: "Except during periods of national emergency declared by the President or the Congress, the President shall take no action under authority of this section unless the industrial resource shortfall which such action is intended to correct has been identified in the budget, or amendments thereto, submitted to the Congress, accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of the preceding sentence, and unless actions to correct such industrial resource shortfall have been authorized by law.".

TRANSFER OF CERTAIN FEDERAL LAND

HOLLINGS AMENDMENT NO. 2323

(Ordered referred to the Committee on Agriculture, Nutrition, and Forestry.)

Mr. HOLLINGS (for himself and Mr. THURMOND) submitted an amendment intended to be proposed by him to the bill (S. 566) to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land conveyed to the South Carolina Commission of Forestry, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to such Commission; as follows:

On page 1, line 3, strike all that follows through page 4, line 13 and insert in lieu thereof the following: "That, subject to section 2, the Secretary of Agriculture shall release, on behalf of the United States, with respect to the following described tracts of land, the condition contained in the deed dated June 28, 1955, between the United States of America and the South Carolina State Commission of Forestry, conveying certain tracts of land, of which such described tracts of land are a part, to such Commission, which requires that the tracts of land conveyed be used for public purposes and revert back to the United States should the tracts of land cease to be used for such purposes:

"(a) A tract of land consisting of approximately 1.99 acres in Sumter County, South Carolina, more particularly described as follows: Beginning at an iron pipe located on the west side of the Old Kings Highway and being south 18 degrees and 35 minutes east and 2519.2 feet from Manchester State Forest monument number 2314; thence

south 3 degrees 19 minutes east 417.22 feet to an iron pipe; thence south 86 degrees 41 minutes west 208.64 feet to an iron pipe; thence north 3 degrees 19 minutes west 199.97 feet to an iron pipe; thence north 3 degrees 32 minutes west 214.05 feet to an iron pipe; thence north 85 degrees 47 minutes east 209.27 feet to an iron pipe, the same being the point of beginning.

"(b) A tract of land consisting of approximately 22.715 acres in Sumter County, South Carolina, more particularly described as follows: Beginning at the point of intersection of the center line of the Burnt Gin Road with the center line of Wedgelake Drive proceed South 64 degrees, 41 minutes East a distance of 63.16 feet to the point of beginning. Proceed thence South 88 degrees 0 minutes East a distance of 1454.56 feet to an iron pin, thence South 18 degrees, 57 minutes west a distance of 1059.17 feet to an iron pin, thence North 62 degrees, 15 minutes West a distance of 367.24 feet to a corner, thence along the arc of a curve to the right having a radius of 1031.31 feet a distance of 197.10 feet to a corner, thence North 51 degrees, 18 minutes West a distance of 107.80 feet to a corner, thence along the arc of a curve to the left having a radius of 637.49 feet a distance of 202.13 feet to a corner, thence North 69 degrees, 28 minutes West a distance of 167.47 feet to a corner, thence along the arc of a curve to the right having a radius of 581.69 feet a distance of 146.19 feet to a corner, thence North 55 degrees, 04 minutes West a distance of 163.98 feet to a corner, thence North 18 degrees, 10 minutes West a distance of 39.99 feet to a corner, thence along the arc of a curve to the left having a radius of 781.17 feet a distance of 215.48 feet to a corner, thence North 02 degrees, 00 minutes East a distance of 107.84 feet to a corner, thence North 47 degrees 00 minutes East a distance of 42.50 feet to the point of beginning.

SEC. 2. The Secretary of Agriculture shall release the condition referred to in section 1 of this Act only with respect to land covered by and described in an agreement or agreements entered into between the Secretary and the South Carolina State Commission of Forestry in which the Commission, in consideration of the release of such condition, agrees that the tract of land described in subsection (a) of section 1 of this Act, will not be sold,

"(1) except to the Tiverton Baptist Church of Sumter, South Carolina; and

"(2) unless the proceeds of such disposal are—

"(A) deposited and held in an account open to inspection by the Secretary of Agriculture, and

"(B) used, if withdrawn from such account, exclusively for public purposes.

"SEC. 3. The Secretary of Agriculture shall release the condition referred to in section 1 of this Act only with respect to land covered by and described in an agreement or agreements entered into between the Secretary and the South Carolina State Commission of Forestry in which the Commission, in consideration of the release of such condition, agrees that the tract of land described in subsection (b) of section 1 of this Act will be exchanged for a tract of land consisting of approximately 45.43 acres in Sumter County, South Carolina, to be conveyed to the Commission to be used exclusively for public purposes, more particularly described as follows: Beginning at the intersection of the South right of way of Brohun Camp Road and the West right of way of Tiverton Church Road proceed South 50 degrees, 32 minutes West a distance of 2,214.39 feet to a corner, thence North 40 degrees, 02 minutes West a distance of 414.24 feed to a corner, thence North 5 degrees, 19 mnutes, 30 seconds East a distance of 1627.88 feet to a corner, thence South 73 degrees, 45 minutes East a distance of 1901.55 feet to the point of beginning.

"SEC. 4. (a) Subsequent to any release executed by the Secretary of Agriculture with respect to the tracts of land described in section 1 of this Act, the South Carolina State Commission of Forestry may apply to the Secretary of the Interior seeking to acquire all the undivided mineral interests of the United States in the tracts of land to which such release applied, and the Secretary of the Interior shall, subject to valid existing rights and subject to subsection (b) of this section, convey such mineral interests as requested.

"(b) The Secretary of the Interior shall not convey the undivided mineral interests of the United States in any lands as requested in an application filed by the South Carolina State Commission of Forestry under subsection (a) of this section unless—

"(1) such application is accompanied by a sum of money which the Secretary of the Interior determines is necessary to pay the administrative costs involved in conveying such mineral interests to the Commission, including the costs of determining the mineral character of such lands and the costs of establishing the fair market value of such mineral interests, and

"(2) the Commission, in consideration of such conveyance, pays to the Secretary of the Interior—

"(A) $1, in the case of any such lands determined by the Secretary of the Interior to have no mineral value and to be under no active mineral development or leasing, or

"(B) As determined by the Secretary of the Interior, the fair market value of such mineral interests, in the case of any such lands not subject to clause (A) of this subsection.".

Amend the title so as to read: "A bill to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain tracts of land conveyed to the South Carolina State Commission of Forestry, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such lands to such Commission, and for other purposes.".

Mr. HOLLINGS. Mr. President, I am offering today, on behalf of Senator THURMOND and myself, a substitute amendment to S. 566, a bill that I introduced on February 23, 1983.

The amendment would make clarifying changes to the bill, as originally introduced, in addition to providing for a land exchange that was requested by the South Carolina Commission of Forestry.

RELIEF OF DOAN VAN TOAI

HATCH AMENDMENT NO. 2324

(Ordered referred to the Committee on the Judiciary.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill (S. 517) for the relief of Doan Van Toai; as follows:

On page 1, line 4, after "Doan Van Toai" insert the following: ", his wife Doan Voduc Yvonne and their three children, Doan Minh Quoc Dinh, Doan Minh Quoc Binh, and Doan Minh Quoc Huy".

On page 1, line 10, strike out "one" and insert in lieu thereof "five".

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water to receive testimony on S. 1504, to provide for protection of historic shipwrecks, structures, and artifacts located on a seabed or in the subsoil of the lands beneath waters of the United States; and S. 1647, to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, Calif.

The hearing will be held on Friday, October 21, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Public Lands and Reserved Water, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

ADDITIONAL STATEMENTS

EMPLOY THE HANDICAPPED WEEK

● Mr. DOLE. Mr. President, October 3-7, 1983, has been designated National Employ the Handicapped Week. Activities throughout this country are helping to increase public awareness of the inequities encountered by disabled Americans in the employment area.

During the past decade, there has been an increased awareness of the problems of disabled Americans, and much progress has been made to address their special needs. Opportunities for health care and rehabilitation, education, employment, and community living have increased but still have a long way to go. Laws have been enacted, but remain to be enforced.

Despite this progress, which represents a great improvement over the prevalent lack of opportunities of past decades, statistical studies have shown that unemployment rates among handicapped people are drastically higher than rates of unemployment

for nonhandicapped people. Only a small percentage of disabled Americans who could work, if given the opportunity, are actually employed. This recession has been cruel to many Americans who now find themselves unemployed after having worked all their lives, but a great toll has been taken on the handicapped as well. Unemployed rates among disabled workers are currently estimated to be between 50 to 75 percent, up from a prerecession rate of 45 percent.

It is unfortunate to discover, as studies indicate, that only in a small percentage of cases is inability to perform a regular full-time job the reason a handicapped person is not employed. Frequently, employer prejudices exclude handicapped persons from jobs. In fact, additional barriers continue to affect disabled Americans in just about every phase of their uphill battle to join the mainstream of community life and the employment world. This kind of attitudinal battle is perhaps the one that is most difficult to wage. Biases can operate in subtle, often unconscious ways to eliminate consideration of disabled people from the job application, hiring, and employment process.

Tax incentives have helped to eliminate architectural and transportation barriers, along with the impact of section 504, but the most difficult barrier—that of attitudes—remains to be transcended, although many are working to chip away at its effects. The majority of unemployed handicapped people are quite capable of taking their places in the job market, if given the chance, but most often, the doors of opportunity are not open to them, because somebody along the way has made erroneous assumptions about their lack of ability. What is perhaps most unfair is that usually the disabled person never knows why he or she did not get the job.

One of the greatest milestones of achievement in the area of handicapped rights was enacted with title V of the Rehabilitation Act of 1973, which establishes civil rights protection for handicapped people as a national policy. Speaking in support of the act at the time, Senator Taft declared:

> Too many handicapped Americans are not served at all, too many lack jobs, and too many underemployed—utilized in capacities well below the levels of their training, education and ability . . . if we are to assure that all handicapped persons may participate fully in the rewards made possible by the vocational rehabilitation program, we must devote more of our energy toward elimination of the most disgraceful barrier of all—discrimination.

The provisions of section 504 prohibit discrimination on the basis of handicap in any program or activity receiving Federal financial assistance—including the areas of employment, education, housing, transportation, and health and human services. Section 504 pertains to the discriminatory practices of the Federal Government, defining discrimination broadly to include practices that directly or indirectly deny opportunities, afford opportunities that are unequal, less effective, or require different or separate opportunities. In furtherance of 504 goals, recipients of Federal funds cannot use criteria or methods of administration that have the effect of discriminating against handicapped persons, regardless of whether they intended to discriminate.

Mr. President, it has been one of my goals in political life to help increase the awareness of the abilities that handicapped people possess. All too frequently, their disabilities are emphasized, and we, as a society, lose. There are 36 million handicapped persons in the United States today, with varying degrees of disability who represent the underutilization of a vast human resource. Most Americans, whether disabled or nondisabled, want only to be able to share their talents with the society which has the potential to make their personal dreams come true. They want to contribute as productive, taxpaying citizens, taking pride in their work. It is time to open more doors to opportunities, building upon the foundation laid in the past decade.

Numerous studies indicate that handicapped workers, when assigned appropriate positions, perform as well as or better than, their nonhandicapped fellow workers. In fact, a U.S. Civil Service Commission study of appointments of severely handicapped workers to Federal agency jobs over a 10-year period concluded that "the work record is excellent." This should tell us something important. Still, those handicapped workers who are able to find a job are twice as likely as nonhandicapped persons to work part time, in spite of the fact that most disabled individuals are able to put in a full, standard 8-hour workday and a normal 5-day work week. Along with this type of discrimination, handicapped employees also tend to be underpaid. It is time to start changing the statistics of inequity so that all Americans will be able to benefit from the talents and abilities of our disabled citizens.●

NATIONAL PORT WEEK

● Mr. WARNER. Mr. President, I rise today as a cosponsor of Senate Joint Resolution 145, to designate the week of October 2 to 8 as "National Port Week."

The Federal interest in a modern harbor system is twofold: To promote America's trade potential and economic strength, as well as to meet our defense commitments.

The United States must be prepared to meet the world demand for its goods by developing a more competitive port transportation system.

Likewise, the constitutional obligation to provide for the Nation's defense demands that the Federal Government continue its strong role in supplying both our allies' and our own energy needs.

The Federal role is further highlighted by our country's commitment to the construction of a 600-ship Navy to bolster our Nation's defenses.

The quick and efficient deployment and servicing of troops and equipment must be assured by modern, well-maintained harbors.

Our national port system annually transports $318 billion in waterborne foreign commerce and generates $7 billion in customs revenues.

A strong port system which increases our capacity to export reduces our balance of trade deficit and makes a positive contribution to employment in every State in the Nation.

It is especially appropriate and important at this time to focus public attention upon the value of our Nation's ports which contribute so heavily to our favorable balance of trade and to the overall prosperity of our economy.

As we celebrate National Port Week, the Congress faces critical decisions about the future of our national port system.

The Subcommittee on Water Resources of the Senate of the Committee on Environment and Public Works has completed hearings on harbor modernization legislation and anticipates markup in the near future.

Enactment of this legislation should be one of the highest priorities of this Congress.

Earlier this year, I joined with Senators HATFIELD, BYRD, THURMOND, and MATTINGLY in introducing S. 865, the Deep-Draft Navigation Act of 1983.

The legislation is cosponsored by Senators TRIBLE, HAWKINS, FORD, RANDOLPH, NUNN, MURKOWSKI, COCHRAN, PROXMIRE, KASTEN, LUGAR, RIEGLE, and SIMPSON.

S. 865 enjoys wide support in my home State of Virginia. I ask that a copy of a resolution of endorsement of S. 865 passed by the Board of Directors of the Virginia State Chamber of Commerce be printed in the RECORD at the conclusion of my statement.

I also ask that a July 17, 1983, editorial from the Virginian-Pilot be printed in the RECORD at the conclusion of my statement.

As the editorial states, it is time to enact a port modernization bill and send a message to the world that the United States has no intention of becoming a second-class industrial nation.

I call on every Member of the Senate during National Port Week to

renew their efforts for passage of legislation to assure that our Nation's harbors will be well-maintained and also have the opportunity for improvements.

The material follows:

RESOLUTION ON DEEP-DRAFT NAVIGATION ACT OF 1983, S. 865, SENATORS WARNER AND HATFIELD

Whereas one of the basic purposes of The Virginia Chamber of Commerce is to promote world trade and development of Virginia Ports, and

Whereas the Port of Hampton Roads and its continued development is critical to Virginia if we are to continue to be a leader in international shipping, and

Whereas Virginia's senior senator, John Warner, has introduced S. 865, the Deep-Draft Navigation Act of 1983, comprehensive ports legislation designed to address continued maintenance of our nation's harbors at their current depth and to establish a Federal Navigation Improvement Account to provide a mechanism for all ports to deepen their harbors: Therefore, be it

Resolved, That the Board of Directors of The Virginia Chamber of Commerce respectfully requests the Congress of the United States to give affirmative consideration to the Deep-Draft Navigation Act of 1983. (S. 865)

Unanimously adopted by the Board of Directors, The Virginia Chamber of Commerce, Windmill Point Marine Resort, July 22, 1983.

A DEEPER CHANNEL?

A Belgian Supercollier, the 140,000-ton Federal Skeena, entered Hampton Roads last week and berthed at Pier 6 in Norfolk to take on a load of metallurgical coal bound for Japan. When the huge ship's hold contained 98,000 tons of Appalachian coal, however, the loading ceased and the ship steamed out of port. If it had taken on any more cargo here it might have run aground. En route to its destination, Federal Skeena will take on an additional 40,000 tons of coal in South Africa.

This scenario illustrates that Hampton Roads needs a deeper navigation channel in order to meet the demand imposed by shippers who are using larger colliers such as this one. That vessel is typical of colliers being built overseas these days. They haul more coal and are much cheaper to operate. But unless Hampton Roads' channels are deepened, such ships can only be partially loaded at local coal piers. The rest of their business will go elsewhere.

Congress, just back from summer vacation, is working on dredging legislation. A river-and-harbor-projects bill containing the 55-foot channel project for Hampton Roads cleared the House Public Works Committee last month. But while the lawmakers were out of town, the Department of Energy issued a report that cast doubt on the wisdom of spending the large sums required to add 10 feet to the depth of the Hampton Roads channels.

The report contends that opening major American ports to deeper-draft supercolliers will increase coal exports only slightly, 3 percent or 4 percent. Energy Department analysts concluded that overseas coal is so much cheaper to mine that a few dollars per ton reduction in the price of U.S. coal made possible by using 100,000-ton vessels instead of 60,000-ton colliers would be little inducement to foreign buyers because competitors would still undersell us. Rather, said the report, the reliability of the supply from U.S. mines is what guarantees markets for this country's coal even though it is more expensive.

That, however, is no argument for killing the dredging bill. No one can predict how the world energy picture may change during the next decade, either because of new fuel sources or swift changes in international political events, particularly in the Middle East. For example, a new source of steam coal will be opening in South America in a few years. Exxon is investing $10 billion in developing mines in Colombia. That coal will surely compete with Appalachian coal for both the export and domestic markets. American interests, including the federal government, can't take for granted that foreign buyers will continue to line up in Hampton Roads to buy coal at premium prices just because it is available.

Moreover, this is no time to hold back in hopes that America can muddle through. American industry is on the defensive in the international marketplace. A new spirit of competitiveness has to imbue our efforts if American products—from our mines, farms and factories—are to reach consumers overseas, or even be bought by American consumers. An aggressive and innovative can-do approach is essential if this nation is to avoid being overtaken by the rising new industrial giants of Europe and Asia.

It would be negligent, then, to shelve the channel project. The House should complete action on the bill, and the Senate should end its wrangling over how user fees are computed and agree on a realistic formula. A bill on President Reagan's desk by the end of the year is in the national interest. Its enactment would send a message around the world that the United States has no intention of becoming a second-class industrial nation.●

NATO CAN REDUCE ITS NUCLEAR WEAPONS ARSENAL

● Mr. BIDEN. Mr. President, last spring a bipartisan group of 14 other Senators joined me in urging President Reagan to begin the withdrawal of substantial numbers of so-called tactical nuclear weapons which have been deployed in Europe under NATO command. We argued that such reductions would be militarily beneficial and would have a positive effect on European confidence in our allied defense posture.

Now, with the deployment of new intermediate-range missiles about to begin amidst public controversy, it is even more important for NATO to demonstrate that it can strengthen deterrence with substantial cuts in nuclear forces as well as with some technological improvements.

The October 7 Washington Post reports that the high level group, which has been studying possible reductions in NATO's nuclear systems, has agreed to withdraw about 1,500 warheads—which would be a one-fourth cut in our current stockpile of about 6,000 weapons. The precise, formal announcement is scheduled for later this month at a meeting of NATO defense ministers.

Mr. President, I welcome this report and hope that it contributes to greater public confidence in NATO's 1979 decision to deploy new missiles while seeking limits and reductions in other nuclear weapons. I ask that the Washington Post article be printed in the RECORD.

The article follows:

[From the Washington Post, Oct. 7, 1983]

NATO REACHES AGREEMENT ON CUTBACKS IN NUCLEAR WARHEADS

(By Priscilla Paintain)

BRUSSELS, October 6—Senior NATO military and political officials agreed late yesterday to a "ball-park" number of cuts in the alliance's arsenal of short-range nuclear weapons, according to NATO sources.

"There's been substantial agreement on all the important points and that includes the question of numbers," said a U.S. official yesterday.

The exact size of the reduction is due to be announced in about three weeks by defense ministers of the 16-nation alliance when they meet as the Nuclear Planning Group in Ottawa.

Unofficial estimates, which could not be confirmed, set the size of the cutback at about 2,000.

[In Washington, State Department officials confirmed that an agreement had been reached but cautioned that "the reductions are more like 1,500" nuclear weapons.]

NATO's high-level group of senior political and military officials has been working for the past four years on a report on how NATO could cut its stockpile of 6,000 nuclear weapons—primarily artillery rounds and bombs but also including atomic demolition mines and nuclear antiaircraft shells—without endangering its deterrence strategy. The group, chaired by Richard Perle, the U.S. assistant secretary of defense for international security policy, met here Tuesday and yesterday to complete the report.

Most of the weapons involved in the cutback are from the first generations of battlefield nuclear weaponry and strategists have been debating their usefulness in light of both changing concepts of the value of such weapons and the development of new technology.

The NATO study of U.S. battlefield nuclear weapons now deployed in Western Europe was first requested by the Netherlands in 1979 as part of its agreement that year to go along with the proposed deployment of new American medium-range Pershing II and ground-launched cruise missiles.

In recent years, as concern over the Pershing and cruise missiles have grown, other NATO nations, such as West Germany, have joined in pressing for reduction in the short-range systems as a means of dampening opposition to the medium-range weapons.

The expected announcement by NATO defense ministers of the unilateral cutback of American short-range nuclear weapons will come on Oct. 22, the same day that large antinuclear protests are planned for West Germany.

The allies agree the arsenal can be reduced, but until this week they disagreed on the extent and the pace of the cuts. Perle said Tuesday in The Hague that it was possible that the size of the reduction would not be firm until the day before the Nuclear Planning Group meeting in Ottawa, when the members of the high-level group plan to discuss the study one last time.

Some West European countries, particularly the Netherlands, have proposed cutting up to half the arsenal. Their position, shared my military specialists at NATO, is that the alliance should move away from short-range nuclear weapons and rely mostly on longer range ones because this will raise the threshold at which nuclear weapons are introduced in any future conflict. Advocates of large reductions also contend that the arsenal is too large and contains weapons that are obsolete or of little use.

According to this view, the weapons lack accuracy, would have to be "used or lost" following an attack, and would then explode on or near NATO territory.

But other voices at NATO say the alliance cannot afford to get rid of nuclear weapons unless conventional forces are improved.

There is also dissention on the question of who should determine the size of the cuts. U.S. and European military officers, including Bernard W. Rogers, NATO's supreme commander in Europe, say they should set the number since they have responsibility for Europe's defense.

Finally, the study group has had to resolve whether NATO should use the nuclear weapons as bargaining chips with the Russians, or should make the reductions unilaterally. Some at NATO argue that the weapons have lost their value as commodities in the diplomatic trade with the Soviet Union because military and political officials, including the former chairman of the high-level group, Lynn Davis, have stated publicly that NATO does not need the entire arsenal.

But Pentagon and NATO officials would also like Warsaw Pact nations to make a comparable cut in their roughly equal nuclear arsenal to avoid risking an imbalance.

The NATO study group, and the alliance's defense ministers, do agree on one thing however: NATO must receive more credit for the planned reductions than it did when 1,000 warheads were unilaterally removed from Europe in 1980. They hope that the cutback will help quell the protests this fall in Europe against the probable deployment of the new medium-range Pershing II and cruise missiles.●

UKRAINIAN FAMINE

● Mr. BOSCHWITZ. Mr. President, this year marks the 50th anniversary of the man-made famine in Ukraine in which the Kremlin planned the destruction of 7 million Ukrainian men, women, and children by starvation.

This famine holocaust was implemented by the Soviet authorities in order to break the resistance of the Ukrainians against the collectivization of their farms and at the same time destroy the roots of Ukrainian national aspirations for freedom and independence.

Because the Ukrainian farmers, conservative in their nature, were the mainstay of Ukrainian traditions and a replenishing source of the Ukrainian intelligentsia, they became the primary target of this crime. The Soviets branded them "kulaks," the class enemy of the Communist society, who had to be dispersed, if not destroyed altogether. Under this pretext, they raged a ruthless war against a large section of the rural population who refused to give up their small private property and to enter the collective farms.

Historians estimate that as a direct result of this famine, mass deportations and executions, Ukraine lost at least 11 million people.

In accordance with the 50th anniversary of the famine in Ukraine, I ask to have printed in the RECORD the following resolutions adopted in connection with the public meeting held in Minneapolis, Minn., on August 21, 1983, commemorating this historic event.

The resolutions follow:

MINNESOTA COMMITTEE FOR COMMEMORATION OF THE 50TH ANNIVERSARY OF THE SOVIET-CREATED FAMINE IN UKRAINE

RESOLUTIONS ADOPTED IN CONNECTION WITH THE PUBLIC MEETING COMMEMORATING THE 50TH ANNIVERSARY OF THE FAMINE

(Minneapolis, Minn., Aug. 21, 1983)

Whereas, fifty years ago, in the years 1932 and 1933, a great Famine occurred in Ukraine in which over 7 million Ukrainian men, women and children, after unspeakably cruel sufferings met a horrible death from starvation; and

Whereas, this Famine and the resulting sufferings and deaths were not the result of any natural causes, such as drought or crop failure, nor of any wartime disruption, the civil war having ended in 1920, and having been followed by 12 years of normal food availability; and

Whereas, the Famine was intentionally and with premeditation induced by the Soviet Government through the confiscation and removal from Ukraine not only of the entire 1932 harvest, but of all stored-up food supplies, including all seed grain for future years; and

Whereas, this was done by the Soviet Government as a means of destroying the independent spirit of the Ukrainian people and their drive for national self-determination and separate nationhood, as well as a means of breaking the resistance of the independent-minded Ukrainian farmers to the confiscation of their lands for collective farms; and

Whereas, we are today commemorating the 50th anniversary of this Famine, intentionally brought about by the inhuman and genocidal policies of a regime which still today subjugates and enslaves the country of our origin, and which has for 50 years covered up and continues to cover up the true facts regarding the Famine; and

Whereas, the Famine of 1932-33 play a role in Ukrainian history analogous to the Holocaust of World War II in Jewish history: Therefore be it

Resolved, That we, Minnesotans of Ukrainian descent, on the occasion of the 50th anniversary of this terrible tragedy, condemn the actions of the Soviet Government in intentionally causing the starvation deaths of over 7 million of our brothers and sisters, including many small children, as a crime against humanity and a clear and premeditated act of genocide;

Be it further resolved, that we call on our fellow Americans to join us in this condemnation and to look through the cover-up and disinformation regarding the Famine and its causes, perpetrated by the Soviet Government and its helpers both behind the Iron Curtain and in the Free World.

Be it further resolved, that we call on our fellow Americans to join us in commemorating and paying the deepest respect to the shining memory of the victims of the Famine in Ukraine, so that their deaths will not be forgotten, and that others will not become victims of such genocide in the future.●

LECH WALESA

● Mr. MURKOWSKI. Mr. President, I rise to applaud the decision by the Nobel Committee to award the Nobel Peace Prize to Lech Walesa. The award is well deserved. It lauds a man for his efforts in the promotion of human rights and of peace that went beyond simple heroism to that higher plane where great men fight for all mankind.

But, Mr. President, this award is not some static symbol of past works, a medal for valor to commend the recipient for great deeds done in some past battle. It can and must act as a catalyst which will impel Mr. Walesa and his supporters to reignite the struggle for freedom in Poland.

Mr. Walesa was a candidate for the prize last year, and when it was awarded to another, many Poles were very disappointed. As one Polish journalist put it, "It left a sense that the world had given up on Poland." The award of the Nobel Peace Prize to Walesa this year came during a period of even deeper disillusionment for the Polish people and will serve to assure them that the rest of the world has not forgotten them. This honor will bolster Walesa's strength and signal to the Communist authorities that the will to resist oppression yet burns brightly.

Mr. President, this award has more immediately tangible benefits as well. Mr. Walesa has declared he will donate his prize money—$190,000—to the Polish Catholic Church's program for agricultural assistance. The church hopes to raise money in Western countries to buy farm machinery and fertilizer, which will be sent directly to individual farmers in Poland.

Walesa's decision to donate the prize is astute for two reasons. First, it will pump money directly into the agricultural sector where it is most needed, evading the bureaucratic bottlenecks and high officials who habitually skim such money or Western products off for their own use.

Second, such a program, which fortifies individual farming endeavors in the country, will provide one more example to the Eastern bloc of the viability of the free enterprise system.

Finally, this award will reinforce Lech Walesa's steadfast insistence on peaceful activism and open dialog with the government.

Mr. President, I congratulate Lech Walesa on his admission to an elite group of world heroes. And I congratulate the Nobel Prize Committee on a choice well made.●

DEATH OF AMBASSADOR MARTIN F. HERZ

● Mr. PELL. Mr. President, I pay tribute to Ambassador Martin F. Herz, whose untimely death gives grief to his old friends and colleagues. We entered the Foreign Service in the same class and we remained friendly as he pursued his distinguished career, which combined diplomacy, teaching, and writing. His book "215 Days in The Life of an American Ambassador" is a remarkable window onto the life of an able Foreign Service Ambassador. Then his recently edited compendium, "The Modern Ambassador—the Challenge and the Search," provides much original thought and treatment of the role of an Ambassador. But, more important, Martin was a man with a sensitive and warm heart and a tremendous loyalty to our country.

I extend my deepest condolences to his lovely wife, Dr. Elisabeth Kremenak Herz. I ask that the obituaries in today's Washington Post and New York Times be inserted in the RECORD.

The obituaries follow:

[From the New York Times, Oct. 7, 1983]

MARTIN HERZ, FORMER AMBASSADOR, DIES AT 66

WASHINGTON.—Martin F. Herz, director of Georgetown University's Institute for the Study of Diplomacy and former American Ambassador to Bulgaria, died of cancer Wednesday at Georgetown University Hospital. He was 66 years old.

Mr. Herz was a Foreign Service officer for over 30 years, and held an important post in Vietnam during the height of American involvement in the Indochina War. He served as minister counselor for political affairs at the United States Embassy in Saigon from shortly after the Tet offensive in 1968 until just before the invasion of Cambodia in 1970.

Before his assignment to Saigon, he served in the State Department as country director for Laos and Cambodia. After his return to Washington in 1970 he became the senior Deputy Assistant Secretary of State for International Organization Affairs and held that post until 1974.

He was appointed Ambassador to Bulgaria in 1974 by President Gerald R. Ford, and served in Sofia until 1977, when he became a senior research fellow at the Ethics and Public Policy Center in Washington.

AUTHOR OF SIX BOOKS

From 1978 until his death, Mr. Herz was the director of Georgetown's Institute for the Study of Diplomacy. He wrote six books and contributed many articles to professional journals, magazines and newspapers. Among his books are "The Prestige Press and the Christmas Bombing, 1970"; "Images and Reality in Vietnam" and "215 Days in the Life of an American Ambassador," based on his experiences in Bulgaria.

Mr. Herz joined the Foreign Service in 1946, and in his first 20 years served in American embassies in Vienna, Paris, Phnom Penh, Tokyo and Teheran. While in Iran from 1963 to 1967, Mr. Herz drafted a report titled "Some Intangible Factors in Iranian Politics," which pointed to the instability of the regime of Shah Mohammed Riza Pahlevi.

He was born in New York City in 1917, the son of Gustave L. and Edith Flammerschein Herz. He attended Oxford University and received a Bachelor of Science degree from Columbia University in 1937. During World War II, Mr. Herz served in the Army, rising from the rank of private to major. He received the Purple Heart and the Bronze Star for action at Anzio Beach in Italy in 1943.

He is survived by his wife, Dr. Elisabeth Kremenak Herz, and a brother, Stephen V. Hart of San Francisco. A memorial service will be held Friday, Oct. 14, at 12:15 P.M. in Dahlgren Chapel at Georgetown University.

[From the Washington Post, Oct. 7. 1983]

MARTIN F. HERZ, ENVOY, TEACHER, DIES AT AGE 66

(By Anne Koch)

Martin Florian Herz, 66, a career Foreign Service officer who retired from the State Department as ambassador to Bulgaria and who has been director of Georgetown University's Institute for the Study of Diplomacy since 1978, died Oct. 5 at Georgetown University Hospital. He had cancer.

Mr. Herz entered the Foreign Service in 1946 and over the years he was stationed at embassies in Austria, France, Cambodia and Japan. From 1963 to 1967, he was counselor for political affairs at our embassy in Tehran. During that time, he cabled State with his doubts about the stability of Iran's Pahlavi monarchy.

Shortly after the 1968 Tet Offensive, Mr. Herz was ordered to Saigon, again as political affairs minister-counselor. He left that post two years later. He served as senior deputy assistant secretary of state for international organizational affairs before becoming ambassador to Bulgaria in 1974.

He returned from Bulgaria and retired from the Foreign Service in 1977. He joined Georgetown University in 1978. In addition to his administrative duties, he was a research professor for diplomacy in Georgetown's School of Foreign Service and taught courses dealing with the Cold War, modern diplomacy and communication.

Mr. Herz was the author of "215 days in the Life of an American Ambassador," a 1981 book about his years in Bulgaria, and the editor of "The Modern Ambassador—The Challenge and the Search," a book published earlier this year. He also wrote technical works dealing with the Cold War and the war in Southeast Asia. He contributed articles to the Foreign Service Journal, Public Opinion Quarterly, Encounter, and Commentary.

He was a recipient of the State Department's Superior Honor Award, and had served as vice chairman and a director of the American Foreign Service Association.

Mr. Herz, who lived in Washington, was a native of New York City. He attended Oxford University and earned a bachelor's degree at Columbia University. He served in the Army in World War II, participating in the Anzio landings in Italy and attaining the rank of major. His decorations included Purple Heart and Bronze Star.

Survivors include his wife, Dr. Elisabeth Kremenak Herz of Washington, and a brother, Stephen V. Hart of San Francisco.●

CENTRAL AMERICA

● Mr. WEICKER. Mr. President, I am proud to bring to the attention of my colleague two fine articles written by a distinguished citizen of Connecticut, Donald W. Davis, chairman and chief executive officer of the Stanley Works of New Britain.

Mr. Davis recently completed a fact-finding trip to Central America and has returned with many valuable insights. He was struck with the need to expand the horizons of our diplomatic efforts in the region, especially with regard to Cuba and the Contadora Group initiatives. I not only strongly agree with his conclusions but urge my colleagues to consider the perspective of an outstanding private sector leader on these matters.

I ask that two articles appear at this point in the RECORD.

The articles follow:

[From the Hartford Courant, July 29, 1983]

THE TIMING IS RIGHT FOR A TRILATERAL, NORTH AMERICAN SUMMIT

(By Donald W. Davis)

We must recognize that both Mexico and Canada have long established love/hate relationships with the United States. These relationships are certainly understandable in view of the disparity in culture and power between neighboring countries with common borders.

For various reasons, including the public's lack of interest, it is not well known how close Mexico came to repudiating its overseas loans last August. Had it repudiated the $82 billion indebtedness owed primarily to U.S. banks, the shock waves throughout the world financial community would have been colossal.

There is clearly much at stake in having sound, mutually beneficial economic and trade relations between the United States and Canada, between the United States and Mexico, and, to some lesser degree, between Canada and Mexico.

To this end, it would seem most timely to have a three-nation North American summit with a focus on economic and trade matters.

Canada, the United States and Mexico are all blessed with great natural resources. We are dealing with three countries which (in spite of economic stresses and intermittent antagonisms) have special feelings of closeness. With 3,000 miles of common borders to the north and 2,000 to the south, logic tells us that for the sake of economic well-being and security, we must have friendly relationships.

All three have recently been through unusually difficult economic times caused by a worldwide recession; the dislocations caused by volatile oil prices; inflation, ranging from double digit in the United States and Canada to 100 percent in Mexico; historically high interest rates and dramatic devaluation of the peso from 25 to the U.S. dollar to 150.

The resulting unemployment and political and social stresses have swung from serious in the United States and Canada to nearly catastrophic in Mexico. The United States and Canada seem to be on the verge of economic recovery, whereas Mexico is in the early stages of massive austerity. It will take, at best, two to three years to produce positive results in terms of increased employment or improved living conditions.

One symptom of Mexico's crisis is the illegal immigration of millions of Mexicans into the United States over the past few years. The political and emotional overtones for a

neighbor with major unemployment problems of its own are obvious.

Over the past few years, these three North American neighbors have had a litany of economic confrontations. We all remember the headlines of tariff disputes with Canada on automobile parts; objections to U.S. investment in key Canadian industries—particularly of national resources, such as oil and mining.

We can recall our problems with Mexico over the price of its oil, when the U.S. government was sufficiently insensitive to offer less favorable prices for Mexican oil than for Canadian oil.

It is clearly in the best interests of all three countries to move away from this kind of myopic scrapping toward a new level of discussions based on mutually advantageous economic objectives.

The timing appears right to make such an effort through a trilateral summit. One agenda item could have as its focus something as primitive as barter.

Mexico clearly needs our agricultural products, products for which our supply greatly exceeds present market demand.

And, in spite of a seemingly adequate supply of oil and gas in the United States at the moment, greater use of Mexican oil vs. Mideast oil, and of Mexican gas—some of which is still being flared off at no benefit to anyone—would make sense for both the United States and Mexico.

How agricultural products could be exchanged for gas and oil—and how similarly advantageous trading arrangements between the United States and Canada and Canada and Mexico could be facilitated—could make up an important part of such a North American summit agenda.

It would be very important that a call for such a summit not be dominated or even initiated by the United States, but rather some means be found for a joint initiative.

Among the three countries, every effort should be made to keep the summit at a level of equality and respect.

While bilateral discussions between the United States and Canada or between the United States and Mexico generally are interpreted as having patronizing overtones, tri-partite discussions between the three North American countries could avoid such negative connotations.

Getting Mexico to recognize that it is part of North America would be the first hurdle. With the present disarray in Central America and Mexico's obvious need for more support and trade with the United States, this would seem to be surmountable.

We do not want Mexico to be drawn into the Central American malaise. It is important for all three North American countries to meet soon, on equal terms to ensure our friendship and to establish sound and equitable econmomic ties.

RAPPROCHEMENT BETWEEN THE U.S. AND CUBA—BEST BET FOR A STABILIZED CENTRAL AMERICA

(By Donald W. Davis)

Regardless of one's political perspective or geographic focus, it is obvious to most people that relationships between countries in the western hemisphere are in dangerous disarray and seem to be worsening.

Looking at the most volatile area—Central America—most recent diplomatic efforts seem to have been directed toward encouraging bilateral and multilateral negotiations. Such proposed negotiations include talks between the various elements within El Salvador and Nicaragua, and eventually between the countries in the region.

Even the appointment of special envoy Richard Stone and the establishment of a bipartisan commission on Central America headed by Henry Kissinger are intended to do little more than clarify the situation and move toward negotiations in the region. In fact, both efforts have been criticized as attempts to "sell" President Reagan's program of military support for the area.

Clearly, what is needed now is a lucid foreign policy initiative that will have an appeal to all parties in the growing Central American maelstrom, and get right to the source of the biggest obstacle to peace in Central America. That needed initiative is a move toward normalization of relations between the United States and Cuba, because only these two countries have the tangible means to end the tensions and conflicts in Central America.

Cuban leader Fidel Castro has demonstrated his ability to destabilize the region by acting as the conduit of Soviet-bloc arms shipments and his own battle-hardened military "advisors." And President Reagan has clearly demonstrated the ability to project significant U.S. military power into the region with the recent assignment of naval task forces to both Atlantic and Pacific coasts of Central America, augmented by extensive ground maneuvers in Honduras.

It's my belief that a new diplomatic initiative is urgently needed. Discussions of various peace plans are already underway among the "Contadora" countries (Mexico, Panama, Colombia and Venezuela), so named because of the four-nation conference they held in January on the Panamanian island of Contadora to explore ways to end militarization and foreign intervention in the area. Hence, as a prelude to formal discussions between the U.S. and Cuba, the first step in this new foreign policy initiative would be to have these four countries issue a joint, strong call for the cessation of interventions in Central America by all outside nations, very specifically Cuba and the United States. Such an appeal should be a comfortable position for these four countries to take, since each proclaims "nonintervention" as a foreign policy keystone.

Since Cuban President Castro has obvious concern about his relations with these four countries, such a public appeal should certainly get his close attention and provide some real leverage toward a positive response.

While it may be argued that the United States has far from a clean record of nonintervention in Central American affairs, certainly the primary motivation of any current involvement is responsive to Cuban interventions in the region. Therefore, it should be quite reasonable to expect that the President and Congress could agree to such a call for the cessation of intervention.

Castro's first reaction would almost certainly be to disclaim any involvement. Even if the "Contadora" initiative were successful in getting an admission of involvement, there would likely be such a foot dragging response as to be tantamount to no response.

On the other hand, if the initiative for non-intervention produced nothing more than these two reactions—positive from the U.S. and negative from Cuba—much would have been accomplished in making clear to the region and the world the real source of destabilization in the area.

Beyond this, however, I see the possibility for a real move toward reduced interventions on the part of Cuba. This part of the process is, admittedly, highly controversial, as it involves a willingness on the part of the U.S. to move toward gradual normalization of its relations with Cuba at the same rate of speed that intervention activities are reduced on all sides. Because this is so controversial, let me quickly list a number of assumptions and convictions that tend to support this process:

It seems fair to say that two countries with the geographic proximity and cultural ties of the U.S. and Cuba will, sooner or later, normalize relations.

Even accepting this, based on the depth of the gulf between our two countries, it will take tremendously strong motivation for the U.S. to move toward normalizing diplomatic and economic relationships with Cuba.

But the important question is: What more meaningful motivation could the U.S. have than the "prize" of a stabilized Central America? And, clearly, there would be more chance of a national consensus on this issue with a conservative administration in the White House; after all, it took a conservative Richard Nixon to pull off the normalizing of relations with the People's Republic of China.

How great an attraction for Castro's Cuba such gradual normalization of relations with the U.S. would prove to be, set against Cuba's all-encompassing Soviet connection, is all but impossible to evaluate.

But it could just be that the years of nearly total dependency on the Soviet Union have caused a deeper disenchantment than we realize. Castro's role as a Soviet "proxy" in the Angolan civil war and other military adventures exacted a price both in Cuban casualties and credibility among the Third World nations he tries to dominate as an elder statesman.

There is no doubt that Castro is ready to approach the subject of improved relations with the United States. He has already suggested talks on the subject as part of a deal to dissuade Cuba-bound skyjackers by returning them to the U.S. for prosecution.

It may be that the prospects of legitimizing his regime, renewed trade with the U.S., the benefits of greater independence, and the chance to go down in history as a Cuban "Simon Bolivar" and genuine Third World revolutionary hero rather than a Soviet minion would be enough, all together, to begin to move Fidel Castro away from Soviet dependence and domination.

While there are obvious differences, there are also similarities in South Yemen's relationship with the Soviet Union from 1967 to 1982. And yet, as we know, last November, South Yemen opted for a rapprochement with Oman, closest friend of the U.S. in the Persian Gulf area. This was, of course, at the expense of their Cuban-type dependency on and domination by the Soviet Union. It would appear that South Yemen had become increasingly restive under Moscow's yoke and this disenchantment was exacerbated by the Soviets' move into Afghanistan three years ago.

No matter what odds one might quote on the success of a rapprochement with Cuba, whatever degree of success is achieved would at least aim toward the removal of a root cause of destabilization in the area. The currently favored approach of encouraging bilateral and later multilateral negotiations, first within El Salvador and Nicaragua and later between countries in the region, cannot result in lasting solutions to this dangerous instability as long as Cuba

and the U.S. continue to act and react with new types of intervention in the area.

So it is perhaps all the more important that the initial appeal for the cessation and removal of Central American interventions come from the four "Contadora" nations. That way, both the U.S. and Cuba could exercise elements of understanding and compromise at the suggestion of mutually-acceptable third parties. Such a foreign policy initiative seems to be both timely and realistic.●

ROSS MILLER

● Mr. MURKOWSKI. Mr. President, I rise to note the passing of a true Alaskan. Ross Miller died very suddenly on September 30. He left his wife Mary Jeanne and his eight children, Roxena, Creighton, Maria, Jeffre, Tracey, Travis, Alexis, and Talya.

Tally, Ross' youngest child, is a staff assistant in my Washington office. For her constant good humor and generosity she is well loved. My staff would like to join me in expressing our deep sorrow at her loss.

Ross Miller was a man with many interests. In Fairbanks he was director of public relations and information at the University of Alaska; then executive director of the Fairbanks Chamber of Commerce. In 1962 he moved with his family to Juneau and served as an industrial and tourism development specialist for the Bureau of Indian Affairs. His work in native affairs is well known and much appreciated.

But closest to Ross Miller's heart was athletics. He and Jeanne started the first little league baseball team in Fairbanks. The love of sports as well as the sense of sportsmanship that they instilled in their children has been amply displayed to us by Tally in our intramural baseball games here in Washington.

But in Juneau Ross founded the association that was to be the principal enterprise of his life. Indeed, he was, if anything, busier after his retirement.

The idea behind the Southeast Alaska Athletic Association was to promote athletics at the University of Alaska in Juneau. It did more than that. It encouraged sports and sportsmanship among youth throughout southeast Alaska.

The project blossomed under Ross' loving care. The generations of students that come through the program will serve as the highest tribute we might give to his efforts. Even more, the scholarship fund that has been established in his name will insure that those youngsters who have the potential but not the means can have the opportunity to pursue athletic excellence.

We shall all miss Ross Miller, none more than his wife and children. But we can be secure in the knowledge that what he did in his lifetime will be a gift that will last for generation after generation of Alaskan youth.●

PROFILES OF THE GERMAN PEACE MOVEMENT

● Mr. BIDEN. Mr. President, political movements abroad are often depicted in U.S. publications in journalistic shorthand, usually "leftwing" or "rightwing," "pro- or anti-American." Rarely are we given a feeling for the human diversity behind these caricatures.

The peace movement in the Federal Republic of Germany is a significant factor in the politics of that country, particularly now that the time is approaching for the deployment of new nuclear missiles in accordance with NATO's decision in 1979. It is thus in our interest to know more about the members of this movement, their motivations, and their views on other issues than just the pending controversy.

Joyce Lasky Shub, a talented and perceptive observer of European affairs for many years, has performed a valuable public service by writing profiles of many Germans involved in the peace movement which appeared in the July 31 Outlook section of the Washington Post. Ms. Shub provides a missing human dimension to this political phenomenon.

It is not pleasing to read many of their criticisms of American policy, nor reassuring to learn of their naivete about the Soviet Union. But it is important for us to understand what these people think and how strongly they feel about these issues.

Mr. President, I ask that the full text of Ms. Shub's article be reprinted in the RECORD.

The article follows:

WHO ARE THESE GERMANS WHO BEAT THE PEACE DRUM?

(By Joyce Lasky Shub)

BONN.—In West Germany, "peace" is in fashion. The new peace movement has 5 million members, and nearly everybody wants to get on the bandwagon. "Nobody can afford not to," a conservative member of the German parliament told me. "We are all for peace today."

The peace movement is the most powerful populist force to emerge in post-war Germany, but its prospects are uncertain. It might radically and permanently change German society. Or it might fade away in 1984.

Its future will depend largely on events this autumn, when huge demonstrations are expected to protest the deployment of new American missiles on West German soil. What these demonstrations will be like is unclear. Until now the peace movement has fostered all kinds of demonstrations. Where one is peaceful, another on the next street may erupt into violence—also in the name of peace.

I have been traveling all over Germany talking to people who consider themselves part of this movement. They are a loose and diverse coalition united for the moment by the stationing of new American missiles on their territory. The peace movement has no national leadership. Yet it has provided a grass-roots base for the tiny Green Party, which recently was elected to parliament.

Marieluise Beck-Oberdorf, in her mid-30s, is one of the new Greens in parliament. She spent the '70s "doing good." She protested against atomic plants, organized self-help programs for junkies, and developed selfawareness groups to heighten sensitivity to social inequities. "I was concerned with poverty," she said, "but I was no Marxist. Their harsh tone offended me."

Beck-Oberdorf is a gentle person. She dresses for her working day in parliament in a peasant skirt and flat-heeled space sandals, She talks about her father, who was a member of the Nazi Party. "He wasn't courageous enough." As for the church, "It stood silent during the Third Reich while Jews—even their own faithful—were slaughtered. I had to look outside the church for spiritual values."

Many pastors of the church agree with her. "We stood by and watched during the Hitler years. We will not be irresponsible again. Today we speak out for peace," a Bonn prelate said.

Beck-Oberdorf has come to the missile issue only recently. "I am educating myself. It's part of my self-awareness program. I am also in psychotherapy.

"I do not believe that guns should defend a system. It's better to be overrun by the Soviet Union than to be defended by atomic weapons. But it wasn't the Russians who invaded in the past. We Germans did it. Twice. I am not afraid of the Russians. They are not placing missiles here.

"I have a view of society. I want to see fewer cars, more green landscape, people working less but earning more. And no weapons. If we have a Green government one day, you'll see it all happen." She then smiled, for the first time. "And maybe a woman chancellor in Germany, too."

Neither Beck-Oberdorf nor any other member of the peace movement mentioned the Soviet Union until questioned specifically. "They've decided," Prof. Richard Lowenthal of Berlin's Free University explained, "that the Russians no longer are coming. The Russians are neither feared nor of any ideological interest. The Soviet Union has somehow become for them both boring and irrelevant."

But "peaceniks" talk a good deal about the United States and of their disappointment that America is no longer their model. Also, they say, American soldiers in Germany behave badly, and Americans are too casual about war.

"How can you accuse us of being anti-American?" Jurgen Schmidt, a language teacher in Frankfurt, asks as we sit in a disco near the university. He wears jeans and a T-shirt and sports almost shoulder-length hair. "Look at me. My clothes. My hair cut. It's the way all of us of my generation learned to dress and eat and play. The music we're listening to. It's all American. We have all become American."

"Of course I march with the peace demonstrators. But to criticize American missiles is not to be anti-American. It is to argue with a member of your family."

A rosy-cheeked slip of a girl with exalted green eyes, Evelyn Butter-Berking tells me she is a communist. Two years ago she organized a peace group in the suburbs of Hamburg. "But only four or five of us are communists, and there are about 30 or so in our group."

Butter-Berking is neither interested in the United States ("You treated your Indians so badly") nor the Soviet Union ("I never read Lenin"). My hero is Che Guevera. In 1977, I finally went to Cuba. It was so exciting.

They bring up their children without violence. They don't want material things. Just to learn and study. I'd like us to become more like them. When I came back from Cuba I joined the Communist Party."

She invited me out the following evening to her weekly peace group meeting. Between 8:00 and 8:30 p.m., with the late June sun shooting between the heavy drapes in a second-floor meeting room of the community church, nearly 35 people pull up hard-backed chairs to form a circle. They are mostly girls in their 20s. One pretty one has an amenable boyfriend rubbing her neck. The bearded assistant rector is present. Some young men are there, and a few more-than-middle-aged ladies. Mostly, different people show up each week, I am told.

No one seems to lead the discussion, yet an agenda emerges. It takes an hour to decide who will prepare the sandwiches, make the placards and buy the tickets for the group's next peace demonstration. (It would be 75 miles away, in Hanover, for the annual Evangelical Church convention.) Close to 10 o'clock, a report is given on German arms sales, and a discussion follows on how to persuade arms manufacturers to convert to products of peace. Someone volunteers to write to the uncle of a friend who is on the board of directors of a local weapons factory, inviting him to speak before the peace group.

Only one individual in the group approaches me as we stroll out into the street. He tells me that the CIA-supported Pakistani in Afghanistan do not fight the Russians so much as burn the local schools and shoot Afghans who lie wounded in the hospital.

Dorothee Solle is a tall, spare church lady in her 50s. She is a professor of theology at the University of Hamburg (and an annual exchange professor at Union Theological Seminary in New York). We met in her sun-drenched living room, filled with books and paintings and musical scores. She wore a hand-embroidered Indian silk blouse.

"The peace movement did not start yesterday, nor even three years ago. We started to protest in the 1950s when the Allies stationed the old short-range nuclear missiles in Germany. It was our own chancellor who sold us Germans out. Konrad Adenauer agreed to make Germany a military power again. That was the price he paid for our economic miracle.

"We lost the battle against the deployment of the short-range missiles in the '50s, but we did win our campaign for alternatives to compulsory military service.

"Pacificism is an honorable tradition in the church. Bishop Martin Niemoller condemned Hitler's militarism and went to jail for it. He started our pacifist movement, Aktion Suehnezeichen (Signs of Atonement), where our young people can gather and do good things and atone for the past.

"We in the church don't actively encourage the peace movement. Every time there is an American article sent to us by American friends on how a nuclear war can be won or be limited, we have 10,000 new friends of peace in this country. The Soviet Union has foresworn the first use of nuclear weapons. Have you?

"There are many more women in the peace movement than men. [The ratio is estimated to be 3 to 1.] We women are mostly a class that is overeducated and underpowered. I have a daughter in the peace movement. We are not a movement of the moment. We represent a new political culture—and there is no generation gap."

More than a dozen young students gathered in casual charis in the community room of the Aktion Suehnezeichen. It was a slow-tempoed Sunday morning after church, and the large villa in the Berlin outskirts was open to all peace groups for sandwiches and coffee, volleyball in the garden and discussions.

A young man, recently returned from a year of working in Chicago, spoke perfect English. "I could never live in America," he said. "There are too many differences between rich and poor. And so much racism. I prefer to live in Germany."

Three of the group had worked in Israel. ("I had never met a Jew before.") Two others had visited the Nazi concentration camp at Auschwitz. ("I couldn't believe we did such terrible things to them.") Another had just returned from Spain. ("I wanted to see how another new democracy worked.")

In a small town in southwest Germany where the Pershing missiles are to be deployed, a mother and daughter sat together with the local pastor and offered me coffee. "It makes no difference to us that the Pershings will be stationed here," the older woman said. "It makes these weapons no more dangerous here than anywhere else in Germany. This is not a world I brought my daughter up for."

The daughter agreed: "It's against all the teachings of Christ. Have you read the Sermon on the Mount?"

Mothers and daughters as political activist pairs are a phenomenon of the peace movement. So are young people making common cause with the middle-aged and the retired. In 1968, the student movement was an attempt to break with the past: antiestablishment, antisociety, antieverything that was behind them. They wanted a clear break with the generation that they held responsible for the Nazi years.

Today, 15 years later, the younger generation in their 20s no longer sports the uniform of the '60s, the tight blue jeans and T-shirts. The burning eye of the radical is rare among them. Their easy ways and engaging manner are reflected in their softer dress.

"These kids are neither pro-American nor pro-Soviet," a journalist from Der Spiegel magazine explains. "They seem to hark back to another century. Before Hitler. Even before Bismarck. They seem to yearn for a pastoral life, for a Germany before it became centralized and industrialized.

Friedl Drautsberg once felt he was in the eye of history. He rode the wave of the 1968 student rebellion. Working among Social Democrats, together with best-selling novelist Gunter Grass, he helped elect Willy Brandt chancellor in 1969. "We changed society," he said. There could be no peace movement today if we hadn't destroyed the old Germany."

Drautsberg is in his 40s. He still wears tight jeans and sounds weary beyond his years. He looks every inch the species of handsome radical of yesteryear still conserved near Big Sur. Drautsberg runs a Kneipe—a neighborhood restaurant and bar with a special political atmosphere—in downtown Bonn.

"It's a pluralistic Kneipe," he says. "I even have a CDU (Christian Democratic) couple that drops in regularly. In the old days only radicals could come to my place.

"We didn't get what we wanted then, but the issues we fought for are accepted today. There are no more ex-Nazis running the government, like the ex-Chancellor [Kurt Georg] Kiesinger. It's we who made them change the school system that educated the kids today. And we made the sexual revolution, too. We got women their liberation, and look what they went and did—they got rich and independent and voted in the conservatives last March.

"The kids today in the peace movement are softer than we were. But maybe they're good for Germany. Of course I marched with them—I'm still a left-socialist."

In a daily newspaper published in Hamburg, 1½ columns were devoted to the evening's schedule of meetings in and around town. Of the 52 notices, on a single day only three—Alcoholics Anonymous, an art exposition and a health club—could be described as having nothing to do with the peace movement. There were neighborhood groups, Doctors for Peace, Housewives for Peace, Trade Unionists for Peace, Liberated Women for Peace. These meetings took place on Tuesdays. The next day's newspaper would have a different column of notices.

"What did Germans do before they started attending all these peace meetings?" a university student asked. Having grown up abroad, he was out of the mainstream of German life. The young professor responded, "There was television, sex and spending money. But for us Germans, there must be a less passive, more meaningful life."

The only national organization among the peace groups is the one devoted to women's issues. Christal Berger's group adopted the peace issue in 1981, and it found that the antimilitary posture implicit in the protest against modernized missile deployment made some of the women uncomfortable. After all, until 1981, they had campaigned long and hard—though unsuccessfully—to be drafted into the German army. Today they are silent on the issue.

"But the peace movement is not antimilitary," Col. Dieter Kellein says. He was a former defense attache in Washington and is now in the German ministry of defense in Bonn. He is also a member of the peace movement.

"Most of us do not think that Germany should get out of NATO. Or that the Americans should go home. We have compulsory military service, and there is no stop-the-draft movement as you have sometimes in America. Most of us are not against weapons per se. We are against the stationing of these particular nuclear missiles on German soil because it is not in Germany's best interest.

"We will stand up to the Soviets. We believe in a realistic war-fighting capability. These missiles are not weapons with which you win a war. They are political symbols."

In response to criticism from within Germany itself that the peace movement is only concerned with restraining American missiles and not Soviet ones, leaders of the Green Party crossed over from West to East Berlin. Emerging from the train station at Alexanderplatz, they set up a soap box and drew a crowd. Fifteen minutes passed before they were arrested by the East German police, detained and, a few hours later, released.

Among those leaders was Lukas Beckmann, who is generally found at the Bonn national headquarters of the Greens, a white house with a dark green door on Beethovenstrasse. "There were some objections to our crossing over, by the militants in the peace movement, the Alternatives. But we got hundreds of letters in favor. It was our first trip into the East, but not the last."

Beckmann had been a church activist in his village of 500 inhabitants, mostly farmers. "It was the only political place for miles around. I'm still a religious man but no longer in the church. God is no longer in the church. He lives in men like Martin Luther King and Nobel-Prize-winning poet Pablo Neruda."

"We Greens are the voice of the peace movement, but what we represent is more important than our organization. It's an attitude toward freedom and equality. Toward human rights. We are a certain kind of people."

In Berlin, the younger son of former chancellor Willy Brandt sits in his cool basement study surrounded by half-filled bookshelves and some unopened book cartons. Peter is barely past 30. He is a member of the Alternatives Party of youngish militant radicals who seem to dominate the Greens of Berlin and Hamburg. Half a lifetime ago he embarrassed his father—then the foreign minister—by demonstrating in the streets for peace. ("There are worse things Germans have demonstrated for," his father later said.) Less demonstrative now, Peter sits and writes tracts of political philosophy.

"East Germany is irrelevant for most of the peace movement. But not for me. Most Germans don't believe that reunification is possible. Hardly anyone in the peace movement even thinks about East Germany. I find it intolerable that our nation is divided, and I feel closer to people in the other half of my city than to the peace movement in Stuttgart!

"What disturbs me most is that both the American and Soviet armies occupy both Germanys for their own interests, not for ours. That is what ties me to the East German peace movement, as small as it is. If war between the superpowers takes place, it will destroy both halves of our nation."

I found no official in Bonn who doubts that the American missiles will be installed as scheduled. They feel reassured that the peace groups, although visible and voluble, do not constitute an active majority of the German people. Many are troubled over the role of the militant far left, which has not eschewed violence and which recently attacked Vice President Bush's car in Krefeld.

Recent public opinion surveys indicate that "most Germans" are against the deployment of the missiles—but also that most Germans are against neutralism in East-West relations. Most young people are "very much concerned," while many elderly "don't care at all." The surveys do not measure the intensity of public sentiments.

Nor can the "loss" to the peace movement be measured if the missiles are deployed. Whether this mass movement reemerges as a more tightly knit organization or sinks into the German social landscape as a frame of mind depends on how people and political parties confront each other in the next months.

"You must feel compassion for our people," a Hamburg television commentator advised me. "If we Germans organize—for peace or anything—every European fears that 'German nationalism' is reawakened. If Germans are indifferent, we are accused of being 'materialistic.' If we favor deployment of weapons against the Soviet Union, we get tainted with 'militarism.' And we Germans care very much what others think of us. . . .

"Just look at the case of my old mother. She was brought up in a Nazi household. Then she was reeducated by the Americans to be pro-NATO. Now when her grandchildren speak in her presence of fighting against American weapons, she keeps silent. . . .

"We have a hard time coming to terms with out history," he continued, "and with our geography, too. Germans don't like the fact that they are on the front line between East and West. If we could," he concluded, "we would move our country out of Central Europe."

SUPPORT FOR HIGHWAY SAFETY ACT OF 1983

● Mr. DANFORTH. Mr. President, each year, nearly 50,000 American men, women, and children are killed on our roads and highways. Thousands of our loved ones, our friends, and our fellow citizens need not die. We can save thousands of lives each year by building safer automobiles, by doing a better job against drunk and drugged driving, and by intensifying our efforts to improve truck safety.

Just a few days ago, the arguments on behalf of the Highway Safety Act of 1983 (S. 1108), reported by the Commerce Committee on September 20, were made with powerful eloquence by the Eldon, Mo., Advertiser. I express the greatest appreciation to Mr. Kim Green, editor, and ask that the Advertiser's discussion of highway safety be printed in the RECORD.

The article follows:

AVERTING ANOTHER TRAGEDY

After the tragedies over the weekend which resulted in two deaths, one in Miller County and another in the nearby Eugene Cole County R-5 school district, it's time for more area citizens to speak up and support U.S. Senator Jack Danforth and his fight for the U.S. Highway Safety Act of 1983.

The 24-year-old Iberia man and the teenage Eugene student who died this weekend cannot be saved, but the bill Danforth is fighting to pass includes some safety features that cannot help but save lives.

Under the bill, air bags on all cars manufactured on or after Sept. 1, 1985 would become mandatory. By Sept. 1, 1984, all car bumpers would be required to be able to withstand a crash at five miles per hour.

Some other requirements would be nonlacerative windshields, child passenger safety seats, upgrading of the National Highway Traffic Safety Administration's standards for side-impact passenger cars, light trucks and vans, and requiring the Department of Safety to issue booklets and safety standards for car crash worthiness.

Danforth faces strong opposition in Congress, President Reagan and the always powerful auto lobby groups. Title 1 of his bill, which includes those improvements listed above, may stand in the way of the bill's final passage.

Title 2 concerns drunken- and drug influenced-driving and additional federal grants going to states which crack down on these problems. Title 3 improves motor carrier safety, and Title 4 provides more grants to states to support enforcement of their hazardous materials transport regulations and emergency response programs.

It seems ironic to me that Title 1 may cause all the uproar, since increased federal spending for grants alarms me much more than paying more for a safer car. Yet so goes the power of the auto industry whose lobbyists have amassed behind Michigan Democratic Representative John Dingell.

As much as I question any increase in federal grants for any purpose as much as I dislike federal regulations forces on individual states, it is a price I feel the government can afford if the new legislation act can further cut into the number of traffic fatalities every year.

There is little hope that the entire bill can pass both House and Senate, but given Danforth's record for tenacity, I have to believe some improvements will result from this legislative effort.

Will the cost be worth it? Ask yourself if you have the money to replace a loved one, and I think you have your answer.●

ACID RAIN EDITORIAL

● Mr. BAUCUS. Mr. President, I have long recognized the need to do something about the problem of acid precipitation in the Northeast and Canada. As a westerner, I know the value of clean air.

Montana is proud of being known as Big Sky country. Its high air and water quality make it a unique place to live. Montanans are committed to preserving our State's air and water quality, and, therefore, empathize with the concerns of our neighbors to the north and east.

However, all of us know that clean air and water cannot be preserved without cost. Montanans have already agreed to pay that cost. Our State's constitution states that Montanans have "the right to a clean and healthful environment."

I believe that other areas also must be willing to contribute to cleaning up the air and water. Any acid rain solution must recognize the efforts of individual States. Areas that are responsibly managing their environment should not be forced to subsidize other areas that have been dragging their feet.

I am particularly concerned that the Waxman-Sikorski bill would penalize areas like Montana that are already taking actions to prevent acid precipitation.

Montana's utilities are already contributing their fair share to clean air. Montana Power Co., an investor-owned electric and gas utility that serves the western two-thirds of Montana, relies on coal-fired electrical generation for 53 percent of its total capacity.

Montana Power Co. plants utilize both low-sulfur coal and scrubber technology and produce only 0.07 to 0.3 pound of sulfur dioxide per million Btu. This level is well below the Federal new source performance standard of 1.2 pounds of SO2 per million Btu.

I applaud Montana Power Co.'s commitment to controlling SO2 emissions. I know achieving these levels was not easy; 25 percent of the current average retail price of residential power is de-

voted to technology designed to protect the environment.

These costs—borne by Montanans—protect Montanans. But they also protect down-wind States. We do not ask these States to pay our environmental protection costs.

For that reason, we do not believe other States should force us to pay their clean-up costs. Any national solution to acid rain must meet this fundamental criterion or I shall do all I can to defeat it.

The Waxman-Sikorski bill fails to meet this principle. It would force us to pay the clean-up costs that other States should rightfully pay.

The High Country News, a regional newspaper that focuses on Western natural resource issues, recently published an editorial that focuses on the current acid debate. I urge my colleagues to consider the editorial. I ask that the editorial be printed in the RECORD.

The editorial follows:

[From the High Country News, Sept. 19, 1983]

ACID RAIN CONSIDERED

At long last the nation has decided that acid rain falling on Canada and New England must be reduced. Unfortunately, this long-sought consensus may be negated by an attempt at a quick fix.

The quick fix is the Waxman-Sikorsky-Gregg bill, which would tax the nation's electric power users so that the Midwest's foulest power plants could have wet scrubbers tacked onto them.

The bill's worst feature is that it rewards the Midwest for its largely successful 13-year effort to avoid obeying the Clean Air Act. By means of air pollution variances, high smokestacks, political pressure, and delaying law suits, the Midwest has kept its power plants emitting 22 million tons a year of sulfur dioxide.

The Waxman bill would tax the nation to clean up the fifty dirtiest of those power plants. The bill's political underpinnings are the preservation of the jobs of approximatley 75,000 miners who produce high-sulfur coal in the Midwest. Those miners are a potent force, especially when joined by the owners of the high-sulfur coal. So the Waxman bill stands the world on its head to preserve those jobs. The political logic behind the bill is that a more flexible law couldn't pass this Congress.

If the Waxman bill is judged on any basis but short-term political expediency, it is found wanting. The bill would not even create or preserve jobs. It would only keep jobs from migrating from high-sulfur coal fields in the depressed Midwest to low-sulfur coal fields in depressed Appalachia.

To prevent this migration, the bill would use a national tax to build the very expensive scrubbers. That way, the plants could keep on burning high-sulfur local coal. The Waxman bill is regional legislation of the worst sort. It would take money from the entire nation—including mining communities in Appalachia that have low-sulfur coal—to keep mining jobs in the Midwest.

It can be argued that acid rain is such a crisis that immediate action is needed, whatever the political means by which action is achieved. Unfortunately, the Waxman bill fails even as a quick fix. The scrubbers it mandates wouldn't have to start operating until 1990. Until then, the Midwest would continue to send large amounts of sulfur dioxide on to New England and Canada.

But if Waxman passes, it will have an effect long before the scrubbers go into operation. The mandating of scrubbers would discourage alternative approaches to the problem. There is no sense in developing flexible, cheaper ways of dealing with sulfur dioxide emissions if the U.S. Congress mandates scrubbing.

The bill should be allowed to die a natural death. It shouldn't even become the basis of a compromise between the House and Senate. It makes much more sense to fight for a good law—one which uses American greed and ingenuity to cut emissions in a fair and flexible way.

The basis for that law must be that polluters pay to clean up their pollution. The Midwest, with the lowest power rates in the nation, shouldn't be subsidized by people using higher priced, cleaner electricity. On a family basis, the money involved is trivial—a few dollars a year. But the principle behind the Waxman tax is astoundingly bad.

If dropping Waxman and working for a fair and logical bill means there will be no acid rain legislation this session, so be it. It took America a decade to decide that acid rain had to be controlled. It makes sense to wait a year or two now, rather than go with a bad bill. It is clear that the public's commitment to a clean environment is long term. The concern we feel today about acid rain will be even stronger a year from now. There is nothing to be gained from haste.●

CONGRATULATIONS FOR INDIO COMMUNITY HOSPITAL

● Mr. WILSON. Mr. President, today I wish to enter into the RECORD a brief recognition for Indio Community Hospital.

Indio Community Hospital has been serving the health needs of the Coachella Valley, in my home State, for more than 10 years. During the past year, the hospital has received over $18 million in renovations.

The hospital is owned and operated by National Medical Enterprises, Inc., a nationwide provider of health care services. During the week of October 10 through 16, special ceremonies will mark the grand reopening of this outstanding health care facility.

I urge my colleagues to join with me in extending congratulations and best wishes to all associated with Indio Community Hospital.●

TAKING THE LAW INTO HER OWN HANDS

● Mr. PACKWOOD. Mr. President, I want to share with you an intriguing news item that appeared in the October 6 edition of USA Today:

In Dallas, Oregon, a woman is accused of kidnapping her ex-husband and threatening him at gunpoint if he didn't pay her $2,000 a month in alimony.

In most cases, divorce is traumatic for both parties, but the woman often carries a heavier burden. Many times she has to assume total responsibility for running and maintaining a house, caring for and disciplining her children, and, on top of everything else, scraping together enough cash to pay the bill.

It is disheartening that a woman might become so desperate to receive her alimony check that she feels she must take the law into her own hands. Unfortunately, when there is no effective mechanism to enforce the law, whether in alimony or child support or other court-ordered judgments, many people, and especially this Dallas, Oreg., woman, feel they have no other choice.

There are many solutions that could be used to resolve this problem. Tougher State laws—possibly jail terms for nonpaying ex-husbands. Stricter enforcement and follow-through of the laws we have on the books now. Attach the ex-husband's paycheck, if that is what it takes to get the money each month.

Hopefully, as more and more women achieve economic parity with men—an issue that I am working on at the Federal level—this sort of crisis will not occur. In the meantime, however, we are interested in the end result—the ex-wife's financial security without, quite literally, holding a gun to her former husband's head.●

THE FIREARMS OWNERS PROTECTION ACT

● Mr. BAUCUS. Mr. President, I am a strong supporter and original cosponsor of S. 914, the Firearms Owners Protection Act. I hope that the recent Judiciary Committee hearing on the bill will lead to immediate consideration and enactment of S. 914. In my view, we have already delayed much too long in passing legislation to restore the legal and constitutional rights of the gunowners of this country.

In 1968, Congress enacted the Gun Control Act, which sets forth a comprehensive system for regulating the distribution of firearms in America. The primary purpose of this legislation was to curb the rising rate of criminal activity involving the unlawful use of guns.

The authors of the Gun Control Act realized that their efforts to curtail criminal conduct should not impair the legal rights of American gunowners. They therefore stated specifically in section 101 of the act that it was not their purpose to discourage or unnecessarily restrict the private ownership and use of firearms by law-abiding citizens.

Unfortunately, this statement of intent has not been sufficient to protect the rights of those who wish to own and sell guns for lawful purposes. The lack of clarity in the Gun Control Act itself and the often misguided enforcement policies of the last 15 years

have instead discouraged legal gun ownership in America.

One of the major problems under current law is that enforcement efforts are all too often being directed toward ministerial and procedural errors that are made by unsuspecting and noncriminal firearms owners and dealers. Criminals continue to commit violent crimes using guns and other weapons. Meanwhile, noncriminals are subjected to harassing enforcement tactics, overly broad searches and seizures, and unwarranted prosecutions for technical violations of the law.

S. 914 would amend the Gun Control Act to eliminate many of these abuses and uncertainties. In doing so, it would also reemphasize and rearticulate the original intent of the act—to put an end to the use of firearms in the perpetration of crime.

For instance, the bill would clarify the applicability of the act's licensing requirements. This section would provide dealers, manufacturers, and importers of guns with a clear understanding of their duties and liabilities under the law and would enable them to avoid violations that now occur merely from confusion and lack of knowledge.

The bill would also set clear limits on the permissible seizures of firearms. Currently, law enforcement officials are allowed to seize all guns belonging to an individual accused of a violation of Federal firearms laws. The bill would restrict official confiscation to those firearms that have actually been involved in the alleged criminal transaction. For cases in which prosecution results in acquittal, the bill would provide for the speedy return of all seized firearms and, in some circumstances, the recovery of attorneys' fees.

In my view, the most important provisions of S. 914 are those that would specifically and properly redirect law enforcement policies toward criminal activities. Under the bill, the Gun Control Act would be amended to permit prosecutions and convictions only for "willful" violations of Federal firearms statutes, thereby restricting enforcement to conscious criminal activity. Likewise, the bill would significantly strengthen existing criminal laws by establishing mandatory sentences without parole or probation for persons convicted of using firearms in the commission of violent crimes.

The right of law-abiding citizens to be free from unwarranted governmental regulation and restriction has been ignored for too long. Although I agree that Congress must do all it can to keep guns out of the hands of criminals, I cannot accept or sanction overly broad firearms statutes and policies that unjustifiably infringe upon constitutional freedoms and legal rights.

I, therefore, support enactment of S. 914. In my view, its provisions would insure that the rights of gunowners are given the legal recognition and protection they deserve.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annexes referred to in two of the covering letters are available to Senators in the office of the Foreign Relations Committee, SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., October 6, 1983.

In reply refer to I-03711/83.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-04 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to Norway for defense articles and services estimated to cost $460 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

WALTER B. LIGON,
Acting Director.

Attachments—Separate cover: Classified annex.

TRANSMITTAL NO. 84-04

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Norway.

(ii) Total estimated value:

	Millions
Major Defense equipment[1] (then year)	$400
Other (then year)	60
Total (then year)	460

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) description of articles or services offered: Up to 24 F-16 A/B aircraft with associated coproduction.

(iv) Military department: Air Force (SVI).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: 6 Oct. 1983.

POLICY JUSTIFICATION

NORWAY—F-16 A/B AIRCRAFT

The Government of Norway has requested the purchase of up to 24 F-16 A/B aircraft with associated coproduction at an estimated cost of $460 million (in then year dollars).

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Norway; furthering NATO rationalization, standardization, and interoperability; and enhancing the defenses of the Western Alliance.

These aircraft will be used by the Norwegian Air Force as an attrition reserve for its F-16 A/B aircraft and will be needed in the 1990-1991 delivery timeframe. Norway has the capability to absorb these aircraft.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the General Dynamics Corporation of Fort Worth, Texas.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel to Norway; however, contractor technical representatives will probably be required.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., October 5, 1983.

In reply refer to I-04293/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-11, concerning the Department of the Army's proposed Letter of Offer to Lebanon for defense articles and services estimated to cost $61 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

WALTER B. LIGON,
Acting Director.

Attachments.

TRANSMITTAL NO. 84-11

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Lebanon.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$46
Other	15
Total	61

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A quantity of 253 M113A2 armored personnel carriers with communications equipment, M2 .50 caliber machine guns, spares, and ancillary support equipment.

(iv) Military department: Army (UVJ).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: 5 Oct. 1983.

POLICY JUSTIFICATION

LEBANON—ARMORED PERSONNEL CARRIERS

The Government of Lebanon has requested the purchase of a quality of 253 M113A2 Armored Personnel Carriers with communications equipment, M2 .50 caliber machine guns, spares, and ancillary support equipment at an estimated cost of $61 million.

This sale will contribute to the foreign policy objectives of the United States by enabling Lebanon to increase its capability to provide for its own security and defense. As the Lebanese Government reasserts itself in the wake of recent hostilities, well equipped and trained armed forces are essential to assure the nation's sovereignty.

These M113A2 Armored Personnel Carriers will be used to continue upgrading the brigades of Lebanese Army. The build-up of the Lebanese Army has been accelerated from a mid-term to a near-term requirement. The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the FMC of San Jose, California.

Implementation of this sale will require the assignment of 20 additional U.S. Government personnel to Lebanon for 120 days.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., October 8, 1983.

In reply refer to I-04294/83ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-12 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Lebanon for defense articles and services estimated to cost $102 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

WALTER B. LIGON,
Acting Director.

Attachments—Separate cover: Classified annex.

TRANSMITTAL NO. 84-12

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Lebanon.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$57
Other	45
Total	102

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Munitions consisting of 5.56mm, 7.62mm, .50 caliber, 40mm, 81mm, 105mm, and 155mm ammunition; mines; flares; and hand grenades.

(iv) Military department: Army (UVV).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: October 6, 1983.

POLICY JUSTIFICATION

LEBANON—MUNITIONS

The Government of Lebanon has requested the purchase of munitions consisting of 5.56mm, 7.62mm, .50 caliber, 40mm, 81mm, 105mm, and 155mm ammunition; mines; flares; and hand grenades at an estimated cost of $102 million.

This sale will contribute to the foreign policy objectives of the United States by enabling Lebanon to increase its capability to provide for its own security and defense. As the Lebanese Government reasserts itself in the wake of recent hostilities, well equipped and trained armed forces are essential to assure the nation's sovereignty.

This sale will provide the required munitions for the tracked vehicles, towed artillery, and crew served weapons previously purchased and being purchased by the Lebanese Army from the U.S. Government under Foreign Military Sales agreements. The sale of this equipment and support will not affect the basic military balance in the region.

There will be no prime contractor for this sale. The munitions will come from various U.S. Army Ammunition Plants and Depots.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Lebanon.

There will be minimal impact on U.S. defense readiness as a result of this sale.●

THE COMMEMORATION OF THE CONSTITUTION'S ANNIVERSARY

● Mr. HATCH. Mr. President, September 17, 1987, will be the 200th anniversary of the approval in Convention of the Constitution of the United States of America. The commemoration of this anniversary should serve the purpose of making the citizens of our Republic more cognizant of the roots and origins of the constitutional principles that have provided and guaranteed our freedoms for nearly two centuries. At the tme of Constitution's centennial commemoration, President Grover Cleveland remarked:

If the American people are true to their sacred trust, another centennial day will come, and millions yet unborn will inquire concerning our stewardship and the safety of their Constitution. God grant they may find it unimpaired and as we rejoice today in the patriotism and devotion of those who lived 100 years ago, so may those who follow us rejoice in our fidelity and love for constitutional liberty. (Public Papers of President Cleveland, address of Sept. 17, 1887, in Philadelphia.)

We are now swiftly approaching the second centennial of the Constitution when President Cleveland promised that "millions yet unborn" would "rejoice" because the American people have been "true to their sacred trust." Just as the United States paused a century ago under the ledership of President Cleveland to examine the "patriotism and devotion of those who lived 100 years' earlier and to chart a course for "those who follow," the bicentennial of the Constitution offers anew an opportunity for the Nation living under that document to rededicate itself to the timeless principles of ordered liberty.

On January 26, 1983, all Senators on the Subcommittee on the Constitution joined me in the introduction of S. 118, a bill to establish a commission to coordinate the commemoration of the bicentennial of the Constitution. Having passed in both the House and the Senate, S. 118 became public law on September 29, 1983, when it was signed by the President. S. 118 contemplates a commemoration consisting of more enduring activities than a series of pyrotechnic displays and parades.

A few years ago, we celebrated the bicentennial of the Declaration of Independence, which is a statement of intent and purpose; we now look forward with great anticipation to the celebration of the Constitution's bicentennial which is the people's contract to carry out the declaration. This bicentennial commemoration draws nigh at a time when it is desperately needed to reinvigorate our national understanding.

In the two national assessments of public high schools performance on citizenship, made first in 1969 and the second as recently as 1976, it was disturbing to find that test scores declined. Only a little more than half of the 17-year-olds and 32 percent of the 13-year-olds knew that each State has two Senators. Less than half of the 17-year-olds and less than one-fourth of the 13-year-olds knew that appointments to the Supreme Court must be confirmed by the Senate, while a big majority of the 17-year-olds felt that a two-thirds vote by the Justices of the Supreme Court was necessary to declare a law unconstitutional.

This bicentennial offers an opportunity to correct this educational problem. Because ours is a "Government of the people, by the people, for the people," its function and survival very directly depend on the capacity of the people to convert an understanding of our constitutional system into self-government and citizen participation. Without a working knowledge of our charter of freedoms and voluntary activities in conjunction with such understanding, our participatory Government would soon perish. Our Government is only as strong as the understanding and will of the people who comprise it. In a very real sense, the educational aspect of this bicentennial commemoration is a "national defense" program.

During this period of reflection on the origins of the Constitution, I would anticipate that we would use every medium at our disposal to increase the understanding of students of all ages about the basic institutions created by our Constitution. This commemoration, even more so than the commemoration of the Declaration of Independence, should have a studious and educative theme. In order to undertake an education project of this scope, however, we must get underway immediately.

Recently, the Senate Judiciary Subcommittee on the Constitution, of which I am chairman, held a hearing in which we listened to the speeches of four students who participated in, and won first place, in an essay contest regarding the separation of powers and the Constitution. As future leaders of this Nation, these students displayed a remarkable understanding and concern for those constitutional principles established by our Founding Fathers.

I would like to submit for the RECORD the essay of each first-place winner, as well as those essays of the second- and third-place winners from the States who participated in the essay contest. At this time, I would like to recognize the judges from my home State of Utah who were involved in selecting the winners. They are as follows: Justice Christine Durham; Dr. W. Cleon Skousen, president of the Freeman Institute; Dr. R. J. Snow, vice president of university relations, University of Utah, and Representative James Witucki, Democrat, Salt Lake.

The essays follow:

SEPARATION OF POWERS IN THE U.S. CONSTITUTION

(By Jenefer Rowley, Layton, Utah, first-place winner, constitutional essay competition)

I. HISTORICAL OVERVIEW

In 1783, in response to abuses of power, the people of what was to become the United States of America had rejected their king. By 1785, they had formed a loose coalition of democratic States. Under this democratic system, the people of these States enjoyed a great deal of freedom, but they also experienced tremendous problems. In their sovereign independence, the States became quarrelsome rivals. Travel and commerce were interrupted. Each State had to coin its own money. Inflation was running rampant. The people of America were following the same chaotic road to anarchy and self-destruction that democracies of the past had traveled. There were even those Americans who had been asking for a king again.

It was in response to this difficult situation that leading men of the former colonies gathered themselves together in May 1787 to consider possible ways of remedying the defects of their present confederation. It was no easy problem they faced. How could they make democracy decent, especially when it had never worked for very long in the past? How could they form a system of government that was both free and just, and one that would be a balance between human liberty and the restraint of man's unruly passions? To be able to do these things would mark the beginning of a radical change in the saga of the political history of mankind.

II. SEPARATION OF POWERS

The American Founders, at the time of the framing of the Constitution of the United States, were keenly aware that liberty is extremely fragile and that it seems to move inexorably toward tyranny, because it is in constant danger of destroying itself. They knew that liberty can be demolished by an excess of liberty as well as by an excess of power. They had to make liberty more durable by preserving freedom from tyranny and anarchy.

Too much power concentrated in too few hands leads inevitably to tyranny. Too much power concentrated in too many hands leads inevitably to anarchy. Because of human nature, a balance in government must be found between the many, the few and the one. (John Adams, "On the Principles of a Political Science," pp. 52-72.) Separation of powers is, therefore, prerequisite to the proper functioning of free government.

The principle of separation of powers is the fundamental institutional feature of American Government. The Founders viewed it as the main protection of liberty, but they also understood that it is the only practical way to strengthen the Government in general and assure its effectiveness. This knowledge resulted in the division of the powers of the National Government not only once but three times.

SEPARATE AND INDEPENDENT BRANCHES

The triple equipoise refers to an executive, a legislative and a judicial branch that are separate and independent from each other. This is one division of the powers and liberties of the State. It is so essential to liberty that James Madison wrote:

"The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. . . . three great departments of power should be separate. . . ." (The Federalist Papers, No. 47, p. 301)

Once these powers are dispersed, they tend to act as checks upon each other. The power of one balances the power of another, yet the branches must also cooperate with each other (because the power of no one branch is complete) or else nothing would ever be fully accomplished and the Government would cease to function.

BICAMERALISM

If free and representative government, an extension of the division of the three branches is applicable because of the problems created by legislative supremacy. That is, in republics, powers naturally tend to accumulate in the legislative branch. This increases the probability that the legislature will gain control of the executive branch, the judicial branch, or both. In order to remedy this problem, the power of the legislative branch must be divided a second time. This second separation of powers is bicameralism—the division of the legislative branch into two separate bodies referred to as "houses." Examples of such a division exist in the governments of both Great Britain and the United States. In the former, the national legislature consists of the House of Lords and the House of Commons. In the latter, the two Houses are called the Senate and the House of Representatives.

In order for bicameralism to function as a restraint upon legislative power, two conditions must be met. The first is that there should be different modes of election for the two Houses (including differences in the length of tenure of officeholders). The second is that there should be a difference in function and principles of action between the two divisions. These two measures act as constraints upon the two legislative bodies. However, it should be remembered that the Houses should not be so hindered that they cannot harmonize on the proper measures of Republican government such as the passage of laws. If the legislature is too restrained, it will be unable to function and the purposes of good government will be frustrated.

FEDERALISM

A third division of power exists between the National Government and the governments of the states. This is the Federal principle that was established by the Founders as a protection against factions and the loss of freedom.

The most essential part of federalism is the doctrine of enumerated powers. That is, all powers that are not specifically delegated to the National Govenment are reserved in the States and the people. Therefore, if the people want to remain in a state of liberty, they should not delegate any powers to the Government that they can handle better themselves. These powers may be improper for Government to use, and besides, it is always easier for the rights of the people to be injured when the power to do so is placed in the hands of those they trust most.

III. SUCCESSES AND FAILURES

The distribution of the powers of Government seems so familiar and natural to Americans that they cannot understand reasonable people looking at the matter in any other light. But separation of powers was still a novel idea when the American system was created and it is not universally accepted today.

Even in America, where the doctrine seems firmly entrenched, separation of powers, particularly the division of the three branches, has been challenged. It is a credit to the wisdom and foresight of the Founders that the system they set up has worked so well that it has at least twice been able to preserve itself from destruction.

The most noteworthy of such incidents occurred in 1868 when the "Radical Republicans" then in control of Congress tried to impeach President Andrew Johnson. Even though President Johnson's battery of attorneys was extremely able, while the House prosecutors bungled their flimsy, trumped-up case, President Johnson was saved from impeachment by a margin of only one vote. Seven Republican Senators courageously put country above party and voted "not guilty." Not one of these seven Senators was reelected to another term in the Senate.

The well-known historian, Thomas A. Bailey, had the following to say about the attempted impeachment and its implications:

"Unquestionably, the outcome of the trial was a triumph for good government. If a hostile two-thirds majority in Congress can remove the President at will, then there is a breakdown of the traditional separation of powers between the executive and the legislative branches. The Radicals were evidently determined to handcuff the Presidency,

and possibly also the Supreme Court. Had they done so, they might have established a kind of congressional dictatorship." (*The American Pageant*, pp. 506, 507.)

The danger to separation of powers posed by the Johnson impeachment trial arose from the legislative dominance that the constitutional designers feared might one day demolish balance between the three branches of the U.S. Government. However, a second potential threat to this same balance arose from a completely different quarter, an idealogical quarrel between the President and the Supreme Court.

In 1937, President Franklin D. Roosevelt began his second term in office backed by majority control in both Houses of Congress by his political party. Roosevelt interpreted his reelection as a mandate to continue New Deal reforms, but the conservative members of the Supreme Court thought otherwise. In seven out of nine major cases involving the New Deal, the administration was defeated by the Court.

Believing that the Supreme Court ought to get in line with public opinion, Roosevelt bluntly asked Congress for legislation that would permit him to appoint a new member to the Supreme Court for every existing member over 70 who refused to retire. The maximum membership could then be 15.

Congress and the public were shocked. They regarded the proposal as a scheme to "pack" the Supreme Court by means of a "dictator bill." The President was condemned for attempting to break down the delicate separation of powers among the three branches of Government.

In the two previously cited cases, the doctrine of separation of powers was challenged, but it was ultimately successful. There have been other examples during the last quarter of a century when this delicate system has been challenged and has appeared to fail. For example, so-called "executive agreements" and police actions (Korea and Vietnam) have been used by the executive branch to circumvent the constitutional right of the Senate to ratify treaties and the responsibility of Congress to officially declare war. In addition, many citizens and experts of Government argue that the Federal courts, especially the Supreme Court, have become too activist, setting themselves up as unelected legislators through decisions on such issues as busing and abortion. (This could be a failure on the part of the legislative branch to accept responsibility for dealing with these issues.)

Through these and other crises, the U.S. Constitution has provided a workable base from which democracy might be able to become both decent and durable. From the time of its conception, the document was an "experiment" in the eyes of its creators. This experiment was designed to answer one of the most difficult questions of human history—that of whether or not people are capable of governing themselves. Trying to answer the question of self-government has had and continues to have tremendous universal implications for mankind. The Founding Fathers realized this fact. They drafted a document that represents the most serious and well-planned endeavor to give the political idealogy of self-government practical application, and it answers the question of man's self-government affirmatively.

Tyranny, Anarchy, and Separation of Powers

(By David Cherrington, Orem, Utah, second place winner, 1983 Constitutional Essay competition)

Almost 200 years ago, a group of political pioneers met and composed ". . . the most remarkable work known to man in modern times in its application to political affairs," [1] which has been called ". . . The most wonderful work ever struck off at a given time by the brain and purpose of man." [2]

The Constitution of the United States is a legal document—not merely a set of laws, but basic and fundamental principles of law. It forms the legal framework upon which all other laws rest. The Constitution, with its laws and procedures, is the basis for the operation of our government.

Our founding fathers met in Philadelphia in the summer of 1787 to amend the Articles of Confederation with a thorough understanding of the elements which could lead to the abuse of government; thus they were able to devise a masterful piece of legislation which works as well today as in the early days of the republic. They realized that everything written into law giving power to government restricts the freedom of the individual; it is also true that anything which guarantees freedom to the individual limits the power of government. Those delegates who participated in the Constitutional Convention were aware that if the freedom of the individual is emphasized beyond reasonable bounds, then anarchy develops; on the other hand, extending the powers of government beyond its function of ensuring individual freedom would ultimately lead to tyranny. Having learned historically that gross abuse of power leads to oppression of the people. That the governed become slaves to the government rather than served by it, our founding fathers saw the need for a balance in the system of government they were designing. They understood that they held the authority to construct a government that would be as strong or as weak as they chose. They wanted a government which was strong enough to insure personal freedom, while avoiding the extremes of anarchy and tyranny. It was their duty to see that government was strong enough that anarchy would not prevail, while the controls on government were sufficiently strong to avoid dictatorship. It needed to be strong enough to function effectively, but not so strong that it limited the freedom of individuals. The solution to these many demands was provided by the doctrine of separation of powers.

The primary purpose in creating the doctrine of separation of powers was to preserve and protect individual freedom, thus avoiding tryanny and establishing an effective government. A major characteristic of a tyranny is its ineffectiveness: inability to act, inability to make wise decisions, inability to execute decisions in a just and fair manner, and inability to reach the goals designed by the decision. Tyrannies also are characterized by a lack of balance. Any effectiveness they may have benefits only the tyrant and his interest; the people are victims of the government. Tyrannies lack other characteristics which are highly desirable in government. Not only do they deliberately deny freedom to the individual, they lack stability. The transition of power often results in the bloodshed of innocent people.

When the Constitution was conceived, considerable care was exerted to achieve a delicate balance between the three branches of government—executive, legislative, and judicial. This was critical so that no one branch would be able to dominate the others. Realizing that an imbalance between any of the three branches could result in major abuses, the founders gave meticulous care of establishing specific guidelines limiting the power and authority of each branch. If the executive branch usurped excessive control of the system, a tyranny would result. If the legislative branch became too powerful, the eventual outcome would create anarchy. And if the judiciary took control to itself, the result would be a tyranny of oligarchy. Thus, our founding fathers wrote into the Constitution a series of safeguards by which we are guaranteed the safety of our political system. These safeguards today are termed the doctrine of separation of powers, more commonly known as the system of checks and balances.

In our system of checks and balances, each branch of the government has been given specific tools to prevent the domination of one branch over either of the others. Although some of these tools have collected a layer of political dust because of the infrequency with which they have been used, a majority are in frequent use. These devices, written into the Constitution, continue to protect us from our governmental system and protect our government from itself even today. Recent examples indicate that our political process is functioning properly, as prescribed by the doctrine of separation of powers.

The most frequently exercised check under the doctrine of separation of powers is a tool of the executive branch, the president, to curb the legislative branch, the congress. This is, of course, the veto, the president's prerogative to approve a bill and sign it into law, or to veto it and send it back to Congress for further consideration. By exercising his veto power, the president prohibits Congress from passing a law that fails to have strong popular support, thus reducing the likelihood of anarchy. However, if the president had the ability to kill every bill, tyranny would again be the eventual outcome.

To balance this situation, Congress has the power to override a veto. To override veto and enact a bill into law, Congress must obtain a more difficult two-thirds majority rather than the simple 50 percent majority needed to send the bill to the president in the initial stage of legislation. The most recent example of this intricate constitutional procedure is the story of the Supplemental Appropriations Act of 1983 (H.R. 6863). While this piece of legislation was being introduced to Congress by Congressman Whitten, President Reagan voiced his opposition and threatened to veto it if it were passed because it would make drastic changes in the budget he has proposed earlier. Despite the President's warning, liberal Democrats were able to pass the bill and send it to the White House where, true to his word, President Reagan vetoed the bill on August 28, 1982 and sent it back to Capitol Hill, expecting it to die an early death. However, the veto was overridden by the House of Representatives 301-117 and by the Senate 60-30, which achieved the two-thirds majority needed. Therefore, Congress exercised its power of checks and balances and in so doing passed the Supplemental

[1] Quoted from William E. Gladstone, in "Review of American History," p. 57.
[2] Ibid.

Appropriations Act of 1983 (Public Law No. 97-257).

Another method by which the president has power over the legislative branch is his right to appoint to federal positions those qualified people who he feels will best support his policies. Yet again, Congress has been furnished a check of its own to protect itself in this instance. In some of the federal appointments the president is required to receive the approval of the Senate. Therefore, the legislative branch has an input into who occupies some federal positions. A recent example of the President's power to nominate and the Senate's power to advise and consent is President Reagan's appointment of William Ruckelshaus as the head of the Environmental Protection Agency. Although the Senate theoretically holds the power to refuse approval of a Presidential appointee, they rarely use this power. The last time the Senate did not approve a presidential appointment was June 13, 1973, when the Senate did not approve Robert H. Morris as a member of the Federal Energy Commission by a vote of 51-42. However, as in most cases, William Ruckelshaus was approved by the Senate and took the reins of the Environmental Protection Agency.

The checks against the judicial branch of our government, the Supreme Court, are limited, giving the high court the stability needed to make wise decisions without being pressured by the executive or legislative branches. The President appoints members of the court, with approval from the Senate. In that way the President and Senate control the type of justice allowed to be seated. Once they have been approved and sworn in, however, they receive permanent tenure. All other efforts to place checks upon the Supreme Court have proved to be not worthwhile. A classic example of this was the Supreme Court's declaration in 1894 that the federal income tax was unconstitutional. In response, Congress proposed a Constitutional amendment, the Income Tax Amendment of 1913, which made income taxes legal. A check that takes nineteen years to operate, however, is hardly a check at all.

While checks against the Supreme Court are ineffective, checks levied by the high court can have a far-reaching impact on society. They have the power to declare a law of Congress unconstitutional and, in so doing, cancel the work of both Congress and the President. The Court may even declare an act of the President unconstitutional. Through these powers the Supreme Court has theoretically been given the responsibility to be the primary watchdog over the other two branches.

One of the best historical examples of the Supreme Court exercising this power occurred recently. On Thursday, June 23, 1983, the Supreme Court handed down the decision which now prohibits Congress from using the "legislative veto." The legislative veto was a method by which Congress took upon itself the authority to oversee executive actions. This type of legislation was most often used in simple cases involving federal regulations on interstate commerce. However, some laws involving legislative veto were complex and relevant to our nation's domestic security and foreign policy. For example, the President has the authority to send troops anywhere he deems necessary without going to Congress and asking for a declaration of war. Congress exercised its legislative veto by passing the War Powers Act of 1973. This law allowed the President to deploy troops but gave Congress the right to bring them home after 60 days, thereby placing checks on the President's authority.

Supreme Court Justice Byron White stated, while speaking for the minority about the unconstitutionality of the legislative veto: ". . . this kills more laws (over 200) in one single action than have ever been nixed in the history of the Supreme Court." However, making the statement for the 6-3 majority, Chief Justice Warren Burger stated: ". . . excessive power was being held by Congress, causing a dangerous misbalance of power. . . . Our constitution is devised in such a way so as the President vetoes Congress, Congress shouldn't veto the President."

This classic example illustrated the doctrine of separation of powers. As soon as one of the branches of government, in this case the legislative, began to assume more power than was originally bestowed upon it, the system of checks and balances restored power to its ideal balance, as it has for 200 years.

A careful examination of our consititutional history shows that the doctrine of the separation of powers is alive and well and functioning effectively in our political process. The dream of our founding fathers envisioned two centuries ago, the dream of a free people served by an effective government, has become a reality.

The people of the United States are fortunate to have had founding fathers who had a clear understanding of the obstacles to democracy. These wise men supplied posterity with a balance framework that provide an effective and powerful government while protecting the rights of individuals. By maintaining the doctrine of separation of power our government will remain strong and avoid becoming grossly distorted. This doctrine will help to assure coming generations of an effective government.

Separation of Powers for the Unity of the Nation

(By Bill Connors, Ogden, Utah, third-place winner, 1983 constitutional essay competition)

"No man should be both a judge and legislator, nor should a governor have the powers to make the laws."—Francis L. Broderick

In the Wabash case of 1886, the Supreme Court ruled that individual states had no jurisdiction concerning the regulation of interstate commerce. The jurisdiction lay with the federal government, the Court declared. However, President Grover Cleveland was opposed to governmental regulation. Regardless of the President's opposition, Congress passed the Interstate Commerce Act of 1887.[1]

Shortly following his second inauguration in 1937, President Franklin D. Roosevelt decided that the Supreme Court needed an alteration in its composition. The ultra-conservative Court had defeated seven out of nine major cases involving Roosevelt's New Deal. The announcement expressing his desire to add to the Supreme Court took the country and Congress by surprise. The public and Congress saw the Court as being almost sacred; consequently, they were extremely opposed to even the slightest tampering with it. Eventually, Congress did pass a court reform bill, but the watered-down version only applied to the lower courts. Because President Roosevelt aroused the ire of the conservatives of both parties in Congress, few New Deal reforms were passed after 1937, the year that FDR tried to tamper with the Supreme Court.[2]

On Sunday, June 26, 1983, an article appeared in the Ogden Standard Examiner entitled, "Loss of veto (a) setback for Congress." An excerpt from the article reads:

"Congress, stripped of its legislative veto power by the Supreme Court, may move to assert tighter control over some executive branch functions by rewriting the laws, legislators say.

"The court's ruling scrapped a device legislators had come to rely on as a convenient way to keep a tight rein on the President and regulation writers. . . .

"In this instance, the third branch—the judicial—decreed that the legislative had grabbed an advantage over the executive that the Constitution never intended." [3]

These three events demonstrate a major philosophy that the United States Constitution embodies. It is referred to as separation of powers. Basically, this means that the powers of the federal government are divided among three different branches within the structure of the federal government. These three branches are:

The executive—the President and that which he oversees;

The legislative—the Senate and the House of Representatives, or Congress;

The judicial—the Supreme Court.

This essay will take an in-depth look at the separation of powers—its origin, its history, its effects on the United States, its substructure, and its value.

The Constitution of the United States of America, in articles I, II, and II, delineates each branch's specific duties. Many times these duties overlap. However, one must remember that only a basic separation exists; each branch must continually coordinate with the other branches for the federal government to be effective. "Even today, the idea of complete separation (of function, branch and person) has elements of absurdity if projected as an ideal for existing governments, for at one point or another government powers meet and overlap." [4] One can see the separate branches and a few of their functions and also the coordination between branches in the process of lawmaking. Congressmen present bills they wish to become laws (often the President will have a congressman present a bill for him) to the house of which the congressman is a member. To become law, a bill must pass a complicated procedure in each house. If this is accomplished, then the President receives the bill. He can either veto it, sign it, or let it sit and automatically become law. If he vetoes it, then it is dead unless Congress overrides his veto. If he signs it, then it becomes law. However, the Supreme Court can rule that the new law is unconstitutional and consequently invalid. This is a demonstration of how each branch has its own, separate powers from the other branches, but that all three have a necessary correlation.

The philosophy of separation of powers did not originate with the formation of the United States. Although "hinted at by Plato, rather clearly recommended by Aristotle, almost defied by Polybius, the classic idea of balance involved not the functions of government, but the proper mix of classes or estates and of their appropriate governmental expression—monarchy, aristocracy, and democracy. A much more modern tool of limited government—the separation of powers or such governmental functions as

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Footnotes at end of article.

legislation, execution and adjudication—did not mature until the eighteenth century." [5]

Many great men continued to give credence to the separation of powers that Aristotle affirmed. Men such as Thomas Aquinas in the high middle ages and Calvin in the reformation period supported Aristotle's views. James Harrington had a large effect on many early Americans through his book "Oceana," which was a novel of a ficticious nation which was a Utopia with separation of powers. Two men of colonial times who were strong advocates of mixed government were Thomas Jefferson and John Adams. Thomas Jefferson's "first two drafts of a proposed Virginia constitution emphasized the bicameral principle as a requisite of balance." [6] "But it was John Adams who became the symbol of mixed government." [7] In his "Defense of the Constitution of the United States of America," Adams made a defense for a balanced constitution and attacked all simple forms of government.

"Above all other writers, Montesquieu came to symbolize separation of powers." [8] He was the first to give separation of powers its presently accepted meaning—a separate executive, legislative and judicial branch. He felt, however, that when separation and balance were in conflict, that balance had to have priority. ". . . Once the proper mix or balance is secured, once government reflects consensus of concurrence in its legislature, then a degree of separation is a necessary but additive principle." [9]

Following the Revolutionary War, the colonies selected representatives to create a constitution for the new country. Because of the colonists' poor relationship with the king of England and with the English governors, the founding fathers set up a weak federal government. When they returned to Philadelphia to "revise" the Articles of Confederation, they did not have any intention of writing a new constitution. When they returned to their respective states, however, they returned with a constitution that countries throughout the world have attempted to duplicate. A large percentage of the provisions within the Constitution were based upon the experiences of the founding fathers as colonists. Ernest S. Griffiths made these remarks in his book, "The American System of Government":

"Hence it was clear, when the new Constitution was to be framed, that its basis was to be tripartite—legislative, executive, judicial. This had been the familiar experience of the 13 colonies—with their locally-chosen legislatures, and with the English common law under the guardianship of the courts." [10]

Richard H. Pear agrees with Griffiths:

"The experience of the American colonists in the field of government is so important that it is tempting to attribute all that is new in the American system of government to the lessons the colonists learnt whilst under British rule . . . we might well add the 'separation of powers' as an experience as well as a theory. The hostility between the legislative and executive branches of government did not always work to the disadvantage of the colonists. If the governor were unpopular, at least he could be controlled to an important extent by the assembly's powers over finance." [11]

One of the most important, if not the most important reason that the founding fathers placed the doctrine of separation of powers in the Constitution was to prevent tyranny from occuring in the United States as it had in countries throughout the world. The colonists were mainly concerned with preventing a re-creation of the same situation that had developed in England. Not only does separation of powers keep one group or person from receiving total control, but it also sets up a system whereby there is a force that has the power to stop anyone who does try to take too much power—it provides for a system of checks and balances. This is very clearly demonstrated in the case of Richard Nixon. When he thought himself above the law and instigated what was later termed the Watergate scandal, Congress was able to threaten him with impeachment and cause him to resign. Obviously if Nixon had had total control over the government, he would have been left free to do his "dirty work." The fact that separation of powers prevents tyranny or the accumulation of too much power in the hands of too few people is again seen in the recent ruling by the Supreme Court scrapping the legislative veto, preventing Congress from having an excessive amount of power over the president.

Within the superstructure of separation of powers are three important substructures which enable the whole structure to stand. The first of these very important substructures is the presidential system. To better understand the presidential system, it is best to first explain its counterpart—the parliamentary system. Under the latter system, the people elect a parliament, as in Britain. The members of the parliament then choose the executive leadership for the country. This executive leadership is called a cabinet and is headed by a prime minister. One of the strongest disadvantages of this system is that the prime minister must always act in a manner pleasing to the parliament, not necessarily to the people of the country, for when he loses the support of the majority in parliament, he is replaced. This occurred a short time ago in West Germany when Chancellor Schmidt (West Germany has chancellors rather than prime ministers) was replaced by Helmut Kohl.

In the presidential system, the voters elect a president independent of their decisions for the legislature. The president maintains his position regardless of the support, or lack of it, he receives from Congress. Problems have arisen when Congress has not given its support to the president, such as the blockage of Democratic President Truman's legislative program by a Republican Congress and as with President Kennedy, who was thwarted by a Congress dominated by his own party. However, the advantages to this system far outweigh the few instances when disruptions have arisen. With a presidential system, closer examination of important issues is mandatory, as exemplified by the extended debate over the United States' involvement in the League of Nations. Also, it prevents undue concentration of political power. And the presidential system gives the people two types of representation—legislative and executive. A very good example of the benefits of this system is seen in the government of the state of Utah. Although the state is basically Republican, there is a Democratic governor. The citizens get their political party representation while also getting the person they feel is best qualified for the job and best suited to represent them. This relationship would be virtually impossible in a parliamentary system. [12]

A second very important substructure of separation of powers is judicial review. This phrase means that the Supreme Court has the ultimate decision regarding the constitutionality of all matters. This principle was the result of the 1803 Supreme Court case, *Marbury* vs. *Madison*. Judicial review is important because this process keeps both the executive and legislative branches from appropriating more authority to themselves than the Constitution delegates.

The third and most important substructure of separation of powers is checks and balances. This is one of the major differences between European governments and the United States Constitution. As was stated previously, separation of powers keeps tyrants from emerging. This is accomplished by not only giving any person or group too much power, but also by providing a means for stopping anyone who would attempt to assume too much power. This is called checks and balances. Each branch can observe the operation of the other two branches, or check them, but no branch has more power than the other two (in the ideal situation), providing a balance of power. This is demonstrated in the format for passing laws (mentioned previously). Another example is found in the military aspect of the government. The president is commander-in-chief of the armed services, but only Congress has the power to declare war. These three substructures have had a tremendous impact on the success of separation of powers.

The Constitution encompassing the philosophy of separation of powers has provided multiple benefits to the United States. First, as has been stated repeatedly, it prevents any one person or group from getting too much power and becoming tyrannical. If this were to occur, it would certainly mean the destruction of our country as it has for all previous countries. Second, it keeps our country from being run on the whims of people who did not sufficiently discuss important issues. One of Adolph Hitler's biggest downfalls was that he did not listen to or heed the advice given him by his aides. In the U.S., the president has no choice but to act on the decisions of Congress. Issues of great importance are researched and discussed to the finite detail so that maximum benefit for the country can be achieved. Third, separation of powers gives the U.S. the advantages of quick and decisive action in times of emergency through the president, without having to give him dictator-type authority. And fourth, the people of the United States have better representation and are allowed to choose whom they think is best for the job of president.

Many aspects of the philosophy of separation of powers have been discussed in this essay—its definition, its origin, its history, its effects on U.S. government, its substructure and its value. It is clearly seen that this multi-faceted concept has found new form within the Constitution of the United States not to be found anywhere else in the world but on the pages of textbooks. If the United States continues its application of separation of powers, it will continue to be a country of unity.

FOOTNOTES

[1] Bailey, Thomas A. and David M. Kennedy, "The American Pageant," Lexington, Mass. & Toronto, D.C. Health, 1979, p. 491.
[2] Ibid, pp. 785-787.
[3] Ogden Standard Examiner, June 26, 1983.
[4] Conklin, Paul K., "Self-Evident Truths," Bloomington, Indiana University Press, 1974, p. 153.
[5] Ibid, pp. 144-145.
[6] Ibid, pp. 151.
[7] Ibid.
[8] Ibid, p. 156.
[9] Ibid, pp. 156-157.

[10] Griffith, Ernest S., "The American System of Government," New York, Frederick A. Praeger, 1965, pp. 8-9.

[11] Pear, Richard H., "American Government," London, Macgibbon and Kee, 1963, p. 31.

[12] Fincher, Ernest B., "The Government of the United States," pp. 11-12.

[Constitutional Essay Contest Winning Entry]

THE DOCTRINE OF SEPARATION OF POWERS

(By Nathan Sheets, Arizona)

The Constitution was designed by the Founding Fathers to promulgate political liberty and to ensure the existence of social, religious and personal freedoms. Upon this thesis, the Constitution becomes a series of barriers and restraints preventing one power or social force from exerting an inordinate control over the framework of government. The first of these barriers was Federalism: the division of power between national and state government. Another was the concept of limited authority: there were express boundaries that no division of government could overstep. Perhaps the most significant barrier was the doctrine of separation of powers and its necessary corollary—the system of checks and balances. James Madison attached great importance to this concept: "If there is a principle in our Constitution, indeed in any free Constitution, more sacred than another, it is just that it separates the legislative, executive, and judicial powers.[1] The analysis of the separation of powers doctrine is a journey into the center of the Constitution. To be adequate, such an analysis encompasses the philosophical beliefs of the Founding Fathers and their perception of government, the mechanics of the Constitution, the ebb and flow of power within the three separated branches, and the status of this doctrine in modern government.

In its most simplistic and idealistic form, separation of powers advocates that different governmental functions be performed by different governmental entities. The Constitution of New Jersey expresses what is implicit in the Federal Constitution:

"The powers of the government shall be divided among the three distinct branches, the legislative, executive and judicial. No person or persons belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others except as expressly provided in this Constitution."[2]

Although the separation principle can be roughly attributed to Aristotle and Polybius,3 it was Montesquieu who had "the merit . . . of displaying and recommending it most effectually to the attention of mankind.4" Montesquieu's Spirit of the Laws published in 1748 was a strong influence on the Constitutional Convention.

The desirability of separated powers was a matter of near unanimous agreement. So too was Madison's assertions ". . . a mere decoration on parchment of the Constitutional limits of the several departments, is not a sufficient guard against those encroachments which lead to a concentration of all the powers of government in the same hands."5 After analyzing various methods of achieving this end, Madison concluded in Federalist No. 51, "The defect must be supplied by as contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places.6" With this justification, the checks and balances system was established; with this in mind, the duties of the three branches were determined.

Through past experience the Founders deemed the legislative branch inherently most powerful and potentially most dangerous—"one hundred and seventy-three despots would surely be as oppressive as one."7 For this reason, the legislative power was split into two distinct and theoretically dissimilar bodies. The lower house was empowered to initiate all appropriations measures and the upper body was granted the right to "advise and consent" on executive appointments and approve treaties. Collectively the Congress could declare war and was given the ultimate check: the power to impeach and remove negligent and incompetent members of the other branches.

The executive branch was largely an enigma when the Constitution was ratified. There was a diversity of opinion concerning how much power the chief executive should be granted. The spectrum ranged from those who advocated a weak executive to Alexander Hamilton who argued for an American monarch.[8] [9] [10]

Exactly how fully the American doctrine of separation of powers meets this criteria i.e., controlling the governed and controlling itself is an issue of both heated and appropriate dispute. To address this question, it is necessary to review the evolution of the three branches of government. Just as the Founding Fathers predicted, Congress was originally the most powerful section of the federal government. It was in the legislature that the great issues of the growing Republic were addressed and statesmen such as Clay, Calhoun, and Webster molded public opinion. During this period, the Presidency was still attempting to define and solidify its position in the new Republic. Jefferson's embargo battle and the turbulent Presidency of Andrew Jackson were two of only a handful of exceptions. Finally, the Court under the direction of Marshall and Taney was both solidifying itself and the new government by defining the relationship between state and nation, guaranteeing the sanctity of contract, and ensuring equal opportunity under the law—with the conspicuous exception of the Dred Scott decisions.

During the Civil War, Lincoln assumed more power than previous executives had dreamed of: he became the first President to actively function as Commander-in-Chief; he suspented the hallowed writ of habeus corpus; and he orchestrated a legislative revolution which left a permanent stamp on the country. Additionally, Lincoln nominated Salmon Chase, his primary competition for the 1864 Republican Presidential nomination, for the position of Chief Justice—thus leaving his mark on the Supreme Court.

Following the assassination of Lincoln and the rise of the Radical Republicans, the fulcrum of power shifted dramatically toward the legislature. The attempted impeachment of Andrew Johnson nearly emasculated the Presidency. During that nadir of American History the wisdom and foresight of the checks and balance system was evident. In the words of Edmond G. Ross, the legislator who saved the Presidency:

In a large sense, the independence of the executive office as a coordinate branch of government was on trial. If the President must step down . . . a disgraced man and a political outcast—upon insufficient proofs and from partisan consideration, the office of President would be degraded, cease to be a coordinate branch of government, and ever after subordinated to the legislative will . . . This government has never faced so insidious a danger.[11]

The Gilded Age saw the corruption of government on almost every level and a restructuring of the political base. Perhaps the relative weakness and mediocrity of both the executive and legislative branches precipitated the period of judicial activity which commenced in the mid-1890's. "In a matter of months it (the Supreme Court) killed the national income tax, emasculated the Sherman Antitrust Act as well as the Interstate Commerce Commission, and it approved the labor injunction as well as Separate-But-Equal."[12] Judicial power continued to expand so that in 1907 Charles Evans Hughes could legitimately assert. "The Constitution is what the judges say it is."[13]

If the nineteenth century illustrated the teeter-tottering of power between the three branches that the founders had envisioned, the twentieth century has seen the relative stabilization of these relationships. With few exceptions, the executive has been supreme, the court respected, and the congress declining in influence. With the simultaneous advent of the "strong president" and communicative technology the executive has become the foremost molder of public opinion. Vibrant leaders such as Theodore Roosevelt, Woodrow Wilson, Franklin Roosevelt and John F. Kennedy have solidified the Presidency as the most powerful branch of government. "Great initiatives of domestic and foreign policy were approved without legislative leadership. FDR's New Deal, Truman's Fair Deal and Johnson's Great Society were all presidential programs, and the key actions preceding the two World Wars and the Viet Nam War were taken with minimal congressional input."[14] Even the Watergate debacle was a short-lived boost to legislative power. Instead of turning toward Congress for leadership, the public developed an apathetic distrust of government.

During the past century, the Court has expanded its influence by further clarifying the separation of powers doctrine. In *Schechter Poultry* v. *United States*, the Court declared the NIRA (National Industrial Recovery Act) unconstitutional because it allowed excessive delegation of legislative powers. This ruling invalidated one of the key planks of FDR's New Deal and was a substantial check on Presidential power. In *Myers* v. *United States*, the President was given power to remove executive officials without consent of Congress. However, in *Youngstown Sheet and Tube* v. *Sawyer*, the Court again checked executive power when it ruled that President Truman was infringing on legislative authority when he ordered the seizure of a steel plant: "The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President."[15] Most recently, in *Chadha* v. *Immigration and Naturalization Service*, the Supreme Court overturned governmental expediency in the name of constitutional purity. By declaring the legislative veto unconstitutional, the Court exercised a check on Congressional power. Speaking for the majority, Chief Justice Warren Burger stated, "The veto . . . doubtless has been in many respects a convenient shortcut (for Congress) but it is clear that the framers ranked other values higher than efficiency."[16] These cases and several others, illustrate that the Supreme Court has become an influential—some

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Footnotes at end of article.

would say too influential—part of the checks and balances system.

As a general statement, the doctrine of separation of powers has been instrumental in achieving the primary goal of the Founding Fathers—protecting liberty. However, the future holds grave questions. Since the Constitution was written, the American population has increased over fifty times; the power and pervasiveness of government has greatly expanded; the country has become increasingly pluralistic; and the development of technology has made instant decision-making a necessity. At one time governmental functions could be neatly divided into three categories; today, it is no longer possible. Many agencies e.g. the Federal Reserve, the National Labor Relations Board, and the Interstate Commerce Commission maintain great power but seem to nearly fall outside of the checks and balances system. Furthermore, when world and national events mandate decisive governmental action, the United States is faced with a decreasingly powerful legislative branch. According to Sam Ervin, then Chairman of the Senate Subcommittee on Separation of Powers:

"Congress increasingly abdicates its responsibility to determine policy, to set standards, and to make policy decisions. Typically, it announces a broad goal, and then gives a blank check to the courts or the Executive Department or to an administrative agency to administer that goal 'in the public interest.'" [17]

These grants of power have expanded and increased the scope of the executive branch so substantially that it is impossible for the Chief Executive to administrate his own bureaucracy.

The separation of powers doctrine has successfully endured two centuries of molding and adaptation. The challenge, as the third century commences, is to limit the executive bureaucracy so that it can be controlled by the President. This eventuality requires two transformations: first, the American people must become less accustomed to big government; second, the Congress must re-assert itself. Perhaps these trends have already started. As to the former, both of the last two Presidents hailed themselves "outsiders to Washington" and "opponents of the system." Over the last several years, a majority of Americans have been willing to endure some pain as governmental services have been trimmed. It can honestly be said that the nation no longer feels a "Great Society" infatuation for government. Concerning the latter, the Chadha decision may very well have been a blessing in disguise for Congressional power. Disarmed of the legislative veto, Congress may be forced to abandon its "blank check" legislation and deal more directly with the details of government. According to Stanley Brand, counsel to the House of Representatives, "Every time the President wants something he's going to have to come up here, hat in hand." [18] Perhaps the Chadha decision will activate Congress to become less political and more efficient. If so, the prescience of the Founding Fathers and system they established will again be affirmed. If not, that system may be strangled by grants of legislative power to an overburdened judiciary and to an amorphous, growing, and increasingly uncontrollable executive bureaucracy.

ENDNOTES

[1] James Madison, quoted by Senator Charles H. Percy in "Separation of Powers," NEA Journal, May 1971, p. 38.

[2] New Jersey Constitution article 3, paragraph 1, quoted by Worall F. Mountain in "The Role of Judicial Activism: Neither Sword Nor Purse?" Seton Hall Law Review, 10 (1979), p. 6.

[3] Richard Hofstadter, The American Political Tradition, Twenty-fifth Anniversary Edition (New York: Alfred A. Knopf, Inc. 1973), p. 8.

[4] James Madison, "The Federalist No. 47," The Federalist Papers (Garden City, New York: Anchor Books Doubleday & Company, Inc., 1966), p. 139.

[5] Madison "The Federalist No. 48," Ibid., pp. 150-151.

[6] Madison "The Federalist No. 51," Ibid., p. 159.

[7] Madison "The Federalist No. 48," Ibid., pp. 149.

[8] Alexander Hamilton, "The Federalist No. 78," Ibid., p. 228.

[9] Hofstadter, op. cit., p. 1.

[10] Madison "The Federalist No. 51," op. cit., p. 160.

[11] Edmund G. Ross, quoted by John F. Kennedy in "Profiles in Courage, Memorial Edition (New York: Harper & Row, Publishers, Inc., 1964), p. 161.

[12] "Separation of Powers," Indiana Law Journal, 52 (Winter 1977), 318.

[13] Charles Evans Hughes, quoted in The Meaning of the Constitution (Woodbury, New York; Barron's Educational Series, Inc., 1974), p. 5.

[14] Norman Dorsen, "Separation of Powers," Albany Law Review, 41 (1977), 55 (Note: Professor Dorsen refers the reader to The Imperial Presidency by Arthur Schlesinger in a footnote attached to the quoted passage).

[15] Youngstown Sheet and Tube v. Sawyer, 343 U.S. 579, 72 Sup. Ct. 863, 96 L. Ed. 1153 (1952).

[16] Chief Justice Warren Burger, quoted in Newsweek, 4 July 1983, p. 16.

[17] Sam Ervin, "Separation of Powers: Congressional Interest," (address delivered at the 73rd Congress of American Industry), 6 December 1968, printed in Vital Speeches, 1 January 1969, p. 190.

[18] Stanley Brand, quoted in Newsweek, op. cit., p. 17.

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DOCUMENT OF POWER AND RESTRAINT

(By Cherie Miller, Arizona)

(CONSTITUTIONAL ESSAY CONTEST, SEPARATION OF POWERS, RUNNER-UP)

"In framing a government, which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place, oblige it to control itself." The problem facing the constitutional convention was in those words stated by one of its leading minds, James Madison.

The framers of the constitution faced a problem that has vexed every constitutional system: how to combine strong, effective government with individual liberty. Without a strong and effective government, liberty may easily wither and fade away, just as effective government without liberty may easily degenerate into a dull source of force.

The men who drew up the constitution were not dreamers; they were men of substance and great political experience in law, politics, education, business and farming. In addition, they were accustomed to managing and to being leaders. The brief experience of the colonies under the Articles of Confederation had shown these men that without a strong and effective National government, there would be no United States of America as one united nation. At the same time, they all believed in liberty; many of them had fought in the War of Independence, willing to sacrifice their lives for the cause of this liberty.

Federalism is the basic principle of our Constitution, "a great discovery in modern political science," as Alexis de Tocqueville called it. The main idea of federalism is to divide governmental power between a nation (that is, a central or federal) government and a number of territorial subdivisions called states in the United States, cantons in Switzerland, provinces in Canada, and Laender in West Germany. A written constitution generally prescribes (as does our Constitution) which powers belong to the federal government exclusively, which to the territorial subdivisions, and which to both; which powers are denied to either the Federal or the state governments or to both; and finally, the constitution usually stipulates how conflicts of power between the national government and the state governments are to be settled.

In most federal systems, such distributions and divisions of powers between the federal and the state governments cannot be changed by ordinary legislative action but must go through the more difficult process of constitutional amendment. Also, in most federal systems, conflicts between the federal and the state governments are resolved by federal courts.

The framers of the Constitution sought to diffuse and break up power in two basic ways: (1) by dividing power between different territorial units, that is, between the federal government and the states; (2) by establishing three separate branches of government—legislative, executive, and judicial. As James Madison said, "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly

be pronounced the very definition of tyranny."

Article One of the Constitution begins with the words "All legislative power herein granted shall be vested in a congress of the United States." Article Two opens with the words, "The executive power shall be vested in a President of the United States." Article Three begins with the words, "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." The first words in each of the three Articles show that the framers, using the most distinct and clear style, made plain and unmistakable the principle of separation of powers.

One of the supporting bases of the principle of separation of powers is a general principle of law: delegated power may not be transferred. The framers of the Constitution, brought up to believe the political ideas of John Locke, were familiar with Locke's statement on the subject of delegated power in his second Treatise on Civil Government (1660): "The legislative cannot transfer the power of making laws to any other hands; for it being but a delegated power from the people, they who have it cannot pass it over to others."

The independence of the executive and legislative is further strengthened by the different terms of office for which they are elected: the President and Vice President for four years, members of the House of Representatives for two years, and members of the Senate for six years. Also, each represents a different constituency: the President is elected by the whole nation, the senator by his entire state, and the representative by his own district. Thus, each has his own obligations and loyalties. Finally, the judiciary is independent of both the executive and the legislative, since acts of both the President and Congress may be held unconstitutional by the Supreme Court.

The solution to the problem that the framers of the Constitution sought created new problems. Separation of powers seemed to the framers a way to prevent concentration of all power in one branch of the government. Still, they realized that if even successful; if each of the branches of government were completely separate and independent of the other two; each might choose to go its own way, making its own decisions, and chaos of the single most powerful branch might be the result. Therefore, the authors of the Constitution provided checks and balances for the three branches of government: "Ambition must be made to counteract ambition".

For example, Congress makes laws, but the President can veto them. Congress can override this veto with a two-thirds vote in each house—a check on a check. Also, laws passed by Congress can be held unconstitutional by the Supreme Court, another check in the legislative power. The President is in charge of foreign affairs, but he is checked by Congress through its power to appropriate funds and by the Senate's power to refuse to ratify treaties with other countries. In his conduct of military affairs as well, the President depends on Congress for funds and on the Senate for consent in appointing high officers such as generals in the Army. The President also has the important power to appoint members of the Supreme Court and of other federal courts, but he is checked by the constitutional requirement of senatorial approval of his nominations.

The judiciary, too, is checked. Although a federal judge is independent, he must, to get his job, receive presidential appointment and senatorial confirmation. In addition, the Supreme Court is the only court that exists as a result of the Constitution itself. Therefore, all other federal courts are products of congressional legislation and can be regulated accordingly. Congress can also change the number of justices on the Supreme Court and can impeach federal judges.

In many respects, however, "separation of powers" is a most misleading description of the American government. More accurately, the United States constitution provides for a government of separated institutions sharing powers. The process of government requires that these separate institutions work together with some measure of effective cooperation, and this is perhaps the key problem of the Constitutional system of the United States. If every presidential appointment of a judge or military officer, as well as every treaty, were rejected by Senate; if every act of Congress were vetoed by the President or if it were held unconstitutional; if congress refused to set up federal courts, working under the control of the Supreme Court—if all these possible checks were fully exercised, government in the United States would stop.

Thus, in practice, the principles of separation of powers and checks and balances are kept alive through cooperation.

In conclusion, we see that the Constitution expects the three branches of government to be independent of each other, to check and balance each other, and yet to work together harmoniously. Doing all of these things at the same time appears to be difficult. Yet this complexity is no more than part of the fundamental objective of the whole Constitution: On the one hand, its purpose it to set up a strong, effective government able to cope with critical and swift developments at home and abroad; on the other hand, the constitution seeks to restrain and limit government so that the individual citizen may enjoy his liberties. Bringing together the elements of power and restraint in the Constitution requires great skill and faith in the democratic ideals that strength need not degenerate into force, or liberty into chaos.

As we near the upcoming bicentennial of this great Constitution of ours, there is no sign that it will ever wear out. As a seventeen-year-old I have come to see how wisely and well the men at the Constitutional Convention did their work for the benefit of all the other Americans coming after them. At times the citizens in American society seem to take the precious gift of liberty for granted, not realizing what our forefathers did in the past to make America what it is today. The United States once small and weak, has become a large and powerful nation; but more important than its size and strength, our country is a land of freedom and justice, which has been kept alive and protected for two-hundred years by the remarkable document of power and restraint: The Constitution of the United States of America.

THE SEPARATION OF POWERS: OUR GOVERNMENT'S FOUNDATION

(By Ruth C. Howell, Runner-up, Prescott, Ariz.)

As the United States Constitution approaches its 200th birthday, more and more people are examining it for flaws which might hinder its success in the next 200 years. The separation of powers is one of the main areas of scrutiny. The doctrine has an extensive background and is very intricate in itself. Does it really work for us today, or is it just a high-sounding collection of words which is quickly passing into obsolescence? To answer these questions, one must understand the separation of powers and evaluate its role in our government.

The separation of powers calls for a division of authority between the executive, legislative, and judicial bodies of government. Its purpose is to prevent one person or group from taking control of the nation. As James Madison wrote in "Federalist No. 47":

"The accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

Having just escaped the tyranny of British monarchs, the Framers were anxious to protect their freedom. The separation of powers was considered:

". . . the means, and powerful means, by which the excellences of republican government may be retained and its imperfections lessened or avoided.[1]

The doctrine was embraced by one and all.[2]

The idea of distributing authority was borrowed by the Framers from "The Spirit of the Laws," by Charles de Montesquieu.[3] According to Montesquieu, the separation of powers "is the fundamental constitution of a free government."[4] Working from this principle, the Framers established three separate, co-equal departments which were to check and balance each other. The legislative body, our Congress, is the law maker. Its power can be checked by either an executive veto or a judicial declaration of unconstitutionality. Congress balances these powers by maintaining the rights of Senate approval for presidential appointments and treaties, of overriding vetoes by majority vote, and of determining the number of federal judges. These stipulations allow the legislative process to work effectively without becoming all-powerful. They are examples of the separation of powers theory in practice.

The separation of powers tenet, as outlined in the Constitution, has been reasonably successful in the past. During President Andrew Johnson's time, it withstood the attacks of a vengeful and power-hungry legislature. The Reconstruction Congress, eager to punish the prodigal South, tried to nullify the influence of the executive and judicial branches, whose members were not as vindictive. Congress passed the Tenure-of-Office Act to cripple the president. When Johnson continued to exercise his executive rights, there was an attempt to remove him from office through impeachment. The Constitution, however, took precedence with a few honest men, who realized the gravity of their actions.[5] Thwarted, first by the foresight of those Congressmen who voted against impeachment and later by Supreme Court action, the Reconstruction Congress was turned from its unconstitutional course. The separation of powers had

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[1] Alexander Hamilton, Federalist No. 9, Federalist Papers, Chicago, Great Books Foundation, p. 49.

[2] Bernard Schwartz, "The Reins of Power," New York, Hill and Wang, 1963, p. 37.

[3] Richard H. Leach, "Constitutional Government in the American Setting", pamphlet, New York, Robert A. Taft Institute of Government, 1978, p. 18.

[4] Ibid.

[5] Op. Cit., "The Reins of Power," pp. 112-113.

proved its worth by preventing tyrannical action which would have injured the Union.

Other examples of success can easily be found. Every time the president vetoes a bill or the Supreme Court rules a law unconstitutional, the separation of powers is being put to work. The investigation and planned impeachment of President Nixon were part of a legislative check on the unorthodox activities of the executive. When the Supreme Court handed down its recent ruling on the legislative veto,[6] it was exercising its power over Congress, and President Reagan uses his veto pen on legislation he opposes. Although there will always be those who warn of the monarchy of the presidency or the Supreme Court's "activism run rampant,"[7] the separation of powers is still potent and very much in use.

There have been times when the checks and balances have been thrown out of order, and the results have been explosive. Our nation's undeclared wars are good examples. Several executives have taken military action without Congressional approbation. John Adams kept up a war with France from 1798 to 1800 even though a formal declaration of war was never made.[8] Harry S. Truman sent troops into Korea, never consulting Congress on the issue.[9] The legislative and judicial branches could do little to stop the bloodshed and hostilities. they were equally powerless when President Johnson sent the armed forces into Vietnam and when President Nixon took action in Cambodia.[10] The controversial conflicts enraged and frustrated many, but the fact remains that each president acted within constitutional limits. The balance was threatened because there were not enough checks for a weak Congress to use against a strong and active president.

It is worthwhile to note that the checks and balances did not fail in principle. The separation of powers was not at fault in the situations just cited. The strength of governmental powers is determined by those who wield them. A Congress which is weak and spiritless cannot hope to control an executive who is willing to use all his constitutional authority.

There remains the question of relevance. Are the successes great enough to outweigh the failures and to make the doctrine worthwhile? The answer is a definite "yes." Without the separation of powers, this country would be as vulnerable to dictatorship as the unstable countries of South America. What citizen would want to be the victim of malicious legislators? The separation of powers insures that laws are not made as punishment. Who would want a criminal as executive or judge? The separation of powers provides a safeguard against officials who flout the law. Humans do not become gods when they achieve positions of power. If anything, their human imperfections become more prominent. Checks and balances are the means by which our very human executives, legislators, and judges are protected from their own flaws, and what improves our government improves the nation as well.

No one plan can ever hope to solve every problem faced by a nation. Whenever liberals and conservatives meet, there will be differences to iron out. One man's key to success may be another man's downfall. The separation of powers cannot eliminate these things. Human wisdom is merely a faulty tool. It cannot speed up the arguments in Congress, nor was it meant to. Louis D. Brandeis expressed it best when he said:

The doctrine of the separation of powers was adopted by the Convention of 1787 not to promote efficiency, but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.[11]

By limiting and controlling the various branches of government, the positive aspects of human wisdom are promoted while its failures are minimized. The United States government is founded on solid ideas so that when men fail and their institutions tumble, there will be a foundation on which to build again. Our basic doctrine is the separation of powers, and on it we can build for another two hundred years.

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FREEDOM OF SPEECH: THE RIGHTS AND RESPONSIBILITIES OF U.S. CITIZENS

(By Margaret Sanchez, First Place Winner, Middlebury, Vt.)

The Constitution of the United States, written by past leaders, has governed the 13 original colonies and new states since ratified. This Constitution, a written series of statements outlining guidelines for the formation of a democratic government and system of ruling, was amended twenty-six times when deemed necessary. Of these amendments, the first ten include certain undeniable rights which led to the group being labeled the Bill of Rights. The rights of freedom of religion and freedom of speech are guaranteed to every United States citizen in the first Article of the Bill of Rights.

The ratification of the Bill of Rights had a large impact on the people of the United States and the nation's industry. The idea that every citizen could freely express himself was well known, but the First Amendment allowed for the individual's rights to be protected when challenged. In 1735, fifty-six years before the Bill of Rights was adopted, John Peter Zenger was charged with seditious libel. Zenger was freed from jail and allowed to continue his printing press. As his attorney, Andrew Hamilton, said to the jury at the time of the trial, "It is not the cause of a poor printer, nor of New York alone . . . It is the best cause. It is the cause of liberty!" Hamilton continued to speak of the "noble foundation for securing to ourselves . . . the liberty . . . by speaking and writing truth." Even though Zenger could not be protected by the First Amendment, his refusal to submit to the laws concerning the criticism of government was the beginning of a foundation being laid for the freedom of speech.

The first Amendment to the Constitution has a great influence on all types of people in the United States. The right of the people to peaceably assemble has guaranteed that the voice of America's people can always be heard when speech or press fail. Martin Luther King was able to peacefully assemble mass numbers of people in public places because of the First Amendment. Freedom of speech permitted King to express his view on how justice in the United States was not being upheld. "We shall overcome" was heard by Americans because of freedom of speech. Martin Luther King could speak to any group of people on a limitless number of topics with the exception of advocating the violent overthrow of the government. However, King wasn't advocating such change. He was pressing the government and the United States citizens not to accept social injustice.

Freedom of speech not only means speaking, but it also includes other means of expression such as the wearing of black armbands to protest the Vietnam War. These were the facts in the case of *Tinker* v. *Des Moines School District*, where the Supreme Court ruled in favor of the student, Tinker, saying that prohibiting the wearing of an armband would be a violation of the First Amendment. Similarly, peaceful sit-in demonstrations and rallies are all legal if they do not violate the rights of others. The right of peaceful assembly has led to many demonstrations and rallies in which United States citizens express their views on what matters need to be changed.

The spearhead movement created in Vermont was also the result of freedom of speech. Groups of people who strongly opposed the creation of more life-destroying nuclear weapons took advantage of freedom of speech and press to inform the world of the now well-known immediate dangers that are caused by nuclear weapons. Pressure, in the form of freedom of speech through rallies, lobbying and printed information, was strongly applied to governments of numerous nations. The campaign for a nuclear freeze and disarmament has left the boundaries of Vermont and leapt across the world into Europe and the Soviet Union. However, persons campaigning in the Soviet Union have a more difficult time since there is no freedom of speech or press to protect their rights.

Not only has freedom of speech affected America's people, but also its businesses. Freedom of speech allows for advertising of the corporations' products or services. A business can advertise in a limitless number of places using the type of advertising it chooses. Full-page ads can be placed in the newspapers or air time can be purchased on

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[6] Aric Press, "The Court Vetoes the Veto", Newsweek, vol. CII (4 July 1983) p. 16.

[7] Ibid., p. 18, Norman Ornstein.

[8] Robert Sherrill, "Why They Call It Politics," New York, Harcourt Brace Jovanovich, Inc., 1974, p. 20.

[9] Adrian A. Paradis, "Government in Action," New York, Julian Messner, Inc., 1965, p. 20.

[10] Op. Cit., "Why They Call It Politics," p. 19.

[11] *Op. Cit., The Reins of Power*, pp. 40, 41.

radio and television to expose the world to the businesses' products or services.

Freedom of speech can be misused in advertising just as well as it can be abused by the general public. Rival companies sometimes use advertising as a method of destroying their competition by lying about each others products. However, advertising—and other Commercial speech"—is limited by the First Amendment in order to protect the rights of others. Again, freedom of speech can be used to the extent that it does not infringe upon the rights of other people. But when used properly, the First Amendment rights of freedom of speech and press can benefit a company in advertising.

Entertainment is another field in which freedom of speech and press is used. Producers have the right to create the type of movies they wish. Thay are, however, voluntarily limited to whom they may show the movies by the rating placed on them by a private group, the Motion Picture Association of America.

Publishers also have the right to print the material they wish to in books or periodicals. Their rights of publishing are restricted by the fact that they can only print that which does not infringe upon the rights of others, and that a publication that does infringe can result in a lawsuit.

The freedom to freely express oneself is a right that can not be overlooked because it is also a responsibility. It is the responsibility of any person knowing information that could be vital to the wellbeing of others to use their freedom of speech to make sure the information is known. It is the responsibility of a person to share information with others using any means that is possible. In some cases a meeting of those affected would work, but other times nationwide speeches, books, newspapers, radio or television need to be considered. President Reagan's address to the nation is one example of freedom of speech being used to fill the responsibility of informing the United States citizens of his plans. Senator Leahy fills his responsibility through information contained in newsletters that are sent to all Vermonters.

The numerous toxic waste dumping sites were one important item that was made known to the public through freedom of speech. Radio and television broadcasted reports concerning the locations and the dangers of toxic waste sites, while the newspapers printed information about what government officials were doing to solve this increasing problem.

America's citizens use freedom of speech to lobby Congress in order to enforce the present laws against dumping of toxic wastes and to toughen the laws so no more waste sites will be created.

Voting is another part of the responsibility of freedom of speech. It is the obligation of United States citizens to vote for government leaders and on vital issues once they have been informed. By reading newspapers and documents concerning the topic to be voted on a citizen can better perform his duty of voting. In addition to using other rights secured by the Constitution, when voting, a citizen is using freedom of speech to inform the public of which candidate he feels is qualified or which side of the issue he is taking.

Electing a President is one of the major responsibilities of all voters. Every four years citizens have the opportunity to use their freedom of expression by voting for the presidential candidate they feel will do the best job. In past elections the winning candidate has won by receiving less than fifty percent of the votes. This could easily be changed if more of the citizens who claim that their vote makes no difference would vote.

Once a candidate is found for public office, the responsibility of the citizen does not end. If the new governor or congressman is not doing the job properly, the public needs to be informed so that changes can be made. The citizen who disagrees with an action being made by a public official should also use his freedom of speech to inform the public of his opinions.

Twenty years ago the Supreme Court ruled against prayer in public schools because it violated the First Amendment right of freedom of religion. Since it is prohibited for Congress to make a law respecting the establishment of religion, it could not force schools to open each morning with a reading from the Bible. Now, the same issue is being rediscussed. Many people feel that school prayer is not a violation, and that the lack of it would violate the rights of students.

Whatever the case may be, the fight for First Amendment rights is still going on. Today's fights may be directed to the rights of different minorities, like homosexuals, but it always is a fight for justice. With the oldest national Constitution in the world still in use, the United States' First Amendment rights of freedom of speech, religion, and assembly are the most important and meaningful rights known to man.

THE FIRST AMENDMENT: WHAT IT MEANS TO ME AND HOW IT HAS AFFECTED MY LIFE

(By Sally Keefer, Runner-up, Woodstock, Vt.)

To me, the first clause of the First Amendment means that I have the freedom to belong to any religion I like and worship it however I please. I should not feel compelled by my government to chose any single one. I should not have to worship in school, for my school is a government supported institution. Because of this freedom, I have had the opportunity to attend different church services and to decide which religion, if any, is right for me. Even my parents respect my freedom to make my own choice.

The First Amendment also guarantees that I have the freedom of speech. It means that I have the right to speak my thoughts in public and to let people know how I feel about something. It means that even if people don't like what I say or they disagree with it, I am still under the protection of the law and may not be harmed for what I say. I realize that what I say must be reasonable and truthful. I may not falsely yell "fire!" inside a building full of people, for someone may get hurt in the panic. I also realize that I must not interfere with the rights of others, such as the right to peace and privacy in their own homes. I have exercised this right many times during class meetings and student council meetings in school. During these meetings, many controversial discussions arise and everyone gets a chance to speak his or her opinion. I have told people exactly how I feel about the issues we bring up, and in some cases they listen and agree.

Also under the First Amendment, the press has a certain freedom to print and sell whatever it pleases. It may print anything, but what it prints must be truthful. It may also print information about our government. I believe that this is very important. It gives the people of our country a chance to learn things about the government that the government would not necessarily come right out and tell us, whether it be bad news of something worthy of praise.

The First Amendment also guarantees the freedom of the American people to petition. This means that if I am not happy with the government or something that the government has done, or have a suggestion to make, I start a petition to gain support for my position. I may then present the petition to the proper government official who must then read it. This does not mean that the government has to do something about it, but it must read and consider the point brought forward.

The First Amendment also gives the right to assemble and organize a group. Many times a person will come up with a good idea but can't do much about it alone. Everyone knows that there is power in groups. The Constitution gives me the right to assemble a group to get something accomplished. The Student Council is one group that I have joined to get things done. We represent the student body and as a group, we influence the School Board and faculty in their action. The student body comes to us with its complaints and suggestions, and we in turn devise a solution and carry it out.

The Student Council has made many attempts to change things in the school system. We didn't exactly petition, but we write letters to the principal and to the school board requesting that they consider changing the final exam policy. As it turned out, the School Board did consider our proposal but turned it down. This is still a good example of the use of the First Amendment under the freedom to petition.

We also had a problem with the discipline in our school and the Student Council decided to do something about it. I was sent to the principal as a representative of the Student Council. I informed him of the problem and how the students felt about it. I also proposed a solution to the problem, which he gladly accepted. This was our solution:

MEMORANDUM

To: All Members of the Faculty.
From: The Student Council.
Re: The Problem of Smoking and Unpleasant Conditions in the Bathrooms.
Date: May 11, 1983.

DEAR FACULTY MEMBERS: We have received a number of complaints about the conditions of the bathrooms, particularly the girls' bathrooms in the senior high wing. There is a lot of smoking going on in there, which gives it an unpleasant smell and an uncleanly appearance. We believe that a bathroom should not be a place that students should have to avoid, and that something should be done about the problem.

We would like to ask that you (especially the ladies) please go in there on a regular basis and check to see that no one is smoking. It is against the discipline policy to smoke in the building, and the penalty on the first offense is immediate suspension.

We hope that through a stricter enforcement of the rules, the problem should cease to exist.

Thanks for your help.

Sincerely,

THE STUDENT COUNCIL.

The principal told me that he was glad that we did this. He said that he had tried to get the faculty to check the bathrooms regularly, but many of them refused because they didn't like the task of suspending

people. When the faculty found out how the students felt and saw that we were willing to do something about it, they were willing to help out. Since this letter was sent out, the problem has gotten better. This is another example of the advantage of the freedom to assemble and to petition and how it can work.

The First Amendment was added to the Constitution of the United States of America, because it is a very important part of the American way. Its purpose is to give the people the rights that their ancestors came here for. It guarantees these certain liberties so that the government may stay a "people's government."

I believe that the First Amendment is a very important part of my life. It affects me almost every day. I am very lucky and thankful to have these rights. I will be attending the Green Mountain Girls State Program this summer and will hopefully learn how to become a better citizen.

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THE MEANING AND IMPORTANCE OF THE FIRST AMENDMENT

(By Christopher Fleury, runner-up, Burlington, Vt.)

The First Amendment to the Constitution of the United States is perhaps the most important, and taken-for-granted foundation of American society. Americans reap the benefits of the First Amendment on a daily basis, too often forgetting how fortunate we are such an amendment exists. Many people do not stop to think of the profound impact on our lifestyles the absence of those 45 words would have.

Since its inception nearly two centuries ago, many disputes have revolved around the First Amendment, as people with varying interpretations of it have tried to manipulate it according to their understanding of its meaning. It is inevitable that the paragraph in the Constitution in which some of our most cherished rights are secured would spark a never-ending debate as to its application to modern-day life.

When the Constitution was written in 1787, and the Bill of Rights in 1789, they were written according to the needs of the 3 million people living in the young agricultural nation. But as it expanded and evolved into a world superpower in many respects, that is 225 million people strong, interpretational updating of the First Amendment became necessary.

As new problems and challenges continue to surface in our democracy, new understandings of the First Amendment will always be needed to replace the increasingly outdated application to conditions in 1789. Because such a sacred amendment is viewed from different perspectives by so many people, the Supreme Court is overworked in dealing with the First Amendment cases. However, as time-consuming and at times frustrating those disputes about the meaning of the First Amendment are, they are rewarding exercises of Constitutional principles that are made possible by the First Amendment itself.

A fundamental principle of American society that is stated in the First Amendment is the ability to discuss beliefs with other citizens and express political opinions to the elected representatives who are to execute them. Without the freedom to speak with only minimal inhibitions, society would be robbed of its most democratic resource: ideas. While other countries are devastated by the lackluster morals of its populace, the First Amendment has helped the United States avert this problem. People do not feel frustrated, because they have an outlet for their complaints, and they have the ability to use their democracy to alter unsatisfactory conditions.

Because religion holds a sacred place in the hearts of many people, it is imperative that the First Amendment continue to protect the free exercise of religion. The freedom of religion clause ensures that all religious expression will be voluntary, and each person's spirituality will be respected equally and not be restricted.

The freedoms of speech and press included in the First Amendment are the basic principles that guarantee all the diverse viewpoints and interests a forum. Too often, people watch the evening news and read the morning newspaper and do not realize how privileged they are to take advantage of the work of independent journalists who are free to supply their patrons with whatever type of reporting they want.

Not too long ago, the Congress was discussing the issue of a nuclear arms freeze, an issue which was brought to national attention becuase of a grassroots effort utilizing its First Amendment rights. On the steps of one side of the Capitol a group demonstrated its support for a nuclear freeze, while on the other side of the building a group lobbied in support of President Reagan's defense policies. This was a textbook example of the First Amendment in action. People of both persuasions on the issue being discussed that day simultaneously exercised their right to peaceably assemble.

The final clause in the First Amendment enables citizens to petition their government for changes in policy that better suit the needs and desires of the people. While it is assumed that the victorious candidate will pursue the issues that dominated the campaign once in office, it is possible that people will change their demands on that official midway between elections. This clause of the Amendment allows people the right to demand officials to amend their policies if the majority of his or her constituents feels the official is unrepresentative. While the regularly scheduled elections are the most systematic method of sending a mandate to the government, it is important that the First Amendment recognizes the need for people to use other methods of petitioning to persuade their representatives to be accountable, regardless of how soon the next election is.

Unfortunately, but inevitably, many people have exploited the First Amendment by quoting it in justification of their unsavory actions. Such abuses do tarnish the First Amendment, but not to as great an extent as any attempt to restrict a particular person's or group's access to the freedoms it grants. Any misuse of the First Amendment is in the eyes of the beholder, and in order to avoid leaving the door open to the possibility that the positive benefits of the First Amendment would be sacrificed by arbitrary censorship, such abuse must be tolerated.

It is the duty of our elected officials, our judges, and every citizen to ensure that nobody's First Amendment rights are censored in any way, because as Professor Alan Dershowitz of Harvard University once wrote, "to advocate censorship is to choose not to be able to choose at all."

The First Amendment has played a major role in the development of this nation, and it is too vital to be spoiled by becoming an arbitrary tool for censorship.

THE DOCTRINE OF SEPARATION OF POWERS: A VITAL COMPONENT OF U.S. SOCIETY

(By Birgit Grimlund, Iowa)

"The major problem of human society is to combine that degree of liberty without which law is tyranny with that degree of law without which liberty becomes license."—Heraclitus of Ephesus

The answer to the above problem is, in essence, what has challenged statesmen for centuries. Law, characterized by government, inherently conflicts with individual liberty; yet, without mutual coexistence, disorder results—either in the form of anarchy or tyranny. Good government must, therefore, contain some mixture of liberty and law so that neither dominates. This leads to the fundamental question: What is the proper mixture to insure the best system of government? Over the centuries, numerous systems of government have been proposed and debated in an attempt to address this question.

Today the debate concerning one such system, known as the doctrine of separation of powers, still continues and questions the very foundations of our Constitution. While the average American may view the discussion as purely intellectual and only of interest in scholarly circles, he/she is gravely mistaken. The nature of government as it is today and as it affects us is directly related to the guidelines in the Constitution based upon separation of powers. Criticisms, ranging from an ineffective foreign policy to an uncontrollable budget, find their root in the doctrine of separation of powers; few Americans would deny their importance. Yet despite many criticisms and allegations that the doctrine is no longer more than just a phrase, experience has shown that it remains the best system available and major Constitutional changes to it would not be in the best interests of Americans.

Basically, the doctrine, as developed in America by the Founding Fathers, consists of a separation of the three major functions of government, executive, legislative, and judicial, in order to limit the power of government. In its purest form, this theory of government restricts each branch to its respective functions and contends that simply by existing the branches will temper each others' power. However, this provides no active method of control should one branch overstep its realm of power. The Founding Fathers modified the "pure doctrine" in our Constitution by introducing a companion theory of checks and balances which today is virtually synonymous with separation of powers. Through a wide variety of checks and balances, including judicial review, Presidential veto power, and legislative approval of governmental appointees, the

three branches can actively restrain the other branches and consequently, prevent a concentration of power. The obvious value of this is, of course, the prevention of totalitarian rule.

The doctrine of separation of powers had its origins in England during the 17th and 18th centuries. It evolved from an older theory of mixed government which contended that all major interests in society must be involved in the functions of government together to prevent any one from controlling another. During this time, the English government developed three separate branches, the monarchy, House of Lords, and House of Commons, although their functions remained essentially the same. Gradually, however, the monarchy came to mean the executive power, and the Parliament concerned itself with legislative matters.

The real boon which increased the influence of powers came in 1748 with the publication of Charles Louis de Secondat, Baron Montesquieu's book, "De L'Esprit des Loix" (The Spirit of Laws). Previously, the doctrine had been purely English in nature, but with Montesquieu's endorsement, it was transformed into a universal criterion for successful government.

Great statesmen of America's early history were influenced by Montesquieu's work and incorporated the doctrine of separation of powers into many of the origial states' constitutions. The Constitution of Virginia, ratified on June 29, 1776, was a prime example when it stated, "The legislative, executive and judiciary departments shall be separate and distinct so that neither shall exercise the powers properly belonging to the other . . ." However, most states modified the "pure doctrine" in some way such as with a bicameral legislature or executive veto; the experience of states which did not modify the doctrine showed that the "pure doctrine" led to a dominant legislature and an extremely weak executive.

Because of this experience and tradition of separation of powers, by the time of the Constitutional Convention in 1787, most members already trusted in the main tenets of the doctrine of separation of powers. As John Adams said, "It is by balancing each of these three powers against the other two, that efforts in human nature toward tyranny can alone be preserved in the Constitution." And indeed, this attitude expressed itself clearly in the adoption of a Constitution which delineates a system of three main branches. The Founding Fathers also realized that separation of powers alone would not insure a division of power, but tha additional measures to limit the powers were necessary. As a consequence, a system of checks and balances was also included within the Constitution.

Since our Constitution's inception, the three branches have varied in relative importance. Until the Civil War, the legislative branch was generally thought of as being predominant in influence. During the next half century, the courts, in turn, were considered dominant. Currently, the trend seems to be toward greater executive power; a rise signaled by President Franklin Delano Roosevelt's wide array of federal programs initiated during the Depression and expanded since. Many of the social, educational, and regulatory programs and agencies that make up the national government today have heads appointed by the President and under his control. And very recently, the executive branch was given a tremendous increase in power when the Supreme Court ruled that the legislative veto was unconstitutional according to the separation of powers doctrine in our Constitution. This procedure had provided a mechanism for Congress to block actions by the President and regulatory agencies with a Congressional vote. Congress had written the veto into over two-hundred laws, including legislation as significant as allowing some Congressional control over American troops abroad (War Powers Resolution of 1973) and legislation insuring that the Congressional budget is actually spent as appropriated (Congressional Budget and Impoundment Control Act of 1974).

Although the latest judicial decision on the separation of powers doctrine, as well as the doctrine itself, has been criticized, it is important to be aware of some potential consequences that are possible without precautions such as those embodied in the doctrine of separation powers. The horrors of the Third Reich in German are well-known, and few believe that such tyranny could occur in America. And hopefully nothing so blatantly despotic will ever happen again in a democratic society. Yet, the power of a very charismatic, dynamic leader or group of leaders should never be underestimated which is why the doctrine of a separation of powers is so precious in our Constitution.

Hitler's rise to power during the 1930's can be directly corresponded to defects in the German Constitution which effectively eliminated separation of powers. Under the Constitution of the Weimar Republic in Germany, the President could, in a national emergency, invoke Article 48 to suspend basic rights; although, the Reichstag could restrain the President if it so demanded. These rights included personal freedom, freedom of speech, freedom of assembly, and secrecy of communications. In addition, the Constitution allowed the President to dissolve the Reichstag and call for new elections at any time. Article 48 led to the downfall of a democratic nation when President Hindenburg appointed Adolf Hitler Chancellor. Hitler used Article 48 to influence elections by curtailing the right of assembly for opposition parties and outlawing the Communist Party and thus, gaining a working majority of 44 percent. Continuing using Article 48's power, Hitler then arrested all Communist members of the Reichstag in the name of national security. With the resulting majority, he passed a law which gave the executive branch the right to act upon Article 48 without check by the Reichstag; in effect, giving legislative authority to the executive branch and destroying separation of powers. This led to the totalitarian government headed by Adolf Hitler. It seems clear that a stricter Constitution which would have insured separation of powers might have prevented Hitler's rise to power legally, and perhaps, the insanity of his rule would not have occurred.

Another society which rejects the separation of powers doctrine, and should serve as a warning to us, is the Soviet Union. Andrei Vyshinsky, a leading authority on Soviet law, explains:

"From top to bottom the Soviet social order is penetrated by the single general spirit of oneness of the authority of the toiler. The program of the All-Union Communist Party rejects the bourgeois principle of separation of powers."

Undeniably, the result of this "oneness" is far less individual liberty for society. In the Soviet Union, all power emanates from the Communist Party in the Politburu which holds de facto power of making laws and enforcing them in other words, it controls legislative and executive power. In addition, the Party can review and check all judicial decisions which, in effect, also gives it judicial authority. The lack of separation of powers has cost a society many basic freedoms we take for granted.

These two examples of the Nazi experience and of the Soviet Union are important to keep in mind when proposing change to the Constitution and the doctrine of separation of powers. Without some degree of separation, power can become concentrated in one branch, and a gradual erosion of freedom can be the result; perhaps, this would include anything from regulations on businesses to restrictions on a women's personal freedom.

A major criticism of the doctrine of separation of powers is that the division between the executive and legislative branch prevents the Chief Executive from initiating a "balanced" program. Instead, policy originates from a wide array of sources with varied opinions that often conflict with each other. Consequently, critics contend that the resulting policies are simply a hodgepodge of solutions which are often redundant or conflicting and do not deal with problems in an efficient manner. Woodrow Wilson was particulary critical of the separation between the President and Congress because the powerful standing committees of the era diminished Presidental power. He proposed that members of the Cabinet would also serve as members of Congress, thereby, increasing communication between the branches, as well as increasing effectiveness.

Ideally, a coordinated, "balanced" program which would effectively deal with all the nations problems would be in the best interests of all Americans. However, what is a "balanced" program? In the realm of Presidential proposals, both Salt II and Reaganomics were touted as balanced programs; in either case, a significant percentage of the population did not perceive these programs as balanced and rejected them. And even assuming that there were much closer links between the executive and legislative branches, would a majority of Congress ever accept an entire program as "balanced" as long as there was even a semblance of democracy? Probably it would be impossible to create any program which addressed all the nation's problems in a coordinated manner, since it would never be entirely satisfactory to all.

Creating closer ties, such as with a Cabinet-style government as Woodrow Wilson proposed, would only run the risk of power being concentrated in, perhaps, the Cabinet. Possibly the majority of decisions would be made in the Cabinet and then echoed in Congress. Although it is tempting to opt for increased efficiency by decreasing the amount of decisionmakers to just the "good" decisionmakers, that is not the purpose of a democratic society. With the diversity of ideas in the United States, any major increase in ties between the branches would only concentrate power among a smaller group of people and diminish the representation of the diversity of ideas found in our society.

Specifically, a major problem which illustrates the lack or coordination has been the budgetary process. Each Congressperson is influenced by special interest groups located in his/her district, as well as each having a wide variety of different political philosophies. Some say increasing Presidential coordination by reducing the separation of

powers between the branches would solve the problem. However, why risk destroying a delicate balance of power between governmental functions that our forefathers devised, when there are numerous other options available which would not affect the basic political theory our nation was founded upon. At the city and state level, potential solutions are being exercised; many state governors have line by line veto power over the budget, and in many city governments, the legislative body cannot increase the monetary amount of the executive's budget proposal. And there is a proposed amendment to the Constitution, the Balanced Budget Amendment, which could potentially solve the budget crisis, if adopted, without affecting the foundations of the Constitution. All these are ideas that should be considered before reducing separation of powers and running the risk that entails.

James Wilson, Professor of Government at Harvard University summarized the doctrine of separation of powers when he stated, "To paraphrase Winston Churchill, the separation of powers is a poor philosophy, except in comparison with all others." There are flaws in any system, and there will always be problems facing a nation that make Constitutional change seem necessary. Before tampering with separation of powers, however, it is important to study all alternatives. It is difficult to find the best balance of liberty and law in any system of government, but the doctrine of separation of powers has achieved more than any other system of government and should remain precious to Americans today.

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Has Our Safety Valve of Constitutional Liberty Become Outdated?

(By Celeste C. Cook, 2d Place Winner, Iowa City, Iowa)

PART I

Our forefathers came to the New World with the hope of acquiring riches, land and personal freedoms. After achieving these goals, these voyagers felt something was lacking. Their need was a form of government. The main questions involved were: who would rule over the people and who would make laws and decisions? Different attempts were made at finding the right form of government. The Founding Fathers in the *Federalist Papers* specified they wanted to guard our liberty by preventing the accumulation of all powers into the same hands. "The great security consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of others. Ambition must be made to counteract ambition."[1] James Madison stated in the *Federalist Papers*, "If men were angels, no government would be necessary."[2] John Adams, in *The Life and Work of John Adams* revealed, "It is by balancing each power against the other two that tyranny alone be checked and restrained and any freedom preserved in the Constitution."[3] With knowledge, wisdom, and incite these men and additional inspirational leaders created the Constitution.

The first three articles of the Constitution reveal the doctrine of the separation of powers. Article I states that all legislative powers shall be vested in Congress. Article II provides for the executive power in government. Article III reveals the judicial power of one Supreme Court and inferior courts. The principle of the separation of powers was contained in the Declaration of Rights in the Massachusetts Constitution of 1780 where it was stressed that, "This should be a government of laws and not of men." Six of the original states affirmed the doctrine of the separation of powers. Today this concept is approved by 40 state constitutions.

There are three branches of government that arise from the separation of powers: the executive, legislative, and judicial. The executive branch has many functions: initiating policies, although Congress often proposes legislation; recommending legislation, but only a member of Congress can introduce a bill that embodies a law; reporting to Congress on the State of the Union; recommending laws be considered necessary and expedient; convening and adjourning Congress in special sessions; appointing ambassadors, ministers and consuls to represent our country abroad; conducting foreign relations; reducing and adjusting tariffs; and nominating federal judges and other public officers. A large number of public offices can be filled by the President alone. Officials named by the President may be removed at will unless protected by Civil Service. Those confirmed by the Senate have special immunity unless removed by an Act of Congress. The President has the power of pardon or reprieve. He is also commander-in-chief of the army and navy. Control by the executive branch is not unlimited. There are some matters that must be confirmed by the Senate.

The legislative branch is involved with many duties: making laws; levying taxes; raising revenue; controlling broad powers of investigations; and participating with its committees in various executive sessions. However, this last function has been disputed in the past and just recently. In 1944 Congress provided that the Navy shouldn't undertake certain construction without the approval of congressional committees. This was an example of the struggle for power by the legislative branch at the expense of the executive branch. Truman, Wilson, Hoover and Eisenhower were all former Presidents who vetoed bills such as this one saying they violated the doctrine of the separation of powers. According to Dagehot, in The English Constitution, "A legislative chamber is greedy and covetous. It acquires as much. It concedes as little as possible—it will take the administration if it can take it."[4] Thomas Jefferson also felt that "the tyranny of the legislative is really the danger most to be feared."[5]

On Thursday, June 23, 1983, the Supreme Court made a crucial separation of powers decision by banning the use of the "legislative veto" to check executive decisions. By a six-to-three vote Congress can no longer rely on this device to set aside government regulations to Presidential orders. The one-house veto and the two-house veto allowed Congress to exert more influence on rule-making by the executive branch's agencies. The Court decided it was not the Founding Fathers' intention to give Congress that much power. The only Constitutional procedure was to have proposed laws passing through both houses of Congress and then be signed by the President. If the President decides to veto, a ⅔ vote in each house is needed to overrule the veto within a ten day period. the two-house veto recently involved President Reagan's proposed sale of AWACS radar airplanes to Saudi Arabia. The President should execute the laws that Congress enacts in the manner which he decides is most feasible. This is a Presidential prerogative. "The restraints on legislative departments are more numerous than those on the executive because of the broad sweep of powers granted the Congress by the Constitution."[6]

From Article III, Section 1 of the Constitution comes "the judicial power of the U.S. in one Supreme Court and inferior courts." James Wilson, one of the authors of the Constitution, spoke of the evils of a union of legislative and judicial powers—also of the executive and judicial power being united. The judicial branch has the power to interpret and apply the laws. Independence of the judiciary is protected by making the removal of the judges difficult. This is a reality which some see as a real concern for our government. Also federal judges cannot receive diminished compensation while still in office.

In discussing the value of the three branches of government, Lawrence N. Silberman, former deputy attorney general states, "I believe today, as people believed 200 years ago that the separation of powers doctrine is an enormously important protection for American citizens. It makes it difficult for the government to accrue power, a potential threat to the well-being of citizens."[7]

PART II

This section of my paper will deal specifically with the question, "Has the doctrine of the separation of powers, our safety valve of Constitutional liberty, become outdated? Several frustrations in domestic and foreign affairs plus a desire to have a more efficient government have renewed the question of whether the separation of powers still works. Lloyd Cutler, former counsel to President Carter, states, "If we believe that government should do the very least possible in domestic and foreign affairs, the framers had a good system for doing that!"[8] Cutler also feels that this separation is an "anachroism" and definitely needs revision especially between the executive and legislative branches of government. He would support fusing these two branches and thus creating a greater power. Cutler continues by saying, "The President and elected majority in Congress should share the same political fate and take joint responsibility for forming a balanced program carrying it out or living and dying politically by the results."[9] He definitely wants to prevent any "deadlock of democracy." Cutler supports a constitutional convention with the purpose of dealing with the separation of powers.

Henry Brandon, Washington Bureau Chief of the London Sunday Times agrees that a reform of the present American political system is needed as it is one of the oldest and least changed in the world. He reveals, "The office held today by the Amer-

[1] Footnotes at the end of article.

ican President is far more like the office held by President Washington than that held by Queen Elizabeth II is like that held by George III." [10]

Senate Republican Howard Baker would like to see an official liaison Presidential officer on Capitol Hill. The cabinet members of the houses would then meet at regular intervals to answer questions about executive policy.

There are some individuals who feel strongly that the United States should switch to the parliamentary form of government. With the American system of power distribution there is an institutional independence of the Presidency, freedom of representative assemblies and constitutional separations. With the parliamentary cabinet there is a deliberate integration of legislative and executive leadership. The parliamentary system exists in England, Australia and India. However, in the United States, "No person holding any office under the U.S. shall be a member of either House during his continuance in office." [11] Former President Woodrow Wilson was one who denounced the absolute power of the committees of Congress and the political parties to which the majority in Congress owed allegiance. He supported a cabinet government.

The concept of the separation of powers has often been considered "The most hallowed concept of constitutional theory," and "The very character of the American political system." [12] James Q. Wilson, professor of government at Harvard said, "The separation of powers has brought about the capacity to engage in great national commitments where emergencies arise and has permitted a union to be created out of great diversity by providing separate Constitutional places on which individuals could focus loyalties." [13] Wilson believes strongly that there are no simple changes in the Constitution. Also that the British parliamentary system could not be applied in the United States because of the diversity of our society.

In addition to the suggestion of changing to a parliamentary type of government, there is a recommedation that there should be four coordinating government branches—congressional, presidential, judical and administrative. The point being that Presidents come and go but continuing officials of the administrative bureaucracy remain. There are separate presidential and administrative forces and the bureaus and the agencies have their own political sources and act independently of Presidential wishes. Agency administrators are responsible to the President, Congress, their clients, staff and themselves. They have five masters. [14]

With the Civil Service Act this created a dichotomy within the executive branch between the career and non-career administration. With the non-career people their work span is often four years, but with top Civil Service administrators their experience record can be twenty years or more. They obviously show less partisanism.

Some politicians feel "It is the agency heads, not the President, who have the men, money, material and legal powers." [15]

CONCLUSION

The United States is admired by countries all over the world. We are looked upon as a great nation because of our prosperity, fairness, values and ability to relate to others. The separation of powers makes these qualities possible when the branches of government work within their limits. Our executive, legislative and judicial branches learn to work together through our checks and balances system.

Some people feel we should change our way of government, but if it has worked this long it will continue to serve the people. I feel our safety valve, the separation of powers, has worked successfully in the past and will bring our country more honor and happiness in the future.

FOOTNOTES

[1] Forum, A.E.I., "President vs. Congress—Does The Separation of Powers Still Work?", page 1.
[2] Douglas, William O., *The Anatomy of Liberty*, page 54.
[3] Douglas, opus cited, page 54.
[4] Ibid, page 84.
[5] Ibid, page 85.
[6] Douglas, opus cited, page 84.
[7] Forum, A.E.I., opus cited, page 3.
[8] Ibid, page 9.
[9] Ibid, page 10.
[10] Ibid, page 3.
[11] Douglas, opus cited, page 55.
[12] Merry, Henry J., *Constitutional-Function of Presidential-Administrative Separation*, page 24.
[13] Forum, A.E.I., opus cited, page 5.
[14] Merry, opus cited, page 25.
[15] Merry, opus cited, page 10.

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THE SEPARATION OF POWERS DOCTRINE—A DISCUSSION OF ITS ORIGIN, PERFORMANCE, AND POSSIBLE REVISIONS

(By Jerald Lee Bogart, third place winner, Iowa)

In this essay, I will discuss the separation of powers doctrine in three manners. The first will be to present the background of the doctrine and the form which is used in the United States Constitution. The second will be to analyze the doctrine, as used in our Constitution, after two hundred years of experience. The final manner will be to present my views on the subject of whether the Constitution should be amended in the area of power separation.

The idea of separating government into distinctive branches can be traced back to Aristotle. In his book, "Politics," he advocated a tripartite division of powers into deliberative, executive, and judicial elements. His proposal differs from our system in that his deliberative branch was not a true legislature and his judicial branch consisted of a system of lower courts. Despite these differences, it is clear that Aristotle is the father of power separation.

In "The Spirit of Laws," in 1748, Baron de Montesquieu expanded upon Aristotle's theory. Montesquieu wrote, ". . . it is necessary from the nature of things that power be a check to power . . . In every government there are three sorts of power: the legislative, the executive, and the judiciary . . . When the legislative and executive powers are united in the same person or body of magistrates, there can be no liberty . . . Again, there is no liberty if the judiciary power be not separated from the legislative and executive."

The delegates to the Constitutional Convention were heavily influenced by their own experiences and fears, as well as by these philosophers. The suggestion that the powers invested in government must be balanced was reinforced by two things. The first was the oppression of the colonists by powerful British governors. The second was that the colonists felt legislatures often acted hastily, and thus in an unwise manner, when under emotional pressures. Cynics contend, however, that the true reason for the use of separation of powers was the distrust between the delegates who supported states' rights and those who favored a strong national government. Whatever the reason, or combination of reasons, the idea of dividing the responsibilities of government found its way into our Constitution.

How are the powers separated in the Constitution? Each branch is assigned duties, which are the responsibility of that branch only, as follows:

The legislative branch (Congress) is granted the power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare, and many other specified duties.

The executive branch (President) is responsible for executing the laws, making of treaties, and serving as commander in chief of the armed forces.

The judicial branch (Supreme Court) shall have authority in all cases arising under the Constitution, laws, and treaties of the United States.

All responsibilities not designated to a federal branch are to be the domain of the states. A system of checks are also included to keep the balance between the branches. The major provisions are as follows:

Legislative vs. Executive—The President may veto legislation, but Congress can override the veto and the measure becomes law.

Executive vs. Judicial—The Supreme Court may rule that a Presidential action is unconstitutional. The President appoints members of the Court when vacancies occur.

Legislative vs. Judicial—The Supreme Court may rule that legislation is unconstitutional. The Congress controls the number of members of the Court and their salaries.

In order to determine the success or failure of separating the powers of government, the purpose for such a system must be looked at. The reason for dividing the responsibilities is to prevent the accumulation of power by a person or group. The means to this end are constant conflicts between the branches through the system of checks. George Will, in "Statecraft as Soulcraft," best described the purpose of our safeguards when he wrote, "All this is designed to channel and manipulate self-interestedness into a social equilibrium."

Has the Constitution succeeded in preventing power from gathering in one branch? The answer to this is a qualified yes. The qualification is that this success has been achieved through trial, error, and necessity instead of explicit directions in the Constitution.

The Constitution was probably sufficient for a country with three million people. The United States, however, has exploded to approximately 234 million citizens. This expansion and the fact that the Constitution has not been changed with respect to the powers designated to the branches have combined to make this portion of the Constitution obsolete. The demands of this growth have forced the branches to create

powers for themselves which were not accounted for in the Constitution. This creation of power, in itself, is not bad. In fact, some of the additional powers have been of great benefit.

It can safely be said that no branch is excessively more powerful than any other. One branch may be slightly more dominating than the others at this moment, but the checks on it by the other two will bring it back into equilibrium. This balance, however, would not be so easily kept if our government was exactly as the Constitution said it should be. The Constitution, in this area, had one major flaw. It made no part of the government responsible for the interests of the nation as a whole. The members of Congress were to be more concerned with their constituencies than with the nation. Since these concerns often conflicted, the Congress could not be relied upon to serve as a caretaker of the national interest. The President was only to be an enforcer of the laws and a representative to foreign states. In practice, the President found it necessary to become responsive to the needs of all the people. As a result, the President became a major source of legislation pertaining to the entire country. This is probably the most beneficial expansion of power which has occurred. Without it, as the Constitution is, our nation could not have survived as a union. The United States would have broken into many regions with more closely related interests.

I will now present my views on the subject of amending the Constitution. It is important to leave the checks exactly as they are. They are the foundation on which our current government is based. To try to improve upon them would be to risk what we have already achieved. I feel that the current balance between the branches is ideal. However, since our government is not that which the Constitution outlines, it is necessary to bring the Constitution up to date. An amendment to redefine the powers of the branches to reflect their actual condition is needed. The duties assigned in the Constitution should represent the current situation rather than those which were deemed necessary over two hundred years ago. This would mean increasing the power of all the branches, especially those of the President in the area of national responsibility.

Once the Constitution is updated, another two hundred years should not pass before we make additional adjustments. It is important, though, that the government be stable after any changes which occur in the future before those alterations are made. This is in reverse order of the proper way to increase the powers of government. It must be realized, though, that no Constitution can anticipate the future in terms of governmental responsibility. Therefore, the government should adapt to the new situation as it has done in the past. Once the government is settled and it is realized that this is a permanent transformation in our government, then it should be added to the Constitution. This procedure is necessary because it is unwise to amend the Constitution, only to find out that it is a temporary requirement of our dynamic society. We must also guard against attempts to "overhaul" the Constitution. The present one has served its purpose of guaranteeing the freedom of the people. It would be foolish to make drastic changes, for the risks far outweigh the rewards.

I think it is important that we use the convention provision for the purpose of amendment. The reason for this is to provide our leaders with the opportunity to take part in a convention so that they would know what to do if an emergency required changes in the Constitution.

In conclusion, the bases for separating the powers of government were the writings of Aristotle and Montesquieu. The delegates adapted the doctrine to their experiences and fears in framing the United States Constitution. The Constitution has succeeded in forbidding the accumulation of power in a single branch but should not receive all the credit. The best thing we can do is redefine the powers of the branches into the form which they presently exist. The system of checks should not be changed. Finally, the best way to amend the Constitution is by convention because of the valuable experience it would provide.●

ADVANCE NOTIFICATIONS OF PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that two such notifications have been received.

Interested Senators may inquire as to the details of these advance notifications at the offices of the Committee on Foreign Relations, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., October 6, 1983.

DR. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

WALTER B. LIGON,
Acting Director,
Defense Security Assistance Agency.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., September 28, 1983.

DR. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Northeast Asian country tentatively estimated to cost in excess of $50 million.

Sincerely,

WALTER B. LIGON,
Acting Director,
Defense Security Assistance Agency.●

ON THE PASSING OF TERENCE CARDINAL COOKE

● Mr. D'AMATO. Mr. President, I rise this afternoon to express my heartfelt sadness at the passing of Terence Cardinal Cooke.

It is no wonder that Catholic and non-Catholics alike feel as if a member of the family has been lost with word of the passing of Terence Cardinal Cooke. His genuine affection for people, regardless of religious affiliation, touched the hearts of millions in New York and around the world. His flock included everyone.

With easy grace and an unaffected style, Cardinal Cooke provided spiritual inspiration and encouragement to New Yorkers for the better part of 38 years. Those who first knew him, as a parish priest in the South Bronx. In the late 1940's soon realized that Father Terence Cooke was very special.

Cardinal Cooke epitomized the qualities that history has taught us to make a great spiritual leader.

He shared that uncanny ability to communicate to any and everyone he came in contact with and to let people know he truly cared.

His openness and the way he shared his thoughts with others made you want to listen and understand more.

While practicing a ministry extending well beyond the Catholic Church, the cardinal demonstrated a special love for children, the elderly and the handicapped.

He never hesitated to help those who were less fortunate than others.

If one had a problem, Cardinal Cooke shared it with you and made you feel it was his problem, too.

He strove to follow the example of Christ, and in so doing, set the high standards for his own ministry, one that stands as an example to us all.

A man of great strength and power, the cardinal was more known for his gentleness and humility.

He not only could put people at ease but would instill in them a great confidence to tackle problems head on. Through his own inner peace and strength, he encouraged many.

His spiritual leadership was matched by the practical leadership he brought to the church. Under his stewardship, New York Catholic charities distributed more than $74 million of funds and services to the needy and construction was completed on five nursing homes for the aged.

Because of him, there has been greater participation in the church by lay ministers and a concerted effort to reach out to New York's large black and Hispanic communities.

Cardinal Cooke was the conscience of New York. He taught us to love one another and to dedicate ourselves to helping each other. Even in his final months, fully cognizant of the seriousness of his own illness, the cardinal dedicated himself to others.

In what was to be his last public appearance in August, his own problems took a back seat to the love and care he demonstrated for the mentally retarded and deaf children of the Project Hands program at Cardinal Spellman High School in the Bronx. He taught us that on Earth, God's work must truly be our own.

Terence Cardinal Cooke was special and those of us who were fortunate enough to have known him were genuinely touched by the way he demonstrated all the principles of Christian charity in his daily life.

Cardinal Cooke will be sorely missed.●

NIKOS KAZANTZAKIS

● Mr. TSONGAS. Mr. President, the week of October 10–16, 1983, will mark the centennial birthday celebration of the renowned Greek author Nikos Kazantzakis. In Massachusetts a committee has been organized to sponsor various cultural and educational events to commemorate Nikos Kazantzakis' contributions. Among the highlights will be exhibitions, cultural celebrations, and a lecture entitled "Kazantzakis and Freedom" by the author's widow, Helen. On October 13, Gov. Michael Dukakis will officially proclaim Nikos Kazantzakis Week in Massachusetts.

Nikos Kazantzakis, who died in 1957, is recognized throughout the world as a philosopher, poet, novelist, playwright, and essayist. He expressed the universal struggle for human dignity. As a champion of freedom, truth and social justice, he was awarded the 1956 Peace Prize in Vienna.

In his art, Nikos Kazantzakis made creative use of his extensive travel. His works reflect an energy and sincerity that have enriched the lives of peoples throughout the world.

Greeks from ancient to modern times have been bound by common beliefs in a strong family, in education, and in respect for human rights. The Greek people have struggled continually for independence, social justice, peace, and intellectual freedom. These very beliefs are deeply rooted in Greek thought. Nikos Kazantzakis firmly held to these beliefs. He fought with the power of his pen for freedom and peace.

We Greek-Americans are very proud of Nikos Kazantzakis. During the week of October 10–16, many of us will pause to honor this remarkable man. We hope that those Americans who cherish his works and philosophy will join us in this celebration.●

FORMER SENATOR HARRY FLOOD BYRD, JR., ADDRESSES SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

● Mr. WARNER. Mr. President, on June 21, my distinguished colleague and the longtime senior Senator from Virginia, Harry Flood Byrd, Jr., addressed the National Congress of the Society of the Sons of the American Revolution in Atlanta, Ga.

Senator Byrd, himself a member of the Sons of the American Revolution, spoke on several important and timely concerns with which we are concerned in this body. Senator Byrd and I enjoyed sitting together as members of the Senate Armed Services Committee, and my deep respect and admiration for his character and his opinion deepens each year.

I would like to share with my colleagues now some of his wisdom and insight into several issues currently before us. A great fiscal conservative, Senator Byrd stressed the importance of his well-remembered and much-needed cautions regarding the expanding national deficit, a concern that I certainly share.

Senator Byrd also offered his perspective on the sensitive situation in Central America. He gained firsthand insight on the struggle going on in many parts of Central America through his trip to the Nicaraguan-Honduran border. Mr. President, I believe his points are well worth review.

I ask that Senator Byrd's speech be printed in full at this point in the RECORD.

The speech follows:

SPEECH BY SENATOR HARRY F. BYRD, JR. TO THE NATIONAL CONGRESS OF THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

I am greatly honored to be invited to address the National Congress of The Sons of the American Revolution.

Meeting with this fine group so dedicated to the ideals and principles of the American Revolution brings to mind how remarkable it is that this nation has survived two centuries of upheaval and transformation with its basic principles largely intact.

In this same period, the world has seen the collapse of Europe's monarchical system, the rise and fall of various emperors, kaisers and czars and the advent of fascist and communist totalitarianism.

Yet America has remained true to the democratic ideals proclaimed in 1776—ideals proclaimed by men who entrusted the fate of this nation to the collective wisdom of the people. Their new republic was widely ridiculed 200 years ago. But surely history has vindicated their faith.

The United States of America is 207 years old. No democratic republic in human history has endured as long.

Perhaps that is because democracy is the hardest form of government to sustain. It requires an uncommon degree of wisdom, patience and participation from the people, from whom all power flows. It is often a slow, arduous, maddening and dangerous way to run a country.

But if democracy is unruly and awkward, its legitimacy is not in question. What communist state, buttressed by secret police, fear and intimidation, can say the same?

The Founding Fathers, of course, were not the first to realize that democracy is a different proposition. The ideal of self-rule has classical origins, and I believe the Greek philosopher Plato accurately captured its spirit. He described it like this:

"Democracy, is a charming form of government, full of variety and disorder, and dispensing a sort of equality to equals and unequals alike."

The great contribution to democracy made by those who fought the Revolution and by those who immediately followed—and the greatest proof of their genius—was their insistence on the supremacy of law. Upon this principle a Constitution and Bill of Right were built.

These laws hold our society together in adversity as well as properity. In the midst of change and evolution, these are the fundamentals which never change.

To keep our moral bearings in a changing world, we Americans must refer ceaselessly to these laws. And we must turn back to the vision of those men—Washington, Jefferson, Madison, Franklin and the rest—whose wisdom provides the nation with a noble and common heritage.

Remember that our nation was born in a revolution fought to free the colonies from the tyranny of King George III and the excesses of the British Parliament.

Bitter experience taught the American colonists in the 18th Century that remote and absolute power destroys all liberty.

Indeed, a deep mistrust of governmental power is a recurrent theme in early American history. According to James Madison, a chief architect of our Federal system: "All men having power ought to be mistrusted".

Another noted Virginian, Thomas Jefferson, agreed. He maintained that there must be strong constitutional provisions to prevent undue concentration of power in the government.

In a statement which I feel should be graven in stone in the Senate, the House of Representatives, the Supreme Court and the Oval Office of the White House, Jefferson declared:

"In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution".

In recent decades, we have seen the rise of a belief in more government power, a desire to loosen the restraints on those who wield power. It does not matter that those advocates or more government power have good intentions. What matters is that expanding

government control of our lives mean the erosion of our precious freedoms.

Let us recall the words of yet another Virginian, George Mason, who said:

"Let us never lose sight of this fundamental maxim, that all power was originally lodged in, and consequently is derived from, the people".

But how to preserve the power of the people? How to protect the citizen from the endless encroachment of government?

The answer, as Jefferson suggested in his eloquent plea for a strong Constitution, was the supremacy of law.

The fundamental laws fashioned by those far-seeing men in Philadelphia, have proven remarkably durable. We have survived a civil war and dozens of lesser challenges to our unity and our liberties.

But that does not ensure our survival in the years to come.

In order for this nation to survive, and indeed, prosper, in the coming years, we must rededicate ourselves to the lasting principles and "self-evident truths" upon which this nation was founded.

There is, indeed, a definite, long-term trend toward concentration of power in the central government—and that trend is dangerous.

President Reagan has clearly identified this trend and has made substantial progress in combating it. I hope that he will succeed in reversing the flow of power and that his Presidency will not turn out to be an aberration in an era of growing centralization. I am frank to say that I fear centralized government.

Turning once more to Jefferson, who foresaw so much of what was to come to pass in this country, we find that in 1821 he wrote:

"When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government to another . . ."

The centralization of the recent past has been costly in many ways.

It is costly in dollars, because the citizens pay twice—and heavily—for excessive federal regulation. As taxpayers, they pay the costs of the government's regulatory operations; and as consumers, they pay in price increases the expenses incurred by business in complying with the ever-multiplying volume of rules and regulations.

It is costly in good government because it transfers the center of decision making, even in such a traditionally local matter as education, from local officials to remote and faceless bureaucracies in Washington. And the farther government is from the people, the less responsive it is to the people.

And most tragically, centralized government is costly in human liberty, because the scope of decision open to individual citizens is steadily narrowed by the often arbitrary actions of remote officials.

As I said earlier, President Reagan, more than any other recent president, has recognized this dangerous trend and has done the most to stem it. He has made progress—but the battle is not yet won.

While fighting this battle at home, the President is leading a national effort to resist the infiltration of Communism into our own back yard, namely central America.

El Salvador is the current hot spot in a calculated, coordinated plan for Communists to take over one country after another.

Nicaragua, which adjoins El Salvador, is a marxist dictatorship. Cuba and Russia are furnishing that government both arms and money.

Nicaragua has the strongest military force in Central America. Last year I was in Honduras which borders Nicaragua.

The present Marxist government in Nicaragua is, I am convinced, committed to forcing its Marxism on both El Salvador and Honduras. If those two countries fall to the Communist orbit, Costa Rica and Panama are only a short distance away—as is Mexico.

So I agree with the President. It is very important that Nicaragua not be permitted to export its Communism to its neighbors.

In Honduras I was impressed with the fact that both the people and the government of Honduras are at once friendly to the United States and fearful of a Nicaraguan invasion. While I was at the American Embassy there word came that 103 Nicaraguan farmers had fled their own country and crossed the border into Honduras.

The Embassy asked me if I'd like to fly by helicopter to the area where the refugees were and interrogate them on conditions in Nicaragua.

I accepted (but after going to the airfield and seeing the dilapidated helicopter I must admit I had second thoughts). Nevertheless I flew to the Honduras-Nicaraguan border and spent the day talking through interpreters to the six leaders of those who had flew from Nicaragua.

The refugees described to me a society torn by economic deterioration, forced militarization and a relentless assault on human rights. The refugees said two of their number—a 12 year old boy and his 30 year old father—had been shot and killed by Nicaraguan militia during the pre-dawn escape. All of the refugees were farmers, some growing beans, coffee and corn and others raised cattle. The decision to flee was precipitated when the men of the group were given an ultimatum either to join the Sandinista militia and accept Communism or go to jail.

Conditions appear worse today than they were a year ago.

Communist takeovers almost invariably result in mass flight from the new terror that is imposed. Make no mistake: The strategic interests of the United States are very much at issue in the struggle in Central America. Another Communist take-over in Central America—and that is what Nicaragua, Cuba and the Salvadoran rebels aim at—would propel a tide of refugees through Mexico and across the Caribbean. Our social services and our economy would be severely taxed.

Yet there is a strong element in the Congress of the United States which is seeking to tie President Reagan's hands and prevent him from giving support to the governments of El Salvador and Honduras. There is the same type of thinking today on the part of the liberal news media and on the part of the liberals in Congress that prevailed 24 years ago when Castro took over Cuba. We were told then by The New York Times and those of like thinking, that Castro was not a Communist and that he merely wanted to give to Cuba the same type of New Deal that Franklin Roosevelt brought to the United States.

Castro took over Cuba January 1, 1959, and I spent a great deal of time in Cuba during that year. But before the year was out Fidel Castro himself proclaimed that he not only was a Communist, but had always been a Communist and always would be a Communist. The delightful little island of Cuba has been under the iron thumb of Castro and the Russians ever since.

Yes, I support President Reagan's effort to prevent other Caribbean nations from suffering a similar fate.

Now, finally, I want to mention a subject—and present a few figures—which I feel is the number one problem facing our nation today.

I refer to runaway federal spending. It is totally out of control. The Congress is totally without discipline when it comes to spending.

I do not want to give many figures, but let me give a few.

For the year ending December 1976, the federal government spent $375 billion. Last year the federal government spent $740 billion. Thus, government spending virtually doubled in six years.

The government has balanced its budget only once since Dwight D. Eisenhower left the presidency 22 years ago.

Congress is not willing to say "no" to the pressure groups. Not only has spending not been reduced, but the rate of increasing in spending remains approximately the same each year. For the past six months of fiscal 1983 government expenses skyrocketed by 12.3%—yet inflation is approximately 5%.

I realize there is no political sex appeal in government finance, but it influences the lives of every man, woman and child in the United States.

I am deeply concerned with the accumulated and accelerated deficits of the federal government.

Consider these facts:

1. Last year's deficit for the first time exceeded $100 billion.

2. This year's deficit will exceed $200 billion.

3. The national debt will nearly double between May 1982 and September 1986, a period of four and a half years.

4. The interest costs on the debt this year—this year—will equal one-half of our total national defense expenditures.

5. Federal spending this year will be 25.2% of the gross national product—the highest ever. It was 23% when Ronald Reagan took office.

Let me pose two questions and try to answer them:

One, can this nation take five years of deficits totaling $950 billion?

My answer is that it probably can—but not without severe repercussions and upheaval.

Two, What will be the effect on interest rates and inflation?

I answer that in one word—devastating.

Three years from now the accumulated deficits will require the government to go into the money market for 80 percent of all of the lendable funds. Even today the government is borrowing 54 percent of available funds. You may say, interest rates have declined, but the significant fact is this: Because of the recession, business expansion has been restrained. As the recovery continues business borrowing for expansion and modernization will increase.

The huge deficits added to the already staggering debt are certain to increase interest rates and stimulate inflation. It will not come immediately—perhaps not until 1985—but it will certainly come.

Unsound financial policies in Washington are mortgaging the future of our young people—and jeopardizing home ownership and property ownership.

Deficits also jeopardize our national defense. Military strength in years to come must go hand in hand with economic strength. We cannot in the long run have a

strong military position unless we have a strong economy.

Steady economic growth cannot be assured unless real long term interest rates are brought down to reasonable levels—and that cannot be achieved unless the budget deficits are drastically—drastically—reduced.

In my judgment, the President must moderate his proposed increase in defense spending—and the Congress must cut domestic spending.

But when the Congress completes the budget process I predict defense spending will be less than President Reagan wants, but unfortunately total spending will be substantially more.

I say again, Congress is totally without discipline when it comes to spending.

I hate to leave you on such a gloomy note. But, these are conditions that do exist, and the voters of this country, people like you and me, can do something to improve them. That, as I see it, after 18 years in Washington, is the great challenge of our generation if we are to continue to enjoy the blessings of a free economy and free government.

HONORING THE LEGIS FELLOWS PROGRAM

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to a highly successful program, operated by the Office of Personnel Management, which has proved beneficial to many of us, both in this body and in the House of Representatives. The LEGIS fellows program, in existence since 1980, provides opportunities for some 60 executive branch employees each year to work in the legislative branch. Mid- and senior-level employees, selected by their individual agencies, gain firsthand experience working with a Representative, a Senator, or a committee for from 5 to 6 months. Equally important, each participant brings unique experience and knowledge to the congressional staff office, which is of enormous value to our ongoing functions.

Since early May of this year, I have had the good fortune to have two LEGIS fellows assigned to my personal staff. Ms. Beatrice Disman, of the New York Regional Commissioner's Office of the Social Security Administration, Department of Health and Human Services, and Mr. Edwin E. Urie, of the Department of Defense at Fort Meade, Md., have become valued and fully participating members of my Washington personal staff. Ms. Disman, with 17 years of experience in social security issues and line management, has provided essential knowledge of complex social security and medical matters. Mr. Urie, with 20 years of experience with the Department of Defense, was able to provide valuable insight and background to challenging foreign affairs policy issues. However, other members of my staff have been able to pay them back by giving both of them a broad spectrum of practical experience in the day-to-day operation of the office of a U.S. Senator.

Since both Ms. Disman and Mr. Urie demonstrated wide-ranging interests, we provided them with assignments in a variety of areas. For example, Ms. Disman, in addition to her responsibilities for all aspects of legislation, correspondence, media, and constituent relations related to social security and medicare, was instrumental to my efforts on legislation concerning such disparate subjects as the celebration of the 100th anniversary of the Metropolitan Opera and the preservation of the Railroad Retirement System. Mr. Urie, in addition to his responsibilities related to Foreign Affairs, became deeply involved with a significant refugee immigration issue, as well as some difficult trade problems. Both of these talented individuals were constantly willing to learn and take on new problems and to apply their considerable abilities toward their resolution. I have no doubt that the arrangement has been as profitable to Ms. Disman and Mr. Urie as it has been to me.

I would like to express my sincere appreciation, and the appreciation of my entire staff to Ms. Disman and Mr. Urie. They made significant individual contributions to my office and performed at an outstanding level. I am sure that their experience in my office will be of considerable value to them as they progress in their careers in the executive branch. In short, BeeBee and Big Eddie will be sorely missed when they depart our family. I am certain that we will keep in touch, as I have with several other former fellows, from various programs who have worked in my office in the past.

Mr. President, I urge other Members of Congress to participate in this excellent program.●

MARITIME INDUSTRY WINNING THE DEBATE OVER EXPORTING ALASKA OIL TO JAPAN

● Mr. MURKOWSKI. Mr. President, the Senate will soon consider legislation to amend and extend the Export Administration Act, which contains a provision continuing restrictions on the export of Alaska oil. Oil export is an issue which has stimulated considerable passion in the Congress. Unfortunately, that passion has tended to emphasize political rhetoric over dispassionate and objective analysis.

The October 1, 1983, edition of the National Journal contains an article by Lawrence Mosher, entitled "Maritime Industry Winning the Debate Over Exporting Alaska Oil to Japan," which ably summarizes this complex issue. This piece deserves the attention of all students of public policy, and I commend it to my colleagues for their review and reflection.

Mr. Mosher's article provides a capsule overview of the politics of oil exports and highlights the two stumbling blocks that I have encountered in my efforts to gain limited export of Alaska crude oil in U.S.-flag tankers.

First, not many politicians seem willing to speak up for the taxpayer or the broad public interest in this debate. In his article, Mr. Mosher quotes an administration official as stating that: "The ban benefits a small group with a lot of political clout. On the other hand, it is causing a number of economic distortions that are hurting everyone." Mike Sieminski, energy analyst and vice president of Washington Analysis Corp., goes one step further: "Almost everyone would be better off if the oil could be sold to Japan but those who would benefit—the taxpayers—are not easily identifiable, while those who would be hurt—the maritime industry—are. Who wants to tangle with that?"

The American taxpayer stands to gain $10 billion over the next two decades if Alaska oil can be exported. I do not believe that we should foresake the interests of American taxpayers and consumers by continuing the export ban just because, as one Senate Banking Committee staffer said, "too many people are making money because of the way the system is now."

Second, Mr. Mosher highlights a common misperception which leads to erroneous conclusions about the wisdom of exporting Alaska oil. Many people believe that restricting Alaska oil for domestic consumption will make us—American farmers, commuters, power plant operators—immune, in an oil crisis, to sharply rising world oil prices and will guarantee us all the oil we need at precrisis levels. Nothing could be further from the truth. The sooner we expose the fallacy of this public misperception, the more realistic our energy policies will be.

In the next oil supply disruption, the U.S. farmer, the U.S. commuter, and the U.S. utility operator will be paying the world price for oil, regardless of whether Alaska oil is exported or not. However, if we allow export, oil companies will be given a greater incentive to develop more secure domestic reserves in the high-risk Alaska frontier.

Developed, secure non-OPEC production will help America and the world weather the next crisis. Maintaining the ban will discourage it and increase our long-run reliance on OPEC oil, with the attendant risks we know too well. Exporting Alaska oil will encourage such development and production by increasing the well-head value of Alaska oil.

Mr. President, I ask that Mr. Mosher's article be printed in the RECORD.

The article follows:

MARITIME INDUSTRY WINNING THE DEBATE OVER EXPORTING ALASKA OIL TO JAPAN

(By Lawrence Mosher)

After almost a year of discussion and debate, Congress appears ready to continue the 10-year-old ban on exports of Alaska oil to Japan that was adopted during the height of the past decade's energy crisis.

To supporters of the ban, that outcome bodes well for national defense, for energy security and for the domestic consumer.

To its critics, it is a continuing blow to the Treasury and a deep blow to a maritime industry that depends on the capitve Alaska oil trade, which by law is reserved to U.S.-flag tankers.

Even this country's trade disputes with Japan have been cited to press the point that Alaska's oil should stay at home.

The Japanese "obfuscate everything we try to do with every kind of phony barrier," Rep. Stewart B. McKinney, R-Conn., complained at an April hearing. "Maybe someone will now wake up downtown and realize we are not playing by the Marquess of Queensbury's rules."

On the other side of the argument, Marshall Hoyler, a research fellow at the Logistics Management Institute, called the ban "a scandal." In a new study for the Georgetown University Center for Strategic and International Studies, Hoyler calculated that federal revenues would jump $10 billion over the next quarter-century if the Alaska oil export ban were lifted.

"People have to get beyond the energy security non-issue," he said in an interview. "They think it's a bid idea to ship oil to the Japanese, who have been beating us economically. What they don't realize is that the Japanese won't benefit financially; they'll still have to pay world prices. It's the maritime industry that will suffer. Japan will not be getting a break at our expense."

Both sides of the debate appear to share the assumption that U.S. tankers cannot compete with ships flying under other flags in the world shipping trade.

Critics of the ban thinking that allowing Alaska oil to be shipped to Japan at competitive transportation prices would ultimately reduce the worldwide price of oil, to the benefit of U.S. as well as other consumers. They say it would cost only 60 cents a barrel to ship oil from Valdez, Alaska, to Japan and other Far Eastern markets, compared with $4.50 a barrel to transport the same oil to the U.S. Gulf Coast in American ships.

But McKinney, along with Rep. Howard Wolpe, D-Mich., and other supporters of the export ban say that allowing Alaska's oil to be sold in Asia would drive up the price of oil products in this country by an estimated $1.5 billion a year. This is based on a questionable assumption that the replacement oil for the exported Alaska oil would cost more; a delivered price of about $29 a barrel for the imported oil and about $26 for oil from Alaska.

TO BAN OR NOT BAN

Sen. Frank J. Murkowski, R-Alaska, held hearings on the ban on July 19-20 before the Foreign Relations Subcommittee on East Asian and Pacific Affairs, which he heads. Murkowski is pressing for a partial relaxation of the prohibition that would allow some of his state's oil to be exported but require that it be carried on U.S.-flag tankers.

"The question is whether or not now is the time to allow prevailing market forces to dictate the distribution of Alaska oil," he said. "Is it fair that Alaska is the only state in the nation that has such severe restrictions on exporting oil?"

Alaska produces about 1.7 million barrels a day, or 11 per cent of the nation's annual oil consumption. Half is shipped to the West Coast and half ends up at refineries on the Gulf Coast, Puerto Rico, the Virgin Islands and the East Coast. Murkowski's amendment would allow up to 200,000 barrels a day to be exported.

During Murkowski's hearings and those held by the Senate Banking, Housing and Urban Affairs Committee and the House Foreign Affairs Subcommittee on International Economic Policy and Trade, lobbyists favoring the ban overwhelmed its critics. The imbalance in the testimony was so apparent that Don Bonker. D-Wash., chairman of the House Foreign Affairs panel, felt obliged to apologize for the "lopsided" hearing he held on April 12.

"The effort to remove the ban went nowhere," said Paul Freedenberg, a staff economist for the Senate Banking panel. "Nobody was particularly interested in making a change. Too many people are making money because of the way it is now."

Energy analyst Adam E. Sieminski, vice president of Washington Analysis Corp., described the "non-debate" on the ban as a good example of where the political process has "not operated very efficiently."

"In general, almost everyone would be better off if the oil could be sold to Japan," Sieminski said in an interview. "But those who would benefit—the taxpayers—are not easily identifiable, while those who would be hurt—the maritime industry—are. So who wants to tangle with that?"

The answer, it seems, is hardly anyone. The Reagan Administration has been noticeably ambivalent over the issue. Behind the scenes, the Defense, Interior and Transportation Departments have argued to retain the ban, while the Energy and State Departments and U.S. Trade Representative Bill Brock have argued to remove it.

For the record, William T. Archery, deputy assistant Commerce secretary for trade administration, told Bonker's panel that while the Administration wanted to remove the ban, it had not "made a decision to export Alaskan oil to Japan or any other country."

Snorted Wolpe, "That is disingenuous." Wolpe has cosponsored a bill (HR 1197) with McKinney to make the ban permanent.

The Administration's fear that the ban might be made permanent, in fact, is a major reason that those who oppose the ban have trodden so softly on Capitol Hill. "The ban benefits a small group with a lot of political clout," said an Administration official. "On the other hand, it is causing a number of economic distortions that are hurting everyone."

The ban's legislative origins are in the 1969 Export Administration Act, which gave the President the authority to deny exports of scarce domestic natural resources. But it was the 1973 statute authorizing the Trans-Alaska Pipeline from Prudhoe Bay to Valdez on the Gulf of Alaska that acutally forbade the export of Alaska oil.

That law, as well as subsequent amendments to the Export Administration Act in 1977 and 1979, restricted Alaska oil to domestic consumption unless the President could show that the exports were in the national interest and Congress concurred in a joint resolution. The 1977 and 1979 laws also required a showing that such exports should benefit the consumer within three months.

The prevailing national concern then was energy security, growing out of the oil crisis of 1973-74, which triggered the first world oil price shock when the price for oil sold by the Organization of Petroleum Exporting Countries (OPEC) jumped from $3.39 a barrel to $11.28.

Along with other supporters of the ban, McKinney and Wolpe also contend that removing it would, in McKinney's words, "drydock nearly half the U.S. tanker fleet and idle 20,000 workers" in the shipping industry and related jobs. In addition, they say, the Treasury would lost at least $800 million through loan defaults by shipowners.

The ban's critics counter that only 1,500 full-time maritime jobs would be lost and that the federal government could buy all 26 laid-up tankers for $200 million.

The maritime unions obviously would suffer job losses if Alaska oil could be freely shipped to Japan. U.S.-flag tankers currently monopolize the transportation of Alaska crude oil to West Coast and Gulf ports under the 1920 Merchant Marine Act (also called the Jones Act), which limits coastal shipping to U.S.-built, U.S.-manned vessels. *(See 4/16/83, p. 793.)*

The transportation costs saved by allowing the more efficient marketing of Alaska oil, on the other hand, is one of the reasons why critics of the export ban say it should now be removed.

The cost differential has allowed the ban to "enrich a small number of individuals and corporations, who have formed a vocal interest group in its behalf," acccording to Hoyler. In his study, "The Politics and Economics of Alaskan Exports," Hoyler uses Transportation Department data to show that American seamen's wages are three times higher than those paid in other industrialized countries and six times higher than those paid by less developed countries.

An American second mate, for example, earns $60,550 for six months of work, compared with $17,500 in wages and benefits paid to Western European second mates. Most American sailors work only half a year, which makes the role of the maritime unions primarily that of rationing highly sought-after jobs.

Hoyler noted that the export ban helped to revive "a shrinking U.S. tanker industry" that had been losing business following the Vietnam war. And, as the pro-ban lobby grew richer and more powerful, it prevailed on Congress to add more restrictions on Alaska oil, such as a requirement that the President show that exporting the oil would lower oil prices in the United States within three months.

American consumers would benefit from lifting the export ban, its critics argue, but this long-term effect would take longer than three months to realize. This is because the price efficiency gains from allowing the export of Alaska oil would take five to eight years to generate new Arctic oil production, which in turn would act to lower world oil prices.

Hoyler, Sieminski and Energy Department officials contend that the ban's supporters either do not understand how world oil prices are set or prefer to obfuscate the issue. To them, the contention that American consumers would pay more for gasoline if Alaska sent its oil to Japan is more rhetoric than fact.

The "marker price" for all oil is set by the price of Saudi Arabian oil plus the transpor-

tation costs to a particular port. This price, in turn, is influenced by the supply of oil from non-OPEC sources such as Britain and Mexico. Differences in quality (weight and sulfur content) are also noted.

In his study, Hoyler compares the spot price of Alaska oil to Mexican oil on the Gulf Coast from February 1981 to September 1982. During this period, the Mexican price dropped from $37.32 a barrel to $28.56, while the price of Alaska oil dropped from $37 to $32.86.

After adjusting for their quality difference (on which basis Alaska oil is worth about $1 a barrel more because it is easier to refine), this meant that during that 21-month period, the price of Alaska oil shifted from $1.23 cheaper to $3.30 more expensive than Mexican oil. Thus Gulf Coast refiners could have saved money by buying the closer Mexican oil.

AT THE WELLHEAD

The one area where some consumers might not benefit from lifting the ban is the West Coast, where the Atlantic Richfield Co. is out-selling its rivals by "discounting" the price of its Alaska oil to its own refineries. Much of Arco's ability to do this, its critics contend, stems from the company's tax accounting process, which is now under investigation by the Internal Revenue Service.

The Arco case, regardless of who is right, offers a good example of the way oil price arguments can become slippery. Computing the price of oil, it seems, often depends on who is doing the calculating.

OPEC has acted as a cartel to set the world price politically. But increased oil production by non-OPEC countries, conservation practices and a recession have forced OPEC to drop its price to below $30 a barrel.

Alaska oil, on the other hand, is costlier to produce than Persian Gulf crude, and its quality is poorer. But its wellhead price is about $20 a barrel, a price that bears no real relation to cost.

Arco, for example, computes its Alaska North Slope wellhead price by starting with the price of equivalent "West Texas Sour" crude oil and then deducting tanker and pipeline transportation costs. If West Texas Sour sells for $30 a barrel (its 1982 average was $30.74), then Arco's wellhead price is that less $4.50-a-barrel shipping costs from Valdez to Houston and $6-a-barrel pipeline costs from Prudhoe Bay to Valdez, or $19.50 a barrel.

What bothers the IRS is that Arco uses this artificially low wellhead price to calculate all its taxes for its Alaska oil, although 80 percent of that oil goes to the West Coast, where its transportation costs are only $1.50 a barrel. Thus Arco writes off an additional $3 of shipping costs for most of its Alaska oil.

This accounting procedure allows Arco to pay lower federal "windfall profits" taxes, federal income taxes and Alaska income and severance taxes and royalties. All of these taxes are calculated on the basis of wellhead prices in Alaska.

The consequences of this pricing system are twofold. One is that it allows Arco to "discount" the cost of its oil to its own refiners and thus undercut its competitors on the West Coast. The other is that it motivates Arco to prefer paying the higher shipping costs to the West Coast and the Persian Gulf rather than selling its North Slope oil to such East Asian markets as Japan at a higher wellhead price.

"Because a sale to the Japanese at Valdez would create a real transfer price," argued Jack A. Blum, a Washington lobbyist for the Independent Gasoline Marketers Council, "it would significantly raise Arco's windfall profits tax payments. The irony of this situation is that even though the Japanese would pay more for the crude at Valdez than the companies now make on product, because of the way they do their tax calculations their net profit would be lower."

Arco's president, James S. Morrison, denied this assessment to the House Energy and Commerce Subcommittee on Oversight and Investigations last Feb. 23, calling it "farfetched." Yet Arco continues to support the export ban, unlike Standard Oil Co. (Ohio), another major Alaska producer, which now has called for its lifting.

"There is no perfect answer," Sieminski said. "But in general, everyone would be better off if the oil could be sold to Japan because they would pay more for it. Only the maritime unions would be hurt."

Critics of the ban, however, have a harder time dismissing the energy security issue. If foreign oil supplies were again disrupted, the idea of exporting U.S. oil makes little sense to the ban's supporters, which include such groups as the National Farmers Organization and the American Public Power Association.

Charles L. Frazier, director of the farmers' Washington office, said his organization is still "bitter" over the past oil price increases. Thus his group favors "retaining control" of Alaska oil.

To experts such as Hoyler, however, the United States will remain just as vulnerable to another oil crisis even if the Alaska oil export ban is kept. Hoyler argues that regardless of this country's desire to be energy independent, is still part of the world oil market and will remain so. When oil supplies are disrupted, Hoyler maintained, "the price of oil goes up everywhere."

In the long run, he contends, permitting the export of Alaska oil would actually improve this country's energy security by increasing the world oil supply from a politically stable area. Thus when another supply disruption occurred, there would be less need by such consumers as Japan to panic and bid up the price, which is what happened in 1973-74 and again in 1979.

The Administration agrees, but its spokesmen are still muffling their views. In an interview, however, William J. Silvey, the Energy Department's associate director for planning and analysis, went this far:

"The congressional perception does not yet appreciate the fact that there is one world petroleum market and that we are part of it. By keeping the Alaska oil export ban, we are just charging ourselves more than we need to. Only the windfall this time is going to the shipping industry instead of the oil companies."●

RHODE ISLAND'S DEPARTMENT OF ELDERLY AFFAIRS

● Mr. PELL. Mr. President, I would like to note for the RECORD and for my colleagues the excellent work done for Rhode Island seniors by the Rhode Island Department of Elderly Affairs. This agency is the sole statewide unit in my State for the delivery of Older Americans Act programs, and it has provided those services with nothing but excellence and innovation since the creation of the Older Americans Act in 1965.

The Visitor, the newspaper of the Diocese of Rhode Island, carried a short but descriptive article about the department of elderly affairs in its September 29, 1983, issue. So that my colleagues and others interested in senior affairs can learn more about this effective Rhode Island agency, I ask unanimous consent that the Visitor's article be printed in the RECORD.

The article follows:

DEA ANSWERS QUESTIONS AND OFFERS PROGRAMS FOR ELDERLY

(By Joyce Reynolds)

"We make it our business to know a little bit about everything," says William J. Speck, information planner for the Department of Elderly Affairs. And a little bit about everything is what you can find through the department which is the official representative of the state's 176,373 citizens age 60 and older.

Whether your question concerns food stamps, social security, a problem with aging parents, energy, legal services, or a part-time job, the Department of Elderly Affairs is ready to answer.

According to Speck, the information and referral unit (277-2880) responds to over 30,000 calls each year from throughout the state in addition to receiving collect calls from more distant residents.

The department was established in 1977, and is the single organizational unit that is solely responsible for the administration of federal funds under the 1965 Older Americans Act.

According to Anna Tucker, director, "The Department of Elderly Affairs works to secure and maintain maximum economic and personal independence to preserve independence and dignity for older Rhode Islanders by providing supportive services and removing individual and social barriers to that independence."

Programs and services offered through the department touch on every avenue a senior might travel.

At the 42 senior centers throughout the state, the elderly are offered health services, recreational services, social services, and in most cases the centers serve as meal sites.

The centers are open from 9 a.m. to 5 p.m. Monday through Friday, Speck explained, adding that a few are open seven days a week. "Many of the centers offer outreach services—they are busy hubs in their communities," he said. There are also 52 elderly meal sites throughout the state.

The Community Service Employment unit, places older workers in subsidized jobs in nonprofit community agencies. This is a two-point program, according to Speck. The first, funded by a grant from the U.S. Department of Labor, subsidizes job slots in local government agencies, city hall, and community action programs. The second works to find jobs for persons 55 years or older by contacting private employers. Part-time and shared jobs can be found for seniors through this program.

Speck said that the Senior Community Service Employment unit is not the only agency in the state to offer this type of program. He said the National Council of Senior Citizens has offices in Providence and East Providence, and the American Association of Retired Persons has offices in Providence, North Kingstown, Woonsocket, and Newport.

The In-Home Service Program operates through a small grant from the Rhode Island General Assembly, and offers homemaker services to persons 65 and older who are homebound and in need of regular medical assistance, and are enrolled in the state Medicaid Program. A homemaker will spend one to two hours a week helping the homebound individual, according to Speck. He said the program has proven its need, and its success by the number of people waiting to use the program.

The Senior Companion Program continues into its ninth year of providing employment and volunteer opportunities for low-income older people. Many elderly people are lonely living in their own home, Speck said. They need regular contact with people. The program works by having senior volunteers visit the elderly in their homes in addition to working with long-term care patients in state institutions. Senior Companions receive a $2 stipend per hour for a 20-hour week.

Terri Pare is a pre-planning retirement expert, who offers pre-retirement courses, through the department, such as the two currently being offered at the Pawtucket Public Library and the D.E.A. office in Providence. "She offers a multifaceted approach to pre-planning retirement," Speck said. "She doesn't only look at retirement in general, but at housing issues, health issues, and consumer problems.

Ms. Pare, according to Speck, promotes the need for people of all ages to think about retirement, "as a stage of life, not a leftover."

Other programs offered through the Department of Elderly Affairs include transportation funding to provide door-to-door service for routine medical trips, transportation to senior luncheon programs, and to critical treatment facilities for dialysis or cancer patients.

And for those seniors who have fitness on their minds, Dolores Bergeron has initiated walking clubs at senior centers and aquatic exercise classes at pools throughout the state and coordinates the Senior Olympics held annually.

Home energy assistance funds for the elderly are also channeled through the department, and the Long-Term Care Ombudsman Program responds to requests for information and complaints about nursing home care and shelter-home care in Rhode Island.

The Elderly Abuse unit investigates elderly abuse, both physical, psychological, neglect or exploitation.

A Legal Service Developer sees that old people have access to legal services . . .

The Mental Health unit assures elderly persons of access to mental health care services . . .

And the list goes on and on. If you want to spend a day at Rockey Point or to represent your community by participating in the Silver-Haired Legislature, the Department of Elderly Affairs is the office to contact. Whatever your need the department is there to serve you at 79 Washington St., Providence, or by calling 277-2880.●

THE DEPLOYMENT OF SS21 BATTLEFIELD MISSILES

● Mr. D'AMATO. Mr. President, I rise today to voice my grave concern over reports appearing in this morning's newspapers regarding the deployment of SS21 battlefield missiles in Syria. The SS21 missile is one of the newest and most advanced surface-to-surface missiles produced by the Soviets. These sophisticated weapons have the potential of carrying nuclear warheads and have a range of more than 70 miles. Their transfer to the Syrians only serves to enhance that nation's extensive arsenal. It contributes to the further destabilization of the region. The shipment of these advanced weapons by the Soviets represents a concerted effort by the Kremlin to gain a more secure foothold in the Middle East.

The U.S.S.R. has virtually armed the Syrians to the teeth. In addition, more than 5,000 Soviet military personnel are operating in Syria. The placement of SS21 missiles in Syria poses a direct threat to the security of Israel. Military analysts have concluded that their deployment significantly increases Syria's military position, particularly in light of the missile's greater range and accuracy. This enhancement has improved the combat capability of the Syrians, giving them the potential of striking a number of strategically important airfields and other targets located in northern Israel. The timing of the deployment is especially alarming, as it comes during a period of great volatility in Lebanon.

Today, the Syrians maintain the largest army in Lebanon—a force in excess of 40,000 men. At the same time, thousands of PLO terrorists are being redeployed in Lebanon and have been joined by so-called volunteer soldiers from Iran. These forces are providing critical military and moral support to Lebanese factions sworn to the overthrow of the legitimate government of President Amin Gemayel.

In reality, Syria, with the backing of the Soviet Union, has been, and continues to be, the major obstruction to a peaceful resolution of hostilities in the region. Syria has repeatedly rejected U.S. and other initiatives designed to secure a just and lasting peace in the Middle East. President Assad has refused to withdraw his troops from Lebanon, despite the signing of the Lebanon-Israel withdrawal agreement.

The continued presence of Syrian troops in Lebanon only exacerbates the serious tensions which exist in that country. The time has come for all foreign troops to be withdrawn from Lebanon. Lebanon should be returned to the Lebanese.

The transfer of Soviet SS21 missiles to Syria seriously upsets the military balance in the region. We must recognize the significance of this escalation. We must realize the threat which it poses to peace in the Middle East, in general, and, in particular to the security of Israel, a proven ally.●

ORDERS DURING ADJOURNMENT

Mr. BAKER. Mr. President, finally in a moment I intend to ask the Senate to adjourn. Before I do so I shall propound a unanimous-consent request in this form:

Mr. President, I ask unanimous consent that during the adjournment of the Senate over until Monday, October 17, messages from the President of the United States and the House of Representatives may be received by the Secretary of the Senate and appropriately referred, and that the Vice President, the President pro tempore, or the majority leader may be authorized to sign duly enrolled bills and joint resolutions.

I further ask unanimous consent that during the adjournment of the Senate over until Monday, October 17, committees may be authorized to file reports on October 12, between the hours of 9 a.m. and 3 p.m.

Finally, I ask unanimous consent that when the Senate reconvenes on Monday, October 17, the reading of the Journal be dispensed with, no resolutions come over under the rule, that the call of the calendar be dispensed with, and following the recognition of the two leaders under the standing order there be a period for the transaction of routine morning business not to exceed 1 hour in length, with Senators permitted to speak therein for not more than 10 minutes each; provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, may I say that when we convene on October 17, after the period for the transaction of routine morning business has expired, it is my understanding that the State authorization bill which is the unfinished business will recur and be placed before the Senate; is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. Mr. President, I do not anticipate a busy legislative day on Monday.

On Tuesday and Wednesday the Senate will be committed to the debate and disposition of the Martin Luther King holiday bill. But after that is disposed of, the State authorization bill will once again recur as the unfinished business.

And I fully expect, Mr. President, to ask the Senate to complete action on the State authorization bill during that week if possible.

Mr. BYRD. Mr. President, will the majority leader yield at that point?

Mr. BAKER. I yield.

Mr. BYRD. The State authorization bill which is the unfinished business will come before the Senate on Monday. I will not be here part of the day Monday at the request of our former colleague, Senator Javits, who has asked me to appear in New York on Monday to speak and I felt compelled to accept this invitation. I will not be here on Monday at least most of the day and I hope that the majority leader will request that no action be taken on my amendment on Monday at least while I am not here.

Mr. BAKER. Mr. President, I will be happy to do that. I was prepared to say that in view of the fact that the majority leader will be absent for a part of that day, as will I for the same meeting, it would be well, I think, for us to announce that there will not be a disposition of that measure on Monday and that it will go over until at least Wednesday afternoon, perhaps Thursday. I would be happy to propound a unanimous-consent request to that effect if he wishes.

Mr. BYRD. That would be very satisfactory with me.

Mr. BAKER. Very well.

Mr. President, then I ask unanimous consent that notwithstanding that the unfinished business, the State authorization bill, will recur as the pending business at the close of the time for the transaction of routine morning business on Monday, October 17, no action be taken on or in respect to the Byrd amendment in the first degree or in the second degree.

Mr. BYRD. Would the majority leader just include the entire bill?

Mr. BAKER. Very well. Mr. President, that is simpler. Mr. President, I ask unanimous consent that no action of any sort occur on the bill, the State authorization bill, after it recurs as the pending business on Monday and that nothing in this request will jeopardize the status of the bill as the unfinished business.

Mr. BYRD. Or the amendment.

Mr. BAKER. The bill or any amendments as the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Further, if the majority leader will yield, it would appear that when final action occurs on the Martin Luther King bill on Wednesday, the unfinished business, the State Department authorization bill, would again come down.

Mr. BAKER. Yes.

Mr. BYRD. Now, can we alert our colleagues that there will be a vote in relation to the Byrd amendment on Wednesday at that point?

Mr. BAKER. Mr. President, I cannot do that. I do not know how much debate there will be on it, but I fully expect a vote on the Byrd amendment Wednesday or Thursday certainly that week but I would guess Wednesday or Thursday.

Mr. President, there is one other matter that has been brought to my attention that I might announce. The export administration bill has been extended by action of the House of Representatives and Senate until midnight on October 14. Since the Senate will not reconvene until noon on October 17, that act will expire for a period of 3 days. I wish to say to Senators that I fully expect that in the meantime active negotiation will be conducted looking toward a further extension of the Export Administration Act. I would expect that action will be taken on that on Monday. I do not anticipate, however, a rollcall vote on that measure. But because of the urgent necessity to try to deal with that subject I felt that I should put Senators on notice of the likelihood that that measure will be taken up on Monday.

Mr. President, let me put another request for the convenience of Senators and it would certainly help me with my schedule on Monday since I, too, have accepted an invitation to speak for our former colleague, Senator Javits, at a nonpolitical function in New York, as has the minority leader.

ORDER FOR EXTENSION OF MORNING BUSINESS

I ask unanimous consent that the time for the transaction of routine morning business be extended under the same terms and conditions as ordered for Monday, October 17, until the hour of 3 p.m., in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, would the majority leader also point out that there are other Senators who will be attending that same function other than he and I?

Mr. BAKER. Yes. Mr. President, a number of other Senators both Republicans and Democrats, and may I say that it is in the nature of a seminar, a political seminar at Stony Brook, N.Y., sponsored by the former colleague, the former Senator from New York, Senator Javits. And it really is not only an important event from that standpoint but it is important in terms of human circumstances as well.

It will not take me but a minute to say this but I cannot overstate my admiration for Senator Javits not only as a man, as a great former Senator, but also because under the most severe physical handicap he has continued his interest in the national affairs of this country, witnessed by the fact that he is conducting this seminar on October 17.

His breathing must be assisted 24 hours a day by a respirator. His energy level is not always very good. He must struggle occasionally to breathe and finds it very difficult to move and is confined to a wheelchair. But none of that has dimmed the activity and the alertness of that great mind of his and I, for one, am delighted to have a chance to go there and not only to participate in this civic event but also pay tribute to a great American.

Mr. BYRD. I associate myself, Mr. President, with the remarks that have been made by the distinguished majority leader.

Mr. BAKER. Mr. President, if the minority leader has nothing further, I am prepared to adjourn.

Mr. BYRD. I am halfway out the door.

ADJOURNMENT UNTIL MONDAY, OCTOBER 17, 1983

Mr. BAKER. Mr. President, I move, in accordance with the provisions of Senate Concurrent Resolution 184, that the Senate now stand in adjournment until the hour of 12 noon, October 17, 1983.

The motion was agreed to; and at 3:49 p.m., the Senate adjourned until Monday, October 17, 1983, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 7, 1983:

UNITED NATIONS

Alan Lee Keyes, of California, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

DEPARTMENT OF COMMERCE

Clarence J. Brown, of Ohio, to be Deputy Secretary of Commerce.

UNITED NATIONS

The following-named persons to be Representatives and Alternative Representatives of the United States of America to the 38th Session of the General Assembly of the United Nations:

Representatives

Jeane J. Kirkpatrick, of Maryland.
John Langeloth Loeb, Jr., of New York.
Joel Pritchard, U.S. Representative from the State of Washington.
Stephen J. Solarz, U.S. Representative from the State of New York.
Jose S. Sorzano, of Virginia.

Alternate Representatives

Constantine Nicholas Dombalis, of Virginia.
Alan Lee Keyes, of California.
Charles M. Lichenstein, of the District of Columbia.
Lyn P. Meyerhoff, of Maryland.
William Courtney Sherman, of Virginia.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Hugh W. Foster, of California, to be U.S. Alternate Executive Director of the International Bank for Reconstruction and Development for a term of 2 years.

INTERNATIONAL ATOMIC ENERGY AGENCY

The following-named persons to be the Representative and Alternate Representatives of the United States of America to the 27th Session of the General Conference of the International Atomic Energy Agency:

Representative

Donald P. Hodel, of Oregon.

Alternate Representatives

Richard T. Kennedy, of the District of Columbia.

Nunzio J. Palladino, of Pennsylvania.

Richard Salisbury Williamson, of Virginia.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

Francis M. Mullen, Jr., of Virginia, to be Administrator of Drug Enforcement.

ENVIRONMENTAL PROTECTION AGENCY

A. James Barnes, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency.

Josephine S. Cooper, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

EXTENSIONS OF REMARKS

SECRETARY WATT

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. KOSTMAYER. Mr. Speaker, I urge those, including the President, who contend that Secretary Watt is not malicious to read Mike Kelley's column in the Austin American-Statesman of September 30, 1983.

It is not only what Mr. Watt says, it is what he does that hurts.

And in this case the hurt was most direct.

As columnist Kelley points out, the Secretary caused an employee of Enserch Corp. of Dallas, Tex., to be fired solely because of his political opinions.

Mr. Watt's words as well as his conduct are reprehensible.

He is the one who ought to be fired.

[From the Austin American-Statesman, Sept. 30, 1983]

WATT'S WORST ENDANGERED ONE WORKER

(By Mike Kelley)

The greatest indecency, on the human scale, to come out of James Watt's office was not the one the current furor is over. It was getting Tim Donohoe fired and, apparently, blacklisted.

This was nearly two years ago. Watt had made his crack about never using the words Republicans and Democrats, but rather "liberals and Americans." Donohoe was a $30,000-a-year lobbyist for Enserch Corp., parent company of Lone Star Gas. He wrote Watt, on his private stationery, saying he is an American and a liberal. He asked for clarification of Watt's remarks. A Watt aide wrote the chairman of Enserch, saying he thought the chairman would find Donohoe's letter "interesting" and invoked Watt's name. Donohoe was fired.

I talked with Donohoe by telephone Thursday in Washington, D.C. "I was out of work for about a year," he said. "It was entirely because of this episode." He says Watt's office sent a copy of his letter not only to Enserch but to the president of the American Petroleum Association. Can't be too careful. "My name is mud in this town under this administration. Nobody's going to hire me to lobby while there's a Republican administration." Who did hire him, finally, was the doorkeeper of the House of Representatives. "It's a temporary position, a low-paying position. It's been pretty devastating. I have trouble making the payments on my house. I have debts and I can't afford to pay them."

He sued the government and the company. The suit was tossed out of court. The company fought him on unemployment compensation, too, he says, but he won that.

Donohoe is 38 and a D.C. native. Before working for Texas Congressman Charles Wilson and before Enserch, he was in Catholic seminary for seven years. A real threat to the Republic.

"That's the only letter I guess I've written in my life. (The liberals and Americans crack) just struck a chord. It had come after a steady stream of that kind of rhetoric. Watt had just come out with so much stuff and finally, it just broke. I said, 'Wait a minute. He's been appointed by the elected administration. He should be representing all of us.' "

I asked Donohoe if Watt or anyone from the Interior Department ever interceded after he was fired, if anyone ever stepped in and said, "We don't want a guy fired from his job simply for asking for clarification of a comment." He says no. "Not to my knowledge. Both the company and the government (in court, where Donohoe was claiming conspiracy) said they never had any contact with each other" after his firing.

He says he's had overtures for jobs with politically active environmental groups and has refused. "I don't consider myself an environmentalist in the purest sense of the word. I'd feel uncomfortable going from a pro-development company to any of the politically active groups here."

What's it mean to him, being a liberal? "I live in a poor neighborhood and I just see the devastation in education, the cheese lines getting longer at the church up on the corner. The only people who can adequately respond to that is the government and that's what I mean by being a liberal." A real bomb-thrower.

He says he's more unhappy, disappointed with Enserch than the government. "The government will change. But the company . . . There's nothing worse than losing your job on the front page of The Washington Post."

He says he may write another letter to Watt. "When he goes, I'll write a letter wishing him luck. I hope he doesn't have as hard a time getting another job as I did."

Now, tell me one more time that if only I knew Watt personally, I'd realize what a fine, Christian man he really is.●

UNEMPLOYMENT'S TOLL ON AMERICANS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. LIPINSKI. Mr. Speaker, I would like to call attention to a serious problem in my home State of Illinois, and in other States around the country. The large number of people who are unemployed and drawing unemployment benefits has put a tremendous strain on State unemployment programs. In 1982, unemployed Illinoisans collected $1.8 billion in compensation, while employers paid only half that amount into the State unemployment fund. The State of Illinois has had to borrow the difference from the Federal Government.

More than half the States in the Nation are suffering from a similar problem. I urge the Congress to study this problem, and determine a suitable solution that is amenable to both the State and Federal Governments, while maintaining unemployment benefits at their current level. I would like to introduce into today's RECORD an Illinois State resolution addressing this matter.

STATE OF ILLINOIS EIGHTY-THIRD GENERAL ASSEMBLY, HOUSE OF REPRESENTATIVES

Whereas, in recent years the State of Illinois has experienced a rapidly rising unemployment rate as this nation's depressed economy continues to inflict a heavy toll on the American labor market; and

Whereas, Due to alarming increase in the number of those joining the ranks of the unemployed, the State of Illinois has been forced to spend more and more dollars to pay unemployment compensation; and

Whereas, Unemployed Illinoisans collected 1.8 billion dollars in compensation in 1982 while Illinois employers were paying only half that amount into the unemployment fund and this discrepancy has caused Illinois to borrow the difference from the federal government; and

Whereas, Although Illinois' 2 billion dollar unemployment debt to the federal government is one of the largest in the nation, other economically depressed industrial states such as Michigan and Pennsylvania have incurred even larger debts, and some 26 states owe an amount that will total 16 billion dollars by the end of fiscal year 1984; and

Whereas, These debts which have been incurred by more than half the states in the union have resulted from national and international events beyond the control of the individual states; and

Whereas, Even without the debt owed to the federal government, the State of Illinois is experiencing financial problems so acute that it is faced with the prospect of further reducing the already reduced funding for such important programs as education and aid to the poor, the elderly and the underprivileged; therefore, be it

Resolved, by the House of Representatives of the Eighty-Third General Assembly of the State of Illinois, That we express our profound concern over the unemployment debt problem faced by the State of Illinois; that it is our belief that the problem, in which the majority of the states in the nation share, is a national problem which can best be resolved at the federal level; and be it further

Resolved, That we urge the Congress of the United States to pass, and the President of the United States to sign, legislation forgiving Illinois' unemployment compensation debt to the federal government; and be it further

Resolved, That a suitable copy of this preamble and resolution be transmitted to the President of the United States Senate, Speaker of the United States House of Representatives, President of the United States, and each member of the Illinois Congressional Delegation.●

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

A NATIONAL TOURISM POLICY FOR THE UNITED STATES

HON. JAMES J. FLORIO
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. FLORIO. Mr. Speaker, today I am delighted to make my colleagues aware of a private sector initiative that could profoundly improve our Nation's competitiveness for international travel and tourism business.

This effort, I might add, is very much needed to reverse the steady decline of our country's competitive position in the world tourism marketplace. While tourism is a leading U.S. service export, our Nation's share of international tourism receipts has dropped from 13 percent in 1976 to 10.6 percent in 1982, paralleling a steady decline in the Federal promotion effort. This is, indeed, an alarming trend given the fact each market-share point is worth more than $1 billion in foreign exchange earnings.

The time has come for our Nation to recognize the travel and tourism industry as a major force in the growth of the American economy for the decades ahead.

The travel and tourism industry is the second largest retail or service industry in the United States, as well as the second largest private employer. Its economic contributions are substantial. In 1982, for example, the industry generated 4.5 million American jobs, $183 billion in business receipts, $41 billion in payroll income, and over $20 billion in Federal, State, and local tax revenue. Inbound international tourism constitutes our Nation's third largest source of export income. Last year alone, international visitors to the United States spent $11.3 billion, generated $640 million in Federal tax revenue, and supported 300,000 jobs.

Certainly, our current economic situation dictates we can no longer afford to ignore the demonstrated economic potential of this dynamic growth industry.

If we are to return to the 1976 world market share of 13 percent, the Federal Government must commit itself to fulfilling its proper role in adequately promoting this country abroad competitive with the efforts of other national governments.

Equally as important, however, the United States lacks a comprehensive international tourism marketing strategy which would outline what the policy, priorities, and activities of the Federal Government should be.

In response to this problem, the Travel Industry Association of America (TIA) has embarked upon a most difficult, yet very important effort. Acting in its capacity as the umbrella association representing all sectors of the travel and tourism industry, and with the encouragement of industry leaders and USTTA, TIA has assembled a committee of senior international travel marketing executives to develop an international marketing plan for our Nation.

The objective of the International Marketing Plan Development Committee is to develop a 5-year marketing strategy to return the United States to a 13-percent market share of international tourism. This would create about 200,000 new jobs and increase foreign exchange from inbound tourism 60 to 70 percent.

On August 11, the committee met for the first time in Washington to begin developing a sophisticated marketing strategy. The industry plans to complete and submit its suggested marketing plan to Congress and the administration by the end of the year.

Mr. Speaker, the industry's cooperative effort in drafting the recommended marketing plan for implementation by USTTA could become a significant contribution to more effective use of taxpayer's dollars for Government inbound tourism promotion efforts. I believe this undertaking, coupled with a growing recognition among congressional leaders and executive branch officials of the industry's immense contribution to our economy, improves the chances that tourism will receive the attention it deserves from our Government.

As chairman of the House Subcommittee on Commerce, Transportation, and Tourism, I enthusiastically endorse the mission of the International Marketing Plan Development Committee. I would also point out that the committee also has received the endorsements of other officials in the executive and legislative branches of Government, including Commerce Secretary Malcolm Baldrige, the Congressional Tourism Caucus chairmen, and the chairman of the Senate committee with jurisdiction over Federal Government tourism promotion efforts.

I commend the voluntary efforts of those individuals involved in this worthy initiative to optimize the contribution of the travel and tourism industry to economic prosperity, full employment, and the U.S. international balance of payments.

Mr. Speaker, I ask that the names of those who serve on the International Marketing Plan Development Committee be included at this point in the RECORD.

The names follow:

INTERNATIONAL MARKETING PLAN DEVELOPMENT COMMITTEE

Chairman: James C. Collins, Senior Vice President, Marketing, Hilton Hotel Corporation.

MEMBERS

J. Kay Aldous, Vice President, Public and Government Policy, American Automobile Association.

Roger Ballou, Senior Vice President, Vacation & Leisure Travel, American Express Company.

William Blaziek, Senior Vice President Sales and Marketing, Resorts International Casino Hotel.

Chris Browne, Senior Vice President, Marketing, Holiday Inns, Inc.

Gordon L. Downing, Vice President, General Sales Manager, National Car Rental System, Inc.

Sig S. Front, Senior Vice President, Director of Marketing, The Sheraton Corporation.

Robert Giersdorf, President, Exploration Holidays and Cruises.

Edward N. Gilbert, Director, Florida Division of Tourism.

Charles Gillett, President, New York Convention & Visitors Bureau.

Elliott Heit, International Marketing Director, Tauck Tours, Inc.

James W. Hurst, Executive Vice President, Greater Los Angeles Visitors & Convention Bureau.

Samuel B. Jamieson, Jr., Vice President, Marketing, Short Line Tours.

Michael L. Jenkins, Director, Business Marketing, American Telephone & Telegraph Co.

Thomas J. Koors, Executive Vice President, Sales and Marketing, Northwest Airlines, Inc.

Jack B. Lindquist, Executive Vice President, Marketing, Walt Disney Productions.

William S. Norman, Group Vice President, Marketing and Corporate Planning, Amtrak.

Malcolm, D. Pynn, President, Holiday Americas.

Don Ryan, President, Camping Group, Kampgrounds of America, Inc.

Martin R. Shugrue, Jr., Senior Vice President, Marketing, Pan American World Airways, Inc.

William D. Slattery, President & CEO, Braniff International.

Robert Smalley, Sr., President and Chief Executive Officer, American Land Cruisers.

Bradley Smith, Executive Director, Foremost West, Four Corners Regional Tourism Organization.

Brian Smith, Vice President, Marketing, Busch Entertainment Corporation.

John Stockton, Vice President, Marketing, Roy Rogers Restaurants.

John A. Ueberroth, President, Ask Mr. Foster, First Travel Corporation & Ask Mr. Foster Travel Service.

Terry L. Underwood, Vice President, Passenger Marketing, Greyhound Lines, Inc.

A. Russell Upshaw, Jr., Vice President, Government Affairs, Eastern Air Lines, Inc.

EX-OFFICIO MEMBERS

William H. Edwards, National Chairman, Travel Industry Association of America, and President, Hilton Hotels Division, Hilton Hotels Corporation.

William D. Toohey, President, Travel Industry Association of America.

TECHNICAL STAFF MANAGEMENT

Michael F. Sarka, Senior Vice President, Travel Development, Travel Industry Association of America.

Thomas G. Lloyd, Senior Policy Analyst, Travel and Tourism Government Affairs Council.

Dr. Douglas C. Frechtling, Director, U.S. Travel Data Center.●

CARL YASTRZEMSKI

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. MAVROULES. Mr. Speaker, in a brilliant career spanning two decades, Carl Yastrzemski thrilled baseball fans from coast-to-coast with hitting and fielding feats spawned from the qualities that set Yaz above the rest: determination and dedication.

On Sunday, October 2, 1983, the man Boston fans affectionately call "Captain Carl" played in his record 3,308th and final game before an overflow crowd of Fenway faithful.

In both his professional career and his private life Yaz embodied all of the qualities that separate good men from great men. His loyalty to his team and his fans, as well as his countless civic contributions, will be sorely missed.

The text that follows is Joe Giuliotti's Boston Herald article from Monday, October 3, 1983. So long Captain, we love you.

[From the Boston Herald, Oct. 3, 1983]

YAZ TAKES FINAL BOW

(By Joe Giuliotti)

The tomorrow that never was going to come arrived yesterday. Carl Yastrzemski walked off the field wearing a Red Sox uniform as a player for the last time.

"I just feel super right now, It's the best I've felt in a long, long time," he said, a half-hour after walking off the field to a long and tremendous ovation in Fenway Park.

"I'm very relaxed. I've been emotionally drained these last few days, but right now I feel absolutely super. I feel 10 years younger right now than I did 15 minutes ago."

When he walked into the dugout in the top of the eighth, after being replaced by Chico Walker, Yaz said "there was no sadness, absolutely no sadness.

"I never thought I'd get through the first two and one half months of 1961 (he said he was hitting .221) and I lasted 23 years. I loved every minute of it."

Yastrzemski then paused at his champagne press conference held on the Fenway Park roof to toast the media. Then, pausing, he made another speech: "I wish that some of the guys (reporters) I started with were here. Those who I travelled with in my earlier years, to them also." (Three of the deceased were Fred Ciampa, Bill Liston and Larry Claflin of the Herald-American.)

After his press conference, Yastrzemski, returning to the clubhouse for the last time, noticed fans ringing the ballpark. He went out into the street and signed autographs.

Ninety minutes after the final out he walked back for one last look at a dark, empty Fenway Park.

Still wearing the uniform, except for the shirt which should, someday, be retired, and holding a bottle of champagne, he looked around the four corners of the park. It was as though he never wanted to leave.

"I'm really, really sincerely happy right now," he said. "I can't wait to get to Florida Monday to do some fishing, come back here, do some work, then return to Florida to plan some trips for my kids. I haven't done that for 23 years."

Yastrzemski revealed that during the expansion draft of 1976 when Toronto and Seattle came into the league, he told Tom Yawkey not to protect him but rather save one of the younger players. He said he wouldn't go in the draft, which was his right as a 10-year player, five with the same team.

"A few days before the draft I was contacted by both teams, particularly Toronto," he said. "They told me if I signed with them the contract would be honored by one of the New York teams. I didn't know which one (Yankees). I called Bob Woolf and told him to see if we could make a deal. Fifteen minutes later I called him back and told him I had given my word and to forget about it.

"Five years, or whenever it was that I became a free agent, I knew what was out there. I knew how much money I could have made from a few teams. I could have made three times as much with them. But I was happy here, happy because of the fans and media. I was very comfortable and that meant more to me than money. And, I've been treated fairly by the Red Sox."

Yastrzemski, who confessed he was trying for a home run on his last at-bat when he popped up a 3-0 pitch ("It was a foot over my head, but I had made up my mind I wanted to hit one."), thinks he's leaving a club with the nucleus of a winner.

"I think this has been a fluke year where it wasn't meant to be, where every mistake we made cost us a ballgame," he said. "But next year, with a few changes, I think this is going to be a hell of a club. The young pitchers gained the experience this year where they should be able to take the club into the seventh inning. There should be no excuses for the pitching staff."

Then, reliving his final at-bat, he said, "I read every sign in the park and every emotion in every face. I always want to remember that."

"Today and yesterday were two different type days," he went on. "Today was my last day. I knew there were people here that were not Saturday and that's why I ran around the field again to show my appreciation.

"Today was the last time I'll ever wear a Red Sox uniform. Right now, that's hard to believe."

When Yastrzemski was removed from the lineup in the seventh, his teammates left their positions to shake his hand.

Then, with the fans chanting "We Want Yaz" at the conclusion of the game, he emerged again to a tumultuous ovation and waved goodbye. He took his final lap around the field where he provided baseball fans with numerous thrills for 23 years, and was gone from the Boston baseball scene.●

CROWDING OUT: IS HOUSING THE CULPRIT?

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. ST GERMAIN. Mr. Speaker, today, David O. Maxwell, Chief Executive Officer of the Federal National Mortgage Association delivered a speech to the Public Securities Association.

I commend the speech to all who are interested in the subject of housing and, more particularly, home financing.

In my opinion, Mr. Maxwell, in a well-reasoned analysis, puts to rest the myth that home financing crowds out other investment needs.

For those who may not be familiar with Fannie Mae, a unique institution created by Congress, Mr. Maxwell describes the important role and function the organization performs in providing long-term mortgage money for homeowners.

(Remarks of David O. Maxwell, Chairman and Chief Executive Officer, Federal National Mortgage Association)

Today I'm going to speak to you about a subject that has been troubling many of us who are deeply engaged in financing homes for Americans. Our ongoing national debate about the economy in general—and about housing and home finance in particular—reflects some serious misunderstandings, about the purposes, forms and effects of governmental involvement in the credit markets. As the leader of the Federal National Mortgage Association—otherwise known as FNMA or Fannie Mae—a key government-sponsored financial intermediary, I believe it is imperative that I begin to try to set the record straight—at least in the realm of housing finance.

First, I will address directly the issue of "crowding out": Whether housing in general, and FNMA specifically, is unduly advantaged in competing for a share of our nation's savings pool, thus driving up interest rates and unfairly displacing other types of investments. In the course of this argument I will clarify the critical differences between consumers of credit and financial intermediaries like FNMA.

Second, I will turn to a concern that frequently underlies "crowding out" rehetoric: This subject is government support for housing the American people.

Third, I will focus on the particular mechanisms our nation employs to support its mortgage finance system. And I'll define the vital role FNMA plays within this system.

Let me begin with the issue most often raised: the borrowing we do to finance our own mortgage portfolio. Since joining FNMA two years ago, I have repeatedly heard it charged that FNMA's discount note or debenture offerings drive up interest rates on Treasury securities, or crowd out other forms of borrowing.

I must confess that I am puzzled as to why some people believe this. FNMA is a financial intermediary. Every dollar FNMA borrows in the capital markets by issuing a debenture or a discount note, we put back into the home finance market—by buying a newly originated home mortgage or by refinancing an old one. And so, our activities in the capital markets do not "crowd out" other borrowers—any more than do the deposit-gathering and relending activities of banks and thrift institutions. Like a bank or thrift, FNMA does not actually consume the money we borrow; we channel this money to mortgage bankers, commercial banks, and thifts, who in turn lend it to people to buy homes.

Those who claim baneful side effects to FNMA's intermediary function often make that claim without offering any proof. Indeed, we are aware of no serious work that demonstrates a causal link between FNMA's borrowing volumes and interest

rate levels, interest rate spreads, funds flows, or the relationship between short-term and long-term interest rates. Perhaps I am biased. But I strongly suspect that this is because no such relationship exists.

By the same token, it is the very willingness of FNMA to accept our liabilities in one form while lending them out in another that helps keep mortgage rates from going even higher. This is because as an intermediary FNMA makes the connection between the mortgage and financial markets more efficient, in part by directing funds from capital surplus areas to capital short areas and by remaining in the market in bad times as well as good.

Treasury borrowings and agency borrowings are frequently lumped together in discussions of financial market crowding out. In reality, however, there is a world of difference between the two. Proceeds from Treasury borrowings for example—unlike FNMA's—are not put back in the credit market; they are used to make up the shortfall between tax receipts and expenditures. In this sense, Treasury borrowings truly do deplete the nation's savings even when federal funds are efficiently spent for good and necessary purchases. To use a simple analogy, the nation's stock of savings can be compared to a swimming pool. The Treasury takes many bucketfuls out—and keeps them out. FNMA merely scoops a few bucketfuls out of the shallow end—that is, the short and intermediate markets—and puts them right back into the deep end—the long-term mortgage market. To equate the crowding out by an end user of credit like the Treasury with the operations of a financial intermediary like FNMA reflects a stunning misunderstanding about how intermediaries really work.

Therefore, the assertion that FNMA contributes in any way to the federal deficit is totally inaccurate. Indeed, if FNMA did not exist, the federal deficit would not be one penny less.

So FNMA's own borrowings cannot properly be called a cause of "crowding out." Some commentators, however, make a further charge: That FNMA's channeling of funds into home mortgages causes "too much" credit to flow to the housing sector, thus "crowding out" other potential users of capital.

Invariably, this accusation focuses on shares of funds raised in the credit markets. For example, someone looking at credit share data for 1975 and 1976, a great boom period for housing, could say: "Mortgage borrowing rose from 21.8 percent of total funds raised in one year to 26.2 percent the next, so some other sector has been 'crowded out'." But such a characterization of "crowding out" fails for two reasons:

•First, the total volume of funds raised is not at all fixed in absolute terms or as a percentage of GNP. Nonfinancial debt can grow as a percentage of GNP. In fact, one sector can—and very often does—expand its own borrowing at no expense whatever to another sector, simply by coaxing more funds to enter the credit markets.

•Second, the "share of the credit markets" approach to the subject of "crowding out" overlooks the reality that a declining share of credit raised does not necessarily imply declining command over real resources. Thus, corporations may borrow less because of increasing cash flows without actually reducing their investments in plant and equipment.

In the first half of 1983, nonfinancial corporations were making capital expenditures at an annual rate of $227 billion, about the same as the total of $231 billion in 1982. Yet their borrowing in short-term and long-term debt markets dropped precipitously—from a total of $73 billion in 1982 to an annualized $38 billion in the first half of this year. Looking at only the credit markets, one might conclude that the business sector was "crowded out"; in fact, business investment was actually just about the same! Flows of funds in the credit markets simply do not always reflect what is happening in the real economy.

The critical question is not the share of credit that any one sector is able to attract for itself; it is whether credit market conditions allow each major sector to command the real economic resources it needs. By this measure, housing is much more often a victim of "crowding out" than a cause of it. As everyone knows, spending on housing is notoriously interest-rate sensitive. Whenever a bidding war occurs in the financial markets, homebuyers are almost always the first to suffer.

It's easy to see why. Borrowing to finance federal spending is totally insensitive to interest rates; the Treasury simply bids for the funds it needs—and gets them. Nonfinancial corporations enjoy their own advantage: More than two-thirds of their investment spending is financed not by borrowing, but by retained earnings and depreciation. Net interest costs for these types of businesses amount to only about 4 percent of their total costs—and often even these costs can be passed on to the consumer.

None of this is true in the housing market. Just a two percentage point rise in the mortgage rate, from 12 to 14 percent, will raise the monthly payment on a $60,000 home loan by more than 15 percent. For a family of four, already pressed to pay its bills, the difference between $617 a month and $711 a month can be the difference between buying and not buying a home. Homebuyers have no one to whom they can pass these costs. And so many homebuyers, when rates go up, are compelled to cancel their plans. They are, one might say, "crowded out."

I have already talked about the ability of government to bid funds away from housing and, indeed, almost any other user of credit. But housing is also out-bid by the corporate sector. To see how, let's consider residential investment as a percent of total investment over the last 20 years. Since 1962 we've been through four economic cycles. In the first three of the four cycles, residential investment as a percent of total investment averaged 28 percent—and there was little variation from one cycle to the next. During the first two years of these cycles, interest rates were relatively low—and residential investment accounted for nearly 31 percent of total investment. In the final two years of these cycles, however, rates were generally higher—and housing's share of investment spending fell to 26.1 percent. In the 1980-82 cycle, interest rates were as high as they have been in the past one hundred years, and you know what happened: Housing's share of total investment plummeted, to just 21.9 percent, a decline from 25.6 percent at the beginning of the cycle in 1980.

In the years ahead, housing may be even more vulnerable to "crowding out" pressures. The federal government is expected to run deficits in the neighborhood of $200 billion for the foreseeable future. Treasury borrowing thus threatens to soak up about half of the net private savings in the economy for the next several years; more than triple the amount of savings the Treasury has typically absorbed since the Sixties. Such unprecedented pre-emption of savings by the government necessarily means that many investment demands will go unmet; all our experience suggests that the resulting high interest rates will cause housing to suffer disproportionately in the scramble for credit.

Let me turn now to another aspect of the "crowding out" issue: the role of government in the housing industry. We all know that housing receives the benefit of a number of federal supports. There are tax preferences, such as the deductibility of mortgage interest and property taxes. There are rent subsidies. And there are various forms of financing assistance. Such supports have the undeniable effect of shifting the allocation of resources toward housing, or at least of offsetting other governmental incentives that direct resources to other sectors. These supports allow the American economy to achieve a higher level of housing activity than might otherwise be possible. Now, some people call this "crowding out." They contend that such federal assistance permits housing to "crowd out" other types of spending that might have taken place had housing not been helped.

They are right—at least in part. By allocating resources to housing, we do get more housing—and undoubtedly less of something else. But "crowding out" is not an adequate description for this process. In my view, it is really more appropriate to call this a decision of public policy. After all, housing is by no means the only area in which the government influences the allocation of resources. The government allocates resources in hundreds of ways that don't always follow the dictates of a purely free market. That is how we enjoy public goods such as defense spending or highway construction—goods that simply would not be produced without the involvement of the government. That is how millions of our citizens obtain health care, retirement income and veterans benefits. That is how farmers get price supports and businesses get accelerated depreciation allowances.

The government transfers resources in a host of ways: direct outlays, tax deductions or credits, tax exemptions, regulation, government sponsorship, credit assistance, loan guarantees and direct loans. Taken together, the government's various means of reallocating resources probably have some impact on virtually every good or service produced in our economy.

One can argue—and many do—that the government gives too much assistance to this or that economic or social end. And some people argue even more strenuously that government gives too much support to housing. I strongly disagree—for several reasons. The most compelling reason is that support for the housing industry pays important social and economic dividends. Homeownership is a significant stabilizing force in our economy; the purchase of a home is an important goal that motivates millions of productive people.

In addition, housing makes a substantial contribution to the economy in its own right. For example, it directly provides 1,700 jobs for every 1,000 single-family units built, exclusive of jobs in related industries, like appliances and furniture manufacturing. Housing has also led the economy out of every post-World War II recession, including the most recent one.

In 1983, housing construction activity in the United States is expected to provide

nearly 2.5 million jobs for workers in the construction and building supply industries, and to generate $45.3 billion in wages for these workers. Total expenditures for construction of single-family units and multifamily apartments are expected to exceed $100 billion. Thanks to the "multiplier effect," the overall contribution of new housing to GNP should exceed $200 billion, which is six percent of the total. Its contribution to federal, state and local tax revenues should exceed $20 billion. The sale of existing homes also contributes to employment, tax receipts and national prosperity.

Moreover, the supply of housing is especially important now because the nation is trying to house the post-war "baby-boom" generation, which has reached homebuying age. We estimate America will need approximately 10 million new homes before the end of the Eighties to meet the needs of this generation. Failure to fulfill this housing need will not only put upward pressure on home prices, thereby fueling inflation, but could also have important social costs.

The most efficient and low-cost mechanisms for supporting housing occur in the area of mortgage finance. FNMA itself is an obvious example of this. Unlike many other participants in the mortgage market, or privately owned businesses generally, FNMA is restricted to only one business purpose: support of the residential mortgage market. In return for this specific commitment to housing, FNMA's congressional charter confers on us a number of federal attributes that undeniably enable us to support homeownership in America in the manner and on the scale we do—at no cost to the taxpayer.

We should not forget that FNMA is not unique in this respect. The same kinds of characteristics enable the Farm Credit System to provide resources for agriculture, the Federal Home Loan Banks to maintain the liquidity of thrift institutions, and Sallie Mae to provide a market for student loans. Moreover, FNMA is not alone among federally chartered, privately owned financial institutions that invest in mortgages in receiving certain government benefits. The Federal Home Loan Mortgage Corporation, or Freddie Mac, comes immediately to mind. But there are others:

Savings and loans, for example, have nearly three-quarters of their liabilities guaranteed by the FSLIC, an agency of the United States government. And this is a full faith and credit guarantee; Congress last year passed a resolution backing both federal deposit insurance agencies regardless of the strength of their balance sheets. Savings and loans, along with other savings institutions, also have a special bad debt reserve, based on investment in mortgages, that lowers their federal tax rate.

Commercial and mutual savings banks get over half their liabilities in government-insured form.

Another group of mortgage investors—state and local housing authorities—raise money in the tax-exempt bond market.

The income from mortgages held by pension funds, to cite another example, is not subject to taxation. And that from mortgages held by insurance companies is taxed at a low rate.

This is, I'm sure you'll agree, quite an extensive network of federal support. And so I find it perplexing that FNMA is so often referred to as "the government" in discussions of mortgage finance—while other investors are considered to be "private." To be sure, some mortgage brokers or guarantors of mortgage-related securities can and do operate without government support. But unlike FNMA they do not invest in mortgages for their own portfolios. The fact remains that no one invests in mortgages and holds them in portfolio without significant federal support. So FNMA is not unique in this respect.

Federal assistance to any financial institution can, of course, be changed. There is continual debate about the proper degree of governmental involvement in various areas of the economy, and mortgage finance is no exception to this. Recently, for example, the debate has involved a number of topics related to housing finance: permissible asset powers for thrifts; the phase-out of rate ceilings on deposits; the role of federal deposit insurance; the effectiveness of tax-exempt mortgage revenue bonds—and, I might add, the proper role of FNMA. This is as it should be: Such debate—such continual re-evaluation—helps maintain the efficiency of our financial system. We at FNMA have no disagreement with that process.

Indeed, FNMA has been involved in some of this ongoing debate over the past several months. Early this year, we submitted to Congress several requests for improvements in the legislation that affects our operations. The deregulation of the primary financial market altered the environment in which we operate; we sought amendments to our charter so that we could maintain our service to the market in this new setting.

The ensuing debate—to our consternation—made it abundantly clear that many people do not know where our company fits within the framework of mortgage finance. FNMA, in fact, may be the least-understood privately owned major corporation in America—though we are the nation's fifth largest company measured by assets and our stock is week-in and week-out one of the most actively traded on the New York Stock Exchange. Many people do not even realize that we pay federal income taxes—but I assure you the Treasury knows.

FNMA is engaged in two separate businesses: The mortgage investing or portfolio business provides one service; our mortgage guaranty or pass-through business provides a different service.

Our portfolio operations add value to the housing system in three major ways. First, they enable us to support a wide variety of mortgage products. The fact that we buy mortgages for our own account, rather than strictly for resale through mortgage-backed securities, means that we can purchase a far more varied menu of mortgage types than can be accommodated by the much more standardized pass-through market. This enables homebuyers and lenders to exercise their preferences for mortgage type in the marketplace.

Second, FNMA is always in the market, in good times and bad. Last year, one of the worst for housing since the Thirties, provided a classic example of our reliability. In 1982, we purchased a record $15 billion in home mortgages, roughly one of every seven mortgages originated in the United States that year. We also issued $14 billion in mortgage-backed securities. In contrast, other investors in mortgages have not been so reliable. For example, insurance companies have nearly abandoned the housing market over time. Other lenders have sharply reduced their purchase activities exactly at the point in housing cycles that help is most needed.

Third, FNMA's portfolio operations enable us to tap a different segment of the capital market—the intermediate-term market. We are not a depository institution whose main source of funds is short-term consumer savings. And we are not a life insurance company or pension fund, whose funds tend to be longer term contractual payments. In contrast to such institutions, FNMA finances a healthy portion of its home mortgage purchases with three-to-seven year debentures. This is a segment of the credit markets to which the mortgage market would otherwise have little access.

It is also revealing that banks and thrift institutions purchase more than half of FNMA's debentures. By such purchases, these depository institutions are apparently "pooling" their interest rate risk with FNMA's. These institutions, rather than funding all their long-term mortgages with short-term liabilities, are taking some of their shorter term funds and investing them in FNMA's debentures. FNMA, in turn, takes the proceeds from these debentures and invests them in mortgages. Thus we "split" the funding mismatch, and in this way, each institution can reduce its portfolio risk; can maintain an adequate return on investment; and can also make funds available to housing.

FNMA's Mortgage-Backed Securities serve two important functions in facilitating mortgage finance. First, they are a low-cost, efficient means of transforming home mortgages into securities. Second, they provide depository institutions with much-needed liquidity. In two years we have issued more than $26 billion of these securities.

But FNMA's Mortgage-Backed Security, useful as it is, has not escaped accusations of "crowding out." When people discuss this issue they often talk as if the mortgage-backed securities market were the total secondary market in mortgages. This is far from the case.

The fact is that what might be labelled purely private transactions have accounted for nearly 40 percent of all secondary mortgage market activity over the past five years—excluding swaps of seasoned loans. Most of these private transactions involve sales of whole loans or participations directly to final holders, as well as sales through private mortgage guarantors.

These purely private transactions—far from being "crowded out"—have actually achieved a greater share of the secondary market than even the government-guaranteed agencies. As compared to the 40 percent share accounted for by purely private transactions during these same five years, transactions with government-guaranteed agencies—the Government National Mortgage Association and the Farmers Home Administration—have accounted for less than 35 percent of secondary market activity. Transactions with government-sponsored agencies—FNMA and the Federal Home Loan Mortgage Corporation—have accounted for only about 20 percent of secondary market activity. State and local government agencies account for the remaining five percent.

People who contend that agency securities prevent the development of a private market probably mean to say that agency mortgage-backed securities have impeded the development of private mortgage-backed securities. But even this is wide of the mark. The limited popularity of private mortgage-backed securities has much more to do with the private market for whole loans and participations than it does with competition from the sponsored agencies. Most investors prefer to purchase whole loans or participations, rather than private

mortgage-backed securities. Why? Because they are unwilling to pay what a private guarantor has to charge to transform an ordinary mortgage into a private mortgage-backed security. This would be true whether agency mortgage-backed securities existed or not.

The transformation of a mortgage into an agency mortgage-backed security, on the other hand, provides real value. This is why these securities have become so popular over the last dozen years. It is a legitimate question of public policy, of course, whether the mortgage-backed security business is a proper function for federally sponsored or federally guaranteed agencies. But those who raise this issue should not delude themselves: Barring the agencies from dealing in mortgage-backed securities would almost certainly result in higher interest rates on mortgages and thus reduced affordability for housing.

Make no mistake about it: FNMA welcomes as much participation in the secondary mortgage market as is possible because that market must be extremely large in the Eighties to meet the demand for housing at the same time it fulfills the desire of newly deregulated primary lenders to sell their home loans. But we do not think it follows that the role of agency mortgage-backed securities must be diminished to accommodate the new players. And we submit that makers of public policy must always bear in mind that the ultimate objective is to finance homes for the American people at the lowest possible cost.

Indeed, as the Vice Chairman of the Board of Governors of the Federal Reserve System, Preston Martin, stated recently in testimony before the United States Senate Subcommittee on Housing and Urban Affairs:

". . . I would like to remind the subcommittee that housing finance is likely to be the first casualty in any future 'crowding out' of private financing occasioned by the huge structural federal deficits that are on the horizon. It would be unfortunate, indeed, if this problem were compounded by inefficient market mechanisms."

I have discussed these issues in detail because they cannot be taken lightly. Sometimes people attach labels like "crowding out" to financial activities without thinking through what really occurs in the marketplace. To set the record straight:

FNMA's borrowing does not drive up interest rates on Treasury securities or "crowd out" other forms of borrowing. We, like a bank or thrift, are a financial intermediary: Every dollar we borrow in the capital markets we put back into the home finance market.

FNMA's service as an intermediary makes the connection between the mortgage and financial markets more efficient, thus permitting housing to compete with other capital needs for investment dollars.

FNMA is also key to maintaining a more stable flow of money into the home mortgage sector. We are in the market year-in and year-out, providing mortgage money and helping to keep mortgage rates down exactly when housing needs aid the most.

The charge that FNMA causes "too much" credit to flow to the housing sector fails for two reasons. First, it incorrectly assumes that the pool of funds available for investment is fixed. Second, it ignores the reality that shifts in credit shares often do not reflect changes in investment shares. What we really must examine is whether each major sector of our economy gets the real economic resources it needs.

When we examine which sector loses out in a battle for financial resources, the facts reveal that housing is the sector that has to retreat. Spending on housing is notoriously interest-rate sensitive, and homebuyers cannot turn to alternatives such as tapping retained earnings or passing on costs to consumers.

The blows to housing's share of total investment that we experienced in the past few years may be even more punishing in the near future. The unprecedented preemption of savings by the government to finance its deficit will likely "crowd out" housing before any other sector.

The government has offered many types of federal assistance to encourage homeownership and to ease housing's sensitivity to interest rate swings. But housing is, of course, not the only area in which the government influences the allocation of resources. It is sensible to subject all these public policy decisions to continual re-evaluation. But we shouldn't do so in ignorance of how the policies really operate and how our nation benefits.

The most efficient and low-cost mechanisms for supporting housing occur in the area of mortgage finance. FNMA is the keystone of this system.

In return for receiving certain benefits from the federal government, benefits similar to those received by other private mortgage investors, FNMA operates with only one business purpose: to support the home mortgage market. Our portfolio investment is a particularly important element of this support, not duplicated by any other single significant institution. Thus, our federal attributes enable us to bolster homeownership in America in the manner and on the scale we do—at no cost to the taxpayer.

FNMA is a creative policy instrument that combines two of America's strongest suits: a reliance on the market and the objective of making it possible for Americans to own their homes. The far-sighted people who conceived of FNMA have no cause for self-flagellation. We have fulfilled our mission to help housing at the same time we have made the connection between America's finance and mortgage markets more efficient. I am confident that everyone who understands what we really do and how we do it will continue to back FNMA's performance of its critical task of financing homes for Americans.●

ASPARTAME: NOT A SURE BET

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. GEJDENSON. Mr. Speaker, today I rise to express a number of concerns I have about a new sweetening product, Aspartame, recently introduced to the market for use in both dry foods and in carbonated beverages. Most of you will recognize this product by its commercial names, NutraSweet and Equal. I would like to take this opportunity to briefly outline the regulatory history of Aspartame's approval and the objections made by a number of scientists and consumer groups. I feel that once my colleagues have studied these facts they will agree that some restrictions must be made upon the use of Aspartame, especially since so many questions remain about its safety.

The debate about the potential health hazards of this product is mainly between the FDA and the manufacturer on the one side and the consumer groups and a number of dissenting voices in the scientific community on the other. The FDA has allowed Aspartame to be produced in both carbonated beverages and dry food products based on studies done over the past decade. The consumer groups and the scientists that I have contacted are convinced that, based on their studies and new evidence that has been developed, Aspartame's unregulated use must still be questioned. Although most people agree that the risks associated with Aspartame are fewer than those associated with saccharin, it is felt that Aspartame was approved by the FDA prematurely and that further tests must be made to insure its safety.

In July 1978, Aspartame received its initial approval by the FDA but certain restrictions were imposed. First, a label must be placed on products containing Aspartame bearing the statement, "Phenylketonurics: Contains Phenylalanine." This label is necessary for a group of people in society who suffer from a rare disease, Phenylketonuria [PKU], a condition that prevents the metabolism of the amino acid, phenylalanine. Second, when utilized as a table sweetener, a label is required to bear instructions that Aspartame is not to be used in cooking. When exposed to prolonged heat, Aspartame breaks down into an undesirable compound, diketopiperazine [DKP]. And lastly, if used for special diets, the FDA's special dietary food regulations must be implemented.

Several formal objections were made at this time by a number of people. Specifically, John W. Olney, M.D., and James S. Turner, Esq., felt that when ingested by children, Aspartame may cause brain damage and result in mental retardation, endocrine dysfunction, or both. Due to these objections, the FDA placed a stay on the authorization of the product for commercial production.

In December 1978, the manufacturer publicized the results of its 2-year study and concluded that its previous tests were valid. Consequently, the FDA established a board of inquiry to be composed of three independent scientists in order to clarify three issues. First, the board was to determine whether or not Aspartame posed a risk that would result in mental retardation, brain damage, or effects on the neuroendocrine regulatory system. Second, the board was to determine whether the indigestion of Aspartame would lead to the growth of brain tumors. Last, if it were concluded that

Aspartame should be approved by the FDA, what restrictions should be imposed on its use.

The independent board recommended on October 1, 1981, that the FDA should refuse to approve Aspartame. The board maintained that Aspartame would not pose an increased risk resulting in mental retardation, but did not rule out the possibility that Aspartame may cause brain tumors and suggested that the evidence may indeed indicate that Aspartame induced brain tumors in animals.

The Commissioner of FDA, Arthur Hull Hays, Jr., overruled the board's recommendation. On October 8, 1981, Aspartame became available for use in dry food products and on July 8, 1983, the FDA amend its earlier decision and allowed its use in carbonated beverages.

Despite the FDA's approval of this product, there are still a number of people in the scientific community who continue to question the potential hazards of its use. The Center for Science and the Public Interest and Dr. Woodrow C. Monte, professor at Arizona State University, have requested that FDA respond to questions of Aspartame's safety for use in hot foods; the possibility of nitrosamine formation; the safety of formation of methyl alcohol through breakdown of Aspartame; the toxicity of diketopiperazine; and the adequacy of label warnings for phenylketonurics and other people who need to avoid phenylalanine, and therefore, Aspartame.

Mr. James S. Turner, Esq., and the Community Nutrition Institute have filed a petition to the FDA objecting to Aspartame's approval and to request that the FDA hold a public hearing to consider the objections that have been raised. The petition states, "Petitioner objects to and requests a hearing on regulation 172.804 because the Commissioner and the agency have not adequately dealt with newly presented information that Aspartame at the permitted dietary levels might cause mental retardation, brain lesions and other effects."

An objection to Aspartame's approval was also made by Richard J. Wurtman, M.D., a scientist and professor of neuroendocrine regulation at the Massachusetts Institute of Technology. Dr. Wurtman is concerned that unlimited amounts of Aspartame can have adverse effects on the brain, thereby affecting behavior, and concluded that the FDA should be required to set limits on its use.

Mr. Speaker, with your permission I would like to submit a letter from Dr. Wurtman to Dr. Sanford A. Miller, the Director of the Bureau of Foods at the FDA, which details Dr. Wurtman's concerns about this product.

MASSACHUSETTS INSTITUTE
OF TECHNOLOGY,
Cambridge, Mass., August 29, 1983.

Dr. SANFORD A. MILLER, Ph. D.,
Director, Bureau of Foods,
HFFI, Food and Drug Administration,
Washington, D.C.

DEAR DR. MILLER: Thank you for your letter of August 12th relative to my concerns about the FDA's approval of incorporating unlimited amounts of aspartame into soft drinks. While—as you might anticipate—I disagree with all of its conclusions, I am certainly pleased that communication between us on this topic is now bilateral. I reiterate my willingness to expand this dialogue by my visiting the Bureau of Foods, and by having you and those of your associates who are most involved in aspartame visit my own laboratories. We are now obtaining data on aspartame's functional effects (e.g., on cardiovascular and behavioral processes) which should soon lead to another publication, and which we will be happy to share with the FDA, just as we have shared all of our previous data.

My comments on the conclusions stated on page 12 of your letter are as follows:

1. Aspartame does affect ". . . the level of the neurotransmitter serotonin", and "its primary metabolite, 5-hydroxyindole acetic acid in the rat brain": It blocks the physiologic increases in these indoles caused by eating carbohydrates. I suppose if we could be absolutely certain that no one would ever eat a carbohydrate at the same time they consumed an aspartame-sweetened soft drink we wouldn't have to be concerned with this effect. But surely the Bureau of Foods recognizes that many Americans consume pretzels or potato chips or peanut-butter-and-jelly sandwiches, etc., at the same time they drink a soda. The changes in serotonin produced by those pretzels, and so forth, are normal, and important in brain function; without them, some people are likely to eat much more of the carbohydrate than would otherwise be the case. High-dose aspartame blocks these changes.

2. Yes, consuming adequate quantities of a protein would block the glocose-induced increases in serotonin synthesis and secretion, just as aspartame does. But this is not something to be pleased about: As a reporter for the Washington Post (Sandy Rovner) pointed out several months ago, the artificial sweetener fools the brain into thinking that one has just consumed a protein-rich meal, and should now eat more carbohydrates. Surely this is not a desirable effect for a diet aid.

3. As we first showed, (Scally, et al., J. Neur. Trans. 41:1-6, 1977) giving supplemental tyrosine does not enhance catecholamine synthesis in quiescent neurons. However neurons aren't always quiescent: If we could be certain that no one whose clinical state has activated particular catecholaminergic neurons would drink aspartame-sweetened sodas, that would be one thing. However surely we can anticipate that some people with, for example, hypertension or Parkinson's Disease or hyperkinesis, or those taking monoaminergic drugs, may also drink the sodas now and then.

If the FDA intends to allow American soft-drink companies to use very high aspartame concentrations, perhaps the answer is to require appropriate labelling, i.e., placing a warning label on the bottle indicating that certain types of people should avoid drinking it because of its aspartame content.

4. (See comments on #3.)

5. It's true that data from studies on subhuman species aren't always easy to extrapolate to humans. However that caveat doesn't apply only to studies involving behavior: I'm certainly not an expert on saccharine, but my understanding is that no experimental or epidemiological evidence has ever been presented showing that that sweetener increases the likelihood of cancer formation in humans, only in rodents; yet the rodent data have become the basis of public policy. Surely it's important to look, to see whether the neurochemical changes induced by high-dose aspartame (especially when taken with dietary carbohydrate) do or do not cause functional changes.

Incidentally, media accounts have described the Bureau of Foods as being skeptical that it is even possible to measure behavioral effects of foods and nutrients in people (i.e., because behavior is so difficult to quantify). Surely these accounts must be in error: We both know many excellent scientists—including those working in government laboratories, like the NIH—who do exactly this sort of work, and who would doubtless be able and willing to examine aspartame's effects.

6. As you must know by now, the reference cited in the July 8, 1983 issue of The Federal Register (in support of the view that dietary phenylalanine and aspartame lack physical and behavioral effects in monkeys; the Waisman Study) showed exactly the opposite, i.e. all of the test monkeys with elevated plasma phenylalanine levels underwent seizures (I). Moreover, reference 3 (the four Stegink references) cited as showing a lack of effect of aspartame on human mood or performance, contained no data on mood or performance or any other behavioral variables.

Kindest personal regards.

Cordially yours,

RICHARD J. WURTMAN, M.D.

Since Aspartame was approved for use in carbonated beverages, the main producers have been combining saccharin and Aspartame. The reason for employing both sweeteners is that the costs associated with the production of Aspartame are much higher than saccharin. For a sweetening power equivalent to a pound of sugar, Aspartame costs 45 cents, sugar 29 cents, and saccharin 1.3 cents. In the near future, saccharin will be phased out and as Aspartame's manufacturing costs are decreased, Aspartame will be phased in as the primary sweetening ingredient, thus substantially increasing the amount of Aspartame used in each product.

Knowledge of this product and whether or not it causes adverse health effects is still unknown. For this reason, I feel that Congress must take the necessary steps to insure the safest possible use of this product. I am, therefore, introducing a bill that would require the FDA to establish a maximum concentration limit on the use of Aspartame. Many of the studies indicated that if Aspartame is applied in normal consumption levels the chances for detrimental effects are diminished. Given this, and the fact that soon this product will be used in greater quantities in carbonated bever-

ages in the near future, I feel that the bill I am introducing today is a responsible approach to insure the safest possible regulation of this product.

I urge my colleagues to support this measure.●

DESPITE THE CRITICISM, THE UNITED STATES NEEDS THE UNITED NATIONS

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. DASCHLE. Mr. Speaker, criticism of the United Nations—much of it justified—has recently given rise to calls for the United States to tell the United Nations to pack up and move out. With the frustrations and aggravations often accompanying U.N. presence on our shores, it is tempting to endorse this "throw the rascals out" approach.

However, as pointed out several days ago by an editorial in the Huron (S. Dak.) Daily Plainsman, there is clearly another side to the coin. The editorial, which I recommend to my colleagues, follows:

[From the Huron (S. Dak.) Daily Plainsman, Sept. 25, 1983]

DESPITE THE CRITICISM, THE UNITED STATES NEEDS THE UNITED NATIONS.

Calls to move the United Nations to another country is another example of the worsening relationship between the United States and the Soviet Union since the unprovoked attack by a Russian SU 115 interceptor on an unarmed Korean jetliner nearly three weeks ago.

The U.N. issue first surfaced when a Soviet diplomat charged that restrictions on civil aviation invoked after the airliner incident, which Russia cited as the reason for canceling Andrei Gromyko's planned visit to the General Assembly, shows the United States is unfit to be the host country.

Some people were surprised when Charles Lichenstein, the U.S. ambassador to the United Nations, publicly suggested that the world body should consider moving its headquarters if members were dissatisfied with U.S. hospitality.

Lichenstein told U.N. members to "seriously consider" moving the organization. "We will be at dockside bidding you a farewell as you set off into the sunset," he said.

Those are some pretty harsh words at a time when the U.S.-Soviet Union relations apparently are close to a breaking point.

Even President Reagan has joined in the rhetoric. Reagan was quoted Thursday suggesting that perhaps the U.N. should consider splitting their sessions between the Soviet Union and the United States.

"Maybe all those delegates should have six months in the United Nations meeting in Moscow and then six months in New York, and it would give them an opportunity to see two ways of life," Reagan said in a press conference at the White House.

In answering questions from the media, Reagan said that Lichenstein spoke for most Americans when he made his statements.

"I think the gentleman who spoke the other day had the hearty approval of most people in America in his suggestion that we weren't asking anyone to leave, but if they'd choose to leave, good-bye," Reagan said

One of Reagan's most admirable qualities, in our opinion, is the fact that he isn't afraid to speak his piece—even if it means sparring with the big Russian bear.

Unfortunately, however, the United States needs the United Nations.

Joseph Kraft, of the Los Angeles Times Syndicate, wrote in his column appearing in the Minneapolis Tribune, that there are occasions—more and more occasions, in fact—when world peace is menaced by forces that cannot appropriately be contained by American power. The United Nations exists for those contingencies.

The United Nations was the brainchild of President Roosevelt and Presidents Dwight Eisenhower and John F. Kennedy fought to keep it alive. If it is torn down now, we believe the United States would be the loser. Moving the U.N. headquarters would mean this country no longer would be a world power.

President Reagan is expected to go before the General Assembly this week and reaffirm this country's commitment to the United Nations. Since its inception, the United Nations has served as the debate arena for spokesmen from countries who were close to a military conflict. It hasn't always served one primary objective. It has kept the world powers—those who could set off a nuclear attack—busy at the conference table and away from the panic button.

No one appreciates the continual criticism the United States has been subjected to, particularly in light of the airliner incident which killed 269 people including 61 Americans. But as long as that particular event remains unsettled, that's all the more reason why the United States, and every other country, needs the United Nations.●

WHAT ELSE CAN CONTINENTAL DO?

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. SHUMWAY. Mr. Speaker, the term industrial policy has been widely discussed and debated of late, but that term remains so broad and unfocused as to be meaningless. I have always maintained that we do have an industrial policy, and always have: Whenever government intervenes in the marketplace to attain economic or noneconomic goals, thus distorting market decisions, industrial policy is in effect. I also believe a case can be made for eliminating government policies which thwart competition and stifle the hope for a dynamic economy. Today's Washington Post carried an article by William F. Buckley, Jr. in which he discusses the plight of Continental Airlines, and the route chosen by that airline to recover. He points out that Continental is still flying; it is still employing 4,200 individuals, and it is trying to face reality. I find the article extremely relevant and pertinent in light of the ongoing debate concerning industrial policy, and I commend "What Else Can Continental Do?" to my colleagues' attention. In particular, I appreciate Mr. Buckley's closing comments: Will the U.S. economy continue to be dynamic, or will it surrender once and for all to the coils of politics and bureaucracy?

[The article follows:]

WHAT ELSE CAN CONTINENTAL DO?

(By William F. Buckley Jr.)

What is going on right now with Continental Airlines is arguably the most important symbolic economic struggle of the decade. Its implications are correctly conceived both by organized labor and by management as a major junction. Which way is the United States going to go? The alternatives are: competition, economic progress and internationalism. And, at the other end, economic autarky, isolationism and stagnation.

Since deregulation, the airlines have lost approximately $5 billion. During the first six months of this year, Continental Airlines took in $586 million in revenues but spent $84 million more than that figure in maintaining its operations. The average profitable corporation in America, which means the corporation that stays in business, makes 6 percent profit on its gross revenues. In the case of Continental, the loss, added to the hypothetical gain, would suggest that it is running at a loss of about $240 million per year.

So what does management do? It seeks to trim back and to reduce overhead. But an appeal to the pilots' union and to the union of flight attendants fails.

What then? Well, what would you do? The shareholders are not going to give Continental $240 million per year for Christmas, so you face, really, two alternatives: either you go bankrupt and get out of the airline business, or you go bankrupt and don't get out of the airline business. This is the alternative offered under the bankruptcy laws, and it goes by the name of Chapter 11. What this does is to relieve the afflicted company of any obligation to pay its creditors, but all revenues are then subject to court inspection. No money, needless to say, can be paid out to shareholders while under Chapter 11.

So Continental took this route, laid off its entire staff, and then started rehiring on the basis of what it reasoned it could afford if it were once again airborne, in both senses of that word. It dismissed 12,000 employees under the old union-compensation rate, then rehired 4,200 at a new, much lower, rate. It reduced the number of cities it served from 78 to 25, in an effort to increase its load factor, and reduced the number of operating aircraft from 109 to 46.

The response of the union has been to call this "union-busting." It does not much matter what one calls it. Why not call it witch-hunting? Or call it communism. Or Nazism. Because the management of Continental had to do something, and the only alternative was to close down the airline. It is difficult to see how this would have served the interests of the 4,200 people it now employs.

The big labor unions, which are a vested interest, will go now to Congress, then to the courts. To the courts they will charge that Continental has engaged in union-busting, and to that end has abused the bankruptcy laws. If the courts agree with the unions, they will presumably have to come

up with an alternative Continental had that would have permitted it to continue to lose $240 million per year. To Congress—to which the unions seek to appeal by staging a dramatic one- or two-day strike—the unions will be asking for what? The reversal of deregulation? Try it. To practice, start by reversing Niagara Falls.

What, then? Walter Mondale and Tip O'Neill might come up with an Airline Relief Act to subsidize failing airlines. But you see, they would have a problem here because airline passengers are more numerous than airline pilots and flight attendants, and the former would not easily be persuaded to subsidize the latter to wage scales much higher than their own. Three percent of the American population make over $50,000 per year. Airline pilots make $80,000.

Notice that Continental is still flying. There has been less than union solidarity here because common sense is at work, and as the controllers discovered a while back, it is better to take a 25 percent reduction in wages than to take a 100 percent reduction in wages.

And these are the alternatives. They will be faced in the seasons to come by U.S. steel, by car manufacturers, and by other smokestack industries. And the last chapter will tell us whether the U.S. economy will continue to be dynamic, or whether it will surrender once and for all to the coils of politics and bureaucracy.●

INTRODUCTION OF CIVIL SERVICE AUTHORIZATION AND MISCELLANEOUS AMENDMENTS ACT OF 1983

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mrs. SCHROEDER. Mr. Speaker, today I am introducing the Civil Service Authorization and Miscellaneous Amendments Act of 1983. This bill makes certain changes in the civil service laws, many of them requested by the agencies concerned. Further, the bill places the central personnel management agencies of Government on 3-year authorizations, eliminating the permanent authorizations which now exist. These fixed term authorizations will force us to examine closely the operations of the Office of Personnel Management and other civil service agencies on a regular basis.

I am inserting in the RECORD a section-by-section summary of the legislation. My Subcommittee on Civil Service will hold hearings soon on this bill. It is my hope to get this bill passed before the end of the year.

SECTIONAL SUMMARY OF CIVIL SERVICE AUTHORIZATION AND MISCELLANEOUS AMENDMENTS ACT

SEC. 1. Short title: Civil Service Authorization and Miscellaneous Amendments Act of 1983.

TITLE I: OFFICE OF PERSONNEL MANAGEMENT

SEC. 101. Places OPM (salary and expense account) on three year authorization (fiscal years 1985, 1986, and 1987) at level of $115 million. This figure is automatically increased to reflect increases in pay, standard level user charge, and postal rates after September 30, 1984.

SEC. 102. (Derived from H.R. 2226, introduced by Mr. Barnes.) Provides for reemployment of retired Administrative Law Judges for fixed terms.

TITLE II: MERIT SYSTEMS PROTECTION BOARD

SEC. 201. Places MSPB on three year authorization (fiscal years 1985, 1986, and 1987) at level of $20 million. This figure is automatically increased to reflect increases in pay, standard level user charge and postal rates after September 30, 1984.

SEC. 202. (Agency request.) Permits employees of MSPB, designated by board, and employees of Special Counsel, designated by Special Counsel, to issue subpenas and order depositions.

SEC. 203. (Agency request.) Places a one year time limit on filing appeals from mixed-case discrimination complaints with MSPB, to avoid stale cases.

SEC. 204. (Derived from agency request.) Requires MSPB to release questionnaires used for special studies after the deadline for their return, raw data after the report of the special study is issued, and comments supplied to the MSPB in preparation for its report on Significant Actions of OPM.

SEC. 205. (Agency request.) Provides that appeals from MSPB decisions in disciplinary action cases brought by the Special Counsel shall go to the Court of Appeals for the Federal Circuit.

SEC. 206. Substitutes broad range of penalties for specific, mandatory penalties which now exist for violations of Hatch Act.

SEC. 207. Provides that a denial of a within grade step increases for failure to meet adequate level of competence is subject to the same standard of review as a removal for inadequate performance.

SEC. 208. Restores old practice of Civil Service Commission of reinstating employees who prevail at initial level of appeal, rather than delaying reinstatement until after the full MSPB hears an agency petition for review.

TITLE III: SPECIAL COUNSEL

SEC. 301. Places Office of Special Counsel (OSC) on three year authorization (fiscal years 1985, 1986, and 1987) at level of $5 million. This figure is automatically increased to reflect increases in pay, standard level user charge and postal rates after September 30, 1984.

SEC. 302. Changes the name of OSC from Special Counsel of Merit Systems Protection Board to Special Counsel.

SEC. 303. (Agency request) Permits employees of the Special Counsel, designated by the Special Counsel to administer oaths, examine witnesses, and take depositions.

SEC. 304. (Agency request) Makes OSC independent agency with power to litigate in court and submit own budget.

TITLE IV: FEDERAL LABOR RELATIONS AUTHORITY

SEC. 401. Place FLRA on three year authorization (fiscal years 1985, 1986, and 1987) at level of $20 million. This figure is automatically increased to reflect increases in pay, standard level user charge and postal rates after September 30, 1984.

SEC. 402. (Agency request) Makes chairman of FLRA chief executive and administrative officer.

SEC. 403. Eliminates obsolete provisions of Civil Service Reform Act concerning initial establishment of FLRA.

SEC. 404 Requires FLRA to decide exceptions from arbitrator's awards within 60 days of receipt and provides that 30 day period to file exception starts on day of service.

TITLE V: MISCELLANEOUS, TECHNICAL, AND CONFORMING AMENDMENTS

SEC. 501. Substitutes annual authorization requirement for permanent authorizations of OPM, MSPB, OSC, and FLRA.

SEC. 502. (GAO Request) Extends provisions of Vacancies Act to cover independent establishments.

SEC. 503. (Administration Request) Extends authority of President's Commission on Executive Exchange to collect participation fees.

SEC. 504. Authorizes continuation of Navy's personnel demonstration project at San Diego and China Lake, California, for 5 years beyond current expiration date.●

TORTURE IN CHILE

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. GEJDENSON. Mr. Speaker, for the past 5 months we have been hearing about torture in Chile, which has been systematically inflicted upon political detainees in secret detention centers. Amnesty International has brought to our attention the cases of 19 individuals who were formerly detained by members of the Chilean Armed Forces, 18 of which were subsequently tortured in detention centers. Of the 18 individuals, 13 stated that they were tortured in a CNI (Central Nacional de Informaciones) center in Santiago; the other individuals stated that they had been tortured in provincial CNI centers, or in police stations.

The methods of torture which the individuals reported included, slapping, punching, and extensive beatings. In addition, 14 individuals stated that they were electrically tortured as well. Most of the individuals were also subjected to psychological methods of torture, such as prolonged blindfolding, sleep deprivation, mock executions, and threats to their lives, as well as to those of their families. Even more disturbing is the allegation made by the majority of the detainees that they were medically examined both before and after having been tortured, suggesting the active participation of medical personnel in torture sessions. Among the victims have been academicians, human rights workers, manual laborers, trade unionists, and technicians.

Amnesty International has concluded, after years of documenting allegations of torture, that the use of torture has been consistently practiced by members of the security forces over the past 9 years. Moreover, the methods of arresting, detaining, and interrogating utilized by the CNI and other branches of the Chilean security forces often violate the principles em-

bodied in both the Chilean Constitution and code of penal procedure for safeguarding detainees. It is also apparent that the Chilean courts have not taken effective action to prevent detainees from being tortured. Furthermore, the civil courts are not permitted to continue investigating a complaint of torture if it is established that the security forces or police were responsible. Finally, Amnesty International has concluded that trained medical personnel have worked at CNI centers and have examined a number of detainees before and after being tortured; in certain cases there are grounds for believing that one or more of these people actively participated in inflicting torture.

In the report issued by Amnesty International, "Chile—Evidence of Torture," Amnesty International made the following recommendations: The Government of Chile should set up a full, open, and independent inquiry into allegations of torture filed before the courts; the Government should initiate measures to insure that the courts fulfill their obligations under Chilean law to protect detainees from torture and ill-treatment; and lastly, a full inquiry should be conducted regarding the allegations that medical personnel have been involved in the torturing of detainees in CNI detention centers. I urge the Chilean Government to comply with the recommendations set forth in Amnesty International's report.

CASE No. 19

Adriana Vargas Vásquez.

PERSONAL DETAILS

She is 31 and worked in a factory until June 1979, when she was dismissed because of her trade union activities. After that she became a social worker with a group of young people. Since her release she has been unemployed but has been an active member of an organization called Relatives of Political Prisoners. She is unmarried, has a nine-year-old child and lives with her parents.

STATE OF HEALTH BEFORE ARREST

She was in a car accident in 1975 and was unconscious for a short time. There was a trauma to the spine which left no persisting after-effects.

TIME AND PLACE OF ARREST AND DETENTION

She was arrested in the street in Santiago at 9:00 am on 20 March 1980. She was taken to an interrogation centre in Santiago, from which she was released at about 1:00 pm on 24 March 1980.

DURATION OF ALLEGED TORTURE

She was tortured on four days while at the interrogation centre in Santiago.

INTERROGATION AND TORTURE

Her account of events was as follows:

At 9:00 am on 20 March 1980 she was in a bus. A group of CNI agents entered it and tried to arrest her. When she resisted they tried to remove her by force and her spectacles were knocked off. No arrest-warrant was shown. She was handcuffed, forced into a car and blindfolded. After driving for about 10 minutes they reached the interrogation centre. She was body-searched, stripped naked and stretched out on a bed to which she was tied by the wrists and ankles. She was then electrically tortured for two hours: one electrode was applied beneath the blindfold to her left temple; the other was attached to the second toe of her right foot. They moved other electrodes around her body, giving her shocks on both breasts and the lower abdomen. At one point she could not breathe and someone punched her hard in the stomach while something tasting of ammonia was put in her mouth.

After two hours of electric torture she was made to sit on a chair and undergo mock execution: her interrogators aimed revolvers at her ears and her chest and said they were going to shoot her. Then she heard a loud noise, which was not in fact made by the revolvers but by the people aiming them. She was slapped on the head. She was allowed to dress and was then taken into another room. There she had to strip again and was then suspended on the *pau de arara* (parrot perch). Her wrists were tied together, she was made to crouch and her arms were forced over her bent legs. A rod was then pushed over her elbows and under her knees. In the course of this her left elbow was injured. She was then suspended for about 15 minutes and again electrically tortured on the same parts of her body as before. The current was so strong that she developed involuntary muscle contractions and lost consciousness for a short time. She was awoken by someone trying to make her take an alcoholic drink. They summoned a doctor, who put a tablet in her mouth. She did not want to swallow it but was forced to. She was allowed to dress again but was left on the floor all night. She was constantly woken up during the night and questioned, but was not actually tortured, although on one occasion a man opened her blouse and ran his hands over her body.

The interrogation continued the next day. She was slapped on the side of the head and simultaneously on both ears (*telèfono*) about six times. Her hair was pulled and the base of her spine and left shin were kicked. One interrogator struck her head with his knuckles.

She then lost all sense of time. She recalled that *eau de cologne* was applied to her skin and that she was taken to a doctor who made her drink a bitter liquid. After she had swallowed it she almost fainted.

During the interrogations she was threatened: told that her son would be arrested and tortured, that her boyfriend and family would be harmed and that she herself would be tortured again.

On her final day at the interrogation centre (24 March) she was taken to see the "friendly" interrogator, who told her that if she cooperated things would improve. She was not tortured that day and was released at about 1:00 pm.

She was kept in isolation throughout her five days at the interrogation centre. She slept for only a few hours each night, was blindfold the whole time and given little to eat or drink.

MEDICAL EXAMINATION AND/OR ATTENTION DURING DETENTION

After arriving at the interrogation centre, when she was tied to the bed and before the electric torture started, a man came and felt her all over and said she was healthy. She does not know whether he was a doctor.

MEDICAL PERSONNEL INVOLVED IN TORTURE

On her second day at the interrogation centre she was told she was to see a doctor, and this person told her she was very nervous. He made her swallow a bitter liquid, after which she very nearly fainted. She could not remember what happened next.

EARLY SYMPTOMS DESCRIBED

She completely lost all sense of time after one day's torture. She was unconscious for a short while after being suspended on the *pau de arara* and her wrists were very painful afterwards. She was in pain after the electric torture; her breasts in particular hurt.

Her wrists and ankles hurt where they had been tied during the electric torture. Her left shin was painful where she had been kicked and the area was bruised and swollen. The inside of her left elbow hurt where she had been injured when the interrogators pushed the rod between her knees and elbows.

There was a sore on her left elbow and swelling and discolouration of her wrists and ankles. There were many small black scabs where electrodes had been applied. After about 15 days, these dropped off. She was unable to see what colour the skin then was as she did not have her spectacles, but she could tell that it was rather rough.

She had swelling round the eyes, and her conjunctivae were red for about a week.

Her throat was very dry and she felt pain on swallowing.

While she was being electrically tortured she had difficulty with her breathing.

She lost about 6kg while in detention and for about 20 days after her release she suffered from nausea but did not vomit. She had almost no appetite initially after her release.

For the first few days after being set free her urine was very dark, and about two months later she developed a urinary tract infection which was treated by her doctor.

Two months, and again four months, after her release her genitals became inflamed. She was successfully treated for this on both occasions. She complained of abdominal pain and headaches when she menstruated—something she had not suffered from before.

Since her release she has suffered persistent painful headaches in the back of the head and around the temples, the pain being so severe that she has had to go to bed. Her memory is impaired and she has difficulty concentrating. She has also had dizzy spells, particularly when out in the street. Since her release, she has suffered from insomnia and had nightmares.

She has been depressed to the point of feeling suicidal. She has avoided company and been emotionaly labile and prone to weeping. She has also had anxiety attacks, triggered especially by loud noises. She said that at one stage she cried for several days. She was then referred to a psychiatrist and is now having psychotherapy and being treated with medication.

PRESENT SYMPTOMS DESCRIBED

She has dyspepsia with heartburn. (She had similar problems in 1978.) The present difficulty began about six months prior to the examination. She is receiving medicine, which gives relief.

She still gets cramps and headaches during menstruation, but she loses less blood than before. She has had problems with her left breast: it has been painful and she has had a nipple discharge. She has been treated by her own doctor with an anti-inflammatory drug which has stopped the discharge, althought her breast still hurts.

Her memory and powers of concentration are still impaired. She suffers from insomnia and has nightmares; her sister says she talks a great deal in her sleep.

Her psychological state has greatly improved, although she still tends to feel nervous, depressed and moody and to avoid company.

Previously she smoked 10 cigarettes a day; now she smokes 20.

HER CHILD'S SYMPTOMS

Her nine-year-old child did not previously have any emotional problems but since her release he has had frequent anxiety attacks, wets his bed at night and is woken up screaming by nightmares. He sees a psychiatrist twice a week, which is proving helpful.

MEDICAL DOCUMENTATION

There is a medical certificate from a local doctor who examined the subject on 25 March, the day after she was released. It states, *inter alia*:

"Multiple ecchymoses of traumatic origin in the limbs.

"Erosions of same origin.

"Punctiform erosions grouped in different parts of the body: . . . which correspond to burns by the application of electric current."

There is a medical certificate from the Institute of Forensic Medicine in Santiago, where she was examined on 27 March. It states:

"Examination:

"Excoriations in right ankle and lineal ecchymosis in left ankle.

"Ecchymosis in upper third part of the left leg.

"Excoriations on the left heel, left elbow and left cheek.

"Multiple punctiform excoriations on the right hip, both nipples and left side of the chest.

"Conclusions:

"Slight injuries caused by a heavy object and the action of a physical agent; should heal if treated within 12 to 14 days."

PHYSICAL EXAMINATION (25½ MONTHS AFTER THE ALLEGED TORTURE)

No abnormality was detected.

CONCLUSION

The medical delegates found consistency between the torture alleged and the early and present symptoms. There is consistency also between the symptoms. There is consistency also between the symptoms described and the clinical findings of a local doctor and the Institute of Forensic Medicine one and three days respectively after her release.●

JOHN J. HUNT, AN EDUCATOR PAR EXCELLENCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. ANDERSON. Mr. Speaker, to break with what seems to be fashionable of late, that is, criticizing the quality of teaching in our public schools, I want to bring to our colleagues' attention an educator of exceptional distinction and renown, John J. Hunt of Torrance, Calif. After 36 years with the Los Angeles Unified School District, and realizing that if he had not done so this year, he probably never would, Jack, as he is always called, retired.

I want to pay a special tribute to Jack because his presence in the Los Angeles Unified School District has had such far-reaching, beneficial effects. Because Jack relentlessly strove to unleash the intellectual curiosities of his students, most of them came to recognize their potentials for success. They, in turn, also realized that there was something uniquely special about his approach, not merely to learning but to living. It is not farfetched to suggest that a great many wanted to emulate him. I say this knowing that he is well thought of and remembered by an unusually large number of his former students, many of whom have since entered the field of education. Those former students who are now teachers, or who are in some other way affiliated with education, particularly credit the commitment and enthusiasm for excellence that was always exemplified by Jack as their motivating forces.

Jack Hunt served as a teacher or principal at numerous junior high and high schools. A list of those high schools includes Narbonne, Gardena, Washington, and Bell; the junior high schools are Gompers, Burroughs, Foshay, and Emerson. In addition, he was the deputy administrator for Harbor Area schools for nearly a decade.

Jack is a graduate of Compton College and what used to be called Fresno State and is today known as California State University, Fresno. He served in the U.S. Navy during World War II as a communications officer aboard the U.S.S. *Portland.* At age 23, Jack took part in the surrender of Japanese officials on the Truk Islands. When his wartime tour of duty was completed, upon returning to civilian life, Jack considered pursuing a degree of law from Stanford, but instead decided to enter teaching. He earned a teaching credential, and later a master of arts in education, from the University of Southern California.

Civic and educational communities alike have cited Jack for his meritorious services. He has been the recipient of Gardena High School's Booster of the Year Award, as well as being recognized for his many civic contributions by the Boy Scouts of America and the Veterans of Foreign Wars of the United States. He also is affiliated with the Gardena Valley Kiwanis Club, the Centinela Valley YMCA, the Burroughs Junior High School PTA, and the San Pedro Maritime Industries Luncheon Club.

Mr. Speaker, my wife, Lee, joins me in paying special tribute to John J. Hunt and to thank him for all he has done in the field of education. We would like to extend our warmest wishes for continued success and fulfillment to him, his wife Shirley, and to their four children: Suellen, John, Bob, and Ron.●

CHAIRMAN FOWLER ON THE FCC ACCESS CHARGE DECISION

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. RITTER. Mr. Speaker, the House of Representatives may soon consider legislation which seeks to alter the FCC's telephone access charge decision. Many in Congress feel that there is a pressing need to maintain the current system whereby long distance users subsidize local telephone rates. Others, particularly the majority of Commissioners at the FCC, believe that the best way to keep all phone rates down over the long term is to phase out this subsidy.

I feel it is essential that we maintain universal telephone service. At this point it is unclear how consumers will be impacted by the AT&T divesture and deregulation in the industry. In order to better understand the FCC's telephone access charge decision and what the Commission feels will be the outcome of this policy, I urge my colleagues to give careful consideration to an article on the access charge decision written by Mark Fowler, Chairman of the FCC. This article appeared on October 4, 1983, in the Wall Street Journal.

The article follows:

[From the Wall Street Journal, Oct. 4, 1983]

DISPELLING HANGUPS OVER NEW PHONE RATES

(By Mark S. Fowler)

The technological revolution in telecommunications has spawned a revolution in regulation by federal and state government. The one constant amid this flurry of activity-maintain universal service among residential telephone users, that is, service for all at reasonable prices. Some believe that other goals, such as spurring technical innovation, lowering long-distance costs or keeping America pre-eminent in the communications/information industries, will undermine universal service. I do not.

The Federal Communications Commission recently addressed these goals when it decided to reprice the way users pay for the telephone wire that runs from each home and business to the telephone company office. I am concerned that recent committee actions indicate that the Senate and House might vote to postpone or repeal most of the FCC's "access-charge" decisions. This would be unfortunate, for the considered benefits of our action may be irretrievably lost. The issue is complex but four important points should be made.

A REAL THREAT

First, the decision more fairly allocates telephone costs to those users who cause them. Second, it creates safety mechanisms to ensure that telephone service will remain affordable to all. Third, it fosters more effi-

cient use of America's interstate telecommunications network. Fourth, it will stem the flight of large users from that network, a trend that poses the real threat to universal service and that is already occurring under the existing pricing scheme.

The decision is based on one major principle: The price of telephone service should follow the cost of providing it. In particular, a phone bill should cover the cost of the wire that connects the telephone to the local switching office. The cost of the local loop is the same every day whether a person makes (or receives) one or a thousand calls. These costs do not change if calls are local or toll.

Long-distance users currently pay part of the cost of the local loop each time they make a toll call—about 15 cents a minute, hidden in the overall charge.

This is unfair and inefficient because all telephone customers impose loop costs on the network, no matter how many toll or local calls they make, it is unfair because many long-distance users overpay to subsidize others who make no long-distance calls but are perfectly able to pay the true cost of their local loop. And, overcharging large, long-distance users leads to other distortions that come about when prices do not reflect costs. Recognizing that their bills are artificially high, large customers suppress their use of toll services, obtain bulk discounts or construct their own systems to bypass the network and avoid the extra charges.

Next January, a portion of these fixed costs will be shifted directly to the residential and business users who, in fact, cause them. Residential users will be charged $2 a month. That figure will rise to $3 in 1985 and to $4 in 1986. Further increases will be phased in only if our monitoring efforts assure us universal service is not being jeopardized.

Critics contend these charges threaten universal service. I disagree. Our decision recognizes that the poorest customers may find these charges unaffordable. To that end, state regulators or phone companies can waive them through "lifeline" service. For example, the New York State Public Utilities Commission has authorized such service at $5 a month. Further, our order creates a universal service fund to offer subsidies, particularly in rural areas where the costs of serving low-density subscribers are high. These provisions should protect rates to rural customers from becoming unreasonable.

The benefits of cost-based pricing will be nothing short of dramatic. As access charges go into effect over the next six years, long-distance rates will come down 35% to 40%, and more people will make more long-distance calls. We have already seen this when subscribers choose alternative networks offering lower rates. All long-distance users—including low-income customers, who often rely on long-distance service instead of travel—will find per-minute costs declining. Small businesses unable to field national sales forces will use the phone more to "telemarket." Whether it is making the once-a-week call home or getting a price quote from a faraway supplier, long-distance calls will become more commonplace.

There are important long-term benefits, too. For example, with cheaper long-distance prices, we can tie together computers throughout the country. Everything from accounts receivable to inventory flow can be improved by better matching of demand and supply. This can lead to quantum jumps in productivity in our basic industries and our international trade capability.

And, excess computer resources can be accessed over long-distance lines. Today's large computers have unused capacity that can be tapped by distant, smaller companies. By reducing the cost of getting to that large computer, we make available to small business computing power previously unaffordable.

The full effect of lower toll rates on creating new businesses and new jobs will come when the millions of entrepreneurs in our $3 trillion economy begin to adjust to these prices reductions.

Our decision also discourages loss of revenue that supports the present long-distance system. Because large, long-distance users pay their share of access costs many times over, they have an enormous incentive to turn to cheaper communications alternatives. We cannot afford to have these large telephone users jump ship. If they do, the costs still will be there, and residential and other small users will be socked even harder. Our decision makes it less appetizing for big users to leave the network; that means they will continue to pay a large share of its cost.

The alternative of taxing bypass facilities, proposed by some in Congress, is neither feasible nor desirable. Defining and finding bypassers is no easy task. And bypass taxes could kill efficient new technologies.

For example, the words you are reading were communicated to printing plants by satellite. This service could be provided by the telephone network, albeit at higher costs. Is this newspaper's distribution network uneconomic bypass? No one can really tell under the present system. The most prudent solution is to price services at cost, removing the incentive to turn to bypass except where it is the cheapest alternative.

So, we want to encourage innovation in telephony. But we want to discourage duplication generated only because long-distance prices are distorted. This, then, is the heart of our access-charge decision. It reflects the new telecommunications world, where competition leads to better service and innovation.

We know this philosophy works. Because of competition, mandated by the FCC, you can buy your own phone for as little as $10, instead of leasing one for $35 a year. And competition has led to features unavailable even five years ago.

GREATER UPHEAVAL?

The commission's access-charge decision is part of a wave of regulatory reforms: faster depreciation of telephone plant and equipment, price deregulation of residential and business phones and competition in long-distance services. The result is a fairer, more efficient system. It is a system that rewards innovation, moves prices to reflect costs and allows for subsidies only to those consumers who need them.

Those who would undo the FCC's decision should realize if this happens, our phone system will face greater upheaval down the road. It is unavoidable. And we will have missed the chance to promote the efficiency and innovation promised by the access-charge rule, create new jobs and wealth, and expand our international trade.

Worst of all, we will have forsaken valuable time to provide an orderly transition in phone rates. Perhaps we will lose the incentives in our system that keep rates affordable. In short, we must act now to rescue the system, or we warrant the certain end of universal telephone service in this country.●

RESOLUTION HONORING THE CHICAGO WHITE SOX

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. LIPINSKI. Mr. Speaker, it is with great pleasure I introduce today a resolution honoring the Chicago White Sox, the American League Western Division baseball champions. In representing the southwest side of the city of Chicago—which borders Comiskey Park, home of the White Sox—there are numerous constituents of mine who are equally proud of their team's achievements.

The White Sox had a year that certainly deserves recognition. Not only did they achieve the best won-lost record in major league baseball, they also clinched the earliest division championship in baseball for 1983. The White Sox played outstanding baseball and convincingly proved to skeptical baseball followers that they will be a formidable opponent in post-season championship play.

Being a lifelong fan and supporter of the White Sox, it is especially pleasing for me to witness this superb season. Remembering the last baseball championship for the city of Chicago in 1959, I cannot help but believe this White Sox team has all the potential to be world champions. The team slogan may have changed through the years from, "Go-Go Sox" to "Southside Hitmen" to today's "Winning Ugly," but one thing has not changed and that is the tremendously loyal fans who have continuously supported the White Sox.

As the league championships begin, I wish to recognize the other fine teams who are participating in post-season competition, the Baltimore Orioles, Los Angeles Dodgers and Philadelphia Phillies. Naturally, I feel the White Sox will prevail in the American League championship series due to their outstanding roster of players. I urge my colleagues to support this resolution recognizing the fine season of play shown by the Chicago White Sox.

H. RES. 335

HONORING THE CHICAGO WHITE SOX—THE AMERICAN LEAGUE WESTERN DIVISION BASEBALL CHAMPIONS

Whereas the Chicago White Sox brought the first baseball championship to the City of Chicago since 1959;

Whereas the Chicago White Sox clinched the earliest division championship in Major League Baseball on September 17, 1983;

Whereas the Chicago White Sox earned the best won-lost record in Major League Baseball for the 1983 season;

Whereas the Chicago White Sox renewed sportsfans interest throughout the City of Chicago;

Whereas the Chicago White Sox team is made up of names which will not be easily forgotten, with such steller performers as:

Luzinski, Baines, Fisk, Hoyt, Dotson, Hickey, Cruz, and the American League Rookie of the Year, Kittle;

Whereas the Chicago White Sox slogan, "Winning Ugly has become the Miracle on 35th Street", has become the rallying cry for baseball fans throughout the City of Chicago.

Resolved, That the United States House of Representatives joins with the people of Chicago and baseball fans everywhere in honoring the outstanding performance of the Chicago White Sox and wish them luck in post-season play.●

TWO EXTRAORDINARY WOMEN

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. HOPKINS. Mr. Speaker, I now share the most incredible story with the U.S. Congress. It is about two women from Kentucky, one a generous, dedicated, loving vocational rehabilitation counselor who, with the help of God and her own perseverance and resourcefulness—guided another, totally deaf woman through the medical school to become the Nation's only first deaf female physician with both a Ph.D. and a doctor of medicine in the United States and, probably, the world.

The extraordinary, factual account of Dr. Judith Pachciarz' 17 year struggle to enter medical school—any medical school—and, then, successfully graduate from the University of Louisville School of Medicine is best told by her vocational rehabilitation counselor, Suzanne Isaacs. Her account captured my heart.

I am so very proud of both of these extraordinary women who, in my opinion, define the word "beautiful" in the most human of terms. They are from my district, although Dr. Judy has since moved to California to serve her residency in pathology at UCLA.

Suzanne Isaacs remains a vocational rehabilitation counselor in Lexington, continuing to perform her work as an extension of her own life.

This single case, highlighting Judy Pachciarz' progress, exemplifies Suzanne's accomplishments as vocational rehabilitation counselor for Kentucky—but, in her instance, it is by no means unique. She has incorporated so many disabled people into her world, taking their exceptional problems as her own mission.

As a result of this case, Suzanne has received deserved recognition by the Southeast Regional Institute of Deafness in its award as case of the year.

It is with profound pleasure that I submit this remarkable, true story of Kentucky's vocational rehabilitation counselor Suzanne Isaacs and her friend and client, Dr. Judith Pachciarz. It is a great honor that I also extend my congratulations, on behalf of the people of the sixth district, and for myself, with the warmest of personal regards.

DEAF CASE OF THE YEAR

This is the saga of a person with a severe disability who spent her life, forty-one years, overcoming obstacles. Born to Polish emigrants, the family lived in a rural area where her father was a coal miner.

This individual struggled for her life at two-and-one-half years of age with encephalomeningitis which caused her to be profoundly deaf. Her education began at age three as her family commuted 70 miles daily for 10 years so that she could attend a public school program for the deaf. During this time, she set for herself the goal to become a doctor because she felt her deafness was the result of the lack of immediate and appropriate medical service.

In high school she was initially not allowed to take chemistry because the teacher feared that she would knock over chemicals. However, she graduated as the only deaf student from a parochial high school ranking seventh in a class of 84.

University admission was automatic until her deafness was discovered. Then she was denied regular admission and required to reapply to a "handicapped program". Her college goal when she entered a northern university was to become a pathologist. When she entered her senior year in pre-med, she and her first Vocational Rehabilitation Counselor wrote every medical school in the United States and Canada, but every door was locked to her, because of her deafness. Although she graduated from college as a State Scholar, a National Merit Board semifinalist and with membership in several honorary societies, she could not break the attitudinal barrier of the medical school.

Medical school rejections led her to earn a Ph.D. in Microbiology to prove her intentions and abilities. This was as close to medicine as she could get. While studying for her doctorate she took one-and-one-half years of medical school courses along with medical students, who were on a pass/fail system, while she was required to earn B's for graduate credit. For three years she also taught medical microbiology and immunology laboratory to medical and dental students. It was ironic that she was discouraged from taking high school chemistry yet, later taught graduate level science courses.

This determined young lady never gave up; she continued for years to make applications to all the medical schools. She managed to get to the interview stage several times, but no medical school would accept her after they heard her speech and learned about her deafness.

After conducting research work at several universities and being an assistant professor in the Department of Veterinary Science where she taught students in a lab situation, she moved to Kentucky and was a self-referral to Vocational Rehabilitation.

The audiological evaluation revealed that the client has no useful hearing in the speech range. She does not benefit from amplification. She comprehends speech excellently by lip-reading and communicates orally. Her speech is difficult to understand for unfamilar listeners. She has enrolled in "ongoing aural rehabilitation therapy for several years and recently has learned sign language.

Although the client has not resided with her parents for over twenty years, she has received "a lot of strength" from her family. Her mother, a teacher, always thought her daughter could do whatever she wanted to accomplish. The client, during her 17 years of fighting to enter medical school, made the remark to one of the local newspapers, "I plan to keep applying to medical school until the day I die".

The client's interests outside the medical realm has included active participation in sports. In 1963 she was the only woman to finish a 50 mile hike and was involved as an AAU marathoner, training up to 60 miles per week. She founded Phantoms, a handicapped parking vigilante group. She has served and participated on several national boards and local groups concerning handicapped persons. She served as a volunteer girl's basketball coach at the School for the Deaf for one year. She attended Gallaudet College one summer to further her skills in sign language. * * * An avid Irish Wolfhound fancier, she spends her leisure time caring for and doting on her dogs.

Although the major physical disability was deafness with concomitant communication problems the vocational handicap was the firm resistance she encountered from medical schools. For 17 years every attempt to "get in" was stifled until her Rehabilitation Counselor helped her to obtain peer support from deaf individuals and deaf organizations throughout the country. When she was finally accepted into a medical school program, there were still doubts in the eyes of some of the professors. One professor told her the first day of school, "you'll never make it".

Once accepted into medical school, the counselor identified new and different problems. "How will the client be able to understand lectures, deal with patients, take oral examinations? How will she monitor heart and lung sounds? Can the client learn the correct pronunciation of difficult medical terminology? Is there special equipment to address her needs? Where can this equipment be found?

The Counselor provided a wide range of vocational services for the client. Each identified problem was addressed in a planned program of services. The first problem of "How will the client receive information in class lectures, labs, rotations, and oral examinations took on the task of the counselor trying to locate qualified interpreters who would be willing to go "through medical school" with the client. Many phone calls and contacts were made to set up a network of interpreters for the various aspects of her curriculum. Some medical students were sought to do "oral interpreting" in particular situations. Her primary interpreter was "on call" when needed for off hour emergencies at the hospital. Arrangements were made with interpreters out-of-state when the client did a ten-week Family Practice rotation in California.

The problem of "How to monitor heart and lung sounds" took quite a bit of research, and trial and error on the part of the counselor and client. The counselor introduced the client to various medical equipment dealers and practicing physicians to determine training equipment needs. Unsuccessful attempts were made to modify existing instruments and equipment. The counselor found that a portable oscilloscope could substitute for a stethoscope, allowing heart beats to be projected on a screen. The counselor's brother, an electronic technician, made the necessary modifications. The oscilloscope manufacturer then gave the client a second, back-up oscilloscope at no charge.

Another problem to overcome was providing a method of having the client paged

when she was "on call" or otherwise needed at the hospital. The counselor contacted various paging businesses to determine what was available. The only non-audible pager was still in experimental status and not available to the general public, but together the counselor and client persuaded the company to let it be used. During the last two years of medical school, Vocational Rehabilitation rented this vibrating pager for the client and an audible pager for the interpreter.

A serious rehabilitation concern was the difficulty the client was experiencing in learning to clearly pronounce complicated and complex medical terminology. The counselor referred her to the university's speech and hearing center for aural rehabilitation therapy. She participated in this therapy throughout her medical school training.

An interesting problem developed when the client was scheduled for her Psychiatry rotation. The hospital administration felt that the use of an interpreter during sessions between the client and patients violated confidentiality regulations. The counselor mediated the situation by arranging contacts between hospital attorneys and representatives of the Registry of Interpreters for the Deaf to clarify the legal position. Finally, the problem was resolved to everyone's satisfaction.

On May 15, 1983 the great day arrived, she was graduated from the University School of Medicine. She tipped her mortar board to that professor who said, "you'll never make it!". Now a resident in Pathology at the VA-Wadsworth Hospital, UCLA School of Medicine in Los Angeles, her vocational dream has become a reality. The client is very happy and grateful and told the Vocational Rehabilitation Counselor, "I couldn't have done it without you and Vocational Rehabilitation". Vocational Rehabilitation's help consisted not only of special medical equipment, note taking paper, interpreter services, TDD and speech therapy, but the most vital support throughout the rehabilitation process was the belief in the client, creative development of non-existing resources, and the constant encouragement through vocational guidance and counseling.

The client has reached her vocational objective as a pathologist. Therefore, it has been agreed that her case will be closed. She lives in a metropolitan area which offers many services and opportunities for deaf people. Her income will substantially increase once she completes residency and enters private practice. It is projected that she will return through taxes in five years more than was spent on this rehabilitation plan. (The client paid her tuition to medical school with income earned and grants.)

This case is being submitted for the Deaf Case of the Year based on the quality and completeness of services provided to enable the client to be the first deaf female physician with both a Ph.D. and M.D. in the United States and probably the world.●

NATIONAL SCHOOLBUS SAFETY WEEK

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. RAY. Mr. Speaker, the House of Representatives passed House Joint Resolution 137 which designated the week of October 2, 1983, as National Schoolbus Safety Week. I was a cosponsor of this resolution.

The safety of our children is of primary importance to all of us and I believe that this week is an excellent opportunity to honor those in our Nation who have dedicated their lives to insuring that school buses, which carry 22 million children each day, are the safest mode of transportation possible.

The Third District of Georgia is proud to number among its residents Albert, George, and Joe Luce, the owners of Blue Bird Body Co. in Fort Valley.

The Luce family has owned and operated this business for over 40 years and during this time, Blue Bird has grown to be an international standard for safety and reliability. The Luces have devoted their lives to increasing the safety of schoolbuses and have implemented new technologies and designs which have significantly increased the safety factor of schoolbuses.

The Luce family is well known throughout Georgia and America for their concern for children. This business has attained such a high level of success because the Luces are not in the bus industry simply to make money.

Their love for children extends to their employees and to their well-being. Blue Bird is widely known as a fair and comfortable place to work and many employees begin at Blue Bird just out of school and remain there until they retire. Employees are provided an opportunity to attend a devotional service each week, since the Luces believe that a person's true well-being encompasses the spiritual as well as the physical.

During this week, when we turn our thoughts to the safety of our children as they are transported to school, I believe it is fitting to take a moment and pay tribute to those who take painstaking care to make sure each schoolbus meets today's strict standards and who give priority to research engineering which will increase safety further in the future.

It is this group of people, people like the Luce family of Fort Valley, Ga., who deserve our thanks and our praise for their untiring efforts on our children's behalf.●

THE UKRAINIAN HOLOCAUST: "WE HAVE A STORY TO TELL"

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. RITTER. Mr. Speaker, on Sunday, October 2, 1983, I had the honor of being the keynote speaker at the 50th Observance of the Ukrainian Famine Holocaust at the Washington Monument. This event and subsequent march to the gates of the Soviet Embassy involved the participation of approximately 15,000 people from all over the United States. It was a fitting finale to a week of events that commemorated the 7 million people who died as a result of this artificial famine imposed by Josef Stalin.

Many Members of Congress participated in the events that occurred during the week of September 25–October 2 and because of this widespread interest, I would like to share with my colleagues my remarks from Sunday's demonstration.

Today, my dear friends, I honor the 7 million who died in the famine/holocaust and the millions who lived through those terrible years. But that is not enough. Today, I devote myself with all my heart and soul to the cause of freedom for our oppressed brothers and sisters living in Ukraine.

We are here today to honor 7 million who perished and those who survived. We are here today to commemorate those tragic times. But we are here not only to honor, not only to commemorate. We are here today because we believe in freedom. . . . We believe in a free Ukraine. In free lands, there are no holocausts. We are here today to tell Stalin's heirs that we believe in freedom. We believe in a free Ukraine.

We are hear to tell the story to the world of the people who suffered, the victims, the survivors. Yes, we want the world to know about this crime against humanity, not that they may feel sympathy towards the victims. That is given. But, even more important is that the world better understand that the disease of totalitarian control over people longing to be free is what creates holocausts. And that such totalitarian control is today exerted by Stalin's heirs over the Ukrainian people and many others. . . . Yes, we have a story to tell.

Ivan Klymko lived on the Lukashiv Grange and survived the famine. Ivan was close friends with Vasyl Luchko whose wife and three children lived near him. Many times his wife Sanka made trips to Poltava for food but soon this source ran out. Food became very scarce.

One day in March, Ivan went to Vasyl's house. Upon entering the dark house he brushed against something that felt warm and soft. Searching for a light, he saw in front of him Vasyl's six-year-old son hanging by the neck. The rope was tight around his neck and saliva was still dripping from his mouth. In the adjoining storage room, soon discovered, was the body of the other son, also hung by the neck. Soon Vasyl appeared and Ivan asked him why he had murdered his children. His reply was that he had nothing to give them to eat and didn't want them to starve to death. Starvation breeds insanity. Forced starvation is murder.

Together with his brother, Vasyl dug a grave for the two boys. There were no coffins so the boys were lowered into an earthen grave. When the mother returned from a food foraging trip with her daughter she learned of the death of her sons, however, when she found out they had been buried she scolded Ivan and his brother for burying them. Ivan had to tell her that her husband was in such a state they were afraid he

might eat them. Starvation breeds desperation. Forced starvation is murder.

Within two weeks both Vasyl and his daughter died of starvation and a few months later, the mother also died. In a last attempt to gain food she ripped part of her roof off to sell the metal for bread. She died with the bread in her hand. Her death resulted in the entire Luchko family being wiped out. The Luchko family was murdered.

George Kulchycky, writing for a Cleveland paper in June of 1933, wrote a report on the famine based on interviews with eyewitnesses. He stated in the village of Kharkvitsy the famine had a devastating effect. He writes: "Reporters who knew of the catastrophe were so enamored with communism and its future that they were persuaded not to report the fiasco." But today, we reporters, all of us, file our stories.

One eyewitness account was that of Vera Kochno.

In April of 1932 I personally went to Moscow for food, I risked my life, I was hidden in the locomotive. Ukraine was under an iron blockade, no one without party passports was permitted to leave the country. I was stunned when I witnessed that Moscow's stores and food markets were overloaded with food, and white rolls could be found on the streets. At the same time the well-known "Red Brigade" of 25,000 communist thugs and secret police wiped out completely food from Ukraine, confiscating in the villages everything from house to house, and killing even dogs and cats, that we would not hunt them for food. The high, enormous mountains of dead bodies of children, women, youngsters, were lying everywhere, especially in from of all the doors of our churches in Kharkov, where my husband, was a head of the Metropolitan Cathedral. One couldn't open the doors.

According to the testimony of the economist, Dr. Mark Mensheha, published in 1958, the Kremlin imposed quotas of grain to be shipped from the Ukraine to government storages in Russia. These quotas exceeded the entire crop of the harvest of the preceding year of 1932. Statistics revealed that the harvest produced 140 million pounds of grain, which fed the Ukrainian people along with some exports. The quotas for out-shipment were tens of millions of pounds higher than total production. Nothing was left for the people to eat.

Moreover, Stalin sent Mikoyan, Secretary of the Ministry of the Food Industry to Ukraine, and also Molotov, Kaganovich, and Khrushchev. Mikoyan observed thousands of peasants' corpses, and thousands of swollen faces and bodies in the Uman district of the Ukraine in the early summer of 1933. The local authorities begged Mikoyan to permit them to use part of the collected grain for the starving people to save them from death. Mikoyan rejected their petitions. In an answer to the petitions of dying and crying children and their families, came revenge; the destruction and harvest of death of many villages and Kozacs towns around Uman city. They disappeared and the region became like a desert because all the people died. . . . Yes, we have a story to tell.

During this short period over 7 million Ukrainians died. It took the Nazis five years to destroy 6 million people in their death camps. The Soviets outdid their "moral twin," the Nazis, by converting Ukraine into an enormous, sealed-off death camp. Starvation was the substitute for gas. Unfortunately, this holocaust has not received the attention that it should and while the Nazis were defeated, the Soviets are still powerful. It is important for the world to know about this world-shaking historical event. Just as the world knows about the Nazi death camps. It is important to know that Stalin, and the communists made a death camp out of the Ukrainian nation in 1932-33.

The memories of the Ukrainian famine should haunt every civilized man, woman and child as does the holocaust of the Jews. These stories should not be left to scholars alone. They should be told in schools, they should be written in text books and remembered in places of worship so that the memory may in some way prevent this from happening again and, yes, teach us about the perpetrators. You, as citizens, have the power to go to your school boards, your history and social studies teachers to teach our young people about this heinous crime against humanity—just as Nazi crimes are taught. I lend my support and that of the Ad Hoc Committee on the Baltic States and Ukraine, which I co-chair, to seek through legislation to enhance this education process, to spread the word. I also pledge continued action on the part of the Congressional Helsinki Commission, on which I serve.

Recently, there was Cambodia, another dark fruit from the tree of totalitarian communism. Today, as we speak, Soviet armored helicopter gunships are being used in the destruction of the people of Afghanistan. Using chemical and biological weapons which wreak agonizing death on their victims and mines that appear as toys but which are capable of blowing off a limb of some curious child, so as to incapacitate their parents, the Soviets are committing another genocide, another holocaust. One million dead in just a few years, 4 million forced to leave out of only 15 million people in Afghanistan.

Will free people one day stand and commemorate the 50th Anniversary of the Afghan holocaust, or will we have the courage to stand up today and demand that it be stopped? Will we ignore them as we did the Ukrainians in 1932-33 or will we give freedom fighters the wherewithal to defend themselves from the same perpetrators of the Ukrainian holocaust. In the words of Alexander Solzhenitsyn, will we give them bread or stones?

In our hemisphere, another crime of communist totalitarianism is being committed. In Nicaragua, the Miskito and other ethnic Indians are facing genocide at the hands of the Marxist-Leninist Sandinistas. The Sandinistas, backed militarily and financially by the Soviet Union and their Cuban proxies, are trying to destroy the spirit of the ethnic Indians and bring them into submission. Tomas Borge, Sandinista Interior Minister, told Miskito Indian leader Stedman Fagoth that "if necessary, to impose Sandinista ideology, we will kill the last Miskito Indian." Again, I ask: Will we stand up and help or watch it all happen?

The Ukrainian people today are more than 50 million strong. Ukrainian people will not give in to the destruction of their national identity. Attempts at Sovietization have all but failed because of the strength of Ukrainian culture and the desire to pass on rich history, language and tradition to the children. It is essential that this passing on of the culture be continued. The culture passed down through the generations is keeping the flame of freedom alive. This year has been set aside as an entire year of commemoration and it is fitting and proper that America recognizes this event, learns from it and uses its wisdom to do what it can to prevent such tragedies. Standing behind those who resist totalitarian slavery is one way we can prevent future holocausts. Resisting Soviet expansion in Afghanistan, Southeast Asia, Africa and Latin America will prevent future holocausts and kindle flames of freedom which can one day kindle the flame in Ukraine.

As long as a free Ukraine exists in people's hearts, then a free Ukraine nation "is" a reality. This is a struggle I for one accept, and welcome your participation and leadership.

As a brief aside, I'd like to welcome some 100 of my own Lehigh Valley constituents who came to Washington to be a part of this important demonstration.

May the memory of those who died live on in our hearts and in the hearts of all Americans so that the flame of freedom for the Ukraine will never die * * *. Long live the flame of freedom. Glory to Ukraine. Thank you, and I hope to see you again.●

GENERAL PULASKI MEMORIAL DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mr. ANNUNZIO. Mr. Speaker, on October 11, 1779, the great American patriot and brilliant military leader, Gen. Casimir Pulaski, sacrificed his life for the cause of freedom during the Battle of Savannah.

President Reagan has issued a proclamation commemorating the courageous actions of this U.S. Continental Army officer, which designates October 11 as General Pulaski Memorial Day, and a copy of that proclamation follows:

GENERAL PULASKI MEMORIAL DAY, 1983

(A proclamation by the President of the United States of America)

On October 11, 1779, the Polish and American patriot Casimir Pulaski was mortally wounded while leading his troops in battle at Savannah, Georgia. Pulaski died fighting in our American Revolution so that we could live as a free and independent Nation.

It is fitting that we should pay tribute to this martyr for freedom and that free men and women everywhere should take this occasion to rededicate themselves to the principles for which Pulaski gave his life. The power of the ideal of freedom remains vital, both in Pulaski's homeland and in his adopted country. In paying tribute to Casimir Pulaski, we pay tribute as well to all those Poles who have sacrificed themselves over the years for their common goal: the freedom of that heroic nation.

Now, therefore, I, Ronald Reagan, President of the United States of America, in recognition of the supreme sacrifice General Pulaski made for his adopted country, do hereby designate October 11, 1983, as General Pulaski Memorial Day, and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day.

In witness whereof, I have hereunto set my hand this 6th day of Sept., in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the

United States of America the two hundred and eighth.

RONALD REAGAN.

Casimir Pulaski was born in 1748 at Winiary, in the Province of Podolia, and from his earliest childhood demonstrated the qualities of organization and leadership which he was to display throughout his life. Before he reached the age of 20, he had organized a small group that fought bravely to prevent the partitioning of Poland. Unfortunately, although his efforts were not successful, his deep commitment to the ideals of freedom never waivered.

In 1777, Pulaski met Benjamin Franklin in Paris, where Franklin was so favorably impressed that he gave him a letter of introduction to Gen. George Washington. Washington soon entrusted Pulaski with the grave responsibility of reorganizing the American cavalry forces, and Pulaski accomplished this with such skill that he was placed in command of these units, proceeding to distinguish himself in every subsequent encounter with the enemy. Sadly, in 1779, at age 31, General Pulaski gave up his life on the battlefield while leading his famous cavalry legion in driving the British out of Savannah, Ga.

Pulaski neither lived to see victory achieved on the battlefield, nor did he live to see America win her fight for independence, yet his valiant efforts were instrumental in establishing this wonderful country of ours, and his actions are representative of the many fine contributions that Polish Americans have made to our great Nation.

Mr. Speaker, I am proud to join with Americans of Polish descent in the 11th Congressional District of Illinois, which I am honored to represent, and Polish Americans all over this Nation in commemorating the 204th anniversary of General Pulaski's supreme and inspiring sacrifice during our American War of Independence.●

TRIBUTE TO CHAD KNUTSON

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. STENHOLM. Mr. Speaker, recently there have been numerous reports of individuals who would like to profit—by arranging the sales of viable organs for transplant or offering to sell their own organs—from the misfortune of the many in this country who are awaiting a chance of life—an organ transplant.

I would like to call your attention today to a young boy, Chad Knutson of Holyoke, Minn., who did not live long enough to even learn that such greed could exist.

He never learned the meaning of the word "selfish," and as adults, I think we could learn a lot by his example.

You see, Chad, along with his younger brother, Trent, was killed in a tragic train-car accident just a few weeks ago on September 18. Chad would have celebrated his eighth birthday this Sunday and I could not let this occasion go by without calling your attention to this young boy's brief—but purposeful—life and how his unselfishness affected the very lives of a few and certainly the hearts of all of us who have now heard of his actions.

The following news article, published on September 22, tells Chad's story best:

MINNEAPOLIS.—Last November, Chad Knutson asked his mother to explain about Jamie Fiske, the Massachusetts girl who received a liver transplant after ther father's plea to doctors to help him find a donor was televised nationwide.

As they were talking about the Utah boy whose liver went to Jamie, his mother recalled yesterday, Chad said, "When I die I'd like to be able to do that."

Chad, 7; his brother, Trent, 4, and a neighbor, Carol Jo Zack, 16, died Sunday night when a train struck the vehicle in which they were riding at a crossing south of Duluth.

On Tuesday, Chad's heart, kidneys and corneas were removed for use in five transplants, the Minneapolis Star and Tribune reported in a copyright story in today's editions.

One kidney was placed in a 33-year-old man at University of Minnesota Hospitals and the other was flown to New York State for use in a transplant there.

Chad's heart was transplanted Tuesday into 11-year-old Krista Larose of Bethel, but she died later that night, a University Hospital spokesman said.

The corneas, which can be preserved for a long time, are expected to be used for later transplants.

Chad was the son of Mickie and Roy Knutson of Holyoke.

He, his brother and the neighbor girl were killed instantly when the all-terrain vehicle on which they were riding collided with an Amtrak passenger train a quarter-mile from their homes.

Chad was rushed by ambulance 20 miles to St. Luke's Hospital in Duluth and placed on a life-support system for nearly two hours before he was pronounced "brain-dead," his father said.

Her conversation with her son about Jamie Kiske "came to me when we were in the hospital," Mrs. Knutson said in a telephone interview.

"His only real injury was to his head," she said. "His condition was perfect for it (donating his organs). We remembered what Chad had said."

In another interview, Mrs. Knutson said, "We, as Christians, feel God has a plan for everyone . . . We're thankful for the beautiful years he gave us with out boys and that Chad was allowed to help others.

"For us, that has been a joy."

Jamie Fiske, nearly 2 years now, was the recipient of another family's unselfish decision to give the gift of life. Her mother, Marilyn said, in the same interview:

We can truly learn from little kids. This boy learned something at age 6 that took me much longer to learn. He is a very special boy. We can learn from him like we have learned from Jamie. And his parents are very special people.

We owe tribute for all of the unsung heroes throughout this country who have faced similar decisions during a moment of deepest tragedy. I cannot recognize them all individually today, but I can pay tribute to Chad and his family. Perhaps the best way is by encouraging every Member of this body to have the courage to discuss organ transplants with each member of their families and urge every citizen in this country to do the same and to do it today.

I would also like to commend my colleagues Congressmen ALBERT GORE and HENRY WAXMAN for their continuing work on this issue through their thorough and careful work on the Science and Technology Committee and the Energy and Commerce Committee.

I would encourage my colleagues to give their recommendations regarding organ transplant systems careful and favorable consideration. I will also be seeking cosponsors for a House joint resolution honoring Chad Knutson and his remarkable unselfishness and will circulate a Dear Colleague to all Members on this following the upcoming recess.●

MISSING CHILDREN—THE LANDMARK CASE OF ADAM WALSH

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. SMITH of Florida. Mr. Speaker, I rise today to bring to the attention of my colleagues the premiere of the made-for-TV movie "Adam" to be aired on Monday night, October 10, on NBC. "Adam" is the story of a very serious and heinous crime perpetrated against an innocent 6-year-old boy. Adam Walsh of Hollywood, Fla., was abducted from the Hollywood shopping mall on July 27, 1981. After 2 weeks of the largest manhunt in Florida's history, Adam's remains were found 150 miles north of his home. His killer has never been apprehended.

Each year thousands of children are missing, disappearing from their homes, vanishing without a trace by abduction, assault and child molestation, and murder. Adam's parents, John and Reve Walsh, have not let Adam's death become another statistic and have launched a national campaign which resulted in the passage in 1982 of the Missing Children's Act, and the establishment of a national computerized file for missing children and unidentified bodies.

I want to draw the attention of my colleagues to this national problem. It is time to change a law enforcement system that is unresponsive to children. We need to stress in our communities that parents need to educate their children to protect them from injury or death at the hand of an abductor. Children are vulnerable. Too many children would talk to a stranger for the offer of an ice cream cone.

It is a known fact that approximately 2 million children will disappear this year. Over 1 million children are being abused annually in the United States, with 2,000 of these children being killed. An estimated 60 percent of missing children are sexually abused, physically exploited, and psychologically damaged through abduction and kidnaping. In 1982, I was successful in obtaining a $75,000 appropriation from the Florida State Legislature to establish a statewide computer system for missing children through the Florida Department of Law Enforcement. Florida has taken a leadership role by instituting a clearinghouse computer system that collects and exchanges information on missing children. I urge my colleagues to have their States emulate what happened in Florida. Each community should have a computer system and a toll-free number to disseminate information. The Florida clearinghouse toll-free number is 1-800-342-0821. The toll-free number for Child Find, Inc., a national clearinghouse located in New York City, is 1-800-431-5005.

The Walshes were instrumental in establishing the Adam Walsh Outreach Center for Missing Children in Hollywood, Fla., in 1981. When the operation became too large to handle by a volunteer staff, the Adam Walsh Outreach Center for Missing Children merged with Child Advocacy, Inc., in Fort Lauderdale, Fla., to form the Adam Walsh Child Resource Center in Fort Lauderdale. Under the directorship of Denny Abbott, the center has sponsored voluntary fingerprinting of children and child abuse speakers programs, and it has established a computerized system for missing children in Broward County, Fla., upon which the State of Florida modeled its statewide system. The FBI is now modeling their computer after Florida's computer system, to trace missing children by physical characteristics.

Through the efforts of the Adam Walsh Child Resource Center, the Florida clearinghouse now publishes a missing children's monthly bulletin that is distributed to all State law enforcement agencies. Also, the center was instrumental in the passage of a new State law requiring a list of all missing children to be distributed to all Florida school districts. In the cases of parental abduction, the likelihood of a child's being enrolled in another school is very high.

Our children are our future. We need to protect our children—by voluntary fingerprinting, "Safety with Strangers" programs, and monitoring court proceedings of child molester cases. It is my hope that my colleagues will join me in tuning in "Adam" on Monday night.●

CASIMIR PULASKI: POLISH AND AMERICAN PATRIOT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 1983

● Mrs. KENNELLY. Mr. Speaker, I am proud to have this opportunity to honor the great Polish patriot and American Revolutionary war hero Count Casimir Pulaski, who sacrificed his life fighting for the ideals of freedom.

Pulaski was born in the Providence of Podolia in 1748. Throughout the early part of his life Pulaski developed a deep commitment to the ideals of freedom. From 1768 to 1772 he was an activist in the resistance movement to Russian encroachments on Polish independence, and although many of his heroic military exploits were successful, Count Pulaski alone was unable to avert the eventual partition of Poland. Forced into exile, Pulaski dedicated his life to the cause of freedom. Soon Poland's loss would be America's gain.

While in France, having lost the ability to fight for liberty in his beloved country of Poland, Pulaski offered his services to the United States. He was recruited by American commissioners Benjamin Franklin and Silas Dean to join the American colonies in their fight for independence from England. Pulaski wanted to live the rest of his life in freedom; he could not bring himself to bow before the sovereigns of Europe.

In June 1777 Pulaski arrived in Boston, and soon displayed his great military skill by fighting with distinction at the Battle of Brandywine in September of that year. In response to his meritorious service, Gen. George Washington recommended to the Continental Congress that it appoint Pulaski to the post of Brigadier General of Cavalry.

General Pulaski organized an independent corps of cavalry and infantry known as the Pulaski Legion, where again he demonstrated his expertise as a military leader. The Pulaski Legion distinguished itself on many occasions, and contributed to a series of American military successes through 1778. In the following year Pulaski added to his reputation as a superior military leader in several major engagements with the British in South Carolina. Then on October 9, 1779, in a final act of bravery, General Pulaski was mortally wounded while leading a charge against the British during the Battle of Savannah, Ga. America had lost a true patriot.

Gen. Casimir Pulaski's example of dedication to democratic ideas has provided continuing inspiration to all of us. He was a man of extraordinary capabilities, and exemplifies the many outstanding contributions that Americans of Polish descent have made to our country. His sacrifice to our Nation in its struggle for independence will always be remembered by people who cherish the precious blessings of liberty.●

REINTRODUCTION OF DEFICIT COMMISSION RESOLUTION

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. AuCOIN. Mr. Speaker, I am pleased to join with my colleague from Ohio today in introducing our joint resolution to bust the legislative gridlock which has prevented the Congress from addressing the single most important economic problem facing our Nation today; Deficits. Structural deficits, deficits which are estimated, conservatively, at $200 billion. Not only this year, but next year, the year after that, and, in David Stockman's words, as far forward into the future as the eye can see.

My colleague and I have differed on issues in the past. But we unite today on this most overriding issue; putting in place a mechanism which will bring about decisive reductions in our staggering budget deficits. Our resolution establishes a bipartisan national commission on Federal budget deficit reductions modeled after the national commission on social security reform. The commission would be directed to review all elements of fiscal and monetary policy, analyze all options which would result in deficit reductions, and provide recommendations within 90 days on deficit reduction alternatives.

As I travel through the First Congressional District in Oregon, the question most often asked by mill workers in Toledo, by fishermen in Astoria, and by small businessmen in Beaverton is this; Is the recovery going to be a strong one, is it going to be sustainable, and is it one that can bring us out of one of the deepest economic holes we have been in for decades?

I think we have paid a very dear price to reach this point at which we might just be able to see economic recovery, and those who have survived the recession have every right to expect a recovery that rewards them for one of the sharpest sacrifices the economy has been put through in dec-

ades. And I believe the recovery can be sustained. I believe the policymakers in Congress and in the executive branch owe those who have survived by being as skillful as they have during this recession a recovery which rewards their enterprise and nurtures those who are picking up the pieces now and are trying to put it all back together again.

But to be quite frank, Mr. Speaker, the Federal budget deficit is the one thing standing in the way of a prolonged and sustained economic recovery. Deficit spending has driven up interest rates, which have in turn devastated the automobile industry, the housing industry, the wood products industry, and other credit-sensitive businesses.

This is a problem which knows no political bounds. It does not matter whether you are a Republican or a Democrat. It does not matter whether your world revolves around capital formation or whether it revolves around providing social services to help the needy. Neither of those things will happen if budget deficits of $200 billion are allowed to occur. If, in 5 years time, we amass an additional $1 trillion to the national debt, on top of the current accumulated $1 trillion debt, neither of those things will occur. Neither of those things will occur if Government borrowing absorbs 78 percent of the total savings pool of this country, which is where we will be if our deficits grow unabated.

You cannot help your follow man and you cannot form capital to get the business machinery of this country going if debt service alone becomes one of the major items in the Federal budget. And neither of those things will happen if interest rates destroy the principal source of wealth needed to make this country the kind of society I think we all want it to be.

This is why it is so important for responsible Members of both parties to join in an effort to bring our fiscal policy under control. If we fail in this effort, or even worse, if we continue on our present course as if there were no problem, we will be courting a financial and economic crisis.

And what stands in the way of decisive action which can reduce the size of the deficits which loom on the horizon? There has certainly been no lack of ideas as to how the deficit can best be reduced.

Members on both sides of the aisle have individual checklists on what ought to be spent and what ought not to be spent. The problem is that there is no legislative majority behind any one of those lists. The challenge we face is to build a concensus that can produce a legislative result—that could encourage Congress and the President to give ground on all of the sacred cows—entitlements, tax breaks, and weapons systems.

Failure to act would be catastrophic. The Congressional Budget Office estimates that a staggering $1.3 trillion will be added to the deficit over the next 5 years if we do nothing. That amounts to a national debt of over $3 trillion and interest payments of almost $150 billion.

If we were only to cut nondefense discretionary spending, the magnitude of these deficits would require shutting down every function of the Federal Government with the exception of the Department of Defense and the Social Security Administration. And we would still face a deficit of $20 to $30 billion.

But if we can form a Presidential commission to deal with the impossible task of social security, and we did, and if we can form a Presidential commission to deal with the intractable and vexing problems of Central America, and we have, and if we can form a Presidential commission to deal with strategic forces—the Scowcroft Commission—which we have done, then it seems to me there is an argument for using this secret weapon on the most critical problem facing not only the domestic structure of this Nation's economy and strength, but also, ultimately, its foreign strength as well.

We should be able to bring the leadership together from both parties, in the executive branch and on Capitol Hill, and have a national commission composed in a way that represents balance to come forward with a deficit reduction package which will be balanced and, most importantly, will command the support necessary to pass both the House and the Senate.

Some would say that this approach circumvents the committee system and the budget process established to deal with this matter.

I would answer first of all that this simply would not be the case. Any set of legislative recommendations proposed by such a commission would come before the Congress and be referred to the appropriate committees. While significant alterations could upset the balance struck by such a commission, the Congress would still have the opportunity to work its will.

Second, I would say that the problem we face is extraordinary in nature. Its solution requires extraordinary steps be taken.

I feel a solution to this is critical and I am alarmed by the prospect that the inertia which has set in will continue. This is the most difficult task facing Congress, and the most important. I urge my colleagues who may be interested in breaking this gridlock and setting up such a commission to contact me and cosponsor this resolution. It is crucial that we act now.●

THE CABLE TELECOMMUNICATIONS ACT OF 1983

HON. TIMOTHY E. WIRTH
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. WIRTH. Mr. Speaker, I would like to offer a brief explanation of H.R. 4103, the Cable Telecommunications Act of 1983, which 22 Members and I introduced today.

Explanation follows:

H.R. 4103—CABLE TELECOMMUNICATIONS ACT OF 1983, HIGHLIGHTS

(1) Establishes a national policy for the widest possible diversity of information sources and services to guarantee that Americans have access to a variety of perspectives and viewpoints through cable communications.

Assures that cities can require cable systems to provide channels for public, educational, or governmental use.

Requires that operators of systems of 36 and greater activated channels set aside channels for use by commercial programmers not affiliated with the operator. The operator would have no editorial control over these channels. This will prevent any local "bottleneck" from developing in which an operator could control the content of all the sources of information on a system. Systems of 36-54 activated channels must reserve 10 percent of usable channels; 55-100 activated channel systems must set aside 15 percent of usable channels; and any system of more than 100 activated channels must designate 15 percent of all channels for this third party access. Operators continue to set the price and terms for use of channels to protect their economic viability, but the FCC or a Federal district court can order access and terms if the operator's terms are unreasonable.

Increases diversity of ownership by prohibiting future ownership of a cable system by the owner of a local television station, daily newspaper or telephone company (except in rural areas).

Guarantees that landlords cannot block tenants from receiving cable service to widen citizen access to cable.

Prohibits common carrier or utility regulation of cable systems offering data transmission services.

(2) Sets a regulatory framework to clarify local, state, and national authority and to encourage a competitive environment in which cable can grow and develop.

Deregulates rates for basic service in areas in which four full power television signals (with at least one of each of the three networks) are received within the grade B contour. Existing rate regulation continues for one-half of the remaining terms of the franchise, or five years after enactment, whichever is greater. Allows operators to increase regulated rates annually by the increase in the regional consumer price index in the past year.

Caps franchise fees at five percent of gross revenue of the operators. Cities continue to set fees to defray the costs of public, educational, or governmental uses with no limit.

Provides a presumption in favor of the existing operator being granted renewal unless the local authority finds: a material breach of the franchise by the operator; a change in the operator's qualifications, unreason-

able provision of facilities, the signal is not up to FCC technical standards, or the proposals in the renewal application are unreasonable.

Continues local authority to issue one or more cable franchises. If the operator shows a significant change in circumstances regarding facilities or equipment after franchising, negotiations must ensue with binding arbitration after 45 days. Operators may also remove a particular programming service specified in the franchise if there are significantly changed circumstances, such as a huge increase in the rates for the service. These provisions do not apply to public, educational, or governmental access channels.

Lets local authorities buy or require a sale of a system at fair market value, with binding arbitration if such value cannot be agreed to.

Toughens the pole attachment section in the Communications Act to ensure that cable systems are only charged fair rates for attaching their cables to utility poles.

Establishes both civil and criminal penalties for unauthorized interception—piracy—of cable service.●

CIVIL LIBERTIES ACT OF 1983

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. MINETA. Mr. Speaker, I am proud to join our distinguished majority leader JIM WRIGHT and many others of our colleagues to introduce the Civil Liberties Act of 1983. Now, more than 40 years later, Congress has the opportunity to close the books on one of the most shameful events in our history: The internment of 120,000 loyal Americans without trial or jury, simply on the basis of their ethnic ancestry.

Those interned were not foreign spies carrying briefcases bulging with secrets. These were old men and women who worked in the fields of California, and would have been U.S. citizens except for the fact that our racially discriminatory laws denied them that honor. These were not unscrupulous agents of a foreign power, these were business people who had worked to build up small businesses and to be full members of their communities. These were not recent immigrants of uncertain loyalty. Most of those interned were born in this country and were proud citizens from birth.

It is impossible to debate appropriate remedies for something as indefensible as the internment without first understanding the total tragedy of our Government's policies, the complete horror, shame, and injustice that the internment caused.

I was one of those interned. I was 10 years old. If someone, anyone, could show me how, by any stretch of the imagination, any reasonable person could perceive me to have been a security threat, I would abandon this effort instantly.

The internment was not merely inconvenient. Evacuated from homes with little notice, thousands of Americans lost their homes, their businesses, their farms. And we lost nearly 3 years of our lives. The financial losses were enormous. But the losses of friends, education, opportunity, and standing in our communities were incalculable.

My own family was sent first to Santa Anita Racetrack. We showered in the horse paddocks. Some families lived in converted stables, others in hastily thrown together barracks. We were then moved to Heart Mountain, Wyo., where our entire family lived in one small room of a crude tarpaper barrack.

Some say the interment was for our own protection. But even as a boy of 10 I could see that the machineguns and the barbed wire faced inward.

The internment was not, as some apologists say, "regrettable but understandable." It was unjustified in light of what we know now and unjustified in light of what anyone who wanted to see the situation clearly could see at the time. The internment was a cowardly act of prejudice and fear. This whole Nation was and still is shamed by it.

Yes; it was a time of great national stress. But moral principles and rules of law are easy to uphold in placid times. But do these principles stand up in times of great difficulty and stress? That is the test of a great nation: Can it stand by its laws and codes even while threatened? Sadly, we as a nation failed that test in 1942.

Congress enacted legislation in 1942 to implement the internment, and it is now up to Congress to demonstrate our national capacity for justice and wisdom. Let us show the strength of our Nation and our system of laws by admitting the errors of 1942, apologizing for those errors, and making some efforts toward redressing the damage we have done. Moreover, let us state clearly and unequivocally our principle and policy that such wholesale abuse of civil rights will never happen again in this land.

We in Congress began this process of national reconciliation with the creation in 1980 of the Commission on Wartime Relocation and Internment of Civilians. That Commission's study of the events leading up to and the circumstances of the internment is the definitive history of this time, and I urge my colleagues to avail themselves of this great resource.

Following their historical study, the Commission recommended appropriate remedies for the injustices of the internment. Those recommendations are the basis of the bill being introduced today.

In brief, these recommendations include a national apology; measures to correct legal and administrative actions that were part of the Nation's discriminatory activities at that time; the creation of a civil liberties public education fund for educational and community projects; and the payment from that fund of $20,000 to each surviving internee.

Similar recommendations were also made by the Commission to redress the damages done to the Native Aleuts who were evacuated from their islands in 1942. Those recommendations are also included in this legislation.

I look forward to discussing these recommendations in detail with my colleagues. I believe they constitute a fair, balanced, and reasonable package. I believe our Government has an obligation to make amends for its errors, and a duty to insure that those errors never happen again.

In speaking about the internment, our distinguished majority leader has in the past quoted Abraham Lincoln. Let me in closing repeat that passage:

"Those who would deny freedom to others do not deserve it themselves. And, under a just God, they will not retain it long."

Thank you.●

CENTRAL AMERICA—TIME FOR A NEW APPROACH

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. SEIBERLING. Mr. Speaker, despite the clear expression of the House in the vote on the Boland-Zablocki resolution on July 28 opposing further military assistance to the anti-Sandinista guerrillas and despite the call by the governments of the Contadora group for a negotiated end to all outside interference in the affairs of Central American countries, it appears that the Reagan administration's efforts to assist in the overthrow of the Government of Nicaragua are still rolling along as if nothing had changed.

It is difficult to see how the administration can persuasively deprecate Nicaraguan efforts to assist the guerillas attempting to overthrow the Government of El Salvador, when the same administration is doing the identical thing vis-a-vis Nicaragua.

In doing so, the administration seems to be oblivious to the potentially disastrous effect of its actions on our relations with the people of Central and South America. Nor does it appear to have any clear idea as to what its long-term policy should be to deal with the grave and growing economic and social problems of Central America, especially those of our nearest and largest neighbor, Mexico.

Mr. Speaker, on September 24 I was privileged to attend a meeting of delegations of the House and the Europe-

an Parliament and to be invited to give a paper setting forth a perspective on Central America. Because of its relevance to our continuing problems with Central American policy and because a number of Members have expressed an interest in seeing it, I am offering it today for printing in the RECORD in its entirety including footnotes. In fact, the footnotes may well be the best part of the paper. The full text follows these remarks:

A DEMOCRATIC PERSPECTIVE ON CENTRAL AMERICA

I'm happy to present a perspective on U.S. policy toward Central America. I hesitate to call it a Democratic perspective because, while I believe it represents a general viewpoint shared by a majority of the Democratic Members of Congress, I believe it is also generally shared by a significant number of my Republican colleagues, as well as distinguished Republicans outside Congress. However, it diverges from the clear emphasis, and probably the underlying philosophical approach of the Reagan Administration toward the problems of Central America.

On July 19 of this year, the House of Representatives met in an extraordinary secret session to discuss U.S. involvement in Nicaragua. Following an exhaustive debate, the House voted on July 28 for the Boland-Zablocki Resolution, to cut off covert assistance to the anti-Sandinista Nicaraguan guerillas, and to ask the President to convene a meeting of the Organization of American States to deal with the related security issues. This vote was a follow-up to the Boland amendment, adopted by the House last December by a vote of 411 to 0, prohibiting the President from using CIA funds for the purpose of overthrowing the government of Nicaragua.[1] While congressional efforts to redirect President Reagan's policies may be of limited success, these efforts reflect a determination not to be backed into another costly and divisive counterinsurgency war.

To understand Latin American reactions to our current policy, it is essential to have some historical perspectives. Leaving aside the war with Mexico in 1846-48, major armed interventions by the U.S. in Central America began in 1854 when the U.S. Navy destroyed the Nicaraguan town of San Juan del Sur. During the first third of the century, such unilateral armed diplomacy by the United States became commonplace, with interventions in Cuba, Panama, Mexico, Honduras, Haiti, the Dominican Republic, and, repeatedly, in Nicaragua. Nicaragua was occupied by U.S. Marines from 1912 to 1925 and reoccupied again in 1927.

In 1954, the CIA backed a coup which toppled President Arbenz of Guatemala from power. The political process in Guatemala thus brutally interrupted, that country has been condemned ever since to a cycle of repression and coups by one military dictator after another.

As recently as 1965, President Johnson dispatched over 30,000 U.S. troops to the Dominican Republic. After widespread criticism of this last intervention, the U.S. sought approval from the Organization of American States for the creation of an international peacekeeping force which subsumed the American contingent.[2]

During the two decades of the Franklin D. Roosevelt and Harry S. Truman Administration, 1933-53, U.S. relations with Central America were dominated by a different approach best described, in Roosevelt's words, as the "Good Neighbor" Policy. This emphasized efforts to establish relations with the nations of Latin America on the basis of mutual respect and non-interference. When the government of Mexico expropriated that nation's oil resources in 1938, Roosevelt, instead of threatening or invading Mexico, accepted the takeover and negotiated a settlement.

In 1948, the Organization of American States was founded as a regional organization within the framework of the U.N. In addition to providing for collective self-defense, the O.A.S. charter calls for the peaceful settlement of controversies and prohibits interference by member states in each others' affairs.

The most recent embodiment of the Good Neighbor approach was the Panama Canal Treaty, negotiated under Presidents Nixon and Ford, and completed and ratified during President Carter's administration. The treaty provided for joint control of the canal and its eventual return to Panama. The result has been a genuine improvement in relations, not only with Panama, but with Latin America generally.

Unfortunately, much of the goodwill generated in Latin America by these past efforts is being replaced by fear and resentment generated by the Reagan Administration's tendency to rely excessively on unilateral, military approaches to the problems of Central America.[3] These approaches have aroused deep fears in the people of the United States, as well as the nations of Central America.

It is not that there is no concern over the possibility of Cuban or Soviet military presence in Central America. This is strongly opposed by most people, and has been played upon by President Reagan. In his speech to the nation on April 28, President Reagan even described the situation in Central America as having global ramifications. "If Central America were to fall, what would be the consequences for our position in Asia and Europe, and for alliances such as NATO?" he asked.

Nevertheless, the people in the United States are, in overwhelming numbers, fearful of being dragged into another Vietnam. The vote on the Boland-Zablocki resolution in the House of Representatives clearly reflects this view. There is also a widespread recognition that the Reagan approach fails to address adequately the causes of instability in the region, notably pandemic poverty, illiteracy, and social injustice. There is a widespread conviction that any intervention, whether overt or covert, that does not address these problems will only make matters worse.

The public in the U.S. is also revolted by flagrant abuses of human rights by governments receiving U.S. support or by elements in those governments. This is a serious problem in El Salvador which is not made better by President Reagan's cynical certifications every six months, required by U.S. law as a condition of continuing aid, that human rights practices there are improving.[4] It has been a problem in Guatemala, as it was in Nicaragua under Somoza. It is no answer to point out abuses of human rights by Communist regimes, since they are not being supported by U.S. aid. Americans have become skeptical about governments that, in the name of anti-communism, justify the grossest of abuses, which, in a by-now classic pattern, outrage and alienate decent people, further polarize the population, and weaken the possibility of building democratic, centrist alternatives to the extremes of the right and left.[5]

On the other hand, many Americans, and particularly the Reagan Administration, become confused in dealing with Latin American revolutions because of a tendency to feel that any socialist or Marxist-oriented movement will inevitably pose a security threat to the U.S. There is also the feeling that any diminution of U.S. influence weakens us in the global competition with the Soviet Union.

Unfortunately, there is, on the part of many of our national leaders, an inexcusable ignorance about Latin American culture and history. From the Latin American perspective, security involves mainly achieving national integration and freedom from outside interference, whether by Russia, Cuba, or the United States. Central American countries today are trying desperately to break free of the bonds which have inhibited the development of social justice and basic political rights for so long, and which have condemned them to a seemingly endless cycle of bloodshed and repression. The longer the regimes we aid fail to respond to the pressures for education, for freedom from hunger and physical abuse, for freedom of speech and thought, the more their people are pushed to support the insurgents whose cause we find so threatening.

Mexico had a long and painful transition to democracy, one that was exacerbated by U.S. hostility and interference. Accordingly, we had a long history of difficult relations with Mexico. This experience, together with past experience with military and political intervention by the United States, colors the thinking of all Central America.[6]

One must be skeptical about the newly appointed Presidential Commission on Latin America headed by Dr. Henry Kissinger. However, the Commission could perform a genuine public service if it could articulate fairly and understandably the way our Latin American neighbors look at their problems and at us.[7]

The action of the Reagan Administration in providing "covert" assistance to the contras in Nicaragua is in clear violation of U.S. law, the Rio Treaty, and the charter of the Organization of American States. Moreover, even if the Reagan policy toward Nicaragua were to succeed in bringing about the ouster of the Sandinista Regime, it would tend to confirm the fears of the countries of Latin America about continued unilateral interference and domination by the "Colossus of the North," it would weaken the O.A.S. and other inter-American institutions, and it would contribute to further alienation of all Latin America from the United States. Such a turn of events would do far more to promote the objectives of Cuba and the Soviets than the existence of a Marxist regime in Nicaragua is likely to do.[8]

In short, we cannot go it alone in Central America, especially if our policies are geared toward armed intimidation and intervention, rather than conciliation and negotiation. We should use this country's power, working with other governments in Latin America, to achieve a prompt cessation of hostilities in El Salvador and Nicaragua, followed by negotiations between all parties. We should do our utmost to build on the modest proposals of the four Contadora nations,[9] including the mutual cessation of arms shipments into the region, the mutual withdrawal of foreign military advisers from the region, and a mutual guarantee that the

Footnotes at end of article.

territory of one nation in the region will not be used as the base of operations for aggression against other nations in the region. Maximum use should be made of the opportunity afforded by the O.A.S. for consultation, international peace-keeping operations, and supervising the implementation of security agreements. Finally, our policy in the region must be consistent in condemning gross human rights abuses, whether of the left or the right. Our aid should be premised on a meaningful commitment by the aided government to avoid or eliminate such abuses.

The countries of Central America are indeed at a crossroads. There is no political law which says that a revolutionary movement in any country in the region will inevitably land that country in the Soviet camp. However, as the Mexican writer Carlos Fuentes said recently, "If nothing happens but harassment, blockades, propaganda, pressures and invasions against the revolutionary country, then that prophecy will become self-fulfilling." [10]

The Boland-Zablocki Resolution was a clear sign that Members of the House have been listening, learning, and thinking constructively about Latin America. One must hope that President Reagan and his advisers are capable of the same kind of effort.

Unfortunately, the latest statements by Secretary Shultz and CIA Director Casey on Nicaragua indicate that the Administration is changing its excuses but not abandoning its unilateral militaristic approach. The Senate Intelligence Committee this week voted to continue funding the anti-Sandinista guerillas for six months. Assuming that the Senate supports the Committee, the stage is set for a major confrontation between the House and the Senate on the proper approach to the problems of Central America.

Those in the Administration and the Congress who think the situation in Central America can be handled if only we will apply more military muscle would do well to look closely at Mexico and ask themselves how long military force could contain the kind of explosive pressures building there. The answer is obvious. It is less obvious in the other countries of Central America only because they are smaller and seem easy to intimidate or occupy.

We must move ahead, in collaboration with other Central American governments, to substitute a multilateral, diplomatic approach for unilateral military approaches in Central America. But even more important, we need to get together with our neighbors in Central America, and particularly Mexico, in a major effort to develop and implement a comprehensive plan for helping Mexico and the rest of Central America break out of the vicious circles of poverty and exploitation that threaten to bring them all—and us—to a common disaster.

The threat to our security is just as great, the urgency is just as compelling as it was when Gen. George Marshall proposed the famous Marshall Plan for Western Europe.

FOOTNOTES

[1] Copies of the Boland-Zablocki Resolution as passed by the House on July 28, 1983, and of the Boland Amendment, adopted by the House on December 8, 1982, are attached.

[2] The 1961 abortive Bay of Pigs invasion of Cuba, while nominally an action of anti-Castro Cubans, was organized and directed, and the invaders trained and armed, by the CIA.

[3] Ironically, the Administration's covert arrangements for using the Argentine military to train anti-Sandinista Nicaraguans encouraged the Argentine junta to think its invasion of the Falklands/Malvinas in 1982 would not be opposed by the U.S. In the event, the U.S. correctly opposed the Argentine aggression, but the result was a significant weakening of hemispheric unity.

[4] The current certification requirement is due to expire in October, 1983. It seems likely that it will be replaced with a more stringent requirement. For example, H.R. 2992, the International Security and Development Cooperation Act of 1983, would predicate U.S. military aid to El Salvador on a certification by the President that the Government of El Salvador has formulated specific programs to severely curtail human rights abuses and to improve the quality of life of its citizens. Congress would be able to veto these certifications. H.R. 2992 was reported by the House Foreign Affairs Committee on May 18, 1983.

[5] In commenting on an earlier interventionist misadventure, the 1961 Bay of Pigs invasion of Cuba, the late Walter Lippmann wrote:

"A policy is bound to fail which deliberately violates our pledges and our principles, our treaties and our laws . . . The American conscience is a reality. It will make hesitant and ineffectual, even if it does not prevent, an un-American policy . . . In the great struggle with communism, we must find our strength by developing and applying our own principles, not in abandoning them . . . We have used money and arms in a long losing attempt to stabilize native governments which, in the name of anti-communism, are opposed to all important social changes . . .

This has been exactly what (communist) dogma calls for—that communism should be the only alternative to the status quo with its immemorial poverty and privilege."

[6] It is no coincidence that the most democratic, stable country in Central America is Costa Rica, which, unlike its neighbors, has universal education and no military establishment.

[7] The work of the Kissinger Commission has been made easier in this respect by the outstanding report of the Inter-American Dialogue published by the Woodrow Wilson Center in Washington, D.C. in April of this year under the title "The Americas at a Crossroad." Chaired by Sol Linowitz, former U.S. Ambassador to the O.A.S. and negotiator of the Panama Canal Treaties, and Galo Plaza, former Secretary-General of the O.A.S. and former President of Ecuador, the panel consisted of distinguished men and women from Latin America and North America.

[8] Consider the remarkable congruity of the following statements by two individuals of diverse backgrounds:

". . . the congressional and public instinct on Nicaragua is correct today. We are not likely to get away with toppling the Nicaraguan government by covert means. Even if we do, though, it will likely (be) a pyrrhic victory. The other costs to us will be high.

"Just the costs of our appearing to attempt to destabilize a government of Nicaragua are high because we are widely seen as sponsoring the return to Nicaragua of the supporters of the dictator Anastasio Somoza. This can only reduce our standing in the countries in this region where we have truly important interests: Mexico, Panama, Venezuela and Brazil.

"If we are worried about a domino effect engulfing these nations, we should be doing all we can to bolster the internal strengths of those countries. Being seen as supporting 'Somocistas,' whether true or not, is a sure way to undermine our ability to play a supporting role."—Admiral Stansfield Turner, former Director of the CIA, writing in the Washington Post, April 24, 1983.

"Rightly or wrongly, many Latin Americans have come to identify the United States with opposition to our national independence.

"The mistaken identification of change in Latin America as somehow manipulated by a Soviet conspiracy not only irritates the nationalism of the left. It also resurrects the nationalist fervors of the right—where, after all, Latin American nationalism was born in the early 19th century.

"You have yet to feel the full force of this backlash which reappeared in Argentina and the South Atlantic crisis last year in places such as Peru, and Chile, Mexico and Brazil. A whole continent in the name of cultural identity, nationalism and international independence is capable of uniting against you. This should not happen"—Carlos Fuentes, Mexican diplomat and writer, Commencement Address, Harvard University, June, 1983.

[9] Colombia, Mexico, Panama, and Venezuela.

[10] Commencement Address at Harvard University, June, 1983. Compare the remarks of Rep. Jim Leach, in House floor debate Aug. 4, 1983, at CONGRESSIONAL RECORD page H 6571:

"One does not have to assume the Nicaraguans are Eagle Scouts to come to the conclusion that the Nicaraguan Government, like the United States, has a vested interest in peace. Furthermore, while the latest statements emanating from Managua have been heralded as a sudden shift in the position of that government, they are, with several exceptions, not all that different from those made by Nicaraguan officials when Congressman Solarz and I visited the country in January. They are beseeching the United States, then as now, for negotiations. It would be misleading to now assume that these latest statements are the direct or exclusive result of administration demonstrations of military force. Waving the flag may impel potential enemies to reconsider their actions. It may also force them into stronger alliances with parties we would not prefer and cause them to build up further internal preparations for war. It is not at all clear which effect has been stronger in Nicaragua."●

THE DEFICIT

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. RAY. Mr. Speaker, Friday, the U.S. House of Representatives finished action for fiscal year 1983.

When operations were completed on Friday, our Government had managed to spend $207 billion more than we had in our bank account. In spite of all the concerned rhetoric and the fervent promises by those holding the checkbook, this year our overspending was at record levels.

To me, this is firm evidence that the Congress of the United States failed in its role of budgetkeeper for our country.

I realize that the role of fiscal conservative is not a popular one. Advocating wise and prudent spending in order to shore up our country's economic foundation is popular rhetoric, but few will put their actions behind their words.

Members of Congress appear to be worried that, after years of budget-busting, responsible spending votes may hurt them politically.

I do not believe that the people of America are as greedy and shortsighted as some politicians seem to think.

During my campaign last year for this office, I received a strong message from thousands of people in my district—a message which said, "Go to Washington and cry out against the outrage of fiscal irresponsibility."

I listened to the message which my constituents sent and have voted with this edict in mind.

I have sat, as a freshman Member of this esteemed body, and listened as time and time again we in Congress found legislation to implement, ignoring that we did not have the money to pay for it, thereby adding to an ever increasing national debt.

Many times, there were those of us in the House that voted against these

bills—not because they were not worthwhile but because we simply cannot afford to keep spending money that our Government does not have.

But, almost invariably, these spending bills passed because Members of the House did not have the courage to take a strong stand for fiscal conservatism.

During the last few days, many of the newly arrived Members of this body have, in a state of frustration, sought ways to reconcile these "extra expenses" with our depleted bank account.

My colleagues on the Ways and Means Committee, charged with the responsibility to raise approximately $12 billion in new money for fiscal year 1984, are searching for ways to tax the people to bring about this reconciliation. Others are digging for ways to cut back on our spending, now that we have already authorized the funds.

My friends, I am no economist.

But, my country economics tell me that it is easier to reconcile if you do not authorize.

I was raised in an atmosphere of living within your income and paying your bills.

I was taught to believe that debts must be paid or a reckoning day would eventually come.

I believe that if our monetary system is to survive as we know it today, our treacherous national debt of $1 trillion, 500 million will have to be paid.

To make this happen, the U.S. Treasury and its authorizing body, the U.S. House of Representatives is going to have to adjust its Santa Clause habits.

Our Nation's problem is not this year's outrageous budget deficit. A country with the economic potential and the growth potential of ours could probably sustain a 1-year deficit of this amount without great problems.

Our problem is that our country is continuing rapidly on a path of reckless spending, paying no attention to the warning signs we pass along the way. These warning signs are coming closer and closer together, as our economic recessions become more and more frequent.

As our national debt grows higher, and as the Government absorbs more of the funds available for private expension, it becomes increasingly more difficult for us to emerge from recessions.

More importantly, it becomes impossible for us to obtain real economic recovery.

We are all familiar now with the astounding figures which have been put out concerning America's spending record.

Federal deficits are now in the $200 billion range, and are predicted to reach $300 billion in the late 1980's. As mentioned, our national debt, already over $1 trillion, will more than double to $2.8 trillion by 1988.

Unfortunately, we seem to have become hardened to the enormity of these figures.

Recently, during debate over the funding of $200 million for a project, a Member of Congress argued that "This is no more than a wart on a frog."

Increased responsibility and concern are needed at all levels of the spending process, not just in Congress where the budgets are set.

A prime example is the massive contract spending done by the Pentagon on Friday. The $4.2 billion which the Pentagon spent Friday is the largest single amount ever spent in 1 day on defense expenditures.

This money had been approved by Congress, and undoubtedly the purchases were necessary; however, it was generally regarded by the press as an example of last-minute bureaucratic spending to prevent any surpluses in the Pentagon account.

I am a firm proponent of a strong defense. However, I also believe that defense, like every other area, wastes money through irresponsible spending.

Through my service on the Investigations Subcommittee of Armed Services I have been allowed to take part in hearings concerning waste in the procurement of small parts.

The horror stories of the low-level purchasing agent that authorized the purchase of a small, 4 cent part at the cost of $104 are unfortunately true. And, although this example has become somewhat famous, sadly it is also far too common.

This type of waste must be stopped and sincere efforts must be made to guard the Government's checkbook as jealously as we guard our own.

Reducing our deficit will not be easy.

For those of us serving elected positions, it will be particularly difficult. But, if your true concern is for the good of America, then find the courage to take the politically difficult steps which will restore our country to economic security.

I believe that the people of America are ready for their elected officials to stand up and be counted—to vote like they talk.

I want to invite my colleagues to join me in doing just that.

In the final analysis, there is no choice; for if we do not take these steps, our country will not survive.●

A BILL ON TRADE LAW

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. GAYDOS. Mr. Speaker, there is a direct relationship between a major fraction of our umemployment in the United States and the trade and industrial development policies of our foreign trading partners.

There is a direct relationship between these foreign trading policies and our predicted trade deficits of $70 billion this year and $100 billion the next.

Respected international economists say that a trade deficit of that magnitude means as much as an additional 3 million unemployed in the United States.

In some instances in steel, this country has taken as much as 50 percent of the total exports of a trading partner.

This Nation has taken as much as 50 percent of the total exports from a country that built its steel industry on very low cost loans coming through institutions financed by the United States; and they have targeted for export.

In 1982 the situation became so grave that the number of trade cases brought before the Department of Commerce and U.S. International Trade Commission increased by 500 percent over the year before. It still is grave.

The industries and enterprises bringing these cases range across the economy from heavy industry to agriculture, and there is much discontent among them.

They say our trade laws are not working as they were supposed to work and that our trading partners are more intent on keeping their people working than on following the international agreements on trade.

For these reasons I have joined today in introducing the Comprehensive Trade Law Reform Act of 1983.

The introduction of this bill is meant to insure the widest possible consideration and most thorough debate possible as this body takes up the question of trade.●

ANOTHER "MIRACLE WORKER" IN ALABAMA

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. FLIPPO. Mr. Speaker, "No one is ever so tall as when they stoop to help a child."

Practically everyone has heard the inspirational story of Tuscumbia,

Ala.'s Helen Keller, who was stricken by disease at age 19 months and left blind and deaf.

Yet she overcame the twin disabilities to become "America's First Lady of Courage" and a symbol to all mankind that disability and misfortune can be conquered.

Her teacher, Anne Sullivan, became known as "The Miracle Worker" and the award-winning play and movie by that name are now internationally famous.

I know of another candidate for "First Lady of Courage" and this "Miracle Worker" also lives in Alabama.

Her name is Mrs. Chessie Harris, 1809 Carson Lane, Huntsville, Ala.

If it were my lot to nominate or recommend saints, I would unhesitatingly nominate Mrs. Chessie Harris.

Mrs. Harris and her devoted husband, George, have raised and cared for 841 children. I want you to think about that for one moment and just let it sink in. They have raised 841 children.

That is incredible.

That is incomprehensible.

That is love, purely and simply.

In June of 1954, someone put a 5-month-old girl in a cardboard box and left her in an abandoned house. The baby's cries alerted passersby, who took the child to the welfare agency. But there was no place in Alabama to keep black children at the time.

There were other children walking the streets, eating from garbage cans, left home alone, getting by the best way they could, if they could.

"I couldn't stand it, I just couldn't stand it," Mrs. Harris remembers.

Mrs. Harris not only took in that 5-month-old girl, abandoned in a cardboard box, she started taking in other children. Her loving husband and her own four children said, "Mama, we'll do anything we can."

Two little boys, locked out of their so-called home, were brought to her shortly afterward. Before long, there were 26 children living in that six-room house, 4 of her own and 22 who belonged to someone else.

"Suffer the little children to come unto me and forbid them not; for such is the Kingdom of God." Mark 10:14

Elizabeth Barrett Browning said: "How do I love thee? Let me count the ways."

Mrs. Harris looked at these poor, neglected homeless children and said: "How do I love thee? Let me show you the ways."

From 1954 until 1961, they got by as best they could with a garden, a cow and some chickens. Mr. Harris even took a job in Ohio and sent money home to help care for the children.

In 1961, the Harris Home became an agency of the United Way. But that was only $55,000, and though it was greatly appreciated and stretched in every way possible, the children had not stopped coming to the house and there were many mouths to feed.

In 1975, a close friend suggested that she take the United Way contribution and use it for matching money for title XX funds.

For so long, there was no base for financial support. No one church, no one club, no single benefactor. Yet this kindly lady gave credit to the community: "When the people were informed, they did an outstanding job in seeing that these children were provided a home," Mrs. Harris said.

But it isn't hard to see who had the day-to-day responsibility of putting food on the table. There must have been hundreds of times when all she got was a pat on the head.

For more than 20 years, she had taken care of scores of children without asking the State legislature for a dime.

When her caring did reach the State capitol, she was given $125,000 to help build a new facility for the children. Gov. George Wallace paid tribute to her humanitarian work by declaring January 16, 1978, as Chessie Harris Day in Alabama.

It is my belief Mr. and Mrs. Harris deserve national recognition for their unselfish labors. It is good to know of their acclaim by the General Conference of Seventh-day Adventists.

After her third heart attack, Mrs. Harris has retired as director of the Harris Home. Mrs. Barbara Lloyd is now responsible for administration of the 22-member staff, which includes a teacher and teacher aid.

We do, indeed, have another candidate for "First Lady of Courage" and "Miracle Worker", as well as a candidate for "Mother of the Century".

If one feels like saying, "God bless you, Mrs Harris," there is no need.

Mrs. Harris has been blessed.

Mrs. Harris is a blessing.●

JOBLESS BENEFITS CRITICAL TO ALLEGANY, GARRETT, AND WASHINGTON COUNTIES IN MARYLAND

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mrs. BYRON. Mr. Speaker, according to the latest statistics—July 1983—Maryland has a State unemployment rate of 6.3 percent, among the 10 lowest in the country. From a comparative standpoint, in my district, Allegany County has 11.8 percent, Garrett has 14.3 percent, and Washington has 11.9 percent. These figures do not include the most recent plant closings of Fairchild, Celanese, and Mettiki Coal Mine so the unemployment rate for this tricounty area must be at 15 percent.

I supported H.R. 3929—the Federal Supplemental Compensation Act of 1982—and am particularly pleased that our bill included the reach-back benefits provision. This provision assists individuals who have exhausted or are receiving FSC benefits as of October 1, 1983. Our bill also included a required Department of Labor study, due next April, on the feasibility of targeting benefits to sub-State areas. The exchange of this information with the States should be mutually beneficial. In fact, it is the desire of many State legislators that Maryland will call a special session and deal with this problem immediately.

Prompt action at the State and Federal level is required. I agree with the editorial in today's Washington Post that these "are not trivial concerns" and deserve the highest priority from the Congress to meet the basic needs of those "who have suffered most from the recent deep recession." Therefore, Mr. Speaker, I urge prompt action by the House and Senate conferees and also advocate a strong stance by the House conferees in support of our version, particularly the reach-back benefits provision.

At this point, I include the editorial from the Washington Post.

[From the Washington Post, Oct. 6, 1983]

JOBLESS BENEFITS IN DANGER

Unless House and Senate conferees are able to resolve their differences quickly, thousands of jobless workers around the country will have their unemployment benefits abruptly terminated. These are workers who have used up all their regular unemployment benefits and have been receiving special federal benefits under a law that expired last Friday.

Both houses recognize the need to extend the temporary federal benefit program until more permanent reforms can be made. Because of changes made in 1981, extra state benefits are being paid in only two states while total unemployment remains at record levels. But the House wants to provide somewhat more generous benefits—especially for people who have been out of work for many months. It is also rightly concerned that the so-called insured unemployment rate, which now determines how long extra benefits are paid in each state, has been behaving in mysterious ways. Not only is the gap between insured unemployed and total unemployment abnormally high, but some states with *lower* total unemployment now measure *higher* insured rates than other states that are in more serious labor market trouble. To make the system fairer, the House would count total unemployment in determining state benefit extensions.

The Senate, under strong pressure from the administration, wants to keep costs much lower—primarily by denying extra benefits to the long-term jobless who have already used up their previous benefits. It also wants to renew the federal program long enough to delay reconsidering this politically tricky issue until after the next election. And the Senate is also concerned

about the technicalities of changing the yardstick by which unemployment is measured for program purposes.

These are not trivial concerns, but they are not important enough to justify considerable hardship for the very people who have suffered most from the recent deep recession. The unemployment insurance system is certainly in need of basic overhaul, but for the moment only stopgap measures are attainable. Ways and Means Committee chairman Dan Rostenkowski has proposed a reasonable compromise between the House and Senate positions that the conferees should take.●

SYRIA'S ROLE TODAY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. SCHUMER. Mr. Speaker, despite a period of staunch U.S. opposition to Syrian involvement in Lebanon, the administration now appears willing to permit Syria a greater role in Lebanon's internal affairs. This shift in U.S. policy, if carried out, represents a dangerous concession to a hostile and unreliable enemy of the United States, Israel, and an independent, stable, pro-Western Lebanon. Yet, to understand this danger, we must first examine Syria's history and outlook. In my remarks, I wish to provide this necessary background. I hope that my colleagues will share my belief in the need to prevent Syria from meddling in Lebanese politics.

President Assad's firm—and predictable—opposition to America's peacemaking effort spearheaded by special envoy Robert McFarlane requires a reexamination of Syria's role and objectives, from the perspective of American policy interests.

THE SOVIET CONNECTION

Of primary concern to the United States must be the extent and depth of the Soviet-Syrian connection, for the Soviet Union's heavy involvement with Syria is a crucial facet of Moscow's global confrontation and rivalry with the United States.

Moscow's deep penetration of Syria has provided it with a major base from which to pursue its broad strategic and geopolitical aims in a vast region that is vital to the United States, the NATO alliance, and the West in general; the eastern Mediterranean, Turkey, and the Middle East.

While immediate, parochial regional issues—such as the Iraq-Iran war and the Arab-Israeli conflict—have a direct bearing on Moscow's purposes, they are not paramount. They are significant primarily to the extent that they can be exploited to facilitate Moscow's longer range and larger ambitions:

To dilute American influence;

To intimidate and weaken America's allies and friends;

To foster and exploit local conflicts that will disrupt the regional stability necessary to the West and to peace;

To deprive the West of essential economic resources;

To attain a powerful Soviet presence in the area; and

To dislodge America from its position there eventually—with all the destabilizing political and strategic consequences such a loss would entail for America throughout the world.

Syria has become the linchpin of these overall Soviet strategic interests. This is the first case of such an extensive involvement with a major power in the regional heartland since the Soviets were ejected from Egypt in 1972, for until now the Soviet connection has been with peripheral states like Ethiopia, Libya, Yemen, and Aden.

A measure of the importance Moscow attaches to this strategic cooperation is the extent of Soviet military supply to Syria—which long antedates the 1982 Lebanon war, having begun in the 1970's, and been accelerated by the 1980 friendship treaty.

Thus the decision to speed up the enormous reinforcement of Syria's armed might did not stem simply from the need to replenish the heavy losses of military hardware sustained by Syria last year. The heavy rearmament of Syria—valued at $2 billion—was dictated by the pattern of Soviet global-regional strategic purposes.

The military equipment includes the most sophisticated tanks and planes and the most advanced antiaircraft missiles—(SAM-5)—in the Soviet arsenal, a type never before deployed outside Soviet territory. Two new armored divisions have been equipped, and the Syrian port of Tartus has become a Soviet naval base providing support for Soviet submarines in the eastern Mediterranean. Heavy armored and artillery equipment has been stockpiled for potential use by Soviet forces.

The Soviets were alarmed by the ease with which the Israeli forces destroyed the Soviet equipment in Syrian hands in Lebanon, and since Soviet military doctrine calls for dominance in air battle, the Syrian air defense was taken out of Syrian hands. Some 5,000-6,000 Soviet military personnel now operate and guard the advanced equipment, especially the missiles.

The Soviet missiles are a potent threat not only to Israel but to NATO as well.

The 150-mile range of the SAM-5's is sufficient to cover Jerusalem and Tel Aviv. From their northernmost sites, they can reach NATO bases in the eastern Mediterranean and the main NATO base at Incyrlike in eastern Turkey.

An interlocking electronic satellite communications and control system, involving six different types of missiles, can link Damascus, via Soviet ships in the Mediterranean and a relay station at Baku in the Caucuses, to Soviet air defense headquarters in Moscow.

Thus, this complex, comprehensive and advanced Soviet presence in Syria is aimed not only at undermining the deterrence potential of Israel—which has been a unique barrier to the Soviets and their Mideast proxies—but at threatening Western naval and air maneuverability in the strategically vital eastern Mediterranean.

Syria also plays an influential role, comparable in some important respects to that of Cuba, as an ideological and political ally in the Soviet global strategy. Syria has made useful connections with the Marxist-Leninist regimes in Nicaragua and North Korea.

In the Middle East, it maintains close ties with the pro-Soviet regimes in Ethiopia, Libya, North Yemen, and Aden. It is also deeply involved with the main terrorist groups seeking to subvert and overthrow pro-Western governments in Oman and Somali: the Soviet-supported Popular Front for the Liberation of Oman and the Soviet-backed Democratic Front for the Liberation of Somali.

Syria is also an important intermediary on an ongoing basis between the Soviet Union and Iran.

THE SYRIAN REGIME

Syria's ideological and political affinity with the U.S.S.R. has facilitated a Soviet penetration that goes well beyond the military. It operates on many levels of Syrian life—economic, agricultural, commercial, scientific, cultural, et cetera.

But whatever the paramount Soviet interest is in this alliance, it also, serves Syria's fundamental regional objectives as well. The effective support of the Soviet Union is enabling Syria to consolidate its leadership role in the Arab world, as the most powerful state in the region. It can thus take the lead in the Arab war against Israel, in intimidating Saudi Arabia, overshadowing Iraq, and extending its hegemony in Lebanon and, potentially, in Jordan.

For many years after it attained independence in 1946, Syria was marked by instability, purges, assassinations and coups. This fragility led to the intervention of the military, culminating in the 1963 coup that brought the Ba'ath party to power.

In Ba'ath ideology, Western ideas of nationalism and socialism, pan-Arabist notions of Greater Syria and Islamic traditionalism mingled uneasily. Ba'athist rule is based on an alliance of the military with the party organization, exemplified by President Assad, who is both supreme commander of the armed forces and head of the party and state.

The country is 80 percent Muslim, divided by hostility beween the Sunni majority and the Shia minority, and it also has many minority groups: a host of Christian sects; and remnants of ancient peoples like the Kurds, Armenians, Chaldeans, and Jews.

The regime is run by a coterie of military officers headed by Assad and his brother, trusted members of the small Alawite community. The Alawites, though Muslim, are neither Sunni nor Shia, and are distrusted by both. The regime has failed to reconcile the riven society's conflicting segments and interests, and rules by repression.

No more gruesome instance exists than the February 1982 massacre of up to 25,000 citizens of the city of Hama, accompanied by the destruction of scores of mosques and synagogues—in retaliation for a small uprising of Muslim extremists there. This slaughter was nearly matched by the Syrian assault on PLO strongholds in Lebanon in 1976, in which thousands of Palestinian Arabs were killed, and by murderous attacks upon Lebanese Christians since then.

The only basis for unity at home—and for its expanding power role in the Arab world—is its bellicose stance against Israel. Moreover, Damascus has always asserted its right to at least hegemony over a large slice of Lebanon. Syrian leaders have repeatedly declared that "Syria and Lebanon are one country," and have made no secret of their wish to annex it. Damascus has never accepted an independent Lebanon, does not recognize its legitimacy, and has never had an ambassador in Beirut.

Though Syria entered the country in 1976 at the behest of then-President Suleiman Franjieh, it has shown no inclination to bow to current President Gemayel's desire that it withdraw, and it has ignored the Arab League's refusal last year to renew its peacekeeping mandate. It has, moreover, sponsored a full-scale rebellion in PLO ranks, in order to transform it into a totally subservient instrument of Syrian policy objectives in Lebanon and against Israel.

There remain reasons, nevertheless, to hope that in time Syria might soften its intransigence, if only for pragmatic ends. The uncomfortable proximity of Israeli forces in the Bekaa Valley, less than 20 miles from Damascus, might well be an effective inducement for Syria to pull out eventually. And, with patient prodding from the West and with quiet resistance to its unrealistic expectations, Syria might well come to accept the facts on the ground realistically, and recognize Lebanon's independence and its neutrality in Syria's campaign against Israel.

What is required is perseverance, refusal to be intimidated, and resolve in the West to understand and resist Soviet-Syrian encroachment.●

THE CABLE TELECOMMUNICATIONS ACT OF 1983

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. MARKEY. Mr. Speaker, today I join several of my colleagues in introducing the Cable Telecommunications Act of 1983. I want to take this opportunity to make clear my rationale for cosponsoring this legislation.

I do not think that this bill, in current form, is perfect or even near perfect. I do think, however, that it is much better than S. 66, its counterpart which was passed by the Senate. It represents a positive and sincere effort to reach agreement on many of the most important points dividing cities and the cable systems. I think that this agreement remains incomplete, and my cosponsorship of this bill indicates my willingness to take an active role in the process of improving and finishing the legislation.

The bill does contain important provisions to improve the status quo for cities and their residents. Notably, it gives affirmative and clear authority to cities to grant and regulate cable franchises. This authority had been called in question by the Supreme Court in the Boulder decision. Thus, cities can be assured that they are no longer in danger of being completely stripped of all of their power over cable operators, as they are now.

This bill makes progress over S. 66 on the diversity and supply of information issue. It provides for concrete standards for commercial leased access. It further safeguards existing and planned uses for public, educational, and governmental access. It provides for a citizen right to cable, and removes landlords as a roadblock to the availablity of information of millions of American homes. All of these provisions need work; I am cosponsoring this bill to demonstrate my eagerness to work to improve and refines these stipulations.

Renewal expectancy remains a difficult and contentious subject. I understand the anxieties of many cities over this subject. But the allowance for city-demanded system upgrades and channel-capacity increases goes a long way toward dealing with this problem for older systems especially. This section too needs improvement, but the bill introduced today is a step in the right direction.

I have seen better bills in my work in Congress. But I have seen worse too—and closest to home, I have seen S. 66 and have concluded that this bill is a better one. I will work with Chairman WIRTH over the weeks ahead to produce a viable substitute or amendment package that makes this legislation more equitable, technically improved, and sound policy for cities, cable companies, and consumers.●

STRATEGIC MATERIALS COLLATERAL CORPORATION CHARTER ACT

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. EVANS of Iowa. Mr. Speaker, today I am pleased to introduce the Strategic Materials Collateral Corporation Charter Act. It is a bill offered to give the additional flexibility required to move more agricultural exports from the United States through a secured credit mechanism. Before I explain the specific provisions of this bill, I would like to discuss the circumstances which prompted this legislation.

Although the economic conditions in the United States are improving, the world debt situation is having an adverse impact on our exports. Countries with high, long-term debt are finding commercial banks throughout the world unwilling to extend additional short-term credit, which is necessary to finance needed imports. Trade statistics clearly indicate this choking of imports for the high-debt countries—in the first 7 months of 1983, total U.S. exports to Brazil, Argentina, Chile, Mexico, Peru, Indonesia, the Philippines, Nigeria, and Zaire decreased 34.8 percent compared to the same period last year.

Total U.S. agricultural exports for this year are forecast at $34.5 billion, a 12-percent decrease over last year. This is also over $9 billion below the record high of $43.8 billion in 1981. Of the 10 high-debt countries mentioned above, 7 (Brazil, Indonesia, Mexico, Nigeria, Peru, Zaire and Venezuela) have also shown dramatic decreases in agricultural purchases from the United States in the last year.

Recent efforts to circumvent the problems of unsecured credit and to otherwise stimulate agricultural shipments have included a renewed interest in the U.S. Government barter program which was so active between 1950 and 1973. Under this program over $1.7 billion worth of agricultural products was swapped for some 60 strategic and critical materials from 50 countries. However, as the Government-owned surpluses of farm products diminished and commercial sales expanded, the appeal of barter evaporated. The situation is changed now with commercial export sales decreasing, the Government owning over $3 billion in surplus dairy products, and

the exisitng $10.3 billion deficit in the national defense stockpile.

In the last 18 months, two barter arrangements have been negotiated involving the exchange of Jamaican bauxite for U.S. dairy products. However, the process to arrange these two deals was not easy—both required explicit direction by the President. There are now 20 bills pending in this Congress which are aimed at updating and improving the laws under which a Government-affiliated, barter program must operate. I am confident that progress will be made in enacting the required changes of the barter laws.

The bill I am introducing goes beyond the existing barter laws. It promotes the storage of materials needed for the national defense stockpile as collateral for the export of U.S. agricultural products. Currently, the national defense stockpile purchases are severely hampered by the size of the annual appropriation of $120 million. At the same time, many of the materials required for the national defense stockpile are available primarily from foreign sources. For example, during 1978–82 our import dependency averaged 94 percent for bauxite; 73 percent for nickel; 85 percent for flourspar; and 100 percent for columbium, quinidine, and rubber. Under this bill, foreign nations could transport materials specified for the national defense stockpile to the United States for storage and be issued a negotiable warehouse receipt for these materials. An American bank will then accept the warehouse receipt as collateral for agricultural purchases. The warehouse receipt which the Strategic Materials Collateral Corporation issues will specify that in the event of national emergency or proposed withdrawal of the material from storage, the U.S. Government has the right to purchase the material at current market price. Further, the bill specifies that this new corporation will be small and will not sap taxpayer funds.

Mr. Speaker, as my interest in easing the problems that U.S. agricultural exporters and food importers in developing countries has expanded, I have talked with several bankers involved in international trade finance. These bankers assure me that this proposal will work with benefits to the U.S. farm exports and food-importing nations. It also appeals to potential exporters of strategic materials in developing countries who prefer a warehouse receipt offered by a government entity rather than a commercial interest. And additionally, the national defense stockpile will have the comfort of knowing that strategic materials are in the United States in the event of a national emergency while, at the same time, no appropriations are necessary.●

THE PONY EXPRESS TRAIL

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. SHUMWAY. Mr. Speaker, I am introducing legislation that authorizes for study the Pony Express Trail as a national historic trail. The Pony Express fast mail relay system constituted a crucial turning point for western expansion and development. The route followed by the Pony Express represents an episode in our Nation's history that is worthy of this special recognition.

The Pony Express Trail ran between Saint Joseph, Mo.—the western terminus of the railroads in 1860—and extended to Sacramento, Calif., for a total distance of about 2,000 miles. Upon arrival in Sacramento, the letters and important dispatches were taken by steamer to anxious recipients in San Francisco. The route left Missouri and followed the well-traversed Oregon Trail through Kansas and along the Platte River in Nebraska. Before leaving Nebraska, the route dipped south into Julesburg, Colo., then headed north into South Pass, Wyo. At Fort Bridger, Wyo., the Pony Express Trail left the emigrant trail and swung south to Salt Lake City, Utah, before running due west across the salt desert and Badlands of Nevada, over the Sierra Nevada Mountains, and down into Sacramento.

Pony Express service began on April 3, 1860, and continued until October 24, 1861, when the first transcontinental telegraph line was completed. During the Pony's 18 months of glory, 318 runs were made each way for a total of approximately 600,000 miles. The mail was lost only once.

This perilous venture was conceived and operated by the freighting and stageline firm of Russell, Majors & Waddel. Important promotional support was provided by California Senator William M. Gwin. These pioneers of transportation intended to demonstrate the superior feasibility of a central overland mail route over the existing circuitous 2,800-mile southern route followed by the Overland Mail Stagecoach Co. The three entrepreneurs hoped to secure lucrative mail contracts as a result of this service.

The fearless riders who galloped along the route day and night through all kinds of weather and adversity deserve highest praise. Mail was carried in rainproof leather pouches or mochilas strapped to the front and back of the saddle. Each man rode about 75 miles at full speed, stopping only to transfer to fresh ponies at manned relay stations located at intervals of 10 to 15 miles. The heroics of these young horsemen, who averaged approximately 19 years of age, are well documented and inspired great American artists including painter Frederick Remington and author Mark Twain.

Although the Pony Express was a financial disaster for its proponents, it proved that correspondence could be delivered in 8 to 12 days over the central route. Like the transcontinental telegraph and railroad which succeeded it, the Pony Express provided an improved communications link between the widely separated eastern and western segments of the country. It heightened the demand for expedient transcontinental linkage prior to the outbreak of Civil War. In fact, the fastest time recorded by the Pony Express occurred in November 1860 when news of President Lincoln's election victory was carried from Fort Kearny, Nebr., to Fort Churchill, Nev., in 6 days. It is interesting to note that the Pony Express route is generally followed by the interstate highways and airplane flight paths of today.

Finally, the Pony Express is a cultural record that embodies the finest American qualities of private enterprise, fortitude, courage, teamwork, and commitment to excellence. Just last May, members of the National Pony Express Association, headquartered in Pollock Pines, Calif., were pressed into actual pony express service to deliver the mail following a massive landslide on Highway 50. Plainly, the spirit and ingenuity of the original Pony Express live on.

Specifically, my bill simply provides for a long-overdue study of the Pony Express Trail under the National Trails System Act. Such studies are conducted by the National Park Service under the direction of the Department of the Interior.●

IMPROVING OUR FOOD SAFETY LAWS THROUGH MODERNIZATION

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. MADIGAN. Mr. Speaker, I am today introducing a bill which is designed to provide a legislative forum in which we can appropriately discuss the need to modernize our food safety laws to insure that America's food supply remains the safest in the world.

This legislation, "The Food Safety Modernization Act of 1983," is a bipartisan attempt to provide a scientific and technological basis for improvement in our food safety regulatory system—a system which, without further attention, runs the risk of becoming outdated and incapable of allowing proper regulatory responses to changes in pertinent scientific advances and information. An identical

bill is being introduced in the other body by Senator ORRIN HATCH.

This legislation can provide the "ounce of prevention" that can allow the Congress to avoid a "pound of cure" for future food safety problems.

Our present food safety statutes contain what is known as the Delaney clause which provides that no food additive shall be deemed safe if it is found to induce cancer when ingested by humans or animals. In other words, it provides for zero risk as the basis for food safety regulations. The Delaney clause is now more than 20 years old and is still on the books. However, the modern capability of science to detect substances in food in the parts per billion or trillion range thus permits detection of carcinogens in food at levels so low that they may not present a significant risk to human health.

Therefore, there is a need to begin deliberations on what changes are needed in our food safety laws to enable them to keep pace with current scientific technology.

Studies by the U.S. General Accounting Office (GAO) have confirmed the need for major legislation to establish an up-to-date, workable food safety policy that effectively will regulate cancer-causing food additives while at the same time assuring the continuation of ample and safe amounts of food. In an overview of its past studies released by the GAO only last month, this watchdog agency again confirmed that improvements could be made in both the authorizing legislation and in program administration.

I believe that now is the time to start talking about where we go from here. It is a propitious time to take up this matter—a time when no particular food additive question, such as the very emotional nitrite question of recent years, is at issue. In this setting, food safety reform legislation is not a squeaky wheel looking for political grease. I am hopeful we can move forward in considering all of the complex issues involved in food safety.

I encourage my colleagues to review the accompanying section-by-section analysis of the "The Food Safety Modernization Act of 1983." I earnestly solicit your support in this important task.

SECTION-BY-SECTION ANALYSIS OF THE "FOOD SAFETY MODERNIZATION ACT OF 1983"

I. INTRODUCTION

The "Food Safety Modernization Act of 1983" (the "FSMA") contains several significant amendments to the food safety provisions of the Federal Food, Drug and Cosmetic Act (the "FDC Act") and conforming changes to the Federal Meat Inspection Act (the "FMI Act"), Poultry Products Inspection Act (the "PPI Act") and Egg Products Inspection Act (the "EPI Act"). The FSMA is a successor to, and is evolved from, legislation introduced in the Congress in recent years, notably S. 1442 and H.R. 5491, each of which was introduced during the 97th Congress. The provisions of the FSMA are derived not only from these prior bills, but from the three days of comprehensive hearings on food safety law and policy held before the Senate Labor and Human Resources Committee on June 8-10, 1983.

At those hearings, testimony was received from witnesses representing diverse interests and perspectives, including those of the Food and Drug Administration ("FDA") and the U.S. Department of Agriculture ("USDA"), prestigious scientists, and industry and consumer groups. It was the clear consensus of those witnesses that the current law is basically sound and has worked well to ensure that the American food supply is safe. Many of those witnesses also testified, however, that current food safety law does not conform to current scientific and technological knowledge and capabilities, does not permit the FDA and USDA to consider all pertinent scientific information in making food safety regulatory decisions and does not give FDA and USDA sufficient flexibility to develop appropriate regulatory responses to all food safety issues which arise. The FSMA addresses these problems while also retaining the basic structure and requirements of the current laws, laws which have ensured that the American food supply is the safest in the world.

The FSMA consists of three titles. Title I contains amendments to several specific provisions of the FDC Act relating to food additives, color additives, new animal drugs and contaminants of food, as well as provisions which would affect food safety decisions generally. Title II contains conforming amendments to the FMI Act, PPI Act and EPA Act, each of which is enforced by the USDA, and several changes to those laws intended to further ensure consistency between the policies and requirements imposed by FDA and USDA. Title III specifies the effective date of the FSMA. Each of the changes to current law which would be made by the FSMA are described below.

II. DEFINITION OF "SAFE"

One of the central concepts of the FDC Act—a concept which is not altered by the FSMA—is the requirement that substances used to produce, process, package, hold, or otherwise affect food (i.e., substances defined under the law as food additives, color additives, pesticide residues, and residues of new animal drugs) be demonstrated to be "safe" before use. A manufacturer or food processor who wants to use a substance in food is now required to provide to FDA all of the scientific and technical data needed to prove that the substance is safe. This requirement is not altered by the FSMA.

These requirements have their origins in the Food Additive Amendment of 1958 (the food additive provisions of the FDC Act have not been revised since then) and have been extended to color additives, pesticide residues and residues of new animal drugs. Although the Food Additives Amendment of 1958 required, for the first time, that "food additives," as defined in section 201(s) of the FDC Act, 21 U.S.C. § 321(s), be shown to be "safe" the Amendment did not define the term. The legislative history of the Amendment, however, reflects the judgment of the Congress in 1958 that "safe" required the proponent of use of an additive to demonstrate, by competent scientific evidence, to a "reasonable certainty," that "no harm" would occur from use of the additive. This "definition" has been incorporated in FDA regulations and has guided food safety decisions by FDA for twenty-five years.

It is evident from the legislative history of the 1958 Amendment (and subsequently amendments related to other types of food constituents) that a policy of "zero risk" was not intended by the Congress; indeed, such a policy would be difficult, if not impossible, to implement. In recent years, science has provided ever more exquisite analytical techniques and increasingly sophisticated techniques to identify, assess, and quantify potential risks. FDA has attempted to adapt its regulatory policies to these changes in scientific capability. Current scientific capability enables us to identify potential risks throughout the food supply (e.g., we can detect substances in food at parts per trillion). Scientific capability also enables us to determine the upper boundary of these potential risks and thus to identify those which may pose public health concerns. The absence of a definition of "safe" has made it increasingly difficult for FDA to apply consistently appropriate regulatory policies which distinguish between trivial risks and those which warrant concern. The FSMA would add a definition of "safe" to the FDC Act, and, in so doing, ensure that the public health is protected from those risks in food which are not demonstrated to be trivial.

Under section 101 of the FSMA, section 201(u) of the FDC Act would be amended to define the term "safe"—as it applies to food additives, color additives, residues of new animal drugs, and pesticide residues—as "a reasonable certainty that the risks of a substance under the intended conditions of use are negligible." This definition would accomplish several objectives.

First, it would continue the requirement that the manufacturer or user of a food constituent, such as a food additive, demonstrate safety to a "reasonable certainty." This feature of the new definition will ensure that the scientific evidence needed to demonstrate safety is comprehensive and reliable and resolves the issues pertinent to the safety decision. The "reasonable certainty" language is consistent with the approach of current law, but by making the phrase a part of the FDC Act (as opposed to its presence in the legislative history) its continued viability as part of the concept of safety will be preserved.

Second, the benchmark for distinguishing substances shown to be "safe" and those that have not, would be clarified. Under the definition, a substance determined to present no more than "negligible" risks would be safe. The inclusion of a standard of "negligible" risk would ensure that the public health is fully protected; trivial risks, that is, those that do not endanger the public health, would not be a basis for prohibiting the use of substances in food. With the development of techniques for quantitative risk assessment and the greatly enhanced information on, and understanding of, the toxicology of food constituents, distinctions can reasonably and appropriately be made between the risks, if any, presented by substances in food. The definition would help FDA to better adapt its regulatory policies to distinguish between those substances which may present public health concerns or otherwise warrant attention and those which do not.

The definition would thus reaffirm the requirement for persuasive proof of the safety of food constituents, distinguish between negligible risks and those of public health concern, and help to provide for food safety regulatory decisions that embody consideration of, and reliance on, current scientific

and technological information and capabilities.

III. PHASEOUT AUTHORITY

The FDC Act does not currently authorize the FDA to provide for the gradual elimination of a substance from food when such substance has been determined not to satisfy the substantive criteria of the FDC Act for continued use. The lack of this authority and the potentially undesirable consequences because of its absence, were illustrated several years ago when a study appeared to implicate nitrites as animal carcinogens. Nitrites are widely used to preserve meat and poultry products. Precipitious action to eliminate them, if the evidence had demonstrated a risk which required such action (ultimately the study in question was determined not to implicate nitrites directly in cancer causation), would have created unacceptable risks (there being no practicable substitutes for nitrites to protect certain foods from the growth and development of botulism) and adversely affected the costs related to, and the availability of, a major component of the food supply.

When it became apparent that a gradual elimination or phaseout of nitrites (or any other substance in use) was not permitted under current law, the Administration proposed legislation to authorize the phaseout. That specific phaseout legislation became unnecessary, but the episode did demonstrate the need generally to provide for the orderly removal of substances from food, under certain circumstances, when a decision is made to ban further use. The phaseout provision in the FSMA deals only with the implementation of a decision to eliminate gradually a substance from food; the criteria under the FDC Act for determining whether a substance may remain in further use indefinitely is not affected by the provision.

Under section 102 of the FSMA, section 306 of the FDC Act, would be amended by redesignating the current provisions as paragraph (a) and by adding a new paragraph (b). The amendment to section 306 would authorize FDA, by regulation, to permit the continued use of a substance (a food additive or color additive, a substance with a prior sanction or one generally recognized as safe, and a new animal drug) which it had determined no longer met the criteria for indefinite continued use, for a period up to five years. A phaseout would be permitted under this section only if the FDA decided that "no unreasonable risk to the public health" would result from continued use of the substance during the phaseout period. A phaseout would be permitted only as long as a practicable substitute for the substance in question was not available.

The section would authorize the FDA, as appropriate, to reduce the amount of a substance allowed in food, the foods in which a substance may be used, or to provide for labeling or packaging requirements during the phaseout period. In addition, because five years may not, in some instances, be adequate to develop and obtain approval of a practicable substitute (or substitutes) for the substance in question, the phaseout could be extended for up to an additional five years. An extension would only be permitted, however, if the FDA decided that diligent efforts were being made to develop substitutes and if a continuation of the phaseout period were consistent with requirements of the section.

In deciding on the length and conditions of a phaseout, the section directs the FDA to consider, for each use of a substance, the risks associated with using the substance and the risks associated with limiting or prohibiting its use. Also, the FDA would be required to consider the effects of the use of the substance on such factors as the nutritional value of food, the cost and availability of food, and the use of the substance for dietary management and other health-related purposes. In short, decisions on the length and conditions of a phaseout would be based on an evaluation of numerous factors and would reflect the judgment of the Agency as to how best to implement a decision to ban a substance. As is the case under the FDA Act in general, the Agency's judgment about the risks of continued use of a substance would be an important element of any phaseout decision.

Finally, the FDA would be permitted to provide for the continued use of a substance subject to a phaseout regulation even after a practicable substitute is available only if it is determined by FDA that the public health is enhanced by the simultaneous use of more than one substance for a particular use or uses (e.g., FDA might conclude that the use of lower levels of two or more substances better protects the public health than reliance on a single substance).

IV. DELANEY CLAUSE

An important feature of the Food Additives Amendment of 1958 is the inclusion of a special provision for additives shown to induce cancer in laboratory animals or in man. This provision—the Delaney Clause—was initially applied to food additives and subsequently extended to color additives and residues of new animal drugs. (The FDA Act thus contains three Delaney Clauses).

Unlike the concept of general safety embodied in the 1958 Amendments—that is, the "zero risk" is not the standard—the Delaney Clauses do adopt a policy of zero risk with respect to substances to which they apply. The "zero risk" approach of the Delaney Clause was based on the state of knowledge about cancer causation, risk assessment, toxicology, and analytical chemistry in the late 1950's. It was generally believed then that few substances would be shown to induce cancer in laboratory animals, that essentially all substances shown to induce cancer in laboratory animals presented significant risks of cancer to humans, and that all animal carcinogens behaved in the same way. Also, in 1958, the tools to distinguish cancer-causing substances on the basis of their risks under the intended conditions of human use did not exist. Finally, analytical techniques could only detect substances in the parts per million range, which meant that low levels of animal carcinogens in food went undetected.

In the twenty-five years since the Delaney Clause was first enacted, dramatic changes have occurred with respect to the scientific and technological premises underlying the provision. It is now known, for example, that of the numerous substances shown to induce cancer in laboratory animals (in part because of more and better testing techniques) some act as direct carcinogens, while others act indirectly or through secondary means. It is also known that the risks to humans from substances shown to induce cancer in animals vary greatly, depending on the potency of the substance, its mechanism of action, the level of exposure, and numerous other factors. Techniques of quantitative risk assessment have been refined to aid in distinguishing substances on the basis or risk to humans under the intended conditions of use. The need to distinguish among these substances on the basis of risk is further demonstrated by the sensitivity of analytical methods, which detect trace amounts of cancer-causing substances throughout the food supply.

The scientific capability now exists to distinguish between those substances which present risks of public health significance and those which, because the risk is so small or remote, do not. Current law does not, however, permit these distinctions to be made as a matter of regulatory policy. Regulatory policy under a revised Delaney Clause can reflect current scientific capabilities while continuing to ensure that the public health is protected.

Under section 103 of the FSMA, each of the three Delaney Clauses in the FDC Act would be amended. The amendments would not alter the basic concept of the Clauses. The amendments would, however, provide for judgments about the risk of the substance to humans under the intended conditions of use to be a factor in regulatory decisionmaking.

Under the revised Delaney Clauses, a substance would not be required to be banned (or could be approved) if the proponent of use demonstrated on the basis of credible experimental evidence, that the risks to humans under the intended conditions of use were negligible. This standard would be consistent with current science and with the definition of safe set forth in section 101 of the FSMA, while also retaining the special provisions of current law for dealing with carcinogenic substances.

In deciding whether a substance shown to induce cancer presented only a negligible risk of cancer, the FDA would consider the evidence (generally based on studies in laboratory animals) bearing on whether the substance induces cancer, as well as other "scientifically adequate experimental evidence" on such matters as the mechanism of action and metabolism of the substance. When FDA determines that it is feasible and appropriate, quantitative risk assessments could be used to aid in evaluating the safety of substances under the Delaney Clause. The revised Delaney Clause does not specify that any particular weight be given to any single component of the scientific inquiry, but does provide for all pertinent scientific evidence to be considered and for the regulatory decision ultimately to be based on the magnitude of the risk, if any, to humans.

The Delaney Clauses for food and color additives (in section 409 and 706 of the FDC Act) would also be revised to confirm that the Clause, if it applies at all, applies to the "additive as a whole" and not to the constituent parts of the additive, such as trace amounts of reaction products and chemical impurities. The safety of the constituents would continue to be determined under the general safety requirement for additives. This clarification of the scope of the Delaney Clause would ensure that additives are not banned because of the presence of trace carcinogenic constitutents unless those constituents present greater than negligible risks.

VI. CONSIDERATION OF HEALTH BENEFITS

Under section 409 of the FDC Act, 21 U.S.C. § 348, regulatory decisions on food additives are based primarily on scientific judgments about the risks, if any, presented by the additive. Although food additives are required to be shown to be functional, that is, to achieve the technical or physical effect for which their use is intended, the

FDC Act does not authorize an inquiry into the "benefits" of the additive. The Congress squarely addressed this issue in 1958, and decided then not to interject into the regulatory process, a consideration better left, in most instances, to the marketplace. The criteria for food additive decisionmaking has thus focused on the effects of the additive on the public health.

There exists a circumstance, however, in which current law excludes from consideration matters pertinent to the public health. This circumstance, illustrated by such diverse substances as the antioxidant BHA, the sweetener saccharin, and the preservative nitrites, occurs when an additive with a substantial history of use and no practicable substitute, can no longer be permitted on the basis of a safety assessment alone. Under current law, FDA could not, in such a circumstance, consider the health-related benefits of the additive before deciding what action to take. It is thus possible under current law, for FDA to be required to ban a long-used and unique additive even though, on balance, the public health would be better served by continued use of the additive.

Section 104 of the FSMA would correct this deficiency in current law by authorizing FDA to consider the benefits to human health from a long-used additive with no practicable substitute before prohibiting its use on the basis of the risks to human health presented by the additive. The provision would permit continued use of an additive if, after considering such benefits to human health as the effects of its use on the "nutritional value and availability of food," "uses for dietary management, and other health-related purposes," the risks to human health were found to be acceptable.

The authority to consider benefits under section 104 of the FSMA is appropriately limited in several ways. First, the provision authorizes the consideration of health-related benefits only and thereby retains the twenty-five year old concept of food additive regulation that places protection of the public health at the center of FDA's responsibilities. The provision authorizes consideration of health benefits from a broad perspective, but does not provide for the consideration under any circumstances of non-health-related benefits.

Second, benefits would be considered only for food additives (and not for color additives), and then only for those food additives which have a substantial history of use and for which there are no practicable substitutes. This limitation will help to ensure that the consideration of benefits will occur only in those situations in which there is likely to be adequate evidence bearing on the benefits, and not simply speculation about them.

Third, as is the case with establishing the safety of a food additive, the burden to demonstrate that the risks to human health are acceptable on the account of the benefits to human health would rest with the proponent of use of the additive. The FDA's role would continue to be to evaluate the evidence provided by others consistent with the criteria set forth in the FDA Act. Evidence to demonstrate benefits would be required to meet the same standards for evidence of risk to health.

VII. SCIENTIFIC PEER REVIEW

It is widely acknowledged that the reliability, credibility, and integrity of the scientific process depends, in large measure, on the careful use of scientific peer review. Consideration of scientific findings, evidence, and reports by other scientists with appropriate expertise, helps to ensure that decisions (regulatory or others), are based on sound, reproducible, valid, and reliable studies. The essence of a sound system for scientific peer review is the reliance on independent and qualified scientists to undertake a careful and comprehensive review of all data pertinent to a scientific proposition or conclusion.

Scientific peer review is an important component of food safety regulation. It helps to ensure that decisions are based on a scientifically sound basis and thereby to maintain public confidence in the appropriateness of the regulatory system. FDA has resorted to peer review on occasion in recent years for advice and assistance on significant scientific issues related to food safety (and other aspects of its regulatory responsibilities). The resort to scientific peer review by FDA, however, has not been consistent or predictable.

Section 105 of the FSMA would direct the FDA, within 180 days of enactment, to provide by regulation for a system of independent scientific peer review on "substantial scientific" issues related to food safety. The regulations would be required to embody the essential features of a workable independent scientific peer review provision but would leave the details of the system to be determined by the FDA, after it received comments from the public on its proposed system. The peer review system mandated under section 105 does not, of course, prevent FDA from seeking advice on its own initiative from scientists employed by other agencies of the Federal Government.

Under Section 105, the FDA would be required to obtain advice from qualified scientists who are not employed by the Federal Government whenever a substantial scientific issue arises, the resolution of which, in the judgment of the FDA, would be "materially facilitated" by independent scientific peer review. To assist the committee of experts in reaching independent conclusions, the provision provides for the appointment of a scientifically-qualified staff of persons who, like the committee members, are not full-time employees of the Federal Government.

Peer review would be required only when FDA finds that because, for example, the issues are unique, the scientific findings are controversial, or conflicting data are presented, the resolution of the scientific issues underlying a regulatory decision and, therefore, the credibility of the regulatory decision itself, would be enhanced by independent scientific peer review.

Section 105 provides for the receipt of advice from scientific experts. It does not change the fact that the ultimate responsibility for the regulatory decision rests with the FDA.

VIII. INDIRECT ADDITIVES

Among the substances which are defined as "food additives" under section 201(s) of the FDC Act, are those which, because of their use in food production, packaging or holding, become or may reasonably be expected to become a part of food. This category of additives is known as "indirect additives" because, although they are used in contact with food, they are not deliberately or "directly" added to it.

Beginning in 1958 and continuing until today, FDA has differentiated in its regulatory policy between direct and indirect additives. Unlike most direct additives, the indirects are not advertently added to food and if present there at all (through food contact surfaces) are present at low levels, sometimes so low as to defy detection by even the most sophisticated analytical techniques available.

A recurring difficulty in the regulation of indirect additives has been the determination of whether a substance is subject to food additive regulation at all (i.e., is there a reasonable expectation that a substance, such as a component of a plastic container, will become a component of food). It is important that this question be resolved so that scarce FDA resources are not allocated to substances which are not likely to become part of food and, if they do, only at levels of no public health significance, and to provide predictability and certainty for manufacturers and users of food contact materials.

Section 106 of the FSMA would add a new section 414 to the FDC Act to require, within two years of enactment, that FDA establish, by regulation, standards to determine under what circumstances the use of a substance in a food contact situation (i.e., an indirect additive) meets the food additive definition in section 201(s) of the FDC Act. In issuing these regulations, the FDA would be directed to consider, among other relevant factors, the extent of human exposure to a substance under the intended conditions of use and the toxicological characteristics of the substance. The regulations would then clarify when there is not a "reasonable expectation" that a substance will become a part of food within the meaning of section 201(s) of the FDC Act.

IX. SECTION 406 PROCEDURES

Section 107 of the FSMA would provide for the adoption of regulations under section 406 of the FDC Act by informal rulemaking, rather than the formal rulemaking now required. This amendment would provide for the adoption of tolerances for food contaminants, for example, through less cumbersome and time-consuming regulatory procedures. Because the current procedures for tolerances under section 406 are so cumbersome, FDA has rarely relied formally on the section, opting instead for the informal approach of "action levels." With less involved procedures required under Section 406, it is expected that FDA would no longer need to rely on action levels to the extent that it has and would, instead, use section 406 as it was intended to be used.

X. CONFORMING CHANGES TO THE FMI, PPI, AND EPI ACTS

Title II of the FSMA would make several changes to the FMI, PPI and EPI Acts, each of which is enforced by the USDA.

First, section 201 of the FSMA would amend each of the three agricultural product laws to provide that a meat, poultry or egg product is adulterated because it contains an added poisonous or added deleterious substance when the presence of the substance renders the food "unsafe within the meaning of section 406" of the FDC Act. This amendment would thereby substitute the standard of section 406 for the current "unfit for human food" criterion. In so doing, the amendment would permit USDA to consider the factors set forth in section 406 for determining when an added poisonous or added deleterious substance adulterates a meat, poultry or egg product and make its regulatory policy consistent with that of FDA. The amendment would also authorize USDA to issue regulations under section 406 for added poisonous or added deleterious substances in meat, poultry and egg products, but, to avoid duplication, only

if FDA has not already done so. The amendment does not affect FDA's current authority to issue regulations under section 406.

Second, section 201(b) of the FSMA would correct a technical defect in the FMI, PPI and EPI Acts. Unlike the FDC Act, the three agricultural laws do not provide that the use of a substance in a meat, poultry, or egg product in accordance with a regulation issued under sections 406, 408, 409, or 706 of the FDC Act, does not result in the adulteration of the product under one of the general adulteration provisions of those laws. Without this amendment, it is possible for a meat, poultry, or egg product to be adulterated because of the presence of a food contaminant, pesticide residue, food additive, or color additive even though the use of the substance conforms to a regulation providing for its use.

Third, sections 202, 203 and 204 amend the PPI, FMI and EPI respectively, to authorize USDA to phaseout the use of substances in meat, poultry and egg products for which it has primary responsibility (e.g., a substance for which it has issued a prior sanction under section 201(s) of the FDC Act). Phaseout regulations for such substances would be issued by USDA in accordance with the phaseout provision in section 306(b) of the FDC Act.

Finally, sections 202, 203 and 204 of the FSMA would provide for USDA to adopt, within 180 days of enactment, regulations for the establishment of an independent scientific peer review system. This provision is identical to that for FDA and a consistent approach to this subject between the two agencies is expected.

XI. EFFECTIVE DATE

Title III of the FSMA provides that its provisions take effect upon enactment.●

THE UNITED CHRISTIAN ASSEMBLY—THE FIRST YEAR'S MILESTONE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. TOWNS. Mr. Speaker, I want to recognize the achievements of one of my local churches as they celebrate their first anniversary. The United Christian Assembly pastored by Rev. Charles Levi Martin will celebrate its first anniversary on Sunday, October 16. Despite the short history of the church congregation, the United Christian Assembly has become very active in the Brooklyn community.

The ministry of the church is involved in hospital visitation; job training programs, and a series of educational programs for children and adults. Reverend Martin also plays an active role in local ecumenical affairs as the vice president of the Ministers' Alliance of Staten Island. The assembly is looking forward to the purchase of their own building to further expand their community and social justice activities.

The black church has always played an important role in the black community. The United Christian Assembly can be expected to make a significant contribution to the Brooklyn community. I wish to congratulate this church on their significant growth in only a year's time and I wish them much success in the future.●

IN RECOGNITION OF NATIONAL HOUSING WEEK, 1983

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. AuCOIN. Mr. Speaker, as we observe National Housing Week (October 2 to 9, 1983), it is important that we reaffirm our strong national commitment to housing and recognize the economic and social benefits of a well-housed Nation.

Time and time again, we have seen housing lead the way to economic recovery with a tremendous ripple effect, creating jobs and stimulating activity throughout the economy. The good economic news we enjoy today is no exception.

If builders realize their expectations of starting at least 400,000 more units during 1983 than they did in 1982, housing will be responsible for creating about 700,000 new jobs, $13 billion in wages, and $6 billion in additional tax revenues for Federal, State, and local governments.

But the enormous value of housing does not end with good economic indicators. It extends to the average man and woman in this country and helps determine how a family sees itself and its function in the community.

Homeownership gives the average man and woman in this country the opportunity to become a part of the capitalist system. It has always been one of the few ways a family can leverage personal wealth and get ahead.

When housing prospers, America prospers. It is as simple as that. Yet, we continue to hear distressing signals about interest rates, the precipitous decline in homeownership and affordability.

High mortgage interest rates over the last several years have imposed tremendous costs on the home buyer. Recently, the U.S. League of Savings and Institutions reported that the affordability gap between what a family can afford and median home prices is more than $16,000. And, now, with home loan rates moving up to 14 percent, that gap threatens to widen further before the year is out.

It is estimated that by the end of coming decade, 10 American families who otherwise would be homeowners—by all standard tests of income, education and social status—will be renters.

The fact that we are seeing a long-term downward trend in the rate of home ownership country has serious long-range consequences which we would be foolhardy to ignore.

Attitude is key. Housing as a top national priority has been reduced to footnotes by changes in the economy and shifting Government policies.

We have heard from the Martin Feldstein's of the world that housing is soaking up too much productive capital. There are Members in Congress, on both sides of the aisle, who feel that this country has done its job on home ownership.

That kind of thinking must be stopped in its tracks. We need to get behind the concept of individual housing accounts to encourage young Americans to save for a downpayment on a home. We need an extension of the mortgage revenue bond program and action on other housing-related pieces of legislation.

But most important to housing and home buyers is the budget deficit crisis we face. That is an overriding issue that we must put on a fast track if we want to avoid another round of killer high interest rates.

Less than 2 weeks ago, I welcomed the leadership of the National Association of Home Builders to my State of Oregon for their fall board meeting. As I listed to their concerns, it became clear that the magnitude of the deficit was No. 1 on their agenda. More than anything else, the prospects of continued massive deficits make the housing and financial markets nervous about the future of the recovery.

I have introduced a resolution to establish a bipartisan commission on the deficit. Similar to the Presidential Commission formed to break the deadlock on social security reform, a National Commission on Federal Budget Reductions would forge a consensus to help break the legislative gridlock on the budget and allow Congress to begin making substantial reductions in the deficit.

I am also a cosponsor of a proposal by Budget Committee Chairman JIM JONES calling for an economic summit of the President, the executive branch and Congress on the budget deficit crisis.

I strongly support these efforts because I believe we have to get off our high partisan political horses and move on a united front to reduce the deficit. That is certainly the most productive thing we can do to recognize National Housing Week and all it stands for.

A future without housing as a national priority does not merely spell doom for an important labor intensive industry, but it also spells doom for the American dream. If the day ever comes when Mr. and Mrs. America no longer have the ability to buy a home and capture a piece of the rock, we change the character of our society and with that, attitudes about our economic system.

So as we approach the task of what we must do in the balance of this Congress to deal with a number of very real problems, I urge my colleagues to keep in mind the integral role housing plays in the well-being of our Nation and act to revitalize our Nation's historical commitment to housing and homeownership.●

THE RETIREMENT OF ADM. FRANCES T. SHEA, NC, USN

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. BOLAND. Mr. Speaker, on October 1, 1983, Rear Adm. Frances T. Shea completed a distinguished 32-year career in the U.S. Navy.

Since her promotion to the rank of rear admiral in July 1979, Admiral Shea has served as Director of the Navy Nurse Corps, Commanding Officer of the Naval Health Science Education and Training Command, and Deputy Commander for Personnel Management at the Naval Medical Command. Admiral Shea was the fourth woman to attain flag rank in the U.S. Navy and the 14th Director of the Navy Nurse Corps. In that capacity she established the policies by which to train and administer the 2,800 officers serving as nursing professionals in our Navy.

Mr. Speaker, Admiral Shea grew up in Chicopee, Mass., a city in my congressional district. Although her educational pursuits and Navy duties took her far from Chicopee, her career was followed with interest in her hometown and its environs. Her commitment to excellence in her profession and the success which her abilities have brought her, have not gone unnoticed in western Massachusetts. We have been proud of her willingness to serve her country, proud of the honors which the Navy bestowed upon her, and proud that she came from our midst. As Admiral Shea moves on to new challenges I want her to know how grateful her fellow citizens are for everything she has done for us.●

TRIBUTE TO JOAN WOEHRMANN

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. DREIER of California. Mr. Speaker, I would like to take this opportunity to draw needed attention to our Nation's volunteers, the people who play such a vital role in our society, yet too often receive no notice, no compliments, and no thanks.

An individual in my district, Joan Woehrmann, is one of the many who deserve notice. She stands as a shining example of how Americans, filled with the spirit of voluntarism, play an essential role in promoting the welfare of our people.

As is clear from the disappointments of past decades, no government—no matter how generous and well-meaning—has the power to solve every local problem or provide for every human need. Instead, like President Reagan, I embrace the idea that it is private groups and individuals like Mrs. Woehrmann who must take the lead in helping their neighbors and communities.

Mrs. Woehrmann has assumed this role. She has invested her time and talents into her community as a member of the guilds of both Whittier and Presbyterian Intercommunity Hospitals, as president of the Whittier Chamber of Commerce, as vice president of the Whittier Boys and Girls Club and as a volunteer in countless other civic activities.

In April, the Whittier Boys and Girls Club will hold a testimonial dinner for Mrs. Woehrmann in gratitude for the spirit of voluntarism she has brought to that community. I congratulate the club for its tribute to Mrs. Woehrmann. A volunteer's efforts should never be ignored nor taken for granted. Whenever they appear, they should be recognized and praised.

And so, to that end, I call on my colleagues to join the Whittier Boys and Girls Club, the citizens of California's 33d District and me in saluting the volunteer spirit expressed in the life of Joan Woehrmann.●

SONNY MONTGOMERY PRESENTED HARRY S. TRUMAN AWARD BY NATIONAL GUARD ASSOCIATION

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. RAY. Mr. Speaker, last night at the 105th General Conference of the National Guard Association in Indianapolis, our colleague, Hon. G. V. "SONNY" MONTGOMERY, was presented the Harry S. Truman Award. The Truman Award is the highest award given by the Guard Association and is presented for sustained exceptional contributions, at the national level, to the defense and security of the United States.

Present at the awards ceremony to honor our friend and colleague were a number of Members other than myself, including Hon. IKE SKELTON, Hon. EARL HUTTO, Hon. MARVIN LEATH, Hon. FRANK MCCLOSKEY, Hon. MARJORIE S. HOLT, Hon. ELWOOD H. (BUD) HILLIS, and Hon. BOB STUMP. I speak for all these Members, as well as Hon. DAN DANIEL, in stating that the Guard Association could not have picked a more worthy recipient of this award.

There are few, if any Members of Congress, who have been as active a supporter of our national security in general, and in particular the Guard and Reserve, than our colleague from Mississippi. His knowledge, involvement, and interest in the Guard and Reserve have made him the leader in Congress in both providing recognition of the role played by the Guard and Reserve, as well as in steps to improve the capabilities of the Reserve components.

His list of accomplishments in this area and in many other areas in almost too long to begin to address. In particular, though, he should be recognized for his initiation of an educational assistance program in 1977 to improve recruiting and overall quality in the Guard and Reserve. His interest in educational incentives to improve the military preceded understanding of the importance of such a program in both the administration and the Congress. His interest has continued in his strong advocacy of a new GI bill educational program for the military. He has certainly been instrumental in recent congressional initiatives to insure that modern equipment is provided our Guard and Reserve forces. He recognized early what the Congress as a whole has now begun to advocate—that Reserve forces should be more fully utilized in our Nation's defense because they can provide effective military capability at a lower cost.

SONNY's achievements have not all been in the area of Active and Reserve military personnel. As chairman of the Committee on Veterans' Affairs, he has been an ardent supporter of the welfare of this Nation's veterans and has been particularly active in assisting the veterans of the Vietnam experience.

Because SONNY is one of the most well-liked Members of the House, most Members are probably familiar with his military background, but it should be outlined for the RECORD as it is quite impressive. He served this Nation in both World War II and the Korean conflict. He has served 34 years as a member of the Mississippi National Guard and was retired only recently, in 1980, as a brigadier general.

It is an honor for me to have the opportunity to make these comments about my very distinguished colleague, the gentleman from Mississippi. He is a great American and a true friend of those who serve and have served in this Nation's military. The National Guard Association could not have made a better choice for its most distinguished award.●

TERENCE CARDINAL COOKE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. GREEN. Mr. Speaker, I join my colleagues, the citizens of New York, the Nation, and the World in mourning the passing of Terence Cardinal Cooke, the Archbishop of New York.

Cardinal Cooke's passing brings sadness not only to New Yorkers—Catholics, Protestants, and Jews alike but to the entire country as the people have lost a moral leader and a man who demonstrated great courage in facing life and death.

Cardinal Cooke was installed as Archbishop on April 4, 1968. From the beginning he encouraged those he met to approach life with a "spirit of love." By his own spirit, full of love and compassion, he became respected by those with whom he came in contact. He rose from the sidewalks of the city to become a prince of the Church, but he never forgot the poor and the humble.

He served also as the Military Vicar for Roman Catholics in the Nation's Armed Forces, both domestic and abroad.

I had the distinct honor of meeting Cardinal Cooke many times over the years, and I was always impressed by his reaching out beyond secular lines to offer love and compassion.

The cardinal has completed his journey on this earth; now we must try to follow his path of peace that he walked.●

TRIBUTE TO RICHARD O. BRUNVAND

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. PURSELL. Mr. Speaker, Richard O. Brunvand, an outstanding Ann Arbor and Michigan community leader was recognized with a feature article in the Ann Arbor News on October 3d. I bring this article to the attention of the U.S. Congress to demonstrate how one individual in our free enterprise system can provide leadership in his community. As a personal friend, I believe Richard Brunvand is an outstanding American.

The following article was printed in the Ann Arbor News as written by Julie Wiernik on Monday, October 3, 1983.

RICHARD BRUNVAND—HE CAN'T SAY NO TO COMMITMENT

(By Julie Wiernik)

Richard O. Brunvand, the man who brings you the Ann Arbor Street Art Fair every year, might have been a radio personality.

But a twist in his career path took him in other directions, from radio reporting to advertising. Along the way, the 46-year-old Brunvand also became a business owner, a labor negotiator, a Chamber of Commerce executive, a Whitmore Lake school board president and a champion skier who competed in Norway.

If pressed, he may even tell you that arthrogryposis, a rare birth defect which restricts the growth of legs and arms, didn't hinder his career. But even though his affliction is mild. Brunvand has been through surgery 13 times; as a youngster, he spent many miserable summers in the hospital.

Brunvand remembers his first job, though, as one of his best. During his college years at Michigan State University, he reported early morning farm news for WKAR in East Lansing. It seems unimportant now, but Brunvand remembers when the top story of the morning was an interview with a dairy farmer who invented an automated milking system called the "Milkveyor."

"It didn't have a lot of prestige, but farm broadcasting was a great experience for me," Brunvand recalled. "It made me get up early every morning and it was on the fourth floor."

The location was important. Hauling radio equipment up and down four flights of stairs was more than a nuisance to Brunvand, who walks with the help of leg braces and crutches.

In 1961, when Brunvand had just graduated from Michigan State University with a degree in communications, a prospective employer asked him, "I understand you walk with braces and crutches. Is that going to hinder your work?"

Brunvand simply answered, "It hasn't so far."

Brunvand learned his determined attitude from parents who taught him as he was growing up in Lansing to be independent despite arthrogryposis. His wife Lois tells a story about his mother's firm hand:

"One day when Dick was still learning to walk with crutches, he refused to go to school. He couldn't climb up on a bus, so a taxi picked him up for school every morning. His mother went to his room and grabbed him, his crutches and his braces and threw him into the taxi. I don't even know if he got dressed that morning."

Brunvand's broadcast career took him to radio stations in Sault Ste. Marie, Lansing, Kalamazoo and, finally, Ann Arbor. But in 1968, after two years as news director for WPAG here, Brunvand burned out in the radio business and took a job as manager of business and civic affairs for the Ann Arbor Area Chamber of Commerce.

"I was married and had my first child by then and I was working incredibly long hours," he said of that switch. "Radio wasn't what I wanted to do any more, so I walked down the street and applied for a job at the Chamber of Commerce."

Brunvand knew his wife long before he ever thought about courting her. She was the younger sister of his college housemates and seven years his junior. By the time his broadcast career had taken him to Kalamazoo, she was a student at MSU.

On Valentine's Day in 1965, she was in her dormitory doing laundry when she was surprised by a delivery of flowers. She and Brunvand were married the same year.

"He tried to propose to me in a boat," she recalled of their courtship. Thinking it wasn't very romantic to discuss marriage over the hum of an outboard motor, she said, "Ask me later."

Brunvand, even with crutches and braces, is an athlete and a competitor. He's an avid boater, and a few years ago his father persuaded him to take up skiing. He skis with Norwegian sled called a "pulk," and short ski poles. In 1980, he took first place in a Traverse City competition and went on to world class races in Norway.

"It turned out to be the most exciting experience I ever had," said Brunvand. "I had sat for years in a skiing family, watching them all ski. Now I have skied with my kids."

Brunvand found his way into the advertising business the same way he got started in skiing. He was talked into it. About 13 years ago, a friend from church convinced him to join Walaby Inc., a local advertising and public relations firm. When his partner left the business in 1973. Brunvand became sole owner and president.

"Knowing nothing about business. I said: 'OK. What the heck, I'll buy the agency,'" Brunvand recalled.

The company, now called Brunvand Associates Inc, organizes and promotes the Ann Arbor Street Art Fair every summer. Another client is the Ann Arbor Transportation Authority. The blue and burgundy stripes on city buses were designed by Brunvand's firm in 1981.

Under the direction of the man who claims to have known nothing about business, the agency has grown to a staff of 10. Accounts include some international clients, such as JOBO Fototechnic, a German manufacturer of photographic equipment. The German firm recently hired Brunvand Associates to coordinate advertising and promotion for its first venture into the U.S. market.

Despite his success in the image business of advertising, Brunvand is not at all flamboyant. He's more aptly described by associates as "a nice guy" and a "hard worker." It he wrote his own profile, in the style of a Dewar's scotch ad, it might read:

Favorite movie: "The Sound of Music."

Favorite meal: Rare steak followed by butter pecan ice cream.

Favorite reading: Time Magazine.

In addition to commercial advertising accounts, another large chunk of Brunvand's business is the work he does for the Washtenaw Contractors Association. He handles public relations, labor negotiations, apprentice programs and safety training for the 50-member group of local building contractors.

Since 1972, Brunvand has been chief negotiator for the contractors, a job he is said to handle with skill. Even adversaries at the bargaining table admire his style.

"He's a very professional negotiator who doesn't alienate or antagonize the other side," said one union leader who sat across from Brunvand at the bargaining table this summer.

"We don't always see eye to eye, but I have a lot of respect for him," said John Martin, financial agent and business manager for Carpenters' Union Local 512.

Brunvand is probably better known for his civic commitments than his advertising accounts. The man belongs to so many civic organizations that, during a recent interview, he used a resume to help himself remember them:

1966: County chairman for the March of Dimes.

1970: Elected chairman of CAP Inc., employer of the handicapped.

1974: Chairman of affirmative action for Washtenaw County Construction Committee.

1970: Publicity chairman Ann Arbor Area United Way.

1979: Elected president Ann Arbor Kiwanis Club.

1980: Elected president, Whitmore Lake Board of Education.

1982: Appointed member the Washtenaw and Livingston counties' Private Industry Council.

Brunvand allows that he has a hard time saying "no" when asked to lend time to community affairs. He said he sometimes tires of long days which begin at 5 every morning. These days, he feels overwhelmed with outside commitments that leave little time for cultivating new business clients.

The overloaded schedule also cut into Brunvand's ski vacations during the past couple of years, but it hasn't dashed his competitive streak that is part of his personality.

He thinks bike racing may be the newest challenge. All he needs is time and a 10-speed cycle operated by a hand crank.●

THE UNITED STATES AND ISRAEL

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. HUGHES. Mr. Speaker, recent events in Israel have placed one more spotlight on the Middle East. With the resignation of Israeli Prime Minister Menachem Begin and Yitzhak Shamir's ascension to the leadership position, this troubled part of the world now faces another adjustment.

I feel it is important during this time for us to remember the common goals and values our two Nations share. In its 35 years of existence, Israel has grown to be a nation of democratic and humanitarian values. It is a nation in which people of different religions, ethnic origins, and social traditions can live together in harmony. Israel has opened its arms to welcome hundreds of thousands of newcomers and given them a chance to begin their lives again in a new homeland. These are values and traditions that we as U.S. citizens cherish and respect.

The United States and Israel also share the view that peace and stability must be maintained in the Middle East. For this reason we have continued to play a predominant role in the peacemaking process. While there have been some disagreements in recent times over Israeli military policy, it is important to remember that these transitory conflicts should not, and will not change the underlying bond between the United States and Israel. Differences between allies can be resolved through negotiations and a willingness to compromise and reach mutually acceptable terms.

Israel is our strongest democratic ally in the volatile Middle East region of the world. Strategically, it is located near the southern tip of NATO, and is close to other traditional U.S. friends, Jordan and Egypt. Israel's experienced military and intelligence agency provide useful information and assistance during a time of increased Soviet activity in the region. This link in the Middle East may prove to be the United States' most important asset in the years ahead.

The United States must continue to assist Israel in reaching peaceful coexistence with her Arab neighbors, but most importantly we must insure Israel's survival and growth in the years ahead.●

A BILL TO LIMIT BUSINESS TAX BREAKS FOR LUXURY CARS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. STARK. Mr. Speaker, today I am introducing a bill to limit the amount of depreciation and investment tax credit that is allowable for luxury cars.

Under present law, automobiles used in trade or business or in connection with an income-producing activity may be depreciated using accelerated cost recovery system (ACRS) over a 3-year period: 25 percent in the first year, 38 percent in the second year, and 37 percent in the third year. In addition, a 6-percent investment tax credit (ITC) may be claimed. This is all fine, Mr. Speaker, but what troubles me is that there is no limitation on the purchase price of automobiles used in determining these tax breaks.

My bill amends section 168(d) of the Internal Revenue Code by adding a limitation in the case of luxury passenger automobiles. The basis of such autos will be limited to $15,000, subject to an automobile price inflation adjustment. Those vehicles engaged directly in providing transportation services such as ambulances, hearses, and airport limousines will not be subject to the limitation. Trucks, of course, are not impacted.

DEPRECIATION

Without a doubt, luxury cars are becoming good investments which are also fun to own. For example, a Mercedes-Benz has retained a significant portion of its value. A Mercedes-Benz 280 sedan, the more modest member of the Mercedes line, purchased in 1976, now costs about $8,500. Thus, after 7 years this vehicle has retained a value of about 60 percent of its original cost—yet under the tax laws it would be completely depreciated in 3 years. Similar statistics apply to BMW's and—need one even say it?—Rolls Royces.

My bill would not prevent people who own luxury cars from depreciating them under ACRS and claiming the ITC credit for them. It would simply limit the basis used in computing the ACRS and ITC to $15,000.

There are two basic reasons to limit the favorable tax treatment currently being given for luxury cars. First, many of these cars are maintaining much of their original value. Certain cars which have become classic cars are actually increasing in value. To grant the depreciation allowed by ACRS without a dollar limit for luxury cars fails to deal with the nondepreciating quality of some of these cars.

The second reason to place a limit on these luxury cars is to recognize that there are quality automobiles which provide transportation for well under $15,000 today in the United States. The average retail price of new cars as calculated by the National Automobile Dealers Association was $9,910 in 1982. Luxury cars, on the other hand, provide more than transportation—they provide a certain prestige for the occupant of the vehicle. If a person wants to do that with his own money and with his own personal auto, fine—that is his business. But the prestige and extra comfort which is associated with a luxury car in a company or partnership is actually being paid for all of us as taxpayers. And that is what this bill proposes to change.

PERSONAL COMPONENT

The personal component in owning a luxury car must be recognized. Cars which are lavish, excessive, and contain a personal component stray far from the used in trade or business category which has always gotten a tax break. Luxury cars by definition provide more to the owner than just transportation.

Let us take cars by Mercedes-Benz as an example. We imported 46,000 Mercedes between January and July 1983. Approximately 50 percent of these cars were brought by partnerships and corporations and generally leased out to various businessmen and professionals such as doctors and lawyers for business use.

Now a businessman can buy a perfectably adequate Chevy Impala for $8,331 and get the tax breaks I have been describing. He can get the same type of tax breaks if he buys a Cadillac Seville which retails for $21,440—but the cost to the Treasury will be nearly triple. He even gets to use the same tax breaks if he buys a Rolls Royce which retails for anywhere from $102,000 to $159,000—but worth 12 to 20 times more in tax breaks than the Chevy.

Mr. Speaker, we have got to recognize that at some point, people are getting an excessive tax break for personal benefit.

Is it not time to draw the line?●

CONGRATULATIONS TO FREE CHINA ON DOUBLE TEN

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. HYDE. Mr. Speaker, I would like to pay my respects to the Republic of China on Taiwan on the occasion of its "Double Ten" holiday, the 10th of October, one of its most important annual celebrations. Double Ten is being celebrated today, the 6th of October, here in the United States, so as not to conflict with the celebration of Columbus Day on the 10th.

Double Ten is free China's national holiday in celebration of the Wuhan revolution of 1911. Until recently, mainland China also celebrated Double Ten but has supplanted it with October 1 as its national day.

Mr. Speaker, in any case, I take this opportunity to congratulate the Republic of China on its national day. One need only compare free China with mainland China to realize the extent of its success in meeting the needs of its people. The saga of Taiwan is a true success story. Since 1949 the country has become an example for the rest of Asia in its economic development. It has become the eighth most important trading partner of the United States. Its success at modernization, where the Communists have failed so miserably, has served as an example for all Asia.

While we join in celebrating Taiwan's successes, we must be concerned on this occasion for her long-term security needs. It is to America's interest that free China remain free and secure. To that end we should support Taiwan's security against invasion or coercion, and from incorporation into the People's Republic of China (PRC). Our policy should also be to maintain the confidence of overseas investors in Taiwan.

Mainland China, with its four modernization programs, has undertaken a delicate task; its economic theories must be modified to rationalize and modernize its system of investment, production and distribution. It is possible, in time, that the PRC will liberalize its policies to the point that the people of Taiwan can feel confident in negotiating about their future. But let Taiwan decide. Taipei believes it is not in its interest to negotiate at this time. It is in our interest that the people of Taiwan are assured continued freedom and self-determination. Thus, if reunification is to be considered, mainland China and free China must be given time—time for evolution to take place and a favorable climate for talks to develop.

Congratulations to the people of free China on Double Ten. May they continue their economic, social and political progress in an atmosphere free of outside pressure. May Taiwan continue to serve as a shining example to the other countries of Asia, and may the people of free China know that they have countless friends and admirers on this side of the Pacific.●

OFFICIAL EXPLANATION OF H.R. 3363 CONFERENCE REPORT VOTE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. MARKEY. Mr. Speaker, I missed yesterday's vote on the conference report accompanying H.R. 3363, Interior Department appropriations for fiscal year 1984 due to an unavoidable conflict. Had I been present, Mr. Speaker, I would have voted "yea" for the conference report. I want to commend the excellent work of my colleague, Mr. YATES, who has come up with a fair and honest budget for the Interior Department. I know of the difficulty one faces in trying to get a straight answer out of the Interior Department, and I applaud the chairman of the subcommittee who persevered in writing a budget which reflects the need of the Department as well as the need and requirements of our country.●

TRIBUTE TO JAMES STANLEY—MR. TRANSPORTATION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. BERMAN. Mr. Speaker, I rise today in order to pay tribute to James Stanley, known as "Mr. Transportation" in Los Angeles, where, since 1947, he has played a major role in the development of the Southern California freeway system. Mr. Stanley has been selected as the 25th recipient of the prestigious 1983 Fernando Award for his outstanding work and his many civic contributions.

James Stanley served for 19 years as commissioner, vice president and president of the Los Angeles Traffic Commission, from 1953 to 1972. His work was instrumental in the development and construction of freeways from downtown Los Angeles to Ventura, and from Long Beach to Pasadena, as well as freeways, highways and city streets throughout the Southern California area. In addition, he was responsible for the installation of hundreds of badly needed street lights and traffic signals at dangerous intersections, helped to plan vital storm drain systems in the flood-prone San Fernando Valley, and established what were then new electronically operated parking meters for traffic control on freeway on-ramps. Mr. Stanley has also played a role in the improvement of the region's public transportation system.

James Stanley has been a member of the California League of Cities Transportation Committee for 20 years, serving as the committee's first president from 1953 to 1954, and is a member of the Mayor's San Fernando Advisory Committee on Transportation. He has served as cofounder and vice president of the Mayor's Commissioners Club, president of the Sherman Way Planning and Development Council, and founder and president of the Valley Wide Streets and Highways Committee.

In addition to his notable professional work, as a longtime resident of the San Fernando Valley, James Stanley has given much of his time and energy to community service. He is a lifetime sponsor of the American Cancer Society, the American Lung Society, and the City of Hope. He is a supporter of numerous cultural and educational activities, and is a leader in his church. Mr. Stanley is a member of the Woodland Hills Kiwanis Club and the Canoga Park Masonic Lodge, and of the Chatsworth and Woodland Hills Chambers of Commerce. He was active for 27 years with the Boy Scouts of America, and is curently a National Honorary Supporting Life Leader.

Mr. Speaker, it is easy to see why James Stanley is being honored with the 1983 Fernando Award. I would like to congratulate him on his receipt of this prestigious honor, and wish him the best of luck in the future.●

DANISH JEWRY RESCUE CELEBRATES 40TH ANNIVERSARY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. LEVINE of California. Mr. Speaker, I would like to ask my colleagues to join me today to commemorate the 40th anniversary of the rescue of Danish Jewry from the Holocaust during World War II.

While the exact date is not known, in October of 1943, close to 7,000 Danish Jews—almost the entire Jewish population of that country—were quietly and efficiently housed, hidden, and ultimately transported to safety and freedom with the help of their non-Jewish countrymen.

The result of that rescue effort insured the existence of future Jewish generations at a time when survival seemed impossible.

I am pleased to learn that celebrations commemorating this historic event have been planned all over the

world. We should all be especially proud of the University of Judaism, in Los Angeles, Calif., which has planned a major celebration honoring his Excellency Arne Melchior, Minister of Transportation and Member of Parliament in Denmark, and the Honorable Henning Kristiansen, Consul General of Denmark. Mr. Melchior is the son of the late Chief Rabbi of Denmark, Rabbi Marcus Melchior, who issued the warning to the Jews of Copenhagen that they would be forced into hiding in 1943.

In addition, the university has planned a dramatic presentation, "Miracle at Midnight," based on events of the rescue operation, and a photography exhibit of 150 rare photographs which also document the exodus.

The World War II rescue mission was a remarkable act of Nazi resistance, and I commend the university for their outstanding efforts to honor this event.●

THE 72D ANNIVERSARY OF THE REPUBLIC OF CHINA

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. MICA. Mr. Speaker, today marks the 72d anniversary of the Republic of China. As the American Government encourages more amicable relations with the People's Republic of China and enters economic and trade agreements with Peking, we should not forget that we have very good friends on the island of Taiwan. We should not forget that we have a commitment to support the free people of Taiwan in their development and growth. We should not forget that in the context of a chaotic and changing world, good friends are hard to come by. On this significant day in Taiwan's history, let us remember our friends and honor them for their persistence and determination.

Taiwan lies about 100 miles off the coast of mainland China and is roughly equal in size to the State of West Virginia. Its population of 18 million is steadily urbanizing as the cities of Taiwan become centers of industry and trade. The United States has maintained strong commercial ties with Taiwan, and we shall continue to forge business relationships that benefit our economy as well as that of Taiwan. Companies such as Bank of America, American Express, and RCA do business in Taiwan, alongside Japanese, Australian, Canadian, and other international corporations.

We maintain close cultural ties with Taiwan, as well. Our people respect the character of a nation that has maintained stability and cared for its people in the face of diplomatic uncertainty and a Communist shadow.

Let us remember our friends today on the 72d anniversary of their Republic. And let us look forward to continued respect and good will among our people and in our cooperative efforts.●

GAO SAYS CONGRESS SHOULD NOT APPROVE CHEMICAL WEAPONS FUNDING

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. BETHUNE. Mr. Speaker, the GAO issued a report recently recommending that Congress not fund the chemical weapons program. The GAO examined the funding requests for the 155 mm binary chemical artillery shell, $18.1 million; the dichloro (DC) production facility, $25.2 million, which is part of one of the chemicals to be used in the 155 mm artillery shells; the QL production facility, $34.5 million, which is for one of the chemicals to go into the Bigeye binary bomb; the load, assemble, and pack (LAP) equipment, $30.6 million for the Bigeye bomb; and funding for Bigeye bomb production, $43.2 million.

The GAO recommended that none of these funds be approved because the Bigeye bomb "has technical problems and has undergone only limited testing." Since locations have not been chosen for the DC, QL, or LAP facilities, the GAO also recommended those funds be deferred. The GAO also cited the wide range of cost estimates for the various locations under consideration for each of the facilities as a reason for not approving binary chemical weapons funding in fiscal year 1984.

Mr. Speaker, if the DOD does not know where they are going to put these facilities, who is going to build them or if old facilities just need to be renovated, how could they possibly even guess as to how much money is really needed. This is just another example of how the DOD is trying to get the binary chemical weapons program funded by bootstrapping. If they can get Congress to approve some of the funds, the DOD thinks it will be harder for Congress to say no later when funds have already been committed and construction has been started.

The House of Representatives has already said no once to the binary program, and I urge Members to continue to vote against any funding for this program.●

THE 75TH ANNIVERSARY OF ST. MICHAEL'S PARISH

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. DONNELLY. Mr. Speaker, this year marks an important milestone in the history of Avon, Mass., for it was 75 years ago that the growing Catholic community of that town came together to form their own parish.

Since 1908, Saint Michael's Parish has been a vital force in the life of the town.

While the primary mission of the parish is spiritual, its importance to the community in other aspects of life must not be overlooked. In the course of its history, Saint Michael's Parish has been the heart and soul of countless programs and organizations that have served the children, the parents, and the elderly of Avon. The commitment and concern fostered by the parish has carried into every facet of life in the town.

The parish relocated 20 years ago, to a new, modern church building. The original edifice still stands, though, in the heart of Avon. It continues to serve both as the home of the Catholic men's service organization, the Knights of Columbus, and as a monument to the founders of Saint Michael's Parish.

Congratulations and thanks are in order this year as the parish celebrates its 75 years of service and as it renews its commitment to the spiritual and temporal well-being of the people of Avon.●

THE ALCOHOL FUEL TAX INCENTIVE UNIFORMITY ACT

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. DASCHLE. Mr. Speaker, I am today introducing for myself, Mr. BEDELL, Mr. COELHO, Mr. DORGAN, Mr. EVANS of Iowa, Mr. FAZIO, Mr. GLICKMAN, Mr. HORTON, and Mr. ROE, the Alcohol Fuel Tax Incentive Uniformity Act.

The primary objective of this legislation, which increases from 5 cents per gallon to 9 cents per gallon the Federal excise tax exemption for qualifying alcohol blend fuels, is the provision of a uniform and rational nationwide incentive for alcohol fuel. Currently, 35 States provide alcohol fuel tax incentives with a weighted average of 4.0 to 4.5 cents per gallon. As could be expected, the qualifications, requirements, and conditions of the State based incentives vary considerably. As

a result of the combining of 35 varying State incentives with the Federal incentive, a patchwork of complex, confusing, different and changing incentives for alcohol fuel has resulted. By increasing the Federal excise tax exemption from 5 cents to 9 cents per gallon, the alcohol fuel industry will be provided the stability of a uniform nationwide incentive and States will be able to terminate the current array of State-specific incentives without a diminution in the present incentive level.

From virtual nonexistence only 5 years ago, the U.S. renewable alcohol fuel industry is now producing the most significant liquid fuel alternative available in our country today. The projected production of 400,000,000 gallons of ethanol this year represents a 40-fold increase in production since 1978 and the sale this year of 4 billion gallons of 10 percent ethanol-enhanced blend motor fuels will account for more than 4 percent of the total U.S. gasoline market. In spite of uncertain Government policies, sluggish demand for motor fuels, and a host of economic ills including record high interest rates which crippled, in some cases permanently, already established and well managed enterprises, alcohol fuel production has emerged as a national industry with 80 operational plants located throughout the Nation today.

The increases in production and use of renewable ethanol fuel which have occurred might be surprising to many people because "gasohol" signs, once so prominent, are not as evident today as they were only a few years ago. Recognized for its ability to replace imported oil and extend gasoline supplies, ethanol fuel became popularized as "gasohol" in the aftermath of the Iranian revolution and the consequences of the second oil supply disruption in the decade. As changes occurred in the world oil market and as the lines of U.S. motorists waiting anxiously at service stations to purchase fuel gradually diminished and eventually disappeared, gasohol received less and less public attention.

Gasohol consumers learned, however, ethanol fuel did more than displace imported oil on a one-to-one base and extend supplies of gasoline. Ethanol was also a superior octane enhancer and it is this characteristic which is responsible for the extraordinary increase in the production and use of ethanol fuel which has occurred.

The increasing need for higher octane motor fuels, whether as a result of newer high compression engines or lead-in-gasoline standard changes, has accounted for the increased demand for renewable ethanol fuel. Ethanol, of course, is not the only additive available to increase the octane rating of motor fuels. While other so-called "oxygenates" like methyl tertiary butyl ether (MTBE), Oxinol, and BTX (benzene, toluene, xylene) can be used to increase octane, in comparison to these other possible additives, ethanol has many advantages. In addition to being environmentaly benign and medically safe, ethanol can be produced from our vast abundance of renewable resources including agricultural commodities, food processing and urban wastes, forestry residues, and special energy crops. Last year, for example, 100 million bushels of the U.S. corn crop were utilized to produce ethanol fuel. As a result, the average market price of corn increased by 5 cents a bushel which reduced Federal outlays for deficiency payments to corn producers by more than $150 million. As a "value-added" processing industry, ethanol fuel production, in addition to providing an expanded, permanent, and stable market for our agricultural production, also creates new employment opportunities and stimulates increased economic activity. For each 100,000 gallons of ethanol production, a new job is created and for each gallon of ethanol fuel produced, $4 in new economic activity is generated providing increased tax revenues.

Mr. Speaker, the fiscal consequences of this legislative proposal are certainly important and must be carefully considered. Federal budget deficits of $200 billion a year demand no less. For the benefit of my colleagues, I am providing the following analysis of the fiscal consequences this year of the current excise tax exemption as a basis for evaluating this legislation. As a direct result of the current excise fuel tax exemption for ethanol enhanced fuels, Federal tax revenues have increased by a projected $288 million, estimated on an 18 percent marginal tax rate basis, due to $1.6 billion in new economic activity and farm program outlays this year have been reduced by an estimated $75 million as a direct result of the market-price enhancing demand for 150 million bushels of corn for ethanol production which has reduced deficiency payments, storage costs, and price support loan forfeitures by corn producers. In comparison to these benefits, in March of this year, the Joint Tax Committee estimated Federal fuel excise tax receipts would be reduced by $40 million, net the income tax effect, in fiscal year 1983 due to the current exemption from the excise tax for alcohol fuels. Based on current projected sales volume this year, I anticipate this estimate is low.

In addition to these direct fiscal impacts, the indirect benefits of ethanol fuel to the Nation must also be considered. Domestically produced renewable ethanol fuel is expected to displace over 10 million barrels of imported oil in 1983. On a $30 per barrel cost basis, the savings to the United states are more than $300 million this year alone.

Mr. Speaker, there is another provision of this legislation which should be noted. This provision makes whole the Highway Trust Fund by providing general tax revenues for the Federal fuel excise tax receipts which are foregone as a result of the exemption for ethanol enhanced fuels. This provision has been included in this legislation for the same reason the States are being afforded the opportunity to terminate the State-specific incentives which now exist for fuel ethanol—the production and use of renewable ethanol fuel benefits the Nation as a whole, not highway users alone. In addition to providing equitable treatment for the Nation's highway users, this provision also recognizes the positive fiscal impacts of the renewable fuel industry which I have previously described.

Mr. Speaker, I am pleased to note companion legislation to the Alcohol Fuel Tax Incentive Uniformity Act is also being introduced in the other body today by Senator Durenberger. I encourage my colleagues in the House to support this legislation.●

RETIREMENT OF BARBARA MOREY AS THE BERKSHIRE AREA BOOKMOBILE LIBRARIAN

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. CONTE. Mr. Speaker, I would like to pay tribute to a woman who has dedicated 35 years of her life to the western Massachusetts regional library system. Barbara Morey's departure on October 1, 1983, was a great loss to her coworkers, the residents of western Massachusetts, and those who have been touched by her warmth and generosity.

Barbara Morey, a dedicated librarian, first came to Pittsfield as the children's librarian at the Berkshire Atheneum. In 1948, she became the first librarian of the Berkshire area bookmobile, since then she has performed an invaluable service that has taken priority over everything else in her life, with the exception of her friends and relatives. She has reached citizens in remote parts of the region for two generations that otherwise would not have had access to such a treasure house of books.

Barbara worked with great enthusiasm that earned her the respect and friendship of those patrons she has served. When the bookmobile arrived everyone went out to chat with Barbara. She met all her patrons with a pleasant smile and a cheerful word. Her obvious enthusiam has won her

the admiration and friendship of many citizens.

Finally, I want to extend my personal thanks to Barbara for all that she has done for the community in the Berkshire region. Fortunately for the citizens that she has served so dutifully for 35 years, Barbara will temporarily volunteer on the bookmobile. Even though she will be sorely missed, her contribution to so many will long be remembered. We thank you Barbara and wish you much happiness in your retirement.●

STRONGER UNFAIR TRADE REMEDY LAWS NEEDED

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. CAMPBELL. Mr. Speaker, I am today joining with Congressman JOHN P. MURTHA and several of my colleagues in introducing comprehensive trade reform legislation designed to improve the operation of the countervailing duty, antidumping duty, and other trade laws of the United States. This legislation is an attempt to strengthen existing statutes to insure that the intent of Congress is strictly observed and to insure that circumvention of current trade laws by our trading partners is stopped.

U.S. industry is willing and able to compete with products from those countries which play by the rules. But it is clear to me that the United States needs more effective trade laws to deal with countries which resort to unfair trade practices such as injurious dumping, foreign government subsidization of imports, and the predatory "targeting" of certain parts of the U.S. market by foreign producers and governments.

The Subcommittee on Trade, under the able leadership of Chairman SAM GIBBONS, is currently considering legislation to tighten up our unfair trade remedy laws. As a member of the Ways and Means Committee, I look forward to working closely with Chairman GIBBONS and the subcommittee to fashion the most effective legislation possible to see that U.S. workers and industries are not the victims of unfair trade practices.●

PERSONAL EXPLANATION

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Ms. FERRARO. Mr. Speaker, the need to attend an official function in my district in Queens forced me to miss three votes during House consideration of H.R. 1036, the Community Renewal Employment Act.

The missed votes were rollcalls 346, 347, and 348, on September 21.

Had I been present, I would have voted as follows.

Rollcall No. 346—an amendment by Representative HAWKINS to delete the $5 billion fiscal 1983 authorization in the bill and instead authorize $3.5 billion in 1984 for the jobs program. "Aye."

Rollcall No. 347—an amendment by Representative HAWKINS to the Jeffords amendment to terminate the bill's authorization if unemployment rates fall below 4 percent while continuing authorization of funds for areas where unemployment was at least 6.5 percent. "Aye."

Rollcall No. 348—an amendment by Representative GEKAS to prohibit authorization of funds in the bill if spending those funds would result in deficit spending by the Federal Goverment. "Noe."●

INCREASE EXCISE TAX ON CIGARETTES TO 28 CENTS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. OBERSTAR. Mr. Speaker, I am introducing legislation today which would raise the excise tax on a package of cigarettes to 28 cents permanently. The Tax Equity and Fiscal Responsibility Act of 1982 doubled the tax to 16 cents for 3 years, following which the tax will return to 8 cents, the level first imposed in 1951.

In 1981, prior to the enactment of TEFRA, I introduced legislation similar to the bill which I am introducing today. The figure of 28 cents reflected a reasonable adjustment for 30 years of inflation following the original 8 cent tax. I introduced that bill with the active support of the American Cancer Society, the American Lung Association, and the American Heart Association. I believed then, as I do now, that Congress had made a serious mistake in not acting for 30 years to maintain the real dollar value of the cigarette tax.

While I was pleased that we finally acted in 1982 to provide for some increase in the tax, I was disappointed that TEFRA did not provide for a larger increase on a permanent basis.

Congress should not allow the tax to return to the lower level at the end of 1985. Maintaining the tax at 16 cents would provide the Treasury with an additional $1.7 billion in 1986. Furthermore, by increasing the tax to 28 cents, we could provide in 1984 over $2 billion annually above current receipts.

My bill, in effect, would establish our commitment to maintaining the Federal excise tax equivalent to its real value.

Doing so would obviously have a significant effect on the Federal deficit.

In addition, the increased tax would recover to the Federal Treasury some of the revenue that is lost as the result of smoking-related diseases. Those diseases increase Medicare and Medicaid costs by an estimated $3.8 billion annually. Cigarette smoking accounted for over 300,000 premature deaths and total health care costs of over $13 billion in 1980.

The increase in the cigarette tax even to 28 cents is unlikely to deter the long-time smoker, although I wish that the increase would force the individual to reevaluate his or her smoking habits. The substantial increase, however, may make a difference to the young smoker, and the potential smoker. I would hope that the higher tax would deter youngsters from using their limited funds to smoke.

My bill is a revenue-raising measure, but it also has beneficial health effects. This legislation has the support of the American Cancer Society and the American Heart Association. I am proud to join with both groups in sponsoring this responsible health legislation which is long overdue.●

THE CABLE COMMUNICATIONS ACT OF 1983

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. WIRTH. Mr. Speaker, on behalf of myself and a broad, bipartisan coalition of Members, I am today introducing comprehensive cable telecommunications legislation.

The fundamental purpose of this legislation is to insure that the American people will benefit from the enormous potential of cable television to offer them a wide diversity of services and information sources. In a series of key policy areas ranging from public and commercial access to cable channels, to franchise renewal procedures, the legislation reforms and clarifies the confusing and counterproductive array of current practices.

This bill results from a series of oversight hearings, and from long, detailed discussions among Members, and with leading representatives of the cities, the cable television industry, public interest groups, and many, many others.

I would note, in particular, the valuable contributions made to the legislation thus far by the National League of Cities, the U.S. Conference of Mayors, and the National Cable Television Association.

We intend for this process of consultation to continue. I encourage Mem-

bers to give us their ideas and to support this important legislation.●

COLUMBUS DAY

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, there can be no greater American anniversary to celebrate than that of Christopher Columbus' voyage. In leading the way from the Old World to the New, Columbus began the journey that this country and its people have continued for five centuries.

We are a country of immigrants, and Christopher Columbus is really our first immigrant. Of the many sources to which our country traces its roots, none has been more important than the Italy from which Christopher Columbus came. For 500 years the sons and daughters of Italy have enriched our country's history and culture.

In New Haven, Conn., my district, we take special pride in the strength of our Italian-American community, which gives our city and our State so much vitality and which has provided us with so many leaders—not just community and State leaders but national leaders like A. Bartlett Giamatti, the distinguished president of Yale University, and Biagio DiLieto, the creative and dynamic mayor of New Haven.

On Columbus Day, I am proud to join in saluting the first Italian American, Christopher Columbus, and the heritage of vitality and discovery that he began.●

THE BUS REGULATORY REFORM ACT OF 1982

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. HOWARD. Mr. Speaker, I would like to comment briefly on how the Bus Regulatory Reform Act relates to the Urban Mass Transportation Act of 1964 with respect to operating authority of publicly subsidized mass transit entities.

The Bus Regulatory Reform Act does not supersede the Urban Mass Transportation Act of 1964, nor does it eliminate any operating restrictions on the conduct of tours and charters by public mass transit authorities. It was not intended that the Bus Act would in any way allow these entities to depart from their basic mission of serving commuters.

Section 6 of the Bus Regulatory Reform Act which refers to entry and says that subsidized operators must meet a public-interest test in obtaining authority means the following:

This section is intended to apply to situations where private bus operators under contract with or receiving subsidy from public mass transit districts apply for operating authority. We felt it was obviously unfair for these private operators to be on equal footing with other unsubsidized operators, so they are required to meet a higher standard.

The Bus Regulatory Reform Act is not intended to provide a loophole whereby publicly subsidized mass transit authorities could obtain nationwide tour and charter authority.

Let me conclude by saying that the present situation with mass transit districts applying for authority at the ICC is as follows:

I understand some such applications have been filed. The Commission has not decided any of those cases. All applicants seek extensive charter and special operations authority. For example, New Jersey Transit Bus Operations, Inc., and the Canadian National Railway seek authority between all points in the United States for a nationwide tour and charter operation. The other transit authorities seeking authority are: Manchester (N.H.) Transit Authority, Panhandle Area Transit, Inc., Audubon Area Community Services, Inc. Cambria (Pa.), Transit Authority, Inc., and Commission de Transport de la Communaute Urbaine de Montreal.●

WASHINGTON PRESBYTERIAN CHURCH CELEBRATES ITS 160TH ANNIVERSARY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. YATRON. Mr. Speaker, on October 22 through October 30, the Washington Presbyterian Church will celebrate its 160th year of Christian service to the Reading/Berks County area. In 1823, the church was established through a gift by the Reverend and Mrs. John F. Grier. From that year until today, the congregation of this fine church has shown a willingness to step forward for the selfless task of service to God and neighbor that has been characteristic of the American people from the first moment when the spirit of freedom grew and began to flourish in our land.

One of the greatest strengths of our Nation has always been the individual compassion and commitment of our citizens. The members of the Washington Presbyterian Church are a fine example of this tradition.

It is a distinct pleasure through these remarks to honor this church and its congregation on their 160th anniversary. They have indeed been an integral part of the Reading and Berks County community. All our lives have been enriched because of their work and devotion. I know that my colleagues will join me in paying tribute to the congregation, the former pastors, the present pastor, the Reverend Henry Johnson, and Mrs. Pattee J. Miller, general chairman of the historic celebration banquet. As the oldest black congregation in Berks County, Washington Presbyterian Church is most deserving of our recognition and our praise. I know that we all wish them every continued success in the future.●

TRICENTENNIAL ANNIVERSARY YEAR OF GERMAN SETTLEMENT IN AMERICA

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. HERTEL of Michigan. Mr. Speaker, I would like to draw to the attention of my distinguished colleagues the 300th anniversary of German immigration into the United States. On October 6, 1683, 13 Menonite families ended a long journey aboard the sailing ship *Concord* and landed in Philadelphia. Searching for new lives and new hopes, these 13 German families abandoned their native homeland and journeyed to the New World which was rumored to have prosperous opportunities for all who immigrated. In retrospect, these 13 German families became an example to be followed by more than 7 million Germans leaving their homeland in search of freedom, protection from persecution, and for a better life in the New World.

In a mere 3 centuries, the New World grew from a disjointed geographical mass into an amalgamation of United States. Contributing positively in every area of this growth were the dedicated German immigrants. Every generation of German immigrants helped to strengthen our Government, extend our liberty, increase our prosperity, and enrich our culture.

With Hessian mercenaries abandoning the British in favor of the American cause, German-Americans helped to establish our independence. German farmers and merchants migrated west to every State helping develop the Nations' agriculture frontier and metropolitan centers. Politically, German-Americans helped the United States mature through dedicated political participation as exemplified by Carl Schurtz who struggled against the evils of the spoils system, and eventually became the first German born Cabinet member as Rutherford

B. Hays's Secretary of the Interior. Education, art, literature, and music were advanced by great German scholars and educators. Industrial opportunities prompted astonishing advances in every branch of science and engineering, thus making German-American men such as Albert Einstein and George Westinghouse leaders in their fields. German-Americans helped build the American entrepreneurial dream with the efforts of Levi Strauss, Heinz, Fleishmann, Bush, Strohs, and Schlitz. Indeed in virtually every aspect of American development German-Americans have helped to pave the way.

This Congress has authorized and designated this year as the Tricentennial Anniversary Year of German Settlement in America. This act not only commemorates the invaluable contributions made by the millions of German-Americans who helped build the United States but also reaffirms the vital relationships between the Federal Republic of Germany and the United States. Today, as close trading partners and allies in pursuit of world peace, we can be nothing but proud of our German-American heritage begun by those 13 families 300 years ago today.●

A TRIBUTE TO MAUDE R. TOULSON

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. DYSON. Mr. Speaker, I rise today to pay tribute to a woman who made her presence felt in the community and business world, generations before it became fashionable for a woman to do so. Maude R. Toulson blazed trails in the early 20th century that many still have trouble traveling today. In honor of her many civic contributions and her exemplary service to the community and as a U.S. postmaster, I ask this Congress to join in my tribute by naming the Federal Building in Salisbury, Md., in her memory.

Mrs. Toulson's community contributions were many. As an active member in the Episcopal Church, as well as the Quota Club and Democratic Club, she was a model for her peers. Her noble efforts in fund raising for war bonds, the Red Cross and the Community Fund went unmatched.

The family obligation that Mrs. Toulson assumed were also an example of her stamina and determination to succeed. Following her husband's stroke in 1923 she was forced to take over the family drugstore in addition to her maternal duties at home. Somehow she also found the time to teach in area public schools.

In 1937, President Franklin D. Roosevelt appointed Maude R. Toulson postmaster in Salisbury. During her 10 years as postmaster, she led the successful effort to have the Federal Building extensively expanded and remodeled. Her tenure marked the first air mail delivery to Wicomico County and the first rural free mail delivery.

Our debt to Maude R. Toulson lies not only for her outstanding record. We must also recognize Mrs. Toulson for setting an example of fine community service that is difficult to match. We pay this special tribute to a woman who established a very personal and sincere relationship with her employees and patrons. Her warmth is still felt in the halls of the Federal Building, which will proudly wear her name in an appropriate and lasting tribute.

H.R. —

A bill to designate the Federal building in Salisbury, Maryland., as the "Maude R. Toulson Federal Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal building located at 129 East Main Street, Salisbury, Maryland, shall hereafter be known and designated as the "Maude R. Toulson Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be deemed to be a reference to the "Maude R. Toulson Federal Building".●

PERSONAL EXPLANATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mrs. SCHROEDER. Mr. Speaker, I was absent October 5, 1983. Had I been present I would have voted as follows:

Roll No. 380: yes; roll No. 381: no; roll No. 382: no; roll No. 383: no.●

TRIBUTE TO GEORGE A. DILLMAN

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. YATRON. Mr. Speaker, this fall, Mr. George A. Dillman will celebrate his 15th anniversary of teaching at the Dillman Karate Institute located in Reading, Pa. It is my privilege to bring Mr. Dillman's accomplishments to the attention of my colleagues in the U.S. Congress.

Mr. Dillman was a U.S. national karate champion from 1969 to 1972. He has received many national and international awards for his accomplishments in the martial arts. In addition, he has been nationally recognized for his achievements on television. His record for icebreaking is 1,200 pounds and he has won hundreds of awards for fighting form, demonstrations, and weapons.

In addition to his exceptional karate achievements, Mr. Dillman has given unselfishly of his time and talents to many charitable organizations. He has been active in the National Heart Fund, the Cancer Society, Muscular Dystrophy, Multiple Sclerosis, the Olivet Boy's Clubs, and the Save the Pagoda Fund. Mr. Dillman further has donated his time to the local Lions, Kiwanis, Jaycees, and the Knights of Columbus. He has also taught educational courses in the martial arts at Alvernia College, Albright College, the YWCA, and Twin Valley High School.

Mr. Dillman has achieved a sixth degree black belt in karate and is a student of Seiyu Oyata, who has the highest degree black belt—the 10th degree.

Mr. Dillman is one of those rare individuals who has dedicated his life to service and excellence. I know that my colleagues will join me in commending George Dillman on his outstanding career and in wishing him many more years of continued success. He is a truly remarkable individual as he has combined his dedication to the martial arts with his dedication to helping his fellowman. Mr. Speaker, it has been by privilege to bring Mr. Dillman's achievements to the attention of this body.●

CARDINAL COOKE MEMORIAM

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. LEWIS of Florida. Mr. Speaker, I was deeply saddened when I heard the news of the death of Terence Cardinal Cooke this morning.

He was a man who lived the values and beliefs that were a part of him and served as an inspiration to others, combining strength, dedication, and humility.

Raised in the South Bronx, Cardinal Cooke never, in a sense, left for greener pastures. His constituents were the men and women of the neighborhoods he knew so well and cared so much about.

His spirit and tenacity provide lessons for us all.

His contribution to all service men and women was monumental. His spiritual and religious values were a comfort to those who defend our freedom.

This is truly a sad day for us all. We have lost a wonderful, generous friend and a good American. Even during the last moments of his painful illness, Cardinal Cooke was thinking of others.●

A TRIBUTE TO MISS HORTENSE WOODSON

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. DERRICK. Mr. Speaker, I would like the U.S. Congress to join me in bestowing honor upon a grand lady of Edgefield County, S.C.

Miss Hortense Woodson is an octogenarian who has spent her life preserving a very special segment of history. Edgefield County has produced 10 Governors and 5 Lieutenant Governors. In addition, it has produced a number of people who have been instrumental in founding colleges and universities, outstanding leaders in the church, ambassadors, and heroes of the Alamo. Without Miss Woodson's meticulous efforts to preserve this rich history, much of it would be lost.

Miss Woodson has written a number of books and has, for years, contributed to a weekly newspaper. She has been a leader in the United Daughters of the Confederacy, the Women's Temperance Union, the Edgefield Baptist Association, the Daughters of the American Revolution and the American Legion Auxiliary. For 20 years, she has served as president of the Edgefield County Historical Society. This Sunday, at Edgefield Baptist Church, the society will host a testimonial celebration in honor of Miss Woodson. On hand for the occasion will be the Honorable Strom Thurmond, senior Senator from South Carolina, native of Edgefield County and for whom Miss Woodson was employed for many years.

She has served her church, her community, and her country in many ways but she will always be remembered as a special lady and her work will live on after her.●

NICK CAPORELLA—BUSINESSMAN EXTRAORDINAIRE

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. SMITH of Florida. Mr. Speaker, today I rise to pay tribute to Nick A. Caporella, who has been cited as Businessman Extraordinaire by the Columbus Citizens Foundation, a leading Italian-American charitable organization that supports educational, cultural, and civic activities. He is currently president and chief executive officer of Burnup and Sims, Inc. of Fort Lauderdale, Fla. A 1979 Horatio Alger Award recipient, Mr. Caporella will be honored by the Columbus Citizens Foundation for his outstanding achievements on October 8 in New York City.

Mr. Speaker, I know that you and our colleagues here will want to join with me in extending our congratulations to Nick Caporella. In a rags to riches success story, he has fulfilled the great American dream. Caporella began his career with $250 and became a millionaire at age 24. As a Pennsylvania schoolboy, he collected scrap metal and coal to help support his family. He started scrap iron and mud flap businesses in a depressed mining area of Pennsylvania and from this humble beginning he rose to take the leadership in the cable telecommunications industry.

Selected as the winner of the Columbus Citizens Foundation's Annual Leadership Award for Business and Industry, Mr. Caporella joins such notables as Lee Iacocca, who was chosen in 1982 for his business achievements as head of Chrysler Corp. In 6 years, Mr. Caporella has built Burnup and Sims into one of the country's leading cable TV and telecommunications service companies. With his leadership abilities and talent, Mr. Caporella increased Burnup and Simms revenues three-fold and increased profits 26 times since his takeover of a company that was severely impacted by the 1975 recession. Mr. Caporella's achievements are rooted in his philosophy that personal happiness and success are byproducts of establishing worthy goals and working towards them.

I am pleased to give testimony to the astonishing career of this enterprising man. It is my hope that today's youth will see in the success of men such as Nick Caporella a role model they most want to emulate.●

JOE FRANK, JR., MISSOURI DEPARTMENT COMMANDER

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. GEPHARDT. Mr. Speaker, on October 15, 1983, the American Legion, Department of Missouri, will welcome home its newly elected Missouri Department Commander Joe Frank, Jr. In addition to being the youngest State commander ever elected, Joe is also the first Vietnam veteran to hold this important post.

For those of us already aware of Joe's character and talent, his election came as no surprise. He has taken on much larger battles in his life—and he has won those as well.

After returning from Vietnam with a service-connected impairment, Joe immediately dedicated himself to public service. He served as commander of Lemay Memorial Post 162 and he helped organize the Crestwood Memorial Post 777. In 1979, Joe became a national service officer with the Paralyzed Veterans of America. He graciously assisted veterans and their dependents in claims before the Veterans' Administration.

Joe's awards and citations are numerous. The Jaycees recognized him as an Outstanding Young Man of America in 1982. In the same year he was appointed by Gov. Christopher Bond as a board member of the St. Louis Vietnam veterans leadership program. Joe is also the recipient of two Presidential certificates in recognition of his outstanding service to the St. Louis community.

Joe is not content, however, to rest on his past achievements. He continues to serve his fellow veterans at the Jefferson Barracks VA Medical Center as an employment coordinator. He is also active in many veterans and civic organizations.

On behalf of the Third Congressional District, which is home to Joe and his family, I salute Joe Frank, Jr., as a distinguished public servant, deserving of high commendation by all Missourians.●

IN TRIBUTE TO DONALD A. BUSSEY, AN OUTSTANDING BUSINESS AND CIVIC LEADER

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. PANETTA. Mr. Speaker, it is my pleasure and privilege to call to the attention of my colleagues to work of Donald A. Bussey, one of our truly outstanding civic leaders in central California. On Friday, October 21, Mr. Bussey's friends and colleagues will gather for a testimonial dinner on his behalf. A lifelong resident of the Monterey Bay Area, Don Bussey has worked some 38 years for Kaiser Aluminum and Chemical Corp. and has provided our community with years of outstanding leadership and service.

Don Bussey attended the Oakland Polytechnic College where he received his bachelor of science degree in industrial chemistry. Upon graduation, Don went to work for Kaiser Aluminum as a junior engineer. By 1948, Donald Bussey had become superintendent of Kaiser's Moss Landing plant and by 1969 was projects manager for the entire Moss Landing Area. After Don's retirement in 1980, he has continued to serve as a consultant to the Kaiser refractory division in Moss Landing until October of this year. Yet what sets Don apart—beyond his many successes at Kaiser—has been his dedicated service and leadership role in his community.

For more than 45 years Don has been involved in a variety of civic, governmental, and charitable organiza-

tions and projects. Don's leadership spans a wide spectrum of concerns: economic and employment development in the Monterey Bay Area, environmental issues, and education and health concerns. Don has served as president of both the Watsonville and Salinas Chambers of Commerce, chairman of the Monterey County chapter of the American Red Cross, planning commissioner for Santa Cruz County, president of the Northern California School Personnel Commissioners Association, and board member of the energy commission of Santa Cruz County.

Mr. Speaker, these are just a few of the more than 35 community organizations to which Donald Bussey has freely given his time and leadership. I would be hard pressed to fully do justice to the many contributions of Mr. Bussey to the 16th Congressional District, and in particular to the Monterey Bay Area. However, I would like to take this opportunity to invite my colleagues to join me in paying tribute to Mr. Donald Bussey, an outstanding business and civic leader.●

EXPLANTION ON H.R. 3648, AMTRAK IMPROVEMENT ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. MARKEY. Mr. Speaker, I missed a vote today on a quorum call and the Florio amendment to the Amtrak Improvement Act, H.R. 3648, due to an unavoidable conflict. Had I been present I would have voted "yea" for the amendment. I think the amendment was an improvement to the bill and I hoped it had been accepted.●

TAIWAN SALUTED

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Ms. FERRARO. Mr. Speaker, I want to take note of the fact that next Monday, October 10, is the Republic of China's National Day. Unfortunately, because of a schedule conflict, I will not be able to attend this evening's celebration of this important date.

During August, it was my good fortune to have an opportunity to visit Taiwan, along with several of my colleagues. Our mission was to discuss trade matters of mutual concern, and to come to a better understanding of Taiwan's enormously successful economic development program. I must tell you that I was impressed, both by the people with whom we met and by the prosperous, modern society that they are creating.

In a relatively short period of time, Taiwan has been transformed from a predominantly agricultural economy to a technology-based economy producing a wealth of sophisticated products. This remarkable success story is due, in large measure, to the energy, dedication, and resourcefulness of Taiwan's 18 million residents.

Mr. Speaker, on its National Day, I salute the people of Taiwan and extend to them my hopes for continued friendship and harmonious relations between our peoples.●

PERSONAL EXPLANATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. ACKERMAN. Mr. Speaker, due to official business in my district, I was unable to be in the Chamber during part of the proceedings on Tuesday, October 4, and Wednesday, October 5. Had I been present, I would have voted "No" on rollcall No. 379, the Defense Production Act Extension, S. 1852; and "Yes" on rollcall No. 383, supplemental appropriations for fiscal year 1984, H.R. 3959.●

COASTWEEK '83

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Ms. KAPTUR. Mr. Speaker, Ohio Governor Richard F. Celeste has designated the week of October 9-16 as Coastweek '83 in recognition of the importance of Ohio's Lake Erie coastline, our Nation's fourth seacoast. With this designation, Ohio joins a growing number of States setting aside a week in mid-October to focus special attention on the Nation's vital coastlines.

Ohio's Lake Erie coastline has played an important role throughout the State's history. Lake Erie is an integral part in the economic and industrial growth of the State. Millions of tons of goods are shipped through its commercial ports each year.

The lake and its coastal areas also provide a variety of recreational opportunities for Ohio citizens and visitors. Fishing, boating, and other activities are enjoyed thoughout the lake region and are major contributors to the area's economy. On behalf of all the people of the Ninth District and the House of Representatives, I congratulate and thank all of those responsible for recognizing Ohio's coastline as a critical economic and social resource to the Nation.●

LONGMEADOW, MASS., CELEBRATES ITS BICENTENNIAL

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1982

● Mr. BOLAND. Mr. Speaker, for the past year the citizens of the town of Longmeadow, Mass., have been celebrating the bicentennial of their beautiful town. On Saturday, October 8, Bicentennial Days, a 3-day grand finale of this yearlong celebration will begin. It promises to be an exciting and memorable event in life of an extraordinary community.

Longmeadow was purchased from the Indians in 1636 by William Pynchon, the founder of Springfield, Mass. For the "long meddowe called Masacksic," Pynchon paid four fathom of wampum, four coats, four hatchets, four hogs, and four knives. In 1644, Benjamin Cooley built the first house in what was to become Longmeadow, and the town was incorporated in 1683. A particularly severe flood of the Connecticut River in 1695 convinced the town's residents that a move to higher ground was necessary, and by 1709 the move was complete. By 1714, the town's stability and legitimacy as a separate municipal entity was recognized by the Massachusetts General Court's approval of a request to establish a church, and Stephen Williams, the first pastor, arrived late in the year. Longmeadow has thrived ever since.

Longmeadow is the kind of picture post card town that most people envision when they think of New England. Anyone who visits the town cannot help but be impressed by the obvious pride that the citizens have in their community. It is this feeling of pride, so evident in the bicentennial activities planned and directed by Peter and Eleanor Santos and the members of their committee, that links today's townspeople with their forebearers of two centuries ago, and forms the heritage that they will pass to succeeding generations of Longmeadow residents. Longmeadow has been, and will continue to be, a great place to call home because its citizens care enough to make it so. I hope that the bicentennial celebration which will end this weekend will renew the spirit of community which has characterized Longmeadow throughout its history so that it may be drawn upon freely in the years to come.

Mr. Speaker, I have long admired Alistair Cooke's description of America found in the closing paragraphs of his book by that name:

> The original institutions of this country still have great vitality. The Republic can be kept, but only if we care to keep it * * * As I see it, in this country—a land of the most

persistent idealism and the blandest cynicism—the race is on between its decadence and its vitality.

The race of which Cooke writes will not be won by any pronouncements from Washington. It will be won by the preservation and promotion of the shared values which have been the foundation of communities like Longmeadow throughout this country.

Congratulations and best wishes to the people of Longmeadow as they celebrate their town's 200th birthday and as they strive to stay the course of success on which the town has traveled since 1783.●

IN MEMORY OF DEDICATED SERVICE

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mrs. JOHNSON. Mr. Speaker, I was saddened to note the death of Bettie Bates, a long time resident of Southington, Conn. Although Bettie worked full time at Superior Products Distributors, Inc., that did not prevent her from raising four fine children and involving herself deeply and meaningfully in a variety of community activities including the Southington First Congregational Church, the town housing authority, the Republican town committee, and the Danish Sisterhood Society.

Such a sense of commitment and community involvement reflects the tradition that has built our country into the great Nation that it is today. People like Bettie Bates not only serve the community of today, they also serve the community of tomorrow by setting a fine example for future generations to emulate. We can pay no greater tribute to her example of dedicated community participation than to follow her example in our daily lives.●

CONGRATULATIONS TO OUR FRIENDS IN THE REPUBLIC OF CHINA

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. CORCORAN. Mr. Speaker, today we join our friends in the Republic of China on Taiwan in celebrating Double Ten day, the day in 1911 when the Chinese Republican revolutionaries successfully overthrew the Manchu provincial government in Hubei province, beginning the downfall of the last imperial dynasty in China. In short, this is the ROC's principal independence day, and I am pleased to congratulate them and join in the celebration of the 72nd anniversary of their founding.

In early 1981, I had an enlightening visit to the Republic of China. Prior to that, I had always believed our two countries have a unique and close relationship based primarily upon a strong foundation of mutual interests. Both the United States and the Republic of China share the goal of a free political and economic order—in which economic opportunity and the natural laws of the marketplace prevail, and in which independent nations may prosper in peace and security. We share the perception that liberty and a free economic system in the long run offer the greatest opportunity for social and economic advancement for the greatest number of people. These long-held beliefs were tangibly reinforced over and over as I toured the ROC and talked with her people, both in and out of government.

Throughout recent history, the United States and the ROC have acted together in defense of these shared ideals. In World War II, we fought together as allies against a powerful enemy which directly threatened China's right to national self-determination. In later years, we have shared in the defense of the free world and in the goals of economic, social and cultural advancement. The strides made by the Republic of China during this period have been most impressive, and this, I believe, stands as a tribute to the vitality and dynamism of the ROC's political and economic system.

On this anniverary of her founding, the Republic of China should be proud of these many accomplishments, and can be sure there are many of us in Congress who believe in her and will continue vigorous support for a militarily strong and secure Free China. The principles which have held us together these many years will endure. Our friendship, based upon the upholding of democratic principles and high aspirations—those reflected in the thoughts of Dr. Sun Yat-sen, remains firm.●

NICK CAPORELLA HONORED BY COLUMBUS CITIZENS FOUNDATION

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. SHAW. Mr. Speaker, cited as a "businessman extraordinaire," Nick A. Caporella, president and chief executive officer of Burnup & Sims Inc., will be recognized for his achievements by the Columbus Citizens Foundation, the leading Italian American charitable organization, at a gala black-tie dinner, Saturday, October 8, in the Waldorf-Astoria's grand ballroom.

Caporella, a 1979 Horatio Alger recipient, will share the evening's honors with actress Sophia Loren, winner of the Award for Achievement in the Arts; New York Gov. Mario M. Cuomo; and Dr. Edward J. Mortola, president of Pace University. All will participate in the televised 35th annual Columbus Day parade up Fifth Avenue on October 10.

Nick has come a long way—from the scrap iron and mud flap businesses he ran as an enterprising boy in the depressed mining area of Pennsylvania—to leadership of a major telecommunications and cable television service company. Achievement through challenge is what stimulates Nick Caporella. He has always felt that personal happiness and success are the by-products of establishing worthy goals and working toward them. When one goal is achieved, set a new more difficult one, and work toward that.

In his early twenties, Nick paid $250 down on a used $9,000 excavating machine. He operated the machine night and day, and scoured south Florida construction sites for more contracts. When new work became available, and a need for more machinery existed, Nick recruited his father and brother to help run the business. The number of landclearing and site-preparation projects increased and the firm prospered. At the age of 30, Nick sold the family holdings in several companies, and after a few months of retirement started a new company in Fort Lauderdale, named in honor of his father, which became one of Florida's largest site-preparation firms.

In 1972, the company was acquired by Burnup & Sims Inc. In 3 years, he was elected president and chief executive officer. The company was suffering losses from the recessions. He took firm control, completely reorganized the company, and a profit was turned in 1976.

Under his leadership for 6 years, revenues tripled while profits increased 26 times. Nick Caporella built his company on the strong belief that each employee must continue to grow and expand, that the entrepreneurial spirit will control, and that self-confidence, perseverance and compassion be the rule.●

ZYGMUNT R. BIALKOWSKI

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. McDADE. Mr. Speaker, it is my sad duty to report to the House the passing of the best example I know of the kind of citizen that has made America great.

Last week, Zygmunt R. Bialkowski, lawyer, churchman and civic leader

died after 50 years of service to those around him.

He was an attorney of great reputation who chose to offer his leadership and wisdom, not only to his clients, but to his profession. He was a member of the Pennsylvania Bar Association Board of Governors and president of his local bar association. It was under his leadership that merit selection of judges to Pennsylvania was instituted. His concern for his profession also brought him to lead his alma mater, the Dickinson School of Law, into its now important position in the Nation's top 20 law schools by spending years of work to build its endowment fund.

Further, Mr. Speaker, he served his community. He was a leader in the Masonic orders and played a key role in saving the Masonic Temple in Scranton from destruction. He was also an active member of the chamber of commerce and the Lions Club as well as a founding member of the Scranton-Lackawanna Human Development Agency.

Moreover, Zygmunt Bialkowski served his church. He served as a member of the National Supreme Counsel of the PNCC, the board of trustees of the St. Stanislaus Polish National Catholic Church in Scranton and was a leader in the strengthening of the Savanarola Seminary. And in recognition of his leadership, and concern for others, he represented the church at a number of White House meetings on food distribution to the needy. As a leader in the Polish National Catholic Church, he joined with his friend Ernie Gazda, Sr., to insure that his church would be a strong force in the Polish community in future years.

Mr. Bialkowski has, by his life, given us an example that any man or woman would be proud to emulate. His three fine children, with families of their own, his strong and successful church, his law school grown in importance, and a strengthened, more capable Pennsylvania bar judiciary are each a tribute to his life. Although he will be sorely missed, his life stands as an example to each of us, showing what a dedicated American can achieve.

Our prayers go out to his wife, Gertrude, and his children, Claudia, Brenda, Zygmunt and their families.●

DANGER: UNLABELED INGREDIENTS IN MEDICINES

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. OTTINGER. Mr. Speaker, most physicians and the public are not aware that labeling requirements for pharmaceuticals do not require full disclosure of contents. In most cases, only "active" ingredients must be listed on the label of prescription and over the counter medications. "Inactive" ingredients—fillers, binders, coatings, flavorings, and so forth—that can cause a variety of adverse effects, especially allergies and gastrointestinal upset, are not listed. Because the additives are not labeled, physicians cannot evaluate them for cancer-causing potential, birth defect-causing potential, allergies and toxicity. Patients with known allergies to specific additives cannot avoid them in medicines because they do not know which medicines contain them. There is no reference listing them and the FDA will not disclose them. Therefore, I am introducing legislation today to remedy this situation by requiring that all active and inactive ingredients be listed clearly on the label of all drugs.

This problem was brought to my attention recently by a doctor from my Congressional District, Dr. Jeffrey L. Brown of Harrison, New York. Dr. Brown alerted his colleagues to the potential problem in a recent letter in the New England Journal of Medicine. Dr. Brown points out that most doctors do not realize that drugs contain potentially troublesome additives, and even if they are aware of them, they have no way of identifying substitute medicines that are free of the ingredients.

In some cases the inactive ingredients may be responsible for a variety of adverse effects which would erroneously be blamed on the active ingredient in the medicine. The full extent of this problem has yet to be discovered. Patients may be taking three completely different medicines containing the same additive but their common adverse reaction would not be noted because the additive is unlabeled. While we hope that the health hazard from our lack of information is not a major one, only by full disclosure can we determine the seriousness of the problem.

A review of the list of inactive ingredients approved for use in drugs by the Food and Drug Administration reveals a variety of ingredients which might by considered undesirable in specific situations and with the potential for significant morbidity. Dr. Brown has cited the following examples of the problem:

A commonly sold medicine for gas and cramps (Mylacon) simethacone, contains 0.3 grams of lactose per tablet. Since one of the most common causes of gas and bloating is lactose (milk sugar) intolerance, the patient's symptoms may increase while taking the medicine. The same brand prescribed in liquid form would be lactose free; however, consumers have no way of knowing this because of inadequate labeling.

The August 1983 FDA Drug Bulletin describes many severe allergic reactions, especially in asthmatics, to commonly used food and drug preservatives—sulfites. Sulfites are used in antibiotics, IV solutions, analgesics, anaesthetics, steriods, and nebulized bronchodilator solutions. FDA wants doctors to report adverse reactions to sulfites to the FDA. Yet, sulfites, as with other FDA approved inactive ingredients, are not listed on the label. FDA does not explain how it wishes physicians to report allergic reactions to sulfite containing medicines when it will not supply doctors with a list of these medicines.

Consumers cannot avoid taking additives in drugs that they might choose to avoid in foods. Wheat or soy flour and peanut oil can easily be avoided by a label-reading allergic patient when eating foods but the same individual might, quite literally, be made sick by one of his or her medicines.

A child taking St. Joseph's Fever Reducer would consume as much saccharin in one day as an adult drinking 12 ozs. of Diet Pepsi when calculated on a per weight basis. Other popular children's medicines (e.g. Tylenol baby drops and syrup) also contain unlabeled saccharin. To require that diet soda containing saccharin carry a cancer warning but not require that a children's over the counter medicine containing saccharin list the saccharin is difficult to explain.

At the most simple level, parents might wish to avoid giving their children a nighttime dose of a liquid medicine or give it prior to tooth brushing if they know that it contained substantial amounts of sugar. In addition, sucrose (table sugar) might be contraindicated for some diabetic patients.

Under present law, certain inactive ingredients must be listed on the label. One of these is alcohol. Benzyl alcohol—a bacteriostatic preservative—was recently shown to cause brain damage and death in small premature infants. Had benzyl alcohol not been listed on the label, many more years may have passed before its neurotoxicity to neonates was discovered.

Our policy relating to the labeling of pharmaceuticals is clearly inadequate and needs to be corrected immediately. Dr. Brown believes that labeling requirements should be as strict for medicines as they are for food and I agree. I hope my colleagues will join me in supporting this vital drug labeling legislation.

The text of this legislation follows:

A BILL To amend the Federal Food, Drug, and Cosmetic Act to require that the label of all drugs disclose the active and inactive ingredients in the drug

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 502(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(e)(1)) is amended to read as follows:

"(e)(1) If it is a drug, unless (A) its label bears, to the exclusion of any other nonproprietary name (except the applicable systematic chemical name or the chemical formula) (i) the established name of the drug and (ii) in case it is fabricated for two or more ingredients, the established name and quantity of each active and inactive ingredient, including the quantity, kind, and proportion of any alcohol, and the established name and quantity or proportion of any bromide, ether, chloroform, acetanilide, acetophenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digi-

talis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, or thyroid, or any derivative or preparation of any such substance, contained therein, and (B) the established name of such drug and ingredient on such label (and on any labeling on which a name for such drug or ingredient is used) is printed prominently and in type at least half as large as that used thereon for any proprietary name or designation for such drug or ingredient. Active and inactive ingredients shall be listed separately. To the extent that compliance with the requirements of clause (A)(ii) or clause (B) of this subparagraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.".

(b) The amendment made by subsection (a) shall take effect upon the expiration of 180 days after the date of the enactment of this Act.●

MODERNIZE FOOD SAFETY PROVISIONS

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1982

● Mr. GORE. Mr. Speaker, I am pleased to cosponsor legislation introduced today by my colleague from Illinois, Mr. MADIGAN, to modernize the food safety provisions of the Food, Drug, and Cosmetic Act. My cosponsorship of this bill represents a continuing interest in insuring that the Food and Drug Administration is enforcing a law that is workable and conforms to modern science. I believe the FDA must not be made to enforce a statute that was adequate when it was passed, but that now invites the risk of public ridicule. FDA must enforce laws that the public respects; the current law must bend before it breaks.

In the last Congress, I introduced legislation that would have accomplished many of the needed changes. Since the winter of 1982, I have been persuaded that we need to be even more careful in drawing a line that permits scientific flexibility, but still safeguards the public. This bill represents an advance over previous efforts in drawing that delicate balance. By defining "safe" as a "reasonable certainty that the risks of a substance under the intended conditions of use are negligible," the bill places itself firmly on the side of the public health. In cosponsoring this bill, I clearly intend that the word "negligible" be interpreted as it is in Webster's: "so small or unimportant or of so little consequence as to warrant little or no attention." I similarly believe that this should be the meaning embodied in the so-called Delaney clause of section 409. If this bill is passed, I firmly intend to see that the Congress oversees the implementation of the law with this definition in mind.

I do not agree with everything in this bill, but I believe it is important that the legislative process move forward. I believe that changes in the Food, Drug, and Cosmetic Act are needed to provide certainty in the administration of our food safety laws and to insure a strong and credible agency. If hearings are held in the House, it is my intention to make certain that the public health is protected. I look forward to a thorough and open discussion of these issues with both industry and consumer groups. If it appears after these discussions that other public health problems need to be addressed to make the FDA a more effective agency, I will not hesitate to address them. If there is doubt about the small degree of flexibility we are delegating to the Agency, I shall propose the necessary changes. I will not lose sight that the goal of this legislation is to make certain that the FDA is capable of protecting the public health, while operating within the letter of the law.

In the final analysis, I believe that public policy and public health will be better served by having a set of laws that we can depend upon our public agencies to enforce, rather than continue a situation in which the FDA must twist and turn to avoid making decisions that the American people clearly feel would be foolish. To do less invites disrespect for the law, and is corrosive of public trust.●

THE COMPREHENSIVE TRADE LAW REFORM ACT OF 1983

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. MURTHA. Mr. Speaker, today the Comprehensive Trade Law Reform Act of 1983 was introduced by Messrs. BROYHILL, CAMPBELL, GAYDOS, SCHULZE, SPRATT, and myself. This legislation is a bipartisan set of proposals that would provide for thorough and comprehensive reform of U.S. trade laws. In addition, these proposals have a broad range of support throughout American industry and labor including such sectors as chemicals, color televisions, fiber/textile/apparel, footwear, leather goods, metalworking, nonferrous metals, and steel.

As a matter of perspective, this legislation should be considered as an alternative to proposals currently being reviewed by the House Ways and Means Subcommittee on Trade under the leadership of SAM GIBBONS.

Chairman GIBBONS has provided vigorous leadership in the effort to seek improvements in our trade laws and these bipartisan proposals should be useful to the chairman and the subcommittee members during their consideration of these important issues. By introducing this legislation today, we sincerely hope to encourage and contribute to further debate, discussion and deliberation on trade issues.

This bill seeks changes in four major areas of U.S. laws:

First. Our antidumping/countervailing duty statutes;

Second. Our escape clause which is section 201;

Third. Our unfair trade remedy tool which is section 301; and

Fourth. The Revenue Act of 1916 which allows for court cases to be brought against dumped imports.

These reforms are intended to make U.S. trade laws less complex, less expensive, less arbitrary, more certain, more expeditious, more fair and more effective for all petitioners. The following summary provides an overview of the legislation's major provisions:

SUMMARY OF THE "COMPREHENSIVE TRADE LAW REFORM ACT OF 1983"

Overview—a comprehensive approach to trade law reform designed to reduce costs and complexity and increase predictabiity and effectiveness.

TITLE I—REFORM OF ANTIDUMPING AND COUNTERVAILING DUTY STATUTES

Expedites application of provisional remedies in meritorious cases.

Reduces cost of litigation: by placing burden of proof on party in possession of facts; by standardizing disclosure; by eliminating preliminary injury hearings in clearly meritorious cases; and by permitting successful petitioners to recoup litigation costs.

Establishes Small Business International Trade Advocate's office in Department of Commerce.

Clarifies injury standards and places greater emphasis on threat of injury.

Reduces Department of Commerce discretion: to extend deadlines; to suspend investigations without consent of petitioner; to reduce AD or CVD duties (as in the Japanese TV dumping cases); and to revoke outstanding orders.

Clarifies application of statutes to "downstream dumping" and "upstream subsidization" of major inputs.

Clarifies application of CVD statute to targeting practices.

Authorizes suspension of antidumping investigations based on quantitative restraint agreements.

Expands definition of domestic industry to include producers of major components (e.g., TV picture tubes).

Clarifies applicability of offsetting adjustments in determining dumping margins and provides statutory direction with regard to miscellaneous unsettled issues in the administration of the antidumping statute.

TITLE II—ESCAPE CLAUSE (SECTION 201 OF THE 1974 TRADE ACT)

Amends Section 201: by conforming the injury test to GATT standards; by requiring the President to provide the import relief recommended by the ITC unless he makes finding that provision of such relief is not in the national economic interest and the Congress enacts implementing legislation authorizing alternative relief proposed by the President; by providing specific authority to negotiate orderly marketing agreements; by providing standing for producers of significant components irrevocably destined for inclusion in a finished product; by providing for provisional remedies in specified surge situations; and by extending the time-

window of relief from 3-5 years to 5-10 years.

TITLE III—ENFORCEMENT OF UNITED STATES RIGHTS (SECTION 301 OF THE 1974 TRADE ACT)

Amends Section 301: to clarify its applicability to foreign industrial targeting practices and "reciprocity"; to establish a targeting monitoring responsibility in the Office of the USTR; to establish procedures for conducting 301 investigations in a manner similar to AD/CVD procedures; to increase the role and responsibility of the "administering authority" (presently USTR) in investigation and decision-making; and to provide for judicial review of determinations by the administering authority.

TITLE IV—PRIVATE REMEDIES

Amends the Revenue Act of 1916: to eliminate criminal sanctions and treble damages and to provide a viable private right of action in the federal courts to recover actual damages for dumping. ITC and Department of Commerce final determinations to be considered *prima facie* evidence of dumping, thus shifting the burden of proof to defendants. Failure to comply with discovery orders to trigger discretionary injunctive authority by the court to exclude further importation of merchandise.●

PERSONAL EXPLANATION

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. GEJDENSON. Mr. Speaker, due to a pressing engagement, I was unable to be here for rollcall No. 380, the conference report on H.R. 3363, making appropriations for the Department of the Interior and other agencies for the fiscal year ending September 30, 1984. Had I been present, I would have voted "yea."●

INF RESOLUTION INTRODUCED

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. MARKEY. Mr. Speaker, in just 2 months, the United States is scheduled to begin deploying the Pershing II and ground-launched cruise missiles in Europe. It is a deployment a majority of Europeans either do not want or want delayed to give the negotiations a chance. It is a deployment that has no military utility. And it is a deployment, which rather than lead us closer to a settlement, will make an INF agreement much more difficult to achieve with the Soviet Union.

The most likely result of the deployment will be an escalation of the nuclear arms race in Europe. During the past month, I have chaired several public forums where distinguished European leaders have testified that the Soviets may likely respond to our deployment by deploying short-range SS-22's in East Germany and Czechoslovakia. Those SS-22's would have a flying time of about 2½ minutes to their targets. That means our Pershing II's would be 5 to 10 minutes from their targets and the Soviet SS-22's would be 2½ minutes from their targets. I cannot imagine more of a hair-trigger situation than that.

The superpowers are marching on a nuclear collision course in Europe. Contrary to the popular notion you find here in Washington, deploying the Pershing II's will not force the Soviets into concessions at Geneva—any more than the Soviets deploying missiles in Cuba would bring us to our knees at the bargaining table. No, the only thing we can count on with the deployment is that it will certainly make the negotiations at Geneva much more difficult.

Clearly, for us to get out of the corner we and our NATO allies have painted ourselves into, the December deployment should be delayed for a specified period so the negotiators can have time to produce some results. And clearly, if there are going to be results at Geneva, the U.S. INF proposal must be different from what is currently on the negotiating table.

I am therefore introducing a resolution today which calls for a 6-month delay in the U.S. Pershing II and cruise missile deployment if the Soviets agree to negotiations that will result in no deployments by the United States and deep reductions in Soviet intermediate-range nuclear forces.

It must be stressed that this resolution does not call for an open-ended delay. The 6-month postponement would come if the Soviets agree to enter into negotiations that result in an INF treaty at the end of that period. That treaty would involve a two-stage agreement that would have the Soviets dismantling all their SS-4's and SS-5's, and dramatically reducing their SS-20's aimed at Europe, in exchange for the United States not deploying the Pershing II's and postponing the deployment of a reduced number of ground-launched cruise missiles until December 1985. If the Soviets then agree to further SS-20 reductions, to the level of the independently targetable warheads in the British and French nuclear missile forces, the United States would then cancel the deployment of all remaining cruise missiles. The resolution also calls for the combining of the START and INF talks to achieve a mutual and verifiable nuclear freeze with the Soviet Union followed by a major and mutual reductions in both sides' nuclear forces.

The following is a copy of the resolution and a chart which explain how the reductions will be accomplished:

JOINT RESOLUTION

To delay United States Pershing II and cruise missile deployments for six months if there is prompt United States-Soviet agreement to negotiate mutual nondeployment and reductions of intermediate-range nuclear force (INF) missiles in Europe

Whereas the December 12, 1979, North Atlantic Treaty Organization Ministers' communique noted that the governments concerned "attach great importance to the role of arms control in contributing to a more stable military relationship between East and West and in advancing the process of détente";

Whereas the 1979 communique expressed the desire "to further the course of arms control and détente in the 1980's" and noted "the contribution which the SALT II Treaty makes toward achieving these objectives";

Whereas the 1979 communique noted that long-range theater nuclear systems should be included in arms control negotiations "to achieve a more stable overall nuclear balance at lower levels of nuclear weapons", and that these negotiations should be conducted "in the SALT II framework in a step-by-step approach";

Whereas by refusing to ratify the SALT II Treaty while pursuing separate negotiations on strategic and theater nuclear weapons, the United States Government has diverged significantly from these mutually agreed understandings with our allies;

Whereas the proposed deployment of missiles outside the context of an arms control agreement has severely split the unity of our North Atlantic Treaty Organization allies; and

Whereas a majority of the citizens of our North Atlantic Treaty Organization allies favor an agreement characterized by no new deployments by either side and reductions in existing nuclear forces: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in negotiating an arms control agreement with the Soviet Union, the United States Government should pursue the following objectives:

(1) A delay in the initial deployment of Pershing II and cruise missiles in Europe in return for a solemn Soviet commitment to negotiate the dismantling of a specified number of SS-20 missiles and all SS-4 and SS-5 missiles.

(2) Cancellation of the scheduled deployment of Pershing II missiles, and a significant reduction in the scheduled deployment of cruise missiles, if the proposed Soviet reductions described in paragraph (1) are incorporated into a treaty which would be initialed within six months.

(3) Foregoing the balance of the scheduled cruise missile deployment if the Soviet Union agrees to dismantle additional SS-20 missiles to the extent required to establish a rough balance between all North Atlantic Treaty Organization and Warsaw Pact intermediate-range nuclear force (INF) missile warheads, with both parties also agreeing to a mutual verifiable ban on further deployments of short- and medium-range missiles which can strike the territory of the opposing alliance.

(4) Combining the ongoing negotiations in Geneva on intermediate-range nuclear systems with the Strategic Arms Reduction (START) negotiations.

SEC. 2. Consistent with the objectives cited in the first section of this resolution, the United States Government shall delay for six months the deployment of Pershing II and cruise missiles in Europe if the Soviet Union signs an aide memoire with the United States which commits the parties to negotiations for mutual nondeployment of and reductions in their nuclear forces in Europe, with such negotiations to result in a treaty, to be initialed within six months, which would provide for the following:

(1) Cancellation of the deployment of 108 Pershing II missile launchers in exchange for Soviet dismantling of 108 SS-20 missile launchers, associated support equipment, and base facilities deployed west of 80 degrees East longitude and dismantling all remaining SS-4 and SS-5 missiles, launchers, and bases in this region, leaving 135 SS-20 missiles (with 405 warheads) within range of Western Europe.

(2) Reduction of the planned deployment of 116 United States ground-launched cruise missile launchers (with 464 warheads) to 60 such launchers (with 240 warheads), which would yield (with the inclusion of British and French nuclear forces) rough parity between all North Atlantic Treaty Organization intermediate-range nuclear force (INF) missile warheads and the reduced level of Soviet SS-20 warheads described in paragraph (1).

(3) A ban on the transfer of SS-20 missiles, launchers, and support equipment deployed at bases east of 80 degrees East longitude to bases west of that same line.

(4) A freeze on further production and deployment of SS-20s, Pershing IIs, or any other intermediate-range ballistic missiles worldwide, a ban on further deployment of short-and medium-range ballistic missiles which can strike the territory of the opposing alliance, and a reinstatment for two years of the restrictions contained in the Protocol to the SALT II Treaty which proscribe deployment of ground- and sea-launched cruise missiles with a range in excess of 600 kilometers.

(5) Soviet reductions described in the preceding paragraphs of this section would be carried out before December 31, 1985, in accordance with an agreed schedule, for a total reduction of approximately 572 old and new Soviet intermediate-range nuclear force (INF) missile warheads, of which 324 would be SS-20 warheads. This Soviet reduction would be matched by the nondeployment by the United States of 332 Pershing II and ground-launched cruise missile warheads.

(6) The United States would retain the right to deploy, after December 31, 1985, a number of ground-launched cruise missile launchers sufficient to offset, in conjunction with British and French strategic systems and a ban on Soviet ground-launched cruise missile deployments, the remaining SS-20 launchers so as to establish rough parity in European intermediate-range nuclear force (INF) missile warheads; or in the alternative, the North Atlantic Treaty Organization would cancel scheduled long-range cruise missile deployments in exchange for a United States-Soviet ban on production and deployment of long range cruise missiles and Soviet destruction of additional SS-20's deployed within range of the territory of the North Atlantic Treaty Organization, leaving 162 SS-20 warheads to offset existing British and French nuclear forces.

SEC. 3. To enhance the durability of the arms control treaty described in this resolution, the United States and the Soviet Union should work with their respective allies to achieve, through the Conference on Disarmament in Europe (CDE) or other forums, a multilateral agreement on reductions in existing intermediate- and medium-range nuclear systems in Europe and a ban on the introduction of any new such systems into the region.

SEC. 4. The negotiations in Geneva on Soviet-American intermediate-range nuclear systems should be combined with the Strategic Arms Reduction (START) negotiations with the objective of achieving a comprehensive and verifiable United States-Soviet freeze on the testing, production, and further deployment of nuclear warheads, missiles, and other delivery sytems, followed by major, mutual, and verifiable reductions in nuclear warheads, missiles, and other delivery systems.

INF RESOLUTION: SUMMARY

	Now deployed/proposed		First-stage reductions		Interim agreement, July 1, 1984		Second-stage agreement, Dec. 31, 1985	
	Launchers	Warheads	Launchers	Warheads	Launchers	Warheads	Launchers	Warheads
NATO INF Forces:								
British and French	162	162			162	162	162	(?)
Pershing II	108	108	(108)	(108)	0	0	0	0
GLCM	116	464	(56)	(224)	60	240	0	0
Total	386	734	(164)	(332)	222	402	162	(?)
Warsaw Pact Forces:								
SS-4/SS-5	248	248	(248)	(248)	0	0	0	0
SS-20	243	729	(108)	(324)	135	405	54	162
Total	491	977	(356)	(572)	135	405	54	162●

DR. HUGH ADAMS TO RECEIVE GREAT AMERICAN TRADITIONS AWARD

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. SHAW. Mr. Speaker, on October 29, 1983, Dr. Hugh Adams, the President of Broward Community College, will receive the Great American Traditions Award from the B'nai B'rith Foundation of the United States. It is difficult to imagine a more deserving or appropriate recipient.

The B'nai B'rith Association devotes itself to youth services; Dr. Adams has dedicated his life to giving our young people the values and knowledge needed to be productive members of society. He is a recognized leader in education in Florida. Under his leadership, Broward Community College has become a highly regarded school and an invaluable community resource. He has served as vice chairman of the Governor's Commission on Quarterly Education, as well as becoming involved with international efforts to improve higher education. In that regard, he has served on the Commission on International Education Relations and has been on educational missions through Europe. In addition, he has been a Fulbright lecturer throughout the world including India, Kuwait, Israel, and Jamaica.

The B'nai B'rith Association is to be commended for making such an excellent choice for the Great American Traditions Award. Broward County can be proud of Dr. Adams.●

LEGAL SERVICES CORPORATION DIRECTIVE AN AFFRONT TO DEMOCRACY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. DYMALLY. Mr. Speaker, I wish to express my displeasure, indeed my outrage, at a directive issued last month to the regional offices of the Legal Services Corporation by Joshua Brooks, Deputy Director of Field Services. His memorandum instructs the regional offices to "disenfranchise themselves of any contact with elected officials or members of the press/media." The same directive prohibits consorting with "special interest groups," engaging in "survival activities" or "network building."

The desire of the President to do away with the Legal Services Corpora-

tion is well known. He has recommended no funding for the Corporation in each fiscal year of his administration. The Congress has seen fit not to honor the President's desire to end this access to legal aid for poor people. In my opinion, it is quite clear that what the President has been unable to accomplish through the budget, he is trying to accomplish by memorandum. The idea that personnel in the regional offices and, presumably, the more than 1,100 neighborhood offices funded through Corporation grants, are barred from speaking to Members of Congress is abhorrent to me. Such a prohibition reflects disdain for us personally and makes it appear that those in elective office are, somehow, adversaries of the work of the Legal Services Corporation. In most cases, nothing could be farther from the truth. Much of the case work in my district offices concerns the needs of poor people, including their legal needs. I am sure that is true of many congressional districts in the country. Far from an adversarial relation, many of us rely on the cooperation of grantees of the Legal Services Corporation to help us meet the legal needs of our disadvantaged constituents. I resent having the top management of the Corporation attempt to cut off this cooperation.

I am equally appalled that personnel are prohibited from giving information to the press. It is likely that most elected officials have experienced the pain of receiving unfavorable reviews in the press. None of us, however, would react to that unpleasantness by disenfranchising ourselves from the news media. Like it or not, the press is a watchdog on all of us. We recognize the value of the press by guaranteeing the right of free speech and freedom of the press in our Constitution. There is something amiss when a memorandum is all that it takes to do away with freedom of speech.

It is worth reminding ourselves that the Legal Services Corporation was created because our Nation and its elected officials recognized that the poor were not receiving and would not receive equal treatment under the law without a mechanism such as the Legal Services Corporation. The goal of the Legal Services Corporation was to provide minimum access to legal services by poor people. It was determined that minimum access could be accomplished by guaranteeing 2 legal services attorneys for each 10,000 poor people. That goal was met in 1980 and 1981. Since then, funding has plummeted. Do we suddenly have fewer poor people? Have the poor suddenly become less in need of legal aid? The answer to those questions is not a simple "no." The answer is that the number of poor has increased since 1981, thanks in large part to the policies of this administration. The answer is that the need of poor people to have access to legal services has increased as they face foreclosures on their homes, repossession of their property, and increased stress due to loss of their means of livelihood. The need for services has increased. Only the commitment of the administration to poor people has decreased. Provisions were built into the legislation creating the Legal Services Corporation that were supposed to keep it free of coercion by political forces. We did not foresee that the most dangerous source of coercion would come from within.●

ARKANSAS IS A NATURAL

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. BETHUNE. Mr. Speaker, a year ago I devoted an entire week to a personal survey of federally owned lands within the Ozark and Ouachita National Forest. While I have always enjoyed a walk through the woods in Arkansas, my trip had a special purpose. During that week, I talked with people all over our State who might have a point of view about preserving a small part of our national forest lands as wilderness. You see, the people of my State are proud of the natural beauty of Arkansas, and they are also proud of our motto, "Arkansas is a Natural."

Since the early frontier days the forests, the streams, and the mountains of Arkansas have been a source of awe-inspiring wonder. We are indeed fortunate that around the turn of the century President Theodore Roosevelt was farsighted enough to realize that some of our lands must be preserved for the future generations. So, in Arkansas, we are blessed with two such areas, the Ozark National Forest and the Ouachita National Forest.

These two forests possess some of the most beautiful and unique geological formations in America and also serve as a national habitat for many types of wildlife, including several endangered species. But, unfortunately, I have discovered during my travel across the State that there is a declining amount of land suitable for designation as a wilderness under the definition that we must use. I know the Forest Service has managed this land in a multiple-purpose fashion, and that there is an argument that we must use and develop the timber in our national forests for economic reasons. But I also know that it is essential for man to have natural sanctuaries, which are unspoiled and undisturbed by harmful encroachments. Thomas De Quincey once said that the peace of nature and the innocent creatures of God seem to be secure and deep only so long as the presence of man and his restless and unquiet spirit are not there to trouble its sanctity.

I certainly realize that man must harness the Earth's natural resources. That is both necessary and beneficial. But recognizing the need for economic growth need not be interpreted as an invitation to plunder or spoil our national forests.

That is why it is incumbent upon those of us in Congress to put forth wilderness proposals so there will be growth, but growth which will not overreach and thereby mortgage the future of generations to come.

To this end, I have introduced the Arkansas Wilderness Act of 1983, a bill which is quite modest in terms of acreage and one which I see as a good investment for the State of Arkansas.

Under my bill, 11 areas, less than 6 percent of our State's national forests, would be set aside as wilderness, which means that the Forest Service could not let anyone cut trees, dig mines, or build roads on the portions that we set aside. We are not taking land from private ownership, and the Forest Service will still have the right to manage the remaining 94 percent of the national forests as they do now.

That means economic development could go on in that 94 percent of the national forests, but 6 percent would be reserved as wilderness.

We have a broad base of support for my wilderness bill across our State, and I feel that the following partial list of civic clubs and interested groups which have endorsed this legislation makes a telling point:

The Arkansas Audubon Society, Arkansas Canoe Club, Arkansas Herpetological Society, Arkansas Native Plant Society, Arkansas Wildlife Federation, the Audubon Society of Central Arkansas, the Ozark Society, the Sierra Club, the League of Women Voters of Arkansas, the Arkansas Wild Turkey Federation, the Arkansas Muzzleloading Association, the Greater Little Rock Jaycees, the Greater Little Rock Chamber of Commerce, the Conway Chamber of Commerce, the Rogers Chamber of Commerce, Rogers Hospitality Association, the Mountain Home Chamber of Commerce, the Arkansas Industrial Development Commission, and the Metroplan Board of Directors.

Mr. Speaker, recently I had the grand opportunity to accept on behalf of Congress a collection of etchings and poems by one of Arkansas' most recognized artists, Susan Morrison. I am working out a dedication ceremony with the Library of Congress. But for now I would like to read a sampling of the poetry and to include the balance of the collection of poetry in the RECORD.

The first poem is entitled "Wilderness Remnants."

WILDERNESS REMNANTS

Tiny Parcels of Earth
Still free from the Heavy Hand of Man
Hidden away
Tucked safely in secret valleys or atop in accessable mountains
More real than anything we know
They seem a dream
Lost in the memory of a time when these were the only surroundings of man
Today . . . Remnants
Tomorrow . . . . Legends to be told . . . . .
To unbelieving Children

Then another one that I am particularly fond of, because it concerns the wilderness area situated in my district, the Second District of the State of Arkansas, in Saline and Perry Counties, is entitled "Flatside Wilderness."

FLATSIDE WILDERNESS

I gaze across this awesome space seeing the scarred and crooked face of your mountain
I sense your sorrow
But south breezes sing songs of happiness swirling thru your forest catching the leaves of your fallen trees in their midst and wisking the warning of winters reality away
Maybe the softness of this time is the promise of a destiny less severe and a respite from too many years lost in harsh realities
The souls of your brothers lay bare beside you stripped to the bone of their proud flesh their children dead or driven away
But voices of friends cry out for your protection and on this funny warm winter day I sense you knowing that there is still hope for you
We will pray for it together . . .

Mr. Speaker, what more can be said? I hope and trust this House will join me in setting aside less than 6 percent of our national forest land and wilderness so that it will be protected for our children and for our children's children. If we do not, they may one day ask us why we ever said "Arkansas is a Natural." ●

MULTIPLE OWNERSHIP RULE

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. LELAND. Mr. Speaker, I am pleased to introduce today in conjunction with Mrs. COLLINS, Mr. MITCHELL and several of our colleagues legislation to impose a 5-year moratorium on any effort by the Federal Communications Commission to repeal its multiple ownership rule, commonly referred to as the 7-7-7 rule.

On September 23, 1983, the Federal Communications Commission issued a notice of proposed rulemaking in which it proposed to eliminate or modify the 7-7-7 rule. The present rule limits ownership by any one entity to seven AM radio stations, seven FM radio stations and seven television stations, only five of which may be VHF stations.

The 7-7-7 rule has been a mainstay of FCC policy for over 30 years, and is designed to assure that the ownership and control of broadcast facilities is spread among a diverse population. Because the broadcast industry is such a powerful medium of mass communications, the courts, the Congress and previous FCC administrations have consistently viewed the ownership and control of broadcast outlets by diverse segments of sociey as an important means of protecting the first amendment rights of all Americans. The goal of the 7-7-7 rule is to assure that there are enough different voices presenting information and editorial comment so that all points of view and interests are represented over the airwaves.

If carried out, the proposed elimination of the 7-7-7 rule will seriously undermine the efforts of hispanic, blacks, and other minorities to increase their present low level of ownership of broadcast facilities. The elimination of ownership limits will encourage the larger owners of broadcast facilities to expand their ownership interests and will probably result in mergers of several of those group owners. The consolidation of station ownership into fewer hands will work to reverse the diversity of viewpoints the 7-7-7 rule has fostered. In addition, the consolidation of station ownership into large corporations will place smaller station owners at a further competitive disadvantage. A small station owner or single station will not have the financial resources to spend for promotions and advertising on a scale equal to that of a large group owner. Therefore, the small station owner can expect to see his or her ability to compete against large corporations coming into the local market eroded. Similarly, in bidding to purchase additional stations, the small station owner will face increased price competition from larger corporate entities. This is especially significant for minorities because prices for broadcast facilities in the large urban areas, where most minorities reside, are already prohibitive for all except a few minority owned corporations.

In justifying its decision to institute a reconsideration of the rule, the FCC noted the emergence of new technologies, which theoretically, will contribute to diversity in the electronic media. While the day may come when new technologies will provide options for the American viewing public, that day certainly has not yet arrived. Many of the new technologies, such as multichannel MDS, direct broadcast satellites and low power TV are not available currently to any appreciable audience. Similarly, cable television, the most widely available of the new technologies, reaches less than 40 percent of American households. Moreover, the largest corporate entities in the broadcasting industry, including the networks, are also prominent players in the new technologies, particularly cable. Allowing the large broadcast groups to increase their involvement in the new technologies, while simultaneously increasing the concentration of ownership in the broadcasting industries, clearly will not contribute to a diversity of information sources for the American public. When the new technologies are generally available, and if at that time, there is true diversity in the electronic media, reconsideration of the 7-7-7 rules might be appropriate. In light of the existing situation in the communications industries, however, repeal or reconsideration of the rule is not appropriate at this time.

In short, the proposed elimination of the 7-7-7 rule will substantially reduce the access of the hispanic, black and other minority communities to the ownership and control of broadcast facilities, reduce the accountability of broadcasters to their local audiences, and will permit the continued consolidation of the control of the electronic media in the hands of a few large corporate entities. I urge my colleagues to consider sponsoring this bill. ●

A TRIBUTE TO OUR NATION'S BLACK INSTITUTIONS OF HIGHER LEARNING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. RANGEL. Mr. Speaker, I rise with great pride to commend our Nation's black colleges and universities in their pursuit of academic excellence.

In 1854, the founders of Lincoln University removed a major obstacle on the road to equality for blacks in America. Setting the groundwork for our Nation's first black university, they recognized the power of knowledge in an era when blacks were denied the full benefits of the American dream.

The traditional dedication of our Nation's black academic institutions to improve the lot of black Americans was a spiritual as well as intellectual struggle. This battle for nationwide recognition and acclaim has been fought long and hard. These great institutions have endured, from the time when the original foundations were laid by Booker T. Washington, through the turbulence of the 1960's, and on into the economic and electoral issues of the 1980's. They successfully tapped into one of our country's great hidden resources—the potential insight and creative energy of our Nation's black youths.

The superior academic standards and leadership of these colleges and

universities have equipped their graduates with the skills neccessary to meet the changing needs of our society. In turn, these men and women have excelled as leaders in their respective fields, serving our great Nation as responsible and productive citizens.

Standing as tall and proud as their students, these fine institutions continue to strive for academic excellence, not only for our society but all humankind.●

A BLOCK IN CHELSEA

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. WEISS. Mr. Speaker, the borough of Manhattan in New York City, part of which I have the privilege of representing in Congress, has a popular image that does not always accurately portray the daily lives of the people who call it home.

I would like to share with my colleagues an article published in the September 29 New York Times about one of Manhattan's neighborhoods, Chelsea, on the lower West Side. In focusing on the activities of the merchants along Eighth Avenue between 17th and 18th Streets, the Times' story provides insight into the lives of the people whose devotion to their urban neighborhood turn it into a true community.

I commend to you a superb and illuminating piece of journalism.

The article follows:

[From the New York Times, Sept. 29, 1983]

A BLOCK IN CHELSEA: STORE OWNERS GIVE NEW YORK THE HOMETOWN TOUCH

(By Suzanne Daley)

Early in the morning, when only the garbage and mail trucks rumble up Eighth Avenue, all the stores and restaurants between 17th and 18th Streets are closed.

In those hours, the block present an almost unbroken stretch of crisscrossed metal gates pulled across the sign for Italian ices in the window of the pizzeria, across the leather jacket on the mannequin in the men's clothing store, across the bold posters in the Chisholm-Prats Gallery.

It looks that way for only a short time, barely two and a half hours. Even before the rush-hour traffic clogs the avenue, the griddle will be warning in Augie L. Rettino's coffee shop, the Commissary. For others on the block, the working day won't end until 4 A.M., long after most people are in bed.

This block, on the west side of the avenue, is not different from hundreds of others in this city of an estimated 40,000 storefronts. Behind the facades, behind the antique clocks and copper pots in the window of Chelsea Place and the cactus plants in the window of the Eighth Avenue Record Store, are men and women who have struck out on their own, often risking life savings and years of debt to work for themselves.

Their is small enterprise, never trumpeted in glossy quarterly reports. But it is their presence—their hellos and their willingness to save the last copy of magazine for a customer they know wants it—that helps people at home in this city.

The decisions they make—to redo the facade, to carry a brand of blue jeans, to let go a good but smart-lipped worker—contribute to the fabric of every New Yorker's life, from the feel of a walk down the street to the ability to find aspirin in a hurry.

The owners of the stores and restaurants on this block, like other blocks, do not punch a clock or play office politics or fear being dismissed. But they have fears just the same. They will agonize over whether to extend a counter top or invest in new air-conditioning or replace the chef, and their choices added together will determine their survival.

In different ways, they are reminded every day that they are surrounded by a neighborhood slowly being transformed by forces at work in other parts of the city, too. North of Greenwich Village, Chelsea stretches from 14th to 34th Streets, from the warehouses that line the edge of the Hudson River to Fifth Avenue. Here, rows of elegant 19th-century town houses mingle with tenements and manufacturing-only zones. Lately, the neighborhood has seen run-down buildings turned into luxury cooperatives. Rents are skyrocketing and new shops proliferating.

On this block, as autumn begins, Max Draisner is facing retirement if he cannot get an affordable lease for his record store. Pat Rogers and Bob Barbero, who just opened their first restaurant, are hoping they will still be there next year. Joan and GianCarlo Santini, after nine years of running a successful restaurant, are trying to keep it that way. They and a half-dozen others share this same stretch of pitted sidewalk in Chelsea.

At about 6:30 A.M., the waiters and waitresses begin to congregate by the entrance of the Commissary coffee shop, exchanging news of last night's parties and waiting for the manager to unlock the padlock, roll up the gate, pick up the bag of fresh rolls and open the front door.

Then, in the almost total silence of routine, one of them will start pulling the upside-down chairs off the laminated tables and putting out ashtrays, silverware and paper napkins. Someone will take a crate of orange juice from the walk-in refrigerator in the basement. Someone will start making coffee. It is just about that way seven days a week.

At about 7 A.M., the first customer will come in. On one day, it is an elderly man holding a copy of newspaper with a headline that reads, "Mermaid Family Found in Pacific."

"Good morning," the waitress says, as the man takes a seat at the counter. "Want coffee this morning?"

"Please," he replies, not looking up from the paper.

Sometimes, Augie Rettino, the owner, will be here at this hour, but two weeks a month he takes the night shift instead, working from 3 P.M., until after the midnight closing. Someday, Mr. Rettino would like to go to Europe. He would also like to stand on the edge of the Grand Canyon, and he would like to press his belt buckle against a redwood tree and look up.

These are his dreams. They might distract him for a few seconds from the business of fixing a jammed toaster or ordering a new larger hamburger roll, but he cannot afford them right now. Mr. Rettino has owned the Commissary only since May, and there are debts to pay. "Maybe next year," he says.

The 99-cent records in cardboard boxes go on the sidewalk on top of folding tables when the Eight Avenue Record Store opens, at 10 A.M.

In the window of this shop, there is a collection of cactus plants, some tall and skinny, some short and fat, all spiky and dusty. Inside, there is barely room to pass in aisles, because records are everywhere, in shelves and cardboard boxes and just plain stacked.

Max Draisner, who has run this store for some 20 years in one or another spot in Chelsea, does not believe in organizing the records. Customers, would have to pay for that, he says. He does believe in talking, though. Music in general and the poor treatment of some opera singers in particular are favorite topics.

"Now, what would you do if you were her and they asked you to sing 'The Merry Widow'?" he was saying the other day to a customer. "You'd quit, wouldn't you?

"Absolutely," agreed the young man, before buying four records.

These days, Mr. Draisner, who is 68 years old, has an uncertain future. His lease is up and he cannot find a new spot that he can afford, he says.

"I don't know what I would do without you," said Linda Cummins, who came in to cash a check the other day and asked how things were going. "He always helps me out. I have a bad leg, and this way I don't have to stand in line at the bank. Besides, he has a friendly face and the bank doesn't."

"Physically, I know this doesn't look like Fifth Avenue," Mr. Draisner said, looking around his shop. "But is it that bad?"

The stereo is blasting rock-and-roll as early as 7 a.m. inside Chelsea Place, a restaurant hidden behind an antique store. The maintenance crew is at work, vacuuming the floors and stripping the bar of its bottles in order to clean the shelves.

Chelsea Place, a labyrinth of rooms to eat and dance and listen to music in, was started nine years ago by GianCarlo and Joan Santini with $4,000. At first, the store was plants and antiques and Mr. Santini's vision of things to come. Little by little, it expanded.

At about 8 a.m., Mrs. Santini arrives, these days mostly to supervise. "Because we started the way we did, we are in a constant state of mending," she says, her eye catching a stained-glass window that needs to be repaired or a wrought-iron gate that needs dusting. "We bought a lot of things at auctions and we didn't have the money to retile everything. We're constantly replacing things."

"Tony, tomorrow we'll pull the refrigerator from the wall and clean that, O.K.?" she says, inspecting the bar. "You did the inside, right?"

In the afternoon, she goes home, and Mr. Santini comes in. He stays until closing at 4 a.m. "Sometimes," Mrs. Santini says, "practically all we say to each other is 'Hi' and 'Bye' for a week."

Six days a week, Henri La Barbera opens his walk-in pizzeria on the corner of 17th Street and Eighth Avenue, turning up the huge oven that is never shut off because it would take too long to heat up again.

He takes out the cheeses, the dough and the sauce he makes himself—"None of that canned stuff"—and with quick, efficient movements, he pushes, twirls and pulls the dough into shape, ladles sauce across the top of it, throws in a touch of spice and

handfuls of cheese. He has a pizza made and ready for the oven in about three minutes.

"This store is like paradise to me," Mr. La Barbera says as he deposits the pizza in the oven. "The people around here are good."

Summer was the slowest season for Mr. La Barbera's business, he says, because most of his customers—students at nearby schools—are not around then.

"To tell you the truth, I don't mind these kids," he says. "Sometimes the problem with adults is they forget what it was like to be kids. Some of the kids, the way they act, I would have done that, too. Like in the winter. People around here get mad because of snowballs. I put the gates up and I hope the snowballs don't go through the window. Kids are kids, right?"

In what used to be a pawnshop, Pat Rogers and Bob Barbero in August opened their first restaurant. The chandeliers are Art Deco, the bar is handmade and topped with green marble, the floor is pale maple.

The business is still too new for a real routine. But by 8 a.m., Mr. Rogers might be found in the walk-in refrigerator organizing the food. Hands in the fresh herbs, he will inhale the mint and say: "Smell that. There's nothing like it.

Mr. Barbero will be running to the bank or cleaning the front window with paper towels, getting ready to open for the lunch crowd, which is still sparse these days.

There are dozens of decisions still being made every day and the delicate finances of a new restaurant to figure out. Back in their pale gray office the other day, the partners were ordering cards for reserved tables and going over a new wine list when the telephone rang.

"Rogers and Barbero, hello," said Mr. Barbero. There was a pause, and a slow smile spread over his face.

"Yes, we are open for lunch," he said, "at noon."

Beside him, Mr. Rogers pantomimed a squeal of delight.

Often Antonio Gonzalez arrives at work early, an hour or two before Transworld Cosmetics, a discount drugstore, opens at 9:30 A.M. He sits at the desk in the back room figuring prices on a calculator or taking inventory and paying bills.

His wife, Silvia, arrives later to work the cash register. For her, it is a 10-hour working day. For him it is often 12. Usually they eat lunch in the back room in the afternoon, when Mr. Gonzalez's sister, Jorgelina Del Campo, comes to help out.

The Gonzalezes came to this country from Cuba more than 10 years ago.

"I love the freedom here," Mrs. Gonzalez says. "I love my country, because it is where I was born. But I love this country, too, because it took us in."

Mr. Gonzalez has more trouble than his wife speaking English. She teases him about it sometimes, but says: "He has never had time to study. Always he was working since we came."

The Gonzalezes have two children, a son who is studying to be an electrical engineer and a daughter who wants to go to dental school when she graduates from New York University this year.

The children help in the store on Saturdays. "They are good children," says Mrs. Gonzalez.

At night, the neon signs for beer glow in the two small windows of the Nuevo Ebro bar, lighting the peeling white wood shingles and the small red roof that make up the storefront.

Carmen Quiro, who has been the owner for nine years, is, like Max Draisner, worrying about her future these days. Her lease is up Nov. 1.

Most days, her sister, Millie Leston, opens the bar at about noon. Mrs. Quiro comes in at night and stays until closing.

Having a drink at the Formica-topped bar, Mrs. Quiro does not seem angry about losing her business, only resolute.

"I do not know what will happen," she says, raising her voice slightly to be heard over the salsa music coming from the jukebox. "All the rents are too high. It's rough."

Above her head the bar is decorated with a huge sign reading "Happy Birthday." All around the room are streamers tacked in loops punctuated with balloons that have wilted to the size of apples.

The party was a couple of weeks ago. "One of the customers," Mrs. Quiro says. "We had a little party, a little cake."

Officially, Alan Sasson's men's clothing store, Pyramid, opens at noon. But with a sheepish smile, Mr. Sasson tells all inquiring customers that they should not come precisely at that hour, because he "sometimes runs late."

"I make it as easy as possible," Mr. Sasson says about his business. "I'm not a hustler trying to get every last buck. But somehow I made it."

So, on most days it is some time after noon, that Mr. Sasson opens the store, unlocking the two padlocks, flipping on the lights and the radio. There are usually some deliveries to be logged into a book, some shelves full of merchandise to be straightened. But mostly he waits for customers.

They trickle in, some intent on an item, others only looking. Mr. Sasson will approach each one, saying, "Hello," answering questions about prices, trying to strike a balance between help and interference. In this, Mr. Sasson, a boyish-looking 40, is both diplomat and stand-up comic.

To a man who tried on pants that were too tight the other day, Mr. Sasson tactfully said, "Those do run a little small."

To another who tried pants that were about six inches too long, he said, "You can either shorten them a bit, or wear high heels."

When a customer asked if a shirt would shrink when washed, Mr. Sasson said that he did not know, that he dry-cleaned his shirts these days.

"I used to be into the wrinkled look," he said. "I would just throw everything into the machine together. Now I'm trying to fight wrinkles, at least around the eyes."

Inside the Chisholm-Prats Gallery, the walls are stark white, decorated only with the flashes of color that are antique lithograph posters.

Robert Chisholm and Lucas Prats opened the gallery last December, and theirs is perhaps the most relaxed working day on the block. Sometimes, the day goes by without a sale, although there are always people peeking in or passing through, satisfying their curiosities.

"I get great enjoyment out of it, even if they don't buy," Mr. Chisholm says. "It actually frustrates me when people walk by and they aren't taken by something in the window. I wonder why they don't see what I see."

Mr. Prats may be in the back room, picking out frames or deciding whether to back a certain poster with linen this week.

"It's not like most businesses, where people come in and out all the time, and it's noisy," Mr. Prats says. "This is quiet. At 3 o'clock, we might close for 45 minutes and go have lunch.

"If you can say that there are some people who are lucky and that others are unlucky, then we are the lucky ones."●

COLUMBUS DAY

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Ms. FERRARO. Mr. Speaker, I will be celebrating Columbus Day this Monday in New York. This is a very special day for New York since we were the first State to observe the anniversary of Columbus' epic voyage of discovery. New York has celebrated a day in honor of Christopher Columbus for 191 years.

Of course, this is also a very special occasion for Italian-Americans. Some 85,000 Italian-Americans live in my district in Queens and I am proud to count myself among their number.

It took the vision and courage of a 41-year-old native of Genoa, Italy, setting out from Spain in three tiny ships 491 years ago, to discover on behalf of all Europe this New World in which we live today.

Millions of Italians, and millions of other people from all parts of the world, have followed Columbus' path across the seas. As an Italian-American, I take special pride that more than 30 of my congressional colleagues are of Italian descent.

Had it not been for Columbus, perhaps none of us would be here today. But had it not been for Queen Isabella of Spain, Columbus may have been unable to make his voyage into the unknown.

Without the faith and funds provided by Queen Isabella, without her belief in Columbus and willingness to take a chance, the voyage of the *Nina*, the *Pinta* and the *Santa Maria* may never have taken place.

In recognition of the vital role of Queen Isabella, I am planning to introduce a resolution which would proclaim next April 22, the 533d anniversary of the birth of this noble woman, a day of national honor for Queen Isabella.

I hope next year we will honor both the brave Italian sailor and the farsighted Spanish Queen who together opened up the New World.●

FIRE SAFETY—REPLY TO ELIZABETH McLOUGHLIN

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. BLILEY. Mr. Speaker, at the March 21, 1983 hearing on H.R. 1880, the Cigarette Safety Act, the Subcom-

mittee on Health and the Environment heard expert testimony for Philip S. Schaenman, a former Associate Administrator of the U.S. Fire Administration in charge of the National Fire Data Center.

Mr. Schaenman presented some interesting data on European fire protection practices which should serve to raise questions about the wisdom and value of a single legislative approach to solving the complex fire problem solely by regulating one aspect of it, namely the cigarette.

Since Mr. Schaenman testified on behalf of the Tobacco Institute, it is only natural for his study to be criticized by a supporter of H.R. 1880. And so it was in a letter that appeared in the CONGRESSIONAL RECORD of June 21, 1983.

In the interest of full, fair debate and discussion, I believe that Mr. Schaenman's reply to that criticism should also be printed for the information of Members who, up to this time, have had the opportunity to hear only one side.

REPLY OF PHILIP S. SCHAENMAN TO ELIZABETH MCLOUGHLIN REGARDING INTERNATIONAL FIRE PROTECTION STUDY

On June 21, under Extension of Remarks, the "Congressional Record" carried a letter from Elizabeth McLoughlin commenting on a study that I completed recently, entitled "International Concepts in Fire Protection." I agree with several of the points that Ms. McLoughlin made in her letter—especially her suggestion that additional research could improve our understanding of why the fire death rate is so much lower in Europe than in the United States.

Taken as a whole, however, Ms. McLoughlin's comments constitute a disservice to fire prevention efforts and require a response. Specifically, her suggestion that fire prevention officials in the United States should not attempt to learn from the European experience, or adopt fire prevention practices that have worked well in Europe, until a more definitive international statistical analysis is possible, is both parochial and short-sighted. Her view is not shared by the overwhelming majority of professionals in the firefighting community who are familiar with the European and U.S. situations. Equally distressing is Ms. McLoughlin's simplistic discussion of a legislative solution to accidental fires involving cigarettes. She does not address the public health issues concerning the higher "tar" and nicotine levels that are associated with "self-extinguishing" cigarettes. She also ignores the technical fire science issues concerning whether practical "self-extinguishing" cigarettes would have significantly less propensity to ignite fires.

I would like to elaborate on these points and to correct a number of Ms. McLoughlin's comments that are misleading and, in some instances, simply wrong.

Here are my specific concerns.

STUDY FINDINGS AND INDEPENDENCE

I began to investigate reasons for the marked differences in the accidental fire rates between the United States and Europe while I was at the U.S. Fire Administration. Most of the major findings contained in my recent study were described in a series of trip reports that I wrote in 1979-1981. The Fire Administration did not have sufficient resources, however, to permit me to complete my investigation. I was pleased when The Tobacco Institute agreed to fund the completion of my research.

Despite The Tobacco Institute's support for my work, I was free to report what I found—and I did. No effort was made by anyone associated with The Institute to direct my research or to influence my findings. Thus, it is misleading to say that the study was funded by The Tobacco Institute in a way that could be interpreted to mean that it was The Institute's study. The Tobacco Institute funded only part of the study, although that certainly should not be construed as belittling its contribution.

It is of course understandable that those advocating "self-extinguishing" cigarette legislation would attempt to minimize the study's significance by raising questions of bias. I can assure you that the study report was as accurate and objective as I could make it under any sponsorship, with one exception. I did delete one piece of information from the report because I thought that it might appear to be too favorable to the tobacco industry, and the information was difficult to substantiate. Specifically, in none of the countries that I visited did there seem to be the slightest interest within the fire research or firefighting community in requiring cigarettes to be "self-extinguishing." That was true even in France, where the government has a monopoly on cigarette manufacturing.

As best I could gather, the philosophy in most countries was that many hot objects can cause fires, including cigarettes, matches, fireplaces, electrical appliances and heaters, and that people should be trained to exercise reasonable care. At the same time, professionals within the European firefighting community tend to believe strongly that products should be designed so as to be safe when used or handled as intended by people employing reasonable care—and that people who fail to exercise care should be "punished" by law, by withholding insurance benefits, or through public opinion.

REVIEWS OF THE STUDY

"International Concepts in Fire Protection" has been reviewed by many fire professionals in Europe (principally for accuracy) and in the United States (for relevance as well as accuracy). The reviewers have included researchers at the National Bureau of Standards' Center for Fire Research and the U.S. Fire Administration, state and local fire officials, and private sector fire protection professionals here and in Europe. The overwhelming majority of the reviews have concluded that the report was on target and highly relevant. In fact, I have received no negative comments other than Ms. McLoughlin's, save for minor corrections.

The following excerpts from some of the letters received convey a sense of the reaction of fire protection specalists to the international study:

"* * *May I express the FPA's [British Fire Protection Association's] admiration for [Mr. Schaenman's] presentation of the subject* * *. The European countries will welcome the opportunity to learn from this material and will greatly benefit from it. * * * C. Douglas Woodward, Director, British Fire Protection Association, April 26, 1983.

"I acknowledge receipt of your excellent study of fire protection in Europe.* * * In my opinion you understood the behavior and attitude of European people very well and gave an excellent report on European philosophy in fire protection." Chief Manfred Gebhardt, Hamburg, Germany, January 31, 1983.

"It is with the greatest interest that I have read [International Concepts in Fire Protection] which, in my opinion, is very valuable because it presents an articulate synthesis of the achievements of the various European countries.* * * [T]he Direction de la Securite Civile Francaise will use it in order to improve French regulations.* * * [H]is study is remarkable." M. Marcel Flutre, Civil Administrator/Director of the Cabinet, Ministry of State and of Decentralization, Paris, France, January 28, 1983 [translation].

Many leading fire and safety publications have reprinted portions of the study verbatim or published major articles derived from it, including: National Safety Council, School Safety World Newsletter, Spring 1983; Product Safety and Liability Reporter, March 4, 1983; Prometheus Report, April 1983 (a publication for fire prevention specialists); Fire Chief Magazine, May 1983 and September 1983; Fire Engineering Magazine, August 1983;

Firehouse Magazine, September, 1983; Fire Magazine, August, 1983 (a leading British fire publication).

Representative comments from fire prevention specialists in the United States include the following:

"In the May, 1983, issue of Fire Chief Magazine you published an article entitled, 'America's burning, why isn't Europe?' by Philip Schaenman. For many years we have discussed the difference in loss statistics between our country and others. Oftentimes we have used statistical analyses and comparisons or spoken purely in regard to the philosophy of one country or another. Mr. Schaenman has made a nonstatistical plain-language comparison between our country and several others. His article reveals in simply terms many of the philosophical differences and varying results.

"The information contained in this article is extremely pertinent today and should be thoroughly understood by every citizen in our country, and especially by every member of the American fire service. We are often hesitant to commit our limited resources to a prevention effort for fear that we will not have adequate suppression resources when a serious fire does occur. The bottom line is that the only way to significantly reduce fire losses today is to reduce the incidence and severity of fire." Chief Charles E. Cribley, Executive Secretary, State Fire Safety Board, Michigan, May 24, 1983. Letter to the Editor of Fire Chief Magazine.

"I have just finished reading your report 'International Concepts in Fire Protection' and thought that I would drop you a line and congratulate you. I found it extremely interesting and informative." Chief John J. Hart, New York, New York, March 14, 1983.

"Thank you for sending 'International Concepts in Fire Protection.'" * * * [It] highlight[s] very stark, objective differences in the U.S. approach to fire protection. These differences, I am sure, contribute to our dubious leadership role in annual losses. * * * Unless you consider it inappropriate, I would like to reproduce the executive summary for my staff officers. It will give them another perspective on our local needs and direction." Chief Harry E. Diezel, Virginia Beach, Virginia, February 23, 1983.

"* * * I agree with you that attitudes, awareness and heritage form an important

part of the culture in Europe that is an element of the success in [their] fire prevention program.

"I found a similar situation in Japan and other Asian countries that I have visited. As a former Fire Marshal, I am convinced that education is a key to changing attitudes in the U.S. and creating a higher level of awareness of the fire problem. We have been expanding our educational program and are involving our fire suppression personnel more and more into prevention programs.

"Your report is a valuable and useful document * * *." Chief Emmet D. Condon, San Francisco, California, April 4, 1983.

Also, The National Fire Academy is using the report in its Executive Development classes.

USE FOR POLICYMAKING

Comments from the European fire community professionals who have written or spoken to me about the report confirm the report's essential accuracy. They, unlike Ms. McLoughlin (who seems unfamiliar with the European fire situation), have understood the intent of the report: to suggest ideas—in an interesting, nonstatistical manner—that might help us improve our relatively poor accidental fire record. Although I am a systems analyst by training and have spent much of my career analyzing fire data, I have found that a report that emphasizes insights and lessons often is more effective than one depending solely on statistical correlations, which in any event do not prove causality.

Ms. McLoughlin's suggestion that the formulation of public policy in this, and presumably other, areas should await the development of precise data is an invitation to institutional paralysis. The data that would be needed to link with precision the European fire experience, by cause, to specific prevention policies do not exist except for isolated studies, and are not likely to exist soon. Surely, wise public policy does not demand that we sit on our hands until "perfect" data have been obtained.

LEADING CAUSES OF FIRE DEATHS

We have known for a long time that Europeans have been able to reduce the incidence of accidental fires and fire deaths far below the levels existing in the United States. Contrary to what Ms. McLoughlin says, we also have known that the leading causes of fires and fire deaths in Europe and the United States are basically the same. I did not have to restudy the "distribution of ignition sources, consumer product ignitions, or structural involvement," as Ms. McLoughlin suggests is needed. At the same time, I did include in my study information concerning all three of these areas. Rardin, et al., of the Georgia Institute of Technology did what could be done with the existing statistics on consumer products and other possible correlatives several years ago and found only weak correlations, as did Ms. McLoughlin. Given the available data, little additional work seems warranted in this area.

Contrary to what Ms. McLoughlin asserts in her letter, I did attempt in my study to isolate the European approaches for dealing with our leading causes of fire. In fact, my study report presents almost nothing but safety practices that address our leading categories of fire. The report notes, for example, the following approaches for the leading causes of accidental fire deaths in the United States:

Smoking—Public education, upholstered furniture standards, home design to reduce smoke movement.

Heating—Public education, code enforcement, chimney sweeps.

Cooking—Public education, government safety testing of appliances.

Electrical distribution—Public education, stronger codes and code enforcement.

All of the above—Court fines for carelessness, insurance not paid for full loss, social pressure.

Although Ms. McLoughlin wanted a report organized by cause, I elected to organize my report by prevention approach because I found that the most promising approaches applied to multiple causes. In addition, it was apparent that some approaches would be especially relevant to some readers, because of their backgrounds, while other approaches would have special relevance to others. That has, in fact, proven to be the case. Public educators have tended to pick up on the education portion of the report, the insurance industry has tended to concentrate on the insurance section, and so forth.

REGRESSION ANALYSIS OF FIRE DEATH RATE VERSUS TOBACCO CONSUMPTION

The regression analysis contained in Ms. McLoughlin's letter is almost a textbook example of how not to use statistics in making public policy. First, a regression analysis does not imply a causal relationship, contrary to suggestions in Ms. McLoughlin's letter. Second, Ms. McLoughlin's conclusions are not statistically significant by the usual test (i.e., at the .05 significance level) applied by statisticians. In fact, the slope of the regression line plotted by Ms. McLoughlin could even be negative at the .05 significance level (i.e., there is a chance that the data she focuses on could support a conclusion diametrically opposed to the conclusion she reaches).

Third, one does not have to be a statistician to see that cigarette consumption cannot explain the enormous difference in fire deaths between the United States and, for example, Great Britain. The British "pie chart" for fire causes looks very similar to ours, but at half our rates. Indeed, the British Fire Protection Association analyzed cigarette-related fire deaths versus tobacco consumption, using the regression approach lauded by Ms. McLoughlin, and found no statistical correlation.[1]

Here is the relevant United States data for the last five years:

	1977	1978	1979	1980	1981
U.S. cigarette consumption: (billions of cigarettes) [1]	617	616	622	632	640
U.S. fire deaths: [2]	8,500	8,100	7,800	7,600	7,600

[1] U.S. Department of Agriculture, Economic Research Service, Tobacco Outlook & Situation, June 1982.
[2] U.S. Fire Administration, FEMA, estimates.

The data show that as the amount of cigarettes smoked increased, the fire death rate decreased. What would Ms. McLoughlin conclude? That we should increase smoking to decrease fire deaths?

Let's do the next step she suggests: compare smoking-related fire deaths with tobacco consumption:

	1977	1978	1979	1980	1981
Smoking-related fire deaths: [1]	2,156	1,979	2,258	1,894	2,144
U.S. cigarette consumption: (billions of cigarettes) [2]	617	616	622	632	640

[1] Estimates based on Fire in the United States, U.S. Fire Administration.
[2] U.S. Department of Agriculture, Economic Research Service, Tobacco Outlook & Situation, June 1982.

As you can see, there is no correlation there either. Obviously, understanding smoking-related fire deaths is a lot more complex than Ms. McLoughlin suggests.

IMPROVED INTERNATIONAL DATA NEEDED

I do agree with Ms. McLoughlin that the data needed for more rigorous international studies should be sought. I have been working toward this end for six years and recently was one of two United States representatives at the first meeting in March 1983 of the World Fire Statistics Centre in Geneva, Switzerland. This organization will attempt to collect uniform data from different nations.

Some European countries, such as Britain, have excellent national fire cause statistics. Others, such as Switzerland and West Germany, do not have national fire data systems at the present time. Thus, some countries can be studied in detail while others cannot. Data for some individual large cities and other geopolitical units (*e.g.*, provinces or cantons) are also available for study.

However, even if current European data on fires and fire deaths by causes were more uniform and complete, one still would want to know how they arrived at their present, relatively good safety position—which was the focus of my study.

PURPOSE OF TESTIMONY

I did not come to the Cigarette Safety Act hearings to testify against "fire-safe" cigarette legislation but rather to present information on the European approach to achieving fire safety, including smoking-related fires. I previously gave similar testimony to the House Science and Technology Subcommittee, at their request, in connection with reauthorization hearings for the U.S. Fire Administration and the Center for Fire Research at the National Bureau of Standards.

I am strongly in favor of a bill that would produce a credible analysis to determine if it is possible to design a cigarette that will reduce the chances of ignition without doing more harm than good in terms of health and safety. I am strongly opposed to requiring the tobacco industry to manufacture "self-extinquishing" cigarettes without assurance that this action will not precipitously raise "tar" and nicotine levels and that the performance specifications are ones that have been demonstrated to reduce the incidence of fires. Ms. McLoughlin has not bothered even to address those issues.

EDUCATION EFFECT WHEN INTOXICATED

Cigarette-related fire deaths often involve someone intoxicated who drops a cigarette on upholstered furniture or bedding, as Ms. McLoughlin states in her letter. That also is true in Europe. When I inquired of Europeans how they approach the problem of intoxicated fire victims, they said that while it remains an important part of their fire problem, they have found that public education can be partially effective. At the same time, the British have opted for smolder-resistant furniture.

CONCLUSION

While there is much more to be learned about the European fire experience and

[1] See attached correspondence from FPA to Philip S. Schaenman, dated October 12, 1982.

that of other nations, there is little question that the European emphasis on fire prevention has been a major factor in reducing their fire incidence and fire death rates, and in keeping them low.

With respect to smoking-related fires, we should continue to examine the cigarette itself to see if it can be made more fire safe without negative side effects that overshadow the intended good. As I view the available technical data, the technology is not there at the present time. Most people in the fire service currently backing "self-extinguishing" cigarette legislation are backing the concept of reducing deaths from smoking-related fires; to date, unfortunately, few have had the opportunity to hear the technical knowns and unknowns about the issue. Most of those I know who have seen the data—including myself—have changed positions.

Many proven techniques are available now to reduce the fire problem in the United States. Failing to take advantage of those approaches, while waiting for "perfect" data, would be foolish and perhaps even irresponsible.●

SENATE—*Monday, October 17, 1983*

The Senate met at 12 noon and was called to order by Hon. GORDON J. HUMPHREY, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Rev. Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Loving Holy Father, we thank Thee for the blessings of this past recess: For the work accomplished, time with family and friends, relaxation, rest and recreation. We thank Thee for the safe return of those who traveled. If there be those unable to return because of ill health, loss of a loved one, or other vicissitudes, we pray for their comfort and peace.

Almighty God, as the Senate resumes its work midst the pressures of serious domestic and international problems, grant that critical and demanding issues will not be sacrificed on the altar of an election more than a year away. Protect the Senate from being governed by pressure groups. Give to all who labor here wisdom in understanding the issues, strength for the task, and courage to make the moral choice. In the name of Jesus Christ who was virtue incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 17, 1983.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint Hon. GORDON J. HUMPHREY, a Senator from the State of New Hampshire, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. HUMPHREY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

ORDER OF LEGISLATIVE BUSINESS

Mr. TOWER. Mr. President, it is my understanding that an order was entered on October 7 dispensing with the reading of the Journal, the call of the calendar, providing that no resolutions shall come over under the rule, and that the morning hour will be deemed to have expired; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. TOWER. Mr. President, I am prepared to reserve the remainder of my time and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I yield 3 minutes of my time to the distinguished Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished acting majority leader for yielding the time.

EULOGY FOR JOHN T. ELLIOTT

Mr. SPECTER. Mr. President, a unique Pennsylvanian whose gentle and accomplished life nourished many aspects of our Nation's best values passed on to his eternal reward on October 5, 1983. The death of Mr. John T. Elliott of Shenandoah, Pa., calls for commemoration on the floor of the U.S. Senate and in the CONGRESSIONAL RECORD because his life is representative of America's triumph and tragedy: First, triumph because of John T. Elliott's heritage, his personal contribution to his country, and the remarkable family he leaves behind him and second, tragedy because of his death caused by cancer from pollutants he inhaled while working as a master mechanic for the U.S. Air Force.

His remarkable family includes: His wife, Claire Herrity Elliott, formerly of Girardville; two sons, John M. and Thomas J. Elliott; a daughter, Margaret M. Elliott and eight grandchildren, John P., Heather D., Kirwan B. and Kyle M. Elliott and Brian W. Kelly A., Kevin T. and Brendan K. Flatow; brothers Thomas C. of Shenandoah and Joseph of Oklahoma and a sister, Mrs. William Roulinavage of Mount Top; Aunts Alice Kirwan Kendrick of Sayre, Pa., and Nellie Kirwan Sullivan of Waverly, N.Y.

He was the son of the late John H. and Mary Kirwan Elliott of Shenandoah, and the grandson of the famous Shenandoah blacksmith and carriage maker Andrew and Anastasia Brennan Elliott. His maternal grandparents were Thomas J. and Bridget Fitton Kirwan of Towanda, a prominent pioneer farming family along Pennsylvania's beautiful northern tier.

Mr. Elliott was well-known for his civic, church, and community work. He coached several championship youth baseball teams, a sport in which he excelled as a youth and retained a keen interest. He recently enjoyed watching his grandson Jack Elliott pitch a no-hitter caught by another grandson Brian Flatow.

Mr. Elliott cloaked a keen intellect and a first-rate analytical mind in an unassuming humanity and humility. He had a legendary ability to speed read, absorbing complex facts and data for accurate use. Mr. Elliott received several citations from the U.S. Air Force for his scientific innovations and cost-saving initiatives.

Mr Elliott's son, a distinguished Philadelphia lawyer, John M. Elliott Esq., delivered a eulogy to his father's enduring values at the Mass of Christian Burial at St. Catherine Laboure Roman Catholic Church in Harrisburg celebrated by Msgr. Leo A. Beierschmitt, which was attended by hundreds from all walks of life. Mr. Elliott was then buried in his family's plot at Annunciation Cemetery in Shenandoah beside his parents and grandparents. Father John Nugent, the pastor, officiated.

John T. Elliott's life is a living tribute to the highest human qualities mankind can aspire to and the best values we can transmit across the generations.

The eulogy by the son, John M. Elliott, Esq., about his father, John T. Elliott, was both extraordinary and poetic. I think it fitting to include that eulogy in the CONGRESSIONAL RECORD as a page in the history of America. Not unmindful of the cost, I consider it of infinitely greater value than some filibusters or lengthy documents frequently entered by unanimous consent.

It is especially fitting that this eulogy appear in the CONGRESSIONAL RECORD since Mr. John M. Elliott is one of the few people whom I know who regularly reads the CONGRESSIONAL RECORD.

I ask unanimous consent that the eulogy be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

TRIBUTE TO JOHN T. ELLIOTT, 1914-83

(By John M. Elliott)

John Thomas Elliott, our father, our relative, our great friend, was a gentle giant of the spirit.

A daily communicant profoundly devoted to his faith, Dad's life was a manifestation of Christ-like values.

Thus, today we celebrate the victory of his transcendent spirit. Dad has gone home to God and his epitaph will resound throughout the generations in the minds, hearts, and values of his children, grandchildren, and friends.

A family man, a quiet man of great character and strength, Dad rarely raised his voice but instead led by example.

He spoke little, but said much.

He cloaked a keen mind and profound intellect in love and humility, and held out the hand of his friendship and compassion and skill to anyone in need.

Dad is greatly missed by all of us; particularly Poppa's grandchildren whom he loved dearly.

Poppa was a hands-on manager with his children and grandchildren.

Just a few days ago he spoke enthusiastically about:

Jack's football and hockey and steady, competitive, and accomplished spirit;

Brian's soccer—scoring two goals in a 2-0 win and great human potential;

Kelly's art and precocious sense of history;

Heather's competitive figure skating and natural beauty;

Kevin's speed boatdriving, zest for reading, and unique mechanical aptitudes;

Brendan's brilliance and competitiveness;

Kirwan's incandescence, speed and left-handed power batting stroke;

And, of course, Dad had a very special relationship with Kyle with whom he shared a birthday—December 12.

Dad loved Margaret Mary's beauty, strength of character, accomplishments, fierce devotion to excellence and her family.

Jane and Helen also felt and abundantly returned Dad's love. You were all his extended family. He gloried in your triumphs, enjoyed your families and was always there when you needed him.

Dad was the most complete man I have ever known:

A brilliant intellect—he could readily grasp and explain the most complex math, physics, and science problems;

He could throw a mean curve ball and swing a solid bat;

His home was his castle—he built and refit many improvements and enjoyed the tranquility of gardening;

Dad could build anything—I found an MIT engineering handbook, TRAUTWIN'S CIVIL ENGINEERING, Ref. Bk., on his desk with his handwritten calculations for some project he was contemplating;

He coached winning baseball in a competitive, headsy "Billyball" style.

However, any appreciation of the force, strength, and accomplishments of Dad's life must begin with the realization that his strong roots are set deep in the heart of Pennsylvania.

Dad lived in Pennsylvania his entire life and understood and loved its dynamics and diversity.

Indeed, since arriving in America in the 1840's, fleeing the potato famine and seeking economic opportunity and religious freedom the Elliotts, Brennans, Kirwans, Fittons, Herritys, Haleys, McGraths, Corcorans, Norks, O'Donnells, Monaghans, Flannerys, Cookes, Lavelles, Mussers, D'Angelos and Roulinavages have been Pennsylvanians, residing principally in Dad's beloved coal region.

The distinguished British statesman and author, John Buchan beautifully described Pennsylvania as the "land of symphonic names."

Indeed, Pennsylvania's mellifluous names ran through the symphony of my father's life: Towanda, Shenandoah, Susquehanna, Raven Run, and Paxtang were all close to his every existence.

When Dad was only four his loving and beloved mother, Mary Kirwan Elliott, died in the 1918 flu epidemic which ravaged the world. In one day Dad lost his mother, baby sister Mary Frances, Uncle Arthur Elliott, stepgrandmother, and almost his father. He and his beloved brother Uncle Tom Elliott, went to live with their maternal grandparents—the Kirwans—on a farm in Towanda in beautiful rural northern Pennsylvania.

Surrounded by a large and robust Irish farm family of five boys and two girls, Dad's youth was endowed with radiant memorial of riding to school on horseback, of working and playing with his uncles and aunts on the farm, of his living grandparents Thomas J. and Brigit Fitton Kirwan, of dogs, animals, the beauty of nature, and the power of the soil.

When his father remarried, Dad returned to his beloved Shenandoah and regularly visited it throughout his life. Really Dad never left Shenandoah. It was always "home" to him. His father, mother, grandparents and great-grandparents are buried there in their family Annunciation Parish.

Dad also loved the beautiful Susquehanna Valley. Middletown, Harrisburg, Penbrook, Mt. Gretna and Paxtang were all dear places to him.

They hold sweet memories of raising his family, of his work and his friends.

But Towanda and Shenandoah were not just physical places for Dad. They were magic spots and created a luminous state of mind which nourished his heart and soul.

For Dad, Shenandoah evoked golden memories of his grandfather, Andrew Elliott, the well-known blacksmith and carriage maker; of his father John Henry Elliott; of the Shenandoah Blue Devils, the Pre-NFL Shenandoah Presidents, sandlot baseball, horseback riding, the legendary Msgr. Cornelius O'Brien, Whelan's Drug Store, snowball fights, camping and exploring Ringtown Valley, Al Smith, Jim Farley, the Cuffs, Rings, Currans and Ryans. The Mighty Atoms of Shenandoah Catholic, Lakewood, Tommy and Jimmy Dorsey and the big band sound were all sources of recurring job and nourishment to Dad.

A brilliant student, our father was a victim of the Depression which forced him to abandon his college dreams. He went to work early and worked hard and honorably all his life.

He wanted to be a doctor and he would have been a superb one because Dad's strength was understanding and healing.

Throughout Dad's rich and fulfilling life he was supported by another Schuylkill County force—our mother, the former Claire Herrity of Girardville. They shared almost a half-centry of strength, beauty and devotion together.

WWII sent Dad away from the coal region and brought him into the colossal wartime effort to make America the "Arsenal of Democracy."

He worked 60 to 80 hour weeks in the meanest and most polluted work environment, which unfortunately planted a carcinogenic time bomb in his lungs.

During the war, Dad's unique skills as a master mechanic who could make plane engines sing carried him in unheated and unpressurized C47s to Bangor, Maine, the Aleutian Islands, Europe, and the South and Southwest, USA.

His intellectual skills could immediately analyze the most complex challenges of physics, aerodynamics, science and mechanics.

Dad relished his public service in Bob Casey's Auditor General's office working with Bob, Jack Lynch and Bill Smith to make government more effective, honest and economic.

Dad was an enhancer.

He could build anything—physically or spiritually.

He won several citations and awards from the United States Air Force for his inventions and cost-saving improvements.

He could fix anything from a jet engine to a bike, a baseball glove, or a bruised heart.

Dad was a gentle spirit—a self-effacing man.

His family came first. By choice he came last.

Wherever we played baseball in college through western Pennsylvania or south into Virginia, our parents would inevitably show up and then drive home after dinner late at night to save motel money.

Although a gentle spirit, Dad always insisted that we not go on the field unless we played hard to win.

However, if someone slid hard and high into us, he'd smile appreciatively if our tags were returned just a little harder, as a courtesy to the spirit of the moment.

Dad enjoyed the kinetic beauty of a take-out slide and more than once counselled us to "put an opponent into orbit" if he blocked a base on us.

No catcher was too intimidating to block the plate on any of Dad's players. If they did, they paid the price.

Strategy and bunting were also his specialties. Once in a key game on a rain-soaked field Dad had our first six batters bunt, and while our opponents threw the ball around like a live hand grenade we scored four runs with no one out and went on to a decisive win.

Whether enjoying our games when we were eight or forty years old, Dad was alert to situations and always quick to remind us:

What pitch our opponent was likely to throw on a given count;

Where a defensive fielder had moved;

Whose arm you could run on;

What the batter did last time up.

In sum, Dad was a very headsy gamer, who could forgive an error of commission—like a missed tackle or a bad throw.

But he took a decidedly dim view of errors of omission—such as throwing the ball to the wrong base, missing a block-assignment, or running the bases dumb.

Likewise, Dad rarely missed a game when my cousins Charley O'Donnell and Tommy Monaghan were All-City basketball players leading Bishop McDevitt to victories in their golden years of basketball dominance. Last weekend when I told Dad that Bishop McDevitt beat Harrisburg High 34-0 he replied, "Well, it was a long time overdue."

Often when arguing a legal case I'd look around to find our parents in the court-

room. Invariably, Dad would quietly offer penetrating insights into the law or human nature. He was a superb judge of character with uncanny instincts.

Whether a baseball game, a spelling bee, or a science fair, he expected us to work hard to win.

Dad had great personal talents.

He was a splendid horseman, a crack shot, and a smooth dancer.

A great outdoorsman, he regularly took our Boy Scout Troop to winter and summer camp, and was an excellent cook on primitive outdoor fires and well-taught the lessons of nature and outdoor survival.

A strong swimmer, with a rugged physique, Dad was a solid athlete.

A speed reader, he devoured complex factual data for timely and accurate use.

Dad's strong and sensitive hands were great gifts from God.

He was an accomplished woodworker, cabinetmaker, woodcarver, artist and painter.

He could rip apart an engine as quickly as a poor argument.

His humor was gentle and real.

Dad gloried in Tom's catlike reflexes, powerful physique, strong arm and Ty Cobb daring "I own the baseline" winning style.

Tom's courage and resourcefulness was always fired by blazing and exciting speed, which of course makes things happen in sports and in life.

Thus, by contrast, it was natural for Dad to tease me that "I ran too long in the same place."

Another time when an attractive young lady, who I recall was interested in Tom, displayed an interesting decolletage with her blouse daringly unbuttoned, Dad quietly remarked "What's the matter, are her buttons broken?"

His joys were simply and all-American—western and detective movies, the Yankees, John Wayne, and Notre Dame—however, a few years ago he developed a disturbing propensity to root for Penn State against all comers.

The only enduring things we leave behind in this life are our values, warm memories, and good friends.

By this calculus, Dad was a very rich man.

Even during his physical trials the past few years, he never complained or shrank from the reality of confronting the insidious disease which ultimately took him from us. These were all hard carries; all tough yards with little blocking. But Dad moved the ball.

He was a gallant and indomitable fighter.

Years ago I made the mistake of speculating to him that we might lose a baseball game because some of our players were either hurt or away. He quickly and knowingly replied: "Johnny, learn to play hurt. You must win with the team on the field, not the dream team you hope to put on the field."

While he played to win, he also played every boy who came to practice and tried hard.

Thus, as a coach, he was a winner, coaching several championship youth baseball teams, developing talent that others overlooked, and instilling talent where none existed.

We shall miss him every time we hear the crack of the bat or see the snap of a ball.

But today we go forward fortified by the knowledge that the Lord's faithful servant, John T. Elliott, is at last home preparing a great mansion for us when we meet him again.

Today as we share our tributes to Dad, he's probably blushing and telling God "no, not me Lord, Claire's done the job; I just helped."

In the days and years ahead, remember Dad's enduring values: God, humility, sacrifice, humor, family, faith, courage, patience, love, hard work, toughness, sensitivity, brilliance, and honesty.

When we get tired, remember his indomitable heart and work harder.

When we face a difficult professional or personal challenge, remember his honesty and candor, and do what is right regardless of consequence.

When we are confused, remember his love and character and get back to basics.

Today, let us remember the boundless energy of his simple and effective faith. Dad kept his eye on the ball. He instinctively knew what was real and what counted.

Dad was never impressed with himself but his actions spoke eloquent volumes of his accomplishments.

He was always making someone or something better.

He was a great enhancer of men and machines—somehow they both trusted him and performed better.

Remember John Thomas Elliott, our father, relative and friend, as a loving, knowing and compassionate man of principle who cared not for material things.

Remember Dad in the prime of his mature adulthood as a vibrant, ruggedly handsome man with:

Thick chestnut hair,

Sparkling blue eyes warmed by a shy smile,

A strong and open face,

Broad shoulders and a bull like neck,

Oak-thick forearms and an iron handshake.

The truth of Emerson's observation that "nature wears the colors of the spirit" was never more apparent than today, when in the glow of a golden Pennsylvania Indian summer day, we take Dad home to Shenandoah to his eternal rest.

Rudyard Kipling's epic poem "The Recall" captured the power of God, the spirit, family and home:

"I am the land of their fathers,
In me the virtue stays;
I will bring back my children
After certain days.

Under their feet in the grasses
My clinging magic runs.
They shall not return as strangers,
They shall remain as sons."

This is a beautiful tribute to the homecoming and well earned eternal reward of our Dad and his generation of coal crackers.

They beat the Depression, won the war, and worked hard and sacrificed all their lives to nourish their families church and nation with enduring love, values, strength and dignity.

Rest in peace Dad.

The spirit endures.

Mr. SPECTER. I thank the distinguished acting majority leader.

Mr. TOWER. Mr. President, will the distinguished Senator yield?

Mr. SPECTER. I yield.

WHAT HAPPENED TO THE PHILLIES AND TO THE EAGLES YESTERDAY?

Mr. TOWER. I wonder if the distinguished Senator from Pennsylvania is prepared to give an explanation about what happened to the Phillies yesterday and about what happened to the Eagles yesterday?

Mr. SPECTER. I came fully prepared for those two questions. The Phillies played magnificently in training for next year. I expect that way the National League will be the home team and we should win without undue travail.

Our veterans, Pete Rose, Tony Perez, and Joe Morgan, will be a year younger and in combination with the remainder of our team I think it will be a sparkling world series triumph for the Phillies next year.

As to the Cowboys, we do not have to wait until next year and I am prepared for a friendly wager, if that is permissible on the floor of this august body, with the distinguished acting majority leader, plus an invitation which I extended to him last year to see the Cowboys-Eagle game in Veterans Stadium.

But as far as the series, it is wait until next year, and as far as the Cowboys it is wait until next month.

Mr. TOWER. I thank the distinguished Senator for his very excellent statement with due respect to justice, and I will ponder and meditate upon his two proposals and confer with him Friday.

ROUTINE MORNING BUSINESS

Mr. TOWER. Mr. President, I move that the Senate enter into a period for the transaction of routine morning business for not to extend beyond 3 p.m. with speeches made during that period limited to 15 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, the motion is agreed to.

Mr. PROXMIRE. Mr. President, are we in morning business?

The PRESIDING OFFICER (Mr. SPECTER). Yes.

WHY WE MUST STOP A NUCLEAR ARMS RACE IN SPACE

Mr. PROXMIRE. Mr. President, in the Sunday, October 16, Washington Post, Fred Kaplan, defense correspondent for the Boston Globe, has written an article that every Member of the Congress should read. This Government seems poised on the brink of instituting a nuclear arms race in space that would destroy any realistic hope that we could achieve effective arms control, stop the arms race, and end the nightmare of nuclear war. Such a space race would be catastrophic because it would enable both the United States and Soviet Union to eventually develop the capability to knock out the other's intelligence and warning satellites.

Why would this make arms control impossible? Because the prime means of verification for both superpowers to

keep any kind of agreement is the satellite. Satellites are literally our very eyes. Knock out the satellites and we must stagger and stumble around like a blind man surrounded by armed thugs, not knowing where the first shot is coming from and wholly defenseless. Verification would disappear, and with it any arms control agreement would collapse. Both sides would not only have no alternative except to go all out to win the arms race, but, worse, both sides would have the strongest kind of motive to strike at once. Without the verification of satellites we would have no idea what progress the Russians might be making and they would have no idea what progress we were making in building and deploying our nuclear arsenal. What has been the whole basis for our nuclear build up? Answer: Deterrence. But with satellites gone deterrence would vanish. What is even worse the situation would become even more explosive because our warning systems would be gone. Satellites can tell us when enemy missiles are on the way. They give us the vital early warning. Without that satellite warning, all the elaborate multibillion dollar system we have buried deep in the Colorado mountains to inform the President and permit our land based deterrent to strike back would be lost. Our first notice would be the mushroom cloud over every city or missile site or both, unless, of course, we were in the city, when we would vaporize into nothingness, or if we were a few miles away from the target center we would suffer intense heat, a rapid cremation and turn to ashes.

Here's what Kaplan reports in Sunday's Post:

Sometime very soon, the United States will test a weapon system that promises to burst through a new threshold in the arms race—a race for military supremacy in outer space. This competition will be almost unimaginably expensive; it will be almost impossible to turn back once it has commenced, and even if the weapons involved work the way they are supposed to, the nation will be less secure in the end.

Mr. President, consider that last sentence: Even if the weapons work the way they are supposed to work, the Nation will be less secure in the end. Think of that for a minute. What is the purpose of the billions we are pouring into our defense effort? We are told over and over again the purpose is to keep the peace, prevent war, provide us with greater security. And yet we are told by a highly expert observer that even if the very expensive project that we are about to launch works and works perfectly, we will be less secure. That is right, less secure. And Mr. Kaplan is right.

We will be less secure because our testing will kick off an arms race which will surely lead to the death of our absolutely vital verification tools—our satellites. Now you may say: "Wait a minute PROXMIRE. We're going to win this race. We're ahead of the Soviet Union in the accuracy and reliability of our system. We have the resources they don't have. We have superior scientists. Why not use our advantage to beat the Soviets? Why not forget about negotiating and fight it out on a field where they lose and we win?"

Here is Kaplan's answer:

Administration officials have treated the idea of negotiations dismissively precisely because Andropov has proposed them. The reasoning: his fear of our ASAT only confirms that it can give us an edge in the arms race.

But this is shortsighted, and not just because it lessens the likelihood of an arms-control treaty. If the United States goes ahead and tests its new ASAT system, the Soviets undoubtedly will break the moratorium and resume their own testing—and probably develop a better weapon than the one they have now. This will provoke us to upgrade our system. And the race is on.

Mr. President, I have not given the cost of this competition much attention because the very destruction of civilization must of course be the prime basis for opposing this Government undertaking such a tragic initiative. Many Americans cannot seem to understand the life and death argument but maybe they can understand dollar and cents cost. And in this case the cost will be horrendous. According to Kaplan, Defense advanced research projects estimates that just to bring us to a point where we can make reliable planning estimates of weapons development costs and schedules will cost $900 million. Other research necessary for this project would cost $4 billion a year or more for several years. This is just a tiny beginning.

Now get ready for the really big news—Air Force studies have put the cost at $500 billion—that is billion. And an analyst on one of the Government sponsored study groups estimates $1.2 trillion. Yes, I said trillion.

How utterly ridiculous, that we should contemplate spending more than a trillion dollars to do what? As Kaplan puts it "to make this Nation less secure."

Mr. President, I ask unanimous consent that the article to which I referred by Fred Kaplan in Sunday's Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WE'RE ABOUT TO LAUNCH A COSTLY AND CRAZY ARMS RACE IN SPACE

(By Fred Kaplan)

Sometime very soon (the date is classified), the United States will test a weapon system that promises to burst through a new threshold in the arms race—a race for military supremacy in outer space. This competition will be almost unimaginably expensive; it will be almost impossible to turn back once it has commenced, and even if the weapons involved work the way they are supposed to, the nation will be less secure in the end.

The new weapon seems deceptively harmless at first glance: a 12-by-13 inch cylinder, loaded with telescopes and infrared sensors, attached to a two-stage rocket small enough to fit under an F-15 jet fighter. The drama—and potential danger—lies in what this small package is designed to do. It's called a Minature Homing Vehicle (MHV), and the idea is to fly the F-15 almost vertically up to the edge of the atmosphere, then fire the MHV into outer space, where it will home in on—and kill—an enemy satellite.

If the first few tests of the MHV system succeed, we may find ourselves propelled, almost inexorably, toward a new era of military conflict. Maj. Gen. John H. Storrie, director of space for Air Force plans and operations, told a House committee last March: "Space is a place; it is not a mission. We are going to continue to do the things in space that we do in the atmosphere and on the ground and on the seas"—that is, to prepare to fight and win wars. A study signed last year by the Air Force chief of staff, titled "Air Force 2000," calls for "space superiority," which requires "the capability to destroy hostile space systems."

Already, both sides—especially the United States—depend on space for a wide variety of military missions. Most of what we know about the Soviet military, especially about its nuclear weapons, comes from satellites. A great deal of military communications, command-control networks, navigational aids and other support systems also are channeled through satellites. Moreover, Maj. Gen. Bernard Randolph, director of the Air Force space systems, has testified that a "major" objective of U.S. space plans is "to expand" our military capabilities in space.

The more we rely on military platforms in space, the more incentive the Soviets will have to develop their own advanced antisatellite (ASAT) weapons, and thus an increasingly crucial element of our military command network will become increasingly vulnerable.

"Right now," according to Paul Stares of the Brookings Institution, "if we lose our space systems, we'd be hurt but not crippled. If we continue to increase our dependence on space systems, then we're just digging a hole for ourselves."

There's one way out of this hole—and that is to negotiate an ASAT arms-control agreement with the Russians. Yet after our forthcoming ASAT tests, this may be impossible. Air Force officials have testified that it will take only six hours to install an MHV ASAT system on an F-15 fighter anywhere in the world, at a cost of only $632,000 per plane. Says Stares, "There's no way the Russians could have confidence that every F-15 isn't carrying an ASAT. What are we going to do? Paint the F-15 different colors if it has an ASAT mission?"

The United States was the first to develop an ASAT system. From 1963-67, the U.S. Army tested some of its Nike-Zeus ABMs as satellite killers. From 1964-68, the U.S. Air Force fired Thor missiles at deactivated satellites in outer space in what was called the "Squanto Terror" tests (or, in a lower key, "Program 437"). This program was kept alive until 1975.

Not until 1968—well after the Air force had declared Program 437 "operational"—did the Soviets start up their own ASAT program. The Soviet system is substantially

more unwieldy than either the U.S. programs of the 1960s or our forthcoming MHV plan. Their scheme was to launch a "killer satellite" in an orbit that crosses an enemy satellite, and then to blow up the killer, destroying the enemy spacecraft with shrapnel.

Over the next 14 years, the Soviets conducted 20 tests. They have used two different types of guidance systems. One directs the killer-satellite by shining a radar beam on the target. The other is more passive, with infrared systems which seek out the target by the heat that it generates in outer space.

According to John Pike of the Federation of American Scientists, the Russians tested the radar-seeker version 14 times, most recently in 1981, of which 10 were successes. However, more recently, they tested the passive infrared-seeker version six times—and all six were duds.

Even the 10 successes had their limitations. They were all conducted at low altitudes, whereas most U.S. satellites—including all early-warning satellites—are stationed at very high altitudes. They were also conducted within very narrow angles or inclinations (from 60 to 66 degrees), making it difficult to approach even the low-altitude American satellites. Stephen Meyer of MIT concludes, "They've really never had a test of what it would be like going against a real U.S. target."

From 1977-81, the Soviets stopped testing ASATs. Over part of that period, the U.S. and the U.S.S.R. held three series of talks on negotiating an ASAT arms-control agreement. Then came the Soviet invasion of Afghanistan, the death of SALT II—and the ASAT talks faded away.

Last August, Soviet leader Yuri Andropov announced a moratorium on all ASAT testing, and Foreign Minister Andrei Gromyko submitted an ASAT arms-control proposal to the United Nations, with terms that seem to indicate seriousness. One obvious reason for this seriousness is a realization that the United States is about to come out with a new ASAT system that will probably be much more successful than the Soviet model.

Indeed, administration officials have treated the idea of negotiations dismissively precisely because Andropov has proposed them. The reasoning: his fear of our ASAT only confirms that it can give us an edge in the arms race.

But this is shortsighted, and not just because it lessens the likelihood of an arms-control treaty. If the United States goes ahead and tests its new ASAT system, the Soviets undoubtedly will break the moratorium and resume their own testing—and probably develop a better weapon than the one they have now. This will provoke us to upgrade our system. . . . And the race is on.

From here, any number of scenarios can be imagined: the U.S. or the U.S.S.R. (or both) develops an ASAT that can (potentially) strike satellites at high altitudes as well as low altitudes, thus endangering the all-important early-warning satellites. The other side then develops a system—perhaps involving lasers—that can attack this new ASAT system. Or perhaps he develops a space-based battle station that can defend the satellites. Then the other side builds systems that can attack the defenders. And so it goes.

Indeed, this scenario is precisely what some people have in mind. Although the U.S. Miniature Homing Vehicle program dates back to 1978, its most ardent supporters view it as an entering wedge into the whole panoply of space weapons—some on the drawing boards, some as yet only sparks and glimmers in the fertile imaginations of technocratic enthusiasts—that fall under the rubric of "Star Wars."

Star Wars advocates tasted their first dose of legitimacy last March, when President Reagan told a nationwide TV audience of his "vision of the future." He held out the "hope" that a network of antiballistic missiles (ABMs), space laser and battle stations—based on decades of research—will "intercept and destroy stategic ballistic missiles before they reach our own soil or that of our allies."

For years, a fringe element—led by Sen. Malcolm Wallop (R-Wyo.) in Congress, Edward Teller and Gen. Daniel Graham (Ret.) in the military-scientific community, and several others in various bureaucracies and think tanks on the east and west coasts—have been keen on moving the arms competition into space. A very small group within the Air Force, recently organized into a Space Command, believes that space can be—as Thomas Karas calls it in his book that chronicles this community—"The New High Ground" from which the United States can reign supreme in all other arenas of warfare.

Reagan's speech—which was heavily influenced by talks with Teller—gave this group the legitimacy that it has long sought. Almost at once, "Beltway bandits" and other consulting firms put in contract bids to study "the military utility of space." More important, it became a high-priority issue inside the national-security bureaucracy.

Over the summer, three major outside studies were commissioned on the politics and technology of Star Wars. At this moment, an interagency group consisting of officials from the State Department, the Pentagon, the National Security Council and the Arms Control and Disarmament Agency is drawing up evaluations of those studies to present to the president sometime within the next month.

Officials involved in the studies and the interagency meetings say that nobody now knows how to go about even beginning to build a Star Wars system. Says one Pentagon official, "At this point we have no consensus on what it all means. . . . I don't think we have the kind of answers that we could base any sort of policy on."

In any case, officials are discovering technical problems that may be insurmountable. A ground-based laser wouldn't work through clouds. Even Maj. Gen. Bernhard Randolph, director of Air Force space systems, told a House committee last spring that a space-based laser would require 10 megawatts of power (some say much more) and would weigh 150,000 pounds—well beyond the transport capacity of the Space Shuttle. To provide even "a thin ABM capability," we would need 50-100 of these systems. Furthermore, the systems must have perfect accuracy; he likened the mission to pointing a beam "from the Washington Monument to a baseball on the top of the Empire State Building and hold[ing] it there while both of you are moving."

Then there's the cost. Air Force studies have put it at $500 billion. An analyst on one of the government-sponsored study-groups puts it as high as $1.2 trillion.

And that probably would not be the end of it. Officials and analysts point out that the Russians could "spoof" any space-based ABM system much more cheaply than it would take us to build one. Just a few techniques: cover the surface of a missile with a mirror that reflects the laser beam; jam the communications between the space system and the ground-control station; shoot it down with a laser system yourself. As one skeptical official puts it, "If it can shoot down a ballistic missile, why can't it shoot down its twin brother?"

Still, the interagency group will not advise Reagan to abandon the Star Wars idea as a piece of budget-busting, technically hopeless pie-in-the-sky. "This is the president's program," says one skeptical official. "We can't tell the president that he's got a nutty idea." Instead, it will probably recommend that the military spend the next several years doing research on whether these problems can be overcome. Even this will cost quite a bit of money.

For example, Robert S. Cooper, Director of the Defense Advanced Research Projects Agency (DARPA), testified last spring that the "Space Laser Program Plan," which will merely "bring us to a point where we can make reliable planning estimates of weapon development costs and schedules," will cost $900 million. Other basic research of this sort could cost as much as $4 billion a year—maybe more—for several years; and even then, nobody will know very much more than before.

All of which leads some analysts to wonder whether it is sensible to start treading down this seemingly endless road to begin with. Though the ASAT program and the Star Wars scheme have different origins, the road to the latter can begin with the former. In fact, the kind of technology needed for advanced ASAT systems—tracking mechanisms, sensors, beams and so forth—is quite similar to the technology needed for shooting down ballistic missiles. And the logic of the ASAT/counter-ASAT arms race provides a grand opportunity for the Star War brigade to bring in their programs through various side or rear entrances if they end up getting locked out of the front door.

The Reagan administration, however, is drawing no connections between ASAT and Star Wars. There is an interagency group dealing with Star Wars and another dealing with ASAT—but they are composed of different people and they never meet. Similarly, the group concerned with ASAT is contemplating various arms-control ideas—but, according to officials, no one has seriously considered delaying the ASAT test until after these ideas have been fully explored.

In short, an historic opportunity to halt a whole new age in the arms race is being neglected, even ignored—not only by the administration, but by congress as well. (It is worth noting that the nuclear freeze movements also have paid scant attention to the imminent prospect of an arms race in space.)

It wouldn't be the first time. In 1970, to cite just the most recent parallel, the United States deployed the Minuteman III intercontinental ballistic missile. It incorporated new technology called MIRVs (multiple independently targetable reentry vehicles), which allowed one missile to carry several warheads, each of which could be guided to separate targets.

Before MIRVs, a first strike destroying the other side's land-based missiles was impossible; one missile could hit only one enemy missile; if one side built extra missiles, the other side could counter by building more too. However, with MIRVs, a single missile could (theoretically) destroy

several enemy missiles. If the U.S. and the U.S.S.R. acquired MIRVs, both sides would be at once capable of destroying the other's land-based missiles and vulnerable to such an attack themselves.

Some U.S. officials favored proposing a ban on MIRVs during the Strategic Arms Limitation Talks, but this was rejected because others felt MIRVs gave us a strategic edge over the Russians. Four years later, the Russians deployed their own MIRVs, and now the same people who opposed a MIRV ban a decade ago decry the Soviet MIRVs which they claim have made our own Minuteman missiles vulnerable.

The most interesting strategic arms-control proposal of recent years calls for getting rid of MIRVs. But it's probably too late.

Henry Kissinger told reporters in 1974, "I would say in retrospect that I wish I had thought through the implications of a MIRVed world more thoughtfully in 1969 and 1970 than I did." Kissinger's former NSC aides say that MIRVs were studied thoroughly, that Kissinger knew exactly what their implications were from the beginning, but went ahead with them anyway—to gain a strategic edge.

It's the same with the upcoming ASAT test and the growing political pressure for at least elements of the Star Wars plan. As in the case of MIRVs, the administration is failing—even refusing—to think through the implications before the world changes in ways it may later regret.

TAKING A STEP TOWARD PEACE AND JUSTICE

Mr. PROXMIRE. Mr. President, this month Time magazine released its 60th anniversary issue, which chronicles our world's recent history from 1923 to the present. Reviewing this issue, I was both fascinated at how much our world has changed and horrified at how much it has stayed the same.

Governments have changed hands, man has explored new worlds, computers have revolutionized the way we work, play, and think. We have survived two world wars, the Depression, the assassination of one President and the resignation of another. We have been proud in our moments of success, and courageous in our times of hardship.

Yet, while our people enjoy a free and democratic society, others remain oppressed. While we enjoy a safe and secure Nation, other cultures have faced extinction.

The pages of Time were covered with the mind-boggling facts of genocidal acts in Eastern Europe during the Holocaust, in Cambodia during Pol Pot's reign of terror, and in Uganda under the tyrannical Idi Amin. Sadly, in the area of human rights, our world has made little progress. These tragedies of the past are continuing in our present, as we have seen in Khomeini's persecution of the Bahais in Iran. Though we have the means of deterrence, though we have the ability to step forward, we stand in place and allow the destruction of entire cultures to continue.

The classic case of our failure to act is the Genocide Convention. This treaty was first proposed in 1949. For 34 years it has awaited ratification by the United States, with all the influence and power that brings. The treaty needs the strength of our support. For that reason, I have been speaking before the Senate since 1967 urging its ratification.

The time to act was yesterday, and even before that. But since we cannot go back in time and erase what has already been permanently etched in history, then the time to act is now.

Let us take a step off of history's unending cycle, and let us move ahead toward peace and justice for all people through ratification of the Genocide Treaty and the promotion of its worthy ideals.

STRATEGIC ARMS REDUCTION TALKS

Mr. COHEN. Mr. President, 8 months ago, Senator NUNN and I introduced a resolution calling for a mutual, guaranteed build down of the nuclear forces of the United States and the Soviet Union. Our aim was to forge a bipartisan consensus behind an approach which combined weapons modernization and arms reductions in a manner which would enhance stability. I made clear that the concept was not immutable and that I welcomed comment and criticism to assist us in refining it.

The response was gratifying. Forty-three of our colleagues in the Senate cosponsored the resolution, and a number made suggestions which helped in developing the build down concept. Congressmen ELLIOTT LEVITAS, JOHN MCCAIN, and JOHN PORTER, sponsored a build down measure in the House of Representatives which, in the course of a few days, received significant support in that body.

As the debate over the MX missile system heightened, the build down became part of a broader approach to weapons modernization and arms control. In the House of Representatives, Members such as Congressmen ALBERT GORE, LES ASPIN, and NORM DICKS continued to offer fresh and innovative ideas on force planning and arms control. In the wake of pressure from both congressional bodies and from Members on both sides of the aisle, the administration undertook to modify its START position, develop a build down proposal, move forward on a small, single warhead ICBM, and create a durable, bipartisan arms control panel.

During the summer, numerous meetings were held with administration officials to develop a meaningful build down proposal. This was a difficult process which, frankly, became mired at times in bureaucratic quicksand.

Last month, Senator NUNN, Senator PERCY, and I decided to make a final attempt at invigorating the process. We chose the medium of the Scowcroft Commission, which has been so helpful last spring in moving the administration toward a useful melding of arms control and weapons modernization. In a letter to General Scowcroft, we suggested a broad approach which incorporated the thinking and ideas of a number of Congressmen and Senators, military specialists, and the stated concerns of administration officials. We noted that:

> If the Reagan Administration and the Congress can agree on a sensible strategic program and on a coordinated, reasonable approach towards arms control, we will demonstrate that we have the political cohesion and the long-term bipartisan commitment needed to maintain our strength and reduce the risk of nuclear war.

We outlined our approach in seven principles which offered the near-term benefits of the build down concept—immediate reductions as the price for modernization—and a longer term approach to resolving the major differences between the United States and the Soviet Union on strategic arms control. We recognized that to be negotiable, any proposal to the Soviets would have to offer meaningful restraints on strategic bombers, an area in which the two countries are likely to modernize significantly in the next decade. To deal with bomber forces equitably and effectively will require important negotiating breakthroughs.

The missile throw weight question has been a major stumbling block in START. By proposing meaningful limits in the area where the United States enjoys a substantial and increasing advantage—the bomber force—we believed that the United States could extract reductions in the area where the Soviets hold a substantial lead—missile throw weight.

Senator NUNN, Senator PERCY, and I felt that the approach we suggested reflected, in addition to our own thinking, the ideas and views of congressional colleagues who we believed were on parallel tracks in their deadlings with the administration. To merge these tracks, we held a series of meetings with Congressmen GORE, ASPIN, and DICKS. What emerged was a unified approach which we felt could lead to a broad congressional consensus behind an arms control package the President could sent to Geneva for negotiation in START. This type of support, we believed, would significantly strengthen the credibility and effectiveness of U.S. negotiators by making clear to the Soviet Union that the U.S. proposal had strong, broad support in the U.S. Congress.

Our group of six developed a set of principles which were specific enough

to clearly reflect the thrust of the group's thinking, but general enough to allow flexibility in implementing the approach in negotiations with the Soviet Union. We met with General Scowcroft and, subsequently, with Judge Clark to present these ideas. In a series of intensive meetings over the past week, the details were worked out and presented to President Reagan, who endorsed the principles advanced by the group of six.

During this process, General Scowcroft proved again why he is, in my view, a national asset. He listened carefully to all views and stepped in at critical moments to bridge differences and keep the process moving forward.

Ultimately, it was President Reagan's personal involvement which insured the success of the endeavor. He made clear, over the objections of many within the administration, that he supported the approach, and he met personally with our congressional group to insure that agreement was reached. His actions demonstrated his sincere commitment to promoting stability through reasonable and meaningful arms control measures. He recognizes that this requires flexibility by both sides and, in his Rose Garden statement to the departing START delegation, explicitly offered to meet Soviet concerns:

> We seek limits on the destructive capability of missiles and recognize that the Soviet Union would seek limits on bombers in exchange. There will have to be trade-offs and the United States is prepared to make them, so long as they result in a more stable balance of forces.

This is a significant and, in my view, courageous step, and I sincerely hope the Soviet Union will realize that, as President Reagan said, "The door to an agreement is open."

Mr. President, in these troubled times I am reluctant to take an optimistic stance on the prospects for achieving an arms control breakthrough with the Soviet Union. I must say, however, that the proposal Ambassador Rowny is carrying with him to Geneva contains the basis for real progress. I look now to the Soviet Union to study the proposal carefully, recognize the flexibility it displays, and negotiate toward an agreement which will significantly reduce the threat of a nuclear holocaust. The U.S. Government has shown in these proposals its willingness to look beyond the immediate tensions in Soviet-American relations and to focus on the long-term interests of both sides in a durable arms control regime. I hope that the Soviet Government, likewise, will rise above the frictions of the day and receive these fresh initiatives with a similar recognition that they open the way to an equitable agreement serving the security interests of both our peoples.

Mr. President, I ask that the text of President Reagan's Rose Garden statement and a factsheet released by the administration be printed in the RECORD.

TEXT OF REMARKS BY THE PRESIDENT ON THE STRATEGIC ARMS REDUCTIONS TALKS

Later today, Ambassador Ed Rowny and the other members of the START delegation will depart for Geneva for the opening of the fifth round of the Strategic Arms Reductions Talks. They will carry with them a new set of instructions.

From the first day of these negotiations, our highest goal has been to achieve a stable balance at reduced levels of nuclear arsenals. We want to reduce the weapons of war, pure and simple. All our efforts—in both the START and the INF negotiations—continue to be guided by that objective. Just this morning, I repeated this commitment to President Carstens of the Federal Republic of Germany. As I pledged to the United Nations, the United States will accept an equitable, verifiable agreement that stabilizes forces at lower levels than currently exist. We want significant reductions and that pledge stands.

In the last round of negotiations, we proposed a number of new initiatives which were in harmony with the recommendations of the Presidential Commission on Strategic Forces, and which provided additional flexibility to our negotiators. Those initiatives supported our basic goals and they also responded to a number of Soviet concerns. I deeply regret that the Soviet Union has yet to give any significant response.

Throughout the negotiating process, it is the United States who has had to push, pull, probe and prod in the effort to achieve any progress. The heartfelt desire shared by people everywhere for an historic agreement dramatically reducing nuclear weapons could, and indeed, will be achieved, provided one condition changes: The Soviet Government must start negotiating in good faith.

Let me emphasize that the United States has gone the extra mile. We have removed the dividing line between the two phases of our original proposal. Everything is on the table. We are still most concerned about limits on the fast-flying, most dangerous systems. But we are also prepared to negotiate limits on bomber and air launched cruise missile limits below SALT II levels. We have shown great flexibility in dealing with the destructive capability of ballistic missiles, including their throwweight. We have also relaxed our limits on the number of ballistic missiles. We have gone a very long way to address Soviet concerns. But the Soviets have yet to take their first meaningful step to address ours.

Particularly in the INF talks, but also in START, they have been stonewalling our proposals. When we proposed confidence building measures that could be agreed to right now, they said, wait. Apparently they believe that time is on their side, that they can exploit one democracy against another, and that their uncompromising attitude and delay will ultimately win out. Well, we will prove them wrong. The diversity of our democracies is a source of strength, not weakness. From free discussion among free people comes unity and commitment. The sooner this is understood, the sooner we will reach an agreement in the interests of both sides.

We will continue to press Moscow for an equitable, fair, and verifiable agreement. When the START negotiations resume tomorrow, the United States delegation will again have substantial flexibility. Within the framework of the basic principles that have guided us throughout these negotiations. I am directing Ambassador Rowny to offer the following new initiatives.

We are incorporating into START a series of build-down proposals. The United States will introduce a proposal for a mutual, guaranteed build-down designed to encourage stabilizing systems. The proposal will include specific provisions for building down ballistic missile warheads, and concurrently, for addressing a parallel build-down on bombers. To discuss these major new initiatives, we will also propose the establishment of a U.S.-Soviet "build-down" working group in the Geneva talks. On another front, and in our effort, again, to be absolutely as flexible as possible, we will be willing to explore ways to further limit the size and capability of air-launched cruise missile forces, in exchange for reciprocal Soviet flexibility on items of concern to us.

We seek limits on the destructive capability of missiles and recognize that the Soviet Union would seek limits on bombers in exchange. There will have to be trade-offs and the United States is prepared to make them so long as they result in a more stable balance of forces.

The Soviet Union should not doubt the bipartisan support for our efforts. During our review process, I looked for ways to broaden America's bipartisan approach to our overall arms control effort. We have consulted with many Members of the Congress and again with the Commission headed by Brent Scowcroft. Their counsel has been invaluable, and I want to thank them for their tireless efforts and helpful advice.

A solid national bipartisan consensus, sustained from year to year and from administration to administration, is crucial if we are to keep America safe and secure, and if we are to achieve successful arms reductions. Therefore, I have decided to take a number of new steps. Among these are to designate a member of the Scowcroft Commission, James Wolsey, as a member-at-large to our START negotiations.

These actions reflect America's democratic process at its best. Ambassador Rowny, as you and your team depart for Geneva, you go with the certain knowledge that you are negotiating with the full support of the American people. Our bipartisan support is stronger than ever before. And you carry with you fair, equitable proposals, proposals that are in the interest of both nations and all humankind.

It is fitting today to repeat what I said last week: The door to an agreement is open. All the world is waiting for the Soviet Union to walk through. Should the Soviet leadership decide to join us now in our good faith effort, the fifth round of these negotiations will be the one in which, finally, a breakthrough was made, and finally the world began to breathe a bit easier.

To the entire START Delegation, Godspeed and good luck.

FACTSHEET—PRESIDENTIAL STATEMENT, OCTOBER 4, 1983

Today the President dispatched Ambassador Rowny and the U.S. Delegation to the Strategic Arms Reduction Talks (START) in Geneva. In doing so, he revealed that the U.S. will propose a major initiative which incorporates the build-down concept into the basic U.S. negotiating position. The next

round of START, Round V, will begin in Geneva tomorrow, Wednesday, October 5.

CONTINUING U.S. FLEXIBILITY IN START

In remarks made on the occasion of his final meeting with the U.S. START negotiating team prior to the team's departure for Geneva, the President observed that the United States made a number of important initiatives during the last negotiating round to incorporate the major recommendations of the President's Commission on Strategic Forces (the Scowcroft Commission) and to increase Ambassador Rowny's flexibility in achieving U.S. objectives.

These initiatives, taken during Round IV of START, included:

A relaxing of the proposal to limit the total number of ballistic missiles on each side to 850;

A shift from an approach which envisioned two phases of negotiation, with the initial emphasis on ballistic missiles, to an approach embodied in a single phase agreement, with everything on the table;

The proposal of limits on the number of bombers on each side and limits on the number of cruise missiles permitted to be carried on each bomber which are below SALT II levels;

An offer to explore alternative approaches to limiting the destructive capability of ballistic missiles.

In addition, the United States increased its efforts to negotiate a number of confidence building measures involving the notification of ballistic missile launches and other activities that could be misinterpreted in times of crisis.

The President noted that the Soviet Union has not responded to these U.S. initiatives in a manner that would permit progress to be made on the central issues that separate the U.S. and Soviet positions. He announced that the U.S. will continue to press for progress towards an agreement in the interest of both parties. The President directed that in Round V, the U.S. Delegation seek a more positive response to the additional flexibility demonstrated by the United States in the last negotiating round.

BUILD-DOWN INITIATIVE

The President has instructed the U.S. Delegation to propose a number of new initiatives, in START, specifically including a proposal for a mutual, guaranteed build-down designed to encourage stabilizing systems.

The build-down proposal will include:

A provision which links reductions to modernization using variable ratios which identify how many existing nuclear warheads must be withdrawn as new warheads of various types are deployed;

A provision calling for a guaranteed annual percentage build-down (an approximately 5% mandatory build-down per year);

A provision that ensures that the reductions would be paced by whichever above rule produces the greatest reductions.

In addition, the U.S. delegation will be prepared to:

Address concurrently the build-down of bombers;

Discuss additional limitations on the air-launched cruise missiles (ALCMs) carried by U.S. bombers;

Negotiate trade-offs, taking into account Soviet advantages in missiles and U.S. advantages in bombers, in ways that provide each side maximum flexibility consistent with movement towards a more stable balance of forces;

Propose the establishment of a working group in START to discuss the U.S. build-down initiative in Round V.

In announcing this initiative, the President acknowledged the significant contributions made by a number of members of Congress and by the members of the President's Commission on Strategic Forces (the Scowcroft Commission). The President found especially useful his consultations with a bipartisan group of members from both Houses of Congress, including Senators Percy, Cohen and Nunn, and Congressmen Aspin, Dicks and Gore. Their views served as the basis of a productive dialogue between the Executive and Legislative branches and have been incorporated within the new U.S. initiative which was announced today by the President.

MEMBER-AT-LARGE

Finally, the President announced that he will appoint a member of the Scowcroft Commission as "member-at-large" to the U.S. START Delegation to join Ambassador Rowny's team in these critical negotiations.

CALL FOR POSITIVE SOVIET ACTION

After wishing Ambassador Rowny and the entire U.S. START Delegation godspeed and pointing out, once again, that the door to meaningful arms reduction is open, the President concluded with the hope that faced with a growing, bipartisan U.S. consensus, the Soviet Union will take the unique opportunity offered to it by these new, major U.S. initiatives and walk promptly, through the door.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. TOWER. Mr. President, it seems that no other Senators are interested in speaking during the morning hour for the next 1½ hour or so.

Therefore, Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. this afternoon and that the remainder of the leader time be reserved until that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate, at 12:17 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DURENBERGER).

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

DEPARTMENT OF STATE AUTHORIZATIONS—S. 1342

Mr. BAKER. Mr. President, although there is an order by unanimous consent that no action be taken on the Department of State and USIA, and international broadcasting authorization bill, I ask unanimous consent that the minority leader may be recognized to proceed on that subject at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader is recognized.

Mr. BYRD. I thank the majority leader.

AMENDMENT NO. 2226 AS MODIFIED

Mr. BYRD. Mr. President, the majority leader and I have had a little discussion about this amendment which I have pending and inasmuch as the matter has now been made moot, I think it appropriate and useful to withdraw the amendment.

The amendment is numbered 2226. That is the amendment in the first degree as modified, and if I should get consent to withdraw that amendment, my second-degree amendment would likewise be withdrawn, would it not, may I ask the Chair?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent to withdraw my amendment No. 2226, as modified, the amendment being to S. 1342.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the minority leader.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business until 2:30 p.m. in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of October 7, 1983, the Secretary of the Senate on October 7, October 11, and October 14, 1983, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on October 7, October 11, and October 14, 1983, are printed at the end of the Senate proceedings.)

CONTINUATION OF THE EXPORT REGULATIONS—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 83

Under the authority of the order of the Senate of October 7, 1983, the Secretary of the Senate on October 14, 1983, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703, I hereby report to the Congress that I have today exercised the authority granted by this Act to continue in effect the system of controls, contained in 15 C.F.R. Parts 368-399, including restrictions on participation by United States persons in certain foreign boycott activities, which heretofore has been maintained under the authority of the Export Administration Act of 1979, as amended, 50 U.S.C. App. 2401 *et seq.* In addition, I have made provision for the administration of Section 38(e) of the Arms Export Control Act, 22 U.S.C. 2778(e).

1. The exercise of this authority is necessitated by the expiration of the Export Administration Act on October 14, 1983, and the resulting lapse of the system of controls maintained under that Act.

2. In the absence of controls, foreign parties would have unrestricted access to United States commercial products, technology and technical data, posing an unusual and extraordinary threat to national security, foreign policy, and economic objectives critical to the United States. In addition, United States persons would not be prohibited from complying with certain foreign boycott requests. This would seriously harm our foreign policy interests, particularly in the Middle East. Controls established in 15 C.F.R. 368-399, and continued by this action, include the following:

National security export controls aimed at restricting the export of goods and technologies which would make a significant contribution to the military potential of any other country and which would prove detrimental to the national security of the United States;

Foreign policy controls which further the foreign policy objectives of the United States or its declared international obligations in such widely recognized areas as human rights, anti-terrorism, and regional stability;

Nuclear nonproliferation controls that are maintained for both national security and foreign policy reasons, and support the objectives of the Nuclear Nonproliferation Act;

Short supply controls that protect domestic supplies; and

Anti-boycott regulations that prohibit compliance with foreign boycotts aimed at countries friendly to the United States.

3. Consequently, I have issued an Executive Order to continue in effect all rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended, and all orders, regulations, licenses, and other forms of administrative actions under that act, except where they are inconsistent with sections 203(b) and 206 of the International Emergency Economic Powers Act.

4. The Congress and the Executive have not permitted export controls to lapse since they were enacted under the Export Control Act of 1949. Any termination of controls could permit transactions to occur that would be seriously detrimental to the national interests we have heretofore sought to protect through export controls and restrictions on compliance by United States persons with certain foreign boycotts. I believe that even a temporary lapse in this system of controls would seriously damage our national security, foreign policy and economic interests and undermine our credibility in meeting our international obligations.

5. The countries affected by this action vary depending on the objectives sought to be achieved by the system of controls instituted under the Export Administration Act. Potential adversaries are seeking to acquire sensitive United States goods and technologies. Other countries serve as conduits for the diversion of such items. Still other countries have policies that are contrary to United States foreign policy or nuclear nonproliferation objectives, or foster boycotts against friendly countries. For some goods or technologies, controls could apply even to our closest allies in order to safeguard against diversion to potential adversaries.

6. It is my intention to terminate the Executive Order upon the enactment into law of a bill reauthorizing the authorities contained in the Export Administration Act.

RONALD REAGAN.

THE WHITE HOUSE, *October 14, 1983.*

AERONAUTICS AND SPACE REPORT—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 84

Under the authority of the order of the Senate of October 7, 1983, the Secretary of the Senate, on October 14, 1983, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to transmit this report of the Nation's progress in space and aeronautics during calendar 1982, *Aeronautics and Space Report of the President, 1982 Activities.* It is provided in accordance with Section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476).

Inauguration of operational flights of the Space Transportation System in 1982 promises greatly broadened contributions from space now and for the Nation's future. Following the Shuttle's earlier test flights, which carried scientific experiments into space as well as the first Department of Defense payload, the first operational mission delivered two commercial satellites to orbit, demonstrating that the Space Shuttle provides practical, utilitarian, round-trip access to space.

Other space projects expanded vital civil and military communications, weather observation, Earth resources monitoring, and studies of life sciences, the Earth, the Sun, and the Universe—supporting the national space policy goals I enunciated in July 1982. In outlining the space policy, I reaffirmed the United States commitment to explore and use space for the national well-being and to maintain U.S. leadership in space transportation, space science, applications, and technology.

Aeronautics projects in 1982 advanced new technology for both civil and military aircraft and supported the strong aeronautical industry essential to the Nation's security and economy. Research in basic technology continued to uphold U.S. leadership in aviation.

The Nation can be proud of these and other achievements reported for 1982.

RONALD REAGAN.

THE WHITE HOUSE, *October 14, 1983.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1839. A communication from the Administrator of the Rural Electrification Administration, transmitting, pursuant to law, a commitment to guarantee a non-REA loan to Northeast Texas Electric Cooperative Inc., for new generation facilities; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1840. A communication from the Administrator of the Rural Electrification Administration, transmitting, pursuant to law,

a commitment to guarantee a non-REA loan to Old Dominion Electric Cooperative, Richmond, Va., for generation facilities; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1841. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Army's proposed letter of offer to Lebanon for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-1842. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the administrative telephone service function at the Public Works Center, Norfolk, Va., to performance by contractor; to the Committee on Armed Services.

EC-1843. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Weapon Systems Overview: A Summary of Recent GAO Reports, Observations, and Recommendations on Major Weapons Systems"; to the Committee on Armed Services.

EC-1844. A communication from the Acting Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report on the conversion of the commissary store operation at Yuma Proving Ground, Ariz., to performance by contractor; to the Committee on Armed Services.

EC-1845. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to establish a National Traffic Safety Administration in the Department of Transportation; to the Committee on Commerce, Science, and Transportation.

EC-1846. A communication from the Assistant Secretary of the Interior (Land and Water Resources), transmitting, pursuant to law, a copy of an application by Douglas County, Oreg., for a loan under the Reclamation Projects Act; to the Committee on Energy and Natural Resources.

EC-1847. A communication from the Assistant Secretary of the Interior (Land and Water Resources), transmitting, pursuant to law, a copy of an application by the Santa Ana Watershed Project Authority, Riverside, Calif., for a loan under the Small Reclamation Projects Act; to the Committee on Energy and Natural Resources.

EC-1848. A communication from the Secretary of the Treasury as Chairman of the National Advisory Council on International Monetary and Financial Policies, transmitting, pursuant to law, the annual report of the Council for fiscal year 1982; to the Committee on Foreign Relations.

EC-1849. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the first calendar quarter of 1983; to the Committee on Governmental Affairs.

EC-1850. A communication from the Chairman of the Council on Environmental Quality, Executive Office of the President, transmitting, pursuant to law, the annual report of the Council on activities under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-1851. A communication from the Secretary of Education, transmitting, pursuant to law, final notice of Annual Funding Priority for Fiscal Year 1984—Vocational Education Programs for Indian Tribes and Indian Organizations; to the Committee on Labor and Human Resources.

EC-1852. A communication from the Assistant Secretary of the Interior transmitting, pursuant to law, certification of required soil survey and land classification for the Garrison Diversion Unit, Pick-Sloan Missouri Basin Program, N. Dak.; to the Committee on Appropriations.

EC-1853. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a confidential report on a foreign military sale to Turkey; to the Committee on Armed Services.

EC-1854. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a confidential report on a foreign military sale to Australia; to the Committee on Armed Services.

EC-1855. A communication from the Acting Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting a draft of proposed legislation relative to disposal of lost, abandoned, or unclaimed personal property; to the Committee on Armed Services.

EC-1856. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Lebanon; to the Committee on Armed Services.

EC-1857. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Norway; to the Committee on Armed Services.

EC-1858. A communication from the Acting Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, notification of a decision to convert the motor vehicle operations at Fort Hood, Tex., to performance under contract; to the Committee on Armed Services.

EC-1859. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Saudi Arabia; to the Committee on Armed Services.

EC-1860. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Saudi Arabia; to the Committee on Armed Services.

EC-1861. A communication from the Secretary of Defense transmitting, pursuant to law, a report on seven violations of law relative to expenditure of appropriated funds; to the Committee on Armed Services.

EC-1862. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Reviews of the Audits of the Federal Home Loan Mortgage Corporation for the Years Ended December 31, 1982 and 1983"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1863. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Reviews of the Audits of the National Credit Union Administration Central Liquidity Facility's Financial Statements for the Fiscal Years Ended September 30, 1981 and 1982;" to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Susan E. Phillips, of Virginia, to be Director of the Institute for Museum Services.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. DURENBERGER and Mr. NICKLES):

S. 1952. A bill to authorize each head of a department or agency of the United States to establish a program to use the services of volunteers within his department or agency; to the Committee on Governmental Affairs.

By Mr. HEINZ (for himself, Mr. PERCY, Mr. LEAHY and Mr. TSONGAS):

S. 1953. A bill to amend the Energy Conservation in Existing Buildings Act of 1976 to provide for the weatherization of eligible low-income dwelling units throughout the United States, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. DURENBERGER, and Mr. NICKLES):

S. 1952. A bill to authorize each head of a department or agency of the United States to establish a program to use the services of volunteers within his department or agency; to the Committee on Governmental Affairs.

VOLUNTEERING IN GOVERNMENT ACT OF 1983

Mr. SPECTER. Mr. President, I am today introducing legislation relating to voluntarism. The Independent Sector, a national forum to encourage giving, volunteering, and not-for-profit initiatives, estimates that the dollar value of time volunteered by Americans is at a record high of over $64 billion a year.

On January 26 of last year, President Reagan, in his state of the Union address, noted the administration's efforts "to mobilize the private sector—to bring thousands of Americans into a volunteer effort to help solve many of America's social problems." In fact, in December 1981, the President appointed a blue-ribbon President's Task Force on Private Sector Initiatives, and called upon it "to help rediscover

America—the America where the rich tradition of generosity began with simple acts of neighbor caring for neighbor."

The task force was established to fulfill the functions of: First, promoting private sector leadership and responsibility in meeting public needs, and second, fostering an increased level of public/private partnerships in order to decrease dependence on government. In carrying out its mission, the task force reported that "success depends of volunteers and the spirit of voluntarism so essential to the strength and progress of our Nation."

The task force was divided into 11 action committees, each with a specific mission. The Incentives Committee reported that a significant incentive for increasing personal participation in voluntarism must be "a new spirit which legitimizes volunteer work and defines it as the desirable behavior." The Committee on Marshalling Human Resources reported that "volunteers play an essential role in the fabric of American Society" and recommended that policymakers continue to find new ways to publicly recognize volunteers.

Although each committee acted autonomously in fulfilling its mission, all were in consensus on the importance of reinforcing the volunteer spirit and building partnerships. In its final report to the President in December 1982, the task force identified nearly 3,000 ideas for accomplishing this goal and recommended that a permanent advisory committee be appointed by the President to expand upon and implement these ideas. Thus, on June 28, 1983, the President established under Executive order the Advisory Council on Private Sector Initiatives, a permanent body that will meet regularly with the President to review private sector initiative goals and objectives.

I propose that we enlist a part of our enormous resource of talented American volunteer services in the Federal Government and its departments and agencies to supplement the services of paid employees.

Already, several such volunteer programs now exist in Federal agencies. A recent business newspaper headlined that "SBA May Rely More on Retired Executives." This Service Corps of Retired Executives, better known as SCORE, has proved to be a highly successful program of management assistance by retired executives.

The National Park Service, since 1968, has operated a successful volunteer program of park guides "to help visitors understand both the national and human history of an area." In fact, one need go no farther than Great Falls National Park to see these unpaid volunteers hard at work on weekends leading walks for park visitors on a variety of subjects ranging from nature study to geology. A single one-page application is all that is required to enroll. Even teenagers help at Great Falls.

The U.S. Forest Service was authorized to operate a similar program by Congress in 1972. The Service also seeks our retirees, professionals, housewives, students, and teenagers as volunteers. The Forest Service, in 1980, used volunteers in 10 major activities, whose service, converted to monetary value, amounted to over $8 million. Forest Service officials advise that this program is now of growing importance to the Service, having increased in volunteers from 12,000 in 1979 to over 16,000 in 1981. These volunteers supplement and aid paid Federal employees; they do not replace them. They serve as hosts at campgrounds, provide mounted patrols in the back country, and help agency staffs in a variety of ways.

A British observer recently observed that "Americans are asking more and more of a Government they trust less and less." Increased volunteering in Government ranging from services in health clinics, prisons, and Federal hospitals to cutting and maintaining fire breaks in the forest would not only supplement existing public services, but would be enriching to the volunteers and the organizations participating. A better understanding of the problems of conducting public affairs would also be learned.

It is intended that the volunteers assisting under this act may supplement rather than replace the work of paid Government employees. The only cost would be for incidental expenses. The Volunteering in Government Act of 1983 would authorize and encourage Federal and civilian agencies to seek out volunteers as individuals and through nonprofit organizations to supplement services.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Volunteering in Government Act of 1983".

SEC. 2. The Congress finds that—

(1) many citizens with a wide range of expert abilities, both as individuals and as members of service organizations, are anxious to assist the Government help other citizens in many ways; and

(2) many citizens desiring to provide such assistance are frustrated because of uncertainty on how to assist.

SEC. 3. (a)(1) Notwithstanding section 3679(b) of the Revised Statutes, the head of each department or agency of the United States is authorized, without regard to the civil service classification laws, rules, or regulations and without compensation, to recruit, train, and accept the services of volunteers for or in aid of any activity of the respective department or agency which such department or agency head determines is appropriate for volunteer action. In determining activities appropriate for volunteer action under the preceding sentence, a head of a department or agency of the United States shall give priority, where applicable, to any activity relating to health clinics, maintenance of trails and related facilities in national parks and forests, schools, prisons, veterans services, customs or immigration centers, treatment centers, housing, financial counseling, emergency services, or law enforcement.

(2) The head of each department or agency of the United States is authorized to enter into an agreement with any volunteer organization which is a nonprofit corporation for the purpose of obtaining the services of such nonprofit corporation for any activity of the respective department or agency which such department or agency head determines is appropriate for volunteer action. Such agreement may include an agreement to lease a Federal structure at nominal expense if such nonprofit corporation agrees to maintain such structure at its own expense.

(3) No individual employed by a department or agency of the United States immediately before the date of enactment of this Act may be dismissed and no service-type contract in effect immediately before the date of enactment of this Act may be impaired as a result of the exercise of the authorities contained in this subsection.

(b) For purposes of subsection (a), the term "volunteers" includes individuals or corporations described in section 501(c)(3) of the Internal Revenue Code of 1954.

SEC. 4. The head of each department or agency of the United States is authorized to provide for expenses incidental to carrying out the activities described in section 3, including expenses for transportation, uniforms, lodging, and subsistence.

SEC. 5. (a) Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) For purposes of the tort claim provisions of title 28 of the United States Code, a volunteer under this Act shall be considered a Federal employee.

(c) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation to Federal employees for work injuries, volunteers under this Act shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.

SEC. 6. Nothing in this Act may be construed as modifying or superseding any other provision of law relating to volunteer programs which is in effect immediately before the date of enactment of this Act.

SEC. 7. In carrying out the provisions of this Act, each head of a department or agency of the United States is authorized to use in any fiscal year not to exceed 1 percent of the funds appropriated for administrative or operating expenses of such department or agency for such fiscal year.

SEC. 8. On January 1 of each odd-numbered year, the Director of the Office of Personnel Management shall prepare and transmit a report to the Congress on the

progress achieved in implementation of this Act.

By Mr. HEINZ (for himself, Mr. PERCY, Mr. LEAHY, and Mr. TSONGAS):

S. 1953. A bill to amend the Energy Conservation in Existing Buildings Act of 1976 to provide for the weatherization of eligible low-income dwelling units throughout the United States, and for other purposes; to the Committee on Labor and Human Resources.

WEATHERIZATION ACT OF 1983

Mr. HEINZ. Mr. President, 10 years ago today, Arab oil ministers meeting in Kuwait agreed to cut oil exports by 5 percent and recommended an embargo against unfriendly nations. That same week, Saudi Arabia instituted a full-scale embargo on oil sales to the United States—other members of OPEC quickly followed. The "energy crisis" was in full swing.

The radical changes in world oil markets following the 1973 embargo brought equally radical changes in the household budgets of Americans. The proportion of income required to purchase essential energy supplies rose dramatically, and changes in the cost of this basic commodity brought changes in the cost of many other necessary items. Although these changes had different impacts depending on a household's income and fuel requirements, during the past 10 years the pressure for change in consumption patterns and the erosion of real spending power have been unrelenting.

Today I am introducting legislation that will amend the Energy Conservation in Existing Buildings Act of 1976 to reauthorize and improve the weatherization assistance program. This bill makes several changes in the existing program that are designed to increase the benefits to low-income individuals for each dollar spent and improves the overall cost effectiveness on the program.

We know that high fuel prices have been an incentive for conservation among many Americans, but for the elderly poor, cutting back on fuel consumption too often means shutting off rooms, using the oven for heat, or, when all else fails, falling victim to fatal hypothermia.

It was not supposed to be this way. When Congress grappled with the problem of energy shortages and dependence on foreign oil, and took up the issue of decontrol, we all acknowledged the overriding responsibility that the elderly poor and the most vulnerable in our society would not pay the price of our national energy problems. We enacted programs like the low-income energy assistance and the weatherization programs, proclaiming that those who suffered from energy inflation would be assisted.

Mr. President, on this 10th anniversary, it is appropriate that we take action to continue assistance for the poor and those on fixed incomes who have been most harshly affected by the changes in energy prices during this past decade. The bill I am introducing today will significantly improve the effectiveness of Federal programs which provide low-income energy assistance. The best available technologies will be applied to that permanent reductions in the fuel bills of those with low income will be realized.

The first major component of this legislation is that it permits the replacement of inefficient heating systems. When the Federal weatherization program was established in 1975, the conventional wisdom was that the installation of storm windows, attic insulation, clulking and weatherstripping was the most cost-effective means to reduce heating costs. The conventional wisdom was wrong. Studies conducted by the National Bureau of Standards and the Alliance to Save Energy have found that retrofitting the central heating system is much more effective than those traditional weatherization measures.

For example, average annual energy savings of 22 to 26 percent can be realized with oil furnace retrofits which cost about $500. In 1982, this represented an annual fuel savings of $314. Equally cost-effective retrofit equipment is now available for gas heated homes.

The second major component of this bill is that it provides continuity and appropriate funding levels through fiscal year 1987. From the very start, State and local weatherization programs have been plagued by uncertain funding levels. This uncertainty has caused many States programs to be shut down time after time with a resultant loss of momentum and of skilled weatherization workers at the local level. A 3-year authorization will reduce the uncertainty of future funding and promote program continuity and a better planning process.

The authorization levels in this bill are based on the fiscal year 1983 level plus an inflation factor of approximately 8 percent. Since the program was established the average price per gallon of home heating oil has increased from $0.41 to $1.15 and the average price per 1,000 cubic feet of natural gas has increased from $1.85 to $5.53. In addition, during the past winter many low-income households in the coldest parts of the Northeast and North Central States spent more than 35 percent of total household income for energy.

In view of the continuing hardship caused low-income households by the rising costs of energy, the weatherization program should, at a minimum, be maintained at the funding level this legislation provides. These levels, coupled with a more cost-effective program as a result of other changes will provide much needed assistance to those individuals served by the program.

Finally, this legislation seeks to improve the planning process and overall management of the program. It will require States to develop plans and provide reports on the performance of their programs to the Department of Energy. In turn, DOE would be required to include in its report to the Congress data on the progress of these programs and provide information on the cost benefits and savings associated with various types of weatherization measures being utilized. In addition, the legislation would establish a performance fund to assist States which demonstrate outstanding program efficiencies, and gives States increased flexibility in selecting newer and more efficient energy audit procedures.

Mr. President, as a nation, we must acknowledge our shared responsibility to help the elderly and low income meet the burden to today's energy costs, and must do it with continued Federal financial support. We must pursue administrative improvements that cut down on waste and redtape and allow States discretion to structure their programs more efficiently. The bill I am introducing today attempts to meet these challenges.

On this 10th anniversary of the oil embargo, I believe it is vital that we take note of the fact that we could be facing yet another energy emergency, with the presence of war continuing between Iraq and Iran and the high tech capability, and therefore the possibility of Exocet missiles, that a third energy emergency—a second one having occurred in 1979—might not be as far away as one might think or hope.

So we should, Mr. President, recommend ourselves to insure that adequate assistance is provided to the poor to cope with high energy costs, even as it is in our national interest to do everything we can to conserve. I hope we do not lose sight of that important goal of conserving, and I urge my colleagues to join me in this effort. It is not only good for the people it helps, but it is good for the country because it helps us conserve energy.

Mr. President, I send to the desk a factsheet on the Weatherization Act of 1983. I ask unanimous consent to have it printed in the RECORD immediately after my remarks and before the printing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET: THE WEATHERIZATION ACT OF 1983

PURPOSE OF THE LEGISLATION

This legislation will amend the Energy Conservation in Existing Buildings Act of 1976 to reauthorize and improve the Department of Energy's Low-Income Weatherization Assistance Program. The bill makes several changes in the existing program. These changes will increase the benefits to the low income of each dollar spent under the program and improve the planning process at both the Federal and state levels. The legislation has three major purposes:

1. To improve the cost-effectiveness of the program, this legislation provides for the retrofitting and replacement of heating systems in addition to the currently eligible weatherization measures.

When the Weatherization Program was first established, the conventional wisdom was that the installation of storm windows, attic insulation, caulking, and weatherstripping was the most cost-effective means to reduce the energy consumption of low-income homes. Studies conducted by several states and the National Bureau of Standards indicate that average savings in the range of 14 to 17 percent can be expected as a result of traditional weatherization measures which cost $1,000 to $1,600 per home. More recent studies however, have shown that the benefits-to-costs ratio of weatherization programs can be increased by a factor of 3 or 4 by incorporating heating system retrofits (oil and gas) into the program. The Alliance to Save Energy has documented average savings of 22 to 26 percent as a direct result of oil furnace retrofits. Retrofits with similar economics (20 to 30 percent savings at a cost of $500 to $600) are available for gas heating systems.

2. To provide continuity and appropriate funding levels the authorization ceilings for the program will be established at $270 million for fiscal 1985, $292 million for fiscal 1986, and $315 million for fiscal 1987.

State and local weatherization programs have been plagued from the start by uncertain funding levels and distribution of funds. That uncertainty has caused many states' programs to be shut down time after time with a resultant loss of momentum and of skilled weatherization workers at the local level. A three year authorization will reduce the uncertainty of future funding, and promote program continuity and a better planning process.

The new authorization represents the fiscal 1984 level ($144 million plus $100 million from the Jobs Bill) plus an inflation factor of approximately 8 percent per year.

Since the program was established in 1976 the average price per gallon of home heating oil has increased from $.41 to $1.15 and the average price per thousand cubic feet of natural gas has increased from $1.85 to $5.53. In fiscal year 1981 the poor used 43 percent less home energy than higher income groups. At the same time, the energy used by the poor does them comparatively less good because their homes and appliances are often less efficient than the U.S. average. In addition the proportion of total household income spent for energy by low-income households is significantly higher than for the average U.S. household. As an example, in the winter of 1980–81 many low-income households in the coldest parts of the Northeast and North Central states spent more than 35 percent of total household income for energy.

In view of the continuing hardship caused low-income households by the rising costs of energy, the Weatherization program should, at a minimum, be maintained at approximately level funding, as this legislation provides. The funding levels suggested, coupled with a more cost-effective program as a result of other changes made by the legislation, will provide much needed assistance to low-income households served by this program.

3. To improve the planning process, the legislation will require states and DOE to develop a plan for conducting the program.

In the past it was assumed that the program was cost-effective if states installed the weatherization measures prescribed by DOE. Little or no actual data on the energy savings which resulted from the program was collected or reported at the state or Federal level. Under the legislation states would be required to state the expected costs and savings from the retrofit measures they employ and report the figures on the actual performance of their program. The Department of Energy would be required to include in its report to the Congress the number of units eligible for weatherization, the rate at which those units will be weatherized, the expected costs and savings from future weatherization, the actual costs and savings from completed weatherization work, as well as the number of rental units eligible for the program and any changes needed to implement the weatherization of those rental units.

SUMMARY OF THE ACT

The Act (1) expands the list of weatherization measures to include heating system replacements, gas furnace retrofits and other measures selected by the states and approved by the Secretary; (2) establishes authorization ceilings for the weatherization program of $270 million for fiscal 1985, $292 million for fiscal 1986, and $315 million for fiscal 1987; (3) improves the planning process to make the program more effective by requiring states to develop plans for conducting their programs; (4) requires the Secretary to (a) encourage development of new methods to weatherize multi-family buildings; (b) carry out field testing of promising energy saving methods and materials; and (c) establish a performance fund to assist states which demonstrate outstanding performance. (5) Establishes a maximum expenditures at an average of $1,600 per weatherized dwelling; and (6) gives states increased flexibility in selecting an energy audit procedure.

BACKGROUND

The Low-Income Weatherization Assistance Program was established by the Energy Conservation in Existing Buildings Act of 1976. The program has remained largely unchanged since 1976. The program enjoys strong support at the Federal, state and local levels. While the program's effectiveness has increased steadily, there is a need to update the legislation to promote further improvements. DOE has made no concerted attempt to measure the effectiveness of the program in terms of energy savings; at present, DOE defines progress only in terms of numbr of homes reported by states as completions. The technology for both energy audits as well as residential retrofit measures has advanced steadily and substantially since 1976 and there is a need to permit states to utilize these new technologies. The Weatherization Act of 1983 addresses each of these issues.

MAJOR PROVISIONS

The Weatherization Act of 1983 would:

1. Give states increased flexibility in selecting energy audit procedures and retrofit measures. The bill allows states to use as an alternative to Project Retrotech any audit or procedure approved by DOE. Gas furnace retrofits, heating system replacements, and other conservation measures selected by states and approved by DOE are added as allowable weatherization measures.

2. Insure program continuity through a three year authorization at the following levels: $270 million for fiscal 1985, $292 million for fiscal 1986, and $315 million for fiscal 1987.

3. Change the allowable maximum expenditure per household to an average of $1,600 to provide for inflation and the occasional need to weatherize a very large home or to replace a defective heating system.

4. Provide funding for: (a) developing and testing retrofit measures for multi-family dwellings, (b) testing new promising energy conservation measures, (c) rewarding outstanding performance, and (d) education and technical assistance to weatherization recipients. The performance fund would be funded at not less than 5 percent nor more than 15 percent of the total funding. A minimum of 2 percent of funding would be provided for developing and testing multi-family retrofit measures.

5. Require states to submit a plan to DOE outlining how the state would implement the program, including:

a. A plan for weatherizing the eligible homes in the state.

b. Detailed documentation supporting the state's audit.

c. Documentation supporting the cost effectiveness of retrofit measures used.

d. Information regarding expected costs and average fuel savings.

e. A plan for training weatherization workers and administrators.

f. Policies and procedures to determine whether the weatherization measures are cost effective and properly installed.

g. Policies for coordinating weatherization with LIHEAP.

6. Require DOE to include in its annual report to the Congress:

a. The number of units eligible for weatherization, the rate at which those units will be weatherized, the expected costs and savings from future weatherization, and the actual costs and savings from completed weatherization work.

b. The number of rental units eligible for weatherization and any changes needed to implement the weatherization of those rental units.

c. A method for measuring energy savings.

d. A program to provide training and technical assistance to program operators.

e. Information on which measures yielded especially high and especially low energy savings.

H.R. 2615—WEATHERIZATION AND EMPLOYMENT ACT OF 1983

This bill was introduced by Representative Ottinger. On May 12, the House Energy and Commerce Committee reported out favorably H.R. 2615. The bill has not been scheduled for the floor.

H.R. 2615 is similar to the Weatherization Act of 1983. The principal difference between the two is that H.R. 2615 calls for a ten year plan to weatherize all eligible homes. The bill sets an authorization of $500 million for fiscal 1984 and such sums as necessary in each of the next nine fiscal years (an implicit cost of about $2 billion per year). In addition, H.R. 2615 raises the

maximum permissible expenditure per household to $2,000.

S. 1953

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Weatherization Act of 1983".

PURPOSE

SEC. 2. It is the purpose of this Act to expand the low-income weatherization assistance program and utilize the best available technologies to provide for weatherization assistance to low-income households which assistance will be sufficient to weatherize low-income dwelling units in need of weatherization.

UNEMPLOYED INDIVIDUALS

SEC. 3. Section 414(b)(3) of the Energy Conservation in Existing Buildings Act of 1976 (title IV of the Energy Conservation and Production Act) is amended by striking out "(A) for securing" and all that follows down through "and (B)".

MAXIMUM EXPENSES

SEC. 4. (a) Section 415(c) of the Energy Conservation in Existing Buildings Act of 1976 (title IV of the Energy Conservation and Production Act) is amended to read as follows:

"(c) The average expenditure, per single dwelling unit, of labor and materials provided as financial assistance under this part for all single dwelling units in a State shall not exceed $1,600. As used in the preceding sentence, labor and materials include—

"(1) the appropriate portion of the cost of tools and equipment used to install such materials for such unit;

"(2) the cost of transporting labor, tools, and materials to such unit;

"(3) the cost of having onsite supervisory personnel;

"(4) the cost of making incidental repairs to such unit if such repairs are necessary to make the installation of weatherization materials effective; and

"(5) such other costs for labor, storage, and materials, and for conducting required inspections, as may be necessary.".

(b) Section 415(a) is amended by striking out the first sentence thereof.

DEADLINES FOR ASSISTANCE

SEC. 5. Section 418 of the Energy Conservation in Existing Buildings Act of 1976 (title IV of the Energy Conservation and Production Act) is amended by adding the following at the end thereof:

"(c) In any case in which the program year for providing assistance under this part begins on January 1, the Secretary shall solicit the submission of State applications for assistance under this part (including assistance under section 414(c)) for each fiscal year not later than October 1 of that fiscal year and shall commence the disbursement of funds under this part before January 1 of that fiscal year and shall complete such disbursement before July 1 of that fiscal year. If legislation providing appropriations for assistance under this part is not enacted before October 1, the Secretary's solicitation of State applications shall be based on estimates derived from appropriations legislation pending as of October 1.".

MISCELLANEOUS PROVISIONS

SEC. 6. (a)(1) Section 414 of the Energy Conservation in Existing Buidlings Act of 1976 (title IV of the Energy Conservation and Production Act) is amended by adding the following at the end thereof:

"(d) Nothing in the last sentence of section 413(a), in subsection (b)(2) of this section, or in any other provision of this part shall be construed to limit the eligibility of low-income persons for assistance under this part to elderly or handicapped low-income persons.".

(2) Section 414(b)(2) of such Act is amended by inserting after "handicapped low-income persons" the following "and low-income individuals receiving assistance under the low-income energy assistance program".

(b) Section 413(b) of such Act is amended by adding the following at the end thereof:

"(5) The regulations promulgated under this section shall provide that any assistance made available to States under this part may be used for providing information, education, and technical assistance to the residents of low-income dwellings in which weatherization materials have been installed pursuant to this part. Such information, education, and technical assistance shall be for the purposes of insuring the proper use, maintenance, and repair of such materials and shall include general information about energy conservation methods.".

(c) Section 416 of such Act is amended by inserting "(a)" after "416" and by adding the following new subsection at the end thereof:

(2) Section 412(9)(H) of such Act (as redesignated by paragraph (2) of this section) is amended by inserting "(i)" after "technologies" and by inserting the following before the period at the end thereof: "or (ii) as any State determines, with the approval of the Secretary, have a high energy saving potential and will otherwise carry out the purposes of this part. The Secretary's approval of such a State determination may be made in connection with the Secretary's approval of the State's application under section 414 or at any other time".

(3) Section 412(7) of such Act is amended by inserting at the end thereof: "In the case of any State which so elects in its application for assistance under this part, such term shall also mean that income which is at or below any income level established as a poverty level under any other Federal program which is being carried out in that State.".

(e)(1) Section 414(b) of such Act is amended by striking out "and" at the end of paragraph (3), striking out the period at the end of paragraph (4) and substituting "; and", and by adding at the end thereof the following:

"(5) submitted an appropriate detailed plan, in cooperation with the Secretary as provided in section 422(b)(6), for the training (without impairing the efficiency of weatherization delivery systems) of weatherization workers, crew supervisors, field staff, and program directors;

"(6) established policies, guidelines, and procedures designed to provide or arrange for inspections by persons trained to conduct such inspections of weatherization materials to determine whether the weatherization materials installed with financial lights; and

"(iv) gas furnace retrofits;".

"(b)(1) The Secretary shall establish a program (including the award of competitive grants) to encourage the development of new methods to weatherize multifamily rental dwelling units which will result in benefits for the occupier of such units.

"(2) The program under this subsection shall include the funding of pilot projects based on the methods developed under paragraph (1).

"(3) The Secretary shall utilize funds authorized to be appropriated under this part to carry out the program described in paragraphs (1) and (2) and to disseminate, through workshops and other appropriate means, information with respect to successful programs for the weatherization of existing multifamily rental dwelling units.

"(c) The Secretary shall utilize in any fiscal year not less than 2 percent of the sums appropriated for such fiscal year under this part to make grants to local weatherization agencies to carry out field testing of promising energy saving methods and materials.".

"(d)(1) Section 412(9) of such Act is amended by striking out "and" at the end of subparagraph (F), by redesignating subparagraph (G) as (H) and by inserting the following new subparagraph at the end thereof:

"(G) furance efficiency modifications, including—

"(i) replacement burners, furnaces, boilers, or any combination thereof;

"(ii) devices for minimizing energy loss through heating system, chimney, or venting devices;

"(iii) electrical or mechanical furnace ignition systems which replace standing gas pilot assistance provided under this part:

"(A) were among those determined to be cost effective and appropriate in the preinstallation audit or through other methods outlined in the State's plan; and

"(B) have been installed in an effective manner to provide the likely achievement of the intended weatherization benefits;

"(7) established policies for providing coordination between the program under this part and the Low-Income Energy Assistance Program, including provision for the exchange of lists of recipients of assistance by the State agencies involved;

"(8) submitted an appropriate plan for approval by the Secretary that outlines the goals and operation of the State weatherization program and that includes—

"(A) a plan for weatherizing eligible homes in the State;

"(B) detailed documentation supporting the State's audit or priority ranking of retrofit techniques developed;

"(C) documentation proving the cost-effectiveness of any retrofit technology or technique used; and

"(D) information regarding expected costs and average fuel savings, and other measures; and

"(9) established procedures to insure that a minimum of 50 per centum of the units that are weatherized are inspected, and will take appropriate actions to rectify any deficiencies found in the program (a report shall be submitted to the Secretary detailing the results of such inspections, and what actions were undertaken to improve the operations of the program).".

(2) Section 416(a) of such Act is amended by adding the following at the end thereof: "Funds made available under this section may be used for purposes of funding the training referred to in section 414(b)(5).".

(3) Section 416 of such Act is amended by adding the following at the end thereof:

"(c) The Secretary, in consultation with the Comptroller General, shall establish an effective system of monitoring State and local expenditures of funds under this part and shall promulgate regulations governing uniform reporting by local agencies.".

(f) Section 413(b) of such Act is amended by adding the following new paragraph at the end thereof:

"(5) Notwithstanding paragraph (3) and (4) of this subsection, the standards under paragraph (2)(A) shall provide that the procedures to be applied to each dwelling unit to determine the optimum set of cost-effective measures, within the cost guidelines set for the program, to be installed in such dwelling unit shall include any appropriate State procedures which are set forth in the State's application for assistance under this part and which are approved by the Secretary at the time of approval of such application.".

AUTHORIZATION OF APPROPRIATIONS; PERFORMANCE FUND

SEC. 7. (a) Section 422 of the Energy Conservation in Existing Buildings Act of 1976 (title IV of the Energy Conservation and Production Act) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 422. (a) There is authorized to be appropriated for purposes of carrying out the weatherization program under this part—

"(1) $270,000,000 for the fiscal year ending September 30, 1985;

"(2) $292,000,000 for the fiscal year ending September 30, 1986; and

"(3) $315,000,000 for the fiscal year ending September 30, 1987.

"(b) Not later than 180 days after the date of the enactment of the Weatherization Act of 1983, and after notice and opportunity for public hearing, the Secretary shall develop and publish a plan for the implementation of the weatherization program under this part during the fiscal years 1985 through 1987. The plan shall include—

"(1) a detailed estimate of the number of dwelling units in each State which are eligible for assistance under this part;

"(2) an estimate of the rate at which such units will be weatherized under the plan (together with the estimated cost per dwelling and the estimated energy savings);

"(3) an estimate of the number of rental dwelling units eligible for assistance under this part, together with a review of (and recommendations regarding) any program changes which would be necessary to fully implement the program under this part with respect to rental dwelling units;

"(4) a review of (and recommendations regarding) the implementation of the program in hot climate regions of the country with respect to the life-saving and energy-saving measures to be carried out in such area;

"(5) a method for measuring energy savings achieved by individual weatherization measures and combinations of measures;

"(6) a program to provide training and technical assistance to States implementing a plan for the training of weatherization workers required by section 414(b)(5); and

"(7) appropriate Federal standards for gas retrofit equipment and replacement heating systems.

"(c) Every year after the date of the enactment of the Weatherization Act of 1983, the Secretary shall submit a report to the Congress setting forth—

"(1) the number of dwelling units weatherized under the program under this part;

"(2) the average energy savings per dwelling unit which is attributable to such weatherization program;

"(3) information on the types of weatherization measures which have yielded especially high and especially low energy savings; and

"(4) recommendations for any legislative changes which are necessary for the program to achieve the goals of this part.".

(b)(1) The last sentence of section 414(a) of such Act is amended by striking out "The Secretary" and substituting "Except as provided in subsection (c), the Secretary".

(2) Section 414 of such Act is amended by adding the following new subsection at the end thereof:

"(c) Not less than 5 percent and no more than 15 percent of the amount appropriated under section 422 for each fiscal year shall be allotted by the Secretary to a performance fund which shall be available only to provide financial assistance under this part to those States which the Secretary determines to have demonstrated the best performance during the previous fiscal year in providing weatherization assistance under this part. The Secretary shall make such determination on the basis of such information as may be available to the Secretary, with respect to the percentage of eligible dwelling units within the State which have been weatherized and the quality of the weatherization assistance provided. In assessing the quality of the weatherization assistance provided, the Secretary shall consider energy savings data supplied by the States and validated by the Secretary.".

Mr. PERCY. Mr. President, 10 years ago today, people were stopped in their tracks by the onset of the Arab oil embargo. The unexpected had occurred. Americans accustomed to large amounts of cheap energy suddenly faced a cutoff in supplies. Many people panicked as gaslines formed at gas stations. Oil prices skyrocketed. There was a general call for Government action. Officials at the State and Federal level struggled to cope with this new problem.

During the remainder of the seventies, Americans faced a string of similar energy convulsions—a coal strike, a natural gas shortage, and another oil disruption. Together these events brought a new awareness to the U.S. of its dependence on foreign oil from a volatile part of the world and the need to use our energy resources more wisely. Since that fateful day 10 years ago, we have made great progress. Today we import only about 4.5 million barrels of oil a day from OPEC countries, whereas as recently as 1978, we imported 8.4 million barrels of oil a day. Today we see a soft market in oil in which gasoline prices have stabilized. The strategic petroleum reserve (SPR)—our key defense against future oil dusruptions—stands at more than 360 million barrels of crude oil or enough oil to offset imports to the United States for about 3 months.

But we cannot let this rosy picture permit us to forget the past. We are still vulnerable to oil supply disruptions. The OECD countries including Japan, Europe, and the United States combined still rely on OPEC for about 40 percent of their total oil consumption. The situation in the Middle East remains volatile, most recently with a threat by the Iranians to try to block the Straits of Hormuz. Now, only 25 percent of the free world's oil—far less than before—passes through the straits daily, but this is still a threat we have to take seriously.

As our economy picks up, demand for oil and oil products is bound to rise. We must continue therefore, to aggressively pursue a balanced energy policy which stresses energy efficiency, as well as the development of our abundant native and alternative resources. That is why it is very appropriate that we today introduce the Weatherization Act of 1983. This bill will improve one of our vital national conservation efforts—the low-income weatherization program established by Congress in 1976. This program addresses the problems many low-income and elderly people have in coping with rising fuel costs. Under the program, low-income and elderly homes are weatherized through caulking, insulation, and other means.

The Weatherization Act of 1983 will improve the cost-effectiveness of the existing low-income weatherization program by adding new items to the list of possible weatherization measures, improve the planning process under the program, and provide continuity and appropriate funding levels for the program through 1987. These improvements will significantly help the low-income and elderly benefiting from this program. It also underlines congressional recognition that our energy problems are by no means over—that our economy is still recovering from those fateful events of 10 years ago.

In 1977, I founded a nonprofit organization called the Alliance to Save Energy to promote greater energy efficiency in all walks of our daily lives. The alliance board consists of representatives from business, labor, consumer groups, and environmental groups. Much of the alliance's work is now coming to fruition. Their experience and recent studies in the conservation area have helped lay the foundation for this bill. Last winter I passed on the chairmanship of the alliance to my colleague from Pennsylvania, JOHN HEINZ. He is doing a superb job. That is why I am particularly pleased to join him today in introducing this bill.

● Mr. LEAHY. Mr. President, it is a pleasure to join this bipartisan effort to enact legislation which will reaffirm the national commitment to the weatherization program in the face of attempts of the Reagan administration to abolish the program.

For the past 3 years, the Reagan administration has attempted to abolish this program by cutting its funding. As a member of the subcommittee of the Senate Appropriations Committee responsible for the budget of the Department of Energy, I have been proud to lead efforts to preserve its effectiveness.

On the 10th anniversary of the Arab oil boycott, I believe it is essential that the Congress reaffirm its commitment to saving energy by weatherizing homes. The weatherization program makes sense for the Nation and Vermont. If we do not keep down the cost of heating for low-income consumers, the cost of oil imports and welfare just increases. Thus, I am joining Senator JOHN HEINZ as the principal Democratic sponsor of the Weatherization Act of 1983 in working for this legislation.

The legislation also increases the efficiency of the program by permitting the installation of the most efficient new equipment and providing increased flexibility to the States.

In support of this legislation, I would like to quote from a letter written by residents of Barre, Vt., to the Central Vermont Community Action Council. The letter stated:

Thank you for the great job you did to fix my house for the winter. I was amazed at your know-how of houses and your efficiency. Last year we nearly froze and stayed in two rooms most of the winter. This year we had a warm house all over and with only one wood stove for heat that is a big accomplishment.

This program has made a major difference in the lives of thousands of Vermonters. I am committed to making it work.●

ADDITIONAL COSPONSORS

S. 49

At the request of Mr. STEVENS, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 49, a bill to reopen hunting and trapping lands in Alaska.

S. 230

At the request of Mr. HEINZ, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 230, a bill to amend the Tariff Schedules of the United States to establish equal and equitable classification and duty rates for various cordage products of virtually identical characteristics.

S. 616

At the request of Mr. DURENBERGER, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 616, a bill to promote the use of solar and other renewable forms of energy developed by the private sector.

S. 1059

At the request of Mr. DENTON, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Kansas (Mr. DOLE), the Senator from Oklahoma (Mr. NICKLES), and the Senator from North Carolina (Mr. EAST) were added as cosponsors of S. 1059, a bill to provide that it shall be unlawful to deny equal access to students in public schools and public colleges who wish to meet voluntarily for religious purposes and to provide district courts with jurisdiction over violations of this act.

S. 1159

At the request of Mr. HATFIELD, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Washington (Mr. GORTON), and the Senator from Washington (Mr. EVANS) were added as cosponsors of S. 1159, a bill to amend the Export Administration Act of 1979 to extend the provisions relating to the export of domestically produced crude oil.

S. 1680

At the request of Mr. GOLDWATER, the names of the Senator from Arkansas (Mr. BUMPERS), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1716

At the request of Mr. GRASSLEY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1716, a bill to clarify the personal injury and death provisions of section 844 of title 18, United States Code, relating to arson.

S. 1756

At the request of Mr. DURENBERGER, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 1756, a bill to provide for assistance to State and local governments and private interests for conservation of certain rivers, and for other purposes.

S. 1931

At the request of Mr. DURENBERGER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1931, a bill to amend the Internal Revenue Code of 1954 to revise the tax incentives for certain alcohol fuels.

SENATE JOINT RESOLUTION 54

At the request of Mr. NICKLES, the names of the Senator from Utah (Mr. HATCH), the Senator from Tennessee (Mr. SASSER), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New Hampshire (Mr. HUMPHREY) were added as a cosponsor of Senate Joint Resolution 54, a joint resolution to authorize and request the President to designate the month of January 1984 as "National Eye Health Care Month."

SENATE JOINT RESOLUTION 80

At the request of Mr. HEINZ, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Joint Resolution 80, a joint resolution to grant posthumously full rights of citizenship to William Penn and to Hannah Callowhill Penn.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the names of the Senator from New York (Mr. D'AMATO), and the Senator from South Carolina (Mr. THURMOND), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theater Week."

SENATE RESOLUTION 201

At the request of Mr. PRESSLER, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of Senate Resolution 201, a resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

AMENDMENTS SUBMITTED

COMMERCE, JUSTICE, AND STATE APPROPRIATION, 1984

PRESSLER AMENDMENT NO. 2325

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 8, insert between lines 14 and 15, the following:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

METEOROLOGICAL SATELLITES

No funds made available by this Act, or any other Act, may be used—

(1) by the Source Evaluation Board for Civil Space Remote Sensing as established by the Secretary of Commerce to develop or issue a request for proposal to transfer the ownership of any meteorological satellite (METSAT) to any private entity; or

(2) by the National Oceanic and Atmospheric Administration to transfer the ownership of any meteorological satellite (METSAT) to any private entity.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. BOSCHWITZ. Mr. President, I wish to announce that the Subcommittee on Foreign Agricultural Policy of the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on Monday, October 17, 1983, at 2 p.m. in room SR 328-A.

The purpose of the hearing is to receive testimony on the proposed reforms in the common agriculture policy of the European Economic Community.

Anyone wishing further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

SUBCOMMITTEE ON NUTRITION

Mr. DOLE. Mr. President, I wish to announce that the Subcommittee on Nutrition of the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on Tuesday, October 18, 1983, at 9:30 a.m. in room SR 328-A.

The purpose of the hearing is to receive testimony on State implementation of food stamp program reforms recently enacted by Congress.

Anyone wishing further information please contact the Agriculture Committe staff at 224-0014 or 224-0017.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a markup session on Wednesday, October 19, 1983, at 10 a.m. in room SR 328-A.

The bills to be considered are: S. 663, a bill to prohibit incentive payments for certain commodities produced on highly erodible land; and S. 566, S. 1503, and H.R. 24 (S. 129), four bills dealing with land conveyance.

Anyone wishing further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

Mr. COCHRAN. Mr. President, I wish to announce that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on Thursday, October 20, 1983, at 10 a.m. in room SR 328-A.

The purpose of the hearing is to evaluate the impact of the drought on American farmers and assess the assistance that has been provided drought-stricken farmers.

Anyone wishing further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Foreign Agricultural Policy of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Monday, October 17, 1983, at 2 p.m., to hold a hearing to receive testimony on the proposed reforms in the common agriculture policy of the European Economic Community.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SOVIET TREATMENT OF THEIR OWN

● Mr. ARMSTRONG. Mr. President, many of us in the West have learned much about the nature of the Soviet regime as a result of the massacre of the 269 innocents aboard KAL flight 007. But an even more chilling insight into the character and intentions of the Soviet leadership is revealed by the casually brutal fashion with which they treat their own people.

Two recent articles, one by V. Rybakov in the National Review, and the other by Ludmilla Thorne in the Wall Street Journal, describe vividly and graphically the brutal treatment of draftees in the Red Army, and the war crimes that are being committed by the Red Army in Afghanistan. I ask that the articles: "A Soviet Deserter Tells Why," and "Inside Afghanistan: War of Innocents," be printed in the RECORD.

The articles follow:

A SOVIET DESERTER TELLS WHY

(By V. Rybakov)

We met Anatoly Zakharov in a partially destroyed house not far from the Pakistani border. Zakharov, who had been a soldier in the Soviet occupational forces in Afghanistan, is now a prisoner of the Afghan patriots. I could not help thinking, as I approached the house in the middle of the night, that I, a former sergeant in the Red Army, could have found myself in his place.

Zakharov, a tall, husky 19-year-old, met us dressed in traditional Afghan robes, hands folded on his stomach in the typical Moslem fashion. He looked solemn, calm, somewhat sad. Our video-equipment operator was surprised both at the strangeness of Zakharov's appearance and because he looked healthy and well fed. Our conversation began at once, and we spoke freely, as if he were a free man, not a prisoner.

SOVIET ARMY LIFE

Zakharov's background is similar to that of millions of other young men in the Soviet Union: He went to school, got a job, was drafted into the army.

"When did you first hear of Afghanistan?"

"A long time ago, I was studying in Leningrad. One day a drunken stranger came up to me, pointed his finger, and said, 'You're going to be sent to Afghanistan.' "

"Did you and your friends talk about Afghanistan?"

"No. When I got drafted everyone said I wouldn't be sent to Afghanistan, but I was. You know, I wanted to go into the army; I thought that I would find friendship there and a good life. Some people argued with me, said that army life was bad, but I didn't believe them.

"Then, when we new draftees were being transported, we stopped off at a school gymnasium in the town of Kuybishev. There the sergeants and the elders [long-time servicemen] took away our watches, our money, all our valuables, and then they beat us up. I thought then that this was some kind of initiation—that they beat us and robbed us because we were still civilians. Things were better in Tashkent, at our training camp, where all the draftees lived together."

"How long were you kept in Tashkent?"

"A month, until we were sworn in. Then they took us right away, by plane, to Afghanistan. In Kabul they split us up into different units. I ended up in a unit that guarded warehouses. We lived in tents, in an army camp. The elders and the sergeants told us right away, 'We were beaten, now we're going to beat you.' They beat us, even while we stood in assembly, mostly with their feet and elbows. They tried not to let the officers notice. They did this every day, a few times each day. The sergeants in Kabul were worse than any we had run across yet—they were real animals. In Afghanistan everyone gets demoralized almost at once. They just kept saying, 'We were given a hard time, now it's our turn to make you suffer.' They would always try to hit us where it hurt the most. Mostly it was the career sergeants, who had already served some years."

"What about the officers?"

"The officers try to keep out of it, they depend on the elders and the sergeants. Our platoon leader, Lieutenant Galiapin, lived with his wife in a specially fenced-in tent. He was drunk most of the time. Most officers live with their wives, but I saw no children at all. They are all waiting for the houses that are being built for them to be finished."

"Were there any unusual incidents you would like to tell us about?"

"Sure, a lot. A few times the guys couldn't take the beatings anymore and would shoot at the sergeants. They would get 15-year sentences and get sent back to the Soviet Union, though Kabul has a military prison as well. Many of us smoked hashish. The Afghans would exchange it for all kinds of stuff. Once two guys swapped hashish for bullets; one was sentenced to nine years in prison, the other to six years."

"Did anyone sell weapons to the Afghans?"

"No, I haven't heard of that. But I too had an incident. We were supposed to pull guard duty 24 hours on and 24 hours off, but sometimes we would be on duty for two, maybe three days. The Afghan climate is lousy, and the Afghans keep shooting at you—once I myself heard bullets whistle by. And when you get back from duty, the elders and sergeants beat you. So once I just left my post. They wanted to courtmartial me at first, but instead they just transferred me from Kabul to Kunduz. Then there were rumors that we were all going to be sent to Lebanon, but this never actually happened. I guess they wanted us to protect someone in Lebanon . . ."

BRUTALITY IN THE CAMPS

Zakharov's smile doesn't go beyond his lips; it seems as if all of this recent past happened a very long time ago. You get the feeling that this man is changed, that he is still hurting from the disappointment of military service. He had hoped it would be a fraternity of strong men, but it turned out to be a nightmare full of hatred and pettiness. Zakharov reminisces some more. Once, a sergeant, after smoking hashish, screamed that Zakharov had not done a good job of cleaning the showers and stabbed him with a bayonet. It happens a lot—"Ukrainians beat the Russians, the Russians beat the Tadzhiks, the Turkomans, the Tartars; the Turkomans also beat the Tadzhiks."

"Was there a lot of hashish smoked in Kunduz too?"

"No very little hashish in Kundaz. There weren't many peaceful Afghans there.

There was a lot of shooting, especially at our trucks. In Kunduz, the trucks travel at eighty miles an hour, but still a lot of guys get killed."

Zakharov has little to say about the Afghans, as he did not take part in battles or punitive actions. He talks more about the Soviet invasion (he is against it) but mostly about the spirit of the Soviet Army in Afghanistan.

"Even in the mess hall," he says. "Even there they gave us a hard time. They kept stealing our sugar and even the three-quarters of an ounce of butter we were supposed to get."

"Do you know anything about the Soviet Army's use of chemical weapons against the Afghans?"

"I didn't see it myself, but I heard a lot about chemical weapons. The soldiers talked about the smell of poison gas at the airports. One paratrooper told me about an engagement where they used gas. He said that the gas masks were poorly made—a lot of guys had their eyes hurt by the gas. When I was in a hospital for a few days I saw soldiers who had gone blind from the gas and others whose skin had turned black from chemical weapons. That's all I know about it."

DECISION TO DESERT

"What happened in Kunduz? Why did you decide to desert?"

"I was assigned to a construction battalion—we were building helicopter hangars. The airfield there is very large. There were hardly any Russians; most of the men were Georgians, Tadzhiks, and Armenians. It was even harder there for the newcomers than in Kabul. We lived in barracks, but the officers already had new houses. They kept hitting us with belt buckles when we worked; you couldn't even walk to the latrine, you had to run. Just before I arrived two guys deserted to the Afghans. An officer told us, 'Two guys ran away, you don't know yourselves where you're running to. This nonsense has to stop.'

"And then I couldn't take it anymore. There was this sergeant . . . well, there were all kinds of perversions. The sergeant told me that tomorrow I would have to sleep with him. 'I'll give you money and cookies, and if you say one word to anyone, the elders will cut your throat at night.' So I left. I wanted to leave at night, but in the dark I could have been stopped by the Soviets, so I left during the day. In Afghanistan, the soldiers take a break from one to three o'clock. I chose that time, and I went over the hill and started running. I looked up, and there was a helicopter above me. I pretended that I was working, looking for something. It flew away, turned around and came back. I hid in a bale of hay, took off my uniform, just left on my underwear and boots; otherwise both the resistance and the soldiers would have been shooting at me.

"I walked for a long time, without hope. I kept thinking: Some Afghans could turn me over to the Russians, others could hang me for being a Russian. Then I couldn't take it anymore and went into a house. An Afghan gave me half a melon. I was very hungry, and they didn't feed us all that well at Kunduz, just soup, some black bread, and tea—that's it. And here the man gave me a whole half a melon.

"I ate, and then another Afghan saw me. He started yelling something and I ran. Afghans were chasing me and I just kept running, as long as I could. Then they caught me and took me some place where there was an Afghan who spoke Russian. I told them everything. Now I am with them."

AN UNUSUAL CASE

Prayer time came. Zakharov excused himself, put down a prayer rug, and began to pray.

Actually, he was not a captured prisoner of war, nor has he changed sides and joined them in their fight. He was found and picked up by the Afghans as yet another victim of the Soviet-Afghan war and of conditions in the Soviet Army. It was here that Zakharov came face to face, for the first time in his life, with a spiritual world, and it happened that this world was a Moslem one. In our conversations I was amazed by Zakharov's interest in Islam and his knowledge of the Koran (the Afghans managed to find a Russian-language translation for him). It's a paradox—only after joining the "enemy" did this Soviet soldier find people who treated him in a warm, humane manner.

Zakharov's case, of course, is not typical; most captured Soviet soldiers are killed by the Afghans, partly because of the conditions of guerrilla warfare.

"Did you know that a few Soviet soldiers captured by the Afghans are now living in Switzerland?" I asked.

"In Switzerland? What are they doing there?"

I explained that they had been turned over to the International Red Cross and were then interned by a neutral country—Switzerland. He listened carefully.

"If I am returned home they'll put me in prison for a couple of years, maybe longer," he said. And then he said, more to himself than to me., "What's the point of going back to the Soviet Union?"

"What is going to happen to you here?"

"I am already a Moslem. I will live here. I'll have a family, an Afghan wife, kids."

As we left, Zakharov thanked us for the books and magazines we had brought him, turned, and went back to the house, to his new life.

INSIDE AFGHANISTAN: WAR OF INNOCENTS

(By Ludmilla Thorne)

Three weeks ago, as I entered a secret mujahedeen training camp run by the national Islamic Front of Afghanistan, I was startled to see a Soviet helicopter and MiG precariously hovering in an azure sky, between two craggy mountains. But unlike real Soviet military craft, which usually strike fear into the hearts of the Afghan people, these two were harmless cardboard replicas being moved on pulleys.

Young mujahedeen in gray tunics and green cotton belts were firing away at the make-believe enemy aircraft with captured Soviet Dashaka machine guns and Kalashnikov rifles. It was a part of their daily routine, along with running through bonfires and sliding under barbed wire.

Their commander, Brigadier Rahmatullah Safi, an energetic, pipe-smoking man of 53, was obviously pleased with the performance of his youthful charges. "I'm trying to professionalize the jihad," he told me, using the traditional term to refer to the holy war that is now being waged against the Soviet Union. "But I don't even have good binoculars or any walkie-talkies," he remarked. I remembered that in the U.S., children use walkie-talkies as toys, but this man, who is waging a deadly battle against the U.S.S.R., has none.

ASHAMED TO BE AMERICAN

Later, when I spoke with other mujahedeen commanders and soldiers who had just come from battle, I learned that Afghan resistance fighters lack such other common items as boots, clothes, personal first-aid kits, tents, antibiotics and mine detectors, not to mention surface-to-air missiles. In order to clear a mine field, the mujahedeen send herds of sheep through the deadly area, an inhumane and expensive way of carrying out a simple military operation. And three mujahedeen fighters sometimes must share one pair of boots. "Why doesn't your government help us more?" I often was asked. "We don't need American men to fight our war. Just give us weapons and provisions." There was nothing I could say, but I was ashamed to be an American.

At the mujahedeen boot camp, I noticed one trainee going through his paces with particular zest and almost childlike joy. I came up to him and saw that he was indeed barely 15 years old, with peach fuzz on his gentle young face. His name was Mohammad. But whenever I saw him the next few days, I called him "mujahedeen baby," to which he responded with a boyish giggle. It was frightening to think that in a few weeks he, too, may be sent off with a Kalashnikov rifle to face the heavily equipped Soviet military machine.

It was still more frightening to see Afghan boys who were even younger than Mohamad but who already had fallen victim to the Kremlin's barbaric war. Eight-year-old Najib Khan picked up what he thought was a small green bird, but it was a Soviet-boobytrapped toy that within seconds tore off both of his arms just below the elbow. Minagol, age nine, stepped on a similar "butterfly" boobytrap and lost his right foot. Such toy explosives, dropped over populated areas by Soviet aircraft, aim to terrorize the Afghan people by attacking the most innocent, the children.

A few days after my last meeting with Mohammad, I met another young man, whose similarly youthful face was of a lighter color. He was Kolya, a blond, blue-eyed Russian boy of 19 who deserted from the Soviet army in Kabul a little more than two months ago and was now with the mujahedeen.

"I didn't want to be a part of this dirty war in Afghanistan," he told me. "None of the Soviet soldiers wants to be here . . . the Soviet Union should pull out its forces, because innocent people are dying on both sides." These were words I had heard again and again, as I spoke with more than a dozen Soviet POWs in various parts of Afghanistan during my visits there last February and again this month.

Prior to bring sent to Afghanistan, Soviet soldiers are usually told they will be defending the Soviet Union's southern border against Pakistani, Chinese, Iranian or American mercenaries. "But one or two months after I arrived in Afghanistan I realized that I was deceived," explained Grisha Suleymanov, a 20-year-old sergeant from Dagestan. "We didn't see any Chinese or Americans."

"Soviet officers come here for the money," said Kolya, who was a private. "Instead of receiving their usual 250 rubles per month, in Afghanistan they earn 700 or 800 rubles, while we receive only nine. And each year that a Soviet officer serves in Afghanistan is counted as three years."

Practically all of the Soviet soldiers I spoke to described how they were often beaten and humiliated by their upperclassmen and sergeants "for nothing." "You're constantly on the run, polishing their boots, making their beds, getting their food, doing

their laundry, and then they start punching you," said Kolya. Sanya, another 19-year-old deserter who was sitting a few feet away, pointed to his lip, which bore fresh stitch marks. "They hit me so hard that my lip had to be sewn up," he said.

Caught in the hopeless situation of being personally abused by their own officers, having to carry out a brutal war against a largely defenseless population, and facing the possibility of being killed if they are taken prisoner by the mujahedeen, "many Soviet soldiers hang themselves, not only in Kabul, but all across Afghanistan," Kolya told me.

The Afghan resistance has been making increasing efforts to take live prisoners whenever possible, and to accept deserters like Grisha, Kolya and Sanya. But holding them is a difficult task for the mujahedeen. Not only must they share their limited rations with their Soviet captives, but they also must constantly conceal them from the Soviet command by shuttling them back and forth. Whenever the Soviets find out where their POWs are held, they try to bomb the area (in itself a rather revealing indicator of the Soviet government's attitude toward its own people).

Because Pakistan feels threatened by its huge Soviet neighbor to the north, it is opposed to having Soviet soldiers on its territory. Thus, the problem of finding a safe haven for Soviet POWs has remained mainly unsolved. "You arrange for a place where we can keep Soviet soldiers," one Afghan leader told me, "and we will get you a whole brigade."

Eight of the soldiers with whom I have spoken want asylum in some Western country, most often the U.S. Two soldiers said that "under no circumstances do we want to be repatriated to the U.S.S.R. via the Red Cross because in the Soviet Union we will be shot." Two others wrote personal letters to President Reagan, asking him to take a "human" interest in their fate and to give them asylum in the U.S. "I want to live in America as a free person." wrote one of them at the end of his note. Two soldiers indicated a preference for West Germany, and I know of other defectors who have asked for asylum in France.

But not all Soviet POWs want asylum. Matvey Basayev, 19, is Russian by nationality, and Mikhaill Aratunian, 24, and Armenian, have converted to Islam and want to remain with the Jamiat mujahedeen party. Three soldiers want to go home, even though they know that prison or very possibly death await them there. Sgt. Alexander Zhurakovsky, who defected more than a year ago, is homesick and despondent. "I was born in the Ukraine and I want to die there," he told me.

Soviet soldiers in Afghanistan have learned that they can boost their low morale by smoking hashish, which they get from the Afghan population by bartering their clothes, ammunition, all kinds of spare parts, batteries, metal pipes and much else. "Hash helps getting over the depression," I was told. "And it's not so frightening to die, when you're high." One soldier estimated that 90% of the Soviet forces in Afghanistan smoke hashish, and about 40% use opium. "Soldiers aren't even punished anymore for smoking hash . . . the Soviet command has realized that it's useless even to try." There are indications that the Afghan population is making a concerted effort to keep the Soviet army doped up.

Western experts have suggested that 8,000 to 15,000 Soviet soldiers have been killed in Afghanistan during the 3½-year conflict, but these figures probably are too low. The mujahedeen estimate that anywhere from 20,000 to 50,000 have been killed. Sasha, 21, who deserted in July of this year, told me that he couldn't speak about all of Afghanistan, but that just during the past year that he was stationed near Kandahar, 3,000 Soviet soldiers were killed and about three times as many were wounded. "Furthermore," he said, "about one-third of those who died were killed by the Soviet Union's own planes and helicopters. Very often when a Soviet unit finds a group of mujahedeen, it informs its command of their location and asks for artillery and air cover. And when it comes—pow!—they give it to their own men in the area."

Bodies of soldiers killed in Afghanistan are delivered to parents in the Soviet Union in sealed zinc coffins. If the face is not mutilated, a slit is left in the coffin so the family may see the face. Matvey Basayev, who was assigned to the Kabul airport, said the morgue in his battalion was "never empty. It was busy day and night."

MORAL COURAGE TO DEFECT

Many Soviet deserters expressed their revulsion with behavior of some of their officers and fellow soldiers in Afghanistan. In the words of Sasha and a fellow soldier, "Soviet soldiers often go on 'combing out' operations not to fight, but to steal from the Afghan people. They go to get themselves some 'presents,' as they like to call it." The two soldiers described with particular abhorrence the conduct of their former company commander. "He used to bring 13- and 14-year-old Afghan boys to our post and ask one of the soldiers in the company to stab them with a knife. When the soldier refused, [he] would pierce the boy's throat in front of everybody." The commander is said to be back in civilian life in Moscow.

Soviet soldiers who have had the moral courage to defect from the Soviet army in Afghanistan want to tell their stories in the U.S. and in Western Europe. "Ludmilla, don't leave. Take me back with you to America," screamed Sergei Meshcheryakov, as I was about to leave a guerrilla stronghold near Allah Jirga. What could I say? But an important question remains: Will Western countries demonstrate as much moral courage by giving asylum to these men, or will they defer, so as to not dare antagonize the Soviet bear?●

FEDERALISM STUDIES

● Mr. DURENBERGER. Mr. President, on September 21, the Senate passed a bill reauthorizing the general revenue sharing program (S. 1426). In doing so, it adopted my amendment to provide for a series of studies on federalism and the intergovernmental system. It is my hope that these studies can provide the basis for serious federalism reforms in the near future.

I am happy to report that the reaction in the States has been quite receptive to this idea. While federalism appears to have fallen from vogue recently in Washington, it continues to be a topic of major priority to State and local officials across the Nation. And, before too long, federalism will once more capture the imagination of Washington when we come to the realization that New Federalism is progressing apace through the budget process while no one is looking.

Whether you care to call it New Federalism, the fact is, we are continuing to return responsibilities to State and local governments by budgetary actions aimed at the deficit. Well, I do not believe this is the way to make policy on matters of such fundamental importance to the American system of government. The budget process is not designed to give close attention to the profound policy implications of our accumulated fiscal actions. Unless new policy is created to accompany less Federal spending and revised Federal tax policy, the longrun implications for the federal system could be disastrous.

None recognizes this fact better than our Governors. I would like to share with my colleagues a letter I received recently from Gov. Richard Snelling of Vermont who heads the National Governors' Association's efforts on Federalism. He makes the point that there is too much wrong with present intergovernmental arrangements—inequities, inflexibilities, misdirected energies—to permit them long to endure. My hope is that through these studies and other similar efforts, we will be in a position to renovate the system before it collapses from its own weight and requires rebuilding.

Mr. President, I ask that the September 27, 1983, letter from Gov. Richard Snelling be printed in the RECORD.

Thank you, Mr. President.

The letter follows:

OFFICE OF THE GOVERNOR,
STATE OF VERMONT,
Montpelier, Vt., September 27, 1983.

Hon. DAVID DURENBERGER,
Russell Senate Office Building,
Washington, D.C.

DEAR DAVE. I have been in touch with the National Governor's Association about the federalism study which would be established by your Senate amendment to the revenue-sharing reauthorization bill. This is a far-sighted and much-needed initiative, one for which I feel great appreciation and extend warm commendation.

This study, which I hope very much will be retained by the Conference Committee, will at long last bring to the forefront such great issues as capacity, need, grant formulas, cyclical fiscal impacts, and the intergovernmental status of state and local revenues. As you well know, there are matters I have been pushing hard to get to the floor of national debate for study, discussion, and eventual resolution. There is too much wrong with present intergovernmental arrangements—inequities, inflexibilities, misdirected energies—to permit them long to endure.

I will be following your amendment as NGA Lead Governor on Federalism, and simply want to let you know now how good I feel about it. I will help in whatever ways I can to bring the study into being and then to guide it along sensible lines.

Sincerely,

RICHARD A. SNELLING,
Governor.●

OSCAR HOWE, SOUTH DAKOTA'S ARTIST LAUREATE

● Mr. PRESSLER. Mr. President, South Dakota lost a gifted artist and valued citizen this month with the death of Oscar Howe, a Sioux Indian who overcame poverty and illness to become a major figure in the art world.

Howe's lifelong ambition was to preserve Indian life and culture in his paintings. To do so, he developed a unique geometric style that broke with traditional Indian art forms. His vivid and precedent-setting paintings depicted not only Indian life, but Indian lore and religion as well. His artwork met with some initial controversy, but Howe was soon recognized as a leading and important portrayer of American Indian life. His works have been exhibited in major national and world galleries.

Oscar Howe's life and his many contributions to the art world are summarized in a moving eulogy that appeared in the Sioux Falls, S. Dak., daily newspaper, the Argus-Leader. I ask that this editorial be placed in the RECORD.

The article follows:

[From the Sioux Falls (S. Dak.) Argus Leader, Oct. 11, 1983]

OSCAR HOWE, 1915-83—ARTIST'S CAREER, PAINTINGS WERE AN INSPIRATION TO ALL

Oscar Howe, South Dakota's artist laureate and famed painter of Native American Indian scenes, left two legacies from a busy lifetime.

He demonstrated extraordinary pluck in achieving his lifetime dream of becoming an artist. His paintings preserve for coming generations a remarkably vivid concept of his people's life on the Northern Plains and their attachment to nature.

Howe, a full-blooded Yanktonai Sioux Indian, born May 13, 1915 at Joe Creek, S.D., on the Crow Creek Indian Reservation, persisted as a youth in following his creative bent despite poverty, illness and frustrations.

He was almost blinded by trachoma at age 10, but recovered and went back to school. Fortunately, he wound up at the Santa Fe Indian School in New Mexico where he took up art under a talented teacher—Dorothy Dunn Draper—and completed high school at 23. This led to an assignment to paint 10 large murals for the Mobridge, S.D., auditorium to depict the history of the Missouri River Basin.

After combat service in World War II, Howe returned home to South Dakota and was graduated from Dakota Wesleyan University where he once taught.

He taught at Pierre High School before joining the University of South Dakota faculty in 1957. He was professor emeritus of art and artist in residence at the university where he taught and painted for many years.

Howe's paintings have won recognition from many authorities, among them John Anson Warner of the Univeristy of Regina, Saskatchewan, Canada. Warner said last May: "Howe's work has been instrumental toward bringing American Indian art more into the mainstream of the modern art world. It is not an exaggeration to say that without Oscar Howe's audacity of imagination . . . contemporary Indian painting after World War II might have achieved far less progress than it has."

Howe was an innovator. He departed from traditional Indian art to show realistic figures in surrealistic poses, using brilliant colors with circles and angles as foreground and background for his figures.

Howe objected strenuously when one of his paintings was rejected from a competition for Indian artists in 1958 because it didn't follow traditional Indian style. He won his point when officials of the Philbrook Art Center of Tulsa, Okla., changed its rules. Many other Indian artists then began to experiment with new styles.

Howe's last five years of life were made difficult by Parkinson's disease, which compelled him to stop painting. He died at age 68 Friday at Vermillion, where his funeral was held yesterday.

Thanks to a thoughtful idea by the University Art Galleries and Oscar Howe Art Center in Mitchell, more than 200,000 viewers in four states were able to see an exhibition of 100 of his works in a year-long tour that ended last June. The exhibit, called Oscar Howe Retrospective, appeared in Sioux Falls and several other South Dakota cities.

Another appropriate honor which came to Howe during his lifetime was the Sioux Falls School Board's action in naming a new elementary school for him.

Howe's response to the audience at the dedication of Oscar Howe Elementary School on Sept. 21, 1980 is reproduced on a plaque at the school. A picture of the scroll appears below. He expressed the hope that through his work he had contributed in a small way to better understanding of two cultures.

His contribution to better understanding was a great one. He will be remembered for his artistic talent and inspiring personal example of achievement.

FRIENDS: I am glad to be here in person for this most memorable occasion. I wish to thank the School Board members, Superintendent John Harris, Principal Dale Erickson, the parents, and the city of Sioux Falls for naming your new elementary school the Oscar Howe School. It is an honor I will always remember.

I have taught art to young people for about thirty-five years, and I always found my students to be interested and eager to learn. They usually wanted to stay longer in the classroom than they had to. They, in turn, were an inspiration to me.

Art is one subject in which everyone can participate. You don't have to be talented to enjoy art.

I am being honored today for something that gives me great personal pleasure and satisfaction. I hope that through my work I have contributed in a small way for a better understanding of two cultures.

Thank you,

OSCAR HOWE.●

AMERICA'S FUTURE IN OUTER SPACE

● Mr. ARMSTRONG. Mr. President, it is becoming increasingly clear that America's future is out of this world.

The world's newest, and perhaps most important, frontier is outer space. Space systems have potentially enormous commercial potential, and critical consequences for our national security. Daniel Gouré, an expert on space systems, has an excellent article in the September issue of Defense & Diplomacy on the importance of space to America's future. I urge all my colleagues to read it carefully.

I ask that Mr. Gouré's article, entitled "Launching Space-Based Defense and Industry," be printed in the RECORD.

The article follows:

LAUNCHING SPACE-BASED DEFENSE AND INDUSTRY

(By Daniel Gouré)

The seven millenia of recorded history contains only a handful of events to which historians and philosophers can point with confidence, stating: "Here the course of human progress was irrevocably altered." Such events have involved the discovery of new lands, the development of scientific and technological breakthroughs, and the formulation of philosophic and social principles that affect man's ability to understand, to cope and to alter his world. While with reflection, the point at which such revolutions occurred can be accurately identified, the realization of the benefits and consequences of the attainment of these frontiers have often required years, even centuries, of exploration and exploitation. The 20th century has already witnessed two such changes: July 16, 1945, marked the beginning of the nuclear age with its uncertain benefits and potentially catastrophic consequences; and Oct. 4, 1957, brought man to the shores of his last remaining frontier—outer space.

The past quarter century has been marked by only the barest penetration and utilization of this vast new realm. While space "spectaculars" such as Sputnik, manned orbital flights, the moon landing, establishment of Skylab and the Apollo-Soyuz mission have captured the attention of the world, the practical benefits of man being in space have generally been restricted to or controlled by those few nations possessing the requisite technologies. Even in areas in which many receive benefits, such as long-distance communications, the role of space and its potentials are only dimly perceived by the millions who utilize this revolutionary capability.

And yet, the past 25 years have both demonstrated the military and civilian uses of space and created a base of human technological capital that appears to have self-sustaining growth potential. The decisions have already been made, or soon will be, that will expand and alter fundamentally the ways in which space can be exploited. The results of these changes would be awesome in their scope an consequences: global ballistic missile defense, permanent manned stations in space, bulk materials processing, private space transportation systems and direct broadcast communications. In addition, the relationship between government, the private sector and international organizations with respect to space is likely to change radically as space becomes accessible to nongovernment users.

THE OCEANS OF SPACE

Space has often been described in prose and poetry with oceanic imagery and metaphors. The simile of space and open waters grows more profound as science expands its search of the region above the atmosphere. Like oceans, there are currents in space: storms, winds, safe harbors, where the

gravitational fields of earth, moon and sun are equal, and even "tides."

Also, spaceship and sailing ship have much in common. Both enable man to traverse the open expanses from shore-to-shore and require safe harbors for launching, resupply and refitting. They enhance the effectiveness of activities in other media, such as land-based communications and operate with unique sets of customary and written law.

The history of man's exploitation of the seas parallels efforts to exploit space. Earliest use of the seas, what we might call the *galley* period, reflected the role of the seas as an adjunct to land activities. The technology of the times limited open ocean operations. Galley fleets were tied to the shorelines. Moreover, galley fleets were essentially troop conveyers in wartime and not a means for controlling the seas. The standards for ship construction, naval artillery and seamanship were such as to force nations to apply land combat tactics to sea warfare.

The next period, that of *sail*, was marked by a dramatic change in both the technology and utilization of the seas. Changes in ship design, the use of sails, the development of iron cannon and improved navigation permitted extensive open-ocean operations. In addition, civilian use of the seas became equal or greater than that of the state. It should be remembered that the majority of ships sailing for England against the Spanish Armada were private vessels. Indeed, the concept of the privateer, exemplified by Drake's 'round-the-world feat (in which the crown shared the profits), became commonplace over the next three centuries. Massive fleets of privately owned vessels became the mainstay of regional economies, such as New England.

The last period of the seas, the *amphibious* stage, reflects not only the ability to operate in virtually identical ways on both land and sea, but also the extension of the capacity to remain at sea. Sea-based drilling platforms, nuclear-powered ships and seabed mining are examples of this. In addition, military forces are increasingly configured for control of the land from the sea. The development of a military service whose primary function is landward operations from the sea and the deployment of land-attack aircraft, ballistic and cruise missiles is evidence of the growing impact of the sea on land warfare.

Rather than a space being an adjunct to activities on the ground, it is beginning to take on a range of independent functions. Soon extensive operations in space, or between points in space, may be possible. Operations of the U.S. Space Transportation Systems (STS), or the space shuttle, and of the Soviet Soyuz and Salyut space station are becoming routine. Yet, they signify an ability to operate in and through near earth space on a continuous basis. In addition, the civil sector in space appears to be at the point of acquiring an independent position, free from the controls of limitations of national government. As a result of these changes, control of space may be a critical military requirement, as necessary to national security as sea control has been over the past two centuries.

SPACE AS A MILITARY THEATER

The United States, its allies and the Soviet Union are now critically dependent on space for the performance of a large number of national security-related functions. Space-based sensor systems provide early warning of ballistic missile attacks. The United States maintains the Defense Satellite Communications System (DSCS), the Fleet and Air Force Satellite Communications Systems (FLTSATCOM and AFSATCOM, respectively), the NATO Communications Satellite System and Satellite Data System (SDS), all intended to provide global strategic and tactical communications. The Soviet Molniya system provides Moscow with a similar capability. Both the United States and Soviet Union deploy satellite-based sensors for the purposes of surveillance, reconnaissance and targeting. Such systems employ a wide variety of sensing systems including photographic, infrared, radar and electromagnetic. While the United States is believed to be ahead in high-resolution photographic and image-sensing systems, the Soviet Union possesses several unique systems, in particular their Radar and Electronic Oceans Surveillance systems (ROARSAT and EORSAT). In addition, there are both meteorological and navigational systems that provide information necessary for accurate strategic targeting and for the operation of conventional and naval forces. The U.S. NAVSTAR Global Positioning System, based on a planned constellation of 24 satellites (eight are now deployed), will provide accurate time-of-arrival for position location anywhere on earth to within 30 meters of the target.

Satellite surveillance systems are vital to the maintenance of the superpower balance, the verification of arms control agreements and to early warning of nuclear proliferation. In 1978, then President Jimmy Carter confirmed what was already common knowledge, that "national technical means of verification" central to enforcement of the strategic arms control agreements depended heavily on satellite systems. Indeed, these "spies in the sky" have been essential in maintaining global peace. Their ability to provide access to otherwise inaccessible parts of the world has provided sufficient confidence regarding the state of military preparedness by potential adversaries to permit the United States, the USSR and others to adjust their own military plans accordingly. In the absence of such systems, it is possible that fears of "missile gap" would have resulted in an unrestrained arms race and even war.

Currently, though, there are no weapons in space. The 1967 U.S. Outer Space Treaty bans all nuclear weapons in space, on the moon and on other celestial bodies. It does not, however, prohibit the passage of nuclear-armed missiles through space (a rather pointed oversight). Nor does it prohibit directly the deployment of ground-based antisatellite weapons systems such as that already possessed by the USSR and under development by the United States. The 1972 Antiballistic Missile Treaty between the USSR and the United States prohibits also the deployment of antiballistic missile (ABM) systems or their components (radars, missiles or launchers) in space. The United Nations has proclaimed space to be a "zone of peace." Nevertheless, this zone is increasingly indispensable to terrestrial military planning and force posturing. As such, it is potentially an arena for military conflict.

Space-based systems have for many years served as a force multiplier, enhancing the effectiveness of more conventional military forces. However, it is the potential for the deployment of active, as distinct from the current passive, systems in space that would produce a radical change in the role of space in military planning. Currently, the Soviet Union possesses the only operational antisatellite (ASAT) capability. The Soviet system consists of a large, conventionally or nuclear-armed satellite launched by a version of the SS-9 ICBM into a co-orbital intercept with the target satellite. The present generation Soviet system is effective only against satellites in low-earth orbit (1,000 miles), although use of a larger booster could allow the system, particularly if armed with a nuclear warhead, to attack U.S. communications and early warning systems at geosynchronous orbit (22,500 miles).

The U.S. response to the threat to its satellites by an operational Soviet ASAT has taken several forms, The review of the problem by the Carter administration resulted in the formulation of a presidential directive (PD)-37, which gave three objectives for U.S. space policy: (1) enhance the survivability of existing and planned space systems; (2) initiate bilateral discussions with the USSR on limiting ASAT weapons, and (3) in the absence of an ASAT arms control agreement, develop a U.S. ASAT capability.

The United States has taken a number of steps to improve the survivability of its satellite systems. It has announced an $18 billion satellite survivability program. Some systems, such as defense communications satellites, have "silent spares" already in orbit, that can be utilized to replace operational systems. Other avenues of protection include the development of a rapid reconstitution capability, hardening satellites against shock or nuclear effects and enhanced ability to maneuver out of harm's way. In addition, the United States is currently developing a comprehensive threat management and surveillance system to warn of attack on U.S. satellites.

In addition, the United States has sought to create a countervailing threat to the Soviet ASAT. The U.S. ASAT system under development consists of a miniature homing vehicle (MHV) mounted on a two-stage rocket and carried on an F-15 or similar aircraft. Although the U.S. system could not reach the altitudes of larger Soviet rockets, its flexible launch mode would permit its use against low-orbit satellites from virtually any spot on the globe.

The early generation ASAT systems are but the forerunners of an array of potential support and active military capabilities in space. Advanced infrared technology and mosaic array sensors may provide the basis for detection of both ballistic and air-breathing threats from space. One such system currently being tested under the name Teal Ruby, may serve as the space-based sensor component of a large area air defense capability. Advanced concepts in ballistic missile defense (BMD) include use of a mosaic array sensor overlay that, when launched into the path of an incoming ballistic missile attack, discriminates targets for a ground-based antiballistic missile defense.

Even more revolutionary is the prospect of placing defenses against ballistic missiles, anitsatellite weapons and even aircraft, in space. Space presents some unique advantages for the placement of strategic defenses. From space, a defensive system could, in theory, intercept ballistic missiles while they were in the boost phase, prior to te separation of the warheads from the missile itself. Attacking ballistic missiles in their boost phase would simplify the defensive problem and create an advantageous trade-off for the defender. Space is also the best region for defending satellites; only by co-orbiting defensive satellites (D-SAT's)

can the defender insure global protection against hostile ASAT's.

A wide range of technologies is currently being investigated for use in a space-based defense. Some involve the use of near-term technology in the form of ballistic missiles armed with miniature homing vehicles, pellet charges or even immense weighted "umbrellas," all intended to be launched on warning of attack and designed to use the kinetic energy from direct impact with the target to destroy it. One proposal receiving renewed high level attention is the High Frontier concept. This would use existing technologies to deploy a fleet of satellites armed with multiple homing rockets. This system is distinct from most proposals in that it combines available technology with space-basing. Some reports in the West attribute a space-based battle station capability to the Soviet Union.

Potentially far more promising, however, is the deployment of directed energy weapons—lasers, charged-particle beams and X-rays. Space is the perfect medium for the use of such weapons. Additionally, systems in space occupy a geographically advantageous position with respect to the curvature of the earth. A study by a congressional committee noted: "The potential of high-energy laser technology for altering the strategic balance between the United States and the USSR is presently unique." Confirming this view, a report by the General Accounting Office recommended that the Department of Defense speed up the development and deployment of "a constellation of laser battle stations in space" intended to blunt a Soviet strategic attack. Orbiting in space, a directed energy BMD system could blunt the cutting edge of a Soviet attack as well as defend U.S. satellites from Soviet ASAT's.

The importance of control of space (in the manner in which navies of the past exerted sea control) as a doctrinal verity for the end of the 20th century was brought into sharp focus by President Ronald Reagan's March 23, 1983, "Star Wars" speech. The revolutionary essence of the president's statement lay not with his suggestion that advancements in ballistic missile defense might enable a defender to repel successfully a ballistic missile attack, but in his affirmative of the necessity "to break out of a future that relies solely upon offensive retaliation for our security." The core of the president's vision was expressed rhetorically: "What if free people could live secure in the knowledge that their security did not rest upon the threat of instant U.S. retaliation to deter a Soviet attack; that we could intercept and destroy strategic ballistic missiles before they could reach our own soil or that of our allies?"

The president's remarks suggested to many the creation of a ballistic missile defense system in space, perhaps utilizing one or more forms of directed energy. Two studies commissioned by the National Security Council are currently under way to examine all aspects of the issue of enhanced strategic defense. As the president noted, the obstacles to implementation of such a plan are enormous. The deployment of a ballistic missile defense satellite architecture involving dozens, possibly hundreds, of satellites is a feat that has never been accomplished. Merely procuring and launching this vast number of satellites will be an extraordinarily costly and complex task. Estimates of the cost of such a system go as high as $300 billion, with the likely figure in the range of $50 billion to $100 billion. Additionally, directed energy weapons require extremely high pointing accuracy, exact target trackers and very high power output to enable such a weapon to be used against ballistic missiles. Such technologies are only in the development stage. Currently, the U.S. government is spending almost $500 million on development of directed energy weapons. If congressional and defense enthusiasts have their way, this number will soon climb to several billion dollars.

The awesome potential of these new offensive and defensive technologies has resulted in a radical readjustment of military doctrine and strategy with respect to space-based systems. In September, 1982, the USAF created Space Command to exercise consolidated control over the vast array of air force space programs. Space Command would be the logical institution to control active U.S. military space systems. Much as the development of the Strategic Air Command heralded a fundamental shift in U.S. strategy and doctrine, so too, the advent of Space Command suggests a deliberate effort to coordinate and control virtually all aspects of U.S. operations in space.

The increasing dependence of terrestrial military forces on space-based systems for targeting, reconnaissance, navigation and communication, as well as the potential deployment of ballistic and air defenses in space, underscores the importance of space as an arena of future conflict and as perhaps the most important region in a future military conflict. Operations in space have and will continue to expand and grow in importance in their own right. To insure the effective operation of terrestrial forces, to defend against hostile attack and to maintain adequate surveillance and reconnaissance of hostile forces, the United States, its allies and even the Soviet Union must have the capacity to operate independently in space and, if necessary sweep the skies of hostile forces.

SPACE-ORIENTED COMMERCE

Were space to remain an area reserved primarily for military activities and if only a few nations were able to play, the potential for conflict and competition might resolve itself with relative simplicity. However, the era when only the superpowers were able to operate in space has ended. State domination of activities in space will also come to an end. The future of commercial and civil activities in space is likely to be exceedingly complex and competitive as new players, governments, international organizations and corporations begin their move into space. Changes in the customary uses of space carry with them a host of unresolved questions with respect to national sovereignty in space, the legal regime and protection of nationals in space, access rights and police powers.

Civil space systems are of growing importance in a number of fields. Space-based communications has demonstrated the greatest utility and profitability. A single communications satellite, while costing perhaps $60 million to build and another $40 million to launch and operate, will return projected revenues of up to $700 million over its useful lifetime. Currently all revenues from satellite-borne communications exceed $1 billion. This is expected to rise to $10 billion by 1990. Space is also extremely useful in the areas of weather forecasting, remote sensing, global navigation and, of course, scientific experimentation.

Civil activities in space are marked by an almost explosive horizontal and vertical growth in space-related capabilities. However, proliferation of space capabilities has been most marked in the area of satellite construction. Among the operators of satellite communications systems are France, Canada, Japan, Australia, India, Indonesia, The European Space Agency (ESA), Intelsat and the Satellite Communications Organization (ARABSAT). While most rely heavily on U.S. technology, ESA, France and Japan have began domestic design and production of satellite systems. Increasingly, these countries are competing with the United States on frontiers of space technology. The planned Spacelab, the International Solar-Polar Mission and the Halley's Comet flyby are European-dominated efforts.

More formidable than completition in satellite design and construction is the emergency of international and civil sector competition in space launch service. First of these has been the ESA/Arianspace "Ariane," able to lift between 5,000 and 6,000 pounds of payload to low-earth orbit. Capitalizing on delays and cost growth in the planned U.S. space shuttle program, Arianspace has undertaken an aggressive marketing campaign to win customers away from U.S. launch-services. Arianspace has provided preferential financial terms, including partial-payment of launch fees until operators can recoup costs from satellite operations, which NASA has been unable to match. To date, U.S. corporation such as Western Union, GTE and Southern Pacific Communications Corp, have chosen the convenience and lower cost of Ariane over the shuttle or the remaining U.S. expendable rocket, the *Delta*.

Additional competition is closing in on U.S. dominance of the launch market. The Japanese National Space Development Agency (NASDA) has developed two launch vehicles based on U.S. technology that can life medium payloads into orbit. The Soviet Union has recently offered its Proton satellite launch system as the vehicle for the delivery of the International Maritime Satellite Organization's (Inmarsat) second generation communications satellite. Both Arianspace and NASDA are believed to be developing even larger launch vehicles to life heavier payloads or to reach geosynchronous orbit.

National space organizations are only one source of competition. A growing number of private companies are seeking entry into the launch market. Already one private corporation, Space Services, Inc., has successfully launched a test booster. Another, Space Transportation Inc., is pressing for private financing and control of a fifth shuttle orbiter. Martin Marietta and Federal Express have formed a joint venture to market the Tital III booster, long the workhorse of NASA's launch program, as the vehicle for Intelsat's new generation of communications satellites. McDonnell Douglas and General Dynamics are exploring the possibilities of selling their Delta/Centaur systems, respectively, to private customers. NASA plans to select one commercial operation to use each of the expendable systems. Launches would take place form Cape Canaveral or Vandenberg Air Forde Base.

The growth in potential competitors for both satellites and launch services is paralleled by a progressive uncertainty and lack of direction in the U.S. space program. The failure of the shuttle to reach commercial status with predicted rapidity and low cost, the cancellation of major experimental and exploration programs and a lack of funds has placed the U.S. program in a temporary limbo. One specific example of the uncer-

tainty in the U.S. program was the decision to provide NASA with expendable launch vehicles, which were to be phased out to private operators when the shuttle reached operational status. Another has been the on-again/off-again effort to sell U.S. weather and Landsat resources satellites to the private sector. The Congressional Office of Technology Assessment has warned that a lack of workable long-range goals, insufficient funding and poor government-private sector relations might leave the United States vulnerable to foreign competition.

Where is the U.S. space program to go? What is the future for commercial activities in space? Not surprisingly, the answers to these two questions are related. For the United States, the objective of the space program is a permanent orbiting space station. Many expected President Reagan to articulate this objective in his July 4, 1982, speech welcoming home the Space Shuttle *Columbia*. Increased pressure from Congress, the scientific community and the Soviet Union, which appears to be on the threshold of a workable manned station is likely to require an executive decision, perhaps even by the end of 1983.

Moscow has repeatedly stated its objective for a large permanent space station by 1985. Such an event could have the international impact of another Sputnik or moon landing. At this point the United States, without clearly recognizing the situation, is in a race with the Soviet Union.

If the concept of a space station is to succeed, it must be justified not merely on the grounds of scientific experimentation or national security but as the basis for the further commercialization of space. Space, due to its freedom from gravitational stresses, relatively clean environment and access to high energy radiation, is an ideal environment for a wide range of speciality industrial processes. The fields of materials processing, including speciality alloys, growth of special semiconductor and crystalline materials and separation of pharmaceuticals appears particularly attractive. A recent shuttle-based experiment designed by McDonnell Douglas demonstrated a 700-fold improvement in the ability to separate biological proteins. The costs of such activities are extremely high: Launch and recovery costs alone can amount to $5,000 per pound. However, the returns can be equally staggering. For example, advanced semiconductor materials such as gallium arsenide are worth up to $50,000 a pound. There are at least 23 biological pharmaceuticals virtually impossible to produce in quantity on earth that would sell for nearly $1 billion per pound. Container-free metals processing can produce a several orders-of-magnitude improvement in materials purity and value. NASA has identified nearly 100 companies interested in testing the potential for commercial activities in space. U.S. and foreign companies have already begun designing future space factories expected to be operational as early as 1985.

Additional near-term investment in space commerce includes expansion of existing satellite communications capabilities, enhanced remote sensing and geologic mapping and improved navigation. Currently, most communications satellites operate in a relatively narrow band of frequencies known as the C-band. Because of dispersal of signals, this requires a 4° separation between satellites at geosynchronous orbit severely limiting available slots. Movement to the higher Ku and Ka bands will allow smaller intervals between satellites, provide additional frequencies and establish more open slots. Increased demand for long-distance communications will also results in development of larger, multifunction platforms with on-board processing and switching capabilities. An important function of these improved systems will be in direct access to privately owned receiving dishes.

Also, the United States is about to deploy the new bandsat. However, improved remote sensing may soon be dominated by France with its Spot System and the Japanese Maritime Observation Satellite, both to be launched in 1985.

The practical requirements to support commercial activites in space are formidable. Consistently available, reliable transportation systems, responsive satellite serving (repair, replacement, resupply), reliable controls over automated systems, construction techniques and materials for large objects in space and adequate energy sources are some of the areas that need further development.

A situation in which the private sector takes an active role in space poses particular challenges and responsibilities for national governments, and particularly their defense establishments. At the same time, the willingness of private corporations to risk investing in space-based capabilities will be predicated on their belief that those investments will be relatively safe from legal or physical challenges. Both the private and governmental sectors will require close and continual interaction. Eventually, civil space activities could necessitate a broadening of governmental responsibilities in the areas of physical security, safety, licensing and operating regulations and patent protection.

To operate efficiently, commercial activities require security. The nation permitting civilian activities in space must be prepared to go into space to provide the requisite security and rule of law. Thus, expansion of commercial activities into new terrain, or on the high seas, was followed by the planting of the flag and incorporation of those new territories into the legal and security structure of the state. This marked the age of sail; so too, will it mark the coming era in space.

CONCLUSIONS

A bare quarter of a century ago, the first artificial satellite was placed in orbit; less than four years later, the first astronaut circled the earth, and, in a short 12 years, man landed on the moon. To suggest, therefore, that the next quarter of a century will see permanent manned stations in space, automated factories and laboratories, and a space command operating a global network of antiballistic missile battle stations, cannot be discounted as farfetched, nor can the consequences for the global economy and strategic stability be overstated.

At issue is what role the United States and other industrialized nations will play in exploiting the unique economic and military opportunities provided by activities in space. If the Untied States is to meet the military challenges posed by the Soviet space program and the commercial challenges presented by western Europe and Japan, it must develop a coherent space policy. Such a policy should, at a minimum, establish a frame-work for relations between the civil sector and the government, particularly the military, identify areas where national involvement and funding are required and develop mechanisms for responding to urgent operations, legal and regulatory issues. As both government and industries begin to operate routinely in space, the prospects for conflict between these sectors, as well as for international confrontation, is likely to increase. Responding to the challenge will require sound organization and planning now, if the near-term prospects of the command of space are to be achieved.●

ALASKAN OIL EXPORTS—EXPORT ADMINISTRATION ACT

● Mr. HATFIELD. Mr. President, for months, I have been concerned about the fate of the Export Administration Act and particularly the section that establishes conditions relating to export of Alaskan oil and the effect that would have on the Nation's energy security.

In recent weeks there have been a series of grim reminders of the Nation's continuing energy vulnerability. The latest of these has come only this week in the form of another threat by Ayatollah Khomeini that he will close the Straits of Hormuz in the Persian Gulf if Iraq uses French-supplied Exocet missiles.

Should the straits be closed, nearly 20 percent of the West's daily oil consumption would be affected. The impact of such a cutoff would be disastrous for many of the world's recovering economies which are still reeling from the economic shock set off by the Iranian revolution in 1978.

That the United States remains vulnerable to such shocks was recently confirmed by two important reports that, in my judgment, have received insufficient attention.

In the first instance, the Department of Energy, in conjunction with the International Energy Agency, hypothesized only a partial blockage of the Persian Gulf. The results of the exercise should serve to remind all Americans that their energy problems are not over. In the exercise, oil soared to $98 a barrel, major shortages were created on the east coast, and massive unemployment and industrial shutdowns swept the country.

In the second instance, the Congressional Research Service issued its own economic impact analysis of a Persian Gulf cutoff. Its findings were as jarring as those of the DOE. In the event of a cutoff, the CRS reported, oil prices could rise as much as 300 percent, the GNP could drop by as much as 29 percent, and unemployment could skyrocket to 29 percent.

These are truly massive impacts, made all the more real by word from the Department of Energy that foreign oil imports have begun to rise again and could reach 7.6 million barrels a day by 1985, almost the identical level of oil imports in 1978 on the eve of the Iranian revolution.

Upon its return, Congress will have before it a major energy decision: Whether to extend existing export restrictions on Alaskan oil as part of the Export Administration Act which is

expiring. Given current energy realities, now is not the time to relax those restrictions. Not only would Alaskan exports increase U.S. dependence on foreign sources of oil, they would reduce the Nation's ability to respond to future oil disruptions such as those envisioned by both the DOE and the CRS.

As I said shortly after Senator CRANSTON and I introduced S. 1159, which would extend the current provisions of the Export Administration Act affecting Alaskan oil, my concern is not with some hypothetical massive shortfall. I am concerned about small shortfalls, some 5 percent or so, which have triggered huge price spirals in the past. There is no question that exports would reduce our capacity to transport oil from West to East and would add months to the time it would take to shift supplies to the east coast where shortages are likely to be worse.

Three times in the last 10 years the Senate and House have voted by large majorities to impose restrictions on the export of Alaskan oil. It is time to do so again.●

NATIONAL THEATER WEEK

● Mr. DURENBERGER. Mr. President, recently "A Chorus Line" became the longest running show in Broadway history. More than 22 million people have seen it during some 3,400 performances. Such a success story is only small evidence of America's love for the theater—whether it is a Broadway show, a community or college production or dinner theater, or the school play starring your child as spear-carrier. For all who support and create theater, I am pleased to join the Senator from California (Mr. WILSON) and many of our colleagues in sponsoring Senate Joint Resolution 133, to designate a "National Theater Week."

The theater is a peculiar and wondrous institution. While taking us into its imaginary world, it makes our real world a little clearer. It can make us laugh or cry, it can make us angry, it can let us escape, it can make us think. It can both entertain and teach. As a creative outlet, theater can expand the physical and mental boundaries of the very young, the old, and the handicapped. For the many amateur performers it can be "one brief, shining moment" in the limelight; for the very talented, perseverent and fortunate few, it can be a career.

The professional actor's union, Actors' Equity, has about 32,000 members. The vast majority of them are out of work at any given time. You have probably run into them waiting tables and answering phones and driving cabs. The same can be said of their nonunion counterparts. And that is not to mention the writers, directors, technicians, designers, choreographers, musicians and so many others who create a theatrical production, and whose situation is as bad or worse.

When they do work, the hours are strange and long and hard. If they go on tour, it may be town after town across the country or the world, sometimes with more people in the show than in the audience. The amateurs can also get all that—but without the salary.

Yet, the theater keeps drawing more hopefuls into its ranks. In "A Chorus Line," a show about performers, the characters call it "What I Did for Love"—a love of the craft of theater, of the creating and performing, of entertaining us. That dedication has built a strong theatrical tradition in this Nation, and has made America home to some of the great names of the stage: Tennessee Williams, the Barrymores, the Gershwins, Jerome Robbins, Eugene O'Neill, Lunt and Fontanne, Ethel Merman, Arthur Miller, Helen Hayes, Neil Simon, Joseph Papp, Rogers and Hammerstein, Stephen Sondheim, Leonard Bernstein, and on and on.

Most Americans have access to some form of theater these days. A 1982 survey by the National Endowment for the Arts estimated that more than 30 million people had attended a musical theater performance during the preceding year, and nearly 20 million had seen a nonmusical play. We have major theater centers on both coasts, with thousands of local theater groups scattered in between, plus strong regional theaters such as the Guthrie Theater in Minneapolis.

As a Minnesotan I am privileged to live in a very theatrically inclined area, a fact I came to appreciate most fully in the mid-1970's as executive vice chairman of the Governor's Commission on the Arts. Along with the well-known Guthrie Theater, Minneapolis-St. Paul has dozens of theater groups including the University of Minnesota's theater department and other local college productions. There are more than 125 theater organizations statewide, contributing immeasurably to Minnesota's cultural atmosphere and quality of life.

Mr. President, even those among us who are not regular theatergoers must acknowledge the place of the American theater in our culture, and its contribution to the world stage. I hope that a National Theater Week will help us further recognize the achievements of our theater and those who create it, and at the same time encourage more people to attend, support and take part in this irreplaceable institution.●

SODBUSTING IN MONTANA: A 1980'S DUST BOWL?

● Mr. ARMSTRONG. Mr. President, the current issue of Montana Outdoors, published by the Montana Department of Fish, Wildlife and Parks, contains one of the best articles I have seen about the problem of sodbusting in general, and in Montana in particular.

The problem of conversion of fragile grasslands into croplands has become so serious that many writers are beginning to openly discuss the prospects of a dust bowl throughout the West like that which ravaged our land and impoverished so many 50 years ago.

The article, by Ken Walcheck, is very well written and well researched, and I think every Senator should read this who is concerned about this problem. It mentions S. 663, my bill which would put an end to Government subsidies for the sodbusters. The bill is scheduled to be marked up in the Agriculture Committee this week, and I hope the committee will report the measure to the full Senate so we can act on it before the end of the session.

In the meantime, I ask that the article be printed in the RECORD and encourage all my colleagues to read it.

The article follows:

SODBUSTING IN MONTANA: A 1980's DUST BOWL?

(By Ken Walcheck)

April 18, 1981: Angela, Montana. The warm wind grew stronger and brisker. Little by little, the sky was darkened by choking clouds of billowing dust. The wind raced over the plowed fields, loosened the topsoil, and lifted the finer particles into the air. As the day advanced, the wind increased, raising dirty plumes high above the fields. There was a biting sting in the air and the wheat stubble shook violently as the wind cried and whimpered over the parched ground. An enormous wall of dirt blotted out the sun's dim red circle and halted traffic on State Highway 22 in the Angela area, 28 miles northwest of Miles City.

"Angela blew by last night," was the first sentence in a letter to the editor of the Miles City Star the day after the storm. Written by a downwind resident of Terry, the letter expressed indignation and dismay over the loss of precious topsoil from the Angela plowout, a 20,000-acre chunk of fragile, prairie grassland that had been plowed in 1976 and 1977, and then block farmed.

It seems to take a disaster of this sort to make people realize there's a problem on their doorstep. We should have learned an unforgettable lesson from the "dirty '30s, but the human memory is sometimes woefully short. There are parallels to what happened during those Dust Bowl years and what is now happening in some parts of the country.

From 1926 to 1931, there was hardly enough rain to settle the dust. During the summer of '31, farmers gazed into cloudless skies where a relentless sun beat down from dawn till sunset. Topsoil turned to powder, and grain that mustered enough moisture to germinate turned to chaff before it developed a head. In the spring of '34 and again in '35, blast-furnace winds of gale strength

sent soil flying skyward in black clouds that grew thicker every day. During May of 1934, a major wind storm battered the plains. That storm was later described by Hugh H. Bennett, first director of the Soil Conservation Service (SCS), as a turning point in arousing public awareness of the problem:

"This particular dust storm blotted out the sun over the nation's capital, drove grit between the teeth of New Yorkers, and scattered dust on the decks of ships 200 miles out to sea. I suspect that when people along the seaboard of the eastern United States began to taste fresh soil from the plains 2,000 miles away, many of them realized for the first time that somewhere something had gone wrong with the land. . . . it took that storm to awaken the nation as a whole to some realization of the menace of erosion."

There is a postscript to the story of the Dust Bowl worth remembering: Land cannot be abused without consequence.

In 1980, former Secretary of Agriculture Bob Bergland estimated that more than 10% of the land under cultivation in the United States was eroding at unacceptably high levels—more than 14 tons of soil per acre per year. Nationwide, we annually lose about 5 billion tons of topsoil to erosion, according to the SCS. Only 2 billion tons were lost in 1934—the worst year of the Dust Bowl. In Montana, about 7% of the cropland undergoes an annual erosion rate of more than 14 tons of soil per acre per year. The SCS erosion report for March through June of 1983 estimates that 360,000 acres of Montana's croplands were damaged from wind erosion. Blaine County led the state with over 84,500 acres damaged.

"How can this be possible?" You might ask, especially when Americans vowed "Never again!" after the Dust Bowl era. What about conservation programs? And how about sophisticated agricultural systems, farm policies, and other conservation incentive programs? Concerned citizens, from congressmen to farmers, are now asking these questions. "Part of the answer," wrote R. Neil Sampson in his book, "Farmland or Wasteland," "is that conservation programs had been working, but on a very low level of funding and activity. While the task of protecting farmland had been growing more and more difficult, the amount of money directed toward the task had actually been shrinking in purchasing power. . . . The 'farm problem' facing national policy makers rested not on the fact that U.S. agriculture didn't work, but that it worked too well."

The "too well" part of the equation focused on: increasingly better farm technologies, intensified farming, an expanding global market, government subsidy payments, and favorable weather patterns. All of these factors—and others—combined to lure some people into maximum output for quick profits, conservation efforts be damned. Runaway inflation, surplus crop yields, international political changes, petroleum supply disruptions, and falling commodity prices further complicate the agriculture-erosion equation.

This past May, I flew over the Crow Rock plowout north of Miles City that will be block farmed for winter wheat. Looking at more than 70 square miles of plowed turf from the air is mind boggling. Your eyes ricochet east, west, north, south. As you spot the huge four-wheel-drive tractors kicking up dust, you can better appreciate how new farm technologies—all designed to substitute capital, petroleum, fertilizers, or technology for labor—have made many conservation practices obsolete, without providing new techniques to replace the old.

Despite what is known about the farm problem, the plowing of fragile grasslands—usually in tracts of several thousand acres—in Montana and elsewhere continues. In Montana, 749,822 acres of grassland were converted to non-irrigated cropland between 1977 and 1982, according to the "Report of the State Department of Revenue" which is furnished to the governor and Legislature every two years. Currently, the state has about 21 million acres of unplowed, highly erodible marginal grassland. Nobody knows how much of this will be up for grabs in the future. Also, no one knows how many non-family corporations are operating in the state or how much non-irrigated cropland they control. One such corporation has reportedly plowed out more than 150,000 acres of rangeland in the state.

Recent large-scale sodbusting of fragile grasslands in Montana includes the 50,000-acre Crow Rock plowout (Garfield and Prairie counties and the 60,000-acre (in progress) Winnett plowout in Petroleum County. Although soil capability classes (the SCS groups soils into eight capability classes, the risks of soil damage or the limitations in use becoming greater from Class 1 to Class 8) have not been completely mapped for the two plowouts, most of the land is in Class 4 and sizable portions are in Classes 6 and 7, which the SCS considers as having severe limitations that make them unsuitable for cultivation. The majority of the state's cropland is considered Class 3—soil that is erodible, but still farmable. Conservation methods, such as strip cropping and stubble management, must be used on soil.

"Soils in Class 4 have severe limitations that require intensive management," says Dennis Loreth, Forsyth-based district conservationist for the SCS. Loreth is concerned with soil erosion problems on some of the large block-farmed plowouts in which the operators use continuous cropping instead of strip cropping or other semiarid conservation practices which grew out of the sad experiences of the Dust Bowl era.

"One major wind storm battering a large block-farming unit, such as the 31 square-mile Angela unit, can remove as much as 15 tons of topsoil an acre or more," stresses Loreth. The 1981 dust storm which introduced this article attests to the validity of Loreth's statement. In Kiowa County, Colorado, an estimated 150 tons of soil per acre were lost in one huge dust storm in February 1977.

So why does sodbusting continue? If thousands of farming operations are folding each year because of inflation, depressed markets, high operating costs, and high interest rates, what are the incentives for continuing to break more land?

Part of the answer lies in the difference between grassland and cropland prices. In the semiarid West, dryland cropland is priced at about double what the same land is worth with only grass for cattle. The monetary difference is a major incentive for an investor to increase the land's value by converting it to cropland, even though a continuous cropping system may produce marginal (or poorer) yields.

The investor or corporation buying, plowing, and reselling the land also takes advantage of U.S. tax laws and tax shelters. Costs of breaking and seeding the land are tax deductible. While the value of the land may double just because it has grown a couple of grain crops, the increase is "capital gain," and only 40% of the profit is taxable.

Federal subsidy programs also encourage sodbusting. According to the July 25, 1983 issue of Newsweek, ". . . government subsidies to farmers will explode to $21 billion this year. Even more amazing is that those subsidies will just about equal the total earnings of American farmers this year. . . ." Some people believe that government price support programs provide a big incentive to sodbusters and are instrumental in maintaining the disparity between grazing and cropland prices which encourage plowout.

What are some of the subsidy programs that encourage plowouts? On Dec. 22, 1982, the Great Falls Tribune published an informative article, "Disappearing Topsoil Forming Grim Clouds?" written by T.J. Gilles, managing editor of the Record Stockman of Denver, Gilles listed some of the benefits for which qualified persons are eligible. I have updated and expanded his list:

Government price support programs. To be enrolled in a support program such as the Acreage Reduction Program (ARP), a farmer must have established a wheat base (two-year cropping history) and must agree to take 20% of his grain land out of production. By doing so, the farmer is entitled to deficiency and diversion payments. An individual or corporation can collect up to $50,000 a year in price support deficiency payments from the Agricultural Stablization and Conservation Service. Before the disaster payment program was modified two years ago, producers could collect up to $100,000.

Here's how the ARP works: For 1983, the U.S. Department of Agriculture's (USDA) national target price for wheat has been set at $4.30 per bushel. If the national average price of wheat (a quoted price determined from 40 grain elevators in the country for a five-month period) falls below $4.30 a producer can be reimbursed up to a maximum of 65 cents per bushel in deficiency payments so the target price is still achieved.

Farmers are also entitled to diversion payments. The government will pay $2.70 per bushel per diverted acre on another 5% of the wheatbase acreage that has been established.

Grain that isn't sold can be put into the "farmer-held reserve" with a commitment to keep it there for three years, plus the government pays 26½ cents per bushel for the storage.

Wheat the farmer doesn't sell can be mortgaged to the government at the above market value level of the national loan rate ($3.65 per bushel), or higher, if it's tied up in the farmer-held reserve.

As a special enlistment bonus, farmers can obtain one-half of their estimated deficiency and diversion payments as soon as they sign up.

Before the disaster payment program was modified two years ago, producers could collect up to $100,000. Now, under the 1980 Federal Crop Insurance Corporation (FCIC) program, the government normally pays 30% of the premium and the producer the rest. Once insured, you are guaranteed a certain amount of production per acre. Three selections of coverage—50%, 65%, or 75%—of the average crop yield calculated for the farm or area are available to eligible producers. FCIC has recently tightened its crop insurance regulations in several areas, especially that of crop coverage on marginal lands.

Block farming without built-in accepted conservation practices would be an example of poor erosion control and one that would not qualify for FCIC insurance.

With such financial incentives, it is no wonder that plowouts are proliferating. Is there anything that can be done about it? Slowing down plowouts on Montana's fragile grasslands can be accomplished in two ways: federal legislation, and land-use regulations implemented at the county level. Let's look at the federal scene (as this magazine went to press) first. Three separate House and Senate bills currently in the hopper provide that farmers breaking up Class 4 land or worse cannot participate in specific federal programs. The so-dubbed "sodbuster" bill, sponsored by Sen. William L. Armstrong (R-Colo.), aimed at controlling soil erosion, would prohibit payment of government price supports, crop insurance, disaster payments, Farmers Home Administration (FmHA) loans, and Farm Storage Facility loans on crops grown on newly plowed fragile lands. The bill, S. 663, would not apply to land already planted or acreage plowed before the day of enactment. The measure also would not apply to lands where erosion is not a problem and where local conservation districts could approve conservation plans whereby exemptions could be made for lands not erosion-prone. The House version of Armstrong's bill, a carbon copy, is sponsored by Rep. Hank Brown (R-Colo.).

Sen. Max Baucus (D-Mont.), co-sponsor of Sen. Armstrong's bill, maintains that some congressmen want to make the sodbusting proposal retroactive by denying payment to farmers breaking up marginal land in the past. However, Sen. Baucus points out such action may be unconstitutional and may jeopardize the chances of the legislation passing.

Rep. Ron Marlenee (R-Mont.) is sponsoring a sodbuster bill that would cut off price supports, disaster payments, and storage facilities for plowing marginal land. The bill differs from the others in that sodbusters breaking marginal land after Jan. 1, 1983 would still be eligible for FmHA loans and FCIC coverage. The bill also authorizes the USDA to compensate farmers for setting aside erodible land they are now farming.

Numerous agricultural, conservation, and environmental groups in the state have gone on record opposing plowouts. Many, such as the Montana Farmer's Union, have passed resolutions deploring the subsidy of marginal farming operations: "Congress should seriously consider curtailing subsidies and tax breaks which encourage absentee owners to engage in destructive farming practices," the Farmers Union resolution reads.

"It was never intended that the federal farm programs assist land speculators, absentee owners, and foreign investors who destroy both the family farming concept and neglect accepted conservation practices," the resolution continues. The Farmer's Union is right on target. A flurry of realistic legislation will certainly focus more attention on the issue.

On the state agency level, the Department of State Lands has a two-year moratorium on all breaking (with minor exceptions) of state sections. The moratorium was enacted because of concerns over the national grain surplus.

Such is not the case in other states, Colorado for example, in June 1982, a comprehensive report, "Pueblo County, Colorado, Fragile Grasslands Conversion Study," was prepared for the Pueblo County Board of Commissioners. One section of the report centers on factors contributing to the conversion of fragile grasslands to non-irrigated cropland, including the value differential on state land assessment practices. In reference to state lands, the report reads: "A May 5, 1982, article in the Denver Post regarding the State Board of Land Commissioners' action to permit the plowout of 1,320 acres of grassland leased from the state highlights this differential. The state has been receiving 75 cents per acre for the land leased for grazing, which generated an annual revenue of $990. Upon the board's decision to allow the plowout of the land, the lease fee increased to $12.62 per acre, or $16,658 annually. This difference could encourage the plowout of land purely on a speculative basis."

There is also the controversial issue of voluntary versus regulatory programs that are debated and cussed at every turn when the subject of land-use regulations comes up. The majority of the farmers I have talked to seem to count their blessings that they are not encumbered with governmental regulations, like those of other private sector industries.

"As a diversified farmer, I want to be able to manage my land the way I want to," said Jack Deibel, Volborg rancher, at a Montana Stockgrowers Association meeting in Great Falls this past June.

"But at the same time" he added, "I don't want to live next to a 50,000-acre block that's been broken up and have my fences buried [from wind-eroded soil] every spring."

The implications are clear. Given the option, a majority of farmers favor voluntary programs, except when someone else's negligence is causing them serious harm. If regulation is needed, most farmers prefer that it be administered locally and as a last resort.

On the other side of the fence, Forsyth rancher Bill Gillin has other thoughts on regulatory law. In a letter to the editor of the Miles City Star, Gillin wrote:

"As soon as any legislation is proposed, the people who are so deeply involved in this plowout will begin waving the flag and claiming they have a constitutional right to do what they wish with their land. What they will ignore are two Supreme Court decisions that do put limits on those rights. One is Justice Oliver Wendell Holmes' famous decision stating in effect that yes, the individual does have a right to swing his fist, but that right ends where the other fellow's nose begins. If my fences were to be blown under, my stockwater reservoirs to be silted full, and my springs covered with silt, then I would think the other fellow had swung his fist too far. The other decision is of more recent vintage, but quite to the point:

" 'What the government subsidizes, the government has the right to control.' "

In the Winnett area, local residents felt that the neighbor's "right to swing his fist" had gone a hair too far, and steps were taken to initiate local land-use regulations. Under Montana law, conservation districts can impose land-use regulations if approved by a public referendum. If a proposed county land-use ordinance is enacted, it would be the first of its type in Montana. Their concern is focused on a farmer-speculator who had purchased two large ranches in Petroleum County, totaling more than 66,000 acres of deeded and leased land. Sodbusting crews, utilizing 13 tractors, and working around-the-clock, had busted about 22,000 acres (at the time of this writing) before a public meeting was finally conducted to discuss the issue. Some local residents feared the plowout would come back to haunt adjacent landowners and others in Dust Bowl proportions. Their concern focused on eroded soil that could be converted into a liability through human neglect. A liability in the sense of saline seep problems, wind-blown soil, and Russian thistles burying fences and borrow ditches and silting in reservoirs such as Petrolia, a source of irrigation water.

Only rarely have mandatory land-use guidelines been passed at the local level. Colorado is one good example. High grain prices in 1973–74 brought outside investors to marginal areas such as the southeastern part of the state. Cheap rangeland was purchased, plowed, and block farmed. Money was pocketed during a couple of good growing years, then the land was sold when the price of wheat dropped. Today, much of that land is growing Russian thistles or marginal wheat crops.

Colorado has taken the approach that the plowout issue is best handled at the local level because conditions and the severity of the problem vary greatly throughout the state. The ability of counties to pass ordinances controlling the plowout of fragile grasslands is authorized under the "Land Use Control Enabling Act of 1974." Last year, Weld County Commissioners passed the Weld County Fragile Grasslands Ordinance barring plowouts without approved conservation plans. At this writing, four other Colorado counties are drafting similar ordinances.

North Dakota has taken a hard line on the conversion of fragile grassland to cropland by speculators. In answer to a letter of inquiry to North Dakota on the subject of plowout regulations, Jeff Weispfenning, research analyst for the state's Department of Agriculture, writes:

"Probably the main impetus behind us was the line coming down from Washington and USDA urging farmers to plant 'fencerow-to-fencerow' to meet the booming export market. . . . Probably the main reason that we haven't had outside speculators coming in is that up until 1981, we had the strongest anti-corporation farming law in the country. In effect, corporations were forbidden from owning farm land and that meant all corporations. Beginning in 1981, family corporations have been allowed to own farmland and farm. The law, though, is pretty tight in determining who is eligible to own the land, and hopefully will continue to provide the protection against outside speculation."

After the poring through drifts of written material in my search for information on plowouts, I noticed that one significant word was frequently missing—wildlife. I suspect the impacts of plowouts on wildlife—the nibbling away of a chunk of country here, and a piece there—have not really registered in the minds of most of us. And with good reason: We have little documentation as to what the total picture of wildlife loss is on such altered landscapes. Knowing from our aerial surveys that there was a 97% decline in antelope numbers on the Angela farm unit after it was plowed gives us only a single frame from a motion picture film. One thing we do know: The shrinkage of wildlife habitat from plowouts is a direct and unmitigable loss to wildlife.

Good farming operations have been an incentive to many wildlife species. No argu-

ment there, but wildlife bankruptcy from plowouts is another matter. Shortgrass prairie and its wildlife inhabitants represent the end point of millions of years of evolution and it can't be restored overnight, if in fact it can be restored at all. Ask the best authorities how long it would take for nature to restore a 50,000-acre plowout back to shortgrass prairie; chances are you will probably get no more than a shrug of the shoulders and a slow shake of the head.

How do most Montanans feel about plowouts? The news media have done an excellent job of painting a factual picture of modern-day sodbusting. Editorials such as a recent one in the Great Falls Tribune leave little doubt how most feel about the subject: "Modern sodbusting is obviously motivated by profit. But it's different from what drove homesteaders to endure droughts, blizzards, grasshoppers, and lonely isolation in Montana. Those people had dreams of profit, too, but they also dreamed of family, home, security, and God and community.

"Compared to them, the modern sodbuster is a magpie, a thistle, an alkali seep, a blight on the land."

Despite the excellent land stewardship being practiced by many farmers throughout the country, most farmers would not argue with the fact that a new prescription is needed for using and caring for our agricultural lands—a prescription that provides for a better land ethic, an ethic shared by all citizens of this nation.

What kind of land ethic? I think it has to duplicate the philosophy of Curtis R. Stratfeld as expressed in his Audubon (May 1977) article, "Plowing: an Inquiry:"

". . . it [the land] need not be subjected to wholly artificial contrivances to wrest from it a crop; to farm here, I can be a seducer, not rapist; lover, not violator . . . I will not destroy nature; I will intrude upon her for out time here on earth. At most, I will elbow her back a little, carrying out the instructions of my father and grandfather. There is plenty of forest still for the wild things, edges for the waiting weeds and grass seed, swamp for the creatures who need the swamp, and I will not destroy those things. There is room enough for us all.

"Men less cautious than I have harnessed the atom and won fame; but they have harnessed it to the horses of the apocalypse, and their only final victory is death. There will be no final victory for me here; they may seek to conquer nature, but as farmer, I seek only to nudge her a little. I know that she and I will someday lie here together in final embrace."●

GEN. CASIMIR PULASKI

● Mr. HEINZ. Mr. President, each October 11 we recall the efforts of a great Polish patriot who gave his life for the independence of his native Poland and the United States. On this day, we are reminded of the unselfish valor of Gen. Casimir Pulaski and his deep commitment to the democratic ideals of the American Revolution.

Born in Padolia in 1747, Casimir was the eldest son of Count Joseph Pulaski. He spent the early years of his military career fighting foreign domination in his native Poland. With only temporary successes against larger and better equipped armies, he was forced to leave, eventually arriving in Paris. While in France, Pulaski was put in touch with Benjamin Franklin, and in a formal letter dated May 29, 1777, was introduced to General Washington. By July, Pulaski had made the journey from Europe to America to begin service in this Nation's War for Independence.

Upon his arrival in America, General Pulaski received a commission from the Continental Congress to become Commander of the Horse in the Continental Army. This command earned him the distinction of "Father of the American Cavalry." After years of devoted service at such famous revolutionary battles as Brandywine, Germantown, Trenton, and Flemington, he was sent to support General Lincoln in South Carolina in 1779. While rushing to support a planned attack on Savannah, he was shot in the leg and later died from the wound.

Mr. President, it is only fitting that General Pulaski be honored and remembered by his Polish brethren, and all Americans, for his memory has come to symbolize Poland's contributions to America's history and culture. His desire for freedom and his unquestioned loyalty are embodied in the devotion of all Polish-Americans to the ideals that make this country strong and in their respect for fundamental rights of all Americans. I join with Poles across my home State of Pennsylvania and throughout the Nation in honoring the heroics of Gen. Casimir Pulaski.●

A CONDUCIVE ENVIRONMENT FOR SUPERCOMPUTERS

● Mr. DURENBERGER. Mr. President, under the guidance of leaders like Bill Norris, companies like his Control Data Corp. have led America across technological frontiers into the age of the supercomputer.

Having played an integral role in America's first computer revolution and through his continuing leadership in our assault on scientific horizons once thought impassable, Bill is able to offer unique insights about America's technological future.

In the following speech recently presented at the Los Alamos National Laboratory during a supercomputer conference, Bill outlines his evidence that small independent groups helped create the scientific breakthroughs which fueled past technological achievement and that proper cooperation between Government, the private sector, and academia is crucial if we are to obtain further such technological advances.

I hope my colleagues will take the time to review these insightful remarks, which I ask be printed in the RECORD.

The remarks follow:

A CONDUCIVE ENVIRONMENT FOR SUPERCOMPUTERS

(Presented by William C. Norris to the "Frontiers of Supercomputing" Conference, Los Alamos National Laboratory, August 18, 1983)

It's a great pleasure for me to be here today to participate in this important meeting. Let me begin by noting that we must increase our efficiency in developing and applying technology if this country is to reverse its steadily eroding position as the world's technological leader. Further, the most important single step in achieving this objective is a vast increase in technological cooperation.

It is in this context that I want to talk about the topic of conducive environment for supercomputers which Dr. Kerr asked me to address today.

It is not easy to know what to say that is new given the flood of news articles, television programs, papers in learned journals, cabinet council discussions, and congressional hearings on this subject in recent months. A few recent headlines will illustrate the magnitude of the concern in a broad cross section of our national leadership:

Darpa Chief touts U.S. supercomputer project (Computer World, July 11, 1983).

U.S. companies need help in high tech fight, Congress told (Washington Times, June 30, 1983).

Supercomputers—can the U.S. beat Japan? (Newsweek, July 4, 1983).

With stakes high, race is on for fastest computer of all (N.Y. Times, Feb. 1, 1983).

Land of the rising 5th generation computer (High Technology, June 1983).

Speaking of Japan, we should frequently be reminded of the challenge the United States faces with respect to its competitive position in world high technology markets in general and in supercomputers in particular.

Our once strong position in technology has been steadily eroding as they and other countries have taken a number of steps to accelerate their development and application of advanced techology. Broadly speaking, our foreign competitors have greatly accelerated research and development expenditures, have dramatically increased the number of trained scientific and technical personnel available to them, reduced the cost of capital for this key industries, reduced needless and wasteful duplication of technology development, and fostered growth in targeted areas.

Clearly, the greatest progress in advancing and exploiting technology has been made by Japan in targeted industries where the Japanese government has promoted cooperation among industry members at the base technology level as a key ingredient for success.

Automobile, steel, shipbuiding and consumer electronics were the principal Japanese industries targeted for development in the generation after World War II. I need not remind you of Japanese successes in these areas.

Today, microelectronics and computers have replaced them as the most highly subsidized industries and the supercomputer sector has a particularly high priority within their general thrust. This strategy is an ominous threat which has serious implications for virtually all modern industries because of the pervasive and rapidly growing application within them of microelectronics and computer technology products

and services. In other words, microelectronics and computer technology provide the critical basis for competitive advantages in almost all other industries. Beyond the threat to industry is the threat to our national security. This country can ill afford to lag in semiconductor and computer technologies because they underpin the superiority of most of our weapons systems.

An adequate response requires myriad actions: however, increased technological cooperation is a key element—which must include cooperation among large companies, between large and small companies, and among industry, academia and government. I should also emphasize that to achieve the scope and depth of cooperation needed will require legislation to clarify our anti-trust laws. Appropriate legislation has been introduced in both houses of Congress, but there is a long way to go before it can become law. Time doesn't permit adequate discussion of this topic tonight, but just let me say it is vital to our topic—the furute of U.S. supercomputers.

But, let me return specifically to supercomputers, having been directly involved in the supercomputer industry from its birth, perhaps I can provide some perspective on the environment which spawned it, what history has taught us, and what needs to be done to preserve and enhance it.

First, let me observe that supercomputers are not the result of a heavenly conception. They simply cannot be designed, developed, manufactured and brought to useful application in society without a vast underpinning of research and advanced technology.

Technologies that are vital to supercomputers include thermodynamics, surface analysis, mathematics, material science, device physics, very large scale integrated circuits, sophisticated manufacturing technology, including robotics, computer aided design software—and the list goes on. In other words, the supercomputer is the result of a vast spectrum of interdisciplinary research and advanced development work. The supercomputer, in turn, is a vital tool in the conduct of that research and the derivation of those technologies. Within my own company, for example, two Cyber 205 computers are at work around the clock, assisting our design engineers with the development of successor products.

It follows then, that any discussion of a fertile environment for supercomputers must deal in part with the more general requirement for technology development, application and leadership in a broad spectrum of disciplines if we are to remain technological leaders in supercomputers.

Perhaps the first question that I should answer is, "What is a supercomputer?" Today, I want to restrict myself to the breed which is commonly known as large scale scientific computers. I am not going to talk about the world of so-called artificial intelligence, as important as that may be. Such "super-intelligent" machines will no doubt depend on many of the same advanced technologies as supercomputers, but the particular needs of supercomputer development are the ones which require special attention at this point.

That leaves me with the need to define the term "supercomputer" in the context of scientific computing. Perhaps the most apt definition that I have heard is attributable to Neil Lincoln, the principal architect of the Cyber 200 series of computers at Control Data. Neil says that a supercomputer is the world's most powerful computing system, but one whose power is an order of magnitude below presently defined needs. A simpler definition is that it is "today's most powerful computer." Thus, in their day, the Eniac, the Edvac, the Univac 1100 series, the CDC 6600, the CDC 7600, the CRAY 1, and the Cyber 205 could be legitimately tagged as supercomputers. It is also reasonable to restrict the title to machines produced in quantity once we got through the first flurry of invention that occurred in the decade immediately after World War II. Also, I believe the term first came into widespread use in the 1960's with the introduction of the 6600.

ENVIRONMENT WHICH GAVE BIRTH TO SUPERCOMPUTERS

History shows that each of these computers was designed and developed by small teams of highly capable technologists usually in an environment of high risk but none of them would have succeeded without the underpinning of advanced technology which resulted from years of federal government research and development funding nurtured in an environment of cooperation between the federal government, universities and industry.

It is no mere coincidence that the rate of supercomputer innovation has declined during the last decade with a time lag of five to ten years behind the decline of the federal government support of the base technologies required for supercomputer development, which was high in the 50s and 60s but declined in the 70s.

In the 40s and early 50s the direct federal government funding of supercomputer development leaned heavily on the vast reservior of electronic technology developed under government auspices during World War II.

In the late 50s and 60s the pattern changed to government supported base technology development and the placing of government orders in advance of development by small companies which risked their future on technical success with supercomputers.

During the most recent decade the federal government's approach has been to buy its supercomputers, at arm's length from established suppliers who take the full risk for their development, and its no coincidence that the rate of progress has slowed. Examples of this three phased evolution abound.

This "try before buy" policy is now common in government procurements and superficially seems equitable in protecting government interest. But it places too much of the risk for developing new supercomputer technology on the manufacturers without any assurance of a market. In addition, since the market for supercomputers is relatively small, the major manufacturers are increasingly unable to justify the necessary investments to achieve the best performances in the time frame needed.

Let's look now to a brief history of supercomputer development to see what it can teach us. The Aberdeen Proving Grounds funded Brainard, Eckert, and Mauchly to develop Eniac at the University of Pennsylvania. They started their own company in 1944, to design and market Univac, the first commercial electronic computer. Early on, the government contracted to buy three machines but the onus was on Eckert and Mauchly to achieve specifications, before payment was made—a significant change to the prior procurement pattern. In 1950, they sold out to Remington Rand, which subsequently merged with Sperry in 1955. From then on, while they continued to introduce improvements, their creative genius atrophied in the environment of a large company.

After World War II, I helped form Engineering Research Associates (ERA) in order to retain a technical resource of vital national importance to the Navy, after the war. We had been developing special purpose electronic systems for cryptology. It was suggested that instead of forming our own company, we should attach ourselves to a public institution such as a university or a research foundation, but we felt the need to better control our destiny by running our own company, to avoid the lethargic and often unsupportive environment of a large institution.

ERA was formed in 1946 and in August 1947 a cost-plus-fixed-fee contract was received for the design of a general purpose stored computer, called Atlas, which was shipped in December 1950. I am convinced that if ERA had been part of a large institution, that development, if it could have been completed at all, would have taken several more years.

After ERA was acquired by Remington Rand, the Atlas development continued. It produced the ERA 1101 and 1103 computers, the first of the Univac 1100 series. In those days the government customers accepted responsibility for software development. They knew their problems far better than we, they had the resources and they made a tremendous contribution to the software art during that period and for many years after.

The National Security Agency was a vital catalyst to supercomputer development in those early days. A few of many computer firsts at NSA, all funded under cost based contracts in the 1940s and 1950s, were:

Demon, the first practical use of magnetic drums. Atlas I, the first parallel electronic computer with drum memory.

Atlas II, delivered by ERA in October 1953, with vastly enhanced input/output capabilities compared to Atlas I Lightning, high speed circuity research aimed at a 1000 megacycle computer.

Solo, the first completely transistorized computer.

All of these systems were followed by commercial counterparts or exerted a major influence in industry progress.

The lightning program deserves special mention because of its influence on the development of base technology. In July 1956 NSA launched a series of research studies aimed at a future 1000 megacycle computer with a budget of twenty-five million dollars for a five year effort. Many companies and universities were involved. Research topics included:

Magnetic thin films with access time of 150 nanoseconds.

Tunnel-Diode logic and memory subsystems operating at a 200 megacycle repetition rate.

Further development of the Cryotron, culminating in a test vehicle with switching speeds of two nanoseconds.

The results of Project Lightning were widely communicated in 160 published articles in technical journals, 71 university theses and 320 patent applications. Fall out from the lightning work is evident in a broad spectrum of subsequent commercially developed computers.

It is clear that the decades of the 50s and 60s were a most fertile time for the advancement of supercomputers. The environment was characterized by enlightened self-interest and financial support from knowledgeable government agencies working with small

entrepreneurial teams of computer engineers focused on the creation of a single product. The work was underpinned by a vast reservoir of base technologies derived largely by government funding in the national laboratories, universities and major company basic and applied research organizations.

In the late 50s and 60s assistance from the national laboratories was very important. The orders from Livermore for the first 6600 and CDC 7600 computers was of enormous help in alleviating the risk for Control Data. The technical assistance provided by the National Laboratories, particularly in system software, was also invaluable.

It should also be noted that the 6600 and 7600 developments followed the same pattern of success with a small development team. Seymour Cray's development group never exceeded thirty people and, of course, in the case of the 6600, Control Data was a small company.

It's also important to note that the availability of risk capital for small companies over the period since World War II has been a uniqueness of the U.S. economy which was vital to spawning the entrepreneurial enterprises that have done most to accelerate the state of the art in supercomputers. Eckert and Mauchly, ERA, Control Data, and Cray Research are salient examples.

LESSONS FROM HISTORY

Next, I will talk about some lessons from history after a few words about the market for supercomputers. Although growth is expected—for the next generation, it is only capable of supporting a few competitors worldwide. Thus, the super computer market can be entered with the hope of a reasonable return. However, most companies opt for larger markets with lower risk and the potential for greater returns. Or it can be entered as an item of corporate prestige with the hope that the beneficial image which it carries will provide better than average returns in other product and service lines of the company. To say the least, the second motivation is too tenuous a proposition on which to bet our national survival and international competitiveness.

For whatever reason entry is attempted into the supercomputer market, I have to conclude that direct government support is necessary. It should take two forms. The first is to provide funding for national labs and universities to buy and use supercomputers. This will serve to increase the size of the market so that more competitors can stay in the game. Secondly, it will help enormously in the development of base technology within the national labs and universities and that technology can, in part, be the catalyst for new advances in supercomputers.

The funding available for national laboratories and universities to buy supercomputers has seriously declined since 1970. For example, since that time Control Data has delivered 85 cyber 7600 and cyber 176 computer systems, not one of which was procured for a university in this country. In contrast, we have delivered seven 7600 systems to universities abroad. Two Cyber 205 systems are installed in U.S. universities, while three are installed and a fourth is on order in European universities. And we wonder why the rest of the world is gaining on us so rapidly in basic research and advanced technology.

To the best of my knowledge, there are only three supercomputers installed in U.S. universities today—at Colorado State, Minnesota and Purdue. Each of them is underutilized and other university researchers are unable to take advantage of their research benefits because of lack of funds. So, first, let's increase government funding for the purchase and use of supercomputers within the national laboratories and universities, particularly the latter.

The second needed form of support is for the government to assume more of the funding risk for supercomputer development and the advanced technology on which it relies. Industrial cooperative enterprises such as the Microelectronics and Computer Technology Corporation and Semiconductor Research Corporation can bear some of that advance technology burden but not enough of it.

The funding risk for actual supercomputer development can be alleviated by a commitment to purchase quantities of supercomputers in advance of their development.

Direct government R&D funding beyond basic advanced technology should be concentrated in the area of applications. Learning to fully use the power of new architectures is a painfully slow process, but this could be much faster if there was more directly sponsored government work in universities and laboratories as means of better applying these machines to important classes of problems.

The second lesson is that the product development, per se, is best done by small engineering teams working in an environment which is uncluttered by bureaucracy. The small company is undoubtedly the most conducive environment for such development. It is entrepreneurial. It is dedicated. Its personnel have fortunes to gain from success and bankruptcy to face from failure. There is no better motivation for hard and creative work. The small company lacks deep pockets and is therefore forced to focus on the simple direct route to success. More subtle, but nevertheless important, are the inevitable demands for at least "synergy" if not "conformity" in product development amongst various development groups in large companies. Almost by definition, developers of the ultimate possible at any given state-of-the-art must be freed of such constraints. While this is theoretically possible as a practical matter in large companies, it is difficult to sustain.

Government agencies and national laboratories who place advanced orders can look forward to a far closer working relationship with a small company than is possible with a large corporation. That relationship can be the stimulus for more beneficial cooperation between the parties if for no other reason than that the chief executive is inevitably more accessible—and if the small company gets out of line, the government's kick, if it chooses to kick, will be felt far more keenly in a small company than in a big one.

The government also, it seems to me is less vulnerable to the accusation and fact of providing unfair competitive advantage to the small company than would be the case if the same contract were awarded to an established competitor.

There is also enormous untapped potential which can be brought to bear on this problem by way of greatly increased cooperation between large business and small business. Studies show that small companies produced twenty-four times more innovations per dollar than larger ones.

By making available its underutilized technology and by offering its professional and management assistance to a small company, a large company can realize additional income from past investment and through equity investment in and research and development contracts with small companies, large companies can gain more economical access to new products and markets. Several years ago my company started a program for making equity investments in small companies and offering other types of assistance. There are now over 70 of these companies, many of which are developing products and services using Control Data technology as well as their own. In some cases, Control Data markets the resulting products; in some cases, both of us do and in many cases—especially those involving specialized markets, the small company has sole marketing responsibility.

The potential of cooperation between large and small business, particularly in the context of supercomputer development, can hardly be overemphasized. This opportunity is not as readily available to other countries because of lack of a well developed securities market where equity capital can be raised by small companies. Therefore, we must capitalize on it just as the Japanese capitalize on the unique attributes of their culture.

THE FUTURE

With the history and the lessons from the past in perspective, what, then, should be the future course of action for the United States? I believe that much of the answer to that question is implicit in what I have already said, but let me try to summarize it: there are three major points.

First, cooperation is required among government, universities and industry in the development of base technologies which are vital to effective supercomputer product development. The ingredients for success in this respect are beginning to be put in place.

It is clear that the federal government, as evidenced by initiatives of the Department of Energy and Department of Defense is prepared to take needed steps with regard to base technologies. On the industry side, Microelectronics and Computer Technology Corporation (MCC), a consortium of large companies in those industries, has ambitious plans to derive some of the needed base technologies, MCC is probably the best vehicle to provide needed base technologies, but it clearly needs a greater resource commitment if it is to fully achieve its potential.

Semiconductor Research Corporation (SRC) is another important cooperative effort to stimulate basic research in microelectronics within our universities and its work is in consonance with and complementary to MCC.

MCC and SRC exist. They can be major conduits for government support of some of the needed base technologies. In addition to the concentration of intellectual and capital resources which MCC and SRC provide, they are also very important vehicles for the widespread dissemination of resultant technologies for greater national gain and enhanced competition within the industry.

The second point is the need for direct government support. One obvious form is just increased funding for national labs and universities to buy and use supercomputers. But beyond that—and this is a crucial distinction from more recent practice—is for the government to assume more of the funding risk for supercomputer development. This can best be achieved by advanced commitment to the purchase of successfully developed supercomputer systems in order to assure the developers a start in a market.

Direct government support is also needed to bring about widespread acceptance of machine architectures which are different from traditional scalar machines. The government can and should do this by concentrating funding in universities on research in applying those non-traditional architectures to major scientific applications.

The third and final point is the need to foster smaller entrepreneurial companies engaged in the development of supercomputers. This is a responsibility of both government and industry. Government can clearly help by the way in which it channels procurement funds. Industry, however, has the prime responsibility and this must take the form of greatly increased cooperation between large business and small business. The best way I know to show what needs to be done is by example, and that's what Control Data intends to do. Since this is so important a factor in the future of U.S. supercomputers, I have left its description until last.

Tonight for the first time, I am announcing that Control Data is helping to establish this month a new supercomputer company whose name is ETA Systems. Control Data will take a minority position in ETA and the rest will be held by its employees and the public.

The business purpose of ETA Systems is very simply to design, manufacture, and market the world's fastest scientific computers. Its initial product mission will be to develop a 10 gigaflop machine for delivery by the end of 1986. In order to do this, the architecture, VLSI technology, and software that Control Data has been developing under the project for successor machines to the Cyber 205 will be transferred to the new enterprise. Thus, initially the technology will flow from Control Data to the new company. We will also provide at arms-length technical and management consulting services, design services, and possibly some administrative services.

This will allow the organization to concentrate its financial resources and people on development of the new product. Control Data will also make a commitment for a certain number of the initial machines. But lest I be misunderstood, that is only an initial supportive measure. One of the major secondary benefits of supercomputer development at Control Data has been the flow of technology from that group to the main computer product line. Through cross licensing arrangements, we will continue to enjoy such benefits. In fact, we will undoubtedly enjoy an increased and long-term technological benefit to our computer product line. And so the ultimate beneficiaries of this will be Control Data's customers, present and future, from supercomputers to the bottom of the line.

There's much more that could be said, but time is running out and so let me close with one last point.

Through its 26 years, Control Data has been a leader and an innovator in many regards. But perhaps the most important of these has been with regard to technological cooperation. We have pursued that course long and vigorously—from simple one-on-one cooperation in circuits and architecture—to undertakings such as MPI which became a billion dollar enterprise—to MCC which can become a major source of U.S. microelectronics and computer technology. Because of these undertakings, not only has Control Data survived and prospered, but literally thousands of small companies have had access to more affordable technology and products.

And with ETA Systems, we are taking yet another step—one which will not only help assure Control Data's future in supercomputers but also help assure our nation of leadership in an arena of vital national importance.

Thank you.●

ELIMINATION OF SOCIAL SECURITY OFFSET

● Mr. ARMSTRONG. Mr. President, I am pleased to join with Senator THURMOND as a cosponsor of his bill, S. 719, to eliminate the social security offset under the survivor benefit program for spouses of military retirees who have earned a social security benefit in their own right.

Enactment of S. 719 will put an end to a lingering injustice in the survivor benefit program and complete the reform of this program that Senator THURMOND began so many years ago.

The survivor benefit program is a program through which a military retiree can guarantee that his spouse and children will continue to receive a portion of his military retired pay even after his death. The service member has a portion of his retired pay allocated to a special account which, in effect, buys an "insurance" policy for his family.

Unfortunately, for many years the survivor benefit program was rendered all but worthless to most military personnel because of a provision in prior law which offset the benefits a surviving spouse could receive under SBP by 100 percent of her social security entitlement.

Thanks to earlier legislation introduced by Senator THURMOND, which I also had the privilege of cosponsoring, the social security offset has been reduced to 50 percent.

One inequity still remains. It is appropriate to reduce payments under SBP for a surviving spouse because of payments she is receiving from a social security entitlement earned by her husband, but most unfair to penalize her because she earned a social security entitlement by working in her own right. S. 719 will correct this lingering injustice.●

IMPROVING THE SCIENTIFIC AND TECHNOLOGICAL LITERACY OF AMERICA'S YOUTH

Mr. GOLDWATER. Mr. President, the Aerospace Education Foundation, a private, nonprofit entity, whose chairman of the board it has been my pleasure to have been these past 7 years, conducted its Third National Laboratory for the Advancement of Education this past September 15, in conjunction with the Air Force Association's National Convention held at the Sheraton Washington Hotel.

This 1-day, results-oriented symposium entitled, "Improving the Scientific and Technological Literacy of America's Youth" centered on an ambitious and extensive program, featured distinguished speakers and attracted a wide cross section of participants.

The symposium stressed that a continuing and action-oriented awareness among Americans of the scientific and technical opportunities and challenges confronting our Nation is crucial to our security and continued economic vitality.

A unique feature of this symposium was the "Draft Reference Guide" prepared by the Aerospace Education Foundation with the held of a cross section of a variety of educators from across the Nation and included in the symposium packets furnished each attendee. This guide cited the most notable studies by several recent national task forces and commissions that focused a considerable amount of attention and criticism on the declining quality of America's scientific and technological educational programs. The guide not only presented summaries of the problems cited in the studies, but more importantly, it listed proposed solutions. Local action plans and sample questions to ask educators, parents, school administrators, and elected officials were included. The guide was used throughout the symposium and is designed to be used upon return to local areas as a stimulus and reference in solving the problems discussed by symposium attendees.

Another feature of this symposium was that attendees and guest speakers visited the aerospace briefings and displays and viewed high technology exhibits presented by more than 100 aerospace companies. This in itself exposed symposium attendees to what their school graduates would be facing in the near future and provided further reinforcement regarding the need for scientific and technological literacy.

During this symposium, various speakers addressed proposed solutions to the problems for National, State and local perspectives. Also considered were the roles that Congress, the military, the educational community, professional associations, and business and industry could and should play in meeting America's educational crisis. Presentors included highly qualified authorities in the fields of education, industry, government, and the military. One of these speakers, who gave the keynote address, was Dr. Donald J. Senese, Assistant Secretary, Office of Educational Research and Improvement in the Department of Education. I ask unanimous consent that this presentation along with the program of this unique symposium be included in the CONGRESSIONAL RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

IMPROVING THE SCIENTIFIC AND TECHNOLOGICAL LITERACY OF AMERICA'S YOUTH: THE NATIONAL ROLE

(By Dr. Donald J. Senese)

Good morning, It is indeed a great pleasure to be here this morning speaking before this impressive gathering of the Aerospace Foundation. I commend you for taking as the theme of your symposium an issue which will increase in importance and significance over the next few years: "Improving the Scientific and Technological Literacy of America's Youth." I am pleased to have the opportunity to focus on the national role.

First of all, I belive it is important to make a distinction between the national role in education and a federal presence or role in education. Education in the United States is a local activity, a State responsibility, and a national concern. How well a State and locally controlled education system performs is of major concern to our national leadership although there may be a legitimate and ongoing debate in our society on the extent of the federal role and federal presence in that venture. Over ninety percent of the resources for American education are from State and local government with less than ten percent coming from the federal government. Yet, from the Land Ordinance of 1785, the Northwest Ordinance of 1787, to the Land-Grant College Act of 1862 to the Smith-Hughes Act of 1917 for vocational education to the National Defense Education Act of 1958 there have been times when a national role has been identified justifying a federal presence focusing on a limited area of improvement. We are still debating through the executive branch, the legislative branch, and the judicial branch the extent of that federal role in providing aid in such areas as assistance to English-deficient children in our schools and the obligations under the Education of All Handicapped Children's Act of 1975 (P.L. 94-142). The national role in education does not always require a new program or a new piece of legislation; it may require an identification of certain national problems or a focus on a particular range of objectives which can become or should become a focus of State, local and private efforts in the educational field. Federal assistance might supplement these efforts.

A particular problem in the educational field cannot be isolated for long. In the wake of the launching of Sputnik, a growing concern focused on deficiencies in the American educational system in the major areas of science, math, and foreign language training. These are the "hard" courses which students tend to avoid, Yet, we realized the larger picture in the 1950s and, under the leadership of President Dwight D. Eisenhower, we saw the enactment of the National Defense Education Act providing for strengthening instruction in science, mathematics, and modern foreign language, assistance in guidance and counseling programs as well as long term, and low interest loans to students with a 50 percent forgiveness section for those willing to teach in public elementary and secondary schools. A national consensus had been reached on a program to strengthen the educational resources of American youth.

Today, in response to the new challenge of foreign competition in world trade and urgent defense manpower needs, a new national consensus to strengthen the educational achievement of American youth appears to be developing. The shortage of trained workers, in basic literacy skills as well as the lack of students with knowledge in the crucial fields of science and math for our future scientists, engineers, and computer specialists cannot be hidden for long as a major problem. It becomes a critical issue in industry and in our national defense establishments when deficiencies show up in the new personnel of the Air Force, Army, Navy and Marines. Such a shortage soon becomes a national crisis of major concern.

Although our presently recognized crisis in science, math, and technology, so well identified in the national defense area by Secretary of the Air Force Verne Orr, has been compared to our situation in the Sputnik era of the 1950s, the situation in many ways is even more critical.

The recent report of the National Commission on Excellence in Education, "A Nation at Risk: The Imperative for Educational Reform," served as a firebell in the night alerting the American people that our educational system has been deficient in meeting our nation's present needs for skilled manpower. The Commission report, supplemented and supported by at least five other reports on the condition of American education, reveals that in the 1960s and 1970s, the focus on loading up the curriculum with "life style courses," emphasis on social promotion, acceptance of grade inflation, an excessive concentration on equity issues, and a proclivity for experimental programs forced out the solid academic subjects in the curriculum of schools throughout our country. We cannot hope to teach the higher complex skills we need in a world turning more toward technology unless we have done a good job of teaching the basics. And we have not performed well in teaching the basics when many of our students are graduating from elementary school, secondary school and even college without being able to read and write, skills necessary to function effectively in society; when these same graduates from our secondary schools have only taken one year of math or science as required by many of our states; and when the courses offered by some of our schools have become so devoid of content that they are virtually worthless from an academic standpoint. Unfortunately, it seems many schools have lost sight of the importance of educating individuals to their full mental capacity while developing versatile individuals who can enter our work force to meet the needs of our nation keeping it a strong competitor in the international arena.

The National Commission noted the following:

A steady decline in science achievement scores of seventeen year olds as measured by national assessments of science in 1969, 1973 and 1977;

College Board achievement scores have revealed steady declines in subjects like physics;

Remedial math courses in 4 year colleges between 1975 and 1980 increased by 72 percent and now constitute one-quarter of all mathematics courses taught in those institutions;

The steady decline in the College Board's Scholastic Aptitude Tests (SAT) from 1963 to 1980 revealed average mathematics scores dropped by nearly 40 points;

International comparisons of student achievement completed a decade ago reveal that on 19 academic tests American students never scored first or second, and when compared with industrialized nations, were last seven times;

And finally, average achievement scores on most standardized tests is now lower than 26 years ago when Sputnik was launched.

One important fact we have learned from the relatively carefree era of the Sputnik-period has been the following: the United States, from the point of view both of economic growth of national defense, has to outpace its competitors in foreign trade which is a growing portion of our economy. In order to do so skilled manpower is critical to economic growth and national defense in the years before us.

Prior to 1965, only a small proportion of American-made goods were traded internationally; by 1980, more than 70% of all goods produced in the U.S. were actively competing with foreign-made goods.

Twenty years ago, only 2.3% of the American market was absorbed by imports; last year, 5.9%. But in selected areas the figures were much higher. In 1981 America was importing almost 26% of its cars, 25% of its steel, 60% of its televisions, radios, tape recorders and phonographs, and 53% of its numerically controlled machine tools. And between 1970 and 1980, imports from developing nations increased almost tenfold from $3.6 billion to $30 billion (in constant dollars).

For the first time, America is a part of a world economy.

Our economy is not being affected by imports from Western industrial nations alone. Steel and apparel start their travel to these shores from Korea and Hong Kong. You may wonder, what has caused their development?

The answer I think is straightforward. A growing system of private and public banks and monetary institutions has created an international financial market that makes investment capital available to developing, developed and advanced industrial nations alike.

The technology required for the production of standardized products by batch or continuous-flow processes is available for purchase on the open market. This production technology can typically be operated by relatively low-skilled labor.

The result, which we are experiencing, is that producers in foreign nations, with an advantage in either the price of natural resources that are an input to the production process or the price of the low-skilled labor required to operate the process, are able to undersell us in our home market.

The answer to this problem does not lie in assembling foreign cars in the U.S. Through this process, firms of foreign nations such as Japan and Germany use high-priced, high skilled labor at home to produce such components as the engine, electronic ignition, hi-fi stereo radio and radial tires, while paying lower wages to American workers for the lower-skilled labor needed for final assembly of the vehicle.

What I think we should prefer is an economy that uses highly skilled and therefore high-priced and suitably educated labor to produce products such as satellite communication systems, specialty steels and special financial services, and sell these overseas. We can do so while importing lower value-added standardized products and services that can be produced by low-skilled, low-priced labor abroad.

Of course, a high value-added economy will include a large high-tech component, with the additional educational requirement of its skilled manpower for scientific and technological competence.

A growing, high value-added economy that emphasizes high-skilled labor with sci-

entific and technological competence also better prepares the nation militarily for its defense.

In one of its most perceptive passages the National Commission on Excellence noted:

"History is not kind to idlers. The time is long past when America's destiny was assured simply by an abundance of natural resources and inexhaustible human enthusiasm, and by our relative isolation from the malignant problems of older civilizations. The world is indeed one global village—America's position in the world may once have been reasonably secured with only a few exceptionally well-trained men and women. It is no longer."

President Ronald Reagan has been the first president in twenty-five years to put education back on the national agenda. In a national opinion poll taken in June of this year by the Gallup organization, education was considered the number two issue for the 1984 election after the issue of unemployment. Other polls have shown a growing concern about education and support from the American people for tougher academic standards. The September issue of *Phi Delta Kappa* magazine contains results of a Gallup poll revealing that most Americans agree with the recommendations of the National Commisssion on Excellence in Education. Three-quarters of those polled favored promoting children from grade to grade only if they can pass tests. Poll respondents also favored more homework for students as well as a greater emphasis on math, English, science, U.S. history and government.

However, money alone or new, intrusive federal programs with specific and excessive regulations are not the answer to our education problem. Although money will be needed for some reforms, we must not automatically assume an influx of money will work wonders or if we throw money at the problem, some of it will find good ground and bring positive change. We must not just do more; we need to do things differently. While the objectives may be good and desirable, federal efforts over the preceding years to promote busing in the name of equity, enforce some unrealistic sex equity rules focusing on student dress codes, and compel a certain teaching method for English-deficient children have distracted us from focusing on the real aim of education: the intellectual betterment of the student. Attempts to elevate "choice" for students as a right between academic and non-academic courses and attempts to substitute "behavior modification" or "values clarification" for intellectual development deter us from following the steady highway of educational improvement. It is in setting the broad guidelines, providing the directional signals, that the federal government can play a leadership role. The President and the Secretary of Education can use their positions as "bully pulpits" to focus on what should be the essentials of a strong American educational system.

The President highlighted the seriousness of our math and science shortage in his State of the Union message by proposing an education initiative to encourage an upgrading of math and science instruction through a program of block grants to the States. And in his commencement address at Seton Hall University in May of this year, the President stated that there is "much the federal government can do to help set a national agenda for excellence in education, a commitment to quality that can open up new opportunities and new horizons to our young people." And the President promised in the weeks ahead, he would be addressing the specifics of that issue. We may need to wait for President Reagan's State of the Union message and the presentation of the Fiscal Year 1985 budget for highlighting specific areas of focus for action by the national government to improve education.

I would like to focus on two areas along the line of this topic—what is going on in Congress and what we are doing internally in the Education Department focusing on the problem of the scientific and technological illiteracy of America's youth. We all realize that the problem has been long in the making and it will be long in resolving.

The President signed into law, Public Law 98-45 on July 12, 1983, the HUD-Independent Agencies Appropriations for FY 84. This measure contained over $1.3 billion for the National Science Foundation. There is $75 million of the National Science Foundation budget designated for educational activities. This act specifies $34 million of that $75 million will be used for merit based instructional material development, evaluation, and demonstration activities. In the language of the legislative report of the bill there is indication that approximately $20 million will support 1500 graduate fellowships for undergraduates who wish to pursue graduate education in the sciences. Although the bill does not contain specific instructions for approximately another $20 million, these funds can be used for a variety of activities including research, high technology applications, dissemination and public awareness activities. We will have a better indication of the specifics of the National Science Foundation FY 1984 plan when the NSF Director releases this plan in a few weeks (after October 1st).

Congress has not acted on the Department of Labor, Health and Human Services, and Education and Related Agencies bill which contains funds for the U.S. Education Department. It appears that possibly Congress won't act on the President's budget request and the U.S. Education Department will operate under a Continuing Resolution which essentially would keep the budget for the Education Department at approximately $15 billion. It is in the President's budget request what we find his request for $50 million to present a program for relieving the math and science teacher shortage.

There is a math and science bill which has been the focus of attention this session in each house of Congress in the House and in the Senate. The House bill, H.R. 1310, is authorized for a total of $430 million; the Senate bill S. 1285 is authorized at $425 million. The House of Representatives passed its bill on March 2; the Senate bill was reported out of committee on May 16 and final action is expected sometime in the next few weeks or months.

I believe it is reasonable to assume that any legislation enacted this year would bear a resemblance to the provisions of these bills. I am unaware of any explicit message from the President that he will either sign or veto a bill at the $400 million plus level. I am sure he will not make a final decision until he sees the form of the final legislation which clears the Congress.

The House bill is entitled the "Emergency Mathematics and Science Education Act." The bill's purpose is to provide assistance for elementary, secondary, and postsecondary education in math, science, and critical foreign languages; to provide a national policy for engineering, technical, and scientific personnel; and to provide for cost-sharing with the private sector in training such personnel.

The bill contains two titles: Title I, "The Emergency Math and Science Education and Jobs Act" and Title II, "The National Engineering Science Personnel and Jobs Creation Act of 1983." Provisions of Title I, authorized for two years, include: a $250 million ED program of formula block grants to States for the improvement of instruction in elementary and secondary math and science education, a $20 million ED program of teaching incentive scholarships for up to 5,000 persons in FY 1984: and $50 million for a variety of ED and NSF postsecondary activities including teacher grants, summer institutes, research, and program improvement grants for a total of $50 million in FY 1984. Title II, authorized at $100 million in FY 1984, provides annual funds to the National Science Foundation for five years for a matching program to promote and develop the quality of the nation's technical, engineering, and scientific personnel.

The Senate bill is entitled the "Education for Economic Security Act." Similar in purpose to the House bill, it is designed to provide assistance to improve the quality of teaching and instruction in math, science, computer learning, and foreign languages and to increase the access to such instruction to all students, and thereby contribute to the strengthening the economic security of the U.S. The bill has four titles: Title I provides $45 million in FY 1984 to the National Science Foundation for teacher institutes, improvement of instructional programs and materials in math and science, excellence awards for teachers, and merit scholarships; Title II, administered by the U.S. Education Department, provides $315 million for block grants to States and local education officials to improve the skills of teachers and instruction in math, science, computer learning, and foreign languages and reserves $35 million for the Secretary's Discretionary Fund to be used to support programs of national significance, including research and evaluation activities; Title III provides the National Science Foundation with $30 million to form partnerships with the private sector for special projects in math and science education; and finally, Title IV authorizes the President to make awards for teaching and excellence in math and science to 100 secondary school teachers.

The legislative process is never a simple one. There may be some changes in the Senate bill by amendments when it comes up for debate. If the bill passes the Senate, there will have to be a conference committee to iron out the differences between the two bills, specifically a focus on governance, the partnership program, and funding levels. Even after a final bill is acted on by both Houses and the President, it still must be meshed with the appropriations process which is proceeding on a separate track.

However, the Reagan Administration has not been content to wait until Congressional action to deal with the problem. Acting within current programs and with discretionary funds, Secretary Bell has been working to focus current programs in the department on this problem. I can only cite a few examples.

Through the Secretary's Discretionary Fund, the U.S. Education Department will be awarding $1.6 million dollars to approximately ten schools in the country which are using one or more forms of technologies to advance and enhance learning. These schools will be outstanding models for schools systems throughout the country on how to use instructional technology to do a

better job of teaching math, science, reading and writing.

The Secretary in previous years has more effectively focused exemplary programs in the National Diffusion Network on those in academic areas of science, math, and technology. Through the NDN, we have provided extra funding for ten "Lighthouse" schools using technology; these funds allow visitors as well as training for other educators to replicate these experiences in their own school systems.

My Office, the Office of Educatonal Research and Improvement, hosted a conference last November in Pittsburgh of forty experts in the fields of technology, learning psychology math and science and other areas. These experts focused on what research we will need in future years to make the best use of technology in teaching science, math, reading and writing. We intend to disseminate this report widely when it becomes available this year. I believe it will have a significant impact on school officials at all levels, business and industry leaders, school board members and parents to give a road map on the critical questions we must focus on to use technology effectively in these critical learning areas.

Through the National Institute of Education, we are competing for a Center for Technology which will assist research in technology and through our National Center for Education Statistics we are fosusing on surveys exploring now many computers we have in our schools, what courses students are taking, and how student courses and certification of teachers measure up to the needs identified by the National Commission on Excellence in Education.

The Education Department, through our Center for Libraries and Educational Improvement has three contracts focusing on the beneficial use of technology in writing, math and science. And we are using educational television to promote scientific knowledge through such Education Department programs as the"Voyage of the Mimi," "3-2-1 Contact," and "Spaces," a television series which shows the relationship between the jobs in the real world of science and relationship to Science education.

We at the national, State and local levels cannot remain idle observers as we become aware of an impending crisis for our future leadership role as a nation. We are not competing against merely allies but adversaries who are committed to using technology and leadership in the economic sphere to strengthen totalitarianism and an ideology which denies human liberty. The position of the United States as an economic leader goes hand in hand with its role as a leader of the Free World.

While we at the national level can assist in some major areas of need, we at the national level do not have all the answers nor should we have all the power to bring about change. The leadership of the President, the Secretary of Education, and the members of the National Commission has brought forth a tremendous response from the grassroots. Through a series of forums, we are hearing the voice of America coming alive and seeking means to improve the educational system of our country. As the National Commission report pointed out, the job has to be done locally but we can still provide the national leadership to highlight the problem and aid in achieving specific goals.

Let our critics continue to undermine the strength our State and local educators, pander to special interest groups, and propose excessive funding for programs unrelated to educational excellence. We shall continue to focus a glaring light of excellence and quality on our school system.

In the Senate Committee on Labor and Human Resources report on the "Education for Economic Security Act," it noted that education can succeed nationally only when responsibility for education is broadly accepted and that the effort to stem the decline of mathematics and science education, a deterioration it noted that "threatens everything we have achieved and hope to achieve as a nation," must come from all levels of society—families, towns, states, public and private schools and the federal government.

This type of conference focusing on how to improve the scientific and technological literacy of American's youth can play a critical role in helping us to reverse the tide.

Some people may think we can survive this crisis with trusting in luck. We need more than luck. It reminds me of the story of the successful businessman who was asked if he attributed his great success to luck. And he replied "Yea in a way. I find the harder I work, the luckier I get."

It will take hard work and it will take optimism. People today are seriously discussing the ideas contained in Alvin Toffler's "The Third Wave" and John Naisbitts "Megatrends"; we see books like Thomas J. Peters and Robert H. Waterman's "In Search of Excellence" and Kenneth Blanchard and Spencer Johnson's "The One-Minute Manager," books focusing on self-improvement and excellence, on the best sellers list.

However, it was only three years ago that we heard talk of the enduring energy crisis, the malaise of the American people, and the Global 2000 Report to the President, which spread an aura of pessimism as it talked of worldwide disasters in climate, population, and resources. We are, I believe, retreating away from this pessimism.

This past July, America lost one of its minds and geniuses of this century with the death of Herman Kahn, a person of compassion and realism. He helped to lead the counterattack against the purveyors of pessimism. In his last book "The Coming Boom," Herman Kahn with his usual insight and foresight had this to say:

"Low morale and anti-growth ideologies affect technology as much as they did other areas. The counter culture movement seems to have peaked, however, resulting in a noticeable return to math and science (as well as an apparent increase in SAT scores) in the high schools. . . . But most important is that the emergence of high technology promises to bring back a sense of excitement, achievement, and progress which even astronauts and outer space can no longer elicit." (p. 66)

We cannot afford scientific and technological illiteracy. We shall conquer this our latest crisis. Thank you.

SYMPOSIUM AGENDA: "IMPROVING THE SCIENTIFIC AND TECHNOLOGICAL LITERACY OF AMERICA'S YOUTH"

8:00-9:00 a.m.: Continental Breakfast.

9:00-9:05 a.m.: Welcome, Russell E. Dougherty, Gen., USAF (Ret), Executive Director, AFA.

9:05-9:10 a.m.: Master of Ceremonies, Dr. Don C. Garrison, President, Aerospace Education Foundation, President, Tri-County Technical College.

9:10-9:35 a.m.: "The National Role" (Keynote Address), Dr. Donald J. Senese, Assistant Secretary, Office of Education, Research and Improvement.

9:35-9:50 a.m.: "The State's Role", Regent Emlyn I. Griffith, The Board of Regents, University of the State of New York.

9:50-10:00 a.m.: Break.

10:00-10:20 a.m.: "The Local Community's Role", Mrs. Yvonne W. Larsen, Vice Chair, National Commission on Excellence in Education.

10:20-10:40 a.m.: "The Education Association's Role", Dr. Helen D. Wise, Executive Director, Delaware State, Education Association.

10:40-11:00 a.m.: Question and Answer Session.

11:15-12:15 p.m.: Participate in aerospace briefings and view the exhibits (Exhibit Halls).

12:30-1:00 p.m.: Reception (Washington Room).

1:00-2:45 p.m.: Luncheon (Washington Room). Luncheon Speakers: Mr. Norman R. Augustine, President, Martin Marietta Denver Aerospace. Dr. Leon M. Lessinger, Superintendent, Beverly Hills Unified School District. The Honorable Verne Orr, Secretary of the Air Force.

3:00-3:20 p.m.: "Congress' Role", Congressman Don Fuqua, Chairman, Science and Technology Committee.

3:20-3:40 p.m.: "The Military's Role", Lt. Gen. John S. Pustay, President, National Defense University.

3:40-3:50 p.m.: Break.

3:50-4:10 p.m.; "Junior and Community Colleges and Technical Institutes' Role", Dr. Nolen M. Ellison, President, Cuyahoga Community College.

4:10-4:30 p.m.: "Colleges and Universities' Role", Dr. John B. Slaughter, Chancellor, University of Maryland.

4:30-4:50 p.m.: "Business and Industry's Role", Mr. William C. Missimer, Jr., Executive Vice President, Pratt & Whitney Group.

4:50-5:00 p.m.: Summation, Dr. Don C. Garrison.

5:00-5:30 p.m.: Question and Answer Session.

THE SECRETARY OF THE INTERIOR

Mr. GOLDWATER. Mr. President, recently Secretary of the Interior James Watt thought it best to resign. I know there was a big clamor to get rid of him. Most of that clamor came from the eastern part of the United States that has very little association or understanding of the problems of the Department of the Interior.

But to those of us in the West, I think most of us—not all of us, but most of us—looked upon Jim Watt as a Secretary who understood our problems and probably had done more about them than had any other man.

I know people would say, "But there are 750 million acres that he wants to give away." That is not true. What Mr. Watt wanted to do was make it possible to explore some of this land to find out if there might be some minerals or other natural resources there that we do not have.

I do not think the American people realize it, be we do not produce any cobalt. We do not produce any magne-

sium. Sixty-nine percent of the materials that we have to have to build our weapons of war and our surgical instruments and so forth come from other countries. Unfortunately, most of these other countries are under the influence of the Soviet Union.

So I was behind Mr. Watt in his effort to encourage further exploration of the more than 750 million acres that we westerners live on. To give you a little better idea of what it is like to live under the Interior Department, about 27 percent of my State is occupied by Indian reservation. We have five national parks and about four national monuments. So we have no control over 70 percent of our land. I think Nevada goes up as high as 86 percent and Idaho about the same, where many Eastern States have no contact at all with the Department of the Interior.

Now, Mr. President, the new man that has been nominated by President Reagan is a man I have known for some time. I have known his family. I have heard the question asked: what qualifications does he have? Well, Mr. President, speaking as a westerner, I do not know of any individual one person in this country that has a speaking acquaintanceship with every problem and every facet of every problem that is going to come before the Secretary of the Interior. But this man is a fourth generation of cattle people in California and I cannot think of a much better way to understand the problems of land and water, the use of land and water, which is their biggest interest, than running a cattle outfit, Mr. President.

So I will back Mr. Clark. I think it was a good choice. And although there will be a lot of noise made about him, that noise will come from people whose only association with the Department of the Interior might be an occasional visit to a national park and with that, knowledge of what the Interior Department does ends.

I wish more Americans would go visit their national parks and I wish when they were out there they would keep them clean. But we learn to live with all types.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the time for the transaction of routine morning business has expired. I see no Senators seeking recognition. I know of no reason to extend that time.

Since there is an order entered that no action can be taken today on the State authorization, none can be taken today. None will be taken today on the Martin Luther King, Jr., holiday bill.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 8:45 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 8:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR REDUCTION OF LEADER TIME TOMORROW

Mr. BAKER. Mr. President, after consulting with the minority leader I think it is advisable to abbreviate the time allocated to the two leaders under the standing order. I ask unanimous consent that the time allocated to the two leaders be reduced to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I further ask unanimous consent that the time remaining after the time for the two leaders, as abbreviated has expired or been yielded back, be devoted to the transaction of rountine morning business in which Senators may speak for not more than 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MIDDAY RECESS ON TOMORROW

Mr. BAKER. Mr. President, tomorrow is Tuesday. When this order was drafted it was done so with the full anticipation I believe of the usual Tuesday recess from the hours of 12 noon to 2 p.m., which is provided for in order to allow Senators to attend caucuses off the floor of the Senate.

Therefore, I now ask unanimous consent that on tomorrow the Senate stand in recess between the hours of 12 noon and 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, I remind Senators and those who may be listening in their offices or their staffs that tomorrow the Senate will convene very early at 8:45 a.m., that at 9 a.m. the Senate will turn to the consideration of H.R. 3706, which is the Martin Luther King bill, under the order entered prior to the Columbus Day recess.

At that time, according to the provisions of that order, Mr. HELMS will be recognized to make a motion to commit the bill to the Judiciary Committee. There is a time limitation of 20 minutes equally divided on that motion. A vote is expected on or in relation to that motion very early, at 9:20 a.m. or shortly thereafter.

Mr. President, the Senate is expected to remain on that measure then as long as necessary during the day on Tuesday as well as Wednesday, and the order previously entered provides that a vote shall occur on final passage of the bill at 4 p.m. on Wednesday, October 19, 1983. I fully expect that that schedule will be adhered to.

Mr. President, I wish to make a futher announcement about the business of the Senate on Thursday and Friday, after the disposition of the Martin Luther King bill, but I have not yet had an opportunity to confer with my staff on clearances for other measures. In addition to the State authorization bill, there are conference reports perhaps and another appropriation bill that are here and available. These are matters of first priority. And I urge Senators to consider that the State authorization bill and then the State-Justice appropriations bill are subjects that may be taken up this week as well as conference reports as they become available.

Mr. President, I will try to have a further announcement on these subjects during the day tomorrow.

RECESS UNTIL TOMORROW AT 8:45 A.M.

Mr. BAKER. Mr. President, since the Senate is coming in at 8:45 a.m. tomorrow, I think it might be wise on this Monday to recess over until tomorrow.

Mr. President, I now move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 8:45 a.m. tomorrow.

The motion was agreed to and the Senate, at 2:44 p.m., recessed until Tuesday, October 18, 1983, at 8:45 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate October 7, 1983, under authority of the order of the Senate of October 7, 1983:

LEGAL SERVICES CORPORATION

Leaanne Bernstein, of Maryland, to be a member of the board of directors of the Legal Services Corporation for the remainder of a term expiring July 13, 1984, vice David B. Satterfield, III.

Claude Galbreath Swafford, of Tennessee, to be a member of the board of directors of the Legal Services Corporation for the remainder of a term expiring July 13, 1984, vice Howard H. Dana, Jr.

Robert A. Valois, of North Carolina, to be a member of the board of directors of the Legal Services Corporation for the remainder of a term expiring July 13, 1984, vice Willian F. Harvey.

William Clark Durant, III, of Michigan, to be a member of the board of directors of the Legal Services Corporation for a term expir-

ing July 13, 1986, vice Frank J. Donatelli, resigned.

Robert Francis Kane, of California, to be a member of the board of directors of the Legal Services Corporation for a term expiring July 13, 1986, vice Milton M. Masson, Jr., term expired.

Michael B. Wallace, of Mississippi, to be a member of the board of directors of the Legal Services Corporation for a term expiring July 13, 1986, vice Donald Eugene Santarelli, term expired.

Executive nominations received by the Secretary of the Senate October 11, 1983, under authority of the order of the Senate of October 7, 1983:

Department of State

Robert E. Lamb, of Georgia, a career member of the Senior Foreign Service, class of minister-counselor, to be an Assistant Secretary of State, vice Thomas M. Tracy, resigned.

William H. Luers, of Illinois, a career member of the Senior Foreign Service, class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic.

Frank V. Ortiz, Jr., of New Mexico, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Argentina.

African Development Foundation

T. M. Alexander, Sr., of Georgia, to be a member of the board of directors of the African Development Foundation for a term of 6 years. (New position)

Department of Labor

David A. Zegeer, of Kentucky, to be Assistant Secretary of Labor for Mine Safety and Health, vice Ford Barney Ford.

Department of Transportation

Ralph Leslie Stanley, of Virginia, to be Urban Mass Transportation Administrator, vice Arthur E. Teele, Jr., resigned.

Commodity Futures Trading Commission

Susan Meredith Phillips, of Iowa, to be chairman of the Commodity Futures Trading Commission, vice Philip F. Johnson, resigned.

Harry S. Truman Scholarship Foundation

Robert Michael Isaac, of Colorado, to be a member of the board of trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 1987, vice Richard A. King, term expired.

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, section 624:

In the Army

To be lieutenant colonel

Abel, William A., xxx-xx-xxxx
Abercrombie, Charles C., xxx-xx-xxxx
Abersold, Dale W., xxx-xx-xxxx
Acock, John H., Jr., xxx-xx-xxxx
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Alexander, Daniel E., xxx-xx-xxxx
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Executive nominations received by the Secretary of the Senate October 14, 1983, under authority of the order of the Senate of October 7, 1983:

DEPARTMENT OF JUSTICE

Daniel J. Horgan, of Florida, to be U.S. Mashal for the southern District of Florida for the term of 4 years, vice Carlos C. Cruz.

HOUSE OF REPRESENTATIVES—*Monday, October 17, 1983*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C., *October 14, 1983.*

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, October 17, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, even as we strive to meet the concerns of the new day, so too we are conscious of the heritage and the good works done by those who have gone before. We thank You, Almighty God, that You raised up pioneers from many nations and peoples whose vision saw the potential of our land and whose dedication was the measure of their greatness. Even as we celebrate the rich spiritual heritage, that has been our gift, so we praise You that we have the opportunity in our day and time to continue to build on that faith so readily given by the saints, who witnessed to Your blessings in days before. May Your spirit surround us now and give us peace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title with an amendment in which the concurrence of the House is requested:

S. 1852. An act to extend the expiration date of the Defense Production Act of 1950.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1035. An act to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes; and

H.R. 1213. An act to amend certain provisions of law relating to units of the national park system and other public lands, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1035) entitled "An act to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. STAFFORD, Mr. QUAYLE, Mr. KENNEDY, and Mr. PELL to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 807. An act to amend the boundaries of the Cumberland Island National Seashore;

S. 1323. An act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes;

S. 1513. An act to extend for 5 years the authorization of appropriations for the National Historical Publications and Records Commission;

S. Con. Res. 67. Concurrent resolution expressing the sense of the Congress that it is not appropriate at this time to transfer ownership or management of any civil meteorological satellite system and associated ground system equipment to the private sector; and

S. Con. Res. 76. Concurrent resolution to congratulate Lech Walesa, leader of the independent Polish trade union Solidarity, on being awarded the 1983 Nobel Peace Prize.

CONSENT CALENDAR

The SPEAKER pro tempore. This is Consent Calendar day. The Clerk will call the bill on the Consent Calendar.

JULIETTE GORDON LOW FEDERAL BUILDING

The Clerk called the bill (H.R. 1551) to name the Federal building to be constructed in Savannah, Ga., as the "Juliette Gordon Low Federal Building."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FLIPPO. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *October 17, 1983.*

HON. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 10:15 a.m. Friday, October 7, 1983, the following messages from the Secretary of the Senate:

1. That the Senate passed without amendment H.R. 1062;

2. That the Senate passed without amendment H.R. 3379;

3. That the Senate passed without amendment H.R. 3835.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bills on Friday, October 7, 1983:

H.R. 1062. An act to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oreg.;

H.R. 1556. An act to authorize the conveyance of the Liberty ship *John W. Brown*;

H.R. 3379. An act to name a U.S. Post Office building in the vicinity of Lancaster, Pa., the "Edwin D. Eshelman Post Office Building";

H.R. 3835. An act to designate the U.S. Post Office building in Oshkosh, Wis., as the "William A. Steiger Post Office Building"; and

H.R. 4101. An act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *October 17, 1983.*
Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

(1) At 4:47 p.m. on Friday, October 14, 1983 and said to contain a message from the President wherein he reports the exercise of his authority pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703.

(2) At 4:47 p.m. on Friday, October 14, 1983 and said to contain a message from the President wherein he transmits the Aeronautics and Space Report of the President, 1982 Activities.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

EXERCISE OF AUTHORITY UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-120)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, October 17, 1983.)

AERONAUTICS AND SPACE REPORT OF THE PRESIDENT, 1982 ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science and Technology:

(For message, see proceedings of the Senate of today, Monday, October 17, 1983.)

MISGIVINGS ABOUT PROPOSED RAPID DEPLOYMENT FORCE

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, I rise to express deep misgivings and concern about the proposed rapid deployment force the administration has secretly been considering for Jordan. As a member of the Subcommittee on Europe and the Middle East, I was surprised to learn from the press this weekend about the administration's secret proposal.

Serious questions must be asked about the wisdom of this plan and the philosophy which would suggest it.

Would this plan not simply further destabilize this already unstable region of the world?

Would not this proposed force pose a serious threat to the security of Israel, our only reliable ally in the region?

Mr. Speaker, this plan should be subject to serious objective scrutiny, not pursued behind closed doors. I suspect that such scrutiny would cause its cancellation.

□ 1210

THE ORIOLES: CHAMPIONS OF FLIGHT, CHAMPIONS OF OCTOBER, CHAMPIONS OF THE WORLD

(Mrs. HOLT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HOLT. Mr. Speaker, when the snows of winter began to melt and the showers of April brought the flowers of May, the birds flew north to brighten our summer days. Rich in their colors of orange and black and white, we marvel at their skills and revel in their antics. Many varieties of these summer birds came north to entertain us, cardinals and blue jays among them. But only one flock, a soaring band of Orioles, remained when the leaves again turned colors and the October night air filled with frost. It is the Orioles I salute today. The Orioles; champions of flight, champions of October, champions of the world.

Yesterday, the Baltimore Orioles won the World Series, in a startling show of skill, determination, and teamwork, In sweeping three games in the opponents ballpark, the birds of Baltimore ascended to the throne of world champions by out hitting, out pitching, out running and out throwing all pretenders to the title of Champion of America's naitonal pass time. From World Series Most-Valuable Player Rick Dempsey, to season long greats Cal Ripken, Eddie Murray, Mike Flanagan, Scott MacGregor, Rich Dauer, Al Bumbry, Gary Roenicke, Dan Ford, and Ken Singleton to rookie sensation Mike Boddicker and all of the other members of this great baseball team, I offer my warmest congratulations and I am sure the best wishes of each Member of this body.

Mr. ANNUNZIO. Mr. Speaker, will the gentlewoman yield to me?

Mrs. HOLT. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. I thank the gentlewoman for yielding.

Mr. Speaker, the gentlewoman forgot to mention Joe Altobelli, the manager.

Mrs. HOLT. The gentleman is absolutely right; but I included Mr. Altobelli in all the "other members" because there were many valuable members.

Mr. ANNUNZIO. Mr. Speaker, I thank the gentlewoman from Maryland and extend my congratulations to her and to Baltimore.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV, and such rollcall votes, if postponed, will be taken on Tuesday, October 18, 1983.

PROVIDING FOR STRIKING OF MEDALS TO COMMEMORATE THE LOUISIANA WORLD EXPOSITION

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3321) to provide for the striking of medals to commemorate the Louisiana World Exposition, as amended.

The Clerk read as follows:

H.R. 3321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the Louisiana World Exposition to be held at New Orleans, Louisiana, in 1984, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized and directed to strike and deliver to Louisiana World Exposition, Incorporated, a nonprofit corporation, not more than seven hundred and fifty thousand medals, with suitable emblems, devices, and inscriptions to be determined by the Secretary in cooperation with the Exposition corporation. The medals, which may be disposed of by the corporation at a premium, may be delivered at such times as may be required by the corporation in quantities of not less than two thousand, but no medals shall be struck by the Secretary after December 31, 1984.

SEC. 2. The Secretary shall cause such medals to be struck and delivered at not less than the cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, plus a surcharge equal to ten per centum of such costs of manufacture. Security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

SEC. 3. The medals authorized to be struck and delivered under this Act shall be struck in gold, silver, or bronze and of such size or sizes as shall be determined by the Secretary in consultation with the corporation.

SEC. 4. The medals, produced by the Secretary, shall be considered to be national medals for purposes of section 5111 of title 31, United States Code.

The SPEAKER pro tempore. Is a second demanded?

Mr. LIVINGSTON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ANNUNZIO) will be recognized for 20 minutes and the gentleman from Louisiana (Mr. LIVINGSTON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3321 authorizes the minting of commemorative medals for the 1984 Louisiana World Exposition. These medals will be sold at cost plus a 10-percent surcharge to the Louisiana World Exposition, Inc., the nonprofit corporation which is staging the world's fair in New Orleans beginning May 12, 1984. The bill provides that the exposition is required to post security to assure full payment of the costs so that the medals may be struck not only at no cost but actually at a profit to the United States.

The bill authorizes a maximum of 750,000 medals to be struck in gold, silver, or bronze. The medals will be designed by the mint in consultation with the Louisiana World Exposition and will be struck at the mint.

Since these are national medals, the dies used to strike the medals must be produced at the mint, and the medals must be struck at the mint. Section 5111(a)(2) of title 31, United States Code, gives the mint the authority to prepare and strike national medals. That section prohibits the mint from contracting out the design, preparation, or minting of national medals. Medals struck outside the mint are, by definition, excluded from being classified as national medals. Just as we do not permit private firms to strike our coins, this legislation does not permit private firms to strike these national medals.

The medals will be sold by the Louisiana World Exposition to the public to raise money to help offset the cost of the fair. In addition, the medals commemorate the fair itself. The legislation is cosponsored by 252 Members, testifying to the national character of these medals and the appropriateness of commemorating the fair with a national medal.

Mr. Speaker, I congratulate my colleague, the gentleman from Louisiana (Mr. LIVINGSTON), for his very active role, along with the other Members of the Louisiana delegation, in bringing this legislation to the floor.

Mr. Speaker, I urge the passage of H.R. 3321.

Mr. Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, minority members of the Subcommittee on Consumer Affairs and Coinage have unanimously supported this legislation to authorize a national medal for the Louisiana World Exposition, which opens May 12, 1984, in New Orleans.

The hosts of the Louisiana fair are reimbursing the Department of Treasury for the full costs of these national medals. We concur in the amendments added in subcommittee to have a 10-percent surcharge to equalize some of the costs between privately minted medals and the ones proposed in this legislation.

At this time, Mr. Speaker, I personally rise in support of H.R. 3321, legislation authorizing the U.S. Mint to strike national medals and to deliver them to the Louisiana World Exposition.

I want, first of all, to thank the distinguished chairman of the Subcommittee on Consumer Affairs and Coinage for all his assistance in shepherding this bill through the process. I also want to express gratitude to my colleague from New Orleans (Mrs. BOGGS) who has diligently worked with me on the legislation and to my colleagues from Louisiana who originally cosponsored the bill. In addition, I am most appreciative to all of the 252 Members who have cosponsored this legislation.

This is modest legislation which simply authorizes the mint to strike national medals to honor the 1984 Louisiana World Exposition, which will open in New Orleans in May of next year. This bill will result in no net cost to the Federal Government. In fact, it provides for a surcharge of 10 percent over and above the actual costs incurred by the mint in striking the medals to be paid by the Louisiana World Exposition, Incorporated, a nonprofit corporation. These medals will be delivered to this nonprofit corporation which will market them next year on the fair site and through other marketing schemes. Also, the Secretary of the Treasury has advised me that the Department has no objection to the bill.

The 1984 World's Fair promises to be a successful international event. We in Louisiana are proud to be the host State. Eleven million visitors are projected to attend. Twelve countries are officially participating in the fair (Japan, France, Liberia, South Korea, Canada, Italy, Australia, Mexico, El Salvador, Israel, the Vatican, and the United States). Negotiations are continuing with 30 other countries. There will be educational events, international symposiums on water, and various international trade meetings.

On a less serious note, the fair will also provide international amusements, ships, and restaurants. It will capture the mood and spirit of New Orleans in its musical, art, and other cultural exhibits. There will be many surprises to delight all ages and nationalities.

A national medal, which this bill authorizes, will appropriately recognize the historic national significance of this event. It will be a valuable collector's item and a remembrance to all who visit the fair next year.

Therefore, I urge the adoption of this bill.

Mr. Speaker, once again I would like to offer my sincere thanks to the distinguished chairman of the subcommittee, the gentleman from Illinois (Mr. ANNUNZIO) for his assistance on this bill.

● Mrs. BOGGS. Mr. Speaker, I rise in support of H.R. 3321, legislation to authorize the U.S. Mint to strike a national medal for the Louisiana World Exposition. I would like to thank the distinguished chairman of the Subcommittee on Consumer Affairs and Coinage for holding hearings of this bill and for bringing it before the House today. I would also like to commend my colleague from Louisiana for his outstanding work in securing over 250 cosponsors for the legislation.

The Louisiana World Exposition is going to be a great event and a tribute to the United States of America. The exposition will open in May of 1984 in New Orleans and I am happy to say that the central activities will be held in the Second Congressional District, which I have the honor of representing. It is the first world's fair to be held in Louisiana since the Cotton Centennial Exposition of 1884.

I have had the privilege of working closely with the fair officials in every phase of planning for the event and I can say from first-hand experience that this international event will be one of the best our country has sponsored.

I am grateful to have had the opportunity to have worked closely last year with the U.S. Departments of Commerce and State and with several committees in the House to enact legislation authorizing the United States to participate in the fair.

Last year Congress appropriated $10 million for U.S. exhibits and their administration and these will be displayed in a wonderful U.S. pavilion, which will be provided by the fair organization. It will house museum quality exhibits of river art, music, and literature. This pavilion, although a temporary structure, will be an ornament to the United States and will be a source of pride to all citizens visiting the fair.

The exposition itself has been registered by the Bureau of International

Expositions, composed of 35 countries. The Bureau sets standards for designating world fairs and only those truly international in scope are so registered. President Reagan officially invited other nations to participate in the fair. To date 12 countries are officially participating and I am advised that negotiations are continuing with numerous other countries and many more are expected to participate.

Over a million visitors from foreign countries are expected to attend the fair and residents from throughout the United States are anticipated. In fact, over 3 million visits are expected from U.S. residents who live beyond 150 miles of New Orleans.

The economic impact of these visits will be felt not only in the New Orleans area but throughout the United States. Overwhelmingly, visitors to the exposition are families traveling by car and they will almost certainly make stops along the way. In addition, foreign visitors will be enticed to other parts of our country, although the 1984 Expo may be their primary destination.

The economic development associated with the fair will boost our economy of Louisiana and that of other States along the Mississippi River. It has also been estimated that this increased economic activity will create new jobs which in turn will provide revenues to the Federal Treasury.

Mr. Speaker, the 1984 Louisiana World Exposition will be a credit and a source of pride to New Orleans, the State of Louisiana and, indeed, the entire country.

It will be an event of historic national significance and, hence, deserves to be recognized through the issuance of a national medal. I hope that expedited action will occur on this bill as the fair is anxious to begin its efforts to market the medal.

This medal will be a lovely remembrance of the fair and also a valuable collector's item since it will be an official U.S. national medal.●

Mr. LIVINGSTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. NICHOLS). The question is on the motion offered by the gentleman from Illinois (Mr. ANNUNZIO) that the House suspend the rules and pass the bill, H.R. 3321, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1220

VIETNAM VETERANS NATIONAL MEDAL ACT

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1870), to require the Secretary of the Treasury to coin and sell a national medal in honor of the members and former members of the Armed Forces of the United States who served in the Vietnam conflict.

The Clerk read as follows:

H.R. 1870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Vietnam Veterans National Medal Act."

FINDINGS

SEC. 2. The Congress hereby finds—

(1) that it is in the national interest to issue a national medal honoring the courage and dedication of the men and women who served in the Armed Forces of the United States in the Vietnam conflict;

(2) that the men and women who served in the Armed Forces of the United States in the Vietnam conflict made sacrifices that deserve recognition by the United States; and

(3) that the issuance of a national medal is a fitting and suitable way for the United States to express its thanks and gratitude to those members and former members of the Armed Forces of the United States who served in the Vietnam conflict.

COINAGE OF MEDALS

SEC. 3. (a) The Secretary of the Treasury shall design, coin, and sell a medal in honor of the members and former members of the Armed Forces of the United States who served in the Vietnam conflict.

(b) The Secretary shall offer such medals for sale in a manner designed to elicit as much public response as possible.

(c) Such medals shall be sold at a price sufficient to cover the cost of such medals, including labor, materials, dies, use of machinery, and marketing and overhead expenses.

DESIGN OF MEDAL

SEC. 4. (a) The Secretary shall encourage and consider the submission of designs for the medal from Vietnam veterans, medallic artists, and other interested parties.

(b) In selecting a design for the medal, the Secretary shall solicit and consider the views of bona fide organizations which are comprised, in whole or in part, of Vietnam veterans and which represent the views of Vietnam veterans.

(c) The Secretary shall not coin medals of any design which has not been approved by the Commission of Fine Arts.

NATIONAL MEDALS

SEC. 5. The medals provided for in this Act are national medals for purposes of section 5111 of title 31, United States Code.

NUMISMATIC ITEMS

SEC. 6. The medals provided for in this Act are numismatic items for purposes of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Illinois (Mr. ANNUNZIO) will be recognized for 20 minutes and the gentleman from Arkansas (Mr. BETHUNE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Vietnam Veterans National Medal Act is a historic bill. It is the first legislation that recognizes the Vietnam veteran. This bill honors the courage and dedication of those 2.7 million Americans who served in the Vietnam conflict. It recognizes the sacrifices those veterans made; the 300,000 who were injured and the 58,000 who never came home. To all those who served in Vietnam, the medal expresses the Nation's thanks and gratitude.

Eight years ago the last Americans left Vietnam. There were no parades for those who came home. There were no flags flying. There were no heroes' welcomes. America sought to forget a long and unpopular war. However, we forgot not only the war, but also the men and women who served in it.

It is time for America to remember. These loyal Americans fought an unpopular war at the request of their Government. While we have passed a number of bills to provide benefits to the Vietnam veterans, we have not passed a single bill to honor the veterans. This bill will change that.

In many ways this is a modest bill. It simply calls for the minting of a national medal in honor of those men and women who heeded their Nation's call.

It calls for an open design competition that encourages the participation of Vietnam veterans in the design and the evaluation of the entries. I anticipate that the Secretary of the Treasury will consult various arts groups for advice in arranging the rules of the design competition and then do everything possible to encourage all interested parties to submit designs.

In evaluating the designs I expect the Secretary to consult with organizations of artists and Vietnam veterans before selecting the final design. This could best be done by perhaps establishing an advisory panel of artists and veterans. The design selected will be reviewed by the Commission of Fine Arts, and no medal will be struck unless the Commission has approved the design.

The medals will be offered for sale to the public at cost for those who also want to honor the men and women who served. I anticipate a great demand for these medals. It is the intent of the legislation that the mint make a serious effort to offer these medals to the public and veterans alike, and this would include notices

and advertisements in publications directed toward Vietnam veterans.

There is, perhaps, no adequate way to honor our Vietnam veterans, but this is their Nation's humble attempt to do so. Mr. Speaker, I urge the passage of this bill so that we can finally acknowledge and honor the sacrifices of those who served their Nation during the Vietnam conflict.

Mr. Speaker, I congratulate all the 245 cosponsors of the legislation.

Mr. BETHUNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority members of the Subcommittee on Consumer Affairs and Coinage have unanimously supported this legislation to authorize a national medal honoring veterans of the Vietnam conflict.

We believe that it is a fitting and overdue tribute to honor those who served in the Armed Forces of the United States during that time.

The legislation provides for the full recovery of all costs associated with these national medals.

The Secretary of the Treasury will mint and sell a national medal to honor the nearly 3.5 million Americans who served in Southeast Asia during the Vietnam conflict.

No other group of American veterans has been so honored, but the unique circumstances of the Vietnam-era vet requires this particular action.

Statistically the veteran of the Vietnam war is different. The average age of the Vietnam-era GI was 19 years of age, compared to 26 years of age in World War II. The vets in Vietnam were the best educated group to go to war, 79 percent of them had a high school education or better; whereas, 63 percent were so educated in the Korean conflict and 45 percent back during World War II.

But the most significant difference is hard to describe and I found a piece that was written in Time magazine on July 13, 1981, titled "The Forgotten Warriors," which brings out, I think, the kind of turmoil and conflict that we all felt during those difficult times.

And I would like to read a few paragraphs from that particular article for Members as we try to remember the complex of emotions that took place right after and toward the end of the Vietnam war.

This is from "The Forgotten Warriors" in Time magazine:

> Americans have always been good at homecoming ceremonies, the public splashes with which victors are cleansed: "The men will cheer, the boys will shout/ the ladies they will all turn out/ and we'll all feel gay/ when Johnny comes marching home."
>
> After Kilroy crushed Tojo and Hitler, and sailed home en masse, all the nation came down to the docks: to wave the flag, to weep, to gather its own back into the American embrace.
>
> Nothing was too good for those wonderful guys. The mere uniform made a man a hero. He could hardly pay for his own drinks. Congress stuffed his pockets with benefits. He joined the proud brotherhood of the "ruptured duck," the eagle that everyone wore in his lapel to prove he'd been in it, had done his part. The awful memories of combat and carnage were bathed away in the great national wash of relief and welcome. Hardly any Americans thought much then, or even afterward, about Dresden blasted, Hamburg gone, Hiroshima and Nagasaki reduced to radioactive powder. All of those American firestorms had, of course, consumed innocent civilians. But, the ceremonies said: never mind, evil went down for the count. Ego te absolvo. You boys did what you had to do. Where were you anyway—the Bulge? Anzio? Tarawa? Iwo? Say, that must have been tough. Tell me about it. Let me buy you another one.
>
> The troops who went to Korea got a muted version of the welcome. But then came America's longest, strangest war. From that one, in Viet Nam, the boys came home alone, mostly one by one. Sometimes they would arrive in the middle of the night, almost as if they were sneaking back. It was an abrupt, surreal transition—36 hours earlier, they had been in Nam, humping trough that alien place with too much firepower and confusion and moral responsibility on their backs. Then they were plucked out of their bizarre yearlong excursion, set down in commercial jetliners, the stewardesses passing among them like sweet American hallucinations. Hefner visions, and dropped out of the sky back into an America that had turned ugly. In Seattle, some pus-gut in an American Legion cap used to greet the boys by spitting at them. "Losers!" he screamed. "Candy-ass losers!"
>
> A trooper would head for the bar and order a beer. "You got ID?" the bartender would demand. Well, it was the nation's first teen-aged war. An adolescent might be old enough to look upon (even to perform) horrors that would make Goya turn away. But back home, he was not old enough to drink. And in a day or two, if the soldier stayed in uniform, a fellow American would ask some stunning, stopping version of: "How many babies did you kill?" For many Viet Nam veterans, the moment of return, that bleak homecoming, was the beginning of a long rage.

□ 1230

Mr. Speaker and my colleagues, there is a difference between the Vietnam-era veteran and those who served in previous conflicts and in previous times. It is that difference which is so hard to describe that we should recognize, and that we do recognize here as a Congress by enacting this bill to create the national medal to honor 3.5 million Vietnam vets.

Their incredible sacrifice was lost in the Nation's moral confusion and in a vigorous debate about the Vietnam war effort, and this confusion and distraction unfortunately tainted and clouded our Nation's view of these worthy veterans.

This national medal is an important act to help set the record straight. The courage and the sacrifices of the Vietnam veteran must always be a source of national pride.

Mr. ANNUNZIO. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from South Dakota (Mr. DASCHLE), who himself is a Vietnam war veteran.

I do rise in support of H.R. 1870, the Vietnam Veterans National Medal Act. This legislation which honors members and former members of the Armed Services who served in Vietnam is a fitting tribute to this patriotic group of Americans. Considering the unique and difficult nature of the war itself, the lack of unanimity on the home front for the war efforts, and the disgraceful treatment with which many veterans were welcomed home, I believe it is remarkable how many of these men and women have been assimilated into society in a positive and successful fashion. Many have endured great physical sacrifice and emotional stress, yet survived to become forceful, contributing members of society who will be looked to for leadership in this country in the years ahead. Unquestionably, they deserve our respect and admiration.

I would like to commend the floor manager, Mr. ANNUNZIO, for his efforts in bringing this legislation before us today and also for his support of legislation to authorize a medal to honor former prisoners of war and those missing in action. For the information of my colleagues, legislation authorizing the minting of a medal in honor of the MIA/POW's was included in the recently signed Department of Defense authorization bill for fiscal year 1984.

Recognition through the public sale of a national medal is a fitting and proper way for Congress and the American people to express their long overdue appreciation for the sacrifices of these former servicemen. I especially like the fact that Vietnam veterans will be encouraged to submit designs for the medal. Many of my colleagues probably viewed a recent exhibit in the Cannon and Russell Buildings of Vietnam veteran art work. After viewing this exhibit I am certain that there will be many quality entries from the Vietnam veteran community for design of the medal. I encourage all of my colleagues to vote in favor of this legislation.

Mr. DASCHLE. Mr. Speaker, I want to commend the gentleman from Arkansas (Mr. BETHUNE) for what I believe to be an excellent statement; and, really, nothing else needs to be said.

Mr. BETHUNE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. WORTLEY).

Mr. WORTLEY. Mr. Speaker, I rise in strong support of the bill to authorize the sale of a national medal to honor the American men and women who served their country during the Vietnam conflict.

A medal cannot replace the limbs, lives, and futures that were lost in Southeast Asia. A medal cannot as-

suage the grief of the mothers and fathers, brothers and sisters, husbands and wives, sweethearts and friends who lost their loved ones.

A medal is a symbol, much like the stark and imposing memorial to the Vietnam veterans that is situated on the Mall. These tributes, inadequate at best, demonstrate that the American people have not forgotten the service performed by its veterans during an unpopular and divisive war.

America owes a debt to its Vietnam veterans. It is the same debt owed to every man and woman who served in the Armed Forces when asked to do so. They met their obligations. Now we must meet ours.

In a small way, a gold medal, commissioned for those living and for those who died defending the principles of democracy and freedom, is a fitting tribute.

I believe every Member feels the same. Accordingly, it would be more than appropriate to have a unanimous show of support for this long overdue measure.

Mr. BETHUNE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Speaker, I would like to begin by commending the chairman of the subcommittee, the distinguished gentleman from Illinois (Mr. ANNUNZIO). I would also like to commend the eloquent comments of the gentleman from Arkansas (Mr. BETHUNE), the gentleman from South Dakota (Mr. DASCHLE), as well as my colleague, the gentleman from New York (Mr. WORTLEY), who just spoke.

Mr. Speaker, as a member of the Committee on Banking, Finance and Urban Affairs, a cosponsor of H.R. 1870, and a member of the Vietnam Era Veterans Caucus, I rise in support of this bill which authorizes the U.S. Treasury to mint and sell a Vietnam veterans national medal to honor these men and women who served their country in that troubled time.

As a nation, we are just beginning to recognize the unique nature of that conflict and to acknowledge the sacrifices made by those who fought in it. This legislation marks the first time the Congress has honored the veterans of a particular war by striking such a national medal in their honor, and I believe it is a fitting recognition of the service of our Vietnam veterans.

The Vietnam veteran has waited too long for the Nation to voice an appropriate "thank you" to these veterans and their families for their exceptional services and sacrifices. How can we ever repay them? It is impossible. But I believe that passage of this simple measure is a small but important additional gesture, and I urge my colleagues to support this legislation.

● Mr. MONTGOMERY. Mr. Speaker, in an 11-year period spanning from August 5, 1964, to May 7, 1975, this country was embroiled in a conflict, no, a war, such as has never been experienced by any country. Similar in horror and cruelty to other wars, yet different. No conflict, no skirmish has ever made such an emotional impact on American society. No battle has ever been more emotionally charged.

Vietnam. The very word conjures an image of firefights, skies blackened with Huey helicopters rushing to the aid of wounded troops, once beautiful countryside ravaged by modern warfare, villagers fleeing in terror, soldiers wary of every move, every sound, the grisly carnage of a jungle on the other side of the world. Hell.

To help an underdeveloped, free but poor country progress economically, defend itself from the scourge of communism, and work out its own destiny in peace, over 9 million Americans, 2.9 million in the Vietnam Theater of operation, served on active duty an average of 37 months during this era. The cost was high: 300,000 injured and almost 58,000 fatalities. Not counting those who became casualties upon the return home. Some relive the nightmare daily.

Controversial or not, the Vietnam conflict is a powerful part of our history that shall remain embedded in the conscience of this Nation and its people forever. Controversial or not we had just cause to be there. Controversial or not, we owe a debt of gratitude to those who served, who fought, who gave, who sacrificed unselfishly to uphold the ideals of human rights for which this country stands. We owe them.

I support H.R. 1870, a bill to require the Secretary of the Treasury to coin and sell a national medal in honor of the members and former members of the Armed Forces of the United States who served in the Vietnam conflict.

When the last of the U.S. troops evacuated Saigon and returned home, they returned to a different society than the one left behind. An unpopular war had set a somber mood in this country, a mood that would allow for no welcome banners, no marching bands, no thank you. Silence. It is time we shattered that silence.

The issuance of a national medal honoring the courage of those who faced unbearable conditions, experienced the misery of a war halfway around the world, and displayed the great outer limits of patriotism, is an important step in recognizing the debt we owe. This medal, like the Vietnam Veterans Memorial here in Washington, and the Memorial Plaque in Trophy Hall at Arlington National Cemetery, can serve not only as a tribute to the men and women who served with valor during the Vietnam-era, it can salve old wounds stubborn to heal.

The Congress has recognized through past and current legislation the contributions and special needs of the Vietnam veteran. We are providing treatment for exposure to herbicides for those who served in Southeast Asia; we have enacted legislation for readjustment counseling, extension of GI bill benefits, small business loans, increased job training, and job placement assistance, all for Vietnam-era veterans. In addition, we are seeking to provide mortgage assistance to help these veterans keep their homes in these hard economic times, to extend the outreach center program through 1987, to require a comprehensive study of the readjustment of Vietnam-era veterans to civilian life, to include a nationwide survey relating to post-traumatic stress disorder, and a survey of the health status of Vietnam-era veterans in relation to that of the general population.

Now we have the opportunity to give every American a tangible part of American history—a tribute to the troops, to the veterans, to the families who endured and are enduring.

As a cosponsor of H.R. 1870, I commend Mr. ANNUNZIO, my colleague from Illinois, for initiating this legislation. I urge all of my colleagues to join with us in support of this bill, which will not cost the taxpayer any additional money.

Vietnam-era veterans comprise nearly one-third of the total veteran population in the United States today. They, along with all veterans, were the best we had when they were summoned to duty. They are still the best we have got. They deserve our gratitude. They deserve this medal.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, I will vote for H.R. 1870. The purpose of this bill is to honor those service persons who served our country during the Vietnam conflict. The medal that would be authorized by the bill's passage would be another expression of our Nation's gratitude to some 9 million individuals, many of whom actually served in Vietnam, and to the over 57,000 who did not return.

H.R. 1870 will result in no major cost. The medal would be sold at a price sufficient to cover production costs. It would be most carefully designed, taking into consideration the views of organizations of Vietnam veterans. Coinage of this medal would be a proper and fitting way to continue the national healing process that has taken place with respect to the Vietnam war.

Mr. Speaker, I urge all Members to support H.R. 1870 and I congratulate our colleague, the gentleman from Illinois (Mr. ANNUNZIO), for his great effort in bringing the bill to the floor of the House.●

● Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 1870, which en-

ables the Treasury Department to coin and sell a medal in honor of those who served in our Armed Forces during the Vietnam years. Such a measure is long in coming, and I am certain that there are many men and women who look forward to having the opportunity to help select a design for the medal.

This bill recognizes the valuable contribution made by the men and women of our Armed Forces. The sacrifices they made deserve appropriate national recognition which should come in many differing forms. This medal is one such form. Making it available to the public can only serve to heighten their contribution. I especially commend the inclusion of that provision in the bill which calls for the solicitation of suggestions by Vietnam veterans organizations. With their participation, a constructive and thoughtful medal will be struck.

As a cosponsor of this measure, I feel that H.R. 1870 can only aid in improving our Nation's attitude toward our courageous Vietnam veterans. We owe them so much. This tribute is but a small step in our recognition of that debt. Accordingly, I urge my colleagues to fully support this measure.●

● Mr. DREIER of California. Mr. Speaker, I am pleased to have this opportunity to make a brief statement in honor of our Vietnam veterans.

I believe my colleagues are all too familiar with the public sentiment with regard to this war. In fact, I think it is safe to say that the Vietnam-era represents one of the bleakest moments in American history. And yet, during this period of great social unrest and malcontent, some chose to serve their country and do what was right. In a time when dodging responsibility was too common, and then later exonerated, some chose to do what was right. For many, what was right was a decision they will never be able to forget. For they, caught in a battle we never intended to win, are indelibly marked.

Personal tragedy and national rejection are battles they still fight. Today, we have the opportunity to do something about the latter. While the issuance of a national medal is a fitting and suitable way for the Nation to express its gratitude, we, as a nation, must also pledge that we will never be able to forget what they did there. Most importantly, we, as a nation, must also pledge that we will never send our sons and daughters to a war we do not intend to win.

Mr. Speaker, as one of the 250 cosponsors of this legislation, I urge support for this pending legislation.●

Mr. BETHUNE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ANNUNZIO) that the House suspend the rules and pass the bill, H.R. 1870.

The question was taken.

Mr. ANNUNZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bills, H.R. 1870 and H.R. 3321.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SHIPPING ACT OF 1983

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1878) to improve the international ocean commerce transportation system of the United States, as amended.

The Clerk read as follows:

H.R. 1878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Shipping Act of 1983".

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SEC. 2. DEFINITIONS.

As used in this Act—

(1) "agreement" means an understanding, arrangement, or association (written or oral) and any modification or cancellation thereof; but the term does not include a maritime labor agreement.

(2) "antitrust laws" means the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended; the Federal Trade Commission Act (38 Stat. 717), as amended; sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended; the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended; the Antitrust Civil Process Act (76 Stat. 548), as amended; and amendments and Acts supplementary thereto.

(3) "assessment agreement" means an agreement, whether part of a collective-bargaining agreement or negotiated separately, to the extent that it provides for the funding of collectively bargained fringe benefit obligations on other than a uniform man-hour basis, regardless of the cargo handled or type of vessel or equipment utilized.

(4) "bulk cargo" means cargo that is loaded and carried in bulk without mark or count.

(5) "Commission", except in section 17, means the Federal Maritime Commission.

(6) "common carrier" means a person holding itself out to the general public to provide transportation by water of passengers or cargo between the United States and a foreign country for compensation that—

(A) assumes responsibility for the transportation from the port or point of receipt to the port or point of destination, and

(B) utilizes, for all or part of that transportation, a vessel operating on the high seas or the Great Lakes between a port in the United States and a port in a foreign country,

(7) "conference" means an association of ocean common carriers permitted, pursuant to an approved or effective agreement, to engage in concerted activity and to utilize a common tariff, but does not include a joint service, consortium, pooling, or transshipment arrangement,

(8) "controlled carrier" means an ocean common carrier that is, or whose operating assets are, directly or indirectly, owned or controlled by the government under whose registry the vessels of the carrier operate; ownership or control by a government shall be deemed to exist with respect to any carrier if—

(A) a majority portion of the interest in the carrier is owned or controlled in any manner by that government, by any agency thereof, or by any public or private person controlled by that government; or

(B) that government has the right to appoint or disapprove the appointment of a majority of the directors, the chief operating officer, or the chief executive officer of the carrier,

(9) "deferred rebate" means a return by a common carrier of any portion of the freight money to a shipper as a consideration for that shipper giving all, or any portion, of his shipments to that or any other common carrier, or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement,

(10) "fighting ship" means a vessel used in a particular trade by an ocean common carrier or group of such carriers for the purpose of excluding, preventing, or reducing competition by driving another ocean common carrier out of that trade,

(11) "forest products" means forest products in an unfinished or semifinished state that are of a size too large for the largest commercially available container or that are offered for carriage by the shipper as noncontainerized cargo in lot sizes having a volume greater than two thousand five hun-

dred and sixty cubic feet or that are transported in shipload lot sizes.

(12) "inland division" means the amount paid by a common carrier to an inland carrier for the inland portion of through transportation offered to the public by the common carrier.

(13) "inland portion" means the charge to the public by a common carrier for the non-ocean portion of through transportation.

(14) "loyalty contract" means a contract with an ocean common carrier or conference, other than a service contract or contract based upon time-volume rates, by which a contract shipper or consignee obtains lower rates by committing all or a fixed portion of its cargo to that carrier or conference.

(15) "marine terminal operator" means a person engaged in the United States in the business of furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier.

(16) "maritime labor agreement" means a collective-bargaining agreement between an employer subject to this Act, or group of such employers, and a labor organization representing employees in the maritime or stevedoring industry, or an agreement preparatory to such a collective-bargaining agreement among members of a multiemployer bargaining group, or an agreement specifically implementing provisions of such a collective-bargaining agreement or providing for the formation, financing, or administration of a multiemployer bargain group; but the term does not include an assessment agreement.

(17) "nonvessel-operating common carrier" means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in his relationship with an ocean common carrier.

(18) "ocean common carrier" means a vessel operating common carrier, but does not include one engaged in ocean transportation by ferry boat or ocean tramp.

(19) "ocean freight forwarder" means a person in the United States that—

(A) dispatches shipments from the United States via common carriers and books or otherwise arranges space for those shipments on behalf of shippers; and

(B) processes the documentation or performs related activities incident to those shipments.

(20) "person" includes individuals, corporations, partnerships, and associations existing under or authorized by the laws of the United States or of a foreign country.

(21) "service contract" means a contract between a shipper and an ocean common carrier or conference in which the shipper makes a commitment to provide a certain minimum quantity of cargo over a fixed time period, and the ocean common carrier or conference commits to a certain rate or rate schedule as well as a defined service level—such as, assured space, transit time, port rotation, or similar service features; the contract may also specify provisions in the event of nonperformance on the part of either party.

(22) "shipment" means all of the cargo carried under the terms of a single bill of lading.

(23) "shipper" means an owner or person for whose account the ocean transportation of cargo is provided or the person to whom delivery is to be made.

(24) "shippers' council" means an association of shippers or their agents.

(25) "through rate" means the single amount charged by a common carrier in connection with through transportation.

(26) "through transportation" means continuous transportation between origin and destination for which a through rate is assessed and which is offered or performed by one or more carriers, at least one of which is a common carrier, between a United States point or port and a foreign point or port.

(27) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, and all other United States territories and possessions.

SEC. 3. AGREEMENTS WITHIN SCOPE OF ACT.

(a) OCEAN COMMON CARRIERS.—This Act applies to agreements by or among ocean common carriers to—

(1) discuss, fix, or regulate transportation rates, including through rates, cargo space accommodations, and other conditions of services;

(2) pool or apportion traffic, revenues, earnings, or losses;

(3) allot ports or restrict or otherwise regulate the number and character of sailings between ports;

(4) limit or regulate the volume or character of cargo or passenger traffic to be carried;

(5) engage in exclusive, preferential, or cooperative working arrangements among themselves or with one or more marine terminal operators or nonvessel-operating common carriers; and

(6) control, regulate, or prevent competition among themselves.

(b) MARINE TERMINAL OPERATORS.—This Act applies to argeements among marine terminal operators (to the extent the agreements involve ocean transportation in the foreign commerce of the United States) and to agreements among one or more marine terminal operators and one or more ocean common carriers to—

(1) discuss, fix, or regulate rates or other conditions of service; and

(2) engage in exclusive, preferential, or cooperative working arrangements.

(c) ACQUISITIONS.—This Act does not apply to an acquisition by any person, directly or indirectly, or any voting security or assets of any other person.

SEC. 4. AGREEMENTS.

(a) FILING REQUIREMENTS.—A true copy of every agreement entered into with respect to an activity described in section 3 shall be filed with the Commission, except agreements related to transportation to be performed within or between foreign countries and agreements among common carriers to establish, operate, or maintain a marine terminal in the United States. In the case of an oral agreement, a complete memorandum specifying in detail the substance of the agreement shall be filed. The Commission may by regulation prescribe the form and manner in which an agreement shall be filed and the information and documentary materials that is to accompany the agreement.

(b) CONFERENCE AGREEMENTS.—Each conference agreement must—

(1) state its purpose;

(2) provide reasonable and equal terms and conditions for admission and readmission to conference membership for any ocean common carrier willing to serve the particular trade or route;

(3) permit any member to withdraw from conference membership upon reasonable notice without penalty;

(4) prohibit a conference from engaging in—

(A) a boycott or any other concerted action resulting in an unreasonable refusal to deal,

(B) conduct that unreasonably conditions or otherwise unreasonably restricts the ability of a shipper to select a common carrier in a competing trade, an ocean tramp, or a bulk carrier,

(C) conduct that discourages the use or development of intermodal services or technological innovations by members, and

(D) any predatory practice designed to eliminate the participation or deny the entry, in a particular trade of a common carrier not a member of the conference, an ocean tramp or a bulk carrier.

(5) provide for a consultation process designed to promote—

(A) commercial resolution of disputes, and

(B) cooperation with shippers in preventing and eliminating malpractices;

(6) establish procedures for promptly and fairly considering shippers' requests and complaints; and

(7) provide that any member of the conference may take independent action—

(A) on any matter relating to the price of services offered by the conference and resulting in a decreased cost to a shipper, upon not more than two working days' notice to the conference, and that the conference will include the new price as a rate item in its tariff for use by any member, effective no later than two working days after the receipt of such notice, and

(B) on any service item not related to price, upon not more than ten working days' notice to the conference, and that the conference will include the new service item in its tariff for use by any member, effective no later than ten working days after the receipt of such notice,

however, this paragraph does not impair the right of the conference to enforce compliance by its members with respect to contractual commitments undertaken under section 7(c).

(c) INTERCONFERENCE AGREEMENTS.—Each agreement between carriers not members of the same conference must provide the right of independent action for each carrier. Each agreement between conferences must provide the right of independent action for each conference.

(d) ASSESSMENT AGREEMENTS.—

(1) Assessment agreements shall be filed with the Commission and become effective on filing. The Commission shall thereafter, upon complaint filed within two years of the date of filing of the agreement, disapprove, cancel, or modify any such agreement, or charge or assessment pursuant thereto, that it finds after notice and hearing, to be unjustly discriminatory or unfair as between carriers, shippers, or ports. The Commission shall issue its final decision in any such proceeding within one year of the date of filing of the complaint. To the extent that an assessment or charge is found in the proceeding to be unjustly discriminatory or unfair as between carriers, shippers, or ports, the Commission shall remedy the unjust discrimination or unfairness for the period of time between the filing of the complaint and the final decision by means of assessment adjustments. These adjustments shall be implemented by prospective credits or debits to future assessments or charges, except in the case of a complainant who has ceased activities sub-

ject to the assessment or charge, in which case reparation may be awarded.

(2) This Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, do not apply to maritime labor agreements or to assessment agreements, except as provided in paragraph (1). This section does not exempt from this Act, the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, any rates, charges, regulations, or practices of a common carrier that are or have been required to be set forth in a tariff, whether or not those rates, charges, regulations, or practices arise out of, or are otherwise related to, a maritime labor agreement.

SEC. 5. ACTION ON AGREEMENTS.

(a) NOTICE.—Within seven days after an agreement is filed, the Commission shall transmit a notice of its filing to the Federal Register for publication.

(b) REVIEW STANDARD.—The Commission shall reject any agreement filed under section 4(a) that, after preliminary review, it finds inconsistent with the requirements of section 4. The Commission shall notify in writing the person filing the agreement of the reason for rejection of the agreement.

(c) REVIEW AND EFFECTIVE DATE.—Unless rejected by the Commission under subsection (b), agreements, other than assessment agreements, shall become effective—

(1) on the forty-fifth day after filing, or on the thirtieth day after notice of the filing is published in the Federal Register, whichever day is later; or

(2) if additional information or documentary material is requested under subsection (d), on the forty-fifth day after the Commission receives—

(A) all the additional information and documentary material requested; or

(B) if the request is not fully complied with, the information and documentary material submitted and a statement of the reasons for noncompliance with the request. The period specified in paragraph (2) may be extended only by the United States District Court for the District of Columbia upon an application of the Attorney General under subsection (i).

(d) ADDITIONAL INFORMATION.—Before the expiration of the period specified in subsection (c)(1), the Commission may request from the person filing the agreement any additional information and documentary material it deems necessary to make the determinations required by this section.

(e) REQUEST FOR EXPEDITED APPROVAL.—The Commission may, upon request of the filing party, shorten the review period specified in subsection (c), but in no event to a date less than fourteen days after the date on which notice of the filing of the agreement is published in the Federal Register.

(f) TERM OF AGREEMENTS.—The Commission may not limit the effectiveness of an agreement to a fixed term.

(g) SUBSTANTIALLY ANTICOMPETITIVE AGREEMENTS.—If, at any time after the filing or effective date of an agreement, the Commission determines that—

(1) the agreement is likely to result in a harmful reduction in competition in the ocean commerce of the United States; and

(2) the likely harm from the reduction outweighs any likely private or public benefits of the agreement;

it may, after notice to the person filing the agreement, seek appropriate injunctive relief under subsection (h).

(h) INJUNCTIVE RELIEF.—The Commission may, upon making the determination specified in subsection (g), request the Attorney General to bring suit in the United States District Court for the District of Columbia to enjoin operation of the agreement. The court may issue a temporary restraining order or preliminary injunction and, upon a showing that—

(1) the agreement is likely to result in a harmful reduction in competition in the ocean commerce of the United States; and

(2) the likely harm from the reduction outweighs any likely private or public benefits of the agreement;

may enter a permanent injunction. In a suit under this subsection, the burden of proof is on the Commission. The court may not allow a third party to intervene in a suit under this subsection.

(i) COMPLIANCE WITH INFORMATIONAL NEEDS.—If any person filing an agreement, or any officer, director, partner, agent, or employee thereof, fails substantially to comply with any request for the submission of additional information or documentary material within the period specified in subsection (c), the United States District Court for the District of Columbia, upon application of the Attorney General at the request of the Commission—

(1) may order compliance;

(2) shall extend the period specified in subsection (c)(2) until there has been substantial compliance; and

(3) may grant such other equitable relief as the court in its discretion determines necessary or appropriate.

(j) NONDISCLOSURE OF SUBMITTED MATERIAL.—Except for an agreement filed under section 4, information and documentary material filed with the Commission under section 4 or 5 is exempt from disclosure under section 552 of title 5, United States Code and may not be made public except as may be relevant to an administrative or judicial action or proceeding. This section does not prevent disclosure to either body of Congress or to a duly authorized committee or subcommittee of Congress.

SEC. 6. EXEMPTION FROM ANTITRUST LAWS.

(a) IN GENERAL.—The antitrust laws do not apply to—

(1) any agreement that has been filed under section 4 and is effective under section 4(d) or section 5, or is exempt under section 15 from any requirement of this Act;

(2) any activity or agreement within the scope of this Act, whether permitted under or prohibited by this Act, undertaken or entered into in the reasonable belief that (A) it is pursuant to an agreement on file with the Commission and in effect when the activity took place, or (B) it is exempt under section 15 from any filing requirement of this Act;

(3) any agreement or activity concerning the foreign inland segment of through transportation that is part of transportation provided in the United States import or export trade;

(4) any agreement or activity with a shippers' council organized under the laws of a foreign country and operating exclusively outside the United States, including an agreement or activity that affects cargo transported in a United States import or export trade;

(5) any agreement or activity to provide or furnish wharfage, dock, warehouse, or other terminal facilities outside the United States; or

(6) subject to section 19(e)(2), any agreement, modification, or cancellation approved by the Commission before the effective date of this Act under section 15 of the Shipping Act, 1916, or permitted under section 14b thereof, and any properly published tariff, rate, fare, or charge, classification, rule, or regulation explanatory thereof implementing that agreement, modification, or cancellation.

(b) EXCEPTIONS.—This Act does not extend antitrust immunity—

(1) to any agreement with or among air carriers, rail carriers, motor carriers, or common carriers by water not subject to this Act with respect to transportation within the United States;

(2) to any discussion or agreement among common carriers that are subject to this Act regarding the inland divisions (as opposed to the inland portions) of through rates within the United States; or

(3) to any agreement among common carriers subject to this Act to establish, operate, or maintain a marine terminal in the United States.

(c) LIMITATIONS.—Any determination by any agency or court that results in the denial or removal of the immunity to the antitrust laws set forth in subsection (a) shall not remove or alter the antitrust immunity for the period before the determination.

(2) No person may recover damages under section 4 of the Clayton Act (15 U.S.C. 15), or obtain injunctive relief under section 16 of that Act (15 U.S.C. 26), for conduct prohibited by this Act.

SEC. 7. TARIFFS.

(a) IN GENERAL.—

(1) Except with regard to bulk cargo and forest products, each common carrier and conference shall file with the Commission, and keep open to public inspection, tariffs showing all its rates, charges, classifications, rules, and practices between all points or ports on its own route and on any through transportation route that has been established. However, common carriers shall not be requried to state separately or otherwise reveal in tariff filings the inland divisions of a through rate. Tariffs shall—

(A) plainly indicate the places between which cargo will be carried;

(B) list each classification of cargo in use;

(C) set forth the level of ocean freight forwarder compensation, if any, by a carrier or conference;

(D) state separately each terminal or other charge, privilege, or facility under the control of the carrier or conference and any rules or regulations that in any way change, affect, or determine any part or the aggregate of the rates or charges; and

(E) include sample copies of any loyalty contract, bill of lading, contract of affreightment, or other document evidencing the transportation agreement.

(2) Copies of tariffs shall be made available to any person, and a reasonable charge may be assessed for them.

(b) TIME-VOLUME RATES.—Rates quoted in tariffs may vary with the volume of cargo offered over a specified period of time.

(c) SERVICE CONTRACTS.—An ocean common carrier or conference may enter into a service contract with a shipper to provide specified services under specified rates and conditions, subject to the requirements of this Act. Each contract entered into under this subsection shall be filed confidentially with the Commission, and a concise statement of its essential terms shall be filed with the Commission and made available to the general public in tariff format, and such essential terms shall be available to all shippers similarly situated. The essential terms shall include—

(1) the origin and destination port ranges in the case of port-to-port movements, and the origin and destination geographic areas in the case of through intermodal movements;

(2) the commodity or commodities involved;

(3) the minimum volume;

(4) the line-haul rate;

(5) the duration;

(6) service commitments; and

(7) the liquidated damages for non-performance, if any.

The exclusive remedy for a breach of contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree.

(d) RATES.—No new or initial rate or change in an existing rate that results in an increased cost to the shipper may become effective earlier than thirty days after filing with the Commission. The Commission, for good cause, may allow such a new or initial rate or change to become effective in less than thirty days. A change in an existing rate that results in a decreased cost to the shipper may become effective upon publication and filing with the Commission.

(e) REFUNDS.—The Commission may, upon application of a carrier or shipper, permit a common carrier or conference to refund a portion of freight charges collected from a shipper or to waive the collection of a portion of the charges from a shipper if—

(1) there is an error in a tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff and the refund will not result in discrimination among shippers, ports, or carriers;

(2) the common carrier or conference has, prior to filing an application for authority to make a refund, filed a new tariff with the Commission that sets forth the rate on which the refund or waiver would be based;

(3) the common carrier or conference agrees that if permission is granted by the Commission, an appropriate notice will be published in the tariff, or such other steps taken as the Commission may require, which gives notice of the rate on which the refund or waiver would be based, and additional refunds or waivers as appropriate shall be made with respect to other shipments in the manner prescribed by the Commission in its order approving the application; and

(4) the application for refund or waiver is filed with the Commission within one hundred and eighty days from the date of shipment.

(f) FORM.—The Commission may be regulation prescribe the form and manner in which the tariffs required by this section shall be published and filed. The Commission may reject a tariff that is not filed in conformity with this section and its regulations. Upon rejection by the Commission, the tariff is void, and its use is unlawful.

SEC. 8. CONTROLLED CARRIERS.

(a) CONTROLLED CARRIER RATES.—No controlled carrier subject to this section may maintain rates or charges in its tariffs filed with the Commission that are below a level that is just and reasonable, nor may any such carrier establish or maintain unjust or unreasonable classifications, rules, or regulations in those tariffs. An unjust or unreasonable classification, rule, or regulation means one that results or is likely to result in the carriage or handling of cargo at rates or charges that are below a just and reasonable level. The Commission may, at any time after notice and hearing, disapprove any rates, charges, classification, rules, or regulations that the controlled carrier has failed to demonstrate to be just and reasonable. In a proceeding under this subsection, the burden of proof is on the controlled carrier to demonstrate that its rates, charges, classifications, rules, or regulations are just and reasonable. Rates, charges, classifications, rules, or regulations filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission are void, and their use is unlawful.

(b) RATE STANDARDS.—For the purpose of this section, in determining whether rates, charges, classifications, rules, or regulations by a controlled carrier are just and reasonable, the Commission may take into account appropriate factors including, but not limited to, whether—

(1) the rates or charges which have been filed or which would result from the pertinent classifications, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs, which are hereby defined as the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade;

(2) the rates, charges, classifications, rules, or regulations are the same as or similar to those filed or assessed by other carriers in the same trade;

(3) the rates, charges, classifications, rules, or regulations are required to assure movement of particular cargo in the trade; or

(4) the rates, charges, classifications, rules, or regulations are required to maintain acceptable continuity, level, or quality of common carrier service to or from affected ports.

(c) EFFECTIVE DATE OF RATES.—Notwithstanding section 7(d), the rates, charges, classifications, rules, or regulations of controlled carriers may not, without special permission of the Commission, become effective sooner than the thirtieth day after the date of filing with the Commission. Each controlled carrier shall, upon the request of the Commission, file, within twenty days of request (with respect to its existing or proposed rates, charges, classifications, rules, or regulations), a statement of justification that sufficiently details the controlled carrier's need and purpose for such rates, charges, classifications, rules, or regulations upon which the Commission may reasonably base its determination of the lawfulness thereof.

(d) DISAPPROVAL OF RATES.—Whenever the Commission is of the opinion that the rates, charges, classifications, rules, or regulations filed by a controlled carrier may be unjust and unreasonable, the Commission may issue an order to the controlled carrier to show cause why those rates, charges, classifications, rules, or regulations should not be disapproved. Pending a determination as to their lawfullness in such a proceeding, the Commission may suspend the rates, charges, classifications, rules, or regulations at any time before their effective date. In the case of rates, charges, classifications, rules, or regulations that have already become effective, the Commission may, upon the issuance of an order to show cause, suspend those rates, charges, classifications, rules, or regulations on not less than sixty days' notice to the controlled carrier. No period of suspension under this subsection may be greater than one hundred and eighty days. Whenever the Commission has suspended any rates, charges, classifications, rules, or regulations under this subsection, the affected carrier may file new rates, charges, classifications, rules, or regulations to take effect immediately during the suspension period in lieu of the suspended rates, charges, classifications, rules, or regulations—except that the Commission may reject the new rates, charges, classifications, rules, or regulations if it is of the opinion that they are unjust and unreasonable.

(e) PRESIDENTIAL REVIEW.—Concurrently with the publication thereof, the Commission shall transmit to the President each order of suspension or final order of disapproval of rates, charges, classifications, rules, or regulations of a controlled carrier subject to this section. Within ten days after the receipt or the effective date of the Commission order, the President may request the Commission in writing to stay the effect of the Commission's order if he finds that the stay is required for reasons of national defense or foreign policy, which reasons shall be specified in the report. Notwithstanding any other law, the Commission shall immediately grant the request by the issuance of an order in which the President's request shall be described. During any such stay, the President shall, whenever practicable, attempt to resolve the matter in controversy by negotiation with representatives of the applicable foreign governments.

(f) EXCEPTIONS.—This section does not apply to—

(1) a controlled carrier of a state whose vessels are entitled by a treaty of the United States to receive national or most-favored-nation treatment;

(2) a controlled carrier of a state which, on the effective date of this section, has subscribed to the statement of shipping policy contained in note 1 to annex A of the Code of Liberalization of Current Invisible Operations, adopted by the Council of the Organization for Economic Cooperation and Development;

(3) rates, charges, classifications, rules, or regulations of a controlled carrier in any particular trade which are covered by an agreement effective under section 5, other than an agreement in which all of the members are controlled carriers not otherwise excluded from the provisions of this subsection;

(4) rates, charges, classifications, rules, or regulations governing the transportation of cargo by a controlled carrier between the country by whose government it is owned or controlled, as defined herein and the United States;

(5) a trade served exclusively by controlled carriers; or

(6) a controlled carrier registered in a state that on the effective date of this Act, is among those designated a beneficiary developing country for purposes of the generalized system of preferences, provided for in title V of the Trade Act of 1974 (88 Stat. 2066; 19 U.S.C. 2461 et seq.), and set forth in general headnote 3(c) of the Tariff Schedules of the United States, and that has vessels registered within its jurisdiction that are privately owned and not operated by a controlled carrier.

SEC. 9. PROHIBITED ACTS.

(a) IN GENERAL.—No person may—

(1) knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means obtain or attempt to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable;

(2) operate under an agreement required to be filed under section 4 that has not become effective under section 5, or that has been rejected, disapproved, or canceled; or

(3) operate under an agreement required to be filed under section 4 except in accordance with the terms of the agreement or any modifications made by the Commission to the agreement.

(b) COMMON CARRIERS.—No common carrier, either alone or in conjunction with any other person, directly or indirectly, may—

(1) charge, demand, collect, or receive greater, less, or different compensation for the transportation of property or for any service in connection therewith than the rates and charges that are specified in its tariffs;

(2) rebate, refund, or remit in any manner, or by any device, any portion of its rates except in accordance with its tariffs;

(3) extend or deny to any person any privilege, concession, equipment, or facility except in accordance with its tariffs;

(4) allow any person to obtain transportation for property at less than the rates or charges established by the carrier in its tariff by means of false billing, false classification, false weighing, false measurement, or by any other unjust or unfair device or means,

(5) retaliate against any shipper by refusing, or threatening to refuse, cargo space accommodations, or resort to other unfair or unjustly discriminatory methods because the shipper has patronized another carrier, or has filed a complaint, or for any other reason;

(6) engage in any unfair or unjustly discriminatory practice in the matter of—

(A) rates;

(B) cargo classifications;

(C) cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage;

(D) the loading and landing of freight in proper condition; or

(E) the adjustment and settlement of claims;

(7) employ any fighting ship;

(8) offer or pay any deferred rebates;

(9) use a loyalty contract, except in conformity with the antitrust laws;

(10) demand, charge, or collect any rate or charge that is unjustly discriminatory between shippers or ports;

(11) make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or subject any particular person, locality, or description of traffic to an unreasonable refusal to deal or any undue or unreasonable prejudice or disadvantage in any respect whatsoever; or

(12) knowingly disclose, offer, solicit, or receive any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to a common carrier without the consent of the shipper or consignee if that information—

(A) may be used to the detriment or prejudice of the shipper or consignee;

(B) may improperly disclose its business transactions to a competitor; or

(C) may be used to the detriment or prejudice of any common carrier

Nothing in paragraph (12) shall be construed to prevent providing such information, in response to legal process, to the United States, or to an independent neutral body operating within the scope of its authority to fulfill the policing obligations of the parties to an agreement effective under this Act. Nor shall it be prohibited for any ocean common carrier that is a party to a conference agreement approved under this Act, or any receiver, trustee, lessee, agent, or employee of such carrier or person, or any other person authorized by that carrier to receive information, to give information to the conference or any person, firm, corporation, or agency designated by the conference, or to prevent the conference or its designee from soliciting or receiving information for the purpose of determining whether a shipper or consignee has breached an agreement with the conference or its member lines or for the purpose of determining whether a member of the conference has breached the conference agreement, or for the purpose of compiling statistics of cargo movement, but the use of such information for any other purpose prohibited by this Act or any other Act is prohibited.

(c) CONCERTED ACTION.—No conference or group of two or more common carriers, may—

(1) boycott or take any other concerted action resulting in an unreasonable refusal to deal;

(2) engage in conduct that unreasonably conditions or otherwise unreasonably restricts the ability of a shipper to select a common carrier in a competing trade, an ocean tramp, or a bulk carrier;

(3) engage in conduct that discourages the use of intermodal services or technological innovations by member carriers;

(4) engage in any predatory practice designed to eliminate the participation, or deny the entry, in a particular trade of a common carrier not a member of the conference, a group of common carriers, an ocean tramp, or a bulk carrier;

(5) negotiate with a nonocean carrier or group of nonocean carriers (for example, truck, rail, or air operators) on any matter relating to rates or services provided to ocean common carriers within the United States by those nonocean carriers: *Provided*, That this paragraph does not prohibit the setting and publishing of a joint through rate by a conference, joint venture, or an association of ocean common carriers; or

(6) except as otherwise required by the law of the United States or the importing or exporting country, or as agreed to by a shipper in a service contract, allocate shippers among specific carriers that are parties to the agreement or prohibit a carrier that is a party of the agreement from soliciting cargo from a particular shipper.

(d) MARINE TERMINAL OPERATORS.—(1) No marine terminal operator may—

(A) fail to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property; or

(B) agree with any other marine terminal operator or group of two or more common carriers to boycott, or unreasonably discriminate in the provision of terminal services to, any common carrier or ocean tramp.

(2) The prohibitions in subsection (b)(11) and (12) apply to marine terminal operators.

(e) JOINT VENTURES.—For purposes of this section, a joint venture or consortium of two or more common carriers but operated as a single entity shall be treated as a single common carrier.

SEC. 10. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

(a) FILING OF COMPLAINTS.—Any person may file with the Commission a sworn complaint alleging a violation of this Act, other than section 5(g), and may seek reparation for any injury caused to the complainant by that violation.

(b) SATISFACTION OR INVESTIGATION OF COMPLAINTS.—The Commission shall furnish a copy of a complaint filed pursuant to subsection (a) of this section to the person named therein who shall, within a reasonable time specified by the Commission, satisfy the complaint or answer it in writing. If the complaint is not atisfied, the Commission shall investigate it in an appropriate manner and make an appropriate order.

(c) COMMISSION INVESTIGATIONS.—The Commission upon complaint or upon its own motion may investigate any conduct or agreement that it believes may be in violation of this Act. The Commission may by order disapprove, cancel, or modify any agreement filed under section 4(a) that operates in a manner inconsistent with this Act. With respect to agreements inconsistent with section 5(g), the Commission's sole remedy is under section 5(h).

(d) CONDUCT OF INVESTIGATION.—Within ten days after the initiation of any proceeding under this section, the Commission shall set a date on or before which its final decision will be issued. This date may be extended for good cause by order of the Commission.

(e) UNDUE DELAYS.—If within the time period specified in subsection (d), the Commission determines that it is unable to issue a final decision because of undue delays caused by a party to the proceedings, the Commission may enter a decision adverse to the delaying party.

(f) REPORTS.—The Commission shall make a written report of every investigation made under this Act in which a hearing was held stating its conclusions, decisions, findings of fact, and order. A copy of this report shall be furnished to all parties. The Commission shall publish each report for public information, and the published report shall be competent evidence in all courts of the United States.

(g) REPARATIONS.—For any complaint filed within four years after the cause of action accrued, the Commission shall, upon petition of the complainant and after notice and hearing, direct payment of reparations to the complainant for actual injury (which, for purposes of this subsection, also includes the loss of interest at commercial rates compounded from the date of injury) caused by a violation of this Act plus reasonable attorneys' fees. Upon a showing that the injury was caused by activity that is prohibited by section 9(b) (5) or (7) or section 9(c) (1) or (4), or that violates section 9(a) (2) or (3), the Commission may direct the payment of additional amounts; but the total recovery of a complainant may not exceed twice the amount of the actual injury. In the case of injury caused by an activity that is prohibited by section 9(b)(6) (A) or (B), the amount of the injury shall be the difference between the rate paid by the injured shipper and the most favorable rate paid by another shipper.

(h) INJUNCTION.—

(1) In connection with any investigation conducted under this section, the Commission may bring suit in a district court of the United States to enjoin conduct in violation of this Act. Upon a showing that the Commission has reasonable cause to believe that a violation of this Act has or is about to take place, and that enjoining that conduct is in the interest of the public, and after notice to the defendant, the court may

grant a temporary restraining order or preliminary injunction for a period not to exceed ten days after the Commissions has issued an order disposing of the issues under investigation. Any such suit shall be brought in the district in which the defendant resides or transacts business.

(2) After filing a complaint with the Commission under subsection (a), the complainant may file suit in a district court of the United States to enjoin conduct in violation of this Act. Upon a showing that standards for granting injunctive relief by courts of equity are met and after notice to the defendant, the court may grant a temporary restraining order or preliminary injunction for a period not to exceed ten days after the Commission has issued an order disposing of the complaint. Any such suit shall be brought in the district in which the defendant has been sued by the Commission under paragraph (1); or, if no suit has been filed, in any district in which the defendant resides or transacts business.

SEC. 11. SUBPENAS AND DISCOVERY.

(a) IN GENERAL.—In investigations and adjudicatory proceedings under this Act—

(1) depositions, written interrogatories, and discovery procedures may be utilized by any party under rules and regulations issued by the Commission which rules and regulations, to the extent practicable, shall be in conformity with the rules applicable in civil proceedings in the district courts of the United States; and

(2) the Commission may by subpena compel the attendance of witnesses and the production of books, papers, documents, and other evidence.

(b) WITNESS FEES.—Witnesses shall, unless otherwise prohibited by law, be entitled to the same fees and mileage as in the courts of the United States.

SEC. 12. PENALTIES.

(a) ASSESSMENT OF PENALTY.—Whoever violates any provision of this Act, or any regulation issued thereunder, or Commission order is liable to the United States for a civil penalty. The amount of the civil penalty, unless otherwise provided in this Act, may not exceed $5,000 for each violation unless the violation was willfully and knowingly committed, in which case the amount of the civil penalty may not exceed $25,000 for each violation. Each day of a continuing violation constitutes a separate offense.

(b) ADDITIONAL PENALTIES.—

(1) For any violation of section 9(b) (1), (2), (3), (4), or (8), the Commission may suspend any or all tariffs of any common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member, for a period not to exceed twelve months.

(2) For failure to supply information ordered to be produced or compelled by subpena under section 11, the Commission may, after notice and an opportuntiy for hearing, suspend any or all tariffs of any common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member.

(3) A common carrier who accepts or handles cargo for carriage under a tariff that has been suspended or after its right to utilize that tariff has been suspended is subject to a civil penalty of not more than $50,000 for each shipment.

(4) If, in defense of its failure to comply with a subpena or discovery order, a common carrier alleges that documents or information located in a foreign country cannot be produced because of the laws of that country, the Commission shall immediately notify the Secretary of State of the failure to comply and of the allegation relating to foreign laws. Upon receiving the notification, the Secretary of State shall promptly consult with the government of the nation within which the documents or information are alleged to be located for the purpose of assisting the Commission in obtaining the documents or information sought.

(5) If, after notice and hearing, the Commission finds that the action of a carrier or a foreign government has unduly impaired access of a vessel documented under the laws of the United States to ocean trade between foreign ports, the Commission shall take action that it finds appropriate, including the imposition of any of the penalties authorized under paragraphs (1), (2), and (3).

(6) Before any order under this subsection becomes effective, it shall be immediately submitted to the President who may, within ten days after receiving it, disapprove the order if he finds that disapproval is required for reasons of the national defense or the foreign policy of the United States.

(c) ASSESSMENT PROCEDURE.—Until a matter is referred to the Attorney General, the Commission may, after notice and an opportunity for hearing, assess each civil penalty provided for in this Act. In determining the amount of the penalty the Commission shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree or culpability, history of prior offenses, ability to pay, and such other matters as justice may require. The Commission may compromise, modify, or remit, with or without conditions, any civil penalty.

(d) REVIEW OF CIVIL PENALTY.—Any person against whom a civil penalty is assessed under this section may obtain review thereof under chapter 158 of title 28, United States Code.

(e) FAILURE TO PAY ASSESSMENT.—If any person fails to pay an assessment of a civil penalty after it has become final or after the appropriate court has entered final judgment in favor of the Commission, the Attorney General at the request of the Commission may seek to recover the amount assessed in any appropriate district court of the United States. In such an action, the court shall enforce the Commission's order unless it finds that the other was not regularly made or duly issued.

(f) LIMITATIONS.—

(1) No fine or other punishment may be imposed for criminal conspiracy to violate any provision of this Act, or to defraud the Commission by concealment of any such violation.

(2) Any proceeding to assess a civil penalty under this section shall be commenced within five years from the date the violation occurred.

SEC. 13. COMMISSION ORDERS.

(a) IN GENERAL.—Orders of the Commission relating to any violation of this Act or any regulation issued thereunder shall be made, upon sworn complaint or on its own motion, only after opportunity for hearing. Each order of the Commission shall continue in force for the period of time specified in the order or until suspended, modified, or set aside by the Commission or a court of competent jurisdiction.

(b) REVERSAL OR SUSPENSION OF ORDERS.—The Commission may reverse, suspend, or modify any order made by it, and upon application of any party to a proceeding may grant a rehearing of the same or any matter determined therein. No rehearing shall, except by special order of the Commission, operate as a stay of such order.

(c) ENFORCEMENT OF NONREPARATION ORDERS.—In case of violation of any order of the Commission, or for failure to comply with a Commission subpena, the Attorney General, at the request of the Commission, or any party injured by the violation, may seek enforcement by a United States district court having jurisdiction over the parties. If, after hearing, the court determines that the order was properly made and duly issued, it shall enforce the order by an appropriate injunction or other process, mandatory or otherwise.

(d) ENFORCEMENT OF REPARATION ORDER.—(1) In case of violation of any order of the Commission for the payment of reparation, the person to whom the award was made may seek enforcement of the order in a United States district court having jurisdiction of the parties.

(2) In a United States district court the findings and order of the Commission shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs, nor for the costs of any subsequent stage of the proceedings, unless they accrue upon his appeal. A petitioner in a United States district court who prevails shall be allowed a reasonable attorney's fee to be assessed and collected as part of the costs of the suit.

(3) All parties in whose favor the Commission has made an award of reparation by a single order may be joined as plaintiffs, and all other parties in the order may be joined as defendants, in a single suit in any district in which any one plaintiff could maintain a suit against any one defendant. Service of process against a defendant not found in that district may be made in a district in which is located any office of, or point of call on a regular route operated by, that defendant. Judgment may be entered in favor of any plaintiff against the defendant liable to that plaintiff.

(e) STATUTE OF LIMITATIONS.—An action seeking enforcement of a Commission order shall be filed within four years after the date of the violation of the order.

SEC. 14. REPORTS AND CERTIFICATES.

(a) REPORTS.—The Commission may require any common carrier, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report or any account, record, rate, or charge, or memorandum of any facts and transactions appertaining to the business of that common carrier. The report, account, record, rate, charge, or memorandum shall be made under oath whenever the Commission so requires, and shall be furnished in the form and within the time prescribed by the Commission. Conference minutes required to be filed with the Commission under this section shall not be released to third parties or published by the Commission.

(b) CERTIFICATION.—The Commission shall require the chief executive officer of each common carrier and, to the extent it deems feasible, may require any shipper, consignor, consignee, or broker to file a periodic written certification made under oath with the Commission attesting to—

(1) a policy prohibiting the payment, solicitation, or receipt of any rebate that is unlawful under the provisions of this Act;

(2) the fact that this policy has been promulgated recently to each owner, officer, employee, and agent thereof;

(3) the details of the efforts made within the company or otherwise to prevent or correct illegal rebating; and

(4) a policy of full cooperation with the Commission in its efforts to end those illegal practices.

Failure to file a certification shall result in a civil penalty of not more than $5,000 for each day the violation continues.

SEC. 15. EXEMPTIONS.

The Commission, upon application or on its own motion, may by order or rule exempt for the future any class of agreements between persons subject to this Act or any specified activity of those persons from any requirement of this Act if it finds that the exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory, result in a substantial reduction in competition, or be detrimental to commerce. The Commission may attach conditions to any exemption and may, by order, revoke any exemption. No order or rule of exemption or revocation of exemption may be issued unless opportunity for hearing has been afforded interested persons and departments and agencies of the United States.

SEC. 16. REGULATIONS.

The Commission may prescribe rules and regulations as necessary to carry out this Act.

SEC. 17. COMMISSION ON THE DEREGULATION OF INTERNATIONAL OCEAN SHIPPING.

(a) ESTABLISHMENT AND COMPOSITION.—(1) There is established the Commission on the Deregulation of International Ocean Shipping (hereinafter referred to in this section as the "Commission").

(2) The Commission shall be composed of twenty-two members as follows:

(A) The President or a person designated by him.

(B) The Secretary of State, the Attorney General, the Secretary of Transportation, the Chairman of the Federal Trade Commission, and the Chairman of the Federal Maritime Commission, or a person designated by each official.

(C) Four members from the United States Senate appointed by the President, two from the membership of the Committee on Commerce, Science, and Transportation and two from the membership of the Committee on the Judiciary.

(D) Four members from the United States House of Representatives appointed by the President, two from the membership of the Committee on Merchant Marine and Fisheries and two from the membership of the Committee on the Judiciary.

(E) Eight members from the private sector appointed by the President, including representatives of ocean common carriers, shippers, maritime labor organizations, non-vessel-operating common carriers, and ports.

(3) The President or his designee shall be the Chairman of the Commission.

(4) The majority leader of the Senate and the Speaker of the House shall make recommendations for the appointments of their respective members to be made pursuant to paragraphs (2) (C) and (D) within thirty days after the date of the enactment of this Act.

(5) The President shall make all of the appointments in accordance with paragraph (2) after receiving the recommendations set forth in paragraph (a)(4), but such appointments shall be made no later than sixty days after such date of enactment. The membership of the Commission shall be selected in such a manner as to be broadly representative of the various interests, needs, and concerns which may be affected by deregulation of international shipping.

(6) The first meeting of the Commission shall be called by the President no later than thirty days after the beginning of the first fiscal year occurring after the date of enactment of this Act.

(7) The term of office for members shall be for the term of the Commission.

(8) A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(9) Twelve members of the Commission shall constitute a quorum (but a lesser number may hold hearings).

(10) The Commission shall select a vice chairman from among its members.

(b) COMPENSATION OF MEMBERS OF THE COMMISSION.—(1) Officials of the United States Government and Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as officials and Members, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(2) Members of the Commission appointed from the private sector shall each receive compensation not exceeding the maximum per diem rate of pay for grade 18 of the General Schedule under section 5332 of title 5, United States Code when engaged in the performance of the duties vested in the Commission, plus reimbursement for actual travel, subsistence, and other necessary expenses incurred by them in the performance of those duties, notwithstanding the limitations in sections 5701 through 5733 of title 5, United States Code.

(3) Members of the Commission appointed from the private sector are not subject to title II of the Ethics in Government Act of 1978, Public Law 95-521, as amended, or to section 208 of title 18, United States Code. Before commencing service, these members shall file with the Commission a statement disclosing their financial interests and business and other relationships involving or relating to ocean transportation. These statements shall be available for public inspection at the Commission's offices.

(c) COMMISSION FUNCTIONS.—The Commission shall conduct a comprehensive study of, and make recommendations concerning, the deregulation of international ocean shipping by common carriers. The study shall specifically address—

(1) various options for deregulation of the international ocean shipping industry, with reference to their ability to promote an efficient, stable, and competitive United States common carrier fleet;

(2) the opportunities for harmonizing United States policy toward international ocean shipping with the policies of our major trading partners;

(3) the system for determining tariffs based on the classification of goods and its role in a future deregulated industry; including the most effective method for eliminating unnecessary cargo classifications as a basis for establishing tariffs and the feasibility of establishing a single tariff by each conference or common carrier for all cargoes shipped in units of comparable size, weight, and handling characteristics;

(4) the role of the antitrust laws in the international shipping industry and their impact upon our relations with foreign nations;

(5) the impact of any rules of competition adopted or being considered by our trading partners and their relationship to the trend in the developing world toward structured cartelization;

(6) the impact deregulation may have on the growth of State-owned or State-controlled merchant fleets;

(7) the size of the United States liner fleet, by number and cargo capacity, which each of the deregulation options may produce;

(8) the future structure and role of the Federal Maritime Commission in a deregulated international ocean shipping industry;

(9) the need for antitrust immunity for ports and marine terminals in their commercial relations with one another and with conferences of ocean common carriers; and

(10) the continuing need for, and the utility of, the statutory requirement that tariffs be filed with and enforced by the Federal Maritime Commission.

(d) POWER OF THE COMMISSION.—The Commission or, on the authorization of the Commission, any committee thereof, may, for the purpose of carrying out its functions, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or the committee may deem advisable. Subpenas may be issued to any person within the jurisdiction of the United States courts, under the signature of the chairman or vice chairman, or any duly designated member, and may be served by any person designated by the chairman, the vice chairman, or that member. In the case of the failure of a witness to comply with a subpena or to testify when summoned under authority of this section, sections 102, 103, and 104 of the Revised Statues of the United States (2 U.S.C. 192-194) apply to the Commission to the same extent as those sections apply to Congress.

(2) For purposes of sections, 552, 552a, and 552b of title 5, United States Code, the Commission shall not be considered to be an "agency", as that term is defined in section 551(l) and 552(e) of that title. The Commission is not subject to the Federal Advisory Committee Act, Public Law 92-463, as amended.

(3) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, shall furnish to the Commission, upon request made by the chairman or vice chairman, such information as the Commission deems necessary to carry out its functions under this section.

(4) Subject to such rules and regulations as may be adopted by the Commission, the chairman may—

(A) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of that title, and

(B) procure temporary and intermittent services in accordance with the provisions of section 3109 of title 5, United States Code.

(5) Persons in the employ of the Commission pursuant to subsection (4) shall be considered to be Federal employees for all purposes.

(6) The chairman may rent office space for the Commission, may utilize the services and facilities of other Federal agencies with or without reimbursement, may accept voluntary services notwithstanding section 1342 of title 31, United States Code, may accept, hold, and administer gifts from nongovernmental sources and transfers of funds from other Federal agencies, and may enter into contracts with any public or private person or entity for reports, research, or surveys in furtherance of the work of the Commission.

(e) FINAL REPORT.—The Commission shall submit to the President and to the Congress not later than one year after the first meeting of the Commission, a final report containing a detailed statement of the findings and conclusions of the Commission resulting from the study undertaken pursuant to subsection (c), including its recommendations for such administrative, judicial, and legislative action which it deems advisable. Each recommendation made by the Commission to the President and to the Congress must have the majority vote of the Commission present and voting.

(f) EXPIRATION OF THE COMMISSION.—The Commission shall cease to exist sixty days after the submission to Congress of the final report under subsection (e).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Commission.

SEC. 18. OCEAN FREIGHT FORWARDERS.

(a) LICENSE.—No person may act as an ocean freight forwarder unless that person holds a license issued by the Commission. The Commission shall issue a forwarder's license to any person that—

(1) the Commission determines to be qualified by experience and character to render forwarding services; and

(2) furnished a bond in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

(b) SUSPENSION OR REVOCATION.—The Commission shall, after notice and hearing, suspend or revoke any license if it finds that the ocean freight forwarder is not qualified to render forwarding services or that it willfully failed to comply with any provision of this Act or with any lawful order, rule, or regulation of the Commission. The Commission may also revoke a forwarder's license for failure to maintain a bond in accordance with subsection (a)(2).

(c) EXCEPTION.—A person whose primary business is the sale of merchandise may forward shipments of that merchandise for its own account without a license.

(d) COMPENSATION OF FORWARDERS BY CARRIERS.—

(1) A common carrier may compensate an ocean freight forwarder in connection with any shipment dispatched on behalf of others only when the ocean freight forwarder has certified in writing that it holds a valid license and has performed the following services:

(A) Engaged, booked, secured, reserved, or contracted directly with the carrier or its agent for space aboard a vessel or confirmed the availability of that space.

(B) Prepared and processed the ocean bill of lading, dock receipt, or other similar document with respect to the shipment.

(2) No common carrier may pay compensation for services described in paragraph (1) more than once on the same shipment.

(3) No compensation may be paid to an ocean freight forwarder except in accordance with the tariff requirements of this Act.

(4) No ocean freight forwarder may receive compensation from a common carrier with respect to any shipment in which the forwarder has a direct or indirect beneficial interest nor shall a common carrier knowingly pay compensation on that shipment.

SEC. 19. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The laws specified in the following table are repealed:

Shipping Act, 1916:	
Sec. 13	36 Stat. 117
Sec. 14a	46 U.S.C. 813
Sec. 14b	46 U.S.C. 813a
Sec. 18(b)	46 U.S.C. 817(b)
Sec. 18(c)	46 U.S.C. 817(c)
Sec. 26	46 U.S.C. 825
Sec. 44	46 U.S.C. 841b
Merchant Marine Act, 1920:	
Sec. 20	41 Stat. 996
Merchant Marine Act, 1936:	
Sec. 212(e)	46 U.S.C. 1122(e)
Sec. 214	46 U.S.C. 1124
Omnibus Budget Reconciliation Act of 1981:	
Sec. 1608	95 Stat. 752

(b) CONFORMING AMENDMENTS.—The Shipping Act, 1916 (39 Stat. 728), as amended (46 U.S.C. 801 et seq.), is amended as follows:

(1) in section 1 by striking the definitions "controlled carrier" and "independent ocean freight forwarder";

(2) in sections 14, 15, 16, 20, 21(a), 22, and 45 by striking "common carrier by water" wherever it appears in those sections and substituting "common carrier by water in interstate commerce";

(3) in section 14, first paragraph, by striking "or a port of a foreign country";

(4) in section 14, last paragraph, by striking all after the words "for each offense" and substituting a period;

(5) in section 15, fourth paragraph, by striking "(including changes in special rates and charges covered by section 14b of this Act which do not involve a change in the spread between such rates and charges and the rates and charges applicable to noncontract shippers)" and also "with the publication and filing requirements of section 18(b) hereof and";

(6) in section 15, sixth paragraph, by striking ", or permitted under section 14b," and in the seventh paragraph, by striking "or of section 14b";

(7) in section 16, in the paragraph designated "First", by striking all after "disadvantage in any respect" and substituting "whatsoever.";

(8) in section 17 by striking the first paragraph, and in the second paragraph, by striking "such carrier and every";

(9) in section 21(b) by striking "The Commission shall require the chief executive officer of every vessel operating common carrier by water in foreign commerce and to the extent it deems feasible, may require any shipper, consignor, consignee, forwarder, broker, other carrier or other person subject to this Act," and substituting "The Commission may, to the extent it deems feasible, require any shipper, consignor, consignee, forwarder, broker, or other person subject to this Act,";

(10) in section 22 by striking subsection (c);

(11) in section 25, at the end of the first sentence, by adding "under this Act";

(12) in sections 30 and 31, after the words "any order of the board," by adding "under this Act,";

(13) in section 29, by striking out "any order of the board," and inserting in lieu thereof "any order of the board under this Act,"; and

(14) in section 32(c), after the words "or functions,", by adding "under this Act,".

(c) TECHNICAL AMENDMENTS.—Section 212 of the Merchant Marine Act, 1936 (46 U.S.C. 1122) is amended by—

(1) striking after subsection (d) the following undesignated paragraph:

"The Federal Maritime Commission is authorized and directed—";

and

(2) striking after subsection (e) the following undesignated paragraph:

"The Secretary of Transportation is authorized and directed—".

(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, and exemptions previously approved or licenses previously issued by the Commission shall continue in force and effect as if approved or issued under this Act; and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act.

(e) SAVINGS PROVISIONS.—

(1) Notwithstanding subsection 7(c), each service contract entered into by a shipper and an ocean common carrier or conference before the date of enactment of this Act may remain in full force and effect and need not comply with the requirements of that subsection until fifteen months after the date of enactment of this Act.

(2) This Act and the amendments made by it shall not affect any suit—

(A) filed before the date of enactment of this Act; or

(B) with respect to claims arising out of conduct engaged in before the date of enactment of this Act, filed within one year after the date of enactment of this Act.

SEC. 20. EFFECTIVE DATE.

This Act shall become effective one hundred and eighty days after the date of its enactment, except that sections 16 and 17 shall become effective upon enactment.

SEC. 21. COMPLIANCE WITH BUDGET ACT.

Any new spending authority (within the meaning of section 401 of the Congressional Budget and Impoundment Control Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in advance in appropriations Acts. Any provision of this Act which authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1983.

SEC. 22. COMMISSION REPORT.

The Commission shall collect and analyze information that will assist in determining the impact of this Act, including data on:

(1) increases or decreases in the level of tariffs;

(2) changes in the frequency or type of common carrier services available to specific ports or geographic regions;

(3) the number and strength of independent carriers in various trades; and

(4) the length of time, frequency, and cost, of major types of regulatory proceedings before the Commission.

The Commission shall report this information, together with an analysis of the impact of this Act, to Congress before December 31, 1988.

The SPEAKER pro tempore. Is a second demanded?

Mr. SNYDER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. JONES) will be recognized for 20 minutes and the gentleman from Kentucky (Mr. SNYDER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume, not to exceed 10 minutes.

Mr. Speaker, I rise in support of H.R. 1878, the Shipping Act of 1983. H.R. 1878 represents the cumulative efforts of, at least three Congresses. Last year, we passed similar legislation by a vote of 350-33, but difficulties in the other body unrelated to the merits of the legislation prevented enactment of this much needed revision of the Shipping Act.

The bill as introduced this session and as reported by the Committee on Merchant Marine and Fisheries was essentially identical to last year's bill. Our colleagues on the Judiciary Committee, to whom the bill was sequentially referred, expedited their consideration of the bill and on June 15, 1983, ordered reported an amended version. From that time until the present, the two committees have met to produce the agreed-upon version of H.R. 1878 which is before us today.

The compromise version together with an explanation of changes made to the bill was printed in its entirety in the CONGRESSIONAL RECORD dated October 6, 1983. I believe the bill, as it is now written, provides a regulatory structure that encourages entry by ocean common carriers into the business of moving the foreign commerce of the United States. It encourages and motivates those carriers to move our commerce efficiently and at competitive rates. The bill expedites the regulatory process so that Government does not unduly interfere with reasonable and time-sensitive business decisions. H.R. 1878 harmonizes our regulatory practices with those practiced by our trading partners. The bill before us today creates certainty and predictability where doubt and delay had been the rule.

Earlier this session, the other body passed similar legislation, S. 47. It behooves us to provide ocean carriers, to our importers and exporters, to others in the transportation system and to the ultimate consumer who depends upon an efficient ocean transportation system, a modern and responsive regulatory system. I ask your support in passing this much needed legislation.

□ 1240

Mr. SNYDER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. FORSYTHE), the ranking member of the full Committee on Merchant Marine and Fisheries.

Mr. FORSYTHE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 1878—the Shipping Act of 1983. Briefly this legislation would continue exemptions from the antitrust laws for certain agreements and activities dealing with international shipping that are subject to regulation by the Federal Maritime Commission. It would also expedite consideration and review of these agreements by the FMC and further define and clarify activities and practices which would be governed by the act and, under certain circumstances, prohibited by the operation of this legislation.

This bill has its origins in several pieces of legislation dating back to the 95th Congress. We have a substantial record on this bill. It was the subject of extensive hearings during the last Congress, and we had another full day of discussion at a hearing this session. The Merchant Marine Committee heard from a broad spectrum of interests from the maritime industry and received strong, favorable testimony on this bill. Last year, this House passed similar legislation with an overwhelminag vote. Unfortunately, the bill, was not enacted because of objections raised in the other body. This year, however, the other body has proceeded with their legislation and passed their bill on March 1, 1983, by a vote of 64 to 33. It is now time for us to pass our bill, so we can proceed to discussions with the other body and enact this legislation.

The purposes and objectives of this legislation are to encourage our U.S. international shipping industry to grow and to become more competitive with foreign operators. International shipping is almost a unique industry in that the laws of other countries do not contain the same types of antitrust restrictions that our laws have governing our business activities. Consequently, it is unrealistic to expect our liner operators to be able to compete in this highly competitive international trade, if they have to be subject to our domestic antitrust laws. This legislation represents a realistic assessment of the regulatory policies, and it would provide the type of regulatory environment which would enable U.S. liner operators to operate in a marketplace governed primarily by accepted international practices.

I want to talk for just a moment about one of the tangible, positive benefits which would stem from this legislation. This bill will be an economic boost for our liner-shipping industry. It will provide a means to reduce costs in these operations, and that, of course, will result in savings to U.S. shippers and, ultimately, the consumers. Once a ship is committed to sail, most of the expenses of operating that ship are fixed. These expenses will be nearly the same whether the ship is fully or only partially loaded. Very few costs are spared if the ship is 50-percent rather than 100-percent full. For example, a carrier that realized a 50-percent load factor would have to charge a shipper over $1,200 per container in order to break even and cover the operator's expenses. If the same carrier had a 100-percent load factor that same charge to the shipper would be reduced to a little over $700 per container. Clearly, therefore, it is in the best interests of the American shipper, the American consumer, and, ultimately, our economy to have a shipping policy which will encourage high utilization rates of our carriers. That is precisely one of the key elements of this legislation which would allow for joint ventures, sailing agreements, and space chartering arrangements between carriers.

This legislation also provides balance between the services provided by the carriers and the needs of the shippers through the mechanism of allowing a carrier the right of independent action in the setting of shipping rates. This provision will increase competition leading to better prices to the shippers. The bill also provides a clear statement of the activities and practices which will be governed by this act in contrast to activities which would fall within the terms of our antitrust laws. In this regard, I believe that the discussions between our committee and the Judiciary Committee have resulted in a good compromise proposal that acknowledges the unique nature of this industry and the need for this legislation.

As you know, Mr. Speaker, both committees have now endorsed this compromise text of H.R. 1878 and, furthermore, Secretary Dole of the Department of Transportation has indicated strong support for this legislation, and I refer specifically to the draft before us, which was the compromise draft, not the draft reported by either the Committee on Merchant Marine and Fisheries or the Committee on the Judiciary. It is time for us to move. I urge my colleagues to join me in passing this bill so that we can conclude this effort to help revitalize our maritime industry.

Mr. Speaker, I would add just one note to my Republican colleagues.

The conference digest on this legislation on our desks this morning does not really reflect the substance that is before us. It deals with the bills reported by the committee, which has many major changes from the one that is now before us and which has been agreed to by both the Committee on the Judiciary and the Committee on Merchant Marine and Fisheries. I certainly do hope that this legislation does pass. It is a bill that we have been working on that should become law.

The SPEAKER pro tempore (Mr. DASCHLE). The gentleman from New Jersey (Mr. FORSYTHE) has consumed 6 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BIAGGI), the chairman of the Subcommittee on Merchant Marine.

Mr. BIAGGI. I thank the gentleman for yielding time to me.

Mr. Speaker, some 13 months ago this House passed H.R. 4374 by a vote of 350–33. The bill we are considering today is the successor to H.R. 4374. We must return to this subject, because the other body failed to follow our lead in the closing days of the 97th Congress—and, thus, the serious problems the bill addresses remain to be acted upon.

Just as I offered and introduced H.R. 4374 in the 97th Congress, I reintroduced a new version early in this Congress. Four days of hearings before my Merchant Marine Subcommittee in the 97th Congress were followed by another day of hearings in this Congress. This brings to almost 60 the number of hearings and markup days that have been devoted to this subject. I think it is safe to say that the bill before us now has been carefully developed and all the points of view taken into consideration.

Those Members who supported H.R. 4374 in the 97th Congress can and should support H.R. 1878 today. The passage of a year has made no change in the basic situation.

We still need a healthy merchant marine;

We still need to change those laws that make it less able to compete in foreign commerce;

We still need to streamline the regulatory procedures applicable to ocean liners;

We still need to modernize the law to facilitate the intermodal movement of cargo; and

We still need to make the law more clear, certain, and predictable.

H.R. 1878 addresses those needs. It retains the same objectives and purposes as the previous version of this legislation. In addition, during the intervening year, the bill has been further modified and refined—and, in my opinion, improved.

The changes have not only made the bill more precise and clear in many areas, but have also resulted in stronger provisions against abuses in the setting of prices for ocean liner services. H.R. 1878 thus provides even greater protection for shippers and consumers than the bill we approved last year.

H.R. 1878 is the result of a great deal of hard work by our two committees under the able leadership of the distinguished gentlemen from North Carolina (Mr. JONES) and New Jersey (Mr. RODINO)—and the ranking minority members on the two committees (Mr. FORSYTHE, Mr. SNYDER, and Mr. FISH).[1]

Their leadership and hard work have produced a well-balanced bill that will free our ocean liner industry from some of the constraints that have made it less able to compete in international trade—while at the same time protecting the interests of shippers and consumers.

H.R. 1878 is an important step in the process of revitalizing our Merchant Marine. Its enactment is essential if we are to have the strong Merchant Marine we need for our economic and military security.

The primary objective of H.R. 1878 is to remove those constraints in the law that impede our ocean carriers from engaging in those cooperative activities that would improve their efficiency and enable them to compete on a more equal basis with foreign carriers.

If our ocean carriers are enabled by this legislation to better compete with foreign carriers, the eventual result should be more American ships carrying our trade. That means more American crews and more jobs for Americans. In these days of unacceptably high unemployment, any bill that offers the opportunity for more American jobs is worthy of strong support.

H.R. 1878 would also simplify and speed up those Government procedures that have made it difficult for our carriers to quickly respond to changing conditions and shipper requirements. These changes should enable them to operate more efficiently and reduce their administrative costs. They should also enable our operators to compete for cargoes with foreign carriers on a more equal basis.

This bill has been attacked by some as being "special interest" legislation. It is—it is in the special interest of the American people. It is aimed at producing a larger, more healthy, and more efficient American Merchant Marine. And, clearly, that objective is in the best interests of the American people.

The long and diverse list of organizations, corporations, unions, and other interests that have expressed support for this bill confirms that conclusion.

H.R. 1878 rewrites that portion of the 1916 Shipping Act that regulates common carriers by water in foreign commerce. That act was aimed at eliminating cutthroat competition in ocean shipping and at bringing a measure of stability to that business so that American exporters would not be at a disadvantage as compared to their foreign competitors.

The 1916 act accomplished its purpose by granting ocean common carriers and conferences of those carriers immunity from the antitrust laws of the United States. That enabled American carriers to engage in the type of cooperative activities that were engaged in by their counterparts overseas, and that led to increased efficiency in usage of their vessels.

While H.R. 1878 retains and strengthens the basic antitrust immunity for the ocean liner industry, it also provides numerous protections to insure that the industry does not abuse its monopoly powers. The bill contains a long list of prohibited acts with meaningful penalties that are, in some cases, heavier than those in the 1916 act.

In summary, H.R. 1878 recognizes the need to amend the present law and provide a modern and realistic regulatory scheme that will allow U.S. carriers and shippers to conduct international ocean commerce in a stable, efficient, and competitive manner within a fair trade environment.

It attempts to provide clear-cut rules and procedures applicable to both foreign-flag and U.S.-flag operators within an equitable and competitive commercial environment. While advancing the commercial interests of the carrier, as well as the shipper, it also attempts to prevent U.S.-flag vessels from being driven from the liner trades by a regulatory scheme that perviously has weighed disproportionately heavily on U.S. operators.

As I am sure my colleagues know, this bill is strongly supported by the administration. It has strong bipartisan support in the two committees that considered it. A companion bill has been passed by the Senate.

I, therefore, urge all Members of the House to support the bill so that we can complete action on it and take an important step in the strengthening of our American Merchant Marine.

□ 1250

Mr. SNYDER. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from New York (Mr. FISH).

[1] The bill is also the result of considerable effort by former Secretary Drew Lewis and the present Secretary of Transportation Elizabeth Dole—and, of course, the excellent work of the staff of the two committees.

Mr. FISH. Mr. Speaker, I rise in support of H.R. 1878, the Shipping Act of 1983.

The issue of maritime regulatory legislation has confronted each of the last three Congresses. Finally, we appear to have a bill that deserves enactment into law. This legislation is the product of genuine cooperation and compromise on the part of both the Judiciary Committee and the Committee on Merchant Marine and Fisheries. It is also made possible by the tact and persuasiveness of the Secretary of Transportation.

The version of H.R. 1878 now before the House will continue the exemption from the antitrust laws for the international ocean carrier industry, which dates back to the original Shipping Act of 1916. The compromise bill defines with greater specificity the limits of that antitrust immunity and also streamlines the regulatory oversight role of the Federal Maritime Commission (FMC). In part, it is an attempt to deal with the historical problem of long delays at the FMC in processing and approving conference agreements.

This legislation is a recognition of the economic and international realities that face the maritime industry. It seeks to provide the industry with greater certainty and predictability, so as to encourage a more favorable investment climate. We should expect this statutory certainty will result in the much-needed modernization of the U.S.-flag fleet. At the same time, this compromise measure contains increased protections for both shippers (American companies that import and export goods) and consumers.

The version of the Shipping Act reported by the Judiciary Committee in June was significantly different from that which had been reported by the Merchant Marine and Fisheries Committee in April. The principal changes made by the Judiciary Committee can be broken down into four subject categories. These are:

First, a sunset provision, stating that the antitrust immunity granted by the Shipping Act would expire no later than December 31, 1988;

Second, the restoration of a general interest standard, under which the Federal Maritime Commission could take action against conference agreements it determined to be seriously anticompetitive;

Third, the liberalization of an individual conference carrier's right to take independent action on pricing and services; and

Fourth, the elimination of tariff filing and the accompanying enforcement responsibilities of the Federal Maritime Commission.

The administration, specifically the Department of Transportation, strongly opposed the sunset of antitrust immunity and the language of the general approval standard contained in the Judiciary Committee bill. The ocean carrier industry, similarly, strongly opposed both of these provisions and in addition strenuously objected to the elimination of tariff filing and enforcement. Thus, the Shipping Act was to become law, the circumstances required that a compromise be worked out.

What this House has before it today is legislation that reflects the terms of that compromise. H.R. 1878, as it is now structured, resolves the major areas of disagreement in the following manner:

First, the sunset provision is eliminated.

Second, the general approval standard, while retained, is reworded so as to be more specific and less threatening to the industry.

Third, the right of independent action is strengthened, so that an individual carrier can take independent pricing action on 2 working days' notice.

Fourth, tariff filing and enforcement are restored to the bill.

Fifth, the use of loyalty contracts by the conferences is precluded unless they otherwise meet the competitive standards of the antitrust laws.

The sunset provision was eliminated from this legislation simply because a scheduled termination of antitrust immunity would undermine the very certainty and predictability sought through the enactment of this legislation. When the full Judiciary Committee considered H.R. 1878, my friend and colleague, HAL SAWYER, offered an amendment to strike the sunset provision in its entirety. The Sawyer amendment was fully supported by the administration and by the Republicans on the Judiciary Committee. Its elimination is a welcome improvement in H.R. 1878.

The compromise bill retains the provisions that permit the Federal Maritime Commission to seek a court injunction against conference agreements whose likely anticompetitive effects outweigh likely benefits. However, as revised, this general interest standard is more specific and more acceptable to affected parties. As revised, the provision would be triggered by a Commission determination that:

First, an agreement is likely to result in a harmful reduction in competition in the ocean commerce of the United States; and

Second, the likely harm from the reduction outweighs any likely private or public benefits of the agreement

* * *

Two aspects of the wording change are significant. The substitution of the phrase "harmful reduction in competition" for "substantially to reduce competition" emphasizes that any reduction in competition must be harmful in order for the test to be triggered. So, even if the Commission finds a harmful reduction in competition, it must also find that the likely anticompetitive effects outweigh likely benefits of the agreement. The revised wording emphasizes that private as well as public benefits of an agreement are to be weighed.

As reported by the Judiciary Committee, H.R. 1878 would permit an individual carrier that is a member of a conference to take independent action on any rate or service on 10 days' notice to the rest of the conference. "Independent action" is the right of a conference carrier to charge a different rate, or institute a different service practice, than that of the rest of the conference. Many commentators have argued that independent action is potentially the most important competitive force within a conference against monopolistic rates and service practices that would otherwise be anticompetitive in nature.

Under the terms of the compromise, this right of independent action is even further strengthened. Section 4(b)(7) states that an individual carrier can take independent action on 2 working days' (48 hours) notice with respect to price. The 10-day notice requirement is retained with respect to service practices unrelated to price. Both consumers and shippers will be the rightful beneficiaries of this procompetitive amendment.

When considering H.R. 1878, the Monopolies Subcommittee adopted an amendment, offered by myself, which deleted the requirement that tariffs be filed with the Federal Maritime Commission and enforced by the Commission. The compromise reinstates tariff filing and enforcement requirements in the Shipping Act. However, language has been added to the bill directing the Commission on the Deregulation of International Ocean Shipping to specifically consider "the continuing need for, and the utility of, the statutory requirement that tariffs be filed with and enforced by the Federal Maritime Commission." Thus, Congress may well consider recommendations made by this Commission relative to tariff filing and enforcement at a later date.

I still believe that tariff publication and enforcement is not an appropriate role for a Federal regulatory agency. Nevertheless, I am sympathetic to the concerns voiced by smaller shippers and the carriers, American carriers in particular. Small businesses feared that the removal of tariff filing could mean higher prices for them. Similarly, American carriers look to publicly filed tariffs as a way to monitor their foreign competitors. I remain hopeful that the new Commission, created by this legislation, will take a careful look at this matter and that Congress will revisit it in the future.

Another noteworthy change in this bill concerns the treatment of loyalty contracts. A loyalty contract, sometimes referred to as a "dual rate contract," is a device used by ocean carriers or conferences to lock-in the business of a particular shipper. Generally, a loyalty contract will offer a shipper a lower tariff; that is, rate if he ships all or a significant percentage of his ocean freight with the carrier or conference offering the contract. Loyalty contracts have been frequently criticized as being anticompetitive exclusive dealing arrangements. In the compromise bill, the use of loyalty contracts by the conferences is prohibited unless they otherwise meet the competitive standards of the antitrust laws. That is, the Shipping Act would no longer exempt ocean carrier loyalty contracts from the antitrust scrutiny applicable to exclusive dealing arrangements in other industries.

Mr. Speaker, as with any compromise, H.R. 1878 both gives and takes away. But I must say that, from my perspective, this version of the Shipping Act of 1983 is a much improved product over previous alternatives. Any exemption from the procompetitive principles of our antitrust laws should be closely scrutinized. There must be compelling evidence, based upon unique economic factors. That necessary scrutiny has occurred in this case and unique factors are present in this industry.

The compromise bill is strongly supported by the administration. It fairly balances the interests of carriers, shippers and consumers. It deserves the support of this House.

Mr. Speaker, at the conclusion of my remarks, I include, as follows, a letter from the Secretary of Transportation, Elizabeth Hanford Dole, to the minority leader, affirming the administration's commitment to H.R. 1878:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C.

HON. ROBERT H. MICHEL,
Minority Leader,
House of Representatives, Washington, D.C.

DEAR BOB: I am writing to reaffirm the Administration's commitment to the regulatory reform of the maritime industry in the context of H.R. 1878, currently pending for House floor action in the near future.

One of the priority objectives of the President is the revitalization of the merchant marine industry. The enactment of regulatory reform legislation is regarded by the Administration as an important step toward the achievement of that objective. We believe that enactment of such legislation is now within the grasp of the Congress and the Administration.

As you know, an earlier version of maritime regulatory reform, H.R. 4374, passed the House last year by a vote of 350 to 33, but failed to be considered on the Senate floor before the end of the 97th Congress. While H.R. 1878 is similar in many ways to last year's bill, we feel that it represents a significant step forward in that it provides a better competitive balance than its predecessor. The legislation would correct current procedures to reinstate certainty and predictability in the regulation of liner shipping in our foreign commerce, while adequately protecting all parties—shippers, carriers and ultimately the American consumer. The legislation defines with greater precision the scope of antitrust immunity which has been in force since passage of the Shipping Act of 1916. At the same time, the legislation would eliminate many of the problems that have arisen in connection with extraterritorial application of our laws to ocean liner services, which has produced friction with our trading partners.

Earlier this year, the Senate passed similar legislation, S. 47, by an overwhelming margin. H.R. 1878 is a compromise which enjoys the bipartisan support of both the House Judiciary and Merchant Marine and Fisheries Committees. In addition, the bill is supported by shippers, who are the consumers of ocean transportation services, and all segments of the maritime industry, including ocean carriers, maritime labor groups, and port interests.

For the above reasons, I join with the Congressional sponsors of this bipartisan legislation to urge passage of H.R. 1878, and I pledge to work with the Congress during Conference deliberations to achieve a final bill which continues to reflect the objectives so carefully articulated in H.R. 1878.

Sincerely,

ELIZABETH HANFORD DOLE.

● Mr. SAWYER. Mr. Speaker, I am pleased to note that this compromise removes the sunset provision added to H.R. 1878 during Judiciary Committee consideration. With the full backing of the administration, I strongly opposed the insertion of a sunset provision in the Shipping Act. Unfortunately, my amendment was defeated in the full committee by an 18-12 rollcall vote.

Had the sunset language remained in the bill, and had the peculiar status of the American shipping industry been faced with the risk of disappearing on December 31, 1988, the ability of the American liner industry to raise capital in the interim would have been hopelessly impaired. During the 5-year period between now and 1988, estimates suggest that the U.S. shipping industry must invest some $3 billion in new operating equipment. Such extraordinary sums are unlikely to be committed if the Congress drops a veil of uncertainty through the creation of a statutorily mandated sunset provision.

I understand that the purpose of those who endorsed the sunset provision was to lend greater weight to the recommendations of the study commission created by H.R. 1878, and thereby effectively force the Congress to act on them or else allow the protections afforded by this bill to lapse. I applaud their motives; I simply believe that the cure they proposed was more drastic than the disease necessitates.

Moreover, I believe that the administration, in the person of Transportation Secretary Elizabeth Dole, has been correct when it has said that our technical innovations, such as containerization, have had much to do with our ability to remain competitive against international competition unencumbered by antitrust regulation.

As a member of both the Judiciary Committee and the Merchant Marine and Fisheries Committee, I know that if we strip our liners of the ability to raise funds for the purpose of financing much-needed modernization within the American fleet, we will have lost the battle before we even begin. The sunset provision would have had such an effect, and I believe the compromise alternative should be approved.●

Mr. JONES of North Carolina. Mr. Speaker, I yield 10 minutes to the distinguished chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Speaker, the legislation we are addressing today is one that has been arrived at after many, many hours of very deliberate study.

I believe we struck a balance, a balance that will work in the interests of the shippers, in the interest of the consumers, and in the interest of our country. For their leadership and cooperation, I want to applaud the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from North Carolina (Mr. JONES); his subcommittee chairman, the gentleman from New York (Mr. BIAGGI); the ranking minority member of my committee, the gentleman from New York (Mr. FISH); the gentleman from New Jersey (Mr. FORSYTHE); and the gentleman from Kentucky (Mr. SNYDER).

□ 1300

Maritime regulatory reform has been on the calendar of both the Merchant Marine Committee and the Judiciary Committee at least since the 96th Congress. Although the combined efforts of the two committees brought a compromise bill through the House last year, neither this measure nor any of the other past proposals has been enacted. This year, building upon the experience of past years, we have crafted a bill that, from just about anyone's point of view, is a significant improvement over existing law.

Any proposed legislation affecting parties with strong but conflicting economic interests necessarily requires compromise; and compromise inevitably means no one gets everything on his wish list. The advantages of this reform proposal are nonetheless readily apparent.

This legislation should simplify and expedite the processing of agreements filed with the Federal Maritime Commission. The new preclearance procedure is modeled after the Hart-Scott-Rodino Act, which provides for premerger clearance under the antitrust laws. It gives the FMC 45 days to review an agreement, with a possibility

of an additional 45-day period if supplemental information is requested. The costs and uncertainty of open-ended regulatory delay under existing law serve no one's long-term interests. By addressing these problems, we make it easier for ocean carriers to invest and operate—and this should bring down the costs of shipping for the ultimate consumer.

The bill lets carriers collectively set "through" rates that cover both land and sea segments of combined ocean-land movements. And to lessen concern about possible liability under both the Shipping Act and the antitrust laws, the bill provides an exclusive damage remedy under the Shipping Act for those injured by violations of the act.

The bill, however, does not ignore the interests of shippers and consumers in efficient and competitively priced shipping services. A new general standard allows the FMC to obtain an injunction to stop any agreement that hurts competition with insufficient offsetting private or public benefits. This competition standard, an essential ingredient in a balanced regulatory scheme, is designed to reduce the delays and uncertainties associated with the "public interest" test under existing law.

The bill also preserves the authority of the antitrust enforcement agencies to proceed against conduct that is beyond the scope of an agreement filed with the FMC. And these enforcement agencies are free to offer their guidance to the FMC on questions relating to the competitive consequences of an agreement. Other important features to enhance competition include a prohibition on the use of loyalty contracts—exclusive dealing contracts that could be used by a conference carrier to pressure an independent carrier out of a trade—if such contracts would violate the antitrust laws. And the bill gives to carriers that are members of a conference the authority to set prices independently on 2 working days' notice to the conference. This provision should help maintain competition for ocean transportation.

Finally, the bill provides for an independent study commission to study possible future deregulation of ocean trade. The Commission will provide the President and the Congress the expert guidance necessary to address regulatory issues with sensitivity for the long-term interests of the United States and its major trading partners.

A healthy and competitive merchant marine is vital to the import and export trade of the United States and, in time of national crisis, would be a valuable political and military asset. In the long term, the health of the U.S. merchant marine will be enhanced by a regulatory scheme that keeps our liner companies competitive with the rest of the world. This bill will be a major step toward achieving that goal.

Mr. Speaker, I urge my colleagues to join me in supporting the Shipping Act of 1983, a bill which represents the culmination of the efforts of two House committees over the last three Congresses.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HUGHES).

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey (Mr. HUGHES) is recognized for 3 minutes.

There was no objection.

Mr. HUGHES. Mr. Speaker, I welcome this opportunity to speak in strong support of H.R. 1878, the Shipping Act of 1983.

I have watched a similar bill work its way through two committees and the full House during the last Congress. Although that bill was never enacted, it provided a starting point for the efforts of the Judiciary and Merchant Marine Committees during this Congress. The compromise bill before us today is, I believe, substantially better than the bill that we approved last year.

The bill does not contain two controversial amendments that were initially approved by the Judiciary Committee. The first would have ended the FMC's role in the filing and enforcement of tariffs. The second would have ended antitrust immunity on or before December 31, 1983. These provisions were intended to promote competition among ocean carriers; but they were strongly opposed by those carriers because they feared a crippling of investment and an invitation to rebating and other practices that would not serve the long-term interests of the carriers or their shipper customers.

What remains is a solid bill that should substantially simplify the regulatory process and, within the framework of a complex international industry, promote and preserve competition. As under existing law, agreements among carriers will have to be filed with the Maritime Commission to receive antitrust immunity. And such agreements may be challenged by the Commission if they have harmful anticompetitive effects not outweighed by private or public benefits. But the review process is an expeditious one, limited to a maximum of 90 days. This limitation alone should lessen uncertainty and cut regulatory costs, two of the major problems with the existing scheme.

The bill creates an independent study commission charged with reporting on other possible deregulatory initiatives. And a separate provision requires the FMC to collect and analyze data on the level of tariffs, the frequency of service, and other matters that may indicate the effect of the changes to be implemented by this legislation. Once the relevant data and recommendations are gathered, the Congress may choose to make further changes in the regulatory scheme.

The Congress should act now to approve a bill that effects changes supported by vast majority of members of both committees that have studied the issues.

Mr. Speaker, I want to commend my colleague, the distinguished chairman of the full committee on Merchant Marine and Fisheries, upon which I am privileged to serve; the ranking member, the chairman of the Subcommittee on Merchant Marine; the chairman of the full Committee on the Judiciary; the ranking minority member of the full committee, and all those who have worked very hard on this legislation.

Mr. Speaker, I urge my colleagues to join me in voting for H.R. 1878.

Mr. RODINO. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. FEIGHAN).

The SPEAKER pro tempore. The gentleman has only 1 minute remaining of the 10 minutes allotted.

Mr. JONES of North Carolina. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Ohio (Mr. FEIGHAN).

The SPEAKER pro tempore. Without objection, the gentleman from Ohio (Mr. FEIGHAN) is recognized for 3 minutes.

There was no objection.

Mr. FEIGHAN. Mr. Speaker, I want to join with the chairman of the Judiciary Committee and the chairman of the Merchant Marine and Fisheries Committee in supporting the compromise version of H.R. 1878, the Shipping Act of 1983.

The compromise bill before us today is the result of a lot of hard work and careful balancing of competing economic interests. It is one that I support with enthusiasm. The regulatory scheme governing this industry has been plagued by long periods of delay and uncertainty. This bill would establish a simplified preclearance procedure for Federal Maritime Commission review of agreements to be accorded antitrust immunity. The advantages of this revised procedure include, first, an expedited review period, allowing the Federal Maritime Commission 45 days to review an agreement, with an opportunity to extend the period for an additional 45 days if review of additional information is required; second, well-defined power of the FMC to obtain necessary information to pass on the propriety of an agreement; and, third, within this expedited framework, the authority of the FMC to seek an injunction to halt operation of any agreement that harms competition with no offsetting private or public benefits.

Some ocean carriers, while welcoming the expedited review procedure, have expressed misgivings about the competition standard that allows the FMC to seek a court injunction to stop anticompetitive agreements. But this provision is far more favorable to the ocean carriers than existing law, which allows the FMC to act against agreements not in the "public interest." No long delays can occur under the new provision; and the burden will be on the FMC to convince a court of the overriding anticompetitive effects of the agreement.

This flexible competition standard is, as Chairman RODINO suggests, an absolutely vital tool for a regulatory agency charged with maintaining the long-term national interests. Without this authority, the FMC would be unable to act against anticompetitive agreements, no matter how pernicious their effects, unless they happened to fall squarely within the terms of one of the specified prohibited acts. Congress cannot responsibly charge the FMC with responsibility for regulating the industry in the public interest, while stripping it of its powers to rectify improper action.

We have before us a balanced bill that will effect significant improvments in the regulatory scheme. I urge my colleagues to join me in supporting this legislation.

□ 1310

Mr. SNYDER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Speaker, this is important legislation both from a maritime perspective and from an antitrust perspective.

This compromise version of the Shipping Act of 1983 (H.R. 1878) is the collective work-product of the Judiciary Committee and the Committee on Merchant Marine and Fisheries. It recognizes the practical realities of the international maritime industry—such as the conference system and collective pricing agreements. But, at the same time, H.R. 1878 includes numerous features—such as independent action and limitations on the use of loyalty contracts—that are fully consistent with the pro-competitive philosophy of our antitrust laws.

For over a century, international ocean carriers have formed conferences to collectively establish rates and services. This conference system is the accepted worldwide practice. Early in this century, it became obvious that the conference system could not operate legally in U.S. trades without some immunity from the Federal antitrust laws. In 1916, faced with the unusual characteristics of international maritime competition, Congress enacted the Shipping Act. That act sanctioned the conference system but limited their powers and established a Federal regulatory machinery to oversee the industry.

However, over the years, activities by the Federal Maritime Commission and the Department of Justice have resulted in an ever-increasing application of the antitrust laws to international shipping serving the United States. In 1961, the Shipping Act was amended—most notably by a clause which provided for disapproval of conference agreements which the Federal Maritime Commission found to be "contrary to the public interest." This "public interest" standard has been interpreted by the Supreme Court to embody the anticompetitive principles of the antitrust laws. See *FMC* v. *Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238 (1968). It is this decision, creating what is commonly known as the Svenska test, that has prompted the international ocean carrier industry to seek a legislative clarification of the exact nature of their antitrust immunity.

There are at least four basic problems with the current regulatory scheme. First, the system is unpredictable and a conference is never sure whether the Federal Maritime Commission will approve its agreements. Second, lengthy delays in the Commission's decision making process have accentuated this uncertainty. Third, U.S. carriers complain of unequal enforcement of the antitrust laws, to their detriment. Fourth, the regulatory system strains our international relations—our trading partners complain that extraterritorial application of our antitrust laws is an unfair interference with international commerce.

This compromise version of H.R. 1878 responds to all of these problems. It eliminates the vague standards of current Commission review, including the public interest test. Instead, section 9 of the bill lists specifically prohibited acts such as rebating and unfair discriminatory or predatory practices. The bill also sets deadlines for prompt FMC review of conference agreements. Penalties are provided when prohibited conduct occurs.

I am particularly pleased that the counterproductive sunset provision, added during Judiciary Committee deliberations on this bill, has been deleted. Also, the pro-competitive right of independent action has been greatly strengthened—allowing an individual ocean carrier to take separate pricing action on 2 working days' notice. The compromise bill also prohibits loyalty contracts that would otherwise violate the terms of our antitrust laws. The general standard of review has been modified so that its language will not recreate the problematic public interest test.

In short, this is a balanced compromise, which is receiving deserved support from members of both committees involved. The administration, Transportation Secretary Dole, and the maritime industry strongly support favorable House action on H.R. 1878. I recommend to my colleagues that they vote favorably on final passage of this important legislation.

Mr. SNYDER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Speaker, I rise in support of H.R. 1878, the Shipping Act of 1983, and in support I would just like to make mention of our attempt to try and do something in this area in the last Congress.

Shortly after we passed it out of this House, and then unfortunately because of inaction on the Senate side, we failed to push it any further. One of the so-called consumer groups had ratings given to all Members of Congress and used this as an example of an anticonsumer vote. We ought to say very clearly here that we are dealing with a situation recognized by Congress as far back as 1916 in dealing with the questions of shipping in the international community.

We have to make sure that the United States is not put at a disadvantage vis-a-vis the other international shippers. This was recognized in 1916 when we passed a law which allowed certain antitrust exemptions. This is an effort to try and upgrade, to modernize that approach, and I think that the compromise that has been struck between the two committees involved moves us more in a deregulatory mode, while at the same time protecting the shipping interests of the United States vis-a-vis the rest of the world.

We have dealt with the situation that was recognized as long ago as 1916, and yet we have attempted to bring it up to present-day circumstances with an effort toward improving the competitive atmosphere that will prevail. I think this bill is, as a matter of fact, an improvement over the approach that we had in the last Congress, even though I supported that approach in the last Congress, and I would hope that we would have a unanimous support from the membership on behalf of the effort put forward by the two committees. This is in fact under all circumstances a proconsumer bill, given the fact that you are dealing with an already existing reality of a shipping industry that has to deal with the international situation.

If we are going to have a competitive atmosphere internationally, we have to strike a balance with respect to our antitrust laws domestically, and Mr. Speaker, I would suggest that we have done so in this bill and I would ask all Members to vote in support of that and I yield back the balance of my time.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I speak in strong support of H.R. 1878. As a member of the Merchant Marine and Fisheries Committee for over 13 years, I have had the opportunity to observe the antiquated system under which the United States requires its ocean common carriers to operate. Indeed, the United States is unique in the world in its regulation of oceanborne foreign commerce.

Agreements, implementing the conference members agreed upon activity, are currently required to be approved by the Federal Maritime Commission (FMC) prior to coming into effect. This is more often than not, a lengthy process which results in many agreements becoming commercially obsolete by the time they are approved. In addition, the antitrust immunity which Congress clearly intended to apply to ocean shipping when it enacted the Shipping Act of 1916, has been substantially eroded. As a result, there is no longer a clear antitrust standard for the carriers to operate under, of for the FMC to administer with any certainty of staying within the parameters of permissible activities and without the prospect of prosecution by the Justice Department. Because U.S.-flag carriers are located in the United States, they are the ones who feel the brunt of any Justice Department prosecution. On the other hand, the foreign-flag operators enjoy the protection of blocking statutes which their countries enact to prevent the turning over of their records to the Justice Department. H.R. 1878 is an attempt to put U.S.-flag carriers on an equal footing with their foreign-flag competitors.

H.R. 1878 is a bipartisan legislative effort designed to correct many of the shortcomings in existing law. I am not in complete agreement with the bill and would have preferred to have seen some changes in the bill; particularly I am not satisfied with the bill's provision which retains the requirement that tariffs must be filed and enforced by the FMC. Nonetheless, I think that the bill before us does make some significant improvements in the area of increasing competition and represents a reasonable compromise.

As the chairman has already pointed out, the bill before us today is essentially the same bill that the House overwhelmingly approved in the 97th Congress by a vote of 350 to 33. Unfortunately, the Senate companion bill fell victim to the lameduck maneuvering in the last Congress, and our efforts to enact a regulatory reform bill fell short.

Indeed, enactment of a maritime regulatory reform bill has been a long time in coming. One of the major reasons for the past failures, I believe, was the absence of a single unified administration position on maritime reform. That has not been the case with the current administration. Early in the 97th Congress, former Secretary of Transportation Lewis successfully argued the case for maritime regulatory reform before the Cabinet Council and won. Secretary Dole has continued that effort and has been devoting a great deal of her time and effort to get the bill where it is today. I want to commend the Secretary for her tremendous work on this bill and I urge my colleagues to vote for the bill. Certainly the chairman of our committee, the gentleman from North Carolina (Mr. JONES) and our ranking member, the gentleman from New Jersey (Mr. FORSYTHE) as well as the chairman of the subcommittee the gentleman from New York (Mr. BIAGGI) are worthy of the commendation of this House for their leadership. The Judiciary Committee likewise deserves our commendation for their work on this important legislation.

Mr. Speaker, I hope that it passes by the same majority or more than it did in the last Congress.

□ 1320

Mr. JONES of North Carolina. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 1878, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 47) to improve the international ocean commerce transportation system of the United States, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was not objection.

The Clerk read the Senate bill, as follows:

S. 47

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Shipping Act of 1983".

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SEC. 2. DECLARATION OF POLICY.

The objectives of United States regulation of international liner shipping are—

(1) to develop and maintain an efficient ocean transportation system through commercial means, with minimum government involvement, in order to serve the needs of United States foreign commerce;

(2) to foster reliable and responsible service by marine terminal operators, ocean common carriers, and conferences;

(3) to encourage ocean transportation rates and practices for United States exporters and importers that are internationally competitive, and which are not unjustly discriminatory;

(4) to harmonize United States shipping practices with those of its major trading partners;

(5) to permit cooperation among carriers and rationalization of services; and

(6) to facilitate efficient and timely regulation by a single Federal agency of the various aspects of international liner shipping, responsive to the growth of ocean commerce and international developments affecting that commerce.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) "agreement" means an understanding, arrangement, or association, written or oral, and any modification or cancellation thereof; but the term does not include a maritime labor agreement;

(2) "antitrust laws" means the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended; the Federal Trade Commission Act (38 Stat. 717), as amended; sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended; the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended; the Antitrust Civil Process Act (76 Stat. 548), as amended; and amendments and Acts supplementary thereto;

(3) "assessment agreement" means an agreement, whether part of a collective-bargaining agreement or negotiated separately, only to the extent that it provides for the funding of collectively bargained fringe benefit obligations on other than a uniform man-hour basis, regardless of the cargo handled or type of vessel or equipment utilized;

(4) "bulk cargo" means cargo that is loaded and carried in bulk without mark or count;

(5) "Commission" means the Federal Maritime Commission;

(6) "common carrier" means a person holding itself out to the general public to provide transportation of passengers or property between the United States and a foreign country for compensation that—

(A) assumes responsibility for the transportation from the port or point of receipt to the port or point of destination; and

(B) utilizes, for all or part of that transportation, a vessel operating on the high seas or the Great Lakes between ports in

the United States and ports in foreign countries.

(7) "conference" means an association of ocean common carriers permitted, pursuant to an approved or effective agreement, to engage in concerted activity and to utilize a common tariff; but the term does not include a joint service, consortium, pooling, sailing or transshipment arrangement;

(8) "controlled carrier" means an ocean common carrier that is, or whose operating assets are, directly or indirectly, owned or controlled by the government under whose registry the vessels of the carrier operate; ownership or control by a government shall be deemed to exist with respect to any carrier if—

(A) a majority portion of the interest in the carrier is owned or controlled in any manner by that government, by any agency thereof, or by any public or private person controlled by that government; or

(B) that government has the right to appoint or disapprove the appointment of a majority of the directors, the chief operating officer, or the chief executive officer of the carrier;

(9) "deferred rebate" means a return by a common carrier of any portion of the freight money to a shipper as a consideration for that shipper giving all, or any portion, of its shipments to that or any other common carrier, or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement;

(10) "fighting ship" means a vessel used in a particular trade by an ocean common carrier or group of such carriers for the purpose of excluding, preventing, or reducing competition by driving another ocean common carrier out of that trade;

(11) "forest products in an unfinished or semifinished state" means forest products that require special handling moving in lot sizes that range from being too large for containers up to and including shipload lot sizes, including, but not limited to lumber in bundles, rough timber, ties, poles, piling, laminated beams, bundled siding, bundled plywood, bundled core stock or veneers, bundled particle or fiber boards, bundled hardwood, wood pulp in rolls, wood pulp in unitized bales, paper board in rolls, and paper in rolls;

(12) "inland division" means the amount paid by an ocean common carrier to any inland carrier for the inland portion of through transportation offered to the public by the ocean common carrier;

(13) "inland portion" means the charge to the public by an ocean common carrier with respect to the nonocean portion of through transportation;

(14) "loyalty contract" means a contract with an ocean common carrier or conference, other than a service contract or a contract based on time-volume rates, by which a contract shipper obtains lower rates by committing all or a fixed portion of its cargo to that carrier or conference;

(15) "marine terminal operator" means a person engaged in the United States in the business of furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier;

(16) "maritime labor agreement" means a collective-bargaining agreement between an employer or group of employers, subject to this Act and a labor organization representing employees in the maritime or stevedoring industry, or an agreement preparatory to such a collective-bargaining agreement among members of a multiemployer bargaining group, or an agreement specifically implementing provisions of such a collective-bargaining agreement or providing for the formation, financing, or administration of a multiemployer bargaining group; but the term does not include an assessment agreement;

(17) "net profit and loss pool" means a pooling or apportionment of net profit or losses, or any similar arrangement that results in the participants sharing all or virtually all of their costs of operation, but the term does not include a pooling or apportionment of revenues in which each participant continues to bear his own costs even if such a pooling provides for certain adjustments to revenue or expense or results in the sharing of certain costs;

(18) "non-vessel-operating common carrier" means a common carrier that does not operate the vessels by which the ocean transportation service is provided, and is a shipper in its relationship with an ocean common carrier;

(19) "ocean common carrier" means, for purposes of this Act only, a vessel operating common carrier; but the term does not include one engaged in ocean transportation by ferry boat, ocean tramp or bulk cargo vessels;

(20) "ocean freight forwarder" means a person in the United States who—

(A) dispatches shipments via common carriers and books or otherwise arranges space for such cargo on behalf of shippers, and

(B) processes the documentation or performs related activities incident to such shipments;

(21) "person" includes individuals, corporations, partnerships, and associations existing under or authorized by the laws of the United States or of a foreign country;

(22) "service contract" means a contract between a shipper and an ocean common carrier or conference in which the shipper makes a commitment to provide a certain minimum quantity of cargo over a fixed time period, and the ocean common carrier or conference commits to a certain rate or rate schedule as well as a defined service level—such as, assured space, transit time, port rotation, or similar service features; the contract may also specify provisions in the event of nonperformance on the part of either party;

(23) "shipment" means all of the cargo carried under the terms of a single bill of lading;

(24) "shipper" means an owner or person for whose account the ocean transportation of cargo is provided or the person to whom delivery is to be made;

(25) "shipper's council" means an association of shippers or their agents, other than ocean freight forwarders and non-vessel-operating common carriers;

(26) "tariff" means any schedule of rates, charges, classifications, rules, and practices, including any supplement, amendment or reissue pertaining to services or accommodations subject to this Act;

(27) "through rate" means the single amount charged by a common carrier in connection with through transportation;

(28) "through transportation" means continuous transportation between origin and destination for which a single amounts is assessed and which is offered or performed by one or more carriers, at least one of which is a common carrier, between a United States point or port and a foreign point or port; and

(29) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, and all other United States territories and possessions.

SEC. 4. AGREEMENTS WITHIN SCOPE OF ACT.

(a) OCEAN COMMON CARRIERS.—This Act applies to agreements by or among ocean common carriers to—

(1) discuss, fix, and regulate rates, accommodations, and other conditions of service including through rates and through transportation;

(2) pool or apportion earnings, losses or traffic;

(3) allot ports or restrict or otherwise regulate the number and character of sailings between ports;

(4) limit or regulate the volume or character of cargo or passenger traffic to be carried;

(5) engage in exclusive, preferential, or cooperative working arrangements among themselves or with one or more marine terminal operators or non-vessel-operating common carriers;

(6) control, regulate, or prevent competition in international ocean transportation; and

(7) consult and confer with shippers and shippers' councils regarding general rate levels, charges, classifications, rules, practices, or services.

(b) MARINE TERMINAL OPERATORS.—This Act applies to agreements among marine terminal operators, and to agreements among one or more marine terminal operators and one or more ocean common carriers to—

(1) discuss, fix, and regulate rates and other conditions of services; and

(2) engage in exclusive, preferential, or cooperative working arrangements.

(c) ACQUISITIONS.—This Act does not apply to an acquisition by any person, directly or indirectly, of any voting security or assets of any other person.

SEC. 5. AGREEMENTS.

(a) FILING REQUIREMENTS.—A true copy of every agreement entered into with respect to an activity described in section 4 shall be filed with the Commission, except agreements related to transportation to be performed within or between foreign countries. In the case of an oral agreement, complete memorandum specifying in detail the substance of the agreement shall be filed. The Commission may by regulation prescribe the general form and manner in which agreements shall be filed.

(b) NOTICE AND REJECTION.—Within 10 working days after an agreement is filed, the Commission shall transmit a notice of its filing to the Federal Register for publication. The Commission shall within 30 days after filing reject any agreement that on its face fails to comply with this section. In rejecting an agreement, the Commission shall state, in writing, the deficiency or deficiencies that caused the Commision to reject the agreement.

(c) CONFERENCE AGREEMENTS.—Each conference agreement must—

(1) state its purpose and the manner in which it will be implemented;

(2) provide reasonable and equal terms and conditions for admission and readmission to conference membership of any ocean common carrier willing to serve the particular trade or route;

(3) permit any member to withdraw from conference membership upon reasonable notice without penalty;

(4) require an independent neutral body to police fully the obligations of the conference and its members;

(5) provide for a consultation process designed to promote—

(A) commercial resolution of disputes; and

(B) cooperation in preventing and eliminating malpractices; and

(6) establish procedures for promptly and fairly considering shippers' requests and complaints.

(d) CONFERENCES UTILIZING LOYALTY CONTRACTS OR SERVING UNITED STATES-ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT TRADES.—Each conference agreement must provide that, if the conference has in effect a loyalty contract with 1 or more shippers or if the conference serves a trade between the United States and countries that are members of the Organization for Economic Cooperation and Development any member of the conference may take independent action on any rate or service item required to be filed in a tariff under section 9.

(e) INTERCONFERENCE AGREEMENTS.—Each agreement between carriers not members of the same conference must provide the right of independent action for each carrier. Each agreement between conferences must provide the right of independent action for each conference.

(f) ASSESSMENT AGREEMENTS.—

(1) Assessment agreements shall be filed with the Commission and shall be deemed approved upon filing. The Commission shall thereafter, upon complaint filed within 2 years of the date of filing of the agreement, disapprove, cancel, or modify any such agreement, or charge or assessment pursuant thereto, that it finds, after notice and hearing, to be unjustly discriminatory or unfair as between carriers, shippers, or ports. The Commission shall issue its final decision in each proceeding within 1 year of the date of filing of the complaint. If an assessment or charge is found to be unjustly discriminatory or unfair as between carriers, shippers, or ports, the Commission shall remedy the unjust discrimination or unfairness for the period of time between the filing of the complaint and the final decision by means of assessment adjustments. These adjustments shall be implemented by prospective credits or debits to future assessments or charges, except in the case of a complainant who has ceased activities subject to the assessment or charge, in which case reparation may be awarded. To the extent that any provision of this paragraph conflicts with the language of any other section of this Act, the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, the provisions of this paragraph shall control.

(2) This Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, do not apply to maritime labor agreements. This section does not exempt from the provisions of this Act, the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, any rates, charges, regulations, or practices of a common carrier or marine terminal operator that are required to be set forth in a tariff, whether or not such rates, charges, regulations, or practices arise out of, or are otherwise related to, a maritime labor agreement.

SEC. 6. ACTION ON AGREEMENTS.

(a) EFFECTIVE DATE.—Except with respect to assessment agreements, each agreement filed under section 5(a) shall become effective 45 days after filing, unless rejected under section 5(b) or suspended pursuant to subsection (b) but in no case may an agreement become effective in less than 30 days from its publication in the Federal Register.

(b) SUSPENSION.—At any time prior to the expiration of the 45-day period referred to in subsection (a), the Commission, upon complaint of a person, may suspend the effective date of an agreement pending the outcome of any proceeding pursuant to subsection (c), if the Commission, after preliminary hearing, finds that—

(1) the complainant has shown a reasonable probability that the agreement will operate in violation of section 5 or 12; and

(2) the complainant will be substantially injured in the interim if the agreement is allowed to go into effect before a final decision on the merits.

No suspension period may exceed 180 days.

(c) CANCELLATION OR MODIFICATION.—The Commission may, at any time, upon complaint or upon its own motion, institute and conduct an investigation and hearing to determine if any agreement filed under section 5(a) operates in violation of section 5 or 12, and if so, shall by order, cancel or modify that agreement. Each agreement that is in effect at the time it is the subject of an investigation and hearing shall remain in effect during the investigation and hearing.

(d) HEARING.—Hearings pursuant to this section shall be limited to the submission of affidavits of fact and memorandums of law unless, in the opinion of the Commission, there is a genuine issue of fact that requires an oral evidentiary hearing. Oral argument may be ordered at the discretion of the Commission.

(e) BURDEN OF PROOF.—The burden of proof in any proceeding under this section, or under section 5(f)(1) or under any other section of this Act where an agreement is concerned, is at all times on any party, including the Commission, opposing the agreement.

(f) INFORMATION.—At any time before the expiration of the 45-day period referred to in subsection (a), the Commission, upon its own motion or motion of the complainant, may issue a subpena or discovery order for any additional information that it deems necessary to determine whether the agreement is in violation of this Act.

(g) COMPLIANCE WITH SUBPENA OR DISCOVERY.—In any proceeding under this section, the Commission may disapprove or cancel an agreement for failure of a proponent of the agreement to comply with a subpena or discovery order lawfully issued by the Commission.

(h) FINAL DECISION TIME.—The Commission shall issue a final decision in each hearing under this section within 180 days of ordering the hearing. If, within this time period, the Commission determines that it is unable to issue a final order because of undue delays, the Commission may make a decision in the proceeding adverse to the delaying party on the basis of the delay, or in the case of undue delay caused by a proponent of an agreement, alternatively, toll the 180-day period for the period of delay.

(i) DURATION OF EFFECTIVENESS.—Each agreement, once in effect, shall remain in effect until withdrawn or until canceled or modified by the Commission. The Commission may not limit the effectiveness of an agreement.

SEC. 7. LOYALTY CONTRACTS.

(a) CONTRACT REQUIREMENTS.—Any ocean common carrier or conference engaged in foreign commerce may utilize loyalty contracts, including contracts for through transportation, if—

(1) the contract is available to all shippers on equal terms and conditions and, where the contract covers service under through rates via a United States port or ports, it also offers the shipper an option of port-to-port contract service, and provides that use of either service shall satisfy the shipper's loyalty obligation;

(2) the contract shipper is permitted prompt release from the contract with respect to any shipment or shipments for which the contracting carrier or conference cannot provide space as requested on reasonable notice by the shipper;

(3) the contract provides that whenever a rate for the carriage of goods under the contract becomes effective, insofar as it is under the control of the carrier or conference, the rate—

(A) may not be increased on less than 90 days' notice, except upon agreement of the applicable shippers; and

(B) may be increased on not less than 30 days' notice if the increase is to a level no higher than that from which the particular rate was reduced within 180 days immediately preceding the filing of the increase;

(4) the contract covers only those goods of the contract shipper as to the shipment of which it has the legal right at the time of shipment to select the carrier. It shall be deemed a breach of the contract if, before the time of shipment and with the sole intent to avoid its obligation under the contract, the contract shipper divests itself, or with the same intent permits itself to be divested, of the legal right to select the carrier and the shipment is carried by a carrier that is not a party to the contract. No contract shall require the shipper to refuse to purchase, sell, or transfer any goods on terms that vest the right to select the carrier in any other person;

(5) the contract shipper is not denied the right to utilize competing services that involve loading to or from a vessel at a port or points located beyond a carrier's or conference's geographic scope as defined in the contract;

(6) the damages recoverable for breach by either party are limited to actual damages to be determined after breach in accordance with the principles of contract law. The contract may specify, however, that in the case of a breach by a contract shipper the damages may be an amount not exceeding the freight charges computed at the contract rate on the particular shipment, less the cost of handling;

(7) the shipper, carrier, or conference is permitted on 90 days' notice to terminate the contract rate system in whole or with respect to any commodity without penalty;

(8) the contract provides for a spread or series of spreads between non-contract rates and rates charged contract shippers that shall not exceed an aggregate of 15 per centum;

(9) the contract excludes bulk cargo (except liquid bulk cargoes, other than chemicals, in less than full shipload lots) and forest products in an unfinished or semifinished state; and

(10) the contract shipper is permitted to utilize competing services for 5 per centum or less of the shipper's tonnage that would otherwise be subject to the loyalty obligation.

(b) TREATMENT OF CONTRACT NOT IN CONFORMITY.—Utilization of a loyalty contract that does not conform with each of the re-

quirements of this section is a violation exclusively of this Act.

SEC. 8. EXEMPTION FROM ANTITRUST LAWS.

(a) The antitrust laws do not apply to—

(1) any agreement that has been filed under section 5 and has become effective under section 6, or is exempt under section 18 from any requirement of this Act;

(2) any activity or agreement within the scope of this Act, whether permitted under or prohibited by this Act, undertaken or entered into with a reasonable basis to conclude that (A) it is pursuant to an agreement on file with the Commission and in effect when the activity took place, or (B) it is exempt under section 18 from any filing requirement of this Act;

(3) any loyalty contract or any activity pursuant to a loyalty contract;

(4) any agreement or activity that relates solely, to ocean or through transportation services within or between foreign countries, whether or not via the United States;

(5) any agreement or activity concerning the foreign inland segment of through transportation that is part of transportation provided in a United States import or export trade;

(6) any agreement or activity with a shipper's council organized under the laws of a foreign country and operating exclusively outside the United States, even when that agreement or activity affects cargo transported in a United States import or export trade;

(7) any agreement or activity to provide or furnish wharfage, dock, warehouse, or other terminal facilities exclusively outside the United States;

(8) subject to section 21(e)(2), any agreement, modification, or cancellation approved by the Commission before the effective date of this Act under section 15 of the Shipping Act, 1916, or permitted under section 14(b) thereof, and any properly filed and published tariff rate, charge, classification, rule, or practice implementing that agreement, modification, or cancellation; and

(9) joint ventures established by small shippers to—

(A) consult and confer with any ocean common carrier or conference regarding general rate levels, charges, classification, rules, practices, or services; and

(B) combine cargo with 1 or more small shippers for the purpose of obtaining time-volume rates and service contracts with ocean common carriers. For the purpose of this subsection, a small shipper shall be considered to be any shipper who in the normal course of its business (including any business conducted by a parent corporation or subsidiary that, in whole or in part, either controls or is controlled by such shipper) ships in international ocean transportation an annual average of no more than 35, 40-foot containers a month.

(b) This Act does not extend antitrust immunity—

(1) to any agreement with or among air carriers, rail carriers, motor carriers, or common carriers by water not subject to this Act with respect to transportation within the United States; or

(2) to any discussion or agreement among common carriers that are subject to this Act discussing the inland divisions (as opposed to the inland portions) of through rates within the United States.

(c)(1) Any determination by any agency or court that results in the denial or removal of the immunity to the antitrust laws set forth in subsection (a) shall not remove or alter the antitrust immunity for the period before the determination.

(2) No person may recover damages under section 4 of the Clayton Act, or obtain injunctive relief under section 16 of the Clayton Act, for conduct that is prohibited by this Act.

SEC. 9. TARIFFS.

(a) IN GENERAL.—

(1) Except with regard to bulk cargo and forest products in an unfinished or semifinished state, and recyclable or recycled metals and metal bearing materials, waste paper or paper waste, each common carrier and conference shall file with the Commission, and keep open to public inspection, tariffs showing all its rates, charges, classifications, rules, and practices between all points or ports or its own route and on any through transportation route that has been established. However, common carriers shall not be required to state separately or otherwise reveal in tariff filings the inland divisions of a through rate. Tariffs shall—

(A) plainly indicate the places between which cargo will be carried;

(B) list each classification of cargo in use;

(C) set forth the level of freight forwarder compensation, if any, by a carrier or conference;

(D) state separately each terminal or other charge, privilege, or facility under the control of the carrier or conference and any rules or regulations that in any way change, affect, or determine any part or the aggregate of the rates or charges; and

(E) and include sample copies of any loyalty contract, bill of lading, contract of affreightment, or other document evidencing the transportation agreement.

(2) Copies of tariffs shall be made available to any person and a reasonable charge may be assessed for them.

(b) TIME-VOLUME RATES.—Rates quoted in tariffs may vary with the volume of cargo offered over a specified period of time.

(c) SERVICE CONTRACTS.—An ocean common carrier or conference may enter into a service contract with a shipper or shipper joint venture to provide specified services under specified rates and conditions, subject to the requirements of this Act. Each contract entered into under this subsection shall be filed confidentially with the Commission, and at the same time, a concise statement of its essential terms shall be filed with the Commission and made available to the general public in tariff format, and such essential terms shall be available to all shippers similarly situated. The essential terms shall include—

(1) the origin and destination port ranges in the case of port-to-port movements, and the origin and destination geographic areas in the case of through intermodal movements;

(2) the commodity or commodities involved;

(3) the minimum volume;

(4) the line-haul rate;

(5) the duration;

(6) service commitments; and

(7) the liquidated damages for nonperformance, if any.

The exclusive remedy for a breach of a contract entered into under this subsection is an action in an appropriate court, unless the parties otherwise agree. This subsection does not affect service contracts relating to bulk cargo or forest products in an unfinished or semifinished state.

(d) RATES.—No new or initial rate or change in existing rate that results in an increased cost to the shipper may become effective earlier than 30 days after filing with the Commission. The Commission, for good cause, may allow such a new or initial rate or change to become effective in less than 30 days. Any change in an existing rate that results in a decreased cost to the shipper may become effective upon publication and filing with the Commission.

(e) REFUNDS.—The Commission may, upon application of a carrier or shipper, permit a common carrier or conference to refund a portion of freight charges collected from a shipper or to waive the collection of a portion of the charges from a shipper if—

(1) there is an error in a tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff and the refund will not result in discrimination among shippers, ports, or carriers;

(2) the common carrier or conference has, prior to filing an application for authority to make a refund, filed a new tariff with the Commission that sets forth the rate on which the refund or waiver would be based;

(3) the common carrier or conference agrees that if permission is granted by the Commission, an appropriate notice will be published in the tariff, or such other steps taken as the Commission may require, which gives notice of the rate on which the refund or waiver would be based, and additional refunds or waivers as appropriate shall be made with respect to other shipments in the manner prescribed by the Commission in its order approving the application; and

(4) the application for refund or waiver is filed with the Commission within 180 days from the date of shipment.

(f) FORM.—The Commission may by regulation prescribe the form and manner in which the tariffs required by this section shall be published and filed. The Commission may reject any tariff that is not in conformity with this section and its regulations. Upon rejection by the Commission, the tariff is void and its use is unlawful.

SEC. 10. CONTROLLED CARRIERS.

(a) CONTROLLED CARRIER RATES.—No controlled carrier subject to this section shall maintain rates or charges in its tariffs filed with the Commission that are below a level that is just and reasonable, nor shall any such carrier establish or maintain unjust or unreasonable classifications, rules, or regulations in such tariffs. An unjust or unreasonable classification, rule, or regulation means one which results or is likely to result in the carriage or handling of cargo at rates or charges which are below a level which is just and reasonable. The Commission may, at any time after notice and hearing, disapprove any rates, charges, classifications, rules, or regulations which the controlled carrier has failed to demonstrate to be just and reasonable. In any proceeding under this subsection, the burden of proof shall be on the controlled carrier to demonstrate that its rates, charges, classifications, rules, or regulations are just and reasonable. Rates, charges, classifications, rules, or regulations filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission are void, and their use is unlawful.

(b) RATE STANDARDS.—For the purpose of this section, in determining whether rates, charges, classifications, rules, or regulations by a controlled carrier are just and reasonable, the Commission may take into account appropriate factors including, but not limited to, whether—

(1) the rates or charges which have been filed or which would result from the pertinent classifications, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs, which are hereby defined as the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade;

(2) the rates, charges, classifications, rules, or regulations are the same as or similar to those filed or assessed by other carriers in the same trade;

(3) the rates, charges, classifications, rules, or regulations are required to assure movement of particular cargo in the trade; or

(4) the rates, charges, classifications, rules, or regulations are required to maintain acceptable continuity, level, or quality of common carrier service to or from affected ports.

(c) EFFECTIVE DATE OF RATES.—Notwithstanding the provisions of section 9(d), the rates, charges, classifications, rules, or regulations of controlled carriers shall not, without special permission of the Commission, become effective sooner than the 30th day after the date of filing with the Commission. Each controlled carrier shall, upon the request of the Commission, file, within 20 days of request (with respect to its existing or proposed rates, charges, classifications, rules, or regulations), a statement of justification that sufficiently details the controlled carrier's need and purpose for such rates, charges, classifications, rules, or regulations upon which the Commission may reasonably base its determination of the lawfulness thereof.

(d) DISAPPROVAL OF RATES.—Whenever the Commission is of the opinion that the rates, charges, classifications, rules, or regulations filed by a controlled carrier may be unjust and unreasonable, the Commission may issue an order to the controlled carrier to show cause why such rates, charges, classifications, rules, or regulations should not be disapproved. Pending a determination as to their lawfulness in such a proceeding, the Commission may suspend such rates, charges, classifications, rules, or regulations at any time before their effective date. In the case of rates, charges, classifications, rules, or regulations that have already become effective, the Commission may, upon the issuance of an order to show cause, suspend such rates, charges, classifications, rules, or regulations on not less than 60 days' notice to the controlled carrier. No period of suspension under this subsection may be greater than 180 days. Whenever the Commission has suspended any rates, charges, classifications, rules, or regulations under this subsection, the affected carrier may file new rates, charges, classifications, rules, or regulations to take effect immediately during the suspension period in lieu of the suspended rates, charges, classifications, rules, or regulations—except that the Commission may reject such new rates, charges, classifications, rules, or regulations if it is of the opinion that they are unjust and unreasonable.

(e) PRESIDENTIAL REVIEW.—Concurrently with the publication thereof, the Commission shall transmit to the President any order of suspension or final order of disapproval of rates, charges, classifications, rules, or regulations of a controlled carrier subject to this section. Within 10 days after the receipt or the effective date of such Commission order, the President may request the Commission in writing to stay the effect of the Commission's order if he finds that such stay is required for reasons of national defense or foreign policy which reasons shall be specified in the report. Notwithstanding any other provisions of law, the Commission shall immediately grant such request by the issuance of an order in which the President's request shall be described. During any such stay, the President shall, whenever practicable, attempt to resolve the matter in controversy by negotiation with representatives of the applicable foreign governments.

(f) EXCEPTIONS.—The provisions of this section shall not apply to—

(1) any controlled carrier of a state whose vessels are entitled by a treaty of the United States to receive national or most-favored-nation treatment;

(2) any controlled carrier of a state which, on the effective date of this section, has subscribed to the statement of shipping policy contained in note 1 to annex A of the Code of Liberalization of Current Invisible Operations, adopted by the Council of the Organization for Economic Cooperation and Development;

(3) rates, charges, classifications, rules, or regulations of any controlled carrier in any particular trade which are covered by an agreement effective under section 6, other than an agreement in which all of the members are controlled carriers not otherwise excluded from the provisions of this subsection;

(4) rates, charges, classifications, rules, or regulations governing the transportation of cargo by a controlled carrier between the country by whose government it is owned or controlled, as defined herein and the United States; or

(5) a trade served exclusively by controlled carriers.

Common carrier by water in foreign commerce or conference of such carriers shall charge or demand or collect or receive a greater or less or different compensation for the transportation of property or for any service in connection therewith than the rates and charges which are specified in its tariffs on file with the Commission and duly published and in effect at the time; nor shall any such carrier rebate, refund, or remit in any manner or by any device any portion of the rates or charges so specified, nor extend or deny to any person any privilege or facility, except in accordance with such tariffs: *Provided, however,* That the Commission may in its discretion and for good cause shown permit a common carrier by water in foreign commerce or conference of such carriers to refund a portion of freight charges collected from a shipper or waive the collection of a portion of the charges from a shipper where it appears that there is an error in a tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff and that such refund or waiver will not result in discrimination among shippers: *Provided further,* That the common carrier by water in foreign commerce or conference of such carriers has, prior to applying for authority to make refund, filed a new tariff with the Commission which sets forth the rate on which such refund or waiver would be based: *Provided further,* That the carrier or conference agrees that if permission is granted by the Commission, an appropriate notice will be published in the tariff, or such other steps taken as the Commission may require, which give notice of the rate on which such refund or waiver would be based, and additional refunds or waivers as appropriate shall be made with respect to other shipments in the manner prescribed by the Commission in its order approving the application: *And provided further,* That application for refund or waiver must be filed with the Commission within 180 days from the date of shipment.

SEC. 11. OCEAN FREIGHT FORWARDERS.

(a) LICENSE.—No person may act as an ocean freight forwarder unless that person holds a license issued by the Commission. The Commission shall issue a forwarder's license to any person who—

(1) the Commission determines to be qualified by experience and character to render forwarding services; and

(2) furnishes a bond in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the United States Department of the Treasury.

(b) SUSPENSION OR REVOCATION.—The Commission shall, after notice and hearing, suspend or revoke any license if it finds that the ocean freight forwarder is not qualified to render forwarding services or that it willfully failed to comply with any provision of this Act or with any lawful order, rule, or regulation of the Commission. The Commission may also revoke a forwarder's license for failure to maintain a bond in accordance with subsection (a)(2).

(c) EXCEPTION.—A person whose primary business is the sale of merchandise may forward shipments of that merchandise for its own account without a license.

(d) COMPENSATION OF FORWARDERS BY CARRIERS.—

(1) A common carrier may compensate an ocean freight forwarder in connection with any cargo shipment dispatched on behalf of others only when the ocean freight forwarder has certified in writing that it holds a valid license and has performed the following services:

(A) engaged, booked, secured, reserved, or contracted directly with the carrier or its agent for space aboard a vessel or confirmed the availability of that space; and

(B) prepared and processed the ocean bill of lading, dock receipt, or other similar document with respect to the cargo.

(2) No common carrier may pay compensation for services described in paragraph (1) more than once on the same cargo shipment.

(3) No compensation may be paid to an ocean freight forwarder except in accordance with a tariff filed under section 9(a).

(4) No ocean freight forwarder may receive compensation from a common carrier with respect to any shipment in which the forwarder has a direct or indirect beneficial interest nor shall a common carrier knowingly pay compensation on any such shipment.

SEC. 12. PROHIBITED ACTS.

(a) IN GENERAL.—No person may—

(1) operate under an agreement described in section 4 that has not become effective under section 6, or that has been suspended, disapproved, or canceled;

(2) operate under an agreement described in section 4 except in accordance with its terms and any modifications to the agreement made by the Commission; or

(3) knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false measurement, false report of weight or measures, or by any other unjust or unfair device or

means obtain or attempt to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable;

(b) COMMON CARRIERS.—No common carrier, including a joint venture, either alone or in conjunction with any other person, directly or indirectly, may—

(1) charge, demand, collect, or receive greater, less, or different compensation for the transportation of property or for any service in connection therewith than the rates and charges that are specified in its tariffs;

(2) rebate, refund, or remit in any manner, or by any device, any portion of its rates except in accordance with its tariffs;

(3) extend or deny to any person any privilege, concession, equipment, or facility except in accordance with its tariffs;

(4) allow any person to obtain transportation for property at less than the rates or charges established by the carrier in its tariff by means of false billing, false classification, false weighing, false measurement, or by any other unjust or unfair device or means;

(5) retaliate against any shipper by refusing, or threatening to refuse, cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods because the shipper has patronized another carrier, or has filed a complaint, or for any other reason;

(6) make any unfair or unjustly discriminatory contract with any shipper or engage in any unfair or unjustly discriminatory practice against any shipper or port, in the matter of—

(A) rates or charges;

(B) cargo classifications;

(C) cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage;

(D) the loading and landing of freight in proper condition; or

(E) the adjustment and settlement of claims;

(7) employ any fighting ship; or

(8) offer or pay any deferred rebates.

(c) CONCERTED ACTION.—No conference or group of two or more common carriers, other than a joint venture operating by itself, may collectively—

(1) boycott or take any other concerted action resulting in an unreasonable refusal to deal;

(2) utilize a device or means that unreasonably sets conditions or otherwise unreasonably restricts the ability of a shipper to select an ocean common carrier in a competing trade, or an ocean tramp, or a bulk carrier;

(3) unreasonably restrict the employment of intermodalism or other technological innovations by member common carriers;

(4) engage in any predatory practice designed to eliminate the participation, or deny the entry, in a particular trade of an ocean common carrier not a member of the conference, a group of common carriers, an ocean tramp, or a bulk carrier;

(5) negotiate with any nonocean carrier or group of nonocean carriers (for example, truck, rail, or air operators) on any matter relating to rates or services provided to ocean common carriers within the United States by such nonocean carriers: *Provided*, That this prohibition shall not prohibit the setting and publishing of a joint through rate by a conference, joint venture, or an association of ocean common carriers authorized to file tariffs;

(6) deny in the export foreign commerce of the United States compensation to an ocean freight forwarder or limit the amount thereof to less than 1¼ per centum of the freight charges;

(7) allocate shippers among specific carriers that are parties to an agreement or prohibit any carrier that is a party to the agreement from soliciting cargo from any particular shipper, except as otherwise required by the law of the United States or the importing or exporting country, or as agreed to by a shipper in a service contract; or

(8) form or participate in a net profit or loss pool with other common carriers operating in the same trade.

(d) COMMON CARRIERS, OCEAN FREIGHT FORWARDERS, AND MARINE TERMINAL OPERATORS.—No common carrier, ocean freight forwarder, or marine terminal operator may—

(1) fail to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property;

(2) make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or subject any particular person, locality, or description of traffic to an unreasonable refusal to deal or any undue or unreasonable prejudice or disadvantage in any respect whatsoever;

(3) knowingly disclose, offer, solicit, or receive any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to a common carrier, ocean freight forwarder, or marine terminal operator consent of the shipper or consignee if that information—

(A) may be used to the detriment or prejudice of the shipper or consignee;

(B) may improperly disclose its business transactions to a competitor; or

(C) may be used to the detriment or prejudice of any common carrier.

Nothing in this paragraph shall be construed to prevent providing such information in response to any legal process, to the United States, or to any independent neutral body operating within the scope of its authority to fulfill the policing obligations of the parties to an agreement effective under this Act. Nor shall it be prohibited for any ocean common carrier that is a party to a conference agreement approved under this Act, or any receiver, trustee, lessee, agent, or employee of such carrier or person, or any other person authorized by such carrier to receive information, to give information to the conference or any person, firm, corporation, or agency designated by the conference, or to prevent the conference or its designee from soliciting or receiving information for the purpose of determining whether a shipper or consignee has breached an agreement with the conference or its member lines or for the purpose of determining whether a member of the conference has breached the conference agreement, or for the purpose of compiling statistics of cargo movement, but the use of such information for any other purpose prohibited by this Act or any other Act shall be prohibited; and

(4) boycott or take any other concerted action resulting in an unreasonable refusal to deal.

(e) SHIPS DOCUMENTED UNDER UNITED STATES FLAG.—If, after notice and hearing, the Commission finds that the actions of carriers or foreign governments have unduly impaired access of any ship documented under United States flag to ocean trades between foreign ports, the Commission shall suspend the tariffs of such carriers or the national lines of such foreign governments, or both, in trades to and from United States ports, pursuant to the provisions of section 15(b)(1).

SEC. 13. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

(a) FILING OF COMPLAINTS.—Any person may file with the Commission a sworn complaint alleging a violation of this Act and may seek reparation for any injury caused to the complainant by that violation.

(b) SATISFACTION OR INVESTIGATION OF COMPLAINTS.—The Commission shall furnish a copy of a complaint filed pursuant to subsection (a) to the person named therein who shall, within a reasonable time specified by the Commission, satisfy the complaint or answer it in writing. If the complaint is not satisfied, the Commission shall investigate it in an appropriate manner and make an appropriate order.

(c) COMMISSION INVESTIGATIONS.—The Commission upon its own motion may, in like manner and with the same powers, investigate any conduct that it believes may be in violation of this Act.

(d) SPECIAL INVESTIGATIONS OF CONDUCT PURSUANT TO POOLING AGREEMENTS.—(1) The Commission, upon complaint of a person, may initiate an investigation of conduct pursuant to an agreement to pool or apportion traffic or revenues, or establish a joint venture, with other common carriers operating in the same trade if it believes that conduct pursuant to the agreement substantially reduces competition in the trade.

(2) The Commission shall cancel or modify, any agreement subject to investigation pursuant to paragraph (1) if it determines that conduct pursuant to the agreement substantially reduces competition in the trade as a whole unless the agreement—

(A) results in gains in efficiency or services that outweigh any substantial reduction in competition; or

(B) is authorized by an express provision of a government-to-government agreement or undertaken pursuant to a government-to-government agreement in effect at the date of enactment of this Act, or an extension thereof;

(C) is in furtherance of foreign policy interests of the United States that outweigh the interests of the United States in preventing the substantial reduction in competition; or

(D) permits United States flag carriers to carry cargo of the importing or exporting foreign state which would otherwise be unavailable to such carrier, or available only on unequal terms by reason of the cargo reservation laws or trading practices (governmental or otherwise) of such state, provided that such agreement is not injustly discriminatory among United States flag carriers.

(3) The sole remedy under this Act for conduct found to violate paragraph (2) is cancellation or modification of the agreement.

(e) REPORTS.—The Commission shall make a written report of every investigation made under this Act in which a hearing was held stating its conclusions, decisions, findings of fact, and order. A copy of this report shall be furnished to all parties. The Commission shall publish each report for public information and the published report shall be competent evidence in all courts of the United States.

(f) REPARATIONS.—For any complaint filed within 3 years after the cause of action accrued, the Commission shall, upon petition of the complainant and after notice and hearing, direct payment of reparations to the complainant for actual injury (which, for purposes of this subsection, also includes the loss of interest from the date of injury) caused by a violation of this Act. Upon a showing that the injury was caused by activity that is prohibited by section 12(b) (5) or (7) or section 12(c) (1) or (4), or that violates section 12(a) (1) or (2), the Commission may direct the payment of additional amounts; but the total recovery of a complainant may not exceed twice the amount of the actual injury. In the case of injury caused by an activity that is prohibited by section 12(b)(6) (A) or (B), the amount of the injury shall be the difference, plus interest from the date of the injury, between the rate paid by the injured shipper and the most favorable rate paid by another shipper.

(g) INJUNCTION.—In connection with any investigation conducted under this section, the Commission, at its sole discretion, may request the Attorney General to bring suit in a district court of the United States to enjoin conduct in violation of this Act after notice to the defendant, and upon a determination that—

(1) the Attorney General demonstrates substantial likelihood to prevail on the merits,

(2) irreparable injury would otherwise occur,

(3) issuance of the relief requested will not unduly harm the defendant or other persons, and

(4) the public interest would be served,

the court may grant a temporary restraining order or preliminary injunction for a period not to exceed 10 days after the Commission has issued an order disposing of the issues under investigation. Any such suit shall be brought in the district in which the defendant person, partnership, or corporation resides or transacts business.

SEC. 14. SUBPENAS AND DISCOVERY.

(a) IN GENERAL.—In investigations and adjudicatory proceedings under this Act—

(1) depositions, written interrogatories, and discovery procedures may be utilized by any party under rules and regulations issued by the Commission which rules and regulations, to the extent practicable, shall be in conformity with the rules applicable in civil proceedings in the district courts of the United States; and

(2) the Commission may by subpena compel the attendance of witnesses and the production of books, papers, documents, and other evidence.

(b) WITNESS FEES.—Witnesses shall, unless otherwise prohibited by law, be entitled to the same fees and mileage as in the courts of the United States.

SEC. 15. PENALTIES.

(a) ASSESSMENT OF PENALTY.—Whoever violates any provision of this Act, any regulation issued thereunder, or any Commission order is liable to the United States for a civil penalty. The amount of the civil penalty, unless otherwise provided in this Act, may not exceed $5,000 for each violation unless the violation was willfully and knowingly committed, in which case the amount of the civil penalty may not exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate offense.

(b) TARIFF SUSPENSION.—

(1) For any violation of section 12(b) (1), (2), (3), (4), or (8), or section 12(e), the Commission may suspend any or all tariffs of any common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member, for a period not to exceed 12 months.

(2) For failure to supply information ordered to be produced or compelled by subpena under section 14, the Commission may suspend any or all tariffs of any common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member.

(3) Any common carrier who accepts or handles cargo for carriage under a tariff that has been suspended or after its right to utilize that tariff has been suspended shall be subject to a civil penalty of not more than $50,000 for each shipment.

(4) If, in defense of its failure to comply with a subpena or discovery order, a common carrier alleges that documents or information located in a foreign country cannot be produced because of the laws of that country, the Commission shall immediately notify the Secretary of State of the failure to comply and of the allegation relating to foreign laws. Upon receiving the notification, the Secretary of State shall promptly consult with the government of the nation within which the documents or information are alleged to be located for the purpose of assisting the Commission in obtaining the documents or information sought.

(5) Before any tariff suspension ordered under this subsection becomes effective, it shall be immediately submitted to the President who may, within 10 days after receiving it, disapprove the order if he finds that disapproval is required for reasons of the national defense or the foreign policy of the United States.

(c) ASSESSMENT PROCEDURE.—The Commission may, after notice and an opportunity for hearing, assess each civil penalty provided for in this Act. In determining the amount of the penalty, the Commission shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, and such other matters as justice may require. Until a matter is referred to the Attorney General, the Commission may compromise, modify, or remit, with or without conditions, any civil penalty.

(d) REVIEW OF CIVIL PENALTY.—Any person against whom a civil penalty is assessed under this section may obtain review under chapter 158 of title 28, United States Code.

(e) FAILURE TO PAY ASSESSMENT.—If any person fails to pay a civil penalty that has been assessed after it has become final or after the appropriate court has entered final judgment in favor of the Commission, the Attorney General may seek to recover the amount assessed in any appropriate district court of the United States. In such an action, the court shall enforce the Commission's order unless it finds that the order was not regularly made or duly issued.

(f) LIMITATIONS.—

(1) No fine or other punishment may be imposed for criminal conspiracy to violate any provision of this Act, or to defraud the Commission by concealment of any such violation.

(2) Any enforcement action under this Act and any formal proceeding to assess any penalty under this section shall be commenced within 5 years from the date the violation occurred.

SEC. 16. COMMISSION ORDERS.

(a) IN GENERAL.—Orders of the Commission relating to any violation of this Act or any regulation issued thereunder shall be made, upon sworn complaint or on its own motion only after an opportunity for hearing. Each order of the Commission shall continue in force for the period of time specified in the order or until suspended, modified, or set aside by the Commission or a court of competent jurisdiction.

(b) REVERSAL OR SUSPENSION OF ORDERS.—The Commission may reverse, suspend, or modify any order made by it, and upon application of any party to a proceeding may grant a rehearing of the same or any matter determined therein. No rehearing shall, except by special order of the Commission, operate as a stay of such order.

(c) ENFORCEMENT OF NONREPARATION ORDERS.—In case of violation of any order of the Commission, or for failure to comply with a Commission subpena, the Commission, or any party injured by such violation, or the Attorney General may seek enforcement by any United States district court having jurisdiction over the parties. If, after hearing, the court determines that the order was properly made and duly issued, it shall enforce the order by an appropriate injunction or other process, mandatory or otherwise.

(d) ENFORCEMENT OF REPARATION ORDER.—(1) In case of violation of any order of the Commission for the payment of reparation, the person to whom the award was made may seek enforcement of the order in any United States district court having jurisdiction of the parties.

(2) In any United States district court the findings and order of the Commission shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs, nor for the costs of any subsequent stage of the proceedings, unless they accrue upon his appeal. A petitioner in a United States district court who prevails shall be allowed a reasonable attorney's fee to be assessed and collected as part of the costs of the suit.

(3) All parties in whose favor the Commission has made an award of reparation by a single order may be joined as plaintiffs, and all other parties in the order may be joined as defendants, in a single suit in any district in which any one plaintiff could maintain a suit against any one defendant. Service of process against any defendant not found in that district may be made in any district in which is located any office of, or point of call on a regular route operated by, that defendant. Judgment may be entered in favor of any plaintiff against the defendant liable to that plaintiff.

(e) STATUTE OF LIMITATIONS.—Any action seeking enforcement of a Commission order shall be filed within 2 years after the date of the violation of the order, or 1 year after the date the violation is known or reasonably should have been known.

(f) ENFORCEMENT OF NONREPARATION ORDERS.—In case of violation of any order of the Commission, or for failure to comply with a Commission subpena, the Attorney General or any party injured by such violation may seek enforcement by any United States district court having jurisdiction over the parties. If, after a hearing, the court determines that the order was properly made and duly issued, it shall enforce the order by an appropriate injunction or other process, mandatory or otherwise.

(g) IMPACT REPORTS.—The Commission shall be exempt from the requirements for

the preparation of impact reports pursuant to section 6362(b) of title 42, United States Code.

SEC. 17. REPORTS AND CERTIFICATES.

(a) REPORTS.—The Commission may require any common carrier, marine terminal operator, or ocean freight forwarder, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report or any account, record, rate, or charge, or memorandum of any facts and transactions appertaining to the business of that common carrier, marine terminal operator, or ocean freight forwarder. The report, account, record, rate, charge, or memorandum shall be made under oath whenever the Commission so requires and shall be furnished in the form and within the time prescribed by the Commission. Conference minutes and self-policing reports required to be filed with the Commission shall not be released to third parties or published by the Commission.

(b) CERTIFICATION.—The Commission shall require the chief executive officer of every ocean common carrier and, to the extent it deems feasible, may require any shipper, consignor, consignee, non-vessel-operating common carrier, marine terminal operator, ocean freight forwarder, or broker to file a periodic written certification made under oath with the Commission attesting to—

(1) a policy prohibiting the payment, solicitation, or receipt of any rebate that is unlawful under this Act;

(2) the fact that this policy has been promulgated recently to each owner, officer, employee, and agent thereof;

(3) the details of the efforts made within the company or otherwise to prevent or correct illegal rebating; and

(4) full cooperation with the Commission in its investigation of illegal rebating or refunds in United States foreign trades and in its efforts to end those illegal practices.

Failure to file a certification shall result in a civil penalty of not more than $5,000 for each day the violation continues.

SEC. 18. EXEMPTIONS.

The Commission, upon application or on its own motion, may by order or rule exempt for the future any specified activity or class of agreements subject to this Act from any requirement of this Act, if it finds that the exemption will not substantially impair effective regulation by the Commission and is not likely to result in any significant lessening competition in any trade serving the United States in which ocean common carriers operate. The Commission may attach conditions to any exemption and may, by order, revoke any exemption. No order or rule of exemption or revocation of exemption may be issued unless opportunity for hearing has been afforded interested persons (who, for purposes of this section, include the departments and agencies of the United States).

SEC. 19. REGULATIONS.

The Commission may promulgate rules and regulations as necessary to carry out the provisions of this Act.

SEC. 20. REPORT TO CONGRESS.

No later than 2 years after the effective day of this Act, the Comptroller General shall submit to the Congress a comprehensive study of, and make recommendations concerning, the regulation of international ocean shipping by common carriers. Such comprehensive study shall specifically address—

(1) various options of deregulation of the international ocean shipping industry, with reference to their ability to promote an efficient, stable, and competitive United States common carrier fleet;

(2) the opportunities for harmonizing United States policy toward international ocean shipping with the policies of our major trading partners;

(3) the system for determining tariffs based on the classification of goods and its role in a deregulated international ocean shipping industry; including the most effective method for eliminating unnecessary cargo classifications as a basis for establishing tariffs and the feasibility of establishing a single tariff by each conference or common carrier for all cargoes shipped in units of comparable size, weight, and handling characteristics;

(4) the role of the antitrust laws in the international shipping industry and their impact upon our relations with foreign nations;

(5) the impact of the "rules of competition" being considered by our trading partners and their relationship to the trend in the developing world toward structured cartelization;

(6) the impact deregulation may have on the growth of State-owned or State-controlled merchant fleets;

(7) the size of the United States liner fleet, by number and cargo capacity, which each option may produce; and

(8) the future structure and role of the Federal Maritime Commission in a deregulated international ocean shipping industry.

SEC. 21. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The laws specified in the following table are repealed:

Shipping Act, 1916:	
Sec. 13	36 Stat. 117
Sec. 14a	46 U.S.C. 813
Sec. 14b	46 U.S.C. 813a
Sec. 18(b)	46 U.S.C. 817(b)
Sec. 18(c)	46 U.S.C. 817(c)
Sec. 26	46 U.S.C. 825
Sec. 44	46 U.S.C. 841b
Merchant Marine Act, 1920:	
Sec. 20	41 Stat. 996
Merchant Marine Act, 1936:	
Sec. 212(e)	46 U.S.C. 1122(e)
Sec. 214	46 U.S.C. 1124
Omnibus Budget Reconciliation Act of 1981:	
Sec. 1608	95 Stat. 752

(b) CONFORMING AMENDMENTS.—The Shipping Act, 1916 (39 Stat. 728), as amended (46 U.S.C. 801 et seq.), is amended as follows:

(1) in section 1 by striking the definition "controlled carrier";

(2) in sections 14, 15, 16, 20, 21(a), 22, and 45 by striking "common carrier by water" wherever it appears in those sections and substituting "common carrier by water in interstate commerce";

(3) in section 14, first paragraph, by striking "or a port of a foreign country";

(4) in section 14, last paragraph, by striking all after the words "for each offense" and substituting a period;

(5) in section 15, fourth paragraph, by striking "(including changes in special rates and charges covered by section 14b of this Act which do not involve a change in the spread between such rates and charges and the rates and charges applicable to noncontract shippers)" and also "with the publication and filing requirements of section 18(b) hereof and";

(6) in section 15, sixth paragraph, by striking ", or permitted under section 14b," and in the seventh paragraph, by striking "or of section 14b";

(7) in section 16, in the paragraph designated "First", by striking all after "disadvantage in any respect" and substituting "whatsoever.";

(8) in section 17 by striking the first paragraph, and in the second paragraph, by striking "such carrier and every";

(9) in section 21(b) by striking "The Commission shall require the chief executive officer of every vessel operating common carrier by water in foreign commerce and to the extent it deems feasible, may require any shipper, consignor, consignee, forwarder, broker, other carrier or other person subject to this Act," and substituting "The Commission may, to the extent it deems feasible, require any shipper, consignor, consignee, forwarder, broker, or other person subject to this Act,";

(10) in section 22 by striking subsection (c);

(11) in section 25, at the end of the first sentence, by adding "under this Act";

(12) in sections 29, 30, and 31, after the words "any order of the board", by adding "under this Act,";

(13) in section 32(a), by striking "and section 44"; and

(14) in section 32(c), after the words "or functions,", by adding "under this Act,".

(c) TECHNICAL AMENDMENTS.—Section 212 of the Merchant Marine Act, 1936 (46 U.S.C. 1122) is amended by—

(1) striking after subsection (d) the following undesignated paragraph:

"The Federal Maritime Commission is authorized and directed—";

and

(2) striking after subsection (e) the following undesignated paragraph:

"The Secretary of Transportation is authorized and directed—".

(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, and exemptions previously approved or licenses previously issued by the Commission shall continue in force and effect as if approved or issued under the provisions of this Act; and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under the provisions of this Act.

(e) SAVINGS PROVISIONS.—

(1) Notwithstanding section 9(c), each service contract entered into by a shipper and an ocean common carrier or conference before the date of enactment of this Act, may remain in full force and effect and need not comply with the requirements of that subsection until 15 months after the date of enactment of this Act.

(2) This Act and the amendments made by it shall not affect any suit filed before the date of enactment of this Act.

SEC. 22. EFFECTIVE DATE.

This Act shall become effective 180 days after the date of its enactment, except that section 19 shall become effective upon enactment.

MOTION OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of North Carolina moves to strike all after the enacting clause of the Senate bill, S. 47, and to insert in lieu thereof the provisions contained in H.R. 1878, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill, H.R. 1878, was laid on the table.

APPOINTMENT OF CONFEREES ON S. 47

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill (S. 47) to improve the international ocean commerce transportation system of the United States, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina? The Chair hears none, and without objection, appoints the following conferees: Messrs. JONES of North Carolina, BIAGGI, BREAUX, HUGHES, RODINO, SEIBERLING, EDWARDS of California, FEIGHAN, FORSYTHE, SNYDER, YOUNG of Alaska, FISH, and MOORHEAD.

There was no objection.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 47, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

JOINT CHIEFS OF STAFF REORGANIZATION ACT OF 1983

Mr. NICHOLS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3718) to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff and to provide for more efficient and effective operation of the Joint Chiefs of Staff, as amended.

The Clerk read as follows:

H.R. 3718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Joint Chiefs of Staff Reorganization Act of 1983".

CHAIN OF COMMAND

SEC. 2. (a) Subsection (a) of section 124 of title 10, United States Code, is amended by striking out "shall" in clause (2).

(b) Subsection (c) of such section is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end thereof the following new paragraphs:

"(2) The national military chain of command runs from the President to the Secretary and through the Chairman of the Joint Chiefs of Staff to the combatant commands. Orders to combatant commands shall be issued by the President or the Secretary through the Chairman of the Joint Chiefs of Staff.

"(3) Subject to the authority, direction, and control of the Secretary, the Chairman supervises the commanders of the combatant commands and acts as their spokesman on operational requirements.".

CHAIRMAN OF JOINT CHIEFS OF STAFF

SEC. 3. (a) Subsection (b) of section 142 of title 10, United States Code, is amended—

(1) in clause (2)—

(A) by striking out "and assist" and inserting in lieu thereof ", assist"; and

(B) by striking out "practicable; and" and inserting in lieu thereof "practicable, and determine when issues under consideration shall be decided;"; and

(2) by adding at the end thereof the following new clauses:

"(4) provide military advice in his own right to the President, the National Security Council, and the Secretary of Defense;

"(5) serve in the national military chain of command pursuant to section 124(c) of this title; and

"(6) serve as a member of the National Security Council.".

(b) Subsection (c) of such section is amended by inserting ", except as provided by section 124(c) of this title, over" after "or" in the second sentence.

JOINT STAFF

SEC. 4. (a) Subsection (a) of section 143 of title 10, United States Code, is amended to read as follows:

"(a)—(1) there is under the Joint Chiefs of Staff a Joint Staff consisting of officers selected by the Chairman of the Joint Chiefs of Staff. The Joint Staff shall be selected in approximately equal numbers from—

"(A) the Army;

"(B) the Navy and the Marine Corps; and

"(C) the Air Force.

"(2) Selection of officers of an armed force to serve on the Joint Staff shall be made by the Chairman from a list of officers submitted by that armed force. Each officer whose name is submitted shall be among those officers considered to be the most outstanding officers of that armed force. The Chairman may specify the number of officers to be included on any such list.

"(3) The tenure of the members of the Joint Staff is subject to the approval of the Chairman of the Joint Chiefs of Staff.".

(b) Subsection (b) of such section is amended by striking out the second and third sentences.

(c) Subsection (c) of such section is amended by striking out ", on behalf of the Joint Chiefs of Staff" and inserting in lieu thereof "in the performance of those duties".

(d) Subsection (d) of such section is amended by inserting "and the Chairman" after "Joint Chiefs of Staff".

(e) Such section is further amended by adding at the end thereof the following new subsections:

"(e) An officer who is assigned or detailed to duty on the Joint Staff may not serve for a tour of duty of more than four years. However, such a tour of duty may be extended with the approval of the Secretary of Defense. An officer completing a tour of duty with the Joint Staff may not be assigned or detailed to duty on the Joint Staff within two years after relief from that duty except with the approval of the Secretary. This subsection does not apply in time of war declared by Congress or in time of national emergency declared by the President.

"(f)(1) Subject to guidelines established by the Secretary of Defense, each officer serving as a chief of service or as the commander of a unified or specified command may have an opportunity to provide formal comments on any report or recommendation of the Joint Staff prepared for submittal to the Joint Chiefs of Staff before such report or recommendation is submitted to the Joint Chiefs of Staff. A copy of any such comment shall, at the discretion of the officer submitting the comment, be included as an appendix in the submittal of such report or recommendation to the Joint Chiefs of Staff. For purposes of this paragraph, the chiefs of service are the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps.

"(2) The Secretary of Defense shall ensure that the Joint Staff is independently organized and operated so that the Joint Staff, and the members of the Joint Staff, support the Chairman of the Joint Chiefs of Staff and the Joint Chiefs of Staff in meeting the congressional purpose set forth in the last clause of section 2 of the National Security Act of 1947 (50 U.S.C. 401) to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces.".

PERSONNEL MANAGEMENT PROVISIONS

SEC. 5. (a)(1) Chapter 36 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 646. Consideration of performance as a member of the Joint Staff

"The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall ensure that officer personnel policies of the armed forces concerning promotion, retention, and assignment give appropriate consideration to the performance of an officer as a member of the Joint Staff.".

(2) The table of sections at the beginning of subchapter V of such chapter is amended by adding at the end thereof the following new item:

"646. Consideration of performance as a member of the Joint Staff.".

(b) Section 601 of such title is amended by adding at the end thereof the following new subsection:

"(d) In the case of an officer who is selected for recommendation to the President for an initial appointment to a grade above major general or rear admiral, the Chairman of the Joint Chiefs of Staff shall submit to the President, at the same time as the recommendation for such appointment is submitted, the evaluation of the Chairman of the performance of that officer as a member of the Joint Staff and in other assignments involving joint military experience.".

CHAIRMAN OF THE JOINT CHIEFS OF STAFF TO BE MEMBER OF NATIONAL SECURITY COUNCIL

SEC. 6. Section 101(a)(5) of the National Security Act of 1947 (50 U.S.C. 402) is amended by striking out "the Director for Mutual Security" and inserting in lieu thereof "the Chairman of the Joint Chiefs of Staff".

The SPEAKER pro tempore. Is a second demanded?

Mrs. HOLT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. NICHOLS) will be recognized for 20 minutes and the gentlewoman from Maryland (Mrs. HOLT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3718 is a bill designed to correct organizational deficiencies in the Joint Chiefs of Staff. The bill is the result of extensive hearings by our Investigations Subcommittee in 1982 and 1983. Its provisions combine the recommendations of the administration and the views of our members for improvement of the functioning of the Joint Chiefs of Staff.

The bill expands the authority of the Chairman of the Joint Chiefs of Staff. It places him in the national military chain of command by providing that the chain runs from the President to the Secretary of Defense "through the Chairman of the Joint Chiefs of Staff to the combatant commands." It further provides that the Chairman should supervise the commanders of the combatant commands and act as their spokesman on operational requirements, subject of course, to the authority, direction and control of the Secretary of Defense. The bill also makes the Chairman a member of the National Security Council and authorizes him to provide military advice to the President, the National Security Council and the Secretary of Defense.

The second area addressed by H.R. 3718 is the Joint Staff which serves the Joint Chiefs of Staff. The bill removes the existing 400-man limitation on the size of the Joint Staff and authorizes the Chairman to select its personnel from those officers nominated by their respective armed force. H.R. 3718 also increases the current 3-year limitation on service on the Joint Staff to 4 years and permits reassignment to the Joint Staff after a 2-year interval rather than the current 3 years. The bill would also authorize the Secretary of Defense to approve exceptions to these limitations. It also authorizes the Chairman to utilize the Joint Staff to assist him in carrying out his responsibilities.

The bill would establish a procedure authorizing each chief of service and commander of a combatant command to comment on reports or recommendations of the Joint Staff before their submission to the Joint Chiefs of Staff. It would also require the Secretary of Defense to insure that the Joint Staff is independently organized and operated to support the Chairman and the members of the Joint Chiefs of Staff in providing for unified strategic direction of the combatant forces. The Secretary of Defense would also be required to insure that personnel policies of the Armed Forces concerning promotion, retention and assignment give appropriate consideration to the performance of an officer as a member of the Joint Staff. It would also require an evaluation from the Chairman of all nominees for three- and four-star assignments on the basis of their performance in joint military assignment.

Mr. Speaker, I believe that this bill will result in a significant improvement in our national military command structure. While it does not go as far as some of our witnesses advocated, it does address the principal problems. Accordingly, I urge my colleagues to support this long overdue legislation.

Mr. Speaker, on February 3, 1982, Gen. David C. Jones, the Chairman of the Joint Chiefs of Staff, in a hearing before the committee, announced his concern about basic shortcomings in the organization of the Joint Chiefs of Staff (JCS). He further stated that he intended to submit proposals to correct those shortcomings and would work to achieve their acceptance in the remaining months of his tenure and thereafter. Subsequently, Gen. Edward C. Meyer, the Army Chief of Staff, joined General Jones in criticizing the present structure and suggested that the Chairman had not gone far enough in his recommendations for change.

As a result of the proposals of General Jones and General Meyer, the Investigations Subcommittee began hearings on JCS reorganization on April 21, 1982. The subcommittee heard testimony from more than 40 witnesses, including the Chairman and all current members of the Joint Chiefs of Staff, former Secretaries of Defense, former Deputy Secretaries of Defense, former Chairmen and members of the Joint Chiefs of Staff, former Directors of the Joint Staff, commanders of unified and specified commands, and other civilian and military witnesses.

The subcommittee found near unanimous agreement that organizational problems hamper the performance of the present organization. But it received a wide range of views on what, if anything, should be done to correct the existing deficiencies. The recommendations varied from leaving the current organization unchanged to replacing it with a single Chief of Staff who would head a joint military staff and act as the military adviser to the President, the National Security Council, and the Secretary of Defense.

The hearings resulted in a bill intended to overcome the most pressing JCS organizational problems. The bill was reported by the committee and passed the House of Representatives on August 16, 1982. The Senate held a hearing on the bill; however, no further action was taken by the Senate during the 97th Congress.

A crucial factor in the failure of JCS legislation in 1982 was the absence of an expressed administration position. In 1983 the administration developed a position and submitted a legislative proposal that was introduced as H.R. 3145. Subsequently, the Investigations Subcommittee held hearings on that bill as well as H.R. 2560, a bill which proposed a more extensive reorganization of the top military leadership.

The unsettling message revealed by the testimony is that organizational flaws mar the performance of the present Joint Chiefs of Staff. As a result, our highest military body might fail to function adequately in case of war. As was the case during World War II, World War I, and as far back as the Spanish-American War, the United States would be faced with the necessity of making fundamental changes to our military organization in the midst of a crisis. Unfortunately, there may be no time for such a realignment in a future conflict.

Equally important, in a continually threatening peacetime environment, timely, clearcut, realistic, feasible, and prudent professional military advice is often not available to civilian leaders. Consequently, the influence of the military in civilian deliberations has diminished over time and, because decisions must nevertheless be made, has often been overshadowed by civilian analysts.

Title 10, United States Code, states that the Joint Chiefs of Staff "are the principal military advisers to the President, the National Security Council, and the Secretary of Defense." However, the advice rendered by the JCS as a corporate body at present is often inadequate. The joint military system is slow to develop formal military positions. As a result, JCS advice often is not available when needed. When formal advice is finally rendered, its form and substance has been so diluted by the joint staffing process, which in effect gives each service a veto on every word, that it is of little use to civilian leaders.

According to former Secretary of Defense Harold Brown:

> When it comes to the formal product, the papers that come up through the Joint Staff that are approved by the action officers, the planners, the various desks, and the chiefs themselves, and to which they put their signatures, are almost without exception either not very useful or the reverse of being helpful. That is, worse than nothing. I think that is the difference between the people and the system.

The advice rendered by the JCS is also faulted for a lack of realism and the absence of strategic content. The structure of the Joint Chiefs is such

that the group often cannot deal realistically with issues that affect service interests. Those issues include matters of fundamental importance to national security: the allocation of resources to various defense missions; the unified command plan which assigns the geographical and functional responsibilities of field commanders; roles and missions of the services; and joint doctrine and training. Concerning strategic thought, witnesses suggested that the multitude of disparate responsibilities shouldered by the Chiefs leaves little time or inclination for reflective strategic analysis.

These shortcomings in JCS performance stem from structural flaws and are not attributable to the distinguished officers who have been assigned to that body. Witnesses uniformly distinguished between the performance of individual service chiefs, whose personal advice was given high marks, and the performance of the JCS as a group of advisers acting collegially. The hearings clearly indicated that JCS problems are organizational in nature and by no means reflect on the competence of the members.

Among the most significant of the organizational problems are the following:

First, the contradiction between the responsibilities of an individual as a member of the Joint Chiefs of Staff and as chief of his service. As a JCS member, a Chief is called upon to transcend service interests and to participate in developing advice from a joint, unified military perspective—a national viewpoint. Yet, as a chief of service, the same individual is looked upon as its principal advocate. General Jones emphasized that "if a Chief departed a great deal, and consistently, from what came up through the system—from his service—he would be in danger, as has happened in the past, of losing the support of his service."

Contributing to the problem is the time demanded by the dual responsibilities of the Chiefs. Gen. Omar Bradley once indicated that he did not have time to do both jobs well. General Jones emphasized this same point during the hearings.

Second, the limitations of the Joint Staff. The quality of Joint Staff work is adversely effected by a number of restrictions. Some of these constraints are contained in current legislation; others result from the overwhelming influence exerted by service interests on the joint military organization. In combination, the restrictions have a number of adverse results: a lack of Joint Staff continuity because assignments are legally limited to 3 years; no guarantee that the most outstanding officers will be assigned to this most important and complex of U.S. military staffs; and crippling procedural constraints that give inordinate influence to service staffs, thereby, preventing the Joint Staff from authoring its own work.

Third, the diffusion of military responsibility and authority. At present the military chain of command extends by law from the President to the Secretary of Defense to the unified and specified field commanders. By Department of Defense directive, however, the Joint Chiefs have been inserted into the chain of command so that in practice the chain runs from the Secretary of Defense through the JCS to the unified and specified commanders. As the conduit during crises for orders and other communications of the highest national importance from the President as Commander in Chief to fighting forces in the field, the present system is flawed because it includes a committee, the Joint Chiefs of Staff, rather than a single military individual in the chain of command. The 1978 "Report to the Secretary of Defense on the National Military Command Structure," prepared by Richard Steadman, noted that "the JCS * * * committee structure is not effective for the exercise of military command or management authority."

The national military command structure also exhibits significant peacetime shortcomings stemming from the limited ability of the unified and specified commanders to influence the composition, capabilities, and readiness of the forces assigned to them. Even though the unified and specified commanders would be responsible for employing American forces in wartime, the services from their headquarters in Washington, D.C., currently wield the preponderant influence over the structure and readiness of forces in the field. The unified and specified commanders have no military supervisor and spokesman in Washington.

Though the hearings revealed a number of other significant problems, the committee chose to focus in H.R. 3718 on those problems that contribute to the most serious JCS shortcomings: inadequate military advice and diffused authority and responsibility. The legislative measures required to streamline the national military command structure, to remove or relax inhibiting restrictions, and to provide for a more independent joint organization are relatively clear cut, modest, and noncontroversial. Moreover, these measures may possibly be sufficient in themselves because the Secretary of Defense is authorized to initiate additional internal reorganization without legislative action.

In adopting a moderate approach, the Committee on Armed Services is mindful of the reservations expressed by some witnesses who, despite generally acknowledging that problems exist, oppose organizational change. The bill is designed to address many of the major areas of concern voiced by advocates of reorganization while accommodating, through specific legislative provisions, the reservations of opponents. H.R. 3718 does this, however, without in any way diminishing its overall purpose of improving the quality of military advice for civilian leaders and thereby restoring the military voice to its appropriate stature in the highest councils of government.

H.R. 3718 also responds to the administration recommendations. It retains, however, the essential elements of the bill passed by the House of Representatives during the 97th Congress. The proposed legislation would amend chapters 3, 5, and 36 of title 10, United States Code, and section 101 of the National Security Act of 1947 (50 U.S.C. 402), providing several changes in the organization and functioning of the Joint Chiefs of Staff.

With respect to the line of military authority, the bill would provide that the national military chain of command run from the President to the Secretary of Defense and through the Chairman of the Joint Chiefs of Staff to the combatant commands. Furthermore, the bill would provide that the Chairman supervise the commanders of the combatant commands and act as their spokesman on operational requirements, subject to the authority, direction, and control of the Secretary of Defense.

The legislation would appoint the Chairman of the Joint Chiefs of Staff as a member of the National Security Council and would authorize the Chairman to furnish military advice in his own right. In addition, it would make the Chairman responsible for determining when issues under consideration by the Joints Chiefs of Staff shall be decided.

The bill would remove the existing 400-officer limitation on the size of the Joint Staff and authorize the Chairman to select the officers of the Joint Staff from those officers nominated by their respective armed force. It would also increase the current 3-year limitation on service on the Joint Staff to 4 years and allow reassignment to the Joint Staff after 2 years instead of 3 years. In addition, the bill would authorize the Secretary of Defense to approve exceptions to these limitations. The bill would also authorize the Chairman to use the Joint Staff to assist him in carrying out his responsibilities, a power he does not currently enjoy.

The bill would establish a procedure, based on guidelines established by the Secretary of Defense, authorizing each chief of service and commander of a unified or specified command to provide comments on any report or recommendation of the Joint Staff before submission to the Joint Chiefs of Staff. It would require the Secretary

of Defense to insure that the Joint Staff is independently organized and operated to support the Chairman and the members of the Joint Chiefs of Staff in providing for unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an effective team of land, naval and air forces. The bill would also require the Secretary of Defense to insure that Armed Forces personnel policies concerning promotion, retention, and assignment give appropriate consideration to the performance of an officer as a member of the Joint Staff. In addition, the Chairman would be required to evaluate all nominees for three- and four-star positions on the basis of their performance in joint military assignments.

Mr. Speaker, now let me turn to a discussion of what is intended by these provisions. Although the committee agrees that the dual responsibilities of service chiefs may undermine the advisory capability of the Joint Chiefs of Staff as a corporate group with respect to certain issues, it does not believe that the JCS is fatally flawed.

A range of important issues do not involve service conflicts and little criticism of JCS performance in those areas was heard during the hearings. The issues on which the Joint Chiefs of Staff allegedly stumbles relate to decisions concerning resource allocation, roles and missions, and doctrine. Such issues would cause intense internal conflicts within the Department of Defense whether it were organized into services, as at present, or in some other way. In addition, such conflicts have their counterparts in most other large organizations, both public and private. Eliminating the Joint Chiefs of Staff or installing a single military individual in its stead, to whom the JCS would provide advice, would not eliminate the conflicting issues that must be resolved. Such an approach would merely lessen the potential influence of individuals representing the collective knowledge and experience of the organizations most qualified to judge land, sea, and air warfare issues.

Consequently, the committee proposes to expand and strengthen the sources of military advice, but to retain the JCS as the principal military adviser. H.R. 3718 would strengthen the JCS Chairman's role in developing and providing military advice and would elevate the status of military advice in the National Security Council.

The Chairman of the Joint Chiefs of Staff is uniquely qualified to assume additional responsibilities as an adviser championing the unified military viewpoint. He is the only member of the Joint Chiefs of Staff who has no service responsibilities. Though Chairmen continue to wear the uniforms of their services, experience has shown that they have traditionally assumed a joint or unified perspective in evaluating military issues, unbiased by former service ties.

H.R. 3718 would make the Chairman responsible for providing military advice in his own right and would authorize him access to the Joint Staff for assistance in developing his formal positions. Though his advisory responsibility would not be confined by the bill to any single area, the committee intends that the Chairman give special attention to those issues that the collegial JCS has been unable to address effectively—for example, resource allocation, roles and missions, the unified command plan, and joint doctrine and training.

The committee also intends that the Chairman forge stronger links with the unified and specified commanders in developing his positions. The bill provides that the Chairman would supervise the unified and specified commanders and act as their spokesman on operational requirements. In performing these duties, the Chairman should integrate the recommendations of the unified and specified commanders, establish priorities, and provide civilian authorities a coherent set of combatant command proposals.

H.R. 3718 would also authorize the Chairman to improve the timeliness and content of the military advice rendered by the Joint Chiefs of Staff. The hearings revealed that the JCS at times has placed too great a premium on unanimity. Negotiations to achieve a unanimous position have resulted in watered down advice of little use to the President and the Secretary of Defense. Moreover, when confronted by controversial questions on which unanimity cannot be achieved, such as issues involving conflicting service interests, the JCS has tended to avoid rendering advice or delayed action so long that the issue is decided without its input.

Although the Chairman by law now presides over the Joint Chiefs of Staff and provides the agenda for its meetings, no individual is responsible for insuring that the JCS is responsive to civilian authorities in rendering timely military advice on all relevant issues. H.R. 3718 would place this added responsibility on the Chairman by granting him the authority to determine when issues under consideration by the JCS shall be decided.

The committee intends that the Chairman exercise his authorities in presiding over the Joint Chiefs in such a manner that military advice, whether unanimous or divided, on the entire spectrum of significant national security issues is made available to the President and Secretary of Defense in time to assist them in arriving at decisions. On the other hand, strengthening the Chairman's advisory role should result in reducing the present burdens of the service Chiefs by relieving them of the requirement to render collegial advice on the multitude of secondary issues they now address.

The committee supports evolution along these lines as long as channels for legitimate dissent remain open.

Possibly as a result of the deterioration in the quality of joint military advice, the influence of the military in deliberations at the highest levels concerning issues of the utmost concern to the survival of the Nation has diminished. Testimony during the hearings noted the limited role played by the Joint Chiefs of Staff in a number of major national security decisions over the last decade involving the structure and employment of the military forces of the Nation.

The committee believes that political leaders should avail themselves of the advice of the Chairman and Joint Chiefs of Staff on all issues in which the military component is significant. Moreover, the committee believes that advice rendered by these most senior military officers should receive careful consideration when decisions are made. If shortcomings in the quality or timeliness of joint military advice have rendered it inadequate in the past, H.R. 3718 should correct these faults. Consequently, the committee has included a provision in the bill that elevates the JCS Chairman to full membership on the National Security Council. This measure is intended to insure that joint military advice, the corporate advice of the Joint Chiefs of Staff as well as the individual advice of the Chairman, receives a full hearing before national security issues are decided.

Several provisions in H.R. 3718 are intended to improve the staff support available to the Chairman and Joint Chiefs of Staff. Testimony revealed a number of disincentives that at times have had the effect of discouraging officers from seeking Joint Staff assignments. Promotions of Joint Staff members have lagged. The services disagree on the caliber of the officers who should be assigned. Joint Staff influence is perceived as limited; as a result, officers who seek challenge may avoid Joint Staff service.

The committee considers the Joint Staff the preeminent U.S. military staff. The personnel provisions of H.R. 3718 are designed to insure that the committee's conviction concerning the Joint Staff becomes manifest in the structure of the Department of Defense. The bill clearly would require assignment of the most outstanding service officers to the Joint Staff. To insure that result, the bill would provide that selection of Joint Staff assignees shall be made solely by the Chairman of the Joint Chiefs of Staff from service lists containing only offi-

cers considered to be among the most outstanding.

The bill also includes two provisions concerning promotions. First, it would require the JCS Chairman to submit an evaluation to the President of the performance in joint military assignments of any officer recommended for promotion to a grade above major general or rear admiral. Second, the bill would make the Secretary of Defense, after consultation with the Chairman, responsible for insuring that Joint Staff officers receive equitable career rewards for their performance.

Because the demands and complexity of Joint Staff work require talented and dedicated officers, the committee is convinced that performance at the Joint Staff level should be considered a mark of distinction deserving special attention by promotion boards. Though no individual should be guaranteed advancement as a result of Joint Staff service, statistical analyses of serving and former Joint Staff officers should be developed and monitored to insure that Joint Staff performance is given appropriate consideration.

Existing legislative provisions limiting Joint Staff assignments to 3 years and prohibiting reassignment in less than 3 years—except for 30 officers—erect insuperable obstacles to staff continuity. At present, the average Joint Staff assignment is less than 30 months. The entire staff turns over every 2½ years, and the average experience level of Joint Staff officers is less than 15 months.

The legislative faults are compounded by poor Department of Defense management. General Jones indicated that only 2 percent of the Joint Staff officers have previous Joint Staff experience. In addition, he reported that only 13 percent of middle-grade Joint Staff officers, and less than 25 percent of the colonels and Navy captains, have joint schooling.

General Jones testified:

> It is just as though every time you went through an election and came to Washington, you had a whole new staff and only two percent of them had any experience in the Congress.

H.R. 3718 would relax the legislative restrictions on Joint Staff assignments. It increases the present 3-year limitation on Joint Staff assignments to 4 years and reduces the required interval between Joint Staff assignments from 3 years to 2 years. In addition, the Secretary of Defense could waive the limitations when such a waiver is in the best interest of the Department of Defense.

These less restrictive provisions should afford the flexibility needed to overcome the deficiencies in Joint Staff continuity. At the same time, retaining legislative constraints on the tenure of Joint Staff assignments continues safeguards against the possibility, however remote, that the Joint Staff could evolve into a powerful, self-sustaining, elite military organization superimposed between civilian authorities and the services and combatant commands.

The bill does not address the problems of Joint Staff inexperience caused by faulty Department of Defense personnel management procedures and inattention to joint education. Several witnesses discussed these problems during the hearings. Based on their thoughtful comments, the committee is convinced of the seriousness of those problems and the necessity for corrective measues. But legislative relief is not required. Consequently, the committee intends to monitor Defense Department actions to resolve the problems relating to Joint Staff experience identified in the hearings.

At present the Joint Staff is smothered by complex, voluminous operating procedures to insure that the services control the form and content of Joint Staff work. Although the Chairman manages the Joint Staff, by law, he does so on behalf of the Joint Chiefs. The JCS, over time, has developed an ironclad system that protects service interests and, as a corrollary, tends to convert the Joint Staff into an executive secretariat dependent on service staffs.

The following description of the joint staffing process graphically illustrates the debilitating effects of the present system. It is excerpted from an answer for the record received from the former Chairman of the Joint Chiefs of Staff.

> General JONES. A typical joint staffing action can be illustrated by outlining how a request from the Secretary of Defense for JCS views on an important defense issue would be handled.
>
> The Joint Staff action officer is under institutional pressure to find a position with which each of the Services can agree. . . . Likewise, the Service action officers are under institutional pressure to insure that Service roles and missions are not abridged, that major Service weapons systems are emphasized, and that a proposed strategy does not imply more than a fair share of emphasis for another Service.
>
> The Joint Staff action officer must prepare the initial draft of the response—called the Flimsy. In doing so, he or she is bound to consider the views of the Service action officers and the appropriate CINCs. . . . Each Service representative might write a portion of the paper, a portion of the paper might be provided by a CINC or his staff, or the Joint Staff A/O (action officer) might assume the entire task. Generally, because the Service staffs are larger and have Service-unique data and analysis not available to the Joint Staff, the Joint Staff action officer is very dependent on Service Staff inputs.
>
> Once the Flimsy is prepared, the Joint and Service action officers meet to discuss its content . . . . For a substantive paper of some length, each Service action officer may have as many as 100 recommended changes. They quickly learn the art of compromise—each agreeing to support the balance of the changes proposed by the other in return for equal support. The Joint Staff action officer then publishes a Buff paper—reflecting the consensus of the meeting. . . .
>
> Each of the action officers who worked on the Flimsy takes the Buff paper to his Service or Joint Staff planner (O-6) . . . . There may be as many as 20 issues left to be resolved. The Planners generally are able to resolve all but two or three of them. The Joint Staff Planner then . . . publishes a final draft on Green paper. . . .
>
> The Service A/O and Planner present the Green to their Service Operations Deputy (on some occasions an additional review layer—the Deputy Operations Deputy—is added). . . .
>
> The Operations Deputies represent the first level of review at which a truly joint perspective is brought to bear on the issue. However, the Operations Deputies are dual-hatted, as are the Chiefs, and they are under great institutional pressure to represent Service as well as national interests. . . .
>
> . . . Significant compromise may occur at this level of review. Yet to be resolved issues and divergent views, if any, are highlighted, and the Green is placed on the agenda for the Chiefs to consider.
>
> The Chiefs then consider the Green, make adjustments as necessary, and send the paper to the SECDEF. . . .
>
> In sum, the current Joint Staff process encourages compromise, relies too heavily on Service participation, and depends on staff officers who are well versed in Service interests but are ill prepared to address issues from a joint perspective.

The committee intends that Joint Staff procedures be revised to insure independence and to focus the staff's efforts toward achieving joint military objectives. H.R. 3718 would require the JCS Chairman to manage the Joint Staff in the performance of its duties. The bill would direct the Secretary of Defense to insure that the Joint Staff is independently organized and operated. Finally, the bill would provide a charter for the Joint Staff that prescribes the objective of its duties: to support the chairman and the Joint Chiefs of Staff in meeting the purposes set forth by Congress in the National Security Act of 1947 (50 U.S.C. 401) to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces.

These provisions would provide unmistakable authority for the Chairman to revise the current joint staffing procedures and a corresponding responsibility to do so in shaping the Joint Staff to fulfill its charter. In addition, the provisions vest ultimate responsibility in the Secretary of Defense who is charged with insuring Joint Staff independence and that the charter be followed.

H.R. 3718 also would modify the terms of reference for managing the Joint Staff. It would remove the restriction that the Chairman's manage-

ment shall be "on behalf of the Joint Chiefs of Staff." Thus, the Chairman's authority would be independent of the JCS, but his management must conform to the Joint Staff charter and would be subject to challenge by the JCS if that body deems Joint Staff support inadequate to its needs. Finally, the provisions would also give the Chairman latitude to elicit Joint Staff support in the performance of his duties as a military adviser in his own right and as the supervisor and spokesman for the unified and specified commanders.

Mindful of the additional tasks to be performed by the Joint Staff, the committee, in accordance with an administration request, also recommends repeal of the 400-man statutory limit on the size of the Joint Staff. According to Department of Defense officials, however, significant increases in Joint Staff size are not anticipated. The committee believes that streamlining the joint staffing process should free officers in the present organization to perform some of the additional duties. If, as a result of added responsibilities, staff increases are deemed necessary after Joint Staff procedures are updated, the committee expects the increases to be offset by corresponding decreases in service and other Department of Defense staffs.

An additional provision in H.R. 3718 affecting the Joint Staff would insure that the staff continue to receive information from the services and the combatant commands with respect to reports and recommendations prepared for the Joint Chiefs of Staff. As previously emphasized, the committee intends to establish conditions in which the Joint Staff is the independent author of its own work. The committee does not intend, however, to diminish the vital channels of communication between the Joint Staff, services, and combatant commands that are necessary to provide the basic information necessary for competent staff work. To maintain continued intimate interaction among the various military elements as well as insure that channels for dissent remain open, H.R. 3718 would provide that, subject to guidelines established by the Secretary of Defense, each officer serving as a chief of service or as the commander of a unified or specified command have an opportunity to provide formal comments on any report or recommendation of the Joint Staff prepared for submission to the Joint Chiefs of Staff before the report or recommendation is submitted.

H.R. 3718 also responds to the need to clarify and streamline the national military chain of command. A number of witnesses during the hearings expressed concern that a committee, the Joint Chiefs of Staff, has been included in the military chain of command by Department of Defense directive. These witnesses recommended placing a single military individual in the chain. The administration later requested that this change be adopted by placing the JCS Chairman in the chain of command.

Testimony during the hearings also suggested that the chain of command be strengthened by increasing the stature of the unified and specified (combatant) commanders. These commanders, who head U.S. forces in Europe, the Pacific, Latin America, and throughout the world, as well as the strategic, airlift and other specified forces, must have influence in national councils consistent with their peacetime preparedness and wartime employment responsibilities. They are in a position to provide insights not elsewhere available concerning the proper structuring of U.S. military forces to meet national objectives.

H.R. 3718 incorporates the provisions requested by the administration concerning the military chain of command and adds another provision to strengthen the combatant commanders. The bill specifies that the military chain of command would extend from the President to the Secretary of Defense and through the JCS chairman to the unified and specified commanders. Moreover, the bill would increase the stature of the unified and specified commanders by making the JCS Chairman their spokesman on operational requirements as well as their supervisor.

Mrs. HOLT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3718. I want to commend the gentleman from Alabama for his outstanding work on the bill before the House and solicit Members' support. H.R. 3718 represents unfinished business. The Investigations Subcommittee of the Committee on Armed Services held extensive hearings during the 97th Congress on JCS reorganization and received testimony from more than 40 witnesses. The bill subsequently passed by the House last year was not acted on in the Senate. After the administration submitted a legislative proposal this year, the Investigations Subcommittee held additional hearings and developed H.R. 3718 incorporating the administration recommendations and the most important aspects of the bill passed last year.

Testimony from witnesses during the hearings both last year and this year reflected near unanimous agreement that organizational problems hamper the performance of the Joint Chiefs of Staff. Let me emphasize that this in no way reflects on the performance of individual service Chiefs. Witnesses uniformly gave them high marks. The hearings clearly indicated that the problems are organizational in nature. The bill before you today is intended to remove a number of organizational problems and free our military leaders to do a better job. Thus the overall purpose of the bill is to improve the quality of military advice for civilian leaders and streamline the chain of command, thereby restoring the military voice to its appropriate stature in the highest councils of government.

Mr. Speaker, we have enjoyed bipartisan support for JCS legislation in the Committee on Armed Services in both the 97th Congress and the 98th Congress. I hope the House will approve our work once again this year and pass H.R. 3718.

Mr. NICHOLS. Mr. Speaker, I yield as much time as he may consume to the gentleman from Missouri (Mr. SKELTON) a distinguished member of the full committee and a gentleman who has spent a great deal of time on this particular subject.

Mr. SKELTON. Mr. Speaker, I rise in strong support of H.R. 3718, the Joint Chiefs of Staff Reorganization Act of 1983. In my opinion this is one of the most important measures Congress will consider this year.

There is a broad consensus among Members of both sides of the aisle that we need to increase the U.S. national defense capabilities while at the same time keeping a tight rein on defense spending. Unfortunately, the way we usually take care of this latter half of the equation is by shaving a few pennies off here and stretching out a program there. This haphazard, piecemeal approach adds nothing to our national security and it most likely costs us money in the long run.

How much better it would be if we could go to the root of the problem and reform the way budget decisions are made within the Pentagon itself. Then we could have a budget recommendation coming over to us here in Congress that is cogent, that is rational and devoid of the overlapping and duplication caused primarily by interservice rivalry.

The legislation before us today, H.R. 3718, provides a more efficient and effective operation of the Joint Chiefs of Staff and therefore it is a major step toward accomplishing this goal.

Mr. Speaker, as I have served on the Armed Services Committee, I have become aware of a number of basic flaws in the present Joint Chiefs of Staff system. These flaws were cited by a number of witnesses at hearings held last year and again this year by the Investigations Subcommittee of the House Armed Services Committee.

They include:

The inherent conflict of interest caused by the dual hatting of the service Chiefs;

The inability of the dual hatted service Chiefs to do their two jobs well, to be a member of the Joint

Chiefs and at the same time to be a service Chief;

Personnel policies which had led to too much inexperience on the Joint Staff and two little reward for outstanding performance in a joint assignment.

In a practical sense, what these flaws mean is that the top level of our military command structure is incapable of setting priorities in the defense budget. All too often what we see is watered down, lowest common denominator advice and logrolling. The result is duplication of weapons systems and overlapping missions and responsibilities.

In response to these problems I introduced H.R. 2560 in April of this year. H.R. 2560 is a rather far-reaching proposal calling for, among other things, the abolition of the present Joint Chiefs of Staff.

□ 1330

It was one of the three bills considered by the Subcommittee on Investigations of the Committee on Armed Services this year along with the administration bill and the bill which passed the House last year.

I remain convinced that H.R. 2560 is a sound proposal. I might also add at this juncture that Gen. Maxwell Taylor, former Chairman of the Joint Chiefs of Staff, gave a great deal of advice and counsel during my drafting of that proposal; also Gen. David Jones, a former Chairman of the Joint Chiefs of Staff, was instrumental in putting that legislation together.

However, it is apparent that neither Congress, the administration, nor the Pentagon is ready for the kind of fundamental reorganization provided for in my bill.

Therefore I throw my full support to the bill drafted by the Subcommittee on Investigations under the very able leadership of the chairman, our colleague from Alabama (Mr. NICHOLS).

I might say Mr. NICHOLS' leadership in this area has been outstanding; his hearings have been eminently fair; every bit of information that I wanted to offer to the subcommittee was allowed. I have the highest appreciation not only for his fairness but his assistance in drafting this final result. It is a well-done proposal.

This proposal before us today draws on each of the three alternative proposals considered by the subcommittee. This bill, H.R. 3718, includes the provision recommended by the administration, but the administration proposal by itself would have been inadequate.

As sent to the Congress, it totally failed to come to grips with the flaws in the present system.

This bill that Chairman NICHOLS and his subcommittee designed does address these flaws.

I am pleased that it has these elements which are consistent with the provisions in my bill, my proposal: first, the chain of command is spelled out in the law. Second, the position of Chairman is strengthened because this officer, the only member of the Joint Chiefs of Staff with no service responsibilities, is uniquely qualified to speak for the unified military viewpoint. He is made an adviser to the President and the Secretary of Defense in his own right.

Third, the staff of the Joint Chiefs of Staff is improved by providing for more continuity and experience and by adding promotion policies designed to insure that the most outstanding officers are attracted to Joint Chiefs of Staff duty.

Fourth, the Chairman of the Joint Chiefs of Staff is made a full member of the National Security Council to insure that military advice receives a full hearing before national security issues are decided.

Fifth, formal provision is made for the service chiefs and the commanders of the unified and specified commands to have their views considered in Joint Chiefs of Staff decisionmaking.

In closing, Mr. Speaker, let me commend the subcommittee, particularly the chairman, the gentleman from Alabama (Mr. NICHOLS), for their fairness and their willingness to tackle this issue successfully this year.

Though the subcommittee's bill is not as comprehensive as my proposal, it is one of the most important defense bills we will consider this year.

We can no longer afford to let parochial service interests take precedence over the joint interests of the Nation. If we cannot employ our forces effectively, it does not matter what kind of force structure we have or what kind of weapons systems we procure. A proper reform of the Joint Chiefs of Staff will save defense dollars and yet it will ultimately lead to a stronger national defense.

Now is the time to act, Mr. Chairman. We were close to passing similar legislation last year and we simply cannot afford to let another chance to enact this needed reform pass us by.

If we wait for a crisis, or, heaven forbid, a war, it will be too late.

I urge my colleagues to suspend the rules and to pass the bill, H.R. 3718.

Mr. NICHOLS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, in the 94th Congress, the Committee on Government Operations became concerned about the relationship between the Secretaries of the Army, Navy, and Air Force, and the Joint Chiefs of Staff when we learned that the service Secretaries were not permitted to attend meetings of the Joint Chiefs.

On March 25, 1976, the committee issued a report (H. Rept. No. 94-952) which contained findings that even though a DOD directive required the service Chief to keep the "Secretary of his military department fully informed on matters considered or acted upon by the Joint Chiefs of Staff," there were no implementing guidelines or enforcement mechanisms for this provision. As a consequence, the service Secretaries did not at all times have access to important military information. We found that not being kept fully and currently informed had a detrimental effect on the service Secretaries' ability to carry out their functions, and that this incomplete access to information reduced effective civilian control of the military services.

At that time, the Government Operations Committee recommended that the Congress consider legislation requiring that the military Secretaries be kept fully and currently informed on all military matters affecting their departments. The committee recommended that meetings of the Joint Chiefs of Staff be open to attendance by the military Secretaries, and even though the Secretaries may not participate in decisions, their views should be offered and received.

Mr. Speaker, I am somewhat concerned that no provision has been included in H.R. 3718 to insure that meetings of the Joint Chiefs of Staff will be open to attendance by the service Secretaries or even to insure that the service Secretaries be kept fully and currently informed of matters affecting their important administrative responsibilities.

Mr. Speaker, I would like to ask the very distinguished gentleman from Alabama, a man for whom I have the highest regard and respect, having served in the service as I did, just what the relationship between the Joint Chiefs and the appointed Service Secretaries would be under this legislation.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman.

Mr. NICHOLS. I thank the gentleman for yielding.

Mr. Speaker, let me respond to my distinguished friend from Texas (Mr. BROOKS) by saying to him that his matter was not raised at all during the hearings. If I understand the gentleman's question correctly it would not change it in any way, I say to the gentleman from Texas.

Mr. BROOKS. Not changing it means that Service Secretaries are not eligible, by right, to attend meetings of the Joint Chiefs of Staff and there is no guideline that I know of yet to require the members of the Joint Chiefs to inform their civilian Secretaries, keep them fully informed, nor is there any provision to always allow

them access, even if they do not get to vote.

Mr. NICHOLS. If the gentleman will yield further, I say again to the gentleman from Texas that he is exactly correct about this matter. There is no provision to permit what the gentleman would like to do, but I will have to say to him that during the course of the hearings I do not recall that question being raised by any of the distinguished witnesses who appeared before the subcommittee.

Mr. BROOKS. Were they military or civilian?

Mr. NICHOLS. They were both. But I would say, in the main, they were former Chairmen of the Joint Chiefs in years past.

Mr. Speaker, would the gentleman from Texas yield to the gentleman from Missouri (Mr. SKELTON) who was on the committee last year in order to ask him if he recalls any colloquy on that issue?

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

As the gentleman from Texas (Mr. BROOKS) may know, I have done a considerable amount of work on this for many, many months. The issue that the gentleman raises at this moment is the first time this issue has ever come to my attention.

Mr. BROOKS. The gentleman would agree it is a significant problem to bring to light, does he not?

Mr. SKELTON. It has not been brought to me as a problem. Were it brought to my attention as a problem I would say yes, it is a very significant thing; but it has not been so brought to my attention nor any complaint whatsoever by either civilian or by military or by any Member of Congress.

I recognize that should there be a substantial complaint it would be a problem but during none of my work, let me assure the gentleman from Texas that that work was considerable, was it ever even mentioned to me as being any type of a serious problem at all.

□ 1340

Mr. BROOKS. Bo Callaway, a former Secretary of one of the services, a very distinguished former Member of this Congress, and a member of the Republican Party, testified at that hearing and said that he felt it was a serious detriment to his capacity as Secretary. I wish the committee would consider that and talk to them. I am not trying to change the legislation at this point, it is a late date for that. I did not learn about this until just recently. But I think that it would be highly desirable for the gentlemen, as important members of the Armed Services Committee, to discuss that with the Secretaries, with the Joint Chiefs, and see if they cannot provide a guideline that would invite them, as a standard practice, to their meetings and they ought to pass a resolution that would require them and the Joint Chiefs to keep their own Secretaries fully advised at all times. So that there is some mechanism for encouraging members of the Joint Chiefs to do that. I do not think we should jeopardize ultimate civilian control.

Mr. SKELTON. If the gentleman will yield further, I might point out that in my work on this bill, as well as other work on the Armed Services Committee, I have seen a close personal relationship as well as a professional relationship between the service chief and between the Secretary of that particular service.

Now what may have happened when Bo Callaway was there may not be the case today because of what I have actually evidenced by my work with them as a close working relationship.

Mr. BROOKS. To my friend I want to say that I trust and hope that is true now, but I would not want to leave it just to the personalities involved. It may be that they appoint Brother NICHOLS as Secretary of one of the services and the general in charge or the admiral did not get along and you never know what the circumstances could be.

And I do not want to leave that to chance. I think the civilian branch, appointed by the President, a Republican President, should have full access to everything by right and by a clear understanding, rather than by just the good will and the feeling of comradeship and dedication to this country that we all might share.

Mr. NICHOLS. Mr. Speaker, if I might reclaim my time, let me say to the distinguished gentleman from Texas that I have the highest regard for former Secretary of the Army Bo Callaway. He is from my neighboring State and he is a close personal friend of mine. And I will say to the gentleman I was not aware of his testimony before the gentleman's committee. I will get the testimony and I will make myself aware of it and I will certainly see that it is called to the attention of the Senate which is currently considering a bill of the same type.

Mr. BROOKS. I could not ask for more consideration than that.

I thank the gentleman.

● Mr. VENTO. Mr. Speaker, I rise in support of this bill, H.R. 3718. This bill for the first time will place the Nation's chief military officer in the direct line of command between the President, the Secretary of Defense, and the commanders of the joint and specified commands—the commanders of our forces in the field.

One of the major problems with our present system is that the collegial Joint Chiefs are subject to intense service pressures with the result that service parochialism—which often emphasizes procurement issues over operational issues—predominates. We need to be able to insure that our operational concerns are adequately recognized. I believe this bill will achieve this objective by establishing the proper dominance of an independent Chairman of the Joint Chiefs.

Currently, the need for collegiality often means that firm, clear advice is not available in a timely fashion. This may be acceptable—if regrettable—in the year-long dance of the budget cycle, it is not however acceptable in the compressed timeframes of present and future crisis management. By placing the responsibility clearly on one man, we may well have a system where the Department of Defense will be a help rather than a hindrance to national policy objectives.

Finally, the bill makes the Chairman a statutory member of the National Security Council rather than just an adviser as at present. This insures that professional military counsel will be a full partnership at the highest national security decisionmaking levels. Therefore, I urge my colleagues to vote to suspend the rules and support H.R. 3718.

It is important that we recognize and maintain the civilian decisionmaking process, and control of our military and national security roles, but we must not deny the best working relationship that can be attained. This measure establishes a realistic civilian controlled security council with a frank military participation.●

● Mr. RAY. Mr. Speaker, it has been 25 years since Congress has taken significant steps to alter the organization of the Department of Defense. During that quarter century, many individuals and groups have studied the Department of Defense organization and a consistent center of criticism has been the Joint Chiefs of Staff.

The performance of the individual members of the Joint Chiefs of Staff has been exemplary. The problems are not with the outstanding personnel we have serving in these positions, rather they are with the organization itself.

Until last year, Congress took little notice of this issue. In 1982, however, two incumbent members of the Joint Chiefs of Staff added their voices to those calling for change. As a result, the House Committee on Armed Services conducted a long series of hearings which showed reasons for concern. The committee reported a bill intended to correct the most serious of these organizational problems, and the House passed the legislation.

The Senate held a hearing on this bill: however, no further action was taken.

This year, the administration submitted a legislative proposal on which the Investigations Subcommittee of the Committee on Armed Services held hearings in June.

H.R. 3718 is the result of those hearings. It includes all of the provisions recommended by the administration and retains the essential elements of the bill passed by the House last year.

This bill would improve the joint military structure in three ways.

First, it would streamline the national military chain of command. The chain of command, as it operates now, extends from the President to the Secretary of Defense and through the Joint Chiefs of Staff to the unified and specified commanders in the field.

H.R. 3718 would place the Chairman of the Joint Chiefs of Staff in the chain of command so that it would run from the President to the Secretary of Defense through the Joint Chiefs of Staff Chairman to the unified and specified commanders. Thus, the chain of command would be composed of individuals.

The bill further provides that the Joint Chiefs of Staff Chairman will be the supervisor of the unified and specified commanders and their spokesman on operational requirements. Thus, H.R. 3718 would establish a national military chain of command that is clear cut and streamlined.

The second area addressed by H.R. 3718 is military advice. Critics maintain that military advice given by the Joint Chiefs of Staff is not timely and lacks quality and clarity.

The bill would make the Chairman responsible for determining when the Joint Chiefs of Staff shall decide issues. It would also allow the Chairman to provide military advice in his own right.

Finally, the Joint Chiefs of Staff would gain a spokesman on the National Security Council since the Chairman would become a full member.

A final area H.R. 3718 would improve is the staff that supports the Joint Chiefs of Staff. It contains provisions that would streamline and clarify the management of the staff, as well as determine the most efficient size for the staff.

The officers on staff would be required to exhibit a high level of experience and qualifications for their positions. Staff positions would be made more attractive by increasing career opportunities and continuity of assignment.

Mr. Speaker, it is unfortunate that it has taken so long for the legislative branch to recognize the flaws inherent in the Joint Chiefs of Staff structure and to turn its attention to correcting them.

The Honorable BILL NICHOLS of Alabama, chairman of the Subcommittee on Investigations, deserves the highest praise for following through on this issue and bringing before this body a bill that addresses the organizational defects that hamper Joint Chiefs of Staff performance.

Congressman NICHOLS is a distinguished veteran and has been exposed to the cumbersome procedures which the Joint Chiefs of Staff have been forced to operate under for many years.

He has served in Congress for many years and is the third ranking majority member on the House Armed Services Committee and chairman of the Investigations Subcommittee. In a series of hearings before this committee, he has brought together representatives from all sides of the issue.

I believe this legislation will correct concerns many have had through the years and will indeed strengthen the Joint Chiefs of Staff.

I urge the Congress to enact this long overdue legislation.●

Mr. NICHOLS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. NICHOLS) that the House suspend the rules and pass the bill, H.R. 3718, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3718, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 301 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2655.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2655, to extend and improve the Domestic Volunteer Service Act of 1973, with Mr. SKELTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 30 minutes and the gentleman from Texas (Mr. BARTLETT) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in strong support of H.R. 2655, the Domestic Volunteer Service Act Amendments of 1983.

Initially, I wish to compliment our distinguished colleagues, AUSTIN MURPHY, chairman of the Subcommittee on Select Education, and IKE ANDREWS, chairman of the Subcommittee on Human Resources, for their outstanding work in the development of this piece of important legislation which not only includes:

The only national volunteer program, VISTA,

But the companion volunteer programs for Older Americans—Foster Grandparents,

The Retired Senior Volunteer program; and

The Senior Companion program.

Under the able leadership of these two chairmen, comprehensive hearings were held, and all issues were explored and a full opportunity was given to everyone to take a look at the ACTION agency and its programs. Testimony was heard from the Director of the agency and the Deputy Director, formerly the Associate Deputy Director for the Older American volunteer programs, as well as other witnesses.

Mr. Chairman, in light of the overwhelming need for an effective national volunteer program to serve the poor and the elderly, this is a modest piece of legislation to extend and expand the volunteer programs administered by the ACTION agency. H.R. 2655 requests $25 million for at least 3,400 VISTA volunteers and $122 million to serve over 370,000 Older American volunteers.

With over 10 million people unemployed and another 1½ million discouraged and not looking for work, with 34.4 million Americans living in poverty—15 percent of the population, the highest since 1965, and with many local communities in financial distress, and private resources being stretched to the limits.

I do not see how we can do less for Older Americans and VISTA.

Title II of H.R. 2655 amends the Older Americans volunteer programs by continuing the Foster Grandparent program, the Retired Senior Volunteer program, and the Senior Companion program for 3 additional years. Foster Grandparent programs and the Retired Senior Volunteer program will be authorized at current policy levels and

the Senior Companion program will receive an increase of $12 million in order to improve and expand services to the homebound elderly.

Some important minor amendments include:

The current practice of maintaining a 30-percent ceiling on required local contributions;

Local control over excess contributions for a project; and

A provision to allow the continuation of a foster grandparent with a mentally retarded child after that child reaches 21 years of age. Also, a slight increase in the stipend paid to Foster Grandparents and Senior Companions is provided in order to compensate to some extent for the increases in inflation over the past 5 years.

All of the Older American Volunteer programs provide essential services to communities throughout the country in addition to giving older persons a variety of opportunities to utilize their skills and years of experience in serving others.

More than 343,000 volunteers in the Foster Grandparent, Senior Companion and Retired Senior Volunteer programs served over 76,000,000 hours in 1982. Retired Senior volunteers provided services in areas such as youth counseling, literacy enhancement, and long-term care to the elderly and the disabled. Foster Grandparents worked both inside and outside of institutions with children who have mental, physical, and emotional handicaps, as well as with children who are abused and neglected. Senior Companions have performed a critical role in preventing or delaying the institutionalization of the chronically homebound elderly and to deinstitutionalize persons who are able to live at home with support services.

It is clear that all of these programs have provided critical and effective services to many individuals in our society, including the elderly, the handicapped, and children. It is essential that we move quickly here today to reauthorize these programs through fiscal year 1986 so that these vital services can be continued in the future.

I know how important it is to scrutinize the way each taxpayer's dollar is spent so that we accomplish our goals in a cost-effective manner, and VISTA is one program that is exceedingly cost effective. The latest ACTION evaluation which was conducted in 1979 concluded that for a $7,000 investment, the cost of a volunteer for one full year, a volunteer generated an average of $24,000 in private and public resources to benefit the local community, and in addition, the VISTA volunteer recruited 15 additional volunteers to work in local antipoverty projects. This is the kind of investment we need more of, and that is why I support this modest increase for VISTA which is still considerably less than the appropriations in 1981 when VISTA received $34 million.

Mr. Chairman, I will not go through the details of the bill which will be explained by the chairmen of the subcommittees, but I do wish to highlight some of the important aspects of the bill as the strengthening of the antipoverty language. It is imperative that we use these very limited resources in ways which will have the most effect on improving the lives of the poor. It is important that we emphasize programs which address the needs of the homeless and hungry, and this provision has been added. Literacy is a serious concern and surely a lack of reading ability is a serious impediment to obtaining a job or lifting oneself out of poverty. Literacy and employment opportunity development are areas in which VISTA will be able to expand its efforts.

Mr. Chairman, VISTA has provided opportunities for over 75,000 Americans to serve their fellow citizens in projects at the local level working with others in the community to improve the quality of life, not only for the poor, but for all Americans. I urge my colleagues to support the reauthorization of the Older American volunteer programs and Volunteers in Service to America, along with the other provisions of the bill which are designed to target the programs more effectively and efficiently and to improve the administration of the agency by protecting the integrity of the grantees and the beneficiaries.

Another important point which I wish to emphasize is the retention of the funding floor language for VISTA. This language is essential in maintaining the integrity of VISTA. This is not new language; in fact, it has been included in the VISTA authorization bill for at least 10 years. The authorizing committee uses this language to express its concern for VISTA and to insure that VISTA receives first priority funding as the centerpiece and anchor for the title I programs. This funding floor has been crucial in the preservation of VISTA as the administration has attempted to eliminate VISTA since 1981. Also in fiscal year 1982, this language was used by the Comptroller General in an opinion which restored nearly $1 million for VISTA.

As we consider this piece of legislation, we should keep in mind the rising tide of poverty with 34.4 million people now classified as poor by the Census Bureau. We cannot forget our responsibility in this matter. It has been pointed out before, but it is worth stating again, that there are few, if any, democracies that have managed to survive while tolerating extreme disparities between the well-off and the poor. H.R. 2655 is a small but important effort in our attempt to provide a fair and equitable society.

Mr. BARTLETT. Mr. Chairman, I yield 6 minutes to the ranking Republican member of the Committee on Education and Labor, the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I rise in opposition to the bill.

The legislation before us today reauthorizes the domestic volunteer programs administered by the ACTION Agency. Many of these programs, especially the Older American volunteer programs, enjoy broad bipartisan support and have proven their effectiveness through the years. Unfortunately, however, H.R. 2655 as reported by the Committee on Education and Labor reauthorizes and significantly expands the VISTA program. The inclusion of this provision in H.R. 2655 undermines what is otherwise a generally good bill. I also believe it jeopardizes the chances of the President signing this legislation.

The strengths of H.R. 2655 lie in the reauthorization of the three Older American volunteer programs: RSVP, Senior Companions, and Foster Grandparents. The gentleman from North Carolina, the chairman of the Subcommittee on Human Resources and the gentleman from Wisconsin, the ranking Republican on the subcommittee, are to be congratulated on these sections of the bill. The reauthorization of these programs includes several improvements and clarifications which will enable these programs to provide improved volunteer service opportunities to senior citizens and provide better services across this country. The bill also includes provisions to provide expanded services to homebound elderly persons in order to help make it possible for them to remain independent in their own homes as long as possible.

The principal weakness of H.R. 2655 lies in the reauthorization of the VISTA program. VISTA, the Volunteers in Service to America program, has been under fire from either liberals or conservatives for the past 10 years. During that period of time, appropriations for the program have been largely held constant, never increasing above $26.7 million during this period. Since fiscal year 1978, VISTA appropriations have been gradually decreasing. I believe the unwillingness of Congress to allow VISTA to continue to grow over the past decade tells us something about the nature of the program.

VISTA is a prime example of how well-meaning, but ill-conceived Federal programs can take on a life of their own and effectively prevent the development of new, more effective programs. Despite the efforts of the administration to phase out this program over the past 3 years, it contin-

ues to exist. That is unfortunate because I believe the appropriations spent on VISTA could have been better spent elsewhere in ACTION.

When VISTA was first enacted almost two decades ago, it was envisioned as a means to strengthen and supplement efforts to alleviate poverty by enabling individuals from all walks of life to perform meaningful and constructive volunteer service. In many instances, VISTA has and continues to meet this objective. That the history of VISTA is not uniformly one of waste, fraud, and ineffectiveness, however, is not the point. In many other instances, persons acting in the capacity of VISTA volunteers have engaged in activities of questionable usefulness and legality.

I am not going to review the troubled history of VISTA in detail. Suffice it to say that when VISTA is compared to the Older American volunteer programs, or even to the other programs authorized under title I of the act, a poor contrast is produced.

It is in the context of this history of congressional skepticism that we should consider H.R. 2655 today. The bill would more than double the size of VISTA. From the current appropriations level of $11.8 million, the bill would require an increase to $25 million for fiscal year 1984. This represents a 112-percent increase.

This increase would be required because of a short provision found in section 121(a) of the bill. This provision modifies what is otherwise a "such sums" authorization for title I of the act to provide, "of the amounts appropriated under this section, not less than $25 million for fiscal year 1984, $28 million for fiscal year 1985, and $30 million for fiscal year 1986 shall first be available for carrying out part A of title I." Part A of title I is the VISTA program. The significance of this provision is that until the specified appropriations for part A have been made, something which I believe to be highly unlikely, no funds can be provided for parts B or C of title I.

Part B of title I of the Domestic Volunteer Service Act authorizes the service learning program. The purpose of this program is to link the needs of the poor, educational resources, and students' interest in community services. This program helps communities address the needs of poor persons in a cost effective manner which enriches the lives of both the program participants and volunteers. These volunteers are, in contrast to those under the VISTA program, true volunteers. They are for the most part unpaid secondary and postsecondary students wanting to make a contribution to their community. Under H.R. 2655, this program would in all likelihood be terminated.

Part C of title I provides authorization for ACTION's special volunteer programs. Projects funded under this part include programs in drug abuse prevention, refugee assistance, literacy education, assistance to runaway and homeless youth, and the well-known Vietnam veterans leadership program. It is under this part of the act that new programs to mobilize volunteers can be developed. Under H.R. 2655, programs receiving funding under part C or under the new part D of the act would in all likelihood be terminated.

Mr. Chairman, I am disappointed in my committee for producing a bill which places all of ACTION's programs in jeopardy in order to attempt to force an increase in appropriations for VISTA. I hope that when we consider amendments to this legislation on Wednesday that we will address the problems in this bill so that these programs can continue.

□ 1350

Mr. PERKINS. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Pennsylvania (Mr. MURPHY), chairman of the Subcommittee on Select Education.

Mr. MURPHY. I thank the distinguished chairman for yielding this time to me.

Mr. Chairman, we bring to the floor today H.R. 2655, the Domestic Volunteer Service Act Amendments of 1983. This bill reauthorizes for 3 years the domestic volunteer programs of the ACTION Agency. These include in title I the Volunteers in Service to America (VISTA) program, service-learning programs, and special volunteer programs. Title II reauthorizes the Foster Grandparent program, the Retired Senior Volunteer program, and the Senior Companion program. Title IV of the act provides authority for the administration of both titles 1 to 2.

I want to thank my colleagues, my full committee chairman, Mr. PERKINS, and Mr. ANDREWS, chairman of the Human Resources Subcommittee, for his cooperation in bringing this bill to the floor. It contains the provisions of the Older American Volunteer Program Amendments of 1983, H.R. 1917, which were incorporated into H.R. 2655 during committee action. This action was taken with the wholehearted support of the three Older American Volunteer program directors associations.

Prior to outlining the provisions of this bill, I would like to bring to my colleagues' attention the broad base of support this bill enjoys, and in particular, the support the VISTA portion of the bill has received. Despite ths administration's continued efforts to zero-fund this vital antipoverty volunteer program, VISTA's continuation and revitalization is urged by persons across the country whose lives have been touched by the program.

Recently 45 major national organizations representing the elderly, the poor, the handicapped, veterans and those who work with a variety of volunteer and social service programs, sent a letter to all Members of this body expressing strong support for this bill as reported by the Education and Labor Committee. Signers of the letter include the American Association of Retired Persons, the Blinded Veterans' Association, Camp Fire, Inc., the Association of Retarded Citizens, Literacy Volunteers of America, the United Steelworkers, the League of Women Voters, the National Coalition for the Homeless, Second Harvest, and the National Network of Runaway and Youth Services, as well as 35 additional groups.

The letter reads as follows:

OCTOBER 14, 1983.

DEAR REPRESENTATIVE: We are writing to express our strong support for HR 2655, the Domestic Volunteer Service Act Amendments of 1983, as reported by the Education and Labor Committee. It is our understanding that debate on this bill will begin immediately following the Columbus Day recess.

As organizations traditionally concerned with eliminating poverty and addressing the basic human needs of the disadvantaged, the elderly, the handicapped, and the poor, we have been aware for many years of the work of VISTA and its volunteers. In our judgment, VISTA is one of the most vital and cost-effective federal programs working to overcome a broad range of domestic problems—hunger, illiteracy, family violence, unemployment, crime, homelessness—facing millions of poor Americans today.

We are deeply disturbed by the innumerable efforts over the past few years to undermine and eliminate VISTA, a program that, at a minimal cost to the government, has provided so much to those who have so little. It seems incongruous that VISTA should be targeted for extinction at the precise time that many of the basic principles it embodies—local decisionmaking, self-help, neighbor helping neighbor, people as problem solvers—are hailed as virtues by those who would abolish the program.

The VISTA program represents what is best in this country: voluntarism put to work to benefit millions of people, young and old, who have been left out and left behind. VISTA now, as in the past, is dedicated to the basic American idea of helping people to help themselves. It enables persons from all walks of life, economic levels, geographic areas, and ages to serve their country and communities. VISTA is not a Democratic or a Republican program. It is very much an American program that is worthy of support from Republicans as well as Democrats, conservatives as well as liberals.

Since 1965, over 75,000 Americans have served as VISTA volunteers and have proudly demonstrated that our government can help people to help themselves. VISTA's "hand-up" approach to addressing poverty and poverty-related problems has provided millions of our nation's poor with an opportunity for a better life. VISTA has also brought positive and lasting improvements to thousands of rural and urban low-income communities and neighborhoods. Today, VISTA volunteers—the majority of whom are themselves low-income—continue to

generate the tangible benefits of jobs, resources, and services for poor communities, as well as the intangible benefits of justice and dignity, hope and self-respect for the poor.

We agree wholeheartedly with the Education and Labor Committee's conclusion that the need for a cost-effective self-help program like VISTA has grown, rather than diminished. In this time of tightening budgets and cutbacks in so many social programs that help the poor and disadvantaged, VISTA volunteers have played and should continue to play an important role in addressing the problems that confront the poor and disadvantaged.

Recent studies by business, voluntary, religious, and philanthropic organizations all show that the federal government cannot rely on the private sector to fill the gap caused by cutbacks in the broad spectrum of social programs designed to assist the poor. The VISTA program has a proven record in working with and assisting private sector organizations such as ours to help the truly needy. Based on our collective experience, we know that part-time non-stipended volunteers could in no way take the place of full-time VISTA volunteers.

One of the most important aspects of VISTA volunteers' work is their effort to identify, recruit, and effectively involve part-time volunteers in the activities of the organizations with which they work. VISTA's have been most successful as catalysts and mobilizers of financial and volunteer resources at the local level. Studies show that on the average, each volunteer, at a cost of less than $7,000 a year, recruits over 15 part-time and full-time volunteers for his or her project and is able to generate over $24,000 in financial resources at the local level.

While some might argue that the VISTA funding floors included in HR 2655—$25 million, $28 million, and $30 million respectively for fiscal years '84, '85, and '86—are a 110% increase over VISTA's current $11.8 million budget, and therefore are unjustified, we would respond by pointing out that these funding levels are still far below those of just two-and-a-half years ago. Since January of 1981, VISTA's budget has been slashed from $34 million to $11.8 million, and the number of volunteers has been reduced from nearly 5,000 to fewer than 1,800.

During these difficult economic times, we must not retreat from our national commitment to help people help themselves. Now is the time to reaffirm and intensify this commitment and to ensure that the federal government encourages and freely supports self-help programs such as VISTA. As the number of people living in poverty continues to grow, the need for VISTA grows as well.

We urge your full support of HR 2655 as proposed by the Education and Labor Committee. On behalf of the poor and disadvantaged people we represent, we request that you oppose any and all efforts to reduce the funding that this bill provides for VISTA. VISTA is a program that deserves your continued and wholehearted support.

Sincerely,

Alliance for Justice, American Association of Retired Persons, Americans for Indian Opportunity, Association of Retarded Citizens, Blinded Veterans of America, Children's Defense Fund, Camp Fire, Inc., Center for Community Change, Coalition on Block Grants and Human Needs, Disability Rights Center, Disability Rights Education and Defense Fund, Federation of Jewish Philanthropies, Friends of VISTA, International Ladies Garment Workers Union, Jewish Fund for Justice, Laubach Literacy Action, Leadership Conference of Civil Rights, League of Women Voters of the United States, Literacy Volunteers of America, Mexican American Legal Defense Educational Fund, National Association of Community Health Centers, National Association of Foster Grandparent Program Directors, National Association of Retired Senior Volunteer Program Directors, National Association of Senior Companion Project Directors, National Association of Social Workers, National Center for Urban and Ethnic Affairs, National Coalition Against Domestic Violence, National Coalition for the Homeless, National Council of La Raza, National Council of Senior Citizens, National Low-Income Housing Coalition, National Neighborhood Coalition, National Network of Runaway and Youth Services, National Rural Housing Coalition, National Youth Work Alliance, Rural America, Rural Coalition, Second Harvest, The Children's Foundation, United Steelworkers of America, Vietnam Veterans of America, Villers Center on Aging, Volunteer: National Center for Citizens Involvement, Women's Equity Action League, Women's Technical Assistance Project.

Mr. Chairman, over the past several months the Subcommittee on Select Education has been receiving letters from VISTA sponsoring organizations all over the country. Anyone who has doubt about the need for VISTA, the contribution the program has made to thousands of urban and rural communities, or anyone who thinks that part-time nonstipended volunteers can take the place of full-time VISTA volunteers, should take the time to read just a few of these hundred or so letters.

I wish I had the time to read all of the responses. However, at this time I will include in the RECORD excerpted portions of these letters and the entire letter from the Pittsburgh Community Food Bank, which is typical of the experience of food banks across the country:

COULD PART-TIME NON-STIPENDED VOLUNTEERS EFFECTIVELY REPLACE THE VISTA VOLUNTEERS YOU NOW HAVE?

Community Resource and Assistance Center, Detroit, Michigan, an association of eastside Detroit neighborhood groups:

"Our organization can definitely *not* do without its VISTA volunteers. It is their work that gives continuity to our projects. They are the ones who train and supervise the non-stipended volunteers, who could never replace them. In these difficult times when the poor are already suffering because of so many governmental cuts, the loss of VISTA would truly be disastrous. Everything possible ought to be done to continue and expand the VISTA program."

Oregon Community Land Trust, Eugene, Oregon, which works with low-income farmers:

"Part-time non-stipended volunteers could not effectively replace the VISTA position. Success of this project depends on continuity over time, for which full-time workers are needed. . . . This project has been instituted and developed by low-income people for the benefit of low-income people, and our project does not have access to the luxury of a full-time volunteer who is economically self-supporting. . . . VISTA projects have been a means to enable low-income people to improve their own situation, and sometimes the economy of their community."

Indochinese Community Center, Washington, D.C.:

"It is our contention that part-time non-stipended volunteers could not adequately replace the VISTA Volunteers we now have. . . . Since the majority of the VISTA Volunteers are Indochinese and live in the community itself, ICC has been able to recruit volunteers in far greater detail than before. . . . Part-time non-paid volunteers could not afford to spend as much time or effort on community concerns as VISTA Volunteers are currently required to. Given the inflationary nature of today's economy along with the high unemployment rates, expecting to recruit a non-paid volunteer to work 40 hours a week as well as being on call 24 hours a day is a bit much."

Dove, Decatur, Illinois, a low-income community group:

"The total positive impact of VISTA in Decatur, Illinois, is staggering considering the small amount of money needed to operate VISTA. I have no doubt that because of VISTA, several lives have been saved of poor people who would have died from lack of health care or family violence. . . . VISTA workers cannot be replaced to any appreciable degree by unpaid part-time volunteers."

The Door of Central Florida, Inc., Orlando, A Family Approach: Comprehensive Substance Abuse Treatment, Education and Prevention Programs:

"Part-time, non-stipendiary volunteers could not replace the present Vista Volunteers, as we would not receive the same caliber of high-quality people we need to keep this worthy project accomplishing the same extraordinary feats as we are at the present time."

Volunteer: The National Center for Citizen Involvement, Arlington, Va. VOLUNTEER is a national voluntary organization whose sole purpose is to encourage greater and more effective involvement of private citizens and their organizations in local problem-solving:

"We understand that one of the arguments made for the elimination of VISTA is that part-time, unstipended volunteers will be able to assume the same roles and responsibilities that have been undertaken by VISTAs. We do not believe that this is a realistic view of the nature of volunteering at the local community level today. One of the most important aspects of a VISTA's work is the effort to identify, recruit and effectively involve part-time volunteers in the activities of the organization with which the VISTA is working. The VISTA may serve to extend the volunteer management capacity of the organization to reach new potential volunteers and to support their work. *Just as one would argue that it is not feasible to replace one full-time paid worker in your office with 10 people each working a small percentage of time, neither is it reasonable to believe that one can make a substitution for a VISTA.* . . . The strength of VISTA is that it enables people who would otherwise not be able to volunteer on a full-time basis to do so and to provide needed energy for local efforts to solve local problems in ways

determined at the local level. Through this, the full volunteer resources of a community can be mobilized around high priority problems." (Emphasis added.)

WHAT TYPE OF RESOURCES—FINANCIAL OR VOLUNTEER—HAVE YOU BEEN ABLE TO GENERATE FOR YOUR PROJECT AS A RESULT OF VISTA?

East Tennessee Community Design Center, Knoxville, Tennessee:

"In short, each VISTA assigned to the East Tennessee Community Design Center at a cost to the Federal Government of approximately $7,000 has generated at least $51,000 for low-income people in East Tennessee—a cost benefit ratio of over 7:1 . . . Even more important than the dollar value of Design Center projects are the results of the VISTA work in changes of attitudes and aspirations of low-income groups. Success generates success, and I have had a great personal opportunity to observe dozens of cases in which VISTA assistance to a community group with a small neighborhood project like a self-help playground has produced not only the park itself but also the skills, leadership and community pride to carry out a continuing program of housing and neighborhood rehabilitation."

North Toledo Area Corp., Toledo, OH:

"The VISTA volunteers helped to raise $200,000 in cash and in-kind contributions in order to open and operate the center [a neighborhood health center for low-income patients]. A Toledo hospital paid for much of the medical equipment at the health center and is paying for the mortgage on the building. VISTA volunteers assigned to this project were also instrumental in raising private sector support for the reopening of Riverside Park and Shelter, a community facility in a low-income neighborhood which had been closed for two years."

Blue Ridge Area Food Bank, Staunton, VA:

". . . a few comparisons between the start of the program and the present time with addition of 8 VISTAs."

	Beginning of VISTA	Now
Member agencies	35	330
Local food donors	4	48
Pounds distributed/month	20,000	120,000
Unpaid volunteers involved (non-VISTA's)	12	(1)

[1] 100 plus.

WHAT TYPE OF VOLUNTEERS HAVE YOU RECRUITED FOR YOUR VISTA PROJECT?

Coalition of Texans with Disabilities, Austin, Texas, advocacy consumer based organization of 52 member organizations, 8-10,000 individuals, concerned with various disabilities:

"The VISTA program has given disabled persons the opportunity to utilize their many talents and skills to help other disabled to become more independent and productive. Seventy-five percent of CTD's twenty-seven VISTA volunteers are disabled—disabled persons working to benefit disabled persons.

"The dedication and determination of CTD's VISTA volunteers for the past year has brought about many outstanding achievements for disabled persons in Texas."

Unity House, Troy, N.Y.:

"In keeping with the mission of our agency to aid in the improvement of lifestyles of low-income and poverty-level individuals, we have specifically recruited individuals to serve as VISTA's who have come from poverty-level backgrounds. Two of the women serving in the Families-in-Crisis Program are welfare recipients; the food pantry worker first came to us as a client in need of food (we think this is why she has been exemplary in her ability to induce individuals to donate food and clothing, and businesses to donate tools, etc.) . . . The individual working as the Resource Mobilizer was working as a 'moving crew' Work Relief program assignment . . . Only one of our volunteers is the traditional college graduate who chooses to enter a year of public service before initiating a career."

State of Connecticut Dept. of Corrections, Hartford, CT:

"Our VISTA Volunteers have included: retired people, both high school and college graduates, low income locally recruited volunteers, men, women, homemakers, ex-offenders, and representatives from just about every ethnic and racial background. I feel that this is preferable because it allows people from all walks of life to make contributions to our programs that only they can make."

Family Crisis Center, Crawfordville, Indiana:

The VISTA volunteer is a former abuse victim who is highly self-motivated, compassionate and tenacious toward the cause of education and prevention of domestic violence.

Big Brothers/Big Sisters of America, Headquarters Austin, Texas:

"Twenty locally recruited volunteers who were unemployed and met federal poverty guidelines. Three of the twenty are over 65 years of age, six of the twenty are minorities (3 Black and 3 Hispanics), 18 are female and 2 are male. . . . They are committed, energetic, concerned, caring, and helpful. Why else would an individual voluntarily choose to be a VISTA for $64 a week before taxes, and give 40 hours of service per week; less than $1.50 per hour of service."

WHAT HAS VISTA MEANT TO YOUR COMMUNITY?

The Gleaners Foodbank, Indianapolis, In.:

"The number of member agencies belonging to food banks in the Indiana Affiliate Food Bank Network has increased from 132 agencies to over 500 throughout the state. VISTA Volunteers identified these organizations, contacted them, and helped to successfully recruit most of them. . . . The Bloomington, Indiana, food bank affiliate, known as the Hoosier Hills Food Bank, was successfully begun because of the efforts of the VISTA there. . . . VISTA Volunteers at Gleaners in Indianapolis helped to successfully start a food box program for Marion Country residents with emergency food needs, during the last quarter of the first year of the VISTA project. In this program, food provided to over 6,000 families during February and March of 1983 alone."

Brighton Center, Inc., Newport, Kentucky:

"Brighton Center has utilized VISTA volunteers for a number of years resulting in increased services and generation of resources not otherwise possible. VISTA's have been invaluable resources in organizing children's recreation programs, delinquency prevention programs, spouse abuse intervention and support groups, senior citizens services and community organization projects in the Northern Kentucky area. . . . Should VISTA be eliminated, many of the projects which have so productively embellished Northern Kentucky agencies will be lost. With state and federal cutbacks having hurt so many of these agencies, VISTA's have greatly helped to supplement and develop innovative methods of keeping services alive."

FreeStore/FoodBank, Cincinnati, Ohio:

"VISTA has been a creative vehicle for the partnership between human service providers and the private sector."

WHAT WOULD HAPPEN TO YOUR PROJECT IF VISTA WERE ELIMINATED?

HEAD (Human-Economic Appalachian Development Corp.), Berea, KY.:

"If VISTA program was eliminated, these economic efforts of self-help would be dealt a severe blow. They would continue—the people need them and would carry on the best they know how. It goes without saying, however, that based on what the VISTAs were able to add while on the job over the last 2 years that each of these 3 broad programs would be greatly strengthened—to expand and fill still greater need—if VISTAs were again available. Their leadership is invaluable."

Second Harvest National Foodbank Network, Western Region Office, Benicia, CA.:

"Without the VISTA Volunteers, the foodbanks would be hard-pressed to find personnel, volunteer or otherwise, who would be able to apply themselves full-time to recipient agency monitoring and volunteer recruitment."

Municipality of Anchorage, Dept. of Social Services, Senior Citizen Program, Anchorage, Alaska:

"There will be no comprehensive, coordinated outreach plan in Anchorage and people will not be able to make connections to services, especially non-English speaking persons."

Georgia Association for Retarded Citizens, College Park, GA.:

"The elimination of VISTA Volunteers from our programs on the local level would greatly limit the dissemination of information needed by families. VISTA Volunteers in small rural areas of Georgia are needed to stimulate involvement of the community with persons who have mental retardation."

Oregon Food Share, Portland, Oregon:

"Without VISTA, many of the truly needy would go without assistance during their time of need."

VISTA's Contribution to the Pittsburgh Community Food Bank

The Pittsburgh Community Food Bank is a Pittsburgh-based organization started by the local Hunger Action Coalition as a means to collect surplus and salvage food—food that would otherwise be wasted and distribute it to local agencies that feed the unemployed, needy, ill and infants. In 1981, the first full year of operations, the Pittsburgh Community Food Bank (PCFB) distributed over one million pounds of food. People knew that due to soaring unemployment and the growing hunger problem locally, a greater response would be needed in 1982. Four VISTAs were added to the staff and distribution tripled. VISTAs have been instrumental in our food bank in several areas:

The number of member agencies, which include Salvation Armies, soup kitchens, Meals-on-Wheels programs, union and church sponsored programs, senior citizen centers, group homes has more than doubled and there is now a waiting list. Groups have been given assistance in how to set-up their programs and are monitored in their operations.

Distribution Centers or food bank satellites have been established in several areas surrounding Allegheny County. They have

been given direction in resource mobilization, food handling and storage, doing local food solicitation, developing working relationships between church community and union groups and in trucking. The number of these centers and amount of food they receive has doubled with VISTA work.

As the volume of food distributed increased, so did the need for distribution policies, ordering, storage, handling and trucking procedures and inventory control. A VISTA volunteer was an integral part of this development and worked with volunteers who carry out many of the procedures.

Second Harvest, the National Food Bank Network of which the PCFB is a member reports that 28 of its member community food banks throughout the country sponsored 100 VISTA volunteers who worked in monitoring, agency and satellite food bank development, recruiting and training volunteers and developing training materials. During this initial year of VISTA sponsorhip by food banks, the amount of food distributed by Second Harvest Food Banks increased nationwide by 25,000,000 lbs.

VISTAs do not replace part-time volunteers, especially in Pittsburgh. Not including the volunteer time spent in running soup kitchens, meals-on-wheels and church and union sponsored distribution programs, the Pittsburgh Community Food Bank and the Hunger Action Coalition (where food is distributed through a network of over 70 pantries) log an average of 800 volunteer hours each month. VISTAs have provided developmental work and as full-time workers add continuity that anyone who utilizes volunteers in their work will tell you is very important.

Three of the VISTAs we hired last year were low-income, unemployed people and two are becoming full-time staff members at the end of their service, all have developed valuable skills. Each was born in a different decade and one is a grandparent. Due to a budget cut in subsidized day care, one VISTA was forced to terminate early. Another is retiring at the end of his service due to failing health. We have appreciated them all.

In 1983, the economic conditions in Pittsburgh are not improving and the need for food assistance grows. An estimated 100,000 people in Allegheny County alone will be hungry some time this year, and unable to provide for themselves. (This figure does not take into account the 20,000 people recently cut from general assistance grants for nine months of the year due to a new Pennsylvania law.) We have requested four more VISTAs to help in the areas of recruiting and supervising volunteers, networking the provision of food assistance to the public and teaching groups how to set up food assistance centers.

VISTA is an integral part of our outreach into the community. It is a cost-effective program that works for the needs of sponsoring organizations, needy people and provides a valuable experience for the VISTA him or herself. I know, because I spent two years as a VISTA, one year in Tennessee and one in Urban Pittsburgh, helping communities turn around deterioration and work for revitalization of both their neighborhoods and their spirits. It was hard, it was not always fun, but it was a valuable experience, and the community has grown. The Pittsburgh Community Food Bank has provided the VISTA volunteers with a valuable experience and valuable skills. VISTA is needed for hunger work in Pittsburgh—now more than ever.

Respectfully submitted,

BARBARA MUROCK,
Food Network and Education Coordinator.

Mr. Chairman, the Senate on September 14 adopted by unanimous consent a 3-year extension of the VISTA program and other programs under this act. Their funding levels, however, are somewhat lower than are represented in the bill before us today. I would hope that we can take this House bill to conference without change so that we can begin to restore a program that is more needed today than it has been for many years.

Mr. Chairman, several of the provisions included in the bill we are considering today are in response to the General Accounting Office testimony based on more than a year of investigation of the ACTION Agency. In addition, in response to the finding of a record-high percentage of noncareer personnel—at a time when record numbers of career personnel were being RIF'd—the bill would place an 8.5 percent cap on certain categories of noncareer personnel. It is hoped that this amendment, combined with an amendment reducing the number of Presidential appointments to this small agency from six to three, will reduce the political nature of this agency into the future.

H.R. 2655 provides for title I of the Domestic Volunteer Service Act an authorization of appropriations of such sums as may be necessary in each fiscal year through 1986. VISTA would receive the first $25 million appropriated for title I in fiscal 1984, the first $28 million in fiscal 1985, and the first $30 million in fiscal 1986.

The bill expands the assignment of VISTA volunteers to include the problems of homelessness, joblessness, the homebound and institutionalized elderly, hunger and illiteracy, and insures that not less than 20 percent of all VISTA volunteers are 55 years of age or older. It requires that the Director provide each low-income volunteer with an individual plan for career development and, when feasible, to coordinate such efforts with an appropriate private industry council under the Job Training Partnership Act.

The bill authorizes grants and contracts for technical and financial assistance to voluntary organizations at the National, State, and local levels, and requires that grants and contracts for demonstration projects be selected through a competitive process, including public announcement of availability of funds, general criteria for selection of recipients, and a description of the application and review process. It strengthens the notice and hearing procedures for applications for refunding to include that an impartial hearing officer will conduct the hearing and make recommendations in any case in which refunding is being denied on the basis of failure to comply with a contract. In order to assure equal access to hearing procedures by all recipients, hearings are required by this bill to be held at a location convenient to the recipient.

Mr. Speaker, these amendments will strengthen and improve the administration of programs within the ACTION Agency, and I wholeheartedly urge my colleagues' support.

□ 1400

Mr. BARTLETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman. I strongly support the intent of the Older American Volunteer programs in title II of H.R. 2655. I am in favor of the continuation of the service learning program that promotes volunteerism among students in title I of the bill. I endorse also the reauthorization of the citizen participation and volunteer demonstration program in title I of H.R. 2655 through which the ACTION Agency fosters new volunteer initiatives sponsored by local communities, including literacy projects, Vietnam veterans leadership projects, and projects for runaway youth.

Thus, I cannot support H.R. 2655 in its present form. One provision in the bill, a funding floor for VISTA jeopardizes the very survival of these other programs. At issue here, is not whether or not we support VISTA. At issue is whether or not we:

Allow programs to stand on their individual merits;

Recognize the authority of the Appropriations Committee to recommend appropriations;

Oppose legislative language which would create administrative havoc;

Are willing to risk a Presidential veto because of the retention of an unnecessary provision in H.R. 2655.

I would like to elaborate on these four points, but first let me provide some background.

In H.R. 2655, programs in title I of the Domestic Volunteer Service Act are reauthorized for 3 years at such sums as necessary. Title I of the act is comprised of part A—VISTA, part B—the service-learning program and part C—the citizen participation and volunteer demonstration program. However, the bill also requires that of sums appropriated, not less than $25 million in fiscal year 1984, $28 million in fiscal year 1985, and $30 million in fiscal year 1986, be appropriated for VISTA. The fiscal year 1983 appropriation for VISTA was $11,800,000. In fiscal year 1984, unless $25 million were appropriated for VISTA—a 112-percent increase over the 1983 appropriation—not one dime could be appropriated for the service-learning program or the citizen participation and volunteer

demonstration program. The fiscal year 1983 appropriation for the former was $1.8 million and, the latter was $2 million. These amounts, modest compared to the VISTA appropriation, have supported a variety of locally sponsored volunteer initiatives, some of which I referred to in my opening paragraph. These would all stop, unless more than $25 million were appropriated for title I programs. Title I programs are currently covered in the first continuing resolution at about their fiscal year 1983 levels for fiscal year 1984. Fiscal year 1983 level funding is likely to be in effect until well after an authorization bill is signed.

Establishing a funding floor for one program at the expense of other programs represents a questionable legislative practice. Establishing a totally unlikely funding floor for one program at the expense of other programs is irresponsible.

During the reauthorization process the three programs authorized under title I of the Domestic Volunteer Service Act were judged to be worthy of continuation, yet the funding floor for VISTA almost guarantees the termination of the other two programs. If all three programs have merit, then each should have an equal chance for a fiscal year 1984 appropriation in proportion to the size of the program.

Furthermore, does anyone in this Chamber think that the Appropriations Committee will recommend a fiscal year 1984 appropriation for VISTA that is more than double its fiscal year 1983 appropriation? One need only to review the Labor, HHS, appropriations bill, H.R. 3913, to see that 5-percent increases for programs are more probable. Also, if I were a member of the Appropriations Committee, I would view the VISTA funding floor as a challenge to the authority and responsibility of my committee.

If the excessive funding floor for VISTA in H.R. 2655 is retained and if the Appropriations Committee fails to recommend an appropriation which will insure the continuation of VISTA, as well as the service-learning program and the citizen participation and volunteer demonstration program, an administrative crisis will be created for the ACTION Agency. The ACTION Agency will be under a legal mandate to terminate all volunteer initiatives in title I except for VISTA. These other volunteer projects, like VISTA projects, are located in all parts of the country, and their termination would be difficult to justify in human terms.

Finally, the administration strongly opposes the funding floor for VISTA in H.R. 2655. Its retention in the bill could serve as the principal rationale for a Presidential veto. Such a veto can be avoided if we take the time to amend the bill to remedy the problem of the VISTA funding floor. If we do not, then not only are VISTA, the service-learning program, and the citizen participation and volunteer demonstration program at risk, but also the Older American Volunteer programs in title II of H.R. 2655.

A solution must be found to the dilemma posed by the VISTA funding floor. I believe an amendment for which there is broad support can be drafted. In the process the viability of Federal volunteer programs can be reinforced and the credibility of the intent of legislative language restored.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. I thank the chairman for yielding this time to me.

Mr. Chairman, I firmly believe that many of the needs of our communities can be most properly met through the efforts of individuals who give of their time and talents to help others. While Government clearly has an important role to play in insuring the well-being and fair treatment of all its citizens, there exist many opportunities for community service which can best be addressed through a partnership with the private sector.

The ACTION Agency is a prime example of this coordination with private efforts—through ACTION, more than 1,450 volunteers in service to America (VISTA) will provide invaluable human resources toward pressing national needs in 1983. The Older American Volunteer programs—Retired Senior Volunteers, Senior Companions, and Foster Grandpartents—will support close to 375,000 volunteers this year giving older Americans an outlet for their skills and energies.

H.R. 2655 would reauthorize the domestic volunteer programs of the ACTION Agency for 3 years, strengthening existing programs and emphasizing the need to forge partnership between the public and private sectors. Also, the VISTA program would be directed toward addressing the short and long-term needs of the homeless, the jobless, the hungry, the illiterate, and unemployed youth.

I am extremely pleased with these modifications to the VISTA program. As the only full-time, stipended domestic Federal volunteer program that assists low income Americans in increasing their capacity for self-reliance, VISTA provides a unique alternative to welfare programs in our fight against poverty. These volunteers commit themselves to work and live for 1 year in the low-income community which they serve. Working in coordination with local organizations, they assist in projects developed by the communities themselves.

Perhaps the single most important component of VISTA involves the catalytic effect of the volunteer in attracting and mobilizing resources for the community. Not only does the volunteer work to bring different private and public entities together in the interest of the community, upon termination of the volunteer's 1-year term, he or she leaves intact a system which is self-sufficient, and nondependent on Government funding.

I am particularly encouraged that H.R. 2655 would reaffirm the mandate of the VISTA program to "strengthen and supplement efforts to eliminate poverty and poverty-related human, social, and environmental problems." A recent report by the General Accounting Office showed many instances of VISTA volunteers being assigned to activities which had questionable applications to combating poverty, such as typing, stuffing envelopes, et cetera, and Tom Pauken, director of ACTION, stated that only 58 percent of young volunteers are involved in poverty related work. The act, as it has remained unchanged since its inception in 1973, clearly states that all projects and volunteer activities must be directed toward the elimination of poverty and the solution of poverty-related problems. I trust that the reaffirmation of this fact in H.R. 2655 will influence the selection of activities of VISTA personnel in the future.

H.R. 2655 also reauthorizes the Older American Volunteer programs, which use the talents of older participants to benefit communities. The Foster Grandparents helps children with physical, mental, emotional, or social disabilities. The Senior Companions program assists chronically homebound elderly people, thereby avoiding their institutionalization. Both of these programs are open to low income individuals age 60 or more.

The retired senior volunteer program provides support for projects supervised by nonprofit sponsors, covering a wide range of community needs. Currently, 359,000 RSVP volunteers are serving in 730 projects around the country, bringing the efforts of healthy and active senior citizens to bear on real problems in our communities.

Mr. Chairman, as a member of both the Select Education Subcommittee and the Human Resources Subcommittee of the Education and Labor Committee, I have been involved in the reauthorization proceedings for these meritorious programs. I can assure you that H.R. 2655 provides for reasonable, rational approaches in improving programs which have been successful throughout their 20 year history, and I urge my colleagues to join me in support of its passage.

□ 1410

Mr. BARTLETT. Mr. Chairman, I yield 5 minutes to the distinguished

gentleman from Utah (Mr. NIELSON), a member of the committee.

Mr. NIELSON of Utah. Mr. Chairman, I rise in support of H.R. 2655 if it can be suitably amended.

The legislation before us reauthorizes ACTION Agency's domestic volunteer programs for 3 years. These programs include RSVP, Foster Grandparents, Senior Companions, VISTA, Service Learning, and various demonstration and technical assistance programs. Each year these programs serve as a catalyst in local communities across the country to mobilize volunteers who engage in activities which make our Nation a significantly better place in which to live.

H.R. 2655 is a generally good piece of legislation. Its only real flaws are the setting of an excessively high VISTA funding floor and the requirement that other programs not be funded unless these levels are achieved. Setting aside these problems—which I hope we can correct by the Bartlett amendment—the bill merits bipartisan support.

In the reauthorization of title I of the act several improvements are made to the VISTA program and to ACTION's administrative procedures. First, the categories of programs which VISTA volunteers may be assigned to is expanded to include projects addressing the problems of the homeless, the jobless, the hungry, low-income youth, illiterate and functionally illiterate individuals, the homebound elderly and elderly persons seeking to return to their homes from institutionalized settings. I believe that the placement of volunteers in providing services to these groups represents an effective and worthwhile use of Federal funds.

Second, the legislation would require that at least 20 percent of VISTA volunteers be 55 years of age or older. This change is intended to insure that the VISTA program is open to persons from all age categories.

Third, the Director of ACTION is required to provide each low-income VISTA volunteer with an individual plan for career development whenever feasible. This new requirement will help both to attract low-income persons into the VISTA program and will help them make the most of their service in the program.

A fourth important change in H.R. 2655 is granting of expanded authority to the Director of ACTION to provide services to unemployed and underemployed veterans. As we all know, many Vietnam veterans continue to have difficulty in finding work fully utilizing their skills and capabilities. It is hoped that ACTION can make a small contribution toward assisting these veterans in their search for satisfactory work.

In connection with these provisions I would like to recognize the work of the gentleman from Pennsylvania (Mr. MURPHY), the chairman of the Subcommittee on Select Education, and the work of the gentleman from Texas (Mr. BARTLETT), the ranking Republican Member. These two Members have worked together in producing a generally good bill.

H.R. 2655 also reauthorizes the Older American Volunteer Programs, including RSVP, Foster Grandparents, and Senior Companions program. This year over 360,000 volunteers aged 60 and over will serve in the Older American Volunteer programs. These programs are locally sponsored and administered and involve a very wide range of activities. H.R. 2655 makes several small but important amendments to these programs. One such amendment is to raise the hourly wage paid to foster grandparents and senior companions from $2 per hour to $2.20. This adjustment will help many senior citizens make ends meet.

A second change is to expand the Senior Companions program to include projects serving the homebound elderly. Under this new activity, volunteers will work with health care professionals in making initial assessments of the needs of older persons who might need home health care services and in providing services. The bill also calls for an evaluation of this new activity to be performed so as to determine its effectiveness. I believe this amendment could represent the most important change made in H.R. 2655. In connection with the amendment, I want to recognize the work of the gentleman from Wisconsin (Mr. PETRI), the ranking Republican of the Subcommittee on Human Resources and the chairman of the subcommittee, Mr. ANDREWS, in developing this amendment.

Mr. Chairman, I hope we can address the few problems surrounding this bill on Wednesday so that I can support this legislation supporting the legislation.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, first let me commend the members of the committee for the work that they have done on this important legislation. I certainly want to add my vote to those of my colleagues in urging passage of H.R. 2655, the reauthorization of the domestic volunteer programs of the ACTION Agency. In my view, these small but mighty programs are national treasures that have over and over again proven themselves to be worthy of our continued support.

As we consider this legislation today, the words of my colleague, a great statesman and a friend, Senator Hubert Humphrey, come to mind. Humphrey so ably pointed out, with that now-famous evaluation of the test of government, that—

> The moral test of government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the aged; and those who are in the shadow of life, the sick, the needy, and the handicapped.

The programs we are considering today undoubtedly meet Hubert Humphrey's challenge, perhaps because Senator Hubert Humphrey initially was intimately involved in their creation and evolution, along with the chairman of the committee and others who still work in this particular body. And I am very proud of the chairman of this particular committee, as I am of the late great U.S. Senator from my State.

VISTA is just one example that we should focus upon in evaluating these particular programs. We as a nation are richer because of the VISTA program and the remarkable work of over 75,000 Americans who have served as VISTA volunteers.

The VISTA program has left a long-lasting legacy throughout the Nation. VISTA's work throughout the entire State of Minnesota especially deserves recognition and praise. VISTA volunteers have been involved from one end of the State to the other, working in programs affecting the Minnesota Senior Federation and working with the handicapped in developing and devising apartment units in my particular district. They set up the first shelter for battered women in the country. That was started in Minnesota, incidentally. On the west side of St. Paul they are involved in a neighborhood health center for patients, incidentally based on ability to pay. Years ago, VISTA mobilized the financial resources to create an Indian center in International Falls, Minn.

VISTA volunteers in Minnesota established the first legal rights for the deaf program in the State. VISTA spearheaded the expansion of the friends of prisoners volunteer program in Minneapolis. And, Mr. Chairman, the list goes on and on with regard to their particular work.

So, Mr. Chairman, I think that clearly the spirit of the program is still very much alive, and Americans, yound and old, rich and poor, are still willing and eager to dedicate a year of their lives to helping the poor become more self-sufficient. There is a vast reservoir of good will and deep feeling among the American people, and from that reservoir flows voluntarism and the self-help movement that gives people a chance and a hope. VISTA, like no other program, taps that reservoir.

The amount of the authorization is modest in consideration of the expanded scope of the work to be done under this legislation. It is important that the House and indeed this Congress pay more than lipservice to the VISTA program.

Clearly, the verbal support for voluntarism and for VISTA has been overwhelming, but the administration's constant erosion of the dollar commitment and the administration's effort to wind down the VISTA program by starving it is unrealistic, unfair, and misleading.

Mr. Chairman, I am, therefore, proud to support this bill, and I am especially pleased that it not only provides increased funding for VISTA but also encourages and supports increased VISTA involvement in addressing the problems of the homeless, the jobless, and the illiterate that my colleagues have alluded to today.

Mr. Chairman, the energy, commitment, compassion, and idealism of VISTA is sorely needed as never before. So I urge my colleagues to support this legislation.

● Mr. RICHARDSON. Mr. Chairman, I rise in support of H.R. 2655. This bill is essential to preserving the integrity and promise of one of our most successful antipoverty programs—VISTA. The VISTA program provides every American the opportunity to serve their country constructively and peacefully and has been a most effective weapon in the war against poverty.

In my home State of New Mexico, over 1,200 people have served in the VISTA program. It is impossible to travel anywhere in the State and not see the fruits of VISTA's labor. Headstart buildings, Native American community centers, parks for the handicapped and major development projects such as Martineztown in Albuquerque—all are there because VISTA was there.

VISTA volunteers were instrumental in seeing that New Mexico's poor and elderly received State tax rebates designed to provide financial relief for the needy. Today there are many volunteers throughout New Mexico assisting low-income families in taking advantage of little-known tax rebates and credits to which they are entitled.

Recognizing the valuable experience and potential of senior citizens, the New Mexico VISTA program has organized hundreds of seniors to help other seniors. Through the efforts of the New Mexico Senior Coalition Project, senior citizens actively participate in decisionmaking at all levels of government and help to make their communities better places in which to live.

I commend our VISTA recruits for their dedication and sincere desire to help others. Their hard work and sensitivity to the needs of our communities has touched many lives and should serve as an inspiration to us all.

Under the Reagan administration, poverty has increased to unprecedented levels. We cannot allow it to put an end to this valuable and necessary program which has served the truly needy of New Mexico and the Nation so well.

The VISTA program sets the standard by which we judge the concept and reality of national community service programs. I believe the VISTA program has proven its worth and that it deserves our support. Mr. Speaker, I urge my colleagues to demonstrate their support for VISTA by voting for H.R. 2655.●

● Mr. McEWEN. Mr. Chairman, I rise today in support of H.R. 2655, a bill to reauthorize the ACTION Agency. In Warren County, Ohio, the retired senior volunteer program (RSVP) has affected the community in a manner that is pertinent in evaluating the worth of the legislation before us today.

There are over 600 volunteers, aged 60 and over, who participate in the Warren County program and provide 60,000 hours of service annually at a cost of slightly over $1 per hour. The service these volunteers provide to the county government, the homebound, and the community is invaluable. Not to be minimized is the value of self-esteem to the participating senior citizen who now have an outlet for their creativity and experience which would otherwise be lost. With the small reimbursement the participants earn an added degree of independence and a token of appreciation which is a necessity for dignity which handouts can never provide.

In Warren County the enthusiasm and contribution generated by the RSVP program has attracted the attention of local groups who have augmented their Federal funds. Several grants enabled the Council on Aging to purchase a vehicle to facilitate their fine work even further.

Warren County also received a 2-year grant to participate in a pilot program to involve youth between the ages of 14 and 22. Ten months into the program finds residents amazed at the unexpected self-esteem being generated in the youth who are receiving recognition by providing useful community service. These young people were not recognized by traditional school programs but now their success is combined with the elderly in a wholly satisfying and mutually productive program.

In light of the catalysis Federal money for voluntarism of the senior citizens in Warren County, Ohio, I would encourage continued and expanded support of these fine senior citizens by voting for H.R. 2655 as an investment, not an expense.

This sort of Federal support sparks the American ingenuity at its best and should be encouraged and rewarded. I believe this is what the President envisioned when he said we should count on volunteer programs. The Nation can see in ACTION Agency how well communities can rise to the needs of their localities through the example of these seniors and their message should not be lost.●

● Mr. ANDREWS of North Carolina. Mr. Chairman, I rise in support of H.R. 2655, and particularly title II of the bill, which reauthorizes the Older American Volunteer programs for 3 additional years.

This title was first introduced separately by Chairman PERKINS and myself as H.R. 1719 and was reported unanimously by the Subcommittee on Human Resources, which I have the honor to chair.

We hear so frequently about what we owe to our senior citizens, and what their needs are, and what we should be doing for them. What we do not hear about so often is what they are doing for others. The Older American Volunteer programs are instances of senior citizens contributing to make a better life for all of us—but particularly vulnerable children and other older Americans in need. They include the Foster Grandparents program, the Senior Companion program, and the Retired Senior Volunteer program, better know as RSVP.

The provisions in title II pertaining to these senior volunteer programs should be noncontroversial. With an important exception, the authorization levels proposed by H.R. 2655 would simply maintain the ability of these programs to function at their current levels of service. That one important exception involves a provision adopted in subcommittee with the leadership of my colleague, Congressman TOM PETRI, to expand the Senior Companion program in order to increase and improve volunteer services to the homebound elderly.

Additionally, title II would make a few "fine-tuning" amendments. The current practice of maintaining a 30-percent ceiling on required local contributions for RSVP programs would be spelled out in the law. Also, with regard to local match, the ACTION agency's control over local funds raised in excess of the required amount would be limited. This bill will remove the existing requirement that the same Foster Grandparent continue to work with a mentally retarded child in order for that child to be served after age 21. And, finally, the allowable stipend for Foster Grandparents and Senior Companions would be raised from $2 per hour to $2.20 per hour. This increase, dependent upon the availability of adequate appropriations, would in small part provide for inflation during the past 5 years.

None of these changes are major, with the possible exception of the expansion of the Senior Companion program to better serve the homebound elderly. During written and spoken testimony, the committee heard about programs that were doing well, and

doing a lot of good, too. We would like to see these programs continue to be able to keep up the good work.

I urge favorable action on H.R. 2655.●

Mr. BARTLETT. Mr. Chairman, I have no additional requests for time, and I yield back the balance of my time.

Mr. PERKINS. Mr. Chairman, I have no additional requests for time, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. VENTO) having assumed the chair, Mr. SKELTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2655) to extend and improve the Domestic Volunteer Service Act of 1973, had come to no resolution thereon.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks, and to include extraneous material, on H.R. 2655, the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENT, ENERGY, AND NATURAL RESOURCES OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. SYNAR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations be permitted to sit while the House is reading for amendment under the 5-minute rule on Tuesday, October 18, 1983.

The minority has been advised of this request, and it is my understanding that they have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I simply wish to state that we have no objection on this side.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORIZATION FOR ELLENDER FELLOWSHIPS AND CERTAIN LAW-RELATED EDUCATION PROGRAMS

The SPEAKER pro tempore. Pursuant to House Resolution 330 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3324.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3324) to authorize appropriations for grants to the Close Up Foundation and the certain law-related education programs, with Mr. ANNUNZIO in the chair.

The Clerk read the title of the bill.

□ 1420

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 30 minutes and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3324. This bill authorizes funds for three successful education programs: The Ellender fellowship program operated by the Close Up Foundation, the Law School Clinical Experience program, and the Law-Related Education program.

First, the bill authorizes $1.5 million for each of the fiscal years 1983, 1984, and 1985 for the Ellender fellowships. For 10 years, this program has enabled low-income secondary school students and their teachers to participate in the Close Up Foundation's program promoting understanding of the Federal Government.

The Close Up Foundation program now serves approximately 16,000 students annually in 2,150 schools around the country. The Federal Ellender funds have generated private support in the ratio of nine private dollars to one Federal.

From 1979 to 1982, the Federal funding for this program was frozen at $1 million per year. H.R. 3324 would enable this program to expand into new communities, attract additional matching, and keep up with inflation.

Second, H.R. 3324 increases the authorization for the law school clinical experience program from $1 million to $2 million for each of the fiscal years 1984 and 1985. This program makes grants available to accredited law schools to establish or expand clinical training programs in the practice of law for law students.

Third, the legislation amends the education block grant created by chapter 2 of the Education Consolidation and Improvement Act to upgrade the status of the law-related education program by setting aside $500,000 within the Secretary's discretionary fund for this purpose. The law-related education program provides grants to educational agencies, institutions, and organizations for programs to equip nonlawyers with knowledge and skills about the law, the legal process, and the legal system. This reservation of $500,000 will insure that this program is continued.

Mr. Chairman, I want to emphasize that this is not a costly bill. As regards the Ellender fellowships, the authorization in this bill merely reflects the advance appropriation of $1.5 million that was already made for fiscal year 1984 in the fiscal year 1983 appropriations bill.

As regards the law-related education program, the bill will not change the cost of the chapter 2 block grant, but will only change the guaranteed funding of progams within that chapter. In fact, for fiscal year 1983, $1 million was reserved for law-related education, so reserving at least $500,000 for this program merely continues its status as a national priority activity within the Secretary's discretionary fund, but at a lesser amount.

As regards the law school clinical experience program, the Congressional Budget Office has noted in its cost estimate on the bill that while the $2 million authorized for fiscal year 1984 is a $1 million increase over the current authorization, set by Gramm-Latta II, the $2 million authorized for fiscal year 1985 is actually much less than the $10 million authorized for fiscal year 1985 in current law. This is because Gramm-Latta did not affect fiscal 1985. Thus, we are actually restoring only part of the authorization level that was cut in 1981 for this program.

I urge the Members to join with me in supporting H.R. 3324 to extend three programs which are not costly but which are very important.

□ 1430

Mr. ERLENBORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 3324, which would authorize appropriations for grants to the Close Up Foundation and for certain law-related education programs. What we have here is a short bill, with only three purposes, none of which I endorse.

First, the bill would authorize grants to the Close Up Foundation to provide Ellender fellowships for students to learn more about their Federal Government. In another case of the cart

before the horse, the Close Up program is currently authorized at $1 million per year through fiscal year 1984. Nevertheless, the fiscal year 1983 appropriations continuing resolution included $3 million for the program, of which $1.5 million was a current year appropriation for fiscal year 1983 and $1.5 million was a forward funded appropriation for fiscal year 1984. The legislation before us today would conform the authorization ceiling with the appropriated level and forward fund the program at the higher level for an additional year.

I have said before, and I say again, that I believe the Close Up Foundation is doing a good job. Since its inception in 1972, it has been known as an effective program and has received wide bipartisan support by using Federal funds as "seed" money. The program is now operating in 48 States, as well as other areas outside the country. In 1982, every Federal dollar invested in the Ellender fellowships was matched by $9 from private sources.

Given its excellent fundraising record and its expansion into almost every State, it appears to me that we have succeeded in assisting the Close Up Foundation to get established. In my view, the time has come to free the program from reliance on Federal assistance. I think Close Up is ready to stand on its own instead of becoming even more dependent upon Federal aid.

The second purpose of H.R. 3324 is to place the law-related education program, now in the education block grant under chapter 2 of the Education Consolidation and Improvement Act, in the Secretary of Education's discretionary fund. There, its funding would be protected at a level of at least $500,000 per year.

I, and many of my Republican colleagues on the committee, are concerned as we see pressures building to recategorize many of the 28 programs which were consolidated in the education block grant in 1981. Without question, this practice undermines the integrity of the block grant. As the Education Consolidation and Improvement Act now reads, law-related education is an authorized activity under the State block grant. The block grant concept was based on the notion that most choices regarding the education of our children should rest in the hands of State and local officials, school administrators, teachers, and parents. If we continue to pull programs out of the block grant, we will be replacing the promised flexibility with reassertion of strong Federal direction that inevitably follows Federal funds awarded through categorical programs.

Moreover, putting the law-related education program in the Secretary's Discretionary Fund places increased restrictions on the Secretary's discretionary authority. In effect, we change the nature of that funding source into a safe haven for small categorical grant programs instead of maintaining it as a source of flexibility for the Secretary of Education to use in determining which of various programs of national priority to fund. If we are going to place everyone's pet program in the Secretary's Discretionary Fund, we ought to at least rename the fund to reflect the fact that there is no discretion involved.

At the appropriate time, I intend to offer an amendment to strike the language in the bill that proposes to remove the law-related education program from the block grant.

The third purpose of H.R. 3324 is authorization of $2 million for each of the fiscal years 1984 and 1985 for the Law School Clinical Experience program under the Higher Education Act. These are legal education demonstration programs at accredited law schools to provide actual experience in the practice of law. A $1 million authorization ceiling was placed in the program through fiscal year 1984 by the Omnibus Budget Reconciliation Act of 1981. The Higher Education Act authorizes $10 million for fiscal year 1985. In fiscal year 1983, $610,000 was appropriated for this purpose.

Programs have been supported at most of the Nation's accredited law schools. I think it is fair to say that the concept of clinical legal education has been adequately demonstrated. In view of that, funding for such programs should be continued through the law school's own funds where the programs are considered valuable to the curriculum.

Mr. Chairman, I would advise my colleagues that the administration has not requested continued funding for either this program or the Close Up Foundation. Yet what we are asked to do in approving this legislation is not only continue to authorize funding for these programs, but increase the authorizations as well.

I urge my colleagues to vote against this legislation.

Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the Congressman from Illinois, the ranking minority member on the Education and Labor Committee, Mr. ERLENBORN.

I object to this legislation for the same reason I objected to the original bill which had both the workshop and Close Up Foundation, because it is a mixed bag. There are several unrelated programs involved here, and any one of the three would be sufficient to make it objectionable in any respect. Some amendments could make the bill acceptable. However, I do not believe that the present conglomeration is effective. No. 1, the Close Up Foundation, which does a lot of good and which I support in general, has had 10-percent Federal funding and 90-percent private funding. The 50-percent increase requested by this bill would change that ratio to approximately 15-percent Federal funding, plus the fact it would pay 1983 and 1984, in other words, pay for 2 years on the assumption that we are having trouble raising the funds. We need to work harder raising the funds for this worthwhile program and the dipping into our Federal Treasury to go back and pick up the deficiencies of last year is wrong.

The second, the law-related education, is part of the block grant through the Education Consolidation Act of 1981 and to put $500,000 in here is actually double funding. It is already funded in the block grant, and you are adding another $500,000 through this program.

As far as the law school experience program, this is a program which has served its purpose and is not necessary at this particular time, and even if it were necessary, the $2 million level is at least twice as high as it should be.

For those and other reasons, I object to the legislation and hope that we can make suitable amendments to this and stop the process of tagging several unrelated programs into the same bill so we could look at each particular item on its own merits. This particular committee has done that several times now, and I object to that. we would have better legislation if we look at each one on its own merits, and I would like to see that done.

Mr. ERLENBORN. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 3324 specifically as it pertains to the reauthorization of the Ellender fellowship program, better known as the Close Up program. This bill would reauthorize the Close Up program through fiscal year 1985. For this reason alone, it deserves our support.

□ 1440

I want to commend the gentleman from Kentucky, Chairman PERKINS, for his leadership on this issue. The Close Up program is very important and the chairman has always been instrumental in sustaining its life throughout the last few years.

The authrization for the Ellender fellowship program of $1.5 million would correspond to the 1983 continuing resolution approved by Congress last year. It was in that resolution that Congress originally provided a level of funding for Close Up at the $1.5 million figure and also forward-funded

this vital education program for the first time.

The 1984 continuing resolution and the House Labor, Health, and Education bill only fund Close Up at the $1 million level. However, the Senate 1984 appropriation bill contains $1.5 million and Chairman NATCHER and the gentleman from Massachusetts (Mr. CONTE), always strong supporters of Close Up, have given their assurances that they would move up to the $1.5 million level as soon as an authorization is approved.

Very quickly, Mr. Chairman, I would like to make several arguments and address them particularly to my colleagues on my own side of the aisle.

This small authorization provided by this bill for Close Up would allow it for the first time to reach its mandate of serving 22,000 to 24,000 students per year from all 50 States and the American territories.

My Republican colleagues should note that the lack of an administration request for funding Close Up is really no excuse for voting against this bill, for administrations going back to the Carter years have failed to request funds for this worthwhile program; yet, many of my friends on this side of the aisle have continued to speak to hundreds of Close Up students every year as the program has progressed. We cannot fail to realize the importance of this program to our students if we are going to get them involved in the political system.

Finally, the returns for the Federal dollar invested in Close Up has been phenomenal. By bringing the total Federal support to $1.5 million, we have only increased funding for Close Up by $1 million since the program began 10 years ago. For this investment, we will be able to serve every State in the Nation and attract eight private dollars for every $1 in Federal funds.

Mr. Chairman, I understand the concerns of my colleagues on other aspects of this bill but I would urge them to amend the bill so as to purge those portions they find objectionable but to vote affirmatively for H.R. 3324 and support the Close Up program.

● Mr. BIAGGI. Mr. Chairman, I rise as a member of the Education and Labor Committee to join with my colleagues in expressing my wholehearted support for H.R. 2655, the Domestic Volunteer Service Act Amendments of 1982. This legislation would extend, for 3 years, some of our most important programs which provide for and promote volunteerism for all ages and in countless areas of the country in a variety of ways.

I believe that this bill deserves our strong support for it is the sole Federal vehicle which allows senior citizens an opportunity to participate in and make meaningful contributions to their neighborhoods and communities. The Older American Volunteer programs, better known as the Foster Grandparents, Retired Senior Volunteer (RSVP) and Senior Companion programs, in 1983, provided 361,840 seniors with volunteer opportunities in 1,030 projects nationwise. Administered by the ACTION agency, these programs provide unique opportunities to seniors in the following ways:

Foster Grandparents volunteer to work with physically and mentally handicapped children through nonprofit agencies in schools, clinics, hospitals, and day care centers. They provide companionship but more importantly, offer these children a special opportunity to share the love of a grandparent which results in benefits to the children as well as the volunteer grandparent;

Senior Companions work with the institutionalized and home-bound elderly in a variety of ways which assist them in maintaining a moderate degree of independence and avoid costly and undesirable institutionalization;

Retired Senior Volunteers serve part-time in their communities in projects supervised by nonprofit sponsors and community action agencies in areas such as energy conservation, health, nutrition, youth services, housing, and education.

The levels of funding provided in this bill are modest and will allow continuation of current service levels in all these programs, as well as provides for an important $12 million increase in authorization for the Senior Companion program. For fiscal year 1984, the bill provides $58.8 million for Foster Grandparents, $31.4 million for Senior Companions and $31.9 million for RSVP's. In addition, it also—

Increases the hourly stipend for volunteers with Foster Grandparents and Senior Companions from $2 to $2.20;

Increases the range of services which Senior Companions can provide to the home-bound elderly and

Limits the local contribution that may be required for a Senior Volunteer Project to 30 percent of the total cost instead of the 50 percent in current law.

The second portion of the bill reauthorizes VISTA—Volunteers in Service to America—which is the central Federal antipoverty program that assists low-income individuals in becoming self-sufficient through meaningful, full-time volunteer projects in their local communities. The bill provides $25 million for VISTA in fiscal year 1984 which is twice the fiscal year 1983 funding level of $11.8 million but is 25 percent above the fiscal year 1981 funding level of $34 million. This increase in authorization will allow these programs to, at least in part, restore a number of projects and programs which were eliminated as a result of the budget cuts of the past 3 years.

This bill recognizes the special role that senior citizens can play in local projects. I am pleased to note that I am the author of the provision in this legislation that requires at least 20 percent of VISTA projects to be targeted to those over 55 years of age. This provision increases the current participation rate of seniors in this program from about 12 percent of all volunteers and reinforces their opportunities in this area.

In addition to increased opportunities for all VISTA's, this bill tightens programs accountability and also increases and improves coordination with other non-Federal and private volunteer efforts at the community level to maximize all resources and leverage additional support from outside sources.

I also wish to point out that this legislation includes language which will protect grantees under either VISTA or the OAV programs from capricious and ill-conceived attempts to defund projects without due process or good cause. I regret that this language was necessitated by the insistence by the ACTION agency to defund the 10-year-old Foster Grandparent program in New York which had a proven track record of success. Despite bipartisan pleas not only from the New York delegation but also Foster Grandparent project directors from all parts of the country, the agency insisted on decentralizing the program and as a result, the existing program is but a shadow of its predecessor. In addition, volunteers are not provided the range of supplemental services such as meals and health services that were provided to them under the old plan.

The legislation makes clear that prior to the decision of the agency to withdraw funding from a volunteer project, that it must give the project a full and fair hearing in a location which is convenient to the sponsors, with ample opportunity for public comment. The hearing shall be staffed by those who can render a fair judgment as to the merits of the situation and thus, preclude attempts, such as those in the past, which arbitrarily eliminate programs with proven track records of success. I also wish to underscore the fact that the committee intends to monitor the activity of ACTION in this area in order to assure that instances such as the New York case are not replicated.

I urge my colleagues to join in voting for these bills which will not only reinforce our continued support for voluntarism but will also increase volunteer opportunities to older Americans in a variety of community-based settings. There remains a wealth of untapped resources in our seniors who can, through volunteer programs such

as those supported by ACTION, can make meaningful contribution to their local communities while being retained as critical national resources in their own right.●

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. PERKINS. Mr. Chairman, I have no further requests for time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ANDERSON) having assumed the chair, Mr. ANNUNZIO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3324) to authorize appropriations for grants to the Close Up Foundation and for certain law-related education programs, had come to no resolution thereon.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks, and include therein extraneous material, on H.R. 3324, the bill just under consideration.

The SPEAKER pro tempore (Mr. ANNUNZIO). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

TENTH ANNIVERSARY OF FIRST OIL EMBARGO BY OPEC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

● Mr. DINGELL. Mr. Speaker, today marks the 10th anniversary of the commencement of the first oil embargo by the Organization of Oil Exporting Countries (OPEC), and it is an anniversary which should not pass unnoticed. Since that time, the entire world economy has changed radically—mostly for the worse. Moreover, we have had two additional oil shocks since that time, in 1978 when the Shah of Iran fell and in 1979, at the commencement of the ongoing Iran-Iraq war. The situation, I must say, is at this moment extremely dangerous, given the shipment of French military equipment to Iraq and the Iranians' threat that, in response, they will move to close off shipping from the Arabian gulf.

We continue to depend on imported oil, and we remain vulnerable to a price hike or a supply disruption at anytime. Unfortunately, despite the seriousness of the situation, the administration insists upon a "free market" religion, even though a major oil crisis could bring the American economy to its knees and cause equally serious hardships to our allies. Despite our best efforts during the last Congress to enact legislation to enable this country to deal with an energy crisis, the President chose to veto the bill. Indeed, the administration's head-in-the-sand approach to energy could also be called "malign neglect."

Recently, the Detroit Free Press published an editorial on energy supply which describes the situation extremely well, and warns us of the inevitability of more energy crises to come. Dr. J. S. Kaufman, of Garden City, Mich., took the time to send me the editorial, entitled "Energy: Anxiety Is Still Our Only Alternative to Dependence on Foreign Oil." I would like at this point to share it with my colleagues:

[From the Detroit Free Press, Sept. 12, 1983]

ENERGY: ANXIETY IS STILL OUR ONLY ALTERNATIVE TO DEPENDENCE ON FOREIGN OIL

The world is celebrating its first 10 years in the Age of Energy Anxiety—a period of wildly climbing oil prices. It has been a decade of inflation, recession and massive shifts of wealth.

For the United States, it has meant radical changes in lifestyle. Industry has cuts its oil use. Private homes are more tightly insulated. Energy efficiency has become a standard criterion in judging the value of a new car to appliance.

What hasn't changed since the first great oil shock of 1973 is the inability of the United States to avoid unpleasant surprises. The West had barely learned to live with higher energy costs when, in 1979, the Shah of Iran fell and crude oil prices doubled once again. The oil glut precipitated by industrial depression promised to push down prices by early this year, but the reluctance of non-OPEC nations and their creditors to undercut OPEC significantly has caused oil prices to move up again.

New dangers lie ahead. The Iran-Iraq war has reached a stage at which oil production and transport could be shut down. A political upset in Saudi Arabia or Mexico could also disrupt oil supplies.

What is the federal government doing to forestall such emergencies? Not much. The Reagan administration views foreign oil dependence as an economic, not a security, problem to be solved through less government involvement. To the extent that shortages are caused by economic factors subject to American influence, that approach seems to have worked. To the extent that they are due to political factors in other countries, it is inadequate.

Oil remains a finite resource, and most known reserves are in OPEC hands. This commits us to involvement in the unstable Middle East. It pushes European allies to favor their Arab suppliers over Israel. A strategic oil reserve is fine, but alternatives to oil must be found. Yet this administration has scrapped many of the emergency and energy research programs established by its predecessors. If this past decade has had anything to teach, it is that more energy crises lie ahead and that the next crisis will find this nation once again unprepared.●

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted to:)

Mr. HIGHTOWER (at the request of Mr. WRIGHT), through October 19, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. NIELSON of Utah) to revise and extend his remarks and include extraneous material:)

Mr. HILER, for 60 minutes, on October 20.

(The following Members (at the request of Mr. PERKINS) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. BRYANT, for 5 minutes, today.
Mr. DINGELL, for 5 minutes, today.
Mr. OTTINGER, for 60 minutes, on October 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. NIELSON of Utah) and to include extraneous matter:)

Mr. RUDD.
Mr. BROOMFIELD in two instances.
Mr. CORCORAN in three instances.
Mr. BROWN of Colorado.
Mr. GREEN.
Mr. WOLF.

(The following Members (at the request of Mr. PERKINS) and to include extraneous matter:)

Mr. ANDERSON of California in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. FRANK in two instances.
Mr. SISISKY.
Mr. LANTOS.
Mr. STARK in three instances.
Mr. MAZZOLI.
Mr. KASTENMEIER.
Mr. FASCELL.
Mr. MARKEY.
Mr. KILDEE.
Mr. RANGEL.
Mrs. BYRON.
Mr. RODINO.

SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 807. An act to amend the boundaries of the Cumberland Island National Seashore; to the Committee on Interior and Insular Affairs.

S. Con. Res. 67. Concurrent resolution expressing the sense of the Congress that it is not appropriate at this time to transfer ownership or management of any civil meteorological satellite system and associated ground system equipment to the private sector; to the Committee on Science and Technology.

S. Con. Res. 76. Concurrent resolution to congratulate Lech Walesa, leader of the independent Polish trade union Solidarity, on being awarded the 1983 Nobel Peace Prize; to the Committee on Foreign Affairs and Post Office and Civil Service.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On October 6, 1983:

H.R. 3813. An act to amend the International Coffee Agreement act of 1980.

On October 7, 1983:

H.R. 1062. An act to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oreg.;

H.R. 1556. An act to authorized the conveyance of the Liberty ship *John W. Brown;*

H.R. 3379. An act to name a U.S. Post Office Building in the vicinity of Lancaster, Pa., the "Edwin D. Eshleman Post Office Building";

H.R. 3835. An act to designate the U.S. Post Office Building in Oshkosh, Wis., as the "William A. Steiger Post Office Building"; and

H.R. 4101. An act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee has examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 1062. An act to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oreg.;

H.R. 1556. An act to authorize the conveyance of the Liberty ship *John W. Brown.*

H.R. 3379. An act to name a U.S. Post Office Building in the vicinity of Lancaster, Pa., the "Edwin D. Eshleman Post Office Building";

H.R. 3835. An act to designate the U.S. Post Office Building in Oshkosh, Wis., as the "William A. Steiger Post Office Building"; and

H.R. 4101. An act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

ADJOURNMENT

Mr. PERKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 48 minutes p.m.) the House adjourned until tomorrow, Tuesday, October 18, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1975. A letter from the Secretary of Defense, transmitting seven reports of expenditures or obligations in excess of appropriation or apportionment, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1976. A letter from the Secretary of State, transmitting a report advising that during the month of September, the Commodity Credit Corporation made payments to the U.S. creditors on credits guaranteed by the CCC on which payments had not been received from the Polish People's Republic, pursuant to section 306 of Public Law 97-257; to the Committee on Appropriations.

1977. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of October 1, 1983, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 98-119); to the Committee on Appropriations and ordered to be printed.

1978. A letter from the Comptroller of the United States, transmitting a review of the proposed deferrals contained in the message from the President dated October 17, 1983, pursuant to section 1014 of the Impoundment Control Act (H. Doc. No. 98-118); to the Committee on Appropriations and ordered to be printed.

1979. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the proposed sale of defense articles in excess of $50 million to Saudi Arabia, pursuant to 10 U.S.C. 133(b), as amended; to the Committee on Armed Services.

1980. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the proposed sale of defense articles in excess of $50 million to Saudi Arabia, pursuant to 10 U.S.C. 133(b), as amended; to the Committee on Armed Service.

1981. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the proposed sale of defense articles in excess of $50 million to Australia, pursuant to 10 U.S.C 133(b), as amended; to the Committee on Armed Services.

1982. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the proposed sale of defense articles in excess of $50 million to Turkey, pursuant to 10 U.S.C. 133(b), as amended; to the Committee on Armed Services.

1983. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the proposed sale of defense articles in excess of $50 million to the United Kingdom, pursuant to 10 U.S.C. 133(b), as amended; to the Committee on Armed Services.

1984. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed decision to convert to contractor performance the food services function at the Naval Hospital, Corpus Christi, Tex., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1985. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial, Management), transmitting a draft of proposed legislation to amend section 2575 of title 10, United States Code, to provide for more efficient disposal of lost, abandoned, or unclaimed personal property that comes into custody or control of military departments; to the Committee on Armed Services.

1986. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank during August 1983 to Communist countries, pursuant to section 2(b)(2) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

1987. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-69, "District of Columbia Criminal Justice Act Amendments Act of 1983," and report, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1988. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-68, "Police Manual for the District of Columbia/Bullet Safety Vest Regulation Amendment Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1989. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a), as amended; to the Committee on Foreign Affairs.

1990. A letter from the Secretary of State, transmitting a report on his determination that it is in the national interest to furnish assistance to the Government of Costa Rica even though Costa Rica is more than 6 months in default on loans made under the FAA, pursuant to section 620(q) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1991. A letter from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting notification of a proposed license for the export of defense articles or services sold commercially under a contract to Israel, pursuant to section 36(c) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

1992. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Saudi Arabia, pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1993. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles and services to Saudi Arabia, pursuant to section

36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1994. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles and services to Australia, pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1995. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Greece, pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1996. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Turkey, pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1997. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certin defense articles and services to the United Kingdom, pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1998. A letter from the Acting Under Secretary for International Affairs and Commodity Programs, Department of Agriculture, transmitting the fiscal year 1983 global assessment report on world food production and needs, pursuant to section 408(b) of the act of July 10, 1954, as amended; to the Committee on Foreign Affairs.

1999. A letter from the Assistant Legal Adviser for Treaty Affairs, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2000. A letter from the Clerk, U.S. Claims Court, transmitting a copy of the court's judgment order on the case of *Rincon, et al., Bands of Mission Indians* v. *The United States, No. 80-A*; to the Committee on Interior and Insular Affairs.

2001. A letter from the American Ex-Prisoners of War, Inc., transmitting the Corporation's 1983 audit report as of June 30, 1983, pursuant to 36 U.S.C. sections 1102 and 1103; to the Committee on the Judiciary.

2002. A letter from the Chief Judge, U.S. Tax Court, transmitting the U.S. Tax Court judges' retirement and survivor annuity plans for the year ending December 31, 1982, pursuant to 31 U.S.C. 9503(a)(B); to the Committee on Government Operations.

2003. A letter from the Executive Director, the President's Commission on Executive Exchange, transmitting a draft of proposed legislation to require Federal employees to enter into a service agreement in connection with participation in the executive exchange program, and for other purposes; to the Committee on Post Office and Civil Service.

2004. A letter from the Executive Secretary (Acting), Department of Defense, transmitting a report on DOD procurement from small and other business firms for October 1982 through May 1983, pursuant to section 10(d) of the Small Business Act; to the Committee on Small Business.

2005. A letter from the Comptroller General of the United States, transmitting a report on the audits of the National Credit Union Administration Central Liquidity Facility's financial statements for the fiscal years ended September 30, 1982 and 1981 (GAO/AFMD-83-100, September 30, 1983); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

2006. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Susquehanna River Basin Commission's financial statements for the fiscal year ended June 30, 1983, (GAO/AFMD-83-102, September 30, 1983); jointly, to the Committees on Government Operations and Public Works and Transportation.

2007. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on the proposed transfer of certain properties to the Republic of Panama, pursuant to section 1504(b) of Public Law 96-70; jointly, to the Committees on Merchant Marine and Fisheries and Foreign Affairs.

2008. A letter from the Comptroller General of the United States, transmitting a report on the Trans-Alaska Pipeline Fund's financial statements for the years ended December 31, 1982 and 1981 (GAO/AFMD-83-98, September 30, 1983); jointly, to the Committees on Government Operations, Energy and Commerce, and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Oct. 6, 1983, the following report was filed on Oct. 13, 1983]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3416. A bill to implement the Convention on the Conservation of Antarctic Marine Living Resources; with amendments (Rept. No. 98-411, Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL:

H.R. 4138. A bill to provide for the establishment of the Teshekpuk-Utukok National Wildlife Refuge in the State of Alaska in order to provide for the conservation of fish and wildlife; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

Mr. BIAGGI (for himself, Ms. SNOWE, Mr. BEDELL, Mr. CONTE, Mr. PEPPER, Mr. DASCHLE, Mr. BONER of Tennessee, Mr. EVANS of Iowa, Mr. TOWNS, Mrs. LLOYD, Mr. MATSUI, Mr. GILMAN, Mr. DONNELLY, Mr. FORD of Tennessee, Mr. DOWDY of Mississippi, Mr. FRANKLIN, Mr. CORRADA, Mr. MORRISON of Washington, Mr. FEIGHAN, Mr. YOUNG of Missouri, Mr. ANDERSON, Mr. BILIRAKIS, Mr. ERDREICH, Mr. RICHARDSON, Mr. BERMAN, Mr. LEVIN of Michigan, Mr. LOWRY of Washington, Mr. WEISS, Mr. PERKINS, Mr. EMERSON, Mr. FOGLIETTA, Mr. FISH, Mr. HAWKINS, Mr. BARNES, Mr. DWYER of New Jersey, Mr. CHAPPELL, Mr. MCDADE, Mr. MINETA, Mr. HOPKINS, Mr. FASCELL, Mr. JENKINS, Mr. DOWNEY of New York, Mr. LANTOS, Mr. ROYBAL, Mr. SOLARZ, Mr. RATCHFORD, Mr. FAUNTROY, Mr. GRAY, Mr. HUGHES, Mr. FRANK, Ms. MIKULSKI, Mr. LEWIS of Florida, Mr. HORTON, Mr. SMITH of New Jersey, Mr. SIMON, Ms. KAPTUR, Mr. SCHEUER, Mr. VENTO, Mr. FRENZEL, Mr. WILSON, and Mr. MOODY):

H.J. Res. 386. Joint resolution designating the second week of November 1983 as "National Congregate and Meals on Wheels Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII

289. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to the Tax Equity and Fiscal Responsibility Act of 1982; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mrs. BOGGS, Mr. CONTE, Mr. GREEN, Mr. PORTER, Mr. FASCELL, Mr. DENNY SMITH, and Mr. YATES.

H.R. 943: Mr. BARTLETT.

H.R. 1098: Mr. BARTLETT.

H.R. 1434: Mr. DAUB, Mr. BETHUNE, Mr. LOEFFLER, Mr. DUNCAN, and Mr. SENSENBRENNER.

H.R. 1691: Mr. RINALDO.

H.R. 1706: Mr. BARNES, Mr. EDWARDS of Oklahoma, Mr. ALBOSTA, Mr. DE LA GARZA, Mr. GRAMM, Mr. EVANS of Iowa, and Mr. STAGGERS.

H.R. 1870: Mr. DERRICK and Mrs. ROUKEMA.

H.R. 2053: Mr. AUCOIN, Mr. BOSCO, Mr. DIXON, Mr. EDWARDS of California, Mr. MOAKLEY, Mr. RINALDO, and Mr. VENTO.

H.R. 2099: Mr. GREGG, Mr. TAUKE, and Mr. NOWAK.

H.R. 2100: Mr. TAUKE and Mr. PASHAYAN.

H.R. 2118: Mr. RANGEL.

H.R. 2262: Mr. ANDERSON, Mr. BEREUTER, Mr. DIXON, Mr. HERTEL of Michigan, Mr. MILLER of Ohio, Mr. PRICE, Mr. ROYBAL, Mr. SAWYER, and Mr. SLATTERY.

H.R. 2360: Mr. RUDD.

H.R. 2468: Mr. RINALDO.

H.R. 2495: Mr. HAMILTON.

H.R. 2747: Mr. RINALDO.

H.R. 2837: Mr. OBERSTAR, Mr. BOUCHER, Mr. MINETA, Mr. DANIEL, Mr. YOUNG of Missouri, Mr. RITTER, Mrs. BOXER, Mr. LEHMAN of Florida, Mr. ALBOSTA, and Mr. FORD of Tennessee.

H.R. 3072: Mr. MCKINNEY.

H.R. 3487: Mr. OXLEY, Mr. MCEWEN, Mr. HUBBARD, Mr. TAYLOR, Mr. BENNETT, Mr. WEBER, Mr. EMERSON, Mr. FORSYTHE, Mr. BLILEY, Mr. PATMAN, Mr. MCGRATH, Mr. WORTLEY, Mr. ROE, Mr. KINDNESS, Mr. STOKES, Mr. HYDE, Mr. SOLOMON, Mr. STANGELAND, Mr. CORRADA, Mr. DANIEL, Mr. HORTON, Mr. MADIGAN, Mr. DAVIS, Mr. SIMON, and Mr. ROBINSON.

H.R. 3605: Mr. OWENS.

H.R. 3684: Mr. HAWKINS, Mr. OWENS, Mr. SAVAGE, Mrs. COLLINS, Mr. GRAY, Mr. DELLUMS, Mr. FAUNTROY, Mr. CROCKETT, Mr. TOWNS, Mr. GONZALEZ, Mr. FORD of Tennessee, Mr. SIMON, Mr. AKAKA, Mr. RAHALL, Mr. BROWN of California, and Mr. MORRISON of Connecticut.

H.R. 3694: Mr. HUTTO.

H.R. 3734: Mr. STENHOLM, Mr. VANDERGRIFF, and Mr. CORCORAN.

H.R. 3791: Mr. WEAVER, Mr. SUNIA, Mr. HAWKINS, Mr. GARCIA, Mr. WEISS, and Mr. RICHARDSON.

H.R. 3792: Mr. WEAVER, Mr. SUNIA, Mr. HAWKINS, Mr. GARCIA, Mr. WEISS, and Mr. RICHARDSON.

H.R. 3842: Mr. HAMILTON, Mr. GLICKMAN, Mrs. HALL of Indiana, Mr. JACOBS, Mr. FROST, Mr. SUNIA, Mr. KINDNESS, Mr. DANNEMEYER, Mr. WILSON, Mr. ENGLISH, Mr. PATMAN, Ms. KAPTUR, Mr. COATS, Mr. BEREUTER, Mr. BEDELL, Mr. LEVIN of Michigan, Mr. VANDER JAGT, Mr. BRITT, Mr. SEIBERLING, and Mr. MCCLOSKEY.

H.R. 3867: Mr. LEHMAN of California, Mr. MORRISON of Washington, Mr. IRELAND, and Mr. ROBERT F. SMITH.

H.R. 3870: Mr. DYSON, Mr. COATS, Mr. STENHOLM, Mr. WON PAT, Mr. DE LUGO, and Mr. SWIFT.

H.R. 3972: Mr. MARTINEZ.

H.R. 4020: Mr. FRANK.

H.J. Res. 69: Mr. MCEWEN, Mr. ERDREICH, Mr. CHAPPIE, Mr. HAMILTON, and Mr. BATEMAN.

H.J. Res. 375: Ms. SNOWE, Mr. CLARKE, Mr. ENGLISH, Mrs. SCHNEIDER, Mr. THOMAS of Georgia, Mr. DICKS, Mr. KOGOVSEK, and Mr. SIMON.

H. Con. Res. 168: Mr. ACKERMAN, Mr. ALBOSTA, Mr. ANDREWS of Texas, Mr. ANTHONY, Mr. BARNES, Mr. BATES, Mr. BEILENSON, Mr. BENNETT, Mr. BERMAN, Mr. BILIRAKIS, Mr. BOSCO, Mr. BOUCHER, Mrs. BOXER, Mr. BRYANT, Mr. CHAPPELL, Mr. CORRADA, Mr. CROCKETT, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DORGAN, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDGAR, Mr. EDWARDS of California, Mr. EVANS of Illinois, Mr. FEIGHAN, Mr. FISH, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRANK, Mr. GINGRICH, Mr. GLICKMAN, Mr. GORE, Mr. RALPH M. HALL, Mr. SAM B. HALL, JR., Mr. HANCE, Mr. HARRISON, Mr. HATCHER, Mr. HEFNER, Mr. HEFTEL of Hawaii, Mr. HORTON, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Mr. HUTTO, Mr. IRELAND, Ms. KAPTUR, Mrs. KENNELLY, Mr. KINDNESS, Mr. LAFALCE, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of Florida, Mrs. LLOYD, Mr. LONG of Maryland, Mr. LOWERY of California, Mr. LUKEN, Mr. LUNDINE, Mr. MCCLOSKEY, Mr. MCCURDY, Mr. MCKERNAN, Mr. MCKINNEY, Mr. MCNULTY, Mr. MATSUI, Mr. MAVROULES, Mr. MINETA, Mr. MOAKLEY, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. NEAL, Mr. NELSON of Florida, Mr. OBERSTAR, Mr. OLIN, Mr. ORTIZ, Mr. OTTINGER, Mr. OWENS, Mr. RATCHFORD, Mr. REID, Mr. RICHARDSON, Mr. ROBERTS, Mr. RODINO, Mr. ROE, Mr. SABO, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. SIMON, Mr. SKELTON, Mr. SMITH of Florida, Mrs. SMITH of Nebraska, Mr. STENHOLM, Mr. STOKES, Mr. SUNIA, Mr. TALLON, Mr. TAUZIN, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. TRAXLER, Mr. UDALL, Mr. VALENTINE, Mr. VANDERGRIFF, Mr. VENTO, Mr. WALGREN, Mr. WATKINS, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WHEAT, Mr. WILSON, Mr. WIRTH, Mr. WON PAT, Mr. YATRON, and Mr. YOUNG of Missouri.

H. Con. Res. 187: Mr. HARKIN, Mr. DORGAN, and Mr. DIXON.

PETITIONS, ETC.

Under clause 1 of rule XXII,

252. The SPEAKER presented a petition of Reformed Presbyterian Church of North America, Phoenix, Ariz., relative to abortion; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2655

By Mr. BARTLETT:

—Page 14, line 1, strike out "Of the amounts" and all that follows through line 5.

H.R. 2867

By Mr. LENT:

—Page 54, after line 8, insert:

(3) Section 1004(27) is amended by inserting the following before the period at the end thereof: "or recoverable paper."

EXTENSIONS OF REMARKS

LEGAL SERVICES CORPORATION REGULATIONS SEEK TO SIDETRACK SERVICES TO SENIORS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. BIAGGI. Mr. Speaker, I wish to bring to the attention of my colleagues an ongoing battle which has been waged with the Legal Services Corporation proposed eligibility guidelines issued on August 29, 1983. These guidelines seek to restrict access to legal services by imposing guidelines which, in my eyes, and in the eyes of many, directly violate not only the spirit, but the very intent of the Legal Services Corporation Act.

On September 22, the House Subcommittee on Human Services of the Select Committee on Aging, which I Chair, conducted a hearing to examine the impact of the proposed regulations upon the elderly and the disabled. My special interest in this issue stems from my authorship, in the 1977 amendments to the Legal Services Corporation Act, for priority services to the elderly and the disabled. The proposed regulations, in their original form, would have diminished substantially, if not completely eliminated access to legal services by the very same people the act is charged to serve.

The subcommittee received extensive testimony from not only the Corporation but from a number of organizations which represent the elderly and the handicapped. By our own estimates, legal services would be denied to at least one-half if not two-thirds of the eligible elderly population had the regulations been finalized in their original form. As a result of the hearing, I was joined by a number of my colleagues, including the ranking Republican member of our subcommittee, OLYMPIA SNOWE, in calling for the complete withdrawal of the proposed regulations. A copy of our comments to the Corporation on the proposed regulations are included here for the benefit of my colleagues.

SELECT COMMITTEE ON AGING,
SUBCOMMITTEE ON HUMAN SERVICES,
Washington, D.C., September 28, 1983.

Mr. JOHN C. MEYER,
Deputy General Counsel, Office of General Counsel, Legal Services Corporation, Washington, D.C.

DEAR MR. MEYER: We are writing to provide you with our comments on the proposed regulations addressing client eligibility published by the Legal Services Corporation on August 29, 1983 (48 Fed. Reg. 39086).

It is our opinion, based upon a careful review of the proposed regulations, that their implementation would result in a severe and unacceptable alteration or elimination of legal services to the poor elderly. Such action is directly contradictory to both the spirit and intent of the 1977 amendments to the Act which specifically state that priority for services shall be given to the elderly and the handicapped. In our estimation, if the proposed regulations are implemented, over one-half and as many as two-thirds of the elderly poor could be eliminated from legal services.

In testimony before the Subcommittee on Human Services of the House Select Committee on Aging on September 22, it was revealed that the proposed regulations depart dramatically from existing eligibility requirements for the two major income support programs for the elderly: Food Stamps and Supplemental Security Income (SSI). This inconsistency will have the effect of eliminating the very same clients from the program that the program was created to serve. In addition, the new assets test will require local legal service providers to endure an excessive paperwork burden to verify assets of potential clients. Such an administrative burden would only serve to divert critically-needed resources.

There are specific provisions within the proposed regulations (Section 1611.6 maximum allowable assets) which we feel would seriously impact upon the elderly. These provisions include, but are not limited to:

1. Group Representation: The application of an assets test to members of an organization designed to protect groups of poor and frail elderly is a misapplication of law. There are many organizations, such as those which represent institutionalized elderly, who are not composed of potential clients, but instead, represent those in institutions that cannot speak for themselves. Eliminating group access to legal services by imposing an asset test upon the group does a direct disservice to the very people living in such homes that cannot represent themselves. This provision reflects not only a misunderstanding of the role of such groups in protecting the elderly, but more importantly, is a direct attack upon the right of the poorest of the poor elderly to be afforded equal justice under the law.

2. Home equity not to exceed $15,000: This provision ignores the fact that the majority of the elderly who live in their own homes have also owned them for some time. The most recent housing survey notes that 88% of all low-income homeowners own homes nationwide valued above $15,000, including 3,095,000 who are over 65.

3. IRA's and Keogh plans: Inclusion of income from such government-protected retirement plans in determining eligibility contradicts all incentives provided to the elderly to establish and contribute to such plans.

4. Maximum equity of $4,500 for one or more licensed vehicles: This provision overlooks the fact that many working, low-income seniors would be forced to choose between working and unemployment in order to obtain legal services. Furthermore, the SSI program totally excludes one car if it is necessary for employment or for medical-related treatment. (Sec. 1611.4, 1611.5)

5. Counting assets of family members: By requiring that the assets of all household members be counted under Section 1611.6, the proposed rules provide a number of disincentives for family members to care for elderly relatives at home if they also seek legal services.

6. Verification: The requirements set forth in the proposed rules would impede legal services by creating an excessive paperwork burden upon legal services attorneys. The verification requirements that allow all clients information to be made available to the Legal Services Corporation not only forces attorneys to violate client confidentiality codes , but also to divert staff time to determining complex eligibility criteria.

In sum, we believe that if these regulations were to become final—either in whole or in part—they would violate the spirit, if not the very intent of the Legal Services Corporation Act. Specifically, we feel that these new eligibility requirements are in direct conflict with the specific mission of the Corporation under Sections 1002(3) and 1007 (a)(2)(B) to provide services to "any person financially unable to afford legal assistance. We call upon you to withdraw the August 29, 1983 regulations. There is no reasonable explanation why the Corporation, without a confirmed Board of Directors, should undertake such a radical reversal of eligibility requirements at this time. We intend to assure that adequate funding is provided to the Corporation to protect the right of poor citizens of this Nation to equal justice under the law.

We are also including, as part of our official comments on the proposed regulations, testimony received by the Human Services Subcommittee on this matter. We ask that you make this testimony part of our official position.

Sincerely,

MARIO BIAGGI,
Chairman.
OLYMPIA J. SNOWE,
Ranking Minority Member.
BARNEY FRANK,
Member of Congress.
CLAUDINE SCHNEIDER,
Member of Congress.
LES AUCOIN,
Member of Congress.
STAN LUNDINE,
Member of Congress.
EDWARD ROYBAL,
Member of Congress.

On September 28, Mr. Donald P. Bogard, president of the Legal Services Corporation, sent the subcommittee the accompanying letter which indicates his intent to revise substantial sections of the proposed rules. For the benefit of my colleagues, the letter follows:

LEGAL SERVICES CORPORATION,
Washington, D.C., September 28, 1983.

Hon. MARIO BIAGGI,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I want to thank you for the time and attention you and your

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Committee devoted to the Legal Services Corporation last week. After carefully considering the suggestions you made, I have decided to accept your most important recommendations and am redrafting the proposed eligibility guidelines to include the following provisions:

1. Local programs will establish the specific guidelines for determining eligibility.
2. Special consideration must be given to the needs of the elderly, institutionalized and handicapped.
3. A client's equity in a home may be excluded from the assets considered by the local program in establishing eligibility.
4. Equity in work related equipment need not disqualify a client.
5. Impediments to an individual's access to the assets of the family or household must be taken into account.
6. The ceiling on maximum allowable assets may be waived by the program director.

I am enclosing a draft of the changes which will be submitted to the Board as part of our staff recommendations.

Sincerely,

DONALD P. BOGARD,
President.

STAFF RECOMMENDATION/PROPOSED REVISIONS 45 CFR 1611 WITH OGC TECHNICAL AMENDMENTS

Section 1611.5(b)(2)(D) should be revised to read: The existence of assets, including liquid and non-liquid, which are available to the applicant and are in excess of the asset ceiling set by the recipient pursuant to Section 1611.6.

Section 1611.6 *Asset Ceilings* should be amended to read as follows:

By January 30, 1984, and annually thereafter, the governing body of the recipient shall establish guidelines incorporating specific and reasonable asset ceilings, including both liquid and non-liquid assets, to be utilized in determining eligibility for services. The guidelines shall consider the economy of the service area and the relative cost-of-living of low-income persons so as to ensure the availability of services to those in the greatest economic and legal need.

The guidelines shall be consistent with the recipient's priorities established in accordance with 45 CFR 1620 and special consideration shall be given to the legal needs of the elderly, institutionalized, and handicapped.

Assets considered shall include all liquid and non-liquid assets of all persons who are resident members of a family unit, except that a recipient may exclude the principal residence of a client. The guidelines shall take into account impediments to an individual's access to assets of the family unit or household.

Reasonable equity value in work-related equipment which is essential to the employment or self-employment of an applicant or member of a family unit, shall not be utilized to disqualify an applicant, provided that the owner is attempting to produce income consistent with its fair market value.

The governing body may establish authority for the project director to waive the ceilings on maximum allowable assets in unusual or extremely meritorious situations.

While I applaud the Corporation for their attention to our concerns, I remain deeply troubled over both the vague references to revision of the proposed rules as well as two important issues which remain under active consideration by the Corporation. These issues—both addressed extensively in our hearing, are the issue of group representation and the public benefits exemption. Current regulations allow for advocacy groups to retain legal services attorneys on behalf of individuals or groups which they represent. A perfect example of this are those groups which exist to protect the right of nursing home residents—who by definition are poor and who are clearly unable to retain access to counsel. The proposed LSC regulations would bar advocacy groups from retaining attorneys on behalf of residents based on the erroneous assumption that members of such advocacy organizations may have their own money to hire attorneys. The absurdity of this assumption speaks volumes about the lack of understanding of the role of such organizations on behalf of the poor and institutionalized.

A second aspect of the proposed regulations which remain in issue is the provision in existing regulations which automatically grants eligibility to anyone who currently receives public benefits, including SSI and food stamps. The subcommittee's hearing revealed that little thought had been given by the LSC to income guidelines for SSI and food stamp programs—the most important benefits to the poor elderly—when the proposed regulations were drafted. Yet, as the September 28 letter from the LSC states, consideration was not given to the public benefits exemption—despite the fact that its very intent was to minimize redtape and to preserve resources by providing for the public benefits exemption. As a result, the subcommittee sent a subsequent letter to the LSC outlining the remaining issues with the proposed regulations as we see them.

SELECT COMMITTEE ON AGING, SUBCOMMITTEE ON HUMAN SERVICES,
Washington, D.C., September 30, 1983.

MR. DONALD P. BOGARD,
President, Legal Services Corporation, Washington, D.C.

DEAR MR. BOGARD: We appreciate your letter of September 28, 1983 which indicated your decision to revise selected portions of the proposed client eligibility regulations published in the Federal Register on August 29, 1983.

Your attention to our comments and recommendations from last week's hearing was most encouraging. However, we remain deeply concerned over two remaining issues in the proposed regulations which were not addressed in your letter. We assume these proposed regulations are under active consideration by your agency and urge you to withdraw those remaining sections which deal with the following areas:

Group Representation: Current regulations (45 CFR Sec. 161.5(c)) require that all groups seeking legal assistance certify that they lack funds to obtain private counsel. We believe that the proposed revisions to this section of the regulations in fact misrepresent the intent of the law since the organizations in question must already certify that they do not have the resources to hire private attorneys. Our extensive experience with such advocacy organizations, which primarily exist to protect the legal rights of poor elderly and institutionalized individuals, conclusively demonstrates that these groups are not composed of "rich members" as the proposed regulations contend. Rather, these groups are composed of concerned citizens who recognize that those who cannot help themselves, such as nursing home residents, must retain access to legal service in order to protect the rights of those who cannot help themselves.

Public benefits exception: Section 1611.4 of the proposals eliminates a critical portion of existing regulations which have been in effect since 1976 and which make those receiving public benefits automatically eligible for legal services. This was primarily done to assure a minimal amount of administrative "red tape" would be placed upon local service providers. It also underscores a fundamental aspect of the Legal Services Corporation Act itself: if someone is poor enough to be receiving public benefits, such as food stamps or SSI, they certainly should be eligible for legal services. To deny, as the proposed regulations suggest, these individuals from automatic eligibility with the justification that "a person receiving government income maintenance payments may have more disposable income than one receiving income solely from employment" is, in our opinion, irresponsible and misleading. More importantly, this statement reflects a basic lack of understanding about those individuals on public assistance and attempts to create two categories of poor—those who are "worthy" because they work and those who are "unworthy" because they do not work.

We believe that there was ample evidence presented at our September 22 hearing to warrant withdrawal of these two additional aspects of the proposed regulations. If, in fact, the Corporation has conducted an analysis or study that would refute our position on these two sections of the proposed rules, we would like to be advised of this fact. If the Corporation has made these recommendations without benefit of systematic analysis of their impact upon the poor elderly and disabled communities, we respectfully request that you withdraw these remaining sections prior to the October 4 public meeting of the Board of Directors. The promulgation of these proposals in their current form would deny justice to a group of citizens who otherwise would be unable to obtain legal assistance in the event their rights are challenged.

With kindest regards, we are,

MARIO BIAGGI,
Chairman.

OLYMPIA J. SNOWE,
Ranking Minority Member.

The LSC Board of Directors planned a public hearing on October 4 for the expressed purpose of discussing the proposed regulations. This meeting was canceled and has yet to be rescheduled. In the interim, I plan to vigorously monitor the activities of the Corporation to assure that the concerns of Congress are adequately relayed to all the members of the Board who will have to make final determinations on these proposed rules.

I stand by my original call for the complete withdrawal of these eligibil-

ity regulations. They are misdirected, badly conceived, and equally as important, they are being proposed by a Corporation that does not even have a fully confirmed membership. The very fact that the LSC maintains business as usual without a fully confirmed board only serves to fuel the belief of many of us in Congress who these actions as another in a series of actions designed to render legal services programs useless—instead of making them more useful to the very neediest members of our society.

The subcommittee will continue to monitor this area and will vigorously continue to oppose any attempts to alter existing eligibility in a program that has served communities and their poor members, especially the elderly and disabled, admirably.●

GOLD (PLATED) FISH AND ACID RAIN

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. CORCORAN. Mr. Speaker, in an October 12 editorial, the Wall Street Journal discussed various schemes being proposed to control acid rain. According to David Stockman, the Director of the Office of Management and Budget, one such plan would end up costing $6,000 for every pound of fish supposedly saved. The cost for another plan is $66,000 per pound of fish.

I have communicated my concerns about the potential high cost of any acid rain control program, particularly in the Midwest, to the President and others. The points made in the Journal editorial further emphasize the importance of careful consideration being given by the administration and the Congress prior to moving ahead with any acid rain control program.

Mr. Speaker, for the benefit of our colleagues, I would like to include in the RECORD at this point the text of the October 12 Wall Street Journal editorial entitled, "Gold (Plated) Fish."

The article follows:

[From the Wall Street Journal, Oct. 12, 1983]

GOLD (PLATED) FISH

David Stockman, director of the Office of Management and Budget, has calculated that a $21 billion "acid rain control" program recently advanced by Environmental Protection Agency Administrator William Ruskelshaus would put a price tag of $6,000 a pound on every fish supposedly saved. And if you take some of the more extreme proposals, the price of fish in Northeast lakes goes up to $66,000 a pound.

Mr. Stockman's figures help to illustrate what a fish story the whole acid-rain issue has become. The Ruskelshaus plan represents the total abandonment of cost-benefit analysis by zealots inside and outside the EPA. Even more damning, there is as yet no strong evidence that emissions from coal-fired plants in the Midwest are in fact "killing" lakes, fish and forests in the Northeast and, hence, that spending billions of taxpayer and/or ratepayer dollars to clean up the emissions would make a difference. This latest "environmental" campaign (remember the big ozone-layer fright of a few years back?) is simply crunching over the many serious scientists who have studied acidity causes and effects in the Northeast and concluded that the causes are largely natural ones and the effects over-dramatized.

Consider, for a moment, just a few recent scientific studies. The National Laboratory Consortium—composed of the Argonne, Brookhaven, Oak Ridge and Pacific Northwest national labs—found major "flaws" in a much-touted acid-rain study by the National Academy of Sciences. The NAS study purported to show that reductions in sulfur dioxide emissions would result in a "linear," or one-to-one, reduction in acid deposition. The consortium said it "disagreed almost uniformly with the methods used to reach this conclusion and with the conclusion itself." it added: "The conclusion of a linear removal mechanism for sulfur dioxide is not supportable."

Tennessee Valley Authority scientists recently investigated the causes of fish kills in trout-rearing facilities near Raven Fork Creek in North Carolina. It found that water runoff from the highly acid soils of surrounding forests was the culprit, not man-made acid rain. Similarly, a study by Everett and Associates, an independent research group in Maryland, found that forestry practices in the Adirondacks are increasing soil acidity and that water percolating through the soil is carrying the acids into the lakes and streams.

Despite the claims about acid rain killing forests, there has been no damage to more highly sensitive plant life in the Adirondacks, according to botanist E. H. Ketchledge, who has studied the region for a quarter century. "The fragile alpine summit vegetation . . . does not appear to exhibit the slightest damage or deterioration or decline purported by some spokesmen to be killing the more complex and thus more stable spruce-fir forests immediately downslope," he says. "This most fragile of all ecosystems in New York State has escaped the postulated damage widely heralded elsewhere about these mountains."

Claims that acid rain is killing red spruce trees in Vermont aren't supported by the data, according to an analysis by California-based Environmental Research & Technology Inc. It blamed an extreme drought in the mid-1960s for slowing the trees' reproduction.

Edward C. Krug and Charles R. Frink of the Connecticut Agricultural Experiment Station, writing in Science magazine, point to changes in land use, soil-formation processes and vegetative succession as causes for increased acidification. "Natural processes of acidification must be more carefully considered in assessing benefits expected from proposed reductions in emissions of oxides of sulfur and nitrogen," they concluded.

But politics, not science, clearly is driving the acid-rain campaign. In true Madison Avenue fashion, acid rain *sells*, implying as it does some new environmental horror that might cause your skin to peel off in a rain shower. At a time when most Americans realize the air and water are getting cleaner and want economic sense brought to bear on government regulations, the acid-rain scare helps keep letters and money pouring into environmentalists' headquarters. Politicians have been learning, through the movement's success in dispatching Anne McGill Burford and James Watt, not to make light of even its more irrational demands. A National Governors' Association task force, created to achieve some consensus on acid rain, has been horse-trading over who is going to pick up the tab.

Mr. Ruckelshaus was brought in to appease the forces that destroyed Mrs. Burford. He has been joined in that endeavor by presidential science adviser George Keyworth. A panel commissioned by Mr. Keyworth recommended earlier this year that "additional steps should be taken now" to make a "meaningful reduction" in sulfur-dioxide emissions, even though it admitted that our understanding of acid rain is "quite incomplete" and "major uncertainties" will remain "well into the future." In other words, spend $21 billion and see if anything interesting happens. Which man, woman or child wants to be first to put up his $100 for this experiment?

David Stockman, no slouch at politics as well as numbers, sees through this wasteful game. It's about time a few other people did as well.●

TRIBUTE TO BUCKS COUNTY CITIZENS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. KOSTMAYER. Mr. Speaker, I am honored to pay tribute to two outstanding Bucks County, Pa., citizens, Dorothy and David Dickstein. Both Dorothy and David lead very active lives in several areas of community involvement.

Brooklyn-born Dorothy Dickstein, a registered nurse, has been an exceptional contributor to area Jewish activities. She has been vice president of the N.E. Chapter of the American Jewish Congress and president of the Levittown Chapter. Mrs. Dickstein has served as president of the Women's Division of the combined Jewish Appeal and as the president of the Federation, the board of directors of the Jewish Family Service, Congregation Beth-El Synagogue, and a board member and membership chairperson of the Congregation Beth-El Sisterhood. In addition, she has been chosen most deservedly as the Congregation Beth-El Woman of the Year.

David Dickstein, a Philadelphia native and graduate of the University of Pennsylvania at age 18, has been a leader in the community since he moved to Levittown after service in World War II and a short stint as a Government employee. He has been president of Chaim Weitzman Chapter of the American Jewish Federation and president and director for the Lower Bucks Realtors Multiple Listing Service. Mr. Dickstein has served on the board of directors of the Jewish

Family Service and Congregation Beth-El.

I join the Jewish National Fund and the Dickstein's children in paying tribute to the commitment of Dorothy and David Dickstein to the Jewish and humanitarian causes they have supported. I was proud to have attended the testimonial dinner for the Dicksteins last night at Congregation Beth-El. In addition to a testimonial dinner in their honor, the Jewish National Fund will establish the Dickstein Woodland in the Negev. I know my colleagues join me in commending these two extraordinary individuals, Dorothy and David Dickstein. who serve as an example and inspiration to us all.●

THE 10TH ANNIVERSARY OF FARMINGTON HILLS MICHIGAN

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. BROOMFIELD. Mr. Speaker, on Sunday, October 23, the city of Farmington Hills, Mich., which I am honored to represent, will celebrate its 10th anniversary.

In this short time, Farmington Hills has grown to be one of the 25 largest cities in the State of Michigan. Since its incorporation as a city, it has increased its population by 14 percent attracting more than 10,000 people to the already established community.

Farmington Hills, although primarily residential, has been able to maintain a balance of business and industry that is necessary to sustain a thriving community, and which still compliments the city's residential flavor.

In its continuing effort to attract companies and jobs, the city has created a business environment that attracts even international firms such as the Robert Bosch Corp., a German manufacturer.

Mr. Speaker, I wish to express my sincerest congratulations and best wishes to the city of Farmington Hills, and to its people on this, the 10th anniversary.

The balance they have been able to set between providing an excellent place to live and an exceptional area to locate a business should serve as a model for many other communities.

I look forward to joining the people of Farmington Hills in celebrating many more anniversaries to commemorate the growth and accomplishments of such a fine city.●

TRIBUTE TO CHUMS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. BIAGGI. Mr. Speaker, I would like to call to the attention of my colleagues the outstanding progress that has been made by CHUMS (Cancer Hopefuls United for Mutual Support), a young health organization whose efforts are directed toward improving the quality of life of cancer patients/survivors. CHUMS is a national organization of cancer patients/survivors and their families and friends. CHUMS was started in September 1981—and incorporated in November 1981—as a national self-help organization that emphasizes life—life with good quality—for all who have a history of cancer, cancer of all kinds.

The purposes of CHUMS are:

First. To afford cancer patients/survivors the opportunity to meet, share experiences, and offer each other mutual peer support.

Second. To offer therapeutic aid via self-help and crisis intervention.

Third. To help cancer patients/survivors and their families and friends all the better to understand the nature of cancer and to cope with the resulting traumas and problems.

Fourth. To disseminate information about the latest developments on the subject of cancer—inclusive of lecture-discussions by prominent cancer specialists.

Fifth. To stress that cancer is a disease, not a disaster, and that it often is curable, especially if detected early and treated early.

Sixth. To counter misconceptions that cancer is a "death sentence" by highlighting cancer survivors who are 5 and more years beyond diagnosis.

Seventh. To educate cancer patients/survivors—and the public at large—to the fact that it is now possible for cancer patients to survive and live out their normal lifespans.

Eighth. To reduce the trauma of cancer and get cancer patients/survivors back into the mainstream of life.

Ninth. To encourage cancer patients/survivors to become cancer "hopefuls" and opt for life.

Tenth. To improve the quality of life of cancer patients/survivors by helping them to achieve a positive outlook, the determination to live, and the will to get well, be well and stay well.'

The CHUMS agenda includes:

First. Self-help rap sessions at which cancer patients/survivors share experiences with each other.

Second. Crisis intervention and information service on a nationwide basis.

Third. Educational meetings at which prominent cancer specialists speak and answer questions.

Fourth. Phone-a-patient and visit-a-patient programs to let cancer patients/survivors know somebody cares.

Fifth. Pen pal program to enable cancer patients/survivors to correspond with each other.

Sixth. Campaign against discrimination of cancer patients/survivors in employment, insurance, and other areas.

Seventh. Fun despite cancer parties—cancer patients/survivors deserve to have fun too!

Eighth. CHUMS cancer research fund to sponsor meaningful research to help find a cure for cancer.

Ninth. CHUMS exchange, a newsletter with good news for and about cancer patients/survivors.

Tenth. House-hotel facility to ease traveling expenses and burdens for cancer patients undergoing treatment and for social purposes.

On Sunday, October 23, 1983, CHUMS will hold its second annual luncheon, where I am proud to note that I will be given a special award by their organization, "Congressman of the Year."

I want to take this opportunity to bring my colleagues up to date on this organization and the distinguished people who are associated with its work, including some of our colleagues.

At the luncheon on October 23, the following persons will be honored:

Dr. Ruth Lewis Farkas, former Ambassador to Luxembourg, as CHUMS 1983 Woman of the Year;

Mrs. Rose Katz, proprietor, Sarge's Restaurant and Gourmet Shoppe, as CHUMS 1983 Restaurateur of the Year;

Philip Strax, M.D., F.A.C.R., medical director, Guttman Institute, as CHUMS 1983 Physician of the Year.

Candy Jones, well-known radio talk show host-author will serve as M.C. at the luncheon.

Dr. Sarah Splaver, noted psychologist and author of many works in the fields of psychology, guidance, and education, will preside as president of CHUMS.

Edward S. Greenwald, M.D., medical oncologist, Montefiore Hospital, and member of CHUMS Medical Advisory Board, will present highlights on "Good News in Cancer."

The following are among the show business celebrities who will entertain at CHUMS second annual luncheon:

LeRoy Reams, male star of the Broadway hit, "Forty-Second Street";

Eileen Barnett, female star of the Broadway hit, "Nine";

Lynn Phigpen, Tony Award winning actress of Broadway hit, "Tintypes."

Juliette Koka and Petronia Paley, noted singer-actresses, will also entertain.

In the organizational structure of CHUMS, as follows, there are many

who are themselves cancer patients/survivors or the survivors of cancer victims:

President: Sarah Splaver, Ph. D., counseling psychologist, author of many books, is a cancer survivor 8 years past diagnosis.

Vice president: Stanely L. Tannenbaum, M.S.S.W., C.S.W., social worker.

Secretary: Vivienne Niemann, advertising agency executive, is a cancer survivor.

Treasurer: Robert E. Georgens, chemist, is a survivor of a cancer victim.

On the board of directors are the following:

Zelda Ainsberg, former teacher of secretarial sciences, New York City Community College; cancer survivor.

Warren Berland, M.S.W., C.S.W., social worker.

Gregory Blumenfeld, cytologist; cancer survivor.

Diana D. DuBroff, J.D., attorney-at-law.

Deborah C. Georgens, R.N., senior nurse, Montefiore Hospital.

Helen Kleinberg, director, Career Counseling and Placement Center, Lehman College, City University of New York; cancer survivor.

Janet Levins, M.S.W., C.S.W., social worker; cancer survivor.

H. Alan Robinson, Ed. D., professor of education, Hofstra University, Hemspstead, Long Island, N.Y.

Wilma C. Rogalin, former director of personnel services, Pan-American World Airways, Inc.; survivor of cancer victim.

William C. Zeek, Ph. D., chemist; cancer survivor.

For further information about CHUMS, write to CHUMS, 3310 Rochambeau Avenue, Bronx, N.Y. 10467, or phone 1-212-652-1540.●

FALL RIVER CITY COUNCIL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. FRANK. Mr. Speaker, last month, the city council of the city of Fall River joined with many Americans in expressing condemnation of the reckless disregard for human life shown by the Soviet Union when it shot down the Korean Air Line plane. The Fall River City Council went on to request action by Congress, which action I believe was taken when the House and the Senate passed the resolution which we passed on this matter.

I commend the Fall River City Council for its expression of feeling on this issue, and for speaking out on international matters of importance. I think it is important that the Soviet Union and the rest of the world understand that the feelings of condemnation expressed by the Congress and the President in this regard are widely shared throughout America and this resolution demonstrates that fact.

I submit this resolution to be reprinted here:

CITY OF FALL RIVER, IN CITY COUNCIL

Be it resolved, that this City Council does hereby condemn the actions of the Soviet Union in shooting down an unarmed commercial airliner, and be it further

Resolved, that Senators Kennedy and Tsongas and Representative Frank are hereby requested to ask of the Soviet Government a full explanation; a public apology; compensation to the families of the victims; and public assurances that this kind of action will never happen again.●

SKOKIE OR MORTON GROVE?

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. CORCORAN. Mr. Speaker, there has recently been a great deal of discussion surrounding the Supreme Court decision not to review the handgun banning ordinance of Morton Grove, Ill. Those who support restrictive gun control are touting this refusal to hear the case as confirmation that the U.S. Constitution does not guarantee the right of law-abiding citizens to possess weapons. I disagree with that assessment as do many others. I commend to my colleagues the following article appearing in the October 5, 1983, Wall Street Journal.

SKOKIE OR MORTON GROVE?

America's gun-ban liberals are celebrating Monday's Supreme Court refusal to review a Morton Grove, Ill., ordinance prohibiting the town's ordinary citizens from possessing a functioning handgun—anywhere, anyhow. The gun banners proclaim they have at last dusted aside silly misinterpretations of the U.S. Constitution and are on their way toward removing the handgun's threat to society.

They are a bit premature. A non-review is not definitive. And it certainly doesn't sweep aside democratic process. The news of the Supreme Court's decision was only a few hours old when the city council of Skokie, Ill., convened to consider an ordinance similar to the one in Morton Grove. When the smoke of a fiery debate had cleared and the council's vote was counted, it came out 4-3 against the proposed ordinance.

Skokie, a northwest suburb of Chicago, is not exactly redneck country. It is middle-class, a liberal Democratic stronghold with hardly a pickup truck in sight. Its reason for not following the lead of its wealthier neighbor had very little to do with the emotion-charged philosophical arguments that surround this issue. It had a great deal to do with practical considerations. Board member Frank McCabe, who voted no while expressing some partiality towards stricter gun control, explained afterwards, "I voted the way I did because any ordinance you put on the books with no intent to enforce it causes contempt for the law."

That should tell the gun banners they have a serious problem, whatever the courts may say. To be sure, the drift towards ever more pervasive legal constraints and the gradual erosion of what were once regarded as the rights of a free people aid their cause. They may someday win their argument that the Founding Fathers never meant to give citizens the right to bear arms except as part of organized militias. But if they contemplate laws that envision sending local policemen into millions of private homes to search for defensive family weapons, they are contemplating laws that will not be enforced.

As Mr. McCabe sagely observed, legal process itself is damaged by the passage of laws that cannot be enforced. Prohibition is the classic example. And even though a good case can be made for gun registration and concealed-weapons laws—which do have some law-enforcement utility in that they often enable the police to hit crooks with a rap that will stick—their efficacy in stopping gun use is open to some doubt. New York City is strict indeed about handguns and not a very safe place at certain hours in certain neighborhoods. If the gun-ban crusaders were really serious about crime they would be out fighting for larger police forces, speedier trials, stricter probation and parole laws and modifications of rules that exclude from jury consideration so-called "illegal" evidence. By some curious perversion of logic, the same people who want to invade private homes in search of weapons very often favor kid-glove treatment of identifiable crooks.

The high court decision not to review Morton Grove's law is not the last word in the courts. But even if the gun banners have the last word there someday, it still will be up to politicians to decide how far they want to press this matter. A lot of them will decide not to emulate the heavy-handed trustees of Morton Grove but instead to follow the better-reasoned lead of the Skokie city council.●

IN MEMORIAM: HUGH P. CARCELLA

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. KOSTMAYER. Mr. Speaker, on October 10, 1983, during the Columbus Day recess period, Hugh P. Carcella, an organizer and one of the founders of the United Steelworkers of America died. Hugh Carcella leaves a strong legacy in my congressional district, Mr. Speaker, for it was in honor of him that locals 4889, 5092, and 7246 of the Steelworkers Union named their union hall in Fairless Hills, Pa.

Hugh Carcella was born in Parma, Italy, and came to this country when he was 5 years old. His father worked in the coal mines in Cambria County, Pa., and young Hugh left school to work in the mines when he was but 14. Three years later, Mr. Speaker, he became president of his United Mine Workers local at the age of 17. When the UMW decided to unionize workers in the steel industry, Hugh Carcella was one of the leaders of the movement in western Pennsylvania.

After serving in the Army in World War II, Mr. Carcella returned to the union, and eventually in 1955 became administrator of affairs for all steelworker locals in southeastern Pennsylvania and southern New Jersey. One year later he was elected to a 5-year term as director of union affairs for district 7, and served in that capacity for 21 years. During that time district 7 expanded from 100 locals with 35,000 members to 291 locals with more than 72,000 members.

After his mandatory retirement at the age of 65, Hugh Carcella was honored by the working men and women he led when the USWA headquarters near the huge Fairless Works in Bucks County, Pa., was renamed Hugh Carcella Hall.

Hugh Carcella, Mr. Speaker, will be missed by all who knew him. His accomplishments for his fellow workers, for his union, and the steel industry, and for his country will long be remembered.●

AND YE SHALL KNOW THEM BY THEIR DEEDS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. BROOMFIELD. Mr. Speaker, over the years, many of my colleagues and I have watched and studied both the words and deeds of the Soviet Union. I am certain that all of us have come to the same, sad conclusion. There are, indeed, great inconsistencies between what the Soviet Union says and what it actually does. Unfortunately, that nation's deeds belie its words. A recent Washington Post article described one of the Soviets' latest actions. A Soviet intelligence vessel harassed and threatened an unarmed Japanese search vessel which was engaged in trying to locate wreckage from the Korean airliner.

The tragic downing of this civilian aircraft in September is a classic example of what the Soviet Union represents in the world. For many years, the Soviets have claimed that they respected and honored the international air accords which they have signed. They tried to paint themselves as leaders in an effort of worldwide cooperation, peace, and harmony. A brief look at history will show that this is not the case. On a number of occasions in the past, the Soviets have downed unarmed civilian aircraft which accidentally strayed into Soviet airspace.

Many unarmed American reconnaissance aircraft met similar fates. These planes were often lured into Soviet airspace by cleverly positioned radio beacons which confused the pilots into thinking that they were still in international airspace.

Even if the Korean airliner had strayed into a sensitive military zone, can any state justify taking 269 lives in order to protect an area of the sky it calls its own? Established international procedure requires that the violating aircraft be escorted out of the area, but not shot down. To further reveal their true feelings about the value of a human life, the Kremlin threatened to take the same action in the future if another airliner strayed into Soviet airspace. I am amazed at the Kremlin's unbending reaction to the tragic destruction of the Korean airliner. Is their reaction to the disaster indicative of a country that really wants world peace?

Just a few weeks ago at the United Nations, the Soviets proudly proclaimed that they wanted peace in the world and called for a freeze in nuclear arms. They then described President Reagan's new flexibility in the Geneva arms talks as a "sugar-coated ploy." We all know that compromise is the key to any successful negotiating process. The Soviets must be willing to negotiate in good faith and to make tradeoffs. Since the Soviets are not getting their way in Geneva, they began to make veiled threats to Western European countries and suggested that the deployment of Pershing II and cruise missiles in that area would provoke Soviet countermeasures.

Recently, Soviet rhetoric has been designed to create the appearance of an international crisis. Many believe that the Soviets will resort to even more aggressive tactics which could be backed up with cold war type actions to create a sense of danger and fear among Western European nations.

To further enhance this sense of impending disaster, the Soviets are threatening to walk out of the medium-range missile talks in Geneva.

All of these maneuverings fit into a very simple pattern. What the Soviets fail to win at the negotiating table, they will try to win through pressure, intimidation, and military force, if necessary.

The use of a Soviet military vessel to threaten a Japanese ship searching for wreckage from the downed Korean airliner is but another example of how the Kremlin deals with the world.

With these thoughts in mind, let me recommend this article to all of my colleagues in the House as a recent example of the reality of the Soviet Union.

The article follows:

SOVIET SHIP BRANDISHED ARMS AT A JAPANESE SEARCH VESSEL

(By Fred Hiatt)

A Soviet intelligence ship brandished weapons at a Japanese vessel and held it at bay for 20 minutes in international waters three days ago while the Japanese vessel was participating in a U.S. search for undersea remains of a downed South Korean airliner, U.S. officials said yesterday.

Two U.S. officials described the Monday incident as the most belligerent Soviet attempt to interfere with U.S. search efforts, but the Pentagon played down its importance. The standoff ended when a U.S. warship appeared on the scene and sent repeated radio messages warning the Soviet ship to move away.

U.S. and Soviet ships have been competing to find the wreckage in the Sea of Japan west of the Soviet island of Sakhalin since the Soviets shot down the Korean Air Lines jet with 269 aboard Sept. 1.

Navy officials said yesterday that nine Navy, Coast Guard and Japanese ships have almost exhausted their search of the 14-mile-square area initially identified as the likeliest location of the crash. They said that the search area probably will be expanded.

The officials also said that, although the jetliner's flight recorder probably ceased emitting sounds 30 days after the crash, U.S. sonar could find almost any piece of wreckage.

Recently a Navy drone was sent down about 2,500 feet to examine an object that had registered on the sonar that turned out to be a skillet, not from the KAL crash.

U.S. officials said that the plane's debris and black box might provide clues as to why the Korean jet strayed into Soviet airspace and how the Soviets shot it down.

The Soviet Union has said that the KAL jet was on a spying mission over sensitive military installations, a charge that the United States and South Korea dismiss as preposterous.

Pentagon officials who asked not to be named confirmed yesterday that a confrontation took place between a Soviet intelligence ship and the Kaiko Maru 3, a Japanese ship operating under contract for the U.S. Navy.

But they said that top-ranking officials did not view the incident with great alarm and had not filed an official protest.

Other officials said, however, that U.S. officials conducting the difficult search were disturbed by the incident.

One official said that the Soviets' behavior could presage a Soviet naval response if U.S. ships find wreckage and try to bring it to surface.

When the incident occurred, the Kaiko Maru 3 was attempting to recover a locator-buoy that it had dropped into the ocean about three miles beyond Soviet waters.

A Soviet intelligence ship, known as an AGI, headed for the stern of the Japanese ship, officials said, forcing it to withdraw.

When the Kaiko Maru 3 did not abandon the area, the Soviets uncovered a machine gun on the bridge of their ship. About a dozen seamen carrying sidearms and assault rifles also appeared on deck.

U.S. and Japanese salvage ships in the area are routinely escorted by U.S. Navy warships, and the fast frigate USS Badger came to the Japanese ship's aid.

The Badger radioed the Soviet ship four times, officials said, saying that the Soviets were interferring with U.S. property and with a legitimate U.S. search effort.

The Soviets did not respond by radio, but slowly moved away from the buoy, officials said. The buoy was connected to electronic equipment on the bottom of the ocean that sends signals allowing other U.S. ships to know where they are as they continue searching.

U.S. officials complained about three weeks ago that Soviet ships were harassing U.S. search efforts, steaming across the

bows of U.S. ships and churning the water to interfere with sonar signals. The U.S. Navy formally protested to the Soviet navy.

But Tuesday a Pentagon spokesman said that there had been "no recent incidents."

The spokesman said that the Soviets had 15 ships in the area, "but their salvage activity has diminished, and they are not as close to our units as before."

In addition to the Badger, the United States has in the area a guided-missile cruiser, a guided-missile destroyer, an ocean-going tug, an oiler-replenishment ship, a Coast Guard cutter, a Coast Guard salvage ship and two leased Japanese ships, including the Kaiko Maru 3.

"The search will continue until we find what we are looking for or the on-scene commander determines that further effort would be fruitless," the spokesman said Tuesday. "With the current logistics lines, we can keep units up there indefinitely."●

NATIONAL CONGREGATE AND MEALS ON WHEELS WEEK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. BIAGGI. Mr. Speaker, I am proud today to introduce along with 48 of my colleagues a resolution designating the week of November 6-13 as "National Congregate and Meals on Wheels Week."

This resolution is indeed a testimonial to the thousands of volunteers, most of whom are elderly themselves, who provide and deliver hot, nutritious meals to millions of senior citizens throughout this Nation. The Importance of congregate and home delivered meals for the well-being of our older population has long been recognized by those us here in Congress and around the country.

This resolution focuses particular attention on the network of public and private agencies who provide meals to needy senior citizens on a daily basis from coast to coast in giant urban areas and small villages. These are people serving other people some of whom cannot serve themselves.

Many of my colleagues are familiar with the congregate and home delivered meals programs which are funded under the Older Americans Act. This program was first enacted in 1972 after a successful demonstration project was conducted. From 1972 to 1978 the congregate meal program was the mainstay of the act.

In 1978 the national home delivered meals program became title III(C)(ii) of the Older Americans Act. Today these programs combined serve millions of meals daily to senior citizens both in senior centers and their own home and this program is one of the most successful of all Federal programs.

It is vital that we point out the value of these meals to those who receive them. In many instances, we are talking about the difference between independence and institutionalization for senior citizens. I recall a hearing I conducted in 1977 where it was disclosed that upward of 15 to 20 percent of those in nursing homes were there simply because of an inability to maintain a proper diet. This at an enormous cost to the Government when compared to the sums involved in providing one hot meal a day 5 days a week.

Finally, let me pay tribute to some of the organizations which comprise the aging network who are involved with the provisions of congregate and home delivered meals for senior citizens. First the inspiration behind this resolution comes from the National Association of Meal Programs. Also the National Association of Nutrition and Aging Service programs, the National Association of Area Agencies on Aging, and the National Association of State Units on Aging. These groups work together behind a common goal of providing important social and human services to senior citizens across the Nation. Let me also salute the thousands of private Meals on Wheels providers across our Nation who toil day after day to make life better for others. For the sake of all of these groups, I hope we are able to pass my resolution and pay an appropriate tribute to the work they do.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. CORCORAN. Mr. Speaker, due to previous commitments, I was not present and voting when the House considered various legislation on the following days:

THURSDAY, SEPTEMBER 29, 1983

Had I been present, I would have voted against an amendment to H.R. 3231 which would have maintained most of the new law enforcement authority granted under the bill to the Commerce Department, but would prohibit Commerce officers from making arrests without a warrant. I also would have voted against an amendment to strike provisions granting new law enforcement authority to the Commerce Department under the Export Administration Act.

Had I been present, I would have voted for passage of Senate Joint Resolution 159, the Senate version of the resolution, to provide statutory authorization under the War Powers Resolution for peacekeeping purposes in Lebanon for up to 28 months.

FRIDAY, SEPTEMBER 30, 1983

Had I been present, I would have voted for adoption of House Resolution 239, the rule providing for consideration of H.R. 2912, Department of Justice Authorization Act, fiscal year 1984.

During consideration of H.R. 3231, I would have voted against an amendment which prohibited exports of nuclear goods or technology unless the importing country maintains IAEA safeguards on all its peaceful nuclear activities. I would have supported an amendment to that amendment that sought to permit nuclear exports if the item was available from a foreign supplier.

I was paired against, and would have voted against, House Joint Resolution 368, making continuing appropriations for fiscal year 1984 (conference report).

I would have voted for a motion to recede and concur with an amendment to the continuing appropriations bill dealing with the Department of Defense.

TUESDAY, OCTOBER 4, 1983

Had I been present, I would have agreed to the Speaker's approval of the House Journal for Monday, October 3.

WEDNESDAY, OCTOBER 5, 1983

I would have voted against the rule waiving certain points of order against consideration of H.R. 3958, water resource development appropriations, fiscal year 1984.

I would have voted for the rule waiving certain points of order against consideration of H.R. 3959, supplemental appropriations, fiscal year 1984. I would have voted against final passage of H.R. 3959.

THURSDAY, OCTOBER 6, 1983

I would have voted against the so-called Edgar amendment to H.R. 3958, making appropriations for water resource development, that sought to reduce the appropriations by $51.5 million and strike 20 water projects. One of the stricken projects would be the second lock for locks and dam 26 near Alton, Ill. This is an important water project which must be constructed at this time.

I would have opposed and voted against an amendment to H.R. 3648, Amtrak Improvement Act, which sought to provide that Amtrak should issue preferred stock to the Secretary of Transportation to discharge any obligations with respect to loans guaranteed by the Secretary.●

UNIFORMED SERVICES FORMER SPOUSES HEALTH CARE ACT OF 1983

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. SISISKY. Mr. Speaker, the following letter was sent to me by a

former military wife. I would like to share her poignant story with my fellow Members of Congress. Due to the unfairness these former military wives are subjected to, I became a cosponsor of H.R. 2175, the Uniformed Services Former Spouses Health Care Act of 1983. I urge all Members of Congress to support H.R. 2175 I believe this letter will tell the whole story:

My military career began when I joined the Navy on June 14, 1945. After completing basic training, I became a Hospital Corps person at Bethesda, Maryland. I intended to make a career of the Navy until I met a young corpsman from Jacksonville, Illinois, James Myers. Jim and I fell in love and shortly, he changed my career direction by asking me to be his wife. We were married at a small, beautiful chapel on the base. Although we did not have much of life's goods, we were happy. I adored my husband and he loved me.

During the ensuing years, in addition to bearing five sons by him, I followed wherever the Navy sent him. During those years we lived in Egypt, Japan, Washington, and Portsmouth, Virginia. I loved Navy life, my husband and my children. Life was rich; God had blessed me beyond measure.

Jim was ambitious and I helped him in many ways. With my aid and encouragement, Jim attended George Washington University at night. Our household schedule revolved around his Navy career and school work. In addition to having mealtimes convenient for him, I often kept the children quiet so that he could study. In addition, many nights we stayed up late together working on his research papers. Jim was such an apt student that—again with my encouragement—he continued his schooling to the doctoral level.

In 1963 we were sent to Portsmouth Naval Hospital. We were happy with our new life and quickly found ourselves very busy. Jim worked with the Boy Scouts and, as usual, went to the top of the organization. In addition, he served as adviser to the Navy Federal Credit Union. He also did volunteer work for the USO. We were active church workers. Because of his exemplary life, in 1968 he was selected an Outstanding Young Man of America. All the while, my husband's career was steadily advancing, as he went from Seaman to Captain.

And then, in 1969, he was sent to Vietnam. When he returned, he had changed. At first, I thought he was reacting to the pressures of war. I asked him to let me help him. He denied that anything was different and reaffirmed his devotion to me and to our family. Shortly afterward, he was ordered to Camp Lejeune and, for the first time in our married life, refused to let me accompany him. I was baffled and hurt. Because he was selected to attend the Staff College in Norfolk, his stay at Lejeune was short. He came back home. When he graduated, he was assigned to the Naval Base in Norfolk. Against my wishes, he moved into the BOQ. Again, I was deeply hurt. Was there another woman? He denied it.

I now know that during those years he was involved with a very, very young woman. I now know that their relationship lasted several years. Yet, my husband did not ask for a divorce until a year before he died. That year, when he became ill, he urged, he cajoled, he insisted that we divorce. He told me that he "wanted to get his life in order." Still, he denied that there was another woman.

Finally, after much soul searching, much praying, and not a few tears, I agreed. Against my lawyer's advice, who understood more than I what I had to lose, on February 19, 1980, I filed for divorce. Again, against my lawyer's advice, on July 23, 1980, I signed the final divorce papers. Seventeen days later, my husband, who was too ill even to stand up, married his lover. Seven weeks later, on September 17, 1980, he died at Bethesda Naval Hospital where we had first met.

It was only after Jim's death that I found out that the young woman who was to become his second wife had been following him for years and that they had been openly living together in Washington, D.C. Looking back, I can see how my husband could have been beguiled by this woman. When he was in Vietnam, we had the usual family problems at home. The furnace broke down; the car broke down; the boys had school troubles. Our youngest son, Scott, who came down with bronchial pneumonia that winter, took a lot of my time and caused me much worry and concern.

Going through Jim's belongings after his death, I found tapes made by his secret friend. Her conversations show a different life, a life free from family concerns. Her tapes were full of love, sex and intrigue. Not illness. Not school problems. Not broken furnaces.

At divorce, although I had been an active duty wife for thirty-five years, I lost all military benefits that should have been mine. In addition, since my husband died, I received alimony for only two short months. My husband's second wife who had been legally married to him for thirty-nine days, received all of my military benefits. She received my widow's annuity (55% of his basic pay. About half of the annuity will be tax-free since my husband died on active duty.) She received my medical benefits. She received my commissary and exchange privileges. She received my GI Housing benefit. She received my GI educational benefit. In addition, there was $50,000 in life insurance which I should have received, since it has been paid for out of joint assets, which was denied me.

My husband's second wife now lives well. In additon to my widow's annuity, she has a job that pays her a good salary. Since she is young, she has time to build up another pension while she enjoys mine. My husband's second wife of thirty-nine days can buy her own home with my GI bill. I have just sold my home. I have moved into an apartment because I could no longer afford house payments and the upkeep. My husband's second wife is entitled to my GI bill to further her education if she wishes. I have no money for any type of training. I now work at a discount department store near where I live for minimum wage. When I am sick, I am not entitled to use the Naval Hospital. My husband's second wife of thirty-nine days has my medical privileges.

That is my story, But mine is not an isolated case.

The Committee for Equality and Justice for the Military Wife has evaluated the government benefits my husband's second wife of thirty-nine days received. The total that the taxpayer will pay out to this woman who served a little more than one month as a military wife is more than two and one-half million dollars, or $2,589,528 to be precise (see attached letter of verification). In addition, Doris Mozley, Chair of the Committee for Equality and Justice for the Military Wife, received confirmation of a similar high government payout (by phone) from Lt. Col. Thomas R. Tower, Assistant Director of Compensation, Office of the Assistant Secretary of Defense, Manpower, Reserve Affairs and Logistics (Military Personnel and Force Management).

When representatives of the Department of Defense and the Uniformed Services testified before the SASC on the ex-spouse issue in September of 1981, without exception they all felt that "fault" should be considered in awarding pension benefits to a wife. How I wish that were true in my case. If fault had been considered, this woman, who manipulated my husband into divorcing me on his deathbed, would not now be enjoying the fruits of my labors of a lifetime. Hundreds of other ex-military wives have also been cheated out of their widow's annuity for the benefit of another woman who often served not a single day as a military wife. In my own divorce case, I was the only person punished. I suffered because I was an obedient wife who had my husband's health and well-being in mind. I knew it hurt him physically to speak with me about divorce. I wanted him not to hurt. I acted in his best interest, and I will live with that and with my poverty for the rest of my life.

One of the requests that we military wives made to the SASC when the ex-spouse legislation was being considered in 1981–82 was for in-depth studies to see what would be equitable and just for both the military member and the military wife in case of divorce. Doris Mozley suggested several pertinent studies in her Critique of Dr. Korb's testimony to the SASC of May 10, 1982. That Critique was sent out to all members of Congress. Most of those suggested studies are still relevant and needed. We military wives respectfully request that the Department of Defense or the Armed Forces Committees of the House and Senate commission those or similar ones. I urge the members of Congress and the Department of Defense to look hard at the "Throw-Away Military Wife System." Despite some small remedial legislation last year, what happened to me can still happen to a military wife. I urge members of Congress to give me and other women like me justice. Give us laws that will protect us. Give us a system that predicates public benefits on the performance of public service. Give us the pensions and other benefits we earned honorably serving our country as military wives.

ELIZABETH MYERS.

(By Betty Myers as told to Doris Mozley.)●

TIMOTHY SCHMIDT, NATIONAL BLIND WORKER OF THE YEAR

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. RUDD. Mr. Speaker, I would like to share with my colleagues in the House of Representatives the story of Timothy Schmidt, a remarkable man who truly is an inspiration to all who have ever faced despair or adversity.

Timothy Schmidt, who I am proud to say resides in my home State of Arizona, has been named recipient of the

"Peter J. Salmon National Blind Worker of 1983" award by the National Industries for the Blind. He will receive the award on November 2 at a banquet in his honor in Arlington, Va.

Why was Timothy Schmidt selected over some 5,000 other deserving and dedicated blind workers from throughout the United States who were candidates for this award?

An article about Timothy Schmidt that appeared in a recent edition of Opportunity magazine offers the explanation.

I am confident that after my colleagues read the article, they will agree with me that the National Industries for the Blind could not have made a better choice.

The article follows:

TIMOTHY SCHMIDT—PETER J. SALMON NATIONAL BLIND WORKER OF THE YEAR 1983

Many people have worked hard to overcome a disability and become independent, contributing members of society and this is indeed an admirable feat. Timothy Schmidt, with constant determination and self-confidence, has accomplished this feat no less than three times in the past six years.

When Timothy was a junior in high school he was diagnosed as having Retinitis Pigmentosa and his vision rapidly deteriorated. Timothy persevered and earned his high school diploma. He also earned letters for managing the football, basketball, and baseball teams.

After graduation Timothy attended a junior college but he was not happy. He withdrew from college and became totally dependent on his family for food and shelter. His self-confidence had so dwindled, he felt the public transportation system was too complicated to figure out and he depended on his family for transportation too. Finally, Timothy realized he could not continue existing this way. He wanted to live life rather than watch it pass him by, so he visited the State Vocational Rehabilitation Division. Within a month Timothy was receiving on-the-job training as a teacher's aide in the Work Activities Program at Arizona Industries for the Blind (AIB).

As Timothy's responsibilities on the job increased, so did his self-confidence and his desire to become independent. He tackled the public transportation system and became such a competent traveler that he began assisting his co-workers. Timothy prepared for the day when he would live on his own by taking instruction in home management, including budgeting, shopping and cooking. Timothy was promoted to occupational therapy aide and used his sports experience to provide exercise training for the agency's clients.

Timothy's determination had no limits until the summer of 1981 when he required surgery to remove an enlarged spleen. The operation was debilitating and further complicated by infection. Timothy thought he might never be able to return to work and his future was bleak.

But Timothy had pulled himself up by his bootstraps before and he was ready to do it again. Within four months he was back at AIB looking for a job. His doctors and the staff thought it best for Timothy to take a job in the production unit where he could avoid the physical and mental stress of his previous job and rebuild his skills at his own pace.

And what a pace he set for himself! Not content to merely assemble small parts. Timothy worked his way through more complex assembly right up to machine operations. He attained a position on a continous belt blister packing machine and his productivity rose from 65% to 99%.

Soon after that Timothy moved into his own apartment and began caring for and supporting himself. For one year all was well in Timothy's world, but during the winter of 1982 he was once again put to the test. Within two month's time, Timothy lost both his brother and father.

Since then he has been a great source of emotional support for his mother, dividing his off-work hours between his apartment and his mother's home. Through it all Timothy has continued his outstanding attendance record and consistently improves his skill level and productivity. A level II Machine Operator, Timothy recently achieved 107% overall on activities as varied as shrink wrapping, skin packing and die cutting.

As Timothy's supervisor said, "There doesn't seem to be any limit to what Timothy Schmidt can learn and do." Timothy is a valuable asset to the Arizona industries for the Blind and a worthy recipient of NIB's 1983 Peter J. Salmon National Blind Worker of the Year Award.●

WILL THE COWS COME HOME?

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. FRANK. Mr. Speaker, today and for the past few months, a very serious debate has raged in Washington over the importance of deficits in our national economy. The contestants in this debate have fundamentally divergent views about the impact of deficits on interest rates. Indeed, rarely in our history have we seen such a head-on clash of positions on such a fundamental economic subject. What is particularly interesting is that the contestants in this debate are both members of the Reagan administration: with Chairman Feldstein of the Council of Economic Advisers arguing that deficits cause interest rates to be higher than they otherwise would be, while Treasury Secretary Regan denies that any such relationship can be shown to exist.

Many people have been led by this debate to ask a simple question: With which of his major economic advisers does President Reagan agree? Alas, Mr. Speaker, it is a simple question to which there is not only no simple answer, but, according to the President's official press spokesperson, it is a question to which there is apparently no coherent answer at all.

On September 18, the Washington Post printed excerpts from a transcript of a White House press briefing conducted by Deputy Press Secretary Speakes on the fairly straightforward issue of whether or not President Reagan agrees with Donald Regan that deficits are unimportant in influencing interest rates or with Martin Feldstein in believing that deficits have a serious interest rate impact. Those who are confused by this situation will no doubt be comforted by reading this transcript because they will learn that their confusion on the subject is shared by what we have come to know as "the highest levels" in the White House.

[From the Washington Post, Sept. 18, 1983]

DO DEFICITS MATTER? WAIT UNTIL THE COWS COME HOME

(Last Wednesday, Treasury Secretary Donald T. Regan and Council of Economic Advisers Chairman Martin S. Feldstein gave speeches in which they flatly contradicted each other on whether large federal budget deficits help keep interest rates high. Feldstein argued they do; Regan said that "economics who continue to claim that deficits make for high interest rates should climb down from their celestial observatories and acquaint themselves with terrestrial fact.")

(Following is a partial transcript of a White House press briefing conducted by deputy press secretary Larry Speakes Thursday on whether President Reagan feels high deficits are a cause of high interest rates.)

Q. In this public dispute between Mr. Feldstein and Regan, has the president suggested whose side he's on?

A. No. I think they both agree on policy. I think it's just a matter of debate on whether deficits do count. The president's view on that is known. He prefers lower deficits and he prefers that Congress act to lower deficits.

A: No. He's never been wrong.

Q: Does that mean we could bring the interest rate down even further by tripling the deficit?

A: Just noting that Treasury rate bills yesterday morning were 9.04 percent, down from 9.19 at the end of last week and 9.21 on the week ending Aug. 31. And you know the three-month Treasury bills have fallen substantially in recent weeks and many economists believe the stage is set for a further drop in interest rates.

Q: I'm confused a bit . . . What is the position, or is there one?

A: I just stated it to you . . . that we want lower deficits through reductions in federal spending.

Q: Thus far there doesn't seem to be much link betwen rising deficits and lower interest rates. Are you indicating that might change?

A: I'm not indicating anything.

Q: Larry, you're giving conflicting signals here. You have Feldstein giving one set of signals and Regan giving another.

A: And what were the words out of mouth? That economists can debate this till the cows come home.

Q: They're your economists and they should be speaking with one voice.

A: Reasonable men have differing opinions and the president has asked for differing opinions.

Q: What is the administration position?

A: Bob (Timberg, Baltimore Evening Sun), how many times have you asked it? How many times have you asked it?

Q: You're saying that you don't really care?

A: Now did you hear me say that? Did you write that down back there?

Q: What is the position?

A: I've stated it. Lower deficits through lower federal spending.

Q: Does that mean lower interest rates?

A: It remains to be seen, Saul (Friedman, Knight-Ridder), you'll have to see.

Q: So there is no administration position on linkage between deficits and interest rates?

A: I don't know that there is any agreement among economists on this issue.

Q: There is no administration position on the question either?

A: I don't know that it can be resolved.

Q: (Is) the White House saying . . . that the administration doesn't know whether lower interest rates will result if we lower deficits as the result of lowering federal spending? That's the bottom line of what you just said.

A: You know, all the economic theories, Saul, are subject to interpretation and, really, you have to take a historical perspective.

Q: If I'm not mistaken, it's the administration position that those budget deficits do threaten economic recovery, [isn't] it?

A: I don't know that you ever heard the president say it. You might have heard some of his advisers say it.

Q: What's the policy here of having Feldstein going out and saying one thing and Regan going out and saying another thing?

A: You can't even pronounce his (Feldstein's) name. When you get out of here you go over to the Treasury Department and then you go over to the EOB (Executive Office Building) and then you come back here . . .

Q: Is it the policy that it's okay for these guys to state different opinions?

A: The president wants strong-willed men. You know what Harry Truman said about the one-armed economists.

Q: One-handed.

A: They'd say on the one hand this and the other hand that.

Q: You've said the president has no view on the subject?

Q: Do deficits count, as Feldstein says, on interest rates?

A: That's a matter economists can debate till the cows come home . . . The president's view is that our policy objective is to bring deficts down. We want reductions in federal spending.

Q: Does he still think if you bring deficits down you bring interest rates down?

A: I don't think he's stated a position on it.

Q: Why should we bring deficits down if we don't know what they do about interest rates?

A: Bringing them down would put the government on an even keel and make it pay its own way. Read Ronald—the gospel according to Ronald Reagan.

Q: You don't know whether the president believes that deficits impinge on interest rates? Can you find out?

A: I think the president could problably give both sides of the argument if you like.

Q: Doesn't he have an opinion at all? He doesn't know?

A: He's familiar with the arguments on both sides, and I think, as I say, you can argue those points, and economists will at the drop of a hat, until the cows come home.

Q: He did during the campaign.

A: What was his position?

Q: He said high deficits cause high interest rates.

A: Well, interest rates have been cut in half and the deficit has doubled.

Q: Well, was he wrong, Larry?

A: Well, that sounds like a UPI lead. It's certainly not an AP lead. "The president says the economists can debate this till . . ."

Q: [In unison] . . . the cows come home.

Q: I want to take a stab . . .

A: Paul (Rodriquez, Bureau of National Affairs, a group of newsletters) . . . you're well over your quota today.

Q: I'm not getting an answer . . .

Q: (New questioner): Can I take one last shot? If the president gets lots of advice and he says he doesn't want yes men . . . at a certain point he has to form an opinion. Clearly this is an issue [on which] one would think he would have formed an opinion. All we're asking is 'Where does the president come down?'

A: He doesn't have to have an opinion on this in order to go after reducing deficits through reducing federal spending and telling Congress we want to cut this federal spending.

Q: What is the purpose in cutting federal spending?

A: Balance the budget, reduce the deficit.

Q: And the reason is?

A: Paul, how many times have I got to tell you? Cool it.●

DISABILITY REFORM MEASURE NEEDS IMMEDIATE ATTENTION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. BIAGGI. Mr. Speaker, I have joined with a number of my colleagues as a member of the Select Committee on Aging in examining the ongoing problems associated with required reviews of social security disability beneficiaries. We have also been actively involved in soliciting the views, opinions, and recommendations of State and local officials associated with this program on how best to reform the existing system.

I believe that comprehensive legislative reform is not only necessitated, but is essential if we are to prevent the benefits of those disabled individuals who truly need them. That legislative reform is best outlined in the Social Security Disability Benefits Reform Act of 1983 makes major revisions in the eligibility reviews. More importantly, it codifies the review process so that beneficiaries will not be subjected to the arbitrary and capricious whims of administrators of this program.

The major provisions of H.R. 3755 include: First, a requirement that there be medical improvement before benefits can be stopped; second, require the Social Security Administration to adhere to appeals court decisions in their regional administration of the program; third, continuing payments of benefits until all appeals have been exausted through the administrative law judge level; fourth, provision of a face-to-face meeting with the original decisionmaker before issuing a formal decision to terminate benefits; and fifth, require that any future program and policy changes be printed as regulations subject to public comment and review.

As a cosponsor of this measure I believe that it offers a rational and humane way of protecting the rights and benefits of our disabled population. It will help us to avoid the painful spectre of hundreds of thousands of eligible individuals being thrown off the roles without recourse.

In my own State of New York, Governor Cuomo led the Nation in stopping all reviews of those on the disability rolls until a more uniform method can be adopted. Since the announcement by the State's department of social services last July that the "legal and moral obligations of the disabled were not being met," 11 other States have followed suit and banned further review of beneficiaries. This national outcry was a result of 374,000 people being removed from the disability rolls since March 1981 when the Social Security Administration announced a crackdown on the program to implement a 1980 law which mandates reexamination of recipients once every 3 years unless they are permanently disabled.

As a result of this hasty review, the Select Committee on Aging has been actively examining the national impact of this review on elderly beneficiaries. We believe that H.R. 3755 is the proper approach in addressing the dual concerns of protecting benefits which simplifying the administration of a program which pays $18 billion a year to 3.9 million individuals. I will work closely with my colleagues to provide for timely consideration of this very important legislation so that the rights of the disabled to these benefits are protected from administrative discretion and budget-cutting whims of those who would rather see denials instead of protections these benefits.●

NO ARMS RACE IN SPACE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. KASTENMEIER. Mr. Speaker, I strongly recommend that my colleagues read the October 16, 1983, Washington Post article by Fred Kaplan on the arms race in space.

The United States and the Soviet Union have a chance to stop the very dangerous and most expensive development of space-based weapons systems. Soviet President Andropov has proposed that the United States and the Soviet Union agree to a ban on space weapons. Fred Kaplin, author and defense correspondent for the Boston Globe, has presented a most convincing case for negotiating a ban on antisatellite weapons now.

The Reagan administration, if it wants to convince the American people and the world that is it serious about arms control, has the chance to show that it is by agreeing to negotiate with the Soviets to ban weapons in space.

[From the Washington Post, Oct. 16, 1983]

WE ARE ABOUT TO LAUNCH A COSTLY AND CRAZY ARMS RACE IN SPACE

(By Fred Kaplan)

Sometime very soon, (the date is classified), the United States will test a weapon system that promises to burst through a new threshold in the arms race—a race for military supremacy in outer space. This competition will be almost unimaginably expensive; it will be almost impossible to turn back once it has commenced, and even if the weapons involved work the way they are supposed to, the nation will be less secure in the end.

The new weapon seems deceptively harmless at first glance: a 12-by-13 inch cylinder, loaded with telescopes and infrared sensors, attached to a two-stage rocket small enough to fit under an F-15 jet fighter. The drama—and potential danger—lies in what this small package is designed to do. It's called a Miniature Homing Vehicle (MHV), and the idea is to fly the F-15 almost vertically up to the edge of the atmosphere, then fire the MHV into outer space, where it will home in on—and kill—an enemy satellite.

If the first few tests of the MHV system succeed, we may find ourselves propelled, almost inexorably, toward a new era of military conflict, Maj. Gen. John H. Storrie, director of space for Air Force plans and operations, told a House committee last March: "Space is a place; it is not a mission. We are going to continue to do the things in space that we do in the atmosphere and on the ground and on the seas"—that is, to prepare to fight and win wars. A study signed last year by the Air Force chief of staff, titled "Air Force 2000," calls for "space superiority," which requires "the capability to destroy hostile space systems."

Already, both sides—especially the United States—depend on space for a wide variety of military missions. Most of what we know about the Soviet military, especially about its nuclear weapons, comes from satelites. A great deal of military communications command-control networks, navigations and other support support systems also are chanelled through satellites. Moreover, Maj. Gen. Bernard Randolph, director of the Air Force space systems, has testified that a "major" object of U.S. space plans is "to expand" our military capabilities in space.

The more we rely on military platforms in space, the more incentive the Soviets will have to develop their own advanced antisatellite (ASAT) weapons, and thus an increasingly crucial element of our military command network will be come increasingly vulnerable.

"Right now," according to Paul Stares of the Brookings Institution, "if we lose our space systems, we'd be hurt but not crippled. If we continue to increase our dependence on space systems, then we're just digging a hole for ourselves."

There's one way out of this hole—and that is to negotiate an ASAT arms-control agreement with the Russians. Yet after our forthcoming ASAT tests, this may be impossible. Air Force officials have testified that it will take only six hours to install an MHV ASAT sytem on an F-15 fighter anywhere in the world, at a cost of only $632,000 per plane. Says Stares, "There's no way the Russians could have confidence that every F-15 isn't carrying an ASAT. What are we going to do? Paint the F-15 differenc is it has any ASAT mission?"

Ironically, this moment when we are about to test a new ASAT system is both the last and probably one of the best opportunities for getting ASAT arms-control negotiations under way. To see why requires a brief digression into history.

The United States was the first to develop an ASAT system. From 1963-67, the U.S. Army tested some of its Nike-Zeus ABMs as satellite killers. From 1964-68, the U.S. Air Force fired Thor missiles at deactivated satellites in outer space in what was called the "Squanto Terror" tests (or, in a lower key, "Program 437"). This program was kept alive until 1975.

Not until 1968—well after the Air Force had delcared Program 437 "operational"—did the Soviets start up their own ASAT program. The Soviet system is substantially more unwieldy than either the U.S. programs of the 1960s or our forthcoming MHV plan. Their scheme was to launch a "killer satellite" in an orbit that crosses an enemy satellite, and then to blow up the killer, destroying the enemy spacecraft with shrapnel.

Over the next 14 years, the Soviets conducted 20 tests. They have used two different types of guidance systems. One directs the killer-satellite by shining a radar beam on the target. The other is more passive, with infrared systems which seek out the target by the heat that it generates in outer space.

According to John Pike of the Federation of American Scientists, the Russians tested the radar-seeker version 14 times, most recently in 1981, of which 10 were successes. However, more recently, they tested the passive infrared-seeker version six times—and all six were duds.

Even the 10 successes had their limitations. They were all conducted at low altitudes, whereas most U.S. satellites—including all early-warning satellites—are stationed at very high altitudes. There were also conducted within very narrow angles or inclinations (from 60 to 66 degrees), making it difficult to approach even the low-altitude American satellites. Stephen Meyer of MIT concludes, "They've really never had a test of what is would be like going against a real U.S. target."

From 1977-81, the Soviets stopped testing ASATs. Over part of that period, the U.S. and the U.S.S.R. held three series of talks on negotiating an ASAT arms-control agreement. Then came the Soviet invasion of Afghanistan, the death of SALT II—and the ASAT talks faded away.

Last August, Soviet leader Yuri Andropov announced a moratorium on all ASAT testing, and Foreign Minister Andrei Gromyko Submitted an ASAT arms-control proposal to the United Nations, with terms that seem to indicate seriousness. One obvious reason for this seriousness is a realization that the United States is about to come out with a new ASAT system that will probably be much more successful than the Soviet model.

Indeed, administration officials have treated the idea of negotiations dismissively precisely because Andropov has proposed them. The reasoning: his fear of our ASAT only confirms that it can give us an edge in the arms race.

But this is shortsighted, and not just because it lessens the likelihood of an arms-control treaty. If the United States goes ahead and tests its new ASAT system, the Soviets undoubtedly will break the moratorium and resume their own testing—and probably develop a better weapon than the one they have now. This will provoke us to upgrade our system . . . And the race is on.

From here, any number of scenarios can be imagined: the U.S. or the U.S.S.R. (or both) develops an ASAT that can (potentially) strike satellites at high altitudes as well as low altitudes, thus endangering the all-important early-warning satellites. The other side then develops a system—perhaps involving lasers—that can attack this new ASAT system. Or perhaps he develops a space-based battle station that can defend the satellites. Then the other side builds systems that can attack the defenders. And so it goes. . . .

Indeed, this scenario is precisely what some people have in mind. Although the U.S. Miniature Homing Vehicle program dates back to 1978, its most ardent supporters view it as an entering wedge into the whole panoply of space weapons—some on the drawing boards, some as yet only sparks and glimmers in the fertile imaginations of technocratic enthusiasts—that fall under the rubric of "Star Wars."

Star Wars advocates tasted their first dose of legitimacy last March, when President Reagan told a nationwide TV audience of his "vision of the future." He held out the "hope" that a network of antiballistic missiles (ABMs), space lasers and battle stations—based on decades of research—will "intercept and destroy strategic ballistic missiles before they reach our own soil or that of our allies."

For years, a fringe element—led by Sen. Malcolm Wallop (R-Wyo.) in Congress, Edward Teller and Gen. Daniel Graham (Ret.) in the military-scientific community, and several others in various bureaucracies and think tanks on the east and west coasts—have been keen on moving the arms competition into space. A very small group within the Air Force, recently organized into a Space Command, believes that space can be—as Thomas Karas calls it in his book that chronicles this community—"The New High Ground" from which the United States can reign supreme in all other arenas of warfare.

Reagan's speech—which was heavily influenced by talks with Teller—gave this group the legitimacy that it has long sought. Almost at once, "Beltway bandits" and other consulting firms put in contract bids to study "the military utility of space." More important, it becamse a high-priority issue inside the national-security bureaucracy.

Over the summer, three major outside studies were commissioned on the politics and technology of Star Wars. At this moment, an interagency group consisting of officials from the State Department, the Pentagon, the National Security Council and the Arms Control and Disarmament Agency is drawing up evaluations of those studies to present to the president sometime within the next month.

Officials involved in the studies and the interagency meetings say that nobody now knows how to go about even beginning to build a Star Wars system. Says one Pentagon official, "At this point we have no consensus on what it all means. . . . I don't think we have the kind of answers that we could base any sort of policy on."

In any case, officials are discovering technical problems that may be insurmountable.

A ground-based laser wouldn't work through clouds. Even Maj. Gen. Bernard Randolph, director of Air Force space systems, told a House committee last spring that a space-based laser would require 10 megawatts of power (some say much more) and would weigh 150,000 pounds—well beyond the transport capacity of the Space Shuttle. To provide even "a thin AB, capability," we would need 50-100 of these systems. Furthermore, the systems must have perfect accuracy; he likened the mission to pointing a beam "from the Washington Monument to a baseball on the top of the Empire State Building and hold[ing] it there while both of you are moving."

Then there's the cost. Air Force studies have put it at $500 billion. An analyst on one of the government-sponsored study-groups puts it as high as $1.2 trillion.

And that probably would not be the end of it. Officials and analysts point out that the Russians could "spoof" any space-based ABM system much more cheaply than it would take us to build one. Just a few techniques: cover the surface of a missile with a mirror that reflects the laser beam; jam the communications between the space system and the ground-control station; shoot it down with a laser system yourself. As one skeptical official puts it, "If it can shoot down a ballistic missile, why can't it shoot down its twin brother?"

Still, the interagency group will not advise Reagan to abandon the Star Wars idea as a piece of budget-busting, technically hopeless pie-in-the-sky. "This is the president's program," says one skeptical official. "We can't tell the president that he's got a nutty idea." Instead, it will probably recommend that the military send the next several years doing research on whether these problems can be overcome. Even this will cost quite a bit of money.

For example, Robert S. Cooper, Director of the Defense Advanced Research Projects Agency (DARPA), testified last spring that the "Space Laser Program Plan," which will merely "bring us to a point where we can make reliable planning estimates of weapon development costs and schedules," will cost $900 million. Other basic research of this sort could cost as much as $4 billion a year—maybe more—for several years; and even then, nobody will know very much more than before.

All of which leads some analysts to wonder whether it is sensible to start treading down this seemingly endless road to begin with. Though the ASAT program and the Star Wars scheme have different origins, the road to the latter can begin with the former. In fact, the kind of technology needed for advanced ASAT systems—tracking mechanisms, sensors, beams and so forth—is quite similar to the technology needed for shooting down ballistic missiles. And the logic of the ASAT/counter-ASAT arms race provides a grand opportunity for the Star War brigade to bring in their programs through various side or rear entrances if they end up getting locked out of the front door.

The Reagan administration, however, is drawing no connection between ASAT and Star Wars. There is an interagency group dealing with Star Wars and another dealing with ASAT—but they are composed a different people and they never meet. Similarly, the group concerned with ASAT is contemplating various arms-control ideas—but, according to officials, no one has seriously considered delaying the ASAT test until after these ideas have been fully explored.

In short, an historic opportunity to halt a whole new age in the arms race is being neglected, even ignored—not only by the administration, but by Congress as well. (It is worth noting that the nuclear freeze movements also have paid scant attention to the imminent prospect of an arms race in space.)

It wouldn't be the first time. In 1970, to cite just the most recent parallel, the United States deployed the Minuteman III intercontinental ballistic missile. It incorporated new technology called MIRVs (multiple independently targetable reentry vehicles), which allowed one missile to carry several warheads, each of which could be guided to separate targets.

Before MIRVs, a first strike destroying the other side's land-based missiles was impossible; one missile could hit only one enemy missile; if one side built extra missiles, the other side could counter by building more too. However, with MIRVs, a single missile could (theoretically) destroy several enemy missiles. If the U.S. and the U.S.S.R acquired MIRVs, both sides would be at once capable of destroying the other's land-based missiles and vulnerable to such an attack themselves.

Some U.S. officials favored proposing a ban on MIRVs during the Strategic Arms Limitation Talks, but this was rejected because others felt MIRVs gave us a strategic edge over the Russians. Four years later, the Russians deployed their own MIRVs, and now the same people who opposed a MIRV ban a decade ago decry the Soviet MIRVs which they claim have made our own Minuteman missiles vulnerable.

The most interesting strategic arms-control proposal of recent years calls for getting rid of MIRVs. But it's probably too late.

Henry Kissinger told reporters in 1974, "I would say in retrospect that I wish I had thought through the implications of a MIRVed world more thoughtfully in 1969 and 1970 than I did." But Kissinger's former NSC aides say that MIRVs were studied thoroughly, that Kissinger knew exactly what their implications were from the beginning, but went ahead with them anyway—to gain a strategic edge.

It's the same with the upcoming ASAT test and the growing political pressure for at least elements of the Star Wars plan. As in the case of MIRVs, the administration is failing—even refusing—to think through the implications before the world changes in ways it may later regret.●

A TRIBUTE TO LECH WALESA

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. MAZZOLI. Mr. Speaker, I would like to pay tribute to Lech Walesa, the recipient of the Nobel Peace Prize for 1983.

Mr. Walesa has demonstrated untiring commitment and courage in defending the human rights and freedoms of his fellow workers and his fellow Poles.

His peaceful, nonviolent actions are a standard and an example for the world. The work of Lech Walsea gives hope to oppressed peoples throughout the world.●

AMERICA'S TECHNOLOGY HIGHWAY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. MARKEY. Mr. Speaker, in recent months, the term high-tech has enlisted many followers as the key words for the economic renewal of our country. The term high-tech is nothing new to the people of Massachusetts and the residents of Route 128, America's technology highway. I am proud to represent the firms along Route 128 and am pleased to share in their success.

One of the pioneers along Route 128 was RCA Automated Systems, who established a research, manufacturing, and engineering site 25 years ago in Burlington, Mass. During these 25 years, RCA Automated Systems has made great contributions to the Commonwealth and our Nation as a leader and innovator among high-technology manufacturers. RCA Automated Systems has proved year after year that dedication to research and technology can propel our Nation into the technological revolution. RCA Automated Systems has been a leader in this revolution and I am proud to share with my colleagues their impressive accomplishments and congratulate RCA Automated Systems on their 25th anniversary.

I commend to my colleagues the following resolution:

HOUSE OF REPRESENTATIVES RESOLUTION

Whereas, It has been 25 years since RCA Burlington was established as a major research, engineering and manufacturing site in Massachusetts; and

Whereas, These events were a catalyst in the Technological Revolution that has advanced our State and Nation; and

Whereas, Cooperation and recognition between the Government and industry have triumphed establishing State Highway, Route 128, as 'America's Technology Highway'; and

Whereas, RCA Burlington's twenty-five years of electronic engineering success on 'America's Technology Highway' typifies Massachusetts' contribution to the security and prosperity of this Nation; now, therefore, be it

Resolved, by Mr. Edward J. Markey, United States Representative from the Seventh District in the State of Massachusetts:

That the day of October 21, 1983 be designated RCA Burlington Day throughout this State; and be it further

Resolved, That a duly authenticated copy of this resolution, signed by Representative and attested by the Clerk, be transmitted to Andrew T. Hospodor, Division Vice-President and General Manager, RCA Automated systems, Burlington, Massachusetts.●

A PARENT'S COMMITMENT TO EDUCATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. WOLF. Mr. Speaker, several reports have been released lately describing the current alarming state of American education supported with statistics that show poor academic performance and startling rates of illiteracy. We have all been made aware of the severity of this problem and the debilitating impact this can have on our great Nation's future if this situation is not soon remedied.

As school officials, principals, superintendents, teachers, administrators, financial directors, and government officials at all levels work to upgrade school systems across the country in the wake of these reports, I believe we should also call upon parents to assist in these efforts.

Parents hold the key to encouraging and motivating students to achieve to their fullest potential. The parent's role is critical in the final analysis of any reforms in American educational systems.

United Technologies Corp. has recognized the critical role of parents in education and has published a "Parent's Pledge" to enable parents to reaffirm their commitment to a fulfilling and rewarding educational experience for their children. I would like to share this pledge with my colleagues for I believe that if all parents were committed to this pledge we could achieve our goal of bringing the highest quality of education possible to our children.

THE POWER OF PARENTS

Last month we ran a pledge for students to sign and said it would be a great day for America if every one of our students signed it. It would be an even better day if every parent signed this one.

PARENT'S PLEDGE

1. I want my child to have the best possible education and I realize that strong school systems are essential.
2. I will provide a home environment that will encourage my child to learn.
3. I will help my child build a small but meaningful home library.
4. I will insist that all homework assignments are done each night.
5. I will discuss at dinnertime what my child has learned at school each day.
6. I will include stimulating books among the presents I give my child.
7. I will review newspaper stories and TV newscasts with my child and discuss how the news may affect our lives.
8. I will meet regularly with my child's teachers.
9. I will remind my child of the necessity of discipline in the classroom—especially self-discipline.
10. I will help my child appreciate and enjoy the excitement in learing and the thrill of an inquiring mind.

Parent (signed with love and responsibility).

Child (signed with love and appreciation).

Teacher (signed with great expectations).●

THE SOVIET UNION AND ARMS CONTROL—A MIXED SIGNAL AGAIN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. BIAGGI. Mr. Speaker, I wish to call to the attention of my colleagues an excellent editorial which appeared in a recent edition of the New York Post dealing with a recent Soviet rejection of President Reagan's proposals for limiting nuclear weapons in Europe.

The thrust of the editorial focuses on the Soviet Union's ofttimes bewildering policies with respect to nuclear arms control. One day they purport themselves to be the peacemakers of the world but if the United States should take the initiative then they will have no part of it.

More importantly the Post editorial details the litany of Soviet travesties which serve to impede world peace and stifle human rights and freedoms in areas of the world.

No nation can advocate for world peace when they invade other sovereign states or finance armed aggression around the world or who installs puppet governments while pulling the strings of repression from Moscow.

And of course what credibility should one give to a nation which calls for world peace one day—and murders 269 innocent people on another.

The Post editorial entitled "Memo to Yuri—It's Action Not Rhetoric That Counts" follows:

[From the New York Post, Sept. 30, 1983]

MEMO TO YURI: IT'S ACTION, NOT RHETORIC, THAT COUNTS

Soviet leader Yuri Andropov's flat rejection of President Reagan's generous proposals for limiting nuclear weapons in Europe is disappointing but hardly surprising.

The Soviets have never been prepared to negotiate seriously.

Their only proposal at the Geneva arms control talks has been one which would leave them with more missiles deployed against Europe than the 250 they had when the negotiations began two years ago.

Clearly, they have no intention of changing that position until NATO actually begins deploying its first missiles to match the Soviet deployment.

That will be in December and between now and then Andropov will be hoping to stimulate large protests throughout Western Europe to cause NATO governments to split from the United States and have second thoughts.

Andropov's demonstrably absurd statements in his response to Reagan provide their own good reasons for NATO to hold firm.

He says the NATO deployment would be "a step against peace" but:

It is the Soviet Union, not the United States and not NATO, which invaded Afghanistan.

It is the Soviet Union which required its puppets to suppress the Polish people.

It is the Soviet Union which finances and arms Vietnam in its aggressions against Cambodia and Laos.

It is the Soviet Union which runs in the guns via Cuba to threaten every country of Central America, and some in Latin America, too.

It is the Soviet Union which provides the arms and advisers to Syria to prevent peace in Lebanon.

Andropov complains of "the unprecedented buildup of the United State's military potential," but it is the Soviet Union which has been engaged in the biggest rearmament drive in history over the past 20 years—taking 18 percent of the Soviet GNP, compared with America's 6 percent, and making paupers of the Soviet people.

He says that NATO's deployment of the missiles would "disrupt the existing military strategic balance," but it is the Soviet Union which disrupts that balance daily.

The United States unilaterally withdrew its missiles from Europe in the 1960s leaving the Soviets with old SS-4 and SS-5 medium range missiles which NATO could safely regard as deterrent, not offensive weapons.

The Soviets radically changed the situation in 1977 by deploying the three-warhead SS-20. They are still being deployed—at the rate of one a week.

So much for disrupting the military balance.

Since the early 1970s, in the course of the two SALT arms limitation negotiations, the Soviets have developed 21 new nuclear weapon systems and are at present testing still another missile in violation of the last SALT understanding.

"People judge the policy of a government," says Andropov, "mainly by its actions."

Exactly.

The governments of the United States and NATO countries do not use poison gas against peasants. They do not incarcerate their critics in slave labor camps. They do not shoot down commercial airliners.●

A TRIBUTE TO FORMER CHAIRMAN WAYNE N. ASPINALL

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. BROWN of Colorado. Mr. Speaker, I rise today in tribute to our former colleague and Interior Committee Chairman, Wayne Norviel Aspinall, who passed away Oct. 9, 1983, in Colorado.

Mr. Aspinall served in this body from 1948 until 1972, the last 14 years of his tenure as chairman of the House Committee on Interior and Insular Affairs. His record was one of positive contributions to Colorado and the Nation, perhaps more so than any other Member from Colorado in our history. His tremendous efforts in behalf of preserving the environment

while developing our natural resources will long be remembered. Wayne Aspinall was an environmentalist in the true sense of the word, before environmentalism became fashionable. He built his reputation in the House by being tough minded and impeccably honest.

Above all, Wayne Aspinall was a tenacious man who devoted his life to public service. It was a career which started early. Born in Ohio in 1896, he moved to Palisade, Colo., with his family in 1904. He answered his country's call to service during World War I, serving in the Air Service of the Signal Corps. He taught school in Palisade after the war, went to Denver Law School, and returned again to Palisade to practice law. He was president of the local school board, a member of the Palisade Board of Trustees, and in 1931 was elected to the Colorado House of Representatives.

At the statehouse, he was Democratic caucus chairman in 1931, Democratic whip in 1933, and speaker in 1937 and 1938. From 1939 until 1948, he served in the Colorado State Senate, as Democratic whip and as the majority and minority floor leader. During 1943 and 1944, he served overseas as a legal expert for the British and U.S. Armies. With the rank of captain, he participated in the Normandy drive with the allied forces. In 1948, he was elected to the 81st Congress.

While in Congress, Wayne Aspinall sponsored 1,000 pieces of legislation which were enacted. He played a key role in passage of the 1964 Wilderness Act, which established our national wilderness preservation system, and the Land and Water Conservation Fund Act, a blueprint for the development of recreation areas throughout the country.

In Colorado and the West, where water development is so vital to survival and growth, Wayne Aspinall will best be remembered for his efforts to encourage western water development. President Harry Truman appointed him to the Missouri Basin Survey Commission in 1952, and later he was the chief sponsor and architect of the Colorado Storage Project Act. Wayne was often quoted as saying, "There is no such thing as a bad water project."

Beaten in 1972 in a primary reelection bid following redistricting, Wayne Aspinall continued to be actively involved in pushing Colorado's interests. He taught at the University of Wyoming and often worked as a consultant. "As long as I am breathing," he said, "I want to be part of the action. I want to be helping the majority."

During the last 5 years of his life, he faced a painful fight with cancer. It was a battle he fought as tenaciously as any other. He died last week at the age of 87 at his home in Palisade.

Despite criticisms over the years, Wayne Aspinall was proud of his service in Congress as an environmentalist. He once said:

I've been chairman of the committee that created more single use areas, more wilderness areas, than all the rest of them in the history of the country.

This is a record he had a right to be proud of. We in Colorado are proud and grateful for his service to us and the Nation. We will miss Wayne Aspinall very much.●

PRESERVE THE UNITARY TAX METHOD

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. STARK. Mr. Speaker, I direct your attention to an editorial in the Washington Post, October 8, 1983, concerning the unitary tax issue. Under the unitary method of taxation, States determine a tax on a company's worldwide income through a formula based on the share of the company's sales, property, and payroll falling within the State. The method is designed to assure that the multinationals pay their fair share of the tax burden of the States where they operate.

California and 11 other States have successfully used the unitary method without any indication of hampering industrial growth or placing an undue burden on commerce. The Supreme Court upheld the right of the States to use the unitary method last June in the Container Corp. of America case. But the issue is not over yet.

President Reagan's advisers have recommended that the administration propose legislation limiting the use of the unitary method. Our European allies and the multinational corporations are claiming the unitary method taxes them doubly and inhibits foreign investments. So Treasury is organizing a group of government officials and business leaders to resolve the States' needs for revenues with the diplomatic and trade problems for multinationals.

Mr. Speaker, large corporations have the ability to juggle transactions within their corporations in such a way as to avoid being taxed in one State after another. According to the Multistate Tax Commission, about $750 million in State revenues would be lost if States were prevented from using the unitary tax method. California alone would lose $500 million.

The unitary tax method has a track record with numerous States. The method has been fair to corporations. The method has raised needed revenues for the States. And, in spite of the fears that have been raised by our allies, multinationals continue to operate in States like California that now use the unitary method.

For the sake of States' rights and tax reform, we in the Congress should resist all efforts to overturn or end-run the Container Corp. case.

The article follows:

TAXING MULTINATIONALS

Multinational corporations have raised a hue and cry over a recent Supreme Court decision reaffirming a tax technique that makes it much harder for these companies to avoid paying state taxes on the profits they earn in this country. President Reagan recently decided against supporting a petition for a rehearing of the case, but his Treasury Secretary is setting up a group of business and government officials to work out some accommodation between the conflicting interests of those who worry about states' revenue-raising ability and those who worry about fostering international trade.

The so-called unitary tax method upheld by the court allows states to treat a corporation and its subsidiaries as a unified operation and to assume that the profits earned within a given state are proportionate to the amount of activity—measured by sales, payroll and property—within the state. The 24 states now using the method have found it an efficient way to prevent big companies from juggling intra-corporate transactions to make it appear as if little or no profits were earned within the state. But Japan, Great Britain, Holland and other governments with substantial U.S. markets object to the method on the grounds that it can cause multinationals to be double-taxed if jurisdictions use different bases for taxation.

Greater uniformity among state tax methods would certainly facilitate the operations of not only multinationals but also of the many domestic firms that do business across state lines. Fostering such uniformity would be a useful task for the new working group. But restricting state use of the general unitary method would not. State officials who compare corporate tax returns know well that the problem currently arising from non-uniform methods is not overtaxation but undertaxation. And, as the court noted, the unitary method poses no greater threat of double-taxation than other methods that have far less economic justification.

Foreign governments will naturally seek to minimize the tax burdens of their corporations—and mumble darkly about retaliation if they do not succeed. But requiring states to abandon otherwise reasonable taxing methods because of such opposition essentially means letting foreign governments set state tax policies. If foreign corporations feel they are overtaxed by states, they can turn to their own governments for relief or, as the saying goes, vote with their feet. It is worth noting, however, that California has long used unitary taxation, and that state's record of industrial growth would not suggest that its taxing methods have been an undue burden on commerce.●

SAN MATEO COUNTY ITALIAN-AMERICAN FEDERATION'S ANNUAL COLUMBUS DAY FESTIVITIES; WILLIAM AND MARIE ADDIEGO "MAN AND WOMAN OF THE YEAR"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. LANTOS. Mr. Speaker, as we prepare to commemorate Christopher Columbus and at the same time honor the Italian Americans of our Nation, I would like to recognize two Italian Americans whose accomplishments have enriched my district.

On October 8, the Italian-American Federation of San Mateo County will honor Marie and William Addiego as "Man and Woman of the Year." Both have distinguished themselves by their untiring volunteer efforts on behalf of youth groups, senior citizens, and other community activities.

Marie's past activities have included involvement in the local American Association of Retired Persons, the United Galileo Galilei Lodge of San Mateo County, and other charitable projects. She continues to give of her time as a volunteer worker for the local senior adult hot lunch program.

William has a record of community service which spans more than 25 years. He has generously taken on numerous responsibilities, including commissioner of the juvenile justice commission, board member of local programs for runaway and problem children, and leader in programs to provide enriched opportunities for senior citizens in San Mateo County.

All of us have benefited from William Addiego's efforts in the major project he directed in the field of voter registration by mail and his unstinting efforts to expand the resources of the San Mateo County Convention and Visitors' Bureau.

Mr. Speaker, I am proud that my district includes such individuals as the Addiegos. They are symbols of the contribution which Italian Americans have made to the United States of America. The indomitable spirit of Christopher Columbus lives on in the generations of Italian Americans who have contributed to the rich diversity that makes our Nation great.

I am pleased that we have the opportunity as we commemorate Columbus Day to remember and honor, not only the great European discoverer of this land, but also the Italian-American community which has contributed so much to its greatness.●

TRIBUTE TO JOE ALTOBELLI AND THE BALTIMORE ORIOLES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. BIAGGI. Mr. Speaker, I join with many colleagues and with millions of baseball fans across the country in congratulating the Baltimore Orioles, the 1983 world champions of baseball. They captured the title last night with a 5 to 0 whitewash of the Philadelphia Phillies. Thus the Orioles win their first world championship in 13 years.

I would like to pay a special tribute to the manager of the Orioles who accomplished the remarkable feat of winning a world championship in his first year as manager of the Orioles. I refer to Joe Altobelli—the quiet genius behind the team. Joe Altobelli inherited the job after the Orioles had been so ably managed by the great Earl Weaver. Yet Joe actually got more from the talent than people thought possible. One of the Orioles said it when he observed that "Weaver may have taught us to play but Joe let us play."

As an Italian American—I am extremely proud of the managerial contributions made by Italian Americans such as Joe Altobelli. In fact out of the four finalists in this year's baseball playoffs—three teams were managed by Italian Americans. The great Tom Lasorda from the Los Angeles Dodgers and the young and dynamic Tony La Russa of the Chicago White Sox.

Today is a proud day for the people of Baltimore—and I am sure a special pride is circulating through Little Italy in Baltimore thanks to the great accomplishments of the Orioles and their leader Joe Altobelli. He joins a long line of Italian Americans who have done so much for major league baseball and I am certain that these contributions will continue in the future.●

SALUTE TO MORRIE DARNOV

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. WAXMAN. Mr. Speaker, on October 22, 1983, Morrie Darnov will receive the Lion of Judah Award of the State of Israel at a special dinner celebrating Israel's 35th anniversary of statehood.

Morrie Darnov has long been associated with Israel bonds. He has served as tribute chairman for Israel Bond Salutes and has been an active member of the Permanent Israel Bond Beverage Division for the past 15 years.

Morrie Darnov is active in a number of community organizations. He is a longtime member of the Wilshire Boulevard Temple, the Gift of Life chapter of City of Hope, and Mason of the Ionic Lodge.

Morrie Darnov will be celebrating his 54th birthday on the evening of the salute in his honor. I ask the Members to join me in congratulating Morrie Darnov, his wife Natalie, daughter Sharon Elaine, and son Allen Mark on this special occasion and to wish him many more years of success and fulfillment.●

EDUCATION IN THE SCIENCES: AN ISSUE OF INCREASING IMPORTANCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. RANGEL. Mr. Speaker, I rise to commend the National Association of Minority Entrepreneurs for its work in addressing the pressing need for improved scientific education in the Harlem community.

I believe that the donation of one's time to exploring the untapped resources of the black community is most admirable. Particularly when so much remains to be done in the field of education. Students in lower income areas suffer from a dearth of exposure to the sciences, largely because of poor equipment. Computers and laboratory facilities are inadequate to properly prepare these students for a high-tech age.

The acquisition of proper educational tools is absolutely vital if the children in these communities are to become productive citizens. Through the dedicated efforts of community groups such as the National Association of Minority Entrepreneurs, our goal is attainable. It requires a firm resolve, Mr. Speaker, and I have faith that we will succeed.●

THE DAUGHTERS OF CHARITY CELEBRATE THEIR 350TH ANNIVERSARY

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mrs. BYRON. Mr. Speaker, I would like to call to the attention of my colleagues the 350th anniversary of the founding of the Daughters of Charity which will be celebrated on November 29, 1983.

In recognition of their unselfish devotion to the poor, I am inserting a

brief summary of the apostolic endeavors of the Daughters prepared by my constituent Mrs. Valli M. Ryan:

THE DAUGHTERS OF CHARITY OF ST. VINCENT DEPAUL

The Daughters of Charity are a worldwide community founded in 1633 in France by Vincent dePaul and Louise deMarillac. Both are canonized saints of the Catholic Church. Louise was proclaimed "Universal Patron of Social Workers" by Pope John XXIII in 1960.

On November 29, 1633, Louise deMarillac accepted 3 or 4 girls chosen by Vincent dePaul to be trained in service of the Poor. This is the origin of the Company of the Daughters of Charity. Today the "Company" numbers about 32,000 serving throughout the world. For more than three centuries a Daughter of Charity was recognized by her distinctive headdress, the white cornette or "white wings", which have been termed the "universal symbol of charity." In response to modern times, her religious habit was modified in 1964, and the cornette was replaced with a simple blue coif.

The Central Motherhouse of the Daughters of Charity is located in Paris, France. Ministries in health, education, social services, and pastoral care are administered at a provincial level to serve the poor within a province's geographic area.

In the United States, Elizabeth Bayley Seton founded the first native religious community of women in 1809 at Emmitsburg, Maryland. Soon after she sought to unite her fledgling Order with the Daughters of Charity of St. Vincent dePaul. The union with the French Order took place in 1850 about 30 years after Elizabeth's death. Elizabeth Ann Seton was cononized by Pope Paul VI on September 14, 1975, the first native of the United States to be elevated to sainthood.

Today there are five provinces of Daughters of Charity in the United States.

Province and Headquarters:	*No. of sisters*
Emmitsburg (a.k.a. Southeast)—Emitsburg, MD	478
Northeast—Albany, NY	299
East Central—Evansville, IN	279
West Central—St. Louis, MO	391
Far West—Los Altos Hills, CA	204
U.S. Daughers of Charity	[1] 1,651

[1] 1,393 active, 258 retired.

Today, the Daughters of Charity in the United States carry on the work of their French and American foundresses, Louise deMarillac and Elizabeth Seton who started a systematic movement to render service to all forms of human misery—the sick in their homes and later in hospitals, the foundlings, the unmarried mothers, the mentally ill, prisoners, and others as the need arose. Schools were opened to receive the children of the poor.

In 1982 a survey found the American Daughters of Charity conducting their apostolic endeavors in 35 states and the District of Columbia.

The National Shrine of St. Elizabeth Ann Seton, which attracts pilgrims and visitors from all over the world, is located at Emmitsburg, Maryland. Preserved there are the historic buildings associated with the founding days of Mother Seton's American community and where the relics of St. Elizabeth Ann Seton are enshrined in the Shrine Chapel.

The American Daughters of Charity served mankind in the following types of institutions in the United States in 1982

Health:	*Institutions*
Hospitals	39
Government operated hospitals for Hansen's Disease staffed by Daughters of Charity	2
Hospices	2
Family health clinics, geriatric centers, etc	12
Wellness centers	2
Visiting nurse service	1
Education:	
Colleges (senior or junior)	3
Grades K-12	68
Religious education centers	7
Continuing education, campus ministries, etc	6
Social services:	
Residential child care centers and homes fo unwed mothers	13
Day care centers	14
Parish and diocesan social work, Catholic Charities, emergency shelter for children, prison ministry, etc	58
Homes for aged	6

Other: National Shrine of Saint Elizabeth Ann Seton, Emmitsburg, Maryland.●

NEWSPAPER EDITOR CALLS FOR ANNUAL DAY IN MEMORY OF AIRLINER VICTIMS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. KILDEE. Mr. Speaker, in a column that was published recently in the Flint, Mich., Journal, that newspaper's editor, Alfred L. Peloquin, wrote very movingly of the terror and suffering of the 269 people aboard Korean Air Lines flight 007 when it was shot down by a Soviet fighter plane. The column provides us with a chilling insight into the last moments of those doomed people. It puts into human terms of fear and pain the terrible way their lives ended as the result of a merciless and brutal military decision. Mr. Peloquin suggests that a national day of remembrance for the victims would be appropriate each year—a day in which we mourn their deaths but also rededicate ourselves to the values of freedom and human life. I would like at this point to share with my colleagues in the Congress the column written by Mr. Peloquin for their reflection and consideration.

WE NEED ANNUAL DAY TO REMEMBER FLIGHT 007 VICTIMS

I cannot shake from my mind, no matter how hard I try, the nightmare vision of the last few minutes of 269 fellow human beings on Korean Air Lines Flight 007 Aug. 31, 1983.

No matter what scenario I devise from the available bits of evidence, those last terrifying minutes inside a dark fuselage at 35,000 feet over the Sea of Japan must have been a "veritable screaming hell."

Those words come from one of two veteran military jet pilots I turned to last week in reconstructing the final agonies of the big Boeing 747 on its tragic flight from New York to Seoul.

The Soviet Sukhoi-15 jets were not the only enemy stalking Flight 007 in the early morning hours of darkness that day.

At almost seven miles up, the outside temperature of the frigid sky is about 50 degrees below zero. And the air is thin, far too thin to support the oxygen needs of breathing humans.

(Modern jets counteract both by presurizing cabins to the approximate conditions of sea level, and by heating cockpits and passenger compartments to acceptable temperatures. And statistics show that jet travel, under almost all circumstances except missile or cannon attack or outright collision, is dramatically safer than surface highway traffic.)

Evidence to date indicates Flight 007 did not disintegrate in midair when the Soviet heat-seeking missiles hit home. While it suffered massive damages and went out of control, its crew was still in radio contact a minute after the explosion.

Japanese radar tracked its death flight to 16,000 feet in approximately four minutes—no vertical dive, but a rate of fall less than 60 miles an hour.

The Japanese, in fact, did not lose final radar contact until 12 minutes after the attack—when the crippled 747 apparently crashed into the sea.

The terror of those minutes to the 240 innocent passengers and the crew of 29 can be extrapolated from the final words of the Korean captain. He was describing all engines apparently dead and "rapid decompression."

It has also been described as "explosive decompression," in this case the result of missile shrapnel or parts of the jet engine or wing piercing the airliner's fuselage and blowing it open to the elements.

What happens next can best be described in the words of one of the jet pilots I ask for comment:

"Decompression at that altitude would result in an explosive, rapid rush of air from inside the aircraft (to equalize the outside atmosphere). Visibility would be decreased in two ways.

"Papers, loose baggage, handbags, pillows, blankets, loose articles of clothing would fly in all directions. Compartment humidity would precipitate (into visible moisture), creating an almost instant whirling fog.

"At 50 degrees below zero, there could be as little as 60 seconds before death by freezing.

"The time of useful consciousness, without immediate access to supplemental oxygen systems, would be in the neighborhood of 20 to 30 seconds."

So, in the best of the worst scenarios, it would appear that death may have come swiftly and almost mercifully, if horribly, to those passengers who survived the initial attack or were not pulled clear of the plane in those first terrible seconds of decompression.

If oxygen masks were still operative, however, and any remaining blankets or heavy clothes near at hand to help fend off the crippling cold, some of the doomed 269 may have lived to survive the entire eternity of those 12 harrowing minutes.

So none of us should block out of our minds the sight of that big jet, and its cargo of innocents, falling almost lazily and interminably through the darkened skies to its burial place on the floor of a faraway ocean, 900 feet down.

It should remind us that we live in a world where deliberate brutality and barbarism, as tools of national policy in some countries, are always baring their fangs in an attack against the forces of civilized humanity.

If there is hope for the citizens of the world to come, moreover, there must be an unflagging awareness of this undeclared war, and a determination among free nations to stay banded together, strong and unafraid.

It may be too much to hope that Aug. 31, 1983, will be remembered in years to come through international anniversary days of mourning—and of rededication to the values of freedom and individual human life.

But perhaps it is the only way to avenge those deaths, of men and women and children from different nations, to make them everlasting symbols of the single hope of this world—human decency.

Let us begin now to mark Aug. 31, 1984, a Friday, as a day to mourn once again the loss of those 269 to Soviet paranoia.●

THE 20TH ANNIVERSARY OF THE NATIONAL POSTAL PRESS ASSOCIATION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. FASCELL. Mr. Speaker, next year, the National Postal Press Association, an affiliate of the American Postal Workers Union, will celebrate its 20th anniversary.

Founded in Miami Beach, Fla., in 1964, the association has maintained its national office in south Florida since that time. Its one and only president, Hank Greenberg, assumed his office during the first elections held by the association in 1969. He has been the guiding force of the organization.

The association serves as an information and education service for local postal unions around the country. It represents 700 members and 300 newspapers. Its activities include teaching local affiliates how to setup and operate their own papers and provides continuing information on the status of legislation and other issues of particular interest of postal workers. It is through these local papers that our Nation's postal workers are able to stay well-informed and knowledgeable, thus keeping their union strong.

I know our colleagues will want to join me in offering congratulations on this important anniversary and in wishing the association continued success in the future.●

TRIBUTE TO POPE JOHN PAUL II ON 5TH ANNIVERSARY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. BIAGGI. Mr. Speaker, today I wish to take the opportunity to pay tribute to one of the most remarkable of all world religious leaders, Pope John Paul II, who yesterday observed his fifth anniversary as leader of the Roman Catholic Church.

Pope John Paul II has truly been an apostle of peace in the world and that commitment has dominated his agenda as Pope. He has displayed enormous personal dedication and courage in promoting the cause of world peace—traveling firsthand to such dangerous trouble spots as Central America.

The Pope has also lent critical moral support to the struggle for freedom within his homeland of Poland. His views have bolstered the ambitions of leaders such as Lech Walesa to bring about improvements in basic human and civil rights in this great nation—an effort which was rewarded last week when Walesa won the 1983 Peace Prize.

As many of my colleagues realize—the Pope narrowly survived death by an assassin's bullet during the early days of his tenure as Pope. Instead of having this serve as a deterrent to his highly visible nature as Pope, it served to reinforce it and since this tragedy the Pope has traveled thousands and thousands of miles to preach the word of world peace.

Pope John Paul II has also been an inspirational figure not just to the Roman Catholics of the world but to all all of those who cherish and work for world peace. He is a man who has a great love for the children of the world. His visits around the world always seem to include stops at schools and orphanages.

I recall in late 1980 when I was traveling in Italy doing some earthquake relief work for the victims of the tragedy. I had a private audience with the Pope and I told him of our work. He was most interested in the fact that others in my delegation had distributed Christmas presents to the little children of the town, and his face visibly lightened when we spoke or our meetings with the children of the earthquake region.

Let us hope that in the ensuing 5 years. The world moves closer to the goal of world peace. This would be such a fitting tribute to Pope John Paul II who for 5 arduous years has served as an inspiration for the cause.●

SLAVIC CULTURE WEEK

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. GREEN. Mr. Speaker, this week, October 16-24, New York is celebrating Slavic Culture Week for the sixth year, and, for the first time, this important heritage week is being marked in some other States as well.

Slavic Culture Week is especially noteworthy because, not only does it acquaint the American public with the Slavic culture and heritage, but it also gives our schools and libraries an opportunity to promote the study of Slavic culture and its contribution to America.

The week will reflect this with a mix of entertainment and educational activities—religious services, folk art exhibitions, concerts and library exhibits—designed to explore the diverse ethnic branches that make up the Slavic tree, including Bulgarian, Byelorussian, Czech, Macedonian, Polish, Russian, Carpathorussian, Serbian, Slovak, Slovene, and Ukrainian.

The 5 million Slavs in the United States today are an integral part of the immigrant threads that have made the fabric of our society so strong and so colorful. I am proud to join New Yorkers in marking Slavic Culture Week and commend the Slavic American Cultural Association, Inc., the Slavic Cultural Club of the City College of City University of New York and all the other Slavic-American organizations which joined in sponsoring this important week.●

NEW COMMUNITY CORPORATION MARKS 15 YEARS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1983

● Mr. RODINO. Mr. Speaker, it was 15 years ago that the New Community Corp. was established in my home city of Newark in the wake of the devastating riots of 1967 as a developer of federally subsidized housing in the central ward. Those who were involved in the early days of the program were trying to fashion a response to the critical needs of the city. In these past 15 years, the New Community Corp. has become one of the leading managers of Federal housing, and has gone far beyond their initial aspirations of providing decent shelter to low income people in Newark.

The New Community Corp. is much more than a developer of housing, the emphasis is on developing communities. The vision and organization that

has gone into the planning of New Community Corp. has made it quite a success story.

On October 21, the New Community Corp. will celebrate these 15 years of progress at a gala ball. I am proud to have been a part of the honorary planning committee, along with Donald Mann, vice president for public affairs for Prudential Insurance Co., who chairs the committee, and committee members Thomas H. Kean, Governor of New Jersey; Robert A. Beck, chairman of the Prudential Insurance Co.; Dr. Stanley Bergen, president, University of Medicine and Dentistry of New Jersey; Jane Burgio, Secretary of the State; State Senator John Caulfield; Raymond G. Chambers, president, Wesray Corp.; Leonard Coleman, commissioner of the New Jersey Department of Energy; Mr. and Mrs. Joseph C. Cornwall, of the Fund for New Jersey; Dr. James Cowan, president of United Hospitals; Commissioner Barbara Curran, the public utilities commission; former Congresswoman Millicent Fenwick; Adrian M. Foley, of Connell, Foley & Geiser; the Most Reverend Joseph Francis, bishop of the Archdiocese of Newark; mayor Kenneth Gibson; Jerome Greco, president of the Essex County Board of Freeholders; Steven B. Hoskins, of McCarter & English; Edward D. Knapp, president of First National State Bank; John L. Kraft, of Kraft & Hughes; U.S. Senator FRANK LAUTENBERG; Edward Leniham, president of Renaissance Newark; Aubry Lewis, vice president of F. W. Woolworth Co.; Leonard Lieberman, president of Supermarkets General Corp.; Richard S. Locke, executive vice president of E. F. Hutton & Co.; Charles Marciante, president of the New Jersey AFL-CIO; Commissioner John Renno of the New Jersey Department of Community Affairs; Bernard Shanley, of Shanley & Fisher; Essex County Executive Peter Shapiro; Harold Sonn, president of Public Service Electric & Gas; Essex County Registrar Larrie W. Stalks; Robert Van Fossan, chief executive officer of Mutual Benefit Life Insurance; Frederic S. Topor, general manager of Western Electric Co.; Charles Whigham, president of City National Bank; Joan M. Wright, director of the New Jersey Division of Women; and Dr. A. Zachary Yamba, president of Essex County College.

Mr. Speaker, new Community Corp. is a symbol of hope and the 15 year anniversary is a testimony to those who refused to abandon their belief in the future of Newark. I commend all of those involved with the gala ball, and I know it will be a tremendous success.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, October 18, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 19

9:30 a.m.

*Judiciary
Security and Terrorism Subcommittee
To continue hearings to explore Marxism and Christianity in revolutionary Central America.
SR-485

Judiciary
Juvenile Justice Subcommittee
To hold hearings to examine the scope of child abuse and juvenile delinquency.
SD-226

Labor and Human Resources
To hold hearings to review Federal and State efforts to impose higher standards in education.
SD-430

10:00 a.m.

Agriculture, Nutrition, and Forestry
Business meeting, to resume consideration of S. 663, to prohibit price and other Federal crop supports on highly erodible lands which have not been cultivated for agricultural purposes in the last 10 years, and to begin markup of S. 129 and H.R. 24, bills to provide that all Federal lands within the Hector Land Utilization Area in the State of New York shall be considered part of the Green Mountain National Forest, S. 566, to release a reversionary interest in specified land to the South Carolina State Commission on Forestry, and S. 1503, to release the reversionary clause by the Federal Government on certain land in the deed to the land conveyed to the State of Delaware in 1954.
SR-328A

Armed Services
To hold hearings on the impact of proposed regulatory authority of the Office of Federal Procurement Policy on national defense and related Government activities.
SD-138

Energy and Natural Resources
To hold hearings on S. 1678, to provide for the completion of the strategic petroleum reserve, and to insure implementation of U.S. energy emergency preparedness policy established by the Energy Emergency Preparedness Act (Public Law 97-229).
SD-366

Environment and Public Works
Business meeting, to mark up S. 1330, to develop long-term job opportunities in public works, and S. 1739, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.
SD-406

Governmental Affairs
To hold hearings on the nominations of Bruce D. Beaudin and Nan R. Huhn, each to be an associate judge of the Superior Court of the District of Columbia.
SD-342

2:00 p.m.

Appropriations
Business meeting, to consider H.R. 3959, making supplemental appropriations for fiscal year ending September 30, 1984.
SD-192

Armed Services
Preparedness Subcommittee
To hold hearings on the current status of the national defense stockpile.
SR-222

Foreign Relations
Arms Control, Oceans, International Operations, and Environment Subcommittee
To hold hearings on international communications and information policy.
SD-419

OCTOBER 20

9:00 a.m.

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on H.R. 1149, to designate certain lands in Oregon as wilderness.
SD-366

9:30 a.m.

Labor and Human Resources
To hold hearings on S. 1728, to establish a national task force on organ procurement and transplant reimbursement, and related proposals.
SD-430

10:00 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold hearings to examine the impact of the recent drought on American farmers, and to assess efforts by the administration in providing relief.
SR-328A

Environment and Public Works
To hold hearings on the nominations of Jack E. Ravan, of Georgia, to be Assistant Administrator for Water, and Courtney M. Price, of the District of Columbia, to be Assistant Administrator for Enforcement, both of the Environmental Protection Agency.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Aging Subcommittee
To hold hearings to review certain programs for older veterans.
SD-628

10:30 a.m.
Joint Economic
To hold hearings to review the gross national product for the 3d quarter.
SD-562

2:00 p.m.
Foreign Relations
To hold closed hearings on alleged arms agreements between the U.S. and the U.S.S.R. during the Kennedy administration.
Room to be announced

OCTOBER 21

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1504, to provide for protection of historic shipwrecks, structures, and artifacts located on a seabed or in the subsoil of the lands beneath U.S. waters, and S. 1647, to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, Calif.
SD-366

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on miscellaneous trade and tariff bills.
SD-215

10:00 a.m.
Judiciary
To hold hearings on S. 1581, to grant congressional approval to the central interstate low-level radioactive waste compact.
SD-226

Joint Economic
To hold hearings to review the impact of deficits on interest rates.
SD-138

11:00 a.m.
Judiciary
Courts Subcommittee
Business meeting, to markup S. 1706, to provide for the positive identification of persons holding identification documents.
SD-226

OCTOBER 24

10:00 a.m.
Finance
To hold hearings to discuss the committee report and its recommendations on reform of corporate taxation.
SD-215

Judiciary
To hold hearings on S. 1870, proposed Credit and Debit Card Counterfeiting and Fraud Act.
SD-226

OCTOBER 25

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review computer security in the Federal Government and the private sector.
SD-124

Labor and Human Resources
To resume oversight hearings on alleged illegal sales of union memberships or books to unqualified welders by officials of local chapters of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
To hold hearings on S. 1746, proposed Freedom from Government Competition Act.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational educational programs administered by the Department of Education.
SD-628

OCTOBER 26

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to review computer security in the Federal Government and the private sector.
SD-628

Labor and Human Resources
To hold hearings to review volunteer initiatives in health.
SD-430

Special on Aging
To hold hearings to examine State, local and private sector initiatives in controlling health care costs.
SD-562

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to resume markup of S. 1330, to develop long-term job opportunities in public works, and S. 1739, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers' union (HEREIU).
SD-342

Judiciary
To hold hearings on S. 1841, proposed National Productivity and Innovation Act.
SD-226

Veterans Affairs
To hold hearings on S. 1747, to establish educational assistance programs for veterans of peacetime service, to close the post-Vietnam era veterans' educational assistance program to new participants, and to repeal the December 31, 1989 termination date of the Vietnam-era GI bill, the substance of S. 1873, to require the President to report to Congress no later than July 1, 1987, concerning the need for incentives, including a new educational assistance program for service members, to assist in the recruitment and retention of qualified personnel in the Armed Forces, and to hold oversight hearings on the implementation of the Veterans' Education and Employment Assistance Act (Public Law 94-502).
SR-418

OCTOBER 27

9:00 a.m.
Office of Technology Assessment
The Board, to hold a general business meeting.
EF-100, Capitol

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1546, proposed Deepwater Port Act Amendments of 1983.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Joint Economic
To resume hearings on job training needs of American workers.
Room to be announced

OCTOBER 28

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous items, including S. 499, S. 831, S. 842, S. 1231, S. 1807, S. 1914.
SD-215

NOVEMBER 1

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

NOVEMBER 2

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1707, proposed Competition in Television Production Act.
SR-325

10:00 a.m.
Environment and Public Works
To hold hearings on proposed amendments to the Clean Air Act (Public Law 95-95), focusing on acid rain provisions.
SD-406

Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

Select on Indian Affairs
To hold hearings on S. 1196, to confer jurisdiction on the U.S. Claims Court with respect to certain claims of the Navajo Indian Tribe.
SD-124

2:00 p.m.
Select on Indian Affairs
To hold hearings to determine the legislative intent of the Alaska Natives Claims Settlement Act (Public Law 92-203), with relation to Shee Atika, Inc.
SD-124

NOVEMBER 3

10:00 a.m.
Environment and Public Works
Business meeting, to resume markup of S. 1330, to develop long-term job opportunities in public works, and S. 1739, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.
SD-406

NOVEMBER 4

9:30 a.m.
*Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1707, proposed Competition in Television Production Act.
SD-106

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on the implementation of the Toxic Substances Control Act (P.L. 94-469).
SD-406

NOVEMBER 8

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (P.L. 95-95), focusing on acid rain provisions.
SD-406

NOVEMBER 9

10:00 a.m.
Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

NOVEMBER 10

9:30 a.m.
*Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation to revise certain provisions of the Federal Employees Compensation Act.
SD-430

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (P.L. 95-95), focusing on acid rain provisions.
SD-406

NOVEMBER 15

9:00 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on the current condition of America's coal industry.
SD-366

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (P.L. 95-95), including a related measure S. 768.
SD-406

Labor and Human Resources
Aging Subcommittee
To hold hearings to redefine old age provisions contained in the Older Americans Act.
SD-430

NOVEMBER 16

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact of the U.S. Supreme Court's legislative veto decision.
SD-430

2:00 p.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review current gas markets and alternatives for delivery of Alaskan gas through the Alaska natural gas transportation system to those markets.
SD-366

NOVEMBER 17

9:45 a.m.
*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on Federal arts policy.
SD-430

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (P.L. 95-95), including a related measure S. 768.
SD-406

2:00 p.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on federal arts policy.
SD-430

NOVEMBER 29

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review targeted scarce resource provisions of the Older Americans Act.
SD-430

NOVEMBER 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

DECEMBER 6

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review long-term care policy provisions of the Older Americans Act.
SD-430

11-059 O-87-28 (Pt. 20)

SENATE—*Tuesday, October 18, 1983*

(Legislative day of Monday, October 17, 1983)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious God, infinite and impartial in love, who has "made of one blood all nations of men for to dwell on all the face of the Earth," the issue before the Senate today is fraught with strong conviction, deep emotion, and sensitive political implications. We invoke Thy presence in this Chamber this morning. As the Senate struggles with this potentially divisive issue, let Thy grace and peace overwhelm us. Grant cool heads and warm hearts to the Senators, let Thy love and wisdom fill this place, let reason prevail, and Thy will be done here, as it is in Heaven. We pray this in the name of Him whose sacrificial love embraced all peoples. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, the Senate will turn to the consideration of the Martin Luther King bill at 9 a.m. Under the order previously entered, a vote will occur at 9:20 a.m. on a motion to commit to the Judiciary Committee that measure about to be made by the Senator from North Carolina (Mr. HELMS). Thereafter, I expect the Senate to continue the debate on this measure if the bill is not committed—and I hope and trust it will not be and I do not expect it to be—during the balance of this day.

I do not anticipate a late day today, or the need for one. We have a time set for a vote on passage tomorrow at 4 p.m. We shall arrange the schedule today and tomorrow in order to accommodate the time required by Senators who wish to offer amendments and make statements prior to the 4 p.m. vote on passage.

Mr. President, tomorrow, after we finish this bill, I hope to be able to take up the conference report on Interior appropriations if it is available, and I believe it may be, and perhaps the State authorization bill, which is the unfinished business.

I shall have a further announcement in the course of the day, I trust, on further scheduling arrangements in the Senate for this week and next.

Mr. President, if I have any time remaining under the abbreviated standing order, I yield it to the control of the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the majority leader.

Mr. President, I yield to the distinguished Senator from Wisconsin (Mr. PROXMIRE).

Mr. PROXMIRE. I thank the distinguished minority leader.

YES, CAPTAIN BURTON, WE DO NEED A NUCLEAR FREEZE

Mr. PROXMIRE. Mr. President, on October 5, the New York Times published a letter from an Air Force captain named David Burton opposing the nuclear weapons freeze. Captain Burton argued in his letter that the freeze will not work for these reasons:

First. The Russians will not abide by any agreement;

Second. In a head-to-head technological/industrial competition the Soviets would lose. We would win;

Third. Threatened by us with an arms race, which they know they would lose, the Russians will reduce arms;

Fourth. But we have to show we mean business in pushing ahead with the arms race all the way, massively building up our nuclear strength;

Fifth. If the Russians do not reduce their nuclear buildup in the face of this U.S. success in overwhelming them with our more massive nuclear buildup, we will have restored a second-strike capability that will deter any Soviet attack;

Sixth. Nuclear weapons have been the single greatest force for peace that our generation has known. Their existence has made global war utterly unthinkable. So long as both sides have a second-strike capability that has the power to inflict unacceptable losses upon the enemy even after suffering a full-scale first strike, the concept of preemptive first strike is an absurdity.

Captain Burton has well stated the reasoning that lies behind the opposition of many to a nuclear freeze. They see little harm in arms control negotiations—provided the arms control does not go too far. The present arms control talks, for example, that would limit the deployment of intermediate-range nuclear weapons in Europe and even the Reagan proposal to "build down" by only bringing new nuclear weapons into the arsenal if old weapons were retired on some kind of overall reduction basis—these limitations would not prevent the United States and the Soviet Union from continuing the nuclear arms race which Captain Burton assures us we would win. Even the proposed reduction of nuclear warheads on both sides from roughly 10,000 down to 5,000 would permit the nuclear arms race to speed ahead in a different form. It is the freeze that concerns Captain Burton, because the freeze would stop the arms race which he confidently predicts we cannot lose.

Why would not the presently proposed arms limitations—especially the build down and the 50-percent reduction in nuclear warheads—effectively curtail the arms race? Answer: Both these arms control measures would permit and, in fact, encourage continued vigorous research, development, testing, production, and deployment of constantly improving—that is, more deadly and destructive—nuclear weapons. So both sides would continue to build up their nuclear killing power in spite of a numbers game that purported to show weapons reductions.

The very heart of this race to nuclear extermination is the testing of ever more deadly weapons. The freeze would stop this and, in the process, end the nuclear arms race. Captain Burton argues we should not stop this race for two reasons: First, because we will win it. Second, because nuclear weapons are our friends. Captain Burton does not say he loves the bomb, but he does say it has stopped global war. And if we just keep going with this arms race and nuclear buildup, our survivable deterrent and second-strike capability will be so great the Soviets will not dare hit us with a preemptive first strike because we will be able to retaliate with an absolutely devastating second strike.

Captain Burton has spent too much time in his bunker in North Dakota. Our Minutemen missiles which Captain Burton manned are, indeed, vulnerable. But they constitute less than a quarter of our nuclear arsenal. At this moment we already have 75 per-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

cent of our nuclear strike power deployed in invulnerable submarines and bombers. We have been assured by our defense experts that no Soviet strike can eliminate them, and we have been assured that the U.S. nuclear arsenal that would survive a Soviet preemptive strike could absolutely obliterate every city and virtually every significant military target in the Soviet Union. Half the Russian population would be casualties. The Soviet Union, like the United States, would cease to exist as an organized society. What additional second-strike capability does the captain want?

Right now, at this moment, neither side will engage in a preemptive first strike because both sides would not just lose. Both sides would die. We do not need one more nuclear weapon to accomplish that. And, certainly, we do not need the arms race Captain Burton fears that a freeze would stop.

Finally, Captain Burton opposes a freeze because we cannot trust the Russians to keep any agreements. On that score, the captain must oppose the initiatives the President—whose policies he argues he supports—has been working for many months to reach an agreement on with the Russians on the deployment of intermediate nuclear weapons in Europe. If, as Burton believes, they would violate a comprehensive nuclear freeze agreement, why would they not violate the limited nuclear arms agreements President Reagan is negotiating now?

Of course, we cannot trust the Russians. But if we have a verification system on which we can rely, in place, we do not have to trust them. The key achievement of a freeze is that it would stop testing and thus the effective research that lies at the heart of the arms race. Could an agreement to stop testing work? Yes, indeed. How do we know? Because we have had such an agreement in effect with the Soviet Union for 20 years—ever since 1963, stopping testing on land, at sea, in the air, or in outer space—everywhere but underground. Has it worked? Yes. And we have had a 150-kiloton limit on underground testing. The freeze should move to reduce that sharply. Monitoring and verification technology has advanced sufficiently to permit it.

Mr. President, I ask unanimous consent that the letter to the New York Times by Captain Burton be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NO FREEZE, PLEASE

(By David H. Burton, Jr.)

Following are excerpts from a letter that David H. Burton Jr., an Air Force captain, had distributed in his hometown, Lexington, Mass. He sent a copy to President Reagan.

Dear Dr. and Mrs. ——,

I've noticed that you have lent your names and support to the Lexington Committee for a Nuclear Weapons Freeze. I am glad to see that our community is now taking an active interest in this vital matter.

I have also studied Soviet strategic doctrine. I have lived one full week out of every three in a concrete shelter, behind a fence, with my combat-ready, nuclear-loaded embodiment of human genius and failure quietly waiting outside my door in the snows of North Dakota. I have eaten with it, lived with it, and slept with it. One does not come to this position with a blinded eye or heart. Nor does one become immune to the consequences of this mission. To the contrary, one's awareness is dramatically increased during those hours of waiting for the klaxon (is it real or another exercise?).

What then, you may wonder, could so possess a man that he would be ready to inflict such destruction upon his fellow men? Is it some sense of patriotism or chauvinism? No. It is the knowledge that by his very determination, skill and willingness to follow that ultimate command, he is serving the strange principles of the maintenance of Peace on Earth.

Let me state an extremely paradoxical Truth: Nuclear weapons have been the single greatest force for peace that our generation has known. Their existence has made global war utterly unthinkable. So long as both sides have had a "second-strike capability," that is, the power to inflict unacceptable losses upon the enemy even after suffering a full-scale strike, the concept of either a preemptive attack or an attack to further one's political objectives has remained an absurdity. This condition has prevailed from the late 50's.

Advances in technology, as well as a relative neglect of our strategic forces (the B-52's I flew were older than some of our pilots), have upset this fragile balance. We are now entering an era when the greater numbers, destructive capacity, and, most of all, accuracy of Soviet missiles can render a devastating blow on our retaliatory capability. The Soviet perception is shifting, and justifiably toward the concept that they could survive, and even win, a nuclear war. There is nothing that could make their leaders happier than freezing the current strategic situation.

What, then, are we to do? The first step is to recognize that the opposing side has vastly different objectives. They need not be responsive to the demands of their people; they can manipulate those demands through their societal controls. They will make promises only when the making serves the State, and break them for the same reason.

With the Soviets, you bargain from a position of strength, or you lose the negotiation. Unlike the U.S., the leadership in the U.S.S.R. seldom changes and their objectives have never changed. What was true during the Cuban Missile Crisis is true today: The Soviets will be bluffed only when you're not bluffing.

While a freeze of the current situation may be desirable from the Soviet point of view, what's to motivate them to reduce their nuclear capability? The Soviet Union cannot afford another high-tech round in the arms race. They recognize that in a head to head technological/industrial competition they would lose despite multibillion dollar efforts. If nuclear arms reduction were clearly the only alternative to an arms race, it is extremely likely, in the present economic, technological, and political climate, that they would choose it.

Thus, we must show that we are not bluffing. We must vigorously pursue the President's arms program to restore our second-strike capability or we can forget meaningful limits to nuclear weaponry, much less reductions. Ironically, during this pursuit it will be our fervent prayer that the millions in research, design, and test funds will have been "wasted" because the Soviets found our resolve to be credible. Of course they'll probably wait until we're ready to deploy the first new system before their first meaningful concession is made but serious and meaningful reductions and a safer world for our families will result from our resolve.

Consider the worst-case result of this strategy: If this strategy should fail, we'll still have accomplished an important, though less ideal, goal. We'll have restored that stabilizing condition known as second-strike capability. The expense would continue, but we'd have done our part, for a while longer, to insure the security of the free world. On the other hand, the worst-case result of the freeze strategy is the fruition of your greatest fears. A freeze is the easy way out. It is free, and it is expedient, and so it appeals to the frustrated souls who share the strong gut feeling that something must be done. But it totally ignores the political and military realities. It even increases the risks that it is meant to reduce.

DARK DAYS FOR SRI LANKA

Mr. PROXMIRE. Mr. President, in July and August of this year, newspapers across the country carried disturbing stories of racial tension in the island-nation of Sri Lanka. The more immediate and sensational events of the past months have pushed this story out of public view and relegated what should be a matter of international concern to the back pages. This is disturbing for several reasons.

First of all, it is unsettling to see signs of overt oppression in any nation, and in Sri Lanka there is substance of these signs. Since becoming independent in 1948, the Sinhalese majority has made a perceptible move to reduce the political, economic, and social power of the Tamils, a minority which makes up about 20 percent of the nation's population. In the latest crisis, the Government of Sri Lanka moved to ban the opposition parties, effectively eliminating whatever say the Tamils may have had in the administration of the island. Stories critical of the majority Government have been regularly censored, and the restrictions on foreign journalists are being tightened. Stewart Slavin, the West Asia manager for UPI, was expelled for transmitting a story censors rejected, and Colombo hotels have been ordered not to let foreign correspondents use their telex machines.

More importantly, the Government may have condoned human rights violations while this political oppression was taking place. An Amnesty International report published last May charged the Government of Sri Lanka with adopting "far reaching measures that curtail fundamental rights * * *" Rajiv Desai, a Chicago-based writer, calls the report "a grim account of

summary arrest, detention, and torture by police and security forces against the Government's opponents." In the most recent wave of violence, more than 200 people, mostly Tamils, have lost their lives.

It is this violence that is most disturbing to me, Mr. President, because it is coupled with alarming reports of official control and premeditation. Some accounts contend that rioters went from house to house in Colombo, using election records to find where each Tamil lived. The possibility of tacit Government support of this recent wave of antiminority violence has stirred fears of genocide. The turmoil that left 50,000 people homeless and several hundred dead lends credibility to these fears. At the very least, it lends credibility to Mr. Desai's charge in the Chicago Tribune on August 23, 1983:

> The Government has either misunderstood or cynically ignored Sri Lanka's real problem: the conflict between the Sinhalese and the Tamils, the two major ethnic groups on the island.

Mr. President, rhetoric can be used to disguise the oppression of a particular group, but the international community should be able to recognize such oppression when it occurs. More importantly, the world community should be ready to react. Ratifying the Genocide Convention would demonstrate this country's support for that international response. It would provide a concrete foundation on which to base the superstructure of human rights.

I sincerely hope that fears of genocide in Sri Lanka prove unfounded. The resolution of this particular conflict, however, will not mean an end to human rights violations in general, or fears of genocide, specifically. By ratifying the Genocide Convention, though, the United States can take a positive step toward laying those fears to rest.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of routine morning business.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

NUCLEAR SAFEGUARDS AND SECURITY

Mr. THURMOND. Mr. President, earlier this year, my distinguished colleague from Arkansas, Senator BUMPERS, placed an article entitled "Breeders, Plutonium and Nuclear Weapons" in the CONGRESSIONAL RECORD. I now bring that article to the Senate's attention again, since I was concerned by its assertion that breeder reactors could lead to widespread proliferation of nuclear weapons because it is technologically impossible to safeguard plutonium. I was especially struck with one quote regarding a facility located in my State of South Carolina. The article stated that: "One facility, the Savannah River Reprocessing Plant, a weapons facility operated by the Government, had a net shortage of 320 pounds plutonium during its operating lifetime from 1955 to 1972." Clearly, the reader is led to believe that enough plutonium to make over 20 nuclear bombs has been diverted or stolen from the Savannah River plant site. As a result of my concern over this startling allegation, as well as others noted in the article, I sought expert advice.

First, I asked the Department of Energy to explain the shortage of plutonium at the Savannah River plant site as noted in the article. I ask unanimous consent that my letter to Mr. Herman Roser, Assistant Secretary for Defense Programs at the Department of Energy and his response thereto be placed in the CONGRESSIONAL RECORD at the conclusion of my remarks. Clearly, the DOE response denies the allegation that any plutonium from any of this Nation's defense production facilities, including the Savannah River plant, has ever been diverted or stolen, despite the fact that very large quantities of plutonium necessarily have been produced, processed, and transported in our national defense weapons complex for some 40 years.

Next, I asked a nuclear safeguards expert, who is widely known and respected, nationally and internationally, to review the entire text of the Nuclear Control Institute article and report to me his findings. That expert, Mr. J. M. de Montmollin, has worked in the safeguards area for approximately 10 years, has written numerous publications in this field, and serves on several national and international safeguards and nuclear proliferation committees. I will not reiterate here the numerous deficiencies in the article as noted by Mr. de Montmollin, because I believe his response speaks for itself. Mr. President, I ask unanimous consent that the text of his statement be placed in the CONGRESSIONAL RECORD following my remarks. I would note that the comments of Mr. de Montmollin are particularly timely and appropriate, in view of the upcoming debate on the Clinch River breeder reactor.

Mr. President, although I continue to be an advocate of the wise use of nuclear power, my purpose in addressing the Senate today on this subject is not to speak in support of breeder reactors, nuclear weapons production, or any other nuclear proposal or position. Rather, I simply wish to correct the RECORD in this matter. It goes without saying that Congress has a responsibility to clearly differentiate nuclear issues and to make policy decisions based on facts. The nuclear issues we face today are difficult, controversial, and a proper subject for different perspectives and spirited debate. As the debate proceeds, however, it is important that all participants in the debate verify their facts and resist the temptation to exploit public fears and misconceptions. Ours is a heavy responsibility. Congress must address the political issues of the day—including nuclear issues—and formulate the policies which will guide this great Nation. The American people can only be well served when their elected leaders make sound, well-reasoned decisions, based on careful analysis of complete, factual information.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PRESIDENT PRO TEMPORE,
U.S. SENATE,
September 28, 1983.

Hon. HERMAN E. ROSER,
Assistant Secretary for Defense Programs, Department of Energy, Washington, D.C.

DEAR MR. ROSER: I am writing you with regard to the safeguarding of plutonium within the Nation's weapons complex. In particular, I would like the answers to the following questions:

(1) Is the statement from the attached article entitled "Breeders, Plutonium and Nuclear Weapons" by the Nuclear Control Institute that ". . . the Savannah River Plant had a net shortage of 320 pounds of plutonium during its operating lifetime from 1955 to 1972" accurate? Please explain.

(2) Is there any evidence that plutonium has been diverted or stolen from the Savannah River Plant since it began operations?

(3) Is there any evidence that plutonium has been diverted or stolen from any of this Nation's weapons complex facilities since they began operations?

Thank you for your prompt attention to this matter, and with kindest regards and best wishes,

Sincerely,

STROM THURMOND.

DEPARTMENT OF ENERGY,
Washington, D.C., October 5, 1983.

Hon. STROM THURMOND,
President pro tempore of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: In response to your letter dated September 28, 1983, in cooperation with the Savannah River Plant, our answers to your three questions follow:

1. Savannah River plutonium inventory differences approximate 320 pounds during the period 1955 to 1978, not 1972, as stated. This does not represent an actual loss of plutonium because the major cause of these inventory differences is differences in the theoretical calculation of plutonium produced and that actually recovered. Difficulties in measurements and estimates of the plutonium content of scrap to be processed through the recovery plant and the plutonium actually recovered plus small changes to the unmeasurable plant material holdup ac-

count for the remaining inventory differences.

2. and 3. There is no evidence that any significant amount of plutonium has ever been diverted or stolen. This is based on analyses of inventory differences for the Savannah River Plant and other DOE weapons complex facilities, together with the absence of physical indications of any theft attempt.

In addition to the accounting records and reports of all transactions and physical inventories, these materials receive controls by custodial responsibilities, shift-to-shift cross-checks, and special physical protection of the facilities where the materials are held. To further strengthen safeguards and security, there is a significant upgrade program underway at Savannah River which includes additional guards and instrumentation to detect any intrusion or removal of special nuclear materials.

Your interest in our safeguards program to adequately protect and control nuclear materials is appreciated. If you have any additional questions or need further information, please let me know.

Sincerely,

HERMAN E. ROSER,
Assistant Secretary
for Defense Programs.

THE CLINCH RIVER BREEDER AND NUCLEAR PROLIFERATION

The debate over the Clinch River Breeder Reactor has been long and heated. The outcome and the fate of the entire U.S. breeder program are of far-reaching import for the country's future energy-policy options; hence, there is a critical need for reasoned and rational debate.

Unfortunately, the Clinch River issue has become one of many battlegrounds in the long war between supporters and opponents of nuclear power. Opponents have perceived that the CRBR decision is a milestone action that offers an opportunity to block the growth of nuclear power beyond the once-through fuel cycle in the current generation of light-water reactors. Among the forces that they have deployed in the battle is the charge that the CRBR would increase the risk of the spread of nuclear-weapons to other countries. Since there is widespread and genuine concern over nuclear weapons, many of those opposed to the CRBR for whatever reasons seek to reinforce their opposition by trying to show a close connection to the proliferation problem, and by painting a frightening picture of thousands of nuclear bombs springing forth from the breeder fuel cycle. They do a grave disservice to the cause of public understanding and rational decision-making with their sweeping assertions, fear-mongering. often-inaccurate statements, and quotations out of context.

A case in point is a paper published by the Nuclear Control Institute, a lobbying group opposing nuclear power, that was inserted in the Congressional Record (April 20, 1983, p. 9102). It purports to be a well-documented study, citing 24 references and liberally sprinkled with seemingly authoritative statements and numbers. A careful examination of the paper shows that the claimed close connection between proceeding with the CRBR and the conjured images of thousands of bombs in irresponsible hands rests only on the unfounded assertions and rhetoric of the author. Both issues—the CRBR and nuclear proliferation—are of great importance. Rational and responsible decisions in both areas are jeopardized by the resort to deliberate distortion and propaganda tactics.

The article begins with a reported unofficial quotation from an unnamed "senior IAEA official", implying that the Agency will be unable to keep track of "thousands of tons" of plutonium used for peaceful purposes. The words are chosen so as to suggest that such quantities might be diverted and escape detection, which is absurd. Serious discussion of important policy questions should not be distorted by second-hand reports of alleged unofficial statements attributed to anonymous individuals; there is enough reliable information available for the issues to be thoroughly aired.

Nowhere in the paper is a cause-and-effect relationship between the CRBR decision and the risk of further proliferation established. Instead, we are showered with frightening estimates of how many thousands of nuclear bombs could be made with the world's potential stocks of plutonium. We will continue to lose ground in trying to manage nuclear energy unless we address the real world: there will be plutonium-fueled reactors, and whether the CRBR is built or not, the decision will have no real impact outside the US on either the quantity of plutonium or its use. France, Japan, the Soviet Union, the UK, the Federal Republic of Germany, Italy, and Switzerland, among others, either have major breeder programs of their own or are partners in joint ventures with others. Those decisions will be made by other countries in their own interests, principally on economics and assured-supply grounds. It is indeed strange that groups such as this one claim, at the same time, that plutonium fuels are uneconomic and that there will be thousands of reactors using them.

As nuclear opponents often do, the author blurs the distinction between the separate problems of protection against individuals or small subnational groups, and the acquisition of nuclear weapons by non-weapon states. "Proliferation" by any reasonable and common usage includes only the latter, and that is purported to be the subject of the paper. Physical protection against outlaw groups is a national responsibility, over which the IAEA has no jurisdiction. The Agency has, however, taken a very active role in the promotion of high standards of protection. It should be apparent that, since the industrial operations that produce nuclear weapons have been adequately protected for the past 40 years without serious incident, appropriate measures can provide the necessary protection for plutonium fuel operations. Likewise, plutonium in various forms ranging from bulk materials to complete weapons have been transported under adequate physical security during that time, without loss or threating situation. The problem of proliferation is quite different: measures to control it are necessarily based on persuading countries to abstain from weapons-related activities, and to accept international inspection to verify that they do so.

The breeder fuel cycle provides a means for reaching an equilibrium in plutonium production and use, with all fuel plutonium either in reactor cores or committed for reload in order to keep the reactors operating. Present reactors on a once-through fuel cycle generate continually-increasing quantities of plutonium, which, from the proliferation standpoint, is potentially available to a country for weapons even though it may be stored as spent fuel.

There is little point in calling attention to each of the factual errors and distortions in the paper; a few will suffice to illustrate the point. It is claimed that more than 6500 pounds of plutonium is discharged from each 1000-Mw breeder reactor each year, implying that the world quantity of plutonium grows by that amount. The fact is that almost 90 percent of the plutonium is recycled back into the reactor, and the net production of plutonium is actually less in a breeder than in the light-water reactors presently in operation. The breeder provides a means of absorbing plutonium stocks in a tightly-coupled fuel cycle, the continued operation of which depends on reloading it into the reactors.

It is asserted that the plutonium content of LWR spent fuel cannot be estimated to better than plus or minus ten percent. The point is irrelevant. The plutonium cannot be extracted without destroying the fuel assembly, and hence for safeguards purposes it is necessary only to assure that all assemblies are intact and accounted for. The IAEA does that routinely for the thousands of assemblies that are under safeguards, without incident.

The further assertion is made, without citing any source, that plutonium in reprocessing plants can be accounted for only to within plus or minus five percent. The IAEA states that the uncertainty expected for closing a plutonium material balance at a reprocessing plant is about two percent for reprocessing and one percent for fabrication (IAEA Safeguards Glossary, IAEA/SG/INF/1, 1980, par. 100).

A Scientific American article is cited as projecting about 1,500 breeders of 1,000 Mw each in operation 50 years from now. (Wolfgang Sassin, "Energy", Sci. Am., Sept. 1980, p. 119.) No such statement appears in the article, which reports a comprehensive study on energy prospects. If the Nuclear Control Institute had read the article more carefully, a point of more relevance to the CRBR question would have been immediately apparent. The article points out the need for sustainable energy sources, principally the breeder, and the urgency of proceeding with its development:

"The diversion of this much coal for synthetic fuel production from electric power production will in turn have to be partly compensated for by further penetration of nuclear power into the market for generating electricity. Because of anticipated resource limits on the supply of natural uranium, breeder reactors will assume an ever-increasing share of the world energy-supply market from the year 2000 on. Renewable energy sources, hydroelectric power, and geothermal power will add up to a fairly constant share of somewhat less than ten percent of the total energy supply, an estimate that implies a substantial increase in the absolute power-generation levels for all these comparatively minor supply categories. . . .

". . . in short, the transition to sustainable energy sources such as breeder reactors, direct solar power, and fusion power might well become more difficult with time. . . . It will never be a minimum-cost operation. . . . The transition . . . cannot be put off to an era when the globe will have nearly exhausted its one-time energy endowment."

Of the three sustainable sources, only the breeder offers high assurance of providing a significant fraction of the demand beginning no more than 25 years from now. More than half that length of time is required to put a present-day reactor on line. We can ill afford to foreclose the breeder option by continued controversy over the development

program, fueled by spurious arguments on all fronts that raise unwarranted and misplaced concerns. The CRBR question should be addressed dispassionately; the issue is its role in a continuing program of energy development that is vital to our national interests.

PEOPLES DRUG STORES' PUBLIC SERVICE

Mrs. HAWKINS. Mr. President, I would like to take this opportunity to commend a local business for its timely efforts to combat drug abuse in this country. Peoples Drug Stores, a local chain of pharmacies, has recognized and filled a very great need in this country to educate parents and children about the hazards of drug abuse. Working with the National Institute on Drug Abuse, Peoples Drug Stores have published a series of pamphlets entitled, "Your Kids and Drugs: Spot It/Stop It."

These colorful pamphlets, published at Peoples Drug Stores' own expense, are distributed free at branch stores in the area. They cover a variety of topics and are written in nontechnical, easy-to-understand language. On the back of each pamphlet is a list of the names, addresses, and "hotlines" of national organizations dedicated to combating drug abuse in this country. Peoples Drug Stores have provided the people of this area with a very valuable public service.

I have always believed strongly that private sector involvement is necessary to solve many of society's problems. Government intervention alone is not enough. In our fight against youthful drug abuse, we must call upon all sectors of the American economy—public, private, and nonprofit. In many cases, the business leaders of this country are best suited to finding solutions to the community's problems. The employees of Peoples Drug Stores have recognized and set out to meet their responsibilities to the community. I commend them for their generosity and good will.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of five of the informational pamphlets on drug abuse published by Peoples Drug Stores.

There being no objection, the pamphlets were ordered to be printed in the RECORD, as follows:

YOUR KIDS AND DRUGS—SPOT IT AND STOP IT

As parents, you face the constant challenge of keeping informed on the various drugs that can harm your children, so you can more effectively guard against them.

What follows are brief descriptions of eight dangerous drugs, their effects and other useful information.

1. PCP (PHENCYCLIDINE)

Commonly known as "killer weed", "green", or "angel dust," PCP can have devastating effects on your child. Usually smoked in tobacco, marijuana cigarettes, or sprinkled on parsley, PCP is sometimes sold on the street as "Super Pot". It is a drug that can distort reality so drastically for users that symptoms can closely resemble mental illness. Users can become violent and destructive towards themselves and others. Death can ultimately result from overdose or accidents that occur while the user is under the influence of the drug. Some abusers have drowned in shallow ponds or burned to death in fires, because PCP actually blocked their ability to feel pain.

2. LSD (D-LYSERGIC ACID DIETHYLAMIDE)

Also a hallucinogen that distorts reality, LSD is most commonly known as "acid". It is a liquid that is usually swallowed, often after having been placed in a sugar cube or blotter paper. Users can suffer from wide mood swings, and can feel fear, nausea and other forms of extreme discomfort. Results can be so severe that complete emotional breakdown can occur.

3. MESCALINE

Derived from peyote, a cactus that grows in the southwestern part of the United States, mescaline is a mind-altering hallucinogen. Sometimes called "mesc" or "cactus," mescaline is usually swallowed directly in thin slices or boiled in water, which is then drunk. Users go into a dreamlike state, with heightened sensations and a feeling of unreality. They run the risk of suffering emotional breakdowns.

4. BARBITURATES

Pentobarbital, secobarbital are all classed as barbiturates—depressants which have a general depressant effect on the central nervous system of the user. They go under a wide variety of names, such as "barbs," "downers," "yellow jackets", "red devils" and "blue devils". Usually swallowed in pill or capsule form, barbiturates calm tensions and relieve anxiety, so they can quickly lead to dependency. Heavy doses can impair judgement, cause drowsiness and confusion, and noticeably slur speech. People with barbiturate dependency should only attempt withdrawal under a doctor's care. Withdrawal from barbiturates can be even more dangerous than withdrawal from heroin. Overdoses can result in death, and the risk is greatly increased when barbiturates are taken with alcohol.

5. QUAALUDES (METHAQUALONE)

"Ludes", as they are commonly called, produce similar results in the body as barbiturates. Quaaludes produce drowsiness and interfere with mental processes and coordination. Overdoses can lead to unconsciousness, lung and heart failure, and death.

6. HEROIN

Also called "smack", "junk", or "horse", heroin is an extremely addictive drug that usually comes in the form of a white powder that is either injected after dissolving, or sniffed into the nostrils. The drug affects the central nervous system, reduces the ability to feel pain, depresses the respiratory system, and causes drowsiness. Once the user is addicted, withdrawal is terribly difficult. Heroin overdose can lead to coma—or death.

7. AMPHETAMINES

This is the general term used for amphetamine, dextroamphetamine and methamphetamine—stimulants which affect the central nervous system. They are also called "speed", "uppers", "pep pills" and several other names. Amphetamines are swallowed in pill or capsule form, or injected. Their general effect is exaggerated activity, irritability and nervousness.

An excessive amount may even produce symptoms of paranoia. Hallucinations are common. Some abusers can remain awake continuously for as long as six days . . . but the "crash" that occurs when the drug wears off can be devastating, danger of suicide exists. Overdoses can result in death.

8. INHALANTS

Substances that are abused by sniffing fall under the category of inhalants. These include gasoline, airplane glue, paint thinner, dry cleaner solution and others. The central nervous system is affected by the chemical fumes from inhalants. A euphoric high can be produced seconds after sniffing. Abusers can suffer impaired judgement and poor motor coordination. They can become abusive and violently dangerous to themselves and others. Since inhalants are so easy to acquire, they are particularly hard to control. Brain damage, and damage to the liver, kidneys and bone marrow are often the result of prolonged abuse of inhalants. Inhalants may produce irregular heartbeat and death by arrhythmia. Sometimes death by anoxia, or loss of oxygen, can occur.

WHAT PARENTS CAN DO

As a part of Peoples Drug Stores' new program, "Your Kids And Drugs. Spot It/Stop It", the pharmacists at Peoples have prepared a series of informative, free pamphlets. Once parents are better informed through these pamphlets, they will be better able to prevent their children from using drugs.

In addition to "Eight More Dangerous Drugs You Should Know About", pamphlets are also available on marijuana, cocaine, alcohol, how to spot drug use, and how to protect your child from drug use. This last pamphlet includes the phone numbers and addresses of several parent-help organizations. These organizations are excellent sources of help for parents.

PARENTS CAN DO SOMETHING ABOUT IT

The people who can do the most to help today's kids keep off drugs—are today's parents. They're in the best position to spot drug use and stop it. All across the country, there are growing numbers of success stories about parents who made a dedicated, persistent effort to keep their children drug-free. And it worked.

The first step for you to take is to learn about drugs. Here, Peoples Drug Stores can be a big help. As a part of our new program, "Your Kids And Drugs. Spot It/Stop It", the pharmacists at Peoples have prepared a series of informative, free pamphlets.

They're especially written to give parents the information they need to fight today's drug problem. This pamphlet, the first in the series, will help parents recognize the signs that might mean their kids are getting into drugs.

START EARLY

Parents should begin discussing the dangers of drug use with their children when they are at age nine or ten—to help prevent drug use from ever starting. Early support from parents is a key factor in helping kids make the right decision on drug use. By the time kids are in junior high school, peer pressure may already be strong to use drugs.

SIGNS OF DRUG USE

It's not easy to tell if your child is using drugs. But, there are signs to watch for. Marijuana, for example, can cause red, bloodshot eyes. There are also certain changes in behavior that may mean a drug problem. Parents shouldn't be too quick to jump to conclusions, though. Adolescence

can bring on many of the same changes in behavior as drug use. So it's up to the parents to find out the reason behind a child's behavior. Is it drugs . . . or just growing up?

PHYSICAL EVIDENCE

Finding drugs in the child's possession, in the house, or car, is one of the most obvious signs of a drug problem. Drug paraphernalia, such as cigarette papers or pipes, is also an indication of use. Because marijuana causes reddening of the eyes, sunglasses may be worn, or eyedrops used. Marijuana leaves a sweet, smoky odor in a room or in clothes. To hide the smell, deodorizers or incense may be used. Marijuana use can result in coughs or bronchitis. When cash or valuable possessions begin to disappear, it can mean that money is needed to buy drugs.

LOOK FOR THESE CHANGES IN BEHAVIOR

Acting more secretive, irritable, even hostile. Becoming alienated from the family. Acting depressed, apathetic, and less motivated.

Spending a lot of time with a new group of friends. Being reluctant to talk about these new friends.

Acting more forgetful, less able to think fast. Increasing appetite from marijuana use (known as "the munchies").

Declining performance or attendance at school.

WHAT PARENTS SHOULD DO

If you notice the changes in behavior listed above, parents should take steps to find out if drug use is the cause. Talk with your child about his or her problems. Talk about drugs and drug use among peers. Get to know your children's friends.

If you suspect drug use, tell the child you cannot allow it to continue because of the physical and mental dangers of drugs. Be understanding that the child may be under strong peer pressure to use drugs. But be firm that the drug use must stop. Try to find ways that you can help your child resist pressure to use drugs. If the problem is too much for you to control, however, don't be afraid to seek professional help.

PEOPLES WANTS TO HELP PARENTS

Today, one out of every three kids in America tries illegal drugs. To help parents be better informed so they can better fight the drug problem, Peoples Drug Stores now has pamphlets available that give the latest facts on the dangers of marijuana, cocaine, alcohol, and other drugs, and a pamphlet that tells parents how to protect their children from drug use. They're available at the prescription counter of every Peoples Drug Store, along with this pamphlet on spotting drug use.

Once parents are well-informed, they'll be better able to sit down with their children and talk about the drug problem. And it's this kind of honest, open discussion, where parents are able to give the straight facts on drugs, that can give kids the help they need to steer clear of drugs.

WHERE PARENTS CAN TURN FOR HELP

Your state or local drug or alcohol abuse authority will be able to tell you where to find professional help in your area, if you find that you need assistance in controlling a drug problem. Many parents have found that they can be very successful in keeping their children drug-free by working together with other concerned parents in their community. These parent groups can be found in almost any neighborhood across the country. To find out more about parent groups, contact these organizations:

IDENTIFYING THE DRUG

Marijuana—also called pot, grass, dope, or weed—is the greenish-brown dried leaves, small stems and flowering tops of the plant Cannabis Sativa. Over 400 different chemicals are found in marijuana. The primary mind-altering ingredient is called THC. Before 1970, most marijuana had about 0.2 percent THC. Since 1979, the average THC content has risen to about 4 percent. A specially cultivated variety, called sinsemilla, can be up to 10 percent THC. Hashish and hash oil are processed forms of marijuana, with THC levels of up to 10 to 20 percent.

ITS USE

Marijuana is usually smoked in cigarettes called joints, in pipes, or in water pipes called bongs. It can also be eaten. The effects of the drug differ for different people, often depending on the mood they are in or their expectations of the effects. Almost immediately after smoking the drug, most people experience a euphoric feeling, similar to being mildly drunk. Some of the more noticeable physcial effects include a reddening of the eyes, an increase in the rate of the heart beat, and often an increase in appetite. Noticeable mental effects include an altered sense of time and difficulty in concentrating. Short term memory is affected. A person on marijuana may forget what happened a few minutes or even seconds after it happens. Psychomotor function is affected, delaying reaction time.

BIOLOGICAL DANGERS

In the early 1970's, very little scientific research was available on the biological effects of marijuana. Because its dangers were not known, some people claimed marijuana use was less harmful than alcohol or cigarette use, both of which were known to have potentially harmful effects.

Today, there is growing scientific proof that marijuana use has these health hazards:

THC, which is fat soluble, accumulates in the fatty tissues of the body such as the brain and sex glands. The body can only eliminate it at a very slow rate. Traces of the THC from one joint can remain in the body as long as three weeks.

Research shows that marijuana use may cause lower levels of male and female hormones, and a temporary loss of fertility for both men and women. Women may have irregular menstrual cycles. And when marijuana is used during pregnancy, premature babies and low birth weights may result. Marijuana use may be especially harmful during adolescence because this is a time of such rapid physical and mental development.

Marijuana smoke can be much more harmful to the lungs than tobacco smoke. A marijuana user will inhale more deeply and hold the smoke longer in the lungs. Increased irritation and damage result. Although both marijuana smoke and tobacco smoke contain many of the same ingredients which cause cancer and emphysema, even more cancer-causing agents are found in marijuana smoke. Research studies show that cancer can be a result of continued marijuana use for several years.

PSYCHOLOGICAL DANGERS

The psychological effects of regular marijuana use are just as serious a concern as the biological effects. Eventually, regular marijuana users experience increased apathy, lack of motivation, and impaired judgement, concentration, and memory. The chronic user, however, is usually unaware of any change of personality. For people who already have emotional disorders, marijuana use can result in serious mental problems. One of the most serious concerns is with adolescent users. Marijuana use interferes with emotional growth and personality development. Kids need to learn how to deal with stress and conflicts, instead of escaping problems with marijuana use.

If you find marijuana or its paraphernalia in your child's room, don't buy excuses such as, "It's not mine. I'm only holding it for a friend". Parents must be willing to accept the possibility that their child may be a marijuana user. And if a drug problem is evident, parents must take the responsibility to seek help for the child.

WHAT PARENTS CAN DO

As a part of Peoples Drug Stores' new program, "Your Kids And Drugs. Spot It/Stop It", the pharmacists at Peoples have prepared a series of informative, free pamphlets. Once parents are better informed through these pamphlets, they'll be better able to prevent their children from using drugs.

In addition to "The Dangers Of Marijuana", pamphlets are also available at the prescription counter of every Peoples Drug Store on alcohol, cocaine, other illegal drugs, how to spot drug use, and how to protect your child from drug use.

OTHER SOURCES OF HELP

In some cases, parents may need outside help to control a drug problem. Your state or local drug and alcohol abuse authority will be able to tell you where to find professional help in your area. Many parents have found that they can be more successful in keeping their children drug-free by working together with other concerned parents in their community. These parent groups can be found in almost any neighborhood across the country. To find out more about parent groups, contact these organizations:

National Federation of Parents for Drug-Free Youth, 301-649-7100.

Pride (National Parents' Resource Institute For Drug Education), 1-800-241-9746.

National Clearinghouse for Drug Abuse Information, Dept. PD, P.O. Box 1908, Rockville, Md. 20850.

INCREASING POPULARITY

While surveys show a decline in the use of some drugs, cocaine use is increasing rapidly. Its high price and popularity with rock music performers, sport and movies stars has made cocaine the latest status symbol. Some business executives and professionals who would never use other drugs make an exception with cocaine because they think it's harmless. But this is not true. Cocaine use has many dangers.

WHAT IS COCAINE?

Cocaine comes from the leaves of the coca plant, which grows in South America. It is processed and then sold on the streets as a white powder. Because it is so expensive, it is usually mixed with other substances that resemble cocaine. People often pay $100 or more for a gram of cocaine, and from 50 to 95 percent of it is a substance other than cocaine.

Cocaine is usually "snorted", or sniffed, through the nose. It can also be injected, or it can be smoked through a process called "freebasing".

THE EFFECTS

The drug takes effect quickly, especially if injected or freebased. The user soon feels more energetic and slightly euphoric. Appe-

tite diminishes. But the "high" lasts for a very short time, and is followed by a "down" feeling of equal intensity to the high. Users will often take cocaine repeatedly to experience the high again and to avoid this depression.

Repeated use can lead to tremendous cravings for the drug. In laboratory tests with monkeys who could administer a dose of cocaine by pressing a lever, the animals would take the drug until they die of exhaustion or starvation—even with food available in their cage.

IN THE 19TH CENTURY

The current popularity of cocaine is nothing new. About a hundred years ago, cocaine was claimed to be a "miracle drug", and was prescribed for treating a wide assortment of physical and mental problems. It was even included in many "patent medicines". Sigmund Freud, the founder of psychoanalysis, enthusiastically praised the drug. He experimented with it on himself and his patients. Later, however, when a patient died and problems of psychosis and dependency became evident, Freud had to retract his recommendations. As the dangers of cocaine were realized, national and international laws were established to limit the use of cocaine to medical applications only, such as use as a local anesthetic.

PHYSICAL EFFECTS

People who snort cocaine frequently develop nasal problems. A stuffy nose may be the first symptom. Later, heavy users may develop ulcers in their nose or perforations of the septum—holes in the cartilage separating the nostrils.

People who use cocaine regularly develop a tolerance to the drug, and need to increase their dosage to get the same effect the drug once had.

Physical symptoms of heavy use may include cold sweats, dizziness, chest pain, heart palpitations, vomiting, uncontrollable trembling, insomnia, and weight loss. Increasing numbers of cocaine overdoses are being reported. Deaths are a result of multiple seizures followed by heart and lung failure.

PSYCHOLOGICAL EFFECTS

Paranoia is a common symptom of heavy cocaine use, along with anxiety, depression, and confusion. Visual and auditory hallucinations can occur. Tactile hallucinations have also been reported, where users believed that insects were crawling beneath their skin. If the drug is used in high dosage, psychotic symptoms can result.

A GROWING CONCERN

With the increasing use of cocaine by young people, and the popular misconception that the drug is harmless, concaine use poses a serious danger. Cocaine creates a tremendous psychological need. Many people have ruined their lives trying to support this dependence.

To help parents fight the current drug problem, the pharmacists at Peoples Drug Stores have prepared a series of informative, free pamphlets as a part of Peoples' new program "Your Kids And Drugs. Spot It/Stop It". Along with this pamphlet on cocaine, other pamphlets on alcohol, marijuana, other illegal drugs, how to spot drug use, and how to protect your child from drug use are available at the prescription counter of every Peoples Drug Store.

Learning about drugs, and sharing this information with your children, is a good first step for parents to take. Peoples' informative pamphlets can be a big help.

OTHER SOURCES OF HELP

In some cases, parents may need outside help to control a drug problem. Your state or local drug or alcohol abuse authority will be able to tell you where to find professional help in your area. Many parents have found that they can be more successful in keeping their children drug-free by working together with other concerned parents in their community. These parent groups can be found in almost any neighborhood across the country. To find out more about parent groups, contact these organizations:

National Federation of Parents for Drug-Free Youth, 301-649-7100.

PRIDE (National Parents' Resource Institute For Drug Education), 1-800-241-9746.

National Clearinghouse for Drug Abuse Information, Dept. PD, P.O. Box 1908, Rockville, Md. 20850.

Most kids will face a drug-taking decision, and their parents won't be anywhere in sight. Because illegal drugs are readily available almost anywhere they go. And peer pressure can be very strong for them to use drugs. It's up to the parents to take responsibility for keeping their children drug-free . . . however difficult the task may prove to be. But through persistence, determination, and complete commitment, parents can win the fight against teenage drug use.

FIRST, LEARN THE FACTS

In the late '60's, when the crisis of youth drug use began to emerge, information about the effects of illegal drugs on the human body was hard to find. Today, there are a number of sources for parents to turn to for up-to-date facts. In addition to the Peoples series of drug pamphlets, there are parent groups and other organizations that offer additional literature. Learning the facts is an important first step for parents. Once you are well informed about drugs, you will be better able to sit down with your children and talk about the drug problem—which is the next step to take.

TALK WITH YOUR CHILDREN

Parents should begin discussing the dangers of drugs with their children starting when they are as young as nine or ten. Although most children will have some knowledge of the subject, much of it is likely to be misinformation. It's up to the parents to set the facts straight and express their disapproval of drug use. Before the time kids enter high school, they will have to make the decision whether or not to use drugs. Parental influence is an important factor in helping them say "no" to drugs. So it's imperative that parents keep an open line of communication with their children, set limits and controls, and provide a loving, supportive family life.

Talk with your children often about the drug problem. Give them the facts about the scientifically-proven dangers of drug use. But be sure to listen to what they have to say about drugs, too . . . about the scope of drug use in their school, at parties, and peer pressure to use drugs. Honest, open, two-way discussions like these can be a tremendous help to your children.

TAKING ACTION

For some kids, learning about the dangers of drugs will be enough to stop them from using drugs. Others may choose to use drugs no matter what they are told. For these kids, it's up to parents to take a firm stand against drug use. The best way to help your child may depend on the circumstances. Parents should tell their children, in a straightforward manner, that they cannot allow drug use to continue because of the many physical and mental dangers. Be firm in your commitment to stop the drug use, but also be understanding of the peer pressure your child may be under to use drugs. Try to find ways to help your child resist this pressure.

If drug use continues, grounding the child may be a good disciplinary action, as it gives the parents a chance to talk more with the child, and it may also work to separate the child from peer pressure to use drugs. If necessary, however, parents must not be afraid to seek professional help. There are federal agencies, community mental health centers, and parent groups that can be of great assistance. To find professional help in your area, contact your state or local drug and alcohol abuse authority.

PARENT GROUPS

The most dramatic progress in the fight against the youth drug problem has come with the formation of parent groups. All across the nation, thousands of parents have joined together in community groups ranging in size from three or four parents to much larger numbers. No matter where you live in the country, chances are, there is a parent group active in your neighborhood.

Most of these groups were started through the help of one of several national organizations. These organizations include: The National Federation of Parents for Drug-Free Youth; and PRIDE (National Parents' Resource Institute for Drug Education).

To find out more about these parent groups, to get in contact with a parent group in your area, or to get help in forming your own parent group, contact these organizations:

National Federation of Parents For Drug-Free Youth, 1820 Franwall Avenue, Suite 16, Silver Spring, Md. 20902, 301-649-7100.

PRIDE, Robert W. Woodruff Building, Suite 1216, 100 Edgewood Avenue, Atlanta, Ga. 30303, 1-800-241-9746.

National Clearinghouse for Drug Abuse Information, Dept. PD, P.O. Box 1908, Rockville, Md. 20850.

DON'T GIVE UP

When parents try to stop a child from using drugs, they are often met with great resistance, resentment, and hostility. Parents must not back off, though. The dangers that drugs present—biological damage, psychological damage, and a lowered potential for a successful future—are well worth every effort a parent can make to keep their children drug-free.

As a part of Peoples Drug Stores' new program, "Kids And Drugs. Spot It/Stop It", the pharmacists at Peoples have prepared a series of informative, free pamphlets. Once parents are better informed through reading these pamphlets, they will be better able to prevent their children from using drugs.

In addition to this pamphlet on how to protect your child from drug use, pamphlets have also been prepared on how to tell if your children use drugs, and the latest facts on marijuana, alcohol, cocaine, and other illegal drugs. These pamphlets are available at the prescription counter of every Peoples Drug Store.

In the fight against drug use, there is some cause for optimism. Recent surveys show a decline in the use of some drugs, such as marijuana, by kids.

So be persistent in your efforts to keep your kids drug-free. Show complete commitment and dedication. Above all, don't give up.

THE SPACE STATION

Mr. HEFLIN. Mr. President, I recently had the opportunity to speak before the Institute of Electrical & Electronics Engineers' Annual Electronics and Aerospace Conference and Exposition. The theme of the conference was "The Space Station—An Idea Whose Time Has Come," and I was privileged to share the platform with Mr. James Beggs, Administrator for NASA. It is my belief that the space station is an idea whose time has indeed come.

Today I rise to urge my colleagues to join with me in support of NASA's space station program and to request the administration to consider the space station as a new start for fiscal year 1985. When I accepted the ranking Democrat position on the Science, Technology and Space Subcommittee, I stated that my primary goal was to see that the United States maintain its leadership in space science and engineering technology. After carefully studying our country's scientific and engineering technology needs, I am convinced that the space station program is a vital step if we are to continue our leadership in space science and engineering.

Mr. President, I recently made a speech before the Senate concerning the importance of an experiment conducted on the space shuttle flight. This experiment involved a new diabetes treatment that would keep sugar levels in diabetics normal and halt the development of the associated complications of blindness, kidney failure, and shortened lifespans. Market projections for this and other pharmaceutical products from space show that they can generate annual sales of $20 billion in the developed nations.

If we are to fully develop these benefits for mankind we must have expanded space capability. Short-duration shuttle flights are not sufficent. A permanent space station would provide us with the capability for continuous research 365 days a year.

Mr. President, I ask unanimous consent that my speech to the Institute of Electrical & Electronics Engineers on the space station, as well as Mr. Beggs speech, be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SPACE STATION—A CONGRESSIONAL PERSPECTIVE

(By Senator Howell Heflin)

I am pleased to be a part of this Institute of Electrical and Electronic Engineers (IEEE) Conference on Electronics and Aerospace. I am honored by your invitation to give a congressional perspective on the development of a U.S. space station.

I congratulate the IEEE for its contributions to the space program. This month's IEEE Spectrum publication, devoted to space and in honor of NASA's 25th anniversary, is an excellent description of our space efforts. That publication, as well as conferences such as this, generates dialogue—including the controversy, that is necessary for national decisionmaking. Only through a fully informed public can national commitments be made that are satisfying and thereby supported by the populace. Citizens must share the available information and be convinced that important national needs are being achieved. I encourage you, and I am sure that the IEEE will keep up the good work of informing the public.

From the IEEE position statement on the U.S. civilian space program, I noted a statement that IEEE believes in a balanced space program. Now, this word—balanced—may well describe the congressioanl perspective. In Congress I find myself pressed to choose among conflicting demands for scarce Federal dollars. In this competition my colleagues and I must weigh all alternatives and look for a balance.

I feel that Congress does strive to balance the many Federal programs. To explain why I feel this, we need to think about how the Federal Government budget process works—that is, the way all Federal programs, including the space program, are selected and funded.

Each January the President presents his budget request to the Congress for its approval. The budget is for the upcoming fiscal year. Thus, this past January we first saw the budget for fiscal year 1984 which begins next month.

Before the Congress and the public see the budget, the executive branch internally evaluates their priorities. The agencies participate; the Office of Management and Budget is directly involved as are other White House offices such as the President's Science Adviser's Office. I am sure that Mr. Beggs and Dr. Reis have spent a lot of time in these deliberations. Ultimately, the President himself must resolve any disputes over priorities. Once priorities are set, agency requests such as those by NASA become part of the President's package sent to Congress.

Each budget item is reviewed by the Congressional committees with corresponding jurisdiction. There are authorizing, appropriating and budget committees in both the House and Senate. Thus, for NASA, they must appear before six committees to justify their programs. And each of those committees must consider other agency requests than just those involving NASA. Retaining a balance among all Federal programs is not easy. The various Congressional committees get input from many sources: The agencies, contractors, academia, the scientific and technical community, the interested public and congressional research arms such as the Congressional Budget Office and the Office of Technology Assessment. You will hear from Dr. Gibbons later this morning.

Congress as a whole must complete the authorization and appropriations process, including getting the President's signature, by the end of this month. It doesn't always work that way, but fortunately, this year for NASA we completed the entire process by July 15.

Making a decision in Congress to fund any program, let alone a multibillion-dollar program such as a space station, is not easy. It is important to note that before such a decision is made there is a tremendous amount of independent review by many capable and conscientious people over a significant time period. I am convinced that when we address the question of whether the space station's time has come, Congress will have the information upon which to base a decision.

Separate legislation is not required to initiate a new start on a space station. It can be readily handled through the normal annual authorization and appropriations process. The Federal budget process is firmly established and geared to accommodate this decision. Conceivably, the President could request such a new start next January, and the Congress approve it next summer. Or, the Congress could approve it on its own, but this is less likely for such a major undertaking.

From a personal point of view, I am delighted to tell you that I supported the additional money we put in for the space station studies in NASA's fiscal year 1984 budget. I am a firm believer in our space program, and I have worked for its advancement through the Science, Technology, and Space Subcommittee.

I join together with Senator Hollings and Senator Glenn in calling for the development of a space station. I urge President Reagan to add his support.

Only by continuing our space program can the U.S. expect to maintain its leadership in science and engineering. This technology leadership is vital to our national security and well-being. I have no question but that NASA can and will continue to be the right organization for our space development and exploration.

NASA's performance record is unrivaled. They have built spacecrafts that have operated years beyond their predicted life. They have built complicated hardware that performed flawlessly with reliability rates that are unmatched anywhere. And importantly, they have demonstrated under the glare of public scrutiny, not behind a curtain, technical feats that have impressed and inspired all of mankind. I look forward to following their program this year and reviewing their program proposals for next year.

Just as for any program, those proposals that are clear, specific and balanced have the best chance for acceptance. If we consider a space station, we must know exactly what it is we are going to do with the station and clearly define the station's characteristics. The public must also share this view of the benefits, know-how, and opportunity afforded by a space station.

There are many issues to be resolved. One is man versus machine. Certainly man has a vital role in the operation of a space station. However, with all the advances in electronics, automation and robotics, I am sure that we will see significant use of this technology. That certainly is the trend here on the planet Earth, and I see no reason not to exploit our technology leadership in electronics and robotics in space.

Not only must we balance man and machine usage, but we must balance the scientific goals of space exploration. Some argue that it is better to fund a multitude of developments incrementally than to commit the Government years in advance to huge investments in a specific project whose rationale may shift before it is completed. Others contend that many scientific undertakings get carried along on these large projects that would not otherwise be funded. I am very aware of the concerns of many in the scientific community that their worthwhile and deserving projects are considered in competition with new initiatives like the space station. I assure you that I will keep your interests in mind.

One of the most promising areas that would be affected by a space station development would be space applications. Historically, the applications part of the space

program has been a major contributor to our economic and public safety goals. The space communications developments of the past are well known to this audience. Likewise, our citizens have grown to depend on weather and land remote sensing satellites. More recently we have heard about the very promising area of materials processing.

The area of materials is one I'm particularly excited about because I believe that its future is as promising as those of space-based communications and Earth observation. Our ability to realize this promise of materials processing depends heavily on the development of a space-based system such as a space station. It also depends on U.S. industry and NASA to find a way to maintain a sustained level of effort in materials processing research and development. We must find a way to avoid the short-term outlook and accept the promise of the long-term benefits.

Materials processing, communications and other applications programs illustrate a fact of life, namely there is a great deal of international competition today in space. While this competition is healthy, we should not overlook the benefits of international cooperation in space. This has been a great accomplishment of our space program, and I would hope that the development of a space station would provide an opportunity for continued cooperation.

I will not dwell on questions of national security, but it is safe to say that maintaining a leadership position in space will be a key component of our future security. How a space station works into an overall strategy will be a key question the Congress will ask.

The last issue I would share with you involves the role of the private sector in space station development. It is becoming increasingly apparent that we need to involve other industries in space than just the aerospace community. In materials processing we have such an example. We need to explore ways to have greater innovation and risk taking within the private sector if we are to achieve the benefits of space commercialization. I would like to see the space station used to explore new and innovative relationships with the private sector other than just the Government-contractor relationship.

In conclusion, my response to the question which organized this conference is yes, the space station is an idea whose time has come. There is little question about the ultimate importance of such an endeavor. It is tied to our economy, to national security, to advances in science and applications, to maintaining technological leadership, for international prestige, and of course for the human spirit.

Now we must begin to deal with such questions as scale, cost, timing, that is, many of the specifics. And, we must maintain the balance in our space program I referred to earlier. I am committed to participating in this exciting effort.

Thank you.

STATEMENT OF JAMES M. BEGGS, ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Thank you and good morning.

The subject of this session is, of course, very timely and I appreciate the opportunity to participate.

A decade or so ago, a session like this on whether it is time to build a space station might have been considered an academic exercise. We had made a major national commitment to develop the Space Shuttle. And although the Shuttle originally was conceived to be part of a total system, including a space station, it was decided to go ahead only with the Shuttle in view of other national priorities.

Today the picture is very different. The Shuttle is operational and we are very pleased with how it is turning out. The program has moved forward very well after a slip of a few years. And it has demonstrated that the work we have done over the past decade was well conceived and has great promise for the future.

Each time the Shuttle flies, it demonstrates increased capabilities. And as we move out into the time when the Tracking and Data Relay Satellite System will be fully operational, we will have versatile and unique capabilities to do scientific and engineering work in space.

With the Shuttle, we are making dramatic and timely progress in learning to live and work in space. It is a truly impressive vehicle. And as time goes on, we are finding that its performance surpasses even the expectation of its designers.

But the Shuttle allows us to stay in space for only a short time. And while we can extend that time to about a month, we cannot extend it to long-duration, long-endurance space flight.

To do work of long duration, to do all the things we have always dreamed of doing beyond low earth orbit, and to realize the true potential of the space environment, we will need a Space Station.

I believe that a Space Station is, indeed, an idea whose time has come. Sooner or later, this country is going to take the next logical step in space and will build one.

And the sooner we do so, the better it will be for us, because a space station is essential if we are to maintain our preeminence.

We did not get to our present position of leadership in space by accident.

We got there because we had the imagination to dream great dreams and the national will be fulfil them.

We got there because the partnership of government, industry and our universities built up over the years created a scientific and high technology base second to none.

And we got there for the good common sense reason that we saw our opportunities, and moved forward to grasp them with boldness and courage. In the process we reached beyond our experience to do things no one had ever done before.

As the Greek historian Thucydides once wrote: "Wealth to us is not mere material for vainglory, but an opportunity for achievement."

We have achieved magnificent things over the swift course of NASA's 25-year lifetime. And both our struggles and successes have been open for all the world to see, beginning with the launch of our first satellite, Explorer 1. They range from the succession of planetary explorers—the Mariners, the Pioneers, the Vikings and the Voyagers; through the Mercury, Gemini and Apollo programs to the development of the Shuttle.

We owe our leadership to vision, courage, perseverance and excellence in pursuing our goals.

But today the leadership we worked so hard to achieve is being challenged around the world.

The Europeans are giving us stiff competition. They have sophisticated scientific and applications satellites and they have the Ariane rocket, a reliable launch vehicle. Moreover, they recently announced that they intend to go beyond Ariane into the field of manned space flight.

The Japanese have made it clear they are moving into the space launch business to stay.

And the Soviets are becoming ever more aggressive in pursuing their program. They are attempting to move into the commercial launch business with their "Proton" rocket. They have already surpassed us in long-duration space flight, having orbited cosmonauts for as long as 211 consecutive days. And they have announced plans to set up materials processing production facilities in orbit.

It is obvious that international competition in space will continue. The Europeans will not stop. The Soviets will not stop. The Japanese will not stop. And we cannot afford to stop if we are to maintain our leadership position, not only in space science and technology and manned space flight, but in high technology across the board.

Shakespeare once wrote, "Delays have dangerous ends."

I believe it would be not only dangerous, but tragic if we were to lose our momentum and let others pass us by. Now is the time, not to fall by the wayside, but to make a national commitment to our next great goal-a permanently Space Station in low earth orbit to be serviced by the Shuttle.

As you know, NASA's planning for a possible Space Station began a little over a year ago so as to give the President and the Congress solid information to base a decision on. We are close to that decision point now and I certainly hope that we will get the green light to proceed within the next few months.

The Space Station, as we envision it, will be used by all elements involved in the space program.

It will be used by the scientists, because we can do more sophisticated and more complex experiments using the station as a base for scientific payloads. Also, it will allow us to tend, improve, repair and replace those payloads as time goes on.

It will be used by the private sector for such things as space manufacturing, and materials processing and for a host of new commercial activities that could transform our life on earth in untold ways. The McDonnell Douglas-Johnson and Johnson electrophoresis experiment, which has already flown several times on the Shuttle, shows that molecules can be separated faster and with greater purity in gravity-free space than on earth. Indeed, scientists say that pharmaceutical factories in space may be a reality in a few years. Certainly a Space Station would hasten that day.

It would also hasten the advent of the truly commercial era in space that we have been dreaming about for the past quarter century. The most important commercial developments are ones that we have not yet dreamed of, simply because we have not been operating in space long enough to realize the potential that is there to develop.

NASA, of course, would also use a Space Station for its own activities, which have served the nation so well by stimulating high technology innovation and economic growth. We see it, in essence, as a research center in space through which we would hope to attract greater international involvement and cooperation.

Many of NASA's programs have been, to some degree, international in nature and are becoming more so, as more nations under-

take space-related activities and use space data. I believe there are 148 such nations today.

But a Space Station lends itself uniquely to international cooperation. If we can attract such cooperation, if we can join with other nations as partners in such a venture, the benefits would be mutual. We would have a highly visible symbol of what free people, working together can accomplish.

A Space Station would provide another important benefit to the nation. It would enhance our national security. Military strategists view space as the new high ground from which to defend the nation. And I am confident that as our plans mature, the Department of Defense will find many advantages in having a Space Station, probably their own, in low earth orbit.

To sum up, I see a Space Station as an essential stepping stone to the future. With it, and with the use of an orbital transfer vehicle, which we will ultimately develop to move us to geosynchronous orbit, we will be able to operate routinely some 22,000 miles above the earth. And from there, perhaps we will begin to realize Wernher Von Braun's great dream of going back to the moon to build a base, and from that base, mounting a manned expedition to Mars.

I believe that we will be able to accomplish all of these things within the next 25 years so that when NASA celebrates its Golden Anniversary in the year 2008, we will look back on our first quarter century of achievement as just the beginning.

The great Russian space pioneer Konstantin Tsiolkowsky once said, "The earth is the cradle of mankind; but man cannot stay in the cradle forever."

It is mankind's good fortune that the challenge of exploring and developing space is a job of infinite duration. Space is, indeed, as someone once said, "an endless frontier," one that never ceases to excite and to amaze. And, as our search for knowledge leads us from one high point to another, we know that the great adventure of exploring the unknown will continue to give new life to our common dreams.

Thank you very much.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DANFORTH). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business has expired.

MARTIN LUTHER KING, JR., HOLIDAY

The PRESIDING OFFICER. Under the previous order, the hour of 9 a.m. having arrived, the Senate will now proceed to the consideration of H.R. 3706, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3706) to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I move to commit H.R. 3706 to the Committee on the Judiciary, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

There are 20 minutes, equally divided, on this motion.

Mr. HELMS. Mr. President, I understand that the distinguished majority leader may seek a unanimous-consent agreement to extend the debate. He will address that question.

Mr. BAKER. Mr. President, if the Senator will yield to me, that is correct. I may do that. We are involved in the cloakroom process to try to make it 40 minutes equally divided, so that there will be 20 minutes on a side, rather than 10 minutes on a side. I will not make that request at this time, but I hope to be able to clear it shortly.

Mr. HELMS. I thank the majority leader.

I might add that the extension of time was not at my request.

I am convinced that the minds of Senators are virtually made up, and it is a matter of running out the clock.

(The following proceedings occurred later, during the remarks of Mr. HELMS:)

Mr. BAKER. Mr. President, will the Senator yield to me for a moment?

Mr. HELMS. I yield.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for debate on this motion be extended until 9:40 a.m., which is 40 minutes in total, to be equally divided. The vote on the motion will occur at 9:40 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Will the majority leader agree with me, for the record, that I did not request the extension of time?

Mr. BAKER. Yes. I say for the Record that the Senator from North Carolina did not request the extension. He very graciously acceded to it.

Mr. HELMS. I thank the Senator.

Mr. President, I ask unanimous consent that the proceedings just concluded appear elsewhere in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Conclusion of later proceedings.)

Mr. HELMS. Mr. President, the creation of a legal public holiday is a matter of no small moment. We have nine public holidays now, and of those nine, ony three honor individuals: Christmas Day for Jesus Christ, Washington's birthday for George Washington, and Columbus Day for Christopher Columbus. The proposal now before the Senate seeks to add Martin Luther King, Jr., to this list.

Mr. President, I have moved that this bill be committed to the Judiciary Committee for a very simple reason. The Senate, to be blunt about it, has not done its homework on this matter. Despite the rarity of holidays for individuals in our country, we are obviously on the verge of passing this bill without 1 minute of consideration by a committee, let alone hearings, in the Senate.

When the Senate received this bill in August, the bill did not go to committee, as is normal procedure, but it went straight onto the Senate calendar. I find no fault with the majority leader having exercised his right in this regard. I do wish he had checked with me and perhaps some others before he implemented that judgment. But that responsibility is uniquely his, and I do not criticize him in the slightest.

At the same time, while this may be acceptable practice on bills of little importance, it is not acceptable for measures as serious and as far reaching as a new national holiday which will shut down this country for another day each year.

Moreover, Dr. King, to say the least, was a highly controversial figure during his lifetime and remains so today.

Given these facts, it is only reasonable and prudent that the Senate slow down a bit, give this matter the full and careful consideration it deserves, and send it to the Judiciary Committee for hearings and a comprehensive report before the Senate finalizes its judgment on the issue.

Mr. President, on October 3, when the debate on this matter began, I put into the RECORD a comprehensive report detailing the political activities and associations of Dr. King and Dr. King's associates over a long period of time. The record is clear about his association with far left elements and elements in the Communist Party U.S.A. Some of the proponents of this measure may not like the truth, but that is the truth.

On the other hand, if they contend that it is not the truth, why do they object to hearings?

My father told me many, many times that the best way to prove that a stick is crooked is to lay a straight one beside it.

No, Mr. President, the Senate is ducking this issue. I recognize the political pressures involved in this issue. I cannot begin to say how many Senators have come to me in the cloakroom and have said, "JESSE, you are exactly right about this thing; but if I stand with you, the newspapers back home will eat me alive."

I said, "What do you think they do to me?"

Mr. President, the report that I placed in the RECORD on October 3 recited Dr. King's efforts to hide his as-

sociations with far left elements and Communist Party U.S.A. elements.

But very clear throughout the record, Mr. President, is the fact that Dr. King's speeches and remarks contained insults to his own country and the institutions of this country and I also mentioned in that report the unsuccessful efforts of President John F. Kennedy and Attorney General Robert F. Kennedy to persuade Dr. King to break off his associations.

I shall wait until the distinguished Senator from Massachusetts makes his remarks, but following my comments on October 3, Senator KENNEDY, according to the CONGRESSIONAL RECORD, made certain observations about canards and that sort of thing, but Senator KENNEDY's argument is not with the Senator from North Carolina. His argument is with his dead brother who was President and his dead brother who was Attorney General and not with the Senator from North Carolina.

I reiterate, Mr. President, the report that I inserted in the RECORD on October 3 was not based on assertion, rumors, or so-called segregationist propaganda. It was based on the most recent scholarship of academic liberals, on the findings of official investigative bodies, and on the speeches and writings of Dr. King himself. My sources for the report are contained in the 62 footnotes printed at the end. And no one, no one, Mr. President, has refuted the evidence that I presented, and accordingly I assume that it deserves the close consideration of the Senate.

In addition, Mr. President, since October 3, the FBI has released under a Freedom of Information Act request some 65,000 documents relating to Dr. King. Needless to say, neither the Senate nor I have had an adequate opportunity to digest this volume of material, much of which has been heavily censored. Samples, however, have been made available to my colleagues and they, like the other evidence I have presented, raise questions which deserve close consideration by the Senate, and such consideration can best be given by sending the bill to the Judiciary Committee for independent evaluation.

I say again that if after hearings, if during hearings it can be proved that there is not cause for concern, fine; I repeat what my father said, "If the stick is crooked, lay a straight one beside it; don't hide it, don't ignore it; confront it."

In addition to my evidence and the FBI materials, considerable evidence on Dr. King is being kept secret under a court order at the National Archives. At this very moment, the court is hearing a motion to which I am a party that the records be provided to the Senate, in confidence if the court sees the necessity of it, but the Senate will vote on this motion to commit to the committee before the court will act.

Now I noticed a ridiculous statement made by a Justice Department lawyer in court yesterday, something to the effect that the privacy of Dr. King's family must be protected and that I had no regard for it. If there is a less private family in this country than the King family I really am not aware of it. The King family has been pushing for this holiday and I see Mrs. King, the widow of Dr. Martin Luther King on television with great frequency.

But the privacy issue aside, I think the public's right to know and certainly the Senate's responsibility to know are paramount.

I do not recall that there was a great deal of privacy accorded some other people who ran into difficulty during their lifetime.

So, Mr. President, we now have before us a strange situation. On the one hand, Congress is on the verge of enacting a national holiday for Martin Luther King, Jr., shutting down the country for a 10th day each year, with not 1 minute of Senate hearings on the matter, and by that I mean this Senate, not some Senate in the past—I am talking about the Senate of today, constituted by the Members of today—and a total lack of normal Senate investigation of a major bill. On the other hand, extensive evidence on Dr. King is now, this day, in possession of Federal agencies in the executive branch.

And that is why I am urging, no doubt unsuccessfully, that my colleagues move to correct this glaring anomaly and at least send the bill to the Senate Judiciary Committee for consideration.

Mr. President, James Jackson Kilpatrick has written a most revealing article on this subject, supporting the contention that more investigation of this matter is necessary. It appeared in the October 10 edition of the Durham Morning Herald in my State and in many newspapers around the country. I ask unanimous consent to have printed in the RECORD that article at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

(See exhibit 1.)

EXHIBIT 1

HELMS' CHARGES SHOULD BE INVESTIGATED

(By James J. Kilpatrick)

WASHINGTON.—We have witnessed some shameful performances in recent years by leading elements of the American press. Most of these abuses have involved acts of commission—the smear job, for example, that The Washington Post performed on the Reagan appointees to the Legal Services Corporation.

What we are witnessing now is an act of abject omission. Where are the nation's fearless editors, where are the hard-nosed legions of investigative reporters, in the matter of Martin Luther King Jr.? They are silent as mummies in the tombs of the pharaohs. Most of these editors and reporters are liberal to ultraliberal in their political persuasion; they cannot bear the awful thought of digging seriously into the background of a folk hero who is about to be honored by a federal holiday in his name.

Sen. Jesse Helms of North Carolina attempted to discuss some of King's record on the floor of the Senate. The response was predictable: Fellow senators attacked Helms for a breach of manners. Edwin M. Yoder Jr., writing in the Post, said Helms was scoring "debating points from the gutter." Helms was "resurrecting indecent canards of the '50s and '60s about King and the civil rights movement, including the ridiculous charge that they were inspired by Marxist-Leninism."

The question that a vigilant press ought properly to ask of Helm's charges is, Are they true? Never mind Yoder's hyperbole about "gutter" points and "indecent canards." Before the travesty is complete, by which we elevate Martin Luther King to the level of George Washington, sober consideration should indeed be given to some of the materials Helms is presenting.

I myself have neither the time, the resources nor the staff to attempt such an investigation. A good deal of the work already had been done by David Garrow, a professor of political science at the University of North Carolina, in a book published by W. W. Norton in 1981, "The FBI and Martin Luther King Jr." Garrow is pro-King and pro-holiday, but he does not flinch from the evidence.

The evidence demonstrates convincingly that Martin Luther King Jr. was buddy-buddy with well-identified communists from the early 1950s to the time of his death in 1968. Bayard Rustin, a stalwart of the Young Communist League; was at one time King's secretary. Hunter Pitts Odell, who in 1956 took the Fifth Amendment on questions involving his communist activities, also served on King's staff.

The record is replete with evidence linking King to the notorious Highlander Folk School, a communist training center. King's close associates included such figures as Abner W. Berry, James A. Dombrowski, Paul Crouch, and Carl and Anne Braden. The shadowy figure of the late Stanley Levison floated in and out of King's life. In his book, Garrow traces this relationship. The FBI has traced it also, and finds evidence that for at least 10 years Levison played a secret role as a funnel of money from the Communist Party to various communist fronts.

King was a revolutionary. His economic views went directly to the redistribution of wealth according to the theories of Marx and Lenin. Though he preached "non-violence" and "civil" disobedience, he repeatedly violated the criminal laws. King lent his name and his prestige freely to events sponsored by communist fronts, for example, the National Conference for New Politics in Chicago in 1967, where he served as a keynote speaker. Among the sponsors: The W.E.B. DuBois Clubs, the Communist Party U.S.A., the Socialist Workers Party, the Revolutionary Action Movement and the Draft Resistance Union.

King dabbled in foreign affairs. His American Committee for Africa supported the communist terrorist Holden Roberto. In a major address at Riverside Church in New York City, a year before his assassination, King denounced the United States in a

speech that might have been drafted in Hanoi. Even the Washington Post was appalled by King's excesses.

I scratch the surface, and I repeat an earlier thought: Congress ought to wait 50 years before formally memorializing anyone. This month's vote in the Senate should be postponed at least to the spring of 2018.

Mr. KENNEDY. Mr. President, I yield myself such time as I may use.

Mr. President, I will respond to the points made by the Senator from North Carolina. First of all, the suggestion by the Senator from North Carolina that there have been no hearings on this issue is completely inaccurate and false.

Mr. HELMS. Mr. President, a point of order.

Mr. KENNEDY. Mr. President.

The PRESIDING OFFICER. Will the Senator yield for a point of order?

Mr. KENNEDY. I do not yield the floor.

Mr. President, I have in my hand the sets of hearings held jointly by the Senate Judiciary Committee and the House Post Office and Civil Service Committee on March 27, 1979, on June 21, 1979. These joint hearings were held on the issue of establishing a national holiday to honor Martin Luther King.

Mr. HELMS. Point of order.

The PRESIDING OFFICER. Point of order is called for. Under rule XIX no Senator during debate shall directly or indirectly by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. KENNEDY. Mr. President, the statement of the Senator from North Carolina is inaccurate. I do not impute any motive to the Senator. I simply say that his statement is inaccurate and false. If the Chair wants to make a ruling, I have the hearings right here in my hand.

If the Chair would like to examine the hearings, the Chair is prepared to do so.

The PRESIDING OFFICER. Under rule XIX when a Senator is called to order he shall take a seat and may not proceed without leave of the Senate which if granted shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate.

Mr. KENNEDY. Mr. President, may I continue?

The PRESIDING OFFICER. Is there a motion to that effect?

Mr. KENNEDY. Mr. President, these hearings were held with——

Mr. HELMS. Mr. President, regular order.

The PRESIDING OFFICER. The Senator will withhold.

Mr. HELMS. The Senator needs to learn the rules.

The PRESIDING OFFICER. Is there a motion?

Mr. MATHIAS. Mr. President, is it in order for me to move that the Senator from Massachusetts may proceed with his statement?

The PRESIDING OFFICER. It is in order.

Mr. MATHIAS. I so move.

The PRESIDING OFFICER. The question is on the motion.

Mr. HELMS. Just a minute. Will the Chair state the motion? I was in a conference.

The PRESIDING OFFICER. The motion is that the Senator from Massachusetts may proceed. It is not debatable.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MATHIAS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that I might proceed without the time being charged against the time allocated for debate on the motion of the Senator from North Carolina at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I was away from the Chamber at the time that the rule XIX controversy arose. But I have now asked the Official Reporters of the proceedings of the Senate to read to me the transcript. I believe I understand how the problem arose and even though I was not here I can feel and appreciate the emotions that go with an issue of this sensitivity.

As I recall the RECORD as it was read to me, the point of order was made by the Senator from North Carolina that the Senator from Massachusetts had infringed the provisions of rule XIX of the Senate by saying that there had been false and inaccurate statements made by the Senator from North Carolina.

Mr. HELMS. Correct.

Mr. BAKER. I think, frankly, that the hooker in this comes because we in the Senate, and I guess most other places these days, tend to join words together that do not have the same or equivalent meaning. There is a difference between false and inaccurate.

"False" perhaps would imply a violation of rule XIX, and "inaccurate" certainly would not. However, the usage is so common in the Senate that I can fully understand how it is done. I use it myself. I do it that way sometimes in written statements and speeches I have on the floor of the Senate. But I really would not want an issue as important as the King holiday resolution or the motion to commit, which is contemplated by the unanimous-consent order, to be diverted by a questionable situation under the provisions of rule XIX. Therefore, may I make a suggestion, and it will require the acquiescence of both the Senator from Massachusetts and the Senator from North Carolina. I hope both of them will consider this in the interest of proceeding on this important matter and doing so in a timely way.

I would suggest, Mr. President, that by unanimous consent the word "false" be stricken from the transcript and the word "inaccurate" be left in, and that the Senator from North Carolina, who made the point of order, and I believe got the yeas and nays on the point of order——

Mr. HELMS. I did not.

Mr. BAKER (continuing). That the Senator from North Carolina as a matter of right may withdraw his point of order on the basis of that correction. The motion of the Senator from Maryland that the Senator from Massachusetts may proceed under the provisions of rule XIX is perfectly in order and fully contemplated in the rule. As I understand the Chair, the yeas and nays were not ordered. Therefore, if the Senator from Maryland would wish to do so, he could withdraw his motion and we would be back where we started from.

The record would then reflect by order of the Senate that the statement of the Senator from Massachusetts was that the statement of the Senator from North Carolina in respect of hearings was inaccurate.

Mr. President, may I first ask the Senator from Massachusetts—I will ask either Senator, whichever chooses—I will create another flap here if I am not careful. Let me ask either Senator if they are inclined to agree to that effort.

Mr. HELMS. Reserving the right to object, Mr. President, I would be perfectly willing to let this matter drop if the record is made clear that the distinguished Senator from Massachusetts was clearly in error when he said that I made a false and inaccurate statement about this Senate never having conducted hearings. I took great pains at the time I made the statement, Mr. President, to say this Senate as presently constituted, and I submit that is an absolutely correct statement. If the record will be made clear in that regard, we could go right ahead and I would not object to the unanimous-consent request by the majority leader.

Mr. BAKER. Mr. President, my unanimous-consent request is simply that the word "false" be expunged from the RECORD and that the point of order be withdrawn and that the motion be withdrawn. That is my unanimous-consent request. Of course, Senators will wish to interpret that as they please, but I believe that we have

here an inadvertence that can blow up in our face and it is not worth that.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. I yield without losing my right to the floor.

Mr. BYRD. Mr. President, I think the majority leader's recommendation is the best that can be made under the circumstances. I would hope there would be no objection and that we can proceed with the debate and put this matter behind us. I hope there will be no objection.

Mr. BAKER. Mr. President, once again, what I am asking is that the word "false" be expunged from the RECORD and that the point of order be withdrawn and the motion withdrawn.

Mr. KENNEDY. Mr. President, I will not object to the request of the majority leader. I am interested in getting into the substance of the statements and debate by the Senator from North Carolina. It is quite interesting—having been here for some 20 years, and having been very much involved in the debates and discussions about the changes in the rules on filibusters, and hearing from some Members of the Senate that the Senate is an ongoing and continuing body, and, therefore, it is going to take a certain number of Senators to change or alter the rules—now to have it suggested that each Congress or each Senate at the time that we meet is a separate entity.

I want to say there have been important reasons for the establishment of the rules. I am interested in the substance of this issue and in making the record. I believe the statement of the Senator from North Carolina is false—I would do my best to substantiate that—or is inaccurate. If the majority leader makes such a motion, I will not object to it and we can proceed with the debate.

Mr. BAKER. The request is that the word "false" be expunged from the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. I thank all Senators.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, can we get back to the request on time? Could I have the attention of the majority leader?

Mr. BAKER. If you promise not to upset him.

[Laughter.]

Mr. KENNEDY. It is pretty early in the morning to be on a fast track like this.

Would the leader work out the time now so we will have an opportunity to have debate on this matter?

Mr. BAKER. Mr. President, my initial unanimous-consent request was that the time I consumed in propounding the unanimous-consent request would not be charged against the time allocated to the debate on the motion. I do not know how much time we have consumed. Will the Chair advise how much time remains on the motion and when the vote will occur?

The PRESIDING OFFICER. The vote will occur at 9:40 a.m.

Mr. BAKER. Could I inquire of Senators if there is a need to change that? Does the Senator from Massachusetts wish additional time?

Mr. KENNEDY. I think the time was approximately 2½ minutes. I do not intend to speak long but I would like to respond.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for debate be extended by 5 minutes.

Mr. KENNEDY. By how long?

Mr. BAKER. Five minutes.

Mr. KENNEDY. With all respect, 20 minutes was originally agreed to. I was told we would have at least 10 minutes to a side. At a minimum I would like to have at least 10 minutes.

Mr. BAKER. Very well. Mr. President, I ask that the time be extended until 9:50 a.m.

Mr. HELMS. I will yield any time I may have remaining to the distinguished Senator from Massachusetts.

Mr. BAKER. And that 10 minutes of that time be allocated to the Senator from Massachusetts.

Mr. EXON. Reserving the right to object, the Senator from Nebraska would like a few minutes on this subject. Who is controlling the time, may I ask?

Mr. BAKER. Mr. President, originally the vote was to occur at 9:20 a.m. In order to accommodate Senators who are arriving from out of town on both sides of the aisle, we extended that time until 9:40 a.m. We are now extending it to 9:50. The time for debate on the matter is under the control of the mover of the motion (Mr. HELMS), who has relinquished all of his time except 10 minutes, the Senator from Kansas (Mr. DOLE), the Senator from Maryland (Mr. MATHIAS), and as the chairman of the committee may designate.

Mr. EXON. Reserving the right to object, may I inquire of the Senator from Kansas or the Senator from Maryland, if I could have his attention, if they would guarantee the Senator from Nebraska 3 minutes in opposition to the motion to commit?

Mr. MATHIAS. I am wondering if the Senator from Nebraska could settle for 2 minutes. I am not sure how long the Senator from Massachusetts is going to require. I will need a few moments myself to say just a few words as the author of the bill. I think we can save 2 minutes.

Mr. BAKER. Mr. President, let me use a minute. I ask that the time be extended to 9:55, with 10 minutes of that time allocated to the Senator from Massachusetts.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, and that the vote on or in relation to the motion occur at 9:55 a.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. THURMOND. Mr. President, in order for the record to officially show the managers of the bill, I wish to say I have designated the distinguished Senator from Kansas (Mr. DOLE) and the distinguished Senator from Maryland (Mr. MATHIAS) as managers of this bill. One of them will be present throughtout this hearing.

Mr. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, was the motion for the yeas and nays withdrawn or is it still pending? Is that included in the unanimous-consent request, the request for the yeas and nays on the motion to permit Mr. KENNEDY to speak?

The PRESIDING OFFICER. The yeas and nays were never granted on that motion.

Mr. BYRD. Is the motion still pending?

The PRESIDING OFFICER. The motion is not pending. It has been withdrawn as a result of the unanimous-consent request.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I mentioned a moment ago, the allegation that there have been no hearings on the Martin Luther King national holiday is not accurate. I refer to the sets of hearings that were held between the committees of the House of Representatives and the Senate of the United States. I have before me a set of those hearings of March 27, 1979, and June 21, 1979, and actually, the report that came out of the Senate Judiciary Committee of August 1, reporting the Martin Luther King national holiday favorably by an overwhelming majority of the Senate Judiciary Committee.

Also, hearings were held in 1982, on February 23, in the House of Representatives, and again in 1983 on June 7 by the House of Representatives and the legislation was passed after debate by 338 to 90. So the suggestion that this issue has not been examined or has not been reviewed by the Senate Judiciary Committee or that information has not been available to Members of the House and Senate on the range of different items that have been raised by the Senator from North Carolina is just not right.

The Senator from North Carolina talks about the cost of this particular national holiday; those issues have been reviewed in very careful detail. Since this bill creates only a Federal

holiday, the costs that would be attributed to the Federal workers have been outlined in a Congressional Budget Office review as being some $18 million. I include the CBO report and I ask unanimous consent that it be printed at an appropriate place in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 20, 1983.

Hon. WILLIAM D. FORD,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: At the request of the Committee staff, the Congressional Budget Office has reviewed H.R. 3345, a bill to amend title 5, United States Code, to make the birthday of Martin Luther King, Junior, a legal public holiday, as reported by the Subcommittee on Census and Population.

The major budget impact from the establishment of an additional federal holiday is the amount of premium pay for employees who work on the holiday, since the normal daily payroll would be spent whether employees work or not. The Office of Personnel Management estimates the current average premium pay on a federal holiday to be approximately $24 million. This cost would be partially offest by some savings in utility costs from closing down government offices. Based on information provided by the General Services Administration, it is estimated that the government saves approximately $7 million in utility costs on a winter federal holiday that is observed on a Monday or Friday. (Energy savings for midweek holidays are estimated to be about $0.5 million lower.) Thus, establishment of a new federal holiday observed on a Monday would result in net additional budgetary expenditures of about $17 million in 1983. The bill specifies an effective date of the first January 1 that occurs more than two years after enactment. Assuming enactment in 1983, the first holiday would occur in 1986, and the estimated budgetary expenditures in that year would be about $18 million, with similar costs in subsequent years.

While there may be other fiscal costs or benefits, they cannot be easily quantified. For example, there may be some added expenditures for overtime pay on days before or after the holiday, but the amount attributable to the holiday cannot be distinguished from overtime pay resulting from other causes. In addition, the government would lose one day's worth of output from most federal employees, but some of the work may be made up at other times. (Excluding the Postal Service, the federal government currently spends about $210 million per working day for employee compensation). It has also been suggested that additional tax revenues may be generated from increased retail sales on such a holiday; however, any such effect is expected to be insignificant, particularly for a January holiday.

In sum, we can identify net budgetary expenditures of approximately $18 million per year, beginning in 1986, resulting from the additional federal holiday, but there may be other budgetary and nonbudgetary costs that cannot be readily quantified. Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

Mr. KENNEDY. The idea that when we have a Federal holiday, this country is effectively closed down is just not an accurate portrayal of what happens. We just recently went through a Columbus Day celebration. Those who were involved in that particular celebration or saw the activity know that any such suggestion or recommendation that there would be effectively a closing down of the country has not participated in a Columbus holiday, at least in many parts of the country where it is a time of enormous activity and celebration.

Finally, Mr. President, as to the suggestion that the Senator from North Carolina has made in reference to Dr. King's activities in the past and the various reports that have been available as a result of FBI investigations, I think it is important to understand that the Church committee issued a report after looking at these accusations for many months.

That was done back in 1976, and I daresay that the whole issue of the Martin Luther King birthday has been before the Senate in one form or another for almost 16 years, the current bill having been introduced in the Senate by the Senator from Maryland (Mr. MATHIAS). I welcome the opportunity to join with him. That issue has been before the Senate.

The issue which is raised by the Senator from North Carolina about the investigations by the Federal Bureau of Investigation had been reviewed by the Church committee. It laid the straight stick alongside the crooked stick, so to speak, Mr. President. Let me read from the committee's study of the FBI and Dr. King.

We have seen no evidence that either of the advisers of Dr. King attempted to exploit the civil rights movement to carry out plans of the Communist Party.

As to Dr. King himself, according to the Church committee—and that committee was bipartisan in nature—the committee was told by the FBI that, "In any event, the FBI has stated that at no time did it have any evidence"—that is, any evidence, Mr. President—"that Dr. King himself was a Communist or connected with the Communist Party."

Regrettably, I am compelled to rise once again to respond to the unworthy and unfounded charges made against Dr. Martin Luther King, Jr.

In particular, I am appalled at the attempt of some to misappropriate the memory of my brother, Robert Kennedy, and misuse it as part of this smear campaign. Those who never cared for him in life now invoke his name when he can no longer speak for himself. So I hope my colleagues, many of whom were his colleagues as well, will permit me to speak briefly for him.

If Robert Kennedy were alive today, he would be the first person to say that it was wrong ever to wiretap Martin Luther King.

If Robert Kennedy were alive today, he would be the first person to say that J. Edgar Hoover's reckless campaign against Martin Luther King was a shame and a blot on American history.

If Robert Kennedy were alive today, he would be among the first to stand and speak for this holiday in honor of Martin Luther King—whom he regarded as the greatest prophet of our time and one of the greatest Americans of all time.

Both Dr. King and my brother Bob were struck down in the sorrowful spring of 1968.

They had become friends—and in that year, they were together seekers of a newer world. And on the night of Martin Luther King's murder, Robert Kennedy mourned him with painful eloquence in a brief speech to a crowd of thousands in Indianapolis. He told the crowd the news—and as the shock, and then anger, moved through his listeners, he sought to calm them. He said: "What we need in the United States is not division; what we need is not hatred; what we need is love and wisdom and compassion toward one another."

Now as we conduct this debate 15 years later, let me suggest that what we need in the Senate is not division or the vestiges of old hatreds. What we need, what this bill gives us the chance to manifest for our whole country, is love and wisdom and compassion toward one another.

As Robert Kennedy also said on the night of Dr. King's assassination:

Martin Luther King dedicated his life to love, to justice for his fellow human beings, and he died because of that effort.

So I believe that if he were here today. Robert Kennedy would join me and the vast majority of the Senate, and the vast majority of the American people, in saying that the least we can do in return is to dedicate a day to Martin Luther King and the dream he had—a dream which must live on if America is to live at all in the best meaning of its own nationhood. By setting aside this special day we will say to all the world, in words that echo both Martin Luther King and Robert Kennedy, that America is not only a place, a piece of geography—but a sense of justice and a set of ideals.

Mr. President, I reserve the remainder of my time.

Mr. MATHIAS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 3 minutes and the Senator from Maryland has 5 minutes.

Mr. KENNEDY. I am glad to yield 3 minutes to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank my friend from Massachusetts.

Mr. President, this Senator will not support the commitment motion since, in my opinion, the Senate's time during this critical and difficult period of international and domestic difficulties should be employed properly. We should understand that, because of the stress of our times, it is almost mandated that we move ahead with the many pressing matters that face our body.

This matter should be disposed of one way or another by a majority vote. The majority leader has urged us to let the Senate work its will. We should heed his advice.

It is my opinion that we should honor Martin Luther King by distinguishing a day in his memory. It is not my belief that we should establish now another national holiday for anyone, regardless of the merits. This is a time in our history when we should go to work and not plan another day off. My vote on this issue will reflect that belief.

I urge my colleagues to expedite this process, avoid needless delay, and let the majority of this body work its will.

Mr. President, I yield back the remainder of the time provided to me.

Mr. MATHIAS. Mr. President, the Senator from North Carolina has offered us a bit of folklore to the effect that the way to see the stick is crooked is to lay a straight stick beside it. That is one of those bits of folklore which seems so simple and direct if you accept it without question, but if you think about it for a minute it is clear that the corollary is true; that if there is a straight stick you want to make look crooked, you lay a crooked stick beside the straight stick. It seems to me that that is what the Senator from North Carolina is suggesting by the course of argument that he is pursuing in this debate on the Martin Luther King, Jr. holiday. He is trying to make a straight stick look like a crooked stick.

What we are memorializing in the Martin Luther King, Jr. holiday bill is the achievement of Martin Luther King in bringing about a reconciliation of the races in America. The guns at Appomattox ended the fighting in the War Between the States, but it did not bring peace to America. Appomattox was soon followed by the assassination of Abraham Lincoln, by the tragedy of the Reconstruction era, by the rise of the Ku Klux Klan, by the invasion of the carpetbaggers, by all of the tragedies that overtook America and which persisted for a century after Appomattox. I think it was not until Martin Luther King stood on the steps of the Lincoln Memorial and said, "I have a dream, a dream of black and white Americans living together in peace," that we finally ended the Civil War.

That is the moment we try to recapture in memory by enacting this Martin Luther King holiday bill. That is the straight stick. That is the record of an event which was not clandestinely wiretapped, which was not recorded by eavesdroppers but which was seen by the whole world in public, by a quarter million people gathered on the mall and by almost everyone else on this planet through television and radio and the press. That is the straight stick, Mr. President, and that is the reason that we should defeat the motion to commit the bill.

The PRESIDING OFFICER. There is 1 minute remaining.

Mr. MATHIAS. If there is no Senator who desires it, I yield back the 1 minute remaining.

The PRESIDING OFFICER. The question is on agreeing to the motion to commit. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Florida (Mrs. HAWKINS), the Senator from Iowa (Mr. JEPSEN), the Senator from Wisconsin (Mr. KASTEN), the Senator from Illinois (Mr. PERCY), and the Senator from Wyoming (Mr. SIMPSON), are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS), Senator from Wisconsin (Mr. KASTEN) and the Senator from Illinois (Mr. PERCY), would each vote "nay".

Mr. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Tennessee (Mr. SASSER), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 12, nays 76, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—12

Abdnor	Hatch	McClure
Denton	Hecht	Pressler
East	Helms	Rudman
Garn	Humphrey	Symms

NAYS—76

Andrews	Boren	Cochran
Armstrong	Boschwitz	Cohen
Baker	Bradley	D'Amato
Baucus	Bumpers	Danforth
Bentsen	Burdick	DeConcini
Biden	Byrd	Dixon
Bingaman	Chafee	Dole
Domenici	Leahy	Randolph
Durenberger	Levin	Riegle
Eagleton	Long	Roth
Evans	Lugar	Sarbanes
Exon	Mathias	Specter
Ford	Matsunaga	Stafford
Glenn	Mattingly	Stennis
Goldwater	Melcher	Stevens
Gorton	Metzenbaum	Thurmond
Grassley	Mitchell	Tower
Hatfield	Moynihan	Trible
Heflin	Murkowski	Tsongas
Heinz	Nickles	Wallop
Inouye	Nunn	Warner
Johnston	Packwood	Weicker
Kassebaum	Pell	Wilson
Kennedy	Proxmire	Zorinsky
Lautenberg	Pryor	
Laxalt	Quayle	

NOT VOTING—12

Chiles	Hawkins	Kasten
Cranston	Hollings	Percy
Dodd	Huddleston	Sasser
Hart	Jepsen	Simpson

So the motion to commit was rejected.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. MATHIAS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I ask the manager of the legislation on this side of the aisle if he will yield to me 15 minutes on the bill.

Mr. KENNEDY. Mr. President, I think the Senator from Maryland (Mr. MATHIAS) has control of the time of the proponents of the bill.

The PRESIDING OFFICER. The Senator inquired whether or not the leaders have designated the Senators who will be calling time.

Mr. BAKER. Mr. President, is the order drawn up like that?

Mr. MOYNIHAN. Mr. President, point of order. Do I have the floor?

Mr. BAKER. The Senator from New York does have the floor.

Mr. MOYNIHAN. I thank the Chair, and I would be happy to yield for such arrangement as the majority leaders wishes to make, but I wish to speak.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. BYRD. Will the Senator from New York yield? I designate control of time to Mr. Kennedy.

Mr. KENNEDY. I yield such time to the Senator from New York as he may need.

The PRESIDING OFFICER. The Senator will suspend.

Mr. BAKER. Will the Chair please establish order in the Senate.

The PRESIDING OFFICER. Those Senators standing in the well of the Chamber please take their seats. The majority leader.

Mr. BAKER. Now, Mr. President, the order as I understand it provides that time on the bill will be divided

equally between the majority and minority leaders or their designees. Mr. President, for the purpose of complying with that portion of the agreement I designate the distinguished Senators from Kansas (Mr. DOLE), and Maryland (Mr. MATHIAS) as they may wish to manage the time on my behalf. The order also provides that time on amendments will be divided according to, under the control of, the mover of the amendment and the manager of the bill. I believe no further designation is necessary under that requirement since the manager of the bill will be designated by the chairman of the committee.

Mr. President, I would hope the managers on both sides can arrange some sort of orderly sequence of amendments so we have some idea of what we are going to deal with and when we are going to deal with them.

Mr. President, I would urge the manager on this side to try to regulate this, the amendments, but I will try to have another announcement and I thank the Senator for this opportunity to make this statement, the designation and observation.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. MOYNIHAN. The Senator will yield for what purpose?

Mr. HELMS. I would like to make an inquiry of the majority leader.

Mr. MOYNIHAN. For that purpose I am happy to yield.

Mr. HELMS. Mr. President, I think you covered everything except some equitable consideration of the pros and cons, with everybody in charge of the time being in favor of the bill.

Mr. BAKER. Yes, Mr. President, the Senator is right. It is the usual right for the majority and minority leaders to have control but in this case I believe the majority and minority leaders are on the same side and I will confer with the Senator from North Carolina, the minority leader and managers and arrange that.

Mr. HELMS. I will say I have no apprehension about the fairness of the Senator from Maryland or anybody else but I do think the point ought to be raised.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I do not know how many Members of the Senate knew Martin Luther King. It occurs to me that it was perhaps not the majority—and perhaps not even many. I knew him and I was with him just 42 days before his assassination. He had invited me to speak to a conference of the Southern Christian Leadership Conference in Miami—Mr. President, may we have order?

The PRESIDING OFFICER. The point is well taken. The Senate is not in order. Those Senators conversing in the well please take their seats. The Senator from New York.

Mr. MOYNIHAN. On the 21st of February, 1968, I was his guest at a meeting of the Southern Christian Leadership Conference which was convened to discuss the subject of education. I gave a paper reporting some new research on the subject of the education of the urban poor, after which the Reverend Dr. King and I spoke for a bit about the prospect of doing something about the situation I had described. My presentation was basically an analysis of the Coleman study on equality of educational opportunity.

A new Congress had taken office the previous year, and one of those rare moments when social legislation can be enacted in this Congress had come and seemingly gone. We were both disappointed by this of course.

More importantly, though, there was a reaction coming, a reaction to the social progress that had been made in the course of the 1960's up to that point in early 1968—progress due in large measure to Rev. Dr. King's own work. You could feel it in the air, and Martin Luther King summed it up in one phrase. He said to me "The Congress is sick." He said to me "The Congress is sick."

Well, it may have been. It certainly gets better and gets worse as time goes by. But the Congress of the United States has never been so sick as it could be today if we were to pay attention to the filth in this brown binder that has been passed around this Chamber today. This is a Chamber in which one ought to maintain the highest standard of evidence and truth, and entertain a minimum respect for the dead who cannot defend themselves.

Well there are persons here today who will defend his name.

Martin Luther King, Jr., was one of the finest men of his age in this world, and this world knew it. He was a Christian minister. He was witness to Christian truth.

I would like to read, Mr. President, portions of a chapter from his book "Strength to Love" which was published by Collins Publishers in 1963. The chapters of the book were originally written as sermons for the parishioners of the Reverend Dr. King's churches, the Dexter Avenue Baptist Church of Montgomery Ala., and later the Ebenezer Baptist Church of Atlanta, Ga.

Chapter 10 is entitled "How Should a Christian View Communism" and it begins with a passage from the Book of Amos 5:24:

Let judgment roll down as waters, and righteousness as a mighty stream.

"Communism," wrote Rev. Dr. King, "exploits the dreadful philosophy that the end justifies the means."

The PRESIDING OFFICER. The Senator from New York is making an important statement and the Chair is having difficulty hearing and the Senator is having difficulty being heard.

Mr. MOYNIHAN. I thank the Chair most respectfully.

To return to the passage Dr. King wrote—

Communism exploits the dreadful philosophy that the end justifies the means. It enunciates movingly the theory of a classless society, but alas! its methods for achieving this noble end are all to often ignoble. Lying, violence, murder, and torture are considered to be justifiable means to achieve the millennial end. Is this an unfair indictment? Listen to the words of Lenin, the real tactician of Communist theory: We must be ready to employ trickery, deceit, lawbreaking, withholding and concealing truth. Modern history has known many tortuous nights and horror-filled days because his followers have taken this statement seriously.

He goes on later to say that Communism—

Is contrary, not only to the Christian doctrine of God, but also to the Christian estimate of man. Christianity insists that man is an end because he is a child of God, made in God's image. Man is more than a producing animal guided by economic forces; he is a being of spirit, crowned with glory and honour, endowed with the gift of freedom. The ultimate weakness of Communism is that it robs man of that quality which makes him man. Man, says Paul Tillich, is man because he is free. This freedom is expressed through man's capacity to deliberate, decide, and respond. Under Communism, the individual soul is shackled by the chains of conformity; his spirit is bound by the manacles of party allegience. He is stripped of both conscience and reason. The trouble with Communism is that it has neither a theology nor a Christology; therefore it emerges with a mixedup anthropology. Confused about God, it is also confused about men. In spite of its glowing talk about the welfare of the masses, Communism's methods and philosophy strip man of his dignity and worth, leaving him as little more than a depersonalized cog in the everturning wheel of the state.

Still later, the Reverend Dr. King goes on to say:

We should as Christians pray for the Communist constantly, but never can we, as true Christians, tolerate the philosophy of Communism.

Finally, the Reverend Dr. King concludes with the observation that

Our hard challenge and our sublime opportunity is to be a witness to the Spirit of Christ in fashioning a truly Christian world. If we accept this challenge with devotion and valor, the bell of history will toll for Communism, and we shall make the world safe for democracy and secure for the poeple of Christ.

Mr. President, I ask, is there a person in this Chamber who would think himself able to rise to the precision and the eloquence of that statement?

Could this have been written by one who did not know whereof he wrote, and know it at a level to which only persons of the greatest study and deepest thought and firmest belief could aspire? It is that study and con-

sideration and faith that guided Martin Luther King to his great achievements as an advocate of liberty and justice for all.

It is that same faith which would make him pray today for the persons who had assembled the obscenity that is this brown book on each Senator's desk. He would pray for them, but he would not emulate them. And it seems to me not for us to do so either.

Rather we should recall the words of Martin Luther King, Jr., who wrote in 1964, in another of his works "Why We Can't Wait," about the idea behind his doctrine of nonviolence. "It was not," he wrote—

A doctrine that made (his) followers yearn for revenge but one that called upon them to champion change. It was not a doctrine that asked an eye for an eye but one that summoned men to seek to open the eyes of blind prejudice.

The only way to expunge these execrations from our midst is overwhelmingly to adopt the legislation before us.

As we do, Mr. President, I would like to say just a closing word on behalf of a person of great importance to me and to many New Yorkers, for many years a steady companion and associate of Dr. King. That is Mr. Bayard Rustin whose name has been also dragged in recent days into this filth.

Bayard Rustin was the organizer of the great march on Washington in 1963, the anniversary of which we celebrated a few weeks ago. The march is perhaps best remembered as the place where Dr. King gave his famous address, "I Have a Dream." Bayard Rustin organized that march. Bayard Rustin has for more than two generations been at the forefront of those persons who have spoken to the American people about the dangers of totalitarianism. In speaking and working on behalf of freedom and justice both here and abroad, he warns us about totalitarianism and about the need for strength in opposition to it. He has been chairman of the Social Democrats U.S.A., a fundamentally antitotalitarian, anti-Communist organization.

He has long been a member of the board of directors of the International Rescue Committee which for 50 years has been giving succor to refugees from totalitarianism, whose numbers have at times been overwhelming in the last generation of Marxist-Leninist totalitarianism.

In his entry in Who's Who, he exercises that option, which the publisher evidently gives to persons, to say something about himself. And here is what Bayard Rustin writes of himself:

The Principle factors which influenced my life are: (1) non-violent tactics; (2) constitutional means; (3) democratic procedures; (4) respect for human personality; (5) a belief that all people are one.

That is a man whose name has been drawn into the filth that has been distributed in this Chamber.

In the 1930's, as memory serves—it was certainly before 1948 and India's independence in any event—Bayard Rustin traveled to India where he spent a very long while as an apprentice, you might say, to Mahatma Ghandi. There he learned the principles of nonviolent direct action, and watched the tactics of Ghandi, who then was working for the freedom of his own nation through the extraordinary tactic of peaceable resistance to injustice, and who was succeeding slowly.

He brought those principles back with him. With Martin Luther King, Jr., in the 1950's, he brought them to the American civil rights movement. He taught them as someone who had witnessed them. Bayard Rustin had lived and worked in the midst of the Indian people, had seen their struggle, had seen their needs and he brought what he learned to the United States. And it changed the life of this Nation. Bayard Rustin has never once wandered from that central commitment to nonviolence, to constitutional means, to democratic procedures.

To have his name drawn into the filth that has been brought into this Chamber—well, I apologize to Bayard Rustin for the injustice that has been done him. He will understand. He is not a man of the cloth. I would not ask him to pray or expect him to do for those who contume his reputation. Yet he will understand. He has seen it happen to others no less worthy than he.

I close, Mr. President, by asking if I might have unanimous consent to have printed in the RECORD Dr. Martin Luther King's essay "How Should a Christian View Communism." And, without being presumptuous, if only to indulge myself, I ask unanimous consent that I might have printed in the RECORD the paper I read before the meeting of the Southern Christian Leadership Conference, in the presence of Dr. King, on the 21st of February at the Four Ambassadors Hotel in Miami, Fla.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARTIN LUTHER KING: STRENGTH TO LOVE

CHAPTER TEN—HOW SHOULD A CHRISTIAN VIEW COMMUNISM

Let judgment roll down as waters, and righteousness as a mighty stream.—Amos 5:24

Few issues demand a more thorough and sober discussion than that presented by Communism. For at least three reasons every Christian minister should feel obligated to speak to his people on this controversial theme.

The first reason recognizes that the widespread influence of Communism has, like a mighty tidal wave, spread through Russia, China, Eastern Europe, and now even to our hemisphere. Nearly a thousand million of the peoples of the world believe in its teachings, many of them embracing it as a new religion to which they have surrendered completely. Such a force cannot be ignored.

A second reason is that Communism is the only serious rival to Christianity. Such great world religions as Judaism, Buddhism, Hinduism, and Mohammedanism are possible alternatives to Christianity, but no one conversant with the hard facts of the modern world will deny that Communism is Christianity's most formidable rival.

A third reason is that it is unfair and certainly unscientific to condemn a system before we know what that system teaches and why it is wrong.

Let me state clearly the basic premise of this sermon: Communism and Christianity are fundamentally incompatible. A true Christian cannot be a true Communist, for the two philosophies are antithetical and all the dialectics of the logicians cannot reconcile them. Why is this true?

I

First, Communism is based on a materialistic and humanistic view of life and history. According to Communist theory, matter, not mind or spirit, speaks the last word in the universe. Such a philosophy is avowedly secularistic and atheistic. Under it, God is merely a figment of the imagination, religion is a product of fear and ignorance, and the church is an invention of the rulers to control the masses. Moreover, Communism, like humanism, thrives on the grand illusion that man, unaided by any divine power, can save himself and usher in a new society—

I fight alone, and win or sink,
I need no one to make me free;
I want no Jesus Christ to think,
That He could ever die for me.

Cold atheism wrapped in the garments of materialism, Communism provides no place for God or Christ.

At the centre of the Christian faith is the affirmation that there is a God in the universe who is the ground and essence of all reality. A Being of infinite love and boundless power, God is the creator, sustainer, and conserver of values. In opposition to Communism's atheistic materialism, Christianity posits a theistic idealism. Reality cannot be explained by matter in motion or the push and pull of economic forces. Christianity affirms that at the heart of reality is a Heart, a loving Father who works through history for the salvation of his children. Man cannot save himself, for man is not the measure of all things and humanity is not God. Bound by the chains of his own sin and finiteness, man needs a Saviour.

Second, Communism is based on ethical relativism and accepts no stable moral absolutes. Right and wrong are relative to the most expedient methods for dealing with class war. Communism exploits the dreadful philosophy that the end justifies the means. It enunciates movingly the theory of a classless society, but alas! its methods for achieving this noble end are all too often ignoble. Lying, violence, murder, and torture are considered to be justifiable means to achieve the millennial end. Is this an unfair indictment? Listen to the words of Lenin, the real tactician of Communist theory: "We must be ready to employ trickery, deceit, lawbreaking, withholding and concealing truth." Modern history has known many tortuous nights and horror-filled days because his followers have taken this statement seriously.

In contrast to the ethical relativism of Communism, Christianity sets forth a

system of absolute moral values and affirms that God has placed within the very structure of this universe certain moral principles that are fixed and immutable. The law of love as an imperative is the norm for all of man's actions. Furthermore, Christianity at its best refuses to live by philosophy of ends justifying means. Destructive means cannot bring constructive ends, because the means represent the-ideal-in-the-making and the-end-in-progress. Immoral means cannot bring moral ends, for the ends are pre-existent in the means.

Third, Communism attributes ultimate value to the state. Man is made for the state and not the state for man. One may object, saying that in Communist theory the state is an "interim reality," which will "wither away" when the classless society emerges. True—in theory; but it is also true that, while it lasts, the state is the end. Man is a means to that end. Man has no inalienable rights. His only rights are derived from, and conferred by, the state. Under such a system, the fountain of freedom runs dry. Restricted are man's liberties of press and assembly, his freedom to vote, and his freedom to listen and to read. Art, religion, education, music, and science come under the gripping yoke of governmental control. Man must be a dutiful servant to the omnipotent state.

All of this is contrary, not only to the Christian doctrine of God, but also to the Christian estimate of man. Christianity insists that man is an end because he is a child of God, made in God's image. Man is more than a producing animal guided by economic forces; he is a being of spirit, crowned with glory and honour, endowed with the gift of freedom. The ultimate weakness of Communism is that it robs man of that quality which makes him man. Man, says Paul Tillich, is man because he is free. This freedom is expressed through man's capacity to deliberate, decide, and respond. Under Communism, the individual soul is shackled by the chains of conformity; his spirit is bound by the manacles of party allegiance. He is stripped of both conscience and reason. The trouble with Communism is that it has neither a theology nor a Christology; therefore it emerges with a mixed-up anthropology. Confused about God, it is also confused about man. In spite of its glowing talk about the welfare of the masses, Communism's methods and philosophy strip man of his dignity and worth, leaving him as little more than a depersonalized cog in the ever-turning wheel of the state.]

Clearly, then, all of this is out of harmony with the Christian view of things. We must not fool ourselves. These systems of thought are too contradictory to be reconciled; they represent diametrically opposed ways of looking at the world and of transforming it. [We should as Christians pray for the Communist constantly, but never can we, as true Christians, tolerate the philosophy of Communism.]

Yet, something in the spirit and threat of Communism challenges us. The late Archbishop of Canterbury, William Temple, referred to Communism as a Christian heresy. He meant that Communism had laid hold on certain truths which are essential parts of the Christian view of things, although bound to them are theories and practices which no Christian could ever accept.

II

The theory, though surely not the practice, of Communism challenges us to be more concerned about social justice. With all of its false assumptions and evil methods, Communism arose as a protest against the injustices and indignities inflicted upon the underprivileged. The Communist Manifesto was written by men aflame with a passion for social justice. Karl Marx, born of Jewish parents who both came from rabbinic stock, and trained, as he must have been, in the Hebrew Scriptures, could never forget the words of Amos: "Let judgment roll down as waters, and righteousness as a mighty stream." Marx's parents adopted Christianity when he was a child of six, thus adding to the Old Testament heritage that of the New. In spite of his later atheism and anti-ecclesiasticism, Marx could not quite forget Jesus' concern for "the least of these." In his writings, he champions the cause of the poor, the exploited, and the disinherited

Communism in theory emphasizes a classless society. Although the world knows from sad experience that Communism has created new classes and a new lexicon of injustice, in its theoretical formulation it envisages a world society transcending the superficialities of race and colour, class and caste. Membership in the Communist party theoretically is not determined by the colour of a man's skin or the quality of blood in his veins.

Christians are bound to recognize any passionate concern for social justice. Such concern is basic in the Christian doctrine of the Fatherhood of God and the brotherhood of man. The Gospels abound with expressions of concern for the welfare of the poor. Listen to the words of the Magnificat: "He hath put down the mighty from their seats, and exalted them of low degree. He hath filled the hungry with good things; and the rich he hath sent empty away." No doctrinaire Communist ever expressed a passion for the poor and oppressed such as we find in the Manifesto of Jesus which affirms: "The Spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the brokenhearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised, to preach the acceptable year of the Lord."

Christians are also bound to recognize the ideal of a world unity in which all barriers of caste and colour are abolished. Christianity repudiates racism. The broad universalism standing at the centre of the gospel makes both the theory and practice of racial injustice morally unjustifiable. Racial prejudice is a blatant denial of the unity which we have in Christ, for in Christ there is neither Jew nor Gentile, bond nor free, Negro nor white.

In spite of the noble affirmations of Christianity, the church has often lagged in its concern for social justice and too often has been content to mouth pious irrelevances and sanctimonious trivialities. It has often been so absorbed in a future good "over yonder" that it forgets the present evils "down here." Yet the church is challenged to make the gospel of Jesus Christ relevant within the social situation. We must come to see that the Christian gospel is a two-way road. On the one side, it seeks to change the souls of men and thereby unite them with God; on the other, it seeks to change the environmental conditions of men so that the soul will have a chance after it is changed. Any religion that professes to be concerned with the souls of men and yet is not concerned with the economic and social conditions that strangle them and the social conditions that cripple them is the kind the Marxist describes as "an opiate of the people."

Honesty also impels us to admit that the church has not been true to its social mission on the question of racial justice. In this area it has failed Christ miserably. This failure is due, not only to the fact that the church has been appallingly silent and disastrously indifferent to the realm of race relations, but even more to the fact that it has often been an active participant in shaping and crystallizing the patterns of the race-caste system. Colonialism could not have been perpetuated if the Christian Church had really taken a stand against it. One of the chief defenders of the vicious system of apartheid in South Africa today is the Dutch Reformed Protestant Church. In America slavery could not have existed for almost two hundred and fifty years if the church had not santioned it, nor could segregation and discrimination exist today if the Christian Church were not a silent and often vocal partner. We must face the shameful fact that the church is the most segregated major institution in American society, and the most segregated hour of the week is, as Professor Liston Pope has pointed out, eleven o'clock on Sunday morning. How often the church has been an echo rather than a voice, a tail-light behind the Supreme Court and other secular agencies, rather than a headlight guiding men progressively and decisively to higher levels of understanding.

The judgment of God is upon the church. The church has a schism in its own soul that it must close. It will be one of the tragedies of Christian history if future historians record that at the height of the twentieth century the church was one of the greatest bulwarks of white supremacy.

III

In the face of the Communist challenge we must examine honestly the weaknesses of traditional capitalism. In all fairness, we must admit that capitalism has often left a gulf between superfluous wealth and abject poverty, has created conditions permitting necessities to be taken from the many to give luxuries to the few, and has encouraged smallhearted men to become cold and conscienceless so that, like Dives before Lazarus, they are unmoved by suffering, poverty-stricken humanity. Although through social reform American capitalism is doing much to reduce such tendencies, there is much yet to be accomplished. God intends that all of his children shall have the basic necessities for meaningful, healthful life. Surely it is unchristian and unethical for some to wallow in the soft beds of luxury while others sink in the quicksands of poverty.

The profit motive, when it is the sole basis of an economic system, encourages a cut-throat competition and selfish ambition that inspires men to be more concerned about making a living than making a life. It can make men so I-centred that they no longer are Thou-centred. Are we not too prone to judge success by the index of our salaries and the size of the wheel base on our automobiles, and not by the quality of our service and relationship to humanity? Capitalism may lead to a practical materialism that is as pernicious as the theoretical materialism taught by Communism.

We must honestly recognize that truth is not to be found either in traditional capitalism or in Marxism. Each represents a partial truth. Historically, capitalism failed to discern the truth in collective enterprise and Marxism failed to see the truth in indi-

vidual enterprise. Nineteenth-century capitalism failed to appreciate that life is social and Marxism failed, and still fails, to see that life is individual and social. The Kingdom of God is neither the thesis of individual enterprise nor the antithesis of collective enterprise, but a synthesis which reconciles the truth of both.

IV

Finally, we are challenged to dedicate our lives to the cause of Christ even as the Communists dedicate theirs to Communism. We who cannot accept the creed of the Communists recognize their zeal and commitment to a cause which they believe will create a better world. They have a sense of purpose and destiny, and they work passionately and assiduously to win others to Communism. How many Christians are as concerned to win others to Christ? Often we have neither zeal for Christ nor zest for his kingdom. For so many Christians, Christianity is a Sunday activity having no relevancy for Monday and the church is little more than a secular social club having a thin veneer of religiosity. Jesus is an ancient symbol whom we do the honour of calling Christ, and yet his Lordship is neither affirmed nor acknowledged by our substanceless lives. Would that the Christian fire were burning in the hearts of all Christians with the same intensity as the Communist fire is burning in the hearts of Communists. Is Communism alive in the world today because we have not been Christian enough?

We need to pledge ourselves anew to the cause of Christ. We must recapture the spirit of the early church. Wherever the early Christian's went, they made a triumphant witness for Christ. Whether on the village streets or in the city jails, they daringly proclaimed the good news of the gospel. Their reward for this audacious witness was often the excruciating agony of a lion's den or the poignant pain of a chopping block, but they continued in the faith that they had discovered a cause so great and had been transformed by a Saviour so divine that even death was not too great a sacrifice. When they entered a town, the power structure became disturbed. Their new gospel brought the refreshing warmth of spring to men whose lives had been hardened by the long winter of traditionalism. They urged men to revolt against old systems of injustice and old structures of immorality. When the rulers objected, these strange people, intoxicated with the wine of God's grace, continued to proclaim the gospel until even men and women in Caesar's household were convinced, until jailers dropped their keys, and until kings trembled on their thrones. T. R. Glover has written that the early Christians "out-thought, out-lived, and out-died" everyone else.

Where is that kind of fervour today? Where is that kind of daring, revolutionary commitment to Christ today? Is it hidden behind smoke screens and altars? Is it buried in a grave called respectability? Is it inextricably bound with nameless status quos and imprisoned within cells of stagnant mores? This devotion must again be released. Christ must once more be enthroned in our lives.

This is our best defence against Communism. War is not the answer. Communism will never be defeated by the use of atomic bombs or nuclear weapons. Let us not join those who shout war and who through their misguided passions urge the United States to relinquish its participation in the United Nations. These are days when Christians must evince wise restraint and calm reasonableness. We must not call everyone a Communist or an appeasor, who recognizes that hate and hysteria are not the final answers to the problems of these turbulent days. We must not engage in a negative anti-Communism, but rather in a positive thrust for democracy, realizing that our greatest defence against Communism is to take offensive action in behalf of justice and righteousness. After our condemnation of the philosophy of Communism has been eloquently expressed, we must with postive action seek to remove those conditions of poverty, insecurity, injutice, and racial discrimination which are the fertile soil in which the seed of Communism grows and develops. Communism thrives only when the doors of opportunity are closed and human aspirations are stifled. Like the early Christians, we must move into a sometimes hostile world armed with the revolutionary gospel of Jesus Christ. With this powerful gospel we shall boldly challenge the status quo and unjust mores and thereby speed the day when "every valley shall be exalted, and every mountain and hill shall be made low: and the crooked shall be made straight, and the rought places plain: and the glory of the Lord shall be revealed."

Our hard challenge and our sublime opportunity is to bear witness to the spirit of Christ in fashioning a truly Christian world. If we accept the challenge with devotion and valour, the bell of history will toll for Communism, and we shall make the world safe for democracy and secure for the people of Christ.

EDUCATION OF THE URBAN POOR

(Speech by Daniel Patrick Moynihan before the Southern Christian Leadership Conference, Four Ambassadors Hotel, Miami, Fla., February 21, 1968)

Some nineteen months have passed since the publication of James S. Coleman's epic study of "Equality of Educational Opportunity." From the first it was clear that this study would have profound import for the education of the urban poor. The relatively brief period of scrutiny that has intervened since its appearance has confirmed this beyond even the expectations of those of us who expected most.

The Office of Education, was without a tinge of anxiety, had released the report early in July of 1966 to a nation that had not known it was coming and that was in any event preoccupied with the Fourth of July weekend. It would be difficult to describe the reaction to the report, for in truth there was none. Some of the newspaper accounts were better than we had reason to expect—John Herbers of the New York Times, for example, got close to the heart of the matter—but the overall impression was simply that another government study had confirmed what everyone had known all along.

If you happen to share my considerable respect for the openness of American society to new information, you would nonetheless have expected, even then, that before the year was out the study would become a matter of profound interest to American educators, and beyond them to a whole range of persons concerned with the nature of American society, and the education of the urban poor, most especially that very great portion of the urban poor composed of Negro Americans.

The information produced by the study—perhaps the second largest in the history of social science—was too powerful; and too profoundly at odds with the conventional wisdom, to remain unnoticed. Moreover the analysis, thanks to the initiative of the U.S. Office of Education, was the work of distinguished American scholars—Coleman and associates such as Ernest Q. Campbell—in collaboration with no less distinguished civil servants such as Alexander M. Mood. Further, it came at just the moment when the technology and the theory of mathematical sociology were able to undertake an enterprise of near Promethean daring.

Let there be no mistake as to the drama of the study. The early assumption that it had merely proved what everyone had known all along was at least partially due to the fact that this was what was expected of it. The study was called for by Section 402 of the Civil Rights Act of 1964. The initial Congressional intent seems to have been that the study should become a tool for legal actions designed to put an end to deliberate discrimination against minority groups. The final intent, however, seemed more in the dirction of showing the kind and degree of differences in available educational facilities as between minority group children and majority group children in American life.

No one questioned that these differences existed, nor yet that they were deeply consequential. In an interview in Southern Education Report of November-December 1965, published more than midway through the project, Coleman himself put it:

". . . the study will show the difference in the quality of schools that the average Negro child and the average white child are exposed to. You know yourself that the difference is going to be striking. And even though everybody knows there is a lot of difference between suburban and inner-city schools, once the statistics are there in black and white, they will have a lot more impact."

As is increasingly well known, the study found nothing of the sort. At this point lesser men would have gone back to recheck their data. Coleman and his band chose instead to push on into the unknown, whence they returned with the proposition that Robert C. Nichols in Science has described as being of "literally revolutionary significance . . . [standing] like a spear pointed at the heart of the cherished American belief that equality of educational opportunity will increase the equality of educational achievement." What emerged was a study which, in Robert A. Dentler's words (in The Urban Review), "makes a contribution to the study of American intergroup relations second only to Myrdal's American Dilemma."

What are the findings? This is not as clear as might be hoped. Persons will differ as to what has been proved, or, more importantly, disproved, and there will be considerable variance in the priorities different persons will assign even to those findings they can agree upon, the great quality of the study being that it raises so many more questions than it answers. I shall, then, offer you my list; others will have their own.

I believe the first finding is that the educational achievement of "radical" minority groups in the United States is grievously below that of the white majority, with the immensely significant exception of Chinese-Americans. It is fairly clear that in the course of going to school, the children of these groups fall further behind the majority rather than being helped to catch up. This is most pronounced for Indian Americans, who in the first grade score 53.0 on the nonverbal test, 50 being average, but by the twelfth grade drop to 47.1. But inequal-

ity of educational achievement is greatest with respect to Negro Americans who, for example, in the metropolitan Northeast, wind up in the twelfth grade 3.3 years behind whites in verbal achievement, and 5.2 years behind in mathematics. Twelfth-grade Negroes do sixth-grade arithmetic—not in Mississippi, but in New York.

I believe this must be the starting place for any consideration of Coleman's findings. The American educational system as it now operates is turning out seriously unequal citizens. We learned this within months, as it were, of having enshrined in law the principle of equality of opportunity. One does not have to share my view that the Civil Rights Act of 1964 marked the highwater mark of Social Darwinism in the United States in order to perceive that given unequal educational achievment, equal opportunity thereafter will produce unequal results. I do not see how this can be questioned. Coleman, or rather the Educational Testing Service of Princeton, has established that the problem of racial inequality is imprinted in the very nerves systems of American society. Anyone who supposes it is going to fade gently away like the Vietnam war of the Soviet state is out of his mind.

It is, I should think, more than likely that a study of this kind done, say, in a country of Northern Europe would find similar gaps in the educational achievement of different groups defined in terms of occupation or class, but the essential fact in the United States is the additional category of race. I do not wish to underestimate the bitterness and antagonism that class difference can bring about, but surely the history of the twentieth century must persuade us that they are as nothing compared with the cleavages created by racial and ethnic differences. That is a plain fact and one we must live with in America.

The second finding of the Coleman study, and here I must mildly differ from the view put forth by Robert Dentler, is that there does not appear to be any significant degree of discrimination in the quality of the school facilities provided minority children. This is not the same as saying that the school facilities are equal. They are not. But one has the distinct impression that where there do exist inequalities, they are more to be explained by the nature of the urban and rural environment then by any internal functioning of the school system itself. Thus if Negroes live in the rural slums of the South and the urban slums of the North, then they are likely to attend older, more run-down schools characteristic of slums everywhere. The Negro children of the Roxbury section of Boston (who have almost no elected political leaders) attend old, run-down schools—as also do the white children of South Boston (who are represented in Congress, for example, by the Speaker of the House of Representatives). If anything, in the nation as a whole, schools attended by whites appear to be somewhat older than those for Negroes.

This must be taken as a general impression gained from reading a complex set of tables from which particulars can be had that would support quite different, even opposed, points of view. My impression is that the American education system is performing in the classic manner of all bureaucracies, that is to say, it is imposing conformity in those realms subject to the bureaucratic writ. This writ does not extend, of course, to the huge wrong of racial segregation of neighborhoods, which if anything grows more pronounced, and is producing in effect two school systems: one occupied by whites, the other by Negroes.

A third finding is that despite our convictions to the contrary, it does not appear that the quality of school facilities, as we now conceive of the subject, has any very powerful differential effect on student achievement. Coleman's analysis revealed the school-to-school variance in pupil achievement in proportions of 10 to 20 percent:

"School to school variations in achievement from whatever source (community differences, variations in the average home background of the student body, or variations in school factors), are much smaller than individual variations within the school, at all grade levels, for all racial and ethnic groups. This means that most of the variation in achievement could not possible be accounted for by school differences, since most of it lies within the school."

In point of fact, as a number of persons have noted, if one wished to press the matter, it would be possible to argue that the Coleman data suggest there is in truth almost no "school effect" whatever, inasmuch as the school-to-school variances exist in the first grade as well as the twelfth, and therefore must reflect the community rather than the institution as such.

I believe it is necessary here to fight against our own strong contrary perceptions, as well as, perhaps, our ideological convictions. Persons who are very much interested in a given subject—be it race horses, French wines, corn whisky, or public schools—will frequently develop extraordinary acuteness in perceiving the most subtle—and to them crucial—differences between objects that would appear more alike than otherwise to the untrained observer. Thus Mencken suggests that romance is the illusion that one woman is different from another. They are, and they aren't, and that is about all there is to say.

This, I believe, is what Coleman says: not that schools have no effect—a preposterous notion—but rather that, by and large, given the vast educational system of the United States, they appear to have surprisingly similar effects. This proposition emerges from what is in truth an important methodological innovation (innovation on such a scale, at all events). Coleman measured the output of the schools, rather than their input, and found the differences in output to be considerably smaller than was assumed.

It must be stressed that the data are complex, open to many issues of interpretation, and subject possibly to considerable reinterpretation in the light of different techniques of analysis. But for the moment this is the proposition we have before us, and it is not, after all, such an extraordinary one. Indeed it is in ways a profoundly heartening proposition: the most important ingredients in a school, says Coleman, are not the grown-ups, and certainly not the fixtures, but the young people themselves.

Thus the recent report of the U.S. Civil Rights Commission on *Racial Isolation in the Public Schools*, on further analysis of the Coleman data, finds that "There are noticeable differences in the quality of the schools which Negroes attend and those which whites attend." The Commission then adds: "There is *some* relationship between such disparities and the achievement of Negro students." (Emphasis added.)

It is essential that we at least acknowledge this proposition, even if we continue to disbelieve it and to test it. There is no need for final, ultimate knowledge here: all that can be expected of us is that we keep inquiring and be candid about what inquiries to disclose.

One of the more unsettling statements in the study, for example, concerns the effect of the revered pupil/teacher ratio. Coleman found none: not even enough to make up a table. "Some facilities measures," the report states, "such as the pupil/teacher ratio are not included because they showed a consistent lack of relation to achievement among all groups under all conditions." This is no doubt the case. But it is also the case that Coleman was measuring the effects of variations that cluster around the current 23-to-1 average. What if, as Alan K. Campbell and Philip Meranto have suggested, the ratio were reduced to that of the Job Corps Center at Camp Kilmer, which has one professional instructor for every four and one half students?

Similarly, Coleman found that variance in per-pupil instructional expenditures could account for almost none of the differences in pupil achievement when the more significant background variables were controlled. For Negroes in the North this variance reached virtually nonexistent proportions measured in hundredths of one percent (e.g., .02 percent in the ninth grade). But again this concerns variations clustered around an average of about $500. What if per-pupil expenditure on instruction were something like the $4,350 that Campbell and Meranto estimate for the Camp Kilmer Job Corps? And what, for that matter, if the pupil/teacher ratio achieved the ultimate nineteenth-century formulation of Mark Hopkins on one end of a log and a student on the other?

A fourth finding—really it should be termed a reminder, for this is something we have always known, but somehow in the United States try to forget—is the all-powerful fact of social class, or if you prefer the term, social stratification. In specific terms, this means the family background of the individual student, and the family backgrounds of his fellow students. Writing in The Public Interest, Coleman put it thus:

"Altogether, the sources of inequality of educational opportunity appear to lie first in the home itself and the cultural influences immediately surrounding the home; then they lie in the school's ineffectiveness to free achievement from the impact of the home, and in the school's cultural homogeneity which perpetuates the social influences of the home and its environs."

The issue can be put fairly bluntly as follows: Can a middle-class school be created without a middle-class student body? I believe Coleman's answer would have to be at most a highly tentative "maybe." I believe our assumptions here have been far more optimistic, and what have in this respect been at fault.

Because race is the single most inclusive (although not, of course, complete) determinant of class in the United States, I shall argue that Coleman's data represent the most important demonstration of the absolute necessity of racial integration in education that has ever been assembled. He has shown that the achievement of lower-class students is raised when they are included in a predominantly middle-class school, and that the corresponding achievement of the middle-class students is not thereby lowered. Again, we may resist the finding but we must acknowledge it.*

Quality education in segregated schools is what is not happening. Now it may be that

it can be made to happen. Certainly there are instances where things seem to go right despite the probabilities to the contrary, and we must dig into those exceptions. But the evidence of the moment is against it. The evidence is that if we are going to produce equality of educational opportunity in the United States in this generation, we must do so by sending Negro students, and other minority students as well, to majority white schools. We cannot do this given the present system of school administration. And even given changes in that system, the all-powerful facts of demography—soon now almost one child in five entering public schools in the nation will be Negro, and in central cities the proportion will be far higher—make clear that we cannot do it without great expenditure. But I believe Coleman has taken us pretty much to the point where there can be no fuzzing the decision: either we are willing or we are not.

In this connection, let me also note that because the issue is class not race, there is perhaps more to be done by way of integrating lower-class Negro youth in middle-class Negro schools than we have so far managed. Evidence that the Negro community is splitting as between an increasingly well-to-do middle-class group and an increasingly worse lower-class continues to come in. Recent census studies in Cleveland suggest this phenomenon in striking detail. Middle-class Negroes have much more to contribute here than they may have realized.

A fifth finding concerns the elusive question of motivation. Let there be no doubt that American children have learned to like school, and to expect it to be primary source, even the primary source, of their own social mobility. This is most especially true of Negro children, who report the utmost attachment to all the approved attitudes toward education, and clearly set themselves very high standards of performance. Just as clearly, the greatest number of these children do not achieve these standards. Coleman cannot explain this but his data demand that someone try.

The question comes to something like this: What are the correlates of realism among students from deprived backgrounds? What is it will translate great expectations into great achievement? What, on the other hand, suggests nothing more than pathetic and doomed fantasy? One thinks of the nine-year-old Puerto Rican girl Catín in Oscar Lewis's brilliant book "La Vida." Catín loves her desperately disorganized family, loves her mother, is determined to help earn money for them. "That's why," she says, "when I grow up, I want to be a doctor or a chambermaid."

I believe it is now well known that in this area Coleman found that a sense of control of one's own destiny was far the best predictor of performance. He writes:

"Despite the very large achievement differences between whites and Negroes at the 9th and 12th grades, those Negroes who gave responses indicating a sense of control of their own fate achieved higher on the tests that those whites who gave the opposite responses. This attitude was more highly related to achievement than any other factor in the student's background or school."

But we do not know how this attitude comes about, and in particular we do not know how much it is simply a mirror of success that has its origins elsewhere. Nonetheless, it is likely that Coleman has isolated a highly significant variable.*

How then is the intelligent and concerned person to respond to all this? One thing may be said with certainty: it is no use hoping the Coleman study will go away. It does not at all follow that the future course of American education will be shaped by it, but it is near to inevitable that it will profoundly influence both the study of education and the public discussion of educational policy.

The first large instance of this is the report of the United States Commission on Civil Rights, Racial Isolation in the Public Schools, in the preparation of which Professor Thomas F. Pettigrew was chief consultant. The report is based in considerable measure on further refinement of the Coleman study data, and on evaluation of educational experiments that bear upon it. Its "Findings" represent the first effort to spell out the policy implications of the Coleman study and these elaborations.

Not surprisingly, the Civil Rights Commission reached conclusions significantly at odds with many present assumptions, and proposed a course of action that runs almost directly contrary to the current drift of events. The Commission found that racial isolation in the public schools is both "intense" and "increasing"; that there are "marked disparities in the outcomes of education for Negro and white Americans"; that programs of compensatory education do not have lasting effects in improving the achievement of Negro children; and that programs on the present scale are not likely to do so as long as the children remain isolated "by race and social class." The Commission concluded that the only solution to a mounting crisis will be for Congress to mandate by law the de facto integration of Negro and white students in the United States, and provide "substantial financial assistance" in the construction of the vast new facilities that would be required to do so. Although not quite spelled out, The Commission fairly clearly sees de facto integration as a condition in which the overwhelming majority of Negro students attend schools in which they are a minority.

Now it should be clear enough that these are not proposals likely to bring on an outpouring of public support. The report on *Racial Isolation in the Public Schools*, like the report on *Equality of Educational Opportunity*, was filled, in effect, with bad news. It is certain to be seen almost as a racial slur by some of the more militant members of the Negro community, and resisted for equal but opposite reasons by many whites. The Commission declares in effect that this is a white country and that to succeed in it one must grow up with whites: exceptions only prove the rule. One Negro member of the Commission, understandably sensitive to this point, appended a Supplementary Statement to the report. In it she indicates her sympathy for those who, seeing segregation as inevitable, wish to concentrate on providing a superior education for the Negro poor, but adds:

"However, there is little that is healthy and much that is potentially self-defeating in the emotionalism and racial bias that seem to motivate a small but vocal minority among those who now argue for "separate-but-equal" school systems." (Supplementary Statement of Commissioner Freeman)

With respect to the white majority, the Commission report declares that the social directions that have resulted from the sum of individual decisions of the past generation have led the nation to the brink of social disaster, and must be reversed. The Commission in effect proposed a level of deliberate and voluntary social change that may be possible, but that certainly has rarely if every before occurred.

The Civil Rights Commission has already aroused a certain amount of dismay, and one can anticipate more. Similarly, the Coleman study itself has sent a tremor of anxiety through the educational establishment. One can sympathize with the harassed school superintendent or commissioner of education just waiting for the moment when some member of the local school board or state legislature comes forth with the news that an Office of Education study has "proved" that teachers' salaries, classroom ratios, library books, laboratory facilities, or whatever, don't make any difference in educational achievement.

With this prospect in mind, some elements of the educational bureaucracy have made tentative efforts to discredit Coleman. For example, one of the nation's most influential Washington columnists recently declared that "The Coleman Report . . . has already done profound though still invisible harm." Typically the charge is not that the facts are wrong, but that they will be misused by persons whose motives are wrong, which by implication raises doubts about the motives of the person who was so ill-advised as to present the facts in the first instance. I can testify that this can be a lethal polemical device. Moreover it points to several problems concerning the profound but troubled impact of the social sciences on public policy in the United States at this time that bear comment.

The first such problem is one with which the history of the natural sciences has made us familiar if not comfortable. It concerns the simple fact that the methodology of educational research is now reaching a degree of complexity such that the results of inquiry are no longer directly accessible to the policy-maker. He does not understand the language. He cannot judge the validity of the results, or perhaps it should be said that he cannot counter a "scientific" argument with his own interpretation of the "scientific" data. If Coleman had concluded that it is fluorescent lights that make all the difference, one must fear that there are few educational policy-makers who could have demanded to see the equations and disproved him on the spot. Thus does science reintroduce the necessity of faith. Data such as those of the Coleman study are immensely difficult to interpret. This past year at Harvard, thanks to the generosity of the Carnegie Corporation and the unfailing cooperation of the Office of Education, we have been conducting a faculty seminar on the Study. Each fortnight a group that grew to some 75 assorted professors and scholars, among them some of the commanding intellects of their particular specialties, has been assembling to see what is to be made of it all, and I can assure you that our progress has been modest. It would be unreasonable to ask persons with almost no advanced training in the fields involved to do better. It is not a matter of experts always being right: surely they are more often wrong when it comes to the large movements of history. But it is very much a matter of command of the language of expertise, which increasingly is limited to the experts themselves.

That being the case, it would then seem clear that there is a need for the development in the field of education policy, and of social policy generally, of that rare and wondrous quality of intellect that is to be seen in men such as George Kistiakowsky and Jerome Wiesner who can serve as con-

duits between the world of the natural sciences and that of public policy, speaking the language of both worlds, and holding the respect and confidence of the leaders of both. It may be hoped that the private philanthropic foundations that have so greatly contributed to the development of the social sciences might now give some thought to this problem of translating and communicating their products. Otherwise we must expect more, not less, of the vulgarization and distortion which often do accompany such findings, and further, for that reason, even greater resistance to the conduct of such studies and the release of their findings.

A second problem concerning the relation of social science to public policy in this and related fields is one for which there are perhaps fewer precedents (although, as in the case of Herman Kahn, these have been most powerful ones). It has to do with the differences between the politics of social scientists and the social science of politics.

I would very much share the judgment of Kenneth Boulding that mankind is entering a profound new era in which man is becoming widely conscious of his own societies and of the larger "sociosphere" of which they are a part. In The Impact of the Social Sciences he writes:

"This movement of the social system into self-consciousness is perhaps one of the most significant phenomena in our time, and it represents a very fundamental break with the past, as did the development of personal self-consciousness many millennia earlier."

Increasingly, moreover, this self-consciousness is being shaped by social-science findings that are apt to be significantly at odds with the ideology-based assumptions of the past. This process is begun, just barely so, largely because the social sciences have as yet received relatively little support, and that has been concentrated in relatively narrow specialties. (Note what Boulding has to say on the subjects we have been discussing: "Research in race relations virtually ceased with the Supreme Court decision of 1954." "The sociology of the family has been shockingly neglected in recent years after some very exciting work a generation ago." "I am struck . . . with the relatively meager resource which is devoted to the problem of human learning, in spite of the fact that this is the core of virtually all developmental processes."

In recent years, however, it has also been true that social scientists have been playing rather an active role in seeking to shape public attitudes on social issues with proposals based not so much on their professional findings as on personal proclivities. Social scientists have been liberals, even radicals, about a wide range of public issues. They have been deeply committed to the need for and possibility of social change. They have been often as not at odds with the forces of personal wealth and political power, as any reader of the advertisements in the Sunday Times "News of the Week in Review" will attest. As a result, many minority groups, of which schoolteachers and Negro Americans are prominent examples of the moment (trade unions would be a good example from the preceding generation), have come to assume that social scientists will always be on their side, and this in turn has led to the assumption that social science will be as well. This is not necessarily so, the more so if being on the "side" of a given group involves attesting to the efficacy of whatever social program that group is favoring at the moment. Social scientists worthy of the name will call 'em as they see 'em, and this can produce no end of outrage at the plate, or in the stands.

There is no cure for this, but neither is there there any reason to expect that the embattled partisans of this cause are in the future going to be any more understanding of the problem than they have been in the recent past. Whoever is not with them will be judged against them, and whoever produces "facts" that are against them will be doubly damned. What we can hope for, however, is a larger sensitivity to this matter from the information media and within the social sciences themselves. This form of rejection will never become a pleasant experience for anyone, but to understand, even to anticipate, it is, one hopes, to be better able to ride out the storm.

Howsoever anticipated, the prospect that a considerable body of opinion might come to feel duped or betrayed by those in intellectual or political "authority" would be a matter of some concern at any moment in history, but it would seem to be especially so at this moment. It is not necessary to look for trouble in order to find it in American life. The fact of the matter is that this decade, which began with such great expectations, is taking on an ominous and threatening quality. "The center will not hold." We murdered our President. Then murdered the man we say murdered him. And from that moment on the confidence in the institutions of American life has been slipping away. I do not wish to sound apocalyptic. As with most of us, I share the senior Holme's skepticism about instant doom. But one would be blind not to see that the extremes of distrust and alienation are acquiring a position in American life that is unusual and very possibly dangerous.

In the early 1960s we saw the emergence of the radical right, and saw it profoundly influence one of our two great national parties. In the past two elections we have seen the forces of unregenerate racism assert themselves here and there throughout the nation, and in portions of the Old South we have seen the politics of moderation very near to annihilated. Now, as in no time since the 1930s, we see the arguments of the radical left gaining increasing strength and credibility among the youth of the nation. The antics of these young persons in turn produces a reaction in other segments of the society, and we see in a state such as California events not very different from those of Alabama; in the clash of extremes, the center is destroyed.

And now, as if fate were taking an active role, we find that, one by one, organizations of the widest variety—the United States Senate, the Department of Justice, General Motors, and, thanks to the Central Intelligence Agency, many of the most respected and valued institutions of American life—find themselves in situations of profound embarrassment. This country begins to look corrupt: not more so than other countries, but we have not thought of ourselves in terms of other countries. Let me not conjure visions merely of increased numbers of young men in sandals or old ladies in tennis shoes. Let me cite to you a statement made on Lincoln's birthday by Mr. Gregory B. Craig, Chairman of the Harvard Undergraduate Council, to Ambassador Arthur J. Goldberg on the occasion of his recent visit to Cambridge, as an honorary associate of the Institute of Politics:

"Mr. Ambassador, we've tried everything; we've written letters signed by student leaders, we have signed petitions, we have written to our Congressmen and to our Senators, and we are frustrated. . . . Our friends to the left have made their complete alienation from United States policy absolutely clear. What you should be concerned about is the more moderate group of students who on this campus and in universities and colleges throughout the country are becoming increasingly disaffected. Six years ago, the American government captured the imagination of a whole new generation of young people. Today, these same people, some of our country's most talented and thoughtful citizens, regard the notion of national purpose with cynicism, and in some cases, outright hostility. The sad thing is that our own leaders have destroyed our idealism. To me this is one of the great sorrows of the war in Vietnam. . . . Until our government returns to a certain elemental faith in its people, our disaffection will increase and some of American's most loyal and idealistic youth will be left with little loyalty and even less idealism."

The plain fact is that the United States had best look to its standards of conduct, or face the prospect of being discharged from the decade of the 1960s under conditions less than honorable.

And here is the point with respect to the dilemmas we now face concerning the education of the urban poor. At the outset of this decade we began to make promises such as have never been made, and to raise expectations to a level that might never have been envisioned. Part—just part—of the reason we did this was that we genuinely believed it to be in our power to do fairly directly what it is we said needed to be done. "This nation can afford whatever is required to . . ." Now, however, we begin to see that it will not be that easy. We cannot buy our way out of that commitment. But—and this is the point—neither can we go back on the commitment. In any circumstances it would be an outrage to do so. In our present circumstances it would be, as the French say, worse than a crime: a blunder. Given the mounting extremism of American politics, to fail to deliver on the promises made to the Negro Americans in the first half of this decade will be to trifle with the stability of the American republic. There is no other way to state it save bluntly thus.

But what to do if it turns out that those measures in which we have had so much confidence may have let us down? It seems to me that once this question is asked it answers itself readily enough. If old techniques don't work, devise new ones. Of all instititions, American education ought to be open to experimentation and innovation and to the evaluation of results. It would seem this has not been necessarily so. We may, as Robert Nichols writes, "find it hard to believe that the $28-billion-a year public education industry has not produced abundant evidence to show the differential effects of different kinds of schools, but it has not." One can sympathize with the executive committee of the American Association of School Administrators in its recent statement that "No public institution in the world is assessed more frequently and critically than American education," while at the same time agreeing with the statement of a group of my colleagues, headed by Dean Sizer, that there is a difference between frequent assessment and meaningful assessment, that "the improvement of the quality of education has always been hampered by our remarkable ignorance of what

happens to young people as a result of the time and money expended on them in schools."

The only useful response, it would seem to me, is to begin with the premise that the American people look to their school system not only to educate children to the always more demanding skills of modern society, but also to keep America an open society. Education in the United States has had this deep social, and if you will political, purpose for well over a century now, and there is no sign of any diminishment in that intent. It is not enough for us that the school system should simply replicate and legitimatize the existing social order from one generation to the next. That being the case, it is up to educators to find out how to achieve change. Here as elsewhere, as nineteenth-century Americans used to say, the great problem is not ignorance so much as knowing all those things that ain't so. Coleman suggests to us in the most powerful terms that a lot of things we have taken for granted just are not so.

Thus one could argue from the Coleman data that the provisions of Title 1 of the great Elementary and Secondary Education Act of 1965 are misconceived, and improving the education facilities provided to poor children will not of itself do the job. (I don't personally share this view; I merely assert the possibility of such an argument.) Very well, the question then should be, What will carry out the intent of Congress, which was to improve the educational achievement of poor children? That intent does not change, simply because we find one method may not work as well as another.

I believe that these and other questions being raised in other fields are all heading us in the same direction: toward concern with the fundamental issues of social class and family welfare, and in particular to a realization that education is the product of the total environment of the child, of which the school as such is only one, and probably not the most powerful, of multiple factors.

This can do us nothing but good. After perhaps too long a period of being infatuated with education, it appears we may at last be getting serious about it. The summons to do just that was put powerfully and well by Theodore R. Sizer in his 1967 annual report of the Harvard Graduate School of Education:

"There are hopeful signs in the country that American education may be moving into a period of realism and candor. If this eventuates, it will be historically unique. Schooling since the nation's founding has been shrouded with optimism, even utopianism. Jefferson never questioned the merit of the institutions he proposed or, as in the case of the University at Charlottesville, created. Jacksonian reformers had equally little question of the power of formal schooling. More recent theorists have compounded the issues; the schools were to carry the load not only of instructing children in the rudiments and in the rules of moral behavior but also to civilize them in the broadest sense. Schools were to be society's microcosms; and within them children could learn to grow. The rhetoric of American Education Week annually repeats this hopeful assurance of the power of the school. Education's claims are vast and in their repetition a peculiarly American cliché. They are also education's worst enemy."

Mr. MOYNIHAN. I would remind this Chamber, too quickly emptied after our most recent vote, or perhaps emptied out of unease with what has happened in this Chamber, of the last words Martin Luther King, Jr., ever spoke to me.

He said, "Congress is sick." We have an opportunity today and tomorrow to demonstrate that we, and the Nation, have regained our health by an overwhelming endorsement of the legislation before us.

Mr. President, I thank you for your personal courtesy in seeing that I have had the attention of the Chamber and I thank my friend from Massachusetts for yielding me the time.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN. Mr. President, I have an amendment to offer.

Mr. MATHIAS. Mr. President, I believe the Senator from New Hampshire has an amendment which he wants to go forward on, but the manager on the Democratic side would like to make a brief statement before we get to the first amendment.

Mr. KENNEDY. Mr. President, I am grateful to the Senator from New Hampshire. At the outset of the debate we were discussing the committal motion and I would like to now make a brief opening statement. I thank the Senator from New Hampshire.

I commend the Senator from New York for putting this debate back at a level where it should be placed and to focus the real attention on the issue at hand. Today and tomorrow we should direct the attention of the Senate to the central issue before us, the Martin Luther King holiday legislation.

Mr. President, I think it is appropriate, as my good friends and colleagues, the Senator from New York and the Senator from Maryland have done, to focus on the enormous contributions for which this Nation is indebted to Dr. King. To those who would use unfounded innuendo and exaggerated cost estimates to dilute, delay, or derail this shamefully overdue recognition of the life and message of Dr. King, I suggest that you take a few moments to examine the America which gave birth to this great leader. It is an America which I am sure we would all like to forget.

Let us look at Montgomery, Ala., in the year 1955, a community whose laws and customs were duplicated in cities large and small, throughout our Nation. This is the community to which Dr. Martin Luther King, Jr., returned after he earned his Ph. D. in Divinity from Boston College. In Montgomery, Dr. King found a great deal that contradicted the religious philosophy he studied in Boston.

In Montgomery in 1955, Dr. King's middle-class parishioners were insulted daily because of their race. They were forced to ride in the back of the bus, and relinquish their seat to any white person. Their children attended segregated schools, with inadequate books and supplies. They were not allowed to vote in the county, city, State, or Federal elections. City parks had signs—white only. The oppression and degradation were too great to continue unchallenged.

The Montgomery bus boycott began almost spontaneously, triggered by one too many insults. Rosa Parks, a hard-working seamstress was being harassed by the driver on her bus route because of her citizenship work with the NAACP. She was highly respected in Montgomery's black community. The bus driver's mistreatment of Mrs. Parks precipitated the refusal of Montgomery's black citizens to be disrespected and harassed on the city's buses any longer. They stopped riding the buses. They formed the Montgomery Improvement Association to coordinate the boycott.

Dr. King was recruited to head the association, and the civil rights movement was begun.

Dr. King and his movement rose up against a blight on America's democracy—segregation. Segregation was wrong. Any law or custom which keeps people separated because of their color or religion is wrong. In Hitler's Germany, Jews wore a badge identifying them as Jews, set aside for different treatment. In America, skin color has for centuries been a badge of inferiority, a badge of servitude, a badge of slavery, a badge of segregation.

I would remind my colleagues that in America in 1955, segregation was not merely tolerated by the law, it was mandated by law in much of our land, and mandated by custom almost everywhere else.

Racially identifiable neighborhoods and schools are constant reminders of generations of legal segregation.

Dr. King helped this country to acknowledge the evil of bigotry and begin to recognize the rights of people of color, women, the handicapped, and people of every religion.

Dr. King's message was that it is not too much to demand to be treated like a full citizen in the country of one's birth, in the country of one's ancestors.

To demand that America recognize that everyone is endowed with inalienable rights—regardless of race, color, creed, religion, sex, or handicap; to demand that the guarantees of our Constitution be extended equally to every citizen of this great land.

Dr. King worked tirelessly to remove the stain of discrimination from our Nation, and to make America a country which all Americans can be proud of.

We heeded his message, and America in 1983 is a far better nation because

of it. In designating a national holiday in Dr. King's honor, we give citizens of every region and every color an opportunity to pause in their own lives and their own way in tribute to a person who brought us a fuller measure of justice than our Nation had ever known before. With the passage of this bill, we bring our country one giant step closer to the fulfillment of Dr. King's dream of liberty and justice for all.

I thank the Senator from New Hampshire for permitting me to present these comments.

AMENDMENT NO. 2328

(Purpose: To make National Equality Day a legal public holiday to be observed on February 12 of each year.)

Mr. RUDMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. RUDMAN) proposes an amendment numbered 2328.

On page 1, strike out lines 6 and 7, and insert in lieu thereof:

"National Equality Day, February 12.".

On page 2, add after line 4 the following new section:

SEC. 3. The provisions of section 6103 (b) of title 5, United States Code shall not apply to National Equality Day established pursuant to the first section of this Act.

The PRESIDING OFFICER. The Senator from Maryland controls the time in opposition.

Mr. RUDMAN. Mr. President, let me preface my remarks on this amendment by simply stating that I believe it is regrettable but true, as referred to by my friend and colleague the distinguished Senator from New York, that there is an atmosphere of tension that does exist on this floor due to a number of circumstances that we are all aware of.

Because of that tension, it may not be possible to comprehend that there are some, this Senator included, who will offer amendments in good faith on this matter, who do so with certainly no thought of in any way detracting from the work of Dr. Martin Luther King. We have great respect for what he did.

I hope that some amendments may be considered to be offered in the spirit in which this amendment is offered.

Mr. President, when we speak of civil rights, we refer to those freedoms and rights which individuals may have as members of a community, State, or nation. We speak of the freedoms of speech, of the press, and of religion; and of the rights of own property, to vote, and to receive fair and equal treatment under the laws. Of course, our aspirations for all of these freedoms and rights can be reduced to a single aspiration: that of equality of opportunity among mankind. The history of the struggle for that equality can be traced back thousands of years, originally borne of the theory of natural law found in the writings of ancient Greek philosophers and the books of the Old Testament. The history can be traced through the adoption of the Magna Carta and the writings of John Locke, writings which formed the basis for the English bill of rights in 1689, the French declaration of the rights of man in 1789, and our own Bill of Rights in 1791.

The United States is presently foremost among nations in embracing the equality of opportunity which is the bedrock of our democracy. Yet, we have not always practiced as we now preach. The United States has many minorities who have been denied equality for significant parts of our history. The groups include blacks; Jews; those with Asian, Spanish, and American Indian heritage; and, although not a numerical minority, often treated as such, women. To study each group's struggle for equality is to be convinced of the ever-evolving and never-ending nature of the struggle. It was Lincoln who heralded the modern civil rights movement in his historical debates with Douglas in his unsuccessful 1858 bid for the U.S. Senate. In those debates Lincoln, unlike Douglas, continually addressed the moral issue of slavery, denouncing it as a "moral, social, and political evil," and that at a time when it was not necessarily acceptable theory in either the North or the South. Douglas won the election, but Lincoln gained national fame, and the move to equality was launched.

The 12-year period following the Civil War saw the abolishment of slavery through the 13th amendment and the grant of citizenship to blacks under the 14th amendment. In 1870 the 15th amendment prohibited States from denying the right to vote because of race. And, although the 60-year period from 1880 through 1940 saw a general eroding of the rights of blacks, the era since 1954 has spawned numerous leaders within the Congress, the courts, and the private sector who have ably carried forth the banner of equality for blacks.

American Indian rights have also evolved over time. Often, conveniently, we forget that in establishing our Nation the rights of some 150 tribes of American Indians were ignored. It is only since the early 1900's that American Indians have begun to be treated with the equality that is their due. Like blacks, American Indians have relied on the sacrifices and leadership of many over the years to attain that which they have today.

So, too, with women. Many of us here may find it hard to contemplate, but women were long denied the right to vote, the right to equal education, the right to own property. The right to vote was an issue for over 40 years until the 19th amendment was adopted in 1920. Job discrimination against women has been an issue from the mid-1900's; it continues to be a major issue today. Early advocates of equality for women were jailed for such actions as voting illegally, or for chaining themselves to the White House fence in the spirit of social activism which is so popular today. Many went on hunger strikes while in prison in order to emphasize their sincerity and the magnitude of the problem. As with all groups which have been denied equality of opportunity within our community of man, the movement continues to evolve.

Mr. President, you will note that in speaking thus, I have not listed any of the many who have been leaders within movements for equality of opportunity for our many minorities. To do so would be to slight those omitted. More to the point, what we as a nation should learn from this debate is not the name of any particular leader; rather, it is the ideal we should celebrate. We have recognized this truth in the holidays known as Veterans Day, Labor Day, Independence Day, and Memorial Day. We should recognize it again in this instance. To commemorate one person is to embrace the arrogance of assuming the goal has been attained. Once we are complacent enough to assume that, we will be in danger of losing the dynamic nature of our democracy, which itself insures the possibility of realizing the idealized equality we aspire to. Instead, we must focus on the past to gain knowledge, the present to measure progress, and the future to set goals now unattainable.

The amendment I propose is to that end, calling for a holiday to be known as National Equality Day. I propose that it be on the date of Lincoln's birth only because I feel it was he who first stirred our Nation's social conscience in a manner not theretofore known.

I propose the day as one of celebration of our ideals, of rememberance of all our leaders, both public and private, who have fought for the equality represented by those ideals, and for a rededication of our efforts in the future to insure that such equality is our legacy for generations yet to come in our great country.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I yield myself such time as may be required.

The Senator from New Hampshire has offered a thoughtful suggestion, as he usually does. It is one that deserves careful consideration by the

Senate. The Senator from New Hampshire speaks from a position of strength in regard to support of civil rights in this country. That adds importance to the suggestion that he has made, because no one can question his credentials as an ardent and important advocate of equality for all Americans, and of the civil rights of all Americans. So I do take his amendment with great seriousness. I am, however, forced to oppose it, because I think it would deprive the Martin Luther King holiday bill of an important symbolic element that is necessary if we want to achieve what the bill attempts to do.

It is true that we memorialize the veterans without naming any one veteran and we memorialize the laboring men and women of America without naming any one of them. But we do also have certain other holidays in which individuals are named, and not one of those individuals is a black American.

Not a single black American has yet been chosen to be memorialized. I regret to say, Mr. President, that in this Capitol Building, in that long corridor which stretches from that door to the other House, there is not one single memorial to a black American. Congress has, I am glad to say, authorized a bust of Dr. Martin Luther King, which the Architect of the Capitol is in the process of commissioning. But up until this moment, not a single black American has been honored in this way by the Congress and by the country.

So an element of the very equality which I know the Senator from New Hampshire seeks to embody in this bill, which he does not seek to deny by his amendment, and which we all are working for, would be symbolically denied, if we divorced the name of Martin Luther King, Jr., from a holiday that we have proposed as a day to remember a great act of reconciliation. That act of reconciliation took place because of the leadership of Martin Luther King.

Therefore, Mr. President, I am moved to oppose this amendment. I do it with great respect to the author of the amendment, because I know his motivations are very high. I just feel that we would deprive the country of that symbolic recognition which the name of a black American would bring. So I hope the Senate will defeat the amendment.

Mr. RUDMAN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. RUDMAN. Mr. President, I yield back the remainder of my time.

Mr. HELMS. Will the Senator yield some time to me?

Mr. RUDMAN. I am pleased to yield whatever time remains to me.

Mr. MATHIAS. Mr. President, does the Senator from North Carolina seek recognition?

Mr. HELMS. I shall certainly defer to my friend from Maryland.

Mr. MATHIAS. No, Mr. President, if the Senator wants to proceed on the Rudman amendment——

Mr. HELMS. I want to speak on the issue.

Mr. RUDMAN. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 21 minutes remaining.

Mr. RUDMAN. How much time would the Senator from North Carolina need?

Mr. HELMS. Ten minutes at the outside.

Mr. RUDMAN. I am pleased to yield that much time to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Senator from New Hampshire. I thank the Chair.

At some point, Mr. President, I think it is essential that the record be set straight and I shall endeavor to do that. I regret as much as anyone the flurry this morning on this floor, but I think there comes a time when the Senate's rules are important as to content and courtesy, which is why I asked for regular order.

Mr. President, I can understand the distinguished Senator from Massachusetts and his strong feelings about this measure, and I respect him for it. But I hope that we can proceed on the basis of what facts are instead of what we wish they were.

In that connection, I would go back to remarks in this Chamber on October 3 when the able Senator from Massachusetts said:

> Mr. President, there have been comments made on the floor of the U.S. Senate about whether this legislation has had adequate hearings, and there has even been some observation that I in the U.S. Senate have been somewhat remiss in not holding hearings on this legislation.

Well, let the record show that I had never said or insinuated or implied, nor should anyone infer, that the Senator from Massachusetts has been remiss in not holding hearings on this legislation. In the first place, he is not chairman of the Judiciary Committee in this Congress, so the words suggesting that he had been remiss are uniquely his own and not mine. I do not know who, if anybody else, in the Senate may have said such, but I certainly did not. What I said was that there had been no hearings in the Senate during the 98th Congress on the bill now before us. As for the hearings conducted in the House, those hearings were not on this bill. The Senator from Massachusetts did not rebut the point that I made.

In fact, he continued, and I quote him:

> As a member of the Judiciary Committee and as the former chairman of the Judiciary Committee when this legislation was introduced, I might say we had in 1979, 2 days of hearings. The Senate Judiciary Committee reported this bill to the U.S. Senate by a vote of 10 to 6, and to suggest on the floor of the U.S. Senate that the Senate Judiciary Committee has not had the hearings or that the House of Representatives has not had the hearings, shows gross ignorance about the legislative history of this particular proposal, and I think it was demonstrated by the Senator from North Carolina in not only his understanding of the legislative history but also with regard to his comments about the costs of various holidays.

Mr. President, I do not believe my friend from Massachusetts would have suggested that my comments showed what he called a gross ignorance of the legislative history if he had listened to what I said. My point was and is that inadequate consideration has been given this measure now pending before the Senate. The Senator from Massachusetts obviously believes, and has every right to believe it, 2 days of joint hearings in 1979 before the Senate Judiciary Committee and the House Post Office and Civil Service Committee are somehow adequate to allow consideration of this measure at this time without further consideration.

As has been pointed out to me, 25 Members of the Senate today were not Members of the Senate in 1979, 25 percent of the total membership of this body. And those 25 included 4 members of the Senate Judiciary Committee who have never had the benefit of hearings on the measure now before the Senate.

The bill under consideration in 1979, 4 years ago, was S. 25, and as the Senator from Massachusetts has indicated the vote was 10 to 6. Senators voting against the bill then included Senators THURMOND, HATCH, LAXALT, COCHRAN, SIMPSON, and DECONCINI. Senators THURMOND, LAXALT, HATCH, and SIMPSON joined in an eloquent statement of minority views as to the creation of this new national holiday.

Mr. President, I ask unanimous consent that the minority report be printed in the RECORD.

There being no objection, the minority report was ordered to be printed in the RECORD, as follows:

MINORITY VIEWS OF SENATORS THURMOND, LAXALT, HATCH, AND SIMPSON

The efforts to honor Dr. Martin Luther King, Jr. through congressional approval of another legal, Federal holiday did not begin with the introduction of S. 25 on January 15, 1979. As the majority report states: "Since the death of Dr. King in 1968, legislation has been introduced in each Congress

to commemorate the anniversary of his birth."

There must be good reason why this proposal has not been acted on in previous Congresses, even though the majority argues: "Since 1968 there has been strong public sentiment in support of creating the holiday recommended by the committee." If this support has been so strong, one must ask: Why has the Congress refused to act on this legislation during the past decade? Without equivocation, there are no less than five major reasons that explain why the Congress has been reluctant to act on legislation to make Dr. Martin Luther King, Jr.'s birthday a Federal holiday.

I. COST OF ANOTHER FEDERAL HOLIDAY

Of all the reasons that a Dr. Martin Luther King, Jr., holiday should be opposed, the high cost associated with such legislation is the most objective and persuasive one. The creation of a Federal, legal holiday will cost according to the Office of Personnel Management approximately $195 million. That figure is calculated by adding the normal daily payroll of approximately $173 million which would be spent whether the employees work or not, to the average premium pay estimated to be $22 million.

Proponents of this legislation argue that a new, Federal holiday will only cost an additional $22 million since the daily payroll figure of $173 million will be charged to the Federal Government regardless of whether the employees show up for work or not. The logic of that argument seems defensible if one looks at it through the eyes of a budget analyst. The majority has used as its authority the Congressional Budget Office for the argument that the "only clearly definable budget impact" of the legislation is the amount of premium pay, for example, overtime, and other benefit expenses. True, that would be an additional budgetary consideration, but that begs the question.

The fundamental question to be decided is the consideration of a Federal holiday, aside from who or what is to be honored, is should Federal employees be given another day off. That is the question, plain and simple. Nor is it novel to the committee's consideration of S. 25.

During debate on the House floor in 1920 on a proposal to honor Abraham Lincoln with a Federal holiday, the following exchange took place:

The SPEAKER pro tempore. The gentleman from Illinois (Mr. WILLIAMS) is recognized for 5 minutes.

Mr. WILLIAMS. Mr. Speaker, intending as I do to vote against this measure, I feel I should say a word in explanation of my vote. Coming as I do from the great State of Illinois, I yield to no one in love and veneration of the great name and fame of Abraham Lincoln. I was taught from childhood to worship Lincoln.

But it seems to me that this measure will add nothing to his honor or to his great fame and place in history. It simply creates another legal holiday in the District of Columbia on which the employees of the Government will receive full pay without performing service to the Government.

Mr. HUSTED. Mr. Speaker, will the gentleman yield for just one question?

Mr. WILLIAMS. Yes.

Mr. HUSTED. Does not the gentleman think we had better abolish some holidays already existing rather than prevent the enactment of this?

Mr. WILLIAMS. I do not know that I would object to that, and certainly not if other holidays are to be created. We now have six legal holidays in the District of Columbia, days on which no one works except Members of the two Houses of Congress. Employees of the Government have received full pay and render no service of any kind on these days. In addition to the six legal holidays, employees of the Government have 30 days leave of absence each year with full pay, and are allowed 30 days sick leave with pay.

This measure adds one more holiday. I am not in favor of doing that, even if the name of the great Lincoln is used in support of the measure.

Making Lincoln's birthday a legal holiday in the District of Columbia and closing all the departments of the Government on that day will not add additional honor or fame to that immortal character. His name and fame fills the whole Earth. We cannot add to that fame by closing the departments of the Government on his birthday and giving the employees a holiday at an expense of six or seven hundred thousand dollars each year to the taxpayers of the Country. (Congressional Record, March 17, 1920 at 4478).

The matter of extending to Federal employees another paid day of vacation cannot be ignored in regard to S. 25. This is a "smoke-screen" as the Majority would have us believe. It is a straightforward, factual issue that must be kept in the forefront of the debate on this legislation. It was a debatable issue in 1920 and it is as valid an issue today.

The economy in 1979 is not what most observers would call healthy. Taxpayers are being pinched by runaway inflation. One of the chief causes of inflation is increased Government spending. Most American taxpayers do not mind having their taxes spent if they know that something productive will result. But how can anything productive be done by the Federal Government when the majority of its employees stay home. S. 25 would authorize 1 additional day of leave, with full pay and benefits, and an accompanying loss of productivity.

In addition to the nine legal holidays Federal employees now enjoy, they also accrue annual leave of up to 26 days a year and annual sick leave with pay at the optimum rate of 13 days a year which, if not used by an employee accumulates for use in future years. Thus, not counting sick leave, a Federal employee is now eligible for 35 days of paid leave a year. This does not count "snow" days or other paid leave days authorized by Executive order or administrative order. Needless to say, Federal employees are not denied a fair amount of leave time.

II. HISTORY OF TWO EXISTING HOLIDAYS

The existing Federal law provides for the observance of nine days during the year as legal, public holidays. Among those are two which honor the birthdays of persons unquestionably linked to the discovery and founding of America—Christopher Columbus and George Washington. These two men are alone in the long history of our Nation as being honored with the designation of a Federal, legal holiday. Except for Christmas Day, which many religions accept as the date of the birth of Christ, the other days are observed in recognition of events in America's history of such magnitude that they transcend regionalism and special groups or cultures. These days have received universal recognition by all Americans and have been celebrated over the years as national holidays even though they were created only to give Federal workers time off from their jobs.

An example of the treatment of past efforts to designate a new, Federal holiday was the debate in the House on March 17, 1920, to make Abraham Lincoln's birthday a Federal holiday. A bill was brought up to make February 12 a legal holiday in the District of Columbia. During the debate on that measure, Representative Cannon of Illinois made the following statement:

Lincoln has crossed over. We can add nothing to his fame. Thomas Jefferson was a great man and a great President and author of the Declaration of Independence. There is no legal holiday for him. There is none for Hamilton, and for other great men of the Revolution by which our liberties were acquired, save alone for Washington. (CONGRESSIONAL RECORD, March 17, 1920, at 4468).

Indeed, there is none for Abraham Lincoln today. Although the House passed the pending measure, the Senate did not act on it. Subsequent efforts to honor great American heroes and patriots have been made, but without success.

III. PLACE IN HISTORY NOT PRESERVED

One of the greatest tributes that can be paid an individual after his or her death is a recognition earned through widespread and unanimous acclamation by all of the people of a Nation or the world. Few living persons achieve such status. There are many who receive the plaudits of their peers while they are alive, and also shortly after their death. But it is a true honor to be appropriately recognized long after history has had the opportunity to test the contributions of an individual to his world.

In the view of some, Dr. Martin Luther King, Jr., has not preserved beyond reproach his place in history. Although a dynamic and charismatic personage of our time, Dr. King's place in history has not been permanently established. His career, which the history books have yet to treat in any comprehensive manner, was under any circumstance a controversial one. That is not to derogate or belittle the outstanding contribution that he made to the cause of civil rights for black Americans. His record is well documented in that area. But Dr. King's record also reveals other activities which extend beyond his work in the civil rights area making his career controversial to many Americans.

Dr. King was involved in antiwar activities during the Vietnam War. He endorsed Lyndon B. Johnson and spoke out actively against candidate Barry Goldwater. He advocated Communist China's membership in the United Nations. He was a sponsor of the National Committee for a Sane Nuclear Policy. These are just a few of Dr. King's activities while he was in a leadership role in the civil rights movement of the 1960's.

Let it be stated at the outset, there is absolutely nothing wrong with any person taking a position or expressing oneself on the events of the day. The first amendment is our precious protector of that right, and as Ambassador Young noted at the March 29th hearing, which is also astutely quoted in the majority report:

"Dr. King exercised very freely, perhaps more freely than any other American, the privileges and responsibilities of the first amendment and never has our court system been put to such dramatic and productive use as it was during the sixties."

It was this quality of Dr. King that has aroused the emotions of the American people. He has ardent followers and vicious attackers. Few persons on the recent Ameri-

can scene have brought out such strong feelings. Only the passage of time can temper those emotions and possibly reserve in history Dr. King's place as an American figure worthy of a Federal, legal holiday.

IV. STATE OPTION APPROACH

Most people are unaware that technically there are no national holidays in the United States. Each State has jurisdiction over its holidays which are determined by either legislative enactment or Executive proclamation. The President and the Congress can only legally designate holidays for the District of Columbia and for Federal employees. As a practical matters, however, most States observe the Federal, legal holidays enumerated in 5 U.S.C. 6103(a).

Since public holidays are the primary responsibility of the States, there are a great number of legal and public holidays that are observed throughout America. Below is a listing according to World Almanac (1979), of the holidays celebrated and observed in the United States:

LEGAL OR PUBLIC HOLIDAYS, 1979

Technically there are no national holidays in the United States, each state has jurisdiction over its holidays, which are designated by legislative enactment or executive proclamation. In practice, however, most states observe the federal legal public holidays even though the President and Congress can legally designate holidays only for the District of Columbia and for federal employees.

Federal legal public holidays are New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving and Christmas.

Chief legal or public holidays

When a holiday falls on a Sunday or a Saturday it is usually observed on the following Monday or preceding Friday. For some holidays, government and business closing practices vary. In most states the office of the Secretary of State can provide details of holiday closings.

Jan. 1 (Monday)—New Year's Day. All the states.

Feb. 12 (Monday)—Lincoln's Birthday. Ariz., Cal., Col., Conn., Ill., Ind., La., Kan., Md., Mich., Mo., Mont., Neb., N.H., N.J., N.Y., Pa., Tenn., Ut., Vt., Wash., W. Va., In., Del., and Ore., celebrated Feb. 5 in 1979.

Feb. 19 (3rd Monday in Feb.)—Washington's Birthday. All states except N.C. In several states, the holdiday is called President's Day or Washington-Lincoln Day.

Apr. 13—Good Friday. Observed in all the states. A legal or public holiday in Conn., Del., Fla., Ha., Ind., Ky., La., Md., Mich., N.J., N.D., Tenn., W. Va. Partial holiday in N.M. and Wis.

May 28 (last Monday in May)—Memorial Day. All the states except Ala., Miss., S.C. (Confederate Memorial Day in Va.). Observed May 30 in Del., Ill., Md., N.H., N.M., N.Y., Vt., W. Va.

July 4 (Wednesday)—Independence Day. All the States. (July 3 in Nev.).

Sept. 3 (1st Monday in Sept.)—Labor Day. All the states.

Oct. 8 (2nd Monday in Oct.)—Columbus Day. Ala., Ariz., Cal., Col., Conn., Del., Fla., Ga., Ida., Ill., Ind., Kan., Ky., Me., Mass., Mich., Minn., Mo., Mont., Neb., N.H., N.J., N.M., N.Y., Oh., Okla., Pa., R.I., Tenn., Tex., Ut., Vt., Va., W. Va., Wis., Wy. Observed Oct. 12 in Md. (Discoverer's Day in Hawaii, Pioneer's Day in S.D.).

Nov. 6 (1st Tuesday after 1st Monday in Nov.)—General Election Day. Ind., N.J., N.Y., Va., W. Va. (Observed only when presidential or general elections are held. Primary election days are observed as holdiays or part holidays in some states.).

Nov. 11 (Sunday observed No. 12)—Armistice Day (Veterans Day). All the states.

Nov. 22 (4th Thursday in Nov.)—Thanksgiving Day. All the states. The day after Thanksgiving is observed as a full or partial holiday in several states.

Dec. 25 (Tuesday)—Christmas. All the states.

Other legal or public holidays

Dates are for 1979 observance, when known.

Jan. 8.—Battle of New Orleans. In La.

Jan. 15—Martin Luther King Birthday. Conn., Fla., Ill., Ky., La. (some years), Md., Mass., Mich., N.J., N.Y., Oh. Many schools and black groups in other states also observe the day.

Jan. 15 (3rd Monday in Jan.)—Robert E. Lee's Birthday. Ala., Miss., Lee-Jackson Day in Va.

Jan. 19—Robert E. Lee's Birthday, Ark., Fla., Ga., Ky., La., N.C., S.C., Tenn. (special observance); Confederate Heroes' Day in Tex.

Jan. 20—Inauguration Day. In the District of Columbia; observed every fourth year.

Jan. 30—Franklin D. Roosevelt's Birthday. In Ky.

Feb. 2—Arbor Day. In Ariz. (Most counties).

Feb. 14—Admission Day. In Ariz.

Feb. 27—Mardi Gras (Shrove Tuesday). Ala., La.

Mar. 2—Texas Independence Day. In that state.

Mar. 6—Town Meeting Day (1st Tuesday in Mar.). In Vt.

Mar. 15—Andrew Jackson Day. In Tenn. (special observance).

Mar. 17—Evacuation Day, In Boston and Suffolk County, Mass.

Mar. 25—Maryland Day. In that state.

Mar. 26—Kuhio Day. In Ha.

Mar. 28—Seward's Day. In Alas.

Apr. 2—Pascua Florida Day. In Fla.

Apr. 6—Arbor Day. In Ariz. (5 counties).

Apr. 12—Halifax Independence Day. In N.C.

Apr. 13—Thomas Jefferson's Birthday. In Ala.

Apr. 16—Easter Monday. In N.C.

Apr. 17—Patriot's Day (3rd Monday in Apr.). Me., Mass.

Apr. 21—San Jacinto Day. In Tex.

Apr. 22—Arbor Day in Neb.

Apr. 23—Fast Day (4th Monday in Apr.). In Ala.

Apr. 26—Confederate Memorial Day. Fla., Ga.

Apr. 27—Arbor Day (last Friday in Apr.) in Ut.

Apr. 30—(last Monday in Apr.)—Confederate Memorial Day. In Miss.

May 8—Harry Truman's Birthday. In Mo.

May 10—Confederate Memorial Day. In N.C., S.C.

May 20—Mecklenburg Day. In N.C.

28—(last Monday in May)—Confederate Memorial Day in Va.

June 3—Confederate Memorial Day. In Ky., La. (some years). Tenn. (special observance).

June 4 (first Monday in June)—Birthday of Jefferson Davis, Ala., Fla., Ga., Ky., Miss.

June 11—Kamehameha Day. In Ha.

June 14—Flag Day. Observed in all states; a legal holiday in Pa. Observed June 10 in N.Y.

June 18—Bunker Hill Day. In Boston and Suffolk County, Mass.

June 20—West Virginia Day. In W. Va.

July 24—Pioneer Day. In Ut.

Aug. 6—Colorado Day (1st Monday in Aug.). In that state.

Aug. 13—Victory Day (2nd Monday in Aug.). In that state.

Aug. 16—Bennington Battle Day. In Vt.

Aug. 17—Admission Day (3rd Friday in Aug.). In Ha.

Aug. 27—Lyndon Johnson's Birthday. In Tex.

Aug. 30—Huey Long's Birthday. In La. (some years).

Sept. 9—Admission Day. In Cal.

Sept. 12—Defender's Day. In Md.

Oct. 8—Alaska Day. In that state.

Oct. 31—Nevada Day. In that state.

Dec. 10—Wyoming Day. Commemorates woman's suffrage in that state.

Dec. 24—Christmas Eve. In Ark.

Dec. 26—Day after Christmas. In S.C.

Days usually observed

All Saints' Day, Nov. 1. A public holiday in Louisiana.

American Indian Day (Sept. 28 in 1979). Always fourth Friday in September.

Arbor Day. Tree-planting day. First observed April 10, 1872, in Nebraska. Now observed in every state of the Union except Alaska (often on the last Firday in April). A legal holiday in Utah (always last Firday in April), and in Nebraska (April 22).

Armed Forces Day (May 19, in 1979). Always third Saturday that month by presidential proclamation. Replaced Army, Navy and Air Force Days.

Bill of Rights Day. Dec. 15. By Act of Congress. Bill of Rights took effect Dec. 15, 1791.

Bird Day. Often observed with Arbor Day.

Child Health Day. (Oct. 1 in 1979). Always first Monday in October by presidential proclamation.

Citizenship Day. Sept. 17. President Truman, Feb. 29, 1952, signed bill designating Sept. 17 as annual Citizenship Day. It replaced "I Am An American Day," formerly 3rd Sunday in May and Constitution Day, formerly Sept. 17.

Easter Monday. (Apr. 16 in 1979). A statutory day in Canada.

Easter Sunday. (April 15 in 1979).

Elizabeth Cady Stanton Day, Nov. 12. Birthday of pioneer leader for equal rights for women.

Farmer's Day. (Oct. 8 in 1979). Florida.

Father's Day. (June 17 in 1979). Always third Sunday in that month.

Flag Day, June 14. By presidential proclamation. It is a legal holiday in Pennsylvania. Observed June 10 in N.Y. in 1979.

Forefathers' Day, Dec. 21. Landing on Plymouth Rock, in 1620. Is celebrated with dinners by New England societies especially "Down East".

Nathan Bedford Forrest's Birthday, July 13. Observed in Tennessee to honor the Civil War general.

Four Chaplains Memorial Day, Feb. 3.

Gen. Douglas MacArthur Day, Jan. 26. A memorial day in Arkansas.

Gen. Pulaski Memorial Day. Oct. 11. Native of Poland and Revolutionary War hero, died (Oct. 11, 1779) from wounds incurred at the seige of Savannah, Ga. Observed officially in Indiana.

Gen. von. Steuben Memorial Day, Sept. 17. By presidential proclamation.

Georgia Day, Feb. 12. Observed in that state. Commemorates landing of first colonists in 1733.

Groundhog Day, Feb. 2. A popular belief is that if the groundhog sees his shadow

this day, he returns to his barrow and winter continues 6 weeks longer.

Halloween, Oct. 31. The evening before All Saints or All Hallows Day. Informally observed in the U.S. with masquerading and pumpkin-decorations. Traditionally an occasion for children to play pranks.

Leif Ericsson Day, Oct. 9. Observed in Minnesota, Wisconsin.

Loyalty Day, May 1. By act of Congress.

May Day. Name popularly give to May 1st. Celebrated as Labor Day in most of the world, and by some groups in the U.S. Observed in many schools as a Spring Festival.

Minnesota Day. May 11. In that state.

Mother's Day. (May 13 in 1979). Always second Sunday in that month. First celebrated in Philadelphia in 1908. Mother's Day has become an international holiday.

National Aviation Day, Aug. 19. By presidential proclamation.

National Day of Prayer. By presidential proclamation each year on a day other than a Sunday.

National Freedom Day, Feb 1. To commemorate the signing of the Thirteenth amendment, abolishing slavery. Feb. 1, 1865. By presidential proclamation.

National Maritime Day, May 22. First proclaimed 1935 in commemoration of the departure of the SS Savannah, from Savannah, Ga., on May 22, 1819, on the first successful transatlantic voyage under steam propulsion. By presidential proclamation.

Pan American Day, Apr. 14. In 1890 the First International Conference of American States, meeting in Washington, was held on that date. A resolution was adopted which resulted in the creation of the organization known today as the Pan American Union. By presidential proclamation.

Primary Election Day. Observed usually only when presidential or general elections are held.

Reformation Day, Oct. 13. Observed by Protestant groups.

Sadie Hawkins Day (Nov. 17 in 1979). First Saturday after November 11.

St. Patrick's Day. Mar. 17. Observed by Irish Societies, especially with parades.

St. Valentine's Day, Feb. 14. Festival of a martyr beheaded at Rome under Emperor Claudius. Association of the day with lovers has no connection with the saint and probably had its origin in an old belief that on this day birds begin to choose their mates.

Senior Citizens' Day. (Sept. 23 in 1979). Celebrated in Indiana on the fourth Sunday in September.

Susan B. Anthony Day, Feb. 15. Birthday of a pioneer crusader for equal rights for women.

United Nations Day, Oct. 24. By presidential proclamation to commemorate founding of United Nations.

Verrazano Day, Apr. 7. Observed by New York State to commemorate the probable discovery of New York harbor by Giovanni da Verrazano in April 1524.

Victoria Day (May 21 in 1979). Birthday of Queen Victoria, a statutory day in Canada, celebrated the first Monday before May 25.

Francis Willard Day, Sept. 28. Observed in Minnesota to honor the educator and temperance leader.

Will Rogers Day, Nov. 4. In Oklahoma.

Wright Brothers Day, Dec. 17. By presidential designation to commemorate first successful flight by Orville and Wilbur Wright, Dec. 17, 1903.

Youth Honor Day, Oct. 31. Iowa day of observance.

Other Holidays, Anniversaries, Events—1979

Jan. 5, 1979—Zebulon Pike born.

Jan. 15, 1929—Martin Luther King born.

Jan. 21 (Sun.)—Superbowl game.

Feb. 1 (Thurs.)—Robinson Crusoe Day.

Feb. 14 (Wed.)—St. Valentine's Day.

Mar. 14, 1629—Massachusetts Bay Co. chartered.

Mar. 14, 1879—Albert Einstein born.

Mar. 21 (Wed.)—Spring begins, 12:22 a.m. EST.

Mar. 27, 1879—Edward Steichen born.

Apr. 1 (Sun.)—April Fool's Day.

Apr. 16 (Mon.)—Boston Marathon.

May 1 (Tues.)—Law Day.

May 5 (Sat.)—Kentucky Derby.

May 17, 1954—Supreme Court outlaws school segregation.

May 24, 1879—William Lloyd Garrison dies.

May 27, 1679—Parliament passes Habeas Corpus Act.

May 27 (Sun.)—Indianapolis 500 auto race.

June 21 (Thurs.)—Summer begins, 6:56 P.M. EST.

June 24 (Sun.)—San Juan Day in Puerto Rico St.

July 1 (Sun.)—Jean Day in Quebec. Dominion Day or Canada Day.

July 14 (Sat.)—Bastille Day in France.

July 20, 1969—U.S. astronauts land on moon.

Aug. 1, 1779—Francis Scott Key born.

Aug. 14, 1879—Ethel Barrymore born.

Sept. 16 (Sat.)—Mexican Independence Day.

Sept. 23 (Sun.)—Autumn begins, 10:17 A.M. EST.

Sept. 28, 1779—John Paul Jones captures *Serapis.*

Oct. 15 (Mon.)—World Poetry Day.

Oct. 23 (Tues.)—Swallows return to Capistrano.

Oct. 29, 1929—Stock Market crashes.

Nov. 2, 1879—Wallace Stevens born.

Nov. 4, 1879—Will Rogers born.

Nov. 5 (Mon.)—Guy Fawkes Day in England.

Nov. 10, 1879—Vachel Lindsay born.

Dec. 7 (Fri.)—Pearl Harbor Day.

Dec. 18, 1879—Paul Klee born.

Dec. 22 (Sun.)—Winter begins, 6:10 A.M. EST.

Dec. 29, 1879—Billy Mitchell born.

It is clear, when one reviews the variety and nature of holidays observed in this country, why a congressional decision to add another Federal holiday has been avoided in recent years. America is a kaleidoscope of regions, cultures, ethnic backgrounds and values. Historical events, though common to the history of America in a larger context, have special and particular meaning to certain parts of the country. Certain individuals have special meaning to particular groups of people and to particular regions. Surely, these groups argue, this person or this event is important enough to merit recognition as a Federal holiday. Surely, everyone shares their enthusiasm for observing and commemorating a day to honor this or that. But Congress, in its wisdom has refused, and, with good reason, to succumb to these pleas. Thus, a proliferation of days to observe, at local option, those special Americans and events has emerged.

Dr. Martin Luther King, Jr.'s birthday has not been ignored in this process. His birthday, January 15, is observed in the States of Connecticut, Florida, Illinois, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, South Carolina, and to some degree in other States throughout the Nation. These States have recognized the principle of Federalism that leaves to the States matters that are not necessarily the province of the Federal Government. Local option by the States with regard to holidays should be upheld.

V. A NATIONAL DAY OF OBSERVANCE

The most reasonable and forceful alternative to the designation of Dr. Martin Luther King, Jr.'s birthday as a Federal, legal holiday, is an annual day of observance for the same purpose. Such a day would achieve the purposes sought by the proponents of S. 25, the setting aside of a day to memorialize Dr. King and his achievements. It would also avoid many of the problems that the creation of a new, Federal holiday entails.

There is ample precedure for the designation of days as National days of observance. The Committee considers dozens of them each year. That is not meant to downplay the importance of a day of national observance. On the contrary, January 15 is already recognized as Dr. King's birthday throughout many parts of the country. Moreover, although legislation before the committee designating national holidays is only considered for an annual observance, any legislation considered for Dr. King should make January 15 of each year a national day of recognition.

Opposition to S. 25

Two days of hearings on this legislation were held. The first day, March 27, 1979, consisted of witnesses who testified in favor of S. 25. The majority report summarizes their testimony and highlights the arguments in support of this legislation.

On June 21, 1979, a second day of hearings was held and included several witnesses who testified in opposition to S. 25. The hearing record of this day has been dismissed out of hand by the majority. Although there were charges made during the June 21 hearing that are not necessarily shared by members of the committee, it would not be fair to the legislative process to not present some of the arguments made in opposition of S. 25.

Several witnesses, representing conservative groups like the Young Americans for Freedom and the Virginia Taxpayers' Association opposed S. 25 because of the costs involved to such legislation and because Dr. King's place in history was not without controversy. Clifford J. White III, National Director of Young Americans for Freedom, stated:

"In conclusion, I ask the Committee to reject S. 25. Please do not tell young Americans that Martin Luther King's memory—as it is construed by many to mean antidefense, pro-Government spending and other political positions—is beyond reproach."

It should be pointed out that even though one may not be persuaded by the testimony presented during the second day of hearings, the fact that people still consider Dr. King a controversial figure argues against the creation of a Federal holiday at this time. The Judiciary Committee should weigh carefully the burden of creating a new, Federal holiday when so many arguments in opposition to it have been made. A simple majority is not sufficient in this case; near unanimity should be required on an issue of such national impact. This legislation is as controversial now as it has been in the past. Until Dr. King's place in history is sufficiently preserved it will continue to be so. Therefore, the Committee should reject S. 25 as introduced.

STROM THURMOND.
PAUL LAXALT.
ORRIN G. HATCH.
A. K. SIMPSON.

Mr. HELMS. Mr. President, I noted with interest the eloquent comments by my friend from Massachusetts about what his distinguished brother Robert F. Kennedy would do and say today if he were here. I cannot testify as to that; I lack the capacity. I did not catch all of the remarks made by the Senator from Massachusetts this morning, but I understood him to say—and I am perfectly willing to stand corrected if I am in error—that his brother did not order the wiretaps on Dr. King. Well, in this sampling of documents which were obtained——

Mr. KENNEDY. Would the Senator want to yield on that point?

Mr. HELMS. I will be glad to yield to the Senator. I ask the Senator to forebear.

These documents were obtained under the Freedom of Information Act and they are official documents. I was a little surprised that the distinguished Senator from New York (Mr. MOYNIHAN) described these documents as filth.

It has been said a number of times that Dr. King is not here to defend himself, and that is correct. Neither is J. Edgar Hoover here to defend himself against the implicit and actual attacks upon him. I think this is a good occasion to say about J. Edgar Hoover that whatever faults he may have had, he spent most of his lifetime trying to protect this country against communism.

Now, J. Edgar Hoover lived in an imperfect world, just as we live in an imperfect world. He was not impossible of error, just as Senators today are not impossible of error. But on balance I think it needs to be said that working with a long series of Presidents who trusted him and who followed his advice, J. Edgar Hoover performed a notable service for this country. So we have a situation where Dr. King is not here to defend himself and J. Edgar Hoover is not here to defend himself. Therefore, I think it is incumbent upon us to go by the records as the records exist and not as we wish them to be.

The PRESIDING OFFICER (Mr. MATTINGLY). The time allotted the Senator has expired.

Mr. HELMS. If the Senator would yield me a few more minutes.

Mr. RUDMAN. I would be pleased to yield to the Senator from North Carolina.

Mr. HELMS. I thank the Senator.

Now, back to the distinguished late Attorney General Robert Kennedy, brother of our distinguished colleague.

I have heard no one challenge or even refer to one of the items in this volume which Senator MOYNIHAN so sharply criticized. There is a memorandum, an interagency memorandum, from the FBI. Let me read part of this. It was to Mr. Sullivan, from—and this name is not clear to me because it is a photostat, the best we could obtain under the Freedom of Information Act. It says:

Pursuant to your request the following facts concerning electronic surveillances on Martin Luther King, Jr., and the Southern Christian Leadership Conference (SCLC), and former Attorney General Ramsey Clark's knowledge of those surveillances are set forth.

A wiretap was installed at King's address in Atlanta, Georgia, on 11/8/63 and was discontinued 4/30/65 when he moved. It was not reinstituted at his new address. Former Attorney General Robert Kennedy approved this 10/10/63. In addition, on Kennedy's 10/10/63 authorization, wiretaps on King were instituted at the Hyatt House Motel in Los Angeles (4/24-26/64 and 7/7-9/64; at 125 East 72 Street, New York City, temporary address.

Mr. President, I ask unanimous consent that the remainder of the paragraph be printed in the RECORD, since it just identifies the hotel. I would be glad to read it all, but I do not think it is necessary.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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A wiretap was installed at King's address in Atlanta, Georgia, on 11/8/63 and was discontinued 4/30/65 when he moved. It was not reinstituted at his new address. Former Attorney General Robert Kennedy approved this 10/10/63. In addition, on Kennedy's 10/10/63 authorization, wiretaps on King were instituted at the Hyatt House Motel in Los Angeles (4/24-26/64 and 7/7-9/64; at 125 East 72 Street, New York City, temporary address, 8/14-9/8/64); and the Claridge Hotel, Atlantic City, New Jersey, (8/22-27/64). These were discontinued when King left these addresses.

Mr. HELMS. Mr. President, the point is that however emotional this issue may be and how politically charged it may be, the fact remains that President John F. Kennedy and Attorney General Robert Kennedy knew about the associates of Dr. King. I cannot read anybody's mind, never had contended to be able to do so; therefore, it is incumbent upon us to go by the records, and the record is indisputable that the then President and the then Attorney General both warned Dr. King about his associations with known Marxists. Dr. King did not follow the advice of his friends and supporters, the two distinguished Kennedy brothers, John F. Kennedy and Robert Kennedy.

What bothers me about this whole scenario is that this proposal is to set up Dr. King as a role model for young Americans and to do it in perpetuity, to do it once a year. That is why I have undertaken what I knew from the beginning would be a losing cause, under the politically charged atmosphere that exists, to try to have the Senate back up, go a little more slowly, and examine the facts. That is all I have asked.

If these facts are not accurate, if these documents are inaccurate, and if the documents which we have tried to obtain—and which, indeed, we are trying to obtain at this moment in the courts—show that the Senate would be well advised to proceed with this measure, then the Senator from North Carolina would not raise one hint of a protest.

I am troubled by the fact that normal Senate procedures on an important piece of legislation, about which there is a sharp division of opinion in this country, would be approved by the Senate without hearings during this session of Congress, on this piece of legislation.

It would not go into effect until 1986, so why the haste? What is wrong with taking our time and hearing both sides of it and making a judgment based on both sides?

It is all very well for the distinguished Senator from New York to tell of his personal association with Dr. King, but I guess there is a side to all of us and to each of us that our friends do not know. But when we single out one person for a unique honor and do so in haste and without consideration by the Senate as now constituted, then I think we are making an error.

I believe that the Senator from New Hampshire has proposed a good amendment. I know of no one who would object to his amendment if it were freestanding as a piece of legislation; and I dare say that if hearings were held in the Judiciary Committee, it would be reported forthwith.

The truth of the matter is that the Senator from New Hampshire has made an excellent suggestion. I appreciate his having done so, and he has done so without any implication that he disrespects anybody. I think the amendment should be approved.

I ask the Senator from New Hampshire if he will honor me by allowing me to be a cosponsor of his amendment. I should add that, if this amendment were enacted, I would want to make sure that the total number of paid Federal holidays not exceed nine.

Mr. RUDMAN. Mr. President, I am pleased to ask unanimous consent that the name of the Senator from North Carolina be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Maryland has 24 minutes.

Mr. KENNEDY. Mr. President, will the Senator yield me 10 minutes?

Mr. MATHIAS. I yield 10 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in my earlier remarks, I did not, as suggested by the Senator from North Carolina, indicate that Robert Kennedy had not approved a limited telephone tap for a period of 30 days. I indicated, however, that were Robert Kennedy alive today, he would deplore that kind of surveillance, and he would be the first to express his admiration and respect for Dr. Martin Luther King. And I am speaking from personal knowledge of that.

And I am also personally convinced that Robert Kennedy would be a strong advocate of this legislation to honor Dr. Martin Luther King.

I am quite prepared to move on to other issues. But since so much debate has involved what was and was not said earlier by various Senators, I have in my hand the transcription of the statements made by the Senator from North Carolina earlier today, and I would refer to the part where he said:

> Mr. President, I have moved that this bill be committed to the Judiciary Committee for a very simple reason. The Senate, to be blunt about it, has not done its homework on this matter. Despite the rarity of holidays for individuals in our country, we are obviously on the verge of passing this bill without one minute of consideration by a committee, let alone hearings, in the Senate.

The Senate is a continuing body, and therefore it takes a two-thirds vote of the Senate to change the rules. Some say it is a new body every 2 years, and if it is a new body then we ought to be able to adopt the rules by majority. But those who have supported filibusters have always suggested that it is a continuing body.

But I am not interested in getting into that fact. It has been suggested that neither the Judiciary Committee nor the Senate has available to it information relating to the Martin Luther King birthday legislation. I have taken issue with that and I do not really intend to get into a continued discussion of it because I think the facts have been laid before the Senate.

I would mention, Mr. President, that Robert Kennedy and President Kennedy did advise Dr. King to stop seeing the two advisers in question. They did so in the context of that time when rabid segregationist views against the 1963 civil rights bill were diverting attention from that bill with a lot of leaks and innuendos about Communist influence on the civil rights movement. So naturally there was an effort to remove the diversionary issue from the passage of that historic law, and in that situation my brothers advised Dr. King for the good of that effort. A wiretap was approved for a period of 30 days. The assassination of President Kennedy came at the end of those 30 days and it was not reviewed again by my brother, Attorney General Robert Kennedy, but it was continued and expanded in the form of other surveillance by subsequent Attorneys General.

I think the point remains that in reviewing this material, the Church committee came to the conclusion, as I outlined earlier in my previous remarks, that there was no evidence of Communist influence on the civil rights movement. And no matter how many times he keeps raising this issue, the Senator from North Carolina—and he has raised it frequently—is not able to contradict the conclusion that was made by a duly appropriate bipartisan committee of the U.S. Senate.

I would just like to continue because I think it is important Mr. President, to respond, although I do not really think it is worth doing so, but so much has been made of it that I would just like to make a brief additional comment.

Some suggest that Dr. King was manipulated by a secret Communist conspiracy. If that is so, why has no one ever been able to show the impact of that conspiracy on the movement that Dr. King led?

Dr. King's leadership in arousing the Nation's conscience is now history. Scholars and investigators have had 20 years to study his actions and the course of the civil rights movement. Where is the impact of this supposed conspiracy on the civil rights movement?

Were the hundreds of thousands of Americans who marched on Washington peacefully to petition the Government for fulfillment of the promises in our Constitution the result of a Communist conspiracy?

Mr. MOYNIHAN. Will the Senator from Massachusetts yield for a question.

Mr. KENNEDY. I wonder if I could just finish for 1 minute.

Were the hundreds of black boys and girls, teenagers and schoolchildren who braved the hoses and dogs and bully clubs, the result of a Communist conspiracy?

Were the thousands of Americans from all walks of life and all parts of the country, workers, teachers, priests and rabbis, famous and anonymous, black and white, who marched at Selma—the result of a Communist conspiracy?

What was the Communist plot? To enforce the 14th and 15th amendments? To let blacks use the same lunch counters and washrooms and water faucets as their white neighbors? To let American citizens vote for their government? Those were the goals which Dr. King fought for and achieved. Were they part of a Communist plan that manipulated Dr. King?

For those who believe they reflect a Communist manipulation of Dr. King I suggest that they reread our history.

I yield.

Mr. MOYNIHAN. Would my friend from Massachusetts allow me to put this general proposition? He mentioned the March on Washington in 1963. I was then an Assistant Secretary of Labor in the administration of President Kennedy, and was much involved with the aroused expectations and sheer joy of that event. There was no one in Washington at that time who supported it more than George Meany, the president of the AFL-CIO. Would the Senator from Massachusetts have the impression that George Meany was soft on communism.

Mr. KENNEDY. The Senator has brought up a very good point, and the answer to that obviously is in the negative. He was one of the strongest fighters in opposition to communism both here and abroad.

Mr. MOYNIHAN. The Senator is aware that the organizer of that march was Bayard Rustin, a disciple of A. Philip Randolph of the AFL-CIO, and would he know in the past 30 years who has devoted most of his life opposing communist totalitarian movements here and abroad.

Mr. KENNEDY. The Senator is correct in paying tribute to Bayard Rustin. As the Senator has pointed out in this comment and earlier comments, he has been one of the strongest advocates against communism and for the advancement of equal rights and opportunities.

Mr. MOYNIHAN. If I can say to my friend from Massachusetts there is something Orwellian about the proposition stated earlier in this Chamber. That we could think that a man such as Dr. King was inspired by communism, he who has written some of the most eloquent and incisive theological analyses of the incompatibility of Communist doctrine with Christian belief that are in print. He wrote more incisively about the incompatibility of communism with Christian theology than any man of his time. And he wrote better than most. I believe it to be the case that not many now recall how fine a writer he was, in addition to his innumerable other talents.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. KENNEDY. I thank the Senator from New York for his comments. I have no further comments at this time. I thank the Senator from Maryland. I would yield 30 seconds more for the reasons outlined by the Senator from Maryland hoping that the amendment of the Senator from New

Hampshire would not be accepted. I want to say I know from my own conversations with the Senator from New Hampshire, and his own deeply held view and the sincerity of his view about this particular amendment, he has spoken to me about it, and indicated he was going to offer it and I respect the reasons for which he does offer it, but I do believe that for the reasons which have been outlined earlier this day that the amendment should not be accepted.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. I yield 2 minutes to the Senator from North Carolina.

Mr. EAST. Mr. President, all I would like to do is clarify with the managers of the bill, which I will have a colloquy in a moment: As I understand my amendment will be the next amendment offered after the vote on the Rudman amendment, and would I be correct in suggesting that the vote on the Rudman amendment will occur prior to the 12 o'clock recess?

I presume the time will have expired by then. If I am in error, of course, we will come back at 2 o'clock when we can pick it up again. But is my understanding correct that then my amendment would be the second one to be brought up and we would do that at 2 o'clock, assuming we complete the vote on the Rudman amendment prior to noon?

Mr. MATHIAS. It is my hope the vote on the Rudman amendment will occur immediately as soon as the Senator and I stop talking. In that event, we might well be able to offer the next amendment, which could logically be the Senator's amendment since he is on the floor.

Mr. EAST. I would be happy to lay it down. The only thing that concerns me is—and I have not been talking except for a point of clarification, so I have not preoccupied the time.

Mr. MATHIAS. If the Senator introduces his amendment, it could then be laid aside during the luncheon recess.

Mr. EAST. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Will the Senator withhold, please? There is time for debate remaining on the Rudman amendment.

Mr. RANDOLPH. Will my colleague from North Carolina withhold for just a second? I will not delay him.

Mr. EAST. Yes.

Mr. RANDOLPH. I ask the Senator from Maryland, who is certainly the leader in this legislation being considered, handling it for the majority, I want to be careful not to push my amendment which will be offered, but I do not want to be lost in the amendment process. I would be delighted to have the Senator indicate when I can offer my amendment, which will designate the birthday of Dr. King as the day to be observed.

Mr. MATHIAS. Mr. President, let me assure the Senator from West Virginia that he could never be lost in any process and that will always play a significant role.

Mr. RANDOLPH. The Senator is very kind. I just wanted to be certain that a sequence was not being established and that I did not have the opportunity, of course, of presenting the amendment which I hope will receive the support of the Senate.

The PRESIDING OFFICER. The Chair will rule that the time has not expired on the Rudman admendment and the amendment that has been offered by the Senator from North Carolina is not in order at this time. The debate is on the Rudman amendment.

Mr. MATHIAS. Mr. President, in further response to the Senator from West Virginia, the managers of the bill will carefully note that he has an amendment and that there is no hard and fast list yet established. We have been trying to assemble a list of those who may wish to offer amendments. If he would like to offer his earlier this afternoon following the East amendment, I think it would be entirely appropriate.

Mr. RANDOLPH. That would be agreeable. I want to cooperate fully. I will follow the Senator from North Carolina in the presentation.

Mr. MATHIAS. As the Senator knows the rules better than I, there is no way the managers could enforce a rigid and ironclad order but certainly that would be appropriate.

Mr. RANDOLPH. May I say further that I think the dialog we are now having would certainly clear up any problem.

Mr. MATHIAS. Mr. President, there are no further speakers on our side. I yield back our time. We can then have the rollcall and then Senator EAST can offer his amendment.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield back his time?

Mr. RUDMAN. I yield back my time.

Mr. MATHIAS. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Hampshire (Mr. RUDMAN). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Wisconsin (Mr. KASTEN), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that, if present and voting, the Senator from Wisconsin (Mr. KASTEN), would vote "nay."

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Tennessee (Mr. SASSER), and the Senator from Massachusetts (Mr. TSONGAS), are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD), would vote "nay."

The result was announced—yeas 22, nays 68, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—22

Abdnor	Hawkins	Pressler
Armstrong	Hecht	Rudman
Cohen	Helms	Simpson
Denton	Laxalt	Symms
East	Mattingly	Tower
Garn	McClure	Wallop
Goldwater	Murkowski	
Hatch	Nickles	

NAYS—68

Andrews	Evans	Mitchell
Baker	Exon	Moynihan
Baucus	Ford	Nunn
Bentsen	Glenn	Packwood
Bingaman	Gorton	Pell
Boren	Grassley	Proxmire
Boschwitz	Hatfield	Pryor
Bradley	Heflin	Quayle
Bumpers	Heinz	Randolph
Burdick	Inouye	Riegle
Byrd	Jepsen	Roth
Chafee	Johnston	Sarbanes
Chiles	Kassebaum	Specter
Cochran	Kennedy	Stafford
Cranston	Lautenberg	Stennis
D'Amato	Leahy	Stevens
Danforth	Levin	Thurmond
DeConcini	Long	Trible
Dixon	Lugar	Warner
Dole	Mathias	Weicker
Domenici	Matsunaga	Wilson
Durenberger	Melcher	Zorinsky
Eagleton	Metzenbaum	

NOT VOTING—10

Biden	Huddleston	Sasser
Dodd	Humphrey	Tsongas
Hart	Kasten	
Hollings	Percy	

So Mr. RUDMAN's amendment (No. 2328) was rejected.

Mr. MATHIAS. I move to reconsider the vote by which the amendment was rejected.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, will the Senator from Maryland yield to me?

Mr. MATHIAS. I am happy to yield to the majority leader.

Mr. BAKER. Mr. President, it is 3 minutes to 12. By the order previously entered, we are to recess from 12 o'clock until 2 o'clock. I suggest the managers lay down an amendment. That is about all we can do; then we shall go out.

Mr. MATHIAS. Mr. President, the Senator from North Carolina (Mr. EAST) has an amendment.

AMENDMENT NO. 2329

[Purpose: To make National Civil Rights Day a national holiday each March 16]

Mr. EAST. Mr. President, I have already sent the amendment to the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. EAST) proposes an amendment numbered 2329.

Mr. EAST. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as the "National Civil Rights Day Act of 1983".

SEC. 2. The Congress finds that—

(1) the birthday of President James Madison is March 16;

(2) James Madison played a significant role in the drafting and adoption of the Constitution of the United States;

(3) James Madison played a significant role in the drafting and adoption of the "Bill of Rights" contained in the first ten Amendments of the Constitution of the United States;

(4) the Constitution of the United States is the source of and authority for the laws of the United States and the civil rights and liberties of the citizen; and

(5) the laws of the United States and the civil rights of the citizen guarantee the right of protection of the laws without regard to race, color, creed, national origin, sex, or disability.

SEC. 3. March 16 of each year is designated as "National Civil Rights Day", and the President is authorized and requested to issue a proclamation each year calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. EAST. Mr. President, as I understand it, we shall be recessing from 12 to 2, and my amendment will be the pending business when we reconvene.

Mr. MATHIAS. Mr. President, the amendment of the Senator from North Carolina will be the pending business.

The PRESIDING OFFICER. That is correct.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, at 11:58 a.m., the Senate recessed until 2 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. LUGAR).

The PRESIDING OFFICER. Who yields time?

Mr. EAST addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EAST. Mr. President, I have already, prior to the recess, submitted an amendment for consideration, and it is my understanding that we would commence at 2 p.m. the debate on that amendment, which would last for a maximum 1 hour, 30 minutes equally divided. Am I correct on that?

The PRESIDING OFFICER. The Senator is correct, 1 hour equally divided.

Mr. EAST. If so, I would like then to proceed with discussion of my amendment.

The PRESIDING OFFICER. The Senator may proceed.

Mr. EAST. Mr. President, the amendment that I offer as a substitute to the Martin Luther King bill would establish in lieu of the Martin Luther King holiday bill a commemorative day, not a paid holiday, called National Civil Rights Day. It would be observed on the 16th of March, which is the birthday of James Madison, a distinguished Virginian, the father of the Constitution, as he is known and, I would like to note, the first man, the key man to shepherd through the first Congress the Bill of Rights from which all of our rights spring, that is, the Constitution, the Bill of Rights. James Madison is the key figure there.

Now, the purpose of this commemorative day is to honor achievement in and the American commitment to the idea of judging each individual on the basis of talent and ability regardless of race, color, creed, religion, national origin, sex, or disability, physical or mental; that people ought to be able to rise to that level to which their God-given talents and abilities will allow them to rise, without the arbitrary barriers of race, color, creed, religion, national origin, sex, or physical or mental disability.

Now, let me proceed to explain, Mr. President, why I think this amendment is a better one than the Martin Luther King proposal.

First of all, I think it is broader in scope. Second, I think it covers the concern that we have; namely, that America be ever mindful of its great commitment to individual freedom and the notion that people ought to be judged on talent, and interest, and ability and not arbitrary things such as race, or color, and again the whole litany that I have mentioned.

Now, by picking Martin Luther King's day, with all due respect to Martin Luther King, Jr., obviously, the focus—it cannot be otherwise—is strictly upon the race issue, which ought to be addressed and is in my amendment. But then, you see, it leaves out others. It leaves out the question of creed, religion; it leaves out the question of national origin; it leaves out sex, it leaves out the question of disability.

For example, I might propose that Franklin D. Roosevelt's birthday be made a paid national holiday to honor the physically handicapped. I do not wish to get personal about it, but I have precisely the same physical handicap that he did. I am a polio paraplegic. Franklin D. Roosevelt was paralyzed with polio in 1921 at the age of 39. He went on to be elected Governor of New York twice and President of the United States four times. He founded the March of Dimes, which conquered polio and is now working on birth defects. Would that gain the support of a majority of the Members of this House as a paid national holiday for Franklin D. Roosevelt for the physically and mentally handicapped? Would they be less deserving of a holiday than, let us say, black Americans? It is not to denigrate black Americans. It is not to say there ought not to be recognition and an ongoing, continuing commitment and concern. I am simply saying, could I expect a majority of support for that proposal in this Chamber? And if it were rejected, would I be proper in suggesting this Chamber is prejudiced against physically handicapped? I think all would resent that and resent the notion that some way or other you are prejudiced against us because you would not support our particular measure.

We should be able to clarify our position, those of us opposed to the Martin Luther King bill, that we are not thereby converted racists, bigots, people opposed to the proper treatment and continued improved treatment of black Americans. It is simply the question, the vehicle, and the remedy.

I should like to point out, Mr. President, that we have, to put this in perspective, nine federally paid holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day. You will note that of these nine only one celebrates the birthday of a specific American; namely, Washington, the founder of the country, the father of the Revolution.

I submit, Mr. President, it is probably prudent for us to leave it at that, because everybody has his or her particular political figure or hero of any given time in American history to whom they might wish to devote a national holiday. For example, to raise Martin Luther King's Day to that equal of Washington counters one of including Thomas Jefferson or Abraham Lincoln or Robert E. Lee or Franklin D. Roosevelt or Douglas MacArthur. It could come from any side of the political spectrum. It could come from any political party.

I do not mean to make light of the point or be facetious about it, but eventually you would reach the point where you would have 365 days out of the year that were all paid, nonworking, Federal holidays.

I think at some point we need to say no more, no more beyond Washington.

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He symbolized the founding of the country and the commitment to the great ideal of the American Nation. Let us let it go at that.

As far as this other great ideal, which I think at its best the Martin Luther King bill proponents are trying to make; namely our commitment to the ongoing ideal of treating people as individuals and not on the basis of arbitrary matters such as color, race, and so forth, my substitute amendment meets all of those concerns. It picks a very appropriate day; namely, James Madison's birthday, and would end the matter henceforth. It would be a day of commendation, not a paid holiday so there would be no cost to the Federal, State, and local governments and to private industry. To me it is an eminently fair, reasonable, positive, constructive alternative.

Now, another point I would make in defense of my proposed amendment is this question of historical perspective, getting into the merits of the King bill.

It is worth noting that it was 80 years after the death of George Washington before we had a national holiday in his honor—80 years. It has been 15 years since the death of Martin Luther King, Jr.—the tragic death. Have we gained sufficiently historical perspective? Perhaps we ought to wait to a later date.

James Jackson Kilpatrick, the well-known columnist, has suggested the year 2027, when we would have a better perspective on the contribution of Martin Luther King.

It is not to denigrate what he accomplished to this point. He may well emerge as the dominant black figure. He may not. There are other great black leaders on the political horizon currently in this country, and there are more to come. I do not think we have an opportunity for accurate, historical perspective, and that is vital and that is important if you are going to go beyond the precedent of President Washington.

I have a final concern here about the Martin Luther King day, and it is a narrow concern in terms of some remarks he made about the United States and his view of it at the Riverside Church speech in 1967, in New York. I want to make clear what I am saying. I am not accusing Martin Luther King, Jr., of any sort of sinister, malevolent goals or ends. I am troubled with these remarks, and I should like to quote them and see how you might reflect upon them.

Martin Luther King, in an address at the Riverside Church in 1967, said this about the American involvement in Vietnam. I am focusing strictly upon the American involvement in Vietnam. I know that is a very controversial issue, and there was great polarization in America on the issue. But here is what he had to say in his speech about it. He said that the United States was "the greatest purveyor of violence in the world today."

These are direct quotes. He said this:

> They [the South Vietnamese people] move sadly and apathetically as we herd them off the land of their fathers into concentration camps where minimal social needs are rarely met. . . . They watch as we poison their water, as we kill a million acres of their crops. . . . So far we may have killed a million of them—mostly children. What do they think as we test out our latest weapons on them, just as the Germans tested out new medicine and tortures in the concentration camps of Europe?

He is comparing the United States to Nazi Germany, and he is comparing American involvement in that war to Hitlerian tactics.

You might ask, what is my point? I think it is a slur and a desecration upon the memory of the brave young Americans who fought and died in that war. I could not in good conscience vote to honor the birthday of a man who said that, whatever else his great accomplishments were, because I think their sacrifice in Vietnam was an honorable and a noble one, and this is a profound and deep desecration of that great sacrifice.

You might say, "Well, East, you're simply taking one of the most negative things that King has done, but there were many positives." I understand that. Maybe it is simply my priority concern. But, as to a man who, in 1967, had that view of America, that it was the greatest purveyor of violence in the world today, and comparable to Nazi Germany, I question whether he ought to enjoy the stature of George Washington. Those two men would be the only Americans honored with a nationally paid Federal holiday.

In fact, the rhetoric of Dr. King in that speech was so extreme that he had severe criticism from traditionally very liberal sources. The Washington Post, in an editorial on April 6, 1967, was deeply critical.

Carl Rowan, who is a well-known black journalist, said in the Reader's Digest of September 1967: King has "alienated many of the Negro's friends and armed the Negro's foes . . . by creating the impression that the Negro is disloyal," which he is not.

I might note that in desecrating the memory of those who fought and died in Vietnam, that includes black as well as white Americans, and there were a disproportionate number of blacks who fought in that war, as opposed to the national population.

Life magazine said on April 21, 1967: King's speech is "a demagogic slander that sounded like a script for Radio Hanoi." That is strong language, and it came from liberal editorial writers.

I cannot, in good conscience, vote for a day of national commemoration equal to that of the father of the Revolution and the founder of the country.

I appreciate that the train rolls and the momentum is there, and I will be surprised if there are 15 votes against this bill. All amendments will be defeated—I am a realist—including my own. But what I should like to try to do with the few minutes allotted to me is put it in perspective, and that I have tried to do. Maybe it is a case of a man believing that his own line of reasoning is infallible and impeccable, but I honestly believe that if I or someone else could get on national television and explain what it is we are doing and what alternatives there might be, the majority of the American people would accept the alternatives.

So, again, I come back to my amendment, which, I repeat, not only would do what the Martin Luther King proposal at its best would attempt to do but also would do more and would settle the issue permanently and at no cost to the Federal Government or State government or local government or to private industry—namely, establish a commemorative day, not a paid holiday, a national Civil Rights Day, to be observed on March 16, the birthday of James Madison, the father of the Constitution.

Again, the purpose of the commemorative day would be to honor the American achievement in a commitment to the ideal of judging each individual American on the basis of talent and ability, regardless of race, color, creed, religion, national origin, sex, or disability.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator realize that this quorum call will be charged to his time?

Mr. EAST. Yes.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EAST. I ask unanimous consent that the order for the quorum call be rescinded. I request recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAST. I see that the majority manager of the bill has returned to the Chamber, and I had at least for the time being, I probably have around 10 minutes remaining. I stated my principal objection to the Martin Luther King measure and why I think that my amendment would better cover the issues at hand. I would be interested in hearing the response of the majority manager, for whom I have the greatest admiration.

You may recall, I refer of course to the distinguished Senator from Kansas, and I had referred to the possibility of, in my remarks, just to put this in perspective, and I would just like to inquire as to what he thinks of its relative merits, that we might after having established the King holiday,

and I am concerned about the precedent, and I think legitimately so and I do not make light of the subject, that we might, for example, take the birthday of Franklin D. Roosevelt as a day to honor the achievement and continued commitment to the ideal of the physically disabled in this country, of whom the distinguished Senator from Kansas is a notable example, who served with distinction in World War II, was wounded in the Italian campaign, one of the most respected Members of this Chamber, who himself has shown that one can overcome disability of a physical nature and rise to great height of achievement which he has so obviously done in such distinguished fashion.

The struggle of handicapped Americans has been very real and genuine and continues on, and I was suggesting Franklin D. Roosevelt's birthday as an appropriate day, a paid Federal holiday, because Franklin Roosevelt, as the Senator perhaps is I am sure aware, I had noted earlier contracted polio in 1921 at the age of 39 and went on to be elected Governor of New York twice, President four times, and then founded the March of Dimes, which is a private sector activity, by the way, which went on to the conquest of polio and is now serving in the conquest of birth defects, a very noble contribution Franklin D. Roosevelt had made.

Unless you are aware of the physical disability that he had it may be difficult to appreciate what he accomplished; enormous mental and physical strain upon him which would tax the resources of the normal able-bodied strong man let alone one who is totally paralyzed from the waist down, great inspiration to disabled people in this country.

I suppose what I am saying is their cause any less noble? Has their cause, their path, been any less arduous and I was suggesting earlier I think not. In short, as a matter of logic or rationality where would this end?

Or Susan B. Anthony's birthday to commemorate the accomplishments of women. In short, my amendment, which is a nonpaid Federal holiday, covers all of these things. The same, I think after a very appropriate day, the birthday of James Madison, the father of the American Constitution, and the man who shepherded the Bill of Rights through Congress, same day, and renew what I think is what the proponents of this bill are driving at; namely; that this country, great melting pot of the world, and that concept of individualism which is so fundamental to our political philosophy and theory. We want people judged on talent, merit, and ability not on the basis of extraneous factors such as race, color, creed, religion, and national origin, sex or physical disability.

Where is the weakness, Senator, I would like to inquire, that you see as majority manager for the King bill in that kind of reasoning. I would like to put that in the form of a question to the distinguished majority manager.

Mr. DOLE. Mr. President, I wonder if it might be satisfactory with the distinguished Senator from North Carolina if the Senator from Kansas might respond to the question just posed by the distinguished Senator maybe in a few minutes. I did not have a chance to hear the Senator's statement, and I have just come from another obligation and I think there is an answer. At least I have an answer.

I would just say generally that I asked my staff originally to go back and research the debate on all these other holidays in an effort to make certain days holidays and apparently go back to Washington's birthday. There was not much debate on that, at least the records are not available.

Columbus Day, the question was whether it should be on Monday, not Columbus himself.

My response would be in a general way, and certainly I have the highest regard for not all the policies of Franklin Roosevelt, but at least his spirit and his determination and the fact he did a great deal in a very difficult way because of his physical disability.

Certainly I have the greatest respect for the Senator from North Carolina. But I guess the way I would make a distinction is the fact this has happened during my lifetime and I have watched the change taking place because I have been in Congress ever since the first time Dr. King demonstrated his effectiveness in pointing out discrimination and injustice in this country, and I guess perhaps it is pretty hard for me to focus on Columbus. I did not know Columbus and I did not know Franklin D. Roosevelt. I was alive, but I knew about his policies and things of that kind and I guess that would make a difference as far as this Senator is concerned.

When you have seen the dramatic change that has happened all across this land and other lands because of one man, because of his dream and his vision and his diligence and his dedication and his commitment that really, as I see it, is what the debate is all about today. There may be different views. There were some who said that probably others should be honored, and I assume there may be amendments to do that, that it should not be a paid holiday. There obviously were great Americans, whether it is Jefferson, Lincoln, Theodore Roosevelt, Franklin Roosevelt, and others who may not have been public officials, but I guess that is an answer. I will do better. I hate to take your time to respond in such a manner but I will be happy to give you some of the time from the opposition.

Mr. EAST. I thank the Senator. I would like to inquire how much time I have left.

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mr. DOLE. I will be happy to yield additional time.

Mr. EAST. Finally, I would like to pose this question, since I see no other Senator seeking recognition here to speak on behalf of the amendment, I had quoted in your absence——

Mr. KENNEDY. Mr. President, I intended to respond to the points that have been made by the Senator at some time. I would be glad to withhold, if the particular question was addressed to the Senator from Kansas. But I have also some points to make on that issue. I could either make them now or when the Senator from North Carolina is finished.

Mr. EAST. What I would be happy to do then is to reserve the balance of my time, which is how much now, Mr. President?

The PRESIDING OFFICER. The Senator has 1 minute and 45 seconds.

Mr. EAST. I shall reserve the balance of my time then and would be happy to hear the response of the very able Senator from Massachusetts who, of course, as I understand it, Mr. President, will now be speaking on the time allocated to the proponents of the measure. Is that correct?

The PRESIDING OFFICER. That would be correct.

Mr. DOLE. Parliamentary inquiry, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Who has control of the time in opposition to the amendment?

The PRESIDING OFFICER. The Senator from Kansas has control of the time in opposition.

Mr. DOLE. I would be happy to yield 10 minutes to the Senator from Massachusetts and I would be happy to yield 5 minutes of my time to the Senator from North Carolina because I took that much of his time.

Mr. KENNEDY. I thank the Senator from Kansas.

Mr. President, I hope that the amendment that is being offered by the Senator from North Carolina will not be accepted here this afternoon. I will mention just a brief word about why I think the amendment is not appropriate and then try and respond to at least some of the arguments that have been made by the Senator from North Carolina on some of the other matters that he raised during his presentation in support of the amendment.

I believe, Mr. President, that when we review the history of this country, we find that there are extraordinary achievements and accomplishments that were made by our Founding Fa-

thers and I do not think it is necessary to review those here during this discussion and debate.

One important area of public policy which our Founding Fathers failed to address in a way which would have been consistent with both their ideals and their rhetoric was in the elimination of slavery in our society.

I think those of us who are in strong support of this particular legislation recognize that on completing that job of the elimination of slavery which I think has been contributed to by many individuals in our society—by Abraham Lincoln, by the Emancipation Proclamation, by various amendments to the Constitution of the United States in the 1860's, the 14th and 15th amendments—that nonetheless that in the real history of our country, the one who has done more to eliminate the elements and the residue of prejudice and discrimination in our society was the Reverend Martin Luther King, Jr.

Now I believe tied of his very profound efforts, which were based upon the concept of nonviolence and his strong and fundamental belief in the teachings of Christianity and the respect for the Judeo Christian ethic, was the recognition of not only the elimination of discrimination but also tied to that effort was the indispensable commitment of this Nation to jobs and to freedom.

He said in his statement against the war: "You can't really have freedom without justice and you can't have peace without justice and you can't have justice without peace."

The assemblage here in 1963 at the Lincoln Memorial was a demonstration and a commitment by Americans from every part of this Nation and from every part of American life for the elimination of segregation in our society and a recognition that the elimination of segregation was going to be tied to the achievement of jobs and the cause of social justice. And to at this time to amend this effort to just be a civil rights day really misses the essential thrust and spirit which Martin Luther King, I think, represented and the ideals for which he lived for and died for. So I hope the amendment will not be accepted.

Furthermore, Mr. President, it has been suggested by the Senator from North Carolina that somehow by Reverend King's condemnation of American involvement in Southeast Asia he was somehow despoiling the bravery and the courage of young Americans who gave their lives in that part of the world. The Senator from North Carolina obviously can put whatever interpretation he might want to on the words of Martin Luther King, Jr. But in reviewing his statement and his opposition to the war in Vietnam, it appeared to me that he was strongly critical of a governmental policy that had seen the loss of American lives—black and white, brown, and yellow—and that he was appalled by that particular governmental policy. Perhaps he would have used words that I would not have used but I think any fair review of his position in opposition to the war, a position which I supported at that time in understanding the nature of his commitment, I would think would be really a gross misinterpretation or distortion of his words to in any way reflect anything but honor for those that gave their lives.

The fact of the matter is that when we read history, there were two individuals in this Chamber at the time of the Gulf of Tonkin resolution, Senators Ernest Gruening and Wayne Morse, who voted in opposition to that resolution.

I believe that the efforts of Martin Luther King, rather than being condemned for trying to bring an earlier end to the war, ought to be recognized as he recognized it, and that is that that involvement was a mistake in policy, but that in no way should that mistake in policy reflect on the very noble and brave efforts of outstanding young Americans who gave their lives for what they believed and what many Americans believed was in the best interests of this Nation and the cause of freedom.

So I hope, Mr. President, that the amendment of the Senator from North Carolina that would alter and change this resolution to Civil Rights Day will not be accepted. What we are attempting to do here today is to honor not just an individual but to honor a cause and an effort which I think has been absolutely indispensable in terms of achieving what our Founding Fathers meant when they said that all men are going to be created equal. I think Martin Luther King's contribution to achieving that particular goal and ideal should be memorialized with this particular piece of legislation.

I hope the amendment will not be accepted.

The PRESIDING OFFICER. Who yields time?

Mr. EAST. Mr. President, I would like to respond on my time, which I gather now is about 6½ or 7 minutes.

The PRESIDING OFFICER. The Senator has just a little over 6 minutes remaining.

Mr. EAST. Mr. President, I would like to respond to the remarks made by the distinguished and able Senator from Massachusetts with regard to the Vietnam war issue.

I think it is an acknowledged fact, of course, there were strong differences over this war and its wisdom, its merit, where we were going, what we were doing. Certainly I would not characterize those who opposed the war, which I believe the distinguished Senator from Massachusetts did, saying it was an unwise thing they were doing. I think it would be a deep slur, a profound slur, upon the distinguished Senator and simply not so.

The distinguished Senator from Massachusetts has in no way, form, or any other way, been connected with such an insidious movement. I think many of those who opposed the war in Vietnam in that period were frequently abused by their opponents by suggesting they were Communist sympathizers and that kind of thing.

I did not say that about them. I was not at that time in the Senate. But as a college professor at that time I did not so characterize them. I understood their position. I did not agree with it, but I understood it, and I understood the reasons that fair-minded Americans could disagree over it.

All I am suggesting to the distinguished Senator is that the rhetoric of King goes beyond that of simply saying, "Well, this is unwise, imprudent," when he says that, "We are the greatest purveyor of violence in the world today," and when he said:

> They [the South Vietnamese people] move sadly and apathetically as we herd them off the land of their fathers into concentration camps where minimal social needs are rarely met. . . . They watch as we poison their water, as we kill a million acres of their crops. . . . So far we may have killed a million of them—mostly children. What do they think as we test our latest weapons on them, just as the Germans tested out new medicine and tortures in the concentration camps of Europe.

Dachau, Auschwitz, and Buchenwald come to mind.

What King is doing is referring to those who support the position that at least the country is taking on the characteristics of Nazi Germany.

I find that rhetoric so extreme and so repulsive that it transcends just the good, healthy, normal, reasonable, prudent opposition to that war which existed in this country. I quoted from a very liberal source, Carl Rowan, and Life magazine saying it was a "demagogic slander that sounded like a script for Radio Hanoi."

I am saying if that was his opinion of this country in 1967, his opinion of that war, and that American boys in Vietnam were doing what earlier Nazi forces were doing in their day, I think it is a perverted and tortured view of America, and it goes beyond normal, rational, fair criticism.

Again, it may be something I hold mostly too dear, but when I think of the young men who went there, black and white, a disproportionate number were black, who made the sacrifice, fought and died, I do not think of them as young storm troopers, I do not think of them as young Nazis. I think of them as young men who were trying to keep that part of the world from falling under Communist totalitarianism and the horror we have seen

since then in Cambodia and South Vietnam and the genocide, once the Communists have taken over.

That was an honorable and noble effort.

I am saying reasonable and honorable and patriotic Americans could disagree with our involvement in it. But do not characterize those who fought and bled and died and suffered and were maimed and now lie in veterans hospitals as nothing but young Nazi storm troopers.

A man who so characterizes them in that way I could not support in good conscience, understanding all of the other contributions he may have made with the idea of racial equality in America, which I support. If he thought that was what America was about and that is what that war was about, I think it disqualifies him from being elevated to the same stature, and he will be the only other American who enjoys that, as the founder of the country, George Washington.

So with all due respect to the distinguished Senator, who is an able debater, and always eloquently states his case, I think he glosses over this as simply an "excess of rhetoric in a very emotional period of American history." But I dare say to the distinguished Senator if the roles were reversed and those opposing the war were characterized as Communists, Marxist-Leninists, he would deeply resent it, and if it were his case, properly so because indeed he is not that. And neither were these young men that, and neither does this country represent that. It never has. It does not today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EAST. And it will not in the future. I think my amendment addresses that question.

Mr. KENNEDY. Will the Senator yield me an additional 3 or 4 minutes?

Mr. DOLE. Yes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I mentioned earlier, as one who took strong exception to American involvement in Vietnam I know that Martin Luther King did as well. He used words in opposition to American involvement in Vietnam which I might not have used. I would not draw the same conclusions that have been so freely drawn by the Senator from North Carolina.

What I am mindful of, Mr. President, is that Martin Luther King, Jr., was a man of nonviolence. He demonstrated his commitment to nonviolence not just in speeches on the floor of the U.S. Senate, not in pious press releases issued from Senate offices. He showed that he was a man of nonviolence by being in a church which was told it was going to be bombed, surrounded by young children and women who were frightened and fearing for their lives, and when the young men in those churches wanted to go out and fight for their families he preached nonviolence. He deplored the fact that napalm was being dropped in villages and seeing children scorched—scorched. It violated everything that was in his soul and in his heart and everything that he believed in. His life is a record to that. His life is a record to that.

He quite frankly thought it was beneath a proud nation such as the United States of America to be dropping those tons and hundreds of thousands of bombs that did kill thousands of individuals and children, wherever they were. I think he believed, as I think many others believed, that if a child is 6 or 7 years old, it is not a Communist and it is not a Democrat and it is not a Republican. It is morally wrong. He did his most to awaken the conscience of the Nation to our mistaken policy.

I think for the kind of suggestions that have been made about what the meaning of his words were by his opposition to the war, Mr. President, need no defense from me. Anyone who has studied his work, who has listened to his preachings, who has read his comments would know that he was most of all a man of peace.

I do not know how difficult it is to preach nonviolence when you see children in many cities in this country being gassed or being bitten by police dogs and deploring violence. To suggest otherwise, Mr. President, is distorting history and is an unfair characterization of what this man's commitment was.

I have indicated why I believe the amendment should be defeated and I hope, Mr. President, that it will be.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. How much time remains in opposition to the amendment?

The PRESIDING OFFICER. Ten minutes remain.

Mr. EAST. Mr. President, I would like to make an inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EAST. It is my understanding that the yeas and nays have not yet been requested. I would like to request the yeas and nays.

The PRESIDING OFFICER. Will the Senator from Kansas yield for that purpose?

Mr. DOLE. Yes, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I understand we are prepared to vote on this amendment. I have not listened to all the debate but a great deal of it. I supported the effort in Vietnam, starting, I guess, with President Eisenhower and going through Kennedy, Johnson, Nixon, and all the others who were involved in making decisions that got us deeper and deeper into that tragic conflict. I cannot recall what I may have said in 1967 in response to the comment by Dr. King, but I believe any of us in public life make statements that we later regret. I can recall a few that I have made that I would not have made upon more reflection, or probably any reflection at all.

I guess the point is that no leader is faultless. I do not know of any leader's public record which has been as thoroughly combed as Martin Luther King's.

I understand also that he later privately regretted making that remark, but that is probably beside the point. The remark was made. It does not reflect a view that I would share; it is not how I would have described our involvement in Vietnam. Whether we charge that up to whichever President or all the Presidents combined, it is a responsibility, I think, that every one of those Presidents must have shared.

I guess that minds are pretty well made up on what is going to happen here finally. The Senator from Kansas does not know what the vote may be, but I would guess the vote could be counted within one or two votes now. That does not mean we should not give serious consideration to the amendment of the Senator from North Carolina or any other amendments that would be offered.

I must say I have had my share of mail in the last few days because of the statements I have made in the opening days of this legislation indicating my support for the bill. It has been suggested that I change parties. Heaven forbid.

It has been suggested that I leave public life and do a lot of other things; that Republicans have nothing to gain in this exercise; that we are being duped by the same people who vote 95 percent of the time for liberal Democrats.

I assume I could add up all the reasons why many might want to oppose this bill and they might make a stack that is fairly high if we look at it today. But in my view, we have to take the same approach that Dr. King took a long, long time ago.

He was determined that he was going to change this country as far as discrimination and social justice were concerned. I do not believe as others might, that what we are doing here is creating a national day of confrontation—that every year, starting in 1986, there is going to be a national day of confrontation; a big anti-Republican parade and celebration in this country, to oppose everyone who espouses Re-

publican views or conservative views. I do not assume for a moment that that will happen. If I thought it would happen, I would not be on the floor managing or supporting the bill. But I do believe we have to look beyond today or next year or even this next decade.

Mr. President, I cannot think of any reason not to support this bill. There will be a lot of questions raised. Some will say that we ought to make it, as the Senator from North Carolina suggests, national civil rights day. Others say if we do this for a black man, next it will be Hispanics. But then again, some might say only Italians celebrate Columbus Day.

I have not followed the career of Martin Luther King as closely as some. I belong to a different political party. I agree that black political leaders tend to be Democrats, liberal Democrats. They tend to support Democrats over Republicans. But I believe that in looking over the last 20 or 25 years on the changes brought by the nonviolence and the efforts of Dr. King, we are doing the right thing.

I do share the view expressed earlier by Senator HELMS of North Carolina that there is no reason we should not have hearings on this bill. I did not make that call. It would seem to me, as a member of the Judiciary Committee, that we are very capable of having hearings. Maybe we could have resolved some of those issues at that time. But that is history. That is not going to be done. Now we are voting on different amendments and some may have great merit.

I hope, Mr. President, that we might defeat this amendment. I am certain it is offered with the best of intentions and respect, but I hope it will be defeated.

Mr. EAST. Mr. President, I wish to make a unanimous-consent request that a statement of mine which appeared in the Raleigh News and Observer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Raleigh News and Observer, Oct. 15, 1983]

EAST SAYS HOLIDAY FOR KING WOULD BE TOO EXPENSIVE

(By John P. East)

I believe it may not be generally understood that what is being proposed in honor of Martin Luther King Jr. is not merely a commemorative day but a legal public holiday—a paid holiday for federal workers in state and local governments throughout the country.

The cost estimates for a federal legal public holiday are exorbitant. For the federal government alone, the Library of Congress has estimated a cost of $270 million, and for state and local governments a cost of $692 million. That comes to a total of over $900 million—nearly a billion—in pay, benefits and lost productivity for all government workers.

In addition, the U.S. Chamber of Commerce estimates that the cost to the private sector of another federal holiday would be $4.3 billion, which, added to the public sector costs, gives a total of $5.26 billion in all. In short, we are not talking about a merely honorary occasion but a major economic sacrifice for the country.

The cost of another federal holiday—our 10th—should give us pause in creating one. The nine others—New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving and Christmas—generally commemorate events or values long held to be central to our national identity. Only one holiday, in honor of President Washington, honors an individual American. Are we, by creating another holiday for King, to elevate him to the same level as the father of our country and above the many other Americans whose achievements approach Washington's?

A number of other Americans come readily to mind who might reasonably be so honored: Thomas Jefferson, Abraham Lincoln, Robert E. Lee, Douglas MacArthur and Franklin Roosevelt, for example.

Roosevelt's achievements by themselves are distinctive. Crippled by polio at the age of 39 in 1921, he was subsequently twice elected governor of New York and four times president of the United States. He founded the March of Dimes, which, as a private charity, developed the vaccine for polio and which now leads the fight against birth defects. As a significant political and humanitarian figure in our national history, FDR is rivaled by few Americans, yet we hear no proposal to honor him with a national holiday. The reason there is no such proposal is that Americans do not generally honor individuals with such holidays, for if we did, there would be no end to them. We had best leave well enough alone, then, with the establishment of cost-free commemorative days for those we wish to honor.

Nor do we have sufficient perspective on King and the endurance of his achievements to place him on a par with any of the figures I have mentioned. It was not until 80 years after his death that Congress in 1879 honored George Washington with a paid holiday in his name. It has been only 15 years since King's death, and the emotions and controversies that swell around his name have not yet allowed us to measure his achievements accurately or honestly. Let another 65 years pass (or, as James Kilpatrick has suggested, 50 years, so that we may examine the now-sealed FBI files on Dr. King) and we can then weigh his legacy with more objectivity.

Today that legacy does not appear to be entirely positive. King's speech on the Vietnam war in New York in 1967 has become notorious for his hostile remarks about America and the Americans who fought in Vietnam. Calling the United States "the greatest purveyor of violence in the world today," King compared the United States to Nazi Germany. The speech was strongly condemned by liberals who supported King and opposed the war—by Carl Rowan, The Washington Post and by Life magazine, for example. While it is true that others in the Vietnam era made similar remarks, conscience forbids that we officially honor their author as a national hero; his words were in fact a descecration of the memory of the Americans who fought in Vietnam and an insult to his country.

The cause that Americans should honor is the American ideal of civil rights for all individuals, that all men should be judged on the basis of their talents and merits and not on the basis of their race, color, sex, national origins, creed or disability. The proper way to celebrate this ideal is through a national commemorative day for civil rights.

As a commemorative day—not a federally imposed national holiday—there would be no costs, and National Civil Rights Day would be officially observed and celebrated by such activities and ceremonies as would truly honor this national institution for civil rights for all Americans. This day would avoid the exorbitant costs, distorted perspectives and embittering controversies that would attend a federal holiday for King, but it would more truly honor our national achievement in and our continuing commitment to civil rights—of which Martin Luther King, at his best, was a part.

Mr. DOLE. Mr. President, I am prepared to yield back the time in opposition. I believe all time in support has been used.

Mr. MOYNIHAN. Mr. President, I would like to address one remark of the distinguished Senator from Kansas.

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. DOLE. I shall be happy to yield 2 minutes, 3 minutes—3 minutes.

Mr. MOYNIHAN. Mr. President, I simply want to say that it may, in retrospect, appear to some that Martin Luther King, Jr., was a person of a particular political party. That was not the impression of those who knew him and worked with him in various enterprises. In his last years on this Earth, he was conspicuously in opposition to the foreign policies of the Democratic President, in which he was joined by some Democrats and opposed by others, as he was joined by some in the Republican Party and opposed by others.

Martin Luther King, Jr. was a political man, in the finest, noblest meaning of the term, but he was not a party person. He was a minister of the church, and saw his responsibilities in that context. His was also a commitment to the American Constitution and to the fulfillment of its promise and its provisions. When we honor him, we honor those who believe in our Constitution, our democratic process, and our basic laws, which antedate and supersede party.

Indeed, we know that the framers of that Constitution were rather terrified of the idea of political parties and did not envision them emerging.

I would like to thank the Senator from Kansas for the way he put the case, but I simply offer the thought that if one knew Dr. King when he was alive and most active, one would not think he was a party person. He never presented himself, at least in my experience, in that mode. A day committed to the honor of Dr. Martin Luther King is a day committed to the celebration and honor of the American Constitution and those who believed

in it and lived by it. The principle of constitutionalism was innate in the doctrine of nonviolence espoused by Dr. King, as was hope for the future of this country and indeed confidence that in the end America would fulfill its constitutional promise to itself and to the world.

The black people of this country became citizens as a result of an act of a Republican President, and who knows what the future of a long-lived Republic will be.

Mr. President, I am happy to yield back such time as remains.

The PRESIDING OFFICER. All time for debate has expired. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Hampshire (Mr. HUMPHREY) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Tennessee (Mr. SASSER), and the Senator from Missouri (Mr. EAGLETON) are necessarily absent.

The PRESIDING OFFICER (Mr. HECHT). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 18, nays 76, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—18

Abdnor	Grassley	Nickles
Armstrong	Hatch	Pressler
Denton	Hecht	Rudman
East	Helms	Symms
Garn	Jepsen	Wallop
Goldwater	McClure	Zorinsky

NAYS—76

Andrews	Ford	Murkowski
Baker	Glenn	Nunn
Baucus	Gorton	Packwood
Bentsen	Hatfield	Pell
Biden	Hawkins	Percy
Bingaman	Heflin	Proxmire
Boren	Heinz	Pryor
Boschwitz	Huddleston	Quayle
Bradley	Inouye	Randolph
Bumpers	Johnston	Riegle
Burdick	Kassebaum	Roth
Byrd	Kasten	Sarbanes
Chafee	Kennedy	Simpson
Chiles	Lautenberg	Specter
Cochran	Laxalt	Stafford
Cohen	Leahy	Stennis
Cranston	Levin	Stevens
D'Amato	Long	Thurmond
Danforth	Lugar	Tower
DeConcini	Mathias	Trible
Dixon	Matsunaga	Tsongas
Dole	Mattingly	Warner
Domenici	Melcher	Weicker
Durenberger	Metzenbaum	Wilson
Evans	Mitchell	
Exon	Moynihan	

NOT VOTING—6

Dodd	Hart	Humphrey
Eagleton	Hollings	Sasser

So Mr. EAST's amendment (No. 2329) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HEINZ. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I have just been notified that the court has ruled that the request that was made by the Senator from North Carolina for certain papers has been rejected, and I shall include in the RECORD the findings of the court and a more detailed explanation of the action. I understand it was made only a few minutes ago.

Mr. President, on the court ruling this afternoon on the request of the Senator from North Carolina, Judge Smith denied the motion of the Senator from North Carolina to intervene on two grounds: First, the court found that the Senator had no standing to intervene. The court rejected the argument that a Senator's interest in information which might bear on his future votes was a sufficient personal stake to confer standing. Judge Smith distinguished the case of Kennedy against Sampson in which a Senator's past vote had been pocket vetoed and would be nullified without further action.

Second, the court held that even if the Senator had established standing, the court would be bound by Supreme Court precedent to deny intervention as a matter of separation of powers. The Supreme Court has directed that extreme restraint be exercised on judicial interference with the legislative process.

Here, the Senator from North Carolina seeks to investigate sealed records because he disputes his colleagues' decision to act on this bill without a hearing in the Senate. The court held that this was an argument between the Senator and his colleagues upon which the court should not intrude.

I ask unanimous consent that the full statement of the court be included at an appropriate point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

(Civil Action No. 76-1185)

Bernard S. Lee, Plaintiff, v. Clarence M. Kelley: Cartha DeLoach: William C. Sullivan: John P. Mohr, Executor of the Estate of Clyde A. Tolson, deceased; and Two Unknown Agents, individually and as agents of the Federal Bureau of Investigation, Defendants

(Civil Action No. 76-1186)

Southern Christian Leadership Conference, Plaintiff, v. Clarence Kelley, et al., Defendants.

UNITED STATES OF AMERICA, DEFENDANT-INTERVENOR

Jesses Helms, Counterclaimant-Intervenor v. Gerald Carmen, Administrator of the General Services Administration, General Services Building, 18th and F Streets, NW., Washington, D.C. 20405.

ORDER

Upon consideration of Senator Jesse Helms' motions for leave to intervene and for an order vacating or in the alternative modifying the order sealing records, the oppositions thereto, and the record herein, it is by the Court this 18th day of October, 1983,

Ordered that the motion of Senator Jesse Helms for leave to intervene in this action is denied, and it is

Further ordered that the motion of Senator Jesse Helms for an order vacating or in the alternative modifying the order sealing records is denied.

JOHN LEWIS SMITH, JR.,
U.S. District Judge.

MEMORANDUM AND ORDER

Senator Jesse Helms seeks leave to intervene pursuant to Fed.R. Civ.P. 24(a)(2) in two cases decided by this Court in 1977. In *Lee* v. *Kelley*, No. 76-1185, and *Southern Christian Leadership Conference* v. *Kelley*, No. 76-1186 (D.D.C. Jan. 31, 1977), this Court ordered that tapes and transcripts generated by Federal Bureau of Investigation electronic surveillance of Dr. Martin Luther King be held under seal in the National Archives for a period of fifty years, and that the tapes or their contents not be disclosed except under specific court order. The case is currently before the Court on Senator Helms' motion to intervene and his motion, under Fed.R. Civ.P. 60(b)(5), to vacate or modify the Court's 1977 order.

Senator Helms requests access to the sealed materials before the Senate considers, on October 19, 1983, legislation establishing a national holiday honoring Dr. King. Such legislation has been introduced numerous times in prior sessions of Congress. On August 2, 1983, the House of Representatives passed a King holiday bill and sent it to the Senate for consideration. More than two months later, on October 11, 1983, and barely one week before the Senate is scheduled to vote on the bill, Senator Helms filed this motion for intervention.

Fed. R. Civ. P. 24 (a)(2) provides that:

"Upon timely application anyone shall be permitted to intervene in an action: . . . (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."

Assuming that Senator Helms' motion is "timely made," *Foster* v. *Gueroy*, 655 F. 2d 1319, 1324 (D.C. Cir 1981),[1] Fed. R. Civ. P.

[1] As noted, Senator Helms did not file this motion until one week before the scheduled Senate vote on the King legislation. Under the circumstances, *see NAACP* v. *New York*, 413 U.S. 345, 366 (1973), it appears to the Court that Senator Helms' motion may be untimely. *See Hodgson* v. *United Mine Workers*

24(a)(2) requires that the applicant show that he has an "interest relating to the property or transaction" at issue, and that disposition of the action "may as a practical matter impair or impede his ability to protect that interest." Fed. R. Civ. P. 24(a)(2). *See Donaldson* v. *United States*, 400 U.S. 517, 531 (1971) (applicant must assert a "significantly protectable interest"). *See also Nuesse* v. *Camp*, 385 F. 2d 694, 700 (D.C. Cir. 1967); *Smuck* v. *Hobson*, 408 F. 2d 175, 177-80 (D.C. Cir. 1969). *Cf. United States* v. *ATT*, *supra*, 642 F. 2d at 1291 (interest inquiry "in essence a question of standing to participate").

Senator Helms claims a "protectable interest" in obtaining the sealed materials because of his "constitutional duty to cast an informed vote on all matters on which he is permitted to vote" as a member of the Senate. Senator Helms contends that this is an "individual interest," relying primarily on the Court of Appeals' 1974 decision in *Kennedy* v. *Sampson*, 511 F.2d 430 (D.C. Cir. 1974). In that case, the Court held that an individual Senator had standing to challenge the constitutionality of a Presidential pocket veto because the veto rendered his earlier vote on the bill ineffective and deprived him of his constitutional "right to demand or participate in a vote to override the President's veto." *Id.* at 433. The Court observed that the Senator's "stake in the litigation is a quantum of his official influence upon the legislative process." *Id.* at 436. Senator Helms relies on this language to support his claim of an interest in "effectively exercising his vote."

Senator Helms, however, fails to take into account the Court of Appeals' decision in *Harrington* v. *Bush*, 553 F.2d 190 (D.C. Cir. 1977). In that case, a member of the House of Representatives challenged the funding and reporting provisions of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 403 *et seq.* (1968), claiming, *inter alia*, that the Act denied him information relevant to his interest in "consider[ing], debat[ing] [and] vot[ing] upon . . . Executive requests for appropriations for the Agency." *Id.* at 201. Furthermore, the Congressman sought the information to enable him to be a "more effective participant in the appropriations process." *Id.* at 202.

The Court held that the Congressman lacked standing to maintain the suit and narrowly limited the applicability of *Kennedy* v. *Sampson*. The *Kennedy* rationale does not support standing where the Congressman "relies on uncertainty due to the lack of information as the injury to his future votes." *Id.* at 211. Rather, the "concern expressed in *Kennedy* over injury to a future vote" is limited to situations where the "future vote in question [is] a constitutionally prescribed followup to the vote *already cast* on the same precise legislative bill." *Id.* (emphasis supplied). In view of *Harrington* v. *Bush*, Senator Helms' reliance on the *Kennedy* decision is misplaced; he cannot point to the *past* "nullified vote" necessary to invoke the *Kennedy* principle. *See also Goldwater* v. *Carter*, 617 F.2d 697 (D.C. Cir.) (*en banc*), *vacated on other grounds*, 444 U.S. 996 (1979).

Further discussion of the requirements for intervention is unnecessary. Even if it is concluded that Senator Helms asserts a sufficient "interest" for intervention purposes, and that he satisfies the other requirements of Fed.R.Civ.P. 24(a)(2), this Court must refuse his request for judicial relief. In two recent cases, *Riegel* v. *Federal Open Market Committee*, 656 F.2d 873 (D.C. Cir.), *cert. denied* 454 U.S. 1082 (1981), and *Vander Jagt* v. *O'Neill*, 699 F.2d 1166 (D.C. Cir.), *cert. denied* 52 U.S.L.W. 3263 (U.S., Oct. 4, 1983), the Court of Appeals considered the "separation of powers problems inherent" in cases where "individual members of the legislative branch", *Harrington* v. *Bush*, *supra*, 553 F.2d at 214, seek relief in federal court. In *Riegel* v. *Federal Open Market Committee*, the Court concluded that the standing, ripeness, and political question doctrines are incapable of "reflecting the prudential concerns raised by congressional plaintiff suits." 656 F.2d at 880-81. Consequently, the Court announced a doctrine of "circumscribed equitable discretion." In cases where the Congressional plaintiff "alleges an injury which could be substantially cured by legislative action," this standard "counsel[s] judicial restraint:"

"[I]t is in these cases that the plaintiff's dispute appears to be primarily with his fellow legislators. In these circumstances, separation of powers concerns are most acute. Judges are presented * * * with the possibility of thwarting Congress' will by allowing a plaintiff to circumvent the processes of democratic decisionmaking." *Id.* at 881. *See also Vander Jagt* v. *O'Neill*, *supra*, 699 F.2d at 1168.

Senator Helms' attempt to intervene in effect represents a "dispute with his fellow legislators." In his supporting papers, Senator Helms emphasizes what he views as an inadequate factfinding process in the Senate: because the *"Senate leadership* waived the normal rules," *"no hearings* have been conducted concerning the proposed legislation in order to inform the Senators of facts either to justify or to defeat the passage of this legislation." Helms Memorandum of Points and Authorities at 5 (emphasis supplied). "No Senate committees have been charged with the responsibility to investigate Dr. King." Helms Supplemental Memorandum of Points and Authorities at 6. By intervening in this case to obtain the King surveillance materials, Senator Helms seeks to perform the investigative function of the committee hearings the Senate leadership decided to forego.[2]

It is not for this Court to review the adequacy of the deliberative process in the Senate or to question decisions of the Senate leadership. *Cf. Vander Jagt* v. *O'Neill*, *supra*, 699 F. 2d at 1176; *Metcalf* v. *National Petroleum Council*, 553 F. 2d 176, 188 (D.C. Cir. 1977). To conclude otherwise would represent an "obvious intrusion by the judiciary into the legislative arena." *Riegel*, *supra*, 656 F. 2d at 882. Senator Helms, of course, is not prevented from entering the "legislative arena;" he can argue to the Senate that the sealed materials should be obtained and considered by a committee before a vote. In any event, the proper forum for this contention is the Senate, for "[i]t would be unwise to permit the federal courts to become a higher legislature where a Congressman who has failed to persuade his colleagues can always renew the battle." *Id. See also Sanchez-Espinoza* v. *Reagan*, 568 F. Supp. 596, 600-01 n. 5 (D.D.C. 1983); *Crockett* v. *Reagan*, 558 F. Supp. 893, 902-03 (D.D.C. 1982); *Moore* v. *United States House of Representatives*, 553 F. Supp. 267, 270-71 (D.D.C. 1982) (all applying *Riegel* equitable discretion doctrine).

In view of these considerations, the Court concludes that Senator Helms' attempt to obtain the sealed materials must be rejected. Senator Helms' application for intervention does not satisfy the "interest" requirement of Fed.R.Civ.P. 24(a)(2). More importantly, separation-of-powers principles required this Court to exercise its equitable discretion and deny relief in these circumstances. *See Vander Jagt* v. *O'Neill*, *supra*, 699 F.2d at 1177.

Accordingly, Senator Helms' motions to intervene and to vacate or modify the January 1977 order are denied.

An appropriate order follows.

JOHN LEWIS SMITH, JR.,
U.S. District Judge.

Dated: 10/18/83.

Mr. DOLE. Mr. President, my understanding is the Senator from West Virginia has been waiting to offer the next amendment.

Mr. HEINZ. The Senator from West Virginia has an understanding with the Senator from Pennsylvania.

Mr. RANDOLPH. I desire to yield to my able colleague from Pennsylvania (Mr. HEINZ) with the understanding that the time will not be taken from the consideration on the amendment.

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of America, 473 F. 2d 118, 129 (D.C. Cir. 1973); *United States* v. *ATT*, 642 F. 2d 1285, 1294-95 (D.C. Cir. 1980). However, because "a court should be more reluctant to deny an intervention motion on grounds of timeliness if it is intervention as of right than if it is permissive intervention," *id.* at 1295, the Court will consider whether Senator Helms' application satisfies the second requirement of Fed. R. Civ. P. 24(a)(2).

[2] By noting the absence of Senate hearings on the bill, Senator Helms acknowledges the principal role of committees in exercising the investigatory powers of the Congress. *See* 2 U.S.C. § 192 (1977) (establishing contempt penalty for failure to testify before authorized committee); *Rules and Manual of the United States Senate* § 26.1, p. 14 (1979) (authorizing committees "by subpoena *or otherwise* [to require] . . . the production of . . . correspondence, books, papers, and documents") (emphasis supplied); *Eastland* v. *United States Servicemen's Fund*, 421 U.S. 491, 505 (1975) (subcommittee subpoena power necessary for it "to do the task assigned to it by Congress"). Indeed, this Court in 1977 permitted a properly authorized committee, the House Select Committee on Assassinations, access to a limited portion of the King surveillance materials at issue here. Senator Helms, however, does not appear here on behalf of a committee authorized to consider the King legislation. Rather, he appears as an individual Senator, without Senate authorization, in what is undeniably an investigatory role. Although Congress' investigatory power is very broad, *Watkins* v. *United States*, 354 U.S. 178, 187 (1957), the "principle is important that disclosure of information can only be compelled by authority of Congress, its committees or subcommittees, *not solely by individual members . . .*" *Exxon Corp.* v. *FTC*, 589 F.2d 582, 592-93 (D.C. Cir. 1978). Moreover, the Fifth Circuit refused to permit two members of the House of Representatives to intervene in a private suit and seek materials held under a protective order, on the ground that the Congressmen "failed to obtain a House Resolution or any other similar authority before they sought to intervene" in the case. *In re Beef Industry Antitrust Litigation*, 589 F.2d 786, 791 (5th Cir. 1979). *Exxon Corp.* and *In re Beef Industry* illustrate the fundamental importance attached to proper consideration and authorization of formal investigatory efforts by Members of Congress. *See Gojack* v. *United States*, 384 U.S. 702 (1966); *Watkins* v. *United States*, *supra*. *See generally* Nowak, Rotunda & Young, *Constitutional Law* 248-50 (2d ed. 1983). Senator Helms cannot simply rely on his "[e]lection to the Congress," *Exxon Corp.* v. *FTC*, *supra*, 589 F.2d at 593, as the basis for an order by this Court ordering public disclosure of sensitive materials resulting from an FBI electronic surveillance program.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I thank my friend.

The PRESIDING OFFICER. Who yields time on the bill?

Mr. HEINZ. Will the Senator yield to the Senator from Pennsylvania not to exceed 4 minutes?

Mr. DOLE. I would be happy to yield.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I thank my friend from West Virginia for yielding prior to the consideration of the amendment.

Mr. President, I want to observe as debate on this measure winds down to its last 24 hours, that our Nation was founded by men who dreamed of a more just society, and dared to risk their lives in making that dream a reality. In each generation, America has encouraged and fostered the dreams of many, and, many have offered their lives to preserve the freedom to dream. Rarely, however, does one person articulate a vision of America so clearly that millions of his countrymen decisively act to implement it. The Rev. Martin Luther King, Jr., was such a man. His call to conscience exposed the injustice in America. His leadership of the civil rights movement swept away many visible institutions of injustice. His assassination served to remind us all that injustice remains.

In establishing a national holiday in honor of Dr. King, we do more than recognize the achievements of one man. After all, our Nation has been blessed by men and women of great achievement in science, religion, law, and commerce. The holiday will serve as a day of remembrance for all Americans, to recall the gross injustices of the past, to remind us of the challenges of the present, and to rededicate ourselves to creating a more perfect society where people are judged by ability and individual human worth and not race, sex, or creed.

Some have attempted to discredit Dr. King based on several of his statements. These are old tactics, and the general derision which has greeted these efforts signals that, indeed, our Nation has a better sense of justice and proportion than during Dr. King's lifetime.

Mr. President, I would not agree with all the solutions proposed by Dr. King to make our Nation adhere more closely to our ideals. But, in my mind, Dr. King has come to symbolize what one American can do for all Americans, that one American can inspire so many citizens to truly follow our national ideal of equality under the law. Certainly, he was able to articulate a goal of justice, a vision of freedom, that appeals to the best instincts of our Nation.

In honoring Dr. King, we laud all those who have worked for equality and freedom; those who came before, and those who will come after.

Mr. President, I strongly urge my colleagues to vote for this legislation at the hour of 4 o'clock tomorrow. I thank my friend and colleague from West Virginia for so graciously yielding to me.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 2268

(Purpose: To make the Birthday of Martin Luther King, Jr., a legal Public Holiday)

Mr. RANDOLPH. Mr. President, I ask for the immediate consideration of an amendment at the desk, No. 2268.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia (Mr. RANDOLPH) proposes an amendment numbered 2268:

Strike all after the enacting clause, and insert in lieu thereof the following:

That section 6103(a) of title 5, United States Code, is amended—

(1) by inserting immediately after the item relating to New Year's Day the following: "Birthday of Martin Luther King, Jr., January 15.".

SEC. 2. The amendment made by the first section of this Act shall take effect on the first January 1 that occurs after the two-year period following the date of the enactment of this Act.

Mr. RANDOLPH. Mr. President, the substitute amendment that I have offered is intended to commemorate the memory of Martin Luther King, Jr., on the actual day of his birth.

As we know, H.R. 3706 intends to designate the third Monday in January of each year as a Federal legal holiday to honor Reverend King. It would be my intention to support the creation of such a day for Reverend King provided it is set on the day of his birth, or on the day of his death.

However, Mr. President, I cannot support a resolution to provide another Monday holiday to honor Reverend King or any other individual, however deserving he or she might be.

Reverend King was not born on the third Monday in 1929. He was born on Tuesday, January 15.

If we are to honor Reverend King, why do it on an arbitrary Monday instead of the actual day of his birth? It is no historical meaning to have it on a Monday.

The saga of Monday holidays began in 1968. At that time there was a strong initiative to create a special Monday observance for Federal holidays. Special Monday holidays were established for George Washington's birthday, Memorial Day, Columbus Day, and Veterans Day as a result of the enactment of Public Law 90-363.

Mr. President, it is my strong belief that we, in the Congress of the United States made a mistake by creating new Monday holidays. America has a heritage that is important and it must be maintained. It was for convenience sake that the Monday holiday were created.

Mr. SYMMS. Will my good friend from West Virginia yield on that point?

Mr. RANDOLPH. I will be glad to yield.

Mr. SYMMS. As the Senator knows, I have the privilege of chairing the subcommittee that you chaired during your years in the Senate. Each year in the Senate Transportation Committee we deal with highway safety. We know from working together on that subcommittee, that the Department of Transportation presently has underway, a nationwide drive to stamp out or minimize the tragedies caused by drunken driving. Thousands of lives are lost on this Nations highways especially on holiday weekends due to drunk driving.

Would the Senator say in his experience working with the highway system of this country that 3-day weekends contribute greatly to the number of traffic accidents related to drunken driving?

Mr. RANDOLPH. I am not sure to what degree I would want to use the word "contributed" but I have reasons to believe that what the Senator is saying is true.

Mr. SYMMS. The point I am making is, that the Senator's amendment would actually help the highway safety program of the country with respect to automobile accidents. I believe that this is something my colleagues should consider.

To celebrate the actual birthday of Dr. King the holiday would fall on a 3-day weekend, only 2 out of every 7 years. Other years, it would fall on weekdays. I think it is important that we celebrate Dr. King's birthday. And in celebrating his birthday, we do not create another 3-day weekend. Traffic safety is a side benefit of the amendment, the Senator may not have considered. It is a side benefit that makes the amendment more significant. I want to assure the Senator from West Virginia I shall vote for his amendment.

Mr. RANDOLPH. Mr. President, I appreciate the valid comment of my able colleague from Idaho.

I have been saying, as you heard, that I think America has a heritage. It is important that it be maintained. We cheapen the process of the recognition of an event or of an individual worthy of honoring, if we designate an arbitrary Monday.

I appreciate very much what the Senator from Idaho has added to this debate, because I am sure that the fig-

ures would show that what he has indicated would be the result.

Within a short time of enactment of the new law veterans sensed that their special day of Armistice observance had lost much of its significance, and Armistice day became a day of holiday convenience in November.

Strong efforts by veterans and their service organizations resulted in legislation in the 94th Congress to return Veterans Day to its original date of November 11. As a cosponsor of that proposal it was my privilege to work with our Nation's veterans organizations and other groups to seek its passage. Effective help of all those involved gave us Public Law 94-97. The first observance of the restored date was in 1978.

Mr. President, on February 7, 1981, I introduced Senate 447, which was intended to return the three remaining Monday holidays to their original date of observance—George Washington's Birthday would have been returned to February 22; Memorial Day to May 30; and Columbus Day to October 12. Unfortunately, no action was transpired before the 97th Congress had adjourned.

During the current 98th Congress, I reintroduced this legislation as Senate 71. The bill continues to be pending before the Judiciary Committee. I am gratified to have my very able colleague from West Virginia, the minority leader of the Senate, Senator BYRD, and Senator GOLDWATER, as cosponsors of the bill, S. 71. I am very, very gratified to say that this amendment has the support of the Veterans' organizations, including the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars.

National holidays, understandably, honor special people and events. The Monday holidays have altered and cheapened the history, the tradition, and the commemoration that was intended by the establishment of these special days.

June 20, 1863, is one of the most important dates in the history of West Virginia. On that date, President Lincoln's proclamation creating the 35th State of the Union became effective.

Why is this significant in a discussion of the type I am making? Because June 20 is an annual day set aside in West Virginia to recognize and to celebrate our statehood. The date we commemorate is the actual day of June 20, whatever the day of the week that it would fall upon in a certain year.

I am no novice here in the Senate or in the House, having now served almost 40 years on this historic hill. I am under no illusion at this time that I can change the minds—I sometimes can change the hearts—of those who support H.R. 3706 in its present third Monday in January form. However I emphasize—and I reemphasize—that many proponents of the proposal had supported and indeed introduced legislation to honor Reverend King on the actual day of his birth on January 15. Let us not forget that, Mr. President.

I am not against 3-day weekends. These weekends can be preserved. But, let us not use our Nation's most important days as the vehicle of convenience. These special weekends could be called workers holidays. I would not be against them.

Certainly America has a heritage—I reemphasize for the third time—that is important and it should be maintained on Capitol Hill and in the Senate of the United States.

I have studied the debate in the House of Representatives. I have read much of what others have had to say about H.R. 3706 and the establishment of the third Monday in January of each year as Martin Luther King's birthday. Much has been spoken of the cost and the disruption that would be caused if the King holiday were to be established, believe it or not, on the actual day of his birth.

I ask my colleagues this question: Are we trying to honor Reverend King to save money or to express tribute to him for his accomplishments in the United States of America with an influence perhaps throughout the world?

I point out to those who are concerned about the cost, if we were to actually honor Reverend King on January 15, every few years the day would fall on Saturday or Sunday and the cost, of course, would be saved.

I am confident that the present proposal, H.R. 3706, will be approved. But I assure those who share my views that I shall continue to work for the enactment of my proposal, which has been pending now for 6 years, to return the remaining Monday holidays to their actual or original date of observance.

Mr. President, this is a postscript, perhaps. But I remember when I offered the 26th constitutional amendment the last of our amendments. This was in 1942, when I was a Member of the House. What did I desire to do? I desired to give the right and the responsibility to the 18-, 19-, and 20-year-old youth of this country to vote in this Nation. When did it happen? It did not happen then. It happened 30 years later, in 1972.

I do not know if I can stick around 30 more years—of course, I shall not have the opportunity—until something happens in connection with this proposal.

I remember very well that I offered, and it was passed in 1946, a bill for the creation of the national air museum, which was appropriately called the National Air and Space Museum when we actually opened the doors to that great museum. Incidentally, it was opened on July 4, 1976, 30 years after I offered the legislation. We can now report to the Senate and to the United States of America that since that date of July 4, 1976, until last week, more than 66 million individuals, fathers, mothers, sons, and daughters, have visited that museum.

Today I have now been given a hearing on my holiday proposal. Although not all Senators are at their desks at this time. My colleagues get a little upset at me because I think we should vote from our desks but I shall continue to make that effort here in the Senate, because it is my belief that is what we should do. We should not vote in the well of the Senate and make it look as if a hockey game was in progress in the Chamber. But I am never upset at my colleagues. I want you to know that, Mr. President. I say that with a feeling of affection and understanding for all those who serve in this body.

Mr. President, I speak now, and I have a right to say this, to not only the Senators who will vote on this amendment, but I counsel with all who are in the galleries at this time. I hope that they believe with me that the day to celebrate, the day to honor either an individual or to commemorate an event, should be something that is meaningful. We cheapen the process, the legislative process, when we do what is intended now in setting aside another Monday for the commemoration of a man whom I would like to honor and will vote to honor if it is on his birthday. I will not vote for the bill if it does not include this amendment.

Mr. President, before yielding, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. RANDOLPH. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I appreciate the statement of the distinguished Senator from West Virginia. As he knows, as originally introduced, the bill would have commemorated Dr. King's birthday on the actual date of his birth.

In response to concerns about the cost, the House adopted an amendment to designate the third Monday of January as a holiday. Obviously, the date could be changed. I think there are some considerations as to whether or not that would mean a House-Senate conference, but maybe that could be worked out. It may mean additional debate, but that is probably not unprecedented in this body or the other body. But by having it on Monday, it is consistent with the Monday holiday law. Even though the Senator from West Virginia stated a

number of reasons why we should not adhere to that, we do try to provide for uniform annual observances on Mondays. Three-day holidays increase the opportunities for families to be together, particularly those separated by great distances. Three-day weekends also increase opportunities to travel to historic sites associated with the holiday or to participate in whatever activities there may be on a national or local level.

We are also led to believe that there might be less absenteeism as far as Federal employees are concerned. If the holiday were on a Tuesday or Thursday, employees might tend to take the preceding Monday or following Friday off.

Plus, the commercial aspects. I presume they could be ignored but I doubt that they will be ignored.

Finally, the bill that we have before us may not be perfect. The Senator from West Virginia just indicated that without this amendment he cannot vote for the final package. It does enjoy wide bipartisan support.

I do not quarrel with the Senator from West Virginia, but it seems to me that this amendment, according to staff and others who have checked it, could increase the cost. I would hope we might change in some the support for this bill, whether or not we are really serious about this, whether or not we are going to go to conference and go through the same procedure we have gone through thus far to get it to this point on the legislative agenda.

For those reasons, I respectfully oppose the amendment.

Mr. RANDOLPH. Will my colleague yield?

Mr. DOLE. Yes.

Mr. RANDOLPH. Did not my colleague vote to change Veterans Day from a Monday back to November 11?

Mr. DOLE. I may have. I will have to check the record, but I think I may have.

Mr. RANDOLPH. As you may recall, on March 13, 1975, the Senate voted unanimously to return Veterans Day to November 11 of each year.

Mr. DOLE. Well, the Senator has already checked the record.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all I want to commend the Senator from West Virginia for his persistence and continuity in attempting to adjust national holidays so that they would be more relevant to the causes and individuals for which they have been so named. I know of the very significant work the Senator has done in this regard and I commend him for it.

I am a principal sponsor of this particular legislation on Martin Luther King's holiday, with the Senator from Maryland (Senator MATHIAS), who is the initial sponsor in this Congress. He and I have introduced the legislation consistently during the last eight Congresses.

In that legislation which has been introduced, we have actually named the date, January 15, as incorporated in the Randolph amendment. So it is extremely difficult for one, as myself, who believes that that might be the most appropriate way to honor his memory, to ask our colleagues not to support the Randolph amendment today. I do so, Mr. President, purely out of the practical reasons that I believe the best way that we can get a holiday, a national holiday, is to be willing to accept the action of the House of Representatives, which does designate a special day to honor Dr. Martin Luther King, Jr.

I, as my colleague, Senator DOLE, feel that we have had a long and difficult struggle to get to this particular point and we know that there are forces, which I think we have seen here, in the U.S. Senate today and other times, that are strongly committed to frustrating any such recognition.

I, for one, believe, for the reasons that have been stated by Senator DOLE and others, the 3-day weekend will give a chance for individuals and families to take the time to participate in the appropriate services or ceremonies which best capture the spirit of Dr. King and his ideals, and that we should continue the efforts to see that the House bill is passed by the Senate without amendment and then signed into law.

Mr. President, I express to the Senator from West Virginia my continued esteem for his interest in this issue. I want also to commend him for his fairness in dealing with this issue. He raised this issue among our Democratic colleagues in the caucus some weeks ago, and indicated what steps he would take. He put all of us on notice and reviewed with us his past history on this type of amendment. I think all of us are very mindful of the efforts he has made in the past.

Mr. President, it is with a good deal of reluctance that I stand to oppose his position, but I think it is absolutely imperative if we are going to see a day, I think it is imperative that we pass this bill without amendment. For those reasons, I hope that the amendment of the Senator from West Virginia will not be accepted.

Mr. RANDOLPH. Mr. President, may I inquire how much more time I have?

The PRESIDING OFFICER. One minute remains.

Mr. RANDOLPH. Mr. President, I have listened very carefully to my colleague from Massachusetts. I commend him and Senator MATHIAS for sponsoring legislation stating that it should be on the birthday of Martin Luther King that we should honor him by action here, in Congress. I am sorry he left the earlier position which he had of January 15 to accommodate an action taken in the House of Representatives.

I want to be very careful in what I say. There are many times when I have heard my able colleague commit himself to action in the Senate in opposition to action taken in the other body. Over and over again, I have heard him speak for the Senate to act rather than to do what the House had done on a specific bill, or even an amendment. That is said in good understanding.

I just hope—I have a fervent hope—that Senators will forget that they are accommodating the Senate with the House this afternoon and do what is right here, in the Senate. That is no reflection on the disagreement between us.

The naming of a day for an event that has historic meaning for a citizen who has contributed that which causes us to wish to honor him is something that, it occurs to me, we should honor that event or that individual on the day that the event took place or that the individual was born.

Mr. President, I ask, do we have the yeas and nays on my amendment?

The PRESIDING OFFICER (Mr. SPECTER). The yeas and nays have been ordered.

Mr. DOLE. Mr. President, how much time remains in opposition?

The PRESIDING OFFICER. Twenty one minutes remain.

Mr. DOLE. Mr. President, I think the argument has been made. Again, it is not a quarrel with the Senator from West Virginia. I think the Senator from Kansas sponsored legislation in the late seventies with my former distinguished colleague, Senator Brooke of Massachusetts, which would have celebrated this day on the birth date. I think for the reasons stated, I hope the amendment might be defeated.

I am prepared to yield back the time in opposition, Mr. President.

Mr. RANDOLPH. Mr. President, I yield back the time remaining on the amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from West Virginia (Mr. RANDOLPH). The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. EAST (when his name was called). Present.

Mr. STEVENS. I announce that the Senator from New Hampshire (Mr. HUMPHREY), is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado

(Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Tennessee (Mr. SASSER), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 23, nays 71—as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—23

Armstrong	Goldwater	Quayle
Baucus	Hatch	Randolph
Bingaman	Heflin	Rudman
Byrd	Long	Simpson
Chiles	Matsunaga	Specter
Cohen	Melcher	Symms
DeConcini	Nunn	Wallop
Garn	Pressler	

NAYS—71

Abdnor	Glenn	Mitchell
Andrews	Gorton	Moynihan
Baker	Grassley	Murkowski
Bentsen	Hatfield	Nickles
Biden	Hawkins	Packwood
Boren	Hecht	Pell
Boschwitz	Heinz	Percy
Bradley	Helms	Proxmire
Bumpers	Huddleston	Pryor
Burdick	Inouye	Riegle
Chafee	Jepsen	Roth
Cochran	Johnston	Sarbanes
Cranston	Kassebaum	Stafford
D'Amato	Kasten	Stennis
Danforth	Kennedy	Stevens
Denton	Lautenberg	Thurmond
Dixon	Laxalt	Tower
Dole	Leahy	Trible
Domenici	Levin	Tsongas
Durenberger	Lugar	Warner
Eagleton	Mathias	Weicker
Evans	Mattingly	Wilson
Exon	McClure	Zorinsky
Ford	Metzenbaum	

ANSWERED "PRESENT"—1

East

NOT VOTING—5

Dodd	Hollings	Sasser
Hart	Humphrey	

So the amendment (No. 2268) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. (Mr. COCHRAN). The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

All Senators please clear the well so that the Senator from Kansas may be heard.

Mr. BAKER. Mr. President, will the Senator from Kansas yield to me a moment?

Mr. DOLE. I yield.

Mr. BAKER. I thank the Senator.

Mr. President, I conferred with the minority leader a few moments ago on the subject of the schedule of the Senate the remainder of this day.

Let me repeat to Members representations that I made to him.

Since we have a time for final passage tomorrow at 4 p.m., I would not be inclined to ask the Senate to stay longer than is necessary today to make sure that all Senators who wish to offer amendments before 4 p.m. tomorrow or to debate have ample opportunity.

I plan to ask the Senate then to recess over at about 6 p.m. unless there is some urgent reason to ask the Senate to remain longer.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS AND RESUMPTION OF CONSIDERATION OF H.R. 3706 TOMORROW

Mr. BAKER. Mr. President on tomorrow, after the recognition of the two leaders under the standing order, I ask unanimous consent that any time remaining until 10 a.m. be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each and that at the hour of 10 a.m. the Senate resume consideration of H.R. 3706.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the Senator from Kansas, and once again I expect the Senate will be in until about 6 p.m. tonight, and I do expect there will be at least one more rollcall vote.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, there has not been any order established, but the Senator from Oklahoma asked earlier if he might be recognized to offer an amendment.

Does the Senator from Nebraska have an amendment?

Mr. EXON. Mr. President, the Senator from Nebraska has an amendment that he has been trying to offer for some time. I have been trying to take my turn and am hoping to get it in.

If there is no particular order, some Senators know I have been trying to offer this amendment. I am prepared to offer it. I would certainly agree to a time limit agreement. I think it is not going to take a lot of time. I would be willing to vote on it in the next 15 or 20 minutes.

Mr. DOLE. All right.

Would 10 minutes on each side be agreeable?

Mr. EXON. It is perfectly agreeable.

Mr. President, I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2331

(Purpose: To make the birthday of Martin Luther King, Jr., a national holiday each January 15)

Mr. EXON. Mr. President, I send an amendment to the desk in the form of a substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. EXON) proposes an amendment numbered 2331.

Strike out all after the enacting clause and insert in lieu thereof the following: That January 15 of each year is designated as "Martin Luther King, Jr.'s Birthday", and the President is authorized and requested to issue a proclamation each year calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. EXON. Mr. President, the amendment in the form of a substitute that I am offering is a very simple, straightforward amendment, and I suspect that probably it expresses the wishes of at least some of us in the Senate.

Mr. President, what this basically does is to set January 15, the birthday of Martin Luther King, as a day of remembrance and salute to him for his great leadership. It does not have anything to do with a national holiday, per se.

Mr. President, it is with the deepest respect and admiration for Dr. Martin Luther King that I rise to offer this amendment.

It is my sincere belief that Dr. King should be remembered as one of the greatest leaders of our time. He sacrificed greatly for his country. He worked to bring about an America that could be free of racial hate and prejudice. He worked to bring about an America that would guarantee equal rights to all people.

His vision for an America as it should be is shared by millions of Americans including this Senator. Thank God, America is moving closer to the realization of that vision.

Some of the injustices Dr. King addressed through his ministry and his activities have fortunately been righted; many sadly still remain. I am hopeful that the memory of Dr. King will be inspired and will continue to inspire all Americans to pursue the dream of Dr. Martin Luther King.

Mr. President, our Nation now faces a new and serious crisis. Our Nation is in the midst of great economic turmoil. This year's Federal deficit will reach the unprededented level of $207 billion. The Nation's unemployment rate continues to be excessively high; and unemployment for Black Americans remains at a shamefully high level.

American industry must compete with highly efficient and productive

foreign producers. And in this time of severe hardship, millions of Americans are finding that services once provided by the Government are now being cut.

It is my feeling that in this time of great economic crisis our Nation cannot afford a paid holiday for Federal workers, and also the number of people who will have one more day off in the private sector if we take the action that is proposed in the bill before us.

It is the overwhelming feeling of those constitutents that I represent that another paid holiday is simply a luxury that we cannot afford at this time. As I mentioned earlier today, now is the time for America to get to work and not a time to be planning another day off. As our constitutents are asked to make sacrifices, so should all of us on Federal employment. Now is not a time to give ourselves another day off. At the same time, now is the time to remember Dr. Martin Luther King.

The amendment I now offer meets both of these competing interests. It recognizes and honors the special work of Dr. King without the cost of a paid day off. My amendment would permanently designate January 15, Martin Luther King's birthday, as a national day of observance.

It would also request the President issue a proclamation each year calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

This special recognition would not involve the expense of a paid holiday for Federal workers and still preserve the memory and honor of the late Dr. Martin Luther King, Jr. The simpler recognition is given to Thomas Jefferson on the day of his birth, Mother's Day, Father's Day, Flag Day, along with several others.

I therefore ask my colleagues to consider our economic condition, and I ask them to join in this effort to permanently recognize the valuable and important work of Dr. King but in a dignified and special way that will not harm the economic conditions of this Nation.

Mr. President, I reserve the remainder of my time.

Mr. NICKLES. Will the Senator yield to the Senator from Oklahoma?

Mr. EXON. I yield whatever time is necessary.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I ask unanimous consent to be made a cosponsor of his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I say to the manager of the bill so that he might be advised that the amendment of the Senator from Nebraska is identical to an amendment that the Senator from Oklahoma was going to offer.

Therefore, I will not offer it. Instead, I am delighted to join my friend from Nebraska as a cosponsor of his amendment.

It is certainly evident to all of us that Martin Luther King, Jr.'s contribution to America is one which has profoundly affected every citizen of this Nation. He understood that equal treatment of all persons was the single theme framed by our forebearers that is most responsible for the greatness of our country. He knew that the extent to which that founding principle of equality is either exalted or debased would determine the future not only of black Americans, but of all Americans.

The era of prejudice in American history which Dr. King rose to fight is one of the most regrettable in our country's short lifespan. The inexcusable acts of bigotry and hatred were widespread and despicable. The loss of human life from that period cannot be undone.

There is one loss, however, which can be undone. That is the loss of self-respect we experienced as a nation over the periodic institutionalization of prejudice and hatred. It is, in fact, a loss we are still experiencing. A sense of outrage and shock returns when, through a movie like "Roots," we relive this epic of our history. Our children who, thankfully, live in a different world, feel this shock when in one history lesson, they learn that America was founded upon the premise that "All men are created equal," only to learn in the next lesson that Americans were lynched, shot, and beaten simply because their skin was not white. The belief that America is unique in all the world becomes tarnished when seen in the light of this period of history. A certain pride and self-respect for our country is diminished. Although we cannot undo the sins of the past, we can insure that all remnants of inequality are scourged from the books. Thankfully, that is the next lesson that our children can read in their history books. It is one that is ongoing.

That is what a day in honor of Martin Luther King, Jr., is all about. It is 1 mile in the journey back to our roots of equality, back to self-respect, and pride as a country. By paying homage to the man whose vision we now share, we celebrate the victory of his movement and his dream. The question before us today, then, is not whether to pay homage, but how to pay homage.

Self-respect as a Nation is made up of many things, one of which is fiscal responsibility. In this area, public confidence is also sorely lacking. People wonder why, when they learned the lesson of living within their means at 12 years of age with a 25-cent allowance, Congress cannot do the same. With every year that the deficit grows, a certain national self-respect is diminished and cynicism is strengthened.

Now I know that there are some who think that it is somehow immoral to speak of the cost of establishing an additional paid holiday when talking about honoring Dr. King. We are told to "go back to our calculators and estimate the cost of 300 years of slavery." Well, the simple fact is that there is no comparison. No price can be placed on what discrimination cost this country. We cannot repay Dr. King with Federal holidays. What we can do is honor this man in a way that uplifts him and his dream, without creating further cause for the erosion of national pride by expanding the deficit.

The bill before us today, H.R. 3706, would not just designate a day in honor of Dr. King, but would create an additional paid holiday for Federal employees. It is important that persons know that this is not a national holiday as such. It is a Federal paid holiday. The 2.1 million Federal employees would receive a payday for not working. Yet, I imagine that, by and large, the great majority of Americans would continue to work on January 15 or the third Monday of each year. Total Federal costs for a Federal holiday are $210 million in lost productivity and $25 million in overtime pay. The cost of the holiday at Tinker Air Force Base in Oklahoma alone is estimated to be $1½ million. In addition to the fiscal costs, an additional Federal holiday would disrupt a number of significant public services, such as postal operations which would be totally shut down. Non-Federal expense is hard to estimate but could easily reach into the billions. National banks are mandated by law to close on Federal paid holidays. This, coupled with the closing of other public services, will further disrupt the economy and add to the non-Federal expenses of the holiday.

I hope the Senate will support the amendment which I intended to offer and of which I now am a cosponsor. It fulfills two very important goals. First, Congress would be paying tribute to a great American, one who had the courage and conviction to speak out against discrimination. As I said earlier, I believe this is important not only for black Americans, but for all Americans. Second, Congress would be fulfilling its fiscal responsibilities. We would be recognizing Dr. King without further indebting this government. And finally, we would be honoring Dr. King in a way that all Americans could participate in equally.

The amendment designates January 15 each year as Martin Luther King, Jr.'s birthday. The President of the United States would be authorized and requested to issue a proclamation each year calling upon Americans to observe the day with appropriate pro-

grams, ceremonies, and activities. In short, the amendment would establish a national day of recognition in honor of Dr. King without making it a Federal holiday. I think that this is what the majority of Americans would like to do. They would like to pay tribute to Dr. Martin Luther King. But we do not enhance that tribute by giving Federal employees a paid day off.

I hope that you will join the Senator from Nebraska and me in supporting this amendment. Let us work toward the return of national self-respect in two ways, by lifting up the legacy of Dr. King and his dream and by doing so in a way that shows fiscal restraint and responsibility. The man we honor today lived with the single goal of lifting burdens, not creating them. It is only right that his commemoration reflect that spirit.

Mr. DOLE. Mr. President, how much time remains for the amendment?

The PRESIDING OFFICER. 1 minute and 45 seconds.

Mr. DOLE. Mr. President, I know there are other Members who are going to speak. I have been designated by my distinguished chairman, Senator THURMOND, and I think in the interests of time for the reasons stated a number of times on the Senate floor with regard to the WSL issue and other issues raised by the amendments proposals that I will just rely on what has already been stated for the record and ask that the amendment not be adopted.

There is no doubt that both Senators have expressed the concerns of many people in their States and other States with reference to the costs, but I would not want to get this $200 million or whatever the cost might be confused with the Federal debt or the deficit. We are talking about $2.5 trillion if we do not do something in the next 30, 40 days in the Congress. I am certain that the costs of this bill will be added to that deficit, as will the costs of a number of other amendments to bills that are going through the Senate, and there will be a lot of millions, and maybe a few billions at least attempted to be added. But the cost is a factor and it ought to be considered, and I certainly appreciate the concerns expressed by the Senator from Nebraska and the Senator from Oklahoma.

But again this bill does enjoy overwhelming bipartisan support. It has been debated. I am one of those who frankly felt we should have held hearings and could have discussed all these different alternatives but that was not a judgment the Senator from Kansas made. The hearings have not been held recently, and have not been held in this Congress.

I would therefore yield the remainder of my time to the Senator from Massachusetts.

Mr. TSONGAS. I thank the Senator from Kansas. Let me begin by acknowledging the fine work done by a number of the Members of the Senate but particularly my colleague from Massachusetts, Senator KENNEDY, who has been in the forefront of this issue long before I ever came to the Senate, and finally tomorrow we will see his efforts and those of a number of other people brought to fruition.

Mr. President, I rise today to support the legislation to designate the third Monday of each January as a Federal holiday commemorating the birth of Dr. Martin Luther King, Jr. This legislation, long overdue, is a monument to the achievements of Dr. King and to the belief that peace, justice, and equality are the foundations of the American dream; the dream Dr. King lived and died for.

I am appalled that the opponents of this legislation have attempted to belittle this debate by repeating unsubstantiated allegations on Dr. King's affiliations with members of the Communist Party. The suggestion that there is new and revealing information in the FBI files on Dr. King is ludicrous and represents a side of our history of which none of us can be proud. The attempts of the FBI and its Director, to discredit Dr. King and thus the Civil Rights Movement, failed in the 1960's and I assure you, similar efforts will fail again today.

The FBI files have been reviewed time and time again without substantiation of suggestions that Dr. King was a Communist or that he was unduly influenced by members of the Communist Party. The bipartisan Select Committee on Assassinations reviewed all of the FBI files on Dr. King and in its findings reported:

In October 1962, the FBI opened its security investigation of the SCLC and its president, Dr. King. The investigation was authorized by the Attorney General. The initial purpose of the investigation was to examine what if any, Communist influence existed in the SCLC. The committee concurred with the 1977 Justice Department study in its conclusion that no evidence existed that Dr. King was a Communist or ever was affiliated with the Communist Party; that the SCLC under Dr. King was ever anything other than an organization devoted to civil rights; that Dr. King's alleged Communist advisors never "sold" Dr. King any course of action that could be identified as Communist; and that the security investigation should have been terminated shortly after it commenced.

The report goes on to say:

In August 1963, the Domestic Intelligence Division completed a synopsis of the Communist Party's effort to exploit the American Negro. It concluded that while the party has expended enormous effort and resources to influence and control Black Americans, it had been largely unsuccessful. In sworn testimony before the committee, agents from the Domestic Intelligence Division insisted that their conclusion of insignificant infiltration into the civil rights movement reflected their professional judgment then as well as in 1978.

Five of the members of that committee continue to serve in the House of Representatives. All of them, with full knowledge of the FBI investigation of Dr. King, voted in favor of this legislation. Another Member now serves in this body and is a cosponsor of this legislation. I think it is time, Mr. President, to put these petty and mean-spirited allegations behind us and accept the findings of the Assassinations Committee, the Justice Department, and other congressional committees that have examined this question.

Twenty years ago, Dr. King led a quarter of a million people to the Washington Monument and this Nation began to examine the disparities and inequities existing in our land. We were challenged by a prophet of a nonviolence to declare war on the injustices of our system. The prophet was silenced by an assassin's bullet, but his dreams live on. We are a better people because of his leadership. We have a unique opportunity to set aside one special day to honor and embrace his ambitions and dreams while reminding ourselves of the work yet to be done.

The Civil Rights Act, the Voting Rights Act, the end of discrimination in the use of public facilities are but a few of Dr. King's legacies to us. But discrimination continues to surface in our Nation. Blacks are prevented from registering to vote in certain parts of the country. Members of the entertainment community recently testified before a House subcommittee on the lack of job opportunities for minorities in their industry. They expressed concern for the negative and inaccurate portrayals of minorities in television and motion pictures. There are communities surrounding the Nation's Capital where synagogues have been desecrated and crosses have been burned. Indeed, there is work to be done.

I realize, Mr. President, that we cannot legislate what people think or believe but we can designate this day as a symbol of what is just and right and what we believe our Nation can be. The cost of an additional Federal holiday is irrelevant when compared to the exorbitant price of racial and ethnic discrimination. We are a poorer people while this exists in our country.

I have had the privilege of cosponsoring this legislation every year I have served in the Congress. Since Dr. King's death, 16 States, the District of Columbia, and Virgin Islands have recognized his birthday as a legal holiday. Dr. King dreamed of a nation where his children would be judged, not by the color of their skin, but the content of their character. This Nation's true character is revealed in the persons we honor and the philosophies we em-

brace. I believe it is time for the Senate to act favorably on this measure and forever commit to our history the member of Dr. Martin Luther King, Jr.

Finally, I think, Mr. President, that events like this are important so that those who observe them can have a pretty good understanding of how progress is made in this country, that there are ideas and symbols whose time has come, and this is one, and if the people wonder why progress is so difficult, they should observe the action of the Senate and those who fight bitterly to hold back to a different past.

That past is over. Dr. King is as much a part of what the Nation stands for as anyone who has lived in this country, and I hope that the resounding victory which I am sure will come tomorrow will say to one and all that that era of nonrecognition of trying to go back to an era that I do not think was so bright in this country that all of that is over and we march on hopefully in much more harmonious fashion.

I am proud to have been in the Senate when this is passed and I hope other Senates in the future will look back on this as a very vital addition of our time.

As far as I know, Mr. President—how much time is left on behalf of those in opposition?

The PRESIDING OFFICER. There are 5 minutes 20 seconds remaining.

Mr. TSONGAS. I reserve the remainder of my time and yield back to the proponents.

Mr. EXON. Since I am controlling time on this side, may I ask what do we have, a minute and a half?

The PRESIDING OFFICER. One minute and 40 seconds.

Mr. EXON. Mr. President, I think probably there is no need to carry out debate any further on this.

In winding up the proponents' side of this amendment, I think we have stated our case very well. We agree that Dr. Martin Luther King was a great American. We agree that Dr. Martin Luther King did more than anyone else to eliminate bigotry in this country.

But why is it that we cannot honor him with a special day, as we do Flag Day, Mother's Day, Father's Day, and Thomas Jefferson's Birthday? Why is it that we insist on giving people time off to honor someone?

I think this is the wrong time to take this kind of an action. I hope that when my colleagues come to vote they will recognize that the amendment that has been offered and is now before us is obviously the best way to solve this problem that now confronts us.

I reserve the balance of my time.

May I ask if the opponents are ready to yield back their time? If so, I am ready to yield back my time.

Mr. TSONGAS. I think I am willing to risk it in this case. I am prepared to yield back the balance of my time.

Mr. EXON. I yield back the balance of my time, but before doing so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing on the amendment of the Senator from Nebraska (Mr. EXON). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. EAST (when his name was called). Present.

Mr. HELMS (after voting in the affirmative). Present.

Mr. STEVENS. I announce that the Senator from New Hampshire (Mr. HUMPHREY) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Tennessee (Mr. SASSER) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 24, nays 69, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—24

Abdnor	Hatch	Pressler
Armstrong	Hecht	Quayle
Cohen	Jepsen	Simpson
Denton	Kasten	Stennis
Exon	McClure	Symms
Garn	Melcher	Tower
Goldwater	Murkowski	Wallop
Grassley	Nickles	Zorinsky

NAYS—69

Andrews	Eagleton	Metzenbaum
Baker	Evans	Mitchell
Baucus	Ford	Moynihan
Bentsen	Glenn	Nunn
Biden	Gorton	Packwood
Bingaman	Hatfield	Pell
Boren	Hawkins	Percy
Boschwitz	Heflin	Proxmire
Bradley	Heinz	Pryor
Bumpers	Huddleston	Randolph
Burdick	Inouye	Riegle
Byrd	Johnston	Roth
Chafee	Kassebaum	Rudman
Chiles	Kennedy	Sarbanes
Cochran	Lautenberg	Specter
Cranston	Laxalt	Stafford
D'Amato	Leahy	Stevens
Danforth	Levin	Thurmond
DeConcini	Long	Trible
Dixon	Lugar	Tsongas
Dole	Mathias	Warner
Domenici	Matsunaga	Weicker
Durenberger	Mattingly	Wilson

ANSWERED "PRESENT"—2

East Helms

NOT VOTING—5

Dodd	Hollings	Sasser
Hart	Humphrey	

So the amendment (No. 2331) was rejected.

Mr. DOLE. I move to reconsider the vote by which the amendment was rejected.

Mr. MELCHER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Madam President, we have additional amendments listed. If any Senators have amendments to offer, we shall be happy to entertain those amendments. Senator HUMPHREY indicated he has two amendments, but he is not here today. Senator HELMS has a couple of amendments, Senator GRASSLEY may have an amendment, and Senator WILSON may have an amendment. I hope we may have one more vote before the suggested adjournment time of 6 p.m. I think Senator WILSON might be prepared to offer his amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2332

Purpose: To obtain Senate access to Federal records on Martin Luther King, Jr.

Mr. HELMS. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2332.

Mr. HELMS. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . Notwithstanding any other provision of this Act, the amendment made by the first section of this Act shall not take effect unless and until the Senate adopts and carries out the following resolution:

Resolved, That the Senate Legal Counsel, on behalf of the United States Senate, in conjunction with such agencies of the United States as may be advisable, is directed to seek access, by all available legal means, including but not limited to subpoena, to the following:

(a) Any and all records, tapes, documents, files, materials, and other evidence relating in any way to Martin Luther King, Jr. in

the possession of the Department of Justice, the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency; and

(b) Any and all records, tapes, documents, files, material, and other evidence relating in any way to Martin Luther King, Jr. and sealed by order of the United States District Court for the District of Columbia, dated January 31, 1977, in the cases of *Lee* v. *Kelley, et al.*, Civil Action No. 76-1185, and *Southern Christian Leadership Conference* v. *Kelley, et al.*, Civil Action No. 76-1186; for the confidential examination of the United States Senate;

Resolved, further, That if the above items and materials are too voluminous for confidential examination by the United States Senate in a reasonable time, in the determination of the Senate Majority and Minority Leaders, a Select Committee on Martin Luther King, Jr. shall be established to summarize and present the salient portion of the material for confidential examination by the United States Senate.

Resolved, further, That after examination of and debate on the above materials, the Senate shall affirm by majority vote that it is appropriate to approve a legal public holiday in honor of Martin Luther King, Jr.

Mr. HELMS. Madam President, the vote earlier today on the motion to commit H.R. 3706 to the Judiciary Committee did not of itself directly put the issue of Senate access to the materials and evidence on Martin Luther King, Jr., currently in the possession of various agencies in the executive branch, before the Senate.

That obviously was the indirect issue but perhaps the issue was not made direct enough by virtue of the nature of a mere motion to commit.

Madam President, the pending amendment puts that issue directly before the Senate. The issue is this: Will the Senate seek to obtain and examine the materials and evidence on Dr. King currently in the possession of Federal agencies prior to passing the King holiday bill?

Now, if the Senate's answer to this question is "yes," it will do a great service to the country and to the legislative process by performing its duties responsibly and with due care. If the Senate's answer is "no," the Senate—and I say this with all due respect, Madam President—will be proceeding ostrich-like, implicitly saying do not confuse us with the facts; we have already made up our minds. In such a case it will then be plain to the American people that the Senate is not merely blissfully ignoring the facts but is also consciously and deliberately ignoring the facts.

Now, Madam President, the pending amendment conditions the taking effect of the King holiday bill on the adoption and carrying out by the Senate of the resolution which I introduced on October 7, Senate Resolution 242. Obviously, I converted it into an amendment for the purpose of today.

Madam President, as is evident from the text of the resolution and the pending amendment, the purpose of this amendment is to obtain access for the Senate on a confidential basis to all the available evidence now in the possession of various executive agencies. In addition to the materials at the National Archives under court ordered seal for 50 years, there are also materials on Dr. King at the FBI and possibly the Justice Department and the intelligence agencies. According to certain items already made public, we do know that the Federal Bureau of Investigation has a large quantity of material on Dr. King. We do not know, however, the full extent of that material because of what little has been made public. Much has been censored under the Freedom of Information Act exemptions and much remains classified. So this Senator believes it is incumbent upon this body prior to passing this bill to get all of this material and examine it confidentially, if the Senate wishes, but in any case examine it fully and carefully before establishing a national holiday in honor of Dr. King.

Madam President, the documents in the FBI files alone consist of 65,000 items. There is a random selection from the files as released by a Freedom of Information Act request on every Senator's desk, and I presume that some Senators have bothered to look at it, maybe only a few. The individual documents are not complete, and as I said earlier they have been censored by the FBI before release. Therefore, important facts and details may in all likelihood be missing.

Moreover, I want to make it clear that no attempt was made to evaluate the files selected. The object was to show a fairly random cross-section of the files. It is precisely because they are unevaluated that I have urged the Senate to study the matter carefully. In the selection, Senators will find a range of materials. Some of them may be credible, some may not. Some would obviously be more credible if we could see the originals without the sensitive material excised. In any case, I think that the selection is comprehensive enough to demonstrate to Senators that there exist serious questions about the background of the man who would be honored by elevating him to the level of the George Washington. Taken as a whole, the collection shows that there is enough evidence, if we are looking at it purely as a problem of historical investigation, to demonstrate to any reasonable-minded person that Dr. King's key associates included Communist operatives.

Now, I heard astonishing comments on this floor denying that this is so, but, Madam President, these facts are incontrovertible. Furthermore, I have, and I shall insert in the RECORD, statements made by responsible American citizens during the 1960's about the activities of King, including Carl Rowan, the distinguished black columnist.

Now, no Senator can say that it is not accurate to submit that Dr. King was surrounded by people with Marxist connections. They may not like the truth, but they cannot alter the truth simply by trying to shout it down. And that has happened here on this floor. Despite any theatrics by Senators who slam documents to the floor, pretending contempt, the fact is that no Senator has been willing to go through this document to say what is in error.

So, Madam President, even from the mutilated state of the files which have been released and placed on every Senator's desk, it is evident that we can see a very close relationship between Dr. King and, for example, Stanley Levison. Time after time we see Mr. Levison at Dr. King's shoulder, advising, proposing, writing his speeches. For example, let us take a look at file No. 100-5506. Most of that particular file, consisting of some 33 pages, is missing. However, there is much that is worthy of study. For example, on page 17 we read the following:

On April 11, 1967, Stanley Levison furnished Dora E. McDonald a statement he had prepared for Reverend King to incorporate into a speech he was scheduled to deliver in Los Angeles on April 12, 1967. In this statement, Levison set forth several points which he desired Reverend King utilize in his speech. These were as follows:

(1) He has lived in ghettos in Chicago and Atlanta and has traveled thousands of miles each month which has taken him into Negro communities throughout the nation; that his direct personal experience with Negroes in all walks of life has convinced him that the majority oppose the war in Viet Nam . . .

Madam President, it then goes on to list four points for inclusion in the speech. On page 18 of the FBI memo, we find the following:

On April 12, 1967, the "Los Angeles Herald Examiner", a major metropolitan Los Angeles newspaper, reported that on April 12, 1967, Reverend King held a news conference in conference room number seven, Biltmore Hotel, Los Angeles, regarding his views of the Viet Nam War. Reverend King stated he favored a cessation of bombing, unilateral withdrawal of troops and an end to American participation in this "unjust war."

During the aforementioned news conference, Reverend King stated in part as follows:

I have lived and worked in ghettoes throughout the nation and I travel tens of thousands of miles each month which takes me into dozens of Northern and Southern Negro communities. My direct personal experience with Negroes in all walks of life convinces me that there is deep and widespread disenchantment with the war in Viet Nam. . . .

The memo goes on, giving almost verbatim the points proposed by Mr. Levison. It shows a close, one-to-one relationship of influence, and yes manipulation. For Mr. Levison was urging

Dr. King to take positions which were further and further away from the American consensus, even among opponents of the Vietnam war. He was urging Dr. King to enunciate and proclaim what was essentially the Communist Party line.

It is well known that Dr. King's advocacy of the Communist position on Vietnam was so extreme that he was disowned not only by the mainstream liberals, but by other leaders of the civil rights movement. What we have here is a pattern of influence, a pattern of manipulation of Dr. King by a high-level Communist operative.

There are indeed, other examples of Mr. Levison's manipulation in the memorandum I have been quoting. It was with Mr. Levison, for example, that Dr. King discussed the advisability of attending a celebration of the 100th anniversary of the birth of W.E.B. DuBois, to be organized by Freedomways magazine. Freedomways is a magazine that at that time had a member of the central committee of the Communist Party on its board of directors, Hunter Pitts O'Dell, who was also Dr. Kings employee.

Dr. King not only went to the celebration but also delivered an address in praise of W.E.B. DuBois, calling special attention to the fact that DuBois was a Communist, and praising him for that fact. That was Dr. King's last major address. After Dr. King's death, the theoretical journal of the Communist Party, Political Affairs, carried a discussion of Dr. King's acceptance of Marxism. One of the points made by the Communist Journal was this particular address. It is worthwhile to read certain paragraphs from this article:

Not six weeks before his death, and despite the staggering burden of his responsibilities as leader of the black freedom fight, Dr. King travelled a thousand miles to honor the life and work of a world-renowned Communist, Dr. W. E. B. DuBois. At the centennial celebration of that revered leader's birthday, February 23rd, sponsored by *Freedomways* magazine, he described Dr. DuBois as "a radical all his life." He chided those who "would like to ignore the fact that he was a Communist," insisting that "It is time to cease muting the fact that Dr. Bu Bois was a genius and chose to be a Communist."

As if consciously to make a point of the connection between Dr. DuBois being a genius and a Communist, Dr. King went out of his way to remind his listeners that "Sean O'Casey was a literary giant of the twentieth century and a Communist," and further that "Pablo Neruda is generally considered the greatest living poet though he also served in the Chilean Senate as a Communist." He went on to denounce "our irrational, obsessive anti-Communism."

That Dr. King's advanced views toward the end profoundly influenced his closest associates was evidenced in the fact that on the very morrow of his assassination, at the massive Memphis demonstration in support of the striking garbagemen, his acknowledged heir and successor, Rev. Ralph D. Abernathy, declared before an audience of 50,000: "Poverty is created by *capitalist society*, a society that would deny food to the masses but give luxury to the classes." (My emphasis—J.F.)

From the same platform, on the same momentous occasion, the noted artist Harry Belafonte, a close friend and supporter of Dr. King, described how as a boy in Harlem he sought for leaders who could illuminate for him the road ahead, show him what the future held for a black lad with talent and imagination. He told how first he found Dr. DuBois, then Paul Robeson, "both of whom," he declared, *"the system* tried to silence by methods other than assassination. Now it has turned to murder." (My emphasis—J.F.)

Murder indeed! But even more ominous overtones surrounded this reference to "the system" which "turned to murder" when, just two weeks before the assassination of Senator Robert Kennedy, Drew Pearson, in his syndicated column, "Washington Merry-Go-Round," made the charge that Kennedy, while U.S. Attorney General, had "ordered a wiretap put on the phone" of Martin Luther King. Kennedy's then press spokesman, Pierre Salinger, without denying the charge, replied that the wiretap procedure was authorized only "in cases involving national security and on written request of the Federal Bureau of Investigation."

Madam President, I have mentioned this in a very brief and truncated manner, because there is much more in the way of detail, and other incidents as well. What we see is a picture of a man who is steadily moving towards more and more extreme statements and positions, statements which cannot be distinguished from the Communist Party line.

I reiterate for the purpose of emphasis that this is the kind of statement that is not popular to make, but it happens to be the truth. Not one Senator has refuted one detail. Oh, they have gotten up and shouted, and they have engaged in the theatrics of throwing papers on the floor and talking about filth, but they have not refuted one stated fact.

My distinguished colleague, the junior Senator from North Carolina, has already discussed Dr. King's climactic speech at Riverside Church, and the extremist rhetoric which it involved. The picture is one of a man coming more and more under the influence of Communist thinking. And we see from these censored documents that Stanley Levison was having more and more influence in such decisions.

In 1967, the columnist, Carl T. Rowan, observed this influence and warned against it in his writings. On April 14, 1967, Mr. Rowan wrote:

This intrigue is in the behind-the-scenes struggle of several individuals to be the dominant influence on King. Key members of the House and Senate have been told by the FBI that King is listening most to one man who is clearly more interested in embarrassing the United States than in the plight of either the Negro or the war-weary people of Vietnam.

The mystery, Negro leaders say privately, is why King assailed the United States as "the greatest purveyor of violence in the world today" and heaped on his country virtually all the blame for the death and destruction in Vietnam—this despite the fact that he had been warned privately about some of his advisers and begged by other civil rights leaders not to link Vietnam to the Negro's struggle for equality.

(At a Great Neck, Long Island, meeting of civil rights leaders on March 5, King devoted much of the session to trying to get other Negroes to join him in the attack on U.S. Vietnam policy. He failed.)

Madam President, I ask unanimous consent that the entire article of March 14, 1967, by Mr. Rowan be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KING STAND ON WAR HOLDS ELEMENT OF TRAGEDY

(By Carl T. Rowan)

NEW YORK.—There are elements of intrigue, mystery and racial tragedy in the attempt by the Rev. Martin Luther King to tie the civil rights struggle to the movement against U.S. policy in Vietnam. And these elements lie behind the renunciation of King's stand by several Negro leaders.

The intrigue is in the behind-the-scenes struggle of several individuals to be the dominant influence on King. Key members of the House and Senate have been told by the FBI that King is listening most to one man who is clearly more interested in embarrassing the United States than in the plight of either the Negro or the war-weary people of Vietnam.

The mystery, Negro leaders say privately, is why King assailed the United States as "the greatest purveyor of violence in the world today," and heaped on his country virtually all the blame for the death and destruction in Vietnam—this despite the fact that he had been warned privately about some of his advisers and begged by other civil rights leaders not to link Vietnam to the Negro's struggle for equality.

(At a Great Neck, Long Island, meeting of civil rights leaders on March 5, King devoted much of the session to trying to get other Negroes to join him in the attack on U.S. Vietnam policy. He failed.)

The racial tragedy is that the National Association for the Advancement of Colored People (NAACP) and Whitney Young of the National Urban League have felt compelled to denounce King's action publicly. This factionalizes the civil rights movement even more, encouraging the anti-Negro groups to rush to divide and conquer. It also will increase confusion and frustration among the Negro masses and perhaps cause them to lash out more widely and irrationally.

As a pre-eminent hero of the civil rights revolution of the last decade Nobel Prize winner King has been virtually unassailable by other Negroes. Even this week's sharp renunciation by the NAACP board did not refer to him by name although the reference was obvious.

But Negroes like Young, Roy Wilkins of the NAACP and Ralph Bunche at the United Nations have privately expressed dismay over the transformation of King from the Montgomery (Ala.) boycott leader with an uncanny knack for saying the right things into the King of today who has very little sense of, or concern for, public relations, and no tactical skill.

But King's "serious tactical mistake," as the NAACP board called it, was to suggest that the cause of justice for the Negro re-

quired a widespread boycott of military service.

King delivered a one-sided broadside about a matter on which he obviously has an abundance of indignation and a shortage of information.

Beyond that, NAACP and Urban League leaders know that civil rights is an issue where the moral imperatives are fairly obvious, and where a majority of the American people (thanks in part to King's early shrewd leadership) were developing a fairly responsible view of what had to be done. But Vietnam is a complex issue where the moral imperatives are cloudy and confused.

It is plain foolhardy for American Negroes to burden the clearcut moral issue of racial equally with the bitterly complicated controversy over war in Vietnam.

King probably has antagonized millions of Americans who have relatives in Vietnam, or who believe devoutly that our defense of the South Vietnamese is an unselfish and highly moral sacrifice. These people are likely to pepper their congressmen with anti-King (and thus anti-civil rights) messages. The result could be increased jeopardy for the proposed Civil Rights Act of 1967. Young and the NAACP spoke out to make it clear that King did not speak for the civil rights movement and that all Negroes ought not be penalized for one man's outburst.

Cynical guesses as to why King took this tack range from speculation about "bad advisors" to the assumption that the dynamic preacher can't stand being off page one and yielded to a compulsion to seize the one issue that makes headlines every day.

King tells me that his taking this stand was "simply a matter of conscience. I'm more than a civil rights leader. I'm a clergyman charged with bringing Judeo-Christian ethics to bear on the sins of our time."

The fact is, however, that King's reputation rests on his civil rights leadership, and not his preaching. Thus his Vietnam stand is likely to be costly to millions of Negroes, the very people to whose well-being King pledged his life work.

Mr. HELMS. Madam President, Mr. Rowan later expanded on this theme in a longer article in the Reader's Digest. In this article, he mentioned opposition to the direction in which Dr. King was going by almost all prominent black leaders, including Ralph Bunche, Roy Wilkins, Senator Edward Brooke, Whitney Young, and others. Mr. Rowan noted.

A recent Harris survey showed that almost one of every two Negroes believes that King is wrong—and another 27 percent reserved judgment.

Madam President, I ask unanimous consent that the Carl Rowan Reader's Digest article of September 1967 be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Reader's Digest, September 1967]

MARTIN LUTHER KING'S TRAGIC DECISION

(By Carl T. Rowan)

What has caused him to jeopardize, by his ill-advised pronouncements on Vietnam, the movement he has so ably served? Another distinguished Negro looks at the man and his motives.

On a crisp, clear evening last April 4, the Rev. Martin Luther King stood in New York City's Riverside Church and delivered the most scathing denunciation of U.S. involvement in Vietnam ever made by so prominent an American. He labeled the United States "the greatest purveyor of violence in the world today" and accused it of "cruel manipulation of the poor." He said that the people of Vietnam "watch as we poison their water, as we kill a million acres of their crops."

He stated the U.S. troops "may have killed a million South Vietnamese civilians—mostly children." He said that American soldiers "test out our latest weapons" on the peasants of South Vietnam "just as the Germans tested out new medicine and new tortures in the concentration camps of Europe." He accused President Johnson of lying about peace overtures from Hanoi, and urged Americans to become "conscientious objectors."

Reaction across the nation and around the world was immediate and explosive. Radios Moscow and Peking picked up King's words and spread them to distant capitals. In the White House, a Presidential aide shouted, "My God, King has given a speech on Vietnam that goes right down the commie line!" President Johnson, reading the wire-service reports, flushed with anger.

Civil-rights leaders wrung their hands and began to plan steps to take the already splintered movement for Negro equality out from under the onus of King's broadside. Such prominent Negroes as Roy Wilkins, executive director of the National Association for the Advancement of Colored People, Ralph Bunche, Nobel Prize-winning United Nations under-secretary, and Sen. Edward Brooke disagreed publicly with King. The directors of Freedom House called the program that King advocated "demagogic and irresponsible in its attack on our government." The Washington Post, long a supporter of King, said, "Dr. King has done a grave injury to the great struggle to remove ancient abuses from our public life. He has diminished his usefulness to his cause, to his country and to his people."

What sort of person is this man who has been awarded a Nobel Peace Prize and denounced as a knave, all within three years? What do Martin Luther King and his recent actions mean to the nation and to the searing disputes that now rend the civil-rights movement?

SIRED BY FIGHTERS

To understand King's unique position in American life, we must go back to January 15, 1929, when Martin Luther King, Jr., was born in a comfortable 13-room house in Atlanta, Ga. His father and his maternal grandfather, the Rev. A. D. Williams, had become, via Ebenezer Baptist Church, two of the great preachers of the South.

By the time "Little Mike" was six (when his father changed both their names to that of the leader of the Protestant Reformation), he was well aware of the racial struggle around him. Grandfather Williams had been an early leader of Georgia's chapter of the NAACP. His father fought for equal salaries for Negro teachers and to abolish the Jim Crow elevators in the Atlanta courthouse. And young Martin soon knew at firsthand the hurt and humiliation of discrimination. He has recalled as one of his angriest hours a bus ride from Macon to Atlanta, when a bus driver called him and his teacher "black sons of bitches" because they were slow in surrendering their seats to white passengers.

A bright, sensitive student, King entered Atlanta's Morehouse College at 15, toying with the notion of becoming a lawyer or doctor. There he read Thoreau's "Essay on Civil Disobedience," and became convinced that he had to involve himself in social protest, and that only through the ministry could he function effectively. From Morehouse, King went to Crozer Theological Seminary, in Chester, Pa., where a lecture on Mohandas Gandhi led him to devour every book and article written about India's great leader of non-violent protest.

The thinking of Gandhi and Thoreau was still burning inside King when I first met him, late in 1955. He was then involved in his first major test of nonviolence and civil disobedience in the Deep South. On December 1 of that year, a Negro seamstress, Mrs. Rosa Parks, had boarded a bus in Montgomery, Ala., where King had recently become pastor of the Dexter Avenue Baptist Church. When the driver ordered Negroes to stand so that whites could sit, Mrs. Parks refused and was arrested. Within hours, Negroes had launched a 99-percent effective boycott that threatened to ruin the bus line.

As a report for the Minneapolis Tribune, I went to Montgomery and was permitted to sit in on the strategy sessions of the Negro leaders. King's gift of articulateness, his apparent lack of personal ambition, his willingness to stand up to toughtalking city officials made him the natural leader of the movement. The city arrested 115 Negro religious and political leaders; a bomb exploded on King's front porch. But the boycott held firm for 382 tense days, and led to the U.S. Supreme Court decision outlawing bus segregation. The Negroes of Montgomery had won a great victory, and Martin Luther King was world-famous.

BREASTPLATE OF RIGHTEOUSNESS

How did King rise to the pinnacle? He had charisma—a down-to-earth sincerity, an ability to wear the mantle of the church in such a way as to suggest a special closeness to God. He won the grudging admiration of white Americans and the support of millions of foreigners through his dignity, his willingness to take verbal abuse, to go to jail quietly—and to turn the other cheek in the process—in order to achieve his goals. He seemed impervious to provocation. He earned the reputation of a selfless leader whose devotion and wisdom were larger than life.

When a group of badgered, beaten Negroes in Gadsden, Ala., were on the verge of violence, King asked them to put down their arms. "Get the weapon of non-violence, the breastplate of righteousness, the armor of truth, and just keep marching," he pleaded. They did. And when the young minister said to whites, "We will match your capacity to inflict suffering with our capacity to endure suffering. We will not hate you, but we cannot in all good conscience obey your unjust laws," he disarmed many who held latent hostility toward the Negro.

"There is no arrogance about him, no intellectual posturing," reported the New York Times in 1961. "He voices no bitterness against the whites who have handled him roughly." If he became involved in crisis after crisis—the restaurant sit-in in Atlanta in 1960; demonstrations in Albany, Ga., in 1961; the explosive Birmingham protests of 1963; the Selma, Ala., march of 1964—it was because, as one of his aides said, "You've got to have a crisis to bargain

with. To take a moderate approach, hoping to get white help doesn't work."

THE HALO SLIPS

But, inexplicably, something began to happen after a while. King seemed to develop an exaggerated appraisal of how much he and his crisis techniques were responsible for the race-relations progress that had been made.

He could, indeed, make a pretty convincing argument that it was the crisis he and his followers precipitated in Birmingham in 1963 that capped the Negro's revolution and won the support necessary for the passage of the civil-rights laws of 1964 and 1965. But other Negro leaders, while not belittling demonstrations, argued that the Negro could never forgo a reliance on the law. They pointed out that Negroes might still be walking instead of riding buses in Montgomery had the lawyers not won their case in the Supreme Court. They said that the Negro had to continue to seek strong legislation and just court decisions. They argued that the cause required a shrewd, sometimes sophisticated wooing of public opinion.

Negroes had, in fact, begun to grow uneasy about King. He no longer seemed to be the selfless leader of the 1950's. There was grumbling that his trips to jail looked like publicity stunts. When arrested in Albany, Ga., in 1961, he had declared dramatically that he would stay behind bars until the city desegregated public facilities. Two days later, he was out on bail. In St. Augustine, Fla., after getting Negroes fired up for massive demonstrations, he went to jail amid great fanfare. But two days later he was bailed out again, so he could receive an honorary degree at Yale University.

SINISTER MURMURINGS

King really gave both critics and admirers serious cause for concern in 1965, when he began to talk about foreign policy. In July of that year, he told a Los Angeles group that the issues of racial injustice, poverty and war are "inextricably bound together." When advisers expressed doubts about the wisdom of linking the three, he retorted: "One cannot be just concerned with civil rights. It is very nice to drink milk at an unsegregated lunch counter—but not when there is strontium 90 in it."

A month later, he announced that he intended to write President Ho Chi Minh of North Vietnam, and the leaders of South Vietnam, Russia and the United States in an effort to move the war to the conference table.

Then, in September 1965, he called on Arthur Goldberg, chief U.S. delegate to the United Nations, and urged the United States to press for a U.N. seat for Communist China. Also, he asked for a halt in American air strikes on North Vietnam, and he recommended negotiations with the Vietcong. At this point, even some of his strongest supporters began to demur.

The New York Herald Tribune said: "Dr. King is already committed to a massive, unfinished task in an area in which he has great influence. He can only dissipate that influence by venturing into fields that are strange to him." In a harsher comment, liberal columnist Max Freedman asked, "Is he casting about for a role in Vietnam because the civil-rights struggle is no longer adequate to his own estimate of his talents?" NAACP leader Roy Wilkins, Whitney Young, executive director of the Urban League, Socialist leader Norman Thomas, and Bayard Rustin, a chief planner of the great civil-rights march on Washington in 1963 and himself a pacifist, all pleaded in vain with King not to wade into the Vietnam controversy.

Why did King reject the advice of his old civil-rights colleagues? Some say it was a matter of ego—that he was convinced that since he was the most influential Negro in the United States, President Johnson would have to listen to him and alter U.S. policy in Vietnam. Others revived a more sinister speculation that had been whispered around Capitol Hill and in the nation's newsrooms for more than two years—talk of communists influencing the actions and words of the young minister. This talk disturbed other civil-rights leaders more than anything else.

I report this not to endorse what King and many others will consider a "guilt by association" smear, but because of the threat that these allegations represent to the civil-rights movement. When King was simply challenging Jim Crow, murmurings that he was associating with, or influenced by, "enemies of the United States" had only limited impact. Most Congressmen and editors knew that American Negroes did not need a communist to tell them that they disliked being herded into the rear of buses, the balconies of theaters, the back doors of restaurants or a ramshackle school across the briar patch. But now that King has become deeply involved in a conflict where the United States is in direct combat with communists, the murmurings are likely to produce powerfully hostile reactions. They cannot help but imperil chances of passage of the civil-rights bill that would protect civil-rights workers in the South and make housing discrimination illegal.

NEW STRAIN

King answered his critics. He had become convinced, he said in his April 4 speech at New York's Riverside Church, that America would never invest the necessary funds or energies in rehabilitation of its poor "so long as adventures like Vietnam continue to draw men and skills and money like some demonic destructive suction tube." He told the Riverside audience that "We are taking black young men who have been crippled by our society and sending them 8000 miles away to guarantee liberties in Southeast Asia which they have not found in southwest Georgia and East Harlem."

The latter is an old cry that some Negroes have uttered in every American war. But in no conflict has a Negro with King's prestige urged Negroes to shun battle because they have nothing to fight for. King must have assumed that the "new Negro," full of frustration as he is, would be sympathetic to this argument. But a recent Harris survey showed that almost one of every two Negroes believes that King is wrong—and another 27 percent reserved judgment.

I find this opposition to King remarkable considering the amount of emotion and anger involved in the Negro revolution. It suggests that most Negroes are proud of the integrated performance of colored GIs in Vietnam; that most Negroes still think of America as *their* country and do not want to seem unpatriotic.

Beyond doubt, King's speech at Riverside Church and his subsequent remarks have put a new strain and burden on the civil-rights movement. He has become *persona non grata* to Lyndon Johnson, a fact that he may consider of no consequence. It is also likely that his former friends in Congress will never again listen to or be moved by him the way they were in the past. This, too, may not bother King. But it can make the difference between poverty and well-being for millions of Negroes who cannot break the vicious circle of poverty and unpreparedness that imprisons them unless the President provides leadership and Congress provides the circle-breaking programs and laws.

Martin Luther King has alienated many of the Negro's friends and armed the Negro's foes, in both parties, by creating the impression that the Negro is disloyal. By urging Negroes not to respond to the draft or to fight in Vietnam, he has taken a tack that many Americans of all races consider utterly irresponsible.

It is a tragic irony that there should be any doubt about the Negro's loyalty to his country—especially doubt created by Martin Luther King, who has helped as much as any one man to make America truly the Negro's country, too.

Mr. HELMS. Madam President, for the reasons mentioned in these materials the Senator from North Carolina has insisted from the very beginning that the U.S. Senate owes it to the American people to look at the facts, to hold hearings, and then make this judgment which is going to be made pell-mell tomorrow afternoon at 4 p.m.

Senators may scoff, they may holler racist, they may engage in epithets and theatrics but they are simply avoiding, obscurring, the facts.

And if everyone is wrong except these Senators who are engaging in such haste to pass this measure, then why do they not say, "OK, we will send it to the Judiciary Committee, and we will let there be some hearings on it," because the bill provides that this national holiday in which the country will be shut down will not go into effect until 1986. So why all the rush, why all the reluctance to look at the truth, to look at the record, and then make our judgment?

I say this with all due respect to my colleagues. I am absolutely persuaded that the Senate will be derelict in its duty if it does not take steps to insure that it has been fully informed by obtaining this information from the executive branch.

Mr. President, earlier today, a reference was made to the Church Committee report on intelligence activities.

Mr. President, I call attention to the fact that the Church Committee did not set out to evaluate the charges against Dr. King as such, but as grist for its general proposition that counterintelligence activities had injured civil rights in a wide-ranging variety of incidents. The committee did not make an exhaustive study of the matter, particularly with regard to Stanley Levison and Hunter Pitts O'Dell. What the committee said, and I quote from the report on page 85, was the following:

Without access to the factual evidence, we are unable to conclude whether either of those two advisers were connected with the Communist Party when the case was opened in 1962, or at any time thereafter.

Mr. President, note what the committee said: "Without access to the factual evidence * * *."

That is what this discussion is all about. The Senate has never been given access to the factual evidence. The Senate should insist on being given that access. That is all I am trying to do.

Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield myself such time as I might use.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, we are told that we need yet another review of all the FBI material in order to make an informed judgment. Let me respond, first of all, that we should regret the fact that the material exists at all. Second, let me remind my colleagues who may have forgotten that a Senate committee has investigated this issue already and at length.

In 1976, the final report of the select committee to study governmental operations with respect to intelligence activities explicitly condemned FBI activities concerning Dr. King. The report examined the FBI's tactics and found that:

> The sustained use of such tactics in an attempt to destroy Dr. Martin Luther King, Jr. violated the law and fundamental human decency.

The committee concluded:

> The FBI's covert action campaign against Dr. Martin Luther King . . . demonstrates just how far the Government could go in a secret war against one citizen . . .

I continue:

> Even after Dr. King's death, agents in the field were proposing methods of harassing his widow, and bureau officials were trying to prevent his birthday from becoming a national holiday.

Still quoting from the report:

> The actions taken against Dr. King are indefensible. They represent a sad episode in the dark history of covert actions directed against law abiding citizens by a law enforcement agency.
>
> In any event, the FBI has stated that at no time did it have any evidence that Dr. King himself was a communist or connected with the Communist Party. Dr. King repeatedly criticized Marxist philosophies in his writings and speeches. The present Deputy Associate Director of the FBI's Domestic Intelligence Division, when asked by the committee if the FBI ever concluded that Dr. King was a communist, testified, "no, sir, we did not."

It is sad to have to refute these charges at all, for they arise from reports based on innuendo and hearsay—and from the misconduct of government itself. When we learn that the FBI was crusading against a Martin Luther King holiday, when we learn that its agents discussed harassing Coretta Scott King even as she grieved, none of us should seek to justify such misdeeds by compounding the evil and the error of assaulting Dr. King's reputation.

Instead we much recognize his contribution—at last and unequivocally.

The FBI's record does not indict Dr. King, but his adversaries.

I question no one's motives, but I do say that the repeated and reckless charges against Dr. King are false.

Finally, we are asked how we can accord Dr. King an honor that has been granted to only one of the Founding Fathers—George Washington. Perhaps we should reflect on the fact that the founders declared that all were created equal—and then permitted a condition to continue under which millions of human beings were consigned to the degradation of slavery. Even emancipation brought inequality, segregation, and second class citizenship. A century passed until Americans heard and heeded the call of Martin Luther King, to reach for a day when all this land could say: "Free at Last, Free at Last, Thank God, Almighty, I'm Free At Last."

George Washington was the first in rank among the founders of the Nation. Martin Luther King, Jr., was the first in rank among the founders of a newer and fuller American freedom—of a nation truly dedicated to "Liberty and Justice for All." In a very real sense, Martin Luther King is a second father of our country, for he led us to pursue our own fundamental ideals and our own best destiny.

We can all be grateful that Martin Luther King chose the path of nonviolent change for America. By contrast, the Communists advocate violence all across the world.

And Dr. King himself told us how to answer their challenge:

> Our greatest defense against communism is to take offensive action on behalf of justice. We must with affirmative action seek to remove those conditions of poverty which are the fertile soil in which the seed of communism grows and develops.

Martin Luther King raised and still represents the hope of black, Hispanic and poor Americans that this country belongs to them, too—that they are full citizens—and that here they can breathe free and equal. This Chamber must not dash that dream. The recognition we can give now to Dr. King can also revive the hopes he inspired—and reaffirm that in its third century, America will fulfill its founding principles—the principles proclaimed in the Declaration of Independence—and then given new life by Dr. King.

Mr. DOLE. Madam President, allegations of Dr. King's ties to the Communist Party have already been exhaustively explored.

The following is a chronological listing of all Senate and House hearings or reports published since 1975 where allegations that Dr. King had Communist ties were examined:

November 18, 19; December 2, 3, 9-11, 1975. Hearings before the Select Committee to Study Governmental Operations on U.S. Intelligence activities, see pages 347-840.

April 23, 1976. Final Report of the Select Committee, see pages 79-184, "Dr. Martin Luther King, Jr. Case Study".

March 16, 1977. Hearings by the House Select Committee on Assassinations.

March 28, 1977. Progress Report of the House Select Committee on Assassinations.

May 27, 1976. Hearings by the House Subcommittee on Civil and Constitutional Rights, FBI Oversight.

January 2, 1978. Final Report of the House Select Committee on Assassinations.

November 19, 1978. Hearings before the House Select Committee on Assassinations.

November 17, 20, 21, 1978. Hearings before the House Select Committee on Assassinations.

March 29, 1979. Report of the House Select Committee on Assassinations.

March 27; June 21, 1979. Joint hearings of the Senate Subcommittee on Civil and Constitutional Rights and the House Subcommittee on Census and Population to consider S. 25, designating Dr. King's birthday as a legal public holiday.

February 23, 1982. Hearing before the House Subcommittee on Census and Population to consider designating the birthday of Dr. King a legal, public holiday.

There are a total of six different committees that have explored this matter in varying degrees. None of the committees ever established that Dr. King had any ties to, or was a member of, the Communist Party.

As the 1979 Senate committee report on the King holiday legislation concluded:

> The Committee believes that such accusations are neither supported by the facts, nor worthy of extended comment. Such charges have been exhaustingly reviewed by several Congressional investigations and found meritless.

Indeed, the FBI apparently admitted as much during a 1976 Senate Intelligence Committee investigation. Specifically, the staff report growing out of that investigation noted:

> In any event, the FBI has stated that at no time did it have any evidence that Dr. King himself was a communist or connected with the Communist Party. Dr. King repeatedly criticized Marxist philosophies in his writing and speeches. The present Deputy Associate Director of the FBI's Domestic Intelligence Division, when asked by the Committee if the FBI ever concluded that Dr. King was a communist, testified, "No, sir, we did not."

With regard to allegations that two of Dr. King's associates, Stanley Levinson and Jack O'Dell were members of the Communist Party, the same report stated that no factual evidence was presented by the FBI to conclude that either men were connected with the Communist Party and that there was "no evidence establishing that either

of those advisers (O'Dell and Levinson) attempted to exploit the civil rights movement to carry out the plans of the Communist Party."

Finally, Mr. President, I would add that any information resulting from the FBI's surveillance of Dr. King is necessarily tainted. Congressional investigations have since shown that the surveillance was part of a concerted undercover effort to discredit Dr. King. Indeed, the Senate Intelligence Committee's 1976 investigation found that the FBI secretly categorized Dr. King as a Communist in May 1962, months before it even started to investigate him.

It is true that the various congressional investigations may not have uncovered every piece of information contained in the sealed files. However, there were comprehensive investigations, and I believe that if there was, in fact, anything of significance in the files, it would have been uncovered by now.

I am prepared to yield back the remainder of our time.

Mr. SYMMS. Will the Senator yield?

Mr. DOLE. I would be happy to yield.

Mr. SYMMS. I thank the Senator from Kansas for yielding.

I rise in support of the amendment. I ask for the support of the amendment for two reasons: One, I cannot understand the urgency of this legislation. No one has answered, to my satisfaction, the nature of the various charges raised regarding Dr. King. Though, I make no charges about Dr. King, myself.

I cannot help but think, Madam President, that as we sit here today, we have 9.5 percent unemployment; we have marines under fire in Lebanon, in fact one was killed this weekend. We have a situation in Central America where the Brezhnev doctrine is meeting head-on with the Monroe Doctrine. Only 600 or 700 miles from our borders, there is a revolution occurring. We also have a deficit problem. By the end of the month, the Treasury will ask us to raise the national debt another $300 to $400 billion, soon the interest on the national debt will be more than the budget was only 10 years ago. With all of these problems, Congress decides the solution is another paid holiday.

In addition, the balance of payments is in poor shape. The Japanese and Europeans are competing with our automobile industry, our heavy steel industry, and our machine tool industry. So what do we do in Congress to help solve these problems? We suggest another paid holiday.

I am sure, Madam President, that this Senator would find it hard to vote for a paid Federal holiday no matter whom it recognized. We already have 52 days off. I might make a point for the Creator himself and the people who work by the hour. People who are not in union contracts, a significant number of the work force. I have talked with them, they say, "The only thing you are doing in Washington is giving a paid holiday for Government employees and bankers." They say, "What about the people who are working for wages all across this country, what is Congress doing for them. What is the significance of this legislation at a time when we need to be increasing production in this country?"

I am reminded of the book "1984," by Orwell, and the other more humorous version he wrote, entitled "The Animal Farm." You must remember this is only 1983, Madam President, we should wait until 1984 to pass this bill because it would be so significant if we did it in 1984. Washington's answer to our economic problems, to our foreign policy problems is another paid holiday and another holiday makes a good bargaining chip for the unions to use when it comes to management and contract negotiations.

What about the working people? Are they going to get a paid holiday? No. They are forced to take a day off without pay, because they get paid by the hour. So most of the people who pay taxes will not be able to take the day off in celebration.

It would appear to me to make more sense, Madam President, if we set the day on a Sunday to recognize Dr. King, if that be the wisdom of the Congress, rather than to have another paid holiday. In the meantime, I think it is only fair that those of us who are being asked to vote for this bill have all the total facts. What are the two pages of evidence that supposedly are sequestered at the Justice Department? Why is there such a big rush? What is the big hurry here in Washington? Is it we do not want to address the real problems of the country? So in order to have something to talk about on the floor of the Senate, we turn to another paid holiday because that is less controversial, and does not really confront anything. Anyway we delay for a couple of years—until 1986 before this bill becomes effective.

So, what is the urgency? I cannot understand why Senators would resist wanting to know the evidence, if there is any evidence. If there is nothing to be shielded, why should we worry about it?

One of my distinguished colleagues suggested to me, that, anyone who had a holiday in his honor should at least have passed on to his reward 50 years ago. It has only been 15 years, so what is the big rush?

I compliment the Senator for his amendment and I ask unanimous consent to be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Madam President, in the House, Congressman DANNEMEYER has offered a bill, H.R. 3584, which speaks to this issue. It says: "Any legal public holidays established in the future will occur on a Saturday or Sunday."

I would hope my colleagues would consider this and between now and tomorrow. And that thought be given to the excellent work done in the House by Congressman DANNEMEYER. We might take a look at Congressman DANNEMEYER's suggestion and consider amending this bill.

It would be more acceptable to the working taxpaying American citizen if we did not create a paid holiday. The American people would not be asked to pay for one more day that they will not be able to enjoy. If they enjoy the holiday, they will not be paid as salaried employees on the Government payrolls.

Madam President, will the Senator yield for 1 more minute?

Mr. DOLE. Yes.

Mr. SYMMS. I thank the Senator for yielding. I have an article that was written in the Raleigh News Observer by our distinguished colleague, Senator JOHN EAST. I ask unanimous consent that it be placed in the RECORD right at the end of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Raleigh News and Observer, Oct. 15, 1983]

EAST SAYS HOLIDAY FOR KING WOULD BE TOO EXPENSIVE

(By John P. East)

I believe it may not be generally understood that what is being proposed in honor of Martin Luther King Jr. is not merely a commemorative day but a legal public holiday—a paid holiday for federal workers that will be observed also by workers in state and local governments throughout the country.

The cost estimates for a federal legal public holiday are exorbitant. For the federal government alone, the Library of Congress has estimated a cost of $270 million, and for state and local governments a cost of $692 million. That comes to a total of over $900 million—nearly a billion—in pay, benefits and lost productivity for all government workers.

In addition, the U.S. Chamber of Commerce estimates that the cost to the private sector of another federal holiday would be $4.3 billion, which, added to the public sector costs, gives a total of $5.26 billion in all. In short, we are not talking about a merely honorary occasion but a major economic sacrifice for the country.

The cost of another federal holiday—our 10th—should give us pause in creating one. The nine others—New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving and Christmas—generally commemorate events or values long held to be central to our national identity. Only one holiday, in honor of President Washington, honors an individual American. Are we, by creating another holiday for King, to elevate him to the same level as the father of our country and above the many

other Americans whose achievements approach Washington's?

A number of other Americans come readily to mind who might reasonably be so honored: Thomas Jefferson, Abraham Lincoln, Robert E. Lee, Douglas MacArthur and Franklin Roosevelt, for example.

Roosevelt's achievements by themselves are distinctive. Crippled by polio at the age of 39 in 1921, he was subsequently twice elected governor of New York and four times president of the United States. He founded the March of Dimes, which, as a private charity, developed the vaccine for polio and which now leads the fight against birth defects. As a significant political and humanitarian figure in our national history, FDR is rivaled by few Americans, yet we hear no proposal to honor him with a national holiday. The reason there is no such proposal is that Americans do not generally honor individuals with such holidays, for if we did, there would be no end to them. We had best leave well enough alone, then, with the establishment of cost-free commemorative days for those we wish to honor.

Nor do we have sufficient perspective on King and the endurance of his achievements to place him on a par with any of the figures I have mentioned. It was not until 80 years after his death that Congress in 1879 honored George Washington with a paid holiday in his name. It has been only 15 years since King's death, and the emotions and controversies that swell around his name have not yet allowed us to measure his achievements accurately or honestly. Let another 65 years pass (or, as James Kilpatrick has suggested, 50 years, so that we may examine the now-sealed FBI files on Dr. King) and we can then weigh his legacy with more objectivity.

Today that legacy does not appear to be entirely positive. King's speech on the Vietnam war in New York in 1967 has become notorious for his hostile remarks about America and the Americans who fought in Vietnam. Calling the United States "the greatest purveyor of violence in the world today," King compared the United States to Nazi Germany. The speech was strongly condemned by liberals who supported King and opposed the war—by Carl Rowan, The Washington Post and by Life magazine, for example. While it is true that others in the Vietnam era made similar remarks, conscience forbids that we officially honor their author as a national hero; his words were in fact a desecration of the memory of the Americans who fought in Vietnam and an insult to his country.

The cause that Americans should honor is the American ideal of civil rights for all individuals, that all men should be judged on the basis of their talents and merits and not on the basis of their race, color, sex, national origins, creed or disability. The proper way to celebrate this ideal is through a national commemorative day for civil rights.

As a commemorative day—not a federally imposed national holiday—there would be no costs, and National Civil Rights Day would be officially observed and celebrated by such activities and ceremonies as would truly honor this national institution for civil rights for all Americans. This day would avoid the exorbitant costs, distorted perspectives and embittering controversies that would attend a federal holiday for King, but it would more truly honor our national achievement in and our continuing commitment to civil rights—of which Martin Luther King, at his best, was a part.

Mr. SYMMS. Mr. President, the proposal to honor the late Dr. Martin Luther King, Jr., with a national holiday is regarded by many of my constituents as a bad idea. They do not think we need another paid holiday for Government workers which will cost the taxpayers millions of dollars. If we are to set aside another holiday, they think others are more deserving of the honor than Dr. King.

Their views, which I share, have nothing at all to do with race or with civil rights. Dr. King was an articulate spokesman for his people and for the civil rights movement. But he was also a spokesman for other causes and groups, and it is in these areas that his words and deeds have caused so much controversy and concern.

In particular, many of my constituents are very upset that we would consider establishing a national holiday to honor a man who denounced this country and gave aid and comfort to its enemies during the conflict in Vietnam. Veterans of that war, including many blacks, were incensed by his lack of patriotism then, and they would be insulted now if we observed a national holiday in his honor.

Mr. President, I ask unanimous consent to place in the RECORD an article by John Beauclair, published in the current issue of the Valley Sentinel, the official publication of the Boise, Idaho, American Postal Workers Union, AFL-CIO. Mr. Beauclair, who is a postal clerk in Boise, eloquently expresses the concerns I have heard from many others in my State regarding the King holiday proposal. He has the courage to challenge the national leaders of his union who have endorsed that proposal. I believe he is in closer touch with grassroots America than they are, and I earnestly hope that my colleagues in the Senate will listen to his message.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MARTIN LUTHER KING, JR.—MARTYR?

(By John Beauclair)

Up the street from the main post office lives an elderly man and woman. Both have spent a lifetime of hard work. Their children have been raised and are now on their own. The indignities and demeaning insults practiced by unthinking people have not spared them. They are black.

Neither one of them has ever taken off a $300.00 suit or dress and put on a factory-faded outfit to take part in a massive non-violent peoples march across town. Neither of them has received an honorary title allowing them to use "Dr." before their names. Nobody from the national news media has ever shown any interest in them.

But, in my opinion, this man and his wife, who have worked all their lives, raised their family to honor this country as they have done, are more worthy of being honored with a national holiday than the apostle of non-violence, Martin Luther King, Jr.

Enough documentation exists to fully substantiate the close personal ties of Martin Luther King, Jr. with known communists and communist-front organizations. The violent vocal tirades of this man against the land of his birth during the Vietnam War are a matter of public record. Any veteran of this war should consider a national holiday in honor of this man who gave public aid and comfort to an enemy of this nation during a time of war an additional slap in the face. In former times, his actions would have been treated as TREASON!

The national news media have pulled out all stops to have Martin Luther King, Jr. honored with a national holiday. This would place him beside Jesus Christ and George Washington. Veterans should also remember these same national news media missed very few opportunities to discredit and hold up to ridicule and shame the American men and women who fought in the Vietnam war. There is no doubt in my mind that the actions of Martin Luther King, Jr. and the national news media prolonged this war and contributed to needless death and destruction.

Martin Luther King, Jr. was not a martyr in the traditional sense usually associated with the word martyr. Instead, he was more than likely a victim of the violence that followed his non-violent demonstrations—a non-violence which had very little in common with the christianity he supposedly professed but one more in keeping with the methods used by the communists and communist fronts to stir up racial discontent and fan the fires of revolution in our country. Christianity teaches just the opposite. Humility, longsuffering and turning the other check in face of insult are tenets of Christianity. Christianity teaches love of country. Christianity teaches obedience of the laws of one's country. Christianity does not teach the right to pick and choose which laws to obey and which laws to purposely disobey.

It is understandable black Americans would want a black American honored with a national holiday. The choice of Martin Luther King, Jr. is most unfortunate.

It is also unfortunate our own national union leadership had to get wrapped up in this campaign. Are they so far to the left they feel comfortable with the Martin Luther Kings? Are they so out of tune with conditions existing in this nation? The high unemployment; severe inflation (which has only begun to get started); the excessive taxation, which causes any monetary increase to disappear before we even receive it; bankruptcies by the thousands—all these make it exceedingly difficult for the average American family to make ends meet. Does our national union leadership realize the spectacle federal workers present to the general public? The spectacle of federal workers going after another paid holiday (we already have nine) while many millions are out of work? Another holiday will cost our government hundreds of millions of dollars. These dollars have to be first taken from other Americans—a bitter pill to swallow when you are out of work. Or perhaps is our national union leadership out of touch with the troubles engulfing the average American family? Have they been off the work floor too long?

In my opinion, the black man and his wife mentioned at the beginning of this article have, in their lifetimes, accomplished many times more good will between the blacks and whites than have any of the apostles of non-violence. Their example and the examples of millions of other black Americans who have lived their lives in peace and har-

mony with their neighbors, bearing silently the sufferings inflicted on them, had much more to do with acquiring the full dignities of citizenship than ever did the Martin Luther Kings and their fellow travelers.

Mr. SYMMS. I yield the floor.

Mr. DOLE. Madam President, I would just like to insert in the RECORD another bit of information. I know there have been allegations about Dr. King and there have been a lot of investigations. We decided to go back and check some of the statements made about George Washington and Thomas Jefferson and Abraham Lincoln, and maybe they are not important enough to repeat here because they are not here to defend themselves. But I would ask that the information be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

During his second term, every aspect of George Washington's career was insultingly discussed in the press, which the public accepted with avidity. It was said that he had been made Commander in Chief because he was such a nonentity Congress was covinced that he could not become a tyrant—but Congress had been wrong. Washington was accused of living extravagantly, of overdrawing his salary. Paine accused him of conspiring with the French Government to have Paine executed. Calling Washington "treacherous in private friendship . . . and a hypocrite in public life . . . an apostate or an imposter."

Jefferson was similarly subjected to such attacks, during the campaign of 1800, Jefferson's political foes had frequently denounced him in press and pulpit as an atheist, tantamount to being a Communist in that day. Before his Presidency was over, Jefferson was to be designated in New England as the anti-Christ. Other sensational charges were that Jefferson had a slave mistress, that he had sought to seduce a friend's wife, and that he had tried to pay a debt with depreciated currency. He was called a liar and a slanderer, even accused of treason by some when he was the Chief Executive of Virginia during the American Revolution.

Nor was Lincoln immune from vicious character attacks during his run for a second term in office. The New York Herald was one of his more outspoken opponents, calling him a "joke incarnated"; his election, a "ridiculous joke"; his cabinet a "standing joke"; his reconstruction "another joke"; and his renomination "the most laughable joke of all."

Did Washington overdraw his salary? Did Jefferson try to seduce his friend's wife; was Lincoln a "ridiculous joke"? Are we to strip these men of their national hero status because of scandalous attacks tossed back and forth over their political careers?

So it is with Dr. King. I am sure that 200 years from now, some history books will still note that there were allegations that Dr. King was somehow linked to the Communist Party and that some accused him of being a "womanizer." But no one will ever be able to dispute the significance of Dr. King's contributions to society—the fact that he raised the consciousness of the Nation to the ugly blight of racial discrimination and injustice, and moved us to act. And because of his actions, all Americans greatly benefited.

Mr. DOLE. I yield back my time.

Mr. HELMS. How much time remains?

The PRESIDING OFFICER. Eight minutes twelve seconds.

Mr. HELMS. I yield back the remainder of my time if the Senator from Kansas will do it.

Mr. DOLE. I have done it.

Mr. HELMS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Carolina (Mr. EAST), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Maryland (Mr. MATHIAS), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Tennessee (Mr. SASSER), are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD), would vote "nay."

The PRESIDING OFFICER (Mrs. KASSEBAUM). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 3, nays 90, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—3

Denton	Helms	Symms

NAYS—90

Abdnor	Garn	Moynihan
Andrews	Glenn	Murkowski
Armstrong	Goldwater	Nickles
Baker	Gorton	Nunn
Baucus	Grassley	Packwood
Bentsen	Hatch	Pell
Biden	Hatfield	Percy
Bingaman	Hawkins	Pressler
Boren	Hecht	Proxmire
Boschwitz	Heflin	Pryor
Bradley	Heinz	Quayle
Bumpers	Huddleston	Randolph
Burdick	Inouye	Riegle
Byrd	Jepsen	Roth
Chafee	Johnston	Rudman
Chiles	Kassebaum	Sarbanes
Cochran	Kasten	Simpson
Cohen	Kennedy	Specter
Cranston	Lautenberg	Stafford
D'Amato	Laxalt	Stennis
Danforth	Leahy	Stevens
DeConcini	Levin	Thurmond
Dixon	Long	Tower
Dole	Lugar	Trible
Domenici	Matsunaga	Tsongas
Durenberger	Mattingly	Wallop
Eagleton	McClure	Warner
Evans	Melcher	Weicker
Exon	Metzenbaum	Wilson
Ford	Mitchell	Zorinsky

NOT VOTING—7

Dodd	Hollings	Sasser
East	Humphrey	
Hart	Mathias	

So Mr. HELMS' amendment (No. 2332) was rejected.

Mr. DOLE. I move to reconsider the vote by which the amendment was rejected.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. This is the last vote we are going to have today. There are one or two very brief matters to attend to. Is there one amendment to be laid down? There is not.

Mr. LEVIN. Mr. President, I am again pleased to rise in support of the Martin Luther King, Jr., holiday bill. I first joined my colleagues in sponsoring this legislation upon my arrival to the U.S. Senate. As I indicated in earlier debate on this measure, this is a time I have long awaited. This is a time when we in the Senate seek to memorialize the magnitude of a man who sought to protect the dignity of a people and awaken the conscience of a nation. It is a time when we in the Senate seek to transcend the routine legislative agenda, as he sought to transcend the prejudices of centuries.

A number of our colleagues who are opposed to this legislation have made references to an April 1967 speech Dr. King made at the Riverside Church in New York City. In that speech, Dr. King referred to the United States as "the greatest purveyor of violence in the world today."

Mr. President, at the time of the Riverside Church speech, the United States had nearly 500,000 soldiers fighting in Vietnam. Dr. King believed deeply that American involvement in the Vietnam war was immoral. That one remark, revealing Dr. King's frustration with the war, the damaging impact of the war on American society, and its disruptive impact on the Great Society policies, is more reflective of his personal frustration than it is of his ideas and ideals. Dr. King constantly spoke of America as rising above itself to accomplish the highest values of civilization and voiced his belief that America was uniquely able to achieve the American dream.

Mr. President, no leader is faultless, and no leader's entire public record has been so thoroughly combed through as Dr. King's. He later regretted the remark of 1967. In the context of his entire life's work, that single phrase is not a valid basis for judging him negatively.

Mr. SPECTER. Mr. President, I support a national holiday to honor the memory of civil rights leader Dr. Martin Luther King, Jr. In listening to the debate on this matter of great national significance and concern, I have heard several accusations made. We have heard arguments which attempt to tie Martin Luther King, Jr., to the Communist Party of the United

States, which assail his motivations and ambitions as part of an anti-American, Marxist plot. We have even heard the names of the late John and Robert Kennedy conjured to buttress arguments against passage of this legislation.

I submit, Mr. President, that Dr. King represented much of which we can be proud to call American, in spirit and in substance.

The civil rights movement, for which Dr. King was largely responsible, was built on distinctly American principles. The words of Dr. King's eloquent speeches, and brilliantly crafted essays reflect his commitment to American ideals: equal opportunity, freedom and justice. The motivation of his movement was to have these ideals realized in their truest and most exalted form. As magnificent and majestic as Dr. King's dream was, it was also a simple one:

> That one day this nation would rise up and live out the true meaning of its creed: we hold these truths to be self-evident that all men are created equal.

To my mind, this is one of the most basic tenets on which American democracy stands. Dr. King personified the American sense of justice and appealed to that basic American ideal as part of his movement for civil rights.

Dr. King's ideals were rooted in the American dream and fused by his personal idealism. He was a Southern Christian theologian who spoke sadly of a nation which had dealt a part of its population a blank check marked insufficient funds with regard to its promise of freedom and equal opportunity; a nation which professed to be the democratic leader of the free world, and yet kept a portion of its population enslaved, and unequal, and unfree.

Dr. King was son of a black Baptist tradition which is, itself, a distinctly American product. Dr. King committed himself to that tradition while he was a junior at Morehouse College and was ordained in his father's church. He was raised within a Jim Crow culture, where nonviolence and peaceful change were remote ideas; and yet, he was a paradigm of peaceful conduct, loving concern for his people and his country.

There are those within this Chamber who argue that Dr. King must be held responsible for a legacy of violence and division which characterized the South during the marches. The violence which Dr. King's marches engendered cannot be attributed to him as part of some violent motivation—to do so would be to miss the poignancy of what those marches exposed. The bombing of churches, the hosing of black masses, the unleashing of vicious police dogs on innocent women and children cannot be attributed to Dr. King, but to the racial sickness which plagued our Nation so terribly that one can still witness the residual manifestations in our slums and ghettos.

Indeed, Dr. King's dream was, and still is, consistent with America:

> That one day on the red hills of Georgia the sons of former slaves and the sons of former slaveowners will be able to sit at the table of brotherhood.

That freedom and equal opportunity would ring across the Nation from every hill and molehill and from every mountaintop, and that, finally, the racial paranoia which plagued this Nation would eternally be resolved.

Certainly, we have not completely fulfilled that vision, but this Nation has made tremendous progress since that day when four little girls were killed in that Birmingham church by a malicious racist.

Blacks no longer use separate facilities, no longer are denied the privilege to vote, and enjoy the same rights as any other American should in this Nation. It would be a fitting and symbolic memorial to Dr. King if this Chamber passed the bill to set aside a national holiday in his honor.

We are all old enough in this Chamber to remember vividly the urgency of the time when Dr. King began his movement. History has a way of producing leaders who suit the needs of their times and alter favorably and irreversibly the course of mankind. Martin Luther King, Jr., was such a leader.

Mr. JEPSEN. Mr. President, Dr. Martin Luther King, Jr., had a dream for all Americans to be free.

Through his leadership and example, much has been done to further the cause of equal rights for all Americans.

Mr. President, it is just and right to want to honor a man, whose contributions changed and reformed the laws and attitude of a whole nation.

At the same time there have been many others who preceded Dr. King and who also left their footprints against economic, political, and personal discrimination in the sands of our history.

We cannot—nor should we—ignore the contributions of others like Abraham Lincoln, Thomas Jefferson, Booker T. Washington, or George Washington Carver.

Yet, none of these individuals have had a legal holiday set aside in their names. In fact, it was not until 95 years after his death that our first President was honored with a Federal holiday.

I want to make it very clear that I feel Dr. King should be recognized for his contributions. Indeed, I would throw my wholehearted support behind a national day of recognition for Dr. King, a day of recognition that would not be a paid legal holiday.

I will therefore vote against H.R. 3706 making the birthday of Martin Luther King, Jr., a legal public holiday.

Recognition—yes. A legal public holiday—no.

Mr. GLENN. Mr. President, I am pleased to be a cosponsor of legislation which will pay tribute to Dr. Martin Luther King, Jr., a great American leader of our time. I have been a cosponsor of similar legislation in every Congress since I came to the Senate.

The legislation designates the third Monday in January of each year a legal public holiday to commemorate the birthday of Dr. Martin Luther King, Jr. It will become effective 2 years after enactment.

In order to expedite passage of this measure, the Senate will consider H.R. 3706 which the House passed by an overwhelming vote of 338 to 90. This bill is identical to S. 400, the Senate bill of which I am a cosponsor.

This legislation provides us with the opportunity to pay tribute to Dr. King's dedication to the peaceful pursuit of a more just society. It also provides us with the opportunity to rededicate ourselves to the principle that "all men are created equal."

Mr. President, I am going to briefly discuss some of the arguments that have been raised against the creation of a national holiday to honor Dr. King, and then conclude my remarks with a few observations about the life of Dr. King.

Before I do so, however, I want to express my deep concern over the failure of Presidential leadership on this issue. While there has been some indication that the President will sign H.R. 3706 if it is presented to him, he has failed to comment publicly on the bill or to signal his support for it.

As our highest elected official, the President has an obligation to lead the Nation. It is incumbent upon him to let us know where he stands on a major civil rights issue of such importance to millions of Americans. In this instance, the President has failed in his responsibility to face this issue, and I call on him to publicly support this legislation.

Opponents of the holiday argue that it is too expensive, that Dr. King was influenced by Communists and that consideration of the holiday bill is premature.

First of all, the holiday's relatively modest cost is not too high a price to pay to memorialize Dr. King's dream of social justice, equality and world peace. The Congressional Budget Office's estimate of $18 million for the holiday does not appear to be out of line with the cost of other holidays. Moreover, it is difficult to determine the cost of morality. For example, how much did slavery and segregation cost our great country in terms of human misery, humiliation, and despair?

Second, Dr. King's dedication to nonviolence, peace, and justice bear no relationship to communism. They are democratic principles which have guided this Nation since its inception. Nowhere in Dr. King's advocacy of peace and the brotherhood of man is there a hint of Communist influence. Suggestions to the contrary are based on speculation of the worst sort, and are unworthy of our consideration.

Finally, the opponents argue that the bill caught them by surprise, and that it should be referred to the Senate Judiciary Committee for hearings. This argument ignores the fact that nearly 2½ months have elapsed since the Senate leadership announced its intention to take up consideration of the bill. It also ignores the legislative history of the bill: it has been before the Congress in one form or another for 15 years; and, the Senate Judiciary Committee held hearings on the measure as recently as 1979.

Mr. President, as I mentioned earlier, I would now like to conclude my remarks with a few observations about Dr. King.

As a young man, Dr. King brought maturity to our Nation's development. He taught us that love can destroy hate and that peaceful means can resolve violent conflicts. He endured the temporary indignities of jail to advance his long-term goal of freedom for all. He organized a bus boycott to demonstrate the liberating effects of a simple act of integrity. As Dr. King proudly declared at the time:

> We came to see that, in the long run, it is more honorable to walk in dignity than ride in humiliation. So in a quiet, dignified manner we decided to substitute tired feet for tired souls and walk the streets of Montgomery until the sagging walls of injustice had been crushed.

Some would tell us that racism and discrimination are ineradicable aspects of life in an imperfect world and that we should simply accept them. Dr. King's life taught us that the wellsprings of decency run deep in the American people and that we only weaken that sense of decency by refusing to act in the cause of liberty.

By celebrating Dr. King's birthday, we express our hopes for the future, not just our appreciation of the past. We signal our desire for an America in which every person realizes his or her full potential as a human being, an America in which race keeps no one from a job, an education, a home, or a meaningful role in our political process. This was Dr. King's dream, but much remains to be done.

We are not yet a world at peace as he dreamed we would be and the mere passage of this legislation will not in itself right all the wrongs that still haunt our troubled world. But if he were here, Dr. King would counsel us not to despair. Even in the darkest times Dr. King projected an inner serenity and confidence that came from his unshakeable faith in himself, his fellow Americans, and his religion. No unfair laws can long survive that kind of combined moral power.

Mr. President, I sincerely hope that my colleagues will join with me to commemorate the birthday of this courageous American and man of peace. Because his life symbolized many of the ideals and principles fundamental to this Nation, let us resolve to make Dr. King's birthday a holiday. But even more, let us resolve to make an America full of freedom and equal opportunity.

Mr. ZORINSKY. Mr. President, I would like to take this opportunity to explain why I feel compelled to vote against establishing a national holiday to honor Dr. Martin Luther King, Jr. Unlike those who believe that Dr. King is somehow unworthy of this great honor, or who oppose his political beliefs or actions, I believe that Dr. King was truly committed to the finest American ideals of liberty and justice. His courageous struggle to bring civil rights issues to the forefront of the American conscience, his central role in the development and passage of civil rights legislation, his leadership in efforts to bring about understanding and cooperation between people of all races, and his complete commitment to nonviolence earned him the respect and admiration of people the world over. As we all know, these efforts earned him the Nobel Prize for Peace.

As much as I admire Dr. King, however, and as important as I believe his efforts were, I cannot vote to establish a national holiday to honor his birth. In these difficult economic times we can ill afford yet another "no work" day. Federal holidays cost us not only lost time, but also the overtime wages we must pay to those who have to work despite the holiday. We must also remember that not all of private industry observes Federal holidays. Many hardworking Americans who foot the bill for these days off must themselves work. And they, unlike their Federal counterparts, receive no extra compensation for their efforts. Another Federal holiday is not fair to them. We simply cannot afford to declare national holidays for all the men and women who have made significant contributions to America.

I would like to see us honor Dr. King in some other, more appropriate way. Perhaps we could celebrate his birthday in conjunction with an existing holiday. Given that Dr. King was a Baptist minister and derived much of his strength and moral sense from his religion, a Sunday holiday might be more fitting and less costly than yet another weekday holiday.

This is one of those very difficult decisions which elected officials must face periodically: On one hand, there is an idea you support, but on the other there is a principle which precludes acting as you would otherwise like to act. As much as I want to honor Dr. Martin Luther King, Jr., for his outstanding contributions to the United States of America and the entire world, my longstanding commitment to fiscal conservatism means that I cannot support this particular method of commemorating Dr. King's efforts.

Mr. ABDNOR. Mr. President, I reluctantly rise in opposition to H.R. 3706, the bill to designate the third Monday in January as a legal public holiday to commemorate the birthday of Martin Luther King, Jr. I say "reluctantly" as my opposing the measure may be taken by some as disparaging of Dr. King's place in the history of this Nation. Such is not the case. I believe, and have stated many times, that Martin Luther King probably was the most outstanding leader of black citizens in our country and individually contributed most to the advancement of civil rights in our country.

No less a publication than the Encyclopedia Britannica affirms that Dr. King's contribution to the black freedom movement was that of a leader who was able to turn protests into a crusade and to translate local conflicts into moral issues of nationwide concern. By doing so, Dr. King won his greatest victories by appealing to the consciences of white Americans, thereby bringing political leverage to bear with the Goverment in Washington. Valid as that assessment may be, Mr. President, it surely does not warrant our hastily designating his birthday as another legal public holiday.

Today, by statute, we have nine Federal holidays, most of which are celebrated on Monday: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving, and Christmas. Only two of the nine are designated for specific individuals. Are we to add to that number? And if we do, are we to designate Martin Luther King, ranking him above everyone else in contributing to the history of this Nation? How can one answer that affirmatively, Mr. President, when we consider the contribution of such towering figures in our history as Thomas Jefferson and Abraham Lincoln? If we enact this measure, we would relegate them—as well as others who could well be named—to a lesser place in the Nation's history, irrevocably, I fear, despite a later and more rational assessment.

I also believe we have more than enough holidays. If we were to add a holiday for Martin Luther King, in the short space of 10 weeks we would be observing no fewer than five public holidays—Veterans Day, Thanksgiv-

ing, Christmas, New Year's, and King's birthday. The cost to the Nation of these holidays is really great. According to the Congressional Budget Office a new Federal holiday observed on a Monday would result in net budgetary expenditures of $18 million per year, and that does not take into account costs to State and local government or very substantial costs in the private sector. Hundreds of millions of dollars thereby are lost year after year. I submit, Mr. President, our budget and our economy can ill afford the burden of another Federal holiday for Martin Luther King or anyone else.

For these reasons I shall vote "no" on this measure.

ROUTINE MORNING BUSINESS

Mr. BAKER. I ask unanimous consent that there be a brief period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALLISTIC MISSILE DEFENSE

Mr. HEFLIN. Mr. President, it has been reported that several senior administration officials, including Secretary of Defense Caspar Weinberger, have recommended to President Reagan that the United States embark on a vigorous ballistic missile defense program which would include the development of space-based laser weapons. This recommendation comes after several months of intense study by a senior administration interagency group made up of the defensive technology study team, directed by James C. Fletcher, and the future security strategy study, headed up by Fred S. Hoffman. According to preliminary reports on its study, the interagency group has recommended that the United States demonstrate its determination to explore and develop a new strategy to defend against nuclear weapons attack in the form of an advanced technology ballistic missile defense system. This would include the development of space-based laser and other defensive weapons for intercepting incoming missiles. The interagency group has also recommended that development of current, more mature ballistic missile defense concepts be stepped up and that the entire program be brought under a centralized manager within the Department of Defense. This comprehensive approach would reduce the military effectiveness of a Soviet preemptive attack with nuclear armed ballistic missiles.

Mr. President, I applaud the work of the interagency group and its reported recommendations to the President. On April 29, 1983, I addressed this body on the need to accelerate development of strategic defensive systems through an evolutionary approach that would include near-term ballistic missile defense concepts. In a letter to the President at that time I noted that the BMD of the future should evolve from a series of systems and technologies developed during the 1980's and the 1990's, including advanced sensors and data processing and "smart" missiles capable of intercepting incoming missiles and nonnuclear warheads. Also, for many years I have called for an acceleration of our efforts in the development of laser technology with a coordination of these efforts within a single body. In the future we should be able to use ground-based or space-based, high-energy lasers to destroy ballistic missile targets, as well as other offensive targets. I am pleased that the evolutionary concept and the importance of laser technology to that concept has apparently been endorsed by the interagency group in its recommendations to the President, I look forward to carefully studying the interagency group's report when its complete findings and recommendations are made available to Congress.

Thank you, Mr. President.

OSCAR HOWE, 1915–83

Mr. ABDNOR. Mr. President, four prints hanging on the walls of my office never fair to draw admiring comments from visitors. They are of the genius of South Dakota's artist laureate and preeminent native American artist, Oscar Howe.

His paintings achieved national acclaim and he has been heralded for being a major factor in bringing American Indian art into the mainstream of the modern art world.

As important a contribution as was his paintings, equally notable in his fine career was the inspiration he gave as a teacher—patient, dedicated, always willing to give the extra time and effort to convey a thought or a perspective.

South Dakota lost Oscar Howe October 7. He had valiantly fought Parkinson's disease which forced him to give up painting 5 years ago.

He left us all richer, not only by his contributions as an artist and teacher, but by his fine example as a citizen.

Mr. President, I commend to the attention of my colleagues, some of the editorial tribute paid this great artist of South Dakota and all America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sioux Falls (S. Dak.) Argus Leader, Oct. 11, 1983]

OSCAR HOWE, 1915–83

ARTIST'S CAREER, PAINTINGS WERE AN INSPIRATION TO ALL

Oscar Howe, South Dakota's artist laureate and famed painter of Native American Indian scenes, left two legacies from a busy lifetime.

He demonstrated extraordinary pluck in achieving his lifetime dream of becoming an artist. His paintings preserve for coming generations a remarkably vivid concept of his people's life on the Northern Plains and their attachment to nature.

Howe, a full-blooded Yanktonai Sioux Indian, born May 13, 1915 at Joe Creek, S.D., on the Crow Creek Indian Reservation, persisted as a youth in following his creative bent despite poverty, illness and frustrations.

He was almost blinded by trachoma at age 10, but recovered and went back to school. Fortunately, he wound up at the Santa Fe Indian School in New Mexico where he took up art under a talented teacher—Dorothy Dunn Draper—and completed high school at 23. This led to an assignment to paint 10 large murals for the Mobridge, S.D., auditorium to depict the history of the Missouri River Basin.

After combat service in World War II, Howe returned home to South Dakota and was graduated from Dakota Wesleyan University where he once taught.

He taught at Pierre High School before joining the University of South Dakota faculty in 1957. He was professor emeritus of art and artist in residence at the university where he taught and painted for many years.

Howe's paintings have won recognition from many authorities, among them John Anson Warner of the University of Regina, Saskatchewan, Canada. Warner said last May: "Howe's work has been instrumental toward bringing American Indian art more into the mainstream of the modern art world. It is not an exaggeration to say that without Oscar Howe's audacity of imagination . . . contemporary Indian painting after World War II might have achieved far less progress than it has."

Howe was an innovator. He departed from traditional Indian art to show realistic figures in surrealistic poses, using brilliant colors with circles and angles as foreground and background for his figures.

Howe objected strenuously when one of his paintings was rejected from a competition for Indian artists in 1958 because it didn't follow traditional Indian style. He won his point when officials of the Philbrook Art Center of Tulsa, Okla., changed its rules. Many other Indian artists then began to experiment with new styles.

Howe's last five years of life were made difficult by Parkinson's disease, which compelled him to stop painting. He died at age 68 Friday at Vermillion, where his funeral was held yesterday.

Thanks to a thoughtful idea by the University Art Galleries and Oscar Howe Art Center in Mitchell, more than 200,000 viewers in four states were able to see an exhibition of 100 of his works in a year-long tour that ended last June. The exhibit, called Oscar Howe Retrospective, appeared in Sioux Falls and several other South Dakota cities.

Another appropriate honor which came to Howe during his lifetime was the Sioux Falls School Board's action in naming a new elementary school for him.

Howe's response to the audience at the dedication of Oscar Howe Elementary School on Sept. 21, 1980 is reproduced on a plaque at the school. The text of the scroll appears below:

"Friends, I am glad to be here in person for this most memorable occasion. I wish to thank the School Board members, Superintendent John Harris, Principal Dale Erickson, the parents, and the city of Sioux Falls for naming your new elementary school the Oscar Howe School. It is an honor I will always remember.

"I have taught art to young people for about thirty-five years, and I always found my students to be interested and eager to learn. They usually wanted to stay longer in the classroom than they had to. They, in turn, were an inspiration to me.

"Art is one subject in which everyone can participate. You don't have to be talented to enjoy art.

"I am being honored today for something that gives me great personal pleasure and satisfaction. I hope that through my work I have contributed in a small way for a better understanding of two cultures.

"Thank you,

"OSCAR HOWE."

He expressed the hope that through his work he had contributed in a small way to better understanding of two cultures.

His contribution to better understanding was a great one. He will be remembered for his artistic talent and inspiring personal example of achievement.

[From the Mitchell (S. Dak.) Daily Republic, Oct. 12, 1983]

REMEMBERING OSCAR HOWE

Death may have escorted a man of eminent artistic importance beyond our reach, but the wealth of his work left behind has created a legacy that will continue to have an influence on artist and nonartist alike.

On Oct. 7, 1983, Oscar Howe succumbed to his long-time foe, Parkinson's disease, at the age of 68. Yet, in those years, Howe won acclaim from many areas because he was willing to strive for his goals despite the many obstacles set in his path. He came to be recognized as an American artist as well as a native American artist.

His talent was evident from very youthful days and he was trained in a very popular, very traditional style of art. He might even have been very successful had he chosen to remain simply at that level. But the South Dakota artist laureate felt a need for more and strove to unleash those innovative talents within him.

In doing so, he developed more than an individualistic style. Through his own innovative thinking, he created a style which not only spanned the gap between the modern and the traditional, but which at the same time addressed itself to his rich heritage. He was very articulate in his philosophy of taking the best from the native American and merging it with that which is best in the white tradition to come up with a better society.

He chose to do all this at a time when the theme of his work and his approach to his work were unpopular. Instead of allowing the negativism discourage him, he elected to forge ahead and emerge with a constructive beauty and innovative aesthetic. Howe could have been justifiably bitter at having to face such an unfortunate thing as human ignorance, intolerance, bureaucratic insolence and indifference. But he did not allow this to happen.

What role or to what degree his wife, Heidi, influenced his creativity would be difficult to say. Her affection, strength and support were behind his journey toward excellence.

Mitchell is to be commended for having had the insight to recognize the stature of such an eminent American artist on a plane unmatched by another community. For years this community has claimed him as its own—and to be accepted at home is often a major accomplishment in itself.

This community has paid tribute to Howe during his lifetime, although the artist himself was not one to seek personal glory. More than 10 years ago Mitchell's art center chose to become his namesake and established a gallery in which to house many of his works. A few years later, the mural he completed in the dome of the Oscar Howe Art Center was restored.

More recently, Mitchell's centennial was dedicated to this man. Inside this community's world-famous facility, the Corn Palace, permanent designs were created, the focal one of which was addressed to Howe himself by his former student Arthur Amoitte. Outside, the exterior panels also honored South Dakota's artist laureate.

Finally followed the apex of it all: a retrospective exhibition of his work—co-sponsored by the University of South Dakota Art Galleries—encompassing some 100 of his finest pieces.

Oscar Howe, the man, has passed on to a greater reward. We thank God for providng such a man, such a talent, such an example to regard and respect.

[From the Rapid City (S. Dak.) Daily Journal, Oct. 8, 1983]

OSCAR HOWE DIES AFTER LONG ILLNESS

VERMILLION (AP)—Oscar Howe, 68, who used bright colors and abstract shapes to depict the life and culture of American Indians, died early Friday in a Vermillion nursing home after an extended illness.

Howe, a full-blooded Sioux Indian born in South Dakota, received national awards for his paintings. He had been professor of art and artist in residence at the University of South Dakota since 1957, and his style has been imitated by many of his students.

Funeral arrangements are pending, USD officials said Friday.

He won the Waite Phillips trophy for outstanding contributions to American Indian art, and twice was awarded the certificate of appreciation from the Indian Arts and Crafts board of the U.S. Department of Interior.

His art is in major national galleries. The past year the first major retrospective of Howe's works—100 of his paintings—were on tour in four states, including an exhibition last May at Rapid City's Dahl Fine Arts Center.

Howe hadn't painted since Parkinson's disease affected his coordination in about 1978.

Howe was born May 13, 1915, at Joe Creek on the Crow Creek Indian Reservation. He attended the Pierre Indian School until 1933 and completed high school in 1938 at the Santa Fe, N.M., Indian School.

He returned to teach art at the Pierre Indian School, and in 1940 was assigned to the South Dakota Artists Project, where among other things he painted the interior dome of Mitchell's Carnegie Library with symbolic designs and painted 10 large murals, depicting the history of the Missouri River Basin, for the walls of the new Mobridge auditorium.

He spent 3½ years in the U.S. Army during World War II, with combat battalions in North Africa, Italy and Germany. He met the woman he later married, Heidi Hampel, while a corporal in Germany.

He received a bachelor's degree from Dakota Wesleyan University, and a master of fine arts degree in 1954 from the University of Oklahoma.

He taught at Dakota Wesleyan and Pierre High School before joining the USD faculty.

"Until recently, I don't think he was fully appreciated even within Native American art," John Day, dean of Fine Arts at USD, said in an interview earlier this year. "By living in South Dakota he gave up a lot of the opportunities artists have elsewhere to gain a reputation."

Howe is survived by his wife, Heidi; a daughter; three grandchildren, and a brother.

CAR SAFETY

Mr. DIXON. Mr. President, many of my colleagues are aware that the Supreme Court recently issued an important opinion which may hasten the day when safer automobiles will be available to the American public. In Motor Vehicle Manufacturers Association of United States against State Farm Mutual Automobile Insurance Co., the Court held that a 1981 decision by the National Highway Traffic Safety Administration to rescind the automatic crash protection standard was "arbitrary and capricious." The matter has now been returned to the Department of Transportation for further consideration.

As we all know, Mr. President, the automobile exacts a heavy toll in death and injury each year. In fact, this is one of America's most serious public health problems.

The automatic crash protection standard, a regulation promulgated by the Department of Transportation, would result in airbags and automatic seatbelts becoming standard equipment in new cars. It has been estimated that thousands of deaths and serious injuries could be prevented through the use of this technology.

I note that the Senate Appropriations Committee in its report accompanying the fiscal year 1984 Department of Transportation appropriations bill urged the Reagan administration to resolve this issue "so that passive restraints can be made available to the American public at the earliest practicable date." It is a suggestion worth considering.

Mr. President, the Chicago Sun-Times printed an editorial about the Supreme Court decision just prior to the Memorial Day weekend when 437 Americans were needlessly killed in car crashes. I have been informed that 480 people lost their lives during the recent Labor Day weekend. The economic and human consequences of these deaths are staggering.

This editorial bears witness to the need for continuing efforts to improve automobile safety. I ask unanimous consent that it be printed in the

RECORD for my colleagues' consideration.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, June 30, 1983]

VICTORY FOR CAR SAFETY

The National Safety Council estimates that more than 500 people will die on the nation's roads during the coming holiday weekend.

Some of those deaths could be avoided if the requirement for passive restraints—seat belts that automatically lock in place when a motorist closes the car door or air bags that inflate on impact—had been instituted as originally scheduled. But the National Highway Traffic Safety Administration first delayed and then killed that regulation.

Explaining its action, the agency questioned whether it's worth adding $1 billion a year to the price of automobiles for new equipment, and noted that only 11 percent of American motorists bother to use their manual seat belts.

Last week, the Supreme Court ruled unanimously that the Reagan administration acted illegally. In upholding a lower court decision, the justices said the administration failed to cite good enough reasons for scrapping the car-safety rule.

That's a victory for all of us concerned about that other statistic—the holiday (and everyday) death toll.

THE NEED TO OVERHAUL U.S. TRADE POLICY

Mr. ZORINSKY. Mr. President, yesterday the Senate Agriculture Subcommittee on Foreign Trade Policy held hearings on our deteriorating agricultural trade relationship with the European Common Market. These hearings were illustrative of our frustrations to reach a sensible trade accord with the European Common Market. My conclusion is that there is need for rethinking our agricultural trade policy objectives and the means of achieving them. Hopefully these hearings will contribute toward a solution for this obvious need.

It is obvious that what is happening is not in the interest of the U.S. agriculture nor our national economic interests. As we banter with the European Common Market over export market access, we have faced what we are informed are "non-negotiable" trade issues. The result has been a battle of national treasurers—theirs against ours and ours against theirs.

It is an economic battle that neither the United States nor the Common Market countries can win. Therefore, the need for an understanding of the mutual interests of both sides and an intelligent procedure for resolving our differences is critical.

It is a matter of commonsense to realize that the United States and its trading partners would be better off if we produced and distributed more goods and services in the most economical manner possible, and that the constituencies of the EEC and the other nations where we have a trade relationship, have common aspirations, needs, and vested interests similar to our own citizens.

In terms of international trade relationships, this means that each country should produce what it can most effectively produce, trading the excess for the excess of goods produced more efficiently by other countries.

This is the premise underlying the economic strength of our Nation's 50 States where goods move freely with a highly mobile labor force to reinforce our common U.S. market.

When the EEC was begun, with great difficulty, it was seemingly an attempt on the part of the nations involved to develop an economic system with the strength of our own Nation.

In the existing way of conducting trade we have a network of human institutions such as laws, custom, investment in plant, and so forth. Every nation has attempted to solve its own problem in its own way. In agriculture the aim has been to raise the relatively low income of farm families.

This continues to be an illusory search as we attempt to save a family farm agriculture in the United States. And yet our national leaders through Democratic and Republican administrations alike continue to voice their support for the family farm and Congress with periodic regularity statutorily underpins the proclamations of our leaders.

Income parity with the nonfarm population remains the goal of U.S. farmers and is also a frequently mentioned goal of farm people in the free nations. As in the United States, basic legislation has been enacted by many nations toward this end.

Our farmers have a direct and important interest in the terms under which imports are allowed to enter the domestic market. For farmers, the advantages gained from the exportation of other farm products and of nonfarm products, although of great importance as we have relied on exports for a bigger share of farm income, are in general diffused and indirect, while the competitive nature of supplementary imports is direct and immediate.

It is not surprising, therefore, that farmers and ranchers take the attitude they do toward supplementary imports of agricultural commodities or that they resent obstacles to export outlets that they have come to depend upon for an increasing share of their income. They understand that markets and other institutions are made by man and can be changed by man.

We hear a great deal these days about how a free domestic agricultural economy would promote trade and about the need to reduce the difference between domestic agricultural prices and world prices. Farmers are becoming increasingly aware that this kind of logic is not a true and sincere representation of agricultural interest nor does it originate with the grassroots segment of agriculture faced with production costs in excess of market returns.

The fact is that there is no such thing as an automatically operating free market system. Any market is free only within a framework of law, property rights, wealth distribution, trade practices, and other rules of the game, and as was clear from testimony yesterday, each nation plays by a different set of rules.

In our present way of doing things, trade is best carried on where there is a well-defined set of rules in operation. The meaning of this, to me, is clear. It means that the most productive means of promoting greater international economic cooperation is not a futile attempt to establish some kind of mid-Victorian, "dog eat dog" competitive market equilibrium, but rather through the bold, imaginative, conscious building of workable international economic institutions. What we must have is neither this Victorian free market internationalism nor monumental national isolationism.

The correct answer lies in conscious international economic planning and negotiation. An intelligent international approach to the problem rules out reliance on a so-called free international market approach where noncompetitive practices are commonplace and where trade barriers develop when communication breaks down. Since what we are doing is not working, I strongly recommend to our trade negotiators that they try a new and different procedure.

The procedures I suggest are negotiated, publicly directed answers for reaching closer international economic integration. For example, I am convinced that the United States calling for tariff elimination, as such, through unilateral action, is neither a sensible or a politically feasible approach.

The Reciprocal Trade Agreements Act, the General Agreement on Trade and Tariff, and the Organization for Economic Cooperation and Development are negotiational types of consciously directed international economic cooperation that should be encouraged.

I do not believe that U.S. farmers who produce for export or who produce commodities that must compete with imports should be asked to bear the full cost, respecting this production, of an intelligent U.S. policy of economic cooperation. I accord the same right and privilege to other domestic raw material and industrial producers.

The benefits of better international economic cooperation accrue to all the people and the temporary costs involved should be borne by all the people. This means that in the case of

both exports and imports, programs and policies should be established, as they have been in the case of the International Wheat Agreement and the Sugar Act program, to spread the costs to all the people instead of putting all of them directly on the small number of producers concerned.

THE PERSON BEHIND FRITZ MONDALE—JIM JOHNSON

Mr. KENNEDY. Mr. President, the September 18 issue of the Washington Post magazine contained an informative and perceptive cover story on Jim Johnson, the able acting chairman of the Mondale presidential campaign.

Although Jim is now earning well deserved national recognition for his skill in directing the Mondale campaign, he is hardly a new face to many of us on both sides of the aisle in the Senate, who have known him since he first came to work in 1972 for our colleague Fritz Mondale. Throughout his years of outstanding service to Senator, Vice President, and now Presidential candidate Mondale, Jim has always had our respect and admiration for the excellence of his work and for his deep commitment to public service and to the cause of economic progress and social justice.

Jim Johnson is also typical of the talent and compassion that many other highly skilled young men and women bring to public service. All of us in the Congress are well aware of the selfless contributions made each day by those who work in our offices and on our committee staffs.

And just as Fritz Mondale relies heavily on Jim Johnson, so the other Democratic Presidential candidates depend on the long hours and tireless leadership of outstanding people such as Sergio Bendixen in the Cranston campaign, Margaret Bethea in the McGovern campaign, Oliver Henkel in the Hart campaign, Billy Keyserling in the Hollings campaign, Jim Krog in the Askew campaign, and Bill White in the Glenn campaign, Whatever the outcome of the Presidential election next year, our country is well served by the unselfish dedication of these men and women.

Mr. President, I believe that all of us who know Jim Johnson will be interested in the article by Lawrence Meyer that appeared last month in the Washington Post magazine, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 18, 1983]

THE MAN BEHIND THE MAN—WALTER MONDALE'S FRONT MAN, BACK MAN AND SHADOW

(By Lawrence Meyer)

According to some reports, Jim Johnson is a clone of Walter F. Mondale. These reports are not true.

For one thing, Johnson is taller than Mondale. For another, Mondale sometimes wears colored shirts, Johnson doesn't.

Mondale is the one running for president. Johnson is the one running Mondale's campaign.

That exhausts the differences.

Both men are, it is true, Protestant Minnesota Democrats of Norwegian extraction.

But it is not true that they never disagree. They do disagree. "You know how they fight?" says one source who knows both men well. "They sit and stare at each other. Two Norwegians."

"I know what he thinks about thousands of things," Johnson says of Mondale, "and I know how he's likely to react to a lot of situations." Johnson knows such things because in the last seven years he has spent more time with Mondale than any other human being, with the exception of Mondale's wife, Joan. When Mondale was vice president under Jimmy Carter, Johnson says, "I was his shadow."

Mondale didn't pick Johnson to run his campaign simply because they share the same Weltanschauung or because Johnson knows what Mondale will want for breakfast without asking (tomato juice and black coffee). Mondale says he picked Johnson because Johnson is smart, thorough (to a fault some say), "ethical" and knows how to get things done.

And though you may never have heard of Jim Johnson, he is working on his fifth presidential campaign, his first as the man in charge. Those credentials don't put him in the public eye, but they make him known to Washington's political establishment, to labor union leaders and politicos all over the country. His imprint has been made in the circles where he operates, his visibility relinquished for the traditional anonymity of the good staff person. But with the presidential season again approaching, all of that is about to change. And if Mondale and he manage to beat the long odds in pursuit of the presidency, Johnson may well be the next White House chief of staff.

Johnson already has his share of trophies: he engineered the crucial Carter-Mondale victory over Edward M. Kennedy in the 1980 Illinois Democratic presidential primary; he was Mondale's road campaign manager in 1976, and he co-directed Edmund Muskie's only clear-cut victory (in Illinois again, in 1972) in what was otherwise a disastrous campaign.

Mondale refers to Johnson's "brilliance." John Reilly, a longtime friend and adviser to both Johnson and Mondale, says Johnson is "the best pol I've ever met . . . He doesn't understand just the delegate-selection process in Iowa or Washington, he understands how the issues play, what the messages are. Most people go past a Y in the road and make a choice in politics—they become either an issues guy or someone who does nothing but politics; but the combination is unique."

At 39, Johnson is too old to be called a Boy Wonder. But he remains the embodiment of the clean-cut, earnest college student interested in good government and working through the system to change it.

He is frank to say that he wants power, and he has it, presiding over a growing staff of about 90 and a campaign treasury already approaching $10 million. Yet he is confident enough of his standing with Mondale that he invites other campaign aides who disagree with him on a major decision to take their case directly to the candidate.

Politics can be poker or it can be chess. Jim Johnson is a chess player. As a result, he has been criticized for being cerebral in what others see as an essentially emotional business. He is not, one critic points out, "sweating and ethnic" in the classic Democratic mold, but rather is a man who fails to appreciate that political battles are won in the souls and not the brains of the electorate.

"I am not," Johnson says with monumental understatement, "what you would call 'trendy.'" This revelation comes from a man who invariably wears a white, button-down shirt with a rep tie, plain black shoes, a conservative, dark suit and horn-rimmed glasses. Although his curly hair is graying, his face is still relatively unlined, so he seems both youthful and mature at the same time. When he smiles, as he frequently does during conversation, his slightly prominent canine teeth give him the appearance of a puckish Count Dracula. In fact, despite the Organization Man appearance and reserve, Johnson has a droll sense of humor and is not above dropping an occasional expletive into his conversation or bluntly describing former Chicago Mayor Jane Byrne, for example, as a "total nut."

By reputation he has all the spontaneity of a diamond cutter. He makes his way through the day consulting lists on a yellow legal note pad and 6¾ by 3¼ personalized index cards. Raymond Calamaro, a former Carter administration official and a partner in the law firm of Winston & Strawn (the same firm where Mondale's name is now on the letterhead), says that when Johnson gets up in the morning, "He lays his sentences out for the day."

Johnson works seven days a week now—12 hours a day during the week and earns a consulting fee of $3,000 a month from the campaign, plus a salary from his own company. His life is insular. Divorced after a brief marriage more than 10 years ago, he now dates Mondale's campaign press secretary, Maxine Isaacs. His apartment is directly across the street from his office, less than two minutes door-to-door. Johnson furnished his three-room duplex with tweedy, comfortable couches and chairs, oriental carpet, contemporary art, objects d'art he has bought while traveling and five televisions (three color sets in his study so he can watch all three networks simultaneously, a black-and-white set in his bedroom and a Sony Watchman he displays with some chagrin, explaining that a friend brought it back from Japan).

He enjoys traveling and manages to get to London at least once a year. He plays tennis year round, eats out almost nightly and drives a bronze Cimarron Cadillac. He says he did not mind, when he worked in the White House, eating supper alone because—after 40 or 50 encounters in the course of the day—he suffered from "transaction fatigue, so that 'How are you?' at the end of the day becomes a hostile question."

It was foreordained that Johnson would go into politics: his family, his education, his experience, inevitably led him to where he is today. But was it also inevitable that he would choose to devote the better part of a decade performing, in his words, in the shadow of another man?

Despite the elegant taste reflected in his apartment and his penchant for travel, Johnson's origins were distinctly middle class. He was born and raised in Benson, Minn., "Home of Four Thousand Friendly People." Johnson's father, Alfred Ingvald Johnson, was a small-town businessman and a member of the Minnesota legislature for 18 years, served two terms as Speaker of the

House and narrowly missed election to Congress in 1958. "I came from a very political family," Johnson explains. Almost every Saturday night A. I. Johnson's eight brothers and sisters got together, "and inevitably the conversation was politics."

Johnson has spent his whole life aiming in that one direction. "He was," recalled a Princeton classmate, Ira Silverman, "surely the most political of the students in the sense that he was involved in partisan politics and also in the sense that he aspired to be active in politics."

In the late '60s and early '70s, when other idealistic young men and women his age were still going into the Peace Corps, Johnson opted for politics at the national level, working in the McCarthy campaign in 1968 and the Muskie campaign in 1972. "It was sort of a micromacro thing," he explains. "I thought I could have more impact in changing things by getting involved in public policy—getting more money for the Peace Corps rather than being a volunteer in it."

Before working on the McCarthy and Muskie campaigns, Johnson was a vice president of the National Student Association. He has a bachelor's degree from the University of Minnesota and a master's degree from the Woodrow Wilson School of Public and International Affairs at Princeton University. (He also taught there and worked as an administrator.)

When Muskie all but dropped out of the 1972 campaign, Johnson—with the blessing of Muskie officials—went to work for the McGovern campaign. He never felt comfortable there. The day after the 1972 Democratic convention ended in Miami, Johnson joined Mondale, who was running for reelection to the Senate and has been with him—or no more than a plane ride away—for the last 11 years.

He has taken the title of "acting chairman" of the Mondale for President committee. He now sits in a distant corner of Winston & Strawn law firm, not more than 10 seconds from Mondale's office. The "acting" designation, Johnson says, was his idea in order to give some Democratic luminary a titular role later on, but no one doubts that he is very much in charge of the campaign.

After Carter lost to Ronald Reagan, Mondale asked Johnson to stay close so that they could continue to work together. Johnson set up a political consulting firm, Public Strategies, with Richard Holbrooke, Assistant Secretary of State for East Asia under Carter and leased space from Mondale's firm.

The Mondale-Johnson relationship has none of the master-slave quality that often prevails between politican and aide in Washington. "It's a relationship that's pretty straightforward," says Johnson. "I clearly work for him. It's not that we're equals. On the other hand we've spent so much time together that we communicate easily back and forth, and I think there's a real minimum of my sort of shaving bad news or not confronting difficult subjects."

Johnson's style is too reserved to provide his friends with the stuff of hilarious or revealing anecdotes. That is not to say that he has no sense of humor. When asked to contribute to a recipe book, "Minnewaska Memories," being prepared for a family reunion, Johnson donated two of his favorites; "Hot dogs and Tab" and "Palm Steak."

The Palm Steak: "Go to the Palm Restaurant at 1225 19th St. NW, Washington, D.C. 20047. Wait to be seated. Tell waiter you would like a Palm steak. Wait for approximately 25 minutes. Eat steak. Pay waiter."

Jim Johnson likes control. He does not like surprises.

He does not indulge himself by losing his temper. He is too measured to let go that way. When he speaks to a group of Washington political insiders, discussing the campaign, he uses only one-word references on a note card to guide him, yet his presentation sounds as though he were reading from a prepared text. Presiding over a meeting of the campaign staff, he controls the discussion, making sure that all points are heard without letting the meeting wander. Frequently, when he thinks a proposal has not been sufficiently considered, he invokes his favorite admonition: "staff it out"—shorthand for anticipating all the consequences before making a decision.

When decisions are needed, he is "not an agonizer," he says. "I make decisions very easily. I come down somewhere. I don't look back." His meetings begin and end on time.

Johnson's organization of the campaign frees him from daily details. He can take the longer view, trying—among other things—to strike the most productive balance in dividing Mondale's time between campaigning and raising money. For Johnson the equation is simple but crucial: Mondale has a finite amount of time. A campaign demands that the candidate make public appearances and that he raise money. Too much time spent campaigning can mean too little money. Too much time spent raising money can mean too little exposure for Mondale.

Johnson is disposed by nature and by his job to be constantly calculating, a characteristic that is not always endearing. In negotiations, he concedes, "people find me capable of cold declarative sentences." He is also aware that Mondale's reserve may blur the candidate's image, "but whether more progress could be made through a hotter environment, I don't know. Who the hell knows? I mean the thing about Mondale is that Mondale likes politics. And if you go out with him, and he's mixing it up with the ward bosses or the unions or the people in the street or whatever, it feels like communication. It doesn't feel like pristine, nambypamby s - - -. It feels like the real thing."

The question, Johnson says, is whether his approach helps or hurts. "On any given day I either make situations turn out right or I don't make them turn out right." His own evaluation: "that it's pretty successful."

Johnson says he "feels strongly" about his political beliefs. When asked to reveal those deep convictions though, he becomes self-conscious "because you sound either like a Fourth of July speech or a Grade B movie about politics." He says he is worried about nuclear war and the country "being blown up," and discrimination of all kinds angers him. "There is a lot in me that makes me mad about that," he says. "It's pretty visceral."

Nonetheless, Johnson comes across not as the true believer but as the technocrat fascinated by the process—a man without passion.

That Johnson has devoted most of his time and energy over the past seven years trying to make Walter Mondale the most important man in America does not bother him. "I don't think my life is getting away from me, and I don't think I'm going to wake up one day and say, 'What have I done?' * * * If you said to me, 'Here is an alternative life,' or 'Here is an alternative career' or 'Here is an alternative way of doing all of this, which would you choose?' I have absolutely no question what I would choose: Working in the White House, working to elect someone president of the United States, having fun at it, and in the process standing up for what you believe in is—great. I wouldn't trade."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Res. 201. A resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

By Mr. TOWER, from the Committee on Armed Services, without amendment:

S. 1944. A bill to allow the obsolete submarine U.S.S. *Albacore* to be transferred to the Portsmouth Submarine Memorial Association, Inc., before the expiration of the otherwise applicable 60-day congressional review period.

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 121. A bill to establish as an executive department of the Government of the United States a Department of Trade, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

MacDonald G. Becket, of California, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1984; and

Kyle Clayton Boone, of North Carolina, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1984.

(The above nominations were reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: In the Army Reserve there are seven appointments to the grade of major general and below (list begins with Vernon J. Andrews), Rear Adm. Albert J. Baciocco, Jr., U.S. Navy, to be vice admiral, and Rear Adm. Thomas J. Hughes, Jr., U.S. Navy, to be vice admiral. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Navy there are 3 permanent promotions to the grade of commander and below (list begins with Robert E. Rierra, Jr.) and in the Army there are 2,240 permanent promotions to the grade of lieutenant colonel (list begins with William A. Abel). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of October 3 and October 14, 1983, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON:

S. 1954. A bill to apply duty-free treatment with respect to articles exported for purposes of rendering certain geophysical or contracting services abroad and returned; to the Committee on Finance.

By Mr. HEINZ:

S. 1955. A bill to amend the Internal Revenue Code of 1954 to eliminate the mandatory retirement age for Tax Court judges; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. MATSUNAGA, Mr. STEVENS and Mr. MURKOWSKI):

S. 1956. A bill to amend section 8(a) of the Small Business Act; to the Committee on Small Business.

By Mr. MATSUNAGA:

S. 1957. A bill to the relief of the heirs, successors, or assigns of Sadae Tamabayashi; to the Committee on the Judiciary.

S. 1958. A bill for the relief of Commander Bernard E. Hartnett, United States Navy; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself and Mr. INOUYE):

S. 1959. A bill for the relief of Judge Louis LeBaron; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

S. 1960. A bill to permit the vessel Scuba King to be documented for use in the fisheries and coastwise trade of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON:

S. 1961. A bill for the relief of William G. Riplinger; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself and Mr. EAGLETON):

S. 1962. A bill to amend part B of title XVIII of the Social Security Act with respect to information on physician assignment practices under the medicare program; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. PELL):

S. 1963. A bill to amend the Intelligence Authorization Act for fiscal year 1984 to prohibit United States support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America; to the Select Committee on Intelligence.

By Mr. LEVIN:

S. 1964. A bill for the relief of Maria Theresa Chung; to the Committee on the Judiciary.

S. 1965. A bill for the relief of Akram Yoursif; to the Committee on the Judiciary.

S. 1966. A bill to make certain amendments to title 18, United States Code, relating to rights of witnesses appearing before grand juries; to the Committee on the Judiciary.

By Mr. MELCHER:

S. 1967. A bill to compensate the Gros Venture and Assiniboine Tribes of the Fort Belknap Indian Community for irrigation construction expenditures; to the Select Committee on Indian Affairs.

S. 1968. A bill to establish the National Institute for the Biological Assessment of Nuclear Explosions; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GORTON:

S. Res. 244. Resolution to refer S. 1961 to the Chief Judge of the United States Court of Claims; to the Committee on the Judiciary.

By Mr. SARBANES (for himself and Mr. MATHIAS):

S. Res. 245. Resolution to congratulate the Baltimore Orioles on winning the World Championship; placed on the Calendar by unanimous consent.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON:

S. 1954. A bill to apply duty-free treatment with respect to articles exported for purposes of rendering certain geophysical or contracting services abroad and returned; to the Committee on Finance.

TARIFF TREATMENT OF CERTAIN ITEMS

● Mr. JOHNSTON. Mr. President, I am today introducing legislation to resolv a very anomalous situation in our tariff laws. Currently, many offshore navigation companies conduct their offshore activities with foreign-made equipment with unique operating and performance characteristics. This equipment is used in both domestic and foreign operations by these companies.

The companies owning and operating this equipment obviously must pay an import tariff upon this equipment when it is first brought into the United States. However, under current law as interpreted by the U.S. Customs Service, each time the equipment in question is taken outside of the territorial boundaries of the United States and later returned to the United States the company owning such equipment must again pay a duty, notwithstanding the fact that duty was paid upon the initial importation.

The inequity of this situation is obvious. The multiple imposition of duties is not only unfair to these companies, but it impedes their ability to be competitive in the provision of services in a world market.

The purpose of the measure that I introduce today is to allow the duty-free reentry of foreign manufactured equipment being returned to the United States after temporary use abroad in conjunction with geophysical activities including the exploration, development, or production of natural resources.

Certain qualifications attach to this reentry, however. The first is that a duty must have previously been paid upon original importation of the equipment. The second is that the equipment must be returned to the United States by the party who caused its exportation. Accordingly, this legislation would only serve to relieve parties of multiple application of the duty, not the initial payment of the duty. It would thus resolve the inequities of the current law and facilitate the international service operations of a number of navigation companies on the Louisiana-Texas gulf coast. Finally, I would note that this proposal is consistent with other provisions of the Tariff Act which allow the duty-free reentry of goods temporarily exported.

I ask unanimous consent that the full text of this measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part 1 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately before item 802.30 the following new item:

"802.50	Rendition of geophysical or contracting services in connection with the exploration for, or the extraction or development of, natural resources.	Free	"Free".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles exported from the United States on or after the date of the enactment of this Act.●

By Mr. HEINZ:

S. 1955. A bill to amend the Internal Revenue Code of 1954 to eliminate the mandatory retirement age for Tax Court judges; to the Committee on Finance.

ELIMINATING MANDATORY RETIREMENT AGE FOR TAX COURT JUDGES

Mr. HEINZ. Mr. President, today I am introducing a bill to amend section 7447(b)(1) of the Internal Revenue Code of 1954 to eliminate the mandatory retirement age for Tax Court judges. Currently, there is a discrepancy between the legislative history and the statute as to whether Tax Court judges were intended to be included within the group of Federal employees for which mandatory retirement was eliminated in the 1978 amendments to the Age Discrimination Employment Act (ADEA). This legislation is needed so that the present status of Tax Court judges—of who several are approaching the age of 70—is made explicit with respect to mandatory retirement. Congressman MATSUI has introduced identical legislation in the House of Representatives. I understand that the House Ways and Means Committee unanimously adopted the provision as part of their omnibus tax bill on October 4.

Mr. President, in 1967 Congress passed the ADEA which prohibited discrimination in empolyment based on age. It applied generally to individuals in the private sector. In 1974 Congress amended the ADEA to include within its scope Federal, State, and local government employees, and in 1978 Congress further amended the ADEA by eliminating mandatory retirement in Federal employment. The legislative history makes it clear that Tax Court judges were intended at least by the House to be within the group of Federal empolyees for which mandatory retirement was eliminated.

. . . Mandatory retirement would be eliminated for the great majority of jobs in the civil service, for positions in the foreign service, for tax court judges, District of Columbia public school teachers, District of Columbia judges, the United States Comptroller General, and the Director of the Federal Judicial Center among others. However, the current provision in section 15(b) which allows the Civil Service Commission to establish maximum age requirements when such age is a bona fide occupational qualification necessary to the performance of a job would remain . . . (H. Rept. No. 95-527, 95th Cong., 1st Sess. 11(1977).)

However, the statute appears not to exempt Tax Court judges; it refers only to units of the legislative and judicial branches of the Federal Government having positions in the competition; 29 U.S.C. 633(a).

. . . SEC. 633(a). Nondiscrimination on account of age in Federal Government employment.

(a) FEDERAL AGENCIES AFFECTED.—All personnel actions affecting employees or applicants for employment who are at least 40 years of age (except personnel actions with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code (5 USC 105) (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, in those units in the government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on age.

In eliminating mandatory retirement for employees generally, the Senate recognized that a new awareness has developed concerning age discrimination. The American public and employers have been reeducated about the vast reservoir of talent older people have to offer to the social and economic development of our society. The expressed purpose of the 1978 legislation supports the view that Tax Court judges should likewise be exempt from mandatory retirement. However, section 7447(b)(1) currently imposes a mandatory retirement age of 70 on Tax Court judges. That section which was enacted long ago, is effectively obsolete in light of the intent and purpose of the 1978 legislation prohibiting discrimination in employment on account of age.

This position is further supported by recent legislation. In 1981 Congress amended section 7443, Internal Revenue Code 1954, to eliminate the ban on initial appointments of individuals age 65 or older as U.S. Tax Court judges. The reason for the change was that such a ban conflicted with Federal policies against age discrimination and could deprive the Tax Court of experienced personnel. This legislation and the reasons behind it simply reflect congressional concern that qualified and able judges should be allowed to continue in the same capacity irregardless of their age. Moreover, it would seem to me highly unusual to allow the appointment of a Tax Court judge older than 65 only to require him to retire at age 70.

Additionally, the recent social security amendments, although clearly applicable to active Tax Court judges, raise certain questions with respect to judges who stay on after retirement. Although retired pay is not salary for social security purposes, it is unclear whether a retired judge is thereby precluded from acquiring social security quarterly credits necessary for qualification.

Therefore, the mandatory retirement provision may prevent some of the older judges from fully qualifying for social security coverage although they are required to pay into social security up to age 70. Furthermore, special trial judges of the Tax Court who hear small tax cases, deficiencies less than $5,000, as Federal employees in the competitive service, are exempt from mandatory retirement. My bill would eliminate mandatory retirement for all Tax Court judges, and I believe such a provision is entirely consistent with recent legislation. Indeed, it appears that it may be an inadvertent omission that Tax Court judges have not already been exempted.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 7447(b) of the Internal Revenue Code of 1954 (relating to retirement of Tax Court judges) is amended to read as follows:

"(1) Any judge may retire any time after attaining the age of 70.".

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

By Mr. INOUYE (for himself, Mr. MATSUNAGA, Mr. STEVENS, and Mr. MURKOWSKI):

S. 1956. A bill to amend section 8(a) of the Small Business Act; to the Committee on Small Business.

SMALL BUSINESS ACT AMENDMENT

● Mr. INOUYE. Mr. President, today, I, together with my colleague from Hawaii, Senator MATSUNAGA, and my colleagues from Alaska, Senators STEVENS and MURKOWSKI, are introducing legislation to amend section 8a of the Small Business Act to incorporate the unique and often disadvantageous circumstances which noncontiguous areas, such as Hawaii and Alaska, are often placed in by statutes which fail to take these regional differences into account.

The impetus for my decision to draft this legislation was a case which was brought to my attention involving a machinery company in Hawaii which placed a bid for a small business set-aside contract with the Coast Guard. Although this company is not classified as a small business concern, it appears to have had the capability to supply the procuring agency—in this case, the Coast Guard—with the desired product. Because, however, there were no qualifying firms available in Hawaii, under the current terms of the

Small Business Act, the Coast Guard was compelled to go to the west coast to fulfill the contract rather than solicit business from the nonqualifying company. In so doing, it is likely that the costs of doing business were raised substantially, since added transportation costs are naturally incurred.

I feel that the procuring agency should be able to take advantage of the availability of local firms which might be able to provide the same product or service just as economically, or more economically, than an out-of-State "qualifying" firm. Our proposed measure is nonbinding, so it should not be construed as a breach in the setaside for small business. It is simply aimed toward adjusting the Small Business Act to take the special needs of the noncontiguous States such as Hawaii and Alaska into account and encourage the continued growth and development of our local economies. This measure is not intended to give preferential treatment to nonqualifying businesses, but it will allow them to compete on an equal basis with qualifying firms in the continental United States.

Mr. President, I urge Congress to act promptly on this bill, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(a)(1) of the Small Business Act (15 U.S.C. 637(a)(1)) is amended by adding at the end of subparagraph (C) the following: "Before providing for the performance of a procurement contract as provided by this subparagraph, the Administration and the head of the procuring agency shall, for any procurement in a State outside the continental United States or area outside the continental United States, take into account the availability of eligible concerns in such area and any increase in transportation or other costs which would result if no eligible concerns are available in such State or area.".●

● Mr. MATSUNAGA. Mr. President, I am pleased to join my senior colleague from Hawaii, (Mr. INOUYE), as a cosponsor of S. 1956, a bill to amend section 8(a) of the Small Business Act.

The bill we are introducing today is intended to address a problem faced by noncontiguous areas of the United States such as Hawaii, Alaska, Guam, and Puerto Rico. Under section 8(a) of the Small Business Act, the Small Business Administration (SBA) serves as a prime contractor for Federal goods and service purchases. The SBA then subcontracts this Federal work to small firms owned by socially and economically disadvantaged persons.

Under present law, Hawaii has faced the situation where local firms competing for bids have been denied section 8(a) SBA contracts which have gone, instead, to west coast companies. Whenever local firms failed to meet all the specifications for qualification under the section 8(a) program, the procuring agency has been forced to go to the mainland to obtain its desired product. Since there are substantial transportation costs associated with contracting with mainland agencies, Hawaii and other States in a similar position are often faced with a unique and significant financial burden. Our bill—which is nonbinding—would allow but not require procuring agencies in noncontiguous States to contract with nonqualifying local firms when there are no local qualifying firms available.

Mr. President, our bill is in no way intended to undermine the Small Business setaside program. It is a nonbinding bill which is designed to allow more flexibility in the Small Business Act so as to take into account the special needs of noncontiguous States. In doing so, this bill would promote the development of the local business communities in these States.

I urge early and favorable action by the committee of jurisdiction on S. 1956.●

By Mr. GORTON:

S. 1961. A bill for the relief of William G. Riplinger; to the Committee on the Judiciary.

RELIEF OF WILLIAM G. RIPLINGER

● Mr. GORTON. Mr. President, today I introduced a resolution and private bill for the relief of William G. Riplinger of Seattle, Wash. The purpose of this legislation is to refer Mr. Riplinger's case to the U.S. Court of Claims for findings of fact and recommendations regarding the amount which equitably may be due Mr. Riplinger from the United States. This legislation would not require any appropriation at this time. It would merely refer the matter to the Court of Claims for a hearing on Mr. Riplinger's case.

On November 22, 1977, William G. Riplinger was offered the position of contract price analyst, grade GS-11, step 10, with the U.S. Navy's Supervisor of Shipbuilding, Conversion and Repair (SupShips) in Seattle. He accepted, resigned from a position in private industry, and reported to his new job on December 3, 1977.

On reporting for work, Mr. Riplinger was informed that his actual appointment would be as grade GS-11, step 1. The U.S. Government admits that, due to administrative error, the Consolidated Civilian Personnel Office (CCPO) of SupShips failed to request authorization to appoint Mr. Riplinger to the 10th step of GS-11. On December 16, 1977, the personnel director of CCPO requested the required approval from the Seattle regional office, but the request was denied.

On February 8, 1978, the commander of the Naval Sea Systems Command requested approval of the step increase from the Civil Service Commission, which granted approval on March 23, 1978. However, back pay for the period from December 3, 1977, to March 23, 1978, was denied. Mr. Riplinger seeks $1,641.12, which represents the difference between the pay he would have received had he been placed in step 10 of GS-11 as of December 5, 1977, instead of March 23, 1978, and the pay he actually received.

Mr. Riplinger initiated litigation to recover this back pay, but was denied relief in Federal court. The Ninth Circuit Court of Appeals noted in its opinion that "all parties admit the correctness of Riplinger's factual recitals, and all should admit the equity of his claim, but it is well-settled that the law provides no relief."

A private relief bill is the only avenue available for Mr. Riplinger to receive the equitable relief he deserves. I therefore urge the prompt and favorable consideration of the resolution and bill for the relief of Mr. Riplinger.●

By Mr. RIEGLE (for himself and Mr. EAGLETON):

S. 1962. A bill to amend part B of title XVIII of the Social Security Act with respect to information on physician assignment practices under the medicare program; to the Committee on Finance.

PHYSICIAN ASSIGNMENT PRACTICES UNDER MEDICARE

● Mr. RIEGLE. Mr. President, today I am introducing for myself and Senator EAGLETON the companion bill to H.R. 4077, legislation mandating the publication of a list that is presently being compiled by the Health Care Financing Administration of physicians who have agreed to accept assignment in treating all medicare beneficiaries and a list of other physicians indicating the percentage of medicare patients such physicians accept on an assignment basis. I believe this new information, which is currently unavailable to the general public, will significantly help medicare beneficiaries in making more informed decisions concerning their health care expenditures.

S. 1962 would mandate the publication of one list of all physicians indicating the number of medicare beneficiaries treated and the percent of those patients for whom medicare payment was accepted on an assignment basis in the preceding year. In addition, this legislation would also mandate the promulgation of a second list of physicians who have agreed to accept assignment for all services to be furnished for the subsequent year.

Medicare covers 80 percent of physician services based upon usual, customary, and reasonable charges set by

the Federal Government. Since only 55 percent of the actual physician's charges for the elderly's health needs are in line with medicare coverage, 45 percent of actual physician charges exceed the coverage limit. This is not surprising given that only about 18 percent of physicians always accept assignment while approximately 30 percent never accept assignment. For those elderly patients who suffer the financial limits of a fixed income and who consequently wish to insure the most cost-efficient expenditure of their health care dollars, it should prove extremely useful to provide them with a list of those physicians who accept assignment.

Mr. President, the legislation I am introducing today follows H.R. 4077 introduced on October 4, 1983, by Congressman WAXMAN, chairman of the Subcommittee on Health and the Environment, Committee on Energy and Commerce. A similar provision was included as section 223 of the Senate-reported measure S. 951, providing health care benefits for unemployed workers. My reasons for recommending the slightly different course developed in H.R. 4077 is to assure that the most complete information is available to the largest number of medicare beneficiaries. The secretarial flexibility provided for in section 223 of S. 951 might result in the promulgation of a list of little value to medicare beneficiaries. There is no reason to provide the Secretary with the ability to arbitrarily exclude specific physicians from these lists and therefore from public accountability. In short, the kind of lists required in H.R. 4077 and S. 1962 may result in a larger pool of physicians from which medicare beneficiaries may choose than that which would result from the provisions contained in section 223 of S. 951.

The fact that I am proposing slight modifications in the Senate reported version should not detract from the potential importance of this effort to supply medicare beneficiaries with essential information helping them to make more informed decisions concerning the cost of their health care. It is important to again point out that the information we are requiring in this legislation is already collected by the Health Care Financing Administration as part of the regular auditing and billing procedures. We are simply requiring that it be made available, in a usable form, to the general public enabling the individual medicare patient the opportunity to make more informed decisions concerning the use of his or her health care dollars.

Mr. President, I ask unanimous consent that the text of S. 1962 be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1842 of the Social Security Act (42 U.S.C. 1395u) is amended by adding at the end the following new subsections:

"(i)(1) The Secretary shall compile annually a list of physicians serving individuals enrolled under this part indicating the share (by decile or quartile) of claims which each physician has accepted on an assignment basis (described in subsection (b)(3)(B)(ii)) in the preceding year.

"(2) The Secretary shall make available the information compiled under paragraph (1) for the local geographic area in each office of the Social Security Administration no more than six months after the end of each year and, upon request, by mail from each carrier. The Secretary shall, when such information becomes available annually notify each individual enrolled under this part of the availability of such information.

"(j)(1) The Secretary shall publish annually a list of all physicians who have agreed in accordance with this subsection to accept payment under this part on the basis of an assignment (described in subsection (b)(3)(B)(ii)) for all services furnished under this part during the following twelve-month period to individuals enrolled under this part.

"(2) To permit the publishing of the list provided under paragraph (1), the Secretary shall annually, before the beginning of the twelve-month period offer physicians a reasonable opportunity to sign an agreement that they will accept payment under this part on the basis of an assignment (described in subsection (b)(3)(B)(ii)) for all services furnished under this part during the following twelve-month period to individuals enrolled under this part.

"(3) The Secretary shall annually provide to each individual enrolled under this part and residing in a local geographic area a copy of the list of all physicians in that area who have signed such an agreement for the following twelve-month period.".●

By Mr. LEVIN:

S. 1966. A bill to make certain amendments to title 18, United States Code, relating to rights of witnesses appearing before grand juries; to the Committee on the Judiciary.

RIGHTS OF WITNESSES BEFORE GRAND JURIES

● Mr. LEVIN. Mr. President, today I am reintroducing a bill I introduced on April 27, 1983, to allow witnesses called before a Federal grand jury to be accompanied by an attorney. The revisions in the bill I am introducing today make improvements in S. 1150, based on suggestions I have received since the bill was introduced.

First, this bill differs from S. 1150 relative to multiple representation of witnesses called before a grand jury. Rather than prohibiting multiple representation, this bill would provide the court with authority to order separate representation of witnesses where it determines that "the exercise of the independent judgment of the lawyer on behalf of one of the clients will be or is likely to be adversely affected by his representation of another client."

Second, the bill I am introducing today does not contain subsection (f) of S. 1150, relating to representation of indigent witnesses. I believe the question of whether counsel should be provided for indigent witnesses called before a Federal grand jury, and if so, what sanction should be applied where an indigent witness is not appointed counsel, is a matter more appropriately addressed after hearings have been held in the Senate Judiciary Committee.●

By Mr. MELCHER:

S. 1967. A bill to compensate the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community for irrigation construction expenditures; to the Select Committee on Indian Affairs.

INDIAN COMMUNITY IRRIGATION EXPENSES

● Mr. MELCHER. Mr. President, today I am introducing a bill to compensate the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian community for irrigation construction expenditures.●

By Mr. MELCHER:

S. 1968. A bill to establish the National Institute for the Biological Assessment of Nuclear Explosions; to the Committee on Governmental Affairs.

NATIONAL INSTITUTE FOR THE BIOLOGICAL ASSESSMENT OF NUCLEAR EXPLOSIONS ACT

Mr. MELCHER. Madam President, today I am introducing a bill to create a National Institute for Research, Evaluation and Assessment of the effects on all life on Earth from nuclear explosions. The purpose of this bill is to establish an independent National Institute to study and promote the study of the simulated worldwide effects of nuclear blasts, accompanying firestorms and fallout resulting from nuclear explosions, and to disseminate the findings of the Institute to the American people and the Government.

The need for this Institute became apparent during recent debates in the Senate on the questions of deployment of the MX missile and the deployment of more nuclear weapons in Europe. Despite the 40,000 nuclear weapons in the world, we know very little about the possible effects of nuclear explosions on human, animal, and plant life or on the soil, the aquatic environment, the natural territorial ecosystems, the atmosphere or the weather.

The limited studies available cause us to conclude that the consequences of nuclear war would be far more devastating to the Earth and threatening to life than we had previously suspected. During the past four decades of the progressive buildup of nuclear weapons, we have become aware of the terrible destructive power which we are amassing as we continue to add to our nuclear arsenals.

I believe that an immediate and concentrated research effort needs to be undertaken by the Federal Government in order to focus the attention of the American public on the possible effects of nuclear explosion or war. Accurate information on this issue is necessary. Our knowledge is not likely to accumulate very rapidly if left to the chance findings and research of scientists working privately on their own.

The information that is available is very scarce and does not begin to provide a comprehensive overview of the long-range effects of nuclear explosion. Over the last 8 years there have only been three major studies on the effects of nuclear explosions, so what information there is is becoming rapidly outdated by new weapons and warheads.

The first study made on nuclear explosions is contained in four volumes of the "United States Strategic Bombing Survey" and investigates the effect of the two atomic bombs dropped on Hiroshima and Nagasaki. The study was made between 1945 and 1947, and it is interesting to note that one of the vice-chairmen of the survey team was Paul H. Nitze, who is currently the U.S. representative to the intermediate range nuclear forces talks in Geneva.

The survey's study describes the effects of the atomic bomb explosions at Hiroshima and Nagasaki. The study tabulates the human casualties and the effects of the blasts on medical facilities, sanitation, food and nutrition, communicable diseases, industrial health and hygiene, physical structures, machinery, equipment, utilities, bridges and transportation systems. Additionally, it recorded the effects on medical staff and civil defense workers after the blast and firestorm who gave aid and assistance during and after the radioactive fallout.

This study is the only real factual examination of what happens to life and the biosphere when exposed to nuclear explosions. All subsequent studies in this area have relied heavily on its findings. The two atomic bombs used at Hiroshima and Nagasaki were 12.5 kilotons and 22 kilotons, respectively. The effect of those two nuclear explosions of that size caused the instant deaths of 95,700 and casualties of 130,000, of which one-half died later. Loss of animals, contaminated food and water, a breakdown in medical care, communications and sanitation also resulted from the blast. Then radioactive fallout injured 10,000 people.

The size and power of nuclear weapons have increased to 500 kilotons in a Minuteman III and up to 9,000 kilotons in a Titan II—450 times greater than either of the initial blasts at Hiroshima and Nagasaki.

The total amount of megatons of either the allied or Soviet arsenals exceeds 7,000,000 kilotons. Yet since 1945 little has been added to the total knowledge of the effects of nuclear devastation.

A basic study entitled "The Effects of Nuclear Weapons" was published in 1950. It was prepared by the U.S. Departments of Defense and Energy and edited by Samuel Glasstone and Philip J. Dolan, and is now in its third edition with the 1977 revision. Its findings are based on laboratory studies, theoretical calculations, computer simulations and the results of DOD atmospheric nuclear tests conducted in the Pacific in 1962. Much of the study concentrates on projected structural damage caused by the actual blast and on new research on the electromagnetic pulse and its effects. Only a very small section is devoted to the biological effects of nuclear explosions on humans and on farm animals and plants.

The strength of the study appears to be its explanation of the general principles of nuclear explosions, which is understandable to the layman. However, the discussion of actual test explosions is limited because of the inexactness of measuring and describing their effects. The editors expressly admit that the effects vary with the design of the weapons used. Where two weapons may have the same explosive energy yield, Glasstone and Dolan say that the effects could be "markedly different."

A more significant study was the 1975 report entitled "Long-Term Worldwide Effects of Multiple Nuclear Weapons Detonations" which only consisted of the proceedings of a 5-day workshop convened by the National Academy of Sciences for the purpose of addressing the long-term, worldwide consequences of a hypothetical nuclear exchange. Different panels worked independently to examine the possible effects of such an explosion on the atmosphere and climate, the terrestrial ecosystems, agriculture and animal husbandry, and the aquatic environment. The possible consequences of an explosion on humans concentrated on the genetic effects, and gave scant attention to the immediate consequences of devastated life and the whole life support system.

This National Academy study is limited. The Academy purposefully refrained from integrating the panel findings and is not a comprehensive assessment of the worldwide effects of a nuclear explosion. Its major value, perhaps, is in its precise recommendations for further scientific research in previously neglected areas.

The Congressional Office of Technology Assessment in 1979 published the "Effects of Nuclear War." It proposes to be a comprehensive assessment of four different scenarios involving nuclear attacks of different yields and on different types of targets, including civilian and military sites. Because it describes conceivable effects of a nuclear war on the civilian populations, economies, and societies of the United States and the Soviet Union, it describes some of the human suffering resulting from a nuclear attack or war.

The impact of the study is weakened, however, by its failure to explain the methodology used. The Office of Technology Assessment hypothesized from the previous limited studies and their calculations are limited by the necessity of making assumptions about the circumstances of the explosion, including factors such as the time of day, time of year, wind current, weather, size of the bombs, and location of the people at the time of explosion. There is also much uncertainty in the hypotheses because of the difficulty of calculating the effects of firestorms from the explosion, the extent of disease, and the extent of economic and social disruption.

Although these major studies and other research have contributed to our knowledge and understanding of the horrors of a nuclear holocaust, they still leave major questions unanswered. These studies lead one to believe that the effects of nuclear war on man and his environment would be significant, with a number of adverse and even irreversible consequences. However, the measurements of these damages are framed in very general terms.

Independent private research has not been able to quantify the probability and magnitude of the devastation which would result over both the short and long term.

A coordinated effort is needed to research the aspects of nuclear war which have not received detailed attention or inquiry. There is also the clear need to produce rigorous scientific research assessment and to report to the people. We have a right to know and the Government is obligated to collect and publish the data. Even though the devastation resulting from nuclear war is horrible to comprehend, the Government's obligation to inform the public cannot be further shirked or delayed. The tendency to dismiss discussion or dissemination of information on this most terrible of subjects cannot continue.

Most of us are willing to believe that nuclear powers will not resort to the first use of nuclear weapons because to do so will surely bring retaliation, with total destruction of the countries involved plus devastation of much or all of the Earth.

Yet we have not assessed the complete and irreversible effects of a nuclear explosion beyond the relatively limited devastation assessed and recorded at Hiroshima and Nagasaki in 1945 from the two bombs totaling 34.5

kilotons. Contrary to the general public impression, the effects of an exchange of 10 warheads totaling 1 million kilotons would not necessarily be limited to the country that was the victim of an attack but likely would cause a firestorm and fallout which would spread far beyond the national borders of the attack.

We hope that our instinct for self-preservation keeps the nuclear weapons at bay, but the public fear of nuclear war is based on a very generalized, vague notion which resembles television dramatizations of nuclear war. Accurate information on the actual effects of nuclear war is not available.

The recurring discussion among some defense strategists on the possibility of fighting a limited nuclear war indicates that some of them assume the effect from nuclear explosives can be assessed along with conventional weapons of war. No information that we have would indicate that such an assessment has been verified or warrants a shred of credibility. Additionally there is slight likelihood of a nuclear war that is limited within certain boundaries of geography and scope. Even a few medium-size nuclear warheads of 150 kilotons launched by one side would be met with a retaliatory nuclear response from the intended victim. All of the limited studies since Hiroshima and Nagasaki find that the effects of a nuclear explosion are unpredictable and therefore essentially uncontrollable.

Deterrence against the nuclear weapons of one's opponent is based on risks. Assuming that the behavior of nations and their leaders will preclude the use of nuclear weapons because of mutal devastation from the holocaust, the deterrence theory still fails to take into account the very real possibility that nuclear explosion or war could occur through computer error, accident, or the act of a madman. Our technological capability to build the weapons of destruction has not made us capable of guaranteeing against those uncertainties.

Developing accurate information to assess the full extent of the devastation that would likely result from deliberate or accidental explosions is necessary. The present ignorance of those consequences can destroy civilization as we know it.

The people of the United States and of the world need this information so that we can fully appreciate the awesome responsibility to avoid nuclear devastation. A Government institute dedicated to the research and study of the effects of nuclear explosions will be the clearinghouse for both public and private studies. It would further serve to focus public attention on the dangers of the nuclear arms race.

This bill establishes the National Institute for the Biological Assessment of Nuclear Explosions. The Institute is established as an independent agency to research, simulate, and collect all data on the effects of nuclear explosion on man, animals, birds, fish, plants, insects, bacteria, organisms, the habitat and environment of the Earth and its atmosphere and biosphere.

The tasks are far ranging and essential. The work is basic and hardly begun. The delay of the Government's responsibility to record and inform the people of the awesome and awful results of nuclear explosion can no longer be put off.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Institute for the Biological Assessment of Nuclear Explosions Act."

DECLARATION OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds and declares that—

(1) it is difficult for mankind to comprehend or even calculate the devastation to life that the genius of man has grasped from the unknown in discovering the know-how to explode the atoms of uranium and hydrogen;

(2) there are today more than forty thousand nuclear weapons of various sizes, means of delivery and destructiveness in the world, any one of which has thousands of times the explosive power of the bomb that destroyed Hiroshima;

(3) the effects of a nuclear explosion, whether intentionally as a means of waging war or accidentally, or through miscalculation, or mistake, or the act of a madman, depending upon the size and number of nuclear explosions would result in the immediate deaths of possibly millions or scores of hundreds of millions of people. Such nuclear devastation would result in the subsequent deaths of millions more through near term and chronic exposure to nuclear radiation;

(4) nuclear war threatens to obliterate the history of mankind as we know it, including human culture and progress of past generations and the collective records of libraries, museums, universities and institutes, and also threatens to obliterate the scientific means of reconstructing life for future generations;

(5) the effects of nuclear war would destroy billions of animals and birds, the great and the small, as well as much or most of the planet's plant life ranging from trees to algae;

(6) the fallout and dust generated by a nuclear explosion would disturb the ozone in the stratosphere, affecting the climate and the ecology of the planet Earth for time untold;

(7) there are many uncertainties about the long-term effects of nuclear explosions as past efforts to amass such information are scant and consist of random independent and government studies;

(8) a federal institute charged with the responsibility of assessing the consequences of nuclear war must foster an immediate and concentrated assessment and research to identify, measure, model and quantify the biological and environmental effects of nuclear war.

(b) It is the purpose of this Act to establish an independent national institute to study and promote the study of the simulated, world-wide effects of the blast, firestorm and fallout resulting from nuclear explosion, and to disseminate the findings of the institute to the American people and the government.

SEC. 3. (a) There is hereby established the National Institute for the Biological Assessment of Nuclear Explosions as an independent agency of the United States Government.

(b) The Institute shall be located within the continental United States and may acquire property and facilities necessary to carry out activities under this Act.

POWERS AND DUTIES

SEC. 4. (a) The Institute may—

(1) conduct research and make studies of the world-wide biological and environmental effects of simulated nuclear war or explosion, including models based on different degrees of destruction, from which assessments and calculations would be made, but not limited to, the following:

(A) numbers of human casualties which could be expected to result from the direct nuclear blast and from the subsequent firestorms and radioactive fallout, including but not limited to gamma and beta radiation;

(B) numbers of human casualties which could be expected to result from the indirect effects of a nuclear explosion, including bodily injuries, burns, radiation sicknesses, the spread of infectious diseases, dehydation and starvation;

(C) the subsequent long-term effects of a nuclear war or explosion on human health, reproduction and genetics;

(D) the projected effects of nuclear war or explosion on the quality of human life, as derived from an evaluation of the indirect effects from economic, social, cultural and political disruption;

(E) the destruction of animal and plant life of all species, and the subsequent long-term effect of a nuclear explosion on animal and plant life;

(F) the direct and indirect effects of nuclear war or explosion on soil, agriculture, the aquatic environment, natural terrestrial ecosystems, and the atmosphere and the climate.

(2) provide stipends, grants, fellowships, and other support to independent scholars and scientists for the production of studies assessing the effects of nuclear war or explosion;

(3) enter into formal and informal relationships with other institutions, public and private, for purposes not inconsistent with this Act;

(4) make the results of these studies available to the public and establish a clearinghouse and other means for disseminating information related to assessment of the biological and environmental effects of nuclear war or explosion;

(5) secure directly and without reimbursement, upon request of the Director of the Institute to the head of any Federal department or agency, information necessary to enable the Institute to carry out the purpose of this Act if such release of the information would not unduly jeopardize national security or interfere with the proper functioning of a department or agency;

(6) respond to the request of any Federal department or agency to investigate, exam-

ine, study, and report on any issue within the Institute's responsibilities. At the discretion of the Director of the Institute, research requests may be refused for reason of cost or of inappropriateness to the Institute's purposes.

(7) enter into contracts for the proper operation of the Institute, including maintenance of its offices, schools, and other facilities.

(8) appoint and fix the compensation and duties of officers, employees, and agents and establish such advisory committees, councils or other bodies as the efficient administration of the business and purposes of the Institute may require.

(b) The Institute may do any and all lawful acts and things necessary or desirable to carry out the objectives and purposes of this Act.

(c) The Institute shall not itself undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative bodies, or by the United Nations, except that personnel of the Institute may testify or make other appropriate communication when formally requested to do so by a legislative body, or committee, or a member thereof.

OFFICERS AND EMPLOYEES OF THE INSTITUTE

SEC. 5. (a) The powers of the Institute shall be vested in a Director.

(b) The Director shall be appointed by the President, by and with the advice and consent of the Senate, for a term of six years.

(c) The Director shall be responsible for appointing associate scientists to include physicists; pathologists in human, plant and animal fields; physicians; veterinarians; hydrologists; biologists; meteorologists; zoologists; agronomists; botanists; and chemists who will be responsible for coordinating studies and research in their respective fields.

(d) The Director shall be responsible for appointing such support staff as is needed to carry out the responsibilities of the Institute.

(e) The Director is authorized to determine employee levels of compensation commensurate to those provisions of title 5, United States Code, relating to classification and General Schedule pay rates.

(f) Beginning one year after the date of enactment of this Act, the Director shall prepare and transmit to the Congress and the President an annual report detailing the results of the Institute's research and findings on the biological and environmental effects of world-wide nuclear war or explosion. The Director shall prepare and transmit such other periodic reports as are deemed necessary to carry out the objectives of the Institute and shall provide for the dissemination of these reports to the public.

FUNDING

SEC. 6. For the purposes of carrying out the activities of the Institute and the objectives of this Act, there is authorized to be appropriated for the fiscal year 1984 $100 million, for fiscal year 1985 $200 million and for subsequent years such amounts as are authorized by Congress.

ADDITIONAL COSPONSORS

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 719

At the request of Mr. THURMOND, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 719, a bill to amend subchapter II of chapter 73 of title 10, United States Code, to eliminate the social security offset against annuities provided for under such subchapter to the extent that the social security benefits of the annuitant are based on the annuitant's own employment.

S. 1262

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1262, a bill to amend the Internal Revenue Code of 1954 to improve Internal Revenue Service procedures concerning investigations and audits of churches, and for other purposes.

S. 1300

At the request of Mr. HUDDLESTON, the name of the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the Rural Electrification and Telephone Revolving Fund, and for other purposes.

S. 1475

At the request of Mr. WALLOP, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1584

At the request of Mr. DANFORTH, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 1584, a bill to amend the Internal Revenue Code of 1954 to conform the treatment of overall domestic losses with the treatment of overall foreign losses and to conform the foreign tax credit carryover and ordering rules with similar investment credit rules.

S. 1613

At the request of Mr. TRIBLE, the name of the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1627

At the request of Mr. DANFORTH, the name of the Senator from New Hampshire (Mr. RUDMAN) was added as a cosponsor of S. 1627, a bill to amend section (1)(f)(3) of the Internal Revenue Code and for other purposes.

S. 1707

At the request of Mr. WILSON, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1707, a bill to provide a moratorium until June 30, 1988, on changes to the Federal Communications Commission rules regarding network television syndication, network television financial interests, and prime time access.

S. 1748

At the request of Mr. EAST, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1748, a bill to amend the National Labor Relations Act to apply explicitly the right-to-work laws of a State to Federal enclaves within the boundaries of that State.

S. 1785

At the request of Mr. SASSER, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1785, a bill to amend title II of the Social Security Act to eliminate the waiting period for disability benefits in the case of an individual who is terminally ill.

S. 1844

At the request of Mrs. KASSEBAUM, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1844, a bill entitled the "Aviation Tax-Reduction Act of 1983."

S. 1896

At request of Mr. TSONGAS, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1896, a bill to establish a select commission to examine the issues associated with voluntary service.

S. 1913

At request of Mr. HUDDLESTON, the names of the Senator from Nebraska (Mr. ZORINSKY), the Senator from Arizona (Mr. DECONCINI), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1920

At request of Mr. TSONGAS, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1920, a bill to amend the Small Business Act to establish a Small Business Computer Crime and Security Task Force, and for other purposes.

S. 1921

At request of Mr. MATTINGLY, the name of the Senator from Nevada (Mr. HECHT) was added as a cosponsor

of S. 1921, a bill to allow the President to veto items of appropriation.

S. 1934

At request of Mr. HEINZ, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1934, a bill to amend the Railroad Retirement Act of 1974 to make certain adjustments in benefits contingent on the financial condition of the railroad retirement system.

S. 1937

At the request of Mr. LEVIN, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1937, a bill to amend the Internal Revenue Code of 1954 to impose an additional excise tax on the sale of certain imported automobiles in the United States.

S. 1939

At the request of Mr. WALLOP, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Illinois (Mr. PERCY), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1939, a bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain property for the energy tax credit, and for other purposes.

S. 1949

At the request of Mr. HUDDLESTON, the names of the Senator from Missouri (Mr. EAGLETON), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 1949, a bill to provide emergency drought relief assistance for farmers and others.

SENATE JOINT RESOLUTION 132

At the request of Mr. RIEGLE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Joint Resolution 132, a joint resolution to designate the week beginning August 7, 1983, as "National Correctional Officers Week".

SENATE JOINT RESOLUTION 148

At the request of Mr. KENNEDY, the names of the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from New Hampshire (Mr. HUMPHREY) were added as cosponsors of Senate Joint Resolution 148, a joint resolution to designate the week of May 6, 1984, through May 13, 1984, as "National Tuberous Sclerosis Week."

SENATE JOINT RESOLUTION 165

At the request of Mr. MATHIAS, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Vermont (Mr. LEAHY), the Senator from Arizona (Mr. DECONCINI), and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of Senate Joint Resolution 165, a joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws.

SENATE JOINT RESOLUTION 178

At the request of Mr. MATTINGLY, the name of the Senator from Nevada (Mr. HECHT) was added as a cosponsor of Senate Joint Resolution 178, a joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation.

SENATE CONCURRENT RESOLUTION 56

At the request of Mr. JEPSEN, the names of the Senator from North Carolina (Mr. HELMS), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of Senate Concurrent Resolution 56, a concurrent resolution expressing the sense of Congress in opposition to further expansion of cargo preference requirements.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE RESOLUTION 201

At the request of Mr. PRESSLER, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of Senate Resolution 201, a resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

SENATE RESOLUTION 202

At the request of Mr. BAKER, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of Senate Resolution 202, a resolution to establish a Select Committee on Puerto Rico.

SENATE RESOLUTION 225

At the request of Mr. BAUCUS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Texas (Mr. TOWER), the Senator from Missouri (Mr. DANFORTH), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from South Dakota (Mr. ABDNOR), the Senator from Arkansas (Mr. PRYOR), the Senator from Alabama (Mr. HEFLIN), the Senator from Mississippi (Mr. STENNIS), and the Senator from California (Mr. WILSON) were added as cosponsors of Senate Resolution 225, a resolution relating to the dismantling of nontariff trade barriers of the Japanese to the import of beef.

AMENDMENT NO. 2256

At the request of Mr. MATHIAS, the names of the Senator from Minnesota (Mr. DURENBERGER), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. BUMPERS), the Senator from Colorado (Mr. HART), the Senator from Vermont (Mr. LEAHY), the Senator from Montana (Mr. MELCHER), the Senator from Michigan (Mr. LEVIN), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 2256 intended to be proposed to S. 1342, an original bill authorizing appropriations for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes.

SENATE RESOLUTION 244—TO REFER THE BILL S. 1961 TO THE COURT OF CLAIMS

Mr. GORTON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 244

Resolved, That S. 1961, entitled "A Bill for the Relief of William G. Riplinger", now pending in the Senate, together with all accompanying papers, is referred to the Chief Judge of the United States Court of Claims, and the Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509, title 28, United States Code, notwithstanding the bar of any statute of limitations, laches, or bar of sovereign immunity, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusion thereof as shall be sufficient to inform the Congress of the nature and character of the demand of the claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to William G. Riplinger.

SENATE RESOLUTION 245—CONGRATULATING THE BALTIMORE ORIOLES ON WINNING THE WORLD CHAMPIONSHIP

Mr. SARBANES (for himself and Mr. MATHIAS) submitted the following resolution; which was placed on the calendar by unanimous consent:

S. RES. 245

Whereas the Baltimore Orioles are the winners of the eightieth World Series and are the 1983 World Champions of baseball;

Whereas the 1983 World Championship was a total team victory for the Baltimore Orioles and all players contributed to the ninety-eight regular season, three American League Championship Series, and four World Series victories;

Whereas the Baltimore Orioles catcher Rick Dempsey who exemplifies the team spirit of the Orioles joined former Orioles Frank Robinson and Brooks Robinson by being named the most Valuable Player in a World Series;

Whereas the Baltimore Orioles are one of only four teams in the history of major league baseball to win four straight World Series games after losing the first one;

Whereas the Baltimore Orioles have the best won-lost record over the last quarter century of major league baseball;

Whereas the Baltimore Orioles in nine 1983 post season games scored thirty-seven runs and limited their opponents to twelve runs to establish a team earned run average of 1.10;

Whereas the Baltimore Orioles, thanks to the leadership of manager Joe Altobelli, general manager Hank Peters and owner Edward Bennett Williams, are the best organization in major league baseball;

Whereas the Baltimore Orioles fans are unsurpassed in all baseball as demonstrated by the 1983 season attendance of two million, by the thirty-thousand who met the team at Memorial Stadium the night of the World Series victory, by the over two-hundred thousand who watched the parade October 17, 1983, and by their unmatched enthusiasm and support; and

Whereas the Baltimore Orioles have brought great pride to the citizens of the City of Baltimore and to Maryland: Now, therefore, be it

Resolved, That the United States Senate congratulates the World Champion Baltimore Orioles for winning the 1983 World Series.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the president of the Baltimore Orioles Baseball Club.

Mr. President, when the Baltimore Orioles, who over the last quarter century have won more major league baseball games than any other team in either league, won their third world's series on Sunday evening, they confirmed for everyone what Orioles fans have known all along—the Baltimore Orioles are the very best baseball team, supported by the most magnificent fans, making their home in Baltimore, the jewel on the Chesapeake Bay, a city unsurpassed in its pride in its renaissance and excellence.

Much has been written and said about how it took all the Oriole players, Manager Joe Altobelli and his fine staff of coaches, and a front office organization which the Wall Street Journal called the best in baseball, to return the world championship to Baltimore for the third time in the 30 years since major league baseball returned to Baltimore. But that is how baseball is—it is a team game, one that requires that each player contribute the utmost for the team to prevail. That is why baseball remains the great American pastime.

Mr. President, as one who lives only a few blocks from Memorial Stadium in Baltimore, I have a special appreciation for the wonderful Oriole fans, and in fact join them at the stadium as often as possible. They set a record attendance of 2 million this year. For the last 2 days these great fans have shown their appreciation in outstanding fashion. Over 30,000 came to the stadium Sunday near midnight to welcome home the Orioles as they returned victorious. And yesterday a throng of more than 200,000 jammed the heart of downtown Baltimore to celebrate this team victory with a parade demonstrating their unmatched enthusiasm and support.

Mr. President, many articles have appeared in recent days describing the skill and dedication exhibited by the Orioles during this past season and the way we in Maryland feel about our team. I ask that a column by John Steadman, the widely respected dean of Baltimore sports writers and sports editor of the News American, a Baltimore Evening Sun editorial, entitled "Baltimore is Best," and a Washington Post column by Tom Boswell on the team spirit of this fine organization appear in the RECORD.

Mr. President, I am very pleased to submit, with my colleague from Maryland, Senator MATHIAS, this resolution, congratulating the Baltimore Orioles on their victory.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore News American, Oct. 17, 1983]

CITY'S "PRIDE" SAILS TO SERIES VICTORY ON UNITY

They're the Pride of Baltimore.

A team embodying a ravenous spirit, reliance upon each other and a flaming desire to win has attained the most cherished goal in American baseball. Yes, the World Series belongs to them.

The Baltimore Orioles, a name synonymous with baseball for more than 100 years, have added another glorious chapter to a tome filled with the deeds of sainted heroes, storied characters and record book accomplishments.

But this is a different and maybe a more important event because the Orioles of 1983 brought forth a ringing message that reaffirms the belief that the struggle can often be won with firm dedication, which they had, as it can with profound ability, which they don't claim to have.

They're the Pride of Baltimore.

Put such new names as Rick Dempsey, Dan Ford, Rich Dauer, John Lowenstein, Gary Roenicke, Scott McGregor and Sammy Stewart in the gallery of honored performers. In the words of a quiet, friendly leader named Joe Altobelli, who took on the most difficult assignment of the season, "They accepted every challenge along the way."

Those contemporary warriors, following in the tradition of such legendary figures from the Orioles' golden past as Wee Willie Keeler, John McGraw and "Iron Man" Joe McGinity, invaded the home turf of the Philadelphia Phillies and wiped them out. They played there three times without knowing what it was like to lose in the home park of the opposition.

The surface was a green-colored rug instead of natural grass and they were before demanding and hostile crowds, plus having to cope with another unfavorable playing condition—no designated hitters. Still they prevailed. It's a victory to be savored, treasured and put in a time capsule for future reference and reflection.

They're the Pride of Baltimore.

A change-of-speed pitcher named McGregor, who never allows pressure to even cause a mild outbreak of perspiration, accomplished the coupe de grace. His ailing father was in a hospital but he refused to cower or become intimidated with emotional torment. It was a job waiting to be done and he had the assignment.

The Phils, before taking the count, could only account for five innocuous hits and no runs. In the opening game of the World Series the Phils came out ahead, 2-1, but the men in orange and black uniforms subsequently swept them aside with four successive triumphs.

The Orioles are categorized as a low-budget operation when compared to the Phils, New York Yankees, California Angels and most other clubs. They are basically created from within the framework of their own farm system. But they do, of course, make judicious trades so they can fill in the open places in the puzzle.

They're the Pride of Baltimore.

What this signifies is that it's not necessary to throw money to the four winds if you can think for yourself, know the business you're in and chart a proper course while rivals reach for the panic button.

A conservative career baseball executive, one Henry "Hank" Peters, has provided the main input for a successful organization that now is celebrating a World Series conquest. And the man he picked in Altobelli to make the decisions on the field proved he could more than adequately fill the role of following the eminently successful and often volatile Earl Weaver.

It has been 13 years since the Orioles of Baltimore last won the World Series, but during the interim it has been a team that never embarrased itself and brought continuing credit to the city it represented. The flow of wins far exceeded the number of losses.

They're the Pride of Baltimore.

A special identity, either by design or accident, has come to the Orioles. They have been able to develop or acquire players of minimum ability who fit in with the cast headed by two brillantly skilled youngsters, Eddie Murray and Cal Ripken Jr. But they all make a contribution: that's to be expected.

Murray, stoic and reticent, put it in the kind of perspective that closely embraces the Orioles' philosophy, if they actually have one. "We're not a team made up of just two ballplayers," he said. And Ripken added, "It's a unity concept."

The most valuable player award didn't go to Murray or Ripken but to an over-achieving, irrepressible catcher, Dempsey, who came to the Orioles in a multiple swap the Orioles made with the Yankees in 1976. In addition to Dempsey, they got McGregor and Tippy Martinez.

They're the Pride of Baltimore.

Ford's courage was remarkable in that he was hit on the bill of his helmet with a pitched ball in Game Two and knocked down but got up to hit a home run off Steve Carlton in Game Three. So it was the Phils who were shell-shocked . . . not Ford.

The Orioles, surprisingly, scored a meager total of 18 runs the entire Series, but that was enough to win since the panting Phils only crossed home plate nine times. What ever it takes to win, the Orioles are able to reach back and find.

It's not magic or legerdemain. They have a belief, an inner confidence, that allows them to deal with a crisis, to apprise what needs to be done and find an immediate solution, whether they have glove, ball or bat in their hands. The World Series belongs to them and rightly so.

They're the Pride of Baltimore.

[From the Baltimore Evening Sun, Oct. 17, 1983]

BALTIMORE IS BEST

Gimme an exclamation point!

Gimme the top of Page One, the big font's capital letters, the 10-point rule underline—and center it!

Give me, or the municipal and metropolitan us, the exaltation of victory on the ballfield. Of scoring the most runs and winning the most games. Of playing together best and drawing the biggest number of fans yet. Of turning back the best in the West, of reducing the fame of the National to a dream irrational.

Give us the memory to hold long in mind the year 1983, and the players Al and Cal, Rich and Rick, Jim and Jim and Tim, Benny and Kenny, Mike and Mike, Rhino and Tito and Brother Low, Ed-die and Tip-py and Len-ny. From Joe who managed to Joe who caught. No rhymes for Storm and Sam, for Todd and John and Dan.

Our Orioles!

This concludes, as it happens, 30 years of Baltimore's return to membership in the American League, which it helped found. How much has gone on, since the first of those seasons began. Half a dozen pennants! Half a half a dozen world championships!

Give us—besides the Memorial Stadium reception, the Charles Street parade—charity toward the other cities, which have done less well. And assurance that the big leagues will go on being glad to have a franchise in Baltimore. And awareness that other things go on in the world, now during the happy winter of our content.

O R I O L E S !!!!

[From the Washington Post, Oct. 17, 1983]

ORIOLES TAKE SERIES, BEGIN CELEBRATION

(By Thomas Boswell)

PHILADELPHIA, October 16.—Since they first gathered in spring training in Miami far back in February, the Baltimore Orioles have had a private team catch phrase, a little joke they meant in earnest. Their goal for 1983, they said, was a highlights film with a happy ending.

Today in Veterans Stadium, this Baltimore team that has so often watched a summer of Oriole Magic turn into an autumn of baseball tragic finally got its happy ending—a 5-0 victory over the Philadelphia Phillies in the fifth and final game of the 80th World Series.

With Eddie Murray, their tormented slugger, hitting two Ruthian home runs; with Scott McGregor, their choirboy left-hander, pitching a five-hit shutout; with Rick Dempsey, their irascible firecracker catcher winning the Series MVP award, the Orioles became world champions this evening.

"Aw, now we gotta ride through that stupid parade again," dead-panned veteran Rich Dauer in the champagne glee of the Orioles' clubhouse.

With their convincing victory, the Orioles became the fourth team in Series history to lose the opener, then sweep the next four games. The Orioles, who were last world champions in 1970, also lost the opener of the American League playoffs, then swept three games from the Chicago White Sox. Their specialty all season has been throttling their toughest foes in those teams' own parks. The New York Yankees, Milwaukee Brewers and Detroit Tigers have all gotten that decisive treatment in the last six weeks.

For days, this Series felt like a ticking bomb waiting to explode as both teams' central players—Murray and Philadelphia's Mike Schmidt—suffered through October paralysis from analysis. These two, probably the best players in their respective leagues, were watching each other, too.

In this twilight, the Murray dynamite exploded as he got off two drives that carried 900 feet between them. Schmidt finished the Series one for 20, with no walks and one shattered-bat single.

Murray made a thunderous escape from a two-for-37 World Series slump that extended to 1979, when his zero-for-21 conclusion was a big part of the Orioles' collapse after taking a three-games-to-one lead over Pittsburgh.

As Murray stepped to the plate this evening, the sarcastic Philadelphia chant of "Ed-die, Ed-die" was in his ears for the third straight day. The crowd of 67,064—largest in baseball history here—had converted Baltimore's cheer to a taunt for the cleanup man.

This time, Murray, the silent "O," made the crowd eat its word. In his first at bat against fast-balling rookie Charles Hudson, Murray lined a 430-foot home run high and far over the 371-foot sign in right for the game's first run and the eventual game-winning RBI.

"I thought, 'We struck first, I've broken out before Schmidt,' " said Murray.

After a home run to left by Dempsey in the third inning, a mood had been set. After a walk to Ripken to start the fourth, Murray stepped up again. On the right field scoreboard, 475 feet away, the words "American League RBI Leaders" was flashed. There on the list was "MURRAY 111."

Hudson, who'd watched his fast ball become a disappearing dot so recently, tried to change speeds with a breaking ball. The only thing that changed was the score. Once more Murray could stand at the plate and admire his work. The fielders never moved. Murray's homer landed perhaps three feet above his own name. Is that called leaving your signature on the World Series?

"I thought, 'That's 4-0. That's enough for Scotty. It's all over,' " said Murray. "I'm glad I broke out instead of him (Schmidt). If he'd broken out it would have been all over for us. Schmidt can carry them for three games in a row."

Although Murray's homers were the dramatic hinge of this game, it was still the Orioles' magnificent pitching that carried them through this October. A shutout was the only appropriate conclusion to a postseason in which the Baltimore team ERA for nine games was 1.10, with only 59 hits allowed in 82 innings, and a strikeout-walk ratio of 55-to-19. The Phillies batted a paltry .195 and were allowed only seven walks.

McGregor was routinely superb, pitching like the man who has led the AL in winning percentage since the day he stepped into the Baltimore rotation. After allowing only one Phillie to second base and one to third, McGregor barely seemed excited at game's end. "Oh, you know me," he said with a shrug afterward. "I just don't get very excited about anything . . . I went out and had a good time, threw 'em plenty of change-ups."

The Phillies, who hadn't lost three straight games to the same team in Veterans Stadium since May, were, at last, impressed. For the last several days, the National League champions have been stinting in their praise of the club that was beating them.

In fact, Ray Miller, the Orioles' pitching coach, took it on himself to say this evening, "I thought the Phillie players were very pompous in their attitudes and statements. That might have fueled us. When Dempsey got his first hit, nine guys looked at him like he had no business getting a hit in the World Series.

"I never heard them give us much credit. It was always what they thought they were doing wrong, never what we might be doing right."

By nightfall on this day, the Phillies were rounding into good-loser form.

Asked what the Orioles had done better in this Series, star reliever Al Holland said, "To be quite honest, everything."

"They know how to play the game. They did all the things we would like to have done," said Schmidt. "Every time I wanted to do something, the ball (pitch) wasn't there to do it . . . It seemed they knew my thinking . . . I'm human and when I didn't do well in my first game or two, I started to press . . . I apologize for my performance, not for my effort."

Schmidt, however, could not forget two rocket outs he'd hit in Game 1. "If those two balls had dropped, I'd be rollin' and we'd still be playin'."

"I don't want to sit here and say we were the better team," said outfielder Gary Matthews. "They beat us four straight—three at our park—and if you can do that, you deserve to win."

"The big thing is the overall depth of their starters," analyzed second baseman Joe Morgan. "They just keep running one (good) guy at you after another."

In a sea of celebrating Birds, it was impossible to pick the happiest fowl.

Certainly Dempsey was, by team acclamation, the perfect man to represent them as MVP. After his home run, Dempsey came back with a double in the gap in the fifth and scored on Al Bumbry's sacrifice fly for a 5-0 lead.

"I haven't hit two balls that hard since Texas (in June)," snickered the self-proclaimed best .240-hitter in the world. "In fact, I haven't hit this well since spring training three years ago . . .

"This Series turned out to be a battle of the little guys," grinned Dempsey, recalling how he and his fellow members of the Three Stooges (Rich Dauer and Todd Cruz) had gotten so many of the central hits in every Baltimore victory.

Their depth did not go unnoticed by the Phillies. Schmidt said the Orioles had "25 Mr. Octobers."

If Dempsey's award pleased the Orioles most, then Murray's vindication ranked second. Several players broke precedent and sought him out for encouraging words before the game.

"In the Series, it's hard to be yourself," said pitcher Mike Flanagan. "You're half fighting history and half fighting yourself. I've never seen a team more determined to win than we were today. We really didn't want to go back home. Especially Eddie. In the clubhouse before the game, he yelled, 'Win this one or don't win the Series.'

"Two home runs is mild compared to what I thought he might do," added Flanagan. "He pulled a home run foul his third time up and his single in the ninth was almost another home-run swing."

"I have a stupid habit of being overly aggressive against pitchers I've never seen. I fell back into that old bad habit," admitted Murray. "The last two days, I started taking a pitch to clock the guy."

After Murray's homers, McGregor pitched like a man who had a cab waiting with the meter running. "After I got them in the eighth, I just wanted back out there," said McGregor, who entered the game with a 1.99 ERA in five postseason starts, but only a 2-3 record. "I wanted our guys to go down one-two-three so I could go back out there more quickly."

As the champagne flowed, the Orioles became progressively more giddy. Jim Palmer, asked which team in the AL East reminded him of the Phillies, took a long minute to think, then said, "Boston."

Boston finished sixth.

Shortstop Cal Ripken, 23, beamed, "Get as much as you can while you can. Nothing can happen too fast."

Manager Joe Altobelli received his accolades as well.

Yesterday (Saturday) I saw a man do some managing that I didn't think he could do," said McGregor. "He made about eight moves and every one worked and he came out smelling like a rose . . . I wonder if he wasn't bored all year in the American League with the DH."

Despite Dauer's wise evaluation that "Earl taught us to play, but Joe let us play," this was still a team formed by Weaver and under orders from him. After Weaver's final game as manager last season, he called for a moment's silence in the Orioles' clubhouse after an excruciating pennant race had ended in a final-day, highlight-film-spoiling loss to the Milwaukee Brewers.

After giving his thanks to the team, Weaver gave them an order.

"Win 105 for the next guy," he said.

This year, the Orioles went out and won 98 games in the regular season, three in the American League playoffs and four in the World Series.

That's 105, on the nose.

Mr. MATHIAS. Mr. President, it gives me great pleasure to join in introducing a resolution commending the baseball champions of the world, the Baltimore Orioles.

Sunday evening in Philadelphia, before a worldwide television audience, the Orioles showed why they are the best organization in baseball, clinching the World Series in 5 games with a 5–0 victory. Their triumph typified the caliber of play which they displayed throughout the season—power and speed with strong pitching and solid defense. It was, as always, a total team effort.

During both regular- and postseason play, the Orioles were a team that combined talent with a certain magic to produce over 100 victories. Whether it was a young pitcher from down on the farm, a seasoned veteran with the winning tradition, a superstar, or the seldom used player who delivered the key hit, the Orioles tradition always managed to bring out the best of each member of the team.

The 1983 season saw many spectacular performances by the "Birds," but equally impressive were the performances of the "Birdwatchers." Over 2 million fans flocked to Memorial Stadium to support their team, showing the same great enthusiasm in times of defeat as in times of victory. The Orioles' organization, the fans, the city of Baltimore, and State of Maryland can take great pride in the 1983 season.

In closing, I would like to quote from the Baltimore Sun's lead editorial of yesterday. It says:

ORIOLES

The best of Baltimore. The Paragons of the Patapsco. The Monarchs of Maryland. The Ultimate of the United States.

The Epitome of the Eastern Division. The Apotheosis of the American League. The Champions of the World. The O-R-I-O-L-E-S.

AMENDMENTS SUBMITTED

FEDERAL TRADE COMMISSION AUTHORIZATION ACT

McCLURE AMENDMENT NO. 2326

(Ordered to lie on the table.)

Mr. McCLURE submitted an amendment intended to be proposed by him to the bill (S. 1714) to amend the Federal Trade Commission Act to provide authorization of appropriations; as follows:

Beginning on page 13 line 8 strike all through page 14 line 21 and in lieu thereof the following:

Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(n) The Commission shall not have authority to find a method of competition to be unfair method of competition under subsection (a)(1) if, in any action under the Sherman Act, such method of competition would be held to constitute State action."

The Federal Trade Commission Act is further amended by inserting after section 24 the following new section:

"SECTION 25. (a) In the exercise of its authority under the act to prohibit unfair or deceptive acts or practices engaged in by professionals, the Federal Trade Commission shall not act in any manner which would:

"(1) Result in the invalidation of a State law of such State or any part of such law if such law or part establishes—

"(A) training, education, or experience requirements for licensing of professionals, or

"(B) permissible tasks or duties which may be performed by professionals and which are based on specialized training or education, or

"(2) Constitute an undue interference into functions

"(A) specifically assigned by federal law to other agencies or department of the United States or

"(B) of any court or other instrumentality assigned by state law to supervise the admission and licensure of professionals within that state or

"(C) of any court with final authority within the state to effectively regulate professional acts or practices within that state."

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, AND THE JUDICIARY APPROPRIATION ACT, 1984

COHEN AMENDMENT NO. 2327

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the bill (H.R. 3222) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 12, after line 6, insert the following:

No funds in this title shall be used—

(1) by the Source Evaluation Board for Civil Space Remote Sensing as established by the Secretary of Commerce to develop or issue a request for proposal to transfer the ownership or lease the use of any meteorological satellite and associated ground system to any private entity; or

(2) by the National Oceanic and Atmospheric Administration to transfer the ownership of any meteorological satellite and associated ground system to any private entity.

MARTIN LUTHER KING, JR. HOLIDAY

RUDMAN (AND HELMS) AMENDMENT NO. 2328

Mr. RUDMAN (for himself and Mr. HELMS) proposed an amendment to the bill (H.R. 3706) to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday; as follows:

On page 1, strike out lines 6 and 7, and insert in lieu thereof: "National Equality Day, Febraury 12.".

On page 2, add after line 4 the following new section: SEC. 3. The provisions of section 6103(b) of title 5, United States Code shall not apply to National Equality Day established pursuant to the first section of this Act.

EAST AMENDMENT NO. 2329

Mr. EAST proposed an amendment to the bill H.R. 3706, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "National Civil Rights Day Act of 1983".

SEC. 2. The Congress finds that—

(1) the birthday of President James Madison in March 16;

(2) James Madison played a significant role in the drafting and adoption of the Constitution of the United States;

(3) James Madison played a significant role in the drafting and adoption of the "Bill of Rights" contained in the first ten Amendments of the Constitution of the United States;

(4) the Constitution of the United States is the source of and authority for the laws of the United States and the civil rights and liberties of the citizens; and

(5) the laws of the United States and the civil rights of the citizen guarantee the right or protection of the laws without regard to race, color, creed, national origin, sex, or disability.

SEC. 3. March 16 of each year is designated as "National Civil Rights Day", and the President is authorized and requested to issue a proclamation each year calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

COMPREHENSIVE CRIME CONTROL ACT OF 1983

NUNN AMENDMENT NO. 2330

(Ordered to lie on the table.)

Mr. NUNN submitted an amendment intended to be proposed by him to the bill (S. 1762) entitled the "Comprehensive Crime Control Act of 1983"; as follows:

On page 313, line 1, insert the following new section:

SEC. . (a) The first paragraph of section 506 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by striking out "In order" and inserting in lieu thereof the following:

"(a) COORDINATION WITH OTHER AGENCIES AND DEPARTMENTS.—In order".

(b) Such section is amended by adding at the end thereof the following new subsection:

"(b) RESPONSIBILITY FOR DETECTING AND INVESTIGATING CIVIL AND CRIMINAL VIOLATIONS OF EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS.—The Secretary shall have the responsibility and authority to detect and investigate and refer, where appropriate, civil and criminal violations related to the provisions of this title and other related Federal laws, including the detection, investigation, and appropriate referrals of related violations of title 18 of the United States Code. Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this title and other related Federal laws.".

(c) The title of such section is amended to read as follows:

"COORDINATION AND RESPONSIBILITY OF AGENCIES ENFORCING EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS".

MARTIN LUTHER KING, JR. HOLIDAY

EXON (AND NICKLES) AMENDMENT NO. 2331

Mr. EXON (for himself and Mr. NICKLES) proposed an amendment to the bill H.R. 3706, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That January 15 of each year is designated as "Martin Luther King, Jr.'s Birthday," and the President is authorized and requested to issue a proclamation each year calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

HELMS (AND SYMMS) AMENDMENT NO. 2332

Mr. HELMS (for himself and Mr. SYMMS) proposed an amendment to the bill H.R. 3706, supra; as follows:

At the end of the bill, add the following:

SEC. . Notwithstanding any other provision of this Act, the amendment made by the first section of this Act shall not take effect unless and until the Senate adopts and carriers out the following resolution:

Resolved, that the Senate Legal Counsel, on behalf of the United States Senate, in conjunction with such agencies of the United States as may be advisable, is directed to seek access, by all available legal means, including but not limited to subpoena, to the following:

(a) Any and all records, tapes, documents, files, materials, and other evidence relating in any way to Martin Luther King, Jr. in the possession of the Department of Justice, the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency; and

(b) Any and all records, tapes, documents, files, material, and other evidence relating in any way to Martin Luther King, Jr. and sealed by order of the United States District Court for the District of Columbia, dated January 31, 1977, in the cases of *Lee v. Kelley, et al.*, Civil Action No. 76-1185, and *Southern Christian Leadership Conference v. Kelley, et al.*, Civil Action No. 76-1186; for the confidential examination of the United States Senate;

Resolved, further, that if the above items and materials are too voluminous for confidential examination by the United States Senate in a reasonable time, in the determination of the Senate Majority and Minority Leaders, a Select Committee on Martin Luther King, Jr. shall be established to summarize and present the salient portion of the material for confidential examination by the United States Senate.

Resolved, further, that after examination of and debate on the above materials, the Senate shall affirm by majority vote that it is appropriate to approve a legal public holiday in honor of Martin Luther King, Jr.

DENTON AMENDMENT NO. 2333

Mr. DENTON submitted an amendment intended to be proposed by him to the bill H.R. 3706, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as the "Martin Luther King, Jr., Memorial Commission Act of 1983".

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is established a commission to be known as the Martin Luther King, Jr., Memorial Commission (hereinafter referred to as the "Commission") to formulate plans for the construction of a memorial to Martin Luther King, Jr., and the participants in the American civil rights movement.

(b) The Commission shall be composed of—

(1) two members to be appointed by the President;

(2) one member to be appointed by the President pro tempore of the Senate upon the joint recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate;

(3) one member to be appointed by the Speaker of the House of Representatives; and

(4) one member to be appointed by the Mayor of the District of Columbia.

(c) The Chairman of the Commission shall be elected from among the members of the Commission.

(d) Any vacancy on the Commission shall be filled in the same manner as the original appointment.

(e) A vacancy on the Commission shall not affect its powers.

(f) The members of the Commission shall serve without pay or other compensation, except that—

(1) any employee of the United States who is a member from the legislative branch shall be allowed necessary travel expenses as authorized by law for official travel;

(2) any employee of the United States who is a member of the executive branch shall be allowed necessary travel expenses in accordance with section 5702 of title 5, United States Code; and

(3) any member who is not an employee of the United States shall be allowed necessary travel expenses, including per diem in lieu of subsistence in the same manner as provided under section 5703 of title 5, United States Code, for employees serving intermittently in the Government service.

DUTIES OF COMMISSION

SEC. 3. (a) It shall be the duty of the Commission to consider and formulate plans for the design, construction, and location, in the District of Columbia, or its immediate environs, of a permanent memorial to Martin Luther King, Jr., and the participants in the American civil rights movement. Such Memorial shall be known as the Martin Luther King, Jr., Memorial.

(b) Consistent with subsection (a), the Commission shall prepare a study which will set forth guidelines and recommendations for the design, construction, and location of the Martin Luther King, Jr., Memorial. The Commission shall actively seek the advice of private organizations and individual citizens.

(c) The Commission shall submit the study and recommendations required under subsection (b) to the Congress and the President within two years after the date of the enactment of this Act.

ASSISTANCE BY AGENCIES OF THE FEDERAL GOVERNMENT

SEC. 4. All Federal agencies shall provide the Commission with support and cooperation, including such information, personnel, and technical assistance not inconsistent with the law. The General Services Administration shall provide appropriate office space for the Commission. Administrative service shall be provided to the Commission by the Secretary of the Interior.

STAFF OF COMMISSION

SEC. 5. (a) The Commission may appoint a Staff Director who shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b)(1) In addition to a Staff Director, the Commission may appoint a staff consisting of not more than ten staff members.

(2) Staff members appointed under paragraph (1) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(c) The Commission is authorized to obtain services in accordance with the provisions of section 3109 of title 5, United States Code, to procure supplies, and to make contracts in furtherance of the purposes of this Act.

AUTHORIZATION TO ACCEPT DONATIONS

SEC. 6. The Commission may accept, use, and dispose of donations of money, property, or personal services in carrying out the activities authorized by this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SYMMS AMENDMENT NO. 2334

Mr. SYMMS submitted an amendment intended to be proposed by him to the bill H.R. 3706, supra; as follows:

At the end of the bill, add the following new section:

SEC. . That (a) section 6103 of title 5, United States Code, relating to holidays, is amended by adding at the end thereof the following new subsection:

"(d)(1) Any legal public holiday or any other day declared to be a holiday by Federal statute or Executive order—

"(A) which is established on or after the date of the enactment of this subsection, and

"(B) which does not occur on a Saturday or Sunday, shall be treated as if it occurred on the following Sunday.

"(2) The provisions of paragraph (1) of this subsection shall not be considered to be superseded by any provision of law enacted after the date of the enactment of this subsection unless such provision of law—

"(A) specifically cites this subsection, and

"(B) declares that the provisions of paragraph (1) are superseded.".

(b) Section 6103(b) of such title is amended—

(1) by striking out "with respect to a legal public holiday and any other day declared to be a holiday by Federal statute or Executive order," and inserting in lieu thereof "with respect to holidays subject to this subsection,", and

(2) by adding at the end thereof the following sentence: "Holidays subjects to this subsection are legal public holidays and other days which were declared to be holidays by Federal statute or Executive order before the date of the enactment of subsection (d) of this section or which supersede subsection (d) of this section.".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding hearings on November 2, 1983, beginning at 10 a.m., in Dirksen Senate Office Building, room 124, on S. 1196, a bill to confer jurisdiction on the U.S. Claims Court with respect to certain claims of the Navajo Indian Tribe; and also beginning at 2 p.m., an oversight hearing on the implementation of the Alaska Native Claims Settlement Act (Public Law 92-203), and Shee Aitka, Inc.

Those wishing additional information should contact Paul Alexander or Jerry Reichlin of the committee at 224-2251.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. COHEN. Mr. President, I wish to announce that the Senate Oversight of Government Management Subcommittee will hold hearings on Computer Security in the Federal Government and the Private Sector on Tuesday, October 25, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, and on Wednesday, October 26, at 9:30 a.m., in room 628 of the Dirksen Senate Office Building.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a nomination hearing for Bruce Beaudin and Nan Huhn to be associate judges for the Superior Court of the District of Columbia on Wednesday, October 19, at 10 a.m., in room SD342 of the Dirksen Senate Office Building. For further information, please contact Ms. Margaret Hecht at 224-4751.

Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on S. 1746, the Freedom from Government Competition Act, on Tuesday, October 25, 10 a.m., in room SD342 of the Dirksen Senate Office Building. For further information, please contact Mr. Link Hoewing at 224-4751.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, October 18, at 2 p.m., to hold a business meeting to consider the nomination of Gen. Paul W. Myers to be placed on the retired list at the grade of lieutenant general.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUTRITION

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Subcommittee on Nutrition, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, October 18, at 9:30 a.m., to hold a hearing to receive testimony on State implementation of food stamp program reforms recently enacted by Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Mineral Resources, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Tuesday, October 18, at 10 a.m., to hold a hearing to consider S. 1634, a bill to amend the Mineral Lands Leasing Act of 1920, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE MUTUAL GUARANTEE BUILD-DOWN

● Mr. HEINZ. Mr. President, during the course of the last year much debate has occurred about how to best proceed in our attempt to negotiate a mutual and verifiable arms control treaty with the Soviet Union at the strategic arms reduction talks.

There has been a vast outpouring of public support for the concept of a mutual nuclear weapons freeze as proposed by my distinguished colleagues Senator HATFIELD and Senator KENNEDY.

More recently much attention has been focused on the concept of a "mutual guaranteed build-down," originally introduced by my distinguished colleagues Senator PERCY, Senator COHEN, and Senator NUNN, and cosponsored by myself.

Though many have attempted to draw a distinction between these two approaches I believe that they share some very basic common objectives: an end to the arms race, a more stable strategic environment, and the negotiation and ratification of a mutual and verifiable arms control treaty.

The reality we confront is that a total freeze on the development, production and deployment of all nuclear weapons by either superpower is not imminent. Our choice therefore is to either reject or embrace an interim proposal such as the mutual guaranteed build-down which not only constrains the strategic modernization process but also can dramatically reduce the number of strategic warheads held by both superpowers. The build-down should not be seen as an alternative to the freeze, but rather a complement to it. It offers a way to significantly contain the arms competition between the superpowers while at the same time not impeding the pursuit of the larger goal—the elimination of all nuclear weapons.

A seven-point arms control program which combines the concept of a nuclear freeze with a mutual guaranteed build-down was recently proposed by my distinguished colleagues Senators COHEN, NUNN, and PERCY.

These seven points of this expanded build-down proposal are worth enumerating because they represent a creative way of achieving both dramatic reductions in strategic warheads—and strategic stability:

First, there should be an immediate ceiling on the number of ballistic missile warheads.

Second, there should be an immediate ceiling on the overall destructive capacity of the strategic forces of both sides at existing levels.

Third, there should be a guaranteed annual build-down in the number of ballistic missile warheads.

Fourth, the build-down rules should create incentives favoring stabilizing systems—in particular small, single warhead ICBM's—and should penalize destabilizing systems such as MIRV'd ICBM's—for example, by requiring the destruction of three warheads for each new warhead on a MIRV'd ICBM.

Fifth, there should also be a second guaranteed annual build-down in the overall destructive capacity—megatonage—of the strategic forces, missiles, and bombers, of both sides.

Sixth, the agreement should not prohibit or discourage measures which enhance survivability.

Seventh, the United States should seek an immediate agreement with the U.S.S.R. on a build-down as a framework and precursor for a detailed START treaty.

In essence, a bipartisan group of my Senate colleagues have recognized that in order to give the build-down an opportunity to work it is necessary that both the Soviet Union and the United States freeze at their current levels the number of strategic nuclear warheads in their arsenals.

However, to freeze at current levels and allow 8,000 to 9,000 ballistic missile warheads on each side to remain in place simply is not good enough. These excessive levels can successfully be reduced using the concept of a build-down not only to seek dramatic reductions in the number of warheads to a level of 5,000 strategic warheads, as proposed by my colleagues, but also to create the incentives necessary to induce both superpowers to move away from their reliance on destabilizing land based MIRV'd missiles with a first strike capability.

The expanded build-down recognizes that we must move toward reliance on weapons with a high deterrent value, or, in other words, weapons which neither can effectively initiate nor will invite a first strike.

Let me address the often overlooked but critical issue of stability.

By now it has become clear that our arms control efforts must focus on the reduction of warheads, specifically multiple warheads—MIRV's—on Soviet and American Land-based missiles. The proliferation of MIRV technology has been the single most destabilizing event in the arms competition between the Soviet Union and the United States. When both nations had the opportunity to ban MIRV technology they failed to do so. Now it is clear that if we are to eliminate the temptation or chance of a first strike by either side, or the possibility of accidental nuclear war, we must begin to limit, reduce, and ultimately eliminate all land-based MIRV'd missile warheads—and their MIRV launchers. Successfully phasing out MIRV'd weapons is by far our best opportunity to halt and reverse the arms race once and for all.

In addition to reducing the number of land-based MIRV'd warheads, there are other elements essential to reaching our goal of achieving strategic stability. The practical arms control question remains: How do we convince the Soviet Union to move away from their large MIRV'd land-based missile force—weapons with a first strike capability—to a reliance on weapons such as single warhead land-based missiles, submarines and/or bombers which can neither effectively initiate nor invite a first strike? How do we move away from a strategic environment which taken to its logical conclusion, would place the destruction of the world on a hair trigger by having a huge number of MIRV'd land-based missiles ready to launch on warning facing each other within a very few years.

The build-down concept proceeds from the assumption that if we are to achieve a more stable strategic environment, some existing systems that are destabilizing will have to be replaced with less threating alternatives. Also, the build-down recognizes that some limited, carefully defined, strategic modernization must occur, but allows it only at a price. In effect, the rule established is that there can be no strategic modernization without sacrifice: For each new warhead deployed, two older warheads must be retired. I believe this principle would enforce a much needed discipline upon Soviet and American leaders and halt strategic modernization simply because the respective military establishments want their wish lists fulfilled.

Achieving strategic stability does not mean a blank check for unlimited modernization. It does and should mean replacing weapons which because they cannot survive, increase the pressure on a government to strike first in a crisis. Less vulnerable weapons such as single warhead missiles bombers and submarines are essential to the mutual restraint on which peace and security rest.

Achieving strategic stability will be no easy task. The fact is the Soviet Union is not going to overnight give up its highly destabilizing, large force of land-based MIRV'd missiles to achieve an American concept of strategic stability. It will have to know that the United States is willing to move in a similar direction and be willing to trade away weapons systems in which the United States currently enjoys a technological lead, such as bomber technology, cruise missiles and submarine missile. The carefully defined modernization which the build-down advocates would allow both superpowers to move away from the unstable highly MIRV'd strategic environment which currently predominates. Modernization under the terms of the build-down is, in fact, synonymous with the elimination of weapons possessing a first strike capability.

In order to create an incentive against the deployment of land-based MIRV'd warheads—or any other MIRV'd weapons with a first strike capability—I have proposed that a stiffer build-down penalty should be imposed for such deployments. Rather than requiring that two warheads be retired for each new MIRV'd warhead deployed, I believe we should insist on three or four warheads being retired in exchange for the deployment of each land based MIRV'd warhead.

I believe that in addition to providing a freeze on all strategic nuclear warheads it is also important that the United States propose a specific timetable during which all MIRV'd land-based missiles would be dismantled in favor of single warhead land-based missiles. This would achieve: First, a dramatic decrease in the number of warheads; second, major decrease in the vulnerability of the land-based missile forces on both sides; and third, and vast reduction in the military "profitability" of any exchange thereby significantly reducing the chance of nuclear war. Because of the Soviet commitment to MIRV'd land-based missiles, it may be necessary to allow them two or three new single warhead missiles for each MIRV'd land-based missile dismantled. Should enough confidence be built up in this process, eventually the negotiated limitations on land-based MIRV technology could be applied to submarine-based MIRV technology.

Throughout the course of ongoing negotiations, different kinds of confidence building measures should be ratified as separate treaties in order to keep a high level of confidence in the arms control process. These measures should include enhanced communications procedures in times of crisis, formal exchanges of high level personnel, the establishment of prescribed dates and times for any weapons tests and onsite observation of weapons tests and test sites.

As a necessary catalyst, I believe that the time for Soviet Premier Andropov and President Reagan to convene a high level summit conference, is necessarily approaching. I believe such a meeting would be important in providing the START talks some much needed momentum. That is why I have cosponsored Senate Resolution 107 calling upon the President of the United States and the Premier of the Soviet Union to meet as soon as possible, but no later than November of 1983, when intermediate range ballistic missiles and cruise missiles are scheduled to be deployed in Western Europe. This meeting would be for the purpose of negotiating significant,

mutual, equal, and verifiable reductions in strategic and intermediate range missiles and warheads.

Let me take a moment to discuss the Kennedy-Hatfield freeze.

At the outset, let me reiterate what I have said many times before; namely, that I believe a mutual, freeze on strategic nuclear weapons would be preferable to the unconstrained arms race, and, with the understanding that it would not apply to the special circumstances of threaten nuclear weapons in Western Europe, it is a proposal I could support. However, I am not convinced the Kennedy-Hatfield freeze is the best approach to achieving peace and stability, and I believe it has some problems we should not ignore.

First, a freeze on all testing, development, and deployment of nuclear weapons would include important elements that could not be verified quickly enough to stop the arms race. Without elaborate onsite inspection procedures, which the Soviets have never agreed to it would be virtually impossible to stop the development and testing of new weapons technologies in laboratories. Without access to factories the activities of weapons production lines would be difficult to verify. How would countermeasures such as antisubmarine warfare technology be frozen? How would the use of modern computers to enhance the accuracy of strategic nuclear warheads be limited? What kind of maintenance and modernization be allowed for each weapons system. There are just a sampling of questions that will be asked about hundreds of weapons systems. I believe the result could be a protracted, highly politicized series of negotiations which will fail to build confidence in the arms control process.

Second, the proposed nuclear freeze would preclude increased reliance on inherently more stable systems, such as submarines, whose invulnerability enhance deterrence. Under the terms of the freeze, if the United States discovered a defect in its current fleet of submarines which made them easy for the Soviets to detect and therefore increased their vulnerability, the defect's elimination would be prohibited. Banning such actions would undercut strategic stability.

Thus, rather than creating a more stable strategic environment a freeze could perpetuate the existence of a highly unstable environment in which land-based MIRV technology predominates. Put another way, freezing the current nuclear balance of terror will prohibit the development of an incentives for the Soviet Union either to negotiate or to move to more stable strategic systems, thereby deemphasizing the first strike capability embodies in their large MIRV'd SS-18 and SS-19 missiles.

Finally, I believe that a freeze which included European theater weapons would pose serious dangers for the cohesion of the NATO alliance. The decision of the NATO Council of Ministers in 1979 to proceed with a nuclear modernization program was recently reaffirmed at the Williamsburg conference. In large part this reflects European concerns about the current Soviet nuclear domination of Western Europe, achieved by their deployment of over 345 SS-20 missiles and 1,000 warheads targeted on Western Europe. Because NATO has no comparable weapons, European heads of state believe it is highly unlikely that the Soviets will seriously negotiate reductions in these weapons unless they are faced with the prospect that the NATO modernization effort will proceed on schedule.

While I obviously have reservations about the Kennedy-Hatfield resolution, I nonetheless believe that the concept of a nuclear freeze has been very valuable and can be used in concert with the mutually guaranteed build-down—to achieve dramatic reduction in strategic nuclear warheads, while at the same time enhancing strategic stability. The concept of a nuclear freeze has forced our Government and the Nation to focus attention on thinking about how to stop the nuclear arms race and reduce the possibility of nuclear war.

These are goals we both share. If there is a difference in approach it is probably because of my belief that the best way to achieve our common objective is through a negotiating process which emphasizes the elimination of the most dangerous weapons and recognize that if we are to eliminate these weapons we may have to tolerate some limited carefully defined modernization effort.

In closing let me emphasize my conviction that a deep commitment must be made by this and future administrations to the arms control process. The road leading to a world free of the threat of a nuclear war is a long one. Nevertheless, we must travel that road determined to succeed in our mission.●

FEDERALISM AND EDUCATION

● Mr. MOYNIHAN. Mr. President, on September 25, 1983, my distinguished colleague from Minnesota, Senator DURENBERGER, delivered an address to the National Conference on Financing, Excellence and Equity in Education. I wish to call the attention of my colleagues to Senator DURENBERGER's remarks on federalism and education, and ask that the full text of his speech be printed in the RECORD.

The speech follows:

SPEECH BY SENATOR DAVE DURENBERGER TO THE NATIONAL CONFERENCE ON FINANCING, EXCELLENCE AND EQUITY IN EDUCATION

I am going to begin this discussion of education with a few remarks on one of my other favorite subjects—federalism. Over the past two-and-one-half years, I have served as the Chairman of the Senate Subcommittee on Intergovernmental Relations and have become convinced that federalism is fundamental to most of the policy questions we ask today. Federalism is, in fact, the fundamental methodology of our domestic policy.

Most of you are probably familiar with a few of the major landmarks in our federal system. Over the last four or five decades, federalism has been focused on the grant-in-aid programs of the national government to the exclusion of most other questions. Hundreds of programs designed by the Congress . . . paid for jointly by the national government and state and local government . . . which deliver every conceivable public service to 225 million Americans . . . and with the national share, alone, costing $90 billion every year.

It has been called "cooperative federalism." But it is a land of conflict. A struggle for authority between the Union and the states and it is no secret that the national government, armed with the grant-in-aid, has been winning the war. We use the conditional character of the grant—the "here's some money, if you do this" character of the grant—to control the policies and priorities of state and local government. Seeking equal opportunity by attaching it as a requirement to educational grants. Seeking environmental protection by attaching it as a requirement to construction grants.

In this land of conflict, every president since Eisenhower has wanted to be a peacemaker. Every president has announced some major reform program, the newest peace initiative being President Reagan's "single, bold stroke" to realign responsibilities and resources in our federal system. Reagan's plan has met much the same fate as earlier proposals—it languishes in a Congress more responsive to the narrow interests than the broad principles of our form of government.

Looking back over the history of failed federalism reforms—back to the Eisenhower Joint Federal-State Action Committee, the Johnson Great Society, the Nixon and Carter welfare reform proposals—it seems to me that it is the failure to understand the principles of federalism and to elevate them to a higher level of value that has caused our system of government to get more and more complicated and more and more conflictual as each administration comes and goes.

So, in response to the Reagan federalism initiative, I tried my hand at writing a set of principles that would guide our efforts to sort out the intergovernmental system and bring peace to the landscape of domestic policy. What we need, it seems to me, is a set of principles that describe the responsibilities of the national government. Tell us, what are the fundamental national purposes and we can go from there to sort out our complicated inter-governmental system.

It's been a long time since this country wrote a complete statement of national purpose. Article I, Section 8 of the Constitution contains a long list of activities that define the powers of Congress. Secure patents. Build post roads. Establish weights and measures. Raise an army. Punish piracy. Coin money.

When you read Article I, Section 8, it strikes you as a very Eighteenth Century list. But for a long period in our history, it was believed that this list exhausted the legitimate activities that could be lawfully pursued by the national government. In-

cluding this list in the Constitution was an attempt by the founders to limit the reach of the national government by specifying its powers. And nowhere is education mentioned.

In 1854, President Pierce vetoed the first grant program passed by the Congress, arguing that its purpose—assistance to the insane—was beyond the reach of Article I, Section 8. That view didn't last. There is another clause in Section 8—Congress has the power to spend money to promote the general welfare—which has proved the undoing of the founders' intent.

Since the time of the Morrill Act passed during the Civil War, our first grant program and it was for education, the whole of the federal government has been launched from the single clause. We are in some sense without principles to determine the appropriate allocation of responsibilities in our federal system because the Congress can do as it chooses by spending money in the form of a conditional grant-in-aid.

Writing a set of principles that completely defines the purposes of the national government is not an easy task. I suppose that anyone could produce a long list of favored programs that they want continued. But as our experience with Section 8 makes clear, narrowly drafted powers will not stand the test of time. The challenge is to write general principles that are also limiting principles. May I suggest ten.

The first three are clearly constitutional concerns. They reflect the issues that brought the founders to Philadelphia and include the specific powers of Section 8.

The national government has the responsibility to secure the individual rights and liberties guaranteed by the Constitution to all Americans.

The national government has the responsibility to defend American interests and conduct foreign relations in the community of nations.

The national government has the responsibility to promote economic growth and regulate interstate commerce.

The next five proposals I would describe as public administration principles. They focus on efficiency and effectiveness in the conduct of government. Defined tightly, they are intended to counter the notion that whatever is a problem everywhere . . . is thus a problem for the national government. The national government should not be assigned responsibility for a problem simply because that problem is widely experienced. That two of every five bridges in this country are deficient does not make bridges a national responsibility. But there are domestic purposes—widely experienced problems not easily resolved by state and local officials—that the national government ought to take on. My five public administration principles are designed to identify those problems.

The national government has a responsibility where significant savings can be realized by operating a central program. Research and development is the typical case.

The national government has a responsibility where effective intervention cannot be achieved by the states acting alone. The classic example is the FBI, established to combat organized crime.

The national government has a responsibility where significant benefits spill over to citizens in several states. Wilderness protection and the preservation of our cultural heritage are the best examples.

The national government has a responsibility when national policies impose extraordinary costs on some states or regions of the country. I think of refugee assistance.

The national government has a responsibility when competition among the states keeps them from implementing programs that would make all better off. I think of the unemployment compensation program. No state, except Wisconsin, could impose a payroll tax to support that system until the federal government stepped in and created a uniform national system.

The last two of my ten principles have been at the heart of the federalism debate over the last year-and-one-half:

The national government has a responsibility to ease the disparities in fiscal capacity among the states. That the national government has a role in mitigating fiscal disparities is a principle already established. Many of the existing grant-in-aid programs and most of the big ones, include some measure of fiscal capacity in the formula used to allocate assistance dollars.

And finally, number ten, the national government has a responsibility to provide for the income security of all Americans. Our goal as a nation should be to achieve as much income security as possible—for as many Americans as possible—through earnings and savings. But social insurance and public assistance are also necessary national purposes. Just as we would not seek full employment through uncoordinated state programs, just as no one would propose turning social security back to the states, for the very same reasons financing public assistance—welfare—is part of the national responsibility for income security.

When you lay these ten principles as a yardstick against the hundreds of existing federal programs, some surprises pop up. First, the principles are oriented to people meeting the needs of people, not the needs of places. The hardware of our society—the infrastructure as it is called these days—does not stick out as a preeminent national concern. Bridges don't have constitutional rights, sewer plants don't need an education.

The second thing that is quite surprising is that where we have a clear federal purpose, we tend to accomplish the mission with a wholly federal agency rather than through some intergovernmental grant-making mechanism. The FBI, the Park Service, the Social Security Administration, and so on.

It might sound heretical coming from the Chairman of the Intergovernmental Relations Subcommittee, but one lesson I have learned from the effort of writing these principles is that we could do with a lot less intergovernmental relations. Our job at the federal level is not to design in detail the systems that deliver services, but primarily to assure that people have access to those services. We could do a lot less on the side of empowering state and local governments to deliver and a lot more on the side of empowering people to consume and to choose among services, and still very ably meet the goals that we identify for the federal government.

I have spent some time laying all of this theory on you to make a very simple point. The business of the federal government is largely people and their ability to develop their talents and meet their needs. But we have chosen over the years to fulfill those responsibilities by dealing with places—state and local governments. That choice—the choice to do everything on an intergovernmental basis, and I mean everything whether the national government has an interest or not—has created a confused and conflictual system of government that is not doing any part of its task well now.

And that judgment applies nowhere more accurately than in the field of education. What of education? Is it a national purpose or not? I see it all through the ten principles: See it in a way that it has always been seen in our society. It's in part a constitutional responsibility—securing the rights guaranteed by the Constitution. It is part of the responsibility to promote economic growth. And it is most certainly tied to the federal responsibility for income security.

But how in our tomorrows we discharge that responsibility is largely your challenge, not mine. If you leave it to the President and the Congress, we will give you more grant programs—for math and science or merit pay today and God knows what tomorrow. I would like you to tell my colleagues in Washington we need to do more to empower people to choose.

When I was in Minnesota in August, I had the opportunity to meet and visit with a number of young people in nonprofit alternative education summer programs in Minneapolis and St. Paul. These young people, many of them disadvantaged, have attempted to enhance their lives by coming together through a variety of organizations. Their level of knowledge and concern for issues, such as education and war and peace, made me accutely aware of their capabilities.

The recurring message I heard at those meetings was, "Why aren't there alternatives for learning?" Their statements reinforced my conviction that we must reassess our educational policy if we are to provide these young people with the necessary skills and self-confidence they need to flourish in our society.

In making the necessary assessment, we must also ask ourselves, "What is education?" and "How do we go about the process of educating our citizens?" Education is the process of developing God-given talents into an individual influence on the people who make up society. It is an individual process that only I can learn—the process of being educated.

Educating, however, is not necessarily an individual process. We can be educated in a number of different ways—by another individual, by our families, by our society, by our community. Society has designed institutional arrangements to ensure its individual members an adequate education because education is a process by which society expands, proves itself, grows and moves its culture along from one generation to the next.

The institutional arrangement we know best in our particular culture is the family—the interplay between parent and child and the extended family of relatives.

But we also educate through the community, that is the combination of families providing greater information and skills in a community, through community institutions like the church, and what we have come to call nonprofit institutions. The most successful nations of communities prospered by the involvement of government in raising the standards and capacities of community education. Nevertheless, government involvement in education remained at the community level.

I am sure you are familiar with the television programs, Little House on the Prairie and The Waltons. They remind us of the virtues and practices that expanded this nation of little communities into the strongest nation on earth. Those communities took great pride in their schools and educat-

ing their young people. Because of the cohesiveness of the community, the school was able to provide individualized instruction to the students attending. Similarly, the parents fostered and nurtured education at home. Little thought was given at that time to government involvement in education processes beyond the local level.

In fact, in the very early days of our country, there were frequently no "public schools" but there were numerous private and parochial schools, as well as informal institutions that delivered education to the public. This was "public education" in those early years.

How did we get from where we were then to where we are today—which is some combination of those roots and some 58,000 little governmental entities, 50 big ones, and one giant one educating our children? We did it by committing ourselves to equality and accessibility. First, equality dictated that there be true governmental schools for everyone. Second, there had to be an equivalent or equal school for those we didn't consider equal—racial minorities, for example, and the trainable-mentally retarded handicapped, and women. Finally, we mandated that everyone had to participate in the process of education for some period of their lives, whether they wanted to or not. This was coupled with a mandate that parents could be punished for not participating in the quality, accessibility, and compulsory education programs of the government.

With all this in place, we enormously expanded the quality of public education because we were able to provide school buildings, teachers, and time to learn for practically everyone in this country. In the process, however, "public education" came to mean education that is delivered by professionals, administered by administrators, with policy determined by part-time school boards, full-time bureaucrats, local property taxes and lately state legislators.

In the last decade or two we have some good news and some bad news. The good news is that we are now treating everyone, regardless of sex or race, to an equal dose of our education system. The bad news is that despite the equality, our educational product is presumed to be declining.

I do not believe that the way to achieve excellence in education is to simply pour more federal grant dollars into the inefficient system of education which we have established. The current national debate which has centered around federal spending on education is, in my opinion, misguided and inappropriate. What should be debated instead is how we can best achieve efficiency and excellence in education through a wise investment of our earnings, savings, and taxes.

Some of my political associates find the only inefficiency in elementary and secondary education in America to be the absence of prayer and tuition tax credits and the existence of a national Department of Education.

I now believe the President of the United States, like many Americans, is coming around to realize the problem with the quality of education and the solution to that problem lie in one simple word: CHOICE. The lack of choice has caused the failure in our educational system. Providing choice to every American will restore educational greatness.

We in Minnesota are fortunate to have an educator who has shared his thoughts and experience on educational greatness with us. Joe Nathan has expressed his conviction in his recent book, "Free to Teach." This thought-provoking book leads the reader to ask many fundamental questions about our educational system.

Do our public schools challenge our students?

Do our public schools prepare students for the future?

Do cost-efficient methods exist to improve the public schools?

Are there sufficient incentives to adopt these new methods?

Is our society well served by continued funding of inefficient schools?

Must this society accept more attractive and effective educational programs for the rich?

After addressing these fundamental questions and sharing his invaluable experiences, Joe concludes that we must restore individual choice to education if public education is to succeed. To make choice effective the consumer must come equipped with not only a choice of providers, but the financial ability to make his or her choice effective. We can do so through a system of vouchers, loans, tax credits and grants. We have had experience with all. The weakness in tax credits or deductions is we have no track record on refundability. But we do with vouchers for Medicare, housing, food stamps, and other public services. These changes facilitate choice on behalf of millions of Americans and this, in turn, has translated into improved quality of health care, housing, and nutrition.

Hopefully, we will design a national voucher financing program—not national vouchers. Education is a national priority, but its provision is a matter for community design. As a result, the financial access will be provided for those with the largest public financial burden. At the present time, that burden remains with the states. Accordingly, it is at the state level, rather than at the national level, that a voucher system could be designed to be administered at the community level.

Financing consumers would relieve families from the limitations of residential location. A state voucher program combined with a state-level tax source to finance it could eliminate property taxes as a source of local control and improve some of the existing inter-community fiscal disparity which plagues many states, particularly in older parts of the United States.

I also believe consumer financing and the increased competition would stimulate enthusiasm and increased professionalism amongst the teaching profession. In no other profession are those who actually deliver the service unable to reap the rewards of their efforts. Doctors, lawyers, dentists, all professionals must answer to their respective clients. In turn, however, they are rewarded for excellence. The teaching profession should be no exception.

Vouchers, while my preference, are not the only way to stimulate choice in education. Tuition tax credits are part of that opportunity of choice and Minnesota has been the persistent leader in that regard for almost thirty years.

Minnesota has shown how due respect can be shown for the efforts of our founding fathers and the First Amendment. The United States Supreme Court has endorsed Minnesota's plan and last week the United States Catholic Conference and the major umbrella group for private schools, the American Council on Private Education, also endorsed the Minnesota concept. They, too, have concluded that inclusion of public school students is imperative if Congress is to pass a constitutional and acceptable tuition tax credit bill.

To be perfectly frank, I have my doubts whether we are going to pass tuition tax credit legislation this year, because I have my doubts that there will even be a tax bill. I know, with a $210 billion deficit and a $1.6 trillion debt this year, and a $180 billion deficit staring us in the face for each of the next three years, we will be raising tax revenues, not reducing them.

While I may have my doubts about the passage of a tax credit bill, I have no doubts about the form it must take in order to survive constitutional challenge.

I have already signaled my intent not to support tuition tax credits unless they apply to all and cover fees and expenses.

I believe we are all charged with the responsibility of searching for ways in which we can improve our educational system. We must not ignore the lessons taught by our founding fathers. The system which they established in this country has made us the strongest society in the world. Their commitment to the individual and their belief in protection of choice and liberty should serve as an example as we ponder how we might achieve excellence in education.

But a commitment to national purpose is a must. Breaking our tie to the mandate-financing shackles of IGR is also a must. The need to empower people rather than institutions is paramount.

The challenge that awaits us is great, but the rewards that will flow from such excellence will ensure continuation of the tradition of our forefathers (and mothers).

Thank you.●

IMF HELPS AMERICAN JOBS

● Mr. HEINZ. Mr. President, I would like to call my colleagues' attention to a recent article in the Philadelphia Inquirer which is titled, "IMF Bucks: Where Many of Them Stop is Here." This article examines how IMF funds lent to other nations also aids the U.S. economy. Although this article is a short review of a complex problem, it does point out that trade with nations that rely on IMF funds has a direct effect on U.S. jobs. At a time when the economy is recovering from a deep and prolonged recession, it is imperative that Congress provide renewed funding for the IMF in order to prevent an even greater worldwide financial crisis.

Mr. President, I ask that this article be printed in the RECORD at this point.

The article follows:

IMF BUCKS: WHERE MANY OF THEM STOP IS HERE

(By Diana Henriques)

WASHINGTON.—Prosecutors trying to crack the tough political corruption cases of the last decade used to advise their investigators to "follow the money."

That is also a useful way to assess the significance of the 1983 annual meeting of the International Monetary Fund (IMF) and the World Bank, according to regional bankers and finance officials who gathered here for the sessions last week.

And if you follow the money that has dominated the week-long discussions, some of it leads back to Philadelphia and the Pennsylvania economy.

More than $147 million of the funds that the United States and other nations have contributed to the World Bank and the International Development Association (IDA) has found its way into the Pennsylvania economy in the last five years.

The World Bank and the IDA, a World Bank affiliate that lends money to poor nations at generous terms, pay for projects in those nations and contract for goods and services to carry them out. Some of those contracts have been won by Pennsylvania companies.

For example, U.S. Steel earned nearly $7 million in 1982 on World Bank projects. Wheeling Pittsburgh Steel Corp. received $4.2 million on World Bank projects. Westinghouse Electric Co. operations in Pennsylvania earned $2.7 million on development projects financed by the bank and another $452,000 on IDA projects last year.

In addition, Pennsylvania's share of all World Bank and IDA disbursements to U.S. companies has gradually been edging upwards reaching 5.5 percent of the $849.7 million paid to U.S. companies in 1982, according to World Bank figures.

There was no agreement last week on future IDA contributions, which would be submitted to Congress for approval in the spring.

The Reagan administration wants to hold the IDA funding level to a total of $9 billion, paid over the next three years—a position it holds alone, with most of its industrialized allies urging a figure of $12 billion to $13 billion.

A. W. Clausen, the president of the World Bank, has sought approval for three-year contributions totaling $16 billion. Although the issue has been eclipsed by congressional debate over the level of U.S. financing for the IMF, the dispute over the U.S. contribution to IDA has drawn considerable criticism from the world's less-developed nations.

Clausen urged the United States to be more generous. He conceded it would be a "tough fight" for the Reagan administration to win a larger IDA contribution from Congress, but added. "I believe the administration can really get what it wants to from Congress . . . if [Reagan] really works for it."

Much attention was also paid last week to Brazil, which owes an estimated $92 billion to governments, central banks and private banks around the world, including banks in Pennsylvania.

A new $11 billion package of government and private-bank loans was put together last week for that country, temporarily defusing its debt crisis.

First Pennsylvania is just one of the large banks in the Philadelphia area that have extended loans to Brazil. Philadelphia National Bank (PNB) has Brazilian loans of about $23 million. Mellon Bank in Pittsburgh reported Brazilian loans of at least $35 million at the end of 1982.

In exchange for the new credit. Brazil must meet IMF conditions and submit to IMF monitoring during the term of the loans. "The role of the IMF is crucial, because if it isn't there setting these conditions, the banks just won't lend," explained Charles Coltman 3d, senior vice president at PNB.

These conditions include taking steps to cut Brazil's 150 percent annual inflation rate, cutting the built-in cost-of-living increases in the Brazilian wage structure and reducing the role of government in state-owned industries and projects.

The package also requires the approval of the 800 commerical banks, which were represented in the negotiations on Brazil by William Rhoades of CitiCorp in New York.

In his closing remarks Friday, Jacques de Larosiere, managing director of the IMF, offered arguments for his contention that the bankers should approve the deal worked out during the conference.

The recent improvement in Brazil's trade balance has been "extremely sharp, not to say spectacular," de Larosiere said. "And we have a mechansim for early warning [about problems], which reinforces the likelihood of success. That has helped the government and the bank to agree."

There is less panic now, among bankers with loans outstanding in Latin America, according to U.S. Treasury Secretary Donald T. Regan, who said the mood of the IMF sessions this year was "much more positive" than was the mood at the 1982 meeting in Toronto, when the Mexican debt problem dominated the IMF talks.

Leonard A. Caldwell, executive vice president of First Pennsylvania Bank, agreed that the sharpest fears of last year's IMF session has eased. But, he said, the worry about Brazil persists.

And Brazil is not the only problem facing regional bankers when they look at Latin America. Frederick Heldring, deputy chairman of PNB and Coltman toured four Latin American countries this year, and both said the Brazilian case held "the key" to resolving debt problems in Argentina, Venezuela, Chile and other Latin American countries.

Heldring further warned that world trade—which relies in many instances on IMF or World Bank funds—affected U.S. jobs. Noting that U.S. exports to Latin America constituted about 40 percent of U.S. foreign trade, Heldring told a group of Georgetown University students during the IMF conference. "This is really a pocketbook issue for everybody."

"You had better listen to me," he added, "because if this whole financial system falls apart, you are going to have a much tougher time getting a job."●

PROTECTING THE EFFICIENT FROM THE INEFFICIENT

● Mr. HEINZ. Mr. President, I wish to bring to my colleagues' attention an eloquent and timely speech recently given by Richard P. Simmons, president and chief executive officer of Allegheny Ludlum Steel Corp. The speech, delivered to the Cleveland Rotary Club on September 22, 1983, is titled "The Contradictions of Free Trade," and it is an expert examination of the devastating effects of so-called free trade policies on the specialty steel industry.

Under the cloak of free trade, the past several administrations have allowed the specialty steel industry to be seriously injured by subsidized foreign steel imports. I have witnessed efficient, technologically advanced specialty steel companies being driven literally out of business by less efficient, government-subsidized foreign companies. Without a concerted effort by both the administration and Congress to strengthen U.S. trade laws and enforce existing trade policies, the specialty steel industry in this country may well vanish under the wave of subsidized foreign steel.

Supporters of free trade cite the lower costs benefits to consumers of imported steel. This advantage, however, is heavily outweighed by the damage inflicted on our economy over the long term. Imported, subsidized steel means lost American jobs, taxes which are never paid, greater unemployment costs, and growth which will never be realized.

Mr. Simmons has proven himself to be an excellent manager of a profitable company which has been successful despite the dumping of imported steel. He has not sought assistance for inefficient or mismanaged companies, but he speaks clearly of the need to maintain the competitive balance of the specialty steel industry against foreign producers—to protect the efficient from the inefficient. His remarks remind us all of the need to restore fair market competition to this vital industry.

Mr. President, I ask that Mr. Simmons' speech be printed in the RECORD at this point.

The speech follows:

SPEECH BEFORE THE CLEVELAND ROTARY CLUB, "THE CONTRADICTIONS OF FREE TRADE," SEPTEMBER 22, 1983, BY RICHARD P. SIMMONS, PRESIDENT AND CHIEF EXECUTIVE OFFICER, ALLEGHENY LUDLUM STEEL CORP.

I have been described by a friend who happens also to be a Washington lawyer involved in the trade area as having become the ultimate cynic. That's quite a lofty perch for anyone to aspire to—but ultimate or not there is little doubt that I have indeed become a cynic. Anyone who has interfaced with government over a long period of time cannot but be a cynic unless he is a fool . . . perhaps not as much of a cynic as those in government themselves, but a cynic, nevertheless. My feelings about the contradictions of Washington are best described by a story. Tell Story.

When a speaker is needed to defend the "protectionist" side of the international trade debate against the forces of darkness, "the free traders," I frequently am invited. I'm not sure whether that is a compliment or merely a reflection of the predictability of my position in the trade war that has raged for several years. In any event, thank you for inviting me to speak about trade and in providing me with a platform to present my viewpoint. Today, however, while my major points will not change, I intend to give a different speech, one that I have never given before, one that may make some in the audience uncomfortable, but one that I believe should be given if we are to be honest with one another.

And for those who do not know me. I should admit with some chagrin that my thoughts are not universally applauded in government circles or by some of my colleagues in the steel industry. Some believe I say things better left unsaid. So I apologize if I offend anyone. I have not set out to do so. On the other hand, I am prepared to defend my position against all comers at any time and any place. And I will fight with every means available to ensure the survival of my company, the 5,000 jobs it

represents as well as the manufacturing sector of the U.S. economy.

Having spent thirty years in the steel business, for the last eleven years as president of Allegheny Ludlum Steel—the largest Specialty Steel company in the United States—it is emotionally draining to witness the industry's slow and systematic destruction as a significant force in our economy. I am filled with many emotions as I have watched these last ten years as a full participant in the trade war, battle after battle . . . skirmish after skirmish. Emotions that have at one time or another been optimism, hope, expectation, followed by bitterness, anger even rage and, finally, realism, pessimism, pragmatism, cynicism, and recognition—recognition that what so many of us who fight the trade battle fight for may be no more attainable than the "Impossible Dream" of the Man from La Mancha.

No, I do not contemplate performing the ancient ritual of throwing myself on my sword to prove my worth today, but I would like to describe frankly and honestly what the issues involving world trade are all about and what role our government plays, how it plays it, and what we can expect from it.

First, my firm, Allegheny Ludlum, is not on the brink of bankruptcy. We are profitable. We were modestly profitable last year and we are more profitable this year. But we do face a serious specialty steel import problem and have for fifteen years. Together with other specialty steel companies we have won a myriad of subsidy cases, antidumping cases, escape clause cases since 1971. We have proven injury countless times and received minimal relief. Yet, Allegheny Ludlum still plans to double its fixed assets within five years. We have continued our recruitment of engineers and scientists having spent and continuing to spend over 2 percent of our sales dollar on research and development. We expect to earn a return on investment equal at least to the manufacturing sector of our economy depressed as that may be.

These comments are not intended to brag * * * we have no need to. Rather they are to establish a context for you to interpret my comments. The point is, I am not here begging for sympathy for my company. Allegheny Ludlum will survive and prosper if anyone does and if—and this is a crucial if—we are not forced to continue to compete against business enterprises which do not have as an imperative—as we do—the need to operate at a profit.

I should say for the record I am not here to speak in behalf of obsolete or inefficient U.S. companies which cannot compete. Their banner should be hoisted by others. While I sympathize with those who cannot compete in a free market competition, while I understand the pain that results to everyone involved, no one ever said that the free market system was painless. To the contrary, the free market is the ultimate ruthlessness: The efficient survive, the inefficient fail and disappear.

I am against local content bills which protect the inefficient. I am against U.S. government subsidies—the same subsidies which we oppose in foreign competition. I am against protectionism per se as a distortion of our system. Frankly, I oppose some of the more protectionist measures proposed by my colleagues in the carbon steel industry unless based on U.S. trade laws.

The problems that the steel industry faces are problems a long time in the making. And I believe the problems will be a long time in the solving, and in the process more steel companies will face grave difficulties. Some may go bankrupt, of that I am convinced. What I am not convinced of is whether out of all of the pain and agony suffered by communities, employees, and shareholders, there will come a result worthy of such pain. As I said at the start, I have become a realist, a pragmatist. And I have learned to my dismay that in matters in which our government is a vital participant that "Good" does not always win out over "Bad." To the contrary, the political process and its ability to deal with complex economic problems—and international trade is one, does not suggest optimism when the track record is studied.

In looking back at over ten years of interface with the government process, I am amazed at how naive I was at the beginning . . . and how naive many U.S. businessmen remain. The normal expectation of a businessman when seeking to use the legal process to obtain redress for injuries caused by foreign competition; or to pursue assistance in dealing with trade problems which are as I have defined them—to simply get government support for the enforcement of U.S. laws—is that our government would be sympathetic to our problems. Nothing could be further from the truth. To many in government we are an irritant. We are cry babies. We are inefficient. We are obsolete. We are paid too much. We are poor managers. We are fat cats. Worst of all, we are protectionist. Regardless or whether we are or not, we are sunset industries when the popular cry is "sunrise" and "high tech." We are not injured by imports . . . and if we finally prevail and prove that U.S. laws are being violated . . . the penalties levied by our government bodies are either de minimus or so late in coming as to be ineffective. And by definition justice delayed is justice denied. In international trade cases, it is delayed and denied.

One of the great misconceptions in this country is that our government speaks with one voice. In the case of trade, particularly in the case of trade, it speaks with many voices, so many so that it speaks with no voice. In any trade case involving a presidential decision and this includes the very important Specialty Steel trade case decided by the President in July, let me walk you through the various outposts of influence.

First, it is necessary to understand that any trade case which would involve imposition of any trade restraint regardless of the nature of the restraint—or the justification—will be opposed by the State Department, the Treasury Department, Office of Management and Budget, Justice Department, and Council of Economic Advisors. In ten years, I do not know of a single trade case which was ever supported by any of the above mentioned departments of government. Each department has its own justification for opposing relief of any kind and the common thread which ties them together is a kind of mafia which has as its overriding belief—"free trade until death"—no relief under any circumstances, for any reason.

The economists who hold positions of policy making importance in every department of government, have come and gone in amazing numbers over the past ten years and four administrations. But in one respect, there has been no change. Free trade and only free trade is the glue which binds together these men throughout our government. It is a religion—and it is a bad religion.

Most free traders and economists in government believe that dumping is good—and they would repeal or at the least leave unenforced—our trade laws. The theory of those who believe in this fashion is simple. Dumping is good because it permits the consumer to purchase goods at prices lower than they could otherwise. If the dumping is possible only because of government subsidy . . . In the long run, the governments can't continue to subsidize. They dismiss as irrelevant the fact that there are offsetting costs to the economy which may more than offset the savings to consumers; that even efficient technologically advanced companies cannot survive as long a time as a government can continue to subsidize; and to me that is what—in its most elemental form—the trade issue is all about. For if efficient, technologically advanced U.S. companies can be driven out of business by less efficient foreign companies it is difficult to be optimistic about the future.

It is this fundamental point that this free trade Mafia which has such power is unwilling to accept. Supported as they are by the editorial policies of the Washington Post, The New York Times, and yes, The Wall Street Journal, this cabal is able to bring tremendous political influence to bear on any decision which smacks of protectionism and they never let facts—unassailable facts—get in the way of their commitment to free trade.

Then how do we ever win a trade case? Very simply, by presenting overwhelming and convincing evidence to the remaining departments of government and by bringing to bear political influence by enlisting the support of influential members of Congress who help win the hearts and minds of those that are close to the President. This process is unchanging regardless of the party in power. The faces change in the departments of government. The President changes as administrations change, but the scenario has not changed in the twelve years I have been involved in the matter of Specialty Steel trade. The free trade bias of the economists of virtually every department of government can be measured by its intensity and its constancy.

Fortunately, in recent years and particularly in this administration, we have had even-handed treatment by the Commerce Department and by the Department of Trade—the Special Trade Representative's office. They have made an honest attempt to see that our laws are enforced and meaningful remedies implemented. Having made and won our recent cases, we won their support justifiably. Unfortunately, they could not carry the day against the array forces of darkness, and so in the case of flat rolled Stainless Steel we won but we lost in terms of meaningful relief, and so you wonder why I am a cynic.

To document my case concerning this free trade Mafia, let me read from the August 15, Washington Post concerning the President's decision in the Houdaille machine tool case.

"Furthermore, the Cabinet officials had agreed that the facts justified Reagan's authorizing of unfair-trade charges against the Japanese, although there was a group of self-described white-hat pure free-traders who, on ideological grounds, vehemently opposed taking action.

"The Houdaille case remains important today nearly four months after the White House decision, because it shows most vividly the confused and inconsistent nature of administration trade policy.

"The Houdaille case also illuminates the sharp differences within the administration between ideological free-traders and a more pragmatic group that espouses free-trade principles but believes that since few, if any, other nations practice it, the best the United States can hope for is 'freer trade' or 'fair trade.'

"At most of those meetings it was Brock and Baldrige against the world," one high administration official said.

"They were strongest on the side of Houdaille against the 'white hats' of the Office of Management and Budget, the Council of Economic Advisers and Deputy Treasury Secretary R. T. (Tim) McNamar. The State Department generally favored Japan, * * *"

The free trade-protectionist debate is always fought within the government by free traders on extreme positions. The issue is always inefficient American businessmen, greedy ones, incompetent ones trying to keep out efficiently produced, technologically advanced products demanded by American consumers. Such people invoke the name of Adam Smith and his disciples as justifications for unfettered free trade—even if it is not free and even if it is not based on comparative advantage.

Let me examine the steel trade issue and attempt to reduce it to its most elemental issue. Let's first examine the charges and the blame for there is much to spread around—enough for all.

First, let's agree that those of us who are identified as management are guilty of some terrible decisions. Instead of shutting down off water plants, distant from markets of the 60's, 70's and now the 80's investments were made incrementally in many of these plants, unwilling or unable to shut down such facilities many of which were the only employer in some communities. The steel industry, should, had they understood the changing dynamics of steel costs and prices, instead have invested in a few state of the art primary plants which could feed more distant finishing facilities closer to the market demand. Of that charge, the steel industry is guilty.

Second, perhaps the steel industry should have anticipated the sharp decline in demand for steel initiated first by the trauma of the auto industry and now the capital goods industry as well. It does not matter that no one else including the Japanese anticipated the wrenching changes which have occurred since 1974.

Third, we should not have let employment costs reach present levels taking strikes which in the 60's our own government would not let us take. But are clearly guilty here.

Fourth, we should have invested more rapidly in new technology and improved productivity more quickly—even if this meant reducing shareholder dividends sooner.

These are most of the charges leveled against the steel industry and the Specialty Steel Industry in its recent battle—even though untrue in the case of specialty steel by those who would obscure the basic issue.

So let's eliminate any steel plant not located on a deep water port; let's eliminate plants which cannot operate at 80 percent capacity because of location or market demand; let's eliminate plants and companies which have a product mix which is labor intensive; let's eliminate any plants which do not employ state of the art technology, and what then do you have? You have a few integrated carbon steel plants in the United States which ought to be able to compete with any in the world, right? No—wrong. Wrong because even the Japanese cannot earn even a marginally acceptable rate of return on investment in the most modern plant in the world. Except for the aberration caused by a world shortage of oil country goods in 1979-1981, Japanese firms earned less than a two percent return on invested capital over a five year period.

And the reason is simple. Most of the world's capacity is now government-owned or subsidized and its products do not have to meet the test of profit or capital formation.

It is for reasons such as this that I refuse to debate trade issues in simple "black hat-white hat" terms. I refuse to accept the thesis that there are only two polar positions in this grand debate regarding international trade and that a person must be either a free trader or a protectionist. I believe there is a rational position which is neither of the extremes. But those within the government who oppose relief will have none of it. And I charge that such people are at the least intellectually dishonest when they refuse to draw a distinction between the efficient and the inefficient.

If I can make a case that even efficient technologically advanced U.S. companies which face such competition will not survive in such a fight, the debate is no longer a debate between free trade and protectionism. The debate, the issue, becomes one of whether our nation's manufacturing infrastructure, high tech or otherwise, can survive over the long run.

If I make no other point today, I hope that I make this one clearly. This is really the battleground—instead of the seductive, enticing beauty of free trade—as free traders would have you believe. If efficient, productive U.S. companies cannot survive because of the kind of distortions promoted and supported by free traders, then what is left but the funeral for our free market system. And if our system does not survive, those that champion free trade—even when subsidized—will bear a heavy burden of responsibility.

You might ask, and properly so, says who? Who says you are efficient, productive, technologically advanced? And that's why 1983 has been such a monumental year. Because the President of the United States in speaking of the Specialty Steel Industry said it, and let me quote:

"The injury to the domestic specialty steel industry is clear. The Specialty Steel Industry is an efficient, technologically up-to-date and export-oriented branch of the steel industry * * * regarded as an advanced, innovative and competitive industry, specialty steel producers in the United States have tended to be more profitable than the industry as a whole and far more so that most of their major competitors abroad.

"Nevertheless, the industry is facing an unprecedented challenge to its continued prosperity, and a number of its member firms are fighting for survival * * *"

If you are willing to accept the findings of the President (whose trade representative conducted the investigation) and the U.S. International Trade Commission and the U.S. Commerce Department then perhaps you may be concerned, as I have been for ten years, that it is not just the inefficient who do not have a chance and that is a frightening realization. It is not just a problem of poor management, or high labor costs, or obsolescence or lack of productivity.

It should also be frightening to you to know that in spite of the President's findings that Treasury, State, OMB and CEA fought bitterly to the end to reduce the relief finally imposed by the President to an insignificant minimum. In spite of the unassailable facts, the free trade Mafia would not—could not—support meaningful relief as required by U.S. law.

Implicit in any investment decision made by the private sector is the belief that the investment decision will enhance the worth of the corporation or more specifically will provide or protect a rate of return which exceeds the available rate for a riskless investment if properly selected and if properly executed by those making the investment.

A businessman functioning in the free market must be willing to accept the penalty of failure if he wishes to enjoy the rewards of success—and we in the specialty steel business are willing.

For import sensitive businesses like steel or more important to me specialty steel, however, that may not be the case. A company may be technologically advanced, productive, cost competitive and still be driven out of business in today's world of international competition. Without reward as a result when success is achieved, our private sector mechanism no longer motivates (indeed, no longer works). When this concept does not work or is not permitted to work for external reasons independent of the efficiency of the venture, it results in uncertainty and this must inevitably lead to less investment or even disinvestment.

But doctrinaire free traders will have none of that. They are unwilling to address that issue. Their case is simple. Any import is good if it is sold at lower price than domestic products notwithstanding that the only reason may be, as it is in the case of specialty steel, because of the trade distortions caused by government ownership, government subsidies, sales below cost, sales which are predatory, sales at prices which would violate U.S. law if a domestic corporation practiced the same predatory policy.

This idealistic quest for inviolate free trade, without compromise pursued by the free trade Mafia is no more achievable than was the impossible quest of Don Quixote. Unfortunately, the ripple effect of this kind of policy affects entire industries, communities, companies and tens of thousands of employees and their families.

My adversaries will respond as they always do by accusing me of crying "wolf" over every little violation. If I am perhaps overly blunt, it is because I have witnessed, for fifteen years, my industry being destroyed, systematically, by such predatory policies. I have witnessed companies driven out of business, companies driven to bankruptcy, administration after administration fail to develop a coherent trade policy and to administer our laws, weak as they are. Who says so? Secretary of Commerce Baldrige was quoted in the September issue of Business Week as saying, "We still don't have an overall trade policy. We've got a series of ad hoc policies." I agree . . . I agree.

Those identified with "free trade" positions make an eloquent case. Goods are produced presumably in the part of the world which can most efficiently produce those goods. Goods are traded back and forth presumably with each nation doing what it does best. Each nation benefits from trade flows based on comparative advantage.

Those who are displaced from their jobs and businesses because of foreign imports are sufficiently mobile (in this classic economic model) to move to other economic

sectors which enjoy a comparative advantage and can thus compete.

But what happens if trade flows are distorted? What are the natural consequences if an increasing number of trading nations restrict trade flows into their nations and distort comparative advantages by subsidizing trade flow out of their nations? Is this not a negative sum game for anyone on the wrong end of the transaction?

The free trader would point out that imported goods offered at lower prices than domestic goods of equal quality offers benefits to consumers and in effect raises the standard of living. To him it matters not "how" or "why" the goods are offered at lower prices than domestic goods of equal quality. The fact that such goods are available is good—inherently. Comparative advantage, while seminal to the original concepts of free trade, is not relevant to those committed to the precepts of free trade.

As one well-known free trader said to me, ". . . if the British government wants to subsidize the American consumer by subsidizing specialty steel exports to the U.S.—that's good." The most short sighted aspect of that statement is the willingness of the free trader to ignore comparative advantage—to sacrifice efficient companies on the altar of cheap imports—even if they are subsidized. The free trader counts the "first order" savings to the consumer while ignoring the "second" and "third order" costs to our society measured by jobs lost, taxes not paid, unemployment benefits and other welfare costs, investments not made, profits lost, R&D curtailed, growth which never takes place—even to companies like Allegheny Ludlum which have remained profitable—the insidious and incremental weakening of our corporate fiber.

I believe that protectionism which protects against illegal, subsidized trade does not contravene the concepts of "free trade." I believe that free trade which implicitly accepts the concepts of comparative advantage, indeed insists that trade among nations be based on comparative advantage, is a vital ingredient if we are to have a growing, competitive economy. But I believe also that there are clear, unassailable examples of subsidized trade which violate our laws, weak as they are, which cause massive incremental, cumulative and permanent injury to this nation.

You may describe me as a "free trade-protectionist," committed to the same protection under U.S. law that I would have from any domestic competitor who attempted to drive me out of business illegally.

Yet these same laws firmly embodied in the U.S. economic system, intended to protect U.S. business against illegal (and by definition monopolistic or predatory) domestic competition, offer no aid when the illegal, monopolistic act (and no less damaging) is committed by a foreign company.

As important as the survival of Allegheny Ludlum Steel may be to me (or even the entire Specialty Steel Industry), the stakes are far higher than the survival of this high technology, competitive industry.

The real question is whether any business can compete or be expected to compete and survive against world businesses which do not have to meet our disciplines of profit and capital formation. If competing systems do not have to meet our disciplines or our laws, does our economic system have a future?

I would like to pose the question: Can our system—the market system—long endure if we place in doubt the rewards that should go with success measured by technology, cost competitiveness and efficiency? If foreign competition can for long periods of time distort the price in the marketplace only because they are financially supported by their government, it is difficult to be optimistic about the future for any U.S. business required to compete in such an environment. And to those who say over the long run foreign governments cannot continue to subsidize, I say—they can far longer than my firm can.

Can we not and should we not ask those who insist on viewing the trade question in simplistic terms (of) "free trade" versus "protectionism": Is the former always the good guy? Is the latter always the bad guy? I don't believe all imports are bad. Indeed, when they meet the test of comparative advantage they add to the wealth of this economy. But at the same time I don't think protectionism is all bad when it is used to protect American jobs, American companies and American self-interest from predatory practices against which we have no workable defense.

This grand debate as I refer to it must resolve ultimately the question of U.S. economic competitiveness in a world where only the U.S. places its business at a material disadvantage. Does the term "free trade" have relevance in a contest where the players play by such different rules?

And so I have no optimistic statements with which to close my comments today. No optimism to mislead you into thinking I believe that in the end our industry and our economy will triumph, or that we can expect much meaningful help from our governments.

The awakening of other industries, like aircraft and electronics to the same problem we in specialty steel have faced for so long, offers some hope. For steel as a whole, it is difficult to be optimistic. I believe, barring a war, that the industry will continue to contract over the next five years unless a meaningful, workable trade policy is developed and implemented.

In specialty steel we shall continue our fight against less efficient, less competitive foreign competitors which exist only because of government subsidies. We shall continue to fight against the free trade Mafia I have described—inside and outside of government—which refuses to make the distinction between true competition and the distortion caused by government subsidies around the world. And without a tremendous awakening on the part of the voters in this country and businessmen like you who may not have been faced with this kind of subsidized and targeted competition, the manufacturing sector of this economy will be destroyed—incrementally over time—but it will be destroyed. The only real hope I can offer is that there may still be time for some. But only business people like you all over this country can change the present script of this modern tragedy . . . and it is indeed the third act.

Only if the leaders of business and industry are willing to make the distinction between efficient and inefficient companies and to speak out for the kind of action which it will require—can I be even slightly optimistic.

While trite, it is true. The bell tolls for thee as well.●

OUTER CONTINENTAL SHELF

● Mr. JOHNSTON. Mr. President, in less than 2 weeks we will celebrate the 10th anniversary of the Arab oil embargo which marked the beginning of the energy crisis. The ensuing shortage resulted in a dramatic runup in crude oil prices, and caused an unprecedented worldwide recession.

During that 10-year period, the United States was the only producing nation whose crude oil production went down. We are now beginning to see our crude oil imports begin to rise. With regard to natural gas, last year marked the resumption of a decade long trend in which we failed to find as much natural gas we consumed. Virtually every industry expert that I know is predicting a severe natural gas shortage within as little as 2 years.

It is against this backdrop that we must consider what we are about to do on the OCS. Roughly half the oil and gas we will need by the year 2000 has not yet been discovered. Estimates are that 59 percent of future domestic crude oil discoveries and 39 percent of future domestic gas discoveries will be made offshore. As if this task were not great enough we are now about to make it more difficult through unprecedented OCS withdrawals.

Mr. President, such actions thwart the procedures established under the Outer Continental Shelf Lands Act Amendments of 1978. That piece of legislation was as thouroughly considered as any to come before this Congress. It was passed three times in the Senate and twice in the House. Twice we had a conference report. There were a total of 13 days of hearings and 13 days of committee markup in the Senate. The House had an ad hoc Select Committee on the OCS which drew from four standing committees. We consulted a wide range of government and private studies on the issue, including the University of Oklahoma's "Energy Under the Ocean." Finally, on September 18, 1978, the measure was signed into law by Jimmy Carter, one of the most environmentally aware presidents that this country has ever know.

Now, with no hearings, no markups, no consideration by any of the jurisdictional committees, and based upon a random smattering of evidence, we are about to withdraw from future production in some cases permanently, ocean lands with enormous, untapped energy resources. We do so in the face of declining production and heightened tensions in the Middle East, and we do so based not upon grounds of legitimate protection of other ocean resources but largely upon esthetic and political grounds, and we do so in a blatant circumvention of the ordinary legislative process.

I wish to express my vehement objection to this procedure, and announce my intention to resist to the utmost any similar attempts in the future. If the OCS program needs to

be reviewed, then let us review it in a thorough rational way with full consideration by the proper committees. We spent too long on and gave too much thought to the provisions of the OCS Lands Act amendments to now undertake unwarranted and haphazard withdrawals. If the last 10 years has taught us anything, hopefully it has taught us a better way.●

NIGERIAN DEMOCRACY NEEDS U.S. SUPPORT

● Mr. KENNEDY. Mr. President, it is important for us to take note of a recent victory for democracy in Africa—Nigeria's recent elections this past summer. While Nigerians voted to reaffirm their commitment to democratic institution and their constitutions, the current severe economic difficulties compound the challenge of sustaining and strengthening democracy.

As Prof. Jean Herskovits observed recently in the New York Times, Nigeria urgently needs the IMF stabilization funds to meet its foreign debt schedule and to maintain economic stability. I share her conclusion that "unless the administration and Congress can separate our own domestic politics from decisions about IMF funding we will undermine a Nigerian democracy that needs time to forge stability." I submit Dr. Herskovits' important article, "To Ease Nigeria's Debt Crisis," to be printed at this point in the RECORD.

The article follows:

[From the New York Times, Oct. 6, 1983]

TO EASE NIGERIA'S DEBT CRISIS

(By Jean Herskovits)

As the United States and the other International Monetary Fund members wrangle over Washington's contribution to the Fund, the organization risks jeopardizing one of its key roles—stabilizing the economies of developing countries beset by global recession. The Fund renounces any political role or political criteria for lending, but its support is sometimes vital for recipient countries trying to consolidate democracy. It must not now abandon this role in Nigeria, where a fledgling democracy is trying to weather severe economic difficulties.

On Oct. 1, the 23d anniversary of Nigerian independence, Shehu Shagari began his second four-year term as President. In five weekly elections starting in August, Nigerians affirmed their four-year-old American-style Constitution. The elections, although marred by fraud and violent incidents, were a victory for democracy—a victory that surprised many skeptics. But this is not the end of the test: More challenges to democracy lie ahead—at a time of economic malaise.

Nigeria depends on oil exports (it is our second-largest supplier) for 90 percent of its foreign exchange. The country has been hard-hit by the oil glut brought by world recession, and its $14 billion debt seriously threatens economic planning and the people's expectations. The Government has been looking to a projected I.M.F. program to help it get through its debt crisis.

For the moment, Nigerians are still preoccupied with the elections—the violent incidents that followed the Presidential vote and the fraud in balloting, voter registration and authorization of polling places. There were, however, no detentions, preventive or otherwise, and President Shagari is adamant that Nigeria shall not have a single political prisoner. Paradoxically, the fraud can be interpreted as evidence of Nigerians' commitment to democracy: Local party members often did their rigging with an eye to 1987 elections, positioning themselves to stake claims based on what they "delivered" this time. What is clear is that President Shagari won with strong support throughout the country—an important mandate for what the Constitution dictates must be his last term.

His greatest challenge will be to reassure Nigerians that the state can provide democracy and social justice. Several continuing lawsuits over some of the election results are helping to dispel uncertainties about the voting. But he must also meet explosive charges that elected and appointed political figures have prospered, often unethically, while millions of already poor Nigerians bear growing hardships. In his first term, he launched an as yet rhetorical campaign against corruption, but he himself despairs at how hard it will be to eliminate it. This term he must do more.

He also insists that this time he will choose his own Cabinet and advisers: no lists from party branches, no lobbying on the basis of results delivered. His party has a majority in both Senate and House, and his nominations and programs will meet less obstruction than when four opposition parties together held the majority.

But to succeed, his programs must be accompanied by economic stability. The President recognizes this and accords economic questions a top priority. Even during the election campaign, he did not lift tough austerity measures, meeting some of the conditions for a $2 billion I.M.F. program even before negotiations were begun. Yet there is a limit to what he can do. Although oil revnues are improving as the world moves out of recession, the slowness of recovery, global conservation and quotas set by the Organization of Petroleum Exporting Countries mean that Nigeria's foreign debt problems will not disappear quickly, despite the basic soundness of its economy.

An imminent agreement with the I.M.F. was expected to open the way to solutions. Instead, for the first time ever, a lack of funds threatens to halt all of the Fund's new stabilization programs. The obstacle is America, the only major contributor failing to authorize its quota subscription, thereby threatening the Fund's liquidity. Nigeria will be an immediate victim.

Nigerians have never asked a foreign country to solve their problems, nor do they now. But they are entitled to ask that those who say they value democracy do not compound those problems. Unless Americans look beyond what they wrongly perceive as economic self-interest—and unless the Administration and Congress can separate our own domestic politics from decisions about I.M.F. funding—we will undermine a Nigerian democracy that needs time to forge stability. that would serve neither Nigeria's interests nor our own.●

SOVIET UNION DENOUNCED FOR DESTRUCTION OF KAL FLIGHT 007

Mr. LUGAR. Mr. President, the brutal destruction of Korean Air Lines flight 007 has had a profound effect on our Nation. This tragedy has spurred reactions from across the Nation, politicizing and uniting people and organizations in a most remarkable outpouring of anger and horror.

One group, the General Federation of Women's Clubs, with 10 million members, was meeting in Toronto in early September. At that time, outraged by the action of the Soviets, they put aside their other business to adopt a resolution denouncing the Soviet Union and calling for specific responses from the Soviet Union and the world.

I think their resolution is an important statement, and I commend it to my colleagues' attention.

The resolution follows:

RESOLUTION

Whereas on September 1, 1983, the Soviet Union shot down an unarmed civilian commercial Korean Flight 007 airliner with 269 passengers, men, women, and children, and

Whereas the penetration of Soviet air space was intentional and possibly due to a navigational error and

Whereas the Soviet Union tracked the Korean aircraft for more than two hours, and therefore, had sufficient time to make proper identification and

Whereas the Soviet Union has stated they would repeat this appalling act if someone strayed over their air space again and

Whereas the General Federation of Womens Clubs, an international organization of 10,000,000 women has always been concerned about Human Rights and Values, and

Whereas this murderous act constitutes a grave violation of Human Rights, therefore:

Resolved The General Federation of Women Clubs gives full support to President Reagan's demands that

1. The Soviet Union make a public apology

2. The Soviet Union make reparation to the families of the murdered passengers

3. The nations around the world suspend Soviet flights into their country and ban flights from their country to the Soviet Union for 60 days, and

4. The Soviet Union cooperate in an International effort to avoid future barbaric acts.

Presented to the GFWC Board of Directors Meeting by the G.F.W.C. Resolutions Committee on September 9, 1983, Toronto, Ontario, Canada.●

BUILD-DOWN WOULD NOT STOP THE BUILDUP

● Mr. KENNEDY. Mr. President, after long delays the Reagan administration has now incorporated the proposal for a nuclear weapons build-down into its third formal START proposal in a little over 1 year. This proposal, calling for the deployment of new nuclear warheads while destroying old ones in larger numbers has been presented as a stabilizing method for reducing the inventory of nuclear warheads in both the United States and the Soviet Union.

The weakness of this argument is apparent from the numbers alone.

The administration's planned deployment of 100 MX missiles, each carrying 10 warheads, would require a reduction of 2,000 existing warheads—most of the currently existing land-based nuclear warheads in the United States. This could leave the remaining warheads potentially vulnerable to a Soviet preemptive first strike.

Herbert Scoville, former assistant director of the Arms Control and Disarmament Agency and Deputy Director of the CIA, and a strong advocate of effective arms control and a verifiable nuclear freeze, has written a persuasive article pointing out the basic flaws in the build-down proposal. I ask that Dr. Scoville's article, "Build-Down (-Doom?)" appear at this point in the RECORD, and I hope that my Senate colleagues will consider his convincing arguments when considering the merits of the build-down proposal.

The article follows:

[From the New York Times, Oct. 11, 1983]

BUILD-DOWN (-DOOM?)

(By Herbert Scoville)

WASHINGTON.—Observers on both the right and the left have nodded approvingly toward President Reagan's "build-down" proposal for simultaneously reducing and modernizing our strategic forces. This is not surprising: Liberals and conservatives alike are drawn to the idea because it would allow the procurement of new weapons while reducing the total numbers in the stockpile. People on both sides see it as a laudable compromise and do not notice that it totally fails to address the key goal of arms control—to reduce the risk of the outbreak of a nuclear war. Nor, apparently, do they understand that it is President Reagan's latest attempt to subvert the arms control movement and buy Congressional support for the MX missile system.

Even if build-down could be turned into a practical measure—something its backers have failed to accomplish in its nine-month gestation period—it would not increase the stability of the strategic balance so long as no restrictions are placed on new multiple-warhead missiles such as the MX. It will only make it more likely that the MX and comparable Soviet missiles, such as the SS-18 and the new SS-X-24—all capable of carrying 10 warheads—will be used in a first strike.

The Congressional supporters of a build-down, such as Senators William S. Cohen and Sam Nunn and Representatives Les Aspin, Albert Gore Jr. and Norman D. Dicks, have pushed this concept on the Administration as their price for supporting procurement of the MX and as their justification to arms control constituents for doing so. They argue that their proposal will increase stability. In fact, together the MX and build-down would inevitably produce instability.

All one has to do is to put a few numbers into the build-down proposal and its emptiness becomes obvious. In order to make a build-down proposal attractive to arms controllers, its backers have tended to call for the destruction of two warheads for each new warhead added to the stockpile. In the interest of selling the proposal to arms controllers, the Administration avoided any specific ratio in its recent announcement. But unless this ratio is 2 to 1 or higher, the proposal will do little to reduce the number of weapons deployed.

Why? The Administration is calling for the deployment of 100 MX missiles carrying 1,000 warheads. Using the 2 to 1 ratio and assuming that we will deploy 100 MX's, then 2,000 warheads would have to be withdrawn from the existing stockpile. This would require the removal of 550 Minuteman III's, each with three warheads, and 350 Minuteman II's and Titans, each with one warhead. The total number of land-based missiles or launchers in the United States strategic stockpile would be reduced from 1,050 to 250—a cut in potential Soviet targets by more than one-quarter.

What this means, in effect, is that the United States will lose its relatively secure land-based force: The much smaller remaining number of American missiles will continue to be housed in admittedly vulnerable Minutemen silos—and would be a very attractive target for a Soviet pre-emptive attack. This is particularly true since a large fraction of the remaining missiles will carry warheads designed to have the accuracy and yield to threaten Soviet intercontinental ballistic missiles.

Nor can the problem be solved by requiring a similar build-down on the part of the Soviet Union. Indeed, the threat to the United States' deterrent will be greatly magnified if Moscow chooses not to dismantle SS-18's with 10 warheads or to replace its older smaller missiles with SS-X-24's. Even if the Kremlin does not replace the older missiles but merely keeps its SS-18's and destroys some of its older missiles in order to reach the 5,000 warhead total or the 5 percent per year cut proposed by President Reagan, the United States' land-based missile force will be much more vulnerable than it is today. Of course, Soviet missiles will be similarly vulnerable, so the pressure to start a nuclear conflict will be even greater.

There is no way of getting around the basic fact of missile life that replacing missiles having one or only a few warheads by missiles with 10 warheads will lead to a more vulnerable and dangerous situation. Reductions that do not involve cutting the number of warheads per missile will lead to less stability—no matter what kind of a Christmas package one wraps them in. Yet every single proposal that the Reagan Administration has put forward at the strategic arms reductions talks ignores this obvious fact. Unfortunately, the lesson is also lost on many Congressional enthusiasts eager to have their finger in some arms control pie, even if it means supporting the MX missile—and thus increasing the chances of a nuclear war.●

IN CELEBRATION OF NIKOS KAZANTZAKIS' 100TH ANNIVERSARY OF HIS BIRTHDAY

● Mr. KENNEDY. Mr. President, in commemoration of the 100th anniversary of the birth of Nikos Kazantzakis, the State of Massachusetts proclaimed the week of October 10-16 as "Nikos Kazantzakis Week."

Nikos Kazantzakis, the world renowned Greek author of more than 30 books of drama, prose, poetry and philosophy, whom most Americans know from his book "Zorba the Greek," was internationally respected both as a writer and a statesman. He fought for human dignity, freedom and social justice through rich and exuberant portrayals of simple and sincere people. Until his death in 1957, Kazantzakis was actively involved in many social and political debates. He sought to further the mutual understanding of people worldwide in his extensive travel series reflecting the vitality and the intellectual freedom of the people of Europe, Asia, and Africa.

In Massachusetts various cultural and educational events were organized in his honor this past week. Last Friday, on October 14, his widow Helen Kazantzakis delivered a lecture entitled "Kazantzakis and Freedom" at Harvard University.

Having visited Nikos Kazantzakis' grave site in Crete 8 years ago and been moved by this great man's words, I am proud to join in the centennial birthday celebration and to remember once again his invaluable contribution to the universal struggle for human dignity, freedom, truth, and social justice.●

CLINCH RIVER—CONSERVATIVES STILL SAYING NO

● Mr. HUMPHREY. Mr. President, the supporters of the Clinch River breeder reactor project and of the alternative financing plan for this project like to think they have the support of those who back the development of nuclear power. Yet, there is one major group of nuclear power supporters—conservatives—that have made it very clear that they do not support continued Federal aid to the Clinch River breeder reactor.

Conservative opposition to the project first surfaced 2 or more years ago when several prominent conservative Republican Members of the House and Senate spoke out against Clinch River. Their complaint is simple. Continued Federal support of the Clinch River breeder reactor no longer makes any economic sense, given the glut of cheap uranium and the low growth in nuclear electricity demand. If the commercialization project made any sense, the private sector would be willing to support the project beyond the 9-percent commitment it has pledged.

The backers of the project recognized these objections when they consented to increase the amount of private cost-sharing for the project. Their new financing plan, which they now tout as a cost-sharing scheme, was supposed to take care of fiscal conservative objections.

Unfortunately, this alternative financing scheme is simply an expensive loan. Indeed, as both the General Accounting Office and the Congressional Budget Office have reported, the plan actually increases the Government's exposure to risk and adds nearly a

quarter of a billion dollars to the project's cost.

Instead of continuing to fund all of the project directly from congressional appropriations, the plan would require the Government to surrender ownership of the plant along with the right to any revenues that the reactor might make from electricity sales. The Government would also have to increase its current 5-year fueling and operation responsibility to the project to a full 30-year period.

What the Government would get in exchange is a private loan for $1 billion and $150 million worth of equity shares. The catch of this scheme is that Federal Government must guarantee to repay the loan plus interest and guarantee tax benefits to the equity investors worth more than the equity shares themselves.

This plan has outraged many conservatives and rightly so. Indeed, both the Heritage Foundation and Coalitions for America, which includes the Moral Majority and Paul Weyrich's Committee for the Survival of a Free Congress, have recently published pieces against Clinch River and the proposed alternative financing plan.

Mr. President, Senators BUMPERS, METZENBAUM, PROXMIRE, BOSCHWITZ, HART, and COHEN have long argued that the proposed Clinch River financing plan is too controversial to be considered on other legislative vehicles such as continuing appropriations resolutions or supplemental appropriations bills. What is needed is separate legislation that is reviewed by all the pertinent House and Senate appropriations and authorization committees.

Because conservatives have been most articulate in explaining why the Clinch River financing plan is so unsound and controversial, I ask that the full texts of the Heritage Foundation's latest Executive Memorandum, "Clinch River: Another Off-Budget Mistake," and Coalitions for America's recent letter to the Senate be entered into the RECORD.

The material follows:

CLINCH RIVER: ANOTHER OFF-BUDGET MISTAKE

It seems that Congress never learns. Just as the Senate is wrestling with the fallout from the $2.25 billion bond default by the Washington Public Power Supply System (WPPSS), it is giving consideration to an ill-conceived plan to float $1 billion in federally guaranteed bonds to finish the controversial Clinch River Breeder Reactor. The reactor's supporters also want an additional $1.5 billion in direct appropriations for the project. Like WPPSS, the Clinch River plan would use "off-budget" financing to mask a $1 billion increase in the federal deficit. In short, it is another expensive fiasco in the making.

Last December funding for the Clinch River Reactor was defeated by the House, and it squeaked through the Senate by just one vote. Congress eventually agreed to continue funding only if the Department of Energy (DOE) would "vigorously explore" ways of including private sector finance "that would reduce federal budget requirements."

The new DOE proposal, backed by Clinch River supporters, finesses this requirement with a package that includes private sector financing in name only. Although investors supposedly would provide 40 percent of the $2.5 billion needed to complete the $3.6 billion reactor (current DOE cost estimates), this turns out to mean a $675 million short-term loan from private sources, to be retired in 1990 (with accrued interest) by $1.04 billion in federally guaranteed bonds, together with just $150 million in equity shares and $175 million from the utilities. The remaining $1.5 billion would be provided by the taxpayer through a one-time congressional obligation vote. The taxpayer also would be responsible for any further cost overrun, and for redeeming the guaranteed bonds if project revenues fall below expectations.

The plan has many of the inherent weaknesses of the original WPPSS package—and is as bad a deal for the American taxpayer as it would be lucrative for the bondholders and investors. According to Congressional Budget Office Director Rudolph Penner, the tax advantages available "imply that the after-tax rate of return earned by the equity investors would be about 37 percent, while the after-tax rate of return for bondholders would be 7.5 percent." Moreover, the bondholders will enjoy a federal guarantee, so they need care little whether the reactor produces any revenues at all. Not only that, CBO calculates that this private "cost-sharing" plan would actually cost the Treasury nearly $250 million more than financing the reactor with an on-budget appropriation.

So who benefits? Certainly the bondholders. The investment brokers are also likely to do very nicely out of the $1 billion bond offering—as they did with the WPPSS issue. Merrill Lynch, for instance, made $22.5 million in commissions—the largest in the firm's history—by underwriting $750 million in WPPSS bonds. And the contractors can take cheer that future work would be assured, virtually free of congressional oversight or real cost constraints.

The taxpayer, on the other hand, has little to be happy about. Not only will he end up paying more, thanks to the financing package, but he can take little comfort in the "considerable confidence" expressed by Energy Secretary Donald Hodel regarding the estimated completion costs. When the reactor was first authorized in 1971, the cost was put at $400 million (over half to be provided by the utilities). A year later this was revised upwards to $700 million. The most recent estimate by DOE is $3.6 billion. But the ink was hardly dry on that figure before it was revealed that an internal departmental study had predicted a further overrun of $300 million, and a delay in the completion date of 1½ years.

The plan also shifts the enterprise off-budget, and it ends congressional oversight by substituting a one-time obligation of $1.5 billion in place of the annual Clinch River appropriation. When projects are moved off-budget in this way, the taxpayer loses the power to have the management and finances scrutinized by his representatives. Yet the enterprises are not subject to marketplace constraints either. They move to a twilight zone where management is insulated from those who must foot the bill for any mistakes. WPPSS is a classic example of what can happen.

Removing projects from the glare of the federal budget process makes good sense to politicians, however. It means that new debt can be created without expanding the official federal budget deficit. Yet there is only one practical difference between issuing $1 billion in federally guaranteed Clinch River bonds and openly appropriating the money and adding it to the federal deficit—it costs more.

Proponents of the Clinch River project maintain that the technology has enormous commercial value, yet they can only interest the private sector by giving away the store. They say the construction costs are now firm—but estimates have jumped nearly ten-fold in 12 years. They contend that revenues from the project will cover the cost of financing bonds—just as Congress assumed in the case of WPPSS—yet the economics of breeder-generated electricity is, to say the least, uncertain. And when finally pressed for reasons why Congress should borrow and spend at least $2.5 billion, they say that it makes sense because the taxpayers have already sunk $1.5 billion into the project.

It is time for the American public to cut its losses. The breeder reactor might well be the energy technology of the future—so might solar power or some yet unimagined system. That does not mean the federal government should risk billions of dollars on the Clinch River project. It is the epitome of crude industrial policy for Congress to pick an energy "winner" and then bribe a reluctant private sector to invest in it. The marketplace will channel finance into the right technology—at the right time—given the state of available estimates on comparative costs, demand and risk. When government tries to outguess the market, and ignore its signals, the result is WPPSS.

STUART M. BUTLER,
Director of Domestic Policy Studies.

COALITIONS FOR AMERICA,
Washington, D.C., October 4, 1983.

DEAR SENATOR: As the Congress reconvenes, you will most likely find that there will be attempts to attach funding for the Clinch River Breeder Reactor to a continuing resolution. We strongly urge that you oppose any such attempts.

CRBR is a bad proposal, it is not worth cost-sharing; industry plans reflect this fact, currently they are unwilling to share few of the costs or risks involved with the project.

If, however, the proposal is a sound one, we would urge you to refer it to the appropriate authorizing and appropriating committees in the House and Senate for review. Then and only then will the true sense of the Senate and House prevail. We should trust our rules and procedures, not try to slip in a boondagle through the back door.

Pleas by the proponent of the project for more time must be ignored; they were suppose to have the necessary plans in place by mid-March as the Congress instructed them in the conference report of December; no hearings were held on the plan; finally, when the plan was completed in June it was virtually identical to the plan submitted by DOE and the Breeder Reactor Corporation to the Congress on March 15 which DOE refused to submit legislation for in May; DOE further refused to submit legislation for this plan in July even though it could have done so. In short, the only reason we do not currently have a cost sharing plan is delay caused by the delays of the proponents of the project.

We hope that you will oppose the further funding of the Clinch River Breeder Reactor, and furthermore oppose any efforts to make it part of any continuing resolution.

Sincerely yours,

Paul M. Weyrich, Executive Director, Committee for the Survival of a Free Congress; Gregory B. Butler, Director of Operations, Coalitions for America; Fred L. Smith, Jr., Government Affairs Director, Council for a Competitive Economy; Neal Blair, Executive Director, Free the Eagle; Bill Billings, Executive Director, National Christian Action Coalition.

Joan Hueter, President, Pro-America; Larry Pratt, President, American Society of Local Officials; Richard B. Dingman, Legislative Director, Moral Majority; Father David Finzer, National Chairman, Young Conservative Alliance of America; Ron Robinson, President, Young Americans Foundation.

Titles for Identification Purposes only.●

PROGRAM

(Mrs. HAWKINS assumed the chair.)

Mr. BAKER. Madam President, I know of nothing further to be done today. The Senate will convene at 9:30 in the morning. There will be a period for the transaction of routine morning business.

The Senate will return to the consideration of the King bill tomorrow at 10 a.m.

Following the disposition of the Martin Luther King, Jr., holiday bill, the Senate is expected to take up a number of conference reports, possibly the conference report on Department of the Interior appropriations, as well as the conference report on Labor-HHS, if received from the House. Following that, the Senate will resume debate on the State Department authorization bill. There is a possibility of a late evening session with rollcall votes into the evening.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. BAKER. Madam President, I move, in accordance with the order previously entered, that the Senate stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to and, at 6:24 p.m., the Senate recessed until tomorrow at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 18, 1983:

DEPARTMENT OF STATE

Thomas P. Shoesmith, of Virginia, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Lewis A. Dunn, of Virginia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency, vice Thomas D. Davies, resigned.

U.S. INTERNATIONAL COOPERATION DEVELOPMENT AGENCY

Frank J. Donatelli, of Virginia, to be an Assistant Administrator of the Agency for International Development, vice Francis Stephen Ruddy.

INTER-AMERICAN FOUNDATION

The following-named persons to be members of the Board of Directors of the Inter-American Foundation for the terms indicated, to which positions they were appointed during the recess of the Senate from August 4, 1983, until September 12, 1983:

For the remainder of the term expiring September 20, 1984:

Langhorne A. Motley, of Alaska, vice Thomas O. Enders, resigned.

For a term expiring September 20, 1988:

J. William Middendorf II, of Virginia, vice Marc E. Leland, term expired.

DEPARTMENT OF ENERGY

Helmuth A. Merklein, of Texas, to be an Assistant Secretary of Energy (International Affairs), vice Henry E. Thomas IV, resigned.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Terry Edward Branstad, of Iowa, to be a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 1987, vice Christopher S. Bond, resigned.

FEDERAL COMMUNICATIONS COMMISSION

Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1978, vice Anne P. Jones, resigned.

DEPARTMENT OF TRANSPORTATION

John H. Riley, of Virginia, to be Administrator of the Federal Railroad Administration, vice Robert W. Blanchette, resigned.

CORPORATION FOR PUBLIC BROADCASTING

James T. Hackett, of Virginia, to be a member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring March 1, 1984, vice Harry O'Connor, resigned.

DEPARTMENT OF DEFENSE

William E. Mayer, of California, to be an Assistant Secretary of Defense, vice John Howard Moxley III, resigned.

IN THE ARMY

The following named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Raphael D. Tice [redacted], U.S. Army (retired).

IN THE NAVY

The following named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Richard A. Miller, [redacted]/1310, U.S. Navy.

IN THE COAST GUARD

The following Regular officers of the U.S. Coast Guard for promotion to the grade of captain:

Frederick A. Kelley	James J. Lantry
Stephen L. Richmond	Robert E. Fenton
Billy G. Cunningham	William A. Caster
Alfred T. Miles	Arthur B. Shepard
David Corson	Peter C. Busick
Michael J. Schiro	Jeffrey D. Hartman
Richard V. Consigli	Ernst M. Cummings
Clifford E. Banner	Denis J. Bluett
Thomas F. McGrath III	Edward E. Demuzzio
Phillip J. Bull	John D. Adams
Alvin Cattalini	Jan F. Smith
Gary F. Vannevel	Dana W. Starkweather
James F. Brodie, Jr.	David L. Andrews
Frank A. Boersma	Barham F. Thompson III
Roger W. Bing	Nicholas H. Allen
Joseph B. Coyle	Richard J. Heym
William W. Barker III	Anthony R. Adams
Gerald F. Woolever	William A. Monson
Nelson H. Keeler, Jr.	Karl W. Mirmak
Gill R. Goodman	Virgil L. O'Grady
Howard B. Gehring	Frederick J. Grady III
Robert L. Armacost	Robert A. Yuhas
John R. Harrald	Gerald T. Willis
Thomas E. Blank	Karl A. Luck
Timothy G. McKinna	Gary T. Morgan
Thomas D. Fisher	James M. Loy
David J. Connolly	

The following licensed officers of the U.S. Merchant Marine to be permanent commissioned officers in the Regular Coast Guard in the grade of lieutenant (junior grade):

Ronald L. Terry
Jerzy W. Siemiatkowski

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than indicated.

LINE OF THE AIR FIRCE

Major

Cedel, Thomas E., [redacted]
Johnson, Allen M., [redacted]
Luedeking, Edward A., [redacted]

Captain

Abbott, James A., [redacted]
Acton, Thomas W., [redacted]
Affholder, Joseph J., [redacted]
Albers, James H., [redacted]
Albro, Charles W., Jr., [redacted]
Allen, Gerald D., [redacted]
Allen, Jerry L., [redacted]
Alvarado, Alfred B., Jr., [redacted]
Ames, Charles L., [redacted]
Ames, Dwight C., [redacted]
Anderson, Joseph A., [redacted]
Anderson, Thomas M., [redacted]
Andrews, David E., [redacted]
Anninos, Constantine, [redacted]
Arcuni, Joseph G., [redacted]
Argo, Steven D., [redacted]
Armstrong, Frank A., [redacted]
Arrington, Dexter L., [redacted]
Arrisi, Joseph M., [redacted]
Aston, Scott J., [redacted]
Atkinson, Earl C., [redacted]
Auber, Ingelore, [redacted]
Babb, Bruce W., [redacted]
Bagwell, Melanie A., [redacted]
Bailey, George D., III, [redacted]
Bailey, Theodore C., [redacted]
Baker, Alfred C., III, [redacted]
Baker, James F., [redacted]
Ballengee, Joseph K., [redacted]
Barclay, Robert E., II, [redacted]

Barger, Samuel K., xxx-xx-xxxx
Barker, Robert E., Jr., xxx-xx-xxxx
Barnes, Boone A., xxx-xx-xxxx
Baron, Ronald S., xxx-xx-xxxx
Barrett, Thomas A., xxx-xx-xxxx
Barwick, Donald E., xxx-xx-xxxx
Basilone, Joseph C., xxx-xx-xxxx
Bates, James M., Jr., xxx-xx-xxxx
Baugh, Daniel W., xxx-xx-xxxx
Baughman, James D., xxx-xx-xxxx
Bean, Kenneth A., xxx-xx-xxxx
Beauvais, Frank J., xxx-xx-xxxx
Beavers, Willard, xxx-xx-xxxx
Bennett, Catherine A., xxx-xx-xxxx
Berg, Richard A., xxx-xx-xxxx
Best, Charles K., xxx-xx-xxxx
Biernesser, James R., xxx-xx-xxxx
Bigelow, Daniel E., xxx-xx-xxxx
Billingham, Marc W., xxx-xx-xxxx
Bishop, Gregory H., xxx-xx-xxxx
Bisio, James A., xxx-xx-xxxx
Blackwell, Rocky L., xxx-xx-xxxx
Blagg, Charles E., xxx-xx-xxxx
Blake, Shelly A., xxx-xx-xxxx
Blanpied, Robyn B., xxx-xx-xxxx
Blocker, William E., xxx-xx-xxxx
Bonham, Stanley B., xxx-xx-xxxx
Booker, Alan K., xxx-xx-xxxx
Boone, Timothy M., xxx-xx-xxxx
Bothwell, James O., xxx-xx-xxxx
Boulian, David H., xxx-xx-xxxx
Bower, James M., xxx-xx-xxxx
Bowers, Donald B., xxx-xx-xxxx
Bowman, John D., xxx-xx-xxxx
Boyce, Richard D., xxx-xx-xxxx
Boyd, Jimmie V., xxx-xx-xxxx
Boyd, Kenneth E., xxx-xx-xxxx
Bracken, Mark D., xxx-xx-xxxx
Bradley, Jack L., xxx-xx-xxxx
Bradley, Ray T., xxx-xx-xxxx
Bradley, William R., xxx-xx-xxxx
Bradich, Richard A., xxx-xx-xxxx
Brandon, William A., xxx-xx-xxxx
Breiner, Steven V., xxx-xx-xxxx
Bright, Joseph A., xxx-xx-xxxx
Briles, Gayla J., xxx-xx-xxxx
Brisson, David A., xxx-xx-xxxx
Broline, Leonard C., xxx-xx-xxxx
Brown, Thomas W., xxx-xx-xxxx
Bruce, David L., xxx-xx-xxxx
Buckingham, Richard W., xxx-xx-xxxx
Buckley, Howard J., xxx-xx-xxxx
Bujosa, Juan A., xxx-xx-xxxx
Bungay, Robert V., xxx-xx-xxxx
Bureta, Robert T., xxx-xx-xxxx
Burgess, Susan A., xxx-xx-xxxx
Burgher, Marcus L., xxx-xx-xxxx
Burnett, Albert F., xxx-xx-xxxx
Burnett, Kermit V., xxx-xx-xxxx
Burwell, William F., xxx-xx-xxxx
Bussinger, Michael J., xxx-xx-xxxx
Buteau, David R., Jr., xxx-xx-xxxx
Cain, Robert C., xxx-xx-xxxx
Campbell, Donald W., xxx-xx-xxxx
Campbell, Parnell M., xxx-xx-xxxx
Cantrell, Steven A., xxx-xx-xxxx
Cappel, Eric H., xxx-xx-xxxx
Carlson, John A., xxx-xx-xxxx
Carmany, Michael G., xxx-xx-xxxx
Carter, Charles A., xxx-xx-xxxx
Chabannes, Rene N., xxx-xx-xxxx
Chadwick, Kenneth R., xxx-xx-xxxx
Chalk, Leonard H., xxx-xx-xxxx
Charles, Gary E., xxx-xx-xxxx
Charneskie, Philip R., Jr., xxx-xx-xxxx
Chilcote, John W., xxx-xx-xxxx
Chilcote, Ronald D., xxx-xx-xxxx
Chudzik, Michael M., xxx-xx-xxxx
Clark, George D., III, xxx-xx-xxxx
Clark, Robert S., xxx-xx-xxxx
Clayton, Guy E., xxx-xx-xxxx
Cline, Robert J., xxx-xx-xxxx
Coffee, John A., xxx-xx-xxxx
Collier, John E., xxx-xx-xxxx
Collins, Kenneth S., Jr., xxx-xx-xxxx
Collins, Timothy M., Jr., xxx-xx-xxxx
Colon, Nestor A., xxx-xx-xxxx
Conder, Gary W., xxx-xx-xxxx
Condron, James D., xxx-xx-xxxx
Cook, David E., xxx-xx-xxxx
Cooper, Franklin D., III, xxx-xx-xxxx
Copeland, Dale T., xxx-xx-xxxx
Corbett, Steven A., xxx-xx-xxxx
Cornelssen, Janice L., xxx-xx-xxxx
Cottrell, Wayne M., xxx-xx-xxxx
Cowan, Suzanne L., xxx-xx-xxxx
Cox, Linda D., xxx-xx-xxxx
Crain, Harold L., xxx-xx-xxxx
Croucher, Drew E., xxx-xx-xxxx
Cumbie, Ralph J., xxx-xx-xxxx
Curry, Darrel G., xxx-xx-xxxx
Czapor, Peter W., xxx-xx-xxxx
Dady, John A., xxx-xx-xxxx
Dale, David E., xxx-xx-xxxx
Daria, Christopher S., xxx-xx-xxxx
Daub, Gerald R., xxx-xx-xxxx
Davidson, Gerald D., xxx-xx-xxxx
Davis, Claire L., xxx-xx-xxxx
Dean, Kathy L., xxx-xx-xxxx
Debnam, Jone H., III, xxx-xx-xxxx
Decurtis, Francis A., xxx-xx-xxxx
Deeter, Fred R., xxx-xx-xxxx
Delane, Daniel L., xxx-xx-xxxx
Denninghoff, George W., xxx-xx-xxxx
Dew, Bradley S., xxx-xx-xxxx
Diamontopulos, Gregory J., xxx-xx-xxxx
Diaz, John H., Jr., xxx-xx-xxxx
Diischer, John B., xxx-xx-xxxx
Dirosario, Joseph P., xxx-xx-xxxx
Dominey, Tommy E., xxx-xx-xxxx
Donahue, Dennis P., xxx-xx-xxxx
Donahue, Julie E., xxx-xx-xxxx
Doody, James M., xxx-xx-xxxx
Dorsey, Charles E., xxx-xx-xxxx
Droz, Michael, xxx-xx-xxxx
Dubois, Kenneth G., II, xxx-xx-xxxx
Dunavin, James B., xxx-xx-xxxx
Duncan, Ted E., xxx-xx-xxxx
Dunn, Frederick C., Jr., xxx-xx-xxxx
Durham, Danny E., xxx-xx-xxxx
Eardley, Robert V., Jr., xxx-xx-xxxx
Early, Frances M., xxx-xx-xxxx
Ebelingbelt, Pamela K., xxx-xx-xxxx
Eddington, Wayne A., xxx-xx-xxxx
Eggett, Clyde M., xxx-xx-xxxx
Eiswerth, Edwin F., xxx-xx-xxxx
Elam, Albert G., Jr., xxx-xx-xxxx
Ellis, Kenneth D., xxx-xx-xxxx
Elmore, John B., xxx-xx-xxxx
Elvebak, Martha H., xxx-xx-xxxx
Embler, Johnny M., xxx-xx-xxxx
Enos, Frank C. M., xxx-xx-xxxx
Erkmann, Joseph C., xxx-xx-xxxx
Espinosa, Rene C., xxx-xx-xxxx
Fagan, Barry, xxx-xx-xxxx
Fales, Gary R., xxx-xx-xxxx
Farmer, Jane B., xxx-xx-xxxx
Fatt, Joseph G. C., xxx-xx-xxxx
Feltenberger, David A., xxx-xx-xxxx
Ferguson, Gary B., xxx-xx-xxxx
Fernandes, Charles J., xxx-xx-xxxx
Fernandez, Jorge A., xxx-xx-xxxx
Ferneau, Dallas H., xxx-xx-xxxx
Fidler, Douglas K., xxx-xx-xxxx
Fields, Harold, Jr., xxx-xx-xxxx
Fike, Glen P., xxx-xx-xxxx
Fink, Mikel Q., xxx-xx-xxxx
Fitzgerald, Bruce M., xxx-xx-xxxx
Flick, Glenda R., xxx-xx-xxxx
Flinders, Bradley T., xxx-xx-xxxx
Floyd, Horace J., Jr., xxx-xx-xxxx
Flury, Robert M., xxx-xx-xxxx
Fotheringham, Jack H., xxx-xx-xxxx
Fout, Terry G., xxx-xx-xxxx
Foxworthross, Fausteena S., xxx-xx-xxxx
Francis, Mary K., xxx-xx-xxxx
Fruehling, Todd A., xxx-xx-xxxx
Fuller, Richard S., xxx-xx-xxxx
Fuller, Wayne L., xxx-xx-xxxx
Furtak, Walter R., xxx-xx-xxxx
Galloway, Nancy L., xxx-xx-xxxx
Gandee, Kathleen T., xxx-xx-xxxx
Garafola, Gerald A., III, xxx-xx-xxxx
Gardner, Cherlyn E., xxx-xx-xxxx
Garrett, John K., xxx-xx-xxxx
Garron, Steven M., xxx-xx-xxxx
Garth, Orlin N., xxx-xx-xxxx
Garvin, Randolph D., xxx-xx-xxxx
Gavrila, Geoff G., xxx-xx-xxxx
Gentry, Linda M., xxx-xx-xxxx
George, Don R., xxx-xx-xxxx
Gerardo, Richard A., xxx-xx-xxxx
Gewalt, Paul K., xxx-xx-xxxx
Ghormley, Robert E., xxx-xx-xxxx
Gibaldt, Richard M., xxx-xx-xxxx
Gibbs, Curtis R., xxx-xx-xxxx
Gibson, Deborah S., xxx-xx-xxxx
Gibson, Richard D., xxx-xx-xxxx
Gigliotti, William L., xxx-xx-xxxx
Gillum, Gregory M., xxx-xx-xxxx
Glaze, William S., xxx-xx-xxxx
Glymph, Terry B., xxx-xx-xxxx
Geohe, Edward O., Jr., xxx-xx-xxxx
Goldstein, Ronald P., xxx-xx-xxxx
Goller, David A., xxx-xx-xxxx
Gomes, Raymond D., xxx-xx-xxxx
Goodman, Michael S., xxx-xx-xxxx
Goodman, Reginald S., xxx-xx-xxxx
Gootee, Kevin J., xxx-xx-xxxx
Gordon, John S., xxx-xx-xxxx
Gordon, Sherman, xxx-xx-xxxx
Gore, Johnnie J., xxx-xx-xxxx
Gradney, Joseph J., xxx-xx-xxxx
Grant, Laura L., xxx-xx-xxxx
Graves, Stanley C., xxx-xx-xxxx
Gray, David S., xxx-xx-xxxx
Green, Larry D., xxx-xx-xxxx
Greenawalt, Stephen L., xxx-xx-xxxx
Gregor, George G., xxx-xx-xxxx
Griffin, Gary E., xxx-xx-xxxx
Griffiths, David N., xxx-xx-xxxx
Grimes, Ann M., xxx-xx-xxxx
Grimes, Gary C., xxx-xx-xxxx
Grove, Michael E., xxx-xx-xxxx
Guidry, Michael D., xxx-xx-xxxx
Gulley, Judy C., xxx-xx-xxxx
Gunnarsson, Thor V., xxx-xx-xxxx
Guzzi, James F., xxx-xx-xxxx
Hackett, Antonina, xxx-xx-xxxx
Hadley, David S., xxx-xx-xxxx
Hale, David A., xxx-xx-xxxx
Hall, Barbara A., xxx-xx-xxxx
Hall Bob J., xxx-xx-xxxx
Hall, David C., xxx-xx-xxxx
Hall, Douglas B., xxx-xx-xxxx
Hall, Jay A., xxx-xx-xxxx
Hall, Tommy V., xxx-xx-xxxx
Hammon, Tim D., xxx-xx-xxxx
Hansen, Paul M., xxx-xx-xxxx
Hansen, Ronnelle A., xxx-xx-xxxx
Hanson, Charles M., xxx-xx-xxxx
Hanson, Harry A., III, xxx-xx-xxxx
Harris, William D., Jr., xxx-xx-xxxx
Harris, William K., xxx-xx-xxxx
Hart, Michael C., xxx-xx-xxxx
Hart, Thomas J., xxx-xx-xxxx
Hartman, Joseph W., xxx-xx-xxxx
Harville, Randall C., xxx-xx-xxxx
Haslem, Richard M., xxx-xx-xxxx
Hatch, James F., xxx-xx-xxxx
Hausen, Martin S., xxx-xx-xxxx
Havrilak, George T., Jr., xxx-xx-xxxx
Havrilla, Martin M., xxx-xx-xxxx
Hawley, Dale V., xxx-xx-xxxx
Hayes, Bruce E., xxx-xx-xxxx
Hayter, Leon J., xxx-xx-xxxx
Healy, Patrick S., xxx-xx-xxxx
Hebblewaite, Thomas D., xxx-xx-xxxx
Hereford, Martha A., xxx-xx-xxxx
Hermann, Richard L., xxx-xx-xxxx
Hernandez, Arnaldo, xxx-xx-xxxx
Hernandez, Conrad R., xxx-xx-xxxx

Hess, Richard E., xxx-xx-xxxx
Hettinger, Joseph A., xxx-xx-xxxx
Hewitt, Bura R., xxx-xx-xxxx
Heymann, Michael B., xxx-xx-xxxx
Higbee, Terry A., xxx-xx-xxxx
Hiley, Eugene W., Jr., xxx-xx-xxxx
Hill, Wesley W., xxx-xx-xxxx
Hiller, Scott A., xxx-xx-xxxx
Hinkel, Wayne F., xxx-xx-xxxx
Hinkle, Joan E. P., xxx-xx-xxxx
Hobbs, Charles A. V., xxx-xx-xxxx
Holmes, Thomas C., Jr., xxx-xx-xxxx
Hook, Glenn W., xxx-xx-xxxx
Houser, Michael S., xxx-xx-xxxx
Howard, Jerone, xxx-xx-xxxx
Howard, Marc A., xxx-xx-xxxx
Howard, William R., xxx-xx-xxxx
Hufnagle, Douglas J., xxx-xx-xxxx
Hughes, Charles G., xxx-xx-xxxx
Hulsey, Thomas F., xxx-xx-xxxx
Humm, John J., Jr., xxx-xx-xxxx
Hunt, James D., xxx-xx-xxxx
Hunter, Kent D. E., xxx-xx-xxxx
Hurd, Rachel M., xxx-xx-xxxx
Hurst, Jeffrey M., xxx-xx-xxxx
Hutchins, Richard M., xxx-xx-xxxx
Hutto, Robert K., xxx-xx-xxxx
Iler, Everett L., Jr., xxx-xx-xxxx
Isaacson, Douglas G., xxx-xx-xxxx
Isbell, Kenneth D., xxx-xx-xxxx
Jackowski, Michael A., xxx-xx-xxxx
Jackson, Gary L., xxx-xx-xxxx
Jackson, John S., xxx-xx-xxxx
Jackson, Steven E., xxx-xx-xxxx
Jackson, Thomas E., xxx-xx-xxxx
Jackson, Vera M., xxx-xx-xxxx
James, Joseph E., xxx-xx-xxxx
James, Larry A., xxx-xx-xxxx
Jayme, Ernesto J. R., xxx-xx-xxxx
Jenkins, Gloria P., xxx-xx-xxxx
Jensen, Alan N., xxx-xx-xxxx
Jensen, David W., xxx-xx-xxxx
Jensen, John S., xxx-xx-xxxx
Jewett, Ronald K., xxx-xx-xxxx
Jinwright, Dianne M., xxx-xx-xxxx
Johnsen, Edward D., xxx-xx-xxxx
Johnson, Clemenceau W., xxx-xx-xxxx
Johnson, David C., xxx-xx-xxxx
Johnson, David R., xxx-xx-xxxx
Johnson, David S., xxx-xx-xxxx
Johnson, Ferdinand B., III, xxx-xx-xxxx
Johnson, James N., xxx-xx-xxxx
Johnson, Johnnie R., Jr., xxx-xx-xxxx
Johnson, Joseph H., III, xxx-xx-xxxx
Johnson, Linda L., xxx-xx-xxxx
Johnson, Terrance A., xxx-xx-xxxx
Jolly, David L., xxx-xx-xxxx
Jones, Carl D., xxx-xx-xxxx
Jones, Carlette J., xxx-xx-xxxx
Jones, Douglas M., xxx-xx-xxxx
Jones, James H., xxx-xx-xxxx
Jonutis, Stanley M., xxx-xx-xxxx
Jordan, Courtney L., Jr., xxx-xx-xxxx
Jordan, Richard M., xxx-xx-xxxx
Joy, Michael C., xxx-xx-xxxx
Joyce, James P., xxx-xx-xxxx
Kamman, Rudolph I., xxx-xx-xxxx
Kauskey, Michael L., xxx-xx-xxxx
Kearl, Leonard C., Jr., xxx-xx-xxxx
Keefe, Daniel T., xxx-xx-xxxx
Keefer, Robert W., Jr., xxx-xx-xxxx
Keetch, John R., xxx-xx-xxxx
Kellahan, Richard L., xxx-xx-xxxx
Kelly, Robert, xxx-xx-xxxx
Kern, Robert J., xxx-xx-xxxx
Kidd, Sheldon A., xxx-xx-xxxx
Kiehn, Ernest L., xxx-xx-xxxx
Kiever, Richard J., xxx-xx-xxxx
Kilbourn, Thomas B., xxx-xx-xxxx
Kinane, Michael L., xxx-xx-xxxx
King, John J., xxx-xx-xxxx
Kinsey, Johann R., xxx-xx-xxxx
Kirk, Darrell L., xxx-xx-xxxx
Kirk, Samuel E., xxx-xx-xxxx
Kiser, Thomas W., xxx-xx-xxxx
Knechtel, Stephen C., xxx-xx-xxxx
Knowles, Ralph J., xxx-xx-xxxx
Kolbeck, John A., xxx-xx-xxxx
Koller, Michael G., xxx-xx-xxxx
Kougias, Christopher A., xxx-xx-xxxx
Koumis, Ares G., xxx-xx-xxxx
Kowalski, Michael A., xxx-xx-xxxx
Kramer, Margaret E., xxx-xx-xxxx
Krause, Robert H., xxx-xx-xxxx
Krueger, Otto S., xxx-xx-xxxx
Krzywickicox, Sharon L., xxx-xx-xxxx
Kuhns, David, xxx-xx-xxxx
Kuramoto, Barry M., xxx-xx-xxxx
Kurtz, Keith W., xxx-xx-xxxx
Kurch, Edward J., xxx-xx-xxxx
Lacroix, Shelby H., Jr., xxx-xx-xxxx
Laibinis, Gabriel, xxx-xx-xxxx
Lajoie, David E., xxx-xx-xxxx
Langer, Gerard A., xxx-xx-xxxx
Lannoye, Richard J., xxx-xx-xxxx
Lanwehr, Lawrence M., xxx-xx-xxxx
Lapre, Wesley J., xxx-xx-xxxx
Larimore, William J., xxx-xx-xxxx
Larkin, Frederick G., xxx-xx-xxxx
Latham, Phillip R., xxx-xx-xxxx
Laugerman, Robert C., xxx-xx-xxxx
Laughlin, Val J., xxx-xx-xxxx
Lauten, Fredric R., xxx-xx-xxxx
Lawrence, Kari K. M., xxx-xx-xxxx
Lawrence, Stanley, xxx-xx-xxxx
Lawson, Gary D., xxx-xx-xxxx
Lazzeri, Emil F., xxx-xx-xxxx
Leary, Anne D., xxx-xx-xxxx
Leffler, Van J., xxx-xx-xxxx
Leister, Harvey J., xxx-xx-xxxx
Leister, Joseph R., xxx-xx-xxxx
Lemoine, William C., xxx-xx-xxxx
Lenhard, Kenneth G., xxx-xx-xxxx
Liddell, Ronald L., xxx-xx-xxxx
Lim, Susan L., xxx-xx-xxxx
Liptak, Emil S., Jr., xxx-xx-xxxx
Littlejohn, Horace C., Jr., xxx-xx-xxxx
Livingston, Marcus A., xxx-xx-xxxx
Lizak, Robert R., xxx-xx-xxxx
Lloyd, Bruce V., xxx-xx-xxxx
Lockhart, Bruce E., xxx-xx-xxxx
Loftis, Timothy G., xxx-xx-xxxx
Loveless, Lloyd T., xxx-xx-xxxx
Lucas, Edward J., Jr., xxx-xx-xxxx
Luke, Mary K., xxx-xx-xxxx
Lukehart, Paul E., xxx-xx-xxxx
Lum, Dickson Y., xxx-xx-xxxx
Lundin, Roger C., xxx-xx-xxxx
Lybarger, John T., II, xxx-xx-xxxx
Mabe, John A., xxx-xx-xxxx
Madden, Thomas D., xxx-xx-xxxx
Magas, Robert A., xxx-xx-xxxx
Malone, Terrilynne Y., xxx-xx-xxxx
Mann, Joel G., xxx-xx-xxxx
Marchalonis, Ronald A., xxx-xx-xxxx
Marshall, Douglas M., III, xxx-xx-xxxx
Marshall, Robert J., xxx-xx-xxxx
Martin, John C., xxx-xx-xxxx
Marvin, Judy M., xxx-xx-xxxx
Masicampo, Frederick E., xxx-xx-xxxx
Mata, Ramon P., xxx-xx-xxxx
Mathis, Johnny L., xxx-xx-xxxx
Matiella, Francisco A., xxx-xx-xxxx
Matthews, Gail E., xxx-xx-xxxx
Mattingley, Mark P., xxx-xx-xxxx
Mauricio, Jesse, xxx-xx-xxxx
Maysonet, Antonio, Jr., xxx-xx-xxxx
McAndrew, Kevin J., xxx-xx-xxxx
McAtee, Terry L., xxx-xx-xxxx
McCann, Harry J., III, xxx-xx-xxxx
McCleary, Thomas R., xxx-xx-xxxx
McCoy, John W., xxx-xx-xxxx
McDonough, James H., xxx-xx-xxxx
McDuffie, Elizabeth A., xxx-xx-xxxx
McElhinney, Michael T., xxx-xx-xxxx
McGaha, Ronald E., xxx-xx-xxxx
McKethan, Russell E., xxx-xx-xxxx
McMillan, Michael D., xxx-xx-xxxx
McMurdy, Elizabeth L., xxx-xx-xxxx
McNally, Ralph R., xxx-xx-xxxx
McNeill, Michael R., xxx-xx-xxxx
McWilliams, Michael W., xxx-xx-xxxx
Meade, Walter F., xxx-xx-xxxx
Metcalf, Gary R., xxx-xx-xxxx
Metzler, Diana J., xxx-xx-xxxx
Migaleddi, Peter D., Jr., xxx-xx-xxxx
Milauskas, John A., xxx-xx-xxxx
Miller, Richard G., xxx-xx-xxxx
Miller, Robert T., xxx-xx-xxxx
Miller, Scott A., xxx-xx-xxxx
Miller, William L., xxx-xx-xxxx
Millican, Steven L., xxx-xx-xxxx
Moberly, Archie L., xxx-xx-xxxx
Moncure, Mark D., xxx-xx-xxxx
Montague, Robert V., III, xxx-xx-xxxx
Moore, Bernard V., II, xxx-xx-xxxx
Moore, Jeffrey A., xxx-xx-xxxx
Moore, Sharon J., xxx-xx-xxxx
Moriyama, Richard A., xxx-xx-xxxx
Morris, Calvin W., xxx-xx-xxxx
Morse, Michael M., xxx-xx-xxxx
Moses, Cornel T., xxx-xx-xxxx
Mougey, Charles R., xxx-xx-xxxx
Mrak, Robert S., xxx-xx-xxxx
Mukina, Gary E., xxx-xx-xxxx
Mullenix, Dane D., xxx-xx-xxxx
Mulligan, John F., xxx-xx-xxxx
Mullinix, Daniel T., xxx-xx-xxxx
Mullock, Daniel C., xxx-xx-xxxx
Muncie, Patrick R., xxx-xx-xxxx
Muscarella, Samuel R., xxx-xx-xxxx
Myers, Charles S., III, xxx-xx-xxxx
Myers, Daniel J., xxx-xx-xxxx
Myers, Stephen E., xxx-xx-xxxx
Nauer, Frederick L., xxx-xx-xxxx
Nelson, Dexter D., xxx-xx-xxxx
Nelson, Joseph T., xxx-xx-xxxx
Niblock, Fred W., xxx-xx-xxxx
Nichols, William J., xxx-xx-xxxx
Nikides, Bill, xxx-xx-xxxx
Niles, Steven E., xxx-xx-xxxx
Nomi, Stuart P., xxx-xx-xxxx
Nomura, Robert M., xxx-xx-xxxx
Norris, James A., xxx-xx-xxxx
Nothstine, James E., xxx-xx-xxxx
O'Donnell, David M., xxx-xx-xxxx
Offen, Jimmy K., xxx-xx-xxxx
Oleary, Michael H., xxx-xx-xxxx
Olmsted, Rick A., xxx-xx-xxxx
Olson, Ralph R., xxx-xx-xxxx
Olson, Robert R., xxx-xx-xxxx
Ororke, Vincent T., xxx-xx-xxxx
Osseck, Dennis M., xxx-xx-xxxx
Overley, Clair W., Jr., xxx-xx-xxxx
Pachuta, Michael A., xxx-xx-xxxx
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The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with

grades and dates of rank to be determined by the Secretary of the Air Force provided that in no case shall the officers be appointed in a grade higher than that indicated.

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Captain

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IN THE NAVY

Scott A. Rudowski, a Naval Reserve Officers Training Corps candidate, to be appointed a permanent ensign in the line of the U.S. Navy, pursuant to title 10, United States Code, section 2107.

Ens. Robert G. Mull III, U.S. Naval Reserve, to be appointed permanent ensign in the line of the U.S. Navy, pursuant to title 10, United States Code, section 531.

The following named Naval Reserve officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, pursuant to title 10, United States Code, section 593:

Grant, George N. Scruggs, Thomas M.

Kenneth R. Noel, ex-Naval Reserve officer, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, pursuant to title 10, United States Code, section 593.

The following named U.S. Navy officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, pursuant to title 10, United States Code, section 593:

Demakas, John J. Wagner, William J.

Comdr. Steven A. Fertig, U.S. Navy, to be appointed a permanent commander in the Dental Corps in the Reserve of the U.S. Navy, pursuant to title 10, United States Code, section 593.

WITHDRAWAL

Executive nomination withdrawn from the Senate October 18 (legislative day of October 17), 1983.

THE JUDICIARY

Morton R. Galane, of Nevada, to be U.S. district judge for the District of Nevada, vice Roger D. Foley, retired, which was sent to the Senate on September 13, 1983.

HOUSE OF REPRESENTATIVES—*Tuesday, October 18, 1983*

The House met at 12 o'clock noon.

Rev. Carlton J. Curtin, pastor, Drew United Methodist Church, Port Jervis, N.Y., offered the following prayer:

Give us hope for our days:

Give us vision to view creation with wonder;

Give us people who love life and desire peace;

Give us wisdom to act that these gifts might be known in our land and in every part of the world.

Eternal God, all time is in Your hands. We pray before You that we might so live, and dream, and act, that we may find these blessings for ourselves and our posterity.

For the little ones who look to us in wonder and hope, give us courage to complete our calling: In the name of our Redeemer, Jesus Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McCAIN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McCAIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 373, nays 22, answered "present" 4, not voting 34, as follows:

[Roll No. 387]

YEAS—373

Ackerman	Bartlett	Boland
Addabbo	Bateman	Boner
Akaka	Bates	Bonior
Albosta	Bedell	Bonker
Alexander	Beilenson	Borski
Anderson	Bennett	Bosco
Andrews (TX)	Bereuter	Boucher
Annunzio	Berman	Boxer
Anthony	Bethune	Breaux
Archer	Bevill	Britt
AuCoin	Bilirakis	Brooks
Badham	Bliley	Broomfield
Barnard	Boehlert	Brown (CA)
Barnes	Boggs	Brown (CO)
Broyhill	Gradison	McCloskey
Bryant	Gramm	McCollum
Burton (CA)	Gray	McCurdy
Burton (IN)	Green	McEwen
Byron	Gregg	McGrath
Campbell	Guarini	McHugh
Carney	Gunderson	McKernan
Carper	Hall (IN)	McKinney
Carr	Hall (OH)	McNulty
Chandler	Hall, Sam	Mica
Chappell	Hamilton	Michel
Chappie	Hammerschmidt	Mikulski
Cheney	Hance	Mineta
Clarke	Hansen (ID)	Minish
Clinger	Hansen (UT)	Moakley
Coats	Hartnett	Molinari
Coelho	Hatcher	Mollohan
Coleman (MO)	Hefner	Montgomery
Coleman (TX)	Hertel	Moody
Collins	Hiler	Moore
Conable	Hillis	Moorhead
Conte	Holt	Morrison (WA)
Conyers	Hopkins	Mrazek
Cooper	Horton	Murtha
Corcoran	Howard	Myers
Courter	Hoyer	Natcher
Coyne	Hubbard	Neal
Craig	Huckaby	Nelson
Crane, Daniel	Hughes	Nichols
Crane, Philip	Hunter	Nielson
D'Amours	Hutto	Nowak
Daniel	Hyde	O'Brien
Dannemeyer	Jeffords	Oakar
Daschle	Jenkins	Obey
Daub	Johnson	Olin
Davis	Jones (OK)	Ortiz
de la Garza	Jones (TN)	Owens
Dellums	Kaptur	Oxley
Derrick	Kasich	Packard
DeWine	Kastenmeier	Panetta
Dicks	Kazen	Parris
Dingell	Kemp	Pashayan
Dixon	Kennelly	Patman
Donnelly	Kildee	Patterson
Dorgan	Kindness	Paul
Dowdy	Kolter	Pease
Downey	Kostmayer	Penny
Dreier	Kramer	Pepper
Duncan	LaFalce	Perkins
Dwyer	Lagomarsino	Petri
Dyson	Lantos	Pickle
Early	Latta	Porter
Edgar	Leach	Price
Edwards (AL)	Leath	Pursell
Edwards (CA)	Lehman (CA)	Quillen
Edwards (OK)	Lehman (FL)	Rahall
English	Leland	Rangel
Erdreich	Lent	Ratchford
Evans (IL)	Levine	Ray
Fascell	Levitas	Regula
Fazio	Lewis (CA)	Reid
Feighan	Lewis (FL)	Richardson
Ferraro	Livingston	Ridge
Fiedler	Lloyd	Rinaldo
Fish	Loeffler	Ritter
Flippo	Long (LA)	Robinson
Foglietta	Long (MD)	Rodino
Foley	Lott	Roe
Ford (TN)	Lowery (CA)	Rogers
Fowler	Lowry (WA)	Rose
Frank	Lujan	Rostenkowski
Franklin	Lungren	Roth
Frenzel	Mack	Roukema
Frost	MacKay	Rowland
Fuqua	Madigan	Roybal
Garcia	Markey	Rudd
Gaydos	Marriott	Russo
Gekas	Martin (IL)	Sabo
Gephardt	Martin (NY)	Savage
Gibbons	Martinez	Sawyer
Gilman	Matsui	Schaefer
Gingrich	Mavroules	Scheuer
Glickman	Mazzoli	Schneider
Gonzalez	McCain	Schulze
Gore	McCandless	Schumer
Sensenbrenner	Stenholm	Weaver
Shannon	Stokes	Weber
Sharp	Stratton	Weiss
Shaw	Studds	Wheat
Shelby	Stump	Whitehurst
Shumway	Sundquist	Whitley
Shuster	Swift	Whittaker
Simon	Synar	Whitten
Sisisky	Tallon	Williams (OH)
Skeen	Tauke	Wilson
Skelton	Tauzin	Winn
Slattery	Taylor	Wirth
Smith (FL)	Thomas (GA)	Wise
Smith (IA)	Torres	Wolf
Smith (NE)	Torricelli	Wolpe
Smith (NJ)	Towns	Wortley
Smith, Denny	Traxler	Wright
Smith, Robert	Udall	Wyden
Snowe	Valentine	Yates
Snyder	Vander Jagt	Yatron
Solomon	Vandergriff	Young (FL)
Spence	Vento	Young (MO)
Spratt	Volkmer	Zablocki
Staggers	Vucanovich	Zschau
Stangeland	Walgren	
Stark	Waxman	

NAYS—22

Clay	Florio	Mitchell
Coughlin	Forsythe	Roberts
Dickinson	Gejdenson	Roemer
Durbin	Goodling	Schroeder
Eckart	Harkin	Sikorski
Emerson	Jacobs	Walker
Evans (IA)	Lipinski	
Fields	Miller (OH)	

ANSWERED "PRESENT"—4

Dymally	Oberstar
Erlenborn	Ottinger

NOT VOTING—34

Andrews (NC)	Ireland	Pritchard
Applegate	Jones (NC)	Seiberling
Aspin	Kogovsek	Siljander
Biaggi	Levin	Solarz
Crockett	Luken	St Germain
Ford (MI)	Lundine	Thomas (CA)
Hall, Ralph	Marlenee	Watkins
Harrison	Martin (NC)	Williams (MT)
Hawkins	McDade	Wylie
Hayes	Miller (CA)	Young (AK)
Heftel	Morrison (CT)	
Hightower	Murphy	

□ 1210

Mr. MOAKLEY and Mr. NICHOLS changed their votes from "nay" to "yea."

Mr. DYMALLY changed his vote from "nay" to "present."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3385. An act to provide equity to cotton producers under the payment-in-kind program.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

□ 1220

REV. CARLTON CURTIN

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, it is both a privilege and a pleasure to introduce our visiting chaplain, Rev. Carlton Curtin of Port Jervis, N.Y., to my colleagues in the House of Representatives.

Although Reverend Curtin is a relatively new resident of my district, he has distinguished himself as an outstanding citizen in our community.

Carl Curtin did his undergraduate work at Cornell University where he received a bachelor of science degree in agricultural economics, and went on to the Drew Univerity School of Divinity where he earned his bachelor of divinity degree.

Reverend Curtin is currently the pastor of Drew United Methodist Church in Port Jervis, and in his first year as pastor he has proven himself an outstanding leader in the community.

From 1979-81, Reverend Curtin served as the executive director of the United Methodist camps and conferences. It was during that period that Carl developed a very strong interest and concern for the hungry, and in developing methods of delivering surplus commodities and foodstuffs to disadvantaged individuals. This has become the focal point of his ministry, and he has continued this work in Port Jervis with unsurpassed enthusiasm and success.

Reverend Curtin is also an ardent family man. His wife Almajean, and two children Matthew and Michelle have joined him here in Washington today to watch as he blesses our proceedings.

I want to thank Chaplain Ford for inviting Reverend Curtin to offer today's prayer—and to Rev. Carlton Curtin for his inspirational words which will help guide this body through today's deliberations.

A TRIBUTE TO MARINE SGT. ALLEN H. SOIFERT

(Mr. GREGG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREGG. Mr. Speaker, I rise today to honor an American and a marine, Sgt. Allen H. Soifert, who died in Lebanon.

Sergeant Soifert represented those attributes of the America in which we all take pride. Although born in Canada, he believed fervently in his adopted country, the United States, as a place of beauty and opportunity.

Sergeant Soifert felt a deep commitment to his country, which commitment he chose to display by serving in our armed services.

He had, in fact, decided to make a career out of serving in the marines. He understood that the marines are an organization that demands the most and the best of its soldiers, and he was able to excel in pursuit of those goals. In choosing a few good men to serve, the marines could not have chosen better than Sergeant Soifert.

The decision to serve in Lebanon was Sergeant Soifert's. After having completed one duty there, he volunteered to return. As a demolition expert, he knew the danger inherent in this tour and he accepted it as part of his job. When we, as Americans, seek to define our will, purpose, and values, we need go no further than to look at the example of persons such as Sergeant Soifert, for Sergeant Soifert's commitment to his duty and to his love of his country is a beacon of purity that should light the way for all Americans.

We as a Nation and as citizens of his State of New Hampshire pay our deepest respect to Sergeant Soifert's family and express our tribute to Sgt. Allen Soifert.

ROLE IN LEBANON MUST BE MORE CLEARLY DEFINED

(Mr. EDGAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDGAR. Mr. Speaker, another hostage crisis faces our Nation. Just as 52 Americans were held in Iran for 444 days, 1,600 American marines are hostages in Lebanon. They are hostage to age-old rivalries between Lebanese political and religious factions, exacerbated by foreign medling. They are hostage to sniping and mortar attacks by groups with a grudge. They are helpless hostages because they must police a peace which does not exist. They are hostages because Congress gave the President an 18-month blank check and failed to demand an accounting—failed to demand that the President state a reason for this sacrifice.

Each day the newspaper headlines grow smaller. Six weeks ago the death of an American in Lebanon caused a full-scale debate on the war powers resolution; today it barely makes the front page—what does tomorrow hold in store? Since August 29, the multinational force has lost 23 men, including 6 Americans. Over 100 have been wounded, 41 of them Americans.

Mr. Speaker, why build another war memorial like the one dedicated last November? Why leave our troops as hostages in an undefensible position, pinned down by hostile fire, keeping a nonpeace? I hope for the success of the Lebanese national reconciliation conference scheduled for Thursday. However, unless our role in Lebanon is more clearly defined, I say "free the hostages."

WILLIAM CLARK UNIQUELY UNQUALIFIED FOR INTERIOR POST

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, like many of my colleagues, I was shocked to learn of the appointment of William Clark to head the Interior Department.

William Clark is uniquely unqualified to serve as Secretary of the Interior. I frankly do not think this is the place for on-the-job training. After 2½ years of James Watt, we deserve better.

By nominating his national security adviser, the President has lost an opportunity to show the Nation that he indeed does care about the environment. Unfortunately, all indications are that Mr. Clark will continue the destructive policies of his predecessor.

Well, the President may have solved a thorny political problem with the appointment, but he has done an injustice to the American tradition of prudent stewardship of public lands. Those of us who still believe in the conservation ethic, set forth by Teddy Roosevelt, will not abdicate our responsibilities.

CONGRESSMAN ANNUNZIO'S EFFORTS APPRECIATED IN BRINGING VIETNAM VETERANS MEDAL BILL TO FLOOR

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, in a few moments we will be voting on H.R. 1870, a bill to require the Secretary of the Treasury to coin and sell a national medal, in honor of the members and former members of the Armed Forces of the United States who served in the Vietnam conflict. Yesterday I indicated my strong support of this legislation.

Mr. Speaker, I want to commend the very able and distinguished gentleman from Illinois, my good friend, Mr. ANNUNZIO, chairman of the Subcommittee on Consumer Affairs and Coinage of the Committee on Banking, Finance and Urban affairs, for the leadership he has provided in getting a measure before the Congress so that we can again display our appreciation and show our gratitude to all Vietnam veterans who served during a very difficult time in our Nation's history. The gentleman from Illinois has been a strong supporter of all veterans pro-

grams over the years, and I know his very strong feelings about those who served during the Vietnam period.

So, Mr. Speaker, I just wanted to take a few moments of the Members' time this morning to tell the gentleman how much we personally appreciate his bringing this bill before the House.

I also would like to thank the very able and distinguished gentleman from Texas, RON PAUL, the ranking minority member of the subcommittee, for his help in bringing this legislation to the floor. Also my thanks to my good friend, CHALMERS WYLIE, a member of the subcommittee, and all of the members who joined in support of this legislation.

We can all be proud of those who served in Vietnam and this bipartisan effort on the part of the House will once again express our appreciation for the service of so many distinguished American men and women.

□ 1230

CHEMICAL MUNITIONS

(Mr. LEATH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEATH of Texas. Mr. Speaker, I believe that it would be fair to say that every Member of this body is aware of the debate that has occurred during the past several months regarding the Defense Department's request for funds related to the production of chemical munitions. Much of that debate has centered around one particular weapon within the chemical munitions program—the Navy's Bigeye munition. The issue was extensively debated on the floor during consideration of the fiscal year 1984 Defense authorization bill and during consideration of the conference report pertaining to that bill. The issue will be raised again during consideration of the fiscal year 1984 Defense appropriations bill to be considered by this body during the coming weeks.

Opponents to the chemical program have contended that the Bigeye munition is a technical nightmare and that test failures and redesign problems should preclude congressional approval of the program. The Defense Department and congressional proponents argue that successful test results and the minor nature of redesign activities should not be allowed to further delay this critical program.

In order to assist in resolving this question, the distinguished chairman of the House Armed Services Committee has invited all interested members to visit the Bigeye test facility at China Lake, Calif., and the research, development, and production facility at Van Nuys, Calif., on this coming Friday. Members would have a first-hand opportunity to receive an update on the status of this program as well as discuss specific issues with the technicians responsible for the Bigeye munition.

Mr. Speaker, I would personally encourage each Member to take the time to take a close look at a program that has a profound impact on our military deterrent capability and as well as our negotiating posture in Geneva. Thank you, Mr. Speaker.

THE MARINES IN LEBANON HAVE AN IMPOSSIBLE MISSION

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, the latest attacks on marines in Lebanon have an ominous ring. Last month, when the House Armed Services Committee delegation met with the marines in Beirut, they said they thought that many of the earlier attacks that had been made on them were not really intentional. It was just part of the sporadic firing that was going on, they said. But these latest sniper attacks are obviously deliberate attacks, premeditated attacks, on our marines. And the firing is coming from the Shiite Moslems. Those are the same breed of Moslems who have been running Iran under the Ayatollah Khomeini.

The official mission of the Marines, as we were told when we were over there, is to provide the stability that could bring about a cease-fire and thus lead to negotiations to restructure the Lebanese Government. But I think it is perfectly obvious by now that the clearly deteriorating cease-fire will make it impossible for our marines to achieve either of those objectives in the near future.

How long do we have to wait before the September 25 cease-fire really takes effect? And how many more marines have to lose their lives before we reluctantly realize even as capable a combat organization as the U.S. Marines cannot carry out what is in effect a mission impossible.

PROPOSED SOCIAL SECURITY LEGISLATION

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, today I am introducing legislation which would remove tax-exempt securities from the formula used to determine that portion of benefits to be taxed, if they were owned by the senior citizen prior to the enactment of the Social Security Reform Act.

I understand the rationale that the Congress used in placing the tax-free income of securities such as municipal bonds in the formula. In this instance, however, I believe that we should have taken into consideration that the elderly who hold such securities did so in order to plan for their retirement. I, and many of my colleagues, raised this issue during consideration of the Social Security Reform Act, but, unfortunately, we were not successful.

My constituents have spent their working years preparing for retirement so that they would not be solely dependent upon social security benefits. They held these particular securities in order that they might be self-reliant and not dependent upon the Government or public charity. However, Congress now tells them that because they were self-reliant they must be penalized. This is not the right approach. They are also now the only group of Americans who must disclose nontaxable income. This is not equal protection under the law.

Congress, once again, has changed the rules of the game on the retired. Previously, when changes were made in social security benefits, Congress provided for a transition period. I believe that the inclusion of tax-free income in the formula also deserves special attention. Those about to retire have been forewarned; those who have prepared for their retirement are being penalized for planning. Those who are retired invested in tax-free securities in good faith believing that these securities were a good retirement investment.

For these reasons, I believe my proposal is necessary. I hope that this bill will foster serious discussion in Congress, and action to remedy this situation.

INTERIOR WATCH

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, last week four of my colleagues and I announced the formation of "Interior Watch" to provide a forum for Members of the House to scrutinize the policies of Secretary James Watt's successor at the Interior Department. It is imperative that we continue to monitor the Reagan administration's environmental policies. The choice of William Clark to succeed James Watt provides no indication that the President intends to change his environmental policies. As long as Mr. Watt's deputies remain at the Interior Department, they will want to implement Mr. Watt's policies. Those have been the President's policies all along. We must now seek to stop the next Secretary from threatening our air, land, and water.

Many people have expressed concern over Mr. Clark's lack of expertise in

environmental issues. Mr. Clark once described President Reagan's attitude toward his appointments with the words, "He values loyalty above competence." Mr. Clark demonstrated this as a California Supreme Court justice, Deputy Secretary of State, and National Security Adviser. I hope that Mr. Clark can reverse these priorities in his new position as Secretary of the Interior. We hope that "Interior Watch" will help restore the bipartisan tradition of preservation of our precious natural resources which existed at the Department of the Interior before Secretary Watt took over.

REAGAN ADMINISTRATION HAS PUT VITAL U.S. INTERESTS IN PERIL

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, President Reagan has loosed the dogs of war on Nicaragua. But his CIA-funded and organized army of rightwing contras has failed to gain any significant popular support in Nicaragua.

Now, at the instigation of the administration, the contras have started blowing up oil facilities in Nicaragua.

This looks like a last-ditch attempt to salvage the credibility of this so-called covert operation before the House votes to cut it off.

But the implications of the latest reckless tactics are severe.

By opening the Pandora's box of economic terrorism against oil in Central America, the Reagan administration has put vital U.S. interests in peril.

Unlike Nicaragua, the United States is an industrialized country that has a lot to lose when fragile petroleum facilities become the targets of guerrilla attack.

The Nicaraguan covert operation has failed, and now it is going out of control. It is time for Congress to lay it to rest.

CONGRESS MUST EXERCISE GREATER OVERSIGHT OVER POLICIES OF DEPARTMENT OF THE INTERIOR

(Mr. HARKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARKIN. Mr. Speaker, we need to preserve our natural resources—the quality of our air and water. We need to preserve the beauty of our natural wilderness—for ourselves and for future generations. Over the last 3 years, the policies of James Watt have repeatedly assaulted the bipartisan conservation ethic that is so important to the American people. Secretary Watt imposed a moratorium on acquiring more land for national parks at a time when nearly 300 million people visited these national treasures; he managed a coal leasing program that was a giveaway to coal companies. During a glut in the market he opened up wildlife refuges for oil drilling; and, he gutted the regulations on strip mining.

Secretary Watt has resigned, but a new Secretary does not necessarily mean a change in policies. The nomination of William Clark, a man with no background for this post of steward of our natural resources, indicates that this administration has no intention of changing Watt's policies, which have been clearly repudiated by Congress and the American people.

It is time for a change. We in Congress must take responsibility and exercise greater oversight over the policies of the Interior Department. We have an obligation to ourselves and our children to rebuild the historic bipartisan consensus for protection of America's natural resources and of our public lands heritage.

U.S. VIRGIN ISLANDS ARE AT CUTTING EDGE OF CHANGING EASTERN CARIBBEAN

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, there may or may not be a noteworthy change in the foreign policy direction of Grenada taking place. It is difficult to know for sure since we are not officially represented there.

News reports tell us, however, of an ideologically based power struggle over whether Premier Bishop has led the Marxist revolution far enough or whether Deputy Premier Coard can convince the people's revolutionary army to go farther.

Whatever leftward direction this takes Grenada in the future, it should underscore the realization that the U.S. Virgin Islands are at the cutting edge of the changing eastern Caribbean.

Insofar as has been possible, we have done our best to promote better relations for the United States there. The College of the Virgin Islands, for example, has educated many of the best and the brightest officials in the English-speaking Caribbean.

We are ready and able to do more, however. Our new federally built hospital system, certainly the most modern in the area, should be developed into a medical center for the eastern Caribbean. Assistance I have been obtaining for our airports and harbors should enable the U.S. Virgin Islands to serve as a regional transportation hub.

What is required is a recognition that there is no better way for our Nation to help the eastern Caribbean than to fully utilize its resources of the U.S. Virgin Islands.

FALLING DEEPER INTO POVERTY

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, today in my Subcommittee on Public Assistance and Unemployment compensation I heard figures from the past few years that make Lyndon Johnson's war on poverty look more like Custer's last stand.

The trends of increasing poverty are alarming. The poverty rate has jumped for the fourth consecutive year to its highest level since 1965, the year after President Johnson placed this country on a path to eliminate poverty afflicting our people. Like a once regressive cancer, poverty has come storming back to plague our society and our Government institutions.

Fifteen percent of all Americans now live in poverty. Fifteen percent. That represents 34.4 million people whose 1982 incomes, in a family of four, sank below $9,862.

In 1982, more than one in five children, or 21.3 percent, lived in poverty; 35.6 percent of our black population and 29 percent of Americans of Spanish origin were poor.

Only the aged have been spared falling deeper into poverty. In fact, the number of poor seniors has declined from 35.1 percent in 1959 to 14.6 percent in 1982. That is one accomplishment of which we can all be proud—but clearly more has to be done.

The increase in poverty has been brought about by many factors, but primarily by budget cuts in social programs and the recession. The safety net has not worked for 34.4 million impoverished Americans.

I urge my colleagues to take a close look at the facts, and to answer the great need that exists in the Nation today.

BEWARE OF THE DAIRY SKIM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, beware of the dairy skim. That is what yesterday's editorial in the New York Times warned us about.

How right they were.

The House is about to get skimmed by the milk lobby and we do not have much time to prevent it.

The other body has returned to us a House-passed cotton bill, the text of which has already been enacted but containing the most preposterous

farm program in the past 50 years. Soon, very soon, an attempt will be made to take this awful measure directly to conference without allowing any consideration or amendment in this House.

I would have to agree with the New York Times when it urges us to "block that ploy" and get on with a better idea, the amendment proposed by the gentleman from New York (Mr. CONABLE) and supported by a broad spectrum of farm and consumer groups.

EVENTS AT TIPITAPA PRISON

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, I recently returned from a trip to Central America. During that trip, I learned of something which happened in Nicaragua, something which, had it happened in El Salvador or Guatemala, would have appeared on the front pages of the U.S. press. At 1:45 a.m., Sunday, October 9, five former Somozista guardsmen escaped from Tipitapa prison which is used mainly for political prisoners. During the escape, gunshots and explosions were heard directly outside the prison for an extended period of time by friends and relatives who had lined up during the night for visiting hours the next day. It has been reported that the prison guards went wild during the escape and shot at the occupants of cells 3 and 4.

On October 10, about 200 Nicaraguans marched on their government and demanded a full explanation. No answers were provided, and a similar march took place the next day. Further, several family members were detained by the Nicaraguan Government for questioning and later released, and the independent Human Rights Organization has been denied access to the prison to investigate. On the 11th, I met with junta head Daniel Ortega. While he would not give any explanations, he did confirm the escape from the prison, and never denied the shootings. He also refused to answer when asked if he would allow an impartial international organization to investigate the prison escape and shootings. This is a gross violation of human rights, and demands a full explanation. Not only have all questions gone unanswered, but all outside contact with the prisoners has been cut. Families do not even know whether their loved ones are alive or not. It is for these reasons that I have requested the Organization of American States Human Rights Commission to initiate an investigation into the events of October 9 at Tipitapa prison.

BRING THE IMMIGRATION BILL TO THE FLOOR OF THE HOUSE

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, the determination of the Speaker of the House to ignore the hemorrhaging of our Nation's immigration laws has predictably done nothing to solve the problem. With the absence of remedial legislation, the magnetic attraction of employment in the United States continues to lure a flow of undocumented aliens across our border.

Although it has been only 2 weeks since the Speaker's memorable comments, you may be interested to know that in the intervening time, the U.S. Border Patrol has apprehended approximately 44,295 persons attempting to enter the United States without benefit of papers. Although our Speaker has indicated that there is no national constituency to solve this problem, along the southern border alone there have been approximately 40,343 apprehensions since he informed this body of his determination to kill any hope that we might have for immigration reform. Along the Chula Vista sector, a small stretch of the California border sometimes referred to as world's largest land crossing, approximately 13,574 undocumented persons were apprehended. Similarly, approximately 9,681 apprehensions were made in the El Paso area. Although this is a cause for great concern on the part of people in my part of the country, I am chagrined to conclude that nothing less than an act of Congress to move the Speaker's district office to the Western United States will evidently suffice to capture his attention.

In last Thursday's Washington Post, Columnist Carl Rowan aptly characterized the Speaker's inaction as a "political decision to deny Congress an opportunity to deal with the important issue of illegal immigration." Rowan went on to state that "This situation is a classic example of how political gamesmanship obliterates the national interest."

Mr. Speaker, the problem is not going to go away and its time to stop playing political games and bring the immigration bill to the floor of the House for a vote.

THE CHADHA RESPONSE BILL

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, I want to remind my colleagues that on Wednesday, October 26, I intend to reintroduce, with cosponsors, H.R. 3939, the Regulatory Oversight and Control Act of 1983. I invite my colleagues to join with me on this bill that offers a constitutional alternative to the legislative veto for regulations.

On June 23d of this year, the Supreme Court stripped the Congress of a very useful tool for controlling the regulatory bureaucrats by declaring the legislative veto unconstitutional in the Chadha case. The time has come to respond to this decision in a forceful yet responsible manner by establishing new means to retain control over the lawmaking powers that we have delegated to the regulators. This bill would do this by requiring that major regulations be approved, and permitting nonmajor regulations to be disapproved, by the enactment of joint resolutions, requiring the President's signature. The bill also contains important regulatory and House oversight reforms to further bolster that control and political accountability.

I am pleased to report, Mr. Speaker, that on October 6 the U.S. Chamber of Commerce voted to endorse this legislation. I urge my colleagues to cosponsor the bill by returning the form at the bottom of my September 22 "Dear colleague" letter.

TRIBUTE TO GEN. FRANK F. EVEREST

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PARRIS. Mr. Speaker, when I went to Korea 30 years ago as a young second lieutenant fighter pilot, the commanding general of the 5th Air Force was Gen. Frank F. Everest. He was a highly decorated patriot who was one of this Nation's most important military figures in the last 50 years. It was my great privilege and honor to get to know the general personally and to spend time with him socially since that time. He truly was a giant among men.

I am sorry to report that he passed away on October 10 and I am inserting a short obituary into the RECORD for the benefit of my colleagues, who I am sure will want to recall the contributions of this great American.

The obituary follows:

General Frank Everest died at his home in Myrtle Beach, South Carolina on October 10, 1983.

General Everest, U.S. Air Force retired, was born in Council Bluffs, Iowa on November 13, 1904. He was graduated from the U.S. Military Academy on June 9, 1928 and commissioned a second lieutenant of Field Artillery.

Entering Primary Flying School at Brooks Field, Texas, General Everest was graduated from Advanced Flying School at Kelly Field, Texas in September 1929 and was assigned with the Eighth Attack Squadron at Fort Crockett, Texas. He entered the Air Corps Technical School at Chanute Field, Illinois in September 1932, completed the

armament course the following March. After serving in various capacities at Maxwell Field, Alabama, in July 1936 he entered the Air Corps Tactical School at Maxwell Field, Alabama and was graduated the following June.

Going to Hawaii, the General served with the 18th Pursuit Group at Wheeler Field, moving to Lowry Field, Colorado in September 1939 as an instructor at the Air Corps Technical School. In August 1941 he was assigned to Air Corps Headquarters for duty in the Plans and Training Division, joining the Operations and Training Division of the War Department General Staff the following March.

Four months later General Everest was assigned at Headquarters, U.S. Army Forces in the South Pacific Area, serving successively as liaison officer to the Commander, Aircraft, South Pacific; Commanding Officer of the 11th Heavy Bomb Group at New Hebrides Islands and Guadalcanal early in 1943; and Army Air Officer on the staff of the Commander of the South Pacific Theater.

Reassigned at Air Corps headquarters in January 1944, he was named Air Force Director of the Joint War Plans Committee in the Office of the Assistant Chief of Air Staff for Plans, joining the special organizational planning group at Air Corps Headquarters in November 1945. Two months later he was designated Air Force Member of the Joint Staff Planners of the Joint Chiefs of Staff, and in August 1946 he assumed additional duty as Deputy Assistant Chief of Air Staff for Plans at Air Corps Headquarters.

Transferred to the Alaskan Air Command (AAC), on November 16, 1946 General Everest assumed command of the Yukon Sector, AAC, with Headquarters at Ladd Field, Alaska. He was named Assistant Deputy Chief of Staff for Operations at Air Force Headquarters, Washington, D.C. in June 1948, and in March 1950 he assumed additional duty as Senior Air Force Member on the Military Liaison Committee to the Atomic Energy Commission.

In May 1951 he assumed command of the Fifth Air Force, Far East Air Forces, in Korea. A year later he was appointed Deputy Commander of the Tactical Air Command at Langley Air Force Base, Virginia. Nine months later he was named Director of the Joint Staff in the Office of the Joint Chiefs of Staff, Washington, D.C. On April 1, 1954, he was designated Deputy Chief of Staff for Operations at Air Force Headquarters, a post he held until July 1, 1957, when the was appointed Commander-in-Chief of the United States Air Forces in Europe.

Returning to the United States, on August 1, 1959, the General assumed duty as Commander of Tactical Air Command, Langley Air Force Base, Virginia. He retired from the Air Force in 1961.

His decorations include the Distinguished Service Medal; the Silver Star; the Legion of Merit; the Distinguished Flying Cross; the Air Medal; and the British Order of the Bath.

General Everest and his wife, the former Edith Van Horn, of Charleston, West Virginia, were survived by their two children, Frank F. Everest, Jr. of Alexandria, Virginia, and Patricia Sidwell of Fort Washington, Maryland; seven grandchildren; and one great grandchild.

JAPANESE VOLUNTARY AUTO EXPORT RESTRAINT PROGRAM

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, I rise at this time to renew the urgent plea I made before the recess in support of House Concurrent Resolution 178, which calls on the administration to negotiate with the Japanese an extension of their voluntary auto export restraint program at the present level of 1.68 million vehicles per year. In particular, I would like to take this opportunity to reemphasize the very serious and worsening state of our balance of trade, which would be further exacerbated if the Japanese forego export restraint.

Over the past 5 years, the United States has amassed a $150 billion trade deficit with the world, including $64 billion with Japan, and more than 80 percent of this trade imbalance with Japan is in automotive products alone.

Last year's trade deficit of $36 billion cost the U.S. economy some 900,000 jobs, at an expense of $13 billion in lost tax revenues and extra unemployment costs.

This year's deficit is expected to be in the neighborhood of $60 billion, with Japan accounting for as much as 50 percent of it.

And if all that is not enough bad news, the Department of Commerce has estimated that our total trade deficit for 1984 could be as high as $100 billion, almost triple the 1982 level. This would mean a reduction of the GNP by between 2 and 3 percent, a $40 billion increase in the budget deficit, and most importantly, a loss of between 2 and 3 million American jobs.

Currency and tax imbalances must also be addressed if we are to correct long-term trade inequities; but for now top priority must be placed on continued Japanese restraint at the current level. I urge my colleagues to cosponsor and to pass this much-needed resolution, and thereby send a clear message to both Ambassador Brock and the Japanese as they begin these crucial negotiations.

□ 1250

HELP REFUSENIKS BY TELEPHONING THE SOVIET UNION

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, just over an hour ago, Pam Cohen and Marillyn Tallman of the Chicago Action for Soviet Jewry and Lynn Singer, president of the Union of Councils for Soviet Jewry placed a call from my office to Inna Elbert in the Soviet Union.

Inna's husband, Lev, is in prison accused of draft evasion, but his only real crime is his desire to emigrate to Israel, to practice his Jewish faith and teach Hebrew.

The news here is that we got through to Inna with our message of hope and promise of help for her, and talked to her for 17 minutes without being cutoff, which, as regular callers to Soviet refuseniks will tell you, is extremely unusual. We cannot know for certain whether there was any importance in calling from a Congressman's office.

But I would urge Members who help in other ways with Soviet emigration not only to allow their constitutents to make calls to Soviet refuseniks from their offices, but to tell them of the availablity of this approach and encourage them to use it.

DAIRY COMPROMISE WOULD BRING SURPLUSES UNDER CONTROL

(Mr JEFFORDS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, later today Members may be asked to vote to go to conference on a Senate bill which includes a dairy compromise, and I would urge the Members to vote "yes" to go to conference.

Whether or not Members agree with the compromise, they will have an opportunity then to either vote for the compromise or in favor of the Conable amendment. The gentleman from New York (Mr. CONABLE) will have an opportunity to offer his alternative. I oppose the alternative the gentleman from New York offers, because the compromise itself is agreed to by the administration. It was voice-voted by the Senate and also agreed to by the House Agriculture Committee.

As for the Conable amendment, it shocks me to learn that my esteemed colleague, the gentleman from New York, would suggest something which would cost $1.3 billion more over 2 years than the dairy compromise. Incidentally, the New York Times editorial left that billion off the $300 million; they admit the Conable amendment would cost more.

So, Mr. Speaker, I would urge the Members to vote "yes" to go to conference and then to vote "no" on the addition of $1.3 billion to the deficit proposed by the Conable amendment. I would also point out that the compromise is the only one that will bring the dairy surpluses under control.

SUPPORT FOR VISTA URGED

(Mr. MOODY asked was given permission to address the House for 1

minute, and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, I rise in strong support of H.R. 2655, a bill to reauthorize Volunteers in Service to America (VISTA), which will be considered later this week.

In my district of Wisconsin VISTA volunteers, working through Milwaukee Associates in Urban Development (MAUD), have provided an outstanding record of service to our community. I mention but three local VISTA projects: Shelter and council for battered women, the recruitment and training of block leaders to create neighborhood networks to solve neighborhood problems, and a transportation service for the elderly to meet daily essential needs.

VISTA is a cost-effective way of improving the quality of life in urban and rural communities, especially for the needy. Dedicated volunteers live at poverty-level wages, $4,200 per year, yet they generate approximately $36,000 per year in additional resources through mobilization of other volunteers, generation of new resources, and creation of new jobs.

The 1984 equivalent of the 1981 appropriation for VISTA (adjusted for inflation) would be about $40 million. Thus, the $25 million now proposed in H.R. 2655 is but a modest restoration of this excellent program.

Mr. Speaker, I urge its support to my colleagues.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MOAKLEY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

SMALL BUSINESS DEVELOPMENT CENTER PROGRAM EXTENSION

Mr. MITCHELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4013) to extend the Small Business Development Center program administered by the Small Business Administration until January 1, 1985.

The Clerk read as follows:

H.R. 4013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204 of Public Law 96-302 (94 Stat. 848) is amended by striking "October 1, 1984" and by inserting "January 1, 1985".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Maryland (Mr. MITCHELL) will be recognized for 20 minutes and the gentleman from Nebraska (Mr. DAUB) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4013 and urge immediate passage of this legislation.

This bill does only one thing: It extends from October 1, 1984, to January 1, 1985, the sunset provision on the Small Business Development Center management assistance program. This will give the committee and the Congress time to review and extend the program if such review is favorable.

The 1980 Congress established a new program to provide management assistance to small businesses. This program, termed the Small Business Development Center program, authorizes SBA to contract with universities, State governments or other entities at the local level who would provide counseling, assistance in technology transfer, information on regulations, research into business problems and other types of management assistance. The key difference between this program and others which had been authorized in the past, however, was that those institutions applying to participate in the program are required to provide matching funds in an amount equal to the SBA funds.

During the 3 years of program operation, small business development centers have been established in the District of Columbia and 25 States. Although not required by law, the existing SBDC's are all operated in connection with universities. To date, these centers have provided management assistance to some 260,000 businesses.

This program contains a sunset provision of October 1, 1984, at which time the program is specifically repealed. The committee has commenced the review process, but we will not complete it until early next year. In the meantime, many contracts are due for renewal and extension and unless the program is extended for 3 months, the renewal contracts can only be let for 9 months. Particularly due to the local matching funds requirement, this shorter term would disrupt program operation and could result in experienced counselors at these centers leaving for other jobs. This, of course, would seriously setback small business assistance efforts if Congress extends the program

The Congressional Budget Office estimates that enactment of this bill will not require any additional spending. The effect of the extension is simply to allow the disbursement of 1984 funds (at an annual rate of $22 million provided in the continuing resolution) over 15 months, rather than 12 months.

I want to take this opportunity to thank our ranking minority member, the gentleman from Pennsylvania (Mr. MCDADE), who is on the floor, and also the gentleman from Nebraska (Mr. DAUB) for their support in drafting and considering this measure in committee and in considering it here today.

I urge passage of this urgently needed legislation. It is merely an interim measure and its enactment is without additional cost.

Mr. DAUB. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join with the distinguished and committed gentleman from Maryland (Mr. MITCHELL) in strong support of H.R. 4013. As was pointed out, this simple 3-month extension makes it possible for the Small Business Administration to renew contracts with universities for a full year instead of 9 months.

I know firsthand of the success of the small business development center program. We in Nebraska have since 1977, prospered from the work of this group at the University of Nebraska at Omaha. In conjunction with the five State offices located in Omaha, Lincoln, Kearney, Wayne, and Chadron, the Nebraska Business Development Center last year assisted over 1,200 businesses directly, and through its programs of workshops and seminars, it reached another 5,000.

The success of this program in Nebraska is evidenced by the fact that 42 chambers of commerce have provided funding to assist the center, and their members have remarked to me often of the assistance that has made possible many business successes in our State.

The goal of the Nebraska Business Development Center is to improve profits and thus create jobs. We all know that this is the only way that real jobs are created and in a sense this may be this Government's most effective job creation program. I know that the program works in Nebraska because the people who work with it say so. Last year a survey was conducted of the businesses who sought help from the program and 94 percent said that their participation resulted in increased profits and the ability to hire more employees. That is unqualified success achieved at a cost that by any definition is a bargain.

I urge the body to support this extension of an effective and necessary program.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. DAUB. I yield to the distinguished gentleman from Massachusetts, a member of the committee.

Mr. CONTE. Mr. Speaker, I take this opportunity to commend our committee chairman for his leadership in bringing this bill out, and I commend the gentleman from Nebraska (Mr. DAUB) for his fine presentation today. As one of the original sponsors of this legislation many years ago, I stongly urge its support.

Mr. Speaker, the extension of the small business devlopement program H.R. 4013, which we are considering today will allow the accounting cycle of the Federal Government to be consistent with the financial cycles used by several of the colleges and universities which are participants in the SBDC program.

I support the extension of this program. In Massachusetts, the SBDC is proud of the fact that its first client is now listed as one of the 500 fastest growing small businesses in the country by INC. magazine.

I urge my colleagues to join me in extending this very important program.

Mr. DAUB. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. CONTE) very much for his contribution. His leadership is noted, and his support is appreciated.

Mr. Speaker, I take this opportunity to yield such time as he may consume to the ranking minority member, the gentleman from Pennsylvania (Mr. MCDADE), who has joined us, since I am sure he would like to speak on this very important bill which has his cosponsorship and his support in the original authorization.

Mr. MCDADE. Mr. Speaker, I thank my colleague, the gentleman from Nebraska, for yielding this time to me.

Mr. Speaker, I join with the distinguished chairman of our committee, Mr. MITCHELL, in supporting passage of H.R. 4013. As the gentleman from Maryland has pointed out, this 3-month extension simply makes it possible for SBA to renew contracts with universities for a full year instead of 9 months.

The program, which now covers 25 States, is designed to establish statewide networks for the delivery of up-to-date management counseling, training, and technical assistance to the local small business community served by the SBDC. SBDC's expand the services currently available to small businesses through SBA field offices in an effort to meet the ever-increasing demand for state-of-the-art small business management information.

Each SBDC has a full-time director and staff members who coordinate the efforts of full- and part-time personnel within the State with SBA efforts. The services offered by the centers address the specific geographic, demographic, and socioeconomic problems of the overall small business populations of their States.

In my own State we have a fine SBDC directed by Ms. Susan Garber at the University of Pennsylvania. As an original sponsor of the SBDC legislation, I urge my colleagues to support H.R. 4013.

Mr. DAUB. Mr. Speaker, I thank the distinguished ranking minority member for his support. His leadership is always appreciated on our committee.

● Mr. FAUNTROY. I rise in support of H.R. 4013, a bill to extend until January 1, 1985, the small business development center program administered by the Small Business Administration.

In 1980, Congress enacted Public Law 96-302, which included a provision establishing a new program to provide management assistance to small businesses. This program, the small business development center program, authorizes SBA to contract with universities, State governments, or other entities at the local level to provide counseling, assistance in technology transfers, transfers, research into business problems, information on regulations, and other types of management assistance. A key provision of the program requires matching funds from participant institutions.

There are small business development centers in 25 States. In the District of Columbia, the center is located at Howard University. That center has provided valuable service to small businesses in the District of Columbia. Approval of H.R. 4031 would enable the Howard University Small Business Development Center to continue its exceptional work in providing small businesses with needed assistance.

Mr. Speaker, H.R. 4013 merely extends the sunset date for the program in order to allow the Committee on Small Business, under the able leadership of Chairman PARREN MITCHELL to complete the review process. I urge my colleagues to support H.R. 4013.●

● Mr. ERDREICH. Mr. Speaker, the importance of small business to the health and vitality of our economic system cannot be overstated. Approximately 98 percent of all businesses in this country are small businesses; they account for 46 percent of our gross national product.

In the Birmingham, Ala., area, which I represent, small business employs 55 percent of the area's labor force, and accounts for 47 percent of its payroll.

The Small Business Administration contracts with State governments, universities, and local entities under the provisions of the small business development center program, providing counseling, research into business problems, and other types of assistance to small businesses.

The Alabama State Small Business Development Consortium, hosted by the University of Alabama in Birmingham, is a unique venture in cooperation with 13 Alabama institutions of higher education. This consortium provides managerial and technical assistance at no cost to existing and potential small businesses statewide through 14 small business development centers, the Alabama International Trade Center, and 4 affiliates.

Between 1980 and 1981, the first year of operation, the consortium counseled 507 Alabama small businesses. The results of a survey of these businesses 1 year later is worth noting.

On average, the 106 firms that responded to the survey showed a 20-percent increase in sales, an almost 7 percent increase in employment, and an almost 20 percent increase in profits. Clearly, these results show that the Alabama Small Business Development Consortium has had a significant effect on the economic performance of the small businesses it has helped. This record of success has continued.

Last year, there were 584 small businesses that sought and received help. To date, the Birmingham Small Business Development Center has spent nearly 7,000 manhours helping approximately 700 small businesses. This is expected to translate into nearly $20 million in new loans and 1,000 new jobs by the end of 1983.

The success achieved in Alabama has been duplicated across the Nation. There are currently small business development centers in 25 States. I am especially proud to note that in an independent evaluation mandated by the enacting legislation, not only was the Alabama program found to be the best in the Nation, but also, the University of Alabama in Birmingham's Small Business Center was found to be the best in the State.

Authorization for the small business development center program is set to expire on October 1, 1984. This sunset date threatens the continued successful efforts of the program. Many of the participating universities contract with the SBA on a calendar year basis. The October 1, 1984 date, however, prevents the SBA from issuing contracts for the remaining 3 months of the 1984 calendar year. Because the program requires participating institutions to match the SBA's funding contributions, this sunset date will cause a 3-month shortfall in SBA financial support.

Mr. Speaker, I urge my colleagues in the House to support H.R. 4013, which would extend the small business development center program for 3 months through January 1, 1985, thus allowing for a full match of SBA and university funds.

I believe the program has proven itself to be a valuable tool in improving the economic performance of the

businesses it has helped, and our economy has been the better for it.

It is important that we in Congress support efforts such as the small business development center program which enable small businesses to grow and prosper. Swift passage of this bill is a big step in that direction.●

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 4013, to extend until January 1, 1985, the small business development center program administered by the Small Business Administration.

The small business development center program is very important for the successful development of small businesses. Numerous studies have demonstrated that lack of management expertise and assistance is one of the major contributing facts to small business failures. Section 204 of Public Law 96-302 authorizes SBA to enter contracts and cooperative agreements with any State government or State agency or institution of higher education to provide counseling, assistance in technology transfer, information on regulations, research into business problems, and other types of management assistance to the small business community. The program requires those institutions applying to participate to provide matching funds in an amount equal to the SBA funds. This matching requirement not only doubles the size of the program, but insures interest and accountability at the local level.

Currently, approximately one half of the centers had contracts with SBA which run on a full calendar year basis and that very shortly they normally would expect to receive a contract for the full 12 months of calendar year 1984. The exisiting law which repeals the small business development center program next October 1, however, will prevent SBA from contracting for the entire 12-month period, instead, the agency will be restricted to contracting for only the first 9 months of the year prior to termination of the program. Since a key element of eligibility in the matching funds requirement and due to budget cycles and accounting procedures in effect in some States and at some universities. Many States and universities might not be eligible at that time to enter such a contract.

H.R. 4013 would correct this by changing existing law and extending from October 1, 1984, to January 1, 1985, the sunset or the repeal of the small business development center management assistance program contained in section 21 of the Small Business Act.

I urge my colleagues to support H.R. 4013.●

Mr. DAUB. Mr. Speaker, I yield back the balance of my time.

Mr. MITCHELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. MITCHELL) that the House suspend the rules and pass the bill, H.R. 4013.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1300

GENERAL LEAVE

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4013, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

GOLD MEDAL FOR THE FAMILY OF THE LATE HONORABLE LEO RYAN

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3348) to honor Congressman Leo J. Ryan and to award a special congressional gold medal to the family of the late Honorable Leo J. Ryan, as amended.

The Clerk read as follows:

H.R. 3348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to present, on behalf of the Congress, a gold medal of appropriate design to the family of the late Honorable Leo J. Ryan in recognition of his distinguished service as a Member of Congress and the fact of his untimely death by assassination while performing his responsibilities as a Member of the United States House of Representatives. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury. There is authorized to be appropriated not to exceed $25,000 after October 1, 1983, to carry out the provisions of this subsection.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, material, dies, use of machinery, overhead expenses, and the gold medal. The appropriation made to carry out subsection (a) shall be reimbursed out of the proceeds of such sales.

(c) The medals provided for in this section are national medals for the purpose of section 5111 of title 31, United States Code.

The SPEAKER pro tempore. Is a second demanded?

Mr. PAUL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ANNUNZIO) will be recognized for 20 minutes and the gentleman from Texas (Mr. PAUL) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3348 is a special bill because it honors one of our colleagues who gave his life in the service of this House. Leo Ryan brought great credit on this House through his extraordinary efforts to serve his constituents. This dedication to the people who had elected him brought his life to an end on a remote airstrip in a faraway country.

Throughout 1978, Congressman Ryan had heard reports of problems concerning the operations of a "People's Temple" headed by a man known as the Reverend Jim Jones. This religious group had left the United States and founded a colony in the small South American country of Guyana. Persistent reports kept reaching Congressman Ryan about how people were being forced to remain at Jonestown, the People's Temple colony in Guyana.

Representative Ryan queried the State Department concerning these reports but received unsatisfactory answers. Disturbing reports continued to come to his attention. At that point, Leo Ryan could have claimed he had done all he could to investigate the situation in a remote and far-off country. After all, if the U.S. State Department, after visits to Jonestown, saw no cause for alarm, why should a Congressman 2,000 miles away be concerned?

But Leo Ryan was cut from a different mold. He needed to see for himself. And so he arranged to pay a visit to Guyana. Less than 2 weeks after being reelected to the House in November 1978, Leo Ryan set off for Guyana.

He discovered information that confirmed all the rumors and reports about Jim Jones' religious colony. As he was about to leave Jonestown and expose the conditions he discovered, Leo Ryan was murdered outside the plane that was to take him home. That night, the lunatic Jim Jones led and forced over 900 followers at Jonestown into a twisted orgy of mass suicide and murder. Leo Ryan had died in an attempt to save them.

By his effort, Leo Ryan set an example for all of us. His attempts to find the truth about the reports from Jonestown went far beyond normal

constituent services, and for his efforts, Leo Ryan paid the ultimate price, dying on a remote airstrip far from home. I am proud and humbled to have served with Leo Ryan in this House. A gold medal presented to his family in his honor is a small and inadequate tribute for a man who brought so much credit to this House and this country.

The bill authorized the appropriation of $25,000 for the minting of the gold medal. As with all congressional gold medal bills, this authorizes the Mint to strike and sell bronze duplicates of the gold medal and sell them to the public at a price designed to recover the costs of striking the gold medal.

Mr. Speaker, I urge the passage of this bill in honor of a man who gave his life for his country and this House.

Mr. PAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority members of the Subcommittee on Consumer Affairs and Coinage have unanimously supported this legislation to authorize a congressional gold medal honoring the memory of Congressman Leo J. Ryan.

As the chairman has indicated in his remarks, it is a high honor we are here to bestow upon our departed colleague.

I was not a Member of this House at the time of the tragedy in Guyana, so I am at a slight disadvantage.

Mr. Speaker, I yield such time as he may consume to the honorable gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Speaker, I thank the gentleman for yielding.

I certainly want to join enthusiastically in authorizing the awarding of this medal. This is not a medal which should be given lightly. It has only been given very infrequently to Members of Congress in the past. A person must have shown unusual character and services to his country before such a medal is given.

I had an opportuntiy to travel with Leo Ryan in 1978, early in that year, off the coast of Newfoundland to protest—a joint project of ours—protesting killing of baby harp seals.

It is of specific relevance to Mr. Ryan's character because this is not an issue which was easy to pursue. The Greenpeace organization asked Leo and me to go there. I was at that time chairman of the Environmental Study Conference. Leo Ryan had previously helped to pass House Concurrent Resolution 142, urging the Canadian Government to review their policy with respect to the slaughter of baby harp seals.

Our trip was not looked upon with any great favor by the Canadian Government. They urged us not to proceed. We felt it was important for us to do so to further the cause we were pursuing.

We first proceeded to Ottawa, where we had a severe confrontation with members of the Canadian Government. We then proceeded from there toward the ice floes of Newfoundland, onward.

The Canadian Government was not enthusiastic. At one point, we were grounded. The Canadian Government refused permission for us to fly from the place where we were to the launching point to go on to the ice floes.

Notwithstanding that refusal, Leo convinced the pilot that the weather was not so bad that we should not proceed. I, perhaps more from the desire not to be embarrassed than by any good intentions, agreed to accompany Leo.

We took off in a blinding snowstorm, proceeded in such and landed in a blinding snowstorm. As a result of that, the pilot's license was revoked and we had to find other means to return.

At that point, we had great difficulty in obtaining permits, but we were finally able to do so. We proceeded by helicopter off the ice floes. At that point, we found that there was a tremendous emotional distaste at our arrival by the people there who were pursuing the slaughter.

Leo was not one to avoid such confrontations and, in fact, he perhaps went a little bit out of his way to pursue them. We had a rather dramatic confrontation between Leo Ryan and the local Province head of labor and industries. This tremendous confrontation with great oratory, took place on top of a mound of ice in view of the sealers. Leo outdid himself in making very clear our point, while surrounded by men with picks ready to go and pursue the killing of the baby harp seals—or perhaps us.

I was not unhappy to stay somewhat in the background and observe, not having quite the enthusiasm as Leo did for that type of confrontation.

As a result, though, I obtained tremendous feeling that here was a man of great courage, who was willing to pursue his cause with great risk to himself. In this case, it was not human lives. The venture for his constituents resulted in the loss of his life was much more courageous but it did show to me a person who had unusual enthusiasm, courage, and zeal to pursue the ends that he was working for.

It was with great fortune that I did turn down Leo's request that I go with him to Guyana. I am sharing this information today, to give you further evidence of the tremendous courage that this man had and another reason that we should support this bill.

Mr. ANNUNZIO. Mr. Speaker, I yield such time as he wishes to consume to the distinguished gentleman from Florida (Mr. FASCELL), the ranking member of the Foreign Affairs Committee on which Leo Ryan served.

Mr. FASCELL. Mr. Speaker, I rise in support of H.R. 3348, which would authorize the striking of a gold medal honoring our late colleague, Leo Ryan.

During the time Leo and I worked together on the Foreign Affairs and Government Operations Committees, he demonstrated his commitment to human rights, to the effective management of our Government and our foreign policy effort, and to the attainment of peaceful, productive relations among nations. He possessed a keen sensitivity to the problems of individual human beings, from the daily concerns of his own constituents to the needs of those who suffered under totalitarian regimes, or fled as refugees to seek a haven in the United States.

Leo was not a quiet man who waited for problems to come to him. He was a man who became involved—an active man who analyzed problems, collected the facts, and sought to right the wrongs he saw. It was this search for truth that led him to Jonestown and his tragic, untimely death which was a great loss not only to his family but to the American people. It is fitting that we should remember this man whose unswerving dedication and courage were a tribute to this body, and whose sacrifice should not be forgotten.

□ 1310

Mr. ANNUNZIO. Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to express my appreciation to both the chairman and our ranking Member for bringing this bill before us.

It was my privilege to serve for many years with Leo in the California State Legislature. He was a close personal friend, and I have had occasion to work very closely, since this tragic circumstance developed, to work closely with his family, and this medal will serve as an important symbol to them, relative to the House's recognition of Leo Ryan's contribution, not just to the House of Representatives but to all those people he has served over the years.

Leo was one of those people you would describe as "the most incredible fellow you ever met." He was a dedicated public servant. He viewed himself as a legislator first, and he clearly reflected the viewpoint that most of the problems we face in public life have little to do with partisan politics. He was concerned first about serving people and their needs and most of his energy most of his life was dedicated to that end. It is a privilege for me to have the honor to stand in support of

this measure today to honor Leo Ryan.

Mr. ANNUNZIO. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, Leo Ryan was my predecessor. He was my friend.

He is the only Member of Congress who gave his life in the performance of his duties. He went to Guyana in response to the anguished cries of his constituents who were deeply concerned that members of their families were being held against their will under circumstances of imminent, potentially fatal danger.

It was typical of Leo's courage and commitment that, despite the obviously dangerous character of his mission, he went. The tragic outcome of that mission is now part of our national history.

It is appropriate, Mr. Speaker, that the Congress honor Leo, one of our fallen comrades, for his historically unique mission with the Congressional Gold Medal.

The Congressional Gold Medal was first awarded to George Washington, and in our entire national history, we saw it fit to honor individuals only on a handful of occasions with this ultimate accolade.

Leo will not be here to receive this honor, but I believe the Congress will honor itself and our Nation in granting to the family of this great American the Congressional Gold Medal as an indication of our admiration and respect for his work.

Mr. Speaker, as part of my remarks today, I would like to include a statement of Ms. K. Jacqueline Speier, who was legal counsel to the late Congressman Leo Ryan and accompanied him on that fateful trip to Jonestown 5 years ago. Ms. Speier was seriously injured at the same time that Leo Ryan was killed. Her observations add a personal dimension that I would like to share.

A STATEMENT OF MS. K. JACQUELINE SPEIER, SAN MATEO COUNTY SUPERVISOR AND FORMER LEGAL COUNSEL TO THE LATE CONGRESSMAN LEO J. RYAN

It is a deep, personal privilege to have the opportunity to offer my testimony in support of H.R. 3348, a bill to bestow posthumously the Congressional Gold Medal on the late Congressman Leo J. Ryan. I applaud the efforts of the author, Congressman TOM LANTOS, the 232 Members of the House who have cosponsored the bill, the tireless work of Patricia Ryan, aide to Congressman LANTOS and daughter of the late Congressman, as well as daughter Erin Ryan.

Our country has been blessed with some extraordinary leaders. Congressman Ryan was one of them.

Our country has been blessed with some courageous leaders. Congressman Ryan was one of them.

Our country has been blessed with some controversial leaders. Congressman Ryan was one of them.

Our most extraordinary leaders have encountered controversy, acted courageously and caused our Nation to experience enriched moments of peace and equality from Abraham Lincoln signing the Emancipation Proclamation to John F. Kennedy calling for a test ban treaty.

The Congressional Gold Medal is conferred on Americans who have given outstanding service to this country. In 200 years, the Congress has honored only 87 such individuals, 3 of which were Members of Congress. It is time to make the late Congressman Leo J. Ryan the 88th recipient of this highest civilian honor.

No one should think for even the briefest moment that this posthumous bestowal should be given simply because Leo Ryan was and is the first Congressman to be assassinated in the history of this country.

It is for what he lived, and stood for, that we eagerly entreat the Congress to honor his memory by acclaiming the late Congressman Leo Ryan for his undaunted conviction and ever-questioning spirit. While Leo Ryan did not seek controversy, he did not shrink from it either. While he did not wear his courage on his sleeve, he did not hide from it either.

While others were frozen by rioting in Watts in the late 1960's, Leo walked into a ghetto school to teach English to frustrated young black students.

When prison reform in California in the early 1970's perplexed other legislators, Leo had himself "sentenced" to Folsom Prison for a week to learn first-hand what could be accomplished.

When the officials of the State Department unabashedly admitted they did not have the answers to the endless questions of involuntary servitude, physical beatings, and the practice of mind control on American citizens in Jonestown, Leo felt compelled to visit the People's Temple in Guyana to learn the truth. He never feared the trip to Jonestown; he feared for the disavowed, disheartened, and disenfranchised people who had been drawn to the settlement.

Leo Ryan's legislative record in the California State Legislature and in the House of Representatives is distinguished with profound and often landmark legislation. His legislation was characterized by controversy and often suggested wholesale changes in our institutions.

In the 1970's, Assemblyman Ryan transformed the teacher credentialing law in California, became an advocate of the voucher system in education and authored the "Ryan Master Teacher Plan" to provide merit pay for teachers. These concepts were controversial and unpopular in the late 60's and early 70's. . . That did not deter Leo's resolve to see the State of California move in that direction, even when his actions cost him teacher union and establishment support. Today not only the State of California but the nation is looking to these concepts as new solutions to the education crisis. Leo Ryan's vision was just 10 to 15 years early; truly a man ahead of his time.

In Congress, he fought similar battles, often viewing a controversy as an opportunity to overturn an ill-advised plan or longstanding policy that no longer merited Congressional support. He fought his own party and the Carter Administration to halt the creation of the Department of Education. He urged Congress to cut off military aid to the Philippines in protest of the continuing human rights violations in that country. He led the Congress in the successful effort to commute the sentence of Patricia Hearst.

As Chairman of the Government Operations Subcommittee on Environment, Energy and Natural Resources, Congressman Ryan was indefatigable in protecting the environment, studying issue from dam safety to nuclear waste disposal, from redwood forest protection to solar energy development. Again, it was controversy that drew his attention to an issue. It was his special brand of courage that enabled him to make great strides in resolving many of these inflammatory issues.

Then there was the man. Leo Ryan was complex, yet simple. He had a thirst for knowledge and a passion for history and literature. Although he was generally formal in his attire, he could be seen walking through his office in his stocking feet and a three-piece suit. His informality and warmth enchanted young students and charmed senior citizens who visited him at the Capitol. He yearned to have friends but somehow found it incompatible or potentially compromising in his work. Those who knew him could not help but be impacted by his power and presence.

Theodore Roosevelt once said. "No man is worth his salt who is not ready at all times to risk his body . . . to risk his well-being . . . to risk his life . . . in a great cause."

Leo Ryan believed in freedom, in democracy in America. He lived to fight for the great causes of our time. He died saving the lives of some and uncovering one of the most heinous atrocities of the century known as the People's Temple in Guyana. He should be remembered for his resolute commitment to seek the truth first-hand and for his unbridled curiosity and deep questioning of the world's issues.

Leo Ryan offered this country more than brilliance and bravuro, he offered this nation tough-spirited leadership unfettered by fear or mediocrity.

He deserves no less, even at this late date, but to be honored and acclaimed as the 88th recipient of the Congressional Gold Medal.

● Mr. PHILIP M. CRANE. Mr. Speaker, I would like to state that I am in favor of H.R. 3348 which would award a gold medal for the family of the late Honorable Leo J. Ryan.

Earlier today I contacted Congressman FRANK ANNUNZIO to see if he would offer an amendment to also have a gold medal struck for the family of the late Congressman Lawrence P. McDonald. He informed me that this would not be appropriate at this time, but he would support the idea if I could get 218 Members to cosponsor my proposal.

Therefore, I would like to inform my colleagues of a similar bill I introduced for the family of Larry McDonald. I believe Larry deserves recognition for his distinguished service as a Member of Congress and the fact of his untimely death as a result of the atrocity perpetrated by the Soviet Union on September 1, 1983.

I urge my colleagues to join me in honoring a truly great American, Lawrence P. McDonald, by cosponsoring my bill, H.R. 3866 to award the McDonald family with a Congressional Gold Medal.●

● Mr. MINETA. Mr. Speaker, words alone cannot express the grief I felt when I learned of the murder of my friend and colleague, the Honorable Leo J. Ryan. As a Member of Congress, Leo did his utmost to serve those whom he represented. In House, he was highly respected by his peers as one who at once stood firmly behind his beliefs, and yet still displayed an ability to compromise. In short, Leo served as one of those active, compassionate statesmen who make Congress work.

When Leo went to Guyana, he did so because he was concerned that some American citizens, many of whom were from his own district, were being mistreated. Leo's trip was above and beyond the normal call of duty, but it was typical for Leo, a man who always went to extraordinary lengths to help others.

H.R. 3348 authorizes the President to present a special gold medal to the family of Leo Ryan. It is a sign of the great respect that we, as Members of Congress, hold for the memory of our departed colleague. His was a greatness few men can hope to achieve. We will all miss him dearly. I urge the adoption of this legislation.●

● Mr. ZABLOCKI. Mr. Speaker, I am honored to join in support of this legislation to provide a gold medal for the family of the late Honorable Leo J. Ryan. My good friend, the gentleman from California (Mr. LANTOS) is surely to be commended for his efforts in sponsoring this appropriate tribute to a distinguished and esteemed Member of this House of Representatives.

As we all know, November 18 of this year will mark the fifth anniversary of the death of Leo Ryan on a remote airstrip near Jonestown, Guyana. The tragedy of his murder and the even greater horror of what later followed in Jonestown itself shocked the entire world.

The mass-murder suicide of more than 900 people raised many perplexing questions. An extensive investigative effort by the Committee on Foreign Affairs attempted to answer those questions. More importantly, however, the committee's investigation helped to point up the significance of that tragic event and seek solutions which would prevent it from ever happening again.

Amid the confusion and chaos of what became known—and will always be remembered—as the Jonestown tragedy, there is one clear and unmistakable certainty. That certainty involves the character of the man Leo Ryan. At personal sacrifice and inconvenience, Leo Ryan was in Guyana on November 18, 1978, in an attempt to promote the safety and welfare of U.S. citizens abroad.

He went there at the urging of constituents whose relatives were in effect trapped in the madness of Jonestown. He went to Guyana because he was a man of courage and conviction. Because of that dedication he suffered an untimely death, a loss which has deprived his family, the Congress, and the entire Nation of an able and conscientious public servant.

This gold medal will surely not replace him in the hearts of his family. But in some small way it conveys to his loved ones and the entire Nation the high regard and respect in which he was held by his colleagues. To his family goes my continued profound sympathy.●

● Mr. GILMAN. Mr. Speaker, I rise in support of this measure, which would allow for the striking of a gold medal to honor our late colleague, the gentleman from California, Leo Ryan. Congressman Ryan served his constitutents and his country for three terms, but was tragically struck down in Jonestown, Guyana, while investigating abuses of constituents. It is important that we recall that tragic event and Congressman Ryan's dedication. Without such a commemoration, the passage of time will cause this tragedy to fade from our memory.

It has already been some 5 years since our distinguished colleague, Congressman Ryan, was assassinated by members of the People's Temple in Jonestown, Guyana. H.R. 3348 would present Congressman Ryan's family with a gold medal honoring him, and also authorizes the striking of bronze medals which would be sold to the public. This measure, which I have cosponsored is but a small testament to a man who risked and sacrificed his own life for the sake of his constituents. While we cannot bring Leo Ryan back, we can honor his good works in this fashion, which is truly fitting. Accordingly, I urge my colleagues to join in the passage of this bill.●

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ANNUNZIO) that the House suspend the rules and pass the bill, H.R. 3348, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

VIETNAM VETERANS NATIONAL MEDAL ACT

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the unfinished business is the question of suspending the rules and passing the bill, H.R. 1870, on which further proceedings were postponed on Monday, October 17, 1983.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ANNUNZIO) that the House suspend the rules and pass the bill, H.R. 1870, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, not voting 23, as follows:

[Roll No. 388]

YEAS—410

Ackerman	Coughlin	Gibbons
Addabbo	Courter	Gilman
Akaka	Coyne	Gingrich
Albosta	Craig	Glickman
Alexander	Crane, Daniel	Gonzalez
Anderson	Crane, Philip	Gore
Andrews (NC)	Crockett	Gradison
Andrews (TX)	D'Amours	Gramm
Annunzio	Daniel	Gray
Anthony	Dannemeyer	Green
Applegate	Daschle	Gregg
Archer	Daub	Guarini
AuCoin	Davis	Gunderson
Badham	de la Garza	Hall (IN)
Barnard	Dellums	Hall (OH)
Barnes	Derrick	Hall, Sam
Bartlett	DeWine	Hamilton
Bateman	Dickinson	Hammerschmidt
Bates	Dicks	Hance
Bedell	Dingell	Hansen (ID)
Beilenson	Dixon	Hansen (UT)
Bennett	Donnelly	Harkin
Bereuter	Dorgan	Harrison
Berman	Dowdy	Hartnett
Bethune	Downey	Hatcher
Bevill	Dreier	Hayes
Bilirakis	Duncan	Hefner
Billey	Durbin	Heftel
Boehlert	Dwyer	Hertel
Boggs	Dymally	Hiler
Boland	Dyson	Holt
Boner	Early	Hopkins
Bonior	Eckart	Horton
Bonker	Edgar	Howard
Borski	Edwards (AL)	Hoyer
Boucher	Edwards (CA)	Hubbard
Boxer	Edwards (OK)	Huckaby
Britt	Emerson	Hughes
Brooks	English	Hunter
Broomfield	Erdreich	Hutto
Brown (CA)	Erlenborn	Hyde
Brown (CO)	Evans (IA)	Jacobs
Broyhill	Evans (IL)	Jeffords
Bryant	Fascell	Jenkins
Burton (CA)	Fazio	Johnson
Burton (IN)	Feighan	Jones (NC)
Byron	Ferraro	Jones (OK)
Campbell	Fiedler	Jones (TN)
Carney	Fields	Kaptur
Carper	Fish	Kasich
Carr	Flippo	Kastenmeier
Chandler	Florio	Kazen
Chappie	Foglietta	Kemp
Cheney	Foley	Kennelly
Clarke	Ford (TN)	Kildee
Clay	Forsythe	Kindness
Clinger	Fowler	Kogovsek
Coats	Frank	Kolter
Coelho	Franklin	Kostmayer
Coleman (MO)	Frenzel	Kramer
Coleman (TX)	Frost	LaFalce
Collins	Fuqua	Lagomarsino
Conable	Garcia	Lantos
Conte	Gaydos	Latta
Conyers	Gejdenson	Leach
Cooper	Gekas	Leath
Corcoran	Gephardt	Lehman (CA)

Lehman (FL)	Oakar	Skelton
Leland	Oberstar	Slattery
Lent	Obey	Smith (IA)
Levin	Olin	Smith (NE)
Levine	Ortiz	Smith (NJ)
Levitas	Ottinger	Smith, Denny
Lewis (CA)	Owens	Smith, Robert
Lewis (FL)	Oxley	Snowe
Lipinski	Packard	Snyder
Livingston	Panetta	Solomon
Lloyd	Parris	Spence
Loeffler	Pashayan	Spratt
Long (LA)	Patman	St Germain
Long (MD)	Patterson	Staggers
Lott	Paul	Stangeland
Lowery (CA)	Pease	Stark
Lowry (WA)	Penny	Stenholm
Lujan	Pepper	Stokes
Luken	Perkins	Stratton
Lungren	Petri	Studds
Mack	Pickle	Stump
MacKay	Porter	Sundquist
Madigan	Price	Swift
Markey	Pursell	Synar
Marriott	Quillen	Tallon
Martin (IL)	Rahall	Tauke
Martin (NC)	Rangel	Tauzin
Martin (NY)	Ratchford	Thomas (CA)
Martinez	Ray	Thomas (GA)
Matsui	Regula	Torres
Mavroules	Reid	Torricelli
Mazzoli	Richardson	Towns
McCain	Ridge	Traxler
McCandless	Rinaldo	Udall
McCloskey	Ritter	Valentine
McCollum	Roberts	Vander Jagt
McCurdy	Robinson	Vandergriff
McDade	Rodino	Vento
McEwen	Roe	Volkmer
McGrath	Roemer	Vucanovich
McHugh	Rogers	Walgren
McKernan	Rose	Walker
McKinney	Rostenkowski	Watkins
McNulty	Roth	Waxman
Mica	Roukema	Weaver
Michel	Rowland	Weber
Mikulski	Roybal	Weiss
Miller (OH)	Rudd	Wheat
Mineta	Russo	Whitehurst
Minish	Sabo	Whitley
Mitchell	Savage	Whittaker
Moakley	Sawyer	Whitten
Molinari	Schaefer	Williams (MT)
Mollohan	Scheuer	Williams (OH)
Montgomery	Schneider	Wilson
Moody	Schroeder	Winn
Moore	Schulze	Wirth
Moorhead	Schumer	Wise
Morrison (CT)	Seiberling	Wolf
Morrison (WA)	Sensenbrenner	Wolpe
Mrazek	Shannon	Wortley
Murtha	Sharp	Wright
Myers	Shaw	Wyden
Natcher	Shelby	Yates
Neal	Shumway	Yatron
Nelson	Shuster	Young (FL)
Nichols	Sikorski	Young (MO)
Nielson	Simon	Zablocki
Nowak	Sisisky	Zschau
O'Brien	Skeen	

NOT VOTING—23

Aspin	Hawkins	Pritchard
Biaggi	Hightower	Siljander
Bosco	Hillis	Smith (FL)
Breaux	Ireland	Solarz
Chappell	Lundine	Taylor
Ford (MI)	Marlenee	Wylie
Goodling	Miller (CA)	Young (AK)
Hall, Ralph	Murphy	

□ 1330

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TAYLOR. Mr. Speaker, on rollcall No. 388 today, the bells did not ring in my office and I missed the vote. Had I been present, I would have voted "yea."

EXPORT ADMINISTRATION AMENDMENTS ACT OF 1983

The SPEAKER pro tempore (Mr. HAYES). Pursuant to House Resolution 297 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3231.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3231) to amend the authorities contained in the Export Administration Act of 1979, and for other purposes, with Mr. SEIBERLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, September 30, 1983, title I was open for amendment at any point.

Are there any further amendments to title I?

AMENDMENT OFFERED BY MR. ROTH

Mr. ROTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROTH: Page 10, strike out lines 1 through 13 and insert in lieu thereof the following:

(b) Section 5(b) of the Act (50 U.S.C. App 2404(b)) is amended—

(1) by inserting "(1)" immediately before the first sentence; and

(2) by adding at the end thereof the following:

"(2) No authority or permission to export may be required under this section for the export to countries other than controlled countries of any good or technology which is at such a level of performance characteristics that the export of that good or technology, under the agreement of the group known as the Coordinating Committee, requires only notification of participating governments of the Committee, as such levels of performance characteristics are set forth in regulations of the Secretary. The Secretary shall require any person exporting any such good or technology to such countries to notify the Department of Commerce of those exports. For purposes of this paragraph, the term 'controlled country' means a country to which exports are controlled under this section on the basis of the determinations made in accordance with paragraph (1) of this subsection.".

(c) Section 5(e) of the Act is amended by adding at the end thereof the following:

"(5) Notwithstanding any provision of section 10 of this Act, the Secretary shall, upon the request of an applicant for an export license to export goods or technology subject to export controls under this section to a country the government of which participates in the group known as the Coordinating Committee, issue or deny the export license within 30 days after the license application is submitted to the Secretary.".

Page 13, insert the following after line 16:

"(6) Agreement to coordinate the systems of export control documents used by the participating governments in order to verfiy effectively the movement of goods or technology subject to controls by the Committee from the country of one such government to the territory of the country of any other such government or to any other country.

Page 13, line 15, strike out "(6)" and insert in lieu thereof "(7)".

Mr. ROTH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ROTH. I thank the Chairman.

Basically, the entire act here revolves around a conundrum. It is this: How do we free up trade to make it as easy as possible for our businesses and industries to conduct commerce abroad and at the same time, how do we protect our technology which is crucial to our national security?

In the 1979 act, a decision was made to continue with validated licensing. This raised the hackles of American business.

□ 1340

Now in order to placate this hue and cry, the bill before us would totally nullify the validated license requirement.

Mr. Chairman, this is the nub of the problem right here. This is the heart of this act. I think it is very important for all the 435 Members to be aware of what this amendment is going to do and how it is going to affect the bill.

In all the studies that I have read, nowhere does anyone suggest eliminating validated licenses. But that is exactly what H.R. 3231 proposes.The bill and amendment before us go to both extremes, total licensing or complete elimination of licensing.

My amendment is a middle ground. It would do this: It would save the highest part of the pyramid, the highest technology for validated licenses. But for all other licensing, the low technology, we would eliminate validated licenses.

The bill that now stands before us would eliminate about 25,000 licenses. But my amendment eliminates about 30,000 licenses. It eliminates all licensing on low technology to non-Communist countries. I think that business should be able to live with this compromise. I think it is a fair compromise and it allows us in this Chamber to agree with business, but yet abide by our duty to protect our national security.

The amendment still requires validated licensing for the highest level technology. I think that we have to reduce licenses, but understandably,

business will wish a "laissez faire" approach to exports and high technology. I must underline again that we, also in this Chamber, have an obligation to protect our national security and the only way we can control our high technology is with the backbone of the controls and that is the validated licenses. If we do away with validated licensing, we do away with all controls. And I do not think that we, in this Chamber, are in a position to, nor do we want to do that.

Business is going to say, "Look, we are making some sacrifices with these validated licenses." And that is true, but we are asking many, many, many Americans to make some tremendous sacrifices throughout the world, whether it is for national security, whether it is our troops in Lebanon, whether it is in Central America, or any other place in the world. And I do not think it is too much to ask business to obtain a validated license for our highest-level technology. Not for all technology, but only our highest technology.

This particular bill is for a 2-year reauthorization. Rather than do away with all licenses, why do we not compromise by doing away with licensing for the lowest technology and protect our highest technology by maintaining a validated license for 2 years? Let us experiment with this and let us see how it works.

Certainly when you see what is going on around the world where the KGB says that our research and development is their natural resource, when we spend billions of dollars on research and development and the Soviets come over and either pilfer it, steal it or divert it, certainly we, in this Chamber, who spend our taxpayers' money on research and development, have an obligation to control this.

The CHAIRMAN pro tempore (Mr. GLICKMAN). The time of the gentleman from Wisconsin (Mr. ROTH) has expired.

(By unanimous consent, Mr. ROTH was allowed to proceed for 30 additional seconds.)

Mr. ROTH. Certainly when we spend billions and billions of taxpayers' dollars for research and development, do we not owe it to our taxpayers to protect this highest technology? I do not think it is too much to ask and so I hope that the Members will go along with this amendment.

Section 106(b) eliminates export licensing to Cocom countries. It is based on the premise that our NATO Allies and Japan have a strong enforcement procedure that keeps militarily critical technology from the Soviet Union. It is based on a fallacy. For all the good intentions of my colleague from Washington, Mr. BONKER, in drafting this bill, he has fallen unintentionally I am sure, into a situation that will truly endanger the security of the United States of America, with this section 106(b)—the elimination of export licensing to Cocom countries.

Even under the present licensing system, the flow of advanced technology to the Soviets is a hemorrhage. Let me cite some examples:

First, just last month, the diversion of a $600,000 U.S. computer to Hungary via a Cocom country—Belgium.

Second, the recent admission by Japan's Foreign Minister that Japanese high technology has contributed to the massive Soviet buildup.

Third, the report of West Germany's own intelligence agency that Soviets and Eastern Europe have embarked on a massive campaign to subvert Cocom to acquire advanced goods and technology.

If we eliminate licensing to Cocom—logic dictates Cocom will do likewise.

And the list goes on and on. During the debate in subcommittee, full committee, and the House on the export Administration Act, we have focused on limiting the President's authority. Under this section of the act, we can lay that argument aside. In its place, we must debate something that transcends nominal concerns over Presidential authority. We must deliberate whether or not we are prepared to weaken our own national defense. This, my colleagues, is serious business.

I do not believe we can afford to embark upon a path that will cripple an already weak multilateral system of export regulations. To do so would jeopardize our tenuous lead over Soviet military technology. The elimination of export licensing to Cocom countries would be an open invitation for the Soviets to acquire American technology for their military machine.

Today, I am offering an alternative to this icy scenario. Instead of eliminating all export licensing to Cocom countries, my amendment requires exporting licensing for the highest level of technology. But it eliminates controls to non-Communist countries on low technology items which every other Cocom country ships to the Soviets. Unamended, the bill eliminates about 25,000 licenses. My amendment eliminates more than 30,000 export licenses. But my amendment would protect our highest and most valuable technology. This bill does not do that.

Simply put, my amendment increases the flexibility of the business community to export without handling the Soviet Union critical military technology on a silver platter. It does not take an expert in international trade to understand that balance is needed between promoting exports, and the duty of this body, to preserve our national defense.

Section 106(b), as it now stands, does not strike this important balance. It cripples our ability to keep technology from the Soviets that may be used against us.

My amendment does strike this balance. It serves as a compromise between the extremes of no licensing, and no control and the present cumbersome system of licensing most everything. This compromise is struck by eliminating licensing on the multitude of lower technology items on firm ground—rather than taking a great strike into quicksand by eliminating all export licenses to Cocom countries. This House bill is for a 2-year reauthorization. If we can make Cocom work—or find an effective substitute for licensing—we have 2 years to develop an alternative.

It is argued that most export licenses to Cocom are routinely approved. That is no longer the case. They are being subject to greater scrutiny and more licenses are being denied for fully justifiable reasons.

In this debate, I keep referring to a set of objective criteria with which to judge amendments to the Export Administration Act. These are: Reducing the scope of controls, improving enforcement, and simplifying the licensing process. My amendment meets these criteria and does these three things.

First, it reduces controls by requiring export licenses for shipments of high technology goods, but eliminates the licensing requirement for low technology goods. Second, it gives every exporter shipping to a Cocom country the right to have an export license application fully reviewed within 30 days. If he does not get this answer, he can ship his goods.

Mr. Chairman, within the multilateral group known as Cocom, all member states apply different levels of export controls to high and low technology items. All Cocom governments have agreed to a specific level of technology sophistication which divides high from low technology products.

Within Cocom, participating governments can ship low technology items to the Soviet Union or any other Communist country without restriction. Cocom only requires that governments notify Cocom of shipment, and that requirement is taken lightly by many governments.

On the other hand, the United States requires licensing of these low technology items—to the Soviets—as well as to the rest of the world. We stand alone, Mr. Chairman, if Cocom countries can ship these low technology items to the Soviets, we should be able to sell them to South Korea, Israel, Taiwan, Mexico, Egypt, or any other non-Communist country free from validated licensing.

As the bill now stands, it would eliminate all export licensing for both high and low technology exports to

Cocom countries. My amendment eliminates controls on low technology items, but retains licensing for the top of the technology pyramid. Unamended, the bill eliminates about 25,000 licenses. My amendment eliminates more than 30,000 licenses. Simply put, my amendment eliminates controls on low technology, which was the primary recommendation of the GAO's major study on export licensing, the study frequently cited by the gentleman from Washington, Mr. BONKER.

This amendment meets the criteria of reducing controls and enhancing enforcement. For the first time in many years, our enforcement authorities will have the opportunity to focus their best efforts on the most advanced and critical technologies.

Mr. Chairman, the amendment would require notification to the Commerce Department for exports of low technology.

Second, the amendment gives every exporter shipping to a Cocom country the right to request a 30-day final review of an export license application. By reducing the number of licenses, there is no reason why this deadline can not be met by the Commerce Department. If the Department failed to meet this requirement, the exporter would have the right to ship his goods. A businessman has the right to expect a timely decision from his government.

Mr. Chairman, this amendment is a balanced approach which satisfies our need to export and the need to protect national security. It meets the objective criteria for amending the Export Administration Act. It sets the stage for a reevaluation of export licensing by offering a substitute control, something which the GAO also recommended. Finally, it brings together our interest in beefing up export controls with the European and Japanese desire of reducing the scope of controls.

I urge adoption of this amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. ROTH) has again expired.

(At the request of Mr. HUTTO and by unanimous consent, Mr. ROTH was allowed to proceed for 2 additional minutes.)

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Florida.

Mr. HUTTO. I thank the gentleman for yielding.

I understand what the gentleman is trying to do and certainly we all join the gentleman in trying to speak to the issue of the hemorrhaging of technology to our adversaries in the Soviet Union and other nations. However, it is my understanding—and I have checked with several sources, including the Congressional Research Service, the Commerce Department, and Defense and so on—that the gentleman is really not doing with this amendment what the gentleman thinks he is doing, because the gentleman is saying that, "No, we don't have to license so-called low technology," but I have been made to understand that some of this low technology is very sensitive technology. And certainly something that we would not want to get into the hands of those who are opposed to us.

Mr. ROTH. If I may reclaim my time, that is an argument that is made and yes, there might be some technology that we want to protect. But what is the alternative? If we do not have validated licenses, if we are going to do something about decreasing the licenses that are required, I think the best thing to do is to eliminate validated licensing on the lower technology, but keep it for the higher technology.

I know what the gentleman is saying because there is a great deal of misinformation about this amendment. I see these "Dear Colleagues" flying around Capitol Hill here and nothing could be further from the truth than what some of these letters are saying. Either they are mislead or they do not understand the legislation before us.

For example, we hear that this particular amendment, that low technology products are so sweeping, that it risks allowing the Soviet bloc to acquire sensitive items. But the bill before us does away with all licensing, for low and high technology.

So the Members who are arguing against this particular amendment either are mislead or they do not understand the facts.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. ROTH) has again expired.

(At the request of Mr. HUTTO and by unanimous consent, Mr. ROTH was allowed to proceed for 2 additional minutes.)

Mr. HUTTO. If the gentleman would yield further, the agencies that I have mentioned and the Congressional Research Service say that to open up our low technology to be traded without license to other countries could include some very sensitive materials. I understand what the gentleman is trying to do, and I certainly appreciate that. We do need to guard certain technologies. But to say that we are not going to license low technology, but we will high technology, is an untenable situation, I think.

Mr. ROTH. I appreciate what the gentleman is saying because I know the gentleman is very aware of these issues and very concerned about them. But I have not seen the information the gentleman is citing.

But in all the information and all the studies I have seen, not a single one claims that we should do away with our validated licensing. Some of them say yes, we should probably do away with licensing low technology, but no study that I have read has ever said that we should do away with all of our validated licensing. If the gentleman has information I would be happy to look at it.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

I want to commend the gentleman for his amendment. I may not find myself supporting it, but I think it is going in the right direction, trying to streamline procedures and eliminate needless licensing.

I would like to ask the gentleman if he could answer some questions for me. The gentleman mentions that the amendment would eliminate the licensing to non-Communist countries. What countries are those? Is there a list of countries or perhaps the countries that would not be excluded that the gentleman could provide to me?

Mr. ROTH. Yes, generally what we consider are classified as free world countries. In the Commerce Department, the gentleman realizes that we have different categories of countries. And it would be to those non-Communist countries.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. ROTH) has expired.

(At the request of Mr. ZSCHAU and by unanimous consent, Mr. ROTH was allowed to proceed for 3 additional minutes.)

Mr. ZSCHAU. Would South Africa be one of the countries?

Mr. ROTH. For low technology, but at the present time, of course, South Africa is trading with many of our Cocom partners and getting all kinds of low technology from our Cocom partners.

Mr. ZSCHAU. If the gentleman would yield further, would Nicaragua be a country that would fall into this category?

Mr. ROTH. I do not know what category Nicaragua is in. I would have to take a look and see what group category they are in. Let me remind the Gentleman that Communist countries do not remain in the free world group.

□ 1350

But I could check, and I will be happy to give the gentleman an answer.

Mr. ZSCHAU. If the gentleman will yield further, would Libya and Syria be on the list of countries for which a validated license on low technology products would no longer be required?

Mr. ROTH. No; they would not. But to answer the gentleman's question further, we do not want to raise a lot of red herrings by taking key countries that are not very popular on this floor

to destroy this amendment. I think we want to take a look at the merits of the amendment.

Mr. ZSCHAU. The reason why I am asking these questions is not to judge the amendment but rather to clarify the amendment, specifying which countries would no longer have validated licenses required and which countries would, so we can properly evaluate the gentleman's amendment.

Mr. ROTH. Well, look at it this way: We had many hearings. We had many hearings on this particular legislation, and business came to us and said, "We do not want validated licenses. Period." So the bill that is before us not only would eliminate validated licenses for the countries the gentleman mentioned, it would not have validated licenses for any countries in Cocom.

The point I want to make is that we want to strike a balance. The amendment strikes a balance. This legislation is for a 2-year reauthorization. And rather than say we are going to go from one extreme to the other, we should draw a middle line so that we can protect our highest technology but yet have as little paperwork burden as possible.

Mr. ZSCHAU. If the gentleman will yield further, I would like to ask the question that would help me clarify what constitutes high technology versus low technology.

Is there a definition that the gentleman can give that would enable us to know which items would continue to be licensable versus those for which the licenses would no longer be required?

Mr. ROTH. Sure, I think we can do that. In the Commerce Department we have a commodity control list, and we already have the AEN's developed by Cocom by unanimous agreement, which determine what is high and low technology. So that has already been done for us.

Mr. ZSCHAU. Is the gentleman saying that all items below the AEN level on the Cocom list would no longer require validated licenses?

Mr. ROTH. That is right but only to free world countries.

The CHAIRMAN pro tempore (Mr. GLICKMAN). The time of the gentleman from Wisconsin (Mr. ROTH) has expired.

(On request of Mr. ZSCHAU and by unanimous consent, Mr. ROTH was allowed to proceed for 2 additional minutes.)

Mr. ROTH. To answer the gentleman's question, below the AEN's, you would not require a validated license. You would only require notification. Above the AENs, you would require a validated license. Let me make clear that AEN's are Administrative Exception Notes which are developed by Cocom to divide high and low technology. All other Cocom members can ship AEN items to the Soviets without Cocom approval. My amendment would not do this—it applies to free world countries.

Mr. ZSCHAU. If the gentleman will yield further, in the category below the AEN, are there products like computers or oscilloscopes or items like that?

Mr. ROTH. Yes. In the category in the low technology there are items like that.

But how are you going to structure an amendment that is going to be a compromise, that is going to be workable, if you do not have some give and take?

Otherwise, what the gentleman is arguing for is to go back to requiring a validated license for everything, and I am sure the gentleman would not be in favor of that, would he? Would the gentleman be in favor of that?

Mr. ZSCHAU. I will make my position on the amendment known after I understand it better. I am trying to determine what countries and what products will no longer require licenses.

Mr. ROTH. Well, if I can reclaim my time, I think the gentleman knows what this amendment will do. I do not mind if Members come forward with good strong arguments, because in this world nothing is perfect, we all have different viewpoints. But we do not want to nitpick the amendment to death. This is a good amendment. It is an amendment that will protect our national security and it is an amendment that business can live with.

We are going to go one of three ways. Either we are going to completely nullify validated licenses, or you are going to keep a validated license for everything, or you are going to come to some middle ground. And I think this middle ground is very important. This is an amendment that, again, will strike that balance.

Mr. ZSCHAU. If the gentleman will yield for one final question, I have heard that the products that are either above or below the AEN level is classified information. Is that correct?

Mr. ROTH. No.

Mr. ZSCHAU. Is it possible for exporters to know which products are in the category that would no longer require licenses?

Mr. ROTH. Yes; it is possible for exporters to know, because the CCL list is public, and they would have that information, yes. The Cocom AEN's are published in the CCL as "technical advisory notes."

Mr. ZSCHAU. I thank the gentleman.

Mr. BONKER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I oppose the amendment very reluctantly because the ranking minority member of the subcommittee and I have struggled together with this issue to determine in what way we can lift some of the present controls and expedite licensing procedures and at the same time try to maintain our national security interests. So the gentleman certainly is addressing one of the key issues in the Export Administration Act.

The amendment contains two provisions, one of which would strike the section in the bill which is a fundamental reform, and that is to remove the President's authority through the Secretary of Commerce to require licenses for shipments from U.S. companies to Cocom countries.

The GAO has informed us that in the past we have been processing about 25,000 licenses a year to Cocom countries, and in the past 3 years, which is the period covered by the report, over 75,000 licenses were issued, yet only 6 were denied.

So this has to be seen as a fundamental reform in the legislation, and I am hopeful that the Committee will reject the amendment which, in effect, strikes the provision on decontrol for shipments to Cocom countries.

The second provision, to which the gentleman from California has addressed himself by way of a series of questions to the gentlemen from Wisconsin, was not submitted to the subcommittee, nor did we have an opportunity in full committee to take it up. I think it is worthy of our consideration, but there are simply too many questions associated with the fundamental reform, if that is what it is to be called, of identifying a new category of technology for decontrol to more than just Cocom countries but to all countries.

I think the compelling argument in favor of the existing language is that we attempt to decontrol on certain shipments to our allies. The language gives the Secretary authority if he needs it to require licenses in those instances where he believes that the end user is going to reexport or in some way divert shipments to adversary countries. I think that is an important provision in our language that is lacking in the gentleman's amendment.

Also, we know that through Cocom we can effectively check the reexport of goods or technology because they are maintaining cooperatively with the United States their own list of controls. So I think ultimately we have more effective controls through the present language in the bill than we would have if the gentleman's amendment is adopted, and that in effect would allow for a certain level of technology to be exported to all countries. As the gentleman from California has noted, India and Nicaragua and all sorts of countries would not be subject to licensing procedures in the future. But ultimately I think confusion is going to evolve among our exporters who are looking to us to clean up this

Export Administration Act and to expedite licensing procedures.

I think we will only add confusion to the export policy if we try to identify a new category of technology. And I would like to ask the gentleman if he would elaborate upon his colloquy with the gentleman from California as to how the exporter is going to know what technology requires a license and what technology would be decontrolled because of this new level of technology that would be decontrolled.

The gentleman's response to the gentleman was that the exporter would know, but insofar as I know, that information would be classified, at least as it is reported out of Cocom, so how is the exporter going to know whether or not the license is required?

Mr. ROTH. If the gentleman will yield, we have that in our commodity control list. We have a division between high and low technology there. That is available to every exporter.

The gentleman has raised a point that I think needs some elaboration, maybe. The gentleman had mentioned that there is evidence that Cocom controls the reexports. What evidence is there to that statement?

The CHAIRMAN pro tempore. The time of the gentleman from Washington (Mr. BONKER) has expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. BONKER was allowed to proceed for 2 additional minutes.)

Mr. ROTH. If the gentleman wiil continue to yield, all the evidence we had before these many, many committee hearings on this indicates that Cocom leaks like a sieve, and I read in the New York Times and I see in many news reports of the diversion that is taking place from Cocom and from their country.

□ 1400

I do not think there is any evidence for the fact that Cocom controls exports and reexports very well; in fact, quite to the contrary, all the evidence points to the fact that there is much diversion taking place.

Mr. BONKER. I would just add that licensing from the United States to Cocom countries does not necessarily prohibit diversion. Diversion and illegal export of technology and goods is taking place anyway, but that is another law and another set of conditions.

With respect to the licensing procedures now for shipments to Cocom countries over that 3-year period studied by the GAO, 75,000 licenses were processed and only 6 were denied. So I think that we are trying to control too much, we are not being effective, and the result is that we are placing this unwanted burden upon the American exporters.

Mr. ROTH. If the gentleman will yield further just briefly, I think the gentleman's statement points up the fact that we do not want to do away with licensing, which we are doing under this bill. We want to control exports and improve enforcement—make it more effective and do away with validated licenses that are necessary to protect national security.

The gentleman also had mentioned that the amendment we are now considering has not been studied or reviewed. Since May of 1982, GAO has made this recommendation. This is where I know much of this language stems from. If we reject this amendment, then we have no licensing, no control, and what I am saying is, let up keep validated licensing at least for our highest technology. I think we owe that to this country.

Mr. BONKER. I appreciate what the gentleman is saying, but I maintain that we have more effective controls in the existing language.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I hope that everybody realizes what is at stake in this debate and in this legislation.

The CHAIRMAN pro tempore. The time of the gentleman from Washington (Mr. BONKER) has expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. BONKER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. If the gentleman will yield further, I, for one, would like to see the licensing required on all of the controlled items, every item that is on the Cocom list. However, I think in the absence of that I would certainly support the Roth amendment.

I think that one thing we have to realize is that licensing is a tool that this Nation uses to leverage third parties or third countries to some of these transactions. Let me give you an example, one of the examples that was given to me by Stephen Bryen today, the Deputy Assistant Secretary of Defense.

We have ongoing negotiations and agreements with other countries that are not Cocom nations but who are, in fact, end users of some of these items. The United States can go over and say, "OK, we will agree to make this sale to France and they, in turn, are going to sell it to you. However, we want you to agree to control this item very closely and very tightly." If they do not agree to that, we do not issue the license. The license is a vehicle that we use to control this trade, and if we lose this vehicle, if we lose this license, then we lose the leverage that allows us to control to some degree the end use of these items.

Another thing that people do not realize is that the license is also a tool for enforcement. Let me give you an example.

I have a couple of pictures here of a millimeter wave test equipment that is used by the multiple-launch rocket system. This was interdicted going out of the United States for ultimate use in an Eastern bloc nation. It was interdicted and the arrests were made on the basis of no license. We did not have to prove a conspiracy at that point to send this stuff to an Eastern bloc nation; we did not have to prove that they really wanted to divert it. All we had to prove at that time was that they did not, in fact, have the license. Because of that we were able to make the arrest.

If we eliminate the licensing requirement, and we talked about this at some length today in our meeting with the Department of Defense and with Commerce, we will be able to arrest them ultimately. If we send people, if we tail this equipment, if we tail it over to France or Great Britain or wherever and we catch it going out of that country to the Soviet Union, for example, we will still be able to make the arrest if we can prove conspiracy and if we can prove intent to move it into an Eastern bloc nation.

The CHAIRMAN. The time of the gentleman from Washington (Mr. BONKER) has again expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. BONKER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, will the gentleman continue to yield?

Mr. BONKER. I yield to the gentleman from California, but I would like an opportunity to respond.

Mr. HUNTER. I thank the gentleman for yielding. I will finish up in just a second here.

So the point is, Mr. Chairman, the licensing requirement is a tool, it is a lever that we can use to control the end use of these products, and it is also a tool that we can use for apprehension and interdiction of American technology before it leaves the United States.

It is very difficult to follow this technology aboard and catch these guys as they are going over the border.

I thank the gentleman for yielding, and I would be happy to listen to his response.

Mr. BONKER. I appreciate the gentleman's concern and I certainly share in that concern. I think he makes a very persuasive argument against the gentleman's amendment. If he supports more effective controls, I think he will find them in the existing bill because we provide additional authority to the Secretary, and I shall read from page 10 of the bill:

. . . The Secretary may require an export license for the export of such goods or technology to such end users as the Secretary may specify by regulation.

Thus, if he has suspicion that a particular end user is diverting or reexporting that technology, then he could require a license. Similar language is not available in the gentleman's amendment.

I do not think we ought to ignore the importance of Cocom and the effective controls that are maintained through that organization, as well as the unilateral licensing procedure in all member nations. We do have an effective check. The United States exercises a veto at Cocom on the reexport of that technology or goods. And finally, we have in our bill a notification procedure. So while the exporter does not have to apply for a license, they do have to notify the Secretary, and that information will be available to the Secretary if he wants to check a particular item that is destined for export.

None of these safeguards are in the gentleman's amendment. He throws the whole thing open, and he says that we can export any of this so-called low technology virtually to any other country in the world except those which are controlled. I think if he is for effective controls, his amendment certainly does not achieve that, but our language in the existing bill does, and that is why I urge we oppose the gentleman's amendment.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would just like to clarify for my colleagues in the House what we are talking about here today. We are talking about the Export Administration Act and a provision of this legislation that deals with everyday business, day-to-day business, with our friends. I think they should understand we are using these terms that we have used in committee, the Cocom group.

Cocom is another way of saying a group of our allies, a group of our trading partners, a group of our best friends, our best friends in the world.

This committee studied this issue and said within that group of our friends, we should be able to ship anything we like to each other, particularly since we have agreed that it cannot be transshipped.

What this amendment says is, in effect, we are going to give our friends a slap in the face; that we are not going to ship anything because certain items, to our friends who are working with us on, I might add, a voluntary basis throughout the world to control commodities, to those folks who come together, to join with America to control technology, we are going to say, "No, we do not trust you. We do not trust any of this voluntary agreement. We are going to put some requirements on you."

At the same time we slap our friends, we say to other countries that are not a part of the Cocom group, our friends, our closest allies, "We are going to give you anything you want below a certain level. Anything you want in the low-technology fields can go to anyone."

I might say the question was raised, and in my opinion there is no doubt that all the low technology could, indeed, under the Roth amendment, go to a country like Nicaragua. Nicaragua is not classified, to my knowledge, as a pure Communist country so, therefore, countries throughout the world that are not the close friends of the United States would receive this great favor without any agreements on end use.

□ 1410

And we do have agreements on end use in our Cocom group with our friends and our allies.

So I think this: Our colleague, the gentleman from Wisconsin (Mr. ROTH), has spent numerous hours studying this issue. We all have. We are all looking for better ways to address this issue, but, by and large and far and away, the Bonker language is very clear in dealing with our friends, the people who come together with us to try to control not militarily critical technology items—this does not apply to them—but the day-to-day business transactions. And that is what we are trying to do here.

I might also add that the photograph that was shown just a moment ago by one of my colleagues of a military item to an Eastern bloc country has nothing to do with this specific amendment because an item going to an Eastern bloc country would not in any way be covered under the Roth language, under the Bonker language, or under the current law.

Mr. HUNTER. Mr. Chairman, will the gentleman yield at that point?

Mr. MICA. I am happy to yield to my colleague, the gentleman from California.

Mr. HUNTER. Mr. Chairman, I appreciate the gentleman's yielding.

The point that I was making is that this item—and it is millimeter wave test equipment used by the multiple launch rocket system—was going ostensibly to Switzerland. From there it was going to be transferred to an Eastern bloc country, the point being that we required licensing, and this company knew it could not get a license.

Mr. MICA. Let me point this out.

Mr. HUNTER. If the gentleman would let me finish and if he would yield further, they did not attempt to get a license, and they were arrested within the United States because they did not have a license. In other words, the fact that they had no license gave us a justification to arrest them.

I want to make it clear that I favor neither of the gentleman's positions. I favor having licensing requirement for all the Cocom list. But if we did not have a licensing requirement, we could not have arrested these exporters on the basis that they had no license, we would have had to follow them, tail them to Switzerland, and then, when we had enough evidence that there was in fact a desire to take this to some restricted area, to wit, the Eastern bloc, then we could have arrested them. So this licensing requirement vehicle, licensing is a vehicle that allows us to apprehend and to interdict technology before if leaves the United States.

Mr. MICA. Mr. Chairman, the gentleman has made much more clear than I could have made clear the great misunderstanding that so many have in this issue. Switzerland is not a member of Cocom. It would not affect this, and that is the problem. So many of my colleagues are saying, "Cocom? What is Cocom?"

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. MICA. Let me complete my statement first.

In effect, what we would do under the Roth amendment is say that any country that is not a member of Cocom, any country on the face of the Earth, could have any technology below a certain level. We have never done that.

The CHAIRMAN. The time of the gentleman from Florida (Mr. MICA) has expired.

(On request of Mr. HUNTER, and by unanimous consent, Mr. MICA was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, if the gentleman will yield, I would ask the gentleman to respond to the proposition that these license requirements supply a justification and a mechanism for us to stop and interdict the export of technology before it leaves the United States. And is this not true: The gentleman says this went to Switzerland, and this is not a Cocom country and it made no difference——

Mr. MICA. No; that is not correct.

Mr. HUNTER. But that point is this——

Mr. MICA. That was illegal no matter how it went, as far as I can tell, from what the gentleman has said here. That is illegal.

That is the point that most people do not understand. Ninety percent or so of all the items that are leaking out of this country are illegal in the first place. They are not dealing with the Export Administration Act; they are not dealing with day to day, ordinary transactions; they are dealing with illegal acts.

Mr. HUNTER. Mr. Chairman, if the gentleman will yield further and if the gentleman will address my point, let us say it is going to France, and from there this company, which is a bogus company, is going to transfer it to the Soviet Union.

Mr. MICA. That is illegal.

Mr. HUNTER. All right. But if a license is not required, that means that we are going to have to basically follow that piece of equipment under the Bonker amendment. There will be no requirement for a license, so there will be no reason or no justification, unless we have prior knowledge, to interdict that piece of equipment before it leaves. In other words, a license is a prequalification mechanism that gives us the ability to interdict that technology before it leaves our shores, and that is very important.

Mr. MICA. Let me just clarify what the gentleman has said, though. Under the Roth amendment, every country on the face of the Earth except Communist countries would then get an entire category of technology.

Mr. ROTH. Mr. Chairman, will the gentleman yield on that point?

Mr. MICA. I will yield as soon as I complete here.

Mr. HUNTER. I will let the gentleman from Wisconsin (Mr. ROTH) fight for his amendment. I favor the licensing requirement for the whole gamut of technologies on the Cocom list.

Mr. MICA. The second point would be that we did and we have gone through a period in this Nation where we had 75,000 pieces of paper sent through the Department of Commerce, and only a half dozen were challenged on those grounds.

What I am saying is this: In fact, I agree with the gentleman; there probably are more in that 75,000 that we need to look at, and we can have the ability to do that if we decontrol those items within our circle of friends that we all agree are OK.

The CHAIRMAN. The time of the gentleman from Florida (Mr. MICA) has again expired.

(On request of Mr. HUNTER, and by unanimous consent, Mr. MICA was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, if the gentleman will yield further, I would like to respond very briefly to what the gentleman has said.

The whole reason for an Export Administration Act is to see that we do not release our technology to our adversaries. That is the key, and it is beyond me why we have such a low budget.

The gentleman says we do not have the resources to interdict smuggling and we do not have the resources to expeditiously process these licenses, and the answer is not to hire more people and not to hire people with expertise above that of the customs agents that the gentleman says basically rampage around and do not know what high technology is when they see it.

So why do we not appropriate enough dollars so that we can expeditiously and thoroughly check these licenses and analyze these transfers before they are made? We are spending over $250 billion on the defense budget, and yet we cannot seem to come up above $27 million for the interdiction of technology. My proposition is that we need to spend another $20 or $30 million. It would be dollars well spent.

I understand they are processing these licenses in 21 days now, and we could get it down, according to the estimates I was given today, to about 10 days with an extra $20 million, and we would not have to worry about the problems that the gentleman says are inherent in the amendment offered by the gentleman from Wisconsin (Mr. ROTH) and also in the subcommittee chairman's amendment.

The CHAIRMAN. The time of the gentleman from Florida (Mr. MICA) has again expired.

(By unanimous consent, Mr. MICA was allowed to proceed for 1 additional minute.)

Mr. MICA. Mr. Chairman, if I may respond, I think the gentleman from California (Mr. HUNTER) makes an excellent point. I am going to put him down as a cosponsor to increase the budget the next time around on this entire appropriation.

Mr. HUNTER. I say to the gentleman, "You've got it."

Mr. MICA. I think it is important. But in terms of reality, we must deal with what we have and the funds we have and try to allocate those funds in the best way possible.

I would simply point out that the gentleman's figures are the most liberal I have ever heard on this issue, and I think the gentleman probably has a good idea. The President came in with about $5 million, this committee came in with $15 million, and the gentleman is talking about $20 or $30 million. I think the gentleman is right on the money.

But right now, facing the facts of our budget and the mood of this Congress and how much money we have to deal with and how best we spend that money so that American business not only can protect technology but have a fair and equal shot at this tremendous world market and yet eat away at this deficit that has been so devastating, to work first with our allies, our closest friends, is commonsense as far as we are concerned, particularly when we all do it on a voluntary basis and when we all agree that it would be wrong and indeed criminal to transship any items under this bill.

So I think the gentleman makes a good point that we have to raise funds. I am kind of astounded at the size of the increase. I am sure the committee chairman would love to have 300 or 400 Members support an increase of that size in this budget, but I do not think that is realistic right now today.

So we must work with what we have. I think this does indeed represent a very fair compromise. My colleague on the committee, the ranking minority member, has tried to address some of our concerns, and I just think that this opens up an even wider area of problems than what we are already facing.

The CHAIRMAN. The time of the gentleman from Florida (Mr. MICA) has again expired.

On request of Mr. ROTH, and by unanimous consent, Mr. MICA was allowed to proceed for 1 additional minute.)

Mr. ROTH. Mr. Chairman, will the gentleman yield to me?

Mr. MICA. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I think the gentleman realizes what is at stake here. The gentleman's view, as I see it, is to do away with the validated licenses. The gentleman from California would keep validated licenses for everything. That is why I have introduced this amendment, because that is what our entire committee debates were all about: How to streamline export licensing yet preserve a licensing system which protects our national security by preserving export contract for our most advanced goods and technologies.

Mr. MICA. And the gentleman's view would be to do away with validated licenses.

Mr. ROTH. But the point is that we want to keep validated licenses for our highest technology, but make it easier for business to trade in international markets by doing away with validated licenses for the low technology. That is precisely our point here.

We talk about Cocom policing. Jonathan Bingham, our former chairman, wrote the President of the United States saying that "circumvention of U.S. and multilateral export controls has contributed more to Soviet military capabilities than the technology approved for sale." And our former chairman also said recently that "Cocom seems almost designed for evasion."

□ 1420

Mr. MICA. Evasion is illegal under the gentleman's bill or under my bill.

Mr. ROTH. Yes, but under my amendment, you have controls, you have a validated license; but if you do away with this amendment, you will give our technology away to the entire world without licenses.

If you do away with validated licenses, you lose all control, because licensing is the backbone of our system and if you do away with the license, you have no control.

We must decide whether we still want to stop illegal exports before they leave the United States. It seems to me that the export licensing system could be greatly improved. To make the system better we have to make licensing more effective. There are some concepts to keep in mind as we proceed.

PRIOR NOTIFICATION OF EXPORTS IS ESSENTIAL TO PREVENT ILLEGAL DIVERSION

The U.S. Government issues an export license after all requirements have been satisfied; for example, prelicense checks to establish the bona fides of consignees, the appropriateness of the export for the stated end use, et cetera.

Licensing and prior notification enable the U.S. Government to hold up, or even stop an export before the export takes place. A list of standards applied to prelicensing checks follows. The illustrative list was developed by the enforcement authorities at the Commerce Department.

SECTION 106 DOES NOT REQUIRE PRIOR NOTIFICATION

This provision has two serious flaws:

First, it does not allow for prior notification far in advance of actual shipment to conduct a prelicensing check; and

Second, it does not authorize the detention of a shipment until the Government has thoroughly checked out the export transaction.

If notification were given, allowing for sufficient time to conduct a prelicensing check, the effect would result in licensing in all but name—that is not the purpose of the amendment.

If the provision is adopted, and regulations are not implemented to allow for sufficient prior notification, the notification contemplated in H.R. 3231 would be an absolutely meaningless enforcement tool.

INDICATIONS OF POTENTIAL ILLEGAL EXPORTS

Listed below are some of the "red flag" indications that signal possible illegal exports or diversions. The listing is not exhaustive; it is provided by the Department of Commerce, Office of Export Enforcement, as an aid to further public awareness and the private sector's effort to combat illegal exportation of U.S. technology.

Customer's/purchasing agent's reluctance to provide end-use or end-user information.

Performance/design requirements incompatible with destination country resources or environment, or with consignee's line of business.

Stated end-use incompatible with the customary or known industrial applications for the equipment being purchased.

Stated end-use incompatible with consignee's line of business.

Stated end-use incompatible with the technical capability of the consignee or destination country.

Customer willingness to pay cash for a large value item or order.

Little or no customer business background information available.

Apparent lack of customer familiarity with the commodity's performance/design characteristics or uses.

Customer's/purchasing agent's declination of installation or service contracts that are normally accepted in similar transactions.

Ill-defined delivery dates of the use of delivery locations inconsistent with the type of commodity or established practices.

Use of freight forwarders as ultimate consignees.

Use of intermediate consignee(s) whose location/business is incompatible with purported end-user's nature of business or location.

Packaging or packing requirements inconsistent with shipping mode and or destination.

Evasive responses to questions regarding any of the above as well as whether equipment is for domestic use, export or reexport.

The gentleman from Florida (Mr. MICA) referred to illegal exports. I, too, believe this to be a major problem. Cocom is the only multilateral forum to control strategic exports and should be strengthened. My amendment establishes the basis to improve Cocom controls by beefing up the use of export control documents.

Enforcement and intelligence authorities estimate that 20 to 30 percent of Soviet acquisition of military significant technology comes from legal purchases and open source information and publications.

The remainder—approximately 70 percent—is acquired by Soviet and East European intelligence services. They have used clandestine as well as overt collection methods, including the involvement of Western companies to "divert" United States and Cocom controlled goods and technologies.

The EAA is intended to prevent diversion. The fact that extensive diversion is taking place indicates the weaknesses of the current control system. The backbone of any control system is export licensing. Properly used by exporting and importing countries, meaning the active exchange of licensing information, the license is a major investigative tool to forestall—delay—diversion of controlled items.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent, Mr. MICA was allowed to proceed for 1 additional minute.)

Mr. ROTH. Mr. Chairman, if the gentleman will yield further, if you do away with the validated license, does the gentleman not see that there is no control? We can do as the gentleman from California says, give $10 million to the Secretary of Commerce and it is not going to mean anything. He just will not have the tools to do the job. It is like asking a man to build a house without a hammer or a saw. You have got to have a mechanism and licenses are the mechanism. It we do not have that, we do not have anything. We will place Western Europe and Japan in the same status as Canada.

The United States does not require export licenses for shipments to Canada.

Defense and intelligence agencies are reporting increasing diversion through Canada. Because of the absence of export licensing, the degree of diversion is difficult to document. Certain diversion cases have been identified and prosecuted, but vast amounts of controlled products pass over the United States-Canadian border without any controls.

In a 1979 case, a company in Sunnyvale, Calif., simply mislabled semiconductor processing equipment for shipment to Canada. The goods were eventually shipped to the Soviet Union via Switzerland.

In fact, Canada does not deny export privileges to known diverters and the use of prelicense and postlicense checks is unknown.

Then there is the argument that there has been very few license denials to our allies. From this it is argued that we must eliminate export licensing.

But the fact that there have been few license denials to Cocom countries is, in part, a reflection that most U.S. exporters comply with U.S. control laws because they know the United States has enforcement tools and penalties if violators are caught.

Licensing is a deterrent in its own right. For many years, there was lax enforcement of the Export Administration Act. During the Nixon, Ford, and Carter years the funds devoted to enforcement in no way were able to sustain a vigorous enforcement program.

The growing evidence of a massive Soviet campaign to acquire Western high technology, is leading to increased enforcement and therefore a greater number of license application denials.

Mr. MICA. If I may just conclude by saying that under the present committee language, our friends in the Cocom community, those who banded together with America, would be given a special consideration. The rest of the world, Communist countries and non-Communist countries, under the committee provision, would not be given those privileges.

Under the Roth amendment, everybody in the world, except Communist countries, all the doubtfuls, all the ones who are not considered allies, but out there anyhow, would get all the technology they want under a certain level.

We have never done that and I do not think we should at this time.

AMENDMENT OFFERED BY MR. LAGOMARSINO TO THE AMENDMENT OFFERED BY MR. ROTH

Mr. LAGOMARSINO. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGOMARSINO to the amendment offered by Mr. ROTH: On the first page of the amendment in line No. 17, after the period, insert the following: "The Secretary may require an export license for the export of such goods or technology to such end users as the Secretary may specify by regulation."

Mr. LAGOMARSINO. Mr. Chairman, in the debate that has taken place on the Roth amendment, it has become clear to me that there was an oversight by the gentleman from Wisconsin (Mr. ROTH) in the preparation of his amendment, and the gentleman from Washington (Mr. BONKER) has pointed that out.

While the language in the bill does contain a provision allowing the Secretary to require an export license for the export of such goods or technology to such end users as the Secretary may specify by regulation, it is not contained, as the gentleman from Washington pointed out, in the Roth amendment; so my amendment would add that language to this bill.

I do not imagine that the gentleman from Washington would have any objection to that.

I think, Mr. Chairman, that my amendment improves the Roth amendment. I think it is a practical solution to a very tough question.

What the sponsors of the changes that are proposed in the Export Administration Act want to do is to free up from the license requirements and from the redtape that goes with it a number of applications, a number of business deals, where there is no problem.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield.

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding.

I have examined the gentleman's amendment. I think it is a very good amendment. It is very constructive and very helpful.

I accept the amendment and I hope the gentleman from Washington does likewise.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield.

Mr. BONKER. Mr. Chairman, I think the gentleman has offered a constructive amendment and one which I can support, but I would have to add that this certainly does not make the Roth amendment palatable. I still do not think it is tough enough in other areas of the amendment.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, would the gentleman read the amendment again? I did not get a copy.

Mr. LAGOMARSINO. What it does is to put in the Roth amendment the exact same language that is contained in the bill regarding the authorization to the Secretary to require an export license for the export of goods or technology to such end users as the Secretary may specify.

Mr. FRENZEL. Well, when the gentleman says such goods or technology, is the gentleman referring to any good or technology which is at such a level of performance characteristics that the export of that good or technology requires that?

Mr. LAGOMARSINO. Exactly. The effect would be, as I understand, exactly the same as the language of the bill.

Mr. FRENZEL. This would apply to that mysterious definition of high technology, which no one has defined?

Mr. LAGOMARSINO. Well, with the Roth amendment, it would only apply to low technology. As I understand the bill, the way that it reads in the bill, it would apply to high and low technology; so we are covering, if the Roth amemdment becomes law, we would be covering part of it. The high technology would still be subject to license.

Mr. FRENZEL. Well, I thank the gentleman for yielding.

Mr. LAGOMARSINO. Mr. Chairman, I would just like to ask if the gentleman from Wisconsin would answer a couple questions.

Mr. ROTH. Yes. I would be more than happy to.

Mr. LAGOMARSINO. I think it is more than clear that most of the people in the Chamber right now understand pretty well what we are talking about, but I am not sure that everybody who might be watching this procedure in their offices understands exactly what we are talking about here.

Will the gentleman describe for us what the bill does and what the language of his amendment does and then also tell us, if he will, what numbers we are talking about with regard to license applications here?

Mr. ROTH. I would be happy to do that.

First of all, with an amendment like this, there is a lot of smoke, but let's look at the substance. I hear people say, "Well, the Roth amendment doesn't strengthen the bill enough."

That is real poppycock, because what the bill does, it nullifies the need for validated licenses, except for certain end users that are suspected of diversion.

Now, the question is: How are we going to apply this? Are we going to take the Commerce Department to Europe and check every single business in Europe? Who is going to pay for that? How is that going to be done? It sounds great on paper, in theory, but how is it going to work in practice? It is not going to work, because it is a subterfuge to do away with all validated licenses.

As the law now reads, we have validated licenses for high and low technology. That is why I say we should draw a line here. Yes, we are going to allow business to ship low technology overseas with notification, not a validated license; but for our highest technology a validated license. Let us keep the validated license. I think it is a good compromise. I think it is good for the Government. I think we have that obligation to the taxpayers and I think it is good for business.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. LAGOMARSINO was allowed to proceed for 1 additional minute.)

Mr. LAGOMARSINO. Mr. Chairman, would the gentleman give us some idea of the numbers that we are talking about here?

Mr. ROTH. In the bill we will eliminate about 25,000 licenses, because the license for lower technology only goes to Cocom.

Under my bill, we eliminate about 30,000 licenses, because we do not require validated licenses to the free world.

Mr. LAGOMARSINO. Mr. Chairman, 4 years ago the Congress crafted a comprehensive revision of the Export Administration Act, which achieved, in my opinion, a careful, responsible balance between expediting and improving export procedures while retaining essential controls on technology exports to the Soviet bloc.

When we debated these issues 4 years ago, I worked to insure that controls would not be loosened to the detriment of our national security interests. I believe the final result was a compromise that may not have been entirely satisfactory to all sides but was one that almost everyone accepted as a realistic, responsible approach to America's trade and security interests.

The changes proposed in this year's revision of the Export Administration Act on west-west trade as contained in H.R. 3231 jeopardize, I believe, the balance that was so carefully achieved before. Major changes affecting national security and foreign policy controls have been proposed for the purpose of increasing U.S. export competitiveness. It is not clear that those goals will be achieved by these changes, but what is clear is the potential damage that will be caused to our national security interests by facilitating trade and diversion of technology to the Soviet bloc.

An intelligence community report on "Soviet Acquisition of Western Tech-

nology" published in April 1982 specifies that:

Soviet Union and its Warsaw Pact allies have derived "significant military gains" from acquisitions of Western technology, especially in the strategic, aircraft, Naval tactical, microelectronics, and computer areas.

The report also refers to the open or legal means the Soviets employ to obtain Western technology. They use the more than 20 Soviet- and East European-owned firms they control in the United States, and the some 300 similar firms they own in Britain, Sweden, the Netherlands, Italy, Germany, France, Canada, Belgium, and Austria. Some of those nations are members of Cocom, where relaxed controls would make technology transfers all the easier.

The Soviet-owned firms are avenues for acquisition of high technology from the West, which was made clear in late 1981, when a U.S. engineer was arrested for selling secret documents to an East European intelligence officer employed by a Polish-owned firm chartered in Illinois, such firms chartered in this country can purchase controlled technology without violating export controls. The examples among our Cocom allies are cause for even greater concern. The report states:

The acquisition of Western technology was assigned the highest priority for collection by local residencies in key West European countries because of the relatively easy access to much U.S. and Western technology in Europe. * * *

A report by Jack Anderson in September 1982 refers to 19 different ways in which the Soviets acquire U.S. technology; 12 of the examples are legal and 7 illegal. The 12 legal means are:

Sales of complete factories, set up in the Soviet Union which are then copied and reproduced.

Direct investment in Eastern Europe.

Obtaining technical details through applications for patents and licenses.

Joint ventures and joint production development with Western firms.

Technical data and engineering documents.

By soliciting bids from Western companies, the Soviets obtain information through proposals, presale negotiations and sales presentations without even having to buy anything.

Commercial visits.

Governmental and industrial equipment sales.

Sales of products.

Scientific, technical, and student exchanges.

Open literature, such as journals, magazines, and technical papers.

Science and technology conferences, trade shows, and exhibits.

Some of the examples of Soviet acquisition of Western technology are well known. They bear repeating because we must not become complacent to the continuing threat posed by the Soviets to our national security interests. As you will recall, the Soviets acquired a factory in 1977 to build petroleum drill bits which they then used to improve their capacity for antitank weapons. Soviet aircraft carriers and nuclear missile submarines are serviced by floating dry docks made in the West and exported legally under current Cocom controls. The Kama River truck factory produced the trucks used by the Soviet invaders in Afghanistan, and Soviet missiles depend on guidance systems improved by Western machine-made ball bearings. In the past year, U.S. Customs seizures of illegal exports have included: advanced radar navigation systems, laser bomb-guidance systems, aerial survey photographic and topographic-mapping systems, infrared spectrometer systems, weapons-related computer subsystems, and military helicopter parts.

Furthermore, U.S. scientists who have visited Soviet laboratories report that 50 to 80 percent of the equipment is of Western origin.

Obviously, it is impossible to stop all transfers of technology to the Soviet Union. But we must try to control those items that are most likely to make a significant contribution to the military capability of the Soviets. Elimination of licenses in west-west trade, proposed in H.R. 3231, seem to increase the potential for greater diversion of technology to the Soviets. I believe we must tighten those provisions as proposed by Mr. ROTH so as to inhibit the Soviets' ability to obtain high technology.

Many argue that trade with the Soviets would moderate Soviet behavior by making them more dependent on the technology and grain of the industrial democracies. But as Henry Kissinger pointed out last year:

There is little doubt that the negotiating balance in east-west trade has been reversed over the past decade. In every crisis, the west invents new excuses for declining to interrupt economic relations. Indeed, economic relations have done much more to induce Western restraint in the face of Soviet misconduct than to encourage Soviet restraint in international behavior. . . . Soviet-Cuban intervention in Angola, in Ethiopia, in South Yemen; the invasion of Afghanistan; the suppression of solidarity in Poland; and the use of toxic chemical and biological warfare in Afghanistan and Southeast Asia have all occurred in precisely the period of expanded East-West economic cooperation.

I would only add to Mr. Kissinger's list the example of the destruction of the Korean airliner, which in itself is adequate proof of the callousness and inhumanity with which the Soviets view their relations with the rest of the world.

I urge my colleagues to consider carefully the proposal to loosen export controls in West-West trade which would ultimately have the effect of supporting the Soviet goal of military and technological superiority. As we look for ways to improve United States export performance and export competitiveness, we must not lose sight of our even greater interests in preserving and protecting our national security.

I urge support of the amendment by Mr. ROTH.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the distinguished gentleman from Wisconsin, who has offered the principal or primary pending amendment and has agreed to the currently pending amendment to the amendment made by the gentleman from California, if the gentleman can tell us what manner of goods are going to be applicable or be licensed under the Lagomarsino language?

Mr. ROTH. Well, the division between high and low technology, is on the commodity control list.

Then in the Lagomarsino amendment, we look at the suspected diverters and those suspected diverters would also be required to have a validated license, so that the Commerce Department could check, could have a paper trail, because as the gentleman knows, a paper trail is absolutely necessary in order to control.

Mr. FRENZEL. Well, I see no reason to believe we could not have a validated paper trail under the legislation as proposed by the gentleman from Washington.

Mr. ROTH. Mr. Chairman, will the gentleman yield further?

Mr. FRENZEL. I will yield as soon as I am through making the point.

I would appreciate the gentleman's comments when I am through.

I understand that we can require licenses from diverters and other information as is necessary, and so I see that it does not seem to me to make any difference if we are going after suspected diverters.

It is my understanding that almost all of the leaks occur because of theft or espionage and do not necessarily get uncovered under the license process, since all the licenses or 99.9 percent of them are granted, anyway.

□ 1430

I wonder if the gentleman will simply explain—again, my original question is what are these goods. Is it a classified list? How do we know there are 30,000 of them?

Mr. ROTH. The CCL list is not a classified list.

To answer your question, as far as diverters, that is a good question. Are you going to send the Commerce Department over to Europe or Japan to

check every single item they have in each country?

Mr. FRENZEL. I will reclaim my time at this point.

How is the gentleman going to do it under a license system. You are still going to have to send them over if you suspect a diversion.

Mr. ROTH. At least under a license you have a paper trail.

Mr. FRENZEL. You could under the system in the bill if you want it.

Mr. ROTH. No, you cannot. Under this system, you only have to give notification. When do you give notification, when the ship is leaving the dock?

The provision in the bill enables the Secretary of Commerce to maintain a list of so-called unreliable end users to which he may license exports. That is not an effective enforcement tool for high technologies and goods classified as such in Cocom by the unanimous consent of the Cocom membership.

H.R. 3231 provides that a license can be required only for the export to certain firms whose names must be maintained on a list.

If the U.S. Government is notified of a shipment going to a firm not on that list, there would be no way the shipment could be halted for national security reasons. The provision in H.R. 3231 does not specify if notification is before or after shipment.

In only one instance have strategic goods been recovered after diversion.

Maintaining a current list of known or suspected violators presents severe administrative problems. For example, the list must be published to make exporters aware of denied entities. Additions to the list would be so constant, that the list could be outdated within 24 hours of publication.

It is impossible to investigate in advance of shipment every end user within Cocom. There are hundreds of thousands of possible end users. Prelicensing checks are not completed for most shipments. Under the current system, such investigations are triggered by certain criteria. Unreliable end users are identified.

Classified intelligence briefings can confirm this. And, there are instances when the Government does not want to signal a suspect firm of an investigation. Publishing a list of suspect is akin to telling a criminal the police are watching him.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Florida.

Mr. MICA. I thank the gentleman for yielding.

I would simply say under the Roth amendment or the present amendment, diversion to a Communist country, under everybody's approach that has been on this floor is illegal.

Mr. FRENZEL. Of course, you got to find it the same way.

Mr. MICA. Right. To say how will we find these things out. You make an exellent point. How will we find it out if we have the license on hand.

Under the present legislation, the way the committee has recommended, there would be the same paperwork, it would be notification, so if the gentleman feels that we have to send the Commerce Committee over to check on them now or later or at any time, they would have to do it anyhow.

Mr. FRENZEL. Would the gentleman not agree if somebody was going to do this by espionage or theft, the license might bear no relationship to the commodity anyway?

Mr. MICA. That is exactly the point that we have been making here. Diversion under the Roth amendment or the committee approach, diversion under the present law is illegal.

Mr. FRENZEL. I thank the gentleman.

I yield to the gentleman from Wisconsin (Mr. ROTH).

Mr. ROTH. I thank the gentleman from Minnesota for yielding.

The difference is you have a investigation before you issue a license. And if a license is required, the American company has to help the American Government decide what kind of history have we had with this Cocom country and company. This makes a big difference, because it helps our Government determine the end user, and determine if there is going to be a diversion.

It is the investigation prior to issuing the license that is so important. If just notification is required, and you are running a company, and you give notification the day the product leaves, how is the Commerce Department going to check the end user?

I would also like to note that the critique of my amendment is based upon the assertion of Cocom's effectiveness. The reliability of Cocom enforcement is the underpinning of section 106 as reported by Foreign Affairs.

However, to date there exists no complete study outlining the statutory basis, enforcement authorities, resources and manpower of the export enforcement agencies of Cocom members.

This issue was not fully explored during subcommittee and full committee consideration of H.R. 3231.

In the absence of such information, licensing should not be eliminated.

In 1976, the GAO reported that Cocom partners failed to provide enforcement information to the United States necessary to evaluate the effectiveness of enforcement activities.

GAO also noted that the State Department has either not required adequate compliance information, or is embarrassed by the results—and refused GAO access to such information in its files.

In 1978, President Carter submitted to Congress a report on the effectiveness of multilateral export controls. The report indicated the system was working effectively. The Congressional Research Service (CRS) flatly stated that the report did not contain the information to support this conclusion.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. FRENZEL was allowed to proceed for 1 additional minute.)

Mr. FRENZEL. The Commerce Department can ask for information or licenses or information about the end user if it has any reason to suspect there is a problem which it would undoubtedly do in the same way for licenses.

What bothers me is that if you ship something out of the Cocom country after having shipped it out of here, you have doubled up on the licensing procedure, and you have not learned anything more. You still have the same exposure to theft and espionage as you had before.

What you have under your system is an ongoing system of licensing which tends to retard and restrict U.S. trade to its allies with whom we are trying to foster some competition.

I yield to the gentleman from Wisconsin (Mr. ROTH).

Mr. ROTH. Let me supplement my argument. Take a look at the facts.

Last August, and there are hundreds of cases like this, last August, a $600,000 U.S. computer was given to a Cocom country, Belgium, ended up in Budapest, Hungary. In a recent speech, the Japanese Foreign Minister admitted that Japanese high technology has contributed to the vast Soviet buildup. Export controls should halt this diversion and my amendment enables us to beef up enforcement and concentrate on truly strategic items.

Mr. ZSCHAU. Mr. Chairman, I move to strike the requisite number of words.

Mr. ZSCHAU. Mr. Chairman, I rise in opposition to the Roth amendment.

Mr. Chairman and Members of the Committee, I would like to compliment my colleague, Mr. ROTH, on the concept behind his amendment. He has recognized, as many of us have, that we have some licensing procedures that are unnecessary. Those procedures are not only creating more work for our exporting companies and delays and difficulties in their exporting but is also putting too much of our enforcement resources where they are not doing any good. If we can cut through the unnecessary licensing and focus the resources for enforcement where they will really make a difference, we will be able to export better and we will be able to control the transfer of sensitive technology better.

However, the approach that the gentleman from Wisconsin is suggesting, I feel, is inappropriate.

What would it do? It would decontrol entirely the so-called low technology items, not just for shipments to our allies—the Cocom countries—but to other countries such as Nicaragua, Syria, or Libya where we may have concerns about potential diversion to the Soviets or possible uses against us.

Because of that, I think that insofar that the amendment is wise, it is unnecessary. We can already eliminate from the control list items which we do not care about controlling any longer to our allies or certain other countries. We have under the provisions of the current act as amended by this bill the ability to remove unimportant items. Insofar as the Roth amendment would appropriately decontrol items, we can already do so. We can just eliminate those items from the control list.

However, I maintain that there are some low technology items on the commodity control list which are on the CCL for good reason. They are on the list because we should be controlling them in certain instances. By decontrolling all low technology items to non-Communist countries the Roth amendment goes too far. It would prevent controlling exports of products such as computers or oscilloscopes which may not be state-of-the-art but still militarily useful for shipment to countries which are unfriendly but not officially communist. Finally, Mr. Chairman, let me just add that the Roth amendment also deletes the very carefully crafted provisions of the current committee bill, a committee bill that would reduce the licensing requirements to our allies—only to those Cocom countries—while maintaining the licensing requirements where there is suspicion of diversion by specific users and while requiring a paper trail, a notification procedure, so that we can properly enforce the controls.

I feel that the current committee bill would reduce the licensing requirements where they are unnecessary, maintain them where they are. Therefore, I oppose the Roth amendment as it has been amended by the gentleman from California (Mr. LAGOMARSINO) and I urge my colleagues to support the committee bill.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ZSCHAU. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

The committee bill would strike all the licensing requirements for West-West trade, and the Roth amendment would strike the lower end of the technological spectrum.

We are talking about the control of some militarily critical items; that is, items that somewhere in the future could help Russians kill Americans; is that right?

Mr. ZSCHAU. The Cocom control list includes a wide range of technology, low technology and high technology, technologies that our allies in concert with us with common objectives have agreed to control and prevent from getting into the Soviet bloc.

Mr. HUNTER. I am asking the gentleman, so there are militarily critical technologies included in the Cocom list?

Mr. ZSCHAU. That is absolutely correct.

Mr. HUNTER. Do you feel comfortable, knowing what you know about the Cocom system, with the enforcement capabilities of our allies who ultimately are going to have to make the stop? They are the people who are going to have to go out there and enforce it before it goes to the Eastern bloc. Do you feel confident that they will be able to enforce Cocom restrictions, and do you feel comfortable with the possibilities of the transfer of some very militarily critical technologies out of this country and the putting of responsibility on those trading partners? Are you confident in their ability?

Mr. ZSCHAU. Under the current act as it is, we are relying on our Cocom allies to prevent the export of technology to the Soviet bloc. We do not go to France, or Germany or the United Kingdom and make sure technology does not leave there. We rely on them to prevent it.

□ 1440

The CHAIRMAN. The time of the gentleman from California (Mr. ZSCHAU) has again expired.

(On request of Mr. HUNTER and by unanimous consent Mr. ZSCHAU was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. I think the gentleman will have to admit, if we eliminate the West-West licensing, there is going to be more of an onus, more of a burden on our allies because they are the ones that are going to have to catch the ball.

The question I am asking is: Do you now know what type of resources they have to do this and are you satisfied with their capability and with their policies?

Mr. ZSCHAU. In answer to the gentleman's question, let me just say that under the current bill there is no change in the reliance that we are putting on the other Cocom countries, but there is a mandate in the bill to strengthen Cocom.

We recognize that the only way in which we are going to be able to prevent technology from reaching the Soviets is to rely on our allies. We cannot do it alone. We are not the sole source of high technology anymore.

The Foreign Affairs Committee bill mandates that we negotiate with our Cocom allies to strengthen the Cocom organization and procedures, to increase the funding of the organization, and to make it more effective.

Mr. HUNTER. One last question to the gentleman. The Department of Commerce has said that with a little more money, and when we pass a defense bill in excess of $250 billion I think in terms of national security it is not a lot of money, for about $20 million more we could license all of the controlled items expeditiously. We could have the licenses cleared in about 10 days. I understand that the delay is now about 21 days, so that does not sound unreasonable.

What is wrong, I would ask the gentleman, with putting a little more money in, with making a more thorough investigation, have that licensing mechanism, and still doing it expeditiously?

Mr. ZSCHAU. In answer to the gentleman's question, let me just say that I support putting additional resources on controlling the items that need to be controlled. But, in addition, we can apply those resources more efficiently and effectively by eliminating the controls that are needless, where there are applications that are routinely approved and are just a paperwork mechanism.

I applaud the gentleman's position that we should increase the resources on control. But, in addition, we should focus those controls where they make a difference and streamline the procedures in order to apply those resources more effectively.

The CHAIRMAN. The time of the gentleman from California (Mr. ZSCHAU) has again expired.

(On request of Mr. BEREUTER and by unanimous consent Mr. ZSCHAU was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. Will the gentleman yield?

Mr. ZSCHAU. I am happy to yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding and would like to address my remarks to the other gentleman from California (Mr. HUNTER).

The gentleman has made several comments about the need for additional appropriations so that we might first of all improve the administrative actions of the Export Administration.

We have talked about and we have heard a few things about Cocom. But what is not covered by the gentleman's comments is the cost that accrues to American businesses of all sizes.

It is a simple thing relatively speaking to increase the appropriations to the Federal agencies involved but it is a far different matter if we are going to really widen the sweep of licensing across this country because we are going to incredibly burden additional-

ly the American businesses that are already having great difficulty with the broad sweep of licensing which takes place in this country.

Now, if we are to expand this licensing, as the gentleman has suggested, we are talking about incredible costs to the American businesses that do not have the advantages of additional appropriations from this body.

Mr. HUNTER. Will the gentleman yield to me for a response?

Mr. ZSCHAU. I am happy to yield to the gentleman from California (Mr. HUNTER), for a response.

Mr. HUNTER. The complaint is that American businesses have cargo waiting on the docks and they are having to wait unnecessarily. Their contracts are expiring and they are undergoing a lot of disservice because it takes so long to license their technology.

What I am saying is that instead of doing away with the licensing of technology, West to West, why not put an extra $20 million into the enforcement of this act so we can recruit enough people who are qualified and who are able to get these licenses issued within 10 days. That would help American business, not hamper American business.

Mr. BEREUTER. If the gentleman would continue to yield, I certainly appreciate this problem because the businesses in my own district are affected in just that way. At times when they want to participate in trade shows they are not given a license. Then later on it comes after the trade show has taken place.

But the gentleman then is not contemplating a further extension of licensing across the export spectrum?

The CHAIRMAN. The time of the gentleman from California (Mr. ZSCHAU) has again expired.

(On request of Mr. HUNTER and by unanimous consent Mr. ZSCHAU was allowed to proceed for 2 additional minutes.)

Mr. ZSCHAU. I yield to the gentleman from California.

Mr. HUNTER. I think this is something we have to make clear to this whole House. We are not talking about expanding the licensing procedures. We are talking about maintaining the status quo.

Right now you have to have a license for Cocom goods.

The committee bill would eliminate all of those licensing requirements for items going from the United States to its Cocom trading partners. The amendment offered by the gentleman from Wisconsin (Mr. ROTH) would eliminate that licensing requirement only for the so-called lower end of the technology spectrum. We are not talking about expanding licensing requirements, we are talking about holding the line.

All I am saying is let us put some skilled people up there who know what high technology is, who can expedite these licenses and then we will be able to have the analysis, we will be able to have the scrutiny and we will still be able to expeditiously grant licenses to our businesses in a much faster time than we are presently taking.

Now I understand that we presently take about 21 days. Let us get it down to 10 days.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. ZSCHAU. I am happy to yield to the gentleman from Florida.

Mr. MICA. I would like to point out there is again a lack of information here with regard to what is going on in Cocom. Nothing, and I want all of my colleagues to understand this, not one single item manufactured in America, high or low technology, goes on the list for Cocom to be sold unless everybody agrees unanimously, all of our partners. One objection and it does not go on the list.

So I think when there is some indication or an inference that some military items get on this list and then can be transferred, nothing that the United States wants to keep to itself can go on the list. This list, and I try to say this again, Cocom means friends. It is a group of friends that we agree on that we will trade items one to the other. Nothing goes on that list unless everybody agrees unanimously and unless a military item is decontrolled on purpose by the United States, an item that we probably would not want to have any concerns with that would not go on this list. Everything that goes on that list is unanimous. One objection and it does not go on the list.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the primary Roth amendment.

Mr. Chairman, I am opposed to the Roth amendment because it continues a needless licensing arrangement which I believe is counterproductive to America's export and trade policies.

As I have traveled around the world, and as I have met with American business people in this country, I have found that there is no other single item in American law or regulation that is as frustrating to people who want to build jobs by exporting American goods than the system of licensing which now exists, and the time that it takes to work one's way through the licensing procedure.

The chairman of the committee, the gentleman from Washington (Mr. BONKER) and the committee are to be commended for having developed within the bill a way to protect U.S. security interests and at the same time remove a series of the most exasperating licensing problems. That provision in the bill has been criticized by the distinguished and learned gentleman from Wisconsin (Mr. ROTH) who believes that we still need to maintain licensing to our European allies.

In my judgment he overestimates the problem. In the first place, it is difficult to get a real reading on how many licenses will be required and how many will not be required under either of these operations.

But it is quite certain that under the Roth amendment that East-West and West-West trade are equated. That is you can ship things to Russia and you can ship things to the United Kingdom, and whether you are at the low end or the high end of the spectrum you go through the same procedure. I do not think that is the way you act with friends and allies with whom you are trying to develop a trading system, and a world order, and an alliance, and the development of jobs through world trade. I do not think you treat them the same way you treat our competitors in the East.

I think that is a major flaw in the Roth amendment.

Second, it has been pointed out time and time again that the problems, the leakage of high technology occur through espionage and theft. You can issue licenses until you are blue in the face and it is not going to retard that kind of leakage.

I am told that about 99.9 percent of the license applications to our allies are approved. As long as they are, it seems to me silly to continue the licensing program that never seems to stop any but a tiny percentage of those licenses.

□ 1450

Now under the law, under the Bonker language, the Secretary has two possibilities. First, to request licenses in the case of end users, and the second is to require notification.

It seems to me that he will zero in on the tiny percent that have formerly been declined, that he will zero in on those cases where there have been suspicions of theft or where there is any reason to believe that we might be losing any of our high-tech secrets.

I think the Secretary is amply armed under the Bonker language to be able to deal with this.

And I think in the Roth amendment we have simply added more bureaucratic redtape, more problems for U.S. shippers, which is exactly the kind of complaint that they are now bringing to us.

And, yes, every American of any kind wants to be sure we do not have these leakages. However, you do not prevent leakage of high tech or anything else simply by duplicating bureaucracy and filling file cabinets full of license applications.

And I just have to say that the Department of Commerce, in my judgment, is in the process of developing

good enforcement capabilities. We have discussed this enforcement capability through this debate and I think all of us are in agreement that the Commerce Department is building a system that is increasing every day in their capability.

I think Commerce ought to be encouraged. I think Cocom ought to be encouraged. I think we can develop better ways to prevent whatever leakages are now occurring.

We are going to have to do it, whether we have a license system or not. It seems to me that the license system is a little bit like an embargo, so far it does not seem to be hurting anybody but the U.S. shippers.

For that reason I think we ought to vote against the Roth amendment and we ought to vote in favor of the chairman's (Mr. BONKER) bill.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(On request of Mr. ROTH and by unanimous consent, Mr. FRENZEL was allowed to proceed for 2 additional minutes.)

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. Mr. Chairman, I yield to the distinguished gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding.

The gentleman said we are building a strong system. But is it not true that that system is built on licensing?

Mr. FRENZEL. The system is built on a lot of enforcement systems and information and, yes, we use licensing just as we will use whatever licensing is in the Bonker bill.

Mr. ROTH. Is it not the licensing that is the backbone of the system?

Mr. FRENZEL. The system has lots of ways of developing information. Frequently, I am told, when there is a leakage, the license is not helpful.

Mr. ROTH. But the license is the foundation of the system?

Mr. FRENZEL. I disagree very vigorously with the gentleman. The licensing is the foundation of the current system which has not been very effective. We are trying to build a new system.

Mr. ROTH. Just one more question?

Mr. FRENZEL. I yield to the gentleman.

Mr. ROTH. I thank the gentleman for yielding.

I realize the gentleman's concern. This is an onus on business; but when we ask thousands of Americans, even some to risk their lives for this country for our national security, is it too much to ask business to have a validated license for exports of high technology? Is that asking too much?

Mr. FRENZEL. I do not think business should have to validate a license twice. I think business will do whatever we think is reasonable. If you make American business apply for 25 licenses, business will do it if it is in the interest, for the good of, the national security. The gentleman's problem is that he has not proved that his amendment is going to help national security.

Mr. ROTH. I think I have proved that. But I realize it is a value judgment.

Mr. FRENZEL. Mr. Chairman, I yield further to the gentleman.

Mr. ROTH. I thank the gentleman. The point is this: Yes, maybe at this time it is a cumbersome system, maybe we are asking for too many licenses for items that we want to send overseas; but certainly it is not too much to ask for a validated license for our highest technology.

AMENDMENT OFFERED BY MR. BONKER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ROTH

Mr. BONKER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BONKER as a substitute for the amendment offered by Mr. ROTH:

Page 10, strike out lines 1 through 13 and insert in lieu thereof the following:

(b) Section 5(b) of the Act is amended by adding at the end thereof the following: "No authority or permission to export may be required under this section before goods or technology are exported in the case of exports to a country which maintains export controls on such goods or technology cooperatively with the United States, except that the Secretary (1) may require an export license for the export of such goods or technology to those and users that the Secretary determines are likely to divert the goods or technology involved to a country described in section 620(f) of the Foreign Assistance Act of 1961, and (2) shall require, as a condition to exporting any good or technology subject to export controls under this section which is on the list of militarily critical technologies established pursuant to subsection (d) of this section, that the good or technology not be reexported to any country to which exports are controlled under this section without the prior approval of the Secretary, through deliberations of the group known as the Coordinating Committee. The Secretary shall assure that the documentation required to carry out clause (2) of this subsection is sufficient to ensure compliance with that clause. The Secretary shall also by regulations require any person exporting any goods or technology to a country which maintains export controls on such goods or technology cooperatively with the United States to notify the Department of Commerce of those exports.".

Mr. BONKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BONKER. Mr. Chairman, we have had I think a constructive debate on a very important matter.

I again want to commend the gentleman from Wisconsin (Mr. ROTH) for attempting to deal with this delicate balance between our desire to export more and yet retain effective security controls.

This substitute that I am offering would in effect strike that section of Mr. ROTH's amendment that would decontrol licenses for low technology items to noncontrolled countries.

I gather from the debate of the last hour that there is near unanimous concern about this approach, that we indeed need to maintain a licensing authority for exports to non-Cocom countries.

But I think there is also emerging from this debate a concern about the end user, a concern about possible diversion of technology that possibly would end up in the hands of our adversaries.

So I think the substitute that I have offered here would deal with these two problems, first by striking that provision on decontrol for shipments of low technology to noncontrolled countries and, second, by incorporating the language of the Committee on Armed Services, which has been developed so ably by the gentleman from Florida (Mr. HUTTO).

I know that he has pending an amendment that would strike the controls on exports to end users, who are suspected of possible diversions.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Florida.

Mr. HUTTO. I thank the gentleman for yielding.

Mr. Chairman, I commend the chairman (Mr. BONKER). The gentleman does have most of the provisions that I think are in the amendment that I had intended to offer but I wonder if the Chairman would agree, since he has good language here, where it says "The Secretary may require an export license for the export of such goods or technology to those end users that the Secretary determines are likely to divert the goods or technology," I think that is a good phrase, "to divert the goods or technology involved to a country described in section 620(f)."

I wonder if the Chairman would agree to delete end users there since he has the language that specifies what criteria the Secretary would have to use.

I think if we could delete it there it would be in good shape.

Mr. BONKER. I think the gentleman has made a valuable contribution by way of the language that I have incorporated, but it ought to be made clear that if I were to accept his suggestion as an amendment that we, in effect, would strike the language in the bill that would decontrol ship-

ments to Cocom countries which I think is an essential reform.

The fact is that if we were to strike end user then the Secretary would maintain authority on such goods or technology as the Secretary may determine. And in effect it means that he would maintain his present licensing authority on all technology and goods that otherwise would be exported without a license to Cocom countries.

So I reluctantly have to say that that suggestion is not acceptable but I would add that I think what has come out of this debate is a desire to strengthen the language on end users.

I would add that one of the two provisions that we accepted from the gentleman is that the good or technology not be reexported to any country to which exports are controlled under this section without the prior approval of the Secretary.

I think that is an important contribution.

I have added another section that was not in the gentleman's earlier proposal which clarifies the Secretary's authority to require an export license for the export of such goods or technology to those end users that the Secretary determines are likely to divert the goods or technology involved to the countries described earlier in the act.

□ 1500

So I think that what this substitute will do is bring together the various concerns and hopefully will be acceptable to the committee.

Mr. HUTTO. If the gentleman will yield further, I do like the language that the gentleman put there that specifically says that if the Secretary determines that these technologies are likely to divert the goods or technology involved to a country described in section 620(f). However, would the gentleman not agree that there are some technologies that we would not want to have exported to our Cocom partners or to anyone else that is so critical and so sensitive that we need to give the Secretary some leeway in requiring a license for that?

I think that the gentleman has come up with a good amendment, but if we say end users, as has been pointed out here again today, these countries can set up all kinds of dummy corporations and you are chasing rabbit. If you have end users there, you are doing a disservice I think to our efforts to protect our technologies.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that it is important in this debate to look at the genesis of the conflict that has arisen in the promulgation of this amendment by the committee and to realize that this legislation has emerged from a conflict between Defense and Commerce. Basically the battle was waged between those people who want to sell goods and thereby improve our economy and those people who are worried about the hemorrhage of militarily critical technology to our adversaries and our potential adversaries.

Mr. Chairman, let me start out by addressing a problem that the gentleman from Florida brought up and several other Members have alluded to. They have talked about our European friends and how we do not want to hurt the feelings of our friends and how can we possibly treat our friends in such a mean way as to require licenses of high technology to users within their borders.

Let me give my colleagues an example of some diversions that emanated from transfers to our friends.

In October 1982 a bubble memory computer factory licensed to France was then diverted to Bulgaria.

In February 1983, Vox 1170 computers licensed to West Germany in the United Kingdom were diverted to Bulgaria and Czechoslovakia.

In September 1982, Vox 1170 computers licensed to West Germany and Greece were diverted directly to the Soviet Union.

In February 1982, Fairchild Century VII licensed to the United States and West Germany was diverted to Romania.

In November 1982, surveillance receivers licensed to West Germany were diverted to East Germany and the Soviet Union.

So I think that the first thing we have to realize is we have a problem. And one thing that many Members of Congress looked forward to when the committee took up this bill was to see a closing of the door, to see a closing of the technology, hemorrhage that is going out to the Soviet Union and to its allies, despite our efforts. And I think the reason that many of us were very discouraged and felt very frustrated by this legislation is that here we have a problem that could be solved by appopriating a few more dollars. One thing that has been brought out by the committee is that there have been people who are inexperienced in the Customs Department who have been holding up shipments at the docks because they do not know high technology when they see it. They are stretched thin, they do not have enough people, the paperwork takes a long time, and American business suffers because of that.

And I am going to offer an amendment, Mr. Chairman, that would add about $20 million to the enforcement and to the licensing process for technology transfer. I think that in light of the fact that we spend so much defending ourselves it is important to spend a few dollars seeing that that technology does not go to our adversaries.

And yet I have noticed that no member of the committee really wants to look at increased funding as an alternative to removing the licensing requirement from West/West trade. I think the question is: If we can get it down to 10 days—and that is what I have been told, we can get this licensing down to 10 days—we can get skilled people who have the technical expertise to do it, why not put in a few more dollars. We could have the licensing, we could have the scrutiny, and we could also have for that American company an expeditious process that would let him get his goods out of the country and to the end users.

Mr. Chairman, let us talk for just a second about the licensing requirement and what it really does. I think that one point that has been missed by the committee is that licensing is a tool. It is a tool for prequalification. If we eliminate licensing that means that a company can ship from here to France, from here to West Germany or wherever and we are going to have to rely on those nations, those other Cocom nations, to stop that piece of technology from making the third leg of its journey into the Soviet Union.

Now, I would like to ask a question and I am going to give my colleagues a chance to answer it. Have they looked at the budgets of our Cocom partners? Have they looked at the budgets that are going to be used to enforce the interdiction of this technology from their shores to the Soviet Union? I do not think that they have. If they have got the figures I would like to see them. I would like to know how much France and West Germany and our other partners are spending, not only apprehending smugglers, but interdicting this high technology which will be leaving the United States. I do not think they are spending enough. I think that the testimony by the members of the committee themselves has indicated that we are not spending enough. And I understand that we are spending quite a bit more than our Cocom trading partners are.

Now there is another very important use of the license that has not been mentioned and that is with so-called neutral countries. Again, a neutral country deals with the United States, even though they may get that technology going from the United States to a Cocom country. They deal with the United States, because they are the end user and we can use that licensing requirement as leverage. We can say, "Listen, neutral countries, Switzerland, for example, we want your assurance that you are going to use this technology only for your own internal purposes."

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. We can ask them to verify later on the continued presence of that equipment in their country.

Now if they do not agree to that, then we do not have to give the license to our exporter. And we can use that licensing as a tool to control to some degree the ultimate end use of this technology.

Now if we give up this licensing, we are going to lose that leverage and that is very important and very critical.

So I think that the committee has done a very startling thing. I thought that the Export Administration Act was going to close the door, it was going to tighten up on technology transfers to the Soviet Union and to the Eastern bloc. In reality, it has liberalized the transfers and it has made more abundant the opportunities for diversion.

Again, if you have that company that is not licensed, that is leaving our shores, we can arrest them right now. We can interdict that technology simply on the basis that there is no license. If we have to prove intent somewhere down the line to transfer technology to the Soviet Union, we must do one of two things. We either are going to have our agents running all over Europe trying to follow our technology or we are going to have to loan a lot of money to the Europeans or really prod them into substantially increasing their enforcement budgets, which I do not think is likely to happen.

Now I would like to ask my friends on the committee if they could give me the budgets that some of our Cocom partners have for the interdiction of western technology into the Soviet Union and its allies.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Florida.

Mr. MICA. I thank the gentleman for yielding.

Let me first say that the committee approached this problem with exactly the concern that the gentleman has. I took this floor as did our chairman just a few weeks ago to try to make sure that we had the toughest possible language for enforcement, for no technology leakage. But the idea to say do not vote for this, vote for more money, really is not a realistic solution here.

If we had more money we could solve the education problems, we could solve the medicare and medicaid problems, we could solve the social security problems, we could solve the health care problems. We do not have that money.

Mr. HUNTER. I will take back my time for a second. Is the gentleman saying that as important and as critical as some of this technology is and the Defense budget being in excess of $250 billion that spending an extra $20 million on enforcement is not reasonable?

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has again expired.

(At the request of Mr. MICA and by unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Would the gentleman answer that question?

Is the gentleman saying it is unreasonable to spend an extra $20 million?

Mr. MICA. No, not at all. Let me just put it this way. It does not take a dime. It does not take a penny, because if my colleagues were listening, I indicated that Cocom is a group of our friends.

Mr. HUNTER. I mentioned that some of those diversions from our friends that occurred in fact and leaked a great deal of technology to the Soviet Union.

Mr. MICA. And I will even refer to that. No one item goes to Cocom unless we all agree. So it does not take money. All we have to do is say no, this is important to us, and it does not go.

□ 1510

And with regard to diversions, the gentleman listed one, from I think Belgium, and one from France, and one from another country. Every single item that the gentleman has mentioned under present law—and I have said it before—under current law or under the proposed law or the Roth amendment, all of the diversions would be illegal.

So the point I am making, all you have to do is pick up the phone and say, "Mr. President, we should not decontrol that item." Any item that he does not want to agree to Cocom does not have to go there.

The point we are trying to make on this whole bill, this is for every-day business in the United States, for normal business items. We look at 1,000 items, we say 999 are fine, this one no, the next one no, we can say no.

Mr. HUNTER. I will take back my time for a minute. To answer the gentleman's statement. The best thing to do, then, is to pare that list and to look at the list and to segregate items from the list. The list is not tennis shoes and Levis and bed springs. The list of Cocom items are items that should be controlled for either foreign policy purposes, or for national defense purposes. That list is already a list which was designed by ourselves and our partners by deciding: "These are items that should not get into the hands of the Soviet Union."

What the gentleman is talking about is regulation by exceptions and perhaps having the Secretary say, "OK, this one is really important, so we are not going to let it go out, or to this user."

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. What I am saying is that this list has already been designed, we already have the apparatus for the Secretary of Defense and the Secretary of Commerce to get together to further work on the list. But every item there is a controlled item. It is an item that we thought or our allies thought should in fact be controlled. And all we are talking about is licensing. And, again, for another $20 million, I think everybody concedes, we could get this licensing time down to 10 days. And, again, the question: Why do we not do it?

Now, let me address one last thing. The gentleman said we can always veto items coming out of our Cocom service.

Mr. MICA. It must be unanimous.

Mr. HUNTER. I agree with that. But the problem is that the information that I get from Commerce is that in some of the Cocom nations they do not always bring the items before the Cocom board. There are cases where the particular user never brings it before the board, we never have a chance to veto it.

Mr. MICA. That is true. That is their items, not our items. We are talking about protecting American technology. If we have an item that we can control—and I think all of our colleagues should understand this—if it is this piece of paper that we do not want to go to Cocom, we can say no, one veto, and it does not go on that list. That list is just a group of items, again, we all agree we are going to work with.

Mr. HUNTER. I will take back my time to answer the gentleman. If our technology is flowing without requirements of licensing into the Cocom nations, you can bet that some of that technology, duplicated or otherwise, is going to be flowing out from those countries.

Now, the gentleman knows, and we have been told, that there are a number of Soviet shell companies that are utilized to move technology. Does not the gentleman think that when they are identified, when our Secretary of Commerce cracks down on them, there are going to be other shell companies?

Mr. MICA. Exactly.

Mr. HUNTER. Largely, enforcement is a function of money, you have got to have dollars to have the guy out there who is trained to make the bust, you have got to have the people in the field. And we are talking about Europe, we are not talking about America. We cannot guarantee to our constituents that Europeans are going to have the budget to enforce the Cocom regulations in a manner that we see fit, and you cannot guarantee that.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. MICA. If I may respond, I have personally been down to the Commerce Department. I have seen them move those 75,000 pieces of paper, and I can guarantee the gentleman that if we find a way to remove the items that we agree on with our allies, they will have certainly not more money but a lot more manpower to go in and do the job right. That is the balance, the very delicate balance, that Members from both sides of this committee, the minority and the majority, have said we have been trying to achieve here. We do not want to upset that balance, we do not want to see any leakage; but any leakage the gentleman describes, any under the current bill or under any of the proposals, is still illegal.

Mr. HUNTER. It is still illegal, but again let me respond briefly to the gentleman: The license is still an apparatus, a mechanism, that allows us to stop technology before it leaves our shores. And that means that we can interdict technology transfer simply because would-be smugglers do not have the license. It is something that we have in our hands. It is going to be very difficult for us to move into a Cocom nation and trail that technology and prove a conspiracy or prove an intent to move the subject equipment into the Soviet Union or its allies. Licensing is a tool; it is a mechanism that we can use. And if we give that mechanism up, we are not going to be able to interdict that technology, as effectively, before it leaves our shores.

Mr. MICA. I would just say that the reverse of the gentleman's argument holds true. The paper will be there under this plan; the paperwork will be there. There would be more manpower. The type of leakage you see right now might be able to be stemmed because the paper will be there; they will not spend all their time just stamping 75,000 applications without any due process.

Mr. HUNTER. Let me ask the gentleman a question. You say the paper is going to be there because we are going to give notice, basically.

Mr. MICA. They must file a notice.

Mr. HUNTER. OK. If you are a company that wants to send something openly to the Soviet Union, when are you going to drop your notice in the mail?

Mr. MICA. It is illegal, then, if you send it to the Soviet Union before or after. But we are not able to stop them either way, right now, according to everything the gentleman has just said.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. I think this is a very important question. If you are banking on the notice requirement, what is the notice going to do? Is it going to be effective? Now, I would like the gentleman to answer me.

Mr. MICA. I would be happy to.

Mr. HUNTER. If you are a country that wants to send something openly to the Soviet Union and you are required to send a notice in, tell me, when is the notice going to be sent in, and who are you going to mail it to?

Mr. MICA. Let us say that you are a company who wants to send something to a Communist country.

Mr. HUNTER. No, I am a party that wants to stop it.

Mr. MICA. All right. Whichever. You have two pieces of paper. Under current law you can file one and send it in, wait for approval and ship your goods. Or under the changes in the law, you ship your goods and you wait for the paper to come back. On either one, is there any intention that what you are going to do is going to be illegal, is there any way you are going to be honest——

Mr. HUNTER. I will take my time back. The gentleman has just answered one of the most important questions of this debate. You have a company that wants to sell something illegally, they want to divert it. However, you are going to ship your goods, you are going to send your notice in, and it is going to come back. And where are those goods going to be when Uncle Sam sees that this is going to some other place than Cocom? The goods are going to be long gone. And the point is, you are going to lose all possibility of prequalification. That is what licensing does. It gives us a chance to prequalify, it gives us a chance to check up on the background of the transferring company.

You are going to get that slip back in the mail after the goods are well on their way, according to what the gentleman just told me.

Mr. MICA. If the gentleman will yield, under the present system we are not doing that because we are spending all our time stamping pieces of paper. That is what this balance is all about, so that they could make sure.

Mr. HUNTER. Is the gentleman telling me that of all of these licenses that we are qualifying—and he said that only 30 were turned down—actually that was not the result of a thorough analysis?

Mr. MICA. No, six.

Mr. HUNTER. Is the gentleman telling me that that is not the result of a thorough analysis, that they just rubberstamp those?

Mr. MICA. That is absolutely totally not the wisest use of their resources, without a doubt. I have been there, and I have seen it.

Mr. HUNTER. Will the gentleman answer my question? The gentleman just told me that all they are doing is stamping paper. Is the gentleman telling me today that under our licensing procedure we are not really prequalifying these people in a substantive manner?

Mr. MICA. What I am saying to the gentleman is that they are required under law to stamp every one of those pieces of paper, even if it is a shoelace, right now.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to my colleague, the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, earlier the gentleman mentioned some examples of leakage of technology to the Soviet Union. I would like to point out two implications of those examples. First, in all those cases leakages rose from illegal activities.

The committee bill would focus the controls on those items that are most important, streamline the procedures so that we are not requiring unnecessary applications, and, therefore, be able to put more energy into enforcement so that we can prevent that kind of leakage from occurring.

Second, the gentleman pointed out we are depending upon Cocom in order to control the leakage of technology. It is for that reason that in the committee bill there are requirements to enter into agreements to strengthen the enforcement and cooperation of enforcement efforts, to provide sufficient funding for the committee, that is, Cocom, and improve the structure and function of the Secretariat of the Committee.

□ 1520

Mr. HUNTER. Mr. Chairman, if I may reclaim my time, because I have read the bill also, let me speak to a couple of the gentleman's points.

The gentleman pointed out that these diversions of extremely critical military technology were illegal. I think that is one of my points. Sure, it is going to be illegal for this stuff to move out of the Cocom countries into the Soviet Union, but we are not interested simply in putting a stamp on a technology transfer and saying that it was illegal. We are interested in stopping it.

The point that these illegal diversions took place, that they were not effectively stopped, that this technology was not effectively interdicted, means that we cannot put the burden, without some further evidence of a real ramp-up in their interdiction efforts, on our Cocom partners. That is the point I am making.

We are talking about keeping dangerous stuff out of the Soviets' hands that we do not want them to have basically. That is the nuts and bolts of export administration. We are not going to be able to effectively do this when our Concom partners do not spend the resources that they must for effective interdiction.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has expired.

(On request of Mr. ZSCHAU and by unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield further?

Mr. HUNTER. I continue to yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, we are dependent upon Cocom in order to enforce export controls once the technology goes into those allied countries. We do not go over there, under current law or under any projected law, and actually enforce their controls.

Mr. HUNTER. Mr. Chairman, if I may reclaim my time for a moment, that is true, but the point is, we can, in prequalifying those people for a license on our side of the ocean, make some checks, and we can perhaps prohibit or eliminate some of that flow of technology before it gets to the Cocom allies.

I would remind the gentleman of this: Who is in a better position to really prequalify and evaluate a bogus company, for example, that is located in the United States? Us or Western Germany? Us or France? Obviously, we are. The licensing requirement is done pursuant to an analysis by us, not by our Cocom partners, and it prequalifies the exporter. It is used as an instrument to prequalify those exporters and it does give us some control over what leaves our shores.

The gentleman has made a good point: that we cannot control all of the things that leave the shores of the Cocom countries. These illegal diversions took place whether we liked it or not. We have to face the facts of life, and one way we can be effective is by maintaining a simple licensing requirement. Let us recruit enough people to regulate trade effectively and expeditiously even if its costs a couple of dollars, and why is everybody running away from spending a few more bucks for it? I would say that spending $20 million to enforce or to stem the hemorrhage of technology from this Nation is worth at least that much money in the Defense authorization bill.

Mr. ZSCHAU. If the gentleman will yield further, in the testimony that we heard from the Department of Commerce and the Department of Defense on this bill, it was said that the sole reason for denial of export licenses to Cocom countries is suspicious end users. Under the committee bill, the Department of Commerce retains the right to require validated licenses for suspicious end users. It focuses the control where the problem is.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has again expired.

Mr. ZSCHAU. I ask unanimous consent that the gentleman from California be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. BONKER. Mr. Chairman, reserving the right to object, I do so only to make the observation that we have been on this particular issue for over 2 hours now. We have over 20 amendments pending to the Export Administration Act.

I would hope that we could wind down the debate. I know that the gentleman from Florida has another amendment to the substitute, so I would hope that after this colloquy, the gentleman could offer his amendment so we can debate it briefly and then move on with a vote to complete action on this section of the bill.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. ZSCHAU)?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. HUNTER) is recognized for 2 additional minutes.

Mr. HUNTER. Mr. Chairman, I will be happy to wind up here in very short order.

The only thing I am saying is, it is not just end users we are concerned about; it is the people who send the goods, too. If we have a bogus company in our country that our intelligence tells us should not be sending this technology, then we have to interdict it on our side. One thing that the licensing requirement does is to at least force these people to come forward with some type of a prima facie qualification to get that license.

Again, nobody has answered the question of why we could not do it with a few more dollars.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I will yield one last time to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman for yielding.

Mr. Chairman, I just want to thank the gentleman for the illumination he has given to many of the concerns that those of us in this House have. I congratulate him for the study and the work that he has put into his efforts.

We are concerned with enforcement and stopping shipments before they leave the United States. There is a major difference between high and low technology items in their importance to the United States. I believe it is appropriate to require licensing for the high technology items and notification for low technology items on the Cocom list. Here is why.

If section 106 were adopted, it would nullify the current requirement for Cocom importing countries to issue import certificates.

Issuance of an import certificate (IC) means that the Government of the importing country has generally verified the legitimate nature of the end user. Governments comply with the requirement to issue IC's because it is an established and agreed to procedure under Cocom.

Notification of exports simply would not be the driving force to insure continuation of the IC. Mr. ROTH's amendment recognizes the importance of the import certificate and calls on the President to harmonize use of the IC within Cocom.

The Department of Commerce requires importing Cocom countries to issue an IC which becomes part of the U.S. exporters license application. The IC insures that the importing country's government will not allow Cocom-controlled goods to be reexported without proper approval.

The IC requirement is a powerful deterrent to illegal transshipment because violators face prosecution not only by the U.S. Government, but also by the importing country's government.

ELIMINATION OF LICENSING WOULD PREVENT IMPROVED MONITORING OF CONTROLLED EXPORTS

All Cocom countries participate in a voluntary system to prevent diversion of controlled items. Under the import certificate-delivery verification system, a government requires the exporter to present an import certificate (see above) before approving a license.

Under the IC procedures, the importer states his intention not to reex-

port unless approved by the government.

After shipment, the exporting country may require the importer to obtain a delivery verification certificate from his government.

This mechanism is uniformly applied throughout Cocom, but the certifications on the IC's are not uniformly effective. If they were, member governments would significantly improve controls over goods and technology denied to the Soviet Union.

Import certificates are tied to an export license requirement. H.R. 3231 eliminates prior licensing and therefore eliminates any possibility of improving these instruments of export control.

The other major problem is the effectiveness of Cocom. It works—but it could be made to function much more effectively. I will offer amendments to do this—but in the end it is based on an effective licensing system. I believe we have to consider the weaknesses of Cocom before placing the security of our most advanced technologies in the hands of our Cocom allies. Here is what others say about Cocom.

Mr. Jonathan Bingham (former chairman of the Subcommittee on International Economic Policy and Trade) in 1979 wrote in Foreign Affairs: "Cocom seems almost designed for evasion" and "that it * * * has not worked very well."

In a letter to the President dated October 27, 1981, Chairman Bingham stated: "circumvention of United States and multilateral export controls has contributed more to Soviet military capabilities than the technology approved for sale." The chairman urged that discussions with our Allies would "result in stepped-up enforcement of controls and investigations of diversions" of strategic goods to the East.

A recent study by the Atlantic Council for International Affairs concludes:

Recent reports suggest a thriving and lucrative business based on surreptitious sale of strategic and military technology to the Soviet Union and Eastern Europe.

The author said:

Interviews and discussions in Europe led me to the belief that covert circumvention of Cocom controls will be a continuing problem. One Customs agent in a European capital stated "Everything I touch turns to gold; every lead uncovers illegal sales."

In view of exceedingly law enforcement by certain Cocom countries the cases that are detected and investigated may represent only the tip of the iceberg. And the fact that the United States reported (to Cocom) more than 50 percent of the exception requests (exemptions from Cocom export restrictions) in the late 1970's and exported less than 15 percent of the products destined for the Communist bloc suggests that considerable East-West Commerce circumvents Cocom.

Finally, I would add that it is more difficult to control re-exports from Cocom than is commonly believed by those who support Section 1066 as reported by the Foreign Affairs Committee.

We cannot rely on Cocom to effectively enforce export controls. Cocom is only as effective as the implementation of Cocom control recommendations by individual governments.

THE COCOM VETO (THIRD COUNTRY REEXPORTS)

Senior officials are on record indicating that Cocom governments do not in every instance notify Cocom of shipment of controlled goods to the East.

U.S. export controls seek to control three types of transfer beyond the initial export:

First, reexport of American goods by non-Communist countries (possibly obtained from Cocom countries).

Second, incorporation of U.S.-origin components in foreign strategic products for export to controlled (Communist) destinations.

Third, export of strategic items to controlled countries which were derived from U.S.-origin technical data (including licensing of U.S. technology).

For these reasons, the United States requires the licensing of exports, components, and technology in Cocom-controlled commodities and requires information on ultimate consignees and end use information.

According to the GAO: U.S. licensing requirements for U.S. components or technology is the only way of its participating in Cocom country high-technology export decisions.

A major problem is the absence of sufficient manpower and financial resources devoted to export controls in most Cocom countries. The only way to veto an export in Cocom is direct action by a national government to notify Cocom. If its export control system is deficient, there is no way either the government or Cocom knows of the proposed export.

A weakness in the present control system is the exchange of information among member governments regarding the shipment of controlled goods and technologies.

Mr. HUNTER. I thank the gentleman.

AMENDMENT OFFERED BY MR. HUTTO TO THE AMENDMENT OFFERED BY MR. BONKER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ROTH.

Mr. HUTTO. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUTTO to the amendment offered by Mr. BONKER as a substitute for the amendment offered by Mr. ROTH: Strike lines 8 through 10 and insert: "of such goods or technology that the Secretary may determine are likely to be directed to a country described in section 620(f)".

Mr. HUTTO. Mr. Chairman, this relates to the matter that I had a colloquy on with the chairman a few minutes ago. I think the chairman has come up with a good substitute, and I think the Members need to keep in mind that striking "end users" does not reinstate the licensing. We would still not have licensing; however, I think that all Americans do not want to allow a further hemorrhaging of the technology that we heard about to our enemies, to the Soviet Union, and to the Eastern bloc.

So this amendment would simply strike "end users" and the Secretary, under ths substitute amendment, still would have the authority, if there was a technology that we needed to protect, to protect it.

I do not think it is right that we spend over $20 billion a year for research and development when the Soviets get a free ride. They do not have to spend that money because they get the technology from us. So there is a great concern on the part of everyone that we protect our technology. Then on the other side, I know the bureaucracy envolved in getting a license, and the problems that industry and business have had in trading. We have a trade deficit now, and we need to trade more. But at the same time, I think that we can speak to that issue by not requiring licensing, but still having a mechanism whereby we can protect that technology that we need to protect.

So I urge the support of this amendment to the substitute amendment, which essentially just strikes "end uses," which we have said before could be a dummy corporation somewhere and we could still have a situation whereby some of our most critical technology could be slipped to those who are against us and, as was pointed out earlier, are our arch enemies.

I urge that the amendment to the substitute be adopted.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. I would be happy to yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I have not seen the amendment, but I think it is fairly easy to understand. Basically, what the gentleman's amendment would do would be to remove the requirement with regard to end users and would look at the product or service or technology as well. Is that correct?

Mr. HUTTO. Yes, that is correct.

Mr. LAGOMARSINO. In other words, the Secretary could go through this list and say, "Hey, some of these things here are so critical that we cannot take the chance of not having licensing with regard to these"; is that correct?

Mr. HUTTO. That is correct, yes.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. I would be happy to yield to the other gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, I would just like to remind the Committee that we are talking here about restrictions on and controls on export of products from the United States to its allies, to Cocom countries, and I would like to remind the Committee, as well, that in 1982, out of the 21,000 license applications for such shipments, only 23 were denied.

I would further like to remind the Committee that of those 23 denials, all of them were because there was a suspicious end user; that is, all of the denials in 1982 were for the very reason that the gentleman from Florida wants to remove it from the amendment. It would seem to me that we should retain that very element, because that has been the criterion that has resulted in the denials in the past and that has been restated in hearings before the Committee on Foreign Affairs.

Mr. HUTTO. I realize that the gentleman from California is very well versed in this subject and understands this problem but I think that he would agree that there might be some technology to come forth that we would not want under any circumstances to risk going to the Soviet or to the Eastern bloc. We need some mechanism whereby the Secretary would have some control in such situations.

We have the language that is put in the substitute by the gentleman from Washington that specifies that the Secretary may determine the exports that are likely to be directed to a country described in section 620(f).

Mr. ZSCHAU. If the gentleman would yield further, I would like to remind the members of the Committee that we are talking here about products that already the Cocom countries, our allies, have agreed to control, and for that reason we have agreed to ship to them. We are not talking about products that we do not want to see leave the United States; we are talking about technologies that we have agreed in common to keep out of the hands of the Soviet Union.

□ 1530

Mr. HUTTO. Mr. Chairman, if I may reclaim my time, the commodity control list at the present time requires a license even to the Cocom countries. In the bill that the committee has brought forth we would eliminate the licensing requirement. We have that now, but we will not have it if this bill passes, and this amendment, of course, would give the Secretary that authority in certain cases to make the decision that there would be a license required for certain technologies.

The CHAIRMAN. The time of the gentleman from Florida (Mr. HUTTO) has expired.

(On request of Mr. ZSCHAU, and by unanimous consent, Mr. HUTTO was allowed to proceed for 1 additional minute.)

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. I yield to the gentleman from California

Mr. ZSCHAU. Mr. Chairman, let me just restate that the license requirements that are being eliminated under the committee bill are those where there are routine approvals of the applications. I mention 21,000 applications and 23 denials, and those 23 denials were because of a suspicious end user.

We kept the criterion of rejection; namely, for suspicious end users, but we streamline the proposal by not requiring licenses for those that are routinely applied.

Mr. HUTTO. Mr. Chairman, I understand what the gentleman is saying. I would suspect that under my amendment there might be less than 23 denials. I do not have any idea how many there might be. And then on the other exports, there would be no problem at all; there would be no licensing requirement.

Mr. ZSCHAU. Mr. Chairman, if the gentleman would yield for a final comment, it seems as though the gentleman's amendment removes the very criterion, namely, the suspicious end user, which has been the sole reason for rejection or denial in the past. In other words, the gentleman takes away the reason for denial, and it seems to me, the way the substitute offered by the gentleman from Washington (Mr. BONKER) is written, it retains that and still keeps the teeth in the control procedure.

Mr. HUTTO. Mr. Chairman, I thank the gentleman from California (Mr. ZSCHAU) for his comments.

In closing, Mr. Chairman, I think it is a risk that we do not want to take. We want to open it up where we can have more trade. The substitute amendment offered by the gentleman from Washington (Mr. BONKER) does that, but the amendment to the substitute will provide a vehicle to prevent the hemorrhaging of our very critical technology.

Mr. BONKER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think the gentleman from California has characterized the issue as well as anyone has, and that is how do we develop in this act a policy which will relieve exporters of the routine licensing requirements and yet protect our national security interests. I think the substitute I have offered achieves that balance, because our emphasis is on the end user. We are trying to remove those licensing requirements for shipments to Cocom countries but retain the ultimate check on the reexport or diversion of that technology.

We have provided for that in the substitute. We have taken from the gentleman's earlier proposal language that retains control over the reexport of that technology or good. But if we accept his amendment, which is in effect to strike "to the end user," then we replace the controls on the export of the technology and goods; we give the Secretary the authority to adopt the whole control list for licensing requirements in the future, thereby eliminating what is an essential reform in this bill.

If Members are for the exporters, if they are for removing some of the onerous requirements, then they have to be against this amendment. It means going back to the old ways of doing things and could reinstate licensing requirements for the entire 30,000 shipments to Cocom countries.

So I think we have to recognize what this phrase represents and the threat deleting it represents to exporters in the future. But that does not mean that we do not have language to prevent diversion of that technology. So I would urge my colleagues to take a close look at this phrase and recognize the fact that it places it back to where we were at the beginning, and that is requiring licenses for every single shipment of technology that goes to Cocom countries. This is in effect dual licensing, because that item would have to be licensed again when it is reexported out of Cocom into another country.

Mr. Chairman, I strongly urge that the Committee oppose this amendment and support the substitute.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to engage the author of the enactment, the gentleman from Washington (Mr. BONKER), in a colloquy and ask him some questions, if I may.

Mr. BONKER. Mr. Chairman, if the gentleman would yield, I would be happy to respond. I am the author of the substitute. The gentleman from Florida (Mr. HUTTO) is the author of the amendment.

Mr. LAGOMARSINO. That is correct, and, Mr. Chairman, I am rising in support of the amendment offered by the gentleman from Florida (Mr. HUTTO) and in opposition to the substitute amendment offered by the gentleman from Washington (Mr. BONKER).

Would the gentleman from Washington explain to us exactly what his substitute would do to the language that is in the bill now? Let us put aside the Roth amendment at this point.

Mr. BONKER. Mr. Chairman, if the gentleman will yield, the substitute is an amendment to the amendment offered by the gentleman from Wisconsin (Mr. ROTH). My substitute would strike his language that provides for decontrol of low-level technology to all but controlled countries.

Second, it would restore my earlier language that in effect decontrols shipments from the United States to Cocom countries.

Third, it adopts the earlier language of the gentleman from Florida (Mr. HUTTO) to strengthen control over reexports of that good by designating the Secretary to control the item through Cocom.

Then, last, I have provided expanded language for this one section that would give the Secretary authority to require a license for the export of that good or technology that may be going to end users who are suspicious or whom he believes have reason to reexport that item to the Soviet Union or her allies or for any other diversionary purposes.

What I have attempted to do in the substitute is to pull together all of the concerns into one amendment, that is, minus the desire of the gentleman from Florida (Mr. HUTTO) to remove the phrase, "to the end user." Otherwise I think it is pretty much a consensus amendment.

Mr. LAGOMARSINO. Mr. Chairman, if I may say so, it appears to me that the substitute does nothing that the bill does not already do. In other words, if we were to defeat the Roth amendment and go with the language in the bill, I do not think, from the way I read it, it would be really much different that what we already have.

Is that not really the case, that reexporting any good or technology subject to export controls which is on the list of militarily critical technologies is against the law?

Mr. BONKER. Mr. Chairman, if the gentleman will yield, it does add two significant provisions.

The first is the one I mentioned that comes from the earlier proposal of the gentleman from Florida (Mr. HUTTO) giving the Secretary the authority to require a license for any good or technology that might be reexported, so that the Secretary could exercise that control through Cocom. I think that is one of the essential provisions of the earlier proposal by the gentleman from Florida (Mr. HUTTO).

Second, we try to elaborate on this phrase, "to the end user," so that we could be more explicit that we want to cover those situations where the good or technology might go to another unfriendly country.

So, Mr. Chairman, I think we have actually strengthened the language from that which is in the bill that is before the Committee.

Mr. LAGOMARSINO. Mr. Chairman, let me ask the gentleman this question.

In the amendment, from line 15 through line 19, the gentleman talks about this: "that the good or technology not be reexported to any country to which exports are controlled under this section without the prior approval of the Secretary, through deliberations of the group known as the Coordinating Committee."

What does that language mean?

Mr. BONKER. The gentleman makes reference to what line?

Mr. LAGOMARSINO. Line 15 through line 19 on page 1 of the gentleman's substitute.

□ 1540

Mr. BONKER. "That the good or technology not be reexported to any country to which exports are controlled under this section without prior approval of the Secretary," this is the language of the gentleman from Florida (Mr. HUTTO) and that is simply a requirement for approval of reexport.

Mr. LAGOMARSINO. Well, what does the additional language after the comma mean, "through deliberations of the group known as the Coordinating Committee"?

Mr. BONKER. Well, I think it simply means that at Cocom we exercise the right or the authority to disapprove the reexport of that item, so the United States maintains a veto authority, and if we have suspicion that that technology or good is being reexported to an unfriendly country, we can stop that export at Cocom.

Mr. LAGOMARSINO. That is not a condition of the Secretary's authority.

Mr. BONKER. It is an elaboration of the Secretary's authority and it was drawn from the amendment of the gentleman from Florida (Mr. HUTTO).

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LAGOMARSINO) to the amendment offered by the gentleman from Wisconsin (Mr. ROTH).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HUTTO) to the amendment offered by the gentleman from Washington (Mr. BONKER) as a substitute for the amendment offered by the gentleman from Wisconsin (Mr. ROTH), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HUTTO. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1550

The CHAIRMAN. A quorum of the Committee of the Whole has not appeared.

The Chair announces that a regular quorum will now commence.

Members who have not already responded under the noticed quorum call will have a minimum of 15 minutes to record their presence. The call will be taken by electronic device.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 389]

Ackerman	Chappie	Fazio
Addabbo	Cheney	Feighan
Akaka	Clarke	Ferraro
Albosta	Clay	Fiedler
Alexander	Clinger	Fields
Anderson	Coats	Fish
Andrews (NC)	Coelho	Flippo
Andrews (TX)	Coleman (MO)	Florio
Annunzio	Coleman (TX)	Foglietta
Anthony	Collins	Foley
Applegate	Conable	Forsythe
Archer	Conte	Fowler
AuCoin	Conyers	Frank
Badham	Cooper	Franklin
Barnard	Corcoran	Frenzel
Barnes	Coughlin	Fuqua
Bartlett	Courter	Garcia
Bateman	Coyne	Gaydos
Bates	Craig	Gejdenson
Bedell	Crane, Daniel	Gekas
Beilenson	Crane, Philip	Gephardt
Bennett	Crockett	Gibbons
Bereuter	D'Amours	Gilman
Berman	Dannemeyer	Gingrich
Bethune	Daschle	Glickman
Bevill	Daub	Gonzalez
Bilirakis	Davis	Goodling
Bliley	de la Garza	Gore
Boehlert	Dellums	Gradison
Boggs	Derrick	Gramm
Boland	DeWine	Gray
Boner	Dickinson	Green
Bonior	Dicks	Gregg
Bonker	Donnelly	Guarini
Borski	Dorgan	Gunderson
Bosco	Dowdy	Hall (OH)
Boucher	Downey	Hall, Sam
Boxer	Dreier	Hamilton
Breaux	Duncan	Hammerschmidt
Britt	Durbin	Hance
Brooks	Dwyer	Hansen (UT)
Broomfield	Dymally	Harkin
Brown (CA)	Dyson	Harrison
Brown (CO)	Early	Hartnett
Broyhill	Eckart	Hatcher
Bryant	Edgar	Hayes
Burton (CA)	Edwards (CA)	Hefner
Burton (IN)	Edwards (OK)	Heftel
Byron	Emerson	Hertel
Campbell	English	Hiler
Carney	Erdreich	Hillis
Carper	Erlenborn	Hopkins
Carr	Evans (IA)	Horton
Chandler	Evans (IL)	Howard
Chappell	Fascell	Hoyer

Hubbard	Mitchell	Sensenbrenner
Huckaby	Moakley	Shannon
Hughes	Molinari	Shaw
Hunter	Mollohan	Shumway
Hutto	Montgomery	Shuster
Hyde	Moody	Sikorski
Jacobs	Moore	Siljander
Jeffords	Moorhead	Sisisky
Jenkins	Morrison (CT)	Skeen
Johnson	Morrison (WA)	Skelton
Jones (NC)	Mrazek	Slattery
Jones (OK)	Murtha	Smith (FL)
Jones (TN)	Myers	Smith (IA)
Kaptur	Natcher	Smith (NE)
Kasich	Neal	Smith (NJ)
Kastenmeier	Nelson	Smith, Denny
Kazen	Nichols	Smith, Robert
Kemp	Nielson	Snowe
Kennelly	Nowak	Snyder
Kildee	O'Brien	Solomon
Kindness	Oakar	Spence
Kogovsek	Oberstar	Spratt
Kolter	Obey	St Germain
Kramer	Olin	Staggers
LaFalce	Ortiz	Stangeland
Lagomarsino	Ottinger	Stark
Lantos	Owens	Stenholm
Latta	Oxley	Stokes
Leach	Packard	Stratton
Leath	Panetta	Studds
Lehman (CA)	Parris	Stump
Lehman (FL)	Pashayan	Sundquist
Leland	Patman	Swift
Lent	Patterson	Synar
Levin	Paul	Tallon
Levine	Pease	Tauke
Levitas	Penny	Tauzin
Lewis (CA)	Pepper	Taylor
Lewis (FL)	Perkins	Thomas (CA)
Lipinski	Petri	Thomas (GA)
Livingston	Pickle	Torres
Lloyd	Porter	Torricelli
Loeffler	Price	Towns
Long (LA)	Pursell	Traxler
Lott	Quillen	Valentine
Lowery (CA)	Rahall	Vander Jagt
Lujan	Rangel	Vandergriff
Luken	Ratchford	Vento
Lundine	Ray	Volkmer
Lungren	Regula	Vucanovich
Mack	Reid	Walgren
MacKay	Richardson	Walker
Madigan	Ridge	Watkins
Markey	Rinaldo	Weaver
Marriott	Ritter	Weber
Martin (IL)	Roberts	Weiss
Martin (NC)	Robinson	Wheat
Martin (NY)	Rodino	Whitehurst
Matsui	Roe	Whitley
Mavroules	Roemer	Whittaker
Mazzoli	Rogers	Whitten
McCain	Rose	Williams (MT)
McCandless	Rostenkowski	Williams (OH)
McCloskey	Roth	Winn
McCollum	Roukema	Wirth
McCurdy	Rowland	Wise
McDade	Roybal	Wolf
McEwen	Rudd	Wolpe
McGrath	Russo	Wortley
McKernan	Sabo	Wright
McKinney	Savage	Wyden
McNulty	Sawyer	Yates
Mica	Schaefer	Yatron
Michel	Schneider	Young (FL)
Mikulski	Schroeder	Young (MO)
Miller (OH)	Schulze	Zablocki
Mineta	Schumer	Zschau
Minish	Seiberling	

□ 1610

The CHAIRMAN. Three hundred and ninety-eight Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Florida (Mr. HUTTO) for a recorded vote.

Does the gentleman renew his request for a recorded vote?

Mr. HUTTO. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HUTTO. Mr. Chairman, the sheet that was given out by the Committee on Foreign Affairs which says, "The Hutto amendment to the Bonker substitute requires licenses for all technology exports to United States Cocom allies" is in error.

I do not believe that the subcommittee chairman meant to convey that misleading information.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. I yield to the gentleman.

Mr. BONKER. I thank the gentleman for yielding.

I apologize if there is any misunderstanding. Our interpretation is that the Hutto language gives the Secretary the authority to require licenses on technology and goods that are destined for Cocom countries. I think if he would agree, that interpretation gives the Secretary authority to require licenses.

Mr. HUTTO. That makes a big difference. I appreciate the gentleman making that statement. I want the Members to know that my amendment does not require licensing but it gives the authority to the Secretary, if he so sees fit, to require a license.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Florida (Mr. HUTTO) for a recorded vote.

A recorded vote was ordered.

The Chair will remind Members that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 175, not voting 21, as follows:

[Roll No. 390]

AYES—237

Akaka	Campbell	Dreier
Albosta	Carney	Duncan
Anderson	Carr	Durbin
Andrews (NC)	Chappell	Dyson
Andrews (TX)	Chappie	Eckart
Anthony	Cheney	Edwards (AL)
Applegate	Clarke	Edwards (OK)
Archer	Coats	English
Badham	Coleman (TX)	Erdreich
Barnard	Conte	Erlenborn
Bateman	Cooper	Evans (IA)
Bennett	Corcoran	Fields
Bevill	Coughlin	Fish
Bilirakis	Courter	Flippo
Bliley	Craig	Florio
Boggs	Crane, Daniel	Forsythe
Boner	Crane, Philip	Fowler
Bonior	D'Amours	Franklin
Bosco	Dannemeyer	Frost
Breaux	Davis	Fuqua
Britt	de la Garza	Gekas
Broomfield	Derrick	Gilman
Brown (CO)	DeWine	Gingrich
Broyhill	Dickinson	Goodling
Bryant	Dingell	Gore
Burton (IN)	Dorgan	Gradison
Byron	Dowdy	Gramm
Guarini	Martin (NY)	Rowland
Hall (OH)	Mazzoli	Rudd
Hall, Sam	McCain	Russo
Hammerschmidt	McCandless	Sawyer
Hance	McCloskey	Schaefer
Hansen (ID)	McCollum	Schneider
Hansen (UT)	McCurdy	Schulze
Hartnett	McDade	Sensenbrenner
Hatcher	McEwen	Shaw
Hefner	McGrath	Shumway
Heftel	McKinney	Shuster
Hertel	McNulty	Siljander
Hiler	Michel	Sisisky
Hillis	Miller (OH)	Skeen
Holt	Minish	Skelton
Hopkins	Molinari	Smith (NJ)
Horton	Montgomery	Smith, Denny
Hubbard	Moorhead	Smith, Robert
Huckaby	Murtha	Snowe
Hughes	Myers	Snyder
Hunter	Natcher	Solomon
Hutto	Neal	Spence
Hyde	Nelson	Spratt
Jeffords	Nichols	St Germain
Jenkins	Nowak	Staggers
Jones (NC)	O'Brien	Stratton
Jones (TN)	Oakar	Stump
Kasich	Olin	Sundquist
Kazen	Ortiz	Tallon
Kemp	Oxley	Tauzin
Kildee	Packard	Taylor
Kramer	Parris	Thomas (CA)
Lagomarsino	Pashayan	Thomas (GA)
Latta	Patman	Torricelli
Leath	Paul	Traxler
Lent	Perkins	Valentine
Levin	Petri	Vandergriff
Levitas	Pickle	Volkmer
Lewis (FL)	Pursell	Walker
Lipinski	Quillen	Watkins
Livingston	Ray	Weaver
Lloyd	Regula	Whitehurst
Loeffler	Richardson	Whitley
Long (LA)	Ridge	Whittaker
Lott	Rinaldo	Whitten
Lujan	Ritter	Williams (OH)
Luken	Robinson	Winn
Lungren	Roe	Wirth
Mack	Roemer	Wise
MacKay	Rogers	Wolf
Martin (IL)	Rose	Wortley
Martin (NC)	Roth	Young (FL)

NOES—175

Ackerman	Dwyer	Kolter
Addabbo	Dymally	LaFalce
Alexander	Early	Lantos
Annunzio	Edgar	Leach
Aspin	Edwards (CA)	Lehman (CA)
AuCoin	Emerson	Lehman (FL)
Barnes	Evans (IL)	Leland
Bartlett	Fascell	Levine
Bates	Fazio	Lewis (CA)
Bedell	Feighan	Long (MD)
Beilenson	Ferraro	Lowery (CA)
Bereuter	Fiedler	Lowry (WA)
Berman	Foglietta	Lundine
Bethune	Foley	Madigan
Boehlert	Frank	Markey
Boland	Frenzel	Marriott
Bonker	Garcia	Martinez
Borski	Gaydos	Matsui
Boucher	Gejdenson	Mavroules
Boxer	Gephardt	McHugh
Brooks	Gibbons	McKernan
Brown (CA)	Glickman	Mica
Burton (CA)	Gonzalez	Mineta
Carper	Gray	Mitchell
Chandler	Green	Moakley
Clay	Gregg	Mollohan
Clinger	Gunderson	Moody
Coelho	Hamilton	Moore
Coleman (MO)	Harkin	Morrison (CT)
Collins	Harrison	Morrison (WA)
Conable	Hayes	Mrazek
Conyers	Howard	Nielson
Coyne	Hoyer	Oberstar
Crockett	Jacobs	Obey
Daschle	Johnson	Ottinger
Daub	Jones (OK)	Owens
Dellums	Kaptur	Panetta
Dicks	Kastenmeier	Patterson
Dixon	Kennelly	Pease
Donnelly	Kindness	Penny
Downey	Kogovsek	Pepper

Porter	Sharp	Vento
Price	Sikorski	Vucanovich
Rahall	Slattery	Walgren
Rangel	Smith (FL)	Waxman
Ratchford	Smith (IA)	Weber
Reid	Smith (NE)	Weiss
Roberts	Solarz	Wheat
Rodino	Stangeland	Williams (MT)
Rostenkowski	Stark	Wolpe
Roukema	Stenholm	Wright
Roybal	Stokes	Wyden
Sabo	Studds	Yates
Savage	Swift	Yatron
Scheuer	Synar	Young (MO)
Schroeder	Tauke	Zablocki
Schumer	Torres	Zschau
Seiberling	Towns	
Shannon	Vander Jagt	

NOT VOTING—21

Biaggi	Hightower	Pritchard
Daniel	Ireland	Shelby
Ford (MI)	Kostmayer	Simon
Ford (TN)	Marlenee	Udall
Hall (IN)	Mikulski	Wilson
Hall, Ralph	Miller (CA)	Wylie
Hawkins	Murphy	Young (AK)

□ 1620

Messrs. GUNDERSON, MARTINEZ, and SMITH of Florida changed their votes from "aye" to "no."

Messrs. SPRATT, VOLKMER, TRAXLER, D'AMOURS, and ANDREWS of North Carolina, and Ms. OAKAR changed their votes from "no" to "aye."

□ 1630

So the amendment to the amendment offered as a substitute for the amendment as amended was agreed to.

The result of the vote was announced as above recorded.

Mr. BONKER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. BONKER. Mr. Chairman, we are now prepared to vote on the Bonker substitute to the Roth amendment. In view of the action just taken by adoption of the amendment, I strongly urge my colleagues to vote against the Bonker substitute and against the Roth amendment, so that we can go back to the original language in the bill, which really attempts to remove some serious impediments to U.S. exporters.

I urge rejection of the Bonker substitute.

The CHAIRMAN pro tempore (Mr. BROWN of California). The question is on the amendment offered by the gentleman from Washington (Mr. BONKER), as amended, as a substitute for the amendment offered by the gentleman from Wisconsin (Mr. ROTH), as amended.

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROTH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 173, answered "present" 1, not voting 19, as follows:

[Roll No. 391]

AYES—240

Akaka	Gramm	Oxley
Albosta	Guarini	Packard
Anderson	Hall (OH)	Parris
Andrews (NC)	Hall, Sam	Pashayan
Andrews (TX)	Hammerschmidt	Patman
Anthony	Hance	Paul
Applegate	Hansen (ID)	Pepper
Archer	Hansen (UT)	Petri
Aspin	Hartnett	Pickle
Badham	Hatcher	Porter
Barnard	Hefner	Pursell
Bateman	Heftel	Quillen
Bennett	Hertel	Ray
Bevill	Hiler	Regula
Bilirakis	Hillis	Reid
Bliley	Holt	Richardson
Boner	Hopkins	Ridge
Bonior	Horton	Rinaldo
Bosco	Howard	Ritter
Breaux	Hubbard	Robinson
Britt	Huckaby	Roe
Brooks	Hughes	Roemer
Broomfield	Hunter	Rogers
Brown (CO)	Hutto	Rose
Broyhill	Hyde	Roth
Bryant	Jeffords	Rowland
Burton (IN)	Jenkins	Rudd
Byron	Jones (NC)	Russo
Campbell	Jones (TN)	Sawyer
Carney	Kasich	Schaefer
Carr	Kazen	Schneider
Chappell	Kemp	Schulze
Chappie	Kildee	Sensenbrenner
Cheney	Kramer	Shaw
Clarke	Lagomarsino	Shelby
Conte	Latta	Shumway
Cooper	Leath	Shuster
Corcoran	Lent	Siljander
Coughlin	Levin	Sisisky
Courter	Levitas	Skeen
Craig	Lewis (CA)	Skelton
Crane, Daniel	Lewis (FL)	Smith (NJ)
Crane, Philip	Livingston	Smith, Denny
D'Amours	Lloyd	Smith, Robert
Dannemeyer	Loeffler	Snowe
Daub	Lott	Snyder
Davis	Lujan	Solomon
de la Garza	Lungren	Spence
Derrick	Mack	Spratt
DeWine	MacKay	St Germain
Dickinson	Marriott	Staggers
Dingell	Martin (IL)	Stenholm
Donnelly	Martin (NC)	Stratton
Dorgan	Martin (NY)	Stump
Dowdy	Mazzoli	Sundquist
Dreier	McCain	Tallon
Duncan	McCandless	Tauzin
Durbin	McCollum	Taylor
Dyson	McCurdy	Thomas (CA)
Edwards (AL)	McDade	Thomas (GA)
Edwards (OK)	McEwen	Torricelli
English	McGrath	Traxler
Erdreich	McKinney	Valentine
Erlenborn	McNulty	Vandergriff
Fiedler	Michel	Volkmer
Fields	Miller (OH)	Walker
Fish	Minish	Watkins
Flippo	Montgomery	Weaver
Florio	Moody	Whitehurst
Forsythe	Moorhead	Whitley
Fowler	Murtha	Whittaker
Franklin	Myers	Whitten
Frost	Natcher	Williams (OH)
Fuqua	Neal	Wilson
Gekas	Nelson	Winn
Gilman	Nichols	Wise
Gingrich	O'Brien	Wolf
Goodling	Oakar	Wright
Gore	Olin	Young (FL)
Gradison	Ortiz	Young (MO)

NOES—173

Ackerman	AuCoin	Bedell
Addabbo	Barnes	Beilenson
Alexander	Bartlett	Bereuter
Annunzio	Bates	Berman
Bethune	Gregg	Panetta
Boehlert	Gunderson	Patterson
Boggs	Hamilton	Pease
Boland	Harkin	Penny
Bonker	Harrison	Perkins
Borski	Hayes	Price
Boucher	Hoyer	Rahall
Boxer	Jacobs	Rangel
Brown (CA)	Johnson	Ratchford
Burton (CA)	Jones (OK)	Roberts
Carper	Kaptur	Rodino
Chandler	Kastenmeier	Rostenkowski
Clay	Kennelly	Roukema
Clinger	Kindness	Roybal
Coats	Kogovsek	Sabo
Coelho	Kolter	Savage
Coleman (MO)	LaFalce	Scheuer
Coleman (TX)	Lantos	Schroeder
Collins	Leach	Schumer
Conable	Lehman (CA)	Seiberling
Conyers	Lehman (FL)	Shannon
Coyne	Leland	Sharp
Crockett	Levine	Sikorski
Daschle	Lipinski	Slattery
Dellums	Long (LA)	Smith (FL)
Dicks	Long (MD)	Smith (IA)
Dixon	Lowery (CA)	Smith (NE)
Downey	Lowry (WA)	Solarz
Dwyer	Luken	Stangeland
Dymally	Lundine	Stark
Early	Madigan	Stokes
Eckart	Markey	Studds
Edgar	Martinez	Swift
Edwards (CA)	Matsui	Synar
Emerson	Mavroules	Tauke
Evans (IA)	McCloskey	Torres
Evans (IL)	McHugh	Towns
Fascell	McKernan	Vander Jagt
Fazio	Mica	Vento
Feighan	Mineta	Vucanovich
Ferraro	Mitchell	Walgren
Foglietta	Moakley	Waxman
Foley	Molinari	Weber
Ford (TN)	Mollohan	Wheat
Frank	Moore	Williams (MT)
Frenzel	Morrison (CT)	Wirth
Garcia	Morrison (WA)	Wolpe
Gaydos	Mrazek	Wortley
Gejdenson	Nielson	Wyden
Gephardt	Nowak	Yates
Gibbons	Oberstar	Yatron
Glickman	Obey	Zablocki
Gray	Ottinger	Zschau
Green	Owens	

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—19

Biaggi	Ireland	Simon
Daniel	Kostmayer	Udall
Ford (MI)	Marlenee	Weiss
Hall (IN)	Mikulski	Wylie
Hall, Ralph	Miller (CA)	Young (AK)
Hawkins	Murphy	
Hightower	Pritchard	

□ 1640

Mrs. KENNELLY, Mr. NIELSON of Utah, and Mr. SMITH of Florida changed their votes from "aye" to "no."

So the amendment, as amended, offered as a substitute for the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

□ 1650

Mr. ZSCHAU. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. Without objection, the gentleman from California (Mr. ZSCHAU) is recognized for 5 minutes.

There was no objection.

Mr. ZSCHAU. Mr. Chairman, what we have done here in the last several minutes is to remove from the Export

Administration Act Amendments the basic reforms that the Committee on Foreign Affairs had crafted over the last several months. These reforms dealt with the issue of West-West trade, trade with our allies—our NATO allies, plus Japan—on products that we have mutually agreed to keep out of the hands of the Soviet Union through control procedures.

In 1982, there were more than 21,000 applications for licenses filed by U.S. companies to ship products to our allies, products that they have also agreed to control, and only 23 of those were denied. Most of this licensing procedure, as the GAO has characterized it, is "just a paper exercise" rather than actually controlling exports to the Soviet Union.

Mr. Chairman, the philosophy of the Foreign Affairs Committee bill was to both strengthen the controls where they make a difference so that we can have better ability to keep sensitive technology out of the hands of the Soviets and streamline the procedures so that our companies can export better in a very highly competitive world market. We did this by removing the unnecessary requirement for license applications of products shipped to our Cocom allies that they have in turn agreed to keep out of the hands of the Soviets, with the exception that we would continue to have those requirements on shipments to end users that are deemed to be a source of diversion by the Secretary of Commerce. In this way we would focus the controls where the risk is, we would eliminate the controls where they are unnecessary, and we would be able to concentrate our enforcement resources where they make a difference while enabling our companies to export better by removing needless controls.

In the Bonker substitute which just passed, as amended by the Hutto amendment which had passed before that, we essentially gutted this reform. We removed it and reverted back to the procedure that we have now where the Secretary can impose controls on all products as he wishes.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. ZSCHAU. I will yield in just a moment.

Therefore, Mr. Chairman, I would ask my colleagues, if they want to follow the approach of streamlining the procedures and focusing the controls so that we can control better and export better, that we defeat the Roth amendment, as amended by the Bonker substitute, and allow the language of the Foreign Affairs Committee bill to stand as it was originally written.

Mr. Chairman, I now yield to the gentleman from Florida (Mr. HUTTO).

Mr. HUTTO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I do not see how the gentleman can say that we gutted the bill. If he has any trust at all in the Secretary's doing the right thing, I would say to the gentleman that the amendment did not do that at all. It merely allows the Secretary to require a license if he feels it is in the best interests of the United States.

I think that is something we would want to do. I think we would want to allow him that authority, but it still does not require a license except in those cases where he feels it is necessary. That seems entirely reasonable to me.

Mr. ZSCHAU. Mr. Chairman, if I may reclaim my time, under the current legislation the Secretary requires licenses where he feels it is in the national security interests, which is exactly what the bill would be like with the Bonker substitute, as amended.

Mr. HUTTO. Mr. Chairman, if the gentleman will yield further, that is the law. It would not be the law under the Bonker amendment and under this bill if passed. There would be no license required except in those cases where the Secretary felt it is necessary for the security of our country. The amendment did not gut the bill at all.

Mr. ZSCHAU. Mr. Chairman, if I could reclaim my time, as the law is currently written, the Secretary has the discretion to require licenses on products. He defines which products we are going to be licensing, and those are the ones that are currently licensed.

The CHAIRMAN pro tempore (Mr. BROWN of California). The time of the gentleman from California (Mr. ZSCHAU) has expired.

(By unanimous consent, Mr. ZSCHAU was allowed to proceed for 30 additional seconds.)

Mr. ZSCHAU. Mr. Chairman, the Secretary currently has the discretion to put an item on the list or take it off the list. That would be the same sort of discretion that would be provided under the Bonker amendment, as amended by the Hutto amendment.

Therefore, Mr. Chairman, I am asking for a "no" vote on the Roth amendment, as amended by the Bonker substitute, and I yield back the balance of my time.

Mr. ROTH. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. Without objection, the gentleman from Wisconsin (Mr. ROTH) is recognized for 5 minutes.

There was no objection.

Mr. ROTH. Mr. Chairman, I am going to be very brief, because I am going to ask the Members of this House to support this amendment.

Since May of 1982 the GAO has supported the concept of this amendment. I know that some in business are opposed to it. We in this House have a responsibility to business, yes, but we have a responsibility also to guarantee our national security.

When we are asking thousands of Americans to jeopardize their lives every day for our national security, is it too much to ask business to apply for a simple license when they send our high technology overseas? I do not think so. I think we owe it to the taxpayers and I think we owe it to this country to protect our national security and our high technology.

My amendment does two things:

First, the amendment eliminates U.S. export licensing controls for low technology items to non-Communist countries.

Second, it provides that every U.S. exporter be given the right in law to a 30-day final review of an export license application for high technology sales to a Cocom country.

LOW-TECHNOLOGY EXPORTS

All members of Cocom—NATO minus Iceland and Spain plus Japan—have agreed to a technical line dividing high technology from low technology items. The dividing lines are on Cocom's control list and the U.S. export control list.

Cocom countries can ship low technology items to Communist countries without prior approval from Cocom. The only requirement is that governments notify Cocom of these shipments—a practice followed by a few countries. In contrast, only the United States requires export licenses for sales to South Korea, Mexico, Israel, Taiwan, and other free world companies.

Eliminating low technology licensing for free world destinations was the primary recommendation of the GAO's May 1983 comprehensive review of export licensing. According to GAO, eliminating low-tech licensing would reduce the total number of national security export licenses by one-half, or more than 30,000 licenses.

30-DAY REVIEW

During the last 2 years, the Commerce Department has significantly shortened the time required to process license applications. More than 80 percent are processed within 30 days. Reducing the total number of license applications by half will insure timely consideration of the remaining licenses and will enable enforcement agencies to concentrate their resources to high technology exports which are targeted by the Soviet Union to support their military buildup.

CONCLUSION

Eliminating prior review of export licenses for shipments to Cocom countries makes little sense. If section 106b of H.R. 3231, which eliminates licensing, became law it would undermine Cocom negotiations to standardize Cocom licensing and customs documents which confirm arrivals and shipments of controlled goods. The

National Academy of Sciences estimates that Western technology has saved the Soviets "hundreds of millions of dollars in R&D costs and modernized "critical sectors of Soviet military production." My amendment improves export controls for such high technology.

I am very concerned that if we eliminate Cocom licensing, the rest of Cocom may follow our lead.

Eliminating Cocom licensing is a mortal threat to this organization. The Roth amendment set the stage for achieving what a majority of Cocom governments seek: a reduction in controls and improving enforcement.

The Reagan administration has made considerable progress to strengthening Cocom. In January 1982, for the first time in 25 years, Cocom met at the ministerial level.

In the past, Cocom has not agreed to control a technology in the absense of a related product. At the January 1982 meeting, the United States obtained agreement to establish a mechanism for controlling exports of technical know-how and not necessarily a specific piece of hardware.

These developments will require an expansion of certain Cocom control. If the United States eliminates Cocom licensing, other countries will adopt similar decontrol. The result will be a significant weakening of multilateral export controls.

Preventing diversion is often equated with tracking the movement of controlled goods within Cocom. For example, the United States may now deny a license application because the end user is suspected of diversion. If intra-Cocom licensing were eliminated, it would be next to impossible to prevent shipments to diverters operating in Europe or Japan.

Athough the original language of my amendment is changed, the intent of the amendment before the House is the same—it recognizes that there is high technology which must be protected by export licensing.

Mr. Chairman, I ask for a "yes" vote on the amendment.

The CHAIRMAN pro tempore. For what purpose does the gentleman from Washington (Mr. BONKER) rise?

Mr. BONKER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. Without objection, the gentleman from Washington (Mr. BONKER) is recognized for 5 minutes.

There was no objection.

Mr. BONKER. Mr. Chairman, I rise to urge my colleagues to vote against the Roth amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ROTH), as amended.

The question was taken; and the chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BEREUTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 171, answered "present" 1, not voting 22, as follows:

[Roll No. 392]

AYES—239

Akaka	Hall (OH)	Parris
Albosta	Hall, Sam	Pashayan
Anderson	Hammerschmidt	Patman
Andrews (NC)	Hance	Paul
Andrews (TX)	Hansen (ID)	Perkins
Anthony	Hansen (UT)	Petri
Applegate	Hartnett	Pickle
Archer	Hatcher	Porter
Aspin	Hefner	Pursell
Badham	Hertel	Quillen
Barnard	Hiler	Ray
Bateman	Holt	Regula
Bennett	Hopkins	Ridge
Bevill	Horton	Rinaldo
Bilirakis	Hubbard	Ritter
Bliley	Huckaby	Robinson
Boggs	Hughes	Roe
Boner	Hunter	Roemer
Bonior	Hutto	Rogers
Boucher	Hyde	Rose
Breaux	Jenkins	Roth
Britt	Jones (NC)	Rowland
Broomfield	Jones (TN)	Rudd
Brown (CO)	Kasich	Russo
Broyhill	Kazen	Sawyer
Bryant	Kemp	Schaefer
Burton (IN)	Kildee	Schneider
Byron	Kolter	Schulze
Campbell	Kramer	Sensenbrenner
Carney	Lagomarsino	Shaw
Carr	Latta	Shelby
Chappell	Leath	Shumway
Chappie	Lent	Shuster
Cheney	Levin	Siljander
Clarke	Levitas	Sisisky
Coleman (TX)	Lewis (CA)	Skeen
Conte	Lewis (FL)	Skelton
Cooper	Lipinski	Smith (NJ)
Corcoran	Livingston	Smith, Denny
Coughlin	Lloyd	Smith, Robert
Courter	Loeffler	Snowe
Craig	Long (MD)	Snyder
Crane, Daniel	Lott	Solomon
Crane, Philip	Lujan	Spence
D'Amours	Lungren	Spratt
Dannemeyer	Mack	St Germain
Davis	MacKay	Staggers
de la Garza	Madigan	Stenholm
Derrick	Marriott	Stratton
DeWine	Martin (IL)	Stump
Dickinson	Martin (NC)	Sundquist
Dingell	Martin (NY)	Tallon
Dorgan	Mazzoli	Tauzin
Dowdy	McCain	Taylor
Dreier	McCandless	Thomas (CA)
Duncan	McCloskey	Thomas (GA)
Durbin	McCollum	Torricelli
Dyson	McCurdy	Traxler
Edwards (AL)	McDade	Valentine
Edwards (OK)	McEwen	Vander Jagt
English	McGrath	Vandergriff
Erdreich	McKinney	Volkmer
Erlenborn	McNulty	Walker
Fiedler	Michel	Watkins
Fields	Miller (OH)	Weaver
Fish	Minish	Whitehurst
Flippo	Molinari	Whitley
Florio	Montgomery	Whittaker
Fowler	Moorhead	Whitten
Franklin	Murtha	Williams (OH)
Frost	Myers	Wilson
Fuqua	Natcher	Winn
Gekas	Neal	Wise
Gilman	Nelson	Wolf
Gingrich	Nichols	Wortley
Goodling	O'Brien	Wright
Gore	Olin	Yates
Gradison	Ortiz	Young (FL)
Gramm	Oxley	Young (MO)
Guarini	Packard	

NOES—171

Ackerman	Frank	Nowak
Addabbo	Frenzel	Oakar
Alexander	Garcia	Oberstar
Annunzio	Gaydos	Obey
AuCoin	Gejdenson	Ottinger
Barnes	Gephardt	Owens
Bartlett	Gibbons	Panetta
Bates	Glickman	Patterson
Bedell	Gray	Pease
Beilenson	Green	Penny
Bereuter	Gregg	Pepper
Berman	Gunderson	Price
Bethune	Hamilton	Rahall
Boehlert	Harkin	Rangel
Boland	Harrison	Ratchford
Bonker	Hayes	Reid
Borski	Heftel	Richardson
Bosco	Howard	Roberts
Boxer	Hoyer	Rodino
Brooks	Jacobs	Rostenkowski
Brown (CA)	Jeffords	Roukema
Burton (CA)	Johnson	Roybal
Carper	Jones (OK)	Sabo
Chandler	Kaptur	Savage
Clay	Kastenmeier	Scheuer
Clinger	Kennelly	Schroeder
Coats	Kindness	Schumer
Coelho	Kogovsek	Seiberling
Coleman (MO)	LaFalce	Shannon
Collins	Lantos	Sharp
Conable	Leach	Sikorski
Conyers	Lehman (CA)	Slattery
Coyne	Lehman (FL)	Smith (FL)
Crockett	Leland	Smith (IA)
Daschle	Levine	Smith (NE)
Daub	Long (LA)	Solarz
Dellums	Lowery (CA)	Stangeland
Dicks	Lowry (WA)	Stark
Dixon	Luken	Studds
Donnelly	Lundine	Swift
Downey	Markey	Synar
Dwyer	Martinez	Tauke
Dymally	Matsui	Torres
Early	Mavroules	Towns
Eckart	McHugh	Vento
Edgar	McKernan	Vucanovich
Edwards (CA)	Mica	Walgren
Emerson	Mineta	Waxman
Evans (IA)	Mitchell	Weber
Evans (IL)	Moakley	Wheat
Fascell	Mollohan	Williams (MT)
Fazio	Moody	Wirth
Feighan	Moore	Wolpe
Ferraro	Morrison (CT)	Wyden
Foglietta	Morrison (WA)	Yatron
Foley	Mrazek	Zablocki
Ford (TN)	Nielson	Zschau

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—22

Biaggi	Hillis	Simon
Daniel	Ireland	Stokes
Ford (MI)	Kostmayer	Udall
Forsythe	Marlenee	Weiss
Hall (IN)	Mikulski	Wylie
Hall, Ralph	Miller (CA)	Young (AK)
Hawkins	Murphy	
Hightower	Pritchard	

□ 1710

Mr. HERTEL changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. AU COIN

Mr. AUCOIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AUCOIN: Page 40, line 14, strike out the quotation marks and second period.

Page 40, insert the following after line 14: "(m) Not later than 90 days after enactment of this subsection, and not later than the end of each 3-month period thereafter,

the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives, and to the Committees on Banking, Housing and Urban Affairs and no Foreign Relations of the Senate, a report listing all applications completed during the preceding 90 days which required more than 60 calendar days of processing before notification of a decision was sent to the applicant, and all applications not yet decided which have been in process more than 60 calendar days. With regard to each such application the report shall identify (1) the application case number, (2) the value of the goods or technology to which the application relates, (3) the country of destination of the goods, (4) the date on which the application was received by the Secretary, (5) the date on which the Secretary granted or denied the application, (6) the date on which the notification of approval or denial of the application was sent to the applicant, (7) the total number of days which elapsed between receipt of the application, in its properly completed form, and the earlier of the last day of the 3-month period to which the report relates, or the date that notification of the Secretary's decision on the application was sent, and (8) if the application was referred to other departments or agencies, a list of those departments or agencies, the dates on which the application was so referred, and the dates on which recommendations were received from each such agency or department. If more than 30 days elapses after referral of an application before any such department or agency submits its recommendations on such application to the Secretary, the report shall also list the divisions or offices within such department or agency responsible for processing the application. Each report shall also include a summary of the number of applications, and the value of the goods or technology involved in the applications, grouped according to the number of days before action on the applications was completed, as follows: 60–75 days, 76–90 days, 91–105 days, 106–120 days, and over 120 days. The report shall also include a summary by country of destination of the number of applications, and the value of the goods or technology involved in the applications, on which action was not completed within 60 days.".

Mr. AuCOIN. Mr. Chairman, one of the problems we have in exporting in the United States today is that some of these export license applications sit before various offices that have control over them, they sit there delayed, time goes by, and more time goes by and the American exporter who is relying on that export license in order to land a sale ends up losing the sale because his foreign competition is able to get to that sale before he is.

I think for oversight purposes, it is extremely important that the committees of the Congress have some understanding, working understanding, about the length of time that some of these applications seem to require.

I have had cases in my district where there have been delays in the processing of export license applications of up to 6 months, and I can guarantee you that an exporter is going to lose a sale if he has to wait that long.

Now, all this amendment does, Mr. Chairman, is to allow the appropriate committees of the Congress an opportunity to see how many days and how many applications are delayed by lengthy delays.

It requires the agencies responsible to report to the Congress on a quarterly basis the number of export applications that have exceeded 60 calendar days. I look upon this amendment as an opportunity for the oversight committees to monitor the work of the agencies responsible, to see how timely these applications are being acted upon, and if a pattern develops in which it is clear that undue delays are occurring, it is an opportunity for the committees to take the requisite action.

I have consulted with the chairman of the subcommittee, and I believe it meets with his approval, and if I am not mistaken, it also meets with the approval of the ranking Republican.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Washington State.

Mr. BONKER. I thank the gentleman for yielding.

I understand that you have had businessmen in your own district who have encountered difficulties and long delays in connection with licensing approval?

Mr. AuCOIN. The gentleman is correct.

Mr. BONKER. Well, I think the gentleman has pointed to an important problem, and one which I think the Department of Commerce has struggled valiantly to address in the last couple of years. But as is so often the case, the license is referred to DOD, causing additional delays. Requiring the Secretary to submit to the Congress a report on those licenses that have been delayed for 60 days or longer would help insure that Commerce would expedite its consideration of licenses and remove that uncertainty and delay that now plague our exporters. I would be happy to accept the gentleman's amendment.

Mr. AuCOIN. I appreciate the gentleman's remarks.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman for yielding.

I think the gentleman has a fine amendment. I do have two questions, and one would be, would your amendment disclose any business, confidential information?

□ 1720

Mr. AuCOIN. I tell the gentleman it would not. The only disclosure would be the application number. It would not disclose the content of the sale. Of course we would not want to do that. This amendment does not do that.

Mr. ROTH. Can the gentleman share with us an example of extraordinary delay? I know he has some experience with this.

Mr. AuCOIN. I have had high technology exporters in my congressional district experience delays up to 6 to 9 months in processing of applications. I think other Members who I have talked to have certainly experienced in their own districts exporters who have had delays of far more than 60 days.

What I think we have here is a reporting mechanism that gives your committee and other committees an oversight function, oversight data in which you can exercise oversight responsibility and try to correct these patterns.

I think the mere existence of such a reporting mechanism would serve to dissuade the bureaucracy from undue delays and that is the intent of the amendment.

Mr. ROTH. I thank the gentleman for his contribution. I think it is an excellent amendment and I am sure that we will accept it on our side.

Mr. AuCOIN. I appreciate the gentleman's comments.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon (Mr. AuCOIN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEREUTER: Page 26, strike out line 15 and all that follows through page 27, line 2, and insert in lieu thereof the following:

SEC. 112. Section 6(g) of the Act (50 U.S.C. App. 2405(g)), as redesignated by section 110(a)(1) of this Act, is amended to read as follows:

"(g) EXCLUSION FOR FOOD, MEDICINE, OR MEDICAL SUPPLIES.—This section does not authorize export controls on food, medicine, or medical supplies. This section also does not authorize export controls on donations of goods intended to meet basic human needs. It is the intent of the Congress that the President not impose export controls under this section on any goods or technology if he determines that the principal effect of the export of such goods or technology would be to help meet basic human needs. This subsection shall not be construed to prohibit the President from imposing restrictions on the export of medicine, medical supplies, or food under the International Emergency Economic Powers Act. This subsection shall not apply to any export control on medicine, medical supplies, or food, other than donations, which is in effect on the effective date of the Export Administration Amendments Act of 1983. Notwithstanding the preceding provisions of this subsection, the President may impose export controls under this section on medicine, medical supplies, food, or donations of goods in order to carry out the policy set forth in paragraph (13) of section 3 of this Act.".

Mr. BEREUTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

There was not objection.

Mr. BEREUTER. Mr. Chairman, my amendment is a simple, but an important one. It would merely reinstate language contained within the Export Administration Act of 1979, as passed by this House. That language would have exempted food from the reach of foreign policy export controls. Unfortunately, this amendment was deleted during a House-Senate conference.

As the leader of the free world and one of the world's richest nations, we should not deny food to our less fortunate neighbors. Food is the last thing that we should subject to export controls. Unfortunately in the past, it has been one of the first items subject to export controls.

Food buyers cannot defer their consumption. Reliability of food supply, therefore, becomes a preeminent concern. More so than any other commodity, food, if in short supply, is likely to create local unrest or hysteria. Unless we desire to produce domestic unrest, food shortages are counterproductive to our foreign policy objectives.

Although the Soviet grain embargo of 1980 is the example most likely to come to mind when you think about this topic, there are many other examples. I know of no other free world nation which prohibits the export of food. If we, the United States, seek to exhibit moral leadership in this world, how can we set such an example? Whatever the foreign policy objective, it should never surpass our own commitment to the elimination of suffering and starvation throughout the world. Whatever our foreign policy objective, it should never surpass our commitment to the humane treatment of those in need.

All persons deserve the right to eat, to be clothed, and to obtain necessary medical assistance regardless of political circumstances. Our possible use of food as a weapon of foreign policy casts a black mark upon our Nation—one that will take a long time to remove.

I believe that Congress never intended to punish men, women, and children simply because of the acts of their government, many which may be beyond their control. Rather we should focus our foreign policy controls, if they are to be used, upon the items most likely to alter governmental conduct, not upon the items most likely to create hostility toward the United States when the commodites are in short supply.

Might I remind you, the Export Administration Act section at issue here relates solely to the use of trade as a tool of foreign policy. In the event that such egregious conduct on the part of another nation demands a firmer response—as in the case of the Iranian hostage incident—we have other tools at our disposal. The International Emergency Economic Powers Act can be used to respond more fully to true threats to our national interests. Within the context of the Export Administration Act, however, use of food as a foreign policy weapon only undermines our foreign policy objectives.

Will America continue to be the first and foremost example of charity and compassion for the needs of others? Or will we establish an indelible, negative reputation in the minds of the billions of hungry people all over the world.

The statement we make here in either adopting or rejecting this amendment will send a signal to the world about our commitment to helping our fellow man. It has the potentiality of being one of the most lasting, very effective foreign policy initiatives we might hope to implement. I urge my colleagues to give this amendment their strong support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER).

The amendment was agreed to.

● Mr. DE LUGO. Mr. Chairman, I rise to offer my support for two provisions regarding sanctions against South Africa. One is Representative SOLARZ' provision, currently incorporated into the Export Administration Act, and the other is Representative GRAY's bill, H.R. 1392, which I urge my colleagues to include in the act.

Prohibition of bank loans to the South African public sector, banning U.S. importation of Krugerrands and other South African gold coins and requiring adherence to the Sullivan fair workplace principles, all proposed by Mr. SOLARZ, are firm steps which I believe will bring home to the South African Government the fact that we are serious in our censure of apartheid. Mr. GRAY's prohibition of bank loans to the private as well as the public sector gives teeth to the lending sanctions which the South African Government has circumvented altogether too easily.

I believe we have a responsibility to pressure for change in South Africa. Our current response to apartheid amounts to tacit support of this system which is contrary to the very premises upon which this country operates.

Please vote in support of these two provisions.●

● Mr. DOWNEY of New York. Mr. Chairman, I rise in support of the amendment offered by my colleague which would prohibit new investment in the Republic of South Africa. We have before us a golden opportunity to signal American dissatisfaction with the pace, or lack thereof, of change in that country.

In South Africa today, 5 million white people decide the lives of 25 million black and colored people. Nearly 9 million black people have been declared foreigners in their own land and assigned to four impoverished, so-called independent homelands. More than 3 million blacks have been shoved off white-owned lands onto desolate homelands which offer no hope of economic self-sufficiency. The daily movements of blacks and coloreds are regulated by a network of security laws which violate the most basic freedoms, which Americans hold so dear. Nearly half of all black workers are forced to leave their families in the desolate homelands while they migrate long distances in pursuit of jobs. All blacks are confined to rigidly segregated and inferior schools, housing, and social services.

After 3 years of the Reagan administration, South Africa has not modified any of these conditions. Instead, we have seen cosmetic changes and farcical constitutional "reforms". Conditions have further deteriorated for black South Africans. Negotiations over a Namibian settlement have suffered from delay after delay, and have finally run into the brick wall of insistence that the withdrawal of Cuban troops from Angola be linked to a Namibian settlement. Finally, allegations of aggression from South Africa against its black-ruled neighbors in Angola, Mozambique, and Zimbabwe have increased. Most importantly for us in the U.S. Congress, our Government is increasingly identified as the protector and friend of the repressive system of apartheid. This will have disastrous long-term implications for our national security.

Congressman GRAY's amendment is an economic sanction, and as such is a dramatic shift in America's foreign policy toward South Africa. The prohibition on new investment in South Africa would end, however, as soon as South Africa has made substantial progress toward full participation of all its people in the social, political, and economic life of that country, and toward an end to apartheid. American loans alone do not maintain the system of apartheid, but with bank loans amounting to roughly $4 billion, they are a substantial form of support. More important, however, is their symbolic value. Every new American loan further buttresses a system of racism—a worse racism than we fought, and continue to fight, so hard in our own country.

Constructive engagement has not worked. It is now time to try a new approach—an approach with some teeth in it. And if the amendment in question does not change the system of apartheid overnight, it will at the very least separate the United States from the preposterous, monstrous system

that perpetrates daily injustices on the 25 million black and colored South Africans.

If we only succeed in doing that, then it is enough.●

Mr. BONKER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. BROWN of California, Chairman pro tempore of the Committee of the Whole House on the State of the Union reported that their Committee, having had under consideration the bill (H.R. 3231) to amend the authorities contained in the Export Administration Act of 1979, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1234, FAIR PRACTICES AND PROCEDURES IN AUTOMOTIVE PRODUCTS ACT OF 1983

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 98-413) on the resolution (H. Res. 336) providing for the consideration of the bill (H.R. 1234) to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States, which was referred to the House Calendar and ordered to be printed.

MOTION FOR CONFERENCE ON H.R. 3385, EQUITY TO COTTON PRODUCERS UNDER PAYMENT-IN-KIND PROGRAM

Mr. DE LA GARZA. Mr. Speaker, by direction of the Committee on Agriculture, I move to take from the Speaker's table the bill (H.R. 3385) to provide equity to cotton producers under the payment-in-kind program, with a Senate amendment thereto, disagree to the Senate amendment, and requests a conference with the Senate thereon.

The SPEAKER. The gentleman from Texas (Mr. DE LA GARZA) is recognized for 1 hour.

Mr. DE LA GARZA. Mr. Speaker, it had been my intention to yield one-half of the time as is customary to the minority to be handled by whomever is designated on the minority side, and to reserve for this side the half hour that would be allotted to us under that hour.

□ 1730

Mr. Speaker, I made this motion on the bill that was passed by the House, forwarded to the Senate and has been acted upon by the Senate, which added various and sundry matters, some of which are pending in the House and which have been approved by our committee. I did so under the rules hoping to facilitate for the membership some very, very complicated issues, which bear very heavily on whether we reduce expenditures and whether we make programs such as dairy, a more workable program and reduce the impact on the budget.

That is the reason for us coming before the House at this time asking for the House to allow us to go to conference.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. KAZEN). To whom did the gentleman (Mr. DE LA GARZA) designate the time? To whom did he yield?

Mr. DE LA GARZA. Mr. Speaker, it had been my intention to allow the gentleman from Illinois (Mr. MADIGAN), the ranking minority member, or anyone designated by him, to handle the time.

Under that reservation, Mr. Speaker, I yield such time as he may consume to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. I thank the gentleman for yielding.

Mr. Speaker, first of all I would say that I approve of going to conference. I think we ought to do that. This is a very substantial piece of legislation and it is one which we ought to consider and we ought to bring before this body.

I would like to just give you a little bit of information as to why we are in this situation.

When the reconciliation bill was passed a couple of years ago, buried in that was a dairy provision which turned out to be a disaster and we see it now. We are having a horrendous problem with dairy surplus.

The dairy industry and those of us who wanted to come up with a good bill were given the challenge and we were asked to come up with a bill which would take care of the dairy surpluses and take care of the high cost of the program.

We took up that charge. I flew from one end of the country to the other working with various dairy interests. We reached a consensus within the dairy industry. We came and met with Members of the Senate, we met with Members of the House and with the administration.

The compromise that has come out was agreed to by the administration, voice-voted by the Senate and sent over here.

Now it arrived this way because the administration had asked and hoped that they would be able to, in the Senate, attach other provisions. One of those provisions is a noncontroversial tobacco provision which was added.

In addition to that, they tried to add, as the administration wanted, a target price freeze on grains. They were unable to do that.

Thus the package came over not quite in the way the administration would like but it is here.

I would hope then we could go to conference and have an opportunity to discuss some of the amendments therein and then have a vote.

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the motion to proceed directly to conference on H.R. 3385.

The legislation crafted by the other body is not perfect, but it is an appropriate vehicle to address problems in the tobacco and dairy programs. We have studied the tobacco program in depth this year in the Tobacco and Peanuts Subcommittee and a measure very similar to H.R. 3385 has been passed by the full Agriculture Committee. I do have some reservations about two provisions affecting the tobacco program which are included within H.R. 3385. However, I am sure that an acceptable compromise can be reached in a conference committee.

Speaking for tobacco growers in North Carolina, let me emphasize that it is crucial that we let those growers know what new rules they will be operating under next year. Changes in the tobacco program affect leasing arrangements, financing arrangements, and land use decisions. Farmers need to know what these new rules are and they need to know this early in the year so that appropriate decisions can be made.

We now have an opportunity to take care of changes that should be made in the program. I urge my colleagues to support the motion to proceed directly to conference so that these matters can be settled quickly.

Mr. Speaker, H.R. 3385, as passed by the Senate, includes a provision that will freeze tobacco support prices for 1984 and 1985. The version of the bill passed by the House Agriculture Committee also included this price freeze and I feel that, in light of the world market situation, this provision is a good one. However, an amendment added to H.R. 3385 allows the Secretary of Agriculture to go further, and, in certain cases, to reduce prices of certain grades of Flue-cured tobacco by an additional 12 percent. While I fully realize the need to minimize the total amount of tobacco that is taken under loan by the Flue-Cured Stabilization Corporation, I hope that this provision can be deleted from any legislation that is finally accepted. Many tobacco growers have expressed support for a 2-year price freeze, but

there is serious concern among the growers I have talked to about the effect of an actual reduction in support prices. Furthermore, there are serious questions about how this provision would be implemented—the timing of such a pricing decision, for example. In light of this uncertainty, I hope that the conferees in any House-Senate conference will see fit to vote to remove this language.

Mr. Speaker, another provision included within H.R. 3385 which should be looked at closely in any conference committee concerns tobacco imported into this country. I am very well aware of the threat that imported tobacco poses to domestic growers. I am also aware of the need to address the possibility that unsafe chemical residues may exist in imported tobacco. However, the provision presently within H.R. 3385 requires that all imported tobacco be accompanied by a certificate by the importer that none of the pesticides whose registration for use on tobacco in the United States which has been canceled or suspended has been used in the production of the tobacco. In effect, this requires the importer to state categorically that certain pesticides have not been used on tobacco grown in a foreign country. This requirement is backed by Federal criminal law.

This approach exposes the tobacco dealer to criminal liability for actions by foreign growers and statements made by foreign merchants over which he has no control. I believe that more reasonable language can be formulated that will address any possible problems and at the same time not put U.S. tobacco dealers in such an impossible situation. I hope that the conferees can agree to such compromise language if the present motion is passed.

Mr. DE LA GARZA. Mr. Speaker, I yield 4 minutes to the distinguished minority leader, the gentleman from Illinois (Mr. MICHEL), and that time is to come from the time allotted to the gentleman from Illinois (Mr. MADIGAN).

Mr. MICHEL. Mr. Speaker, I want to thank the distinguished chairman of the committee for yielding in the absence of our ranking minority member. I assure the gentleman (Mr. DE LA GARZA) the time will be equally divided if there is a problem.

Mr. Speaker, I rise in opposition to the motion of the gentleman from Texas (Mr. DE LA GARZA).

Frankly, I have trouble describing this whole situation. I cannot decide whether it is more preposterous or more outrageous. The milk scheme that we are being asked to embrace today is certainly the most preposterous farm program of the past 50 years.

Henry Wallace etched a name for himself in the alltime annals of absurdity by proposing to "kill little pigs." Now comes his comic descendants calling for "killing big cows" some might even say "kill a cow for conservation." And why are these cows—some 500,000 to 1 million of them, according to the National Cattlemens Association which strongly opposes this daffy plan—being killed?

They are being killed in order to reduce the supply of milk, we are told.

And why must we reduce the supply of milk, you ask?

Because the Government has set the price support too high and is currently wasting some $2 billion a year on buying up unwanted surpluses.

And how do they propose to trigger the slaughter of all these cows?

I will tell you how. They propose making "loafing payments." They will pick these "loafing payments" from the taxpayer's pocket and present them to grateful dairy farmers, not in kind but in cash dollars. The farmer who loafs at least 5 percent of the time will qualify for a minimum of new subsidies. If that same farmer decides to loaf the full 30 percent allowed under the proposal, he will, of course, get a lot more money.

When one looks at this industry and sees the size distribution that exists among producers, cold arithmetic explains why these loafing payments can reach into the millions of dollars for individuals.

How preposterous can a farm program get: Multimillion-dollar payments to individuals not to produce, not to work, not to contribute, not to do anything but sit idly by and laugh at the colossal lunacy which has infected Washington politics.

Yes, Mr. Speaker, this is a preposterous program—setting supports too high, thereby causing a surplus, and then paying people not to produce that same surplus. I remember a few years ago when there was a surplus of eggs. The Agriculture Committee proposed to meet that problem by proposing to kill millions of chickens. The whole thing was literally laughed out of Congress when we all realized that such a scheme was nothing more than simple henocide. That is what we have here today; you can call it cowicide, I call it preposterous.

Now, how about this situation being outrageous. I think it is outrageous for a powerful, single-interest lobby to be able to manipulate the legislative process and the President of the United States into cow-towing to its parochial greed.

I think it is outrageous that this legislation has been bottled up in the Rules Committee since June.

I think it is outrageous that this legislation will not be allowed to stand the scrutiny of open and honest debate.

I think it is outrageous that this House, the membership of which reflects every economic and political view in our country, will not have a chance to even debate and amend this dairy boondoggle.

I think it is outrageous that we should allow payments of $50,000, $500,000—yes, even $3 million—to individuals for doing nothing for 30 percent of their time.

I think it is outrageous that an amendment supported by most of the major farm and consumer organizations of this country will not even be considered by the House.

What are they afraid of anyway? That is why, Mr. Speaker, I intend to vote "no" on this motion and that is why I hope the House will proceed to consider this whole matter in a spirit of fair play, due process, and regular order.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. BOLAND). The time of the gentleman (Mr. MICHEL) has expired.

Mr. DE LA GARZA. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. HORTON. I thank the gentleman for yielding.

Mr. Speaker, I want to rise in support of the position that the Republican leader, Mr. MICHEL, has taken. He and I do not quite come from the same approach. I represent a lot of dairy people in my district. I have met with them since last February. I have met with hundreds of them.

Many of them—the gentleman was talking about having to kill cows and that sort of thing, but they are killing a lot of dairy farmers and people who produce milk are not able to absorb this $1 assessment.

I talked with one dairy farmer up near Western Township in Oneida County in New York and he told me that his profit last year was $6,500, and when he computed the dollar it is going to cost him $7,500, so he is already $1,000 in the hole.

□ 1740

So he has no place to go except to buy more cows.

And I think we ought to have an opportunity to at least debate the compromise and Conable proposal and the other alternatives. There are a lot of different views as far as the dairy people are concerned.

But in upstate New York, we do not have—and in the State of New York—a surplus. The surplus is caused by other parts of the country. And I do not think our region of the country ought to be penalized as a result of what has happened on the other side. And I think we need to have the opportunity to debate this, to have the opportunity to offer amendments.

When it goes directly back to conference we do not have that opportunity. We have a Hobson's choice. We either vote yes or no. Either way is bad.

Mr. MICHEL. I thank the gentleman for his valuable contribution because as he suggests the gentleman from Illinois would simply like to have this debated in an open forum here and let those who have a good case to make it, as the gentleman from New York has just made. The gentleman from New York (Mr. CONABLE) has an amendment, a very significant one and he is against this so-called milk tax business, too, and he would simply like to see us resolve it in a rational manner.

So I applaud the gentleman for his comments.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the interest of my friend and leader, but this is not the argument at this time. We are only asking to go to conference and his is arguing on the specifics of the bill. I do not know what will come back from the conference. We have between the present law and that which was passed by the Senate to work with. And there has been so much confusion, so much misrepresentation of the rules, but I cannot argue for or against what my distinguished leader mentioned because that is not before us.

All we are asking is to go to conference.

Now the so-called Conable amendment was considered by our committee. And in fact the bill by Mr. BENNETT, H.R. 1875 was a Conable amendment and the committee used that vehicle and replaced it with another version. So a vote was taken there.

Now, I am being accused of engineering this scenario. One of my distinguished friends called me cute. But if the Members would call me tall, dark, and handsome, I might agree, but saying that I can engineer the Committee on Agriculture, the House of Representatives, the Senate, controlled by a Republican majority, to do my bidding, to be cute, then we are out of the ball park.

I wish I could. I wish I had the power to tell Mr. BAKER this is the bill I want passed, Mr. Majority Leader. This is the day I want it passed because I do not want to consider it in the House, I want to consider it going to Senate and House conference. In my wildest dreams I would not even think that this could happen, but now I am being accused of manipulating, of being the irresistible power broker, that I can control the Senate, that I can control the House, that I can control the committee. I mean that is power. And for a poor boy from south Texas it is awesome and traumatic even to be accused of it.

So I beg my colleagues, all we are saying is we are caught with this thing. The only alternative is go to conference. We have no other alternative. If we delay in coming with a bill—I am thinking of saving the Members' time, that is all.

Now, there is one issue that I would like to mention that causes some concern, legitimate concern, to cattle producers and pork producers. If you do the reduction in the dairy industry and cull at any one given time an overwhelming number of cattle, that could depress the market and could conceivably bring down the market price also for hogs.

The Senate version that we will be working with has a proviso that the Secretary is required to take into account and minimize adverse effects on beef and pork producers in setting the terms of the program. That is already in the Senate version.

We have agreed in our committee and individually, and speaking to some of the producers, that we will try and further expand that within the scope so that we can have a more finite criteria or more definite instruction to the Secretary so that we avoid the problem. Because we do not want to take the problem of the dairy people and dump it on the cattle producers. That is not our intent.

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

I would like to point out there are two other concessions made to the cattle and pork producers. One, I would have to admit, more or less inadvertently. They want very much to have the bill start not in October, but later on in the year, preferably the first of the year. In all likelihood the culling incentives of this bill probably will not occur until January. That was No. 1.

Second, the administration recommended as part of their support for the bill that we change the provisions for the incentive to ease the incentive so that the culling could occur more gradually over the year, over the 15 months, rather than all at the beginning, as the previous idea would have had.

So there have been two very valuable concessions to the cattle and pork producers in here to ease this problem already and I am sure in conference we can do more.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

At this time I would like to make inquiry of the chairman of the Livestock and Dairy Subcommittee, the gentleman from Iowa (Mr. HARKIN), if I may.

I am concerned, as a number of my constituents are, regarding this very issue which we are now discussing, the possibility of a depressed cattle market, red meat market, and I want to know just what there is that we are dealing with in the Senate bill that would give us assurances that this is not in the cards.

Mr. HARKIN. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Iowa.

Mr. HARKIN. I thank the gentleman for yielding.

I believe the gentleman from Texas (Mr. DE LA GARZA) and also the gentleman from Vermont (Mr. JEFFORDS) outlined for the gentleman some of the changes that were made in the bill. First of all, in putting it off until after the first of the year. And in easing in the incentive program so that the culling would take place over a longer period of time.

Also in the Senate bill there is a provision, as the chairman outlined for the Members, that would instruct the Secretary to take that into account in devising the program.

There is also another amendment that is in the Senate bill that was added by the Senator from South Dakota (Mr. ABDNOR), again at the behest of the cattle people, and that was to lift the minimum import requirement on beef. The minimum right now is 1.25 billion pounds per year. His amendment would lift that.

Now again I cannot tell the gentleman exactly what will happen to that in conference, but I can assure my friend from Missouri that we will be taking a look at that and seeing what kind of authorization or discretion we might give to the Secretary of Agriculture or to the President, acting through the Secretary of Agriculture, to use a variety of mechanisms. First, of bringing in the incentive program on a gradual basis. Second, of looking at our imports to see if there is something he could do there to ease the impact of these culled cows coming on the market.

So we are taking that into account.

Let me just finally say to my friend from Missouri that these cows are going to come to market, one way or another they are going to come to market. If you were to go to a program that would drastically cut the price support by let us say $1.50 a hundredweight, as some of my colleagues are suggesting, you would have all of those cows coming to market at one time and that would have a disastrous effect on our cattle and pork prices.

The program we have is going to be over a 15-month period of time. And in that way the impact will be minimal rather than having that big impact

that a price support cut would have at the beginning.

Mr. SKELTON. I am sure the gentleman from Iowa understands my concern for this issue. As I understand it, the gentleman does have the tools with which to work equity in this matter; is that correct?

Mr. HARKIN. I can assure the gentleman that we have the tools. I can assure the gentleman further that I chair the Livestock, Dairy, and Poultry Subcommittee, and as the gentleman knows I represent a livestock area in Iowa. Our No. 1 cash commodity in Iowa is livestock. And believe me there is nothing that this Member from Iowa is going to do to hurt the livestock industry.

Mr. SKELTON. I appreciate the gentleman's explanation.

I thank the gentleman.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I thank the gentleman for yielding.

Mr. Speaker, during the debate on this issue in the Committee on Agriculture today this same issue was raised and several of us from cattle States agreed to go to conference under the assumption that the issues would be conferencable that the chairman talked about.

For example, putting quotas or limits on the amount of culled cows. And is that assumption by the gentleman from Iowa and the chairman of the committee that in conference the language in the Senate bill, coupled with current law, would allow us to come back with some specific quotas or limits or extended time periods to reduce the impact on the cattle industry?

I just do not want to give the Secretary broad authority without some specifics. And that was one of the reasons, based upon that assumption, I voted to go to conference.

Would the chairman of the subcommittee reenforce my feelings?

□ 1750

Mr. HARKIN. I would be more than happy to reinforce that. I have had discussions with my distinguished chairman. We have talked about this. We are working out that language now to make it much more specific than just some broad, general grant, but to get it more specific and more directed to the Secretary what he has to take into account, how he takes it into account and what period of time we are looking at.

Mr. GLICKMAN. I am going to support this motion today because if it comes back to conference without those specifics, I, as well as other Members from cattle producing areas will not vote for the conference report.

Mr. HARKIN. I think I might be in that position, too.

Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. Mr. Speaker, I rise today in strong support of my chairman's motion to go to conference with the Senate on H.R. 3385, the dairy compromise bill that the Senate passed 2 weeks ago. Given the full House Agriculture Committee's approval of this procedure this morning by a vote of 28 to 11, the chairman's motion is both timely and appropriate.

In saying that, I recognize that this is not the usual method by which we proceed to conference since the full House has yet to consider H.R. 1875, the House Agriculture Committee-passed version of the dairy compromise. Yet, Mr. Speaker, these are not ordinary or usual times.

The facts are that for the 3 years I have been a Member of Congress, the dairy price support program has been under continual review. Yet, in that time we have accomplished only price freezes and the infamous assessments that currently exist.

Why have we done nothing else to help the dairy industry overcome the overproduction problem it faces? Simply stated, because the industry, itself, was not united on a solution to that problem. During that time Congress kept telling the industry that, if they were to unite behind a particular proposal to solve overproduction, we would make it law. That unanimity was not forthcoming and, instead, the assessment program evolved from congressional frustration with the issue.

The assessment program has produced one good result—near unanimous opinion within the industry that something had to be done to replace it. Several options were considered—diversion programs, price cuts, and promotion programs—and a compromise evolved that no group was entirely happy with, but now, through time, the dairy industry has united behind.

Now, after 3 years of uncertainty, it is time for Congress to make good on its promise and expedite consideration of this legislation so that, once and for all, dairy farmers throughout the country can make production plans for more than a single month in advance. I, therefore, endorse the chairman's motion to immediately go to conference with the Senate on the dairy bill.

THE DAIRY COMPROMISE: THE BEST CHOICE PRESENTLY AVAILABLE

Am I completely pleased with the compromise? No. In fact, I was the only member of the Agriculture Committee to offer amendments to it during full committee consideration. Those amendments were defeated in committee.

Ideally, I, too, would like a second chance to offer what I feel would be improvements to the compromise since I do not support the price cuts in the package and would prefer that the diversion program would be longer and that the promotion program be subject to initial approval in a producer referendum. However, we are not operating in the realm of the ideal; rather, we deal in the possible.

Within the grasp of the possible are three alternatives: First, the current assessments; second, the dairy compromise; and third, a $1.50/cwt price cut. Of these, the compromise is clearly preferable because it contains a 15-month incentive/diversion program similar to H.R. 1528 which I introduced earlier this year.

That diversion program will permit dairy farmers to cut production in a way that will not force them out of business. It will, therefore, reduce Federal purchases of dairy products and Federal expenditures on the price support program in a way that will preserve the family farm structure of dairy agriculture. The other alternatives, which contain no similar positive incentive to reduce production, cannot make that claim.

Not only will the compromise better protect family dairy farmers than the other two possible alternatives at this time, but it will cost less and result in fewer Government stocks as well.

COMPROMISE COSTS LESS THAN PRICE CUTS

The Congressional Budget Office has estimated that the dairy compromise will cost $1.5 billion over the next 2 years compared with an expenditure of $2.3 billion that would have to be made under a $1.50/cwt price cut during the same period of time.

Thus, the dairy compromise would save $800 million for the taxpayers over the next 2 years as compared with a simple $1.50 price cut.

COMPROMISE WOULD ELIMINATE SURPLUS STOCKS

According to recent USDA figures, the Commodity Credit Corporation currently holds some 19.7 billion pounds—milk equivalent—of surplus dairy products. It is estimated that, under the current assessments, in 2 years those surplus stocks will be 20.8 billion pounds.

Similarly, under a $1.50 price cut USDA estimates that surplus CCC stocks of dairy products will be at 7.2 billion pounds in 2 years.

On the other hand, USDA says that the dairy compromise will all but eliminate stored surplus dairy products estimating that, at the end of 2 years, surplus stocks would only be 600 million pounds—a decrease of over 19 billion pounds.

Thus, the dairy compromise not only saves money, but virtually eliminates surplus CCC stocks of dairy products as well.

CONCERNS OF BEEF AND PORK PRODUCERS

One of the primary concerns that has been expressed about the compro-

mise is that beef and pork producers may be injured economically by the number of cull cows that could enter the market. Actually, the compromise has carefully considered this potential problem and has made accommodations for it—much more so than the market could make in response to a $1.50 price cut or larger cut if the dairy program were totally eliminated.

First, by paying producers to reduce a portion of their production—rather than culling their entire operation as would occur with some farmers in response to a large price cut—the compromise can control when cull cows enter the market and target those cows to times when beef and pork sales are normally smaller.

Second, the compromise specifically authorizes the Secretary to "take into account any adverse impact of the reduction in milk production on beef and pork producers in the United States and shall take all feasible steps to minimize such impact."

Third, language was added in the Senate to suspend the minimum limitation of the Meat Import Act, thus giving the Secretary a mechanism to further control the total amount of meat on the domestic market at any one time by placing greater limitations on the quantity of imported meat in the United States.

CONCLUSION—SUPPORT THE COMPROMISE

In short, Mr. Speaker, we have three alternatives available to us today—the assessments, the compromise, and a $1.50 price cut. Of those, only the compromise benefits taxpayers, dairy farmers, and nondairy farmers alike. It saves money, decreases surplus dairy stocks, and will help keep many family dairy farmers in business.

I, therefore, urge my colleagues to expedite consideration of this vital legislation by voting for the chairman's motion to go to conference and by voting against any motion to instruct the conferees.

Mr. DE LA GARZA. Mr. Speaker, I yield 4 minutes to my distinguished friend and colleague, the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in opposition to the gentleman's motion. I do not accuse him of being a power broker. I must say, though, that I come from a committee, the Ways and Means Committee, which frequently is criticized as a closed corporation. It is a land of sweet sunshine compared to the Agriculture Committee which meets in closed rooms somewhere and cuts melons, quite in defiance of any opportunity for the Members of the House to work their will. And that is my concern. The gentleman who preceded me in the well said we may have debated the dairy a good deal, but we do not get to vote on anything. We do not get to vote on it because, of course, it is all very carefully engineered; so that now we go to conference on the Senate version only on the existing law, and the proposal that I have submitted in good faith and that everyone is interested in at least taking a look at is not going to be before us. We will come back with a fait accompli from the conference, and we will find ourselves, of course, deeply distressed.

Now, it is not the dairy industry that is agreed on this measure. It is the milk cooperatives. We all know that.

This will be an important vote today. It will say something about all of us. We are making a very important decision not only in farm politics but in national policy by our vote today.

Here we have a powerful, single-purpose and very wealthy Washington lobby carefully orchestrating the enactment of legislation that will bring over $1 billion, according to the Congressional Budget Office, directly into the pockets of its members.

On the other hand, we have an array of general farm and livestock groups, together with a broad spectrum of consumer and public interest groups, trying to get their "day in court."

I happen to be associated with the latter group today, and I can say that not without some anguish, because I represent a district in New York State that is very much associated with the fortune of dairy farming. I have many personal and political friends who earn their living producing dairy products. And, believe me, I have been lobbied every which way regarding my advocacy of a sound way to straighten out the dairy problem. I feel I represent some 500,000 people in my district, including dairy farmers, and I would hope that today this House would represent all Americans, not just the national milk cooperatives and their skillful parliamentary collaborators.

What we ask today is simply for our day in court. We are not asking to enact or defeat any part of the milk bill today. We are not asking the Members to pass on the merits of the beef import section, the drought disaster program, egg marketing orders or tobacco subsidies.

No, we are simply asking—better make that pleading—for fair play and open debate on an expensive and controversial program that will affect every one of us when we visit the grocery store or fill in our income tax returns.

We are imposing on the dairy farmer a kind of Mickey Mouse that has afflicted the grain producers for years in this country.

Last August, during the closing days of the session, a bill to postpone the imposition of the second half of the current milk tax was considered in the House under a unanimous-consent condition. I did not object to that bill because I both felt and hoped that replacement legislation would flow to the floor later in this session. The leadership, also, reluctantly consented to clearing the bill with the high hope of having a chance to consider it later.

But today we see no chance to do so. The milk juggernaut is underway, and this vote today will catapult it into a parliamentary posture where no significant changes can be made in it.

What I frankly cannot understand is why anyone is afraid of considering any amendments in the House. Why can we not consider the issue here and be counted?

If the House would simply schedule H.R. 1875 for floor consideration—it has been lying on the calendar since early summer—the House could decide the case one way or the other, and there would be ample opportunity to work out whatever differences exist with the Senate.

No, Mr. Speaker, that apparently is not the way the proponents of this new milk plan intend to operate.

I would like to see us have this chance, Mr. Speaker. This is all I ask for.

Mr. HARKIN. Mr. Speaker, will the gentleman yield on that point?

Mr. CONABLE. I yield to the gentleman from Iowa.

Mr. HARKIN. I thank the gentleman for yielding.

Mr. Speaker, I would just like to remind the gentleman that in 1981, the 1981 farm bill, we had a lot of debate. We had the Frank amendment, the Heckler amendment, perhaps the Conable amendment. I do not know how many we had. And we had up and down votes all day long in the dairy section in 1981.

In 1982 we did not, because it was folded in the reconciliation and we did not have a chance. I think the gentleman supported that motion at that time for reconciliation.

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I could ask why a Jewish boy from the city is involved in this issue. And I will tell you why. Because Rube Goldberg wrote the whole scenario, so we have got ethnic rights. Rube Goldberg wrote the bill, Rube Goldberg wrote the procedure by which the House will not be allowed to consider the bill.

We are being asked to perpetuate without any real debate—probably because we once debated it and we forfeit our right to do it again because we did not get it right—one of the fastest growing and most expensive nonmeans-tested entitlement programs in America.

Now, we heard about the cattle producers and the egg producers and the dairy producers. We have not heard about the consumers and the taxpayers, who might as well be on Mars for

all the consideration they have gotten so far in this debate.

The NRA has not been brought back, I would say to the gentleman from Wisconsin. I am glad the dairy farmers are united, but they have not yet become the third House of Congress, or perhaps I should say the second, since they seem to have displaced us, because they are going to conference with the Senate while we wave them on.

A complicated, expensive bill like this ought to be debated. We listened in 1981 to the gentleman from Iowa, a great friend on most issues, but his bill is what we are now trying to correct.

I do not think the gentleman from Texas is cute. I think he is a respected Member of this body. But when he or anyone else gets up and says, "For serveral billion dollars, trust me," I think we have to say, "No. Let us legislate the way we are supposed to."

□ 1800

Mr. DE LA GARZA. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to this motion, and I do so without any animosity or desire to indicate that the chairman of the distinguished gentleman from Vermont is doing anything out of the ordinary or unorthodox. The chairman was directed by the committee, by, I think, a 27 to 11 vote, to do what he is doing here. I am one of those who objected.

I think the committee was wrong, and I think the way we are handling this is wrong on both procedural and substantive grounds.

You have just listened, if you have been here for the last half hour, to what will probably be most of the debate on farm policy for this year. You will not get a chance to vote on it because you are only going to get a chance to vote on a procedural motion to send a Senate bill to conference.

So what I am objecting to is this procedure, and on this I agree with the distinguished gentleman from New York (Mr. CONABLE) and the distinguished minority leader. The House is being hassled on this bill like it has never been hassled before. It is a situation which is intolerable. It is not only preposterous and outrageous; there are many other terms that could be used to describe it.

I will say to my colleagues again that this is without any effort to attribute any false motives or anything of the sort to the chairman. Everyone involved in this great charade are good friends of mine. It just happens to be a matter on which we have a fundamental disagreement. This is one of those delicately crafted, exquisitely balanced compromises which is going to end up shafting the consumers and the taxpayers of this country, with no chance to debate it, and I object to this. I object strongly and as vigorously as I can to it, and I want an opportunity to explain why I object to it and I am not going to get it. I am going to try and say in 3 minutes all of the things that are wrong with this, and I am going to ask for more time and the chairman is going to explain to me politely that there is no more time.

In substance, what is wrong with this bill is that we have more than a dairy bill here. We have a tobacco bill, we have a meat import bill, we have a poultry marketing order bill, and we have several other things. I do not even know what is in the bill because I have not seen the papers sent over from the other body yet, and I doubt if anybody else has, although I am sure they are available if one wants to take the trouble to find them at this late hour. But nobody is going to take that touble and see them.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. BROWN) has expired.

Mr. BROWN of California. I would ask the chairman if he would yield me 2 additional minutes.

Mr. DE LA GARZA. I would be happy to yield 2 additional minutes to the gentleman from California.

Mr. BROWN of California. May I say to the gentleman from Texas that I deeply appreciate this, and he has demonstrated his unfailing fairness in yielding me this time, because I know he does not like to do it.

If Members think the dairy part of this bill is good for the country, I can tell my colleagues that the dairy farmers in many parts of the country, including California and the area that I represent, think it stinks. They do not want the bill.

I have correspondence from the Australian Embassy saying that they feel that this is a very important matter which they object to strongly because we are abrogating an agreement in this legislation that was entered into quite recently giving them certain minimum quotas on imports. This bill abrogates those. It is within the jurisdiction of the Committee on Ways and Means, I might say, as an import matter, but they are not going to be represented in the conference as far as I know. I hope that they will be, but I have not been informed as to who the conferees are, and I do not think they will be.

There are other problems with this bill which are of equal or greater significance. The whole question of how this relates to other aspects of farm policy are not going to be dealt with in this conference, and the matters are intricately related and we should have an opportunity to debate them.

Procedurally, we should do what the gentleman from New York (Mr. CONABLE) suggested. We should bring up the bill, the dairy bill which the Committee on Agriculture has already reported out, which is on the calendar, but which we do not think probably would survive if it were brought to the floor. So it is not going to be brought to the floor. We are going to bring it in the back door from the Senate and try and pass it. I know that we do this fairly often; there is no secret about it. We do it for a lot of reasons. I think the chairman if fully justified in trying to do it in this case, but I think I am fully justified in objecting to it, and that is precisely what I am doing.

Mr. DE LA GARZA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. I thank the gentleman for yielding time to me.

Mr. Speaker, I share the concern of those people who object to bringing this bill to the floor and going to conference without ever having a chance for a debate in the full House.

Mr. Speaker, I rise in opposition to the request to take H.R. 3385 to conference with the Senate.

As most of the Members know, the House is essentially being asked to accept the Senate version of the dairy bill without having the opportunity to debate or consider the dairy issue as a full House.

While I realize that something must be done to correct the dairy price-support program, I am concerned that not enough consideration has been given to the effects each approach might have on the red meat sector.

The legislation has been viewed as strictly a dairy issue without much regard for how it affects the red meat industry.

I would like to submit for the RECORD a copy of the National Cattlemen's Association ViewPoint on this issue and would urge the House to vote "no" on going to conference in order that the full House may have a chance to consider the issue:

THE DAIRY PROGRAM

The beef cattle industry is opposed to legislation providing for a $10/cwt incentive payment to dairymen to reduce milk production. Enactment of this proposal would result in sharply increased dairy slaughter and a substantial increase in beef supplies.

Under the proposed "compromise" dairy legislation, a dairyman would be paid to reduce his production by culling cows, resulting in still more pressure on already depressed beef prices.

The legislation provides a subsidy encouraging the slaughter of dairy cows in direct competition with unsubsidized beef cattle slaughter. Although we have requested studies of the economic impact of this on the beef cattle industry, no response has been forthcoming. Our own studies indicate that the effect could be very unfavorable. At a time when beef cattlemen face high

grain prices, drought, and stressed pastures—all forcing liquidation—we are also faced with the prospect of the dairy industry's not only being paid to not produce milk, but also being paid to put more beef on the market.

It is up to the dairy industry to design a program to solve its surplus milk problems. Our concern is that the dairy industry's solution will become the cattle industry's problem. We believe the compromise dairy payment plan will sharply increase cow slaughter and result in sharply lower beef prices. In short, cattlemen who have historically accepted the free market cost of adjusting beef supply to demand without subsidy will now suffer the cost of a dairy supply adjustment while dairymen are subsidized.

Further, the proposed compromise program is of such a temporary nature that the same problems may occur again in 18 months. We have already seen our markets disrupted by the consideration of this legislation and the uncertainty of its effect. We do not want to have to contend with the problem again in 1985. USDA statistics show that, for every 100 dairy cows, there are 44 heifers waiting to be brought into the milking herd. There is no provision in the compromise legislation to assure that the number of cows is permanently reduced.

Finally, the program appears to be economically inconsistent. When there are large beef supplies, beef prices decline; some beef producers leave the business; others decrease production; and supplies are reduced—all accomplished without government support. Just as important is the fact that consumers buy more beef when prices are lower. This is not the case with the dairy incentive program.

Let's make these assumptions for a typical dairyman: (1) 1,500 lb. cow producing 12,000 lbs. of milk per year. (2) Feed, labor and other direct costs of $7.50 per cwt of milk produced. (3) Support price of $12.60 per cwt received by non-incentive producer. (4) Calf income not included. (5) Participating producer may have other cash costs (principal, interest, etc.) that would reduce this net.

Here is how the situation would work out for a participant and a non-participant in the incentive payment program:

	Participant	Nonparticipant
Sale of 1,500 lb. cow at $30/cwt	$450	0
Incentive payment: 120 cwt at $10	1,200	0
Sale of milk: 120 cwt at $12.60	0	$1,512
Income	1,650	1,512
Expenses: Variable costs of milk production	0	900
Net	1,650	612

Based on national averages a dairyman would be 270 percent better off to slaughter a given cow than to keep her producing.

The incentive part of the program—$10 per hundred weight of reduced output—is of most value to dairymen who cull cows as soon as the program is approved. If the dairy incentive payment program attracted participation like that in the PIK grain program, dairy cow slaughter could be increased by 3.5 million head in a matter of months. This additional cow slaughter would be equal to half of the total cow slaughter in 1982. The "compromise" proposal permits dairymen to reduce production—and thus increase cow slaughter—by up to 30 percent.

If the incentive program is enacted, and if, as expected, dairy culling is not spread out over a year, beef output during the last 2 months of 1983 likely will be up by another 1 percent over earlier projections. Beef output in the first quarter of 1984 will increase by 2 to 3 percent over a year earlier. Based on historical relationships, a 1 percent increase in beef output could cause average fed steer prices to drop by 2 percent. Fed steer prices during the latter part of 1983 and early 1984 could be consistently pushed to less than $60/cwt. Prospects of lower fed cattle prices are already reflected in lower yearling and calf prices.

Cattlemen will resist any dairy plan that has a significantly adverse effect on the cattle industry. Before any dairy program is implemented, we insist that:

1. A statement of the economic impact on the beef cattle industry be provided.
2. The timing of the program be such that any additional dairy cow slaughter not occur when meat supplies are already burdensome.
3. Any additional marketing of dairy cattle for slaughter occur in an orderly manner so that the disruption of the beef market is minimized.
4. Any program be directed toward a more permanent solution so that we do not have to contend repeatedly with the uncertainty of dairy policy.

While action must be taken to correct excessive milk production, our members feel that the incentive program, with its "diversion payments," is a seriously flawed plan. It will be detrimental to the beef cattle industry while providing only a temporary stop-gap measure for the dairy industry.

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. OLIN).

Mr. OLIN. I thank the gentleman for yielding time to me.

Mr. Speaker, I support the gentleman's motion, and I am pleased that we are finally seeing some action on dairy legislation. For months now our dairy producers have been forced to pay counterproductive and unfair assessments on the milk they produce. These assessments are placing a great financial burden on many milk producers and are making our surplus milk problem worse not better.

These assessments were designed to encourage producers to produce less milk. Instead they are resulting in still higher milk production because dairymen are marketing more milk in an attempt to offset their losses from the assessments. There is no question that these assessments must be ended.

Unfortunately, 2 months ago the President vetoed legislation I had worked hard on which would have postponed the implementation of the second 50 cents per hundredweight assessment. This veto has increased the assessments to $1 per hundredweight. Legislation is desperately needed to end this unfair and unwise tax on milk producers.

Nevertheless, the measure passed by the other body and which we are now being asked to go to conference on, contains some very disturbing—and I believe unwise—provisions. Chief among these is the creation of a paid diversion program. This scheme is unneeded.

Mr. Speaker, the problem we need to deal with is surplus dairy production. The answer to that problem is simple—cut dairy price supports.

Historically, adjusting price supports has been an effective way to keep dairy production in line with market demand. We have done this in the past without costly paid diversion plans or unfair assessments which fail to recognize regional differences in supply and demand. I am, therefore, disappointed that we have not seen fit to take the action that makes the most sense and which has proven itself to be responsive to the problem.

What are we going to get out of a paid diversion plan? We are going to be giving a lot of money to some of the larger dairy farms who by and large are already in pretty good shape. Many of the people who will benefit from a paid diversion are the same ones who are creating our present large surplus problem. A paid diversion plan will reward the wrong people.

Another problem with the paid diversion plan in this bill is that it is supposed to last only 15 months. While I do not like any paid diversion plan, if you are going to have one, you might as well set it up in a way that will accomplish its intended purpose.

The intended purpose is to permanently take cows out of production so that our milk surpluses will drop. While this paid diversion plan will probably take cows out of production for 15 months, they very well might be brought right back into production again when the paid diversion plan is over; 15 months is not a long enough program to take these cows out permanently.

Rather than a phased culling of cows over time, this paid diversion plan encourages dairymen to simply let the cows graze for 15 months. In many cases we will probably see farmers keeping their cows so they can bring them back into production when the 15 months is over. At that time, we will all of a sudden again have a surplus production problem.

Those members I serve with on the Agriculture Committee know that I have been uncomfortable with paid diversions from the start. I have voted against them each time they were brought up in debate on dairy legislation. And I am still not sold on the idea.

Unfortunately, our choice now is not really between a dairy bill that contains a paid diversion plan or one which simply drops price supports to bring production into line. In a very real way our choice is between the bill as it has been worked out between the

House Agriculture Committee, the Senate Agriculture Committee, and the administration on the one hand, or no bill at all and the continuation of today's $1 per hundredweight assessments.

Mr. Speaker, as much as I dislike the paid diversion, there is no question in my mind that it is much better than having no bill at all and allowing the administration to keep making these assessments.

We have heard today how this bill is the result of many hours of negotiations and that any significant deviation will result in the breakup of the concensus. I prefer a simple price support cut, some favor no price support cuts and only a paid diversion plan, others want to keep the support prices at their current level and just repeal the assessments. We all have something in this bill. We also all have something that we are uncomfortable with. But having nothing at all is much worse yet.

The sad reality is that changing this bill will bring a stalemate that will result in no bill being enacted. If there is no bill, we will be looking at these misguided assessments for a long time to come.

Mr. Speaker, I urge my colleagues to allow the House to go to conference without instructions. Our milk producers have had to wait too long already for us to resolve this issue. The bill before us is the best we are going to get. We will get the worst if we fail to enact it.

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. STANGELAND).

Mr. STANGELAND. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the gentleman's motion. Let me say that we are here because of an agreement that was worked out many months ago after the House had passed its bill and sent it to the Committee on Rules.

The gentleman and those on the Committee on Agriculture who are concerned about this legislation have had a chance to craft similar legislation in the House committee, but the administration, the leadership in the Senate, and the leadership in the House determined that would be appropriate for the Senate to take action on this measure first and send the bill here, at which time we could go to conference.

For those people who complain about the cost to the taxpayers, the diversion aspect of this bill is financed 70 percent by a 50-cent deduction from the dairy farmer. The other 30 percent perhaps will be basically financed by savings in the legislation. It is estimated that the dairy surplus will be eliminated by 1985 with this legislation. This legislation will not raise the price of milk to the consumer. It will lower the price to the consumer, in effect, because we reduce the price basically the way the gentleman from New York (Mr. CONABLE) proposes, but over a staged phase period; that if this program does not bring down that surplus, that price support level will come down.

I think that we can send this to conference. I have every confidence that the chairman is going to do his best to look after those other agricultural interests that are concerned.

I would just like to comment briefly and disagree with my minority leader, the gentleman from Illinios (Mr. MICHEL) when he talked about dairy farmers sitting 30 percent of their time doing nothing. We just completed a year of a program where the corn farmer sat 30 percent of his time doing nothing, for which he got paid, but he did not even finance his PIK payment. It was taken out of commodity credit. So I think we are only doing for dairy here what we have done for wheat and corn and feedgrains, to try to bring production down in line with supply and bring it into line with demand.

Mr. HARKIN. Mr. Speaker, will the gentleman yield?

Mr. STANGELAND. I would be happy to yield to the gentleman from Iowa.

Mr. HARKIN. I thank the gentleman for yielding.

Mr. Speaker, I want to compliment my friend, the gentleman from Minnesota, for a very fine statement.

Perhaps the minority leader has never been on a dairy farm where we have to milk those cows twice a day. They cannot take 30 percent of their time off. They have to be there twice a day.

The SPEAKER pro tempore. The Chair will advise the gentleman from Texas (Mr. DE LA GARZA) that he has 23 minutes remaining.

Mr. DE LA GARZA. I yield 2 minutes to the gentleman from New York (Mr. MARTIN).

Mr. MARTIN of New York. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to salute initially the Committee on Agriculture and the subcommittee because I know how long and hard they have worked on this issue in the last 3 years. I particularly appreciate the comments that were made here on the floor, although they do not really speak to the merits of the bill. That, perhaps, is left to the good offices of the committee and the other body.

There were some comments made here earlier about milk, the overproduction, the over abundance of cows and the need to cull cows. That is part of the issue. But there is another part of the issue that I hope the Members of this body, whether they are from dairy country or not from dairy country, would not overlook: that there are thousands and thousands of families across America, and yes, in my district, too, who are profoundly affected by any piece of legislation that passes the body that relates to milk.

□ 1810

An awful lot of those families were brought into the milk business by prior policies of the Federal Government, whether they were right or wrong. I think every Member of this body knows deep down that the procedure we are going through, as complicated as this issue is—saying that we are just going to go to conference and we are not going to debate it on the floor—is wrong. It is not so much wrong to those cows or to the sea of milk but to those thousands of families who have every single nickel tied up in those farms, because when those farms go, it is not just another business that closes, as tragic as the closing of a business is. There goes the farm, there goes the home, and there goes the family.

Mr. Speaker, I would like to think that this body could find time to bring a bill to the floor. We should at least bring a bill to the floor on which this body could work its will.

Mr. DE LA GARZA. Mr. Speaker, may I inquire as to how much time remains?

The SPEAKER pro tempore. The gentleman from Texas (Mr. DE LA GARZA) has 21 minutes remaining.

Mr. DE LA GARZA. Mr. Speaker, I yield 10 minutes to the distinguished ranking minority member, the gentleman from Illinois (Mr. MADIGAN), that time to be available for him to use for himself or to yield to other Members who wish to address the issue on that side.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. MADIGAN) is recognized for 10 minutes.

Mr. MADIGAN. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I am going to ask the Members to do what I am going to do, and that is going to be to vote against this motion today, all for the reasons they have heard and for some additional ones.

I may well wind up supporting this compromise bill if in fact, after the House of Representatives has worked its will, I find that that is the best we can do.

I represent a dairying area, and the dairy farmers in my district think there is a better way to solve the problem. The simple and more direct way to solve the problem is by simply reducing the price supports. We cannot even consider that if this motion passes today. If the bill comes to the

floor, we can consider it, and we can vote on the Conable amendent which the gentleman from New York has said he is going to offer. That is a better way, my farmers think and I think, than to have a new set-aside program where they are paid not to produce milk.

I do not think that is the way we want to go unless that is the only way we can go, and we do not know that yet. So I am going to ask the Members to vote against this motion until we have an opportunity to consider the bill.

Now, we have had an opportunity to consider the bill. This bill has been out of the Agriculture Committee for some time. Why has it not come to the floor? It has not come to the floor, I think, because there is a chance that an amendment like this might pass. Maybe the dairy cooperatives do not like it, but maybe that is what the people of this country want as they express their will to us as their elected Representatives.

This bill is not so fragile, so important, or so dynamic that it has to come to the floor only in this way. Let me remind the Members of what happens or what can happen when a bill is passed into law coming from only one House of the Congress. In 1982 we passed the tax bill that way. It had a provision in it for the withholding of dividends and interest. We came right back and had to undo it because of the fact there was something in it, that would not have been in it, if both Houses of Congress had considered that tax bill. But because we did not do it, because we rammed it through and went right on to conference with it, we had to come back and undo it because the American people were not represented in the people's House. They did not have that chance, and we had to come back and undo something that caused a great deal of embarrassment to this very distinguished legislative body.

Let us not make that mistake again. There is no reason for it. The only reason why we are hustling today into a conference is because of the desires of certain people who want this method of solving the problem and no other method of solving the problem considered. That is why we are going to conference today.

There is no reason why we should not bring this bill up, have it face the light of day and face the debate, and see if there is not a better way that the gentleman from New York is going to offer. If there is not, that will come out in the debate, and we can let it be voted down. But let us not preclude even the consideration of an idea on the pretense that this is the only way to do it or we do not have time or whatever.

Mr. Speaker, that just is not right. The Members know it, and I know it. What we are doing here is, in a very considerate and, I think, a very studious way, simply saying, "We don't want the House to work its will. We like what the Senate has done. Let's preclude further consideration."

That is not right on any bill, whether it is a tax bill, an agriculture bill, or anything else. I think the procedure is wrong, as the gentleman from California has said. I think the answer that this is the bill we are about to consider is also wrong on substantive grounds.

Therefore, Mr. Speaker, I ask the Members to vote down this motion and give the people a chance.

Mr. MADIGAN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. CLINGER).

Mr. CLINGER. Mr. Speaker, I agree with much of what is embodied in H.R. 3385. However, I am frustrated in the manner in which the House Members have been forced to deal with these important matters, especially the dairy program.

I come from a congressional district where there is a high concentration of family-oriented small dairy farms. And while I wholeheartedly support the goals of the dairy compromise to reduce milk production and limit Government expenditures in the process, I must make known my concerns that small, family farming operations are not being protected. Unlike the situation faced in many States, the family farm is and always has been the backbone of Pennsylvania agriculture. Unfortunately, as I have traveled around my district, I have come to the conclusion that the family farmer is on the endangered species list.

Many see Pennsylvania only as an industrial power. However, agriculture is Pennsylvania's largest business and it has the largest rural population in the Nation. These facts underline the need for a solution to the dairy crisis that is both equitable and long term in effect. That solution is to reduce the overproduction of milk, but not at the expense of small dairy farmers who are not contributing to the problem and who have a difficult time making ends meet as it is. Therefore, I am urging the conferees to make the 50-cent assessment applicable only to those farmers who increase production as determined by their marketing histories.

In the compromise there is the possibility of a $1.50 cut in the price support if farmers do not reduce their production over the 15-month period of the paid diversion program. Our current dairy situation demands that a reduction take place. However, the most costly Government expenditure of the dairy program is the roughly $17 for each hundredweight of surplus purchased—support price plus associated costs. Most importantly, the compromise's incentive program reduces production at a $10 per hundredweight cost, so there will be a savings.

While I support the incentive program to reduce production and to limit the substantial Government costs of purchasing and storing dairy surplus, I do feel the 50-cent assessment will cause financial hardship on the small dairy farmer. The goal of our dairy program should not be to reduce the amount of dairy production by forcing small dairy farmers out of business, especially those that have not contributed to the surplus nightmare.

We all know that there is something fundamentally wrong with the dairy price-support system. All that my farmers and I know is that the price support has not been raised since 1980, the higher grain prices are acting as a price-support drop, and that they have not contributed to the surplus.

I know that a 50-cent assessment does not sound like much, but go and ask a dairy farmer that has 35 cows, works hard every day of the year and has nothing to show for it. There is something wrong with a system that does not permit family-oriented small dairy farmers who provide milk to rural Pennsylvania towns and villages a chance to make a living.

I beseech my colleagues and the conferees to use the assessment as a penalty to make it financially unattractive to overproduce milk.

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, this procedure is wrong. We ought to bring this bill to the floor. It ought to stand the test of the Members of this Chamber and the people they represent. We ought not to just take this bill to conference and put the House conferees to such an incredible disadvantage of having no House position in dealing with the other body which has a position already taken after full debate and with votes on the floor.

I would like to be able to offer amendments. I would like to make this a 2-year program and not a 15-month program. That does not make any sense. It ought to be coterminus with the 4-year farm bill.

We ought to allow the dairy farmers to vote first on the 15-cent assessment for the dairy promotion program instead of afterward, and we ought not to have an assessment on the people who are complying with the program. That ought to be only on those who are not complying with the program.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would like to associate myself with the gentleman's remarks. This is a lousy process and a lousy bill.

Mr. OBERSTAR. Mr. Speaker, I urge a no vote on going to conference without allowing this body to work its will, to vote up or down on amendments, and to fully debate one of the most important issues to come before this body that affects dairy farmers, especially the family farmers in rural America. We ought to deal with them on the basis of fairness.

Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I would love to spend a week on this bill on the House floor. I have been working on it for a year. However, the compromise that has been worked out and the system which has been agreed upon in order to get it here is one which I will support now. But let me remove some of the illusions here that there is no opportunity for the gentleman from New York (Mr. CONABLE) to have his proposal voted on. He has a right to do that. He has a right, as soon as we go to conference, to ask for instructions.

□ 1820

That is his perfect right and if he wants to do that, we will have an up or down vote on that issue, which is the only real compromise alternative which has been offered.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I am happy to yield.

Mr. CONABLE. I cannot ask for instructions for 20 days.

Mr. JEFFORDS. My understanding of the rules, and we have been told that the gentleman has a right immediately after this is taken up, to offer instructions. If I am wrong——

Mr. CONABLE. It is not part of the rules of the House.

Mr. JEFFORDS. I think the gentleman is wrong, I say to the gentleman from New York (Mr. CONABLE). That is not what the Parliamentarian advised me, anyway.

I would point out to the gentleman from New York (Mr. CONABLE) that that proposal will cost $1.4 billion more than the compromise. It will end up with 2 full years of Government storage, where the compromise will end with none.

This is a good compromise. All of the interests that have been talked about have been taken seriously into consideration.

The gentleman from Minnesota (Mr. OBERSTAR) has one view. The gentleman from New York (Mr. CONABLE) has another. We have tried to strike the mean. A lot of work has gone into this compromise, which was agreed to by the administration, voice voted by the Senate, and has been passed out by an overwhelming vote by the House Agriculture Committee.

Mr. DE LA GARZA. Mr. Speaker, just to conclude, let me say that all we are asking is to go to conference, to try to do the best possible thing we can do for the people involved, for the consumer, for the taxpayer.

It pains me to see this, as the proposal of the gentleman from New York (Mr. CONABLE) was considered in the committee, and it was not adopted.

There was the Bennett bill (H.R. 1875) that was not adopted. A substitute for it was adopted.

In the other body, the proposal of the gentleman from New York (Mr. CONABLE) lost 56 to 37, in the body controlled with a Republican majority.

The process that we find ourselves in is that the Senate passed legislation and I know Members who disagree with it and will continue to disagree. If we debated it for 100 days, there are certain Members on this side and on that side who would never approve; so that is not the issue.

One issue I would like to bring up, because it pains me again to feel that they accuse me of manipulating; those that brought upon us that Reconciliation Act with a volume 6 inches thick, with no time to read it. Now anyone who says that he has not had an opportunity, he had it in the committee. It was in the Members' folders. It has been discussed thoroughly. This is what the rules of the House provide. I was instructed by the committee to come before the House.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. MADIGAN) has 5 minutes remaining.

Mr. MADIGAN. Mr. Speaker, I rise in opposition to the motion. I do that not because I am an opponent of the compromise, nor am I a supporter of any alternative to the compromise.

I want to speak on an issue that I think is outside the merits of the legislation being advocated by the maker of the motion, outside of the question of whether or not the ligislation being advocated by others is more meritorious than the legislation being advocated by the maker of the motion.

I think the overriding issue here is an issue that we have been discussing during the spring, summer, and fall of this year, and that is the manner in which the Agriculture Committee has been conducting itself with regard to the prerogatives of the balance of the Members of the House of Representatives. Every bill that has been coming from the House Agriculture Committee has been coming to the floor either under a circuitous procedure like this or on the suspension calendar or in some other way. But, so that Members of the House of Representatives who are not members of the House Agriculture Committee are not given the opportunity to be legislators in the sense that they are given an opportunity to offer amendments, to engage in debate, and to participate in the legislative process the way the people who elected them expect them to participate here when they elected them to this body and became a Member of this body.

Now, I think that is wrong. I think that is very, very wrong. I think the members of the Agriculture Committee with agricultural constituencies are going to regret the fact that all year long they have been structuring everything that the committee has done in such a way as to deny the other 390 Members of this House the opportuntiy to be participating legislators. I think you are going to pay a terrible price for that. I do not know what piece of legislation you are going to pay it on, but I think you are going to pay a terrible price.

It is being done again here today. There are 390 Members of this House that want the opportunity to debate, that want the opportunity to offer amendments, that want the opportunity to be legislators and it is being denied to them again one more time tonight.

Now, you are breeding a scab on your nose in doing that and you are going to pay for doing that.

The American Farm Bureau today has already said in a letter to all members of the committee that the credibility and integrity of the leadership of the Agriculture Committee is being called into question by continuing to follow this procedure on every agriculture issue that comes along.

I want the Members of this House to know that I am not a party to this, that I do not support it and I will not support it.

I think this motion should be defeated.

Mr. DE LA GARZA. Mr. Speaker, just to correct my distinguished and dear friend, it is not so. Everything that we discussed this afternoon, somebody misrepresents.

We had the Farmers Home Administration bill here on the floor for 3 days or so. The chairman cannot control a single-issue bill. If you have a bill dealing only with peanuts and nobody is that much opposed to it, you put it on the suspension calendar.

I am being accused of doing something that I wish I had the power to do. The Farm Bureau says they are going to impugn my credibility and they spelled it credit, c-r-e-d-i-t-a-b-i-l-i-t-y, by the way, in the letter; but I take it from whence it comes.

It pains me and it really grieves me that my coleader in the committee would feel this way, because the legislation we have brought from our committee has come out unanimously. What do you do with something unanimous out of the committee? You go

on suspension. Some of it we could have passed by unanimous consent.

The Members have the opportunity to offer amendments in the committee. I cannot control them. There are 41 members in the committee.

Mr. MADIGAN. Mr. Speaker, will the gentleman yield very briefly to me?

Mr. DE LA GARZA. Yes, I yield to the gentleman from Illinois.

Mr. MADIGAN. The three bills that were reported unanimously were reported in this order:

The first one was reported by the committee while the gentleman from Texas and I were in the back room with the Secretary of Agriculture and we did not even know the committee was voting it out. We were sitting back there trying to reach some compromise on that bill; so that is the bill that was voted out unanimously. The gentleman and I were not even in the room.

The second one was voted out at 6 minutes after 10 in the morning when I was not even in the room, but was stuck in the elevator of the Longworth Building.

The third one was voted out unanimously when the gentleman from Iowa said to me that we would have the opportunity, he and I, to continue to work on this bill after it was passed out of the committee. Then, it was placed on the Suspension Calendar, where no opportunity exists to offer any amendment.

Now we are doing the same kind of end run here. The House Agriculture Committee reported the dairy bill. It is available for consideration before the Rules Committee. It has been there in that pasture for months. It could be on this floor right now, instead of this motion. It could have been here weeks ago and if it had been here weeks ago, every Member of this House would have had the opportunity to do what he or she wanted to do in a legislative manner and we would not be having this argument tonight. So I think the record should be complete, and the complete record is a record that indicates that Members are being denied the opportunity to be legislators, and I am not a party to that because I know how close the vote was on the farm bill the last time and somebody is going to have to have some rapport with some of these people the next time there is a farm bill.

I thank the gentleman for yielding.

Mr. DE LA GARZA. So now I am accused because the elevator get stuck in the Longworth Building. That is what we are debating. We have no control over that. All we are saying is that the rules provide that when the Senate passes a bill, we go to conference. The committee has instructed me to go to conference: I will do the best I can, bring it back so the Members can vote yes or no and that is the procedure. That is the rule. That is the way we operate and I cannot change that.

● Mr. KASTENMEIER. Mr. Speaker, I support the motion of the distinguished chairman of the Agriculture Committee to send H.R. 3385 to a conference committee with the Senate.

Action on this legislation is long overdue, largely because of the administration's attempts to hold the dairy and tobacco program amendments hostage in an effort to force action on unrelated agricultural issues.

We must move quickly on this legislation to end the present program of $1 per hundredweight assessments against milk producers. Hundreds of dairy farmers in my State of Wisconsin and throughout the Nation are threatened with bankruptcy because the Federal Government's milk tax is robbing them of income needed to meet producing and living expenses. Further delay by this body in changing the dairy program should be viewed by all as callous disregard for the economic survival of America's family dairy farmers.

It should be understood that this legislation will provide no measurably improved income situation for America's dairy farmers. Nor should it be argued that that is the intent of this bill. In fact, since the bill substitutes the current $1 assessment with a 50-cent price cut and a 50-cent assessment, the bottom line for some producers will be unchanged from the present law. What this legislation will do is enable those thousands of producers who are willing to reduce their milk production to do so without suffering the catastrophic loss of income which would be the case without an incentive program. Most dairy farmers will not make more money this program; they will simply be allowed to reduce their production without losing their farm.

I hasten to add that I do not view this legislation, H.R. 3385, as the ideal solution to the surplus production problems which have plagued both the dairy industry and the Federal Government during the last 3 years. The proposal is inadequate in several respects. For example, I am concerned that the 15-month paid diversion program, which I view as the only sound and positive proposal in the entire dairy compromise, may be too short in duration to successfully reduce USDA dairy product purchases below 6 billion pounds of milk equivalent by March 31, 1985. I prefer a longer program, such as the 24-month-incentive period which was contained in H.R. 1528, legislation I cosponsored earlier in this Congress.

Moreover, the price cuts which are contained in this compromise are unnecessary and, in fact, will tend to operate at cross purposes with the paid incentive program which is designed to encourage producers to reduce production. As we have all observed in the numerous previous attempts to resolve the dairy problem, price cuts are not the answer. Price cuts, and the current assessment program, encourage producers to increase, not decrease, their herd size and sell more milk in an attempt to generate sufficient income to stay in business.

I would certainly prefer a better bill which contained no price cuts and extended the paid diversion program for a longer period. But at the same time, I recognize the very difficult task which the Agriculture Committee faced in fashioning this package with a recalcitrant administration.

While I may find myself in tactical disagreement on this matter with some of my colleagues whose leadership and views I hold in very high regard, I believe the improvements those of us who understand the necessity of a viable dairy price support program for rural America would make are precisely those changes which would most certainly invite President Reagan to veto this bill.

Thus, I urge my colleagues to support the motion to proceed to conference on this legislation so we may finally enable dairy farmers to begin making the necessary and long overdue adjustments in milk production.●

● Mr. FRENZEL. Mr. Speaker, I rise in support of the dairy compromise bill attached to the conference report for H.R. 3385.

It is, I believe, fair to say Mr. Speaker, that this is not a perfect bill. It has come to the House late. We should have settled on a solution to the problem of large government dairy surpluses and high production levels in the dairy industry sometime during this past summer.

It has been unfair for both the dairy farmer who has been waiting for Congress to make a decision, and for the taxpayer who has to foot the bill for the dairy programs that Congress acts, or does not act on.

Although this legislation does appear to be cheaper than any other proposed plan, however, it is by no means an inexpensive program. The latest estimates from CBO is that the dairy compromise plan, embodied in this bill, will cost the Federal Government $1.5 billion over the next 2 years. Finally, I am not altogether certain that the timeframe of this compromise is very realistic. The program this bill puts into place should probably be extended to from 15 to 24 months to be completely effective.

Nevertheless, Mr. Speaker, H.R. 3385 is the best alternative possible to us, considering the complexities of the dairy industry, its price support system, and of course, the regional marketing differences which have proved to be the biggest stumbling

block toward formulating this compromise. It is also the only legislation confronting the problems we are having with the dairy programs, that stands any chance of passage this year.

This measure has come to us from the Senate only after suffering some long, and in my opinion, needless delays. The House was not able to act much quicker. The administration can take part of the credit for these delays also, by insisting that the dairy bill be tied to their freeze on target prices.

It is my judgment, Mr. Speaker, that if we do not enact this program now, there will be no other legislation dealing with this issue considered during this session of Congress. That would be a tragedy, Mr. Speaker, because any further delays will only make the problems worse, and the solutions even harder to come to agreement over.

This legislation repeals the current authority of the Secretary of Agriculture to collect two 50-cent assessments, and gives him new authority to collect one 50 cent, while also cutting the support price 50 cents. In return for these sacrifices the dairy farmer is given, in my judgment, more than adequate financial incentives to cut back on production by receiving $10 per hundredweight reimbursement for that milk which he contracts not to produce, using the 1981 and 1982 marketing periods as benchmarks. The Secretary is also given some leeway with controlling the level of the support price depending on how positive the reaction to this program is.

Mr. Speaker, there is no simple solution to this problem. H.R. 3385 is designed to remedy the effects of our past dairy programs, and not the cause of them. It may not work well. It surely will not work perfectly. However, for right now H.R. 3385 is the only game in town, therefore its passage is necessary. The bill is a compromise and, considering the circumstances, and complexities surrounding this bill, is a very good one.

Therefore, Mr. Speaker, I urge the House to give its approval to H.R. 3385 so that we can put this dairy program into place as soon as possible.●

Mr. DE LA GARZA. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DE LA GARZA).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DE LA GARZA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 188, nays 208, not voting 37, as follows:

[Roll No. 393]

YEAS—188

Addabbo	Gingrich	Ortiz
Akaka	Glickman	Panetta
Alexander	Gonzalez	Patman
Andrews (NC)	Gore	Pease
Andrews (TX)	Gray	Penny
Anthony	Gunderson	Perkins
Applegate	Hall (IN)	Petri
Aspin	Hall, Sam	Pickle
Barnard	Hammerschmidt	Price
Bedell	Harkin	Quillen
Bennett	Harrison	Rahall
Bevill	Hatcher	Rangel
Bilirakis	Hayes	Ray
Bliley	Hefner	Regula
Boner	Heftel	Reid
Bonior	Hertel	Richardson
Boucher	Hopkins	Rodino
Boxer	Howard	Rogers
Britt	Hoyer	Rose
Brooks	Hubbard	Roth
Bryant	Huckaby	Rowland
Burton (CA)	Hutto	Roybal
Byron	Jeffords	Sabo
Carr	Jenkins	Scheuer
Chappell	Jones (NC)	Schumer
Clarke	Jones (OK)	Seiberling
Clay	Jones (TN)	Sensenbrenner
Coelho	Kastenmeier	Shelby
Coleman (MO)	Kazen	Sikorski
Coleman (TX)	Kennelly	Sisisky
Cooper	Kildee	Smith (FL)
Daschle	Kindness	Smith (IA)
Davis	Kolter	Snowe
de la Garza	Lantos	Snyder
Dingell	Lehman (CA)	Solarz
Dixon	Leland	Staggers
Dorgan	Levine	Stangeland
Dowdy	Levitas	Stenholm
Duncan	Lewis (FL)	Sundquist
Durbin	Lloyd	Tallon
Dymally	Loeffler	Taylor
Dyson	Long (MD)	Thomas (GA)
Eckart	Lott	Torres
Edwards (CA)	Luken	Towns
English	Lundine	Traxler
Erdreich	MacKay	Valentine
Evans (IL)	Martin (NC)	Vandergriff
Fazio	Martinez	Vento
Fish	Matsui	Volkmer
Flippo	McCurdy	Walgren
Foley	McHugh	Watkins
Ford (TN)	McKernan	Weaver
Fowler	McNulty	Weber
Frenzel	Mica	Wheat
Frost	Mollohan	Whitley
Fuqua	Montgomery	Whitten
Garcia	Murphy	Wilson
Gaydos	Murtha	Wise
Gejdenson	Natcher	Wolpe
Gekas	Neal	Wright
Gephardt	Nelson	Young (MO)
Gibbons	Obey	Zablocki
Gilman	Olin	

NAYS—208

Anderson	Cheney	Edgar
Annunzio	Clinger	Edwards (AL)
Archer	Coats	Edwards (OK)
AuCoin	Collins	Emerson
Badham	Conable	Erlenborn
Barnes	Conte	Evans (IA)
Bartlett	Conyers	Fascell
Bateman	Corcoran	Feighan
Bates	Coughlin	Fiedler
Beilenson	Courter	Fields
Bereuter	Coyne	Foglietta
Bethune	Craig	Forsythe
Boehlert	Crane, Daniel	Frank
Boggs	Crane, Philip	Franklin
Boland	D'Amours	Gradison
Borski	Dannemeyer	Gramm
Breaux	Daub	Green
Broomfield	Dellums	Gregg
Brown (CA)	Derrick	Guarini
Brown (CO)	DeWine	Hall (OH)
Broyhill	Dickinson	Hamilton
Burton (IN)	Dicks	Hance
Campbell	Donnelly	Hansen (ID)
Carney	Downey	Hansen (UT)
Carper	Dreier	Hartnett
Chandler	Dwyer	Hiler
Chappie	Early	Hillis
Holt	Mitchell	Sharp
Horton	Moakley	Shaw
Hughes	Molinari	Shumway
Hunter	Moody	Shuster
Hyde	Moore	Siljander
Jacobs	Moorhead	Skeen
Kaptur	Morrison (CT)	Skelton
Kasich	Morrison (WA)	Slattery
Kramer	Mrazek	Smith (NE)
LaFalce	Myers	Smith (NJ)
Lagomarsino	Nichols	Smith, Denny
Latta	Nielson	Smith, Robert
Leach	O'Brien	Solomon
Lehman (FL)	Oakar	Spence
Lent	Oberstar	Spratt
Levin	Ottinger	St Germain
Lewis (CA)	Owens	Stark
Lipinski	Oxley	Stokes
Livingston	Packard	Stratton
Long (LA)	Parris	Studds
Lowery (CA)	Pashayan	Stump
Lowry (WA)	Patterson	Swift
Lujan	Paul	Synar
Lungren	Porter	Tauke
Mack	Pursell	Tauzin
Madigan	Ratchford	Thomas (CA)
Markey	Ridge	Torricelli
Marriott	Rinaldo	Vander Jagt
Martin (IL)	Ritter	Vucanovich
Martin (NY)	Roberts	Walker
Mavroules	Robinson	Whitehurst
Mazzoli	Roe	Whittaker
McCain	Roemer	Williams (MT)
McCandless	Rostenkowski	Winn
McCloskey	Roukema	Wolf
McCollum	Rudd	Wortley
McDade	Russo	Wyden
McEwen	Savage	Yates
McGrath	Sawyer	Yatron
McKinney	Schaefer	Young (FL)
Michel	Schroeder	Zschau
Miller (OH)	Schulze	
Mineta	Shannon	

NOT VOTING—37

Ackerman	Hawkins	Pepper
Albosta	Hightower	Pritchard
Berman	Ireland	Schneider
Biaggi	Johnson	Simon
Bonker	Kemp	Udall
Bosco	Kogovsek	Waxman
Crockett	Kostmayer	Weiss
Daniel	Leath	Williams (OH)
Ferraro	Marlenee	Wirth
Florio	Mikulski	Wylie
Ford (MI)	Miller (CA)	Young (AK)
Goodling	Minish	
Hall, Ralph	Nowak	

□ 1840

Ms. KAPTUR, Messrs. STOKES, FOGLIETTA, MRAZEK, and PATTERSON changed their votes from "yea" to "nay."

Mr. HAYES and Mr. MARTINEZ changed their votes from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matter just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON H.R. 4139, TREASURY DEPARTMENT, U.S. POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND INDEPENDENT AGENCIES APPROPRIATIONS, 1984

Mr. ROYBAL, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-417) on the bill (H.R. 4139) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1984, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MILLER of Ohio reserved all points of order on the bill.

□ 1850

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT TOMORROW, DURING 5-MINUTE RULE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit tomorrow while the House is under the 5-minute rule so that the subcommittee may continue hearings on H.R. 89, a bill to permit the transportation of passengers between Puerto Rico and other U.S. ports on foreign-flag vessels when U.S.-flag service for such transportation is not available.

This has been approved by the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2262

Mr. KASICH. Mr. Speaker, I ask unanimous consent to withdraw my name as cosponsor on H.R. 2262.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TRIBUTE TO ELBERT BURCHAM

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I speak in tribute to a longtime friend of mine, Elbert Burcham of Hickman, Ky. He died on September 18 in an accident on a farm near Hickman at the age of 56.

Elbert was a member of the First Baptist Church of Hickman and had received many awards and citations for his civic, church and banking activities. He also actively supported many groups, including the Boy Scouts, the Chamber of Commerce, and the Lions Club, as well as local sports events.

Elbert Burcham was the Hickman city manager and served on the board of directors of the Hickman Water and Gas Department. He was respected and admired by all who knew him, and I held him in high esteem.

In 1964 Elbert became the first chairman of the Hickman Riverport Authority. He later accepted an appointment to the Kentucky Port and River Development Commission, where he served for 16 years under five Governors.

Elbert Burcham constantly strived to bring new industry into Hickman and to develop the area. He was instrumental in obtaining $1.75 million for construction of the Hickman-Fulton County Riverport. He was a member of the Hickman Development Corp. and the Hickman River City Development Corp., which just 3 days prior to his death had completed negotiations to purchase a railroad.

In 1961 Elbert Burcham came to Hickman, Ky., from Woodland Mills, Tenn., to become president of the Citizens Bank of Hickman. He served as the bank's president for 16 years, during which time the bank grew from a $2 million facility to a $14 million facility.

He was active in the Kentucky Bankers Association, serving as its treasurer for 2 years and a member of its board of directors for 4 years. He was offered the position of Kentucky Banking Commissioner, but declined in order to operate the Burcham Chevrolet Agency in Hickman. Upon leaving the Citizens Bank, he remained a member of the Citizens Bank board of directors.

Elbert Burcham's death was tragic and untimely. He will be greatly missed by the residents of Hickman and Fulton County, Ky., as well as his many other friends and persons with whom he worked in Kentucky and Tennessee. I was proud to call him my friend, and I will miss him.

I extend my sympathy to his wife, Evelyn Coffey Burcham of Hickman; his sister, Mrs. Hugh Lattus of Hickman; his daughter, Jennifer Burcham Coffman of Lexington, Ky.; his son, Robert Elbert Burcham III of Aurora, Colo.; his two stepchildren, Bonnie Coffey Poynor and Dennis Coffey, both of Hickman; and his six grandchildren.

PASTORAL LETTER ON CENTRAL AMERICA

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. BOXER. Mr. Speaker, it is with great pride that I place in the RECORD today, a document which cries out for peace and justice in Central America—the pastoral letter on Central America released by Archbishop Quinn of San Francisco on October 10.

The document, written from a moral, spiritual yet realistic perspective, condemns our current Central American policy and recommends several specific changes.

In El Salvador, Guatemala, Nicaragua—thousands have died and are dying with our weapons—American weapons killing men, women, children, and sometimes American nuns, priests, and journalists.

By following the advice in this letter we can begin a new direction.

The Contadora nations have called for an end to all outside military intervention. We should back them and use our moral and political strength to end the killing.

Military solutions to social and economic problems do not work and they are not right for America.

PASTORAL LETTER ON CENTRAL AMERICA

The suffering of the peoples of Central America grows daily more bitter and intense. The political and social unrest in the area has markedly increased in recent months, so that the violence on all sides threatens to erupt into a long and vastly more destructive war which could engulf the entire region. The quest for peace in this highly volatile situation has taken on a new urgency which the church has a particular responsibility to address.

In July, our government dramatically expanded the United States military presence in the various national conflicts of Central America. In addition to our 55 advisors and increasing military aid to the regime in El Salvador, U.S. naval maneuvers off the Pacific and Caribbean coasts of Nicaragua now involve 19 ships, 140 warplanes on two aircraft carriers, and 16,500 officers and men. Up to 5,000 combat troops will also be in Honduras for at least six months to engage in training exercises with Honduran forces. Many responsible persons in our own country express the fear that we are committing ourselves to a policy which will inevitably involve the direct intervention of United States fighting forces.

It is extremely difficult for the ordinary person to evaluate the many conflicting facts and issues reported in the public discussion of these rapidly unfolding events. It is consequently not always easy for Catholics to bring to them an informed judgment based on the teachings of the Church. However, the National Conference of Catholic Bishops has taken a clear and forceful position on the Central American situation, and this basic message which the Church carries into the public debate can help to clarify any confusion which might exist among the people of our Archdiocese. I consider it particularly appropriate to touch on this issue as we enter the month of October, the month of special devotion to Mary, Help of Christians and Queen of Peace.

TIES WITH THE CHURCH IN CENTRAL AMERICA

The bonds between the United States and Central America are unique and diverse; they are political, cultural, and economic. But they are also religious. They are shaped by more than two centuries of common history and they differ from country to country.

In particular, our own Archdiocese enjoys a special tie to the Church in Central America. San Francisco is the only city in the United States where the majority of Latins are from Central America. The Salvadoran population in the Bay Area prior to 1979 was 60,000 and has grown in the last three years by an estimated 30,000 to 80,000 refugees fleeing their country.

Family connections with those remaining behind and the interconnection and exchange of priests, religious and other Church workers make our bonds individual and immediate.

Most of these Salvadorans and Guatemalans have risked their lives to flee the ravages of war and political oppression in their native lands. They are haunted by fear for their security and that of their loved ones, and they often bear the scars of intense physical and psychological pain. Considered illegal aliens, they have no title to social service, medical or employment benefits. They therefore frequently turn to the Church in the hope of finding the hospitality of the Gospel until the day when they can return safely home.

THE PERSECUTION OF THE CHURCH

Authentic identification with the people in their cry for justice takes its direction from the Second Vatican Council, from Paul VI's "The Progress of Peoples" (1967), from the Medellin (1968) and Puebla (1979) conferences of the Latin American bishops, and from Pope John Paul II's many addresses in his recent visits to the area.

The Church in Central America has paid a heavy price of persecution for its witness to the Gospel. In addition to Archbishop Romero, 16 priests and men and women religious have been assassinated in El Salvador in the past 6 years. More than 40,000 civilian noncombatants have now been brutally murdered in that country, a large number of these being "Delegates of the Word" and leaders of Ecclesial Base Communities.

In Guatemala, because of the escalating dangers to their lives, the bishop, priests, religious and other Church workers in the entire province of Quiche were forced into exile. And in August 1981, the Guatemalan bishops stated:

"The Catholic Church is today perhaps as never before in its history the victim of unjust attacks and of violent aggression. . . . In addition to the assassination or disappearance of 12 priests and the violent deaths of numerous catechists and members of our Christian communities, . . . there has been unleashed a publicity campaign which tends to discredit the Church."

Many other statements by Central American episcopates express the same concern.

THE POSITION OF THE NATIONAL CONFERENCE OF CATHOLIC BISHOPS

Decisions taken by the United States government have particular consequences which directly affect our sisters and brothers in the faith in Central America. Consequently, our response of prayer and Christian charity must be complemented by our public support in this country of their human rights and needs. There will be no peace in the region without our active commitment to creating U.S. policies which recognize the persistent, yearning struggle of Central Americans for justice.

It is for this reason that, since early 1980, the U.S. Catholic Conference has addressed United States policy in Central America in numerous statements and testimony before congressional bodies. With a particular focus on El Salvador, the position of the U.S. bishops was elaborated in a major statement of November, 1981. That position is shaped by three themes:

"First, following Archbishop Romero and now Bishop Rivera y Damas, we are convinced that outside military assistance from any source to any party is not a useful contribution, but simply intensifies the cycle of violence in El Salvador. For this reason we have opposed military aid from all sources, while supporting monitored economic assistance by the United States.

"Second, we endorse and support Bishop Rivery y Damas' call for a broad-based political solution . . . rather than a military solution to the tragic conflict in El Salvador.

"Third, we believe that as long as the present state of violence and turmoil exists in El Salvador, the [exiled] citizens of that country, regardless of political philosophy, should not be forced to return home. Hence we urge that a moratorium be placed on all deportations to El Salvador, at least until such time as the government in power can guarantee the safety of its citizens."

A major concern of the bishops has been that current United States policy portrays the social conflicts in Central America as expressions of an East-West global confrontation, without adequate consideration for the internal realities of structural injustice which are the root causes of conflict, country by country. The 1981 statement is clear on this issue:

"The Catholic Church in Latin America as elsewhere has hardly been complacent about Communism. The Latin American Church has repeatedly stated in the last decade that external subversion is not the primary threat or principal cause of conflict in these countries. The dominant challenge is the internal conditions of poverty and the denial of basic human rights which characterize many of these societies. These conditions, if unattended, become an invitation for intervention."

In recent testimony before the House Foreign Affairs Committee on March 7, 1983, Archbishop James Hickey spoke for the U.S. Catholic Conference in reiterating these positions and in recommending to the Congress a positive course of action which would do three things: (1) promote dialogue between contending parties in El Salvador; (2) insist on a ceasefire; and (3) support a negotiated end to the conflict. The primary imperative of the moment is to stress the political course in El Salvador, not the military option, and we should use our acknowledged influence with the Salvadoran government to define their efforts in primarily political terms.

United States policy toward Nicaragua has likewise been profoundly misdirected because of its insistence on pursuing military rather than diplomatic options. The bishops have called for a U.S. policy which would engage Nicaragua diplomatically, not isolate it. In his congressional testimony, Archbishop Hickey said:

"The consistently hostile public rhetoric of our government toward Nicaragua, the cut-off of bilateral economic aid and the perception that the United States hinders Nicaraguan access to international sources of aid and credit, as well as U.S. support for a military buildup on the Honduran border, and rumors of covert efforts to destabilize the government, all contribute to a state-of-siege mentality in Nicaragua which reinforces misguided policies. U.S. actions do not determine internal Nicaraguan policy, but they exaggerate some of its most troubling aspects . . . . My point is not the Nicaragua is without fault; it is that the United States reinforces Nicaraguan errors when our size, influence and diplomatic perspective should allow for a more creative policy."

All of these convictions were still further reinforced with the extensive new United States military commitments to the area in recent months. In a statement of July 22, 1983, Archbishop John Roach, President of the USCC, said:

"Even more strongly I wish to oppose any form of U.S. military intervention in Central America. I repeat the earlier calls of our bishops' conference for a diplomatic, nonmilitary solution, a policy requiring discussions between the United States and Nicaragua, between Honduras and Nicaragua, and support by the United States of the diplomatic efforts of other Latin American republics to resolve peacefully the crisis in Central America."

OUR RESPONSE

The position of the Bishops of the United States on Central America is clear and consistent: it affirms the need for a political and diplomatic solution in Central America, not a military solution. It asserts that a political solution must give primary attention to the local roots of the conflict: injustice, degrading poverty and illiteracy. It calls the United States to a policy very different from our present ominous movement to flood the region with warships, massive military assistance and increasing numbers of U.S. military personnel.

As the Congress reconvenes to consider the future direction of U.S. policy and the funding which will support it, the following points merit special consideration:

"The United States laudably contends that it wants a political solution. But all those responsible for policy and its implementation must consider that actions speak louder than words and that new and larger sums for military assistance will only give foundation for the suspicion that our rhetoric is political while our intent is military.

"A truly successful political and diplomatic approach requires serious extensive support for and cooperation with the efforts of the Latin American "Contadora Group." U.S. policy should be designed as an enhancement of the Latin American effort to bring peace to Central America.

"The concerns expressed by Archbishop Hickey in February about internal developments in Nicaragua have recently been graphically underlined by the Nicaraguan Bishops' Conference. I share these concerns but I also share the view of Archbishop Hickey's testimony that a hostile U.S. policy toward Nicaragua only intensifies the internal problems of the country. A creative political and economic engagement of Nicaragua by the United States offers much better hope for securing peace in the region and for enhancing human rights within Nicaragua. For this reason I particularly reaffirm Archbishop Roach's opposition, in his statement of July 22, 1983, against U.S. funding of covert action against Nicaragua."

Further, I invite Catholics of the Archdiocese to explore creative ways of giving

public witness to the position of the Church on these critical issues.

Finally, the plight of the refugees in our midst calls for our special concern. The United States Catholic Conference has called for a stay of deportation for Salvadoran refugees until peace is established in their homeland. The growing number of Guatemalan refugees among us are in need of similar legal protections. Our government should be urged to grant Extended Voluntary Departure Status to Salvadorans and Guatemalans, a policy which is consistent with current law in both the U.S. Refugee Act of 1980 and the United Nations Protocols on Refugees. If necessary Congress should enact special legislation to insure this protection.

Further, an ecumenical network of Bay Area churches is forming to offer emergency shelter and sanctuary to these refugees. I urge parishes and religious communities to see to what extent they might be able to offer such sanctuary, mindful of the words of our Lord, "I was a stranger and you welcomed me." (Mt. 25:35)

CONCLUSION

In his recent visit to Guatemala, Pope John II insisted that we must find inspiration "to go on creating a climate of urgency for justice in Central America." Peace is possible in El Salvador, he insisted, and we all have an obligation to be "artisans of peace and reconciliation, asking it from God and working for it."

Let it be our intention, in prayer and in action, to respond to the Lord's command in the prophet Isaiah: "This, rather, is the fasting I wish: releasing those bound unjustly, untying the thongs of the yoke; setting free the oppressed, breaking every yoke, sharing your bread with the hungry, sheltering the oppressed and homeless; clothing the naked when you see them and not turning your back on your own." (Is. 58:6-9)

TEN-YEAR ANNIVERSARY OF THE ARAB OIL EMBARGO

(Mr. RAHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, this month marks the 10th anniversary of the Arab oil embargo. Perhaps no other single action had as much impact on this Nation during the 1970's as did that interpretation of oil shipments by a foreign cartel.

The rise of OPEC lead to a tripling of world oil prices and precipitated spiraling inflation and gasoline lines in this country. Further oil price escalations following the outbreak of the Iranian revolution in 1979. These actions deeply embedded in the American consciousness the words energy crisis and made it clear, in a most disturbing and unprecedented manner, the vulnerability of U.S. energy security to foreign political influences.

At the time, the President declared the energy crisis the moral equivalent of war and together with the Congress began work on a massive five-section National Energy Act based to a great extent on the increased reliance of coal and synthetic fuels.

As a result of the 1973-74 Arab oil embargo and the 1979 oil crisis, a number of laws were enacted aimed at increasing America's energy independence, including the Powerplant and Industrial Fuel Use Act of 1978, the Natural Gas Policy Act of 1978, the Crude Oil Windfall Profits Tax Act of 1980 and the Energy Security Act of 1980.

Today, 10 years after those precarious days of the oil embargo, the Nation is awash in a worldwide oil glut. Energy policy and planning have become backburner issues. The country has become naive to the threat of another oil crisis and many of our previous efforts to address energy matters have been dismantled or ignored by the current administration. Witness the sorry state of the synthetic fuels industry, the almost nonexistent powerplant conversions from oil to coal and the total disregard for renewable fuels. The fossil energy budget at DOE has declined from 22 percent of the technology budget to around 7 percent today. About the only action the United States is taking today to protect itself against another oil supply disruption is to fill the strategic petroleum reserve.

Mr. Speaker, we are flirting with disaster. The political instability in the Middle East still exists. Any day the Iranian-Iraqi war may escalate jeopardizing oil shipments from the Persian Gulf. Domestic oil use has only decreased from 46 percent in 1972 to 42 percent of total energy consumption in 1982. The Nation is still importing 4.3 million barrels of oil per day and this figure is projected to increase to 5.5 million barrels per day in 1984. Imports from the OPEC nations accounts for 42 percent of total U.S. oil imports. In 1983, oil imports measured on a balance of payments basis are estimated to cost $55.4 billion rising to $68 billion in 1984 compared to the $4 billion spent in 1972. All this translates into continued U.S. dependency on foreign and often volatile sources of energy.

This is not to say that advances have not been made. Since 1972, the production of electricity from domestic coal has increased from 44 to 55 percent while generation from oil has decreased from 16 percent to around 7 percent. And, a couple synthetic fuel projects still have some life left in them.

But this is a far cry from the level of energy security this Nation so badly needs. So I would say this to my colleagues, on this the 10th anniversary of the Arab oil embargo, let us reassess our energy policy and ask ourselves this question: Are we really as secure as we think?

A TRIBUTE TO THE LATE HONORABLE JAMES A. BURKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise to pay tribute to our former colleague, the Honorable James A. Burke of Massachusetts, whose death on October 13 is a tremendous loss to the people of this Nation.

Jim Burke became my close and trusted friend during the period we served in Congress together, and I am proud to have had the honor to work with him. I shall always cherish the wise counsel, advice, and goodwill that he so generously extended to me.

Jim held public office for more than 40 years, and was first elected to the 86th Congress in 1958, after a career of outstanding service and leadership in the Massachusetts State House of Representatives for 4 years, and as a member of the Massachusetts General Court for 10 years. He also had a fine record of gallant military service during World War II in the Pacific theater as a special agent in Army counterintelligence, where he won four battle stars and other decorations.

As a Congressman, Jim Burke became a self-educated expert on the social security system, serving as the chairman of the Subcommittee on Social Security of the House Ways and Means Committee. He devoted his life to the betterment of his fellow citizens with emphasis on helping the elderly. His dedication to the highest standards was an inspiration to his friends and fellow citizens, and his special commitment to senior citizens will long be remembered by those of us who had the privilege to serve with him in the Congress of the United States.

Jim also had an outstanding record of service as the ranking member on both the Subcommittee on Unemployment Compensation and the Joint Committee on Taxation, and as a member of the House Banking and Currency Committee.

At this point in the RECORD, I would like to include a tribute to Congressman Burke which appeared in the Boston Globe on Friday, October 14, 1983, recognizing the many achievements of this great American. The article follows:

JAMES A. BURKE OF MILTON; CONGRESSMAN FOR 2 DECADES

Former Rep. James A. Burke of Milton, who served two decades in the US House and 10 years in the Massachusetts Legislature before that, died yesterday in New England Deaconess Hospital after a long illness. He was 73.

The self-styled "bread and butter congressman", of the 11th District retired in January 1979. He was first elected to the post in 1958.

Confined to a wheelchair since the loss of his right foot in July 1977, "Jimmy," as he was known, decided not to seek reelection. ("Leave while the music is playing," he said.) He also had been plagued with respiratory troubles, failing eyesight and diabetes in his last years in Congress, but he never complained.

House Speaker Thomas P. O'Neill said of Mr. Burke, "He was one of the most beloved men ever to serve in Congress."

Since retirement, Mr. Burke had been active in the Catholic Charitable Bureau and the state Commission for the Blind.

In his 20 years on Capitol Hill, the shy, affable Democratic congressman was the architect of considerable Social Security and Medicare legislation. He served as chairman of the Ways and Means subcommittee on Social Security and worked tirelessly to improve the system.

"Jimmy was a great champion of the Golden Agers of this country," O'Neill said.

Mr. Burke also was the congressman in charge of the investigation by the Joint Committee on Internal Revenue Taxation of President Richard M. Nixon's income taxes, resulting from questions raised by the Internal Revenue Service about the huge deduction Nixon took in 1969 for donating his vice presidential papers.

From time in the late 1930s when he moved from his Hyde Park real estate business into politics, Mr. Burke's career was a steady climb that seldom faltered.

In 1938, during his first term in the Massachusetts House of Representatives, he was appointed to a second job, that of registrar of vital statistics for the city, by Boston's Mayor Maurice J. Tobin. After some months as registrar, he resigned to run against then Rep. John W. McCormack for McCormack's 12th District congressional seat.

Mr. Burke, a kindly man with a wry wit, later recalled: "I had 400 volunteers going all over the district. They'd go from door to door and tell people they were working for me, that I was running for Congress. People were nice until they asked my volunteers who I was running against.

"They'd say, 'He's running against John McCormack' and the people would slam the door."

He was beaten only one other time—when he ran for lieutenant governor in 1954.

When Mr. Burke learned that Rep. Richard Wigglesworth was retiring in 1958 from the then heavily Republican 13th District, he filed as a Democrat to run for the spot. He won handily and continued to win thereafter with little opposition. In four campaigns the Republicans failed to field a candidate.

Mr. Burke opposed, but survived, redistricting, which brought his Milton home area into the 11th District, comprising the cities of Quincy and Brockton and some 11 towns south of Boston.

In Congress he served on key committees and subcommittees including, in addition to Ways and Means, joint committees on internal Revenue Taxation and Budget Outlay and Control.

But it was his work with Social Security with which he was most closely identified. He felt that people with low incomes were paying too high a percentage of their wages for Social Security while those earning large incomes were paying less than they could easily afford.

He was a longtime advocate of changing the Social Security financing formula from 50/50 contributions by employees and employers to one-third from both and the remaining one-third from general revenue.

He urged the utility companies to switch back to coal, declaring the country had at least 100 years of coal available.

Colleagues in Congress were lavish in their praise of Mr. Burke.

Sen. Edward Kennedy said: "Jimmy Burke was one of those rare public servants who never lost touch with the common man, nor felt any sense of importance no matter what the honor or accolade was bestowed upon him."

Rep. Edward P. Boland (D-Mass.) said: "People came to Jimmy Burke with their problems because they knew that in him they had not only a sympathetic listener but an experienced and resourceful advocate."

Rep. Brian Donnelly (D-Mass.), who succeeded Mr. Burke in Congress, said: "Mr. Burke's passing is a tremendous loss. He was loved and respected by the people of the 11th District that he knew and served so well for so many years."

Mr. Burke was always available to his constituents. A kindly man of medium height and stocky build, he made frequent visits home to cater to their needs. The Fore River Shipyard, his area's largest employer, was one of his pet projects and any of its problems had top priority in his office. He also searched high and low for aid to cranberry growers, ailing shoe and textile industries threatened by cheap foreign competition, and the New England fishing industry.

The retired congressman was born James Aloysius Burke in South Boston on March 30, 1910, the youngest of 10 children. He grew up in Mattapan and Hyde Park, where his family had a large vegetable garden that supplied much of the neighborhood.

He was a graduate of English High School and attended Suffolk Law School.

During World War II, he served as a special agent in Army counterintelligence attached to the 77th Infantry Division in the South Pacific.

He was a member of the Veterans of Foreign Wars, the American Legion, AMVETS, the Knights of Columbus and Eagles.

Mr. Burke leaves his wife, Aileen (McDonald): two sisters, Elizabeth Burke and Margarita Burke, both of Hyde Park, and two brothers, Walter of Hyde Park, and Arthur of Dorchester.

Before he died, Mr. Burke set up the James A Burke Scholarship Fund to benefit the schools at St. Angela's Church, Mattapan; St. Mary of the Hills Church, Milton, and St. Gregory's Church, Dorchester.

A funeral Mass will be said Monday at 10 a.m. in St. Mary of the Hills Church.

Congressman Burke was a fine legislator, and served the people of the 11th Congressional District of Massachusetts for 20 years, until his retirement from Congress in 1978, with distinction, deep compassion, and courage. In recognition of his many achievements and untiring service to his constituents, by an act of Congress a post office in Quincy, Mass. bears his name. He will be sorely missed by all those he served, and all who had the privilege to know him as a friend.

Mrs. Annunzio and I extend our deepest sympathy to his devoted wife, Aileen, and to the other members of his family who survive him.●

TRAPPED IN LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, over the weekend, U.S. marines in Beirut have been subjected to systematic sniping attacks. Two have been killed and a number wounded—fresh reminders that these young men have been placed in a shooting gallery, ready targets for whatever faction thinks its cause can be aided by picking off a marine. No one knows which of the endless factions in Lebanon is behind these latest attacks, though the State Department thinks it may be a faction of the Shia Moslem faction; for so badly divided are the contenders in Lebanon that there are endless divisions even within the competing factions, which themselves seem without number. Into this maelstrom we have cast a tiny contingent of marines, who are operating with fixed, immovable positions within the confines of an open and exposed airport. The administration claims that somehow these marines, sitting there as targets, make it possible for the process of a national reconciliation in Lebanon to move forward. But how is that so? How is it possible that it helps matters any to offer up sacrifices to whatever faction that wants to take advantage of these troops sitting in a militarily impossible, static position?

These fresh tragedies ought to cause us to ask the questions that we have avoided up until now. Questions like, What our aims in Lebanon really are? How it is that we hope to achieve those aims? How, precisely, can the occupation of the Beirut airport promote those aims? Militarily, it makes no sense to place troops in an exposed position, and not allow them to move. We ought to ask ourselves, if the rules of engagement make no sense, how is it that the deployment of troops itself makes sense? In this case, the sniping attacks have come from a section bordering the Beirut airport, a section in which armed men parade openly; yet the marines cannot go in and disarm anyone; all they can do is shoot back if they have been fired upon. They cannot, in other words, effectively defend themselves—they are too few in number, and they are not permitted to seek out those who attack them at will and at their own leisure. If these are occupation troops, they ought to be allowed an effective defense. If, on the other hand, they are present to enforce peace, they ought to be permitted to be party to whatever negotiations are taking place, or enforce the conditions precedent to decent negotiation. but they are just sitting there, nothing more or less than targets.

And we ought to ask ourselves what the ultimate possibilities are in Leba-

non. How many of us know, or knew last month when the war powers compromise was passed—that Lebanon was detached from Syria in the post-World War I period, and that Syria by no means has ever given up its claims over Lebanon?

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How many of us know, or knew last month when the so-called war powers compromise resolution was passed that Lebanon was detached from Syria in the post World War I period, and that Syria by no means has ever given up its claims over Lebanon? How may of us knew or even asked ourselves, what were the developments that led to the bloody fighting in the areas near Beirut, after the Israeli Army pulled out of the region?

If our goal is to restore Lebanon's sovereignty over all its territory, how many of us asked what it would do if Israel refused to leave its positions in the southern third of Lebanon; positions that apparently they intend to occupy on a more or less permanent basis? Or how many of us asked what steps would be necessary to dislodge the Syrians from their hold over the northern third of the Lebanese territory?

And that is only the beginning of the puzzle. Lebanon is driven by religious factional disputations that go back for centuries; thousands of years. These are blood feuds; those of us who were revulsed by the murders in Lebanon carried out by the Phalangist killers are about to hear of new massacres carried out by other factions in this last immediate round of fighting. You have not read the reports yet? In a few days they will be making the headlines when they will finally divulge the extent of these horrible massacres that have been taking place just in the last few days and weeks. Massacres just as huge, just as senseless and just as base and there are more than blood fueds between religious factions. There are feuds within the factions themselves. There are ages old quarrels between villages, there are fresh new grievances as massacre piles on top of massacre because there is never an end to the revenge seeking.

It is this morass into which we have placed the marines, who are as helpless in dealing with it as the British have been in dealing with the centuries old Irish conflicts. But the marines do not have even as much power as the British in Ireland. They cannot patrol, they cannot arrest, they can only sit and wait for the next attack.

Of all the forces contending for power in Lebanon, the United States is least certain of what it wants and how to get what it wants. It is not enough to say that we simply want peace; we have to say what it is that we think it takes to make peace, and how it is that making targets out of innocent marines makes for peace.

It is not enough to say that we want all foreign forces out of Lebanon. We have to say how it is we propose to get them out, and how it is that a tiny complement of troops tied down at an airport is going to move those foreign forces out.

These are the hard issues that we should have addressed when we considered that resolution authorizing the President to continue our occupation of Lebanon. It was not enough then to say that a few casualties are the price of peace, and it is not enough now.

What have those lives bought? Is Beirut more peaceable today than it was a year ago? Is Lebanon that much more secure? In both cases, the answer is unequivocally "No." And so what have these wasted young lives bought?

It is not enough to say that they have bought hope because I see no one who professes much hope that Lebanon will ever be anything more than a partitioned land, divided up between foreign occupation forces and armed religious factions, each with hegemony over its own turf, as has been the case from time immemorial.

I see no one who claims to have the key to get the foreign troops out, not even our own, much less those of Syria and Israel.

I see no one who can say that another year or another 18 months of occupation of the Beirut airport is going to promote anything except more casualties, more provocations, more grief, more bloodletting.

We should never have walked into the quagmire in Lebanon as I have been saying all along. We ought to get out now for if after more than a year we cannot show progress, nor even a reasonable hope of it, surely we have given it enough time and it ought to be terminated and our marines out, out, instead of sitting ducks.

Mr. President, how long, Mr. President, will it take for you to take a hint and take direct action and remove the marines from this untenable position instead of one by one being snipered off? Are you going to wait until we have a massacre of marines? And then what?

And I ask my colleagues, then what? What will you do? What will you advocate?

What will you do, Mr. President? Will we declare war on a faction or a religious sect or on Syria or on Israel if you have a massacre of the marines stationed there now instead of one by one or two by two being snipered off as they are now and as they confront even as we speak today. How long, Mr. President?

IN SUPPORT OF THE ACTION AGENCY'S VOLUNTEER PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, at this time, I would like to add my voice in support of H.R. 2655, the domestic volunteer service amendments. It is important that all of us as Members of the Congress, and as leaders of this Nation, support the reauthorizations of the ACTION Agency and the splendid programs which it administers. This Agency and the volunteers working in the programs represent what is best about our Nation. We must support and promote the growth of these activities for they are the very heart and soul of our people.

As you are well aware, I have for many years been a supporter and advocate for the Older American Volunteer programs of ACTION. In my capacity as chairman of the House Select Committee of Aging over a period of 6 years I have supported and watched with great satisfaction the development and growth of the Foster Grandparent, Retired Senior Volunteer and Senior Companion programs. All three of these programs enjoy bipartisan support and have been recognized across the Nation for the contributions made to the elderly—this body does not need further encouragement from me to continue its support of these magnificent programs.

However, I do feel that it is necessary to point out to some of my colleagues some basic parts concerning the VISTA program.

VISTA throughout its history has had a significant impact on the elderly of our society. VISTA volunteers across this Nation have had significant impact upon the major issues facing the elderly.

These volunteers have been instrumental in local communities in developing solutions to problems of the elderly in housing, energy conservation, crime prevention, food and nutrition projects, delivery of health services, advocacy projects for the handicapped, alcohol and medication abuse programs, development of adult day care centers, and the development of rural transportation systems for the elderly.

All of these past accomplishments present us with a track record that speaks to the need for this wonderful program. Beyond these accomplishments one need only look at the present VISTA projects to see that the volunteers are continuing to provide vital services in the field of aging.

Today approximately 15 percent of all the VISTA volunteers in the field are assigned to projects that are directed toward the problems of the el-

derly poor. This is a slight reduction from past years. There are over 70 VISTA projects in nearly 35 States, serving the elderly. The 200 or so VISTA volunteers dedicating a year of their lives working on these projects are assisting the low-income elderly in improving the quality of their lives.

Another significant fact that some of my colleagues should be aware of is that many VISTA volunteers are themselves senior citizens. I applaud the members of the Education and Labor Committee for including in this bill an expansion of the opportunities for full-time service by persons 55 years of age and older. VISTA represents a unique role for the retired individual within our communities.

If I may digress for a moment, my own personal experience leads me to believe that one can have a richer and fuller life if one remains active in the affairs of one's community and Nation. Many mature citizens in our society are not seeking a rocking chair in their later years. Many of them, whom I have spoken with, are seeking a change in careers and new challenges in the service of mankind. The VISTA program offers them an opportunity to continue to contribute to this great Nation which they have built over the years. For this reason, I strongly support the legislation which encourages the active participation of mature citizens in the VISTA program.

It also should be pointed out that for many of our low-income elderly service in the VISTA program represents a number of other significant and tangible benefits. As VISTA volunteers, they receive an income supplement to assist them in their retirement. What is significant in this is that it is not another handout but a stipend that facilitates their ability to serve their Nation. They receive health benefits that assure that they will not become financially drained by medical costs if they should become ill. Many older women who are faced with the need to reenter the work force upon the death of a husband have found the VISTA program to be one of the few opportunities for reentry. Many of these older women after years as homemakers have through the VISTA program become the directors and administrators of the charitable and nonprofit organizations that meet the needs of our frail elderly.

The final point I would like to touch upon is the argument that some of my colleagues would make that VISTA volunteers are too expensive and that they could be supplanted with part-time volunteers from other sources. This argument is just not true. There are certain tasks and projects within our society that cannot be accomplished on a part-time basis. They require the full-time commitment of a dedicated human being who in many cases must work more than 40 hours a week. VISTA recognizes this and in the very legislation that created the program speaks to the fact that VISTA volunteers are on duty 7 days a week, 24 hours a day.

We are blessed as a Nation to have citizens who are willing to make this commitment to better our lives. I feel we would be derelict in our duty if we failed to support these wonderful programs. I encourage all to support this legislation as it has been submitted by the Education and Labor Committee.●

RULES ENABLING ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

● Mr. KASTENMEIER. Mr. Speaker, today I am pleased to introduce a bill that reforms the method used by the Federal judiciary for the promulgation of rules of procedure and practice. Since the adoption of the original Rules Enabling Act in 1934 there has been no systemic change in the way in which the procedural rules for Federal courts come into being. This bill modifies these procedures to assure greater openness, consistency, and quality in the Federal rules.

As chairman of the Subcommittee on Courts, Civil Liberties and the Administration of Justice, in the past few years I have been involved in some of the controversies associated with various proposed changes in the Federal rules. Under current law, proposed rule changes are forwarded to the Congress by the Supreme Court. As a general practice, however, the Court does not play an active role in creating the rules. As a general proposition, unless Congress acts affirmatively to block the proposed rules, the proposals go into effect. Procedural rules so promulgated have the force and effect of law. In part as a result of the shadowy nature of this process, a number of proposed rule changes have been rejected by the Congress in recent years. For example, in 1970 the Congress rejected the proposed rules of evidence. More recently the Congress has frequently delayed the effective date of proposed changes to permit additional scrutiny or to make substantive changes in the rules.

In the past decade there has been a growing body of thought about and criticism of the rulemaking process. Academic critics and other learned commentators such as the American Bar Association and Chief Judge Weinstein, Eastern District of New York, have long urged reform of the rules process. My former colleague, Congressman and now Judge Hungate has been involved in this issue in the past. Another former colleague, Congresswoman Holtzman, introduced a proposal for change. Similarly, on the Senate side, Senator DECONCINI has expressed interest. The Fourth Seminar on the Administration of Justice, sponsored by the Brookings Institution in Williamsburg, Va., March 6 to 8, 1981, contained an excellent session on the rulemaking process. The professors were Judge Hungate and Judge Edward T. Gignoux, who is now chairman of the Judicial Conference's Standing Committee on Practice and Procedure. This Congress my subcommittee held an oversight hearing on the rules process. The biggest surprise of that hearing was that it was the first such congressional hearing in the nearly 50 years that the rulemaking process has been in place. The hearing clearly established the need for legislation in this area.

In addition, another result of the oversight hearing was the issuance of a set of written, publicly available procedures to be used by the Federal judiciary in the rules process. Many of these procedural suggestions are incorporated in my bill. However, my bill goes beyond current law and regulations in several important respects:

First, under the bill the Supreme Court will no longer be involved in forwarding the rules to the Congress. Rather, this function will be performed by the Judicial Conference of the United States. This change is consistent with the views of the nine Justices of the Court.

Second, the time period that rules are to lay over in Congress is made consistent for all of the different types of rules. Under current law the layover period varies.

Third, the one-House veto provisions of 28 U.S.C. 2076 are deleted in light of the Supreme Court's legislative veto decision. See Chadha against Immigration and Naturalization Service.

Fourth, meetings of the various advisory committees are made open, subject to a vote of a majority of members to close them. This "sunshine" approach to open meetings is the same as that used by Congress. The meetings of the other committees of the Judicial Conference need not be open.

It is my hope that the provisions of my bill serve as a vehicle for reform in this area. While individuals and groups interested in the rulemaking process may have differing views about some of the details contained in the bill, I believe that all of us recognize that by making the rulemaking process more accountable all parties will be better served. If the bill is enacted: First, the Congress will be called upon less frequently to overturn the results of the deliberations of the rulemaking process; second, the parties and lawyers who use the Federal courts will have greater confidence in the process by which important rules are developed; and finally, third, the

shroud of mystery will be lifted from the whole process, to reveal the fine work undertaken within the rulemaking process for the Federal courts.●

THINGS THE GREENS MIGHT RECALL ABOUT AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, while attending recent fall meetings of the North Atlantic Assembly, I read with great interest an article by James Reston which appeared in the International Herald Tribune. The article, titled "Things The Greens Might Recall About America," discusses an important point which is often neglected during the course of debate on the emplacement of U.S. cruise and Pershing 2 nuclear missiles in Europe.

As Mr. Reston rightly states, the Greens, as West Germany's peace party is known, do not have to instruct us in America about peace, mercy, and reconciliation. Indeed, our policy demonstrates our long-shared dream of a peaceful world, free from the threat of nuclear destruction. Although we both share this ultimate goal, we in the United States understand that there is no perfect security. As Mr. Reston aptly says:

Maybe the most intelligent and idealistic members of our societies in West Germany and the United States cannot tolerate the struggle for anything less than an ideal solution of the nuclear menace.

I am including this article which I hope my colleagues will take a few moments to read.

The article follows:

[From the International Herald Tribune, Oct. 12, 1983]

THINGS THE GREENS MIGHT RECALL ABOUT AMERICA

(By James Reston)

WASHINGTON.—America and West Germany are getting into a tight corner these days, with two important dates ahead.

In the week starting next weekend the leaders of the West German "peace movement" are planning to put as many as 2 million people in the streets to protest the emplacement of U.S. cruise and Pershing-2 nuclear missiles in that country.

And on Nov. 21 the Bundestag votes on whether to approve or reject this effort to establish a balance of nuclear power in Europe.

President Carstens has been in Washington telling everybody not to worry. He addressed a joint session of Congress, met the press for breakfast at the Watergate and presided over an elaborate dinner, for which vension and other delicacies were flown in from West Germany, with Vice President Bush attending.

The press not only didn't worry but didn't pay much attention. Not so the White House or Larry Eagleberger at the State Department, who has been the disaster-control operative around here for years.

In response to appeals from Bonn and other governments, President Reagan for the third time amended his proposals for a nuclear compromise with the Soviets at Geneva, although so far without anything but a nyet from Moscow. Nor has there been recognition by the leaders of the West German "peace movement" that President Reagan tried but didn't get even a medium-hello from Yuri Andropov.

One wonders, if the Greens in West Germany know the record of America's efforts to control or even to abolish nuclear weapons. They should look it up and consider the geography of Washington. There are two hills in this city, not one: the political or Capitol Hill, and also the spiritual hill dominated by Washington Cathedral. And last Sunday, as usual, it was praying for peace, with Mr. Bush in the pulpit: For the nations of the world, their peoples and their leaders, that equal justice and true peace may emerge within them, and that a spirit of respect and forbearance may grow among them, hear us O Lord.

The Greens don't have to instruct us in America about peace, mercy and reconciliation.

There is a little "green" in all of us. But America did not pass the Marshall Plan for the reconstruction of Europe or put 300,000 of its men for two generations between the North Sea and the Elbe in order to be told that somehow they were not defending our common civilization but were a menace to peace.

If America ever thought that was Europe's idea—that Europe wanted American troops but was not prepared to give them the weapons to defend themselves and their allies—it would certainly not agree to keep its troops there as hostages to superior Soviet missile power.

This point has to be made to America's friends in the West German peace movement. Twice Europe told us, in 1914 and in 1939, that if only America had committed itself in time to the defense of Western civilization, world wars might have been avoided.

Now, having committed itself, America is told, at least by many in Europe, that the present conflict is not over the defense of the civilization or a philosophy of life, but is merely a struggle for power between the two clumsy giants.

Nothing could be further from the truth. The United States is not an imperial nation. If anything, like the Greens in West Germany, it longs for isolation and the impossible dreamy world of perfect peace.

Every nation has its dream of perfect security. No doubt West Germany dreams of the day when its divided nation will be unified. If America were divided at the Mississippi, with a hostile power on the Western slope, it would not sleep until it was united.

We understand the dreams of the Greens, but there is no perfect security. There is only the struggle, with friends at our side, doing the best we can, and trying to know where we're going and who's with us.

Listening to Mr. Carstens and his colleagues, we had the feeling, as we have had with Chancellor Kohl and Chancellor Schmidt before him, that they understood the tragic civil war of the West in the last two world wars and were determined to defend not only their nation but also our common civilization.

But they also realize somehow that maybe the most intelligent and idealistic members of our societies, in West Germany and the United States, cannot tolerate the struggle for anything less than an ideal solution of the nuclear menace.

One understands. But the demonstrations and the Bundestag vote will tell us a lot about whether the alliance can hold together. Or, if it cannot, whether the isolationist impulse in America, always just under the surface, will divide the Western world once more.●

THE MARCOS PARADOX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 30 minutes.

Mr. BURTON of Indiana. Mr. Speaker, on Monday, an editorial on the turmoil in the Philippines appeared in the Indianapolis Star. I would like to take this opportunity to share it with my colleagues in the House.

The editors write:

The massive rioting that could topple Philippine President Ferdinand Marcos is in itself proof that his much-maligned grip on the country is not the grip of iron, exerted by totalitarian regimes on the populations in their power.

Imposition of martial law would of course tighten control. But the very capacity of anti-Marcos crowds to stage repeated large-scale demonstrations in the streets of Manila is evidence of a relative laxity that is not characteristic of the regimes of Communist countries.

The 1956 uprising in Hungary and the 1978 "spring" in Czechoslovakia were suppressed with a degree of force and thoroughness generally applied only by invading military forces to conquered territories. Troops and tanks moved in. Leaders were shot or imprisoned or subjected to internal exile.

Wholesale intimidation paralyzed the population until the secret police were able to stamp out every speck of potential resistance and the hard-line Communists, on orders from Moscow, established total control.

In Poland, the Solidarity Trade Union Movement was dismantled completely and its leaders and members coerced into what appears to be permanent inaction.

Idealistic Americans are no doubt saddened to see the Philippines engulfed by turbulence that could explode into a bloody civil war.

But so far the riots and demonstrations reflect a lightening rather than a tightening of Marcos' control of the country, even though they could lead to new suppression and wholesale upheaval.

The role of Marcos in the assassination of opposition Leader Benigno Aquino remains speculative and inconclusive. If Marcos actually was behind the plot, it was an uncharacteristically imprudent move for a shrewd, normally sagacious head of state.

Those standing to benefit most from the assassination were, and are, the Communists, as subsequent events have shown. The killing of Aquino ended a period of relative stability in the Philippines. The resultant waves of violence are a greater menace than Aquino alive would have been.

The turmoil has hurt United States-Philippine friendship, which is among other things a keystone of U.S. defense in the Pacific, as it has been for many decades: Witness the Japanese attack and occupation and the long series of bitter air, sea, and island battles, so costly in American lives

and treasure, that were necessary to recapture the islands in World War II.

Moscow has been doing all that it can to damage relations between the United States and the Philippines. A parliamentary delegation from the Philippines visited the Soviet Union late last year.

The U.S.S.R. has been cultivating parliamentary opposition to Marcos and waging an anti-United States, anti-European propaganda campaign stressing, among other things, "Asia for Asians", which the Soviets seem to think they qualify as being by virtue of Siberia. These phases of Soviet policy are confirmed by stories in Pravda.

Among the chief targets of Soviet strategy are the five U.S. bases in the Philippines, including the Clark Field Air Base and Subic Bay Naval Station, the two largest U.S. bases abroad. A Soviet-linked group founded a coalition against the bases aimed at closing them and has fomented a number of demonstrations against them.

The Communist scenario for the Philippines might be expected to unfold along the lines of the scenario employed for Iran, with Marcos in the role of the shah as the heavy doomed to exile or death.

The pro-United States, military and politicians allied, will be portrayed as fascist beasts, and the United States will pull the rug from under them as is did with the friendly military in Iran. The opposition will be depicted, as the Ayatollah Khomeini and Iranian revoluntionists were, as goodhearted patriots with noble motives.

If all goes as the Kremlin would have it, a Communist-controlled or Communist-infiltrated, anti-United States, anti-Western regime will seize power, pro-United States officers and politicians will be executed, Americans will be encouraged to leave the country, United States and other foreign property will be confiscated and the five U.S. bases, including Clark Field and Subic Bay, will be shut down.

The political storm in the Philippines is much more than local turmoil in a far-off place. It is an international conflict with tremendously high stakes involving our nation's security, future and survival as well as the ultimate freedom of the Filipinos.

If the United States bungles as it did with Iran the harm will be immensely worse than the alienation of Iran. Americans will pay a heavy price for their foolishness. The people of the Philippines are liable to pay the heaviest price of all and before long find themselves looking back upon the worst times under Marcos as "the good old days."

DEMOCRACY AND HUMAN RIGHTS BEST PROTECTION AGAINST COMMUNISM

(Mr. PORTER asked and was given permission to extend his remarks at this point in the RECORD.)

● Mr. PORTER. Mr. Speaker, Henry Kissinger did what our administration has not done sufficiently of late. He told Salvadoran President Alvara Magana that principles of democracy and human rights must be preserved and extended in El Salvador if U.S. support is to continue.

His statements were a reaction to the recent upsurge in murders by right-wing death squads which many believe are connected to Government security forces. Mr. Kissinger said that—

Americans must not be asked to choose between security and human rights—those are the precise areas that are in front-line confrontation between totalitarianism and democracy.

Mr. Speaker, if those who profess to be our friends act exactly like those who are our enemies, clearly it is difficult for us to tell which are which. Has not the world yet learned what it is we value and believe in? Has not the world yet learned that the greatest and truly the only protection from communist-fomented revolution is a people satisfied that the government is their government and is one which does not violate but protects their basic rights as human beings?●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MIKULSKI (at the request of Mr. WRIGHT), for today, after 4:05 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MCCANDLESS) to revise and extend his remarks and include extraneous material:)

Mr. BURTON of Indiana, for 30 minutes, today.

(The following Members (at the request of Mr. PENNY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. KASTENMEIER, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. DONNELLY, for 60 minutes, on October 20.

Mr. KOGOVSEK, for 60 minutes, on October 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCCANDLESS) and to include extraneous matter:)

Mr. MOORHEAD.

Mrs. MARTIN of Illinois.

Mr. DANNEMEYER in two instances.

Mr. DAUB.

Mr. FRENZEL.

Mr. GRADISON.

Mr. RUDD.

Mr. LEACH of Iowa.

Mr. HAMMERSCHMIDT.

Mr. WOLF.

Mrs. SMITH of Nebraska.

Mr. FISH.

Mr. SHUMWAY.

Mr. HUNTER.

Mr. MCKINNEY.

(The following Members (at the request of Mr. PENNY) and to include extraneous matter:)

Mr. SOLARZ.

Ms. KAPTUR.

Mr. LEVINE of California in three instances.

Mr. VENTO.

Mr. PATTERSON.

Mr. ADDABBO.

Mr. KASTENMEIER.

Mr. KILDEE.

Mr. MORRISON of Connecticut in two instances.

Mr. ZABLOCKI in two instances.

Mr. MINETA.

Mrs. BURTON of California.

Mr. ROE in two instances.

Mr. FRANK.

Mr. KOLTER.

Mr. PEPPER.

Mr. CONYERS in two instances.

Mr. SKELTON in two instances.

Mrs. BOXER.

Mr. OTTINGER.

Mr. PATMAN.

Mr. WIRTH.

Mr. LEHMAN of California in two instances.

Mr. JACOBS.

Mr. RAHALL.

Mr. HUBBARD.

Mr. BONER of Tennessee.

Mr. DYSON.

Ms. OAKAR.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 19, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2009. A letter from the Assistant Secretary of the Interior, transmitting certification that an adequate soil survey and land classification has been accomplished on the LaMoure section, block I area of the Garrison Diversion Unit, N. Dak., pursuant to the act of July 31, 1953, chapter 298, section 1; to the Committee on Appropriations.

2010. A letter from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting notice of the Air Force's decision to convert to contractor performance the word processing function at Randolph Air Force Base, Tex., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2011. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report on the progress in the prevention and control of air pollution in 1980 and 1981, pursuant to section 313 of

the Clean Air Act, as amended; to the Committee on Energy and Commerce.

2012. A letter from the Deputy Administrator, General Services Administration, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2013. A letter from the Secretary, U.S. Railway Association, transmitting a report of the association's activities under the Government in Sunshine Act for 1981 and 1982, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2014. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations governing a trade association's request and receipt of solicitation authorization from a member corporation, pursuant to section 311(d), Public Law 92-255, as amended; to the Committee on House Administration.

2015. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting a statement by the Commission entitled, "Religion in the Constitution: A Delicate Balance," pursuant to section 104(c) of Public Law 85-315; to the Committee on the Judiciary.

2016. A letter from the Assistant Secretary of the Interior, transmitting the third annual report on the establishment of an oil and gas leasing program for the non-North Slope Federal lands, pursuant to section 1008(b)(4) of Public Law 96-487; to the Committee on Interior and Insular Affairs.

2017. A letter from the Comptroller General of the United States, transmitting a report on the Federal Savings & Loan Insurance Corp.—recent management and outlook for the future (GAO/GGD-84-3; October 14, 1983); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

2018. A letter from the Comptroller General of the United States, transmitting a review of the audit of the National Consumer Cooperative Bank's financial statements for the year ended December 31, 1982 (GAO/AFMD-83-101; September 30, 1983); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

2019. A letter from the Chairman of the Board, U.S. Railway Association, transmitting the reports of consultants who assisted in determining the fair market value of the Alaska, previously submitted in September (Ex. Com. No. 1917), pursuant to section 605(d)(1) of Public Law 97-468; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONIOR: Committee on Rules. House Resolution 336. Resolution providing for the consideration of H.R. 1234. A bill to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States (Rep. No. 98-413). Referred to the House Calendar.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2898. A bill to declare certain lands to be held in trust for the benefit of the Paiute Indian Tribe of Utah, to establish a fund for the economic development of the tribe into which shall be deposited certain amounts received by the United States as revenue from public lands, and for other purposes; with amendments (Rep. No. 98-414). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 448. A bill to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes; with amendments (Rep. No. 98-415). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2911. A bill to authorize an ongoing program of water resources research, and for other purposes; with an amendment (Rept. No. 98-416). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROYBAL: Committee on Appropriations. H.R. 4139. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-417). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SAM B. HALL, JR.: Committee on the Judiciary. House Resolution 69. Resolution to refer the bill, H.R. 1232, to the Chief Judge of the United States Claims Court; with an amendment (Rept. No. 98-412). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROYBAL:

H.R. 4139. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1984, and for other purposes.

By Mr. AUCOIN (for himself, Mr. MITCHELL, Mr. LUNDINE, Mr. CROCKETT, Mr. BRYANT, Mr. WON PAT, Mr. LIPINSKI, Mr. FROST, Mr. WYDEN, Mr. BEILENSON, Mr. HUGHES, Mr. SEIBERLING, Mr. EDWARDS of California, Mr. BONIOR of Michigan, Mr. FAUNTROY, Mr. GRAY, Ms. KAPTUR, Mr. VENTO, Mr. JEFFORDS, and Mr. HUTTO):

H.R. 4140. A bill to provide for a uniform time limit for closing of polls and for a criminal penalty for early release of results by election officials with respect to Presidential elections; to the Committee on House Administration.

By Mrs. BYRON (for herself and Mr. GOODLING):

H.R. 4141. A bill to amend the Railroad Retirement Act of 1974 to remove the "last employer" limitation on the receipt of certain annuities in cases where the employment concerned is nonrailroad employment compensated at a rate not exceeding $4,800 per annum; to the Committee on Energy and Commerce.

By Mr. FAUNTROY:

H.R. 4142. A bill to direct the Architect of the Capitol to enter into an agreement with the District of Columbia government to relocate certain greenhouse and nursery facilities of the U.S. Botanic Gardens, and to direct the Secretary of the Interior to permit the District of Columbia to construct, maintain, and operate certain transportation improvements on Federal property; jointly, to the Committees on the District of Columbia and House Administration.

By Mr. HANSEN of Utah (for himself, Mr. MARRIOTT, and Mr. NIELSON of Utah):

H.R. 4143. A bill to require the Secretary of the Interior to convey to the city of Brigham City, Utah, certain land and improvements in Box Elder County, Utah; to the Committee on Interior and Insular Affairs.

By Mr. KASTENMEIER:

H.R. 4144. A bill to amend the provisions of titles 18 and 28 of the United States Code commonly called the "enabling Acts" to make modifications in the system for the promulgation of certain rules for certain Federal judicial proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. RODINO, Mr. MOORHEAD, Mr. FISH, Mr. MAZZOLI, Mr. KINDNESS, Mr. FRANK, Mr. MORRISON of Connecticut, Mrs. SCHROEDER, Mr. SAWYER, Mr. SYNAR, Mr. GLICKMAN, Mr. CROCKETT, Mr. HUGHES, Mr. HYDE, Mr. SAM B. HALL, JR., Mr. SMITH of Florida, Mr. AKAKA, Mr. LOWRY of Washington, Mr. WON PAT, Mr. SOLARZ Mr. EDGAR, Mr. LEHMAN of Florida, Mr. STOKES, Mr. SUNIA, Mr. LELAND, Mr. AUCOIN, Mr. OBERSTAR, Mr. PRITCHARD, Mr. FEIGHAN, Mr. BONKER, Mr. MITCHELL, Mr. SIMON, Mr. BEVILL, Mr. GONZALEZ, Mr. FRANKLIN, Mr. MORRISON of Washington, Mr. REID, Mr. HAMMERSCHMIDT, Mr. WEISS, Mrs. VUCANOVICH, and Mr. HERTEL of Michigan):

H.R. 4145. A bill to aid State and local governments in strengthening and improving their judicial systems through the creation of a State Justice Institute; to the Committee on the Judiciary.

By Mr. McKINNEY (for himself, Mr. BLILEY, Mrs. HOLT, and Mr. PARRIS):

H.R. 4146. A bill to increase the number of superior court judges in the District of Columbia; to the Committee on the District of Columbia.

By Mrs. MARTIN of Illinois:

H.R. 4147. A bill to amend the Internal Revenue Code of 1954 to allow deductions for contributions to education savings accounts; to the Committee on Ways and Means.

By Mr. PACKARD:

H.R. 4148. A bill to amend the provisions of the Omnibus Budget Reconciliation Act of 1982 relating to certain reductions in pay of members of a uniformed service holding civilian positions while receiving retired or retainer pay; to the Committee on Post Office and Civil Service.

By Mr. ROE:

H.R. 4149. A bill to amend the Internal Revenue Code of 1954 to allow an individual

a deduction for blood donations, and to allow an individual to take such a deduction whether or not he itemizes his deductions; to the Committee on Ways and Means.

By Mr. SMITH of Florida:

H.R. 4150. A bill to amend the Internal Revenue Code of 1954 to provide that the inclusion of tax-exempt interest in determining the taxation of social security benefits shall not apply to interest on obligations held by the taxpayer before the date of the enactment of the Social Security Amendments of 1983; to the Committee on Ways and Means.

By Mr. TAUKE:

H.R. 4151 A bill to establish a congressional commission to make recommendations on ways to improve the current system of formulating and implementing national security and national defense policy; to the Committee on Armed Services.

By Mr. BERMAN (for himself, Mr. LEVINE of California, and Mr. SMITH of Florida):

H.J. Res. 387. Joint Resolution reaffirming the strong support of the United States for the May 1983 agreement between Israel and Lebanon; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

290. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to vocational rehabilitation programs; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PASHAYAN introduced a bill (H.R. 4152) for the relief of Rodney E. Hoover, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 306: Mr. JACOBS.

H.R. 383: Mr. MITCHELL.

H.R. 893: Mr. DREIER of California.

H.R. 951: Mr. FISH.

H.R. 1013: Mr. WORTLEY and Mr. CARPER.

H.R. 1028: Mr. FISH, Mr. LOWERY of California, Mr. HYDE, and Mr. MOORHEAD.

H.R. 1483: Mr. DWYER of New Jersey.

H.R. 1607: Mr. CAMPBELL.

H.R. 1955: Mr. SAM B. HALL, JR., Mr. HANCE, Mr. MURPHY, Mr. RINALDO, and Mr. ROBERTS.

H.R. 1959: Mr. GILMAN and Mr. STAGGERS.

H.R. 1964: Mr. DWYER of New Jersey.

H.R. 1965: Mr. DWYER of New Jersey.

H.R. 2053: Mr. FORSYTHE and Mrs. HALL of Indiana.

H.R. 2157: Mr. MOLLOHAN.

H.R. 2332: Mr. LANTOS.

H.R. 2377: Mr. MATSUI.

H.R. 2474: Mr. MATSUI, Mr. LANTOS, Mr. BERMAN, and Mr. BEILENSON.

H.R. 2911: Mr. RICHARDSON and Mr. WATKINS.

H.R. 2715: Mr. SWIFT.

H.R. 2918: Mr. SAWYER.

H.R. 3050: Mr. BOEHLERT.

H.R. 3075: Mr. LUKEN, Mr. BILIRAKIS, Mr. WILLIAMS of Ohio, Mr. SMITH of New Jersey, Mr. CONTE, Mr. WEBER, Mr. SISISKY, and Mr. BROOMFIELD.

H.R. 3196: Mr. WISE and Mr. GEKAS.

H.R. 3197: Mr. WISE and Mr. GEKAS.

H.R. 3224: Mr. JACOBS.

H.R. 3289: Mr. LIVINGSTON.

H.R. 3344: Mr. MCCOLLUM, Mr. ROBINSON, Mr. WINN, and Mr. ROBERTS.

H.R. 3353: Mr. BEVILL, Mr. KINDNESS, Mr. MYERS, Mr. OBERSTAR, Mr. MOLLOHAN, Mrs. LLOYD, and Mr. CLINGER.

H.R. 3384: Mr. COLEMAN of Missouri, Mr. RANGEL, Mr. OWENS, Mr. MOAKLEY, Mr. GARCIA, Mr. YOUNG of Missouri, Mr. LELAND, Mr. CLAY, Mr. GONZALEZ, Mr. FRANK, Mr. FLORIO, Mrs. BURTON of California, Mr. ACKERMAN, Mr. DELLUMS, Mr. EDWARDS of California, Mr. HAWKINS, Mr. D'AMOURS, Mr. LEVIN of Michigan, Mr. WEISS, Mr. WHITEHURST, Mr. EDGAR, Mr. NOWAK, Mr. CORRADA, Mr. SCHUMER, Mr. LEHMAN of Florida, Mr. MITCHELL, Mr. KILDEE, Mr. GLICKMAN, Mr. PERKINS, Mrs. BOGGS, Mr. CROCKETT, Mr. VENTO, Mr. WILLIAMS of Montana, Mr. PARRIS, Mr. JEFFORDS, Mr. PANETTA, and Mr. SOLARZ.

H.R. 3561: Mr. FEIGHAN, Mr. KOLTER, and Mr. SYNAR.

H.R. 3621: Mr. LOWRY of Washington.

H.R. 3622: Mr. SIKORSKI.

H.R. 3680: Mr. ACKERMAN, Mr. CONYERS, Mr. EDGAR, Ms. KAPTUR, Mr. OTTINGER, Mrs. SCHROEDER, and Mr. STARK.

H.R. 3711: Mr. WOLF, Mr. BROWN of California, and Mr. WINN.

H.R. 3734: Mr. BROWN of Colorado.

H.R. 3737: Mr. WON PAT, Mr. BEILENSON, Mr. SEIBERLING, Mr. GLICKMAN, Ms. KAPTUR, Mr. MCNULTY, Mr. BEDELL, Mr. GREEN, Mr. HUGHES, Mr. BARNARD, Mr. FAZIO, Mr. LAFALCE, Mr. DASCHLE, Mr. PANETTA, Mr. HUTTO, Mr. BERMAN, Mr. OBERSTAR, and Mr. RIDGE.

H.R. 3755: Mr. RICHARDSON, Mr. SHELBY, Mr. MRAZEK, Mr. DOWNEY of New York, Mr. DURKIN, and Mr. SLATTERY.

H.R. 3790: Mr. NIELSON of Utah and Mr. MARLENEE.

H.R. 3829: Mr. BOSCO, Mr. MINETA, and Mrs. BOXER.

H.R. 3870: Mrs. BOXER.

H.R. 3876: Mr. SIMON and Mr. FRANK.

H.R. 3885: Mr. WYDEN and Mr. WEAVER.

H.R. 3917: Mr. BEVILL, Mrs. BOXER, Mr. EDWARDS of California, Mr. HEFTEL of Hawaii, Mr. LEVINE of California, Mr. ROE, and Mr. SMITH of Florida.

H.R. 3967: Mr. TOWNS, Mr. WEAVER, Mr. ROBERTS, Mr. EVANS of Illinois, Mr. MCHUGH, Mr. SIMON, Mr. FRENZEL, Mr. HUGHES, Mr. SOLOMON, Mr. WEBER, Mr. HORTON, Mr. MITCHELL, Mr. WILSON, and Mrs. BOXER.

H.R. 4021: Mr. HANSEN of Idaho, Mrs. LLOYD, Mr. NICHOLS, Mr. LAGOMARSINO, Mr. BENNETT, Mr. MOORHEAD, Mr. TAUKE, Mr. FORSYTHE, Mr. BEVILL, Mr. WINN, Mr. COATS, and Mr. HYDE.

H.R. 4052: Mr. COLEMAN of Texas, Mr. SPRATT, and Mr. STANGELAND.

H.R. 4078: Mr. MCNULTY and Mr. MCKINNEY.

H.R. 4102: Mr. PEPPER, Mr. DICKS, Mr. LOWRY of Washington, and Mr. DURBIN.

H.R. 4110: Mr. YATES.

H.J. Res. 93: Mr. WHITLEY.

H.J. Res. 103: Mr. BROYHILL, Mr. GOODLING, Mr. HARKIN, Mr. ROSE, and Mr. SYNAR.

H.J. Res. 193: Mr. FRENZEL.

H.J. Res. 243: Mr. RALPH M. HALL, Mr. HUNTER, and Mr. LEWIS of Florida.

H.J. Res. 260: Mr. SABO and Mr. KRAMER.

H.J. Res. 275: Mr. PATMAN and Mr. COURTER.

H.J. Res. 313: Mr. GOODLING.

H.J. Res. 330: Mr. ALBOSTA, Mr. ANDREWS of Texas, Mr. ASPIN, Mr. ADDABBO, Mr. BARNARD, Mr. BARNES, Mr. BERMAN, Mr. BEVILL, Mr. BOEHLERT, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BOUCHER, Mr. CHAPPELL, Mr. CARR, Mr. CARNEY, Mr. CLINGER, Mr. COATS, Mr. COOPER, Mr. D'AMOURS, Mr. DAUB, Mr. DERRICK, Mr. DEWINE, Mr. DOWDY of Mississippi, Mr. DURBIN, Mr. DYSON, Mr. DYMALLY, Mr. EDGAR, Mr. ENGLISH, Mr. FAZIO, Mr. FISH, Mr. FRANK, Mr. FRENZEL, Mr. GARCIA, Mr. GAYDOS, Mr. GONZALEZ, Mr. HATCH, Mr. HARRISON, Mrs. HOLT, Mr. HORTON, Mr. HUTTO, Mr. KASICH, Mrs. KENNELLY, Mr. KOGOVSEK, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LANTOS, Mr. LEVINE of California, Mr. LUKEN, Mr. MATSUI, Mr. MCCLOSKEY, Mr. MCGRATH, Mr. MCHUGH, Mr. MARTINEZ, Mr. MOAKLEY, Mr. MOLINARI, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. MURPHY, Mr. NIELSON of Utah, Ms. OAKAR, Mr. O'BRIEN, Mr. OLIN, Mr. OTTINGER, Mr. ORTIZ, Mr. OWENS, Mr. PASHAYAN, Mr. PATTERSON, Mr. QUILLEN, Mr. RAHALL, Mr. REID, Mr. RICHARDSON, Mr. SCHEUER, Mr. SISISKY, Mr. STANGELAND, Mr. TAUZIN, Mr. TORRICELLI, Mr. TOWNS, Mr. WAXMAN, Mr. WEISS, Mr. WHITEHURST, Mr. WHITLEY, Mr. WILSON, Mr. WINN, Mr. WON PAT, Mr. WORTLEY, Mr. YATRON, Ms. MIKULSKI, Mr. LIPINSKI, Mr. DANIEL, Mr. GREGG, Mr. DAVIS, and Mr. FIELDS.

H.J. Res. 341: Mr. CHAPPELL, Mr. DAUB, Mr. SAM B. HALL, JR., Mr. MCCANDLESS, Mr. NIELSON of Utah, Mr. SPRATT, Mr. VENTO, and Mr. WINN.

H.J. Res. 375: Mr. FASCELL.

H. Con. Res. 43: Mr. GONZALEZ, Mr. PATTERSON, Mr. KILDEE, Mr. BOSCO, Mr. ZABLOCKI, Mr. EVANS of Illinois, Mr. CONYERS, Mr. MCEWEN, and Mr. ADDABBO.

H. Con. Res. 165: Ms. FERRARO, Mr. VENTO, and Mr. LEVIN of Michigan.

H. Con. Res. 178: Mr. WALGREN, Mr. ALEXANDER, Mr. HUGHES, Mr. COOPER, Mr. LANTOS, Mr. LEACH of Iowa, Mr. YOUNG of Alaska, Mr. BILLEY, Mr. KOSTMAYER, Mr. FORD of Tennessee, Mr. MCKINNEY, Mr. PEASE, Mr. COLEMAN of Missouri, Mr. FAZIO, Mr. BIAGGI, Mr. WINN, Mr. WHEAT, Mr. CLAY, Mr. TAUKE, Mr. HOYER, Mr. VENTO, Mr. LEVINE of California, Mr. BATEMAN, Mr. WON PAT, Mr. MRAZEK, Mr. JACOBS, Mr. WILSON, Mrs. MARTIN of Illinois, Mr. CORCORAN, Mr. LEATH of Texas, Mr. DYMALLY, Mr. ROGERS, Mr. SAWYER, Mrs. BOXER, and Mr. LEVIN of Michigan.

H. Con. Res. 188: Mr. BROWN of California and Mr. LUJAN.

H. Res. 278: Mr. LIVINGSTON, Mr. DE LUGO, Mr. BEVILL, and Mr. ZABLOCKI.

H. Res. 334: Mr. LEACH of Iowa.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2262: Mr. KASICH.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

253. By the SPEAKER: Petition of the Bonita Springs Democratic Club, Inc., Bonita Springs, Fla., relative to nuclear arms; to the Committee on Foreign Affairs.

254. Also, petition of the National Assembly of the Republic of Korea, relative to the anniversary of the signing of the Mutual Defense Treaty; to the Committee on Foreign Affairs.

255. Also, petition of the Romanian Baptist Association of United States and Canada, Chicago, Ill., relative to prayer in schools; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2655

By Mr. McCANDLESS:

—Page 16, strike out lines 18 through 22, and insert in lieu thereof the following:

(2) in subsection (b)—

(A) in paragraph (1) by striking out, "pursuant to the provisions of paragraph (2) of this subsection",

(B) by striking out all of paragraph (2), and

(C) in paragraph (3)—

(i) by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1)", and

(ii) by redesignating paragraph (3) as paragraph (2).

Page 17, line 3, strike out "and".

Page 17, after line 5, insert the following new subparagraph:

"(C) by inserting before the period the following: ', except that such terms shall include any mentally retarded individual or individuals regardless of chronological age', and".

H.R. 2968

By Mr. BOLAND:

—On page 5, strike out everything that follows line 19 through line 3 on page 6 and insert in lieu thereof the following:

PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA; AUTHORIZATION OF OVERT INTERDICTION ASSISTANCE

SEC. 108. The Intelligence Authorization Act for Fiscal Year 1983 is amended by adding at the end thereof the following new title:

"TITLE VIII—PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA; AUTHORIZATION OF OVERT INTERDICTION ASSISTANCE

"PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA

"SEC. 801. (a) None of the funds appropriated for fiscal year 1983 or 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

"(b) This section shall take effect upon the date prescribed in the classified annex to the report of the Permanent Select Committee on Intelligence of the House of Representatives to accompany the bill H.R. 2760 (98th Congress).

"AUTHORIZATION OF OVERT INTERDICTION ASSISTANCE

"SEC. 802. (a) The Congress finds that—

"(1) in the absence of a state of declared war, the provision of military equipment to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America violates international treaty obligations, including the Charter of the United Nations, the Charter of the Organization of American States, and the Rio Treaty of 1949; and

"(2) such activities by the Governments of Cuba and Nicaragua threaten the independence of El Salvador and threaten to destablize the entire Central American region, and the Governments of Cuba and Nicaragua refuse to cease those activities.

"(b) The President is authorized to furnish assistance, on such terms and conditions as he may determine, to the government of any friendly country in Central America in order to provide such country with the ability to prevent use of its territory, or to prevent to the extent permitted by international law the use of international territory, for the transfer of military equipment from or through Cuba or Nicaragua or any other country or agents of that country to any individual, group, organization, or movement which the President determines seeks to overthrow the government of such friendly country or the government of any other country in Central America. Assistance under this section shall be provided openly, and shall not be provided in a manner which attempts to conceal United States involvement in the provision of such assistance.

"(c) Assistance may be provided to a friendly foreign country under this section only if that country has agreed that it will not use any assistance provided by the United States under this section, the Foreign Assistance Act of 1961, or the Arms Export Control Act to destabilize or overthrow the government of any country in Central America and will not make any such assistance available to any nation, individual, group, organization, or movement which seeks to destabilize or overthrow any such government.

"(d) At least 15 days before providing assistance to a foreign country under this section, the President shall submit an unclassified report which describes the proposed assistance to the Speaker of the House of Representatives and to the chairman of the appropriate committees of the Senate.

"(e) There is authorized to be appropriated to the President to carry out this section $30,000,000 for the fiscal year 1983 and $50,000,000 for the fiscal year 1984.

"(f) Funds to carry out this section shall be made available for any friendly country in Central America only for the purpose of interdicting the transfer of military equipment to any country in Central America.".

SEC. 2. (a) The Congress finds that—

(1) the Government of National Reconstruction of Nicaragua has failed to keep solemn promises, made to the Organization of American States in July 1979, to establish full respect for human rights and political liberties, hold early elections, preserve a private sector, permit political pluralism, and pursue a foreign prolicy of nonaggression and nonintervention;

(2) by providing military support (including arms, training, and logistical, command and control, and communications facilities) to groups seeking to overthrow the Government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated article 18 of the Charter of the Organization of American States which declares that no state has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other state;

(3) the Government of Nicaragua should be held accountable before the Organization of American States for activities violative of promises made to the Organization and for violations of the Charter of that Organization; and

(4) working through the Organization of American States is the proper and the most effective means of dealing with threats to the peace in Central America, of providing for common actions in the event of aggression, and of providing the mechanisms for peaceful resolution of disputes among the countries of Central America.

(b) The President shall seek a prompt reconvening of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States for the purpose of reevaluating the compliance by the Government of National Reconstruction of Nicaragua—

(1) with the commitments made by the leaders of that Government in July 1979 to the Organization of American States; and

(2) with the Charter of the Organization of American States.

(c) The President shall vigorously seek prompt actions by the Organization of American States that would provide for a full range of effective measures by the member states to bring about compliance by the Government of National Reconstruction of Nicaragua with those obligations, including verifiable agreements to halt the transfer of military equipment and to cease furnishing of military support facilities to groups seeking the violent overthrow of governments of countries in Central America.

(d) The President shall use all diplomatic means at his disposal to encourage the Organization of American States to seek resolution of the conflicts in Central America based on the provisions of the Final Act of the San Jose Conference of October 1982, especially principles (d), (e), and (g), relating to nonintervention in the internal affairs of other counties, denying support for terrorist and subversive elements in other states, and international supervision of fully verifiable arrangements.

(e) The United States shall support measures at the Organization of American States, as well as efforts of the Contadora Group, which seek to end support for terrorist, subversive, or other activities aimed at the violent overthrow of the governments of countries in Central America. Funds authorized to be appropriated by this Act may be used to provide United States support for activities with respect to Nicaragua which are designed to end the conflict in the region and which are approved by the Organization of American States, including international surveillance and supervision activities, peacekeeping forces, border patrols, and election supervisors.

(f) Not later than March 15, 1984, the President shall report to the Congress on the results of his efforts pursuant to this Act to achieve peace in Central America and to end the flow of arms to Central America. Such report may include such recommendations as the President may consider appropriate for further United States actions to achieve these objectives, including requests for the authorization and appropriation of additional funds to carry out the purposes of this Act.

By Mr. ROBINSON:

—Strike all after "SEC. 108" insert "in lieu thereof."

On page 5, line 22, immediately after "SEC. 108," strike all through page 6, line 3, and insert the following:

"(a) After 60 days from the date of enactment, none of the funds authorized to be appropriated by the Act may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, if by that date, the Government of Nicaragua has: (1) reaffirmed the commitments it made to the Organization of American States in July 1979, (2) concluded the treaties and other international documents necessary to implement the objectives contained in the Document of Objectives agreed to at the September 7-10 meeting of the Contadora Four and the Central American countries, and (3) ceased all activities involving the furnishing of arms, personnel, training, command and control facilities or logistical support for military or paramilitary operations in or against any country in Central America or the Caribbean; the reaffirmation of such commitments, the conclusion of such documents, and the cessation of such activities has been verified by the General Assembly of the Organization of American States or the President of the United States in a report to Congress.".

—On page 5, line 22, immediately after "SEC. 108.," insert "(a)."

On page 6, between lines 3 and 4, insert the following:

"(b) The prohibition contained in subsection (a) shall take effect when—

"(1) the Government of National Reconstruction of Nicaragua has ceased its activities (including the furnishing of arms, personnel, training, command and control facilities and logistical support) in support of military or paramilitary operations by antigovernment forces in any country in Central America or the Caribbean;

"(2) a reciprocal and verifiable agreement has entered into force among Government of National Reconstruction of Nicaragua and the other governments of the region on the basis of the 21-point Document of Objectives adopted on September 10, 1983, by the governments of Colombia, Mexico, Panama, Venezuela, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua; and

"(3) the cessation of such activities, and the entry into force of the agreement, has been verified by the General Assembly of the Organization of American States, or by the President of the United States in a report to the Congress.".

H.R. 3231

By Mr. COURTER:

Amendments to the amendment in the nature of a substitute (text of H.R. 3646).)

—Page 13, insert the following after line 6:

"(5) Agreement to accord treaty status to the agreement of the Committee on multilateral export controls."

Page 13, line 7, strike out "(5)" and insert in lieu thereof "(6)".

Page 13, line 15, strike out "(6)" and insert in lieu thereof "(7)".

—Page 14, line 4, strike out "If" and all that follows through "involved." on line 8.

Page 16, line 18, strike out "If" and all that follows through "involved." on line 22.

By Mr. COURTER:

—Page 8, line 19, insert "(a)" after "SEC. 105.".

Page 9, insert the following after line 16:

(b) Section 4(c) of the Act is amended—

(1) by striking out "significant" and inserting in lieu thereof "comparable"; and

(2) by inserting after "those produced in the United States," the following: "so as to render the controls ineffective in achieving their purposes,".

Page 13, insert the following after line 19:

SEC. 108. (a) Section 5(f) of the Act (50 U.S.C. App. 2404(f)) is amended in paragraphs (1) and (2) by striking out "sufficient" each place it appears and inserting in lieu thereof "comparable".

Page 13, strike out line 20 and "2404(f)(4))" on line 21 and insert in lieu thereof the following:

(b) Section 5(f)(4) of the Act.

Redesignate succeeding subsections accordingly.

—Page 14, line 17, insert the following immediately after the first period: "Each applicant shall submit information in support of any such representations, including information on the following: cost, reliability, the availability and reliability of spare parts and the cost and quality thereof, maintenance programs, technical data packages, backup packages, durability, quality of end products produced by the item proposed for export, and scale of production.".

H.R. 3324

By Mr. BEREUTER:

—Page 2, strike out lines 3 through 20.

H.R. 3648

By Mr. MORRISON of Connecticut:

—At the end of the bill, add the following new section:

INTERCITY PASSENGER SERVICE EMPLOYEES

SEC. 214. Section 1165 of the Northeast Rail Service Act of 1981 is amended by adding at the end the following new subsection:

"(c) In the operation of the rail service described in subsection (a) of this section, Amtrak shall employ firemen to the same extent as such firemen were employed on such service before Jaunary 1, 1983.".

—At the end of the bill, add the following new section:

INTERCITY PASSENGER SERVICE EMPLOYEES

SEC. 214. Section 1165 of the Northeast Rail Service Act of 1981 is amended by adding at the end the following new subsection:

"(c) Amtrak shall commence negotiations, after the date of enactment of the Amtrak Improvement Act of 1983, with the representatives of Conrail employees and former Conrail employees who served as firemen on the rail service described in subsection (a) of this section before January 1, 1983, with respect to the terms and conditions of employment of firemen on such service after such date.".

EXTENSIONS OF REMARKS

"BLACKSPOT" POLICY OF SOUTH AFRICA

HON. ROBERT J. MRAZEK
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. MRAZEK. Mr. Speaker, several months ago, I introduced House Concurrent Resolution 122 which expressed the sense of the Congress that the Republic of South Africa cease its "blackspot" policy of removing black South Africans from their ancestral land and relocating them.

The spirit behind this legislation is embodied in the words of Saul Mkhize who was shot to death by the South African police while opposing the Government's attempt to force him to surrender land that his family had owned for three generations. "We do not wish to be rebellious in any way, but only to continue to live our lives in our own environment."

At this point, I would like to call your attention to an excerpt from an article on the South African Homelands policy which appeared in last weekend's New York Times Magazine section. Through horrifying statistics and startling facts, this article brings to light the callousness and injustice of the unconscionable apartheid system.

Our Government must let the Republic of South Africa know that the homelands policy is a flagrant abuse of the U.N. Charter and its covenant of the Universal Declaration of Human Rights. Failure to send a message of our Nation's continued commitment to the principles of human rights and human dignity would amount to a breach of faith with the freedom-loving people of the world.

The article follows:

MISERY IN A SOUTH AFRICAN "HOMELAND"

(By Joseph Lelyveld)

When he rose to speak, the general was still wearing his cap, with the full complement of ornamental braid due his rank. Solemnly, he gave his undergraduate audience a rigid salute. The white, rosy-cheeked expressions turned up to him could not have been more earnest had they been in church. And the general easily slipped into an evangelist's role, depicting a conflict between forces of light and darkness. The former, it went without saying, were well represented in this lecture hall at the University of the Orange Free State in Bolemfontein, an Afrikaans-language citadel not noted for its tolerance of wayward ideas. The forces of darkness were the "terrorists," black South Africans manipulated by the "dragon" of international Communism. It was exactly what might have been expected in Bloemfontein, except for one conspicuous detail: The general, Xhanti Charles Sebe, Director of State Security of the supposedly independent "homeland" of Ciskei, was black.

More than pigmentation made him a surprising figure. A handful of young Afrikaners in the hall seemed uneasily aware that here was a black man who surpassed them in ideological commitment; from their point of view, he was almost too good to be true. The coiled energy and enthusiasm in the man came out in a gravelly voice and staccato articulation. When he spoke of "the devilish, destructive actions of trained terrorists," he squeezed off each syllable like a retaliatory shot.

The retaliation he threatened was more than mimetic. Scornfully, he dismissed the condemnation aroused last year by a South African military raid on houses used by the underground African National Congress in the tiny, internationally recognized black state of Lesotho. "Next time it will not be the South African defense force," he promised with what may have only sounded like bravado, given the fact that his fledgling army already had a unit in parachute training. The Republic of Ciskei—fourth among South Africa's 10 "homelands" to accept the ambiguous sovereignty that Pretoria offers its former tribal reserves as a way of diffusing the demand for black political rights—would "fight side by side with the Republic of South Africa," he vowed. With that, nearly all the white hands in the hall were clapping.

The young Afrikaners, reared in the dominant white group, had reason to applaud: For one evening, at least, Charles Sebe had turned the world's view of the South African conflict inside out, offering himself as proof that the conflict wasn't racial, that their system of partition and exclusion had black support. What seemed uncanny and, in Bloemfontein's perspective, unreal about this unabashed black militarist was his easy assumption of power. Here was a black man who (with the active sponsorship of the South African security police, in which he once served) had probably amassed more power for his own use within the structure of the apartheid system than any black before him.

"My President is prepared for any eventuality with his elite garrison of men," the general boasted, verbally genuflecting before Ciskei's "President for Life," his own elder brother, Lennox L. Sebe. He was trying to impress, but there was one eventually he obviously failed to contemplate until too late: Two months later—last July—he found himself behind bars in one of his own prisons, put there by his own brother.

Ciskei can be seen as a Zion for Xhosa-speaking blacks or as a backwater bailiwick for black opportunists. Either way, it has become a sinkhole of despair and social misery into which the white authorities continue to pour surplus blacks from adjacent white areas. This process—known euphemistically as "resettlement," bluntly as "removal," or cynically as "repatriation"—quickly nullifies the meager benefits of a few development projects. South Africa earns billions from its gold and other mineral exports, but malnutrition and infant mortality rates in some of the resettlement camps are on a par with Bangladesh. About one in every four persons living within the territory's borders has been deposited there since 1970, when the population was half its present level of 700,000. And still the process—which is said to have moved more than two million blacks in South Africa as a whole—grinds on.

Against such a backdrop, the rise and fall of Charles Sebe may seem nothing more than an invitation to satire, a ludicrous episode in the chronicle of black mischief—and white mischief—that is being written in the black homelands. But, beyond satire, the feud between the Sebe brothers—which had its obscure origins in a fight between their sons and the indiscreet mention of a family secret that, after all, the two brothers did not have a common father—seemed to suggest that one of the key strategems of the updated and streamlined apartheid state might have definite limitations: its use of blacks to smother black protest. For when Lennox Sebe moved to ditch his brother, he discovered how much resentment had been aroused among his own tribal supporters by the miniature police state the general had been fashioning in the President's name. The very qualities that made Charles Sebe invaluable to the whites—his enthusiasm and instinct for power—made him a liability, and finally even a threat, to his filial senior partner.

Both South Africa's Foreign Minister and Police Commissioner tried to induce the President to restore the general to his position of command, but they were faced with a Catch-22 of their own devising: Lennox Sebe, a former preacher and school inspector who was subject to spells of depression, was, in their view—even if no one else really believed it—the head of a sovereign state.

Those—like the proponents of "constructive engagement" in the Reagan Administration—who have persuaded themselves that an evolutionary movement away from apartheid is gathering force in South Africa don't focus for long on the promotion of black satrapies like Ciskei. They look instead at the gains made by some urban blacks: Still disenfranchised, still pent-up in segregated ghettos and schools, they have been conceded, at least, limited rights as homeowners and members of trade unions. Those who contend that apartheid is merely getting a face lift point to the homelands as the fulfillment of the racial ideology of 30 years ago; they point to Ciskei and the Sebes not to show a forgotten offshoot of the Government's programs but their main thrust. The fact that both kinds of change go on simultaneously can be used to demonstrate either the deviousness or the confusion of the white regime. But it can hardly be denied that Ciskei—a wedge of territory about half the size of Connecticut, carved out of the eastern part of Cape Province as one of two Xhosa homelands—reveals the South African conflict in its starkest, rawest form.

Historically, it is South Africa's racial frontier and cockpit, the region where blacks and whites first met and clashed. Warfare between white settlers and Xhosa

tribesmen was endemic throughout the 19th century. But it is also the region where blacks and whites first mixed, where the urge for political equality was first felt and expressed, largely as a result of missionary schooling that shaped several generations of black leaders. Before the African National Congress was banned and forced underground 23 years ago, the eastern Cape was its acknowledged stronghold.

The other Xhosa homeland, found on the eastern side of the Kei River, is called Transkei. Between the two, there is a buffer running north from the Indian Ocean port of East London, seldom more than 30 miles wide, that is known as the "white corridor," after its 90,000 white inhabitants, whose interests were deemed to outweigh those of some 3 million Xhosa-speaking blacks to whom the entire southeastern part of the country could have been ceded had the white Government really intended to spawn a credible black state. The fact that the two Xhosa states are now regarded as sovereign has a weird payoff for all Xhosa-speaking blacks left in what is deemed to be South Africa: Under the country's laws, they can all be classed as foreigners, even those who have never set foot in Ciskei or Transkei; and if they want the vote, they can be told they already have it—"in your own country."

"My President has a philosophy," General Sebe informed me the first time I met him, a week before Ciskei was proclaimed independent on Dec. 4, 1981. "It is a philosophy of a meal a day." He was quoting a promise enshrined as the seventh point in President Sebe's 10-point program. "All problems start with starvation," the President later told me, elucidating his credo. "If you keep a man hungry for 12 hours, he will steal. If you keep him hungry for 24 hours, he will commit murder. So the first basic thing is to make a man have a meal."

In Ciskei, it is not always easy. My grant labor has long been the territory's only significant export. Now, as the need for jobs grows more desperate, their availability declines. A rural black who abides by the "influx control" regulations that South Africa has erected as a barrier has no opportunity to look for work, and no real choice about the job he takes when work finally becomes available.

"When I say there are 40 jobs to fill," a Ciskei magistrate said, "500 people turn up."

This damming of unemployment and discontent is general througout the homelands, behind the pretentious facades rising in the new capitals, the luxury residences for their Cabinet ministers and the flashy casino hotels that are supposed to lure free-spending whites into the bush—all in the name of development and "self-determination." Taken together with the urban townships that have been gerrymandered into the black states, the homelands now hold about 53 percent of the total black population of more than 23 million on a mere 13 percent of the land the world knows as South Africa. Few white South Africans have ever heard of, let alone glimpsed, Phuthaditjhaba, Siyabuswa or Giyani, to name a few of the new homeland capitals being raised at extravagant cost. But their surrogates, the white officials who are responsible for the homeland system, are driven by a tautological article of faith: It must work because it has to work; otherwise, they tell themselves, they will be engulfed.●

FLORIDA POWER & LIGHT CO. RECEIVES WELL-DESERVED RECOGNITION

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. FUQUA. Mr. Speaker, all too often we hear of conflicts between utility companies and those they serve. We hear of reports that the utility is a bad corporate citizen and we hear complaints.

Florida Power & Light, with operations in my congressional district and throughout Florida, has just received a citation from the Department of the Interior in honor of their efforts to preserve wildlife in Florida. I reprint the citation here and urge all to take note of what a company can do when they set their mind to serving their customers, their State, and their nation. This wildlife protection program has been an enormous success and deserves the recognition it has received.

THE SECRETARY OF THE INTERIOR,
Washington.

CITATION FOR CONSERVATION SERVICE, FLORIDA POWER AND LIGHT COMPANY

In recognition of contributions and services of direct, national significance to the missions of the Department of the Interior in the fields of research and preservation of endangered species.

The Florida Power and Light Company is a leader among public utilities and industrial entities in making compatible the needs of wildlife, upon whose habitats it must necessarily impinge, with its basic mandate to respond to the needs for electric power of a burgeoning population in the areas that it serves. This Company, the fourth largest utility in the Nation, has taken effective measures to protect the future of the several endangered and threatened species which occur in or adjacent to its properties through a program of accommodation to the needs of the affected species. Furthermore, it initiated in the early 1970's, a major and extensive research and management program for them. Where real or potential conflicts have been identified, the Company has taken positive actions to minimize adverse consequences and to work with government agencies to insure successful co-existence. The Company's efforts have had a major impact in assuring the continued survival of the Southern bald eagle, the West Indian manatee, the American crocodile, and several species of sea turtles. Florida Power and Light Company has expended both funds and effort in statewide public relations programs to protect the endangered Florida manatee. These efforts extend far beyond their corporate boundaries and involve their funding of Federal and state projects. The many initiatives undertaken by the Company in the careful and caring management of endangered species are characteristic of an organization that has a clear sense of stewardship and a genuine understanding of the role that corporations and governmental entities can share in preserving one of our most precious heritages, the Nation's wildlife. For the exceptional, positive steps that Florida Power and Light Company has taken to assure the recovery of numerous endangered species, the Company is granted the Conservation Service Award of the Department of the Interior.

JAMES G. WATT,
Secretary.●

A BIPARTISAN STATEMENT OF SUPPORT FOR THE UNITED NATIONS

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. LEACH of Iowa. Mr. Speaker, recent statements by U.S. representatives to the U.N. followed by Senate approval of the Kassebaum amendment to cut U.S.-assessed contributions to the United Nations have provoked a national debate in this country over the value of the United Nations to U.S. national interests and the appropriateness of maintaining the United Nations headquarters in the United States.

President Reagan responded to that debate by addressing the United Nations General Assembly on September 26, 1983, at which time he praised the United Nations proud history of promoting conciliation and helping keep the peace, and pledged that the United States would uphold the original ideals of the United Nations. That was followed by statements from the administration in firm opposition to the Kassebaum amendment.

During recent hearings held by the Subcommittee on Human Rights and International Organizations on the U.S. role in the United Nations, a statement of support for the United Nations was submitted with the endorsement of an impressive bipartisan list of former Secretaries of State, national security advisers, and U.S. representatives to the United Nations. In light of its timeliness and importance, I commend that statement to the attention of my colleagues.

The statement follows:

THE UNITED NATIONS: A STATEMENT OF SUPPORT

"The United Nations is an important instrumentality in the conduct of American foreign policy. Our experience, both in our public and private roles, has brought this home to us.

The United Nations provides this country with a forum for protecting and promoting our own interests as well as for seeking solutions to problems we share with other countries.

It is appropriate as well that this country should be the site of the United Nations, given the vision that has guided us as a nation and given the role we play, on all levels, in the world today.

We all recognize the shortcomings of the United Nations, but we live in a very imperfect and increasingly dangeous world and we must make the best use possible of whatever

means we have for managing the problems that beset us."

George W. Ball, Permanent Representative to the U.N.—1968.

Zbigniew Brzezinski, National Security Adviser—1977-1981.

McGeorge Bundy, National Security Adviser—1961-1966.

Arthur J. Goldberg, Permanent Representative to the U.N.—1965-1968.

Alexander M. Haig, Secretary of State—1981-1982.

Henry A. Kissinger, Secretary of State—1973-1977. National Security Adviser—1969-1974.

Donald F. McHenry, Permanent Representative to the U.N.—1979-1981.

Daniel Patrick Moynihan, Permanent Representative to the U.N.—1975-1976.

Edmund S. Muskie, Secretary of State—1980-1981.

William P. Rogers, Secretary of State—1969-1973.

Dean Rusk, Secretary of State—1961-1969.

John A. Scali, Permanent Representative to the U.N.—1973-1975.

Brent Scowcroft, National Security Adviser—1975-1977.

William W. Scranton, Permanent Representative to the U.N.—1976-1977.

Cyrus R. Vance, Secretary of State—1977-1980.

Andrew Young, Permanent Representative to the U.N.—1977-1979.●

RESPONDNG TO THE KOREAN AIRLINES TRAGEDY

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. DANNEMEYER. Mr. Speaker, in the wake of the shooting down of the South Korean airliner that had wandered over Soviet airspace all of us have been wondering what the United States should do to keep similar, or even worse, incidents from occurring in the future. In search of answers to that question, the Republican Study Committee held some hearings on September 16, at which participating members solicited the recommendations of a number of people well qualified to render knowledgeable suggestions. One of those who appeared to make recommendations was Mr. John M. Fisher, who is president of the American Security Council, an organization which has devoted much time in recent years to promoting peace through strength. Mr. Fisher's prepared remarks, which deal directly with this question of deterrence, are well worth our consideration for they come right to the point which is—words are not always enough to carry the day. Sometimes muscle is required to back them up and, at this time, we do not have the military muscle we should have vis-a-vis the Soviet Union.

Since Mr. Fisher has spent a number of years analyzing U.S. defense policy, as well as the policies of the Soviet Union, his recommendations should not pass unnoticed. I urge Members to reflect on them most seriously and, to that end, I ask unanimous consent that his September 16 remarks be inserted in the CONGRESSIONAL RECORD at this time.

I am honored to have the opportunity to testify before this Committee as you consider what the United States should do in the aftermath of the Soviet mass murder of the 269 innocent passengers aboard Korean Air Lines Flight 007 on September 1.

We are all saddened by this monstrous act. It has doubly affected all of us here today because of the loss of our friend Larry McDonald.

Larry McDonald dedicated his life to fighting the Soviets' ruthless expansion of their empire.

Even in his death, Larry McDonald has made a major contribution to freedom because this massacre and subsequent Soviet statements have brought a sharply increased public understanding that the Soviets will murder and lie when it suits their purpose.

During this period of heightened awareness, you and this Administration have the opportunity to gain acceptance for a new agenda in dealing with Communist expensionism.

But, this must be a long term agenda. Because we are militarily inferior to the Soviet Union, we are simply not in a position to take any action which would correct Soviet behavior in the short term.

In thinking about this, we need to remember that Soviet successes have been possible only because the United States has had neither a goal nor a strategy in this conflict. Instead of a strategy, the United States has had a policy of reacting to Soviet initiatives only when they are perceived as threatening vital United States national interests.

Now, the Soviets have gained a significant nuclear and conventional military superiority over the United States. This, together with the powerful Soviet world-wide propaganda and disinformation network promoting disarmament in the West, makes rebuilding our defenses an urgent necessity.

First, though, we should adopt a national goal in this conflict and a grand strategy based on all elements of our national power—economic, political, and military—to achieve that goal.

On June 8, 1982, before the British Parliament, President Ronald Reagan proposed that this goal shoud be "a world in which all people are at last free to determine their destiny."

To achieve that goal, President Reagan called for a "crusade for freedom" designed to "leave Marxism-Leninism on the ash heap of history" through a "global campaign for democracy."

In this connection, President Reagan declared that, "It is time that we committed ourselves as a Nation—in both the public and private sectors—to assist democratic development."

I believe that most Americans agree with the goal so eloquently expressed by President Reagan and will support the adoption of a national strategy of peace through strength to achieve that goal. We have been working with 139 other national organizations in the Coalition for Peace Through Strength for the adoption and implementation of this strategy.

As you know, the Peace Through Strength Resolution has been sponsored by 54 Senators and 195 Representatives and has been referred to the Senate Armed Services Committee, the House Foreign Affairs Committee and the House Armed Services Committee.

President Reagan was an early endorser of this resolution and it appeared as the defense strategy of the 1980 Republican Convention platform.

The President has said that he will sign this resolution when it is passed by both Houses of Congress.

This resolution has been endorsed by Caspar Weinberger, Secretary of Defense; Gen. John Vessey, Chairman of the Joint Chiefs of Staff; Powell Moore, Deputy Secretary of State for Congressional Relations; and Judge William Clark, National Security Assistant to the President.

This resolution has already been passed by 12 State legislatures.

Whatever the outcome of the conflict between Soviet totalitarianism and democracy, the result is sure to be "peace through strength." What is being decided now is whose strength and whose peace.

So, we urge that you work for early passage of the resolution. This will provide the general concepts and serve as a yardstick to measure individual programs.

Unless the United States speedily adopts such a strategy to coordinate its national security efforts, it is doomed to ineffctual policies, uncoordinated responses to Soviet aggression, and ultimately, a great growth in the power and influence of the Soviet Union.

And, we must act now to rebuild our military posture.

Passage of the Defense Authorization Bill yesterday does not send much of a signal to the Soviets. It will only slow down the rate at which the Soviets are increasing their military superiority over the United States. They are still spending three times as much as the United States on strategic forces—and have been for over a decade.

This ad, which we ran in the Washington Post and Washington Times on Wednesday of this week, shows the result of this dramatically different level of spending.

Senator John Tower, as a co-sponsor of the Peace Through Strength Resolution in the Senate explained the need for rebuilding our forces as follows:

"Democracy does not need military power to win the fight for the minds of men. Democracy needs nothing more than energetic advocates and a world political environment in which it can demonstrate its superiority.

"The key to a peace through strength strategy is to achieve our goals without armed conflict. To do this, we must deter the Soviets from starting a war.

"History shows that only superior war fighting capability can deter an aggressor. Forces that cannot win cannot deter.

"The United States can have a superior war fighting capability without the cost of across-the-board numerical superiority if it exploits advanced technology such as the cruise missile and space-based laser."

We must spend whatever is necessary to rebuild a superior war fighting capability. That is the most cost effective approach—deterrence is cheaper than war.

However, we need not wait until we have regained a superior war fighting capability to start rolling back Marxism-Leninism into "the ash heap of history."

You can start by working to reverse the vote on covert aid to the Nicaraguan Freedom Fighters and, push for vastly increased aid—enough to throw the Communists off their beachhead on the North American

mainland! That is the kind of signal the Soviets will understand.

We also recommend that you do the same thing for the Freedom fighters in Afghanistan and Angola (after repealing the Clark amendment).

This will likely lead to victories in Nicaragua and Angola. Such a defeat of Communism is long overdue.

This would signal that the United States can be counted on as a reliable friend and would open up other opportunities to roll back Communism.

I believe that if you and this Administration take the lead, the majority of the American people would back you.

And, you would have organized support, for example, member organizations of the Coalition for Peace Through Strength have prepared a declaration of support for the Nicaraguan freedom fighters which urges vastly increased support so that they can win.

We are still gathering signatures, but already 135 national organizations have signed the declaration and have committed to work to an in defense of America project to counter the massive propaganda and disinformation campaign designed to get the United States to abandon its friends in Central America.

The signers include the Veterans of Foreign Wars, Teamsters Union, American Conservative Union and AMVETS.

The Veterans of Foreign Wars has gone further, and will be raising money for Humanitarian/Truth aid for Nicaraguan Freedom Fighters.

We will soon launch a campaign to get 1,000,000 individual Americans to sign this declaration and become honorary Nicaraguan Freedom Fighers.

We congratulate you for your leadership in considering what can be done effectively.

We will continue to cooperate with you in every way possible.●

EQUAL PAY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Ms. KAPTUR. Mr. Speaker, women workers in this country continue to be the victims of wage discrimination. Data from the Department of Labor attests to the pay inequity reality.

At the beginning of 1980, women had generally the same earnings relative to men that they had at the beginning of the 1970's. Women who work full time earn about 60 percent as much as men. Women workers with 4 or more years of college education had about the same income as men who had only 1 to 3 years of high school. Similarly women high school graduates employed full time had about the same income on average as fully employed men who had not completed elementary school. A recent study by Bailey & Burrell found that 7 years after graduating from Harvard Law School, 25 percent of men and only 1 percent of women were partners in law firms. The average salaries of graduates of Harvard School of Public Health were $37,800 a year of men and $21,300 for women. The survey further analyzed Harvard graduates in other fields and found that women graduates had consistently lower salaries regardless of marital or family status. The study concluded that there was "convincing evidence that subtle biases continue to constrain the career development of many women."

The earnings of women relative to men are higher in most other industrial countries and have increased while the relative position of American women has declined. One reason for this is that women continue to constitute a large proportion of workers in lower paid, traditional jobs, such as clerical workers, service workers, and retail service workers. While studies have found that labor market factors account for some of the male-female earnings differences, the greatest contributing factor is attributable to institutional discrimination, especially job discrimination.

A recent decision in a Washington State lawsuit regarding equal pay for equal work brought by AFSME against the State has significant implications in the area of wage discrimination against women. What follows is a column by Judy Mann which appeared in the Washington Post. The article analyzes the implications of the Washington State decision.

[From the Washington Post, Sept. 21, 1983]

EQUAL PAY

(By Judy Mann)

The American Federation of State, County and Municipal Employees has won a major lawsuit against the state of Washington and put the legal concept of equal pay for work of comparable value on the map once and for all. The decision by a federal judge is the most far-reaching application to date of the principle that employers must give equal pay not only to people performing the same job but also to people performing different jobs that require similar effort and abilities.

The decision culminates a 10-year effort that began when the state AFSCME notified Gov. Dan Evans that a number of female state employes were being paid less than male employes even though their jobs were similar. Studies commissioned by Evans of predominantly male and female job classifications revealed that jobs held predominantly by women were paid about 20 percent less than jobs with the same rating points held predominantly by men. The job of a clerk typist, for example, received the same number of points as that of the warehouse worker but clerk typist were paid at 10 levels below warehouse workers. The difference meant that women earned about $175 less a month than men in similar jobs.

In 1977, Evans requested $7 million to begin remedying the pay inequity, but incoming Gov. Dixy Lee Ray dropped the request from her budget. AFSCME filed suit in July 1982, charging the state with violations of the Federal Civil Rights Act, the state's Equal Rights Amendment, and its civil service act, and asking for full implementation of comparable-worth salary increases and back pay. The trial began on Aug. 29 in Tacoma, Wash. before Federal District Court Judge Jack Tanner. He ruled last Friday that the state government was guilty of pervasive wage discrimination against many of its female workers and set a second trial date of Nov. 14 to establish the compensation the state must pay.

Winn Newman, who argued the case for AFSCME, said the state has estimated compensation to be about $600 million and he is estimating it to be closer to a billion dollars. About 17,000 people, including men, who are in the affected job categories will get relief.

Classified advertisements for male- and female-only jobs placed by the state in newspapers prior to 1973 were introduced by AFSCME as pivotal evidence of deliberate job discrimination. The ads established that the state had made a deliberate distinction between jobs for women and jobs for men. Jobs employing mostly women are always paid less, causing a systemic discrimination that persists to this day, according to Newman. "Men aren't going to go to those jobs because they don't pay enough," he says.

"I think the same device [of looking back at classified ads] is available against every large employer in the country," Newman added. "They all did it."

The statistics assembled in the course of the case were devastating: in comparing jobs of similar skill, effort and responsibility, AFSCME was able to demonstrate that the monthly wage dropped $4.52 for every percentile increase in the number of women working in a job category. Evidence also showed that half of all job categories were exclusively male, and only 3.5 percent of the women employes worked in integrated jobs.

The conventional wisdom on comparable-worth cases has been that they are difficult to prove precisely because it is necessary to compare jobs that are different, although Newman points out that job evaluations constantly go on in labor relations. As a result, there has been relatively little comparable-worth litigation since the Supreme Court broadened pay equity claims to include jobs that are dissimilar in June 1981. Librarians in Fairfax County have begun the process and have filed charges with the Equal Employment Opportunity Commission.

The case against the state of Washington involved 3,000 job categories, far more than most employers have. It went to trial within 13 months and the trial was over in two weeks, which should set to rest the widespread belief that pay equity suits necessarily take years to litigate. AFSCME, which has a million members, including 400,000 women, plans to pursue similar cases against other state and local governments.

The Washington case is a model of how systematic wage discrimination came into being. But more significantly for the future, the suit is a model of how unions and women's organizations can use existing laws to destroy it.●

FINAL TRIBUTE TO JERZY BOJANOWSKI

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. ZABLOCKI. Mr. Speaker, recently it was my sad duty to pay my last respects to an outstanding citizen,

composer, conductor, and musician, Jerzy Bojanowski, who with his wife, Frances, made his home in Mikwaukee for most of his life. Mr. Bojanowski was sent from Poland, where he had conducted the Warsaw Grand Opera and the Warsaw Philharmonic Orchestra, to the Chicago "Century of Progress" World Fair in 1932, to represent Polish music. He chose to remain in this country and became a citizen in 1937.

Mr. Speaker, it was my privilege to know Maestro Bojanowski, who shared his love and gift for music with the entire world. It was an honor for me to join with his widow and his many friends and admirers at his funeral to give thanks for his life and to pray for his eternal rest.

As a tribute to Jerzy Bojanowski I would like to share with our colleagues the eulogy delivered at his funeral by Rev. Robert F. Mueller, as follows:

FUNERAL EULOGY FOR JERZY BOJANOWSKI 1895-1938) CONDUCTOR, COMPOSER, MUSICIAN—DIED SEPTEMBER 10, 1983 FUNERAL SERVICES AT THE CHURCH OF THE GESU IN MILWAUKEE, WIS.

(Given by Rev. Robert F. Mueller)

Dear Frances, Relatives of Jerzy and Friends. A common bond brought us together this evening in this great church. Most of us probably do not know one another, but we do have in common an acquaintanceship, a friendship and for those who knew him more than in passing, a love for Jerzy Bojanowski. We knew him as a fine human being, a humble gentleman, a conductor, a composer, a musician. We have come here because we want to commemorate his life, to pay our respects to him, to recommend his soul to a merciful and loving Lord, and hopefully by our presence to be of some comfort to his dear wife, Frances, who most of all feels the great loss of this man and will certainly continue to do so. She knew him not only as conductor and musician but experienced each day his gentle kindness. She enjoyed his happiness and successes and shared his sorrows and trials. We want to express our deep sympathy to her, asking the Creator of all who gave him to her for these many years also to give her consolation and strength in this time of trial and great loss. We ask that the Lord be with her in the difficult days and months ahead. Our prayers, Frances, are that God be with you and you may sense the warmth and support of His divine presence.

While the words said at a funeral Mass are often referred to as a eulogy, their prime purpose is not the praise of a human person but the glory of God the Creator and the Giver of every good gift and talent. May these words spoken this evening lead all of us to praise and glorify the Father because of his goodness and his gifts to his children.

God in His mysterious way has set a time of life for each of us—a time span short or long in which to ready ourselves for an eternity of happiness with Him. To ready ourselves he gives us various talents and opportunities to nourish, foster and cultivate these talents—talents which reflect in some small degree a perfection of the Creator. The development and use of our talents during our lifetime redounds to the glory of God, and is part of the way in which we ready ourselves to be taken into his presence. Their use is part of the task which he gives us on earth. To Jerzy, born in the Ukraine of Polish parents where his father was director of a steel mill, God gave a very high degree of musical talent. Along with this talent He gave him loving and kind parents who could and did help him from earliest years to develop those talents. Music played an important part in his childhood days. As a small boy Jerzy played Beethoven sonatas for four hands with his mother. His good parents saw in him a potential concert pianist. This was not to be. One day the little boy was riding a small pony and he fell from it and injured his wrist. Because of this injury it was later decided that he should direct his talents toward conducting. He used to enjoy very much watching and observing conductors of band concerts, indeed he was fascinated by them. Thus conducting became his primary love in the development of his musical talents. To further his musical talents he was sent to various music schools. Among other places he studied at the academy of music in Warsaw and in Vienna. There in Vienna he had the opportunity to study under one of the then great teachers, Franz Schroecker. He was privileged to be in a small restricted class of just five students. Later as he continued to develop and use his talents he conducted orchestras all over the world. In Europe he conducted in Warsaw, Dresden and Cannes to mention a few. Many orchestras here played splendid concerts under his direction including the Chicago, Denver and Minneapolis orchestras. In 1932 he came to the United States and Chicago as a representative of Poland to the World's Fair and Jerzy conducted the Chicago Symphony Orchestra at that time. In Chicago he met Frances. It was a new life. He decided to make his home with her in the United States to her good fortune and ours. We have all been acquainted with some of his work here. For eleven years he conducted the Music Under the Stars programs and some time ago the Opera Halka at the Pabst Theater. Jerzy enjoyed success not only as a conductor but also as a composer. When he was director of the Opera Theater in Torun, Poland, the mayor asked him to compose a new melody to be sounded each noon from the tower of the city hall, reviving an ancient custom of music at the hour of noon, done in ancient times as now with a bugle. Jerzy's melody continues to be sounded from that tower in Torun each day. He loved carillon music. When Marquette University received its carillon built by the Packard Bell Foundry in Annecy France in 1967, Jerzy composed variations using the Marquette anthem as his theme. In 1973 for the 500th anniversary of the birth of the great Polish astronomer Copernicus, his carillon composition was chosen to commemorate that anniversary. Three of the poems of the Present Holy Father, Pope John Paul II were set to music by Jerzy. Even in recent years he continued to compose for carillon, and brought out a work, the first one for both carillon and voice. That music was performed at Marquette University in the very shadow of this church. These are but some of the highlights of the life and work of this fine gentleman. God has been praised and glorified by the development of these musical talents, and we thank Him for it. Great talents bring with them a great deal of joy but also of sorrow. Jerzy's life was a long symphony of the major keys of joy with an ad-mixture of the minor keys of sorrow. In the last years he found it painful even to listen to symphonies because he was now deprived of the opportunity to conduct an orchestra of his own—his first love as a musician. This made more difficult because of the decades of acclaimed successful conducting.

For a moment let us turn away from his musical talents to a few of the qualities God bestowed upon him as a fine person. He was always nicely attired, and his manners could indeed be described as courtly. That word is fitting both because he had such manners and interestingly enough it states on his birth record: son of a Polish nobleman. He had the ability to put others at ease in his presence. He was indeed a man of peace. In this regard I would like to quote his dear wife: "He filled me with such peace. All the trials and tribulations of the day seemed swept away when he was present. He brought such peace and tranquility. I was fortunate to have him by my side." Jerzy brought harmony not only to sounds of voice and instrument but to life itself, to his home life, to others. All who have visited him have experienced his kindness and gentleness. We thank the Lord for giving him these qualities, we honor him for developing these no less than his musical gifts. With all his world-wide acclaim and place in the public eye he remained a humble man. Now the last note in the symphony of his life has sounded, the conductor's baton lies still. We his friends ask the Lord that he continue to make music for the Lord in the mansions of heaven. May the director of the choirs of angels hand him the baton and let him conduct that heavenly chorus, for they are musicians who make no mistakes, know their music, and pay attention to the conductor. That would be a fitting reward. May the Lord, we ask this day bring him to join too the throng of angels and saints around the throne of God who sing their endless Holy Holy Holy Lord, God of hosts. Heaven and earth are filled with your glory. Hosanna in the highest."

We are reminded today that even should we live so long a life as Jerzy, we too shall one day hear that final trumpet call. The Lord will ask how we have followed the score of the Divine Conductor in the symphony of our own lives, if we have used our talents and played the right notes, how we have harmonized with others. As we commend the soul of Jerzy Bojanowski to the Divine mercy we ask the heavenly Father that we may all one day be in the great chorus of praise around the throne of God there to join our loved ones who have gone before us, to sing eternal praise of the Lord for His goodness and the gifts he has given us in our lives and in the lives of those like Jerzy to whom he has given special talents and gifts, and who have used them for his glory. Amen.●

SOVIET CRACKDOWN ON DISSIDENTS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. LEVINE of California. Mr. Speaker, 2 weeks ago today this body conducted a special order on "Soviet Jewry: An Assessment After KAL 007." At that time we expressed our concern that deteriorating relations with the Soviet Union would have a generally harmful effect on the treatment of Soviet Jews.

This past Sunday, October 16, a story titled "Soviet Crackdown on Dissidents Seen" appeared in the Washington Post. It was about the recent arrests and trials of human rights advocates and Jewish activists in the Soviet Union and stated that the arrests and trials "suggested that the authorities are mounting a new campaign to eliminate remaining stirrings of dissent." The story said, in part:

One of the factors undoubtedly contributing to this climate is a general Kremlin drive to tighten internal discipline. But diplomats say a related factor is the deeply strained relationship with the United States and Soviet fears that the international situation may get worse in the coming months.

One of the trials and convictions described was that of well-known Jewish dissident Josef Begun, who has been campaigning for 13 years for the right to emigrate to Israel. He was given the maximum sentence under the Soviet criminal code.

These are dark and threatening signs that the Soviet Union is indeed moving into an even harsher period of dealing with those who do not and cannot abide by the oppressive strictures of the Soviet Government.

Those of us fortunate enough to live in the free world have an increased responsibility to speak out on behalf of all those who long for freedom and for the right to live their lives as they want, where they want.

Let the Soviet Government know that we will not cease in our efforts to bring to the attention of the world their inhumane treatment of some of its citizens, and that we will not cease in our efforts to fight for the human rights of these people.

The entire Post article follows:

[From the Washington Post, Oct. 16, 1983]

SOVIET CRACKDOWN ON DISSIDENTS SEEN

(By Dusko Doder)

Moscow.—The recent arrests and trials of human rights advocates and Jewish activists have created a deepening chill here and suggested that the authorities are mounting a new campaign to eliminate remaining stirrings of dissent.

Western diplomats say official pressure is directed not only at Jews seeking to emigrate, adherents of certain religious sects and human rights activists but also at foreigners seeking contact with them.

One of the factors undoubtedly contributing to this climate is a general Kremlin drive to tighten internal discipline. But diplomats say a related factor is the deeply strained relationship with the United States and Soviet fears that the international situation may get worse in the coming months.

Yesterday, a court in Vladimir convicted veteran Jewish dissident Josef Begun on charges of producing and distributing anti-Soviet literature and sentenced him to seven years in jail and five years of internal exile.

Begun, 51, who has been campaigning for 13 years for the right to emigrate to Israel, was given the maximum sentence under Article 70 of the criminal code. The government news agency Tass covered the trial in Vladimir, about 150 miles northeast of Moscow, and such publicity was presumably designed to warn other Jewish activists.

Dissident sources said that Begun's wife and son had been allowed into the courtroom only to hear the sentencing.

Begun, an electronics engineer, had been denied an exit visa on grounds that he had access to classified information. He already has served two periods of exile in Siberia since 1977 for "parasitism," and until his arrest last November, he was without work and earned a living by giving private Hebrew lessons.

Tass, quoting the indictment, said he had "systematically produced, spread and transferred abroad deliberately slanderous information about life in the Soviet Union on instructions from foreign subversive anticommunist centers."

[In Washington, the State Department deplored Begun's trial, saying it and other recent Soviet actions "call into question the Soviet Union's commitment to human rights."]

Earlier in the week, a Moscow court sentenced a member of an unofficial Soviet peace group to one year in jail and five years of internal exile.

Oleg Radzinsky, a 25-year-old student, was convicted Thursday on charges of spreading "during a number of years, both orally and in writing, slanderous allegations vilifying the Soviet state and social system," Tass reported.

In view of the fact that Radzinsky "deeply repented what he had done," he was treated more leniently. His trial, however, is likely to serve as a warning to other members of the unofficial peace group whose activities were embarrassing for the Kremlin.

Western reporters and diplomats were barred from both trials. The Soviet authorities refused a request by U.S. diplomats for permission to travel to Vladimir, which is an open city frequently visited by foreigners.

Diplomatic sources said that a Lithuanian Catholic priest, the Rev. Sigitas Tamkevicius, is believed to have been tried in recent days. An advocate of religious freedom, he was a founder of the Catholic Committee for the Defense of Believers' Rights.

Tamkevicius was arrested in May during the trial in Vilnius of the Rev. Alfonsas Svarinskas, another member of the committee, who was convicted on charges of anti-Soviet agitation and sentenced to seven years of internal exile and three years in a labor camp.

Dissident sources reported that a Latvian dissident, Ints Calitis, was recently tried and sentenced to six years in a labor camp on similar charges.

The crackdown on dissidents and Jewish activists seems to fit into tightening up all around that has been under way throughout the past year. The Soviet press is full of reports about trials of various persons on charges of "economic crimes."

The crackdown has been accompanied by a flurry of statements calling for greater ideological conformity and vigilance. A recurrent rationale for this has been the need to counter President Reagan's "crusade against communism"●

BROADCASTERS PROJECTING PRESIDENTIAL WINNERS

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. AuCOIN. Mr. Speaker, since 1960, when television began reporting Presidential election returns while the polls were still open in the West, we of the West have suffered a systematic devaluation of our vote. It happened in 1964, and in 1972, and again in 1980.

This offends the essential fairness of Americans wherever they live. Nationwide, 71 percent of the respondents to a Los Angeles Times poll during November 1982 said that broadcasters should not project a Presidential winner until all polls are closed across the entire country. Eastern voters felt as strongly about this as we do in the West.

But let us face it. No one who votes east of the Rockies has ever experienced the feeling of hollowness that comes knowing absolutely that your vote does not matter. No Member east of the Rockies has seen mayors, sheriffs, commissioners, and State legislators doomed by early projections from 3,000 miles away.

This is a Nation in which—out of fairness—we will bar the public from a pretrial court hearing in order to protect a single accused person from prejudicial disclosures. Ironically, early election projections and the disclosure of regional results discourage hundreds of thousands of citizens from casting a vote for our most important office.

The bill which I am introducing today would assure Americans who live in the West that their votes in Presidential elections really count.

The bill provides a pragmatic, practical, and nonintrusive solution to the problem without incurring the problems which are present in other proposed bills.

Under this bill, Presidental election results would be withheld until 11 p.m. eastern standard time. The bill mandates that all polls close by that time, leaving a decision as to when the polls opens, and a possible closure prior to 11 p.m. eastern standard time, in the hands of the States.

Furthermore, it does not pose a first amendment confrontation, for it is clearly within the power of the Congress to regulate the conduct of a Presidential election.

Alaska would be the only State required by this proposal to alter its voting hours. The polls in Hawaii now close at 6 p.m., the local time equivalent to 11 p.m. eastern standard time.

Mr. Speaker, the influence of television projections has been addressed in bills introduced in the 87th, 88th,

90th, 91st, 92d, 93d, 94th, 95th, and 96th Congresses. Twice the Senate has passed legislation to make projections more difficult. None has passed the House. David Broder, the syndicated columnist of the Washington Post, has written:

> I think those western viewers and listeners deserve to be taken seriously when they say it suits their psyches not to be told how the election came out until they have a chance to vote.

A vote is a precious thing to give, and to lose. In my section of the country, the will to vote is lost when voters, on their way to the polling places after work, are told how the election came out before they have a chance to vote. I believe we must restore meaningful voting and I am convinced it can be done without plunging into a constitutional confrontation over freedom of the press and speech.

The primary responsibility of the media on election day is to provide careful and accurate reporting of election results, augmented by meaningful and timely analyses. For television news, the need to be first at all costs has become paramount in the race for ratings and audience share. By making projections the mainstay of hour-by-hour coverage—during the wait for results—the networks have intruded upon the decisionmaking process and actually influenced electorial behavior.

Consider, for a moment, the examples of 1972 and 1974. In 1972, two television networks projected Richard Nixon the winner by 6 p.m. Pacific standard time. In the Pacific zone, 14.6 percent of the votes were cast after the projection. In 1974, with no national race to be decided or projected, the after 6 turnout in the Pacific zone rose to 19.2 percent of the votes cast.

Over the last few years, networks news executives have provided astonishing proof of their own self-serving myopia, and of the need for some form of legislative action. Far from acknowledging any responsibility for the postprojection decline in voter participation, the executive can not seem to locate a real problem of any significance.

William A. Leonard, president of CBS News, testified on June 10, 1981, that:

> There is a perceived problem here—the perception among many voters in the west that turnout is affected by early projections. But whether that problem is in fact a real one is yet to be determined.

On ABC's behalf, Richard C. Wald testified that the network made "no presidential projection until polls have closed on a winning total of electoral votes." In such a view is no recognition that projections also discourage voters from participating in the resolution of State and local issues.

On April 1, 1981, William J. Small, president of NBC News, wrote to me and said he—

> Would not assume that early election calls are necessarily discouraging West Coast voters from going to the polls. . . (The voting pattern of registered voters does not indicate that television had any noticeable impact in 1980.

In another April letter, Ernest Leiser, vice president for special events and political coverage at CBS News, told me of a CBS study showing that 14 percent of the registered voters had heard of the early projections "but only 3 percent said they did not vote" because of the projections or President Carter's concession.

Does it seem to bother CBS, Mr. Speaker, that 3 percent of the voters were deprived of the right to cast a meaningful vote? Three percent of the turnout in the five most directly influenced Western States is 359,175 voters, the equivalent of a city just about the size of Portland, Oreg. Personally, I believe the figure is much larger. A Field Institute survey found more than 400,000 registered California voters who did not vote because of the early projections and the concession speech.

But let us stick with CBS for a moment. Is CBS bothered by 3 percent? It does not seem so. Says Leiser:

> The Reagan margin of victory in all the Western States was so wide as to have made the 3 percent a relatively insignificant factor.

There you have got it. The CBS study confirms that at least 3 percent are denied the right to cast a meaningful vote. But 3 percent of the voters are a "relatively insignificant factor" to CBS, and NBC has not yet found any indication that television had "any noticeable impact."

But listen to these executives carefully. Have the networks told us what societal purpose is served by making projections? They have not and they cannot, for projections serve no useful purpose to anyone except the networks. There is no need for this to continue.

As we all know, it is well within the state of the art for a network to base a projection solely on exit polling and precinct analyses. Advances in electronics and polling techniques will only shorten and intensify the election-night race at the networks. Unless we act, Americans who live in the Pacific time zone on election day, 1984, will probably learn even earlier in the afternoon who will be the President, regardless of how they intend to vote.

The proposal to prohibit the release of Federal election results by election officials does not appear to raise constitutional questions. The Constitution permits Congress to legislate to preserve the integrity of elections of Senators, Representatives, and the President, and to preserve the enjoyment of all rights of citizenship.

Nor would such a proposal restrict the coverage of news, the news media's right to report, or diminish the public's right to be informed. To the contrary, it would focus the attention of the media on a fast and accurate tally of actual votes immediately after the voting period had closed. This would eliminate confusion, and would do away with the influence of early projections. Then the media can use its exit polls and its precinct analyses to explain why voters voted the way they did.

These proposals clearly avoid a first amendment confrontation. When a broadcaster is granted the exclusive use of the airwaves, he accepts a series of obligations, which the Government enforces as overseer and ultimate guardian of the public interest. The first amendment serves to preserve an uninhibited marketplace for ideas, but the right of the viewers and listeners is paramount to the rights of the broadcasters. As the Supreme Court stated in Columbia Broadcasting Systems Inc. against Democratic National Committee:

> Congress intended to permit private broadcasting to develop with the widest journalistic freedom consistent with its public obligation. Only when the interests of the public are found to outweigh the private journalistic interests of the broadcast will government power be asserted within the framework of the Act.

I urge you to heed the 1981 testimony of the League of Women Voters: election projections when polls are still open anywhere serve no positive purpose in the election process. I urge you to adopt the judgment that nothing more is involved in the projection game than a race for a competitive edge that satisfies nothing other than the private interests of the broadcaster.

I believe that part of the media's responsibility is to broadcast the results as soon as the results are made available. The question of when to make the results available is a determination of government. By postponing the release until all polls are closed, we can spare an entire region of the country a wrenching experience without damaging the unrivaled ability of radio and television to spread the word swiftly.

By withholding results until all polls are closed no one would be discomfited except the networks. Any additional cost caused by holding up release of the results for a few hours would be small price to pay to assure greater fairness and perhaps greater participation in an election.●

ANTISATELLITE WEAPON SETS DANGEROUS COURSE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. BROWN of California. Mr. Chairman, a recent article in Science magazine, the highly respected publication of the American Association for the Advancement of Science, criticized the development of the U.S. antisatellite (ASAT) weapon. This weapon, if deployed, is capable of destroying satellites in orbit. It has no obvious target save for the Soviet early-warning satellites, and in my opinion, the strategic implications, including potential abrogation of the ABM treaty growing out of ASAT activities, have not been seriously considered. Mr. Chairman, the article follows:

[From the Science Magazine, Oct. 14, 1983]

ANTISATELLITE WEAPON SETS DANGEROUS COURSE

Within a month or two, an Air Force F-15 jet fighter will fly to a spot over the Pacific Ocean to test one of the most controversial new weapons in America's strategic arsenal: a compact two-stage rocket capped by a small metal cylinder. The purpose of the test is merely to demonstrate the fighter's ability to launch the rocket into outer space. But subsequent tests—to be conducted next year—are supposed to demonstrate the ability of the metal cylinder to ram and destroy critical Soviet military satellites orbiting up to 1200 miles or so above the earth.

The fruition of a 20-year research effort, America's new antisatellite weapon, or ASAT, is clearly one of the most sophisticated and threatening items in the Pentagon's repertoire. Unlike the crude nuclear-tipped ASAT's deployed by the United States in the 1970's, the new ASAT will enable the Pentagon to destroy the space-based eyes and ears of the Soviet Union without causing any collateral damage to its own satellites in outer space. Its construction in effect marks the demise of the "open skies" doctrine first announced by President Eisenhower, in which U.S. officials maintained that outer space was a sanctuary from which the superpowers could keep tabs on each other for the purpose of ensuring world peace.

Despite the obvious strategic implications of the new ASAT, it remains one of the most closely guarded subjects of Pentagon research. Although the outlines of the ASAT program have by now become well known, its precise military goals have been carefully obscured by a shifting series of official statements and a curtain of Pentagon secrecy. Employees of the U.S. Air Force, which manages the ASAT program, have been specifically barred from releasing any information about the ASAT's development, testing, and capabilities. Even the House and Senate Armed Services Committees have paid scant attention to the ASAT in recent years, and any substantive information they turned up has been carefully excised from the public record.

As a result, the Pentagon has been able to complete much of its work on the program unimpeded by any informed public debate. Thus far, the government has spent roughly $1.5 billion on the ASAT and related reconnaissance and communications equipment. By 1987, when 28 of the weapons will first be ready for use by a squadron of F-15's, this amount will have swelled to at least $4.5 billion. Because the Defense Department must assume that the Soviets will respond to the U.S. ASAT by improving their own ASAT capability, it also plans to spend at least $1 billion a year over the next few years to try and ensure that U.S. satellites remain immune to the enhanced Soviet threat.

Three general themes can be discerned in the Pentagon's shifting public defense of these expenditures. First, there is the uncomplicated explanation that because the Soviets have an operational antisatellite weapon, the United States must also have one. Absent this parity, how can the Soviets be expected to bargain seriously at talks designed to ban ASAT's on both sides? This was a popular argument during the Carter administration, as illustrated by a 1978 White House statement on space policy. "While the United States seeks verifiable comprehensive limits on antisatellite capabilities, in the absence of such an agreement, the United States will vigorously pursue development of its own capabilities," the statement said.

Under the Reagan administration, in contrast, there has been little interest in banning ASAT's and the program's directors have attempted to rewrite history by denying that the ASAT was ever approved to foster arms control negotiations. "Our ASAT development program, contrary to . . . misconception, has never been a 'bargaining chip' for arms control," says Richard DeLauer, the under secretary of defense for research and engineering. Robert Cooper, the director of the Defense Advanced Research Projects Agency, agrees with DeLauer and insists that the ASAT was devised as a means of destroying Soviet satellites that pose a threat to ships in the U.S. Navy. "Up until a few years ago . . . we were willing to fight all battles with the Soviet Union leaving their spacecraft in a sanctuary," he told Congress last March. "It was not until the use of the Soviet low earth orbiting satellites and their ocean surveillance capabilities, that we began to feel those spacecraft were so threatening to our forces in their ability to target . . . ground-based, airborne, and subsurface assets to attack those ships, that we realized we probably should have an antisatellite capability."

Cooper was talking about the four satellites presently orbited by the Soviets to keep track of U.S. aircraft carriers and other large ships. Two, which use radar, are of the type that achieved wide notoriety in recent years by accidentally falling to earth and leaving bits of its nuclear power plants strewn over the Canadian countryside. The other two use passive sensors to detect electronic emissions at sea. The fear is that both will be used to direct the fire of nearby conventional Soviet forces, and the intention is that the United States would use its ASAT's to destroy them in the early stages of a conflict.

The attack would probably be initiated at McChord Air Force Base in Seattle, Washington, where one of the first ASAT-equipped F-15 squadrons is scheduled for deployment. Tracking data from U.S. optical and radar satellite sensors located in the Philippines and Hawaii, and on Kwajalein Island, will be analyzed by computers at the Space Defense Operations Center in Colorado, and the attack coordinates will be relayed to the F-15's, probably in midflight. A sophisticated computer on board the ASAT will instruct the pilot on the appropriate flight plan and signal when the missile should be released. Powered by an efficient solid-fueled engine, the missile will accelerate into outer space, reaching the incredible speed of 8 miles a second.

When the rocket fuel is exhausted, the initial stages will drop away and a metal cylinder measuring 12 by 13 inches will home in on the target using a cryogenically cooled infrared sensor. During its brief flight, the cylinder will navigate by firing a ring of thrusters around its mid-section in a sequence commanded by the computer. Only minutes elaspe from launch to satellite intercept. If these ASAT's should for some reason fail, another squadron of ASAT-equipped F-15's based in Langley, Virginia, will get a second shot moments later.

This, at least, is how the ASAT weapon works in theory. The Vought Corporation and the Boeing Aerospace Corporation, its principal manufacturers, have repeatedly encountered technical difficulties, which have forced a series of delays in the expected date of the first operational test. The troubles have also at least doubled the program's cost since the late 1970's, according to congressional sources.

Assuming that the ASAT can eventually be made to work, there still remain serious doubts about the usefulness of knocking out Soviet ocean reconnaissance satellites during the superpower conflict. First, there is some skepticism, both inside and outside the Pentagon, about the ability of the Soviet satellites to perform as advertised. Noel Gayler, a retired Navy admiral who became familiar with the Soviet ocean reconnaissance systems as a commander in chief of U.S. forces in the Pacific and as a director of the National Security Agency, says that information from both active radar and passive electronic satellites "can be ambiguous. In addition, the difficulty of correlating the two is great and the countermeasures against them are fairly straightforward."

There is also the question of whether it matters if the Soviet satellites are able to perform their targeting task. Stated more directly, in the event of a global nuclear conflict is survival of the surface Navy relevant to national security? Adequate retaliation can be accomplished by land-based missiles, submarines, and long-range bombers. Gayler pauses before addressing this question to note that he devoted 15 years of his military career to service with naval carrier groups at sea. "In the event of a general nuclear war," he says, "on this scale, what happens to a carrier group is not a big concern." Why, then, is the Defense Department so concerned? "It's almost a knee-jerk reaction," Gayler says. "Whenever the Soviets do something, we have to do one thing better."

A third Pentagon defense of the ASAT program is that it will deter the use of ASAT's by the Soviets, by permitting the United States to threaten a tit-for-tat response to destruction of its satellites in a conflict that falls short of a global nuclear war. Kent Stansberry, a physicist who works on ASAT issues in the Defense Department's strategic arms control policy office, says that he can envision a hypothetical scenario in which U.S. forces are fighting a Soviet-backed regime in, say, Africa or the Middle East. In such a conflict the United States could deter an attack on its

critical low-altitude photoreconnaissance and weather satellites only by threatening to respond in kind against similar Soviet satellites, he says.

Scenarios such as these assume first that the Soviet ASAT is effective and reliable enough to ruin U.S. low-altitude satellites—a doubtful assumption according to experts inside and outside the Pentagon. The system consists of a huge explosive device that sits atop a 150-foot booster rocket, which can only be launched from a missile base at Tyuratam, in the southwest corner of the Soviet Union. One version uses radar, another uses an infrared sensor. Both orbit the earth several times and then destroy the target by exploding nearby. Neither is highly accurate and both may be subject to simple countermeasures such as spoofing, jamming, and maneuvering. In 1979, for example, General David Jones, then chairman of the Joint Chiefs of Staff, characterized the Soviet ASAT as follows: "Our general opinion is that we give it a very questionable operational capability for a few launches. In other words, it is a threat that we are worried about, but they have not had a test program that would cause us to believe it is a very credible threat." More recent Soviet tests have been characterized as almost uniformly unsuccessful by Nicholas Johnson, a Defense Department consultant on Soviet satellite systems.

Stansberry's scenario for potential Soviet ASAT use also assumes that destruction of U.S. photoreconnaissance and meteorological satellites would seriously degrade the effectiveness of conventional U.S. forces. This viewpoint is challenged by several weapons consultants including Richard Garwin of IBM. If the satellites were destroyed, he says, "we would not be without information." The United States could simply launch meteorological sounding rockets and missiles with high-speed cameras or radars on board. "If it cost you a million dollars per flight and you had to do this for 100 days it would be nothing," he says, compared with losing an Army division. Robert Buchheim, a former chief scientist for the Air Force, who also served as deputy assistant director of the Arms Control and Disarmament Agency, agrees that use of such shortduration rockets, balloons, and aircraft would eliminate "the benefit to the Soviet Union from destruction of those satellites."

Stansberry also makes a questionable assumption that the United States would not regard the destruction of its satellites as a provocation requiring more than a response in kind. Garwin, for example, says that he doesn't see "any way that a shooting war in space would be limited to space. It would extend to earth: to [the F-15] aircraft, to the launching sites of the [Soviet] antisatellite missiles." Everyone agrees that if a space war escalated into a more serious nuclear battle, the information provided by low-altitude U.S. satellites would be completely irrelevant.

If all of the standard public justifications for the U.S. ASAT seem illogical, then a question remains about why it is being developed. By a process of elimination, experts such as John Pike of the Federation of American Scientists speculate that one of the ultimate motivations behind the ASAT program is a desire by American strategic planners to target Soviet early warning and military communication satellites, both needed to guarantee adequate retaliation in the event of a preemptive U.S. attack. At present, the Soviets have 17 or so such satellites, all in highly eccentric Molniya orbits, with the perigee over Antarctica and the apogee over the Northern Hemisphere. Satellites in such an orbit can achieve the same or similar results as those in geosynchronous orbit, for much less cost. But their low perigee makes them highly vulnerable to a limited range ASAT weapon such as that under development by the Pentagon.

Defense officials point out that according to present unclassified plans, the U.S. ASAT will be unable to reach Soviet early warning and communication satellites, due to the limited combat radius of the F-15 squadrons based in Washington and Virginia, as well as the limited range of the existing ASAT booster. This could be changed with only slight additional effort, however. The easiest of several options would be simply to station airborne tankers in the Pacific for inflight refueling so that the existing ASAT squadrons are able to reach the Southern Hemisphere; alternatively, the squadrons themselves could be stationed somewhere in the Southern Hemisphere (a few experts have remarked on the suitability of the Falkland Islands). Another option would be to modify the F-14, which is based on U.S. aircraft carriers, so that it, too, can carry the existing ASAT, and then deploy the carriers in the Southern Hemisphere.* A third option is to extend the range of the ASAT itself. Stansberry notes that this problem "is not so much technical as financial." The Pentagon has already determined that it would cost $1 billion to $2 billion for a better air-launched booster rocket and $2 billion to $6 billion to adapt a long-range Minuteman or Trident booster.

Although potentially expensive or operationally difficult, the benefits of targeting Soviet early warning and military communication satellites are substantial. Deprived of an early look at a U.S. attack, the Soviets could have less than 15 minutes to prepare for retaliation and then encounter enormous difficulties in transmitting orders to its forces stationed around the globe. One Air Force officer who asked to remain anonymous noted that destruction of early warning satellites by either side would in particular "provide an excellent cover for a limited nuclear strike." When the Joint Chiefs of Staff described the technical requirements for the U.S. ASAT in a highly classified document in 1981, they specified that the ASAT be capable of destroying these key Soviet satellites. This requirement was until recently concealed, and references to it in the open literature are somewhat oblique. In recently declassified congressional testimony, however, the Air Force responded to criticism of the ASAT's short range by noting that "the Secretary of Defense has chosen to apply available resources to only a subset of the JCS document at this time. [We] continue to evaluate systems which would provide a higher altitude capability should the Soviets begin deployment of [deleted] satellites in higher orbits."

The Air Force is already taking steps to increase its capability to locate and track Soviet high-altitude satellites. A series of electrooptical cameras, located in Korea, Hawaii, on an island in the Indian Ocean, and in New Mexico, has been upgraded to permit surveillance of objects as high as 30,000 miles above the earth, and to provide instantaneous information to the Space Defense Center in Colorado. Radars in North Dakota and on Kwajalein Island in the Pacific have been modified to complement these cameras. And a series of probes has been launched from a missile range in White Sands, New Mexico, to gather background information on starlight and heated space dust, in preparation for the potential launch in the late 1980's of four advanced infrared tracking and surveillance satellites. Rockwell International, Aerojet-General, the University of Arizona, and A. D. Little are collaborating on development of the components of the satellites, which are designed particularly for tracking Soviet satellites in *Molniya* and geosynchronous orbits. The estimated cost is at least $2.2 billion.

The U.S. ASAT looks at first glimpse like a collection of sophisticated hardware without any place to go. Potential uses listed by the Pentagon are discredited as strategically unnecessary and irrelevant by independent military experts who have been following the program closely. If the real goal is to destroy the sensors that would warn the Soviets of a U.S. attack, the ASAT has the potential to disrupt the present formulation of deterrence; continued ASAT development therefore seems likely to launch the country on a highly uncertain strategic course.

—R. JEFFREY SMITH.●

85 YEARS OF MUSIC: THE GEORGE SUEFFERT BAND PLAYS ON

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. ADDABBO. Mr. Speaker, last week, the George Sueffert band closed out another successful season of free public concerts, first provided to the New York City public 85 years ago. Back then, George Sueffert, Sr., led the band.

My good friend, the younger George Sueffert took over as conductor in the depression years, and has brought great classics to the people of New York ever since. Millions have enjoyed the performance of the "Music Man" and his band. The following article in the New York Daily News tells the story of a man whose love of music spread throughout the community, and whose devotion to a tradition started by his father spurred him on to find private sources of funding when city funding was cut during the depression.

The article follows:

[From the New York Daily News, Oct. 9, 1983]

THE BAND PLAYS ON—FOR YEARS

(By William Neugebauer)

George Seuffert will be thinking of the circular lid of an old milk bottle and the overtures he'll be making to business leaders to drum up sponsors for the 1984 season as he raises the baton this afternoon for the 40th and final performance in the latest string of free public concerts the famed Seuffert Band has given for the past 85 years.

Hailed as the city's own "Music Man" and distinguished for his role in entertaining legions of residents and visitors with concerts at the Forest Park Music Grove for more than half a century, the 71-year-old, silver-haired maestro sees a certain harmony in

today's dank economic climate and the dark days of the Great Depression that gave rise to the first commercially sponsored free concerts in the city's history.

In 1933, a time of unparalleled nationwide unemployment, when soup kitchens and bread and milk lines dotted city neighborhoods, New York City abandoned its support of the free public concerts launched here 39 years earlier by Seuffert's late father, George Sr. The elder Seuffert had organized the band in Brooklyn as the Concordia Military Band and it became known as the George Seuffert Band four years later because of its immense popularity with audiences.

The little cardboard lip covering the glass milk bottles of the time sparked an idea in the younger Seuffert's mind and planted the seed of ongoing commercial sponsorship.

Now, that sponsorship includes financial supporters that include banks, insurance firms, labor groups, politicians, private citizens and various levels of government, including the city, which restored partial funding during the Wagner administration.

Seuffert recalled in his Douglaston home recently how, seeking his first corporate "angel," he approached officials of the now-defunct Grand View Dairy on Metropolitan Ave. in Ridgewood.

Surely, he argued, the free Seuffert Band concerts could enhance the dairy's public image and fatten its coffers. Company officials liked the idea but questioned just how they could link their product with the melding of Victor Herbert medlies and such heavy stuff as the "Knightbridge March" from the London Suite by Eric Coates.

Seuffert, then a music teacher in the city schools system, slept on the matter that night and awoke with the idea of an admission ticket printed on the inside flap of the cardboard lid.

The dairy folks didn't sour on the notion. Actually, they found it sweeter than cream. The first printed lid, bearing the company's name, represented an admission ticket to a free Seuffert Band concert in Grover Cleveland High School in Ridgewood the night of June 27, 1933.

The dairy, along with the cardboard lids, eventually went the way of the old glass milk bottles, but the use of commercial sponsorship stuck, and now, Seuffert will be redoubling his efforts until the start of the '84 concern series next June humming his familiar tune through the canyons of business and industry.

Today's final concert, scheduled for 3 p.m. at Msgr. Mulz Auditorium at 88th St. and Jamaica Ave. in Woodhaven. Admission is, of course, free and the program, Seuffert said, will be a mixed bag of works requested by audiences down the year, including the overture from Wagner's "Flying Dutchman," Tchaikovsky's "Pathetic Symphony" and a group of Strauss waltzes, among others.

"Sponsors in the corporate sector, despite economic belt-tightening, realize benefits from the free concerts not only in terms of good will but even more concretely, as with the thousands of people who use their products and services," he advised. "And the proof of that may be seen in the number of sponsors who sign up year and again."

The oldest of four children. Seuffert gradually took over as the band's conductor in the early 1930s, but his father observed the group's anniversary every year by appearing as guest conductor at the Sunday performance closest to his birthday—Aug. 22, 1875.

He died in 1964, and his son, who had been playing in the band since 1928, continues to mark the anniversary by presenting a special concert on the Sunday closest to his father's birthday.

In 1979, the City Council renamed the Forest Park Bank Shell the George Seuffert Sr. Band Shell as a memorial to Seuffert's father, who had operated a music store on Knickerbocker Ave. in Ridgewood at the time he founded the band with 18 musicians.

The band now numbers 46, but its members no longer sport the uniform of military cut that accompanied the stirring strains of John Philip Sousa in bygone days. Now they wear dark suits and white shirts.

A living legend in his own right, the surviving Seuffert has been a familiar face around City Hall for nearly two decades, serving Mayor Koch and his predecessors, Abe Beame and John Lindsay, as the city's unpaid music consultant.

On Dec. 19, 1981, Koch presented the prestigious LaGuardia Medal to Seuffert as an "outstanding New Yorker." The only previous recipient of the medal was legendary newsman Walter Cronkite.

Seuffert, who began piano lessons when he was 8, was 16 years old when he first conducted the band at Forest Park. Last Aug. 21, he led the band for its 85th anniversary concert and got a little help.

Sen. Alfonse D'Amato (R-New York) wielded the baton for Sousa's "Comrades of the Legion," and his father, Armand P. D'Amato Sr., tinkled the ivories for that work.

The oldest of four children, Seuffert was graduated in 1929 from Bushwick High School, Brooklyn, where he later taught music and organized the school's first orchestra. It was that year that he wrote his first march, "Garity Post March," and two years later penned, "The Spirit of the Mall." He conducted the Goldman Band when the latter composition was first played.

The band still plays classic works, reflecting the kind of program presented at its founding, but today the repertoire has been expanded to include many delightful variations and themes.

"There's a much greater variety, running the gamut from symphonic to jazz," Seuffert said. "We have an exceptional Dixieland unit, so it's not unusual for listeners to hear Wagner's 'Entrance of the Gods into Valhalla' and 'The Sheik of Arabi' on the same program." ●

UNEMPLOYED AND UNPROTECTED: A REPORT ON THE STATUS OF UNEMPLOYMENT INSURANCE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Ms. KAPTUR. Mr. Speaker, a recent report by the Center on budget and Policy Priorities documents the failure of the current unemployment insurance system. The center's report shows that the percentage of unemployed workers receiving unemployment insurance benefits fell to an all-time record low in September. Only 32.8 percent of the unemployed received benefits in September. More than 2 of every 3 of the unemployed—6.6 million American workers—were not collecting unemployment benefits. By comparison, in the 1975 recession, 73 percent of the unemployed received benefits—more than double the percentage now receiving them. These results are based on Labor Department data.

This situation would be more tolerable if these 6.6 million American workers and their families had somewhere else to turn. But for many of them this is not the case. The report notes, for example, that even if a family with both parents present is impoverished, in over half the States it is ineligible for welfare or medicaid coverage.

The most obvious policy conclusion is that much more needs to be done to help the unemployed. The House has recognized this need by passing important legislative initiatives to aid the victims of the recession. The Senate and Reagan administration need to look beyond the headlines of the economic upturn, recognize the problems of the unemployed that remain, and concur with these House actions.

More specifically, the Federal supplemental compensation extension bill remains locked in conference. The Senate compromise supported by the administration does not contain a reachback provision. As a result, individuals who have exhausted their unemployment benefits prior to October 1 would not be eligible for much-needed assistance. The House conferees should insist on maintaining the basic tenets of the FSC extension bill as it passed the House overwhelmingly in late September.

In the coming months, Congress should also address the need for a comprehensive reform of the unemployment system. A new approach which reaches more of the unemployed requires our serious consideration.

A summary of the center's study follows. It provides a very concise description of the causes and extent of the failure of the unemployment insurance system.

UNEMPLOYED AND UNPROTECTED: A REPORT ON THE STATUS OF UNEMPLOYMENT INSURANCE

Since 1981, unemployment has risen to levels higher than at any time in the last forty years. Over the same period, however, the percent of unemployed individuals who receive unemployment insurance (UI) benefits has fallen sharply. In September 1983, according to data issued today by the Labor Department, the percentage of unemployed workers collecting UI benefits fell to an all-time record low. In September, only 32.8 percent of all jobless workers in this country collected unemployment benefits. Some 6.6 million unemployed American workers were without any unemployment benefits.

The record low in the percentage of unemployed receiving benefits comes in a month with some of the highest unemployment in recent U.S. history. At 9.3%, unemployment

in September stood higher than in any other month in the past 40 years, with the exception of the period from April 1982 through August 1983. Although September's unemployment level comes amidst a period of recovery, it is still higher than the unemployment level in the worst month of the 1974–1975 recession or any previous recession since the onset of World War II.

In previous recessions, however, far more jobless workers received protection from the unemployment insurance system. In 1975, the year when the previous recession hit bottom, 78% of all unemployed received unemployment benefits. This is more than double the percentage now receiving benefits.

In times of severe economic dislocation when securing work has been especially difficult, public policy has generally sought to cushion the economic burden placed on jobless workers. More rather than less protection has been given to the unemployed during recessions. The nation's current experience with unemployment insurance represents a departure from past tradition, because rather than provide benefits for the majority of jobless, the current unemployment insurance system is now providing protection to an historically low fraction of unemployed workers.

WHY UNEMPLOYMENT COVERAGE HAS CONTRACTED SO MUCH

There are two basic reasons why unemployment coverage has fallen to such low levels: (1) budget reductions in unemployment insurance proposed by the Reagan Administration and enacted by Congress in 1981, and (2) the duration of the current recession and the consequent high number of those who have been unemployed for long periods of time.

To examine how these two factors have affected unemployment insurance coverage, it is necessary to understand the basic workings of the unemployment insurance system. The system now consists of three pieces: a regular state unemployment insurance program, a joint federal-state extended unemployment benefit program, and a federal supplemental compensation program.

The regular state program pays benefits (for up to 26 weeks in most states) as long as an unemployed worker is still out of work and looking for a job. In addition, in the past, when unemployment rates became high relative to historical levels, the federal-state extended benefit program would be activated. This would provide benefits of up to thirteen additional weeks to jobless workers who had exhausted their 26 weeks of regular state benefits and continued to search for work. Extended benefits would become available on a state-by-state basis, depending on the level of unemployment in each state.

However, in 1981, as part of the Reagan Administration's effort to cut back on federal funding of domestic programs, major changes were made in unemployment insurance legislation that severely restricted the circumstances in which extended unemployment benefits can be paid. The result of these changes has been to virtually eliminate the extended benefit program at the present time, despite continuing high levels of unemployment. In September, with unemployment levels that most observers would consider quite high by historical standards, only two states in the country—West Virginia and Louisiana—could provide benefits to unemployed workers under the extended benefit program. In numerous states with double-digit unemployment, such as Michigan with 13.6% unemployment and Ohio with 11.5% unemployment, the extended benefits program has been shut down.

The third piece of the unemployment insurance system is the federal supplemental compensation program. During times of recessions and high unemployment, Congress has generally acted to supplement the regular and extended unemployment benefits program by enacting a temporary program to provide additional weeks of benefit coverage to those who have used up all other unemployment benefits.

In past recessions, the supplemental benefits were added to the regular and extended benefits, so that in 1975, for example, unemployed workers received up to 65 weeks of coverage. In the current recession, however, the federal supplemental compensation program does little more than act as a replacement for the extended benefits program that was largely dismantled by the 1981 budget reductions. (The federal supplemental compensation programs adds 8–14 weeks of benefits coverage, depending on the state.) As a result, in 43 states, a total of only 34–38 weeks of unemployment benefits are provided, although unemployment levels are now higher than they were in 1975.

LONG-TERM UNEMPLOYMENT

The other main factor resulting in the shrinkage of unemployment insurance coverage is the large number of "long-term" unemployed—those who have been out of work more than half of a year and are still looking for a job.

The current recession has been characterized by steep increases in the number of long-term unemployed. From December 1981 to December 1982, while the unemployment rate rose from 8.8% to 10.8%, the number of long-term unemployed more than doubled, jumping to 2.6 million. Since December, the onset of economic recovery has failed to make a significant dent in the number of long-term unemployed. Although the unemployment rate has dropped from 10.8% to 9.3% during this time, the number of long-term unemployed has fallen only marginally—from 2.6 million to 2.5 million.

Many of the long-term unemployed receive no unemployment benefits because all available benefits have been used up (especially since extended unemployment benefits are no longer available in most states).

WHAT HAPPENS TO THOSE WHO HAVE EXHAUSTED UNEMPLOYMENT BENEFITS

For many of the long-term unemployed who use up their weeks of unemployment benefits and are terminated from the program, there is not much of a safety net remaining to protect them from substantial economic hardships. In over half the states, unemployed families in which both parents are present are ineligible for welfare aid, even if the family is impoverished. In most of these states, unemployed two-parent families are also ineligible for any Medicaid coverage for themselves and their children, no matter how low their income is. If these families' income and assets are low enough, they may qualify for food stamps. However, food stamp benefits now average less than $10 per person per month (46 cents per person per meal) and hardly constitute a safety net by themselves.●

CONGRATULATIONS TO LECH WALESA

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. ZABLOCKI. Mr. Speaker, the selection of Lech Walesa as the recipient of the 1983 Nobel Peace Prize was received with acclaim throughout the free world. In honoring him the Nobel Committee also honors the people of Poland, workers, farmers, students, writers and artists, who, under his leadership and inspiration, pressed without violence or bloodshed for long-denied human rights. In recognizing the contributions of Lech Walesa, the Nobel Peace Prize gives hope to millions of oppressed people throughout the world that their silent struggle and determination for freedom and individual human dignity is recognized and supported by freedom-loving people everywhere.

Mr. Speaker, Lech Walesa amazed the world with his accomplishments and stands as an example to all those who strive to resolve major problems through negotiation rather than conflict. He earned this distinguished award in his own right, through self-sacrifice, determination, and a commitment to the highest principles of service to his fellowman. Yet, he receives it also as a symbol of all those who diligently labor toward peaceful solutions to differences between nations and between people and their governments.

In avoiding the use of force, Lech Walesa spared countless thousands of his fellow-citizens from needless violence and bloodshed and indeed, made a major contribution to world peace.

Mr. Speaker, as one who gave his unequivocal support to the selection of Lech Walesa for the Nobel Peace Prize, I am happy to extend to him and to the people of Poland who have suffered for human rights with him my sincerest congratulations. May his and their sacrifices not be in vain! Sto Lat!●

THE DEPARTURE OF SISTER GLADYS MARIE

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. PASHAYAN. Mr. Speaker, at the end of this month Sister Gladys Marie, CSC, will be leaving her post as administrator and chief executive officer of Saint Agnes Medical Center in Fresno, Calif., to assume new duties as administrator of Mount Carmel Medi-

cal Center and Mount Carmel East Hospital in Columbus, Ohio.

With her departure from Fresno, Sister Gladys Marie ends 11 years of outstanding contributions in helping to meet the health care needs of the San Joaquin Valley of California.

During these 11 years, Sister Gladys Marie has been responsible for the development of numerous programs at Saint Agnes Medical Center. She arrived in the midst of a heated controversy over a proposal to move the hospital from its location in downtown Fresno to its present site in the northern part of the city.

Since that time, Mr. Speaker, she has been involved in the expansion of the new hospital by another 100 beds, developed the valley's first adult open heart surgery unit in 1976, was involved in the development of a hemodynamic care unit, and of the first cardiac rehabilitation program and comprehensive arthritis unit in the San Joaquin Valley.

Sister Gladys Marie was also responsible for forming the valley's first hospice program, which has stimuated the development of other hospices throughout the valley. That program now serves some 60 and 65 terminally ill patients and their families per month.

To further extend the hospital's healing ministry, Sister Gladys Marie began reaching out to the poor and frail of the community through free health screenings at two churches on Fresno's west side, and at Poverello House, a downtown facility serving Fresno's street people.

The opening of a Total Life Center in June of this year was a major program undertaken by Sister Gladys Marie to expand to service to the community. The center houses under one roof an adult day health care center, a child care center, and a wellness center.

Sister Gladys Marie is responsible for initiating a $2.3 million cogeneration plant which is expected to save the hospital more than $12 million in energy cost over the next 10 years and pay for itself in energy savings over the next 3 years.

Last year, through the efforts of Sister Gladys Marie, the hospital opened Fresno's second ambulatory outpatient surgery center, a low-cost alternative for minor elective surgery cases. Within 1 year the program met its 5-year goal.

During her stay at Saint Agnes Medical Center, Sister Gladys Marie has been an innovative and steadfast leader, undaunted in the face of controversy and criticism. Long after she leaves the San Joaquin Valley for her new assignment, the fruits of her labors will be contributing to the health care and well-being of the people she has served.●

PUTTING CONGRESS ON HOLD

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. FRENZEL. Mr. Speaker, the October 6 New York Times editorial, which follows, makes a compelling case for holding off on any telephone legislation at this time.

Hastily passed laws could be most detrimental to long-distant rates, local telephone companies, and eventually universal service.

None of us knows fully the ramifications of the AT&T breakup. However, rushing to pass legislation without knowing the implications may bring premature rigidity to a transitional process that needs flexibility.

[From the New York Times, Oct. 6, 1983]

PUTTING CONGRESS ON HOLD

The Federal Communications Commission wants residential telephone users to pay $2 a month and businesses as much as $6 a month for access to long distance. But Congress, fearful of a backlash when the proposed rates start in January, threatens to overrule the decision. That would be an ill-informed mistake.

To the F.C.C.'s critics, the access charges are another assault on common sense by economic theoreticians bent on tinkering with the best telephone system in the world. In fact, flat-fee access charges are no threat to phone service. Far from it. They would produce better service for no more money. Congress seems not to understand that—and should not rush to judge until it does.

A few decades ago, long distance was an expensive luxury in a telephone system built primarily for local use. The way long-distance costs were apportioned was relatively unimportant. But new technology has dramatically changed the economics of telecommunications. Today, the real cost of calling cross-country is only slightly greater than calling crosstown.

Yet for reasons of inertia and politics, the regulators have only recently begun to adjust rates accordingly. Despite this failure to adjust, American phone service remains first-rate. Why should we tinker with it now? In part, because technology forces us to.

Long-distance callers will pay inflated charges only if they have no alternative. Now, heavy users can create their own satellite communications systems, entirely bypassing Ma Bell and her high rates. For the moment, such systems carry only a tiny fraction of long-distance traffic, but the handwriting is on the wall if not in the airwaves: Long-distance charges must come down.

Long-distance callers share the use of billions in equipment in local phone company offices. On average, a quarter of the messages traveling along local wires are long-distance. To compensate the local phone companies, long-distance users are now billed for about a quarter of the local equipment costs, about 15 cents a minute.

What's wrong with that? Once local systems are built, it costs little or nothing to provide access to long distance. The 15-cent-a-minute charge thus needlessly discourages long-distance calls. So Billy calls home from college once a month rather than once a week. Businesses spend $4 to type and mail a message that would cost the phone companies only $3 to handle. Multiply that by millions of long-distance calls not made each day and you get some idea of what the inefficiency costs.

With fixed access rates, individual long-distance calls will cost less, encouraging people to make more of them, thus creating more efficient use of the whole phone system.

Critics charge that to rely more on fixed access fees would force poor people to give up their phones. If that were a realistic danger, more efficient use of long distance might not be worth the social cost. But it's not realistic. In fact, the F.C.C. has invited phone companies to create cheap, no-frills "lifeline" service if they haven't already established it.

Congress has a choice. It can surrender to political panic and vote to retard change, hoping that long-distance callers don't find ways to beat the overcharges. Or it can allow a gradual transition to efficient, cost-based pricing, taking care to protect access to phone service at reasonable prices. And that is no choice at all.●

HEALTH CARE COSTS OUT OF CONTROL

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. GRADISON. Mr. Speaker, the inflation of health care costs is one of the most important problems facing the Nation. Both public and private spending on health care have grown much faster than the economy, and much faster than anticipated. Total national health care spending has gone from $51 billion in 1967 to more than $300 billion in 1982. In the past year alone, health care costs rose 11.9 percent, while general consumer prices rose only 3.9 percent. Spending for health care now accounts for over 10 percent of the gross national product.

Policymakers in the public and private sectors have been grappling with this problem for the last several years with little success.

Although the subject has had great visibility and numerous surveys have shown a high level of public concern, until now no major survey has looked in any detail at the likely reactions of the public, employers, unions, health care providers, and the health insurance industry to the range of options now being debated. The absence of any such survey is significant when one recognizes that no new policy will work unless it is acceptable to the American people. To be effective, such a new policy would require substantial changes in the motives and behavior of both health care users and providers.

To fill that gap, the Equitable Life Assurance Society of the United States commissioned Louis Harris and Associates to conduct a nationwide

survey on this issue. The following groups were surveyed in order to obtain the opinions of a wide range of participants in the health care system:

A national random cross section of 1,501 adults;

A national sample of 100 physician leaders;

A sample of 100 hospital administrators, representing the largest hospitals across the Nation;

A sample of 250 corporate benefits officers from companies in the Fortune lists of the largest industrial and nonindustrial companies; and

A national sample of 26 union leaders who are responsible for health care benefits within major trade unions.

Mr. Speaker, earlier this month, the results of this important survey were released, and for the benefit of my colleagues, I submit for the RECORD a summary of the findings.

The summary follows:

SURVEY HIGHLIGHTS

1. There is a general consensus that fundamental changes are needed to make the U.S. health care system work better.

The American public, by a three-quarters majority, views the U.S. health care system as needing major changes. This view is shared by large majorities of employers, insurance executives, and unions, and by a marginal majority of hospital administrators. The one exception to this consensus lies with the medical profession: a clear majority of physicians who head medical societies believe that the health care system works pretty well and that only minor changes are needed to improve it.

2. The American public views both the cost of and access to health care services as areas in need of change.

Cost-related and access-related changes head the list of changes in the health care system considered most important by the American public and union leaders. The other professional groups acknowledge the need for cost-related changes, but they also emphasize public education regarding medical programs and costs. The primary change sought by physician leaders is less government interference and regulation.

The public's concern about access centers around care for the elderly. Based on their personal experiences, however, the American people, including the elderly, are largely satisfied with the quality of and access to health care services, and with health insurance benefits.

3. Barriers to medical care.

The 14 percent of the American public who did not obtain needed medical care in the twelve months preceding this survey include sizable numbers of the uninsured (32 percent) and the unemployed (28 percent). The primary barrier to obtaining needed medical care is the cost of this care.

4. There is widespread dissatisfaction with the cost of hospitalization.

While a slight majority of the American public are dissatisfied with the total cost of health care as well as out-of-pocket costs, their criticisms are focused mainly on the cost of hospitalization and cost of laboratory work and X-rays done outside hospitals and clinics. Smaller majorities of the public also consider the cost of doctors' visits and prescription drugs to be unreasonable.

The view that hospital costs are unreasonable is shared by an overwhelming majority of union leaders, corporate benefits officers, and insurance executives, and by a significant majority of physician leaders. Even among hospital administrators, 40% view hospital costs as unreasonable.

5. There is very little consensus on the main cause of increased spending on health care.

The debate about the main underlying cause of the escalation of health care spending is still unresolved. While slightly more than 40% of the American people view this escalation as due to 'the increasing cost of the same services,' one-third of this group blame 'the use of new and more expensive treatment and equipment.' Physician leaders and hospital administrators view the latter reason as the primary cause of escalating expenditures.

'People using more services than they used to' is not acknowledged as a major cause of escalating expenditures by the American public. However, about 30% of physician leaders and hospital administrators recognize it as a primary cause of this escalation.

The views of corporate benefits officers and union leaders tend to parallel those of the public.

6. The health care system as it is today does little to encourage price competition.

Only 16% of the American public have selected a doctor because of lower fees. Comparison shopping for prescription drugs is viewed as easier than shopping for health insurance, doctors, or hospitals. Shopping for laboratory tests and X-rays is veiwed as difficult by a sizable majority of the American public.

11. Most corporate executives whose companies have implemented new cost-containment programs believe that the programs are effective.

Corporate executives whose organizations have had experience with various cost-containment measures are more likely to judge them as effective than are those who have had no experience with these measures. This is particularly true for programs that require increased cost-sharing by employees and for those that provide better coverage for lower cost health care options, such as home care for chronically ill and the use of nurse practitioners, midwives, and physicians' assistants.

12. There is widespread opposition to proposed tax on employer-paid premiums.

One policy that is rejected by the majority of respondents in most groups as ineffective and unacceptable as a cost-containment measure is the often-discussed individual tax on a portion of the employer-paid health insurance premiums. The physician leaders are the only group in which a clear majority find this proposal to be both effective and acceptable.

13. Shifting costs from Medicare patients to other patients is viewed with disfavor.

The majority of the American public and majorities of all of the professional groups disapprove of the practice of shifting costs from Medicare patients to other patients. This disapproval is voiced as strongly by those who do receive Medicare benefits as those who do not.

14. There is general support for programs that provide health insurance for the unemployed, but it diminishes sharply when viewed as resulting in greater costs for other people.

The American people (including the unemployed) and corporate benefits officers reveal a marginal reluctance to support health care benefits for the unemployed if such benefits result in higher direct or indirect costs to other people. However, sizable minorities (of more than 40%) are in favor of these benefits despite their costs.

Physician leaders, insurance executives, and hospital administrators, on the other hand, favor providing these benefits.

15. Overall, the American public reveals awareness of and concern about health care issues.

The majority of the American public are remarkably aware of and concerned about problems related to health care coverage and health care services. This is reflected in the relatively insignificant numbers of respondents who give "not sure" or "no opinion" responses to the questions asked in this survey.

7. The lack of price competition in the system is acknowledged as a reason for the rise in health care spending.

Large majorities of the American public and all of the professional groups except the physician leaders agree that the lack of competitive pricing among doctors, hospitals, or nursing homes contributes to the rise in health care spending.

The opinions of physician leaders contrast sharply with those of all of the other groups, including hospital administrators. While only 37 percent of the physician leaders blame lack of price competition for the increase in health care spending, 68 percent of hospital administrators do so.

On the other hand, there is general consensus that as long as third-party payers assume all or most of the cost of health care, there is no incentive for patients or providers to cut spending or costs.

8. The American people and most professionals recognize that programs and practices that benefit them are also a source of inflation in health care spending.

Majorities in all groups mention the following as contributing to cost escalation: The increased availability of employer-paid health insurance, hospitalization for minor ailments, the growth of malpractice suits, people staying in hospitals longer than is necessary, the aging of the population, increased availability of government funded programs, and overuse of tests by doctors.

Physician leaders, in general, are least willing to recognize the actions of their own profession as contributing to the rise in health care spending, while hospital administrators have a more balanced view. While majorities of respondents in all groups recognize that "one of the problems in health care is that there is no real competition to keep prices down," only 27 percent of the physician leaders agree with this view.

9. The American public is ready to accept a broad range of cost-containment proposals.

The conventional wisdom that the American public will resist major changes in the health care system is called into question by the findings of this study.

The American public is remarkably willing to accept a broad range of cost-containment policies, including those that would increase out-of-pocket costs to the public and minimally curtail freedom of choice among health care options.

This willingness to accept proposed changes is based on the belief that the changes will be effective in slowing health care cost inflation. These findings suggest that the public would be willing to accept such changes because of a sense of realism and an understanding that the changes are necessary, rather than because they support them enthusiastically.

The proposals that the public considers most acceptable are: Alternatives to the use of hospitals for minor surgery, tests, or the treatment of the chronically ill, increased cost-sharing in the payment of health insurance premiums and increased deductibles, diagnosis-related cost caps on hospital and doctors' fees, requiring second opinions on non-emergency surgery, insurance rate incentives for preventive care, prepaid plans and preferred provider plans, and using low-cost alternatives to physicians and hospital care.

10. Professional groups have varying perspectives on the cost-containment proposals.

Union leaders, corporate benefits officers, and insurance executives generally share the views of the American public, and they are willing to accept almost all of the proposed changes in the health care system.

Hospital administrators are generally willing to accept changes in the health care system in the interest of cost containment, even if the changes mean a reduction in hospital use or a restriction on the fees charged by hospitals.

Physician leaders are the least willing of all groups surveyed to accept—or even to recognize as effective—changes that are likely to adversely affect the financial incentives for their profession.●

JOHN SHAUGHNESSY, JR., HONORED FOR 25 YEARS OF RESPONSIBLE LEADERSHIP

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. MORRISON. Mr. Speaker, telephone workers across the State of Connecticut are, this day, honoring the man who has led them for 25 years as president of the Connecticut Union of Telephone Workers, Local 400 of the Telecommunications International Union. John W. Shaughnessy, Jr., has exemplified determined, responsible labor leadership in an industry that requires a far-reaching vision to prepare for the continuing changes in technology which have marked the telecommunications industry.

This has been particularly true in 1983, as Southern New England Telephone Co., the Bell System, and the entire industry are facing the enormous challenge of deregulation and competition. John Shaughnessy foresaw many of the human concerns raised by such widespread change in governmental policy when he authored the "Technology—Promise and Problems," in 1968 for the students who are today's work force.

Yet, his extraordinary energies have been channeled into the day-to-day problems of people as well as to future concerns. No better evidence can be found than his being named the National Kidney Foundation's Volunteer of the Year in 1977. It was typical of John that he began his involvement with the NKF upon hearing that some of his union members had family members with serious kidney ailments.

Few men understand the workings of our democratic society as well as John Shaughnessy. He has faced and won elections in both the political sphere and in his union over the course of a 32-year career. In that time, he has lost only one election, and that, it is clear today, has been to the benefit of 10,000 telephone workers who might have lost their leader to a full-time position as mayor of East Hartford, after he served in 1968 as the last part-time mayor. From this experience, John Shaughnessy became very much aware that democracy shows itself to be an efficient form of government, and he knows that no other system approaches it as a means of meeting the hopes and aspirations of both citizens and union members.

John also spends enough time in Washington so that he is more than a visitor. As the president of the Telecommunications International Union, he also serves as chairman of the bargaining team which meets with AT&T every 3 years to negotiate new contracts. He stays in frequent touch with our elected representatives and important members of the executive branch on issues as specific as telecommunications policy and labor law and as general as health and human services. Because the CUTW's headquarters is in Hamden and many of his union members work in the New Haven area, he has maintained a special relationship with the Congressman from the third district, a relationship I am proud to maintain.

His Washington service includes membership on the White House Conference on Aging in 1960, the President's Committee on the Department of Labor's 50th anniversary, and the White House Conference on the Industrial World Ahead.

These accomplishments seem pale in comparison to the accumulation of thousands of instances of individual concern and help he has offered to his union members, his fellow residents in East Hartford, and numerous national and State leaders. He has proven that enlightened, responsible labor leadership results in a better life for workers and a strong and just America.●

TOO MUCH, FOR TOO MANY

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. RUDD. Mr. Speaker, I would like to call to the attention of my colleagues an editorial written by the Reverend John Doran, a Catholic priest now living in retirement on the west coast, who I believe has a pretty good handle on what is going on here in Washington D.C.

Father Doran, writing in the Alive magazine, the official publication of the Roman Catholic diocese of Phoenix, Ariz. points out that the liberals of the last few decades made a huge mistake from which this country still is suffering.

That mistake, he says, was the effort by the liberals to do too much for too many.

Father Doran says the huge Federal deficits that we see year after year are due, at least in part, to this mistake.

His comments are right on target and they should be read by every Members of this body.

I urge my colleagues to not only read the article, but also to learn from it.

The article follows:

FEDERAL DEFICIT GROWS IN PART FROM DOING TOO MUCH FOR TOO MANY

(By Father John Doran)

The liberals of the last few decades made one huge mistake from which the country is still suffering, and will continue to suffer.

This mistake is nearly as responsible for the terrible deficits our national budget includes as is our defense spending. It is the cause of the locked in, but ever-growing mandated spending. It is caused by laws enacted to meet certain of people's expenses, but laws enacted on woefully underestimated projections.

The basic cause of the mistake was the desire to help people in their needs. This is a laudable enough desire, but the way of trying to meet those needs was wrong. Instead of trying to help out people who had needs, they tried to help out everyone. The government set out, not to provide cots for those who have no place to sleep, but to make a bed for everyone.

This is, interestingly enough, a mistake which our church never made. The church has gone into many charitable activities, but always on the basis of helping those who needed help, not trying to help everyone.

Medicare is a good example of doing too much for too many. It is, of course, necessary to help give medical care to those who cannot afford it. But Medicare did not set out to do this. Medicare set out to provide medical costs to huge classes of people whether they needed the help or not. Millionaries can have their medical bills paid just as easily as can the poorest persons, probably more easily.

What happened? Medical costs skyrocketed. Doctors found an easy source of income from a law which they originally opposed. Hospitals found a source of revenue so great that health care is now a lucrative business. No facet of the economy has inflated as much as the cost of health care. And, ironically, Medicare which spread itself so thin trying to take in those who wanted it, not just those who needed it, is now finding itself required to reduce its share of costs. It will reach the point before long that people will be paying as much for medical care over and above Medicare's payments as they were paying before Medicare came into being.

Social Security began with the idea of being an insurance, and as such should pay back to all who paid into it. Successive liberal legislatures have, however, kept upping the payments to people until they have come preciously close to bankrupting the

whole system. Congress gave up the insurance idea and made Social Security another government benevolence.

The sad part of all this is that our government has taught us to take less and less responsibility upon ourselves. We look to the government to provide for a part of our future and even for our parents' present. Responsibilities which should be ours we now expect the government to shoulder. We have become so spendthrift we hardly realize that our government has become the same.

The government can pay out only what it takes in or borrows. Liberals seem to think that the government's borrowing power is unlimited and thus its spending can be unlimited too. It's a dream which has so long been in vogue that no one wants to think of a rude awakening.●

PROTECTION AT ANY PRICE?

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. DANNEMEYER. Mr. Speaker, the question at hand—protection at any price—will soon come before the House if the Rules Committee forwards H.R. 1234, the domestic content bill, to the floor.

An article in the July/August issue of Regulation magazine, published by the American Enterprise Institute for Public Policy Research, speaks directly to this question.

Protectionist policies . . . are intended to help certain industries and save certain jobs—and indeed, they may succeed, though only in the short run. But, we should ask, at what cost and to whom? The costs take two forms: protected domestic products become more expensive, and restricted imported products become both more expensive and less available.

The article goes on to make a very important point,

The largest single group that bears the cost of protectionism—domestic consumers—is probably the group least aware of the costs. After all, those costs are often widely dispersed and hard to identify. Who could track down the ramifications of higher prices of bolts, cement, specialty steel, or even apparel?

The authors are well qualified to speak to this issue. Murray L. Weidenbaum is former Chairman of the Council of Economic Advisers and currently director of the Center for the Study of American Business at Washington University in St. Louis. He is joined by Michael C. Munger, a research analyst at the center.

Their research focused on quantifying the costs of protectionism. They found that measuring the costs is difficult and only included those for which sound data is available. Thus, their figures are very conservative estimates. The bottomline of their research is that protectionist trade barriers cost consumers at least $58.5 billion in 1980. This works out to a tax of $255 per person, or fully $1,020 for a family of four. The authors believe that an inflation adjusted figure for 1983 would be at least $71 billion.

The other key figure to note from their article is that the cost per each job protected by the domestic content bill would be $85,400—1980 dollars—or 3.6 times the average compensation for an auto job. They cite a staff study of the Council of Economic Advisers for this data.

The consumer will be the victim if Congress passes a domestic content bill or other unwarranted protectionist legislation. I urge my colleagues to review the article before H.R. 1234 comes to the floor. To facilitate this process, I insert the full text of the article at the conclusion of my remarks:

PROTECTION AT ANY PRICE?

(By Murray Weidenbaum and Michael Munger)

While many types of federal regulation have been reduced somewhat in recent years, one type has grown in both scope and intensity—restrictions on trade with other nations. Of course, protectionist barriers usually increase in severity during periods of high domestic unemployment, and there is no reason why the recent downturn in economic activity should have been any different. The problem is that the protectionist trend is continuing unabated during the current economic upturn.

In 1981-82, the United States imposed or negotiated higher trade barriers on a wide array of products, including bolts, screws, and heavy industrial fasteners, cement and other road construction materials, numerous carbon and specialty steel products, Japanese light trucks and motorcycles, and textiles and apparel from mainland China. More recently, explicit export subsidies, long eschewed by the United States, were put in place this spring and summer on U.S. wheat, milk, and cheese shipped to Egypt—as a means of retaliating against similar European practices. In June, following a recommendation from the International Trade Commission, President Reagan raised new barriers against a number of foreign specialty steel products such as hardened alloy tool and some types of stainless steel. Meanwhile, Congress continues to entertain the domestic content bill (S. 707 and H.R. 1234), which would require high-volume automakers, after a phase-in period, to produce domestically at least 70 percent of the value of the cars they sell in this country. This requirement would present great obstacles to Japanese auto producers.

WHO BEARS THE COSTS?

Protectionist policies consist of tariffs, quantity limitations (quotas or bilaterally negotiated agreements), and a variety of other regulatory barriers such as "Buy American" laws, discriminatory quality standards, and the trigger price mechanism. These policies are intended to help certain industries and save certain jobs—and, indeed, they may succeed, though only in the short run. But, we should ask, at what cost and to whom? The costs take two forms: protected domestic products become more expensive, and restricted imported products become both more expensive and less available. The largest single group that bears the cost of protectionism—domestic consumers—is probably the group least aware of the costs. After all, those costs are often widely dispersed and hard to identify. Who could track down the ramifications of higher prices of bolts, cement, specialty steel, or even apparel?

Consumers are not only the group bearings the costs of U.S. trade policy. Among the other victims are U.S. producers of unprotected goods, especially producers of goods exported to other nations. They are hurt directly when foreign countries retaliate against U.S. trade barriers, and indirectly when our trade barriers succeed in limiting foreign imports and thereby make it harder for foreigners to obtain the dollars they need to buy U.S. products. Indeed, once the balance of trade readjusts, exports fall by as much as imports. Similarly, some domestic producers are hurt because they have to pay higher prices for protected inputs. Thus, for example, domestic automakers that use protected steel have trouble competing with foreign automakers that can buy lower-priced steel on the world market. This leads U.S. automakers, like other producers in similar situations, to request protection.

While the costs that protectionism imposes on producers are probably not a trivial component of the total, only the costs borne by U.S. consumers are examined here. The burden that tariffs impose on consumers can be divided into three parts: (1) the tariff revenue itself, which is an explicit tax that transfers funds from consumers who buy the imported product to the government, (2) an implicit tax or transfer of funds from consumers to producers, reflecting the increased prices of protected domestic products, and (3) dead-weight static losses, caused by the misallocation of resources that trade barriers encourage. Quantity restrictions and other regulatory barriers raise no revenue for the government, but do impose both the second and the third of the above costs.

That trade barriers are, in effect, a tax can be seen by realizing that the government could choose to support a faltering domestic industry either by protecting its market from foreign competition or by taxing consumers and subsidizing the industry with the proceeds. In the case of all three forms of protectionism, the transfer to the protected industry is directly from the consumer, rather than from the consumer via government.

MEASURING THE COSTS

The technique we used to estimate the total "hidden tax" borne by consumers was to assemble from the existing literature cost estimates for specific programs, and then to make additional estimates of our own for some tariffs where the required data were available. Our literature search turned up twenty-one studies giving figures for various tariffs, quotas, orderly marketing agreements, and the trigger price mechanism. Our tariff estimates were derived by taking the average U.S. tariff rates after the Tokyo Round of multilaterally negotiated reductions (as estimated by Alan V. Deardorff and Robert M. Stern, Southern Economic Journal, January 1983), and multiplying them by total domestic consumption. All estimates were adjusted as necessary to 1980 prices.

The results appear in Table 1—a total of $58.5 billion in costs imposed on consumers in 1980. Two aspects of this estimate should be emphasized.

First, the figure substantially understates what the consumer actually pays for protectionism because the underlying estimates are incomplete. Part of the reason for this is

that they reflect the static, or short-run, costs, but not the dynamic costs. And, as Ilse Mintz explained in her pioneering study for the American Enterprise Institute, Dynamic costs may, in the long run, far exceed static ones. But they can be measured only on the basis of intensive and detailed studies of each of the industries affected. . . . Such studies are not available, and all one can do is to keep in mind that the static costs . . . are only part of the story [U.S. Import Quotas: Costs and Consequences, 1973].

Dynamic costs include losses in capacity, innovation, or productivity that occur when firms are insulated from market forces that give impetus to corrective changes in industry structure and production methods. Trade restraints keep resources in relatively unproductive industries and increase the costs of labor and materials for industries that otherwise would have a higher competitive potential. Any industry that is insulated for a substantial period against the pressure of international markets is likely to find itself far behind its competition, saddled with obsolete methods and equipment.

TABLE 1.—COSTS OF PROTECTIONISM TO U.S. CONSUMERS

[In billions of 1980 dollars]

Product category	Types of Restriction		
	Tariffs	Quantity limitations and other barriers	Total
Textiles and apparel	$15.0	$3.4	$18.4
Machinery and transport equipment	15.9		15.9
Metals and minerals	7.3	2.8	10.1
Other manufactured products	5.5	2.6	8.1
Agricultural	2.1	3.9	6.0
Total	45.8	12.7	58.5

Source: Michael C. Munger, "The Costs of Protectionism."

Our overall estimate is also understated because the static cost estimates are themselves incomplete. They do not include orderly marketing agreements on autos, ball bearings, batteries, dairy products, meat, mushrooms, and tin. Nor do they include building code restrictions on ceramic tile, the fruit juice tariff (averaging 27 percent), "Buy American" limitations on government procurement, and the Jones Act rules on the use of U.S. flag vessels. While the orderly marketing agreement for mushrooms may be a trivial omission, the "voluntary" restrictions on autos, dairy products, and meats create substantial transfers of income. A significant part of this transfer comes about because foreign producers respond to quantity limitations by shifting their exports from cheaper to more expensive goods. Japanese automakers, for example, have stayed within their U.S. quota, while increasing their sales revenues, by exporting to this country larger numbers of higher-priced cars loaded with more accessories. The results is that low-income customers find fewer products available in their price range.

The second point to stress about our overall estimate is that, even though it is incomplete, it represents a significant and little-recognized burden to the consumer. Trade barrier costs of $58.5 billion in 1980 amounted to an implicit per-capita tax of $255 that year—or $1,020 for the average family of four—to protect a variety of domestic industries. If we adjust for inflation but make no allowance for the many protectionist programs that have been added since 1980, the total cost for 1983 is $71 billion.

Turning to some details of our figures, the total tax or transfer associated with tariffs is about $45.8 billion, with another $12.7 billion resulting from quantity limitations and other regulatory barriers. In the product category totals, the largest cost is for textile and apparel restrictions—$18.4 billion, of which only $3.4 billion is derived from quantity limitations. Given that the textile and apparel trade is heavily affected by such quantitative pacts as the Multifiber Arrangement, the figure for these costs would probably be many times larger if they were not so difficult to estimate.

The second largest cost is for machinery and transportation equipment restrictions—at $15.9 billion. This figure does not include any costs at all for quantity restrictions on autos (the most significant omission) and other items, again because of gaps in the existing literature. The metals and minerals category of $10.2 billion includes restrictions on aluminum, copper, iron, steel, zinc, and various other metals and minerals. Fourth, restrictions on miscellaneous manufactured goods include footwear, furniture, stainless steel flatware, glass products, printing and publishing, and myriad other products. Finally, for agricultural products, quantity restrictions contribute more to the cost burden than tariffs: $3.9 billion of the agriculture total of $6 billion comes from quotas and orderly marketing agreements.

THE LONG-RUN COSTS OF "SAVING" JOBS

In light of these large costs, it is difficult to understand the popularity of trade barriers as national policy—except in light of the politics of protectionism. All of the protectionist devices are means by which small, well-organized groups use the political process to their advantage. That the tax effects of these devices are hidden is of no small importance in explaining their attractiveness to policy makers and to business. Certainly, direct subsidization of producers leading to increased taxes—or, more likely, to increased deficits—would be very unpopular politically. Protectionist aid to industries facing strong foreign competition, on the other hand, can be rationalized by pointing the finger at foreigners. In addition, such aid does not threaten company managements with the direct government intervention that explicit subsidies would involve.

The ability of protectionist barriers to save jobs is limited and can never be viewed as more than a temporary measure. But the cost is difficult to justify even in the short run. Table 2 gives estimates of the total cost per job "saved" by five protectionist programs. The ratio of the consumer costs for those programs to the compensation paid to workers ranges from 3.5 for carbon steel to 9.3 for restrictions on footwear imports. Put simply, current protectionist policies "save" jobs at a cost to consumers that is many times what a job is worth to the worker being protected. The difference between the compensation paid and the total implicit transfer from consumers goes partly to the owners of the protected firms and partly to sheer waste (because resources are used to produce goods domestically that could be produced more cheaply elsewhere).

TABLE 2.—ESTIMATED ANNUAL COSTS TO CONSUMERS PER JOB PROTECTED

[In 1980 dollars]

Product	Average compensation	Consumer cost per job protected	Ratio of cost to compensation
Television receivers (tariffs and quotas)	$12,923	$74,155	5.7
Footwear (tariffs and quotas)	8,340	77,714	9.3
Carbon steel (tariffs and quotas)	24,329	85,272	3.5
Steel (trigger price mechanism)	24,329	110,000	4.5
Autos (proposed "domestic content" bill)	23,566	85,400	3.6

Sources: Compensation figures are from Department of Labor, "Labor Force Statistics Derived from the Current Population Survey: A Databook," vol. 1 (September 1982), adjusted to include fringe benefits. Estimates of the consumer cost per job created in television, footwear, and carbon steel are derived from Robert Crandall, in Brookings Papers on Economic Activity, 1978; the estimate for steel comes Crandall, in Regulation, July/August 1980, and that for autos from a Council of Economic Advisers staff study.

Moreover, even these very expensive benefits to workers may be short-lived. There is, as already noted, a tendency for trade barriers to proliferate, as firms that sell products in open markets but buy materials in protected markets find they too need some form of protection. There is also the possibility of foreign retaliation. Our trading partners may succumb more readily to domestic political pressures to raise trade barriers if we have increased ours. The devastating beggar-thy-neighbor policies many nations practiced following U.S. passage of the Smoot-Hawley tariff in 1930 should serve as a vivid reminder of the global repercussions of protectionism.

Moreover, in addition to the direct consumer costs estimated here, trade barriers impose high long-run costs on the protected industry itself. Even the benefits of trade barriers to the protected industry are not unambiguous, because an industry that once sought protection as a short-run cure often ends up dependent on it for survival. Finally, and most important of all, trade barriers damage our economy's competitive strength. As William Brock, U.S. trade representative, has said: "Nations which protect their economies today will pay the costs of a decline in competitiveness tomorrow."

In the current environment, international trade policy will not sit still. Our choice today is between further drift to global protectionism or a joint effort by the United States and its trading partners to remove the obstacles already threatening open world markets. The longer we wait, the more numerous the barriers and the more difficult the task of removing them.●

THE 25TH ANNIVERSARY OF EASTSIDE BAPTIST CHURCH, BALTIMORE, MD.

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. MITCHELL. Mr. Speaker, I had the honor on Wednesday, October 5, 1983, to participate in the 25th anniversary of the Eastside Baptist Church of Baltimore, Md. It was an occasion for good fellowship. The church is pastored by Rev. C. C. Alexander. The following is what his congregation has to say about this fine minister.

Rev. C. C. Alexander was born in Lawrenceville, Va. He was brought up in a good old, old-fashioned Christian atmosphere, and moved to Baltimore at an early age, where he became a member of First Baptist Church. He was educated in Baltimore Public Schools and later went on to Morgan, then a college, and to Lynchburg Seminary.

Reverend Alexander is blessed with a lovely wife, Mrs. Carolyn Alexander, and three precious children, one of whom is now in the clergy.

Since founding the Eastside Baptist Church, "The Church With the Friendly Feeling," some 25 years ago, Reverend Alexander has spent several years as president of the United Baptist Missionary of Maryland. Among other things he has played an intricate part in the building of the Baptist Aged Home, which has proven to be a great success and a godsend to the people that it serves.

We, the members of Eastside Baptist Church wish to make some expression of our gratitude for this occasion and our pleasure in being here. This is by all odds one of our most significant affairs, for we have come together in recognition of our beloved pastor and in celebration of his 25th anniversary with Eastside Baptist Church.

We wish to pay respect to his courage, symbols of wisdom, and understanding of our shortcomings, his consoling council, and the fatherly way in which he has tried to lend a helping hand. These things have endeared him to us in no uncertain terms.

We have not only received spiritual food from his ministry but we have been blessed with his leadership in Christian fellowship that has given us a more serviceable way of life.

We are grateful for him because he stands as tall as the timber in the midst of the rich swamplands of our generations. He represents the kind of person that he speaks of in his messages; those who work because they love the one they are following, and those who are sold to the idea of brotherhood. We respect his leadership because his life is in keeping with his teachings. We have no trouble following the light which he so firmly holds up for us to see.

The spirit of his congregation stems from his big heart, for he truly shares not only his God-given talents but also material things that his lambs and sheep may be fed. The glory of his stewardship is felt not only in the church, but the entire community feels its presence. We feel proud of him because even though he stands high in leadership, he is always close enough to each of us that we may reap some benefit from his presence.

Whatever efforts we have made on his behalf are quite small compared with the efforts he has made and the success he has attained on our behalf; so we can only wish with all our hearts God's blessings heaped upon him as the years roll by and may all his sorrows roll away.

The life of Mrs. Carolyn Alexander has been so full and fruitful that we must pay tribute to her and express our appreciation for her influence on the man whom we honor here tonight. She has kept the home fires burning while simultaneously maintaining a faithful and productive membership in our church.●

IN MEMORY OF C. BLAND GUTHRIE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. WOLF. Mr. Speaker, Congressman DAN COATS and I join in paying tribute to Lt. Col. C. Bland Guthrie who died of cancer on October 8.

Bland Guthrie served in the U.S. Army from June 1967 to May 1983. It was during his last tour of duty as Legislative Liaison for the U.S. Army, U.S. House of Representatives that we had the privilege of working with him and it was during this time that we became friends.

Bland Guthrie was a dedicated, hard-working Army officer who knew how to get things done. He had the ability to make everyone he came in contact with feel important and sense the urgency of the mission at hand. It did not matter if you were a Congressman who needed guidance with logistics or a clerk typist who needed help in following through on correspondence, we all became part of an important mission as we worked together in carrying out our day-to-day obligations. This is just one of Bland's special abilities which helped to bring out the best in people he came in contact with. We will miss him.

Bland Guthrie was a man devoted to his country and he compiled a record of excellence and accomplishment. His outstanding record of service to our country is an example that merits our attention. Among the awards and decorations he received for his faithful service to our country are: Silver Star, Bronze Star Medal with Oak Leaf Cluster, Meritorious Service Medal, Air Medal, and Army Commendation.

I know all our colleagues join in expressing sympathy to Bland Guthrie's wife, Anita, and the rest of his family. They can be proud of the life he lived, of the service he provided his country, and the example he left to those who knew him.

DAN COATS and I would like to share with our colleagues a letter from one of Bland's friends, Lt. Col. Bill Richards, currently serving in Belgium. This letter was read at services held in the Old Chapel at Fort Meyer and touched us deeply. I submit it to be printed at this point in the RECORD.

We gather to honor and remember Carroll Bland Guthrie. In a life of service cut short, Bland was an inspiring leader and respected colleague. His most conspicious legacy is the example he set, through his distinctive blend of intellect, determination, candor, courage and individualism. Bland gained the respect and affection not only of the soldiers and officers of this nation, but also of comrades in several allied nations as well. Wherever he served, his influence and concern was deep and wide.

Throughout his years of service, Bland was always open to new ideas and inspired his fellow professionals to new challenges. His enthusiasm was contagious. He appreciated the past, but saw no reason to be shackled by it. It is both ironic and tragic that someone with so high an interest in the future, someone who contributed so much to the betterment of the future, should be denied its wonders.

It is the memory of Bland's personal relations with each of us that make us feel his loss most painfully. His friendship enriched our lives. His death diminishes us and leaves a chasm we cannot close. There was no limit to what Bland would do for the many of us he called friend. With characteristic selflessness he made us feel better about ourselves and about life.

Bland gave us so much. Most of us who became his friend received the added blessing of meeting, through Bland, others for whom we developed deep affection. Bland also brought Anita into our lives; and through their daughter Anne, we can treasure his memory.

Life indeed must go on, but for us it must be with a void we cannot fill. Just as Bland's part in our lives brought such brightness and joy, so must his passing be endured with such sorrow. We cannot forget him; we will not forget him. We will be ever the richer for knowing and loving him.●

A TRIBUTE TO ALLAN ZIEGLER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1982

● Mr. LEVINE of California. Mr. Speaker, I rise today to pay tribute to Mr. Allan Ziegler, a prominent Los Angeles leader who will receive the prestigious Heart of Gold award of October 29, 1983.

This unique award is presented annually by the Medallion Group of Cedars-Sinai Medical Center in recognition of an individual who has made outstanding contributions to philanthropic causes.

Mr. Ziegler moved to Los Angeles in 1922. After his graduation from Los Angeles High School, he continued his education at the University of Southern California where he received both his bachelor's and law degree. While attending college, Mr. Ziegler became active in founding Westco Products, a family business, which is now the lead-

ing manufacturer of bakery supplies in the United States.

During World War II, he served his country with distinction as a lieutenant on the destroyer, U.S.S. *Laymon*.

Twenty five years ago, Mr. Ziegler received the first Eternal Light Award from the Jewish Theological Seminary for his humanitarian efforts. Over the years, he and his wife, Ruth, have continued these efforts directing them toward several worthwhile charities and institutions. Among their major contributions have been the endowment of the administration building at the University of Judaism and facilities at Sinai Temple, Camp Ramah and the Jewish Home for the Aging.

Mr. Ziegler's leadership positions have included the presidency of Sinai Temple, including the honorary life president, member of the executive board of the University of Judaism, executive member of the National Ramah Commission, vice president of Camp Ramah and Los Angeles Hebrew High School and member of the board of homes for the aging. In addition, Mr. Ziegler has served as an officer of the National Bakery Suppliers Association for years.

It is a pleasure to bring Mr. Ziegler's accomplishments to the attention of my colleagues and to commend Mr. Ziegler for his exemplary display of public service. He is an exceptional member of our community and most deserving of the Golden Hand Award.●

H.R. 1028—COMPUTER CHIP COPYRIGHT

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. FISH. Mr. Speaker, I recently became a cosponsor of H.R. 1028, the Semiconductor Chip Protection Act of 1983. This bill provides needed protection against chip piracy for U.S. manufacturers of semiconductor chip products.

The semiconductor industry is a vital and rapidly growing part of the U.S. economy. The Bureau of Industrial Economics of the Department of Commerce forecasts that in 1983 the industry will ship more than $12.2 billion worth of semiconductor and related devices, a substantial increase from the $10.5 billion 1982 value of shipments. It is projected that in 10 years the semiconductor market will have sales of more than $90 billion, thus becoming one of the world's most important product markets and the basis for computers and telecommunications, two out of the four major industries of the 1990's.

As the level of complexity of semiconductor circuits has grown, so has the cost of creating new chip designs to embody those circuits economically and efficiently. In recent testimony during hearings on August 3 before the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice, an industry spokesman noted that the research and development costs for a single complex chip now can cost approximately $5 million, while related support and development costs for that chip could amount to another $50 million or more. These increasing cost factors have both made the return from piracy to would-be chip pirates and made the cost of their piracy greater to legitimate chip manufacturers. The net effect of chip copying is to sharply curtail the normal recovery period during which an innovative chip manufacturer can recoup the research and development costs that the manufacturer invests in creating a new chip and putting it on the market. Unless investments in chip creation can be recovered, fewer and fewer companies will make the research and development investment necessary for advancing chip technology. Instead, more and more companies will engage in chip copying to the detriment of the worldwide technological competitive edge of the United States.

There are no effective legal means at this time to stop chip piracy. Protection for chip layouts under the patent laws is not available, as a practical matter, despite the fact that creativity in devising these layouts is a critical factor in reducing manufacturing costs. Protection under existing copyright law is also not available for chip designs, because the layouts of chips are utilitarian in nature. Under existing copyright law, utilitarian objects cannot effectively be protected, even though their creation may involve great creativity and be of considerable economic value.

Legislation has been introduced in both Houses that goes a long way toward eliminating chip piracy by providing copyright protection. The chairman of the Subcommittee on Patents, Copyrights and Trademarks of the Senate Judiciary Committee has introduced S. 1201, and my distinguished colleagues from California, Messrs. EDWARDS and MINETA, have introduced H.R. 1028. This legislation provides a 10-year term of protection for the layout of chips and at the same time protects innocent good-faith purchasers of these products. It recognizes a new kind of copyrightable work, "mask works," and provides protection specifically devised for such works.

It is of great importance that this Congress promptly enact legislation protecting semiconductor chip designs. Such legislation, should have the following characteristics:

First, it should accord prompt, inexpensive protection to original semiconductor designs, through a registration system similar to that now in effect for books, pictorial works, and motion pictures. It is essential to have a system that permits rapid securing of protection, without an expensive examination procedure or other high front-end costs. This can best be accomplished by amending the existing Federal copyright laws to cover chip layouts. H.R. 1028, which amends the existing copyright laws for this purpose, is the most efficient and expeditious legislation for creating such protection.

Second, the protection should grant the owner of the chip design the exclusive right to commercially copy and distribute the new chip. H.R. 1028 has such a provision.

Third, the protection should have a relatively short term, such as 10 years. H.R. 1028 provides such a term.

Fourth, there should be an express right of "reverse engineering" chips for the purpose of teaching, analyzing, and evaluating the chip. This is recognized in the industry as a legitimate practice and should be safeguarded. However, reverse engineering should be appropriately defined so that a claim of reverse engineering will not become a pretense for piracy. At this time, H.R. 1028 does not directly address the question of reverse engineering.

Fifth, provision should be made to safeguard the interests of innocent infringers and the public. For example, it is inappropriate to allow injunctions or drastic forms of relief against innocent infringers of chip copyrights. H.R. 1028 expressly provides against that.

Proposed amendments to this legislation have been circulated in the other body, and have been commented on favorably by several witnesses at an August 3 hearing before the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice. These amendments would specifically guarantee the right of reverse engineering for teaching, analyzing, and evaluating chips; make the legislation wholly prospective in operation, while at the same time creating "grandfather rights" for persons marketing chips before January 1, 1980; insulate rights under existing copyright law for other works from any diminution or alteration; and limit the exclusive right of the owner of a copyright relating to chips to the manufacture and distribution, but not the use, of the protected chips. These proposed changes would bring H.R. 1028 into accord with the matters that I discussed above, and I fully support H.R. 1028 with these proposed amendments. However, I want to emphasize that I am not wedded to any particular form of language and remain open to suggestions for further improve-

ments in this needed legislation from industry and other concerned parties.

I note further that this legislation would create no new Federal bureaucracy and would cause no revenue loss to the Government. The legislation is commendably narrow in focus, and is restricted to a specific kind of new high technology. It therefore does not raise general and possibly controversial questions that legislation of broader scope could raise. The narrow focus of the legislation avoids opening the bill up to the addition of possibly controversial amendments as to other kinds of commercial or industrial works.

I support this legislation as a salutary step in expanding the two century-old Federal copyright system to bring it more into accord with modern technology and the current needs of the business community. I believe that it is essential that our copyright law should grow with the needs of the times. By appropriately tailoring the new rights and remedies that we create to the needs of industry and the public, we can breathe new life into copyright law and intellectual property law as a whole. I believe that H.R. 1028 is a needed step in that direction.●

HEROIC ACTIONS OF GARNER AND WOLD

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. PASHAYAN. Mr. Speaker, I would like to bring to the attention of the House a recent incident involving two residents of the district I have the honor to represent.

These two gentlemen, Mr. Brune Garner and Mr. Bruce Wold, are employed by a firm that transports prisoners by air. Mr. Garner is employed as a pilot and Mr. Wold as a guard. During a recent flight a prisoner slipped free of his restraints, drew a pocketknife, and attempted to have Mr. Garner fly to a different location.

Despite a knife wound to the throat, Mr. Garner executed maneuvers with the aircraft which enabled Mr. Wold and the other prisoners to subdue the prisoner. During the scuffle, Mr. Wold was also injured.

Mr. Speaker, the heroic actions of Mr. Garner and Mr. Wold undoubtedly resulted in saving their lives and the lives of their prisoners, and I should like to express my congratulations to them for their quick thinking.●

REV. TED K. SMITH, LA PALMA'S OUTSTANDING CITIZEN OF THE YEAR 1983

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. PATTERSON. Mr. Speaker, on October 15, 1983, the La Palma Kiwanis and Women's Club will recognize their "Outstanding Citizen of the Year." I would like to join with my colleagues in the House of Representatives in honoring this year's winner.

This year's honoree, the Reverend Dr. Ted K. Smith, is the pastor of the United Methodist Church in La Palma. He has served in that capacity since July 1979, after 15 years of service in Hawaii. In only 4 short years, Ted has become an integral part of the La Palma community.

Ted was born on December 15, 1931, in Bellflower, Ill., where he attended elementary and high school. After briefly attending Illinois State College, Ted completed his bachelor of science degree in education at the University of Arizona. Ted received his master of theology degree and doctor of ministry from the School of Theology at Claremont, Calif. Ted served with distinction as a hospital corpsman in the U.S. Navy during the Korean war.

In addition to Ted's many duties as the pastor of the La Palma United Methodist Church, he is active in the La Palma community. Ted is the spiritual aims leader of the La Palma Kiwanis Club. He has established a very active hospital chaplaincy program at the La Palma Inter-Community Hospital. He is an active member of the Buena Park Ministerial Association, and also finds time to visit the elderly in local nursing homes. To those who are without family and friends, Ted's visits are of particular spiritual importance. He is the beacon of light in what is often an otherwise dreary day.

Ted has also not neglected the spiritual needs of young people. He has been the baccalaureate speaker for both Cypress and Kennedy High Schools. He distributes Bibles to Kennedy graduates every year. On Memorial Day, Ted is an active participant in the Women's Club services.

It is not so much for Ted's "official" community activities that he was selected this year but for his private activities. Ted is always available to answer the spiritual needs of anyone—regardless of their church affiliation. It is for his loving touch, his caring ear, and his concerned heart that Ted was selected. He is a humanitarian. His service knows no geographical or denominational bounds—it is done with great compassion and selflessness.

Ted's busy schedule and many works could only be possible with the support of his loving wife, Betty Jean, and their sons, Kenneth and Phil. To each of them, we owe our thanks for sharing Ted with us.

Mr. Speaker, La Palma is a better place because Ted Smith has enriched our lives. I joing with my colleagues in the House in paying tribute to Dr. Ted K. Smith, La Palma's "Outstanding Citizen of the Year."●

JOHN JOHNSON

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. DAUB. Mr. Speaker, this month, John Johnson will complete his term as president of the National Association of Retail Druggists. It is an appropriate time to recognize his lifelong record of achievement—a record which we in Nebraska have long been familiar with and proud of.

A 1948 graduate of Creighton University School of Pharmacy, Mr. Johnson has received numerous professional honors including the NARD-Merck Service to Society Award, the Harland Lewis Memorial Award, the Creighton University Alumni Award, and the Bowl of Hygeia.

Having served as president of the Bellevue Chamber of Commerce and a member of the Bellevue City Council, he has been a prominent figure in the business development of Bellevue, Nebr., for over 30 years. Mr. Johnson was instrumental in chartering a bank badly needed by local businesses and in raising funds to build Midlands Community Hospital where he has dedicated many hours of service on its board of directors.

Subseqent to his service as regional delegate to the White House Conference on Small Business, he was named the Small Business Administration's 1980 Family Owned Business Advocate of the Year. That family owned business includes his wife Marjorie Johnson and their sons—John Jr., Kevin, and Gale—an impressive team who literally "mind the store" during John's countrywide travel.

As a member of the Small Business and Aging Committees, I have been fortunate to have John Johnson's seasoned insights on issues that fall within the jurisdiction of both committees. John is a special friend who has served his profession well, his community well, and his Nation well. He is the kind of concerned and active citizen that makes this country great, and I am privileged to take this opportunity to commend John Johnson's outstanding accomplishments.●

HEROISM IN BROOKLYN

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. SOLARZ. Mr. Speaker, something happened just prior to the summer congressional recess which I wanted to share with my colleagues, because it represents the very best of the human spirit and what we aspire to engender in all members of our society.

On July 15 of this year, Constantine Plits smelled smoke coming from the apartment of his elderly neighbor Sylvia Fagen. He broke down the door of her apartment as she lay unconscious, overcome by smoke. As fire consumed and smoke filled her apartment, Mr. Plits, at enormous risk to his own life, saved Sylvia Fagen. After carrying her from the inferno, he then administered aid to his 70-year-old neighbor until an ambulance had arrived. What is all the more remarkable is that Mr. Plits, a 50-year-old Russian immigrant, has only one arm.

Mrs. Fagen luckily survived what could have been a tragic accident. I'm sad to report, however, that a little over a month ago she passed away in spite of the heroic deed of her neighbor.

That Mr. Plits is a hero in the truest sense of the word is beyond dispute. He did not know, before he burst into the burning apartment, that he would be able to save his neighbor. More significantly, he could not have been sure that he would be able to emerge from the inferno safely. There were other, less risky, options to be sure. But I suspect that Mr. Plits instead chose to view his options from his neighbors point of view.

I do not profess to be able to explain the source of these altruistic impulses which led to this act of courage. Perhaps in his 3 years since coming to the United States from the Soviet Union Mr. Plits has grown to love his community and country and this inspired his heroism. Perhaps instead, he has always possessed these noble qualities. What I do know, however, is that Mr. Plits is a sparkling example for all other members of our society.●

TROUBLE ON THE TRACKS

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, the House is scheduled to take up H.R. 3648, the Amtrak Improvements Act, later this week. I am planning to offer two amendments to this legislation. The first would require Amtrak to restore the position of firemen on intercity passenger trains operating in the Northeast corridor. The position was eliminated on January 1, 1983. The second amendment would require Amtrak to bargain over the position with representatives of the 250 former Conrail employees whose jobs were affected.

I will be writing to all Members of the House to explain the importance of these two amendments. I want to take this opportunity, however, to bring to the House's attention a number of newspaper articles about the issue that have appeared in my district and which provide substantial background information. I also am inserting into the RECORD an editorial which appeared in the Journal-Courier (New Haven, Conn.) which calls on the Federal Railroad Administration to take responsibility for the safety issue raised by the Amtrak decision. Finally, I am including in the RECORD two newspaper articles which describe tragic railroad fatalities which occurred in Rhode Island this year.

[From the New Haven (Conn.) Advocate Mar. 1, 1983]

TROUBLE ON THE TRACKS

(By Bruce Shapiro)

Amtrak has removed firemen from its train cabs, leaving engineers alone. Does that mean the trains are unsafe?

On the afternoon of February 6, a Rhode Island man was killed in Pawtucket by an Amtrak train on its way to Boston. The train had rounded a curve about a quarter of a mile earlier. The engineer didn't see the man and his three children on the tracks. The conductor, farther back on the train, eventually did. He pulled his whistle and brake cord, but by then precious seconds had passed.

The Amtrak engineer was alone in the cab. Until last month there would also have been a second person in the cab—a second pair of eyes, and a second set of reflexes. But on January 1 Amtrak eliminated the second person—the fireman—on its Northeast Corridor trains as a cost-cutting measure.

There is no way of knowing for certain whether the fireman (who in the age of diesel had been an assistant engineer rather than the familiar stoker from the movies) would have spotted the family in time. Engineers say that a fireman, who would have been sitting to the engineer's left and commanded a different view, could probably have seen around the curve at least a bit sooner.

The February 6 accident was a grim postscript to a conversation I had had just a few days earlier with Thomas Cannon, an official of the United Transportation Union (UTU), which represents brakemen, firemen, conductors, and some engineers. Cannon is himself an engineer with 15 years' experience. "Mark my words," he had said. "Without that second man, at the speeds those trains travel, within a short time we will have some serious accidents on our hands."

Cannon's union has been fighting the elimination of the firemen for months, including a court challenge which lost. Now the dispute is threatening to boil over into a major labor controversy. The UTU charges that Amtrak's elimination of firemen not only poses a serious threat to public safety, but also undermines basic principles of collective bargaining and affirmative action. It is a dispute, union officials say, with long-term national implications.

The roots of the controversy were laid in 1976, when Amtrak took over the Boston-to-Washington Northeast Corridor from bankrupt private railroads. At the time, Amtrak management did not feel equipped to administer its own train crews. Instead it struck a bargain with Conrail, which ran the local commuter lines. Conrail effectively acted as an agent for Amtrak—training, hiring, and supplying crews for the long distance trains.

By 1981, Conrail's profits were not high enough to support its own commuter trains, Congress passed the new Northeast Rail Services Act (NERSA), which went into effect this year, completely reorganizing passenger service in the region. Conrail dropped its commuter lines, which were taken over by the locally controlled Metro-North. Amtrak had by then developed an adequate bureaucracy to manage its crews directly. The same engineers and crew members who had run Amtrak trains through Conrail were brought over.

But Amtrak wanted a change. The company identified several thousand positions it considered expendable—including the 250 firemen. Conrail's contracts with the UTU and with the Brotherhood of Locomotive Engineers (BLE), which bargains for engineers, were still in effect. But Amtrak announced that it was no longer bound by these agreements—that it was, in effect, a new employer—and held no contractual obligations whatsoever to Conrail workers.

"Any engineer," says Mike Doyle, "will tell you there are plenty of times when the fireman has saved his ass." Doyle has operated Amtrak trains since 1975—for the first two years as a fireman, and since 1978 as a full engineer. He handles runs between Boston and New York. Though he is a member of the BLE and his job is not at stake, he has been a highly vocal supporter of the UTU's drive to reinstate firemen.

"My great fear," he says, "is that I or any other engineer will make a serious mistake, cause a serious accident." He describes the myriad of exhausting details which continually demand an engineer's attention: crossings, stop signals, stations, switches. Track conditions change every day and are posted on a board in the trainyard. Automatic speed controls and safety equipment are sometimes not working. A fireman, Doyle says, was essential to keeping an engineer alert; they would check signals with each other, keep tabs on track conditions, perform brake and equipment tests. "It's like needing a copilot in an airplane," Doyle says.

Doyle adds that many engineers are not always operating in peak form. Sometimes they are tired from long, closely spaced consecutive runs. As with pilots and air-traffic controllers, stress is a serious problem—and is aggravated without a second person in the cab. And there is always the possibility that the engineer will be incapacitated through sudden illness or injury.

The main safety device on Amtrak trains is the "alerter"—an electronic monitor based on electrodes implanted in the engineer's seat. The alerter sounds a horn and eventually puts on the brakes if the engineer stops making normal movement or falls off his seat. But Doyle and other engineers say the alerter is unreliable; a recent

Amtrak memo on safety procedures supports their position.

There is another problem as well, Doyle says. "People complain about late trains. Well, there will be a higher frequency of late trains without the firemen. We used to be able to send the fireman back to make repairs, if something went wrong, and keep the train running. Now any time something happens, we've got to stop the train and fix it ourselves." Doyle pauses. "If the trains were late before . . . without that second man, they might not arrive at all."

As with almost any corporation, getting a serious and informed comment out of Amtrak is difficult. George Daniels, the railroad's chief labor relations official, referred all queries to Amtrak's East Coast public relations director, Dianne Elliot. Says Elliot, "We feel it is very safe to operate those trains with one man . . . The fireman performs no useful function in this day and age."

It is an absolute position. "Amtrak has refused from the beginning to negotiate over the second man," says the UTU's Thomas Cannon. "The railroads have been after the firemen for years, at least since the 1950s. But numerous presidential emergency boards (special panels set up to negotiate rail dispute) and mediation panels have sustained our position." In particular, a 1964 presidential emergency board, which settled the largest dispute in recent memory, ruled that firemen were essential for safe operation of the trains.

Cannon calls Amtrak's decision to void the Conrail contract "an attempt to circumvent collective bargaining." Larry Davis, the UTU's general chairman, agrees. He says a serious constitutional question lies at the heart of the dispute. "Amtrak says prior agreements by Conrail aren't protected by NERSA. But, in reality, Conrail was just an agent for Amtrak. Those people were hired and paid for and trained for Amtrak. Does an employee have any rights in an agency relationship?"

One of the sticking points is Congress's intent in passing NERSA. Amtrak, obviously, believes Congress gave it the right to void the workers' contract without compensation. But there is substantial room for disagreement. The wording of NERSA is vague on this point, but comparison with other sections of the act and with early drafts gives some credence to the UTU's position. Metro-North, for instance, is explicitly required to assume all Conrail commuter-line employees. And the original Senate version of NERSA required the same of Amtrak: that it absorb all the Conrail positions, including both people in the cab.

The issue is complicated further, and made more dangerous to collective bargaining in general, by the quasi-public corporate status of both Conrail and Amtrak. Though chartered by Congress, they are both private corporations. If Amtrak's interpretation of NERSA is correct—if the Act voided Conrail's labor obligations—it will mark the first time Congress has intervened on behalf of a troubled company and nullified its obligations with no compensation for the workers affected. The national implications are catastrophic. It would be as if Congress could bail out Chrysler by unilaterally telling the United Auto Workers to take a hike.

There is one group affected by the elimination of firemen more directly than any other. Larry Davis charges that the action will have a wide-ranging effect on Amtrak's affirmative action program. In recent years, many minority firemen have been hired as eventual engineer candidates; now they will never have the chance to qualify. Says Davis, "Amtrak took just about every one of the blacks hired under affirmative action out. They're the ones who will pay most severely."

Amtrak's Dianne Elliot denies that affirmative action has been affected. But John Winston, director of public affairs for the Federal Railway Administration, says minority firemen "would definitely be affected" disproportionately by the action.

Where does all this leave Amtrak and the former firemen? And where does it leave the passengers on Amtrak's high-speed trains?

This Tuesday, a special mediation board plans to hold a hearing to determine if it has jurisdiction over the dispute. If there is no mediation, the UTU is prepared to take more drastic steps. Says Larry Davis, "This is a national issue. If they can do it with Conrail, they can do it with the Santa Fe or any other road. If there were no mediation, then I would take job action—shut the SOBs down."

In the meantime, there is still only one person in that cab.

[From the New Haven (Conn.) Register, Jan. 31, 1983]

Amtrak Run Called Risky

No backup for engineers

(By Abram Katz)

Since the beginning of the year Amtrak has been running high-speed trains between Washington, D.C., and Boston with only one man in the locomotive. Engineers and conductors call the new practice a serious hazard.

Engineers used to be accompanied by firemen before Amtrak assumed control of the northeast corridor from Conrail. The fireman helped the engineer remember special instructions and kept an eye out for other hazards that the busy engineer might miss.

Now, engineers complain, they have no one to help keep them alert—and no one to assume the controls if an engineer should suddenly become ill or incapacitated.

Amtrak officials say the diesel and electric locomotives used on the Washington-to-Boston run are equipped with a variety of safety features. Local engineers concede that the "alerters" and "dead-man pedals" in their cabs often work.

Sometimes they do not, however, according to the engineers. Besides, at 100 to 120 miles an hour, a runaway train could travel miles before the emergency brakes brought it to a halt.

Some of the locomotives used by Amtrak cannot be entered from the rest of the train, the engineers add, meaning the conductor cannot routinely check the engineer and cannot intervene in the event of trouble.

Amtrak corporate spokesman Diane Elliott said the federally subsidized railroad does not believe the new "solo engineer" practice presents a hazard. "We don't feel it's unsafe," she said.

The Federal Railroad Administration has refused to act on the question. "We have no jurisdiction, no federal regulations and no involvement whatsoever with that matter," said FRA Director of Public Affairs John Winston.

Amtrak, the FRA and trainmen say the practice of piloting a passenger train with one engineer resulted from a long dispute between the competing United Transportation Union-Engineers, which represents firemen and some engineers, and the Brotherhood of Locomotive Engineers.

Fearing its membership would be usurped by the UTUE, the BLE signed a contract with Amtrak allowing one-man operation, explained one engineer. The UTUE also reached an agreement with Amtrak, but is still in disagreement over use of firemen.

Until the dispute between Amtrak and the UTUE is settled, passenger trains will continue to run between Washington and Boston with one man in the cab.

Engineers and conductors insist that running a train with one man at the controls is dangerous. "It isn't safe at all," said Joseph Morrissey, who's been an engineer for 15 years.

"There should be another person there to stop the train if something happens to me. I've been in the railroad 41 years and I never thought the government would allow this kind of thing," said Morrissey, who must drive trains by himself from New Haven to New York, and New Haven to Boston.

Engineers must keep track of dozens of pieces of information, according to engineer Michael Doyle. If they don't, disaster can result. There are work crews to watch out for, "cut-outs" where a train is emptying passengers across a track, curves, switches, debris on the track, cars, trucks, other trains and commuter trains in some areas.

Before an engineer departs from the station he has to review all the hazards he will encounter, and while the train is moving he must make sure he's keeping to schedule and maintain the numerous switches and relays in the locomotive.

Several engineers said they have avoided mishaps because firemen—some engineers prefer the term "assistant engineer"—brought hazards or signals to their attention that they otherwise might have missed.

Going around curves in some locomotives leaves the engineer blind on one side, Doyle added.

"It's not very safe. God forbid he has a heart attack," said conductor Theodore Mekdeci. It's not a safe deal at all. We don't know back there what's going on. Half the time the intercoms don't work. By the time you found out there's a problem it's too late to do anything."

The problem is compounded for engineers who work "off the spare board"—a pool of engineers who are called to work on the spur of the moment at all hours of the day and night.

One engineer who works off the spare board, who asked not to be identified, said he became so drowsy driving a train between New York and New Haven in the early morning hours that only the alerter allowed him to complete the trip.

He would start to fall asleep and the shrill siren and lights would wake him up, every minute or so, for the entire run, he said.

'Spare Board' Engineers' Hours Erratic

(By Abram Katz)

When the work is there you have to take it, so if you're working as an engineer off the "spare board," you may find yourself at the controls of a 12½-ton locomotive and feeling kind of drowsy.

Engineer Michael Doyle works off the board, which represents a pool of engineers who have no set hours. They are called to work whenever Amtrak needs them.

The erratic schedules that result from the spare board and federal "hours of service" laws make putting two people in locomotives even more important, Doyle says.

When the Amtrak dispatcher calls, Doyle explained, you have to take the job or risk being taken off duty. After operating a train for 12 hours, an engineer is required to rest for eight hours, according to federal regulations.

A typical spare board schedule could leave a very tired engineer in a train by himself.

"You could get called at 6 p.m. for a train from New Haven to New York, the Merchants Limited," he said. The engineer would have to report at 6:20 p.m. to prepare for the 6:50 p.m. departure, and arrive at New York at 8:30 p.m.

Then the engineer might be asked to run the 9:45 p.m. train back to New Haven. He would arrive at 11:20 p.m. and be off duty by 11:35 p.m.—for a total of five hours and 15 minutes of work.

Under the rules of service that leaves the engineer with six hours and 45 minutes "left" before he must rest.

He goes home and to bed, but the crew caller wakes him up at 2 a.m. and orders the engineer to run the Night Owl from New Haven to Boston. He reports back to the yard at 4:07 a.m. for the 4:37 a.m. departure. With little rest the engineer, who has been working since the previous evening, and was probably up all day before that, now faces a 100-mph trip to Boston by himself.

An "alerter" can keep him awake. It consists of electrodes connected to the engineer's seat and it cycles every 20 seconds. Unless the engineer moves or touches metal the alerter will first flash bright white lights and then sound a siren.

It the engineer does not respond the alerter automatically applies the brakes.

[From the Journal-Courier (Conn.), Feb. 1, 1983]

It's disturbing that the Federal Railroad Administration (FRA) either cannot or will not act on a question of safety—the practice of running high-speed Amtrak trains between Washington and Boston with only an engineer in the locomotive. An FRA official has said the agency has no jurisdiction and no involvement in the matter. Why not? This is interstate railroad transportation and Amtrak is a federally subsidized line. Federal authorities required the special inspections of wheels that are delaying trains of the New Haven lines.

In the past, an engineer was accompanied by a so-called fireman in a locomotive. The fireman helped the engineer remember special instructions and kept an eye out for other hazards the engineer might miss. But since Amtrak assumed control of the Northeast Corridor line from Conrail, the engineers lack a helper and there is no one to assume controls if an engineer should fall asleep, become ill or incapacitated.

Granted, say the engineers, their cabs are equipped with a variety of safety features including "alerts" and "dead man pedals." But sometimes these don't work and at high speeds a runaway train could travel miles before being stopped by emergency brakes. And some of the Amtrak locomotives can't be entered from the next car. Furthermore, engineers who work on a contingency basis may be tired when taking on an assignment.

Certainly we don't want to continue any featherbedding of the type that has done so much damage to railroad operations. But if there is a real personnel need to substantially reduce potential danger, that need should be filled. It would seem the federal authorities could take responsibility in this important issue.

[From the Providence, (R.I.) Journal, Feb. 7, 1983]

TRAIN KILLS PAWTUCKET MAN; SON INJURED

(By Rob Levin and Dan Stets)

PAWTUCKET.—A Pawtucket man, collecting discarded aluminum cans on railroad tracks, was killed and his 7-year-old son was seriously injured early yesterday afternoon when they were hit by an Amtrak passenger train.

Robert D. Stephens, 33, of 124 Samuel Ave., was hit by the train as he attempted to push his son, Robert Jr., out of its path, according to authorities. His youngest son, Shawn, 4, managed to get away in time and was uninjured, police said.

Authorities said the train was blowing its whistle and its brakes had been applied just before the two were hit. The accident occurred beneath the Mineral Spring Avenue bridge.

For Stephens, an employee of Carol Cable Co., collecting used cans on weekends with his two sons was a way to spend time with the boys and pocket some extra change. According to neighbors, Stephens was saving money for spring when he planned to return to college and complete a bachelor of arts degree in marketing.

As they had so often before, the three piled into the white Volkswagen Rabbit, dressed for the cold and armed with a large, green trash bag in which they would store the cans. The cans would be sold to a recycling center in Pawtucket.

They parked the car in the lot of House of Chin Chinese Restaurant and climbed down the embankment from Mineral Spring Avenue. They had the bag about half full when John J. Hogan, the engineer for the 12:09 Amtrak out of Providence, began his run for Boston.

By the time the train engine had reached about 50 mph, with either three or four passenger cars in tow, it had reached a bend shortly before the Mineral Spring Avenue bridge.

According to police, Hogan saw two people, a man and a young boy, on the track. The 61-year-old engineer gave a sharp blast on the whistle and immediately reached for the brake. The two people, Stephens and his youngest son, Shawn, began running from the train, down the track.

As the wheels locked and the train slid, a third person suddenly appeared on the tracks. Robert Stephens apparently saw Robbie Jr. and turned around to get him, but the train struck both, dragging the father about 150 feet.

He was pronounced dead at the scene by the state Medical Examiner's Office.

Minutes later, police arrived. Ptlm. Edward Velzis found young Shawn wandering near the scene, took him home and told the boy's mother what had happened.

He then took her to Pawtucket Memorial Hospital, where her injured son was. Shawn was also examined there and released. Robert Jr. was later transferred to St. Joseph Hospital in Providence, where he was listed in critical condition last night.

While a large crowd gathered on the bridge, Stephen's body was placed on the train, because of the steepness of the nearby banks, and taken to the next crossing for removal to the state morgue.

Neighbors described Stephens as a devoted family man, a gentle person who never raised his voice and often took his sons fishing. He belonged to the PTA and the South Attleboro Lions Club and was a youth soccer coach in Pawtucket.

He and his family had lived in the second floor of a three-story house on Samuel Avenue, off Smithfield Avenue, for about three years.

A native of Iowa, he met his wife Lesley while in the Navy and stationed in Newport. They were to celebrate their 10th wedding anniversary next month.

[From the Providence (R.I.) Journal, Oct. 3, 1983]

MAN RUN OVER BY TRAIN NEAR STATION IN WESTERLY

WESTERLY.—A man was killed last night when he was run over by an Amtrak passenger train.

Ptlm. Gary Gervasini said the man was decapitated by the train at about 6:45 p.m. about 150 yards west of the station. He said there were no witnesses.

The victim was carrying no identification. Gervasini said police had identified him, but that they were withholding his name until relatives could be notified.

He said that the victim appeared to be in his 20s and that police do not believe he was a victim of foul play, but rather of an accident or suicide.

Amtrak spokeswoman Diane Elliott said the victim was trespassing on the tracks when Train No. 94, the Colonial, hit him. She said he was on Track 2, the eastbound track, which is the southerly of the two tracks passing through Westerly.

She said the train, which runs from Newport News, Va., to Boston, was not schedule to stop at Westerly. Its next stop was the Kingston Station in South Kingstown.

The accident temporarily delayed Amtrak service, with two trains, the Patriot and an express, both bound for Boston, held up behind the Colonial while officials investigated the accident, Elliott said.

The Colonial, an engine and eight cars, was running late when it hit the victim. Elliott said it was due at Kingston Station at 6:34 p.m.

The Colonial was released by policy shortly before 9 p.m. and so was delayed for about two hours, Elliott said. She said that the other two trains were delayed about one hour and about one hour and 45 minutes respectively.

It was not clear why the man was on the tracks as the train went through the Westerly station. Gervasini said. Elliott said that the railroad considered the victim a trespasser because "anyone on the tracks is a trespasser."●

GLENDALE SYMPHONY ORCHESTRA'S 60TH ANNIVERSARY

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. MOORHEAD. Mr. Speaker, the Glendale Symphony Orchestra is deserving of special recognition and the highest commendations on its 60th season as a major musical contributor to the cultural life of southern California. For six continuous decades, this skilled and caring group has enriched the lives of thousands of people who love fine music beautifully prepared.

The Glendale Symphony Orchestra has grown from a small volunteer civic music group into one of the most respected professional orchestras in the country. The history of the orchestra moves from the first concerts in the auditorium of Glendale College to the elegant Dorothy Chandler Pavilion in the Los Angeles Music Center.

From the earliest days, the symphony orchestra and its support groups have maintained strong youth programs with school concerts and scholarships. The interest in youth and the philosophy of presenting listenable music was then and still is an important part of the Glendale Symphony Orchestra.

The orchestra is unique among symphony orchestras in that it operates in the black and has a most dedicated volunteer board and volunteer office staff, which contributes to its success. It is an outstanding example of what can occur when community-minded citizens, interested in fine music, get together and prove that it is not necessary to have substantial Government aid to operate.

Mr. Speaker, I would like to commend to my colleagues in the House of Representatives the Glendale Symphony Orchestra and the Glendale Symphony Orchestra Association for their diligent and devoted efforts to provide the utmost in symphonic arts, and for giving us a constant and beautiful example of what humans can achieve with hard work and high aims. I am proud of this excellent group as are thousands of others. I am confident that its future will be successful and wonderfully melodic.●

INVESTMENT IN EDUCATION

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mrs. MARTIN of Illinois. Mr. Speaker, today I introduced legislation to encourage investment in education. My legislation would allow families to establish a tax-deferred savings account for their child's post-secondary educational expenses.

Quite simply, my legislation applies the successful concept of individual retirement accounts (IRA's) to education. It is appropriate, I believe, to expand upon a concept that has produced marked results. IRA's have proven that people will save if given an incentive.

Knowing that the cost of schooling at a 4-year public institution will increase over 140 percent during the next 18 years, families today need help in planning for their child's education. My legislation provides that assistance by allowing an annual contribution of up to $1,200 to a tax-deferred savings account.

My legislation, moreover, takes into consideration that a student may not attend a post-secondary institution immediately after graduation from high school. Under my bill, a student has until his or her 27th birthday to use any or all of the funds for higher educational purposes. Once the student reaches 27, however, one-tenth of the total savings used would be added to his or her gross income over a 10-year period, lessening the revenue foregone to the Federal Treasury resulting from this saving initiative.

Everyone benefits from this legislation: parents are given an incentive to plan ahead for their child's college expenses; the student is assisted in meeting the demanding costs of a higher education; the economy is strengthened through a greater level of savings; and the country as a whole prospers because these savings accounts are an investment in education.

As the mother of a child approaching college age, I am concerned about the escalating costs of a higher education. My legislation, if enacted into law, would ease that worry.●

U.S. PONDERS NEW MIDEAST GOALS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. JACOBS. Mr. Speaker, the following is a portion of a New York Times article entitled, "U.S. Ponders New Mideast Goals."

Shortly before President Kennedy was taken from us, he was quoted as saying to his adviser, Michael Forrestal:

I want you to organize an indepth study of every possible option we've got in Vietnam, including how to get out of there. We have to review this whole thing from the bottom to the top.

As "U.S. ponders new Mideast goals," nine American marine lads lie dead from their conspicuously unnecessary deployment in the line of fire among factions of the centuries old religious war in Lebanon.

U.S. PONDERS NEW MIDEAST GOALS

WASHINGTON.—President Reagan has scheduled a meeting of the National Security Council on Tuesday to decide on new American actions in the Middle East, administration officials said Saturday.

They said the actions include steps to break the impasse on a troop withdrawal from Lebanon, to engage Israel in a closer strategic relationship, to enhance American ties with pro-Western Arab states, and to offset a perceived growth in Syrian and Soviet strength in the region.

The meeting of Mr. Reagan and his senior foreign policy and military advisers follows intensive discussions on all aspects of the Middle East at the White House on Friday by Robert C. McFarlane, the special Middle East envoy, with Secretary of State George P. Shultz, Secretary of Defense Caspar W. Weinberger and other top aides, the officials said.

On some questions, such as whether the United States should encourage or discourage further partial Israeli withdrawals from Lebanon, or whether the United States should drop its neutrality in the Iran-Iraq war in favor of a tilt toward Iraq, there is as yet no consensus within the administration, officials said. On other questions, there is general accord.

McFarlane, who helped negotiate the current cease-fire in Lebanon, returned to Washington on Wednesday and has privately recommended that the administration widen its scope of activity in the Middle East and not become bogged down in the internal politics of Lebanon, now that it looks as if the Lebanese themselves are at least discussing a new political alignment in that country.

Lebanon remains a principal topic in the administration's agenda, however, and the administration will continue to help facilitate the national reconciliation talks and will take steps to bolster the government of President Amin Gemayel, officials said.●

ANATOLY SHCHARANSKY DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. ADDABBO. Mr. Speaker, on September 15 last, Soviet dissident Anatoly Shcharansky completed the first half of his prison sentence. As Soviet law allows for a prisoner's release after this point, Gov. Mario Cuomo of New York proclaimed September 15, 1983, Anatoly Shcharansky Day in New York State as a way of appealing to the Soviets for the release of all prisoners of conscience.

Each of us, following this example, must use the passing of this landmark date—Shcharansky's imprisonment for 6½ years—as a lever to strengthen our protests to the Soviet Union for its unconscionable treatment of its dissidents.

Anatoly Shcharansky, through his steadfast resistance, has focussed international attention on the plight of Soviet Jewry. Fired by conviction, he has endured, beyond harsh prison conditions, a 4-month hunger strike in protest of his isolation. While Shcharansky's spiritual strength remains intact, his physical condition has weakened.

It is incumbent upon us to appeal persistently for Shcharansky's reunion with his family outside the Soviet Union. It is imperative that we see in this case a reflection of many others, and push for justice in every instance.

Particularly at a time that has witnessed a drastic drop in Jewish emigration from Russia accompanied by a corresponding rise in pressure put on Soviet Jews seeking to leave, our words of protest, like those of the

Governor and people of New York, must be heard.

The following is a copy of the text of the Governor's proclamation:

STATE OF NEW YORK PROCLAMATION

Whereas, Anatoly Shcharansky has been imprisoned for six and one-half years; and

Whereas, in all those years he has been isolated from his wife and his family and has gone on a four month hunger strike to protest his isolation which resulted in the serious deterioration of his health; and

Whereas, Anatoly Shcharansky is a symbol of all Prisoners of Conscience in the Soviet Union; and

Whereas, Soviet Law makes it possible for a prisoner to be released after the completion of half of his sentence and, this will fall on September 15th,

Now, therefore, I, Mario M. Cuomo, Governor of the State of New York, do hereby proclaim September 15, 1983, as "Anatoly Shcharansky Day" in New York State and call upon the President of the Soviet Union, Yuri Andropov, to release Anatoly Shcharansky from prison so that he may rejoin his wife in Israel.

I ask all citizens of our State to use this occasion to write to President Andropov to appeal to him to free Shcharansky, as well as all other Prisoners of Conscience whom he symbolizes.

Given under my hand and the Privy Seal of the State at the Capitol in the City of Albany this twelfth day of September in the year one thousand nine hundred and eighty-three.

MARIO CUOMO.●

THE $8.4 BILLION IMF BAIL-OUT BILL

HON. BILL PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. PATMAN. Mr. Speaker, while the conference committee has not yet been appointed on the IMF authorization—H.R. 2957, S. 695 passed House amended—there has been a lot of publicity in the papers concerning the IMF. I would like to insert in the RECORD the statement of Congressman BYRON L. DORGAN that appeared in yesterday's Washington Post. Congressman DORGAN eloquently expresses the very real concerns of many of us who oppose the $8.4 billion IMF bail-out bill.

The statement follows:

We who oppose the $8.4 billion appropriation for the International Monetary Fund have come in for some rough treatment in editorials and columns in The Washington Post. On Sept. 28, a Post editorial called us "a cuckoo alliance of the least reliable elements of the right and left, united in a dim populist resentment of the banks and isolationist hostility to the rest of the world."

We in Congress are accustomed to taking our licks from the media. But to see The Post so shamelessly misrepresent the substance of the opposition to the IMF funding—that comes as a surprise.

There may be a few isolationists among the 200-odd congressmen who will again oppose the IMF bail-out when it comes up for final passage. But the real issue is neither isolationism nor resentment of the banks. The majority of us support the IMF. We understand that more funds will ultimately be necessary to solve the international debt crisis, and we are as interested in an orderly solution as any editor at The Post.

But how do we go about that? Do we hand over $8.4 billion to the IMF now without addressing the bank lending policies that got us into this mess? Or do we try to set international banking's house in order before we provide the IMF funding?

Most informed observers, on all sides of the IMF debate, agree that the banks have been irresponsible. Whether a private bank should ever lend to a foreign nation—a practice that has been rare in America until recently—is questionable. Like George Champion, the retired chairman of the Chase Manhattan Bank, I believe the international financial system would be infinitely stronger if such lending remained the province of governments and the multilateral lending institutions they create. But that is a question that must be tackled separately.

To give the banks their due they were under tremendous pressure to make foreign loans after the 1973-74 OPEC price rise, in order to recycle billions of petrodollars that had suddenly been diverted to the oil sheikhdoms. The banks were even encouraged by our government and others. But once the banks took the plunge, prudence went out the window.

The September issue of Harper's carried a revealing article by S. C. Gwynne, describing the rabbit-in-heat psychology of international lending. At the ripe old age of 24, with an MA in English, Gwynne was hired by a Midwestern bank to circle the globe selling its depositors' money.

"The world of international banking is now full of aggressive, bright, but hopelessly inexperienced lenders in their mid-twenties," Gwynne wrote. "They travel the world like itinerant brushmen, filling loan quotas, peddling financial wares, and living high on the hog. Their bosses are often bright but hopelessly inexperienced 29-year-old vice presidents with wardrobes from Brooks Brothers, MBAs from Wharton or Stanford, and so little credit training they would have trouble with a simple retail installment loan."

When loans made by these inexperienced pitchmen inevitably went sour, their banks were trapped. The only way to ensure repayment—and escape the wrath of top management—was to lend more money. Between 1975 and 1983, outstanding overseas commitments by American banks ballooned from $110 billion to $451 billion. The nine largest American banks handed out three times their total capital to Third World borrowers.

The IMF was originally set up only to help developing countries with short-term balance-of-trade problems. Yet today we are told that with significantly increased contributions, it can manage the so-called "international debt crisis."

Some of us who have opposed the increased IMF contributions believe that it makes little sense to "worry about the fuel when the engine hasn't been fixed." The engine driving the explosion of third world debt is a western banking industry in a feeding frenzy.

Before we commit $8.4 billion of taxpayers' money to the IMF, we should require that the banks do three things: write down the terms of their loans; set up special loss reserves over 10 to 15 years to absorb the risk of loss on some of the loans; and accept tighter government supervision over international lending practices. After the disastrous bank failures of the 1930s, we regulated domestic banking to protect the national economy. Today we must regulate international banking, in cooperation with other nations, to protect the world economy.

The banks are already adjusting the terms of their loans, but they are increasing interest rates and charging outrageous renegotiation fees to the less developed countries. In other words, the banks are profiting handsomely from this mess, while the developing countries suffer and the U.S. taxpayer is expected to pay. That doesn't sound like economic justice to me.

If we ignore the necessary reforms and simply appropriate the $8.4 billion, we will have bailed out the world's richest institutions, yet only swept the problem temporarily under the rug. Some argue that the administration's bill is not a bail-out of the banks, but if it is not—if the money does not go straight from the IMF to the Third World to the banks—what good is it? The entire purpose is to help debtor nations repay their creditors, and those creditors are banks.

In my state, federal bank examiners are cracking down on local bankers who have been slow to foreclose on their farm customers. In contrast, Congress is asked to bail out the big bankers whose poor judgment has brought the international financial system to the brink of disaster. The message is clear: invest in businesses here in America and you are on your own; invest in foreign countries and the American taxpayer will bail you out. This is risk-free enterprise for Wall Street, while Main Street suffers the rigors of the marketplace.

The fact is that enterprise is not free if its most powerful participants are protected from risk. Equally fundamental is the hard truth that free enterprise will not survive without some government oversight, to prevent abuses such as the stock speculation of the '20s and the lending spree of the '70s. Unfortunately, the IMF funding bill recognizes neither of these truths: it seeks to protect the bankers from loss, while failing to administer the necessary dose of regulatory medicine.

Those who describe opponents of this measure as isolationists are doing a profound disservice to their readers. Many of us who are fighting the IMF bill simply believe that you don't pay the money until the job is done, and this job won't be done until the new mechanisms to correct the terms of this debt, and the mechanisms that will prevent a recurrence, are in place.

That's the point at which I and others will support added IMF funding.●

INDUSTRIAL POLICY

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. SHUMWAY. Mr. Speaker, the House Banking Economic Stabilization Subcommittee, on which I serve as ranking member, is nearing the end of an exhaustive series of hearings on the issue of industrial policy. By the time the hearing process is completed,

the subcommittee will have heard from well over 100 witnesses representing Government, business, labor, and academia.

Although industrial policy advocates view the concept of explicit business-labor-government cooperation and coordination of economic activity as a creative and dynamic new way to ease our perceived economic problems—and, in some circles, as a politically popular alternative to Reaganomics—the only conclusion that can be reached from our hearings thus far is that there is very little consensus as to (a) the degree to which the U.S. competitive position is declining in an international sense, as well as the reasons for any such decline, (b) the extent to which foreign industrial policies have been and are now successful, and (c) what, if anything, should be done by government to assist the smokestack and sunrise sectors.

While I fully expect the subcommittee to report out legislation providing for a tripartite economic cooperation council and some sort of Federal credit-allocating entity, perhaps along the lines of existing proposals for a national development investment bank, the absence of any consensus on either problems or solutions means that such efforts will be based more on political than on substantive needs.

Over the next few days, I intend to insert into the RECORD several articles and editorials which outline the very serious problems with industrial policy as commonly conceived, Today, I commend to the attention of our colleagues a recent Wall Street Journal column by Art Pine, in which the myth of Japanese industrial policy is questioned.

INDUSTRIAL POLICY? IT'S NO PANACEA IN JAPAN

(By Art Price)

WASHINGTON.—There seems to be no limit these days to Americans' fascination with Japanese imports: The paper-thin pocket calculator, the sophisticated home videotape machines, the robot that can assemble a car—all inevitably spark admiration as examples of Japanese success.

So it may not be too surprising that in a time of hardship in many domestic industries, some political leaders here seem mesmerized by Japan's widely heralded "industrial policy"—the use of government directives and incentives to help bolster important industries. The legends abound: How the powerful Ministry of International Trade and Industry masterminded and nurtured Japanese industry with subsidies and protective cartels. For years, Japan has been "targeting" individual industries, giving them special breaks to compete in the U.S. and other markets. If it works for the Japanese, proponents ask, why not try it here.

The difficulty is that unlike some Japanese innovations, Tokyo's success with a national industrial policy isn't quite what it has been cracked up to be. As numerous studies have shown, MITI often as not has failed in its efforts to bolster ailing industries or spur new ones. There's a case to be made that where Japanese industry has succeeded, it has been in spite of the government's industrial policy, not because of it.

For instance, MITI planners rebuffed early efforts by Japanese auto makers to begin exporting their cars, on grounds that there wasn't likely to be much of a worldwide market for them. Similarly, government officals once tried to discourage a fledging Japanese electronics firm from wasting its money on U.S. transistor technology, arguing the venture simply wouldn't pay. The company later prevailed. It is known as the Sony Corp.

A new study by Arthur T. Denzau at the Center for the Study of American Business in St. Louis shows MITI's efforts at management initially led to big setbacks in a spate of major industries, from autos, textiles and apparel to shipbuilding, agriculture and coal. At the same time, the Japanese cement, paper, glass, bicycle and motorcycle industries "are huge success stories, even though MITI did little to help or hinder them," Mr. Denzau contends.

In autos, for example, Mr. Denzau points out, MITI early on "targeted" the auto-making business as a winner, but erred by pressing manufacturers to merge—a policy that failed over the years in the face of industry resistance. Only after 1969, when MITI finally gave up its tinkering, did the Japanese industry begin the technical innovation and aggressive marketing it needed to make inroads into overseas markets.

Paul Krugman, a Massachusetts Institute of Technology economist, makes the same sort of assessment for steel and semiconductors. While it's true that MITI "targeted" the steel industry and favored it with subsidized loans and tax breaks, the effort was thwarted by the recent decline in world steel prices, which has crimped earnings enough to make further investment unprofitable. And "the returns are not yet in" in the case of semiconductors, Mr. Krugman asserts.

Katsuro Sakoh, economist for the Council for a Competitive Economy, a Washington-based research firm, contends that Americans often seem to exaggerate the extent of the Japanese government's actual involvement in industry. "Despite the mythology surrounding Japanese industrial policy," he asserts, "the fact is that only a tiny fraction of the government's special assistance and guidance has gone to automobiles, computers and other lead industries. . . . For Japan's economic winners, government support has been insignificant. Where government has been a major investor, the beneficiaries have been losers." Calculations by other analysts appear to bear that out.

Rather, all three men—and many other U.S. economists—credit the success of Japan's manufacturing industries to a variety of other factors, most of which reflect less government involvement than in the U.S. Over the past few decades, Japan has operated with a proportionately smaller government than the U.S. and a far lower overall tax rate—leaving a consequent higher savings rate and more capital for investment. Industry has spent heavily on new plant and equipment. There are fewer restrictions on mergers and joint research-and-development. The country has a skilled, highly motivated work force. Labor relations have been better than in the U.S. Japanese businessmen have taken the export market more seriously. Industry there has maintained a firm commitment to quality control. And Japanese firms have been able to borrow technology from abroad rather than develop it themselves.

With that in mind, MITI's Mr. Krugman questions whether it's really Japan's legendary industrial policy that Americans should be seeking to imitate, or whether the U.S. instead should be trying to follow Tokyo's example in broader economic issues, such as tax and labor policy. If Washington had had an "industrial policy" in place to help the steel industry in the 1970s, he argues, U.S. firms could have built new steel plants, but they could not have made them pay, because "their labor costs would still have been far higher than those of their Japanese competitors."

As Mr. Sakoh points out, there's no disputing that Japan has made tremendous economic gains, or that it has consciously subsidized particular industries. The difficulty comes in linking the two. Americans may be looking at the wrong import.●

TRUMAN CENTENNIAL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. SKELTON. Mr. Speaker, the citizens of my home State of Missouri are looking forward with anticipation to the Truman Centennial which will be celebrated next year. May 8, 1984, marks the 100th anniversary of the birth of President Harry S. Truman.

One of the many events planned for this occasion is an essay contest sponsored by the Missouri National Educational Association, the Harry S. Truman Farm Home Foundation, and Calarimo Marble Art, Inc. of Kansas City. The essay contest represents a unique cooperative venture between educators, private business, and a nonprofit foundation to commerate a great American.

Because of the significance of this event, I would like to submit an article detailing the contest for the RECORD. It was taken from the Missouri NEA publication Something Better which has a good record of keeping our State up-to-date on current topics in education.

I congratulate the Missouri NEA for undertaking this essay contest. I am sure President Truman would have been deeply honored by such a tribute.

TRUMAN ART VALUED AT $300,000 WILL BE DISTRIBUTED TO SCHOOLS

More than $300,000 worth of Truman art will be distributed to the schools of Missouri under the auspices of an essay contest announced September 20 in Grandview.

The essay contest, honoring the centennial of Truman's birth on May 18, 1884, is designed to encourage the study of President Truman in the public and private schools of the state. Margaret Truman is honorary chair of the contest, in which students in grades kindergarden through twelve are eligible to participate.

"Every school building in the state can have a portrait of Missouri's only United States president at the conclusion of this contest," notes Missouri NEA President Lona Lewis. Three different pieces of Truman art, ranging in value from $75 to

$1200, will be distributed to the schools through the contest.

The art, to be hung on permanent display in the school in the name of the student who writes the school's top essay, will be presented in special school assemblies throughout the state during the week of May 6, 1984.

A new cultured marble engraving designed especially for the Harry Truman centennial was also unveiled at the news conference. Entitled "Harry S. Truman—Centennial," the first of the one thousand limited edition engravings was presented to the Truman library for display in its permanent collection.

The new engraving, by artist Al Kennedy, features a portrait of Truman at the time of his presidency, surrounded by the buildings which were significant in his life. The engraving is bordered by portraits of all the United States presidents, from George Washington to Ronald Reagan.

The Truman essay contest represents a unique cooperative venture between educators, private business, and a non-profit foundation. The contest is sponsored by the Missouri National Education Association, the Harry S. Truman Farm Home Foundation, and Calarimo Marble Art, Inc., of Kansas City.

The essay contest and the restoration of the Truman farm home in Grandview are part of an effort to observe the centennial of Truman's birth. Both activities will culminate on May 5, 1984, when the top essay writers in the state will be honored in a special ceremony at the opening of the Truman Farm Home. The top essays will be placed on display at the farm home.

The tax deductible contributions of individuals and private corporations are making the farm home restoration and the essay contest possible. Contributors of $1,000 receive the new "Harry S. Truman—Centennial" limited edition engraving.

Further information on the essay contest is available from the Harry S. Truman Centennial Essay Contest, 612 Eastland Dr., Jefferson City, MO 65101. Phone toll free 800-392-0236. Information regarding contributions and the farm home restoration is available from the Harry S. Truman Farm Home Foundation, 12500 South 71 Highway, Grandview, MO 64030. Phone 816/761-6505.●

HUMANITY IN GOVERNMENT AWARD

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. LEHMAN of California. Mr. Speaker, I would like to pay tribute to a man who truly knows what the word "service" stands for. Mr. Gilbert Khachadourian is this year's recipient of the Social Security Administration's Humanity in Government Award. This is no small honor when one stops and realizes that this man was chosen from the 89,000 people employed by the Social Security Administration as the person who has done the most to humanize its work.

Mr. Khachadourian came to the United States in 1949 as an immigrant from Cairo. He currently serves as the manager for the Fresno district and branch offices of the Social Security Administration, overseeing the operation for all five locations. I am extremely proud to not only know this man, but to have a man of his dedication, integrity and caliber working with and for the citizens of my district.

For the record, I would like to insert a recent Fresno Bee article about his exemplary service.

The article follows:

IMMIGRANT IS HONORED BY HIS NEW LAND

(By Jim Steinberg)

Gilbert Khachadourian was 18 when he and his mother packed one suitcase each and left Cairo for Ellis Island, the United States and Fresno in 1949.

He also carried fluency in Armenian, Arabic, Turkish, French and English—"like breathing, nothing unusual, you learn your ethnic language first then pick up others in the street."

Khachadourian was a regular listener to Voice of America broadcasts in Cairo during the 1940s. He had no idea that, 34 years later, the VOA would interview him as winner of the Social Security Administration's Humanity in Government Award.

The annual award goes to one of 89,000 Social Security employees—and Khachadourian, Social Security district manager in Fresno, is the one.

"The award says more about our society than about me," said Khachadourian, who will be honored in an Oct. 20 ceremony in national Social Security headquarters in Baltimore.

Hands in motion, he weaved his account of a fervent patriotism that takes root with American transplants.

In fact, Khachadourian associates his concerns for Social Security clients with afternoons and evenings in Cairo. As he waited for his mother to come home, listening to the Voice of America, he longed for the day they could join family members in America.

He waited 3½ years, followed by a shorter but also difficult three days on Ellis Island, the New York receiving point for millions of immigrants.

"It was like jail. It was jail! There were guards and we could see the Statue of Liberty beyond barbed wire.

"It was mainly formality and paperwork. There were quotas. I knew 99 percent that we would get in, but there was a fear that they could send us back."

Most of the immigrants had streamed into the United States from Eastern Europe, their families and homes disrupted or destroyed during World War II.

Images from his past spice Khachadourian's assessment of Social Security today.

"You Americans born here don't have a fear of government! Most foreign-born people do. Any contact with government is a traumatic experience for them. Sometimes I have a hard time convincing the elderly: 'Hey, this is America! We are not going to put you in jail!' "

The Fresno and Madera counties district sends monthly checks to 120,000 people, about one in seven residents, and answers 10,000 telephone calls. It sends out more than $25 million per month in benefits.

Khachadourian remembers individuals.

"A 70-year-old man came to see me from the Coachella Valley. He had been a farm laborer and had to prove his age. We helped him find records showing four days he spent in a Sanger school, and that proved his age. Guys like that—we owe it to people. Why else is the government here?"

He told me about a young woman whose husband had died, leaving her and a 9-year-old daughter.

"Now the girl is 20, and she depended all these years on Social Security. Her mother didn't have to work and could be with her.

"That is important. After my father died, I used to wait for my mother to come home in Cairo while she held jobs like sewing. I would sit there all afternoon, waiting."

Khachadourian sees his job as supporting "people who come here with traumas—death, illness, disability, retirement. Something has happened in their lives."

They share a common problem—"how to make ends meet."

Khachadourian estimates that 98 percent of Social Security clients are thankful for benefits they receive.

"I hate to use the word 'grateful.' It's their program! They are thankful, relieved."

The district office covers 90 percent of all people working in Fresno and Madera counties. Sometimes it makes mistakes.

"We give wrong answers occasionally, and that's embarrassing," Khachadourian said. "This is a bureaucracy. We have rules—some good, some stupid. I'm sure there are cases where I, too, would be intimidated.

"But we hire people from right here, not Mars or outer space. We reflect our community."

Khachadourian offered his personal opinion that Social Security should cover all workers, and he described the latest Social Security reforms as a big step in the right direction.

The program was designed to provide partial replacement of lost earnings, Khachadourian said, but the monthly payments constitute all income for 75 percent of clients.

"I'm sure that is often not enough, but you have to balance that against what the nation can afford."

Khachadourian is sure Social Security will survive. Too many depend on it for abolition to be politically feasible. The program will continue adjusting.

Social Security is more crucial during hard times, less so during prosperous times, he said. Without it, "I think there would be riots."

Critics say government does too much for individuals. Khachadourian declined personal comment as a Social Security administrator other than in philosophical terms.

"Government has certain responsibilities," he said. "The question is how much, to what degree. I really don't have a good answer. It goes back and forth, a lot like a pendulum.

"We are public servants. The country will tell us."●

WHAT THE FLAG MEANS TO ME

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. DYSON. Mr. Speaker, recently the Little Flower School in Great Mills, Md., conducted an exercise in which the students were asked to state in an essay "What the Flag Means to Me." One such entry was by Danny Slade who, at the age of 9, is a fourth

grader at this school. His essay has just been sent to me by his mother, Rose, who is justifiably proud of Danny's work. I would like to offer it today for all to read.

The essay follows:

WHAT THE FLAG MEANS TO ME

(By Danny Slade)

When I look at our flag, I feel both happy and sad. I feel happy because of our land and its people and the many freedoms we enjoy each day of our life. When I see the colors, red, white and blue, I think of faith, hope and love.

I also feel sad when I look at our flag because I think of all our people who gave us the most special gift of all, their life, so that we might have a future. I hope that each of us will have the same courage that they did.●

RESPONSE TO KAL FLIGHT 007 DEATHS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. HUBBARD. Mr. Speaker, I have received a thought-provoking letter from a fellow Kentuckian, Lawrence R. Borne, of Highland Heights, Ky., of the department of history at Northern Kentucky University. Mr. Borne calls for vigorous action by Congress in response to the brutal attack upon Korean Airlines Flight 007 which caused the deaths of 269 innocent men, women, and children, including our colleague in the House, Hon. Larry McDonald.

I believe my colleagues will be interested in his September 16 letter to me, and the letter follows:

NORTHERN KENTUCKY UNIVERSITY,
Highland Heights, Ky., September 16, 1983.
Representative CARROLL HUBBARD,
House Office Building,
Washington, D.C.

DEAR MR. HUBBARD: The assassination of Congressman Lawrence McDonald requires vigorous action by Congress. Chang Chi Ryand, former Air Marshal in the South Korean Air Force, has revealed that he has known since 1978 (when the Soviets shot down another plane) that the Soviets have perfected a technique for throwing off an airplane's navigational equipment. This was first tested in 1978; apparently it was used again, with terrible results on KAL flight 007. The Communists intended to murder 269 civilians.

The murder of a political leader is an act of war and Congress should treat it as such. It is time for significant action—cessation of all trade with the U.S.S.R., expulsion of all Soviet diplomats from the United States, and withdrawal from the United Nations if it refuses to take action against the U.S.S.R.

You were scheduled to be on that plane. There surely is a special obligation on your part to seize the initiative and provide the leadership in the U.S. House of Representatives for action. If you do nothing, the Communists will have won a great victory; lack of action will show clearly that they have cowed the U.S. Congress. The message is obvious: expose Communist plans, as Dr. McDonald did, and the Communists will kill you. Now the question is: are there any Congressmen who have not been cowed?

Yours truly,

LAWRENCE R. BORNE,
Department of History.●

CONGRESSIONAL SALUTE TO THE CLERGY AND PARISHIONERS OF ST. AGNES ROMAN CATHOLIC CHURCH OF PATERSON, N.J. UPON THE CELEBRATION OF ITS CENTENNIAL ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. ROE. Mr. Speaker, on Saturday, October 22 the people of the city of Paterson, my congressional district and State of New Jersey will join with Rev. John Mushinsky, pastor, and the congregation of St. Agnes Roman Catholic Church of Paterson, N.J., in commemorative services upon the celebration of the 100th anniversary of the founding of this highly esteemed parish. I know that you and our colleagues here in the Congress will want to join with me in extending our heartiest congratulations to the clergy and parishioners of St. Agnes Roman Catholic Church in national recognition of a century of total dedication and devotion to the service of God and the cause of brotherhood, goodwill, and understanding among all mankind.

Mr. Speaker, the faith and devotion of our people in a full communion of understanding, ever caring and respecting the individual religious beliefs of his fellowman has been the lifeline of our democracy—ever inspiring our people with hope and urging the individual on to great achievements and purpose in pursuing the fulfillment of his or her dreams and ambitions. The exemplary leadership and outstanding efforts of our citizens so important to our quality of life are in the vanguard of the American dream. Today we express our appreciation to the pastor of St. Agnes Roman Catholic Church, Rev. John Mushinsky, and his predecessors whose esteemed commitment and unselfish devotion in promulgating spiritual guidance, goodwill, fellowship, and brotherhood in service to God have provided a lasting contribution to the quality of life of the people of our community, State and Nation.

The quality of the leadership of members of the most reverend clergy who settled in the city of Paterson, N.J. and founded St. Agnes Roman Catholic Church is most eloquently intertwined in the history of the church which was provided me by the Centennial Anniversary Committee. With your permission, Mr. Speaker, I would like to place this statement on the history of St. Agnes Parish at this point in our historic journal of Congress, as follows:

HISTORICAL SKETCH OF ST. AGNES PARISH

In the 1880's Paterson was a city of 80,000 people. Main Street was unpaved and horse-drawn trolleys were the chief means of transportation. St. John's Cathedral was one of its finest structures and its Rector, Dean William McNulty, one of its most respected citizens. In the Fall of 1972, Dean McNulty provided a frame building on "upper" Main Street for the educational needs of the children in the southern portion of St. John's Parish. As the Catholic population continued to spread in greater numbers in the southern end of Paterson, the need was evident for a house of worship to be erected in that part of town. Ground was broken in the early part of 1883 and the structure was completed toward the end of the year.

The first story of the building was to provide six classrooms for the educational needs of the area. The second floor was for church services. The first Mass was celebrated on Christmas Day, 1883, and thus was born the parish of St. Agnes. Though physically situated in the City of Paterson, its membership encompassed a service area which included a large section of the City of Clifton and extended to the Essex County line.

Reverend Patrick Downes was appointed the first Pastor. His first Baptismal was administered in January, 1884, and the first marriage in the new church was held three months later. Father Downes was, as were all of his successors, a highly compassionate individual—always giving willingly and unselfishly of his time as spiritual adviser and reverend father dedicated to the well being, and happiness of each and every member of his congregation. Much progress was made in the building of St. Agnes R.C. Church during his pastorate before he passed away peacefully and serenely as he lived. Under Father Downes direction and perseverance the church rectory was built in 1888, just a few weeks before his passing.

Reverend William Corrigan was St. Agnes' second Pastor. In his dedication and commitment to help the youth of the parish to achieve leadership qualities of self-reliance, character building, sportsmanship, fair play and eagerness to serve others, he formed a social club for them. The edifice which was later to become known as St. Agnes' Lyceum was constructed under his direction to serve the social needs of the adults as well as the youth of St. Agnes' parish. The Lyceum opened in December of 1891 and flourished for many years as the focal point for the city's recreational and athletic teams.

Subsequently, Father Corrigan purchased four lots on Mary Street, Paterson and commenced the construction of a 12-room school. Upon its completion the school was dedicated and blessed by Bishop Wigger. St. Agnes' School, staffed by the Sisters of Charity, served the educational needs of the parish until it was demolished in 1974. The land where the school had stood is now utilized by St. Joseph's Hospital. Also, in 1891, the church-school building was remodeled. The second floor was removed, beautiful stained glass windows installed, pews to seat 750 erected and the renovated structure was formally dedicated as St. Agnes Church on September 6, 1891.

In July of 1897 to accomodate the growth of the parish that had taken place in the

southerly direction of Paterson, Father Corrigan purchased old Public School No. 9. After considerable renovation, the building was opened for Divine Worship as St. George's Parish in September of 1897.

St. Agnes continued to grow through the pastorates of Reverend Edward A. Kelly (1902-07), Reverend William A. Brothers (1907-08), and Reverend Edward J. Ellard (1909-14).

Reverend James MacKinson came to St. Agnes in 1914 and remained some twenty years, the longest pastoral tenure of all. In 1922, the interior and exterior of the church was completely renovated and decorated. The Lyceum, which assumed so much importance in the former days as a home for nationally famous athletic teams in the sports world, was gradually accepting its new role as a social center. The bowling alleys in the basement and its large meeting hall provided for the social and recreational needs of the people of the St. Agnes area of Paterson.

Reverend Francis McElhone came to St. Agnes in 1936 and served as Pastor until 1945. Major changes took place in the school during his time and enormous building additions with improved and modernized service facilities for the students, teachers and visitors were among his many accomplishments.

During the post World War II era, the section of the Parish in Clifton, known as the Richfield Section, was undergoing tremendous population growth. Farmlands were conveted into major housing developments and on May 25, 1943, Bishop Thomas McLaughlin established the mission of St. Philip the Apostle in the Richfield Section. Its first Mass was celebrated by Monsignor William Louis on June 6, 1943. Monsignor Louis remained at St. Agnes until December 1945, during which time he supervised the construction of St. Philip's first church on Valley Road and Van Houten Avenue, Clifton.

In December 1945, Reverend Philip J. Coyne came to St. Agnes. In the near decade that he served as pastorate, he served the congregation with distinction. Among his achievements he instituted many improvements in the church building and property including new stained glass windows, floor and pew improvements and installation of a new organ. The Lyceum, now condemned, was finally demolished and replaced with a Shrine to the Blessed Virgin Mary.

In June 1945, Reverend Francis Murphy was appointed Pastor of St. Agnes. Again and as always, building maintenance and renewal became the focus of the Pastor's attention. The school auditorium was remodeled with new lights and new stage. The church itself underwent extensive renovation.

A new exterior of light brick was added to the church, as well as new entrances, one on Mary Street, a new Baptistry, new and larger sacristies, replastered interior walls—to name but a few of the many building renovations that took place under the leadership of the now Monsignor Murphy with the able assistance of his curate, Monsignor Carl J. Wolsin.

Reverend James J. Daly, a parish son of St. Agnes, returned to his home parish on September 11, 1961, to the delight of his fellow parishioners, and remained here until September 22, 1966, when he was succeeded by Reverend Joseph Ducas. It was during this time that the results of Vatican II began to appear on a parish level. The old liturgical forms gave way to the new. A new marble altar, facing the congregation, replaced the old one facing the wall, the altar rail was removed, the Baptistry was brought up to the front of the church, and the tabernacle placed in its present location and in addition a Spanish Mass was added to the Mass schedule.

Reverend Thaddeus Michota succeeded Father Ducas on August 7, 1968 and remained until December 9, 1969, when Reverend John Mushinsky, the present Pastor arrived. Through the 1960's wear and tear through tremendous use of the church facilities, especially to the school building, had taken its toll and in addition a debt had accumulated. A financial assistance fundraising program was instituted early in 1970 both for the church and the school. Before the year was over the debt was paid off and the school as well as the rectory began to receive much-needed repairs. New school windows were installed and an entirely new electrical system replaced the lone antiquated one, classrooms and hallways were renovated and a new fire alarm system which connected into the city's fire system was added.

In the intervening years, Paterson was undergoing a population shift and Bishop Casey and the diocesan school office decided to consolidate St. Agnes School into Bishop Navagh Elementary School. St. Agnes school and its property was sold to St. Joseph's Hospital.

St. Agnes School had afforded great hopes, dreams and extremely pleasant memories to countless numbers of people who had availed themselves of the educational and spiritual opportunities of St. Agnes Parish for over 90 years. The parish was left with only one building, the church-rectory. The money derived from the school sale was used to improve the remaining parish building. Air conditioning was added to the church and in the following years the entire church was renovated and weatherproofed. The rectory section of the building was also improved, restoring its original redbrick appearance and adding new windows as well as a new furnace. Reverend Nelson Betancur of Colombia, South America, arrived at St. Agnes on December 14, 1979, to work with the Hispanic community that worships at St. Agnes Church.

As St. Agnes Parish completes its first hundred years of service in the vineyard of the Lord, it can look back with a sense of satisfaction knowing that its service to the church and to our people was carried out by many dedicated people, religious and lay, with sincere dedication and devotion. As we embark on our second hundered years, we pray for God's blessings on our people and the work that is left to be accomplished through them.

Mr. Speaker, during the course of the year, the clergy and laity of St. Agnes Church have been celebrating this most important centennial history of their parish, devoting themselves in an outstanding program dedicated to the remembrance of the blessings of St. Agnes parish during the past 100 years and strengthening the resolve of all to continue their most noteworthy effort in service to God and mankind.

I am pleased to have this opportunity to seek national recognition of the distinguished pastors, associate priests, sisters, and congregation of St. Agnes Roman Catholic Church. In their dedication and devotion to our people, in service to God, through their noble deeds and quality leadership, they have truly enriched the cultural, educational, and religious endeavors of our community, State, and Nation. We do indeed salute them and the members of St. Agnes Roman Catholic Church of Paterson, New Jersey, upon the commemoration and celebration of their centennial anniversary.●

IMPROVING THE CRIMINAL JUSTICE SYSTEM IN THE DISTRICT OF COLUMBIA

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. McKINNEY. Mr. Speaker, today I have introduced legislation which will contribute to the congressionally instituted efforts to bring about improvements in the criminal justice system in the District of Columbia.

In late September, Congress approved the District of Columbia Appropriations Act of Fiscal Year 1984, and last week that measure was signed into law. One of the most significant features of Public Law 98-125 is a special Federal contribution of $25 million to address identified deficiencies in the local judicial process. Most of this funding, some $22.3 million, is directed to the District of Columbia Department of Corrections for physical and programmatic improvements in the treatment of prisoners. The remaining $2.8 million is provided to fund seven additional Superior Court judges, plus related equipment, space and support staff. The inclusion of these additional judges will help to reduce the existing case backlog and shorten the period of time required for a case to come to trial. While it is possible for the city to immediately proceed with the utilization of the funding provided for the Department of Corrections, the related and important funding for the additional judges is made subject to the enactment of authorizing legislation.

If the efforts of Congress to improve the local criminal justice system are to have any hope of being successful, the additional judges for the Superior Court must be authorized as expeditiously as possible. The existing process of nomination, selection and confirmation will be time consuming. If there is any intent to have these additional judges in place this fiscal year, so that their impact can be felt, the authorization should be enacted prior to the expiration of this session of Congress.●

RESOLUTION OF COMMENDATION TO JEAN JACOBS

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mrs. BOXER. Mr. Speaker, the following is a resolution of commendation to an outstanding constituent in my district.

Whereas, the citizens of these United States should be aware of the contributions that Jean Jacobs has made to countless children and their families, and

Whereas, the juvenile institutions of this country have benefited greatly from the reforms instituted by Jean Jacobs, and

Whereas, the citizens of San Francisco and the Bay Area have looked to Jean Jacobs for her leadership and witnessed her service on numerous city commissions, boards of directors and advisory councils, and

Whereas, the occasion of the 8th anniversary of the Coleman Children and Youth Services Project which Jean Jacobs founded is a fitting occasion to recognize her accomplishments, therefore, be it

Resolved, That the 6th Congressional District hereby recognizes and salutes Jean Jacobs for her dedication to the future of our nation and our young people, and be it further

Resolved, That word of this tribute will be known by publishing this proclamation in the official Congressional Record of the United States.●

CABOOL VOCATIONAL AGRICULTURE BUILDING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. SKELTON. Mr. Speaker, the spirit of community involvement is prospering deep in the heart of the Missouri Ozarks. The community of Cabool, population 1,848, has undertaken the task of funding and constructing a new vocational agriculture building without the use of Government assistance. The spirit that has been generated through the actions of this community, demonstrates the pride and dedication which is truly characteristic of the American way. As one local small businessman stated, "I can see that this community is already thinking better of itself because of this project. The kids that benefit from this project are our future, it we don't back them, we don't have a future." I take pride in representing this fine community and wish to recognize their accomplishments.●

OMNI MAGAZINE AND SPACE DEVELOPMENT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. CONYERS. Mr. Speaker, Omni, a monthly magazine on science and technology, with a readership of more than 5 million, has devoted its October 1983, fifth anniversary issue to space science and America's space program. Omni's editor, Bob Guccione, writes:

Science has never been more productive than in the last decade * * *. Only space development, perhaps the most universally visible of all technological frontiers, has fallen behind * * *. No major new space venture has been undertaken since the shuttle program was begun. It is time—long past time—for a new commitment to space.

Omni has played a large role in educating its readers on science issues and in building a constituency for science development. I want to share his point of view with my colleagues, which follows:

[From Omni Magazine, October 1983]

FIRST WORD

(By Bob Guccione)

In July of this year, NASA Adminstrator James Beggs announced that he expected to receive the Reagan Administration's blessing for the development of a permanent manned space station in the very near future. If Beggs is right, it will be joyous news indeed. This next step in American space development is as logical as it is long overdue, particularly since the Soviet space program continues at a pace that NASA could never have afforded even during its spirited heyday.

An official declaration of support—backed by the kind of money and materials such a vigorous program requires—would be a fitting tribute to the space agency in this, its twenty-fifth anniversary year. It would further justify the faith that moved us to create *Omni* five years ago this month.

When *Omni* was born, its editorial purpose was already as clear as its graphic beauty to give science and technology the popular voice they had never had. To help laymen experience and understand the excitement discovery and the quality of the scientific and philosophical vision that will transform the world we live in. And to do it all entertainingly, without the prohibitive technical jargon or incomprehensible diagrams so common to other science magazines of the time.

We knew, too, how to accomplish our goal, how to find writers whose own interests and knowledge brought them to the frontiers of science, who could unravel with tireless wonder and enthusiasm the complexity of startling new ideas and who could communicate that sense of excitement to others. Add probing interviews with the premier researchers and visionaries of our day. Include the finest in art and science fiction—works by such masters as Arthur C. Clarke and James Michener, Rene Magritte and Marc Chagall—because in the special philosophical alchemy of art and science one finds human truths that ordinary journalism is powerless to express. And in the end, it is the dynamic interrelationship of science and humanity that really matters.

Not at all to our surprise, however, a chorus of skeptics arose to claim that Omni could never survive. Science, went the universal declaration, was not "commercial" enough to support a major consumer magazine.

This, Omni's fifth-anniversary issue, proves otherwise. Having more than 5 million readers per month dramatically endorses our belief that science can be as compelling as sex and as entertaining as Real People. This vast readership teaches us that we, editors and readers alike, can actually influence the course of human history. Five million intelligent readers, concerned with the quality of life and the future of our species, can become a formidable constituency. Five million eager minds anxious, if not determined to advance science, peace, and intellectual prosperity in our world can swing a presidential election. This is a fact the present administration might bear in mind where issues of such fundamental scientific and technological magnitude as an American space imperative are concerned.

Science has never been more productive than in the last decade; yet, five years ago, when we introduced our first issue, there were signs of trouble. NASA was entering a period of frustration as the shuttle's main engines repeatedly failed and its heat-shield tiles fell like autumn leaves. After the well-intentioned Asilomar Conference three years earlier, biotechnology was laboring under strict regulations that—needlessly, it turned out—inhibited much valuable research. The microcomputer revolution, which would help to rekindle interest in technology, was still floundering in its infancy.

The many triumphs in these fields since 1978, however, suggest that American science might be regaining if not sharpening its productive edge. Such medically important products as insulin and human-growth hormone are being produced in abundance by genetically engineered bacteria, and monoclonal antibodies promise soon to make cancer nearly as treatable as heart disease. And personal computers are appearing on almost every desk, bringing new and expanded efficiency to our daily work routines as well as to our thought processes themselves.

Only space development, perhaps the most universally visible of all technological frontiers, has fallen behind. Whereas we may have seen wondrous pictures of Saturn and Jupiter, and although the space shuttle has now proved itself capable of lifting commercial satellites into orbit, these triumphs are the work product of technology a decade old. No major new space venture has been undertaken since the shuttle program was begun. It is time—long past time—for a new commitment to space.

For a brief moment we hoped that the commitment would be made on July 4, 1982, when President Reagan celebrated the return of the shuttle Columbia from its final test flight by speaker of "establishing a more permanent manned presence in space." Sadly, no action has followed the President's words delivered over one year ago.

Now Administrator Beggs believes that the commitment will at last be made. President Reagan, he thinks, will finally restore a full-blown American program of space development—a program that scientifically, militarily, economically, and humanistically must ultimately represent the most profitable investment of American resources ever undertaken.

It is those principals that we dedicate this anniversary issue.●

OLAF WIEGHORST HONORED

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. HUNTER. Mr. Speaker, today I am here to honor Olaf Wieghorst, one of the men who is most responsible for memorializing the era of the great American West. Olaf Wieghorst was an artist—a man who used his sketch pad and easel to truly capture the spirit of the West. The people in my district have recognized the contribution Olaf Wieghorst has made and are honoring him by proclaiming the week of October 24, 1983, as Olaf Wieghorst week in El Cajon, Calif.

Born in Jutland, Denmark, Olaf spent his early years traveling throughout Scandinavia as an acrobat. Because of his love for horses, he was attracted to work on a stock farm at the age of 15.

During his early years, he spent much of his time drawing and painting. His first work sold for two kroner, the equivalent of 40 cents. During this time Olaf began striving for his one goal—a life in the great American West.

He secured his passage to America by working as a cabin boy on a steamliner. Once in America he set out for the West. Olaf felt that if he was to truly capture the spirit of Western life he must live, eat, and sleep it. So he worked for several years on the Mexican Border Patrol and as a ranch hand. He also traveled throughout the Old West camping and sketching the Indians there.

Olaf was truly intrigued by the beauty of the Old West and he strove to capture the wonder of it by living and working with his subjects. Olaf once stated:

> If I could succeed in putting a tiny fraction of nature's wonders on canvas and into people's homes, whether they be mud huts or mansions, if that painting would add some enjoyment and pleasure to the people—if it would add dignity to the home I would feel my effort had not been in vain.

Certainly, we can see that Olaf did not labor in vain for his canvases are the historical recording of an era: The cowpony, the cowboy, and the Great American West.

And so Mr. Speaker, I call upon you and my colleagues to join me in honoring this great American. His work is well known throughout the West and his works are hanging in the White House and museums across the country. His dedication to the spirit of the West—a spirit that is uniquely America—serves as an example to all of us that the American ideal lives on.●

MARINE CAPT. MICHAEL J. OHLER

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. MRAZEK. Mr. Speaker, yesterday we received word of the death of the sixth marine to fall in Lebanon since our peacekeeping force entered the country.

The latest casualty, Marine Capt. Michael J. Ohler of Pensacola, Fla., grew up in my district. A member of my staff remembered Captain Ohler today as a classmate and friend, just as many others from the north shore of Long Island will recall Captain Ohler today and in the days and weeks and years to come.

Mr. Speaker, the debate continues in this city about the mission for which Captain Ohler gave his life. In living rooms and coffee shops and church halls across the country, the struggle continues to come to grips with the burden we have chosen to carry in Lebanon and the Middle East. And as we search for answers, a handful of American families gather to bury their children, and to wonder why they were taken away when their cause was honorable.

Captain Ohler had his own answers. In a recent tape to his 3-year-old daughter, he attempted to explain to her why he could not be at home with her and her mother and her 3½-month-old brother. As his wife described it, "He talked about children running from their homes between the bullet fire, trying to escape. He wanted to help those people have the same kind of peace we enjoy here."

Captain Ohler's mission in Lebanon was to help keep the peace in a country where the passions and politics of centuries have made death and destruction a painful inevitability. A friend recalled today that, as a Christian, Captain Ohler once said that if it came down to him getting killed or someone who did not know the Lord, he would prefer it to be himself.

Obviously, Captain Ohler has made that final sacrifice. Those who carry on can find hope in this situation from the knowledge that the tragic death of American servicemen has prevented the wanton slaughter of thousands whose peace they seek to protect.●

IN HONOR OF DR. PHILLIP R. PHELPS

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. KOLTER. Mr. Speaker, I would like to bring to the attention of my colleagues the accomplishments of an outstanding individual in the educational field. Dr. Phillip Phelps, the executive director of the Midwestern Intermediate Unit IV has served as an educator in almost every capacity.

Dr. Phelps began his career almost 35 years ago as a teaching principal with the South New Castle Boro School District and moved progressively upward in school administration from principal at Shenango Area Schools, assistant county superintendent of Lawrence County, chief school administrator of Lawrence County Vo-Tech, assistant county superintendent, county superintendent, to his present position with the Midwestern Intermediate Unit IV.

In times when our educational system has not been receiving many good reviews, Dr. Phelps' commitment to the field has been inspiring and encouraging. In addition to his educational contributions, Dr. Phelps has been a civic leader whose community involvements have included the Boy Scouts of America, the Lions Club and the Rotary. As his distinguished career comes to an end, he will be greatly missed by colleagues, friends, and hundreds of students he has touched over many years as a fine educator.●

CIVIL LIBERTIES ACT OF 1983

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. MINETA. Mr. Speaker, I rise to thank the many Members from both sides of the aisle who have lent their support to H.R. 4110, the Civil Liberties Act of 1983. This important legislation accepts the findings of and implements the recommendations of the Commission on Wartime Relocation and Internment of Civilians.

This bill will, once and for all, wipe out the awful precedent of 1942. By enacting this legislation, Congress will remove the stigma of imprisonment and shame that was placed so unfairly on Americans of Japanese ancestry by the evacuation and internment.

I strongly believe that the whole package of recommendations as presented to the Congress by the Commission that it created make—as a group—a carefully constructed unified package.

The process of preparing this legislation has been a long one, and many Members have played an important part. We are all grateful to Majority Leader JIM WRIGHT for his role, and to the 74 cosponsors listed at the time of introduction. Not listed at that time thru an inadvertance was my distinguished colleague, Sidney R. Yates of Illinois. I regret this omission. No one

has worked with more dedication over more years to bring justice and fairness to the community of Americans of Japanese ancestry than SID YATES. He has been a friend indeed.

Now, after years of work, we have a piece of legislation. I urge my colleagues to consider this bill carefully. To facilitate that consideration, a summary of the legislation follows:

SUMMARY OF H.R. 4110

(A bill to accept the findings and to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians)

Congress accepts the findings of the Commission on Wartime Relocation and Internment of Civilians as accurate and complete. Congress acknowledges the fundamental injustice of the internment, apologies for it, and seeks to prevent the reoccurence of any similar event.

AS REGARDS AMERICANS OF JAPANESE ANCESTRY

1. On behalf of the Nation, Congress apologizes to those Americans of Japanese ancestry who were interned.

2. The President is requested to offer pardons to those convicted of violating laws during the internment period whose violation was based on a refusal to accept racially discriminatory treatment.

3. When reviewing requests for review of administrative rulings relating to the internment, executive agencies are asked to review such cases with liberality, giving full consideration to the findings of the Commission and Congress.

4. A trust fund of $1.5 billion is authorized for educational and humanitarian purposes, and a Board of Directors is created to manage the fund.

5. Out of the trust fund, the Attorney General shall pay $20,000 in compensation to each surviving internee.

AS REGARDS AMERICANS OF ALEUT ANCESTRY

1. A trust fund of $5 million is authorized for community, educational and cultural programs benefitting the Aleuts. A Board of Directors is created to manage the fund.

2. To each of the survivors of the internment of Aleuts, $5,000 in compensation shall be paid.

3. Churches and community centers destroyed in World War II shall be rebuilt.

4. Debris remaining from World War II shall be cleared away from the Aleutian Islands.

5. The island of Attu shall be returned to the native corporation, provided that the Coast Guard will be able to continue its use of the island.●

H.R. 1234

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. OTTINGER. Mr. Speaker, H.R. 1234, the Fair Practices in Automotive Products Act, which I reintroduced to this Congress, is due to come before the full House for consideration in the coming weeks. I urge my colleagues to read a statement on H.R. 1234 and its companion bill, S. 707, endorsed by 50 economists.

These economists believe that this bill is the legislation required to rebuild our domestic auto industry, rehire the thousands of unemployed workers and ultimately strengthen the entire economy. The statement was written by four economists: Barry Bluestone of Boston College; Prof. David Kotz of the University of Massachusetts at Amherst; Prof. Peter Phillips of the University of Utah; and Randy Barber of the Center for Economic Organizing.

I urge my colleagues to read this statement and the list of eminent economists who endorsed it:

A STATEMENT ON H.R. 1234/S. 707

As economists, we are concerned by the depression conditions now faced by workers in the auto and related industries. The loss of perhaps one million auto and related jobs in the past three years is causing untold human suffering, destroying families and communities. Many factors are responsible for the auto depression. One such factor is the tight money policies advocated by the Reagan Administration and its monetarist advisors and carried out by Federal Reserve Chairman Paul Volcker. The United Auto Workers union has called for a shift to an expansionary monetary policy in order to promote economic recovery, a measure which we support.

A second cause of job loss in the auto sector is the sharp increase in imported vehicles sold in this country. As the dollar strengthened in response to the high interest-rate policy of the Fed, imports' market share grew from 18 percent of U.S. auto sales in 1978 to 28 percent in 1982. Even if U.S. auto sales do recover in the near future, the share of domestic sales produced abroad is expected to continue its rise, as the effect of imports of foreign cars is compounded by the big three U.S. auto makers' move toward "outsourcing" abroad.

In response to this structural problem, the UAW has called for new legislation to require both foreign and domestic auto giants with a large volume of sales in the U.S. market to maintain substantial production facilities in this country. The bill, H.R. 1234/S. 707 (the) "Fair Practices in Automotive Products Act"), is known informally as the Domestic Content Act. It would require companies selling over 100,000 autos and light trucks annually in the U.S. to carry out a portion of their production here. The required percentage of domestic content rises with U.S. sales, topping off at 90 percent for 900,000 annual sales or more; the requirements would be phased in over four years to allow time for adjustment.

As economists who share an internationalist perspective, we support H.R. 1234/S. 707 for the following reasons:

1. The retention of a domestic auto industry is a desirable aim of economic policy. As an industry, auto production is a major market for such other industries as steel, chemicals, rubber, machine tools and high technology products. If the U.S. is to retain a viable economic base of technically advanced, high productivity, goods producing industries, then the auto industry must be preserved over the foreseeable future.

2. Unregulated trade, or the so called "free market" applied to international transactions, does not necessarily produce the most desirable economic outcomes. Sudden shifts in exchange rates or key commodity prices (such as energy) can lead, through the unregulated market, to massive shifts in trade patterns. This can entail enormous social costs in the form of destruction of the value of physical capital (plants and equipment, transportation and power facilities, schools and shopping centers), devaluation of labor skills, and the social welfare costs of providing for the unemployed, on top the unmeasurable human suffering that accompanies massive job loss. The "free market," by its very nature, does not account for any of these costs when there are sudden swings in trade patterns. The U.S. needs to have trade patterns which are planned and regulated. Such a system, which would be designed to take account of all costs and benefits associated with trade, would be far superior to the chaotic and distorted process of the "free market." H.R. 1234/S. 707 be seen as one piece of a desperately needed overall industrial policy.

3. A local content bill would regulate trade in autos by focusing on investment and production decisions by giant auto manufacturers, but it would leave U.S. consumers with the choice of purchasing vehicles made by domestic, Japanese and other foreign firms. This would have the advantage of maintaining competitive pressure on the U.S. auto giants to offer the types of cars that the public wants, at prices they can afford.

4. A local content bill would not be likely to cause retaliation. All other major auto producing countries limit auto imports, and many countries already impose content requirements. The major companies that would be affected by this bill are Japanese (VW already meets the bill's requirements); past experience with other countries' domestic content requirements suggests that the major Japanese producers would respond by producing here (as Honda has already), rather than trying to obtain retaliatory actions by their government against U.S. exports to Japan.

5. Any move toward directly controlling imports carries the potential by encouraging hostility to foreigners. But this bill, by calling for an investment in the U.S. by foreign firms, minimizes such overtones, and is preferable to quotas or tariffs in this respect.

6. H.R. 1234/S. 707 would regulate, to some extent, the investment activities of giant multinational auto companies, domestic and foreign. This may be seen as a first step toward democratic control over the investment activities of giant multinationals, which, if unhindered, seek to play off country against country and community against community in the search for maximum profits.

In conclusion, we support this domestic content law as a step to preserve a domestic auto sector, as a step toward planned international trade and investment that is preferable to tariffs and quotas, and as a step toward making multinational corporations—American, Japanese or whatever—more accountable to the citizens of the countries in which they operate.

SUPPORTERS OF H.R. 1234/S. 707

Frank Ackerman, University of Massachusetts, Economics Department.

Gar Alperovitz, Co-Director, National Center For Economic Alternatives.

Robert Aronson, School of Industrial and Labor Relations, Cornell University.

Randy Barber, Center for Economic Organizing.

Professor Solomon Barkin, Department of Economics, University of Massachusetts.

David Blitzstein, Department of Research, United Food and Commerical Workers.
Barry Bluestone, Boston College.
Irving Brotslaw, School for Workers, University of Wisconsin.
William Burns, Research Analyst, United Food and Commercial Workers.
Martin Carnoy, Center For Economic Studies, Stanford University.
Mr. Ben Clements, Instructor of Economics, Old Dominion University.
Charles Craypo, The N.Y. State School of Industrial & Labor Relations, Divison of Extension and Public Service, Cornell University.
Steven Deutsch, Labor Education and Research Center, University of Oregon.
Dudley Dillard, Professor of Economics, University of Maryland.
Peter Eckstein, Director of Research, Michigan State AFL-CIO.
Jeff Faux, Co-Director, National Center For Economic Alternatives.
Dan Fusfeld, Department of Economics, University of Michigan.
Mr. Woodrow Ginsburg, Center for Community Change.
Lenny Goldberg, Office of California Assemblyman, Tom Bates.
David Gordon, New School for Social Research, Department of Economics.
Michael Harrington, Queens College.
Bennett Harrison, Department of Urban Studies, Massachusetts Institute of Technology.
Robert Heilbroner, Graduate Faculty, New School for Social Research.
Suzanne W. Helburn, Department of Economics, University of Colorado.
E. K. Hunt, Chair, Department of Economics, University of Utah.
David Kotz, Economics Department, University of Massachusetts.
Robert Lekachman, New York University.
Peter M. Lichtenstein, Department of Economics, Boise State University.
Ann Markusen, University of California—Berkeley.
Mr. Ray Marshall, L.B.J. School of Public Affairs, University of Texas.
David D. Martin, Business Economics & Public Policy, Indiana University School of Business.
Ken Mericle, University of Wisconsin.
Mr. Larry Mischel, School for Industrial and Labor Affairs, Cornell University.
David Moberg, In These Times.
Leslie Nulty, Research Director, United Food and Commercial Workers.
Carol O'Cleireacain, AFSCME, District 37.
Peter Philips, Economics Department, University of Utah.
Michael Piore, Department of Economics, M.I.T.
Michael Podgursky, Department of Economics, University of Massachusetts.
Mr. Leonard Rapping, Department of Economics, University of Massachusetts.
Michael Reich, Dept. of Economics, University of California.
Jack Russell, Office of Policy Development, Michigan Department of Commerce.
Ronald Seeber, Cornell University.
Derek Shearer, Occidental College.
Stephen C. Smith.
Hal Stack, Wayne State University, Weekend College Program.
Jaroslav Vanek, Department of Economics, Cornell University.
Paula B. Voos, Assistant Professor of Economics and Industrial Relations, University of Wisconsin—Madison.
Howard Wachtel, American University.
Charles Webster, Federal Reserve Bank of Kansas City, Research Department.
Nat Weinberg, UAW Special Projects Director, Retired.
Tom Weisskopf, Department of Economics, University of Michigan.●

CHILDREN'S TELEVISION: A NATIONAL DISGRACE

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. WIRTH. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent article that appeared in the October 17 issue of Newsweek concerning the deplorable state of television programing for children.

Children are this Nation's most precious resource, and of course will be tomorrow's leaders. Yet, as this article illustrates there is "kidvid void" and children are currently being deprived of the cultural, social, and educational benefits of television programing designed for their special and important needs. Given that the average child will spend more time watching television than in the classroom by the time of high school graduation—an astonishing 10,000 to 15,000 hours with television—the lack of positive programing which is beneficial to children is even more tragic.

The Congress and the Federal Communication's Commission (FCC) have been involved with the issue of children's television for over two decades, with little to show for these efforts. In fact, it appears that commerical television programing for children is actually on a downward spiral with important shows being canceled or scaled back. Although research shows that television can positively impact the skills and behavior of children there is presently not one single regularly scheduled weekday program on commerical television designed to maximize the tremendous potential of television. I urge my colleagues to review the following article and join me in working on legislation to improve the current fare of programing for our children.

KIDVID: A NATIONAL DISGRACE

There once was a time when the network rulers of children's television dispensed bread as well as circuses. For every zap-pow fribble, there were equal servings of socially redeeming food for thought. The networks kept that salutary balance not so much because they cared for junior America's mental health—but mostly because they dreaded the wrath of a watchful regulatory agency in Washington. Then came the reign of Ronald the Deregulator . . . and suddenly the agency stopped watching . . . and the networks were free to indulge their greed . . . and the children awoke one day to find their looking-glass world inundated by a tide of sludge.

Indeed, the state of children's programing has become so dismal that voluntary reform on the part of the networks seems the sheerest of fantasies. Bluntly stated, American kidvid is a national disgrace. And according to most citizen watchdog groups, the blame can be traced directly to the laissez-faire policies of the Reagan administration. During the 1970s, they note, the Federal Communications Commission strongly pushed for an improvement in kidvid's air quality—even going so far as to consider mandatory programing requirements for local stations. But under Mark Fowler, the FCC's Reagan-appointed chariman and a fervent apostle of deregulation, the agency abruptly switched to a hands-off policy. From almost his first day on the job, Fowler sent a clear message: the quantity and quality of children's TV should be decided by marketplace forces rather than by government pressure.

CANCELED

The message quickly got through, but not, perhaps, in the way that Fowler intended. Free from the threat of FCC action, the networks began unloading their least profitable kidvid offerings—virtually all of which turned out to be the best and the brightest. ABC pulled the plug on "Animals Animals Animals" and "Kids Are People Too," a pair of Emmy-winning weekend shows, while NBC phased out production of "Project Peacock," prime-time specials that explored challenges in growing up, growing old and even coping with death. CBS canceled "30 Minutes," the networks' only current-affairs show for children, and shunted "Captain Kangaroo" from weekdays to Saturday mornings, leaving the after-school time slot without a single regularly scheduled children's series.

As a result, TV's most impressionable constituents have become victims of what can almost be viewed as a form of child abuse: a weekend-morning diet that causes severe intellectual malnutrition. Consider the new fall season. Along with a record number of animated comic books, the networks' upcoming entries amount to little more than 30-minute commercials for games, toys and their own prime-time series. CBS, for example, is launching shows based on such videogame figures as "Donkey Kong" and "Frogger"; ABC is introducing the "Monchhichis," a band of monkeylike creatures inspired by the hot-selling Happiness dolls; and NBC is unleashing "Mr. T," a cartoon incarnation of its big, b-a-a-a-d A-Teamer. What makes the picture all the more bleak is the total absence of any real-life adults. In place of the Buffalo Bobs and Mister Wizards who served as socializing guides for an earlier TV generation, today's kidvid employs mythical superheroes to impart a dubious lesson even the most trivial human problems require superhuman intervention.

It's no mystery why the FCC's marketplace approach is shortchanging TV's youngest viewers. Commercial television, after all, is designed primarily as a vehicle for advertisers whose decisions are based on marketing research rather than what is best for viewers. "Children have no public voice and no independent buying power," says Peggy Charren, the president of Action for Children's Television (ACT) and the nation's most prominent kidvid crusader.

COST

As it happens, Fowler is beginning to recognize that reality. "The marketplace may not work for children," he recently conceded. Unfortunately, the FCC chairman's suggested alternative—an annual tax on commercial broadcasters to help fund more high-quality programming for children on

public television—has been embraced by the networks as enthusiastically as they would a proposal to have Mister Rogers anchor the evening news. The networks point to cable TV as the medium best suited to take up the kidvid slack. The problem with that is one of home economics. Children's cable services like the new Disney Channel can cost subscribers as much as $20 a month. "Relying on this technology to serve the young," says ACT's Charren, "seriously discriminates against the poor."

Forced to a last resort, ACT has carried its children's crusade into the legal arena. Last year the group sued the FCC for delaying its decision on whether to require stations to air a minimum daily amount of children's programming. Though such a requirement raises delicate First Amendment questions, Charren believes that the FCC would be within its constitutional bounds if it confined itself to mandating scheduling quotas and not program content. At least one fact seems beyond dispute: the United States remains the world's only nation that doesn't officially recognize children as a unique television audience. Even those countries with non-government-controlled TV systems similar to America's have special rules relating to young viewers. In Australia, for instance, one hour of each broadcast day is set aside as "children's time."

VOID

However ACT's suit is decided, the best hope of kidvid reforms may lie in the voting booth rather than the courts. Traditionally, parents have quickly figured out who's to blame for budget cutbacks that pare school lunches or economic failures that reduce housing starts. Few, however, realize the degree to which Washington policies affect what the tube offers their progeny. Peggy Charren wants to change all that. "We're going to turn this administration's negligent attitude toward the young into a presidential election issue," she vows. "When parents understand who's responsible, they'll vote in the interests of their children." Ronald Reagan has been put on notice: his much-publicized "gender gap" may soon be joined by the "kidvid void."●

IMPACT OF CARGO PREFERENCE ON COAL AND STEEL

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. RAHALL. Mr. Speaker, in mid-June 1983, I asked the Congressional Research Service to evaluate the impact H.R. 1242, the Competitive Shipping and Shipbuilding Act of 1983, would have on the coal industry and particularly coal exports.

The legislation would require that by 1984, 5 percent of all bulk cargoes imported into or exported from the United States be carried in U.S.-flag vessels. Following that year, the tonnage would increase by 1 percent each year until a minimum of 20 percent is reached. Since these vessels are generally more expensive to construct and operate, some sectors fear H.R. 1242 would lead to increased shipping costs and subsequently the loss of export markets.

Following is a summary of the recently released CRS findings which came in three separate reports. I would like to commend Duane Thompson of the Environment and Natural Resources Policy Division for his work on the report, "Potential Effects of Cargo Preference Legislation on the Coal Exports Industry;" Lenore Sek of the Economics Division for her work on the report, "Transportation Costs and Guideline Rates Under H.R. 1242;" and Gary Guenther of the Economics Division for his work on the report, "Impact of H.R. 1242 on the U.S. Steel and Coal Industries."

IMPACT ON DOMESTIC STEEL AND METALLURGICAL COAL INDUSTRIES

Based on three possible scenerios, H.R. 1242 could increase steel output over a 15 year period from 1.5 to 2.1 as a percentage of 1979 shipment levels. In a single year, the increase could be from 0.12 to 0.16 percent. Translated into quantity of steel mill products shipped to U.S. shipbuilders, however, H.R. 1242 could create an increase of between 14 percent and 20 percent per year in steel shipment to shipbuilders over levels established between 1978 and 1982.

Currently it takes 1.392 tons of metallurgical coal to produce 1 ton of coke, an essential element in steelmaking. Based on the increase for steel described above, H.R. 1242 could increase metallurgical coal output over a 15-year period from 0.15 to 0.21 as a percentage of 1982 coal production. In a single year, the increase could be 0.01 percent.

Employment gains in the steel industry over a 15-year period could be from 1.2 to 1.7 as a percentage of 1979 industry employment. In a single year, the increase could be from 0.09 percent to 0.11 percent.

Employment gains in the metallurgical coal industry over a 15-year period could be from 0.16 to 0.22 as a percentage of 1982 industry employment. In a single year, the increase could be 0.01 percent.

The CRS report on this section summarizes and concludes with the following: "Under the most optimistic view of the shipbuilding potential of H.R. 1242, only marginal rises in demand for domestic steel—and, therefore, coke and coal—can be expected.

IMPACT ON U.S. COAL EXPORTS

Cargo preference could result in the loss of between 15 and 20 million tons of U.S. coal exports in 1990.

CRS used 144 million tons as the coal export level in 1990, based on Energy Information Administration data which assumes constant railroad rates. After adjusting this figure under the ICC's "revenue adequacy case," using a 71-percent railroad rate increase for 1990, there is an estimated loss of 27.2 million tons of the U.S. share of the world coal market for a new export level of 116.8 million tons. This 71 percent increase would increase average railroad rates on export coal by $10 per ton. Cargo preference is estimated to increase ocean shipping costs by $6 per ton of coal. Consequently, CRS estimates that the cost of cargo preference could result in a loss of 15 to 20 million tons. As such, the U.S. coal export level for 1990 would be 96.8 to 101.8 million tons in 1990.

Employment loss due to cargo preference in West Virginia, which accounts for between 40 percent and 50 percent of U.S. export coal production, would be 9,000 direct mining jobs on the basis of a 16,000 ton loss in coal exports. The Department of Energy indicates that another 5,000 to 7,000 directly and indirectly related jobs could be lost (including mine office workers, and those in the transportation sector, mining equipment sales and community-related goods and services). However, assessments for the Appalachian coal-producing region often utilize a multiplier of 3. This would mean that for each direct job lost, there would be an additional two related jobs lost. Under the first scenario, total job loss could be 14,000 to 16,000. The multiplier of 3 scenario calculates total direct and indirect job loss as 18,000.

The CRS report on this section concludes:

It is reasonable to assume that any increase in the price of delivered United States coal will be balanced against the benefits of supply and security. As the price escalates, however, other alternatives to United States coal will become increasingly attractive. These alternatives not only would include switching to other net exporting countries as suppliers, but also switching to indigenous deposits of coal and ultimately to other fuels such as oil or natural gas. Finally, it should be said that increases in the delivered price of United States coal enhances the ability of other net exporters to extract economic rent from their shipments. It is not necessary that their price be based on cost, but only that it underbid the United States by a nominal amount.●

ARMENIAN TERRORISM CONDEMNED

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1982

● Mr. LEHMAN of California. Mr. Speaker, today, I would like to call the attention of the Congress to a New York Times editorial condemning the acts of Armenian terrorism at Orly Airport in July, and a subsequent response by the Armenian National Committee. Many people have been justifiably horrified at the increasing number of acts of Armenian terrorism and I think this will set the record straight as to the feelings of the many

Armenians who have absolutely no connection with this terrorism.

The material follows:

[From the New York Times, Aug. 9, 1983]

SOILING THE ALTER OF FREEDOM

In the crude arithmetic of terrorism, two wrongs make a headline. An indifferent world has indeed been reminded of past Turkish crimes against Armenians by a wave of killings morally indistinguishable from the massacres they protest. To that extent, terrorism "works."

But the doctrine of collective guilt is pernicious, whether invoked by governments or gunmen. The slaughter of Turkish diplomats by Armenian guerrillas in 1983 is no more rational or justification than the slaughter of Armenians by the Ottoman regime in 1915. Murdering people because of their ethnic identity is a crime against all humanity.

Nothing can excuse the cowardly planting of a bomb at Orly Airport in Paris, which maimed 55 persons and killed 7. Nor can there be glory or sympathy for five Armenian terrorists who seized the Turkish Embassy in Lisbon, paying with their own lives and killing two innocent people as a "sacrifice on the altar of freedom." These are not political or patriotic but pathological suicides.

When modern Turkey refers to "alleged" massacres of Armenians in Turkey during World War I, it ignores a damning abundance of evidence, slanders the dead and offends a proud and long-frustrated nationalism. That is the valid grievance of Armenians around the world. It is their vigil and humanity that the terrorists now dishonor.

It may say a good deal about the motives of the terrorists that they threaten more bloodshed in France because it dares to detain the Orly suspects. For France has risked Turkey's anger with open expressions of sympathy for past Armenian suffering. The same terrorists cannot find even a hostile word for the Soviet Union, which has repressed, among many peoples, a large Armenian minority.

These few fanatics deserve the contempt of all Armenians and their well-wishers.

[From the New York Times, Aug. 27, 1983]

THE ROOTS OF ARMENIAN VIOLENCE

To the EDITOR:

No matter how strongly one may disagree with their methods (and our organization has condemned indiscriminate violence like that perpetrated by the Armenian Secret Army for the Liberation of Armenia in July at Orly Airport), it serves no purpose to misrepresent the motives of Armenian terrorist organizations and to ignore the facts by suggesting, as your Aug. 9 editorial does, that they are motivated exclusively by events of 1915 and are simply killing Turks "because of their ethnic identity" in revenge for Turkish crimes of almost 70 years ago.

Actually, statements issued by these clandestine groups reveal that their acts are not motivated by revenge at all but are reactions to the policies of the present Turkish Government: its denial of the genocide, its continued occupation of western Armenia, its harassment of Armenians in Turkey and abroad and its refusal to even discuss any peaceful resolution of the Armenian question. These policies outrage all Armenians, the overwhelming majority of whom have obviously not resorted to violence but continue to actively demand some measure of justice.

In sharp contrast to modern Germany's attitudes and actions regarding the Holocaust, Turkey's present regime honors the memory of the mass murderer Talaat, and its diplomats have for decades been involved in a callous worldwide effort not only to deny and distort the truth about the Armenian genocide but also to block commemorations, like the building of memorials, even in the U.S. Indeed, evidence indicates that the earliest of violent Armenian actions against Turkey (in 1975) was in direct reaction to such Turkish provocations, particularly in the U.N.

Misrepresentation of the facts may reinforce the feeling that the Armenian question is shrouded by a conspiracy of silence or distortion, thereby possibly provoking further violence. Truth is critical, whether one is talking about the historic facts of 1915 or the more politically sensitive actions of 1983.

ARAM KAILIAN,
Chairman, Armenian National Committee, Eastern Region.

BOSTON, *August 23, 1983.*●

THE PLIGHT OF THE HOMELESS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. VENTO. Mr. Speaker, the first chill of fall weather has hit many areas of our Nation. This is an appropriate time for Congress to give thought to the plight of the neediest members of our society—the homeless. Although the problems facing homeless people are year-round problems, it is during the winter that their plight receives the most attention from the media, the public, and from policymakers. The cold weather adds another element to the potentially deadly and certainly degrading equation of homelessness. However, the causes of homelessness and the effect it has upon its victims is constant.

As a nation, our response to this scandalous problem has been one of mixed success. Many charitable, religious, and private agencies have done a splendid job in providing shelter and food. Some States and municipal governments have also met their responsibilities in an admirable manner. The Federal Government provided $100 million for food and shelter in fiscal year 1983. These efforts have reduced the suffering of the homeless but the need remains far greater than the resources which are available.

The House can be proud of its record in this regard. On four separate occasions, this body has passed legislation which would provide assistance to nonprofit organizations and local governments for shelter and food for the homeless. Most recently, the House passed legislation, H.R. 1 and H.R. 1983, which authorize $100 million to rehabilitate existing structures for use as emergency shelters. The sad fact is that in only one instance did this legislation become law. The other body must act and the President must sign this legislation quickly. We cannot ask the most needy in our society to wait any longer. Any further postponement will delay this assistance beyond the time of our most dire need.

Mr. Speaker, the Christian Science Monitor's editorial of last Friday, makes an eloquent case for the need for this program. I commend this excellent article to my colleagues' attention.

HELP THE HOMELESS

Homeless Americans face another challenging winter, now fast approaching. Considerably more assistance is expected to be available for them than a year ago, although specialists say additional aid is needed. And there are signs that more understanding and compassion are required of public officials responsible for their care.

One element particularly buoys those who struggle daily with the challenges of the homeless: Americans' great wellspring of compassion and love for their fellowman. It can be difficult to tap. But once Americans realize the plight of the homeless, they begin to help. Some who work with the poor note that this is a spirit of decency which can ultimately be translated into substantial assistance. Hence this alert:

No one is sure how many Americans are homeless. They're difficult to count. Most estimates range from half a million to 2 million—at least as many as a year ago, and the highest level since before World War II.

In some cities numbers are fairly exact. In New York, for instance, 60,000 homeless people were helped by public or private agencies last year; yet, since many shun such organizations, no one can be sure how many additional homeless men and women there were. One national organization that collected estimates from many communities found a consistent tally of between 1.5 and 2 percent of their population.

Nationally, about 20 percent of the homeless are families, mostly mothers with young children. About 45 percent are single adults, mostly men, often just released from mental care. Another 20 percent are runaway youths. Only some 15 percent are those generally regarded as "homeless"—drifters, alcoholics.

A troubling trend: The young are joining the homeless. Five years ago the most common age of men in New York City shelters was 55; today it is 31. For women, it then was 59; today, 22.

Unfortunately, the economic recovery has not directly helped the homeless.

This year the structure is in place to give more assistance than early last winter. A year ago as cold weather deepened, many individuals and private institutions rallied splendidly to provide shelter and to feed the homeless and other poor. In metropolitan Washington last fall, for instance, only four or five churches were operating shelters for people without a home; by winter's end, nearly 30 offered shelter, food, or both.

Most specialists say the national need far outstrips the ability of voluntary groups to meet it. The New York-based Coalition for the Homeless recently found that in 10 cities nearly all volunteer-run shelters are already full, and are turning away more people now than a year ago.

Last March the federal government moved to help: Congress and the President approved $100 million in food and shelter costs. But the money ends Dec. 31—before winter does. Although the House of Repre-

sentatives has approved an extension, it has yet to gain backing from the Senate or the Reagan administration.

Further, organizations that aid the homeless charge that administrative regulations that accompanied the existing law have crimped their ability to spend the funds in ways to benefit the homeless over the long haul. For instance, the regulations specify that the funds cannot be used to repair or purchase shelters.

In several areas of the United States more concern for the homeless is needed. In Massachusetts only $2,000 has been donated to a private fund the governor established to aid the homeless. In Pennsylvania, a state law last year removed some 30,000 Philadelphians from the welfare rolls and resulted in heavier summertime demand than usual for food and shelter for the homeless. And in New Jersey the governor protested when New York City sent to hotels in his state some 1,000 poor people without homes after they were displaced from their own dwellings.

Alerted, Americans, we trust, will again reach out to those in their midst needing shelter to bridge the winter.●

CONGRESSMAN SOLARZ ON FOREIGN POLICY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. FRANK. Mr. Speaker, on Saturday, our colleague Mr. SOLARZ of New York gave a radio address in response to the address of President Reagan. Mr. SOLARZ has been one of the the leaders in the House—and in the country—in formulating and articulating a coherent foreign policy which genuinely advances American national security in its broadest conception. He understands that it is important that we remain vigilant to any physical threats to our security or to the security of our close allies. And he understands as well that an American policy which supports and seeks to advance basic democratic rights across the world is an important part of such a policy, and not a detraction from it. As our colleague from New York makes clear, administration policy both in Central America and in South Africa, errs in failing to understand the proper way in which America's genuine interest should be advanced.

I ask that his radio address be printed here.

CONGRESSMAN SOLARZ ON FOREIGN POLICY

This is Congressman Steve Solarz.

I have been asked by the Democratic leadership to talk with you today about two very important problems that go to the heart of what our country is all about and the kind of world in which we want to live.

The first involves what is happening in Nicaragua and an Administration policy toward that country which could easily involve us in a war in Central America.

Virtually everyone agrees that the Sandinista government has betrayed its commitment to open elections and a free press, and is a source of support for revolutionaries elsewhere in the region.

The question that confronts us is what to do about it.

Most Democrats profoundly disagree with the Administration's way of dealing with the problem.

For almost two years now, in violation of both American and international law, we have been providing millions of dollars worth of arms to counter-revolutionary forces attempting to overthrow the established government of Nicaragua.

Originally the Administration told us that the purpose of this operation was to stem the flow of arms from Nicaragua to the rebels in El Salvador. But the truth is that the counter-revolutionary forces we are supporting in Nacaragua have been totally ineffective in bringing this traffic in arms to an end.

Then we were told that the real purpose was to put pressure on the Sandinistas to stop arming the guerillas in El Salvador. But when the Nicaraguans offered to do just that, if we would stop arming their enemies, the Administration didn't even respond to the Nicaraguan offer.

Someone once said about the policy of a previous American President, "It is worse than a crime. It is a stupidity." The same I fear, could be said about our policy toward Nicaragua today.

Far from ending the supply of arms to the guerillas in El Salvador, or restoring freedom to the people of Nicaragua, the President's policy has enabled the Sandinistas to justify their repression in Nicaragua; it has intensified anti-Americanism throughout Central America; and it has rendered hypocritical our denunciations of the Soviet Union for its support of subversion elsewhere throughout the world.

The Democratic party is deeply committed to policies designed to stop the spread of Communism in Central America and to promote the prospects for pluralism in Nicaragua.

But we believe the way to accomplish these objectives is not through covert military operations, which run the risk of involving American troops in a regional conflict, but through a process of genuine negotiations in which we try to resolve peacefully our differences with Nicaragua.

The second issue involves South Africa.

Here, the Administration has turned a deaf ear to the cries of 20 million South Africans who are denied their most basic human rights and freedoms simply because they are black. Instead of forcefully opposing South Africa's racist system, the Administration has adopted a policy it calls "constructive engagement" in which we embrace rather than denounce this evil.

The choice in South Africa is not, as the Administration has said, a choice between black and white. It is a choice between justice and injustice, between right and wrong, between decency and indecency.

That is why the Democratic party is determined to bring about a fundamental change in our policy toward South Africa by making it unmistakably clear that we are opposed to the apartheid system and everything it stands for.

The Congress will have an opportunity this week to reject the Administration's rapprochement with racism when it considers legislation calling for economic sanctions against South Africa.

Sooner or later, the black majority will determine the destiny of their own country. The United States will be in a far better position to have a constructive relationship with South Africa, and with the rest of the African continent, if we associate ourselves now with the aspirations of those South Africans—black and white alike—who are working for a democratic South Africa based on the principles of majority rule and minority rights.

The time has come for us to recognize that we serve neither our ideals nor our interests by trying to overthrow the government in Nicaragua or by acquiescing to apartheid in South Africa.

Let us instead resolve to remain faithful to the fundamental principles of democracy and decency on which our country was founded. We will be in a far better position to stop the spread of Communism if we promote the cause of human rights through peaceful and political means rather than by bullying our neighbors in Central America and befriending racists in South Africa.●

SHELTER AND COMMUNITY: AN ALTERNATIVE HOUSING POLICY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. CONYERS. Mr. Speaker, among the papers presented this spring at the Institute for Policy Studies Conference on the Federal Budget was Dr. Chester Hartman's extremely perceptive and farsighted analysis of housing programs and alternatives. Dr. Hartman, an urban planner and IPS Fellow, has advanced a number of important policy recommendations that I want to share with my colleagues. Dr. Hartman's paper, "Shelter and Community," follows:

SHELTER AND COMMUNITY

(By Chester Hartman)

WHAT IS NEEDED

The crux of the nation's housing problem is this: the costs of producing and operating housing at the quality and space standards the nation regards as acceptable are beyond the reach of an increasingly large number of Americans. The cost to the federal government of covering this gap is more than this administration is willing to pay, and more possibly than most administrations would want to pay, were we to face the problem honestly. That is, were we to take seriously the national housing goal, promulgated by Congress first in the 1949 Housing Act and reiterated in the 1968 Housing Act, of "a decent home and suitable living environment for every American family."

To figure the cost of making sure every U.S. household was housed in a way that met minimum local housing code standards (not the less stringent Census Bureau standards), that took the "suitable living environment" phrase seriously, and that provided subsidies to ensure that no family would have to pay an unacceptable portion of its income for housing, would produce a housing subsidy bill that would far exceed any previous federal commitments in this area. Calculations by University of Massachusetts housing economist Michael Stone suggest the housing bill alone would be along the order of $60 billion annually in 1982 dollars. And beyond this $60 billion figure, an un-

known amount would have to be added to provide neighborhood and environmental improvements to meet whatever reasonable set of standards were set up as part of the Congressionally mandated goal.

The reason the costs are so high is that at every point, the production and operation of housing is done with an eye to profit maximization. Beyond the cost of the materials and labor for constructing and maintaining housing, the principal factors are: land speculation, the cost of construction financing and permanent financing, the sale and resale of buildings at the highest prices possible, the operation of rental housing in order to maximize profits.

The federal government could instead use its funds and powers to reduce the basic cost of providing housing, a role that—with two major exceptions cited below—it has generally eschewed. This, or course, would represent a very different approach, one that inevitably would begin to challenge the commodity nature of housing.

This, then, is the direction in which federal policies and budgetary expenditues should move, if we are to alleviate the nation's housing crisis, or even simply keep it from getting substantially worse. Policies should be designed to reduce the cost of providing housing and to alter the system by which housing is brought, sold, and operated primarily as a commodity. Detailed programs and legislation to implement such principles can be designed if and when there is acceptance of the goals enunciated below. But I do not believe there is any possibility of making meaningful inroads into the nation's current and deepening housing crisis so long as we continue to structure programs around the principle of housing-as-commodity. We must posit instead the overriding principle that Americans have a right to be decently housed at an affordable cost and develop our approaches from that starting point.

DIRECTING AND RESTRICTING FEDERAL HOUSING CONSTRUCTION SUBSIDIES TO NON- AND LIMITED-PROFIT DEVELOPERS AND OWNERS

The federal government's policies and expenditures could be used to control and reduce the speculative private ownership of housing, and to preserve and expand the amount of housing under permanent social or resident ownership, or public ownership with resident control. There are now different types of housing ownership and control that have been used successfully in many parts of the country to eliminate speculative operations: non- or limited-equity cooperatives; community development corporations; church-, union- or other nonprofit-sponsored developments; resident-owned partnerships and corporations; ownership by public bodies. Under such arrangements, the primary motivation for being involved in the housing business is to provide the best housing services possible at the lowest costs to the residents. Private resale of housing is prohibited entirely, or sales prices are limited to the original purchase price (or share, in the case of a cooperative), plus some increment to take into account—fully or partially—intervening inflation. A federal policy to provide housing construction and rehabilitation subsidies only to non-speculative, socially motivated developers would encourage such enterprises and gradually build up the stock of housing that is permanently outside the commodity sector. Since sensitive, responsive housing management is by no means ensured simply by virtue of nonprofit ownership, adequate provision must be made for resident control of management policies. Subsidies must be adequate to permit proper maintenance and periodic modernization, and residents' costs must be commensurate with their true abilities to pay. The nonspeculative principle can be applied to individually owned housing as well, by requiring resale price controls as a quid pro quo for receipt of federal subsidies.

RESTRICTING PROFIT-MAKING IN EXISTING HOUSING

With regard to existing housing, federal subsidies and incentives could be directed toward encouraging social, nonspeculative ownership as well. Low-interest rehabilitation loans and grants could be limited to nonprofit developers/owners. And federal incentives could be used to encourage state and local governments to control speculation in the housing market. Legislation that almost passed Congress recently would have restricted federal housing and community development subsidies to communities that did not have effective rent control ordinances. This would have been a way of using federal leverage to dissuade local city councils and electorates from passing measures that interfere with the workings of the private real estate market. The "theory" advanced for such a measure was that these controls dampen real estate activity, and federal aid to areas that inhibit "healthy" real estate markets in counterproductive. A more compelling line of reasoning would be that pouring federal housing subsidies into an uregulated real estate market can only increase the amounts of subsidies needed and divert a substantial portion of these subsidies into the pockets of those who least need them—private profit-oriented developers and owners. Instead, the federal government ought to limit its housing and community development subsidies—or at least give preferential treatment—to those communities that have acted to regulate private real estate activities so as to reduce the cost of housing. Communities can do this by passing ordinances tha limit rent increases, end arbitrary evictions, deny demolition and conversion permits to those who would remove needed housing from the stock, ensure compliance with local housing codes, and use local means (such as real estate transfer taxes) to reduce housing speculation.

REVISING THE TAX SYSTEM TO DISCOURAGE PROFIT-TAKING FROM HOUSING

A further step would be to revise federal tax policies to encourage more socially responsive use of the existing housing stock and development of nonprofit forms of housing ownership. At present, our tax laws make virtually no distinction among different kinds of housing activities, according to purpose or sponsorship. Interest payments are deductible regardless of how much they amount to, how many houses one owns and occupies. The tax shelter game—shielding real income from taxation by offsetting it against artificial "book" depreciation losses on rental properties—is a massive loophole, useful only to the rich. (The exception to this involves community groups that have been able to benefit by syndicating these depreciation losses and selling them to wealthy investors. The groups then use the cash to provide housing and other benefits to the community—an ironic situation in which the poor get housing benefits only by allowing the rich to escape their rightful tax obligations.) Federal tax policy regarding housing investment and operation could be structured to achieve social goals. The government could make rehabilitation and development incentives available only—or on more attractive terms—to those who produce housing that is permanently placed outside the speculative sector.

The other main area of federal tax policy that needs fundamental restructuring is the home ownership deduction, the ability to deduct all mortgage interest and property tax payments from taxable income. Together, these tax expenditures are estimated at $39 billion in fiscal 1982, $48 billion in fiscal 1983.

PROVIDING HOUSING CAPITAL DIRECTLY TO REDUCE DEPENDENCE ON MORTGAGE FINANCING

The federal government also could play a key role in making available the capital needed to construct and rehabilitate housing. The high cost and unavailability of private mortgage credit have been two major hindrances to achieving the national housing goal. Structuring housing finance—for construction and purchase/repurchase—around mortgage credit builds into the permanent cost structure of housing a massive socially wasteful component (which can comprise about half of the average home owner's or renter's monthly costs). Housing is the only commonly used consumer item that increases rather than decreases in value over time. And each time it is sold, the mortgage needed to finance the purchase is larger, and usually carries a far higher interest rate than the previous financing. This is a permanent burden, passed on to each successive housing consumer. Eliminate mortgage financing, and the ongoing costs to the housing consumer—for maintenance, utilities, property taxes, insurance, etc.—are premanently reduced by roughly one-half.

Public housing and military housing are the two major examples of housing in our society that is not built with mortgages and does not get sold and resold with the requirement of subsequent mortgage financing. Military housing is built with direct capital grants from the Department of Defense budget. Public housing is built with construction funds raised by bonds issued by local housing authorities, which in turn are backed by a federal commitment to repay these bonds; the housing is owned by the local authority. Neither type of housing is treated as a commodity (unless it is eventually resold in order to move it outside the publicly owned housing stock).

ALLOCATING HOUSING CREDIT TO PRODUCTIVE ACTIVITIES

The federal government could also reguate the activities of lending institutions—through the Federal Home Loan Bank Board, the Comptroller of Currency, the Federal Deposit Insurance Corporation, and the Federal Reserve Bank—to ensure that priority in the allocation of mortgage credit is given to productive activity rather than to shuffling existing properties to maximize profits. Specifically, if there is a choice between making mortgage money available to build or rehabilitate housing or making money available to refinance, trade, or sepculate in existing housing or to convert rental units to condominium ownership, the federal government, through its regulatory activities, should ensure that scarce mortgage funds go not necessarily to what is most profitable, but to what is most socially useful.

ALLOCATING LAND ON THE BASIS OF SOCIAL USE RATHER THAN PROFIT MAXIMIZATION

Land is another major factor in housing production and costs, and the federal gov-

ernment should act to ensure its availability for socially beneficial purposes. Land speculation is an activity that is not in society's interest. It raises the price of a scarce commodity and of what is built on that land. It passes on to users substantial, long-term costs in order to allow profits to be made by the speculator, whose only interest is in profit maximization. Of housing prices are to be lowered, one important step is to bring under control the cost of land on which housing is built. This cost currently accounts for 24 percent of the total production costs of the average new single-family house. (And since mortgages are taken out on the price of the land as well as structure, these costs are considerably greater over the long run, when long-term interest payments are added.)

Bringing land prices under some form of social control or putting the land itself under some form of social ownership is a key step. One way of doing this is through community land trusts. These are nonprofit corporations chartered to hold land in the best interests of the community. Land that a trust purchases or receives by donation is never again resold: it is permanently taken off the speculative market. Directors of the trust, elected by the community, make decisions on how the land will be used. Users obtain a lease, usually for 99 years, that is renewable, and also inheritable. The person leasing the right to use the land must be the actual user; he or she cannot be an absentee, subleasing or otherwise controlling how another person uses it. The user has all the other rights and security that owners traditionally have. For example, he or she can sell improvements, but under certain controls and with price limits. Considerable tax advantages are available to those who donate property to such trusts, and additional tax incentives could be created to induce owners of land and buildings to make such donations.

Federal funds could be assigned to community land trusts so they could purchase land for development. Housing development on trust land would, of course, be bound by the nonspeculative agreements that are at the heart of such arrangements. Successful land trust ventures have already been launched in Cincinnati, Washington, D.C., and Minneapolis, with respect to housing, and the arrangement has also proved itself in efforts to preserve farmlands. Cooperative ownership of land (analogous to housing cooperatives) is another device that could be aided by federal programs.

"Land-banking" is an additional promising mechanism. A local, metropolitan, regional, or state agency can use federal funds to purchase vacant land—on the open market or through tax foreclosure sales. This land then can be allocated to nonprofit housing developers at a reasonable price (perhaps for free, as a way of reducing final housing costs) and with controls requiring that the housing remain permanently outside the commodity sector.

MAKING HOUSING AVAILABLE ACCORDING TO NEED

With respect to the widespread incidence of housing discrimination against minorities, women, large families, and other groups, the federal government clearly must play a more active role in enforcing existing civil rights statutes. Publicity, "testers" (matching white and minority home and apartment seekers sent to the same unit within a short time of one another), administrative procedures, litigation, and federal funds must be used to reward nondiscriminatory behavior and punish discriminatory behavior. Discrimination must be fought not only on a case-by-case basis, but also systematically. Government funds must not be used to break up socially and politically cohesive, supportive minority communities; instead, they should be used to revitalize and strengthen them for existing residents. Concomitantly, the range of housing options available to people must be expanded through creative use of government programs and funds. The government must also assist in the development of housing of appropriate size, type and design, with appropriate community facilities, to help free women from the various forms of domestic oppression and exploitation.

DRAMATICALLY INCREASED FEDERAL HOUSING OUTLAYS

The level of government expenditures on housing problems is perhaps the central issue. Housing is inherently expensive, the largest single expenditure in most households' budgets, the most costly capital good most people will ever own or occupy. Given the widening gap between housing costs and people's ability to pay these costs, we must agree to large government allocations to the housing area if we are serious about making sure that everyone in America is decently housed. Alternatively, if we were to provide everyone with a decent wage or guaranteed income, the amounts needed to subsidize housing would be drastically decreased. But since we have neglected and shortchanged this area for so long, we have a lot of catching up to do. The $60 billion (1982 dollars) annual subsidy level that has been posited to do the job right is vastly more than the federal budget now allocates directly to housing, but only about 2 percent of the gross national product, one quarter of the 1983 military budget, not too much more than the $48 billion in home owner tax expenditure subsidies estimated for fiscal 1983, and about what home owner subsidies are expected to be in fiscal 1984.

In sum, the housing issue is a basic test of the values and priorities of our economic system, and of how well it is working. We are rapidly falling behind in terms of our ability to house people decently, in satisfying environments, at costs they can afford. A restructuring of federal budget priorities is called for, not only to increase our resource commitment to housing and communities, but to reformulate the approach that the government and society should take toward the housing problem. This new approach requires "decommodification" of housing—creating an alternative model and a different set of financing and operating mechanisms that treat housing as a use good and not something whose function is too maximize profits for its producers and owners.●

THERE IS NO HIT LIST PUBLISHED BY NEA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. KILDEE. Mr. Speaker, a few weeks ago a reporter obtained a copy of an internal interim progress chart on voting records of Members of Congress. The information was compiled by a member of the political staff of the National Education Association as just one part of an entire notebook of preliminary data prepared for NEA's leadership.

In point of fact, a lead page in that notebook stipulated the following:

Because the first session of the current 98th Congress is not scheduled to complete its work until October 28 and a number of critical issues will be coming up for a vote, we need additional time to obtain a better assessment of the incumbents' voting record.

In spite of this statement in the notebook, subsequent news articles and reactions referred to a supposed NEA hit list of incumbents. This concept apparently resulted from NEA's preliminary listing of partial records of incumbents in House and Senate seats to be contested in 1984.

I have inquired into the basis for this preliminary chart and found that the initial listings were arrived at differently for the Senate and the House. Members of the Senate whose seats are up in 1984 were classified on the basis of a preliminary assessment of their votes over the last 5 years. Members of the House were classified based on only two votes. In addition, NEA still has not decided whether either or both votes cited in this preliminary chart actually will be among the votes included in NEA's final assessment.

The two votes cited were our vote on the first budget resolution, which contained proposed additional funding for education, and a vote on social security. It is my understanding that a vote on the social security issue likely will be included in NEA's final report card assessment and published for its membership, but the specific vote cited in the preliminary study probably will not be the actual vote selected. The social security issue was picked, I am told, because of its major impact on retirement for educators. I do not question at all that educators ought to be concerned about issues that may affect their retirement. I believe they ought to make a decent living while they work, and the teaching profession is underpaid today. The NEA's concern that educators be able to live decently and with dignity after retirement is commendable.

In any event, reports of the hit list received wide publicity in various parts of the country. The wide publicity received has stemmed primarily from the fact that NEA is both the largest professional organization and the largest union in America, as well as the publicity that NEA has received in recent years because of the effectiveness of its political action efforts, and the political impact generated by use of the term "hit list." The reality, however, is that the so-called list does not exist.

NEA has long kept records of how Members of Congress vote on issues of concern to its Members. However, no

complete summary of incumbents' voting records for the 98th Congress has as yet been compiled, much less submitted to NEA's leadership and political action arm—NEA-PAC. As the report delivered to the NEA-PAC Council on September 29 states, compilation of the NEA's report card on this first session of the 98th Congress must necessarily await the events and votes of the remainder of this session.

When that summary is prepared, it will help provide NEA's membership with important information to which they have every right as they participate in our Nation's political process. If this Nation's teachers are to teach their students that it is the civic responsibility of every American to participate in our political process, then surely they should do so themselves. All Americans should be urged to be involved in our political process, to learn of the issues, and to participate in election activities.

Support for and improvement of Amercian public education ought to be a top priority of this Congress and of our National Government. In turn, our positions and votes on proeducation issues should be a serious consideration when Americans make up their minds about which candidates to support on election day.

Let me point out that, in NEA's system, key issues are established by the members through the repesentatives they elect to NEA's annual representative assembly. Further, recommendations for endorsement are made by the affected State affiliates. It is a simple, straight-forward, democratic process. Eventually, based on a thorough review of the record and interviews with the candidates, NEA-PAC will have a list of official endorsements—including candidates endorsed and, by implication, candidates opposed. I would not call the results of such a process a hit list but at least it will be an official NEA list and all can deal with it when it is presented. Such a list will reflect the views and concerns of NEA's 1.7 million members, whose political and legislative goals and priorities focus on support for America's time-honored system of universal, tuition-free, quality public education at the elementary and secondary levels. Those goals and priorities also support our quest for justice, equality and peace for all who live in our great Nation. I certainly agree with such lofty and vital goals and priorities.

NEA's process is comprehensive, open and reflective of the concerns of our Nation's educators. I hope this information will help clarify the facts about NEA's process.●

WE MUST NOT ALLOW A WATT CLONE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 18, 1983

● Mr. OTTINGER. Mr. Speaker, I am curious as to the motives of this administration in the appointment of William Clark as Secretary of the Interior.

We have just spent almost 3 disastrous years with James Watt as Secretary of the Interior, a man whose entire program was based on the concept of selling off or giving away the natural treasures of this country and encouraging the commercial exploitation of the parks and wilderness areas that are left.

We are now faced with a man who has absolutely no experience in conservation of natural resources, whom the President introduced as qualified not for his relevant experience or conservation commitment, but for his religiosity and his status as a Westerner and rancher. As a judge on the California Supreme Court he dissented from majority decisions to uphold laws to protect the environment in every case except one. This is not a man that will protect our natural resources.

Let Judge Clark be on notice that, if he is confirmed by the Senate, the U.S. Congress will not stand for a James Watt clone. We will not stand for continuing the despoliation policies of James Watt. We will not stand for continuing the environmental degradation that appears to be the goal of the administration.

We wish to remind Judge Clark that in spite of the fact that he may not be as flamboyant as Mr. Watt, we will be watching.

I wish to commend the following article to my colleagues attention. It appeared today in the New York Times.

[From the New York Times, Oct. 18, 1983]

CLARK'S LOW WATTAGE

(By John B. Oakes)

"There you go again," Ronald Reagan.

It didn't seem possible for you to appoint a Secretary of the Interior less fitted for the job than James G. Watt. But now you've done it.

Once again, you've baffled your critics by accomplishing the impossible. You have found someone with even fewer qualifications than Mr. Watt to be chief guardian and conservator of the nation's diminishing natural resources.

To pull you out of the hole Mr. Watt had dug for you when he was forced to resign the other day for the wrong reasons, you turned to your crony and national security adviser, William P. Clark. At the same time, you were able to pull Mr. Clark out of the hole he had dug for himself.

In truth, he has no more qualifications for his second job than he had for his first. As you sprang the news of his appointment to a group of women evangelicals, even you could think of no better justification than that he is a "God-fearing Westerner, fourth generation rancher and a person I trust." Unfortunately, that's not enough.

If this dubious accolade means anything, it means that Mr. Clark has no more competence on public land-use issues than he has shown up to now on foreign issues, in which he has already proved his abysmal ignorance. His nomination as Interior Secretary is an insult to the American people, even more so than was that of his predecessor.

Mr. Watt at least had extensive experience in the field of natural resources—though he was invariably on the wrong side—and first-hand knowledge of what the Interior Department is all about.

Mr. Clark has not even rudimentary understanding of this huge and powerful department of Government that he is now supposed to administer. It is responsible for the protection, conservation and wise use of more than 600 million acres of publicly owned lands with major forest, mineral, grazing, water, farming, wildlife and wilderness resources at stake. Since Mr. Clark has virtually no background on the subject—except possibly for the ranching business, which for generations has been one of the most notorious exploiters of the public lands—it is inconceivable that the Watt-filled hierarchy of the department would let him materially alter existing policies, even if he wanted to.

The one thing that will change will be Mr. Watt's confrontational style. Even that is no plus. One of the few advantages—perhaps the only one—of his tenure was that he was so much the arrogant dogmatist, so defiant of Congress and contemptuous of the law that he became an easy target.

With his low-key manner, Mr. Clark will be harder to stop from carrying out precisely the same policies. Therefore, the thing to do is to stop him now.

It will be difficult for any Senator—Democratic or Republican—to justify a vote to confirm Mr. Clark's nomination. It will be difficult unless that Senator is willing to concede that the President has absolute power over his Cabinet appointments and that the constitutional provision mandating a sharing of the appointment power with the Senate is in fact a dead letter. No Senator, Republican or Democrat, can seriously believe that Mr. Clark—however much he may be a "prince of a fellow," as Mr. Watt describes him—is an appropriate nominee for that post.

Mr. Watt wasn't either, but for different reasons. It is ironic in the extreme that he has been forced to resign because of a distasteful (if revealing) remark made in jest, but one that could be used politically against him and the President whom he represents. The shallowness of American politics could hardly be better demonstrated than by this incident. The Senators who were scared into demanding Mr. Watt's resignation because of his politically loaded attempt at humor would have served their country better had they insisted on his dismissal long ago because of his policies. Though personally honest, Mr. Watt has presided over the most destructive giveways of America's publicly owned natural resources to private interests since Teapot Dome, and proved himself the most dangerous Interior Secretary in the department's history.

Giveaways of timber, giveaways of coal,

giveaways of offshore oil, giveaways of grazing rights, giveaways of water rights, giveaways of park lands, wildlife and wilderness areas—coupled with budgetary manipulations and revisions of internal regulations to undercut protection of longrange environmental values: These are the hallmarks of the Watt administration.

If Mr. Clark is confirmed, the style will be very different from that of Mr. Watt, but the results will be worse, because Mr. Clark won't even know what he's doing.●

HOUSE OF REPRESENTATIVES—*Wednesday, October 19, 1983*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
October 18, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Wednesday, October 19, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, You have promised that Your spirit is with us wherever we are or whatever we do. Thus, inspire us in our work that in spite of personal ambition we may truly seek the common good. We pray that through debate may come clarity, through confrontation may come resolution, and through discussion may come understanding. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 96) entitled "An act to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes."

CIVILIAN USE OF FORTHCOMING MILITARY SATELLITE NAVIGATION SYSTEM

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I, along with 23 cosponsors, am submitting today a concurrent resolution that urges the administration to expedite the research and development of procedures and standards needed to permit civilian use of the forthcoming military satellite navigation system known as the global positioning system (GPS).

Nearly 2 months have passed since the brutal action of the Soviet Union in downing a civilian airliner, flown by Korean Air Lines.

Both the House and the Senate passed strongly worded resolutions condemning this action, in which all 269 passengers and crew were killed. U.S. revulsion is shared by the world, including several nations that responded by temporarily suspending air service to the Soviet Union.

Despite the marshaling of world opinion against the Soviet action, the Soviet Government has stonewalled any responsibility for this massacre.

In fact, it has publicly proclaimed that it intends to enforce its mindless border law and shoot down any future passenger plane that innocently strays across its borders.

The exact reason for Korean's flight 007 straying some 300 miles off course may never be fully known. Yet in hearings before the Subcommittee on Transportation, Aviation and Materials, which I chair, most experts pointed to the likelihood that a serious navigation error was at fault. Furthermore, the hearings pointed out that such errors are more common than most people think.

For this reason I believe it is imperative that the very latest technology be employed to aid pilots, particularly those flying long, over water routes out of view of air controllers. Fortunately, the Defense Department has successfully tested and is now installing GPS which will provide around-the-clock, all-weather coverage for properly equipped aircraft anywhere in the world. It can tell pilots exactly where they are to within 100 meters.

The purpose of this resolution is to put Congress on record in favor of continued momentum toward civilian use of the GPS. All too often after a disaster, public opinion shifts to the next crisis and needed corrective measures are never implemented. In this case, however, I do not think we can tolerate such a result.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3913, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, October 19, 1983, to file a conference report on the bill (H.R. 3913) making appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MAKING IN ORDER CONSIDERATION ON TOMORROW OR ANY DAY THEREAFTER OF CONFERENCE REPORT ON H.R. 3913, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that it shall be in order at any time tomorrow October 20, 1984, or any day thereafter, to consider the conference report and amendments in disagreement on the bill (H.R. 3913) making appropriations for the Departments of Labor, Health and Human Services, Education, and related agencies for the fiscal year ending September 30, 1984, and for other purposes, and that such conference report and amendments in disagreement be considered as having been read when called up for consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

THE TRUTH ABOUT TIPITAPA

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, yesterday, I reported to the House on the probability of a massacre on the early morning of Sunday, October 9, at Tipitapa Prison outside of Mana-

gua, Nicaragua, and called for an impartial investigation of what happened by the OAS Human Rights Commission.

Further information I have received underscores the necessity of finding out what actually happened as last Friday, the Sandinista government human rights commission, accompanied only by government sponsored press went into the prison and issued a whitewash report. The international press corps was not allowed into the prison. What have the Sandinistas to hide by stonewalling the international press corps? A coverup of a major human rights violation cannot stand, whether it is in Nicaragua or elsewhere. Commandante Ortega, let us have the truth about Tipitapa.

SENSIBLE POLICY FOR EXCESS GRAIN

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, in rented grain elevators throughout west Texas and other parts of our Nation's farm belt, the Government pays many millions of dollars each month to store many millions of bushels of grain which it will never be able to sell to anybody.

At the very same time, thousands of hard-hit farm and ranch families, smitten by the most devastating drought in a generation, are forced to slaughter their livestock herds or watch them starve to death because they cannot feed them.

And in every large American city there are soup kitchens to feed people thrown out of work by the recession.

The only sensible and humane policy is to distribute the grain to the needy American families. That which has deteriorated beyond the point of safe human consumption should be made available quickly, before it is too late, to save the basic livestock herds from extinction.

Grain that still is safe for people could be given to our church and charitable organizations that provide daily lunches for the jobless urban poor.

It would save our taxpayers many millions of dollars in storage fees—and it would save the Nation's conscience the affliction of hoarding food until it rots while people go hungry and livestock starve.

A TALE OF TWO HEADLINES

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, as we enter the home stretch of the 1983 congressional session, the eyes of the Nation are focused on the Federal deficit. Nothing better sums up the drama of the moment than what I will call "The Tale of Two Headlines."

On page A2 of Sunday's Washington Post, we read this headline, "Representatives Find That Deficits Dominate Talk Back Home." Now, on page A2 of Monday's Washington Post, we find another headline, "Reagan Aims To Divert Voters' Attention From Budget Deficits."

And we learn there, as in other recent press reports, that the President has gone so far as to try to suppress the chairman of his own Council of Economic Advisers, Martin A. Feldstein.

Let me quote Mr. Feldstein, this voice in the wilderness of Reaganomics which Mr. Reagan has attempted to silence. He said, "It would be a great pity and a rather dangerous course to wait until 1985 to enact legislation dealing with the deficit."

Mr. Speaker, the President cannot ignore his triple-digit deficits from America, and he cannot cover up the danger of renewed recession. America expects the President to join with the leadership of Congress now to do something about the deficit. As Joe Louis said about Billy Conn, "He can run but he cannot hide."

EXPORT ADMINISTRATION ACT: THE WAY TO GREATER U.S. EXPORTS

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, yesterday the House, in consideration of the Export Administration Act, adopted an amendment that will adversely affect U.S. exporters in the future.

We should make no mistake about the importance of international trade. The fact is that our domestic economy is no longer sufficient to meet our growth needs in the future and at the same time we find ourselves in a fiercely competitive world economy with Japan and other countries challenging America's preeminence.

It is also a fact that the United States is rapidly losing its position in the world economy. At one time we had 18 percent of the world's market. Today that is down to 11 percent and it is declining.

The Export Administration Act is our opportunity to remove many of the impediments that now stand in the way of the U.S. exporters. I would urge my colleagues to listen carefully to the debate today and reject those amendments which are offered that would once again put major obstacles in the way of U.S. exporters.

□ 1010

UPDATE OF FARM LEGISLATION

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, today and the following days I will be bringing you some information relative to dairy legislation.

Last night the House acted on the conference committee and declined to allow us to go to conference. One of the reasons was a so-called Conable amendment. Let me advise Members that the so-called Conable amendment would cost $672 million more than the committee version in 1984, $579 million more in 1985, and a grand total of $1,360,000,000 in 5 years. And that, my dear friends, unless you have fallen prey to the fad that $200 billion deficits are fashionable, I think you should look at this.

In the next several days, I will be bringing you more information on this issue because we cannot forget the fact that we are running $200 billion deficits. This type of legislation as Mr. CONABLE proposes would be disastrous and it would indeed be devastating to what we do to the economy.

LECH WALESA—NOBEL PEACE PRIZE IS REALLY HIS

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, I believe the attitude of the Polish Government on the awarding of the 1983 Nobel Peace Prize to Lech Walesa merits our observation. It says a lot about how little Polish authorities understand about the inanity of their position.

A Polish spokesman discounted the Nobel award to the founder of the outlawed Solidarity labor movement as "another prank of Ronald Reagan." Aside from the fractured syntax of the spokesman, it is obvious to all unbiased observers—and probably biased ones as well—that President Reagan had as much influence on the Nobel Peace Prize judges' decision as I have on the amount of grain production in the Soviet Union.

To state for the public record that this coveted prize was awarded at the behest of our President is to challenge credulity in gross terms. That the Polish Government can have a spokesman make such an outrageous statement, unfortunately, says something disturbing about the official mind in that captive country. Surely, the Warsaw government knows the Polish people will not swallow that canard. Yet, it seems to believe that this half-baked statement will go down well with the outside world.

I will say, however, that the Polish Government's admission that its society "has much bigger problems" with which to deal indicates that even truth will slip out unintentionally in a moment of pique.

Perhaps the Polish Government never will realize that denigrating Lech Walesa ony raises his stature in the eyes of freedom-loving people everywhere. Solidarity burst forth from the oppressive cloak of tyranny that has been smothering Poland since World War II's end. Lies and slurs from the Polish Government cannot inter Solidarity or Lech Walesa's sacrifices forever.

SCHOOL LUNCH PILOT PROJECT ACT OF 1983

(Mr. McKERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKERNAN. Mr. Speaker, today, I am introducing legislation designed to insure the credibility of a study mandated by Congress in the fiscal year 1981 Agriculture Appropriations Act. This important study calls for a demonstration and evaluation of alternatives to the donation of commodities to the national school lunch program. My legislation is necessary due to a change made by the Department of Agriculture in the methodology of the study.

The purpose of this study is to test the feasibility of providing local school districts participating in the national school lunch program with cash or letter-of-credit purchasing power, as alternatives to the commodity assistance now provided under the school lunch program. In December 1982, the USDA changed the study methodology so that participating school districts now receive so-called bonus commodities, rather than bonus cash or bonus commodity letter-of-credit purchasing power.

The measure I am introducing would require the USDA to return to the original methodology for this study, thereby insuring that pure and distinct alternatives to the current system are tested and evaluated.

Even more unfortunate, however, is that some school districts that were solicited to participate in this study have suffered severe financial hardship for their school lunch programs, as a result of USDA's change in the study methodology. I have been advised by the director of school food service for the Portland Public Schools that the USDA's action has cost the Portland school lunch program approximately $32,000.

Therefore, the legislation which I am introducing would also provide immediate relief to those school districts which have suffered losses to their school lunch accounts as a result of the policy change made by USDA.

I urge my colleagues to join me in cosponsoring this important legislation.

MILITARY SPARE PARTS OVERCHARGES

(Mr. BRITT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRITT. Mr. Speaker, during the just completed recess, I held a field hearing in my district on Defense Department waste in the procurement of spare parts. The purpose of this hearing was to determine whether outrageous overcharges for spare parts, which have come to light recently, were also occurring in North Carolina and whether small businesses in North Carolina could manufacture spare parts at a savings to the Government while meeing or exceeding present quality standards.

Small business machine shops from the local area prepared bid estimates on the spare parts listed in exhibit A which I obtained from the Cherry Point Naval Air Re-Work Facility in North Carolina.

One of the small businesses which prepared these bid estimates are Gibbs Machine Co. of Greensboro, a contract machining operations, with a list of principal customers, which includes firms such as IBM and du Pont.

Another small business which prepared bid estimates on the spare parts was Imperial Machine Co. of Winston-Salem, which is also a contract machine firm and is capable of meeting aircraft quality and precision requirements. The firm has previously done business for the U.S. military through prime contractors. Currently, NASA's space shuttle contains several parts made by Imperial.

On those spare parts which were competitively bid, the prices the Defense Department paid were quite reasonable. In several instances, the bid estimates by local businesses on competitive items were higher than what the Government is presently paying. For those items purchased from a sole source supplier without competition, the prices paid by the Government were unusually high. Exhibit A lists the sole source items and the competitively bid items and the differences in price between what the Government is paying and what the local small businesses estimated they could sell the item for.

The potential savings on the noncompetitive items in exhibit A alone exceeded $60,000 for quantities last ordered and probably a quarter of a million dollars over a year's time. The GAO has estimated that competition in the procurement of spare parts could result in a savings of as much as $4 billion a year out of total spare parts expenditures of $13 billion.

Not only does involvement of small business in the Defense Department procurement save the Government money, but it also creates jobs. Two out of three new jobs in this country are created by small businesses.

Several pieces of legislation are under consideration to increase the opportunities for small business to participate more fully in the Defense Department procurement process. I urge Members of this body to support those initiatives.

EXHIBIT A

	Quantity	Government price per item	Local estimates
Sole source items:			
Coupling	37	$1,211.00	$800.00
Nut	50	110.00	30.00
Clip	109	76.00	28.00
Bearing housing	75	123.00	65.00
Rotating seal	155	120.00	40.00
Tubing	3	849.00	87.40
Stop	22	307.00	15.00
Adapter	104	168.00	6.00
Competitively bid items:			
Tee fitting	211	11.53	16.80
Union	347	6.67	9.70
Elbow	627	3.90	12.96
Cross	583	17.41	13.03
Elbow fitting	209	14.92	15.00
Plug	24,950	.04	.04
Sleeve	75	17.23	15.00
Nut	320	10.79	9.80
Cap	100,000	.04	.04

EXPORT ADMINISTRATION AMENDMENTS ACT OF 1983

The SPEAKER pro tempore. (Mr. GLICKMAN). Pursuant to House Resolution 297 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3231.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3231) to amend the authorities contained in the Export Administration Act of 1979, and for other purposes, with Mr. LONG of Louisiana (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Tuesday, October 18, 1983, title I was open for amendment at any point.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. BONKER

Mr. BONKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BONKER: Page 10, insert the following after line 13 and redesignate succeeding subsections accordingly:

(c) Section 5(b) of the Act is further amended—

(1) by inserting "(1)" immediately before the first sentence; and

(2) by adding at the end thereof the following:

"(2) The export of goods and technology to the People's Republic of China should be

subject to no greater restriction under this Act than the export of goods and technology to any friendly nonaligned country.".

Mr. BONKER. Mr. Chairman, the amendment merely endorses and provides legislative authority for the policy of this administration, recently announced and approved, to treat China as a friendly nonalined country for the purpose of export controls.

Mr. Chairman, until the administration took this step, we had placed China in a unique category in the country groupings which determine export licensing policy.

China had been placed alongside the Soviet Union as an adversarial country.

I think everyone who has traveled to China and has had an opportunity to visit with officials of the People's Republic of China has come to recognize the fact that China is no longer an adversarial country. Indeed, it is a friendly country and I think China will help support our strategic interests in that part of the world.

And yet when it comes to technology transfers and export control policy we have been treating China exactly like the Soviet Union.

The administration back in 1981 announced a new policy that would actually double the technological level of exports to that country, a policy which was announced with great fanfare but one which was never fully implemented.

As a result, the Secretary of Commerce, Mr. Baldrige, and the Secretary of State, Mr. Shultz, and now the Secretary of Defense, have all taken trips to the People's Republic of China, have met with the delegation there and have concluded, as we have here in the House, that China must be given more favorable treatment.

□ 1020

What this amendment does is simply move China from the country group, the category known as "P", into a new grouping that would place it alongside other friendly nonallied countries such as Yugoslavia and India. Now, this does not, of course, imply in any way that the President would not control technology exports, nor would it remove the licensing requirement. I understand that the administration has reviewed its export policy with respect to the PRC, has developed new guidelines and regulations, and those regulations will be announced shortly after other Cocom countries have had a chance to review and approve the new policy.

This amendment may be only a symbolic gesture, but it is a very important step if we are going to improve and hopefully increase our economic ties with the PRC. I am hopeful that this amendment is noncontroversial and will draw the support of the distinguished ranking member of the subcommittee, to whom I yield at this time.

Mr. ROTH. I thank the gentleman for yielding.

What the gentleman is doing here with this amendment is codifying the three tier system and endorsing the administration policy on China.

Mr. BONKER. That is precisely right. The administration has reviewed the export policy with respect to the PRC and this is consistent with the new policy which was announced a few months ago that would shift China to this new category.

All we are trying to do is put that in the statutes so that it has a firm standing in the Export Administration Act.

Mr. ROTH. If the gentleman will yield further, I think this is a good amendment. I hope that we all do support this amendment because it again merely codifies what Secretary Baldrige set forth.

Mr. BONKER. I thank the gentleman.

Mr. SWIFT. Mr. Chairman, first I would like to commend the gentleman from Washington not only for offering this amendment but for his leadership on this whole piece of legislation, the Export Administration Act. But I would specifically like to commend him for offering this amendment which deals with a troublesome problem that has plagued trade relations between this country and the People's Republic of China. The special category in which China has been placed for purposes of trade no longer serves a useful purpose of our country. This amendment would put the People's Republic of China in the same category as other nonalined nations and serves our national interest well.

The administration, under the leadership of Secretary of Commerce Malcolm Baldrige, has moved effectively to streamline our trade relations with China. This is an important piece of progress. When several members of the Energy and Commerce Committee visited the People's Republic of China last Easter, we learned in very graphic terms the difficulties our outdated policies were causing the Chinese and, much more importantly, American exporters. Our delegation represented widely diverse regions of this country; however, virtually every one of us had horror stories from our own districts of how the trade barriers we have imposed toward China were interfering in the ability of American firms to do business with the Chinese.

We are not talking here of trade in sensitive or strategic items in the national defense; rather we are talking about the ability of American firms to trade with China in goods that are readily available to them from our trading competitors, such as Japan and the industrialized nations of Western Europe. Both the category to which we have consigned China in the past and other limitations that we have placed on trade with China have seriously limited America's ability to compete effectively in trade. Sometimes we have refused American businesses the licenses to export items that can virtually be bought off any shelf in the Ginza in Tokyo.

I am extremely pleased with the effort on the part of this administration to correct this inequitable situation. The amendment before us now is an additional step in the right direction to assure that American business can trade with China on a fair, equitable, and reasonable basis. I would urge its adoption.

The CHAIRMAN pro tempore (Mr. SCHUMER). The question is on the amendment offered by the gentleman from Washington (Mr. BONKER).

The amendment was agreed to.

AMENDMENT OFFERED MY MR. LAGOMARSINO

Mr. LAGOMARSINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGOMARSINO: Page 12, line 2, strike out "subsections" and insert in lieu thereof "subsection".

Page 12, strike out lines 3 through 15.

Page 12, line 16, strike out "(n)" and insert in lieu thereof "(m)".

Page 40, strike out lines 15 through 23 and redesignate succeeding sections accordingly.

Mr. LAGOMARSINO. Mr. Chairman, what this amendment does is to strike out a provision in the bill that would in effect get rid of unilateral national security controls by the United States.

And I think it is inappropriate to set automatic, inflexible regulations decontrolling high technology exports that could easily be diverted to the Soviets.

The provision my amendment strikes requires the decontrol of goods and technology when there have been no license denials of that technology during a 1-year period to a specific country group. If that provision were to become law, there would be no way to assure that a product decontrolled for one country group would not be diverted to another country group for which controls still would continue to apply.

Several days ago, the majority of this committee voted for an amendment by the gentleman from Michigan (Mr. WOLPE) that would cut off specified nuclear technology exports to certain countries for nuclear purposes.

Under the provision in the bill which my amendment would strike there would be no way to control that, because if there had been a license for that technology that had been granted to any country then it is certainly arguable and probably the case that that company or any other company for that purpose, could then export that

technology or that product to any country on the list.

Under the provision in the bill the United States would also lose the ability to monitor end-users and end-uses, thereby significantly increasing the chance that Soviet front companies could illegally obtain important military technology.

While I concur with colleagues that it is important to eliminate controls on goods and technology which are no longer necessary, I do not believe automatic decontrol insures America's national security interests.

I think a much better way to proceed would be to remove from the list those items that pose no threat to our security.

It is impossible to quantify many levels of technology and goods. What is permissible to license for one destination is not automatically appropriate for another.

To say there should be no controls for a technology when there have been no denials for a year is like saying there should be no law against kidnaping if there have been no convictions of a kidnaper during a year.

And what we are talking about here is just as serious: increasing the potential for diversions of technology to the Soviets.

The illogic of automatic decontrol is compounded by the fact that many exporters do not even bother to apply for export licenses because they know they would not be approved. Under the provision in this bill, there would be no way of preventing an export of that type.

The so-called escape clause for the administration, that is in the bill, allowing it to require licenses for certain end-users identified in advance does not address the issue of newly established Soviet front companies that would serve as end-users or potential recipients of illegal diversions.

It is also illogical to base automatic decontrol on no denials of license applications during 1 year if there is only one application, and it is approved; then the technology is decontrolled. It is even possible, even though we hope it does not happen, that there could be a mistake in the licensing procedure. Perhaps a license is allowed through that should not have been. Then it is all opened up. That does not make a great deal of sense.

Decontrol should occur only when a product or technology has lost its military significance and then that product or technology should be taken off the list. That is the way to do it.

I am informed that in 1982 there were approximately 50 applications for export of technologies listed on the commodity control list for which the United States maintains unilateral controls. Only 11 applications were denied to the free world. Very few licenses for applications are received because the technologies are of such obvious military significance that approval is doubtful.

If automatic decontrol were adopted, 25 out of the 29 unilateral control categories would have to be decontrolled based on the "no denial" criteria, if applied to 1982.

Such categories would include, for example: Pyrolytic graphite production technology for aerospace and nuclear applications; engines developed specifically for minesweeping craft; sonar navigation equipment and biological warfare agents. I do not think that this committee really wants to decontrol that kind of technology.

It is also difficult, if not impossible to decontrol products, as such, on the unilateral list because controls apply to technical specifications rather than products.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. LAGOMARSINO) has expired.

(By unanimous consent, Mr. LAGOMARSINO was allowed to proceed for 2 additional minutes.)

Mr. LAGOMARSINO. The technical specifications may change with each application, even though they are similar products. Approval for one type of specification cannot automatically be translated to mean approval for another type of specification.

□ 1030

For that reason, continual license application review is necessary for these very sensitive technologies.

So I urge my colleagues to reject automatic decontrol and support my amendment. I think, as I said, the provision of the bill goes too far too fast, and there is too much danger of diversion. And it seems to me that if we adopted the amendment that we did yesterday with regard to Cocom, we certainly should take similar action today because the dangers of diversion, I believe, are even greater here than they were in that case.

Mr. BONKER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Committee considers this provision to be one of the basic reforms in the rewrite of the Export Administration Act. If we are going to achieve our potential in world markets, and particularly in a field that is terribly competitive, we have to make it possible for our exporters to compete on an equal footing.

We are talking here about a licensing requirement that places an unwarranted burden upon U.S. exporters. If a good has been approved routinely for the past year, why is it then necessary to continue the licensing requirement in the future?

If I am going to export an embedded microprocessor, for instance, as an essential component of a piece of equipment and it has been approved by the Department of Commerce year after year, shipment after shipment, it is already in world circulation. To continue to require that every single year thereafter seems to me to make no sense. It is just adding more redtape and more administrative burden upon the backs of our exporters.

We have tried to develop important reforms in this legislation that would retain our national security interests but remove some of the awesome paperwork that is now involved for U.S. exporters. And I might add that the same kind of administrative burden is not shared by competitors in other countries.

To strike this language and to go back to square 1 and continue to require export licenses when they are no longer necessary or they no longer serve any essential purpose makes absolutely no sense to me. We are not jeopardizing our national security interests in this respect. If something has already been exported four or five times, if it is low-level technology, if it is insignificant, then why do we continue to require a license?

I would strongly urge my colleagues to recognize the folly of this amendment and reject it.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to my friend, the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding, and I just want to associate myself with his remarks and point out to the members of the Committee that there are three essential elements to this reform.

No. 1, we are talking here about items, technology products, that only the United States is controlling, no other country. These are unilateral controls.

No. 2, we are talking about situations where these products or technologies have been routinely exported, that is, there have been no denials over a period of time to a particular country group. So there are several country groups. If there have been no denials to, for example, Great Britain or our Cocom allies, then the decontrol would only occur to that country group. The controls, these unilateral controls, would be maintained to other country groups.

And, finally, the Secretary would maintain the capability to require validated licenses even to the decontrolled country group in those cases where there was a suspicion of diversion, a risk of diversion, by an end user. And I feel that this provides a warranted and appropriate balance between continuing to control while relieving the regulatory burden from our Nation's exporters.

Mr. BONKER. I thank the gentleman for that clarification.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from California, the sponsor of the amendment.

Mr. LAGOMARSINO. I thank the gentleman from Washington for yielding.

Mr. Chairman, the gentleman mentioned awesome paperwork. My information is that there were only 50 applications during all of 1982, which hardly seems to qualify in the group of awesome paperwork.

I point out, also, that I think, in amplification of what he said—he talked about the United Kingdom—my information is that in the same country group as the United Kingdom are such countries as India, Pakistan, and Iran. I think it might very well be that some of the technologies could be sent to the United Kingdom with little danger of diversion or improper use, but we might not want those to go to India, Pakistan, or Iran.

Mr. BONKER. I would point out to the gentleman that I believe he meant 50 applications that were denied, not 50 that were processed. That is our information.

Mr. LAGOMARSINO. If the gentleman will yield further, there are only 11 that were denied. Fifty applications were applied for.

The CHAIRMAN pro tempore. The time of the gentleman from Washington (Mr. BONKER) has expired.

(By unanimous consent, Mr. BONKER was allowed to proceed for 2 additional minutes.)

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

Let me just say that under the way in which the legislation is drafted, the Secretary has the authority to establish whatever country group seems appropriate. So if under the current definitions of country groups there is an anomaly between our closest allies and those who are not so close, it would be possible under the act for the Secretary to establish a number of other country groups in order to implement this reform in the unilateral controls.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, as I understand it, India is presently in the same country group as Great Britain, and that means if you sold a bubble memory computer, for example, made one sale in 1 year to Great Britain, that that would bootstrap us into a position where we would then be selling or at least making available that same piece of equipment to India. I have read the language of the provision, and that is my understanding. Is that accurate?

Mr. BONKER. That is accurate, but I think the gentleman is missing the point. The point is that if that particular item has been routinely approved in the past year or several years, it ought to be decontrolled.

If our purpose is to prevent the circulation of technology worldwide, we are already beyond that point, it has already been exported, it is already in world circulation. That is the point of this amendment.

Mr. HUNTER. Let me ask the gentleman this: Is India presently in the Cocom group?

Mr. BONKER. India is presently in country group V, in terms of our unilateral controls, but it is not a member of Cocom which, of course, consists of NATO members plus Japan minus Iceland and Spain.

Mr. HUNTER. Then my point is, while it is a member of country group V, we would be selling the bubble memory computer, for example, we would be selling that piece of equipment to India, but perhaps our trading partners would not be willing to sell it.

The CHAIRMAN pro tempore. The time of the gentleman from Washington has again expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. BONKER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Beyond that, it is my understanding that some of these items are unilaterally controlled not because we are the only guys in town who want to control them, but because we are the only people who have that particular technology.

In other words, some of this technology is the creme-de-la-creme of technology. So we are going to be treating this technology more liberally than we would some of the items on the Cocom list. Is that accurate?

Mr. BONKER. If we had a monopoly on the export of technology, the licenses in that case would be denied, and the provision in the bill would not apply. But I think we are talking about unilateral controls that are applied not necessarily because we have the corner on technology, but sometimes because we apply those controls excessively.

But the central point, again, is that if we already exported the item several times, over, then we are not going to stop its distribution worldwide. It is already out there. Why do we continue to control the item?

Mr. HUNTER. If the gentleman will yield, I think the point made by the gentleman from California should be well taken. If there were only 50 applications last year, why put us in the position where, because of defects in the categorization of these countries; that is, there is no reason that India should be linked with Great Britain. We have had a very intimate relationship with Great Britain. We would not give a lot of these things to India.

So why are we allowing this defective categorization to cause all of the trouble that it is obviously going to cause us under this if Mr. LAGOMARSINO's amendment is not adopted?

Mr. BONKER. I take issue with the gentleman's figure of 50 applications being processed. If that is all there were, I do not think we would have this provision in the bill because it would not warrant that kind of statutory change. I happen to feel that there are many more applications being processed, many of which are being denied; but, in any case, I do not think we should lose sight of what is really important in this amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Washington (Mr. BONKER) has again expired.

(On request of Mr. COURTER and by unanimous consent, Mr. BONKER was allowed to proceed for 2 additional minutes.)

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, I have a question to pose to the gentleman who opposes the amendment, which I support, based on those country groups. I have a map of the world in front of me here, and it shows various strange country groupings. Of course, the gentleman from California (Mr. ZSCHAU) said, in one sense, if you have a problem with a country group, then we can get around it by changing these country groups.

It seems to me that what you are doing is placing a burden of changing large country groups based on one single technology and the desire of one company to export that technology to one country.

□ 1040

The strangeness of that concern is as follows: For example, all of South America, as well as Australia, India, Iran, and Turkey are in one country group. Certainly we could, I think, have the export of technology that only we have to Australia and feel comfortable with that, but not feel comfortable in exporting that particular technology to every singly country in Africa, or, for example, Saudi Arabia, or perhaps even Iran.

The point here is that it does take time and there are a lot of political considerations that must be taken by the Secretary of State, by the administration, in changing country groups. They are just not so flexible.

Therefore, I think the amendment has a great deal of merit and the problems with the amendment, as the gentleman points out from his perspec-

tive, cannot be easily eliminated by saying that country groups can be changed around. It must be quite difficult to do so.

Mr. BONKER. Of course, this amendment does not affect directly the grouping of these countries or the placement of the countries in the various groups. That is the prerogative of the administration, and I, from time to time, have taken issue with how they have placed these particular countries into group classifications.

So I do not think we ought to confuse that issue with the amendment. In fact, I would make the case that if we pass this amendment, we may well force that issue within the administration and encourage them to upgrade their classification of these countries. If we do not do anything, I would imagine the administration would just ignore this issue.

Mr. COURTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do this not to belabor the debate but to talk a little bit further about country groupings.

I would be much more comfortable with voting in favor of the legislation without the Lagomarsino language if the country groupings were a lot more flexible than they are now, No. 1, and No. 2, if there was some rational reason as to why the country groupings are in their present form.

The gentleman says that our passing the legislation without the Lagomarsino language will give an incentive to the State Department to make more reasonable country groupings. My concern is that they may not listen; they may take a great deal of time to do that. There might be political considerations and international geostrategic considerations as to why those country groups cannot be changed.

The point of the matter is that if this bill passes without the Lagomarsino language, that means if we sell to Australia a technology that only we have, then we must permit the sale of that technology to Saudi Arabia and to Iran and to Algeria, for example, and we can go on and on and on. I think there is a difference, however, between Australia, their foreign policy, their relationship to this country and, for example, Iran.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I would be happy to yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman makes an excellent point that there are differences between the countries in a given country group. I believe that this points out that the country groups really should be reevaluated for purposes of export control. I think that would be very appropriate and that would be my recommendation to the Secretary.

The fact that we have lumped countries all together, as the gentleman has pointed out, may be inappropriate for export control purposes. I thank the gentleman for making that point.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I would be happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I think the point that was just made by the gentleman from California is the best argument for supporting the Lagomarsino amendment because presently we have country groupings which make no sense. The gentleman is asking this Congress to pass legislation which is going to put India in the same status in some cases of transfer as Great Britain, and that is illogical.

There is no sense to the groupings that presently exist. The idea that we are supposed to, as a Congress which has an oversight responsibility and a duty to guard the transfer of America's technology, the idea that we are supposed to wait on the State Department to change a defective situation and we are hoping that they will be motivated to do so, I think, is a situation that this Congress should not place itself in.

If those country groupings were more reasonable and did not place some irresponsible countries in the same basket with extremely responsible countries who have been our allies for literally hundreds of years, then I think we could possible accept this legislation, but I think the gentleman has made the best point for supporting the Lagomarsino amendment.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the compliments of my colleague from California about the point that I just made.

There is one subtlety that I want to point out, however. It is not the State Department that determines the country groupings for export control purposes. It is the Secretary of Commerce to whom yesterday we gave wide discretion over controlling technology for national security purposes. In implementing the act, in exercising the responsibilities for export control, the Secretary already has the authority to establish whatever country groupings are appropriate.

I thank the gentleman for his support of the bill, given that clarification.

Mr. HUNTER. If the gentleman will yield further for one brief statement, I think the gentleman is missing one point himself, and that is that we are passing this legislation based on presently existing country groups.

The country groups that now exist include such countries as India and Great Britain in the same basket or the same category. Because of that, I think that this legislation is going to be interpreted as meaning that we are willing to place India and Great Britain in the same status and are to deal with them in the same manner.

I do not think that we can speculate, and the gentleman's point is well taken. It is the Secretary of Commerce who makes the decision, but we cannot speculate as to how he is going to change the categories and how much he is going to change the categories. We are dealing with the categories as constituted right now and we have no language in there that indicates that these categories should not exist.

Mr. COURTER. I thank the gentleman for his contribution. It is a good one.

The CHAIRMAN pro tempore (Mr. SCHUMER). The time of the gentleman from New Jersey (Mr. COURTER) has expired.

(By unanimous consent, Mr. COURTER was allowed to proceed for 3 additional minutes.)

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I would be happy to yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I think we should make clear what the language in the bill does. The gentleman from Washington and others who have spoken against my amendment have used the term "routinely approved." That may be the case, it may not, because the way the language in the bill reads, it is only if there has not been a denial within a 12-month period that it may not be routinely approved. It is one that has been approved; not a routine, perhaps.

Mr. BONKER. Mr. Chairman, if the gentleman will yield, if it has been denied, then it does not qualify to be decontrolled.

Mr. LAGOMARSINO. That is correct.

Mr. BONKER. So that is your check. If the item has been denied by the Secretary, then in the future licenses will still be required.

Mr. LAGOMARSINO. Mr. Chairman, if the gentleman will yield further, I would like to make one other point.

Much has been made also of the Secretary's ability under the language in the bill to require an export license for the export of that good to such end users in that country group as the Secretary may specify by regulations. Even if we solve the country group

problem, which I think has been pretty accurately pointed out here, the way the bill reads and the way it would apply right now if it went into effect, the country groups are rather large. We have the United Kingdom with India, Iran, Pakistan, and so on. The Secretary would have a very difficult time, it seems to me, trying to find all of the potential end users in those countries that could cause a problem for him. So I do not think that is a very practical alternative.

Mr. BONKER. Mr. Chairman, if the gentleman will yield, I would like to respond to that.

Actually, we added this provision as a safeguard so that the Secretary retains some authority to require and perhaps deny a license in instances where he is led to believe that there is an end user who is diverting that technology. In attempting to decontrol under these circumstances, we still wanted the Secretary to have enough authority to require and deny a license if he felt it necessary.

□ 1050

So I do not think it is valid to take issue with that. That is a safeguard that has been placed in the bill.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I would agree that the safeguard is better than not having it. I just say that it does not do the job and would create a lot of problems. It would not solve the problem that I see resulting from the main language we have before us.

Mr. BONKER. Mr. Chairman, if the gentleman will yield, I would only say to the gentleman from California that the business community is unanimous in believing that we have got to remove some of these licensing requirement burdens. I see the other side coming with amendment after amendment to place those burdens back on the business community. I think that in the committee bill we have attempted to guarantee our national security interests and still remove some of the paperwork and administrative burdens that now exist. These amendments are going back now and placing all those burdens back upon the business community.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey (Mr. COURTER) has expired.

(By unanimous consent, Mr. COURTER was allowed to proceed for 3 additional minutes.)

Mr. COURTER. Mr. Chairman, I have asked for and obtained this additional time because in my last 3 minutes I really did not get a chance to say anything at all.

I would like to make three points, all of which are related, one of which was discussed and two of which were not. One that has been related, I believe, is the idiocy of the country groupings. They do not make any rational sense whatsoever. It has been observed that India and Australia are in the same country group. In fact, Iran, India, and Australia are all in the same country group. I would just like to point out that so is all of Central America and South America in the same country group.

In other words, we are saying that our export policy with regard to items that we unilaterally control, should be the same whether that country be Nicaragua or El Salvador, whether that country be Nicaragua or Brazil, or whether that country be Argentina or Brazil.

Another observation I would like to make is as follows: The country group is not for one type of technology; it is for the entire breadth of technologies. As irrational as it is to make the argument that once we sell a technology to Brazil, we can then do so to Nicaragua, which would be the result if this amendment is not passed, a further observation can be made that it may indeed be logical to do so with regard to one type of technology but may indeed not be good policy to do so with regard to the large spectrum of other types of technology that we unilaterally control. I think that is a very important observation.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will just take a couple of minutes to point out several things that I think are fairly important in this debate.

No. 1, the United States has successfully put several items on the Cocom multilateral control list, that were originally on the unilateral control list. The fact that America unilaterally controlled these items was a factor in our ultimately being able to convince our Cocom partners to put them on the control list.

I would like to mention several of those items. One was silicon manufacturing equipment, and that was multilaterally controlled in 1980. Incidentally, I understand that it took about a year and a half to add it to the multilateral Cocom control list. So, in this case we convinced our trading partners that these are important items to control, and because we were tough in the United States, we were able to convince our allies that they should be controlled.

Laser inferometers, which are used to guide machine tools for precision cutting, were originally only on the unilateral control list. We were able to convince our trading partners to put these on the multilateral control list. Again the U.S. leadership in this area was utilized to ultimately convince our trading partners that these items should be controlled.

I think something should be pointed out also with regard to the proposed unilateral control of the 33 categories that are presently controlled only by the United States. The administration—and that includes Commerce and Defense—is very, very strongly opposed to the language in the committee bill. They support the Lagomarsino amendment, and they think that it is very important to national security. So this is not reform as far as the administration is concerned; it is dangerous.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding, and I have asked the gentleman to yield because I do now recall my third point that I wanted to make before. I would like to make that a part of the record, and it has to do once again with country groupings.

Those Members who would vote against the Lagomarsino amendment admit basically that the bill is flawed as written, but they feel the problem can be resolved by changing the definitions of country groups, by obviously expanding the number of country groups to fit the particular situation. They also then argue that what we need for our exporters and our businessmen are clear, concise, rational, and simple types of foreign policies and export control lists.

It seems to me that to create ever-expanding and shrinking country groupings that one week may contain 12 countries and the next week may contain 3 countries, or whatever, accomplishes just the reverse. It is going to cloud the picture for exporting companies and make it just that much more difficult because, first, those groupings will become very large, and second, they will be ever changing and shifting depending on the foreign policies of the various countries. I think it is an unworkable solution to say that the flaw in the bill can be resolved by changing and shifting country groupings.

Mr. HUNTER. Mr. Chairman, I appreciate the comments of the gentleman from New Jersey (Mr. COURTER). I think he has made an excellent point, and I believe he is absolutely right.

The only way that we can make the system work is by scrutinizing the individual transaction, looking at the particular country that is receiving the technology and makes individual analyses of these situations.

The one last thing I would like to mention is simply that the United States holds what I would call the moral high ground in this battle, and that is worth something. We have in

fact hung onto technologies when some of our trading partners have been induced by potential profits to trade them a little more promiscuously than they should have, and because we have had the moral high ground and we have the leadership, we have been able to make some changes, like the ones that I described with regard to silicon manufacturing equipment and the laser inferometers. I think it is very important for us to hold that ground.

So, Mr. Chairman, I urge that we adopt the Lagomarsino amendment, and I yield back the balance of my time.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we are seeing an extension of yesterday's debate.

Here, on one hand, we have a number of Members of Congress who are keenly concerned about the ability of the United States to control the release of technology, goods, and services that they and all of us would consider important to our security, and the export of which ought to be subject to very stern tests.

On the other hand, there is also a group of Members who believe that our current licensing system is obsolete, is partly unnecessary, and has acted as a barrier to the growth of American trade and, therefore, the growth of American jobs. What I see here is an impasse, and the impasse is going to leave us exactly where we began.

Now, those Members who believe that we have to be tougher about the escape of technology are taking us, through the Lagomarsino amendment, and through the Hutto and Roth amendments of yesterday, back to the status quo. That is the same licensing system which they themselves say is inadequate to protect the United States.

On the other hand, they have not been willing to give up some of the bureaucratic redtape which they and everybody else would concede is unnecessary.

I would have to admit that the criticisms leveled by the proponent or the author of this amendment, the distinguished gentleman from California (Mr. LAGOMARSINO), strike me as legitimate. I think we are all agreed that the Secretary has not kept his country lists up to date, and I think we can expect that they probably will not ever be kept up to date.

But I think what grieves me most about this discussion is that it looks to me as though we are not making progress.

The drafters of the bill wanted to improve our ability to control the flow of technology. They wanted to improve our ability to be able to export on some kind of rational basis so that exporters would have some certainty in their business. Exporters need to know whether they are going to be licensed or whether they need a license, and so on.

□ 1100

The Members who are attacking this bill by amendment are very concerned about the escape of technology and they want to be sure that our system works as well as is possible.

I think what we are getting to is an impasse which will result in the preservation of the status quo. If so, we will not improve our exports, not improve the ability of our business people to trade and to build jobs, and, at the same time, we will have not done a better job of controlling the unintended escape of technology.

Now, we hope that the bill's encouragement to improve Cocom that is included in this bill will be kept in.

We also hope the improvement of the ability of the Department of Commerce to enforce its regulations, and our law, will also be improved by this bill. I think that is important.

On the other hand, Mr. Chairman, I am concerned that we will wind up with the status quo, which I think both sides already find unsatisfactory.

Certainly from the standpoint of those people who believe in the expansion of trade and the building of American jobs and who also believe in defending American security, this amendment takes us back to a status quo which has been wholly unsatisfactory.

I do not deny the doubts that are raised by the maker of the amendment. I am personally going to vote against it.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to be brief. This is a good amendment for this reason: I do not know how many of us have had a chance to check the Export Administration Annual Report of 1982. This is very important because it gives us an objective view of what items are controlled by the United States unilaterally under the Export Administration Act.

Under this particular bill as it would be amended by the gentleman from California (Mr. LAGOMARSINO), we are asking that the House decide if it would want, for example, measuring pressures to 104 tons, which would do what?

Well, the Secretary of the Department of Energy asks that we not export this equipment because it could make nuclear weapons development or production much easier. I believe we would not want to decontrol this item. That is why we have it on the list.

Certain chemicals are also on the list. Why? Because the entries are important precursors for the preparation of chemical warfare agents. There is no evidence of foreign availability or production of these chemicals. In other words, the United States is the sole producer and supplier.

So the question is: Are we going to decontrol items such as this for these country groups—country groups that contain both friendly and unfriendly nations? I think that would not be a wise or responsible action.

The argument surfaces about the impact on jobs, but I remind you, this is not a jobs bill. This is a bill that directly affects national security. We are not asking for us to control all our exports. That is nonsense. We are only asking to control those exports that endanger our national security and certainly that is the proper action for this house. In fact, it is our obligation to do so.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, very briefly, I think I understand the controversy here between the free traders in the fullest sense of the term, who think that most restrictions are invidious and onerous, and others who want to license everything and thus hamper free trade between our country and those countries to which we export; but in looking at the provision in the bill now I must say that to automatically decontrol a national security item—we are talking about national security items, we are not talking about roller skates—and to have them automatically decontrolled because of the passage of a 1-year period is woefully inadequate. It would seem to me that during that 1-year period, relationships between countries could change. Relationships between a country that would receive this export and ourselves could change. It just is an inadequate criterion for decontrol, the mere passage of time.

Most Americans think that when it comes to exporting national security items, this country, the President, the Government, has a leash on that sort of thing; but if this provision is to stay in the bill and the Lagomarsino amendment is to be defeated, the mere passage of time pertaining to a national security item that has been approved to a country group for a 1-year period, would force its control.

I would rather we have a chance to look at those things in the context in which export is sought rather than be mandated by the passage of time to do something that at that time and place may not be in our national interests.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from California.

Mr. ZSCHAU. Mr. Chairman, I want to thank the gentleman for yielding.

I want to point out that it is not the mere passage of time that would cause the decontrol of the item. It would be

the lack of denials of license applications. If there had been no applications and no denials, the item would not be decontrolled. If there had been applications and a denial were made for a given country group, the item would not be decontrolled.

What we are trying to eliminate are unilateral controls—controls when only the United States is controlling the item—where applications are made, and are routinely approved over a period of time. It is not the mere passage of time, but it is the lack of denials that would trigger the decontrol mechanisms. I thank the gentleman.

Mr. HYDE. Well, I will grant the gentleman that there are other elements involved, but the real trigger is this 1-year period and then things begin to happen, which frankly I am unwilling to have happen with relation to national security items.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

I think again, the point must be made that what the gentleman from Illinois has just pointed out is that, in fact, we could sell that bubble memory computer in November 1984 to Great Britain and that means that in November 1985 we could sell the same thing or the same thing would then be available to sell to another member of that country group; that is, India. I understand even Iran is in that country group, which is incredible to me, and that is the problem that the gentleman is talking about.

This makes an automatic availability without Congress being allowed to exercise its discretion, and for that reason these things should be looked at on a case-by-case basis.

I thank the gentleman for yielding.

Mr. HYDE. Mr. Chairman, I yield to the other and equally distinguished gentleman from California.

Mr. LAGOMARSINO. Me?

Mr. HYDE. Yes.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding.

I am not sure everyone listening to this debate is aware of exactly what we are talking about. We are talking about technology that is so critical it is unilaterally controlled by us. It is not available from other countries. We do not have the question of foreign availability and we also, unlike the question we had yesterday with Cocom, or at least there was a semblance, I will say, of a paper trail because there had to be notification. There is not such requirement here.

I think in some ways what we are talking about here is much more serious and potentially more damaging than what we faced yesterday.

Mr. HYDE. Mr. Chairman, if I may retrieve my time, let me ask the gentleman from California (Mr. LAGOMARSINO) a question.

Are we talking about national security items?

Mr. LAGOMARSINO. Yes.

Mr. HYDE. This gentleman from Illinois wants to maximize control of national security items.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois has expired.

(On request of Mr. COURTER, and by unanimous consent, Mr. HYDE was allowed to proceed for 2 additional minutes.)

Mr. HYDE. If I may finish my statement, Mr. Chairman, with renewed emphasis, I approach the export of national security items wanting to maximize controls over those, rather than minimize them. It seems to me the bill, unamended by the Lagomarsino amendment, minimizes, rather than maximizes, but I guess it is just what end of the kaleidescope you look through; but I think national security items are too easily and too freely made available to other countries, and being in the country group as we can see by the particular one to which Great Britain belongs does not necessarily mean all those countries have identical foreign policies with ourselves.

Mr. Chairman, I yield to my friend, the gentleman from New Jersey, who is as equally distinguished as those from California.

Mr. COURTER. Mr. Chairman, I thank the gentleman, particularly for his latter remarks.

A point that I would like to make is it was suggested during the debate with the gentleman who is on his feet, as well as the gentleman from California (Mr. ZSCHAU) where an observation the gentleman from California (Mr. ZSCHAU) made was that it is not an absence of 12 months but a denial. If there is no denial, then obviously it is the trigger in this particular area.

The point I would like to make is the fact that there are sometimes no denials if there are no applications. The lack of denials can mean there was simply no application in the beginning.

Mr. HYDE. Does the gentleman mean that someone could be lurking in the background waiting for the year to expire?

□ 1110

Mr. COURTER. Absolutely, and some technologies are so inherently important for the security of this country, no one probably would want to make application, because he knows it would be denied.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Washington.

Mr. BONKER. I thank the gentleman for yielding.

I think there is a misunderstanding.

We should clear up this point, and this is, that applications must have been filed during the 1-year period, so I do not think that concern is valid. If the lapse of time occurs without applications being filed, the provision does not apply.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois has expired.

(On request of Mr. BONKER and by unanimous consent, Mr. HYDE was allowed to proceed for 2 additional minutes.)

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Washington.

Mr. BONKER. I thank the gentleman for again yielding.

I would like to engage the gentleman from California, the sponsor of the amendment. It seems to me that one of the principal arguments against the language in the bill and in favor of your amendment is that we decontrol unilaterally controlled items that have been routinely approved over the past year on a country group basis. If we routinely approve shipments to Great Britain, then that could allow decontrol of the item going into India.

We might have a possible compromise, if the gentleman would agree, that we would strike "group" in the original bill on line 7 of page 12, and that would read, "* * * all such license applications have been approved to a country" rather than "to a country group."

The point is that if we are shipping this item to Great Britain over and over again, why go through the licensing procedure? This way, we would at least decontrol that particular item to that particular country rather than to a country group.

Mr. HYDE. I yield to the gentleman from California to respond but while he is thinking of a response, I am going to reiterate my position that we are not talking about toasters or microwave ovens but national security items, and I am not for opening the door at all times and all places for their decontrol.

I think we are talking about national security items. We are talking about nuclear information. We are talking about electronic, sensitive electronic information, and as far as I am concerned, the more strings we have, the more controls we have on those the better.

A very reputable company could have made an application, and everyone else is waiting for the passage of the year, so it just depends on how secure you want your security items to be.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. HYDE was allowed to proceed for 2 additional minutes.)

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Certainly, if I might respond to the gentleman, that would certainly be better than what is in the bill now.

You still have the problem of end users within that country, and you have the situation of a person applying and getting a license but others waiting perhaps and being able then to ship to any end users. There the Secretary would not know in advance who those were going to be.

It seems to me that a better way to go would be to require and perhaps there are places in the bill where this is done, but certainly not here, that the Secretary review this list from time to time and justify to Congress why items are kept on it. That is the way to take care of the problems, by removing things from the list, if we have a problem with that.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Washington.

Mr. BONKER. I thank the gentleman for yielding.

An annual review procedure already exists in the present act, but nothing has been decontrolled. We still would be able to deal with suspicious end users through the original language in the bill.

We are trying to eliminate controls on the lowest common denominator, the shipments to a particular country for a particular item that has been approved over and over again. I am sorry the gentleman cannot take at least that step toward a compromise, because it addresses other arguments that have been raised by the gentleman from California, and the gentleman from New Jersey.

I would hope he would accept this mild compromise.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. LAGOMARSINO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: Page 25, strike out line 4 and all that follows through "controls." on line 12 and insert in lieu thereof the following:

"Notwithstanding the preceding sentence, the President may apply export controls under this section to existing contracts and licenses (1) if the export controls relate directly, immediately, and significantly to actual or imminent acts of aggression or of international terrorism, to actual or imminent gross violations of internationally recognized human rights, or to actual or imminent nuclear weapons tests, (2) if the President notifies the Congress of the circumstances to which the export controls relate and of the contracts or licenses affected by the controls, and (3) if a joint resolution is enacted approving the imposition of the controls to those contracts and licenses.".

Mr. FRENZEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FRENZEL. Mr. Chairman, this amendment occurs in section 6 of the Export Administration Act, in section 111 of the print that we are working from, and refers to foreign policy controls. The specific subject is contract sanctity.

Under the bill, export controls under section 111 shall not affect any contract to export entered into before the date on which such controls are imposed or any export license issued under this act before such date.

Now, that means a form of contract sanctity. But, the next few lines of the bill take away most of the sanctity. The language that my amendment would attempt to strike on lines 4 through 12 that follow are the words which give the President the authority to apply controls anyway.

The language that I insert to replace the material which my amendment would strike is, I think, as close as you can come to be exactly the same as the language of the bill which has come to be called the Berman language. There is one difference. My amendment adds one other qualification for the President to impose these controls.

For those who have read the bill, he may impose controls if they relate directly, immediately and significantly to actual or imminent acts of aggression or of international terrorism, to actual or imminent gross violations of internationally recognized human rights, or to actual or imminent nuclear weapons tests.

I have left that language in and also left the language in the act which says:

. . . the President shall promptly notify the Congress of the circumstances to which the export controls relate.

That is good language and I want to retain it.

Where my amendment differs from the text of the bill is that there must also be the congressional passage of a joint resolution approving the imposition of controls to those contracts and licenses.

Mr. Chairman, we have seen the imposition of foreign policy controls a number of times in recent history. We have seen a couple of grain embargoes. In every case, I think the Congress would have been pleased to have been involved in the process and may in fact have decided that embargoes were not good policy for the United States.

Had the language of my amendment been in the act at the time, the Congress would have had the opportunity to share in the decision, and if there comes a time when the Congress believes that under this particular section of the act the President is threatening to exercise his authority in an unwise way, it can prevent the exercising of that authority.

□ 1120

I submit that people who believe in contract sanctity think that the Congress has the right, or at least the implied right, to define what contract sanctity is, and to have at least a chance to participate with the President in deciding when the breach of international good deportment is sufficient to require some kind of embargo action or export restraint on our part.

This section and this act has provided a grant of authority to the President that is broad and sweeping. And in my judgment it should do that. He needs that authority.

However, I think it is important that he share the authority with those of us who wrote the act and who must approve it in this Congress. I think that it makes great and good sense to put Congress into the decision stream.

I think the Presidential embargo, when ratified by the Congress, will have greater national approbation, will be more meaningful and not subject to second-guessing by the country. And also I believe that the Congress is capable of swift action if there is a time when such embargoes are warranted.

On the other hand, if there is a time when such embargoes are not warranted and Presidents insist on shooting us in the foot, I think Congress will at least have the chance to enter into a broad national debate and, in fact, to prevent the embargo from taking effect.

My amendment might be considered a little more insurance in the contract sanctity provision of this particular bill. Certainly it creates greater powers for the Congress once this act has finally been passed.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. FRENZEL) has expired.

(By unanimous consent Mr. FRENZEL was allowed to proceed for 1 additional minute.)

Mr. FRENZEL. Mr. Chairman, I think the amendment is worthwhile. I think those people who believe in contract sanctity, who are nervous about embargoes, or who believe that when embargoes are once in place they

ought to be supported by the whole country will want to support this.

I urge its support.

Mr. HUNTER. Would the gentleman yield for a question?

Mr. FRENZEL. I yield to the distinguished gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I am not really familiar with the gentleman's amendment. I would simply ask him to address the most recent case in which some sanctions were imposed and that is the shooting down of the Korean airliner.

What the gentleman is saying is that before the President could take trade sanctions following such an incident that he would have to have the joint resolution of Congress?

Mr. FRENZEL. Yes. If he chose to use this section to impose those controls. As the gentleman knows, he has other weaponry available to him also.

But under this section he would have to come to the Congress for joint resolution. I recall that we were able to pass a bill to put the Redskins on television within a couple of hours, and I will bet you if the President asked us, we could dispatch a bill with the same sort of speed.

Mr. BERMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise to strenuously urge my colleagues to reject this amendment.

At issue is whether Congress wants to remove a President's authority ever to use foreign policy trade embargoes in response to a crisis. I ask my colleagues to recall the situation under existing law. The authority of the President in this area is wide open.

The bill before us places new limits on the use of trade sanctions. But the bill does preserve, and I think importantly so, this nonviolent tool of foreign policy for use in certain instances:

When a country engages in military aggression;

When a country supports act of international terrorism;

When a country commits gross violations of human rights;

Or when a country is on the verge of a nuclear test.

The language before us which the gentleman from Minnesota (Mr. FRENZEL) seeks to amend says in those circumstances a President should retain the authority to apply immediate export controls, and that must include the authority to halt contracted shipments. In critical situations, sanctions must have immediate effect or they will have no effect at all.

The amendment before us has been offered to destroy the trade controls as a tool to deal with foreign policy crises. If this amendment passes, a President will never be able to halt a contracted shipment, even a shipment of aircraft to a military aggressor or vehicles to an army that is murdering civilians.

If this amendment passes, a President will not be able to halt contracted shipments of spare parts for equipment that he knows is being used in military aggression or international terrorism.

And if this amendment passes, companies will sign long-term supply contracts with the countries most likely to be the objects of future trade sanctions, contracts which the U.S. Government will be able to not break only after months of congressional consideration, if at all.

Past attempts to impose sanctions through congressional action have been filibustered by a few representatives of special interests. The KAL incident has taught us how crises demand immediate response by the United States and how few our nonmilitary options are at such times.

Let us look at a few instances where the United States has imposed foreign policy trade sanctions. What would have been the consequences had pure contract sanctity been in effect?

When the U.S.S.R. invaded Afghanistan, it used trucks built at its Kama River truck plant. An American company had contracted to supply an assembly line for that plant that would have doubled its capacity. The President halted the shipment of parts for the assembly line. If prior congressional approval had been required before breaking export contracts the shipment could not have been stopped. The United States would have contributed directly to the invasion of Afghanistan.

When the United States discovered that Libya was using American aircraft to transport troops in its destabilization ventures the United States not only cut off shipments of aircraft to Libya, the United States also halted shipments of spare parts for the aircraft Libya had already purchased.

It would not make sense for the United States now to be arming Chad against Libyan forces and still be selling contracted spare parts for Libya's troop carriers.

When the United States imposed a trade embargo on Idi Amin's Uganda, an American company protested vehemently against having to break a contract wth Idi Amin's army. Had contract sanctity been in effect the United States would have had to fulfill its contracts with the Ugandan Army, even if it meant supplying vehicles for soldiers to go around the country slaughtering civilians.

Granted, the Yamal pipeline sanctions represent an extreme case of costly sanctions with little effect. But our amendment, our narrowing amendment which is in this bill is designed to tailor those controls, to avoid those types of situations.

Let us not go to the opposite extreme and totally deny this country the capability to respond to crises through the nonmilitary means of trade sanctions.

I would suggest that the bill and the language before us now strikes an excellent balance and I think there is a broad support in this House from people of both political parties, and a broad ideological view, as well as support from the administration.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I now yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding. I think he has made an excellent point. That is simply that there is something that is more important than the sanctity of contracts, and that is the sanctity of human life and the sanctity of human rights.

There is another point we should look at and that is the fact that our President is our leader in foreign policy and a lot of his success in that area depends on timing. He must have the ability to pick his shots, to come up with his solutions, and to be able to executve these solutions with the cooperation of our allies.

The CHAIRMAN. The time of the gentleman from California (Mr. BERMAN) has expired.

(By unanimous consent Mr. BERMAN was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Will the gentleman continue to yield?

Mr. BERMAN. I yield to the gentleman from California.

Mr. HUNTER. I appreciate the gentleman yielding.

A President cannot necessarily do that if his hands are tied by this joint resolution requirement.

The President is the one leader who is elected by all of us. He is the leader in foreign policy and he is not going to be able to receive the cooperation and coordination of our allies if he cannot act quickly and confidently.

Also, he is going to perhaps bring us a little grief here in Congress because we are going to have in some cases a tremendous debate in this Congress. We are going to be the subject of heavy lobbying from certain interest groups that will be perceiving some of the President's foreign policy initiatives as being detrimental to themselves.

I think we should keep this remedy in the President's arsenal. It is one of his strongest tools, I think we should defeat the amendment before us and I thank the gentleman.

Mr. BERMAN. I thank the gentleman from California.

I might just add on my time that it is funny that some of us who are concerned about involvement in endless military engagements abroad would at

the same time work to wipe out our ability to impose sanctions short of military engagements.

It seems to me to be folly, given that we want to maintain as broad an arsenal of options as we can.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

I agree with his statement and say that I think that the language the gentleman put in the bill in committee takes care of this problem adequately.

As the gentleman knows, the gentleman from Indiana (Mr. HAMILTON) and the gentleman from Florida (Mr. MICA) wrote into the legislation new guarantees that the Congress will be consulted before the President imposes foreign policy export controls, and the Congress will receive a full report.

□ 1130

So we will still have the ability, should we see the need to do so, to act, but without taking away the authority of the President to act quickly, and, acting quickly can be very important, as the gentleman has pointed out by giving those very illustrative examples.

So it seems to me that we have already taken one step beyond present law and I think to go the further step that the gentleman from Minnesota (Mr. FRENZEL) is urging us to do would be way too far.

I would hope that the committee would turn down the gentleman's amendment.

The CHAIRMAN. The time of the gentleman (Mr. BERMAN) has expired.

(On request of Mr. COURTER and by unanimous consent, Mr. BERMAN was allowed to proceed for 3 additional minutes.)

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I will yield first to the gentleman from Michigan and then to the gentleman from New Jersey.

Mr. WOLPE. I thank the gentleman for yielding.

I, too, want to join in commending the gentleman (Mr. BERMAN) on his statement. I want to associate myself with the remarks of the gentleman from California (Mr. BERMAN) in opposition to the amendment being offered by the gentleman from Minnesota (Mr. FRENZEL).

We all are aware that this whole issue has come to public prominence because of the actions taken by the current administration with respect to the pipelines issue in Europe.

I think there is an overwhelming feeling in this body, on both sides of the aisle, that the particular application of the abrogation of contracts with respect to the pipeline was a very serious error on the part of this country at that point and led to serious difficulty with our allies.

It was precisely because of that concern that existed on both sides of the aisle that the committee introduced language to tighten the President's discretion and to insure that Congress would indeed be consulted on a more continuing basis when it came to that kind of executive initiative.

The legislation specifies, moreover, four, and only four circumstances that justify controls on contracted shipments; gross violation of human rights, international terrorism, military aggression, and nuclear weapons tests.

So that in my view the legislation that is before the House actually does address the concerns that were raised within this Congress with respect to the pipeline initiative earlier, but the amendment of the gentleman from Minnesota (Mr. FRENZEL) would essentially eliminate any discretion on the part of the President to take an initiative short of war, on his own initiative, if faced with one of those circumstances.

I think that would be far too limiting. I think it would not be to advance the national interest to remove that kind of discretionary authority and I hope this House will reject the amendment of the gentleman from Minnesota.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the gentleman's (Mr. BERMAN) observations and statement that he opposes the gentleman from Minnesota's (Mr. FRENZEL) amendment. I think it is important to note that the bill as written, and that is what we are trying to defend here, does recognize to a great degree the sanctity of contracts, No. 1, and the importance of doing what we can as a public policy to permit preexisting contracts to continue.

It is only under four circumstances, the most serious circumstances, where we give the power to the President of the United States, who is obviously elected by all the people, to make very quick policy determinations, that those contracts must be terminated, that those contracts must be breached.

I think it merits, because of the importance of the issue, repeating what those four areas, those only four areas are.

We are not giving carte blanche authority to the President of the United States. We are giving him authority only in four areas, imminent or actual aggression, and no one can disagree with that; a gross violation of human rights, not only violations but gross violations of human rights; nuclear weapons testing, I think this body expressed itself on that many, many times; and international terrorism.

Only under those circumstances may the President breach or stop a preexisting contract.

The CHAIRMAN. The time of the gentleman (Mr. BERMAN) has again expired.

(On request of Mr. COURTER, and by unanimous consent, Mr. BERMAN was allowed to proceed for 2 additional minutes.)

Mr. COURTER. Will the gentleman continue to yield?

Mr. BERMAN. I yield to the gentleman from New Jersey further.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, I think this body, this Congress and particularly the gentleman's committee did a commendable job in balancing the equities between a preexisting contract and the national security of the United States.

I support the gentleman's (Mr. BERMAN) statement. I urge a vote against the Frenzel amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, this was debated fully in committee, in the Committee on Foreign Affairs, and by a wide margin the Berman-Roth amendment was adopted, which the Frenzel amendment would undo.

What we are really doing, if the Frenzel amendment were adopted, would be to hand the control of a very important, sensitive foreign policy tool to one filibustering Member of the opposite body. I just do not think it is in our national interest to do that.

I commend the gentleman (Mr. BERMAN) on an excellent provision in the bill and with great regret I resist the gentleman from Minnesota's (Mr. FRENZEL) amendment.

Mr. BERMAN. I thank the gentleman for his comments and for his support.

Mr. Chairman, before I yield to the gentleman from Kansas I would like to make one point about this language which was not made before.

I should point out that against my own better judgment, this language does not affect the President's authority to impose trade sanctions on existing contracts for the delivery of agricultural products.

Yesterday, by virtue of language adopted by action taken without even a recorded vote, unanimously, those

kinds of exports were exempted, as far as I understand.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman.

Mr. BONKER. I do not see the sponsor of the amendment, Mr. BEREUTER, here, but if I recall that amendment applies only to food and for humanitarian reasons.

The CHAIRMAN. The time of the gentleman (Mr. BERMAN) has again expired.

(On request of Mr. BONKER and by unanimous consent, Mr. BERMAN was allowed to proceed for 2 additional minutes.)

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield further to the gentleman.

Mr. BONKER. I thank the gentleman for yielding further.

The intent of Congress that the President not impose export controls under this section for goods or technology if he determines that the principal effect of the export of such goods would be to help meet basic human needs.

So the subsection should not be construed to prohibit the President from imposing restrictions on the exports of medicine, medical supplies, food, or donation of goods under the International Emergency Powers Act.

Mr. BERMAN. Well, if I may reclaim my time, I do not think anything that I said is altered by what has taken place subsequently.

In fact, existing contracts for the export of food which meet basic human needs are exempted from foreign policy control, which is what food is intended to do.

Mr. BONKER. But if the gentleman would continue to yield, food represents I think one category of agricultural products. If you get into corn, soybeans, wheat, as feed for animals you get into something entirely different.

I cannot yield because the gentleman from California (Mr. BERMAN) has the time, but the gentleman from Kansas (Mr. GLICKMAN) may be able to speak more specifically on the types of agricultural products involved.

Mr. WOLPE. Mr. Chairman, will the gentleman yield further to me?

Mr. BERMAN. I yield to the gentleman from Michigan.

Mr. WOLPE. I thank the gentleman for yielding.

Mr. Chairman, I just simply want to indicate that I believe the gentleman from California (Mr. BERMAN) is absolutely accurate. The Bereuter amendment applied to foodstuffs, it does not limit it to foodstuffs for humanitarian purposes and I think the record ought to be set straight.

Mr. BERMAN. Mr. Chairman, I yield back the balance of my time.

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the issue here is not the merits of the Berman exceptions, which I think may be appropriate exceptions. The issue is the process that we use in this Government when we break existing contracts for export sales.

That is what the Frenzel amendment talks about. The bill says: "If you are going to break an existing contract, if you are going to do something that is extraordinary, if a businessperson in this country or a Government agency or whomever has engaged in a contract with somebody else to sell food, to sell tires, to sell clothes," you name it, "and if one of these items in the bill is triggered," and the items calling for modification of contract sanctity in the bill are good items to wit: actual or imminent gross violation of internationally recognized human rights, or any of the other items; then the contract may be broken by the President alone. The issue in the Frenzel amendment, all he is saying is, "Before you break the contract you get a joint resolution of approval from the Congress." And not just rely on exclusive Presidential authority.

That strikes me as very reasonable. It is so extraordinary to break a contract, to break an existing contract that is not executory but is in operation, that all Mr. FRENZEL says is "You have to come to Congress to ratify the breaking of that contract."

Let me finish my statement and then I will yield to the gentleman.

Look, if we have an actual gross violation of internationally recognized human rights and an imminent nuclear weapons test, we in Congress are no doubt going to break that contract and agree to the President's request. But he will need to come down to Congress, and Congress will in most cases agree with the administration."

But the whimsical attitude of people in Government to take one of these things, for example, actual or imminent gross violation of internationally recognized human rights, is such that an administration can and has historically gone ahead unilaterally without the approval of Congress without a shred of substance backing up that alleged violation. Then we spend 1 year or 2 years or 3 years trying to get that situation modified.

□ 1140

Now in addition to that, I would say again the point is breaking an existing contract is so extraordinary that we ought to have congressional approval before it is done. Not that the Berman language is not good, it is solid language, just I do not want to give that power unilaterally to a President of the United States to break such a contract. That is basically an anti-American type of thing to do. We have sanctity of contract. We believe in the sanctity of contract.

Let me mention just one other thing. The second thing is if you look at the Berman language you have things like "actual or imminent gross violations of internationally recognized human rights."

Now the language of the Berman amendment does not say that you might break a contract only to those countries that are engaged in gross violations of human rights. The language of the section might permit a contract sanctity to be broken to some other country involved, if it is tangentially related to human rights where you want to get at the point.

I guess my point is that this is so wide open you could drive a truck through it. And because it is so wide open, I think it is appropriate to let this body vote finally on whether we want to break the sanctity of an existing contract.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

I think it is important that I offer clarification here on what the intent of this Member was in offering the amendment yesterday which related to food and the imposition of foreign policy control.

It is not my intention to become involved in a debate as to whether or not the Frenzel amendment ought to be supported as it relates to the language that is called the Berman language, but I do need to point out that when I offered the amendment exempting food from the imposition of foreign policy controls that was accepted by this House yesterday, it was the same amendment that I offered, and which was accepted, in the Trade Subcommittee of the Foreign Affairs Committee. And at that time I made it quite clear that I was referring to all food consumed by humans and all categories of agricultural products fed to animals, if those animals by category are ultimately consumed by humans.

And so what we are talking about now on the definitions of the exempted "food" and what this body did yesterday in adopting the Bereuter amendment despite the fact that my comments in the well of the House was an argument based on humanitarian efforts and humanitarian concerns in denying food, what we did yesterday, it is this Member's contention, as supported by what we did in the subcommittee and a "Dear Colleague" letter that I have circulated, is to preclude agricultural export embargoes of all agricultural goods that are ultimately consumed as food.

So the gentleman from California (Mr. BERMAN) understanding of what we did yesterday is consistent with the understanding of this gentleman, the maker of the amendment in the subcommittee and on the floor.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from California.

Mr. BERMAN. I thank the gentleman for yielding and I thank the gentleman from Nebraska for clarifying and, I think, confirming my point with respect to the present language of the bill as amended by the gentleman's language yesterday.

I would like to speak to the question of contract sanctity.

The CHAIRMAN. The time of the gentleman from Kansas (Mr. GLICKMAN) has expired.

(At the request of Mr. BERMAN and by unanimous consent, Mr. GLICKMAN was allowed to proceed for 2 additional minutes.)

Mr. BERMAN. This "un-American and whimsical action of breaking contract sanctity," back in the 1930's we decided as a public policy that people should get not less than a certain minimum wage. And even when an employer and an employee had a contract for 25 cents an hour, we said, "Well, wait a second, we think perhaps 50 cents an hour is the lowest we should ask humans to live on." And we came in and we interfered with that contract.

Mr. GLICKMAN. Reclaiming my time, we did it by the U.S. Congress, however, not the President alone. That is the whole point here. I am saying if we are going to do this, the Congress ought to do it with the President's approval, and not just the President.

Mr. BERMAN. The key part of this foreign policy control is that it must be done quickly and sharply and hopefully wisely and specifically to deal with the specific problem we face under the narrowed conditions. And I would like to repeat, present law is totally wide open on this subject. This bill narrows and limits the President's authority to act, requires consultations with Congress.

Let us not take as an overreaction to an unwise decision of the past the eliminating and abrogating of Presidential authority. I do not think that serves the country well and I think there are times when something is more important than one particular contract by one particular business in terms of the overall public interest of this country.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Kansas.

Mr. ROBERTS. I thank the gentleman for yielding.

First, I want to thank my colleague from Nebraska for fully explaining the effects of his amendment. In his "Dear Colleague" he indicated that his amendment would exempt food from the reach of foreign policy and then goes on and in his last paragraph saying that it exempts all agriculture commodities. So there is no distinction.

I would ask the gentleman if he would respond to that. That is the understanding in farm country. Is that not correct?

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

And I would like to respond to his statement.

The CHAIRMAN. The time of the gentleman from Kansas (Mr. GLICKMAN) has expired.

(By unanimous consent, Mr. GLICKMAN was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. Mr. Chairman, I would say that there is one inadvertent inconsistency in what that "Dear Colleague" from my office said and what my original purpose as enunciated in subcommittee is. I said in subcommittee and intented in offering the Bereuter amendment on the floor yesterday that it would include food consumed by humans and all agricultural commodities consumed by animals if those animals, by classification, were consumed in terms by humans.

So I would think that, for example, an agricultural commodity like cotton would not be exempted from foreign policy controls. And I would have to say, despite the fact it may not please some Members in this body, it was not in this Member's original intention to include cotton, because I simply did not consider it at that time.

Mr. GLICKMAN. The distinction between the language of the gentleman from Nebraska (Mr. BEREUTER) is that it affects foreign policy embargoes and it does not specifically relate to the contract sanctity language which we are talking about right now.

Mr. ROBERTS. If the gentleman will yield further, I would like to respond to a statement the gentleman made in regard to the truck that he was referring to and the fact that this law, as amended by the gentleman from California (Mr. BERMAN), does provide a big loophole in here that we could drive a truck through. We did that to the tune of 310,000 jobs and $11.4 billion in overall output for that same mistake that the gentleman did refer to in the past. That it is not so much whether human rights are violated, it is the interpretation of that by some Government agency and by the Executive, that proves so disastrous to us with the invasion of Afghanistan, that we simply do not want to go back down that road again. More especially as it applies to contracts, as the gentleman has pointed out.

I rise in strong support of the amendment by my colleague from Minnesota.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, I would point out that there are agricultural products like tobacco and cotton and flax and other fibers which are not foods, and, of course, they are not included in the Bereuter amendment.

I also want to point out further that, under the gross human rights violation section, a President, I think, would be justified in declaring embargoes against all but about two dozen nations in this world.

The CHAIRMAN. The time of the gentleman from Kansas (Mr. GLICKMAN) has again expired.

(At the request of Mr. FRENZEL and by unanimous consent, Mr. GLICKMAN was allowed to proceed for 1 additional minute.)

Mr. FRENZEL. If the gentleman would yield further, certainly most of the countries of this continent, in fact, are gross violators of human rights.

I would add one other thought because it has been talked about in the consideration here.

This is not the President's only power short of going to war. Under the national security section, which President Carter invoked when he declared the Afghanistan embargo, the President also has additional powers.

We are only talking about foreign policy powers here and in my judgment the Congress, as the gentleman points out, should be involved in at least a part of the decision.

Mr. GLICKMAN. What kind of worries me about the language is that it is not clear. You could theoretically have the Government of Poland, let us say, involved in a violation of human rights, but the President's powers to impose an embargo could go to the Government of Yugoslavia. That is, there is no specific requirement that controls be placed on the country that is committing the violation.

Mr. FRENZEL. I think the gentleman is correct.

Mr. GLICKMAN. And that is why Congress needs to be involved.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Wisconsin.

The CHAIRMAN. The time of the gentleman from Kansas (Mr. GLICKMAN) has again expired.

(At the request of Mr. ROTH and by unanimous consent, Mr. GLICKMAN

was allowed to proceed for 1 additional minute.)

Mr. ROTH. Mr. Chairman, we are mixing apples and oranges again. We are not debating the amendment of the gentleman from Nebraska, we are debating the amendment of the gentleman from Minnesota.

The question is consultation between the executive branch and Congress. The gentleman from Kansas does not wish to give the President unilateral power without any stipulations. However, in this bill we do have consultation with Congress. When we were debating this in full committee, the gentleman from Indiana (Mr. HAMILTON) did set forth a certain criteria.

This criteria outlines that before the President imposes, expands, or extends export controls under this section, he shall submit to Congress a report, and one, two, three, four, five different stipulations. Also including the concerns of the Members of Congress during the consultation period. And this subsection shall be specifically addressed in each report submitted pursuant to this paragraph.

The bill already contains the criteria you seek for the President.

□ 1150

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, I would just like to emphasize that no one is really arguing here as to whether contracts can be terminated by the President of the United States. They clearly can.

The CHAIRMAN. The time of the gentleman from Kansas (Mr. GLICKMAN) has again expired.

(On request of Mr. COURTER and by unanimous consent, Mr. GLICKMAN was allowed to proceed for 30 additional seconds.)

Mr. COURTER. Everyone recognizes that under some circumstances those preexisting contracts can be violated if there is a human rights concern or a civil rights concern, that is greater than a contract right. We recognize that.

The argument in the Frenzel amendment is, Should the Congress have an affirmative vote in both bodies?

Mr. GLICKMAN. That is right.

Mr. COURTER. I would argue that it should not. And the reason is twofold. No. 1, time to get both bodies together. It might take a great deal of time. We might be in Christmas recess or some other recess, No. 1. And, No. 2, it would result in a State decision rather than a national decision because of the rules in the other body. One Senator may be under a great deal of pressure by one corporation in his State to prevent a vote of the matter being considered on its merits.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in opposition to the Frenzel amendment I just want to comment that I listened to the words of the learned gentleman who was in the well a few moments ago assert the sanctity of contracts. I heard such fervor on behalf of the sanctity of contracts that I think it approaches the concern that the American Civil Liberties Union might express for violation of separation of church and state. If contracts were all that sacred, then every minute of every business hour the divorce courts are certainly doing a very dubious thing in dissolving marriage contracts right and left.

Contracts are important; contracts should be observed. They are binding if there is mutuality on both parties. But the enforcement of contracts can be enjoined, can be restrained, if circumstances have been changed.

There are many reasons why the performance of a contract might be inhibited. And under the bill as presently before us, without the Frenzel amendment, we have the occurrence of some extraordinary circumstances that it seems to me warrant the exercise of a power by the President, the Chief Executive, to restrain or restrict or enjoin the enforcement, not breaking the contract. I can almost hear the shattering sound in this Chamber. The contract is not being broken; it is being enjoined from enforcement because imminent or actual acts of aggression, international terrorism, gross violation of human rights or nuclear weapons tests have occurred or will occur.

Now, I understand the concern of the grain belt, that their prosperity hinges on exports to the Soviet Union of their grain. It is interesting how our foreign policy and our survival is tied in with the need to export to what anybody and everybody ought to recognize is the biggest troublemaker of the century. But that is another question for another time.

But what we ought to do is give the President the flexibility to respond to this act of terrorism or this unusual occurrence and then, subsequent to that, let Congress express itself by a joint resolution, if in the wisdom of Congress it seeks to dissolve that inhibition to the enforcement of that contract. But to give prior authority to a filibustering solon from the other Chamber over foreign policy is not wise, it is not effective, it does not make sense. Let us give the President this tool when he needs to act now, immediately, to be effective; but then let us have a power residing, a residual power, in Congress to undo that if it has been improvidently exercised. But to give a veto on a filibustering Senator is not wise.

So I resist the amendment.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend, the gentleman from California.

Mr. BERMAN. I thank the gentleman for yielding.

Mr. Chairman, I would like to take one moment to respond to the gentleman from Kansas who commented that, in some sort of whimsical fashion, a President could impose a trade sanction on Yugoslavia that would interfere with an existing contract for a human rights violation in Poland.

The language of the present law does not lend itself to any such conclusion. The language of the present law starts out with a contract sanctity section. It then says that that contract sanctity section shall not apply in a case in which the export controls imposed relate directly, immediately and significantly to actual or imminent acts of aggression, international terrorism, actual or imminent gross violations of internationally recognized human rights.

Mr. HYDE. Mr. Chairman, if I could comment, too, my friend, the gentleman from Minnesota, said that we passed legislation to get the Redskins football game on television with remarkable speed. I recognize that. I would cite to the gentleman a bill called immigration reform, which we have worked on for 5 years, and we cannot get it to the floor. I would talk about bankruptcy reform, which we cannot get to the floor. I would talk about a new criminal code, which for 9 years that I have been involved with it we cannot get to the floor. So we move sometimes, and we do not move other times. And I would hate to tie our foreign policy on the speed and expedition with which this body addresses serious problems.

AMENDMENT OFFERED BY MR. STENHOLM TO THE AMENDMENT OFFERED BY MR. FRENZEL

Mr. STENHOLM. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM to the amendment offered by Mr. FRENZEL: Insert the following immediately after the first period at the end of the amendment:

"Nothing in this subsection shall affect the provisions of the last sentence of section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3).".

Mr. STENHOLM. Mr. Chairman, I am offering what is essentially a technical amendment to H.R. 3231 and to the amendment before the House at this moment. I would point out that we are talking about contracts and the sanctity of contracts. My amendment simply clarifies that H.R. 3231 does not affect the 270-day sanctity of agricultural export contracts which Congress passed and the President signed into law in the Futures Trading Act of 1982.

The Futures Trading Act protects agricultural export contracts which are entered into before export controls are imposed and which provide for delivery within 270 days of the date the controls go into effect. This contract sanctity does not apply—let me repeat that, does not apply—in cases of war or national emergency.

My amendment is simply a reaffirmation and a clarification. It reaffirms what is already the law of the land, namely, the 270-day contract sanctity of agricultural exports which Congress and the President approved last year, and it clarifies that the Export Administration Act does not negate that protection.

I do not believe, Mr. Chairman, that there should be any objection to this amendment. It does not provide any contract sanctity protection that is not already written into law. If we assume that it is not the intent of H.R. 3231 to negate the Futures Trading Act of 1982—and no one has said that this is not the case—then I believe that this amendment is merely a useful way of removing any ambiguity.

The point is not that agriculture should be singled out for special treatment. All we are doing with this amendment is restating the law as it now stands. We are making no substantive changes with this amendment.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Kansas.

Mr. ROBERTS. So in effect the gentleman's amendment simply reaffirms something that Congress has already passed; is that not correct?

Mr. STENHOLM. That is correct. In the Futures Trading Act of 1982, which the President signed on the same day he announced the PIK program. And also I would point out that the administration does support my amendment.

Mr. ROBERTS. If the gentleman will yield further, this amendment is really not any change in H.R. 3231 as we are considering it, then?

Mr. STENHOLM. No, because I think we assume that H.R. 3231 is not intended to do away with any laws currently on the books.

Mr. ROBERTS. If the gentleman will continue to yield, I think I already know the answer to this question, but why are we taking this extra step to make clear which contract sanctity provisions do apply?

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Washington.

Mr. BONKER. The gentleman made the point that his language reinforces the existing contract sanctity provision for agricultural products and protects agricultural contracts against imposition of controls.

I think what is important about the gentleman's amendment is that it avoids a possible conflict between two statutes, one which provides contract sanctity for agricultural products, and the other which provides an exemption subject to the Berman language if the President wants to utilize export controls in the future.

□ 1200

So I think his amendment goes a long way toward clarifying provisions of two separate acts which otherwise might come into conflict.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I will be happy to yield to the gentleman from California, and then I want to answer the question of the gentleman from Kansas.

Mr. BERMAN. I thank the gentleman for yielding.

Mr. Chairman, I would simply like to indicate that, as the author of the language in the bill before us now, which the gentleman from Minnesota seeks to amend, I have no objection were this language attached to my amendment, as I indicated to the gentleman from Texas in the past.

One does not need to pass the amendment offered by the gentleman from Minnesota to clarify the point the gentleman from Texas seeks to clarify, for it will be my intention, should the Frenzel amendment be defeated, to offer, as an amendment to the existing law, the amendment he seeks to offer now.

Mr. STENHOLM. I thank the gentleman for those comments.

Now let me respond to my friend, the gentleman from Kansas.

Why is it important that we do this; even why is it important to do it as an amendment to the Frenzel amendment? I think we would like to remove one more question mark from foreign buyers. We have heard the debate on the floor this morning concerning the constant arguments in regard to what we are going to do with contracts. We have other businesses, quite frankly, in this country besides agriculture that are dealing in export trade.

I think we have heard expressed on the floor today the concerns that we in agriculture have felt in a very real way as a result of the grain embargo of 1980 imposed by President Carter. When these acts are made, it is more serious than deciding on some foreign policy argument. It is much more serious. What we are trying to do is clarify for the world that the United States is going to live up to its contracts in all areas not dealing with national security.

The CHAIRMAN. The time of the gentleman from Texas (Mr. STENHOLM) has expired.

(On request of Mr. ROBERTS and by unanimous consent, Mr. STENHOLM was allowed to proceed for 2 additional minutes.)

Mr. ROBERTS. If the gentleman would continue to yield, we have heard some talk here about our primary customer being the Soviet Union. Would the gentleman respond in that regard to some of the other customers we have for agriculture products to the extent that we are simply not selling to our troublesome enemy, as my colleague from Illinois has just pointed out?

Mr. STENHOLM. Absolutely. The Soviet Union today is one of our lesser customers as far as agricultural consumers. Look at Japan, for example; $8 billion worth of agricultural sales that we make.

How short our memories are in this body of what happened in 1973. In this case, it was not an embargo as a result of an act of aggression by the Soviet Union. It was an embargo on soybeans, the sale thereof from this country, that created a terrible problem for American soybean growers in regard to Japan.

Look at the European economic community, collectively our largest customer. If we want to get them ranked in order, the Soviet Union would be ranked somewhere down about fifth or sixth.

This is not the issue. The issue, again, is contract sanctity, and I think it very appropriate that it be attached to the Frenzel amendment in the particular place in the bill that deals with contracts, because that is really the issue. Is America's word going to be good, or are we going to have the kind of debate or destructive actions that we have seen through the Ford embargo, the Nixon embargo, the Carter embargo, and the Reagan embargo? That is the basic question that we have, and I think it makes very good sense.

Again, my amendment just deals with the agricultural provisions, which are already law, but I think the issue is much broader. That why I support Frenzel.

Mr. ROBERTS. If the gentleman will yield further, I thank the gentleman for responding to my questions.

I would just point out, as the gentleman has said, that this is not a spectator sport. We have some markets responding daily to what we do in this House, and in consideration of this act, I know the trade and our customers are watching it closely.

I thank the gentleman for his leadership in introducing this amendment and I urge my colleagues to vote for it.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I reluctantly rise to oppose the amendment offered by the gentleman from Minnesota (Mr. FRENZEL). Unfortunately, last week I stood in this well and, for about an hour and

a half, we debated an amendment which would have limited to some degree exports which we would make directly to the Soviet Union and those exports were specifically enumerated. They were not generally categorized; they were specific.

The strawman issue was raised with reference to grain being included on the Cocom list. It was not. It still remains not included. I have been told by almost everyone that had my amendment been put to a vote, it would have passed overwhelmingly; however, we could not get a vote.

Notwithstanding that, and notwithstanding the position I took, it seems eminently clear to me that the gentleman's amendment, while perhaps well intentioned, may wind up being the kind of crimp in our foreign policy which we do not need at all, and that is, by virtue of having this body have to be the judge of a policy that the President wants to set.

The President has authority to restrict, by any method, in the current bill and in the law now, certain exportable items. The amendment offered by the gentleman from Minnesota would allow for that action to be submitted here and, by joint resolution, be approved by this Congress. What happened to me on my amendment 2 weeks ago specifically shows that we could never then have the President act appropriately because if a few people determine to stop the process because of their own legitimate interests in their own area, then those few, a very small minority, could stop this process to the point where the President's avowed policy and what might be, in fact, the very valid U.S. policy, could be thwarted by the administrative, mechanical, procedural process of the Congress.

I am not one who likes to stand up here and say we should not have the Congress consulted. I believe that the Congress should have a very strong part in what goes on in formulating policy, but when it comes to the specific areas in which the President would exercise this authority, when it comes to those kinds of items on which he or she would make a decision with reference to stopping certain already approved sales of those items, I would say that we would be putting ourselves in jeopardy if we were to allow, then, the process to be submitted here for another overview. In this particular situation, in this limited set of circumstances, I oppose the amendment offered by the gentleman from Minnesota, and I think many of us would prefer the more balanced approach of the gentleman from Washington (Mr. BONKER) in his bill in the nature of a substitute which is before us in general, and certainly the language that was incorporated by the gentleman from California (Mr. BERMAN).

While my colleagues know how I stand on some of these issues, I would urge my colleagues in this particular instance to not allow the Congress on this matter, where the President deems it to be of extreme national interest to avoid the continuance of these sales, to put in his way another stumbling block which could take 2 years.

Look at what we have here in this bill. We have discovered the Mazzoli bill only it is called the Export Administration Act. This has been on the floor for 3 weeks already. Where we have a national emergency of some kind which must be impacted by virtue of the President's request to stop these sales of these items, we could be here forever debating the value, the appropriateness, the relevancy of what the President wants to do. That is not the right approach in this limited circumstance.

While I do not want to waive Congress' right and will defend to the death its right to get involved on 99.9 percent of the issues, on this particular issue I feel that the approach of the amendment offered by the gentleman from Minnesota is wrong and that the committee bill and the bill that the gentleman from Washington has offered in the nature of a substitute is the right way to go, and I would urge my colleagues to defeat this amendment and leave the committee bill in its current form.

□ 1210

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Stenholm amendment.

Mr. Chairman, I want to commend the gentleman from Texas (Mr. STENHOLM) for his enhancing amendment to my pending amendment.

I think many of us remember with some distaste and considerable regret that the agricultural segment of our economy is a purple-hearted victim of at least three major embargoes within recent memory. It alone has been forced to act as the foot which three of our chief executives have shot in order to show somebody else that we were displeased with their deportment.

The amendment offered by the gentleman from Texas (Mr. STENHOLM) improves my amendment and tells the world that the United States does indeed want to be a reliable supplier. It tells an aggrieved segment of our economy that it need not any longer be the sole whipping boy when we need to make statements on foreign policy.

Mr. Chairman, with respect to previous speakers who have indicated that my amendment would tie the President's hands, I have said before that the President under this act, in section 5, has adequate authority for international emergency involving our security.

Right now we are operating the Export Administration Act, or the functions thereof, under legislation called the International Emergency Economic Powers Act. That is another section of general law which gives the President the ability to act in cases when there is an extraordinary threat to the national security, the foreign policy, or the economy of the United States.

Therefore, the President obviously has plenty of power if there is a genuine emergency. What my amendment does is simply make a statement on the part of the Congress that we believe in contract sanctity and that we are reluctant to enter into embargoes unless we believe, after sufficient convincing, that they have a compelling case.

Mr. Chairman, the amendment offered by the gentleman from Texas (Mr. STENHOLM) clarifies my amendment. It means that this law does not conflict with other laws, and that it is harmonious with them. I congratulate the gentleman for his amendment. I hope that his amendment and my amendment will both be agreed to.

Mr. HARKIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Stenholm amendment because I think it is one that cuts across all of these lines.

Now, I say that as one who is involved in agriculture and as one who has been involved for a long time in this body with the issue of human rights. I have always looked upon agriculture and food, though, as only the last resort; I have always felt that food should never be used as a weapon because it is the food that we either give or sell abroad that really goes to enhance human rights, because more often than not it goes to feed people, especially poor people abroad. So I have always been opposed to any kind of a violation of a contract or any other means of using food as a weapon. I believe food should be used in that manner only in extremis, and that is if we are actually at war with another country. Perhaps only in that circumstance should it be used. So I agree with the Stenholm amendment.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. If the gentleman will just permit me to proceed before I yield, Mr. Chairman, I am, on the other hand, somewhat troubled by the Frenzel amendment standing by itself. There may be times when we have a situation with a country, and I would use as an example Libya which is recognized as a country that is really an international bandit, a country that has been violative of human rights,

and that is threatening the entire stability of the whole Mideast region. I would submit that if Qadhafi were to take certain actions like moving his troops to the border of Egypt, we may want to take some action, and we might, as the gentleman from Illinois said earlier, be in recess at that time. It may be 2 months or a month and a half before Congress would be back in session, and the President's hands would be tied.

So I see some real problems with the Frenzel approach, but I do not see problems with the Stenholm amendment. Therefore, I am in a bit of a quandary because I want to support the Stenholm amendment since I believe food should never be used as a weapon, even in those cases. Even if Qadhafi were to move his troops to Egypt, I do not believe we ought to cut off food to Libya because food goes to feed people and, basically, people in his country who may not be supportive of what he may be doing. But I can see stopping, for example, the sale of other items which may go to help him transport his troops or to engage in the manufacture of weapons or other materials of war.

So I am in a bit of a quandary because of my strong feelings on the human rights issue and also because of my strong feeling that food should never be used as a weapon.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I am glad to yield to my colleague, the gentleman from California.

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Iowa for yielding.

I very much appreciate the gentleman's comments, and I think that we can address them. I have indicated, and I indicate again, that should the Frenzel amendment be defeated, I am prepared to accept or, in the alternative, to offer an amendment, which would be the Stenholm amendment, to the existing language to remove food and agricultural products from the scope of the President's unilateral ability to impose trade sanctions.

I further point out that in this bill is contained the amendment offered by the gentleman from Nebraska which exempts food and medical supplies from foreign policy controls, including obviously existing contracts.

So, Mr. Chairman, in both regards one does not need the Frenzel amendment in order to protect what the gentleman is seeking to protect.

Mr. GLICKMAN. Mr. Chairman, will my colleague, the gentleman from Iowa, yield on that point? I want to correct something.

Mr. HARKIN. I am glad to yield to the gentleman from Kansas, but I may have to ask for more time.

Mr. GLICKMAN. Mr. Chairman, the Bereuter amendment exempting food from foreign policy controls has nothing to do with contract sanctity. It is only with respect to future sales of embargoed items. It has nothing to with the language in the Berman section.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield one more time to the gentleman from California.

Mr. BERMAN. Mr. Chairman, if the gentleman will look at it, I think the gentleman from Kansas will see that by definition, if it is removed as a foreign policy control, an existing contract is on a higher level than future contracts. I think the gentleman from Kansas will see that he is mistaken, and that it applies to existing contracts was well as to future contracts.

Mr. GLICKMAN. At best, there is a conflict, though.

Mr. BERMAN. I do not think there is a conflict. I believe it is very clear.

Mr. HARKIN. Mr. Chairman, I want to make this clear. The gentleman from California (Mr. BERMAN) has said that if in fact the Frenzel amendment goes down, the subcommittee will accept the exact language of the Stenholm amendment to the bill. Can I have the gentleman's assurance on that?

Mr. BERMAN. Mr. Chairman, the gentleman can be assured of that.

The CHAIRMAN pro tempore (Mr. LELAND). The time of the gentleman from Iowa (Mr. HARKIN) has expired.

(By unanimous consent, Mr. HARKIN was allowed to proceed for 2 additional minutes.)

Mr. HARKIN. Mr. Chairman, if I may have the attention of the chairman of the subcommittee, I would like to address my question also to him. I would like to ask the chairman of the subcommittee this. I just had a colloquy with my colleague, the gentleman from California (Mr. BERMAN), and I asked him that question: That in case the Frenzel amendment were to go down, would the chairman of the subcommittee be willing to accept the Stenholm language to the bill itself?

Mr. BONKER. Mr. Chairman, if the gentleman will yield, my position has always been in favor of contract sanctity. That was in the original bill. I have fully supported contract sanctity as a basic reform in the rewrite of the Export Administration Act. The Berman amendment was, of course, adopted in the full committee and is now in the existing bill.

Therefore, I support both the Frenzel amendment that would allow Congress to have a final say on the waiving of those exemptions in the future, but I certainly would have no problem accepting the Stenholm amendment whether it be to the Frenzel amendment or whether it be a separate amendment to the Export Administration Act. I do think that we need to avoid any potential conflict in the interpretation of U.S. law when it comes to agricultural goods in the future, and I certainly think the Stenholm amendment provides that clarification. So I can support it in any form in which it is offered.

Mr. HARKIN. Mr. Chairman, I appreciate the gentleman's clarification of that, and that again gives me a better idea of what I will do on the Frenzel amendment.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I will yield in a minute.

Mr. Chairman, I want to make my point very clear first. I hope I am not just being parochial about this, and I do not believe I am. I believe that food has a different dimension to it than all other things, and because of its unique dimension and because of its impact literally on the poor and the disenfranchised in many of these countries, it is really food that ought to have the utmost of contract sanctity.

□ 1220

The CHAIRMAN pro tempore. The time of the gentleman from Iowa has expired.

(At the request of Mr. ROTH, and by unanimous consent, Mr. HARKIN was allowed to proceed for 1 additional minute.)

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, the question the gentleman raised to the chairman is a very appropriate one. I would see no difficulty with the Stenholm amendment if it were offered on its own merits.

Mrs. SMITH of Nebraska. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my good friend, the gentleman from Texas (Mr. STENHOLM), and also in support of the amendment offered by my good friend, the gentleman from Minnesota (Mr. FRENZEL).

Let me say that this issue and these amendments, regarding contract sanctity should not need to be debated. Any party that wants to sell goods or services for an extended timeframe knows the need to be reliable and consistent with delivery.

Unfortunately, dealing with a government is much different than dealing with a business. Government is not producing, marketing, transporting, or otherwise engaged in the goods or services, but it has a penchant for getting in the way of delivery.

No political party has a monopoly on this ill-fated and damaging practice. Even now otherwise responsible persons from both parties have called for

cancellation of the recently signed grain agreement with the Soviets.

After learning a few hard lessons with the pipeline sanctions, this administration has learned to resist such calls. Unfortunately, there are still foreign policy zealots at the State Department who hate to have the "President's hands tied" as they say.

This amendment is needed to reinforce the language already included in H.R. 3231 that would guarantee contracts for 270 days. The language has already passed the House and Senate and been signed by the President as part of the Futures Trading Act of 1982.

We can no longer operate as the spoiled brats of international trade. I have often told producers in Nebraska that the world begins at the end of their lane. They have taken up the call to produce for a hungry world, formed producer-financed export promotion groups, tripled their debt, and brought 60 million more acres into production.

When Government shorts the sales of farmer's or rancher's products there is no way it can adequately make up for it on the production end.

I commend both gentlemen for offering these amendments and urge the House to vote "yes" on contract sanctity.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise in support of the amendment by my good friend and colleague, the gentleman from Texas (Mr. FRENZEL), but I want to talk a little bit not only about contract sanctity, but the Frenzel amendment.

My good friend and colleague, the gentleman from Illinois (Mr. HYDE) mentioned the fact that we adjust contracts all the time. I think he mentioned the fact of a divorce as an example.

I would simply point out that farmers in my country have been divorced from price for 4 years running. We have about a billion-five bushels of surplus right now in wheat and it will probably go to a billion-six. The cost of that is not only to the individual farmer who is going through a very, very difficult time, because contract sanctity was abridged, but the cost is also reflected in our considerations in this House. Just yesterday, we had a very difficult issue in trying to resolve a dispute between the cattlemen, the pork producers, and the dairy producers. The cost of that farm bill now is somewhere in the neighborhood of $22 billion, Mr. Chairman, and the cost of the PIK program is on top of that.

We have been down that road four times with four Presidents: President Nixon, President Ford, President Carter and, yes, this President, with trade sanctions. We have been down that road and we have paid for it. I do not know how many times we have to pay for it.

Now, let us get to the Frenzel amendment. Since the Stenholm amendment is in the same category as motherhood and apple pie, it will doubtless pass; let us talk about the Frenzel amendment. Everybody that objects to this says that it ties the hands of the President. I cannot imagine a situation where if the nation, say Libya, does some act that is totally in say disagreement with our national interests, that the President and this Congress would not act.

The opponents of the Frenzel amendment say, "Give the President a tool, if you will."

Well, he has had a tool, Mr. Chairman. He has had a tool under existing language throughout this act for four times and it has been a hammer, and the hammer has been applied in the form of embargoes.

I say to my good friend, the gentleman from Illinois, yes, we hear the sound of shattering glass in this Chamber because that is where it is going to end. We do not know where the damage is going to be in terms of past farm programs and current prices.

Now, let me say one other thing. They say, "Don't tie the hands of the President." The President does not make this decision. His advisers at the White House, at the State Department, at the National Security Council, and all of those folks make that decision. He does not make it alone.

What happened in 1980? This Member, when he was a staffer for my predecessor, called down to the Department of Agriculture on Black Monday when we had the embargo, and we asked the Department of Agriculture, "Is there going to be an embargo by 10 o'clock this morning?"

They said, "No."

I had just been told by White House people that there would be an embargo. The Secretary of Agriculture at that time did not even know it. Well, he knew it, but he would not admit it.

So it is those staff members that drive that truck, in Mr. BERMAN's language, every time we have a political issue where the farmer is going to pay for it.

All we are trying to do is say that four times is enough. It is time, Mr. Chairman, to have this Congress, this body, at least have a say to put this business-as-usual politics of using the farmer and agriculture as a foreign policy weapon aside.

I would urge support of my colleagues for the Frenzel amendment.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. Without objection, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

There was no objection.

Mr. STENHOLM. Mr. Chairman, just in summation, let me say this is not a national security issue. We are talking about section 6 here, which is foreign policy.

Also, we are talking about contract sanctity, nothing else, contract sanctity.

There is nothing in either my amendment or the Frenzel amendment that does anything to prevent all normal licensing procedures of anything that may be considered strategic.

I also would point out that the emergency authority under the International Economic Emergency Power Act still exists as a result of this amendment. I think these points need to be kept in mind.

We are talking about contract sanctity and whether or not America's word in the area of foreign trade in all aspects, not just agriculture, but in all aspects, that our word will be considered our bond and that appropriate safeguards be imposed.

Again I would point out, even in my language, even in the language of the Futures Trading Act, if the President of the United States declares a national emergency or if the Congress has made such a determination, then the provisions of my amendment, whichever one accepts, would be abrogated.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Texas.

I simply want to point out to the Members that under the Emergency Powers Act that the gentleman from Texas referred to, the President has to declare that it is a national emergency. The fact is that the planes to Libya, the trucks to be used in the invasion of Afghanistan, the Clece equipment to Uganda, really are not in any honest and straightforward sense of the word national emergencies and they are not national security controls.

There is no expedited procedure in the Frenzel amendment to require Congress to convene now or to act within 30 days or to prevent a fillibuster by a Senator from delaying this.

Without some leverage and some leeway here, we really are stripping the President of the authority to act, because there is no other law and no other procedure which picks up the area that we are trying to reach with what I think is a limitation, but not an elimination of the present authority that the President has.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I am happy to yield.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for yielding.

I would like to remind the Members that we are now in a state of national emergency under the International Economic Powers Act. If you have not noticed anything different in the last couple days, be worried, because there is now an officially declared state of national emergency.

□ 1230

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

I wonder if staff might take a look at page 37 of the bill, section 119, which refers to agricultural exports, and it says:

If Congress, within 60 days after the date of its receipt of such report, does not adopt a joint resolution approving such prohibition or curtailment, then such prohibition or curtailment shall cease to be effective at the end of that 60-day period.

I wonder if that does not give Congress a voice in this decision but an appropriate voice in terms of time after the exercise of the Presidential power, and therefore, that that compromise position might satisfy those of you from an agricultural constituency?

Mr. STENHOLM. The point the gentleman makes is precisely the problem that we in agriculture are concerned about, because by the time all of that has happened, our markets are gone, and the damage has been done.

Mr. HYDE. That is the President's problem. The aggression has occurred, and somebody has to have some power to take action, especially if Congress is home in a district work period over several months, so that is our problem, I guess.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. STENHOLM) to the amendment offered by the gentleman from Minnesota (Mr. FRENZEL).

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRENZEL), as amended.

The question was taken; and on a division (demanded by Mr. COURTER) there were—ayes 8, noes 9.

RECORDED VOTE

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 394]

ANSWERED "PRESENT"—398

Addabbo	Dingell	Hubbard
Albosta	Dixon	Huckaby
Alexander	Donnelly	Hughes
Anderson	Dorgan	Hunter
Andrews (NC)	Dowdy	Hutto
Andrews (TX)	Downey	Hyde
Annunzio	Dreier	Ireland
Anthony	Duncan	Jacobs
Applegate	Durbin	Jeffords
Archer	Dwyer	Jenkins
Aspin	Dymally	Johnson
AuCoin	Dyson	Jones (NC)
Badham	Early	Jones (OK)
Barnard	Eckart	Jones (TN)
Barnes	Edgar	Kaptur
Bartlett	Edwards (AL)	Kasich
Bateman	Edwards (CA)	Kazen
Bedell	Edwards (OK)	Kemp
Beilenson	Emerson	Kennelly
Bennett	English	Kildee
Bereuter	Erdreich	Kindness
Berman	Erlenborn	Kogovsek
Bethune	Evans (IA)	Kolter
Bevill	Evans (IL)	Kostmayer
Biaggi	Fascell	Kramer
Bilirakis	Fazio	LaFalce
Bliley	Feighan	Lagomarsino
Boehlert	Ferraro	Lantos
Bonior	Fiedler	Latta
Bonker	Fields	Leach
Borski	Fish	Leath
Bosco	Flippo	Lehman (CA)
Boucher	Florio	Lehman (FL)
Boxer	Foglietta	Leland
Breaux	Foley	Lent
Britt	Ford (MI)	Levin
Brooks	Ford (TN)	Levine
Broomfield	Forsythe	Levitas
Brown (CA)	Fowler	Lewis (CA)
Brown (CO)	Frank	Lewis (FL)
Broyhill	Franklin	Lipinski
Bryant	Frenzel	Livingston
Burton (CA)	Frost	Lloyd
Burton (IN)	Garcia	Loeffler
Byron	Gejdenson	Long (LA)
Campbell	Gekas	Lott
Carney	Gephardt	Lowery (CA)
Carper	Gilman	Lowry (WA)
Carr	Gingrich	Luken
Chandler	Glickman	Lundine
Chappell	Gonzalez	Lungren
Chappie	Goodling	Mack
Cheney	Gore	MacKay
Clarke	Gradison	Madigan
Clinger	Gramm	Markey
Coats	Gray	Marlenee
Coelho	Green	Marriott
Coleman (MO)	Gregg	Martin (IL)
Coleman (TX)	Guarini	Martin (NC)
Collins	Gunderson	Martin (NY)
Conable	Hall (OH)	Martinez
Conte	Hall, Ralph	Matsui
Cooper	Hall, Sam	Mavroules
Corcoran	Hammerschmidt	Mazzoli
Coughlin	Hance	McCain
Courter	Hansen (UT)	McCandless
Coyne	Harkin	McCloskey
Craig	Harrison	McCollum
Crane, Daniel	Hartnett	McCurdy
Crane, Philip	Hatcher	McEwen
Crockett	Hayes	McGrath
Daniel	Hefner	McHugh
Dannemeyer	Heftel	McKernan
Daschle	Hertel	McKinney
Daub	Hiler	McNulty
Davis	Hillis	Mica
Dellums	Holt	Michel
Derrick	Hopkins	Mikulski
DeWine	Horton	Miller (OH)
Dickinson	Howard	Mineta
Dicks	Hoyer	Minish
Mitchell	Ritter	Stokes
Moakley	Roberts	Stratton
Molinari	Robinson	Studds
Mollohan	Roe	Stump
Montgomery	Roemer	Sundquist
Moody	Rogers	Swift
Moore	Rose	Synar
Moorhead	Rostenkowski	Tallon
Morrison (CT)	Roth	Tauke
Morrison (WA)	Roukema	Tauzin
Mrazek	Rowland	Taylor
Murphy	Roybal	Thomas (CA)
Murtha	Rudd	Thomas (GA)
Myers	Russo	Torres
Natcher	Sabo	Torricelli
Neal	Savage	Towns
Nelson	Sawyer	Traxler
Nichols	Schaefer	Udall
Nielson	Schulze	Valentine
Nowak	Schumer	Vander Jagt
O'Brien	Seiberling	Vandergriff
Oakar	Sensenbrenner	Vento
Oberstar	Shannon	Vucanovich
Obey	Sharp	Walgren
Olin	Shaw	Walker
Ortiz	Shelby	Watkins
Owens	Shumway	Weaver
Oxley	Shuster	Weber
Packard	Sikorski	Weiss
Panetta	Siljander	Wheat
Parris	Simon	Whitehurst
Pashayan	Sisisky	Whitley
Patman	Skeen	Whittaker
Patterson	Skelton	Whitten
Paul	Slattery	Williams (MT)
Pease	Smith (FL)	Williams (OH)
Penny	Smith (IA)	Wilson
Perkins	Smith (NE)	Wirth
Petri	Smith (NJ)	Wise
Pickle	Smith, Denny	Wolf
Porter	Smith, Robert	Wolpe
Price	Snowe	Wortley
Pursell	Snyder	Wright
Quillen	Solarz	Wyden
Rahall	Solomon	Wylie
Rangel	Spence	Yates
Ratchford	Spratt	Yatron
Ray	St Germain	Young (FL)
Regula	Staggers	Young (MO)
Reid	Stangeland	Zablocki
Richardson	Stark	Zschau
Rinaldo	Stenholm	

□ 1240

The CHAIRMAN pro tempore. Three hundred ninety-eight Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Minnesota (Mr. FRENZEL) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair reminds the Members that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 237, not voting 24, as follows:

[Roll No. 395]

AYES—172

Albosta	Boland	Craig
Alexander	Bonker	Crane, Daniel
Anderson	Breaux	Crane, Philip
Anthony	Brown (CO)	Daschle
Archer	Campbell	Derrick
AuCoin	Carper	Dicks
Barnard	Chandler	Dorgan
Bartlett	Clinger	Dreier
Bateman	Coats	Durbin
Bedell	Coelho	Dyson
Bennett	Coleman (MO)	Early
Bereuter	Conable	Eckart
Bethune	Conte	Edgar
Bevill	Cooper	Edwards (OK)
Boehlert	Corcoran	Emerson

English	Lehman (CA)	Shaw
Evans (IA)	Lewis (CA)	Sikorski
Evans (IL)	Lipinski	Simon
Fazio	Loeffler	Skeen
Ferraro	Lowry (WA)	Skelton
Flippo	Lundine	Slattery
Foley	MacKay	Smith (IA)
Ford (MI)	Marlenee	Smith (NE)
Forsythe	Martin (IL)	Smith, Denny
Frank	Martin (NY)	Smith, Robert
Franklin	Mavroules	Spence
Frenzel	Mazzoli	Staggers
Gephardt	McCandless	Stangeland
Gibbons	McCurdy	Stenholm
Glickman	McEwen	Swift
Gore	McKinney	Synar
Gramm	Mica	Tallon
Green	Michel	Tauke
Gunderson	Minish	Tauzin
Hall (IN)	Moakley	Taylor
Hammerschmidt	Mollohan	Thomas (CA)
Hance	Moore	Thomas (GA)
Harkin	Morrison (WA)	Traxler
Hartnett	Myers	Udall
Hatcher	Natcher	Vander Jagt
Heftel	Nelson	Vandergriff
Hiler	Nichols	Vento
Horton	Olin	Watkins
Hubbard	Panetta	Weber
Huckaby	Pashayan	Wheat
Jacobs	Patman	Whittaker
Jeffords	Paul	Whitten
Jenkins	Pease	Williams (MT)
Johnson	Penny	Wolf
Jones (OK)	Perkins	Wortley
Jones (TN)	Rahall	Wyden
Kastenmeier	Ratchford	Wylie
Kemp	Ridge	Young (FL)
Kildee	Roberts	Young (MO)
Kindness	Roemer	Zablocki
Kostmayer	Rowland	Zschau
Leach	Sabo	
Leath	Sharp	

NOES—237

Addabbo	Dixon	Jones (NC)
Andrews (NC)	Donnelly	Kaptur
Andrews (TX)	Dowdy	Kasich
Annunzio	Downey	Kazen
Applegate	Duncan	Kennelly
Aspin	Dwyer	Kolter
Badham	Dymally	Kramer
Barnes	Edwards (AL)	LaFalce
Beilenson	Edwards (CA)	Lagomarsino
Berman	Erdreich	Lantos
Biaggi	Erlenborn	Latta
Bilirakis	Fascell	Lehman (FL)
Bliley	Feighan	Leland
Bonior	Fiedler	Lent
Borski	Fields	Levin
Bosco	Fish	Levine
Boucher	Florio	Levitas
Boxer	Foglietta	Lewis (FL)
Britt	Ford (TN)	Livingston
Brooks	Fowler	Lloyd
Broomfield	Frost	Long (LA)
Brown (CA)	Garcia	Long (MD)
Broyhill	Gejdenson	Lott
Bryant	Gekas	Lowery (CA)
Burton (CA)	Gilman	Luken
Burton (IN)	Gingrich	Lungren
Byron	Gonzalez	Mack
Carney	Goodling	Madigan
Carr	Gradison	Markey
Chappell	Gray	Marriott
Chappie	Gregg	Martin (NC)
Cheney	Guarini	Martinez
Clarke	Hall (OH)	Matsui
Clay	Hall, Ralph	McCain
Coleman (TX)	Hall, Sam	McCloskey
Collins	Hansen (UT)	McCollum
Conyers	Harrison	McGrath
Coughlin	Hayes	McHugh
Courter	Hefner	McKernan
Coyne	Hertel	McNulty
Crockett	Hillis	Mikulski
D'Amours	Holt	Miller (OH)
Daniel	Hopkins	Mineta
Dannemeyer	Howard	Mitchell
Daub	Hoyer	Molinari
Davis	Hughes	Montgomery
Dellums	Hunter	Moody
DeWine	Hutto	Moorhead
Dickinson	Hyde	Morrison (CT)
Dingell	Ireland	Mrazek
Murphy	Robinson	Solomon
Murtha	Roe	Spratt
Neal	Rogers	St Germain
Nielson	Rose	Stark
Nowak	Rostenkowski	Stokes
O'Brien	Roth	Stratton
Oakar	Roukema	Studds
Oberstar	Roybal	Stump
Obey	Rudd	Sundquist
Ortiz	Russo	Torres
Ottinger	Savage	Torricelli
Owens	Sawyer	Towns
Oxley	Schaefer	Valentine
Packard	Scheuer	Vucanovich
Parris	Schroeder	Walgren
Patterson	Schulze	Walker
Petri	Schumer	Waxman
Pickle	Seiberling	Weaver
Porter	Sensenbrenner	Weiss
Price	Shannon	Whitehurst
Pursell	Shelby	Whitley
Quillen	Shumway	Williams (OH)
Rangel	Shuster	Wilson
Ray	Siljander	Wirth
Regula	Sisisky	Wise
Reid	Smith (NJ)	Wolpe
Richardson	Snowe	Wright
Rinaldo	Snyder	Yates
Ritter	Solarz	Yatron

NOT VOTING—24

Ackerman	Hamilton	Pepper
Akaka	Hansen (ID)	Pritchard
Bates	Hawkins	Rodino
Boggs	Hightower	Schneider
Boner	Kogovsek	Smith (FL)
de la Garza	Lujan	Volkmer
Fuqua	McDade	Winn
Gaydos	Miller (CA)	Young (AK)

□ 1250

Messrs. HOYER, RICHARDSON, and FEIGHAN, and Mrs. LLOYD changed their votes from "aye" to "no."

Mr. KASTENMEIER and Mr. HARKIN changed their votes from "no" to "aye."

So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

□ 1300

AMENDMENT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM: Page 41, insert the following after line 7 and redesignate existing subsection (c) as subsection (d):

(c) Section 17 of the Act is further amended by adding at the end thereof the following:

"(f) AGRICULTURAL ACT OF 1970.—Nothing in this Act shall affect the provisions of the last sentence of section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3).".

Mr. STENHOLM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. STENHOLM. Mr. Chairman, this amendment is exactly the same amendment that I offered to the Frenzel amendment that was approved by the committee. I am offering it again. This is the amendment that deals with contracts, sanctity provisions in regard to agriculture. It is strictly a technical amendment, a reaffirmation and a clarification of existing law that we passed in the Congress and the President has indicated his support of.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Chairman, I jsut wanted to commend the gentleman for the amendment. It has been agreed to, I think, by parties on that side and parties on this side. For those of my colleagues who were not here for every word of the debate, I do hope they will support the Stenholm amendment.

Mr. BONKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to express support of the amendment, but I would like to make only one observation. When it comes to agricultural poducts it seems like contract sanctity is very much in force. It is in current law. It certainly will be well established in the Export Administration Act as a result of the Stenholm amendment.

But when it comes to manufactured products, the President will continue to have the authority to disrupt or terminate contracts in the future and it does not seem right to me that we have this double standard where we say to the agricultural community, "Your contracts are sacred and they won't be disrupted." But we say to all other sectors, in the American economy, "Your contracts are subject to disruption."

I am hopeful that in the future this House can rise to the occasion where we can remove for all sectors the authority to breach existing contracts so that we can restore America's reputation as a reliable supplier.

I strongly support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. STENHOLM).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COURTER: Page 14, line 4, strike out "If" and all that follows through "involved." on line 8.

Page 16, line 18, strike out "If" and all that follows through "involved." on line 22.

Mr. COURTER. Mr. Chairman, my amendment has to do with the title or section on foreign availability and the 6-month negotiating period that is in the bill itself.

The existing bill states that if foreign availability is not eliminated within a 6-month negotiating period, then sales to whatever countries, in-

cluding Communist countries, are not restricted.

I think it is important to mention that when we are talking in terms of sales of technology, it is important to emphasize once again that we are talking in terms of technology that has military criticality to this country. We are talking in terms of technology that has national security implications at the present time.

The bill as written simply says that if this military critical technology is available to, let us say, the Soviet Union by some other country, then the President of the United States must attempt to negotiate away its foreign availability, must do so within a 6-month period of time. If the President is unsuccessful in persuading a country not to export that good or technology, which granted has military critical implications to this country, then we open the door so any U.S. company can export that technology to whatever country, that that negotiation must be completed within a 6-month period.

My amendment says that basically it lifts the 6-month time limitation. It does not change that part of the bill that requires the President to negotiate away foreign availability, it just says that at the conclusion of that 6-month period of time, to require that negotiations be completed within a 6-month period of time, is too short and therefore, eliminates the 6-month criterion.

Some will argue that the 6-month time limitation for the negotiating away of foreign availability was placed in there to give incentives to the foreign governments such that they then will negotiate with the United States and the President of the United States to negotiate away their sale of military critical technology.

The argument is that they will know that at the end of 6 months then the United States will start competing. They do not want that competition and therefore they will start negotiating in good faith within a 6-month period of time. I think that argument that I have heard during various hearings is wrong and contains no logic because of the following.

If a foreign government that has this military critical technology is willing to negotiate during the 6-month period and they know at the end of that 6-month period that the United States will enter into competition, nevertheless, they also know that they will be in a position to compete.

If they, during that 6-month period, negotiate with the United States and agree to the termination of the sale of that technology, then they will reap zero profits. They will end their exporting of that technology and they will lose that many more jobs in their country.

So, therefore, it seems to me, that a 6-month period of time is improper and that there will be a great incentive on that foreign country to continue negotiating beyond the 6-month period of time and be guaranteed freedom to continue the export of that type of technology.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

On this point, am I to understand that the main criterion here would be the knowledge by the United States that a foreign country is negotiating with an aggressor country, we will say, or with the Soviet Union in a particular case.

What if a contract has already been entered into? Then under the gentleman's amendment or the main thrust of the bill that becomes moot then, does it not, this whole argument becomes moot, that the exporting entities in the United States are then free to do anything they want once a contract has been entered into by the foreign competitor and the Soviet Union, for example; is that correct?

□ 1310

Mr. COURTER. The way the bill is written—and you might ask the authors of the bill—it is my understanding that if a foreign government, let us say, a Cocom country, enters into a contract with the Soviet Union, then it triggers this part of the bill.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. COURTER) has expired.

(On request of Mr. GEKAS and by unanimous consent, Mr. COURTER was allowed to proceed for 1 additional minute.)

Mr. COURTER. It requires the President of the United States to attempt to negotiate with that country to make sure that is curtailed and stopped in the future.

My amendment says that 6-month period of time may be indeed far too short, it may take 12 months to negotiate away that foreign availability. It eliminates the 6-month time frame.

Mr. GEKAS. I thank the gentleman.

I think I will be able to support the gentleman's amendment.

Mr. COURTER. I thank the gentleman.

I will go on with my statement. The thrust of my argument is, basically, twofold. First, that the 6-month period of time is indeed too short, that the history of international negotiations, if you examine them, reveal that very often negotiations take 12 or 18 months or 2 years.

Second, it is important to recognize that what we are dealing with is acknowledged technology that weakens the defense capability of this country. We are not dealing with other things. We are talking about items that will weaken the defense capabilities of this country.

There is, I think, in addition, another argument. I believe that there is an overriding principle here.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. COURTER) has again expired.

(By unanimous consent, Mr. COURTER was allowed to proceed for 4 additional minutes.)

Mr. COURTER. I think there is an overriding principle here that is very, very fundamental.

The bill says, basically, as follows: If it is determined to be detrimental anyway in the national security interests of this country, we nevertheless are permitted to export if we cannot stop other countries from exporting within a 6-month period of time. I think that basic approach is false. What we are saying is that, even though we are jeopardizing the security of this country by exporting technology to third countries, to the Soviet Union and other Communist countries, we should do so because other countries will do so, we should do so because we will be rich and we will be wealthy.

I think when Karl Marx criticized this country in various areas, he was convinced that we will be hung by our own rope and that he felt that our country, because it is based on a capitalist system, will be so enthusiastic about the profit motive that we will even jeopardize our own security because we want to increase the profitability of our country, the profitability of various corporations.

I think if we do not do something by eliminating the 6-month cutoff period we indeed will be fashioning the rope that will hang us, we indeed will be creating the bullets that will possibly shoot us.

Looking at this whole situation another way, the argument of the authors of the bill is as follows: If country designated as B has the technology and they want to sell that technology to country C and that country C wants to kill country A, the argument in the bill is, well, then A should sell the technology directly to C because even though our security may be jeopardized we will be better off for it financially. Even though that particular technology will end our civilization it is worthwhile because we will be enriched. And I think that is the main area that I have concern with here.

I think that there is an overriding moral principle. If there is a technology that is going to potentially jeopardize the security of this country, jeopardize the freedoms, that we know it, I do not think we should export that technology regardless of its availability in different parts of the world.

I know that you can say that living in the real world if one country has the technology and we cannot persuade them to sell it to an adversary of ours, then we should sell that technology to that adversary. I think that argument is lacking in a moral base. I am concerned about it very, very much.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from California.

Mr. HUNTER. I appreciate the gentleman yielding.

Mr. Chairman, I think the gentleman has touched on an extremely important point again, that we must hold the moral high ground in the technology transfer and we must maintain our leadership in the free world in technology transfer.

This silicone manufacturing equipment that we originally unilaterally controlled was ultimately placed on the Cocom list, but it was only placed there after, as I understand it, a year and a half of negotiating. Now, under this provision, if we had not been successful in our negotiations within 6 months, we would have reverted to this "if you can't beat them, join them" proposition which, again, I think is extremely detrimental not only to our security but to our moral leadership of the free world.

Last, I would like to point to a letter that I have just received from Lionel Olmer, Under Secretary of Commerce for International Trade, and Fred Ikle, Under Secretary of Defense for Policy, and they state:

> We agree that fair enforcement of controls requires multilateral cooperation, and we are committed to making every effort to eliminate foreign availability. Requiring negotiations to do this is entirely appropriate. But mandating that national security controls on such items be lifted if foreign availability is not eliminated within 6 months could have serious ramifications. We might, as a consequence, be required to unilaterally decontrol items on the Cocom control list which are available from other foreign sources. This would damage our position in Cocom.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. COURTER) has again expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. COURTER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. So I commend the gentleman for his amendment. I think that this is one of the most dangerous provisions in the committee bill, and I would urge my colleagues to support the Courter amendment.

Mr. COURTER. I thank the gentleman for his contribution.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, I want to clarify a couple of points regarding foreign availability. First, as the gentleman from New Jersey has mentioned, we are talking here about militarily critical items, items that could affect the military might of our potential adversaries.

Second, we have to understand when foreign availability actually exists. Under the Export Administration Act there is language that defines that. It defines foreign availability to exist when any goods or technology are available to certain destinations from certain sources in sufficient quantity and of sufficient quality so that the requirement of a validated license for the export of such goods or technology would be ineffective.

In other words, foreign availability does not exist just because these products are available in other countries. It exists only when our controls are not working.

Now, put those two together: "foreign availability exists on militarily critical products" means our controls are not working and that technology is flowing to potential adversaries. The question arises: what are we going to do about it? The committee bill says, "Let us get rid of it now; not in a year, not in 2 years. This is a serious situation, let us get rid of foreign availability as soon as possible and at least within 6 months." That is the reason why the deadline is in the bill.

Mr. COURTER. I understand that, but that is not going to be the practical outcome of what it is. The committee bill does not say, "Let us get rid of it." It says, "We negotiate, the President of the United States is obligated to attempt to get rid of it during a 6-month period. If he is not successful in persuading some other country—it could be an ally of ours or another Cocom country—"that they should cut off their nose, that they should stop exporting this technology which may give them a great deal of money."

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. COURTER) has again expired.

(On request of Mr. ZSCHAU and by unanimous consent, Mr. COURTER was allowed to proceed for 3 additional minutes.)

Mr. COURTER. Then it is failed. We have given up, we do not get a seventh month, we do not get an eighth month, we do not get a year.

It seems to me that by having a short timeframe of 6 months we are telling them, "All you have to do is to negotiate for 6 months, all you have to do is to hold on and not agree to terminate those sales, even though you are under a great deal of pressure by your own companies, and you have carte blanche to do so, we will start competing with you, you will probably get part of the contracts, we will get part of the contracts." And who suffers? The United States' security suffers and indeed the security of the entire Western World.

I do not think the bill as written gives us security, and it certainly does not eliminate the sale of this type of technology.

Mr. ZSCHAU. If the gentleman will yield further, the gentleman points out an important situation: the situation where a country is already exporting goods that we are trying to control. The gentleman says that there is no incentive to negotiate a termination of those exports within 6 months. I would ask the gentleman, what is the incentive to negotiate a termination of those exports within a year or 18 months or 2 years? I ask: How is the additional time going to provide a greater incentive for such negotiations?

□ 1320

Mr. COURTER. I answer the question 2 ways. No. 1, what is not accomplishable in 6 months may be accomplishable in 12 months. It is not that there is greater incentive that comes down from the heavens, but there sometimes is a 6-month period of time within which to negotiate with a foreign country is far too short by way of time, and what is accomplishable in 12 months may not be achieved in 6 months. Therefore, I think the bill, as written, is totally unrealistic.

No. 2, I think there is an overriding principle here. Do we want to fashion the bullets that kill us? Do we want to, regardless of how long it takes, sell to the Soviet Union the technology that puts at risk our entire society? I do not think we do.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has pointed out a major part of the problem. If we use foreign availability as a criterion for our selling to other countries, we are going to rely on the weakest link in the Cocom chain, and that means that the Soviet Union and their allies are going to be making very generous offers to certain producers within the Cocom nations, because once they can break that link, once our producer over here can say, "Aha, there is foreign availability," they can say, "We want to export."

Again, we negotiated for a year and a half to put on the Cocom control list silicon manufacturing equipment. If the 6-month rule would have applied at that time, do you believe that ever would have been put on the control list? Obviously not. After 6 months we would have started producing it, too,

and selling it, too, and at that time the competition would have heated up and we would have lost forever any chance of controlling that very important technology.

So again, I commend the gentleman. I think this is the most unwise of all of the provisions in this bill.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. COURTER) has again expired.

(By unanimous consent, Mr. COURTER was allowed to proceed for 2 additional minutes.)

Mr. COURTER. I thank the gentleman from California for his contribution with regard to the weakest-link argument. I think it is a good one.

Also, Mr. Chairman, I would like to point out that what I am doing is not without precedent here. The gentleman from Michigan (Mr. WOLPE), I believe it was, last week or the week before introduced an amendment that eliminated the foreign availability in certain nuclear generating facilities, arguing that the policy of this country should not be the export of those things, regardless of foreign availability. It was an overriding principle he argued, and he argued successfully, because this gentleman, the Member in the well who is proffering this amendment, as well as the majority of the House of Representatives, agreed with him.

My argument is, if we are going to make that argument successfully with regard to the material itself that gives a country capability in nuclear generating facilities, we should also eliminate the technology that would permit that country that can then fashion the bomb to deliver the bomb. Certainly technology that gives a country the warhead accuracy is as dangerous to the security of this country as the technology that would give them the capability of building the warhead in the very beginning.

So what I am suggesting here has, in essence, already been voted on, not unanimously certainly, but by the House of Representatives.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from California on that point.

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, I would like to say that the gentleman is absolutely correct. This has already been voted on, not just recently but back in 1979. We established the procedure of foreign availability determination and suggested that when it exists, it should be negotiated away. However, we made the mistake in 1979 because we did not put any time limit on it. As a result, we have not been successful in negotiating foreign availability away to the extent that we should.

It seems to me that we need to have an incentive both for foreign countries and for the U.S. Government to negotiate foreign availability away when it exists. It may give us a warm feeling to try to control things when our own controls are not effective, but each day that such ineffective controls exist allows sensitive technology to go to the Soviets.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. KASICH and by unanimous consent, Mr. COURTER was allowed to proceed for 1 additional minute.)

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, I just want to rise to commend my friend, the gentleman from New Jersey, for offering this amendment.

In light of the KAL incident, and when Americans were taking a look and the Congress and the President were viewing options as to what we could do to respond to the Soviet attack on KAL, one of the things that was discussed early on was the hemorrhage of technology and the shutting down of the exporting of our high technology and our allies' high technology to the Soviet Union.

It has gone on consistently. The transporter for the SS-20, which is made at the Zil factory in Leningrad, this factory was built jointly by the West Germans and the United States to be used as an automobile plant. The SS-18 is built with the same machine tools as were used with the U.S. Saturn-5 booster. They were sold to the Soviets by West German companies that originally produced them. The list goes on and on.

What the gentleman is simply saying is, if we believe that these particular items ought to be put on the list of items that should not be transferred, we ought to have an extended period of time to negotiate that.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. COURTER) has again expired.

(On request of Mr. KASICH and by unanimous consent, Mr. COURTER was allowed to proceed for 30 additional seconds.)

Mr. KASICH. If the gentleman will yield further, to impose a 6-month limit on that will just create additional problems. To say that we ought to have additional time to negotiate with our allies to prevent this incredible hemorrhaging of high technology to our enemies just makes good sense. I want to commend the gentleman from New Jersey for his amendment and I certainly will support it.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. COURTER) has again expired.

(By unanimous consent, Mr. COURTER was allowed to proceed for 1 additional minute.)

Mr. COURTER. This will be my last minute.

Mr. Chairman, my major point here is that my colleagues do not really have to believe as I do that if the sale of a technology by the United States will jeopardize the security of this country we should not do it under any circumstances, that is my position because I think that is the proper, the just and moral position. Members can support my amendment if otherwise they agree that a 6-month negotiating period to negotiate away foreign availability is too short. If my colleagues believe that 18 months is more realistic, or 2 years is more realistic, then they should support my amendment.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the proponents of the amendment miss the basic premise of this language, which was carefully deliberated before the subcommittee and the full committee adopted it.

When we are dealing with items which have foreign availability, we are talking about, in a sense, a product which is already available to our enemies. Now the question comes: How best do we get our allies to do something about the shipping of products or technology of a certain quality or a certain quantity to parties which will end up hemorrhaging that item into the hands of the enemy.

I suggest that the 6-month provision will aid our efforts, not hamper it, because only with the knowledge that pretty soon U.S. competitors will be out on the market will foreign countries, our allies, have the will to resist their own domestic pressures, which now have a monopoly on that market, to do something to stop the hemorrhaging of the product to the countries that we do not want to see have this item.

I suggest very seriously that the single most important factor in getting Cocom countries to finally get serious about these kinds of products is to know that in a certain number of days, a certain number of weeks the clock is running and pretty soon the U.S. product from the U.S. company, will be out on the market.

We are talking about a national security control here, not a foreign policy control. The question is how to keep that technology, that product, out of the hands of the enemy.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman a couple of questions.

No. 1, it is a fact that we are talking about militarily critical technology; that is, technologies that could potentially help Russians kill Americans. Is that correct?

Mr. BERMAN. We are talking about the most serious types of items.

□ 1450

Mr. HUNTER. So the gentleman is saying that if we have a technology that will help Russians kill Americans and we are not selling it but France, for example, is selling it, we will have 6 months to talk France out of selling it to the Soviets. We will say, "This is something that could potentially damage you as well as the United States, and it will damage all the Western democracies and could help the Soviet Union militarily." Then, after 6 months, if we have not convinced France, for example, to stop selling this critical technology that will help the Soviets kill Americans, then we join them and start selling that technology that will help the Soviets kill Americans. That is the thrust of the 6-month availability provision.

Mr. Chairman, let me add one last thing to this. This idea that somehow this is supposed to leverage our allies into wanting to stop and motivate them into stopping this trade of critical technologies is not altogether accurate. Most of the industrial groups that I talked to loved the 6-month foreign availability section. They did not love it because they thought it was going to stop France from selling to the Soviet Union; they loved it because it was going to open up markets for them. Because many of them are very confident that France and many of our other allies are not going to stop selling this technology. In other words, they are looking at opening their markets; they are not looking at using it as a leverage tool with which to restrict the transfer of technology from Cocom nations to the Soviet Union and its allies.

Mr. BERMAN. Mr. Chairman, if I may reclaim my time, let me ask, who is not looking at that? Does the gentleman mean American businesses?

Mr. HUNTER. I am talking about American businesses. American businesses, at least the ones that I talked to, think that this will to some degree expand their markets, because they believe there are going to be a great many of our allies who are not going to stop after 6 months, and, therefore, we are going to be joining them in the market.

Mr. BERMAN. Again, Mr. Chairman, let me just reclaim my time to expand on that point.

Product X or technology Y is being licensed and controlled because of what it can do for countries hostile to our interests. If in fact product X or technology Y is available in sufficient quality and sufficient quantity from another country, U.S. national security interests are not being served one iota.

Now, why is France selling that item to the Soviet Union or to an Eastern bloc country?

Mr. HUNTER. I could answer that question.

Mr. BERMAN. One reason is that it is from the pressure of their own internal domestic industries having a monopoly on the product. Not fearing competition from U.S. firms, they are pressuring the Government to go slow. They are saying, "Hold off. Don't do anything about this U.S. pressure you're getting."

And the surest way to make that pressure meaningful is to know that if they do not settle down, if the French Government does not say, "Hey, we are part of Cocom and we have some obligations and responsibilities, too," all of a sudden the economic advantage that they are now enjoying this day, having given technology and commodities which are of grave concern to our national security interests, is gone, and all of a sudden they will not have a monopoly in that market anymore.

The CHAIRMAN. The time of the gentleman from California (Mr. BERMAN) has expired.

(On request of Mr. HUNTER, and by unanimous consent, Mr. BERMAN was allowed to proceed for 1 additional minute.)

Mr. HUNTER. Mr. Chairman, I will ask the gentleman to yield very briefly for a reply to his statement.

Mr. BERMAN. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, first, there are a lot of reasons why France sells technology to its adversaries and potential adversaries. I think France would do well to reexamine its foreign policy when it finds itself facing in Chad some of the very equipment that it sold to Libya.

But the real problem with this foreign availability is this—and this was testified to by Defense and by Commerce—who is going to determine whether that technology that exists in France or in another Cocom nation is really equivalent to what the United States has? And one problem that Commerce pointed out was that a great many of these so-called equivalencies are going to be the result of bootleg technology coming out of the United States, being all of a sudden discovered in a Cocom nation, and, thereby, justifying a transfer or removal of control in the United States.

Mr. BERMAN. Mr. Chairman, just to reclaim my time, the gentleman's point is well taken, and I think it argues against the amendment.

Who will determine it? The fact is the administration, which holds our national security interests as its highest obligation, through the Secretary of Commerce, will say, "Is this product, which we don't want to be in the hands of certain powers, available in such sufficient quality and such sufficient quantity as to totally demolish our national security interests, and no longer are our controls relevant?"

If the Secretary of Commerce, speaking for the administration, does not say that, the time period does not trigger and the U.S. commodities are not decontrolled.

The CHAIRMAN. The time of the gentleman from California (Mr. BERMAN) has again expired.

(On request of Mr. COURTER, and by unanimous consent, Mr. BERMAN was allowed to proceed for 2 additional minutes.)

Mr. COURTER. Mr. Chairman, will the gentleman yield and answer a question for me?

Mr. BERMAN. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman said that this amendment is not going to increase the security of this country. I would argue that it does, and under the following scenario: Let us say that France wanted to sell the Soviet Union technology that admittedly would jeopardize the security of this country. Without this amendment, we would have 6 months to dissuade them from so doing. We would have 6 months to dissuade them.

Mr. BERMAN. I disagree.

Mr. COURTER. I have not finished my analogy yet.

And if we were unsuccessful, then the U.S. companies could sell that same technology to the Soviet Union. The question, then, is, if my amendment passes and it takes 12 months to persuade France not to sell this technology to the Soviet Union, does the gentleman not think the security of this country is enhanced because we were successful in the 12-month period whereas we were not successful in the 6-month period?

Mr. BERMAN. Mr. Chairman, I believe I can answer that question, if I may reclaim my time.

If France wants to sell that technology but has not put it on the market, there is no foreign availability because foreign availability triggers from the time the administration—not the chamber of commerce, not some third party, but the administration—determines that that product or that technology is in the stream of commerce and in sufficient quality and quantity.

So France can want to do it and the United States and France can discuss this for months and years, but anything which would go beyond that would not serve our interests. But this language in the present bill does not do that.

Mr. COURTER. Mr. Chairman, if the gentleman will yield, the technology in sufficient quality and quantity is something that exists only if there is continuing export of that technology. They do not just sell something and the Soviet Union will buy it and from then on they can use it. There are such things as repairs and spare parts and improvements by people who know the technology well.

The CHAIRMAN. The time of the gentleman from California (Mr. BERMAN) has again expired.

(By unanimous consent, Mr. BERMAN was allowed to proceed for 1 additional minute.)

Mr. BERMAN. Mr. Chairman, the hypothetical situation is this: Should France want to sell to the Soviet Union a particular technology in and of itself, nothing in the bill requires, compels, or even suggests that that constitutes foreign availability, and, therefore, this time period does not trigger. If it did, I would agree completely with the gentleman.

Mr. COURTER. Mr. Chairman, if the gentleman will yield, let me ask him this question, if I may:

If France has the technology in sufficient quantity and in sufficient quality in order to jeopardize the security of our own country, is that not foreign availability?

Mr. BERMAN. No. And if that is foreign availability, then I shift my position and I agree with the gentleman. It is not foreign availability. The foreign availability comes from the product.

Mr. COURTER. Only after it is sold? If foreign availability comes only after it is sold, then we might as well stop.

Mr. BERMAN. That is exactly my point, and that is the intent of this provision. Businesses are sitting out there and saying, "What's going on? Every country, every other one of our Western allies is selling this technology or this product to the Soviet Union or to the Eastern bloc, and we cannot. What is going on?"

If it is a national security control as opposed to a foreign policy control, what is being served? They have the product in sufficient quantity and in sufficient quality already. Why are we being precluded if it is simply a matter of producing it for internal use?

The CHAIRMAN. The time of the gentleman from California (Mr. BERMAN) has again expired.

(By unanimous consent, Mr. BERMAN was allowed to proceed for 1 additional minute.)

Mr. BERMAN. Mr. Chairman, if the production or technology is not being exported, and it is being licensed as part of Cocom, there is no foreign availability. That item is not going to the Soviet Union.

I really think that the only difference is in what the proponents of the amendment think, and we agree on the basic principles.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, what the gentleman says does not make sense because he argues that we should have a 6-month cutoff period. By saying we should have a 6-month cutoff period he admits the fact that negotiations successfully concluded within a 6-month period increase the security of the United States.

Mr. BERMAN. No. My argument is that once the product is available and being sold to the enemy, the best leverage we would have with France to get them to take it off the market is to know that the U.S. companies will be competing with them if they do not do something about it.

Mr. COURTER. I think the gentleman misses my point. If the cat is out of the bag already, why have a 6-month period at all?

Mr. BERMAN. Let me tell the gentleman why.

Mr. COURTER. I can tell the gentleman this.

The CHAIRMAN. The time of the gentleman from California (Mr. BERMAN) has again expired.

(On request of Mr. COURTER, and by unanimous consent, Mr. BERMAN was allowed to proceed for 2 additional minutes.)

□ 1340

Mr. COURTER. The bill contains a 6 months negotiating period because people will say that if we are successful in eliminating future sales or foreign availability within that 6-month period, it will enhance the security of the United States. The gentleman does not agree?

Mr. BERMAN. No.

Mr. COURTER. Then the gentleman should have an amendment lifting the 6 months and make it 1 day.

Mr. BERMAN. The purpose of the 6 months is the recognition that a product can be available to our enemies and we want to stop it from being available in terms of quality improvements and in terms of quantity; but the 6 months does not start to trigger until after the item is being sold in commerce to our enemies. If it is within the Cocom control and not getting out and not being reexported, there is no foreign availability issue.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield, yes.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

I would just like to ask the gentleman, we have been talking about France. We have a number of Cocom partners, some of whom are more responsible and more reliable than others. It appears to me that again we are going to be determining our foreign policy by relying on what may be the weakest link in the Cocom chain.

As I understand it, the provision says "foreign availability" and that could mean the weakest link in the Cocom chain. Again, I would think if I was in the Soviet Union and I wanted a particular technology and I wanted a lot of it, I would do everything I could to convince some of our Cocom partners to sell that particular technology, knowing then that the United States would follow-on.

I can recall the pipeline incident when everybody said that "we had to get into the pipeline act because France will sell all this equipment to the Soviets anyway." We found out later that actually they did not have equivalent technology in many areas. That was a myth.

I think there are many areas where we are going to have a very difficult time ascertaining whether or not the U.S. technology is not at least a little bit better than what is offered by the Cocom partners. That qualitative difference can make a great deal of difference in weapons systems.

Mr. BONKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment and, hopefully, to put this question in proper perspective. What the bill provides under this section is that if an exporter as an applicant for an export license is faced with a competitive situation in which a foreign country allows its company to have access to a particular market for a particular product or technology, constituting foreign availability, that applicant can then go to the Technical Advisory Committee which is already established in existing law. The advisory committee then submits to the Secretary of Commerce and to the Congress a report certifying the foreign availability of those goods or technology. Then the Secretary has 90 days in which to make a determination about that foreign availability.

Now, if the Secretary determines that the foreign availability does, in fact, exist, and this is after the sale has already been consummated by another company in another country, then the Secretary has 6 months in which to negotiate with that other country to get that country to control the item. If he fails in that effort, then the item will be decontrolled.

Now, some of this process is already in existing statute. It is in place in the Export Administration Act. The applicant has an opportunity to bring his case to the Technical Advisory Committee which is made up of business representatives.

The problem is that the Secretary has no requirement to make a determination. He has no incentive to go to

the other country and to negotiate to control that item. We are talking primarily about unilateral U.S. controls, because if we are talking about multilateral controls through Cocom, we do have a mechanism to deal with that problem.

So what the 6 months provides is an incentive to the Secretary to accomplish one of two things; to make his determination as to whether foreign availability exists, which I think is important, and if it does, to go to that other country and negotiate. Hopefully, he will get the item controlled. If he cannot, there is a recognition of the reality that results in equal treatment for the U.S. exporter.

Why should he be denied the license if that foreign company located in a Cocom country has access to the market? If our purpose is to prevent that country from exporting, we have failed miserably. To deny our exporter a license under those circumstances really puts him at a severe competitive disadvantage.

What we are trying to do is put some teeth into the foreign availability determination process and to allow the Secretary the opportunity to negotiate with the other country. If he cannot bring that foreign item under control, it ought to be decontrolled for our exporter. I think that is an eminently practical thing to do. I think that we advance the cause of national security when we require the Secretary to negotiate the control of that item to the other country.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman in the well.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding.

Will the gentleman admit that if the negotiation for the termination of the sale is successful within a 6-month period, then that is good news for the United States? That enhances our security.

Mr. BONKER. Well, the gentleman realizes that if the Secretary can negotiate successfully, then the item is going to be controlled in both countries.

Mr. COURTER. And that helps us. That is what we want; is that correct?

Mr. BONKER. For the purpose of national security, it certainly does.

Mr. COURTER. For the purpose of national security, it is the national security section, it does favor the United States.

Does the gentleman admit that what is sometimes accomplishable in 11 months cannot be accomplished in 6 months, particularly when you are dealing with different countries that have different foreign policies, different constituencies, different international pressures?

Mr. BONKER. Well, I suppose that we could have 3 months, 6 months, 9 months, 12 months, in which negotiations take place.

I think as a practical matter the Secretary requires only about 6 months in which to negotiate. Meanwhile, while he is attempting to negotiate, that other country certainly has access to the market and our exporter is being denied. I think that puts us at a competitive disadvantage, and we ought to make that period therefore as short as is practicable.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(At the request of Mr. COURTER, and by unanimous consent, Mr. BONKER was allowed to proceed for 3 additional minutes.)

Mr. COURTER. Mr. Chairman, will the gentleman yield further?

Mr. BONKER. I yield.

Mr. COURTER. After this 3 minutes, I will sit down.

What incentive is there for the foreign country that has the technology availability, not the United States, to successfully negotiate a complete termination of the sale within a 6-month period of time when by so doing he will eliminate 100 percent of his foreign sales? If he holds on, the worst that is going to happen is that he will be faced with increased competition from the United States.

Mr. BONKER. Well, I think the incentive has to be one that is fully shared by our allies with respect to national security.

Now, we are talking primarily about unilateral controls. These are items that are controlled exclusively by the United States, not by Cocom; but I think the incentive is for the Secretary to negotiate with countries on the basis of national security interests. The fact remains, however, that if he succeeds in that negotiation, the item is controlled by both countries and it certainly does not go into the hands of our potential adversaries. If he fails in that negotiation, then we are not able to deny that product to another country and the United States will not be denied unilaterally access to that market.

It is really a matter of fairness between both countries.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield to me?

Mr. BONKER. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding.

I think in some of the earlier discussion it was said or it was implied, I think, that we were talking about Cocom countries, but that is not correct. We are talking about any country that would supply whatever the item or technology is that we are talking about. Is that correct?

Mr. BONKER. The gentleman is correct.

Mr. LAGOMARSINO. So it could be just, to pick a country out of the air, let us take India or Pakistan. You probably cannot get much different than that. If India were to sell a technology or Pakistan were to sell a technology to the Soviet Union that had been illegally diverted to it, we would not be able to negotiate away that technology within 6 months, the exporters would be permitted then to supply that technology to the Soviet Union; is that correct?

□ 1350

Mr. BONKER. You are talking about India possessing a technology that they obtained illegally?

Mr. LAGOMARSINO. Legally or illegally, take it both ways.

Mr. BONKER. Well, if one assumes that India has a level of technology which the Soviets are interested in, and is determined to sell that technology to the Soviet Union, the question is whether our own company would be selling a similar product to the Soviet Union. I do not think that is a very likely case.

The fact is that the Soviet Union is in the category of controlled countries, and we would not have a manufacturer be making a sale to the Soviet Union.

Mr. ZSCHAU. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, let me begin by saying that the amendment offered by my good friend and colleague from New Jersey is very well intentioned. It has an objective of increasing national security. However, it is my belief that it would have exactly the opposite effect. In order to understand that, we have to understand the details of the foreign availability section of this very complex piece of legislation.

We first have to understand the precise conditions when foreign availability exists. Foreign availability exists when a product or a technology is available in sufficient quantity and sufficient quality to make our controls ineffective. The operative word in the definition is "ineffective." Foreign availability only exists when our export controls are not effective. Second, foreign availability only exists after the Secretary of Commerce has determined that our controls are ineffective based on the evidence; that is, when he has determined that our controls on that item or technology are not working.

In this bill, in order to make more effective and timely determinations of foreign availability, we would create a new Office of Foreign Availability and fund it with new funds. Why is it important to make such determinations more quickly? When a critical technology is being exported by other coun-

tries and our controls are not working to prevent it from being exported to the Soviet Union or other Communist countries, then we had better do something about it, fast.

If we do nothing, when our controls are not working, we are permitting the hemorrhaging of technology that we all are trying to prevent.

The point was made best by the Deputy Assistant Secretary of Defense for International Economic Trade and Security Policy, Dr. Stephen Bryen, when he wrote in the Journal of Defense Electronics of May 1983:

Where * * * technology or equipment will aid the Soviet military, but we cannot effectively hinder its transfer, or where the help is on the margins only, then trying to apply the full force of controls is likely to be an exercise in mirrors.

In other words, it is futile. Rather than sitting around doing nothing, this bill suggests in those cases we had better fish or cut bait. It says we had better establish a deadline for negotiating away this condition of foreign availablity. Let us either make our controls effective once again or let us quit restricting our exporters and quit kidding ourselves. That is the reason why the 6-month provision is in the bill.

The 6-month provision gives an incentive for our Secretary to negotiate. We currently have foreign availability in the act yet these conditions of foreign availability continue to persist far too often. The bill would say, "Look, you better get rid of foreign availability or the controls will be lifted".

Second, the 6-month provision also provides negotiating incentives for other countries. The gentleman from New Jersey asked the question, "What incentive is there for a foreign source country to negotiate a control agreement in 6 months?" Well, it is the same incentive that they have to negotiate in 12 or 18 or 24 months: The belief that if they do not negotiate to terminate their sales, we will come into the marketplace. It seems to me that they will take the longest possible time rather than the shortest possible time. That is why we have to put them on a tight leash, get the negotiations underway, and get rid of foreign availability within the 6-month time period.

Mr. Chairman, let me close by saying that when our controls are useless, we should do something about it. That is the point of the 6-month time limit. It may give us a warm feeling that we are being tough with the Soviets when we control items that others do not, but such controls do not work. If the items are indeed critical, as we have said they are, we should negotiate with a sense of urgency, so that multinational agreements will make the controls truly effective. Otherwise, let us quit kidding ourselves and decontrol the items.

PERFECTING AMENDMENT OFFERED BY MR. BONKER

Mr. BONKER. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. BONKER: Page 14, line 4, strike out "If" and all that follows through "involved." on line 8 and insert in lieu thereof the following: "If, within 6 months after the President's determination, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period prescribed in the preceding sentence for an additional period of 6 months if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States.".

Page 16, line 18, strike out "If" and all that follows through "involved." on line 22, and insert in lieu thereof the following: "If, within 6 months after the Secretary submits such report to the Congress, the foreign availability has not been eliminated, the Secretary may not, after the end of that 6-month period, require a validated license for the export of the goods or technology involved. The President may extend the 6-month period prescribed in the preceding sentence for an additional period of 6 months if the President certifies to the Congress that the negotiations involved are progressing and that the absence of the export control involved would prove detrimental to the national security of the United States.".

Mr. BONKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BONKER. Mr. Chairman, I am hopeful that the sponsor of the amendment before the committee would consider this compromise, since his major concern seems to be not with the problem of foreign availability but with the period involved.

As I mentioned earlier, we have selected 6 months as a reasonable period in which the Secretary could negotiate with another country to bring an item under control. Perhaps 6 months is not the right period of time, though I would note that the whole process is much longer than 6 months, because the initial license application does take some time. Once the exporter discovers the problem and then brings it to the advisory committee, it then moves to the Secretary after it has been certified. Then the Secretary has 90 days in which to make his determination. So we have a long period of time already in place, anywhere between 9 months and 12 months. That is in the committee bill.

What I would propose to do in this amendment is allow for an additional period of 6 months if the President certifies to the Congress that negotiations are proceeding, and that the absence of the export controls involved would prove detrimental to the national security.

This is a gesture to the sponsor of the amendment from New Jersey, and I am hopeful that he can accept it and we can find at least one area of compromise in our deliberation of this issue.

I yield back the balance of my time.

Mr. COURTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to the suggested compromise by the chairman of the subcommittee, and I know the original bill was fashioned in good faith with a firm belief by Members of this body that it enhances the security of this country, but it is my belief that the additional 6-month period is inadequate. I wish I had more time to think through the entire sequence of events here, but there is not sufficient time.

□ 1400

My amendment basically was proffered because of two reasons, only one of which is addressed in the amendment to my amendment.

My amendment was proffered because I thought the 6-month period of time was woefully inadequate as far as longevity is concerned, that logic would dictate if the security of this country could be enhanced with successful negotiation in 5 and 6 months, then certainly security could be enhanced if that successful negotiation occurred in 10 to 11 or 12 months, as indeed it may take that long. So one concern was the length of the period of time.

The second concern, however, was the fact that we are going to agree with a cutoff at all. My amendment, of course, did not say that 6 months is inadequate and we should have 12, as does basically the amendment to the amendment. But it says that there is a time when there is a greater concern, a moral principle here that says we do not want to join those that would jeopardize our security, even though not doing so will make us less wealthy.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I will be happy to yield.

Mr. KASICH. I thank the gentleman for yielding. I would like to associate myself with his remarks.

I would like to make a very simple point and that is to argue that if our allies are selling vital technology to the Soviet Union and if there is a time period at which time we can turn around and sell that vital technology to the Soviet Union and, therefore, it will stop them from doing it, that is like making an argument that if a husband and wife are having problems

and the husband is an alcoholic, the wife says to the husband, "If you don't stop drinking in 6 months or if you don't stop drinking in 1 year then I am going to start."

I maintain that is not going to prevent or stop the husband from drinking, the same way that imposing this deadline is not going to stop our allies from selling that vital technology to our enemies.

Mr. COURTER. I appreciate the analogy. Maybe it will stop the husband, depending, I suppose, on who the wife is.

I know that the amendment to the amendment was offered in great sincerity and certainly has gotten my interest, but I still cannot quite support it and I yield back the balance of my time.

AMENDMENT OFFERED BY MR. SOLOMON AS A SUBSTITUTE FOR THE PERFECTING AMENDMENT OFFERED BY MR. BONKER

Mr. SOLOMON. Mr. Chairman, I offer an amendment as a substitute for the perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON as a substitute for the perfecting amendment offered by Mr. BONKER: Page 14, line 8, insert the following immediately after the first period: "The President may extend the 6-month period described in the preceding sentence for an additional period of one year if the President determines that the absence of the export control involved would prove detrimental to the national security of the United States."

Page 16, line 22, insert the following immediately after the first period: "The President may extend the 6-month period described in the preceding sentence for an additional period of one year if the President determines that the absence of the export control involved would prove detrimental to the national security of the United States."

Mr. SOLOMON. Mr. Chairman, I had originally intended to offer the amendment the gentleman from New Jersey (Mr. COURTER) offered, deleting the 6 months entirely. But as a member of the Foreign Affairs Committee we have negotiated over this bill for many months.

What this amendment actually does is extend the Bonker amendment from an additional 6 months to 1 year.

Mr. Chairman, I do not have to tell you that there has never been any one of these contracts negotiated in a 6-month period. We should not be tying the hands of our President and his opportunity to negotiate on these vital issues.

I would like to point out one other thing. I have two of the largest corporations in America who principally have their homes in my district. I have always been very pro business because I think that the economy of this country is what makes our country such a great country.

But I want to tell you this: Businesses are not unpatriotic when they come to you and they push for particular types of legislation because they know that the ultimate responsibility for the national security of this country rests with you, the Members of this House, and they will ask for whatever they can get. But it is up to you to give them what you think they ought to have and still protect the security of this country.

That is what I have told the industry in my district and they agree. They say, "Gerry, you have to use your own best judgment. We are telling you what we want, but if you cannot go that far, we understand."

I think what I am doing here is compromising with the gentleman from Washington (Mr. BONKER) and other Members in extending this period. I had originally wanted to make it a 2-year period and now we are bringing it down to 1 year, which is 6 months more than the gentleman from Washington (Mr. BONKER) wants.

I would certainly hope this body would accept the amendment.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I will be glad to yield to the gentleman from New Jersey.

Mr. COURTER. The gentleman is attracting my attention even more than the gentleman from Washington (Mr. BONKER). We are getting warm, if not hot.

I would just like to ask the gentleman a question to make sure I understand it. The bill as written says the negotiations, if there is foreign availability, have to be successfully completed within a 6-month period. The amendment offered by the gentleman from Washington (Mr. BONKER), said that that 6 months can be added to by an additional 6 months, provided there is a Presidential certification certifying that there is progress in the negotiations, and also that the sale by U.S. corporations would jeopardize the security of the United States.

Then the gentleman's substitute to the Bonker amendment just changes that second 6-month period to 12 months; is that correct?

Mr. SOLOMON. The gentleman is correct.

Mr. COURTER. I understand and I appreciate the gentleman's response.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I will be glad to yield to the chairman of the subcommittee.

Mr. BONKER. I guess we are inching toward a compromise which is desirable under the circumstances. I personally feel that we are putting our exporters at a competitive disadvantage by stretching this out but I do appreciate the gentleman offering this amendment. I think it is acceptable and I am hopeful that we can proceed between the two sides to accept the earlier amendment, as amended by mine, if that is accepted and amended by yours, which I would be happy to accept.

Mr. SOLOMON. I certainly thank the chairman for being very reasonable on this.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the ranking minority member on the subcommittee, the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman for yielding and I want to compliment him and the gentleman from New Jersey for their amendments and working out this compromise. It is a step in the right direction.

With only a 6-month negotiating period, we would be hard pressed to strengthen Cocom. We must remember that we are trying to strengthen Cocom, and this compromise language gives us a chance to do this. Therefore, I am very happy to accept the gentleman's amendment along with that of the chairman.

Many years ago there was a fine movie produced called the Three Faces of Eve. It was a story of a person who had three personalities, each in bitter conflict with the other. If we adopt sections 108 a and b of H.R. 3231, insofar as export controls are concerned, we will have created the two faces of the United States. On one hand, the United States will pursue negotiations to strengthen Cocom; it will continue to seek the harmonization of export licenses and customs documents, controls over merging technologies, and generally to strengthen the organization and resources of Cocom. On the other hand, these provisions on foreign availability may result in the breakdown of Cocom.

Unamended H.R. 3231 would require the United States to unilaterally eliminate items from export licensing which are subject to Cocom controls. High technology products controlled by Cocom cannot be exported to the Soviet Union unless Cocom unanimously approves that export.

If these sections on foreign availability were applied, the United States would be placed in the position of potentially selling a highly sophisticated piece of equipment to the Soviet Union in violation of Cocom controls because it was available—according to an imprecise standard—from another source. I am hard pressed to think of a better way to undermine Cocom which has been able to survive since 1949.

Another contradiction posed by section 108 is the significant administration burden it imposes upon the Commerce Department. It provides that technical advisory committees would be able to trigger foreign availability determinations by asserting foreign availability. A fatal flaw of this approach is that it places the entire

burden of proof on the executive branch and therefore opens the door to frivolous and perhaps undocumented assertions of foreign availability.

The provision in H.R. 3231 takes the approach that 6 months is a reasonable period of time in which to eliminate foreign availability. I ask my colleagues if they can name a single negotiation which was ever successfully concluded within 180 days. H.R. 3231 simply fails to recognize that eliminating foreign availability can be a complex and arduous task—but that it can also be successful. The placing of silicon wafer chips under Cocom control is one example and achieving that control did not happen in 180 days or even 365 days.

It also seems certain that unamended the bill would simply forestall any effort by a group of Cocom countries to approach a non-Cocom country and urge that that country restrict the sale of its good or technology which is contributing to foreign availability.

Mr. Chairman, this provision is really quite simple. It says let's reach for the absolute lowest common denominator regarding export controls. It says the United States has no responsibility to set an example for industrializing countries. It says eliminating export licensing is more important than controlling the transfer of strategic technologies to the Soviet Union. It says that foreign availability is simply the most important criterion regarding whether there should, or should not, be an export license. National security, or whether the United States should be responsible for transferring a particular technology to the Soviets, is the issue. The issue is not foreign availability.

The majority and minority floor leaders for this legislation accepted recommendations of the Arms Services Committee to improve my amendment on militarily critical technologies. What is the point of establishing such a list and making the control list for the United States, where foreign availability will be an important criteria, we then go ahead and have another section on foreign availability which undermines the purpose of the Export Administration Act and the purpose of a major amendment which we have adopted.

I urge my colleagues to consider the alternatives and vote for the amendment offered by the gentleman from New York.

Mr. SOLOMON. I thank the gentleman and the ranking member.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I now yield to my colleague fom California, also a member of the Foreign Affairs Committee.

Mr. ZSCHAU. I want to commend the gentleman for offering the amendment.

But I have a question that was raised in the gentleman's answer to the question by the gentleman from New Jersey. You indicated in your answer that the only difference between your substitute and the Bonker amendment was the difference between an additional 6 months and an additional year, yours being the year. But my question is in the Bonker language the Presidential certification requires not just that this is in the national security interests but that negotiations are proceeding. Is the certification in your substitute to cover the progress of negotiations as well as the need for the controls for national security?

Mr. SOLOMON. That is correct. I am simply changing the 6-month period in the Bonker amendment to a 12-month period.

Mr. ZSCHAU. I thank the gentleman.

Mr. SOLOMON. And the record should thus state.

Mr. ZSCHAU. I thank the gentleman for that clarification and I support his substitute.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has expired.

(On request of Mr. COURTER, and by unanimous consent, Mr. SOLOMON was allowed to proceed for 1 additional minute.)

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman from New York.

I can see a consensus growing here, and after further observation and negotiation I can see that this is about as good as we are going to get.

□ 1410

And although somewhat reluctantly because this is not the pure Courter amendment, I would be happy to support the gentleman's substitute.

Mr. SOLOMON. As the gentleman knows I am reluctantly supporting my own amendment as well.

Again I commend the chairman for being reasonable on the issue.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the chairman.

Mr. BONKER. I thank the gentleman for yielding.

Mr. Chairman, the gentleman's amendment in effect amends my substitute by inserting in place of 6 months the 12 months or 1 year?

Mr. SOLOMON. That is correct. That is the only difference.

Mr. BONKER. I thank the gentleman.

I move the adoption of the amendment.

AMENDMENT OFFERED BY MR. HUNTER TO THE AMENDMENT OFFERED BY MR. SOLOMON AS A SUBSTITUTE FOR THE PERFECTING AMENDMENT OFFERED BY MR. BONKER

Mr. HUNTER. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER to the amendment offered by Mr. SOLOMON as a substitute for the perfecting amendment offered by Mr. BONKER: At the end of the Solomon amendment add the following new sentence: "If at the end of said year, foreign availability remains, and the President determines that transfer of the subject technology by the United States would damage national security, the Secretary shall require a license as a prerequisite to transfer.".

Mr. BONKER. Mr. Chairman, I would like to reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved by the gentleman from Washington (Mr. BONKER) on the amendment offered by the gentleman from California (Mr. HUNTER).

The CHAIRMAN. Does the gentleman from Washington insist on his point of order?

PARLIAMENTARY INQUIRY

Mr. BONKER. Mr. Chairman, I would like to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BONKER. Mr. Chairman, I have offered an amendment to the amendment in the nature of a substitute but as I understand it the gentleman from New Jersey simply strikes. So my amendment would be to the text of the bill.

The CHAIRMAN. The gentleman is correct. His amendment is in the first degree as a perfecting amendment to the provision which the gentleman from New Jersey would strike out.

Mr. BONKER. The amendment that has been offered by the gentleman from California (Mr. HUNTER), is that in the form of an amendment to my substitute or in the form of an amendment to my amendment?

The CHAIRMAN. As the Chair understands it, it is an amendment to the substitute offered by the gentleman from New York. It is an amendment to the Solomon substitute for the Bonker perfecting amendment.

Mr. BONKER. Is that an amendment in the third degree?

The CHAIRMAN. No, it is not. The Solomon amendment is a substitute and this is an amendment to the substitute for the Bonker amendment.

Mr. BONKER. Mr. Chairman, I withdraw my point of order.

Mr. HUNTER. I thank the chairman.

Mr. Chairman, this is a very simple amendment and it simply tacks on at the end of this foreign availability sec-

tion a provision stating that even after this time has expired the President of the United States can still say this technology is so critical to our national security interests that "I still don't want to sell it, I still don't want to make it available to our adversaries."

It is a very simple amendment. I do not see how anybody can argue with it.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I would be happy to yield to the gentleman.

Mr. ZSCHAU. I thank the gentleman for yielding.

We should keep in mind we are talking about the foreign availability section, the section that comes into play when the technology is already being transferred to the Soviet Union or other countries in sufficient quantity and quality to make our controls ineffective.

Mr. HUNTER. I will take my time back. I think the gentleman has just basically made my point. That is, the President can take proliferation into consideration. Obviously if there is a proliferation of a technology and it is going all over the place anyway and the foreign technology available is qualitatively equal to the American technology, then the President is obviously not going to invoke this section.

If however the President thinks we have a few things in this technology that are not available in the foreign products, even though there has been found rough equivalence, or if he thinks perhaps that technology is not available in such a number or in sufficient quantity so as to not enhance the Soviet Union's military capability for example, then he can make that determination.

But this is a judgment call that can be made by the President of the United States if he thinks that the national security interests are imperiled.

The gentleman is saying he does not see any situation in which national security interests would be imperiled because theoretically the technology will have proliferated throughout the Cocom market and the Soviets will be able to pick it up somewhere else.

I am saying that some of the problems that were raised by the Department of Commerce and the Department of Defense are that it is extremely difficult in some cases to evaluate technology and say, "This is equivalent technology." And it is also difficult for us to perceive exactly what some of our Cocom partners have. Again, in the Soviet pipeline, theoretically we said, "The French can produce and sell them anything we have anyway." Later on we found out that was not so. Some of the technology we had was advanced beyond anything else in the world. If we would have determined, "foreign availability" we would have made a mistake. So this is a judgment call, it is a tool that the President of the United States can use and I think he would use it very selectively. But I think it is a safeguard that we must have. I think it will allow a number of Members to vote affirmatively for this legislation.

I am sure the gentleman does not mind the President of the United States stopping this technology if he truly finds that it would enhance the military effectiveness of our adversaries if we allowed it to go.

I am sure the gentleman does not disagree with that proposition.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield further?

Mr. HUNTER. I would be happy to yield to the gentleman.

Mr. ZSCHAU. In every case that the gentleman has described where there may be something special about our technology or when we have it in greater quantity than other countries, foreign availability would not exist. The foreign availability exists ony when the Department of Commerce, the Secretary, determines that our controls of the technology or product are having no effect.

So essentially what the gentleman is saying is that if the President certifies that our useless controls, controls that his own Secretary of Commerce has certified are not working, are still needed, then we should continue the charade.

Mr. HUNTER. I think the gentleman has again made my point. The Secretary of Commerce makes that foreign availability certification. And as the gentleman well knows, throughout the debate in the promulgation of this legislation, the Secretary of Defense and his office have had some real questions and real controversy with the Department of Commerce.

Commerce's mission is to sell. Defense's mission is to protect.

In this case the Secretary of Defense may come in and say, "Wait a minute, even though the Secretary of Commerce has said that foreign availability exists, I do not agree." If the Secretary of Defense comes in and says, "Let me show you some classified stuff, let me show you some reasons why I think that we should not sell this technology," the President of the United States who is really the boss of both departments, can sit down and say, "In this one case I will make an exception." I think the gentleman has made the point very well. We have seen Defense and Commerce disagree on a daily basis with respect to this bill. But the one guy who is the boss of both departments can make that final decision, and that is the President.

And I thank the gentleman.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield further?

Mr. HUNTER. I am happy to yield to the gentleman.

Mr. ZSCHAU. I thank the gentleman for yielding.

As the gentleman well knows, under the provisions of the bill, the Defense Department as well as the Commerce Department are involved in these decisions. When it is a matter of foreign availability the question is: Are our controls effective? And when the determination is that because the products are freely available from other sources in enough quantity and quality that our controls are not working, taking into account all of those considerations, it is only then the foreign availability is deemed to exist.

Mr. HUNTER. I thank the gentleman again.

Again let me remind the gentleman that there are going to be questions of fact and there are going to be disputes between the Department of Defense and the Department of Commerce as to availability. There are going to be cases in which Defense says, "Wait a minute, that item is not available in sufficient quantity nor in sufficient quality" to constitute foreign availability.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for an additional 30 seconds.)

Mr. HUNTER. I thank the Chairman.

In that case the President of the United States can say, "Wait a minute, I am going to hold this product up." I think it is a national security measure and safeguard that we must give this President.

The President is not going to come in on a daily basis, I would assume, and say, "We are going to hold this product up." But in those cases where there is a difference between Defense and Commerce, he can make that call.

Again I thank the gentleman.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for an additional 30 seconds.)

Mr. HUNTER. Again, lest anybody gets the wrong idea, I have here a letter from Lionel H. Olmer, Under Secretary of Commerce for International Trade and Fred C. Ikle, Under Secretary of Defense for Policy, saying "We think the foreign availability can damage our position with Cocom, we think the foreign availability section could have serious ramifications."

So again, let us not promulgate the idea that somehow Commerce likes this because Commerce, or at least Lionel Olmer who is the Under Secretary of Commerce for International Trade, is not pleased with the foreign availability section to begin with.

So giving the President this last resource, this last measure of control, I think is very worthwhile.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER) to the amendment offered by the gentleman from New York (Mr. SOLOMON) as a substitute for the perfecting amendment offered by the gentleman from Washington (Mr. BONKER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a recorded vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 396]

Ackerman	Carr	English
Addabbo	Chandler	Erdreich
Akaka	Chappell	Evans (IA)
Albosta	Chappie	Evans (IL)
Alexander	Cheney	Fascell
Anderson	Clarke	Fazio
Andrews (NC)	Clay	Ferraro
Andrews (TX)	Clinger	Fiedler
Annunzio	Coats	Fields
Anthony	Coelho	Fish
Applegate	Coleman (MO)	Flippo
Archer	Coleman (TX)	Foglietta
Aspin	Collins	Ford (MI)
AuCoin	Conable	Ford (TN)
Badham	Conte	Forsythe
Barnard	Cooper	Fowler
Bartlett	Corcoran	Frank
Bateman	Courter	Franklin
Bates	Coyne	Frenzel
Bedell	Craig	Frost
Beilenson	Crane, Daniel	Fuqua
Bennett	Crane, Philip	Garcia
Bereuter	Crockett	Gaydos
Berman	Daniel	Gejdenson
Bevill	Dannemeyer	Gekas
Biaggi	Daschle	Gephardt
Bilirakis	Daub	Gibbons
Bliley	Davis	Gilman
Boehlert	de la Garza	Gingrich
Boggs	Derrick	Glickman
Boland	DeWine	Gonzalez
Bonior	Dickinson	Goodling
Bonker	Dicks	Gore
Borski	Dixon	Gradison
Bosco	Donnelly	Gramm
Boucher	Dorgan	Gray
Boxer	Dowdy	Green
Breaux	Downey	Gregg
Britt	Dreier	Guarini
Brooks	Duncan	Gunderson
Broomfield	Durbin	Hall (IN)
Brown (CA)	Dwyer	Hall (OH)
Brown (CO)	Dymally	Hall, Ralph
Broyhill	Dyson	Hall, Sam
Bryant	Early	Hamilton
Burton (CA)	Eckart	Hammerschmidt
Burton (IN)	Edgar	Hance
Byron	Edwards (AL)	Hansen (ID)
Campbell	Edwards (CA)	Hansen (UT)
Carney	Edwards (OK)	Harkin
Carper	Emerson	Harrison
Hartnett	McGrath	Sensenbrenner
Hatcher	McHugh	Shannon
Hayes	McKernan	Sharp
Hefner	McKinney	Shaw
Heftel	McNulty	Shelby
Hertel	Mica	Shumway
Hiler	Mikulski	Shuster
Hillis	Miller (CA)	Sikorski
Holt	Miller (OH)	Siljander
Hopkins	Mineta	Simon
Horton	Minish	Sisisky
Howard	Moakley	Skeen
Hoyer	Molinari	Skelton
Hubbard	Mollohan	Slattery
Huckaby	Montgomery	Smith (FL)
Hughes	Moody	Smith (IA)
Hutto	Moore	Smith (NE)
Hyde	Moorhead	Smith (NJ)
Ireland	Morrison (CT)	Smith, Denny
Jacobs	Morrison (WA)	Smith, Robert
Jeffords	Mrazek	Snowe
Jenkins	Murphy	Snyder
Johnson	Murtha	Solarz
Jones (NC)	Myers	Solomon
Jones (OK)	Natcher	Spence
Jones (TN)	Neal	Spratt
Kasich	Nelson	St Germain
Kastenmeier	Nielson	Staggers
Kazen	Nowak	Stangeland
Kemp	O'Brien	Stenholm
Kennelly	Oakar	Stokes
Kildee	Oberstar	Stratton
Kindness	Obey	Studds
Kogovsek	Olin	Stump
Kolter	Ortiz	Sundquist
Kostmayer	Ottinger	Swift
Kramer	Owens	Synar
LaFalce	Oxley	Tallon
Lagomarsino	Packard	Tauke
Lantos	Panetta	Tauzin
Latta	Parris	Taylor
Leach	Pashayan	Thomas (CA)
Leath	Patman	Thomas (GA)
Lehman (CA)	Patterson	Torres
Lehman (FL)	Paul	Torricelli
Leland	Pease	Towns
Lent	Penny	Traxler
Levin	Perkins	Udall
Levine	Petri	Valentine
Levitas	Pickle	Vander Jagt
Lewis (CA)	Porter	Vandergriff
Lewis (FL)	Price	Vento
Lipinski	Pursell	Volkmer
Livingston	Quillen	Vucanovich
Lloyd	Rahall	Walgren
Loeffler	Rangel	Walker
Long (LA)	Ratchford	Watkins
Long (MD)	Ray	Weaver
Lott	Regula	Weber
Lowery (CA)	Reid	Weiss
Lowry (WA)	Richardson	Wheat
Lujan	Ridge	Whitehurst
Luken	Rinaldo	Whitley
Lundine	Ritter	Whittaker
Lungren	Roberts	Whitten
Mack	Robinson	Williams (MT)
MacKay	Roe	Williams (OH)
Madigan	Roemer	Wilson
Markey	Rose	Winn
Marlenee	Rostenkowski	Wirth
Marriott	Roth	Wise
Martin (IL)	Roukema	Wolf
Martin (NC)	Rowland	Wolpe
Martin (NY)	Roybal	Wortley
Martinez	Rudd	Wright
Matsui	Russo	Wyden
Mavroules	Sabo	Wylie
Mazzoli	Savage	Yates
McCain	Sawyer	Yatron
McCandless	Schaefer	Young (FL)
McCloskey	Schneider	Young (MO)
McCollum	Schroeder	Zablocki
McCurdy	Schulze	Zschau
McDade	Schumer	
McEwen	Seiberling	

□ 1430

The CHAIRMAN pro tempore (Mr. WEISS). Four hundred six Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from California (Mr. HUNTER) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will remind the Members that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 137, noes 285, not voting 11, as follows:

[Roll No. 397]

AYES—137

Anderson	Hansen (ID)	Petri
Archer	Hansen (UT)	Pursell
Badham	Hartnett	Rahall
Bennett	Hillis	Ray
Bilirakis	Hopkins	Regula
Bliley	Hubbard	Rinaldo
Broomfield	Huckaby	Ritter
Brown (CO)	Hunter	Robinson
Broyhill	Hutto	Roe
Burton (IN)	Hyde	Rogers
Byron	Ireland	Roth
Carney	Kasich	Rudd
Carr	Kazen	Sawyer
Chandler	Lagomarsino	Schaefer
Chappell	Latta	Schulze
Chappie	Leath	Sensenbrenner
Cheney	Lent	Shelby
Clarke	Lewis (FL)	Shumway
Cooper	Livingston	Shuster
Corcoran	Lloyd	Siljander
Courter	Loeffler	Sisisky
Craig	Lott	Skeen
Crane, Daniel	Lujan	Skelton
Crane, Philip	Lungren	Smith (NJ)
Daniel	Mack	Smith, Denny
Dannemeyer	Madigan	Smith, Robert
Davis	Marlenee	Snyder
DeWine	Marriott	Solomon
Dickinson	Martin (NC)	Stangeland
Dowdy	Martin (NY)	Stump
Dreier	McCandless	Sundquist
Dyson	McCollum	Taylor
Edwards (OK)	McCurdy	Thomas (CA)
Emerson	McDade	Torricelli
Erdreich	McEwen	Valentine
Fiedler	McGrath	Vucanovich
Fields	Miller (OH)	Walker
Fish	Molinari	Watkins
Florio	Montgomery	Whitehurst
Franklin	Moorhead	Whittaker
Gekas	Morrison (WA)	Winn
Gilman	Oxley	Wise
Gingrich	Packard	Wolf
Gradison	Parris	Wortley
Gregg	Pashayan	Young (FL)
Hammerschmidt	Patman	

NOES—285

Ackerman	Bonker	de la Garza
Addabbo	Borski	Derrick
Akaka	Bosco	Dicks
Albosta	Boucher	Dingell
Alexander	Boxer	Dixon
Andrews (NC)	Breaux	Donnelly
Andrews (TX)	Britt	Dorgan
Annunzio	Brooks	Downey
Anthony	Brown (CA)	Duncan
Applegate	Bryant	Durbin
Aspin	Burton (CA)	Dwyer
AuCoin	Campbell	Dymally
Barnard	Carper	Early
Barnes	Clay	Eckart
Bartlett	Clinger	Edgar
Bateman	Coats	Edwards (AL)
Bates	Coelho	Edwards (CA)
Bedell	Coleman (MO)	English
Beilenson	Coleman (TX)	Evans (IA)
Bereuter	Collins	Evans (IL)
Berman	Conable	Fascell
Bethune	Conte	Fazio
Bevill	Conyers	Feighan
Biaggi	Coughlin	Ferraro
Boehlert	Coyne	Flippo
Boggs	Crockett	Foglietta
Boland	Daschle	Foley
Bonior	Daub	Ford (MI)

Ford (TN)	Lipinski	Rostenkowski
Forsythe	Long (LA)	Roukema
Fowler	Long (MD)	Rowland
Frank	Lowery (CA)	Roybal
Frenzel	Lowry (WA)	Russo
Frost	Luken	Sabo
Fuqua	Lundine	Savage
Garcia	MacKay	Scheuer
Gaydos	Markey	Schneider
Gejdenson	Martin (IL)	Schroeder
Gephardt	Martinez	Schumer
Gibbons	Matsui	Seiberling
Glickman	Mavroules	Shannon
Gonzalez	Mazzoli	Sharp
Goodling	McCain	Shaw
Gore	McCloskey	Sikorski
Gramm	McHugh	Simon
Gray	McKernan	Slattery
Green	McKinney	Smith (FL)
Guarini	McNulty	Smith (IA)
Gunderson	Mica	Smith (NE)
Hall (IN)	Michel	Snowe
Hall (OH)	Mikulski	Solarz
Hall, Ralph	Miller (CA)	Spence
Hall, Sam	Mineta	Spratt
Hamilton	Minish	St Germain
Hance	Mitchell	Staggers
Harkin	Moakley	Stark
Harrison	Mollohan	Stenholm
Hatcher	Moody	Stokes
Hayes	Moore	Stratton
Hefner	Morrison (CT)	Studds
Heftel	Mrazek	Swift
Hertel	Murphy	Synar
Hiler	Murtha	Tallon
Holt	Myers	Tauke
Horton	Natcher	Tauzin
Howard	Neal	Thomas (GA)
Hoyer	Nelson	Torres
Hughes	Nielson	Towns
Jacobs	Nowak	Traxler
Jeffords	O'Brien	Udall
Jenkins	Oakar	Vander Jagt
Johnson	Oberstar	Vandergriff
Jones (NC)	Obey	Vento
Jones (OK)	Olin	Volkmer
Jones (TN)	Ortiz	Walgren
Kaptur	Ottinger	Waxman
Kastenmeier	Owens	Weaver
Kemp	Panetta	Weber
Kennelly	Patterson	Weiss
Kildee	Paul	Wheat
Kindness	Pease	Whitley
Kogovsek	Penny	Whitten
Kolter	Perkins	Williams (MT)
Kostmayer	Pickle	Williams (OH)
Kramer	Porter	Wilson
LaFalce	Price	Wirth
Lantos	Quillen	Wolpe
Leach	Rangel	Wright
Lehman (CA)	Ratchford	Wyden
Lehman (FL)	Reid	Wylie
Leland	Richardson	Yates
Levin	Ridge	Yatron
Levine	Roberts	Young (MO)
Levitas	Roemer	Zablocki
Lewis (CA)	Rose	Zschau

NOT VOTING—11

Boner	Hawkins	Pritchard
D'Amours	Hightower	Rodino
Dellums	Nichols	Young (AK)
Erlenborn	Pepper	

□ 1440

Messrs. EVANS of Iowa, SAM B. HALL, JR., of Texas, MRAZEK, ENGLISH, and KEMP changed their votes from "aye" to "no."

Mr. FISH changed his vote from "no" to "aye."

So the amendment to the amendment offered as a substitute for the perfecting amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SOLOMON. Mr. Chairman, on the pending Solomon amendment, I ask unanimous consent to amend my substitute amendment.

□ 1450

The CHAIRMAN. The Clerk will report the modification to the Solomon substitute amendment.

The Clerk read as follows:

Amend the Solomon substitute as follows: Strike out "determines" each place it appears and insert in lieu thereof "certifies to the Congress that the negotiations involved are progressing and".

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from New York (Mr. SOLOMON) as a substitute for the perfecting amendment offered by the gentleman from Washington (Mr. BONKER).

The amendment, as modified, offered as a substitute for the perfecting amendment was agreed to.

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from Washington (Mr. BONKER), as amended.

The perfecting amendment, as amended, was agreed to.

The CHAIRMAN. The Chair will state that due to the adoption of the Bonker perfecting amendment, as amended, the Courter amendment to strike falls and is not voted on.

Are there any other amendments to title I?

Mr. BONKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask the gentleman from Wisconsin (Mr. ROTH) how many pending amendments there are on his side to the Export Administration Act, but first let me make this statement.

Mr. Chairman, we are now in our fifth day of consideration of the Export Administration Act, and the Committee is still considering amendments under title I, with possibly 8 or 10 pending amendments to that title on this side, about half of which are controversial. Then we have to move into title II and title III, and I know that the leadership is anxious that we expedite our business on the Export Administration Act.

I would like to inquire of the ranking minority member if he has further pending amendments to the Export Administration Act, and, if so, if he would desire a motion at some point to limit debate on title I.

Mr. ROTH. Mr. Chairman, if the gentleman will yield, to answer the question of the subcommittee chairman, I think at some point we are going to have to limit debate in fairness to the House, because, as the gentleman has mentioned, we are on this bill for the fifth day and we are still on title I. I think on our side there are six or seven remaining amendments, and I think, in all fairness to the entire House, that we will have at some point to limit debate.

Mr. BONKER. Mr. Chairman, I thank the gentleman. I shall not move to limit debate at this point. I merely urge my colleagues who are involved in the discussion of the Export Administration Act to exercise some restraint so that we can move expeditiously on this bill.

AMENDMENT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Chairman, I offer an amendment which is marked as Courter amendment No. 1.

The Clerk read as follows:

Amendment offered by Mr. COURTER: Page 13, insert the following after line 6:

"(5) Agreement to accord treaty status to the agreement of the Committee on Multilateral Export Controls.

Page 13, line 7, strike out "(5)" and insert in lieu thereof "(6)".

Page 13, line 15, strike out "(6)" and insert in lieu thereof "(7)".

Mr. COURTER. Mr. Chairman, I agree with the chairman of the subcommittee and the ranking minority member that we have debated the legislation for a number of days, and there are indeed, I think, many more controversial amendments pending besides this one that I proffer now.

The amendment that I proffer now, I believe, is contained in the bill as written in the other body. It does a very simple thing. It suggests to the President that the President negotiate with other Cocom countries, to the end that the Cocom arrangement be increased to treaty status.

There has been a great deal of debate as to what comprises Cocom. Everybody knows that we are dealing with our NATO allies, plus Japan, less Iceland and Spain. That is a fairly heterogeneous group of countries that indeed do have common interests when we are discussing the terms of the export of critical technology for foreign policy reasons or for security reasons.

During the hearings we had a lot of testimony from various people saying that the Cocom arrangement is a lax arrangement, that it is not a strict arrangement, and that it is not observed with the same degree of respect and vigilence in all the Cocom countries. Indeed, some countries have a good many problems in negotiating with their own companies to cooperate.

My amendment does not say that the President is going to be successful or must be successful in increasing the status of Cocom countries to a treaty status, but it directs that he at least talk to the other members that form the loose group of Cocom countries to effectuate that end. It does not mean that he must be successful; it basically means that he should try. I think this country would have greater leverage over its companies, and I think our other Cocom countries would have greater leverage over their companies

if the Cocom group was a tighter knit group, one that was better respected, one where there was a greater flow of information, and one that was considered at a higher level than the informal arrangement that we have today.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Florida (Mr. MICA) seek recognition?

Mr. MICA. Mr. Chairman, I would ask unanimous consent that the gentleman be permitted to proceed for 1 additional minute.

The CHAIRMAN. The Chair will inform the gentleman that the gentleman from New Jersey (Mr. COURTER) yielded back the balance of his time.

Does the gentleman from Florida seek recognition?

Mr. MICA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Chairman, I would actually like to ask my colleague, the gentleman from New Jersey (Mr. COURTER), who has just spoken, if he would resond to a few questions about his amendment, if I may have his attention.

Mr. COURTER. Yes; Mr. Chairman, if the gentleman will yield, I would be glad to respond.

Mr. MICA. Mr. Chairman, the amendment that the gentleman has offered now does not require anybody to take any action, is that correct?

Mr. COURTER. That is correct.

Mr. MICA. And the amendment that the gentleman offers says to the President that we hope he will try to seek a treaty with Cocom countries, is that correct?

Mr. COURTER. Yes; the amendment that I proffer says that the President should attempt. It does not guarantee a result, but it instructs that the President attempt to negotiate with Cocom countries to increase it to treaty status rather than the existing structure that it is today.

Mr. MICA. What would an "attempt" be in the gentleman's mind? Would it be simply a letter to Cocom? Would that be an attempt to deal with the various nations?

□ 1500

Mr. COURTER. For purposes of the record, I am not saying that the President has to spend a great deal of time on the matter, that he has got to hold tough with regard to any other provision; but he should in good faith bring it up so there can be negotiations between the various Cocom allies to make, hopefully, a mutual decision that this organization should be upgraded to treaty status. If our allies do not want to do it or the administration feels that merely bringing it up is all we can expect to accomplish at the present time, that would satisfy my amendment.

Mr. MICA. Well, I think the gentleman has kind of answered the question, in that the gentleman is not really requiring anything in law.

Does the administration, incidentally, support this amendment?

Mr. COURTER. I do not know. I think they support the amendment. I think they would like it, but I do not want to go on record saying that they have. I am not sure that they have discussed it at all or put anything in writing.

Mr. MICA. I wonder if there is anybody on the minority side that would indicate whether or not the administration supports that amendment.

While I am waiting for that answer, I would appreciate if there is someone that can do that.

The point I want to make about this amendment and several that I understand will follow, there is not a great problem with it. I understand the concern. In fact, I support the goal; but actually, to me it is the type of amendment that is stalling and holding up our bill right now, because it does not have any real impact.

What I am about to say is that we all agree that Cocom needs strengthening. We all agree on some of these goals; but if everybody on our side or the gentleman's side decides that we are going to put little initiatives without any meaning in this law, we are going to be here a long time.

I agree with the gentleman's idea. We want to strengthen Cocom, but to say in law and require 435 Members to vote in law that the President we think should send a letter to Cocom, I do not think is appropriate in this legislation, although I grew the intent.

Mr. COURTER. Well, if the gentleman will yield further, I think all the hearings that I am sure the gentleman had in the Foreign Affairs Committee and that we had in the Special Panel of the Armed Services Committee would lead us to believe that Cocom right now is a very informal organization wherein some countries have difficulty in exciting their own corporations in the task at hand.

It has been suggested by lots of people that we should upgrade the organization. It is not a frivoulous amendment whatsoever. It is not designed to delay. It is designed to increase the status and increase the prestige of this particular group of countries that are involved in a very important effort in eliminating the sale and diversion of technology that impacts on our defense capabilities.

Mr. MICA. Well, I would say to my friend, and I sincerely believe this, we have the same goal; but I truly believe that to require in law in the export administration that the President might—or direct that he might send a letter is not what we want to do.

Mr. COURTER. It does not say might, it says that the President would do this.

Mr. MICA. Well, it encourages him. The gentleman said in response to my question that it does not force him to do anything; so it encourages him to takes some action, which could simply be a letter.

The point that I am making is that we could handle this in conference reports, in report language. There are a number of ways we could come together; but I just hate to see more and more amendments like this offered. At this point we do not know whether the administration supports the amendment.

Does the gentleman have the answer to that question?

I would be happy to yield to my colleague, the gentleman from Colorado.

Mr. KRAMER. No; I will seek my own time. I did not hear the gentleman's last inquiry, but I could comment on some other things that have been said.

Mr. MICA. I am trying to ascertain whether or not the administration supports this amendment.

Mr. KRAMER. No; but I can answer one of the gentleman's questions, if the gentleman will yield.

Mr. MICA. I am happy to yield.

Mr. KRAMER. I guess half a loaf is better than none. I have read the amendment.

The CHAIRMAN pro tempore (Mr. MURTHA). The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. MICA was allowed to proceed for 3 additional minutes.)

Mr. MICA. Mr. Chairman, I yield first to the gentleman from Colorado and then to the gentleman from Nebraska.

Mr. KRAMER. Mr. Chairman, let me comment on one of the inquiries of the gentleman, and that was, what does this do in terms of impact with respect to the administration?

The language of the amendment, as I understand it, requires the President to enter into negotiations, to seek treaty status for Cocom, and that is clearly one of the objectives that is set forth after that directory paragraph.

Mr. MICA. May I reclaim my time for a moment?

Mr. KRAMER. Surely.

Mr. MICA. Mr. Chairman, if I understood just moments ago on the floor, the author of the amendment said that the amendment did not require anyone to do anything, it just encourages the President.

Mr. COURTER. Mr. Chairman, will the gentleman yield to me?

Mr. MICA. I yield to the author of the amendment.

Mr. COURTER. It does not require results. It does not require a long effort, but it would require that the

President bring up this concept for negotiation.

Mr. MICA. And as I asked the gentleman, would it require that the President just possibly write a letter? That is the point that I was trying to make here. Here we are getting to an amendment that I think has a good purpose and idea, but we want to encourage a better approach in organization to Cocom. We want our friends to come together and work under tighter rules.

Now we are to the point in legislation that is extemely technical, highly confusing, to require the President to write a letter and that is the point that I am raising right now.

I would hope that we can defeat the amendment, just on the basis that we could move forward without these types of amendments, put it in report language. I would support the gentleman. I have supported for several years the strengthening of Cocom. I think it is important; but the point that I am raising is that this is where we are getting to in this legislation that we are now accepting and talking about amendments that require the President to send a letter.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield for just a moment to my colleague, the gentleman from Colorado, and then I will yield to the gentleman from Nebraska.

Mr. KRAMER. Mr. Chairman, I thank the gentleman for yielding.

I think there is a way probably to interpret what has happened on the floor without doing a disservice to any of the speakers.

I think the gentleman from Florida suggested that perhaps a letter might be all that is required. I think one could make that conclusion, but also the conclusion that perhaps more would be required. Obviously the President is expected to act in good faith.

Let me read precisely what would be required by this amendment if it were to be adopted:

The President shall enter into negotiations with the governments participating in the group known as the Coordinating Committee with a view towards accomplishing the following objectives—

Of which four are presently enumerated and this would add a fifth—

agreement to accord treaty status to the agreement of the Committee on Multilateral Export Controls.

I conclude from that language that the President would have to act in good faith.

Now, whether that only amounts to a letter would be up to him.

The CHAIRMAN pro tempore. The time of the gentleman from Florida has again expired.

(At the request of Mr. KRAMER, and by unanimous consent, Mr. MICA was allowed to proceed for 3 additional minutes.)

Mr. KRAMER. Mr. Chairman, if the gentleman will yield further, I would suggest that at least, probably more than that, for all practical purposes, would be required. This is an amendment that does have some efficacy and some force and some viability. It is not simply a thing that blindly is proceeding on a hope and a prayer that perhaps something will be done.

If I might, I could seek my own time, I do not want to monopolize the gentleman's time, but I do think that this is an amendment that does have some teeth in it.

Mr. MICA. Well, I appreciate the gentleman's comments.

I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank my colleague, a member of the committee, the gentleman from Florida, for yielding.

I regret the fact that I have to speak in opposition to the amendment of our able colleague, the gentleman from New Jersey, a member of the Armed Services Committee.

I would say first to the gentleman, it is my understanding that the administration does not support this amendment. I understand that the administration opposes it, and in consulting with at least two of my colleagues from the Foreign Affairs Committee and a member of the committee staff, they confirm the understanding that the administration does not support the Courter amendment.

I believe that requiring the administration to concentrate on negotiations leading to a treaty status for Cocom would be very counterproductive. There are deep political divisions within the parliamentary bodies of a variety of the nations now involved in Cocom. To concentrate our and their efforts on something so contentious as treaty status for Cocom at this time among Cocom members really is counterproductive. In fact, I believe that even a letter from the President suggesting that we move to this kind of a treaty would be counterproductive.

On matters of East-West trade, we ought to be strengthening Cocom and not be seeking something that is bound to be very contentious in the West Europe member nations of Cocom.

Mr. MICA. Mr. Chairman, if I may reclaim my time and say that the committee did spend some time on this issue and we do on page 13 in this bill address this very issue. Now, we do not require the way the gentleman does, but I think is the whole point that has been raised here.

□ 1510

We have addressed it. We have tried to encourage it. We all support it, but again my concern is not even so much the substance but the type of amendment where we are talking about changing law and having a vote here in a few minutes to get 435 Members to vote on whether or not we should require that a phone call or a letter be made, when indeed we do address this in the bill. So, I agree, we all agree. We all support the same goals but I have to oppose this amendment. The administration opposes this amendment.

I do not think the amendment is worth the time of the House the way it has been structured.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

The gentleman from Nebraska made some good points as well. Instead of actually working on the actual Cocom issue, the governments that are members of Cocom would have to get into this whole question of whether or not they should justify Cocom treaty status. I believe that there are some governments who are members of Cocom who are not really all that aware that they are members.

For example, can you see the great parliamentary debates that would go on in Italy, for example?

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(On request of Mr. LAGOMARSINO and by unanimous consent, Mr. MICA was allowed to proceed for 2 additional minutes.)

Mr. LAGOMARSINO. If the gentleman would yield further, the second largest party in Cocom is the Communist Party. Can you imagine that debate? We would be putting some of our friends and allies in an untenable position and for not a very good purpose.

The purpose of striking Cocom is a very good purpose but doing it through a particular method of treaty status would not be either wise or effective.

We have, and they have, great internal debates and divisions right now with regard to the placement of intermediate range nuclear missiles, and cruise launch missiles and Pershing II missiles. There are a lot of things that attract their attention at the present time, and I do not really think we would be helping what we all want to do by the adoption of this amendment.

Mr. MICA. I will seek the strongest language that we can possibly put in the report to show our concern, but I do not think we need to make this change in law.

I yield back the balance of my time.

Mr. KRAMER. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I have just cursorily perused the provisions that the gentleman from Florida describes in the bill, and clearly, they move in the direction of strengthening Cocom, but I do not believe nearly to the degree that is necessary.

I had the pleasure and privilege of serving on the special panel which the distinguished gentleman from Florida (Mr. HUTTO) and my colleague from New Jersey (Mr. COURTER) were chairman and ranking minority member; and I attended almost all of the meetings on this subject, and at least in my judgment, what I concluded at the end of these meetings, the amendment that the gentleman from New Jersey is offering is perhaps the most, certainly one of the most important amendments that this body is going to be considering with respect to this legislation.

Because what came through loud and clear almost in every meeting that we had is that whether we like it or not, Cocom is a very informal organization, totally voluntary, and unless there is a unanimous consensus among all members who belong to that organization, in effect no action or decision can be made which basically means that everything is reduced to the lowest possible common denominator.

Here we are debating this great matter of trade from West to West and from West to East and what should be the position of the United States with respect to that, trying to balance off a desire to allow a maximum free enterprise to take its course at the same time we are balancing delicate national security needs and interests.

It seems to me that until such time as we have a viable Cocom, one that has real teeth in it, many of the points that we are debating are really illusory in terms of really having an ability to protect that which is vital to our national security interest, and this amendment, of course, cannot require that the United States enter into a treaty with any other country, nor can it, of course, force any other country to enter into a treaty, but what it can do is start the process moving toward an end result clearly is desirable and one that I think is extremely important if Cocom is ever to be the viable entity to really try to protect the national vital security interest of the West as we wish it to be.

I think clearly the other body has recognized the importance of this process. A similar provision is included in the Senate bill, 979, and it seems to me that it is a very, very important step in the right direction to enter into those preliminary negotiations to at least attempt to change the status of Cocom to an entity that does not have to operate at the lowest common denominator that needs the clear consensus and approval of every single member to take any action or activity whatsoever, and as long as you work on that principle of unanimity, think about it within this body and think of it within the context of all the NATO nations other than Iceland and Spain, plus Japan, and obviously it is going to be very difficult to arrive at any meaningful kinds of containment or sanctions with respect to the export of things that are perhaps vitally important to our national security interests to countries that ought not to have them. So, I would hope that there would be wide-spread support for the gentleman's amendment.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

I would like to ask you to look at the matter of unanimity within Cocom in another way. Yes, there is unanimity on decisions required under the Cocom procedures which is a safeguard. This procedure actually provides a safeguard to the United States. If we decide, or any other Member decides, that there is some piece of high technology equipment that we do not want to see involved in East-West trade, we have a single-nation veto arrangement through the unanimity aspects of the Cocom. We can say we do not want this piece of equipment to move in East-West commerce and make that decision stick. So I would like to suggest that that kind of protection afforded the United States under the unanimity procedures of Cocom is not necessarily one that would be preserved, in fact probably would not be preserved, under a treaty arrangement.

Unanimity procedures under Cocom are actually a safeguard in keeping our high technology equipment from our potential adversaries.

Mr. KRAMER. Well, I think if I might, certainly in a general sense, the arguments that you have presented make a lot of sense, but clearly we have in front of us a piece of legislation that attempts to liberalize the standards.

The CHAIRMAN pro tempore. The time of the gentleman from Colorado (Mr. KRAMER) has expired.

(By unanimous consent, Mr. KRAMER was allowed to proceed for 2 additional minutes.)

Mr. KRAMER. Clearly we are in an environment with this legislation on the floor of the House that tries to make us, something which I do not disagree with at all, more competitive with respect to our own exports and the rest of the free world, that tries to give us the ability to perhaps streamline and make more efficient the process of exportation than it is today, that it will allow American industry to compete on a fair basis.

I think clearly Mr. BONKER's intentions in bringing this bill to the floor are largely to do that, and at the same time to strike some balance with our national security needs.

Clearly this legislation moves us in the direction of freer trade, but it seems to me if we are going to move in that direction, moving from the general, as you have presented it, to the specific, we need a Cocom that is going to be effective and is going to have some teeth in it in terms of trying to restrain the outflow of critically needed materials and technologies from going to those places that it ought not to go to.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from Washington.

Mr. BONKER. I thank the gentleman for yielding.

I am not going to strongly oppose this amendment, but I think we ought to proceed cautiously because as presently constituted, Cocom by way of its participating members is attempting to develop and implement an export control policy.

It is not a very prominent organization. It does not get a lot of publicity. In fact, my staff has been there and visited and it is a very small, austere place, and I think that might ultimately work to our advantage because whenever you bring this whole question of export controls out before the public, it is the kind of debate you seldom can win. By placing it in a treaty status, we might not only add formality, not necessarily the effectiveness or having the treaty which you referred to, but we might have the problem of eliminating members of Cocom, in other words, if they feel that they are going to be signatories to an organization.

□ 1520

The CHAIRMAN. The time of the gentleman from Colorado (Mr. KRAMER) has expired.

(On request of Mr. BONKER and by unanimous consent, Mr. KRAMER was allowed to proceed for 2 additional minutes.)

Mr. BONKER. Will the gentleman yield further?

Mr. KRAMER. Certainly.

Mr. BONKER. If we have the status as a treaty, and it is more of a formal obligation, we do not run the risk of some countries maybe bailing out saying that, in effect, they do not want to be signatories to an anti-Soviet organization.

I think ultimately, and I know the gentleman from New Jersey shares the view, we have got to be effective in a multilateral, multinational control program.

The question is: Would we be more effective if Cocom is of treaty status?

And I cannot answer that question. I am not sure anyone can.

But we have to also look at other participating members, not just what the United States wants. We are going there with a statutorily directed delegation to discuss the treaty status, but we have to look at France and other countries that maintain some kind of relations with the Soviet Union and might resist any effort to make it a treaty, thus causing more embarrassment and perhaps more ineffectiveness to the Cocom program.

I do not know if that is a fact, but I am just posing these questions.

Mr. KRAMER. Let me just respond very briefly. I appreciate the remarks of the gentleman from Washington.

But, really, the general principles of this bill are to liberalize trade from West to West and how can we really do that in a meaningful way and protect our vital national security when in fact we have an organization that once these products get into the West to West trade stream there is no way to limit that trade from West to East for products that have entered into that stream with liberalized West to West provisions unless all of the Western nations agree to that limitation.

It seems to me if we are going to move in the direction of liberalization of West to West trade we have got to do something to tighten up the ship in terms of West to West trade being extended to the East.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. KRAMER) has again expired.

(On request of Mr. BONKER and by unanimous consent, Mr. KRAMER was allowed to proceed for 1 additional minute.)

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from Washington.

Mr. BONKER. I would like to direct a question to the author of the amendment. Has he had the opportunity to discuss this matter with any of the ambassadors who represent countries who are participants in Cocom and, if so, what has been their reaction?

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from New Jersey.

Mr. COURTER. I suppose you are talking about the foreign affairs chief of the various countries?

Mr. BONKER. No. I have met with the ambassadors to most of the Cocom countries, or many of the ambassadors who are members of Cocom and who are following our activities on this legislation. I have not had a chance to address this question. I wondered if the gentleman had had an opportunity to discuss it with any of the ambassadors or representatives of participating countries in Cocom.

Mr. COURTER. No; and that is why, if the gentleman will permit me to answer the question, I feel that the amendment is a germane and an appropriate one. I think this issue should be explored by the administration.

I think very possibly our Cocom allies will agree that we want to upgrade Cocom to make it a higher level. Unless we ask the administration to raise this question on a very serious level, it is never going to be brought up.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. KRAMER) has again expired.

(By unanimous consent Mr. KRAMER was allowed to proceed for 3 additional minutes.)

Mr. KRAMER. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

So by virtue of the fact that it has not been well explored, it seems to me that this amendment is very, very valuable because it is going to require that the upgrading of Cocom to treaty status be explored.

Second, I would like to mention the fact that right now, and I think it has been referred to by the gentleman from Colorado, Cocom is a very loose group of countries that can bail out of the arrangement at any time for whatever frivolous reason they want to, without any formal declaration that they are going to get out.

I think very possibly if treaty status were created you would have greater continuity, you would have a better organization, and you would have countries that would behave a lot more responsibly than perhaps they are behaving now.

Mr. KRAMER. If I might just reclaim my time for a minute and comment on the gentleman from Washington's question, I apologize for not recalling the name or the specific title of the gentleman involved, but we did have, I believe, the executive director of the organization in front of our panel on an informal basis. He said yes, it would be hard to have treaty status. It would be hard to accomplish that. It would be very sensitive. It might make some of the nations involved anxious and nervous.

But the reason that it would make them so is because they would see it as perhaps imposing limitations on their ability to trade.

It seems to me that if the direction of this country is going to be to liberalize that West to West trade we had better take some very important steps to do something to make sure that that West to West trade stays West to West trade and does not somehow be siphoned off from the East.

It seems to me loud and clear in every meeting that I have attended the way Cocom is presently structured, because of its consensus requirement for which any nation can object and thereby render any suggestion or recommendation moot, that we do not have a very tight assurance that that West to West trade will not translate into West to East trade.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. Whatever time I have remaining I would be happy to yield to the gentleman from Florida.

Mr. MICA. I would like to hopefully summarize here. We have the author who says he has not talked to any of the ambassadors and we are dealing with Cocom. I must remind our colleagues consistently that Cocom is a group of our friends, people who we have come together with on a voluntary basis, and no decisions are made by Cocom unless they are unanimous. Any country, including the United States, who makes one objection, then no decision stands.

These are our friends. We have not dealt with this.

This committee, on the other hand, has very carefully tried to encourage the same goal. So I would again say I do not think we need to have a vote to require the President to make a phone call or send a letter when indeed we are all looking for the same thing.

The language is almost identical and all we are trying to do at this point I think, as one gentleman has characterized it, is conform it to the Senate language.

We are going to have a conference committee anyhow and we are going in with very similar language. Again, the point I am making is that if we get to this type of debate just to change a few words on the floor of the House, there have not been hearings on the amendment and the ambassadors of the nations that are our friends have not been consulted. Our chairman has carefully talked about this matter.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. KRAMER) has again expired.

(By unanimous consent Mr. KRAMER was allowed to proceed for 45 seconds.)

Mr. MICA. Our chairman has carefully discussed many of these issues in our committee with the various friends and ambassadors involved. I would simply say to take the time of the House to change the language to require a phone call or a letter be made in this type of atmosphere, where there is so much confusion on this bill, just is not the correct way.

We all agree on the goals. We put it in the legislation that Cocom should be strengthened.

If I had my way we would require every one of them to sign a treaty. But it is voluntary. They are our friends, and if we were to change it between now and conference we ought to try to find some consensus that we can all live with.

That is how we have operated with our friends, particularly in this in the past. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. KRAMER) has again expired.

(By unanimous consent Mr. KRAMER was allowed to proceed for 30 additional seconds.)

Mr. KRAMER. I think in the gentleman's summation he really makes the best possible point for the need for this amendment and that is that it has to operate totally by consensus. If one objects, that is it, when the purpose of Cocom really, the basic purpose, as I understand it, is to be the primary limiting factor to prevent vital trade from being siphoned off from Western, friendly nations to unfriendly nations around the world.

It seems to me if we are going to open up that trade from West to West we had better do something that protects the trade from West to East and clearly there is an important difference between the bill as it reads today and the gentleman from New Jersey's amendment, because, really, we move toward real substance with the gentleman's amendment to try and raise this thing to a treaty status and a level that is really going to be effective.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Briefly, I wish to point out that the administration is opposed to this amendment. The reason the administration is not in favor of raising Cocom to a treaty status is because the concept is great, in theory, but impossible to implement in practice. There are other ways to strengthen Cocom. We will soon have an amendment to do just that.

I am fearful that if we attempted to raise Cocom to a treaty status it would backfire. Today we have 15 nations in Cocom, but if we attempt to force Cocom to treaty status we will destroy Cocom. Domestic politics in Europe will not allow ratification of Cocom to treaty status.

We must use and strengthen the mechanism we now have. To do away with the mechanism we have now and go the route of the treaty status approach is not going to solve our problem. It would only aggravate our problems. We need solutions, not problems.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. COURTER).

The amendment was rejected.

□ 1530

AMENDMENT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN:

Page 27, line 4, strike out all that follows "SEC. 113" through line 12, and redesignate succeeding subsection (b), (c), and (d) as (a), (b), and (c) and references thereto accordingly.

Page 27, line 13, after "the Act" insert "(50 U.S.C. App. 2405(a))", and strike the word "further".

Page 28, strike out line 4 and all that follows through "(B)" on line 7.

Page 29, line 19, strike out "(a), (b) and (c)" and insert in lieu thereof "(a) and (b)".

Mr. ERLENBORN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the subcommittee chairman.

Mr. BONKER. Mr. Chairman, I ask unanimous consent that all debate on title I and all amendments thereto terminate at 5:30 p.m. today.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN. Accordingly, all debate on title I and all amendments will terminate at 5:30 p.m.

Mr. BONKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. ERLENBORN. Mr. Chairman, we have in the bill before us today a provision which, if adopted, will strip the President of authority to take actions which U.S. foreign policy interests may require; and which will encourage and accelerate the movement of U.S. companies offshore, thereby further contributing to a loss of jobs in this country. Mr. Chairman, we must not permit this.

Section 113(a) of H.R. 3231 eliminates the President's authority to apply foreign policy controls extraterritorially. It limits his authority to impose foreign policy export controls to only those goods or technology produced in the United States. The authority under current law to control exports by subsidiaries of U.S. companies operating abroad or of foreign products produced from U.S. technology would be eliminated. The only way the President could impose such controls extraterritorially would be to ask Congress in each instance to pass a law allowing him to do so. This provision, then, significantly hampers the President's ability to respond rapidly, effectively, and with a degree of flexibility that is essential in an international crisis. Such a situation would be untenable.

I understand the claims of the business community that there have been instances when the extraterritorial use of export controls may have been counterproductive; and that such instances may well have hurt U.S. exporters and angered our allies. But stripping the President completely of his authority in this area is, to say the least, an overreaction. We must not undermine the ability of the President to carry out U.S. foreign policy.

Adoption of section 113(a) that is, the bill before us without this amendment will also encourage U.S. companies to relocate offshore, and discourage foreign companies from investing in the United States. If the President can only apply foreign policy export controls to goods produced in the United States, then those companies that have substantial trading relationships with foreign countries will relocate their factories abroad to avoid U.S. export control laws. Ironically, the U.S. Government has imposed export controls on U.S. subsidiaries operating abroad very sparingly. But, in those rare instances where subsidiary controls have been invoked, they were designed to prevent U.S. nationals or companies from doing business through their overseas operations which they were precluded from doing directly. It would be a mistake now to let these companies circumvent U.S. export controls so easily.

What are the actual implications of this provision if it were adopted into law? Mr. Chairman, without these controls, we could not effectively combat international terrorism or promote human rights. Items controlled for antiterrorist or human rights reasons could be readily diverted to proscribed destinations if we were unable to reach extraterritorially to control them.

Goods produced from U.S. technology or produced by U.S. subsidiaries abroad could be exported contrary to U.S. interests. Yet the United States would be identified with such sales.

Mr. Chairman, the administration is fully cognizant of the need to apply extraterritorial foreign policy controls sparingly. The administration-proposed bill on the Export Administration Act included a declaration of U.S. policy to impose foreign policy controls in a manner that minimizes the impact on business activities in other countries to the extent possible. The recent restraint on the application of these controls in the wake of the Soviet downing of Korean Air Line flight 007 makes clear that these controls will be applied responsibly.

The President of the United States, as the leader of the free world, must have broad authority to take the action necessary to protect U.S. foreign policy interests. He must retain the authority to control exports extraterritorially for foreign policy reasons.

I urge adoption of my amendment to strike this provision.

Mr. BONKER. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

The fact is that if the President maintains the authority to utilize foreign policy controls at his discretion, I think it really adds to the growing rep-

utation that we have as unreliable suppliers in a competitive world market.

But beyond that, if the President has authority to extend those controls extraterritorially, then we have added a new dimension. We not only make it difficult for our American-based exporters, but for their subsidiaries and affiliates that are located in other countries. It is going to be exceedingly difficult for them to exist in a favorable economic climate.

The problem that we have had in the past and most recently with the President's use of foreign policy controls on the construction of the pipeline from Russia into various Western European countries is that the President's use of that control authority extraterritorially place many of our businesses in a very tough dilemma. On the one hand, they were asked to comply with American law at the President's direction which stated, in effect, that they must terminate their contracts for the construction of that pipeline. But they had subsidiaries located in other countries whose law said, "Honor those contracts." And it is an untenable situation, politically and economically for the companies involved.

It seems to me that we are running a serious risk of not only making life difficult, if not impossible, for U.S. multinationals who are trying to compete, but also with respect to our allies. In all the discussions that I have had with Ambassadors and others who are interested in this legislation, there is nothing that has aroused them more, nothing to which they are more firmly opposed than this authority for extraterritorial application of our foreign policy controls.

It really goes against the grain economically and it produces all kinds of political difficulties for this country, which is attempting to be the world leader as we try to confront the Soviet Union.

Extraterritorial application of foreign policy controls is absolutely unacceptable to our allies. I think that ought to be kept in mind as we move toward a vote on this matter.

The anti-evasion provisions of H.R. 3231, I think, would prevent U.S. companies from transferring business to foreign subsidiaries to avoid foreign policy export controls. Existing law gives the President this authority, but I really feel it would be a mistake for this Congress to accept an amendment which continues it. If we are going to try to maintain the good relations that we have with our allies and try to remove the stigma that now is plaguing U.S. businesses who are trying to compete in the world marketplace, we must restrain our use of export controls extraterritorially.

I would urge my colleagues to oppose the amendment.

□ 1540

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

Let me say I can understand those who have taken exception to this administration or prior administration policies to embargo grain sales, for instance, or the sale of equipment for building the Russian pipeline. But that, I think, is a question apart from this.

The question is: If we do have a good foreign policy reason to create these embargoes, does it make sense to have U.S. companies doing business through a foreign subsidiary continuing to deal and not honoring that embargo?

The gentleman has said that they may have contracts that they want to fulfill and that the law of the land where the subsidiary is located required them to fulfill it. But yet we have the very strange situation where a U.S. company, through a foreign subsidiary, is furnishing materials that have been embargoed through a foreign policy decision of this country.

Now, the other thing that I see is, say, in the terrorist situation. We could have U.S. technology licensed to be produced abroad. Let us say that it is aircraft that could be used for military purposes. And that would find its way into a country like Libya by buying this technology or the goods produced from a foreign company producing under a U.S. license or from a subsidiary.

And I think that is untenable. If we are to meet these human rights and these antiterrorists and other foreign policy considerations, we must have this ability in the hands of the President. We should not take it from him. I think we should expect the President to use it responsibly.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we want to remind ourselves in the House that this debate on extraterritoriality is not restricted to the Export Administration Act. The basic issue is whether foreign subsidiaries and affiliates of American corporations are going to remain subject to the jurisdiction of the United States. This debate over the EAA will not be the end of the debate on extraterritoriality.

Ask yourselves if you want multinational corporations to claim the right to engage in price-fixing cartels and claim their legality to our Government because they are legal in a foreign country. Ask youselves if you want the adverse effects of price fixing to remain unchallenged by the United States and by this House. The arguments in favor of repealing the extraterritorial application of foreign policy controls is based on the opposition of the European governments and the claim that the President's authority has little justification in international law. First, that is not the assertion of the American Bar Association. Second, those who call for the repeal of the President's authority under the Export Administration Act say it is perfectly justifiable for the President to have the same authority under the International Emergency Economic Powers Act—IEEPA. Either the concept stands or falls on its own merits. But it cannot be acceptable in IEEPA and condemned in the Export Administration Act. I would simply remind my colleagues that on two occasions this body specifically voted to give the President this authority under the Export Administration Act.

At the heart of this controversy is the concept that the United States can reach out and control the actions of individuals and companies subject to its jurisdiction that violate U.S. law and have a harmful effect on America.

I would like to cite one example which illustrates the complexity of this issue. It was not too long ago that the West German Cartel Office blocked the takeover of a French subsidiary of an American corporation by the French subsidiary of a German corporation.

I believe there is another route to coming to grips with the issue of extraterritoriality. That course of action is consultation between the President and Congress on the initial use of foreign policy controls. We are indebted to the efforts of the Member from Indiana (Mr. HAMILTON) who was responsible for proposing the terms of this consultation and incorporating them into the legislation before us. If the President is to have foreign policy controls, they must be effective. They must control exports from the United States; they must supersede export commitments, and they must apply to foreign subsidiaries and affiliates.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am deeply disturbed by the attack on the extraterritorial application of U.S. foreign policy controls. Export controls have three basic elements: First, controls on exports from the United States; second, the authority for foreign policy to take precedence over existing export contracts; and, third, the authority to apply the controls to foreign subsidiaries of U.S. companies and affiliates, as well as to U.S. products sold overseas and to goods produced from technology of U.S. origin.

This very complex issue was the subject of only one hearing. In other words, we have not yet fully considered the consequences of repealing the

President's ability to apply foreign controls.

Mr. Chairman, the Export Administration Act of 1979 permits the President to regulate the export of goods and technologies "subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States" to further U.S. foreign policy.

Let us not duck the reason for this amendment. It was the U.S. embargo of goods and technology for the Soviet natural gas pipeline. This House had the opportunity to overturn the President's action in that matter and failed to do so. That was one instance of the extraterritorial application of foreign policy controls.

But, there are many other instances where this authority is employed. The United States controls products produced from U.S. data to prevent the shipment of aircraft components to Libya; tires to South Africa for military vehicles; and other products to Syrian and Iraqi terrorist groups. All these controls exist for reasons of foreign policy and are applied extraterritorially.

Extraterritorial authority is crucial for foreign policy controls to be effective. It makes absolutely no sense to subject the domestic U.S. company to export controls and then allow its foreign subsidiary to be free from the controls. I cannot think of a more dangerous legislative remedy to encourage U.S. firms to relocate overseas.

A joint resolution granting the President extraterritorial authority under the act is meaningless. Any President—at any time—can request a law from this House. The President does not need a law enabling him to ask for a law. H.R. 3231 also contains a 30-day discharge provision—but this does not insure timely consideration of the joint resolution by the House. These provisions obscure the bill's intent: The complete removal of extraterritorial controls. In fact, a provision for expedited floor procedures was deleted by the gentleman from Washington because the Rules Committee would not approve the bill with such a provision.

I take very strong exception with those who attack all foreign policy controls. What would they have the United States do—roll over each time a foreign country walks over principles we consider essential for international relations? Presidential actions regarding foreign policy are effective because they have substance and are timely. Can you imagine a situation where Congress debates whether or not the President should impose a foreign policy control?

You would think from some participants in this debate that the President applies extraterritorial authority willy-nilly—without regard to the special circumstances of each case. And I also want to add—that the President's use of this authority may be overly cautious. For example, in 1982, he applied foreign policy controls to Libya—but the action was carefully tailored to avoid any impact on U.S. origin exports already outside the United States or covered by existing contracts.

Mr. Chairman, I must oppose repeal of the President's extraterritorial authority. I cannot help but wonder how Walter Mondale, JOHN GLENN, GARY HART, ERNEST HOLLINGS—or any other candidate for the Democratic nomination would react to this restriction on Presidential action. Mr. Chairman, I urge my colleagues to oppose this section of the bill.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Washington.

Mr. BONKER. I thank the gentleman for yielding.

Mr. Chairman, I note the gentleman's comment about foreign policy controls being effective. I would really challenge the gentleman to point to any recent example where controls have been imposed and have been effective. We know the result of the Carter administration's embargo on wheat as a result of Russia's invasion of Afghanistan. More recently, this administration utilized controls to embargo equipment for the Yamal pipeline. And in both instances, the controls were lifted. And in the case of the pipeline, the President imposed controls domestically on American manufacturers and then later applied them extraterritorially. But he subsequently removed the controls.

We certainly did not punish the Soviet Union. We certainly were not effective in furthering foreign policy. We certainly greatly injured the U.S. manufacturers that were engaged in that project.

□ 1550

But after they were discouraged from continuing their work on that pipeline, those controls were lifted. So when all is said and done, those controls have done much greater damage to U.S. manufacturers than they ever did to the Soviet Union. So I do not know how you could say that those controls have been effective.

The CHAIRMAN. The time of the gentleman from California (Mr. LAGOMARSINO) has expired.

(By unanimous consent, Mr. LAGOMARSINO was allowed to proceed for 3 additional minutes.)

Mr. LAGOMARSINO. I think the gentleman makes a good argument, perhaps, against foreign policy controls generally, but what we are talking about here is whether or not the foreign policy controls that are put into effect should have extraterritorial operation. And it was not the extraterritorial aspect of that that was the problem with the wheat embargo or necessarily with the Russian pipeline, the natural gas pipeline.

Mr. BONKER. If the gentleman will yield, with respect to the Russian pipeline, the President did, in the second round, apply those controls extraterritorially. And subsequently, he has lifted both the original controls on our domestic exports, as well as the extraterritorial application of those controls.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I think the gentleman from California has made a valid point. The gentleman's argument seems to be that we ought not have foreign policy export controls. But what the gentleman's bill says, even though we continue to have that power, we are going to limit that power to the United States and not apply it to foreign subsidiaries or to those who are operating under a license from a U.S. company.

So if you want to do away with all export controls, that is a different issue. But the point here is, if we are going to have foreign policy export controls, let us make them meaningful; let us make certain that they are useful instead of making them apply only to U.S.-produced goods.

Mr. BONKER. If the gentleman will yield, I will be happy to respond that we have language in the bill that allows the extraterritorial application of those controls if Congress approves. So what we are saying is that the President by himself should not possess that authority.

I would ask the gentleman from California his response if France, for instance, which now controls American-produced motors, told us that we could not export American motor products to Canada or Israel. In other words, if the thing were turned around and France were attempting to extend those controls extraterritorially on the United States, I imagine the gentleman would be the first on the Foreign Affairs Committee to stand up and object.

Mr. LAGOMARSINO. I might point out to the gentleman that this committee not long ago rejected a very similar proposal by the gentleman from Minnesota (Mr. FRENZEL) that would have required prior approval by Congress. And in effect, that is what the gentleman is asking us to do with regard to the language that is in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

The question was taken; and on a division (demanded by Mr. BONKER) there were—ayes 7, noes 3.

Mr. BONKER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 398]

Ackerman	Corcoran	Gramm
Addabbo	Coughlin	Gray
Akaka	Courter	Green
Albosta	Coyne	Gregg
Alexander	Craig	Guarini
Anderson	Crane, Daniel	Gunderson
Andrews (NC)	Crane, Philip	Hall (IN)
Andrews (TX)	Crockett	Hall (OH)
Annunzio	D'Amours	Hall, Ralph
Anthony	Daniel	Hall, Sam
Applegate	Dannemeyer	Hamilton
Aspin	Daschle	Hammerschmidt
AuCoin	Daub	Hance
Badham	Davis	Hansen (ID)
Barnard	de la Garza	Hansen (UT)
Barnes	Dellums	Harkin
Bartlett	Derrick	Harrison
Bateman	DeWine	Hartnett
Bates	Dickinson	Hatcher
Bedell	Dicks	Hefner
Beilenson	Dixon	Heftel
Bennett	Donnelly	Hertel
Bereuter	Dorgan	Hiler
Berman	Dowdy	Hillis
Bethune	Downey	Holt
Bevill	Dreier	Hopkins
Biaggi	Duncan	Horton
Bilirakis	Durbin	Howard
Bliley	Dwyer	Hoyer
Boehlert	Dymally	Hubbard
Boggs	Dyson	Huckaby
Boland	Early	Hughes
Bonior	Eckart	Hunter
Bonker	Edgar	Hutto
Borski	Edwards (AL)	Hyde
Bosco	Edwards (CA)	Ireland
Boucher	Edwards (OK)	Jeffords
Boxer	Emerson	Jenkins
Breaux	English	Johnson
Britt	Erdreich	Jones (NC)
Brooks	Erlenborn	Jones (OK)
Broomfield	Evans (IA)	Jones (TN)
Brown (CA)	Evans (IL)	Kaptur
Brown (CO)	Fascell	Kasich
Broyhill	Fazio	Kastenmeier
Bryant	Feighan	Kazen
Burton (CA)	Ferraro	Kemp
Burton (IN)	Fiedler	Kennelly
Byron	Fields	Kildee
Campbell	Fish	Kogovsek
Carney	Flippo	Kolter
Carper	Florio	Kostmayer
Carr	Foglietta	Kramer
Chandler	Foley	LaFalce
Chappell	Ford (TN)	Lagomarsino
Chappie	Forsythe	Lantos
Cheney	Frank	Latta
Clarke	Franklin	Leach
Clay	Garcia	Leath
Clinger	Gaydos	Lehman (CA)
Coats	Gejdenson	Lehman (FL)
Coelho	Gekas	Lent
Coleman (MO)	Gephardt	Levin
Coleman (TX)	Gingrich	Levine
Collins	Glickman	Levitas
Conable	Gonzalez	Lewis (CA)
Conte	Goodling	Lewis (FL)
Conyers	Gore	Lipinski
Cooper	Gradison	Livingston
Lloyd	Ortiz	Smith (FL)
Loeffler	Ottinger	Smith (IA)
Long (LA)	Owens	Smith (NE)
Lott	Oxley	Smith (NJ)
Lowery (CA)	Packard	Smith, Denny
Lowry (WA)	Panetta	Smith, Robert
Lujan	Parris	Snowe
Luken	Pashayan	Snyder
Lundine	Patman	Solarz
Mack	Patterson	Solomon
MacKay	Paul	Spence
Madigan	Pease	Spratt
Markey	Penny	St Germain
Marlenee	Perkins	Staggers
Marriott	Petri	Stangeland
Martin (IL)	Pickle	Stenholm
Martin (NY)	Porter	Stratton
Martinez	Price	Studds
Matsui	Pursell	Stump
Mavroules	Quillen	Sundquist
Mazzoli	Rahall	Swift
McCain	Ratchford	Synar
McCandless	Ray	Tallon
McCloskey	Regula	Tauke
McCollum	Reid	Tauzin
McCurdy	Richardson	Taylor
McDade	Ridge	Thomas (CA)
McEwen	Rinaldo	Thomas (GA)
McGrath	Ritter	Torres
McHugh	Roberts	Torricelli
McKernan	Robinson	Traxler
McKinney	Roe	Udall
McNulty	Roemer	Valentine
Mica	Rogers	Vander Jagt
Michel	Rose	Vento
Mikulski	Rostenkowski	Volkmer
Miller (CA)	Roth	Vucanovich
Miller (OH)	Roukema	Walgren
Mineta	Rowland	Walker
Minish	Roybal	Watkins
Mitchell	Rudd	Weaver
Moakley	Russo	Weber
Molinari	Sabo	Weiss
Mollohan	Savage	Wheat
Montgomery	Sawyer	Whitehurst
Moody	Schaefer	Whitley
Moore	Schneider	Whittaker
Moorhead	Schroeder	Whitten
Morrison (CT)	Schulze	Williams (OH)
Morrison (WA)	Schumer	Wilson
Murphy	Seiberling	Winn
Murtha	Sensenbrenner	Wirth
Myers	Shannon	Wise
Natcher	Sharp	Wolf
Neal	Shaw	Wolpe
Nelson	Shelby	Wortley
Nichols	Shumway	Wright
Nielson	Shuster	Wyden
Nowak	Sikorski	Wylie
O'Brien	Siljander	Yates
Oakar	Simon	Yatron
Oberstar	Skeen	Young (FL)
Obey	Skelton	Young (MO)
Olin	Slattery	Zablocki

□ 1610

The CHAIRMAN. Three hundred ninety-nine Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Washington (Mr. BONKER) for a recorded vote.

Does the gentleman from Washington (Mr. BONKER) renew his demand for a recorded vote?

Mr. BONKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair reminds the Members that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 215, not voting 19, as follows:

[Roll No. 399]

AYES—199

Andrews (NC)	Gregg	Nichols
Applegate	Guarini	Nielson
Aspin	Gunderson	Nowak
Badham	Hall (OH)	O'Brien
Barnard	Hall, Ralph	Obey
Bartlett	Hall, Sam	Oxley
Bateman	Hammerschmidt	Packard
Bennett	Hance	Parris
Berman	Hansen (ID)	Pashayan
Bevill	Hansen (UT)	Patman
Biaggi	Harrison	Petri
Bilirakis	Hartnett	Porter
Bliley	Hatcher	Pursell
Boehlert	Heftel	Ray
Brooks	Hertel	Regula
Broomfield	Hiler	Ridge
Brown (CO)	Hillis	Rinaldo
Broyhill	Holt	Ritter
Bryant	Hopkins	Robinson
Burton (IN)	Horton	Roe
Byron	Hughes	Roemer
Campbell	Hunter	Rogers
Carney	Hutto	Roth
Chappell	Hyde	Rowland
Chappie	Ireland	Rudd
Cheney	Jeffords	Sawyer
Clay	Jenkins	Schaefer
Coats	Kasich	Schulze
Coleman (MO)	Kazen	Sensenbrenner
Corcoran	Kemp	Sharp
Courter	Kramer	Shaw
Craig	LaFalce	Shumway
Crane, Daniel	Lagomarsino	Shuster
Crane, Philip	Latta	Siljander
D'Amours	Leath	Sisisky
Daniel	Lent	Skeen
Dannemeyer	Levitas	Skelton
Daub	Lewis (CA)	Smith (NJ)
Davis	Lewis (FL)	Smith, Denny
DeWine	Lipinski	Smith, Robert
Dickinson	Lloyd	Snowe
Dorgan	Loeffler	Snyder
Dowdy	Lott	Solomon
Dreier	Lujan	Spence
Duncan	Mack	Stangeland
Durbin	MacKay	Stump
Dyson	Madigan	Sundquist
Eckart	Marlenee	Taylor
Edwards (OK)	Marriott	Thomas (GA)
Emerson	Martin (IL)	Torricelli
Erdreich	Martin (NC)	Valentine
Erlenborn	Martin (NY)	Volkmer
Evans (IA)	McCain	Vucanovich
Feighan	McCandless	Walgren
Fiedler	McCloskey	Walker
Fields	McCollum	Waxman
Fish	McDade	Weaver
Flippo	McEwen	Whitehurst
Florio	McGrath	Williams (OH)
Forsythe	McKernan	Winn
Franklin	Miller (OH)	Wise
Frost	Minish	Wolf
Gekas	Molinari	Wortley
Gilman	Montgomery	Wylie
Gingrich	Moorhead	Young (FL)
Goodling	Murtha	
Gradison	Neal	

NOES—215

Ackerman	Boucher	Dellums
Addabbo	Boxer	Derrick
Akaka	Breaux	Dicks
Albosta	Britt	Dingell
Alexander	Brown (CA)	Donnelly
Anderson	Burton (CA)	Downey
Andrews (TX)	Carper	Dwyer
Annunzio	Carr	Dymally
Anthony	Chandler	Early
Archer	Clarke	Edgar
AuCoin	Clinger	Edwards (AL)
Barnes	Coelho	Edwards (CA)
Bates	Coleman (TX)	English
Bedell	Collins	Evans (IL)
Beilenson	Conable	Fascell
Bereuter	Conte	Fazio
Bethune	Conyers	Ferraro
Boggs	Cooper	Foglietta
Boland	Coughlin	Foley
Bonior	Coyne	Ford (MI)
Bonker	Crockett	Ford (TN)
Borski	Daschle	Frank
Bosco	de la Garza	Frenzel

Gaydos	McKinney	Seiberling
Gejdenson	McNulty	Shannon
Gephardt	Mica	Shelby
Gibbons	Michel	Sikorski
Glickman	Mikulski	Simon
Gonzalez	Miller (CA)	Slattery
Gore	Mineta	Smith (FL)
Gramm	Mitchell	Smith (IA)
Green	Moakley	Smith (NE)
Hamilton	Mollohan	Solarz
Harkin	Moody	Spratt
Hefner	Moore	St Germain
Howard	Morrison (CT)	Staggers
Hoyer	Morrison (WA)	Stark
Hubbard	Mrazek	Stenholm
Huckaby	Murphy	Stratton
Johnson	Myers	Studds
Jones (NC)	Natcher	Swift
Jones (OK)	Nelson	Synar
Jones (TN)	Oakar	Tallon
Kaptur	Oberstar	Tauke
Kastenmeier	Olin	Tauzin
Kennelly	Ortiz	Thomas (CA)
Kildee	Ottinger	Torres
Kindness	Owens	Towns
Kogovsek	Panetta	Traxler
Kolter	Patterson	Udall
Kostmayer	Paul	Vander Jagt
Lantos	Pease	Vandergriff
Leach	Penny	Vento
Lehman (CA)	Perkins	Watkins
Lehman (FL)	Pickle	Weber
Leland	Price	Weiss
Levin	Rahall	Wheat
Levine	Ratchford	Whitley
Livingston	Reid	Whittaker
Long (LA)	Richardson	Whitten
Long (MD)	Roberts	Williams (MT)
Lowery (CA)	Rose	Wilson
Lowry (WA)	Rostenkowski	Wirth
Luken	Roukema	Wolpe
Lundine	Roybal	Wright
Markey	Russo	Wyden
Martinez	Sabo	Yates
Matsui	Savage	Yatron
Mavroules	Scheuer	Young (MO)
Mazzoli	Schneider	Zablocki
McCurdy	Schroeder	Zschau
McHugh	Schumer	

NOT VOTING—19

Boner	Hawkins	Quillen
Dixon	Hayes	Rangel
Fowler	Hightower	Rodino
Fuqua	Jacobs	Stokes
Garcia	Lungren	Young (AK)
Gray	Pepper	
Hall (IN)	Pritchard	

Mr. MICHEL and Mr. KINDNESS changed their votes from "aye" to "no."

Mr. SKELTON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1620

The CHAIRMAN. Are there any other amendments to title I?

AMENDMENT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COURTER: Page 8, line 19, insert "(a)" after "Sec. 105.".

Page 9, insert the following after line 16:

(b) Section 4(c) of the Act is amended—

(1) by striking out "significant" and inserting in lieu thereof "comparable"; and

(2) by inserting after "those produced in the United States," the following: "so as to render the controls ineffective in achieving their purposes,".

Page 13, insert the following after line 19:

SEC. 108. (a) Section 5(f) of the Act (50 U.S.C. App. 2404(f)) is amended in paragraphs (1) and (2) by striking out "sufficient" each place it appears and inserting in lieu thereof "comparable".

Page 13, strike out line 20 and "2404(f)(4))" on line 21 and insert in lieu thereof the following: "(b) Section 5(f)(4) of the Act".

Redesignate succeeding subsections accordingly.

Mr. COURTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. COURTER. Mr. Chairman, I would like the indulgence of my colleagues. I know that we have been debating the bill for a long period of time today.

The amendment that I come forward with now is really a very simple one.

Mr. Chairman, during the past number of hours in debating this bill, we have spent a great deal of time on that section of the bill concerning foreign availability. It has been mentioned over and over again that foreign availability is present and exists and, therefore, controls exist if a good or technology is available in the same quantity or quality in a foreign country. We have listened to the words "quantity" and "quality" again and again and again during the past number of hours. I think it is important now to focus on the adjectives in the bill as written of the words "quantity" and "quality."

On two segments of the bill and also of the act itself, "quantity" is modified by using the word "significant" in one place and "sufficient" in another place.

The word "quality" when it comes to foreign availability is modified by using the word "significant" in one place and "sufficient" in another place.

There is inconsistency in the act as written and there is inconsistency I believe in the bill as brought forward on the floor.

My amendment simply changes the modifier, changes the adjectives to the most important and crucial words in that whole section of foreign availability, those words "quantity" and "quality."

My amendment changes the adjectives "significant" and "sufficient" to the word "comparable."

I do so because there should be uniformity. It makes no sense in the same act to modify the word "quantity" by using the word "significant" in one place and "sufficient" in another.

Also, I believe everybody knows what "comparable" is. I do not think that many people know what a significant quantity is or what significant quality is or sufficient quality is.

We are dealing in terms of a very crucial and important segment of this particular act. We are talking in terms of foreign availability. Much has been said about the fact that if there is foreign availability in the same quantity and the same quality, then, of course, we should have the right to export that technology and there should be no control; but we really have not examined the words that modify "quantity" and "quality." They are sloppy. They are imprecise. They change. They are dual adjectives, looking at different parts of the act.

I think what we are saying here is that, yes, indeed, according to the majority of the Members, the section on foreign availability is important. It makes a great deal of sense, but let us modify it properly. Let us use the word "comparables" when we are dealing with quantity and use the word "comparable" when we are dealing with quality.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I simply want to say that I support the gentleman's amendment. I think it goes a long way toward making the act more understandable and making it more enforceable in clearing up this problem we have.

I support the amendment and urge a "yes" vote on the Courter amendment.

Mr. COURTER. Mr. Chairman, I thank the gentleman for his contribution.

Once again, I am not adding a new section. I am not striking a section. It should not be very controversial. I am adding precision to the language.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I am happy to yield to the gentleman from California.

Mr. ZSCHAU. Mr. Chairman, I thank the gentleman for yielding.

Let me refer to the specific language in the foreign availability section of the Export Administration Act, as amended in 1979, because that is really the bill that we are amending. In that section, if I might paraphrase, it says that foreign availability will be deemed to exist if the goods or technologies are available in sufficient quantity and sufficient quality to make our export controls ineffective; that is, the goods from other sources are good enough and available in enough volume to make our controls ineffective. It seems to me that is very precise. If the goods are available in sufficient quantity and quality so our controls are not working, then foreign availability exists.

I do not understand how the change of the word "sufficient" to "comparable" would clarify things. In fact, it

makes the sentence somewhat nonsensical, in my opinion.

Could the gentleman explain that?

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

(At the request of Mr. ZSCHAU, and by unanimous consent, Mr. COURTER was allowed to proceed for 2 additional minutes.)

Mr. ZSCHAU. Mr. Chairman, if the gentleman will yield further, could the gentleman explain to me how that change from "sufficient" to "comparable" would make the description of foreign availability more precise and how it would actually change in practice the application of the section?

Mr. COURTER. Mr. Chairman, I will respond in two areas.

First of all, in section 4 of the act, the modifying word to "quantity" is "significant" and not "sufficient," so there is an inherent conflict in the act itself as written; so what I am suggesting first, is that we use the same modifier all the time, rather than a different adjective or different modifier.

Second, I think in arguments, and I know what the gentleman is trying to do here, but an argument can very definitely be made that the U.S. technology is militarily critical and the technology of a foreign country may be militarily critical, but theirs might not be comparable to ours.

I think our concern should be with comparability, with equivalency, and not the actual gross amount.

I think the word "sufficient" has to do with the mathematical accumulation of the amount of technology or the number of items and not inherently what they can do.

Our concern should not be about the number of items that are sold or the number of items that are foreign available, but really whether those items are comparable in what they can do as far as performance with U.S. technology. That is the attempt of my language.

□ 1630

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

It seems to me that your concerns are taken into account in the current language; that is, if a technology available from third countries is comparable to ours, then it is of a sufficient quality to make our controls ineffective. Controlling it by ourselves will not prevent the Soviets from getting it because they can get comparable products from other sources.

I do not see any reason to make a change, and, as a matter of fact, I think it would make the definition of foreign availability less precise than it is in current language.

Mr. BONKER. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, of all the amendments that we have debated this afternoon, many of which have been technical and confusing, I think this probably wins the prize.

I am not sure many people will fully understand and appreciate the distinction between sufficient and comparable, the distinction between significant and comparable quantity, so I do not know how we are going to proceed with an intelligent debate on the amendment that is before us. In my judgment, to make the definition of foreign availability so tight that nothing is acknowledged as similar to our products, then I think we are wearing a blindfold and we are endangering national security because we do not recognize the availability when it is there. So we will not enter into good faith negotiations to bring that technology or good under control.

In the meantime, our potential adversary gets exactly what he wants and he certainly does not care whether that item is comparable or sufficient or significant.

I am not sure the Secretary himself will make that much of a distinction between comparable and sufficient, but those people who are involved in the business community certainly appreciate the distinction.

If we try to require something to be identical, not only in terms of quality but in terms of quantity, then we will never acknowledge that foreign availability exists. We certainly will not find any kind of item that is available in a foreign country to be the same color, to be manufactured in the same quantity, and so on and so forth. There is no way whatsoever that we will ever meet that foreign availability test. So I submit that the law that is in place now has worked sufficiently, to use one of the phrases that is before this body, and there is no reason why we should change it.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

I think the law has worked significantly, comparably, and sufficiently. One of the real problems we have with the licensing procedure is uncertainty. Here is one definition which Commerce and Defense and the business community seem to understand and so does Cocom.

If we make this change which seems to me to be incomparable, insignificant, and insufficient, we will then have a situation in which nobody understands the law and we will have to build a new body of precedent. I thank the gentleman for yielding. I think we should move on to another amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. COURTER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER: Page 42, line 16, strike out "$24,600,000" and insert in lieu thereof "$44,600,000".

Page 42, line 21, insert the following after "Act,": "$20,000,000 shall be available only to process export license applications within the time limitation set forth in section 10(c) of this Act,".

Mr. HUNTER. This is a very simple amendment, and it goes to the heart of one problem that has been brought up by the chairman of the committee and by Members on both sides of the aisle during this debate and by the gentleman from Florida and in earlier discussion. And that is, that we have seen in the last several years an inadequate job of review and validation and processing of export licenses in this country.

We have seen these licenses stack up to the point where they are not expeditiously processed, to the point where our exporters are losing contracts because they are waiting for paperwork to be shuffled and in doing that, foreign competitors are gaining the edge on our people, and this amendment, Mr. Chairman, would remedy to some degree that situation.

In discussions and in meetings with the representatives of Commerce, I was informed when asking Mr. Bill Archey who is the Deputy Assistant Secretary for Trade in the Department of Commerce, what time we could cut down the average processing, or how much could we cut down the average processing time for West-West licenses, if we could authorize an additional $20 million to process export licenses applications, and the answer was, we could cut it down to an average of about 10 days.

I understand the average is about 21 days now, and that is still working to the detriment of some of our exporters. So, I offer this amendment, very simply, Mr. Chairman, to try to address part of the problem that business has with the licensing requirements, especially West-West licensing, and that is, that we do not have enough experienced people to process these licenses expeditiously so that our exporters can be competitive in the world market and I would yield back the balance of my time.

Mr. BONKER. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I oppose it reluctantly, because this committee has been

anxious to increase Commerce appropriations, so it can do the job effectively. I know the gentleman who has been involved in this debate has come to appreciate the fact that one reason why our control policy has not been more effective is because the Department lacks the necessary resources to do an effective job. Recognizing that fact, we have already rather substantially increased the Department of Commerce's budget by authorizing $24.6 million for the administration of the act for each of the fiscal years involved, 1984 and 1985.

This is $12.9 million above the administration's request for fiscal year 1984 and $14.9 million above the amount authorized for fiscal year 1983.

Of the $24.6 million authorized, $15 million would be for enforcement, $2.1 million for foreign availability assessment, and $7.5 million for licensing and other administrative activities.

Mr. ZSCHAU added the $2.1 million for foreign availability during committee markup.

As I understand, the gentleman wants to increase the amount for processing applications from $7.5 million to $20 million, is that correct?

I yield to the gentleman (Mr. HUNTER) to answer the question.

Mr. HUNTER. Yes; that would put an additional 20.

Mr. BONKER. Has the gentleman had an opportunity to confer with the Department of Commerce?

I know they have representatives near the Chamber because they are closely following our action today. Have you had an opportunity to discuss with them your amendment to increase their budget by $20 million?

Mr. HUNTER. I discussed yesterday morning at the end of the meeting which you and I attended with Department of Commerce, Department of Defense and other administration officials particularly with Mr. Bill Archey, I discussed the proposal that I had to put an amendment in adding $20 million. I asked Mr. Archey how much could we cut out presently because I realized that we have that problem in processing these licenses, could we cut the average time down and, if so, how much could we cut it down.

□ 1640

His response was we could cut it down from an average of about 21 days, that is average time for processing West-West licenses to about 10 days with the expenditure of about an additional $20 million.

I have discussed this with the Department of Commerce and indicated to them that I intended to offer this amendment today.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman for yielding.

I really am very reluctant to oppose this amendment. However, I am constrained to do so.

The gentleman from California has been most able in his debate on the floor and he has brought forth some tremendous amendments which I think illuminated the debate and he has done just a super job.

But to raise the revenue by almost three times the amount we have in the bill would just not be fair. To ask the Department if they would like to have $20 million more is like asking my kids if they want more of an allowance. Did we ever hear of a Department saying they will not accept more money? Of course they will.

The point is that this is a 2-year autorization. Why not take a look at how the bill works these next 2 years and try to work within this spending and within the dollars that we have. If it does not work out, then we will change it.

But I think like in so many cases, just to throw more money at the Department is not going to solve our problem. But, again, I appreciate the gentleman's contribution to this debate has offered on this floor and I reluctantly oppose the amendment.

Mr. BONKER. I would have to agree with the gentleman. Had we not acted to increase the Department's authorization already by nearly $13 million I probably would be more in support of the gentleman's amendment. But we have already taken a bold step to increase their budget.

As the gentleman from Wisconsin noted, I think we should let the Department absorb that money and see how they can work more effectively before we increase the budget again.

The CHAIRMAN pro tempore (Mr. MURTHA). The time of the gentleman from Washington (Mr. BONKER) has expired.

(On request of Mr. HUNTER and by unanimous consent Mr. BONKER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Will the gentleman yield?

Mr. BONKER. I yield to the gentleman from California.

Mr. HUNTER. I appreciate the gentleman yielding and I appreciate both gentlemen's concern with the budgetary constraints we are operating under.

I was offering this because I perceived, and through all of the debate that has been going on in this committee, that you have had a real problem in expeditiously processing export licenses. That argument has been made throughout the debate and I was trying to do something that would help you and help American businesses and the businesses that are presently suffering because of this delay.

We are talking about that we have some security concerns with transferring technology and those concerns have been mainfested in a number of amendments that have radically changed this piece of legislation. Yet we do need to do something for our businesses.

If the Department of Commerce will warrant, will state that they could cut this processing time down to 10 days for $20 million I would rather do that than to risk technology transfer that could ultimately be detrimental to the United States.

So I was offering this thinking that this would assist the committee. If the committee really does not want to increase the Department's resources and they would really not want to bring that time down from 21 days to 10 days as the Department of Commerce has represented then I think that is now a matter of record and I will be happy to withdraw my amendment if that is what the chairman would like me to do.

Mr. BONKER. I thank the gentleman, both for his decision to withdraw the amendment and the spirit behind the amendment. I am hopeful that the Department of Commerce will take the gentleman's advice and will attempt to expedite the licensing procedures so that we can cut down the turnaround time.

Mr. HUNTER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. BONKER

Mr. BONKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BONKER: Page 41, line 2, insert "(1)" after "(a)".

Page 41, insert the following after line 4:

(2) Section 7(i)(4)(A) of the Act is amended to read as follows:

"(A) lumber of American Lumber Standards Grades of Number 3 dimension or better, or Pacific Lumber Inspection Bureau Export R-List Grades of Number 3 common or better;".

Mr. BONKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. BONKER. Mr. Chairman, this amendment has very little to do with foreign policy controls and national security controls and the export of technology. But it has something to do with the export of unprocessed Western red cedar.

Simply stated, the amendment would permit the export of partially processed, manufactured Western red cedar lumber, by conforming the definition of unprocessed to that used in the standard export lumber grades.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. BONKER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROTH

Mr. ROTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROTH: Page 13, after line 14, insert the following:

"(6) Agreement to coordinate the systems of export control documents used by the participating governments in order to verify effectively the movement of goods or technology subject to controls by the Committee from the country of one such government to the territory of the country of any other such government or to any other country.

"(7) Agreement to establish uniform, adequate criminal and civil penalties to more effectively deter diversions of items controlled for export by agreement of the Committee.

"(8) Agreement to increase on-site inspections by national enforcement authorities of the participating governments to insure that end users who have imported items controlled for export by agreement of the Committee are using such items for the stated end uses, and that such items are, in fact, under the control of those end users.

Page 13, line 15, strike out "(6)" and insert in lieu thereof "(9)".

Mr. ROTH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ROTH. Mr. Chairman, the amendment I think will go a long way to strengthening Cocom. After all, at the foundation of what we are arguing here or debating here today, the Export Administration Act, is how are we going to make Cocom, these 15 nations, work more effectively.

What my amendment does is ask the President to harmonize within Cocom the use of our export control documents. That is, our import certificate and our delivery verification documents which really make up the paper trail that we have so often stressed here.

When we have the paper trail, and if we can make it work effectively, if we can harmonize it, then we are going to go a long way to stem the tide of Soviet pirating of our Western technology and goods.

The second point is that what we are going to ask the President to do is to pursue negotiations to seek the establishment of a uniform and an adequate criminal and civil penalty for effectively deterring the diversion of items controlled by export for Cocom.

I am sure that many of my colleagues will remember about 2 weeks ago "60 Minutes" had a program on the infamous technology diversion cases in recent years. For example, the Bruckhausen case.

This would go a long way to stem cases like that and procedures like that just because you would have some criminal and civil penalties.

The third point is that it addresses what is the most perplexing problem in the area of export controls. It is a fact that items under Cocom jurisdiction can be transferred from the initial end user to other parties without controls and it would go a long way to take care of this perplexing problem.

So I ask that this amendment be adopted to strengthen Cocom and I think it will go a long way to close this sieve that we have today.

Mr. BONKER. Mr. Chairman, I move to strike the requisite number of words and rise only to express my support for the gentleman's amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ROTH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: Page 27, line 4, strike out "The first sentence of section" and insert in lieu thereof "Section"; and

Page 27, line 12, strike out the quotation marks and the last period, and insert in lieu thereof the following: "The authority granted by this subsection shall be exercised by the Secretary, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Agriculture, the Secretary of the Treasury, the United States Trade Representative, and such other departments and agencies as the Secretary considers appropriate, and shall be implemented by means of export licenses issued by the Secretary.".

Mr. FRENZEL. Mr. Chairman, this is a pretty simple amendment. This relates to the foreign policy controls.

Under existing law, the Secretary is directed to consult with the Secretary of State and such other departments and agencies as the Secretary considers appropriate.

□ 1650

Just a moment ago we heard on the floor of the House how an important Cabinet official was apparently not consulted at the time of a very important embargo and was not aware that one was being considered. This amendment merely requires that the Secretary, as he probably should anyway, will consult, in addition to the Secretary of State, with the Secretary of Defense, Secretary of Agriculture, Secretary of the Treasury, and the U.S. Trade Representative, and anybody else that he wants to involve.

These are important decisions and in my judgment should involve those Cabinet members who find their daily activities most involved with these foreign policy considerations.

I think this amendment will strengthen the law a little bit. It probably will not make much difference because we would hope that these people would be consulted with anyway.

Mr. Chairman, I yield back the balance of my time.

Mr. BONKER. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the gentleman's amendment.

I would like to commend the gentleman because I think the more we exercise consultation among the various Cabinet officers, the less likely we will be to make mistakes in any future use of foreign policy controls.

So I am in full support of his amendment.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the chairman of the subcommittee. I too wish to join him in commending our colleague from Minnesota (Mr. FRENZEL) for what I see is a very excellent amendment. I think it again points up the old Russian proverb, I may point out to my friend from Minnesota, that "While two mountains can never come together, two men always can."

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRENZEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer an amendment on page 9 of the bill.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: Page 9, line 18, after "SEC. 106(a)", insert "(1)"; and

Page 9, after line 24, insert the following:

(2) Section 5(a)(1) is further amended by inserting "the Secretary of State, the Secretary of the Treasury, the United States Trade Representative," in the last sentence after the phrase "the Secretary of Defense,".

Mr. FRENZEL. Mr. Chairman, this is a similar amendment. It relates to the security section, section 5 of the Export Administration Act.

Now the Secretary is obliged to consult with the Secretary of Defense. This amendment would insist that he consult with the listed officials. I would hope it would make a better decision. It will certainly make better information-spreading.

I hope that the House will accept the amendment.

Mr. BONKER. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRENZEL).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

TITLE II—EXPORT PROMOTION PROGRAMS

REQUIREMENT OF PRIOR AUTHORIZATION

SEC. 201. (a) Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out any export promotion program may be obligated or expended only if—

(1) the appropriation thereof has been previously authorized by law enacted on or after the date of the enactment of this Act; or

(2) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

(b) To the extent that legislation enacted after the making of an appropriation to carry our any export promotion program authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) For purposes of this title, the term "export promotion program" means any activity of the Department of Commerce designed to stimulate or assist United States businesses marketing their goods and services abroad competitively with businesses from other countries, including but not limited to—

(1) trade development (except for the trade adjustment assistance program) and dissemination of foreign marketing opportunities and other marketing information to United States producers of goods and services, including the expansion of foreign markets for United States textiles and apparel and any other United States products;

(2) the development of regional and multilateral economic policies which enhance United States trade and investment interests, and the provision of marketing services with respect to foreign countries and regions;

(3) the exhibition of United States goods in other countries; and

(4) the operations of the United States Commercial Service and the Foreign Commercial Service, or any successor agency.

AUTHORIZATION OF APPROPRIATIONS

SEC. 202. There is authorized to be appropriated for each of the fiscal years 1984 and 1985 to the Department of Commerce to carry out export promotion programs $100,458,000.

BARTER ARRANGEMENTS

SEC. 203. (a) The President shall, not later than one hundred eighty days after the date of the enactment of this Act, submit to the Congress a contingency plan for the promotion of exports of agricultural commodities through the bartering of surplus agricultural commodities produced in the United States for petroleum and petroleum products, and for other materials vital to the national interest, which are produced abroad, and make recommendations as to the feasibility of implementing such bartering.

(b) Notwithstanding any other provision of law, the President is authorized—

(1) to barter stocks of agricultural commodities acquired by the Government for petroleum and petroleum products, and for other materials vital to the national interest, which are produced abroad, in situations in which sales would otherwise not occur; and

(2) to purchase petroleum and petroleum products, and other materials vital to the national interest, which are produced abroad and acquired by persons in the United States through barter for agricultural commodities produced in an exported from the United States through normal commercial trade channels.

(c) The President shall take steps to insure that any barters described in subsections (a) and (b)(1) and any purchases authorized by subsection (b)(2) safeguard existing export markets for agricultural commodities operating on conventional business terms from displacement by barters described in subsections (a), (b)(1), and (b)(2).

The CHAIRMAN pro tempore. Are there amendments to title II?

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment to title II.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: On page 45, delete the word, "and", on line 9; delete the period at the end of line 12 and insert in lieu thereof a semicolon followed by the word "and" and the following:

"(5)(a) Establishment of a cooperative program, on a demonstration basis with the Department of Transportation, consistent with provisions of this Act, the International Aviation Facilities Act, the Federal Aviation Act of 1958, and United States foreign policy goals to:

(i) initiate technical assistance programs with the aviation authorities of other governments; and

(ii) initiate programs to assist United States firms in their efforts to export aerospace products and services. Such programs may include, but are not limited to:

(A) use of United States firms in technical assistance programs initiated with foreign governments;

(B) assisting United States firms to prepare and submit proposals to foreign governments or foreign aviation concerns;

(C) providing technical consultation and project management assistance to United States firms once foreign governments or aviation concerns have awarded contracts to United States firms; and

(D) assisting United States private sector civil aviation entities to develop training programs, by providing Federal Aviation Administration safety information, educational material, and advice.

(b) The Secretary shall report to the Congress not later than April 30, 1985, on the implementation of this program making recommendations on the advisability of its continuation and expansion to involve other sectors of the economy and federal departments or agencies.

Mr. GLICKMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Chairman, this amendment would authorize a demonstration project where the Departments of Commerce and Transportation would work together, using both of their authorities, to promote the export of our aerospace technologies. It could do so in the following specified ways:

Using U.S. firms in international technical assistance programs by the FAA to give them added exposure;

Assist firms in preparing proposals to foreign governments;

Give technical assistance and project management to U.S. firms in complying with contracts; and

Providing FAA safety information, educational material, and advice.

The pilot program would run for the duration of the authorization, but a report would be due not later than April 30, 1985, so we can determine whether it is productive and whether it should be expanded to other technologies.

Why pick aviation? Aerospace is our No. 1 manufactured export item, but there is room for improvement since it has dropped off some in recent years.

The FAA is interested in this approach—as envisioned in the Kassebaum bill which goes into much more detail—and they are relied upon in the international aviation community for much technical advice which gives them ready access to see how this cooperative effort works.

Our rivals in international markets do this kind of cooperative marketing; we are crazy if we do not give it a try.

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Kansas (Mr. GLICKMAN).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to title II?

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—SOUTH AFRICA

SHORT TITLE

SEC. 301. This title may be cited as the "United States Policy Toward South Africa Act of 1983".

SUBTITLE 1—LABOR STANDARDS

ENDORSEMENT AND IMPLEMENTATION OF FAIR EMPLOYMENT PRINCIPLES

SEC. 311. Any United States person who—

(1) has a branch or office in South Africa, or

(2) controls a corporation, partnership, or other enterprise in South Africa,

in which more than twenty people are employed shall take the necessary steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, those principles relating to employment practices set forth in section 312 of this Act are implemented.

STATEMENT OF PRINCIPLES

SEC. 312. (a) The principles referred to in section 311 of this Act are as follows:

(1) Desegregating the races in each employment facility, including—

(A) removing all race designation signs;

(B) desegregating all eating, rest, and work facilities; and

(C) terminating all regulations which are based on racial discrimination.

(2) Providing equal employment for all employees, including—

(A) assuring that any health, accident, or death benefit plans that are established are nondiscriminatory and open to all employees, whether they are paid a salary or are compensated on an hourly basis; and

(B) implementing equal and nondiscriminatory terms and conditions of employment for all employees, and abolishing job reservations, job fragmentation, apprenticeship restrictions for blacks and other nonwhites, and differential employment criteria, which discriminate on the basis of race or ethnic origin.

(3) Establishing equal pay for all employees doing equal or comparable work, including—

(A) establishing and implementing, as soon as possible, a wage and salary structure which is applied equally to all employees, regardless of race, who are engaged in equal or comparable work;

(B) reviewing the distinction between hourly and salaried job classifications, and establishing and implementing an equitable and unified system of job classifications which takes into account such review; and

(C) eliminating inequities in seniority and ingrade benefits so that all employees, regardless of race, who perform similar jobs are eligible for the same seniority and ingrade benefits.

(4) Establishing a minimum wage and salary structure based on a cost-of-living index which takes into account the needs of employees and their families.

(5) Increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs, including—

(A) developing training programs that will prepare substantial numbers of blacks and other nonwhites for such jobs as soon as possible, including—

(i) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of employees, and

(ii) creating on-the-job training programs and facilities to assist employees to advance to higher paying jobs requiring greater skills;

(B) establishing procedures to assess, identify, and actively recruit employees with potential for further advancement;

(C) identifying blacks and other nonwhites with high management potential and enrolling them in accelerated management programs;

(D) establishing and expanding programs to enable employees to further their education and skills at recognized education facilities; and

(E) establishing timetables to carry out this paragraph.

(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health, including—

(A) providing assistance to black and other nonwhite employees for housing, health care, transportation, and recreation either through the provision of facilities or services or providing financial assistance to employees for such purposes, including the expansion or creation of in-house medical facilities or other medical programs to improve medical care for black and other nonwhite employees and their dependents; and

(B) participating in the development of programs that address the education needs of employees, their dependents, and the local community.

(7) Recognizing labor unions and implementing fair labor practices, including—

(A) recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity;

(B) refraining from—

(i) interfering with, restraining, or coercing employees in the exercise of their rights of self-organization under this paragraph,

(ii) dominating or interfering with the formation or administration of any labor organization, or sponsoring, controlling, or contributing financial or other assistance to it,

(iii) encouraging or discouraging membership in any labor organization by discrimination in regard to hiring, tenure, promotion, or other condition of employment,

(iv) discharging or otherwise disciplining or discriminating against any employee who has exercised any rights of self-organization under this paragraph, and

(v) refusing to bargain collectively with any organization freely chosen by employees under this paragraph;

(C) allowing employees to exercise rights of self-organization, including solicitation of fellow employees during nonworking hours, allowing distribution and posting of union literature by employees during nonworking hours in nonworking areas, and allowing reasonable access to labor organization representatives to communicate with employees on employer premises at reasonable times;

(D) allowing employee representatives to meet with employer representatives during working hours without loss of pay for purposes of collective bargaining, negotiation of agreements, and representation of employee grievances;

(E) regularly informing employees that it is company policy to consult and bargain collectively with organizations which are freely elected by the employees to represent them; and

(F) utilizing impartial persons mutually agreed upon by employer and employee representatives to resolve disputes concerning election of representatives, negotiation of agreements or grievances arising thereunder, or any other matters arising under this paragraph.

(b) The Secretary may issue guidelines and criteria to assist persons who are or may be subject to this subtitle in complying with the principles set forth in subsection (a) of this section. The Secretary may, upon request, give an advisory opinion to any person who is or may be subject to this subtitle as to whether that person is subject to this subtitle or would be considered to be in compliance with the principles set forth in subsection (a).

ADVISORY COUNCILS

SEC. 313. (a) The Secretary shall establish in South Africa an Advisory Council (1) to advise the Secretary with respect to the implementation of those principles set forth in section 312(a), and (2) to review periodically the reports submitted pursuant to section 314(a) and, where necessary, to supplement the information contained in such reports. The Advisory Council shall be composed of ten members appointed by the Secretary from among persons representing trade unions committed to nondiscriminatory policies, the United States Chamber of Commerce in South Africa, and the South African academic community, and from among South African community and church leaders who have demonstrated a concern for equal rights. In addition to the ten appointed members of the Advisory Council, the United States Ambassador to South Africa shall be a member of the Advisory Council, ex officio.

(b) The Secretary shall establish in the United States an American Advisory Council to make policy recommendations with respect to the labor practices of United States persons in South Africa and to review periodically the progress of such persons in carrying out the provisions of section 311 of this Act. The American Advisory Council shall be composed of 11 members appointed by the Secretary from among qualified persons, including officers and employees of the Department of State, the Department of Commerce, the Department of Labor, and the Equal Employment Opportunity Commission, and representatives of labor, business, civil rights, and religious organizations. The Secretary shall publish in the Federal Register any recommendations made by the American Advisory Council under this subsection.

(c) Members of the Advisory Council in South Africa and of the American Advisory Council shall be appointed for 3-year terms, except that of the members first appointed, three on each Council shall be appointed for terms of two years, and three on each Council shall be appointed for terms of one year, as designated at the time of their appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

(d) The United States Ambassador to South Africa shall provide to the Advisory Council in South Africa the necessary clerical and administrative assistance. The Secretary shall provide such assistance to the American Advisory Council.

(e) Members of the Advisory Council in South Africa and of the American Advisory Council shall serve without pay, except that, while away from their homes or regular places of business in the performance of services for the respective Councils, members of the Advisory Councils shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

ENFORCEMENT; SANCTIONS

SEC. 314. (a) Each United States person referred to in section 311 of this Act shall submit to the Secretary (1) a detailed and fully documented annual report on the progress of that person in complying with the provisions of this subtitle, and (2) such other information as the Secretary determines is necessary.

(b) In order to insure compliance with this subtitle and any regulations issued to carry out this subtitle, the Secretary—

(1) shall establish mechanisms to monitor such compliance, including onsite monitoring with respect to each United States person referred to in section 311 of this Act at least once in every two-year period;

(2) shall make reasonable efforts within a reasonable period of time to secure such compliance by means of conference, conciliation, mediation, and persuasion;

(3) shall, in any case in which the Secretary has reason to believe that any person has furnished the Secretary with false information relating to the provisions of this subtitle, recommend to the Attorney General that criminal proceedings be brought against such person; and

(4) may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpena the attendance and testimony of witnesses and production of all books, papers, and documents relating to any matter under investigation.

(c) The Secretary shall, within ninety days after giving notice and an opportunity for a hearing to each United States person referred to in section 311 of this Act, make a determination with respect to the compliance of that United States person with the provisions of this subtitle and any regulations issued to carry out this subtitle.

(d)(1) Any United States person with respect to whom the Secretary makes a determination under subsection (c) or (f) of this section either that the person is not in compliance with this subtitle or any regulations issued to carry out this subtitle, or that the compliance of the person with this subtitle or those regulations cannot be established on account of a failure to provide information to the Secretary or on account of the provision of false information to the Secretary, may not—

(A) export any goods or technology directly or indirectly to South Africa; or

(B) use the services of the Export-Import Bank of the United States.

(2)(A) In addition to the penalties set forth in paragraph (1), the Secretary may impose upon any United States person subject to those penalties—

(i) if other than an individual, a fine of not more than $1,000,000, or

(ii) if an individual, a fine of not more than $50,000.

(B)(i) Any officer, director, or employee of a United States person subject to the penalties set forth in subparagraph (A), or any individual in control of that United States person, who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation involved and (ii) any agent of such United States person who knowingly and willfully carried out such act or practice, shall be subject to a fine, imposed by the Secretary, of not more than $10,000.

(C) A fine imposed under subparagraph (B) may not be paid, directly or indirectly, by the United States person committing the violation involved.

(D) The payment of any fine imposed under this paragraph shall be deposited in the miscellaneous receipts of the Treasury. In the event of the failure of any person to pay a fine imposed under this paragraph, the fine may be recovered in a civil action in the name of the United States brought by the Secretary in an appropriate United States district court.

(3) Any United States person who violates the provisions of paragraph (1)(A) of this subsection shall, in addition to any other penalty specified in this subtitle, be fined, for each such violation, not more than five times the value of the exports involved or $50,000, whichever is greater, or imprisoned not more than five years, or both. For purposes of paragraph (1)(A) of this subsection, "goods" and "technology" have the same meanings as are given those terms in paragraphs (3) and (4) of section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415).

(e) The Secretary shall issue an order carrying out any penalty imposed under paragraph (1) or (2) of subsection (d).

(f)(1) The Secretary shall, at least once in every two-year period, review and, in accordance with subsection (c), make a redetermination with respect to the compliance of each United States person referred to in section 311 of this Act with the provisions of this subtitle and any regulations issued to carry out this subtitle.

(2) In the case of any United States person with respect to whom the Secretary makes a determination under subsection (c) or paragraph (1) of this subsection either that the person is not in compliance with this subtitle or any regulations issued to carry out this subtitle, or that the compliance of the person with this subtitle or those regulations cannot be established on account of a failure to provide information to the Secretary or on account of the provision of false information to the Secretary, the Secretary shall, upon the request of that person and after giving that person an opportunity for a hearing, review and redetermine that person's compliance within sixty days after that person files the first annual report pursuant to subsection (a) of this section after the negative determination is made.

(g) Any United States person aggrieved by a determination of the Secretary under subsection (c) or (f) of this section may seek judicial review of that determination in accordance with the provisions of chapter 7 of title 5, United States Code.

(h) The Secretary shall submit an annual report to the Congress on the compliance of those United States persons referred to in section 311 of this Act with the provisions of this subtitle.

REGULATIONS

SEC. 315. (a) The Secretary shall, after consulting with the Advisory Councils established pursuant to section 313 of this Act, issue such regulations as are necessary to carry out this subtitle. Such regulations shall be issued not later than one hundred and eighty days after the date of the enactment of this Act. The Secretary shall establish dates by which United States persons must comply with the different provisions of this subtitle, except that the date for compliance with all the provisions of this subtitle shall not be later than one year after the date of the enactment of this Act.

(b) Before issuing final regulations pursuant to subsection (a), the Secretary shall publish in the Federal Register the regulations proposed to be issued and shall give interested persons at least thirty days to submit comments on the proposed regulations. The Secretary shall, in issuing the final regulations, take into account the comments so submitted.

WAIVER OR TERMINATION OF PROVISIONS

SEC. 316. (a) In any case in which the President determines that compliance by a United States person with the provisions of this subtitle would harm the national security of the United States, the President may waive those provisions with respect to that United States person if the President publishes each waiver in the Federal Register and submits each waiver and the justification for the waiver to the Congress and if the Congress enacts a joint resolution approving the waiver.

(b) Upon a written determination by the President that the Government of South Africa has terminated its practice of systematic racial discrimination and allows all the people of South Africa, regardless of race or ethnic origin, to participate fully in the social, political, and economic life in that country, the provisions of this subtitle and any regulations issued to carry out this subtitle shall cease to be effective.

SUBTITLE 2—PROHIBITION ON LOANS AND IMPORTATION OF GOLD COINS

LOANS TO SOUTH AFRICA

SEC. 321. (a) No bank operating under the laws of the United States may make any loan directly or through a foreign subsidiary to the South African Government or to any corporation, partnership, or other organization which is owned or controlled by the South African Government, as determined under regulations issued by the Secretary. The prohibition contained in this subsection shall not apply to loans for educational, housing, or health facilities which are available to all persons on a totally nondiscriminatory basis and which are located in geographic areas accessible to all population groups without any legal or administrative restriction.

(b) The prohibition contained in subsection (a) of this section shall not apply to any loan or extension of credit for which an agreement is entered into before the date of the enactment of this Act.

GOLD COINS

SEC. 322. No person, including any bank operating under the laws of the United States, may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the South African Government.

ENFORCEMENT; PENALTIES

SEC. 323. (a) The Secretary, in consultation with the Secretary of the Treasury and the Secretary of Commerce, shall take the necessary steps to insure compliance with the provisions of this subtitle, including—

(1) issuing such regulations as the Secretary considers necessary to carry out this subtitle;

(2) establishing mechanisms to monitor compliance with the provisions of this subtitle and any regulations issued pursuant to paragraph (1) of this subsection;

(3) in any case in which the Secretary has reason to believe that a violation of this subtitle has occurred or is about to occur, referring the matter to the Attorney General for appropriate action; and

(4) in any case in which the Secretary has reason to believe that any person has furnished the Secretary with false information relating to the provisions of this subtitle, referring the matter to the Attorney General for appropriate action.

(b)(1) Any person, other than an individual, that violates section 321 or 322 of this Act shall be fined not more than $1,000,000.

(2) Any individual who violates section 321 of this Act shall be fined not more than $50,000, or imprisoned not more than five years, or both.

(3) Any individual who violates section 322 of this Act shall be fined not more than five times the value of the krugerrands or gold coins involved.

(c)(1) Whenever a person violates section 321 or 322 of this Act—

(A) any officer, director, or employee of such person, or any natural person in control of such person, who knowingly and willfully ordered, authorized, acquiesced in, or

carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

WAIVER BY PRESIDENT

SEC. 324. The President may waive the prohibitions contained in sections 321 and 322 of this Act for a period of not more than one year if the President determines that the Government of South Africa has made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life in that country and toward an end to discrimination based on race or ethnic origin, if the President submits any such determination, and the basis for the determination, to the Congress, and if the Congress enacts a joint resolution approving the determination.

SUBTITLE 3—GENERAL PROVISIONS

COOPERATION OF OTHER DEPARTMENTS AND AGENCIES

SEC. 331. (a) Each department and agency of the United States shall cooperate with the Secretary in carrying out the provisions of this title, including, upon the request of the Secretary, taking steps to insure compliance with the provisions of this title and any regulations issued to carry out this title.

(b) The Secretary may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out the Secretary's functions under this title.

DEFINITIONS

SEC. 332. For purposes of this title—

(1) the term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term "Secretary" means the Secretary of State;

(3) the term "South Africa" includes the Republic of South Africa; any territory under the administration, legal or illegal, of South Africa; and the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, and Venda; and

(4) a United States person shall be presumed to control a corporation, partnership, or other enterprise in South Africa if—

(A) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 per centum of the outstanding voting securities of the corporation, partnership, or enterprise;

(B) the United States person beneficially owns or controls (whether directly or indirectly) 25 per centum or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(E) the United States person has authority to appoint a majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(F) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

APPLICABILITY TO EVASIONS OF TITLE

SEC. 333. (a) Subtitle 1 of this title shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of subtitle 1 of this title or any regulations issued to carry out that subtitle.

(b) Subtitle 2 of this title shall apply to any bank operating under the laws of the United States, or to any other person, who or which undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of subtitle 2 of this title or any regulations issued to carry out that subtitle.

CONSTRUCTION OF TITLE; SEVERABILITY

SEC. 334. (a) Nothing in this title shall be construed as constituting any recognition by the United States of the homelands referred to in section 332(3) of this Act.

(b) If any provision of this title or the application of this title to any person or circumstance is held invalid, neither the remainder of this title nor the application of that provision to other persons or circumstances shall be affected thereby.

The CHAIRMAN pro tempore. Are there amendments to title III?

Mr. ROTH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this afternoon we agreed that at 5:30 we were going to rise, the Committee was going to rise on title I. Now we have gone to title II and now are starting title III.

The CHAIRMAN pro tempore. Title III has been designated.

Mr. ROTH. Right.

The point is this, I am sure there are some people who would like to offer amendments but I think they were under the apprehension and maybe that title III was going to come up tomorrow. Due to the fact that we are on title III now and there are some amendments going to be offered to title III, I am sure, I wonder if we could move to title IV, possibly, and give the people a chance to bring their amendments to the floor.

What I am trying to say, Mr. Chairman, is I do not think we are being fair.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the Chairman.

Mr. BONKER. Mr. Chairman, I think the order of business ought to be that since the gentleman who is the principal sponsor of the amendment to title III is not prepared to offer his amendment at the moment, I would prefer to see the Committee rise and then we could proceed with amendments to title III tomorrow.

The CHAIRMAN pro tempore. Does the gentleman offer a motion?

Mr. BONKER. Mr. Chairman, I would ask unanimous consent that the Committee do now rise.

Mr. COLEMAN of Texas. Reserving the right to object, Mr. Chairman——

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. ROTH) has the time, and does the gentleman from Wisconsin yield to the gentleman from Washington?

Mr. BONKER. Mr. Chairman, I would move——

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. ROTH) controls the time.

Mr. ROTH. Mr. Chairman, I yield to the gentleman from Texas (Mr. COLEMAN).

Mr. COLEMAN of Texas. I thank the gentleman.

Mr. Chairman, I ask unanimous consent to return to title I so that I might offer an amendment.

The only reason I was unable to offer the amendment before was because a meeting was going on. I have been here for 2 days trying to offer it. It was one that I had cleared with the majority and with the minority.

I would ask if we could return to title I, since we still have some time available.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin yield for the purpose of the unanimous consent request?

Mr. ROTH. I do, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MICA. Reserving the right to object, Mr. Chairman, I would like to ask my colleague: Is this amendment to title I one that was agreed to by the minority and the majority?

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I thank the gentleman for yielding.

I was told by both sides there would be no objection. I just wanted an opportunity to explain the amendment. It is a simple one that asks the Commerce Department to do a feasibility study.

Mr. MICA. Mr. Chairman, I withdraw my reservation of objection.

Mr. ROTH. Mr. Chairman, I would have no objection to the gentleman's request.

The CHAIRMAN pro tempore. The gentleman from Wisconsin has yielded to the gentleman from Texas (Mr. COLEMAN) for the purpose of making an unanimous consent request to return to title I.

Is there objection to the request of the gentleman from Texas?

Mr. BONKER. Reserving the right to object, Mr. Chairman, I do so only for the purpose of asking that the gen-

tleman discuss only his amendment. In other words, I want to limit discussion under title I to only the gentleman's (Mr. COLEMAN) amendment.

The CHAIRMAN pro tempore. Is that the request of the gentleman from Texas (Mr. COLEMAN)?

Mr. COLEMAN of Texas. That is my request, Mr. Chairman.

Mr. BONKER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1700

AMENDMENT OFFERED BY MR. COLEMAN OF TEXAS

Mr. COLEMAN of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN of Texas: Page 43, line 17, add the following after the period: "The Secretary of Commerce shall conduct a study to determine the feasibility of using computer terminals located at ports and other points of exit from and entry into the United States in order to facilitate relevant agency interaction and to reduce delays in the issuance of export licenses under the Export Administration Act of 1979.".

Mr. COLEMAN of Texas. Mr. Chairman, my amendment to the Export Administration Act requests that the Secretary of Commerce conduct a feasibility study to examine the use of computer terminals at the ports of entry into and exit from the United States in order to facilitate the issuance of export licenses. I am specifically concerned about the southern border of the United States.

One of the major thrusts of the bill before us today is the facilitation of exports. I commend the excellent work of Chairman BONKER and the Subcommittee on International Economic Policy and Trade in meeting that goal through several provisions of this bill, including the general license for multiple exports and the elimination of licensing requirements for exports destined for Cocom countries, among others. I believe that an improvement in our computer technology that could eventually lead to the licensing of exports from field or district offices would expedite the licensing process and be more responsive to community needs.

The computer terminals could connect all of the agencies with jurisdiction over a given product and greatly enhance their ability to issue general export licenses. There are several advantages to having this community oriented approach. First, field personnel can comment on ongoing export questions, like those that doubtlessly came up during Operation Exodus. Second, advisory opinions are often a second priority within the Department of Commerce due to time constraints in reviewing the amount of export license applications. Timely advisory opinions can make the difference when a company is deciding on production feasibility and marketing techniques. Field personnel could work closely with the companies, and by virtue of the computer technology, closely with all agencies with jurisdiction over a given product, and prevent the production uncertainties and delays that have plagued West Texas companies. Finally, local licensing could expedite the often lengthy licensing process.

El Paso, Tex. has an active exporting community. That sector of our economy has remained relatively stable during the severe economic recession, due in large part to the four successive peso devaluations. My amendment would determine the feasibility of easing the regulatory burden through the use of state-of-the-art computer technology for existing exporters and would-be exporters.

In light of our current trade deficit and the recent emphasis placed on border issues, we should strive to improve our export policies to regain our primary status in world trade. Part of remaining competitive lies in expanding and facilitating the licensing process. My amendment is one small step, consistent with the tenets of the larger step that we are taking today. I urge my colleagues to join me in this important effort.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Texas. I yield to the gentleman from Florida.

Mr. MICA. I thank the gentleman for yielding.

Mr. Chairman, I would just like to ask some questions for clarification on the gentleman's amendment.

Would it be the gentleman's intention that this feasibility study be used to determine whether or not we need to have computer terminals in place, owned and operated by, I take it, the Department of Commerce, to in some way on the spot check and issue validated licenses and so on?

Mr. COLEMAN of Texas. Absolutely. Some of the simplest export items are requiring delays that are unbelievable. In terms of the economy of this country, in terms of our commerce and trade between nations, some of these have been delayed because many nonexporters, located at the scene, do not have the ability to make the right kinds of decisions. So they naturally are forced to go to, for example, from El Paso to Albuquerque, and oftentimes subsequently to Washington for something that is very simple that is not easily recognizable by someone in Customs.

Mr. MICA. I think the gentleman has an excellent idea. I think that so many departments in our government should be using this type of technology now and we could speed up a great deal of the so-called bureaucratic redtape.

Does the feasibility study have a price tag?

Mr. COLEMAN of Texas. No; it does not. In fact, I had another amendment and because of a request of the chairman and the ranking minority member my other amendment was not offered and this one was instead.

The other one would have actually required that to have been done. But because of cost constraints and concern by the chairman and others with respect to this bill, I did not offer it and I am only offering the one that they had agreed to.

Mr. MICA. So then this does not require the feasibility study? It does what?

Mr. COLEMAN of Texas. No; it requires the feasibility study. It does not require that they actually place computer terminals there.

I think that the Commerce Department will discover that after their feasibility study that this will be a much better use and allocation of their own personnel's time.

Mr. MICA. I think the gentleman has an excellent amendment.

Mr. Chairman, I support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. COLEMAN).

The amendment was agreed to.

PARLIAMENTARY INQUIRY

Mr. BONKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BONKER. When the committee resumes consideration of the Export Administration Act, H.R. 3231, am I to understand that we would proceed without consideration of amendments under title III?

The CHAIRMAN. The Chair will advise the gentleman that he is correct.

● Mr. PHILIP M. CRANE. Mr. Chairman, one of the key elements of the Export Administration Act is the provision requiring the certification of technology exports to insure that American ingenuity will not be readily transferred to Communist regimes. Developing superior capabilities at a great expense to national resources and then handing it to our adversaries is self-defeating and nonsensical.

The damage engendered by such practices is illuminated in the following article by Maynard Wolfe. The most recent and vivid example is the destruction of the South Korean airliner by the Soviet Union. It was made possible through the use of American technology, and as such the United States is guilty of negligent homicide. It is time for the United States to take responsibility, to heighten its aware-

ness and to enact even more stringent controls on technology transfers.

In light of the current debate on the Export Administration Act, I commend the following thought-provoking article to my colleagues' attention. Its message is clear and mandates action.

MAYNARD'S MOMENTS

(By Maynard M. Wolfe, Jr.)

That South Korean jumbo jet with 269 passengers including 30 Americans may have been shot down by Washington, D.C. and some American industries. Your tax dollars sent to Washington played a part also.

The news reports point out that a Soviet jet with a heat-seeking missile downed the plane. Where did that jet and the missile come from? Did the Soviets design the plane and develop the warhead?

All the war material used by the Soviets has come to them from the free world, principally the United States. None of their tanks, airplanes, or ships, originated from Soviet drawing boards nor from Soviet technology. We supply it.

Some of their jets use Rolls-Royce engines. Do you know who makes those? The factories which built these jets contain American machine tools. Do you know who makes those? A Soviet plant broke down during the Vietnam War (a time when 15,000 Americans were killed that year). This plant's production of war weapons was being sent to North Vietnam to shoot at our planes. Washington may have authorized a United States company in 1964 to go in and repair that assembly line. Later more Americans were killed because of this plant's continuing supply of war material.

In short, from 1918 to the present time, 1983, we have continued to build the Soviet Union with military aid and technology.

Did Washington shoot that plane? If you give a five-year-old kid matches, does HE burn the house down? If drunk drivers get only a slap on the wrist by courts for killing people, have we contributed to the 25,000 deaths a year by these drunks? If you give a gun to a revolutionary, don't be surprised if he points it at you and pulls the trigger.

Some of the comments from our leaders "an appalling act"; "an unbelievably barbaric act"—makes one think they were born very recently.

Where were these people when the Soviets invaded Afghanistan? Don't they know that Joe Stalin tortured and had killed 70 percent of the group in the Soviet which ratified his selection as the head man of those barbarians? The communist man has blood dripping from his every pore from millions of innocent victims since 1918. Killing 269 people is not new.

Washington will make protestations for a few weeks. It may suspend some trade agreements with loud fanfare. A short time later, however, it will be back to the business of "peaceful" relations with the Soviets. It will continue to give them our weapons technology. It will continue until the American people say "no more."

"Don't use any of my tax dollars for aid to communists in any countries wherever they might be," is the consensus needed from United States citizens.

If you want to do some homework on this subject, turn off the TV and get and read a book. It's called, "National Suicide-Military Aid to the Soviet Union," by Antony Sutton. It's published by Arlington House, New Rochelle, New York. A copy is in the public library.

"The 100,000 Americans killed in Korea and Vietnam were killed by our own technology," the author states.

The Korean plane passengers shot down by the Soviets were also killed by technology from the United States.

Shouldn't we try to prevent further military aid?●

● Mr. BROWN of California. Mr. Chairman, today as consideration of the Export Administration Act amendments continues, I notice a number of the proposed amendments concern sanctions against countries which have come into disfavor with the United States. The use of trade sanctions in response to political and human rights violations should not be taken lightly. The recent downing of the Korean jetliner has once again brought this topic into the limelight. I would like to review the incident for a moment and share some of my observations on the use of trade sanctions.

Just as much of the world reacted, I was appalled by the violent shooting of the Korean passenger airline by a Soviet fighter plane. The incident demonstrated a total lack of respect for human lives on the part of the Soviets, to which we must respond.

The public reaction to this incident was immediate. Like most of my colleagues, I received numerous letters from my constituents. Most demanded immediate action be taken against the Soviet Union. Recommendations included: Pulling out of the United Nations; closing the Soviet Embassy; curtailing all trade with the Soviet Union; and terminating all communications and negotiations.

I understand fully the outrage at this incident, and feelings that punishment must be imposed. Yet, when considering the imposition of sanctions against the Soviet Union, we must consider the appropriateness and repercussions of such acts.

We must anticipate the effectiveness of the sanction. Will it produce the intended pressure, or will it simply displace U.S. goods from the international marketplace? In the past, we have seen several imposed sanctions fail, the 1980 grain embargo to the Soviet Union among them. The Soviets were not greatly harmed by the U.S. cutoff of grain sales. Rather, it was the U.S. farmers who suffered through the loss of buyers and decreased grain sales. The 1980 grain embargo cost the United States $11.4 billion in overall grain sales. In addition, 310,000 jobs were eliminated because of the crisis.

The effectiveness of trade sanctions, then, must be weighed against their negative effects. We must look for ways to minimize these negative effects. If a unilateral trade sanction is too onerous, we should look at arranging multilateral sanctions, where many countries would honor the curtailment of trade. Without this type of cooperation, the action of one country is often rendered ineffective by the availability of the commodity on the open market.

Another result of sanctions we must consider is the rapidly declining reputation of the United States in the international marketplace. With each sanction imposed, the reputation of the United States as a dependable and stable provider is damaged. Already, several prospective buyers have expressed reservations, pointing out possible trade interruptions or terminations. This long-term effect will not be easily reversed and suggests trade sanctions should be applied with discretion.

The alternatives to trade sanctions to reach an intended goal, must also be considered. Negotiations, public pressure, and negative actions by international organizations are among the tools which can be used. While it is a common reaction to demand an eye for an eye, we must remember that disagreement are seldom solved through these means.

Our reaction to the Soviets' behavior, as well as to other violations, must be realistic and well thought out. We cannot let such incidents go unnoticed, yet we must be careful not to further threaten our future relations and negotiations. Our country must demonstrate its willingness to negotiate in a peaceful manner. In regard to the Korean plane incident, we must be careful not to retaliate in a way which would damage years of effort, especially in our arms negotiations, and increase the tensions between the two countries.

After reviewing the above considerations, I oppose many of the proposed retaliatory actions against the Soviet Union. I believe our reaction must be based on clear understanding of the situation, and focus on repairing the damage that has been caused. For this reason, I support two bills which I believe take a rational approach to this sensitive situation. Both bills demonstrate the U.S. outrage and anger about the incident. House Joint Resolution 353, passed by the House in September, is a broad piece of legislation condemning the Soviet Union for its actions. Its provisions require the Soviets to cooperate and assist in the complete recovery of the remains, call for an international investigation into this heinous incident and provisions to avoid further tragic incidents, and urge our allies and other nations, to join the United States in its demands of the Soviet Government.

I also have supported H.R. 3918 which is more specific. It establishes a procedure where the Soviet Union would provide monetary compensation for property and life claims to the survivors of the victims.

When we consider the types of export sanctions we will be voting on today, I suggest we all remember the

extensive deliberations we recently participated in to respond to the downing of the Korean jetliner. We all have come to separate conclusions, yet I believe we gained a better understanding of the effectiveness and appropriateness of reacting to political incidents with trade sanctions, and the possible alternatives. Today, let us apply our renewed knowledge carefully.●

● Mr. DAUB. Mr. Chairman, I wish to rise in support of the amendment to H.R. 3231, offered by my colleague, Mr. BEREUTER of Nebraska. Those of us representing agriculture regions have come to respect the importance of export markets to stability in the agricultural sector. The use of agricultural exports as a foreign policy tool over the past 10 years has earned the United States a reputation as an unreliable supplier.

While this administration has wisely renegotiated a new long-term grains agreement, and refused to cancel this agreement in the wake of the Korean airliner tragedy, I believe it is important for this country to firmly demonstrate its commitment to being a reliable supplier. In its current form, H.R. 3231, provides four conditions under which export contracts may be revoked or canceled. These provisions, while certainly well-intended are not in the best interest of our agricultural sector, or more accurately, the best interest of our national economy.

American agriculture is a cornerstone of our economy—a renewable resource which contributes significantly to our gross national product. By reinjecting cause for our trading partners to doubt our reliability as a supplier, we damage our credibility and in turn threaten the viability of our farm sector. The embargoes placed on grain and soybeans during past years are clearly indicative of this threat.

I am pleased to rise in support of the amendment offered by my colleague. The efforts he has made on behalf of the agricultural sector are to be commended.●

Mr. BONKER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. SEIBERLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3231) to amend the authorities contained in the Export Administration Act of 1979, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 2968, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1984

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 329 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 329

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2968) to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and to the amendments made in order by this resolution and which shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections except for section 108, and each title shall be considered as having been read. Section 108 of the bill shall not be considered for amendment until the remainder of the bill has been considered for amendment in its entirety, and until section 108 is considered for amendment, no amendment to the bill, including an amendment in the nature of a substitute, shall be in order which effects the subject matter of section 108, funding for military and paramilitary operations in Nicaragua. No amendment to section 108 shall be in order except one amendment to that section of the bill by Representative Boland of Massachusetts and one amendment to that section of the bill by Representative Robinson of Virginia, if said amendments have been printed in the Congressional Record by those Members, respectively, by October 18, 1983, or no later than one legislative day before their consideration, whichever is later. Said amendments shall not be subject to amendment but shall each be debatable for not to exceed thirty minutes, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. It shall be in order for Representative BOLAND to offer as his amendment the text of the bill H.R. 2760 as passed by the House, and all points of order against said amendment for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of the consideration of section 108 of the bill for amendment, no further amendment to the bill shall be in order, and the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, which shall be debatable for not to exceed twenty minutes, to be equally divided and controlled by the proponent of the motion and a Member opposed thereto.

□ 1710

The SPEAKER pro tempore (Mr. MURTHA). The gentleman from California (Mr. BEILENSON) is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 329, provides for the consideration of H.R. 2968, the Intelligence Authorization Act of fiscal year 1984. House Resolution 329 is a modified open rule, which provides for the orderly consideration of the very important subject matter of U.S. intelligence activities.

The rule provides 1 hour of general debate on the bill and states that the bill is to be read for amendment by title instead of by section, except for section 108, with each title considered as read. Section 108 contains a prohibition on any funds being used to support, directly or indirectly, military or paramilitary operations in Nicaragua.

Under the rule, section 108 is not to be considered until the remainder of the bill has been considered for amendment. Until section 108 is considered, the rule precludes any amendment from being offered, including any amendment in the nature of a substitute, which affects the subject matter contained in section 108.

During the consideration of section 108 only two amendments are made in order by the rule. First, an amendment may be offered by Representative BOLAND of Massachusetts. If the amendment offered by Representative BOLAND consists of the text of H.R. 2760 as passed by the House, the rule waives clause 7 of rule XVI against that amendment. The second amendment in order to the section is an amendment which may be offered by Representative ROBINSON of Virginia. The rule provides that the amendments are to be printed in the CONGRESSIONAL RECORD by October 18 or 1 legislative day prior to consideration of the legislation, whichever is later. Amendments to section 108 are not amendable and may be debated for 30 minutes each, with the time equally controlled and divided by the proponent of the amendment and a Member opposed thereto.

Mr. MICA. Mr. Speaker, will the gentleman yield on that point?

Mr. BEILENSON. I yield to the gentleman from Florida.

Mr. MICA. On section 108, which deals with Nicaragua, is there agreement within the two parties mentioned in the rule as to the procedure?

Mr. BEILENSON. There is, I will tell my friend from Florida. There is agreement as to this procedure, and there is no opposition to it from our friends on the other side of the aisle.

Mr. MICA. Each party has agreed to this part of the rule and the way that they will proceed under the rule?

Mr. BEILENSON. That is correct.

Mr. MICA. I thank the gentleman.

Mr. BEILENSON. Finally, Mr. Speaker, the rule provides one motion to recommit which is to be debatable for 20 minutes with the time equally divided and controlled by the proponent of the motion and a member opposed thereto.

Mr. SPEAKER. H.R. 2968 authorizes appropriations for fiscal year 1984 for the intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, and for the Central Intelligence Agency retirement and disability system. The legislation also amends certain administrative provisions relating to the Central Intelligence Agency and the Intelligence Community staff. The legislation explicitly authorizes the Director of the Central Intelligence Agency to establish age criteria for certain positions within the Agency for which operational necessities require such criteria. This authority is similar to that which exists for the appointment of Federal air traffic controllers, firefighters, and law enforcement officers.

Mr. Speaker, probably the most controversial provision of the legislation is section 108 which contains a prohibition on any funds being used to support, directly or indirectly, military or paramilitary operations in Nicaragua. Earlier this year, the House considered this very subject in H.R. 2760. After considerable debate the House passed H.R. 2760, as amended, by a vote of 228 to 195. The rule before the Members affords the chairman and the ranking minority member of the Select Committee on Intelligence the opportunity to offer amendments to section 108. I might add that this arrangement was requested by both the chairman and the ranking minority member of the Select Committee on Intelligence.

House Resolution 329 is a fair rule and provides ample opportunity for the consideration of this important legislation and I urge its adoption.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I merely want to reemphasize a couple points the gentleman from California has just made; that is, no amendment to section 108 is in order except one amendment by the gentleman from Massachusetts (Mr. BOLAND) and one amendment by the gentleman from Virginia (Mr. ROBINSON).

Mr. Speaker, section 108 of this bill will not be considered for amendment until amendments on all other sections of the bill have been completed. When the House considers section 108 for amendment, Chairman BOLAND has already indicated in a "Dear Colleague" letter that he intends to offer as a substitute the entire text of H.R. 2760, which was previously considered by the House on July 28, 1983.

If Chairman BOLAND's amendment is defeated, then the House will have an opportunity to consider an amendment of the gentleman from Virginia (Mr. ROBINSON).

If, however, the Boland amendment is adopted, the gentleman from Virginia (Mr. ROBINSON) will be precluded from offering any further amendment to section 108. A motion to recommit with instructions will be the only legislative means by which the House may consider the Robinson compromise amendment.

Mr. Speaker, this House should not be locked into the position in which it would find itself under section 108. Section 108 is short, and Members should be aware of exactly what it says, and for this reason I quote:

None of the funds authorized to be appropriated by this Act may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual. Any funds requested for such purpose or which would have such effect are hereby deleted.

Mr. Speaker, we should not put ourselves in this kind of a straitjacket.

The Boland amendment to section 108 is subject to the same problem. It is unduly rigid in the face of constantly changing circumstances in Central America. It unilaterally restricts the U.S. conduct without regard to Nicaraguan behavior in Central America.

Mr. Speaker, the Robinson compromise amendment is a much more reasonable alternative. It will condition the prohibition on covert aid on Nicaragua's ceasing to try to overthrow other governments in that part of the world.

Mr. Speaker, the House should adopt the Robinson substitute language when that time comes.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

Let me simply say that I have some reservation about this rule because the authorization measure addresses the highly emotional and critical issue of covert paramilitary activities. What we decide in this legislation is going to have lasting impact. The future of Central America is at stake. U.S. credibility is at stake. The atmosphere in which traditionally a bipartisan issue is being debated I guess gets somewhat polluted by partisan politics here.

In my judgment, the rule does not provide enough debate time. As I understand, the way this conversation developed between the chairman and ranking minority Member—I will ask the gentleman from Virginia (Mr. ROBINSON) to correct me if I am wrong—it was my understanding, in the gentleman's initial conversations with the chairman of the Intelligence Committee, there would probably be an opportunity for the chairman to offer an amendment of his choosing and that the gentleman from Virginia, our ranking member on the Intelligence Committee, would also be given an opportunity to offer an amendment of his choosing. Is that not correct?

(The SPEAKER resumed the chair.)

The SPEAKER. Will the gentleman yield?

Mr. LATTA. I yield to the distinguished Speaker.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 96. An act to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes.

The SPEAKER. I thank the gentleman.

Mr. ROBINSON. If the gentleman will yield, that is correct, in that the original understanding that the chairman and I have was to that effect. However, I have to tell the minority leader that in the course of our discussion before the Rules Committee, I did not object to the final resolution that we came to because I felt that the rule was as good a rule as we were going to get under the circumstances.

I do wish that we had the opportunity to have a freestanding amendment following whatever the chairman might have in the way of this amendment and that our amendment would not be precluded by the method that has been used in formulating his.

Mr. MICHEL. If I might make an observation there, there is a real distinction here between given an opportunity for a freestanding amendment and one of simply responding to a substitute.

Now, if the chairman is accorded the opportunity of a substitute and also the gentleman on our side would have his substitute, that is one thing. But to have the chairman accorded that opportnity which wipes away all opportunity for the gentleman from Virginia to offer any kind of perfecting amendment or any kind of freestanding amendment other than simply a motion to recommit, for which there is only 10 minutes of debate, and I am not sure whether or not that has been extended to 20 minutes, I just do not think that is fair under the fair-game rules under which to operate for this very important piece of legislation.

□ 1720

Mr. LATTA. It is 10 minutes on a side; 20 minutes in total.

Mr. MICHEL. But nevertheless, here is the problem with relegating to the minority, particularly to the gentle-

men on our side who serve with such distinction on that Intelligence Committee: There is a natural inclination on the part of Members of the majority to vote against any kind of motion to recommit, and we understand that, because that is the last opportunity for the minority to make a show of whatever strength. But the very motion itself is somewhat tainted simply because it is in that form of a motion to recommit. It would have a much better standing, higher standing, if the same proposition is offered as a freestanding amendment, as I would have hoped the gentleman from Virginia would have been given the opportunity to do.

So that is my objection to the rules under which we are going to be debating this very, very important piece of legislation which, as I said, has far-reaching effects for our country for many years to come, for the whole Central American area, and whatever. I just have to raise my objection to the procedure and, maybe before the debate is over, offer a unanimous-consent request, knowing full well that we can do anything in this body by unanimous consent, but I would surely want to give ample warning to all those who would be responsible for managing the legislation. If I were to do so, they would be given to understand that it would not be a routine kind of unanimous-consent request.

Mr. LATTA. Let me further comment, as I pointed out in my initial remarks, if the Boland amendment to section 108 is adopted by the House and the gentleman from Virginia is precluded from offering any amendment to 108, then he only has left, as the gentleman from Illinois has pointed out, a motion to recommit. That is all we have left.

Mr. ROBINSON. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I would be happy to yield.

Mr. ROBINSON. That, of course, is absolutely true, but it is not true that that is a condition that was imposed by this particular rule. That is because of a rule of the House, as I understand it, and not because of a rule that is one that was generated for this particular purpose.

Further than that, I was well aware, in appearing with the chairman in behalf of the rule, that the Committee on Rules was not totally willing to give us a motion to recommit with instructions. I was willing, in spite of the fact that a motion to recommit does have some difficulty building support because of the way things work around here, to go a long way in terms of giving up the advantage of the amendment process in order to be sure we had the last opportunity to do anything with this bill, which is a motion to recommit with instructions, and that is the way I decided it was rational and reasonable to go.

Mr. MICHEL. Does the gentleman have some additional time?

Mr. LATTA. Yes, I have time.

Mr. MICHEL. I should like to alert the other side to my making a rather unusual, a very unusual unanimous-consent request, and it would be this, Mr. Speaker: that I ask unanimous consent that during the consideration of H.R. 2968 in the Committee of the Whole, Mr. ROBINSON of Virginia be permitted to offer, as his amendment to section 108 provided for in House Resolution 329, an amendment to strike out that section in its entirety and insert a new section, even if an amendment to strike out that section in its entirety and insert a new section has already been adopted, and that only the last such amendment in the nature of a substitute for the section, which has been adopted, shall be reported back to the House.

PARLIAMENTARY INQUIRY

Mr. BEILENSON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MURTHA). The gentleman will state it.

Mr. BEILENSON. Mr. Speaker, is the gentleman from Illinois, the distinguished minority leader, making his unanimous-consent request at this time?

The SPEAKER pro tempore. It is the Chair's understanding that he is not. He is announcing that he may make the request.

Mr. MICHEL. That is the nature of it, and I wanted the other side to be completely aware of what my unanimous-consent request was all about, because it is rather unusual.

Mr. BEILENSON. We appreciate that. I thank the gentleman.

Mr. LATTA. Mr. Speaker, I understand there is another speaker on the other side, so I will reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. MICA) for purposes of debate only.

Mr. MICA. I thank the gentleman for yielding this time to me.

My colleagues, I would ask very close attention on your part on this rule and on the subject we are about to embark on tomorrow on Nicaragua.

I held a briefing this morning. I requested a briefing from the CIA and from the State Department on this very subject, and invited colleagues to come in and listen, with maps, charts, with information on the various aspects of the rebel groups, and so on. If I learned one thing from the briefing outside of the information that was given about Nicaragua, it was that some of our colleagues have not had the opportunity to really get all the information and know what is even public knowledge.

So I say to all of my colleagues, Democrats and Republicans, get the Boland-Zablocki report, not the Mica report or anybody else's; the report that was put out by the committee. Read the whole thing if you can, but if you cannot, read page 6 where it delineates very, very clearly what is going on in Nicaragua, at least through July, and many say much worse right now. But read that. That is a congressional report, one page. It should take about a minute or two to read and I think it could have a great influence on how we vote on this situation tomorrow.

Let me tell my colleagues how I see it: As I came here as a freshman, the great debate was should we or should we not support the Sandinistas. There was a great cry from my colleagues on the Democratic side to do everything we can to try to help out, and we did vote to give $75 million to try to get them to work with us.

That did not work. It did not work at all. So we sent in Secretaries of State and we sent in diplomatic missions and we sent in high-level Government officials, and not only did that not work, but they decided that they would cancel the elections that they promised when we gave them the $75 million.

So the money did not work, the diplomatic efforts of a Democratic administration did not work, so it went to third parties. We went all over Central America, we went all over Europe to try to get some assistance to say to the Sandinistas, "Cooperate, do not export revolution to your neighbors."

And what was their response? Not this year, but years ago, their response was, "We will build the largest standing army ever to exist in this Hemisphere outside of the United States, ever to exist." I remind my colleagues that on page 6, which is so critical, I hope you and your staff can take a look at it, I will give out copies tomorrow, it says that army in no way can be considered a defensive army. So what we are talking about now is not just an issue that came up today. The Boland committee authorized, because of concerns, this amount of aid, a little more aid, a little more aid, for covert operations. It is unfortunate that that covert operation is over now, but the problem, as a matter of fact, exists as it always has. So we need to address this with full information.

I do not ask anybody in this Chamber, anybody in this body, to agree with my conclusions, but I ask you to take a few minutes. We are going to bring it up tomorrow, and when it came up last time, so many came up and said, after the vote, "I did not read that report. I did not have a chance to see what some of those conclusions were." Hard evidence, questions that Members were asking as early as this morning of the CIA, have

been printed in that document and open for our review for months now. So I ask you to do that. A small amount now, to keep the pressure on. The first time Nicaragua, just since that last vote, has agreed and signed on 21 goals, including getting every adviser, Soviet, American and everybody, out of the region, because there has been some pressure. We do not want to see this situation escalate. I think the fact that they have signed that, because there has been some pressure, in opposition frankly, to a proposal that says let us give enough money to build a fence on either side of Nicaragua, the best estimates that we have for building that defensive position around Nicaragua is $300 million—$300 million—and they say it is doubtful it would work.

□ 1730

I refer to a figure that I was just told today, that it cost a billion dollars to build the DMZ in Korea and that is difficult to control in peacetime.

The SPEAKER pro tempore. The time of the gentleman from Florida has expired.

Mr. BEILENSON. Mr. Chairman, I yield 2 additional minutes to the gentleman.

Mr. MICA. The point I am saying, we are talking about a proposal that would say build defensive positions, a fence, that would be allowed to exist even while there is a military conflict going on. We cannot seem to do that with a billion dollars in the situation in Korea where there is not a military conflict.

So I am not asking anybody to debate the issue now. I am simplying saying, I hope my colleagues will look at what has happened with the Contadora Group, with the signing of the 21 points in the agreement, with the present situation, and most importantly, the Boland-Zablocki report which details the kinds of things that Members have been asking.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. MICA. I am happy to yield.

Mr. MILLER of California. Mr. Speaker, I would just ask the gentleman, for one, to suggest that because a sovereign country went out and built the largest standing army in the hemisphere outside the United States is not a proper rationale for this Government to engage in the overthrow of that government for that reason.

Second, I would suggest that we do not find that army invading Honduras or Costa Rica. What we find is just the opposite, that that country is under seige by American financed military groups.

Third, if they sign on to the 21 agreements, as they have, and negotiate them out, the gentleman may not desire to be involved any longer, but in fact, people in this administration have said and people who are leading the fight of the Contras inside Nicaragua have said that it is their goal to overthrow and to change the government in Managua. That is what this money is being financed for.

There is little evidence that the country of Honduras needs to be protected from Nicaragua. There is a hell of a lot more evidence that Nicaragua needs to be protected from Honduras at this point.

Mr. MICA. Mr. Speaker, if the gentleman will allow me to reclaim my time, there are several countries on the borders of Nicaragua. Costa Rica has no standing army.

I would not maintain if they were only building a massive offensive army that maybe that is the only reason we should be concerned.

The SPEAKER pro tempore. The time of the gentleman from Florida has again expired.

Mr. BEILENSON. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. MICA. If that were the only reason, Mr. Speaker, it might be minor; but the fact that they were building and are intending publicly to build an army that could roll over the combined armies of Mexico, Honduras, Guatemala, El Salvador, and no army in Costa Rica, was a concern to just a few people; but I just say to the gentleman and all my colleagues, this is not the time, maybe tomorrow we will have some time; but please read that report before we vote, because many of the questions that Members walk down the hall and ask are addressed squarely and it is a report that was put together with the Democratic majority.

So I say this in all sincerity, make your own judgments, but look at that.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to commend the gentleman for offering the suggestion that he did to the Members of the House. I think all too often they come in on some important votes and they are not adequately informed. Certainly on this issue they have an opportunity to read the report, as the gentleman has indicated, and if they will take that time, I think they will be more adequately informed.

Mr. Speaker, I yield 8 minutes to the gentleman from Pennsylvania (Mr. RITTER).

Mr. RITTER. Mr. Chairman, I rise in opposition to the rule, because I believe that the rule is simply too restrictive.

This Boland-Zablocki amendment to the Intelligence Committee authorization has far-reaching consequences for the future of this Western Hemisphere. I do not think anyone in this House will deny that statement. To constrict the amendment process to either the Boland amendment and then if that fails, and only if that fails, to the amendment of the minority, is simply not taking into account the other possibilities that exist for amending this legislation. For example, the Boland amendment applies $50 million in overt aid to somehow in the neighboring countries to Nicaragua, somehow curtail the flow of arms and the shipment of arms.

Everybody in this House admits that that sum is simply not equal to the task.

An amendment could have been offered that would have allowed hearings to be held on precisely what the demands would be if, indeed, the attempt to cut off arms shipments and training procedures that cross the borders in Central America out of Nicaragua; a study by the Department of Defense, a study by the Intelligence Agencies, a report to the Congress, but we are talking about $50 million to do this job and everybody in this House knows that that is an impossible task.

The gentleman from Oklahoma (Mr. MCCURDY) from the Democratic side of the aisle understood this and as a supporter of Boland-Zablocki in the last go-round, he was even considering offering an amendment to just double that; but we have heard numbers from good sources on both sides of the aisle that $50 million is simply not up to the task, which means that the whole argument that somehow we are going to make something that is covert to overt is simply a specious argument. It is misleading the American people and without significant pressure, whether it is on one side of the border or another, the people in Nicaragua will continue doing what they have done.

An amendment could have been offered which would have simply changed this aid from covert aid to overt aid and still help those opposing the Sandinista regime. That will be impossible with this rule.

An amendment could have been offered linking the fulfillment of human rights goals on the part of the Sandinistas to our cessation of covert aid. Such a human rights amendment will not be possible.

There are supporters on both sides of the aisle of a human rights policy coming out of the Sandinista Government, which is certainly markedly different from the government's policies today, but that will be impossible.

An amendment could have been offered to link the cessation of persecution of Jews in Nicaragua, albeit there are mighty few left, to our cessation of covert assistance. Such an amendment will not be possible under this restrictive rule.

□ 1740

An amendment could have been offered that would have linked the cessation of the genocide. Such an

amendment which linked known documented Sandinista genocide against the Indian populations of Nicaragua, particularly the Miskitos, the Sumos and the Ramas and the Black Creole populations will not be offered because of this restrictive rule.

These amendments may well have found broad bipartisan support in this body. Perhaps that is why the rule has ended up in its restrictive fashion, and I want to commend the members of the minority on the Intelligence Committee. They did the very best they could, and they negotiated and dealt with their superior numbers on the other side in a way that I think we should feel they did well. But above and beyond that, this rule is highly restrictive, in keeping from the debate, in keeping from the vote, keeping from the American people critical issues in Central America today.

Mr. Speaker, I would hope that the Members of this body tomorrow come to the floor or tune in on their television sets to this debate. It does not have to be a rerun of last time. There is much new information that has come to the floor, changes which have taken place in the interim, many of them positive as the gentleman from Florida has pointed out.

I yield back the balance of my time.

Mr. LATTA. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. I thank the gentleman for yielding me this time.

Mr. Speaker, I was in my office listening to this interesting debate, and I heard one of the gentleman on the other side say that the creation of the largest standing army in the hemisphere outside of the United States is not grounds for us to support some sort of assault against that government.

First of all, he assigns to the Government of Nicaragua a legitimacy that I say they have forfeited when they have betrayed their commitment to the Organization of American States by failing to have an open society, freedom of the press, freedom of religion, and freedom of elections. So, any legitimacy that we assessed in conferring on them by supporting them in the removal of Samoza and $75 million, which I, to my undying discredit, supported on this floor in the hopes that they would be an open society as they promised does not make them legitimate; but how do you convince the Sandinistas to stop exporting revolution to El Salvador?

The Washington Post, Wednesday, September 21, "Base for Ferrying Arms to El Salvador Found in Nicaragua" by Sam Dillon of the Knight-Ridder papers.

Here is the same story from UPI by John Lantigua from Estero Padre Ramos, Nicaragua:

A radio-equipped warehouse and boat facility, disguised as a fishing cooperative on an island in Northwestern Nicaragua has served for 3 years as a transshipments point for smuggling arms to El Salvador, numerous residents here say.

A 14-foot boat fleet, including half a dozen large dugout canoes that can carry thousands of pounds of cargo, has been involved in the operation, residents say, with regular departures at 2-week intervals.

How do you persuade the Sandinistas? You will never make them tell the truth. They will still deny it, but how do you persuade them to stop exporting revolution? Negotiate with them, talk to them, plead with them, pray with them, write them letters, meet with them? They do not seem to respond to that.

Mr. McCAIN. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Arizona.

Mr. McCAIN. I thank the gentleman for yielding.

I also heard the statement that I believe the Governments of Honduras and Guatemala pose a threat to the Government of Nicaragua. Did you happen to hear that?

Mr. HYDE. Yes, and you know, you wonder if you step through the looking glass to listen to reality on this floor. If Nicaragua would leave its neighbors alone, they would be left alone, and that is all we seek to do; but the gentlemen on the other side of the aisle have a faith in negotiating with Marxists that is utterly repudiated by history, not all of them, not my two dear friends from California, and my friend from Louisiana, but there are some gentlemen over there that are impervious to reality, and they are going to continue to try to negotiate with people who do not care about negotiations, who are going to continue to export misery and suffering and death to their neighbors until they are stopped.

Now, we either stop it now, or you stop it 2 years from now at the Rio Grande. The choice is yours, and history will tell the story.

I yield back the balance of my time.

Mr. MICHEL. If the gentleman will yield time so that I might propound a unanimous-consent request and, Mr. Speaker, I recognize the hour, and that a number of Members are committed this evening for a very important affair and normally I would like to see a rollcall vote on this to underscore my displeasure with the kind of rule we are going to proceed with apparently, and I am going to forgo that request for a rollcall vote in deference to all our Members who may have already left the Hill, but I do want to, as I say, propound a unanimous-consent request, if the gentleman will yield for that purpose.

Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 2968 in the Committee of the Whole, Mr. ROBINSON of Virginia be permitted to offer, as his amendment to section 108 provided for in House Resolution 329 an agreement to strike out that section in its entirety and insert a new section even if an amendment to strike out that section in its entirety and insert a new section has already been adopted and that only the last such amendment in the nature of a substitute for the section which has been adopted shall be reported back to the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. BEILENSON. Mr. Speaker, reserving the right to object, and I advise my friend from Illinois that I shall in fact object, but I wanted to speak very briefly to the question, if I could.

I do not think that this Member has the right on behalf of the Committee on Rules to agree to the unanimous-consent request, nor do I think that the gentleman's proposal really addresses some of the problems suggested by some Members from the other side of the aisle, especially the gentleman from Pennsylvania who still does not like the rule an awful lot.

The request constitutes a major change in the rule which this Member believes should remain in the province of the Rules Committee.

Frankly, the objections of the distinguished gentleman take the committee by surprise. The committee tried very hard to write a fair rule at the time that it was crafting such a rule. That rule was at least not objected to, and this Member remembers it as having been agreed to by the ranking minority member from the Select Committee on Intelligence, and the rule was adopted by unanimous voice vote by the Committee on Rules. For those reasons, Mr. Speaker, I will object.

The SPEAKER pro tempore. Objection is heard.

Mr. LATTA. I have no requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LATTA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 179, not voting 22, as follows:

[Roll No. 400]

YEAS—232

Ackerman	Garcia	Oakar
Akaka	Gaydos	Oberstar
Albosta	Gejdenson	Obey
Alexander	Gephardt	Olin
Anderson	Gibbons	Ortiz
Andrews (NC)	Gilman	Ottinger
Andrews (TX)	Glickman	Panetta
Annunzio	Gonzalez	Patterson
Anthony	Gore	Pease
Applegate	Gray	Penny
Aspin	Guarini	Perkins
AuCoin	Hall (OH)	Pickle
Barnes	Hamilton	Price
Bates	Harkin	Quillen
Bedell	Harrison	Rahall
Beilenson	Hatcher	Rangel
Bennett	Hayes	Ratchford
Berman	Hefner	Reid
Bevill	Heftel	Richardson
Boggs	Hertel	Robinson
Boland	Horton	Roe
Bonior	Howard	Rose
Bonker	Hoyer	Rostenkowski
Borski	Hubbard	Rowland
Bosco	Hughes	Roybal
Boucher	Hutto	Russo
Boxer	Ireland	Sabo
Breaux	Jenkins	Savage
Britt	Jones (OK)	Scheuer
Brooks	Jones (TN)	Schneider
Brown (CA)	Kaptur	Schroeder
Bryant	Kastenmeier	Schumer
Burton (CA)	Kennelly	Seiberling
Carper	Kildee	Shannon
Carr	Kogovsek	Sharp
Chappell	Kolter	Sikorski
Clarke	LaFalce	Simon
Clay	Leath	Skelton
Coelho	Lehman (CA)	Slattery
Coleman (TX)	Lehman (FL)	Smith (FL)
Collins	Leland	Smith (IA)
Conyers	Levin	Solarz
Cooper	Levine	Spratt
Coyne	Levitas	St Germain
Crockett	Lipinski	Staggers
D'Amours	Long (LA)	Stark
de la Garza	Long (MD)	Stokes
Dellums	Lowry (WA)	Studds
Derrick	Luken	Swift
Dicks	Lundine	Synar
Dingell	MacKay	Tallon
Dixon	Markey	Torres
Donnelly	Marlenee	Torricelli
Dorgan	Martinez	Towns
Dowdy	Matsui	Traxler
Downey	Mavroules	Udall
Durbin	McCloskey	Valentine
Dwyer	McCurdy	Vento
Dymally	McHugh	Volkmer
Dyson	McNulty	Walgren
Early	Mica	Watkins
Eckart	Mikulski	Waxman
Edgar	Miller (CA)	Weaver
Edwards (CA)	Mineta	Weiss
English	Minish	Wheat
Erdreich	Mitchell	Whitley
Evans (IL)	Moakley	Whitten
Fazio	Mollohan	Wirth
Feighan	Montgomery	Wise
Ferraro	Moody	Wolpe
Flippo	Morrison (CT)	Wright
Florio	Mrazek	Wyden
Foglietta	Murphy	Yates
Foley	Murtha	Yatron
Ford (MI)	Natcher	Young (MO)
Ford (TN)	Neal	Zablocki
Fowler	Nichols	
Frost	Nowak	

NAYS—179

Archer	Broyhill	Conte
Badham	Burton (IN)	Corcoran
Barnard	Byron	Coughlin
Bartlett	Campbell	Courter
Bateman	Carney	Craig
Bereuter	Chandler	Crane, Daniel
Bethune	Chappie	Crane, Philip
Bilirakis	Cheney	Daniel
Bliley	Clinger	Dannemeyer
Boehlert	Coats	Daub
Broomfield	Coleman (MO)	Davis
Brown (CO)	Conable	DeWine
Dickinson	Lent	Roberts
Dreier	Lewis (CA)	Roemer
Duncan	Lewis (FL)	Rogers
Edwards (AL)	Livingston	Roth
Edwards (OK)	Lloyd	Roukema
Emerson	Loeffler	Rudd
Erlenborn	Lott	Sawyer
Evans (IA)	Lowery (CA)	Schaefer
Fiedler	Lujan	Schulze
Fields	Lungren	Sensenbrenner
Fish	Mack	Shaw
Forsythe	Marriott	Shelby
Frank	Martin (IL)	Shumway
Franklin	Martin (NC)	Shuster
Frenzel	Martin (NY)	Sisisky
Gekas	Mazzoli	Skeen
Gingrich	McCain	Smith (NE)
Goodling	McCandless	Smith (NJ)
Gradison	McCollum	Smith, Denny
Gramm	McDade	Smith, Robert
Green	McEwen	Snowe
Gregg	McGrath	Snyder
Gunderson	McKernan	Solomon
Hall, Ralph	McKinney	Spence
Hall, Sam	Michel	Stangeland
Hammerschmidt	Miller (OH)	Stenholm
Hance	Molinari	Stratton
Hansen (ID)	Moore	Stump
Hansen (UT)	Moorhead	Sundquist
Hartnett	Morrison (WA)	Tauke
Hiler	Myers	Tauzin
Hillis	Nelson	Taylor
Holt	Nielson	Thomas (CA)
Hopkins	O'Brien	Thomas (GA)
Huckaby	Owens	Vandergriff
Hunter	Oxley	Vucanovich
Hyde	Packard	Walker
Jacobs	Pashayan	Whitehurst
Jeffords	Patman	Whittaker
Johnson	Paul	Williams (OH)
Kasich	Petri	Wilson
Kazen	Porter	Winn
Kemp	Pursell	Wolf
Kindness	Ray	Wortley
Kramer	Regula	Wylie
Lagomarsino	Ridge	Young (FL)
Latta	Rinaldo	Zschau
Leach	Ritter	

NOT VOTING—22

Addabbo	Hightower	Rodino
Biaggi	Jones (NC)	Siljander
Boner	Kostmayer	Vander Jagt
Daschle	Lantos	Weber
Fascell	Madigan	Williams (MT)
Fuqua	Parris	Young (AK)
Hall (IN)	Pepper	
Hawkins	Pritchard	

□ 1800

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, earlier this afternoon I was attending the 25th anniversary program for NASA, when a quorum call was made and I missed a recorded vote on the amendment offered by Mr. FRENZEL to H.R. 3231. Had I been present, I would have voted "no" on the amendment, rollcall No. 395.

INVESTIGATING WAYS TO REDUCE NUMBER OF ILLEGALLY IMPORTED GARMENTS

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, I recently met with members of the International Ladies Garment Workers Union Local 502 in Hastings, Nebr.

These fine, hard-working Nebraskans are concerned about the rising number of garments imported into the United States and the effect of these imports on their jobs.

The workers at Mode O'Day, a Hastings industry for 36 years, took a pay cut of 7 percent last year to insure the continued operation of the Hastings plant.

They told me that imports have strongly injured the ability of local garment plants like theirs to survive.

Mr. Speaker, I have written to the President commending him for negotiating a good quota arrangement with the top textile and apparel importing nations. However, I have also urged him to seek better enforcement of these quotas.

The Commercial Fraud Investigation Center of the Customs Service is doing an excellent job with the resources they have in enforcing existing quota arrangements. But the textile and apparel industry is still hurt on the order of millions of dollars per year because of items which enter the United States illegally. Transshipment and counterfeiting are the chief ways in which other countries evade quotas and tariffs.

For example, when sweater quotas were imposed against Taiwan and Hong Kong, these countries merely shipped their goods through other countries not subject to the quota.

I have, therefore, urged the President to direct his Cabinet Council on Commerce and Trade to look into ways to reduce the number of illegally imported garments and to seek means of tighter enforcement of laws already on the books. We must take every reasonable action to insure the survival of our important textile and garment industries.

□ 1810

LEBANON: HOW LONG?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, over the weekend, as I said last night, two more U.S. marines died in Lebanon, the victims of sniper attacks. Today, predictably enough, news reports are talking about how vulnerable the Marine position is.

One marine was quoted as saying, "Anytime you have the low ground and the enemy has the high ground, it is not good."

And how right indeed he is.

The question that flows from the insecurity of the Marine force brings to

mind the next logical point which is, of course, whether to get them out, or whether to involve them more deeply in combat.

I have been advocating getting them out for months.

Sure enough today's papers report that the administration is reviewing the rules under which the marines operate. My colleagues will remember that the rules were revised just a few weeks ago, to allow them to shoot back, to allow them to use artillery of their own, and to permit them to call in fire support from ships lying just offshore.

Obviously the next step will be to permit the use of the heavy guns of the battleship *New Jersey*, which incidentally had to be brought from the task force on the Pacific in Central America clear around to Lebanon just about a month ago. Clearly emphasizing the correctness of the fears and apprehensions of our military leaders whose judgments were not taken into consideration by the President before he made either decision. So that obviously here the next step was going to be that or to permit carrier-borne airplanes, from the carrier *Eisenhower*, to also assault.

But that is not all. The only real way the marines can protect themselves is to engage in aggressive patrolling, to seek out and destroy—as they used to say in Vietnam—the forces that threaten them.

Administration sources are saying, "There is no sense of backing away." Yet, they also say, "We don't want to become part of the fighting there."

In the very next breath, however, they claim that while the fundamental role of the marines will not change, maybe the way they carry that role out will be changed.

Stripped of all the flannel, these statements are a startling parallel to the disastrous piece-by-piece backing of the United States into the tragic quagmire of Vietnam. Let us recall a little history and ask ourselves, how long are we going to allow our young men to be fed into this trap. Let us ask ourselves if history indeed is not being repeated. Let us ask ourselves how a handful of marines stranded in an airport can bring peace to an area that has not known peace since the days of the Hittites, thousands of years ago, the dawn of recorded history.

Remembering Vietnam, my colleagues will recall that we had a few thousand troops there, first as advisers. I raised my voice then to an accessible President, that was the big difference—this President is inaccessible—in May 1963. I personally brought to the attention of President Kennedy what I considered to be the anomalous and untenable position of any American sent over and involved in areas of action in which his life could be lost or he could suffer serious bodily harm without even the basic self-defense capability of a gun.

And fortunately, again at that time, the President was accessible and listened and on the last trip to Texas—and I was abroad on Air Force One—he communicated something to me that sounded very mysterious then and I did not realize what it was he was telling me until just last year when the historian Schlesinger pointed out that indeed and in fact he had ordered a pullout of advisers and equipment by December 31 of that year, 1963.

But the Government at that time in Vietnam, when we had at first the papers were reporting a handful, when I raised the questions in May 1963 the number of advisers had been upped to 1,000 or more. And I could not believe it when a constituent told me.

And one thing I must point out at this time by way of parentheses is that I have constituents and have had them all along and relatives, incidentally, all over, stationed all over with our forces in the world. I had them then and I have them now. On and offshore in Lebanon, in Central America, in El Salvador, Honduras, in Korea, in Europe, they are there, and they are constituents. This is the reason I rise to speak as I did in May 1963 because they are in communication with me.

I will remember that the Government then in Vietnam was unstable, a shift in between one faction of the military and another, ribboned by protests from Buddhists and Catholics alike, unable to bring corruption under control, unable to provide credible leadership. We gave assent to coups, we proffered absolutely open-ended aid, and the Secretary of Defense himself even barnstormed in that country, trying to promote faith in a short-lived military junta. In this vacuum the North Vietnamese and local Viet Cong stepped up their assault. It was at this time that attacks began taking place against Americans.

□ 1820

Embassy personnel went through terrorist bomb attacks. American aircraft were attacked at their airfields. And, finally, just before the election in 1964, a number of Americans were killed in another airfield assault. Then came the fatal junction, so similar to what is being decided this very hour in the case of Lebanon. General Westmoreland decided that there was no way the Vietnamese Army could protect the three airfields where American aircraft were based. He asked for troops. And that is when the marines landed.

Of course, there was no way that the marines could protect the airfield at DaNang or anywhere else if they were tied up in static positions, any more than the marines in Beirut can protect their exposed and static positions. The next inevitable step was to authorize aggressive patrolling within a 50-mile perimeter. After that, an even larger number of troops went into Vietnam on a piecemeal basis. The rest is history.

The administration said that it had to show American will and determination in Vietnam. Its military steps were supposed to show that will and also to pressure the North Vietnamese into giving up the fight. But the Vietnamese had been fighting for centuries invaders and cross-currents of forces. And there was no way that they were about to give up.

Compare that to the situation in Beirut today. We have a government that is only in control of part of the city, of its own capital, not even greater Beirut, as we say in the United States. Two-thirds of the country is occupied by invaders. Much of the rest is split between war lords and religious and other factions. The U.S. forces have been involved for better than a year. And the security situation is worse than ever before.

Thousands of innocent people have been killed in one kind of futile blood bath or another. Even the last massacres have yet to be reported, and they will be coming out in driplets and you will be reading about them, some of them may make headlines and some may not. And the marines who are there to bring about peace and stability, just like their brothers at DaNang were there to promote peace and stability, find themselves the victims of sneak attacks.

Just as in the case of Vietnam, the administration does not think our prestige allows a pullback. But obviously the military situation requires a change in tactics. We are, in short, on the very threshold of the same three choices that faced Lyndon Johnson in Vietnam. One choice would be to pull out at a risk to American credibility and prestige. Johnson was told this simply was not possible, and he accepted that argument. But he never got an answer to his question about how the commitment could be made to pay off. And today Ronald Reagan is accepting the argument that we have to stick it out, but clearly, as in Vietnam, no one knows how the commitment is to be made to pay off or at what price or how long it might take. There is just a vague hope that something somehow will lead to an end of the commitment, a successful conclusion to whatever it is the administration hopes to achieve.

As I have said repeatedly for more than a year, the President has failed to come to the Congress and, therefore, the American people and state a clear and coherent presentation of facts as to the aims and objectives and extent of our commitment there.

The second choice is to leave the marines where they are, to change nothing. But again there is the ghost of Vietnam. Our men are being harassed. Seven have been killed since September alone, more than 50 wounded. Militarily, I believe it is criminal to leave them in a static, passive and completely vulnerable situation. And so just as in Vietnam, the argument is, "If you stay, you have to allow the troops to protect themselves, change the rules so that they will not become sitting ducks." And as we have seen, the rules have indeed been changed. To me, again, as in the case of President Kennedy in 1963, this is disturbingly and hauntingly reminiscent of a session at the White House I attended on the invitation of President Lyndon Johnson, in which he had the Joint Chiefs of Staff, with their pointers, and all, several Senators, several Congressmen, and some of his most intimate advisers, and we had the Chairman of the Joint Chiefs with a pointer, and he was saying, "Well, here is this upper northern area, but the Communists are receiving materiel overland from China, but also from the harbor. And the difficulty there is that in that harbor, Haiphong, you have Russian, you have British, you have French, you have West German and you have other countries shipping, and we cannot guarantee that if we mine that harbor or bomb anything there that we will not hit one of those ships."

So when he finished, the President said, "All right. This is the President's task. When my Cabinet members or advisers have a problem they cannot solve, it ends here, and I have, back in Texas and here in the Senate, JOHN TOWER saying, 'Mine and bomb Haiphong,' and on the other hand I have the other Senator saying, 'Don't.' "

So when he finished, we broke up into groups. The President came over, as he always did, charmingly, and he stood nearby chatting. If I remember correctly, it was the Senator then from Idaho, Church, and two or three of my colleagues in the House, and his then adviser Jack Valenti.

Then he turned to me and said, "Well, Henry, what do you think of that? What do you think of this dilemma?"

I said, "I do not know, Jack, I am not smart enough to tell you, except that I am bothered. You have men, Americans, that are there on the President's order. They are getting shot at and they are getting killed. You say, the Joint Chiefs of Staff say and every American says, that we have overwhelming massive capability if we want to unleash it, drop the bomb even. But I do not know that I am smart enough to tell you, because only the President is in there, he is like the bullfighter, he is the only one in that ring who is facing that bull, so it is easy for us to sit here and say except that I am genuinely puzzled, I am in great travail, and I think many of my constituents are too, because if you are asking me if it were my responsibility and I had ordered those men there and they were dying because somebody was coming over with arms and munitions and causing their death and I had the capability to stop that and did not, I would feel very guilty. On the other hand, if there was a good basic reason why I could not do that, even though I had the capability, then I would pull the men out. What are they doing there then? It seems to me like a puzzle with no answer."

□ 1830

Unfortunately, the President would listen out of one ear, and Mr. Valenti did not seem to be very happy with what I was saying. I have been recorded as being a hawk because I never got up and shouted, "Hey, hey, L. B. J., how many babies have you killed today," but I never was an advocate of war and I certainly was not an advocate of the Vietnam war, and I was the only one here or anywhere on the congressional level raising what I consider to be still the basic issue, and that is the use of unwilling conscripts in an undeclared war far from the continental United States.

I was the only one raising that issue all through the war. I was the only one getting up on the floor and offering an amendment to the so-called Draft Act. The first time it came for an extension was in 1967. The record will show I offered an amendment and could not get 13 Members to stand with me.

If that central question is ever addressed by the Congress, it would never have been necessary to have passed a War Powers Limitation Act. That is the best War Powers Limitation Act of so-called Presidential wars. So the reason I am impelled to speak is because of these disturbing, hauntingly disturbing absolute parallels and similarities. I speak impelled because I think that no nation, ours included, is so great that it can expend needlessly the life of one of its citizens, much less the life of one of those who has volunteered to serve and give his life, always with the conviction that it would be for a justifiable reason.

So the marines at first could not shoot back, just as the first advisers in Vietnam could not take any military action or shoot back. Then they were allowed to shoot back if they were attacked, since nothing else made any sense. Then they were allowed to use artillery, and now the rules are again being studied because none of this was enough. None of it could be, as long as the passive role of the marines remains unchanged, for in military science a passive role is suicidal.

All of these steps took place in Vietnam, every one of them, and now, just as then, the military leadership is asking the President to allow the troops to take a more aggressive role, limited but aggressive, because unless they can eliminate the forces that threaten them, they will continue to be sitting ducks, and that, my colleagues, is exactly what happened in Vietnam.

The basis rule of protecting the airfield was not to change, just the way it was done, and so came the limited patrols that in a matter of months changed into general engagement.

There was a third choice in Vietnam, and that was for a quick, all-out effort, as I said. That was rejected as politically unsound and perhaps likely to arouse a response from the Russians. It certainly had the Chinese already. So it is in Lebanon. Today as it was 20 years ago, an election is in the offing. Today, just as then, the President wants to portray himself as a moderate but a man of determination, one who will not allow anyone to trifle with our image or interests,

So while the basic decision to stick with an unwise commitment inevitable must mean a vast increase in troop commitments, that increase is going to take place slowly, always justifiably in response to new threats or outrages, all of which are inevitable, just as they were in Vietnam. It will take place slowly because the President does not want to damage his efforts to appear moderate and because he does not want to provoke the Russians, who are already present in the midst of the Syrian forces in Lebanon.

The parallel with Vietnam is complete. Lebanon is a quagmire, no less than Vietnam was. It riven with factions and feuds dating back centuries. Its very territory, like that of South Vietnam, was wrested from that of another country. In the case of Lebanon, Syria, in a settlement imposed after World War I, its government established in 1944 was, like that in Vietnam later, imposed by France which had special interests that it aimed to protect, and still does. The 1944 government in Lebanon was arbitrary, ramshackle, and inherently unstable, just like that in Vietnam after the 1953 Geneva accords.

Syria does not intend to give up its claims over Lebanese territory, not any more than North Vietnam ever gave up its claim over the south when that country was arbitrarily divided; nor does Israel intend to give up its claims and national security interests. Neither is there much possibility that the religious warfare that has raged in Lebanon with stunning savagery for decades, centuries, is going to end. Lebanon, no less than Vietnam, is a perfect political quagmire. Militarily it is, as I say, a trap, but the administra-

tion, a generation separated from the tragedy in Vietnam, thinks it is immune from that kind of tragedy, yet how could the warning signs be more clear.

We have been down this road before. We are courting tragedy once again. After more than a year in the jaws of the trap, the administration does not see it is taking the exact same steps that led down the path of disaster in Vietnam a generation ago, a disaster that took this country a full decade to recover from, if it has, and which still scars the minds and bodies of the millions who served there, their families, all Americans who lived through that period.

How long will it be? How long before we understand the danger? How long before we reach the limits of tolerance? How long will it be before we understand that the blood of those killed and wounded marines has not brought peace, nor the promises of it even, nor a hope much less? How long will it be until we understand the risk that we take in the name of some vague concept of national honor and no definitive as yet explained, in a place where we have no historic interest and no understood plan of success? How long until we see the trap of being in a place with no plan, no coherent strategy, no method to win, whatever it is we are supposed to win?

How long, Mr. President, before you look in the mirror and see the ghost of Vietnam?

H.R. 4159, MULTIDISTRICT LITIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

● Mr. KASTENMEIER. Mr. Speaker, I am introducing legislation designed to improve the efficiency with which Federal courts are able to handle complex, multidistrict litigation. The recent past has seen a significant growth in lawsuits concerning the same or similar circumstances brought by multiple parties spread throughout the country. Typical examples include personal injury suits arising from a defective product, such as asbestos or DES, and suits arising from a mass disaster, such as an airplane crash or hotel fire. If the matter is one which may be brought in Federal court, each plaintiff is entitled to bring suit in the district in which he or she resides. Plaintiffs scattered throughout the country may thus file diversity suits in a multitude of Federal courts, each of which is obliged to decide the case using the same law that the State court in its district would apply.

It is quite likely that each individual case centers on a common issue of fact, such as, for example, whether the product in question was defectively designed or whether Company A manufactured the airplane component that caused the crash. The result is that numerous Federal courts throughout the country must decide the same issue. Not only is this an inefficient use of precious Federal judicial resources, but it can result in inconsistent determinations on identical questions.

Federal law already provides for the authority to consolidate pretrial determinations in such multidistrict cases where there is a common issue of fact, 28 U.S.C. 1407. However, once the pretrial phase is completed, the transferee court must return the individual cases to their respective original district courts. Thus, while the pretrial proceedings may be conducted in a consolidated and efficient manner, there is currently no mechanism for the consolidation of the trials themselves. My proposal would extend the authority of the transferee court to preside over the trial phase of the consolidated cases, rather than just the pretrial phase.

A crucial issue in authorizing consolidated cases for trial is how to decide which substantive law to apply. Clearly, if the goals of judicial efficiency and consistency are to be realized, there needs to be a single law applied to all of the consolidated cases. When State law is controlling, as in diversity cases, there may be a number of States whose substantive law would be applied by the individual Federal courts if there were no consolidation of the cases. Thus the transferee court would be forced to choose among various laws in a decision that could have a substantial impact on the outcome of the litigation. The bill resolves this choice-of-law question by authorizing the transferee judge to choose which substantive law to apply.

I recognize that there are viable alternatives to the choice-of-law mechanism embodied in the bill as introduced. For example, the transferee court could apply the law that it would normally apply to cases arising in its jurisdiction. Accordingly, I hope that this bill will generate thought and discussion about how best to improve the disposition of multidistrict cases. I encourage input from any interested person or organization regarding the legal or practical implications of this reform. It should be noted that this provision is also incorporated in H.R. 3690, a bill that I introduced to modify diversity of citizenship jurisdiction.

Persons or organizations interested in submitting comments on this bill should communicate them directly to the Subcommittee on Courts, Civil Liberties and the Administration of Justice, Committee on the Judiciary, U.S. House of Representatives, 2137B Rayburn House Office Building, Washington, D.C. 20515.●

VOCATIONAL-TECHNICAL EDUCATION ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. PERKINS) is recognized for 5 minutes.

● Mr. PERKINS. Mr. Speaker, today I am introducing, along with Congressman GOODLING and several other cosponsors, the Vocational-Technical Education Act of 1983. This legislation reauthorizes the Vocational Education Act of 1963, the cornerstone of Federal support for vocational education.

The bill is the product of extensive work by the American Vocational Association, the American Association of Community and Junior Colleges, and the Association of State Directors of Vocational Education. These organizations devoted many hours to developing this proposal and consulting with many other individuals and groups, and I commend them for their fine efforts.

Some of the highlights of the bill are a sharper focus on modernizing vocational education programs, attention to special populations, and new sections for high technology, industry-education partnerships, and adult training and retraining.

I believe this bill, the Vocational-Technical Education Act of 1983, contains many positive features intended to meet the future vocational needs of our country. During the week of October 31, the Subcommittee on Elementary, Secondary, and Vocational Education will conduct hearings on this bill. At that time we hope to hear the reactions to this bill of a range of persons and organizations interested in vocational education. We are hopeful that its introduction and these subsequent hearings will help to sharpen the issues in the field so that the Congress will then be able to fashion the best possible legislation to meet the needs of our people for the remainder of this century as well as for the beginning of the 21st century.

Again, let me commend these three outstanding organizations of educators for their work. A short summary of the bill follows:

SUMMARY OF THE VOCATIONAL-TECHNICAL EDUCATION ACT OF 1983

AUTHORIZATIONS AND FORMULA

Total authorizations: $1.5 billion for fiscal year 1985, $1.7 billion for fiscal year 1986, $1.9 billion for fiscal year 1987, and such sums as may be necessary for each succeeding fiscal year (permanent authorization).

Formula: Funds distributed to states on basis of formula in existing law (State population for various age groups times a per capita income factor).

STATE PROGRAMS

Separate authorizatons for: Basic Grants, Consumer and Homemaking Education, Guidance and Counseling, High Technology Training, Programs for Youth with Special Needs, and Adult Training and Retraining.

Basic Grants: Relatively unrestricted use of funds to expand and improve vocational education programs (funds for maintenance of progams limited to special circumstances). $725 million for fiscal year 1985.

High Technology: Grants to States for programs operated jointly by educational agencies and industry to train workers in high technology occupations. Business must provide one-fourth of costs. $50 million for fiscal year 1985.

Youth With Special Needs: Grant to States for programs for secondary students and out-of-school youth (up to age 21) who are educationally or economically disadvantaged, handicapped, limited English proficient, single parents and heads of households, or males and females entering occupations non-traditional for their sex. Funds distributed within State on basis of numbers of eligible youth. $325 million for fiscal year 1985.

Adult Retraining: Grants to States for programs for adults who need additional training to improve employment status, dislocated workers, displaced homemakers. $275 million for fiscal year 1985.

STATE ADMINISTRATION

Single State board of vocational education administers program. State advisory council, with majority business membership and representation of secondary and postsecondary institutions, is involved in planning. States must submit three-year State plan to receive funds.

States determine allocations to eligible recipients within State, on basis of plans, with at least 30 percent used for postsecondary and adult programs.●

NOTICE OF INTENTION TO SEEK A MODIFIED CLOSED RULE

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. JONES of Oklahoma. Mr. Speaker, pursuant to a requirement of the Democratic Caucus (rule 35) I would like to advise all Members that I may request authority from the Committee on the Budget to seek a modified closed-rule for consideration of the Omnibus Budget Reconciliation Act of 1983.●

CONFERENCE REPORT ON H.R. 3913

Mr. NATCHER submitted the following conference report and statement on the bill (H.R. 3913) making appropriations for the Department of Labor, Health and Human Services, and Education and related agencies, for the fiscal year ending September 30, 1984, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-422)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3913) making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies, for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 6, 7, 8, 10, 12, 13, 15, 19, 23, 27, 28, 31, 53, 66, 67, 76, 78, 80, 81, 83, 88, 98, 99, 100, 102, 106, 107, 110, 111, 112, 117, 118, 119, 120, 121, 123, 125, 126, 130, 131, 132, 134, 135, 136, and 138.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 9, 16, 17, 18, 26, 30, 46, 49, 54, 55, 58, 59, 60, 61, 62, 63, 64, 65, 71, 75, 77, 85, 87, 90, 94, 97, 105, 115, and 133 and agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$62,136,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$136,587,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$5,700,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,304,105,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,053,442,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$674,674,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$84,312,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$442,543,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$325,502,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$305,678,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$366,844,000*; and the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$265,014,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$150,783,000*; and the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$173,000,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$112,300,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$241,928,000*; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$11,336,000*; and the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$42,113,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$25,040,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate num-

bered 48, and agree to the same with an amendment, as follows:

In lieu of the matter striken and inserted by said amendment, insert the following: *$828,869,000*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert *$105,572,000*; and the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert *$1,050,000*; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert *$90,200,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert *$1,024,237,000*; and the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *$1,849,648,000*; and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$43,750,000*; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$625,905,000*; and the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$352,300,000*; and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$157,963,000*; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$258,024,000*; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$139,365,000*; and the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$403,366,000*; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,133,000*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$86,880,000*; and the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$230,000,000*; and the Senate agree to the same.

Amendment numbered 124:

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$49,396,000*; and the Senate agree to the same.

Amendment numbered 137:

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,500,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 11, 21, 22, 29, 50, 68, 79, 84, 86, 91, 92, 93, 95, 96, 101, 103, 104, 109, 113, 127, 128, 139, and 140.

WILLIAM H. NATCHER,
NEAL SMITH,
DAVID R. OBEY,
EDWARD R. ROYBAL,
LOUIS STOKES,
JOSEPH D. EARLY,
BERNARD J. DWYER,
STENY H. HOYER,
JAMIE L. WHITTEN,
SILVIO O. CONTE,
GEORGE M. O'BRIEN,
CARL D. PURSELL,
JOHN EDWARD PORTER,
BILL YOUNG,
Managers on the Part of the House.

LOWELL P. WEICKER, JR.,
MARK O. HATFIELD,
TED STEVENS,
MARK ANDREWS,
WARREN B. RUDMAN,
ARLEN SPECTER,
JAMES A. MCCLURE,
PETE V. DOMENICI,
WILLIAM PROXMIRE,
ERNEST F. HOLLINGS,
LAWTON CHILES,
QUENTIN N. BURDICK,
DANIEL K. INOUYE,
JOHN C. STENNIS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3913) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 1984, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

PROGRAM ADMINISTRATION

Amendment No. 1: Appropriates $82,739,000 as proposed by the Senate, instead of $85,316,000 as proposed by the House.

Amendment No. 2: Makes available $35,828,000 from the Unemployment Trust Fund as proposed by the House, instead of $36,229,000 as proposed by the Senate.

TRAINING AND EMPLOYMENT SERVICES

Amendment No. 3: Appropriates $2,793,810,000 as proposed by the Senate, instead of $2,961,284,000 as proposed by the House.

The conference agreement includes $15,973,000 for special national programs and activities for the period October 1, 1983 to June 30, 1984, an increase of $5,250,000 over the amount proposed in the House bill. The conferees direct that ongoing special national programs be maintained, including specifically maintaining funding at fiscal year 1983 operating levels for the Human Resources Development Institute, 70,001 Ltd., and the National Displaced Homemakers Network.

Within the funds available for Title IV-D, the managers expect the Department to use a reasonable portion of such amount to fund a demand-based skills training program demonstration project, as described in House Report 98-357 accompanying H.R. 3913.

The conferees urge DOL to utilize a portion of the funds to assist the Indian Resource Consortium for the purpose of developing training and work experience programs related to natural resources activities managed by the Indian tribes in the Southwest.

Amendment No. 4: Restores earmark of $7,500,000 for service delivery areas under section 101(a)(4)(A)(iii) of the Job Training Partnership Act in addition to amounts otherwise provided under sections 202 and 251(b) of the Act, as proposed by the House.

Amendment No. 5: Appropriates $3,605,198,000 as proposed by the Senate, instead of $3,597,830,000 as proposed by the House.

The conference agreement includes $21,298,000 for special national programs and activities for the program year July 1, 1984 to June 30, 1985, an increase of

$7,000,000 over the amount proposed in the House bill.

The conferees direct that ongoing special national programs be maintained, including specifically maintaining funding at fiscal year 1983 operating levels for the Human Resources Development Institute, 70,001 Ltd., and the National Displaced Homemakers Network.

Within the funds available for Title IV-D, the managers expect the Department to use a reasonable portion of such amount to fund a demand-based skills training program demonstration project, as described in House Report 98-357 accompanying H.R. 3913.

The conferees urge DOL to utilize a portion of the funds to assist the Indian Resource Consortium for the purpose of developing training and work experience programs related to natural resources activities managed by the Indian tribes in the Southwest.

Amendment No. 6: Restores earmark of $10,000,000 for service delivery areas under section 101(a)(4)(A)(iii) of the Job Training Partnership Act in addition to amounts otherwise provided under sections 202 and 251(b) of the Act, as proposed by the House.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Amendment No. 7: Appropriates $247,494,000 as proposed by the House, instead of $249,171,000 as proposed by the Senate.

Amendment No. 8: Appropriates $69,806,000 as proposed by the House, instead of $70,279,000 as proposed by the Senate.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

Amendment No. 9: Appropriates $12,000,000 as proposed by the Senate, instead of $7,000,000 as proposed by the House.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Amendment No. 10: Restores legal citation as proposed by the House relating to penalty mail.

In April 1983, all State Employment Security Agencies were notified that effective October 1 of this year they would lose their authority to use penalty mail in conducting Unemployment Compensation and Employment Service business. The original explanation given for this change by the Department of Labor was that the 1982 amendments to the Wagner-Peyser Act (P.L. 97-300) require such a change. It has since been determined that this is not the case. It is clear that a large majority of the States wishes to continue a system that has been in effect for 45 years. The conferees therefore direct that State Employment Security Agencies shall have the authority to continue the use of penalty mail as authorized in Federal law (39 U.S.C. 3202) in conducting Unemployment Compensation and Employment Service business. The conferees believe that a drastic change of this nature should be more carefully evaluated before it is imposed upon the States. Perhaps a pilot project involving a few States on a voluntary basis would be in order during fiscal year 1984.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which appropriates $29,700,000 from general revenue for training, relocation and job search allowances, and administrative expenses under the Trade Act. The House bill had no similar provision.

Amendment No. 12: Deletes language proposed by the Senate relating to training projects under the Trade Act.

It is the intent of the conferees that the Secretary of Labor make available sufficient funds for the retraining and relocation of workers of Hecla Mining Company's Star Mine and mill at Wallace and Burke, Idaho, who became totally or partially separated from employment on or after December 1, 1981, and before September 1, 1982.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

Amendment No. 13: Appropriates $7,109,000,000 as proposed by the House, instead of $3,086,000,000 as proposed by the Senate

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 14: Appropriates $62,136,000, instead of $62,148,000 as proposed by the House, and $60,511,000 as proposed by the Senate. The conference agreement includes 10 new positions for the Cooperative Labor-Managment Program, 18 new positions for enforcement of the Labor-Management Reporting and Disclosure Act, and 23 new positions for enforcement of the Employee Retirement Income Security Act.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 15: Appropriates $185,677,000 as proposed by the House, instead of $185,835,000 as proposed by the Senate.

SPECIAL BENEFITS

Amendment No. 16: Appropriates $220,100,000 as proposed by the Senate, instead of $215,100,000 as proposed by the House.

BLACK LUNG DISABILITY TRUST FUND

Amendments No. 17 and 18: Appropriate $853,994,000 from the Black Lung Disability Trust Fund, including $818,019,000 for payment of all benefits and interest on advances, as proposed by the Senate, instead of $826,244,000, including $790,269,000 for payment of all benefits and interest on advances, as proposed by the House.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 19: Appropriates $151,397,000 as proposed by the House, instead of $151,792,000 as proposed by the Senate.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Amendment No. 20: Appropriates $136,587,000, instead of $135,837,000 as proposed by the House and $137,790,000 as proposed by the Senate. The conference agreement includes an increase of 20 positions and $750,000 over the House bill to improve data collection related to the service sector of the economy.

The conferees direct the Department to allocate $1,000,000 from the State Operations account in the Employment and Training Administration to the Bureau of Labor Statistics to begin development of the annual report of plant closings and permanent mass layoffs required by section 462(e) of the Job Training Partnership Act. This shall be in lieu of the so-called "ETA 235" report that the Department currently prepares. The Bureau of Labor Statistics is authorized 10 additional permanent positions to carry out this function. The Department shall report to the House and Senate Committees on Appropriations prior to the fiscal year 1985 budget hearings on the total amount required to develop and implement this report.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which provides that $2,628,000 for revision of the Consumer Price Index shall remain available until September 30, 1985.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$95,059,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement does not include the 10 new positions for the Assistant Secretary for Policy that were included in the House bill.

SPECIAL FOREIGN CURRENCY PROGRAM

Amendment No. 23: Appropriates $67,000 as proposed by the House, instead of $200,000 as proposed by the Senate.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 24: Makes available $5,700,000 from the Unemployment Trust Fund, instead of $5,200,000 as proposed by the House and $6,200,000 as proposed by the Senate. The conference agreement includes 43 new positions.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

MEDICAID, AFDC ERROR RATES

The Conferees are concerned that the current quality control system upon which fiscal sanctions are based in both the AFDC and medicaid programs, has serious deficiencies. Specifically, the Conferees are concerned about (1) the reliability of current data in error rates; (2) the timeliness of the current quality control systems in providing information for corrective action; (3) the relevance of geographic and socioeconomic difference among the States to error rates; (4) the inclusion of technical errors and client-caused errors in error rate determinations; (5) the fairness of a uniform national tolerance rate for errors; and (6) the use of various statistical measures and assumptions for measuring error rates. Moreover, the Conferees emphasize their concern that the Department has in the past implemented regulations in this area in such a way as to deny States an adequate input into the regulatory process. For example, new medicaid regulations were issued June 24, 1983 as interim final rules, without the benefit of prior public input. Similarly, new rules regarding the AFDC program, which are required by October, have not yet been made available in proposed form to the States for comment. This process, in the Conferees' opinion, may be particulary inappropriate when applied to processes which would deny funds to the States.

The Conferees direct that the Department undertake a thorough study of these and related concerns and in doing so coordinate its activities with the Department of Agriculture with respect to its quality con-

trol process in the food stamp program; and allow for the fullest possible input from the States. Further, the Conferees direct that the Department report back to the Labor/Health and Human Service/Education Subcommittees of the House and Senate Appropriation Committees, prior to fiscal year 1986 hearings, on the results of this study, with specific recommendations for modifying the quality control system to address each of the above concerns. Finally, the Conferees are of opinion that until the Department completes the study and reports back to the Labor/Health and Human Service/Education Subcommittees of the House and Senate Appropriation Committees the imposition of fiscal sanctions in the AFDC and medicaid programs may be inappropriate, and, therefore, the Secretary should consider suspension of the fiscal sanctions in both the AFDC and medicaid programs.

HEALTH RESOURCES AND SERVICE ADMINISTRATION

HEALTH RESOURCES AND SERVICES

Amendment No. 25: Appropriates $1,304,105,000 instead of $1,252,783,000 as proposed by the House and $1,354,399,000 as proposed by the Senate. The Conference agreement includes the following changes from the amounts proposed by the House:

Maternal and Child Health	+$26,000,000
Community Health Centers	+17,000,000
Migrant Health Centers	−4,000,000
Home Health Demonstrations	+5,000,000
Payment to Hawaii	+295,000
National Health Service Corps Scholarships	−1,700,000
Public Health Capitation	+662,000
Public Health Traineeships	−69,000
Internal Medicine and Pediatrics	+500,000
Family Medicine Departments	+354,000
Preventive Medicine Residencies	−400,000
Physician Assistants	−76,000
Area Health Education Centers	+3,234,000
Special Education Initiatives	−55,000
Nursing Special Projects	+1,177,000
Nursing Research	+1,000,000
Nurse Anesthetists	+400,000
Program Management and Support	+2,000,000

The conferees have agreed that of the $88,000,000 provided for program support $41,282,000 is for the Bureau of Health Care Delivery and Assistance, $18,069,000 is for the Bureau of Health Professions, $10,939,000 is for the Bureau of HMO and Resources Development and $17,710,000 is for the Office of the Administrator.

The conference agreement include $9 million for nursing research grants. The conferees urge the Department to develop a peer review process for this activitiy that conforms with that of the National Institutes of Health.

The conferees are agreed that National Health Service Corps private practice option placements should be approved only if they are on the health manpower shortage area opportunity list, except in unusual circumstances as determined by the Administrator.

The conferees are further agreed that the increase in funding provided to the migrant health program over the 1983 levels is for direct health services for this underserved population.

Amendment No. 26: Earmarks $2,200,000 for payment to the State of Hawaii for the partial support of the State's Hansen's Disease treatment program as proposed by the Senate. The House bill earmarked $1,905,000 for this purpose.

Amendment No. 27: Earmarks $800,000 as proposed by the House for health teaching facility interest subsidies. The Senate bill included $3,700,000 for this purpose.

Amendment No. 28: Deletes appropriation of $9,000,000 proposed by the Senate for the construction of a new building at the University of Pennsylvania School of Dental Medicine. The House bill included no similar provision. The conferees, however, urge the Department of Health and Human Services to place a high priority on a grant application for this purpose.

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert the following: *$374,504,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes the following amounts:

Preventive health block grant	$88,165,000
Venereal disease:	
Grants	45,510,000
Direct operations	8,968,000
Vaccine stockpile	4,000,000
Infectious disease	44,000,000
Tuberculosis grants	5,000,000
Chronic and environmental disease	25,338,000
National Institute for Occupational Safety and Health:	
Research	53,788,000
Training	8,760,000
Buildings and facilities	1,810,000

The conferees agree that the entire $1.5 million increase in research for the National Institute for Occupational Safety and Health is to be used for industry-wide studies. The conferees further agree that the National Institute for Occupational Safety and Health should prepare plans for expanded efforts by the agency in the areas of job stress and ergonomics and submit such plans to the Appropriations Committees of both Houses by January 1, 1984.

Amendment No. 30: Earmarks $1,810,000 for construction and renovation as proposed by the Senate, instead of $1,770,000 as proposed by the House.

Amendment No. 31: Deletes language proposed by the Senate to earmark funds for tuberculosis grants.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

Amendment No. 32: Appropriates $1,053,442,000 instead of $1,044,868,000 as proposed by the House and $1,062,017,000 as proposed by the Senate.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

Amendment No. 33: Appropriates $674,674,000 instead of $665,859,000 as proposed by the House and $683,489,000 as proposed by the Senate.

NATIONAL INSTITUTE OF DENTAL RESEARCH

Amendment No. 34: Appropriates $84,312,000 instead of $84,226,000 as proposed by the House and $84,398,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ARTHRITIS, DIABETES, AND DIGESTIVE AND KIDNEY DISEASES

Amendment No. 35: Appropriates $442,543,000 instead of $442,255,000 as proposed by the House and $442,832,000 as proposed by the Senate.

NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE

Amendment No. 36: Appropriates $325,502,000 instead of $328,921,000 as proposed by the House and $322,083,000 as proposed by the Senate.

The conferees have agreed upon a total appropriation of $325,502,000 for the National Institute of Neurological and Communicative Disorders and Stroke, an increase of $38,741,000 over the 1983 appropriation, and $33,157,000 more than the 1984 budget request. The conferees intend that $10 million should be set aside for special awards for research in the neurosciences in honor of Senator Jacob Javits of New York. Senator Javits has been a leader in the effort to focus attention on the need for increased research in this field. The conferees are aware of the opportunities for progress in the neurosciences. Among the key areas for research are disorders of the brain, the nervous system and the special senses of communication. The conferees are grateful to Senator Javits for his leadership and believe that the special awards in his name, in addition to the other funds provided for neurological research, will accelerate the development of new scientific knowledge in this important area.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Amendment No. 37: Appropriates $305,678,000 instead of $307,128,000 as proposed by the House and $304,228,000 as proposed by the Senate.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

Amendment No. 38: Appropriates $366,844,000 instead of $363,444,000 as proposed by the House and $370,245,000 as proposed by the Senate.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Amendment No. 39: Appropriates $265,014,000 instead of $265,180,000 as proposed by the House and $264,847,000 as proposed by the Senate.

NATIONAL EYE INSTITUTE

Amendment No. 40: Appropriates $150,783,000 instead of $149,600,000 as proposed by the House and $151,966,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Amendment No. 41: Appropriates $173,000,000 instead of $173,627,000 as proposed by the House and $172,374,000 as proposed by the Senate.

NATIONAL INSTITUTE ON AGING

Amendment No. 42: Appropriates $112,300,000 instead of $112,516,000 as proposed by the House and $112,084,000 as proposed by the Senate and deletes Senate language earmarking $3,500,000 for the establishment of specialized research centers. The conferees are agreed that the amount provided includes $3,500,000 for the establishment of not more than 5 specialized research centers for research on Alzheimer's disease and related disorders.

RESEARCH RESOURCES

Amendment No. 43: Appropriates $241,928,000 instead of $253,824,000 as proposed by the House and $230,031,000 as proposed by the Senate.

JOHN E. FOGARTY INTERNATIONAL CENTER

Amendment No. 44: Appropriates $11,336,000 instead of $11,584,000 as proposed by the House and $11,088,000 as proposed by the Senate.

NATIONAL LIBRARY OF MEDICINE

Amendment No. 45: Appropriates $42,113,000 instead of $42,263,000 as proposed by the House and $41,963,000 as proposed by the Senate.

OFFICE OF THE DIRECTOR

Amendment No. 46: Appropriates $26,720,000 as proposed by the Senate instead of $26,779,000 as proposed by the House.

BUILDINGS AND FACILITIES

Amendment No. 47: Appropriates $25,040,000 instead of $24,980,000 as proposed by the House and $25,100,000 as proposed by the Senate.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

Amendment No. 48: Appropriates $828,869,000 instead of $799,202,000 as proposed by the House and $836,081,000 as proposed by the Senate. The conference agreement includes the following changes from the amounts proposed by the House:

Alcohol, Drug Abuse, and mental Health Block Grant	+$23,000,000
Mental health services demonstrations (CSP)	−2,000,000
Mental health research	+1,867,000
Mental health clinical training	+1,000,000
Drug abuse research	+2,600,000
Alcoholism research	+3,200,000

The conferees note the serious shortage of skilled professionals in public mental health systems and the difficulty in recruiting for public programs, professionals with high quality training in the skills which are needed. Therefore, the conferees encourage the Department to take into consideration in its allocation of clinical training funds the need to support the training of professionals in shortage professions and core disciplines, in programs of high quality in which universities and public mental health facilities collaborate to provide core experiences in public psychiatry. In doing so, the Department should take into account evidence that a program's graduates choose careers in the public sector.

The conferees intend that the funding and personnel levels for the Clinical Infant Development Program of the National Institute of Mental health remain at Fiscal year 1983 levels.

The conferees have agreed to a funding level of $7,000,000 for mental health service demonstrations. This agreement includes $1,500,000 to initiate new projects serving children with serious mental problems and $5,500,000 for traditional community support program (CSP) grants.

ST. ELIZABETHS HOSPITAL

Amendment No. 49: Appropriates $67,744,000 as proposed by the Senate instead of $62,744,000 as proposed by the House.

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate which waives the statutory requirement for the Superintendent of St. Elizabeths Hospital to reside on the premises of the facility.

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

PUBLIC HEALTH SERVICE MANAGEMENT

Amendment No. 51: Appropriates $105,572,000, instead of $106,972,000 as proposed by the House and $104,672,000 as proposed by the Senate.

The conference agreement includes the following amounts:

Adolescent family life	$14,918,000
Health promotion	2,515,000

Amendment No. 52: Makes available $1,050,000 from the Medicare trust funds, instead of $1,300,000 as proposed by the House and $800,000 as proposed by the Senate.

PUBLIC HEALTH EMERGENCY FUND

Amendment No. 53: Deletes appropriation of $30,000,000 proposed by the Senate for this newly-authorized emergency fund.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

Amendment No. 54: Appropriates $15,568,108,000 as proposed by the Senate instead of $15,631,978,000 as proposed by the House.

PAYMENTS TO HEALTH CARE TRUST FUNDS

Amendment No. 55: Appropriates $17,682,000,000 as proposed by the Senate instead of $17,291,000,000 as proposed by the House.

PROGRAM MANAGEMENT

Amendment No. 56: Appropriates $90,200,000 instead of $84,600,000 as proposed by the House and $96,658,000 as proposed by the Senate. The conference agreement includes the following changes from the amounts provided by the House:

Research	+$600,000
Federal administration	+5,000,000

Amendment No. 57: Provides for a transfer of $1,024,237,000 from the Medicare trust funds instead of $1,012,246,000 as proposed by the House and $1,025,022,000 as proposed by the Senate. The conference agreement includes the following changes to the amounts provided by the House:

Professional Standards Review Organizations	+$13,000,000
Research	+400,000
State certifications	−1,700,000
ESRD Networks	+291,000

Amendment No. 58: Deletes language proposed by the House but deleted by the Senate which would have prohibited funding to carry out Part B of Title XI of the Social Security Act related to the Professional Standards Review Organization program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

Amendment No. 59: Appropriates $521,258,000 as proposed by the Senate instead of $448,583,000 as proposed by the House.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

Amendment No. 60: Appropriates $1,068,000,000 as proposed by the Senate instead of $1,027,047,000 as proposed by the House.

SUPPLEMENTAL SECURITY INCOME PROGRAM

Amendment No. 61: Appropriates $8,339,000,000 as proposed by the Senate instead of $7,851,518,000 as proposed by the House.

ASSISTANCE PAYMENTS PROGRAM

Amendment No. 62: Appropriates $6,292,000,000 as proposed by the Senate instead of $5,411,518,000 as proposed by the House.

Amendment No. 63: Appropriates $2,073,000,000 as proposed by the Senate instead of $1,758,454,000 as proposed by the House.

CHILD SUPPORT ENFORCEMENT

Amendment No. 64: Appropriates $489,000,000 as proposed by the Senate instead of $298,463,000 as proposed by the House.

Amendment No. 65: Appropriates $138,000,000 as proposed by the Senate instead of $102,750,000 as proposed by the House.

LIMITATION ON ADMINISTRATIVE EXPENSES

Amendment No. 66: Establishes a limitation on Social Security administrative expenses of $3,718,303,000 as proposed by the House instead of $3,723,317,000 as proposed by the Senate.

Amendment No. 67: Restores language included by the House but deleted by the Senate which requires Social Security cards to be manufactured in the United States.

OFFICE OF HUMAN DEVELOPMENT SERVICES

SOCIAL SERVICES BLOCK GRANT

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which appropriates $2,675,000,000 instead of $2,500,000,000 as proposed by the House. The conferees are aware of pending legislation which includes an increase in the current ceiling for the social services block grant.

HUMAN DEVELOPMENT SERVICES

Amendment No. 69: Appropriates $1,849,648,000 instead of $1,850,436,000 as proposed by the House and $1,848,861,000 as proposed by the Senate. The conferees have agreed to delete the earmarking of funds for the Runaway and Homeless Youth Act as proposed by the Senate.

The conference agreement provides the following amounts:

Head Start	$995,750,000
Runaway and homeless youth	23,250,000
Congregate meals for the aging	321,574,000
Developmental disabilities:	
Special projects	2,447,000
University affiliated facilities	7,413,000
Native American programs	29,000,000
Program direction	65,412,000

The conferees concur that Head Start funds shall not be allocated according to the regulations published in the Federal Register on September 28, 1983 unless these regulations are formally modified, with opportunity for public comment.

The conferees direct that the Administration for native Americans maintain federal assistance to nonfederally recognized entities, including Native Hawaiians.

Amendment No. 70: Earmarks $43,750,000 for part C of the Developmental Disabilities Assistance and Bill of Rights Act instead of $43,180,000 as proposed by the House and $45,400,000 as proposed by the Senate.

Amendment No. 71: Earmarks $8,400,000 for section 113 of the Developmental Disabilities Assistance and Bill of Rights Act as proposed by the Senate instead of $7,320,000 as proposed by the House.

FAMILY SOCIAL SERVICES

Amendment No. 72: Appropriates $625,905,000 instead of $617,231,000 as proposed by the House and $631,513,000 as proposed by the Senate. The conference agreement includes $165,000,000 for child welfare services, and $10,000,000 for child welfare research.

OFFICE OF COMMUNITY SERVICES

Community services block grant

Amendment No. 73: Appropriates $352,300,000, instead of $351,000,000 as proposed by the House and $377,300,000 as proposed by the Senate. The conference agreement includes $316,680,000 for grants to States and $4,300,000 for program support.

For Federal administration of the Community Services Block Grant, the conference agreement provides for 70 full-time equivalent positions in the national office.

DEPARTMENTAL MANAGEMENT

General departmental management

Amendment No. 74: Appropriates $157,963,000 instead of $160,794,000 as proposed by the House and $151,963,000 as proposed by the Senate.

The conference agreement provides for a reduction of $9,169,000 from the budget request for space rental costs and for a reduction of $2,831,000 from the budget request for executive direction and staff divisions. The conferees expect that no reduction in force will occur in the Department of Health and Human Services as a result of the funding authority provided by this bill.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 75: Appropriates $62,292,000 as proposed by the Senate instead of $62,366,000 as proposed by the House.

OFFICE OF CIVIL RIGHTS

Amendment No. 76: Appropriates $18,945,000 as proposed by the House instead of $19,363,000 as proposed by the Senate.

POLICY RESEARCH

Amendment No. 77: Deletes language proposed by the House relating to a cost study.

The conferees are agreed that within the amount appropriated for policy research studies, the Department is expected to carry out studies estimating the probable effect of the admission into the United States of refugees from Central America on the costs, during the next five years, of programs carried out or assisted under the Social Security Act and of related programs of assistance, as refered to in the House-passed bill.

Amendment No. 78: Appropriates $10,000,000 as proposed by the House instead of $11,000,000 as proposed by the Senate.

GENERAL PROVISIONS

Sec. 204

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which provides that none of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term. The House bill contained the prohibition against use of funds to perform abortions, but did not contain the exception for cases where the life of the mother would be endangered if the fetus were carried to term.

Sec. 210

Amendment No. 80: Deletes general provision proposed by the Senate which would have reduced amounts available for consulting services, management and professional services, and special studies and analyses by 10 percent. The House bill contained no similar provision.

TITLE III—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

Amendment No. 81: Earmarks $4,746,000 for evaluation and studies as proposed by the House instead of $5,760,000 as proposed by the Senate.

Amendment No. 82: Earmarks $258,024,000 for State agency migrant programs (section 554(a)(2)(A) of the Education Consolidation and Improvement Act) instead of $255,744,000 as proposed by the House and $260,304,000 as proposed by the Senate.

Amendment No. 83: Deletes the word "and" as proposed by the Senate, to conform with the conference agreement.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment, amended to read as follows:

Restore the matter stricken by said amendment amended to read as follows: *and $34,414,000 shall be available for purposes of section 554(b)(1)(D)*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

SPECIAL PROGRAMS

Amendment No. 85: Deletes legal citation as proposed by the Senate.

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment, with an amendment which appropriates $527,867,000 instead of $577,286,000 as proposed by the House and $528,367,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 87: Appropriates $28,765,000 for the Secretary's Discretionary fund as proposed by the Senate instead of $28,224,000 as proposed by the House.

The conferees are agreed that with regard to the law related education program the Secretary of Education should follow the instructions contained in the report accompanying the House bill (House Report No. 98-357).

The conferees agree that the amount available within the Secretary's Discretionary Fund in the Department of Education will continue to the greatest extent possible the current funding level for the National Diffusion Network.

The conferees encourage that a portion of the Secretary's discretionary fund will be available to help continue the secondary demonstration projects in biomedical sciences for the school year 1983-84. The conferees note that the funding difficulties encountered by these projects resulted from the block granting of the program under Chapter 2. The conferees consider the use of the discretionary fund as a one-time expedient and insist that the projects seek any future funding either through the block grant or through separate authorization.

Amendment No. 88: Earmarks and extends availability of $1,000,000 for the purpose of Public Law 92-506 (Ellender fellowships) as proposed by the House instead of $1,500,000 as proposed by the Senate.

BILINGUAL EDUCATION

Amendment No. 89: Appropriates $139,365,000 instead of $142,057,000 as proposed by the House and $139,000,000 as proposed by the Senate.

The conference agreement includes $1,870,000 for continuation of the 3 existing evaluation, dissemination and assessment centers (EDAC's) at the current level. The conferees do not approve the Administration's proposal to phase out the EDAC's at this time and direct the Department to submit a plan to House and Senate Appropriation Committees by February 1, 1984 which will identify future directions for materials development, evaluation and dissemination. This is to be done in cooperation with the EDAC's, the resource centers and bilingual education experts. The conferees also expect the Department to give priority to title VII-funded projects actively involving parents in the education of their children.

Amendment No. 90: Earmarks $3,686,000 for part B, subpart 3 of the Vocational Education Act (bilingual vocational training) as proposed by the Senate instead of $6,015,000 as proposed by the House.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), $565,000,000, of which $20,000,000 shall be for entitlements under section 2 of said Act, $10,000,000 shall be for payments under section 7 of said Act and $535,000,000 shall be for entitlements under section 3 of said Act of which $457,500,000 shall be for entitlements under section 3(a) of said Act: Provided, That payment with respect to entitlements under section 3(a) to any local educational agency described in section 3(d)(1)(A) of said Act shall be at 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403(1)(C) of said Act shall be limited to 15 per centum of entitlement: Provided further, That payment with respect to entitlements under section 3(a) to any local educational agency not described in section 3(d)(1)(A) shall be ratably reduced from 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403(1)(C) shall be ratably reduced from 15 per centum of entitlement: Provided further, That payment with respect to entitlements under section 3(b) of said Act to any local educational agency in which 20 per centum or more of the total average daily attendance is made up of children determined eligible under section 3(b) shall be at 50 per centum of entitlement and payment with respect to entitlements under section 3(b) of said Act to any local educational agency in which less than 20 per centum of the total average daily attendance is made up of chil-

dren determined eligible under section 3(b) shall be ratably reduced from 100 per centum of entitlement: Provided further, That no payments shall be made under section 3 to any local educational agency whose payment under that section fails to exceed $5,000: Provided further, That the provisions of section 5(c) of said Act shall not apply to funds provided herein: Provided further, That no payments shall be made under section 7 of said Act to any local educational agency whose need for assistance under that section fails to exceed the lesser of $10,000 or 5 per centum of the district's current operating expenditures during the fiscal year preceding the one in which the disaster occurred: Provided further, That section 305(b)(2) of the Education Amendments of 1974 shall not apply to funds provided herein: Provided further, That for the duration of the provisions of this Act, section 5(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress), is amended by adding at the end thereof the following: "In the determination of amounts of payments made on the basis of entitlements established under sections 2, 3 and 4 after October 1, 1983, by reason of any provision of law other than this Act which places any additional restriction on payments based on the concentration of children counted under subsection (a) or (b) of section 3 in the schools of the local education agency, such restriction shall be applied, in the case of any State (other than a territory or possession of the United States) within which there is only one local educational agency, by treating each administrative school district within such State as a local educational agency (solely for the purpose of computing the amount of such payments).". This provision shall no longer be in effect upon enactment into public law of similar language by the duly recognized authorization committees; further this provision shall not result in an increase to the State of Hawaii in an amount in excess of 50 per centum of that which the State would have received without the enactment of this provision.

For carrying out the Act of September 23, 1950, as amended (20 U.S.C. ch. 19), $20,000,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act: Provided, That with the exception of $8,500,000 for section 10 of said Act and $8,500,000 for section 14 (a) and (b) of said Act, none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under sections 5 and 14(c) of said Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have adopted a special impact aid provision to address Hawaii's unique situation. This provision of the law shall only be in effect until either the authorization committee amends the impact aid statute addressing Hawaii's situation, or until the end of fiscal year 1984, whichever occurs first. It is the conferee's intention that the provision will result in additional funds to the State of Hawaii that will not exceed 50 percent above what the State would have received without the provision. It is further the conferees' intent that upon enactment of a Hawaii provision by the authorization committee, that the 50 percent limitation will no longer be in effect.

The conferees note that payment criteria for the Impact Aid program are based on Department projections which were developed utilizing fiscal year 1981 enrollment data and a ten percent per annum inflation factor, which may exceed the actual rate of inflation used to calculate entitlements. In addition, the Department has indicated that enrollment has declined nationally at approximately eight-tenths of one percent per year, with the impact aid population declining at a commensurate rate. Should any excess funds accrue due to either or both of these conditions, the conferees direct the Secretary to increase incrementally payments for "non-Super A" category children.

EDUCATION FOR THE HANDICAPPED

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment which appropriates $1,214,445,000 instead of $1,204,792,000 as proposed by the House and $1,241,420,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides the following amounts:

State grant program	$1,043,875,000
Preschool incentive grants	26,330,000
Deaf-blind centers	15,000,000
Severely handicapped	4,000,000
Early childhood	21,100,000
Regional, vocational, adult and postsecondary programs	5,000,000
Innovation and development	15,000,000
Media services and captioned films	14,000,000
Regional resource centers	4,500,000
Recruitment and information	1,000,000
Special education personnel development	55,540,000
Special studies	3,100,000
Secondary education and transitional services	6,000,000

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment, with an amendment which earmarks $1,043,875,000 for section 611 of the Education of the Handicapped Act (State grant program) instead of $1,017,900,000 as proposed by the House and $1,071,850,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 94: Earmarks $26,330,000 for section 619 of the Education of the Handicapped Act (Preschool incentive grants) as proposed by the Senate instead of $25,000,000 as proposed by the House.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which earmarks $21,100,000 for early childhood education and $5,000,000 for regional, vocational, adult and postsecondary programs; and earmarks upon enactment of authorizing legislation $6,000,000 for secondary education and transitional services and $2,600,000 for special studies.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, as amended, and the International Health Research Act of 1960, $1,111,400,000, of which $991,028,554 shall be for allotments under section 100(b)(1), $2,871,446 shall be for activities under section 110(b)(3), and $2,000,000 shall be made available for evaluation activities under section 14.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that the amount provided includes $500,000 for construction of the Garden Park Enterprises Rehabilitation Center in Phoenix, Arizona.

The 1983 continuing resolution required that all independent living centers then currently funded remain funded throughout fiscal year 1983 in order to allow the authorizing committees time to determine whether funding should or should not be continued.

Inasmuch as vocational rehabilitation authorizing bills have passed both Houses of Congress and are awaiting conference, the conferees direct that the $19.2 million appropriated for independent living centers continue to fund all existing centers until such time as a reauthorization bill is enacted into law or for the duration of this bill, whichever is sooner.

Of the amount provided for service projects for the handicapped, the conferees have included $2,000,000 for special recreation projects.

The conferees were disappointed to learn that a very low level of funding was allocated for new starts for training grants for the blind in fiscal year 1983. As a result, one of the major peripatology training centers for orientation and mobility specialists in the country did not receive funding, despite the fact that there is a critical shortage of such specialists in the country. As a result, this training center could be forced to shut down. Of the increase provided for training, the Department is directed to give priority to funding this program at least at the levels provided in the last year this project received funding.

Of the funds made available for the rehabilitation training program, the conferees urge that special attention continue for areas of acute professional labor shortages. Section 304(d) of the Rehabilitation Act of 1973, as amended, authorizes the Secretary, through the Office of Information and Resources for the Handicapped, to award grants to not more than 12 programs for the training of interpreters to meet the needs of deaf individuals. The conferees continue to recognize the value of this function. Accordingly, the conference agreement includes $900,000 for the purpose of funding 12 such programs.

VOCATIONAL AND ADULT EDUCATION

Amendment No. 97: Appropriates $831,314,000 as proposed by the Senate instead of $835,000,000 as proposed by the House.

Amendment No. 98: Earmarks $8,178,000 for part B, subpart 2 of the Vocational Education Act (Programs of National Significance) as proposed by the House instead of $7,678,000 as proposed by the Senate.

The conferees are agreed that with regard to Programs of National Significance, the Secretary of Education should follow instruments contained in the report accompany-

ing the House bill (House Report No. 98-357).

Amendment Nos. 99 and 100: Restore earmarking of $7,000,000 and method of distribution for State advisory councils as proposed by the House. The Senate proposed $6,500,000 and eliminated the distribution language.

STUDENT FINANCIAL ASSISTANCE

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment which appropriates $3,976,860,000 instead of $3,813,360,000 as proposed by the House and $3,954,360,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $2,800,000,000 for Pell grants, $161,060,000 for direct loan capital contributions, and $19,800,000 for loan cancellations.

Amendment No. 102: Restores to $1,900 the maximum Pell grant as proposed by the House, instead of $2,000 as proposed by the Senate.

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which corrects a legal citation.

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which requires the Secretary of Education to apportion funds for supplemental educational opportunity and work study grants in a specific manner.

GUARANTEED STUDENT LOANS

Amendment No. 105: Appropriates $2,256,500,000 as proposed by the Senate instead of $1,268,600,000 as proposed by the House.

HIGHER EDUCATION

Amendment No. 106: Restores legal citations proposed by the House.

Amendment No. 107: Deletes legal citations and related language proposed by the Senate.

Amendment No. 108: Appropriates $403,366,000 instead of $404,270,000 as proposed by the House and $398,266,000 as proposed by the Senate.

The conference agreement provides the following amounts:

Developing institutions	$134,416,000
International education domestic programs	25,800,000
Graduate/professional opportunities	11,000,000
Public service fellowships and grants	2,000,000
Legal training for disadvantaged	1,000,000
Law school clinical	1,000,000

The conference agreement does not include funding for the Taft Institute and Javits Fellows due to lack of authorization for these specific activities.

Amendment No. 109: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which appropriates $5,000,000 for assistance to the Maureen and Mike Mansfield foundation.

Amendment No. 110: Deletes appropriation of $38,300,000 for part B of title VII of the Higher Education Act as proposed by the Senate.

The conferees urge the Department of Education to place a high priority on grant applications for building construction for a model sciences facility at the University of New Mexico and a science and engineering center at Boston University.

COLLEGE HOUSING LOANS

Amendment Nos. 111 and 112: Restore language proposed by the House authorizing new loan commitments of $40,000,000 from loan repayments and other net income.

EDUCATIONAL RESEARCH AND STATISTICS

Amendment No. 113: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which prohibits the use of funds in the bill for a re-competition of regional educational laboratories and research and development centers.

The conferees direct the National Institute of Education to continue a reasonable level of support for the Northwest Regional Educational Laboratory's efforts to develop the Pacific Basin satellite in Honolulu. This initiative has the strong support of the educational leadership in the region and is in response to the Congress' concern expressed last year that the unique educational needs of the Pacific Basin were not being adequately addressed by NIE.

EDUCATION AND RESEARCH OVERSEAS

(Special foreign currency program)

Amendment No. 114: Appropriates $1,133,000, instead of $516,000 as proposed by the Hosue and $1,750,000 as proposed by the Senate.

LIBRARIES

Amendment No. 115: Deletes legal citation as proposed by the Senate.

Amendment No. 116: Appropriates $86,880,000 instead of $88,800,000 as proposed by the House and $83,400,000 as proposed by the Senate. The conference agreement provides $15,000,000 for the public interlibrary cooperation program.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

Amendment No. 117: Appropriates $5,000,000 as proposed by the House instead of $5,500,000 as proposed by the Senate.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

Amendment No. 118: Appropriates $26,300,000 as proposed by the House instead of $28,000,000 as proposed by the Senate.

GALLAUDET COLLEGE

Amendment No. 119: Appropriates $52,000,000 as proposed by the House instead of $56,000,000 as proposed by the Senate.

The conferees direct the Secretary of Education to ensure that 1983 levels of services are maintained for the Model Secondary School for the Deaf and the Kendall Demonstration Elementary School. The conferees direct the Secretary to take appropriate action to prevent any reduction of the numbers of students served and to prevent a decrease in the number of instructional days at these schools from the 1983 levels.

HOWARD UNIVERSITY

Amendment Nos. 120 and 121: Delete earmarking for construction as proposed by the Senate and restore language referring to prior year appropriations as proposed by the House.

DEPARTMENTAL MANAGEMENT

Salaries and expenses

Amendment No. 122: Appropriates $230,000,000 instead of $232,968,000 as proposed by the House and $198,053,000 as proposed by the Senate.

Amendment No. 123: Deletes earmarkings as proposed by the Senate.

OFFICE FOR CIVIL RIGHTS

Amendment No. 124: Appropriates $49,396,000 instead of $42,058,000 as proposed by the House and $49,936,000 as proposed by the Senate.

Amendment No. 125: Deletes language specifying no fewer than 1,046 positions as proposed by the Senate.

With regard to the personnel ceiling for the Office for Civil Rights, the Secretary of Education should follow the Senate report on this bill (No. 98-247) and provide, to the greatest possible extent, sufficient staff resources to enable the Department to meet its judicial and statutory requirements as well as its Congressionally mandated function.

GENERAL PROVISIONS

Amendment No. 126: Restores language proposed by the House and stricken by the Senate concerning voluntary prayer in public schools. The language is the same as has been carried in the past and does not change or modify the 1st amendment of the Constitution of the United States.

Amendment No. 127: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

SEC. 308. Section 402(c) of the Housing Act of 1950 is amended—

(1) by striking out "and" at the end of clause (8);

(2) by redesignating clause (9) as clause (10); and

(3) by inserting after clause (8) the following:

"(9) for the prepayment in full of a loan under this title, provide a discount in an amount determined by the Secretary to be in the best financial interests of the Government, taking into account the yield on outstanding marketable obligations of the United States having maturities comparable to the remaining term of such loan, if (A) the prepayment is made from non-Federal sources, (B) the Secretary has received from satisfactory assurances that the housing or other educational facilities financed with the loan will continue to be used for purposes related to the educational institution for the original term of the loan, (C) the prepayment is made prior to October 1, 1984; and".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 128: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 309. No funds appropriated in any Act to the Department of Education for fiscal years 1983 and 1984 shall be withheld from distribution to grantees because of the provisions of the order entered by the United States District Court for Northern District of Illinois on June 30, 1983: Provided, That

the court's decree entered on September 24, 1980, shall remain in full force and effect.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 129: Deletes section 309 as proposed by the Senate which would have amended section 923(a) of the Higher Education Act.

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

Amendment No. 130: Deletes appropriation of $140,061,000 proposed by the Senate for carrying out the provisions of the Domestic Volunteer Service Act of 1973. This appropriation is not currently authorized by law.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

Amendment No. 131: Appropriates $23,161,000 as proposed by the House instead of $22,000,000 as proposed by the Senate.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

Amendment No. 132: Appropriates $3,858,000 as proposed by the House instead of $4,000,000 as proposed by the Senate.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

Amendment No. 133: Appropriates $674,000 as proposed by the Senate instead of $553,000 as proposed by the House.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

Amendment No. 134: Appropriates $133,594,000 as proposed by the House instead of $134,158,000 as proposed by the Senate.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

Amendment No. 135: Appropriates $6,238,000 as proposed by the House instead of $6,458,000 as proposed by the Senate.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

Amendment No. 136: Appropriates $5,982,000 as proposed by the House instead of $6,337,000 as proposed by the Senate.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Amendment No. 137: Provides for the transfer of $1,500,000 from Medicare trust funds instead of $1,000,000 as proposed by the House and $2,500,000 as proposed by the Senate. The conferees direct the Department of Health and Human Services to provide such space as necessary to the Prospective Payment Assessment Commission.

RAILROAD RETIREMENT BOARD

LIMITATION ON ADMINISTRATION

Amendment No. 138: Appropriates $56,046,000 as proposed by the House instead of $55,969,000 as proposed by the Senate. The Board is to follow House Report No. 98-357 with respect to the distribution of funds.

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

Amendment No. 139: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate adding language with respect to transfers from the railroad unemployment insurance account.

TITLE V—GENERAL PROVISION

Amendment No. 140: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate adding a new general provision which prohibits the use of funds for the transportation of any officer or employee of a department or agency between his domicile and his place of employment, with the exception of the Secretaries of Labor, Health and Human Services, and Education, who under title 5, United States Code, section 101 are exempted from such limitations.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1984 recommended by the Committee of Conference, with comparisons to the fiscal year 1983 amount, the 1984 budget estimates, and the House and Senate bills for 1984 follow:

New budget (obligational) authority, fiscal year 1983	$103,955,979,000
Budget estimates of new (obligational) authority, fiscal year 1984	95,215,687,000
House bill, fiscal year 1984	99,378,772,000
Senate bill, fiscal year 1984	100,547,888,000
Conference agreement, fiscal year 1984	104,433,883,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1983	+477,904,000
Budget estimates of new (obligational) authority, fiscal year 1984	+9,218,196,000
House bill, fiscal year 1984	+5,055,111,000
Senate bill, fiscal year 1984	+3,885,995,000

These comparisons are affected by the fact that the Senate considered several appropriation estimates which were deferred by the House due to a lack of authorizing legislation. Some, but not all, of these items were included in the final conference agreement. In addition both Houses deferred consideration of certain unauthorized activities which will require subsequent appropriations later in the year.

WILLIAM H. NATCHER,
NEAL SMITH,
DAVID R. OBEY,
EDWARD R. ROYBAL,
LOUIS STOKES,
JOSEPH D. EARLY,
BERNARD J. DWYER,
STENY H. HOYER,
JAMIE L. WHITTEN,
SILVIO O. CONTE,
GEORGE M. O'BRIEN,
CARL D. PURSELL,
JOHN EDWARD PORTER,
BILL YOUNG,
Managers on the Part of the House.

LOWELL P. WEICKER, Jr.,
MARK O. HATFIELD,
TED STEVENS,
MARK ANDREWS,
WARREN B. RUDMAN,
ARLEN SPECTER,
JAMES A. MCCLURE,
PETE V. DOMENICI,
WILLIAM PROXMIRE,
ERNEST F. HOLLINGS,
LAWTON CHILES,
QUENTIN N. BURDICK,
DANIEL K. INOUYE,
JOHN C. STENNIS,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RODINO (at the request of Mr. WRIGHT) for October 19, 20, and 21, on account of medical treatment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. KASTENMEIER, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. PERKINS, for 5 minutes, today.

Mr. REID, for 15 minutes, October 21.

Mr. ALEXANDER, for 60 minutes, November 1.

Mr. ALEXANDER, for 60 minutes, November 2.

Mr. ALEXANDER, for 60 minutes, November 3.

Mr. ALEXANDER, for 60 minutes, November 4.

Mr. ALEXANDER, for 60 minutes, November 7.

Mr. ALEXANDER, for 60 minutes, November 8.

Mr. ALEXANDER, for 60 minutes, November 9.

Mr. ALEXANDER, for 60 minutes, November 10.

Mr. ALEXANDER, for 60 minutes, November 11.

Mr. ALEXANDER, for 60 minutes, November 14.

Mr. ALEXANDER, for 60 minutes, November 15.

Mr. ALEXANDER, for 60 minutes, November 16.

Mr. ALEXANDER, for 60 minutes, November 17.

Mr. ALEXANDER, for 60 minutes, November 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SWIFT, immediately preceding the adoption of the Bonker amendment to H.R. 3231 which relates to China trade, in the Committee of the Whole today.

(The following Members (at the request of Mr. McCAIN) and to include extraneous matter:)

Mrs. ROUKEMA.
Mr. McDADE.
Mr. SHUMWAY.
Mr. LEACH of Iowa.
Mr. CONTE.
Mr. YOUNG of Florida.
Mr. PAUL.
Mr. HANSEN of Idaho.
Mr. RITTER.
Mr. DAUB.
Mr. McKINNEY.
Mr. HUNTER.
Mr. BATEMAN.
Mr. LEWIS of California.
Mr. LOTT.
Mr. GUNDERSON.
Mr. GOODLING in two instances.
Mr. COURTER.
Mr. PHILIP M. CRANE.
Mrs. SMITH of Nebraska.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Ms. FERRARO.
Ms. OAKAR.
Mr. BERMAN.
Mr. SOLARZ.
Mr. HARRISON in three instances.
Mr. SWIFT.
Mr. LEVINE of California in two instances.
Mr. HAMILTON.
Mr. MARKEY.
Mr. RANGEL.
Mr. HUBBARD.
Mr. ACKERMAN.
Mr. TORRES.
Mr. RATCHFORD.
Mr. GORE.
Mr. EDGAR.
Mr. MRAZEK.
Mr. SHELBY.
Mr. DIXON.
Mr. LANTOS.
Ms. KAPTUR.
Mr. RICHARDSON.
Mr. BRYANT.
Mr. BRITT.
Mr. ZABLOCKI.
Mr. DYSON.
Mr. WYDEN.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 96. An act to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Thursday, October 20, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2020. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Rock River, Rockford and vicinity, Illinois (Loves Park, interim) together with pertinent reports (H. Doc. No. 98-121); to the Committee on Public Works and Transportation and ordered to be printed.

2021. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on San Francisco Harbor, Calif., Fisherman's Wharf Area (H. Doc. No. 98-122); to the Committee on Public Works and Transportation and ordered to be printed.

2022. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on Harrisburg, Pa. (H. Doc. No. 98-123); to the Committee on Public Works and Transportation and ordered to be printed.

2023. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Sacramento River deep water ship channel, Calif., together with other pertinent reports; to the Committee on Public Works and Transportation.

2024. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on New Haven Harbor, Conn., together with other pertinent reports; to the Committee on Public Works and Transportation.

2025. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Gowanus Creek channel, N.Y., together with other pertinent reports; to the Committee on Public Works and Transportation.

2026. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Charleston Harbor, S.C., together with other pertinent reports; to the Committee on Public Works and Transportation.

2027. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Brazos Island Harbor, Tex., Brownsville channel, together with other pertinent reports; to the Committee on Public Works and Transportation.

2028. A letter from the Secretary, U.S. Railroad Retirement Board, transmitting a budget request for administration by the Board of the title VIII labor protection program, pursuant to section 7 of the Railroad Retirement Act of 1974, as amended; jointly to the Committees on Energy and Commerce, Ways and Means, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2853. A bill to establish a National Oceans Policy Commission to make recommendations to Congress and the President on a comprehensive national oceans policy; with an amendment (Rept. No. 98-339, Pt. III). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. House Resolution 190. Resolution expressing the sense of the House of Representatives with respect to the need to maintain guidelines which insure equal rights with regard to education opportunity (Rept. No. 98-418). Referred to the House Calendar.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3555. A bill to declare certain lands held by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York (Rept. No. 98-420). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3259. A bill to declare that the United States holds certain lands in trust for the Pueblo de Cochiti; with amendments (Rept. No. 98-421). Referred to the Committee of the Whole House on the State of the Union.

Mr. NATCHER: Committee of conference. Conference report on H.R. 3913 (Rep. No. 98-422). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3618. A bill to extend the lease terms of Federal oil and gas lease numbered U-39711; with amendments (Rep. No. 98-419). Referred to the Committee of the Whole House.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker: Consideration of H.R. 2848 by the Committee on Foreign Affairs extended for an additional period ending not later than October 21, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FAUNTROY:

H.R. 4153. A bill to direct the Architect of the Capitol to enter into an agreement with

the District of Columbia Government to relocate certain greenhouse and nursery facilities of the U.S. Botanic Gardens, and to direct the Secretary of the Interior to permit the District of Columbia to construct, maintain, and operate certain transportation improvements on Federal property; jointly, to the Committees on the District of Columbia and House Administration.

By Mr. JONES of Oklahoma:

H.R. 4154. A bill to provide for reconciliation pursuant to section 3 of the first concurrent resolution on the budget for the fiscal year 1984; jointly, to the Committees on Post Office and Civil Service, Small Business, Veterans' Affairs, and Government Operations.

By Mr. CONTE:

H.R. 4155. A bill to revise the trigger provisions of the Federal-State Extended Unemployment Compensation Act of 1970, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS of Texas:

H.R. 4156. A bill to direct the Secretary of the Army to construct a project to provide flood control on Braes Bayou in Harris County, Tex.; to the Committee on Public Works and Transportation.

By Mr. HOWARD:

H.R. 4157. A bill to amend section 315 of the Federal Election Campaign Act of 1971 to reduce the amount that a multicandidate political committee may contribute to a candidate; to the Committee on House Administration.

By Mr. HUNTER (for himself, Mr. BADHAM, Mr. BROYHILL, Mr. BROWN of Colorado, Mr. CHAPPIE, Mr. DANIEL B. CRANE, Mr. GRAMM, Mr. HANSEN of Idaho, Mr. HARTNETT, Mr. HYDE, Mr. KASICH, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. LENT, Mr. MCCAIN, Mr. MCCOLLUM, Mr. MURTHA, Mr. PARRIS, Mr. RIDGE, Mr. RITTER, Mr. RUDD, Mr. SILJANDER, Mr. DENNY SMITH, Mr. SMITH of New Jersey, and Mr. SOLOMON):

H.R. 4158. A bill entitled: "The Vietnam Veterans Memorial Dignity Act"; to the Committee on House Administration.

By Mr. KASTENMEIER:

H.R. 4159. A bill to amend title 28, United States Code, to permit cases of multidistrict litigation to be consolidated for purposes of determining liability; to the Committee on the Judiciary.

By Mr. LATTA:

H.R. 4160. A bill to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. MCKERNAN (for himself, Mr. GOODLING, and Ms. SNOWE):

H.R. 4161. A bill to direct the Secretary of Agriculture to conduct, in accordance with law and the intent of the Congress, the pilot project study of alternative means of providing assistance under the school lunch program previously authorized by law, and for other purposes; to the Committee on Education and Labor.

By Mrs. MARTIN of Illinois (for herself, Mr. HYDE, and Mr. BARTLETT):

H.R. 4162. A bill to improve the collection of criminal fines; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 4163. A bill to reward Goverment employees for budget savings; to the Committee on Post Office and Civil Service.

By Mr. PERKINS (for himself, Mr. GOODLING, Mr. FORD of Michigan, Mr. JEFFORDS, Mr. BIAGGI, Mr. PETRI, Mr. KILDEE, Mrs. ROUKEMA, Mr. WILLIAMS of Montana, Mr. GUNDERSON, Mr. BOUCHER, Mr. CHANDLER, Mr. ECKART, Mr. MITCHELL, Mr. DICKS, Mr. FUQUA, Mr. SHANNON, Mr. JENKINS, Mr. OBERSTAR, Ms. KAPTUR, Mr. MACKAY, Mr. BROWN of California, and Mr. WATKINS):

H.R. 4164. A bill to strengthen and expand the economic base of the Nation, develop human resources, reduce structural unemployment, increase productivity, and strengthen the Nation's defense capabilities by assisting the States to expand, improve, and update high-quality programs of vocational-technical education, and for other purposes; to the Committee on Education and Labor.

By Mr. DOWDY of Mississippi:

H.J. Res. 388. Joint resolution to provide for the designation of July 20, 1984 as "National POW/MIA Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. FLORIO:

H.J. Res. 389. Joint resolution calling upon the Federal Trade Commission, Department of Justice, and all other appropriate Federal agencies to enforce the Federal Trade Commission Act, the Sherman Act, and all other Federal antitrust laws including the prohibition against vertical price restraints; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. HANSEN of Idaho:

H.J. Res. 390. Joint resolution instructing the Secretary of State to provide the Congress with complete information concerning the number of American nationals now held by the Soviet Union or so held at any time since the cessation of hostilities at the conclusion of World War II, and all steps taken to identify and recover such persons; to the Committee on Foreign Affairs.

By Mr. BIAGGI:

H. Con. Res. 189. Concurrent resolution to designate a special envoy for Northern Ireland; to the Committee on Foreign Affairs.

By Mr. GLICKMAN (for himself, Mr. CARNEY, Mr. ADDABBO, Mr. FORD of Tennessee, Mr. HARKIN, Mr. FRANK, Mr. EVANS of Iowa, Mr. NELSON of Florida, Mr. TAUKE, Mr. VANDERGRIFF, Mr. LAGOMARSINO, Mr. HORTON, Mr. REID, Mr. HUGHES, Mr. GINGRICH, Mr. EDWARDS of California, Mr. BEREUTER, Mr. VENTO, Mr. SMITH of New Jersey, Mr. LEVINE of California, Mr. HAWKINS, Mr. LUJAN, and Mr. FROST):

H. Con. Res. 190. Concurrent resolution expressing the sense of the Congress that the Secretary of Transportation should submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate full research and development program planning documentation leading to expedited use by the civilian sector of certain satellite-directed navigational aids developed by the Department of Defense for the guidance of aircraft; to the Committee on Science and Technology.

By Mr. MCNULTY:

H. Con. Res. 191. Concurrent resolution calling on the President to appoint a special envoy for Northern Ireland; to the Committee on Foreign Affairs.

By Mr. RITTER (for himself and Mr. DONNELLY):

H. Con. Res. 192. Concurrent resolution expressing the sense of the Congress that the President should take all steps necessary to bring the question of self-determination of the Baltic States before the United Nations, and for other purposes; to the Committee on Foreign Affairs.

By Ms. KAPTUR (for herself and Mr. GREEN):

H. Res. 337. Resolution designating the week beginning September 18, 1984, as "Children as Teachers of Peace Week"; jointly, to the Committees on Post Office and Civil Service and Education and Labor.

By Mr. QUILLEN:

H. Res. 338. Resolution providing for the consideration of H.R. 1510, to revise and reform the Immigration and Nationality Act, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOWDY of Mississippi:

H.R. 4165. A bill for the relief of Seyed Mohammad Hossein Paya; to the Committee on the Judiciary.

By Mr. GORE:

H.R. 4166. A bill for the relief of the survivors of John Smitherman; to the Committee on the Judiciary.

PRIVATE RESOLUTION

By Mr. LONG of Maryland:

H. Res. 339. Resolution paying tribute to the World Champion Baltimore Orioles; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of October 18, 1983]

H.R. 904: Mr. GORE and Mr. BOEHLERT.

H.R. 2029: Mr. TORRICELLI, Mr. OWENS, and Mr. LEHMAN of California.

H.R. 2288: Mr. MOLLOHAN.

H.R. 2977: Mr. GOODLING, Mr. RINALDO, and Mr. ROBINSON.

H.R. 3557: Mr. MITCHELL, Ms. OAKAR, Mr. CARPER, and Ms. MIKULSKI.

H.R. 3642: Mr. HAYES, Mr. FOGLIETTA, Mr. WHITEHURST, Mr. SKELTON, and Mr. BOEHLERT.

H.R. 4016: Mr. SUNIA, Mr. MITCHELL, Mr. HAWKINS, Mr. MATSUI, Mr. WATKINS, Mr. LELAND, Mr. RICHARDSON, Mr. ACKERMAN, Mr. SHANNON, Mr. BONER of Tennessee, Mr. BIAGGI, Mr. FROST, Mr. HOWARD, Mr. MAVROULES, Mr. DWYER of New Jersey, Mr. SIMON, Mr. FOGLIETTA, Mr. BROWN of California, Mr. DE LUGO, Mr. BONIOR of Michigan, Mr. LEVIN of Michigan, Mr. LEHMAN of California, and Mr. FAZIO.

H.R. 4080: Mr. MRAZEK, Mr. ST GERMAIN, Mr. BROOMFIELD, Mr. AKAKA, Mr. GLICKMAN, Mr. FRANK, Mr. GEJDENSON, Mr. BEVILL, Mr. OBERSTAR, Mr. WON PAT, Mr. LANTOS, Mr. FORD of Tennessee, Mr. WOLF, Mr. WILLIAMS, of Montana, Mr. MITCHELL, Mr. VENTO, Mr. FAZIO, Mr. MAZZOLI, Mr. STENHOLM, Mr. LELAND, and Mr. WILSON.

H.J. Res. 215: Mr. MINISH, Mr. SKELTON, Mr. AKAKA, Mr. ALBOSTA, Mr. ANDREWS of Texas, Mr. ARCHER, Mrs. COLLINS, Mr. BOEHLERT, Mr. YOUNG of Missouri, Mr. YOUNG of Alaska, Mr. WON PAT, Mr. WILLIAMS of Ohio, Mr. WHEAT, Mr. HAYES, Mr. WALGREN,

Mr. BATEMAN, Mr. HYDE, Mr. STARK, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. STUDDS, Mr. TALLON, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. VANDER JAGT, Mr. DE LUGO, Mr. FOGLIETTA, Mr. FOLEY, Mr. GILMAN, Mr. GARCIA, Mr. DIXON, Mr. GRAMM, Mr. GRAY, Mr. GUNDERSON, Mr. CONABLE, Mr. RALPH M. HALL, Mr. HAMMERSCHMIDT, Mr. LEVINE of California, Mr. EDWARDS of Oklahoma, Mr. FISH, Mr. DYMALLY, Mr. HAWKINS, Mr. HEFTEL of Hawaii, Mr. HARTNETT, Mr. KASICH, Mr. LEACH of Iowa, Mr. LELAND, Mr. LIVINGSTON, Mr. EVANS of Iowa, Mr. PORTER, Mr. MACKAY, Mr. MARKEY, Mr. MCEWEN, Mr. JEFFORDS, Mr. SISISKY, Mr. SKEEN, Mr. SAVAGE, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, and Mr. MAVROULES.

H.J. Res. 268: Mr. CORCORAN, Mr. MOAKLEY, Mr. FOLEY, Mr. ANNUNZIO, Mr. FORD of Tennessee, Mr. WEAVER, Mr. MOORE, Mr. LUNDINE, Mr. BROYHILL, Mr. MINETA, Mr. MCGRATH, Mr. HAMILTON, Mr. SUNIA, Mr. MURPHY, Mr. SCHEUER, Mr. HEFTEL of Hawaii, Mr. LEVITAS, Mr. FAZIO, and Mr. BARNARD.

H.J. Res. 292: Mr. PEPPER, Mr. CHAPPELL, Mr. RINALDO, Mr. CHANDLER, Mr. MOORE, Mr. SWIFT, Mr. EDGAR, Mr. ANNUNZIO, Mr. ROBINSON, Mrs. LLOYD, Mr. LEVITAS, Mr. BARNARD, Mr. BADHAM, Mr. HYDE, Mr. BOEHLERT, Mr. MCKINNEY, Mr. CAMPBELL, Mr. BATEMAN, Mr. WOLF, Mr. BEDELL, and Mr. ROGERS.

H. Con. Res. 157: Mr. TORRES, Mrs. BOXER, Mr. PEPPER, Mr. SCHEUER, Mr. CARR, Mr. MRAZEK, Mr. SWIFT, Mr. STOKES, Mr. SIKORSKI, Mr. WAXMAN, Mr. BEDELL, Mr. EDGAR, Mr. RUSSO, Mr. OWENS, Mr. HOWARD, Mr. RAHALL, Mr. BONER of Tennessee, Mr. VENTO, Mr. WIRTH, Mrs. KENNELLY, Mr. DWYER of New Jersey, Mr. SLATTERY, Mr. RICHARDSON, Mr. WYDEN, Mr. TALLON, Mr. GUARINI, and Mr. MCNULTY.

[Submitted October 19, 1983]

H.R. 58: Mr. BARNARD and Mr. RINALDO.

H.R. 408: Mr. SPRATT.

H.R. 547: Mr. DANIEL B. CRANE.

H.R. 765: Mr. WILLIAMS of Ohio.

H.R. 983: Mr. FISH, Mr. FOGLIETTA, Mr. HARTNETT, and Mr. WEISS.

H.R. 1016: Mr. AKAKA.

H.R. 1028: Mr. RITTER.

H.R. 1092: Ms. SNOWE.

H.R. 1217: Mr. LOTT.

H.R. 1580: Mr. HARTNETT, Mr. MCEWEN, Mr. WEBER, and Mr. PACKARD.

H.R. 1773: Mr. FAZIO, Mr. PACKARD, Mr. KILDEE, Mr. BROOMFIELD, Mr. ROE, Mr. FISH, Mr. BILIRAKIS, Mr. CORCORAN, Mr. WHITTAKER, Mr. SPRATT, Mr. LIPINSKI, Mr. ROBINSON, Mr. SAWYER, and Mr. DWYER of New Jersey.

H.R. 1905: Mr. THOMAS of California, Mr. BARNES, Mr. SHAW, and Mr. BERMAN.

H.R. 1959: Mr. SPRATT.

H.R. 2053: Mr. VALENTINE.

H.R. 2916: Mr. VENTO.

H.R. 3170: Mr. RINALDO.

H.R. 3193: Mr. GOODLING.

H.R. 3282: Mr. BATES and Mr. KOLTER.

H.R. 3309: Mr. RINALDO.

H.R. 3354: Mr. BILIRAKIS, Mr. RITTER, Mr. GREGG, and Mr. PACKARD.

H.R. 3428: Mr. SMITH, of Florida.

H.R. 3438: Mr. DICKINSON.

H.R. 3545: Mr. LEWIS of Florida, Mr. CARPER, and Mr. WOLF.

H.R. 3548: Mr. BADHAM and Mr. DANIEL.

H.R. 3581: Mr. COELHO.

H.R. 3622: Mr. DYSON.

H.R. 3734: Mr. BATEMAN.

H.R. 3803: Mr. BLILEY, Mr. FRANK, Mr. KAZEN, Mr. HALL of Ohio, Mrs. HOLT, Mr. QUILLEN, Mr. SENSENBRENNER, Mr. SNYDER, Mr. ANDREWS of North Carolina, Mr. ROBINSON, Mr. DREIER of California, Mr. FISH, Mr. HANSEN of Idaho, Mr. MILLER of Ohio, Mr. KASICH, Mr. VALENTINE, Mrs. HALL of Indiana, Mr. MCKINNEY, Mr. HUGHES, Mr. COELHO, Mr. STANGELAND, and Mrs. SCHROEDER.

H.R. 3815: Mr. WEAVER, Mr. FOGLIETTA, Mr. LEVIN of Michigan, Mr. MARTINEZ, Mrs. BOXER, Mr. BONKER, Mr. SOLARZ, Mr. BERMAN, Mr. FISH, Mr. MINISH, Mr. MRAZEK, Mr. DWYER of New Jersey, Mr. WEISS, Mr. SAVAGE, Mr. OWENS, Mr. LELAND, Mr. GRAY, Mr. TOWNS, Mr. HAYES, Mr. DYMALLY, and Mr. FORD of Tennessee.

H.R. 3936: Mr. JACOBS and Mr. TAUZIN.

H.R. 4049: Mr. DORGAN and Mr. BILIRAKIS.

H.R. 4050: Mr. DORGAN and Mr. BILIRAKIS.

H.R. 4051: Mr. DORGAN and Mr. BILIRAKIS.

H.R. 4052: Mr. DYSON.

H.R. 4054: Mr. YOUNG of Missouri.

H.R. 4055: Mr. YOUNG of Missouri.

H.R. 4093: Mr. SMITH of New Jersey, Mr. BIAGGI, and Mr. FLORIO.

H.J. Res. 103: Mr. GUARINI, Mr. ROWLAND, and Mr. SAWYER.

H.J. Res. 121: Mr. BROOKS.

H.J. Res. 277: Mr. FAZIO.

H.J. Res. 309: Mr. ADDABBO, Mr. ACKERMAN, Mr. ALBOSTA, Mrs. BOGGS, Mr. EMERSON, Mr. FRANKLIN, Mr. FRENZEL, Mr. GUARINI, Mr. KASTENMEIER, Mr. LENT, Mr. MCCAIN, Mr. MONTGOMERY, Mr. MORRISON of Connecticut, Mr. ROSTENKOWSKI, Mr. WEISS, Mr. YOUNG of Missouri, and Mr. DOWDY of Mississippi.

H. Con. Res. 173: Mr. CORCORAN, Mr. MORRISON of Connecticut, Mr. FRANK, Mr. PATTERSON, Mrs. SCHROEDER, Mr. LAGOMARSINO, Mr. RICHARDSON, Mrs. BOXER, Mr. EDWARDS of California, Mr. HYDE, Mr. PEPPER, Mr. FAUNTROY, Mr. HORTON, Mr. MITCHELL, Mr. FROST, Mr. NEAL, Mr. LEVINE of California, Mr. LEVIN of Michigan, Mr. FRENZEL, Mr. OLIN, Mr. TOWNS, Mr. STOKES, Mr. GREEN, Mr. VENTO, Mr. TALLON, Mr. CONYERS, Mr. GONZALEZ, Mr. DELLUMS, Mr. BARNES, Mr. HALL of Ohio, Mr. WEISS, and Mr. CONTE.

H. Con. Res. 174: Mr. LOEFFLER.

H. Con. Res. 178: Mr. HARRISON, Mr. SLATTERY, Mr. RATCHFORD, Mr. SEIBERLING, Mr. SOLARZ, Mrs. JOHNSON, Mr. NOWAK, Mr. ROEMER, Mr. DYSON, Mr. SILJANDER, Mr. SYNAR, Mr. STOKES, and Mr. FORD of Michigan.

H. Res. 216: Mr. GEKAS.

H. Res. 295: Mr. MOAKLEY, Mr. SOLARZ, Mr. MCGRATH, Mr. DYMALLY, Mr. DAUB, Mr. WORTLEY, Mr. STOKES, Mr. LELAND, Mr. WEISS, Mr. FRENZEL, Mr. HUGHES, Mr. VANDERGRIFF, Mr. ROE, Mr. LEVIN of Michigan, Mr. OWENS, Mr. RANGEL, Ms. MIKULSKI, Mr. HORTON, and Mr. LANTOS.

H. Res. 327: Mr. DORGAN and Mr. BILIRAKIS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

256. By the SPEAKER: Petition of the Anderson County Democratic Party, Oak Ridge, Tenn., relative to the Universal Telephone Preservation Act of 1983 (H.R. 3621); to the Committee on Energy and Commerce.

257. Also, petition of the United Methodist Church, Yuma, Colo., relative to growing repression in the United States; to the Committee on the Judiciary.

258. Also, petition of the City Council, Youngstown, Ohio, relative to the importation of steel; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2655

By Mr. PETRI:

—Page 17, strike out lines 7 through 17, and insert in lieu thereof the following:

"(e) For purposes of this part, the terms 'low-income person' and 'person of low income' mean—

"(1) any person whose income is not more than 125 per centum of the poverty line defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and adjusted by the Director in the manner described in such section; and

"(2) any person whose income is not more than 100 per centum of such poverty line, as so adjusted and determined by the Director after taking into consideration existing poverty guidelines as appropriate to local situations.

Persons described in paragraph (2) shall be given special consideration for participation in projects under this part.".

—Page 22, line 15, insert "and" at the end thereof.

Page 22, strike out lines 16 through 18.

Page 22, line 19, strike out "(3)" and insert in lieu thereof "(2)".

Page 22, strike out line 21 and all that follows through line 14 on page 23.

Page 23, line 15, strike out "(c)" and insert in lieu thereof "(b)".

H.R. 2867

By Mr. GORE:

—Page 58, after line 14, insert:

CORRECTIVE ACTION BEYOND FACILITY BOUNDARIES

SEC. 24A. Section 3005 is amended by adding the following new subsection after subsection (k):

(e) CORRECTIVE ACTION STANDARDS.—Section 3004 is amended by adding the following new subsection at the end thereof:

"(1) CORRECTIVE ACTIONS BEYOND FACILITY BOUNDARY.—As promptly as practicable after the date of the enactment of this subsection, the Administrator shall amend the standards under this section regarding corrective action required at facilities for the treatment, storage, or disposal, of hazardous waste to require that corrective action be taken beyond the facility boundary where necessary to protect human health and the environment unless the owner or operator of the facility concerned demonstrates to the satisfaction of the Administrator that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. Such regulations shall take effect immediately upon promulgation, notwithstanding section 3010(b), and shall apply to—

"(1) all facilities operating under permits issued under subsection (c), and

"(2) all landfills, surface impoundments, and waste pile units (including any new units, replacements of existing units, or lateral expansions of existing units) which receive hazardous waste after July 26, 1982.

Pending promulgation of such regulations, the Administrator shall issue corrective action orders for facilities referred to in

paragraph (1) and (2), on a case-by-case basis, consistent with the purposes of this subsection.".

Make the necessary conforming changes in the table of contents.

By Mr. MOLINARI:

—Page 58, after line 14, insert:

HAZARDOUS WASTE ON PROPERTY DISPOSED OF BY UNITED STATES

SEC. 24A. (a) CONTRACTS FOR SALE OF CERTAIN REAL PROPERTY.—Subtitle F (relating to Federal Responsibilities) is amended by adding the following new section at the end thereof:

"HAZARDOUS WASTE ON PROPERTY DISPOSED OF BY UNITED STATES

"SEC. 6005. (a) NOTICE.—After the effective date of regulations under this section, whenever any agency or instrumentality of the United States enters any contract for the sale of any real property which is owned by the United States and on which any hazardous waste was disposed of, the head of such agency or instrumentality shall include in such contract notice of the type and quantity of such hazardous waste and notice of the time at which such disposal took place. Such notice shall be provided in such form and manner as may be provided in regulations promulgated by the Administrator. As promptly as practicable after the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983, and after consultation with the Administrator of the General Services Administration, the Administrator shall promulgate regulations regarding the notice required to be provided under this section.

"(b) COVENANT.—In the case of any real property owned by the United States on which any hazardous waste was generated, treated, stored, or disposed of, each deed entered into for the transfer of such property by the United States to any other person or entity shall contain a covenant warranting that all remedial action necessary to protect human health and the environment with respect to any such waste remaining on the property has been taken prior to the date of such transfer.".

(b) TABLE OF CONTENTS.—The table of contents for subtitle F is amended by adding the following new item at the end thereof:

"Sec. 6005. Hazardous Waste on Property Disposed of by United States.".

Amend the table of contents by inserting the following new item after the item relating to section 24: "Sec. 24A. Hazardous Waste on Property Disposed of by United States.".

H.R. 2968

By Mr. ROBINSON:

—On page 5, strike out everything that follows line 19 through line 3 on page 6 and insert in lieu thereof the following:

PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA

SEC. 108. None of the funds authorized to be appropriated by the Act may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, on or after the date that the Government of Nicaragua has: (1) reaffirmed the commitments it made to the Organization of American States in July 1979, (2) concluded the treaties and other international documents necessary to implement the objectives contained in the Document of Objectives agreed to at the September 7-9 meeting of the Contadora Four and the Central American countries (Colombia, Mexico, Panama, Venezuela; Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua), and (3) ceased all activities involving the furnishing of arms, personnel, training, command and control facilities or logistical support for military or paramilitary operations in or against all countries in Central America or the Caribbean—all with adequate systems of verification and control.

—On page 5, strike out everything that follows line 19 through line 3 on page 6 and insert in lieu thereof the following:

PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA

SEC. 108. After 60 days from the date of its enactment, none of the funds authorized to be appropriated by the Act may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, if by that date, the Government of Nicaragua has: (1) reaffirmed the commitments it made to the Organization of American States in July 1979, (2) concluded the treaties and other international documents necessary to implement the objectives contained in the Document of Objectives agreed to at the September 7-9 meeting of the Contadora Four and the Central American countries (Colombia, Mexico, Panama, Venezuela; Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua), and (3) ceased all activities involving the furnishing of arms, personnel, training, command and control facilities or logistical support for military or paramilitary operations in or against all countries in Central America or the Caribbean—all with adequate systems of verification and control.

—On page 5, line 22, strike "SEC. 108," and all that follows through page 6, line 3 and insert the following:

"SEC. 108. None of the funds authorized to be appropriated by the Act may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, on or after the date that the Government of Nicaragua has: (1) reaffirmed the commitments it made to the Organization of American States in July 1979, (2) concluded the treaties and other international documents necessary to implement the objectives contained in the Document of Objectives agreed to at the September 7-9 meeting of the Contadora Four and the Central American countries (Colombia, Mexico, Panama, Venezuela; Coasta Rica, El Salvador, Guatemala, Honduras, and Nicaragua), and (3) ceased all activities involving the furnishing of arms, personnel, training, command and control facilities or logistical support for military or paramilitary operations in or against all countries in Central America or the Caribbean—all with adequate systems of verification and control.".

—On page 5, line 22, strike "SEC. 108," and all that follows through page 6, line 3 and insert the following:

"SEC. 108. After 60 days from the date of its enactment, none of the funds authorized to be appropriated by the Act may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, if by that date, the Government of Nicaragua has: (1) reaffirmed the commitments it made to the Organization of American States in July 1979, (2) concluded the treaties and other international documents necessary to implement the objectives contained in the Document of Objectives agreed to at the September 7-9 meeting of the Contadora Four and the Central American countries (Colombia, Mexico, Panama, Venezuela; Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua), and (3) ceased all activities involving the furnishing of arms, personnel, training, command and control facilities or logistical support for military or paramilitary operations in or against all countries in Central America or the Caribbean—all with adequate systems of verification and control.".

SENATE—*Wednesday, October 19, 1983*

(Legislative day of Monday, October 17, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Search me, O God, and know my heart; try me, and know my thoughts; and see if there be any wicked way in me, and lead me in the way everlasting.—Psalm 139: 23, 24

God of truth and justice and righteousness, may this ancient prayer of the Israeli psalmist be taken seriously by each Senator as the moment of decision approaches. We know we have no secrets from Thee, O Lord, our lives are like an open book to Thee. Thou dost judge us not only for what we do but why we do it. Examine our motives, Lord, and give us grace to do what we believe is right for the right reasons.

Dear God, overrule every thought in our hearts that is contrary to Thy sovereign love and when this day is over may there be no regrets and may the Senate pursue its duty to the crucial issues which confront it. In Jesus name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today at 10 a.m. the Senate will resume consideration of the Martin Luther King, Jr., national holiday bill. A vote will occur at 4 p.m. today by unanimous consent unless a different time is established by unanimous consent. I do not anticipate that, and I expect the vote to occur at 4 p.m.

Mr. President, that will not be the end of this legislative day, however, nor our activities during this day. It is the intention of the leadership on this side to ask the Senate to turn to two other measures after the King bill is disposed of at 4 p.m. The Interior appropriations conference report, I believe, will be available. I hope so. If it is, it is privileged, and I will ask the Senate to turn to the consideration of that matter. I hope the Senate will agree to do so.

After the disposition of the Interior appropriations conference report, if we have it, I expect that the leadership on this side would ask the Senate once more to turn to the consideration of the unfinished business which is the State authorization bill.

Now, I am told by the distinguished manager of that bill, Senator PERCY, that there are some 30-some-odd amendments remaining but that maybe only 6 of them will require rollcall votes. I doubt we can do six votes yet today after 4 o'clock, so I have two hopes, wishes, aspirations, in that respect. The first is that that is not good information, there may be less than six. One will be ample, but if not one, then two, maybe three. Surely we can cut down so that there are not six rollcall votes remaining on this bill. I urge Senators to consider that. And second, Mr. President, that if we do not finish tonight we will come in tomorrow and do it, because after State authorization is finished it would be the intention of the leadership on this side to ask the Senate to turn to the State-Justice-Commerce appropriations bill. I am reluctant to take up the State appropriations bill until we have done State authorization, hence the drive to get the two bills out of the way yet this week.

As I indicated yesterday, Mr. President, I do not expect to ask the Senate to remain in session on Saturday of this week. A Saturday session next week is possible. I will consult further with the minority leader on that subject and the general subject of scheduling today. I will say for his benefit, if it is a matter of interest to him, that I am meeting with the chairmen of our committees today at noon, approximately, 11:45 a.m., and I will have a better idea of how well we can proceed not only for this and next week but for the balance of the time before November 18 and then an appraisal of the reality and practicality of the November 18 sine die adjournment target.

I plan to talk to the Speaker today on that subject after we have completed our inventory and to the minority leader in the House.

Mr. President, I think the Senate will be in today well past the usual hour. I regret to say that since this is Wednesday and not Thursday and Thursday is our regular late evening, but the last 30 days of the session require, in my opinion, that we discard the usual scheduling guidelines. So I urge Senators to consider we will be in until 8 or 9 o'clock tonight if necessary in order to try to complete action, or at least get as far as we can on the Interior appropriations conference report and the State authorization bill.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. tomorrow.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BAKER. Now, Mr. President, let me try a new formulation on this arrangement. I ask unanimus consent that on tomorrow the usual proviso be made for the transaction of routine morning business until 10 o'clock a.m. Let me explain what I mean by that, Mr. President, for today's request and future requests. That will provide 10 minutes of time each for the two leaders under the standing order and the remaining time, whatever that may be, until 10 o'clock, will be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each. That is the abbreviation that I am trying to establish now, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

ORDER OF BUSINESS

Mr. BAKER. Now, Mr. President, I urge Senators to come to the floor at 10 and get on with the business at hand, which is the final consideration of the Martin Luther King bill. I will try to have a further announcement in the course of the day on matters of scheduling.

Mr. President, if I have any time remaining, I yield it to the control of the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. BYRD. Mr. President, I thank the majority leader. I will not now consume my time.

I would suggest that our respective cloakrooms notify Senators that the majority leader has indicated his intention, or at least a strong possibility that the Senate will be in until 8 or 9 this evening, I believe, so that all Senators may schedule their day accordingly.

Mr. President, I see no Senator who wishes time, so I yield back my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 10 a.m., with statements therein limited to 2 minutes each.

NEW NUCLEAR NAVAL WEAPONS THREATEN STILL ANOTHER START FOR NUCLEAR WAR

Mr. PROXMIRE. Mr. President, as long as we continue to test, build and deploy new nuclear weapons, we continue to develop new ways for a nuclear holocaust to begin. Many Americans have felt that a world war has become much less likely with the advent of a colossal nuclear arsenal in the hands of each superpower, because such a war would be obvious and immediate and mutual suicide. If all human developments were the consequence of careful reasoning and logic, that would be a reasonable conclusion. But they are not. Men and nations act as often on emotion—hate, fear or just plain stupidity—as they do on logic and reason. This is especially true when the decision to take a war-starting action can be in the hands of many individual military commanders, each of whom controls his own nuclear power. That may be developing with new naval nuclear weapons.

Both our Navy and the Soviet Navy are constantly deploying new nuclear weapons. The individual submarines and surface ships may be thousands of miles apart, separated from this country, and, as the Secretary of the Navy recently said:

> We rub up against the Soviets every single day . . . We know how they're going to fight when it happens, and it ain't going to be "Star Wars."

Secretary Lehman went on to say:

> Unlike land warfare, should deterrence breakdown and conflict begin between the Navies of the United States and the Soviet Union, it will be instantaneously a global naval conflict.

Consider the new U.S. nuclear weapons to be deployed in the next 5 years:

First. The long range, land attack version of the Tomahawk cruise missile will be deployed in 1984;

Second. Dual capable missiles with different missions will go aboard more than 100 ships and submarines; about 1,000 out of 4,000 will be for nuclear land attack;

Third. A new vertical launched antisubmarine rocket and a new standoff antisubmarine ship- and air-launched missile will also be nuclear armed and deployed starting in the mid-1980's.

In longer term development, with deployment not yet determined, are:

First. A nuclear warhead for the Phoenix air-to-air missile;

Second. A long-range antiair and antimissile Outer Air Battle Missile;

Third. A nuclear torpedo;

Fourth. A nuclear warhead for the Harpoon short-range missile;

Fifth. A nuclear projectile for shipboard artillery.

In an article in the Bulletin of the Atomic Scientists for October, William Arkin, director of the Arms Race and Nuclear Weapons Research Project at the Institute for Policy Studies writes:

> In addition to the increasing numbers of nuclear weapons, the increasing ambiguity over the presence of nuclear warheads on naval vessels will lower the threshold of nuclear combat at sea . . . Increased U.S. and Soviet naval nuclear capabilities and new flexible operations for the U.S. Navy increase the likelihood of the initial confrontation.

Arkin concludes with this spine-chilling observation:

> Using naval forces as the spearhead of superpower global harassment will tax the peacetime rules under which the U.S. and the Soviet Navies operate and sour any chances of regional or functional arms control concerning Navies. In the longer term, the improvements in sensors and processing capabilities for ships will drive the naval commander, particularly with nuclear warheads available, to believe that getting the first nuclear shot in is the only chance for destroying enemy forces.

Once again, Mr. President, this Senator comes to the conclusion that this country and, indeed, this world are being swept along toward the cataclysms of nuclear war with new weapons development deployment rushing ahead on land, sea, and air. Certainly, any thoughtful review of what our Navy and the Soviet Navy are about should persuade us to put the nuclear freeze into effect just as soon as possible. A mistake of judgment by a naval commander, a misinterpretation, a computer failure anywhere in the far-flung fleets of the United States or the Soviet Union could light the match that incinerates the gasoline tanks of nuclear war.

I ask unanimous consent that the article to which I have referred, by William Arkin, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Bulletin of the Atomic Scientists, October 1983]

NUCLEAR WEAPONS AT SEA

(By William M. Arkin)

Every day of every year, the superpowers directly confront each other in provocative naval maneuvers. Cruising the borderless high seas, they test the other side, in preparation for what they hope will be a decisive and quick battle. "We rub up against the Soviets every single day," Secretary of the Navy John Lehman told an interviewer last June, "We know how they're going to fight when it happens, and it ain't going to be 'Star Wars.'"

"Unlike land warfare," Lehman told the Senate Armed Services Committee a few months earlier, "should deterrence break down and conflict begin between the navies of the United States and the Soviet Union, it will be instantaneously a global naval conflict." "Regardless of how or where a war with the Soviet Union might erupt," Admiral Thomas Hayward, former chief of naval operations told the same committee, "our Navy will have a global fight on its hands from the early moments of hostility."

It is also increasingly likely to be a nuclear war. The Navy is about to deploy a new generation of tactical nuclear weapons on its ships and submarines, justified in part by the growing nuclear capabilities of the Soviet Navy and resulting in part from entrenched development programs. The new weapons will fit into a more confrontational military policy toward the Soviet Union, of which the Navy is in the forefront. The new posture, according to Admiral Harry D. Train, commander of the Atlantic Fleet, demonstrates "the capability and the will to prevail in any naval engagement under any circumstances."

The naval build-up, according to the Department of Defense, seeks "increased and more diversified offensive striking power." This includes "the development of tactics for conducting nuclear warfare on, over, under and from the seas," as the head of naval strategic and theater nuclear warfare told Congress last year. Naval forces, according to Lehman, have been given primary responsibility for "isolating Soviet continental power from the rest of the world."

The development of new naval nuclear weapons has not been without controversy. A considerable research program began in the mid-1970s to develop new naval nuclear weapons systems. President Carter intervened in 1978 and directed an examination of the utility and arms control impact of there new systems, and for three fiscal years development work slowed significantly. The Navy argued that new nuclear-armed surface-to-surface, anti-air, and anti-submarine weapons were increasingly important in the face of the growing Soviet naval threat. Advocates of tactical naval nuclear weapons argued that nuclear conflict at sea would be less likely to escalate than land war given the limited and isolated nature of confrontations. Opponents of naval nuclear weapons cited increasingly capable conventional weapons technology and the serious degradation of U.S. naval electronics superiority (sensors, communications, computer processing) that would result after any nuclear explosion. But in 1980, in the last months of the Carter Administration, the chief of naval operations ordered "the revitalization of the Navy's tactical nuclear capabilities." On January 2, 1981, the Defense Department's final report on the utility of nuclear weapons in a war at sea concluded that developments in naval nuclear weapons should proceed.

Three major naval nuclear weapons systems will be deployed in the next five years. The long-range, land-attack version of the Tomahawk cruise missile will be nuclear-

armed and will begin to be deployed in the summer of 1984. Dual-capable missiles with different missions will eventually go aboard more than 100 ships and submarines; about 1,000 out of 4,000 will be for nuclear land attack. The dual-capable, high-acceleration Standard-2 surface-to-air missile will receive a nuclear warhead in 1987, to arm more than 50 surface ships with a failsafe defensive capability against enemy cruise missiles. The Standard-2 will replace the Terrier surface-to-air missile which is currently deployed aboard about 30 ships and will provide a quicker, higher rate of fire against nuclear-armed cruise missiles. New dual-capable anti-submarine weapons, derived from common designs, for ships, submarines and patrol planes will also be deployed starting in 1988. The anti-submarine Standoff weapon for submarines, under development since 1976, will replace the missile currently deployed on older submarines. A new vertical-launch antisubmarine rocket and a new stand-off anti-submarine ship- and air-launched missile will also be nuclear-armed and deployed starting in the mid-1980s.

In addition to these, a number of nuclear weapons have been considered or are in longer-term development and await decisions on deployment:

A nuclear warhead for the Phoenix air-to-air missile (feasibility study initiated in fiscal year 1983);

A long-range anti-air and anti-missile "Outer Air Battle Missile" derived from the Advanced Strategic Air Launched Missile (development initiated in 1983);

A nuclear torpedo (feasibility study initiated in fiscal year 1978);

A nuclear warhead for the Harpoon short-range cruise missile (development work on the warhead began in 1975); and

A nuclear projectile for shipboard artillery (development considered since 1980).

The distribution of nuclear weapons among more ships does not seem likely to increase deterrence. As the threat to ships and submarines increased, whether from improved conventional or nuclear weapons, the need to use nuclear weapons in defense (or offense) to carry out tactical missions will also grow. The attacker will need a barrage of anti-ship weapons to overwhelm sensors and high rates of defensive fire. Nuclear weapons may then prove necessary as the last ditch defense and may represent the only credible offense weapons (particularly to destroy well-protected U.S. carrier battle groups). In addition to the increasing numbers of naval nuclear weapons, the increasing ambiguity over the presence of nuclear warheads on naval vessels will lower the threshold of nuclear combat at sea.

Predicting the conditions in which conflict, if all these weapons were deployed, would escalate from conventional to nuclear is an unsatisfying exercise. Increased U.S. and Soviet naval nuclear capabilities and new flexible operations for the U.S. Navy increase the likelihood of the initial confrontation. Flexible operations, "Flex-ops," are the new naval operating rules. Adopted in 1982, they resulted from a "review of the rigidity of our current operational policy whereby we are constrained by certin artificial geographic boundaries." According to Lehman, Flex-ops "have completely reordered our methods of peacetime deployment of naval forces." Admiral Train told Congress last year that "flexible deployment allows us to readjust the deployment of our forces as the priorities of our missions change. These priorities are a function of the world situation and the actions of our likely adversaries."

Flex-ops are already being applied as naval forces are operating in more spontaneous "multicarrier operations" to enhance their political use and global offensive missions. Less important are the traditional Mediterranean or Western Pacific cruises to establish a permanent presence in support of allied commitments. Flex-ops demand more operations in the Northern Pacific, Norwegian Sea, South China Sea, Caribbean and South Atlantic, where the United States has only occasionally carried out maneuvers. The operations are meant to be anywhere the Soviets are and, in Lehman's words, to keep "the Soviets concerned with threats all around their periphery." One example of Flex-ops occurred earlier this year, when the United States carried out a three-carrier battle group exercise off the western Aleutian islands for the first time since World War II.

Using naval forces as the spearhead of superpower global harassment will tax the peacetime rules under which the U.S. and Soviet navies operate (codified in the "Incidents at Sea" agreement signed in 1972) and sour any chances of regional or functional arms control concerning navies. In the longer term, the improvements in sensors and processing capabilities for ships will drive the naval commander, particularly with nuclear warheads available, to believe that getting the first nuclear shot in is the only chance for destroying enemy forces. As ships and submarines begin to carry long-range cruise missiles, they will represent not only tactical assets to be neutralized but also regional and strategic nuclear forces to be destroyed at all costs.

The "revitalization" of tactical naval nuclear capabilities was in part a response to "the continuous strengthening of Soviet naval nuclear muscle," the Navy stated. In addition, some naval officers believed that nuclear war at sea was more controllable than land conflict and less likely to escalate. The fiscal year 1984 Defense Guidance of Secretary of Defense Caspar Weinberger rejected that, stating, "It will be U.S. policy that a nuclear war beginning with Soviet nuclear attacks at sea will not necessarily remain limited to the sea."

IRANIAN SITUATION HIGHLIGHTS NEED FOR GENOCIDE TREATY RATIFICATION

Mr. PROXMIRE. Mr. President, in the course of my daily advocacy of the International Genocide Convention, I have repeatedly criticized Iran's persecution of its Baha'i citizenry. Many Baha'is have been subjected to various forms of discrimination. Others have been summarily arrested and executed.

The situation reportedly became much more serious, however, when Iran's Attorney General recently banned "all the collective and administrative activities of Baha'ism in Iran." For years, the Iranians have explained their actions against Baha'is in political terms: Persecuted individuals were labeled subversive enemies of the state. Now, however, the Khomeini regime has explicitly directed its enmity toward Baha'ism itself. Although private, individual practice of the Baha'i faith is theoretically still legal, this new policy, if enforced, will effectively dissolve the Baha'i subculture.

This barbaric edict, Mr. President, constitutes another large step toward genocide. These persecutions, arrests, and executions have all been specifically directed toward an ethnic and religious group. More than ever, it appears that the Khomeini regime may be guilty of genocide, as defined by the International Genocide Convention.

This new development certainly makes U.S. ratification of the Convention all the more urgent. Ratification will strengthen our position against human rights violations and bolster our efforts to stop them. Furthermore, ratification will prevent our opponents from citing as hypocritical our own failure to ratify a treaty which we would have others obey.

I hope, too, that this recent turn of events in Iran will further convince my Senate colleagues that genocide is not a thing of the past. Sad as it may be, whole populations are this very day living under the threat of this most severe violation of human rights. I hope the Senate will react appropriately to the current situation in Iran, and I strongly suggest that a vital step is to ratify the International Genocide Convention.

AMERICAN CONSERVATION CORPS

Mr. MATHIAS. Mr. President, I wish to draw the attention of my colleagues to a resolution recently approved by the Montgomery County Council in support of legislation, S. 27 and H.R. 999 to establish the American Conservation Corps (ACC). This resolution is indicative of the strong grassroots support for the creation of a national youth conservation corps to enhance and rehabilitate our Nation's public lands and to provide meaningful jobs and work experience for unemployed young people.

I am sure that my colleagues are aware that the House has already acted on its version of this legislation. The Senate Energy and Natural Resources Committee is currently working on its version of the House-passed measure. I am optimistic that the full Senate will have the chance to debate and vote on this important legislation in the near future. At that time I urge my colleagues to give this legislation prompt and favorable consideration.

Mr. President, I ask that the text of the Montgomery County Council resolution be printed in the RECORD at this point for the benefit of all Members of the Senate.

The text follows:

RESOLUTION No. 10-388

Whereas, unemployment among youth continues to exceed 20 percent despite signs of economic recovery; and

Whereas, such high and continuing unemployment is not only a waste of human resources, but is damaging to morale and the future productivity of young people; and

Whereas, in the 1980's the need for work to conserve, protect, and restore America's natural resources, parks, and blighted neighborhoods is even greater than it was in the 1930's and

Whereas, H.R. 999, to establish a new American Conservation Corps with an annual authorization of $300 million, has passed the House of Representatives and awaits action this fall by the Senate. Now, therefore, be it

Resolved by the County Council for Montgomery County, Maryland, That the Council applauds the support given by Senators Mathias and Sarbanes to this initiative, and urges prompt action on enactment of H.R. 999 or a similar measure, and an appropriation of the full $300 million authorized. Be it further

Resolved, That the Montgomery County Council urges support of this effort by Governor Hughes and further asks his support in promptly establishing a Conservation Corps for the State of Maryland, as the needs are urgent and the benefits of previous programs have fully demonstrated their value.

TRIBUTE TO JAMES NEVILLE HOLCOMBE OF SPARTANBURG, S.C.

Mr. THURMOND. Mr. President, it is with deep sorrow that I rise today to pay tribute to my very close friend, James Neville Holcombe of Spartanburg, S.C., who passed away on October 5, 1983, at the age of 81. To his loving and devoted wife, Fannie Louise, his four charming daughters, and other family and friends, I extend my sincerest condolences.

Neville Holcombe, by his very nature, epitomized those qualities of the complete man. He was intelligent, yet always ready to learn; he was strong in character, yet a gentleman at all times; he possessed a great appreciation for history, yet was a man of vision and foresight; and he was a man who served his God, country, community, and fellow man.

A native of the small town of Woodruff, S.C., this quiet, yet energetic individual established an excellent record of academic performance early in life. Although this bright young student could have attended virtually any university he wanted, Neville chose to study at Wofford College in Spartanburg. After graduating from Wofford, he continued his education at the Harvard School of Law. Neville displayed exceptional skills at Wofford and Harvard, graduating Phi Beta Kappa at both of these fine institutions.

Neville Holcombe's ability to absorb and understand information quickly proved to be an asset to him throughout his life. His academic talents became useful to our country when Neville later joined the U.S. Navy to become a naval intelligence officer during World War II.

Once his military service was completed, Neville returned to Spartanburg to begin his legal career. He soon established a reputation as a capable and compassionate attorney, and business associates knew that his future was one destined for great achievements.

No matter what the task was, Neville was committed to doing it well. Excellence was his trademark, and today the evidence of his contributions to the community and State are highly visible.

As mayor of Spartanburg from 1953 to 1961, Neville Holcombe was considered to be one of the finest public servants in the city's history. He literally revolutionized Spartanburg with his progressive policies and programs. Recognizing the enormous potential for growth and prosperity that Spartanburg offered, Mayor Holcombe was instrumental in having the city boundaries extended, thus paving the way to even greater commercial expansion.

During his administration, Mayor Holcombe made significant changes which strengthened Spartanburg's economic base. Under his leadership, the city planning commission was established to recommend important improvements and developments designed to stimulate commerce. Among his numerous accomplishments as mayor, Neville Holcombe was instrumental in the construction of the new city hall and central fire department, and he made great strides with urban renewal projects. Indeed, Neville Holcombe's tenure as mayor was an era of unprecedented progress.

Neville Holcombe's extraordinary abilities were not exclusively utilized at his law practice or at city hall. Indeed, this man of action was involved in many worthwhile organizations designed to serve mankind. Neville was president of 10 civic organizations, served on several boards of foundations and companies, held important positions at his church, and worked with other community causes.

Woven into the character of Neville Holcombe was an unceasing hunger for knowledge. Out of this desire sprang his great interest in higher education, and a concern to help colleges maintain superb standards. As a member of the trustees for Converse College and Voorhees College, he proved to be a valuable source of direction and insight. However, Neville always loved his alma mater of Wofford College, and was committed to perpetuating the traditions of excellence that greatly influenced his own life. In recognition of his support of Wofford and outstanding contributions to society, he was presented the Wofford College Distinguished Alumni Award. Wofford also bestowed an honorary doctor of laws degree upon Neville for his many noteworthy accomplishments.

Mr. President, I have enjoyed a long friendship with Neville Holcombe for over a half-century. Our first encounter was during the South Carolina Bar examination in 1930. It is interesting to note that he and I tied for scoring first place in that exam. Since that time, our friendship grew, and our mutual respect and admiration flourished.

I truly believe that no State could ask for a finer citizen, a more worthwhile citizen, and a truer patriot than Neville Holcombe. He was a gentleman of impeccable personal integrity, outstanding character, and great courage. Neville had a large circle of friends who mourn his passing, and I feel a great sense of personal loss in his untimely death. I was proud to call him my friend.

Mr. President, in order to share more about this dedicated public servant and remarkable man, I ask unanimous consent that several articles from his hometown newspaper, the Spartanburg Herald-Journal, and an editorial from our mutual friend, Walter Brown, founder of WSPA-Radio and Television, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Spartanburg Herald-Journal, Oct. 6, 1983]

NEVILLE HOLCOMBE MOURNED—COMMUNITY LEADER DIED WEDNESDAY AT AGE 81

James Neville Holcombe was a man rich in friendship. He was an inspiration to Spartans for nearly four decades. He was a gentleman, always.

Holcombe, mayor of Spartanburg from 1953 to 1961 and a well-respected, progressive community leader, died Wednesday. He was 81.

He was, as a close friend extolled him, "like a real Trojan." He was a man of strong perseverance. Things talked about got done whenever he was at the helm.

He was "a gentleman of impeccable personal integrity," U.S. Sen. Strom Thurmond, R-S.C., said from the floor of the U.S. Senate 20 years ago.

The senator added on that day, Sept. 10, 1963, that Holcombe "is one who made particular contributions to the improvement of his community as a dedicated and forward looking public servant."

The senator, after attending a dinner in Washington Wednesday evening for West German President Karl Carstens, said of the death of Holcombe, "No state could ask for a finer citizen, a more worthwhile citizen or a truer patriot than Neville Holcombe."

Thurmond first met Holcombe when they stood the South Carolina bar exam together in 1930 in Columbia.

"I was told later that he and I tied for first place on the bar of examination. We became fast friends," Thurmond said.

"He was a man of outstanding character and integrity, a man of great courage and tremendous capacity," he said. "He had a large circle of friends who will mourn his passing, and I feel a great personal loss in his death."

Though age slowed Holcombe the past several years, a 1960s tribute would have been pertinent:

"Once a man named Neville blew into town from Woodruff via some Yankee school and hung out a shingle as a counselor-at-law.

"He spent some years at this and picked up enough political savvy from somewhere to run for and win the mayor's post. That was Spartanburg's good fortune.

"It is probably by dint of personal persuasion on his part and careful organization of goals and resources that Spartanburg has enjoyed the most fruitful years since the first railroad hit town."

Those were the words of Rudy Rivers, then a columnist for the Herald-Journal and now editor of the newspaper.

Holcombe's contributions to the Spartanburg community were many.

During his fruitful administration, the Morgan Square beautification and modernization project became a reality.

His administration was marked by accomplishments evident throughout the city today.

It was under the late Mayor Holcombe that the city expanded its boundaries for the first time since 1889. The present City Hall and the Central Fire Department were built. City Planning Commission was established.

He brought off-street parking, slum clearance, urban renewal and immense traffic and street improvements.

Those eight years—1953-1961—during which he served as mayor of Spartanburg, were the foundation of a new prosperous era for his community.

"As mayor, he was dedicated to anything that would improve and help develop Spartanburg," said Walter S. Montgomery, close friend and chairman of the board of Spartan Mills.

"His contributions to the betterment of our area are innumerable," Montgomery said. "All of us will miss his wise counsel. I feel the loss of a dear friend and neighbor."

Holcombe, husband of Fannie Louise Vermont Holcombe of 700 Otis Boulevard, was a native of Woodruff. He was son of the late Dr. Benjamin Eugene and Louisa Rogers Holcombe, and he was a member of the Episcopal Church of the Advent.

He is survived by four daughters, Mrs. Marion McMillan Jr. of Spartanburg, Mrs. Austin Chapman of Jacksonville, Fla., Mrs. Joseph Michael Saul of Virginia Beach, Va., and Mrs. Gordon Sinyard of Charlotte.

Also surviving are two sisters, Miss Hazel Holcombe of Orangeburg and Mrs. Richard L. Edwards of Aiken; seven grandchildren.

Funeral services will be held at 5 Friday at the Episcopal Church of the Advent by the Revs. Henry Barton and Robert Sawyer. Burial will follow in Greenlawn Memorial Gardens.

In lieu of flowers, memorials may be made to Neville Holcombe scholarship funds at Converse and Wofford colleges, or the Neville Holcombe Memorial Fund, in care of the Spartanburg County Foundation.

J. F. Floyd Mortuary is in charge of arrangements.

Holcombe was a U.S. Navy veteran of World War II, coming to Spartanburg in 1946 to open a law office with Horace L. Bomar. They came out of the Navy about the same time.

Holcombe served as Naval Intelligence Officer, attached to the Eastern Sea Frontier.

"He's always been a fine gentleman and an excellent lawyer, and, of course, a leader in the community. We'll all miss him very much," Bomar said.

He recalled the years Wednesday. "He gave a good deal of his time to the city. He made some progressive moves. He never was one who was short with his time, and if he had a project, he gave whatever necessary to see the project through, and I guess one of the most important things he did was to extend the city limits, which was needed very badly."

Holcombe became an inactive member of the law firm about a year and a half ago for health reasons.

"He was the epitome of a public servant. He was a gentleman at all times. He had a brilliant mind," said Lachlan Hyatt, chairman of Spartanburg County Council and member of City Council during Holcombe's second term as mayor from 1957 to 1961.

"Spartanburg lost one of its greatest citizens. He always came through like a real Trojan," Hyatt said.

Others remembering Holcombe Wednesday:

"I got to know him as a gentleman. He was, in every instance, a gentleman, and he's the type of person who doesn't get replaced in the community very easily," said John Evans, president of the Spartanburg Area Chamber of Commerce. Evans served on the South Carolina National Bank Board with Holcombe.

"He was one of Spartanburg's finest leaders. Under his leadership as mayor, we had the first annexation program in over 50 years, the first slum clearance program, the first urban renewal program and the first building code, all of which started Spartanburg's upward progress," said former Sparanburg Mayor Bob Stoddard.

"I always admired Mr. Holcombe. He was one of the finest mayors Spartanburg ever had. His administration probably was one of the most productive in modern Spartanburg history," said Spartanburg's present mayor, E. Lewis Miller.

"I knew Neville when I was a student at Wofford. I've always found him to be a superior person intellectually, morally and spiritually. He was a giant among men in his own profession. He was the kind of person many people in this community could emulate because he personified good citizenship. This community is going to be poorer for having lost him but richer for having had him," said Dr. G. B. Hodge. Holcombe was a close friend and taught Hodge a law course at Wofford.

Holcombe was a Phi Beta Kappa graduate of Wofford College and Harvard Law School. He was a member, former trustee and vestryman for his church.

Among Holcombe's many civic duties were the past presidencies of 10 organizations.

He served as president of Wofford College National Alumni Association; Piedmont Council, Boy Scouts of America, and recipient of the Boy Scout Silver Beaver Award; Spartanburg County Bar Association; United Way of Spartanburg County; Spartanburg Area Chamber of Commerce (construction of present headquarters started under his administration).

He was president of the Spartanburg Civic Music Association; Municipal Association of South Carolina (elected a life member upon completion of term); Spartanburg Kiwanis Club; Harvard Club of Western South Carolina; and Greenville-Spartanburg Chapter of Phi Beta Kappa.

He served as chairman of the Spartanburg County Foundation Board of Trustees and chairman of the Board of Trustees for the S.C. School for the Deaf and Blind.

Holcombe also was South Carolina Commissioner on Uniform Legislation, trustee of Voorhees College, director emeritus of South Carolina National Bank.

He was selected "Man of the Year" in 1980 by the Spartanburg Board of Realtors.

More recently, he was a trustee of Converse College, general counsel for the Spartanburg County Foundation and board member of Spartanburg Area Development Corporation.

Also, he was recipient of Wofford College Distinguished Alumni Award and honorary degree of Doctor of Laws from Wofford.

[From the Spartanburg Herald-Journal, Oct. 6, 1983]

GENTLE CITIZEN, NEVILLE HOLCOMBE

A gentle, devoted citizen of Spartanburg and of South Carolina and of the nation died yesterday. The loss hurts, but his contributions to the future of our community go on.

Neville Holcombe was 81 and for most of those years he devoted himself to many causes that meant well-being and progress in his community.

Friends will be comforted in each memory of this quiet but firm, able and energetic man. His outward gentleness never revealed the inner energies that drove him to give his time, vision, intelligence and leadership so tirelessly. He was a rare citizen—willing to participate in any endeavor that benefitted this area, the state or the nation.

In two terms as Mayor of Spartanburg he, and the people he persuaded to work with him, changed the face of the city to better cope with community needs—expanding the city's limits, widening streets, providing off-street parking facilities and initiating slum clearance programs. At the same time, he conveyed to others his optimism about the city's future growth and his vision of a moral, happy place to live and work. He strove in all things to help produce a community of beauty, cultural advancements, business growth and neighborly concern. That optimism came to be shared and was an inspiration to many hundreds of other citizens.

Neville Holcombe's leadership was more than political. His was active and a leader in nearly all of the civic and social groups in this community, lending each of them his strength and energies to the fullest. In 1980, when he was named Citizen of the Year by the Spartanburg Board of Realtors, we commented that no one could be more deserving, indeed, that he could be regarded as the "Outstanding Citizen Of At Least Two Decades."

Perhaps the greatest tribute to this man is that he sought no rewards for his work except results, those results that contributed to the moral, spiritual and economic growth of this area.

In our community, we do not build monuments to good citizens. Neville Holcombe would be embarrassed by and opposed to the very notion. In his life he provided the monument that outshines all others—a selfless devotion to and tireless work for a community he loved.

We share the sorrow of his family and his many friends. We believe we share with them, also, the comfort of his example in life.

A TRIBUTE TO NEVILLE HOLCOMBE

(Editorial by Walter J. Brown, President of WSPA Radio/Television of Spartanburg, S.C., October 6, 1983)

When I think of Neville Holcombe, I am reminded of the lines of Ralph Waldo Emerson when he said: "The only reward of virtue is virtue; the only way to have a friend is to be one."

Certainly, those of us who live in Spartanburg have seen many vivid displays of Neville Holcombe's virtues in his public, professional and private life. Likewise, we know the reason he has so many friends is that he has been a friend to so many people.

I have often thought of how he demonstrated the virtue of courage when he permitted the beautiful trees that once lined West Main Street to be cut down to provide widening of this artery of traffic for a growing city. People love trees, and nothing can put as much heat on a mayor or any other official as the cutting down of beautiful old trees regardless of the extent that they block progress.

Then another time I remember Neville being on a hot seat was when he was trying to develop Morgan Square. This involved moving the Morgan Monument and it brought out the D.A.R. in force. They insisted General Daniel Morgan face Cowpens where he won his great victory in the Revolution. While all of this argument was going on, the General was hanging up on a crane, waiting to be placed in a way which would satisfy all concerned. Finally, Neville convinced the Daughters of the American Revolution that it would be better to position the General as he stands there today facing West rather than facing a store building.

I doubt if there is anyone here who has not felt directly or indirectly the touch of Neville Holcombe's friendship.

Certainly I have in many ways. But along with that was his devotion to the City and people of Spartanburg. The road was never too long or the night too dark for him to help a friend or serve the city he loved so much.

In honoring him, you honor yourselves, and I congratulate both on this award. Neville Holcombe is not only a Citizen of the Year, but he is a Citizen of the Decades in the eyes of those who appreciate his contribution to the good government on all levels and service to worthy causes that benefit all the people.

ADDRESS BY WILLARD C. BUTCHER, CHAIRMAN OF CHASE MANHATTAN BANK

Mr. HATCH. Mr. President, I have recently read a speech by Willard C. Butcher, chairman of the Chase Manhattan Bank, delivered at the Los Angeles World Affairs Council. Mr. Butcher's statement is an excellent summary of the fiscal policies and events that have produced a burden on the U.S. economy, leading to a slowdown in capital investment, home construction, labor productivity, and eventually to higher inflation.

The solution provided in the conclusion of this statement would not be painless for my colleagues to contemplate. The solution is a reduction in Federal spending. Indeed, I have forced my colleagues as late as last spring to contemplate and vote on such a proposal. Since that time nothing has changed. The rate of growth for the economy for this year that I predicted at that time, higher than the projected rate employed by the Budget Committee, has come to pass, but even that higher rate will not eliminate the huge deficit currently projected. This large amount of Federal borrowing is raising real interest rates and slowing investment in the productive capital needed to sustain a growing national income. This statement by Mr. Butcher brings home the same point once again, and I urge my colleagues to read it carefully.

Mr. President, I ask unanimous consent that the statement by Mr. Butcher be included in the RECORD following my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE CHALLENGE OF THE DEFICIT: AMERICA AT A CROSSROADS

(By Willard C. Butcher)

Thank you Alan (Puckett).

Good afternoon ladies and gentlemen. While I always enjoy returning to Los Angeles, today's visit is particularly pleasant for several reasons.

First, the Chase Manhattan Bank now has 200 employees in the greater Los Angeles area. I'm pleased to note that many of them are with us this afternoon. I'm even more pleased that they brought their customers with them!

I was also happy to learn in reviewing the Council's speaking schedule that my talk today comes between addresses by the President of Finland on Monday and the Foreign Minister of Malaysia on Friday. Both, I can report, are good customers of the Chase. (These days, of course, that means they haven't asked us to reschedule their debt!)

Finally, I'm honored to be here because of the nature of the Los Angeles World Affairs Council itself. For over 30 years, the Council has earned a reputation as one of our nation's most prestigious public forums.

The fundamental creed of the Los Angeles World Affairs Council is that, "In a democracy, agreement is not essential; participation is."

It is in that spirit that I have chosen as my topic an economic issue that dominates public discussion today and one on which few people agree; namely, our nation's burgeoning federal budget deficit.

On one side of this issue are those who insist that our runaway deficit has become unstoppable and that because of it, our nation is headed for economic disaster. On the other side are those who dismiss the deficit as little more than a meaningless "media event". (I must say I find this latter view incomprehensible, especially after even a cursory analysis of the Third World debt crisis.)

Lately, both sides have prompted a great venting of national debate and frustration on the deficit issue. But as Will Rogers once pointed out, "The problem with letting off steam is that it clouds up the windows!" And by and large, despite the great national deficit debate, most people continue to be confused about two things: First, the significance of the deficit and second, what to do about it.

This afternoon, I'd like to devote my remarks to examining those two questions.

Let's start at the beginning.

Our number one economic goal in the United States and the world is to sustain a strong and steady economic recovery. To accomplish this goal, we need two things: first, stable prices that both consumers and business investors can count on and second, an ample flow of funds so that consumers can make the purchases and businesses the productive investments that lead to a prosperous economy.

A deficit runs counter to these two requirements. Deficits must—and will—be financed. To finance them means that the government must either induce unstable prices by printing more and more money or sop up available funds by restricting money growth, keeping interest rates high, and "crowding out" individuals and companies from the financial market.

That's exactly where our nation stands today. We are caught between the Scylla of renewed inflation on the one hand and the Charybdis of reduced investment and recession on the other.

This is why deficits in the U.S. and in other industrialized nations are the principal roadblock on the path to sustained economic growth. Indeed, in Europe, from which I've just returned, people are as concerned with the immediate adverse impacts of their own national deficits as they are with the ripple effects of the U.S. deficit.

Our own deficit problem is illustrative. Over the last three fiscal years, U.S. government spending increased more than $230 billion to $810 billion this year. Meanwhile, the government's revenue level has risen only $80 billion. As a consequence, this fiscal year we will have overspent our government's income—that is, your and my taxes—by more than $200 billion; making our deficit greater than President Nixon's total 1970 budget.

Meanwhile, our national debt is over $1 trillion and is rapidly approaching $2 trillion. The interest on our present debt is nearly $100 billion per year; equivalent to President Kennedy's total 1961 budget.

Just three years ago, in 1980, we considered it "disastrous" that our nation's deficit had risen to the $60 billion level. In 1983, yesterday's "disaster" is now being spoken of as today's "objective".

Indeed, today's deficit accounts for just over six percent of gross national product, while total personal savings in the U.S. average only about seven percent of GNP. This means that to finance the deficit will require the government to borrow the bulk of our nation's savings, leaving precious little for private investment.

And that ladies and gentlemen is the true significance of the deficit problem.

With the government absorbing the bulk of private savings, we face an inexorable push in the years ahead toward poorer productivity, diminished investment, high unemployment, higher interest rates, slower gains in real income, declining growth, reduced U.S. competitiveness abroad, and a steadily-eroding standard of living.

Clearly, such an outcome is unacceptable. The question is: What can we do about it?

There is only one real answer. And it is not, as some in Washington would have us believe, to lauch a pell-mell program of higher taxes.

What is needed now—what all of us in this room should be appealing for—is a serious, long-term program to cut federal spending.

Let's put the growth of federal spending and the growth of federal revenues in some perspective. The $230 billion increase in

spending over the past three years amounted to a 12 percent increase per annum. By contrast, the average annual increase in GNP over these three years has been about 7½ percent. In other words, spending has increased at a rate far faster than the economy that must pay for it. Most of that increase in spending was unrelated to the recession per se.

At the same time, tax revenues have increased about 5 percent per year—just under the level of GNP growth. Clearly then, our deficit problem is not due to a lack of tax increases.

Rather, it is the high growth in government spending that has brought us to this fiscal crisis. We have promised our way into spending money we simply do not have.

Beginning in the 1930s and climaxing in the 1960s and 70s, the U.S. Government created noble social programs of sweeping promise and lofty intent. Too late, we discovered that voters eager for benefits were unwilling to pay the full price. Their representatives chose to borrow the difference, and the direct result was the swollen deficit with which we are now afflicted.

Part of the blame lies at the door of "indexing"—the automatic pegging of benefits to certain economic indicators. By indexing the payment of benefits, we injected our social programs with a potent "synthetic growth hormone" whose effects were unpredictable.

Also at fault was the so-called "entitlement" character of many social programs. The basic income-support legislation of the 1960s defined who was eligible for what without appropriating a fixed amount to pay for particular purposes. As the number of eligible people rose and the cost of services soared, the amount to be appropriated had to rise as well.

This process has become insidious. Gradually, a so-called "structural" deficit is becoming ingrained, even at a "full-employment" level.

Medicare is a typical example. In 1967, the program's first full year, it cost the federal government just over $3 billion. Last year, we spent $50 billion on Medicare—an average annual growth rate of over 20 percent.

Medicare is typical of how government spending has rocketed out-of-control, and why, if we wish to avoid crippling deficits in the years ahead, we must act now to solve our escalating problem.

We will not find the solution by imposing wholesale tax increases. To the contrary, history shows that attempting to reduce deficits by raising taxes not only doesn't work but is counterproductive to economic growth.

For example, in the period from 1975 to 1979 when tax receipts were 19 percent of GNP, the government spent nearly 22 percent of GNP with a deficit of 2½ percent. In the period of 1980 to 1982, when tax revenues increased to 20 percent of GNP, the situation was worse. Government spent close to 24 percent of GNP, and the deficit rose to nearly 4 percent.

Most tax increases reduce the real reward for providing labor or capital and thus increase the cost of production. Raising the cost of production, in turn, leads to declining work incentives, reduced savings, and a fall-off in other growth-generating activities. So rather than fostering economic recovery, trying to reduce the deficit by raising taxes only helps kill the goose that lays the golden egg.

I would allow however, that raising certain consumption-oriented taxes may, at some point, be appropriate. But make no mistake. Increasing taxes—or as former Congressman Henry Reuss once called them, "user fees on income"—will not solve our deficit problem. Rather, higher taxes will just take more resources out of private hands and encourage the government to spend still more.

Indeed, when politicians suggest novel "laundry lists" of new taxes—as one presidential candidate did a few weeks ago—rest assured that it will be the private economy that is ultimately "taken to the cleaners".

All government spending, in fact, comes out of the private economy one way or another—through taxes, borrowing, or the inflationary printing of too much money. So the true burden of government isn't what it collects but what it spends.

And if our nation really believes in the virtues of a private economy—then we have no choice but to cut government spending.

Clearly, the place to focus our effort is in the three areas which together account for nearly two-thirds of federal spending—Social Security, medical care and defense.

Social Security benefits today account for over 8 percent of GNP—double what they were in 1960. Here I'd pick up where the 1983 Social Security Commission left off.

Specifically, because people today live longer than when Social Security was conceived, we should consider increasing the retirement age more quickly to 67 and 65. At the same time, we should consider eliminating the benefits for early retirement, except in the case of disability. In addition, we should scrutinize more closely eligiblity procedures for Social Security. Such refinements could save $20 billion annually at current income levels.

As to medical programs, the government's medical bill today equals over $80 billion. In 1960 by contrast, government spending on medical services was less than a billion dollars.

To get at this, we need more measures like the recently-enacted changes in Medicare, where the government now pays uniform prices to treat particular ailments. Without this step, the Medicare Trust Fund would have gone bankrupt before the end of the decade. Similar actions are desperately needed.

The whole area of indexing government benefits also should be reconsidered—particularly the practice of automatically linking benefits increases to the annual rise in the consumer price index. This routine does little more than help institutionalize inflation.

In this context, we should take a careful look at the proposal of Senators Danforth, Boren and Wallop that calls for indexing federal payouts to the CPI minus 3 percentage points. I personally not only support such a measure but believe it should go further—even if this involves making compromises along the way.

As to defense, I suspect there are few Americans today who wish to see our nation's military power compromised. In point of fact, our nation's military spending, in relative terms, has declined in recent years.

Under President Kennedy, defense spending totaled $51 billion, representing 48 percent of the budget and over 9 percent of GNP. Today, military spending is $245 billion and has declined to 29 percent of the budget and 7 percent of GNP.

At the same time though, it makes no sense to harbor a "foot-in-cement" attitude about the inflexibility of the defense budget. Rather, we must find savings in defense—even as its budget grows.

Specifically, we should give higher priority to which weapons systems we need and how we plan to pay for them in rational, multi-year procurement programs. Competitive bidding, overlapping systems, and systems modernization—rather than replacement—also should be given higher priority. Finally, we should take a hard look at military pensions, which are growing by almost 13 percent per year and today cost about $15 billion.

The point is that while we need a stronger defense and an expanded defense budget—we must confront that budget too with an eye toward increased efficiencies and cost savings.

These are but a few suggestions from one who does not pretend to be an expert on the intricacies of the federal budget. But I am certain of this. Without such pointed measures, perhaps not our children—but certainly their children—may inherit an economy in shambles.

In 1960, federal spending and taxes both represented about 19 percent of our GNP—and we had a balanced budget. This year, federal taxes are still 19 percent of GNP and spending is 25 percent. Thus, even after the tax cuts, we are paying as large a share of taxes as we did 20 years ago while spending soars into the stratosphere.

The clear and unmistakable truth from all this is that unless we rein in federal spending today, these expansive government programs that have stifled our economic growth in the past will imperil the standard of living of our citizens in the future. As the philosopher Yogi Berra once put it, "You can see an awful lot by just looking."

Clearly, this is not only a time for "looking" at our problem but also for doing something about it. And the deficit is the place to start. Yes, I believe our budget is capable. It is controllable. It is cuttable.

The wrong way to cut the deficit is to raise taxes. The right way to cut it is to combine continued economic growth with a renewed urgency to cut spending.

But we can't begin to cut the deficit until Republicans and Democrats, liberals and conservatives alike agree, as House Budget Committee Chairman Jim Jones has put it, "to give up a little bit in the national interest."

America does, indeed, stand at a crossroads. One road leads to sustained, non-inflationary, long-term economic growth; the other to the junkyards of ever more serious economic ills. How we deal with the deficit may well determine the direction we take.

DRUG ABUSE IN MEDICAL PROFESSION

Mrs. HAWKINS. Mr. President, behavior experts have identified several working conditions that can make a person more vulnerable to drug abuse on the job: Long hours, little personal contact, and physical and emotional stress. In the case of doctors, nurses, and other health-care professionals, however, there is another complicating factor: Drug availability.

According to a recent study by the University of California, doctors and nurses training to administer anesthesia are far more likely to abuse narcotics than other medical personnel; and, according to a survey published by the Journal of the American Medical Asso-

ciation, anesthesiologists and anesthetists are more likely to abuse narcotics because of their access to, familiarity with, and sophisticated knowledge of drugs. People forget that at the turn of the century 30 percent of cocaine addicts were physicians and dentists—who used the drug on patients as a painkiller.

But bartenders are not thought to abuse alcohol more than, say, Sunday school teachers. Computer operators are not more likely to play video games than construction workers. Why do 75 percent of the training programs for anesthetists report at least one case of drug dependence? Why are nearly 4 percent of all doctors and nurses throughout the country dependent on narcotics—a rate 30 to 50 percent higher than the general population? Obviously, the danger is not only to the victim but to his or her patient as well. And the cost to society is so much more.

Mr. President, I ask unanimous consent to have printed in the RECORD two articles on drug abuse in the medical profession.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Aug. 19, 1983]

ANESTHESIA STUDENTS TOP DRUG-ABUSE LIST

(By David Freed)

SAN DIEGO.—Doctors and nurses learning to administer anesthesia in the operating room are more likely to abuse prescribed narcotics than medical personnel in other health specialities, according to a study released Thursday by the University of California, San Diego.

The study, based on a questionnaire mailed to the directors of the 289 anesthesia training programs in the United States, found that 74% of the programs had at least one suspected incident of drug dependence involving doctors, nurses or instructors.

Some training programs had five or more cases in which medical personnel were hooked on drugs.

The report stated that chemical dependence among those involved in administering anesthesia "may be more common than generally held and perhaps more common than in other areas of medicine, partly due . . . to the ubiquitous availability of remarkably potent drugs."

MOST FREQUENTLY ABUSED DRUGS

The most frequently abused drugs were found to be meperidine and fentanyl, two short-acting synthetic narcotics with a potency 90 to 100 times that of morphine. The drugs are administered through injection.

Other abused drugs (ranked in order of frequency) included morphine, diazepam, narcotics such as cocaine, alcohol and droperidol.

Results of the study, written principally by Dr. Clarence F. Ward, a UCSD medical instructor and himself an anesthesiologist, were published in today's edition of the Journal of the American Medical Assn.

"There is indeed a problem in anesthesia," Ward, 39, said in an interview Thursday. "The number of anesthetists (nurses) and anesthesiologists being referred to drug rehabilitation facilities is three or fourfold what their overall population should reflect proportionately."

Ward's survey estimated that between 1970 and 1980, there were 29,666 doctors, nurses and instructors associated with anesthesia training. The survey found 376 cases of suspected drug abuse and 334 cases of confirmed abuse. However, because of inexact survey methods, Ward said he believes that the actual number of drug dependence cases may be more than 1,000.

104 CASES INVOLVED RESIDENTS

Of the reported cases, 104 involved residents (doctors training to be anesthesiologists) while 163 cases occurred among nurses certified as or studying to be anesthetists. Anesthetists generally administer only local anesthesia while under the supervision of an anesthesiologist.

Fifty-four cases of abuse occurred among anesthesia instructors. That statistic surprised Ward, who had expected to find that drug dependence was largely confined to younger physicians and nurses who were faced with "the stress of being a student."

Yet "the incidence of abuse was higher in instructors than students, suggesting that increasing age and professional education do not necessarily grant increasing immunity," Ward wrote.

[From the New York Times, Aug. 19, 1983]

DRUG ABUSE FOUND IN MEDICAL TRAINING

(By Lawrence K. Altman)

The problem of drug abuse in the medical professions was dramatically underlined yesterday with the first published national survey of drug use within a single specialty.

The survey, published yesterday in The Journal of the American Medical Association, was made among doctors and nurses training in the specialty of anesthesiology as well as their instructors.

It found that over a 10-year period almost three-quarters of the anesthesiology training programs that responded to the survey had "at least one suspected" case of drug dependency among students or instructors. The researchers wrote that they had been surprised to learn that the problem was most prevalent among the older anesthesiologists, the instructors.

Some hospitals had more than five cases. Of the total of 334 confirmed or suspected cases of drug dependence among doctors or nurses, 30 deaths were attributed to drug overdoses.

The researchers from the University of California's San Diego Medical Center said they knew of only a few "mishaps" among patients that could be attributed to the drug dependency problems of doctors and nurses.

PROBLEMS IN SAN DIEGO

Anesthesiologists were singled out for the study because of problems observed in the San Diego training program. Dr. Lawrence J. Saidman, a principal researcher in the study who also heads the university's department of anesthesiology, said in an interview that about five nonfatal cases of drug dependence were detected among his professional staff and students over a period of about seven years.

"We asked ourselves: Is our experience unique?" he said. "Is there something in our environment or in the way we practice medicine or the people we elect that encourages or somehow specially recruits people who are drug-prone?"

Despite the absence of comparative data among other medical specialties the choice of this specialty for the survey was apt. For years, anesthesiologists have been considered the most vulnerable group because of their sophisticated knowledge of drugs as well as their ready access to them.

The drug dependence problem "may be more common than usually thought in anesthesia, perhaps in part because of drug availability," Dr. Saidman and his co-authors, Dr. C. F. Ward and Gretchen C. Ward, said.

The two drugs most often reported to have been abused in the study were meperidine and fentanyl. They are synthetic narcotics. Fentanyl, a short-acting drug that is about 100 times more potent than morphine, often leaves little detectable evidence of its use in urine samples.

184 REPORTED POSSIBLE PROBLEM

The study was based on responses to questions from 247 of the 289 programs that train physician anesthesiologists and nurse anesthetists in the United States. At least one instance of confirmed or suspected drug abuse was reported in 184 of them, or 74 percent of those answering the survey. About half such programs train nurses, the other half doctors, Dr. Ward said. Few train both.

According to the American Medical Association, 15,934 anesthesiologists were actively practicing as of 1981. Of these, 2,930 were in training. In addition, the American Association of Nurse Anesthetists said that as of this year it had 18,492 practicing members and 2,016 trainees.

The researchers concluded "that chemical impairment in anesthesia may be more common than generally held and perhaps more common that in other areas of medicine, partly due, in our opinion, to the ubiquitous availability of remarkably potent drugs."

The researchers pointed out that the medical profession in general and anesthesiologists in particular were paying increasing attention to drug addiction in their ranks. Dr. Saidman said in an interview that the American Society of Anesthesiologists had set up a committee to address chemical dependence and drug related problems among its members.

"In the past when it was called the Committee on Environmental Health, the primary issue was that of operating room pollution," the ill effects of anesthetic gases released into the room," Dr. Saidman said. "Now most people are changing their focus and feel that the primary environmental hazard to anesthesiologists is not O.R. pollution but alcohol and drug related problems."

Dr. Saidman said be believed the results of his team's survey "significantly underestimate the problem."

"Over the past three years or so, medicine in general and anesthesia in particular have become much more concerned and aware of the magnitude of the issue," he said. "I don't think we were as good at ferreting out the problem in 1970 as we are now. I am sure a lot of people graduated from programs with big time drug problems."

"Only 25 percent of the respondents notified the state licensing authority" regarding the cases, the authors said.

THE BUILD-DOWN PROPOSAL

Mr. GORTON. Mr. President, since last spring, I have been a strong advocate of the nuclear build-down proposal developed by Senators COHEN and

NUNN. I have discussed this issue with them at great length, and I have encouraged them and supported them wherever possible in their efforts, along with Senator PERCY, to make the build down a part of the U.S. negotiating position in the START talks. I am delighted that the three Senators, in turn, worked so effectively with Congressmen ASPIN and GORE and with Congressman DICKS from my own State, to develop a position now accepted by the administration.

I support the build down because it responds effectively to the peculiar and complex requirements of arms control. Its most profound benefits stem from the fact that—alone among popular arms control initiatives—it specifically ties the modernization of strategic weapons to reductions.

As real and as beneficial as the stabilizing effects of the build down are, however, they are difficult to understand and even more difficult to explain. I have been following this issue closely for many months, and if I can say that I have a pretty good understanding of how the build down promotes stability and why it is better than the other alternatives which have been presented, I must admit that I still find it difficult to explain these issues in a concise and effective manner.

This has proven particularly true in dealing with supporters of the nuclear freeze proposal. It is because of these people that the issue of arms control has been raised to the top of the public agenda where it belongs. They represent the firm and deep commitment of the American people to ending the arms race and to strengthening the advocates of peace around the world.

It has been suggested that there is fear in some quarters that the build down is nothing more than an effort to divert attention from the freeze proposal, and in fact this has been suggested to me by a number of constituents.

As I said a moment ago, Mr. President, I am firmly convinced that this is not the case, but it is not an easy proposition to explain. Consequently, I was very interested to read an article in this morning's New York Times entitled, "Build-Down Puts Up Scaffolding for Accord." The article was written by Alton Frye, who is the Washington director of the Council on Foreign Relations, an early, strong advocate of the nuclear freeze proposal.

Mr. Frye's article offers the most concise, clear explanation of the stabilizing effects of the build down which I have seen to date. I found it immensely helpful, and I commend it to my colleagues.

Mr. President, I ask unanimous consent that this article be printed in the RECORD in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 19, 1983]

BUILD DOWN PUTS UP SCAFFOLDING FOR ACCORD

(By Alton Frye)

WASHINGTON.—Now that President Reagan has proposed a build-down in strategic forces, it remains to be seen whether Moscow and Washington have the will to negotiate in earnest.

Washington has framed new proposals that ought to be negotiable in Geneva. Previous proposals were designed to require a restructuring of Moscow's strategic nuclear forces by imposing enormous and unequal reductions in large land-based missiles—weapons in which Moscow has unwisely invested heavily. Whatever improvements in strategic stability Washington's earlier proposals held out, most analysts and officials knew Moscow would never accept them.

The latest initiatives promise to be more negotiable because they are more equitable. First, they do not dictate the composition of either country's forces. The proposed build-down would link any deployment of new ballistic-missile warheads to destruction of a greater proportion of existing warheads. It would seek a stable military balance through incentives to replace less survivable weapons with a smaller number of more survivable weapons. In other words, mobile and/or single-warhead missiles, such as the Midgetman, would be preferred over fixed launchers with multiple warheads. As each side reduced, it would retain freedom to compose its forces as it chose. But there could be no major modernization without cuts—if you have newer, you will have fewer, and if you have fewer you must make sure they can survive. Gradually, the imperatives of survivability should induce changes that could not be directly negotiated.

Moscow should also see that, for the first time, Washington has outlined a fair approach to controlling strategic bombers as well as missiles. This change was crucial, and to his credit. Mr. Reagan explicitly accepted the necessity of trading off America's bomber advantages for the Soviet Union's missile advantages. Bombers and missiles are quite different—particularly because bombers are slower and face active defenses—but now both can be reasonably treated in a common negotiating framework. Moscow was reluctant to cut its missile forces unless Washington limited its programs to expand bomber capabilities by adding several thousand air-launched cruise missiles in the next decade. The new American approach opens the way to a comprehensive accord on strategic forces; otherwise, there was not likely to be any strategic arms agreement.

While these features improve the negotiability of our position, some critics fault the build-down because it does not immediately halt the MX missile system. Such criticism is misdirecred and shortsighted, for the build-down neither mandates nor prohibits any specific weapons system. What it would do, if accepted by Moscow, is create a totally different setting for future decisions on how forces should be modernized.

If warheads were subject to a build-down, the MX system, with its 10 warheads per missile, and similar Soviet systems would make less and less sense. Under America's proposed quota of 5,000 warheads, it would be foolhardy to expose a large portion of a missile force by deploying multiple-warhead missiles in vulnerable silos. This logic would reinforce the urgency of moving to smaller, single-warhead missiles. Indeed, some proponents of the MX first opposed the build-down because they knew it would have this effect. Similarly, if Moscow is worried about the MX, it should realize that prompt acceptance of the build-down is its best insurance against a sizable, open-ended deployment of such weapons.

Advocates of a build-down understand this relationship. Their stated aim is to discourage future deployments of destabilizing multiple-warhead missiles. For the short run, they agreed to tolerate an initial outlay for the MX—procurement of 21 missiles, to be precise—as the price of eliciting Administration proposals that, in the long run, would severely prejudice the future of such systems. Procuring MX's now need not mean deploying them later.

There are powerful arguments against the MX and against indiscriminate cuts in strategic forces. But those are not arguments against a discriminating build-down to promote stability.

The superpowers' nuclear forces are expanding rapidly with thousands of additional warheads. In this situation, even dubious programs such as the MX may well go forward, for Americans decline to accept Soviet monopoly of large I.C.B.M.'s. No matter how persuasive the strategic arguments, it is doubtful that America will unilaterally curb the MX.

Perceived correctly and pursued conscientiously, the proposal for a build-down can break this pattern. By making major reductions possible, it can eventually make the MX and its Soviet counterparts unnecessary—and imprudent.

TRIBUTE TO BETTY HUGHES

Mr. BRADLEY. Mr. President, I rise today to pay tribute to a great woman and an outstanding New Jerseyite—Betty Hughes. Today New Jersey said goodby to our former first lady, but she will be long remembered by those of us who knew and admired her.

Betty Hughes was known as a forthright, caring woman with a delightful sense of humor. Former Governor Brendan Byrne called her "a cheerleader for New Jersey." Her marriage to Governor Richard J. Hughes was the second one for both of them. Each had lost a spouse and was caring for several children. Together with the children they subsequently had, the former Governor and Betty Hughes raised 10 children. Her enthusiasm for her family, her work, New Jersey, and life were apparent in everything she did.

During her husband's tenure as chief justice of the State supreme court, Betty Hughes maintained an active life as a TV commentator and newspaper columnist. From 1968 to 1973 she hosted a television talk show on WCAV-TV in Philadelphia called "Betty Hughes and Friends." And friends were one thing she never lacked. Her genuine love of people was communicated to all who knew her. But most of all, Betty Hughes was de-

voted to her husband, to her 10 children, and to her mother who lived with her from the time she and the Governor were married.

She was a straightforward woman who always spoke the truth as she saw it. When President Lyndon Johnson and Premier Aleksei Kosygin met at the famed Glassboro Summit, Betty Hughes' "State dinner" consisted of hamburgers and potato salad. Her comment was "Why put on airs?"

Particularly during the last 2 years, Betty Hughes suffered severe health problems. Nevertheless, she always maintained an optimistic outlook. She will be greatly missed by her devoted husband, by her many wonderful children, and by all of New Jersey.

LEE METCALF WILDERNESS AND MANAGEMENT ACT OF 1983

Mr. BAKER. Mr. President, last evening there was a desire to take up the Lee Metcalf Wilderness and Management Act of 1983, S. 96, which the two Senators from Montana agreed to postpone until today in order to accommodate the full clearance process on both sides. It is a mere formality. I was certain, of course, that there would be no problem, but it did permit us to continue with the usual and regular routine, and I thank both Senators from Montana and I thank the minority leader.

I am prepared now, if the minority leader and the Senators from Montana are prepared, to ask the Senate to proceed to the consideration of S. 96.

Mr. BYRD. Mr. President, both Senators from Montana are on the floor and are eager to proceed, and there is no objection.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 96.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 96) entitled "An Act to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert: That this Act may be cited as the "Lee Metcalf Wilderness and Management Act of 1983".

DESIGNATION AND MANAGEMENT OF LEE METCALF WILDERNESS AND MANAGEMENT AREA

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131), certain lands within the Beaverhead and Gallatin National Forests and certain lands in the Dillon Resource Area, Montana, administered by the Bureau of Land Management which comprise approximately two hundred and fifty-nine thousand acres as generally depicted as the "Lee Metcalf Wilderness" on a map entitled "Lee Metcalf Wilderness—Proposed", and dated October 1983 are hereby designated as wilderness and shall be known as the Lee Metcalf Wilderness.

(b) Subject to valid existing rights, the Lee Metcalf Wilderness as designated by this Act shall be administered by the Secretary of Agriculture, hereafter referred to as "the Secretary", accordance with the Wilderness Act governing areas designated by that Act as wilderness: *Provided*, That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act: *Provided further*, That the Bear Trap Canyon portion of the Lee Metcalf Wilderness shall be administered by the Secretary of the Interior.

(c) The Congress finds that certain lands within the Gallatin National Forest near Monument Mountain have important recreational and wildlife values, including critical grizzly bear and elk habitat. In order to conserve and protect these values, the area lying adjacent to the Monument Mountain and Taylor-Hilgard units of the Lee Metcalf Wilderness as designated by this Act and comprising approximately thirty-eight thousand acres, as generally depicted on the map entitled "Lee Metcalf Wilderness—Proposed", dated October 1983, shall be managed to protect the wildlife and recreational values of these lands and shall be hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and geothermal leasing, and all amendments thereto. The area shall further be administered by the Secretary of Agriculture to maintain presently existing wilderness character, with no commercial timber harvest nor additional road construction permitted. The Secretary shall permit continued use of the area by motorized equipment only for activities associated with existing levels of livestock grazing, administrative purposes (including snowmobile trail maintenance) and for snowmobiling during periods of adequate snow cover but only where such uses are compatible with the protection and propagation of wildlife within the area: *Provided*, That the Secretary may, in his discretion, also permit limited motor vehicle access by individuals and others within the area where such access is compatible with the protection and propagation of wildlife and where such access was established prior to the date of enactment of this Act. Management direction for the area that recognizes these values shall be included in the forest plan developed for the Gallatin National Forest in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976.

DESIGNATION AND MANAGEMENT OF CERTAIN NATIONAL FOREST LANDS IN THE STATE OF MONTANA

SEC. 3. (a) The Congress hereby determines and directs that—

(1) the areas listed in subsection (b) of this section have been adequately studied for wilderness pursuant to Public Law 95-150 or in the RARE II Final Environmental Statement (dated January 1979);

(2) such studies shall constitute an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option for such areas prior to revision of the initial plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 (Public Law 94-588) and in no case prior to the date established by law for completion of the initial planning cycle;

(3) such areas need not be managed, unless otherwise specified in this Act, for the purposes of protecting their suitability for wilderness designation pending revision of the initial plans.

(b) The areas covered by subsection (a) of this section are as follows:

(1) the Mount Henry Wilderness Study Area as designated by Public Law 95-150;

(2) those portions of the Taylor-Hilgard Wilderness Study Area as designated by Public Law 95-150 but not designated as wilderness by this Act;

(3) certain lands on the Gallatin National Forest and Beaverhead National Forest identified as area 1549 in the Forest Service Roadless Area Review and Evaluation (II) Final Environmental Statement, Executive Communication Numbered 1504, May 3, 1979, not designated as wilderness by this Act;

(4) certain lands on the Custer National Forest known as the proposed Tongue River Breaks Wilderness, which comprise approximately sixteen thousand five hundred acres, as identified in Executive Communication Numbered 1504, Ninety-sixth Congress (House Document Numbered 96-119).

(c)(1) The lands described in subsection (c)(2) of this section have been adequately studied for wilderness pursuant to section 603 of the Federal Land Policy and Management Act (Public Law 94-579) and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act pertaining to management in a manner that does not impair suitability for preservation as wilderness.

(2) The lands covered by subsection (c)(1) of this section are as follows:

(A) certain lands administered by the Bureau of Land Management in the Powder River Resource Area, Montana, identified as area numbered 736, Tongue River Breaks Contiguity, comprising approximately two thousand acres as described in the "Final Decision Montana Wilderness Inventory" published November 1980 by the Bureau of Land Management;

(B) certain lands administered by the Bureau of Land Management in the Dillon Resource Area, Montana, identified as area numbered MT-076-079 "Madison Tack-Ons" comprising approximately one thousand five hundred acres, as described in the "Final Decision Montana Overthrust Belt Wilderness Inventory" published by the Bureau of Land Management, not otherwise designated as wilderness by this Act; and

(C) certain lands administered by the Bureau of Land Management known as "Bear Trap Canyon Study Area", Madison County, Montana, as described in "Draft Suitability and Environmental Impact Statement for Wilderness Designation of Bear Trap Canyon Instant Study Area" published April 1980 by the Bureau of Land Management, not otherwise designated as wilderness by this Act.

(d) The boundary of the Absaroka-Beartooth Wilderness, Montana, as designated by Public Law 95-249, is hereby modified to exclude from the wilderness approximately forty acres in the West Fork of Mill Creek and approximately twenty-seven acres in the Passage Creek drainage as depicted on a map entitled "Absaroka-Beartooth Wilder-

ness-West Fork Mill Creek and Passage Creek Deletions", dated August 1983.

(e) The boundary of the UL Bend Wilderness, Montana, as designated by Public Law 94-557 is hereby modified to exclude from the wilderness approximately twenty-eight acres as depicted on a map entitled "UL Bend Wilderness Deletion", dated July 1983.

(f) To provide for more efficient administration of lands designated by this Act as wilderness:

(1) the exterior boundaries of the Beaverhead and Gallatin National Forests in the State of Montana are hereby modified to exclude all lands within the Bear Trap Canyon portion of the Lee Metcalf Wilderness and the said national forest boundaries shall hereafter be the same as the wilderness boundaries depicted on the maps referred to in section 2(a) of this Act. All national forest lands within the Bear Trap Canyon portion of the Lee Metcalf Wilderness are transferred to the administration of the Secretary of the Interior to be managed as public lands in accordance with this Act, the Wilderness Act and the Federal Land Policy and Management Act of 1976, as amended (90 Stat. 2743);

(2) the public lands in section 12, township 10 south, range 1 east, Montana principal meridian, administered by the Secretary of the Interior are hereby transferred to the Secretary of Agriculture to be hereafter administered in accordance with this Act the laws, rules, and regulations applicable to the national forest system;

(3) for purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903, as amended), the boundaries of the Beaverhead and Gallatin National Forests, as modified by this subsection, shall be treated as if they were the boundaries of those forests on January 1, 1965;

(4) nothing in this Act shall affect valid existing rights or interests in existing land use authorizations, except that any such right or authorization shall hereafter be administered by the agency having jurisdiction of the land after the enactment of this Act, in accordance with this Act and applicable law. Reissuance of any such authorization shall be in accordance with applicable law and the regulations of the agency having jurisdiction.

LAND ACQUISITION AND EXCHANGE

SEC. 4. (a) The Congress finds that the wilderness area within the Gallatin and Beaverhead National Forests in Montana established by this Act contains significant amounts of intermingled lands owned by Burlington Northern Railroad Company and that in order to manage the wilderness in an efficient and effective manner these lands should be owned by the Federal Government. Notwithstanding any other provision of law, this section hereby authorizes and directs the exchange of lands and interests in lands between Burlington Northern Railroad Company and the United States through the Secretary and the revocation of existing withdrawals on the Federal lands. Accordingly, the Congress directs the Secretary to accept from Burlington Northern Railroad Company the following described lands and interests therein, consisting of twenty-four thousand and seven and twenty-three one-hundredths acres of land, more or less, subject to valid existing rights of record acceptable to the Secretary.

Township 6 South, Range 1 East, Montana Principal Meridian

Section 13: All,

Township 6 South, Range 2 East

Section 1:
Lots 13, 14,
North half,
West half southeast quarter,
Section 19: All fractional,
Section 27: All,
Section 29: All,
Section 31: All fractional,
Section 33: All,

Township 7 South, Range 1 East

Section 1: All fractional,
Section 3:
Lots 1 and 2,
South half northeast quarter,
Section 11: North half northeast quarter,

Township 7 South, Range 2 East

Section 5: All fractional,
Section 15: All,
Section 17: All,
Section 21: All,
Section 25: All,
Section 27: North half,
Southeast quarter,
East half southwest quarter,
Section 35: North half,

Township 7 South, Range 3 East

Section 31: All fractional,

Township 8 South, Range 1 East

Section 25: North half,

Township 8 South, Range 2 East

Section 1: All fractional,
Section 3: All fractional,
Section 9: All,
Section 11: All,
Section 13: All,
Section 15: All,
Section 17: All,
Section 19: All fractional,
Section 21: All,
Section 23: All,
Section 25: All,
Section 27: All,
Section 33: East half,
Section 35: All,

Township 8 South, Range 3 East

Section 5: All fractional,
Section 7: All fractional,
Section 17: All,
Section 19: All fractional,
Section 21: West half,
Section 29: All,
Section 31: Lots 1 and 2,
Northeast quarter,
East half northwest quarter,

Township 9 South, Range 2 East

Section 1: All fractional,
Section 11: All.

The lands acquired by the United States under the provisions of this section shall become parts of the Gallatin and Beaverhead National Forests subject to the laws, rules, and regulations applicable to the national forest system.

(b) Upon acceptance of title by the United States to the lands described in subsection (a) of this section, the United States through the Secretary shall convey to Burlington Northern Railroad Company all right, title, and interests to the following described national forest system lands and interests therein, consisting of eleven thousand eight hundred and ten and forty-seven one-hundreds acres of land more or less, which are of substantially equal value to the lands and interests conveyed to the United States and described as follows:

Township 5 South, Range 1 East, Montana Principal Meridian

Section 24: South half,

Section 26: All,
Section 34:
Lots 1, 2, 3, 4,
Southeast quarter,
Section 36: All, less HES 187 and 190,

Township 5 South, Range 2 East

Section 30: All fractional,
Section 32: All,
Section 34: South half,

Township 6 South, Range 1 East

Section 2: All fractional,
Section 12: All,

Township 6 South, Range 2 East

Section 2: All fractional,
Section 4: All fractional,
Section 6: All fractional,
Section 8: All,
Section 10: All,
Section 12: All fractional,
Section 14: All,
Section 16: All,
Section 22: All,
Section 24: All,

Township 6 South, Range 3 East

Section 18: All fractional.

The lands described in this subsection are conveyed subject to the following reservations:

(1) ditches and canals as provided for in the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945); and

(2) for so long as the Secretary deems necessary, Burlington Northern Railroad Company accepts the responsibility accuring from this exchange to provide and manage three (3) public recreational accesses, including trail head facilities, in the Jack Creek drainage over routes approximately as illustrated on Exhibit C of the Memorandum of Understanding dated November 20, 1981, between the United States Forest Service and Burlington Northern Railroad Company to utilize national forest lands.

(c) The transactions necessary to effect the conveyances of title to lands authorized by this section shall be completed within ninety days of enactment of this Act: *Provided*, That the rights and responsibilities of the respective owners shall remain with such owners until such time as the conveyances are executed.

(d) The following orders of withdrawal, as they apply to the lands conveyed by the United States and involved in the transactions authorized by this section, are hereby revoked:

Executive Order Numbered 30—Montana 7—Phosphate Reserve—October 9, 1917 (one hundred and eighty-five acres).

Executive Order Numbered 30—Montana 8—Coal Reserve—December 27, 1911 (two thousand two hundred and eighty acres).

Montana 1—Coal Reserve—July 9, 1910 (seven thousand three hundred and sixteen and seventy-three one-hundredths acres).

Public Land Order Numbered 1370—Hammond Administrative Site—November 28, 1956.

Public Land Order Numbered 909—Jack Creek Administrative Site—July 13, 1953.

FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, maps and legal descriptions of Lee Metcalf Wilderness shall be filed with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and National Resources of the United States Senate, and such maps and legal descriptions shall have the same force and effect as if included in this Act: *Provided, however,*

That correction of clerical and typographical errors in such legal descriptions and maps may be made.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There is hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

SEC. 7. (a) Subsection (b)(3) of section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 (Public Law 96-476) is amended to read as follows:

"(3) If for any reason, including but not limited to the failure of the Secretary of the Interior to offer for lease lands in the Montana portion of the Powder River Coal Production Region as defined in the Federal Register of November 9, 1979 (44 F.R. 65196), or the failure of the holder of the bidding rights to submit a successful high bid for any such leases, any bidding rights issued in an exchange under this Act have not been exercised within two years from the date of enactment of this Act, the bidding rights may be used as a monetary credit, which shall be considered 'money' within the meaning of section 35 of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 191), against that portion of bonus payments, rental or royalty payments paid into the Treasury of the United States and retained by the Federal Government on any Federal coal lease won or otherwise held by the applicant, its successors or assigns. The holder of the bidding rights shall pay the balance due on such bonus payments, rental or royalty payments in cash for transmittal to the States in the same manner and in the same amounts as though the entire payment were made in cash under the provisions of the Mineral Leasing Act of 1920 as amended. The bidding rights may be transferred or sold at any time by the owner to any other party with all the rights of the owner to the credit, and after such transfer, the owner shall notify the Secretary.".

"(b) Section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 (Public Law 96-476) is further amended by adding a new subsection to read as follows:

"(e) The Secretary of the Interior, in consultation with the Secretary of Argiculture, shall consummate the exchange of the lands owned by the Montana Power Company within the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness by issuing bidding rights to the Montana Power Company which shall equal the negotiated cash equivalent of the fair market value of such Montana Power Company lands, as provided in the agreement of April 4, 1983, signed by the authorized representatives of the Secretary of Agriculture, the Secretary of the Interior and the Montana Power Company, except that adjustments in the 'Cash Equivalency Rate' referred to in said agreement shall not exceed a rate determined by the Secretary of the Interior taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the remaining period during which the bidding rights may be used.".

Mr. MELCHER. Mr. President, I wish, first of all, to thank both leaders for allowing us to have this opportunity to complete final action on this bill here in the Senate. It is a bill that is long overdue. We failed to pass it in the Senate just by a few moment in the last Congress, and now we have this opportunity to put the final OK to it here in the Senate and sent it on its way to the President.

It is a fitting tribute to our late departed colleague, Senator Lee Metcalf, who was long a champion of the conservation movement, particularly wilderness areas. It is a very fine addition to the wilderness system and contains with it several other parts, one of which is notable in wildlife management and an area adjoining the Lee Metcalf Wilderness Area.

Finally, I wish to take not that an amendment to another wilderness area in Montana, the Rattlesnake Wilderness Area, that is necessary on the land swaps involved there is also attached to this bill.

The final package is most welcome by Montanans and as a result of the initiative of Senator Lee Metcalf, our former colleague, and also the result of the work of literally thousands of Montanans who put their time and effort into gaining passage of the bill.

Regarding the rattlesnake amendment, I wish to inform the two leaders that I have in my office two rattlesnake rattles which I will be delighted to present to our two distinguished leaders, one each.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. MELCHER. I am glad to yield.

Mr. BYRD. Mr. President, I wish very much to have the rattle that the Senator has set aside for me.

I have rattlesnake rattles in my violins. There is an old saying among the mountaineer fiddlers in West Virginia that rattlesnake rattles in violins improve the tones of the violin.

I would appreciate it if the two Senators from Montana do honor me by providing me with an additional rattlesnake rattle. I do not want the rattlesnake; I just want the rattle.

Mr. MELCHER. The Senator will get the safe end of the rattlesnake. We will be delighted to present it to each of the leaders.

I am well aware of the theory, and perhaps it is more than a theory, that a rattlesnake rattle inside of a violin improves its tone, and we will all benefit from that, I might add, when we listen to the Democratic leader in his musical renditions.

Mr. BAKER and Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, before the junior Senator from Montana takes the floor, I feel at a loss to know what to say. I cannot honestly say that I recall ever having been given any part of a rattlesnake before. But I have to commend the Senator. If he has two rattlesnake rattles his eminently fair distribution of them between the majority and minority is in the best Senate traditions. The symbolism involved, I am sure, is appropriate, and I have no violin in which to put my rattle, but I will find something.

I thank the Senator.

Mr. MELCHER. I thank the majority leader.

The PRESIDING OFFICER. The junior Senator from Montana is recognized.

LEE METCALF WILDERNESS

Mr. BAUCUS. Mr. President, over 17 years ago, Senator Lee Metcalf first proposed that the Spanish Peaks Primitive Area be protected. It is a fitting tribute to this great conservationist that this area not only be designated a wilderness area, but that it be forever known as the Lee Metcalf Wilderness. I can think of no more fitting tribute than the naming of this massive mountain range for the man who did so much to conserve Montana's wilderness heritage.

RECORD OF SENATOR LEE METCALF

Before I discuss the proposal for the Lee Metcalf Wilderness, let us take a moment to look at the incredible record of Lee Metcalf. During the 26 years that Senator Metcalf served in the U.S. Congress, he was undoubtedly one of the Herculean leaders of the conservation movement. His efforts to protect the natural resources of this country include the Wilderness Act, the Clean Air Act, the Surface Mining Control and Reclamation Act, and innumerable other measures to protect this country's great heritage. It is my belief that these wildlands fittingly pay tribute to this remarkable record.

WILDERNESS PROPOSAL

The Lee Metcalf Wilderness and adjacent wilderness management areas comprise four distinct areas. They stretch from the Beartrap Canyon along the Madison River—a tributary of the Missouri River—on the north, to the Monument Mountain area adjacent to Yellowstone National Park, including the Spanish Peaks and a major segment of the Madison Range. The Spanish Peaks, an area with some 25 peaks over 10,000 feet, has been managed as a primitive area for over half a century.

In sum, the wilderness creates a remarkable landscape; a place where hunters, fishermen, backpackers, and those seeking the solitude and beauty of untrampled land can go for the rejuvenation we all so dearly need.

WILDERNESS AND MANAGEMENT AREA

The 259,000-acre wilderness area, coupled with the 38,000-acre management area west of Monument where wildlife habitat can coexist with the major recreational use of snowmobiles, is a fitting addition to the national wilderness system. It does not include all the areas that I felt warranted protection, but it does represent a carefully worked out compromise in which the views of the timber industry, the wilderness people, and the motorized rec-

reationists have been carefully weighed and accommodated. The entire Montana congressional delegation has worked diligently to bring this compromise to fruition.

MOVING FORWARD TO RESOLVE RARE II

We need now to put this bill behind us and get on with the larger question of resolving the RARE II question. Any further delay in enacting the Lee Metcalf Wilderness will only make the resolution of these larger public lands questions that much more difficult.

Mr. President, this Senator from Montana is very happy to join in providing the distinguished leaders of our body with rattlesnake rattles.

I might say, Mr. President, that my home in Montana is in the Rattlesnake Range. So I can speak with great authority about rattlesnake rattles. In fact, in my family ranch in Montana we have a huge board with all sizes of rattlesnake rattles mounted on it.

Each year a rattlesnake grows an extra rattle. The largest we have has 15 rattles. I am sure we can find appropriate rattles for the distinguished Senate leaders. I do not know whether the larger ones should go to the majority side or minority side. But nevertheless, we can find appropriate rattles.

Mr. President, as the senior Senator from Montana mentioned, this bill has been through a fairly arduous process. The Senators from Montana as well as the Montana delegation in the House of Representatives, are very, very thankful to the various groups in our State who have been very patient and diligent in working out an agreement on this bill.

It has been a long process. But in the spirit of compromise, in the Montana spirit of getting along and working things out, various groups, the conservation groups, the development groups, the snowmobilers, the backpackers, the Forest Service, you name it, have come together and have worked with the Montana delegation very effectively in a very agreeable way. All of us are very thankful for that effort and cooperation.

Mr. President, Senators in this body know full well the ardor, the energy, and love which the late Lee Metcalf devoted to conservation issues. Lee Metcalf was a Senator who devoted his life to the preservation of natural resources and natural beauty for present and future generations. He was a very distinguished man, a man of whom Montanans are very, very proud. Lee Metcalf left an exemplary record for us in the State of Montana and for all Senators to follow.

Mr. President, I think it is altogether fitting that this area bear his name so that Montanans and all Americans will be reminded of his efforts and the degree to which he dedicated his life to conservation.

I must say, Mr. President, I feel particularly thankful and humble to be standing here because it is his seat that I now occupy. I thank the Senate for agreeing to pass this bill in Lee Metcalf's honor.

I thank the leaders of the body for allowing this time.

Mr. BAKER. Mr. President, I thank both Senators from Montana.

There is a House amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Judging by the statements made by the two Senators and the notations I have on my clearance calendar, I believe we are ready to accept the House amendment, and I see no contrary expression of opinion.

Therefore, Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I thank both Montana Senators and I congratulate them on their efforts in this respect.

Mr. President, there are a number of other items.

Mr. BYRD. Mr. President, will the Senator yield before proceeding to other items?

Mr. BAKER. I yield.

Mr. BYRD. I wish to associate myself with the majority leader's remarks and commend the two Montana Senators, thanking them also.

We all had tremendous respect for Lee Metcalf. I was just commenting to Senator MELCHER a moment ago that Senator Metcalf was a great presiding officer. When he cracked that gavel, he meant to get order in the Senate and Senators could hear him even though they might have been conversing among themselves. He was a good presiding officer.

I thank the Senators.

Mr. BAKER. Mr. President, just for a moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. There are a few other items here. First I invite the attention of the Senate to Calendar No. 476, which is Senate Resolution 245. We are prepared to go to that bill placed on the Calendar last evening by unanimous consent, if the minority leader has no objection.

Mr. BYRD. There is no problem with that.

Mr. BAKER. I thank the Senator.

CONGRATULATING THE BALTIMORE ORIOLES ON WINNING THE WORLD CHAMPIONSHIP

Mr. BAKER. I ask the Chair to lay before the Senate, Senate Resolution 245.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 245) to congratulate the Baltimore Orioles on winning the world championship.

The Senate proceeded to consider the resolution.

Mr. MATHIAS. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. MATHIAS. Mr. President, I hope the Senate will join with me and my colleague from Maryland (Mr. SARBANES) in approving this resolution honoring the world champion Baltimore Orioles.

Their victory this year in the World Series is testimony to their sportsmanship, skill, and professionalism. It is also a tribute to the Orioles' many loyal fans in the city of Baltimore, the State of Maryland, and throughout the country.

To my good friends from Pennsylvania. I would like to say that their Philadelphia Phillies were worthy opponents but that this was the year of the Orioles.

Mr. SARBANES. Mr. President, I join my colleague from Maryland (Mr. MATHIAS) in support of the pending resolution congratulating the world champion Baltimore Orioles for winning the 1983 World Series.

The performance of the Orioles this year brought not only pride and happiness to its many fans but respect from others throughout the Nation. The Orioles demonstrated what it means to be a team—a championship team—and reflected quality in their play and in their conduct. It is fitting that they should be honored by this resolution and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 245) was agreed to.

The preamble was agreed to.

The resolution together with the preamble follow:

S. RES. 245

Whereas the Baltimore Orioles are the winners of the eightieth World Series and are the 1983 world champions of baseball;

Whereas the 1983 world championship was a total team victory for the Baltimore Orioles and all players contributed to the ninety-eight regular season, three American League championship series, and four World Series victories;

Whereas the Baltimore Orioles catcher Rick Dempsey who exemplifies the team spirit of the Orioles joined former Orioles Frank Robinson and Brooks Robinson by being named the most valuable player in a World Series;

Whereas the Baltimore Orioles are one of only four teams in the history of major league baseball to win four straight World Series games after losing the first one;

Whereas the Baltimore Orioles have the best won-lost record over the last quarter century of major league baseball;

Whereas the Baltimore Orioles in nine 1983 postseason games scored thirty-seven runs and limited their opponents to twelve runs to establish a team earned-run average of 1.10;

Whereas the Baltimore Orioles, thanks to the leadership of Manager Joe Altobelli, General Manager Hank Peters, and owner Edward Bennett Williams, are the best organization in major league baseball;

Whereas the Baltimore Orioles fans are unsurpassed in all baseball as demonstrated by the 1983 season attendance of two million, by the thirty thousand who met the team at Memorial Stadium the night of the World Series victory, by the over two hundred thousand who watched the parade October 17, 1983, and by their unmatched enthusiasm and support; and

Whereas the Baltimore Orioles have brought great pride to the citizens of the city of Baltimore and to Maryland; Now, therefore be it

Resolved, That the United States Senate congratulates the world champion Baltimore Orioles for winning the 1983 World Series.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the president of the Baltimore Orioles Baseball Club.

COMPACT RELATING TO THE RESTORATION OF ATLANTIC SALMON IN THE CONNECTICUT BASIN

Mr. BAKER. Mr. President, I would say to the distinguished minority leader that I would like to go to H.R. 3044, the Atlantic salmon agreement.

Mr. BYRD. There is no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3044) to grant the consent of the Congress to an interstate agreement or compact relating to the restoration of Atlantic Salmon in the Connecticut River Basin, and to allow the Secretary of Commerce and the Secretary of the Interior to participate as members in a Connecticut River Atlantic Salmon Commission.

The Senate proceeded to consider the bill.

Mr. HUMPHREY. Mr. President, today the U.S. Senate is passing legislation that will grant congressional consent and approval to the Connecticut River Atlantic Salmon Compact. This is an auspicious event that should help pave the way for continued progress in the effort to restore Atlantic salmon to their former abundance in the Connecticut River.

Attempts to restore the salmon date back to 1867. However, success did not begin until 1967, when passage of the Anadromous Fish Restoration Act provided new impetus and funds for the effort. Since 1974, approximately $150 million in State and Federal funds have been spent to restore Atlantic salmon to New England rivers. The resulting return of the salmon to the Connecticut River necessitated a management plan for the future. In 1977 the States of New Hampshire, Vermont, Massachusetts, and Connecticut, as well as the U.S. Fish and Wildlife Service and the National Marine Fisheries Service sat down to negotiate a management compact.

By January 1982, the legislatures of all four States had ratified the compact, and the Federal agencies had agreed to it. The compact creates a commission with the duty and authority to: First, recommend stocking programs, management procedures and research; second, coordinate interstate management and research projects; third, promulgate regulations for salmon fishing in the Connecticut River; fourth, issue and charge for Atlantic salmon fishing licenses; fifth, accept gifts and grants. In addition, a technical committee will advise the Commission. Each State will provide $1,000 annually for the first 3 years, and no Federal funds are required.

Here in the Senate, I first introduced legislation to grant consent to the compact in 1982, during the 97th Congress. A companion bill in the House was introduced by Congressman SILVIO CONTE of Massachusetts, and it has been a great pleasure to work with him on this project. We reintroduced legislation in the 98th Congress, determined to achieve enactment so that the salmon restoration effort could move forward.

During Senate Judiciary Committee review of the bill, some constitutional questions were raised because the State of Massachusetts reserved the right to withdraw from the compact after giving 6 months notice to the other members. There was concern that because none of the other States reserved this right, the States perhaps were not in "substantial agreement." We have resolved this problem by reaching a compromise with the interested parties. In exchange for either Massachusetts agreeing to repeal its special provision or the other three States enacting similar provisions, we have agreed to limit congressional consent to the compact to 20 years. This solves our potential constitutional problem, and also provides some satisfaction to those who were afraid that the Commission to be created by the bill would become an unaccountable Government body.

I am pleased to report that legislation has already been introduced in the Massachusetts Legislature to repeal the extra provision, and its passage by that body is fully expected. Hence, it is my hope that within a short period of time all impediments will be cleared away, and the Commission will be able to officially begin its work.

When the compact expires in 20 years, the States and Congress can evaluate the Commission's work and decide whether or not to renew the compact. By that time, four full life cycles of the Atlantic salmon will be completed, and we will be in a good position to judge the overall success of the restoration effort.

Mr. President, this legislation enjoys the support of all the Senators from the four States involved, and we commend it to President Reagan for his signature. Of course, expedited passage of this legislation would not have been possible if it were not for the kind cooperation and assistance of Senator THURMOND, chairman of the Judiciary Committee. To him I wish to express a special thanks for helping us with a bill so important to sportsmen, conservationists, and all New Englanders who look forward to the day when Atlantic salmon will once again flourish in the Connecticut River.

The PRESIDING OFFICER. If there are no amendments, the question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE JOINT RESOLUTION 139 PLACED ON CALENDAR

Mr. BAKER. Mr. President, I ask unanimous consent that the Energy Committee be dischargd from further consideration of Senate Joint Resolution 139, Eleanor Roosevelt Commemoration, and it be placed on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, the time for the transaction of routine morning business, I believe, has expired, and under the arrangements of the moment the Senate will resume consideration of the Martin Luther King legislation, will it not?

The PRESIDING OFFICER. The Senator is correct.

Morning business is closed.

MARTIN LUTHER KING, JR., HOLIDAY

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 3706, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3706) to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

AMENDMENT NO. 2335

(Purpose: To make the birthday of Martin Luther King, Jr., a legal public holiday to be observed on the third Sunday in January of each year)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes an amendment numbered 2335:

On page 1, line 7, strike out "Monday" and insert in lieu thereof "Sunday".

Mr. HUMPHREY. Mr. President, it seems the Senator from California (Mr. WILSON) was waiting to offer an amendment and I did not realize that.

I ask unanimous consent to temporarily set aside the pending amendment and that it be in order to proceed to that amendment after the disposal of the amendment of the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. I thank the Chair and I thank my distinguished friend from New Hampshire for his courtesy.

AMENDMENT NO. 2269

(Purpose: To limit the number of legal public holidays to ten)

Mr. WILSON. Mr. President, I rise to offer an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mr. WILSON) proposes an amendment numbered 2269:

At the end of the bill add the following new section:

"SEC. 3. Section 6103 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) (1) The Congress finds that—

"(A) the cost of the growing number of legal public holidays to the Federal Government has become prohibitive; and

"(B) outstanding individuals deserving of national recognition by legal public holidays should be commemorated in other appropriate manners.

"(2) Legal public holidays under this section shall be limited to ten in number.".

Mr. WILSON. Mr. President, I allowed the clerk to read the amendment in full because it is so brief and because I think the language should be quite clear.

This amendment, Mr. President, contemplates the passage of the basic legislation that would create a holiday of the birthday of Martin Luther King, Jr. It further contemplates that in the future the United States, through the Congress, may very well wish to honor other members of our society, other leaders whom we may with to commemorate by other events.

The purpose of my amendment is to simply say that contemplating that, what presently number nine paid legal holidays will increase to no more than 10 in number even though it may be that we wish to honor as many as 20, 30, 40, 50 great Americans or commemorate additional events by some kind of national observance.

Mr. President, I think giving deserved national tribute is an appropriate thing for Congress to do, an appropriate thing for our society to do. It is appropriate to recognize achievement, to offer role models so that the celebration of some great American's birthday by the observance through appropriate ceremonies is entirely appropriate.

There is, however, a cost to pay for the legal holidays, a very great cost. I am advised that it amounts to $18 million each time there is a paid holiday for Federal employees. That $18 million is the net cost after we discount the actual cost of $24 million from what may be saved by not operating the air-conditioning or heating.

Eighteen million dollars a day of taxpayers' money, Mr. President, amounts to quite a lot for 10 holidays, $180 million annually.

My point is a very simple one: It is indeed proper that we give deserved tribute to great national figures, and I contemplate that as history wears on the Congress of the United States it will wish to add to the number whom we so honor, quite appropriately. But I think it is also appropriate that we set a limit upon the number of paid legal holidays because this affects not only Federal taxpayers in terms of the costs to the Government for Federal employees, it is also true that most State governments, with very few exceptions, follow the example of the Federal Government in granting holidays.

So that what become holidays for Federal employees become as well holidays for State employees and indeed most of the private sector observes these holidays, so that the costs to the American taxpayers as United States and State taxpayers are increased still further by the costs they pay as consumers and otherwise indirectly for the cost of these holidays enjoyed by those employed in the private sector.

What this would do, Mr. President, is simply impose upon future employers and employees the responsibility, as the number of people whom we so honor increases, to say which of the 10 days throughout the year will be paid holidays.

I think that is appropriate. I also think it is necessary. Because unless we do that, there seems to be virtually no end to the amount of the cost in terms of paid legal holidays. That is all that this amendment does, Mr. President. I hope that there would be a large vote in favor of it.

It is true that, since it is not a constitutional amendment, some future Congress can change that number, can expand it, but at least having this on the statute books, it seems to me, serves notice to ourselves and to future Members of the Congress that there is a cost to these holidays. While we do not wish in any way to detract from deserved national tributes, we can do that and still limit the cost to the taxpayers, as appropriately we should.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Does the Senator from California yield the floor?

Mr. WILSON. Of course.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I think the Senator from California makes a great deal of sense, as he always does, in explaining this amendment. I think there is clearly a danger, in moments of enthusiasm or emotion or sentiment, that we could go overboard in establishing holidays. And, as the Senator from California says, there is an economic impact that has to be considered when a holiday is established.

I think, however, there are some practical objections to the amendment in the manner in which it has been proposed. It would be general legislation added to this rather specific and special bill to establish the Martin Luther King holiday. It has some relation to the bill before the Senate, but

its impact is far more comprehensive and general.

It would be my judgment that it could be placed in a separate piece of legislation which I myself would be glad to see introduced and which could be given a hearing in the Judiciary Committee. I think the concept that the Senator from California is advancing is worth that kind of careful and thoughtful committee consideration. I would use whatever influence I have with the chairman of the Judiciary Committee in order to see that it would receive a hearing if the Senator would prefer to follow that route.

Now, if you do go the route of a separate piece of legislation, and if it is enacted into law, I think it has a great deal more force than if it is simply tacked on to the Martin Luther King bill as an amendment. As every Senator knows, we cannot bind succeeding Congresses. Our successors are going to use their own judgment in such matters. And if they decided to have 30 national holidays, no amendment to the Martin Luther King bill would stop them. The mere enactment of a succeeding holiday bill would override the provision of the amendment that the Senator from California has offered.

I think that the moral force of a separate bill would be much greater. I am wondering if the Senator from California would consider embodying his amendment as a bill rather than pressing this amendment on the Martin Luther King bill.

Mr. WILSON. I would be happy to discuss that with my friend from Maryland. If it is possible, Mr. President, to temporarily lay this matter aside, I would be willing to do that in order to discuss that with him.

The PRESIDING OFFICER. That action will require unanimous consent. Is such consent requested by the Senator from California?

Mr. WILSON. In that case, I ask unanimous consent that we may temporarily lay aside the measure to permit me to have that discussion with the Senator from Maryland.

Mr. MATHIAS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, has the Chair ruled on the unanimous-consent request of the Senator from California?

The PRESIDING OFFICER. The Chair has not. Without objection, the unanimous-consent request of the Senator from California to temporarily withdraw his amendment is agreed to.

AMENDMENT NO. 2335

The PRESIDING OFFICER. The question reverts to the amendment sponsored by the Senator from New Hampshire. The Senator from New Hampshire is recognized.

Mr. HUMPHREY. Mr. President, the amendment changes one word in the bill pending before the Senate. It changes the word "Monday" to the word "Sunday."

The purpose of the amendment is to reduce the burden that this holiday will place upon the taxpayers. The cost figure cited is $18 million. Indeed, the policy committee legislative notice on this side of the aisle cites that figure. It is, however, highly misleading. I hope that Senators on both sides of the aisle will be aware that the cost of this holiday, any holiday, is very substantially more than $18 million, the cost to the taxpayers.

The Congressional Budget Office, at the request of Members of the House, when that body was deliberating the bill, conducted a study which found that the additional net budget outlay necessary to finance the holiday was indeed $18 million. That is in overtime and things of that nature, less savings in utility costs. But the CBO study also went on to say—which the proponents have not discussed, as far as I know—they also went on to say that the cost of salaries and benefits for employees for that lost work day is very much more than the $18 million. Indeed, it is a quarter of a billion dollars; to be exact, $223.5 million. That is the amount in pay and benefits that will be paid to Federal employees for doing nothing on this holiday.

It is to be a paid holiday, as the bill now stands. If my amendment succeeds, for which I do not express too much optimism due to the nature of this locomotive—if my amendment succeeds, that $223 million expenditure for nothing can be saved. If we make the King birthday a Sunday holiday it in no way takes away from the symbolism or the effect of honoring Dr. Martin Luther King, Jr. In no way does it do that. But what it does do is to save the taxpayers the unnecessary expenditure of a quarter billion dollars this year and next year and every year out into infinity, a quarter billion dollars per year in savings.

I have to say that I consider it asinine, frankly, for the Senate, at a time when we are facing $200 billion deficits, to be considering a holiday for anybody or anything. It is perfectly ridiculous. It embarrasses me and I am sure it embarrasses others. The least we can do if we must have this holiday is to reduce the cost to the people who bear the costs of this country, the taxpayers of the United States.

I urge my colleagues to accept this amendment. In no way does it change the symbolism of this holiday effort.

Let me also point out, Mr. President, that there are costs to be borne far beyond those of pay benefits to Federal employees. There are the costs to be borne by the taxpayers of another day off by State, county, and municipal employees. That is going to show up on the tax bills. Not the IRS tax bills but it will certainly show up on the tax bills issued by those entities. That is a substantial cost.

What about the cost to the economy for those industries and business activities that will have to suspend for a day? Here we are worried about being able to compete in the world, here we are losing industries to more competitive nations, and we are proposing to make our economy even less productive than it is today. Another day off, with pay in most cases, another day of lost productivity and increased inefficiency in our economy. It makes absolutely no sense from the economic point of view.

By accepting this amendment, which makes this tiny change, substituting the word Sunday for Monday, we can save all of these expenses, all of this waste, and we can regain, recapture, the lost productivity that will occur if the bill passes in its present form.

So I urge my colleagues to accept this amendment. It is sensible. It will save our reputation, at least to some degree. I think the taxpayers and our constituents are perfectly disgusted, and they are well entitled to be disgusted, with this body. We have refused to deal sensibly or honestly with the expenditure portion of our budget. We have failed. And here we are having almost completed details of the fiscal 1984 budget and we still fail to grapple with the issue, in spite of the discussions about deficits. We do not have the courage. Not only that, but now we are proposing to add yet another unnecessary expenditure. I think we can save that expenditure without affecting the intent of this legislation. I urge my colleagues to support the amendment.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, this amendment makes me think of that old song "What a difference a day makes, 24 little hours." I will spare the Senate the ordeal of listening to me sing it. But the words seem appropriate: "What a difference a day makes."

Well, a day does make a difference. Changing the King holiday from Monday to Sunday would, I think, vitiate the symbolism and the purpose for establishing the holiday in the first place.

As a matter of fact, an amendment of this sort was adopted in the other

body as an amendment to a bill that had been introduced by our former colleague, Representative Robert McClory of Illinois. The amendment, to designate the third Sunday in January as Martin Luther King, Jr., Day, killed the bill.

I know the Senator from New Hampshire does not want his amendment to kill this bill. I know that is not the spirit in which he offered the amendment. But that was the practical result of an identical amendment in the other body during the 96th Congress.

I would take issue with my friend from New Hampshire when he says that Federal employees and other employees would be paid on the Martin Luther King holiday to do nothing.

That is not really what this bill is all about. It is not to lay people off for the day. This bill, as I conceive it, has an important national purpose: We are commemorating a significant national achievement. After more than three centuries of separation of the races on the North American Continent, we have finally brought about a reconciliation; one century after the War Between the States, we have finally brought about reconciliation between the races.

That achievement was a result of the work of Martin Luther King, Jr., and of thousands of others. But it is symbolized by that moment when Martin Luther King, Jr., described his dream to the world.

We do not say to working men and women, "Take the day off and do nothing." We say, "Take the day off to recall a significant and important moment in American history, a day that should be recaptured and relived once a year so that we do not forget the historic moment and the historic achievement of Martin Luther King, Jr., so that we do not slip back into the practices against which Martin Luther King, Jr., fought."

I do not think that is doing nothing. I think it is advancing an important national purpose. For that purpose, I think it is worth what it may cost. Therefore, reluctantly I must oppose the amendment of the Senator from New Hampshire.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I thank the Secretary for his comments. In relation to his singing voice, I can understand from the event of this past Sunday, why the Senator would be inclined to sing throughout this entire week.

Mr. MATHIAS. Do not tempt me. I may break out with "What A Difference A Day Makes."

Mr. HUMPHREY. I hope the Senator will contain himself.

The Senator from Maryland makes the point that Monday is better than Sunday. I do not agree with that.

Mr. MATHIAS. If the Senator will yield, I do not make the point that Monday is more meaningful than Sunday. I make the point that to set aside a special day which would otherwise be devoted to work is more meaningful than to take the Sabbath, the day of rest, which is already consecrated for another purpose.

Mr. HUMPHREY. Indeed yes, Mr. President.

Mr. MATHIAS. That is what is more meaningful.

Mr. HUMPHREY. I understand the Senator's point. Nevertheless, I do take issue with the Senator's contention that we are not going to be paying Federal employees pay and benefits to do nothing. Indeed, that is the direct effect, that is the economic effect upon taxpayers and any paid holidays for any purpose will be paying Federal employees for doing nothing. The bill for that is a million dollars a day. That is a stark fact. I think that has to be recognized.

Mr. President, I would be willing to withdraw this amendment, I say to the Senator from Maryland—if the Senator from Maryland has his heart set on Monday, fine; let us make it Monday, but let us make it a payless holiday, nonetheless. If the Senator will withdraw his amendment, I shall withdraw my amendment.

Mr. MATHIAS. Mr. President, I do not think I can accept that as a deal. Again, I press the point to the Senator from New Hampshire that a holiday of this sort is not doing nothing. I recall——

Mr. HUMPHREY. Will the Senator yield? Does he think that a payless holiday known as Lincoln's Birthday is not meaningfully celebrated?

Mr. MATHIAS. I think it is celebrated with a great deal of sentiment, a great deal of meaning.

Mr. HUMPHREY. I think the King holiday could be celebrated just as meaningfully without paying Federal employees as Lincoln's Birthday is.

Mr. MATHIAS. Let me give this illustration that is not so bound up with the emotion of this issue.

I recall very well the bicentennial holiday, the 200th anniversary of the Declaration of Independence. My wife and I decided that we should do something which really memorialized that great event in human history. We went to the graves of the four Maryland signers of the Declaration of Independence on a single day and we put a laurel wreath on each grave. Our sons were somewhat younger then than they are today. I hope this is an event which will be meaningful to them and which will live with them throughout their lives.

To me, that kind of observance of a national holiday can have special meaning; but it is not possible except when there is a general holiday. That is certainly what I have in mind as the sponsor of this bill. I think it is not inappropriate to suspend work 1 day for a paid free holiday. As the bill is conceived, it carries forth the symbolic purpose that is generally agreed to be appropriate in this situation.

(Mrs. KASSEBAUM assumed the chair.)

Mr. HUMPHREY. Madam President, I shall not take much more time. It is clear the Senator from Maryland is determined to pay Federal employees on Martin Luther King's birthday, irrespective of on which day of the week it may be celebrated. It is my view that it is not necessary to pay Federal employees for doing nothing, first of all; it is also my view that they can celebrate this holiday or any holiday adequately, solemnly, respectfully, joyfully, unpaid as well as paid.

It is not necessary to pay them to insure that they will celebrate the holiday properly. I think this point is perfectly clear to anyone. I simply say—no; I shall not say it, either; it might be ill advised at this point. So I shall conclude my remarks.

I ask for the yeas and nays on my amendment, Madam President.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HUMPHREY. Madam President, I have one other amendment to offer which I hope I can offer at this time. I am perfectly willing, for the convenience of Senators, to stack votes or enter into any agreement that will streamline our business. It is not my wish to delay the workings of the Senate in any way.

Mr. MATHIAS. Madam President, I see no reason to delay the first vote. If the Senator wants a rollcall vote, I suggest we proceed with it at this time.

Mr. BOREN. Madam President, I ask the Senator from New Hampshire, I have an amendment which I was going to offer that involves several other Members, some of whom have some pressing time commitments this morning in a scheduled meeting with the President and others. I was hoping that perhaps, after this amendment, there might be a window in which we could offer this second amendment to accommodate the other cosponsors. That would be my only concern about offering two in a row.

Mr. HUMPHREY. Madam President, I have those problems with my schedule. I have four obligations at 10 a.m., only one of which I was able to show at, and the others are hanging fire. Those are the problems. I had anticipated trying to gain the floor after this next vote. Let me discuss it with my colleagues.

The PRESIDING OFFICER. It is the Chair's understanding that the pending amendment after the amendment of the Senator from New Hampshire is the amendment of the Senator from California (Mr. WILSON) that was laid aside for the consideration of the amendment of the Senator from New Hampshire.

Mr. HUMPHREY. I thank the Chair.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HUMPHREY. I yield back my time.

The PRESIDING OFFICER. Does the Senator from Maryland yield back his time?

Mr. MATHIAS. I yield back my time, Madam President.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Hampshire. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. EAST (when his name was called). Present.

Mr. HELMS (when his name was called). Present.

Mr. STEVENS. I announce that the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS) would vote "nay."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

The PRESIDING OFFICER (Mr. WALLOP). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 16, nays 74 as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—16

Armstrong	Humphrey	Rudman
Cohen	McClure	Symms
Denton	Murkowski	Wallop
Exon	Nickles	Zorinsky
Garn	Pressler	
Hatch	Quayle	

NAYS—74

Abdnor	Bumpers	Dixon
Andrews	Burdick	Dole
Baker	Byrd	Domenici
Baucus	Chafee	Durenberger
Bentsen	Chiles	Eagleton
Biden	Cochran	Ford
Bingaman	Cranston	Glenn
Boren	D'Amato	Gorton
Boschwitz	Danforth	Grassley
Bradley	DeConcini	Hatfield
Hecht	Long	Roth
Heflin	Lugar	Sarbanes
Heinz	Mathias	Sasser
Hollings	Matsunaga	Simpson
Huddleston	Mattingly	Specter
Inouye	Melcher	Stafford
Jepsen	Metzenbaum	Stennis
Johnston	Mitchell	Stevens
Kassebaum	Moynihan	Thurmond
Kasten	Nunn	Trible
Kennedy	Packwood	Tsongas
Lautenberg	Pell	Warner
Laxalt	Proxmire	Weicker
Leahy	Pryor	Wilson
Levin	Randolph	

ANSWERED "PRESENT"—2

East	Helms

NOT VOTING—8

Dodd	Hart	Riegle
Evans	Hawkins	Tower
Goldwater	Percy	

So the amendment (No. 2335) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from California (Mr. WILSON).

Mr. DOLE. Mr. President, I ask unanimous consent that that amendment be laid aside and that Senator HUMPHREY be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2337

(Purpose: To make Lincoln's Birthday a legal public holiday to be observed on the second Sunday in February of each year)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes an amendment numbered 2337.

On page 1, strike out lines 6 and 7, and insert in lieu thereof:

"Lincoln's Birthday Day, the second Sunday in February.".

Mr. HUMPHREY. Mr. President, I am under no illusions. A colleague observed to me a moment ago that this bill is unamendable, that you could not even amend the pledge of allegiance to the bill, and I believe he is probably correct.

But I move, nevertheless, to offer one last amendment which would have the effect of honoring Abraham Lincoln in place of Dr. King.

It seems to me most unwise to honor any contemporary citizen with a national holiday. There are other fitting ways in which to honor Dr. King, with a monument, for instance, with a holiday that is not a national holiday, and better yet with something more constructive, for instance, scholarships. There are better ways to do it than a national holiday.

I think it is unwise in any case to make a judgment about a contemporary American, one who is involved in some controversy. I think obviously there is no shortage of Americans about whom history is certain at this point who could be more fittingly honored with a national holiday if indeed we must have yet another national holiday. One such, of course, is Abraham Lincoln, who in his issuance of the Emancipation Proclamation, began the whole process of bringing about justice and equality in our Nation, a process which unfortunately is not yet complete despite the best efforts of many blacks, whites, members of other racial and ethnic groups. We hope that process will soon be completed and perhaps that is the motivation of those behind this bill. And yet I disagree with them, if they believe that will be the effect.

So I offer this amendment to substitute Abraham Lincoln as a person whom we will honor with this national holiday.

Consistent with my earlier amendment, the holiday would occur on a Sunday so as not to incur unnecessary Federal expenditures, so as not to incur unnecessary State and local expenditures, all of which will further burden hard-pressed taxpayers, and also so as not to further take away from the economic productivity of our Nation as is the case when national holidays fall on weekdays.

I have nothing further that I can add to those remarks.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, is the Senator prepared to yield back his time?

Mr. HUMPHREY. Mr. President, if the floor manager is likewise prepared, I am.

Mr. DOLE. I yield back all my time.

Mr. HUMPHREY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Hampshire.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado

(Mr. HART), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 11, nays 83, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—11

Abdnor	Hatch	Pressler
Denton	Helms	Rudman
East	Humphrey	Symms
Garn	Jepsen	

NAYS—83

Andrews	Ford	Moynihan
Armstrong	Glenn	Murkowski
Baker	Gorton	Nickles
Baucus	Grassley	Nunn
Bentsen	Hatfield	Packwood
Biden	Hecht	Pell
Bingaman	Heflin	Percy
Boren	Heinz	Proxmire
Boschwitz	Hollings	Pryor
Bradley	Huddleston	Quayle
Bumpers	Inouye	Randolph
Burdick	Johnston	Roth
Byrd	Kassebaum	Sarbanes
Chafee	Kasten	Sasser
Chiles	Kennedy	Simpson
Cochran	Lautenberg	Specter
Cohen	Laxalt	Stafford
Cranston	Leahy	Stennis
D'Amato	Levin	Stevens
Danforth	Long	Thurmond
DeConcini	Lugar	Trible
Dixon	Mathias	Tsongas
Dole	Matsunaga	Wallop
Domenici	Mattingly	Warner
Durenberger	McClure	Weicker
Eagleton	Melcher	Wilson
Evans	Metzenbaum	Zorinsky
Exon	Mitchell	

NOT VOTING—6

Dodd	Hart	Riegle
Goldwater	Hawkins	Tower

So Mr. HUMPHREY's amendment (No. 2337) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from California.

Mr. DOLE. Mr. President, I ask unanimous consent that we temporarily lay aside that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO 2338

Mr. HELMS. Mr. President, I have an unprinted amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2338.

At the end of the bill, add the following:

SEC. . Notwithstanding any other provision of this Act, this Act shall not take effect unless and until a legal public holiday is established under Federal law in honor of Thomas Jefferson on or about April 13 each year.

SEC. . Notwithstanding any other provision of this Act, this Act shall only take effect provided that the total number of legal public holidays under Federal law does not exceed nine.

Mr. HELMS. Mr. President, now we are talking about my No. 1 hero in American history, Thomas Jefferson.

The sage of Monticello needs no introduction by JESSE HELMS or anybody else. Nor does he really need a national holiday to keep alive his memory because his memory is vibrant in our total political discourse, our architecture, our commitment to the right to life——

The PRESIDING OFFICER. The Senator will suspend. Can we have order in the Senate, please? The Chair cannot hear the Senator from North Carolina.

The Senator may proceed.

Mr. HELMS. The right to liberty and the right to the pursuit of happiness free of government control.

But even so, the national observance of April 13, the birthday of Thomas Jefferson, our third President, would be salutary in an important way. It would provide a focal point for the American people to assess the extent to which their leaders are living up to the ideals of Jeffersonian government.

We all hear so many of the brethren and the sisters in the political world pay homage to Jeffersonian principles and yet we see the anomaly of some of the votes cast in the Congress of the United States.

One can imagine the consternation in many congressional offices as hundreds of thousands of constituents remind public officials that whenever any form of government becomes destructive of their rights, "[I]t is the Right of the People to alter or to abolish it." Some may call that rabble-rousing, Mr. President. If so, it was Thomas Jefferson's rabble-rousing, not mine. I wish I could claim credit for it but he said it first.

Mr. President, the pending amendment conditions the Martin Luther King holiday on two events: one, the establishment of a legal public holiday for Thomas Jefferson; and, two, assuring the taxpayers of this country that the total number of Federal holidays will not be more than nine.

Mr. President, I ask unanimous consent that a biographical sketch by Frank Freidel, Bullitt Professor of American History at the University of Washington, published by the White House Historical Association, be printed in the RECORD.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

THOMAS JEFFERSON, THIRD PRESIDENT
1801–09

In the thick of party conflict in 1800, Thomas Jefferson wrote a private letter, "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

This powerful advocate of liberty was born in 1743 in Albemarle County, Virginia, inheriting from his father, a planter and surveyor, some 5,000 acres of land, and from his mother, a Randolph, high social standing. He studied at the College of William and Mary, then read law. In 1772 he married Martha Wayles Skelton, a widow, and took her to live in his partly constructed mountaintop home, Monticello.

Freckled and sandy-haired, rather tall and awkward, Jefferson was eloquent as a correspondent, but he was no public speaker. In the Virginia House of Burgesses and the Continental Congress, he contributed his pen rather than his voice to the patriot cause. As the "silent member" of the Congress, Jefferson, at 33, drafted the Declaration of Independence. In years following he labored to make its words a reality in Virginia. Most notably, he wrote a bill establishing religious freedom, enacted in 1786.

Jefferson succeeded Benjamin Franklin as minister to France in 1785. His sympathy for the French Revolution led him into conflict with Alexander Hamilton when Jefferson was Secretary of State in President Washington's Cabinet. He resigned in 1793.

Sharp political conflict developed, and two separate parties, the Federalists and the Democratic-Republicans, began to form. Jefferson gradually assumed leadership of the Republicans, who sympathized with the revolutionary cause in France. Attacking Federalist policies, he opposed a strong centralized Government and championed the rights of states.

As a reluctant candidate for President in 1796, Jefferson came within three votes of election. Through a flaw in the Constitution, he became Vice President, although an opponent of President Adams. In 1800 the defect caused a more serious problem. Republican electors, attempting to name both a President and a Vice President from their own party, cast a tie vote between Jefferson and Aaron Burr. The House of Representatives settled the tie. Hamilton, disliking both Jefferson and Burr, nevertheless urged Jefferson's election.

When Jefferson assumed the Presidency, the crises in France had passed. He slashed Army and Navy expenditures, cut the budget, eliminated the tax on whiskey so unpopular in the West, yet reduced the national debt by a third. He also sent a naval squadron to fight the Barbary pirates harassing American commerce in the Mediterranean. Further, although the Constitution made no provision for the acquisition of new land, Jefferson suppressed his qualms over constitutionality when he had the opportunity to acquire the Louisiana Territory from Napoleon in 1803.

During Jefferson's second term, he was increasingly preoccupied with keeping the Nation from involvement in the Napoleonic wars, though both England and France interfered with the neutral rights of American merchantmen. Jefferson's attempted solution, an embargo upon American shipping, worked badly and was unpopular.

Jefferson retired to Monticello to ponder such projects as his grand designs for the University of Virginia. A French nobleman observed that he had placed his house and his mind "on an elevated situation, from which he might contemplate the universe." He died on July 4, 1826.

Mr. HELMS. Mr. President, I also ask unanimous consent that an article on Thomas Jefferson from the Encyclopedia Americana, international edition, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JEFFERSON, Thomas, 3d president of the United States: b. Shadwell, Albermarle County, Va., April 2/13, 1743; d. Monticello, July 4, 1826. He was the son of Peter Jefferson, a successful planter and well-known surveyor, and Jane Randolph, who came of a famous Virginia family. He was well educated in small private schools, where he was thoroughly grounded in the classics, and (1760–1762) at the College of William and Mary, where William Small taught him mathematics and introduced him to science. He associated intimately with the liberal-minded Governor Francis Fauquier, and read law (1762–1767) with George Wythe, greatest law teacher of his generation in Virginia, himself becoming unusually learned in the law. Practicing (1767–1774) until the courts were closed by the American Revolution, he was a successful lawyer, though his professional income was only a supplement to his living. He had inherited a considerable landed estate from his father, and doubled it by a happy marriage (Jan. 1, 1772) with Martha Wayles Skelton, which also burdened him, however, with inescapable debt. He began building operations at Monticello before his marriage, but his famous mansion was not completed in its present form until a generation later.

His lifelong emphasis on local government grew directly from his own experience. He served as magistrate and vestryman, and at the age of 27 became county lieutenant. Elected to the House of Burgesses when he was 25, he served there from 1769 to 1774, showing himself to be an effective committeeman and skillful draftsman, though not a ready speaker.

From the beginning of the struggle with the mother country he stood with the more advanced patriots or Whigs, grounding his position on a wide knowledge of English history and political philosophy. His most notable early contribution to the cause of the patriots was his powerful pamphlet, *A Summary View of the Rights of British America* (1774), originally written for presentation to the Virginia convention of that year. In this he emphasized natural rights, including that of emigration, and denied parliamentary authority over the colonies, recognizing no tie with the mother country except the king. As a member of the Continental Congress (1775–1776), he was chosen in 1776 to draft the Declaration of Independence. He summarized current revolutionary philosophy in a brief paragraph which has been regarded ever since as a charter of American and universal liberties; and he presented to the world the case of the patriots in a series of burning charges against the king. The Declaration is rightly regarded as one of Jefferson's major claims to enduring fame.

Partly for personal reasons and also in the hope of translating his philosophy of human rights into legal institutions in his own state, he left Congress in the autumn of 1776 and served in the Virginia legislature until his election as governor (June 1, 1779). This was the most creative period of his revolutionary statesmanship. Earlier proposals of his for broadening the electorate and making the system of representation more equitable had failed, and the times permitted no action against slavery except that of shutting off the foreign slave trade. But he succeeded in ridding the land system of aristocratic feudal vestiges, such as entail and primogeniture, and he was the moving spirit in the disestablishment of the church. With George Wythe and Edmund Pendleton he drew an elaborate and highly significant report on the revisal of the laws (1779). His most famous single bills are the Bill for Establishing Religious Freedom (adopted in 1786), and the Bill for the More General Diffusion of Knowledge (never adopted as he drew it). His fundamental purposes were to destroy artificial privilege of every sort, to promote social mobility, and to make way for the natural aristocracy of talent and virtue, which should provide leadership for a free society.

As governor (1779–1781) Jefferson had little power, and he suffered inevitable discredit when the British invaders overran Virginia. An inquiry into his conduct in office, regarding the lack of military preparedness in the state prior to the British invasion, was voted by the legislature after his retirement in June 1781. He was fully vindicated by the next legislature, but these charges were afterwards exaggerated by political enemies, and he was hounded by them to some extent throughout his national career. The most important immediate effect of his troubles was to create in his own mind a distaste for public life, which persisted in acute form until the death of his wife (Sept. 6, 1782) reconciled him to a return to office, and an aversion to controversy and censure from which he never recovered wholly.

During this brief private interval (1781–1783) he compiled his *Notes on the State of Virginia*, which was first published when he was in France (1784–1785). This work was described at the time by competent authority as "a most excellent natural history not merely of Virginia but of North America." It afterward appeared in many editions, and was the literary foundation of his deserved reputation as a scientist. In the Continental Congress (1783–1784) his most notable services were connected with the adoption of the decimal system of coinage, which later as secretary of state he tried vainly to extend to weights and measures, and with the Ordinance of 1784. Though not adopted, the latter foreshadowed many features of the famous Ordinance of 1787. Jefferson went so far as to advocate the prohibition of slavery in all the territories.

His stay in France (1784–1789), where he was first a commissioner to negotiate commercial treaties and then Benjamin Franklin's successor as minister, was in many ways the richest period of his life. He gained genuine commercial concessions from the French, negotiated an important consular convention (1788), and served the interests of his own weak government with diligence and skill. He was confirmed in his opinion that France was a natural friend of the United States, and Great Britain at this stage a natural rival, and thus his foreign policy assumed the orientation it was to maintain until the eve of the Louisiana Purchase. The publication of his *Notes on the State of Virginia* was symbolic of his unofficial services to the French, and those to his own countrymen were exemplified by the books, the seeds and plants, the statues and architectural models, and the bits of scientific information that he sent home. His stay in Europe contributed greatly to that universality of spirit and diversity of achievement in which no other American statesman, except possibly Franklin, ever equaled him.

Toward the end of his mission he reported with scrupulous care the unfolding revolution. His personal part in it was slight, and such advice as he gave was moderate. Doubting the readiness of the people for self-government of the American type, he now favored a limited monarchy for France, and he cautioned his liberal friends not to risk the loss of their gains by going too fast. Though always aware of the importance of French developments in the worldwide struggle for greater freedom and happiness, he tended to stress this more after he returned home and perceived the dangers of political reaction in his own country. Eventually he was repelled by the excesses of the French Revolution, and he thoroughly disapproved of it when it passed into an openly imperialistic phase under Napoleon. But insofar as it represented a revolt against despotism he continued to believe that its spirit could never die.

Because of his absence in Europe, Jefferson had no direct part in the framing or ratification of the American Constitution, and at first the document aroused his fears. His chief objections were that it did not expressly safeguard the rights of individuals, and that the perpetual reeligibility of the president would make it possible for him to become a king. He became sufficiently satisfied after he learned that a bill of rights would be provided, and after he reflected that there would be no real danger of monarchy under George Washington. His fears of monarchical tendencies remained and colored his attitude in later partisan struggles, but it was as a friend of the new government that he accepted the offer of the secretaryship of state.

During Jefferson's tenure of this office (1790–1793) Alexander Hamilton, secretary of the treasury, defeated the movement for commercial discrimination against the British (1791) which he favored; and connived with the British minister George Hammond so as to nullify Jefferson's efforts (1792) to gain observance of the terms of peace from the British, and especially to dislodge them from the northwest posts. Jefferson's policy was not pro-French but it seemed anti-British. Hamilton was distinctly pro-British, largely for financial reasons, and he became more so when general war broke out in Europe and ideology was clearly involved. In 1793 Jefferson wanted the French Revolution to succeed against its external foes, but he also recognized that the interests of his own country demanded a policy of neutrality. Such a policy was adopted, to the dissatisfaction of many strong friends of democracy in America, and was executed so fairly as to win the reluctant praise of the British. At the same time, Jefferson avoided an open breach with France.

Jefferson helped Hamilton gain congressional consent to the assumption of state debts, for which the location of the federal capital on the Potomac was the political return. His growing objections to the Hamiltonian "system" were partly owing to his belief that the Treasury was catering to commercial and financial groups, not agricultural, but he also believed that Hamilton was building up his own political power by

creating ties of financial interest and was corrupting the legislature. The issue between the two secretaries was sharply joined by 1791, when the Bank of the United States was established. They gave to the president their now-famous rival interpretations of the Constitution in this connection. The victory at the time and in the long run was with Hamilton's doctrine of liberal construction, but Jefferson's general distrust of power and his reliance on basic law as a safeguard has enduring value in human history.

By late 1792 or 1793 the opponents of Hamiltonianism constituted a fairly definite national party, calling itself Republican. Jefferson's recognized leadership of this group can be more easily attributed to his official standing and his political philosophy than to his partisan activities. In the summer and autumn of 1792, by means of anonymous newspaper articles, Hamilton sought to drive Jefferson from the government. The alleged justification was the campaign being waged against Hamilton by the editor of the *National Gazette*, Philip Freneau. Jefferson had unwisely given Freneau minor employment as a translator for the State Department, but he claimed that he never brought influence to bear on him, and there is no evidence that he himself wrote anything for the paper. But he had told Washington precisely what he thought of his colleague's policies, and had already said that he himself wanted to get out of the government. Early in 1793 the Virginians in Congress vainly sought to drive Hamilton from office or at least to rebuke him sharply for alleged financial mismanagement. Jefferson undoubtedly sympathized with this attack and he was probably consulted about it. A degree of unity was forced on the president's official family by the foreign crisis of 1793, which also caused Jefferson to delay his retirement to the end of the year.

During a respite of three years from public duties he began to remodel his house at Monticello and interested himself greatly in agriculture, claiming that he had wholly lost the "little spice of ambition" he had once had. Nonetheless, he was supported by the Republicans for president in 1796, and, running second to John Adams by three electoral votes, he became vice president. His *Manual of Parliamentary Practice* (1801) was a tangible result of his presiding over the Senate; and his papers on the megalonyx, and on the moldboard of a plow invented by him, attested his scientific interests and attainments. These papers were presented to the American Philosophical Society, of which he became president in 1797. A private letter of his to Philip Mazzei, published that year, was severely critical of Federalist leaders and was interpreted as an attack on Washington. His partisan activities increased during the quadrennium, especially 1798–1800. He deplored the Federalist exploitation of the French issue, following the publication of the XYZ Correspondence, but his sympathy with France had declined. He disapproved of the Adams administration chiefly because of the notorious Alien and Sedition Acts, and his grounds were both philosophical and partisan. The historic Republican protest against laws that attempted to suppress freedom of speech and to destroy political opposition was made in the Virginia and Kentucky resolutions (1798). Jefferson wrote the latter as James Madison did the former, though his authorship was not known at the time, and in them he carried his state-rights doctrines to their most extreme point in his entire career. In invoking the states against law which he regarded as unconstitutional, his resolutions were in the tradition which finally led to nullification and secession; but he was championing freedom, not slavery, and they were also in the best tradition of civil liberties and human rights.

The defeat of John Adams in the presidential election of 1800 can be partially explained by the dissension among the Federalists, but as a party they were now much less representative of the country than the Republicans. Jefferson's own title to the presidency was not established for some weeks, since he was accidentally tied with his running mate, Aaron Burr, under the workings of the original electoral system. The election was thrown into the House of Representatives, where the Federalists voted for Burr through many indecisive ballots. Finally, enough of them abstained to permit the obvious will of the people to be carried out. Jefferson's own designation of the Republican victory as a "revolution" was hyperbolic. He had no intention of upseting the financial system which was now firmly established, and he regarded himself as more loyal to the Constitution than his foes, though he was less a strict constructionist in practice than in theory. But he had checked the tide of political reaction, and he brought to his office a spirit of humane liberalism which was then exceedingly rare among the rulers of the world.

The political success of Jefferson's first term was attested by his easy re-election. Apart from foreign danger, his rather negative interpretation of the functions of the federal government suited the times. He exercised real leadership over Congress, but this was tactful and indirect. He restored the party balance in the civil service, but he was conciliatory in spirit and maintained essentially the same personal standards as his predecessors. In Madison, his secretary of state, and Albert Gallatin, his secretary of the treasury, he had lieutenants of the first caliber. He was relatively unsuccessful in his moves against the judiciary, which had been reinforced by fresh Federalist appointees at the very end of the Adams administration. He treated as null and void late appointments which seemed of doubtful legality, and the Republicans repealed the Judiciary Act of 1801 with his full approval, but he was rebuked by Chief Justice John Marshall in the famous case of *Marbury v. Madison* (1803). The effort to remove partisan judges by impeachment was a virtual failure, and the Federalists remained entrenched in the judiciary, though they became less actively partisan.

These partial political failures were more than compensated by the purchase of Louisiana (1803), the most notable achievement of Jefferson's presidency. His concern for the free navigation of the Mississippi had caused him, while secretary of state, to assume a more belligerent tone toward Spain, which controlled the mouth of the river, than toward any other nation. The retrocession of the province of Louisiana to France, now powerful and aggressive under Napoleon, aroused his fears and, for the first time in his career, caused his diplomatic friendship to veer toward the British. The acquisition of an imperial province, rather than the mouth of the river, was a fortunate accident, saving the West to the American union and the Republican Party. The treaty which Robert R. Livingston and James Monroe sent home aroused constitutional scruples in Jefferson's mind, but this was no time for constitutional purism and the president yielded to his friends, while strict constructionist arguments were taken up ineffectually by the New England Federalists.

During his first term Jefferson was subjected to a torrent of abuse from the Federalist newspapers which temporarily shook but did not destroy his confidence in a free press. He interpreted his re-election as proof of the wisdom of tolerance. He had more need to rely on his political popularity in his second term than in his first. The unsuccessful attempt to convict Aaron Burr (1807) of treason discredited him somewhat, and involved him in a political duel with Chief Justice Marshall. His major effort to safeguard American rights during the relentless duel between the British and Napoleon was the Embargo Act (1807), which sought to bring economic pressure on them both by suspending American commerce. In the attempt to enforce this measure, which was particularly unpopular in commercial New England, the government exercised arbitrary power and infringed on individual rights, thus violating some of Jefferson's most cherished principles; and, for a variety of reasons, it failed of its purpose. At the very end of his term he signed an act which partially repealed it. Thus he retired from the presidency at a low point in his own popularity.

During the remainder of his life (1809–1826), he remained at home in Virginia. His failures tended to be forgotten, and as the Sage of Monticello he engaged in vast correspondence, with John Adams among others, which is in many ways the richest of his life. His last great public service was the founding of the University of Virginia (chartered 1819). He inspired the legislative campaign for a university, got it located in his own county, planned the buildings, outlined the course of study, and served as the first rector. He had long been troubled by debt, and the failure of a friend whose note he had endorsed brought him to virtual bankruptcy. But he was rich in honor, friendship, and domestic happiness when he died at Monticello on the 50th anniversary of the Declaration of Independence, a few hours in advance of John Adams.

He was a tall man, not specially prepossessing in appearance and rather indifferent to externalities of dress as he grew older, but amiable and generous in all personal relations. In his time he was the most conspicuous American patron of learning, science, and the useful arts—making distinctive contributions of his own in natural history and architecture. His policies were of their own day, and he himself said, "The earth belongs always to the living generation." But in its emphasis on the centrality of human rights and the supreme importance of freedom his philosophy is universal. He remains the best American exemplar of hostility to every form of tyranny.

Bibliography.—*The Papers of Thomas Jefferson*, ed. by J. P. Boyd and others (Princeton 1950–), being published in more than 50 vols., will supersede all other collections. Of previous collections of his writings, the best edited is that of P. L. Ford, 10 vols. (Philadelphia 1892–99), and the most extensive is that of A. A. Lipscomb and A. E. Bergh, 20 vols. (Washington 1903). Distinctive among separate publications are: Chinard, Gilbert, ed., *The Commonplace Book of Thomas Jefferson* (Baltimore 1926); Betts, E. M., ed., *Thomas Jefferson's Garden Book* (Philadelphia 1944) and *Thomas Jefferson's Farm Book* (Princeton 1953); Boyd, J. P.,

The Declaration of Independence; the Evolution of the Text (Princeton 1945).

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DUMAS MALONE,
Professor of History,
University of Virginia.

Mr. HELMS. Mr. President, I reserved the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I ask unanimous consent to yield myself 1 minute of the time in opposition. I oppose the amendment. I am prepared to yield back the remainder of my time.

Mr. HELMS. What was the unanimous-consent request?

The PRESIDING OFFICER. That he yield himself 1 minute of time.

Mr. KENNEDY. I said I was opposed to the amendment and I was prepared to yield back the remained of my time. I have not yield it back.

Mr. WARNER. Mr. President, I wish to speak to this amendment. Will the Chair advise who controls the time?

The PRESIDING OFFICER. The time is controlled by Senators MATHIAS and DOLE. Without objection, the Senator may speak in opposition.

Mr. WARNER. Mr. President, I rise to explain my views on this amendment. I have followed the course of this historic debate with great interest. We have just witnessed a rejection by the Senate, by a vote of 83 to 11, of an amendment relating to President Lincoln, which is comparable to the one now pending.

I anticipate that the vote on the pending amendment relating to President Jefferson will be similar; namely, rejected by an overwhelming number of U.S. Senators.

Therefore, I ask my distinguished colleague from North Carolina if it is not the purpose of this amendment to compel the Senate to again cast votes against one of our most distinguished Presidents? Indeed, what is the likelihood that there would be any shifts in sentiment on this vote from of the previous vote?

Mr. HELMS. Mr. President, the Senator is asking me to read Senators' minds and I sometimes cannot read my own. I cannot read their minds.

Mr. WARNER. I shall try to answer the question.

Mr. President, today, for the first time in my Senate career I will cast my vote as "present," because I will not participate in a vote, relating to one of our most distinguished Virginians, which I interpret as compelling the U.S. Senate to record a negative opinion of Thomas Jefferson. When our colleagues vote, and I anticipate they will vote in numbers very comparable to the previous vote, it could be construed that a majority of the U.S. Senate is casting a negative vote for the first time in history against this truly outstanding American.

Mr. President, I urge my colleagues to vote against this type of amendment. I will vote "present" on this amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I do not quite follow on the reasoning of my dear and distinguished friend from Virginia. He does not have to vote "present." He can vote for Thomas Jefferson. I am sure he agrees that if any other American is going to be so signally honored, Thomas Jefferson certainly deserves it.

I want to caution the Senator that he is voting against limiting Federal national holidays to nine when he votes "present" on the proposition.

So it is not just Thomas Jefferson that the Senator ought to be worried about. He ought to be worried about the estimated $5 billion per Federal holiday cost to the consumers of this country.

Mr. President, all sorts of figures are bandied about, but I notice that those who are trying to minimize the cost of Federal holidays, I say to Senator WARNER, always use the low figure relating only to overtime pay and that sort of thing for Federal employees. They do not bring in the proper figure. The Library of Congress and the U.S. Chamber of Commerce have made estimates on the cost, and the total bill runs into the billions of dollars of lost productivity every time we shut this country down for a holiday.

The Senator will follow his own conscience, and I admire him for doing it, but there is no reason for his voting against an amendment that would honor, as I said earlier, my No. 1 hero of all time in American history.

I appreciate that the Senator has a problem. All of us have political problems with this kind of legislation. But right is right, and if we are going into this business of picking out the heroes that I may favor or somebody else may favor, then I think my No. 1 hero, Thomas Jefferson, deserves some consideration.

My amendment does not say anything about the basic bill except that the King holiday shall not go into effect, be implemented, unless and until we have one also for Thomas Jefferson and that the total number of national holidays be limited to nine. That is all the amendment says.

The Senator can use his own judgment. As I said earlier, I respect him. I hold him in the greatest affection, and I think he knows that.

Mr. WARNER. Mr. President, I then call on my distinguished colleague from North Carolina to consider separating this amendment, I am aware of the fact that there are a number in the leadership who are considering having the Senate address the question of the total number of holidays and the cost impact and I shall join with them. As a matter of fact, our distinguished colleague from Kansas (Mr. DOLE) and I have discussed that issue. The majority leader and I have discussed this, and others. I am not going to be so presumptuous as to speak for the leadership on this subject.

Would the distinguished Senator from North Carolina consider splitting the amendment into two amendments so we have a very clear consensus of the U.S. Senate on these two separate issues, which, in my judgment are unrelated; namely, whether the U.S. Senate will be forced to vote against Thomas Jefferson, and whether the U.S. Senate should vote to limit the number of holidays?

Mr. HELMS. Mr. President, I say to the Senator that he knows the rules as well as I do. Any Senator can call for a division and there will certainly be no resistance from me if he calls for a division.

I ask for the yeas and nays on the amendment, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I heard that my colleague suggest that I have a political problem. I assure him that, on this vote as on all others that I cast in the Senate, I vote, mindful of the sentiments of Virginians, and, I as a matter of personal conscience, as I believe is right. Therefore, I have given a great deal of thought to this vote as well as all others relating to this pending legislation, and it is done as a matter of conscience.

Mr. President, I yield the floor to my distinguished colleague from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I am prepared to yield back all my time in opposition.

Mr. HELMS. I yield back the remainder of my time.

Mr. WARNER. Mr. President, I indicated that I would urge my colleagues to vote against this type of amendment. I shall vote "Present." I cannot

expect my colleagues to vote "Present" because under the Senate rules it does not count—it is equivalent to missing a vote.

I am proud to represent the Commonwealth of Virginia, the home of the revered Thomas Jefferson; accordingly, I think it is proper for this Senator to vote "Present" under these circumstances.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. WARNER [when his name was called]. Present.

Mr. TRIBLE [when his name was called]. Present.

Mr. ZORINSKY [when his name was called]. Present.

Mr. STEVENS. I announce that the Senator from Florida (Mrs. HAWKINS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS) would vote "nay."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Mr. RIEGLE), and the Senator from Colorado (Mr. HART) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

The PRESIDING OFFICER (Mr. KASTEN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 10, nays 82, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—10

Abdnor	Goldwater	Symms
Denton	Hatch	Wallop
East	Helms	
Garn	Humphrey	

NAYS—82

Andrews	Ford	Mitchell
Armstrong	Glenn	Moynihan
Baker	Gorton	Murkowski
Baucus	Grassley	Nickles
Bentsen	Hatfield	Nunn
Biden	Hecht	Packwood
Bingaman	Heflin	Pell
Boren	Heinz	Percy
Boschwitz	Hollings	Pressler
Bradley	Huddleston	Proxmire
Bumpers	Inouye	Pryor
Burdick	Jepsen	Quayle
Byrd	Johnston	Randolph
Chafee	Kassebaum	Roth
Chiles	Kasten	Rudman
Cochran	Kennedy	Sarbanes
Cohen	Lautenberg	Sasser
Cranston	Laxalt	Simpson
D'Amato	Leahy	Specter
Danforth	Levin	Stafford
DeConcini	Long	Stennis
Dixon	Lugar	Stevens
Dole	Mathias	Thurmond
Domenici	Matsunaga	Tsongas
Durenberger	Mattingly	Weicker
Eagleton	McClure	Wilson
Evans	Melcher	
Exon	Metzenbaum	

ANSWERED "PRESENT"—3

Trible	Warner	Zorinsky

NOT VOTING—5

Dodd	Hawkins	Tower
Hart	Riegle	

So the amendment (No. 2338) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, if the Senator from Kansas will yield me 2 minutes, I wish to make inquiry about how many amendments are remaining and how long it is going to take us to dispose of them and what arrangements we might make for the voting sequence for the next couple of hours.

Mr. President, first, let me say that we have time for final passage at 4 p.m. today. That seems adequate for any reasonable purpose we have in dealing with amendments and making statements in general on the bill itself.

But I think we are close enough to 4 p.m., so we better start thinking about that.

Mr. President, I believe the order provides that the last hour is to be under the control of the two leaders. No, Mr. President. That is not the case. That was in an earlier formulation of that request.

But let me suggest to Senators that we should reserve the last hour, that is, the time from 3 p.m. to 4 p.m., for the purpose of making closing statements, and may I suggest as well that the time for those closing statements should be limited to 5 minutes each.

It may be that Senators may wish to make statements longer than that but in deference to those who wish to speak on the bill itself, I suggest that we try to hold those statements to 5 minutes.

I will not now make such a request because I have not discussed it with the minority leader nor with other Senators. But I am going to circulate on my side by the hotline procedure, a request to clear the 5-minute limitation on final statements between the hours of 3 p.m. and 4 p.m.

Mr. President, next may I inquire of Senators how many amendments remain to be dealt with? I would do so on this side, and then I would see if the minority leader cares to canvass on his side.

Could I ask, first, the manager of the bill, the Senator from Kansas, if he knows how many amendments are yet to be disposed of?

Mr. DOLE. Mr. President, if the majority leader will yield, the Senator from Kansas is advised that we have a pending amendment which has been temporarily laid aside, that of the Senator from California (Mr. WILSON). The distinguished Senator from Alabama (Mr. DENTON) may have an amendment. The same is true for the Senator from Iowa (Mr. GRASSLEY), and I believe Senator HELMS has three additional amendments.

That would be five amendments and the one pending would be six, and there is one additional amendment on that side which is an amendment by Senator BOREN and Senator NUNN.

Mr. BAKER. Mr. President, could I ask the Senator from North Carolina how long he thinks it will take to deal with those three amendments?

Mr. HELMS. Mr. President, I think I will consume as much as 10 minutes as on the last amendment.

Mr. BAKER. The Senator from North Carolina has been very cooperative. I certainly wish to commend him for that. Since we are coming down in the homestretch, I wonder if we could get, say, a 10-minute limitation on each of the three amendments.

Mr. HELMS. Let me see. Would the majority leader make that 15 minutes equally divided just to give me a little elbow room?

Mr. BAKER. Yes. Mr. President, I am willing to put that request.

Mr. BYRD. What are those amendments?

Mr. BAKER. Could I inquire what the amendments are?

Mr. HELMS. The one that I have at the desk now relates to Marcus Garvey.

Mr. BAKER. Marcus Garvey.

Mr. HELMS. Yes.

Mr. BAKER. Is it in the same form as the Thomas Jefferson amendment?

Mr. HELMS. No, it is not. It is actually a sense-of-the-Senate resolution.

Mr. BAKER. I see.

Mr. HELMS. I have not decided which of about 25 amendments, but I wish to cooperate. I will limit it to a maximum of two, in addition, I say to the Senator from West Virginia and the Senator from Tennessee.

Mr. BAKER. I do not think we should try to get an order. I am reassured by the Senator from North Carolina he will not take long, and I am sure that is true. We will let it go at that.

Mr. President, I also know there are certain Senators perhaps on both sides of the aisle who have to be away from the Chamber until about the hour of 2 p.m. to make speeches that they committed to much earlier. Some of our friends of the press may be aware of some of those arrangements. So I wish to stack votes until 1:45 p.m. this afternoon.

What I propose is this, and once again I have not discussed this at length with the minority leader: I propose that any rollcall votes that are ordered between now and 1:45 p.m. be stacked to occur beginning at 1:45 p.m. with the first vote to be 15 minutes

and subsequent votes to be 10 minutes each, without intervening debate, motion, point of order, or other proceedings.

Mr. BYRD. Mr. President, in response to the distinguished majority leader we are checking this out on our side and we will be back to him.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BAKER. First, let me yield to the Senator from Oregon and then to the Senator from Massachusetts.

Mr. HATFIELD. Mr. President, I remind the Senator that the Appropriations Committee goes into a markup session for the supplemental at 2 p.m., and I wish not to see votes stacked beginning at 1:45 p.m. or 2 p.m. until we get a quorum because, as the Senator knows, it takes 15 to get a quorum.

Mr. BAKER. All right.

Mr. HATFIELD. It is the largest standing committee of the Senate, and that committee size keeps expanding under the leadership, and I just remind the Senate that this is one of the problems we face.

Mr. BAKER. Mr. President, for those not privy to the subtleness and sophistication of the remarks of the distinguished Senator from Oregon, the chairman of the Appropriations Committee, what they just heard was a scathing indictment of the majority leader.

Mr. HATFIELD. Not really.

Mr. BAKER. Because he never fails to point out to me that I urged him to accept a much larger committee than he wanted and that it has become very difficult to get a quorum.

I accept the criticism.

Mr. President, I wonder if the Senator then would agree that we could stack votes beginning at 2:15 p.m.

Mr. HATFIELD. What about, say, at 2:30 p.m.?

Mr. BAKER. The problem I have is this: If the time between 3 and 4 is for final statements, if we have three votes plus the Denton, Wilson, and Grassley amendments, that would be six votes, and that would be about 70 minutes, and we will spill a little along the way and we will run out of time.

Mr. President, let me withdraw the request and let us do it as we go along and see how we get along.

I yield now to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have no objection to stacking of the votes, although it was made very clear in the unanimous-consent request that we will have final passage at 4 p.m.

Mr. BAKER. Yes.

Mr. KENNEDY. And there would be no other circumstance that would interfere with that particular order.

Mr. BAKER. I thank the Senator. There would be none. The vote indeed will occur at 4 p.m. regardless.

Mr. KENNEDY. All right.

Mr. BAKER. Mr. President, I admire the Senator from Oregon, the chairman of the Appropriations Committee, for many things. He and I came to the Senate together, and we are old friends. But one of the things I admire most is his willingess to accommodate the needs of the Senate. He just indicated to me that he will try to convene the committee earlier so that he can get his quorum and we can stack votes beginning at 1:45 p.m.

Since the minority leader still wishes to clear that, I believe I will not put the request, but I thank the Senator from Oregon. In a few moments I shall put that request to stack votes to occur beginning at 1:45 p.m. today.

I thank the Senator from Kansas for yielding to me.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield to the Senator from Oregon.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from California.

Mr. DOLE. Mr. President, I ask unanimous consent that that amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I yield to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, the avowed purpose of those individuals sponsoring this legislation is to honor Dr. Martin Luther King and, more importantly, to convey this Nation's highest distinction upon Dr. King and the work he did in advancing the cause for equality among all citizens by insuring their safe, civil rights.

Unfortunately, Mr. President, this legislation has been so dramatically politicized that the underlying reason we are going through this exercise, namely, to memorialize the significance of the gains in the field of civil rights, has been hopelessly obscured. The courage of Dr. King and the inspiration of Dr. King are compelling memories for the Members of this body and this Nation who knew him. His legacy was a selfless legacy; that is, he left for us a burning reminder that a nation without a commitment to equal justice, equal rights, and equal freedoms for its populace, is not worthy of the title "Democracy." For that reason, Mr. President, I believe this Nation would be unified by establishing a day which is more of a "Civil Rights Day" than a day specifically honoring Martin Luther King.

We have a "Labor Day" to commemorate the gains this country has made through the toil and inspired work of its work force. We have a "Memorial Day" to commemorate the gains this country has made through the sacrificed lives of those protecting our democracy and our homeland. And now, Mr. President, this body must determine how best to commemorate the lives of the many individuals like King, who were driven by an enlightened consciousness that motivated them to put aside their own personal goals to advance the noble goals of civil rights for all citizens of every sex, race, and physical or political disposition.

Mr. President, I will not mince words. Abraham Lincoln stands out in history as the individual most responsible for the advancement of civil rights in the United States. As a student of history, I would not dare to make this claim without due caution and reflection. As the first Republican President and as the champion of the enslaved and oppressed, Abraham Lincoln's accomplishments have been the foundation upon which the civil rights activists of the last century have built.

There have been other individuals besides Lincoln and King who have pressed for a progressive civil rights policy. I will not burden my colleagues with a lengthy recitation of the names of these formidable advocates of equality for the disadvantaged. Whether we are talking about the rights of workers, the rights of the handicapped, the rights of women, or the rights of those seeking religious or political freedom, prominent names instantly come to mind. Frederick Douglass, Booker T. Washington, Thadeus Stevens, William DuBois, Mary McLeod Bethune, Susan B. Anthony, William O. Douglas, John L. Lewis, Samuel Gompers, and scores of others have left us a rich legacy of enlightenment in which the world and our country were made better by their achievements in advancing civil rights.

Mr. President, these many characters in our country's colorful history who have impacted the progress of civil rights in a positive manner are too numerous to mention. By enacting this bill, the Senate will honor all of these people. Personally, I would prefer that we not get into the precarious position of singling out one individual and memorializing his birthday in honor of the quest for freedom and justice for all. Abraham Lincoln, Martin Luther King, and their many brothers and sisters who have been united by a colorless and classless vision of America are all suitable candidates for such an honor.

Despite my deep love and admiration for Abraham Lincoln, I have never sponsored a bill in this Senate to designate his birthday a Federal holiday. I have not done so because such a move could do precisely the same thing which H.R. 3706 and S. 400 risks doing; that is, memorializing the life

of one person and, in so doing, dwarfing the accomplishments of those who arguably are as deserving of singular attention. Reasonable men and women can differ on the subject of whether, for example, Dr. King or President Lincoln is more deserving of a holiday in his honor. Again, I think such a problematic determination invites disagreement, which in turn diverts the public's attention from the civil rights issue to the tricky business of weighing the relative importance of key characters in our history.

However, because it is important that Congress stand together on this issue, I will not delay the passage of this bill with an amendment that has no chance of passage that would clearly label this day as a "Civil Rights Day" or some such designation. I will not do so because I believe the public understands that this holiday honors all of the great men and women who have inched us closer to the civil rights ideal, and does not solely honor Martin Luther King. This holiday will allow us to examine our consciences and our lives to evaluate where we stand on current civil rights issues and what we are doing about those issues.

My decision to vote in favor of final passage came after a careful consideration of the costs of an additional Federal holiday. It seems our calendar has just about reached the saturation point in terms of the number of Federal holidays authorized by law. Each holiday involves a day of lost productivity and that translates into hundreds of millions of dollars.

It is difficult to balance these dollar costs with the benefits of elevating the cause for civil rights to our Nation's highest position—to that of a national holiday. Citizens who attempt such a weighing of interests have contacted me and have told me that they believe the dollar costs are too great to justify a new national holiday. They say this even though they are conscious of the need to fortify our country's commitment to being a society that is colorblind and is deaf to the cries of racism, sexism, and mob rule.

Mr. President, I respect these people and do not quarrel with their opinion, an opinion involving thoughtful reflection in the confines of conscience. My own conscience has been thoroughly examined. I have decided to vote in favor of this bill, and shall do so with the hope that a nation which is united by a day set aside to ruminate the importance of civil rights gains will evolve into a society which joins together to further those gains.

I thank the Senator from Kansas.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

AMENDMENT NO. 2339

Mr. HELMS. Mr. President, I have an amendment at the desk which I call up and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2339. At the end of the bill, add the following:

"SEC. 3. Since Marcus Garvey is known universally throughout the world as the Father of Black Nationalism; and

"Since Marcus Garvey was a major leader in the development in the United States of Black consciousness; and

"Since the writings of Marcus Garvey have served as an inspiration to all those who favor opportunity for all, and the doctrine of self-help; and

"Since the conviction of Marcus Garvey in 1923 occurred in an atmosphere charged with emotionalism and publicity; and

"Since the excessiveness of the sentence was recognized by President Coolidge in 1927 in commuting that sentence;

"Therefore, let it be stated that it is the sense of Congress that the President should remove this cloud over the reputation of Marcus Garvey by granting a full pardon of any crimes of which he may have been convicted.".

Mr. BAKER. Mr. President, will the Senator from Kansas yield to me now for a unanimous-consent request?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. BAKER. Mr. President, will the Senator from North Carolina yield for that purpose without losing his right to the floor?

Mr. HELMS. Mr. President, I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I am now advised by the minority leader that he has completed the clearing process, I believe, on his side.

Now, may I put this request: I ask unanimous consent that any rollcall votes ordered between now and 1:45 p.m. today be stacked to occur at 1:45 p.m. in the same order and sequence in which they are ordered, with the first vote to be 15 minutes and subsequent votes, if any, to be 10 minutes each, without intervening debate, motion, point of order, or other proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the minority leader, and I thank all Senators.

Mr. HELMS. Mr. President, yesterday's New York Times carried an article reporting that the Prime Minister of Jamaica, Edward Seaga, has asked President Reagan to grant a full pardon to Marcus Garvey, the pioneer of modern black nationalism. He made the request Sunday during a meeting in Kingston with Vice President Bush.

Mr. President, I fully support Prime Minister Seaga's request. As chairman of the Western Hemisphere Subcommittee of the Foreign Relations Committee, I am very familiar with the struggle of Jamaica to restore its economy, and to rebuild the spirit of the Jamaican people after years of demoralizing socialism. In that respect, it is important to draw the people of the United States and the people of Jamaica closer together. The pardoning of Marcus Garvey would be a symbolic step toward that end.

But more significant than that, Mr. President, is the opportunity to remove a cloud that history has cast over the career of Marcus Garvey. His name is no longer a household word in this decade; but in the 1920's his prominence was equal to that of Martin Luther King in the 1960's. Indeed, one could say that without the pioneering work of Marcus Garvey, that Dr. King's movement could not have taken place.

I think that history now agrees that Mr. Garvey's legal problems developed from an excess of zeal, without sufficient attention to management of his business affairs. Marcus Garvey had a dream, and it was the dream of thousands of black Americans. It was the dream of black achievement, of black participation in the free enterprise system, and of black leadership throughout the world. The movement which Mr. Garvey started, the United Negro Improvement Association, was based on sound principles and sound goals. But Mr. Garvey, in his efforts to establish a black-owned steamship company, overshot the mark, bringing about financial failure and bankruptcy. Thousands of black Americans, who could ill afford to lose their savings, suffered as a result.

But the facts do not impugn Mr. Garvey's own honesty, only his management capability. His conviction occurred in an atmosphere of intense publicity and organizational rivalries. The judge who sentenced him, for example, was a member of the NAACP. The excessive severity of the sentence was recognized by President Coolidge who commuted the sentence after Mr. Garvey served 2 years.

Nevertheless, the influence of Marcus Garvey has extended literally around the world. His writings are well known to all students of black history. They serve as an inspiration to thousands of students and admirers.

So it seems to me, Mr. President, that the Martin Luther holiday bill, which is sure to pass, and has been all along in this political atmosphere, serves as an appropriate opportunity for Congress to go on record in favor of a pardon for Marcus Garvey. Although I have made it clear that I am not an admirer of Dr. King because of the subversive influences which dis-

torted his movement, I have no quarrel with the concept of equal opportunity and equal justice under the law. These are principles which Marcus Garvey stood for, and his work made it possible for black Americans to seek such goals. It takes nothing away from Dr. King to use this opportunity to clear the name of Marcus Garvey on a timely basis.

I am therefore proposing an amendment which would declare it to be the sense of Congress that the President should pardon Marcus Garvey. This, of course, is a nonbinding resolution, since pardons are within the President's discretion.

Mr. President, two articles from the October 18, 1983, New York Times give additional background on this issue, and I ask unanimous consent that they be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

JAMAICAN ASKS U.S. TO PARDON A HERO

(By Francis X. Clines)

PREMIER GIVES BUSH REQUEST ON GARVEY, BLACK WHO LED "BACK TO AFRICA" DRIVE

KINGSTON, Jamaica, Oct. 17.—Jamaica's Prime Minister has asked President Reagan to grant a full pardon to Marcus Garvey, the pioneer of modern black nationalism.

Mr. Garvey, a charismatic Jamaican considered a patriarch of the black consciousness movement in the United States, died in 1940 after serving a prison term for mail fraud. The case grew out of his "back-to-Africa" movement.

The Prime Minister, Edward P. G. Seaga, asked Vice President Bush to convey the unusual request Sunday night at a ceremony in Montego Bay commemorating National Heroes Day. The Prime Minister said Mr. Garvey, who crusaded through a Harlem newspaper, was convicted in the United States "during a campaign of persecution against him."

"It cannot befit the memory of this great man whom the world acknowledges as the father of black nationalism, for which he is universally honored, that the record of his life continues to be tainted with this stain of dishonor," Mr. Seaga declared.

"HIGHEST CONSIDERATION" PLEDGED

Vice President Bush, who is here for an address to Parliament, discussed the request privately with the Prime Minister and said later he would "be sure it receives the highest consideration" at the White House. "We recognize him as a Jamaican hero, and it will receive our attention," Mr. Bush said today in response to a question, before laying memorial wreaths here at statues of Mr. Garvey and four other national heroes.

The Prime Minister made his plea at the dedication of a Montego Bay memorial honoring Samuel Sharpe, a Jamaican slave who organized an early passive resistance movement but was hanged by the British colonial government in 1832.

Marcus Garvey, a revered figure here, was deported from the United States in 1927 after building a spirited following among millions of American blacks with the message, then bold, that black enterprise and solidarity could overcome the lingering effects of slavery. While a gifted polemicist, he was a short-lived success as an entrepreneur. He raised more than $600,000 from 35 black investors in his Black Star steamship company, a travel venture to the West Indies and Africa that failed.

Noting that Mr. Garvey was deported home to Jamaica "with a broken heart and a criminal record," Mr. Seaga presented his request in the context of some sensitive international politics. The Reagan Administration has been extending considerable support to this Caribbean nation, praising it as a showcase of capitalism and an inspiration to third world nations against flirting with Communism. Mr. Seaga, in turn, raised the Garvey question as a dramatic opportunity for President Reagan to impress this same sphere.

"WIPING THE SLATE CLEAN"

"It would give immense joy to Jamaicans and millions of others in the Caribbean, Africa and your own country among others throughout the world," he said, "if the President of the United States, using the powers vested in him, found it possible to grant a full pardon to Marcus Garvey, wiping the slate clean and clear for posterity and enhancing the consciousness, pride and dignity of black people throughout the world."

The Prime Minister thus broached the idea also as a way for Mr. Reagan to please the blacks in the United States. The President's standing is low there and his Democratic opponents expect to organize a sizable anti-Reagan vote among blacks for the 1984 Presidential election.

Any serious consideration of a Garvey pardon would be certain to cause complaint among Mr. Reagan's more conservative activists, who already are highly critical of the President's decision to reverse his opposition to the creation of a national holiday for Martin Luther King Jr.

Mr. Bush spoke at Montego Bay before the Prime Minister and made no reference to Mr. Garvey in his speech. He spoke of Sam Sharpe's role in helping to inspire abolition's final passage in 1984 through the British Empire, ranking Sharpe as "a hero like many in my own country, including Nat Turner, Harriet Tubman and, in our own day, Martin Luther King."

Speaking with fevor as he looked out at a large and friendly crowd of Jamaican blacks gathered amid a humid breeze and brilliant sunshine, Mr. Bush improvised the ending to his prepared text. "Long live freedom! Freedom! Freedom!" he shouted, slamming the lectern three times with his fist.

GARVEY: PROMOTER AND ORATOR

(By Maureen Dowd)

Marcus Garvey, the son of a Jamaican mason and a devoted follower of Booker T. Washington, came to the United States in 1916, at age 28, preaching black pride and calling for a back-to-Africa movement.

"Africa for the Africans" was the slogan in his campaign to redeem that continent from European colonialism and resettle all blacks there.

Responding to what he saw as a black disenchantment with the American dream that was growing after World War I, Garvey settled in Harlem and quickly became a spokesman for the unskilled and inarticulate black poor.

He was a promoter, a master of oratory and the news outlets. According to reports at the time, his stirring speeches would send throngs into the streets shouting: "Up you mighty race, you can accomplish what you will!"

Between 1917 and 1925, he organized hundreds of thousands of blacks in American cities and foreign nations and formed several businesses to build black power. From an initial membership of 15, his United Negro Improvement Association grew to between four and six million. The newspaper he started, Negro World, boasted an international circulation of 50,000. With small contributions, blacks reportedly donated $10 million to his movement.

He founded a church, a conglomerate of black factories, the Black Cross Nurses and the Black Star steamship company. But many of his enterprises were said to be mismanaged.

In 1923, Garvey was convicted of mail fraud in connection with soliciting funds for his shipping company. He received the maximum sentence of five years and a $1,000 fine. He contended that he had been framed.

In 1927, after two years in jail in Atlanta, he received a commuted sentence from President Coolidge and was deported to Jamaica. In 1935 he resettled in London, where he died five years later at age 52.

Mr. HELMS. Mr. President, I reserve the remainder of my time.

Mr. SARBANES. Mr. President, first a brief comment on the pending amendment. If the subject of this amendment is to be addressed, it ought to be addressed in a separate forum and not brought into the consideration of the Martin Luther King, Jr., bill. Let me now turn to a consideration of the pending bill.

Mr. President, I strongly support the legislation before the Senate. I have been a long-time and consistent supporter of efforts to recognize the life of Dr. Martin Luther King, Jr., and the extraordinary contribution he made to the evolving history of this Nation.

Dr. Martin Luther King, Jr., was one of our Nation's greatest leaders in the ongoing struggle to achieve full equality for all citizens.

The 13 years of his leadership in this struggle for civil and human rights, from the beginning of Montgomery, Ala., in 1955, to his tragic end in Memphis, Tenn., in 1968, changed and continue to affect the life of our Nation. It was a period which saw a massive upsurge in public support for and participation in the civil rights movement, and witnessed great strides in realizing the American creed that "We hold these truths to be self-evident, that all men are created equal."

It was during this period that great strides were made in so many areas of our national life. Voting rights—what could be more fundamental to a democratic society than that all citizens should be able to participate in the political process? Great strides in the areas of access to public accommodations, fair housing, equal employment opportunities—indeed in fundamental dignity and respect.

Dr. King's courageous stands and his unyielding belief in the power of nonviolence, reawakened the conscious-

ness of our Nation to the racial injustice and discrimination which continued to exist 100 years after the Emancipation Proclamation and the enactment of the guarantees of the 14th and 15th amendments to the Constitution.

Dr. King was willing to undertake great personal risks and, ultimately and tragically, paid the price with his life in order that the affirmation that we are a nation of liberty and justice for all might become a reality.

Dr. King dreamed of an America in which children will be judged not by the color of their skins but by the content of their character.

In August 1963 in the march on Washington speech at the Lincoln Memorial, one of the most significant events in our Nation's history, he stated:

I have a dream that one day on the red hills of Georgia, sons of former slaves and sons of former slaveowners will be able to sit down together at the table of brotherhood.

He went on to say:

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

Can anyone question that this undertaking is at the heart of what our democracy means, that we should be judged by the content of our character, not by the color of our skin?

Fifteen years after his death, America is still striving toward the fulfillment of Martin Luther King's vision. The designation of a national holiday in his memory not only pays tribute to him but, also places the Nation on record as rededicating itself to the principles of justice and equality which Dr. King's life exemplified.

In a letter from a Birmingham jail, Dr. King wrote:

Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network on mutuality tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.

Mr President, in considering Dr. King's life, it is important to recognize that he was, above all, a religious leader. He was the son of a pastor and the grandson of a pastor. He finished college, Morehouse College in Atlanta at the age of 19—graduated from college at 19. He had already been ordained in the National Baptist Church in Atlanta. Following his graduation from Morehouse in 1948, he continued his studies at Crozer Theological Seminary in Chester, Pa., where he was an outstanding student and the first black in the school's history to be elected class president. He received his bachelor of divinity degree in 1957 and a fellowship for further study which he took at Boston University School of Theology, from which he later received his Ph. D. degree.

Dr. King's commitment to nonviolence and his preaching of the essential tenets of that philosophy had an enormous impact on the nature of the civil rights movement in this country in the 1950's and 1960's. He provided sterling leadership at a difficult time in our Nation's history, leadership which insured that the movement toward racial justice in this country would be carried out in a way that would strengthen and enhance our democratic system. He preached that philosophy under the most difficult circumstances. When in the course of the Montgomery boycott he was arrested, the then only 27-year-old minister exhorted his followers as follows:

If we are arrested every day, if we are exploited every day, . . . don't ever let anyone pull you so low as to hate them.

Even when his own home was bombed, Dr. King cautioned the more militant against seeking violent revenge. And in the end—and it is a tribute to our Nation—in the end, his belief in peaceful protest, in nonviolent means, was justified.

What we are recognizing with this legislation is not only the enormous contribution of this great leader, but we recognize two very basic principles for the healthy functioning of our democratic society. One is that change, even very fundamental change, is to be achieved through nonviolent means; that this is the path down which we should go as a nation in resolving some of our most difficult questions. And the other basic principle is that the reconciliation of the races, the inclusion into the mainstream of American life of all of its people, is essential to the fundamental health of this Nation. Dr. King preached, taught, and practiced these essential principles.

Dr. King moved the Nation in a way that I believe will be lasting. His example continues to stand before us. He provided a standard to which we can repair and the Nation is much the better for it.

So I join many of my colleagues in urging the passage of this legislation and the rededication of the Nation to achieving a country that will have liberty and justice for all its people and where the promise of the Declaration of Independence that all men are created equal will be fully realized.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the vote on the amendment will be put off until 1:45 p.m.

Mr. HELMS. Mr. President, I suggest the absence of a quorum with the time to be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I would inform other Senators who have amendments that we now have an agreement that we can stack the votes. It is going to be very complicated if we do not have the amendments offered. Then we will run into the time when many Members would like to make closing statements between 3 and 4 p.m.

I see I have been rescued by the distinguished Senator from North Carolina.

Mr. HELMS. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. HELMS. Mr. President, let me suggest what may be done. I would suggest that the Senator and I yield back the remainder of our time on the pending amendment, and I will proceed with another amendment. The best news of all for the Senator would be that I have no further amendments.

Mr. DOLE. After the pending amendment?

Mr. HELMS. After offering one more amendment.

Mr. DOLE. Mr. President, I yield back my remaining time.

Mr. HELMS. Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. All time has been yielded back. The question recurs on the amendment of the Senator from California (Mr. WILSON).

Mr. DOLE. Mr. President, I ask unanimous consent that the amendment of the Senator from California be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2341

Mr. HELMS. Mr. President, I have an unprinted amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2341.

At the end of the bill, add the following:

SEC. . Notwithstanding any other provision of this Act, this Act shall not take effect unless and until a specific legal public holiday is established under Federal law in honor of Hispanic Americans for one day each year.

SEC. . Notwithstanding any other provision of this Act, this Act shall only take effect provided that the total number of legal public holidays under Federal law does not exceed nine.

Mr. HELMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, it is truly fitting that we have a day commemorating the tremendous contributions of the Hispanic-American community to our country. Much of our country first experienced the civilizing influence of western civilization through the Spanish-speaking settlers who followed Columbus to the shores of the New World. Since those early days, the influence of the Americans of Spanish descent has blessed our country with a profound sense of fundamental respect for faith, for family, and for freedom. Our own Anglo-Saxon heritage has been able to blossom in the light of the Hispanic tradition. Today, the Hispanic-American community is growing at a rate much larger than that of other ethnic groups, and the contributions to our culture, to our intellectual and spiritual life, and to our economy from these great citizens are a model for all Americans to acclaim.

Mr. President, it is fitting that the Congress should establish National Hispanic-American Day at this time in our Nation's history. For the first time, recent years have found our national leaders willing to recognize the great contributions, ignored for generations, which the Hispanic Americans have made to our country. As chairman of the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations, I think this significant measure would be a signal to our friends throughout Latin America that we are one community, one hemisphere committed to the principles of liberty, justice, and autonomy, in a spirit of brotherhood and a mutual respect. I hope the Senate will adopt this measure.

Mr. President, the pending amendment conditions the taking effect of the proposed King holiday on two events: One, the establishment of a Federal holiday in honor of Hispanic Americans, and, two, the limitation of Federal holidays to no more than nine.

Mr. President, I reserve the remainder of my time.

Mr. DOLE. Mr. President, I am prepared to yield back the time in opposition.

Mr. HELMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The vote on this amendment will occur at 1:45 p.m.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOLE. Mr. President, will the Senator withhold?

Mr. HELMS. Yes.

Mr. DOLE. Mr. President, I want to thank the distinguished Senator from North Carolina for his cooperation. I think this will help us facilitate the schedule laid out by the majority leader and agreed upon by all Senators, that we start voting at 1:45 on the pending amendments.

As I understand, there will be two Helms amendments and a Wilson amendment. We are now in contact with the distinguished Senator from Alabama (Mr. DENTON) to see whether he wants to offer an amendment, and also the distinguished Senator from Iowa (Mr. GRASSLEY), who I understand will offer an amendment. Then Senators NUNN, BOREN, and others, will have an amendment which they will offer.

If we can offer all amendments and start voting at 1:45, we can conclude the voting by 3 o'clock and have the time from 3 o'clock until 4 o'clock for final statements that Members may like to make, with statements not to exceed 5 minutes.

Mr. President, I suggest the absence of a quorum, hoping that Senators who have an interest in offering amendments will do so between now and 1:45.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I make the point again that there are Members who have amendments, but we are just wasting time. We have been 20 minutes with no business. Members should have been on notice that we have votes starting at 1:45. We have notified Senators' offices and yet there is no one in the Chamber to offer amendments. I understand Senator BOREN and others will be here briefly to offer their amendment. I have also urged Senator DENTON and Senator GRASSLEY to come to the floor and offer their amendments.

What will happen, if we cannot consider those amendment between now and 1:45, it will be taken from the time between 3 and 4 when the majority leader, minority leader, and others had hoped to make closing statements. As a courtesy to those who would like to make closing statements, I hope that my colleagues will cooperate and come to the floor to offer their amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand that the pending amendment is the amendment of the Senator from California (Mr. WILSON).

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I ask unanimous consent that that amendment be temporarily laid aside so that the Senator from Iowa may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2342

(Purpose: To establish the National Heroes Day Commission and to designate as a legal public holiday the third Sunday of each January as "National Heroes Day")

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY) proposes an amendment numbered 2342.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "National Heroes Day Commission Act of 1983".

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is established a commission to be known as the National Heroes Day Commission (hereinafter referred to as the "Commission") to annually select the individual to be honored on National Heroes Day.

(b) The Commission shall be composed of—

(1) two members to be appointed by the President;

(2) three members to be appointed by the President pro tempore of the Senate upon the joint recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate; and

(3) three members to be appointed by the Speaker of the House of Representatives.

(c) The Chairman of the Commission shall be elected from among the members of the Commission.

(d) Any vacancy on the Commission shall be filled in the same manner as the original appointment.

(e) A vacancy on the Commission shall not affect its powers.

(f) The members of the Commission shall serve without pay or other compensation.

DUTIES OF COMMISSION

SEC. 3. (a) It shall be the duty of the Commission to consider and select on an annual basis an individual to be honored on National Heroes Day. The Commission shall actively seek the advice of private organizations and individual citizens.

(b) The Commission shall submit the selection for each year required under subsection (a) to the President prior to July 1 of the previous year.

NATIONAL HEROES DAY

SEC. 4. (a) Subsection (a) of section 6103 of title 5, United States Code, is amended by inserting immediately below the item relating to New Year's Day the following new item: "National Heroes Day, the third Sunday in January.".

(b) The President is authorized and requested to issue a proclamation on National Heroes Day each year honoring the individual selected by the Commission under section 3 of this Act and calling upon the people of the United States to honor such individual with appropriate programs, ceremonies, and activities.

Mr. GRASSLEY. Mr. President, in the last 2 days a number of alternative proposals for commemorative holidays have been offered during the consideration of the Martin Luther King, Jr., holiday measure. The debate on these measures has raised several considerations as to the cost involved in establishing a 10th paid holiday for workers, and the precedent for honoring Dr. King by a public holiday when no other prominent national figure has been so recognized. I consider this amendment to be a reasonable and constructive proposal which would provide for national recognition of Martin Luther King, Jr., and other significant national figures, yet prevent the economic dislocation inherent in the current bill.

The amendment I have sent to the desk would establish a legal public holiday on the third Sunday of January to be known as "National Heroes Day." This proposal would provide for the recognition of a significant American figure to be selected by a nonpaid commission of eight members appointed by the President, the Senate, and the House of Representatives. Each year, the commission would select a different male or female individual who would be authorized by the President and honored by appropriate ceremonies.

My amendment would therefore establish with this Sunday public legal holiday a suitable memorial in which to pay respect to and reflect on any person of great achievements, beliefs and hopes, such as Martin Luther King, Jr. Yet, we could do so without dipping into the Federal treasury for at least $18 million in direct costs and absorbing the lost productivity of $270 million according to the Library of Congress. More significantly, we would avoid the cost of removing another productive workday from the calendar year of small businesses and prevent a loss to them of $4 billion, which is the cost estimated by the U.S. Chamber of Commerce. Therefore, the spirit and intent of commemoration can be realized while protecting the jobs and economic stability crucial for the security of all Americans.

Certainly, a proposed Federal holiday for any renowned person is not simply an economic issue. Yet, even when faced with small budget decisions such as the one before us, we must not lose sight of the unprecedented Federal deficits that are continuing to accrue. We owe it to our taxpaying constituents to be as fiscally tough on these small budget battles as we are on large budget matters.

In addition, this amendment would address the concern about the precedent we will set here today if we pass H.R. 3706. The last time Congress enacted legislation designating a paid Federal holiday was in 1941. However, out of the nine current Federal holidays, none is dedicated to any of the great figures of American history, including Abraham Lincoln, James Madison, Theodore Roosevelt, or Thomas Jefferson—and we could go on and on. I would find it difficult, with passage of a commemorative holiday for Martin Luther King, Jr., to oppose similar recognition of a host of other American historic figures, others who have also articulated the ideals and principles on which our Nation was founded and under which we live. My amendment declaring a National Heroes Day would provide an opportunity to recognize a number of great American leaders and further prick our national conscience.

For these reasons, I hope that my colleagues see fit to support my amendment in the nature of a substitute. By this proposal I do not intend to minimize the tremendous contribution of the late Martin Luther King, Jr., in his lifelong pilgrimage for justice and equality for all citizens. Dr. King challenged us to join his march and bring America's underclass out of the shadows of discrimination and into the Nation's mainstream. He forced our Nation to confront these problems and devise fair and compassionate remedies at a time when it would have been easier to look away. I fully recognize the symbolism to our black Americans in the commemoration of Dr. King as a painful struggle to enjoy full freedom as American citizens. In fact, I hope that under my legislation he would be a prime candidate for national recognition for his positive impact on American life. I do feel, however, that my amendment would provide a more reasonable framework in which to observe our growth as a nation under our many great leaders.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Iowa.

Of course, I read the amendment. I listened carefully to the Senator's statement, which I do not disagree with, but I think right now the question is whether or not we are going to pass this bill in its present form and, although I do not dispute the statement made by the distinguished Senator from Iowa, I am not in a position to be able to support the amendment.

As I understand we are going to start voting on amendments at 1:45 p.m. Is it the desire of the Senator from Iowa to have a RECORD vote on this amendment?

Mr. GRASSLEY. No.

Mr. DOLE. So we can maybe take action on the amendment now.

I yield back my time.

Mr. GRASSLEY. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

(Putting the question:)

The amendment (No. 2342) was rejected.

Mr. DOLE. Mr. President, I understand the distinguished Senator from Oklahoma, the Senator from Georgia, the Senator from Alabama, and my colleague from Kansas has an amendment they may be prepared to offer.

Mr. President, I ask unanimous consent that the amendment of the Senator from California be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, will the Senator from Kansas yield so that I may go ahead?

Mr. DOLE. I yield.

Mr. NUNN. I have a brief statement. When the Senator from Oklahoma returns I will be delighted to yield to him.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, Dr. Martin Luther King, Jr., made a significant and lasting contribution to our Nation and to all of humanity.

I intend to vote to establish a national holiday to honor this Nobel Peace Prize recipient from my home State of Georgia.

I believe that this holiday should be an occasion for all Americans to reaffirm the traditional values that bind our Nation of diversity together * * * equal justice and equal opportunity.

I believe that this national holiday should not only call attention to the goals and dreams of Dr. King but also to the history of the civil rights movement in America and the contributions that black Americans and other minority groups have made to our Nation's history. I am hopeful that this

holiday will not become simply another 3-day weekend, but rather a day each year for all Americans to celebrate the freedoms we all cherish and to rededicate our Nation to equality under the law.

I am also hopeful that this day each year will be celebrated in a way that offers hope and encouragement to the millions of people around the world who are impoverished, who are victims of discrimination and who are denied basic human rights.

This day should serve to remind us of the great strengths of America as we recall how this country dealt in a peaceful manner with deep-seated problems that divided our people along racial and regional lines.

America has not solved all of its racial problems. It is clear, however, that all American citizens now have access to our judicial system and the right to help shape our future by voting and participating in our democratic process.

This is the indelible legacy left by Dr. King and the civil rights movement in this country. We must continue this fight in the future as we continue to strive to advance the cause of equality and opportunity for all Americans. This new holiday will be a constant reminder of our commitment to these ideals.

Despite my support for this legislation, I continue to be troubled by the potential impact of another Federal holiday on the Nation's economy and productivity. I believe that we should attempt to minimize the cost of this 10th Federal holiday at a time in which our Nation is suffering a serious deficit problem and a 10-year decline in productivity. The Congressional Research Service of the Library of Congress and the Office of Personnel Management estimate that the loss to the Federal Government in terms of payroll salaries is approximately $200 to $250 million per holiday. Moreover, assuming that State and local governments follow the Federal Government's lead in observing this holiday, an additional payroll loss of $796 million will result.

Mr. President, to address this issue, Senator BOREN and I are offering an amendment today which will virtually eliminate the economic impact of an additional Federal holiday. The Boren/Nunn amendment is a simple proposition which would affect those Federal holidays honoring individuals—first, Washington's birthday, second, Columbus Day, and third the new Martin Luther King, Jr., holiday, which I am confident this body will pass today.

Mr. President, I see the Senator from Oklahoma has returned, and I yield to him for an explanation of the amendment. Then I will complete my statement after he has had an opportunity to explain the amendment.

I am pleased to be working with the Senator from Oklahoma, and I congratulate him for taking this action which preserves the Martin Luther King, Jr., holiday but which would reduce the net cost to the Federal Government to virtually zero.

Mr. BOREN. Mr. President, I thank my colleague from Georgia, and I commend him for his record of public service during which time he has demonstrated time and time again his own commitment to the cause of equal opportunity for all of our citizens and also his commitment to the cause of fiscal responsibility and sound economic policy.

The amendment which we are discussing is an amendment which is aimed at showing our commitment to the cause of equal opportunity while at the same time doing so in a fiscally responsible manner that is consistent with it.

AMENDMENT NO. 2343

(Purpose: To amend title 5, United States Code, to provide additional rules concerning the observance of the Birthday of Martin Luther King, Jr., Washington's Birthday, and Columbus Day)

Mr. BOREN. Mr. President, at this time I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Oklahoma (Mr. BOREN) for himself, Mr. NUNN, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. HEFLIN, Mr. ZORINSKY, Mr. MATTINGLY, Mr. RANDOLPH, and Mr. CHILES proposes an amendment numbered 2343.

Mr. BOREN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, strike out lines 3 through 7, and insert in lieu thereof the following: That (a) subsection (a) of section 6103 of title 5, United States Code, is amended—

(1) by inserting immediately before the item relating to New Year's Day the following: "Birthday of Martin Luther King, Jr., January 15.",

(2) by striking out the item relating to Washington's Birthday and inserting in lieu thereof the following: "Washington's Birthday, February 22.", and

(3) by striking out the item relating to Columbus Day and inserting in lieu thereof the following: "Columbus Day, October 12.".

(b) Subsection (b) of section 6103 of such title is amended by inserting "(except the Birthday of Martin Luther King, Jr., Washington's Birthday, and Columbus Day)" after "Executive order".

Mr. BOREN. Mr. President, it seems clear that Congress will today pass this legislation which will create another Federal holiday. The fact is that this vote has become a symbolic vote. It has gone far beyond a vote about the record or personality of one man. It has become a way of expressing the hope of the American people that we can have reconciliation between the races and equal opportunity for all of our citizens.

I believe that a very large majority of our people want to see a new spirit of unity in our country. We would like to put behind us the decades of division and bitterness, begun in colonial times when men and women were wrongly brought to this country against their will, in chains, as slaves. They were the targets of racial and economic discrimination for more than a century after slavery was legally ended. We cannot fully appreciate the meaning of this issue without considering our history.

No other racial or ethnic group in our history has been treated in such a manner. No other group was brought to these shores as slaves, against their will. Of the scores of statues in the U.S. Capitol Building, there is not one which honors a representative of this particular race. It is not hard to understand why this vote has become a symbol to so many Americans. Many black Americans clearly regard this vote not as a vote on any one man, his achievements, or his human shortcomings, but as a vote for or against accepting them as full-fledged, equal members of American society. It has become a way of saying that the contribution of millions of Americans both in peace and in war where their sons laid down their lives for our country, is fully recognized by all of the American people. Congress has been asked to say symbolically that our Nation has taken a step toward putting the discrimination of the past behind us and toward committing ourselves to the brotherhood and sisterhood of all of our people.

Mr. President, like many others in this body, I believe that there is a moral compulsion to make this symbolic expression, to affirm that all of us as Americans, of every race, color, and creed, desire to walk hand in hand as brothers and sisters in God's human family.

At the same time, Mr. President, like many other Americans, I am very concerned about the record-high deficits that are being forecast for the next several years. To continue deficits of $200 billion for the next few years will destroy our economy and economic opportunity for all of our people. We cannot continue blissfully down this path of enormous budget deficits without feeling the economic consequences very soon.

I have no desire—and I wish to emphasize that—no desire to complicate the consideration of this legislation, nor does any other cosponsor of this amendment have any desire to complicate its passage.

However, because of this grave concern for our huge deficits, I am offering an amendment today along with

Senators NUNN, HEFLIN, KASSEBAUM, HATFIELD, ZORINSKY, MATTINGLY, RANDOLPH, and CHILES, that will allow us to honor the cause of equal opportunity while also making some progress in holding down these huge budget deficits.

This amendment would amend our statutes to celebrate George Washington's birthday or President's Day, as it is known; Columbus Day, and Martin Luther King's birthday on the actual or traditional day the event took place, respectively, February 22, October 12, and January 15.

When the date of celebration occurs on Saturday or Sunday the occasion will be celebrated on that day.

Mr. President, the practical effect of this amendment will mean that in most years, one of these three holidays will be celebrated on a weekend. This will permit us to continue observing these occasions without adding a new paid Federal holiday every year.

The formula will not be exact in every year, but over the next 15 years, it would keep the net number of paid Federal holidays at 9 instead of increasing it to 10, as will occur if we fail to act. We would save about $250 million of the taxpayers' money each year by taking this action.

The formula also does not favor one holiday over another or reduce the meaning of any one of them. It treats all these events in the same way. It is simply a way to continue appropriate national events while helping to hold the line on excessive Government spending.

I urge my colleagues to join me in supporting this amendment.

It does not reduce the meaning of any of the holidays. I urge my colleagues to join me in supporting this amendment.

Mr. President, I ask unanimous consent that a table showing the actual day of celebration of these three holidays for 1984-2000 be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE

	King—January 15	Washington—February 22	Columbus—October 12
1984	Sunday	Wednesday	Friday.
1985	Tuesday	Friday	Saturday.
1986	Wednesday	Saturday	Sunday.
1987	Thursday	Sunday	Monday.
1988	Friday	Monday	Wednesday.
1989	Sunday	Wednesday	Thursday.
1990	Monday	Thursday	Friday.
1991	Tuesday	Friday	Saturday.
1992	Wednesday	Saturday	Monday.
1993	Friday	Monday	Tuesday.
1994	Saturday	Tuesday	Wednesday.
1995	Sunday	Wednesday	Thursday.
1996	Monday	Thursday	Saturday.
1997	Wednesday	Saturday	Sunday.
1998	Thursday	Sunday	Monday.
1999	Friday	Monday	Tuesday.
2000	Saturday	Tuesday	Thursday.

Mr. BOREN. Mr. President, I would be happy at this time to yield again to my colleague from Georgia so that he may complete the statement he was making before I presented the amendment for consideration.

Mr. NUNN. Mr. President, I want to thank my colleague from Oklahoma for taking the lead in this matter and crafting an amendment that carefully preserves not only the holiday created under this legislation but also the spirit of the holiday while, at the same time, as he has already explained, saving the taxpayers approximately $250 million a year at the Federal level.

If my arithmetic is correct, if you project that between now and the year 2000, we would be saving by this amendment $3,750,000,000 in direct Federal payroll.

Mr. President, when any of the 3 days occurs on a weekend, the national observance would be celebrated on the weekend, and there would still be a national observation not to be obscured or forgotten, but there would be no lost workday.

Under our amendment, in lieu of the automatic Monday holiday format which is currently observed, Columbus Day—October 12, Washington's birthday—February 22, and the newly designated Martin Luther King, Jr., birthday—January 15, would be celebrated on the actual date of the event being commemorated.

This approach would include the new 10th Federal holiday and at the same time would add a commonsense, cost saving reform to our Federal holiday structure. For example, Mr. President, during the 15-year period from 1986 to the year 2000, 135 paid holidays are currently authorized. When the new Martin Luther King, Jr., holiday begins in 1986, 150 Federal holidays will occur during the 15-year period 1986 to 2000. With the Boren amendment, however, Columbus Day, October 12, Washington's birthday, February 22, and Martin Luther King, Jr.'s, birthday, January 15 would fall on Saturday or on Sunday 13 times during this 15-year period. Thus, Mr. President, under the Boren amendment, we would honor Dr. King, in a manner identical to Washington's birthday and Columbus Day but with a new increase in paid Federal holidays of only 2 days over this 15-year period. Thus, the cost of the entire Federal holiday structure would increase only slightly over current law. I believe this amendment is a fair and workable solution and I urge my colleagues to support it.

Mr. President, at this point I yield the floor.

Mr. HATFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I want to commend my colleague from Georgia for his remarks. As he pointed out, I think he pointed out, this is a fair and reasonable solution. I hope our colleagues will listen and weigh his remarks.

There seems to be a tendency to not logically distinguish between amendments, not to carefully study the distinction between them, and I want to point out this amendment differs in a very large degree from other amendments proposed.

First of all, it is being proposed by a group of people who are in support of the overall resolution. It does not single out this holiday for special treatment. It treats it the same as others. But it does try to help us reach a solution in terms of additional costs to the taxpayers and on the impact of our budgetary deficits.

So I hope our colleagues will view this as a fair amendment, one which is not hostile to the basic resolution, but one which is sensitive to the budgetary impact.

At this point I would be happy to yield to the Senator from Kansas (Mrs. KASSEBAUM) who has joined with us in cosponsoring this amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. I thank the Senator from Oklahoma.

I, too, wish to express my thanks to him for his thoughtfulness in an amendment which I do believe is a very wise one.

Unfortunately, the well of debate has been poisoned by a character assassination against Martin Luther King, Jr., which has caused us to hesitate to really address the whole question of our national holidays and how we can best designate one that would honor Martin Luther King and those who have fought in the civil rights movement.

I think this amendment does address that. I think it is fair, I think it is equitable, and I think from the standpoint of the economics of the issue concerned, it is a wise approach and, therefore, Mr. President, I would only like to say how pleased I am to be supporting it, and I urge my colleagues to think about it because up to this point in time we have been reluctant because of the direction of this debate to give thoughtful consideration to ways it could be improved to even be a stronger bill. I thank the Chair.

Mr. HATFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time? There are 30 minutes equally divided between the Senator from Kansas and the Senator from Oklahoma.

Mr. BOREN. I yield to my colleague from Oregon. I am very happy to have him as a cosponsor.

Mr. HATFIELD. I thank the Senator from Oklahoma.

Let me be very brief. As a Senator who has voted against all amendments offered, those proposed and declared early on, I would vote for the holiday honoring Dr. Martin Luther King.

Let me just observe that I have received a substantial amount of mail from my home State not on the issue of whether we should honor or not honor Dr. Martin Luther King with a national holiday but raising the question of the costs, the money that will be involved in establishing another national holiday.

I think this is a peripheral issue in the sense of what our purpose is, and that is to honor not only Dr. King but to honor those who have been involved in the civil rights movement for many generations. I would hate to think that one of the auxiliary issues or auxiliary arguments that have been raised in this whole debate should pervade the development of an appropriate honoring day.

I feel that by the time we get to January 1986 this may all well be behind us, but I would hate to think that there would be inhibiting or incumbering forces that would prevent us from having an appropriate recognition come that date in 1986. Therefore, it seems to me that we could alleviate a lot of that concern which has been raised by my constituents and constituents across this country by adopting this amendment which incorporates the days that we honor individuals into the same kind of format; that is, we honor them on their birthday and if that birthday falls on Saturday or a Sunday, as it will occasionally, then we do not have that cost involved in establishing a national holiday that would fall on a normal workday.

Therefore, I think it is a legitimate and appropriate amendment that in no way denigrates or demeans the efforts here to honor a great American, but certainly recognizes a legitimate concern that many people raise.

Mr. BOREN. Mr. President, I thank my colleague from Oregon and appreciate his remarks. The distinguished chairman of the Appropriations Committee is certainly sensitive to budgetary impacts on legislation, and throughout his public career he has demonstrated many, many times his commitment to the cause of human justice and his own sense of humanity. I am very, very proud to have him as a cosponsor of this amendment.

At this time, I am proud to yield to the distinguished Senator from Alabama, who is also a cosponsor of this amendment, for such remarks as he might care to make.

Mr. HEFLIN. Mr. President, the observance of a national holiday honoring Martin Luther King, Jr., will allow all Americans the opportunity to recognize the great progress that has occurred in race relations in all sections of our Nation. It also is an occasion not only to honor Dr. King but to honor the progress that black people have made in this Nation.

Much of the debate on the issue of a national holiday for Dr. Martin Luther King, Jr., has validly centered around the cost of the American taxpayer to another Federal holiday. The Congressional Budget Office has estimated net budgetary expenditures of approximately $18 million per year, beginning in 1986, as a result of the addition of a 10th Federal holiday. In light of the state of our economy and my strong commitment to balancing our Federal budget, I think that these concerns should be discussed and other alternatives evaluated.

Many ideas have been suggested to reduce the cost of new holidays, regardless of the individual being honored. Some of these include placing a cap on the number of legal public holidays at 10, honoring several great Americans on the same day, or providing that a holiday for Dr. King should fall on a Sunday, but thus far none of these ideas have been adopted.

Some, of course, do not merit a great deal of attention and others, of course, are valid. However, congressional leaders in both Houses have stated that legislation to reduce the cost to the American taxpayer of all holidays will be considered in the immediate future.

Another concern that has been justifiably raised is that with so many holidays falling on Mondays, we Americans have forgotten the true meaning behind the celebrations. We should be less concerned about preserving Monday holidays, and more concerned with the significance of the events.

For example, historians have agreed that the most likely date that Christopher Columbus reached the New World was October 12, 1492. George Washington, the father of our country, was born on February 22, 1732. Martin Luther King, Jr., was born on January 15, 1929. It is only logical and proper that we honor the births of these individuals and the discovery of America on the true dates of their occurrences.

In light of these concerns, I believe that a practical solution to alleviate these problems has been offered by the amendment that I am jointly sponsoring with my distinguished colleagues Senator BOREN of Oklahoma, Senator NUNN of Georgia, Senator KASSEBAUM of Kansas, and Senator HATFIELD of Oregon.

The PRESIDING OFFICER. Will the Senator please suspend?

The hour of 1:45 having arrived, under the previous order——

Mr. DOLE. Mr. President, I ask unanimous consent, which I think has been cleared on both sides, that the same order be started at 2 p.m. rather than 1:45.

The PRESIDING OFFICER. Is there any objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I hope we might conclude the debate on this amendment in a minute or two and I might yield at least about 9 minutes to the Senator from New Jersey. I need a couple of minutes to speak in opposition to this amendment. If we can conclude the debate, it would be helpful.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. A 14-year projection of the dates upon which these holidays would fall, reveals that if these individuals are honored on their original observance dates, 13 of these holidays would fall on Saturdays or Sundays. This would result in a cost savings for the American taxpayer of approximately $234 million, since Federal employees do not work on Saturdays or Sundays in the vast marjority of cases. This plan is a workable solution in keeping with our desire to preserve tradition and reduce Government spending. It would keep the total number of paid holidays about the same as they now exist.

I will ask unanimous consent to have printed in the RECORD a table to show how this proposal would work and the dates that observances would fall.

It is my hope that my distinguished colleagues will support this proposal so that an appropriate recognition can be established for all Americans to reflect upon these historic events, but without any substantial increase in cost.

I would like to mention the other holidays. With the exception of Memorial Day, the other holidays are days that would not fit into this. We have only three holidays that deal with individuals. Those individuals are Christopher Columbus, George Washington, and Martin Luther King, Jr.

Now I considered adding Memorial Day to the amendment. After discussing it, however, it was felt it should be left out.

Under this proposal, every 7 years there would be at least six holidays that would fall on Saturdays or Sundays, and these holidays would not be paid holidays. On a 14-year projection, 13 would fall on Saturdays or Sundays providing a substantial savings in cost.

It seems to me that this is a very logical approach. It does not take away from any individual. It puts the observance of the King holiday on the same level as Washington's Birthday and Columbus Day.

Therefore, I think it would be a substantial cost savings and this is some-

thing we should be interested in. I do not think it detracts in any way from the King holiday.

Mr. President, I ask unanimous consent that the table to which I referred be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ORIGINAL DATE OF CURRENT AND PROJECTED HOLIDAYS HONORING GREAT AMERICANS AND A 14-YEAR PROJECTION OF THE DAY UPON WHICH THEY WILL FALL

Year	Columbus Day, October 12	Washington's Birthday, February 22	Martin Luther King's Birthday, January 15
1984	Friday	Wednesday	Sunday.
1985	Saturday	Friday	Tuesday.
1986	Sunday	Saturday	Wednesday.
1987	Monday	Sunday	Thursday.
1988	Wednesday	Monday	Friday.
1989	Thursday	Wednesday	Sunday.
1990	Wednesday	Thursday	Monday.
1991	Saturday	Friday	Tuesday.
1992	Monday	Saturday	Wednesday.
1993	Tuesday	Monday	Friday.
1994	Wednesday	Tuesday	Saturday.
1995	Thursday	Wednesday	Sunday.
1996	Saturday	Thursday	Monday.
1997	Sunday	Saturday	Wednesday.

Mr. BOREN. Mr. President, I yield 1 minute to my colleague from West Virginia, Senator RANDOLPH.

Mr. RANDOLPH. Mr. President, this amendment embodies the substance of the legislation that I have had pending in the Judiciary Committee for approximately 6 years numbered S. 71 in the 98th Congress. I support it and cosponsor it because it embodies the emphasis of the amendment I offered on yesterday relating only to the honoring of Dr. Martin Luther King, I had not included other days—and the change in Monday holidays that I have been attempting for these past years.

I commend my colleague, Senator BOREN, and others, in the presentation of this amendment. I hope that the Senate will do what our colleague, Senator HEFLIN, has said. That is, give attention to why we are establishing a day of commemoration and not just thinking in terms of a Monday holiday.

I emphasize, what I stated yesterday, that I cannot support the bill if the day honoring Dr. Martin Luther King is not observed on the date of his birth.

Mr. BOREN. I thank my colleague from West Virginia.

Mr. President, I yield very briefly to the Senator from Georgia, who is also a cosponsor of this amendment.

Mr. MATTINGLY. Mr. President, it is a foregone conclusion that the legislation we are considering will pass the Senate today by an overwhelming margin. The issue is no longer just one of honoring Dr. Martin Luther King, Jr. It has now taken on great symbolic meaning to millions of Americans. To them, the creation of this holiday will signify that a contribution to our country is being recognized and appreciated. The rejection of the bill would signal a step backward in the progress of civil rights.

Mr. President, there are many of us who are greatly concerned about the record deficits we are facing in the coming years. There is a cost to the creation of a new holiday. It is a cost in both salaries and in lost productivity.

But there is a way to reduce that cost and yet not take away any of the significance of a Dr. King holiday. This is the Boren amendment of which I am a cosponsor. The Boren amendment would have three holidays celebrated on their traditional or actual date. These would be Columbus Day, George Washington's Birthday, and Martin Luther King's Birthday. In most years, at least one of these holidays would fall on a weekend. This would save the cost of an extra holiday in most years.

This is a bipartisan effort to honor Dr. King, yet avoid adding to our already record deficits. I urge my distinguished colleagues to support this amendment as the one way to be fiscally responsible while not lessening the honors to Dr. King.

Mr. President, the Martin Luther King holiday bill has special interest to the citizens of my State. Dr. King was a native of Georgia. Atlanta was his home. There he was the minister of the Ebenezer Baptist Church. And there he established the headquarters of the Southern Christian Leadership Conference.

Dr. King had a profound impact on our State as he did the rest of the Nation in his work to achieve racial equality. I cannot say that all of these problems have been solved. But look how far we have come in this country during the last 20 to 25 years. Now when there is discrimination, the victim has laws on the books to protect him and avenues in which he can seek redress.

We are a better country for these changes, a far better country. Dr. Martin Luther King, Jr., devoted his life to working to bring these changes about. It was through his and others' courageous struggles that we made great strides in truly achieving the ideals of this country as expressed in the Declaration of Independence: "We hold these truths to be self-evident, all men are created equal and are endowed by their Creator with certain inalienable rights."

For these reasons, I will cast my vote in favor of a national holiday to honor Dr. King. I hope my colleagues will also join in supporting this cost-saving and reasonable amendment.

Mr. President, I support this amendment and I do think the holiday has now taken on a great symbolic meaning to millions of Americans.

Mr. BOREN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Kansas.

Mr. DOLE. Mr. President, I do not have 10 minutes remaining, but I yield the remaining time I do have to the distinguished Senator from New Jersey to make a statement, not a statement on the amendment but a statement on the bill. At 2 p.m. I will have to do something else.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, Dr. Martin Luther King was an American; he was christian and black. I did not know him but I heard his words. He spoke with a prophetic voice about redemption—of our individual souls and from our national disgrace. The dream he shared that hot August afternoon in 1963 on the steps of the Lincoln Memorial—the dream he gave his life for—was a dream shared by millions of Americans black and white alike. It was a dream that challenged America to live up to its ideals, to rise above the assumed rights of prejudice and to assert the inherent rights of humanity once again, just as 100 years earlier Abraham Lincoln had urged Americans to rise above the assumed rights of property and to assert the inherent rights of humanity. Dr. King taught what any good family North or South taught—there is no room for hate in this house. He preached that America was still an idea becoming—becoming what its people would have it be. And he labored for an America in which men and women were not judged by color but stood equal in the eyes and practices of the State just as they do in the eyes of God. His message told us what we knew, that America was incomplete without addressing the injustice, festering in our national soul, of a dual society of black and white. But he believed that even in the face of blatant discrimination, America—its institutions and its people—had the capacity for righting the wrong course. His message offered redemption from our original sin. His message spawned the civil rights revolution of the 1960's—the 1964 Civil Rights Act, 1965 Voting Rights Act, the 1968 Fair Housing Act. These laws secured long withheld civil rights for black Americans but they also changed the attitudes of white Americans, and led to a legitimate moral awakening, and made America a better place.

Respect for democracy lay at the core of Dr. King's tactics. He was a nonviolent man who was steadfast in his objective. He would not compromise with racism. Forty times he went to jail for his beliefs. Time and time again he stood for human dignity and individual self worth. He said he would rather go hungry than eat at the back

door; he said he would rather go thirsty than drink from a white's only drinking fountain; he said he would rather march in the streets to change the democracy than be denied the right to vote in a democratic country. When his people wanted to flee the church in the face of physical danger he said stand firm for you stand with the right that shall prevail. He made us all see the monstrous evil we had allowed to seep into our national conscience and he provided us the way out through a commitment to love our brothers as ourselves, and to seek justice through the application of moral power to the institutions of our democracy.

This is the American we seek to honor with a national holiday.

This is the man that the Senators from North Carolina have implied was Communist. I hear the Senators' words:

> King's name remains a source of tension; We have not used the normal procedures of the Senate—no committee hearings; There will be citizens who will be hostile to this Congress; A veneer of religion cloaked his political beliefs and agenda; I do not agree with the viewpoint of my distinguished colleagues but I respect it; I want a national civil rights day, not a Martin Luther King holiday.

Mr. President, I hear their words, but I cannot connect them with the reality I know. I want to give the Senators of North Carolina the due respect of a colleague, but I must say it is just not possible in this case. When I listen to the senior Senator from North Caroiina talk about Dr. King and communism and when I listen to the junior Senator from North Carolina construe Dr. King's words so that he implies Dr. King called American soldiers Nazis—two images swirl up in my imagination, one trivial, one ominous. The first image is that of a shriveled persimmon, small and bitter, drying up, ready to blow away when exposed to a winter wind. The second image is hot, flashing across my mind in rapid frames—Bull Connor and his dogs; George Wallace at the school door; three civil rights workers murdered; marches and sit-ins; Medger Evers struggling to stand, shot in the back in front of his own home; and Dr. Martin Luther King dead in his coffin.

As I listen to the Senators from North Carolina, I hear their rationalization; they are not against black Americans, you understand, just Dr. King. Yet nowhere in this debate have I heard the two Senators say they supported the 1964 civil rights law, even today, or the 1965 Voting Rights Act. Indeed they voted against the recent voting rights extension. They fought to protect the tax-exempt status of schools that practiced racial discrimination, and they have voted against reauthorization of the Civil Rights Commission. They speak for a past that the vast majority of Americans have overcome. They are quick to take offense, to see a slur, to go for the jugular and they do it within the rules of the Senate which is their right.

Mr. KENNEDY. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The point of order is well-taken. The Senate will please be in order.

Mr. BRADLEY. If only they had as much respect for the civil rights of all Americans as they do for Senate rules.

The Senators from North Carolina have implied on more than one occasion that they are courageous, fighting for their views. "Political suicide," the Senator from North Carolina has called his opposition to the holiday. I do not think they are courageous; I think their actions are very carefully calculated.

No, they are not etching another American profile in courage in this debate. Far from it. They are running the old campaign, as old as the interaction of race and politics in America. They are playing up to old Jim Crow and all of us know it. This holiday is their cutting issue. This is the one that gets the people aroused and to their feet cheering. But which people, Mr. President, those who believe that America is one Nation under God or those who believe that it still should be two, separate and unequal? I sense it is the latter group that will rally to the call from the Senator from North Carolina.

They would seek to deny this holiday in an act of self-styled courage. I wonder how much courage they would have in the face of an angry mob; or the onslaught of nightsticks; or the fusilade of rocks; or the threat that the next church will be bombed. I wonder how long they would persist without the assurance that the authorities were on their side?

And so I ask myself who are they defending; how do they see themselves? Why are they so afraid of making a national holiday for Dr. King. It is the cost, they say. It is the fact that the FBI spied on him, they say. It is because Lincoln, Roosevelt, Madison, and Jefferson do not have holidays, they say. It is because he opposed the war in Vietnam, they say, and, finally, it is because he is not a good model for the young, they seem to say.

Good model for the young? I have always thought that parents were supposed to be the model for the young and that parents became the model by their actions and words.

Mr. President, I ask unanimous consent that I may continue for 2 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BRADLEY. Let me tell the Senators from North Carolina that children grow up without hate in their hearts not because of Martin Luther King or John F. Kennedy or the distinguished Senators from North Carolina or New Jersey. They grow up without hate, they grow up respecting that all men are created equal in the eyes of God because their parents taught them that and lived it and they grew up and sensed the rightness of that teaching. That is it. No mystery.

So, Martin Luther King Day will not make up for all those parents who failed to teach their children to be colorblind or to love their neighbor as themselves. The Dr. Martin Luther King holiday will not root out that evil in their hearts but it will give us a day to reflect on the life and work of this great American. When the young look at Dr. King and his times, they can be proud, as I was back in 1964, a college student, sitting in that far corner of the Senate Chamber the night the civil rights bill passed.

It will give then a chance to pause and reflect on moments when we do come together as a national community dedicated to fulfilling the promise of our democracy.

It will give us time to reflect on those moments when our glacial collective humanity moves an inch forward. That happened during the times and life of Dr. Martin Luther King.

A national holiday gives us a chance for a structured service in our churches and synagogues and community centers in order to focus on the power of Dr. King's redemptive message and to ask ourselves individually what we have done and what we can do to realize his dream. For us in the Senate, that holiday will give us the special chance to think back to this vote, a chance to reflect about the day most of us, Democrats and Republicans alike, treated brotherhood as a personal command and not a political chit.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, I want to take 1 minute to respond on the amendment that has been offered by Senator BOREN and others.

I think it is probably a good idea, but it comes a little late in the process. I say to the distinguished Senator from Oklahoma that I hope this amendment is not passed but that he will offer it on different legislation. I think it might not save all the money that has been talked about saving.

We might have a lot of absenteeism when the holiday came on a Tuesday or a Thursday. In addition, we are told that a lot of people in this country like the 3-day weekend. They like the Monday holiday, for a lot of reasons.

So do commercial interests. So I cannot support the amendment.

I do commend the Senators who sponsored it. I hope we can have hearings following the passage of this bill in its present form. Senator RANDOLPH presently has a bill in that does pretty much what the Boren amendment does.

Mr. BOREN. If the Senator will yield, we hope we will be successful in this amendment. If we are not, we hope to introduce some legislation on this matter.

VOTE ON AMENDMENT NO. 2339

The PRESIDING OFFICER. Under the previous order, the time of 1:45 p.m. having arrived and passed, through extensions, we come to the vote on the amendment offered by the Senator from North Carolina (Mr. HELMS). The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HUMPHREY (when his name was called). Present.

Mr. CRANSTON, I announce that the Senator from Connecticut (Mr. DODD), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) would vote nay.

The PRESIDING OFFICER (Mr. QUAYLE). Are there any other Senators in the the Chamber wishing to vote?

The result was announced—yeas 5, nays 92—as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—5

Armstrong	East	Symms
Denton	Helms	

NAYS—92

Abdnor	Goldwater	Moynihan
Andrews	Gorton	Murkowski
Baker	Grassley	Nickles
Baucus	Hart	Nunn
Bentsen	Hatch	Packwood
Biden	Hatfield	Pell
Bingaman	Hawkins	Percy
Boren	Hecht	Pressler
Boschwitz	Heflin	Proxmire
Bradley	Heinz	Pryor
Bumpers	Hollings	Quayle
Burdick	Huddleston	Randolph
Byrd	Inouye	Roth
Chafee	Jepsen	Rudman
Chiles	Johnston	Sarbanes
Cochran	Kassebaum	Sasser
Cohen	Kasten	Simpson
Cranston	Kennedy	Specter
D'Amato	Lautenberg	Stafford
Danforth	Laxalt	Stennis
DeConcini	Leahy	Stevens
Dixon	Levin	Thurmond
Dole	Long	Tower
Domenici	Lugar	Trible
Durenberger	Mathias	Tsongas
Eagleton	Matsunaga	Wallop
Evans	Mattingly	Warner
Exon	McClure	Weicker
Ford	Melcher	Wilson
Garn	Metzenbaum	Zorinsky
Glenn	Mitchell	

ANSWERING "PRESENT"—1

Humphrey

NOT VOTING—2

Dodd Riegle

So the amendment (No. 2339) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2341

The PRESIDING OFFICER. Under the previous order, the vote now occurs on amendment No. 2341, offered by the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. EAST (when his name was called). Present.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 4, nays 93, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—4

Garn	Helms	
Hatch	Symms	

NAYS—93

Abdnor	Glenn	Mitchell
Andrews	Goldwater	Moynihan
Armstrong	Gorton	Murkowski
Baker	Grassley	Nickles
Baucus	Hart	Nunn
Bentsen	Hatfield	Packwood
Biden	Hawkins	Pell
Bingaman	Hecht	Percy
Boren	Heflin	Pressler
Boschwitz	Heinz	Proxmire
Bradley	Hollings	Pryor
Bumpers	Huddleston	Quayle
Burdick	Humphrey	Randolph
Byrd	Inouye	Roth
Chafee	Jepsen	Rudman
Chiles	Johnston	Sarbanes
Cochran	Kassebaum	Sasser
Cohen	Kasten	Simpson
Cranston	Kennedy	Specter
D'Amato	Lautenberg	Stafford
Danforth	Laxalt	Stennis
DeConcini	Leahy	Stevens
Denton	Levin	Thurmond
Dixon	Long	Tower
Dole	Lugar	Trible
Domenici	Mathias	Tsongas
Durenberger	Matsunaga	Wallop
Eagleton	Mattingly	Warner
Evans	McClure	Weicker
Exon	Melcher	Wilson
Ford	Metzenbaum	Zorinsky

ANSWERED "PRESENT"—1

East

NOT VOTING—2

Dodd Riegle

So Mr. HELMS' amendment (No. 2341) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will come to order.

VOTE ON AMENDMENT NO. 2343

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Oklahoma, No. 2343. The question is on agreeing to the amendment of the Senator from Oklahoma. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. EAST (when his name was called). Present.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

The PRESIDING OFFICER. Are there other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—45

Andrews	Goldwater	McClure
Armstrong	Gorton	Melcher
Baucus	Grassley	Nickles
Bingaman	Hatch	Nunn
Boren	Hatfield	Packwood
Boschwitz	Hawkins	Quayle
Burdick	Heflin	Randolph
Chiles	Helms	Roth
Cohen	Humphrey	Rudman
Denton	Jepsen	Simpson
Domenici	Kassebaum	Stafford
Durenberger	Kasten	Symms
Evans	Long	Tower
Exon	Lugar	Wallop
Garn	Mattingly	Zorinsky

NAYS—52

Abdnor	Hart	Pell
Baker	Hecht	Percy
Bentsen	Heinz	Pressler
Biden	Hollings	Proxmire
Bradley	Huddleston	Pryor
Bumpers	Inouye	Sarbanes
Byrd	Johnston	Sasser
Chafee	Kennedy	Specter
Cochran	Lautenberg	Stennis
Cranston	Laxalt	Stevens
D'Amato	Leahy	Thurmond
Danforth	Levin	Trible
DeConcini	Mathias	Tsongas
Dixon	Matsunaga	Warner
Dole	Metzenbaum	Weicker
Eagleton	Mitchell	Wilson
Ford	Moynihan	
Glenn	Murkowski	

ANSWERED "PRESENT"—1

East

NOT VOTING—2

Dodd Riegle

So Mr. BOREN's amendment (No. 2343) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, will the Senator from Kansas yield to me for a brief statement?

Mr. DOLE. I am happy to yield to the Senator from Oklahoma.

Mr. BOREN. I thank the Senator from Kansas.

Mr. President, I think that the close vote on this amendment indicates that there is widespread support in the Senate for the idea of trying to find an appropriate way to honor the individuals and causes represented and still strike a balance with the fiscal and budgetary impact.

There were several Senators who told me that they were very much for the substance of this amendment but were worried procedurally about what it might do in terms of causing a conference. Clearly there were many others, in addition to those who voted for this amendment, who would have voted for it as a freestanding bill.

I will just repeat that we will introduce it as a bill, the cosponsors of the amendment. We would be glad to receive the names of others who might like to cosponsor it. We will be pursuing it as a separate piece of legislation.

Mr. NUNN. Will the Senator from Oklahoma yield just for a brief observation?

Mr. BOREN. Yes.

Mr. NUNN. Mr. President, I am delighted the Senator from Oklahoma is going to introduce that. I will certainly want to remain a cosponsor. I also encourage Senators to look at the bill that has been introduced and pending for a long time by Senator RANDOLPH, which would deal with this whole subject of holidays in a similar way.

I want to emphasize to my colleagues, while we are thinking about this amendment which came so close, that this amendment would save $3,750,000,000 over the next 15 years. That is not a sum to be in any way ignored, particularly when the amendment of the Senator from Oklahoma would have carried out the purpose of this bill by honoring Dr. Martin Luther King by preserving the holiday and by treating this holiday with other holidays in similar categories.

So I hope we can get the Judiciary Committee or the Governmental Affairs Committee, if the Governmental Affairs Committee is deemed to have jurisdiction over this bill, to have prompt hearings and let us figure out a way to carry out the spirit of this legislation which is precisely what this body wants, but to do it in a way that is fiscally responsible in a period when deficits are a very severe peril to the economic future of this country.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, let me do one thing that I feel I should do at this point. I have talked with the minority leader about this and he has cleared it on his side.

Mr. President, I ask unanimous consent that when the Wilson-Nunn-Boren amendment is introduced as a bill, that it be placed directly on the calendar.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BAKER. I thank all Senators.

Mr. NUNN. Mr. President, may I ask the majority leader, if he would yield, there are two separate amendments here, one by the Senator from California—and I am for that amendment—and the other one by the Senator from Oklahoma, of which I am a cosponsor. I believe the majority leader intended for both of those to be placed on the calendar, is that right?

Mr. BAKER. Mr. President, I ask unanimous consent that I may rescind the order previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I must say, in all fairness, I have not checked the second part of that. Let me do that and I will make the request again in just a moment.

Let me make one other announcement. Mr. President, it is now 2 minutes to 3. I previously indicated we were going to try to limit the time for speeches to 5 minutes and provide that no amendments would be in order. That request will not fly.

But let me warn Senators that they ought to know that that vote is going to occur at 4 o'clock. I hope everybody will be considerate of the time that Senators require to make their final statements.

Mr. RANDOLPH addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the comments made by Senator BOREN, Senator NUNN, and others indicates that we are approaching that time within the Senate and in the committee consideration of legislation which is, in substance, what the Senator from West Virginia, who is now speaking, has been attempting to achieve for at least 6 years.

I am grateful, not only to have joined in the amendment which lost by seven votes, which was an amendment that should have been adopted, in my opinion, but I am gratified at the strong support it received. I hope that the majority leader and the minority leader will help us in bringing this matter as quickly as possible to the Senate itself. The country will profit, and we will do something that I think is very important, by reestablishing the original dates of observance to commemorate the significance of the work of the individual and the importance of the event.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. HECHT). The question recurs on amendment No. 2269 by the Senator from California (Mr. WILSON). Who yields time?

Mr. DOLE. Mr. President, I ask unanimous consent that that amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, let me just comment on the colloquy which had taken place before the majority leader made certain comments. Then I will be happy to yield to other Senators.

It is my hope that we may be able to accommodate Senators who have a deep interest in a bill that would be similar to the amendment just defeated in a very close vote. There are a number of Senators on both sides of the aisle—Senator KASSEBAUM, Senator MATTINGLY, Senator RANDOLPH, Senator DENTON, Senator BOREN, Senator NUNN, and others—who would like us to move on the legislation very quickly. This Senator has no objection to it being put on the calendar. That is not a judgment for this Senator to make. But I think there should be hearings on the proposal because we need to explore the cost. There are differences of opinion as to how much it might save. We have all kinds of figures of $100 million, $200 million. Plus, I think there might be some strong objections from commercial interests who like 3-day weekends, from organized labor who like 3-day weekends in collective bargaining agreements, and a number of things we were not able to focus on in the brief time that the amendment was before us. In fact, opposition to the amendment had 30 seconds. It is pretty hard to make the case in 30 seconds. Certainly, I would not object to placing it on the calendar along with the proposal of the Senator from California, Senator WILSON. But I would hope that there would be hearings on this rather comprehensive approach proposed by a number of Senators.

Several Senators addressed the Chair.

Mr. DOLE. Mr. President, I understand we are going to limit the speeches now to 5 minutes. I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask unanimous consent to yield 1 minute to the Senator from Oklahoma without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. I thank the Senator from Ohio and I thank the Senator

from Kansas for the comment he has just made.

I hope the leadership will consider such a request to allow the bill to be placed immediately on the calendar with the understanding that hearings would be held before its consideration. I would only say again my conversations with those from the civil rights community, the leaderships of several organizations, would convince me that, as a separate question, they might well also support this piece of legislation rather than having it tied as an amendment to this bill. It is a free-standing proposal, and I think there will be widespread support. I hope we can adopt the mechanism, because of the public concern over the cost, that will enable us to have a very quick timetable to consider the legislation.

Mr. DOLE. If the Senator will yield briefly for 10 seconds, I think we could have an expedited procedure. I do think we need to address the cost, primarily. I have received hundreds of calls and letters and they say the concern is cost. There may be other concerns, but the expressed concern is the cost.

Mr. BOREN. I thank the Senator.

Mr. METZENBAUM. Mr. President, I am pleased that the Congress is about at that point where we will appropriately honor one of the greatest men of our times. No one before or since Martin Luther King has contributed more to breaking down the barriers of discrimination that society has built, not only discrimination against the blacks but against all minorities.

I am proud to have known Dr. King personally. I was fortunate to have marched with him in Selma, and I share the dream that he so eloquently expressed.

I remember that day so well in Selma when we marched. At the conclusion of the march, I remember calling my home in Cleveland and speaking with my wife. I remember her consternation and fear because she had just heard on the TV that Mrs. Viola Liuzzo had been murdered in cold blood that day and she was one of the participants. She sacrificed, Martin Luther King sacrificed, so many others have sacrificed, that the civil rights movement might move forward.

Dr. King was a man of action who awoke the conscience of America at a time when others were willing to simply turn their heads away. He was a man who decried the senseless killing of innocent people wherever it took place.

The honor which we now bestow upon him has unfortunately been far too long in coming. We can ill afford to delay this action any longer and we will not. We will bring it to a conclusion promptly.

The action we take today is more than symbolic. It is a statement to oppressed peoples everywhere that they need not accept anything less than equality.

Dr. King gave his life for the cause of freedom. As was recently shown by the 20th anniversary march on Washington, the American people continue to share his dreams for a better world. I am honored to be able to participate in the establishment of this perpetual memorial to Martin Luther King's great accomplishments.

It is my opinion that when the historians write about the great men who lived in the 20th century and who had an impact upon our Nation and the world, Martin Luther King's name will be among those.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Will the Senator from Kansas yield me 4 minutes?

Mr. DOLE. Four minutes.

Mr. HART. Mr. President, I ask unanimous consent that Miss Dawn Alexander, a member of my staff who has worked very diligently for a number of years on this very important legislation, be accorded floor privileges during the consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I strongly support this legislation making the third Monday in January a national holiday in commemoration of the birthday of the late Dr. Martin Luther King, Jr. A national holiday honoring Dr. King is not only a fitting tribute to a person who did more than any other individual in our lifetime to advance the cause of social justice—it also underscores our national commitment to equality and freedom.

Our Nation is dedicated to the proposition that all are created equal. But for most of our history, some Americans have been more equal than others. Until the civil rights movement led by Dr. King, a Nation which gave the world the Declaration of Independence and Bill of Rights had to contend with Jim Crow laws, poll taxes, and Government-enforced segregation. A national holiday honoring Martin Luther King is proper recognition of the enormous contributions he made to protecting and extending the rights of all Americans and capturing that democratic ideal which we profess to believe in.

Mr. President, consistently throughout our history, individuals have emerged who have raised the best of our national ideals and brought them alive for their contemporaries. Martin Luther King was such a prophet for our own age.

Opponents of this legislation have criticized the proposed holiday as a special privilege for blacks or minorities in general. Certainly Dr. King's life and message has special meaning for black Americans and others who have been victims of discrimination. But in inspiring us toward a future of justice, peace, and equality, Martin Luther King spoke to the whole world. In honoring Dr. King, we are honoring the cause of social justice, equal opportunity, and civil rights for all Americans. Dr. King's dream is a dream behind which all of us—women and men, black and white, Jew and gentile, northern and southern—can unite, for it is the dream which captures the promise of America.

At a time when devisiveness reigns throughout our land, we need to hold before us the memory of a courageous individual who gave his life attempting, in his words, "to transform the jangling discords of our Nation into a symphony of brotherhood." In making real the ideals of our Nation, Martin Luther King, Jr., manifestly strengthened America.

Martin Luther King demonstrated the power of an individual to change our society through peaceful means. He chose to march but not to riot, to sing but not to strike, to speak but not to attack. Although his years were cut tragically short by violence, his life story affirms the ability of Americans to move this Nation forward through the ballot box and the pen rather than the tank or the sword. This lesson is an instructive one for members of other societies committed to peaceful change. What in other societies would be possible only with violent upheaval—the end of legal segregation—was accomplished in this Nation through the moral suasion of a young black minister armed with the commitments and energies of millions of peaceful Americans.

It is my desire that the proposed holiday be not simply a day for commemorating the life of Dr. King but also a day for reflection for all Americans on how we can make Dr. King's dream a reality. We should use the third Monday in January as a hallmark of how far we have come and how far we have to go.

It is my hope that for at least 1 day of the calendar year, the attention of our Nation will be focused on those aspects of our national life which cry out for the peaceful methods of Dr. King. Without the spotlight of a national holiday, too many problems will become further shrouded in the dismal robes of apathy and neglect. Martin Luther King warned against this when he said that "Injustice anywhere is a threat to justice everywhere."

This holiday has also been opposed on the grounds of cost. I am not immune to these concerns, although estimates on the real costs have varied by millions of dollars. The Congressional Budget Office has determined that the cost would be $18 million—a figure far below that usually cited by

opponents of this measure. Regardless, those who have focused on cost are asking the wrong questions. How can we put a dollar figure on justice and compassion and civil rights? Why do we focus on the costs of holiday without mentioning the costs of wasted human potential or the benefits of a united, creative, energetic people?

Mr. President, Martin Luther King, Jr., once said that "we will not be satisfied until justice rolls down like water and righteousness like a mighty stream." Establishing a national holiday in honor of Dr. King will not bring justice and righteousness, but it will serve to recognize the contributions of an authentic hero who gave his life so others could enjoy the full benefits our society offers. Remembering his dedication and actions in this way should inspire all of us to work harder toward his vision of a better world.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield such time as the Senator from Arkansas desires.

Mr. BUMPERS. Mr. President, it has been exactly 100 years until this year that Mahatma Ghandi, a young fledgling attorney in South Africa, was subjected to the apartheid policies of that nation, which still exist. In his writings he said that he could never understand how any man could feel that he honored himself by dishonoring others.

This was at a time in South Africa when blacks were forced to walk in the streets so that white men could walk unimpeded on the sidewalks.

Mr. President, I rise in support of this legislation. I consider it altogether appropriate that this great body should act today to honor a man who changed forever the course of American history. Dr. Martin Luther King dedicated his life to challenge the laws and customs that had so bitterly divided this Nation since its birth. He forced Americans to recognize that the rights and guarantees of the Constitution are meaningless unless applied equally to all, regardless of race, color, religion, sex, or national origin.

Martin Luther King's struggle was an American struggle, a patriotic quest for social justice and racial equality. Moreover, in a time of turmoil, anger, and frustration, he steadfastly advocated nonviolent resistance and powerful oratory to bring about change. Dr. King appealed to the decency of America, and his words brought out the best in us all. His assassination at the age of 39 and the loss of his leadership and vision are a national tragedy.

In large measure, this proposed Federal holiday would go beyond recognizing Dr. King's birth. It would serve as an annual reminder that many of his dreams for civil rights and social justice remain unfulfilled. I sincerely hope that it will also be a time for all of us to celebrate freedom, justice, and tolerance in America.

Some believe that it was Dr. King who was behind the social strife that we experienced in the 1960's and to some extent still face today. Our memories have faded.

Slavery was alive in this land only slightly more than one century ago. It was an evil institution and it had evil consequences—consequences that follow us to this very day. When a great body of individuals is treated cruelly and is deprived of what the rest of us consider to be the basics of life, then those people are going to rise up—sometime, somewhere, some way—against those who have persecuted them. The black people of this country had suffered great persecution and were beginning to protest. We can be grateful that Martin Luther King was there for one brief moment to direct that protest in a nonviolent way. In the spirit of Mahatma Gandhi, Dr. King preached passive resistance and other forms of nonviolent civil disobedience as vehicles for social change. How ironic, and how unalterably sad and tragic, that in claiming the life of Martin Luther King, the forces of hate removed from our midst the one most effective voice for peace and brotherhood among the races. Martin Luther King did not "cause" social unrest. The dark passage across the Atlantic, the chains and the auction blocks, the "white only" signs, and the separate schools: These are the causes of civil strife.

And what did Dr. King seek? Simply the right to vote without harassment, the right for black Americans to eat in the same restaurants where whites ate, the right to stay in the same hotels, to have the opportunity for the same jobs, and to go to the same schools. Simply stated, Dr. King believed that the promises of "justice" and the "blessings of liberty" in the preamble to the Constitution, and the specific constitutional guarantees of the Bill of Rights and the 13th, 14th, and 15th amendments should be peaceably and firmly and resolutely claimed once and for all by black Americans.

I humbly ask my colleagues, then, to take this occasion not only to affirm the goodness and importance of Martin Luther King, but to rededicate ourselves to a spirit of love and brotherhood in an unhappy world where the emotion of hate still finds a more receptive audience than the message of love.

I believe, Mr. President, that Congress should conduct a thorough review of the way in which we designate national holidays. Some of my colleagues have made some valid points, I think, about the costs to the Federal Treasury and the effect that increasing the number of holidays has on small businesses. Perhaps, as some of my colleagues argue, holidays and days to honor important historic figures should be set on a date certain, to fall on that date each year regardless of the day of the week. I believe this proposition has merit and should be considered by the Senate. I am persuaded that we should today, without further delay, endorse the bill before us with a resounding vote which sends a message to all Americans that the principles for which Dr. King stood—equality, peace, justice, and compassion for all people in the world—are principles of supreme value to all of us.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator may need.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I feel great pleasure today as we approach the vote on this historic legislation to create a holiday for Martin Luther King, Jr.

This is a day when we in the Senate recognize Dr. King as deserving a unique place in our national life and our cultural heritage. Dr. King's vision and dream embraced all Americans in his quest to make a living reality of equality of opportunity and economic and social justice for all humankind, those fundamental principles in our Constitution.

Mr. President, certain opponents of this legislation have sought to discredit its legitimacy by alleging that the civil rights movement led by Dr. King had been Communist influenced—that Dr. King had befriended a member and former member of the Communist Party.

Six years of electronic surveillance by the FBI failed to produce any evidence that Dr. King's civil rights activities were vehicles to further any Communist aims. At no time did the FBI produce evidence that Communist Party members represented, or spoke in the name of, or in behalf of, Dr. King.

Last night, on CBS news, indeed, Stanley Pottinger, the former Assistant Attorney General who had access to those files, said the following:

> There was nothing in the files, either in tapes or written records that I saw, that indicated that Martin Luther King was a communist or a communist sympathizer, or in any way knowingly or negligently let himself be used by communists.

Mr. President, no American leader ever was subjected to as much investigation or surveillance as Dr. King was. His phones were tapped and his hotel rooms were bugged by the FBI yet, despite all of the surveillance, nothing

was ever found by the FBI to impugn or discredit Dr. King's motives, aims, or actions. In fact, Mr. President, Dr. King was opposed to communism because of its antireligious basis, its glorification of the State above individuals, its tendency to view "the ends as justifying the means."

Mr. President, some opponents of this bill have also argued that Dr. King advocated the breaking of laws—that he lacked respect for the U.S. Government and even sought to undermine it.

Dr. King believed that unjust laws—the local ordinances and State laws that supported segregation—had to be challenged in their legitimacy and the way to do this was through nonviolent civil disobedience, wherein the protestor acknowledged and accepted the penalties and sanctions for his civil disobedience. One of Dr. King's most notable statements on civil disobedience and communism is found in his letter from a Birmingham jail. In his letter, Dr. King writes:

All segregation statutes are unjust because segregation distorts the soul and damages the personality . . . An unjust law is a code that a majority inflicts on a minority that is not binding on itself. This difference is made legal. On the other hand a just law is a code that a majority compels a minority to follow that it is willing to follow itself. . . . We can never forget that everything Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. But I am sure that, if I had lived in Germany during that time, I would have aided and comforted my Jewish brothers even though it was illegal. If I lived in a communist country today where certain principles dear to the Christian faith are suppressed, I believe I would openly advocate disobeying these anti-religious laws—Birmingham City Jail, April 16, 1963.

Mr. President, Dr. Martin Luther King, Jr., deserves the fullest honor of this Nation. Few have dedicated their life so tirelessly in the struggle for equality. His unyielding commitment to improve the lot of all Americans has been demonstrated—he achieved significant goals by peaceful and nonviolent actions. To Dr. King, those means were beneficial to those in the struggle as the ends they were seeking.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, earlier I propounded a number of unanimous-consent requests to place a bill to be introduced by the Senator from California (Mr. WILSON) directly on the calendar, in view of the fact that there was another bill to be introduced by the Senator from Oklahoma, the Senator from Georgia, and others. Both those deal with holidays—not the King holiday but general holidays—legislation. It has been cleared on both sides, I believe, that they should go directly on the calendar for future consideration.

It is my understanding that the Wilson bill will be called up from the calendar tomorrow and be dealt with and that the Boren bill be the subject of hearings and inquiry by the committee before it is taken from the calendar.

On that basis, Mr. President, I now ask unanimous consent that, when introduced, the Wilson bill go directly to the calendar and when introduced, the Boren bill, as described, go directly to the calendar.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield to the Senator from California so he may introduce the bill just alluded to.

Mr. WILSON. I thank the Chair. I thank the majority leader.

S. 1970—LIMITATION OF NUMBER OF LEGAL PUBLIC HOLIDAYS

Mr. WILSON. Mr. President, as the majority leader has indicated in his remarks, it is my intention at this time to introduce legislation. I am sending to the desk a bill which we really need not have the clerk read. I shall tell my colleagues the reason that it need not be read is that it is essentially the same language that appeared earlier in the amendment which it is now my intention to withdraw.

I say to those who were here during the speech of my good friend from Oklahoma (Mr. BOREN) that I think his remarks adequately set the stage for the concern that is contained in what was an amendment, what will be a bill. The bill, very simply, states that the cost of the growing number of legal public holidays to the Federal Government has become prohibitive.

Mr. President, it is a good thing for society to mark events, to commemorate them when they are important to our history and when they celebrate our traditions and values. It is appropriate when society marks the birthday of those Americans who also, by their lives, have celebrated our great traditions. That is a good thing, a thing to be encouraged.

But it is also necessary that we gain some perspective in terms of the cost to the taxpayer.

I anticipate, Mr. President, as the years wear on there will be more Americans who attract the admiration of those in this body that we will seek to have commemorated and celebrated by a deserved national recognition.

So what we are doing, very simply, is saying that with the passage of this bill celebrating the birthday of Martin Luther King, Jr., there will thereafter be no more than 10 annual paid holidays. The cost of those holidays in terms of Federal employees is $18 billion a year. They are followed by the States and by the private sector. The cost, Mr. President, is very, very great. This bill will not affect what we are doing this afternoon.

I ask unanimous consent to withdraw my pending amendment on the legislation that would commemorate the life of Dr. Martin Luther King, Jr., and I will ask that I have the support of my colleagues tomorrow when we take up the bill which the leader has just placed upon the calendar.

Mr. KENNEDY. Reserving the right to object, and I will not object, I express my appreciation to the Senator from California for the way he has proceeded on this issue, and to indicate that as a member of the Judiciary Committee, where this measure will be examined, I will do everything to insure that we get an expeditious handling of it.

I thank the Senator for his cooperation. I know he has strong views about it. All of us who are committed to this legislation owe a special debt to the Senator from California.

Mr. BYRD. Mr. President, reserving the right to object, what is the request?

The PRESIDING OFFICER. The request is that the amendment of the Senator from California be withdrawn.

Is there objection? The Chair hears none, and it is so ordered.

The majority leader is recognized.

Mr. BAKER. Mr. President, I yield to the distinguished Senator from Oklahoma so that he may introduce a bill contemplated by the unanimous-consent agreement already entered into.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

S. 1971—FORMULA FOR CELEBRATION OF CERTAIN HOLIDAYS

Mr. BOREN. Mr. President, I send, on behalf of myself, Senators NUNN, KASSEBAUM, HATFIELD, HEFLIN, RANDOLPH, CHILES, ZORINSKY, MATTINGLY, DOLE, and DENTON, a bill to the desk and ask that it be properly referred.

The PRESIDING OFFICER. Under the previous order, the bill will be placed on the calendar.

Mr. BOREN. Mr. President, today Congress will act upon legislation to create another national holiday. By a large majority the Senate, as did the House, will express its desire to honor the cause of equal opportunity and reconciliation between all Americans. I join in expressing the desire that such an action will bring new unity and harmony among our people.

At the same time, Mr. President, like many other Americans, I am very concerned about the record high deficits that are being forecast for the next several years. To continue deficits of $200 billion for the next few years will destroy our economy and economic opportunity for all of our people. We cannot continue blissfully down this path of enormous budget deficits with-

out feeling the economic consequences very soon.

Because of this grave concern for our huge deficits, I am introducing legislation today that will allow us to both honor the cause of equal opportunity while also making some progress in holding down these huge budget deficits. This bill would amend our statutes to celebrate George Washington's birthday or President's Day, as it is known, Columbus Day, and Martin Luther King's birthday on the traditional or actual date the event took place, respectively, February 22, October 12, and January 15. When the date of celebration occurs on Saturday, or Sunday, the occasion will be celebrated on that day.

Mr. President, the practical effect of this bill will mean that in most years, one of these three holidays will be celebrated on a weekend. This will permit us to continue observing these occasions without adding a new paid Federal holiday every year.

The formula will not be exact in every year, but over the next 15 years, it would keep the net number of paid Federal holidays at 9 instead of increasing it to 10, as will occur if we fail to act. We would save about $250 million of the taxpayers' money each year by taking this action.

The formula also does not favor one holiday over another or reduce the meaning of any one of them. It treats all these events in the same way. It is simply a way to continue appropriate national events while helping to hold the line on excessive Government spending.

Mr. President, I ask unanimous consent that the table showing the actual day of celebration of those three holidays for the years 1984-2000 be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE

	King—January 15	Washington—February 22	Columbus—October 12
1984	Sunday	Wednesday	Friday.
1985	Tuesday	Friday	Saturday.
1986	Wednesday	Saturday	Sunday.
1987	Thursday	Sunday	Monday.
1988	Friday	Monday	Wednesday.
1989	Sunday	Wednesday	Thursday.
1990	Monday	Thursday	Friday.
1991	Tuesday	Friday	Saturday.
1992	Wednesday	Saturday	Monday.
1993	Friday	Monday	Tuesday.
1994	Saturday	Tuesday	Wednesday.
1995	Sunday	Wednesday	Thursday.
1996	Monday	Thursday	Saturday.
1997	Wednesday	Saturday	Sunday.
1998	Thursday	Sunday	Monday.
1999	Friday	Monday	Tuesday.
2000	Saturday	Tuesday	Thursday.

Mr. DOLE. Mr. President, I wish to express my support for the purpose of this legislation, which is to mitigate the costs of legal public holidays, which, according to the considerable amount of mail I have been receiving, is for major concern to many of my constituents.

The approach taken in this bill would be to change the date that we celebrate George Washington's birthday, Columbus Day, and the soon to be enacted King holiday from Monday to the actual birth date of these great men. The sponsors of this bill hope that in the long run, this approach will save money because in certain years the holidays will fall on a Saturday or Sunday, and thus result in no additional costs in terms of lost worker productivity.

While, again, I support the general thrust of the legislation, questions have been raised about whether this bill would decrease, or, in fact increase costs. For instance, Monday holidays reduce costs by stimulating greater industrial and commercial production by decreasing employee absenteeism. Monday holidays also result in savings by enabling workweeks to be free from interruptions in the form of midweek holidays. In addition, I would note that when we originally passed Monday holiday law in 1968, it enjoyed broad public support. Public opinion polls conducted in connection with the proposal showed that 93 percent of the persons polled supported the idea of uniform Monday holidays. The bill was also strongly supported by many major business groups and enjoyed substantial support from the labor community.

For these reasons, when committee consideration begins on this legislation, I will be exploring the possibility of an amendment which would keep the observance of all three holidays on a Monday. However, in those years where the actual birth date would fall on a weekend, the holiday would be celebrated on the actual birth date, instead of Monday.

Mr. President, as I understand it, there is no request that the remaining time, which is about 35 minutes, be equally divided—I guess there is no objection to that—for Members who may wish to make closing statements, hopefully not to exceed 5 minutes in length.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. DOLE. Yes.

Mr. BAKER. I think, in all fairness, we ought to divide it equally.

Mr. President, I now make that request, that the time be controlled in the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator from California needs.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, the bill before us represents an important milestone on the road to freedom and equality.

I have long supported establishing a Martin Luther King, Jr., national holiday, and have cosponsored such legislation in every Congress since I came to the Senate in 1969. Dr. King was one of the most inspiring leaders of any era. He exemplified the best of America—of our democratic traditions, our strides toward full and equal civil rights, and our commitment to the Bill of Rights.

His speeches, his writings, his actions all worked toward fulfilling the fundamental promise of America and of our unique revolution—toward a land which truly recognizes that all are created equal, and all can share the dream.

In 1957, I traveled throughout the South—visiting Texas, Mississippi, Alabama, Georgia, and other States. I met with freedom marchers and segregationists, with reporters, Ku Klux Klan members, and church leaders.

I went to feel the winds of freedom blowing there—stirred by Martin Luther King, Jr.—and the counterwinds of fear and suppression.

And I saw the incredible results Dr. King achieved by applying the nonviolent techniques of Gandhi to the teachings of Christ. He touched people's souls in their tenderest spot.

Our defense, said King, is to meet every act of violence toward an individual Negro with the fact that there are thousands of others who will present themselves as potential victims. If the oppressors bomb the home of a Negro, they must learn that there are 50,000 more to bomb. Our refusal to hit back will make the oppressor ashamed of his methods. He will be forced to stand before the world and his God splattered with the blood of his Negro brother.

In Black America of that time, as Dr. King wrote,

. . . Freedom had a dull ring, a mocking emptiness when, in their time . . . buses had stopped rolling in Montgomery; sitinners were jailed and beaten; freedom riders were brutalized and mobbed; dogs' fangs were bared in Birmingham; and in Brooklyn, New York, there were certain kinds of construction jobs for whites only . . .

Abraham Lincoln had signed a document that came to be known as the Emancipation Proclamation. The war had been won but not a just peace. Equality had never arrived. Equality was a hundred years late.

One hundred years after the slaves were freed, Dr. King's visionary movement finally made freedom a reality for many black Americans. Because of Dr. King, blacks fighting for economic justice and civil rights had a new confidence that the American Constitution and conscience were on their side.

The life of this one individual changed the course of our Nation's life. It changed a course begun in 1619 when the first black slave was brought to our shores.

Dr. King's firm stand for peace, justice and love, his refusal to let 3½ centuries of blind hatred and blatant discrimination deter him, brought together black and white. As he foresaw, his movement lifted the burden of Jim Crow from the lives of blacks and from the souls of whites.

Dr. King kindled a rebirth of America's dedication to the liberty and dignity of each individual—black or white, red or yellow, Jew or Gentile.

The ideals for which he lived and died are universal truths. They live beyond his lifetime in the hearts and minds of all people around the globe who love and cherish freedom.

We who help lead this Nation will be held up to Dr. King's example for our commitment and actions in making the promise of the Constitution's guarantee of civil rights for every American a reality.

A national holiday commemorating the birth of Dr. King enhances our country by celebrating our respect for individual freedom and for civil rights precious to all of us, not merely those of any particular group. For Martin Luther King's contribution was to all humanity. Our country's official honor to this great and visionary leader is long overdue.

I support this resolution and urge its prompt adoption.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr President, in a few brief minutes, this debate will be history, and the Senate will take the truly historic action of designating the birthday of Martin Luther King, Jr., as a national holiday for all Americans.

Many vital issues face us in the present Congress. But the measure now before us may well be our most enduring achievement. Long after all of us have left the Senate, long after all our other actions have been forgotten, people will remember that this was the Congress that gave Martin Luther King the highest honor our Nation can bestow on any of its citizens. Presidents and Congresses will come and go, but Martin Luther King and his dream will go on forever, so long as there is an America.

And each year henceforth, on the anniversary of his birth, citizens of every region and every color will pause in their own communities and in their own way in tribute to this man who brought us a fuller measure of justice than our Nation had ever known before.

Martin Luther King dedicated his life—and then gave his life—to complete the unfinished business of the American Revolution and the Civil War. More than any other American, he helped to rid our Nation of the vestiges of slavery and the reality of racial segregation.

Most of all, it was the special genius of Dr. King that made America's civil rights revolution a peaceful revolution. He was the irresistible force of justice that made the immovable object of discrimination move.

In short, Martin Luther King, Jr., deserves the place which this legislation gives him beside Washington and Columbus. In a very real sense, he was the second father of our country, the second founder of a new world that is not only a place, a piece of geography—but a noble idea, a set of ideals.

I believe that our debate in this Chamber has helped the Senate to understand the true power of Dr. King's dream. However difficult the times may seem, however distant the goals of peace, freedom, and justice may appear—the dream of Martin Luther King will always shine in the darkness, warm our hopes, and light our world.

As my colleagues are aware, the life and memory of my brother Robert Kennedy have been invoked in this debate. Some words of his apply so well to Dr. King:

> Each time a man stands up for an ideal, or acts to improve the lot of others, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

Martin Luther King, Jr., stirred the current that swept down America's mightiest walls of oppression and resistance. Whether the issue was the evil of prejudice or a war that was wrong, he stood up; he spoke out; and he spoke for the American soul. His was not the blind jingoism which accepts things as they are, but the true patriotism which challenges our country to do better precisely because of love for it and loyalty to its best ideals.

For Dr. King was the prophet of America as one people, free and inseparable, black and white together. As he said:

> There is no separate black path to power and fulfillment that does not interest white paths, and there is no separate white path to power and fulfillment, short of social disaster, that does not share that power with black aspirations for freedom and dignity. We are bound together in a single garment of destiny.

Today, in the Senate, we proclaim that we hear these words across the years—and that while Dr. King's voice may be still, his message will make freedom ring down the decades and generations. We are bound together; we are woven together in a single garment of destiny. So how right it is that as Americans, black and white together, all of us shall celebrate Martin Luther King's birthday as a singular holiday of American freedom.

Mr. President, I suggest the absence of a quorum, with the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. Mr. President, I yield 4 minutes to the Senator from Alabama.

Mr. DENTON. Mr. President, I was just asked whether I wanted to make a statement and how long the statement would take, and I said 4 minutes. It would take another 15 minutes before I would be able to make my statement.

Mr. WILSON. In that case, Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, it is unfortunate that the tone of some of the debate over this proposal has become a compelling reason for its passage.

But there is a better reason why it deserves the support of all Americans who recognize that the days of "separate but equal" are unequivocally behind us.

The principal issue is whether or not we believe that the civil rights struggle was central to our national history and to the kind of nation we want to become.

For those who believe that the civil rights struggle was a peripheral question, then there is no sound reason to honor its most renowned leader.

But if we believe, as I do, that a nation like ours, existing under the constitutional guarantees of equal treatment, cannot dishonor in practice the principles we honor in theory, then the civil rights struggle was, indeed, the seminal source of the American belief that all citizens must be treated justly, regardless of their origins, their antecedents, or their race.

Those who believe this should support this bill's passage.

It has been suggested that we combine this commemoration with the creation of days honoring other famous Americans, or other groups involved in the effort to attain equal treatment before the law. But those suggestions spring from a profound misunderstanding of the nature of the civil rights struggle.

Many nations in this world have paper constitutions which guarantee equal treatment and civil liberties, while their secret police insure that those protections are meaningless. In many nations some individuals and groups are far more equal than others.

At the dawn of the civil rights movement, the large question before our society was whether the United States, too, would become another of those nation states established for justice and freedom, but cynically ignoring freedoms and injustice for some of its people.

To that question, the overwhelming majority of the American people have answered a resounding no. They answered with their votes and their voices; with their hopes and their hearts they have said that the American dream of equality before the law and civil rights was to become a reality for all.

So the issue is whether we believe that the man who was instrumental in bringing that question clearly into focus for his countrymen should be honored, as we now honor the man who first found the New World, and the man who was instrumental in bringing about our national independence.

Columbus Day is a tribute, not to Italian Americans, but to the courage of men who sailed into a horizon of which they knew nothing. It is a tribute to the fact that our national origins are diverse. Columbus Day does not denigrate the bravery of seacaptains of English or Italian or any other extraction. It stands for all early voyagers who had the vision and the courage to sail into the unknown, and for what we have achieved as a result of their bravery.

We do not denigrate Jefferson or Madision or Adams when we honor our national independence and freedom by choosing to name the holiday for George Washington. Nor do we slight the enormous contributions of all civil rights leaders if we signify that their struggle and victory will be designated by the name of their most renowned member.

Washington's birthday is a way to recognize all our Founding Fathers and all who risked their lives in the great enterprise of the American War of Independence. To recognize the centrality of the civil rights struggle by naming a day for Martin Luther King is a no less straightforward means of giving national recognition to the fact that we have, today, come closer to realizing the American dream of equality for which the civil rights struggle was waged. Almost a century after chattel slavery was abolished, Martin Luther King made Americans see the injustice of denying to citizens in practice what the Constitution granted in theory: Equality of opportunity, equality of treatment, and equality of rights. That is a dream to which we all still aspire.

Suggestions have also been made on the floor of the Senate that the struggles of other groups in our society be granted the recognition of their own day. But the very substantial distinctions which exist between the history of black Americans and that of the rest of us cannot and should not be ignored.

Unlike my ancestors and the ancestors of every Member of the Senate, black Americans were not voluntary emigrants to our Nation. They were brought here in chains and kept in chains. Unlike other Americans of diverse backgrounds, their plight helped trigger the only war that ever occurred on American soil. And unlike other Americans, they alone were subject to specific and statutory discrimination.

It detracts not at all from the justice of the cause of the handicapped, Hispanic Americans, Asian Americans, women or any other group to recognize that none suffered anything resembling the black experience.

The fight Dr. King waged was against legal inequality; inequality embodied in law. He fought the kind of inequity that allowed the murder of black men to be treated as less significant than that of white men. It was an inequity that regarded the illiteracy of black children as commensurate with their aspirations in life. And it was an inequity which, in its ugliest forms, countenanced the bombing of churches and homes, the terrorization of women and children, and the perversion of local law enforcement to the subjugation of an entire race.

No other group of Americans has suffered either the degree or the duration of such unequal treatment. No other group of Americans waited so long for redress.

Today the question before us is whether we, as a nation, want to recognize the civil rights struggle as central or peripheral to our national development.

The nature of some of the objections that have been raised personally against Dr. King have been soundly addressed in the debate. Allegations against him have been made for 15 years and were discredited 15 years ago. It is disheartening that these charges continue to be raised. It is a shame that the divisions and bitterness against which the civil rights struggle was waged have not yet vanished. But it is another reason to take the step of supporting this proposal to help heal those divisions and end that bitterness.

Mr. PRESSLER. Mr. President, I have no objection to honoring Dr. Martin Luther King, Jr. In fact, I was personally present in Washington during the August 1963 march and stood nearby as Martin Luther King gave his "I Have A Dream" speech. I was most impressed with Dr. King's goals and the manner in which he carried them out. He did much for the civil rights movement. Dr. King's record of leadership and his place in history are secure. He was honored by many nations and was a recipient of the Nobel Peace Prize.

However, we must keep in mind that there also have been other great American leaders, including Native Americans, pioneers, former Presidents, and many others who have guided our country forward to the leadership position it holds today.

Many Native Americans want a holiday to honor great Indian chiefs, or American Indians in general, as is illustrated in the following editorial from the Lakota Times, which has distinguished itself as a voice of the Native Americans in South Dakota. With the King holiday added to nine present holidays, it will become almost impossible to consider any additional holidays.

I have voted for amendments to make Dr. King's a commemorative holiday. I voted to have it on a Sunday. But I must oppose creating a total new holiday without proper consideration of Native Americans hopes for recognition also.

NATIONAL INDIAN HOLIDAY

Speaking of ironics, it is sort of laughable that Indian tribes, and the Bureau of Indian Affairs should decide to take a holiday on "Columbus Day." There are a few hard-working Indian people who have refused to prostitute their ideals by taking off a day that marks the beginning of genocide, racism, and the destruction of the Indian way of life.

Shirley Bordeaux reported to her job with the Rosebud Sioux Tribe and it was business as usual. Newton Cummings, Tribal Councilman from the LaCreek District of Martin, stopped by the offices of the Lokata Times to write out a report on his recent trip to Aberdeen; a trip intended to save the jobs of the 21 BIA employees at Pine Ridge, and the Staff of the Lakota Times put in a full work day.

It is also ironic that the U.S. Congress is voting to declare a national holiday for Martin Luther King, Jr. Why hasn't this august body of lawmakers seen fit to declare a national holiday to commemorate the names of the great Indian chiefs who gave their lives in defense of their nations? Why not a national holiday for Crazy Horse, Sitting Bull, Sequoyah, or any of the other tribal leaders that fought for freedom?

In the Black Hills—a grand monument is being carved on the sheer face of the mountain to honor and commemorate the great Indian chiefs of history. Although it is called "Crazy Horse Memorial," it, in reality, honors all of the Indian peoples of this nation.

The American Indian loved freedom so much that he could not be enslaved.

The Indian would have rather died than to give up his freedom. That is why the blacks and other nationalities came to this country. They came as slave labor and cheap labor because the white man could not make slaves of the Indian.

If I thought that anyone would respond, I would ask you to write to your congressman or senator about this, but we seem to have become so apathetic that we would rather sit on our cans and complain than take a few minutes to write a letter.

As an example: several weeks ago I wrote an editorial asking the Indian business people to join forces for our own future. I did this because all I ever hear is complaints from Indian business people about how unfairly they are being treated. And yet, when I asked them to get together and write me about forming an organization that would give us unity and clout, not one single business responded!

Have we become so complacent that all we can expect from the complainers is "let somebody else do it!" Will we still be saying, "let somebody else do it" when our reservations are turned into armed camps, when our reservations are terminated, when all of the funds that are keeping the poor and elderly alive are cut, when the radicals turn our reservations into miniature Nicaraguas?

Either we speak up NOW, or we will see the end of our reservations. The silent majority will become the extinct majority.

Mr. LAUTENBERG. Mr. President, this is a proud day for the Senate. Twenty years ago the Reverend Dr. Martin Luther King, Jr., stirred the soul of this country with his famous march on Washington. Fifteen years ago he was tragically assassinated. Now the Senate is joining the House of Representatives in voting to establish a national holiday to honor the work and ideals of Dr. King. In doing so, we follow a number of States, including my home State of New Jersey, in setting this day aside for national reflection.

Less than one generation ago, blacks in many parts of this country were victims of deliberate and cruel policies of discrimination and segregation. Dr. King, with the moral force of his speeches and nonviolent demonstrations, focused the Nation's attention on the grim reality of racial injustice in America.

Dr. King stood for justice, but not only in the legal code. He also stood for economic and social justice. We must carry his goals of peace and justice with us and rededicate ourselves to achieving them.

As a result of Dr. King's extraordinary influence, Congress passed two major pieces of legislation: The Civil Rights Act of 1964 and the Voting Rights Act of 1965. These two landmark laws boldly reaffirmed this country's commitment to liberty and justice for all.

Our Nation must remember Dr. King's long fight for justice—from the Montgomery bus boycott to the struggle on behalf of municipal workers in Memphis. We must continue to recall the march on Washington and the dream which Martin Luther King, Jr., so eloquently expressed. The continuing relevance of that speech was recently underscored when Dr. King's speech received renewed attention as part of the 20th anniversary march on Washington. The need continues to fight against the effects of discrimination and poverty, and to reaffirm Dr. King's commitment to nonviolent change and justice.

Mr. President, I am pleased to be a cosponsor of this legislation to establish a national holiday honoring Dr. King and strongly support its passage. The first national celebration of this holiday in 1986 will indeed be a landmark day. It is fitting and proper and I look forward to it.

Mr. BENTSEN. Mr. President, I support H.R. 3706, which commemorates the birthday of Dr. Martin Luther King, Jr., by designating the third Monday in January of each year as a legal public holiday. I have supported such legislation in the past, and am currently a cosponsor of the Senate bill which would realize this long sought goal. Dr. King's singular contribution to the advancement of civil rights and American justice merits recognition. His outstanding leadership, his compassion, and his lifelong dedication to the principles of equality and opportunity for all people, serve as an inspiration to all Americans. I am pleased to pay homage to his memory and his vision for America.

Dr. King taught the American public, through his example of nonviolence, that our democratic principles could be seriously impaired if they were not applied equally to all citizens, regardless of race, color, creed, handicap, or national origin.

Since his fatal shooting in 1968, governmental units, private entities, and worldwide organizations have chosen to honor Martin Luther King, Jr. Today, 18 States along with many cities and towns observe an official holiday in honor of Dr. King. During his lifetime, Dr. King was a Nobel Peace Prize recipient, a worldwide honor accorded to him in recognition of his struggle for peace and equality.

Today, we must remember Martin Luther King, Jr.'s vision by adopting this legislation. I hope that this bill will be quickly enacted in order to pay tribute to Dr. Martin Luther King, Jr., a man of vision, leadership, and courage who galvanized the moral conscience of this Nation, and the world.

Mr. WEICKER. Mr. President, today I rise in support of H.R. 3706, a bill that would designate the birthday of Martin Luther King, Jr. a legal public holiday. As an original cosponsor of the Senate version of this bill and a cosponsor of similar measures in the past, I believe the time has come to honor this great American.

Martin Luther King, Jr., distinguished himself in many ways during his 39 years. He received his doctorate in 1953. He founded the Southern Christian Leadership Conference and the Student Nonviolent Coordinating Committee. In 1963 he was named Time's man of the year, and in 1964 he was the youngest man to ever receive the Nobel Peace Prize.

More important than the organizations he founded and the recognition he received was the message he carried to all Americans. Dr. King had a dream of a different America, one that upheld the principles and the promises embedded in the 13th, 14th, and 15th amendments and included black Americans in its declaration that "all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

In one of his first ventures into the area of civil rights, Dr. King encouraged blacks in Selma, Ala., to register to vote. He knew that their exercise of the constitutional right of suffrage was a key to change. He believed in the democratic process and was committed to making it work. Dr. King saw part of his dream realized when in 1965 the Voting Rights Act became law, and many of the barriers to the participation of blacks in the political process were destroyed.

Martin Luther King pursued relentlessly the goal of equal justice for all Americans. He coordinated the well-known "freedom rides." One such journey resulted in a legal battle that went all the way to the Supreme Court. The high court ruled in 1956 that a State's law requiring buses to be segregated was unconstitutional. Eight years later, the Civil Rights Act made sweeping changes, stating in a positive way the fundamental rights of all Americans. Again, this was a part of the realization of Martin Luther King's dream.

More laudable perhaps than anything else about Dr. King was his adamant adherence to nonviolent tactics in promoting change. As he wrote from a Birmingham jail, "Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. * * * I have earnestly opposed violent tension, but there is a type of constructive, nonviolent tension which is necessary for growth."

During his lifetime, Dr. King was severely criticized by whites and blacks alike. Some saw him as stirring up trouble. Others saw him as timid in his adherence to nonviolence. But King was a man whose integrity and conscience kept him on a straight path.

Mr. President, even though Martin Luther King was tragically killed in 1968, his spirit and his accomplishments have lived on. Seventeen States—including, I'm proud to say, the State of Connecticut—celebrate his birthday in order to remind all

people of his life of service to the cause of civil rights.

Senator Brooke introduced legislation in 1968 that would make Dr. King's birthday a Federal holiday. In each successive Congress, the idea has been rekindled. Fifteen years after his death and 20 years after the historic March on Washington, the time has come for all Americans to honor this great American.

Martin Luther King once said of repression: "For years now I have heard the word 'Wait'. * * * This 'Wait' has almost always meant 'Never'."

Mr. President, the Senate must not wait. Now is the time to do justice to the man and his memory.

Mr. SASSER. Mr. President, I rise in support of H.R. 3706, to establish the birthday of Dr. Martin Luther King as a national holiday.

A holiday honoring Dr. King would serve many purposes. It would be a day not only to honor the birth of a great American, but also to glorify the principles that he lived and died for. It would also be a day to recognize all outstanding black Americans who have contributed to our Nation's greatness.

In honoring Dr. King we would honor the highest tradition of our Nation. No modern American better symbolizes what our country stands for than Martin Luther King. His commitment to nonviolence proved that social and economic change can be made in a peaceful manner. Dr. King proved to us that rights such as liberty, freedom, and equality cannot be denied to anyone. He is deserving of such an honor.

The time to observe the many contributions made by Dr. King is long overdue.

Thomas Jefferson once said, "One man with courage is a majority." Such a man was Dr. Martin Luther King. He fought to rid our society of discrimination, and he helped make our country a better place to live. He once said that "Injustice anywhere is a threat to justice everywhere." His whole life was a living testament to those words. He traveled the length and breadth of this country to remind us that discrimination has no place in our society. And he gave his life in pursuit of this noble belief.

A Martin Luther King holiday would allow all Americans of every race and creed to reflect on his ideals and their role in sustaining our basic values of liberty and equality. Our country would be well served by this national holiday.

Mr. DANFORTH. Mr. President, the life and work of Dr. Martin Luther King, Jr., provide a strong witness to what is good in our Nation and its people. It is an honor to rise in support of H.R. 3706 because, it seems to me, the designation of Dr. King's birthday as a legal holiday would commemorate not only a good man and a great man, but the essential goodness of the American people.

I came to know both Dr. King and his father when we served together on the board of Morehouse College in Atlanta. The great force of Dr. King's personality and the urgency of his calling were apparent to all those around him. Although Dr. King was pulled into a tumultuous period in our national life, he was manifestly a figure committeed to healing and to love.

Some who oppose the creation of a legal holiday in honor of Dr. King's birthday argue that we should not honor a person who was so often found at the center of conflict, at the cutting edge of social change.

To those who recall only the divisiveness and conflict of those times, I say: Remember, evil never goes down without a fight. To hasten a day of justice and freedom, one must press oppression and bondage into the grave. Dr. Martin Luther King, Jr., stood up and opposed a monstrous evil. It is no surprise that the evil fought against its own defeat, nor is it remarkable that the din of a mighty battle attended the conflict of good and evil. It is always so.

We honor Dr. King, I believe, because the good he evoked from all Americans overcame the passions of injustice. From a great and terrible passage in our history, we emerged with a clear and stirring vision of freedom and brotherhood.

Dr. King showed us wonderful things, Mr. President.

He showed his own people that they can walk the road to freedom in dignity and in the spirit of nonviolence and love.

He showed all Americans that our capacity for love is greater than our capacity for bitterness, that the ideals that bring us together are far greater than the forces which would push us apart.

He showed us that a time of conflict and animosity can yield a spirit of unity and common purpose.

The world, Mr. President, is a place where we can wait a lifetime for the demonstration of the great truth that love is more powerful than hatred, that good is the master of evil. The life and work of Dr. King offer just such a rare and glorious lesson. It is fitting that his life and his work should be remembered with a legal holiday. For that reason, I joined in introducing this legislation in February. It is a privilege to again urge the passage of this important legislation.

Mr. EAGLETON. Mr. President, if I were to rank legislation in this Congress according to degree of moral importance, the enactment of a national holiday in honor of Dr. Martin Luther King, Jr., would emerge high on the list.

It has been 20 years since Dr. King proclaimed from the steps of the Lincoln Memorial his dream that all Americans one day would walk in the sunshine of equality and freedom. Even with the passage of time, few of us will forget how he inspired us, and how he moved this Nation.

Although Dr. King did not live to see that dream become a reality, we learned through his short life that peaceful change is not only possible, but necessary. By his personal example, we learned to embrace patience over violence, love over hatred, national unity over division.

This legislation on which we debate today, has been a long time coming. I remember speaking in favor of a public holiday 4 years ago. Why it was not acted on then, we need not speculate, for we have received recent unpleasant reminders even in this Chamber, of those who would misread history and denigrate the essential contribution of Dr. King. From the beginning, there have been forces at work which sought to throw in this bill's path serious obstacles—misinformation aimed at creating high drama and controversy in order to obfuscate the real issue. Fortunately, the House of Representatives overwhelmingly adopted this legislation, by a vote of 338–90. It is my hope that this body will see through the smear tactics and affronts to decency and a fair reading of history, as well as did the House. The filibuster which temporarily blocked this body from acting on the bill was deeply regrettable.

Those who disparage King's message charge that he encouraged violence. They are the ones who have done violence—to history. For, on that historic day in 1963 it was that civil rights leader who provided exactly the opposite counsel to hundreds of thousands before him who were desperate enough to be moved in any direction. In the shadow of Lincoln's statue, King said:

> In the process of gaining our rightful place we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plain of dignity and discipline.

It is easy to allow these days of relative calm in the 1980's to fade our memory of what the 1960's in this country were all about. It was a time of profound racial unrest, deep bitterness and widespread violence. Few areas of the country were immune from perceived danger. In the midst of this tumult and national vision emerged Dr. King. His words and deeds were a moral uplift. But more importantly, in hundreds of towns and cities across this land his visits brought stability where there would assuredly have been violence, dialog where there would have been absolute

standoff. Without Dr. King's leadership, it is difficult to imagine just how we as a country would have emerged from that decade—whether we would have become as healed and as enriched as I believe that we did.

In an age when many believe we are short on American heroes, it is imperative to recognize those who truly meet the test. The designation of King's birthday as a public holiday is our way of expressing this recognition. The third Monday in January will forever be our way of saying thank you to him and of honoring his memory. But it will be more than a mere symbolic action, for I hope and believe that it will be observed each year as a day of focusing the public consciousness on the timeless values about which he preached and practiced, and for which he lived and died. It will be a day every year where all Americans can affirm, in the words of King upon his acceptance of the Nobel Peace Prize, their "abiding faith in America and an audacious faith in the future of mankind."

Mr. President, I often think of America as the world's greatest social experiment. Certainly the turbulence generated in the quest for guaranteed civil rights was the 20th century test of our country's moral fiber. We were fortunate that King's teachings and inspiration interceded at this divisive moment, for they pointed the way and allowed us the chance to demonstrate that we as a Nation could rightfully retain a position of moral leadership in the world. Today's vote to establish a public holiday for Dr. Martin Luther King, Jr., is a fitting tribute to that courageous American. I urge my colleagues to join in this effort.

Mr. HATCH. Mr. President, from time to time, this body considers legislation that cannot be judged by normal standards. Such legislation cannot be weighed and scrutinized by normal procedures, subject to the cost and benefit analysis that each of us must personally bring to bear when we cast our votes. Rather, such legislation is largely of a symbolic nature through which Congress speaks to various interests or constituencies and either associates itself with their aspirations or commits itself, in principle, to their policy goals and objectives.

Clearly, H.R. 3706 is such a measure. Designed to establish the third Monday in January as a Federal holiday to honor the birthday of the late Martin Luther King, Jr., H.R. 3706 seems likely to pass this body overwhelmingly, not because of the compelling force of its legislative provisions, but because of its symbolic message. H.R. 3706 represents the latest affirmative by the Congress of the United States of its commitment to the most enduring objectives of the civil rights movement.

I join my colleagues in this expression of commitment. I join my colleagues in this renewed statement of congressional identity with the values and principles of civil rights and equal opportunity and nondiscrimination. I join my colleagues in the symbolic statement that we appear on the verge of making in honoring the most visible leader of the modern civil rights movements in this Nation.

Where I cannot, however, join what is apparently the majority of my colleagues is in the support of H.R. 3706, not in its capacity as an emblem of our sympathies, but as a concrete legislative enactment with tangible, real-world implications. I cannot join the apparent majority in support of H.R. 3706 because it is much more than merely symbolism. It would establish a substantive national public policy that, on the basis of my personal cost and benefit analysis, would be detrimental to the country.

Primarily, the holiday proposal would be detrimental because our national economy cannot easily afford a new holiday. According to data provided by the House Post Office and Civil Service Committee, an additional day off would cost taxpayers—in holiday or premium pay and lost production—approximately $300 million, including post office costs. In addition, depending upon how many State and local government bodies honored the holiday, costs could increase by as much as $690 million. Finally, depending upon the extent of observance by the private sector, employee payrolls could increase by as much as $4.3 billion. The total of these costs could theoretically approach $5.3 billion.

Although I have doubts that the total costs would reach these limits—largely because many Monday holidays tend primarily to be days-off only for public employees—it is clear nevertheless that substantial costs would be incurred by the American taxpayer and, no doubt, by the American consumer. To the extent that this is realized, and our Nation becomes a marginally less productive one, there can only be fewer opportunities for new employment. It is the highest irony that a day of celebration for Dr. King were to result in even a slightly diminished fund of job opportunities for workers, particularly minority workers, in the United States. I cannot conceive that Martin Luther King, Jr., himself would have tolerated this form of celebration.

In particular, the new holiday proposed in this measure is ill-timed coming merely 2 weeks after the productive efforts of the Nation have resumed after the Christmas and New Year holidays. Just at a time when the economic machinery of the country is restarting from this season, we would be establishing a new day of official leisure. I cannot see how this constitutes prudent public policy by those of us entrusted to make such policy.

A number of amendments to this measure could be adopted to address this difficulty: The holiday could be transformed into a special day of celebration, it could be transformed into a Sunday holiday rather than a Monday holiday, or it could even be transformed into a day of holiday to occur actually on Martin Luther King's birthday, January 15, whenever it occurred, rather than insisting that it be celebrated in a way designed to insure the maximum reduction of national productivity.

Mr. President, in addition to its cost, however, I have serious reservations about H.R. 3706 because of the unusual precedent that it establishes in honoring the birthday of a single individual. With only a single exception—the birthday of the founder of the country and our first President, George Washington—there are no national holidays to honor great individuals in American history. There is no national holiday for Alexander Hamilton or Benjamin Franklin or James Madison or John Marshall or Abraham Lincoln or Theodore Roosevelt or Franklin Roosevelt. Nor is there any national holiday for the great civil rights leaders of our country who have preceded Dr. King, Frederick Douglass or Samuel Gompers or Susan B. Anthony or Whitney Young. There are no national holidays for the great scientists, the eminent humanitarians, the great philosophers, the great lawyers, or the great doctors of our Nation.

Again, a number of amendments could be adopted to retain the symbolism of H.R. 3706, and maintain the expression of commitment to the objectives of civil rights. We could establish a national holiday for the purpose of reflecting upon the state of civil rights or human rights or minority rights in our Nation. We could establish a holiday to celebrate representative civil rights leaders in our Nation's history, individuals of varying racial and ethnic and religious backgrounds who have contributed toward the realization of the ideals of equal opportunity in American society.

Mr. President, while I fully acknowledge the political realities involved in the forthcoming vote in this measure, I reluctantly conclude that I can join with the majority of my colleagues only in what is clearly meant to be a symbolic expression of support for the achievements of Dr. King and more generally for the progress of minority rights in this country over the past generation. I cannot, however, in good conscience vote either to create a new holiday, to be enjoyed largely by Federal employees alone, or to single out among a number of outstanding individuals, all of whom have made enormous contributions to this Nation, a

single person. As a result, with great hesitation, I will vote "no" on the pending measure.

Mr. BIDEN. Mr. President, I wholeheartedly support the Martin Luther King, Jr. holiday bill. I am well aware of the profound significance of this measure. But some seem to believe that because we are bestowing such a great honor, that we supporters have a great burden to carry in justifying the bill. They are absolutely wrong. That burden was carried by Martin Luther King, Jr., himself.

Nearly 20 years ago, Dr. King said:

> Now is the time to lift our national policy from the quicksand of injustice to the solid rock of human dignity.

No individual in modern history has played a greater role than Dr. King in fulfilling the moral imperative of that statement. He gave us a vision of human dignity and social justice that inspired the Nation and continues to do so today.

There were dark days in the 1960's when Dr. King seemed to be the only defense against forces I could never understand. Courageous is vastly inadequate to describe him. He seemed not to comprehend the danger others sensed all around. Dr. King's faith in God, and his faith in the basic goodness of humanity, seemed to carry him beyond earthly fears.

Dr. King never wavered in his commitment to nonviolent means. As he said in his nobel peace prize acceptance speech in 1964:

> Nonviolence is the answer to the crucial political and moral questions of our time; the need for man to overcome oppression and violence without resorting to oppression and violence. Man must evolve for all human conflict a method which rejects revenge, aggression and retaliation. The foundation of such a method is love.

Dr. King was not simply an advocate of rights of blacks in this Nation. He was not simply a civil rights activist. Individuals who characterize him as such miss the reason for his greatness. He served as the social conscience of this Nation, has continued to do so for 15 years after his death, and will continue to do so as long as I can imagine. He set our goals, he showed us the path to achieve them and, most importantly, he inspired us to believe the words of the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal."

We could spend days quoting Dr. King's most moving and important statements, and recounting his contribution to furthering this Nation's ideals of freedom and social justice. But perhaps the most remarkable thing about this man was his total self-dedication, his lack of regard for his personal well-being, as symbolized by this statement he made shortly before his assassination:

> Well, I don't know what will happen now, but it really doesn't matter with me now. Because I've been to the mountaintop . . . I may not get to the promised land with you, but I want you to know tonight that as a people we will.

Mr. CHILES. Mr. President, the passage of legislation to observe the third Monday in January as a Federal holiday not only honors Dr. Martin Luther King, Jr., but also many persons black and white who gave their time and their effort in making America live out its creed of equality for all. This legislation will hopefully move us to positive reflection on the events and circumstances which culminated in what has been called the Second American Revolution.

Dr. King was a reluctant warrior in the initial bus boycott in Montgomery, Ala. However, his powerful oratorical ability and magnetic leadership soon made him the focal point of the Montgomery boycott movement. But, it was still a people movement. The black people in Montgomery used the boycott to signal to Alabama and to the South and indeed to this Nation that the status quo—segregation and unequal opportunity—had to go.

Dr. King was able to articulate in a powerful and effective manner, the hopes and dreams of many who heard him. He was able to dramatize the frustrations and aspirations of blacks in America who wanted to share the American dream. In his famous speech 20 years ago, Dr. King said, "I have a dream and it is deeply rooted in the American dream." Dr. King seldom strayed far from the American dream of equality and justice for all citizens regardless of race, creed, color, sex, nationality, or religious belief.

America is a great nation because of its diverse citizenry. Our greatness is enhanced because we are able to accept the differences in one another, but not let those differences make a difference in our treatment before the law. Dr. King's various marches and campaigns had a very definite effect on the significant civil rights laws enacted by the Congress in the 1960's. The 1964 Civil Rights Act, the Voting Rights Act, the Housing Act Amendments of 1968, all had his imprint.

Although Dr. King never held a political position, he had a tremendous impact on the political advancement of blacks in this country. He appealed to the sense of fairness of people of good will and we have made great strides because a majority of Americans are fair-minded and tolerant. Thus, the appeal fell on sympathetic ears.

Finally, Mr. President, although it is fitting that we seek to honor Dr. King, we also honor in this bill, those persons who sought, during the civil rights struggle and who still seek today, the American dream—"one nation indivisable with liberty and justice for all."

Mr. DODD. Mr. President, I hope that the Senate will give strong approval to this bill establishing a national holiday on the third Monday in January to commemorate the birthday of the Reverend Martin Luther King, Jr.

By so acting, we honor the memory of one of America's greatest citizens—a man of courage and conviction and peace, a champion of justice and freedom, a leader, a hero, a prophet.

We also acknowledge by this legislation the contributions made to American society by a people who, though brought here against their will and oppressed for centuries, helped make this a better, richer, stronger, and more open land in which to live.

And finally, we call attention to the fact that, in no small part due to Martin Luther King's efforts, the United States has in our lifetimes moved far closer to realizing in fact the equality of opportunity and respect for human dignity that have been American ideals since the founding of our republic.

Things have changed so dramatically that it is hard to recall just how daunting and formidable a task faced a young Baptist minister named Martin Luther King, Jr., less than three decades ago.

In many parts of the United States, at that time, by law, black children could not attend school with their white neighbors. By law, black Americans could not eat at the same restaurants or register in the same hotels as white Americans. By law, blacks traveling on buses or watching movies or attending ballgames were forced to sit together, separate from whites, in inconvenient or less desirable sections.

For millions of black Americans, the most fundamental rights of citizenship—to vote, to run for office, to serve on a jury, to have your own fate determined by a jury of your peers, to speak out in public—were virtually unknown.

No single person did more to change that pattern of oppression, discrimination, and racism than Reverend King. The qualities of character and the skills that achieved success for him are well-known: eloquence, insight, intelligence, determination, courage, tactical shrewdness, and vision.

Ultimately, however, it was not the bus boycott in Montgomery or the march to Selma, nor any speech or tactic that defined his genius.

Instead, it was his ability to persuade millions of black Americans that being assigned to inferior status neither proved inferiority nor had to be accepted. And it was a capacity to persuade millions of white Americans that bigotry diminishes its perpetra-

tors almost as much as it demeans its victims.

And in the end, too, Martin Luther King's achievement is neither recorded in any statute book nor visible in integrated public facilities. The civil rights movement of the fifties and sixties has aptly been called the second American revolution. Like the first, it was fought and won in the "hearts and minds of the people" of this country. Martin Luther King's real claim to history is that he changed the way millions of people thought about themselves and one another.

There are some who have argued that a holiday in his honor is inappropriate.

He inspired rebellion and revolution, it is charged. So, too, of course, did George Washington, whose birthday we celebrate as a national holiday each year. And it is well to remember that the revolution Martin Luther King led was based on love, disdained any use of violence, and had no victims.

He was too controversial, others charge. So, as well, of course were Abraham Lincoln and Thomas Jefferson, both vilified in their lifetimes and after. Yet there lives are justly honored by permanent granite memorials in the heart of this city. To change centuries of ignorance, hate, and injustice would hardly be possible without upsetting the long-settled comforts of prejudice. I doubt that anyone of good will would judge the discomforts he stirred not merited by the results he achieved.

Finally, it is said, we should wait. Fifteen years after a person's life ends is too soon for a confident assessment of his net worth to posterity. For accuracy, we need the focal length of time to lend clarity to our vision.

That argument should not be lightly dismissed. Fame is fleeting. It is easy to mistake celebrity for heroism. In an age when reputations have the half-life of mimeographed press releases, it generally does make sense to gain perspective before rendering a final verdict.

In this case, however, there is no cause for concern. Martin Luther King stood for freedom, equal opportunity, good will, love of one's fellow men and women, peace, openmindedness, and justice. These are enduring values not ephemeral fashions. If they do go out of vogue, we will have far more to worry about than that we created an inappropriate national holiday.

In one of the Biblical metaphors that enriched his orations, Reverend Dr. King once said that he had gone to the mountaintop and seen the promised land. Only a man of vision and optimism could have made that statement, for we were then, and are yet now, still far from eradicating the vestiges of racial prejudice in America.

But we have come a long way from the days of Jim Crow and firehoses turned on civil rights marchers and plaques reading "whites only" on water fountains. And both for the direction we took and the distance we traveled, this Nation owes a debt of gratitude to Martin Luther King.

In passing this legislation, we make a small payment on that debt. We also symbolize our resolve to continue toward the destination he identified and help insure that the dream he dreamed was not an idle one but an accurate prophecy of a better future for us all.

Mr. PERCY. Mr. President, I rise to speak in support of H.R. 3706, a bill to designate the third Monday of January as a national holiday to commemorate the birthday of the late Reverend Martin Luther King, Jr. This legislation has already passed the House by an overwhelming vote of 338 to 90, and I urge my colleagues in the Senate to support this bill as well.

Despite the tremendous support for making Dr. King's birthday a national holiday, the move has by no means attained unanimity. Indeed, persuasive arguments can be made that the economic costs will be high. But this decision, like many others, should be viewed in terms of balance. I believe the lift that this commemoration will give to the national spirit of many Americans and people throughout the world far outweighs the relatively small resultant costs.

Many who opposed Dr. King's work did so on the basis of their belief that King was a "revolutionary." But what these critics failed to recognize is that Dr. King proved that there can be a nonviolent, moral revolution. One should distinguish between this type of revolution and one where the cause or methods are unjust. During their lifetimes, many of this country's Founding Fathers were revolutionaries. The positive spirit of revolution is deeply embedded in our own history.

Martin Luther King, Jr., was a revolutionary in his time, but like the Founding Fathers, his revolution was borne out of his patriotism and his desire to make America a better place for all of its citizens.

In every Congress since Dr. King's assassination on April 4, 1968, legislation making his birthday a national holiday has been introduced. I have supported this legislation from the beginning. In fact, I have cosponsored every resolution honoring Reverend King in this way.

I was honored to march with Dr. King in Chicago and was saddened but still honored to walk arm in arm along side Walter Reuther, president of the UAW, throughout the funeral service in Atlanta for Dr. King.

I urge passage of this bill as a way of reaffirming our commitment to the principles advocated 20 years ago during the historic march on Washington—the event which helped to establish Dr. King as a national leader and led to the passage of the 1964 Civil Rights Act.

In commemorating Dr. King's birthday, we are reminded of his courage, sacrifice, and the suffering of black Americans. This day will serve as a symbol for all who continue to strive for real equality.

With the establishment of a Martin Luther King national holiday, we provide a living memorial that helps us renew our dedication to the principles set forth more than 200 years ago in our Declaration of Independence that:

> All men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness.

Through his work, Dr. King reminded us of a basic tenet in our Constitution—equality for all. Dr. King's actions reminded us that we must live by the principles upon which our country was founded.

Mr. President, I support passage of this bill because Dr. King's commitment to equality, peace, and justice was honorable and should be recognized. His nonviolent approach in combating bigotry and in raising people's consciences toward the moral rightness of racial equality was honorable and should be recognized.

It is appropriate at this time to note the significant personal achievements that were made by Dr. King.

At an early age, Rev. Dr. King showed leadership qualities as an ordained minister and assistant pastor in his father's church in Atlanta in 1947. By the age of 35, Dr. King became the youngest man to be awarded the Nobel Peace Prize in 1964.

Dr. King's contribution to our Nation is immeasurable. He crusaded for all Americans who were poorly housed, unemployed, undernourished, uneducated, and underprivileged. As a result of Dr. King's work, millions of people enjoy a better life today.

Martin Luther King's birthday should be a time to remember the achievements that have been made in civil rights, as well as a time to firmly commit ourselves to the unfinished business of achieving equality for all.

So while January 15 may become just another holiday for some people, I hope others will use it to reflect and contemplate on how to further achieve the goals which Martin Luther King fought so hard to establish.

Finally, this holiday will revitalize the dream that Dr. King had for his own four children and for all children: "that some day they would be judged not by the color of their skin, but by the content of their character * * *."

I end my statement with the thought and hope that the establishment of a Martin Luther King holiday

will bring our Nation closer to making his dream a reality.

Mr. MATHIAS. Mr. President, when I first introduced this bill, I must say I thought that the day we would be passing it might be long distant.

I was joined in introducing the bill by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Kansas (Mr. DOLE), and by 32 other Members of the Senate by the time this debate began. The fact that so many Senators cosponsored the bill, Senators from both sides of the aisle, is an indication of the widespread feeling in the Senate that the time had come to give recognition not just because of the remarkable ministry of Martin Luther King, Jr., but also because more than a century after the end of the Civil War, we had finally achieved a reconciliation of black and white America. That reconciliation had come about in large measure because of the ministry of Martin Luther King, Jr.

In addition, it is time to recognize in a highly visible and symbolic way the contribution of all black Americans to the advance and progress of American society.

All of those motivations are represented in the bill which I hope will pass the Senate at 4 o'clock.

We have not had an easy debate. It has had its high points and it has had its low points. But it has been a debate which will end on a very high point. This debate, in both Houses of Congress will express the American people's sense of deep appreciation for the achievement of Martin Luther King. It will express the gratitude of the American people for the fact that black and white Americans together have realized his dream, the dream of black and white Americans living together in peace. It will be a positive expression from Congress, speaking for the American people, that we recognize the contributions that black Americans have made.

I am grateful to all those who have cosponsored this bill. I am particularly grateful to Senator DOLE, whose experience, knowledge, and skill on the floor have brought us to this moment, when we can anticipate final passage; and to Senator KENNEDY, an original cosponsor of the bill, who has managed it on the Democratic side.

However, the real gratitude must go to those millions of Americans who are not here in the Senate today. Millions of Americans, black and white alike, have sent a signal to their representatives in Congress that this is the moment, that this is the time, that this is the point in history when this recognition of Martin Luther King should take place.

We have waited more than a century since the end of the Civil War for this moment of reconciliation. I am confident that the Senate will rise to this historic occasion and, by an overwhelming vote, pass the Martin Luther King, Jr., holiday bill.

Mr. DOLE. Mr. President, how much time on each side remains?

The PRESIDING OFFICER. The Senator from Kansas has 11½ minutes, and the Senator from Massachusetts has 8½ minutes.

Mr. DOLE. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOLE. Mr. President, there is more than symbolism to the vote before us, and yet let us not underestimate the importance of symbols to a diverse people in search of common bonds. It is more than the commemoration of past achievements which we propose; more than a personal tribute; more even than a day of national reflection. In declaring Martin Luther King's birthday a national holiday, we reassert the continuing hold of compassion and nonconformity over the American mind.

"The reasonable man adapts himself to the world," wrote George Bernard Shaw. "The unreasonable one persists in trying to adapt the world to himself. Therefore, all progress depends on the unreasonable man."

Stop and ponder for a moment the role of unreasonable men and women in forging the American Nation. By any known standard, it was unreasonable to leave behind the old world, with its established ways and familiar territory, for the unknown wilds that lay at the end of the 3 month ocean voyage. It was equally unreasonable to propose converting a loose federation of squabbling colonies into a cohesive republic, free of kings and in bondage only to the idea of human equality. Less than a century later, it was tragic as well as unreasonable for brother to take up arms against brother, beginning with what Charles Sumner called in this Chamber "the crime against Kansas" and ending, a decade later, with nearly a million killed or maimed for life.

I never forget that my own State entered this Union in unreasonable times. We were divided in part by geography, in part by the pursuit of rich farming land. More importantly, we were divided over an idea. Both sides in Kansas' own internal conflict vowed loyalty to the documents that established the United States of America. Both sought inclusion in the institutions of government set up by the Founding Fathers. There the similarities ended. For one side was convinced that institutions derive their moral authority from the ideals that give them birth. If they are unfaithful to those ideals, if they betray the democratic essence of the American experience, then they forfeit power as well as purpose.

So Kansas went to war—bloody, protracted civil war—egged on by the Sumners and Calhouns of Washington. It was not reasonable. Yet it was unavoidable.

In our own century, we have all seen another revolution, primarily legal and social, secondarily political and economic. This was a crusade to narrow and ultimately eliminate the gap between the verbal promise of equality and the harsh reality of inequality. It was led by a man who may have sounded unreasonable to some—but whose only real offense was to point out how far we had strayed from the old ideals. Like other American heroes, Dr. King threw open the windows of our society when the scent of hypocrisy threatened to overcome our better natures. He reminded us that the great phrases justifying rebellion in 1776 compelled a peaceful reformation in the 1960's. From now on, we might do well each January 15 to remind ourselves that America was founded by dissenters, that she grew rich and powerful through the migration of dissatisfied people throughout the world, that her greatest weapons have never been military but spiritual. Most of all, we might remember that we are a nation still caught up in the process of becoming. As the playwright Thornton Wilder once put it, "It's not easy being an American because the rules aren't made yet."

Martin Luther King made some new rules and remade some old ones. He made us listen to men and women whose place in society could not be measured by their wealth or their access to power. Treating us as an extended family, he exported some of our religious beliefs out of the church pew and onto the nearest street corner. He was a strict constructionist when reading the charters of our nationhood, and from his interpretation and his faith he drew the strength to be unreasonable for justice.

Holding up a mirror to society, he was certain to offend some who did not like the reflection they saw. King, of all men, understood that democracy thrived in the arena of public contentiousness. He knew better than any man of his generation that differences were healthy for a free people and that only indifference posed a threat to their continued freedom. He would, I suspect, have understood that sometimes words can be spoken in the heat of debate, words that can be too easily twisted, words that can be oversimplified or misinterpreted. At times, he suffered such a fate himself.

But first and foremost, Dr. King was a healer. And it is in that spirit that I rise to support this legislation. He reminded us that we are a Nation with have-nots as well as haves, obligated to provide for hope as well as the common defense. In the words of

Hubert Humphrey, "Oh my friend, it's not what they take away from you that counts—it's what you do with what you have left."

Dr. King lost his life but no one can take away his legacy. Like the men in olive grey and brown khaki whom we honor on Veterans Day, like the man in a blue collar or women in the classroom whom we salute on Labor Day, like so many others who have in their own way helped close the gap between America's promises and her performance, he risked everything for what he believed in. It is the belief we commemorate, as well as the believer; it is the struggle for opportunity as old as America herself to which we pledge ourselves anew. Dr. King appealed to uneasy consciences while he lived. With this bill we perpetuate that appeal; we accept his challenge to make good on the basic premise of America.

Mr. President, I yield back the remainder of my time and reserve the remainder of the time on this side.

How much time remains on each side? I wish to reserve 3 minutes for the majority leader.

The PRESIDING OFFICER. The Senator from Kansas has 5 minutes remaining and the Senator from Massachusetts has 8½ minutes remaining.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I yield 2 minutes to the distinguished Senator from Alabama (Mr. DENTON).

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. DENTON. Mr. President, when the next vote comes up, I am going to be voting in favor of the bill because I believe that there is a great increment of advantage, a great merit to expressing some recognition for the tremendous change in American racial relations and in American civil rights which occurred through the work of Martin Luther King.

I have already, by my previous votes, indicated that I think there might be better ways of doing it than adding to the tremendous expense of national holidays. I believe that there were some things about Martin Luther King which were not perfect, but I believe they are transcended by the national importance of the deserving character of the man and the significance of what it meant to the whole Nation to effect the change that occurred in the South.

I wish to mention one feature of that change which recently occurred in Selma, Ala. A white man raised $410,000 for the Center for the Performing Arts in Selma, Ala., which was matched by a grant from the Reagan administration of $410,000. I was instrumental in interceding for that grant.

Bob Hope, perhaps the President, and the man who arranged for the grant, the best country singers in the country will be there. The performing arts center will mostly be for the benefit of the blacks who are in a great majority there.

The other example I want to give is the Civil War cannon, one which was built in Selma, having been restored to Selma by the Reagan administration. After 15 years of trying we finally got it there.

I was given the honor of presenting the cannon and I never saw a more joyous time.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. DENTON. I need 30 more seconds.

On that day blacks and whites stood together, wept and laughed together, as we commemorated the great war and as we honored those black men who, I think, are the greatest heroes in this Nation, who gave their lives in a just cause in Vietnam while all the racial dissension was going on at home. To me they are the greatest black heroes or the greatest heroes of any war in our history and I wanted to explain why I am going to vote for this bill. Thank you, Mr. President.

Mr. HELMS. Mr. President, today we have been through an historic debate, a debate which has not included much interest in obtaining the basic information needed to make the important decision we are called upon to make. I find it quite remarkable that there is a tremendous diligence on the part of the press and many Members of this body every time the Reagan administration sends up a nomination to a political appointment. No trouble is spared, no closet is left unsearched, no skeletons are left unexamined, if the nominee is someone who has not totally embraced the prevailing orthodoxy of the left.

Yet that same diligence has fallen into disuse. No one is anxious for the facts. The facts are dismissed beforehand as trash. There are apparently no facts which some Members of this body are willing to admit might change their minds. They have decided beforehand to approve this legislation no matter what might emerge.

Of course, that is the right of Senators to make such judgments. It is also the right of citizens to decide whether their rights and views are fully represented by such attitudes. I think that some day the facts will emerge, and that many citizens of the United States may regret the action shortly to be taken here today.

So the eye of history is upon us. It is appropriate therefore to recall some of the judgments in our history on Dr. King.

In 1965, President Harry S. Truman was in New York for an award from Freedom House. Reporters asked for his views on Dr. King. The President's views were set forth in the New York Times as follows:

> In his morning walk here on Monday, Mr. Truman termed Dr. King 'a troublemaker' . . . .
>
> Earlier in the day, on his morning stroll near the Carlyle Hotel at 76th Street and Madison Avenue, Mr. Truman said the Rev. Martin Luther King, the civil-rights leader, was a 'rabble-rouser' who has hurt the Negroes' cause 'because he hasn't got any sense.
>
> He said that Dr. King had acted like a 'damn fool' and that the recent civil-rights march from Selma to Montgomery, Ala., had 'distured the peace and accomplished nothing.'—New York Times, April 14, 1965.

Mr. President, similar views were expressed by the distinguished minority leader, Mr. ROBERT C. BYRD, in 1968 after the Memphis riots. The distinguished Senator was quoted by the Chicago Tribune in an article that began:

> After the Memphis riot, members of Congress at last began to pay some attention to King. Sen. Robert C. Byrd of West Virginia said federal action should be taken to keep King from carrying out any march in Washington. Byrd said that "If this self-seeking rabble-rouser is allowed to go thru with his plans here, Washington may well be treated to the same kind of violence, destruction, looting, and bloodshed' as Memphis.—Chicago Tribune, March 30, 1968.

Mr. President, on April 5, 1968, shortly after Dr. King's assassination, the distinguished minority leader, Mr BYRD, said in the Senate:

> I was not an admirer of Dr. Martin Luther King, but I regret, as much as any Senator regrets, the tragedy that befell him, and I feel sorrow for his family. I was shocked but I was not surprised at what happened, because of the tension that existed in Memphis. . . .
>
> There is a lesson to be drawn from what happened in Memphis and from what has been happening with increasing intensity throughout the Nation in recent years. That is, that mass protests, mass demonstrations, and mass marches and the like—whether labeled nonviolent or otherwise—can only serve to encourage unrest and disorder, and to provoke violence and bloodshed. . . .
>
> And, in the end, those who advocate such methods often become, themselves, the victims of the forces they themselves have set in motion.
>
> This, in a manner, is what happened to Dr. King. He usually spoke of nonviolence. Yet, violence all too often attended his actions. And, at the last, he himself met a violent end.
>
> There are those who will believe that his death in Memphis was for a just cause. Yet, even in fighting for a just cause, one must

pursue his course with reason, with due regard for the public welfare and good order, and with due respect for the law.

Dr. King must have known that, rioting having erupted from last week's attempted march in Memphis, there was, in its wake, such an atmosphere of tension as to make his presence in that city dangerous to himself and to others, at least for the time being. He must have known that the situation was volatile, and that passions had become greatly inflamed.

Yet, I regret he persisted in his course, continued to exhort his following to renew the march next week, and told the cheering audiences that a Federal court injunction would be ignored. "We're not going to let any injunction turn us around," he said, according to press reports.

Mr. President, no man can determine for himself whether or not a court injunction is legal or illegal, constitutional or unconstitutional. To do so would be to take the law unto one's own hands.

Justice Frankfurter said:

"If one man can be allowed to determine for himself what is law, every man can. That means, first, chaos, then tyranny."

Mr. President, one cannot preach nonviolence and, at the same time, advocate defiance of the law, whether it be a court order, a municipal ordinance, or a State or Federal statute. For to defy the law is to invite violence, especially in a tense atmosphere involving many hundreds or thousands of people. To invite violence is to endanger one's own life. And one cannot live dangerously always.

Paul said, in his Epistle to the Romans:

"Let every soul be subject unto the higher powers."

He said, in his Epistle to Titus:

"Put them in mind to be subject to principalities and powers, to obey magistrates, to be ready to every good work."

And he said, in his second Epistle to the Thessalonians:

Now, we command you, brethren, in the name of the our Lord Jesus Christ, that ye withdraw yourselves from every brother that walketh disorderly.

Thus, we are exhorted to obey the law and to respect authority, Mr. President, and those who refuse to do this cause serious risks to themselves and to others.

The words of Proverbs are as today as they were in the day of King Solomon, who is thought to have written them:

Whoso keepeth the law is a wise son; but he that is a companion of riotous men shameth his father.

Dr. King's profession was that of a minister. But no man if required to be a member of the clergy to be able to read and to understand these simple passages from the scriptures, and all men would profit from obedience thereto.

This is an hour of great emotion throughout the land, Mr. President, and it is an hour of shame and remorse and sorrow.

But it should also be a time for sober reflection by all citizens.

And out of this moment should come a spirit of rededication to the principles of equal justice for every man, whatever his race, and a reawakening of respect for law and order on the part of every man, whatever his race.

Neither men nor mobs can continue to create disorder and disregard the laws and disrupt the orderly functioning of government at any level, without shaking the very foundations of our society, tearing our country asunder, and destroying themselves in the end.

We must, if we are to avoid disaster, strive to live in peace, work together in harmony, seek redress for our grievances through established legal processes, and strive always for the preservation of good order.

This, I hope, will be the lesson we will all draw from the tragic events of recent days in Memphis.

Mr. President, this, as I have said, is a time of deep emotion. We may have on our hands a highly flammable situation in which passions will determine events of the day. What I am saying is difficult to say at a time like this, it may be misinterpreted by some, and it may not be considered entirely in keeping with the views being expressed by many, but I feel constrained to make this call to reason—in the hope that the reactions of all our people may be influenced by careful thought of what is needed to steer the Nation through this confused and troubled period.—Congressional Record, April 5, 1968, pp. 9139-40.

A former member of this body, the distinguished Senator from Massachusetts, Mr. Brooke, was quoted by the Washington Star in similar sentiments. The Star wrote:

Last week, Brooke was asked to comment on Martin Luther King's Anti-Vietnam war stand, his attempt to characterize the conflict as a Negro war and his advice to youths to refuse to serve if drafted.

The answer was direct and unequivocal. King is making a tragic mistake, Brooke said, in trying to bind together a personal anti-war sentiment and the unquestionably just cause of Negro rights. The only result, he said, will be damage to the civil rights cause.

This is a time for sane, calm deliberation, Brooke said. Inciting of violence is not going to bring about civil rights for the American Negro. It will not be done by violence—— Washington Star, May 16, 1967.

A prominent American insurance executive, Mr. James S. Kemper, assessing the damage created by riots in American cities, had this to say in 1965:

More than any other single man, Dr. King is responsible for the development of mass crime in the civil rights movement.

Mr. President, I ask unanimous consent that the entire article from the U.S. News & World Report of October 4, 1965, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Oct. 4, 1965]

DR. KING'S POLICY: INVITATION TO RACIAL VIOLENCE?

SYRACUSE, N.Y.—Says a prominent insurance executive—

"More than any other single man, Dr. [Martin Luther] King is responsible for the development of mass crime in the civil-rights movement."

Making this statement was James S. Kemper, Jr., president of companies of the Kemper Insurance Group, based in Chicago. He addressed the convention of the New York Mutual Agents Association here September 21 on the subject of "Law and Order."

Said Mr. Kemper:

"Nonviolence as practiced by Dr. King and his followers means that civil-rights advocates may break the law without moral blame if they are willing to pay the consequences.

"Dr. King says that if a man believes a law is unjust, or if he wishes to violate a just law in order to bring a condition of claimed social injustice to the attention of the public, he may break such laws if he is prepared to pay a fine or go to jail. This philosophy has been at the root of all of the sit-ins, lie-ins, lie-downs, mass demonstrations, mass invasions of Government offices—including the White House—blocking of entrances and exits to public buildings, and all of the other offenses against the community that have been committed in the name of civil rights for the past several years. It may be said that these tactics got results. . . .

"The spectacle of a Nobel Peace Prize winner, supported by thousands of white and Negro clergymen, endorsing the breaking of any law is an open invitation to lawbreaking by anyone who chooses to do so. . . .

"Whatever may be the intentions of Dr. King and those who follow his philosophy, they have led the way to exactly the kind of violence that took place this summer in Los Angeles and other cities. . . .

"We start out with something called 'nonviolent protest,' and we end up by providing a haven for Black Muslims, Black Nationalists, Communists, Trotskyites and the worst criminals of the Negro underworld leading the citizenry into organized violence and mass destruction."

WATTS DAMAGE ASSESSED

Mr. Kemper, 51, particularly cited the riots in the Watts area of Los Angeles, which he said would cost insurance companies 50 million dollars. He quoted statements by several Negro leaders advocating violence.

Then Mr. Kemper asked:

"Is it any wonder that the minority among the Negro population who are criminals and revoluntionaries feel that the Negro leadership has given them a license to kill and burn and loot?"

Mr. Kemper announced that the James S. Kemper Foundation has set up 16 new four-year college scholarships for children of Negro police officers and Negro firemen in larger cities.

The program, he said, "is intended as a means of expressing our opinion that the vast majority of America's Negroes do not want violence, do not want riots, do not want to 'kill Whitey,' but are anxious to take responsible advantage of the opportunities that all good Americans believe they should have in a free society."

Mr. HELMS. Mr. President, Roy E. Wilkins, another prominent black American who was a contemporary of Dr. King, was not entirely complimentary toward Dr. King. For many years Roy Wilkins was executive director of the NAACP. In an April 21, 1967 New York Times article, Mr. Wilkins voiced criticism of comments made by Dr. King relative to potential racial violence during the summer of 1967 and relative to criticism of Vietnam war policy by civil rights groups.

Mr. President, I ask unanimous consent that the April 21, 1967 New York Times article on Roy Wilkins' comments be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 21, 1967]

DR. KING CRITICIZED FOR "VIOLENCE" TALK

Roy Wilkins yesterday decribed as "dangerous" Dr. Martin Luther King's recent warning that at least 10 cities across the nation could "explode in racial violence this summer."

Mr. Wilkins, the executive director of the National Association for the Advancement of Colored People, said he thought Dr. King was sincere in making the prediction.

"But I think it's dangerous." Mr. Wilkins added, asserting that the danger lay in the possibility that "less disciplined persons" might interpret such warnings as encouragement to riot.

Speaking to reporters in the Hotel Plaza before the start of a meeting of the board of governors of the National Conference of Christians and Jews, Mr. Wilkins said that Dr. King could not be blamed for riots that might occur, however.

"The conditions of the ghetto are responsible," he said, "the poor schools, poor housing and lack of jobs in the slums. These are responsible for riots, not what Dr. King says."

Dr. King said Sunday that the 10 Northern cities were racial "powder kegs" because "the nation has done nothing to improve conditions in these areas.

Dr. King named seven of the 10 cities: New York, Cleveland, Chicago, Los Angeles, Washington, Newark and Oakland, Calif.

Mr. Wilkins also chided civil rights groups that complained that the war in Vietnam was draining funds from anti-poverty efforts in the United States.

"Nobody but the N.A.A.C.P. is fighting for legislation to get more money for domestic programs—the others are simply deploring proposed cutbacks," he said. "Why don't they take off their coats and roll up their sleeves and try to make sure Congress doesn't cut these funds."

At another point Mr. Wilkins denied that his differences with other civil rights figures meant a "split in the movement."

He said: "There has never been any absolute cohesion or unity in civil rights—people just don't function that way."

Mr. HELMS. Mr. President, in an April 3, 1968, article in the Washington Star, Roy Wilkins had further comments about Dr. King—on this occasion concerning the upcoming "March on Washington." Mr. Wilkins spoke of what he called the great danger of the King campaign in Washington. He also talked about the preventative steps his organization was taking to help provide calm for the event. It is certainly a fair speculation that Mr. Wilkins' efforts may well have helped head off violence.

Mr. President, I ask unanimous consent that the April 3, 1968, Washington Star article on the Wilkins' statements be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Apr. 3, 1968]

VIOLENCE THE "GREAT DANGER" IN KING DRIVE, WILKINS SAYS

(By John Fialka)

Roy E. Wilkins, executive director of the National Association for the Advancement of Colored People, said yesterday the "great danger" of the projected poor people's campaign in Washington is that Dr. Martin Luther King "might not be able to keep control of it."

Wilkins commented on the campaign during a question period after speaking at a National Press Club luncheon.

He said the danger presented by the campaign is that "other elements might come in."

"When you get 1,000 or 2,000 people together and all emotionally wrought up, embarking on a project, it's very hard to control them with five or 10 people, because in any crowd there are always some mavericks," Wilkins said.

FEARS EFFECT ON BILLS

He said that individual NAACP members are free to join the demonstration but added that he felt the Washington chapter of the organization will be reluctant to aid the march if requested by King, because of fears that the move would hinder the progress of civil rights legislation currently pending before Congress. (The local NAACP unit has endowed the campaign.)

The NAACP leader said his group, which has 440,000 members, has not been consulted on the planning of the campaign, which is scheduled to begin on April 22.

"This is an enterprise of the Southern Christian Leadership Conference. They sat down in the Bahamas or Nassau or somewhere last winter and thought it up," Wilkins commented, drawing laughter from an audience of about 300 at the luncheon.

In his main speech, Wilkins warned that black militants who call for violence and separatism are actually playing into the hands of white racists and are causing officials in some cities to give police departments "blank checks" to buy heavy weaponry.

STICKERS ISSUED

He said the Washington NAACP is passing out stickers in Washington to head off any riot rumors.

He displayed several that said: "Over No Dead Bodies. Prevent Riots"; "Alive You Can Fight. Dead You're Dead."; and "No Young Blood on the Streets. Prevent Riots."

Wilkins said the current office favorite was "Hot Head. Hot Lead. Cold. Dead."

He repeatedly said that black militants are a "small but vociferous coterie," that represents only an "infinitesimal part" of the country's 22 million Negroes.

White racists, he said, already have been able to stop political moves that would have benefitted Negroes in some cities by stirring up black militants.

Wilkins said it was "tragic" that some young Negroes believe what they have been told by the militants and remove themselves from "competiton in the world of all men."

"They will come—softly, I hope—to disillusionment," he added.

Mr. HELMS. Mr. President, another leading black critical of Dr. King was Rev. Henry Mitchell, pastor at North Star Missionary Baptist Church in Chicago in the late 1960's. In an April 20, 1967, New York Times article, Mr. Mitchell said that Dr. King's 1966 summer marches in Chicago created hate.

Mr. President, I ask unanimous consent that the April 20, 1967, New York Times article on Mr. Mitchell's comments be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 20, 1967]

NEGRO PASTORS IN CHICAGO BID DR. KING END MARCHES

CHICAGO, April 19.—The leader of a group of Negro ministers called on the Rev. Dr. Martin Luther King, Jr. today to stop his civil rights marches here and leave Chicago.

Criticism of Dr. King was expressed by the Rev. Henry Mitchell, a pastor of the North Star Missionary Baptist Church, at a news conference with about a dozen other ministers, who said they spoke for 50,000 Chicago Negroes.

Mr. Mitchell said the civil rights marches that Dr. King led here last summer had "created hate." He said Dr. King had been a failure here. He called Dr. King an "outsider" and urged that he "stay in Alabama."

Mr. HELMS. Mr. President, George S. Schuyler was a well-known, prominent black, a journalist by trade, who was a contemporary of Dr. King and who was highly critical of him. In the January 1970 edition of American Opinion, Mr. Schuyler wrote an article entitled "Saint Martin? The Martin Luther King Memorial." Mr. Schuyler compared Dr. King to Benedict Arnold and asserted that the Southern Christian leadership was Communist-dominated.

Mr. President, as an example of the comments of a contemporary black journalist on Dr. King, I ask unanimous consent that this American Opinion article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From American Opinion, January 1970]

SAINT MARTIN?—THE MARTIN LUTHER KING MEMORIAL

(By George S. Schuyler)

The frantic drive to lift the late Dr. Martin Luther King Jr. to saintly status proceeds apace. The whole spectacle would have delighted old Anatole France and provided abundant supplementary material for a sequel to Penguin Island in which, it will be recalled, bandits and rogues in the course of time became national heroes.

As George Washington, Thomas Jefferson, and Abraham Lincoln whirled in their graves, King achieved in death a national memorial day with flags at half-mast throughout the American empire, and every politician of note trooping to his funeral in Atlanta weeping crocodile tears. While they knelt in prayer at the King bier, vandalistic blacks put a hundred cities to torch.

Before the smoke of the bonfires subsided, there came impudent demands from militant Marxists that every conceivable public building, highway, airport, and school building be named for the Atlanta preacher who had led a dozen half-wit mobs against public order and had secured financial backing

from both the "white power structure" and the Communists to operate revolutionary schools to train his subordinates for the bedevilment of sundry communities.

It was only shortly after an assassin's bullet relieved the country of King's presence that his long-planned march on Washington, to plant in its center a hobo city, was led by his lieutenant Ralph D. Abernathy. Ralph resided the while in a comfortable motel as his dupes wallowed in the bog of Resurrection City. Yet this disgraceful performance was at government expense, even to the feeding of the mules who "marched" to Washington on railroad flatcars.

The King-Abernathy mob didn't quite get around to burning down the White House as had the British in the War of 1812, but they came close to it.

Nobody would have believed such an outrage could occur had there not been so many witnesses, including President Lyndon Johnson who peered gloomily at the wreckage from his front window, while his Attorney General cautioned the police and militia to treat the ruffians gently and respect their Constitutional right to rob, burn, and rape.

Incredulity soared when a few weeks ago a front-page headline in the New York Times declared: "King Family Halting Talks With Nixon For Memorial." The public had not known that any such talks were going on between the Nixon Administration and the King family for a giant King memorial in Atlanta! The talks were abandoned it seems "because of what the Kings say is Mr. Nixon's 'indifferent attitude' toward the black and poor people." Mrs. Coretta Scott King, the widow—and a violent, rampaging Copperhead in her own right—said that "Mr. Nixon at one point had encouraged the project, but that the idea collapsed . . . after seven months of unpublicized negotiations." It had been rather like meeting secretly with the Vietcong.

Dolefully, Hanoi Coretta moaned: "We felt that to get Federal support for a memorial would have been a beautiful thing not only for our country but for oppressed people throughout the world. But President Nixon's attitude, his lack of real concern, suggests that his Administration is motivated by racist attitudes."

Nixon's attitude could also have been motivated by a concern for how Americans would react to building such a monument to a man whose personal staff had included convicted perverts, Communist organizers, and even a member of the Executive Committee of the Communist Party, U.S.A.

One might have regarded the whole thing as a figment of King family imagination had not Leonard Garment, a top White House aide, confirmed the statement, saying it was the first time he had heard that the Kings planned to break off the talks; that he had not been aware of any difference of opinion over Mr. Nixon's "Civil Rights" record. He whined "It would be a disservice to the cause of civil rights and the late Martin Luther King if this becomes a political football."

Mrs. King disclosed that she telephoned the President in early February to ask his help for legislation to create a Freedom Memorial Park in the two downtown Atlanta blocks that contain her husband's birthplace, the Ebenezer Baptist Church where he and his father preached, and his grave. She continued: "Mr. Nixon seemed to like the idea, he even sounded enthusiastic. He said he would send 'the best man for the job' to talk to me, and promised that the plan would receive immediate attention from the White House."

Then it turns out that, according to Hanoi Coretta, Secretary of Health, Education and Welfare Robert Finch visited her a few weeks later in Atlanta and offered his Department's help in setting up a Black Studies program as part of the memorial. The conspirators agreed to keep mum about all this until Nixon popped the publicity on April fourth, the anniversary of Dr. King's hurried demise. This had to be called off because of the death of former President Eisenhower.

But talks continued between Leonard Garment and Harry H. Wachtel, the memorial foundation's lawyer. It seems that Garment even met with the architects.

The negotiations cooled as the widow King began to propagandize for the Vietcong, and finally there came a White House letter stating that at this time the President was "not prepared" to support the proposed legislation. The Reverend Martin Luther King Sr. moaned that "Martin's memory has gotten cold."

The widow King observed between pitches for the kindly Vietcong: "We had to convince ourselves that the national Government was not willing to help us." So now the memorial foundation is going to go out and raise through a private campaign the three million dollars deemed necessary. Remembering what Phineas T. Barnum said about a sucker being born every minute, they will probably get the money, too.

One thing for which all good Americans should give thanks is that President Nixon did not dare to go through with this caper. It would have otherwise been tantamount to the government building a memorial to Benedict Arnold, who certainly did less harm to America than the sniveling, hypocritical leader of the "Communist-dominated" Southern Christian Leadership Conference.

It is interesting to note that on the board of the King foundation are such people as former Vice President Hubert H. Humphrey; Senator Hugh Scott of Pennsylvania, the new Senate Republican Leader; Senator Edward M. Kennedy of Massachusetts; former Supreme Court Justice Arthur J. Goldberg; Sidney Poitier, the Leftist screen actor; and, of course, the Reverend Ralph Abernathy, who first won fame by outdistancing an irate husband in Montgomery, Alabama, but who is now King's successor.

Well, there's no doubt they'll collect the gelt (the Rockefeller Brothers Fund has already coughed up $250,000), but it looks as if we'll be spared the disgraceful spectacle of the American taxpayer being required to honor a tinhorn Comrade.

Mr. HELMS. Mr. President, when hearings in past Congresses have been held on the Martin Luther King holiday, black American citizens have come forward to testify against the idea. I refer to Mr. J. A. Parker, president of the Lincoln Institute for Research and Education, and Ms. Julia Brown, a former FBI informant.

In testimony of February 23, 1982, Mr. Parker stated that during the Vietnam war Dr. King gave support to our enemy. In testimony of June 21, 1979, Ms. Brown said:

While I was in the Communist Party as a loyal American Negro, I knew Martin Luther King to be closely connected with the Communist Party. If this measure is passed honoring Martin Luther King, we may as well take down the Stars and Stripes that fly over this building and replace it [sic] with a Red flag.

Mr. President, I ask unanimous consent that the testimony of J. A. Parker on February 23, 1982, before the Subcommittee on Census and Population of the House Committee on Post Office and Civil Service, be printed in the RECORD and that the testimony of Ms. Julia Brown on June 21, 1979 before the joint hearings of the Senate Judiciary Committee and the House Post Office and Civil Service Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARTIN LUTHER KING, JR., HOLIDAY LEGISLATION

(By J. A. Parker)

Mr. Chairman and members of the Sub-Committee: I am pleased to appear before this committee to present my personal views on the proposal to establish a national holiday for the birthday of the late Dr. Martin Luther King, Jr.

Personally, I do not favor the establishment of a national holiday for Martin Luther King, Jr. for the following reasons:

First: It is impractical and unrealistic. Please consider the fact that we Americans honor the birth of two men with national holidays—Jesus Christ and George Washington. We do not recognize the birthdays of such great Americans as Thomas Jefferson, Abraham Lincoln, Patrick Henry, Crispus Attucks, Booker T. Washington or General Daniel "Chappie" James. Nor do we celebrate the birthday, with a national holiday, of the only person to be elected president four times—Franklin Delano Roosevelt.

The proponents of a national holiday for Martin Luther King are unwilling to let history make its final judgment on the merits or demerits of Dr. King. Instead, they are plunging ahead trying to pressure Congress to enact Dr. King's birthday as a national holiday.

Second: I am opposed to the designation of Dr. King's birthday as a national holiday because I firmly believe the "jury is still out" as to whether or not he was a hero or a villain. I have not forgotten that while Americans were fighting and dying in Vietnam, Dr. King gave his support to our enemy—the North Vietnamese Communists. He called the United States the "greatest purveyor of violence in the world." And worst, he likened the U.S. to Hitler's Germany when, according to the Washington Post, "He flatly charged the Government with sending Negroes to fight and die in extraordinarily high proportions . . ." Further the Post, in the same editorial, was moved to strongly criticize Dr. King for supporting Ho Chi Minh's position over our own.

During this period of our nation's history, Dr. King was divisive, and for this he was criticized by a large body of influential Americans, including Senator Edward Brooke; former executive director of the NAACP, Roy Wilkins; former executive director of the National Urban League, Whitney Young; baseball-great, Jackie Robinson; and, nationally syndicated columnist, Carl Rowan.

To a large degree, many people today are attempting to ignore the past and rewrite history.

Third: I believe this effort will further exacerbate the effects of a color-conscious society at the expense of the color-blind society, which should be our goal.

If there is a national holiday for Dr. King, a black American, why should there not be a national holiday for a woman, a native American, an Hispanic, etc.? The pursuit of such folly would result in a non-meaning of national holidays for all individuals.

I would like to add that The Lincoln Institute has received more than 200,000 responses from the survey it conducted recently, and the American people have voted, more than 90%, against a national holiday for Dr. King. I want to further add that our survey only sought to determine Americans' view on a national holiday for Dr. King—not state or local recognition.

A final observation: To date, Dr. King's home state of Georgia has not seen fit to honor him with a holiday.

STATEMENT OF JULIA BROWN

Ms. BROWN. Mr. Chairman, I, Julia Brown joined the Communist Party in December 1947, thinking I was joining a legitimate civil rights organization. Finding that I was a true member of the Communist Party which advocated the overthrow of the United States Government, I decided to leave the organization, but I had to bide my time to avoid suspicion. Subsequently, I went to the FBI to report what I had heard and seen. In 1951, I was asked by the FBI to go back into the Communist Party as an undercover agent to report on their subversive activities.

While at the Communist Party meetings, which only party members attended, I frequently heard Martin Luther King discussed and was told by Frieda Catz that he was in training for a civil rights movement in this country. Frieda Catz was a party member from Cleveland, Ohio, who had been assigned to my training and education within the Communist Party. On learning this, I reported it to my contact in the FBI. He told me that the Bureau knew that Martin Luther King had high-level connections with the Communist Party, and I should report anything else that I heard about his activities. I continued to report until June of 1960.

In Martin Luther King's early years of agitation he was the hero of America's Communists. The cells that I was associated with in Cleveland were continually being asked to raise money for Martin Luther King's activities and to support his civil rights movement by writing letters to the press and influencing local clergymen, and especially Negro clergymen, that Martin Luther King was a good person, unselfishly working for the American Negro, and in no way connected with the Communist Party.

There are many great Negroes, such as George Washington Carver and Booker T. Washington who provide the youth of America with an example they can follow. Martin Luther King provides an example of agitation and manipulation for goals dictated by hatred and envy. The memory of Carver and Washington would be dishonored if this committee acts favorably in this matter.

Mr. Chairman, while I was in the Communist Party as a loyal American Negro, I knew Martin Luther King to be closely connected with the Communist Party. If this measure is passed honoring Martin Luther King, we may as well take down the Stars and Stripes that fly over this building and replace it with a Red flag.

Thank you.

Senator THURMOND. Is there anything else you would care to say, or does that complete your statement Ms. Brown?

Ms. BROWN. That completes my statement.

Senator THURMOND. Do you have any questions you would like to propound to Ms. Brown?

Mr. WILLIAMS. No. Thank you.

Senator THURMOND. Thank you, Ms. Brown.

Ms. BROWN. Thank you.

Senator THURMOND. Our next witness is Mr. Karl Prussion.

The VICE PRESIDENT. The majority leader.

Mr. BAKER. Will the manager yield to me?

Mr. DOLE. I am happy to yield.

Mr. KENNEDY. Whatever time the leader desires.

Mr. BAKER. I am most grateful to both Senators.

Mr. President, we are approaching a momentous time as only the Senate can approach such important events. I have witnessed a few. I participated in many great debates that have surged through this Chamber, and divided our membership. I have seen, Mr. President, issues debated here, determined, and resolved here which have far-reaching implications on the foreign and domestic policies of this Nation.

But I have seldom approached a moment in this Chamber when I thought that the action we are about to take has greater potential for good and a greater symbolism for unity than the vote that is about to occur in 8 minutes.

That event, Mr. President, which is about to happen, makes my mind go back fully 20 years to a time when I was in this city, not as a Senator but as a young Tennessee lawyer traveling from a place where I had transacted my client's business in the direction of National Airport.

But, Mr. President, it was not an easy journey because as I made my way, I was impeded by a sea of humanity and by what seemed like a million Greyhound buses. For this was the day of the great civil rights march on Washington and there was no escaping it.

Mr. President, the taxi driver had his radio on and it was tuned to those proceedings that were going on on the Mall and at the Lincoln Memorial. It seemed as I listened and waited and sat in that crowded traffic jam that an endless procession of speakers took their turn at the microphone and all of them presenting with great emotion and great energy their appreciation for justice, all of them demanding equality before the law and each of them proclaiming the same insistent message that their emancipation was incomplete.

But, Mr. President, as I sat there listening I also heard a 34-year-old minister who was the head of the Southern Christian Leadership Conference, a dynamic young man who had spent part of that year in a Birmingham jail, and I left that taxi to try to work my way toward the focus of that dynamism and to hear this man first hand and unfiltered.

As he spoke through the murmuring noise of that crowd I could sense the special impact that he was having on that group and I was sure on the Nation and the world.

As he reached the climax of his speech no one in this country could doubt that that special attention was well-deserved. The speaker, Mr. President, was Martin Luther King, Jr. and the speech was "I Have a Dream."

More than 20 years separate that day from this and in those 20 years we have seen changes in this country and in this society which are nothing short of revolutionary, and we have the opportunity to memoralize the extraordinary progress we have made in race and social relations in America and to renew our commitment to improving those relations and now to expanding the horizon of human freedom still more.

Black Americans have suffered too much for too long in this country. They have been bound in the chains of slavery and barred from the free exercise of political expression and, as Martin Luther King once wrote "Smothered in the airtight cage of poverty."

But, Mr. President, for all of this, black Americans have made extraordinary contributions to this country and in every aspect of our national and personal lives. They have fought and died for this Nation; they have defended, they have expanded, and extended, the blessings of freedom and opportunity in this country. Mr. President, they have served this country much better than this country has always served them.

So it is only right that we set aside a day of national commemoration of that role black Americans have played in American's life, its work and social progress, and only fitting and proper that that day should be designated in memory of and in celebration of the accomplishments of Dr. Martin Luther King who in so many ways is the embodiment and the enoblement of the aspirations and ambitions of so many millions from every walk of life.

So, Mr. President, the vote we are about to cast will perhaps not settle great issues between nations or change the statute law and the institutional arrangements of Government. The vote we are about to cast may not balance the budget but it is proof positive, Mr. President, that the country and the Senate have a soul and that

we intend to acknowledge and to celebrate the nobility of all of our citizens in the opportunity which they must have to participate in the fullness of America's future.

We can do that, Mr. President, by the establishment of this national holiday for this purpose at this time.

Mr. DOLE addressed the Chair.

The VICE PRESIDENT. The Senator from Kansas is recognized.

Mr. DOLE. Have the yeas and nays been ordered?

The VICE PRESIDENT. They have not.

Mr. DOLE. I request the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, as I understand the time remaining is the time of the Senator from Massachusetts.

Mr. KENNEDY. I am prepared to yield back the time.

I yield such time as remains to the Senator from Kansas.

Mr. DOLE. Mr. President, I have no further comments., I think the distinguished majority leader and the distinguished Senator from Massachusetts and others have made excellent statements.

I must acknowledge the presence of the Vice President which I think is always significant. As far as this Senator is concerned the bill is ready for final approval and we can either have a quorum call——

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. President, it is 2 minutes to 4 and the vote is ordered at 4 o'clock but just so our respective cloakrooms can put Senators on notice the time has arrived, I would like to suggest the absence of a quorum, if the Senator will yield for that purpose.

Mr. DOLE. Yes.

Mr. BAKER. Then, Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

The question is on the third reading of the bill.

The bill (H.R. 3706) was ordered to a third reading and was read the third time.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The VICE PRESIDENT. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 78, nays 22, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—78

Andrews	Durenberger	Mattingly
Armstrong	Eagleton	Melcher
Baker	Evans	Metzenbaum
Baucus	Ford	Mitchell
Bentsen	Glenn	Moynihan
Biden	Gorton	Nunn
Bingaman	Hart	Packwood
Boren	Hatfield	Pell
Boschwitz	Hawkins	Percy
Bradley	Heflin	Proxmire
Bumpers	Heinz	Pryor
Burdick	Hollings	Quayle
Byrd	Huddleston	Riegle
Chafee	Inouye	Roth
Chiles	Johnston	Sarbanes
Cochran	Kassebaum	Sasser
Cohen	Kasten	Simpson
Cranston	Kennedy	Specter
D'Amato	Lautenberg	Stafford
Danforth	Laxalt	Stevens
DeConcini	Leahy	Thurmond
Denton	Levin	Trible
Dixon	Long	Tsongas
Dodd	Lugar	Warner
Dole	Mathias	Weicker
Domenici	Matsunaga	Wilson

NAYS—22

Abdnor	Helms	Rudman
East	Humphrey	Stennis
Exon	Jepsen	Symms
Garn	McClure	Tower
Goldwater	Murkowski	Wallop
Grassley	Nickles	Zorinsky
Hatch	Pressler	
Hecht	Randolph	

The VICE PRESIDENT. The Chair reminds the galleries that they are guests of the Senate and that no displays of approval or disapproval are permitted in the Senate.

On this vote there are 78 yeas and 22 nays. The bill is passed.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER addressed the Chair.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. Mr. President, may I take this opportunity to extend my deep gratitude and thanks to the distinguished managers of this measure, especially to Senators DOLE and MATHIAS, Senator THURMOND, the chairman of the committee, and to all others on this side who participated so long and diligently in this effort.

May I express my appreciation as well to the minority leader, to the ranking member of the Judiciary Committee, and all those who managed on the Democratic side.

This is a historic moment, Mr. President, and I thank all Senators.

Mr. President, in a moment it will be the intention of the leadership to ask the Senate to turn to the consideration of the unfinished business, which is the State authorization bill.

Mr. BYRD addressed the Chair.

The VICE PRESIDENT. The galleries will please be in order. The minority leader is asked to suspend until the galleries are in order.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, this has been a great day in the history of the Senate, and a great day for all Americans. I want to express my gratitude to our many colleagues on both sides of the aisle who worked so hard to bring this legislation successfully to final passage in the Senate, especially Senator MATHIAS, the principal sponsor of the bill; Senator BYRD and Senator BAKER, whose skillful and sensitive Senate leadership meant so much to all of us in the critical stages of this debate; Senator DOLE for his able work in helping to manage the bill on the Senate floor; and Senator BIDEN, the ranking Democrat on the Judiciary Committee.

I also want to take this opportunity to single out for special praise the large number of dedicated staff persons in the Senate whose tireless efforts did so much to make this impressive victory possible. In particular, I commend Andrea Young, Burt Wides, and Carolyn Osolinik of my own staff, as well as all those on other staffs who contributed so much to this unique bipartisan effort, especially Marge Baker, Sheila Bair, Susan Cameron, Mike Epstein, Mark Gitenstein, Lynn Holmes, Steve Matalitz, and Chip Reid. Without their outstanding skill and dedication, we could not have prevailed today, and the Nation is deeply in their debt.

Finally, above all, I want to commend the person who has truly made all the difference in this effort, the woman who more than any other American has kept Martin Luther King's dream alive, someone whose friendship has meant so much to me and my family—Dr. King's wife and his great partner in all his great work, Coretta Scott King.

Mr. BAKER. Mr. President, if I could have the attention of the Senate for a moment——

The PRESIDING OFFICER. The majority leader is entitled to be heard. The Senate will be in order.

Will the ladies and gentlemen in the galleries cease all conversations.

Mr. BAKER. I thank the Chair.

Mr. President, first I want to express an apology to the minority leader. When I suggested the absence of a

quorum a moment ago, I did not notice that the minority leader was on his feet.

Mr. BYRD. I had the floor.

Mr. BAKER. And I believe may have had the floor, and perhaps my quorum call was out of order. But regardless of the technicalities, I want to acknowledge that it was an oversight on my part and that I wish to apologize to the minority leader for that.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the majority leader. He is very kind and always accommodating to me. He owes me no apology. I understand how those things can happen with all the hustle and bustle, so I thank him.

Mr. BAKER. I thank the minority leader.

DEPARTMENT OF STATE AUTHORIZATIONS

Mr. BAKER. Mr. President, I now ask for the regular order.

The PRESIDING OFFICER. The Senate will now resume consideration of the unfinished business, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1342) to authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. May I make one further announcement. I indicated earlier today, Mr. President, that it was my hope that we could go to the Interior appropriations conference report immediately after the King vote. That conference report is not quite ready, but I think it will be ready yet during the course of this day or early evening. It is the hope of the leadership on this side, even though we are on the State authorization bill, which is now pending, that it will be laid aside temporarily so that the conference report, which is privileged, might be taken up and disposed of today. I want to put Senators on notice of that possibility.

Mr. President, I now yield the floor.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, today the Senate will consider S. 1342, a bill authorizing appropriations for the Department of State, U.S. Information Agency, and the Board for International Broadcasting for fiscal years 1984 and 1985. The total amounts authorized by this legislation for fiscal years 1984 and 1985 are $3,203,518,000 and $3,234,249,000, respectively. This represents a cut of $65,427,000 from the administration's fiscal 1984 request and a cut of $330,442,000 from the administration's fiscal year 1985 request. Despite these substantial reductions, I believe that this bill will provide the U.S. foreign policy agencies with adequate resources to carry out their various mandates and to promote U.S. interests abroad.

Mr. President, eleswhere in the RECORD and prior to the referral to other matters, several charts were incorporated in the RECORD which compared the administration's request with the committee's recommendations, and they were printed in the RECORD. I will not, therefore, repeat those.

It would be the intention of the managers of the bill to move just as rapidly as we possibly can. We hope to finish this bill tonight.

I should like to read off at this time the sequence of amendments so that any Senators interested in those amendments can promptly come to the floor. Each amendment is expected to take a relatively few minutes except one or two that might be in controversy.

The first amendment will be the National Endowment for Democracy; the second United States-India endowment; third, Radio Free Europe, Radio Liberty foreign currency gains; fourth, U.S. Embassy in Mexico; fifth, security officers; sixth, extraordinary protective services; seventh, European Space Agency; eighth, U.N. World Assembly on Aging; ninth, nonproliferation, in which I understand Senator BOSCHWITZ and others have an interest; tenth, human rights. Following that, an amendment of some interest to Senator CRANSTON, USIA film. Then two amendments in which Senator DOLE has indicated an interest, Helsinki Commission and the National Endowment for Democracy; several amendments in which Senator KASSEBAUM has indicated an interest, Peace Corps amendment, modification of amendment 2200, U.N. Decade for Women. Following that, an amendment that Senator LUGAR has indicated an interest in, Soviet studies, followed by an amendment in which Senator MATHIAS has an interest, prepublication review issues; an amendment Senator MCCLURE has indicated an interest in, SALT II, and Senator NICKLES involving an amendment, review of U.S. participation in the United Nations. The amendment Senator PELL indicated an interest in will not be offered.

Senator PRESSLER has indicated an interest in amendments involving, first, the study of U.N. funding; second, employment of U.S. nationals by the United Nations; third, withholding funds for specific budget items. Senator PROXMIRE has indicated an interest in amendment No. 2162, National Endowment for Democracy, and amendments 2311 and 2312.

Senator PRYOR has indicated an interest in an amendment involving the Under Secretary for Agricultural Affairs. Senator HELMS has indicated an interest in the State Department Compensation Reform Act, USIA audit, the Soviet Embassy, a sense of Congress resolution, and lobbying foreign policy agencies.

The final amendment the managers of the bill are aware of involves an amendment in which Senator LEAHY is interested, involving El Salvador.

AMENDMENT NO. 2344

Mr. PERCY. Mr. President, at this time I send to the desk an amendment involving the National Endowment for Democracy and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2344.

Mr. PERCY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 26, beginning in line 20, strike out "to the National Endowment for Democracy (established pursuant to title IV of this Act)" "and insert in lieu thereof, in accordance with title IV of this Act, to the National Endowment for Democracy".

Page 33, strike out line 21 and all that follows through line 3 on page 43 and insert in lieu thereof the following:

TITLE IV—NATIONAL ENDOWMENT FOR DEMOCRACY

SHORT TITLE

SEC. 401. This title may be cited as the "National Endowment for Democracy Act".

NATIONAL ENDOWMENT FOR DEMOCRACY

SEC. 402. (a) The Congress finds that there has been established in the District of Columbia a private, nonprofit corporation known as the National Endowment for Democracy (hereafter in this title referred to as the "Endowment") which is not an agency or establishment of the United States Government.

(b) The purposes of the Endowment, as set forth in its articles of incorporation, are—

(1) to encourage free and democratic institutions throughout the world through private sector initiatives, including activities which promote the individual rights and freedoms, including internationally recognized human rights, which are essential to the functioning of democratic institutions;

(2) to facilitate exchange between United States private sector groups (especially the two major American political parties, labor, and business) and democratic groups abroad;

(3) to promote United States nongovernmental participation, especially through the two major American political parties, labor, business, and other private sector groups, in

democratic training programs and democratic institution-building abroad;

(4) to strengthen democratic electoral processes abroad through timely measures in cooperation with indigenous democratic forces;

(5) to support the participation of the two major American political parties, labor, business, and other United States private sector groups in fostering cooperation with those abroad dedicated to the cultural values, institutions, and organizations of democratic pluralism; and

(6) to encourage the establishment and growth of democratic development in a manner consistent both with the broad concerns of United States national interests and with the specific requirements of the democratic groups in other countries which are aided by programs funded by the Endowment.

GRANTS TO THE ENDOWMENT

SEC. 403. (a) The Director of the United States Information Agency shall make an annual grant to the Endowment with funds appropriated to the Agency for the "Salaries and Expenses" account to enable the Endowment to carry out its purposes as specified in section 402(b). Such grants shall be made pursuant to a grant agreement between the Director and the Endowment which requires that grant funds will only be used for activities which the Board of Directors of the Endowment determines are consistent with the purposes described in section 402(b), that the Endowment will allocate funds in accordance with subsection (d) of this section, and that the Endowment will otherwise comply with the requirements of this title. The grant agreement may not require the Endowment to comply with requirements other than those specified in this title.

(b) Funds so granted may be used by the Endowment to carry out the purposes described in section 402(b), and otherwise applicable limitations on the purposes for which funds appropriated to the United States Information Agency may be used shall not apply to funds granted to the Endowment.

(c) Nothing in this title shall be construed to make the Endowment an agency or establishment of the United States Government or to make the members of the Board of Directors of the Endowment, or the officers or employees of the Endowment, officers or employees of the United States.

(d) Of the amounts made available to the Endowment for each of the fiscal years 1984 and 1985 to carry out programs in furtherance of the purposes of this Act—

(1) not less than $5,000,000 shall be for the National Democratic Institute for International Affairs;

(2) not less than $5,000,000 shall be for the National Republican Institute for International Affairs;

(3) not less than $13,800,000 shall be for the Free Trade Union Institute; and

(4) not less than $2,500,000 shall be to support private enterprise development programs of the National Chamber Foundation.

ELIGIBILITY OF THE ENDOWMENT FOR GRANTS

SEC. 404. (a) Grants may be made to the Endowment under this title only if the Endowment agrees to comply with the requirements specified in this section and elsewhere in this title.

(b)(1) The Endowment may only provide funding for programs of private sector groups and may not carry out programs directly.

(2) The Endowment may provide funding only for programs which are consistent with the purposes set forth in section 402(b).

(c) Officers of the Endowment may not receive any salary or other compensation from any source other than the Endowment during the period of their employment by the Endowment.

(d)(1) The Endowment shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the assets of the Endowment shall inure to the benefit of any member of the Board, any officer or employee of the Endowment, or any other individual, except as salary or reasonable compensation for services.

(e)(1) The accounts of the Endowment shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Endowment are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Endowment and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) The report of each such independent audit shall be included in the annual report required by subsection (h). The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Endowment's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Endowment's income and expenses during the year, and a statement of the application of funds, together with the independent auditor's opinion of those statements.

(f)(1) The financial transactions of the Endowment for each fiscal year may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Endowment are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Endowment pertaining to its financial transactions and necessary to facilitate the audit; and they shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers and property of the Endowment shall remain in possession and custody of the Endowment.

(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the Endowment, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made contrary to the requirements of this title. A copy of each report shall be furnished to the President and to the Endowment at the time submitted to the Congress.

(g)(1) The Endowment shall ensure that each recipient of assistance provided through the Endowment under this title keeps such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) The Endowment shall ensure that it, or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Endowment under this title. The Comptroller General of the United States or any of his duly authorized representatives shall also have access thereto for such purpose.

(h) Not later than December 31 of each year, the Endowment shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress. The report shall include a comprehensive and detailed report of the Endowment's operations, activities, financial condition, and accomplishments under this title and may include such recommendations as the Endowment deems appropriate. The Board members and officers of the Endowment shall be available to testify before appropriate committees of the Congress with respect to such report, the report of any audit made by the Comptroller General pursuant to subsection (f), or any other matter which any such committee may determine.

Mr. PERCY. Mr. President, I also indicate that Senator BYRD has indicated an interest in offering an amendment at an appropriate time that would involve a clarification of the War Powers Act as he interprets the Supreme Court decision. That would probably involve some discussion and possibly a rollcall vote.

ORDER OF PROCEDURE

Mr. MATSUNAGA. Mr. President, will the Senator yield?

Mr. PERCY. I yield for a question.

Mr. MATSUNAGA. Some of us have evening commitments. Can the Senator from Illinois give us some idea as to when we will be able to finish the pending bill?

Mr. PERCY. It is the hope of the majority leader, expressed to the floor manager, that we could finish this bill tonight. He hopes we will at least stay on it until 9 o'clock. Depending on the progress we make, if it appears that we can finish the bill tonight, we will stay on it until we finish it. If it does not appear to be possible to do so at a reasonable hour, we will aim for 9 o'clock.

Mr. SARBANES. How many amendments are pending to the bill?

Mr. PERCY. There is only one amendment pending.

Mr. SARBANES. I do not mean technically pending. How many amendments are expected to be offered to the bill?

Mr. PERCY. The 32 that I have mentioned and listed, in the sequence in which the managers of the bill hope they will be taken up. I have identified the Senators interested in those amendments so that they can have some idea of the sequence.

Mr. SARBANES. How can it be realistic, given that figure, to even have any expectation of finishing the bill tonight? Would it not make more sense to work expeditiously for a couple of hours and then go over until tomorrow, to try to finish the bill?

Mr. PELL. Mr. President, if the Senator will yield, as the minority manager of the bill, I would strongly support that. I did not know until 4:30 this afternoon that we would be here until 9 o'clock. I have a pressing engagement at 7:30. Normally, we expect to stay late on Thursday, but I think it is a little uncalled for to decide suddenly to stay until 9 o'clock.

Mr. PERCY. The majority manager of the bill is expressing the hope of the majority leader. Looking at the agenda ahead, he recognized that at some time during the course of this matter we may have to set it aside for the Interior bill, that immediately following this we must take up the State Department appropriations bill. We have a heavy schedule, and he would like as much done as possible.

I am very sympathetic with the prior engagements, and I recognize that Wednesday night is not the usual late night. We hope the bill can move along rapidly. Many of the amendments appear to be totally noncontroversial and could be accepted in 2 or 3 minutes and would not involve a rollcall vote. I think very few would involve rollcall votes. Many of them can be accepted very quickly.

Mr. SARBANES. I simply want to echo the comments of the ranking minority member of the committee. There was no knowledge on this side of any intention to continue beyond some normal hour to deal with the bill. I do not see any prospect of finishing it even if we were to do so. It seems to me that it would be better to work out a process here whereby we did a certain amount of work in the next couple of hours and then went over until tomorrow, to finish up the bill then.

Mr. PERCY. Taking into account the pressing engagement of the distinguished minority manager of the bill, which might involve some of his colleagues——

Mr. PELL. No.

Mr. PERCY. Perhaps we can consider having an alternate designated by the minority floor manager.

Mr. PELL. This is no problem.

Mr. PERCY. We would try to move aside, until tomorrow, controversial amendments that would require a rollcall vote after 7:30 tonight.

Mr. PELL. Obviously, we can delegate somebody else to do it. But I think the committee as a whole should be on notice, and you do not tell people at this late hour, suddenly, to stay until 9 o'clock. People have other engagements. I know that one colleague has a speech and another has something else. I think they should be given a little more notice.

Mr. PERCY. I ask my staff: I did phone this morning at 8 o'clock, suggesting that notification be put out that it was the request of the majority leader that the managers stay on the bill until it was finished. Was that put out as a notification?

Mr. PELL. It was never brought to me.

Mr. STEVENS. Mr. President, I call the attention of the Senate to the fact that last evening, the majority leader stated the intention of resuming debate on the State Department authorization bill. He specifically said there is a possibility of a late evening, with rollcall votes into the evening. He said that last evening. The Senate was put on notice that we would attempt to get to the Interior appropriations conference report. We will do that later today, if possible.

It was stated last evening that it was our intention to resume the pending business, and the State Department authorization bill is the pending business.

I am referring to page 28145 of the CONGRESSIONAL RECORD from yesterday. That was a matter for leadership on both sides of the aisle. It was put out on the hotline on our side. I presume that a similar report was made on the Democratic side.

We did our best to notify all concerned that this was the pending business and that we would resume it if we were unable to get clearance on the Interior appropriations conference report.

Mr. PERCY. I do not ask for sympathy, but I was advised last evening by the majority leader that the pressing business of the Senate would require that we move ahead on this. I did have a speaking engagement in Chicago, which I then canceled—regretfully so—simply because our first duty is to complete our work on the floor.

I am sympathetic with the fact that many times we do have binding engagements which we cannot forgo.

Mr. SARBANES. Mr. President, will the chairman of the committee yield on that point?

Mr. PERCY. I yield.

Mr. SARBANES. I understand that. I am interested in this as a matter of comity. I take it that the chairman was notified by the majority leader yesterday evening. Is that correct?

Mr. PERCY. And the majority leader notified the entire Senate at about that same time.

Mr. SARBANES. In other words, the chairman's notice came through this statement that is in the RECORD.

Mr. PERCY. No. Just prior to that notice being put on the floor, the majority leader spoke to me about his desire to move ahead and hopefully take up tomorrow morning if at all possible State appropriations.

Mr. SARBANES. The majority leader spoke to the Senator personally?

Mr. PERCY. Yes.

Mr. SARBANES. At what point did the chairman speak to the ranking minority member and indeed any member of the committee on this side with respect to this legislation and this schedule?

Mr. PERCY. The chairman of the committee spoke to the staff immediately after that and the staff was notified on both sides.

Mr. PELL. Forgive me. The minority chief of staff is here, and he was not notified.

The PRESIDING OFFICER. The acting majority leader is recognized.

Mr. STEVENS. Mr. President, it would seem to me that no Member of the Senate needs notice that the pending business is the pending business.

Mr. PELL. But the manager should receive notice.

Mr. STEVENS. The Senate was put on notice last evening at 6:24 p.m. that we would resume consideration of the pending business, which is the State Department authorization bill.

With due respect to my colleagues, we have served in the minority also. I do not recall any concept of having to have specific notification that we were going to return to the pending business.

I might say, at the time before we left for the Columbus Day recess the Senate was notified that we would take up the Martin Luther King bill and then return to the State Department authorizations bill thereafter. We have the liberty of calling up the Interior conference report as a privileged matter when it is presented, but it has not been presented yet to the Senate.

Mr. SARBANES. Mr. President, will the acting majority leader yield on that point?

Mr. STEVENS. I am happy to yield.

Mr. SARBANES. The notice in the RECORD says that we were expected to take up the conference reports, both Interior as well as Labor-HHS if received from the House of Representa-

tives and following that we would resume debate on this issue.

Mr. PELL. I understand.

Mr. SARBANES. We realize this is the pending business, and as I indicated I think we should work at it for a couple of hours, but to now come in with this schedule, when no one has been consulted about it, it seems to me is not the best way to do business.

Mr. STEVENS. I say to my good friend I have every reason to believe we will be able to go to the Interior conference report yet this evening, and the majority leader previously stated if we can get to that we will displace this bill with the Interior appropriation conference report as it is a privileged matter. The other appropriations bill for Labor-HHS is not available.

Mr. SARBANES. When the Senate displaces it, does the acting majority leader intend subsequently to return to this bill tonight?

Mr. STEVENS. It is the pending business.

No; I might say to my good friend if we could get to the Interior appropriations conference report we would attempt to conclude that business tonight and it would be our intention to return to the State Department bill tomorrow morning.

We do not know whether we are going to get to it. Meanwhile, the Senate cannot pass up the fact that this is the pending business and we could work the will of the Senate on this State Department authorization bill yet this evening. We are hopeful that we can make some progress in that regard.

Mr. SARBANES. Mr. President, I think we can make some progress, but we have 32 amendments. I do not think we can finish it. I think we should work away here for a couple hours but not on the assumption that the Senate is going to go on and on, on a piece of legislation that we cannot finish.

Mr. PERCY. Mr. President, I suggest we get underway.

Proper notification was given to Peter Gailbraith last night. He is a member of the minority staff and he would certify that he was told by the majority staff that it was the intention to go immediately to the State Department authorization, and I do not know how we could do more than to have notification go to the staff and the majority leader to take the floor and notify all Senators what the situation would be.

Mr. PELL. Mr. President, the Senator from Illinois is absolutely correct in that our staff member was notified it would be taken up, but he was not notified that we would be going late into the evening.

Mr. STEVENS. Mr. President, if my friend will yield on that, this morning at the opening of the Senate the distinguished majority leader, I am informed, stated that following the Martin Luther King bill the Senate would return to the State Department authorization bill and urged the cloakrooms on both sides to put out notifications to Senators that it might be a late evening.

It is my understanding that it is the desire of the leadership to proceed with this bill if it is at all possible. There was a contentious matter that held up this bill, as we all know. That amendment has been withdrawn, and we see no reason why we cannot work the will of the Senate on this bill.

All Members of the Senate are on notice that we expect votes this evening, and that was given last night and it was given this morning. There will be votes yet this evening. Those votes will pertain either to this bill or to the Interior appropriations conference report.

If Members wish to talk there is a way to not come to those votes, I am sure. It is the intention of the leadership and I believe on both sides that we proceed on this bill to the extent we can for the remainder of the evening.

Mr. SARBANES. Mr. President, will the acting majority leader indicate to us what he anticipates the schedule is going to be for the remainder of the week?

Mr. STEVENS. We have the State-Justice-Commerce appropriations bill ready for floor action. We have the conference report on Health and Human Services. We have the Interior Department conference report on appropriations and we have the State Department authorization bill.

Mr. SARBANES. There is a whole list of bills that we have. The question was really what the schedule would be for the week in terms of considering this.

Mr. STEVENS. It depends on how they are cleared. We are trying to clear now a time agreement on the Interior appropriations conference report. As soon as it is done we will proceed with it, I assume. Meanwhile, the State Department authorization is the pending business, and I have discussed it with my good friend. I am hopeful we can move to the Interior appropriations conference report. When we do that will displace this pending business for the remainder of this evening, I am certain, but it would become the business again tomorrow if we are unable to proceed with those other conference reports that we anticipate being presented to us.

Mr. PELL. The first I knew about it was at 4:30 p.m. when I came here this afternoon.

Mr. SARBANES. Mr. President, I want the acting majority leader to be very clear. I think we should proceed now, and I am prepared to do that, and I am also prepared to work on this bill tomorrow.

The question I am raising is the undertaking to go on and on tonight when clearly the bill cannot be finished.

Mr. STEVENS. I might say to my good friend that I discussed with the distinguished minority leader the possibility of going on—I have not been able to speak to the manager of the bill—to at least 9 p.m. with the hope we will be on the Interior bill and conference report and finish that bill at that time if it is possible tonight. If not, if the distinguished manager of the bills agrees, we will finish our deliberations on this bill at approximately 9 p.m.

Mr. PELL. Mr. President, as a matter of comity, as a general rule I ask the acting minority leader if there should not be a little more consultation, it seems to me, with the managers on both sides of the bill.

Mr. STEVENS. The distinguished Senator from Rhode Island is due an apology. And I am happy to make it. I was under the impression that all concerned, and I inquired, as a matter of fact, if the managers of the bill had been notified we will be here, because we knew the distinguished majority leader would leave the Senate following the vote on the Martin Luther King bill.

Mr. PELL. If I had known I would have said as a matter of comity I will stick with you until 7:30 or 8 p.m. tonight, and then finish it up tomorrow.

Mr. STEVENS. We hope we can proceed, and I do hope that we can give a report to the Senate in the very near future on the progress on the Interior conference report and that will resolve all of this problem.

I urge my good friends to continue with the amendments on this bill if it is at all possible at this time.

Mr. PERCY. It is the regret of the majority side and hereafter we probably should not assume that when staff is notified that is the same as notifying Senators, but staff was definitely notified last night and, as I understand it, not only the majority leader last night made it clear for all Senators in the RECORD but the minority leader did again this morning.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. BYRD. Mr. President, will the Senator yield so the minority leader may speak for himself?

Mr. STEVENS. I yield.

Mr. BYRD. Mr. President, Mr. BAKER this morning indicated that he hoped to go until 8 or 9 p.m. tonight and that he was hopeful, and I hope I am not misstating, but as I recall he expressed the hope that in so doing, the Senate could complete action on the unfinished business, which is the

State Department authorization bill. I suggested that our respective cloakrooms inform Senators that we might be here until 8 or 9 p.m. In inquiring, now I find that our cloakroom did not put out that information. So I owe an apology to my own colleagues because our cloakroom did not put out that information.

Of course, those who were listening at the time that the majority leader spoke would have heard, but for those who were not listening, the cloakroom did not follow through, and I regret that and I owe my colleagues an apology and I say that the problem that has been created here is one which I regret. I think my colleagues have been put to a disadvantage because of the breakdown in the cloakroom communications, and I think the majority is likewise entitled to an apology. I apologize.

Mr. PERCY. It is very gracious of the minority leader. I think as a matter of comity then why do we not just agree that we can go until 7:30 incorporating any amendments that require votes. If the minority floor leader can designate someone, we will take up as many of the noncontroversial amendments as possible, but would not require rollcall votes after 7:30, then, and when we finish that, we will just wind it up if the Interior appropriations bill is not offered.

Mr. BYRD. The ranking manager can be here until 7:30.

Mr. PERCY. Right. So we would take up rollcall votes until 7:30 and then after 7:30 we would take up noncontroversial.

Mr. PELL. We may not get anybody on the committee because they all have dinners and engagements of their own. So far we have spoken to five or six of the Members and none of them can do it on this side. So there is a problem here.

Mr. PERCY. There would be a problem if we did not have a minority Member here. We would simply have to suspend operations.

Mr. PELL. We may have to.

Mr. BYRD. May I make a suggestion? Now I think that an adequate but unfortunate explanation has been made. I do not blame anybody for that but myself. I suggest we move on with business until 7:30 and see what progress we can make.

I have an amendment which I could call up and we can debate it, discuss it, we can put it over until tomorrow if the managers would like to do so.

Mr. PERCY. There is a pending amendment right now which has been offered and sent to the desk and has been read. I have a short statement on that and then if the minority leader would like to have his amendment offered immediately following that, fine.

Mr. STEVENS. Will the distinguished chairman yield at that point so I might make an inquiry of the distinguished minority leader? Does the distinguished minority leader intend to have a vote on his amendment?

Mr. BYRD. It is an important amendment and I would imagine Senators would want a vote.

Mr. STEVENS. I think it is important Members of the Senate be put on notice we do anticipate rollcall votes through the evening. The reference to 7:30 is reference to accommodate our good friends and I understand that. But once we get the Interior conference report, and I am led to believe there are compromise amendments being drafted at this point, if we turn to those they will go rapidly and there will be some votes on the Interior appropriations if we can get to that point.

Mr. BYRD. I would hope, let me say to the acting Republican leader, that we not vote after 7:30, just because of the failure on the part of myself to see that our cloakroom put out the word, and our Senators on this side are simply not prepared.

Mr. STEVENS. I might say, Mr. President, I will confer with my friend on that problem. He does have a problem. I think a lot depends on whether we get a time agreement on the Interior bill. Once we can get it I am sure we can accommodate all Senators.

Mr. PERCY. I would hope Mr. President, we could take up as many of these amendments that we know can be disposed of in a matter of 2 or 3 minutes so we get the bulk of them behind us and then get into amendments that would require some extended conversation.

The PRESIDING OFFICER. The Senator may proceed.

AMENDMENT NO. 2344

Mr. PERCY. Mr. President, when I initially brought this bill (S. 1342) to the floor, and especially title 4 dealing with the proposed National Endowment for Democracy, I made no introductory remarks on its behalf. During the debate, I was content to answer the legitimate questions raised by some of our colleagues while allowing others to speak in favor of the endowment idea, which now looms so large in our response to the Soviets' worldwide struggle of ideologies. Twice in our last consideration of this measure, we upheld the endowment against what I believe have been shown to be groundless criticisms.

This time, Mr. President, I rise hopefully to conclude our consideration of this measure first by offering a technical, perfecting amendment drafted by its sponsors in order to guarantee the constitutional perfection of the bill. The Justice Department agrees and, along with all the concerned agencies or departments of the administration, strongly supports the endowment's swift passage. However, before turning to this amendment, Mr. President, I wish to introduce into the record a splendid analysis of the endowment's aims and procedures written by Ambassador Bill Brock, our former colleague and now U.S. trade representative (but also the retiring president of the bipartisan American Political Foundation whose research study proposed the endowment) and Ambassador Michael Samuels, an experienced diplomat who now serves as International Vice President for the U.S. Chamber of Commerce. Entitled "Meeting Moscow's Ideological Challenge," this article appeared in the September 29 editorial section of the Washington Times and deserves to be required reading for all Senators before this debate proceeds further.

It may be of interest to note that a bipartisan group of our colleagues from the House of Representatives led by my good friend and chairman of the Foreign Affairs Committee, CLEM ZABLOCKI, recently went to the Council of Europe's Parliamentary Assembly in Strasbourg held this year around the theme of democracy—how to defend it, how to strengthen it, how to extend it. The 21 European Statemembers of the Council invited observer delegations from other industrialized democracies, including our own, along with Third World democratic observers, to meet for 3 days and discuss governmental and nongovernmental aspects of these problems. The event was an important symbolic milestone in rallying the world's democracies, and I would like to share with you some passages from the opening speech given by the chairman of the U.S. delegation:

> Mr. President, on behalf of the President of the United States, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and other members of our delegation, I want to express our deepest appreciation to the Council of Europe for having initiated this meeting on the problems and prospects of democracy in our time. We in the United States delegation consider this occasion a milestone in the history of the Council of Europe and in the efforts of democratic nations to meet constructively in order to examine and—if possible—help to strengthen throughout the world the values and institutions which we cherish.
>
> We believe that the gathering of not only members of the Council's Parliamentary Assembly itself but of so many observer delegations such as our own suggests the urgency of our tasks here this week. All of us, however preoccupied with governmental and personal obligations in our respective countries, have assembled in order to make manifest, both to those struggling under adverse conditions to uphold democratic practices and those committed to democracy's extinction, that we believers in democracy are on the move: on every continent, in every conceivable type of society, throughout the developing world as well as in the industralized nations. This is true despite all the terrible impediments which have been placed in our path by those committed to unfree societies, whether of the non-democratic Left or the non-democratic Right.

The deliberations now getting underway, in our opinion, must not end with the conclusion of this assembly, however successful, but find means of continuing the dialogue among democracies and, in our opinion, extending it to the emerging democratic states of Latin America, Africa, Asia and Oceania. Would it not be a wonderous event, Mr. President, if the Council of Europe's next such ingathering of the democratic clans—our next quorum call for free societies—"Strasbourg, II," if you will—occurred under the Council's auspices possibly in the developing world to dramatize our commitment to extending practical support and assistance to democratic nations wherever they evolve?

It has often been observed, correctly, so that we in the United States are a "nation of nations," our citizens having come to us over the past centuries—often as political or religious refugees from the whole gamut of oppressive regimes—in order to find that margin of liberty so admirably summarized in many of the essential points noted in the Council's draft of a "Democratic Manifesto."

Our heritage as a nation and our present commitments, therefore, oblige us to avow among our beliefs a dedication to the universality of the democratic faith. We hold this truth to be self-evident, in short, that democracy's extension to the developing world remains neither a luxury nor an impossibility. We are dedicated, in fact, to demonstrating the inevitability of democratic development whenever a people finds itself capable of determining without coercion its own destiny.

It is fitting, at this point, Mr. President, to read to you and to this assemblage the letter of greeting to this conference sent by the President of the United States, Ronald Wilson Reagan:

DEAR MR. PRESIDENT: I congratulate the Council of Europe for its initiative in organizing this Conference on Parlimentary Democracy. It is an expression of what is strongest and most vibrant in the societies of the participating countries and will help point the way to broader cooperation and participation in the future.

I have spoken about my own deeply held conviction that governments and their citizens need to work internationally to strengthen democratic institutions. I am consequently particularly pleased that the Congress of the United States has been voting to support the bipartisan National Endowment for Democracy and to enable the Endowment and the United States more effectively to cooperate with others in advancing democracy. This is a cause in which all democratic parties—in the United States and elsewhere—can join with full conviction.

I wish you full success in your deliberations and look forward to further cooperation with those governments participating in the Conference and with democratic governments everywhere.

Members of the Council of Europe, I think it is important to note that President Reagan speaks for all members of this U.S. delegation and for our entire country in expressing his high hopes for this gathering. We have come to listen, to learn, to contribute, and to cooperate in the common task of developing not only our conceptual understanding of democratic processes today but our practical ability to bolster the chances for democratic success in a world filled with those who fear and despise free societies.

I am especially hopeful that—by this time next year—through the bipartisan Endowment and institutions affiliated with the two political parties, labor and business—the United States will have reinforced meaningfully its tangible commitment to partnership programs and exchanges designed to bolster democratic institutions throughout the world.

Would it not be a splendid and historic occasion, Mr. President, if this Senate today fulfilled that bipartisan hope and passed this Endowment legislation? Once this legislation has been enacted, as I stated earlier, the Foreign Relations Committee will have a chance to review with the officials of the endowment and various institutes to be funded by it their procedures, bylaws, initial programs and plans. To do that, however, we must first pass the bill which I hope we can do expeditiously with the perfecting, technical amendment that I have sent to the desk.

I ask unanimous consent that the article entitled "Meeting Moscow's Ideological Challenge" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Sept. 29, 1983]

MEETING MOSCOW'S IDEOLOGICAL CHALLENGE

(By William Brock and Michael Samuels)

For the first time, the United States has an opportunity to harness the experience and energies of the private sector in meeting the global ideological challenge presented by the Soviet Union and its allies. Whether or not that opportunity becomes a reality depends on Senate approval this week of a proposal to create a National Endowment for Democracy.

Prompt passage of the legislation (S. 1342) will send a strong message to the world that the American people fully intend to support the growth and development of democratic pluralism abroad.

The legislation pending in the Senate would establish a National Endowment for Democracy as a private, non-profit corporation. It would receive an annual appropriation from the Congress and would be subject to Congressional overview and guidance.

The unique feature of the proposed Endowment is that all of the overseas programs would be designed and implemented by private sector groups including business, labor, the two political parties, and others. The Endowment legislation specifically names four of the organizations that would receive funds: the Center for International Private Enterprise, the Free Trade Union Institute, and separate Republican and Democratic Institutes for International Affairs.

Each of the political party institutes will draw personnel and program ideas from congressional representatives, academia, and the national committees but neither is part of their respective national committee stuctures. The Center for International Private Enterprise is part of the National Chamber Foundation and will include on its governing board leaders from representative business groups. Similarly, the Free Trade Union Institute is affiliated with the AFL-CIO and will draw on labor's extensive experience in Asia, Africa, and Latin America. Other private sector groups such as the media, the legal profession, cooperatives, and academia are being encouraged to apply for funds.

Our involvement with the National Endowment for Democracy stems from a research study conducted, with President Reagan's support, by the bipartisan American Political Foundation. In addition to the two of us, the study group board also includes RNC Chairman Frank J. Fahrenkopf, Jr., DNC Chairman Charles T. Manatt, Sen. Christopher Dodd, AFL-CIO President Lane Kirkland, Rep. Dante Fascell, Richard V. Allen, and other distinguished private sector representatives.

This group of business and labor leaders, Republicans and Democrats, liberals and conservatives, strongly supports the Endowment concept. The Report, which was presented to the Administration and Congress in mid-April, recommended the establishment of the Endowment and documented the many potential benefits of such programs for the United States and for democratic forces around the world.

The Endowment concept is based on providing support for what President Reagan called, in his speech to the British Parliament last year, the infrastructure of democracy—political parties, business associations, free labor movements, a free press, and other elements of democratic pluralism. Each of the organizations receiving funds from the proposed Endowment would provide training, exchange programs, and support to its counterparts abroad.

The experience of the AFL-CIO's labor institutes clearly demonstrates that the most effective means of halting the spread of communism is to support democratic groups through institution-to-institution assistance on a partnership basis. As democratic political parties, business groups, labor unions, media, and other institutions emerge and grow stronger, the forces of tyranny can be more effectively checked.

Although government-to-government forms of aid are essential and should be continued, the direct assistance from experienced business people, political party leaders, union experts, and others can make a decisive difference in building democratic pluralism abroad.

Some criticism has been directed at the proposed Endowment in the Senate and in the earlier House vote. For the most part, criticism reflects domestic partisan concerns that the proposed Endowment would be dominated by one party or the other. Some question the relative distribution of funds between business and labor. Such concerns are groundless.

Both political party institutes have been designated to receive the same amount of funding and have the same representation on the proposed Endowment board. In the cases of business and labor, the appropriate Congressional committees decided that, initially, labor would receive a larger amount as recognition of the work that regional labor training institutes have already done in strengthening democratic trade unionism while opposing communism in Africa, Latin America, and Asia.

As the business Center's programs develop, labor and business will receive equivalent funding in future years. Further, its broad bipartisan structure assures that no one group will be in a position to control the proposed Endowment. Congress, of course, will exercise a strong oversight function to ensure that the proposed Endowment ade-

quately coordinates programs and that all programs are in the national interest.

Domestic concerns aside, it is long past time that the American private sector becomes an essential element of the national effort to provide support for democratic, pluralism worldwide. Indeed, the private sector is American democratic pluralism. What better way to confront our most dangerous adversaries than through our own democratic pluralist institutions?

Mr. PERCY. I know of no objection on this side.

The PRESIDING OFFICER. Is there objection? If there is no objection, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2344) was agreed to.

Mr. PERCY. I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

amendment no. 2345

(Purpose: To provide for suspension of assistance to any country not meeting projected reductions in illicit drug production)

Mrs. HAWKINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. WILSON). The clerk will report.

The bill clerk read as follow:

The Senator from Florida (Mrs. HAWKINS), for herself and others, proposes an amendment numbered 2345.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

INTERNATIONAL NARCOTICS CONTROL

SEC. 701. (a) Section 481(a) of the Foreign Assistance Act of 1961 is amended by striking out the fourth and fifth sentences.

(b) Section 481 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as (g), (h), (i), and (j), respectively.

(c) Section 481 is further amended by inserting after subsection (a) the following new subsections:

"(b) Not later than January 31 of each year, the President shall prepare and transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on those measures being undertaken and planned for the next fiscal year by each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, which measures are designed to prevent narcotic drugs or other controlled substances from being cultivated, produced, or processed illicitly, in whole or in part, in such country, or from being transported through such country to United States Government personnel or their dependents or from entering the United States unlawfully. Based upon such measures being undertaken and planned for each such country and based upon such other available information, the President shall make a preliminary determination of the maximum amount of reduction in illicit drug production which is achieveable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President. The President shall include the amount of each such projected reduction in such report. The report shall also set forth the actual reductions in illicit drug production made by each major illicit drug producing country which has received United States assistance for the preceding fiscal year.

"(c)(1) As soon as possible after the transmittal of a report required by subsection (b), the designated representatives of the President shall initiate appropriate consultations with the appropriate committees of the Congress. Such committees shall cause to be printed in the Congressional Record the substance of each consultation.

"(2) After the President's designated representatives initiate appropriate consultations, the appropriate committee of each House of Congress should hold a public hearing to review the preliminary determination of the President unless public disclosure of the details of such projected reductions is required to be classified. In such a case, the hearing shall be closed to the public.

"(3) After the conclusion of the hearings held under paragraph (2) or 90 days after the initiation of appropriate consultations under paragraph (1), whichever occurs first, the President shall prepare and transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report setting forth his final determination regarding the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President.

"(d) Notwithstanding any other provisions of law, if the report required to be submitted by subsection (b) indicates that the government of a country covered by such report has failed to achieve the projected reductions in illicit drug production for the preceding fiscal year which were contained in the report described in subsection (c)(3) for such fiscal year, then—

"(1) the President shall suspend all United States assistance to or for such major illicit drug producing country, and

"(2) the Secretary of the Treasury shall instruct each United States Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank to vote against any loan or other utilization of the funds of the respective international financial institution to or for such major illicit drug producing country.

unless the President determines and so reports in writing to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Seante that—

"(A) such country did not achieve its projected reduction in illicit drug production because of factors beyond its control such as changing weather conditions, geographic impediments, and political instability; or

"(B) furnishing United States assistance or approving the extension of loans or the furnishing of financial or technical assistance by an international financial institution to such country is in the national security interests of the United States.

"(e) In the event that United States assistance to a country is suspended or that the United States votes against the extension of loans or the utilization of funds of such international financial institution under subsection (d), such suspension shall continue in force and the United States continue to cast such votes, as the case may be, until the President determines and reports in writing to the appropriate committees of the Congress that—

"(1) the government of such country has prepared, presented, and committed itself to a plan providing for the control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances within an explicitly stated period of time, with implementation commencing prior to the renewal of assistance, or before the approval by the United States of the extension of any loan or the furnishing of any financial or technical assistance by an international financial institution, to such country; and

"(2) the government of such country has taken legal and law enforcement measures to enforce effective suppression of the illicit cultivation, production, processing, transportation, and distribution of such drugs or controlled substances.".

(d) Section 481 of such Act is further amended by adding at the end thereof the following:

"(k) As used in this section—

"(1) the term 'appropriate consultations' means discussions in person by designated representatives of the President, including the Assistant Secretary of State for International Narcotics Control and appropriate representatives of the Department of Health and Human Services, the Department of the Treasury, the Department of Defense, and the Department of Justice, with members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives to review the worldwide illicit drug production situation and the role that the furnishing of United States assistance to major illicit drug producing countries and that United States contributions to international financial institutions should have in combating the entry of illicit narcotics and other controlled substances into the United States, and to provide such members with—

"(A) a description of the nature of the illicit drug production problem in each major illicit drug producing country for which the President is proposing to furnish United States assistance;

"(B) an analysis of the climatic, geographic, political, economic, and social factors that affect the illicit drug production in each country with respect to which the President is required to report to the Congress under subsection (b);

"(C) a description of the methodology employed to determine the projected reductions for each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year; and

"(D) an analysis of any additional United States assistance that would be required to achieve the projected reductions reported by the President to the Congress pursuant to subsection (b);

"(2) the term 'legal and law enforcement measures' means—

"(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and

"(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

"(3) the term 'major illicit drug producing country' means a country producing 10 metric tons or more of opium or opium derivative during a fiscal year or producing 500 metric tons or more of coca or marijuana (as the case may be) during a fiscal year;

"(4) the terms 'narcotic drugs' and 'other controlled substances' shall have the same meaning as is given to such terms by any applicable international narcotics control agreement or domestic law of the country or countries concerned, subject to the provisions of this section; and

"(5) the term 'United States assistance' means any assistance of any kind, excepting food, medicine or disaster relief assistance, which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

"(A) assistance under this Act (including programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation, but excluding programs under chapter 9 of part I, relating to international narcotics control assistance)'

"(B) sales, credits, and guarantees under the Arms Export Control Act;

"(C) sales under title I and title III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

"(D) financing programs of the Commodity Credit Corporation for export of nonfood commodities;

"(E) financing under the Export-Import Bank Act of 1945;

"(F) assistance under the Migration and Refugee Assistance Act of 1962;

"(G) programs under the Peace Corps Act;

"(H) assistance under the Inter-American Foundation Act; and

"(I) assistance under the Mutual Education and Cultural and Exchange Act of 1961.".

Mrs. HAWKINS. Mr. President, today I am introducing an amendment to S. 1342, the Department of State authorization bill which is designed to combat the corruption, violent crime, addiction, and health hazards victimizing Florida and the rest of this country as a result of the flow of illegal drugs from abroad.

This amendment is cosponsored by Senators PERCY, BIDEN, COCHRAN, DECONCINI, D'AMATO, HUMPHREY, MOYNIHAN, PELL, ABDNOR, MURKOWSKI, WILSON, and MATTINGLY.

The American people have had enough. Something must be done to stop this degradation of our country and its citizens. Consider these outrageous statistics on the size of the narcotics industry, its cause and effect relationship with other types of crime, and our economy.

The Drug Enforcement Administration estimates that illicit drug trafficking revenues now exceed $80 billion per year, trafficking profits now exceed $80 billion per year. That is an increase of almost 50 percent from 1977.

Researchers at the National Institute on Drug Abuse found that 243 addicts in one city had committed a total of 500,000 crimes over an 11-year period.

A December 1982 special report in the Harvard Business Review revealed that in 1981 drug use among a civilian workforce of 108 million cost employers $16.4 million in lost productivity and crime.

Obviously, the most tragic impact of illegal drugs in this country is the damage done to our young people:

According to a 1981 survey by the National Institute on Drug Abuse, 1 out of every 14 high school seniors uses marihuana daily.

Over one-third of America's young adults currently use illegal drugs.

Over 3 million people between the ages of 18 and 25 use cocaine on a regular basis.

During the past 20 years, the health of all Americans in general has been improving, with one notable exception: The death rate of young Americans between the ages of 15 and 24 is higher than it was 20 years ago. Medical experts indicate that drug abuse has been the major factor in this terrible trend.

Marihuana, in particular, poses severe health hazards. The most commonly used illicit drug in the United States, it is not only carcinogenic but also impairs the functioning of the heart, brain, and reproductive system. Since it is often used in combination with alcohol, marihuana compounds the devastating problem of drunk driving.

Cocaine use can be even more dangerous; it can, for instance create compulsive drug-taking behavior that disrupts the normal life of the user. This problem is compounded by the fact that since 1976, cocaine use has become both more prevalent and more intense. Indeed, increased smoking (freebasing) and injection pose even greater health risks than the inhalation (snorting) of cocaine. As a result, there has been an escalation of injuries and deaths related to cocaine, and the number of individuals undergoing treatment for cocaine abuse has doubled since 1978.

During 1981, heroin related deaths rose 25 percent, surpassing the 800-per-year level for the first time since 1976. There are now nearly 500,000 heroin users in the United States.

Millions of young Americans have been left emotionally, psychologically, and physically crippled by drug use.

The nation of Colombia is the source of 90 percent of the cocaine, 70 percent of the marihuana, and nearly 100 percent of the quaaludes entering the United States.

Major producers of opium include: Pakistan: 300 to 400 metric tons, Thailand 10 to 15 metric tons, Afghanistan 200 metric tons, Burma 150 to 170 metric tons and Iran with 400 to 600 metric tons. Major producers of cocaine include Bolivia with 35,000 acres of coca and Colombia with 44,000-60,000 acres. No one should sit idly by and let this happen without fighting back. The blame does not lie exclusively on foreign nations. Our tax laws and overly generous judges must share the blame, along with parents who are too busy, too uninterested, and too permissive—and perhaps uninformed about the very real dangers of drug abuse. Our national media, as well frequently glamorizes and defends drug use. Even health professionals in the past have misled the public about the consequences of illegal drug use.

We need action on all fronts. The administration made a public stand in the President's national narcotics control strategy paper released last year. The South Florida Task Force has done a fantastic job in combating the influx of drugs into Florida. While it is clearly impossible to cut the flow completely, a significant break has already been made.

Time and again, however, experts who have examined the desperate situation have identified eradication of the drug crop in the fields as the best possible means of attack. Since plants cannot hide or move and can be easily destroyed, this strategy has cost effectiveness. In two recent instances—in Mexico and Turkey—crop eradication proved successful in effectively reducing drug crop cultivation and protection. Historically, we can see that eradicating the supply at its source does effectively reduce the drug problem. During World War II when the supply lines of opium and heroin to the U.S. market were cut off, our heroin problem fell quickly to insignificant proportions.

My amendment is a response to the damage inflicted upon our society by foreign drug producers. It would directly link drug eradication by foreign governments with bilateral U.S. assistance and U.S. votes on grant or loan requests at multilateral development banks. Because American taxpayers are the major donors to the Inter-American Development Bank and to the World Bank, drug control would be made a clear priority internationally. In effect, my legislation would communicate to drug-producing countries that if they want any military or economic aid, they must demonstrate to us and the other victim nations a willingness to help solve an international problem—drug abuse. As signers to the Single Convention on Narcotic Drugs

of 1961, as amended in 1971, foreign countries already made a solemn commitment to eradicate illegal drugs.

During the past 3 years, the Government of Colombia has received over $2 billion in grants and low-interest loans from the Inter-American Development Bank and the World Bank. Peru has received over $1 billion, Thailand nearly $2 billion, Pakistan nearly $1 billion. I ask unanimous consent that a summary of bilateral and multilateral assistance received by major drug-producing countries be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. HAWKINS. Mr. President, if the foreign governments prove to be unwilling to cooperate, then we must act to protect our own vital interests. It is in our power to oppose loans and grants to major drug producers from the multilateral development banks until they take real and verifiable action against illicit drug production and trafficking.

My amendment would do exactly that—by requiring U.S. opposition to loans and assistance by multilateral development banks to major drug producing countries unless the President determines and certifies to the Congress that they do the following:

First, cooperates with U.S. drug control efforts, and

Second, eradicate their illegal marihuana, cocaine, and opium crops. Minimum eradication requirements for each major drug producing country would be set through administration-congressional consultation.

Direct linkage of drug eradication with U.S. votes at the multilateral banks, therefore, is the most effective means of establishing drug control as a priority in our relationship. It is vital that U.S. foreign assistance be used as a preventative tool for stopping drugs at their source. While our foreign policy interests with other countries are broad, none should supersede our desire for Americans at home to live free of violent crime and drug abuse. We should consider no nation our friend who contributes to some of the most serious domestic problems facing our Nation. We should not use taxpayers' dollars to help a country that makes victims of us.

Adoption of this amendment will establish illegal drug control as a clear foreign policy priority. I urge my colleagues to join me in this effort to destroy drugs at the source. We must consider foreign assistance in a broader context than we have in the past. Illegal drugs have destroyed too many American lives to continue our relationship with major drug producing countries business as usual.

Mr. President, I must thank the chairman of the Foreign Relations Committee and the ranking minority member of the Foreign Relations Committee for working closely with me during this time while we were working out the language for this amendment. I wish to thank them for their continued cooperation and for their sensitivity to this most important problem that we have.

EXHIBIT 1

[Dollars in millions]

Major producing country	Illegal drug (metric tons)	Assistance 1980–82
Afghanistan	Opium (200)	[1] 0
Do		[2] 4.1
Bolivia	Cocaine (55,000)	[1] 35.3
Do		[2] 195.5
Burma	Opium (500)	[1] 28.2
Do		[2] 365.7
Columbia	Marihuana (7,500–11,000)	[1] 42.8
Do	Cocaine (2,500–3,000)	[1] 2,085.1
Iran	Opium (400–600)	[1] 0
Do		[2] 0
Jamaica	Marihuana (900–1,200)	[1] 230.4
Do		[2] 311.2
Laos	Opium (50)	[1] 0
Do		[2] 43.0
Pakistan	Opium (100)	[1] 336.4
Do		[2] 997.9
Peru	Cocaine (50,000)	[1] 201.4
Do		[2] 1,268.4
Thailand	Opium (50)	[1] 269.0
Do		[2] 1,948.3

[1] U.S. dollars.
[2] Multilateral.

Sources: The National Narcotics Intelligence Consumers Committee, "The Supply of Drugs to the U.S. Illicit Market From Foreign and Domestic Sources in 1981 With Projections Through 1985."
"Country Reports on Human Rights Practices for 1982," report submitted to the Committee on Foreign Relations, U.S. Senate, and Committee on Foreign Affairs, U.S. House of Representatives by the Department of State.

Mrs. HAWKINS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, I wish to compliment Senator HAWKINS on her remarks concerning the Hawkins-Percy diplomacy against drugs amendment. This amendment is the product of many months of consultation with members and staff of the Committee on Foreign Relations and with other distinguished Senators, especially Senator MOYNIHAN, who has worked fruitfully with the committee in the past on international narcotics control measures.

Earlier this year, as part of the 1984 foreign assistance authorization, the Committee on Foreign Relations approved an amendment to section 481 of the Foreign Assistance Act of 1961. That amendment, which was originally proposed as a separate bill by Senator MOYNIHAN, and which I carried forward in committee with Senators HELMS, PELL, BIDEN, and SARBANES, established a closer relationship between the provision of U.S. assistance and the development and execution by source countries receiving U.S. assistance of methods to combat illicit narcotics enterprises.

A purpose of the amendment was to make clear that the Congress considers the provision of U.S. assistance an investment in the well-being and future development of the recipient country. But recipient countries that do not deal effectively with serious illicit narcotics problems affecting U.S. interests must be considered poor long-term investments. Likewise when significant prospects for improvement do exist, U.S. assistance is worth providing to encourage and support the recipient country in combating its illicit narcotics problem.

The committee amendment also provided that if the Congress disagrees with the President's determination that adequate steps are being taken by the country receiving aid to combat its illicit narcotics problem that the Congress by concurrent resolution can cut off aid to the country in question. This provision was included in the amendment prior to the Supreme Court's Chadha decision. But as a result of the Chadha decision, the validity of the amendment has been brought into question. Therefore, I decided to work with Senator HAWKINS to take the substance of the committee-approved Moynihan proposal and to incorporate her most important and workable ideas into a measure that would receive overwhelming support by the Senate. The amendment which Senator HAWKINS and I are proposing today represents the results of these efforts.

Specifically, the Hawkins-Percy amendment would do the following:

Require the President to report annually on the efforts of major illicit drug producing countries that receive U.S. assistance to reduce their illicit narcotics production aimed at the United States;

Require the President to include in the annual report his estimate of the maximum amount of reduction in illicit drug production that can be achieved by each major illicit drug producing country receiving U.S. assistance. This reduction level would be subject to change after consultation with the Senate Foreign Relations and House Foreign Affairs Committee;

Require the President to suspend U.S. assistance and to oppose financial assistance by the World Bank, the IDA, the Inter-American Development Bank, and the Asian Development Bank for each major illicit drug producing country that does not achieve the projected reductions reported by the President. However, the President would be permitted to waive the suspension of assistance if the country in question is not able to reduce illicit drug production because of factors beyond its control such as climatic, geographic or political conditions, or if the President determines that continuing assistance is in the national interests of the United States;

Require the President, in the event that assistance is suspended, to submit a written report to the Congress on those measures that have been planned, prepared and undertaken by such country before assistance can be renewed.

One potential concern is the provision that requires the United States to oppose loans in the MDB's if bilateral assistance has been suspended. However, Public Laws 92-246, 93-373, and 93-537 already contain similar provisions for the MDB's although they have never been invoked since they became effective in 1973.

Another concern is the State Department's opposition to ascertaining the maximum amount of reductions that can be achieved. State will argue that such estimates will be inexact. But State is sure to be cautious in making estimates. Moreover, the amendment does not require reductions but does require the State Department to report what can be achieved. If reductions are not possible, then the State Department will have to report this information to Congress. Certainly, if a country is receiving U.S. assistance to control illicit narcotics the Congress should know what the administration believes that country can or cannot achieve in a given year.

The impact of this amendment, if approved, would be significant. For the first time, the executive branch would be required to determine and to report to Congress on the capacity of a government receiving U.S. assistance to reduce its illicit drug production. This is a considerable undertaking, but it can have the positive effect of raising the priority of international narcotics control at the State Department. The amendment would also increase congressional leverage and oversight in the area and provide the Congress with an improved data base for assessing the accuracy of the executive branch's judgments. At the same time, the amendment contains a degree of flexibility that allows the President to waive its application when this is clearly justified.

Mr. President, as Senator HAWKINS has made so clear, drug abuse in the United States is one of the most serious problems facing this country. Through the years many different approaches have been tried to cope with the growing influx of illicit narcotics into the United States from producing countries in South America and Asia. But while we have had a very modest degree of success in combating the problem in one country or another, the overall problem has grown enormously. The time has come, therefore, to put forward fresh ideas on how we can turn back the tide of illicit narcotics pouring into the United States. It is my hope that the Hawkins-Percy amendment will help to accomplish this important objective.

I know of no objection to the amendment on this side.

Mr. PELL. Mr. President, this amendment tracks language that was unanimously adopted earlier this year by the committee during its markup of the foreign assistance legislation.

If adopted into law, this provision would require a Presidential determination of illicit narcotics, and other controlled substances, reduction levels for all aid recipient nations.

Failure to achieve the reduction levels would result in the suspension of all but emergency and narcotics control assistance, until the recipient nation has developed a plan for the reduction, and eventual elimination, of the production or distribution of drugs coming into the United States.

I am delighted to be an original cosponsor of this amendment because of my deep conviction that the time has come to put our money where our mouth is. If a country is not doing all it can to cooperate in reducing, and eventually eliminating this problem, then we ought not to be giving it aid until it does.

● Mr. D'AMATO. Mr. President, I join today as a cosponsor of this important legislation, which provides for the suspension of assistance to any major drug producing country that does not achieve significant reductions in its illicit drug production. I applaud my distinguished colleagues, Senators HAWKINS and PERCY, for introducing this bill.

I also want to take this opportunity to praise the efforts of the State Department to encourage substitute crop and other development programs in the drug producing nations. Laudable as these efforts are, however, they can never achieve all that is necessary. Frequently, there is no single crop that provides an equivalent economic alternative for farmers of coca, marihuana, and opium. The remoteness of the growing areas and cultural traditions also act against the effectiveness of our development-oriented policy.

Mr. President, to have an effective drug control policy, we need sterner measures. We need to attach costs that the profit motivated will understand. We need a "stick" as well as a "carrot".

This legislation does precisely that. It directs the President to suspend assistance to major drug producing nations that fail to make significant and achievable reductions in illicit drug production. It also directs the Secretary of the Treasury to instruct each U.S. Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank to vote against any loan or other utilization of the funds of these institutions to such country. These actions would not need to be taken in two cases: If the failure were due to factors beyond the country's control or if furnishing assistance is determined by the President to be in the national security interests of the United States.

Aid could be restored once the government of the country involved commits itself to an effective plan, involving legal and law enforcement measures, to suppress illicit cultivation, production, processing, transportation, and distribution of the dangerous drugs and controlled substances it produces.

In the past 6 months I have conducted a series of hearings on efforts to combat our national drug abuse epidemic. Evidence submitted at these hearings conclusively demonstrates the limitations of our best crop reduction, interdiction, and law enforcement efforts. Ninety percent of the dangerous drugs used in this country still come from abroad. Increased numbers of law enforcement agents work to counter the narcotics blight 12 or more hours a day, 7 days a week. Still, the drugs pour in. No matter how many seizures these hard-working public servants make, there are no more droughts of dangerous drugs. We do not seem able to keep out more than 15 percent of most dangerous drugs or 20 percent of the marijuana that smugglers attempt to bring into this country.

One indication of the overabundance of the drug supply is most distressing to me as a Senator from New York. Preliminary results of a study conducted by the New York State Division of Substance Abuse Services indicate that, in the first 6 months of 1983, the number of addicts in New York City rose by over 4,000, to reach the most alarming level of 190,000. Of the estimated one-half million narcotics addicts in the United States, 241,000—or nearly 50 percent—live in New York State. Despite these increases in the heroin addict population, heroin prices remain stable, a fact that indicates the supply has grown to meet the demand.

We must have better cooperation from other countries in controlling their narcotics production. The damage to our national health, productivity, and domestic tranquility that is done as a result of drug abuse is too great for us not to use every available means of persuasion on the major drug producing nations. The threat of a possible suspension of aid is one of these means.

On July 15, 1983, the Senate passed by a vote of 91 to 0 an amendment to the Department of Defense authorization bill that was similar in intent to this legislation. This amendment, which unfortunately did not survive a

House-Senate conference, would have prohibited making any military aid available to any nation the President determines is not taking adequate measures to control the production, transportation, sale, or export of illicit drugs.

I urge my colleagues to give this bill the same level of support they gave to that earlier amendment.●

Mr. BIDEN. Mr. President, I rise to speak on behalf of the amendment, introduced by the Senator from Florida, of which I am an original cosponsor. This amendment had its genesis with an earlier provision, introduced by Senator MOYNIHAN and myself, which was unanimously adopted by the Senate Committee on Foreign Relations during its markup of the foreign assistance legislation last May. The Moynihan-Biden amendment provided for the suspension of all U.S. assistance, except emergency aid, to any nation that failed to take adequate measures to prevent illicit narcotics, and other controlled substances from entering the United States.

The major feature of the Moynihan-Biden language was to establish a procedure for renewing assistance to a nation that had had it suspended because of its failure to take adequate measures to reduce and, ultimately, to prevent the production or distribution of illicit narcotics and other controlled substances in or through its territory. Our amendment stipulated that in those circumstances aid could be resumed if, and only if, the recipient nation had prepared and committed itself to a plan to reduce, and better control illicit narcotics and other controlled substances being shipped to the United States. The plan called for in our provision required an explicit timetable for implementing this objective, and also required prior review by U.S. officials.

The amendment which is before the Senate today, incorporates language governing the suspension and resumption of U.S. assistance that is almost identical to the original Moynihan-Biden provision unanimously adopted by the Committee on Foreign Relations. However, Senator HAWKINS amendment goes one step further. It requires that the President determine appropriate levels of reduction for each aid recipient to be achieved in the forthcoming fiscal year, and to report to the Congress on the progress, or lack of it, in achieving the previous year's reduction targets.

The amendment sets forth an elaborate procedure of executive-legislative branch consultations, and subsequent congressional hearings prior to the final Presidential determination on reduction targets. All U.S. assistance, except emergency aid and narcotics control assistance would then be suspended until and unless the recipient nation provided the United States with a plan for reduction in illicit narcotics and other controlled substances.

Lest some argue that the adoption of this amendment ties the hands of the President in executing his foreign policy, I would remind my colleagues that this amendment provides a waiver authority which allows the President to continue to provide assistance to a nation that had failed to meet the reduction targets of the previous year of one of two conditions is met: One, If the President determines that the failure to reduce was due to events "beyond the control" of the recipient nation; or two, if the President determines that the continuation of such assistance is in the U.S. national security interest.

Mr. President, according to the National Narcotics Intelligence Consumers Committee, in 1980, the most recent year for which figures are available, the U.S. illicit drug market amounted to $79 billion, which would make it the third largest business in the United States. The 3.6 to 4.3 metric tons of heroin smuggled into the United States in 1980 produced an estimated $8 to $9.5 million. Cocaine was the No. 1 revenue earner with an estimated 25 to 30 metric tons producing $27 to $32 million. Marihuana was second, with sales of 10,000 to 15,000 metric tons producing $18 to $27 million.

The almost unavoidable conclusion, after reviewing the nature of U.S. drug control efforts over the last decade and surveying the extent of the current drug abuse problem, is that the drug control efforts simply have not been very effective. The size of the drug market has expanded significantly. The profits accruing to drug traffickers are so high now that it is almost inevitable that the traffickers will be able to find the necessary laborers and that public corruption will spread. Some economic analyses of the drug market, such as those by the Drug Enforcement Administration, estimate that U.S. drug interdiction efforts would have to intercept over 75 percent of the drugs flowing into this country before it would become economically disadvantageous to the drug traffickers to persist. Most law enforcement authorities, hazarding what is of necessity only a rough guess, estimate that at best only 10 percent of the illicit drugs smuggled into the United States are intercepted.

Furthermore, even when a smuggling ship is intercepted, it is important to realize the relative chunk that is taken out of the marihuana inventory. A seizure of a ship coming from Latin America with 14 tons of marihuana on board is a big catch. With over 14,000 tons of marihuana smuggled into the United States every year and about 1,200 tons grown domestically, this sort of major intercept unfortunately amounts to less than 0.1 percent of the entire U.S. supply.

The difficulty of intercepting heroin shipments to the United States is only greater. The quantities are much smaller, the possibilities for concealment much greater.

The size of the problem can be gleaned from considering the amount of heroin available from Pakistan. In 1982, over 2,000 kilograms of heroin were seized within Pakistan. A comparable amount of Pakistani heroin was seized overseas. Presumably, given the difficulty of intercepting heroin shipments, these 4 tons of heroin represent a very small percentage of all the Pakistani heroin available for the market in 1982 and, in fact, being bought, sold, and smuggled. Yet, experts calculate that the American heroin market requires only 4 to 5 tons of heroin a year.

In short, considering the total tonnage of heroin produced in the Golden Triangle, Southwest Asia, and Mexico every year, the American market can be saturated with only a drop out of the bucket of available heroin. The high profit accruing to heroin traffickers in the United States—the world's most profitable heroin market—very nearly guarantees that as long as there is one drop left in that bucket, intensive efforts will be made to smuggle it to the United States.

The drug problem in the United States has been large. It has been chronic. It has consistently resisted a succession of declared wars, national strategies, regional task forces, interagency strike forces, and simple legislation.

Relating to this issue I would just like to inform my colleagues that this week I will file the report on S. 1787, my bill to establish a cabinet office to oversee foreign and domestic U.S. policy in the fight against drugs. Many of my colleagues will recall that this bill was vetoed by the President in the 97th Congress after overwhelming support in both the Senate and the House. I am happy to report that the bill passed out of the Senate Judiciary Committee by a vote of 12 to 5 and will come to the Senate floor with the endorsement of Senate Drug Enforcement Caucus cochaired by Senator HAWKINS and Senator DECONCINI.

I will not take up floor time now to dwell on the need for one person with the authority to develop and oversee our antidrug program as I believe, once again, that that opportunity will be here soon. Let me just say that those of us who have been charged with oversight of the Federal narcotics control effort over the past three Congresses have come to a firm conclusion; that lack of coordination is one of the most serious impediments to an effective international and domestic drug control strategy.

In closing, I am proud to cosponsor this amendment because of my long-held belief that we must clearly demonstrate on an international level, that we can no longer tolerate the ever increasing availability of drugs on American streets.

We should have no illusions here that this single amendment, if adopted, will solve the problem. It will not. It will, however, finally put some teeth into our efforts abroad to reduce the increasing amounts of illicit drugs entering this country. By using our aid program, and our votes at the multilateral development banks, as leverage we can and must achieve progress toward the reduction, and better control of a drug problem that I believe is fast becoming our No. 1 domestic problem. We need to get out the message that our foreign assistance effort is an investment by us in the recipient nation; it is no entitlement program. And if we determine that our investment is threatened by concerns such as the international drug problem, then we will take swift and immediate measures to protect our interests.

Mr. DECONCINI. Mr. President, I rise as an original cosponsor of the amendment offered by the distinguished Senator from Florida (Mrs. HAWKINS) and say at the outset that such an amendment is long overdue.

Mr. President, for years the United States, through the State Department and the Drug Enforcement Administration, has been attempting to encourage known source and transhipment countries to eradicate coca leaves, cannibis, and opium poppies and to crack down on the transportation of drugs out of their countries into the United States. A combination of corruption at high levels of government in many of these countries and the dependency of the countries on the drug trade has rendered the U.S. eradication efforts virtually helpless. The State Department pumps millions of dollars in assistance to facilitate the eradication of drug crops in source countries and millions more to assist in promoting crop substitution in those same countries. With the possible exception of Mexico and Turkey, evidence of large-scale eradication efforts in source countries has been virtually nonexistent.

Frankly, Mr. President, I would rather see the provisions contained in S. 1143, the Diplomacy Against Drugs Act, adopted in this bill. I am a cosponsor of that bill and I believe that it contains the tough, painful medicine that is needed to really force the source countries to eradicate coca leaves, marihuana plants, and opium poppies. That bill calls for a 20-percent eradication target for these countries that they would have to meet in order to continue to receive foreign aid. However, Senator HAWKINS' amendment to the State Department authorization bill is a good compromise that still means business and I urge its adoption today.

Mr. President, the amendment would require a written report from the President on those measures being undertaken for the next fiscal year by each major source country for which the President is proposing to furnish foreign aid, and would establish firm drug eradication targets for each drug-producing country. Then, if those countries failed to meet those targets, foreign aid for those countries would be cut off and our U.S. officers at the International Bank for Reconstruction and Development, the International Development Association, the IMF, and other international financial organizations would be directed to oppose the extension of loans or other financial assistance to these countries.

Mr. President, this is a good beginning. I know that the Senator from Florida would like to go further, as would I. But this amendment is a critical first step in showing those countries which are growing and producing the insidious drugs that poison our children and other citizens in this country that we no longer will tolerate the unabated flow of narcotics across our borders. I hope that this amendment will be adopted and I look forward to working with the Senator from Florida in other efforts to stop the drug traffic before it reaches our shores.

Mr. COCHRAN. Mr. President, as a cosponsor of Senator HAWKINS' amendment, I am pleased to speak in support of this measure to directly link drug eradication by foreign governments with bilateral U.S. assistance and U.S. votes on grant or loans at multilateral development banks.

Statistics indicate that over 90 percent of the illegal drugs in the United States are produced abroad. As Senator HAWKINS mentioned, Colombia is the major source for cocaine, marihuana and quaaludes entering the United States. Other source countries include Bolivia, Peru, Thailand, Afghanistan, and others. Yet we continue to provide billions of dollars of assistance in the form of grants and low interest loans to these same countries.

It is time that we let these countries know that drug eradication is of the highest priority and that we expect their cooperation in solving the international drug problem. Senator HAWKINS' amendment would do just that by requiring the President to suspend foreign assistance to major illicit drug producing countries or by requiring U.S. opposition of loans and other assistance to these countries through the International Bank for Reconstruction and Development, the International Development Association, the InterAmerican Development Bank, and the Asian Development Bank.

The determination to suspend assistance or oppose loans would be made on the basis of annual reports made to the Congress regarding the progress major producing countries are making to prevent cultivation, processing, or transporting of illegal drugs. The President's report would set forth targets for the maximum amount of reduction in illicit drug production that is achievable for the fiscal year and the actual reductions achieved during the previous fiscal year. The President would report to Congress on each country for which he proposes to furnish U.S. assistance. Foreign assistance would be suspended for each country failing to achieve the projected reductions. Exceptions have been provided in the amendment for our national security interests and for circumstances beyond the control of the producing nation.

Mr. President, if we are to solve our drug trafficking and drug abuse problems at home, we must destroy drugs at their source. I urge my colleagues to support this amendment.

Mr. MOYNIHAN. Mr. President, I am pleased and proud to be an original cosponser of this amendment. I do hope the Senate will adopt it overwhelmingly, thus to emphasize the depth of this body's commitment to the eradication of the illegal narcotics traffic.

Shortly after I returned from a trip to South Asia last February, I testified to the Senate Committee on Foreign Relations, urging that action be taken to provide disincentive for nations such as Pakistan to grow poppies, which are in turn refined into the heroin that finds its way to the streets of America's cities.

In fact, I believe I can say with confidence that the poppies I saw growing in the Northwest Frontier Province of Pakistan last February could be found within a mile or two of this Chamber in the heroin that is being sold tonight on 14th Street. Some of those poppies are probably now in New York as well, or they are also in Chicago and indeed across the land.

I am pleased that the current proposal has been developed in the months since February, when the notion was first presented to the committee. I would ask unanimous consent that the text of my proposed testimony, which was submitted to the Foreign Relations Committee on March 2, 1983, be printed at the conclusion of my remarks.

I need not elaborate on the nature—or the extent—of the problems associated with drug abuse in this country. Senators are surely aware of recent reports about the growing supply of dangerous drugs, and the alarming increase in health problems and criminal activity that inevitably follow.

In a two-part series earlier this year, the New York Times brought national attention to bear on the paradox of growing public tolerance for the use of illegal drugs even as more is being learned about the "wide variety of subtle or hidden costs that result from the pervasiveness of drug use and its consequent 'acceptability.'"

The costs include losses to business due to absenteeism and higher health bills, injuries resulting from traffice accidents and other incidents that could be traced to drug consumption.

Less immediately apparent, however, is the inexhorable deterioration of public confidence in the institutions of government that flows from our collective inability to end this traffic and resolve the numerous social problems associated with it. The Washington Post may have signaled only the beginning of a process of diminishing public confidence in Government when it reported, on January 30 that:

A flood of illegal drugs, primarily heroin and cocaine, has fueled a nationwide crime wave that is causing many Americans to lose faith in the ability of government to protect them.

In the same story, the Post reported that law enforcement officials have recently estimated that:

Between 40 percent and 60 percent of all serious crimes that occurred in the United States in 1981 were drug-related.

FBI Director William H. Webster was reported by United Press International to have said, on February 9, that drug trafficking has become the Nation's "No. 1" crime problem.

The number of overdoses of heroin and cocaine is also rising. Once again, I cite the Washington Post, which on February 4 reported that:

In the first nine months of 1982 . . . 9,139 victims of heroin overdoses were admitted to 820 hospital emergency rooms in 26 metropolitan areas monitored by the National Institute of Drug Abuse—roughly a one-third increase over the same period in 1981.

The same 820 emergency rooms took in 4,615 people suffering from cocaine overdoses in the first three-quarters of 1982, more than the total for all of 1981.

Lest popular misconceptions about the nature of cocaine abuse pass unchallenged, I would also point out that the number of fatal overdoses of cocaine is growing fast. Reports from 85 medical examiners around the country indicate that 272 deaths were attributed to cocaine in 1980, 335 in 1981, and a rising trend in 1982. As Gene R. Haislip, director of enforcement at the Drug Enforcement Administration said in an interview in the Post on February 4:

We're seeing a definite shift to a more vicious type of cocaine abuse. There is a clear upward nationwide trend to mainlining and freebasing the drug that is an obvious change for the worse.

Where does heroin and cocaine come from? From abroad, and mainly from countries with whom the United States strives mightily to be friendly, and to whom it provides considerable sustenance in the form of economic and security assistance.

Most of the opium poppy that yields the raw material of heroin is grown these days in Pakistan and Thailand. And most of the cocaine originates in Colombia.

Despite various overtures by American officials, and the establishment of relatively large narcotics control operations in each of these three countries, they remain the largest suppliers of illicit narcotics to the United States.

At the same time, they are receiving fairly hefty slices of the foreign aid pie. We are in the middle of a 5-year program to provide Pakistan with $3.2 billion in aid; Thailand received in the last fiscal year $141 million in loans and grants from U.S. Government agencies. And Colombia received $553.8 million in loans and grants from U.S. Government agencies in fiscal year 1982.

In return, I think it not unreasonable that we should insist that these countries we sustain should be required to help us stop the deadly international narcotics traffic. The measure before us would provide incentives for them to do so—by raising the prospect that the flow of assistance dollars could be interrupted if the flow of illicit narcotics to the United States is not.

I ask unanimous consent to have printed in the RECORD several of the recent newspaper reports which I have cited in these remarks, as well as the text of my testimony of March 2, 1983.

There being no objecton, the material following was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR DANIEL PATRICK MOYNIHAN, VICE CHAIRMAN, SENATE SELECT COMMITTEE ON INTELLIGENCE

I would like to express my appreciation to the Chairman and the members of the Committee who have so graciously permitted me to make a brief presentation today during this examination to the President's proposal to provide foreign assistance to the countries of the Near East and South Asia. Having recently visited the South Asian subcontinent, in my capacity as Vice Chairman of the Senate Select Committee on Intelligence, I would like to comment with respect to the proposal for aid to Pakistan.

In particular, I am concerned about Pakistan's role as the single largest supplier of heroin to the American market. As I expect members of this Committee are aware, a report prepared for the Governor of New York last June by Joseph A. Califano, Jr., former Secretary of Health, Education and Welfare indicated that the number of heroin addicts in New York City had increased by 50 percent since 1978. A Rand Corporation study quoted in the Califano report indicated that heroin addicts averaged 167 crimes a year. And the trends in both instances were upward.

I believe that these twin problems of drug addiction and the crime that inevitably flows from it should be considered among the highest priorities in American foreign policy making. And Pakistan should be at the center of these deliberations.

My own involvement in this aspect of foreign policy goes back to the time of my service in the White House as a domestic policy advisor. As the history of this involvement may help place the current problem with Pakistan—and my recent visit there—in a proper context, I would ask the indulgence of the Chairman as I relate a bit of this history.

In 1969, President Nixon asked me to be assistant for urban affairs. I agreed. I proposed to Mr. Nixon that among the first things to be done about American cities was to place the international drug traffic on the agenda of American foreign policy. He in turn agreed, and in the course of 1969, this was done. In August of that year, I flew eastwards to Calcutta, Istanbul, and lastly Paris. At each place, I talked with American and local officials, stating that the United States could no longer tolerate the extraordinary commerce in smuggled heroin then flooding our cities, especially on the East Coast, and bringing with it a plague of death and crime.

During the course of the 1960s, for reasons I don't think anyone fully understands, heroin addiction had become epidemic in our larger cities. Inevitably, crime, and the fear of crime, became epidemic also. This profoundly transformed American urban life. The fear was genuine. The most elemental of civil rights—the right to move about safely in one's own society—was being denied as effectively as if a law were passed abolishing it. We may not frequently think of the freedom to move about as a "right." But citizens of the Soviet Union surely do.

I reached Istanbul on September 2, 1969 and met with the Turkish Foreign Minister the next day. I explained that the heroin flowing into the United States began as opium grown in Turkey then processed in Marseilles, France. Most of it was grown in the province of Afyon, which in Turkish means "opium." It had been a traditional crop, grown for poppy seeds—seeds which we associate with bread and life, but which we were now to associate with the slow death in our cities. The Foreign Minister knew more about the drug traffic than perhaps he let on at the time, but he listened with courtesy to the proposition that the American government would in effect buy out the opium farmers, by providing the money to substitute new crops and markets.

I next flew to Paris where my reception was more distant. For one thing, the American embassy had never heard of a heroin problem, much less the "French Connection." Nor were the French authorities much interested, at first, in the fact that we didn't seem able to enforce our own laws. Slowly, however, after several more trips, more discussion, the French became convinced that they were part of our problem. In 1969, there was one death on the Riviera from heroin overdose. It apparently occurred to the French that heroin could become their problem also, but, in the main, they responded out of a civilized sense of responsibility. Not, I might add, without a touch of contempt, or at least wonder. That winter, I finally met the head of the French "Securite," a man whose name is known, but whose picture is rarely seen. He came to the American embassy for lunch. I described the extent of the heroin problem in the United States, and stated that it was coming from heroin factories in Marseilles, and asked if it could not be stopped. He listened. As he left, he asked "What kind of people

are you?" That we were only now coming to them about a matter which, had the roles been reversed, they would have been storming at us about decades earlier.

No matter. We were able to work together. The French Connection was broken. The Turkish opium fields closed down.

Whereupon in the 1970s' heroin production moved to Mexico. The United States government was much better organized now. The issue was on the agenda of American foreign policy. By the end of that decade, the Mexican connection had been broken, too.

Whereupon heroin production moved to Pakistan, where it remains today. The speed of the transfer is astonishing. The National Narcotics Intelligence Consumers Committee produces an annual Narcotics Intelligence Estimate. The most recent NIE reports that, in 1976, "negligible" amounts of heroin came into the United States from Southwest Asia. Proportion: zero. By 1980, the proportion had risen to 60 percent. It is now probably three-quarters. Moreover, though "Southwest Asia" is a term that normally refers to Pakistan, Afghanistan and Iran, last year's N.I.E. explains that the chaos in Iran and the war in Afghanistan have all but eliminated these two countries as suppliers of heroin to the world market. So we are talking about Pakistan.

In the last Congress, I introduced legislation (S. 2670) that would have forbidden any economic or military aid to any foreign country that was the source of illegal drugs coming into our country and, at the same time, that was not cooperating with us in trying to stamp it out. My proposal would have also prohibited trade—except for food and medicine—with such a country.

Certainly, Pakistan is a recipient of much aid—we are in the midst of a five year program that will provide $3.2 billion in aid to Pakistan. Is it cooperating in halting the heroin traffic?

On Sunday, February 6, I met with President General Mohammad Zia-ul-Haq, and raised the issue, much as I had done in other places at other times. This time, I would have to say the response was considerably more forthcoming. General Zia is, of course, a fundamentalist Moslem who, having placed his nation under martial law, has restored much traditional Islamic law. Among other things, this bans "intoxication" while at prayer and that is deemed to extend to the use of opium and its "higher" derivatives.

Specifically, he declared his government's determination to get hold of the opium-heroin problem "for our own sake, more than for anyone else's." He said that legislation would soon be promulgated providing penalties of up to life imprisonment for narcotics offenses.

There is a hitch. There always is. The opium fields and the morphine and heroin laboratories are mostly located in the Northwest Frontier Province. This is the land of the Pathans, a warrior race, whose first recorded battles were with Alexander the Great (remembered still as "Iksander") and who have battled on, more or less continuously, through history. The terrain in this area is the natural environment of the guerrilla fighter—as the Soviet Union is learning across the border in Afghanistan. When Pakistan became an independent state in 1948, it retained the nominal suzerainty over the area which the British had exercised, and indeed kept the name of Northwest Frontier Province for the region. The laws of Pakistan in some ways do and some ways don't extend to the region, which is referred to simply as being "tribal."

How seriously, then, should we take General Zia's assurances on opium and heroin if he does not actually control the area?

My own visit to the poppy-growing heart of the Northwest Province the following day was not altogether heartening. I travelled with Mr. Stan Samuelson, an embassy officer with long experience in agricultural matters. With what would seem the complete cooperation of the central government authorities of Pakistan—always keeping in mind the limits of their authority—he is working with farmers who have been growing opium, trying to persuade them to try other crops and helping them do so.

We went through valley after valley which last year, he reported, were covered with poppies, but now "clean." We had tea at every village and were introduced to ex-opium farmers now "reborn" and sinners no more. But after listening to one large landowner announce that there was not a single poppy growing on a single one of his fields this spring, Samuelson asked how much opium he had stored up from last spring's crop. Much body language. Shrugs of the shoulders. No answer.

Finally, we drove through the valleys that were not "clean". No one bit. Covered with opium plants, about four inches high, still in the leaf stage. They will produce opium in May. By September, this could produce death in New York, or Chicago, or Los Angeles.

So there is good news and bad news. But surely only one conclusion: If Pakistan desires economic and military aid—four F-16 fighterbombers were delivered just before I arrived, but many more are scheduled—it must wipe out heroin production at every stage in what is its national territory no matter what the British called it.

And *our* government must be implacable on this point. Else the question arises again: What kind of people are we?

My own suggestion, which I would respectfully urge the members of the Foreign Relations Committee to consider as they proceed through their deliberations of this year's foreign aid bill, would be that the Congress exact legislation along the lines I proposed last year in S. 2670. That is, we should simply require that governments such as Pakistan's eliminate the heroin production facilities, and the poppy crops, in their countries before we will give them money or equipment or subsidized loans for buying American military equipment. We should further require that, in the case of countries which have been identified by the National Narcotics Intelligence Consumers Committee as contries of origin of illicit narcotics, the President would have to certify to Congress that such a country's government has actually made progress—not just announced its intention to make progress—in the eradication of poppy crops, opium refineries and heroin factories.

It seems to me quite reasonable that we should insist that the countries we sustain should in return be required to help us to stop the deadly international narcotics traffic.

Thank you, Mr. Chairman, for hearing me today.

[From the New York Times, Mar. 21, 1983]

U.S. Social Tolerance of Drugs Found on Rise

(By Glenn Collins)

Social scientists believe that the level of public tolerance of the use of illegal drugs is continuing to rise in all levels of American society.

They say, further, that the growing availability and acceptability of these drugs is effecting profound social changes that have neither been fully acknowledged nor fully understood.

The signs of the raised level of acceptance are widespread.

At a rehearsal break in a recent Manhattan practice session of an Ivy League alumni choral group that counts stockbrokers, lawyers, and corporate executives among its membership, one successful businessman held out a bit of hashish to a fellow singer, aged 49, "Have some?" he asked.

At 9 A.M. the other morning on the Brooklyn Heights promenade, a youth in a blue windbreaker, out walking his German shepherd, took a deep drag on a marijuana cigarette. None of the joggers and walkers nearby gave him a second glance.

In the office of a university in New York, a professor who had traveled from the Midwest for a job interview inquired solicitously about the health of the sniffling department head sitting behind the desk before her, "Oh," he said offhandedly, "that's not a cold. I've been doing too much cocaine lately."

"In a very short time, cultural patterns have changed dramatically," said Dr. Richard Jessor, a social psychologist who is director of the Institute of Behavioral Science at the University of Colorado at Boulder. "It is now normal for the majority of young people to have experience with a range of substances that was unavailable to previous generations. And that raises important and interesting questions for social policy that haven't been addressed."

Dr. Norman Zinberg, professor of psychiatry at Harvard University, said: "Nobody in the United States is more than one handshake away from virtually any drug they want to get. Drugs are used in every stratum, across the board, from blue-collar people to professionals. There is no distinction between 'heads' and 'juicers' anymore."

Dr. Jessor's and Dr. Zinberg's views were generally reflected in a series of interviews and a survey of the opinions and findings of drug-abuse experts, medical and treatment authorities, drug users and law-enforcement officials across the nation.

Some of these experts say that drug use has become so widespread that it often goes unnoticed, and that, in focusing on the dangers of specific drugs like cocaine, society has overlooked the very phenomenon of drug use itself. They view with increasing alarm the availability of illegal substances including cocaine, marijuana, heroin, LSD, angel dust and the nonmedical use of tranquilizers, Quaaludes and diet pills.

And they are deeply concerned over what they regard as a wide variety of subtle or hidden costs that result from the pervasiveness of drug use and its consequent "acceptability." These experts see the effects of such substances in tragic indicators like emergency-room statistics and automobile-accident rates, and insist that there are equally important costs in the workplace, schools and family life.

Others say, however, that the long-term social effects are not entirely clear. They contend that most people now using drugs have successfully integrated them into their lives to help cope with stress, and that the overall results may not necessarily prove harmful to society.

These authorities, while deploring the misuse, say that people's sophistication

about the dangers inherent in different drugs is increasing. An alarmist view cannot be supported, they contend, by recent Federal statistics. These studies show either a decline or a stabilization among American youth in the use of most types of drugs.

All seem to agree that there is now a basic paradox in social attitudes toward drugs.

"Society is giving all of us a double message," said Dr. Robert E. Gould, professor of psychiatry and associate director of the family life division of New York Medical College. "On the one hand, we are told, 'Don't take illegal drugs.' At the same time, this is a drug-taking culture and a drug-encouraging culture. Look in anyone's medicine chest and see how many drugs Americans rely on. Drug-taking is often portrayed in the media as glamorous and chic. And the message the commercials give is: If you have a problem, take a pill."

DEPENDENCE ON CHEMISTRY SEEN

Dr. Gould does not suggest that taking aspirin is the same as taking heroin. "But the cumulative effect of these messages is," he said, "that you won't have to suffer, chemistry can give you an answer, the route that drugs offers is the easiest way to get out of anxiety. It focuses on instant gratification, and not on solving the underlying problems."

The substances available in this $90 billion-a-year marketplace have become so diverse, and some so new, that even the experts cannot keep track of them all.

"The selection in the delicatessen of drugs is much greater than it's ever been," said Dr. M. Duncan Stanton, director of research for the Addicts and Families Program at the University of Pennsylvania School of Medicine and the Philadelphia Child Guidance Center. He conducted a nine-year study of hard-drug users.

In some respects, wholesale access to drugs is a situation with little cultural precedent.

"Most societies since the beginning of time have had intoxicants and integrated them into rites of passage like weddings or celebrations," said Dr. Robert B. Millman, director of the Alcohol and Drug Abuse Service at the Payne Whitney Psychiatric Clinic in New York.

"But these societies were using the one or two substances endemic to that area," he said, citing alcohol as an example. "Most people didn't get into trouble with these substances—they were integrated into the society, in the sense that people knew how to control them.

"The ominous thing about the present-day Western culture is that we have access to all intoxicants from all societies, and we don't know how to control them. This can be very dangerous to those who are at risk: the young, the psychologically disturbed and the disadvantaged."

"YOU CAN GET ANYTHING YOU WANT"

That availability cuts across age, class, professional and geographic distinctions. "You can get anything you want, anywhere," said 15-year-old Eileen Otero, who grew up in Queens and Manhattan, and now attends a parochial high school on Manhattan's East Side. "Drugs are all over. I never go a day without someone offering me weed."

Availability is no doubt a key factor in widespread use. In the general population, the increase in use of illegal drugs has been dramatic in the last two decades. In 1962, less than 4 percent of the population had ever used an illegal drug. Two decades later, according to the National Institute on Drug Abuse, 33 percent of Americans age 12 and older reported having used marijuana, hallucinogens, cocaine, herion or psychotherapeutic drugs for nonmedical purposes at some time.

The increase in cocaine use, particularly, has been substantial, doubling among those over age 26 in the three-year period from 1979 to 1982. The 1982 survey was based on 5,624 Americans living in households at a fixed residence and is projected on national census figures.

Sixty-four percent of American young people have tied an illegal drug before they finish high school, and more than a third have used drugs other than marijuana, according to another 1982 National Institute study. The research showed that 59 percent of the seniors had tried marijuana, 16 percent had tried cocaine, 10 percent had tried LSD and 1 percent had tried heroin.

Nearly all young people, 93 percent, had tried alcohol. The high use of alcohol among young people is, of course, not a new phenomenon in America, but its use in conjunction with drugs is regarded as a growing problem.

Some observers say the overall statistics themselves illustrate the new level of social tolerance and are not overly concerned.

R. Keith Stroup founded the National Organization for the Reform of Marijuana Laws in 1970, and is now a lawyer practicing in Washington.

"I think marijuana gained respectability as the people who smoked it gained respectability," he said. "The great number of middle-class recreational drug users use them like their parents used alcohol."

But many of those who treat the casualties of this quiet transformation are worried about its effects.

"The culture just isn't seriously looking at soft or recreational drug use as a health problem," said Dr. Mitchell S. Rosenthal, a psychiatrist who is president of Phoenix House in Manhattan, the nation's largest private drug-treatment program. "Everyone wants to talk about the newest drug—cocaine or Valium or angel dust. And what that ignores is that the culture just naturally takes for granted that there will be a new drug."

Dr. Rosenthal believes that drug abuse is an insufficiently recognized factor in the national statistics on suicide, auto and other accidents, plane crashes, mental breakdowns, work-related problems, truancy and teen-age pregnancies. Since the role of drugs is usually ignored in tallying such statistics, it is difficult to measure precisely.

LINK TO ACCIDENTS TABULATED

However, 6 percent of those in New York State, 729,000 people, it is estimated, had in the last six months driven an automobile while feeling the effects of drugs, according to the most recent study of drug use among state residents. It is estimated that 58,000 New Yorkers reported having automobile accidents while driving under the influence of drugs. The study, a 1981 survey of 3,500 New Yorkers residing in households, was conducted by the state's Division of Substance Abuse Services.

As a result of using drugs, the study showed, an estimated 618,000 state residents experienced problems in work or school, 565,000 experienced problems with family and friends, and 443,000 experienced health problems.

The researchers reported that residents with household incomes of $50,000 or more had the highest drug use in the state, and 6 percent, an estimated 51,000, of these residents were considered to be serious abusers.

In specific incidents, drug abuse has caused everything from snowmobile accidents to drownings.

"The only subgroup in our society that has showed an increase in mortality rates is our adolescents," said Dr. William Pollin, director of the National Institute on Drug Abuse. "That trend is also true for accidents, homicides and suicides, and many of those trends may be related to drug and alcohol use." Though drug use among the nation's youth has generally declined, he said, "We are still the country with a higher level of drug use among young people than any other country in the world."

In the workplace, drug use is reported to have been directly involved in everything from train wrecks by marijuana-smoking engineers to the arrests of nuclear power-plant guards by the Oregon State police for using marijuana, amphetamines, cocaine and LSD.

COST TO EMPLOYER ESTIMATED

Industry studies have estimated that drug or alcohol abuse costs an employer at least 25 percent of a worker's salary in loss of productivity, poor attendance and increased medical benefits. The economic, social, health and crime-related losses caused by drug abuse in a single year have been placed at $10 billion to $20 billion, according to the Blue Cross and Blue Shield Associations.

Among professionals, doctors have traditionally been singled out for abuse problems because of their easy access to drugs. But the problem exists among other professional groups as well.

"This is in every way a conservative community," said a highly placed court administrator in a major Middle Western state who requested anonymity. "But I know prosecutors who regularly prosecute marijuana cases and smoke pot at the same time."

She said that although the stresses of their trade had long made trial lawyers vulnerable to alcohol abuse, younger lawyers were combining alcohol with other drugs. "Don't imply from what I'm saying that it's just lawyers," she continued. "Lots of cocaine is used and sold by other professionals in this town.

"One sitting criminal court judge," she said, "who has a reputation as a tough sentencer in cases involving possession of cocaine and heroin, once lectured me about how provincial I was about not using cocaine myself. He told me I should grow up." In other words, that she should have used cocaine, as he had.

"What really bothers me is the hypocrisy of it," she continued. "Sentencing people to the terrible prisons we have in our state for things the prosecutors are doing themselves."

PERSISTENT PROBLEM IN MILITARY

For another large employer, the military, drug use has been a matter of concern since the Vietnam War, and is a persistent problem. According to a 1981 study by the House Select Committee on Drug Abuse, two thirds of the sailors on the aircraft carrier Forrestal, including the men who launch F-14 jet fighters, regularly used marijuana and pep pills to relieve the fatigue of working 16- and 18-hour days.

Assertions about the effects of drugs in the workplace are often simplistic, said Dr. John C. Kramer, who, in the Nixon Administration, was an associate director of the White House Special Action Office for Drug Abuse and Prevention.

"People tend to forget that lots of jobs are very boring," said Dr. Kramer, a psychiatrist who is an associate professor at the University of California at Irvine. "For a carpenter who has to hit the same kind of nail in the same spot on the same pieces of wood all day, marijuana may be the only thing that makes his hammering seem new."

Perhaps the least statistically measurable hidden cost is the effect of drug abuse on American families. "Unquestionably there is a cost in family life," said Dr. Kramer. "In all family problems, ordinary conflicts can be exaggerated when an individual is using drugs."

WEAKENING OF PARENTS SEEN

Dr. Stanton of the University of Pennsylvania says changes in the structure and transience of American families have increased their vulnerability to drug abuse and other problems.

"Social, economic and cultural changes have altered family patterns, taken supports away from parents and weakened them," he said. "It has blurred the difference between parents and kids."

Such abstract social trends are evident in the real-life experience of one family. "My drug use forced the family to confront many issues that were not out in the open," said 18-year-old Debbie Marks, a New York University freshman who lives in Manhattan. She started smoking marijuana and drinking in the seventh grade, after her parents' divorce.

By the age of 16, she was finishing a bottle of Jack Daniels every night, and was experimenting with LSD during the day, having tried everything else but heroin. In 1981, she entered a treatment program at Phoenix House and, after a four-month battle with her multiple addictions, has been drug-free for 14 months since.

"I was very naïve," said Mrs. Marks. In Debbie's treatment, Mrs. Marks joined family-therapy sessions with her 20-year-old son Scott, and with her former husband, Sam, and his wife, Bonnie, and with Debbie.

"I think that parents have to take over and be parents again," she said. "When I was growing up, my parents said no and that was it—but I wanted my children to be my friends. And that was wrong."

Dr. Pollin of the National Institute on Drug Abuse says one should remember that social toleration of some drugs is not necessarily the same as approval. "There is much less shock value now involved in, say, seeing someone smoking a joint or using coke," he explained. "But there has also been a trend countering that: the steady and accelerating passage of legislation banning head shops, which has been a grass-roots movement."

CLOSING OF SHOPS SOUGHT

In many communities across the country, antimarijuana organizations have attempted to shut down paraphernalia outlets, efforts that have paralleled the attempt to get drunken drivers off the road. The backlash against drugs has included a network of parent-initiated support groups, drug-information meetings and drug-treatment-referral networks.

Dr. Pollin believes that drug use as a phenomenon peaked between 1977 and 79. In his organization's student surveys, the 1982 results showed a drop from 1981 in the number of high-school seniors who used marijuana daily, monthly or had used it in the last year. And daily use of marijuana among high-school seniors declined for the fourth successive year, from 10.7 percent in 1978 to 6.3 percent in 1982.

"It may be, as some have speculated, that our young people are beginning to heed the Government's health messages," said Dr. Ira Cisin, professor of sociology at George Washington University, who directs the the Federal agency's national survey of Americans in households. "We do not know whether the downturn in marijuana use reflects a temporary economic slump or a continuing shift to more conservative behavior."

CHANGE IS RELATED TO AGE

In contrast, though, among those over age 26, the use of cocaine, marijuana, hallucinogens and stimulants reported in the study is rising, though not dramatically, save in the case of cocaine. In addition, the number of emergency-room visits and deaths involving drug abuse have increased among those age 30 to 39, unlike the patterns for younger age groups.

According to reports from the agency's national Drug Abuse Warning Network, there there was a doubling of reports involving cocaine from 1979 to 81, the most recent statistics available; and there was a sharp increase, from 1,910 to 3,479, of reports involving heroin.

Dr. Pollin and a number of other experts attribute the contradictions between declining drug use among the young and rising drug use among older groups to the lingering effects of the 60's-generation culture on the rest of society. "The flower children of the 60's are now approaching middle age and they are bringing with them the residue of habits formed in earlier years," said Dr. Cisin.

Not everyone accepts that view, however. "I don't have the sense that we can attribute this to a group with a specific problem that is wending its way through the age pyramid, and then the problem comes to an end," said Dr. Jessor. "It seems unlikely that the drug problem is going to 'age itself out' of the population—that's rather wishful. Looking at it from the larger culture, drug use in general is an institutionalized phenomenon."

HE SEES PROCESS OF INTEGRATION

Whether or not drug use has reached that status yet, Dr. Zinberg of Harvard says a number of illegal drugs are undergoing a process of societal integration. "Of course it poses problems for those who are vulnerable to abusing these drugs," he said, "but a lot of the use has developed into what I call controlled usage."

"Most of these drugs are introduced with a bang," he continued, "and they are greeted with enormous hysteria. The process is not complete, but the large majority of people know how to control them. Hysteria has been replaced by a knowledge of the boundaries of these drugs."

Some drugs are much harder to control than others, he said. "I'm not happy about the extreme availability of cocaine," said Dr. Zinberg.

"We can reduce trafficking by making it prohibitively difficult for people to try it," said Francis M. Mullen, Administrator of the Drug Enforcement Administration.

Dr. Kramer agrees that it is necessary to control the availability of illegal drugs, but he says that to expect their elimination is unrealistic in an open society.

"As the stringency of controls increases," he said, "the social problems associated with the control of drug use become greater and greater. So, as you lengthen sentences and tighten up, you get more problems involving black markets and organized crime, and you get more invasion of privacy and fundamental liberties."

SEES IT AS TASK IN GROWING UP

Dr. Jessor of the University of Colorado says coping with the presence of drugs may have become a kind of rite of passage for young people. "It may now be a development task that young people need to come to terms with," he said, "like separation from parents, career development, and sexuality. And so we ought to focus on education and provide the kinds of information and skills for the least irresponsible use of these substances."

Dr. Pollin offered a final, disquieting note on the future of the nation's drug culture: "The laboratories that produce ever-More potent psychoactive drugs are going to continue their efforts. The number of drugs out a decade from now will be twice as great as they were 10 years ago. The problem will never go away. It will be more complex."

[From the New York Times, Mar. 22, 1983]

DRUG ABUSE IN AMERICA: WIDENING ARRAY BRINGS NEW PERILS

(By Harold M. Schmeck Jr.)

American hotel guests in Cuzco, Peru, 12,000 feet high in the Andes, are sometimes surprised at being offered coca tea to help them adjust to the altitude. But it seems to help and they probably suffer no ill effects. Peruvian Indians have been using it for generations.

"At the other end of the spectrum," said Dr. Robert Byck of Yale University, an expert on cocaine, "is a man I encountered who was spending $400,000 a year, buying cocaine by the half pound, and shooting it intravenously. He was sitting in a blacked-out cellar with an M-1 rifle, shooting at his hallucinations."

The man in the basement and the hotel guests in Cuzco were taking the same drug.

The two uses point up the dramatic difference in reactions to which many Americans are now subjecting themselves. Use of illicit drugs is continuing to rise among American adults, and social scientists believe that to a large extent this usage has become increasingly "acceptable" on all levels of American society. To medical experts, such acceptance represents dangerous ignorance. "The selection in the delicatessen of drugs is much greater than its ever been," says Dr. M. Duncan Stantan of the University of Pennsylvania School of Medicine. Some of these natural or artificially produced chemicals are new or recently produced variants of older forms that are better understood than the new ones.

Some experts believe the biology of drug abuse is becoming more and more complex, as new compounds become available. In one recent tragic instance, three men and a woman in California developed serious, crippling conditions after taking a synthetic drug they had been sold as a "new synthetic heroin."

In fact, the drug, known to chemists as MPTP, was an industrial chemical. What happened to the four who used it showed that the chemical is a potent and remarkably selective poison for brain cells. Three of the four patients were hospitalized, according to a report in Science from Stanford University Medical Center. All three were almost totally immobile, unable to speak intelligibly. They had fixed unblinking stares and drooled continually. The fourth, treated as an outpatient, had a short-stepped

slow, shuffling gait and was otherwise similar to the other three.

The report said the patients appeared to have suffered damage to a specific region of the brain called the substantia nigra, producing effects that bore "a remarkable clinical resemblance to Parkinson's disease." An ironic twist to the tragedies was that the patients attempt to get "high" in a new way may have given science an important clue to the cause of parkinsonism.

Dr. Sidney Cohen of the University of California at Los Angeles said the traditional substances of abuse are being augmented by several entire series of new synthetic variants and "look-alike" drugs. "This kind of chemical smorgasbord is going to increase," he said.

Another expert, Dr. Jerome H. Jaffe of the University of Connecticut, said nevertheless that most current drugs of abuse, even some that have an aura of novelty, were actually old familiar chemicals.

It is clear from much experience, that effects depend on the chemistry of the drug itself, the amount used, and also on many other circumstances—how, when, where and why it is taken. Second, the effects of any illicit drugs depend greatly on unpredictable elements: the concentration and purity of the drug and the nature and amounts of the contaminants that go with it.

Cocaine use among adults in the United States has risen more rapidly in recent years than any other drug, according to the National Institute on Drug Abuse. It is an almost perfect example of the new attraction of the old and the biological complexities of current usage. Cocaine's effects depend greatly on why and where it is taken, the amount and frequency of use, the route of administration, the dilution of the dose and the chemistry of the diluents.

It clears from the blood rapidly so that a user must take it frequently to maintain the effects. Sleeplessness, loss of appetite and, when drug effects wear off, anxiety and severe depression may result.

The drug is a natural plant substance called an alkaloid, one of a large family of chemicals. Others include nicotine, caffeine, morphine, quinine and strychnine. Like these, cocaine has its legitimate uses. It is a local anesthetic employed in ear, nose and throat operations and, formerly, in surgery on the eye. Applied to mucous membrames with a swab, it is readily absorbed into the blood.

For nonmedical purposes, cocaine has been used in a bewildering variety of ways: by chewing the coca leaf, eating the alkaloid (purified to varying degrees), sniffing it as a powder, smoking cocaine paste or heating it and inhaling its vapors, or taking it by injection. Cocaine was used by the ancient Peruvians in religious ceremonies, and was made available by the Spanish to their Indian slaves because it seemed to improve performance and increase physical endurance.

The reported effects are euphoria, a sense of power, clarity of mind and, although the drug is a powerful stimulant, a sense of calmness. The drug raises heart rate, blood pressure and body temperature, and often dilates the pupils. Large overdoses can cause high fever and fatal convulsions.

Cocaine is taken up quickly by the blood and is absorbed readily in the brain. The form called free base in this country, is commonly smoked and is extremely dangerous.

Whether cocaine is additive is a matter of debate, often obscured by differences in definition. Users do not suffer the same agonizing withdrawal effects as users of the opiate narcotics, experts say. But heavy users can experience deep mental depression in the drug's absence, and show powerful compulsion to continue taking it.

Cocaine's anesthetic effects are believe to be caused by the drug blocking nerve signal transmissions from nerve cell to nerve cell by hampering the flow of sodium ions across nerve cell membranes.

The elevated heart rate and blood pressure are attributed to a different sort of interference with nerve signal transmission. the effect is though to be that of preventing nerve cells from again taking up a nerve signal transmission substance after they have discharged that chemical in transmitting a signal to adjoining cells. The processs is known as re-uptake.

This effect, called prevention of re-uptake, is also the traditional explanation of the drug's powerful euphoric effects, but Dr. Byck said, it is probably not the real answer.

Chronic use can destroy tissues of the nose and lung as a result of diminished blood supply. Heavy use of the drug, particularly by injection, can produce serious mental effects, including hallucinations and psychosis. An extreme overdose may bring on fatal high temperature and convulsions. Cocaine users often say that occasional use via the nose will not necessarily have serious ill effects. But Dr. Byck emphasized that, while the statement may be true, it can be dangerously misleading. It is difficult for anyone to keep use of the drug "occasional," he said, and every compulsive user started out with single or occasional use.

STIMULANTS

Cocaine is one of the often-abused drugs that are classified as central nervous system stimulants. Of the others, the best known are probably amphetamine and its close chemical relatives. They are longer acting than cocaine, but share some other effects with it. The amphetamines produce excessive activity, restlessness, loss of appetite. Heavy users may suffer hallucinations, paranoia and, on sufficient overdose, coma and death.

There is also a growing category of "look-alikes," so called because they are packaged to look like amphetamines, but contain milder stimulants such as ephedrine, phenylpropanolamine and caffeine.

Public health experts like to include nicotine in discussions of drug abuse, because it too can cause a habit difficult to break and because of the serious long-term health effects of its principal vehicle, the cigarette.

Marijuana, also taken customarily by smoking, is generally viewed as a drug with various effects. It clearly poses psychological dangers to adolescent users and many diverse effects have been attributed to it. The overall importance to health of the physical effects is still a subject of debate.

DEPRESSANTS

At the opposite end of the drug abuse spectrum from stimulants is an even larger category of psychoactive substances sometimes grouped under the general name depressants. They include the narcotics, opium, morphine, heroin and others; the many kinds of barbiturates; and the sleep-promoting drugs such as methaqualone.

These drugs may be taken to achieve a psychological "high," but their common action is actually to depress the activity of the central nervous system. Dr. Cohen said the effects perceived by the user depend on multiple factors of personality, expectation and social situation as well as on pharmacology.

The narcotics and many others in this broad category can produce classical addiction, with the development of tolerance and withdrawal symptoms that can be severe. They include restlessness, nausea, vomiting, chills and "gooseflesh," diarrhea and abdominal cramps. Heart rate and blood pressure may go up. Involuntary muscle spasms may add to the victim's agonies during the worst phase of the withdrawal.

In a chapter on drug addiction and abuse in the widely used medical text Goodman and Gilman's "The Pharmacological Basis of Therapeutics," Dr. Jaffe notes that tolerance does not develop uniformly to all of the actions of a narcotic drug. There may be stronger tolerances to one action than to another. But no single biochemical model seems able to account for all of the complex phenomena that are seen with the many classes of drugs that produce tolerance and physical dependence.

Dr. William Pollin, director of the National Institute on Drug Abuse, said alcohol should always be included in discussions of drug abuse because that particular depressant of the central nervous system is among the most widely abused of such drugs and probably contributes to more deaths, disabilities and human tragedies than any of the others.

HALLUCINOGENS

Another class of substances that figure importantly in the drug abuse world are the hallucinogens, including phencyclidine, known as PCP, lysergic acid diethylamide, known as LSD, and far older natural plant substances such as mescaline, produced by some cacti, and psilocybin, the main psychoactive ingredient in some species of mushrooms.

These too vary in their chemistry and probably in their specific actions, but, in a sense, they all seem to open the floodgates of brain activity so that the user may be deluged with internally produced perceptions—colors, odors and sounds and sometimes more structured hallucinations. A guide for physicians prepared by the American Medical Association said intoxication with these substances involves profoundly disturbed behavior and loss of contact with reality.

A booklet prepared by Blue Cross-Blue Shield Associations in collaboration with the National Institute on Drug Abuse lists among possible ill effects of hallucinogens: "breaks" from reality, "flashback" experiences of the drug's effects long after its use has been discontinued, impaired memory and perceptions in some cases, anxiety and depression.

INHALANTS

Considered particularly dangerous by experts are some of the substances generally referred to as inhalants. These are a diverse group of volatile substances including gasoline, toluene, paint thinners, dry cleaning solutions, nitrous oxide and amyl and butyl nitrites. They vary in potential for harm, but some of the compounds, including toluene, can produce physical damage to the brain and some can give rise immediately to disturbances in heart rhythm that can be fatal.

"The intoxicating effect is immediate, though not long-lasting," the medical association's guide said of some of these inhalants. "The products inhaled are inexpensive, legal and readily available in the home or workplace, and the compact packaging of items such as glue or nail polish remover makes these easy items to carry in a pocket or purse."

A particularly dangerous practice, according to the guide for physicians, is that of placing a bag over the head to increase the concentration of inhaled vapor.

"Users describe the sensations evoked by inhalants as euphoria and excitement, accompanied by a feeling that 'something wonderful is about to happen,'" the publication said.

What may actually happen, drug experts say, is sudden death.

[From the Washington Post, Jan. 30, 1983]

U.S. CRIME WAVE LINKED TO FLOOD OF HEROIN, COCAINE

(By Courtland Milloy and Edward D. Sargent)

A flood of illegal drugs, primarily heroin and cocaine, has fueled a nationwide crime wave that is causing many Americans to lose faith in the ability of government to protect them, federal officials and law enforcement experts told a conference here this week.

"It is the inundation of drugs—some of which are grown here—that is eroding public confidence and corrupting public officials." FBI Director William Webster said at the three-day conference, which was sponsored by the Washington Journalism Center.

The result of that erosion of confidence has been the burgeoning of private anti-crime efforts, including security guards, guard dogs, bars and alarm systems, self-defense classes and handgun sales. Officials estimated the private security industry already does $10 billion in business a year—and is growing.

"I think we're on a continuum where every day, public confidence diminishes in the ability of the government to deal with their public safety," said Sen. Joseph Biden Jr. (D-Del.), ranking minority member of the Senate Judiciary Committee.

"The longer we wait, the more likely Americans will feel they need to go to a store and get a gun for their car or bedroom or kitchen," Biden said. "I think we're reaching the breaking point."

According to Francis M. Mullen, acting administrator of the federal Drug Enforcement Administration, there are about 492,000 known heroin addicts in the United States and about 4.4 metric tons of heroin were smuggled into this country in 1981. He said that there are about 15 million cocaine users and that about 60 metric tons of cocaine, mostly from Colombia, made it to the United States that year.

More than 90 percent of the supply of drugs, he said, was imported through organized crime networks. When asked if there had ever been an organized crime figure working as a "mole" within the DEA, Mullen said "yes," but did not elaborate.

Between 40 percent and 60 percent of all serious crimes that occurred in the United States in 1981 were drug-related, according to estimates by law enforcement officials at the conference.

Crime was also related to such diverse factors as warm weather and the nation's demographics. Crime trends showed, officials said, that there are more crimes committed during summer months than winter months and that persons between the ages of 14 and 25 are more likely to commit crimes than persons in any other age group.

That demographic trend led Newman Flanagan, president of the National District Attorneys Association, to predict that the crime wave would bottom out by the end of the decade, as the current young generation, which represents a miniature "baby boom," grows older.

Fear of crime, experts noted, has given rise to increases in public appeals for stiffer anticrime legislation, including the abolition of parole, imposition of mandatory sentencing and the death penalty—none of which has been proved to reduce crime.

Analysis of the nation's criminal justice system, reveals that emphasis on the "system" is misdirected because there is no system, just a "habit of bad practices that hasn't changed for 50 years," said Sam Dash, former Watergate committee chief counsel and currently a law professor at Georgetown University.

Citing the results of two presidential commissions on crime, from 1957 and 1967, both of which showed that most crimes go unreported and that many of those that are reported go unsolved—including 48 percent of all reported rapes—Dash concluded:

"The system has very little impact on crime. What we're talking about in terms of what police do, what prosecutors do, what courts and prisons do is simply retouching a tiny part of the crime problem that comes to our attention. The rest of it is all outside the system."

Dash added, "If you look at who gets caught up in the system—the jails and prisons—it's basically your poor, black amateur, the losers in the crime game. However, they are not costing society nearly as much as white-collar criminals or organized crime."

Following a steady reduction in police officers since 1960, fewer streets are being patrolled. Thus, many neighborhoods have turned to watch groups, which experts generally applaud. However, they point out, the key to a successful neighborhood watch group is a close-knit neighborhood, based on tight families, where youth are disciplined and watched by adults, not necessarily their parents.

Yet, according to Lynn A. Curtis, president of the Eisenhower Foundation for the Prevention of Violence, it is the deterioration of neighborhoods, with their educational and support systems, that is the root cause of crime. With unemployment reaching 11 percent, maintenance of neighborhoods will prove even more difficult in the years ahead, Curtis said.

Nonetheless, according to Webster, statistics released by the FBI show that crime in America reached an all-time high in 1980, began leveling off in 1981 and showed a five percent decline during the first six months of last year. "That's encouraging," Webster said. "But we still must ask ourselves: encouraging compared to what?"

[From the Washington Post, Feb. 4, 1983]

YOUNG AMERICANS CUT USE OF MARIJUANA

(By Thomas O'Toole)

Young Americans have cut down their use of drugs such as marijuana and methaqualone (Quaalude), but more overdoses of cocaine and heroin are showing up in hospital emergency rooms because of changes in the ways these drugs are being used, according to government officials.

"The rapidly increasing epidemic of drug use in this country in the 1960s and 1970s has finally begun to recede, particularly among young people," Dr. Edward N. Brandt, Jr., assistant secretary for health at the Department of Health and Human Services, said yesterday at a news conference.

"However, while there may be fewer illicit drug users in our population, we know from the people who show up in emergency rooms that the health consequences of drug use have not abated," he said.

In the first nine months of 1982, Brandt reported, 9,139 victims of heroin overdose were admitted to 820 hospital emergency rooms in 26 metropolitan areas monitored by the National Institute on Drug Abuse—roughly a one-third increase over the same period in 1981.

The same 820 emergency rooms took in 4,615 people suffering from cocaine overdoses in the first three-quarters of 1982, more than that total for all of 1981. The 820 hospitals sampled by NIDA constitute less than 20 percent of the nation's total.

A more in-depth sampling of emergency room cocaine cases in six cities by the Drug Enforcement Administration from May to October, 1982, showed dramatic increases over the same period in 1981. New York showed a 36-percent increase; Boston, 46.4 percent; New Orleans, 52.9 percent; Miami, 71.5 percent; Philadelphia, 83 percent, and Los Angeles, 90.4 percent.

The number of heroin- and cocaine-related deaths is also increasing although the statistics for drug fatalities run at least nine months behind those for emergency room admissions.

Reports from 85 medical examiners showed 272 cocaine deaths in 1980, 335 in 1981 and a rising trend in 1982. The same medical examiners reported 898 heroin deaths in 1980, 930 in 1981 and a similar rising trend for 1982.

Most of the heroin overdose cases were addicts using a stronger form of the drug that has been available in recent years, Brandt said.

Most of the cocaine overdose victims were users who moved from the conventional method of snorting the adulterated powder through the nose to the more dangerous techniques of injecting liquid cocaine into the veins, called "mainlining"; injecting it with heroin, called "speedballing," or smoking it in its pure powder form, known as "freebasing."

"We're seeing a definite shift to a more vicious type of cocaine abuse," Gene R. Haislip, DEA's director of enforcement, said in an interview.

"There is a clear upward nationwide trend to mainlining and freebasing the drug that is an obvious change for the worse," Haislip said.

Freebasing cocaine gets the drug to the brain in its pure form in fewer than seven seconds, a method of use that narcotics experts describe as "devastating."

"There is probably no more of a compulsion for a drug than the freebasing of cocaine," said Dr. Jack Durell, associate director of NIDA for science, in an interview. "It very quickly becomes a devastating experience that drives the users into total submission."

On the brighter side, NIDA reported yesterday that its annual survey of high school seniors indicated that daily marijuana use by young people has declined for the fourth successive year.

NIDA's survey of 17,700 students across the country showed that one out of 16 high school seniors used marijuana daily. As recently as 1978, one in nine seniors smoked marijuana every day.

NIDA said it sees the same downward trend in young people's use of Quaalude and cocaine; NIDA officials said that DEA's crackdown on illegal methaqualone imports and the high price of cocaine ($100 a gram) could be factors.

Why are young Americans smoking less marijuana? Drug experts said there is increasing concern among youths about the effects of chronic use on their health, and less peer acceptance of marijuana use. The growing necessity for students to do well academically also is cited.

[From the Washington Post, Feb. 10, 1983]

FBI DIRECTOR SAYS DRUGS TOP PROBLEM

FBI Director William H. Webster said yesterday that drug trafficking has become the nation's No. 1 crime problem.

Webster, in a meeting with reporters as he approaches his fifth year in office, said that illegal narcotics activities generate "tremendous corruption" in society.

"The amounts of money available for corruption in the drug industry are extraordinary," he said.

Webster said that the Reagan administration's efforts to have the FBI work with the Drug Enforcement Administration in cracking down on large-scale narcotics operations is a major step toward dealing with the drug problem.

While there have been some signs of declining use of marijuana among younger people, Webster said, "There is obviously sufficient demand [for drugs] to support a lot of illegal activity."

In a related area, Webster said the DEA was investigating drug use on Capitol Hill because there "were allegations of pervasive misconduct."

Asked whether it is fair for federal authorities to investigate users because they may hold political office, he replied, "That's the problem the Department [of Justice] is wrestling with."

"Usage tends to be the lowest level of concern [for the FBI]," Webster said. "But a judgment was made here, because [of] the allegations of who the users were, that a higher standard was required."

[From the New York Times, Feb. 20, 1983]

THAIS HESITATE TO WRECK OPIUM FIELDS OF TRIBES

(By Colin Campbell)

BANGKOK, THAILAND, February 19.—The Thai Government, which has outlawed the cultivation of opium poppies, has nonetheless declined for now to destroy thousands of acres of poppy fields, according to senior Thai and Western drug enforcement officials.

The eradication of opium crops is a major part of the Reagan Administration's domestic and international campaign, announced last fall, against illicit drugs.

Both the Administration and a recent United Nations report have warned that expanding worldwide narcotics traffic is endangering the health of millions, skewing national economies and financing organized crime.

THAIS AWAIT SUBSTITUTE CROPS

The Thai Government has said that poppy eradication is one of several Thai weapons against narcotics. But senior Thai officials indicated in interviews this month that the essence of Thai policy is to encourage mountain tribespeople to plant substitute crops before destroying the poppy fields.

Despite the Reagan Administration's urging and despite the successes of eradication programs in India, China, Turkey and elsewhere, the Thais say their non-Thai-speaking hill tribes have cultivated opium for generations and might starve if suddenly deprived of the cash.

The price of opium on the mountain markets last year ranged from about $75 to $100 a kilogram, and is currently about $80. A kilogram equals 2.2 pounds. The price of heroin, by contrast, has been rising and now sells on the Burmese border for about $4,000 a kilogram. Narcotics officials say demand for heroin has been growing.

Thai officials also point out that in the 1960's, Government efforts to move tribal villages away from areas of Communist and other insurgencies evidently caused some tribespeople to join with the insurgents.

Chaiya Poonsiriwongse, Governor of the important opium-growing province of Chiang Mai, said he shared the widespread opinion among officials that Thailand's Communists had been losing ground and no longer threatened the Government. But he said he feared they could rise again in the mountains by exploiting discontent over the destruction of the opium fields. "They try to cause unrest among the hill tribes," he said. "They say we're trying to annihilate them."

NOTHING DOING

When asked if Thailand planned to destroy its opium fields, Mr. Chaiya said, "Nothing doing." Such an attack on the hill tribes, he said, would be "out of the question."

"It's easy to stop people from growing opium," the Governor said. "But what are you going to do with half a million mountain tribesmen?"

Maj. Gen. Chavalit Yodmani, recently appointed Secretary General of Thailand's Narcotics Control Board, sounded the same theme. He said 300 mountain villages depended directly on opium crops. Asked how many villagers that included, he said about 100,000.

This year's opium crop in northern Thailand, though damaged by cold and rainy weather, is expected to yield between 40 and 50 tons of opium, or enough to be refined into four or five tons of heroin.

Thailand's homegrown opium is a comparatively small part of the amount grown throughout the so-called Golden Triangle region, where the borders of Burma, Thailand and Laos meet. Together these nations produced more than 600 tons of opium last year, 80 percent of it in Burma. Yet Thailand's contribution remains significant, and at least one Reagan Administration member, Dominick DiCarlo, Assistant Secretary of State for International Narcotics Matters, has criticized the Thai Government for its failure to destroy opium in the fields.

Western narcotics officials in Thailand say about 10 percent of the heroin available in the United States last year came from the Golden Triangle region. Officials predict that for 1983 the share may rise to 18 percent. Chemical analyses of heroin sold in California indicate that a third of the West Coast's heroin comes from the Golden Triangle.

General Chavalit said that "the Thai Government has the intention not to allow the production of these drugs."

"But we have to do it our own way," he said. "We can't be dictated to by Mr. DiCarlo."

He added: "If we keep hitting people who don't have enough to eat, we will have huge problems. If we have them arrested, where will we put them?"

POLICY NOT WIDELY KNOWN

Thailand's policy against eradication is neither widely known nor often expressed. For years the Government has instead chosen to emphasize the introduction of new crops to its northern mountains. Its crop substitution program began 15 years ago, under royal patronage, and has since been aided by grants and technical help from the United Nations, the United States and several West European countries.

Some areas of Thailand's northern mountains have switched from opium to potatoes, coffee, kidney beans and other crops. Thousands of tribespeople have come under the control of the central Government.

In other recent antinarcotics efforts, the Government has stepped up its blocking of the some three-fourths of the Golden Triangle's heroin that passes through Thailand on its way to Hong Kong and has cracked down most recently on heroin refineries along the Thai-Burmese border.

Many Thai officials suggest that the cost and effort of destroying opium would be more than it was worth. "The area is so vast," General Chavalit said. "Is it practical that we use all that manpower in actually cutting down the fields?"

PROFITS CONSIDERED SMALL

Official corruption is not thought to play a part in Thailand's policy against eradication. Thai police officers are frequently arrested for transporting heroin, but the profits from raw opium are considered too small to excite the cupidity of even low-ranking officers, much less policy makers.

Some United States officials have expressed sympathy for Thailand's position. In October, Attorney General William French Smith said in an interview here, after talks with Thai officials and a plane ride over the opium fields, that "it's just not really feasible to do some of the things that might, from a distance, seem to be the obvious thing to do, like march through the hills and pull up the poppy plants."

On Dec. 14, however, Mr. DiCarlo expressed a less-patient view. He told a House Judiciary Subcommittee that Thai efforts at crop-substitution had been of "limited success in reducing the numbers of acres planted with opium poppies, since the Thai Government has yet to take effective action in enforcement of the opium-growing ban."

Western narcotics officials insist that most of Thailand's commercial opium fields are in the relatively accessible provinces of Chiang Rai, Chiang Mai, Mae Hong Son, Nan and adjacent northern provinces, and not in the country's more remote mountains. The progress of the Government's rural roadbuilding program has made them more accessible.

"I'm personally convinced that the Thais could eradicate all the opium in Thailand in one season if they wanted to," a senior Western narcotics official said. He said he sympathized with arguments that crop destruction might alienate some tribespeople, but he said he thought the fears were exaggerated and the complexity of insuring their welfare overstated.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida (Mrs. HAWKINS). The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS: I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from North

Carolina (Mr. EAST) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) is necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 304 Leg.]

YEAS—96

Abdnor	Gorton	Moynihan
Andrews	Grassley	Murkowski
Armstrong	Hart	Nickles
Baucus	Hatch	Nunn
Bentsen	Hatfield	Packwood
Biden	Hawkins	Pell
Bingaman	Hecht	Percy
Boren	Heflin	Pressler
Boschwitz	Heinz	Proxmire
Bradley	Helms	Pryor
Bumpers	Hollings	Quayle
Burdick	Huddleston	Randolph
Byrd	Humphrey	Riegle
Chiles	Inouye	Roth
Cochran	Jepsen	Rudman
Cohen	Johnston	Sarbanes
D'Amato	Kassebaum	Sasser
Danforth	Kasten	Simpson
DeConcini	Kennedy	Specter
Denton	Lautenberg	Stafford
Dixon	Laxalt	Stennis
Dodd	Leahy	Stevens
Dole	Levin	Symms
Domenici	Long	Thurmond
Durenberger	Lugar	Tower
Eagleton	Mathias	Trible
Evans	Matsunaga	Tsongas
Exon	Mattingly	Wallop
Ford	McClure	Warner
Garn	Melcher	Weicker
Glenn	Metzenbaum	Wilson
Goldwater	Mitchell	Zorinsky

NOT VOTING—4

Baker	Cranston
Chafee	East

So the amendment (No. 2345) was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2346

(Purpose: To provide for research and training regarding the Soviet Union and Eastern Europe)

Mr. PERCY. Mr. President, I yield to the distinguished Senator from Indiana for the purpose of offering an amendment to the pending bill.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Indiana (Mr. LUGAR) proposes an amendment numbered 2346.

Mr. LUGAR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

On page 2, strike out lines 8 and 9 and insert in lieu thereof "$1,478,713,000 for the fiscal year 1984 and $1,478,713,000 for the fiscal year 1985.".

At the bottom of page 48, add the following:

TITLE VII—SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING ACT OF 1983

SHORT TITLE

SEC. 701. This title may be cited as the "Soviet-Eastern European Research and Training Act of 1983".

FINDINGS AND DECLARATIONS

SEC. 702. The Congress finds and declares that—

(1) factual knowledge, independently verified, about the Soviet Union and Eastern European countries is of the utmost importance for the national security of the United States, for the furtherance of our national interests in the conduct of foreign relations, and for the prudent management of our domestic affairs;

(2) the development and maintenance of knowledge about the Soviet Union and Eastern European countries depends upon the national capability for advanced research by highly trained and experienced specialists, available for service in and out of Government;

(3) certain essential functions are necessary to ensure the existence of that knowledge and the capability to sustain it, including—

(A) graduate training;

(B) advanced research;

(C) public dissemination of research data, methods, and findings;

(D) contact and collaboration among Government and private specialists and the facilitation of;

(E) firsthand experience of the Soviet Union and Eastern European countries by American specialists including on-site conduct of advanced training and research to the extent practicable; and

(4) it is in the national interest for the United States Government to provide a stable source of financial support for the functions described in this section and to supplement the financial support for those functions which is currently being furnished by Federal, State, local, regional, and private agencies, organizations, and individuals, and thereby to stabilize the conduct of these functions on a national scale, consistently, and on a long range unclassified basis.

DEFINITIONS

SEC. 703. As used in this title—

(1) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965; and

(2) the term "Advisory Board" means the Soviet-Eastern European Studies Advisory Board.

ESTABLISHMENT OF THE SOVIET-EASTERN EUROPEAN STUDIES ADVISORY BOARD

SEC. 704. (a) There is established within the Department of State the Soviet-Eastern European Studies Advisory Board which shall be composed of the Secretary of State, the Secretary of Education, the Librarian of Congress, the President of the American Association for the Advancement of Slavic Studies, the Secretary of Defense, and the President of the Association of American Universities. The Secretary of State shall be the Chairman.

(b) The Advisory Board shall meet at the call of the Chairman and shall hold at least one meeting each year. Three members of the Advisory Board shall constitute a quorum.

(c) The Secretary of State may detail personnel of the Department of State to provide technical and clerical assistance to the Advisory Board in carrying out its functions under this title.

(d) The Advisory Board shall recommend grant policies for the advancement of the objectives of this Act. In proposing recipients for grants under this title, the Advisory Board shall give the highest priority to national organizations with an interest and expertise in conducting and disseminating research and training concerning Soviet and Eastern European countries. In making its recommendations, the Advisory Board shall emphasize the development of a stable, long-term research program.

AUTHORITY TO MAKE PAYMENTS

SEC. 705. (a) The Secretary of State, after consultation with the Advisory Board, shall make payments, in accordance with the provisions of this section, out of funds made available to carry out this title.

(b)(1) One part of the payments made in each fiscal year shall be used—

(A) in consultation with officials of the United States Government designated by the Secretary of State, to develop and keep current a research agenda of fundamental research dealing with major policy issues and questions of Soviet and Eastern European development; and

(B) to conduct a national research program at the postdoctoral or equivalent level in accordance with that agenda, such program to include—

(i) the dissemination of information about the research program and the solicitation of proposals for research contracts from American institutions of higher education and not-for-profit corporations, which contracts shall contain, to the extent practicable shared-cost provisions; and

(ii) the awarding of contracts for such research projects as the respective institution determines will best serve to carry out the purposes of this title after reviewing the proposals submitted under clause (i).

(2) One part of the payments made in each fiscal year shall be used—

(A) to establish and carry out a program of graduate, postdoctoral, and teaching fellowships for advanced training in Soviet and Eastern European studies and related studies, such program—

(i) to be coordinated with the research program described in paragraph (1);

(ii) to be conducted, on a shared-cost basis to the extent practicable at American institutions of higher education; and

(iii) to include—

(I) the dissemination of information on the fellowship program and the solicitation of applications for fellowships from qualified institutions of higher education and qualified individuals; and

(II) the awarding of such fellowships as the respective institution determines will best serve to carry out the purposes of this title after reviewing applications submitted under subclause (I); and

(B) to disseminate research, data, and findings on Soviet and Eastern European studies and related fields in such a manner and to such extent as the respective institutions determines will best serve to carry out the purposes of this title.

(3) One part of the payments made in each fiscal year shall be used—

(A) to provide fellowship support for American specialists in the fields of Soviet and Eastern European studies and related studies to conduct advanced research with particular emphasis upon the use of data on the Soviet Union and Eastern European countries; and

(B) to conduct seminars, conferences, and other similar workshops designed to facilitate research collaboration between Government and private specialists in the fields of Soviet and East European studies and related studies.

(4) One part of the payments made in each fiscal year shall be used to conduct specialized programs in advanced training and research on a reciprocal basis in the Union of Soviet Socialist Republics and the countries of Eastern Europe designed to facilitate access for American specialists to research institutes, personnel, archives, documentation, and other research and training resources located in the Union of Soviet Socialist Republics and Eastern European countries.

(5) Payments may be made to carry out other research and training in Soviet and Eastern European studies not otherwise described in this section.

APPLICATIONS; PAYMENTS TO ELIGIBLE ORGANIZATIONS

SEC. 706. (a) Any institution seeking funding under this title shall prepare and submit an application to the Secretary of State once each fiscal year. Each such application shall—

(1) provide a description of the purposes for which the payments will be used in accordance with section 705; and

(2) provide such fiscal control and such accounting procedures as may be necessary (A) to insure a proper accounting of Federal funds paid under this title, and (B) to insure the verification of the costs of the continuing education and research programs conducted under this title.

(b) The Secretary of State may approve or deny any application for whatever reasons he deems necessary to carry out the provisions of this title.

(c) Payments under this title may be made in installments in advance, or by way of reimbursement, with necessary adjustments on account of overpayments and underpayments.

SEC. 707. The Secretary of State shall prepare and submit to the President and the Congress at the end of each fiscal year in which an institution receives assistance under this title a report of the activities of such institution supported by such assistance and an accounting of any such assistance used to cover administrative expenses of such institution, if such administrative expenses represent more than 10 percent of such assistance, together with such recommendations as the Advisory Board deems advisable.

FEDERAL CONTROL OF EDUCATION PROHIBITED

SEC. 708. Nothing contained in this title may be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction or research, administration, or personnel of any educational institution.

ALLOCATION OF FUNDS

SEC. 709. Of the funds authorized to be appropriated for the fiscal years 1984 and 1985 by paragraph (1) of section 102, $5,000,000 for each fiscal year shall be available only to carry out the provisions of this title.

TERMINATION OF PROVISIONS

SEC. 710. The provisions of this title shall terminate ten years after its date of enactment.

Mr. LUGAR. Mr. President, this amendment authorizes a new $5 million program in Soviet and East European studies. The substance of the amendment is the same as S. 873 which has been approved by the Foreign Relations Committee.

I believe this amendment is important due to the increasingly apparent need for knowledge of the Soviet bloc. The gaps in our knowledge of the Soviet Union are enormous. The existing generation of Government and academic specialists on Soviet studies will soon retire and, according to one estimate, nearly half of the recognized academic experts currently working on Soviet affairs will be dead or retired by the end of this decade. The situation in our universities had become grave, as faculty positions in Soviet studies are being eliminated and funds for research libraries and journals have dwindled. Sensing a future of diminishing opportunity, talented young scholars are channeling their energy away from Soviet studies to what appear to be more promising career fields.

Recent occurrences have magnified the need to increase our expertise on the Soviet Union and East Europe. We must increase our understanding of the Soviet and mindset which will enable us to anticipate as well as understand their actions. We will then be capable of more effectively formulating policy response. For this reason I am advocating this amendment.

Briefly, this amendment will establish within the State Department a segregated research fund of $5 million. This fund will be administered by the Secretary who will utilize a statutory board established in this amendment.

The fund will be used: to develop a research agenda on the major policy questions of the Soviet Union and Eastern Europe; to conduct a national research program at an advanced level; to establish and implement a program of graduate, post doctoral, and teaching fellowships; and to disseminate research findings and information on the Soviet Union and Eastern Europe.

S. 873 established an independent trust fund of $50 million with the interest from the fund used to finance Soviet studies. I have encountered opposition to the trust fund concept from Senators and the administration. I am sympathetic to their concerns and therefore this amendment has eliminated the trust fund and provides for yearly appropriations.

This amendment is similar in most respects to S. 873, however, it differs substantially in organizational details. A research fund created within the State Department will be administered by the Secretary of State under the advice of an independent Advisory Board. The Advisory Board will be committed to advancing the objectives of this act and shall give the highest priority to organizations devoted to Soviet studies. Of importance is also the development of a stable, long-term research program.

I have confidence that this amendment, although structurally different, addresses the concerns of those dedicated to making this program work. First, it provides the long-term funding necessary. The administration is committed to this program and has requested 5 years of funding within a 10-year authorization. Second, it is independent. Although within the State Department, it is funded on its own. The segregated research fund of $5 million assures that funds cannot be diverted to other uses. Third, it is credible and efficient, emphasizing the use of existing organizations with both specialized and generalized expertise in the field of Soviet studies. Fourth, it provides congressional oversight with Congress maintaining a watchdog role through year-to-year appropriations and representation on the Advisory Board by the Librarian of Congress. This congressional oversight is intended to be broad and nonpartisan.

Mr. President, although structurally the amendment has assumed a new complexion, the purpose of the amendment remains the same. I am convinced that we can achieve the goals that this amendment attempts to accomplish. I understand that any expenditure of funds requires solid justification, but I feel strongly that this program will provide strength to the security of the United States in years to come.

THE IMPORTANCE OF SOVIET STUDIES

● Mr. BIDEN. Mr. President, I am pleased to join in cosponsoring this amendment to improve and expand U.S. research and training regarding the Soviet Union and Eastern Europe. Senator LUGAR and I originally offered a somewhat different version of this measure last year, and were pleased to win approval by the Senate Foreign Relations Committee last summer. This amendment tries to take into account various suggestions and concerns which had been raised about the earlier proposals.

The technical changes, in my judgment, are less significant than the compelling need for the United States to improve our current and future intellectual capabilities to understand the Soviet Union and Eastern Europe. Since we introduced this measure, we have witnessed the death of Leonid Brezhnev and the occasionally puzzling accession of a new Soviet leadership, twists and turns in Soviet arms control proposals, and the disturbing

events surrounding the Soviet attack on the Korean civilian airliner.

Although it is vitally important to be able to comprehend and interpret such developments correctly, our national capabilities to do so are dwindling because we have not maintained our investment in Soviet and East European studies. This amendment will begin to correct this problem.

Mr. President, on August 14, 1983, the Washington Post carried an article by John Stremlau, an associate director of the Rockefeller Foundation, on the need to combat what he called a dangerous and self-inflicted ignorance about the Soviet Union. I ask that Mr. Stremlau's article be printed in the RECORD.

The article follows:

[From the Washington Post, Aug. 14, 1983]

WHAT WE DON'T KNOW ABOUT THE SOVIETS—A DANGEROUS AND SELF-INFLICTED IGNORANCE THAT MUST BE COMBATED

(By John Stremlau)

In its competition with the Soviet Union, the United States continues to function as a dinosaur. While the country willingly expends nearly $250 billion for defense, our annual production of Ph.Ds with advanced training for analyzing Soviet foreign policy rarely exceeds seven or eight, and the number of Soviet specialists writing books and articles in this field probably totals fewer than 30.

The situation inside the government is alarmingly similar. As Robert Legvold of the Council on Foreign Relations has noted, if the president were to call together all officials who are experts on Soviet policy toward an important region, or even toward a key country such as the Federal Republic of Germany, they could meet around a card table. Rarely is there any part of the world where Soviet involvement is the continuing concern of more than one or two individuals. All too often it is the concern of none.

Some steps are being taken to remedy this situation. A bill before Congress would provide minimal but secure financial base for research and training in Soviet studies through income from a $50 million trust fund. It is sponsored by Sens. Richard Lugar and Joseph Biden, and Reps. Paul Simon and Lee Hamilton.

Maj. Gen. William Odom, assistant chief of staff for Army intelligence, has been instrumental in increasing Defense Department support for non-classified research and in seeking broader based federal funding of Soviet studies.

Private foundations are also becoming increasingly concerned about the failure of faculties at most universities to conduct research in the complex and important field of Soviet foreign policy. The urgency of the problem was driven home to me during a recently completed national competition sponsored by the Rockefeller Foundation for two $1 million grants for advanced training and research on Soviet international relations. The recipients are Columbia University's Harriman Institute for Advanced Study of the Soviet Union, and a joint program to be administered by the University of California at Berkeley and Stanford.

But the congressional proposal, foundation grants and the generosity of a few concerned citizens—notably, W. Averell Harriman—are only modest first steps toward rebuilding a base of expertise that has been lost in recent years. The quality of advanced training and research must also change.

Ironically, just as new dimensions to Soviet-American competition have underscored our need to understand and anticipate Soviet political, diplomatic and military behavior, we find that most Russian and East European area study programs have been left to linguists and historians. Universities are not developing experts with interdisciplinary training in economics, politics and other social sciences. Those aspects of Russian area studies that are germane to understanding contemporary Soviet international relations have been most seriously retarded by a sharp decline in funding and faculty appointments for Soviet experts.

Moreover, it is the rare Soviet scholar today who is willing or able to render his or her research findings intelligible to a concerned public. The reward system of an academic environment in which access to tenure, granted by specialists who prescribe increasingly esoteric research and writing, discourages, wide-ranging research on important topics and simplicity of expression.

Efforts to advance Soviet foreign policy studies in the United States must be substantial, salient and sustained. New financial and intellectual resources must be attracted to allow for experimentation with different approaches to training and research. Soviet studies are too important to be left to Soviet experts alone, and ways must be found to educate those in other fields, such as social change in developing countries, international trade, or nuclear weapons technology on the domestic and foreign considerations that affect Soviet behavior toward these issues.

At the same time, some of those who choose to specialize on Soviet affairs must be encouraged to explore the wider international implications of their work. Room also should be found for foreign scholars to train and do research at leading U.S. centers so that their national perspectives on the Soviet Union can be better appreciated and we can begin to develop a broader understanding of Soviet strenghts and weaknesses.

Clear signs are emerging of a new interest in Soviet foreign policy on campuses across the country. Student enrollment in international relations courses, especially those that focus on the Soviet Union, is rising. Furthermore, some Russian center directors and a few university presidents have begun to approve new curricula and to reserve faculty positions for linking Soviet studies with arms control and other international programs. These developments should produce new employment opportunities, although primarily for those with more than traditional area studies training.

Persistent U.S.-Soviet global tensions, while both sides have recourse to nuclear weapons, require that the nation be equipped with more than a basic appreciation of Russian language and culture. The activities of leading Russian and international studies centers must be geared to three basic objectives:

1. Developing an elite corps of men and women with potential to emulate such outstanding scholar-diplomats of the postwar period as Llewellyn Thompson, Charles Bohlen, and George Kennan, who could play a critical role in helping the United States avoid miscalculations in bilateral dealings with the Soviet Union;

2. Acquiring a better national understanding of how the U.S.-Soviet rivalry engages the interests of third countries that have the capacity to exacerbate or reduce the risk of East-West tensions; and

3. Using an enhanced knowledge of the Soviet Union's international behavior to build a bipartisan consensus in the United States for policies aimed at reducing nuclear weapons and, more important, the risk of conflicts that could precipitate their use.●

Mr. PERCY. Mr. President, I know of no opposition to the amendment of the distinguished Senator from Indiana on this side.

Mr. PELL. There is no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment (No. 2346) was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, I yield to the distinguished Senator from Idaho, who has a privileged matter.

Mr. McCLURE. Mr. President, is the Senator from Arkansas seeking recognition to offer an amendment?

Mr. PRYOR. I am.

Mr. McCLURE. How long will that take?

Mr. PRYOR. To offer the amendment?

Mr. McCLURE. To conclude it.

Mr. PRYOR. I will say no more than 15 minutes. That does not include time for the rollcall vote.

Mr. McCLURE. We are ready to proceed to the conference report on the Interior appropriations matter, and I want to cooperate with the managers of the bill and the Members on the floor with respect to the timing of that. We are prepared to do that, and I think the majority leader indicated that when we were ready to proceed with the conference report, we would interrupt the pending business.

Mr. PERCY. That is the understanding of the floor managers.

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending matter be temporarily set aside and that we proceed to the consideration of the conference report.

The PRESIDING OFFICER. The Chair has an interest in that matter.

Mr. McCLURE. I understand that. I will withhold the request, and the Senator from Arkansas can proceed, and perhaps we can interrupt the consideration of his amendment.

Mr. PRYOR. I will be glad to comply with that request.

Mr. McCLURE. I thank the Senator from Illinois, and I thank the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 2347

(Purpose: To establish in the Department of State the position of Under Secretary of State for Agricultural Affairs)

Mr. PRYOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arkansas (Mr. PRYOR) proposes an amendment numbered 2347.

Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following:

SEC. —. (a) That the Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes", approved May 26, 1949 (22 U.S.C. 2652), is amended—

(1) by inserting in the first section "an Under Secretary of State for Agricultural Affairs," after "Management,"; and

(2) by adding at the end thereof the following:

"SEC. 6. (a) The Under Secretary of State for Agricultural Affairs, referred to in the first section and appointed pursuant to section 2, shall be appointed from among individuals having experience in the international commerce of agricultural commodities.

"(b) The Under Secretary of State for Agricultural Affairs shall be responsible to the Secretary of State for matters pertaining to agricultural affairs, including United States policy toward the export of agricultural commodities.". (b) The seventh undesignated paragraph of section 5314 of title 5, United States Code, is amended by inserting "and an Under Secretary of State for Agricultural Affairs" after "Management".

Mr. PRYOR. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Those wishing to converse will please retire to the cloakrooms.

Mr. PRYOR. Mr. President, this amendment would create within the State Department the new position of Under Secretary of State for Agricultural Affairs.

Also sponsoring this amendment are Senators ANDREWS, BUMPERS, SASSER, PRESSLER, LEAHY, BOREN, COCHRAN, HEFLIN, BAUCUS, and MELCHER.

I propose this new senior position because it has become clear that agricultural policy is being made today by those officials who make foreign policy. Time and again, foreign policy decisions are made with little consideration of the effect of the decisions on American farmers.

EMBARGOES

The most obvious example of a foreign policy decision's backfiring on our own people is the recent grain embargo directed against the Soviet Union. There are times, such as the 1979 invasion of Afghanistan, when it is necessary to take dramatic steps to counter Soviet aggression, and the U.S. farmer will be the first one to step forward to support appropriate efforts. But the results of the embargo were not what the policymakers had in mind.

The only countries to benefit from the action were Argentina, Australia and Canada, whose grain exports to the U.S.S.R. soared. The Soviet Union apparently suffered no ill effects at all. So who was hurt by the embargo? Only the American farmer, who saw his grain market sharply reduced, his prices lowered, and his future buyers made suspicious of his reliability as a supplier.

In the past decade, there have been four embargoes of agricultural goods. No wonder the United States saw its market drop from a 72-percent share in world grain exports to 58 percent.

We must make it convincingly clear to our customers around the world that they should not expect embargoes from the United States. They should expect us to be reliable suppliers. Any uncertainty about the reliability of U.S. food exports will cause our trading partners to make arrangements with other suppliers.

An agriculture specialist understands this. The average diplomat may not.

A high-level State Department official attuned to the special consideration of American agricultural policy might have advised against the embargo or at least made sure its effects on farmers were fully considered.

Here in the Congress, we have tried, through various means, to prevent embargoes from happening in the future. But less than 2 months ago, when the Korean airliner was shot from the sky by the Soviet Union, we again heard a chorus of voices calling for another embargo. Clearly, we need someone at the State Department to protect the farmers' interests. We need an advocate in the State Department for the American farmers.

EXPORTS

Agricultural products account for 20 percent of all U.S. exports and contribute $26 billion to the balance of trade. Agricultural exports account for $95 billion of our domestic economic activity and provide 1.2 million jobs. Each extra $1 billion in exports creates as many as 35,000 new jobs.

Increased agricultural trade would provide a welcome outlet for farm products and create jobs in food processing industries. The European Community is already seeking to expand its exports to the Third World, and an aggressive role by State Department officials here and abroad will be necessary if we are to maintain our preeminence as a supplier of the world's food.

TRADE BARRIERS

Before we can see an expansion of U.S. food sales abroad, however, we need to get rid of some of the barriers that stand in the way of fair competition for food customers, particularly the rigid protectionist policies of Japan and the European Community.

Not surprisingly, serious trade disputes increase tensions and damage overall relations between the countries involved. For example, it appears that the opening shots have been fired in a trade war with France in Egypt involving subsidized exports of wheat flour, butter, and cheese. France and the United States have been allies since before the founding of the Republic, and I am sure the effects of these agricultural disputes are giving our diplomats great concerns.

U.S. Foreign Service personnel are in an ideal position to monitor the slightest changes in trade policy around the world, and under the guidance of an Under Secretary of Agricultural Affairs their efforts could help to head off the creation of the sort of trade barriers which are giving us so much trouble.

If we had had an Under Secretary of State for Agricultural Affairs last spring, we might not have knuckled under to the French and Japanese in Williamsburg. If you remember, those two nations refused to allow any reference to agricultural protectionism in the final communique. Mr. President, of all the issues considered by the Williamsburg conference, the question of agricultural trade barriers may have been the most important to the economic well-being of our Nation, and I wonder if the State Department gave that issue the weight it deserved.

OTHER ISSUES

Briefly, Mr. President, let me mention just a few other areas where the State Department deals directly with agricultural issues.

An extremely sensitive issue has been the matter of Commodity Credit Corporation guarantees of loans to Poland and Romania for the purchase of U.S. farm goods. The foreign policy ramifications of this controversy are varied and difficult to predict, but before this issue is resolved, the American farmer must be considered and consulted.

Trade programs, like the Caribbean Basin Initiative, may affect certain domestic producers of food and fiber.

As the administrator of the food-for-peace program (Public Law 480), promoter of agricultural exchange programs and monitor of economic trends abroad, the State Department is closely involved with the activities of the U.S. farmer and is in a position to affect our farmers in numerous bilateral and multilateral negotiations.

Through the Agency for International Development—AID—a part of the State Department, this country not only funds agricultural development projects in developing countries but also sends agricultural specialists

abroad to train others in cultivation and marketing techniques.

In fact, in this year's budget, we find that one-half of AID's funding is for agriculture and rural development programs.

Who knows, in the State Department, the actual impact of these decisions in that department on the American farmer?

Some people feel that these U.S. specialists may be doing too good a job. Brazil, for example, has been a recipient of developmental assistance—$11.4 million in grants in 1982—and is now competing head-to-head with U.S. farmers who are trying to export their soybeans.

An Under Secretary for Agricultural Affairs would be in a position to foresee possible damaging effects of AID programs on U.S. farmers and see that certain Government programs do not work at cross purposes with each other.

Finally, more often than not, agriculture and foreign policy objectives coincide, and our farmers will enthusiastically support U.S. foreign policy if only they feel that their own interests are being represented and represented well. Today, however, the American farmer has little or no access to the makers of our own foreign policy, which affects every farmer and every farm family in our great country.

We need to provide a permanent, specialized conduit for the concerns of the farmer within the highest levels of the State Department.

Mr. President, when I first introduced this bill, I honestly had no idea just how desperate our farmers were for attention from the State Department. But during the past year, as I have traveled—not just in my State of Arkansas but all around the country—and spoken and listened to farm groups of all description, I have casually mentioned my legislation to create an Under Secretary of State for Agricultural Affairs. I must say the response has been overwhelming.

I hope our colleagues will respond tonight in an overwhelming vote by creating the position at the highest level in the State Department to speak for the agricultural interests of the United States of America.

Mr. President, I yield back the remainder of my time.

Mr. PELL. Mr. President, I think this is a good amendment. It has been cleared on this side of the Chamber, and we hope it will be acceptable to the majorty.

Mr. PERCY. Mr. President, the manager of the bill on the majority side knows of no objection to the amendment, and I think we can just simply proceed with a voice vote on it.

Mr. PRYOR. Mr. President, I am not asking for a rollcall vote under those circumstances.

I thank the managers of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 2347) was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that following the action on the amendments by Mr. ZORINSKY, I be recognized to call up an amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. McCLURE. Mr. President, reserving the right to object, it would be my understanding that that does not displace the right to call up the privileged matter, the conference report.

Mr. BYRD. The Senator is correct.

Mr. McCLURE. With that understanding, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2346, AS MODIFIED

Mr. PERCY. Mr. President, I ask unanimous consent that several technical modifications be made in the amendment by Senator LUGAR which was just adopted. This request is made at Senator LUGAR's request. The modification I send to the desk contains those technical corrections. The only changes are to delete the two phrases handwritten on page 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification follows:

On page 4, line 13, strike "to the extent practicable".

On page 4, line 28, strike "to the extent practicable".

AMENDMENT NO. 2348

Mr. ZORINSKY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. ZORINSKY) proposes an amendment numbered 2348.

Mr. ZORINSKY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

The amendment is as follows:

On page 27, line 5, strike after "Program," through line 7 and insert in lieu thereof "and not more than $7,100,000 shall be available for the Private Sector Program. Funds authorized to be appropriated by this act for the Private Sector Program shall be available only for grants to private not-for-profit cultural or exchange-of-persons organizations or accredited colleges and universities.

Of the funds authorized to be appropriated for the United States Information Agency for fiscal year 1984, $5,000,000 shall be available only for enhancements of United States libraries overseas and programs providing support services to foreign students studying, or intending to study, in the United States."

On page 27, line 12, insert "and" between "Program," and "not less than."

On page 27, line 14, strike after "Program" through line 16 and insert in lieu thereof"."

On page 27 after line 16, add the following new subsection:

"(c) No funds authorized to be appropriated for the Private Sector Program shall be used to pay for foreign travel by any United States citizen who, in the five years preceding the date of the proposed foreign travel, shall have made two or more trips financed in whole or in part by grants from the Private Sector Program. The foregoing limitation on the number of foreign trips shall not apply to escort interpreters accompanying delegations, to artists accompanying exhibitions, or to persons engaging in theatrical or musical performances. The limitations on foreign travel also shall not apply to the full-time staff of the recipient organizations if the Director of the Bureau for Educational and Cultural Affairs determines that the travel by a staff person is essential to the successful completion of the grant program and so certifies to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives.

Mr. ZORINSKY. Madam President, USIA's Office of Private Sector Programs repeatedly has been the focus of the Foreign Relations Committee's concern because of actions of questionable propriety as USIA's own Inspections Office refers to the awarding of grants tarnished by favoritism, conflict of interest, deficient management and lack of supervision.

Despite the adoption of guidelines earlier this year to correct mismanagement and the replacement of the Director of the Private Sector Office, abuses continue.

The latest scandal is the awarding of a new grant to the same organization which USIA's Inspection Office found to be involved in an earlier grant of questionable propriety. The director of that organization, until recently, was also a paid consultant to USIA. In hearings last month before the Foreign Relations Committee, Charles Wick, the Director of USIA, conceded that the director of the organization in question had, while a paid employee of USIA, approached officials responsible for approving the grant to his organization, and even tried to pressure them by asking their superiors to instruct them to vote in favor of the grant. The end result was that the grant, originally rejected by the Agency in July, was approved in August.

When USIA's own internal evaluation finds the Office of Private Sector

Programs to be flawed in a number of areas, including fundamental deficiencies in management, processes, and supervision, the Nation can ill afford to reward such an Office with an increase in funding. To do so would be fiscal madness. If congressional oversight means anything, then we must not reward wasteful spending with more money. At a minimum we must hold the line in spending for this program until Congress has observed a demonstrated record of competent management and fiscal soundness.

The amendment I am offering today would do just that—it proposes to hold the Office of Private Sector Programs to its fiscal year 1983 funding level and to limit Government-paid foreign travel under this particular program to two trips within 5 years for each individual. I believe this is a moderate and reasoned reaction to the circumstances which the committee finds at USIA.

Madam President, the amendment would straightline the budget for the Office of Private Sector Programs where there have been continuing problems.

I understand that this amendment is acceptable to the floor managers of the bill and I ask for its passage.

The PRESIDING OFFICER. Is there comment on this amendment?

Mr. ZORINSKY. Madam President, I ask for the immediate passage of the amendment if the floor managers have no objection.

Mr. PERCY. Madam President, the Senator's amendment is acceptable to the majority without any objection being raised on this side.

Mr. PELL. Madam President, the amendment is acceptable on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment (No. 2348) was agreed to.

Mr. ZORINSKY. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2349

(Purpose: To promote competition in the awarding of USIA grants for International Youth Year)

Mr. ZORINSKY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. ZORINSKY) proposes an amendment numbered 2349.

Mr. ZORINSKY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27 after line 16, add the following new subsection:

"(d)(1) From the funds allocated to the Private Sector Program, the United States Information Agency may make grants; subject to all applicable guidelines and notification requirements, to youth and youth service organizations in support of activities to promote participation by American young people in the activities of International Youth Year. Activities to be supported shall involve exchange of persons.

"(2) No organization shall be designated by the United States Government, or any Agency thereof, as the official United States Commission or Committee for United States participation in International Youth Year unless (i) the membership of such organization is open to all major youth and youth service organizations, (ii) the charter of such organization provides that the organization will have full financial responsibility for its own assets, receipts and expenditure and (iii) the composition of the Governing Board and the voting strength of organizations on the Governing Board reflects size of the membership of the constituent youth or youth service organizations.

"(3) No funds authorized to be appropriated by this Act shall be available to any organization to coordinate or plan for United States participation in International Youth Year which does not meet the criteria specified in subsection (d)(2).

"(4) In the event two or more eligible organizations seek recognition as the official United States Commission or Committee on International Youth Year, the Secretary of State may designate one organization as the official organization. In designating the official organization the Secretary of State shall give major weight to the number of young people who are members of the constituent organizations."

Mr. ZORINSKY. Madam President, 1985 has been declared "International Youth Year." This event has attracted the interest of many youth and youth service organizations, including Campfire, the Boy Scouts of America, the Girl Scouts, the 4-H National Council, and the YMCA.

In early 1981 some of these groups, at the urging of the State Department, formed a U.S. Committee on International Youth Year to coordinate U.S. activities in celebration of Youth Year. Led by Campfire, Inc., the U.S. committee has attracted the participation of some 67 organizations including the Boys Clubs of America, the Girls Clubs of America, the Salvation Army, the Future Homemakers of America, and the Youth Ministry of the Lutheran Church of America.

Apparently, however, this collection of organizations was not sufficiently political for the State Department. In late 1981 the Reagan administration designated the U.S. Youth Council as the official organization to coordinate U.S. Youth Year activities. In the last 2 years, the U.S. Youth Council and a closely associated body—the National Strategy Information Center—have received over $100,000 in noncompetitive, sole source contracts for Youth Year. Annually the U.S. Youth Council has received some $800,000 in sole source, noncompetitive grants for its other activities.

The U.S. Youth Council include some recognizable youth groups—the Young Democrats and the Young Republicans for example—and many more organizations that have very small memberships and little more than a post office box. The Youth Council is run by a group of geriatric young people—well over the 25 age limit for International Year—who keep membership in the Youth Council, and access to the $800,000 in taxpayer funds, tightly controlled; none of the mainstream youth groups I cited is a member. Overall the U.S. Youth Council—representing a country of 230,000,000—has fewer national members than the National Youth Council of Ireland—population 2½ million.

In late summer USIA approved a $58,000 grant to the U.S. Youth Council Youth Year project—the International Youth Year Commission—which in fact was a passthrough to another group, the National Strategy Information Center (NSIC). This was done in spite of a finding by USIA's Inspection Office that NSIC's activities with regard to a previous grant was of questionable propriety. USIA has subsequently admitted that a USIA consultant, Dr. Roy Godson who is also a consultant to the U.S. Youth Council and the Washington Director of the NSIC, improperly used his official position to pressure members of the grant review panel in favor of the NSIC grant. Meanwhile, in clear violation of its guidelines and procedures, USIA did not even review a less expensive competing application from Campfire.

My amendment would require competition among applicants for USIA grants for International Youth Year. It would require that any officially designated U.S. committee be open to all major youth organizations—including currently excluded groups such as the Boy and Girl Scouts, Campfire, the Salvation Army, the 4-H and so on—and that voting on the board reflects the size of the membership of the constituent organizations. The amendment would not exclude the U.S. Youth Council from competing, although it would have to alter its restrictive membership procedures.

I believe the amendment is noncontroversial and I hope it will be acceptable.

Madam President, this amendment would open up the observation of the International Year of Youth to all youth organizations.

Mr. PERCY. Madam President, there is no objection on this side. The amendment is acceptable.

Mr. PELL. Madam President, we accept the amendment on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment (No. 2349) was agreed to.

Mr. ZORINSKY. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the minority leader is recognized.

AMENDMENT NO. 2350

(Purpose: To conform provisions of the War Powers Resolution to a decision of the Supreme Court invalidating the congressional veto)

Mr. BYRD. Madam President, I send an amendment to the desk and ask it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 2350.

Mr. BYRD. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

AMENDMENTS TO THE WAR POWERS RESOLUTIONS RELATING TO CONGRESSIONAL PRIORITY PROCEDURES

SEC. 701. (a) Section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)) is amended by striking out "if the Congress so directs by concurrent resolution" and inserting in lieu thereof "if there is enacted into law a joint resolution or bill directing such removal".

(b) The heading for section 6 of such Resolution (50 U.S.C. 1545) is amended to read as follows:

"CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL UNDER SECTION 5(B)".

(c) The heading for section 7 of such Resolution (50 U.S.C. 1546) is amended to read as follows:

"CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL UNDER SECTION 5(C)".

(d) Section 7 of such Resolution (50 U.S.C. 1546) is amended——

(1) in subsection (a), by striking out "concurrent resolution" each of the two places it appears and insert in lieu thereof "joint resolution or bill";

(2) in subsection (b), by striking out "concurrent resolution" and inserting in lieu thereof "joint resolution or bill";

(3) in subsection (c), by striking out "concurrent resolution" and inserting in lieu thereof "joint resolution or bill"; and

(4) in subsection (d), by striking out "concurrent resolution" each of the two places it appears and inserting in lieu thereof "joint resolution or bill".

(5) by adding at the end thereof "(e) Time for debate on the consideration of a veto message from the President on any such joint resolution or bill shall be limited to twelve hours in each House."

Mr. BYRD. Madam President, Members will recall that the U.S. Supreme Court ruled as unconstitutional the legislative veto in the Chadha case. Obviously the same veto in the War Powers Act which provides for the withdrawal by concurrent resolution of troops that have been introduced into an atmosphere of hostilities or circumstances which would indicate imminent hostilities, would be unconstitutional.

The Supreme Court ruling in the Chadha case clearly indicates that that part of the War Powers Act which, by concurrent resolution, would withdraw troops would be unconsititional, and I fully agree with the Supreme Court in the Chadha case.

The Constitution requires every law to be presented to the President for his approval or disapproval, that is with the exception of a joint resolution providing for a constitutional amendment.

Now for a bill or joint resolution to become law it has to pass both Houses in the same form and be presented to the President, for his approval or disapproval. So the concurrent resolution approach failed to meet the constitutional requirement for two reasons: One, it did not have the force of law.

This provision also failed because it was not "presented" to the President. A concurrent resolution only is a measure that passes both Houses and deals with matters between the two Houses. It does not go to the President.

This amendment that I have offered would provide for withdrawal of troops by joint resolution and, as I say, a joint resolution is the same as a bill, with the one exception I have already indicated, in that it passes both Houses in the same form, and it is presented to the President for his approval or disapproval.

So my amendment would allow Congress to withdraw troops from a situation in which they were involved in hostilities only if Congress did so by passage of a joint resolution. That joint resolution would go to the President, he could veto it. It would require two-thirds of both Houses to override his veto.

This cures the constitutional flaw on two points: One, it would be a law, because it would be a joint resolution, that passed both Houses and would go to the President. So, it meets the requirements of "presentation" to the President.

I have a statement which I will include in the RECORD as an explanation of my amendment but my words that I have just uttered, although they constitute an abridgement of the statement I think are sufficient to make clear the import of the amendment.

Mr. President, the amendment I am proposing would cure any unconstitutional defect which might exist in section 5(c) of the War Powers Resolution. The amendment would revise that part of the War Powers Resolution which provides that Congress may direct a withdrawal of American troops abroad in a situation of hostilities, through the mechanism of a concurrent resolution. In other words, the current law provides that Congress may direct such a withdrawal through a concurrent resolution rather than a joint resolution or a bill. As my colleagues are aware, a concurrent resolution does not requires a Presidential signature to become law. However, a joint resolution or a bill require a Presidential signature.

I believe it is important to make a resolution of withdrawal conform to the presentment clause of the Constitution, article I, section 7, clause 2. The requirement of presentment to the President for signature is a key issue addressed by the Supreme Court of the United States, in addressing the congressional veto question in *INS* v. *Chadha*, 462 U.S. (1983), decided June 23, 1983, and in affirming a lower court ruling in *U.S. Senate* v. *Federal Trade Commission*, 463 U.S. (1983).

There is substantial probability that the Court would find 5(c) unconstitutional on grounds that I will point out. While I do not necessarily concede the unconstitutionality of 5(c), I believe it is very important to dispel the constitutional murkiness which now surrounds this provision as a result of the Chadha decision. This is because the 5(c) provision is meant to deal with a situation of rather short duration, less than 60 days, in which there is very substantial concern in Congress that American troops should be pulled out of a situation of hostilities immediately or nearly immediately. In such an emergency situation, the last thing I want is for the Congress and the President to get tangled up in the courts over the constitutionality of a concurrent resolution of withdrawal.

What kind of situation does section 5(c) envision? It is when U.S. Armed Forces are "engaged in hostilities" abroad without either first, a declaration of war by the Congress, or second, a specific statutory authorization such as Congress has passed pursuant to section 5(b) of the War Powers Resolution in the case of Lebanon. If our Armed Forces are engaged in hostilities, as section 5(c) envisions, then

they are clearly in a situation which has triggered the War Powers Resolution. That is, under section 5(b), the President may not continue U.S. involvement in hostilities for more than 60 days—90 days if he certifies in writing to the Congress that he needs the extra month to execute removal of U.S. forces. Therefore, if at the end of the 60 days—or 90 days under a Presidential certification—if the Congress has not taken positive legislative action specifically authorizing the President to keep U.S. forces in the situation, he must withdraw the troops. Therefore, the concurrent resolution clearly is intended to refer to the 60-day period which the Congress has given the President by virtue of legal authority granted in the war powers resolution. The President was in effect given a 60-day grace priod to exercise what were intended to be war-making powers exclusively given to the Congress under the Consitution. The drafters of the war powers resolution recognized that there were certain situations in the modern world wherein the President may need to commit the Armed Forces of the Nation abroad in the absence of a declaration of war by the Congress. This could arise in the case of any number of emergency situations were very quick response was essential. Or, it could arise were U.S. forces have been introduced into a foreign country in which the situation changes—and one could use the present situation in Lebanon where U.S. Armed Forces, sent in under a limited peacekeeping role as part of the Multinational Force, came under fire in a rapidly changing situation. In the Lebanon case, hostilities involving U.S Armed Forces did not begin until U.S. Armed Forces had been in Lebanon for an extended period of time. Therefore, there are certainly situations where U.S. Armed Forces become engaged in hostilities or where imminent involvement in hostilities is clearly indicated by the circumstances only after they have been on the ground in a foreign land.

In effect, the 60-day grace period given the President under the war powers resolution confers war-making authority upon him for that time and that time alone. Section 5(c) can be encompassed under the reasoning of the Supreme Court in Chadha wherein a veto of otherwise permitted executive or agency action falls short of the constitutional requirements comprising an act of legislative power. As an act of legislative power the veto, according to the Court, violates the constitutional requirement that legislative power may be exercised only as provided in article I, sections 1 and 7—that is, by joint action of the House and Senate—bicameralism—and by presentment to the President. Indeed, the implication of the Chadha decision and its progeny is that even if the source of Presidential authority is unclear in a given situation, congressional policy can be implemented "in only one way; bicameral passage followed by presentment to the President," *INS.* v. *Chadha* at 34. It is, therefore, quite arguable that the concurrent resolution provision must instead be a joint resolution or a bill in order that the constitutional requirement of presentment be met.

That is the purpose of the amendment, Mr. President. U.S. Armed Forces in today's turbulent world will be deployed, one can assume, in various situations in which the war powers resolution might be triggered. It is not inconceivable that they will be placed in hostilities by a President whose judgment differs quite radically from that of the Congress. The difference in judgment and the nature of the hostilities may be such that the Congress cannot tolerate even a 60- or 90-day wait before the troops must be ordered home. Therefore, a provision which is clearly constitutional should be available in that situation. It is altogether possible that such a joint resolution or bill might be vetoed by the President. In that case, of course, the difference in judgment between the Congress and the President would have to be resolved in a veto override situation. Obviously there is a substantial difference between the majority required in both Houses in the case of a concurrent resolution and the supermajority needed in a veto override in the case of a joint resolution or bill. Nevertheless, the Chadha decision has driven us to attempt to correct what would probably be a constitutional crisis at exactly a time the Nation could not afford it. It would, in all probability, require a two-thirds majority to force our troops out prior to the 60-day deadline under the war powers resolution. Such a critical test may not be unreasonable in that a President's actions would really have to be so heinous or lacking in judgment that the Congress would be unwilling to give him even that short grace period. We are speaking here of a very extreme difference in judgment between the President and the Congress. It could occur, and a mechanism should be in place to address it.

Mr. President, my amendment also contains a clause which would reduce extended debate on a veto override of a joint resolution of withdrawal. As I have stated, such a joint resolution or bill under section 5(c) of the war powers resolution would be under circumstances involving intense pressure of time. Congress would have made a judgment that the President should order U.S. Armed Forces out of a situation of hostilities as soon as possible. The President's 60-day grace period would be cut short. If the President disagreed and vetoed the joint resolution or bill, Congress would then have to pass the measure over his veto.

My amendment would limit debate on veto override to 12 hours. As my colleagues know, a veto is a privileged matter which is considered upon being received by the Senate. The motion to proceed is not debatable, but the veto itself is debatable. As such, it can be subjected to extended debate and dilatory tactics. Under the circumstances where American servicemen are engaged in hostilities, I believe it is appropriate for the Senate to consider and vote on a veto override within a responsible timeframe. I am proposing that 12 hours of debate on such an important matter would be sufficient and appropriate under the circumstances.

I hope that all Senators will see the reasoning underlying this amendment, and I ask its passage.

Mr. PERCY. Will the distinguished minority leader yield just for a question? The concurrent resolution language used throughout the War Powers Act would be a resolution of the Senate and the House which would become effective even if not signed by the President; is that correct?

Mr. BYRD. That was what was in the law and what was, what has proved to be, the defect in the law. The Supreme Court ruled that a legislative veto by concurrent resolution was unconstitutional because it was not a law and had not been presented to the President. The same objection could apply to the legislative veto in the War Powers Act.

Mr. PERCY. The distinguished author of the War Powers Act, Senator Javits, did write an article, which I had inserted in the RECORD, maintaining that the Chadha decision did not invalidate the War Powers Act. But what the distinguished minority leader is doing is attempting to nail it down without any equivocation whatsoever and the procedure that would be followed then would be that a joint resolution to be adopted by both the House and Senate and sent to the President for signature. If the President decided not to sign it and vetoed it, then it would be sent back to both Houses and to be effective and to be law it would require a two-thirds vote, which is exactly the same thing that happened when the War Powers Act itself was adopted. It was vetoed by President Nixon, that veto being overwhelmingly overridden by both Houses.

So the distinguished minority leader is attempting to clarify an ambiguity that may exist and I, as a matter of comity with the administration, have asked for a response and reaction because we have worked out in the Lebanese situation an arrangement with the President whereby he worked with us in cooperation rather than in con-

flict in bridging the gap in the understanding that we had on that matter. We have not yet had a reaction back, but the administration now has it under consideration.

The Senator from Illinois will reserve his right to vote for the resolution anyway even if they do not concur because we do not always concur with the executive branch in these matters. I would like to personally study it, possibly other Senators might like to study it themselves, and I wonder then if the Senator, taking into account the administration, will the distinguished Senator ask for a rollcall vote on the amendment?

Mr. BYRD. I think the amendment is of such stature that it should have a rollcall vote, and I think the Senators would want a rollcall vote on this matter. However, I will not ask for one.

May I say that this amendment does not in the distinguished chairman's words "clarify an ambiguity." It cures a constitutional flaw in the law. The Supreme Court was right on the money when it ruled in the *Chadha* case that provision of the law to be unconstitutional which allowed a legislative veto by concurrent resolution. That provision did not pass the test on that point nor is a concurrent resolution presented to the President as is required by the Constitution for anything to be a law.

So the court was right on both points and this cured that defect by providing for a joint resolution which has to be passed by both Houses and has to be presented to the President for his signature for approval or disapproval. He may reject it, he may veto it, and Congress then can override if it can muster the two-thirds votes in both Houses as in the case of any other bill or joint resolution that is vetoed.

Mr. PERCY. I would like to ask my distinguished colleague whether or not—when I wrote to the President on this, after consultation with Senator Javits, that in the judgment of the Senator from Illinois the Chadha decision did not invalidate the War Powers Act—whether or not he recalled whether he joined together in that? That is why I used the word "ambiguity." But in one way or another I think the Senator's amendment is a helpful amendment. I think it is an important amendment. It probably should be voted on by the Senate, and if it could be set aside temporarily until we can at least report back to the Senate the reaction of the administration, it would be appreciated and we could take up other business in the meantime.

Mr. BYRD. If the Senator will yield, the Supreme Court in the Chadha decision did not deal with the War Powers Act.

Mr. PERCY. That is correct.

Mr. BYRD. No. 1.

No. 2, if it had been dealing with the War Powers Act based on its reasoning in the Chadha case it would not have ruled out the whole War Powers Act as being unconstitutional but it would have ruled out that provision dealing with the concurrent resolution.

Mr. PERCY. I thank the distinguished majority leader for the clarification, for offering the amendment, and also for his consideration now that we ask unanimous consent to temporarily set it aside so that all Senators and the administration may adequately consider it.

Mr. BYRD. Madam President, may I say that I have no problem with the Senator's desire to seek out the administration's feeling on the matter and I have no problem with temporarily setting it aside. I do think that it deserves the yeas and nays at such time as it is voted on, and I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I thank the chairman and I thank the Chair.

Mr. PERCY. I thank my distinguished colleague.

ORDER OF PROCEDURE

Mr. McCLURE. I think, under the arrangement that was announced by the majority leader earlier, it would be in order to interrupt the proceedings on this matter and call up a conference report on the Interior and related agencies appropriations bill.

Mr. PERCY. Madam President, reserving the right to object, I would like to read to my distinguished colleague from Idaho a transcript of what the acting majority leader said earlier this evening on the floor:

Mr. STEVENS. It is the pending business.

That is the State Department authorization bill.

No; I might say to my good friend if we could get to the Interior conference report we would attempt to conclude that business tonight and it would be our intention to return to this—

That is the State Department authorization bill.

—tomorrow morning.

I, therefore, feel that, inasmuch as we do have another hour and 15 minutes, we could keep on going on the State Department bill. Would it be possible, in the judgment of the distinguished Senator, continue work on this for another half-hour or so and then turn to the Interior bill?

Mr. McCLURE. Madam President, as a matter of fact, I do not believe it will take long to complete the conference report on the appropriations matter. And both pursuant to the action outlined by the majority leader when laying this matter down and also because it is a privileged matter, I feel it necessary to move forward on that at this time. I do that with apologies to the managers.

Mr. PERCY. But to honor the statement made by the acting majority leader, I would now turn to my distinguished colleague who does have a conflict tonight and ask if it would be satisfactory to return to the State Department authorization providing we complete that business by 7:30?

Mr. PELL. Providing we go out at 7:30, it would be more than agreeable to me.

Mr. PERCY. Under those conditions, then I suggest the Senate proceed with the privileged matter.

INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984—CONFERENCE REPORT

Mr. McCLURE. Madam President, I submit a report of the committee on conference on H.R. 3363, making appropriations for the Department of Interior and related agencies for fiscal year 1984, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 30, 1983.)

Mr. McCLURE. Madam President, I bring to the Senate today the conference report on H.R. 3363, an act making appropriations for the Department of the Interior and related agencies for fiscal year 1984.

Madam President, I should say at the outset that agreement on the 164 items in disagreement in the conference was reached only after many, many hours of difficult—and sometimes heated—debate. While I am not entirely satisfied with the resolution of each individual issue agreed to by the conferees, I nevertheless believe that this conference report represents a fair and a responsible compromise. In terms of budgetary impact, the conference bill as reported stands at $7,953,783,000, an increase of slightly more than $1 billion over the budget request, but a reduction of over $100 million from the House-passed level

and nearly $100 million from the level approved by the Senate.

In addition, the conference bill as reported stands at some $450 million below the subcommittee's section 302(b) budget allocation, and represents an extremely modest 2.13 percent increase above the level approved for fiscal year 1983's regular Interior appropriations bill.

In terms of the policy impact of this bill, I would be less than honest if I did not indicate my displeasure with several of the provisions approved by the conferees. First and foremost are the prohibitions relating to oil and gas leasing on our Outer Continental Shelf lands. The House of Representatives had sent us a bill which contained 1 year prohibitions on leasing in portions of proposed lease sales in the east Gulf of Mexico, the North Atlantic, and in southern California. The Senate included no such prohibitions and, as a result, we are forced to compromise and accept limited prohibitions in order to get a bill out of the conference. Similarly, the conferees adopted a moratorium on Federal lands coal leasing until 90 days after the Linowes Commission presents its coal leasing report to the Congress.

Perhaps the other area that was so difficult for the conferees to decide was that of the strategic petroleum reserve. Both the House and Senate had approved a fill rate of 220,000 barrels per day, but, because of severe budget limitations, we were forced to drop this fill rate to some 186,000 barrels per day, thereby saving nearly $750 million. The conferees also found it necesssary to postpone SPR facilities construction at Big Hill, Tex., thereby saving another $370 million.

While these actions were indeed difficult to take, they were nevertheless necessary. And I should add that they were only taken with the understanding that the Congress will look for an equal fill rate of 186,000 barrels per day for 1985, and that the administration will submit a budget request for Big Hill construction when it sends its 1985 budget proposals to the Congress in January.

As many of my colleagues will agree, the Interior and related agencies bill is among the more popular, and includes many items near and dear to all of us. In this light, let me mention just a few or the programs and their fiscal year 1984 funding levels approved by the conferees:

Land and Water Conservation Fund, land acquisition, $230,390,000; Forest Service land management, $1,354,006,000; Schools and hospitals weatherization program, $48 million; Low income weatherization, $190 million; Bureau of Indian Affairs and Indian Health and Education programs, $1,861,905,000; National Endowment for the Arts, $162 million; and National Endowment for the Humanities, $140 million.

With that, Madam President, there are a number of small items which were inadvertantly left out of the statement of the managers which Chairman YATES has brought to the attention of the House when this conference report was considered by that body. I wish to bring these same matters to the attention of the Senate and ask unanimous consent that these corrections, along with a restatement of the Interior subcommittee's reprograming guidelines, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The statement of the managers excluded several other agreements that should have been included. They are:

Fish and Wildlife Service: Animal damage control. The managers have agreed to fund the reasearch stations at Bend, Oregon and Olympia, Washington in this program through fiscal year 1984. These programs support the program of the Forest Service. The managers expect these programs to be in the Forest Service budget in fiscal year 1985.

Institute of Museum Services: Conservation grants. The managers agree that within the $3,000,000 provided for conservation grants $150,000 is to be allocated to the American Association of Museums to develop a program for conservation of cultural objects and property in cooperation with the National Institute for Conservation of Cultural Property and the American Institute of Conservation.

Bureau of Indian Affairs: Housing program. The managers agree that no relocation of the management of the housing program was envisioned in moving the funding from the Operations to the Construction account, and the program should remain under the direction of the BIA Central Office, and that it shall be removed from the band analysis beginning in fiscal year 1985.

Office of Surface Mining, Abandoned Mine Reclamation Fund: The managers agreed that funding for the Wise County, Virginia water project is to be derived from the state share under section 402(g)(2) of Public Law 95-87.

Fossil energy: The managers agreed that the increase for engineering and environmental analyses allows $1,000,000 for technology data base, $2,100,000 for the Grand Forks slagging gasifier and a total of $1,300,000 for associated engineering, environmental and socioeconomic analysis.

Fish and Wildlife Service: The managers agree that $84,000 is included in the allowance to permit the continued operation of the Crawford, Nebraska NFH by the Fish and Wildlife Service until such time as the State of Nebraska has accumulated sufficient funds in its special account to enable it to assume State control.

National Park Service: The managers agree that the National Park Service should pay $750,000 from within available funds in settlement of the Amerecord Corporation claim.

Energy conservation: The managers agree that the new appropriation for the inventor's program is $3,000,000, not $1,500,000 as indicated in the Conference Report. Also, in the Bureau of Mines, there is a reduction of $1,500,000 to the House position for ground control.

Reprograming procedures: The managers agree that the following are the current procedures governing reprograming actions for programs and activities funded in the Interior Appropriations Act:

1. *Definition.*—"Reprograming," as defined in these procedures, includes the reallocation of funds from one budget activity to another. In cases where either Committee report displays an allocation of an appropriation below the activity level, that finer level of detail shall be the basis for reprograming. For construction accounts, a reprograming constitutes the reallocation of funds from one construction project identified in the justifications to another. A reprograming shall also consist of any significant departure from the program described in the agency's budget justifications. This includes proposed reorganizations.

2. *Criteria for reprograming.*—(a) Any project or activity which may be deferred through reprograming shall not later be accomplished by means of further reprograming; but, instead, funds should again be sought for the deferred project or activity through the regular appropriations process.

(b) A reprograming should be made only when an unforeseen situation arises; and then only if postponement of the project or the activity until the next appropriation year would result in actual loss or damage. Mere convenience or desire should not be factors for consideration.

(c) Reprograming should not be employed to initiate new programs or to change allocations specifically denied, limited or increased by the Congress in the Act or the report. In cases where unforeseen events or conditions are deemed to require such changes, proposals shall be submitted in advance to the Committee, regardless of amounts involved, and be fully explained and justified.

3. *Reporting and approval procedures.*—(a) Any proposed reprograming must be submitted to the Committee in writing prior to implementation if it exceeds $250,000 annually or results in an increase or decrease of more than 10 percent annually in affected programs, with the following exceptions:

(1) Any land purchase not exceeding $100,000.

(2) Any construction project not exceeding $100,000, or which results in an increase or decrease of not more than 25 percent annually.

(3) Savings from a construction project in one of the Trust Territory governments may be applied to a shortfall on another project in the same area.

Timely reports on these reprogramings shall be forwarded to the Committee by the Department.

(b) All reprogramings shall be reported to the Committee quarterly and shall include cumulative totals.

* * * * *

7. *Report language.*—Any limitation, directive, or earmarking contained in either the House or Senate report which is not contradicted by the other report nor specifically denied in the conference report shall be considered as having been approved by both Houses of Congress.

8. *Government Comptrollers.*—Vacancies occurring in the offices of the Government Comptrollers, Office of the Inspector General, shall not be reallocated to any other

organization unless approved through reprograming procedures.

9. *U.S. Forest Service.*—The following procedures shall apply to the U.S. Forest Service, Department of Agriculture:

(a) The Forest Service shall not change the boundaries of any region, abolish any region, move or close any regional office for research, State and private forestry, or National Forest System administration, without the consent of the House and Senate Committees on Appropriations and the Senate Committee on Agriculture, Nutrition, and Forestry, and the House Committee on Agriculture, in compliance with these reprograming procedures.

(b) The appropriation structure for the Forest Service shall not be altered without advance approval of the House and Senate Committees on Appropriations.

(c) Provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) shall apply to appropriations available to the Forest Service only to the extent that the proposed transfer is approved by the House and Senate Committees on Appropriations in compliance with these reprograming procedures.

10. *Assessments.*—No assessments shall be levied against any program, budget activity, subactivity, or project funded by the Interior Appropriations Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees, in compliance with these procedures.

11. *Land acquisitions.*—Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91-646) except for condemnations and declarations of taking, unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with these procedures.

Mr. McCLURE. Finally, Madam President, I ask unanimous consent that a table comparing new budget authority recommended in this bill to the 1984 budget request and the 1983 enacted level be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
TITLE I - DEPARTMENT OF THE INTERIOR										
BUREAU OF LAND MANAGEMENT										
Management of Lands and Resources										
Onshore Energy and Minerals Management										
Energy Resources										
Coal Leasing	17,400	24,414	17,947	15,789	18,248	18,248	18,598	18,598	+2,809	+350
Oil & Gas Leasing	7,475	14,444	17,859	19,745	37,267	37,267	37,267	37,267	+17,522	---
Geothermal Leasing	1,480	2,091	2,305	2,272	3,197	3,197	3,197	3,197	+925	---
Oil Shale and Tar Sands Leasing	420	4,452	3,675	3,641	2,666	2,148	2,666	2,148	-1,493	-518
Subtotal, Energy onshore	26,775	45,401	41,786	41,447	61,378	60,860	61,728	61,210	+19,763	-168
Energy offshore										
Leasing	9,141	9,253	10,771	---	---	---	---	---	---	---
Environmental studies	37,000	36,534	29,056	---	---	---	---	---	---	---
Subtotal, Energy offshore	46,141	45,787	39,827	---	---	---	---	---	---	---
Non-Energy Minerals										
Mineral Material Sales	1,585	1,884	1,818	2,072	2,353	2,353	2,353	2,353	+281	---
Mining Law Administration	3,274	4,244	4,565	6,559	8,802	7,302	8,302	7,302	+743	-1,500
Mineral Leasing	1,366	1,497	1,588	1,548	3,838	3,838	3,838	3,838	+2,290	---
Uranium operations	---	---	---	---	622	622	622	622	+622	---
Subtotal, Non-Energy Minerals	6,225	7,625	7,971	10,179	15,615	14,115	15,115	14,115	+3,936	-1,500
Subtotal, Energy and Minerals Management	79,141	98,813	89,584	51,626	76,993	74,975	76,843	75,325	+23,699	-1,668
Lands and Realty Management										
Realty Operations										
Energy Realty	8,771	5,894	5,712	7,316	4,178	4,178	6,678	6,678	-638	+2,500
Non-Energy Realty	13,819	19,617	23,104	12,714	21,030	15,744	19,030	18,530	+5,816	-2,500
Alaska Lands program	---	---	---	11,860	12,183	12,183	12,183	12,183	+323	---
Subtotal, Realty operations	22,590	25,511	28,816	31,890	37,391	32,105	37,891	37,391	+5,501	---
Withdrawal Processing and Review	1,993	2,731	4,088	3,748	3,529	3,529	3,529	3,529	-219	---
Subtotal, Lands and Realty Management	24,583	28,242	32,904	35,638	40,920	35,634	41,420	40,920	+5,282	---
Renewable Resources Management										
Forest Management										
Public Domain	5,672	6,601	6,100	4,612	5,173	5,173	5,173	5,173	+561	---
Western Oregon	1,141	792	2,163	939	939	939	939	939	---	---
Subtotal, Forest Management	6,813	7,393	8,263	5,551	6,112	6,112	6,112	6,112	+561	---
Range Management										
Wild Horse & Burro Management	4,582	5,704	5,418	4,812	4,474	4,974	4,974	4,974	+162	+500
Grazing Management	28,663	36,110	36,138	34,169	27,660	27,660	35,060	31,360	-2,809	+3,700
Subtotal, Range Management	33,245	41,814	41,556	38,981	32,134	32,634	40,034	36,334	-2,647	+4,200
Soil, Water, & Air Management	13,816	18,037	17,042	16,772	11,595	16,595	11,595	16,595	-177	+5,000
Wildlife Habitat Management	12,554	16,017	14,918	14,942	10,515	11,515	13,515	13,515	-1,427	+3,000
Recreation Management										
Cultural Resources Management	2,192	3,402	4,510	4,498	4,905	4,905	4,405	4,605	+107	-300
Wilderness Management	7,677	10,317	13,970	12,097	7,239	7,239	7,239	7,239	-4,858	---
Recreation Resources Management	6,101	6,011	5,688	6,380	5,266	6,516	5,266	6,516	+136	+1,250
Subtotal, Recreation Management	15,970	19,730	24,168	22,975	17,410	18,660	16,910	18,360	-4,615	+950
Fire Management	6,797	7,519	7,231	9,234	7,446	7,446	7,446	7,446	-1,788	---
Subtotal, Renewable Resources Management	89,195	110,510	113,178	108,455	85,212	92,962	95,612	98,362	-10,093	+13,150
Planning and Data Management										
Planning	9,665	12,289	8,661	8,568	11,991	11,991	9,491	8,891	+323	-3,100
Data Management	12,103	15,767	12,012	12,791	13,914	13,914	12,791	13,914	+1,123	---
Subtotal, Planning and Data Management	21,768	28,056	20,673	21,359	25,905	25,905	22,282	22,805	+1,446	-3,100
Cadastral Survey										
Alaska	9,135	9,291	9,606	9,897	10,140	10,140	12,140	12,140	+2,243	+2,000
Other States	9,319	9,902	10,031	11,384	10,707	11,407	10,707	11,407	+23	+700
Subtotal, Cadastral Survey	18,454	19,193	19,637	21,281	20,847	21,547	22,847	23,547	+2,266	+2,700

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
Fire control										
Firefighting & Preparedness	49,150	49,150	57,437	4,150	4,150	4,150	4,150	4,150	---	---
Rehabilitation	600	600	2,123	600	600	600	600	600	---	---
Subtotal, Firefighting and Rehabilitation	49,750	49,750	59,560	4,750	4,750	4,750	4,750	4,750	---	---
Technical Services										
Resource Protection	695	1,033	1,353	2,004	2,036	2,036	2,036	2,036	+32	---
Maintenance and engineering service										
Buildings	2,596	2,631	2,782	3,265	2,848	2,848	2,848	2,848	-417	---
Recreation	3,345	3,599	3,298	3,613	3,547	3,547	3,547	3,547	-66	---
Transportation	2,337	2,550	2,568	2,990	2,223	2,223	3,223	3,223	+233	+1,000
Engineering services	---	---	936	936	1,823	1,123	936	936	---	-187
Subtotal, Maintenance and engineering services	8,278	8,780	9,584	10,804	9,741	9,741	10,554	10,554	-250	+813
Subtotal, Technical Services	8,973	9,813	11,137	12,808	11,777	11,777	12,590	12,590	-218	+813
General Administration										
Executive and secretarial direction	4,879	4,800	5,210	5,482	5,781	5,781	5,781	5,781	+299	---
Equal employment opportunity	2,714	---	2,100	2,000	2,040	2,040	2,040	2,040	+40	---
Administrative services support	26,446	25,404	35,809	32,711	34,766	33,266	34,266	33,266	+555	-3,500
Uncontrollable fixed costs	31,830	34,820	33,981	34,116	41,572	40,215	40,583	40,215	+6,099	-1,357
Pay supplemental	---	---	---	---	---	---	---	---	---	---
Subtotal, General Administration	69,869	71,024	77,180	74,309	86,159	81,302	82,670	81,302	+6,993	-4,857
Total, Management of Lands and Resources	361,733	415,401	423,853	330,226	352,563	348,852	359,014	359,601	+29,375	+7,038
Construction and Access										
Construction										
Building construction	2,438	1,461	392	258	---	---	---	---	-258	---
Recreation construction	1,321	684	502	460	---	---	---	---	-460	---
Transportation	2,075	2,041	---	---	---	---	1,000	---	---	---
Access	---	---	1,733	1,525	1,200	1,200	1,200	1,200	-325	---
Total, Construction and Access	5,834	4,186	2,627	2,243	1,200	1,200	2,200	1,200	-1,043	---
Payments in Lieu of Taxes										
Payments to Local Governments	108,000	103,000	95,520	96,320	96,320	96,320	105,000	105,000	+8,680	+8,680
Land Acquisition										
Bureau of Land Management										
Acquisitions	---	1,495	3,417	161	35	2,039	635	1,261	+1,100	+1,226
Acquisition Management	---	307	295	150	95	150	130	130	-20	+35
Total	---	1,802	3,712	311	130	2,189	765	1,391	+1,080	+1,261
Oregon & California Grant Lands										
Construction and acquisition	2,011	7,736	3,921	1,091	1,011	1,011	1,011	1,011	-80	---
Maintenance	5,753	4,831	6,221	5,000	4,203	4,203	4,203	4,203	-797	---
Renewable Resource Management	39,700	34,989	42,090	50,420	43,611	46,011	46,011	46,011	-4,409	+2,400
Planning and Data Management	1,340	922	556	452	311	311	311	311	-141	---
Pay supplemental	---	---	---	---	---	---	---	---	---	---
Total, Oregon & California Grant Lands	48,804	48,478	52,788	56,963	49,136	51,536	51,536	51,536	-5,427	+2,400
Range Improvement Fund										
Improvement to Public Lands	9,620	11,107	11,601	9,690	8,550	7,280	8,550	8,550	-1,140	---
Fare Tenant Act Lands	1,000	1,335	950	909	850	724	850	850	-59	---
Administrative expenses	---	675	675	600	600	600	600	600	---	---
Total, Range Improvements	10,620	13,117	13,226	11,199	10,000	8,604	10,000	10,000	-1,199	---
Service Charges, Deposits, and Forfeitures										
Rights-of-way Processing	5,518	7,135	4,807	8,000	11,000	11,000	8,000	8,000	---	-3,000
Adopt-a-horse program	444	414	320	1,150	1,150	1,150	1,150	1,150	---	---
Repair of Damaged Lands	140	747	1,200	820	820	820	820	820	---	---
Cost recoverable realty cases	---	---	14	30	30	30	30	30	---	---
Total, Service Charges, Deposits, and Forfeitures	6,102	8,296	6,341	10,000	13,000	13,000	10,000	10,000	---	-3,000
Miscellaneous Trust Funds										
Base Program	100	100	-19	100	100	100	100	100	---	---
Total, Bureau of Land Management	541,193	594,380	598,048	507,362	522,449	521,801	538,615	538,828	+31,466	+16,379

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
U.S. FISH AND WILDLIFE SERVICE										
Resource Management										
Habitat Resources										
Field Operations	17,742	20,827	17,714	17,043	16,473	17,606	17,306	17,606	+563	+1,133
National Wetlands Inventory	2,120	2,425	2,487	3,638	3,691	3,691	3,691	3,691	+53	---
Research and Development	16,009	16,265	13,550	13,045	11,873	13,259	13,259	13,259	+214	+1,386
Cooperative units	4,216	4,249	4,616	4,609	---	4,609	4,609	4,609	---	+4,609
Subtotal	40,087	43,766	38,367	38,335	32,037	39,165	38,865	39,165	+830	+7,128
Wildlife Resources										
Refuge operations and maintenance	52,488	56,990	64,793	73,754	88,798	88,944	88,798	89,194	+15,440	+396
Law enforcement and protection	8,164	8,674	9,150	9,253	9,419	9,959	11,419	11,419	+2,166	+2,060
Population management	18,608	19,860	10,896	18,052	17,009	18,559	18,559	18,559	+507	+1,550
Research and Development	11,666	13,114	17,752	12,038	10,914	11,694	11,771	11,816	-222	+902
Youth Conservation Corps	---	---	---	2,145	---	---	---	---	-2,145	---
Subtotal	90,926	98,638	102,591	115,242	126,140	129,156	130,547	130,988	+15,746	+4,848
Fishery Resources										
Hatcheries operations and maintenance 1/	18,222	20,348	22,983	25,512	20,302	22,880	25,742	26,650	+1,138	+6,348
Refuge operations and maintenance	380	850	1,151	1,590	2,162	2,162	2,162	2,162	+572	---
Law enforcement and protection	149	157	225	225	227	227	327	327	+102	+100
Population management	3,326	4,461	2,399	1,567	1,663	1,663	1,663	1,663	+96	---
Research and Development	10,391	10,558	10,504	9,906	9,671	11,971	9,671	10,971	+1,065	+1,300
Youth Conservation Corps	---	---	---	1,155	---	---	---	---	-1,155	---
Subtotal	32,388	36,374	37,262	39,958	34,025	38,903	39,565	41,773	+1,818	+7,748
Endangered Species										
Listing	2,486	4,101	1,987	2,012	2,047	3,047	2,047	2,547	+535	+500
Law enforcement and protection	4,757	5,470	5,672	5,707	4,913	6,100	6,100	6,100	+393	+1,187
Consultation	2,561	2,578	2,459	2,466	2,513	2,513	2,513	2,513	+47	---
Recovery	4,091	4,629	5,217	4,962	4,214	4,430	4,214	4,530	-432	+316
Research and Development	1,292	2,084	2,434	2,942	3,674	3,974	3,974	3,974	+1,032	+300
Cooperation with states	4,900	3,920	---	2,000	---	4,000	---	2,000	---	+2,000
Subtotal	20,087	22,782	17,769	20,089	17,361	24,064	18,848	21,664	+1,575	+4,303
1/ FY83 Enacted amount includes $94,000, funded in PL 97-377.										
Administrative Services										
Executive Direction	6,497	6,697	6,656	6,636	35,748	34,513	34,513	34,513	+27,877	-1,235
Administrative services	11,486	12,835	12,025	10,689	---	---	---	---	-10,689	---
Related support services	9,878	12,338	12,052	11,041	---	---	---	---	-11,041	---
1982 Pay annualization	---	---	---	---	---	2,700	---	2,700	+2,700	+2,700
Lower Snake River Compensation	---	---	---	---	1,029	1,029	---	---	---	-1,029
Subtotal	27,861	31,870	30,733	28,366	36,777	38,242	34,513	37,213	+8,847	+436
Jobs Bill	---	---	---	20,000	---	---	---	---	-20,000	---
Total, Resource Management 2/3/	211,349	233,430	226,722	261,987	246,340	269,530	262,338	270,803	+8,816	+24,463
Construction and Anadromous Fish										
Construction and rehabilitation										
Refuges	43,024	25,498	8,903	7,982	7,605	7,605	13,340	13,340	+5,358	+5,735
Hatcheries	5,303	2,939	503	3,498	1,797	4,297	1,797	2,547	-951	+750
Fishery research facilities	5,718	3,460	655	1,049	1,585	4,351	1,585	4,351	+3,302	+2,766
Dam safety	---	---	622	636	1,510	160	1,160	1,160	+524	-350
Wildlife research facility	---	---	---	---	---	---	---	---	---	---
Anadromous fish grants	4,712	3,500	---	3,500	---	3,500	---	4,000	+500	+4,000
Capital development & maintenance management	---	---	---	---	1,903	1,903	1,903	1,903	+1,903	---
Total, Construction and Anadromous Fish	58,757	35,397	10,683	16,665	14,400	21,816	19,785	27,301	+10,636	+12,901

2/ FY83 includes $3,300,000 for YCC.
3/ FY83 includes $20,000,000 from Jobs Bill.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
Migratory Bird Conservation Account										
Advance Appropriation	15,000	1,250	1,200	2,000	---	7,000	2,000	7,000	+5,000	+7,000
Land Acquisition										
Fish and Wildlife Service:										
Acquisitions	---	8,164	15,494	26,200	---	40,816	29,100	40,797	+14,597	+40,797
Acquisition Management	---	1,139	997	1,000	---	1,500	1,000	1,500	+500	+1,500
Total	---	9,303	16,491	27,200	---	42,316	30,100	42,297	+15,097	+42,297
National Wildlife Refuge Fund										
Payments in Lieu of Taxes	1,950	8,500	5,760	5,760	5,760	5,760	5,760	5,760	---	---
Total, Fish and Wildlife Service	287,856	287,880	260,854	313,612	266,500	346,422	319,983	353,161	+39,549	+86,661
NATIONAL PARK SERVICE										
Operation of the National Park System										
Park Management										
Management of park areas	61,019	70,615	62,173	57,054	61,630	61,630	62,053	61,953	+4,899	+323
Concessions management	2,093	2,619	2,459	2,894	2,984	2,984	3,484	3,484	+590	+500
Interpretation and Visitor Services	44,334	58,142	58,428	62,344	61,233	67,168	67,868	67,168	+4,824	+5,935
Visitor protection and safety	56,189	61,338	59,839	65,259	70,343	70,393	70,343	70,393	+5,134	+50
Maintenance	159,166	192,078	211,827	243,134	230,798	233,847	231,398	231,819	-11,315	+1,021
Resources management	48,538	52,729	75,460	96,897	92,237	92,987	92,237	92,987	-3,910	+750
Information publications	2,950	3,155	2,832	2,957	2,925	2,925	2,925	2,925	-32	---
International Park Affairs	---	563	477	384	395	395	395	395	+11	---
Volunteers-in-parks	240	240	250	500	500	500	500	500	---	---
Youth Conservation Corps (transfer)	---	---	---	3,300	---	---	---	---	-3,300	---
Subtotal	374,529	441,479	473,745	534,723	523,045	532,829	531,203	531,624	-3,099	+8,579
National Recreation and Preservation	---	---	---	---	9,226	---	8,978	---	---	-9,226
Forest Fire Suppression and Rehabilitation	2,288	2,000	3,352	1,200	1,200	1,200	1,200	1,200	---	---
Park Recreation and Wilderness Planning										
Water resources	624	992	1,451	1,518	1,686	1,936	1,686	1,936	+418	+250
Rivers and trails	821	981	967	---	---	---	---	---	---	---
General management plans	2,877	3,782	2,213	2,246	2,283	2,883	2,283	2,883	+637	+600
New area studies	10	43	---	---	---	---	---	---	---	---
Land cost studies	9	---	---	---	---	---	---	---	---	---
Subtotal	4,341	5,798	4,631	3,764	3,969	4,819	3,969	4,819	+1,055	+850
Cooperative activities	1,418	---	---	---	---	---	---	---	---	---
Statutory or Contractual Aid for Other Activities										
Roosevelt Campobello International Park Commission	319	341	357	394	418	418	418	418	+24	---
Ice Age National Scientific Reserve	405	440	564	588	588	588	588	588	---	---
Lowell Historic Preservation Canal Commission	399	405	384	407	425	525	425	525	+118	+100
Folger Theater	300	300	288	300	---	350	300	350	+50	+350
Corcoran Gallery	300	300	288	300	---	350	300	350	+50	+350
Mary McLeod Bethune NHS	---	---	---	---	---	200	(200)	200	+200	+200
Falls of Clyde	---	100	48	---	---	---	---	---	---	---
Ozette Village Archeological Site	---	20	19	---	---	---	---	---	---	---
Garfield gravesite - Lakeview cemetery	---	---	---	---	---	---	---	---	---	---
Washington Opera - Matching grants	---	---	---	---	---	---	---	---	---	---
Hampton NHS	100	---	---	---	---	---	---	---	---	---
Grand Canyon school dist	259	---	---	---	---	---	---	---	---	---
National Symphony	---	1,000	---	---	---	---	---	---	---	---
Martin Luther King, Jr. NHS	---	---	---	---	---	---	---	100	+100	+100
Subtotal	2,073	2,906	1,948	1,989	1,431	2,431	2,031	2,531	+542	+1,100
General administration:										
Central office	---	---	4,710	6,398	6,638	6,503	6,638	6,638	+240	---
Regional office	---	---	13,333	15,801	16,632	16,632	16,632	16,632	+831	---
Automatic data processing	---	---	3,296	4,128	4,218	4,218	4,218	4,218	+90	---
Employee compensation payment	---	---	---	3,083	3,435	3,435	3,435	3,435	+352	---
Service wide administrative support	---	---	4,072	5,530	7,780	7,780	7,780	7,780	+2,250	---
GSA space rental	---	---	---	9,733	10,833	10,833	10,833	10,833	+1,100	---
Executive direction	6,195	6,245	5,995	6,411	6,691	6,691	6,691	6,691	+280	---
Unemployment compensation for federal employees	---	---	---	---	3,000	3,000	3,000	3,000	+3,000	---
Public Affairs	---	---	---	---	1,694	1,694	1,694	1,694	+1,694	---
Subtotal, General Administration	6,195	6,245	31,406	51,084	60,921	60,786	60,921	60,921	+9,837	---
Pay supplemental	---	---	6,446	---	---	---	---	---	---	---
Total, Operation of the National Park System 1/.	390,844	458,428	521,528	592,760	599,792	602,065	608,302	601,095	+8,335	+1,303

[INCREASE-DECREASE TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Enacted F.Y. 83	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
Historic Preservation Fund										
Grants-in-aid	---	24,460	21,024	46,500	---	21,500	21,500	21,500	-25,000	+21,500
National Trust for Historic Preservation	---	---	4,416	4,500	---	5,000	4,500	5,000	+500	+5,000
Administrative expenses	---	1,540	---	---	---	---	---	---	---	---
Total, Historic Preservation Fund 1/	---	26,000	25,440	51,000	---	26,500	26,000	26,500	-24,500	+26,500
Planning, Development and Operation										
Recreation facilities	14,217	---	---	---	---	---	---	---	---	---
Visitor facilities fund	---	---	---	---	5,800	---	5,800	5,800	+5,800	---
Construction										
Buildings and Utilities										
Advance Planning	---	5,000	4,800	5,000	5,500	5,500	8,100	7,700	+2,700	+2,200
Line Item Projects	---	3,000	2,000	3,000	3,000	3,000	3,000	3,000	---	---
Emergency Planning	---	6,000	8,666	8,214	8,162	8,162	8,112	8,162	-52	---
Line Item Construction Projects 2/	74,304	28,430	79,506	142,882	55,813	89,575	72,943	88,775	-54,107	+32,962
Use of deferred funds	---	---	---	---	---	-63,600	-63,600	-63,600	-63,600	-63,600
Total, Construction	74,304	43,367	95,852	159,096	72,475	42,637	28,555	44,037	-185,059	-28,438
Land Acquisition and State Assistance										
Assistance to States										
Matching grants	---	173,745	---	140,619	---	72,919	72,919	72,919	-37,700	+72,919
Administrative expenses	---	4,586	4,381	4,381	---	2,081	2,081	2,081	-2,300	+2,081
National Park Service										
Acquisitions	---	107,282	115,040	55,005	50,180	72,000	60,500	58,200	+6,195	+9,100
Acquisition management	---	11,000	8,160	7,500	4,521	7,821	7,800	7,800	+300	+3,229
Pinelands National Reserve	---	---	5,881	5,000	---	6,150	6,150	6,150	+1,150	+6,150
Total, Land acquisition and state assistance 3/	---	296,593	133,462	182,505	54,671	161,471	149,450	148,150	-34,355	+93,479

1/ FY83 includes $25 million from PL 98-8.
2/ FY83 Enacted amount includes $3,000,000 funded in PL 97-377.
3/ FY83 includes $40,000,000 in Matching Grants from PL 98-8.

NATIONAL RECREATION AND PRESERVATION

Recreation Programs	---	6,462	2,552	1,409	---	1,432	---	682	-727	+682
Natural Programs	---	2,736	1,110	1,673	---	1,694	---	1,694	+21	+1,694
Cultural Programs	---	---	---	4,425	---	5,476	---	5,611	+1,186	+5,611
Maintenance of the National Register	---	---	1,833	1,186	---	---	---	---	-1,186	---
Technical Preservation Services	---	---	1,102	1,366	---	---	---	---	-1,366	---
National Architectural and Engineering Record	---	---	925	598	---	---	---	---	-598	---
Interagency Archeological Services	---	---	1,968	1,275	---	---	---	---	-1,275	---
Undistributed	6,523	---	---	---	---	---	---	---	---	---
Environmental and Compliance Review	---	624	578	380	---	390	---	390	+10	+390
Grants administration	---	---	2,304	2,000	---	2,333	---	2,000	---	+2,000
(By transfer)	---	---	---	---	---	---	---	---	---	---
Pay supplemental	---	---	235	---	---	---	---	---	---	---
Total, National Recreation and Preservation	6,523	9,842	12,607	14,312	---	11,325	---	10,377	-3,935	+10,377
Urban Park and Recreation Fund										
Grants to Cities 2/	---	700	7,680	40,000	---	10,000	---	6,700	-33,300	+6,700
Administrative expenses	---	300	---	---	---	---	---	---	---	---

1/ FY83 includes $3,300,000 for YCC and from PL 98-8, $18,750,000 in Maintenance and $6,262,000 in Resource Management.
2/ FY83 includes $40 million from PL 98-8.

John F. Kennedy Center for the Performing Arts

Base program	4,333	4,752	4,212	4,247	4,342	4,542	4,542	4,542	+295	+200
Pay supplemental	---	---	---	---	---	---	---	---	---	---
Total, JFK Center for Performing Arts	4,333	4,752	4,212	4,247	4,342	4,542	4,542	4,542	+295	+200
Total, National Park Service	492,221	831,982	800,781	1,043,920	737,080	858,540	822,649	847,201	-196,719	+110,121

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
GEOLOGICAL SURVEY										
Surveys, Investigations, and Research										
National Mapping, Geography and Surveys										
Primary quadrangle mapping	32,312	34,378	33,512	34,611	28,977	28,977	28,977	28,977	-5,634	---
Modernization of mapping technology	6,929	6,010	3,976	3,854	3,854	3,854	3,854	3,854	---	---
Digital mapping	2,027	2,010	3,873	3,873	---	8,028	6,028	8,028	+4,155	+8,028
Revision	9,542	10,107	9,041	10,657	8,116	8,116	11,116	8,116	-2,541	---
Orthophotomaps	4,746	5,992	6,189	6,104	4,301	4,301	4,301	4,301	-1,803	---
Printing and distribution of maps	---	---	---	---	8,500	8,500	8,500	8,500	+8,500	---
Small intermediate and special mapping	15,053	15,596	15,200	14,214	11,114	14,444	13,414	13,414	-802	+2,300
Earth resources observation system	11,778	12,295	11,904	9,490	7,691	7,828	7,828	7,828	+138	+587
Cartographic and Geographic Information	3,058	3,356	3,756	3,806	3,985	3,985	3,985	3,985	+179	---
Synthetic Aperture Radar	---	---	---	3,000	---	3,000	---	1,500	-1,500	+1,500
Subtotal	84,542	89,744	88,251	89,611	77,888	93,053	90,063	90,503	+892	+12,615
Geologic and Mineral Resource Surveys and Mapping										
Earthquake hazards reduction	32,842	32,934	32,652	34,843	29,524	35,524	32,524	35,524	+681	+6,000
Volcano Hazards	4,387	12,656	9,578	10,830	7,392	10,892	10,892	10,892	+62	+3,500
Ground failure & construction hazards	2,044	1,833	2,741	2,718	2,074	2,792	2,074	2,074	-644	---
Nuclear hazards research	3,590	3,122	3,037	3,064	1,722	3,222	3,222	3,222	+158	+1,500
Geologic framework	11,690	12,402	13,086	13,639	14,240	14,240	14,240	14,240	+601	---
Geomagnetism	2,109	2,183	2,114	2,104	1,943	2,183	1,943	2,183	+79	+240
Climate change	1,010	1,037	1,004	992	522	1,014	522	1,014	+22	+492
Land resource data applications	2,460	2,550	833	635	---	626	---	---	-635	---
Mineral resource surveys	34,347	37,704	38,749	40,860	45,312	45,312	45,312	45,312	+4,452	---
Energy geologic surveys	35,689	37,188	37,382	33,982	25,455	33,994	29,455	30,455	-3,527	+5,000
Offshore geologic surveys	20,159	21,617	20,953	13,143	13,722	16,222	18,722	18,722	+5,579	+5,000
Subtotal	149,527	165,386	162,329	156,810	141,986	166,021	158,906	163,638	+6,828	+21,732
Water Resources Investigations										
Federal Program	53,186	54,854	48,795	54,561	35,399	62,999	56,661	61,061	+6,500	+5,662
Federal-State program	40,684	42,756	44,220	44,164	47,113	49,613	47,613	49,113	+4,949	+2,000
Energy hydrology	19,638	22,652	15,341	15,145	9,637	12,637	12,137	12,137	-3,008	+2,500
Subtotal	113,448	119,462	108,356	113,870	112,149	125,249	116,411	122,311	+8,441	+10,162
Conservation of Lands and Minerals										
Outer Continental Shelf lands	64,527	68,958	65,159	---	---	---	---	---	---	---
Federal and Indian lands	35,255	42,511	41,603	---	---	---	---	---	---	---
Royalty management	6,460	14,270	21,723	---	---	---	---	---	---	---
Subtotal	106,242	125,739	128,485	---	---	---	---	---	---	---
General Administration	3,776	3,896	3,309	14,527	14,242	15,494	15,620	15,494	+967	+1,252
Facilities	12,327	11,909	10,074	12,686	13,243	13,243	13,243	13,243	+557	---
Transfer from NPRA	---	---	---	-16,200	---	---	---	---	+16,200	---
Pay supplemental	---	---	7,042	---	---	---	---	---	---	---
ULIC Reduction	---	---	---	-7,915	---	-5,609	-5,609	-5,609	+2,306	-5,609
Map sales receipts	---	---	---	---	-8,500	-8,500	-8,500	-8,500	-8,500	---
(Effect of fiscal year 1983 deferral)	---	---	---	---	---	-24,000	-24,000	-24,000	-24,000	-24,000
Total, Surveys, Investigations & Research	469,862	516,056	507,846	363,389	350,928	374,951	356,074	367,080	+3,691	+16,152
Exploration of National Petroleum Reserve in Alaska										
Exploratory drilling	129,500	94,000	---	---	---	---	---	---	---	---
Geophysical exploration	9,000	10,500	---	---	---	---	---	---	---	---
Geologic investigations and evaluation	3,000	1,000	---	---	---	---	---	---	---	---
Barrow Area Gas Operation: Exploration and Development Operation and maintenance	1,427	1,501	2,196	---	---	---	---	---	---	---
Explorations and development	29,700	---	---	---	---	---	---	---	---	---
Environmental restoration	3,000	---	---	---	---	---	---	---	---	---
Total, Reserve in Alaska	175,627	107,001	2,196	---	---	---	---	---	---	---
Barrow Area Gas Operations, Exploration and Operation										
Operations, exploration and development	---	---	---	6,400	---	---	---	---	-6,400	---
Digital Cartography										
Digital cartography	---	---	---	---	6,028	---	---	---	---	-6,028
Total, Geological Survey	645,489	623,057	510,042	369,789	356,956	374,951	356,074	367,080	-2,709	+10,124

[INTERIOR BUDGET TABLE (IN THOUSANDS OF DOLLARS)]

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
MINERALS MANAGEMENT SERVICE										
Minerals and Royalty Management										
Leasing Outer Continental Shelf Lands and environmental program	---	---	---	46,055	42,004	42,004	42,004	42,004	-3,051	---
Resource evaluation	---	---	---	34,801	32,814	32,814	32,014	32,014	-4,787	---
Regulatory program	---	---	---	36,913	34,106	34,106	34,106	34,106	-2,807	---
Subtotal, Minerals and Royalty Management	---	---	---	118,769	108,124	108,124	108,124	108,124	-10,645	---
Federal and Indian program:										
Oil and gas	---	---	---	23,594	---	---	---	---	-23,594	---
Coal	---	---	---	9,579	---	---	---	---	-9,579	---
Other energy	---	---	---	3,798	---	---	---	---	-3,798	---
Non-energy	---	---	---	2,273	---	---	---	---	-2,273	---
Water power	---	---	---	680	---	---	---	---	-680	---
Subtotal	---	---	---	39,924	---	---	---	---	-39,924	---
General administration	---	---	---	---	---	---	---	---	---	---
Subtotal, leasing management	---	---	---	158,693	108,124	108,124	108,124	108,124	-50,569	---
Onshore royalty management (royalty collection)	---	---	---	13,841	19,699	17,899	19,699	21,043	+7,202	+1,344
Offshore royalty management (royalty compliance)	---	---	---	6,499	5,381	5,081	5,381	5,381	-1,118	---
Systems development and maintenance	---	---	---	10,354	10,031	3,431	10,031	8,445	-1,909	-1,586
General administration	---	---	---	---	---	---	---	---	---	---
Pay supplemental	---	---	---	---	---	---	---	---	---	---
Subtotal, royalty management	---	---	---	30,694	35,111	26,411	35,111	34,869	+4,175	-242
General Administration	---	---	---	7,119	20,983	20,568	20,568	20,568	+13,449	-415
Total, leasing and royalty management	---	---	---	196,506	164,288	155,103	163,803	163,561	-32,945	-657
Transfer to General Fund										
Transfer to general fund	---	---	---	---	(-126,550)	(-126,550)	---	---	---	(+126,550)
BUREAU OF MINES										
Mines and Minerals										
Minerals Research:										
Health and Safety Technology	51,929	50,564	46,014	38,466	31,670	40,370	31,670	37,170	-1,296	+5,500
Conservation and Development:										
Mining Technology	20,471	21,392	10,418	9,380	4,195	12,195	8,195	10,695	+1,315	+6,500
Resource Conservation Technology	---	---	---	6,162	1,610	1,610	3,470	2,970	-3,192	+1,360
Subtotal, Conservation and Development	20,471	21,392	10,418	15,542	5,805	13,805	11,665	13,665	-1,877	+7,860
Minerals and Materials Research	20,165	22,217	31,261	32,354	30,430	30,430	30,430	30,430	-1,924	---
Subtotal, Minerals Research	92,565	94,173	87,693	86,362	67,905	84,605	73,765	81,265	-5,097	+13,360
Minerals Information and Analysis:										
Minerals Information	5,378	9,382	19,597	10,399	10,890	10,890	10,890	10,890	+491	---
Mineral Data Analysis	20,173	20,528	9,412	15,996	17,953	17,953	17,953	17,953	+1,957	---
Subtotal	25,551	29,890	29,009	26,395	28,843	28,843	28,843	28,843	+2,448	---
Mining research and development	---	---	---	5,000	---	---	---	---	-5,000	---
Mineral Institutes	---	---	9,244	9,600	---	---	10,350	9,350	-250	+9,350
General Administration	15,917	18,256	20,247	20,801	20,835	20,785	20,835	20,835	+34	---
Construction and rehabilitation	---	---	336	---	---	---	---	---	---	---
Bruceton facility	---	---	4,073	---	---	-5,064	-2,564	-2,564	-2,564	-2,564
(By transfer)	---	---	(991)	---	---	---	---	---	---	---
Pay supplemental	---	---	---	---	---	---	---	---	---	---
Transfer	---	---	---	-105	---	---	---	---	+105	---
Standard level user charges	---	---	---	---	---	-1,304	-1,304	-1,304	-1,304	-1,304
Total, Bureau of Mines	134,033	142,319	150,602	148,053	117,583	127,865	129,925	136,425	-11,628	+18,842

INTERIOR APPROPS TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT										
Regulation and Technology										
State Regulatory Program Grants	21,680	25,000	24,432	32,150	37,600	28,100	38,100	38,100	+5,950	+500
(Effect of fiscal year 1981 deferral)	---	---	(5,000)	---	---	---	---	---	---	---
Federal Regulatory Programs										
Program operations and inspections	16,305	16,943	20,458	10,393	10,691	11,741	11,791	11,741	+348	+1,050
Technical services and research	13,078	17,068	4,919	10,903	8,811	10,314	9,311	9,811	-1,092	+500
Subtotal	30,383	34,386	25,377	21,296	20,502	20,055	21,102	21,552	+256	+44,330
Mineral Institutes	9,904	9,545	---	---	---	---	---	---	---	---
Small Operator Assistance	15,000	---	---	---	---	---	---	---	---	---
General Administration	7,020	10,348	8,506	6,060	5,075	5,795	5,095	5,045	-1,065	-50
Pay supplemental	---	---	---	---	---	---	---	---	---	---
Transfer	---	---	---	105	---	---	---	---	-105	---
Standard Level User Charges	---	---	---	---	---	-47	-47	-47	-47	-47
Total, Regulation and Technology	84,687	89,679	58,515	48,461	63,097	65,900	65,050	65,450	+4,989	+1,953
Abandoned Mine Reclamation Fund										
State Reclamation Program Grants	25,000	20,000	59,136	482,500	195,000	193,900	193,900	193,900	+461,400	---
Federal Reclamation Programs										
Fund management	3,760	3,851	4,724	4,901	4,048	4,298	4,048	4,298	+1,397	+250
Interior reclamation projects	35,574	28,770	28,040	84,077	30,452	25,452	10,452	13,152	-1,825	+2,700
Rural lands rehabilitation program	18,986	18,200	18,339	3,650	1,082	18,082	3,082	10,582	+6,932	+7,500	
Technical support	888	6,247	1,134	6,886	1,201	1,201	1,221	1,221	---	---
Subtotal	54,436	44,248	52,237	24,749	20,803	53,053	20,803	31,253	+6,504	+10,450
Small Operator Assistance	10,000	5,000	---	---	---	---	---	---	---	---
General Administration	3,480	4,237	3,960	3,960	4,099	4,099	4,099	4,099	+139	---
Standard Level User Charges	---	---	---	---	---	-24	-23	-24	-24	-24
Total, Abandoned Mine Reclamation Fund	94,916	82,485	115,333	161,209	218,802	251,028	218,729	229,228	+68,089	+10,426
Total, Office of Surface Mining Reclamation and Enforcement	179,603	172,164	173,848	221,670	282,299	316,928	283,829	294,678	+73,008	+12,379
BUREAU OF INDIAN AFFAIRS										
Operation of Indian Programs										
Education										
School Operations	193,598	189,660	176,106	177,075	174,947	175,575	175,433	175,333	-1,742	+386
Johnson O'Malley Educational Assistance	29,388	29,469	25,954	26,229	26,000	26,580	26,000	26,000	-229	---
Continuing Education	47,074	51,054	52,446	51,451	48,121	51,587	52,315	52,821	+1,370	+4,700
Alaska schools	---	---	11,100	9,350	---	---	---	---	-9,350	---
Subtotal, Education	270,060	270,183	265,606	264,105	249,068	253,742	253,748	254,154	-9,951	+5,086
Indian Services										
Tribal Government Services	16,903	22,067	23,789	25,473	23,534	23,694	23,694	23,694	-1,779	+160
Social Services	87,264	93,951	90,351	100,002	98,609	101,109	98,609	99,609	-393	+1,000
Law Enforcement	27,577	30,824	32,515	35,697	34,521	34,944	34,944	34,944	-753	+423
Housing	19,380	22,693	29,810	53,233	22,068	22,117	---	---	-53,233	-22,068
Self-Determination Services	48,460	52,203	49,222	52,822	60,198	58,779	60,279	58,779	+5,957	-1,419
Navajo-Hopi Settlement Program	5,544	5,498	4,178	3,899	3,951	3,951	3,951	3,951	+52	---
Subtotal, Indian Services	201,128	227,236	229,865	271,126	242,881	244,594	221,477	220,977	-50,149	-21,904
Economic Development and Employment Programs										
Employment Development	51,638	45,436	27,120	27,429	27,641	26,341	26,341	26,341	-1,088	-1,300
Business Enterprise Development	8,647	8,456	8,136	10,854	15,543	10,521	10,521	10,521	-333	-5,022
Road Maintenance	17,686	19,485	17,628	21,037	22,351	22,081	22,081	22,081	+1,044	-270
Subtotal, Economic Development and Employment Programs	77,971	73,377	52,884	59,320	65,535	58,943	58,943	58,943	-377	-6,592
Natural Resources Development										
Natural Resources, General	770	883	891	981	787	787	787	787	-194	---
Agriculture	22,648	22,170	21,143	35,029	23,262	22,881	22,881	22,881	-12,148	-381
Forestry	23,618	24,687	21,805	30,119	26,290	26,292	27,092	27,092	-3,027	+802
Water Resources	3,304	5,100	4,663	6,978	6,722	7,222	6,722	7,222	+244	+500
Wildlife & Parks	3,512	11,667	12,895	15,453	15,754	17,854	16,077	17,700	+2,247	+1,946
Fire Suppression	7,800	7,800	7,768	800	600	600	600	600	-200	---
Minerals and Mining	7,972	8,093	7,570	8,233	6,872	7,972	6,872	7,397	-836	+525
Irrigation and Power	4,813	5,312	4,008	4,748	9,809	8,934	7,634	9,009	+2,261	---
Budget Amendment	---	---	---	---	-5,000	---	---	---	---	+5,000
Subtotal, Natural Resources Development	74,237	85,712	84,743	104,341	84,296	92,542	88,665	92,688	-11,653	+8,392

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
Trust Responsibilities										
Environmental Quality Services	412	1,242	1,189	1,143	---	---	---	---	-1,143	---
Rights Protection	25,446	16,837	17,327	16,491	16,323	18,323	16,773	17,823	+1,332	+1,500
Real Estate and Financial Trust Services	24,970	26,162	27,350	28,465	27,719	27,531	27,719	27,531	-934	-188
Subtotal, Trust Responsibilities	50,798	43,441	45,866	46,039	44,042	45,854	44,492	45,354	-685	+1,312
General Management and Facilities Operation										
Management and Administration	50,274	50,248	49,465	47,854	49,434	46,774	49,434	46,274	-1,580	-3,160
Program management	---	---	4,350	7,241	5,570	5,970	5,520	5,970	-1,271	+450
Forgiven compensation payments	2,940	3,434	4,161	4,582	4,829	4,829	4,829	4,829	+247	---
Facilities Management	77,076	84,509	83,380	88,900	88,910	89,713	90,592	91,113	+2,213	+2,203
Subtotal, General Management and Facilities Operation	130,290	138,191	141,356	148,577	150,693	148,786	157,375	150,186	+1,609	-507
Pay supplemental	---	---	8,752	---	---	---	---	---	---	---
ADP user charges	---	---	---	---	---	(-8,243)	---	(3,000)	(+3,000)	(+3,000)
Restore overhead reduction	---	---	---	---	---	(8,243)	---	(5,243)	(+5,243)	(+5,243)
Total, Operation of Indian Programs 1/	804,484	838,140	828,572	893,508	836,515	844,441	819,700	822,302	-71,206	-14,213
Construction										
Buildings and Utilities	44,725	73,117	48,436	82,800	36,080	50,620	46,725	50,220	-32,580	+14,220
Irrigation Systems	43,449	27,965	46,197	48,900	5,325	5,700	5,700	5,700	-43,200	+375
Land acquisition	1,200	---	---	---	---	---	---	---	---	---
Salt River Pima-Maricopa Settlement	3,917	---	---	---	---	---	---	---	---	---
Housing	(19,380)	(22,693)	(29,810)	(53,233)	(22,068)	(22,117)	23,000	23,000	+23,000	+23,000
Total, Construction 2/	93,291	100,182	94,620	131,700	41,325	56,320	75,425	78,920	-52,780	+37,595

1/ FY83 includes $30,000,000 in Indian Services Housing, $12,500,000 in Agriculture, $5,690,000 in Forestry and $2,500,000 in Wildlife and Parks from P.L. 98-8.
2/ FY83 includes $34,450,000 in Buildings and Utilities and $30,000,000 in Irrigation Systems.

Bond Construction										
Base Program	66,479	48,625	47,160	43,585	4,000	4,000	4,000	4,000	-39,585	---
Alaska Native Claims	30,000	30,000	---	---	---	---	---	---	---	---
Eastern Indian Land Claims Fund										
Maine Indian Claims Settlement funds	---	81,500	---	---	---	---	---	---	---	---
Mashantucket Pequot Claims Settlement Fund	---	---	---	---	---	---	900	900	+900	+900
Trust Funds										
Base Program	28,000	28,000	53,000	63,000	63,000	63,000	63,000	63,000	---	---
Revolving Fund for Loans										
Limitation on direct loans	---	(12,680)	(14,770)	(19,970)	(13,075)	(13,075)	(13,075)	(13,075)	(-6,895)	---
Indian Loan Guaranty and Insurance Fund										
Limitation on guaranteed loans	---	(2,250)	(27,630)	(15,800)	(19,000)	(19,000)	(19,000)	(19,000)	(+3,200)	---
Total, Bureau of Indian Affairs	1,022,254	1,126,447	1,023,360	1,131,793	944,840	967,781	963,025	969,127	-162,671	+24,287
TERRITORIAL AFFAIRS										
Administration of Territories										
Guam										
Economic Development Fund	500	---	240	500	---	---	---	---	-500	---
Construction grants	9,675	11,970	11,246	8,028	4,038	11,350	13,350	11,350	+3,322	+7,312
Subtotal, Guam	10,175	11,970	11,486	8,528	4,038	11,350	13,350	11,350	+2,822	+7,312
American Samoa										
Operations grants	17,308	17,680	17,664	21,563	18,900	18,900	22,902	20,400	-1,163	+1,500
Construction grants	---	9,150	7,099	1,777	2,000	3,500	5,000	5,000	+3,223	+3,000
Economic Development Fund	---	500	240	500	---	---	500	---	-500	---
Special program grants	---	---	144	---	---	---	---	---	---	---
Subtotal, American Samoa	17,308	27,250	25,147	23,840	20,900	22,400	28,402	25,400	+1,560	+4,500

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
Northern Mariana										
Covenant grants	18,886	20,645	22,442	24,143	25,742	25,742	25,742	25,742	+1,599	—
Covenant inflation adjustment	3,268	3,854	3,402	—	—	—	—	—	—	—
Construction grants: other	—	—	1,296	40,750	5,000	10,000	10,000	10,000	-750	+5,000
Subtotal, Northern Mariana	22,424	24,469	27,140	84,893	30,742	35,742	35,742	35,742	6849	+5,000
Northern Mariana Federal Laws Commission	860	85	192	—	—	—	—	—	—	—
Federal Controllers										
Virgin Islands	1,437	680	834	—	—	—	—	—	—	—
Trust Territory and Northern Mariana	453	868	898	—	—	—	—	—	—	—
American Samoa	454	536	546	—	—	—	—	—	—	—
Guam	788	850	887	—	—	—	—	—	—	—
Subtotal, Federal Controllers	3,082	3,134	3,087	—	—	—	—	—	—	—
Transfer to Inspector General	—	—	—	—	—	—	—	—	—	—
Virgin Islands deficit grant	10,000	—	—	—	—	—	—	—	—	—
Virgin Islands construction grant	21,000	9,000	21,505	2,500	1,500	1,500	4,500	2,500	—	+1,000
Territorial Administration										
Office of Territorial Affairs	1,110	1,077	1,835	1,911	2,070	2,070	2,070	2,070	+159	—
ULSC Reduction	—	—	—	-30	—	—	—	—	+30	—
Technical Assistance	—	250	2,500	2,750	800	2,200	2,500	2,700	-50	+1,300
Subtotal, Territorial Administration	1,110	1,327	4,335	4,131	2,970	4,270	4,570	4,770	+139	+1,300
Insular Development Bank	—	—	—	—	2,000	—	—	—	—	-2,000
Pay supplemental	—	—	—	—	—	—	—	—	—	—
Total, Administration of territories	85,079	77,915	92,092	73,092	62,150	75,262	86,564	88,262	+5,170	+13,112
(limitation on guaranteed loans)	—	—	(30,000)	—	—	—	—	—	—	—
Trust Territory of the Pacific Islands										
Trust Territory operations	28,299	18,651	15,131	18,630	10,669	12,669	15,669	14,669	-3,961	+4,000
Federated States of Micronesia	24,815	30,465	34,075	37,842	36,000	40,000	42,692	46,200	+3,358	+6,200
Republic of the Marshall Islands	7,824	8,994	9,787	10,484	10,900	10,900	11,135	11,835	+651	+935
Republic of Palau Operations	7,377	8,463	8,939	9,654	10,000	10,000	10,453	10,453	+799	+453
Subtotal, Operations	66,732	66,113	67,852	76,610	68,569	74,069	79,449	77,657	+847	+8,588
Construction										
Capital Improvements	51,040	27,764	5,664	80,400	9,000	25,040	31,518	33,588	+15,188	+24,568
Capital Relocations	—	—	2,880	—	9,600	—	—	—	—	-9,600
Subtotal, Construction	51,040	27,764	8,544	18,400	18,620	25,040	31,518	33,588	+15,188	+14,968
Four atoll health care plan	—	—	—	—	—	4,000	—	—	—	—
Enewetak support	1,450	645	818	800	800	800	800	800	—	—
Bikini support	—	—	21,400	—	—	264	—	264	+264	+264
Pay supplemental	—	—	—	—	—	—	—	—	—	—
Total, Trust Territory of the Pacific Islands	170,002	94,522	98,614	95,810	87,989	104,973	111,767	112,109	+16,299	+24,120
Total, Territorial Affairs	205,081	172,437	191,504	169,702	150,139	180,235	198,331	191,371	+21,669	+41,232
DEPARTMENTAL OFFICES										
OFFICE OF THE SECRETARY										
Departmental Direction										
Secretary's immediate Office	1,786	1,897	1,142	1,601	1,809	1,609	1,809	1,809	+208	—
Executive Secretariat	209	226	166	190	189	139	189	189	-1	—
Cong. & Legis. Affairs	968	1,024	966	991	1,040	990	1,040	1,040	+39	—
Exec Overtime	1,000	1,700	1,193	1,294	1,443	1,443	1,443	1,443	+149	—
Field Coordination	—	—	170	100	—	—	—	—	-100	—
Public Affairs	838	898	624	700	746	596	746	671	-29	-75
Small & Disadvantaged Business Utilization	375	457	427	374	392	392	392	392	+18	—
Subtotal, Departmental Direction	5,977	6,712	4,638	5,730	5,619	5,189	5,619	5,544	+314	-75
Program Direction and Coordination										
A/S Energy and Minerals	892	892	776	725	775	775	775	775	+50	—
A/S Land and Water Resources	1,008	1,234	739	750	805	805	805	805	+55	—
A/S Fish and Wildlife and Parks	985	857	715	744	791	791	791	791	+47	—
A/S Indian Affairs	1,642	911	697	710	753	753	753	753	+43	—
A/S Territorial and International Affairs	—	—	384	400	429	429	429	429	+29	—
A/S Policy, Budget & Administration	724	788	—	755	812	812	812	812	+57	—
Annualization of 1982 pay increase	—	—	—	—	—	-200	—	-100	-100	-100
Subtotal, Program Direction and Coordination	5,971	4,677	3,281	4,084	4,365	4,165	4,365	4,265	+181	-100

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
Administration										
A/S Policy, Budget & Administration	---	---	691	---	---	---	---	---	---	---
Environmental Project Review	1,083	960	945	1,242	1,519	1,519	1,319	1,519	+277	---
Acquisition & Property Management	754	891	1,128	1,300	1,391	1,391	1,391	1,391	+91	---
Office of personnel	1,217	1,478	1,360	1,490	1,636	1,636	1,636	1,636	+146	---
Administrative Services	2,561	2,563	2,856	2,956	3,269	3,192	3,269	3,192	+236	-77
Information Resources Management	3,336	3,912	4,110	4,424	4,863	4,364	4,863	4,714	+290	-149
Policy Analysis	1,855	1,594	1,440	1,697	1,782	1,532	1,782	2,187	+778	+405
Budget Office	1,468	1,525	1,192	1,344	1,520	1,477	1,520	1,520	+176	---
Outer Continental Shelf Program	493	495	483	---	---	---	---	---	---	---
Financial management	---	---	703	782	919	919	919	919	+137	---
Subtotal, Administration	12,764	13,418	14,938	15,147	16,899	16,035	16,699	17,278	+2,131	+379
Office of Water Policy	---	---	1,768	---	---	---	---	---	---	---
Hearings and Appeals	5,129	5,384	5,659	6,146	6,478	6,478	6,478	6,478	+332	---
Minerals Policy and Research Analysis	1,413	1,111	---	---	---	---	---	---	---	---
Aircraft Services	1,324	1,421	---	---	---	---	---	---	---	---
Central Services	5,000	6,812	8,969	9,982	9,645	9,024	9,645	9,503	-479	-142
Alaska Subsistence Grant	---	---	960	1,000	1,000	1,000	1,000	1,000	---	---
Pay supplemental	---	---	775	---	---	---	---	---	---	---
Advisory Committee on D.C.	---	---	---	---	---	---	---	---	---	---
Total, Office of the Secretary	36,678	39,155	40,988	41,589	44,006	41,882	43,806	44,068	+2,479	+62
Construction Management										
Salaries and expenses	9,014	8,789	3,840	896	896	1,275	800	800	-96	-96
Special Foreign Currency Program										
Salaries and Expenses	1,000	---	---	---	420	420	420	420	+420	---
Office of Water Policy										
Office of Water Policy										
Important policy	---	---	---	1,768	1,532	---	1,532	---	-1,768	-1,532
Water research	---	---	---	5,000	---	---	---	---	-5,000	---
Project administration	---	---	---	1,000	---	---	---	---	-1,000	---
State water resource research institutes	---	---	---	6,350	---	---	6,350	6,350	---	+6,350
Transfer	---	---	---	-6,000	---	---	---	---	+6,000	---
Total, Office of Water Policy	---	---	---	8,118	1,532	---	7,882	6,350	-1,768	+4,818
Youth Conservation Corps										
Youth Conservation Corps	---	26,000	285	---	---	---	---	---	---	---
Rural Water Treatment and Distribution System										
Planning and Construction (NEP Pipeline)	---	1,900	---	---	---	---	---	---	---	---
Office of the Solicitor										
Legal Services	13,550	14,420	14,762	15,310	15,985	16,685	16,985	16,835	+1,525	+850
General Administration	2,416	2,636	2,838	2,894	2,762	2,578	2,678	2,628	-266	-134
Pay supplemental	500	1,932	150	---	---	---	---	---	---	---
Total, Office of the Solicitor	16,466	18,988	17,750	18,404	18,647	19,263	19,663	19,463	+1,059	+816
Office of the Inspector General										
Office of Inspector General	5,063	9,172	13,369	21,500	17,185	17,100	16,899	16,814	-4,686	-371
Pay supplemental	---	---	---	---	---	---	---	---	---	---
Total, Office of the Inspector General	5,063	9,172	13,369	21,500	17,185	17,100	16,899	16,814	-4,686	-371
Total, Secretarial Offices	68,221	103,104	76,232	90,507	82,686	79,940	89,470	87,915	-2,592	+5,229
Grand Total, Department of the Interior	3,575,151	4,053,770	3,785,275	4,192,914	3,624,750	3,929,566	3,865,704	3,949,342	-243,572	+324,592

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
TITLE II - RELATED AGENCIES										
DEPARTMENT OF AGRICULTURE										
FOREST SERVICE										
Forest Research										
Resource Protection Research										
Fire and atmospheric science	9,764	10,343	8,869	8,317	7,418	7,811	7,418	7,725	-592	+307
Forest insect and disease	21,709	24,400	20,572	21,247	20,175	23,203	20,670	21,983	+736	+1,858
Renewable resource evaluation	13,933	15,747	13,208	12,210	11,271	12,681	11,335	12,031	-179	+760
Renewable resource economics	5,167	6,004	4,735	4,895	4,471	4,936	4,471	4,711	-184	+240
Surface environment and mining	1,639	2,218	1,836	1,681	1,369	1,628	1,369	1,628	-53	+259
Subtotal	52,383	58,592	49,220	48,350	44,684	50,339	45,291	48,078	-272	+3,424
Resource Management Research										
Trees and timber management	20,620	24,537	20,701	19,920	19,711	21,951	21,951	21,951	+2,031	+2,240
Forest watershed management	9,932	10,461	9,437	9,020	8,408	9,520	9,520	9,520	+492	+1,112
Wildlife, range and fish habitat	8,735	9,905	9,214	8,510	8,180	9,093	8,533	9,093	+583	+913
Forest recreation	2,179	2,354	2,121	2,083	1,968	2,120	1,968	2,068	-15	+100
Forest products	15,342	18,575	17,208	14,813	15,130	15,130	15,130	15,130	+317	---
Forest Engineering	2,400	3,186	2,911	2,652	2,715	2,715	2,715	2,715	+63	---
Subtotal	59,228	69,220	61,172	57,006	56,112	60,537	59,817	60,477	+3,471	+4,365
BLNC reduction	---	---	---	-335	---	---	---	---	+335	---
FLIPS reduction	---	---	---	---	---	-560	---	---	---	---
Pay supplemental	---	---	1,753	---	---	---	---	---	---	---
Total, Forest Research	111,531	127,812	112,145	105,671	100,796	110,316	105,108	108,555	+3,334	+7,789
State and Private Forestry										
Cooperative Resource Protection										
Forest Pest Management	20,778	22,702	22,169	27,640	17,324	31,292	26,663	29,067	+1,422	+11,738
Rural fire control	22,464	19,984	14,076	14,380	3,007	14,425	14,000	14,000	-380	+10,993
Subtotal	43,242	42,686	36,245	42,020	20,331	45,717	40,663	43,062	+1,042	+22,731
Cooperative Resource Management										
Rural forestry assistance 1/	13,500	17,773	16,204	12,675	3,737	8,087	3,737	8,087	-4,588	+4,350
Urban forestry assistance	3,621	1,800	1,682	1,500	---	1,600	---	1,600	+100	+1,600
Assistance in management and technology	3,768	4,930	4,451	2,683	990	1,990	990	990	-1,693	---
Subtotal	20,889	24,503	22,337	14,858	4,727	11,677	4,727	10,677	-4,181	+5,950
General Forestry Assistance										
Gifford Pinchot Institute	578	580	470	500	---	500	---	500	---	+500
FIREWORPS	2,429	2,000	922	---	---	---	---	---	---	---
Special projects	6,416	4,415	3,688	3,000	---	6,340	6,340	6,340	+3,340	+6,340
Subtotal	9,423	6,995	5,080	3,500	---	6,840	6,340	6,840	+3,340	+6,840
BLNC reduction	---	---	---	-50	---	---	---	---	+50	---
FLIPS reduction	---	---	---	---	---	-65	---	---	---	---
Pay supplemental	---	---	486	---	---	---	---	---	---	---
Total, State and Private Forestry	73,554	74,184	64,148	62,328	25,058	64,169	51,730	60,579	-1,749	+35,521

1/ Includes new titles Forest Resource Management; Wood Utilization; Seedlings, Nursery and Tree Improvement.

National Forest System										
Minerals and General Land Activities										
Minerals	15,892	19,561	18,481	22,076	27,740	25,070	28,740	25,405	+3,329	-2,335
Land Management Activities	23,515	24,536	20,401	18,903	16,524	18,119	16,524	18,524	-379	+2,000
Land Line Location	22,049	31,129	24,735	24,680	27,593	29,148	28,593	29,193	+4,513	+1,600
Maintenance of Facilities	13,001	14,867	11,717	21,663	13,982	13,798	13,982	13,982	-7,681	---
Subtotal	74,477	90,093	75,334	87,322	85,839	86,135	87,839	87,104	-218	+1,265

FOREST SERVICE TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
Resource Protection and Maintenance										
Fire protection	160,719	174,321	204,298	150,083	154,738	153,408	154,938	154,938	+4,855	+200
Fire Control	92,275	104,275	4,104	1,000	1,000	1,000	1,000	1,000	---	---
Cooperative law enforcement	4,606	5,184	3,697	5,150	---	---	---	---	-5,150	---
(By transfer)	---	---	---	---	(5,171)	(5,171)	(5,171)	(5,171)	(+5,171)	---
Road maintenance	72,705	77,729	63,167	72,540	---	---	---	---	-72,540	---
(By transfer)	---	---	---	---	(64,164)	(64,164)	(64,164)	(64,164)	(+64,164)	---
Trail maintenance	11,783	14,452	10,719	13,785	---	1,000	---	1,000	-12,785	+1,000
(By transfer)	---	---	---	---	(8,162)	(8,162)	(8,162)	(8,162)	(+8,162)	---
Subtotal	342,088	375,861	286,985	242,530	155,738	155,408	155,938	156,938	-85,592	+1,200
Timber Sales										
Timber resource planning	10,375	11,875	8,870	10,489	10,146	10,146	10,146	10,146	-343	---
Silvicultural examinations	22,997	25,171	20,160	22,995	21,635	21,635	21,635	21,635	-1,360	---
Sales preparation and harvest administration	145,844	161,891	129,422	125,148	161,108	152,673	167,108	153,608	+28,460	-7,500
Subtotal	179,216	197,937	158,452	158,632	192,889	184,254	198,889	185,389	+26,757	-7,500
Reforestation and Stand Improvement										
Reforestation	54,833	58,885	57,730	76,894	---	---	6,000	6,000	-70,894	+6,000
(By transfer)	---	---	---	---	(38,275)	(38,275)	(38,275)	(38,275)	(+38,275)	---
Stand improvement	33,885	32,885	27,334	51,975	---	---	4,000	4,000	-47,975	+4,000
(By transfer)	---	---	---	---	(22,862)	(22,862)	(22,862)	(22,862)	(+22,862)	---
Nurseries	9,686	13,538	14,273	15,156	---	---	---	---	-15,156	---
(By transfer)	---	---	---	---	(15,110)	(15,110)	(15,110)	(15,110)	(+15,110)	---
Subtotal	101,522	104,858	94,337	143,125	---	---	10,000	10,000	-133,125	+10,000
Recreation management										
Recreation use	93,287	108,304	76,316	83,488	77,798	83,298	78,298	83,798	+310	+6,000
Wilderness	5,026	2,438	5,900	6,589	6,722	6,722	6,722	6,722	+213	---
Outdoor recreation	5,511	7,362	6,004	6,908	9,269	9,269	9,269	9,269	+2,311	---
Subtotal	104,424	118,631	88,294	96,985	93,789	99,789	94,289	99,789	+2,904	+6,000
Wildlife and fish habitat management										
Wildlife and fisheries support	18,369	18,208	17,852	18,027	21,635	22,635	22,135	21,835	+3,808	+200
Habitat improvement	20,421	21,898	14,356	14,671	11,873	12,123	11,873	13,173	-1,320	+1,300
Subtotal	38,790	40,106	32,402	32,698	33,508	34,758	34,008	35,008	+2,488	+1,500
Range activities										
Range management	32,158	30,232	22,823	23,266	23,987	23,633	23,987	23,987	+721	---
Range improvements	3,528	3,690	2,715	2,200	800	800	2,300	2,300	+100	+1,500
Wild horse and burro management	500	450	310	572	299	599	299	299	-282	---
Noxious Farm Weed Control	(1,425)	1,703	740	400	415	415	415	415	+15	---
Subtotal	36,227	36,075	26,588	26,438	25,492	25,438	26,992	26,992	+554	+1,500
Soil, water and air management										
Soil, water and air administration	19,266	19,682	19,278	18,333	20,488	20,481	20,986	20,686	+2,353	+200
Soil and water resource improvements	10,793	6,372	1,775	2,305	1,886	2,386	1,896	2,386	+81	+500
Soil and water resource inventories	18,288	12,736	10,317	7,500	5,604	6,604	5,604	6,604	-896	+1,000
Subtotal	48,435	38,790	31,570	28,138	27,976	29,471	28,476	29,676	+1,538	+1,700
General Administration	---	---	238,629	256,678	257,610	254,610	257,610	257,610	+932	---
SLUC reduction	---	---	---	-1,868	---	---	---	---	+1,868	---
Pay supplemental	---	---	18,813	---	---	---	---	---	---	---
Youth Conservation Corps	---	---	---	3,400	---	---	---	---	-3,400	---
Total, National Forest System 1/	927,724	1,001,896	1,050,504	1,073,896	872,841	869,873	894,841	888,506	-185,330	+15,665

1/ FY83 includes $8,000,000 for Maintenance of Facilities, $13,000,000 for Road maintenance, $4,000,000 for Trail Maintenance, $15,000,000 for Reforestation & $20,000,000 for TSI in PL 98-8.

Construction

Facilities	33,765	27,030	17,645	51,322	15,267	15,137	24,362	24,292	-27,030	+9,025
Roads and trails										
Direct road construction	163,342	183,491	232,917	241,375	219,650	221,785	228,075	222,250	-19,125	+3,600
Trail construction	8,269	4,868	3,935	4,864	5,182	5,182	5,182	5,182	+318	---
SLUC reduction	---	---	---	-130	---	---	---	---	+130	---
Chugach payment	---	---	3,000	9,000	---	---	---	---	-9,000	---
Pay supplemental	---	---	3,598	---	---	---	---	---	---	---
Total, Construction 1/	205,376	209,539	261,095	306,431	239,099	241,604	257,619	251,724	-54,707	+12,625

INTERIOR SUPPORT BASIS (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
Land Acquisition										
Forest Service										
Acquisitions	---	30,509	27,433	52,877	10,070	32,352	28,400	34,552	-18,325	+24,482
Acquisition Management	---	3,989	3,829	4,000	---	4,000	4,000	4,000	---	+4,000
Total	---	34,498	26,262	56,877	10,070	36,352	32,400	38,552	-18,325	+28,482
Timber Receipts Transfer										
Transfer to General Fund, 1982	---	---	(-78,700)	---	---	---	---	---	---	---
Transfer to General Fund	---	---	---	(-29,399)	(-64,516)	(-64,516)	(-64,516)	(-64,516)	(-35,117)	---
Timber Purchaser Credits										
Timber Purchaser Credits	---	---	(242,542)	(240,000)	(291,300)	(240,000)	(291,300)	(240,000)	---	(-51,300)
Youth Conservation Corps										
Base Program	---	---	---	10,000	---	---	---	---	-10,000	---
Works Art acquisition	---	---	---	---	---	---	---	---	---	---
1/ FY83 includes $25,000,000 in Facilities from PL 98-8.										
Acquisition of Lands for National Forests, Special Acts										
Base Program	375	754	724	753	780	780	780	780	+27	---
Acquisition of Lands to Complete Land Exchanges										
Base Program	284	446	314	147	20	20	20	20	-127	---
Range Betterment										
Base program	5,633	6,940	6,580	5,800	5,200	5,200	5,200	5,200	-600	---
Miscellaneous Trust Funds										
Miscellaneous trust fund	---	---	84	90	90	90	90	90	---	---
Total, Forest Service	1,324,427	1,456,869	1,521,856	1,621,783	1,253,924	1,320,404	1,346,988	1,354,006	-267,777	+100,082
DEPARTMENT OF ENERGY										
Fossil Fuels Research and Development										
Coal										
Control technology and coal preparation										
Coal preparation and analysis	10,890	7,000	2,880	8,000	5,000	8,000	8,000	8,000	---	+3,000
Flue gas cleanup	70,050	15,000	6,240	7,000	7,600	8,350	8,100	8,100	+1,100	+500
Gas stream cleanup	10,040	11,500	9,984	10,000	4,450	7,000	7,000	7,000	-3,000	+7,550
Technology support	7,000	6,087	5,280	2,900	---	3,200	2,000	2,900	---	+2,900
Subtotal	47,980	39,587	24,384	27,900	17,050	26,550	25,100	26,000	-1,900	+8,950
Mines R&D										
Underground coal mining	35,709	28,169	10,512	---	---	---	---	---	---	---
Advanced Research & Technology Development	42,580	46,483	46,757	31,650	24,000	46,450	37,750	39,250	+7,600	+15,250
Coal Liquefaction										
Demonstration plants	36,000	57,000	11,808	---	---	---	---	---	---	---
Direct hydrogenation	64,500	57,000	22,080	---	---	---	---	---	---	---
Solvent extraction	30,000	32,000	28,800	---	---	---	---	---	---	---
Advanced process development	24,380	17,200	27,456	18,000	9,000	16,100	15,500	15,500	-2,500	+6,500
Indirect liquefaction	---	12,000	11,520	12,600	4,000	7,900	7,900	7,900	-4,700	+3,900
Support studies and engineering evaluations	13,806	9,297	8,256	5,000	4,000	7,000	4,000	5,500	+500	+1,500
Feasibility study	---	---	---	2,000	---	---	---	---	-2,000	---
Subtotal	168,686	184,497	109,920	37,600	17,000	31,000	27,400	28,900	-8,700	+11,900
Combustion systems										
Atmospheric fluidized beds	25,900	11,418	11,904	4,200	1,000	1,000	1,400	1,400	-2,800	+400
Pressurized fluidized beds	15,000	21,400	24,960	13,000	3,400	8,000	6,000	7,500	-5,500	+4,100
Advanced combustion technology	4,930	---	1,056	3,000	---	1,700	1,700	1,700	-1,300	+1,700
Alternate fuel utilization	2,500	4,350	4,224	4,000	4,000	7,600	4,000	7,600	+3,600	+3,600
Demonstration plants	2,500	---	---	---	---	---	---	---	---	---
Subtotal	50,850	37,368	42,144	24,200	8,400	18,300	13,100	18,200	-6,000	+9,800

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

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Fuel cells	26,000	32,012	34,464	38,850	9,500	46,200	39,300	42,600	+12,550	+33,100
Heat engines & heat recovery										
Central power systems	24,800	27,248	8,736	3,750	---	4,000	4,000	5,500	+1,750	+5,500
Dispersed power systems	13,000	6,900	6,240	1,250	1,000	2,000	1,250	1,000	-250	---
Heat recovery component technology	12,500	2,300	---	---	---	---	---	---	---	---
Subtotal	50,300	31,448	14,976	5,000	1,000	6,000	5,250	6,500	+1,500	+5,500
Underground coal gasification	9,900	9,960	7,968	6,000	2,000	4,000	7,000	6,000	---	+4,000
Magnetohydrodynamics	79,000	66,533	27,840	29,000	---	30,000	30,000	30,000	+1,000	+30,000
Surface Coal Gasification										
High Btu gasification	13,280	10,000	8,640	---	---	---	---	---	---	---
Low Btu gasification	14,980	19,000	14,592	---	---	---	---	---	---	---
Gasification demonstration plants	37,000	1,000	---	---	---	---	---	---	---	---
Technical support	8,250	14,814	9,600	---	---	---	---	---	---	---
Pyrolysis	3,000	13,600	3,840	---	---	---	---	---	---	---
Third generation processes	20,000	11,804	15,888	---	---	---	---	---	---	---
Special projects and support studies	1,000	---	---	---	---	---	---	---	---	---
Advanced Process Development	---	---	---	4,250	4,000	4,950	6,950	6,950	+2,700	+2,950
Systems engineering concepts	---	---	---	27,250	6,900	17,400	13,900	16,400	-10,850	+9,500
Environmental and engineering analyses	---	---	---	7,500	3,000	4,400	4,400	4,400	-3,100	+1,400
Great Plains gasification project	---	---	---	---	3,000	---	---	---	---	-3,000
Subtotal	97,750	69,618	52,560	39,000	16,900	26,750	25,250	27,750	-11,250	+10,850
Equipment not related to construction	3,000	4,600	3,648	1,500	1,500	1,500	1,500	1,500	---	---
University coal research	5,000	5,000	5,184	---	---	---	---	---	---	---
Subtotal, Coal	616,975	535,295	380,352	231,900	97,350	238,750	211,650	226,700	-5,200	+129,350
Petroleum										
Advanced process technology	5,500	3,520	3,552	5,000	2,900	5,000	3,650	5,000	---	+2,100
Enhanced oil recovery	22,600	16,158	15,456	6,500	11,238	9,150	11,750	9,150	+2,650	-2,100
Oil shale	27,000	32,151	18,192	12,250	8,600	10,000	15,950	16,150	+3,900	+7,550
Drilling & offshore technology	3,000	2,009	---	---	---	---	---	---	---	---
Equipment not related to construction	2,200	2,470	2,160	---	---	---	---	---	---	---
Subtotal, Petroleum	60,300	56,316	39,360	23,750	22,738	24,950	30,850	30,300	+6,550	+7,550
Gas										
Unconventional gas recovery	29,910	30,098	11,520	13,990	5,000	15,500	19,500	15,500	+1,600	+10,500
Equipment not related to construction	400	500	192	---	---	---	---	---	---	---
Subtotal, Gas	30,310	30,598	11,712	13,990	5,000	15,500	19,500	15,500	+1,600	+10,500
Fossil Energy Construction										
Wastewater treatment facility, Morgantown, W. Va.	---	---	---	800	2,000	2,000	2,000	2,000	+1,200	---
Surface water containment facility, Pittsburgh ETC	---	---	960	1,000	1,040	1,040	1,040	1,040	+40	---
General plant projects	4,800	3,000	2,880	1,000	2,000	2,000	2,000	2,000	+1,000	---
Subtotal, Fossil Energy Construction	4,800	3,000	3,840	2,800	5,040	5,040	5,040	5,040	+2,240	---
Headquarters program direction	124,444	12,708	14,016	9,000	7,860	9,000	9,000	9,000	---	+1,140
Energy Technology Center program direction	---	---	---	30,000	---	34,000	34,000	34,000	+4,000	+34,000
Use of prior year deficits - DE	---	---	-19,500	-93,836	-5,000	-5,000	-5,000	-5,000	+88,836	---
General reduction	---	---	---	-20,136	---	-17,326	-17,326	-17,326	+2,810	-17,326
By transfer	---	---	---	---	-39,000	-39,000	-39,000	-39,000	-39,000	---
Total, Fossil Energy Research and Development 1/	836,449	657,917	429,780	197,378	94,000	265,914	248,714	259,214	+61,836	+165,214
(Effect of fiscal year 1981 deferral)	---	---	---	---	---	---	---	---	---	---
Fossil Energy Construction										
Solvent refined coal I demo plant (79-2-d)	40,000	157,500	129,600	---	---	---	---	---	---	---
PFB-Combined Cycle Pilot Plant (80-FE-1)	---	---	---	---	---	---	---	---	---	---
ETC (80-FE-2)	---	2,200	---	---	---	---	---	---	---	---
Effect of FY 1981 deferral	---	---	-129,600	---	---	---	---	---	---	---
Total, Fossil Energy construction	40,000	159,700	---	---	---	---	---	---	---	---
(Effect of fiscal year 1981 deferral)	---	---	---	---	---	---	---	---	---	---

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Naval Petroleum and Oil Shale Reserves										
Naval petroleum reserves Nos. 1 & 2	55,251	183,940	187,773	196,917	214,946	212,946	212,946	212,946	+16,029	-2,000
Naval petroleum reserve No. 3	16,518	13,413	21,954	19,855	45,633	37,633	37,633	37,633	+17,778	-8,000
Headquarters	741	893	957	5,138	5,421	5,421	5,921	5,921	+783	+500
Subtotal	72,510	198,246	210,684	221,910	266,000	256,000	256,500	256,500	+34,590	-9,500
Shale oil development program										
Shale reserves development	4,000	3,900	2,458	90	100	100	100	100	+10	---
Oil shale commercialization	3,900	2,876	---	---	---	---	---	---	---	---
Oil & Gas development projects	9,305	5,467	---	---	---	---	---	---	---	---
Federal building solar program	11,750	1,000	---	---	---	---	---	---	---	---
Market Analysis	6,000	500	---	---	---	---	---	---	---	---
Program direction	736	795	---	---	---	---	---	---	---	---
Federal leasing	2,150	2,775	---	---	---	---	---	---	---	---
Total, Naval Petroleum and Oil Shale Reserves	109,451	215,539	213,147	222,000	266,100	256,100	256,600	256,600	+34,600	-9,500
Energy Conservation										
Buildings & community systems										
Building systems	17,350	22,475	18,622	13,400	6,600	14,200	13,650	13,900	+500	+7,300
Community systems	16,550	13,625	3,049	3,700	---	3,550	3,550	4,200	+500	+4,200
Urban waste	13,000	5,390	4,800	3,000	---	2,000	1,000	1,500	-1,500	+1,500
Technology and consumer products	700	29,100	---	10,600	5,250	10,000	10,750	10,000	-600	+4,750
(Effect of fiscal year 1981 deferral/transfer)	---	---	(10,560)	---	---	---	---	---	---	---
Analysis & technology transfer	5,400	3,809	960	1,000	200	200	200	200	-800	---
Appliance standards	6,000	6,000	1,632	1,000	1,700	1,700	1,700	1,700	+700	---
Small business	---	100	---	---	---	---	---	---	---	---
Federal energy management program	400	500	400	500	1,000	1,000	1,000	1,000	+500	---
Residential conservation service	4,600	11,700	---	3,400	---	1,500	500	500	-2,900	+500
(Effect of fiscal year 1981 deferral/transfer)	---	---	(3,360)	---	---	---	---	---	---	---
Federwave building temperature restrictions	3,675	300	---	---	---	---	---	---	---	---
Capital equipment	1,000	1,275	435	---	---	1,500	---	1,500	+1,500	+1,500
Policy analysis	---	---	---	---	---	250	---	---	---	---
Program direction	5,137	6,778	2,976	2,500	1,635	2,635	2,908	2,908	+408	+1,273
Subtotal, Buildings & community systems	73,812	91,973	33,705	29,100	16,385	38,535	35,258	37,408	-1,692	+21,023
(Effect of fiscal year 1981 deferral/transfer)	---	---	(13,920)	---	---	---	---	---	---	---
Industrial										
Waste energy reduction	16,450	24,800	1,904	12,000	7,200	12,000	12,380	12,000	---	+4,700
(Effect of fiscal year 1981 deferral/transfer)	---	---	(10,000)	---	---	---	---	---	---	---
Industrial process efficiency	20,675	20,750	2,580	7,700	2,400	7,400	12,050	14,400	+6,700	+12,000
(Effect of fiscal year 1981 deferral/transfer)	---	---	(5,100)	---	---	---	---	---	---	---
Industrial cogeneration	10,750	16,200	---	5,000	---	4,000	5,000	4,000	-1,000	+4,000
(Effect of fiscal year 1981 deferral/transfer)	---	---	(4,800)	---	---	---	---	---	---	---
Implementation & commercialization	9,000	7,500	2,304	1,700	200	1,700	500	1,700	---	+1,500
Policy analysis	---	---	---	---	---	250	---	---	---	---
Capital equipment	500	232	---	---	---	---	---	---	---	---
Program direction	2,867	2,600	2,160	1,500	733	1,383	1,612	1,612	+112	+879
Subtotal	60,242	72,382	8,948	27,900	10,633	26,933	31,462	33,712	+5,812	+23,079
(Effect of fiscal year 1981 deferral/transfer)	---	---	(19,900)	---	---	---	---	---	---	---
Transportation										
Vehicle Propulsion R&D	60,500	55,400	12,504	35,000	16,100	42,100	38,100	38,100	+3,100	+22,000
(Effect of fiscal year 1981 deferral/transfer)	---	---	(21,060)	---	---	---	---	---	---	---
Alternative fuels utilization	5,200	3,875	3,984	1,500	4,000	1,200	4,000	2,600	+1,100	-1,400
Electric/hybrid vehicle program	37,000	36,820	18,816	13,700	9,500	9,500	13,500	11,700	-2,200	+2,200
Transportation utilization programs	6,700	4,900	960	---	500	500	500	500	+500	---
Advanced materials development	---	---	---	2,000	1,500	1,500	1,500	1,500	-500	---
High temperature materials lab	---	---	---	---	9,000	9,000	9,000	9,000	+9,000	---
Capital equipment	1,100	1,125	240	---	---	---	---	---	---	---
Program direction	2,923	2,930	1,440	1,500	357	1,357	1,638	1,638	+138	+1,281
Policy analysis	---	---	---	---	---	250	---	---	---	---
Subtotal	113,423	105,050	37,944	53,700	40,957	65,607	68,238	65,038	+11,138	+24,081
(Effect of fiscal year 1981 deferral/transfer)	---	---	(21,000)	---	---	---	---	---	---	---

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State/Local programs										
Emergency energy conservation program	1,500	2,000	1,920	---	---	---	---	---	---	---
Energy policy and conservation grants (EPCA)	37,000	37,000	15,000	24,000	---	24,000	19,500	24,000	---	+24,000
(Effect of fiscal year 1981 deferral/transfer)	---	---	(9,000)	---	---	---	---	---	---	---
Energy conservation and production grants (ECPA)	10,000	10,000	---	---	---	---	---	---	---	---
(Effect of fiscal year 1981 deferral/transfer)	---	---	---	---	---	---	---	---	---	---
Energy extension service	25,000	20,000	---	10,000	---	10,000	5,000	10,000	---	+10,000
(Effect of FY1982 year 1981 deferral/transfer)	---	---	(9,600)	---	---	---	---	---	---	---
Schools & hospitals	161,430	150,000	---	90,000	---	90,000	36,500	40,000	-50,000	+40,000
(Effect of fiscal year 1981 deferral/transfer)	---	---	(40,000)	---	---	---	---	---	---	---
Weatherization	198,930	175,000	27,893	245,000	---	243,500	145,000	196,000	-55,000	+190,000
(Effect of fiscal year 1981 deferral/transfer)	---	---	(111,187)	---	---	---	---	---	---	---
Program direction	6,836	9,842	6,720	6,460	3,300	7,000	8,146	8,146	+1,506	+4,846
Subtotal	441,536	404,642	56,533	383,460	3,300	382,500	214,146	288,146	-103,494	+276,846
(Effect of fiscal year 1981 deferral/transfer)	---	---	(177,787)	---	---	---	---	---	---	---
Multi Sector										
General research	---	---	---	---	---	---	---	---	---	---
Energy Conversion Technology	---	8,000	---	9,000	3,000	9,000	7,230	9,000	---	+6,000
(Effect of fiscal year 1981 deferral/transfer)	---	---	(7,843)	---	---	---	---	---	---	---
Inventions program	6,420	5,000	4,784	2,000	---	3,000	2,220	3,000	+1,000	+3,000
(Effect of fiscal year 1981 deferral/transfer)	---	---	(400)	---	---	---	---	---	---	---
Energy impact assistance	43,000	10,000	---	---	---	---	---	---	---	---
Appropriate technology	12,000	12,000	2,000	---	---	---	---	---	---	---
Capital assistance	---	---	284	---	---	---	---	---	---	---
Program direction	635	700	182	230	102	250	277	277	+47	+175
National Appropriate Technology Assistance Service	---	---	---	1,500	---	1,000	500	500	-1,000	+500
Subtotal, Multi Sector	62,055	36,500	8,230	12,730	3,102	13,250	10,277	12,777	+47	+9,675
(Effect of fiscal year 1981 deferral/transfer)	---	---	(8,243)	---	---	---	---	---	---	---
Policy and Management	---	---	---	---	---	1,220	1,780	2,030	+2,030	+2,030
(Use of prior year deferrals)	---	---	---	-64,000	---	---	---	---	+64,000	---
(Transfer of prior year deferrals)	---	---	---	---	---	---	---	---	---	---
Feasibility studies	---	4,590	---	---	---	---	---	---	---	---
(General Reduction)	---	---	---	-24,000	---	---	---	---	+24,000	---
Total, Energy Conservation	751,068	715,157	145,400	429,290	74,377	528,045	360,681	431,131	+1,841	+356,754
(Effect of fiscal year 1981 deferrals)	---	---	(67,762)	---	---	---	---	---	---	---
(Effect of transfer and redirection)	---	---	(173,008)	---	---	---	---	---	---	---
Economic Regulation										
Utility Programs & Regulatory Intervention										
Utility regulatory assistance	29,129	17,844	---	---	---	---	---	---	---	---
Power supply & reliability	---	---	4,800	---	---	---	---	---	---	---
Compliance	70,340	70,919	5,200	19,500	7,133	14,800	14,800	14,800	-4,700	+7,667
Fuels Conversion	25,938	24,383	---	2,000	---	1,650	1,650	1,650	-350	+1,650
(Effect of fiscal year 1981 deferral)	---	---	(4,800)	---	---	---	---	---	---	---
Petroleum operations	13,063	14,017	3,456	2,518	1,145	2,100	2,100	2,100	-418	+955
Emergency preparedness	3,910	1,159	1,920	5,190	5,230	5,230	---	5,230	+40	---
Program administration	2,633	3,623	1,240	2,148	3,583	1,300	1,300	1,300	-848	-2,283
Gasoline rationing	---	25,500	---	---	---	---	---	---	---	---
Office of Hearings and Appeals	5,942	8,267	4,800	5,250	5,500	5,250	5,275	5,250	---	-250
(Effect of FY 1981 deferral in 1982)	---	---	(5,000)	(1,500)	---	---	---	---	(-1,500)	---
(Reappropriation)	---	---	---	---	---	---	---	---	---	---
Total Economic Regulation	150,955	165,712	21,416	36,606	22,591	30,330	25,125	30,330	-6,276	+7,739
(Effect of fiscal year 1981 deferral)	---	---	---	---	---	---	---	---	---	---
Strategic Petroleum Reserve										
Petroleum acquisition & transportation	---	2,688,282	---	---	---	---	---	---	---	---
Planning	---	8,000	8,640	8,000	6,250	6,250	6,250	6,250	-1,750	---
(Effect of 1983 continuing resolution)	---	---	(8,000)	---	---	---	---	---	---	---
Storage facilities development	---	82,834	171,356	222,528	199,757	142,357	512,357	142,357	-80,171	-57,400
Program Administration	190	11,391	11,436	11,590	10,163	10,163	10,163	10,163	-1,427	---
(Proposed deferral)	---	---	---	---	-57,400	---	---	---	---	+57,400
Total, Strategic Petroleum Reserve and Emergency Preparedness	190	2,790,507	199,432	242,118	158,770	158,770	528,770	158,770	-83,348	---
SPR Petroleum Account										
Petroleum acquisition and transportation	---	---	(3,684,000)	(2,074,060)	(583,100)	(1,686,000)	(1,310,000)	(650,000)	(-1,424,060)	(+66,900)

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	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
Energy Information Administration										
Energy applied analysis	10,328	9,656	7,680	---	---	---	---	---	---	---
Collection, production & dissemination	38,346	40,618	38,969	36,633	32,480	36,100	35,580	36,100	-533	+3,620
Data validation	13,915	-55	2,880	---	---	---	---	---	---	---
Data information services	28,184	40,190	29,390	---	---	---	---	---	---	---
Program services	---	---	---	13,524	11,656	13,806	11,806	12,805	-719	+1,150
Policy and management	---	---	---	6,243	6,685	7,065	7,065	7,065	+822	+400
Travel	---	---	---	---	---	-100	-100	-100	-100	-100
Total, Energy Information Administration 1/	90,773	90,417	78,919	56,400	50,800	56,870	54,350	55,870	-530	+5,070
Total, Department of Energy	1,978,886	4,794,969	1,080,089	1,183,792	666,638	1,296,029	1,474,240	1,191,915	+8,123	+525,277

1/ FY83 includes $6,000,000 comparative transfer to FERC.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

Indian Health Services

Clinical services										
IHS and tribal health delivery										
Hospital and health clinic programs	323,475	302,568	305,339	325,428	364,267	411,554	386,892	397,700	+72,272	+33,433
Dental health program	15,364	16,563	17,884	19,491	21,496	21,767	23,190	23,940	+4,449	+2,444
Mental health program	7,598	7,080	7,488	7,964	8,764	11,194	9,391	10,891	+2,927	+2,127
Alcoholism program	11,934	15,237	16,290	20,388	21,318	20,182	23,469	23,469	+3,081	+2,151
Maintenance and repair	8,732	8,611	8,267	8,267	8,267	8,267	18,267	18,267	+10,000	+10,000
Contract care	95,418	102,465	110,427	130,547	139,223	165,427	150,000	157,927	+27,380	+18,704
Subtotal, Clinical services	462,521	453,524	465,695	512,085	563,335	638,391	611,209	632,194	+120,109	+68,859
Preventive health										
Sanitation	14,416	14,360	14,090	15,117	13,860	20,978	16,502	19,317	+4,200	+3,457
Public health nursing	7,441	7,592	7,969	8,052	8,915	10,861	10,002	11,145	+3,093	+2,230
Health education	1,938	2,089	2,194	2,222	2,406	3,616	2,680	3,494	+1,272	+1,088
Community health representative program	33,452	36,295	28,800	25,000	---	27,500	25,000	26,000	+1,000	+26,000
Immunization	---	---	---	500	500	500	1,000	1,000	+500	+500
Subtotal, Preventative health	57,247	60,236	53,053	50,891	27,681	63,455	55,184	60,956	+10,065	+33,275
Urban health projects	8,000	8,900	8,160	6,000	---	9,000	---	9,000	+3,000	+9,000
Indian health manpower	6,688	5,688	5,760	5,760	4,232	5,832	6,000	6,000	+240	+1,768
Tribal management	2,968	3,029	2,634	2,634	2,634	3,134	2,634	2,634	---	---
Program management	51,274	50,886	48,851	50,721	54,624	59,624	59,624	59,624	+8,903	+5,000
Equity health care fund	---	7,856	15,492	22,492	(22,492)	27,362	---	---	-22,492	---
Reduction offset ba collections	---	---	-4,800	-5,000	---	-5,000	---	---	+5,000	---
Medicare/Medicaid Reimbursements										
Hospital and clinic accreditation	(20,000)	---	(25,000)	(25,000)	(30,000)	(35,000)	(40,000)	(40,000)	(+15,000)	(+10,000)
Indian health services	---	---	(5,000)	(5,000)	(10,000)	(5,000)	---	---	(-5,000)	(-10,000)
Subtotal	(20,000)	---	(30,000)	(30,000)	(40,000)	(40,000)	(40,000)	(40,000)	(+10,000)	---
Pay supplemental	---	12,536	18,160	---	---	---	---	---	---	---
Total, Indian Health Services	588,696	606,675	613,005	645,583	652,506	801,798	734,651	770,408	+124,825	+117,902
Indian Health Facilities										
Hospitals										
New and Replacement	8,000	25,693	9,531	6,700	---	37,855	25,004	28,965	+22,265	+28,965
Modernization and repair	1,600	3,300	192	3,000	200	200	200	200	-2,800	---
Subtotal, Hospitals	9,600	28,993	9,723	9,700	200	38,055	25,204	29,165	+19,465	+28,965
Outpatient Care Facilities	7,595	4,456	9,613	---	---	960	---	960	+960	+960
Sanitation Facilities	50,240	50,240	38,680	50,000	---	30,000	3,715	21,000	-29,000	+21,000
Hospital and health clinic programs										
Personnel Quarters	6,867	700	336	14,000	---	---	2,470	2,470	-11,530	+2,470
Total, Indian Health Facilities 1/	74,302	84,469	58,352	73,700	200	69,015	31,389	53,595	-20,105	+53,395
Total, Indian Health	663,000	691,144	671,357	719,283	652,706	870,813	766,040	824,003	+104,720	+171,297

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 82	Conference compared to Estimates
DEPARTMENT OF EDUCATION										
Indian Education										
Part A-Payments to School Districts	52,000	58,250	54,960	48,465	---	51,000	56,500	50,900	+2,435	+50,900
Part B-Special Projects for Indian Students	15,600	14,500	14,880	12,600	---	14,000	7,300	12,000	-600	+12,000
Part C-Special Projects for Indian Adults	5,830	5,430	5,213	3,593	---	4,000	878	3,000	-593	+3,000
Administration	2,470	3,500	2,799	2,589	1,243	2,243	2,570	2,880	+291	+1,637
Total, Indian Education	75,900	81,680	77,852	67,247	1,243	71,243	67,248	68,780	+1,533	+67,537
OTHER RELATED AGENCIES										
NAVAJO/HOPI INDIAN RELOCATION COMMISSION										
Salaries and Expenses										
Operation of the Commission	985	2,737	10,062	7,665	16,896	13,783	18,783	18,783	+11,118	+1,887
1/ FY83 includes $3,000,000 in modernization and repair and $36,000,000 in Sanitation Facilities from PL 98-8.										
SMITHSONIAN INSTITUTION										
Salaries and Expenses										
Science										
Assistant Secretary for Science	301	328	326	357	390	390	390	390	+33	---
National Museum of Natural History	14,462	15,677	15,738	16,962	18,797	18,797	18,697	18,697	+1,735	-100
Astrophysical Observatory	5,028	5,370	5,563	6,467	6,892	8,192	7,552	7,607	+1,140	+715
Tropical Research Institute	2,257	2,773	2,733	3,012	3,319	3319	3,319	3,319	+307	---
Radiation Biology Laboratory	1,837	1,999	1,938	2,090	2,222	2,222	2,222	2,222	+132	---
National Air and Space Museum	5,597	6,152	6,514	7,098	7,678	7,628	7,678	7,628	+530	-50
Chesapeake Bay Center	744	869	906	969	1,017	1,017	1,017	1,017	+48	---
National Zoological Park	8,521	9,221	9,158	9,809	10,577	10,577	10,577	10,577	+768	---
Center for the Study of Man	575	603	713	462	---	---	---	---	-462	---
Subtotal, Science	39,322	42,992	43,589	47,226	50,892	52,142	51,452	51,457	+4,231	+565
History and Art										
Assistant Secretary for History and Art	317	351	346	369	406	406	406	406	+37	---
National Museum of American History	7,177	8,072	7,977	8,568	9,200	9,200	9,679	9,679	+1,111	+479
National Museum of American Art	3,371	3,557	3,805	4,122	4,395	4,395	4,395	4,395	+273	---
National Portrait Gallery	2,442	2,613	2,712	2,965	3,180	3,180	3,180	3,180	+215	---
Hirshhorn Museum and Sculpture Garden	2,200	2,431	2,421	2,653	3,035	2,960	2,905	2,960	+307	-75
Freer Gallery of Art	656	727	826	897	1,081	1,081	1,081	1,081	+184	---
Archives of American Art	521	542	632	675	729	729	729	729	+54	---
Cooper-Hewitt Museum	629	702	738	814	843	843	843	843	+29	---
Museum of African Art	543	621	768	846	975	975	975	975	+129	---
Anacostia Neighborhood Museum	567	529	726	773	820	820	820	820	+47	---
Division of Performing Arts	331	387	444	478	514	514	---	---	-478	-514
Subtotal, History and Art	18,754	20,532	21,395	23,160	25,178	25,103	25,013	25,068	+1,908	-110
Public Service										
Assistant Secretary for Public Service	262	259	317	341	564	564	484	564	+223	---
International Exchange Service	323	346	230	245	---	---	---	---	-245	---
Smithsonian Institution Press	819	847	913	968	1,032	1,032	1,032	1,032	+64	---
Subtotal, Public Service	1,404	1,452	1,460	1,554	1,596	1,596	1,516	1,596	+42	---
Museum Programs										
Assistant Secretary for Museum Programs	2,316	747	714	765	858	858	858	858	+93	---
Office of the Registrar	115	126	132	140	93	93	93	93	-47	---
Conservation-Analytical Laboratory	654	788	826	893	951	951	951	951	+58	---
Smithsonian Institution Libraries	2,730	2,976	3,130	3,664	3,633	3,768	3,633	3,633	-31	---
Office of Exhibits Central	1,259	1,312	1,350	1,448	1,467	1,467	1,467	1,467	+19	---
Traveling Exhibition Service	161	192	250	271	292	292	292	292	+21	---
Smithsonian Archives	367	430	407	464	495	495	495	495	+31	---
National Museum Act	794	795	779	782	786	936	786	786	+4	---
Subtotal, Museum Programs	8,396	7,366	7,588	8,427	8,575	8,860	8,575	8,575	+148	---

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
Special Programs										
American and Folklife Studies	447	534	567	608	650	650	650	650	+42	---
International Environmental Science Program	408	468	601	643	678	678	678	678	+35	---
Academic and Educational Programs	478	562	599	637	717	717	717	717	+80	---
Major Exhibition Programs	---	739	840	840	885	1,085	885	1,085	+245	+200
Collections Management Inventory	543	587	760	785	827	1,077	827	827	+42	---
Museum Support Center	195	2,767	4,496	6,707	8,456	8,456	7,456	7,956	+1,249	-500
JFK Center Trustee Grant	---	---	---	1,000	---	700	---	1,000	---	+1,000
Subtotal, Special Programs	2,071	5,657	7,863	11,220	12,213	13,363	11,213	12,913	+1,693	+700
Administration	7,781	8,718	9,123	10,242	11,629	11,629	11,479	11,579	+1,337	-50
Support Activities										
Office of Facilities Planning & Engineering Services	948	1,096	1,427	1,537	1,778	1,778	1,778	1,778	+241	---
Office of Protection Services	10,471	11,603	11,610	14,242	14,211	15,631	14,631	15,331	+1,089	+1,120
Office of Plant Services	18,315	22,813	24,415	26,898	28,282	26,431	27,451	26,966	+68	-1,316
Subtotal, Support Activities	29,734	35,512	37,452	42,677	44,271	43,840	43,860	44,075	+1,398	-196
SLUC Reduction	---	---	---	-140	---	---	---	---	+140	---
Pay supplemental	---	---	2,700	---	---	---	---	---	---	---
Total, Salaries and Expenses	107,462	122,229	131,170	144,366	154,354	156,533	153,108	155,263	+10,897	+909
Museum Programs and Related Research (SFCP)										
Grant Program	4,200	3,650	4,320	2,000	9,040	5,040	7,040	7,040	+5,040	-2,000
Construction and Improvements National Zoological Park										
Base Program	6,250	3,290	1,104	1,550	3,500	3,500	3,500	3,500	+1,950	---
Restoration and Renovation of Buildings										
Base Program	5,250	7,539	7,680	8,450	9,000	9,100	9,000	9,000	+550	---
Construction										
Museum support center	20,600	5,000	---	---	---	---	---	---	---	---
South Quadrangle Development 1/	---	---	960	(36,500)	---	---	-8,000	-8,000	-8,000	-8,000
Total, Construction and Improvements	32,100	15,829	9,744	10,000	12,500	12,600	4,500	4,500	-5,500	-8,000
Total, Smithsonian	143,762	141,708	145,234	156,366	175,894	174,173	164,648	166,803	+10,437	-9,091
NATIONAL GALLERY OF ART										
Salaries and Expenses										
Care and Utilization of Art Collections	6,847	7,683	8,428	8,523	10,038	10,088	10,025	9,774	+1,251	-264
Operation and Maintenance of Buildings and Grounds	8,420	9,825	14,207	15,850	15,895	15,295	15,895	15,745	-105	-150
Protection of Buildings, Grounds, and Contents	4,168	4,522	4,539	5,658	5,928	5,772	5,829	5,829	+171	-99
General Administration	2,156	2,284	2,641	2,847	3,054	3,054	3,041	3,041	+194	-13
Total, National Gallery of Art	21,591	24,314	29,815	32,878	34,915	34,209	34,790	34,389	+1,511	-526
Woodrow Wilson International Center for Scholars										
Salaries and Expenses										
Fellowship Program	875	962	968	1,176	1,176	1,176	1,176	1,176	---	---
Scholar Support	150	155	171	217	224	224	224	224	+7	---
Public Services	192	192	218	367	562	562	562	562	+195	---
General Administration	374	396	467	511	531	531	531	531	+20	---
Building Requirements	30	90	48	50	75	75	75	75	+25	---
Pay supplemental	---	35	25	---	---	---	---	---	---	---
Total, Woodrow Wilson Center	1,621	1,830	1,897	2,321	2,568	2,568	2,568	2,568	+247	---
Memorial to Hale Boggs	---	7	---	---	---	---	---	---	---	---

1/ Includes amounts which were funded in PL 97-276.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES										
National Endowment for the Arts										
Salaries and Expenses										
Artists-in-Schools	5,220	5,302	4,872	4,800	3,900	5,500	4,800	5,200	+400	+1,300
Dance	7,338	8,309	7,652	8,739	6,300	8,750	7,400	8,750	+11	+2,450
Design Arts	3,894	5,147	4,595	4,200	3,300	4,600	4,200	4,500	+300	+1,000
Expansion Arts	7,921	8,297	7,063	8,000	5,400	7,200	6,500	7,000	-1,000	+1,600
Fellows	134	175	97	100	---	---	---	---	-100	---
Folk Arts	2,280	3,005	2,716	2,800	2,400	3,400	2,600	3,000	+200	+600
Inter Arts	3,334	4,781	4,757	3,700	2,000	4,000	3,100	3,950	+250	+1,350
International	272	214	121	50	---	---	---	---	-50	---
Literature	4,727	4,837	4,317	4,300	3,800	4,600	4,200	4,500	+200	+700
Media Arts	7,207	10,564	9,339	8,300	8,000	9,350	8,300	8,800	+500	+1,800
Museums	9,844	11,522	10,371	9,339	7,700	12,300	9,400	11,000	+2,361	+4,200
Music	6,572	9,125	9,404	9,439	8,700	12,700	10,700	12,600	+3,161	+3,900
Opera / Musical Theatre	2,097	2,545	2,801	2,940	2,900	6,400	3,500	6,600	+3,660	+3,700
Special Constituencies	219	176	242	50	---	---	---	---	-50	---
State Programs	22,970	23,721	21,286	21,039	17,900	24,260	20,900	24,300	+3,261	+6,400
Locals Test	---	---	---	---	2,000	2,000	2,000	2,000	+2,000	---
Theatre	5,264	7,829	6,651	7,139	5,300	8,900	6,800	9,000	+1,861	+3,500
Visual Arts	7,143	7,262	6,561	6,000	5,300	6,600	6,000	6,400	+400	+1,100
Policy Planning & Research	884	1,049	485	740	800	1,000	900	1,000	+260	+200
Regional Representatives	---	---	---	---	600	700	600	700	+700	+100
Advancement	---	---	---	---	500	800	500	700	+700	+200
Total, Regular programs	97,000	113,860	103,330	101,675	86,800	121,300	102,400	118,900	+17,225	+32,100
Administration	12,210	12,135	11,326	12,600	13,100	13,100	12,600	13,100	+500	---
Total, Salaries and Expenses	109,210	125,995	114,656	114,275	99,900	134,400	115,000	132,000	+17,725	+32,100
Matching Grants										
Matching Grants	18,500	19,250	14,400	11,200	8,000	9,100	8,000	8,000	-2,200	+1,080
Challenge Grants	26,900	13,450	14,400	18,400	17,100	21,500	20,000	21,000	+2,600	+3,900
Total, Matching Grants	45,400	32,700	28,800	29,600	25,100	30,600	28,000	30,000	+400	+4,900
Total, Arts	154,610	158,695	143,456	143,875	125,000	165,000	143,000	162,000	+18,125	+37,000
National Endowment for the Humanities										
Salaries and Expenses										
State Programs	22,500	23,947	20,329	20,329	15,990	21,300	17,700	21,850	+1,521	+5,860
Public Programs										
Media Grants	9,832	9,500	8,447	8,447	7,100	10,100	---	9,100	+653	+2,000
Museums and Historical Organizations	8,025	8,500	6,912	6,912	5,000	10,000	---	9,000	+2,088	+4,000
Public Libraries 1/	3,443	3,450	2,650	2,650	---	3,000	---	3,000	+350	+3,000
Subtotal	21,300	21,450	18,009	18,009	12,100	23,100	---	21,100	+3,091	+9,000
Education Programs										
Education programs	---	---	---	---	---	---	20,000	19,000	+19,000	+19,000
Institutional Grants 2/	6,759	7,170	5,795	5,795	4,290	7,100	---	---	-5,795	-4,290
Higher Education / Regional and National 3/	5,225	5,100	3,802	3,802	4,355	5,500	---	---	-3,802	-4,355
Elementary and Secondary	4,499	4,500	4,704	4,704	4,355	8,400	---	---	-4,704	-4,355
Subtotal	16,483	16,770	14,301	14,301	13,000	21,000	20,000	19,000	+4,699	+6,000
Fellowships										
Fellowships and Seminars	---	---	---	---	---	---	14,000	14,500	+14,500	+14,500
Endowment Fellowships	6,997	7,200	6,279	6,279	5,880	5,980	---	---	-6,279	-5,880
Other Study Programs	7,803	8,605	7,126	7,126	7,120	8,520	---	---	-7,126	-7,120
National Humanities Fellowships	---	---	---	---	---	4,950	---	---	---	---
Subtotal	14,800	15,805	13,405	13,405	13,000	18,450	14,000	14,500	+1,095	+1,500
Research Grants	14,717	18,000	15,705	16,555	14,800	19,500	18,000	18,400	+1,845	+3,600
Special Programs										
Special Projects	10,025	9,700	7,953	7,103	3,250	2,700	---	2,200	-4,903	-1,050
Planning and Analysis	475	850	730	---	---	---	---	700	+700	+700
Subtotal	10,500	10,550	8,683	7,103	3,250	2,700	---	2,900	-4,203	-350

1/ Included in Program Development in FY 1984.
2/ Now titled 'Central disciplines in undergraduate education.'
3/ Now titled 'Exemplary projects, nontraditional program and teaching materials.'

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
General programs	---	---	---	---	---	---	18,000	---	---	---
Planning and assessment	---	---	---	730	700	700	800	---	-730	-700
Subtotal, Program funds	100,300	106,522	90,432	90,432	72,840	107,750	88,500	97,750	+7,318	+24,910
Administration	11,400	11,277	11,328	11,700	12,290	12,750	12,500	12,750	+1,050	+460
Total, Salaries and Expenses	111,700	117,799	101,760	102,132	85,130	120,500	101,000	110,500	+8,368	+25,370
Matching Grants										
Matching Grants	11,400	9,500	8,064	11,064	10,570	11,500	11,500	11,500	+436	+930
Challenge Grants	27,000	24,000	20,736	16,864	16,500	18,000	17,500	18,000	+1,136	+1,500
Total, Matching Grants	38,400	33,500	28,800	27,928	27,070	29,500	29,000	29,500	+1,572	+2,430
Total, Humanities	150,100	151,299	130,560	130,060	112,200	150,000	130,000	140,000	+9,940	+27,800
Institute of Museum Services										
Grants to Museums:										
Operating Support Grants	9,500	11,300	10,157	10,154	10,790	17,770	11,700	15,700	+5,546	+4,910
Conservation Grants	---	---	---	---	---	3,000	---	3,000	+3,000	+3,000
Special Project Grants	900	967	720	669	---	---	1,720	720	+51	+720
Museum Services Board	16	70	67	70	79	79	79	79	+9	---
Subtotal	10,416	12,337	10,944	10,893	10,869	20,849	13,499	19,499	+8,606	+8,630
Program Administration	440	520	576	627	651	651	651	651	+24	---
Use of prior year deferral	---	---	---	-720	---	---	---	---	+720	---
Total, Institute of Museum Services	10,856	12,857	11,520	10,800	11,520	21,500	14,150	20,150	+9,350	+8,630
COMMISSION OF FINE ARTS										
Salaries and Expenses										
Base Programs	268	298	303	319	365	340	340	340	+21	-25
ADVISORY COUNCIL ON HISTORIC PRESERVATION										
Salaries and Expenses										
Advisory Services	---	1,590	1,567	1,500	1,051	1,546	1,546	1,546	+46	+495
NATIONAL CAPITAL PLANNING COMMISSION										
Salaries and Expenses										
Base Program	2,150	2,400	2,267	2,279	2,595	2,452	2,447	2,447	+168	-148
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION										
Salaries and Expenses										
Base Program	40	30	29	---	20	20	20	20	+20	---
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION										
Salaries and Expenses										
Salaries and Expenses	1,906	2,443	2,294	2,350	2,275	2,275	2,275	2,275	-75	---
Land Acquisition and Development (Borrowing Authority)										
Property Acquisition	8,470	15,000	2,400	---	4,000	---	---	---	---	-4,000
Public Development										
Relocation assistance	703	800	---	---	---	---	---	---	---	---
Public Improvements	11,214	7,900	12,282	6,800	10,000	9,600	9,600	9,600	+2,800	-400
Historic Preservation	7	2,048	---	---	---	---	---	---	---	---
Program Support Costs	6,686	3,421	1,350	1,950	---	---	---	---	-1,950	---
Total, Public Development	18,610	14,169	13,632	8,750	10,000	9,600	9,600	9,600	+850	-400
Total, Pennsylvania Avenue Development Corporation	28,986	31,612	18,326	11,100	16,275	11,875	11,875	11,875	+775	-4,400

INTERIOR SUPPORT TABLE (In THOUSANDS OF DOLLARS)

	New BA Enacted F.Y. 80	New BA Enacted F.Y. 81	New BA Enacted F.Y. 82	New BA Enacted F.Y. 83	New BA Estimates F.Y. 84	New BA House F.Y. 84	New BA Senate F.Y. 84	New BA Conference Report	Conference compared to F.Y. 83	Conference compared to Estimates
FEDERAL INSPECTOR FOR ALASKA GAS PIPELINE										
Permitting and Enforcement										
Base program	7,900	21,483	19,425	6,125	9,115	6,500	2,963	2,963	-3,162	-6,152
UNITED STATES HOLOCAUST MEMORIAL COUNCIL										
Holocaust Memorial Council	---	722	785	820	1,953	1,953	1,683	1,853	+1,033	-100
NATIVE HAWAIIAN STUDY COMMISSION										
Salaries and expenses 1/	---	---	---	(190)	---	---	---	---	---	---
Total, Title II Related Agencies	4,565,082	7,575,444	3,866,400	4,097,713	3,084,878	4,152,408	4,183,329	4,004,441	-93,272	+919,563
Grand total	8,140,233	11,629,214	7,651,675	8,290,627	6,709,628	8,081,974	8,049,033	7,953,783	-336,844	+1,244,155

1/ Includes amounts which were funded in PL 97-276.

TITLE I - DEPARTMENT OF THE INTERIOR

Bureau of Land Management	541,693	594,880	598,048	397,362	522,849	521,884	539,615	538,828	+31,466	+16,379
Fish and Wildlife Service	289,896	289,000	260,856	315,012	286,000	546,422	519,983	353,161	+39,549	+66,661
National Park Service	492,221	831,982	800,781	1,043,920	737,000	858,340	822,649	847,201	-196,719	+110,121
Geological Survey	645,489	623,867	510,042	369,789	356,956	374,951	356,894	367,000	-2,789	+10,124
Minerals Management Service	---	---	---	196,506	164,218	155,103	168,006	168,961	-27,545	-857
Bureau of Mines	134,055	141,319	150,602	140,955	117,583	129,065	129,925	136,425	-11,628	+18,842
Office of Surface Mining Reclamation and Enforcement	179,686	173,864	173,848	121,670	282,299	316,928	283,829	284,679	+75,009	+62,879
Bureau of Indian Affairs	1,022,254	1,126,947	1,023,360	1,131,795	944,040	967,781	963,025	969,122	-162,671	+24,282
Territorial Affairs	205,081	172,437	191,506	169,702	150,139	180,235	198,331	191,971	+22,269	+41,232
Secretarial Offices	68,221	103,104	76,232	90,507	82,686	79,940	89,470	87,915	-2,592	+5,229
Total, Title I - Department of the Interior	3,575,151	4,053,770	3,785,275	4,192,914	3,624,750	3,929,566	3,865,704	3,949,342	-243,572	+324,592

TITLE II - RELATED AGENCIES

Forest Service	1,324,427	1,456,069	1,521,856	1,621,283	1,253,924	1,328,404	1,346,988	1,354,006	-267,277	+100,082
Department of Energy	(1,978,886)	(4,794,969)	(1,080,089)	(1,183,792)	(666,638)	(1,296,029)	(1,474,240)	(1,191,915)	(+8,123)	(+525,277)
Fossil Energy	836,449	657,917	429,780	197,378	94,000	265,914	248,714	259,214	+61,836	+165,214
Naval Petroleum and Oil Shale Reserves	109,451	215,869	213,142	222,000	256,100	256,100	256,600	256,600	+34,600	-9,500
Energy Conservation	751,068	715,157	145,400	429,290	74,377	528,045	360,681	431,131	+1,841	+356,754
Economic Regulatory Administration	150,955	165,712	21,416	36,606	22,591	30,330	25,125	30,330	-6,276	+7,739
Strategic Petroleum Reserve and Emergency Preparedness	190	2,790,507	199,432	242,118	158,770	158,770	528,770	158,770	-83,348	---
SPR Petroleum Account	---	---	(3,684,000)	(2,074,060)	(583,100)	(1,686,000)	(1,310,000)	(650,000)	(-1,424,060)	(+66,900)
Energy Information Administration	90,273	90,467	78,919	56,400	50,800	56,870	54,350	55,870	-530	+5,070
Indian Health	643,000	691,144	671,357	719,283	652,706	870,813	766,040	824,003	+104,720	+171,297
Indian Education	75,900	81,680	77,852	67,247	1,243	71,243	67,248	68,780	+1,533	+67,537
Navajo and Hopi Indian Relocation Commission	985	2,737	10,062	7,665	16,896	13,783	18,783	18,783	+11,118	+1,887
Smithsonian	143,762	141,708	145,234	156,366	175,894	174,173	164,648	166,803	+10,437	-9,091
National Gallery of Art	21,591	24,314	29,815	32,878	34,915	34,209	34,790	34,389	+1,511	-526
Woodrow Wilson International Center for Scholars	1,621	1,830	1,897	2,321	2,568	2,568	2,568	2,568	+247	---
National Endowment for the Arts	154,610	158,695	143,456	143,875	125,000	165,000	143,000	162,000	+18,125	+37,000
National Endowment for the Humanities	150,100	151,299	130,560	130,060	112,200	150,000	130,000	140,000	+9,940	+27,800
Institute of Museum Services	10,856	12,857	11,520	10,800	11,520	21,500	14,150	20,150	+9,350	+8,630
Commission of Fine Arts	268	298	303	319	365	340	340	340	+21	-25
Advisory Council on Historic Preservation	---	1,590	1,567	1,500	1,051	1,546	1,546	1,546	+46	+495
National Capital Planning Commission	2,150	2,400	2,267	2,279	2,595	2,452	2,447	2,447	+168	-148
Franklin Delano Roosevelt Memorial Commission	40	30	29	---	20	20	20	20	+20	---
Pennsylvania Avenue Development Corporation	28,986	31,612	18,326	11,100	16,275	11,875	11,875	11,875	+775	-4,400
Federal Inspector for the Alaska Pipeline	7,900	21,483	19,425	6,125	9,115	6,500	2,963	2,963	-3,162	-6,152
Holocaust Memorial Council	---	722	785	820	1,953	1,953	1,683	1,853	+1,033	-100
Native Hawaiian Study Commission	---	---	---	190	---	---	---	---	---	---
Total, Title II - Related Agencies	4,565,082	7,575,444	3,866,400	4,097,713	3,084,878	4,152,408	4,183,329	4,004,441	-93,272	+919,563
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Mr. JOHNSTON. Madam President, I think the Senator inquired of me whether I wanted to speak at this time or later.

Mr. McCLURE. Yes.

Mr. JOHNSTON. Later would be fine.

Mr. McCLURE. I thank the Senator from Louisiana.

Madam President, I move the adoption of the conference report on H.R. 3363.

The PRESIDING OFFICER. The question is on the conference report.

Mr. JOHNSTON. Madam President, are you adopting a conference report now?

Mr. McCLURE. Yes; then we will proceed to the amendments in disagreement.

Mr. JOHNSTON. I believe Senator MELCHER wanted to be here before the conference report was adopted. So perhaps it might be well to proceed with the description of what we are going to do first.

Mr. McCLURE. I understand the dilemma the Senator from Louisiana has.

Madam President, I withdraw the motion at this time.

Madam President, I believe we have three issues in disagreement. The matter with respect to the anadromous fish is amendment numbers 16 and 17. We will deal with that as we get to it. Then, there is the matter that deals with the restrictions on the Outer Continental Shelf oil leasing program. There was a change made by the House of Representatives with respect to the action that the conferees took on the Outer Continental Shelf off the coast of southern California. We had made a permanent prohibition in connection therewith as well as temporary prohibition on certain areas for oil leasing and operations off of the coast of southern California.

In the House of Representatives, a point of order was made against the conference provision and that point of order was sustained by the Chair. The provision was stricken, and the House returned to the position which they had initially taken and have resubmitted that matter to us in that form. It is my intention to ask the Senate to recede to the House provision on that particular provision.

With respect to the leasing restrictions in the east Gulf of Mexico that is off the coast of Florida, we had adopted a provision in the conference that was different from that which the House had adopted and, after consultation with a number of parties affected by that amendment, have come to a compromise agreement which I believe will be acceptable to all Members of the Senate and I am advised also is likely to be acceptable to Members in the House. It moves in the direction of the House restriction and away from the position which the Senate had taken earlier both here and in the conference. Therefore, I anticipate no difficulty with respect to that amendment. That will be with respect to amendment No. 91 when we get to that point.

Madam President, I believe the Senator from New Jersey wishes to engage in a colloquy regarding the strategic petroleum reserve.

Mr. BRADLEY. Madam President, I am not pleased with the conferees' actions and recommendations regarding the strategic petroleum reserve program in the Interior appropriations conference report, I also recognize that in order to avoid a Presidential veto the conferees agreed some compromise was necessary on the pace of filling, and construction of facilities for, the SPR. Votes in the Senate and House have clearly demonstrated that if the decision were left to the legislative branch, the SPR would stay on its legally mandated schedule. The President has insisted on a fill rate of 145,000 barrels per day. I want to be sure I understand what the conferees agreed to.

The conference report explicitly mandates a fill rate of not less than 186,000 barrels per day in fiscal year 1984, and the funds appropriated when added to carryover funds are sufficient to accomplish that rate of fill and some additional advanced oil procurement for fiscal year 1985, as well. I would ask the distinguished floor manager if that is correct?

Mr. McCLURE. Yes, that is correct. The funds available will allow purchase of at least 186,000 barrels per day as well approximately 15 million barrels on order for fiscal year 1985.

Mr. BRADLEY. The Conferees also stated in the report their expectations that: First, the administration will include $370 million in their fiscal year 1985 budget request, so that construction of Big Hill will be delayed by only 9 months, and second, the fill rate in fiscal year 1985 will also be at an average of 186,000 barrels per day. Is that correct?

Mr. McCLURE. Yes, that is correct. Our objective behind these fill rate numbers is that by the end of fiscal year 1985 the SPR will contain 500 million barrels of oil and the delay in Big Hill will amount to only 9 months. I might add that some $70 million is presently available for development of Big Hill and the department expects to use those funds to continue preliminary drilling and other preconstruction activities at Big Hill during fiscal year 1985.

Mr. BRADLEY. Madam President, I would be willing to support this conference report and its accompanying recommendations if I could be assured that the SPR program will in fact conform to the conferees' actions and expectations for fiscal year 1984 and fiscal year 1985. Unfortunately, we have learned that it is not enough for the Congress to mandate a level of activity and to appropriate sufficient funds for that purpose. The administration's impoundment of SPR funds earlier this year, the largest impoundment in history, amply demonstrated this point. And of course the conferees expectations for fiscal year 1985 are not binding. Furthermore, Chairman McCLURE certainly cannot speak for the administration.

Mr. McCLURE. The Senator is correct. I cannot speak for the administration. However, the administration has assured me they will include a budget request in fiscal year 1985 for Big Hill construction, and I expect that is exactly what will happen. The conferees provided enough funds and stipulated that the average fill rate for fiscal year 1984 will be no less than 186,000 barrels per day. Again, I have no reason to expect the administration will do less.

Mr. BRADLEY. I believe that the most we can hope for is that a bipartisan coalition in the Congress will insist that the conference agreement, including the expectations for fiscal year 1985, will be the absolute bottom line, the last slippage in this vital program. A bipartisan coalition has wisely defended the SPR program in the past, I would hope that we can put the coalition together again for the future.

Therefore, Madam President, I would ask Chairman McCLURE if he would offer his personal commitment to doing whatever has to be done to insure that the SPR will be filled at an average rate of 186,000 barrels per day in fiscal year 1984, at 186,000 barrels per day in fiscal year 1985 and that Big Hill will be fully funded at $370 million or more in fiscal year 1985? I know I need not remind him that meeting this commitment will require a very large appropriation in fiscal year 1985 as the fiscal year 1984 figure contained in the conference report relies on a carryover of some $2 billion from prior years, a carryover that will be unavailable in fiscal year 1985. Meeting these objectives may also require congressional action to counter impoundments. Would the chairman agree to such a commitment on his part?

Mr. McCLURE. Yes, I would be willing to join you in a bipartisan coalition to insure that the achievement of the actions you have outlined for fiscal year 1984 and fiscal year 1985, actions that essentially restate the conferees' expectations, will come to pass. Of course none of us can guarantee these results, but I am willing to give the Senator my personal commitment to do whatever I can to achieve these results.

Mr. BRADLEY. Madam President, in the colloquy that Senator McCLURE and I have had regarding the strategic

petroleum reserve, I asked Senator McCLURE about his commitment to doing whatever is necessary to make sure that the SPR will be filled at an average rate of 186,000 barrels per day in 1984 and 186,000 barrels per day in fiscal year 1985 and that Big Hill will be fully funded at $370 million or more in fiscal year 1985.

As the colloquy states, this will require a sizable appropriation in 1985. I see the Senator from Louisiana on the floor and wondered if he could agree with us that that is in the national interest and that we should fight for the letter of the agreement, if not more.

Mr. JOHNSTON. Madam President, I say in response to my distinguished colleague from New Jersey that I decidedly do agree with the colloquy and especially approve of the words putting back together the bipartisan coalition in favor of the strategic petroleum reserve. I think it is, frankly, a great victory, considering what we had to work with and work against, to get the 186,000 per day.

I personally hope we can increase that to a larger amount. As I said to the distinguished Senator from New Jersey, there may be ways to do that. But we should certainly all lock arms on this 186,000 barrel a day commitment. I know the distinguished Senator from Idaho joins me in that regard.

Mr. BRADLEY. I thank the Senator from Louisiana and the Senator from Idaho for their commitment on this very critical national security issue.

Mr. McCLURE. I thank the Senator.

CHERAW SOUTH CAROLINA FISH HATCHERY

Mr. HOLLINGS. I note in the statement of the managers, with regard to the U.S. Fish and Wildlife Service, that funds have been provided to continue operation of eight fish hatcheries for 1 more year including Cheraw, S.C. As the distinguished Senator from Idaho (Mr. McCLURE) will recall, we agreed last year that the fiscal 1983 appropriation would terminate Federal funding for Cheraw. Accordingly, the State of South Carolina has moved to assume operation of this hatchery. Fees have been authorized to help pay for the cost of State operation.

Now an additional $50,000 could be available for the Cheraw Hatchery. Furthermore, the Fish and Wildlife Service apparently has sufficient authorization to turn this money over to the State of South Carolina to assist with the operations of the hatchery in fiscal year 1984. This would be of great help to the State in assuming the operation of this hatchery. Would the distinguished chairman of the subcommittee agree that this would be an appropriate use of the additional funds approved in the conference?

Mr. McCLURE. I well recall the agreement that I reached with both of the Senators from South Carolina last year with regard to the Cheraw Fish Hatchery. They have stood by that agreement throughout our deliberations this year. We appreciate their steadfastness as well as their working out the continued operation of the Cheraw Hatchery with South Carolina officials.

The State of South Carolina is to be commended for assuming the operation of the Cheraw Fish Hatchery. I am sure that this has placed a significant burden of the State budget, and I endorse the suggestion of the Senator from South Carolina that the $50,000 made available by the conference agreement be used to assist with the transition to State operation.

Mr. THURMOND. I am pleased that the conferees have provided additional funding for fish hatchery operations in the fiscal year 1984 Interior appropriations bill. As my distinguished colleague from South Carolina has stated, last year we reached an agreement with the distinguished chairman and members of the subcommittee, with regard to funding for the Cheraw Hatchery. According to our understanding at that time, Cheraw would be funded only through 1983, and there would be no funding thereafter.

With this in mind, the State of South Carolina, through its wildlife and marine resources department, took steps toward bringing Cheraw under State operation. In order to maintain Cheraw, the State assumed the attendant financial obligations, and set up a user fee for those desiring fish fingerlings from Cheraw. Within the last month, the final negotiations were completed and the memorandum of agreement was executed.

Mr. Chairman, by way of a one-time grant of $50,000 to the State of South Carolina, the U.S. Fish and Wildlife Service will ease the transition of Cheraw from Federal to State operation. This grant will be most helpful during the difficult and critical shift from the present system to the user-fee concept selected by the State.

I wish to thank Chairman McCLURE and the other conferees for providing this funding. I would also like to commend Dr. James Timmerman of the South Carolina Wildlife and Marine Resources Department, and his excellent staff, for their efforts in making this transition.

Mr. STEVENS. Mr. President, I would like to direct a question to the chairman of the Interior Appropriations Subcommittee about language in the conference report on H.R. 3363. Specifically, the report on page 13 states that no funds are available for the coordinator of management plans and studies under ANILCA. Does that language refer back to the language contained on page 24 of the original House report on H.R. 3363, House Report 98-253, which states that no funds were budgeted and thus none were provided in the bill?

Mr. McCLURE. The Senator is correct.

Mr. STEVENS. With that background, it is my understanding that the language of the conference report is not intended to prohibit the coordination of ANILCA management plans and studies if the Secretary finds that necessary to fulfill the requirement of the Alaska National Interest Lands Conservation Act.

Mr. McCLURE. The Senator is correct, the language of the House report, subsequently affirmed in the conference report, only states that no funds were provided for an ANILCA coordinator. It says nothing about coordination.

Mr. STEVENS. I thank the Senator.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Madam President, when the bill was before us, the Senator from Arkansas offered an amendment on maintenance coal leasing. It was similar to an amendment which the House had adopted. I did not object to the amendment. In fact, I voted for it on the assurance that if the amendment were adopted as drafted, it would exempt the so-called maintenance coal leases from the moratorium.

That did not prove to be the case on close examination of the amendment after it was adopted.

Madam President, I want to draw to the attention of the Senate that this is an example where attaching legislative language to an appropriations bill can lead us into situations where we do not exactly know where we are. On the very explicit assurance of the Senator from Arkansas that these maintenance leases would be exempted, I not only voted for the amendment but I also added a few words of support to the amendment.

We had an opportunity in conference to correct it. I think the Senator from Arkansas very diligently offered that to the conference committee. It apparently was turned down by the House conferees.

A maintenance tract for an ongoing coal operation becomes an absolute necessity at some times. Just to be sure that we understand what the term means, it is a tract of federally owned coal that is adjacent to a mining operation and is a logical next step for that mining company to start mining.

The States vary, but in our State of Montana, from the time that a maintenance tract is leased to a coal company, it requires about 2½ years of very arduous and diligent perseverance by the mining company to have their reclamation plan approved.

Sometimes people are misled by that. They think, "Well, there are 2½

years to go so it is not too urgent to have a maintenance tract lease let."

It works the other way around because it is going to require 2½ years of diligent preparation with the process of getting that mining reclamation plan approved. Time is extremely critical when maintenance tracts are obtained.

We have one company in Montana, if not the largest coal operation in the State it is one of the largest of the two or three largest coal operations there, and they do have a problem coming up. For that reason, it was extremely important to myself and my colleague from Montana that maintenance tracts be exempted.

I feel obligated to attempt to correct this situation at the appropriate time. I hope I do not prolong consideration of this conference report too much. It is clearly my obligation to offer a correcting amendment to the conference report.

Mr. McCLURE. Madam President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. McCLURE. Madam President, I ask the Chair to lay before the Senate the amendments in disagreement.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The assistant legislative clerk read the amendments in disagreement as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$359,601,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 12 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$270,803,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 16 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert: *; $4,000,000 to remain available until expended, for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757f).*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 17 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *and an additional $23,301,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken and inserted by said amendment, and insert: *$601,095,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451).*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 36 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$44,037,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 41 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: *, of which not to exceed $1,500,000 for engineering and construction of the Halls Crossing-Bullfrog Ferry access roads and ramps in Glen Canyon National Recreation Area, such funds to be transferred to the State of Utah for accomplishment of these activities in accordance with provisions of a cooperative agreement between the National Park Servicer and the State of Utah.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 43 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That up to $1,000,000 of the funds provided under this head, to be derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), shall be available until expended for the preparation of a feasibility report recommending measures necessary to provide protection from the severe sloughing of bluffs in Natchez, Mississippi, between the north limits of the National Cemetery and the United States Highway 84 bridge, where potential bluff sloughing is found imminent and historic properties, roads, streets, utilities and other improvements are threatened, such funds to be transferred to the Secretary of the Army for utilization by the United States Army Corps of Engineers.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 44 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$148,150,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 51 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$136,425,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 57 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken and inserted by said amendment, and insert: *in field offices, $822,302,000 of which not to exceed $54,135,000 for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1985, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1985: Provided, That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640(d)-18(a)), $3,951,000, to remain available until expended: Provided further, That none of these funds shall be expended as matching funds for programs funded under section 103(a)(1)(B)(iii) of the Vocational Education Act of 1963, as amended (20 U.S.C. 2303(a)(1)(B)(iii): Provided further, That in addition, moneys received by grant to the Bureau of Indian Affairs from other Federal agencies to carry out various programs for elementary and secondary education, handicapped programs, bilingual education, and other specific programs shall be deposited into this account and remain available as otherwise provided by law.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 63 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$78,920,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 78 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$112,109,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 79 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$78,521,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 80 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$33,588,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 83 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$44,068,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbred 85 to the aforesaid bill, and concur threin with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$16,814,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 86 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

OFFICE OF WATER POLICY

For grants to State water resource research institutes as described in title I (except section 105), Public Law 95-467, $6,350,000, hereby transferred to "Surveys, Investigations, and Research", Geological Survey.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 90 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert:

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the preparation for, or conduct of, pre-leasing and leasing activities (including but not limited to: calls for information, tract selection, notices of sale, receipt of bids and award of leases) of lands within:

(a) An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Atlantic Ocean, bounded by the following line: from the intersection of the seaward limit of the Commonwealth of Massachusetts territorial sea and the 71 degree west longitude line south along that longitude line to its intersection with the line which passes between blocks 598 and 642 on Outer Continental Shelf protraction diagram NK 19-10; then along that line in an easterly direction to its intersection with the line between blocks 600 and 601 of protraction diagram NK 19-11; then in a northerly direction along that line to the intersection with the 60 meter isobath between blocks 204 and 205 of protraction diagram NK 19-11; then along the 60 meter isobath, starting in a roughly southeasterly direction; then turning roughly northeast, north, and west until such isobath intersects with the northern boundary of block 974 of protraction diagram NK 19-6; then along the line that lies between blocks 930 and 974 of protraction diagram NK 19-6 in a westerly direction to the first point of intersection with the seaward limit of the Commonwealth of Massachusetts territorial sea; then southwesterly along the seaward limit of the territorial sea to the point of beginning at the intersection of the seaward limit of the territorial sea and the 71 degrees west longitude line.

(b) The following blocks are excluded from the described area: In protraction diagram NK 19-10, blocks numbered 474 through 478, 516 through 524, 560 through 568, and 604 through 612; in protraction diagram NK 19-6, blocks numbered 969 through 971; in protraction diagram NK 19-5, blocks numbered 1005 through 1008; and in protraction diagram NK 19-8, blocks numbered 37 through 40, 80 through 84, 124 through 127, and 168 through 169.

(c) The following blocks are included in the described area: In protraction diagram NK 19-11, blocks numbered 633 through 644, 677 through 686, 721 through 724, 765 through 767, 809 through 810, and 853; in protraction diagram NK 19-9, blocks numbered 106, 150, 194, 238, 239, and 283; and in protraction diagram NK 19-6, blocks numbered 854, 899, 929, 943, 944, and 987.

(d) Blocks in and at the head of submarine canyons: An area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands act (45 U.S.C. 1331(a)), located in the Atlantic Ocean off the coastline of the Commonwealth of Massachusetts, lying at the head of, or within the submarine canyons known as Atlantis Canyon, Veatch Canyon, Hydrographer Canyon, Welker Canyon, Oceanographer Canyon, Gilbert Canyon, Lydonia Canyon, Alvin Canyon, Powell Canyon, Munson Canyon, and Corsair Canyon, and consisting of the following blocks, respectively:

(1) On Outer Continental shelf protraction diagram NJ 19-1; blocks 36, 37, 38, 42-44, 80-82, 86-88, 124, 125, 130-132, 168, 169, 174-176, 212, 213.

(2) On Outer Continental Shelf protraction diagram NJ 19-2; blocks, 8,9, 17-19, 51-52, 53, 54, 61-63, 95-98, 139, 140.

(3) On Outer Continental Shelf protraction diagram NK 19-10; blocks 916, 917, 921, 922, 960, 961, 965, 966, 1003-1005, 1009-1011.

(4) On Outer Continental Shelf Protraction diagram NK 19-11; blocks 521, 522, 565, 566, 609, 610, 653-655, 697-700, 734, 735, 741-744, 769, 778-781, 785-788, 813, 814, 822-826, 829-831, 857, 858, 866-869, 873-875, 901, 902, 910-913, 917, 945-947, 955, 956, 979, 980, 989-991, 999.

(5) On Outer Continental Shelf protraction diagram NK 19-12; blocks 155, 156, 198, 199, 280-282, 324-326, 369-371, 401, 413-416, 442-446, 450, 451, 489-490, 494, 495, 530, 531, 533-540, 574, 575, 577-583, 618, 619, 621-623, 626, 627, 662, 663, 665-667, 671, 672, 706, 707, 710, 711, 750, 751, 754, 755, 794, 795, 798, 799.

(6) On Outer Continental Shelf protraction diagram NK 19-9; blocks 559-561, 603-607, 647-651, 693-695, 737-739.

(7) On Outer Continental Shelf protraction diagram NK 20-7; blocks 706, 750, 662, 618, 574.

(e) Nothing in this section shalls prohibit the lease of that portion of any block discribed in subsection (d) above which lies outside the geographical boundaries of the submarine canyons and submarine canyon heads described in subsection (d) above; Provided, That for purposes of this subsection, the geographical boundaries of the submarine canyons and submarine canyon heads shall be those recognized by the National Oceanographic and Atmospheric administration, Department of Commerce on the date of enactment of this act.

(f) Nothing in this section shall prohibit the Secretary of the Interior from granting contracts for scientific study, the results of which could be used in making future leasing decisions in the planning area and in preparing environmental impact statements as required by the National Environmental Policy Act.

(g) References made to blocks, protraction diagrams and isobaths are to such blocks, protraction diagrams, and isobaths as they appear on the map entitled Outer Continental Shelf of the North Atlantic from 39° to 45° North Latitude, (Map No. MMS-10), prepared by the United States Department of the Interior Minerals Management Service, Atlantic OCS Region.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 91 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert:

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the leasing of the following blocks located in the Eastern Gulf of Mexico Outer Continental Shelf:

(a) Blocks in an area commonly known as the seagrass beds included in Official Protraction Diagram NH 16-9, Apalachicola: 35, 36, 79-81, 122-125, 165-169, 209-213; Official Protraction Diagram NH 17-7, Gainesville: 1, 2, 45-47, 89-93, 133-138, 177-183, 225-227, 270-272, 315-317, 360-362, 404-406, 449-450, 493-495, 539, 583-585, 628-630, 672-675, 716-719, 760-764, 804-808, 850-853, 894-897, 938-941, 984-987; and Official Protraction Diagram 17-10, Tarpan Springs: 17-23, 61-67, 106-111, 150-155, 194-199, 239-244, 283-288, 328-332, 372-377, 416-421, 460-464, 505-508, 549-552, 593-596, 637-640, and 682;

(b) Blocks in an area commonly known as the Florida Middle Ground included in Official Protraction Diagram, NH 16-12, Florida Middle Ground, 251, 295, 339-340, 342, 383-386, 427-430, 471-474, 515-518, and 560-561;

(c) Blocks in an area within the 20-meter isobath south of 26° N. Latitude included in Official Protraction Diagram NG 17-7, Pulley Ridge: 37-43, 82-87, 126-131, 171-175, 215-219, 259-263, 303-307, 347-351, 392-395, 436-439, 480-483, 524-527, 568-571, 612-615, 656-659, 700-703, 744-747, 788-791, 833-835, 877-879, 921-923, 965-967, 1009-1011; and

(d) For these tracts offered for lease in Sale #79 which are located south of 26° N. latitude, the following lease stipulations shall apply:

(1) No exploratory drilling activities will be approved by the Department of the Interior until the Department of the Interior has accumulated 3 years worth of physical oceanographic and biological resource data; and

(2) Lessees will be required to perform biological surveys prior to approval and initiation of exploration or drilling operations and to work in cooperation with the Department of the Interior on the monitoring of any subsequent drilling activities.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 94 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken and inserted by said amendment, and insert:

SEC. 112. None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except for emergency leasing as defined in 43 CFR 3425.1-4, lease modifications as defined in 43 CFR 3432, and lease exchanges as defined in 43 CFR 3435 or as specified in Public Law 96-401 until the Commission on Fair Market Value Policy for Federal Coal Leasing has submitted its report to the Congress and ninety days have subsequently elapsed.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 96 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number proposed by said amendment, insert: *114*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 97 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 115. Notwithstanding section 507(b)(14) of the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87), cross-sections, maps or plans of land to be affected by an application for a surface mining and reclamation permit shall be prepared by or under the direction of a qualified registered professional engineer or geologist, or qualified registered professional land surveyor in any State which authorizes land surveyors to prepare and certify such maps or plans.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 106 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$38,552,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 109 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of matter inserted by said amendment, insert:

The Secretary of Energy shall, utilizing the funds remaining for project feasibility devel-

opment studies appropriated under the head in Public Law 96-126 (93 State. 970 (1979)), use up to $200,000 to conduct a feasibility study of an alternative fuels wood pellet gasifier facility located near Sandpoint, Idaho.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 115 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$33,100,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 120 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken and inserted by said amendment, and insert:

STRATEGIC PETROLEUM RESERVE

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), $158,770,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

The aggregate amount that may be obligated under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), for the acquisition and transportation of petroleum, and for other necessary expenses, is 650,000,000, in addition to authority provided in fiscal years 1982 and 1983, to remain available until expended: Provided, That the minimum required fill rate during fiscal year 1984 shall be not less than 186,000 barrels per day.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 130 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$50,900,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 135 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert: *including not less than $786,000 to carry out the provisions of the National Museum Act and $500,000 to be made available to the trustees of the John F. Kennedy Center for the Performing Arts for payment to the National Symphony Orchestra and $500,000 for payment to the Washington Opera Society for activities related to their responsibilities as resident entities of the Center.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 141 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *and of which not to exceed $1,360,000 for the special exhibition program shall remain available until expended.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 158 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: *, or any lands designated by Congress as wilderness study areas.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 159 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

The Congress finds that the Forest Service's proposal of March 15, 1983, to consider six million acres of the national forest for possible sale has met with considerable opposition; and the national forests are an important part of the national heritage of the United States; and the national forest provide and protect important resources; and the national forests provide unique opportunities for recreation; and it is inconsistent with past management practices to dispose of large portions of our national forests. It is, therefore, the sense of the Congress that it is not in the national interest to grant the authority to sell significant acreage of the national forest until such time as the Forest Service specifically identifies the tracts which are no longer needed by the Federal Government; inventories the tracts as to their public benefit value; provides opportunities for public review and discussion of the tracts; and completes all necessary environmental assessments of such sales.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 163 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

Public Law 96-315 is hereby amended by adding the following new section:

"3(f) Up to 15 additional permits shall be granted to those persons meeting any one of the following conditions:

(1) A resident as of July 1, 1982, who held a valid Fish and Wildlife Service access permit for improved property owners at any time during the period from July 29, 1976, through December 31, 1979.

(2) Anyone in continuous residency since 1976 residing in the area bounded on the north by the refuge boundary and on the south by a straight line passing through a point on the east-west prolongation of the centerline of Albacore Street, Whaleshead Club Subdivision, Currituck County, North Carolina.

(3) Any permanent full-time resident as of April 1, 1983, not otherwise eligible who can substantiate to the Secretary of the Interior that access is essential to their maintaining a livelihood.".

Resolved, That the House insist upon its disagreement to the amendment of the Senate numbered 95 to the aforesaid bill.

Mr. McCLURE. Madam President, I ask unanimous consent that the Senate concur en bloc in the amendments of the House to the amendments of the Senate as previously reported by the clerk, except for amendments numbered 16, 17, 91, and 94.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCLURE. Madam President, I move that the Senate insist on its amendment numbered 16.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

AMENDMENT NO. 2351

Mr. McCLURE. Madam President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 17, as further amended. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an amendment numbered 2351.

Mr. McCLURE. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the number stricken and inserted by said amendment, insert the following: ; $4,000,000, to remain available until expended, for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757f), of which $500,000 shall be made available to the State of Idaho without regard to the limitation as stated in 16 U.S.C. 757e and without regard to the Federal cost sharing provisions in 16 U.S.C. 757a-757f: Provided, That 16 U.S.C. 757e is amended by adding the following new sentence: "The State of Idaho shall be eligible on an equal standing with other states for Federal funding for purposes authorized by sections 757a to 757f of this title."; and an additional $23,301,000

Mr. McCLURE. To explain to my colleagues the import of this amendment, it deals with a provision that was included in the Senate bill and in the conference report dealing with the Anadromous Fish Conservation Act. It was stricken in the House on a point of order. This amendment simply returns it to the conference agreement.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

AMENDMENT NO. 2352

Mr. McCLURE. Madam President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 91 with an amendment, as follows, which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an amendment numbered 2352.

Mr. McCLURE. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed by said amendment insert the following:

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the leasing of the following areas located in the Eastern Gulf of Mexico Outer Continental Shelf:

(a) Blocks in an area commonly known as the seagrass beds included in Official Protraction Diagram NH 16-9, Apalachicola: 35, 36, 79-81, 122-125, 165-169, 209-213; Official

Protraction Diagram NH 17-7, Gainesvill: 1, 2, 45-47, 89-93, 133-138, 177-183, 225-227, 270-272, 315-317, 360-362, 404-406, 449-450, 493-495, 539, 583-585, 628-630, 672-675, 716-719, 760-764, 804-808, 850-853, 894-897, 938-941, 984-987; and Official Protraction Diagram 17-10, Tarpon Springs: 17-23, 61-67, 106-111, 150-155, 194-199, 239-244, 283-288, 328-332, 372-377, 416-421, 460-464, 505-508, 549-552, 593-596, 637-640, and 682;

(b) Blocks in an area commonly known as the Florida Middle Ground included in Official Protraction Diagram NH 16-12, Florida Middle Ground: 251, 295, 339-340, 342, 383-386, 427-430, 471-474, 515-518, and 560-561;

(c) Blocks in an area within the 20-meter isobath south of 26° N. latitude included in Official Protraction Diagram NG 17-7, Pulley Ridge: 37-43, 82-87, 126-131, 171-175, 215-219, 259-263, 303-307, 347-351, 392-395, 436-439, 480-483, 524-527, 568-571, 612-615, 656-659, 700-703, 744-747, 788-791, 833-835, 877-879, 921-923, 965-967, 1009-1011;

(d) All submerged lands within 30-nautical miles of the baseline from which the territorial sea is measured: Provided, That the western boundary of the area is a line extending south from the line dividing blocks 404 and 405 in Official Protraction Diagram NH 16-9, Apalachicola to a point 30-nautical miles from the baseline from which the territorial sea is measured. In addition, from the boundary between blocks 404 and 405 as described in the preceeding sentence, westerly to a line extending north and south dividing blocks 38 and 1 in Official Protraction Diagram NH 16-9, all submerged lands within 20-nautical miles of the baseline from which the territorial sea is measured. The limitation with regard to this subsection on the use of funds shall not apply if any state-owned tide or submerged lands within the area described in this subsection are now or are hereafter subject to sale or lease for the extraction of oil or gas from such state lands; and

(e) For those tracts offered for lease in Sale #79 which are located south of 26° N. latitude, the following lease stipulations shall apply:

(1) No exploratory drilling activities will be approved by the Department of the Interior until the Department of the Interior has accumulated 3 years worth of physical oceanographic and bilogical resource data; and

(2) Lessees will be required to perform biological surveys prior to approval and initiation of exploration or drilling operations and to work in cooperation with the Department of the Interior on the monitoring of any subsequent drilling activities.

Mr. McCLURE. Madam President, this is the amendment that deals with the Outer Continental Shelf restrictions in the eastern Gulf of Mexico. I know the distinguished Senator from Florida (Mrs. HAWKINS) would like to make some comments with respect to this amendment. I am happy to yield the floor at this time.

The PRESIDING OFFICER. The Senator from Florida.

Mrs. HAWKINS. I thank the Chair.

Madam President, I rise today to express my pleasure over the terms of an amendment to this conference report concerning oil and gas leasing off the west coast of Florida.

The terms of the original conference report reflect the legacy from Secretary Watt's tenure at the Department of the Interior. Secretary Watt's 5-year Outer Continental Shelf is monumental in scope. Under his plan, 1 billion acres of off-shore waters, an area greater than the continental United States, will be put on the auction block including the entire west coast of Florida. Implementation of that plan without revision frightens many in my State, including me, and rightly so. We have much at stake.

I outlined my concerns in my statement on this issue on September 20, 1983, the day that the Interior appropriations bill passed the Senate. At that time, I pointed out that Florida has a $20 billion tourist industry and a $500 million sport and commercial fishing industry exposed to disaster by this plan. At least 20 percent of my State's employment force is dependent on these activities.

But I shall not restrict myself to dollar figures in this debate. The west coast of Florida supports a vast number of invaluable wildlife species such as manatees, brown pelicans, bald eagles, and American crocodiles. Where else in this country do you find such diversity? All Americans know that this area is special. That is why citizens come from the 49 other States year after year to see us. So, too, do a lot of foreign visitors.

They will not have to trudge waist deep into an oil slick before realizing that Florida may no longer be a unique vacation spot. All they need to hear is the announcement that exploration will commence soon off Florida's coasts. And that the Department of the Interior expects there will be six major oil spills throughout the life of the lease sales now planned.

It is not only the west coast of Florida that I am concerned about here, although that is where the leasing is scheduled to occur. The loop current, which flows around the tip of the Florida peninsula, would carry any oil spills around and up the east coast as well.

Madam President, my Senate record shows that I support this country's effort to obtain energy independence. I have been supportive of the nuclear industry, supportive of expanded onshore mineral leasing except in unusual circumstances, and supportive of alternative energy development and conservation. However, the conference result imposes an unreasonable burden on my State to achieve the indpendence we all seek.

For that reason, I approached the managers of this report to ask that a revision be made to strike a better balance between National and State interests. All those interested in this issue have tried hard to reach an agreement. I am pleased to announce we have reached a compromise.

This compromise contains several parts. First, all the leasing restrictions contained in the original Interior Appropriations conference report, including specific tract deletions in the areas known as the Big Bend Seagrass Beds, the Florida Middle Ground, the area within a 20 meter isobath south of 26 degrees north latitude, and drilling restrictions south of 26 degrees north remain in effect.

Second, a buffer zone in which no oil and gas leasing can occur during fiscal year 1984 is established. This buffer zone will extend 30 nautical miles from shore. This buffer zone will hug the coast from the southernmost point of the lease sale area to a point just east of Panama City. This point is listed as the eastern border of tract No. 404 in official protraction diagram NH 16-9. Third, a reduced buffer zone is created which hugs the coast from tract 404 to a point west of Panama City. This buffer zone will extend 20 miles from shore.

To insure that a permanent solution is arrived at, Madam President, there is one other provision. It is also my understanding that the Energy and Natural Resources Committee will hold a full committee hearing on the problems associated with Florida offshore leasing along our entire western coastline early in the next session. I am confident that such a review will permit my colleagues to review firsthand what is at stake and then they will agree to strike an equitable balance between competing interests along the lines suggested by me and an overwhelming number of other elected Florida officials.

At this time, I wish to ask the distinguished chairman of the committee and the Senator from Louisiana if my interpretation of the terms of this agreement are accurate.

Mr. McCLURE. Madam President, first let me say yes, indeed, the description is accurate. Let me also commend the distinguished Senator from Florida for the diligence with which she has fought this issue. It was not moments after the conference report—I should not even say after the conference report was agreed upon; it was before we had concluded the conference but after we had acted on this when I was hearing from the Senator from Florida in no uncertain terms about the conference action.

I am pleased to say that we have been able to accommodate in part the concerns which she expressed. As compromises often are, they are not perfect from anybody's standpoint, but, certainly, they have moved a long way in the direction that the Senator from Florida had insisted that they move.

It is a reasonable compromise, Madam President. It does affect leasing operations during the next fiscal year and will give the Department of the Interior and the State of Florida the opportunity to work with respect to the several concerns that they have

as they were able to do on the eastern coast of Florida, in which the Governor of Florida did enter into stipulations of agreement with the Federal Government and leasing was permitted off the eastern coast of Florida under those agreements.

I compliment the Senator from Florida for what has been accomplished. She does accurately describe what is within that agreement in the amendment now pending before the Senate.

Mr. JOHNSTON. Madam President, I also wish to compliment the distinguished Senator from Florida. Working this out was, I must say, very difficult—difficult especially for me because we did have a conference agreement. This involved going back and redoing the conference agreement, something that I have very great resistance to doing under any circumstances. So, to have it done in this case, I think, is a compliment to the tenacity and persuasiveness of the distinguished Senator from Florida.

With respect to the question as to the terms of the agreement as described by the distinguished Senator from Florida, it sounded correct to me. I could not follow that quickly the description of the property. Let me say that the terms of the amendment will, of course, govern as to the description of the property as I understand it.

For 1 year, the OCS lease sale No. 79 cannot offer for leasing any lands in a certain corridor along the Florida coast. East of a line running north-south between leasing blocks 404 and 405, this corridor is 30 nautical miles wide, measured from the Florida shoreline.

West of this line, running north-south between leasing blocks 404 and 405, the corridor is only 20 nautical miles wide, measured again from the Florida coast.

The western bound area of the corridor is a line running north-south between leasing blocks Nos. 38 and 1. The eastern boundary of this corridor is the easternmost area to be offered for leasing in lease sale No. 79.

In addition, if the State of Florida has any existing leases permitting oil or gas extraction within the State-owned tidelands or submerged lands in this corridor, or if the State leases or sells any such lands in the future, then the lease ban is voided or is voided ab initio in the case of existing leases.

In essence, the Federal Government should not be prohibited from doing something that the State of Florida might do or propose to do. That, of course, is part of the agreement. So I think, with that addition, and if my understanding of the language is correct, I certainly agree with the distinguished Senator from Florida.

Mrs. HAWKINS. I thank the Senators for their cooperation and helpfulness.

Mr. CHILES. Mr. President, I am pleased to see progress made on addressing some of the very legitimate concerns surrounding the Department of the Interior's proposed lease sale in the eastern Gulf of Mexico. I was disappointed that the final agreement reached by the conference committee on the Interior appropriations bill did not come closer to the posture held by the House of Representatives on this issue.

I was particularly concerned that more protection was not afforded to our State's coastal areas in the form of a buffer zone. In the absence of a completed oil spill model having been run, it is impossible to adequately assess the potential impact leasing activities may have on our Florida beaches and coastal communities. Our tourist industry, our commercial and recreational fishing interests coupled with our State's strong desire to enhance protection of sensitive gulf resources point to a legitimate need for a buffer zone along out States' coastline.

I am still not entirely pleased with the outcome of negotiations concerning the area south of 26° north latitude. While the conference agreement protects this area from exploratory drilling until 3 years worth of oceanographic data has been collected, this area will still be open for leasing. If and when studies point to an adverse environmental impact, what then? Under the Outer Continental Shelf Lands Act the Secretary of the Interior does have the authority to suspend, and if necessary, cancel leases. However, a decision in this regard would involve a buyback of the lease in question.

It seems to me it would make far more sense to complete the necessary studies, determine the resource value and impact of leasing on the resource, and then make a decision as to whether or not to offer leases. The proposed lease sale in the eastern gulf will offer areas for leasing which have not, as yet, been thoroughly studied. I regret this decision.

The PRESIDING OFFICER. Is there further debate on the amendment? Hearing no objection to the motion of the Senator from Idaho—is there any further debate on this amendment?

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Madam President, I wish to inquire of the distinguished Senator from Idaho, while I was off the floor, I understand a vote was taken on the conference report itself. Is there now pending an amendment No. 91 that would affect the conference report as agreed to by the conferees in respect to the California offshore situation?

Mr. McCLURE. Madam President, if the Senator will yield, the amendment No. 91 deals with the Florida issue. It does not deal with the California issue. The California issue is contained in amendment numbered 95.

Mr. WILSON. And that is pending but we have taken no action?

Mr. McCLURE. That is correct. We can discuss that issue after this amendment is disposed of if the Senator desires to do so. We can determine at that point what action to take.

Mr. WILSON. That would be my desire and request, Madam President.

The PRESIDING OFFICER. Is there further debate on the committee amendment? If not, the question is on agreeing to the motion as proposed by the Senator from Idaho.

The motion to concur was agreed to.

Mr. McCLURE. I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLURE. Madam President, may I suggest to the Senator from California if he has problems—I know he is obviously concerned with respect to the Outer Continental Shelf leasing program and the restrictions on that off the southern coast of California.

It might be a good opportunity at this time to determine what the Senator from California would like to do with respect to that particular proposal and if, indeed, he has different action he would like to take with respect to those restrictions.

Mr. WILSON. Madam President, I thank the Senator from Idaho. I appreciate his courtesy. I have an amendment to offer which I think we can probably dispose of simply by voting upon the amendment which the Senator from Idaho has offered.

Mr. JOHNSTON. Madam President, reserving the right to object, I want to be sure I understand correctly what is happening.

The PRESIDING OFFICER. The Chair would like to call attention to the Senators from Idaho and Louisiana that amendment 95 has not been acted upon.

Mr. McCLURE. I thank the Chair. Amendment No. 94, which is the subject of the concerns expressed by the Senator from Montana and the Senator from Colorado, would be disposed of and then we would reach the action with respect to amendment 95.

AMENDMENT NO. 2353

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Madam President, on behalf of myself and the Senator from Colorado, I offer an amendment which is at the desk to amendment 94.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER), for himself and Mr. ARMSTRONG, proposes an amendment numbered 2353:

SEC. 112. None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except for emergency leasing as defined in 43 CFR 3425.1-4, lease modifications as defined in 43 CFR 3432, lease exchanges as defined in 43 CFR 3435, and the processing, sale or lease of maintenance tracts which are defined as Federal coal lands intermingled or adjacent to other leased coal to be mined as a part of a coal mine operation that is producing or developing under contracted commitments, until the Commission on Fair Market Policy for Federal Coal Leasing has submitted its report to the Congress and ninety days have subsequently elapsed.

Mr. MELCHER. Madam President, I move to concur in the amendment of the House with the amendment just read. Madam President, this is a correction of the misunderstanding that existed on the Senate floor with the adoption of the amendment of the Senate from Arkansas. This simply corrects it.

There is a very serious problem with the Interior appropriations conference report which I bring to the attention of this body. I speak specifically of the Bumpers amendment dealing with a moratorium on coal leasing.

The coal leasing moratorium provision was approved by a vote of 63 to 33. I voted with the majority.

My vote was cast following clear and emphatic reassurance by Senator BUMPERS that "the Secretary has the specific authority under the amendment to continue leasing bypass and maintenance leases." Without that reassurance, I could not have supported that amendment. I believe there are quite a few other Senators who could not have supported the amendment without that reassurance.

Nevertheless, Senator BUMPERS told me later that he had been in error in his response to me on the Senate floor. His amendment does not provide the Secretary with authority to lease maintenance tracts during the moratorium imposed by his amendment.

Since that vote I have pointed this deficiency out to the conference committee. The House would not accede to language that I proposed to remedy this deficiency.

The absence of this specific authority to the Secretary creates a very serious problem in the State of Montana and, I have recently learned, other States as well would be impacted.

I would like to spend a little time on this matter to explain to the Senate the urgency of the problem.

Maintenance coal leases are tracts of Federal coal land that lie contiguous or intermingled with existing, producing Federal leases, or producing coal lands under other ownership. A moratorium affecting those maintenance tracts could destroy the continuity of leasing, pose land use planning problems, and create emergency lease situations in the future.

There is an important distinction to be made here with regard to what an emergency coal lease is. Emergency tracts are designed for short-term mining only. Emergency lease sales apply to small tracts of coal land to provide enough coal for an existing operation until the next programmatic lease sale comes along. Emergency leasing often takes place on tracts that are more difficult to mine efficiently. By resorting to this type of leasing, Congress would be encouraging a policy that reduces the ability of miners to design mines that permit maximum recovery with maximum safety to the miners and well designed land reclamation.

The exemption of maintenance leasing from the coal leasing moratorium is particularly vital to Montana.

The tracts of Federal coal that the Western Energy Co., a subsidiary of the Montana Power Co., are attempting to lease in 1984 are maintenance tracts. The tracts are required to continue operating the Rosebud Mine in the most logical and efficient manner. If Western Energy Co. cannot get maintenance leases, they will be required to redesign the mine. Mine redesign means that the entire permitting process for the application to mine a tract with an approved reclamation plan will have to begin anew in order to get permits for the new tracts, as required under State law subject to the Federal Coal Strip Mine Reclamation Act of 1977. The failure of Western Energy to obtain necessary maintenance lease tracts will cause a minimum 2-year delay for the issuance of new permits. Provided Western Energy is successful in repermitting, the cost of producing the coal will increase about 30 percent. It they are not successful, the mine will be shut down and workers, already hard hit by the glut in the coal market, will be out of jobs.

Maintenance leasing is vital in order to provide the most sensible land use planning for coal development as well as the best cost electricity to consumers. Additionally, if these leases are not exempted, Federal coal may be bypassed thus depriving the Federal and State Government of valuable mineral royalties.

All of the many Federal coal programs have recognized the importance of fostering efficient mining by leasing maintenance tracts. This is consistent with the requirements of the Mineral Leasing Act and the Strip Mine Act. Maintenance leasing will result in the earliest production royalty payments to the Federal Government. It will protect employment as well as miner safety and economic health in mining regions.

Madam President, additional maintenance leases are needed to support the existing mining operation and to meet obligations on existing contracts.

I urge the Senate to accept the following amendment.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ARMSTRONG. Madam President, after the passage of this bill, which incorporated the so-called Bumpers amendment on coal leasing, officials of the Colorado Westmoreland Coal Co., came to see me and said something to the effect that they were really in a jam because they were going to be shut down and the safety of the mine endangered and 400 jobs lost, and so on, because under the terms of the amendment which had been adopted they would not be able to get a maintenance lease and as a consequence they would just run out of coal. I said, "Oh, no, that is not right."

We reviewed the record of the proceedings of September 20 in which my colleague from Montana (Mr. MELCHER) inquired of the sponsor of the amendment in the following words:

The Senator's amendment exempts or allows maintenance tracts or bypass tracts?

And the response:

It certainly does. I am pleased that the Senator brought that up because there are a couple of Senators who are also concerned about that. The Secretary has the specific authority under the amendment to continue leasing bypass and maintenance leases.

Regrettably, it turns out that that is not the case and through a misunderstanding the assurances which were given the Senate at the time this amendment was adopted have not turned out to be factually correct, and so some mines, including the Westmoreland mine in Colorado, are placed in a very hazardous position. I am very reluctant, as I know my colleague from Montana is, to bring up an amendment to the conference report which I know, if it were passed, inconveniences the conferees, but I will just tell Senators that the inconvenience to 400 or 500 people and their families in western Colorado, and I do not know how many other mines or how many other communities, will be severe. I am hopeful that the managers of the bill would be disposed to help us and take this amendment; even though I know they are loath to go back to conference with the House, that they would do so and explain the circumstances and the seriousness of the problem.

Let me just tick off the points which it seems to me would justify that action which I know under ordinary circumstances they would be reluctant to take.

First, there was a clear and I think an unmistakable understanding about the effect of the amendment and inadvertently that understanding was not borne out by the language of the amendment itself.

Second, the conference report as well as the amendment on its face makes clear that this statute, if it is enacted, does not permit maintenance tract leasing.

Third, underground mining operations which I have referred to in Delta County, Colo., and perhaps elsewhere will be seriously affected by the moratorium. Specifically, this particular coal mine will be forced to lay off 80 miners by next Christmas, that is, not 2 months from now but 14 months from now, if the coal lease sale does not go foward on February 14, 1984, as scheduled. And of course, the lack of any long-term coal reserves adversely impacts on safety, mining operations, resource recovery, royalty and taxes, and so on and so on. So the amendment which Senator MELCHER and I bring before the Senate tonight for which we seek approval simply conforms the bill to the representations that were made when the Senate considered this matter earlier. I would be hopeful under those circumstances that the managers would agree to accept this, to take it back to the House and straighten out this matter which from a legislative point in a detail, but I will just tell you from the standpoint of hundreds of families in one mine and probably others was well is a very, very serious issue.

Moreover, Madam President, let me point out that aside from the effect it happens to have on some innocent bystanding company employees and stockholders, it also has an effect on the availability of coal in this country. I do not think our intention was to do away with maintenance tract leasing in the first place. Clearly that is not what we thought we were voting on and to disrupt that supply of coal on this basis it appears to me would not be wise.

One final thing that might occur to Senators is why would we not just go ahead and get an emergency lease. I am told that at least in the case of this Colorado mine, and I cannot speak about others, an emergency lease is not a suitable alternative because it would enforce intensive development in a constrained underground area, and I am told that that undermines the safety factors which the operators of the mine think are most appropriate. So with that explanation, I ask for adoption of the amendment.

The PRESIDING OFFICER. Is there any further debate? If not, the question is on the——

Mr. BUMPERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Madam President, I want to say, No. 1, that I want to assist my very good friend and distinguished colleague from Montana, Mr. MELCHER, in a particular problem he has; but I am concerned about the language of this amendment because it is extremely broad. As a matter of fact, it is so broad that it reads to me as though it would nullify what the Senate recently did in developing a coal moratorium.

During the debate on the coal leasing moratorium, I told my good friend from Montana that my amendment did exempt maintenance tracts. What I told him—and I certainly would not represent it to him—was perhaps true in one sense but maybe misleading in another.

I understood that he had a particular problem in Montana with a subsidiary of Montana Power, and I respect that. We all have to look after our parochial interests, and I want to help. But the moratorium, as we passed it, in my opinion, would take care of the Senator's problem.

I hope that my colleagues, those who are here and those who may be listening in their offices, will hear carefully what I have to say next.

My amendment on the coal leasing moratorium does in fact exempt emergency leasing, maintenance leasing, and there is a definition of emergency leases which, in my opinion, would take care of Senator MELCHER's problem; because "emergency lease" is defined as the Federal coal needed within 3 years to maintain an existing mining operation at its current average annual level of production on the dates of application.

There is more to it, but then it goes on to say—there is nothing in it that would detract from his problem—subsection 2(b) of emergency leasing says that the extent of any lease issued under this section shall not exceed 8 years of recoverable reserves at the rate of production under which the applicant could qualify in this section.

In short, Madam President, if Western Energy, which is a subsidiary of Montana Power, needs five maintenance tracts that are now scheduled for sale in the August 1984 Powder River Basin sale, No. 1, the moratorium is going to expire 90 days after the Linowes Commission reports to us, unless Congress sees fit to extend the moratorium, which they may or may not do.

Let us assume the worst case scenario. Let us assume that Congress does not like the Linowes report, repudiates it, and decides to continue the moratorium past the scheduled August 1984 sale date on the tracts that Western Energy in Montana is interested in. Western Energy could still—and can at this very moment—go to the Secretary and file an application for these leases; and if they could prove that they have less than 3 years' supply left at current production levels, they are entitled, almost as a matter of right, to these tracts as long as they do not contain more than an 8-year additional supply.

In short, Western Energy is entitled to an 11-year supply of coal under existing regulations. Last year, Western Energy mined 12 million tons from Federal leases. So they are eligible for up to 96 million tons, which is 8 years' supply, under the emergency leasing provisions I have just read.

So, Madam President, they are asking for 1,721 acres—that is what Western Energy wants, 1,721 maintenance acres—which contain 36 million tons, and that is much less than they are entitled to almost automatically.

So I must say that if that is the only problem of the Senator from Montana, I do not see why it could not be solved almost summarily under existing regulations.

Having said that, let me state why I object to the language of the Senator, and I want to be as helpful as I can, because I certainly do not want to mislead him in any way. If you want to target those five tracts so that they will be up for lease, I have no objection to that, to take care of his problems. But this amendment says, "None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except"—and then it includes "the processing, sale or lease of maintenance tracts which are defined." There is no existing definition of a maintenance tract.

So what is stated in this amendment is that a maintenance tract is defined as Federal coal lands intermingled or adjacent to other leased coal to be mined as a part of a coal mine operation that is producing or developing under contract or commitments.

It seems to me that when you say that a maintenance tract is defined as lands adjacent to an operating mine, you are talking about going from Wyoming to Arkansas, because it all is adjacent.

I used to accuse my father-in-law of not wanting all the land in the county, just that that adjoined him.

Here this amendment troubles me because the language is really imprecise and could be interpreted by someone who is not quite as sensitive as some of us are on this issue as giving the Interior Department virtually carte blanche to start leasing again. That is my trouble.

Mr. ARMSTRONG. Madam President, will the Senator yield to me and

perhaps take a moment to tune in on a problem we have in Colorado?

Mr. BUMPERS. Certainly.

Mr. ARMSTRONG. By the way, let me say, Madam President, that I very much appreciate the remarks the Senator has made with respect to the mines in Montana.

I am hopeful that I can enlist his interest in a problem that I take to be a similar problem in Colorado.

The facts of it are just this: The Westmoreland Coal Mine in Colorado, which employs some 400 or 500 people, indicates to me that if they do not get the coal which is supposedly going to go forward in the coal lease sale schedule on February 14, 1984, they are going to have to begin laying off miners and that in effect they are going to be closed down.

We could approach this in a way that would be site specific and, in fact, I have here an amendment which would do that.

I agreed to join with the Senator from Montana in his amendment because it appeared to me that the problem was broader than just coal.

I have quite a few reams of facts about how Westmoreland, the community, the coal users, and the employees and their families are affected, but I really only know the facts about this one coal case.

So what I am wondering is this, Madam President, if there is a disposition to work out more, on a case-by-case basis, what the problems are in Montana and in Colorado, I am wondering if it would be a good idea to simply lay this over for a brief time to see if we can draft an amendment that would be acceptable.

Having said that, let me say I have not consulted with the Senator from Montana about that and I am a cosponsor of his amendment, which I have sponsored in good faith, even though I did not participate in the drafting of it and I could not make a final decision about changing the amendment or joining in sponsoring a more narrowly defined amendment without talking to him, but it would appear to me that if there is a disposition to work this out, we could accommodate pretty nearly everyone's interest and avoid inadvertently closing a mine or two that should not be closed.

Mr. BUMPERS. Madam President, could the Senator from Colorado tell me what the average annual production of the Westmoreland mine is?

Mr. ARMSTRONG. If the Senator will yield further, I have a lot of statistics, but I do not have them all in my head, but I can tell him at least what I am advised as to the reason why an emergency lease would not be suitable.

The reason is that this is an underground mine and the emergency lease procedure as we understand it would result in such narrowly defined limits that it compromises, in the opinion of the operator, the mine safety standards.

I do not know whether that is the same situation that obtains in Montana or not. But in this case we are talking about an underground mine, and the operators say, and I am really in over my head on the technicalities of the issue, but here is what they tell me, that that kind of a development is inconsistent with the long-term underground mine plan.

Moreover, I might point out, and I do not want to go necessarily into detail, one of the first things that was brought to my attention when I was first elected, not to the Senate but to the other body, was the desire of this company to get a maintenance lease and expand their holdings so that they could continue the mine in production.

They have been after this practically ever since I have been in Washington, and it does appear to me, and I complained bitterly through three or four administrations, that it was bogged down in paperwork, that they have finally complied with all the requirements. It is ready to go forward; so as far as I know the lease is not in and of itself controversial, but after 7 or 8 years of trying to get their mine approved or trying to get the additional lease approved, it would really be a pity if the production were interfered with or shut down and everyone put out of work and particularly the people of Delta County, which is a very small county, and in reality this is the economic backbone of that small county in western Colorado.

It would be a shame to have that happen, and I do not think it serves any interest of the Senator from Arkansas to do that. That was not what he had in mind in the first place.

If the managers would agree, the easy way to solve this would be to delay this over a little while and see if we can work out something better subject to the approval of the Senator.

Mr. BUMPERS. I am happy to do that. The information I have on the problem of the Senator from Montana is that there are five tracts they want to negotiate a lease for which are considerably less really than they are eligible for and that causes me no problem whatever. If we can define those tracts definitively in the bill, that is just no problem for me.

Mr. McCLURE. Madam President, my problem is that we are kind of shooting blind. I know the Senator from Montana expressed his concern earlier at the time the Bumpers amendment was pending in the Chamber, and the Senator from Arkansas said, "Senator, you have no problem."

Later on, the Senator from Montana determined that he believed he did have a problem with maintenance leasing.

This question was discussed in the conference, and I well remember the Senator from Arkansas saying it had not been his intention to interfere with the kind of problem that the Senator from Montana was raising but if there were a question about the language of the amendment, then indeed he was willing to try to help. But the conferees on behalf of the other body said: "We are not going to talk about an exception. We will not accept any exception."

It would be my view that yes, it may well be that we do need more time to develop the issue.

I would make a different suggestion with respect to the timing of the solution of the issue. There will be a continuing resolution prior to November 10. That gives us the time if we need to try to define whether or not an emergency response is enough, as the Senator from Arkansas represents in the Chamber, whether or not a specific tract-by-tract answer is sufficient, and also to determine whether or not the Members in the other body might accept some kind of language.

I say this because I do not know how much time it is going to take for us to develop the information that is necessary to answer the questions of the Senator from Colorado or the Senator from Montana. But I think there is a problem here.

Our difficulty is we have never seen the language of the amendment. I have no way of knowing what the effect of the amendment may be. I do not have the foggiest notion as to whether or not the specific tract exemption that has been suggested by the Senator from Colorado will work or not. It may or may not. I have not had an opportunity to talk to anyone in the industry with respect to whether or not there is a safety problem, as the Senator from Colorado has indicated, and I am sure neither the Senator from Arkansas nor the Senator from Idaho, although we were on opposite sides of the issue on the Bumpers amendment when it came up, wants to do anything that is going to cause any safety problems in an underground mine.

So I do think we need some time.

Mr. ARMSTRONG. Madam President, will the Senator yield to me for a moment?

Mr. McCLURE. I am happy to yield.

Mr. ARMSTONG. Madam President, I think the points the Senator has emphasized are correct, and my recommendation is that we simply defer final action on this issue until tomorrow morning and give us a chance to work those things out.

So far as the site specific question in Colorado, we have an amendment drafted which would clearly resolve that, and frankly I must say to the Senator and to my colleagues that I

would be comfortable to have more time also. This comes to me as an issue, first, in which I have little expertise, and, second, we all just were going along on the assumptions that maintenance tracts were not affected, and so I have not spent a lot of time prior to the last day or two in really getting up the speed on it.

But I think we can pin all those issues down. I can tell the Senate that the companies involved are eager to consult with Senators about this issue overnight, and I bet we can put all the legal fine points together and clarify to everyone's understanding because I think at least in this body we have reached a conceptual agreement that it is our desire not to inadvertently close down or impede the operations of these mines that have been the subject of discussion.

So that is what I would ask of the managers. How about if we put it over until the morning and get it done?

Mr. McCLURE. Madam President, if the Senator from Colorado will yield for an alternate suggestion, I do not object to waiting until tomorrow to try to resolve the issue, but I submit that we may need a little more time than that. We will have the supplemental bill in the Chamber within a week. It will be up next week. We could address this question in the supplemental.

Mr. ARMSTRONG. That is certainly true, I say to the Senator, but bear in mind that it is in this bill where the problem arises and it is perhaps well to solve it when it is first presented to us. I mean the issue before the Senate is the agreement to this amendment to this conference report and the Senator from Montana and I have sort of an obligation to resolve it now if we possibly can.

Mr. BUMPERS. If the Senator will yield, I will say this in response to what the Senator from Idaho has said. First it is my firm conviction that the Senator from Montana does not have a problem. As I said, the regulations in existence right now would entitle his company to get an 8-year additional supply which is much more than they are asking for.

Mr. MELCHER. Will the Senator yield at that point?

Mr. BUMPERS. Sure, go ahead.

Mr. MELCHER. Madam President, and my colleagues, I have had my problem easily resolved by the Senator from Arkansas in his concept of what is an equitable resolution of this problem.

What I want to explain is that that indeed is not the case. One of the problems we have, and I suffer from it too, is sometimes we feel that if we read carefully we can understand somebody else's problem.

In this instance, I want to draw the attention of the Senate to the fact that I did not believe at one time that Western Energy, the company described by my friend from Arkansas, had a problem with an emergency lease. I thought, well, because everything was underway, the review of the mining plan was going ahead and everything was OK, and I was jolted to reality when I learned that company had to announce along about Thanksgiving time that 80 people would be laid off, 80 or 90 people would be laid off December 10, and 2 weeks after that there would be another 100 laid off and by January the mine would have been down to just a very skeleton force.

That was not very good news for Thanksgiving or Christmas or New Year's, so we were able to resolve that before the problem got so bad that they had to go through laying all the people off but they did have to start delaying it.

So I now have begun to have some respect for what they tell me when they tell me that something we do here may result in a slowdown in the mining operation.

Emergency leasing does not create the right situation for them and I think we might have other opportunities to correct this and perhaps it would have been all right until a week or so ago when I learned that the Department of the Interior wants this passed. Once this is passed it is not going to process maintenance leases and that means even after the moratorium is over that it will be the timeframe from about now until when the moratorium is over before they start to process those maintenance leases.

Emergency leasing should be avoided for two reasons: First of all, you wait too long to find out exactly what you are going to need and, second, then, you develop a mining plan which is not as efficient as if it were developed in the regular timeframe.

I have to repeat: These mining plans to get State approval really require 2½ to 3 years so on that basis we do not want the necessary coal leases for this ongoing operation and what others may be—I know the Senator from Colorado is describing Westmoreland's problems in his State and there may be one or two others but we do not want that situation to arise where we actually do cause poor development of the mining plans or run the threat of closing the mine down either partially, generally just partially, but that is hard news for those workers.

I would suggest that perhaps we can reach a satisfactory arrangement here. The Senator from Colorado has his mining tracts identified by number, and we can do the same, and if the Senators from Idaho, Colorado, and Arkansas are satisfied, and the Senator from Louisiana is satisfied, I think we have narrowed the problem down to what we know exists.

I would find it hard to try to go through all of this again in the next appropriations bill we have before us. I think we are very close to settling it now and I do not think we need to wait overnight. I think we can put this language together very quickly if the Senators are satisfied.

Mr. STEVENS. Will the Senator yield?

Mr. MELCHER. Yes, I yield.

Mr. STEVENS. Is the Senator prepared to have some time agreement if we had to put it over until tomorrow?

Mr. MELCHER. Certainly.

Mr. STEVENS. Could we have a half hour to a side?

Mr. MELCHER. I will do anything the Senators like.

Mr. STEVENS. Could we explore the idea that we could have an hour on a side or a half hour on a side?

Mr. BUMPERS. A half an hour on a side is enough; if we work it out we probably would not need that much.

Mr. ARMSTRONG. Yes, we may be able to work it out now. Can you do it now?

Mr. McCLURE. Madam President, I have no problem in trying to work it out either tonight or overnight if indeed that can be done. But the Senator from Arkansas, whose amendment this was originally, has to be the architect of the amount of time that would be required to work out an agreement. If it can be done tonight obviously I would be delighted.

Mr. BUMPERS. I would like to issue one little caveat to the Senators from Montana, Idaho, and Colorado. I do not understand what Western Energy's problem is. When they almost as a matter of right are entitled to emergency release of more coal than they are asking for and under the definition of the Senator's amendment BLM puts that land up for bids it might very well have to be put on a competitive bid basis and not negotiated as a matter of right as they now have the right to do under the regulations.

Mr. McCLURE. Madam President, I would also want to have it understood at this point that if we put this matter over until tomorrow I would want to dispose of every other matter so that the only thing that was pending was this matter and final passage of the conference report on tomorrow. I know of only one other issue that is before us and that deals with amendment No. 95, the Outer Continental Shelf leasing with restrictions off the coast of southern California, which we would expect to resolve yet this evening and then have only this coal leasing matter pending.

Mr. JOHNSTON. Will the Senator yield on this point? For the benefit of our colleagues who are waiting around, as I understand this matter will either be worked out by agreement tonight, by time agreement tomorrow, and the conference report has already been adopted.

We only have one more amendment in disagreement so I am wondering, and I ask the acting majority leader and manager of the bill, that we might tell our colleagues there will be more votes.

Mr. STEVENS. I am sorry to say I cannot make that statement yet, Madam president. We are conferring with the leadership on our side of the aisle. We do have one other item here, California OCS which has not been totally resolved. As soon as we know that is the case and we get the agreement we are talking about to move this over until tomorrow we can make that statement. But until we get that agreement it is still possible this matter might come to a vote tonight.

Mr. McCLURE. Madam President, may I ask the Senators from Montana, Colorado, and Arkansas whether it might not be well at this time to set the pending amendment aside temporarily so you can get your heads together and work it out and in the meantime we can work on the other question with respect to the California OCS? Maybe by the time that is disposed of you will know whether we can get it done tonight or whether you will need more time.

Mr. MELCHER. Will the chairman yield?

Mr. McCLURE. I would be happy to.

Mr. MELCHER. I think as far as I am concerned that that would be the proper thing to do. I do want to state that the reason we are trying to avoid any emergency leasing is you cannot develop a mining plan and submit it to a State. After all the State of Montana is the one going to approve the mining plan, and you cannot do that properly unless you follow through on long-term planning that is already under way. They have not even been gotten yet, they have already been working a year or two on a mining plan that involves present leases and the ones we are going to use in the future. These maintenance tracts are not a big part of the overall mining plans.

But to delay on the Department of the Interior getting ready for the resales of those maintenance tracts and to change the mining plan subsequent to that if they do not get the maintenance tracts for emergency lease, throws them backward.

So I think the proposal would be a very good one on our part. I think I can explain it in more detail to the Senator from Arkansas or anybody else who is curious.

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER (Mr. ARMSTRONG). Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I am informed by the Parliamentarian that we did not take the proper action with respect to amendment No. 16. I, therefore, ask unanimous consent to vitiate the previous action taken on amendment 16.

The PRESIDING OFFICER. Is there objection to the Senator's request? Hearing none, the action is vitiated.

Mr. McCLURE. Mr. President, I move that the Senate disagree in the amendment of the House to the amendment of the Senate numbered 16.

The PRESIDING OFFICER. Is there discussion on the motion? The question is on agreeing to the motion of the Senator from Idaho (Mr. McCLURE).

The motion was agreed to.

Mr. McCLURE. Mr. President, it is my understanding now that there are two matters, amendment No. 94 that was temporarily set aside and amendment No. 95, which deals with Outer Continental Shelf leasing restrictions on the southern California Outer Continental Shelf.

In order to present this matter to the Senate at this time on amendment No. 95, I move that the Senate recede from its amendment.

Before acting on that motion, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. A parliamentary inquiry, Mr. President. If the matters pertaining to the California OCS amendment and the amendment suggested by the Senator from Montana concerning the coal leasing problem are disposed of, is there anything further that needs to be done to dispose of this conference report and the amendments in disagreement?

The PRESIDING OFFICER. The Chair begs the Senator's indulgence while we check.

Mr. STEVENS. I thank the Chair. I will be glad to suggest the absence of a quorum. I just wanted to make sure, if we make an agreement concerning those two items, that there would be no other items to come before the Senate concerning the Interior Department appropriations bill thereafter.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, apparently the time agreement that is being prepared is going to take some time. I want to state that there will be no more rollcall votes tonight.

I ask unanimous consent that the Interior Department appropriations conference report be laid aside temporarily and that the Senate resume consideration of the pending business, the State Department authorizations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I want to state to the Senate that the time agreement will provide when we return to the Interior Department appropriations conference report, which will be no later than 1 o'clock tomorrow. We will be on the State Department authorizations bill as long as the distinguished chairman wishes to continue tonight, and then tomorrow morning when we reconvene we will still be on the State Department authorizations bill. We will resume consideration of the Interior appropriations conference report tomorrow at approximately 1 o'clock.

DEPARTMENT OF STATE AUTHORIZATIONS

The Senate continued with the consideration of the bill (S. 1342).

AMENDMENT NO. 2354 TO AMENDMENT NO. 2346

Mr. PERCY. Mr. President, I send to the desk an amendment on behalf of Senator STAFFORD, and ask for its immediate consideration.

The PRESIDING OFFICER. If the Senator will withhold for a moment, the Chair will advise the Senator the pending amendment before the Senate is amendment No. 2350, by the Senator from West Virginia (Mr. BYRD).

Mr. PERCY. Mr. President, in the absence of the distinguished majority leader, I ask unanimous consent that the Byrd amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois that amendment No. 2350 by the Senator from West Virginia be temporarily laid aside? Hearing none, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY), for Mr. Stafford, proposes an amendment numbered 2354 to amendment numbered 2346.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, between lines 33 and 34, insert the following:

(5) One part of the payments made in each fiscal year shall be used to support language training in Russian and Eastern European languages. Such payments shall include grants to individuals to pursue such training and to summer language institutes operated by institutions of higher education. Preference shall be given for Russian language studies.

On page 5, line 34, strike (5) and renumber as (6).

● Mr. STAFFORD. Mr. President, I want to commend my colleague from Indiana (Mr. LUGAR) for his initiative in improving Federal support for Soviet and Eastern European studies.

My amendment's purpose is to make foreign language studies a part of that initiative. The study of Russian and Eastern European languages is a basic building block to effective research on that region of the world.

This amendment would allow support for individuals to study those languages and provide grants to summer language institutes teaching those languages.

I know from institutions in my own State—schools such as Norwich University, Middlebury College, and the experiment in international living—that you cannot truly know a foreign nation without knowing its language.

Therefore, I urge adoption of this amendment.●

Mr. PERCY. Mr. President, I know of no objection to this amendment on this side.

Mr. BUMPERS. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. The Chair points out to the Senator from Illinois that his amendment amends an amendment previously agreed to. Therefore, it requires unanimous consent for this amendment to be considered.

Mr. PERCY. I ask unanimous consent that the amendment be in order.

Mr. STEVENS. Reserving the right to object, Mr. President, may I inquire what the amendment is that will be affected by this amendment?

Mr. PERCY. As to the effect on the Lugar amendment, Senator LUGAR has agreed to the amendment being offered by me on behalf of the Senator from Vermont (Mr. STAFFORD).

Mr. STEVENS. I thank the Chair. I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois for the amendment to be in order? If not, it is so ordered.

The Senator from Illinois.

Mr. PERCY. I send an amendment to the desk on behalf of myself, Senators MOYNIHAN, PELL, and KENNEDY.

The PRESIDING OFFICER. If the Senator will withhold, is there further discussion on the amendment of the Senator from Illinois?

The question is on agreeing to the amendment.

The amendment (No. 2354) was agreed to.

The PRESIDING OFFICER. The question now recurs on the Byrd amendment No. 2350. Does the Senator wish to ask that that be laid aside?

Mr. PERCY. Yes, Mr. President, I make such request.

Mr. BUMPERS. There is no objection on this side.

The PRESIDING OFFICER. If there is no objection, the amendment No. 2350 is laid aside.

AMENDMENT NO. 2355

(Purpose: To create a United States-India Endowment out of excess U.S.-owned Indian rupees)

Mr. PERCY. Mr. President, I send an amendment to the desk in behalf of myself, Senator MOYNIHAN, Senator PELL, and Senator KENNEDY, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment of the Senator from Illinois.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY) for himself, Mr. PELL, Mr. MOYNIHAN, and Mr. KENNEDY, propose an amendment numbered 2355.

Page 48, after line 17, insert the following new title:

TITLE VII—UNITED STATES-INDIA ENDOWMENT FOR CULTURAL, EDUCATIONAL, AND SCIENTIFIC COOPERATION

SHORT TITLE

SEC. 701. This title may be cited as the "United States-Indian Endowment for Cultural, Educational, and Scientific Cooperation Act".

THE ENDOWMENT

SEC. 702. The President is authorized to enter into an agreement with the Government of India providing for the establishment of a United States-India Endowment for Cultural, Educational, and Scientific Cooperation (hereafter in this title referred to as the "Endowment") which would provide grants and other assistance for exchanges of persons for cultural, educational, and scientific purposes and for programs for joint scholarly cooperation.

USE OF EXCESS UNITED STATES OWNED RUPEES TO CAPITALIZE THE ENDOWMENT

SEC. 703. Subject to applicable requirements concerning reimbursement to the Treasury for United States owned foreign currencies, the President may make available to the Endowment, for use in carrying out the agreement authorized by section 702, up to the equivalent of $250,000,000 in foreign currencies owed to the United States by the Government of India. Such use may include investment in order to generate interest which would be retained by the Endowment and used to support exchange and research programs pursuant to that agreement.

Mr. PERCY. Mr. President, in order to provide a more enduring basis for the relations between the United States and India, the world's two largest democracies, I am proposing to establish a permanent United States-India Endowment for Cultural, Educational and Scientific Cooperation.

To serve as the initial capital of the endowment, up to $250 million equivalent may be drawn from the rupee funds currently available to the U.S. Government in India under the United States-India Agreement of 1974 and in accordance with the provisions of that agreement prior to the expected depletion of funds several years hence.

Bearing in mind the extensive exchanges and research already supported by those rupee funds over the past several decades, the endowment would provide grants and other assistance to activities in the cultural, educational and scientific realms. Particular emphasis would be placed on fields whose contributions can be made by talented individuals in both countries and where existing institutional links can be reinforced and new ones established.

Subject to appropriate laws of India, the endowment would be incorporated there as well as in the United States and contributions would be sought from the private sectors in both countries to supplement government contributions. The endowment's activities would be financed primarily by drawing on interest earned on its capital.

Responsibility for administering the endowment would rest with a board, the American members of which would be nominated by the Secretary of State and the Indian members by the Government of India. In choosing the American members due regard would be paid to the exchange and research programs currently existing.

Mr. President, I ask unanimous consent that a letter from S. Dillon Ripley, Secretary of the Smithsonian Institution, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SMITHSONIAN INSTITUTION,
Washington, D.C., October 19, 1983.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR CHUCK: I am writing to thank you for your support for U.S.-Indian programs of cultural and scientific cooperation, and to endorse your efforts to secure long-term financing of the programs through establishment of an endowment fund jointly supported by the U.S. and India.

As you know, the Smithsonian for almost twenty years has played a major role in furthering U.S.-Indian cooperation in research into the sciences, art, and history, in museum professional exchanges, and in performance and exhibition. Along with others engaged in special foreign currency programs, we contemplate with dismay the likely depletion of the U.S.-owned Indian rupee account within five years. Thus, your initiative is most welcome.

The Smithsonian is active in cooperative programs across a wide range of disciplines and types of endeavor. We are eager that a strong system be established to insure that this diversity is protected and developed under a bi-national endowment plan. It is encouraging that your proposed amendment

authorizing the endowment so clearly reflects the broad spectrum of cultural as well as scientific and technological collaborative programs. I am confident that it provides a firm basis on which to build the structure for governing the U.S.-Indian bi-national endowment in a way that will encourage and protect the broadest range of cultural and scientific programs.

Your efforts on behalf of cooperative programs contribute significantly to international and intercultural understanding. Please accept my personal thanks along with those of many scholars, scientists, and other colleagues in India and the U.S. who prize the opportunities these joint programs provide.

Sincerely yours,

S. DILLON RIPLEY,
Secretary.

Mr. PERCY. Mr. President, I know of no objection to the amendment on this side.

Mr. BUMPERS. There is no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2355) was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment No. 2350 of the Senator from West Virginia.

Mr. BUMPERS. Mr. President, it is necessary to set aside the Byrd amendment at this point, is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. I ask unanimous consent that that amendment be temporarily laid aside in order that the Senator from Illinois may offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2356

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2356.

On page 33, after line 20, insert the following new section:

FOREIGN CURRENCY GAINS

SEC. 304. Section 8(b) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)) is amended to read as follows—

"(b) Any amount appropriated pursuant to subsection (a)(1) of this section which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for Radio Free Europe and Radio Liberty, Incorporated, may, beginning in fiscal year 1983, be merged with and made available for the same time period and same purposes as amounts appropriated pursuant to section 8(a)(2) of this Act.".

FOREIGN CURRENCY GAINS

Mr. PERCY. Mr. President, inasmuch as the Board for International Broadcasting (BIB) fiscal year 1984 budget request for RFE/RL, Inc. is based on an exchange rate of 2.50 West German marks to the dollar, the BIB has reason to believe that RFE/RL, Inc. may incur a serious cash flow problem during the fiscal year if the current downward trend of the dollar against the mark, which during fiscal year 1983 has reached the 2.38 level, continues.

To insure that the Currency Devaluation Fund, which remains available until expended and now totals $3,395,000, is adequate to offset losses due to adverse fluctations in foreign currency exchange rates during fiscal year 1984 and afterward, the administration on April 20 transmitted to the Congress proposed legislation to amend section 8(b) of the BIB Act of 1973, as amended, designed to increase the level of the Fund without necessitating the appropriation of additional moneys to accomplish that.

Further, the amendment of section 8(b) would enable the BIB to administer the Currency Devaluation Fund in a way similar to that used by the Department of State for its Buying Power Maintenance Fund, which was established to offset losses due to exchange rate and overseas wage price fluctuations unanticipated in the budget. Rather than having gains due to upward fluctuations in foreign currency exchange rates (which through April 30 of the current fiscal year totaled $3,721,736) placed in reserve and ultimately rescinded or lapsed, as the law now directs, such gains will, under the proposed amendment, be merged into the Currency Devaluation Fund to remain available to offset future losses.

I urge my colleagues to act favorably on this amendment.

Mr. President, I know of no objection to the amendment on this side.

Mr. BUMPERS. There is no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2356) was agreed to.

Mr. BYRD. Mr. President, I wonder if I may ask an appropriate question here. As I look around, there are so few Senators on the floor; I wonder if this is a good way to legislate.

I am told that anything that has not been cleared by Senator PELL we shall not do.

Mr. PERCY. That is correct, Mr. President. Senator PELL has cleared each of these amendments. They are totally noncontroversial.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from West Virginia numbered 2350.

Mr. PERCY. I ask unanimous consent that the amendment of the Senator from West Virginia be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2357

(Purpose: To provide funding for property and air filtration improvements for the U.S. Embassy in Mexico)

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2357.

Mr. PERCY. I ask unanimous consent that reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, after line 19, add the following new section:

U.S. EMBASSY—MEXICO CITY

SEC. 122. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated for "Administration of Foreign Affairs" for the fiscal year 1984 $4,000,000 to be used for the purchase of land for and the construction of additional consular facilities and for certain improvements in existing consular facilities, at the United States Embassy in Mexico City, Mexico.

Mr. PERCY. Mr. President, this is an amendment that would provide $4 million for property and air filtration improvements for the U.S. Embassy in Mexico City.

Mexico City is widely recognized as having the most serious air pollution problems of any capital in the world. American Embassy personnel are subjected daily to air which the U.S. Government says is extremely hazardous to their health.

Merely by breathing the air on an average day, members of the Embassy staff inhale the equivalent pollutants of two packs of cigarettes.

Among the Embassy staff there are high incidents of pollution-related skin rashes; intestinal ailments; eye, ear, nose, and throat infections; and cardiopulmonary diseases, such as asthma, bronchitis, and emphysema.

Such a situation would never be tolerated in a Government building in this country, and U.S. personnel should not be subjected to such hazards while serving abroad. My amendment would remedy this problem by installing air filter cleaners and conditioners at the Embassy at a cost of just over $1 million.

Insuring the safety of U.S. Embassy personnel has become increasingly difficult in many areas of the world, as the bombing of our Embassy in Beirut earlier this year underscored. The U.S. Embassy in Mexico City has attracted growing numbers of demonstrators over the past few years, and there is mounting concern among U.S. security

officials about the difficulties involved in providing security for the Embassy compound. My amendment would allocate just under $3 million for the purchase of adjacent land to enhance the Embassy's security.

Mr. President, I know of no objection on this side.

Mr. BUMPERS. There is no objection on this side, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2357) was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from West Virginia.

Mr. PERCY. I ask unanimous consent that it be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2358

(Purpose: To allow the Department of State's security officers do qualify for law enforcement officer benefits)

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2358.

Mr. PERCY. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. The amendment is as follows:

On page 24, after line 19, insert the following new section:

SECURITY OFFICERS

SEC. 122. (a) The Act of June 28, 1955, as amended (22 U.S.C. 2666) is amended by redesignating the present text as subsection (a) and adding the following new subsection (b):

"(a) Periods of service by security officers of the Department of State and the Foreign Service while performing functions under subsection (a) shall be considered periods of service as a law enforcement officer for purposes of sections 8335(b), 8336(c)(1), and 8339(d)(1) of title 5 of the United States Code. This subsection shall apply only to persons who retire under chapter 83 of title 5 of the United States Code after the effective date of this subsection."

(b) Section 2104 of the Foreign Service Act of 1980 (22 U.S.C. 4154) is amended by adding at the end thereof the following new subsection (c):

"(c) The 3-year period referred to in subsection (a) shall be extended for an additional period not to exceed 1 year from the date of enactment of this section in the case of Department of State officers who are members of the Service and who were initially ineligible for conversion under that subsection because they were available for worldwide assignment and there was a need for their services in the Service, but as to whom subsequent events require the services of these members (and of those later employed who are similarly situated) only or primarily for domestic functions."

Mr. PERCY. Mr. President, this amendment will permit a rationalization of the Department's security functions, while protecting the rights of employees. I ask unanimous consent that a section-by-section analysis of this amendment be printed in the RECORD at this point.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECURITY OFFICERS—SECTIONAL ANALYSIS

Section 122(a) is intended to correct an anomaly which has existed since 1975. Prior to that time, assignment to a function involving protection of the Secretary of State or foreign dignitaries could be credited toward eligibility for the special retirement provided for law enforcement officers under section 8335 of title 5, United States Code. Since then, the statute has been interpreted as precluding such service from credit, although in many cases it is more demanding and more dangerous than other kinds of service, also performed by security officers in the Department, which do qualify. At any given time, approximately 35 to 40 individuals are assigned to the Secretary's detail. Under the current arrangements, security officers who are serving in assignments which make them eligible for this retirement credit are sometimes reluctant to move to other assignments on that detail, since they lose this credit. Because of the small numbers involved and the fact that they would make higher retirement contributions, the additional cost to the government would be marginal.

Section 122(b) provides a limited extension of the conversion provisions of the Foreign Service Act of 1980, for the benefit of a small group of employees who correctly belong in the Civil Service system, but who were not eligible for conversion earlier. The existing provisions expire, in the case of the Department of State, on February 15, 1984. In a few limited cases, it is now apparent that this will not be sufficient time to realign the personnel organization of the Department for employees who were originally considered to be worldwide available and therefore appropriately remaining in the Foreign Service, but who subsequently have been determined to be needed only for employment at home. The extension would be for one year; that is, until February 15, 1985.

Mr. PERCY. Mr. President, consistent with the intent of the act that domestic functions be carried out by members of the Civil Service, this change would allow completion of realinement of the Department's two personnel systems without loss of pay, status, or benefits by employees. The amendment would apply only to individuals not previously eligible for conversion from the Foreign Service, since they were originally in the worldwide category after the effective date of the act but prior to a decision that a particular occupation should be in the domestic group. Thus, it would not extend the original 3-year period allowed for conversion for those originally designated as domestic, particularly in the Department of State or USIA. The current plan is to apply the new authority only to certain security officers in the Department of State, although it could apply to other small groups.

I ask unanimous consent that a cost estimate for this amendment be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECURITY OFFICERS

A. Cost to State Department $100,000 in Retirement Fund.

B. Average Salary Security Officer $40,000 (high-three)

Average 30 year career

High estimate—10 years in Protective Work

C. Current retirement 2 percent per year or 30 years times 2 percent=60 percent of $40,000.

Retirement annuity $24,000

D. Proposed Retirement:

2 percent for 20 years (40 percent)	$16,000
2½ for 10 years (25 percent)	10,000
Total	26,000

Retirement annuity

Increase $2,000 per employee, maximum number of Security Officers—50 in protective detail per year.

Thus maximum cost to Department in retirement fund contribution is $100,000.

Mr. PERCY. Mr. President, I know of no objection to the amendment on this side.

Mr. BUMPERS. There is no objection on this side, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2358) was agreed to.

The PRESIDING OFFICER. The question now recurs on the Byrd amendment numbered 2350.

Mr. PERCY. I ask unanimous consent that the Byrd amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, what is the number of the amendment?

The PRESIDING OFFICER. I am advised that the amendment which the Senator will send to the desk would be numbered 2359. Amendment No. 2358 has been agreed to.

AMENDMENT NO. 2359

(Purpose: To clarify and restrict the manner in which the Department of State may expend funds for extraordinary protective services)

Mr. PERCY. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2359.

Mr. PERCY. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 13, insert "(a)" after "Sec. 105".

On page 4, after line 23, insert the following new subsections:

"(b) Assistance may be provided to a foreign mission, as defined by section 202(a)(4) of the State Department Basic Authorities Act of 1956, through State and local authorities directly or by contract under the preceding subsection (a) only if the Secretary has determined that there are reasonable grounds to believe that there exists a threat of violence to, or conditions inconsistent with appropriate security of such foreign mission or the personnel thereof, except that the assistance requested by the Secretary shall be available only for extraordinary security purposes.

"(c) Authority pursuant to this section shall be subject to the following conditions:

"(1) Regulations to implement this authority have been approved by the Secretary after consultation with appropriate Committees of Congress;

"(2) No more than twenty percent of funds available for obligation under this section in any fiscal year may be obligated for purposes of protective security in any State jurisdiction of the United States within that year;

"(3) Any agreement to provide security assistance may not exceed a 90-day period in any calendar year, but may after review be subject to renewal; and

"(4) There shall be retained from funds available for obligation under this section not less than fifteen percent thereof as a reserve for security purposes provided directly by the Secretary of State or for expenditures in any local jurisdictions not otherwise covered by an agreement for security services under this section."

Mr. PERCY. Mr. President, let me make this statement explaining this amendment.

EXTRAORDINARY PROTECTIVE SERVICES

The present section 105 of the act was proposed by the President as part of his budget proposals for fiscal year 1984 to assist local authorities in providing necessary extraordinary protection to official foreign missions and personnel in the United States in compliance with our international obligations.

Neither of the Appropriations Committees has thus far been willing to appropriate funds in implementation of the President's request because of the absence of authorizing legislation.

In addition, some members saw in this authority a means of simply providing budget support to States and local governments. Others felt that without more adequate controls the bulk of the funds appropriated might go to the two or three major cities in which most consulates, foreign government trade offices, and cultural centers are located, preempting the needs of areas with smaller concentrations of official foreign presence. Still others were concerned that the demand for such reimbursement would grow without limit.

My amendment meets these concerns:

The designation change makes clear that the authorization is intended—by both Congress and administration—to be limited to extraordinary protective services required by official foreign missions and personnel in the United States, wherever located, beyond that which is and should be afforded them by local and State authorities under the requirement for equal protection of the law. The funds authorized are not to be considered, and the amendments are intended to prevent their use for, mere supplements to the budgets of local and State authorities or as reimbursement for services which they should already be providing in the normal course of their legal responsibilities.

Subsection B is intended to make clear that reimbursement of funds under this section is at the option of the Secretary of State when he considers extraordinary protection required and is limited to occasions when such protection has been requested by him. That the "protectee" requests such coverage or that the local/State jurisdiction provides such service on its own authority does not, of itself, require reimbursement under this section.

Subsection (C) establishes a number of further conditions to the disbursement of funds for extraordinary protective assistance intended to insure that congressional concerns are taken into account. Perhaps most important in this respect is (C)(1) which requires that the detailed regulations under which this program will be administered will be subject to review by the appropriate committees of the Congress.

The balance of (C) reinforces the concept that the whole amount of the authorized funding is a "contingency fund", uncommitted in advance to anyone. (C) (2) and (3) respectively establish maxima concerning the cost and length of protective services for which reimbursement or contracting, is foreseen. The proposed 20 percent limitation on disbursements to any one State jurisdiction will make sure that all areas of the country will have an opportunity to seek reimbursement when the need for extraordinary protection for foreign officials or missions arises. The 90-day limitation requires that the Secretary review the continued need for each service relatively frequently.

Subsection (C)(4) reinforces the concept that the larger jurisdictions should not overwhelm the smaller ones and gives the Secretary necessary flexibility to respond to protective requirements in places—say en route between major metropolises—which might otherwise never see a foreign mission.

Mr. President, I urge my colleagues to support this amendment.

I know of no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2359) was agreed to.

Mr. PERCY. Mr. President, I ask unanimous consent that the pending amendment of the Senator from West Virginia be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2360

(Purpose: To permit the President to extend privilege and immunities to the European Space Agency)

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes as amendment numbered 2360.

Mr. PERCY. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, after line 19, insert the following new section:

EUROPEAN SPACE AGENCY

SEC. 122. Section 11 of the International Organizations Immunities Act is amended by striking out "European Space Research Organization" and inserting in lieu thereof "European Space Agency".

Mr. PERCY. Mr. President, I wish to make the following points regarding proposed technical amendment to qualify the European Space Agency for designation under the International Organizations Immunities Act:

The proposed technical amendment to the International Organizations Immunities Act (Act), which would substitute the name "European Space Agency" (ESA) for "European Space Research Organization" (ESRO), would permit ESA, the recently constituted successor organization of ESRO, to enjoy the privileges and immunities extended by the act to public intergovernmental organizations designated thereunder.

ESA was established pursuant to a new, separate convention which was concluded in 1975 and entered into force on October 30, 1980. ESA succeeded to the rights and obligations of two predecessor organizations—ESRO and the European Organization for the Development and Construction of Space Vehicle Launchers.

The United States has, through the National Aeronautics and Space Administration, engaged in numerous cooperative space activities with ESRO and now ESA, although it has not been a member of either ESRO or ESA. One of the most significant of these is the spacelab program—a

multi-purpose, manned space laboratory for use with the space shuttle—which was developed by the ESA and is planned for launch by the space shuttle for the first time in October 1983.

Due in part to these significant cooperative efforts, ESRO and ESA have had a sufficient U.S. presence—in terms of offices, facilities, and personnel—to justify granting the organization those privileges and immunities generally accorded public international organizations.

Those privileges and immunities facilitate the performance of such organizations' public functions by granting them, inter alia, legal capacity to contract and acquire and dispose of real property, immunity from legal process, income tax exemption for both the organization and its nonresident alien employees, immunity from suit for the employees' performance of their official functions and inviolability of the organization's property and archives.

However, the above-mentioned act permits the President to grant such privileges and immunities only to those international organizations in which the United States participates pursuant to a treaty or an act of Congress authorizing such participation or making an appropriation for such participation.

Since the United States does not participate in ESA, specific legislation is required for ESA to enjoy the privileges and immunities hitherto extended to its predecessor organization by prior amendment of the act.

The proposed technical amendment would achieve this result with respect to ESA, and will facilitate the important U.S. interest in cooperating with ESA.

Mr. BUMPERS. There is no objection on this side, Mr. President.

Mr. PERCY. I know of no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2360) was agreed to.

Mr. PERCY. Mr. President, I ask unanimous consent that the pending amendment of the Senator from West Virginia be temporarily laid aside.

The PRESIDING OFFICER. Without objection it is so ordered.

AMENDMENT NO. 2361

(Purpose: Amendment to amendment No. 2200 to correct technical error)

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2361.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all language contained in amendment No. 2200 and insert in lieu thereof the following:

On page 24, after line 19, add the following new section:

1985 CONFERENCE—U.N. DECADE FOR WOMEN

SEC. 122. The President shall use every available means at his disposal to ensure that the 1985 Conference to commemorate the conclusion of the U.N. Decade for Women is not dominated by political issues extraneous to the goals of the 1985 Women's Conference that would jeopardize U.S. participation in and support for that Conference consistent with applicable legislation concerning U.S. contributions to the U.N. Prior to the 1985 Conference, the President shall report to the Congress on the nature of the preparations, the adherence to the original goals of the Conference, and the extent of any continued U.S. participation and support for the Conference.

Mr. PERCY. Mr. President, in our previous consideration of this bill, Senator KASSEBAUM offered an amendment which the Senate adopted concerning the 1985 conference to commemorate the conclusion of the "U.N. Decade for Women."

At that time, extraneous materials were attached to Senator KASSEBAUM'S amendment. She has asked that I correct this technical error. Therefore, I send to the desk a substitute for Senator KASSEBAUM'S unprinted amendment No. 2200 and ask unanimous consent that it be adopted.

Mr. BUMPERS. Mr. President, it is my understanding that this amendment is different than the one that was agreed to. I feel certain that the amendment will be all right, but I am not in a position to agree to it.

The PRESIDING OFFICER. The Chair advises the Senator that since the amendment of the Senator from Illinois amends the previous amendment, it would require unanimous consent for it to be in order and before the Senate.

Is there objection to the request of the Senator?

Mr. BUMPERS. I must very reluctantly object for the time being.

Mr. PERCY. The Senator from Illinois fully understands the situation.

I ask that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PERCY. Mr. President, I ask unanimous consent that the pending amendment of the Senator from West Virginia (Mr. BYRD) be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2362

(Purpose: To express the sense of the Congress with respect to implementing the objective of the United Nations World Assembly on Aging)

Mr. PERCY. Mr. President, I send an amendment to the desk on behalf of myself and Mr. HEINZ, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) for himself and Mr. HEINZ proposes an amendment numbered 2362.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so oredered.

The amendment is as follows:

On page 24, after line 19, add the following new section:

UNITED NATIONS WORLD ASSEMBLY ON AGING

SEC. 122. (A) That the Congress finds that—

(1) In 1977 the Congress, by joint resolutions, called for the United Nations to convene a World Assembly on Aging;

(2) The United Nations World Assembly on Aging was held in Vienna, Austria, from July 26 to August 6, 1982, and unanimously adopted the Vienna International Plan of Action on Aging on August 6, 1982, which called for the developemnt of policies designed to enhance the individual lives of the aging and to allow the aging to enjoy their advancing years in peace, health, and security;

(3) The United Nations General Assembly, on December 3, 1982, unanimously endorsed the World Assembly International Plan of Action; and

(4) The General Assembly of the United Nations in adopting the plan, called upon governments to make continuous efforts to implement the principles and recommendations contained in the Plan of Action as adopted by the World Assembly on Aging.

(B) Therefore, it is the sense of the Congress that the President should take steps to—

(1) encourage government-wide participation in implementing the recommendations of the World Assembly and planning for the scheduled review in 1985 by the United Nations on the implementation of the Vienna International Plan of Action on Aging;

(2) encourage the exchange of information and the promotion of research on aging among the States, the Federal Government, international organizations, and other nations;

(3) encourage greater private sector involvement in responding to the concerns of the aging; and

(4) inform developing nations that the United States Government recognizes aging as an important issue, requiring close and sustained attention in national and regional development plans.

Mr. HEINZ. Mr. President, this amendment expresses the sense of the Congress that the United States implement its responsibilities as agreed to under the plan of action adopted

from the 1982 United Nations World Assembly on Aging.

As chairman of the Special Committee on Aging, I was pleased to serve as a member of the U.S. delegation to the World Assembly on Aging. This conference, held last year in Vienna, Austria, was attended by over 2,000 representatives from over 125 countries. Its deliberations focused on the enormous impact the worldwide aging of populations is having and will continue to have on the social, economic, and political fabric of both the developed and the developing countries.

Mr. President, it is my conviction that there is an important and useful international role for the United States with regard to aging policies and programs. Each year the Agency for International Development grants millions of dollars to countries for social and economic improvement. As their populations age, there will be a need for them to concentrate on the social and economic impact of this change. The United States must develop a policy in both multilateral and bilateral relationships that fits in with these new needs. Passage of this amendment will reaffirm our commitment to a constructive response to the issues and opportunities presented by the worldwide progress in promoting longer human life.

The International Plan of Action on Aging, as adopted by the participating countries of the World Assembly on Aging and the United Nations General Assembly, provides member nations and U.N. agencies with guidelines for formulating both national and mutual assistance policies with respect to aging. The 62 recommendations contained in the plan emphasize the integration of the elderly into society. They also stress the incorporation of the consideration of the elderly—their needs and their contributions—within national planning for development.

Specifically, the recommendations call for closer coordination between social welfare and health care services, for self-help and nutritional training of the elderly themselves, for the assurance that all older persons will have an appropriate income, for the maximization of the social functioning of the elderly, for programs which assist them to remain in their homes as long as possible, and for support for maintaining family solidarity among generations.

In addition, the "Plan of Action" calls for its review and update every 4 years. It requires the submission of reports by 1985 from member-nations detailing the action taken by each country with respect to aging and the aged.

Mr. President, I believe that we, as the originators of the World Assembly on Aging, should be the frontrunners in insuring that the "Plan of Action" is taken seriously by our own Government. This amendment urges the President to: First, instruct each department to take steps to implement the "Plan of Action's" recommendations and to prepare for the upcoming, scheduled review of the World Assembly recommendations in 1985; second, to promote the free flow of aging information and aging research between State and Federal governments, international organizations and other nations; third, to continue to induce greater involvement of the private sector in responding to the concerns of the aging; and, fourth, to assure Third World countries of the importance that the United States places on the issue of aging in both national and regional economic and social development plans.

With governments in both the developed and the developing nations now awakening to the challenges posed by the projected population changes, there is an urgent need to keep the channels of communication flowing freely regarding effective strategies that meet both human needs and support economic and social development. This amendment will insure that our responsibilities pursuant to this need and to the plan we have agreed to at the United Nations will be carried out in a timely and organized fashion. I urge my colleagues to support it.

Mr. PERCY. I strongly urge my colleagues to support this amendment. I know of no objection on this side.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. BUMPERS. There is no objection to the amendment.

The amendment (No. 2362) was agreed to.

Mr. PERCY. Mr. President, I thank my distinguished colleague (Mr. BUMPERS) indeed, for his thoughtfulness. I appreciate also the willingness of Senator PELL to have us proceed with these noncontroversial amendments to get as far as we possibly could this evening.

I thank our distinguished acting majority leader for his consideration, and the distinguished minority leader for his consideration also, and we will give careful thought to the pending amendment, which is the Byrd amendment.

Mr. BYRD. I thank the distinguished Senator.

Mr. STEVENS. Mr. President, it is my understanding there will be no further action tonight on the State authorization bill. We will resume consideration of that measure tomorrow morning after the time for the two leaders and other matters that will be referred to later tonight. We are awaiting now the final version of the unanimous-consent agreement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEPSEN). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Routine morning business transacted and statements submitted during the day follow:

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Energy and Natural Resources.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:33 p.m., a message from the House of Representatives was delivered by Ms. Goetz, one of its reading clerks, announcing that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 1870. An act to require the Secretary of the Treasury to coin and sell a national medal in honor of the members and former members of the Armed Forces of the United States who served in the Vietnam conflict;

H.R. 3321. An act to provide for the striking of medals to commemorate the Louisiana World Exposition;

H.R. 3348. An act to honor Congressman Leo J. Ryan and to award a special congressional gold medal to the family of the late Honorable Leo J. Ryan;

H.R. 3718. An act to amend title 10, United States Code, to strengthen the position of chairman of the Joint Chiefs of Staff and to provide for more efficient and effective operation of the Joint Chiefs of Staff; and

H.R. 4013. An act to extend the Small Business Development Center program administered by the Small Business Administration until January 1, 1985.

The message further announced that the House has passed the bill (S. 47) an act to improve the international ocean commerce transportation system of the United States, with an amendment; it insists upon its amendment to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and

appoints Mr. JONES of North Carolina, Mr. BIAGGI, Mr. BREAUX, Mr. HUGHES, Mr. RODINO, Mr. SEIBERLING, Mr. EDWARDS of California, Mr. FEIGHAN, Mr. FORSYTHE, Mr. SNYDER, Mr. YOUNG of Alaska, Mr. FISH, and Mr. MOORHEAD as managers of the conference on the part of the House.

ENROLLED BILL SIGNED

At 5:43 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 96. An act to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE MEASURES REFERRED

The following House bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1870. An act to require the Secretary of the Treasury to coin and sell a national medal in honor of the members and former members of the Armed Forces of the United States who served in the Vietnam conflict; to the Committee on Banking, Housing, and Urban Affairs;

H.R. 3348. An act to honor Congressman Leo J. Ryan and to award a special congressional gold medal to the family of the late Hon. Leo J. Ryan; to the Committee on Banking, Housing, and Urban Affairs; and

H.R. 3718. An act to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff and to provide for more efficient and effective operation of the Joint Chiefs of Staff; to the Committee on Armed Services.

HOUSE MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the calendar:

H.R. 3321. An act to provide for the striking of medals to commemorate the Louisiana World Exposition.

HOUSE MEASURE HELD AT THE DESK

The following bill was ordered held at by unanimous consent pending further disposition:

H.R. 4013. An act to extend the Small Business Development Center program administered by the Small Business Administration until January 1, 1985.

ENROLLED BILL PRESENTED

The Secretary reported that on today, October 19, 1983, he had presented to the President of the United States the following enrolled bill:

S. 96. An act to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1864. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "The FSLIC Insurance Fund—Recent Management and Outlook for the Future;" to the Committee on Banking, Housing, and Urban Affairs.

EC-1865. A communication from the Chairman of the Board of the U.S. Railway Association transmitting, pursuant to law, reports of consultants assisting in determining fair market value of Alaska Railroad; to the Committee on Commerce, Science, and Transportation.

EC-1866. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Reviews of the Trans-Alaska Pipeline Liability Fund's Financial Statements for the Years Ended December 31, 1982 and 1981;" to the Committee on Energy and Natural Resources.

EC-1867. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, a report on progress in implementing the Clean Air Act; to the Committee on Environment and Public Works.

EC-1868. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 5-69; to the Committee on Governmental Affairs.

EC-1869. A communication from the Chief Judge of the U.S. Tax Court transmitting, pursuant to law, actuarial reports for the Court's Retirement and Survivor Annuity Plans for 1982; to the Committee on Governmental Affairs.

EC-1870. A communication from the Acting Assistant Secretary of the Interior for Territorial and International Affairs transmitting, pursuant to law, a report on the cost of certain services provided to individuals in the Virgin Islands whose status has been adjusted under section 2 of Public Law 97-271; to the Committee on the Judiciary.

EC-1871. A communication from the Acting Executive Secretary in the Office of the Secretary of Defense transmitting, pursuant to law, the October through May 1982 report on DOD procurement from small and other business firms; to the Committee on Small Business.

EC-1872. A communication from the President of the United States transmitting an amendment to the request for appropriations for fiscal year 1984 for the Department of Commerce in the amount of $20.4 million; to the Committee on Appropriations.

EC-1873. A communication from the Acting Under Secretary of Agriculture for International Affairs and Commodity Program transmitting, pursuant to law, a report on initial commodity and country allocations under Public Law 480 for fiscal year 1984; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1874. A communication from the Acting Under Secretary of Agriculture for International Affairs and Commodity programs transmitting, pursuant to law, the fiscal year 1984 global assessment of world food production and needs; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1875. A communication from the Secretary of State transmitting, pursuant to law, a report on payments made to private individuals or corporations in satisfaction of assurance agreements or loan guarantees with respect to loans and credits to the Polish People's Republic; to the Committee on Appropriations.

EC-1876. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to convert the food services function at the Naval Hospital, Corpus Christi, Tex. to performance under contract; to the Committee on Armed Services.

EC-1877. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to the United Kingdom; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works; with amendments:

H.R. 2809. An act to establish a National Fish and Wildlife Foundation (Rept. No. 98-272).

By Mr. THURMOND, from the Committee on the Judiciary, with amendments and an amendment to the title:

S. 779. A bill entitled the "Intelligence Personnel Protection Act" (Rept. No. 98-273).

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.R. 3958. An act making appropriations for water resource development for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-274).

H.R. 3959. An act making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-275).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI:

S. 1969. A bill to provide for the designation on income tax forms of contributions to retire the public debt; to the Committee on Finance.

By Mr. WILSON (for himself, Mr. THURMOND, and Mr. DOLE):

S. 1970. A bill to limit the number of legal public holidays to 10, placed on the calendar, by unanimous consent.

By Mr. BOREN (for himself, Mr. NUNN, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. HEFLIN, Mr. RANDOLPH, Mr. CHILES, Mr. ZORINSKY, Mr. MATTINGLY, Mr. DOLE, Mr. DENTON, and Mr. THURMOND):

S. 1971. A bill to amend title 5, United States Code, to provide additional rules concerning the observance of the birthday of Martin Luther King, Jr., Washington's Birthday, and Columbus Day, placed on the calendar by unanimous consent.

By Mr. ROTH:

S. 1972. A bill to amend the Tariff Act of 1930 to allow drawbacks if imported bulk articles are exchanged for domestic articles that are used in the manufacture or production of exports; to the Committee on Finance.

By Mr. BUMPERS (for himself and Mr. HUMPHREY):

S. 1973. A bill entitled "The Clinch River Breeder Reactor Project Determination Act of 1983"; to the Committee on Energy and Natural Resources.

By Mr. JEPSEN (for himself and Mr. GRASSLEY):

S. 1974. A bill to require the Secretary of Agriculture to carry out an emergency feed program to assist family farmers in preserving and maintaining livestock and poultry in areas affected by the 1983 drought and to establish graduated interest rates for emergency loans under the Consolidated Farm and Rural Development Act to farmers and ranchers for actual losses resulting from such drought; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRADLEY:

S. 1975. A bill to enact the Gifted and Talented Children's Education Act; to the Committee on Labor and Human Resources.

By Mr. PERCY (for himself, Mr. THURMOND, Mr. SASSER, Mr. DECONCINI, Mr. COCHRAN, Mr. GRASSLEY, Mr. SPECTER, Mr. ABDNOR, Mr. ARMSTRONG, Mrs. HAWKINS, Mr. TOWER, Mr. DENTON, Mr. QUAYLE, Mr. RUDMAN, Mr. JEPSEN, Mr. MATTINGLY, Mr. ANDREWS, Mr. D'AMATO, Mr. GARN, Mr. COHEN, and Mr. LUGAR):

S. 1976. A bill to improve the collection of criminal fines; to the Committee on the Judiciary.

By Mr. PERCY:

S. 1977. A bill to amend the Foreign Trade Zones Act to exempt until June 30, 1986 bicycle component parts which are not reexported from the exemption from the customs laws otherwise available to merchandise in foreign trade zones; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. LONG, Mr. DURENBERGER, Mr. PACKWOOD, Mr. WARNER, Mr. HATCH, Mr. PERCY, Mr. KENNEDY, Mr. PRESSLER, Mr. CHAFEE, Mr. NICKLES, Mr. DANFORTH, Mr. HEINZ, Mr. ROTH, Mrs. HAWKINS, Mr. WALLOP, Mr. BENTSEN, Mr. MOYNIHAN, Mr. HATFIELD, Mr. MITCHELL, Mrs. KASSEBAUM, Mr. BAUCUS, Mr. LUGAR, Mr. MATHIAS, Mr. THURMOND, Mr. D'AMATO, Mr. JEPSEN, Mr. BAKER, Mr. QUAYLE, Mr. DOMENICI, and Mr. GRASSLEY):

S. 1978. A bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to assure equality of economic opportunities for women and men under retirement plans; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI:

S. 1969. A bill to provide for the designation on income tax forms of contributions to retire the public debt; to the Committee on Finance.

DESIGNATION ON TAX FORMS TO RETIRE THE PUBLIC DEBT

Mr. DECONCINI. Mr. President, the national debt of the United States now exceeds $1.3 trillion. This year's deficit will top the $200 billion mark and the outlook for the near future of the same. There is no one simple solution to this problem.

Today, I am introducing the National Debt Contribution Act which will facilitate voluntary taxpayer contributions to reduce the national debt. Under my bill, taxpayers will be given the opportunity to designate $1, or any amount of their choice, from their Federal tax refund to be applied toward reducing the national debt. The mechanism for this contribution will be a simple checkoff. Additionally, those who do not receive a refund would be given the opportunity to make an outright contribution.

According to Internal Revenue Service figures, over 70 percent of the 100 million returns filed in 1981 received refunds. Of these, 30 million were joint filings. Clearly, the potential reservoir of contributions to reduce the national debt is large, and I believe that the American taxpayer deserves an opportunity to make a contribution toward solving this serious problem.

The magnitude of the problem is vast. We, in Congress, must dedicate ourselves to moving toward a balanced budget and we must make inroads into the horrendous national debt. I believe my bill is one small step toward alleviating the pressure on our economy caused by the outsized national debt.

By Mr. BUMPERS (for himself and Mr. HUMPHREY):

S. 1973. A bill entitled the "Clinch River Breeder Reactor Project Determination Act of 1983"; to the Committee on Energy and Natural Resources.

CLINCH RIVER BREEDER REACTOR

● Mr. BUMPERS. Mr. President, today I am introducing legislation which would terminate the Clinch River breeder reactor project unless a legitimate cost-sharing agreement is concluded by the end of this calendar year. Most Senators are aware that the project has been questioned for many years, and Congress has prohibited construction of the project until a satisfactory cost-sharing plan with private industry is approved. On August 1, 1983, Secretary of Energy Donald P. Hodel formally submitted a purported cost-sharing plan to the President of the Senate and the Speaker of the House. No Member of either House, however, has had sufficient confidence in it to introduce it as separate legislation.

That is not surprising, because the plan clearly fails to adhere to the mandate of the Further Continuing Appropriations Act for Fiscal Year 1983 (Public Law 97-337). The conference report accompanying that act directed the Department of Energy to "vigorously explore proposals including a reconsideration of the original cost-sharing arrangement, that would reduce Federal budget requirements for the Clinch River project or project alternative, and secure greater participation from the private sector."

There is no indication that the Department considered the original cost-sharing plan, which required private industry to provide nearly half of the funding for the project. In addition, the Congressional Budget Office has concluded that rather than reducing Federal budget requirements, this plan would increase them. Its analysis determined that this plan would cost $2 billion more than if the project was merely funded through appropriations. Even discounting that amount to reflect the fact that the plan would temporarily provide private money, the plan would cost $250 million more than straight Government financing. In short, the alleged cost-sharing plan is even worse than full financing by the Government, which Congress has already concluded is unacceptable.

On September 22, 1983, the Committee on Energy and Natural Resources held a hearing to consider the plan, and it confirmed my worst fears that it is a fraud. No private money is placed at risk. All private investments are to be guaranteed by the Government. In effect, the Government would be borrowing money at above-market rates in order to purchase only the facade of private participation.

The plan would raise $2.5 billion, the current estimated cost to complete the project, by creating a partnership between the Department and a new entity. The Department would provide $1.5 billion, the result of a one-time, multiyear appropriation by Congress. The new entity would raise $150 million in new private equity and couple that with the $175 million in private contributions which are already required. In addition, the private partner would borrow $675 million, for a total of $1 billion in private funds. Once the project went into operation, the construction loans and the accrued interest would be retired through the issuance of 30-year bonds. The bonds, in turn, would be paid off through the anticipated revenues from the sale of the project's electricity or by the Government if those revenues are insufficient. Although the equity investors would have no obligation to help pay off the bonds, they would be allowed to share in any excess revenues.

The plan has many flaws. The equity investors in reality risk nothing, but they are nonetheless entitled to large tax breaks. This situation resembles safe harbor leasing, which Congress has quickly discovered to be a shameful abuse of the tax system. The investors will put up $150 million of their own money and then borrow $675 million to proceed with construction. In effect, this investment is guaranteed by the Government, because the construction loans will be auto-

matically retired by the guaranteed bonds. Nonetheless, the investors will be able to claim investment tax credits and accelerated depreciation on $1 billion, not just their $150 million. Thus, the Department, as the real party at risk, would be the real owner of the property, but the private party would claim the tax breaks, just as occurs in safe harbor leasing.

This result is also contrary to the "at risk" principles which were incorporated into the tax laws by the Tax Reform Act of 1976. Those principles allows taxpayers to claim the tax benefits of investments only if they have truly placed their money at risk, rather than, for example, relying upon nonresource loans.

In addition, the equity investors would have the considerable benefits of deferral. They would realize the investment tax credit, worth $100 million, in the first year of the investment, and they would recover the remainder of their investment, through depreciation, in the first year of the project's operation. The income which is supposed to match this flow of tax benefits would be stretched over the 30 years of the project's hoped-for operation. It is no wonder that the Congressional Budget Office has concluded that the equity investors would realize a 37-percent rate of return.

Yet, the equity portion may not even be the worst portion of the plan. The loan portion may be even worse, because it is very likely that the revenue stream from sales of the project's output would be grossly insufficient to repay the bonds, and the guarantee would almost certainly be invoked. The Department of Energy assumes that the plant will operate at 65 percent capacity for 30 years, that its operating cost, not counting an amortization of capital costs, will be 5.5 cents per kilowatt-hour, and the it will sell power at an average of 11 cents per kilowatt-hour. If those assumptions prove true, the plant will produce $110 million per year, which would retire the $1.04 billion in debt in 30 years if the interest rate is 10 percent.

The weakness of the plan can be illustrated by changing these assumptions by only 10 percent. If the plant operates at 58.5 percent capacity, if operating costs are 6 cents per kilowatt-hour, and if power is sold for 10 cents per kilowatt-hour, the plant will earn only $76.9 million per year. If interest rates on the debt are 11 percent the revenue needs would be $119 million. Therefore, there would be an annual deficit of $42.1 million. At that rate, the plant probably would never pay for itself, even if it ran forever. Moreover, since the plant is the first of its kind, it is absolutely pollyannic to assume that it will operate for 30 years when ordinary light water reactors seem unable to achieve that lifespan.

Witnesses at the Energy Committee hearing testified that the Department's assumptions are hopelessly optimistic. Operating costs are likely to be over 6 cents per kilowatt-hour.

It is also unlikely that power from the project can be sold at anywhere near 11 cents per kilowatt-hour. The current national average for retail sales of electricity to residential users is 6.2 cents per kilowatt-hour. The plan's supporters have argued that the proper benchmark is the avoided cost, that is, the cost to produce the least costly alternative, in the likely market area, and that it is likely to average 11 percent during the life of the project.

First, avoided cost is not the proper benchmark. Instead, it is common practice to split the difference between the producer's actual costs and buyer's avoided costs. Second, the avoided cost of the likely buyers is going down as they retire expensive oil-fired capacity. Third, even if the sales price rose to an average of 11 cents per kilowatt-hour, the project would still lose money in its early years, which would mean that it would accrue additional interest. Consequently, its total debt would exceed the $1.04 billion which the plan is designed to recover.

Consider the projections of a plant capacity of 65 percent. The national average capacity use for ordinary light water reactors is 62 pecent, and that technology is comparatively well understood. The Energy Committee heard testimony that the fast flux test facility had enjoyed better capacity rates, but that facility had no generators, the very component which has proven most troublesome for the Clinch River project as well as for foreign breeders, such as the Phenix reactor in France. Because the Clinch River project more nearly resembles the Phenix than the FFTF or other experimental breeders, it is better to use the average capacity of the Phenix as a guide. That would be about 55 percent.

There are many other flaws in this plan, but only one more needs to be mentioned, that is the fact that the "cost-sharing" does not include any cost overruns. If they occur, and it is a near certainty that they will, the Government, not its "partners," will bear the entire additional burden.

It should be made clear that the plan will not reduce the budgetary demands of this project. If anything, it will only worsen an intolerable situation.

It also should be clear that the Clinch River project has dragged on too long already. Congress had determined that it should not proceed without an acceptable cost-sharing plan. This plan is not acceptable. In fact, it reveals the private sector's total lack of confidence in the project. If the project is worthwhile, why will industry not become truly involved? Why does the plan require Government guarantees? If the project is not worthy of private industry's support, when it is intended to benefit private industry, then why should the American taxpayer support it? The answers are obvious. The project is not worthwhile. It will fail. It is not worth continued funding.

Consequently, I am introducing legislation which makes it clear that private industry must bear an appropriate share of the project's risk or it will be terminated at the beginning of 1984. I urge my colleagues to support this legislation.●

By Mr. JEPSEN (for himself and Mr. GRASSLEY):

S. 1974. A bill to require the Secretary of Agriculture to carry out an emergency feed program to assist family farmers in preserving and maintaining livestock and poultry in areas affected by the 1983 drought and to establish graduated interest rates for emergency loans made under the Consolidated Farm and Rural Development Act to farmers and ranchers for actual losses resulting from such drought; to the Committee on Agriculture Nutrition, and Forestry.

DROUGHT ASSISTANCE ACT OF 1983

Mr. JEPSEN. Mr. President, today I am introducing the Drought Assistance Act of 1983 along with my good friend and colleague, Senator GRASSLEY.

For many weeks now we have been hearing about and seeing firsthand the disastrous conditions caused by this summer's drought. This was the worst drought in 50 years and has devastated many agricultural areas around the country.

I found out just how serious the situation was during the August congressional recess when I toured the drought areas in my State of Iowa.

Although the Department of Agriculture has taken several positive steps to help alleviate the effects of the drought, more needs to be done if we expect agriculture to undergo a significant recovery.

Congress must hold the administration's feet to the fire on drought disaster assistance. I have consistently stressed the need for the Department of Agriculture to release all programs within the Secretary's authority an have focused attention on the seriousness of the problem for many producers.

The Drought Assistance Act, which we are introducing today, provides substantial help to farmers without costing the Federal Government a great deal of money.

The act requires the Secretary of Agriculture to exercise authority already granted him in existing legisla-

tion to carry out the emergency livestock feeding program.

During debate on the dairy compromise bill recently passed by the Senate, I helped attach an amendment which would open huge grain reserves to drought-stricken Iowa livestock producers. I am hoping that the House will act soon on this legislation.

However, regardless of the outcome of the dairy compromise bill, all efforts should be made to encourage the Secretary of Agriculture to implement programs already on the books. This bill will send a signal to the Department of Agriculture that this feed grain program must be implemented to assist the farmers suffering from this summer's devastating drought.

This program aids producers who operate family farms in counties designated as disaster areas.

The program makes Government money available to livestock farmers who must purchase feed at substantially higher prices than normal, as is the case this year. Without the emergency feeding program, we can expect widespread liquidation of livestock as farmers become increasingly unable to buy feed at drought-affected prices.

The emergency feeding program will also help preserve the production control gains made from our past farm policies. Widespread liquidation of livestock could result in increased row crop production next year.

It is important to note that the Drought Assistance Act does not authorize new spending for the feed program, but reallocates an estimated $535 million in unspent deficiency payments in the USDA budget for fiscal year 1983.

Another feature of the Drought Assistance Act important for all drought-affected farmers is the schedule of graduated interest rates that would be set up.

Under this schedule, eligible farmers unable to obtain credit elsewhere will qualify for loans at 3 percent for the first $50,000, 5 percent for the second $50,000, and 8 percent for any amount exceeding $100,000.

Although the farmers home emergency rate was recently lowered to 5 percent, the flexibility of the graduated interest rate will provide maximum benefit to disaster-affected farmers.

I urge my colleagues to support the Drought Assistance Act so that we may provide swift and substantial aid to those farmers victimized by a chain of events completely out of their control.

By Mr. BRADLEY:

S. 1975. A bill to enact the Gifted and Talented Children's Education Act; to the Committee on Labor and Human Resources.

GIFTED AND TALENTED CHILDREN'S EDUCATION ACT

Mr. BRADLEY. Mr. President, the Federal Government began its involvement with the education of the gifted and talented almost 10 years ago. In 1974, the Congress appropriated $2½ million to help local education agencies aid these chilren. By the late 1970's, Congress had increased funding to $6 million annually. Many excellent and innovative programs were supported through these Federal funds.

Since 1980, we have witnessed a major retreat in aid for the gifted and talented. In 1981, at the request of the Reagan administration the Gifted and Talented Children's Education Act of 1978 was eliminated as a separate program and merged with 29 other education programs under a block grant—chapter 2 of the Education Consolidation and Improvement Act. Funding for the block grant has been cut in real terms by about 50 percent. And in 1982, as a further retreat, the Reagan administration closed the Office of the Gifted and Talented in the U.S. Department of Education. The Federal Government now plays virtually no role in helping schools provide opportunities for the gifted and talented.

Mr. President, the needs of the gifted and talented are real. We have nearly 2.5 million gifted and talented elementary and secondary students in the country, but 40 to 60 percent of this population has never even been identified. Further, 50 percent of the identified students achieve below their ability level, and only 20 percent of the teachers in gifted education are properly trained to design curriculum for these students. Despite the popular notion that our gifted and talented children will succeed on their own, many need services not readily available through regular school programs.

In New Jersey there are presently 61,000 school-age children who have been specifically identified as gifted and talented and are receiving supplemental services of some kind. Few of these children receive all that they deserve and thousands more receive no supplemental services at all. In large part this is because almost all schools are caught in a financial squeeze. Local revenues are insufficient, Federal funds are virtually nonexistent and only little State aid is available—for example only $100,000 is available from the State of New Jersey for gifted and talented programs, less than $2 per identified student.

Since local schools do not have the financial resources to provide fully adequate services for these children, I propose that we reverse directions: the talented and gifted need more attention, not less. And to this end, today I am introducing a bill to reestablish a Federal program to aid the gifted and talented. We must have a focused effort to see that our best and our brightest do succeed. We need to pull this program out of the education block grant and get it funded at least at minimally adequate levels. My bill includes an authorization for appropriations of $50 million for each of the next 4 fiscal years—almost 10 times the maximum funding level achieved in the late 1970's.

The bill includes two key provisions to help target funds to needy schools. First, the bulk of the funding will be in the form of grants to States for distribution of funds to local schools on a competitive basis. If schools have a new idea worth trying out, they can apply for Federal aid through the State departments of education. Second, half of the funds will be targeted to gifted children from disadvantaged and low-income backgrounds to insure that the gifted children from innercity schools will not be left behind.

My bill would also require the Secretary of Education to reestablish the Office of Gifted and Talented in the U.S. Office of Elementary and Secondary Education to insure that information and research on the talented and gifted is collected and shared with local school districts.

Mr. President, many school districts around the country have established excellent programs for the gifted. We need to support these programs nationally. In New Jersey, the efforts underway in Montclair, Bayonne, Elizabeth, Union City and other places need to be encouraged—not only with our best wishes, but also with our financial support. And that is why I am proposing this new legislation.

Mr. President, Federal aid can help solve problems. For example, the convocation model project set up in New Jersey to provide advanced science for the gifted was funded in 1979 through the old Federal talented and gifted legislation. Over 3,000 New Jersey students and 500 New Jersey teachers benefited from the project. Unfortunately, that program died in 1981 when funding was cut off. We need to encourage efforts such as these, not discourage them.

Mr. President, it is our job to see that each and every student, including the gifted, receive a challenging education. We cannot rob the students who are struggling to learn basic skills, but neither can we continue to ignore our gifted children who quickly become bored and "nonlearners" because of a lack of challenge. We need to increase standards for all of our students. In sum, we need—at the Federal, State and local level—to make a commitment to all of our students, whether they be disadvantaged, gifted or in-between. We need—through chapter 1 compensatory education programs—to help the disadvantaged student achieve his or her potential; but we

also need—through Federal aid to talented and gifted programs—to help the gifted and talented student achieve his or her potential. I truly believe that our leadership position in the world depends on our commitment to our youth. Our goal must be to do everything in our power to help all students maximize on their potential. This legislation is a small step in the right direction to achieve this end.

By Mr. PERCY (for himself, Mr. THURMOND, Mr. SASSER, Mr. DECONCINI, Mr. COCHRAN, Mr. GRASSLEY, Mr. SPECTER, Mr. ABDNOR, Mr. ARMSTRONG, Mrs. HAWKINS, Mr. TOWER, Mr. DENTON, Mr. QUAYLE, Mr. RUDMAN, Mr. JEPSEN, Mr. MATTINGLY, Mr. ANDREWS, Mr. D'AMATO, Mr. GARN, Mr. COHEN, and Mr. LUGAR):

S. 1976. A bill to improve the collection of criminal fines; to the Committee on the Judiciary.

CRIMINAL FINE COLLECTION ACT OF 1983

Mr. PERCY. Mr. President, today I am introducing a bill which addresses what I consider to be startling and disturbing example of revenues lost to the American taxpayer and integrity lost to our criminal justice system—the situation with Federal criminal fines.

Over the past 16 years, the Federal Government has collected only about 55 percent of all criminal fines. The record over the last few years is even worse. Since 1968, the collection rate has fallen from around 80 percent to 34 percent over the past 18 months.

This situation is particularly disturbing in light of the fact that five out of every six of these fines are levied on criminals who do not go to prison. Half the time, they are not even on probation. So, in many cases, when these fines are not paid, these criminals go unpunished.

Today, over 22,000 fines are unpaid, totaling over $132,000,000. In 83 percent of these cases, no payment has been received in the past year.

While some criminals may have good reasons why they cannot pay their fines in full, the overwhelming majority of these fines are levied on criminals whom one would hardly expect to be indigent. In fiscal year 1982, the largest dollar volume of fines was levied for narcotics crimes, followed by antitrust, fraud, and income tax evasion.

When a prisoner escapes from jail, the escape itself is an offense. But when a criminal escapes a fine, there is no similar offense. Although criminal contempt proceedings may be initiated against an offender who willingly avoids paying a fine, this remedy is cumbersome and has been successfully used only once in the past 15 years. In addition, there are no statutory provisions allowing interest or penalties for delinquent or overdue fines, so a criminal has every incentive to avoid payment as long as possible. And the evidence indicates that if a fine is not collected promptly, it is very unlikely to be collected at all.

In 1978, a doctor was convicted of falsely charging the U.S. Government over $90,000 in medicare claims. He had attempted to bill Uncle Sam for surgery on seven elderly patients—surgery he never performed. His sentence: a $10,000 fine. Although he had defrauded the Federal Government to the tune of $90,000, and although this same doctor owns five homes, 5 years after this conviction three-fourths of this fine remains unpaid.

In September 1981, a defendant pleaded guilty in Federal court to income tax evasion, and was sentenced to 6 months in a work release program, 3 years probation, and a $10,000 fine. This individual, who owns over a half million dollars in real estate, over $80,000 in cash, and $35,000 in stocks, has paid absolutely nothing on his fine in the 2 years since the sentence was imposed. Absolutely nothing.

G. Gordon Liddy, fined $40,000 for his role in Watergate, waited about 9 years to pay his fine. He finally paid up, but only after the press focused attention on the fact that he had not complied with Judge Sirica's sentence. There was no penalty for late payment, and no interest was charged.

Over the past 2½ years, I have chaired several hearings on Federal debt collection. Often, witnesses have testified that much of our outstanding delinquent debt is uncollectable. But in the last fiscal year alone, improved Federal debt collection returned an additional $2 billion—above and beyond what would have otherwise been collected—to the American taxpayer. Some programs have shown an 80-percent reduction in delinquencies. It is time we did the same thing with criminal fine collections.

For these reasons, along with 20 of my colleagues in the Senate, I am introducing the Criminal Fine Collection Act of 1983. This bill is the result of extensive consultation with the Justice Department and others involved in the criminal fine collection process. It is designed to put teeth into Federal fine collections without unduly burdening the Department of Justice. The Justice Department supports this bill.

Specifically, the act will establish a new criminal offense for willful nonpayment of a criminal fine. Currently, it is not a crime to refuse to pay a fine, no matter how flagrantly. The bill will also give judges authority to resentence criminals for their original offense, within the original sentencing authority, when criminals have allowed their fines to become delinquent. It gives the Justice Department authority to obtain tax-type liens on property owned by criminals, and requires fine repayment status to be a condition of both probation and parole.

The Criminal Fine Collection Act will allow our U.S. attorneys to assess interest at the rate of 1 percent per month for fines not paid at the time of sentencing, and a monetary penalty of 10 percent for any fine over 30 days past due. Except in special circumstances, it sets a 2-year limit on any court-ordered installment schedule for paying fines.

At the same time, this act will protect an offender's constitutional rights by establishing a new procedure through which convicted offenders can petition for modification or remission of fines, based on their changed circumstances, and conditioned on their good-faith effort to pay at least a reasonable part of the fine.

Recently, the Congress has taken some very positive steps toward allowing restitution and compensation for victims of crime. But before we can have confidence in our ability to collect for the benefit of those victimized by their crimes, we have to improve our ability to collect from criminals in the first place.

I urge my colleagues in the Senate to join me in support of the Criminal Fine Collection Act of 1983.

● Mr. D'AMATO. Mr. President, I rise today in support of the Criminal Fine Collection Act of 1983, introduced by my distinguished colleague from Illinois (Senator PERCY). I believe this legislation will significantly reduce the shocking amount of delinquent criminal fines now owed to the U.S. Government. It will also restore credibility to the criminal justice process with regard to the use of fines as a component of Federal criminal sentences.

On August 3, 1983, I participated in a hearing of the Senate Subcommittee on Energy, Nuclear Proliferation, and Government Processes chaired by Senator PERCY, at which we examined problems surrounding the collection of criminal fines. At that time, it was pointed out that there is now a staggering amount of fines currently unpaid, a sum in excess of $132,000,000, and a criminal fine collection record of failure to collect 45 percent of all criminal fines over the past 16 years. When one considers that five out of six fines are imposed in lieu of prison sentences, it becomes apparent that we have an intolerable situation where criminals are simply not being punished for their crimes.

I believe that our criminal justice system fails when it cannot rely on its sentencing tools to serve the dual purposes of punishment of the offender and deterrence to other. Federal courts frequently utilize criminal fines in cases of serious white-collar crimes, such as bribery, narcotics trafficking,

antitrust or securities offenses, fraud, mail theft, and income tax evasion. Sometimes the fines are imposed in conjunction with periods of probation, but often a fine is the sole punishment. When the Federal Government is unable to enforce these fines, however, criminals are receiving the message that crime does pay.

The important changes contained in this legislation are centered in its provision giving the Justice Department much-needed authority to enforce payment of criminal fines by use of tax-type liens. The bill states that a fine imposed as a sentence is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time when the judgment is entered and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable. Under this bill, liability to pay a fine ends 20 years after the entry of the judgment, or upon thedeath of the person fined.

Without the use of the tax lien mechanism, the United States must wait in line behind other creditors with superior claims. Presently, it is often the case that by the time Justice Department attorneys are able to enforce judgments involving criminal fines, there are no assets left against which to levy. The 20-year statute of limitations provision, however, will help by permitting the Justice Department to rid itself of the administrative headache of keeping very old and truly uncollectable fines alive in its records.

Another provision in the bill will empower judges to resentence criminals to any sentence which might originally have been imposed upon their original conviction when there has been knowing failure to pay delinquent fines. Resentencing will be applicable when the court determines that the person has willfully refused to pay the delinquent fine or has failed to make sufficient bona fide efforts to pay or, in light of the nature of the offense and characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence. This provision will help eliminate cases where flagrant refusal to pay fines by those with the financial means to pay have gone without corrective action.

A notable aspect of this legislation will make it a new crime to willfully fail to pay a criminal fine. Under current law, there is no provision making it an offense to refuse to pay a fine and, unless the Government chooses to bring contempt proceedings against the criminal, which have been infrequently attempted and seldom successful, there is no legal mechanism signifying that nonpayment is a punishable act. The criminal default section of this proposed act will provide for a fine or not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisonment for up to 1 year, or both. I hope this provision will be invoked infrequently because the other aspects of this bill which contain such new provisions as interest and penalties for deliquent or overdue fines and improved procedures for imposing and collecting fines, termination of the practice permitting prison wardens to overrule judge's sentences that require criminals to remain incarcerated until fines are paid—committed fines—and others will eliminate the circumstances which have undermined the enforcement of fines.

The designation of a new criminal offense serves as a strong signal to criminals that the Government has finally gotten serious about enforcing fines. It will epitomize a new emphasis on the importance of criminal fine collection and underscore Congress' commitment to end the outrageous abuse or our criminal justice system perpetuated by those who choose to take their chances by refusing to pay their fines.

Various other provisions in the legislation address many of the problems in our current procedures for fine collection, as addressed by the Justice Department, the U.S. Parole Commission, the Bureau of Prisons, the Administrative Office of the U.S. Courts, independent researchers, and by extensive study undertaken by the subcommittee. When enacted, the bill will end the practice of permitting criminals to postpone paying their fines until after all of their appeals are exhausted (except in extraordinary situations) and will require fine repayment status to be a condition of both parole and probation. Attaching the condition of fine repayment to parole and probation is an extremely effective means of motivating criminals to meet their obligations. Studies have shown that when the courts get serious about taking away individuals' freedom, payments are often forthcoming.

The Criminal Fine Collection Act will make a strong contribution to our oftvoiced intentions to improve our system of criminal justice. Once we take the steps necessary to make our criminal procedures work for the public, and not for the criminal, we will have taken the proper direction toward rebuilding the American people's faith in their system of justice and in the willingness of their elected representatives to safeguard their freedoms.●

● Mr. SASSER. Mr. President, the introduction today of the Criminal Fine Collection Act is another step in the right direction on the long journey we in the Congress have embarked upon in our effort to reduce and eliminate waste and fraud in Government.

Nowhere is the sinister, criminal aspect of fraud so blatant as it is in the willful failure of criminals who willfully fail to pay fines.

This legislation will provide judges and Justice Department prosecutors with the authority and flexibility to collect fines levied for criminal offenses. We have need stronger legal steps in this matter for some time.

The General Accounting Office (GAO) reported in a landmark study on efforts to combat waste and fraud in Government over 5 years ago that:

> Although the Department of Justice is the primary Federal agency concerned with law enforcement and the coordinator of Federal crime prevention programs, it has been slow in taking an active role in assisting Federal agencies to combat fraud.

Part of the reason for the weak role of the Justice Department in the fight against those who have defrauded the Government by failing to pay criminal fines is the absence of sufficient statutory authority and the need for legal clarification of the capabilities which would give the Department the means with which it can battle criminal debtors.

The Criminal Fine Collection Act remedies both the gaps in statutory authority and the need for clarification of the procedures that are necessary for dealing with collection of these unpaid fines.

The $132 million in outstanding fines is testament itself to the need for this legislation. If we fail to take action on this bill, it might also confound the old adage that crime—or at least the criminal—does not pay.

Unfortunately the situation regarding unpaid criminal fines has a parallel. There was a lax attitude toward the recovery of all debts owed the Government for decades during the fifties, sixties, and seventies. Expansion of Government assistance programs accompanied economic expansion and little emphasis was given to debt collection, and few legal tools were available to those Federal agencies who did seek to recover funds owed them.

So few Government agencies were involved in debt collection, those who did so had a poor record of recovery, and the process was so costly that it seemed as if—as Sir Philip Gibbs had once said: "It is better to give than to lend, and it costs about the same."

Times and economic facts changed. By the end of fiscal year 1977, the GAO calculated that there were $118 billion in Federal accounts and loans receivable, and that $3 billion of this had been written off as uncollectable during the fiscal year.

We in the Congress have been working steadily to change attitudes and numbers regarding the collection of debts owed the Federal Government. Senator PERCY and I introduced com-

prehensive debt collection legislation in 1980 and again in 1981. The enactment of the Debt Collection Act of 1982 was the result of so many congressional endeavors. It finally gives Federal agencies the tools they need to check the loss of funds through improved debt collection techniques. The law permits private credit reporting agencies to notify potential creditors of delinquent debts owned the Federal Government; it also permits the use of private debt collection agencies to recover delinquent debts.

This congressional initiative is the key to efforts that the administration now credits for being responsible for the recovery of $2 billion during the past year—$2 billion that otherwise would have been written off.

I want to commend Senator PERCY and his staff for the initiative and work involved in the introduction today of the Criminal Fine Collection Act. It carries on the role of congressional leadership in the battle against waste and fraud in Government. I urge its prompt consideration and passage by the Senate.●

By Mr. PERCY:

S. 1977. A bill to amend the Foreign Trade Zones Act to exempt until June 30, 1986 bicycle component parts which are not re-exported from the exemption from the customs laws otherwise available to merchandise in foreign trade zones; to the Committee on Finance.

BICYCLE PARTS EXEMPTION

Mr. PERCY. Mr. President, I am today introducing legislation which would amend the Foreign Trade Zones Act of 1934 in order to avert a situation which may seriously and adversely affect the domestic bicycle parts industry and certain bicycle manufacturers.

My bill—which is identical to section 211(a) of the House-passed H.R. 3398—would deny foreign trade zone advantages for imported bicycle parts until June 30, 1986. This exemption from the Foreign Trade Zones Act would not apply to bicycle parts which are brought into the United States and then re-exported.

The catalyst for this legislation has been the application of Huffy Corp. for a foreign trade subzone in Celina, Ohio. It is my firm belief that the granting of this subzone would cause grave and irreparable damage to the domestic bicycle parts industry, which has strong representation in my State.

Because of this concern, I asked the Secretary of Commerce to undertake an extensive study of the bicycle industry in the United States before making a decision on the Huffy petition, and this investigation is now underway. In fact, the legitimacy of the entire foreign trade subzone idea has been thrown into question. Businesses in my State have expressed to me their belief that there is, in fact, no specific law establishing subzones. Rather, these businessmen claim, the executive branch has created subzones on its own, arbitrarily fashioning them from the foreign trade zones legislation. The Congress should take time to look into the matter before approving a subzone for imported bicycle parts.

A further reason to hold off on granting such a subzone for 3 years are the ongoing investigations into the foreign trade zones process currently being conducted by the International Trade Commission and the General Accounting Office. Under these circumstances—with investigations in progress and with the real state of our bicycle industry unknown—I believe that it is only reasonable for us to hold off on making decisions regarding foreign trade zones for bicycles and bike parts.

My legislation will not permanently exempt cycle parts because the sunset feature allows for their inclusion after June 30, 1986. Since the various studies will be completed by then, and since the bicycle tariff will be up for renewal at that time anyway, the Federal Government should wait until that date so that its decision is soundly based on economic considerations.

The domestic bicycle and cycle parts industry is presently in a delicate balance. I urge my colleagues' support of this legislation to maintain this balance along with the thousands of jobs which it supports.

By Mr. DOLE (for himself, Mr. LONG, Mr. DURENBERGER, Mr. PACKWOOD, Mr. WARNER, Mr. HATCH, Mr. KENNEDY, Mr. PERCY, Mr. PRESSLER, Mr. CHAFEE, Mr. NICKLES, Mr. DANFORTH, Mr. HEINZ, Mr. ROTH, Mrs. HAWKINS, Mr. WALLOP, Mr. BENTSEN, Mr. MOYNIHAN, Mr. HATFIELD, Mr. MITCHELL, Mrs. KASSEBAUM, Mr. BAUCUS, Mr. LUGAR, Mr. MATHIAS, Mr. THURMOND, Mr. D'AMATO, Mr. JEPSEN, Mr. BAKER, Mr. QUAYLE, Mr. DOMENICI, and Mr. GRASSLEY):

S. 1978. A bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to assure equality of economic opportunities for women and men under retirement plans; to the Committee on Finance.

RETIREMENT EQUITY ACT OF 1983

Mr. DOLE. Mr. President, the Senator from Kansas is pleased to introduce a bill that is a result of the efforts of many individuals to address the problem of pension inequality for women. This Senator is joined by the distinguished ranking minority member of the Committee on Finance, Mr. LONG, the distinguished chairman, Mr. HATCH, and ranking member, Mr. KENNEDY, of the Committee on Labor and Human Resources, and a strong, bipartisan group of our colleagues concerned with the issue of pension equity. I have long been interested in finding a workable solution to this problem, and to that end last January I proposed S. 19, the Retirement Equity Act of 1983. The administration has also spent a great deal of time and effort on this issue, and has recently introduced legislation in the House of Representatives, H.R. 4032, designed to assure equity in the provision of retirement income.

The bill introduced today contains not only the provisions of S. 19, but also reflects the many ideas expressed in the administration's bill, as well as in the proposals of a number of Senators who have been leaders in the area of pension reform. In particular, this bill, which is being cosponsored by Senators DURENBERGER and PACKWOOD, benefits from the longstanding leadership of Senators DURENBERGER and PACKWOOD in this area and many of the fine ideas expressed in S. 888, the Economic Equity Act of 1983. The bill also reflects some of the proposals in S. 1700, which was introduced by Senator HAWKINS, who is also cosponsoring this bill. This Senator wishes to emphasize that the bill is a bipartisan effort and reflects the ideas of Senators HATFIELD and KENNEDY stated in S. 918, the Private Pension Reform Act.

In addition, the bill reflects concerns expressed in the hearings held on retirement benefits for women both in the Finance Committee and in Senator NICKLES' Labor Subcommittee.

The large number of bills on this issue illustrates not only the concerns of the Members of Congress with respect to this problem, but also the various means by which pension inequities could be redressed. When we held hearings on S. 19 and S. 888 in the Finance Committee last June, I remarked that this variety of different approaches offered us both an opportunity and a challenge—to examine carefully these different approaches to find the best methods of achieving pension equity for women without needlessly disrupting current plan administration. The bill we are introducing today, which benefits from the ideas expressed in the pension equity bills before Congress and the hearings held on this issue, achieves these goals.

PENSION REFORM AND WOMEN IN THE WORKPLACE

One of the major difficulties we faced in addressing the issue of pension equity for women is the fact that the work history of many women does not fit neatly into traditional work patterns that are generally rewarded with pension benefits. Many women, by choice or by necessity, must devote a portion of their so-called working

years to the care and raising of children or other dependents. Other women may be required to leave an employer when her spouse is transferred to another city. I realize that in some cases these responsibilities or choices could and should be placed on men as well as women, but until these patterns change it is more likely that women will experience more breaks in their work history than men do.

Although women may not be participating in the paid labor force for as long a period as men, they need funds to live on as they reach retirement age. In many cases—either due to death or divorce—a woman who has made a choice to devote a period of years to her family may find herself unable to obtain the support from her husband's retirement plan.

The current philosophy of retirement plans—that they are rewards for a worker's loyal, long and continuous service—conflicts with some of the choices that women must make in today's society. Part of the difficulty in drafting this legislation was the need to reconcile the concerns of the employer who wishes to provide incentives for long and consistent service with the needs of women whose work patterns differ from the traditional mode. The bill we are introducing accomplishes this goal, I believe, by requiring qualified retirement plans to become a bit more flexible in their terms with respect to certain breaks in service, by requiring a spouse's consent before the participant can trade spousal survivor benefits for another benefit, and by providing expanded survivor coverage for spouses.

PROVISIONS OF THE BILL

The bill is designed both to give women who work outside the home an opportunity to participate in their employer's retirement plan and to provide retirement protection for women who are not employed in the paid work force.

The bill revises the minimum age requirements for participation and vesting purposes. The minimum age of participation under ERISA is lowered from 25 to 21, to insure that women, many of whom begin paid employment at a younger age than men, are not denied an opportunity to participate in a retirement plan. This same philosophy is illustrated by the bill's lowering of the minimum age for providing vesting credit—the credit necessary to become entitled to a benefit if a participant terminates employment before retirement—from age 22 to age 18. Under the bill, a plan need not make an 18-year-old a participant in the plan until he or she reaches 21, but when that 18-year-old reaches 21, he or she will receive credit for vesting purposes—but not for benefit accrual purposes—for service from age 18.

The bill also revises some of the so-called break-in service rules that result in a loss of previously earned credits if a participant leaves the plan for a specified period of time. One provision of the bill does not tie these relaxed break in service rules to a strict definition of maternity/paternity leave, but relaxes the rules so that it is more likely that a person who takes time out to have a baby or care for a child will be able to retain some prior retirement benefits. The bill also provides that a break in service will not occur for an employee who takes a limited maternity/paternity leave.

Other important provisions of the bill focus on survivor coverage for spouses of plan participants. The bill requires that a survivor benefit be offered if a plan participant is age 45 and has 10 years of service. It requires that spousal consent be obtained before a participant can elect to receive a benefit other than one that includes survivor coverage. It also strengthens the notice requirement with respect to such coverage. These provisions are designed to insure that plan participants are both aware of the benefits to which they are entitled and aware of the circumstances under which retirement benefits can be forfeited. I believe that such provisions will assist families in making informed and responsible financial retirement decisions.

Finally, the bill eliminates many of the restrictions that prevented a plan from assigning plan benefits to a spouse in the case of a divorce. These provisions were drafted to insure that plan participants, their spouses, and the plans themselves would be able to reach workable solutions in dividing pension assets upon divorce.

A COMBINED EFFORT

Determining and implementing the retirement policies contained in the bill has not been easy. It is difficult to balance the tension between ease of plan administration and protection of plan participants and spouses. In drafting the bill, we worked closely with employer representatives as well as representatives of numerous women's groups, including the Women's Equity Action League, the Pension Rights Center, the American Association of University Women, the Business and Professional Women's Clubs, and many other organizations.

In addition, representatives of the administration—both from the Treasury and Labor Department—were most generous with their suggestions as to methods of improving the bill. Finally, the bill has benefitted from the thoughtful work of the many Members who have studied the problem of pension legislation and who have introduced bills to spark public discussion on the issue. I believe that these efforts were successful—that they resulted in a bill that can best achieve the common goal of pension equity for all persons.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD, and it is my hope that the bill will be jointly referred to the Committee on Finance and the Committee on Labor and Human Resources.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retirement Equity Act of 1983".

TITLE I—AMENDMENTS RELATING TO THE INTERNAL REVENUE CODE OF 1954

SEC. 101. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 102. MODIFICATIONS OF MINIMUM PARTICIPATION AND VESTING STANDARDS.

(a) AGE LIMITATION FOR MINIMUM PARTICIPATION STANDARDS LOWERED FROM AGE 25 TO AGE 21.—Subparagraphs (A)(i) and (B)(ii) of section 410(a)(1) (relating to minimum age requirement for participation) are amended by striking out "25" each place it appears and inserting in lieu thereof "21".

(b) YEARS OF SERVICE AFTER AGE 18 (INSTEAD OF AGE 22) TAKEN INTO ACCOUNT FOR DETERMINING NONFORFEITABLE PERCENTAGE.—Subparagraph (A) of section 411(a)(4) (relating to service included in determination of nonforfeitable percentage) is amended by striking out "22" and inserting in lieu thereof "18".

(c) RULE OF PARITY FOR NONVESTED PARTICIPANTS TO BE APPLIED ONLY IF BREAK IN SERVICE EXCEEDS 5 YEARS.—

(1) MINIMUM PARTICIPATION STANDARDS.—Subparagraph (D) of section 410(a)(5) (relating to breaks in service) is amended to read as follows:

"(D) NONVESTED PARTICIPANTS.—

"(i) IN GENERAL.—For purposes of paragraph (1), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account in computing any period of service if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

"(I) 5 years, or

"(II) the aggregate number of years of service before such period.

"(ii) YEARS OF SERVICE NOT TAKEN INTO ACCOUNT.—If any years of service are not required to be taken into account by reason of a period of breaks in service to which clause (i) applies, such years of service shall not be taken into account in applying clause (i) to a subsequent period of breaks in service.

"(iii) NONVESTED PARTICIPANT DEFINED.—For purposes of clause (i), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions.".

(2) MINIMUM VESTING STANDARDS.—Subparagraph (D) of section 411(a)(6) (relating

to breaks in service) is amended to read as follows:

"(D) NONVESTED PARTICIPANTS.—

"(i) IN GENERAL.—For purposes of paragraph (4), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

"(I) 5 years, or

"(II) the aggregate number of years of service before such period.

"(ii) YEARS OF SERVICE NOT TAKEN INTO ACCOUNT.—If any years of service are not required to be taken into account by reason of a period of breaks in service to which clause (i) applies, such years of service shall not be taken into account in applying clause (i) to a subsequent period of breaks in service.

"(iii) NONVESTED PARTICIPANT DEFINED.—For purposes of clause (i), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions.".

(d) MATERNITY OR PATERNITY LEAVE NOT TREATED AS A BREAK IN SERVICE.—

(1) MINIMUM PARTICIPATION STANDARDS.—Paragraph (5) of section 410(a) (relating to breaks in service) is amended by adding at the end thereof the following new subparagraph:

"(E) SPECIAL RULE FOR MATERNITY OR PATERNITY LEAVE.—In the case of any individual who is absent from work for any consecutive period—

"(i) by reason of the birth of a child of the individual, or

"(ii) for purposes of caring for such child during the period immediately following such birth,

the hours of service (not in excess of 501) which would have been credited to such individual but for such absence shall be treated as hours of service completed by such individual solely in determining whether a break in service has occurred for purposes of this paragraph.".

(2) MINIMUM VESTING STANDARDS.—Paragraph (6) of section 411(a) (relating to breaks in service) is amended by adding at the end thereof the following new paragraph:

"(E) SPECIAL RULE FOR MATERNITY OR PATERNITY LEAVE.—In the case of any individual who is absent from work for any consecutive period—

"(i) by reason of the birth of a child of the individual, or

"(ii) for purposes of caring for such child during the period immediately following such birth,

the hours of service (not in excess of 501) which would have been credited to such individual but for such absence shall be treated as hours of service completed by such individual solely in determining whether a break in service has occurred for purposes of this paragraph.".

(3) NOT APPLICABLE FOR PURPOSES OF ACCRUED BENEFIT REQUIREMENTS.—Subparagraph (A) of section 411(b)(3) (relating to year of participation) is amended by inserting "(determined without regard to section 410(a)(5)(E))" after "section 410(a)(5)".

SEC. 103. JOINT AND SURVIVOR ANNUITIES FOR MARRIED PARTICIPANTS; DEFINED BENEFIT PLAN MUST PROVIDE LIFE ANNUITIES.

(a) IN GENERAL.—Paragraph (11) of section 401(a) (relating to requirements for joint and survivor annuities) is amended to read as follows:

"(11) REQUIREMENTS RELATING TO JOINT AND SURVIVOR ANNUITIES.—

"(A) PLAN PROVIDING ANNUITY MUST PROVIDE JOINT AND SURVIVOR ANNUITY IN CERTAIN CASES.—In the case of any plan which provides for the payment of benefits in the form of an annuity, a trust forming part of such plan shall not constitute a qualified trust under this section unless such plan provides for the payment of annuity benefits to each qualified participant in the form of a qualified joint and survivor annuity.

"(B) QUALIFIED PARTICIPANT.—For purposes of subparagraph (A), the term 'qualified participant' means any participant who has not made an election under subparagraph (C) and—

"(i) who has reached the earliest retirement age under the plan,

"(ii) is a participant on or after the first day of the 120th month beginning before the date on which the employee reaches normal retirement age, or

"(iii) who—

"(I) has attained the age of 45, and

"(II) has completed at least 10 years of service (as determined under section 411(a)(4)), with the employer or employers maintaining the plan.

"(C) ELECTION NOT TO HAVE JOINT AND SURVIVOR ANNUITY.—

"(i) IN GENERAL.—A plan meets the requirements of subparagraph (A) only if—

"(I) under the plan each participant may elect, within a reasonable period before the first date on which such participant is a qualified participant under subparagraph (B) (and at such other times as the plan or Secretary may prescribe), not to receive the qualified joint and survivor annuity,

"(II) under the plan each participant may, within a reasonable period before the annuity starting date, revoke any election under subclause (I), and

"(III) the plan meets the requirements of clauses (ii) and (iii).

"(ii) SPOUSE MUST CONSENT TO THE ELECTION.—Each plan shall provide that an election under clause (i) shall not take effect unless—

"(I) the spouse of the participant (as of the time of the election) consents in writing to such election, and the spouse's consent is witnessed by a plan representative or a notary public, or

"(II) the participant establishes to the satisfaction of a plan representative that the consent required under subclause (I) may not be obtained because the spouse cannot be located or because of such other circumstances as the Secretary may by regulations prescribe.

"(iii) PLAN TO PROVIDE WRITTEN EXPLANATION.—Each plan to which clause (i) applies shall provide (at the time prescribed by the Secretary) to each participant a written explanation of—

"(I) the terms and conditions of the qualified joint and survivor annuity, and

"(II) the participants' right to make, and the effect of, an election under this subparagraph.

"(iv) PLAN MAY PROVIDE THAT ELECTION OR REVOCATION NOT TAKE EFFECT IF PARTICIPANT DIES WITHIN 2 YEARS.—A plan shall not be treated as failing to meet the requirements of subparagraph (A) merely because the plan provides that any election or revocation under clause (i) shall not take effect (or ceases to be effective) if—

"(I) the participant dies within a period (not in excess of 2 years) beginning on the date of the election or revocation, and

"(II) the death of the participant is not due to an accident which occurred after such election or revocation.

"(v) SPECIAL RULE WHERE PLAN SUBSIDIZES ALL OF COST.—In the case of a plan under which benefits are not reduced by reason of any qualified joint and survivor annuity, such plan shall be treated as meeting the requirements of clause (i)(I) if the election under such clause may be made only within a reasonable period before the annuity starting date.

"(D) JOINT AND SURVIVOR ANNUITY NEED NOT BE PROVIDED IF PARTICIPANT AND SPOUSE MARRIED LESS THAN 1 YEAR.—A plan shall not be treated as failing to meet the requirements of subparagraph (A) if the spouse of the participant is not entitled to receive a survivor annuity unless the participant and his spouse have been married throughout the 1-year period ending on the earlier of—

"(i) the participant's annuity starting date, or

"(ii) the date of the participant's death.

"(E) SPECIAL RULES RELATING TO AMOUNT AND FORM OF PAYMENT.—A plan does not meet the requirements of subparagraph (A) unless the payments under the survivor annuity are equal to or greater than the payment which would have been made if the survivor annuity had been determined on the basis of the annuity to which the participant would have been entitled if—

"(i) in the case of a participant who dies after the earliest retirement age, such participant had retired on the day before the date of death, and

"(ii) in the case of a participant who dies on or before the earliest retirement age, such participant had—

"(I) separated from service on the date of death,

"(II) survived to the earliest retirement age,

"(III) begun to receive a qualified joint and survivor annuity when he attained the earliest retirement age, and

"(IV) died on the day after reaching the earliest retirement age.

"(F) SPECIAL RULES RELATING TO QUALIFIED DOMESTIC RELATIONS ORDERS.—In the case of a former spouse of a participant who is entitled to receive any portion of such participant's benefit under a qualified domestic relations order (within the meaning of paragraph (13)(B))—

"(i) this paragraph shall not apply to the extent inconsistent with such entitlement, and

"(ii) any spouse of such former spouse shall not be entitled to any qualified joint and survivor annuity (and the order may not so provide) unless the plan otherwise provides for such entitlement.

"(G) DEFINITIONS AND OTHER SPECIAL RULES.—For purposes of this paragraph—

"(i) ANNUITY STARTING DATE.—The term 'annuity starting date' means the first day of the first period for which an amount is received as an annuity (whether by reason of retirement or disability).

"(ii) EARLIEST RETIREMENT AGE.—The term 'earliest retirement age' means the earliest date on which, under the plan, the participant could elect to receive retirement benefits.

"(iii) QUALIFIED JOINT AND SURVIVOR ANNUITY.—The term 'qualified joint and survivor annuity' means an annuity for the life of the participant with a survivor annuity for the life of the spouse which is not less than 50 percent of (or greater than 100 percent of) the amount of the annuity which is—

"(I) payable during the joint lives of the participant and the spouse, and

"(II) the actuarial equivalent of a single life annuity for the life of the participant.

Such term also includes any annuity in a form having the effect of an annuity described in the preceding sentence.

"(iv) PLAN MAY TAKE INTO ACCOUNT INCREASED COSTS.—A plan may take into account in any equitable manner (as determined by the Secretary) any increased costs resulting from providing joint and survivor annuity benefits.

"(v) SUBPARAGRAPH (A) APPLIES WHETHER ANNUITY IS NORMAL OR OPTIONAL.—Subparagraph (A) shall apply to any plan which provides for payment of benefits in the form of an annuity without regard to whether such form is normally provided, is provided as an option, or is otherwise provided.".

(b) DEFINED BENEFIT PLANS MUST PROVIDE BENEFITS PAYABLE IN THE FORM OF AN ANNUITY.—

(1) IN GENERAL.—Subsection (a) of section 401 (relating to requirements for qualification) is amended—

(A) by inserting after paragraph (24) the following new paragraph:

"(25) DEFINED BENEFIT PLAN MUST PROVIDE BENEFIT PAYABLE IN FORM OF LIFE ANNUITY.—In the case of a defined benefit plan, a trust forming part of such plan shall not constitute a qualified trust under this section unless, in addition to any other form of benefit payments such plan may provide, such plan provides for the payment of benefits in the form of an annuity payable over the life of the participant.", and

(B) by striking out "and (20)" in the last sentence and inserting in lieu thereof "(20), and (25)".

(2) CONFORMING AMENDMENTS.—Sections 404(a)(2) and 805 (d)(3) are each amended by striking out "and (22)" and inserting in lieu thereof "(22), and (25)".

SEC. 104. SPECIAL RULES FOR ASSIGNMENT IN DIVORCE, ETC. PROCEEDINGS.

(a) PROHIBITION AGAINST ASSIGNMENT NOT TO APPLY IN DIVORCE, ETC., PROCEEDINGS.—Paragraph (13) of section 401(a) (relating to assignment of benefit) is amended—

(1) by striking out "(13) A trust" and inserting in lieu thereof:

"(13) ASSIGNMENT AND ALIENATION.—

"(A) IN GENERAL.—A trust", and

(2) by adding at the end thereof the following new subparagraphs:

"(B) SPECIAL RULE FOR ASSIGNMENT OF RIGHTS UNDER STATE DOMESTIC RELATIONS LAWS.—

"(i) IN GENERAL.—Subparagraph (A) shall not apply to any assignment or alienation pursuant to any qualified domestic relations order.

"(ii) QUALIFIED DOMESTIC RELATIONS ORDER.—For purposes of clause (i), the term 'qualified domestic relations order' means a domestic relations order which meets the requirements of clauses (iii), (iv), and (v).

"(iii) ORDER MUST CREATE OR RECOGNIZE RIGHT.—A domestic relations order meets the requirements of this clause if such order creates, or recognizes the existence of, an individual's right to receive all or a portion of the benefits payable with respect to a participant under a plan.

"(iv) ORDER MUST CLEARLY SPECIFY CERTAIN FACTS.—A domestic relations order meets the requirements of this clause if such order clearly specifies—

"(I) the participant and each alternate payee,

"(II) the amount or percentage of the participant's benefits to be paid to any alternate payee, or the manner in which such amount or percentage is to be determined,

"(III) the number of payments to which such order applies, and

"(IV) the name and mailing address of the participant and any alternate payee.

"(v) ORDER MAY NOT ALTER AMOUNT FORM, ETC. OF BENEFITS.—A domestic relations order meets the requirements of this clause only if such order—

"(I) does not require a plan to provide any benefits which are not otherwise available under the plan,

"(II) does not require a plan to make payment of benefits in a form other than the form such benefits would otherwise be payable under the plan, and

"(III) does not require a plan to honor an election which may not otherwise be made under such plan.

"(vi) EXCEPTION FOR CERTAIN PAYMENTS MADE AFTER EARLIEST RETIREMENT AGE.—A domestic relations order shall not be treated as failing to meet the requirements of clause (v) merely because such order requires that payment of benefits be made to an alternate payee after the earliest retirement age (within the meaning of section 401(a)(11)(G)(ii)) in any form in which such benefits may be paid under the plan to the participant.".

"(C) PLAN PROCEDURES WITH RESPECT TO ORDERS.—

"(i) ACTION BY ADMINISTRATOR.—If the plan administrator determines that a domestic relations order is not a qualified domestic relations order, the plan administrator shall notify the participant, any alternate payee, and any person issuing such order of such determination and the reasons therefor.

"(ii) SUSPENSION OF PAYMENT OF BENEFITS.—No benefits subject to a domestic relations order shall be paid by the plan during the period beginning on the date on which notice is sent under clause (i) and ending on the date on which the plan administrator determines that such order has been modified to meet the requirements of a qualified domestic relations order.

"(iii) TIME FOR MAKING DETERMINATION.—Any determination under clause (i) shall be made—

"(I) within a reasonable period after receipt of notice of the domestic relations order (as determined under regulations prescribed by the Secretary), and

"(II) at such other times as the plan administrator determines appropriate.

"(D) DEFINITIONS.—For purposes of subparagraphs (B) and (C)—

"(i) DOMESTIC RELATIONS ORDER.—The term 'domestic relations order' means any judgment, decree, or order (including approval of a property settlement agreement) which—

"(I) relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, or child of a participant, and

"(II) is made pursuant to a State domestic relations law (without regard to whether such law is a community property law).

"(ii) ALTERNATE PAYEE.—The term 'alternate payee' means any spouse, former spouse, or child of a participant who is recognized by a domestic relations order as having a right to receive all, or a portion of, the benefits payable under a plan with respect to such participant.".

(b) TAX TREATMENT OF DIVORCE DISTRIBUTIONS.—

(1) ALLOCATION OF INVESTMENT IN THE CONTRACT.—Subsection (m) of section 72 (relating to special rules applicable to employee annuities and distributions under employee plans) is amended by adding at the end thereof the following new paragraph:

"(10) DETERMINATION OF INVESTMENT IN THE CONTRACT IN THE CASE OF QUALIFIED DOMESTIC RELATIONS ORDERS.—Under regulations prescribed by the Secretary, in the case of a distribution or payment made to an alternate payee pursuant to a qualified domestic relations order (as defined in section 401(a)(13)(B)), the investment in the contract as of the date prescribed in such regulations shall be allocated on a pro rata basis between the present value of such distribution or payment and the present value of all other benefits payable with respect to the same participant to which such order relates.".

(2) DISTRIBUTIONS UNDER QUALIFIED DOMESTIC RELATIONS ORDERS NOT TREATED AS LUMP SUM DISTRIBUTIONS FOR CERTAIN PURPOSES.—Subparagraph (A) of section 402(e)(4) (defining lump-sum distribution) is amended by adding at the end thereof the following new sentence: "For purposes of this section and section 403, any distribution or payment made to an alternate payee pursuant to a qualified domestic relations order (as defined in section 401(a)(13)(B)) shall not be treated as a lump sum distribution.".

(3) ROLLOVER OF DISTRIBUTIONS UNDER QUALIFIED DOMESTIC RELATIONS ORDERS.—Paragraph (6) of section 402(a) (relating to special rules for rollovers) is amended by adding at the end thereof the following new subparagraph:

"(F) QUALIFIED DOMESTIC RELATIONS ORDERS.—If—

"(i) within one taxable year of the recipient, the balance to the credit of the account of the recipient by reason of any qualified domestic relations order (as defined in section 401(a)(13)(B)) is distributed or paid to the recipient,

"(ii) the recipient transfers any portion of the property the recipient receives in such distributions to an eligible retirement plan described in subclause (I) or (II) of paragraph (5)(D)(iv), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then the portion of the distribution so transferred shall be treated as a distribution described in paragraph (5)(A).".

SEC. 105. INCREASE IN ALLOWABLE MANDATORY DISTRIBUTIONS FROM $1,750 TO $3,500.

Subparagraph (B) of section 411(a)(7)(B) (relating to effect of certain distributions) is amended by striking out "$1,750" and inserting in lieu thereof "$3,500".

SEC. 106. PARTICIPANT TO BE NOTIFIED THAT BENEFITS MAY BE FORFEITABLE.

Subsection (e) of section 6057 (relating to individual statement to participants) is amended by adding at the end thereof the following new sentence: "Such statement shall also include a notice to the participant of any benefits which are forfeitable if the participant dies before a certain date.".

SEC. 107. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply—

(1) in the case of any plan which is not in existence on October 19, 1982, to years ending after October 19, 1982, and

(2) in the case of plans in existence on October 19, 1982, to years beginning after December 31, 1984.

(b) SECTIONS 102(B) AND 103(A).—The amendments made by sections 102(b) and section 103(a) shall apply to any participant—

(1) the annuity starting date of which did not occur before the date of the enactment of this Act, and

(2) who on or after such date had at least 1 hour of service for an employer or employers maintaining the plan.

(c) REQUIREMENT THAT DEFINED BENEFIT PLANS PROVIDE ANNUITY BENEFITS.—The amendments made by section 103(b) shall not apply to any defined benefit plan in existence on October 19, 1983, if, on such date, such plan did not provide for the payment of benefits in the form of an annuity over the life of the participant.

(d) ASSIGNMENT AND ALIENATION.—The amendments made by subsection (a) of section 104 shall take effect on the date of the enactment of this Act.

(e) INCREASE IN ALLOWABLE MANDATORY DISTRIBUTIONS.—The amendments made by section 105 shall apply to years ending after the date of the enactment of this Act.

TITLE II—AMENDMENTS RELATING TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

AMENDMENT OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SEC. 201. Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

MODIFICATIONS OF MINIMUM PARTICIPATION AND VESTING STANDARDS

SEC. 202. (a) Section 202(a)(1) (29 U.S.C. 1052(a)(1)) is amended by striking out "25" each place it appears in subparagraphs (A)(i) and (B)(ii) and inserting in lieu thereof "21".

(b) Section 203(b)(1)(A) (29 U.S.C. 1053(b)(1)(A)) is amended by striking out "22" and inserting in lieu thereof "18".

(c)(1) Paragraph (4) of section 202(a) (29 U.S.C. 1052(a)(4)) is amended to read as follows:

"(4)(A) For purposes of paragraph (1), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account in computing any period of service if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

"(i) 5 years, or

"(ii) the aggregate number of years of service before such period.

"(B) If any years of service are not required to be taken into account by reason of a period of breaks in service to which subparagraph (A) applies, such years of service shall not be taken into account in applying subparagraph (A) to a subsequent period of breaks in service.

"(C) For purposes of subparagraph (A), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions.".

(2) Subparagraph (D) of section 203(b)(3) (29 U.S.C. 1053(b)(3)(D)) is amended to read as follows:

"(D)(i) For purposes of paragraph (1), in the case of a nonvested participant, years of service with the employer or employers maintaining the plan before any period of consecutive 1-year breaks in service shall not be required to be taken into account if the number of consecutive 1-year breaks in service within such period equals or exceeds the greater of—

"(I) 5 years, or

"(II) the aggregate number of years of service before such period.

"(ii) If any years of service are not required to be taken into account by reason of a period of breaks in service to which clause (i) applies, such years of service shall not be taken into account in applying clause (i) to a subsequent period of breaks in service.

"(iii) For purposes of clause (i), the term 'nonvested participant' means a participant who does not have any nonforfeitable right under the plan to an accrued benefit derived from employer contributions.".

(d)(1) Subsection (b) of section 202 (29 U.S.C. 1052(b)) is amended by adding at the end thereof the following new paragraph:

"(5) In the case of any individual who is absent from work for any consecutive period—

"(i) by reason of the birth of a child of the individual, or

"(ii) for purposes of caring for such child during the period immediately following such birth,

the hours of service (not in excess of 501) which would have been credited to such individual but for such absence shall be treated as hours of service completed by such individual solely in determining whether a break in service has occurred for purposes of this paragraph.".

(2) Paragraph (3) of section 203(b) (29 U.S.C. 1053(b)(3)) is amended by adding at the end thereof the following new paragraph:

"(E) In the case of any individual who is absent from work for any consecutive period—

"(i) by reason of the birth of a child of the individual, or

"(ii) for purposes of caring for such child during the period immediately following such birth,

the hours of service (not in excess of 501) which would have been credited to such individual but for such absence shall be treated as hours of service completed by such individual solely in determining whether a break in service has occurred for purposes of this paragraph.".

(3) Subparagraph (A) of section 204(b)(3) (29 U.S.C. 1054(b)(3)) is amended by inserting "(determined without regard to section 202(b)(5))" after "section 202(b)".

JOINT AND SURVIVOR ANNUITIES FOR MARRIED PARTICIPANTS; DEFINED BENEFIT PLAN MUST PROVIDE LIFE ANNUITIES

SEC. 203. (a) Section 205 (29 U.S.C. 1055) is amended to read as follows:

"JOINT AND SURVIVOR ANNUITY REQUIREMENT

"SEC. 205. (a) In the case of any plan which provides for the payment of benefits in the form of an annuity, such plan shall provide for the payment of annuity benefits to each qualified participant in the form of a qualified joint and survivor annuity.

"(b) For purposes of subsection (a), the term 'qualified participant' means any participant who has not made an election under subsection (c) and—

"(1) who has reached the earliest retirement age under the plan,

"(2) is a participant on or after the first day of the 120th month beginning before the date on which the employee reaches normal retirement age, or

"(3) who—

"(A) has attained the age of 45, and

"(B) has completed at least 10 years of service (as determined under section 411(a)(4)), with the employer or employers maintaining the plan.

"(c)(1) A plan meets the requirements of subsection (a) only if—

"(A) under the plan each participant may elect, within a reasonable period before the first date on which such participant is a qualified participant under subsection (b) (and at such other times as the plan or Secretary may prescribe), not to receive the qualified joint and survivor annuity,

"(B) under the plan each participant may, within a reasonable period before the annuity starting date, revoke any election under subparagraph (A), and

"(C) the plan meets the requirements of paragraphs (2) and (3).

"(2) Each plan shall provide that an election under paragraph (1) shall not take effect unless—

"(A) the spouse of the participant (as of the time of the election) consents in writing to such election, and the spouse's consent is witnessed by a plan representative or a notary public, or

"(B) the participant establishes to the satisfaction of a plan representative that the consent required under subparagraph (A) may not be obtained because the spouse cannot be located or because of such other circumstances as the Secretary may by regulations prescribe.

"(3) Each plan to which paragraph (1) applies shall provide (at the time prescribed by the Secretary) to each participant a written explanation of—

"(A) the terms and conditions of the qualified joint and survivor annuity, and

"(B) the participants' right to make, and the effect of, an election under this subparagraph.

"(4) A plan shall not be treated as failing to meet the requirements of subsection (a) merely because the plan provides that any election or revocation under paragraph (1) shall not take effect (or ceases to be effective) if—

"(A) the participant dies within a period (not in excess of 2 years) beginning on the date of the election or revocation, and

"(B) the death of the participant is not due to an accident which occurred after such election or revocation.

"(5) In the case of a plan under which benefits are not reduced by reason of any qualified joint and survivor annuity, such plan shall be treated as meeting the requirements of paragraph (1)(A) if the election under such paragraph may be made only within a reasonable period before the annuity starting date.

"(6) If a plan in good faith relies on any consent received, or determination made, under paragraph (2) with respect to any election, any payment of benefits in accordance with such election shall discharge its obligations to the participant and spouse to the extent of such payment.

"(7) A plan shall not be treated as failing to meet the requirements of subsection (a) if the spouse of the participant is not entitled to receive a survivor annuity unless the participant and his spouse have been mar-

ried throughout the 1-year period ending on the earlier of—

"(1) the participant's annuity starting date, or

"(2) the date of the participant's death.

"(e) A plan does not meet the requirements of subsection (a) unless the payments under the survivor annuity are equal to or greater than the payment which would have been made if the survivor annuity had been determined on the basis of the annuity to which the participant would have been entitled if—

"(1) in the case of a participant who dies after the earliest retirement age, such participant had retired on the day before the date of death, and

"(2) in the case of a participant who dies on or before the earliest retirement age, such participant had—

"(A) separated from service on the date of death,

"(B) survived to the earliest retirement age,

"(C) begun to receive a qualified joint and survivor annuity when he attained the earliest retirement age, and

"(D) died on the day after reaching the earliest retirement age.

"(f) In the case of a former spouse of a participant who is entitled to receive any portion of such participant's benefit under a qualified domestic relations order (within the meaning of section 206(d)(3))—

"(1) this paragraph shall not apply to the extent inconsistent with such entitlement, and

"(2) any spouse of such former spouse shall not be entitled to any qualified joint and survivor annuity (and the order may not so provide) unless the plan otherwise provides for such entitlement.

"(g) For purposes of this section—

"(1) The term 'annuity starting date' means the first day of the first period for which an amount is received as an annuity (whether by reason of retirement or disability).

"(2) The term 'earliest retirement age' means the earliest date on which, under the plan, the participant could elect to receive retirement benefits.

"(3) The term 'qualified joint and survivor annuity' means an annuity for the life of the participant with a survivor annuity for the life of the spouse which is not less than 50 percent of (or greater than 100 percent of) the amount of the annuity which is—

"(A) payable during the joint lives of the participant and the spouse, and

"(B) the actuarial equivalent of a single life annuity for the life of the participant.

Such term also includes any annuity in a form having the effect of an annuity described in the preceding sentence.

"(4) A plan may take into account in any equitable manner (as determined by the Secretary) any increased costs resulting from providing joint and survivor annuity benefits.

"(5) Subsection (a) shall apply to any plan which provides for payment of benefits in the form of an annuity without regard to whether such form is normally provided, is provided as an option, or is otherwise provided.".

(b) Section 206 (29 U.S.C. 1056) is amended by adding at the end thereof the following new subsection:

"(e) A defined benefit plan shall, in addition to any other form of benefit payments such plan may provide, provide for the payment of benefits in the form of an annuity payable over the life of the participant.".

SPECIAL RULES FOR ASSIGNMENT IN DIVORCE, ETC. PROCEEDINGS

SEC. 204. Section 206(d) (29 U.S.C. 1056(d)) is amended by adding at the end thereof the following new paragraphs:

"(3)(A) Paragraph (1) shall not apply to any assignment or alienation pursuant to any qualified domestic relations order.

"(B) For purposes of subparagraph (A), the term 'qualified domestic relations order' means a domestic relations order which meets the requirements of subparagraphs (C), (D), and (E).

"(C) A domestic relations order meets the requirements of this subparagraph if such order creates, or recognizes the existence of, an individual's right to receive all or a portion of the benefits payable with respect to a participant under a plan.

"(D) A domestic relations order meets the requirements of this subparagraph if such order clearly specifies—

"(i) the participant and each alternate payee,

"(ii) the amount or percentage of the participant's benefits to be paid to any alternate payee, or the manner in which such amount or percentage is to be determined,

"(iii) the number of payments to which such order applies, and

"(iv) the name and mailing address of the participant and any alternate payee.

"(E) A domestic relations order meets the requirements of this subparagraph only if such order—

"(i) does not require a plan to provide any benefits which are not otherwise available under the plan,

"(ii) does not require a plan to make payment of benefits in a form other than the form such benefits would otherwise be payable under the plan, and

"(iii) does not require a plan to honor an election which may not otherwise be made under such plan.

"(F) A domestic relations order shall not be treated as failing to meet the requirements of subparagraph (E) merely because such order requires that payment of benefits be made to an alternate payee after the earliest retirement age (within the meaning of section 205(g)(2)) in any form in which such benefits may be paid under the plan to the participant.".

"(4)(A) If the plan administrator determines that a domestic relations order is not a qualified domestic relations order, the plan administrator shall notify the participant, any alternate payee, and any person issuing such order of such determination and the reasons therefor.

"(B) No benefits subject to a domestic relations order shall be paid by the plan during the period beginning on the date on which notice is sent under subparagraph (A) and ending on the date on which the plan administrator determines that such order has been modified to meet the requirements of a qualified domestic relations order.

"(C) Any determination under subparagraph (A) shall be made—

"(i) within a reasonable period after receipt of notice of the domestic relations order (as determined under regulations prescribed by the Secretary), and

"(ii) at such other times as the plan administrator determines appropriate.

"(5) For purposes of paragraphs (3) and (4)—

"(A) The term 'domestic relations order' means any judgment, decree, or order (including approval of a property settlement agreement) which—

"(i) relates to child support, alimony payments, or marital property rights, and

"(ii) is made pursuant to a State domestic relations law (without regard to whether such law is a community property law).

"(B) The term 'alternate payee' means any spouse, former spouse, or child of a participant who is recognized by a domestic relations order as having a right to receive all, or a portion of, the benefits payable under a plan with respect to such participant.".

INCREASE IN ALLOWABLE MANDATORY DISTRIBUTIONS FROM $1,750 TO $3,500

SEC. 205. Section 204(d)(1) (29 U.S.C. 1054(d)(1)) is amended by striking out "$1,750" and inserting in lieu thereof "$3,500".

PARTICIPANT TO BE NOTIFIED THAT BENEFITS MAY BE FORFEITABLE

SEC. 206. Section 105(c) (29 U.S.C. 1025(c)) is amended by adding at the end thereof the following new sentence: "Such statement shall also include a notice to the participant of any benefits which are forfeitable if the participant dies before a certain date.".

EFFECTIVE DATES

SEC. 207. (a) Except as otherwise provided in this section, the amendments made by this title shall apply—

(1) in the case of any plan which is not in existence on October 19, 1982, to years ending after October 19, 1982, and

(2) in the case of plans in existence on October 19, 1982, to years beginning after December 31, 1984.

(b) The amendments made by sections 202(b) and 203(a) of this Act shall apply to any participant—

(1) the annuity starting date of which did not occur before the date of the enactment of this Act, and

(2) who was an active participant in the plan on or after such date.

(c) The amendments made by section 203(b) of this Act shall not apply to any defined benefit plan in existence on October 19, 1983, if, on such date, such plan did not provide for the payment of benefits in the form of an annuity over the life of the participant.

(d) The amendments made by section 204(a) of this Act shall take effect on the date of the enactment of this Act.

(e) The amendments made by section 205 of this Act shall apply to years ending after the date of the enactment of this Act.

Mrs. HAWKINS. Mr. President, I am pleased to join as a cosponsor of legislation that affects all Americans—reform of inequities in our pension laws.

We must all be concerned that older women are the fastest growing poverty group in America, and that 81 percent of women over age 65 who do not reside with relatives live below the poverty line. As you know, many of the bills before Congress today have provisions that address pension inequities that primarily affect women. These inequities, however, are not limited to women, and the problem that they address is not just a women's issue.

S. 19, which was introduced by Senator DOLE; S. 918, introduced by Senator HATFIELD; S. 1700, which I have introduced; and title I of the Economic Equity Act all share similar or identi-

cal provisions. The provisions bear repeating, and perfecting, because we all share the same goal: To correct the inequities that exist in the current private pension programs for women. Today, we are joining together to introduce concensus legislation that incorporates the concepts and provisions contained in all these bills. Women are especially vulnerable to these inequities because they tend to enter the work force early, have breaks-in-service because they interrupt their careers for childcare responsibilites, or choose the role of a homemaker in marriage. Today, only 21 percent of women workers are covered by pension plans compared to 49 percent of men, and only 13 percent of all working women actually receive their pension benefits. We need to amend ERISA to improve the ability of women to be covered by private pensions, whether in earning their own pension credits or in improving their access to a spouse's retirement income in divorce and widowhood.

Enactment of ERISA did insure that a joint and survivor annuity was offered to a participant covered under a private pension annuity at retirement age. Current law, however, only requires notification and written waiver of this election by the participant. It does not require the consent of the participant's spouse, the person who is the most affected by the decision to waive the joint and survivor annuity. They do not even have to be notified of the existence of this option.

Even in those marriages where the pension participants do wish to provide for the retirement of their spouses, they may be prevented from doing so. Current law does not require the pension plan to offer the joint and survivor benefit until retirement age. If the participant dies before he or she is eligible to opt for this benefit, some plans provide that employee benefits are forfeited even if they were fully vested. If the participant lives long enough to choose this option but dies within 2 years of the selection, the pension plan may refuse to honor the election of joint and survivor benefits. Plans may also prohibit employees from providing a survivor option to a divorced spouse and may also preclude providing for a spouse married after the annuity starting date. Because of all the conditions that must be met before survivors' annuities are paid, the National Women's Political Caucus estimates that only 5 to 10 percent of surviving spouses actually receive their benefits.

Since we all share a common interest in reforming the private pension programs to remove the inequities against women, we have been working together to develop concensus legislation that incorporates the various concepts and provisions that are contained in our individual bills. This legislation would increase the ability of women to obtain coverage under private pension plans both in improving their ability to vest in pension programs and in their ability to be covered under their spouse's private pension program.

This legislation would correct these inequities by amending ERISA in the following manner: In order to insure that the person most impacted by the decision to elect or waive the joint and survivor annuity is consulted, the bill requires that the election of joint and survivor annuity is automatic and cannot be waived unless the participant's spouse is notified and consents in writing. To insure that vested pension benefits are not forfeited because the participant died before having the opportunity to choose this option, the bill requires the joint and survivor options to be offered at age 45 and after 10 years of service. In order to protect divorced spouses the bill specifies that individuals who were the spouse of a plan participant on the date that retirement benefits began but were subsequently divorced, can continue to receive benefits even if the plan participant dies. In order to mitigate the litigation surrounding pension alienation in divorce and child support cases, the bill clarifies that pension benefits can be considered and alienated in domestic relations court orders. This legislation incorporates what I feel are key concepts regarding the definition of a qualified domestic relations order and the duties of a plan administrator regarding allocation of those pension benefits.

This legislation also attempts to rectify the inequities in our private pension programs which have limited the number of working women who vest in their companies pension programs. The legislation requires employers to allow their employees to begin participating in the pension program at age 21 instead of age 25 and to count years of service of that employee from age 18 instead of 22. This provision benefits men as well as women, because it applies to any individual who began their career early. This legislation also amends ERISA's breaks-in-service provision to avoid penalizing individuals who interrupt their employment for childcare responsibilities.

The legislation also amends ERISA to address the breaks-in-service provision which often has the effect of preventing working women from vesting in their companies pension plans because they interrupt their service for childcare responsibilities. Our legislation would amend ERISA to insure that working women could interrupt their employment for childcare responsibilities without losing their prior years of employment service.

Mr. President, there is a saying; "Women are not a minority; they are just treated like one," Well, women are a majority—and no minority or majority should be subject to economic indignities that threaten their self-esteem, their well-being, and the health and safety of their families. As I stated in my introductory remarks for S. 1700, I feel that these reforms in our private pension programs are long overdue, and I urge my Senate colleagues to join me in supporting this bill.

Mrs. KASSEBAUM. Mr. President, I am pleased to join the distinguished chairman of the Senate Finance Committee, Mr. DOLE, and a number of other Senators in introducing legislation designed to improve the treatment of women under private pension plans. As a cosponsor of the Economic Equity Act in both the 97th and 98th Congresses, I have long felt that retirement income protection for women is of particular importance. A variety of factors reduce the likelihood of a woman's being entitled to a private pension. Coupled with the relatively longer life expectancies of women, these factors are a major contributor to alarmingly high rates of poverty among older women.

The measure being introduced today represents a broad consensus among members who have been working on behalf of pension equity. By incorporating features of several different proposals, it offers a broad and thoughtful approach to the concerns which have been expressed.

Devising an appropriate response to these concerns is no simple task. In looking at our private pension system, we find that most of the disadvantages experienced by women are not the result of requirements which are discriminatory on their face. Problem have resulted, however, from the insensitivity of current laws and programs to the actual work and life patterns of women—which do vary considerably from those of men. For example, in the job market women are more likely to begin work at younger ages, engage in more part-time employment, change jobs more frequently, and interrupt careers to assume family responsibilities. These characteristics place women at an obvious disadvantage in a private pension system designed to reward most generously those individuals who spend their careers in uninterrupted work with a single employer.

In addition, there is a great deal of variance among women in terms of their employment and family situations. As a general rule, men work in the paid labor force throughout their adult years whether or not they are married or have families. Alternatively, no "twenty-five-words-or-less" statement can accurately describe the lifetime work patterns of the majority of American women. Consequently, in attempting to fashion changes, it is necessary to consider a variety of ap-

proaches. This measure acknowledges this diversity by including provisions dealing with women as workers; women as mothers; and women as spouses, divorced spouses, and widows.

This legislation attempts to expand pension coverage of working women by lowering the minimum age for participation in a retirement plan from 25 to 21. The highest labor force participation rate among women—69.1 percent—occurs among women in the 20 to 24 age bracket. Yet, individuals generally do not have a chance to participate in a retirement plan until age 25. In addition, the measure lowers the minimum age for vesting from 22 to 18—again offering additional protection to individuals who join the work force at younger ages.

This bill recognizes that family responsibilities can create work interruptions, which jeopardize pension benefits. It addresses this situation by amending current break-in-service rules to provide that a limited period of approved maternity/paternity leave does not constitute a break in service for participation and vesting purposes. In addition, the measure amends the "rule of parity" to provide that, in most cases, an individual will not lose participate and vesting credit for prior service if he or she interrupts service with an employer for fewer than 5 years. This provision is not limited to leave attributable to child rearing, though it would be of obvious benefit in such a situation.

The measure also includes provisions designed to assist individuals who, because they do not work outside the home, rely heavily on benefits earned by their spouses. It requires that a worker and spouse give written consent in order to waive a joint and survivor annuity election. Currently, an alternate annuity option can be selected by the worker without the consent—or even the knowledge—of a spouse. The bill offers additional protection to the surviving spouse by providing that a pension benefit be made available even if the working spouse dies before the annuity starting date, providing that the plan participant had attained age 45 and had at least 10 years of service for vesting purposes.

Finally, this legislation clarifies that private pensions are property which may be divided as part of a divorce settlement and provides rules for the tax treatment of retirement plan distributions upon divorce.

I hope that the Senate Finance Committee and the Senate Committee on Labor and Human Resources can act quickly in approving this measure.

Mr. MOYNIHAN. Mr. President, I am very pleased to cosponsor legislation vital to the economic well-being of American women. The Retirement Equity Act of 1983, will bring this Nation a little closer to realizing a goal which we all share, that of full economic equality for women and men.

This bill will alter certain current pension laws, so as to eliminate discrimination against women in this vital area. It has become increasingly apparent that the existing pension, tax, and retirement laws do not accommodate the special needs of women and homemakers. Many instances of outright discrimination have also become apparent. As more and more women enter the work force, it is urgent that these laws be changed to assure women their due financial security now and into the future. Otherwise the "feminization of poverty" will continue to increase and pervade our society. The present bill would help stop the "feminization of poverty" by providing new protections for women whose husbands die and for those women who become divorced or separated from their husbands.

Only with legislation such as the present Retirement Equity Act of 1983 can we hope to assure that women achieve the economic independence that they need and deserve. The bill has the support of both women's groups and industry groups. I urge my colleagues to support the bill so that it can soon be enacted into law.

Among the many features of the bill are provisions to insure that more women qualify for employer pension plans, provisions to protect women's pension rights when they elect maternity leave or longer breaks in service, and provisions to protect spousal suvivors. The bill also allows courts to split pension benefits between a husband and wife who are separated or divorced. Although the issues addressed in this legislation do not encompass every necessary change, the bill is a proper step in the continuing struggle for full equality for women. Women, in the American work force and out, must be guaranteed the financial security due them.

Mr. President, this bill is not a panacea, nor is it intended to be a substitute for the equal rights amendment. As one of the origional supporters of the equal rights amendment, I know that equal rights for women cannot be achieved until it is part of the U.S. Constitution. Nevertheless, I am committed to the passage of every piece of legislation, large or small, that promotes equity among men and women, and I urge my colleagues both to pass the present Retirement Equity Act of 1983 and to work to insure that the equal rights amendment is made a part of the U.S. Constitution.

Mr. DURENBERGER. Mr. President, I am pleased to cosponsor this important pension legislation which is being introduced today. I would also like to commend Senator DOLE, Senator PACKWOOD, Senator HATFIELD, and the other cosponsors for the strong leadership roles they have taken in promoting pension equity for women.

This legislation reflects growing awareness of the economic inequity that exists for women in America today—specifically, with regard to pensions. The economic barriers which confront American women are not isolated instances, they affect real people and real families. In fact, just about every woman in this country will face one or more of the following roadblocks sometime in her working life: Longer work requirements for pension vesting and participation rights; termination of survivorship benefits; denial of pension survivorship benefits; loss of accrued benefits due to "break in service" requirements; inability to afford high quality dependent care; failure to obtain employment because of a lack of training or experience; and, failure to collect child support.

The pension legislation which we are introducing will make significant inroads toward alleviating many of these inequities. This bill represents a culmination of the efforts of many of the Members of this body. I am pleased that most of the provisions of the bill were contained in the Economic Equity Act, S. 888, which was introduced by Senators PACKWOOD, HATFIELD, HART, and myself in 1981 and 1983. Many were also part of Senator DOLE's pension equity bill, S. 19, and the newly introduced administration bill, H.R. 4032.

This bill will remove pension discrimination against women in the following ways:

WOMEN AS WORKERS

It reduces the minimum age of pension participation from 25 to 21 and it lowers the minimum age of vesting from 22 to 18. These changes are significant for women because more women under age 25 are employed outside the home than any other age bracket. It is also true that women are more likely than men to leave the work force in their twenties or thirties.

If we are to provide retirement security for women, as well as for men who start working at a later age, it is important that early working years count in earning pension rights. This provision would recognize those critical working years.

WOMEN AS MOTHERS

It would insure that individuals who temporarily leave their jobs for up to 5 years would not lose their pension rights for prebreak periods of service.

Although this provision would provide invaluable assistance to women who take time away from work to raise families or care for dependent family members, it will also assist men who are desirous of returning to school or fulfilling various personal demands.

WOMEN AS WIDOWS

It would require that survivor's benefits be provided in the event of the death of a plan participant who is at least 45 years old an who has 10 years of service.

This addresses the serious problem faced by many women whose husbands die prematurely and who find themselves without survivor's benefits. This problem was well-identified during the Senate Finance Committee hearings on the Economic Equity Act in June, when Mrs. Geneva Burgess, of Glen Burnie, Md. testified that her husband's pension had been denied to her despite many years of marriage and family partnership.

Mr. Chairman, it is probably too late for me. But it is not too late for thousands of women who lose out this year or the next. It is not too late for someone like Patricia Tice who also lives in Maryland and who told me that her husband is dying of cancer at age 50.

She has written to IBM to see about getting a share of his benefits. But even after 23 years with the company, when Mrs. Tice moved frequently with her husband to further his career, she will be out of luck if he does not make it another 5 years. She was crying to me on the phone because she knows he will not make it. I ask for her sake and the sake of thousands of other women who count on their husband's pensions to get by, for you to change the law.

Mrs. Burgess, and countless other women like her, have been denied thousands of deserved dollars because of inequities in our pension laws. This bill would eliminate many of these hardships.

In addition, joint and survivor's annuity benefits will now be considered the normal type of benefit payout for any plan which offers an annuity as an optional form of benefit. Should a married couple desire to waive the right to such survivor's benefits, they will be required to do so in writing. This change will help insure that a spouse will no longer unknowingly find himself or herself without survivor's benefits.

WOMEN AS FORMER SPOUSES

This legislation addresses several of the difficult problems that have arisen in divorce actions with respect to pensions. It would require that a plan, to the extent a court has ordered, split the pension account between the divorced husband and wife, and makes favorable IRA rollover rules available to alternative payees.

It would also mandate that, in the case of a divorce after a joint and survivor annuity begins, the ex-spouse may be eligible to receive survivor's benefits.

ADDITIONAL PROVISIONS

In an effort to provide plan participants with advance notice of possible benefit forfeitures, the legislation would require individual benefit statements to include a notice to participants identifying when vested benefits may be forfeited.

The bill would also ease the administrative burden on pension plans by increasing the level at which plans may cash out benefits from $1,500 to $3,500.

While I would have preferred this legislation be expanded to incorporate specific pension provisions of the Economic Equity Act, I believe it represents great progress toward insuring economic equity for women.

I am encouraged by the attention being devoted to the pension issue, but continue to believe the most effective way for Congress to address pension discrimination is to pass the entire Economic Equity Act with all its other reinforcing provisions.

I urge my colleagues to keep in mind the fundamental purpose of this pension reform: To insure that the Federal Government plays a constructive role in removing obstacles to economic equity, rather than a destructive role of creating or even maintaining these obstacles.

One criticism which may be raised to this legislation is that we cannot afford these changes. To that charge my answer is, we cannot afford not to have economic equity. For two centuries of our history, the cost of economic inequity has been borne by women. The time has come to spread these costs.

This bill begins that process. I urge my colleagues to support this important measure.

Mr. PACKWOOD. Mr. President, I am delighted to join as a cosponsor of S. 1978, an excellent pension equity proposal introduced today by Senators DOLE, LONG, DURENBERGER, ROTH, DANFORTH, CHAFEE, WALLOP, HEINZ, BENTSEN, MOYNIHAN, BAUCUS, MITCHELL, HATFIELD, HATCH, NICKLES, KENNEDY, KASSEBAUM, WARNER, PERCY, PRESSLER, LUGAR, MATHIAS, THURMOND, D'AMATO, JEPSEN, BAKER, QUAYLE, DOMINICI, and myself.

I particularly appreciate the leadership Senator DOLE has given in the development of this bill. I also appreciate his gracious words about our work over the years on S. 888, the Economic Equity Act.

There is a developing consensus that a number of changes are needed in the private pension system to increase equity for women. Interest has been building for several years. Most of the provisions in S. 1978 were contained in S. 888, the Economic Equity Act, introduced in 1981 and 1983 by Senators DURENBERGER, HATFIELD, HART, and myself. Other provisions were introduced earlier this year by Senator DOLE in S. 19. Introduction today of this bill is an important further step toward enactment of the best of these bills.

Pension reform has been sought by women and men alike for many years. Injustices caused by divorce, loss of pension rights due to maternity or paternity leave or for extended leave for child-rearing are among the inequities dealt with in the Economic Equity Act and which are addressed in this legislation.

The bill we are introducing today does the following:

First, it lowers the minimum age of participation under ERISA from 25 to 21;

Second, it lowers the minimum age for vesting under ERISA for 25 to 18;

Third, it requires plans to offer survivor's benefits in the case of a death of a plan participant who has reached age 45, and who has 10 years of service;

Fourth, it insures in most cases that individuals with a break in service up to 5 years do not lose credit for participation or vesting purposes for prebreak periods of service;

Fifth, it requires that joint and survivor benefits be the usual form of benefits;

Sixth, it requires that the election out of joint and survivor coverage must have the consent of the spouse;

Seventh, it requires that, in the case of a divorce after a joint and survivor annuity starts, that the ex-spouse will be eligible to receive survior benefits;

Eighth, it requires that a joint and survivor annity be the usual form of benefit payout for any plan that offers an annuity as an optional form of benefit payment;

Ninth, it requires that the plan, to the extent that the court orders, split the participant spouse's pension account between the divorced husband and wife; provides the nonparticipant ex-spouse with the option of an annuity based on his or her own life expectancy at the plan's early retirement date for the participant; and makes favorable IRA rollover and allocation for annuities rules available to alternate payees;

Tenth, it requires that individual benefit statements include a notice to participants that vested benefits may be forfeited upon death; and

Eleventh, it increases the level at which plans may cash out benefits from $1,750 to $3,500.

Mr. President, I look forward to working with other Senators to help enact these changes. I welcome this further step toward providing greater pension equity for women.

Mr. LONG. Mr. President, it is a great pleasure to join with my distinguished colleagues in introducing legislation designed to remedy many of the inequities that women face in pensions. This bill represents a bipartisan attempt to address many of these inequities in a fair and balanced manner.

Although I enthusiastically endorse this bill as a much-needed solution to correcting the problems faced by women in the work force, I also believe that the bill can be improved upon. In particular, I am concerned that certain provisions in the bill may create certain costs and other problems for plan sponsors which could outweigh the expected benefits. Let me take just a few moments to outline a few of these concerns in the hope that an approach might be found that can solve these problems while still advancing the bill's very worthwhile objectives.

One of the principal provisions of this bill would lower the minimum age for participation in pension plans from age 25 to age 21. This provision is intended to enable working women to participate in employer-sponsored pension plans at an earlier age than under present law, thereby enabling them to earn greater pension benefits than they might otherwise earn under prevailing work patterns.

One concern that I have in this area is the effect that this lower participation standard might have on the tax qualification of plans maintained by the employer. In the case of thrift and savings plans, for example, only those employees who elect to contribute to the plan become participants. Not surprisingly, younger employees are less likely than older employees to make contributions, not only because they are less concerned with retirement security, but also because they are generally more concerned with utilizing their income to meet current needs.

The problem in this case arises from the need for all tax-qualified plans to satisfy the nondiscrimination standards under Internal Revenue Code sections 401(a)(4) and 410(b). Code section 401(a)(4) requires that contributions and benefits may not discriminate in favor of employees who are officers, shareholders or highly compensated, and code section 410(b) sets forth certain tests that a plan must meet in order for its eligibility criteria to be considered nondiscriminatory. Because these discrimination tests are based on the level of actual plan participation, the addition of a large number of eligible employees can jeopardize the tax qualification of such plans—particularly where those newly eligible employees are those who are least likely to participate in a contributory plan.

It is not the intent of this bill that such plans be disqualified. Thus, if the minimum participation age is lowered to age 21, consideration should be given to amending the nondiscrimination standards to exclude from consideration, in plans with mandatory employee contributions, those employees under the age of 25.

Lowering the minimum participation age could also have an adverse effect on plan sponsors that maintain defined benefit plans. In addition to the increased administrative costs for reporting, disclosure, and recordkeeping, employers will also be required to pay an annual fee to the Pension Benefit Guaranty Corporation (PBGC) for each such participant. This cost could be substantial in many situations especially in light of the administration's proposal to increase the annual per participant PBGC fee from $2.60 to $6. To lessen this cost impact, consideration might be given to retaining the present law minimum participation age of 25 for defined benefit plans but crediting service with the employer from age 21 for all purposes: eligibility, benefit accrual, and vesting. This approach would insure that the service of those entering the work force at an early age is recognized while at the same time reducing some of the plan costs associated with including younger workers.

Another area of concern is the bill's provision for a survivor annuity for the spouse of a participant who dies after a period of service with his or her employer. Testimony before the Finance Committee documented the need for protection for the nonworking spouse in the case of the premature death of a working spouse. I am concerned, however, that the protection envisioned under this bill may not be provided in the most effective and efficient manner.

Many employers provide life insurance protection for their employees which provides greater amounts of money in the case of premature death than otherwise may be provided under a retirement plan. In addition, the amounts paid under a life insurance contract, unlike amounts paid under a pension plan, provide a substantial tax benefit to the protected spouse because payments are fully excluded from taxable income. My fear is that if employers who are currently providing life insurance protection for their employees are required to provide a survivor annuity under a pension plan, they may elect to eliminate or reduce employees' life insurance protection in order to avoid the duplication of benefits or costs. Where plan participants are covered by a separate life insurance program of the employer, consideration should be given to formulating standards for exempting such plans from the survivor annuity provision.

Another problem created by the survivor annuity provision of this bill is that individuals who have separated from employment with a vested benefit also must receive the survivor annuity protection. As a practical matter, for large plans such as the typical multiemployer pension plan, it will be impractical to administer the election-out provision provided under the bill. Consequently, such plans may be forced to provide the survivor annuity without charging an employee who elects to receive such protection. The result may be to restrict the plan sponsor's ability to provide other types of death benefit protection that may be preferable for the covered employees. In addition, to the degree that such plans choose to absorb the cost of providing this protection, this cost generates additional unfunded liabilities for the plan. These increased liabilities, in turn, will result in higher increased liabilities for withdrawing employers.

There are other problems that should also be addressed in this survivor annuity area. For example, what if the employee does not know that a layoff is in fact a separation from service, or than an inability to find work would persist long enough to ripen into a break in service? These problems and others will arise when trying to deal with this survivor annuity option.

I hope that we will take the time to structure this provision, as well as the others in this bill, in such a fashion that they will accomplish the intended result without doing any unintended harm either to participants or to plan sponsors.

Mr. CHAFEE. Mr. President, I am proud to join Senators DOLE, PACKWOOD, and DURENBERGER as a cosponsor of the Retirement Equity Act of 1983, which represents a beginning step toward greater pension equity for women. As Chairman of the Subcommittee on Savings, Pensions, and Investment Policy, I think that this bill will significantly improve the chances that women will receive benefits under pension plans, without imposing undue burdens on pension plan administrators or employers.

Pension equity for women is not a simple issue because the pension needs of women are so diverse. Although 53 percent of all women are in the work force, most pension plans do not meet their needs. There are many reasons for this. Women still earn an average of only 59 cents for every dollar the average man earns. Women are often clustered in occupations or companies that are less likely to provide pension coverage. In 1979, for example, only 40 percent of women working full time in private industry were covered by a pension plan. Women often have shorter job tenure than men, and they are more likely to leave their jobs to raise children or take on other traditional family responsibilities.

This bill makes a number of changes in existing pension law which should improve the chances for women to have access to adequate pension benefits. For example, the bill lowers the age at which service for an employer must be taken into account for pension coverage. In 1978, women in the 20-24 age bracket had the highest labor force participation rate among

women—68.3 percent projected to increase to 76.8 percent in 1985. Yet, current law does not require an employer to count service prior to age 25 for purposes of participation in a pension plan. This bill would require the employer to count service at age 21 for purposes of participation, and would require the employer to count service from age 18 (instead of 22) for purposes of vesting. The bill also provides that anyone leaving the service of an employer for fewer than 5 years can return to work and not lose credit for the prior service.

In addition to provisions designed to meet the needs of women working outside the home, the bill also contains a number of changes for women who continue to work in the home and are dependent upon the pension benefits of a spouse. If the pension plan provides for an annuity, it must be in the form of a joint and survivor annuity, and if a participant elects otherwise, he (or she) will have to obtain the consent of the nonparticipant spouse. There will also be required spousal survivor coverage for all plan participants who attain age 45 and have 10 years of service.

Finally, the bill clarifies the status of pension benefits in divorce settlements so that pension benefits can be clearly subject to a property settlement or court order in a divorce. These clarifications assure that the antiassignment rules of ERISA, which were designed to protect the participants from creditors, do not shield them from their family responsibilities.

In conclusion, I would simply say that while this bill does not cure all the problems of pension equity for women, it is an important first step. I remain committed to advancing the economic and pension equity of women in our society as they participate both in the workplace and at home, and I encourage my colleagues to join with me in this commitment by supporting this bill.

Mr. NICKLES. Mr. President, I am pleased to join Mr. DOLE as a cosponsor to the Retirement Equity Act of 1983. As chairman of the Labor Subcommittee, I am working toward eliminating any inequities in pension laws while still insuring the health and stability of pensions in this country. In this regard, this bill today focuses on inequities existing in pension laws between working men and women.

For younger women, there are several provisions which are of assistance. Lowering the ages for both participation and vesting will help assure that they later will be entitled to a pension. Liberalizing the break in service rules will assist not only for child bearing and rearing, it also will help women and men who leave the work force for other personal reasons such as care of an elderly parent.

Perhaps the most significant impact of the bill is in the joint and survivor annuity requirements. A nonparticipant spouse will be eligible to receive a pension after the participant spouse has reached age 45 and completed at least 10 years of service. This provision is in response to the inequity of a participant working for 30 years for the same company, dying at age 54, and having no benefit under the pension plan for the surviving spouse.

In addition, under current law, it is possible for a participant to exclude the spouse from a survivor annuity without the spouse's being aware of such exclusion until after the participant's death. This bill would require the spouse to waive the fight to such an annuity in writing. This would eliminate surprise to the surviving spouse as well as provide an equal voice in this important marital decision.

A serious problem is presented to State courts having jurisdiction over domestic relations. Since Federal pension law preempts State law, State courts have had to come out with an exception for alimony and child support payments. This bill eliminates the need for this procedure by carving out an exception for a qualified domestic relations order.

Mr. President, again I am pleased to cosponsor this legislation. I pledge to do all I can to get this bill to the floor of the U.S. Senate for passage as soon as possible. The Labor Subcommittee held an extensive hearing on the issues addressed by this legislation on October 4 of this year. That hearing convinced me of the need for prompt enactment of this bill.

ADDITIONAL COSPONSORS

S. 553

At the request of Mr. HART, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 553, a bill to authorize a national program of improving the quality of education.

S. 654

At the request of Mr. WALLOP, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1954 to treat deductions for research and experimental expenses attributable to activities conducted in the United States as allocable to income from sources within the United States.

S. 702

At the request of Mr. DANFORTH, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 702, a bill to correct any misinterpretation in the classification of textile fabrics, articles, and materials, coated, filled, or laminated with rubber or plastics.

S. 891

At the request of Mr. BUMPERS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 891, a bill to develop additional procedures for Federal land sales.

S. 1173

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1173, a bill to amend the Federal Mine Safety and Health Act of 1977.

S. 1305

At the request of Mr. PACKWOOD, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1305, a bill to amend the Internal Revenue Code of 1954 to extend the energy tax credit for investments in certain classes of energy property, and for other purposes.

S. 1734

At the request of Mr. ZORINSKY, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1734, a bill to amend title 17 of the United States Code with respect to public performances of nondramatic musical works by means of coin-operated phonorecord players, and for other purposes.

S. 1736

At the request of Mr. DURENBERGER, the name of the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 1736, a bill to establish a process that provides for the submission to the Congress each year of a regulatory budget that recommends the costs to be incurred during the fiscal year beginning on October 1 of such year by specified economic sectors in complying with the laws of the United States and the rules promulgated thereunder, and for consideration by the Congress of a bill containing proposals for legislation to implement such regulatory budget.

S. 1746

At the request of Mr. RUDMAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1746, a bill to require that the Federal Government procure from the private sector of the economy the goods and services necessary for the operations and management of certain Government agencies and that the Director of the Office of Management and Budget and the Comptroller General of the United States identify the activities of the Federal Government to produce, manufacture, or otherwise provide goods and services which should be provided by the private sector and prepare a schedule for transferring such activities to the private sector.

S. 1817

At the request of Mr. SYMMS, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S.

1817, a bill to provide equitable rules for the tax treatment of fringe benefits.

S. 1867

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1867, a bill to provide additional authorizations of appropriations for fiscal years 1983 and 1984 for the surplus commodities program under the Older Americans Act of 1965, and for other purposes.

S. 1913

At the request of Mr. HUDDLESTON, the names of the Senator from Iowa (Mr. JEPSEN), the Senator from North Dakota (Mr. BURDICK), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1931

At the request of Mr. DURENBERGER, the names of the Senator from Nebraska (Mr. ZORINSKY) and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 1931, a bill to amend the Internal Revenue Code of 1954 to revise the tax incentives for certain alcohol fuels.

S. 1939

At the request of Mr. WALLOP, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1939, a bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain property for the energy tax credit, and for other purposes.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theater Week."

SENATE JOINT RESOLUTION 148

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. PERCY) and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of Senate Joint Resolution 148, a joint resolution to designate the week of May 6, 1984, through May 13, 1984, as "National Tuberous Sclerosis Week."

SENATE JOINT RESOLUTION 152

At the request of Mr. LEVIN, the names of the Senator from California (Mr. WILSON), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of Senate Joint Resolution 152, a joint resolution to designate the week of May 6, 1984, through May 12, 1984, as "Batten's Disease Awareness Week."

SENATE JOINT RESOLUTION 155

At the request of Mr. WILSON, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of Senate Joint Resolution 155, a joint resolution designating the week beginning November 6, 1983, as "National Disabled Veteran's Week."

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. TSONGAS, the names of the Senator from Delaware (Mr. ROTH), the Senator from Indiana (Mr. QUAYLE), the Senator from Ohio (Mr. GLENN), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of Senate Concurrent Resolution 55, a concurrent resolution expressing the grave concern of the Congress regarding the plight of Ethiopian Jews.

SENATE RESOLUTION 122

At the request of Mr. MOYNIHAN, the names of the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of Senate Resolution 122, a resolution expressing the sense of the Senate that the President should reduce imports of apparel so that imported apparel comprises no more than 25 percent of the American apparel market.

SENATE RESOLUTION 201

At the request of Mr. PRESSLER, the name of the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of Senate Resolution 201, a resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

AMENDMENTS SUBMITTED

MARTIN LUTHER KING, JR., HOLIDAY

HUMPHREY AMENDMENT NO. 2335

Mr. HUMPHREY proposed an amendment to the bill (H.R. 3706) to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday, as follows:

On page 1, line 7, strike out "Monday" and insert in lieu thereof "Sunday".

INTELLIGENCE AUTHORIZATION ACT

PROXMIRE AMENDMENT NO. 2336

(Ordered to lie on the table.)

Mr. PROXMIRE submitted an amendment intended to be proposed by him to the bill (S. 1230) to authorized appropriations for the fiscal year 1984 for intelligence activities of the U.S. Government, the intelligence community staff, the Central Intelligence Agency retirement and disability system, and for other purposes; as follows:

At the botton of page 11, add the following new section:

PROHIBITION ON CERTAIN ASSISTANCE TO THE KHMER ROUGE IN KAMPUCHEA

SEC. 502. (a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the purpose, or with the effect, of promoting sustaining or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Kampuchea or elsewhere in Indochina.

(b)(1) All funds appropriated before the date of enactment of this section which were obligated but not expended for activities having the purpose or effect described in subsection (a) shall be deobligated.

(2) All funds deobligated pursuant to paragraph (1) shall be deposited in the Treasury of the United Sates as miscellaneous receipts.

Mr. PROXMIRE. Mr. President, on October 7, 1983, I submitted two admendments for printing, one to the State Department bill S. 1342, and one to the Intelligence authorization bill S. 1230. Both amendments, however, were printed in the RECORD as submitted to the State Department bill.

Therefore, today I am resubmitting the second amendment to its proper bill, S. 1230, the Intelligence authorization bill. All of these amendments are identical in form and substance.

MARTIN LUTHER KING, JR., BIRTHDAY

HUMPHREY AMENDMENT NO. 2337

Mr. HUMPHREY proposed an amendment to the bill (H.R. 3706) to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday; as follows:

On page 1, strike out lines 6 and 7, and insert in lieu thereof: "Lincoln's Birthday Day, the second Sunday in February.".

HELMS AMENDMENT NOS. 2338 AND 2339

Mr. HELMS proposed two amendments to the bill (H.R. 3706), supra, as follows:

AMENDMENT NO. 2338

At the end of the bill, add the following:

SEC. . Notwithstanding any other provision of this Act, this Act shall not take effect unless and until a legal public holiday is established under Federal law in honor of Thomas Jefferson on or about April 13 each year.

SEC. . Notwithstanding any other provision of this Act, this Act shall only take effect provided that the total number of legal public holidays under Federal law does not exceed nine.

AMENDMENT NO. 2339

At the end of the bill, add the following:

"SEC. 3. Since Marcus Garvey is known universally throughout the world as the Father of Black Nationalism; and

"Since Marcus Garvey was a major leader in the development in the United States of Black consciousness; and

"Since the writings of Marcus Garvey have served as an inspiration to all those who favor opportunity for all, and the doctrine of self-help; and

"Since the conviction of Marcus Garvey in 1923 occurred in an atmosphere charged with emotionalism and publicity; and

"Since the excessiveness of the sentence was recognized by President Coolidge in 1927 in commuting that sentence;

"Therefore, let it be stated that it is the sense of Congress that the President should remove this cloud over the reputation of Marcus Garvey by granting a full pardon of any crimes of which he may have been convicted.".

DEPARTMENT OF STATE AUTHORIZATION

HAWKINS (AND OTHERS) AMENDMENT NO. 2340

(Ordered to lie on the table.)

Mrs. HAWKINS (for herself, Mr. PERCY, Mr. BIDEN, Mr. COCHRAN, Mr. D'AMATO, Mr. DECONCINI, Mr. HUMPHREY, Mr. MOYNIHAN, and Mr. PELL) submitted an amendment to the bill (S. 1342) to authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes; as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

INTERNATIONAL NARCOTICS CONTROL

SEC. 701. (a) Section 481(a) of the Foreign Assistance Act of 1961 is amended by striking out the fourth and fifth sentences.

(b) Section 481 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as (g), (h), (i) and (j), respectively.

(c) Section 481 is further amended by inserting after subsection (a) the following new subsections:

"(b) Not later than January 31 of each year, the President shall prepare and transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on those measures being undertaken and planned for the next fiscal year by each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, which measures are designed to prevent narcotic drugs or other controlled substances from being cultivated, produced, or processed illicitly, in whole or in part, in such country, or from being transported through such country to United States Government personnel or their dependents or from entering the United States unlawfully. Based upon such measures being undertaken and planned for each such country and based upon such other available information, the President shall make a preliminary determination of the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President. The President shall include the amount of each such projected reduction in such report. The report shall also set forth the actual reductions in illicit drug production made by each major illicit drug producing country which has received United States assistance for the preceding fiscal year.

"(c) (1) As soon as possible after the transmittal of a report required by subsection (b), the designated representatives of the President shall initiate appropriate consultations with the appropriate committees of the Congress. Such committees shall cause to be printed in the Congressional Record the substance of each consultation.

"(2) After the President's designated representatives initiate appropriate consultations, the appropriate committee of each House of Congress should hold a public hearing to review the preliminary determination of the President unless public disclosure of the details of such projected reductions is required to be classified. In such a case, the hearing shall be closed to the public.

"(3) After the conclusion of the hearings held under paragraph (2) or 90 days after the initiation of appropriate consultations under paragraph (1), whichever occurs first, the President shall prepare and transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report setting forth his final determination regarding the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President.

"(d) Notwithstanding any other provision of law, if the report required to be submitted by subsection (b) indicates that the government of a country covered by such report has failed to achieve the projected reductions in illicit drug production for the preceding fiscal year which were contained in the report described in subsection (c) (3) for such fiscal year, then—

"(1) the President shall suspend all United States assistance to or for such major illicit drug producing country, and

"(2) the Secretary of the Treasury shall instruct each United States Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank to vote against any loan or other utilization of the funds of the respective international financial institution to or for such major illicit drug producing country.

unless the President determines and so reports in writing to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate that—

"(A) such country did not achieve its projected reduction in illicit drug production because of factors beyond its control such as changing weather conditions, geographic impediments, and political instability; or

"(B) furnishing United States assistance or approving the extension of loans or the furnishing of financial or technical assistance by an international financial institution to such country is in the national security interests of the United States.

"(e) In the event that United States assistance to a country is suspended or that the United States votes against the extension of loans or the utilization of funds of such international financial institution under subsection (d), such suspension shall continue in force and the United States shall continue to cast such votes, as the case may be, until the President determines and reports in writing to the appropriate committees of the Congress that—

"(1) the government of such country has prepared, presented, and committed itself to a plan providing for the control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances within an explicitly stated period of time, with implementation commencing prior to the renewal of assistance, or before the approval by the United States of the extension of any loan or the furnishing of any financial or technical assistance by an international financial institution, to such country; and

"(2) the government of such country has taken legal and law enforcement measures to enforce effective suppression of the illicit cultivation, production, processing, transportation, and distribution of such drugs or controlled substances.".

(d) Section 481 of such Act is further amended by adding at the end thereof the following:

"(k) As used in this section—

"(1) the term 'appropriate consultations' means discussions in person by designated representatives of the President, including the Assistant Secretary of State for International Narcotics Control and appropriate representatives of the Department of Health and Human Services, the Department of the Treasury, the Department of Defense, and the Department of Justice, with members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives to review the worldwide illicit drug production situation and the role that the furnishing of United States assistance to major illicit drug producing countries and that United States contributions to international financial institutions should have in combating the entry of illicit narcotics and other controlled substances into the United States, and to provide such members with—

"(A) a description of the nature of the illicit drug production problem in each major illicit drug producing country for which the President is proposing to furnish United States assistance;

"(B) an analysis of climatic, geographic, political, economic, and social factors that affect the illicit drug production in each country with respect to which the President is required to report to the Congress under subsection (b);

"(C) a description of the methodology employed to determine the projected reductions for each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year; and

"(D) an analysis of any additional United States assistance that would be required to achieve the projected reductions reported by the President to the Congress pursuant to subsection (b);

"(2) the term 'legal and law enforcement measures' means—

"(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation,

and distribution of narcotic drugs and other controlled substances; and

"(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

"(3) the term 'major illicit drug producing country' means a country producing 10 metric tons or more of opium or opium derivative during a fiscal year or producing 500 metric tons or more of coca or marijuana (as the case may be) during a fiscal year;

"(4) the terms 'narcotic drugs' and 'other controlled substances' shall have the same meaning as is given to such terms by any applicable international narcotics control agreement or domestic law of the country or countries concerned, subject to the provisions of this section; and

"(5) the term 'United States assistance' means any assistance of any kind, excepting food, medicine, or disaster relief assistance, which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

"(A) assistance under this Act (including programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation, but excluding programs under chapter 8 of part I, relating to international narcotics control assistance);

"(B) sales, credits, and guarantees under the Arms Export Control Act;

"(C) sales under title I and title III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

"(D) financing programs of the Commodity Credit Corporation for export of nonfood commodities;

"(E) financing under the Export-Import Bank Act of 1945;

"(F) assistance under the Migration and Refugee Assistance Act of 1962;

"(G) programs under the Peace Corps Act;

"(H) assistance under the Inter-American Foundation Act; and

"(I) assistance under the Mutual Education and Cultural and Exchange Act of 1961.".

MARTIN LUTHER KING, JR., HOLIDAY

HELMS AMENDMENT NO. 2341

Mr. HELMS proposed an amendment to the bill (H.R. 3706), supra, as follows:

At the end of the bill, add the following:

SEC. . Notwithstanding any other provision of this Act, this Act shall not take effect unless and until a specific legal public holiday is established under Federal law in honor of Hispanic Americans for one day each year.

SEC. . Notwithstanding any other provisions of this Act, this Act shall only take effect provided that the total number of legal public holidays under Federal law does not exceed nine.

GRASSLEY AMENDMENT NO. 2342

Mr. GRASSLEY proposed an amendment to the bill H.R. 3706, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "National Heroes Day Commission Act of 1983".

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is established a commission to be known as the National Heroes Day commission (hereinafter referred to as the "Commission") to annually select the individual to be honored on National Heroes Day.

(b) The Commission shall be composed of—

(1) two members to be appointed by the President;

(2) three members to be appointed by the President pro tempore of the Senate upon the joint recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate; and

(3) three members to be appointed by the Speaker of the House of Representatives.

(c) The Chairman of the Commission shall be elected from among the members of the Commission.

(d) Any vacancy on the Commission shall be filled in the same manner as the original appointment.

(e) A vacancy on the Commission shall not affect its powers.

(f) The members of the Commission shall serve without pay or other compensation.

DUTIES OF COMMISSION

SEC. 3. (a) It shall be the duty of the Commission to consider and select on an annual basis an individual to be honored on National Heroes Day. The Commission shall actively seek the advice of private organizations and individual citizens.

(b) The Commission shall submit the selection for each year required under subsection (a) to the President prior to July 1 of the previous year.

NATIONAL HEROES DAY

SEC. 4. (a) Subsection (a) of section 6103 of title 5, United States Code, is amended by inserting immediately below the item relating to New Year's Day the following new item:

"National Heroes Day, the third Sunday in January.".

(b) The president is authorized and requested to issue a proclamation on National Heroes Day each year honoring the individual selected by the Commission under section 3 of this Act and calling upon the people of the United States to honor such individual with appropriate programs, ceremonies, and activities.

BOREN (AND OTHERS) AMENDMENT NO. 2343

Mr. BOREN (for himself, Mr. NUNN, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. HEFLIN, Mr. ZORINSKY, Mr. MATTINGLY, Mr. RANDOLPH, and Mr. CHILES) proposed an amendment to the bill H.R. 3706, supra; as follows:

On page 1, strike out lines 3 through 7, and insert in lieu thereof the following:

That (a) subsection (a) of section 6103 of title 5, United States Code, is amended—

(1) by inserting immediately before the item relating to New Year's Day the following:

"Birthday of Martin Luther King, Jr., January 15.".

(2) by striking out the item relating to Washington's Birthday and inserting in lieu thereof the following:

"Washington's Birthday, February 22.", and

(3) by striking out the item relating to Columbus Day and inserting in lieu thereof the following:

"Columbus Day, October 12.".

(b) Subsection (b) of section 6103 of such title is amended by inserting "(except the Birthday of Martin Luther King, Jr., Washington's Birthday, and Columbus Day)" after "Executive order".

DEPARTMENT OF STATE APPROPRIATIONS

PERCY AMENDMENT NO. 2344

Mr. PERCY proposed an amendment to the bill (S. 1342), to authorize appropriations for the fiscal year 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes; as follows:

Page 26, beginning in line 20, strike out "to the National Endowment for Democracy (established pursuant to title IV of this Act)" and insert in lieu thereof ", in accordance with title IV of this Act, to the National Endowment for Democracy".

Page 33, strike out line 21 and all that follows through line 3 on page 43 and insert in lieu thereof the following:

TITLE IV—NATIONAL ENDOWMENT FOR DEMOCRACY

SHORT TITLE

SEC. 401. This title may be cited as the "National Endowment for Democracy Act".

NATIONAL ENDOWMENT FOR DEMOCRACY

SEC. 402. (a) The Congress finds that there has been established in the District of Columbia a private, nonprofit corporation known as the National Endowment for Democracy (hereafter in this title referred to as the "Endowment") which is not an agency or establishment of the United States Government.

(b) The purposes of the Endowment, as set forth in its articles of incorporation, are—

(1) to encourage free and democratic institutions throughout the world through private sector initiatives, including activities which promote the individual rights and freedoms, including internationally recognized human rights, which are essential to the functioning of democratic institutions;

(2) to facilitate exchanges between United States private sector groups (especially the two major American political parties, labor, and business) and democratic groups abroad;

(3) to promote United States nongovernmental participation, especially through the two major American political parties, labor, business, and other private sector groups, in democratic training programs and democratic institution-building abroad;

(4) to strengthen democratic electoral processes abroad through timely measures in cooperation with indigenous democratic forces;

(5) to support the participation of the two major American political parties, labor, business, and other United States private sector groups in fostering cooperation with those abroad dedicated to the cultural values, institutions, and organizations of democratic pluralism; and

(6) to encourage the establishment and growth of democratic development in a manner consistent both with the broad con-

cerns of United States national interests and with the specific requirements of the democratic groups in other countries which are aided by programs funded by the Endowment.

GRANTS TO THE ENDOWMENT

SEC. 403. (a) The Director of the United States Information Agency shall make an annual grant to the Endowment with funds appropriated to the Agency for the "Salaries and Expenses" account to enable the Endowment to carry out its purposes as specified in section 402(b). Such grants shall be made pursuant to a grant agreement between the Director and the Endowment which requires that grant funds will only be used for activities which the Board of Directors of the Endowment determines are consistent with the purposes described in section 402(b), that the Endowment will allocate funds in accordance with subsection (d) of this section, and that the Endowment will otherwise comply with the requirements of this title. The grant agreement may not require the Endowment to comply with requirements other than those specified in this title.

(b) Funds so granted may be used by the Endowment to carry out the purposes described in section 402(b), and otherwise applicable limitations on the purposes for which funds appropriated to the United States Information Agency may be used shall not apply to funds granted to the Endowment.

(c) Nothing in this title shall be construed to make the Endowment an agency or establishment of the United States Government or to make the members of the Board of Directors of the Endowment, or the officers or employees of the Endowment, officers or employees of the United States.

(d) Of the amounts made available to the Endowment for each of the fiscal years 1984 and 1985 to carry out programs in furtherance of the purposes of this Act—

(1) not less than $5,000,000 shall be for the National Democratic Institute for International Affairs;

(2) not less than $5,000,000 shall be for the National Republican Institute for International Affairs;

(3) not less than $13,800,000 shall be for the Free Trade Union Institute; and

(4) not less than $2,500,000 shall be to support private enterprise development programs of the National Chamber Foundation.

ELIGIBILITY OF THE ENDOWMENT FOR GRANTS

SEC. 404. (a) Grants may be made to the Endowment under this title only if the Endowment agrees to comply with the requirements specified in this section and elsewhere in this title.

(b)(1) The Endowment may only provide funding for programs of private sector groups and may not carry out programs directly.

(2) The Endowment may provide funding only for programs which are consistent with the purposes set forth in section 402(b).

(c) Officers of the Endowment may not receive any salary or other compensation from any source other than the Endowment during the period of their employment by the Endowment.

(d)(1) The Endowment shall have no power to issue any shares of stock. or to declare or pay any dividends.

(2) No part of the assets of the Endowment shall inure to the benefit of any member of the Board, any officer or employee of the Endowment, or any other individual, except as salary or reasonable compensation for services.

(e)(1) The accounts of the Endowment shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Endowment are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Endowment and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) The report of each such independent audit shall be included in the annual report required by subsection (h). The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Endowment's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Endowment's income and expenses during the year, and a statement of the application of funds, together with the independent auditor's opinion of those statements.

(f)(1) The financial transactions of the Endowment for each fiscal year may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Endowment are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Endowment pertaining to its financial transactions and necessary to facilitate the audit; and they shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers and property of the Endowment shall remain in possession and custody of the Endowment.

(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the Endowment, together with such recommendations with respect thereto as he may deem necessary to inform Congress of the financial operations and condition of the Endowment, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made contrary to the requirements of this title. A copy of each report shall be furnished to the President and to the Endowment at the time submitted to the Congress.

(g)(1) The Endowment shall ensure that each recipient of assistance provided through the Endowment under this title keeps such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) The Endowment shall ensure that it, or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the endowment under this title. The Comptroller General of the United States or any of his duly authorized representatives shall also have access thereto for such purpose.

(h) Not later than December 31, of each year, the Endowment shall submit an annual report for the proceding fiscal year to the President for transmittal to the Congress. The report shall include a comprehensive and detailed report of the endowment's operations, activities, financial condition, and accomplishments under this title and may include such recommendations as the Endowment deems appropriate. The Board members and officers of the Endowment shall be available to testify before appropriate committees of the Congress with respect to such report, the report of any audit made by the Comptroller General pursuant to subsection (f), or any other matter which any such committee may determine.

HAWKINS (AND OTHERS) AMENDMENT NO. 2345

Mrs. HAWKINS (for herself, Mr. PERCY, Mr. BIDEN, Mr. COCHRAN, Mr. D'AMATO, Mr. DECONCINI, Mr. HUMPHREY, Mr. MOYNIHAN, Mr. PELL, Mr. ABDNOR, Mr. MURKOWSKI, Mr. WILSON, and Mr. MATTINGLY) submitted an amendment to the bill (S. 1342) supra, as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

INTERNATIONAL NARCOTICS CONTROL

SEC. 701. (a) Section 481(a) of the Foreign Assistance Act of 1961 is amended by striking out the fourth and fifth sentences.

(b) Section 481 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as (g), (h), (i), and (j), respectively.

(c) Section 481 is further amended by inserting after subsection (a) the following new subsections:

"(b) Not later than January 31 of each year, the President shall prepare and transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on those measures being undertaken and planned for the next fiscal year by each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, which measures are designed to prevent narcotic drugs or other controlled substances from being cultivated, produced, or processed illicitly, in whole or in part, in such country, or from being transported through such country to United States Government personnel or their dependents or from entering the United States unlawfully. Based upon such measures being undertak-

en and planned for each such country and based upon such other available information, the President shall make a preliminary determination of the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President. The President shall include the amount of each such projected reduction in such report. The report shall also set forth the actual reductions in illicit drug production made by each major illicit drug producing country which has received United States assistance for the preceding fiscal year.

"(C)(1) As soon as possible after the transmittal of a report required by subsection (b), the designated representatives of the President shall initiate appropriate consultations with the appropriate committees of the Congress. Such committees shall cause to be printed in the Congressional Record the substance of each consultation.

"(2) After the President's designated representatives initiate appropriate consultations, the appropriate committee of each House of Congress should hold a public hearing to review the preliminary determination of the President unless public disclosure of the details of such projected reductions is required to be classified. In such a case, the hearing shall be closed to the public.

"(3) After the conclusion of the hearings held under paragraph (2) or 90 days after the initiation of appropriate consultations under paragraph (1), whichever occurs first, the President shall prepare and transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report setting forth his final determination regarding the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President.

"(d) Notwithstanding any other provision of law, if the report required to be submitted by subsection (b) indicates that the government of a country covered by such report has failed to achieve the projected reductions in illicit drug production for the preceding fiscal year which were contained in the report described in subsection (c)(3) for such fiscal year, then—

"(1) the President shall suspend all United States assistance to or for such major illicit drug producing country, and

"(2) the Secretary of the Treasury shall instruct each United States Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank to vote against any loan or other utilization of the funds of the respective international financial institution to or for such major illicit drug producing country,

unless the President determines and so reports in writing to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate that—

"(A) such country did not achieve its projected reduction in illicit drug production because of factors beyond its control such as changing weather conditions, geographic impediments, and political instability; or

"(B) furnishing United States assistance or approving the extension of loans or the furnishing of financial or technical assistance by an international financial institution to such country is in the national security interests of the United States.

"(e) In the event that United States assistance to a country is suspended or that the United States votes against the extension of loans or the utilization of funds of such international financial institution under subsection (d), such suspension shall continue in force and the United States shall continue to cast such votes, as the case may be, until the President determines and reports in writing to the appropriate committees of the Congress that—

"(1) the government of such country has prepared, presented, and committed itself to a plan providing for the control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances within an explicitly stated period of time, with implementation commencing prior to the renewal of assistance, or before the approval by the United States of the extension of any loan or the furnishing of any financial or technical assistance by an international financial institution, to such country; and

"(2) the government of such country has taken legal and law enforcement measures to enforce effective suppression of the illicit cultivation, production, processing, transportation, and distribution of such drugs or controlled substances.".

(d) Section 481 of such Act is further amended by adding at the end thereof the following:

"(k) As used in this section—

"(1) the term 'appropriate consultations' means discussions in person by designated representatives of the President, including the Assistant Secretary of State for International Narcotics Control and appropriate representatives of the Department of Health and Human Services, the Department of the Treasury, the Department of Defense, and the Department of Justice, with members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives to review the worldwide illicit drug production situation and the role that the furnishing of United States assistance to major illicit drug producing countries and that United States contributions to international financial institutions should have in combating the entry of illicit narcotics and other controlled substances into the United States, and to provide such members with—

"(A) a description of the nature of the illicit drug production problem in each major illicit drug producing country for which the President is proposing to furnish United States assistance;

"(B) an analysis of the climatic, geographic, political, economic, and social factors that affect the illicit drug production in each country with respect to which the President is required to report to the Congress under subsection (b);

"(C) a description of the methodology employed to determine the projected reductions for each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year; and

"(D) an analysis of any additional United States assistance that would be required to achieve the projected reductions reported by the President to the Congress pursuant to subsection (b);

"(2) the term 'legal and law enforcement measures' means—

"(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and

"(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

"(3) the term 'major illicit drug producing country' means a country producing 10 metric tons or more of opium or opium derivative during a fiscal year or producing 500 metric tons or more of coca or marijuana (as the case may be) during a fiscal year;

"(4) the terms 'narcotic drugs' and 'other controlled substances' shall have the same meaning as is given to such terms by any applicable international narcotics control agreement or domestic law of the country or countries concerned, subject to the provisions of this section; and

"(5) the term 'United States assistance' means any assistance of any kind, excepting food, medicine, or disaster relief assistance, which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

"(A) assistance under this Act (including programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation, but excluding programs under chapter 8 of part I, relating to international narcotics control assistance);

"(B) sales, credits, and guarantees under the Arms Export Control Act;

"(C) sales under title I and title III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

"(D) financing programs of the Commodity Credit Corporation for export of nonfood commodities;

"(E) financing under the Export-Import Bank Act of 1945;

"(F) assistance under the Migration and Refugee Assistance Act of 1962;

"(G) program under the Peace Corps Act;

"(H) assistance under the Inter-American Foundation Act; and

"(I) assistance under the Mutual Education and Cultural and Exchange Act of 1961.".

LUGAR AND BIDEN AMENDMENT NO. 2346

Mr. LUGAR (for himself and Mr. BIDEN) proposed an amendment (which was subsequently modified) to the bill S. 1342, supra, as follows:

On page 2, strike out lines 8 and 9 and insert in lieu thereof "$1,478,713,000 for the fiscal year 1984 and $1,478,713,000 for the fiscal year 1985.".

At the bottom of page 48, add the following:

TITLE VII—SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING ACT OF 1983

SHORT TITLE

SECTION 701. This title may be cited as the "Soviet-Eastern European Research and Training Act of 1983".

FINDINGS AND DECLARATIONS

SEC. 702. The Congress finds and declares that—

(1) factual knowledge, independently verified, about the Soviet Union and Eastern European countries is of the utmost importance for the national security of the United States, for the furtherance of our national interests in the conduct of foreign relations, and for the prudent management of our domestic affairs;

(2) the development and maintenance of knowledge about the Soviet Union and Eastern European countries depends upon the national capability for advanced research by highly trained and experienced specialists, available for service in and out of Government;

(3) certain essential functions are necessary to ensure the existence of that knowledge and the capability to sustain it, including—

(A) graduate training;

(B) advanced research;

(C) public dissemination of research data, methods, and findings;

(D) contact and collaboration among Government and private specialists and the facilitation of research; and

(E) firsthand experience of the Soviet Union and Eastern European countries by American specialists including on-site conduct of advanced training and research to the extent practicable; and

(4) It is in the national interest for the United States Government to provide a stable source of financial support for the functions described in this section and to supplement the financial support for those functions which is currently being furnished by Federal, State, local, regional, and private agencies, organizations, and individuals, and thereby to stabilize the conduct of these functions on a national scale, consistently, and on a long range unclassified basis.

DEFINITIONS

SEC. 703. As used in this title—

(1) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965; and

(2) the term "Advisory Board" means the Soviet-Eastern Europe Studies Advisory Board.

ESTABLISHMENT OF THE SOVIET-EASTERN EUROPE STUDIES ADVISORY BOARD

SEC. 704. (a) There is established within the Department of State the Soviet-Eastern European Studies Advisory Board which shall be composed of the Secretary of State, the Secretary of Education, the Librarian of Congress, the President of the American Association for the Advance of Slavic Studies, the Secretary of Defense, and the President of the Association of American Universities. The Secretary of State shall be the chairman.

(b) The Advisory Board shall meet at the call of the Chairman and shall hold at least one meeting each year. Three members of the Advisory Board shall constitute a quorum.

(c) The Secretary of State may detail personnel of the Department of State to provide technical and clerical assistance to the Advisory Board in carrying out its functions under this title.

(d) The advisory Board shall recommend grant policies for the advancement of the objectives of this Act. In proposing recipients for grants under this title, the Advisory Board shall give the highest priority to national organizations with an interest and expertise in conducting and disseminating research and training concerning Soviet and Eastern European countries. In making its recommendations, the Advisory Board shall emphasize the development of a stable, long-term research program.

AUTHORITY TO MAKE PAYMENTS

SEC. 705. (a) The Secretary of State, after consultation with the Advisory Board, shall make payments, in accordance with the provisions of this section, out of funds made available to carry out this title.

(b)(1) One part of the payments made in each fiscal year shall be used—

(A) in consultation with officials of the United States Government designated by the Secretary of State, to develop and keep current a research agenda of fundamental research dealing with major policy issues and questions of Soviet and Eastern European development; and

(B) to conduct a national research program at the postdoctoral or equivalent level in accordance with that agenda, such program to include—

(i) the dissemination of information about the research program and the solicitation of proposals for research contracts from American institutions of higher education and not-for-profit corporations, which contracts shall contain, shared-cost provisions; and

(ii) the awarding of contracts for such research projects as the respective institution determines will best serve to carry out the purposes of this title after reviewing the proposals submitted under clause (i).

(2) One part of the payments made in each fiscal year shall be used—

(A) to establish and carry out a program of graduate, postdoctoral, and teaching fellowships for advanced training in Soviet and Eastern European studies and related studies, such program—

(i) to be coordinated with the research program described in paragraph (1);

(ii) to be conducted, on a shared-cost basis, at American institutions of higher education; and

(iii) to include—

(I) the dissemination of information on the fellowship program and the solicitation of applications for fellowships from qualified institutions of higher education and qualified individuals; and

(II) the awarding of such fellowships as the respective institution determines will best serve to carry out the purposes of this title after reviewing applications submitted under subclause (I); and

(B) to disseminate research, data, and findings on Soviet and Eastern European studies and related fields in such a manner and to such extent as the respective institution determines will best serve to carry out the purposes of this title.

(3) One part of the payments made in each fiscal year shall be used—

(A) to provide fellowship support for American specialists in the fields of Soviet and Eastern European studies and related studies to conduct advanced research with particular emphasis upon the use of data on the Soviet Union and Eastern European countries; and

(B) to conduct seminars, conferences, and other similar workshops designed to facilitate research collaboration between Government and private specialists in the fields of Soviet and East European studies and related studies.

(4) One part of the payments made in each fiscal year shall be used to conduct specialized programs in advanced training and research on a reciprocal basis in the Union of Soviet Socialist Republics and the countries of Eastern Europe designed to facilitate access for American specialists to research institutes, personnel, archives, documentation, and other research and training resources located in the Union of Soviet Socialist Republics and Eastern European countries.

(5) Payments may be made to carry out other research and training in Soviet and Eastern European studies not otherwise described in this section.

APPLICATIONS; PAYMENTS TO ELIGIBLE ORGANIZATIONS

SEC. 706. (a) Any institution seeking funding under this title shall prepare and submit an application to the Secretary of State once each fiscal year. Each such application shall—

(1) provide a description of the purpose for which the payments will be used in accordance with section 705; and

(2) provide such fiscal control and such accounting procedures as may be necessary (A) to insure a proper accounting of Federal funds paid under this title, and (B) to insure the verification of the costs of the continuing education and research programs conducted under this title.

(b) The Secretary of State may approve or deny any application for whatever reasons he deems necessary to carry out the provisions of this title.

(c) Payments under this title may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments and underpayments.

REPORT

SEC. 707. The Secretary of State shall prepare and submit to the President and the Congress at the end of each fiscal year in which an institution receives assistance under this title a report of the activities of such institution supported by such assistance and an accounting of any such assistance used to cover administrative expenses of such institution, if such administrative expenses represent more than 10 percent of such assistance, together with such recommendations as the Advisory Board deems advisable.

FEDERAL CONTROL OF EDUCATION PROHIBITED

SEC. 708. Nothing contained in this title may be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction or research, administration, or personnel of any educational institution.

ALLOCATION OF FUNDS

SEC. 709. Of the funds authorized to be appropriated for the fiscal years 1984 and 1985 by paragraph (1) of section 102, $5,000,000 for each fiscal year shall be available only to carry out the provisions of this title.

TERMINATION OF PROVISIONS

SEC. 710. The provisions of this title shall terminate ten years after its date of enactment.

PRYOR AND OTHERS AMENDMENT NO. 2347

Mr. PRYOR (for himself, Mr. BUMPERS, Mr. ANDREWS, Mr. PRESSLER, Mr. SASSER, Mr. BOREN, Mr. COCHRAN, Mr. HEFLIN, Mr. BAUCUS, Mr. LEAHY, and Mr. MELCHER) proposed an amendment to the bill (S. 1342) supra, as follows:

At the appropriate place in the bill add the following:

SEC. . (a) That the Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes", approved May 26, 1949 (22 U.S.C. 2652), is amended—

(1) by inserting in the first section "an Under Secretary of State for Agricultural Affairs," after "Management,"; and

(2) by adding at the end thereof the following:

"SEC. 6. (a) The Under Secretary of State for Agricultural Affairs, referred to in the first section and appointed pursuant to section 2, shall be appointed from among individuals having experience in the international commerce of agricultural commodities.

"(b) The Under Secretary of State for Agricultural Affairs shall be responsible to the Secretary of State for matters pertaining to agricultural affairs, including United States policy toward the export of agricultural commodities.".

(b) The seventh undesignated paragraph of section 5314 of title 5, United States Code, is amended by inserting "and an Under Secretary of State for Agricultural Affairs" after "Management".

ZORINSKY AMENDMENTS NOS. 2348 AND 2349

Mr. ZORINSKY submitted amendments to the bill (S. 1342), supra, as follows:

AMENDMENT NO. 2348

On page 27, line 5, strike after "Program," through line 7 and insert in lieu thereof "and not more than $7,100,000 shall be available for the Private Sector Program. Funds authorized to be appropriated by this act for the Private Sector Program shall be available only for grants to private not-for-profit cultural or exchange-of-persons organizations or accredited colleges and universities.

Of the funds authorized to be appropriated for the United States Information Agency for fiscal year 1984, $5,000,000 shall be available only for enhancements of United States libraries overseas and programs providing support services to foreign students studying, or intending to study, in the United States."

On page 27, line 12, insert "and" between "Program," and "not less than."

On page 27, line 14, strike after "Program" through line 16 and insert in lieu thereof"."

On page 27 after line 16 add the following new subsection:

"(c) No funds authorized to be appropriated for the Private Sector Program shall be used to pay for foreign travel by any United States citizen who, in the five years preceeding the date of the proposed foreign travel, shall have made two or more trips financed in whole or in part by grants from the Private Sector Program. The foregoing limitation on the number of foreign trips shall not apply to escort interpreters accompanying delegations, to artists accompanying exhibitions, or to persons engaging in theatrical or musical performances. The limitations on foreign travel also shall not apply to the full-time staff of the recipient organizations if the Director of the Bureau for Educational and Cultural Affairs determines that the travel by a staff person is essential to the successful completion of the grant program and so certifies to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives.

AMENDMENT NO. 2349

On page 27 after line 16, add the following new subsection:

"(d)(1) From the funds allocated to the Private Sector Program, the United States Information Agency may make grants; subject to all applicable guidelines and notifications requirements, to youth and youth service organizations in support of activities to promote participation by American young people in the activities of International Youth Year. Activities to be supported shall involve exchange of person.

"(2) No organization shall be designed by the United States Government, or any agency thereof, as the official United States Commission or Committee for United States participation in International Youth Year unless (i) the membership of such organization is open to all major youth and youth service organizations, (ii) the charter of such organization provides that the organization will have full financial responsibility for its own assets, receipts and expenditure, and (iii) the composition of the Government Board and the voting strength of organizations on the Governing Board reflects size of the membership of the constituent youth or youth service organizations.

"(3) No funds authorized to be appropriated by this Act shall be available to any organization to coordinate or plan for United States participation in International Youth Year which does not meet the criteria specified in subsection (d)(2).

"(4) In the event two or more eligible organizations seek recognition as the official United States Commission or Committee on International Youth Year, the Secretary of State may designate one organization as the official organization. In designating the official organization the Secretary of State shall give major weight to the number of young people who are members of the constituent organizations."

BYRD (AND BENTSEN) AMENDMENT NO. 2350

Mr. BYRD (for himself and Mr. BENTSEN) submitted an amendment to the bill (S. 1342), supra, as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

AMENDMENTS TO THE WAR POWERS RESOLUTION RELATING TO CONGRESSIONAL PRIORITY PROCEDURES

SEC. 701. (a) Section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)) is amended by striking out "if the Congress so directs by concurrent resolution" and inserting in lieu thereof "if there is enacted into law a joint resolution or bill directing such removal".

(b) The heading for section 6 of such Resolution (50 U.S.C. 1545) is amended to read as follows:

"CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL UNDER SECTION 5(b)".

(c) The heading for section 7 of such Resolution (50 U.S.C. 1546) is amended to read as follows:

"CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL UNDER SECTION 5(c)".

(d) Section 7 of such Resolution (50 U.S.C. 1546) is amended—

(1) in subsection (a), by striking out "concurrent resolution" each of the two places it appears and insert in lieu thereof "joint resolution or bill";

(2) in subsection (b), by striking out "concurrent resolution" and inserting in lieu thereof "joint resolution or bill";

(3) in subsection (c), by striking out "concurrent resolution" and inserting in lieu thereof "joint resolution or bill"; and

(4) in subsection (d), by striking out "concurrent resolution" each of the two places it appears and inserting in lieu thereof "joint resolution or bill".

(5) by adding at the end thereof "(e) Time for debate on the consideration of a veto message from the President on any such joint resolution or bill shall be limited to twelve hours in each House."

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984

McCLURE AMENDMENT NO. 2351

Mr. McCLURE proposed an amendment to the amendment of the House to the amendment of the Senate numbered 17 to the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes; as follows:

In lieu of the number stricken and inserted by said amendment, insert the following: "; $4,000,000, to remain available until expended, for expanses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757f), of which $500,000 shall be made available to the State of Idaho without regard to the limitation as stated in 16 U.S.C. 757e and without regard to the Federal cost sharing provisions in 16 U.S.C. 757a-757f: *Provided*, That 16 U.S.C. 757e is amended by adding the following new sentence: "The State of Idaho shall be eligible on an equal standing with other states for Federal funding for purposes authorized by sections 757a to 757f of this title."; and an additional $23,301,000".

McCLURE AMENDMENT NO. 2352

Mr. McCLURE proposed an amendment to the amendment of the House to the amendment of the Senate numbered 91 to the bill H.R. 3363, supra; as follows:

In lieu of the matter proposed by said amendment insert the following:

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the leasing of the following areas located in the Eastern Gulf of Mexico Outer Continental Shelf:

(a) Blocks in an area commonly known as the seagrass beds included in Official Protraction Diagram NH 16-9, Apalachicola: 35, 36, 79-81, 122-125, 165-169, 209-213; Official Protraction Diagram NH 17-7, Gainesville: 1, 2, 45-47, 89-93, 133-138, 177-183, 225-227, 270-272, 315-317, 360-362, 404-406, 449-450, 493-495, 583-585, 628-630, 672-675, 716-719, 760-764, 804-808, 850-853, 894-897, 938-941, 984-987; and Official Protraction Diagram 17-10, Tarpon Springs: 17-23, 61-67, 106-111, 150-155, 194-199, 239-244, 283-288, 328-

332, 372-377, 416-421, 460-464, 505-508, 549-552, 593-596, 637-640, and 682;

(b) Blocks in an area commonly known as the Florida Middle Ground included in Official Protraction Diagram NH 16-12, Florida Middle Ground: 251, 295, 339-340, 342, 383-386, 427-430, 471-474, 515-518, and 560-561;

(c) Blocks in an area within the 20-meter isobath south of 26° N. latitude included in Official Protraction Diagram NG 17-7, Pulley Ridge: 37-43, 82-87, 126-131, 171-175, 215-219, 259-263, 303-307, 347-351, 392-395, 436-439, 480-483, 524-527, 568-571, 612-615, 656-659, 700-703, 744-747, 788-791, 833-835, 877-879, 921-923, 965-967, 1009-1011;

(d) All submerged lands within 30-nautical miles of the baseline from which the territorial sea is measured: Provided, That the western boundary of the area is a line extending south from the line dividing blocks 404 and 405 in Official Protraction Diagram NH 16-9, Apalachicola to a point 30-nautical miles from the baseline from which the territorial sea is measured. In addition, from the boundary between blocks 404 and 405 as described in the preceeding sentence, westerly to a line extending north and south dividing blocks 38 and 1 in Official Protraction Diagram NH 16-9, all submerged lands within 20-nautical miles of the baseline from which the territorial sea is measured. The limitation with regard to this subsection on the use of funds shall not apply if any state-owned tide or submerged lands within the area described in this subsection are now or are hereafter subject to sale or lease for the extraction of oil or gas from such state lands; and

(e) For those tracts offered for lease in Sale #79 which are located south of 26° N. latitude, the following lease stipulations shall apply:

(1) No exploratory drilling activities will be approved by the Department of the Interior until the Department of the Interior has accumulated 3 years worth of physical oceanographic and biological resource data; and

(2) Lessees will be required to perform biological surveys prior to approval and initiation of exploration or drilling operations and to work in cooperation with the Department of the Interior on the monitoring of any subsequent drilling activities.

MELCHER (AND ARMSTRONG) AMENDMENT NO. 2353

Mr. MELCHER (for himself and Mr. ARMSTRONG) proposed an amendment to the amendment of the House to the amendment of the Senate numbered 94 to the bill H.R. 3363, supra; as follows:

SEC. 112. None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except for emergency leasing as defined in 43 CFR 3425.1-4, lease modifications as defined in 43 CFR 3432, lease exchanges as defined in 43 CFR 3435, and the processing, sale or lease of maintenance tracts which are defined as Federal coal lands intermingled or adjacent to other leased coal to be mined as a part of a coal mine operation that is producing or developing under contracted commitments, until the Secretary has appointed a Commission on fair market value for Federal coal leases; the Commission has submitted its report to the Congress and ninety days have subsequently elapsed.

STATE DEPARTMENT AUTHORIZATION

STAFFORD AMENDMENT NO. 2354

Mr. PERCY (for Mr. STAFFORD) proposed an amendment to amendment No. 2346 proposed by Mr. LUGAR to the bill S. 1342, supra; as follows:

On page 5, between lines 33 and 34, insert the following:

(5) One part of the payments made in each fiscal year shall be used to support language training in Russian and Eastern European languages. Such payments shall include grants to individuals to pursue such training and to summer language institutes operated by institutions of higher education. Preference shall be given for Russian language studies.

On page 5, line 34, strike (5) and renumber as (6).

PERCY AMENDMENT NOS. 2355 THROUGH 2360

Mr. PERCY proposed six amendments to the bill S. 1342, supra; as follows:

AMENDMENT NO. 2355

Page 48, after line 17, insert the following new title:

TITLE VII—UNITED STATES-INDIA ENDOWMENT FOR CULTURAL, EDUCATIONAL, AND SCIENTIFIC COOPERATION

SHORT TITLE

SEC. 701. This title may be cited as the "United States-India Endowment for Cultural, Educational, and Scientific Cooperation Act".

THE ENDOWMENT

SEC. 702. The President is authorized to enter into an agreement with the Government of India providing for the establishment of the United States-India Endowment for Cultural, Educational, and Scientific Cooperation (hereafter in this title referred to as the "Endowment") which would provide grants and other assistance for exchanges of persons for cultural, educational, and scientific purposes and for programs for joint scholarly cooperation.

USE OF EXCESS UNITED STATES OWNED RUPEES TO CAPITALIZE THE ENDOWMENT

SEC. 703. Subject to applicable requirements concerning reimbursement to the Treasury for United States owned foreign currencies, the President may make available to the Endowment, for use in carrying out the agreement authorized by section 702, up to the equivalent of $250,000,000 in foreign currencies owned to the United States by the Government of India. Such use may include investment in order to generate interest which would be retained by the Endowment and used to support exchange and research programs pursuant to that agreement.

AMENDMENT NO. 2356

On page 33, after line 20, insert the following new section:

FOREIGN CURRENCY GAINS

SEC. 304. Section 8(b) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)) is amended to read as follows—

"(b) Any amount appropriated pursuant to subsection (a)(1) of this section which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for Radio Free Europe and Radio Liberty, Incorporated, may, beginning in fiscal year 1983, be merged with and made available for the same time period and same purposes as amounts appropriated pursuant to section 8(a)(2) of this Act.".

AMENDMENT NO. 2357

On page 24, after line 19, add the following new section:

U.S. EMBASSY—MEXICO CITY

SEC. 122. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated for "Administration of Foreign Affairs" for the fiscal year 1984 $4,000,000 to be used for the purchase of land for and the construction of additional consular facilities and for certain improvements in existing consular facilities, at the United States Embassy in Mexico City, Mexico.

AMENDMENT NO. 2358

On page 24, after line 19, insert the following new section:

SECURITY OFFICERS

SEC. 122. (a) The Act of June 28, 1955, as amended (22 U.S.C. 2666) is amended by redesignating the present text as subsection (a) and adding the following new subsection (b):

"(a) Periods of service by security officers of the Department of State and the Foreign Service while performing functions under subsection (a) shall be considered periods of service as a law enforcement officer for purposes of sections 8335(b), 8336(c)(1), and 8339(d)(1) of title 5 of the United States Code. This subsection shall apply only to persons who retire under chapter 83 of title 5 of the United States Code after the effective date of this subsection."

(b) Section 2104 of the Foreign Service Act of 1980 (22 U.S.C. 4154) is amended by adding at the end thereof the following new subsection (c):

"(c) The 3-year period referred to in subsection (a) shall be extended for an additional period not to exceed 1 year from the date of enactment of this section in the case of Department of State officers who are members of the Service and who were initially ineligible for conversion under that subsection because they were available for worldwide assignment and there was a need for their services in the Service, but as to whom subsequent events require the services of these members (and of those later employed who are similarly situated) only or primarily for domestic functions."

AMENDMENT NO. 2359

On page 4, line 13, insert "(a)" after "Sec. 105".

On page 4, after line 23, insert the following new subsections:

"(b) Assistance may be provided to a foreign mission, as defined by section 202(a)(4) of the State Department Basic Authorities Act of 1956, through State and local authorities directly or by contract under the preceding subsection (a) only if the Secretary has determined that there are reasonable grounds to believe that there exists a threat of violence to, or conditions inconsistent with appropriate security of such foreign mission or the personnel thereof,

except that the assistance requested by the Secretary shall be available only for extraordinary security purposes.

(c) Authority pursuant to this section shall be subject to the following conditions:

(1) Regulations to implement this authority have been approved by the Secretary after consultation with appropriate Committees of Congress;

(2) No more than twenty percent of funds available for obligation under this section in any fiscal year may be obligated for purposes of protective security in any State jurisdiction of the United States within that year;

(3) Any agreement to provide security assistance may not exceed a 90-day period in any calendar year, but may after review be subject to renewal; and

(4) There shall be retained from funds available for obligation under this section not less than fifteen percent thereof as a reserve for security purposes provided directly by the Secretary of State or for expenditures in any local jurisdictions not otherwise covered by an agreement for security services under this section."

AMENDMENT NO. 2360

On page 24, after line 19, insert the following new section:

EUROPEAN SPACE AGENCY

SEC. 122. Section 11 of the International Organizations Immunities Act is amended by striking out "European Space Research Organization" and inserting in lieu thereof "European Space Agency".

PERCY AMENDMENT NO. 2361

Mr. PERCY proposed an amendment to amendment No. 2200 to the bill S. 1342, supra; as follows:

Strike all language contained in amendment No. 2200 and insert in lieu thereof the following:

On page 24, after line 19, add the following new section:

1985 CONFERENCE—U.N. DECADE FOR WOMEN

SEC. 122. The President shall use every available means at his disposal to ensure that the 1985 Conference to commemorate the conclusion of the U.N. Decade for Women is not dominated by political issues extraneous to the goals of the 1985 Women's Conference that would jeopardize U.S. participation in and support for that Conference consistent with applicable legislation concerning U.S. contributions to the U.N. Prior to the 1985 Conference, the President shall report to the Congress on the nature of the preparations, the adherence to the original goals of the Conference, and the extent of any continued U.S. participation and support for the Conference.

HEINZ AMENDMENT NO. 2362

Mr. PERCY (for Mr. HEINZ) proposed an amendment to the bill S. 1342, supra; as follows:

On page 24, after line 19, add the following new section:

UNITED NATIONS WORLD ASSEMBLY ON AGING

Sec. 122. (A) That the Congress finds that—

(1) In 1977 the Congress, by joint resolutions, called for the United Nations to convene a World Assembly on Aging;

(2) The United Nations World Assembly on Aging was held in Vienna, Austria, from July 26 to August 6, 1982, and unanimously adopted the Vienna International Plan of Action on Aging on August 6, 1982, which called for the development of policies designed to enhance the individual lives of the aging and to allow the aging to enjoy their advancing years in peace, health, and security;

(3) The United Nations General Assembly, on December 3, 1982, unanimously endorsed the World Assembly International Plan of Action; and

(4) The General Assembly of the United Nations in adopting the plan called upon governments to make continuous efforts to implement the principles and recommendations contained in the Plan of Action as adopted by the World Assembly on Aging.

(B) Therefore, it is the sense of the Congress that the President should take steps to—

(1) encourage government-wide participation in implementing the recommendations of the World Assembly and planning for the scheduled review in 1985 by the United Nations on the implementation of the Vienna International Plan of Action on Aging;

(2) encourage the exchange of information and the promotion of research on aging among the States, the Federal Government, international organizations, and other nations;

(3) encourage greater private sector involvement in responding to the concerns of the aging; and

(4) inform developing nations that the United States Government recognizes aging as an important issue, requiring close and sustained attention in national and regional development plans.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Committee on Small Business will hold a full committee markup on November 1, 1983, on S. 1429, a bill to amend the Small Business Act to provide for the continuation of the small business development center program. The markup will begin at 10 a.m. in room 428A Senate Russell Office Building. For further information, please contact Mary Meyers of the committee staff at 224-3840.

Mr. WEICKER. Mr. President, I would like to announce that the Senate Committee on Small Business will hold a hearing on November 3, 1983, to examine the competitive situation existing between public utilities and certain small business owners. The hearing will begin at 9:30 a.m. in room 428A Senate Russell Office Building. For further information, please contact Steve Snider on 224-2306, or John McNamara on 224-2809, of the committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, October 19, at 10 a.m., to hold a hearing to consider the nomination of Bruce Beaudin and Nan Huhn to be associate judges for the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PREPAREDNESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Preparedness of the Committee on Armed Services, be authorized to meet during the session of the Senate on Wednesday, October 19, at 2 p.m., to receive testimony on the national defense stockpile.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, October 19, at 10 a.m., to receive testimony on the Office of Federal Procurement Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry by authorized to meet during the session of the Senate on Wednesday, October 19, at 10 a.m., to consider S. 663, a bill to prohibit incentive payments for certain commodities produced on highly erodible land and S. 566, S. 1503, and H.R. 24 (S. 129), four bills dealing with land conveyance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, October 19, at 10 a.m., to hold a hearing to consider S. 1678, a bill to amend the Energy Policy and Conservation Act to strengthen our Nation's energy emergency preparedness consistent with the policy set forth in section 271 of said act, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILZATION OF PRICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, Ocotober 20, at 10 a.m., to hold a hearing to evaluate the impact of the drought on American farmers and assess the assistance that

has been provided drought-stricken farmers.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Thursday, October 20, at 9 a.m., to hold a hearing to consider H.R. 1149, a bill to designate certain national forest system and other lands in the State of Oregon for inclusion in the national wilderness preservation system, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE CONFERENCE AGREEMENT ON HOUSE JOINT RESOLUTION 368, THE CONTINUING APPROPRIATIONS RESOLUTION FOR FISCAL YEAR 1984

● Mr. DOMENICI. Mr. President, when the Senate considered the conference agreement on the fiscal year 1984 continuing resolution on September 30, I promised to insert a final scoring of the resolution into the RECORD as soon as it was available from the Congressional Budget Office. We have just received the information.

I shall submit for the RECORD at the end of my remarks two summary tables of Appropriations Committee spending action to date, including the continuing resolution. These tables are similar in format to the tables I inserted in the RECORD when the Senate passed its version of the continuing resolution on September 29.

The first summary table compares action to date plus other requirements to the section 302(b) allocations to subcommittees under the Budget Act. It shows that at this point the Appropriations Committee is under its budget resolution crosswalk allocation by $8.8 billion in budget authority and $0.6 billion in outlays.

The second summary table provides a breakdown of the committee's present spending status into four parts: The continuing resolution itself (H.J. Res. 368); outlays from prior year budget authority and other actions already completed, including enacted regular appropriation bills; possible later requirements; and adjustments to keep mandatory programs at the levels assumed in the budget resolution.

I would point out, Mr. President, that the figures we have included for the Defense Subcommittee assume that the total defense level will be the amount contained in the Senate-passed version of the continuing resolution, even though the conference agreement provided temporarily for a somewhat lower level.

Mr. President, I would again like to commend the chairman of the Appropriations Committee, my distinguished colleague, Senator HATFIELD, for the progress being made on appropriations measures this year. As the tables indicate, appropriations actions to date are within the allocation made to the committee under the budget resolution.

The tables follow:

TABLE 1.—FISCAL YEAR 1984 CONTINUING RESOLUTION CONFERENCE AGREEMENT, HOUSE JOINT RESOLUTION 368 [1]

[In billions of dollars]

	Action to date plus other requirements [2]		302(b) allocation to subcommittee [3]		Action to date compared to 302(b)	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Subcommittee:						
Agriculture	35.2	23.0	35.6	23.1	−0.4	−0.1
Commerce/Justice/State/Judiciary	10.6	11.4	10.9	11.4	−.3	
Defense	253.0	227.3	254.2	227.9	−1.2	−.6
District of Columbia	.6	.6	.6	.6		
Energy and Water Development	14.4	14.6	14.9	14.7	−.5	−.1
Foreign Operations	11.6	9.6	12.1	9.8	−.5	−.2
HUD/Independent Agencies	56.3	58.6	57.8	58.2	−1.4	+.4
Interior and Related Agencies	8.5	9.3	8.3	9.3	+.2	
Labor/HHS/Education	104.8	108.9	107.5	109.0	−2.7	−.1
Legislative Branch	1.5	1.5	1.5	1.5		
Military Construction	7.1	7.1	7.3	7.1	−.2	
Transportation	10.9	25.4	10.9	25.4		
Treasury/Postal Service	11.9	11.9	11.9	11.8		+.1
Subtotal	526.5	509.3	533.4	509.8	−6.9	−.5
Unallocated to subcommittees	1.1	1.2	2.9	1.3	−1.9	−.1
Total	527.6	510.5	536.4	511.1	−8.8	−.6

[1] This table has been prepared by the staff of the Senate Budget Committee based on their interpretation of the Senate continuing resolution.

[2] Includes (1) the continuing resolution conference agreement (H.J. Res. 368); (2) outlays from prior year budget authority and other actions already completed, including enacted regular appropriation bills; (3) possible later requirements; and (4) adjustements to keep mandatory programs at the levels assumed in the budget resolution.

[3] Includes reserve fund allocations made to the Appropriations Committee on Sept. 14, 1983.

Note.—Details may not add to totals due to rounding.

TABLE 2.—FISCAL YEAR 1984 CONTINUING RESOLUTION, DETAIL OF ACTION TO DATE PLUS OTHER REQUIREMENTS [1]

[In billions of dollars]

	Outlays prior and other actions		Fiscal year 1984 continuing resolution (H.J. Res. 368)		Possible later requirements		Mandatory program adjustment		Total	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Subcommittee:										
Agriculture	0.4	1.8	34.0	20.8	0.8	0.4			35.2	23.0
Commerce-Justice	.1	2.4	10.3	8.8	.4	.3		0.1	10.6	11.4
Defense	.1	77.7	246.9	144.3	6.3	5.6	0.3	.3	253.0	227.3
District of Columbia			.6	.6					.6	.6
Energy and Water	14.4	14.7						1	14.4	14.6
Foreign Operations		5.9	10.9	3.5	.7	.2			11.6	9.6
HUD/Independent	55.8	57.9			.4	.5	.1	.2	56.3	58.6
Interior		3.4	8.4	5.9	.1	.1		.1	8.5	9.3
Labor/HHS/Education	7.1	22.6	89.9	79.0	4.3	3.7	3.5	3.5	104.8	108.9
Legislative Branch	1.5	1.5							1.5	1.5

TABLE 2.—FISCAL YEAR 1984 CONTINUING RESOLUTION, DETAIL OF ACTION TO DATE PLUS OTHER REQUIREMENTS [1]—Continued

[In billions of dollars]

	Outlays prior and other actions		Fiscal year 1984 continuing resolution (H.J. Res. 368)		Possible later requirements		Mandatory program adjustment		Total	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Military Construction		4.7	7.1	2.3					7.1	7.1
Transportation	10.9	25.4							10.9	25.4
Treasury/Postal Service		.4	11.4	11.0	.5	.5			11.9	11.9
Subtotal	90.3	218.7	419.5	276.1	13.3	11.4	3.3	3.1	526.5	509.3
Unallocated to subcommittees					1.0	1.0	.1	.1	1.1	1.2
Total	90.3	218.7	419.5	276.1	14.3	12.4	3.4	3.2	527.6	510.5

[1] This table has been prepared by the staff of the Senate Budget Committee based on their interpretation of the Senate continuing resolution.

Note.—Details may not add to totals due to rounding.●

CONSERVATION

● Mr. TSONGAS. Mr. President, when Mo UDALL speaks—everyone listens—or should. Chairman MORRIS UDALL, of the House Interior and Insular Affairs Committee, has long been a leader in the Nation's bipartisan conservation movement. Recently, an article appeared in the Los Angeles Times in which Chairman UDALL discussed the tragedy of James Watt's tenure as Interior Secretary and provided some advice for Secretary Watt's successor.

Although the article appeared on October 11, before President Reagan's appointment of William Clark—Judge Clark might well take heed of this excellent advice from one of the Congress' most respected leaders.

While James Watts was not forced to resign for Interior policy-related reasons, his term of office has been marked by a seeming total disregard for the protection of this Nation's natural resources. More of the same would be unacceptable.

Mr. President, I ask that the newspaper article from the October 11 Los Angeles Times be printed in the RECORD following my remarks.

The article follows:

[From the Los Angeles Times, Oct. 11, 1983]

WATT BETRAYED HIS OWN PARTY ON THE ISSUE OF CONSERVATION

(By Morris K. Udall)

When James G. Watt seemed bent on turning conservation into an ideological combat zone, he betrayed no single group more than his own Republican Party. Had he taken the time to check the record, he would have known that the conservation ethic has wide and deep roots on the political right.

Checking a bit further, he would have known that, since the earliest days of conservation, the movement has never carried a partisan stripe. There never has been such a thing as a Democratic mountain or a Republican river.

The truth of it is that, in the eyes of Watt, no less an American than Theodore Roosevelt would have been branded an "extreme environmentalist." Consider the indignity, after all, of a President's proclaiming (as TR did) that "conservation is development." Worse than a Beach Boys album!

To Watt, public opinion never seemed to count for much. He seemed indifferent to the consistent support for conservation that has always shown up in public-opinion polls; his own self-righteous zeal meant more to him. And under his leadership the open door of the Interior Department was slammed shut. One of his earliest acts was to seek out and fire every policy-making employee who had been hired under the Carter Administration.

Remarkably, few Americans seemed to link this most curious secretary of the Interior with the man who gave him his orders, Ronald Reagan. In the final analysis, it is the President who is the guardian of our natural resources. It is he who sets the tone and the pace, and tells his Cabinet which way to march, and to what tune. The Reagan Administration has played a decidedly different tune.

Consider, for example, that some of our major environmental laws—the Clean Air, Clean Water, Endangered Species and Environmental Policy acts—began during the Lyndon B. Johnson years and became law after they were picked up and moved along during the Nixon Administration. Our next two Presidents, Gerald R. Ford and Jimmy Carter, supported these measures.

Conservationists have always had some one in Republican Administrations with whom they could talk. Rogers C. B. Morton, Richard M. Nixon's Interior secretary, was a reasonable guy. So was Assistant Secretary Nathaniel P. Reed, who served under both Ford and Nixon. Dwight D. Eisenhower never declared war on the environment.

All of that followed years of honorable tradition that recognized that our most precious assets were not political issues: Differences of opinion could be worked out, compromises offered, and the job done.

But Watt threw all that out the window. He saw his job only in the most partisan light—a pulpit not so much bully as bulldozing. The enemy didn't even rate being called "American," and what was good for industry would be good for our natural resources. Conservationists reminded him of Nazis, and to those with whom he disagreed he had nothing to say.

Where the role of Interior secretary had traditionally been one of public advocate for public resources, Watt turned it into the role of public antagonist. He came at his job from the other side. Instead of getting out of bed each morning and asking himself what he could do to protect our rivers, parks and wildlife, he seemed to jump up each day and ask himself what he could do that day for offshore drilling, strip mines and you-name-it.

(Of course, those interests are deserving of their own advocates, and they have always had them. The secretary of Commerce speaks for the business community, the Treasury secretary speaks for Wall Street.)

Only about 2 percent of our public lands are off-limits to exploitation, but to Watt that was far too much. And since our beginnings as a country the federal government has given away nearly 200 million acres of land (excluding Alaskan Indian claims) to any number of special interests, ranging from veterans to railroads. But to Watt that wasn't enough.

Where do we go from here? I would hope the Reagan Administration might go in several directions.

First, I would hope that the President recognize the honorable conservation tradition of his own party.

Second, I would hope that the Administration acknowledge the consensual nature of the American conservation movement, and that it see the benefit of a bipartisan conservation policy, fueled by compromise and not ideology.

Third, I would hope that the new Interior secretary see his role in the light of his predecessors, and that he acknowledge that he is responsible for caring for what we have left. As Thomas Jefferson once said, "Sometimes the right direction means a change in course."●

CARDBOARD CASKET BURIAL

● Mr. PRYOR. Mr. President, I have sent the following letter today to Mr. Harry Walters, Administrator of the Veterans Administration. My letter is an expression of reaction to a story in the Washington Post on October 17, and I ask that the text be included in the RECORD.

U.S. SENATE,
Washington, D.C., October 19, 1983.

Mr. HARRY WALTERS,
Administrator, Veterans' Administration, Washington, D.C.

DEAR HARRY: I was shocked and dismayed to read in the Washington Post on October 17 that a veteran of the U.S. Navy had been buried in a cardboard casket. This took place at Quantico National Cemetery in Virginia.

My question is whether this is happening regularly to deceased veterans who leave no money or resources for burial expenses. And, on a wider scope of concern, I would like to know if the Veterans' Administration expects this kind of thing to happen in the future. I wonder if minimum specifications, as mentioned in the article, are not only a realistic possibility but a necessity as well.

As you know, the group of veterans at least 65 years of age, presently numbering around four million, will grow to nearly nine million by 1999. Additionally, 60 percent of all veterans served by V.A. Hospitals make less than $10,000 a year. There are a lot of poor and elderly veterans in this country

and, sadly, many who will be unable to pay for their own funerals.

In my judgment, veterans' benefits are a continuing cost of war and defense and service to one's country. I therefore plan to introduce an amendment that would transfer $1 million from the Department of Defense for distribution to the states. The distribution formula would be based on the veteran population in each state, with funds to be used for supplementing costs for "honorable" burials of veterans who die as paupers. I personally do not think that cardboard caskets constitute "honorable" burials.

I would appreciate your attention to this idea and your letting me know what you think of such an amendment. The program would be administered by the states in whatever capacity serves veterans and their interests. Arkansas, for example, has a fine and sensitive Department of Veterans Affairs that could assume responsibility for the project. You met some of these people when you came to Arkansas to dedicate the John L. McClellan Hospital, and I'm sure you will agree with me that ours is a responsive and active office. Most of the states maintain similar operations and would be fully equipped to administer the program.

I realize there have been cutbacks in V.A. budgets that may have resulted in changes for burial policies. But I believe that $1 million—a small amount in the defense budget—would cover pauper burials for our veterans. I also think the Defense Department budget is the proper place from which to shift these funds.

Finally, a question of this kind is another reason for the Department of Veterans Affairs to be elevated to cabinet-level status. I continue to hope that a move of this nature will be realized in the near future.

I look forward to your response and appreciate your attention to this matter.

Sincerely yours,

DAVID PRYOR.●

WORLD FOOD DAY

● Mr. GLENN. Mr. President, this past Sunday, October 16, was marked as World Food Day—a day set aside to remind the global community that in this modern era of space flights and satellite communications, one in five human beings still suffer some form of undernourishment and serious malnutrition afflicts one in nine. According to UNICEF, 40,000 children and infants die each day from a nutrition-related illness. And the situation worsens. Per capita food consumption actually declined by 10 percent in Africa over the past decade. Today the probability that a 1-year-old African child will die before his or her fifth birthday is 25 times greater than in the United States. Hunger and its prevalence are, in my view, systemic problems. Hunger is not a simple matter of too little food for too many mouths.

The economic difficulties that have afflicted the whole world since 1979 have taken a toll on the fragile economies of most of the Third World. Trade volume, globally, declined in 1981 and again in 1982—the first such declines in the post-World War II era. Demand for raw materials has dropped and commodity prices, in real terms, have fallen to their lowest levels in three decades. As a consequence, many developing countries find themselves squeezed between a high debt burden, and declining revenues with which to service it.

In my view, the Third World debt problem looms as one of the most serious problems the international community faces today. Between 1973 and 1982 aggregate Third World debt rose from $100 billion to over $600 billion. Last year, total Third World debt service payments alone amounted to $130 billion—or three times as much as all official development assistance provided the developing countries from all sources. Currently, almost all new borrowing by these nations is to refinance old debt, not to finance new investment in their development or to increase food production. This is an ominous sign that economic growth in these countries has become stagnant, and in some countries particularly in Africa, negative, ending almost three decades of sustained growth. The political ramifications of such trends continuing are very serious, not only for the Third World itself, but also for our Nation's future welfare and economic well-being.

This global economic crisis is, in many respects, yet the latest act in a larger drama taking place in the Third World, a drama which has been documented by a number of prestigious Commissions. In 1980, the Presidential Commission on World Hunger noted that one out of every nine persons in the world suffers serious malnutrition. In the 1950's the comparable figure was only 1 in 20. The Commission predicted that a grain shortfall of as much as 80-85 million metric tons could lead to widespread malnutrition and even starvation in the Third World by the end of this century unless significant improvements were made in their food production and distribution systems.

Although progress has been made in reducing fertility and birth rates in the Third World, population growth rates remain historically very high indeed. The Global 2000 report, also issued in 1980, predicted that world population will grow by 50 percent over the next 25 years. Five billion people, more than the entire population on Earth today, will reside in the Third World. If present trends continue unabated, as the Global 2000 report predicted, the world will suffer a 35-percent reduction in its available water supply, and a 50-percent decline in its forests and woodlands leading to massive soil erosion and lowlands flooding.

My purpose here is not to conjure up some vision of 20th-century Armageddon; rather, I seek to highlight the enormous social and economic pressures which grid the United States-Third World relationship. Our futures are inextricably linked, by trade, by common human values, and enlightened self-interests. As the Global 2000 report stated, "Only a concerted attack on the socioeconomic roots of extreme poverty, one that provides people with the opportunity to earn a decent livelihood in a nondestructive manner, will permit protection of the world's natural systems. Nor will development and economic reforms have lasting success unless they are suffused with concern for ecological stability and management of resources." In my own view, this is the spirit with which the United States should approach its relationship with the Third World.

Unfortunately, our country has pulled back from this challenge in the last several years. As the economic deterioration worsened for most Third World countries, U.S. economic aid declined—by about 7 percent in real terms over the past 3 years. Meanwhile, military aid and arms sales have skyrocketed. Last year the United States sold $25 billion worth of weapons, an alltime record. Military aid has increased by 73 percent in the past 3 fiscal years. In each of the past 3 years military aid has gone up, and economic/development aid has gone down as a total percentage of our foreign assistance effort. Development assistance has dropped from 49.3 percent of total bilateral aid in fiscal 1981, to 38.2 percent of the total in fiscal 1984. Our priorities are just plain wrong when, for example, a $1.8 billion increase is proposed for military aid in fiscal 1984 while, at the same time, a $500,000 cut is requested in the Peace Corps program. The dimensions of this distortion of priorities on a global scale are clearer when one contemplates the observation of former West German Chancellor Willy Brandt that "one-half of 1 percent of 1 year's world military expenditure would pay for all the farm equipment needed to increase food production and approach self-sufficiency by 1990." Ultimately, when we and the Soviets are willing to combat hunger rather than each other in the Third World, then we can truly beat our swords into plowshares.●

STATUS REPORT ON BUDGET

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate a status report on the budget for fiscal year 1984 pursuant to section 311 of the Congressional Budget Act.

This is the first status report for fiscal year 1984. The current level as shown in this report reflects the budgetary effect of permanent appropriations and all legislation that has been cleared by the Congress to date, including annualized amounts for the 1984 continuing resolution (Public Law 98-107).

The second budget resolution level as shown in this report reflects reserve fund allocations made to date pursuant to section 2(c) of House Concurrent Resolution 91.

The report follows:

[Report No. 84-1]

REPORT TO THE PRESIDENT OF THE U.S. SENATE FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1984 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 91

REFLECTING COMPLETED ACTION AS OF OCTOBER 14, 1983

[In millions of dollars]

	Budget authority	Outlays	Revenues
Second budget resolution level	922,125	852,125	679,600
Current level	899,790	841,483	665,354
Amount remaining	22,335	10,642	0

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $22,335 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $10,642 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measure that would result in revenue loss exceeding $0 million for fiscal year 1984, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.●

THE NIGERIAN ELECTIONS

● Mr. GLENN. Mr. President, at a time of international crisis and tension, I would like to draw our attention to one of those significant and all too rare milestones that point to a more stable, evolving world order. The second Republic of Nigeria, the world's fourth largest democracy and our second largest oil supplier, has just experienced its second round of free elections since the return to civilian rule in 1979.

We should congratulate President Shagari for his success at the polls. We should also congratulate all the legislators and governors of his and the other parties for their achievement. It is satisfying to see a recently independent country whose government has been able to meet the expectations of its people to the extent that they want to live under its leadership for another term; not all democracies have that wise and successful a leadership.

We should also congratulate all Nigerians, including those who ran and lost, and the millions who participated in the vote, for their individual engagement in a collective system of responsibility and civic cooperation. Democracy is not only made of leaders; it is, above all, a system of the people who constantly support and legitimize it with their expectations and participation, with their beliefs and actions.

It is no secret that some commentators were dubious earlier this year about whether the elections would actually take place. They thought they saw Nigeria as a country in an unstable continent which could not sustain democracy and they thought they saw signs that people were losing faith in Nigeria. History has shown them to be wrong.

Although the reality of the past is never an absolute guarantee for the future, it is an assurance that precedents can work. There were events that were disturbing during the elections, but Nigeria nevertheless carried out its democratic and constitutional exercise successfully, showing once again its leadership in Africa and its exemplary position in the world. It has shown that under the most difficult circumstances—in the complexity and newness of the Nigerian system, in the hardship of financial strain, in the diversity and pluralism of the society—that democracy can work in Africa. It has shown, too, that those who might be tempted to be impatient with its weaknesses are justified in giving it their confidence and support, and should do so.

Like Nigeria, our own democracy was constructed on successes and mistakes, on lessons learned from our own experience and lessons from others properly applied. Nigeria has come to its present form of government as a combination of both—it has reacted to events in its history and it has seen fit to adopt many features of the American Federal experience in its own Constitution. Nigeria paid us the highest compliment as a nation by borrowing the basic elements of our political system to pioneer its own path toward democracy. We follow its progress, celebrate its success, and applaud its constitution in the spirit of brotherhood as a democracy with similar aspirations.

It is in this spirit that we salute Nigeria and extend to it a special hand of friendship. Americans can identify closely with Nigeria's ordeals as well as its triumphs, for in our struggle for national unity and freedom, we went through similar experiences. Now, we share Nigeria's satisfaction with having crossed a very important watershed in its struggle for unity and freedom.

Mr. President, Nigeria is a country with weight and promise, an exuberant and dynamic society which exemplifies continuity and change and which seeks to meet constructively the challenge of its size and growth. It is a country of diversity and competition, of hope and satisfaction, of youth and leadership. We wish President Shehu Shagari and his great nation peace and prosperity in the years ahead.●

BLANCHE ELLIOTT DAY IN ARKANSAS

● Mr. PRYOR. Mr. President, for 30 years the historic War Eagle Mills Farm has drawn thousands of visitors to the Ozarks Arts and Crafts Fair on the third weekend in October. This weekend, participants in this annual ritual are gathering to recognize three decades of craftsmanship and folk heritage.

They will also recognize a guiding light who has given inspiration to the fair during all these years. My friend Blanche Elliott, who lives at War Eagle Mills Farm, founded the fair in 1953 and has given it her unequalled leadership and commitment since that time.

When other fairs and exhibits failed for lack of interest, or fell on hard times, War Eagle Mills thrived and flourished. Craftsmen and artisans in a four-State area knew that if they could make it to only one show it would have to be that one. And they continue to come by the thousands.

As an undergraduate at the University of Arkansas in Fayetteville—which is on top of another mountain 30 miles away—I used to drive over to Blanche and Lester Elliott's farm and spend a tranquil weekend at their house, most of it on the front porch. I would wade the beautiful War Eagle River in search of small-mouth bass. The view out over those hills was spectacular, and many times I restored body and mind as a guest in their home.

Lester Elliott died a few years ago. He was a fine and strong man who gave inspiration to his family and to the best traditions of the Ozarks. He is still missed by his many friends in the State of Arkansas.

I recall the first Ozarks Fair 30 years ago. By today's standards it was a modest affair. A few local craftsmen set up card tables and hawked their wares under the wide oak trees in the front yard. At the end of the afternoon they folded up their tables and boxes and drove back down the mountain to Huntsville and Kingston and other towns in the surrounding area.

Things are different now, and what those early artists and crafts people started continues as one of the major fairs in the country. Hundreds of thousands come to War Eagle from all States in the South and Southwest. It is now more a pilgrimage than a crafts show. Every form of native American art is displayed and, apart from being a cultural exposition, it is also a lot of

fun and recreation for everyone who attends.

I want to join my fellow Arkansans in paying tribute to the 30th year of the War Eagle Fair. And I especially want to join them in recognizing Blanche Elliott on her special day.

October 21 is officially Blanche Elliott Day in Arkansas, and I can think of nothing more appropriate than to testify to her leadership and determination. She is not only a splendid American and Arkansan, and a living example to all of us who value our background and heritage. She is also a close friend whose sturdy wisdom continues to inspire me even after 30 years.●

AN AGENDA FOR EDUCATIONAL EXCELLENCE

● Mr. DODD. Mr. President, my distinguished colleague, Senator PAUL TSONGAS from Massachusetts, delivered an important address September 18 at the University of Massachusetts, Boston, commemorating its 20th anniversary. The speech outlined a number of bold initiatives that hold great promise for improving our public schools. Some of these ideas are already being tried in Massachusetts schools, and Senator TSONGAS is urging their adoption more widely. I commend Senator TSONGAS' proposals to the attention of my colleagues, and I ask that his address be printed in the RECORD.

The address follows:

AN AGENDA FOR EDUCATIONAL EXCELLENCE

Public education has been on trial in recent months as never before. Report after report has found our schools sadly lacking. The harshness of the indictment tends to obscure many great successes. One of them is the University of Massachusetts, Boston. In two decades it has developed into a major university with an impressive faculty, a broad diversity of students and an imposing campus of its own.

What is the value of such a university? To state the question more broadly, why invest in public education at all? By public education I mean all levels: primary, secondary and vocational, as well as college and university.

Why does it matter whether our public schools are atrocious, excellent or merely mediocre?

There are several reasons. But the least appreciated is economics. Public schools are not only the best means to prepare our people for citizenship; they are not simply the best ladder of social mobility. They are also the prerequisite for economic survival. They are the seed corn of tomorrow. They are the key ingredient for industrial growth and prosperity.

Despite all the grand talk these days about offering every kid a ticket to private school, there is no way the majority of American students will ever attend them. Nor should they—not in a democratic society. The fact remains that 90 percent of the nation's students attend public school. The ratio is unlikely to change much for many years to come. So most of the education that will take place in this country will take place in the public schools.

If you doubt the value of education to our country and our state, ask a business man or woman whether a qualified workforce figures importantly in a company's prospects for success. Or look at the record of Japan, where the widening availability of a high school education since World War Two has played a large part in its economic miracle.

Nowhere is the education factor more pivotal than in Massachusetts. In our state education is the fuel driving our most important growth sector, the high tech industry. High technology is an industry that runs on brainpower. In computer science, bioengineering, fiber optics, robotics, or any other high tech field, the basic input is the skill of the engineers, scientists and technicians working there.

The same principle applies to the state's traditional industries. If the mills and factories of Massachusetts are to stay competitive, they must raise their productivity. The hope for higher productivity lies not only in better machines, but also in better educated workers.

Most people in Massachusetts can readily see the link between high-quality public education and their economic well-being. They need no sales talk. They are already sold on public education. They want to know what to do to make it better.

In fact, much is already being done to make public education in Massachusetts better. One example is the High Technology Morrill Act, which I am sponsoring in the Senate. The idea for it originated in a book called Global Stakes, written by Stata, Dimancescu, and Botkin, three men committed to the future of the Massachusetts high tech industry.

The legislation is patterned after the Morrill Act of 1862, which established the land-grant colleges that have helped make American agriculture number one in the world. My bill would strengthen science, engineering and technical education to help keep the American high tech industry competitive. Under the proposal the federal government provides matching funds for joint educational programs undertaken by the states, private industry and schools and universities. A version of the High Tech Morrill Act has been incorporated into the proposed Education for Economic Security Act, and I expect the bill to pass by the end of this year.

Much is also happening in Massachusetts to improve public education. Throughout the state, schools struggle with ways of purchasing and integrating computers into the classroom. A pilot project under way in Cambridge, in which I am involved, seeks to develop a model classroom of the future. This pioneering effort brings together the resources of the city. Participants include members of the Cambridge Chamber of Commerce, state and city officials, universities, and teachers and parents.

Together we have established a magnet school in Cambridge offering students in kindergarten through the fourth grade a curriculum that combines imaginative computer instruction with basic skills. I am excited about the potential for this project. If it proves successful, we will encourage those interested in computer literacy instruction to compare their own efforts and work together for greater dissemination in other Massachusetts schools.

Another project to bolster Massachusetts public education is being tested at Burlington High School. This is called Best Bet, the letters standing for Building Excellent Schools Through Business-Education Teamwork. Developed by Jack Rennie, President of Pacer Systems, Inc., and SBANE, and Supt. Tom Michael, Best Bet pairs the high school with a leading Burlington high tech firm, Pacer Systems. Pacer is working with school officials and other Burlington companies to identify the ways that business can work together to upgrade public education.

Pacer has defined its own best interest in terms of the caliber of learning available in Burlington classrooms. If the Best Bet formula works as well as I expect it will, I can see many other Massachusetts companies following in Pacer's footsteps. Already, firms in Lynn, Springfield, Worcester, and Fall River have expressed an interest in establishing Best Bet partnerships with their local schools.

In my hometown of Lowell, citizens have taken the initiative to scrutinize the schools with an eye toward reform. Parents, teachers and administrators have joined with me in launching a far-reaching review of the Lowell school system. Assisting us is a team of consultants that includes Dr. Marion Fantini of the University of Massachusetts in Amherst; Dr. Robert Sperber, Special Assistant to the President, Boston University; and Dr. Virginia Biggy, Dean of Education at the University of Lowell. When completed, the Lowell study ought to have an impact far beyond the city's borders.

Here in Boston the business community has been outfront in developing an array of innovative programs to buttress the public schools. The nine-year-old Tri-Lateral Council for Education promotes citywide partnerships between Boston businesses and schools. The Boston Compact, run by leaders from business and education, coordinates placement of high school graduates in local industries. The Boston Private Industrial Council works to find summer employment for students, this year locating more than 1000 jobs. Also proposed for Boston is the University Partners plan. It will unite the public schools with colleges and universities in programs for scholastic enrichment.

In other parts of the state, Massachusetts has a number of exciting projects in effect. They range from computer camps supported by the Bay State Skills Corporation, to the National Education Center in Framingham, developed by Cullinet Software and the Massachusetts High Tech Council. Throughout the Commonwealth, projects such as the Business-Education Collaborative in southeastern Massachusetts, the Newburyport School-Business Partnership, the Regional Expanding Vocational Awareness Project (REVAP) in Framingham, and Springfield School Volunteers demonstrate commitments to working together to further our educational goals. In cities too numerous to mention, people from the public and private sector have begun to come together to see how they can share resources in the educational field.

These efforts on behalf of public education in Massachusetts are cause for applause—and for emulation. Many of these programs receive little or no recognition. Conversely, some communities have yet to make this type of investment.

To encourage them, I am convening a statewide conference, sponsored by the Massachusetts Business Roundtable and the New England Council, to focus on the role of business-education partnerships in our effort to enhance excellence in public education here in Massachusetts. This confer-

ence, which will be held on November 21 in Boston, will bring together chief executive officers of companies, educators, state officials and a variety of other persons interested in public education to discuss ongoing projects throughout the state. There are so many people working in this area that we feel it is necessary to bring attention to exciting projects, while encouraging others to get involved.

On this occasion, I will outline our plans for a statewide strategy to promote partnerships throughout the Commonwealth. Clearly, there are inequities in the support received by different communities. Our goal is to reduce the economic disparity that puts some school districts in Massachusetts at a disadvantage in attracting business support. Thus, our statewide strategy would respond to innovative local ideas, while channeling resources to those who are in the greatest need.

What I am seeking in this and other proposals is a new cooperative spirit: a public commitment to heave together to move our school forward. If I were simply appealing to Good Samaritanism, that would be one thing. But I am appealing to Massachusetts on different grounds.

What I am saying is this: public education is the business of everyone. And everyone's business depends on public education.

Massachusetts is engaged in a Darwinian struggle for economic survival. Our state competes for its livelihood not only in a national marketplace, but increasingly in an international marketplace. Other states—and other countries—recognize the nexus between their educational standards and their economic prospects. In states such as Texas, California, Minnesota and North Carolina, there is already a high-priority campaign in the works to better the public schools. The same is true of Japan, only more so.

In this struggle the fittest will survive. Massachusetts has reason for optimism and for pride in its schools. But there are, nonetheless, disturbing signs. How fit is Massachusetts if its college board scores stand below the national average? And how fit is this nation if we have fewer than 500 students enrolled in Japanese schools, while Japan sends 15,000 of its students to study at our finest schools, learn our language and familiarize themselves with American practices and markets? How well Massachusetts responds will dictate our state's economic future for the rest of this century.

The leadership of Massachusetts is now being challenged. I implore our citizens to join the movement for excellence in our public schools. As students, you can devote some of your time and talent to helping younger students. As graduates, you can choose teaching as a career. And as parents and citizens, you can volunteer your time and resources for betterment of the public schools.

Without our commitment and that of others like you, the propsects for Massachusetts look bleak. With your help, the prospects could hardly look brighter.●

THE CLINCH RIVER PLAN: THE NATION'S TOP 31 ECONOMISTS SAY NO

● Mr. HUMPHREY. Mr. President, I have long argued that the proposed alternative financing plan for the Clinch River breeder reactor project makes a bad thing worse. Indeed, the Congressional Budget Office (CBO) and the General Accounting Office have already determined that the plan would increase the project's cost. The CBO estimates that the plan would add nearly a quarter of a billion dollars even if everything worked as well as hoped.

This is thin soup, especially since Congress has demanded that there be no further funding for the project unless and until a substantial private industry cost sharing plan is enacted.

Recently, the Public Interest Economic Foundation released a statement signed by 31 of the Nation's leading economists, both liberal and conservative, in opposition to the alternative financing plan. Among the signators are economics Nobel laureates Kenneth Arrow and James Tobin. Also signing are Thomas Moore, director of domestic studies of the Hoover Institution, Walter Heller of the University of Minnesota and Kenneth Boulding of the University of Colorado.

Mr. President, before the Senate considers the alternative financing plan, it is essential that it recognize that the plan lacks informed support. I ask that the full text of the Public Interest Economics Foundation's signed statement against the Clinch River plan be entered into the RECORD.

The statement follows:

STATEMENT IN OPPOSITION TO FURTHER PUBLIC FUNDING OF THE CLINCH RIVER BREEDER REACTOR

On May 12, 1983, the U.S. House of Representatives voted 388 to 1 to deny further funding to the Clinch River Breeder Reactor program unless private industry agreed to pay a substantial share of the cost estimated to be between $2.5 and $4 billion.

On June 23, 1983, a plan was proposed by the Department of Energy. The financing plan is based on the $2.4 billion cost estimate and provides for continued, direct, public funding of $1.5 billion. The nation's electric utilities would contribute $.1 billion financed by newly created tax advantages; the remainder of the funds would be raised by government guaranteed bonds and loans. The lenders (principally insurance companies, pension funds, investment banks and the like) are to be repaid by selling the electricity generated by the breeder reactor. The public guarantees that the power generated from the reactor whenever it is available will be able to be sold for more than its cost of production. If the breeder fails to break even, then the public will have to pay off all of the project's debts.

The new financing plan does not increase the private sector's risk exposure at all. It only stretches out the public's payments over a longer period of time (with interest costs, of course) and moves the reactor from on-budget to off-budget.

The new financing plan is based on assumptions that are unlikely to be fulfilled, and if the assumptions are not fulfilled, the plan will increase the public's liability. For example, the plan assumes that the bonds will sell for the same rate as treasury issues. Historically, government guaranteed bonds have carried a risk premium over treasury bonds. Accordingly, interest payments are likely to be higher than those anticipated in the plan.

The costs of the reactor are highly uncertain, but any costs increases are the responsibility of the public. No one knows how much will be required to make the breeder reactor commercially attractive. It is a research and development project that industry cannot handle. That, of course, does not make it a legitimate public project; the breeder reactor must compete for limited public funds with all other public projects. Nevertheless, the public is being asked to commit whatever it takes to make the reactor a commercial entity. The private sector is going to send the tax payments (up to a limit of $.1 billion), it would otherwise make to the treasury, to this project and purchase a limited amount of guaranteed bonds provided they are at least as attractive as treasury bonds.

The electricity generated from this project may not have a market. At present, no electric utility is willing to sign a contract to take delivery of the electricity that may be generated by the reactor. TVA and U.S. government studies indicate sufficient electricity capacity in this region at least until the end of the century (the end dates of their studies). This is not surprising since Clinch River was a R&D project and was not sited with consumers in mind. The consequence, of course, of generating the wrong amounts of electricity in the wrong place is that the public will have to pay off the lenders.

In conclusion, the new plan is not cost sharing and does not increase private financing and risk at all. It does increase public liabilities by means of sophisticated financial instruments and off-budget financing. In our opinion, the costs of this project are likely to go higher while the benefits are likely to go lower. Congress should reject this financing plan and stay with the decision of May 1983 to curtail public involvement in the Clinch River Breeder Reactor.

Kenneth J. Arrow, Nobel Laureate, Stanford University; Hendrik S. Houthakker, Harvard University; William Baumol, New York University; Carolyn Shaw Bell, Economist; Barbara R. Bergmann, University of Maryland; Kenneth E. Boulding, University of Colorado; Dr. Gerard M. Brannon, American Council of Life Insurance; Dr. Robert S. Browne, Howard University.

William Capron, Boston University; Dr. Charles Cicchetti, Economist; John H. Cumberland, University of Maryland; Allen R. Ferguson, Public Interest Economics Foundation; A. Myrick Freeman III, Bowdoin College; Robert Haveman, University of Wisconsin; Charles Holt, University of Texas; Dr. Norman H. Jones, Jr., Economist.

James Tobin, Nobel laureate, Yale University; Walter W. Heller, University of Minnesota; Thomas G. Moore, Hoover Institution; Dr. Allen V. Kneese, Economist; John Tepper Marlin, Economist; Daniel McFadden, MIT; W. F. Mueller, University of Wisconsin; Roger G. Noll, Stanford University.

Richard B. Norgaard, University of California—Berkeley; Leonard A. Rapping, University of Massachusetts; Dr. Ronald G. Ridker, The World Bank; Clifford S. Russell, Economist; Robert M. Solow, MIT; Anthony Yezer, George Washington University; Marty Zimmerman, University of Michigan.●

FEDERALISM STUDIES

● Mr. DURENBERGER. Mr. President, when the Senate passed S. 1426 on September 21, 1983, to reauthorize the general revenue sharing program for 3 years, it adopted a provision that would require far reaching studies of the American Federal system. In its reauthorization bill, H.R. 2780, the House provided only for a very narrow study of the allocation formulas used to distribute revenue sharing funds.

Over the past few weeks I have called to the attention of the Senate the growing support for the wide-scope studies contained in the Senate bill. Today, I am happy to inform my colleagues of the official position in favor of the Senate language adopted by the National Governors' Association, the National Conference of State Legislatures and the Southern Governors' Association.

At this time, I ask that the letter of October 14, 1983, from the National Conference of State Legislatures and the National Governors' Association, along with the resolution of September 28, 1983, adopted by the Southern Governors' Association, be printed in the RECORD.

The material follows:

NATIONAL GOVERNORS' ASSOCIATION
AND NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, D.C., October 14, 1983.

Hon. DAVE DURENBERGER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DURENBERGER: Our two organizations strongly support the reauthorization of the revenue sharing program and commend you for your work to ensure timely consideration of the legislation.

We hope that the conference committee will accommodate our concerns on the following issues:

(1) State authorization: Although states have not received revenue sharing payments since 1981, we believe that a workable provision authorizing state payments should be available. Such authorization language provides an important stand-by mechanism for state aid. The concern for prudent Federal budget decisions felt by you and your colleagues in Congress is shared by state officials. Therefore, the state payments would not be activated without a consensus at the Federal and State levels that they are fully justified. We urge that the authorization remain on the books in case it is needed; the close vote on this matter on the House floor suggests that many Members of the House of Representatives agree with this position. We ask you to support the Senate provision on the state authorization.

(2) Study of Federalism Issues: Federalism reform has been a high priority of both our groups, and we view congressional study of these issues as a positive step in the national debate. We favor the Senate language on the study because it encourages inquiry into a number of important issues, although we are concerned that the time and funding allotted may be inadequate. We have urged that the study topics be assigned in such a way as to assure the neutral treatment of the issues. We urge you to support Senator Durenberger's study amendment as written and as clarified in the floor debate.

(3) Funding for Local Share: The budget resolution permits funding for the revenue sharing program to rise by $450 million. We support this increase, one that is badly needed for a program that has been held constant for so long. We urge your consideration of the House language in this regard.

(4) Expansion of Audit Requirements: The current statute requires the performance of a local audit of GRS funds at least once every 3 years with the audit covering at least a 1 year period. The House-approved reauthorization would require performance of an annual audit with exceptions only for governments with biennial budgets. The new requirement will require revisions in the audit practices of some states, changes we believe are unnecessary in light of the excellent record of the program and undesirable in light of the serious dislocation they would cause in established state procedures. We ask that you support the Senate provision on the audit requirement.

Thank you for your attention to our views. Please let us know if we can supply you with needed information or otherwise be helpful to you in your role as a conference committee member.

Sincerely,

GOV. JAMES R. THOMPSON,
Chairman,
National Governors' Association,
State of Illinois.
GOV. RICHARD A. SNELLING,
Lead Governor on Federalism,
National Governors' Association,
State of Vermont.
Assemblyman WILLIAM F.
PASSANNANTE,
President, NCSL,
Speaker Pro Tem,
New York State Assembly.
State Senator PHILIP J.
ROCK,
Chairman, State-Federal Assembly,
President and Majority Leader,
Illinois State Senate.

GENERAL REVENUE SHARING

(Approved by the Southern Governors' Association, Austin, Tex., September 28, 1983)

BACKGROUND

One of the major issues raised during the reenactment of General Revenue Sharing (GRS) by the Congress was the question of allocation formulas. Both the Senate and the House defeated attempts to alter the current formula, and instead mandated an evaluation of the GRS program. One of the items to be considered is the possibility of using the Advisory Commission on Intergovernmental Relations' proposed Representative Tax System as an alternative means of allocating General Revenue Sharing funds.

The Representative Tax System (RTS) was developed as a theory several years ago by the Advisory Commission on Intergovernmental Relations (ACIR). RTS is based on a more complex and abstract system than the per capita income figures now collected annually by the Federal Government, and it has never been tested at the Federal level. Applying RTS to Federal programs would result in a distribution of funds radically different from the current distribution using per capita income measures.

The House of Representatives reenacted GRS this year with instructions to several Federal agencies, including ACIR, to study and recommend methods to implement RTS in the General Revenue Sharing formula. The Senate bill, which was passed on September 20, calls for a study commission to evaluate the impact of several measures of fiscal capacity, including RTS and per capita income, on allocation formulas. The intent of the Senate was further clarified in a colloquy between Senators Bentsen and Durenberger. Their dialogue specified that ACIR not be given responsibility for evaluating the RTS. Instead, an agency without a prior policy position on the issue, such as the U.S. Treasury Department, would undertake the study. The colloquy also opened the study commission to state and local government participation.

RECOMMENDATION

The Southern Governors' Association urges the conference committee to: Adopt the Senate language and the details developed in the colloquy between Senators Bentsen and Durenberger regarding the evaluation of the General Revenue Sharing program and the full participation of state and local governments.●

CLARENCE "SKEETS" GUSTAFSON

● Mr. DODD. Mr. President, Mr. Clarence Gustafson, a leading figure in Connecticut's banking industry for the past 43 years, has announced his retirement, and I believe that upon this momentous occasion it is fitting to call attention to his significant accomplishments.

"Skeets," as he is affectionately called by his friends, is a remarkable gentleman. Beginning his banking career literally in the mail room of a bank, Skeets' keen intelligence, relentless energy, and diligence enabled him to climb to his most recent office of senior vice president for Connecticut Bank & Trust. As division head for the bank's eastern region, Skeets has been responsible for his company's operation in the Second Congressional District, the State's largest geographically.

Mr. President, while it is obvious from a statement of his career path that Skeets possesses financial acumen, I would like to share what is truly a unique attribute. As much as our society has advanced to high technologies and many of our industries have become fully automated, oftentimes the average citizen finds the atmosphere of the business world to be cold and impersonal. Skeets has brought warmth and compassion to all of his professional undertakings. Over the years, he has not allowed himself to become desensitized to the individual needs of countless Connecticut residents. This man is regarded as friend and neighbor by many of his customers for his humane and individualistic approach.

Skeets has not limited his energies to his career. He has contributed to numerous service organizations as a member of the Norwich Community Development Corp., United Community Services, Inc., Boy Scouts of America, and the University of Connecticut Foundation, the study commission of

the State legislature on bank holdings, Backus Hospital, United Way, and the Eastern Connecticut Development Council to name a few. Skeets has made major civic contributions.

On the occasion of his retirement, I ask my Senate colleagues to join with his many friends and colleagues in Connecticut in honoring this fine citizen. It is hoped that the years ahead will bring Skeets, his wife Alice, and his family continued happiness and success.●

ORDER TO HOLD H.R. 4013 AT THE DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives H.R. 4013, a bill to extend the Small Business Development Center program administered by the SBA until January 1, 1985, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY

Mr. STEVENS. Mr. President, under a previous order, the Senate will convene at 9:30 a.m. tomorrow. A period for the transaction of routine morning business will ensue until 10 a.m.

I ask unanimous consent that the Senate at that time resume debate on the State Department authorization bill, S. 1342, which is the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that at 1 p.m. on tomorrow the Senate resume debate on the two remaining amendments in disagreement to the Interior appropriations conference report, H.R. 3363.

I further ask unanimous consent that the only amendments in order to amendments No. 94 and No. 95 in disagreement be the Melcher-Armstrong coal leasing amendment to No. 94 under a 1-hour time limitation to be equally divided between the mover of the amendment and Senator McCLURE or their designees, and the Wilson OCS amendment to amendment No. 94 or No. 95 in disagreement and that that amendment of Senator WILSON be limited to 20 minutes to be equally divided between Senator WILSON and Senator McCLURE, or their designees.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. JOHNSTON. Mr. President, reserving the right to object, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSTON. Am I correct that the Wilson amendment would not be in order by reason of this time agreement but that all rights would be reserved with respect to the amendment being out of order?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSTON. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is my understanding that the Wilson amendment would be in order to amendment No. 94 in any event and to No. 95 it would take a unanimous-consent agreement to offer it.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. We are not attempting to change or alter the rights of the parties in any way.

Mr. JOHNSTON. That is correct.

Mr. STEVENS. Mr. President, I further ask unanimous consent that if Senator ARMSTRONG does not cosponsor the Melcher amendment, then Mr. ARMSTRONG shall be permitted to offer an amendment to amendment No. 94 upon which there will be a 1-hour time agreement equally divided as provided for the other amendment to amendment No. 94, and let me reiterate at this point that no other amendment to amendment No. 94 or No. 95 shall be in order.

I ask unanimous consent, further, that no points of order be deemed to have been waived by this agreement, and I further ask unanimous consent that if the State Department authorization bill is not disposed of early in the day, the Senate resume debate on the State Department authorization bill upon disposing of the Interior Department conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That at 1:00 p.m. on Thursday, October 20, 1983, the Senate resume consideration of the two remaining amendments in disagreement to the conference report on H.R. 3363, Interior Appropriations Bill, and that the only amendments to be in order at that time be the Melcher/Armstrong coal leasing amendment to Amendment No. 94, on which there shall be 1 hour debate, to be equally divided and controlled by the mover of such and the Senator from Idaho (Mr. McCLURE), or their designees, provided that if the Senator from Colorado (Mr. ARMSTRONG) chooses not to co-sponsor the Melcher amendment, he be permitted to offer an amendment to Amendment No. 94 in his own right, on which there shall be 1 hour debate, to be equally divided and controlled by the mover of such and the Senator from Idaho (Mr. McCLURE), or their designees, and the OCS amendment to be proposed by the Senator from California (Mr. WILSON) to either Amendment No. 94 or 95, on which there shall be 20 minutes debate, to be equally divided and controlled by the mover of such and the Senator from Idaho (Mr. McCLURE), or their designees.

Ordered further, That no points of order be deemed to have been waived by this agreement.

Mr. STEVENS. Mr. President, it is my understanding, and I state to the Chair again, I made the parliamentary inquiry earlier that if that time agreement is fulfilled there will be no further matters that could be raised to the Interior Department appropriation conference committee report. That is the intention of the parties.

We are hopeful that all Members of the Senate will be notified and be aware of the fact that we will resume consideration of the State Department authorization bill immediately following routine morning business at 10 a.m. and we expect votes to occur in the morning.

We have disposed of the noncontroversial amendments this evening with the consent of the two managers of the bill and in behalf of the majority leader I do thank Senator PERCY and Senator PELL for their cooperation this evening in handling so many amendments to that bill.

ORDER FOR THE RECOGNITION OF SENATOR PROXMIRE ON TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that following the period for the recognition of the two leaders under the standing order, the Senator from Wisconsin (Mr. PROXMIRE) be granted a special order for not to exceed 15 minutes tomorrow, Thursday, October 20.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, is there further business to come before the Senate? Does my good friend have any further business?

Mr. BYRD. I thank the acting Republican leader. I have nothing further.

PROGRAM

Mr. STEVENS. Mr. President, let me review the schedule for tomorrow. Tomorrow the Senate will at 10 a.m. resume consideration of the State Department authorizations bill. It is anticipated that there will be votes on that bill in the morning hours.

At 1 p.m. tomorrow the Senate will resume consideration of the conference report on the Interior appropriations bill under a time agreement. Following that conference report, the Senate will resume consideration of

the State Department authorizations bill.

It is the intention of the leadership to go to the State-Justice-Commerce appropriations bill following the disposition of the State Department authorizations bill tomorrow.

We do anticipate a late night and votes throughout the session tomorrow.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in recess, in accordance with the previous order.

The motion was agreed to and, at 8:32 p.m., the Senate recessed until tomorrow at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 19, 1983:

DEPARTMENT OF THE INTERIOR

William P. Clark, of California, to be Secretary of the Interior.

EXTENSION OF REMARKS

WORSENING ANTI-SEMITISM IN ARGENTINA

HON. MEL LEVINE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. LEVINE of California. Mr. Speaker, this morning's Washington Post ran an article titled "Anti-Semitism on Rise in Argentina." It contained a seemingly endless litany of revulsive anti-Semitic acts and violence against Jews in Argentina, the home of Latin America's largest Jewish community.

Moises Camji, the vice president of the political arm of a number of Jewish organizations in Argentina, said:

> There is fear that the tremendous social and economic chaos we are experiencing will be manipulated by Nazi-fascist groups. There is the historical precedent.

Herman Schiller, director of a progressive Argentine Jewish weekly has stated:

> Paradoxically, anti-Semitism grows in Argentina during a democratic opening because it is used as a destabilizing factor by fascist groups connected with the security forces, or by right-wing coup-mongers.

The anti-Semitic acts outlined in the article include: the mushrooming sales of virulently anti-Jewish publications, which have stepped up their attacks on Jews; the sale of far-right and Nazi tracts openly sold in newspaper kiosks throughout downtown Buenos Aires; the complete sellout within a few weeks of appearance at street vendors of the anti-Semitic book, "The International Jew"; the featuring on a number of radio programs of avowedly Fascist and racist speakers, assailing Argentina's Jewish community and Israel, and praising Adolf Hitler; within a 4-month period, hundreds of acts of vandalism, telephone threats and bomb scares against Jews; the vandalizing of at least four synagogues in the capital; bomb threats at about 45 Jewish schools, at one of which a bomb was found outside and deactivated. The litany goes on and on.

Last month the cover of a weekly newsmagazine showed a Star of David splashed with paint and the question, "Is it dangerous to be Jewish in Argentina?" The article appeared to answer its own question "yes."

Mr. Speaker, these are deeply disturbing signs coming from the Argentine Government at a time when they are moving toward their first election in 7 years. The present regime can never be accused of concern for human rights of any group, and now the Jews in particular are being used as scapegoats once again.

This can only bring sadness to those who are deeply concerned for the human rights, safety and freedom of all people, but especially for those who have always been in the minority and therefore more vulnerable to mistreatment and harassment.

Following is the complete text of the Post article. I urge my colleagues to read it.

Thank you.

ANTI-SEMITISM ON RISE IN ARGENTINA

(By Martin Andersen)

BUENOS AIRES.—Against a backdrop of deteriorating social conditions and political uncertainty, Jewish community leaders and others are voicing increasing concern about a recent upsurge in anti-Semitism and violence against Jews here.

Jews say current conditions have not yet reached the level of violence of three years ago, when synagogues and Jewish-owned businesses were bombed and homes were sprayed by gunfire. However, growing social unrest and an apparent government unwillingness, or inability, to control the outbreak has spawned fears that more violence lies ahead.

Argentina is home to Latin America's largest Jewish community, which ranks as the world's seventh largest.

"There is fear that the tremendous social and economic chaos we are experiencing will be manipulated by Nazi-fascist groups," said Moises Camji, vice president of the DAIA, the political arm of most Jewish organizations here. "There is the historical precedent, and what happens here doesn't have to occur in exactly the same way."

"We are living in a moment of total anarchy," said Rabbi Marshall Meyer, an American, leader of the Bet El Synagogue here and head of Buenos Aires' Jewish Rabbinical Seminary. "There is no government; social and economic conditions are disastrous."

The most visible evidence of rising anti-Semitism, observers here say, are the mushrooming sales of virulently anti-Jewish publications, which have stepped up their attacks on Jews.

Far-right and Nazi tracts are openly sold in newspaper kiosks throughout downtown Buenos Aires. Street vendors say that one book, "The International Jew," sold out within a few weeks of hitting the stands.

In addition, a number of radio programs here and in the provinces recently have featured avowedly fascist and racist speakers, assailing Argentina's Jewish community and Israel, and praising Adolf Hitler. Early last month, Jewish community protests resulted in an abrupt end of a two-hour anti-Semitic, late-night radio broadcast that ran for six weeks on state-run radio.

The recently formed Jewish Movement for Human Rights, led by Rabbi Meyer, has announced plans for a protest march Monday against the increase in anti-Semitic acts.

Jewish leaders and others here are particularly concerned about the increasing violence against Jews. Within a four-month period, hundreds of acts of vandalism, telephone threats and bomb scares have set the Jewish community on edge.

At least four synagogues have been vandalized in the capital. About 45 Jewish schools have received bomb threats, and at one a bomb found outside the building had to be deactivated.

Late last month, the cover of the weekly newsmagazine Siete Dias showed a Star of David splashed with paint and the question: "Is it dangerous to be Jewish in Argentina?" The article, which chronicled more than two decades of often deadly anti-Semitism here, appeared to answer its own question with a barely qualified "yes."

In May, a restaurant in the Once neighborhood was sprayed with machine-gun fire while 30 people were inside, and in August a local synagogue was peppered with bullets.

Jews have also been the object of a stepped-up campaign of telephone threats. Last month the far-right Pedro Giacchino Commando Group turned its attention to several prominent Jews and issued a communique calling on Argentines to arm themselves and fight the "traitors."

Two days before Rosh Hashana, the Jewish new year, more than a dozen people attacked a synagogue in the South Atlantic coastal town of Commodoro Rivadavia. The group, wielding axes and other sharp instruments, broke windows and a door. They also painted swastikas and threats on the building.

The group, described as well-coordinated and organized, also attacked most of the businesses and homes of the 30 Jewish families living there.

"It was the closest thing to a pogrom here in a long time," Meyer said.

A group of more than 30 parents called for the immediate dismissal of Buenos Aires municipal officials after a group of about 25 children, some as young as 6, was threatened and abused by health personnel while undergoing routine physicals Sept. 16. The parents said the employees taunted the children with insults such as "You Jew S.O.B." and "You should be sent to the gas chambers."

Late last month a burst of machine-gun fire raked the facade of a kosher pizzeria in the Once neighborhood near the center of town.

In recent days in both the Once, a popular commercial district, and the nearby middle-class neighborhood of Caballito, Jewish homes and businesses have been targets of vandalism. In Caballito a number of Jewish-owned stores were painted with the words "Ghetto 1983."

Municipal education officials condemned the incident and ordered an investigation.

There is a growing feeling here that the current rash of incidents is the work of far-right groups seeking to undermine Argentina's return to constitutional rule, slated in January.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

"Paradoxically," said Herman Schiller, director of the progressive, 30,000-circulation Jewish weekly, Nueva Presencia, "anti-Semitism grows in Argentina during a democratic opening because it is used as a destabilizing factor by fascist groups connected with the security forces, or by right-wing coup-mongers."

Concern is also being expressed over the nature of the Peronist party, traditionally the country's majority political grouping and the likely winner in the presidential election scheduled for Oct. 30. Fears here that far-right groups are seeking to influence the working-class-based party were heightened last month, following a series of public declarations by Alberto Ottalagano, former rector of the University of Buenos Aires.

In an interview with a local newsmagazine he admitted he is a facist and said he joined Peronism because he believed the movement's founder, Juan D. Peron, was sympathetic to Europe's right-wing regimes of the 1930s.

In a recent issue of Siete Dias, Ottalangano attempted to explain his remarks, in which he recommended that Jews "try to refrain from arousing Aryan anger."

"I say the Jews ought to avoid showing themselves too much," he said. "They should avoid sticking out—meddling in Argentine politics as a community. . . This offends. This irritates."

A number of prominent Peronists took issue with Ottalageno's remarks, pointing to the participation of many Jews in the movement.

Jewish leaders, however, privately expressed dismay over the apparent reluctance of Peronist presidential candidate Italo Argenitno Luder to repudiate Ottalagano publicly, as well as the acts of violence. Following the attacks in Commodoro Rivadavia, 45 politicians and intellectuals signed a statement condemning the violence, including Luder's chief rival, Radical Party candidate Raul Alfonsin. Deolindo Bittel, the Peronist vice presidential candidate, was the highest ranking party member to do so.

Early this month, Luder denied at a press conference that there has been a new outbreak of anti-Semitism. "All there have been are a few incidents, as unfortunately occur in a modern country," he said, attributing the increasing concern over the issue to "an excess of sensibility."

Last week, top candidates from most of the country's major parties pledged to fight anti-Semitism in Argentina. Speaking at a meeting of the DAIA, Bittel said his party "will do everything in our power to put an end to discrimination."

Community spokesmen here agree that despite thousands of acts of anti-Semitic violence in recent years, they cannot point to one arrest, a point brought up by the DAIA during a recent meeting with President Reynaldo Bignone. Many Jews feel that record is due in large part to the fact that the doors to the chambers of political power here, the military hierarchy and the labor unions, are still shut to them.●

GUS STAVROS REPRESENTS WHAT IS GOOD ABOUT AMERICA

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. YOUNG of Florida. Mr. Speaker, the 1983 B'nai B'rith "Great American Traditions Award" for the Tampa Bay area is being presented to Mr. Gus A. Stavros, president of Better Business Forms, Inc., and I am delighted to have the opportunity to serve as the honorary cochairman of this year's banquet held in Mr. Stavros' honor on November 12, 1983.

A graduate of Columbia University, Gus and Frances, his wife of 35 years, came to Florida many years ago and quickly became active in the community while raising their children, Ellen, Paul, and Mark. Whether you mention business associations, cultural events, transportation problems, church matters, or youth programs, Gus Stavros has contributed his time, his efforts and his leadership to help make not only his hometown and his county, but the entire Tampa Bay area a better place to live.

The Governor of Florida recognized Gus Stavros as the "Free Enterpriser of the Year" in 1982, and this award merely follows numerous other awards he has received including the prestigious "Bilgore Humanitarian Award" in 1977 and Phi Delta Kappa's "Outstanding Layman's Award" in 1979. Now the B'nai B'rith "Great American Traditions Award" again exemplifies that special character of Gus Stavros, and it is especially fitting for the B'nai B'rith to honor the son of Greek immigrants who gave him a love of life and an appreciation of his fellow man.

I am fortunate to have been asked to serve as this year's honorary chairman of the banquet honoring Gus Stavros, but I am even more honored to have met Gus more than 20 years ago and to enjoy his friendship. Gus Stavros is a most dedicated and outstanding citizen. He is truly worthy of this year's award, and as I congratulate Gus and thank him for his many contributions to our community, our State, and our Nation, I also commend the B'nai B'rith for honoring this man who represents what is good about America.●

LAX ENFORCEMENT OF BAN ON RESALE PRICE FIXING OPPOSED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. FLORIO. Mr. Speaker, I have been a persistent critic of this administration's lax enforcement of the antitrust prohibition on resale price maintenance. The practice whereby a manufacturer tries to dictate the price at which the retailer resells to consumers is per se illegal under longstanding Supreme Court decision. Nevertheless, both the Assistant Attorney General for Antitrust and the Chairman of the Federal Trade Commission have openly disavowed the Court's rulings and said they will modify enforcement to suit their own, relaxed view of what the law should be. The result is that in difficult economic times we are seeing consumers increasingly deprived of the discounts and bargains many have relied upon to make ends meet.

Understandably, more and more Members of Congress are concerned about this issue. As the chairman of the subcommittee with jurisdiction over the FTC, I have received an increasing number of inquiries from colleagues. Accordingly, I am here inserting in the RECORD an article describing the controversy over resale price maintenance.

Additionally, I have introduced today a resolution urging the administration to enforce the law. I note that this is not a partisan issue. The resolution I have introduced is similar to that of the distinguished Senator from New Hampshire, Senator RUDMAN, sponsored by Senators of both parties.

I urge all of my colleagues to join in sponsoring this resolution, the text of which is printed here:

H.J. RES. 389

Joint resolution calling upon the Federal Trade Commission, Department of Justice, and all other appropriate Federal agencies to enforce the Federal Trade Commission Act, the Sherman Act, and all other Federal antitrust laws including the prohibition against vertical price restraints

Whereas the Congress in 1914 enacted the Federal Trade Commission Act to prohibit "unfair methods of competition";

Whereas the Congress in 1890 enacted the Sherman Act to prohibit "Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations . . .";

Whereas the United States Supreme Court has consistently held that vertical price restraints are per se violations of the antitrust laws, including the Federal Trade Commission Act;

Whereas the Congress upheld the Supreme Court's interpretation of the antitrust laws prohibiting vertical price restrictions when in 1975 portions of the Miller-Tydings Act and the McGuire Act authorizing State laws permitting "fair-trade" restrictions were repealed;

Whereas consumers benefit from vigorous price competition at the retail level and are hurt by vertical price-fixing conspiracies which raise consumer prices and infringe upon retailers' rights to free trade;

Whereas the Federal Trade Commission and the United States Attorney General are charged with instituting proceedings to prevent and restrain violations of the antitrust laws;

Whereas the Federal Trade Commission and the United States Attorney General, in contravention of their responsibilities for enforcing the antitrust laws, are not actively enforcing the law regarding vertical price restraints; and

Whereas the Solicitor General of the United States Department of Justice, on behalf of the United States, has filed an amicus curiae brief with the Supreme Court which, in part, advocates weakening the law regarding vertical price restraints: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Trade Commission, the United States Attorney General, and all other appropriate Federal agencies and officials shall faithfully and vigorously enforce the Federal Trade Commission Act, the Sherman Act, and all other Federal antitrust laws, including the prohibition against vertical price restraints, and shall cease propounding arguments in court designed to weaken the law prohibiting vertical price restraints. To the extent that the Federal Trade Commission, the Attorney General, or other Federal agencies and officials shall deem it necessary to change the law prohibiting vertical price restraints, such agencies and officials shall forward proposed legislation embodying such changes to the Congress for proper consideration.

[From the Wall Street Journal, June 21, 1983]

DISCOUNTERS, ALLEGING PRICE-FIXING, ARE FIGHTING CUTS IN THEIR SUPPLIES

(By Claudia Ricci)

Not long ago, an eager bargain hunter could buy a Pioneer sterro receiver through a catalog showroom and save a good $100. But no more. Last June Pioneer cut off distribution to all catalog showrooms, saying it wanted to thin out dealer ranks.

"Our product was over-distributed," explains Jack Doyle, president of Pioneer Electronics (USA) Inc. "When you have product in too many places, it doesn't have much value to anybody," he adds.

Nonsense, say some discounters; Pioneer just wanted to get rid of the price choppers. "The end result is that consumers pay more" for Pioneer equipment, says Tracy Mandart, president of H. J. Wilson Co., a large catalog showroom dealer.

Many manufacturers besides Pioneer have choked off supplies to discounters in recent months, and the discounters are figthing back. They say cutting off a discount store constitutes price-fixing, violates antitrust laws, threatens the discount industry and will force millions of consumers to pay higher prices in full-price stores. They blame the cut-off trend on Reagan administration officials who take the position that price-fixing isn't always harmful.

Earlier this year, several retailers and their trade groups started a Washington lobbying campaign to fight price-fixing. This prompted some recent demands from members of Congress that the Federal Trade Commission and the Justice Department enforce the law against "vertical" price-fixing, in which manufacturers impose the price that retailers must charge for their merchandise. Burlington Coat Factory, a New Jersey retailer, even organized a shopper write-in last fall. It deluged Congress with half a million angry postcards opposing price-fixing. Now Burlington plans to ask customers to write to the White House.

A REAL CONSUMER ISSUE

Several large retailers, including K mart Corp. and Dayton-Hudson Corp.'s Target discount chain, sent representatives to the White House in March to argue that the Justice Department's position is anti-consumer. "There's no doubt prices would go up" if the department gets its way, says Robert Stevenson, a K mart vice president. "We've told the White House it's a real consumer issue."

Some discounters especially assail William F. Baxter, the Justice Department's antitrust chief. Appointed two years ago, he initiated fewer antitrust cases than his predecessors. Wary of government interference in business, he thinks that many practices commonly thought to restrict competition don't really do so.

Among other things, the official questions a 1911 Supreme Court ruling that automatically makes it illegal for manufacturers to dictate the prices retailers must charge for their products. Mr. Baxter thinks this practice, called resale price maintenance as well as vertical price-fixing, doesn't always reduce competition, may actually benefit consumers and should be judged on a case-by-case basis.

If manufacturers aren't free to stop discounting, some full-price retailers will be forced to drop their products or to reduce the service and technical advice they offer consumers, Mr. Baxter believes. He thinks customers often take up the time of sales clerks in full-service stores, then buy the product from discounters, giving discounters a free ride at the cost of full-service stores. James Miller, chairman of the Federal Trade Commission, which is also supposed to police price-fixing, generally shares Mr. Baxter's views on vertical price-fixing.

With Mr. Baxter's direction, the Justice Department is trying to persuade the Supreme Court to relax its long-held opposition to vertical price-fixing. The department's brief, siding with Monsanto Co. in a high court case scheduled to be heard this fall, argues that vertical price maintenance should be judged case-by-case according to whether it would unreasonably restrict competition.

In a federal court case in California, the department is seeking a ruling favorable to a manufacturer, Apple Computer Inc., being sued by six discounters. Apple says it stopped supplying the discounters, all California computer dealers who sell through mail-order channels, in order to limit distribution to dealers who provide face-to-face service.

Apple attorney David Kopf says the computer maker didn't cut off a class of merchants, but "a type of dealing" that isn't particularly consumer-oriented. "I think mail-order is a quick way to get the wrong product," says Mr. Kopf, adding that computer buyers need guidance in selecting a unit. Cutting off mail-order dealers wasn't price-fixing "either directly or in disguise," he says. "We view face-to-face service as essential." And now that the company has cut off mail-order, he says, "we're much more happy with the service being provided to our customers."

But the discounters charge in the suit that Apple acted to satisfy full-price dealers who complained about discounters. They charge Apple with conspiring with dealers to manipulate the price of Apple products. Apple denies the charges.

"What really upsets us is that the U.S. government is taking sides" with Apple, says Francis Ravel, president of Olympic Sales Co., one of the six plaintiffs. "Their job is to enforce the present laws. Why don't they do it?"

Mr. Ravel wrote to all 100 U.S. senators accusing Mr. Baxter of protecting large companies. "Big business has all the rights and small business has no rights at all, except the right . . . to go broke," he said.

One of Mr. Baxter's assistants says the Justice Department isn't taking sides in the Apple case and "has absolutely no interest in whether Apple wins or loses." The department is simply suggesting to the court a legal and economic framework for deciding antitrust issues raised by the case, he says.

But discounters are skeptical, and they especially question Mr. Baxter's argument that consumers need more services. "Tell me what kind of service is required in buying a piece of Lenox giftware," says Everett Purdy, senior vice president of Service Merchandise Co., a large, catalog-showroom retailer. Until last fall, the Service Merchandise catalog offered Lenox china. But the supply dried up after Lenox won FTC permission to stop its authorized dealers from "transshipping," the product to discounters.

CONTROL OF AN IMAGE

Transshipping, in which discounters buy their merchandise from authorized dealers with overstock instead of from manufacturers, raises another issue in the discount pricing fight. "We don't terminate anybody for discounting," says Stephen F. Lichtenstein, secretary of Lenox Inc. But transshipping to unauthorized price-cutters "takes away control of our image," he adds.

"Our authorized dealers have magnificent displays, and they have people who are trained" to discuss fine china, Mr. Lichtenstein says. Several other manufacturers have sought FTC permission to stop their dealers from transshipping.

While discounters complain most about Mr. Baxter and the Justice Department, they also gripe about FTC policies. Lately the number of new price-fixing cases initiated by the agency has fallen sharply, and critics say manufacturers are taking this as a signal to fix prices.

"The rhetoric is that 'you may go out and engage in vertical price restraint because we don't think there's anything wrong with it.'" says Benjamin Sharp, a Washington lawyer who served in the FTC's Bureau of Competition until last year. "I have some real problems with that."

Tim Muris, who now heads that FTC bureau, says that a 1977 Supreme Court ruling left a big "gray area" in price-fixing law that makes the agency more cautious about taking action against manufacturers. "We will bring vertical cases," but the agency wants to avoid "knee-jerk reactions" to charges that retailers have fallen victim to price-fixing, the official adds.

Many members of Congress find this approach alarming. In recent weeks, 27 senators have sponsored a resolution demanding that the Justice Department and the FTC enforce the price-fixing law and seek changes only through Congress. Last month, the House Judiciary Committee approved a funding measure that would bar the Justice Department from engaging in court cases to argue for relaxing the ban on price-fixing. Two senators, Republican Warren Rudman of New Hampshire and Democrat Howard Metzenbaum of Ohio, are preparing a brief opposing the Justice Department's position in the Monsanto case.

But this doesn't do much to ease the retailers' immediate worry: how to handle threats from suppliers who threaten to cut them off if they don't raise prices. "We have felt pressure we didn't feel before," says Robert Cole, attorney for Sportmart, a chain of sporting-goods stores in Chicago and Los Angeles. Once, the FTC might have been called in on manufacturer demands to raise prices, he adds. "But the FTC really isn't a help anymore."●

UNITED STATES-CHINA RELATIONS MUST MAINTAIN NEW MOMENTUM

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. SWIFT. Mr. Speaker, our relationship with the People's Republic of China has reached a critical juncture. Following several years of arms-length talks and uncertainty about the level of commitment each nation would bring to a fuller relationship, recent developments point toward a renewed spirit of cooperation.

The administration, under prodding by key figures like Secretary of Commerce Malcolm Baldrige, is developing a new, more liberal policy on the transfer of U.S. technologies to China. The implementation and fulfillment of this new policy will support Chinese economic development and allow U.S. firms to compete on a more equal basis to supply China's needs. We, in the Congress, must help to insure that this and other promising initiatives for stronger economic and commercial links with China will blossom and bear fruit.

The Chinese Government, although cautious, seems also to be extending its hand to secure improved economic and commercial ties with the United States. One of the most interesting summaries of how the Chinese view the developing ties with the United States was published as a supplementary insert in the New York Times on October 3, 1983. China's Ambassador to the United States, Zhang Wenjin, described the promises and challenges involved in closer ties between our two countries.

Mr. Speaker, it is imperative that the people of our Nation understand that the United States is on the verge of developing important new links with China, a nation that represents about one-third of all the people on Earth. It is important that our people, particularly those involved in businesses, obtain as much information as possible about China and her people. As chairman of the Special Subcommittee on U.S. Trade with China, I am committed to increasing communication between our two nations and reducing barriers for commercial and economic relations.

Following is the statement of Ambassador Zhang:

[From the New York Times, Oct. 3, 1983]

SINO-U.S. RELATIONS: PROMISES AND CHALLENGES

Since the founding of the People's Republic of China in 1949, great progress in all fields has been achieved. Now, there exists a favourable political situation of stability and unity. The living standards of our one billion people have been substantially improved. The gross industrial and agricultural output in 1982 surpassed the 4 percent annual growth rate set for the present Sixth Five-Year Plan. The whole nation has embarked on a modernization drive—modernization in industry, agriculture, science and technology, and national defense—and strives to quadruple the gross annual industrial and agricultural output value by the end of this century.

Externally, China adheres to an independent foreign policy, taking opposition to hegemonism and safeguarding world peace as the basic points of departure. China attaches great importance to Sino-U.S. relations, believing that the development of these relations is not only in the fundamental interests of both our peoples but also conducive to world peace and stability. Therefore, China stands for establishing, enduring and stable relations with the United States on the basis of the Joint Communique of January 1, 1979 on the establishment of diplomatic relations and the August Communique of 1982. In recent years, a series of agreements, accords and protocols have been signed between the two governments, covering various aspects of our relations. Multiplication of exchanges in various fields has contributed to the friendship and well-being of both peoples. Thousands of Chinese scholars and students are here on American campuses. Numerous visitors come and go, ignoring the vast distance posed by the Pacific Ocean. In the economic field, China pursues a policy of opening to the outside world, which has brought a substantial increase in trade between our two countries. Chinese and American companies have in recent years signed more than 100 contracts and agreements. The two-way trade turnover in 1982 topped $5 billion, which is almost six times that of 1978. As China is setting out to revamp its enterprises and strengthen its energy, mineral, transport and communication and other sectors of the national economy, we can find more sectors for further cooperation.

However, it must be pointed out that there still remain certain obstacles to the development of Sino-U.S. relations, the chief one being the Taiwan question. Our principled position is that there should be no infringement on China's sovereignty and no interference in China's internal affairs. We hope that the existing obstacles will be cleared away one after another so that broader vistas will be opened for a constructive relationship.●

GREATER PITTSTON AMBULANCE ASSOCIATION OBSERVES 30TH ANNIVERSARY

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. HARRISON. Mr. Speaker, on Saturday evening, October 22, the Greater Pittson area will celebrate a significant event. The Greater Pittson Ambulance Association will observe its 30th anniversary with a dinner-dance. At that time, the association will pay special tribute to its past president, Frank C. Castellino, who also serves as the recorder of deeds of Luzerne County.

There is no question that the Greater Pittston Ambulance Association is one of the most active in all of the Wyoming Valley. In 1979, it had 1,200 runs and with each passing year, the number has either remained the same or actually increased.

The association has raised funds to purchase the most modern of medical equipment. As a community service, it distributes vials of life to senior citizens. It takes part in fire drills at schools and multiunit apartment buildings.

In 1982 a paging system was put into service enhancing the ability of calling volunteers to man the ambulance. Cooperative understanding was reached with nearby communities whereby each is a standby for the other should two calls occur at the same time.

Currently, the association is comprised of 34 attendants. Of these, 3 are paramedics, 9 are EMT's, 20 hold current first aid and CPR cards, 2 are enrolled in EMT classes and 3 of the EMT's have had other medical training.

The officers of the association are James Ruane, president; Frank Roman III, vice president; Louis Calabrese, treasurer; Susan Monk, secretary; James Rooney, captain, and Bill Williams, Herry Walsh, and Susan Monk, cocaptains.

For all of these community volunteers and, in particular, for Past President Castellino, next Saturday's celebration will be a well-deserved reflection of hard work and significant achievement for the community. And that spirit of voluntarism is, of course, Mr. Speaker, what has made America great over the past two centuries.

And so it is my pleasure to join in paying tribute to the greater Pittston Ambulance Association on its 30th anniversary, acknowledging the tireless efforts of its volunteer officers and members and of according special recognition to Recorder of Deeds Frank C. Castellino as he is honored by his colleagues for so many years of community service.●

THE RESIGNATION OF JAMES WATT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 19, 1983 into the CONGRESSIONAL RECORD:

THE RESIGNATION OF JAMES WATT

On Sunday, October 9, James Watt submitted his resignation to Ronald Reagan. The President accepted it with reluctance, thereby ending the term of one of the most controversial secretaries in the 134-year history of the Department of the Interior. To most observers, the resignation came as no surprise. Faced with mounting pressure from the public at large, open speculation in the media as to his replacement, and a resolution of no confidence pending in the Senate, Mr. Watt chose the reasonable course and stepped aside.

Hoosiers do not generally focus on the Department of the Interior, but its secretary has a very important job. He manages an annual budget of $6 billion, controls over 500 million acres of federal land, and has trust responsibility for some 50 million acres of Indian land. He guides the conservation and development of mineral and water resources, the conservation, development, and utilization of fish and wildlife resources, and the coordination of federal and state recreation programs. He oversees the preservation of scenic and historic areas, operates employment programs for young people, and reclaims arid land in the western states. He administers necessary services for native Americans, hydroelectric power systems, and the social and economic development of American territories. It is no exaggeration to say that Mr. Watt wielded great power.

A barrage of justifiable criticism has been levelled at Mr. Watt, but it should be pointed out that he displayed some positive traits during his tenure in office. Mr. Watt was a very vigorous man (a "mover and shaker" in Washington terms) with a clear vision of his goal as secretary. His energy and single-mindedness enabled him to drive a large bureaucracy. He knew the intricacies of that bureaucracy as well as any of his fellow cabinet officers knew the intricacies of theirs, and, recognizing that his secretaryship was no "one-man show", he skillfully surrounded himself with supportive appointees who were capable of translating his philosophy into action. Mr. Watt understood and used mining interests and land developers, two strong political constituencies, to his advantage. He enjoyed a close relationship with his boss. Mr. Watt was loyal to the President, and Mr. Reagan trusted him.

There can be little doubt that Mr. Watt's propensity for misstatement got him into trouble and eventually cost him his job. Just a few words were enough to topple him in the end, but the bad feeling caused by his loose talk had been building for more than two years. Among other things, Mr. Watt had called for a "Christian revolution," impugned the patriotism of liberals, and spoken of Indian reservations as failed experiments in socialism. It was the reaction to his description of the people on his own coal leasing advisory commission that finally tipped the scales against him. Mr. Watt joked that he had "a black, a woman, two Jews, and a cripple—and talent" on the commission. His crude attempt at humor deeply embarrassed the President. A prominent Republican Senator complained that "we just can't stand every two or three months Mr. Watt's making some comment to offend another 20 or 30 or 40 million people." His ill-considered remarks had offended too many sizeable portions of the electorate too often.

Perhaps Mr. Watt's personal style was a more fundamental cause of his demise. I think that his combative ways worked very much against him. He had an appetite for controversy, a penchant for confrontation, and an inability to resist a fight. Mr. Watt never placated Congress, nor did he build bridges to important political constituencies. He simply plunged ahead, making enemies unnecessarily time and again. His appearances before committees of Congress, for example, frequently became verbal "shootouts". With more than a touch of arrogance, Mr. Watt would present his testimony and argue his position as if he were engaged in a religious crusade. He would attribute all sorts of unsavory motives to his opponents, claiming, for instance, that they favored social engineering. I never saw Mr. Watt soft-pedal his views. Indeed, he always impressed me as a man who would rather lose a "whole loaf" for ideological reasons than win "half a loaf" through compromise.

The most fundamental cause of Mr. Watt's difficulty was the substance of his policies. The agenda that he pursued was radical in the sense that it departed markedly from the agendas pursued by previous secretaries, both Republican and Democrat. Rather than following his predecessors by making an effort to balance environmental and development interests, Mr. Watt aggressively pushed development. For example, he opened up the entire outer continental shelf for oil and gas leasing and allowed industry to choose tracts. He greatly accelerated the leasing of federal coal, geothermal, and onshore oil and gas property despite recession in the energy market. He revoked many restrictions in order to free up more federal land for mining. He sharply boosted sales of federal land to private interests. He stopped buying land for national parks and raised fees for visitors. He proposed less land for designation as wilderness. Many other examples could be cited to show Mr. Watt's one-sided emphasis.

Mr. Watt regarded himself as a champion of development, whose mission was to turn back a rising tide of environmental regulation. When Mr. Reagan was elected to office, there did seem to be a consensus in the nation that environmental rules should be reviewed, revised, and reformed. Mr. Watt's relentless push for development, however, shattered whatever consensus might have existed. He turned many people who had been thinking of reform—people who might have supported a more deliberate approach—into committed opponents. The environmentalists repudiated Mr. Watt from the start, but in the end almost all had had enough.

Mr. Watt's most serious error was his failure to comprehend what most Americans really want. If there has been rapid growth of environmental regulation in this country, it occurred because people place a very high premium on environmental protection and resource conservation. They also want development and the work it creates, but they believe that it is possible to strike an enduring, productive balance between the competing sets of values. Mr. Watt was not a man of balance.●

ACCOUNTING FOR AMERICANS IN SOVIET HANDS

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. HANSEN of Idaho. Mr. Speaker, 49 days ago, we, in the United States and the rest of the free world, were horrified by the brutal murder of those on KAL 007 by the Soviets. In the intervening time, we have watched the people in and out of Government, who refuse to learn who these murderers are, attempt to blur and argue out of existence the enormity of the crime and the stark light it throws on who the Soviets really are.

Today, I am introducing in the House a resolution which again reminds the Congress that KAL 007 is not an isolated incident but the latest in a continuing policy of contempt for the lives of anyone in the mad dash of the Soviets to rule the world. KAL 007 was not a "tragedy," nor a "mistake," nor was it a natural or understandable response by the Soviets. It was an act of war by an empire which does the same kind of thing over and over only to have the Western press and their apologists in Western governments cover up and deflect public indignation over cold-blooded murder.

My resolution sets out four similar incidents going back to the end of the Second World War; in each of them there are indications of survivors. It includes by reference a list of more than 30 such incidents, in each of which the Soviets shot down foreign aircraft and in each of which the fate of the occupants has been swallowed up by the workings of the Soviet police state and the concerted silence of the American apologists for that police state.

As of yesterday, the Soviets are still actively seeking to prevent the accumulation of the remains of KAL 007, and precise information concerning the fate of those onboard. How long can we afford to accept the misrepresentation of Soviet methods and goals for the sake of some unreal hope that the Soviets are just like everyone else. I, for one, am insulted to be compared as an American with a regime whose principal characteristic for six long decades has been its disregard for human life, human values, and the opinions of mankind.

There is no hope to build a safe world in covering up or misunderstanding the nature of the state which, in the last 40 years, has created most of the world's wars and almost all the misery it uses to stir up the Third World. The facts tell us what is it we face, and we would be ill-advised to delude ourselves about what those facts portend.

The text of my resolution follows:

H.J. RES. —

Joint Resolution instructing the Secretary of State to provide the Congress with complete information concerning the number of American nationals now held by the Soviet Union or so held at any time since the cessation of hostilities at the conclusion of World War II, and all steps taken to identify and recover such persons

Whereas the nation was shocked and enraged by the wanton murder of innocent passengers and crew of Korean Airlines Flight 007 last month, and

Whereas this is not the first time the Soviet government has shot down airplanes on the periphery of its empire, and

Whereas in the more than thirty incidents of airplanes shot down by the Soviets, there have been several in which there were verified and possible survivors, and

Whereas it is the obligation of the Soviet government to inform the government of the United States of the identify of any American national held by the Soviet government, and

Whereas there is clear evidence that the Soviet government hold and has held scores of American nationals as a result of shooting down aircraft without ever advising the United States and without admitting that it so holds American nationals,

Now therefore be it resolved by the Senate and the House of Representatives in Congress assembled,

That the Secretary of State be instructed to provide the Congress with complete information concerning the number of American nationals now held by the Soviet Union or so held at any time since the cessation of hostilities at the conclusion of World War II, and

That the Secretary provide the Congress with the total record of any and all steps taken by the Department of State or by any other agency of the Government of the United States to identify and recover the persons or remains of American nationals held by the Soviet government, and

That in particular, the Secretary provide such detailed information with reference to the following incidents:

A. Baltic Incident USN Privateer—April 8, 1950—Soviets report firing on U.S. plane over Latvia near Leipaja (Libau). Crew: Howard C. Seeschaf, 264095; John Fette, 320676; Robert Reynolds, 368573; Tommy Burgess, 506762; Joe Henry Danens, 368438; Jack Thomas, 224750; Frank Beckman, 2799076; Edward Pureili, 2540438; Joseph Rinniar, 2542600; and Joseph Bourassa, 9539864.

B. Kamchatka Incident, USAF—B-29, June 13, 1952—Soviets report firing on B-29 which was downed over Kamchatka peninsula or the Sea of Japan.

The missing personnel and their serial numbers from the B-29 are: Samuel Busch, 733811; James Scully, 693414; Samuel Service, 752509; Robert McDonnel, 2222264; William Homer, 7025704; David Moore, 15229915; William Blizzard, 19244175; Miguel Monserrat, 13164064; Eddie Berg, 17281746; Leon Bonura, 18359162; Roscoe Becker, 19391813; and Danny Pillsbury, 18245964.

C. Kamchatka peninsula, Sea of Japan, incident USAF B-50—July 29, 1953—Soviets report Soviet fighters fired at B-50 for violating Soviet borders over Gamona and Askold Island near Vladivostock. They say the craft disappeared. One crewman was saved by an American destroyer. He saw crewmates being picked up by Soviet ships; 16 airmen are missing.

D. Armenian incident—USAF C-130. Soviets report USAF Transport shot down in Armenia. Six bodies have been returned to the U.S. Eleven others unaccounted for. U.S.S.R. magazine "Ogoniok" citing article in E. German publication reports eleven crew members of C-130 parachuted safely and were captured. U.S.S.R. later denies report.

And

That, the Secretary include in his report, all information available with reference to those instances set forth in the Congressional Record of September 14, 1983, on pages 23988 and 23989.

INDUSTRIAL POLICY: OUR FUTURE ERROR

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. SHUMWAY. Mr. Speaker, although the idea that our economic performance can be improved by adopting industrial policy is currently getting a good deal of attention, it turns out that most economists are quite skeptical of both the premises underlying the concept and specific proposals.

Writing in the Los Angeles Times, George Perry of Brookings explains the situation clearly:

The idea that there are imperfections in markets holds out the possibility that government action to offset these imperfections could improve national income and aid growth. But . . . a random outcome is the best one could expect. And a random overriding of the market would clearly reduce national income.

Perry concludes by stating flatly that "industrial policy would be a mistake," an assertion that I quite agree with.

The full text of Perry's article follows:

[From the Los Angeles Times, Sept. 27, 1983]

INDUSTRIAL POLICY: OUR FUTURE ERROR

(By George L. Perry)

I recently participated in a conference sponsored by the Federal Reserve Bank of Kansas City on the general subject of "Industrial Change and Public Policy." All the sessions at the conference, papers from which will be published by the bank, directly or indirectly addressed the need for an "industrial policy" in this country.

This is the catchall name for policies that would target direct government assistance to selected industries, principally through old-fashioned protection from foreign competition or new-fashioned investment subsidies for selected industries. The interest in such programs grows out of the hard times experienced by many industries at present and in the recent past. Such proposals are increasingly popular in Washington and in the business and labor communities and are likely to be a focal point of the political debate in the coming election year.

Proponents of industrial policy base their case on some or all of the following propositions: American industry is suffering from unfair competition from abroad, and for this, and possibly other reasons, American industry is losing its ability to compete in industrial products generally. There are projects and industries that are not adequately supported by the private market system but that promise large returns to investment in the long run. The right firms and industries can be identified for support by government programs.

ECONOMISTS GENERALLY OPPOSED

The reaction of the economists at the conference to the industrial policy proposals ranged from cautious (a few) to skeptical (a few more) to clearly opposed (the great majority). And it is instructive to see why this is so when these ideas are so popular in other circles. It seems to me that there are three main reasons: One is an interpretation of the present plight of American industries and the other two are based on the economists' distinctive perspective on the economy.

First, economists recognize that much of the severe recession confronting the industrial heartland of America stems from the fiscal and monetary policies that have been pursued for the last few years and that are in place today. To deal with these problems, they advocate changes in budget and monetary policies that would reduce budget deficits, lower interest rates, stimulate world expansion and return the foreign exchange value of the dollar to a more competitive level. With these macroeconomic corrections in place, remaining industrial changes would reflect desirable long-run trends in what this country produces and sells and what it buys, from others.

Second, unless they are employed by or otherwise cater to some special interest, economists evaluate policies by their effect on the general interest. Industrial policies, by their nature and intent, target industries for special assistance. The benefits to the assisted sector are clear to everyone. The costs to the economy in general, and therefore to the population as a whole, are diffuse and less visible. But they are what economists look for and what others miss.

Third, and relatedly, economists are trained to think about economic efficiency—how labor and capital should be allocated to produce the highest levels of national output and income. Except under very special circumstances, policies that override market forces for the purpose of diverting capital and labor from one industry to another reduce national income and therefore the general good.

Advocates of an industrial policy sometimes acknowledge the general propositions that I have just described but argue that they apply only to abstract models of the world. But the economists at the conference were not naive on such matters. They were extremely able, including two Nobel Prize winners and some of the brightest young stars of the profession. They were not doctrinaire, free-market extremists. All had a professional interest in policy issues, and most had Washington experience.

By and large they operated within an analytic framework that recognized that the world is imperfect. But they doubted our ability to improve efficiency through protection or subsidies. And they recongized that government programs to target assistance of either sort would be governed by politics, not economics. The general feeling was not simply that such programs would not help, but that they would do real harm.

DIFFICULT TO IMPLEMENT

Paul Krugman's paper for the conference specifically analyzed the criteria that advocates of industrial policy have proposed for selecting industries to target for support. He showed that none of them are promising or easy to implement and that two popular criteria—choosing those industries that have high value-added per worker and industries that are targeted by governments in other countries—would be clearly counterproductive.

Industries with high value-added per worker generally have a high ratio of capital per worker (or employ exceptionally skilled labor). Oil refining and chemicals are prime examples. Diverting capital to them from elsewhere would reduce total employment and total output and income. Krugman points out that just this kind of targeting strategy contributed to the failed development plans in many less developed countries.

Industries that have been targeted by other countries already suffer from overproduction and excess capacity, steel and wheat being two examples. The return to investment in these industries is thus already low. Krugman observes that subsidizing them further in this country would only produce a still lower social return to investment—the opposite of the argument for targeting—and lead to still greater excess capacity.

The idea that there are imperfections in markets holds out the possibility that government action to offset these imperfections could improve national income and aid growth. But the possibility of actually finding the right places to intervene is low. And the thought that a government program would find the right places is implausible. A random outcome is the best one could expect. And a random overriding of the market would clearly reduce national income. Industrial policy would be a mistake. But since only economists seem to realize it, it may be in our future.●

VISIT TO HAZLETON, PA., BY KENNETH B. CANTOLI, GRAND EXALTED RULER, ELKS

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. HARRISON. Mr. Speaker, on Saturday, October 22, the Hazleton Lodge of Elks will be honored by a visit from Kenneth B. Cantoli, the Grand Exalted Ruler of all 1,600,000 Elks nationwide.

Mr. Cantoli is a lifelong resident of New Jersey, who has compiled a record of outstanding and unselfish service to the Benevolent and Protective Order of Elks. He has been a district and national officer of the ritualistic committee and of the auditing and business practices committee. He has served as a member of the board of grand trustees and as vice chairman of that board.

He holds a BA degree in accounting from Upsala College and a doctorate of law from Seton Hall University. Prior to entering his own tax accounting practice, Mr. Cantoli served as a Federal Treasury agent. He is married to the former Ruth Rogers and their marriage has been blessed with three children and three grandchildren.

The visit of the Grand Exalted Ruler to Hazleton, Mr. Speaker, affords me an opportunity to reflect on all the good work which the Hazleton Lodge of Elks has performed over the years. It has been active in all facets of the community life to the "Mountain City," and has, indeed, proved that charity is the cornerstone of Elkdom.

And so on this occasion it is my pleasure to join with my friends in the Hazleton Lodge of Elks in welcoming their Grand Exalted Ruler to the city of Hazleton and in northeastern Pennsylvania. I look forward to joining them for a dinner of celebration that evening and am happy to have had this opportunity to share this happy occasion with my friends and colleagues in the House.●

THE MULTIDIMENSIONAL SOVIET THREAT TO PEACE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. YOUNG. Mr. Speaker, I wish all Americans had an opportunity to take a look at the front page of yesterday's Washington Post because three articles appear there which clearly show the many different ways the Soviets continue to threaten the balance of world peace.

The Post continued yesterday its week-long series entitled "Afghanistan—Inside a Soviet War Zone." The article details Soviet activities inside a nation that has been occupied by Soviet troops since its military invasion of Afghanistan 4 years ago.

Another story reveals that an American has been charged with selling classified national security documents to Polish agents who were acting as surrogates for the Soviet KGB.

Finally, in a third story the Post quotes a high-ranking Soviet general who admits for the first time that Soviet nuclear missiles are already deployed in Eastern Europe and that the Soviets are contemplating positioning nuclear missiles within 10 minutes of targets in the United States.

Perhaps accounts of Soviet aggression, spying and nuclear armament have become too commonplace to draw attention from the American public. However, the evidence is there for all the world to see that it is the Soviet Union, and not the United States, which poses a multidimensional threat to world peace and public awareness is one of the most important weapons we have to combat this Soviet threat.●

LEGISLATION TO REFORM THE FEDERAL UNEMPLOYMENT COMPENSATION PROGRAMS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. CONTE. Mr. Speaker, I have introduced legislation today to make major reforms in the Federal unemployment compensation programs. Specifically, my legislation would liberalize entitlement to extended benefits (EB), extend the Federal supplemental compensation (FSC) program for 18 months, and make two minor amendments to current law dealing with the treatment of unemployed individuals.

Mr. Speaker, my colleagues know the recent action by the Congress to extend the current FSC program until October 18. It is doubtful that the Ways and Means-Finance conference will be able to agree on a compromise between the two dramatically different bills by then; it may be that we will vote again on a short extension of the current program. The administration has requested an 18-month extension; the Ways and Means Committee initially proposed a 9-month extension. Neither proposal, however, addresses the fundamental problems with unemployment compensation programs in general.

There are currently two Federal programs which provide extended unemployment compensation to individuals who are out of work, after they exhaust their entitlement to state unemployment compensation: Extended benefits (EB) and FSC. My legislation addresses both areas.

Under present law, an individual who has exhausted his State unemployment benefits is allowed to collect an additional 13 weeks of EB if his State is "triggered on" the program. The EB program is paid for one-half out of Federal revenues and one-half out of the State unemployment trust fund. A State is "triggered on" the EB program if either of the following is true: First, the insured unemployment rate (IUR) is 6 percent, or, second, the IUR is 5 percent, and is 20 percent higher than the same 13-week period the year before.

At the present time, only two States pay extended benefits.

There are, however, many problems with the so-called EB trigger. One major problem is the fact that as a recession worsens, many States begin to trigger off the program, as evidenced by the fact that only two States are currently paying EB.

Entitlement to EB is based on a State's insured unemployment rate (IUR), which is the fraction representing the number of individuals in a

State claiming State benefits divided by the number of individuals working in jobs in the State which are covered by the unemployment program. Thus, if a State has 25,000 claimants for State benefits and 500,000 employees statewide, the IUR in the State would be 5 percent. Unfortunately, as a recession worsens, individuals begin to exhaust their entitlement to State benefits and the numerator in the fraction becomes smaller, thus lowering the IUR—even though many individuals remain unemployed. In a prolonged recession, the IUR is an inaccuate measure of a State's unemployment rate.

Prior to 1981—specifically, prior to passage of the Omnibus Budget Reconciliation Act of 1981—the numerator in the fraction included recipients of EB, thus extending the time before which a State could trigger off EB. Returning to the prereconciliation rules, however, does not seem desirable, as a State could have difficulty triggering off EB.

My legislation addresses both problems. It would amend the formula for determining entitlement for EB by linking payments to a new base average unemployment rate (BAUR), which would be the combined total of the IUR and total unemployment rate (TUR) divided by 2. For example, if a State's IUR were 3.5 percent and its TUR were 6.2 percent, its BAUR for purposes of determining eligibility for EB would be 4.85 percent.

As well, the triggers for determining eligibility for EB would be amended to the following: First, the BAUR would have to equal 5.5 percent, or, second, the BAUR would have to equal 4.5 percent and be 30 percent higher than the equivalent 13-week period in the previous year.

My legislation would also address the possibility of using sub-State triggers to determine eligibility for extended benefits. This would be done because a State may have an overall low unemployment rate with pockets of unemployment that greatly exceed the lower State level. Under my legislation, the Department of Labor would be required to compile unemployment statistics—both the IUR and TUR—on unemployment in counties. The report would have to be completed within 6 months of enactment. After this report is completed, the BAUR of each county would be calculated, and EB would be paid in those counties that meet the new EB criteria. As a general rule, an individual would be eligible for EB if the county in which he or she last worked met or exceeded the EB triggers.

My legislation would also extend the FSC program, which expires on October 18 of this year. Under the bill, the FSC program would be extended to February 28, 1985. Benefits would be paid as follows: First, 14 weeks in States with 9 percent BAUR or above; second, 12 weeks in States with a BAUR of 8-8.99 percent; third, 10 weeks in States with a BAUR of 7-7.99 percent; fourth, 8 weeks in States with a BAUR of 6-6.99 percent; and fifth, 6 weeks in all other States.

Unlike the legislation proposed by the administration, however, my bill contains a "reachback" provision, so that individuals who had exhausted entitlement to FSC on or before October 18 could receive additional weeks of benefits, up to a maximum of 6 weeks. Under the rules in my bill, individuals who have entitlement to FSC remaining, or have exhausted all entitlement, could receive additional weeks of benefits up to one-half of their new FSC entitlement. In no event, however, could an individual who had entitlement remaining receive more weeks of FSC benefits after October 18 than the maximum number of basic weeks of FSC payable in the State as of that date.

My legislation also contains a guarantee against benefit reductions. Under the legislation, the maximum number of basic FSC weeks payable in a State will not be reduced more frequently than every 3 months, and will not be reduced more than 2 weeks in any 3-month period. Qualified unemployed workers will continue to be eligible for at least the number of FSC weeks to which they were entitled at the time they first qualified for FSC, even though the maximum number of basic FSC weeks payable in the State decrease because of a reduction in the State's BAUR.

As well, the FSC program would trigger on again when the national BAUR exceeded 7 percent. The Department of Labor would calculate this figure monthy after March 1, 1985, and the program would last until 3 weeks after the national BAUR dropped below 7 percent.

Finally, my legislation makes two minor amendments to current law. First, it allows an individual to withdraw money from his or her individual retirement account (IRA) before age 59½ if the individual has, in the preceding 12-month period, exhausted all rights to State and Federal unemployment compensation. Under present law, an individual generally is subject to a penalty tax equal to 10 percent of any distribution from an IRA. This provision is identical to a Senate provision in the recently enacted Social Security Amendments of 1983, that was deleted in conference.

Second, my bill would allow States the option of denying unemployment compensation to nonprofessional employees of educational institutions during the months in which they are out of work. This provision would not require States to deny these benefits, as under current law.

Mr. Speaker, this legislation will be an important reform of the unemployment laws in our Nation. I plan to share it with the members of the Ways and Means Committee, and hope that they will consider my ideas as they begin consideration of a longer extension of the FSC program.●

OLYPHANT'S 125TH ANNIVERSARY OF COAL MINING

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. McDADE. Mr. Speaker, the Borough of Olyphant in the 10th Congressional District of Pennsylvania celebrated the 125th anniversary of coal mining within that area on Saturday, October 15, 1983. The Committee of Olyphant Residents and Taxpayers, the sponsors of the celebration, deserve our recognition and our best wishes.

Coal mining was the industry that built America. The great industries of the Northeast and Midwest—steel, auto, and the like—would not have been possible without the dedicated, hard-working coal miners of years past. This native energy source provided the fuel to move America into the industrial age and beyond to our new technologies.

As the community of Olyphant gathered in the Hall of St. Michael the Archangel Church on Saturday night for this special commemoration, I want them to know that my best wishes went with them. I commend, this convocation to my colleagues that they may take note of the significance of this special event.

Mr. Speaker, every now and again an event like this reminds us of the role of a vital part of this country's history. The coal miners of Olyphant were a force that made this country into what it is today.●

PETITION REFLECTS EUROPEAN CONCERN ABOUT U.S. CENTRAL AMERICAN POLICY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. SOLARZ. Mr. Speaker, we are considering this week an important measure concerning the direction of U.S. policy in Central America. One of the many arguments against continued U.S. covert assistance to those who are trying to harass or overthrow the Nicaraguan Government is that such assistance intensifies anti-Americanism throughout the hemisphere and in Europe.

A symptom of the concern our Central American policies arouse in Europe is a petition I have just received from West Berlin with 2,908 signatures calling for the United States to stop military aid to El Salvador, supplies to the contras, and military maneuvers in the Caribbean. While both the left and the right share responsibility for the complex conflict in Central America, and while resolution of that conflict will require more than a cessation of American arms supplies, this petition is an example of how our current policies cause us problems throughout the world. Our support of the contras makes the United States sound hypocritical when we decry Soviet and Cuban activities in El Salvador and elsewhere in the world, undercutting the support we need in the hemisphere and in Europe to effectively counter communism.

Following is the text of the petition I received from the Middle-America Solidarity group in Berlin:

MITTELAMERIKA SOLIDARITÄT,
ANGELA SKOMSKE, BERLIN WEST,
August 6, 1983.

MR. SOLARZ,
Representant of the US-Congress, Washington, D.C., U.S.A.

DEAR SIR: We have read about your activities for the sake of Central America in a Berlin-newspaper (Tagesspiegel, 19.7.83). We support your standing in the US-Congress for the stop of the military expense of El Salvador, and that no more means be granted for the antisandinistic 'Contras' in Honduras. And surely you agree with us, that all military manouvers in the caribic region must be stopped, since they are a threat for the security of Nicaragua.

We believe, the former US-minister of justice Mr. Clark is right, as he said: "when the supply of weapons would be stopped, the government of El Salvador would change within a week and the people in Nicaragua would live in peace". Behind that is the acknowledgment, that social-revolutionary movements are not a consequence of external interventions, but are developed due to the internal regimes of violence and therefore they are supported by the people. The regimes of violence indeed can only keep on existing through external military aid. If the US-government continues the military support, it tries to hinder a necessary and reasonable process by means of blood and tears.

A lot of people in Berlin West are worried, that the actual US-Central America policy expands to a conflict, which threatens peace in the world. We cannot accept that!

Mr. Solarz, please make this letter known with its signatures to all the representatives of the US-Congress and the US Senate, as well to President Reagan.

We wish you success!

MITTELAMERIKA SOLIDARITÄT.

P.S.: During the Peace Festival at the Reichstag we collected in only 6 hours the total of 2.908 signatures!●

ETHNIC DIVERSITY DAY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. BERMAN. Mr. Speaker, I am privileged to represent many communities of an area built by people of all races and from all backgrounds—the San Fernando Valley. I would call my colleagues' attention to a program begun in 1976, the Valley Experience, which seeks to create a greater awareness among minorities that there are broad opportunities in employment, housing, education, and recreation in the valley.

Sponsored by the Fair Housing Council of the San Fernando Valley, Valley Experience has sponsored job fairs which have attracted more than 4,000 people; the Valley Experience newspaper, with a circulation of over 1,000,000, has further spread the word about opportunities for all in the valley. And weekly tours have given inner-city residents a closeup view of the diversity that is the San Fernando Valley.

In the spirit of the mosaic of cultures that exist in the valley, the Valley Experience sponsors the fourth annual Ethnic Diversity Day, Sunday, October 30. The day celebrates the cultural contributions of many different ethnic groups in the valley. This year's theme is "Walk for Equality, Flower for Humanity."

As our Nation's cities continue to swell with people from many lands and cultures, the Valley Experience program and Cultural Diversity Day stand out as examples of the ways in which we can work together to promote greater understanding and demolish myths about suburban provincialism. I commend the Valley Experience and the San Fernando Valley Fair Housing Council for their outstanding efforts and wish them the greatest success in the future.●

SCHOOL LUNCH PILOT PROJECT ACT OF 1983

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Ms. SNOWE. Mr. Speaker, I am pleased to join my colleague, Congressman MCKERNAN, in introducing legislation that would restore the validity of the pilot project study of alternative means of providing commodity assistance under the national school lunch program.

In an effect to find a more efficient means of serving our agricultural community and schoolchildren, Congress mandated a study in the fiscal year 1981 Agriculture Appropriations Act instructing the Department of Agriculture to implement a pilot school lunch program in 60 school districts throughout the country. Sixty-four school districts in twenty-nine States volunteered to participate in the pilot program which calls for commodity letter of credit purchasing power or cash purchasing power to replace the present system of commodity assistance. Three school districts thus far has been very enjoyable. In fact, Maine school officials have reported cost reductions and improved efficiency in the delivery system under the pilot program compared to the traditional program. Unfortunately, citing budgetary constraints in providing cash payments to the school districts, the USDA decided in December 1982 to change the methodology in the pilot program and return to the traditional commodity donation procedures for the so-called bonus commodities that these school districts receive.

Consequently, much frustration and concern has been expressed among the school districts affected by the USDA's decision. In my home State of Maine alone, the public school districts of Portland and Bar Mills, Maine, have lost considerable funding as a result of the change in methodology used by the USDA. Moreover, the praise and support that the pilot program has received in its short duration from Maine school officials has also been flagrantly ignored by the USDA.

To correct this situation, this bill would direct the Secretary of Agriculture to continue the pilot program study through June 30, 1986, as well as provide cash compensation to those school districts that sustained losses as a result of the change in methodology. The Agriculture Department should not be allowed to renege on their commitments to those school districts, nor should we alter the legislative intent of Congress to find a more efficient means of delivering healthy food to our Nation's schoolchildren. Therefore, I urge my colleagues to join Congressman MCKERNAN and I in supporting this measure.●

SERVE WITH PRIDE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. PAUL. Mr. Speaker, it is easy, sometimes, to be discouraged about the state of our democracy, given the threats that confront us, from overseas and here at home. In such times, it is good to be reminded of the wonderful extent to which the values on which this Republic was founded live on in the younger generation. That is certainly the case with one of my con-

stituents, Mitch Gready, whose remarks before the South End Houston Optimist Club provide ample—and encouraging—evidence. I commend his remarks to my colleagues.

SERVE WITH PRIDE

Since the Declaration of Independence, Americans have always taken pride in their country and their work. But is seems these days that Americans are losing this pride. Let us take a look at the wages of pride.

Three areas in which too many Americans are no longer serving with pride are: our educational system, business, and politics.

Too many schools tend to let students who don't do the required work pass on to the next grade. As a result, when these students "graduate" from high school, they can't get a job, so they live on welfare; which in turn, makes our taxes higher. Even many of the students who go into the work force don't seem to take pride in what they're doing.

So many Americans seem to take such little pride in what they do, that we must depend heavily on foreign countries for quality products. Hitachi, Alfa Romeo, and Toyota are a few examples of such products. We depend on foreign countries for these quality products because most of the Japanese and the Europeans take pride in what they do. In the U.S., the Chrysler Unions serve as an example of American's lack of pride in their work.

The Chrysler union workers struck after the Christmas holidays. After holiday pay, they wanted increased wages without increased productivity. They were successful in their demands, and the price of Chrysler cars went up. Chrysler now cannot be as competitive. If they don't sell as many cars, layoffs result in the labor force and more people will be on welfare. As a result, our taxes go up. We pay higher prices and higher taxes because too many people want more money for less work.

Today, we can't trust many of the leaders of our country because they're more interested in the short term effect and getting re-elected than in thinking about the long-term effects of their policies. A good example of this is the Watergate scandal. Nixon lied, cheated and spied during Watergate, on the Democratic party in order to be re-elected. Most politicians are making policies that effect the long term growth and productivity of our country by calling for give-away programs that take away people's incentive to work and produce.

Does this mean that America is lost? No. It means we must return to the ideals that made our country great and strong.

I believe that all students should be required to take four years of Economics and Political Science. That would help everybody to understand our country's economic and political systems. Also, those people who want to be mechanics, farmers, or have other vocational occupations should have the proper training from vocational schools. It would be better to train mechanics in school, rather than on our cars.

Furthermore, no student should pass any course unless he does the necessary quantity and quality of work required.

Worker's wages should be based on the productivity of the individual worker and the inflation rate. The worker's salary should not exceed the rate of inflation and the worker's productivity.

An example of Americans beginning to take pride in their work can be seen in the Ford Motor Corporation. Ford now has a quality inspection policy. Employees inspect one another's work to achieve quality manufacturing. The result is that the public will probably get a better automobile.

When we begin to take pride in our educatonal system, we will begin to have better educated voters. Educated voters would be more aware of the long-term effects of the office holder's policies. Also, there should be longer terms for office holders. This would result in the office holder having to think about different constituencies, rather than one, small interest group, or just doing the things that will get him re-elected.

It is a challenge for Americans to serve with pride. We must meet this challenge by serving with the pride that made America great and will keep America great.

As an American I feel that I can serve my country with pride by taking responsibility for getting the best education I can, doing my best at every job I undertake, and being an informed voter.

Sometimes we forget the power of one person. How one person's efforts can influence other people. In fact, everything begins with one person taking action.

As Edward Everitt Hale said: "I am only one, but I am one; I cannot do everything, but I can do something; What I can do, I ought to do, and what I ought to do, by the grace of God, I will do.●

KNIGHTS OF COLUMBUS ASSUMPTA COUNCIL NO. 3987 HONORS REV. JOHN C. MASAKOWSKI

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. HARRISON. Mr. Speaker, on November 6, the Knights of Columbus Assumpta Council No. 3987 will be paying a very special tribute to their faithful friar, the Reverend John C. Masakowski.

Father Masakowski was born to the marriage of John and Stasia Gorney Masakowski on December 1, 1924. He was educated at Holy Trinity Grade School, Nanticoke High School and St. John Kanty College in Erie. He received a degree in philosophy from St. Mary's College, Orchard Lake, Mich., and a degree in theology from St. Cyril and Methodius Seminary, also at Orchard Lake.

Father was ordained into the Holy priesthood by the late Bishop William J. Hafey on June 4, 1949. He held a number of pastoral assignments before coming to St. John the Baptist Church, Larksville, in 1971.

One of father's greatest accomplishments was his work, together with Luzerne County Judge Bernard C. Brominski, in organizing the Assumpta Council of the Knights of Columbus in the Kingston area. He has been chaplain of the council since its inception to this day.

In honoring Father Masakowski, the Knights and Ladies of the Assumpta Council honor his magnificent career in the priesthood and, in particular, his efforts in the formation of the council. And so this will be a very special day in Larksville, on the west side and, indeed, for all of the Wyoming Valley.

It is my pleasure, Mr. Speaker, to join in this tribute to a worthy man of God, the Reverend John C. Masakowski, in the words with which his parishioners saluted the 25th anniversary of his ordination:

Truly, with Mary, Father can acclaim, "My soul magnifies the Lord and my spirit rejoices in God my Savior" as we his parishioners, on this most important day can attest to these words as a form of congratulations.●

REAUTHORIZATION OF THE VOCATIONAL EDUCATION ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. GOODLING. Mr. Speaker, today I am proud to join with the distinguished chairman of the Education and Labor Committee, CARL D. PERKINS of Kentucky and several of my colleagues in introducing the vocational Technical Education Act of 1983, a bill to reauthorize the Vocational Education Act.

This bill will sharply focus the Federal role of assisting States to modernize secondary and postsecondary vocational programs, provide the extra services required to serve special population youth, utilize vocational education resources to train and retrain adults, and focus Federal funds on industry-education partnerships for skill development in the area of high technology. It is the result of extensive work by the American Vocational Association in cooperation with the American Association of Community and Junior Colleges and the State Directors of Vocational Education. I commend these groups for reaching out to the entire education community in the development of this legislation.

This bill contains many positive features and provides an excellent vehicle to focus congressional efforts during the reathorization process. In discussions with one of my colleages on the committee, TOM PETRI of Wisconsin who is also a cosponsor of this bill, we have identified several concerns which we intend to address during the legislative development of the final bill. It appears that an overly optimistic authorization figure might create a false promise to vocational educators especially given our current and projected budget deficits. As the committee acted when developing the Job Training Partnership Act (JTPA), it would probably be more realistic to authorize the bill at a such sums figure which would then allow Congress to fund the

legislation at an appropriate level, balancing the critical needs that this legislation addresses against the budgetary constraints faced by Congress.

Another feature in the bill that must be addressed is the critical need to insure cooperation and coordination with the newly enacted JTPA. This is an essential element if the Federal Government is to ever launch a truly effective attack on this area of critical need in our Nation.

I look forward to the hearings on this bill because I know the committee will benefit from the perspectives of local, State, and national officials whose programs and activities will be affected by this legislation. These hearings will be crucial to the legislative process, and I intend to listen carefully to the views presented.●

A BIPARTISAN STATEMENT OF SUPPORT FOR THE UNITED NATIONS

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. LEACH of Iowa. Mr. Speaker, recent statements by U.S. representatives to the United Nations followed by Senate approval of the Kassebaum amendment to cut U.S. assessed contributions to the United Nations have provoked a national debate in this country over the value of the United Nations to U.S. national interests and the appropriateness of maintaining the U.N. headquarters in the United States.

President Reagan responded to that debate by addressing the U.N. General Assembly on September 26, 1983, at which time he praised the United Nations "proud history of promoting conciliation and helping keep the peace," and pledged that the United States would uphold the original ideals of the United Nations. That was followed by statements from the administration in firm opposition to the Kassebaum amendment.

During recent hearings held by the Subcommittee on Human Rights and International Organizations on the U.S. role in the United Nations, a statement of support for the United Nations was submitted with the endorsement of an impressive bipartisan list of former Secretaries of State, National Security Advisers, and U.S. Representatives to the United Nations. In light of its timeliness and importance, I commend that statement to the attention of my colleagues.

THE UNITED NATIONS: A STATEMENT OF SUPPORT

The United Nations is an important instrumentality in the conduct of American foreign policy. Our experience, both in our public and private roles, has brought this home to us.

The United Nations provides this country with a forum for protecting and promoting our own interests as well as for seeking solutions to problems we share with other countries.

It is appropriate as well that this country should be the site of the United Nations, given the vision that has guided us as a nation and given the role we play, on all levels, in the world today.

We all recognize the shortcomings of the United Nations, but we live in a very imperfect and increasingly dangerous world and we must make the best use possible of whatever means we have for managing the problems that beset us.

George W. Ball, Permanent Representative to the UN—1968.

Zbigniew Brzezinski, National Security Adviser—1977-81.

McGeorge Bundy, National Security Adviser—1961-66.

Arthur J. Goldberg, Permanent Representative to the UN—1965-68.

Alexander M. Haig, Secretary of State—1981-82.

Henry A. Kissinger, Secretary of State—1973-77. National Security Adviser—1969-74.

Donald F. McHenry, Permanent Representative to the UN—1979-81.

Daniel Patrick Moynihan, Permanent Representative to the UN—1975-76.

Edmund S. Muskie, Secretary of State—1980-81.

William P. Rogers, Secretary of State—1969-73.

Dean Rusk, Secretary of State—1961-69.

John A. Scali, Permanent Representative to the UN—1973-75.

Brent Scowcroft, National Security Adviser—1975-77.

William W. Scranton, Permanent Representative to the UN—1976-77.

Cyrus R. Vance, Secretary of State—1977-80.

Andrew Young, Permanent Representative to the UN—1977-79.●

THE AMERICAN WORK FORCE IN TRANSITION

HON. STUART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. McKINNEY. Mr. Speaker, today, the Northeast-Midwest Congressional Coalition held a conference entitled "shaping the Work Force of the Future," representing the culmination of several regional workshops conducted over the past several months in our part of the country.

Our region is leading the country in a dramatic industrial transformation that has already had profound impact. We, in Congress, are struggling to understand the nature of our industrial changes and how best to react to them. I think the coalition's conferences have dramatized the need for a renewed commitment to education and training, an investment in people, as the best means to meet the future challenge.

The luncheon speaker at today's conference was William S. Woodside, chairman and chief executive officer of American Can Co., which has its headquarters in my district. Mr. Woodside represents the type of business leader whom this country will need in the coming decade: not only dedicated to the success of his company in new areas, but concerned with the fabric of our society and the future for our young people. He has been actively involved with the Business Roundtable, the Committee on Economic Development, and regional planning in the Greater New York area.

I would like to reprint for my colleagues the text of Mr. Woodside's speech, which outlines clearly the direction we must follow in our legislative deliberations on this topic.

THE AMERICAN WORKFORCE IN TRANSITION

(By William S. Woodside, Chairman and Chief Executive Officer, American Can Co.)

Since the purpose of this conference is to focus on specific issues and direct experience rather than on elaborate theories, let me recount our experience at American Can. I think it is fairly typical of the problems faced by industrial America and the concerns we now have as a Nation.

American Can has gone through a major transformation during the last 10 to 12 years. In 1972, we were one of the traditional "Smokestack" industries like steel, rubber, and glass. We had helped support American economic growth for decades.

As our markets contracted and our plants rapidly became noncompetitive, we realized that our days as a company whose primary businesses were capital-intensive manufacturing were numbered. We could not afford the high capital cost to remain competitive in both our packaging and paper businesses. Our future—assuming there was a future—lay in consolidation, productivity improvements, and new, high growth businesses.

We reorganized and diversified. We became a company with three principal businesses: Packaging, financial services, and specialty retailing. Our first diversification was in specialty retailing, which shortly thereafter put us firmly in a fast-growing sector of the economy. The divestment of our capital-intensive paper businesses provided the capital to launch our financial services sector—now the fastest growing in that industry.

Our packaging business has been consolidated into a much more efficient operation. We have moved into specialized packaging, making metal and plastic products for targeted, higher growth markets. To achieve this, we spent nearly $400 million in innovative, new manufacturing technology, modernizing some old packaging plants and building new ones in communities where we already were located.

These actions dramatically increased productivity and made us much more competitive. They allowed us to save jobs and maintain our contribution to the tax base in communities such as Lemoyne, Pa.; Chicago, Ill.; Hammond, Ind.; Fairport, N.Y.; and St. Paul, Minn.

We have been active on other fronts as well. In Cleveland, Ohio, we are part of an innovative public-private partnership between city officials, industry, and labor aimed at stemming capital flight, encouraging reinvestment, and thereby maintaining

and developing jobs, rather than eliminating them.

But don't be misled. The pluses and minuses do not always balance out. American Can survived as a company, but the cost was high—to us and to our employees. This has been a difficult period for everyone. Each decision was difficult. Many people were hurt. Many people still hurt. But we had only two alternatives.

We could retrench, reorganize and diversify and still maintain a competitive level of industrial capacity. Or, we could close our eyes to our projections and proceed blindly until we could no longer sustain our packaging and paper businesses. Some may find fault with the first alternative. Let me assure you—the second would have been much worse.

Could we have made better decisions? Could the impact of those decisions been less painful? Possibly. A meeting like this, with its emphasis on various responses to economic transformation, would have been a great help 12 years ago.

When we made our watershed decisions in the early 1970's, we recognized the end of an industrial cycle was upon us. But the process of transformation was largely uncharted back then. We knew other companies had been through similar experiences. But sources for reliable evaluation, information, or assistance were few and far between, more often bastions of theory than practice. There were no clearinghouses where we could learn what other people had tried, what innovative programs might be relevant, what traps to avoid, what issues we needed to consider.

True, today's economic transformation is similar in many ways to transformations of the past. However, two related factors are fundamentally different: First, the speed with which economic change is occurring, and second, its unpredictability. We once had decades to identify and solve the problems of economic change. Now cycles have been compressed into only a few years. Because we have less time, we have less room for error.

The inability to predict change often results in mind-boggling problems. For instance, the economic strategy report prepared by the Regional Plan Association for the New York-New Jersey-Connecticut area calls for the creation of an additional 500,000 job opportunities for structurally unemployed and displaced workers in the three-State area. It includes upgrading the skills of more than 200,000 now, or soon-to-be, unemployed people; a massive capital investment in water, sewage, waste disposal, transportation and energy systems; attracting more than $6 billion in foreign investments; and expanding high technology industries.

The coalition's presence is not going to reduce the complexity or the intractability of these and other economic issues. There are limits to what any of us can achieve. This coalition does not have all the answers. Nor does anyone else.

But the presence and activities of the coalitions and the institute—the field hearings, the conferences, the background papers, the exposition—are providing us with an outlook and sense of direction that are absolutely essential for the task ahead: A dedication to finding practical solutions to specific problems; and a commitment to the people caught up in the turbulence of economic change.

If our economic problems were limited to a few isolated examples, locations, and industries, we would not need this reminder. But the scope and magnitude of these problems often leads us in a different direction. We start debating the wisdom of a national industrial policy. We analyze the high-tech revolution. We look for the big answer. We seek the one organizing concept, the one definition, the one new phrase that will provide us with a handle on our problems. I am vulnerable to this temptation as chairman of the Regional Plan Association. I suspect you are as well, when you consider the needs of an entire region of the country.

This "big picture" thinking can mislead us. It can convince us that we know more about dramatic economic and social change than we actually do, that intellectual analysis is the crucial issue, that if we can just be rigorous enough in our thinking on a theoretical level, all the practical issues will fall into place.

Yet in the last analysis, it is the "small picture" we must focus on. As a practical matter, it does not make any difference what name we give our problems or how many grand theories we design to solve them. It is the individual who must command our attention—not definitions, not concepts, not theories.

Our search for the right words and ideas often reminds me of a panel drawing that Jules Pfeiffer, the political satirist, published in the 1960's when the War on Poverty was in full force. It showed a young man. "I used to be poor," the man said in the first panel. "Then they told me I was disadvantaged," he said in the second. He was "underprivileged" in the third and "economically deprived" in the fourth. Succeeding panels contained other euphemisms. In the last panel, a sadder but wiser man said: "I still don't have a dime. But I've got a great vocabulary."

In the months ahead, you will have an opportunity to put the experience and insight you have gained as members of this coalition to important practical use. You will be asked to renew and rewrite many basic pieces of legislation that form the foundation of the Federal effort in employment, training, and education.

I work in the private sector. My perspective is somewhat different than yours. But I would like to offer a four-point framework for decisionmaking that I believe is consistent with the purpose of this conference and with the goals of this coalition.

First, our people—our human capital, if you will—must be seen as the major resource for revitalizing our economy. Economic renewal is a human problem. Technology and management ability are critical factors, but economic growth and renewal ultimately depend upon our work force. They depend on whether we, as a Nation, can provide our people with the education, training, and job opportunities that will allow them to reach their full potential and attain security in their personal lives.

Second, develop your program in stages. While developing a comprehensive view, work on those aspects of education, training, and employment where you can apply your hard-earned knowledge and experience for immediate, practical solutions. Then move on to other aspects as new needs are perceived, issues understood more clearly, and additional information and experience becomes available.

Third, find a place for the innovative and the unusual. The economic issues that bring us together involve nearly every institution in our society: State government, local government, business and industry, labor and unions, schools, voluntary agencies, community-based organizations and the Federal Government. The exposition you have created is in itself a remarkable example of the creativity, energy and leadership available to us through these institutions. It is not enough, though, simply to encourage the innovative and the unusual. We also have to begin using these examples as models upon which to base public policy for the future.

Fourth, encourage business to become more actively involved in our public education systems. For too many years, the corporations of America have ignored the public schools. We have contributed generously to colleges and universities, but rarely thought twice about what was happening in the public elementary and secondary schools. That is beginning to change. I think one program in which American Can is deeply involved will help to illustrate.

About 1 year ago, the New York City Board of Education started a program called "Join-A-School." The idea was to involve the private sector in the problems of public education by matching up corporations that wanted to help with schools that were willing to participate. We were one of these corporations. We were matched with Martin Luther King Jr. High School in Manhattan, which, incidentally, has an exhibit at your exposition.

Join-A-School is not a complicated program. The corporation and the school are left alone to develop their own relationship. For the most part, the school sets the agenda. They tell us how they think we can help. We provide a certain amount of personnel, equipment, services, and funds.

Join-A-School is a modest program. It also is a successful one. I often urge other corporations to develop similar efforts. The corporations have resources and talents the schools can use, especially our inner-city schools; and the corporations need this type of involvement for their own sake. Almost to a person, the American Can employees who participate in Join-A-School feel more useful in the social arena than they have in years. I know several people who never thought much about social involvement—until this program came along.

From your perspective, however, the more significant point may be that Join-A-School programs could provide the basis for a relationship that will allow corporations—if invited—to work more closely with our educational systems so that public education can play a more active role in preparing people for the employment opportunities that will exist in the years ahead.

Business and the public schools have not worked well together in the past. We have both been the losers. We have failed to capitalize on many opportunities to improve our economic and educational institutions. That is why I recommended the Join-A-School program to you today. I believe it shows that the business and educational communities do not live in separate worlds, that we are part of the same community, that we share many common concerns, and that we can work together to solve problems of local and national importance in a relationship that is based on mutual respect and trust.

An additional point must be made. Our schools need more than what one corporation can provide. They need more than what all corporations can provide together. They need the full, wholehearted, unqualified support they have a right to expect from all levels of government, including the Federal Government. And this will undoubtedly

mean increased funding. I do not believe that a public-private partnership means private sector substitution for public sector responsibility. Join-A-School can supplement government support of public education. It should not be construed as a replacement for it.

Finally, permit me to restate my basic message. It is relatively simple. Let us all work to develop our legislative solutions from the bottom up. Let us find out what works in everyday life and use that as our starting point. The reality of peoples' lives must always be our guide. The plain truth is, if we cannot solve our economic and social problems on the level of the individual worker and his or her family, then we will not have solved these problems at all.●

RECENT TRIAL OF YOSIF BEGUN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. ACKERMAN. Mr. Speaker, the recent trial of Yosif Begun, a prominent Jewish activist seeking to emigrate to Israel, provides another glaring example of the Soviet Union's blatant disregard for the human rights of its citizens. Unfortunately, this appears to be part of a crackdown aimed at breaking the spirit of Soviet Jews who seek to fulfill their right to emigrate. At his recent trial, Begun was sentenced to 7 years of hard labor and 5 years in exile for his activities as a Soviet Jewry activist. By applying harsh sentences against the activists in the movement, the Soviets hope to set an example for other refuseniks and potential emigres.

Mr. Speaker, we cannot allow Soviet Jews to languish in the Soviet Union as their Government continually violates the Universal Declaration of Human Rights and the Helsinki accord, which acknowledge the right of all individuals to emigrate. Today, there has been a vigil at the Soviet Embassy in protest of the outrageous sentence given to Yosif Begun. This is precisely the kind of activity which must be continued and intensified; it must be demonstrated directly to the Soviets that their repulsive human rights policies are rejected by the American people.

I am inserting into the RECORD an article which appeared in the Washington Post on October 16. This article provides some useful insights on the Soviet Union's crackdown directed at the dissident and Soviet Jewry movement. I commend it to all people who are concerned about the disturbing trend in the Soviets' human rights policies. The article follows:

[From the Washington Post, Oct. 16, 1983]

SOVIET CRACKDOWN ON DISSIDENTS SEEN

(By Dusko Doder)

Moscow, Oct. 15.—The recent arrests and trials of human rights advocates and Jewish activists have created a deepening chill here and suggested that the authorities are mounting a new campaign to eliminate remaining stirrings of dissent.

Western diplomats say official pressure is directed not only at Jews seeking to emigrate, adherents of certain religious sects and human rights activists but also at foreigners seeking contact with them.

One of the factors undoubtedly contributing to this climate is a general Kremlin drive to tighten internal discipline. But diplomats say a related factor is the deeply strained relationship with the United States and Soviet fears that the international situation may get worse in the coming months.

Yesterday, a court in Vladimir convicted veteran Jewish dissident Josef Begun on charges of producing and distributing anti-Soviet literature and sentenced him to seven years in jail and five years of internal exile.

Begun, 51, who has been campaigning for 13 years for the right to emigrate to Israel, was given the maximum sentence under Article 70 of the criminal code. The government news agency Tass covered the trial in Vladimir, about 150 miles northeast of Moscow, and such publicity was presumably designed to warn other Jewish activists.

Dissident sources said that Begun's wife and son had been allowed into the courtroom only to hear the sentencing.

Begun, an electronics engineer, had been denied an exit visa on grounds that he had access to classified information. He already has served two periods of exile in Siberia since 1977 for "parasitism," and until his arrest last November, he was without work and earned a living by giving private Hebrew lessons.

Tass, quoting the indictment, said he had "systematically produced, spread and transferred abroad deliberately slanderous information about life in the Soviet Union on instructions from foreign subversive anticommunist centers."

[In Washington, the State Department deplored Begun's trial, saying it and other recent Soviet actions "call into question the Soviet Union's commitment to human rights."]

Earlier in the week, a Moscow court sentenced a member of an unofficial Soviet peace group to one year in jail and five years of internal exile.

Oleg Radzinsky, a 25-year-old student, was convicted Thursday on charges of spreading "during a number of years, both orally and in writing, slanderous allegations vilifying the Soviet state and social system," Tass reported.

In view of the fact that Radzinsky "deeply repented what he had done," he was treated more leniently. His trial, however, is likely to serve as a warning to other members of the unofficial peace group whose activities were embarrassing for the Kremlin.

Western reporters and diplomats were barred from both trials. The Soviet authorities refused a request by U.S. diplomats for permission to travel to Vladimir, which is an open city frequently visited by foreigners.

Diplomatic sources said that a Lithuanian Catholic priest, the Rev. Sigitas Tamkevicius, is believed to have been tried in recent days. An advocate of religious freedom, he was a founder of the Catholic Committee for the Defense of Believers' Rights.

Tamkevicius was arrested in May during the trial in Vilnius of the Rev. Alfonsas Svarinskas, another member of the committee, who was convicted on charges of anti-Soviet agitation and sentenced to seven years of internal exile and three years in a labor camp.

Dissident sources reported that a Latvian dissident, Ints Calitis, was recently tried and sentenced to six years in a labor camp on similar charges.

The crackdown on dissidents and Jewish activists seems to fit into tightening up all around that has been under way throughout the past year. The Soviet press is full of reports about trials of various persons on charges of "economic crimes."

The crackdown has been accompanied by a flurry of statements calling for greater ideological conformity and vigilance. A recurrent rationale for this has been the need to counter President Reagan's "crusade" against communism.●

HAZLETON LIONS CLUB CELEBRATES 60TH ANNIVERSARY AND HONORS PAST PRESIDENT CHARLES DEMKO

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. HARRISON. Mr. Speaker, on Saturday evening, October 22, the Hazleton Lions Club will celebrate its 60th anniversary and, at the same time, will honor its immediate past president, Charles Joseph Demko.

Attorney Charles Joseph Demko is a graduate of the Hazleton High School and the Pennsylvania State University. He received his juris doctor degree from the University of Miami at Coral Gables in June 1977.

Since his return to live and practice law in the Greater Hazleton area, Charlie has served the Hazleton Lions Club with distinction. He has held every office in that club and has been a member of its board of directors from 1978 to the present. Largely due to his efforts, the Hazleton Lions Club was designated as the No. 1 gold division club in district 14-H for 1982-83. Charlie presently serves as the parliamentarian for that district.

He has also been an active member of the Greater Hazleton area unit of the Arthritis Foundation and the Greater Hazleton Area Center for Slavic Studies. He is a parishioner of Holy Trinity (Slovak) Catholic Church and was president of its Holy Name Society from 1979 to 1981.

Over the years, Mr. Speaker, the Hazleton Lions Club has achieved an impressive record of community service and it is with pleasure that I join the entire Greater Hazleton community in paying tribute to that distinguished body on its 60th anniversary. And it is a particular pleasure to pay tribute, at the same time, to my friend and colleague at the bar, Charles Joseph Demko, and, as well, to his wife, Lillian, whose efforts have made his accomplishments possible.●

SMEAR

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. BRYANT. Mr. Speaker, yesterday as I walked to the Capitol to cast a vote, I saw a small group of demonstrators on the steps with a large banner attempting to besmudge the name of Martin Luther King, Jr., in the same fashion that the opponents of his causes—human diginity, justice, and freedom—did 20 years ago and more.

Just as Martin Luther King would have, I defend the right of everyone in this country to speak freely—even to make untruthful, hateful, and bigoted statements.

But the most tragic point of the demonstration I witnessed and the recent personal attacks by the gentleman in the other body from North Carolina on the character and patriotism of a man who was assassinated 15 years ago is that both say one thing and mean another.

Although it is the man they talk about, it is not the man they attack. It is his accomplishments and his dream that is their real target. Those who viciously label Martin Luther King, Jr., want to turn back the clock, reverse the all too slow progress this Nation has made toward civil rights, equality, and justice for all.

I believe the majority of Americans would have more respect for a racist who is honest about his or her views than a malicious slanderer who seeks to hide behind the catchwords of fear and hatred.

Few have expressed these sentiments as well as columnist Haynes Johnson, in a recent Washington Post column entitled "Smear," which I commend to the attention of my colleagues and the people of America.

[From the Washington Post, Oct. 16, 1983]

SMEAR

A GENERATION-OLD CRUSADE TO DESTROY KING'S NAME AT ANY COST

(By Haynes Johnson)

In late 1965 or early 1966 I received a call from a top aide of FBI Director J. Edgar Hoover. This person had been helpful earlier in stories about the civil rights struggles in the South and especially about FBI knowledge of leaders of the Ku Klux Klan there. He asked if I could drop by his office in the Justice Department, near Hoover's suite, where the FBI was housed then.

When I arrived, shortly before noon, I was shown a pile of documents lying on a table before a couch. I was welcome to take my time and read through them, making notes, but under a stipulation that the meeting then occurring "never took place." The aide then left me alone with the documents.

They were about the Rev. Martin Luther King, Jr. After I finished going through them, another FBI aide escorted me to the elevator. He told me that anything I could write to expose King for what he was would be a great service to the American people. In other words, discredit him.

The material I had seen consisted of raw, and no doubt selective, FBI files. They were filed with accounts of surveillance and supposition, from anonymous sources, with allusions to communist contacts, communist associations, communist penetration. There were also, as I remember, materials allegedly linking King and the American antiwar movement to communist control and associations with communist front groups around the world.

This was at a time when King, who won the Nobel Peace Prize a year before, had begun to take a strong public position against our expanding combat role in Vietnam. His criticism of U.S. troops being in Vietnam came amid intensifying dissent about the war. Influential politicians and public figures were beginning to question—and directly challenge—President Lyndon B. Johnson's policies with a force that eventually led to his departure from the White House.

Aside from hearsay, gossip and anonymous allegations, I saw nothing in the FBI materials about King that would warrant publishing a story. The real story was the campaign to destroy King's public credibility through selective leaks to the press. For, as it quickly became known, that and similar material were being peddled vigorously by the FBI to other Washington reporters. It was slimy business at best, and in retrospect grows even more so.

I exhume these old bones now because of the latest attempt to defame and discredit King.

It is an even more obscene effort now because it necessitates poking through the garbage of raw files about a man murdered 15 years ago and once more raising an old, unsubstantiated story.

The rationale for this posthumous investigation of King is that it is necessary because of the forthcoming congressional vote on whether to proclaim a national holiday in his honor. That is sophistry of the worst sort. The FBI material now being produced, and being sought, is part of the same old stuff that has been smoldering for nearly a generation. It has been aired over and over again, not the least in congressional testimony and investigations in years past.

There is something sick about this newest smear campaign launched by Sen. Jesse Helms (R-N.C.) and members of the Conservative Caucus. It betrays a desperate need to destroy a reputation at whatever cost, and says more about the motivations of those who indulge in it than it does about the character of the person they still despise even in death.

Some of the material now coming to light reveals that state of mind all too clearly. Here, for example, is a "secret" FBI memo written on June 29, 1965, about a conversation during a golf game between a source whose name is blacked out and two unnamed persons. Under the heading "Martin Luther King, Jr., Security Matter—Communist," it begins:

"We have just obtained information by chance which, if proven true, will give us a golden opportunity to discredit King."

Another, written at the end of 1964, details the FBI and Hoover's concern about King's "criticism of the FBI over the past several years." Six typewritten pages are devoted to "Martin Luther King's Criticism of the Director and FBI" and "Organization of the Current Attack Against the FBI by Martin Luther King."

Still another, early in 1965, just as the great civil rights struggle that resulted in passage of the historic Voting Rights Act was beginning in Selma, Ala., came from an anonymous person in Selma. The informant said he possessed a telegram addressed to Selma's police chief that read, with unintentional humor:

"I have proof Luther [sic] King met with communists in hotel room at Oslo, Norway. Also King paid $500 to hotel clerk at Finland City for publication [sic] to have breakfast served in bed by white waitress in bikini suit. Norwegian seaman gave me signed documents."

It makes you wonder which the FBI informant thought to be more subversive, the communists or the white woman in the bikini.

The saddest part of this sorry story involves something other than the character, beliefs or associations of Martin Luther King, Jr. It has to do with an attempt to rewrite history.

Behind the need to destroy a reputation lies an even greater need—to prove that what happened in the civil rights struggles of the South and the dissent against the war in Vietnam occurred only because of alien subversive influences. They weren't really American impulses springing out of our best traditions of fairness, justice, compassion and equality of all before the law. They were impulses manipulated by sinister outside forces.

Implicit in that attitude is a contempt for the true character and quality of the American people, not just for that of a black minister who gave voice to some of the oldest American ideals. In the end, this episode does not damage King's reputation or the cause he represented. It serves only to bring discredit on those who engage in it.●

GOVERNMENT SUPPORT FOR FREE ENTERPRISE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. ANDERSON. Mr. Speaker, I recently received a very insightful letter from a Mr. Michael F. Brennan, who states that he is "not employed by Northrop nor does he own any Northrop stock." While I obviously cannot verify that statement, I do know that what he writes is extremely well put.

I believe when a company like Northrop spends its own money to develop a first-class defensive fighter, ideally suited for use in many friendly third world nations, the export and sale of these fighters should be enthusiastically supported by our Government. And, unfortunately, I am not sure that is the case.

I want to share Mr. Brennan's letter with you and our colleagues. While I do not agree with everything he writes, I certainly am in agreement with the overall thrust of his letter. I think the points which he raises are excellent, and I commend them to you and our colleagues.

Mr. MICHAEL F. BRENNAN,
Huntington Beach, Calif., September 7, 1983.

Congressman GLEN ANDERSON,
Long Beach, Calif.

DEAR CONGRESSMAN ANDERSON: This letter pertains to a subject about which I am very concerned and wish to discuss with you. The subject is the sale of military aircraft to friendly foreign countries. The aircraft of which I speak is the Northrop F-20 Tigershark.

Although I closely follow the aerospace industry, particularly that portion which is located in Southern California, I think it pertinent to mention here that I am not employed by Northrop nor do I own any Northrop stock.

It seems to me there are four major issues which surround this problem. They are: Free enterprise system, national security, jobs, politics.

I would like to comment on each.

Free Enterprise System.—In this day and age of the huge Federal deficits, skyrocketing military hardware prices, which seem to always be written on rubber contracts, major new weapons systems which are years late and do not meet required performance, Northrop stands out as the one major defense contractor who is not afraid to put its money where its mouth is. In direct response to the Carter administration's call for a privately funded and developed intermediate fighter aircraft Northrop responded by investing huge sums of its own money into the Tigershark program. Please note, that as is a Northrop trademark, the Tigershark was delivered and flown head of schedule and to date has met or exceeded all of its performance objectives.

With free enterprise, however, there are no guarantees. In a matter as complex as the sale of military aircraft to foreign countries, however, the success or failure of the program is not so dependent upon whether or not the product you have is marketable but much more so due to whether nor not the U.S. Government supports the program.

If we want the free enterprise system to remain alive and well in the defense industry, it is my hope the U.S. Government starts supporting this program a bit more vigorously.

Mr. Anderson, to put it a bit more bluntly, if I were a defense contractor I would be watching this program very, very closely. If the government does not vigorously support it, I would from that day forward not put one cent of my money into any defense related project—I'd let the U.S. Government foot the bill!

National Security.—The F-20 Tigershark was designed as an intermediate export fighter for sale to third world allies who require self-defense capabilities. It is not an F-14 or an F-15 or even an F-16 or F-18. It does, however, possess the capabilities to effectively combat the expected threat facing the vast majority of third world countries.

The F-20 has limited range because it is a defensive fighter. Most third world countries are relatively small in size and don't require aircraft with great ranges. Aircraft with extended range capability have offensive fire power (witness Israel's bombing of the Iraqi nuclear power plant with F-16's in June 1981). I don't feel third world countries should have such capability.

It seems that each time I read my newspaper, I read an article about the United States offering F-16's for sale to Pakistan, Venezuela, Egypt, or South Korea. Turkey wants F-16's or F-18's; other countries seem to be doing the same—it appears that all these countries are saying—"I want the front line U.S. Fighter, I want the Cadillac". It doesn't make much sense to me, economically or militarily, to sell front line U.S. Fighters to these countries. That is the role the Tigershark was designed to fill; an inexpensive, very capable, intermediate defensive fighter.

Jobs.—The success or lack thereof of the Tigershark program will have a direct impact of the economy of the Los Angeles area. With high unemployment among the blue collar work force (especially so among blacks and other minorities), a production contract for the Tigershark will undoubtedly create thousands of new jobs. The best part about these new jobs is that they will not be make work, dead end, government paid for jobs but rather real jobs in the private sector.

Politics.—I hear often of the Texas lobby. Texas Congressmen and Senators have the reputation of supporting the defense contracts in their state. My question is: What about the California Lobby? Do you support California businesses which are good for both our State and our Nation? The success or failure of this program is directly related to political support. When it was reported that the U.S. was going to allow Jordan to buy Tigersharks, there immediately followed a large outcry for the Jewish Defense League against such a sale. The prospects for the sale almost overnight vanished.

I think it is apparent that Jordan will eventually buy new fighters. Doesn't it make sense for the U.S. to sell them fighters that we can control? If we don't, we'll end up forcing them to turn toward France or possibly the Soviet Union for their military defense needs. That is a situation I don't think we want.

The U.S. Government has to support our allies, all of our allies. We must decide which fighter should be our export fighter and support the sale of that fighter. The problem seems to be purely political. I urge you to resolve it.

I thank you for your time and cooperation. It is my hope that you will strive to reward Northrop's efforts and help strengthen our country's ties with our third world allies by allowing them to strengthen themselves militarily with new self-defense F-20 Tigersharks.

I would appreciate a response to this letter.

Sincerely,

MICHAEL F. BRENNAN.●

ALABAMA DAIRYMAN RECEIVES HONORARY DEGREE

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. SHELBY. Mr. Speaker, I would like to pay tribute and recognize an outstanding citizen and businessman who lives in Greensboro, Ala., located in the Seventh Congressional District.

Following is an article about Mr. John Lemley Morrison, chairman of the board of Dairy Fresh Corp., that recently appeared in the Greensboro Watchman:

ALABAMA DAIRYMAN RECEIVES HONORARY DOCTOR OF SCIENCE

A man who began his career with a $25 mule and a 100-acre farm bought on credit received an honorary doctorate from Auburn at summer commencement. John Lemley Morrison, chairman of the board of Dairy Fresh Corp., built from that farm a dairy business that has sales of more than $70 million in Alabama, Florida, Mississippi, and Louisiana.

In awarding him the degree, however, Auburn is not recognizing Mr. Morrison's business acumen alone, but also his concern for his fellowmen and his many contributions to a wide range of interests in Alabama, particularly the Alabama 4-H Foundation.

"It was largely through Mr. Morrison's efforts as chairman of the 4-H Foundation since 1964 that more than a million dollars was raised to construct the Alabama 4-H Youth Development Center," explained Interim President Wilford Bailey in announcing Mr. Morrison's honor. "Since that time, he has provided, through his own gifts and work with others, additional funds for the Center which serves Alabama's 117,000 4-H youth with leadership development training."

At the age of 21 Mr. Morrison took the mule and farm in Hale County and became a farmer and dairyman, eventually buying controlling interest in a Greensboro creamery. He later purchased other dairy businesses including two Mobile area processing firms. He, consequently, is regarded as the father of the dairy business in west Alabama and has also had a major influence on soybean and catfish production in that part of the state. His other business interests include Hale Motors and M & V Development Company.

Over the past 60 years, Mr. Morrison has been a leader in numerous agricultural organizations including the Agricultural Stabilization and Conservation state committee, and the Alabama Board of Agriculture. He was named Alabama's Small Businessman of the Year in 1971 and received the Alabama Farm Bureau's Private Enterprise Award in 1981. He is the only Alabamian ever to receive the national award from Epsilon Sigma Phi, the Extension service honorary fraternity.

Outside agriculture, Mr. Morrison has been involved in the support of the Allied Arts Council and the Pixie Theatre in Mobile, Alabama Educational Television, Goodfellows of Mobile College, and the Mobile Advisory Council of Boy Scouts of America. He is a member of the Huntingdon College Advisory Committee and a trustee of Blue Cross/Blue Shield of Alabama.

Mr. Morrision's contacts with 4-H and with Auburn came through his daughter, Lemuel, now a pediatrician at the University of South Alabama, when she was state 4-H dairy foods project winner. When the Alabama 4-H Foundation was organized in 1954, he was a charter member of the board. Since the Center was established two years ago, he has devoted an average of one day per week to continued work for it, helping to raise more than $500,000 in additional funds.

Mr. Morrison has helped guide the formation of the Alabama Catfish Farming Center in Greensboro which is operated cooperatively by Auburn University and the Soil Conservation Service. He has also been instrumental in the development of a state docks facility at Demopolis.

Mr. Speaker, John Lemley Morrison is a fine example of an individual who makes his community a strong, healthy, and safe environment in which to work and live. He is an asset to his community as a leader of outstanding dedication whose praiseworthy contributions serve as an inspiration to all of us.

We need more individuals like John Lemley Morrison in this country who are not afraid to get out and work for ideals they believe in. He has given so much of himself to others and I believe this tribute is certainly deserving to this outstanding individual.

The dairy industry is fortunate to have John on their team, and I wish him the very best in all future endeavors.●

A NEW U.S. APPROACH TO SOUTH AFRICA

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. DIXON. Mr. Speaker, There has been a great deal of frustration in the United States and among our friends in Africa over the stance which the Reagan administration has taken toward South Africa.

President Reagan has initiated unprecedented levels of diplomatic and technological cooperation with South Africa, and in exchange we have witnessed virtually no progress in achieving independence for Namibia or justice for millions of South African blacks living under the cruel apartheid system.

Our distinguished colleague, the Honorable HOWARD WOLPE, serves with distinction as chairman of the Foreign Affairs Subcommittee on Africa. He has given strong personal leadership to efforts seeking a change in U.S. posture toward South Africa, and he recently wrote an editorial commenting on the problems with President Reagan's "constructive engagement" approach.

I recommend this article to my colleagues, and hope that its important points will be given serious consideration.

The article follows:

[From the Los Angeles Times, Oct. 13, 1983]

A NEW U.S. APPROACH TO SOUTH AFRICA—LET'S DISSOCIATE OURSELVES FROM APARTHEID, REGIONAL AGGRESSION

(By Howard Wolpe)

There are now five major bills pending before the U.S. Congress concerning South Africa, and many more resolutions. Once again, following a lull during the first two years of the Reagan Administration, South Africa is the focus of congressional scrutiny. Why should this be so?

South Africa has been much on our minds ever since the National Party took power in 1948. It has spent those years entrenching and perfecting its system of institutionalized racism in open defiance of attempts by most other U.N. member states to have it end apartheid and extend political and social equality to all its citizens. Yet South Africa continues its horrendous policies that deny even a modicum of basic human rights to the vast majority of its people.

This Administration has insisted that South Africa is trying to reform. The State Department's Bureau of African Affairs in early 1981 initiated a series of steps, termed "constructive management," based on the premise that quiet diplomacy and closer U.S. association with the South Africa regime would encourage internal change and lead South Africa to end its illegal occupation of Namibia.

Thus the Administration has expanded our diplomatic presence in South Africa. It has allowed visits by "homelands" leaders in contravention of our own consular laws, and has increased the numbers of military attaches in our respective embassies. It has "mistakenly" given visas to South African military and intelligence personnel. It has sent nuclear technicians to South Africa, and has amended U.S. policies to allow the sale and export of military and police equipment to South Africa. And it has vetoed a U.N. resolution condemning South African aggression against Angola—all in the name of "constructive engagement."

And what has been South Africa's response to all these "constructive engagement" carrots?

First, the government's internal repression has intensified sharply in the last 2½ years. Pass-law detentions have increased; new restrictions have been imposed on the press; millions of black South Africans have been forcibly returned to "homelands"; citizens who dare to dissent, black and white, continue to be subject to arbitrary banning, and the continued use of torture methods during detention have led to new unexplained deaths in prison.

Second, South Africa continues to block a settlement of the Namibia conflict, successfully using the American insistence on linking Namibia's independence to the removal of Cuban troops from Angola as a way of prolonging a political settlement in that embattled territory.

Third, South Africa has dangerously escalated its destabilizing military and economic aggression against its black-ruled neighbors. South Africa occupies Angolan soil, and gives support to dissident groups in Angola and Mozambique. It has launched murderous raids into Lesotho and Mozambique. It has sought to overthrow the Seychelles government. And it has not hesitated to use economic sabotage against Zimbabwe and Mozambique as an added stick.

In short, "constructive engagement" has been an utter failure. It is clear that the options embraced by the Reagan Administration in hopes of alleviating a worsening situation in South Africa have in fact merely made matters worse. Not only is there more upheaval and violence in the southern African region today, but now—for the first time and as a direct consequence of "constructive engagement"—the United States has become directly implicated in these developments. We must understand the enormous damage that "constructive engagement" has done to American interests. For in African eyes the United States is now viewed as colluding with the South African government in delaying Namibia's independence, in fostering regional instability and in preserving the abhorrent system of apartheid.

It is against this backdrop that I and a number of my colleagues are pressing for the passage of legislation to recast the United States' foreign policy toward South Africa. We need top act now, before it is too late—too late to avoid an Armageddon in South Africa, and too late to dissociate the United States from apartheid and from South Africa's regional aggression.

Among the measures pending that call for various types of sanctions against the South African government, three are scheduled for a House vote on Tuesday: A bill by Rep. Howard L. Berman (D-Calif.) would reinstitute restrictions on exports to South Africa's police and military. Rep. Stephen J. Solarz's (D-N.Y.) bill would impose new restrictions on commercial activity and mandate fair employment practices for all U.S. companies doing business in South Africa, and a bill by William H. Gray III (D-Pa.) would prohibit new U.S. corporate investment in South Africa until the President determines that there is demonstrable progress toward the elimination of apartheid.

Already passed and awaiting final approval is a bill by Rep. Julian C. Dixon (D-Calif.) that would disallow U.S. votes in the International Monetary Fund on behalf of nations that practice apartheid. Also pending is a bill by Rep. Charles B. Rangel (D-N.Y.) that would prohibit nuclear relations with South Africa.

These are the signals that we should be sending to South Africa's government so that it has no doubt concerning where the United States stands on apartheid, on the question of Namibia's independence and on South Africa's regional aggression. That country should know that its continued intransigence on these matters will precipitate changes in its relationship with the United States, and that those changes will prove costly.

U.S. interests on that continent require a redirection of American foreign policy toward South Africa. We cannot continue to struggle to achieve a just society at home and equivocate on our international obligations abroad. The racism and the denial of political rights that we will not tolerate at home must not be condoned by our posture overseas. Our national values, and our national interests, dictate that we act on South Africa before it is too late.●

THE 75TH ANNIVERSARY AND AMORTIZATION OF ST. MARY'S CHURCH MORTGAGE, WILKES-BARRE, PA.

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. HARRISON. Mr. Speaker, on Saturday evening, October 15, the parishioners of St. Mary's Antiochian Orthodox Church celebrated the 75th anniversary of their parish and the amortization of their church's mortgage.

The founding fathers of St. Mary's began their immigration to America in the year 1890. The families of Saba, Hyder, Broody, Audi, Simon, Serhan, and Atiyeh hailed from the area of the mountains of Lebanon, above Tripoli.

The Syrian Orthodox families of Betar, Abraham, Johns, Cross, Namey, Baroody, and Solomon were among the earliest to arrive from the area of Latakia before 1900.

The young men came alone and found work here under sponsorship of Protestant missionaries in the Middle East. Once these single men earned enough to set up homes, they returned to their homeland to marry and raise children in America. They sought religious freedom and free enterprise in the land of hope and promise. Several of the young men married American women of Irish and Dutch descent and made happy marriages.

By the year 1904, 35 families resided in the Rolling Mill Hill section of Wilkes-Barre, and they convened to organize a parish. A worthy householder, Michael Saba, was elected to be the new clergyman. A bishop from Christian Russia, Raphael of Blessed Memory, came from New York City and ordained the priest. Father Michael served the parish for 4 years. By the year 1908, 30 new families joined the parish, and a new priest, Father George Kattouf, led ably in the purchase of land at 132 High Street in Wilkes-Barre, and the church building was completed at a cost of $9,000.

A rectory was also built in 1912, behind the church, at 19 McCarragher Street for $4,000.

The congregation grew steadily until 1914, when the First World War began. A number of young men joined the Army and served well. By the year 1928, the old church was enlarged and lifted to build a large community hall underneath, at a cost of $13,000. The congregation, by 1940, was 300 families strong, and boasted business and professional people. During World War II, 130 of its young men served in the Armed Forces and 7 lost their lives in the European theater.

In 1958, the congregation voted to erect a new church edifice, hall, and rectory. This was done in the year 1969, located at 905 South Main Street, Wilkes-Barre, Pa., at a cost of $800,000. The parish has been active in all civic activities.

Over the years, 534 marriages and 2,156 baptisms have been performed in the buildings of St. Mary's.

And so, Mr. Speaker, October 15 was, indeed, a very special day for the Wilkes-Barre community. At a banquet that evening all of us rejoiced with Very Rev. Herbert G. Nahas, the pastor, and all of the people of St. Mary's Antiochian Orthodox Church. It was my honor to be there, Mr. Speaker, and it is my pleasure today to share this significant moment in the history of the Wyoming Valley with my friends and colleagues in the House.●

THE COSTLY AND CRAZY ARMS RACE IN SPACE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. LEVINE of California. Mr. Speaker, there seems to be increasing concern over the long-term consequences of the development of advanced antisatellite (ASAT) weapons. While there are some who advocate their development, there are many reasons why it would be a bad idea. Those reasons are explained in an article titled "We're About To Launch a Costly and Crazy Arms Race in Space," which appeared in the October 16 Washington Post.

The author says in part:

This competition [between the United States and the Soviet Union to develop ASAT's] will be almost unimaginably expensive; it will be almost imposible to turn back once it has commenced, and even if the weapons involved work the way they are supposed to, the nation will be less secure in the end.

I urge my colleagues to read this article, which appears below. It explains clearly the madness of the endeavor we would be embarking upon.

There are many reasonable and constructive alternatives to pursuing ever-elusive military superiority on yet another battlefield, space. I have introduced a resolution, House Concurrent Resolution 140, expressing the sense of the Congress that the President should initiate talks with Soviet leaders, and with other goverments interested in space activities, to explore the opportunities for cooperative East-West ventures in space, as an alternative to an arms race in space.

Congressman McHUGH, a member of the Foreign Operations Subcommittee of the Appropriations Committee will offer an amendment to the defense appropriations bill to delete $19.4 million for procurement of ASAT's during full committee consideration this week. This is an important amendment whose passage would be a significant step in the right direction.

Entering a space arms race with the Soviet Union is in the interest of no one. The prospect of an arms race in space between the United States and the Soviet Union has aroused worldwide concern expressed publicly by the governments of many countries, including most of our allies. An arms race in space would open the door to a range of new weapons systems that would seriously threaten global stability, undermine the prospects for successful arms control agreements, and create pressures for new defense expenditures unprecedented in scope and which we can ill afford.

There is nothing to be gained by pursuing a space arms race between the two superpowers. The time to stop it is now.

WE'RE ABOUT TO LAUNCH A COSTLY AND CRAZY ARMS RACE IN SPACE

(By Fred Kaplan)

Sometime very soon, (the date is classified), the United States will test a weapon system that promises to burst through a new threshold in the arms race—a race for military supremacy in outer space. This competition will be almost unimaginably expensive; it will be almost impossible to turn back once it has commenced, and even if the weapons involved work the way they are supposed to, the nation will be less secure in the end.

The new weapon seems deceptively harmless at first glance: a 12-by-13 inch cylinder, loaded with telescopes and infrared sensors, attached to a two-stage rocket small enough to fit under an F-15 jet fighter. The drama—and potential danger—lies in what this small package is designed to do. It's called a Minature Homing Vehicle (MHV), and the idea is to fly the F-15 almost vertically up to the edge of the atmosphere, then fire the MHV into outer space, where it will home in on—and kill—an enemy satellite.

If the first few tests of the MHV system succeed, we may find ourselves propelled, almost inexorably, toward a new era of military conflict. Maj. Gen. John H. Storrie, director of space for Air Force plans and operations, told a House committee last March: "Space is a place; it is not a mission. We are going to continue to do the things in space that we do in the atmosphere and on the ground and on the seas"—that is, to prepare to fight and win wars. A study signed last year by the Air Force chief of staff, titled "Air Force 2000," calls for "space superiority," which requires "the capability to destroy hostile space systems."

Already, both sides—especially the United States—depend on space for a wide variety of military missions. Most of what we know about the Soviet military, especially about its nuclear weapons, comes from satellites. A great deal of military communications, command-control networks, navigational aids and other support systems also are channeled through satellites. Moreover, Maj. Gen. Bernard Randolph, director of the Air Force space systems, has testified that a "major" objective of U.S. space plans is "to expand" our military capabilities in space.

The more we rely on military platforms in space, the more incentive the Soviets will have to develop their own advanced antisatellite (ASAT) weapons, and thus an increasingly crucial element of our military command network will become increasingly vulnerable.

"Right now," according to Paul Stares of the Brookings Institution, "if we lose our space systems, we'd be hurt but not crippled. If we continue to increase our dependence on space systems, then we're just digging a hole for ourselves."

There's one way out of this hole—and that is to negotiate an ASAT arms-control agreement with the Russians. Yet after our forthcoming ASAT tests, this may be impossible. Air Force officials have testified that it will take only six hours to install an MHV ASAT system on an F-15 fighter anywhere in the world, at a cost of only $632,000 per plane. Says Stares, "There's no way the Russians could have confidence that every F-15 isn't carrying an ASAT. What are we going to do? Paint the F-15 different colors if it has an ASAT mission?"

Ironically, this moment when we are about to test a new ASAT system is both the last and probably one of the best opportunities for getting ASAT arms-control negotiations under way. To see why requires a brief digression into history.

The United States was the first to develop an ASAT system. From 1963-67, the U.S. Army tested some of its Nike-Zeus ABMs as satellite killers. From 1964-68, the U.S. Air Force fired Thor missiles at deactivated satellites in outer space in what was called the "Squanto Terror" tests (or, in a lower key, "Program 437"). This program was kept alive until 1975.

Not until 1968—well after the Air Force had declared Program 437 "operational"—did the Soviets start up their own ASAT program. The Soviet system is substantially more unwieldy than either the U.S. programs of the 1960s or our forthcoming MHV plan. Their scheme was to launch a "killer satellite" in an orbit that crosses an enemy satellite, and then to blow up the killer, destroying the enemy spacecraft with shrapnel.

Over the next 14 years, the Soviets conducted 20 tests. They have used two different types of guidance systems. One directs the killer-satellite by shining a radar beam on the target. The other is more passive, with infrared systems which seek out the target by the heat that it generates in outer space.

According to John Pike of the Federation of American Scientists, the Russians tested the radar-seeker version 14 times, most recently in 1981, of which 10 were successes. However, more recently, they tested the passive infrared-seeker version six times—and all six were duds.

Even the 10 successes had their limitations. They were all conducted at low altitudes, whereas most U.S. satellites—including all early-warning satellites—are stationed at very high altitudes. They were also conducted within very narrow angles or inclinations (from 60 to 66 degrees), making it difficult to approach even the low-altitude American satellites. Stephen Meyer of MIT concludes, "They've really never had a test of what it would be like going against a real U.S. target."

From 1977-81, the Soviets stopped testing ASATs. Over part of that period, the U.S. and the U.S.S.R. held three series of talks on negotiating an ASAT arms-control agreement. Then came the Soviet invasion of Afghanistan, the death of SALT II—and the ASAT talks faded away.

Last August, Soviet leader Yuri Andropov announced a moratorium on all ASAT testing, and Foreign Minister Andrei Gromyko submitted an ASAT arms-control proposal to the United Nations, with terms that seem to indicate seriousness. One obvious reason for this seriousness is a realization that the United States is about to come out with a new ASAT system that will probably be much more successful than the Soviet model.

Indeed, administration officials have treated the idea of negotiations dismissively precisely because Andropov has proposed them. The reasoning: his fear of our ASAT only confirms that it can give us an edge in the arms race.

But this is shortsighted, and not just because it lessens the likelihood of an arms-control treaty. If the United States goes ahead and tests its new ASAT system, the Soviets undoubtedly will break the moratorium and resume their own testing—and probably develop a better weapon than the one they have now. This will provoke us to upgrade our system. . . . And the race is on.

From here, any number of scenarios can be imagined: the U.S. or the U.S.S.R. (or both) develops an ASAT that can (potentially) strike satellites at high altitudes as well as low altitudes, thus endangering the all-important early-warning satellites. The other side then develops a system—perhaps involving lasers—that can attack this new ASAT system. Or perhaps he develops a space-based battle station that can defend the satellites. Then the other side builds systems that can attack the defenders. And so it goes. . . .

Indeed, this scenario is precisely what some people have in mind. Although the U.S. Miniature Homing Vehicle program dates back to 1978, its most ardent supporters view it as an entering wedge into the whole panoply of space weapons—some on the drawing boards, some as yet only sparks and glimmers in the fertile imaginations of technocratic enthusiasts—that fall under the rubric of "Star Wars."

Star Wars advocates tasted their first dose of legitmacy last March, when President Reagan told a nationwide TV audience of his "vision of the future." He held out the "hope" that a network of antiballistic missiles (ABMs), space lasers and battle stations—based on decades of research—will "intercept and destroy strategic ballistic missiles before they reach our own soil or that of our allies."

For years, a fringe element—led by Sen. Malcolm Wallop (R.-Wyo.) in Congress, Edward Teller and Gen. Daniel Graham (Ret.) in the military-scientific community, and several others in various bureaucracies and think tanks on the east and west coasts—have been keen on moving the arms competition into space. A very small group within the Air Force, recently organized into a Space Command, believes that space can be—as Thomas Karas calls it in his book that chronicles this community—"The New High Ground" from which the United States can reign supreme in all other arenas of warfare.

Reagan's speech—which was heavily influenced by talks with Teller—gave this group the legitimacy that it has long sought. Almost at once, "Beltway bandits" and other consulting firms put in contract bids to study "the military utility of space." More important, it became a high-priority issue inside the national-security bureaucracy.

Over the summer, three major outside studies were commissioned on the politics and technology of Star Wars. At this moment, an interagency group consisting of officials from the State Department, the Pentagon, the National Security Council and the Arms Control and Disarmament Agency is drawing up evaluations of those studies to present to the president sometime within the next month.

Officials involved in the studies and the interagency meetings say that nobody now knows how to go about even beginning to build a Star Wars system. Says one Pentagon official, "At this point we have no consensus on what it all means. . . . I don't think we have the kind of answers that we could base any sort of policy on."

In any case, officials are discoverning technical problems that may be insurmountable. A ground-based laser wouldn't work through clouds. Even Maj. Gen. Bernard Randolph, director of Air Force space systems, told a House committee last spring that a space-based laser would require 10 megawatts of power (some say much more) and would weigh 150,000 pounds—well beyond the transport capacity of the Space Shuttle. To provide even "a thin ABM capability," we would need 50-100 of these systems. Further-more, the systems must have perfect accuracy; he likened the mission to pointing a beam "from the Washington Monument to a baseball on the top of the Empire State Building and hold[ing] it there while both of you are moving."

Then there's the cost. Air Force studies have put it at $500 billion. An analyst on one of the government-sponsored study-groups puts it as high as $1.2 trillion.

And that probably would not be the end of it. Officials and analysts point out that the Russians could "spoof" any space-based ABM system much more cheaply than it would take us to build one. Just a few techniques: cover the surface of a missile with a mirror that reflects the laser beam; jam the communications between the space system and the ground-control station; shot it down with a laser system yourself. As one skeptical official puts it, "If it can shoot down a ballistic missile, why can't it shoot down its twin brother?"

Still, the interagency group will not advise Reagan to abandon the Star Wars idea as a piece of budget-busting, technically hopeless pie-in-the-sky. "This is the president's program," says one skeptical official. "We can't tell the president that he's got a nutty idea." Instead, it will probably recommend that the military spend the next several years doing research on whether these problems can be overcome. Even this will cost quite a bit of money.

For example, Robert S. Cooper, Director of the Defense Advanced Research Projects Agency (DARPA), testified last spring that the "Space Laser Program Plan," which will merely "bring us to a point where we can make reliable planning estimates of weapon development costs and schedules," will cost $900 million. Other basic research of this sort could cost as much as $4 billion a year—maybe more—for several years; and even then, nobody will know very much more than before.

All of which leads some analysts to wonder whether it is sensible to start treading down this seemingly endless road to begin with. Though the ASAT program and the Star Wars scheme have different origins, the road to the latter can begin with the former. In fact, the kind of technology needed for advanced ASAT systems—tracking mechanisms, sensors, beams and so forth—is quite similar to the technology needed for shooting down ballistic missiles. And the logic of the ASAT/counter-ASAT arms race provides a grand opportunity for the Star War brigade to bring in their programs through various side or rear entrances if they end up getting locked out of the front door.

The Reagan administration, however, is drawing no connections between ASAT and Star Wars. There is an interagency group dealing with Star Wars and another dealing with ASAT—but they are composed of different people and they never meet. Similarly, the group concerned with ASAT is contemplating various arms-control ideas—but, according to officials, no one has seriously considered delaying the ASAT test until after these ideas have been fully explored.

In short, an historic opportunity to halt a whole new age in the arms race is being neglected, even ignored—not only by the administration, but by congress as well. (It is worth noting that the nuclear freeze move-

ments also have paid scant attention to the imminent prospect of an arms race in space.)

It wouldn't be the first time. In 1970, to cite just the most recent parallel, the United States deployed the Minuteman III intercontinental ballistic missile. It incorporated new technology called MIRVs (multiple independently targetable reentry vehicles), which allowed one missile to carry several warheads, each of which could be guided to separate targets.

Before MIRVs, a first strike destroying the other side's land-based missiles was impossible; one missile could hit only one enemy missile; if one side built extra missiles, the other side could counter by building more too. However, with MIRVs, a single missile could (theoretically) destroy several enemy missiles. If the U.S. and the U.S.S.R. acquired MIRVs, both sides would be at once capable of destroying the other's land-based missiles and vulnerable to such an attack themselves.

Some U.S. officials favored proposing a ban on MIRVs during the Strategic Arms Limitation Talks, but this was rejected because others felt MIRVs gave us a strategic edge over the Russians. Four years later, the Russians deployed their own MIRVs, and now the same people who opposed a MIRV ban a decade ago decry the Soviet MIRVs which they claim have made our own Minuteman missiles vulnerable.

The most interesting strategic arms-control proposal of recent years calls for getting rid of MIRVs. But it's probably too late.

Henry Kissinger told reporters in 1974, "I would say in retrospect that I wish I had thought through the implications of a MIRVed world more thoughtfully in 1969 and 1970 than I did." But Kissinger's former NSC aides say that MIRVs were studied thoroughly, that Kissinger knew exactly what their implications were from the beginning, but went ahead with them anyway—to gain a strategic edge.

It's the same with the upcoming ASAT test and the growing political pressure for at least elements of the Star Wars plan. As in the case of MIRVs, the administration is failing—even refusing—to think through the implications before the world changes in ways it may later regret.●

TRIBUTE TO DR. ENZO PAOLETTI AND DENNIS PANICALI—FOR A SCIENTIFIC BREAKTHROUGH OF ENORMOUS IMPORTANCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. BIAGGI. Mr. Speaker, I wish to take this opportunity to pay tribute to two remarkable research scientists credited with the development of a new miracle vaccine which one day may help to prevent such diseases as malaria, herpes, and certain strains of the flu. Dr. Enzo Paoletti and Dr. Dennis L. Panicali, research scientists employed by the New York State Health Department, were the developers of the new vaccine which may constitute a scientific breakthrough of enormous future importance.

As New York Gov. Mario Cuomo put it yesterday "We are proud of you." I join with the Governor in conveying that sentiment and have a dual reason for it—the first is that both of these doctors are Italian Americans and add to a long line of distinguished men and women of science and medicine from this community. The second is the work was done under the auspices of the New York State Health Department.

There has been much media attention focused on this vaccine since it was announced yesterday, and I would like to share with my colleagues one article from the New York Post which discusses the vaccine and how it would work and a second article from the New York Times discussing the two men responsible for its development.

The United States has long been the leader in the field of scientific research—yet concerns have been raised in recent years about maintaining our preeminence. Good research products and discoveries come from men and women who have had a good educational foundation in their respective fields. Therefore it is imperative that we continue to stress the basics of math and science in all of the classrooms in our Nation. We must work on the future—we should not be content until we have ways of combating all of the major diseases which take our citizens in such tragic numbers each year.

We should not be afraid to be bold and take risks in our research and our decisions to provide funds for research projects. It is more than significant that this dramatic research breakthrough came from work done in a public health department of a State which are normally where breakthroughs of this type are accomplished. In fact as the New York Times said today, "The success of the two researchers also represents an unusual achievement within a State health department that is known more for its public health functions than for esoteric experiments involving genetics and highly complex molecular biology."

Again my congratulations to Drs. Panicali and Paoletti for the remarkable work they have done and the great good it holds in store for so many people.

[From the New York Post, Oct. 19, 1983]

STATE DOCS DISCOVER NEW MIRACLE VACCINE

(By Fredric Dicker and Linda Stevens)

A NEW super-vaccine has been developed that one day may prevent such scourges as hepatitis, malaria, sexual herpes and the flu, state health officials announced yesterday.

The history-making vaccine some are calling the biggest breakthrough since penicillin has already been tested successfully on animals.

The super-shot also could be used against as many as 14 other diseases at a time, it was revealed.

And according to the discoverers, the vaccine, when perfected, may be administered for as little as 30 cents a shot.

Amazingly, the super vaccine uses the 200-year-old smallpox vaccine as its base, with genes from viruses like the flu being transplanted in the smallpox serum.

The doctors credited with the historic breakthrough are Enzo Paoletti and Dennis Panacali of the N.Y. State Health Dept.'s Center for Laboratories and Research.

"We are still a few years away from use by the general public, but I would hope it is not very long away," said Paoletti.

He said testing of the new vaccine on humans is probably at least three years away.

But if tests continue as overwhelmingly positive as they are now, worldwide use of the new "one-shot" may be commonplace within a decade.

Paoletti, 40, was quick to emphasize that the vaccine will not be a cure for any disease, but rather a preventive measure.

"We will know more with further testing," he said. "Certainly the potential is there, but we can't be sure."

Explaining the vaccine's possible future as a polyvalent (multi-disease) immunizing agent, he said "there is room now for 12 to 15 genes in the vaccinia."

In that event, a person might one day be immunized against 15 diseases by a single shot.

The method uses state-of-the-art recombinant DNA techniques to "transplant" genes from diseased cells into the cowpox from which the smallpox vaccine is made.

"What we do is very simple," said Panicali, a 34-year-old senior research scientist in the CLR virology laboratory.

"We take the vaccinia virus from the smallpox vaccine and by a variety of genetic engineering techniques we take the foreign substance [usually a protein] that we're interested in—herpes, hepatitis, influenza and just put it into that virus.

"When the virus [reproduces] inside the [patient], it produces proteins not only from the smallpox but also that one protein from herpes or hepatitis or influenza virus, and that one produces an immunological response.

"We're just putting a new gene into the vaccinia virus."

Panicali said research into the new vaccine began about three years ago—with no hit-and-miss experimentation.

"We knew exactly what we were setting out to do," he said. "We wanted to see whether we could put something in and get it expressed."

In preliminary animal tests, said State Health Dept. Commissioner David Axelrod, M.D., the genetically altered smallpox vaccine produced antibodies which protected the animals against the targeted diseases.

For instance, he said, three groups of mice were infected with usually-lethal doses of the herpes simplex virus.

As many as 70 percent in two groups died.

But the third group was innoculated with the new vaccine, and none of the mice died.

Beyond the fact that it may be applicable to so many diseases, the new technique has more practical advantages.

For instance, it produces vaccines which need no refrigeration and can in fact be freeze-dried, making them ideal for use in remote areas.

"And they do not require highly-skilled personnel to administer them," said Dr. Paoletti. "As you know, smallpox vaccine requires only a scratching of the skin.

"And only one dose would be needed."

[From the New York Times, Oct. 19, 1983]

RESEARCHERS ARE HAILED AS NEW GENETICS BREED

(By Ronald Sullivan)

Dr. Enzo Paoletti and Dr. Dennis L. Panicali, the New York State Health Department research scientists who announced the development of an experimental vaccine for infectious diseases, were described yesterday as part of a new generation of laboratory scientists who are unlocking the genetic secrets of cell biology.

The success of the two researchers also represents an unusual achievement within a state health department that is known more for its public health functions than for esoteric experiments involving genetics and highly complex molecular biology.

Their success was also described as a public testament to Nelson A. Rockefeller, Governor of New York for many years, who was the object of widespread criticism in the 1960's for building a $100 million laboratory research facility under the State Government Mall in Albany where the two scientists work.

According to Dr. Herbert W. Dickerman, deputy director of the health department's Center for Laboratories and Research, the two men are in the "true mode" of rapidly developing research into gene splicing and deoxyribonucleic acid, or DNA, a basic component of chromosomes that contains the genetic code for transmitting the hereditary pattern.

PRAISE FOR 'DNA JOCKS'

"Dr. Paoletti is a very dedicated virologist who works intensely hard and who is very creative," Dr. Dickerman said. He described Dr. Panicali as a "leading genetic scientist."

Fellow researchers described the two scientists as "DNA jocks," using the latest technology and scientific advancements in attempting to make viruses work for man in vaccines instead of against him in the form of disease.

For the most part, scientific research achievements are more associated with national institutes, rich pharmaceutical companies or prominent academic research centers. However, Dr. Dickerman described the state's research laboratories in Albany as a smaller combination of the National Centers for Disease Control and the National Institutes of Health.

"We combine the disease fighting capability of the C.D.C. and the research effort of the N.I.H. at the state level," he said in an interview.

STATE COMMISSIONER CREDITED

Dr. Paoletti and Dr. Panicali interrupted a celebration last night at a restaurant in Manhattan to give credit to Dr. David Axelrod, the State Commissioner of Health, for attracting them to New York in the first place and for providing the research support they needed to carry out their work.

Dr. Axelrod formerly headed the state laboratories before he was named commissioner, and his scientific background was cited as a major reason why the state has become a leader in scientific research.

AWAY FROM THE LABORATORY

"Dr. Axelrod was the one who attracted me to New York," said Dr. Panicali. He said the move to New York from the Medical College of Georgia also allowed him and his wife and two small boys to move back to a part of the country where he had grown up.

"My family is very important to me, probably more than anything I might accomplish with DNA," he said.

Both scientists relish the outdoor life the Albany region offers and they spend many weekends backpacking with the families in the nearby Berkshires and Adirondacks. While Dr. Paoletti, who is 40 years old, loves music, Dr. Panicali, who is 34, is an avid racketball player.

Dr. Paoletti was born in Italy. He was graduated from Canisius College in Buffalo and received his doctorate from the State University of New York at Buffalo. He worked at the National Institutes of Health and the Albany Medical College before joining the state center where he holds the rank of senior research scientist. He is married and has three children.

Dr. Panicali was born in Bridgeport and was graduated from the University of Connecticut. He received his doctorate in cell and molecular biology from the Medical College of Georgia.

Both men are members of the American Society for Microbiology and the American Society for Virology.●

THE GUTLESS HOUSE?

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. LOTT. Mr. Speaker, the lead editorial in the Monday, October 10 Washington Post, entitled "The Gutless House," was extremely critical of the House's failure to act on three critical issues: Immigration reform, criminal sentencing reform, and legislation to resolve the constitutional crisis faced by the Nation's Federal bankruptcy courts.

Mr. Speaker, the fact of the matter is that the Democratic leadership of this House has ducked the tough issues in the interest of purely partisan political considerations. Twice in the last 2 years the Senate has passed—by large bipartisan margins—legislation reforming our Nation's immigration policies. Twice the Senate has approved legislation overhauling criminal sentencing laws. The Senate has also responded to the challenge of rewriting Federal bankruptcy court legislation to conform the statutes to the U.S. Supreme Court's objections.

The President has also taken the lead on these issues in recommending legislation to the Congress on both immigration policy and criminal code reform.

Rather than bite the bullet and schedule these issues for consideration by this House, all we hear from the Democratic leadership is a lot of gumflapping about the lack of a constituency for these issues.

What about the hundreds of thousands of unemployed workers in this country who could be employed in jobs now being occupied by illegal aliens? Are the victims of serious crimes committed by individuals who receive disproportionate sentencing for those crimes not a constituency?

Mr. Speaker, I believe that a majority of the Members of this House do want to debate these issues, and that they reflect the concerns of the majority of the American people. We should not let the interests of a few outweigh the concerns of many.

I am including with my remarks a copy of the Washington Post editorial, which I commend to the attention of all of my colleagues.

[From the Washington Post, Oct. 10, 1983]

THE GUTLESS HOUSE

Why do the members of the House of Representatives think they were elected. At their most high-minded, a majority would no doubt declare that they were chosen to deal with the difficult problems facing this nation, to consider possible solutions carefully, to amend and compromise and to enact legislation to deal with those problems. It would not go into their formal descriptions of what they do to concede that they like to duck tough ones with the excuse, "This problem is controversial and we're only a year and a couple of months away from an election." This, they would know, is not an attractive position. It's an admission of political cowardice, a refusal to take on a task which is the very essence of the job.

It would be reasonable for the House leaders to refuse to consider measures passed by the Senate because they preferred the status quo. But there are at least three areas where the House refuses to act in spite of the fact that there is general agreement that the status quo is unacceptable. The first of these involves the federal bankruptcy courts, which have been living in a state of limbo for almost a year following a Supreme Court decision casting doubt on the authority of the judges. The courts are operating under interim rules that may or may not be valid. The Senate passed a bill last April, but the House leadership has not sent a bill to the floor.

Criminal sentencing in the federal courts is another controversial matter. Everyone knows that the present system is in need of overhaul if widely disparate sentences in different parts of the country are to be eliminated. The subject has been studied by scholars, committees and task forces for a decade. Yes, there are differences to be resolved, but twice in recent years the Senate has bitten the bullet and passed sentence reform legislation. The House always balks.

This week we have seen this pattern repeat itself in the area of immigration reform. Here we have a national problem that many believe is reaching crisis proportions. In 1979, Congress created a select commission to study the problem. And in 1981, the attorney general asked a task force for suggestions. Both study groups recommended some form of employer sanctions and amnesty. Twice, by large bipartisan margins, the Senate has passed an immigration reform bill with these elements at the heart of its compromise, and twice the House has failed to act.

Why? Because the bill is controversial; because the choices are hard; because not everyone is perfectly satisfied with each and every provision. There is an element of bad faith here, since the Senate faced exactly the same choices, dealt with the same lobbies, took the same political risks only to

have the House—like Lucy holding the football for Charlie Brown—pull back at the crucial moment.

Legislators are not supposed to wait for all opposition to die down and for perfect unanimity to be achieved before acting. It is their responsibility to listen to all viewpoints, to decide the best solution and to lead in the interests of the whole nation. That was finally done in the case of Social Security, even though it required the formation of a nonpartisan, nonelected commission to devise a final compromise. Beneficiaries raised objections because they had to give up some benefits; workers were not happy about tax increases. If Congress had waited for all the interested parties to agree on one solution, the Social Security system would be bankrupt. Competing interests raise objections to immigration reform, too, but it is the responsibility of Congress to make hard choices and to devise a fair and workable solution to a national problem. Last week, the House leaders refused to accept this responsibility and made embarrassing excuses for their default. They have pleased some, but they have failed the American people by choosing the sidelines when they were needed on the field.●

CHESAPEAKE BAY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. DYSON. Mr. Speaker, I was asked to testify yesterday before the House Public Works Subcommittee on Water Resources on a bill I introduced earlier this year that would provide funds for the cleanup of the Chesapeake Bay. This legislation is an important first step in restoring the bay's water quality and in dealing with all the interests in the Cheapeake Bay region.

TESTIMONY OF CONGRESSMAN ROY DYSON

Mr. Chairman (Mr. ROE) and distinguished members of the Subcommittee, I want to thank you for inviting me to testify a second time before you on H.R. 2817, legislation I introduced earlier this year that would amend the Clean Water Act to provide for the enhanced water quality of the Chesapeake Bay.

In my previous testimony of August 2d, I indicated that the Bay is the major economic and environmental resource of my home State of Maryland and is of extreme importance to all states in the Chesapeake Bay region. It provides thousands of people with jobs in the fishing and outdoor recreation industries, particularly constituents of mine in Maryland's First Congressional District. It is a thoroughfare for nearly $240 million in maritime commerce annually. And it is home to countless forms of marine and aquatic life.

My purpose in speaking to you today is to bring you up to date on significant events in the ongoing effort to improve the quality of the Bay.

First, at the end of September, the Environmental Protection Agency released its official findings from the Chesapeake Bay Study. This 7-year, $27 million effort answered some of the most pressing questions about conditions in the Bay. These results, however, only indicate how much work remains to be accomplished.

I take some satisfaction in the completion of this project since I secured the funding to finish this analysis in the final days of the 97th Congress.

The EPA's report clearly indicates that the Bay is an ecosystem in decline. It suggests that actions throughout the Bay's 64,000-mile watershed can affect the water quality of the rivers flowing into the Bay. Degradation of the Bay's water and sediment quality can, in turn, affect the living resources in it.

Thus, effective management of the Chesapeake Bay must be based on an understanding and an ability to control both point and non-point sources of pollution throughout the Chesapeake Bay basin. It is clear that to achieve this there is a need for the Federal government and the states to work together closely to develop specific management plans that address the regional problems identified by the EPA.

Mr. Chairman, it is clear that the final report of the EPA's Chesapeake Bay Study points to the need for a solution that I hope will begin with the inclusion of my Bay legislation in the reauthorization of the Clean Water Act. It provides the necessary federal incentive, $10 million in each of the next four fiscal years, to prompt the states in the Chesapeake Bay Basin to devise a comprehensive and effective management plan. In return, the States must commit themselves to pay an amount equal to 45 percent of the total cost, or roughly $8 million annually over the same time period.

The second event of importance in our efforts to clean up the Bay took place just yesterday in my congressional district, when I hosted some key colleagues of mine from the House of Representatives for a trip on the Bay. These Members represented virtually every area of the country, were both Democrats and Republicans, and all of them demonstrated a keen interest in preserving the Chesapeake Bay.

I took them to my district, which encompasses almost all of the Bay, to give them a first-hand glimpse of the Chesapeake's beauty and the problems it currently faces.

I am pleased to report that the response from this bi-partisan group was enthusiastic for efforts to save the Bay and for my legislation in particular. Tom Bevill of Alabama, Chairman of the Energy and Water Development Appropriations Subcommittee, pledged his total support for the initiative, reinforcing his long-standing concern for the Bay. I was also happy that another of my Southern colleagues, Mr. Hammerschmidt of Arkansas, and a member of this Subcommittee (who is here today), could join me, demonstrating his commitment to saving the nation's largest estuary.

The presence of this group of distinguished legislators, who represent such diverse constituencies, symbolizes the growing national consensus to protect one of our country's greatest natural resources. That same growing consensus is urging passage of H.R. 2817 as a crucial first step in this preservation process. This support compliments the regional support for my Bay legislation. Currently the bill is co-sponsored by all members of the Maryland and Virginia Delegations, and over two-thirds of the members from Pennsylvania, three of whom are members of this Subcommittee. In addition, the governors of all three states have publicly endorsed the bill.

Because the Chesapeake Bay is our largest and most productive estuary, the efforts we make to enrich and preserve it can serve as a model for resolving pollution problems in other estuaries in this country. Dr. Joseph Mihersky, the University of Maryland's top expert on the Chesapeake Bay, who accompanied me yesterday, said, "the whole nation is watching how we handle the Chesapeake Bay. Prompt action to enact policies that will preserve this valuable body of water will be seen as the example of how to reach the necessary consensus in resolving estuary pollution."

Mr. Chairman, I believe that Dr. Mihersky's point is well-taken and coincides with the intent and structure of my Bay legislation. It calls for an effective and creative means of federal-state cost-sharing so as to be realistic in an era of restrained government spending. These funds will be used to deal not only with the Bay itself, but with the river basins that contribute the nutrient run-off that has caused much of the estuary's decline.

Yesterday's trip on the Bay was a historical event because it involved such a broad spectrum of Congressmen who are interested in supporting legislation that will clean up the Bay. Such a development has never happened before with respect to the Chesapeake.

The legislation which I am offering as an amendment to the Clean Water Act has that same unprecedented significance. It is an important first step in restoring and maintaining the Bay's ecological integrity.

I hope that in the future, Mr. Chairman, you and the other members of the Subcommittee will be able to join me for a tour on the Bay so as to acquaint you first-hand with its present beauty and its future needs.

Mrs. James Michener, wife of the author of "Chesapeake," commented yesterday on our trip that saving the Bay is an important and unique way by which we can improve the region's quality of life. I believe that the inclusion of my Bay legislation in this year's re-authorization of the Clean Water Act is the needed first step to insure this much-needed improvement for the citizens of the Chesapeake Bay region.

Mr. Chairman and members of the Subcommittee, I urge you to include my bill in the Committee's version of the re-authorization of the Clean Water Act. Then we can be certain that we have made the best step in beginning a new era for the Bay. I again want to thank you for your past cooperation and your future consideration. Thank you.●

ALL CIGARETTES ARE DANGEROUS TO OUR NATION'S HEALTH

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. MARKEY. Mr. Speaker, I rise today to share with my colleagues some information I reviewed some time ago concerning the health dangers of cigarette smoking. I rise today also, Mr. Speaker, to urge my colleagues to support H.R. 3979, the Comprehensive Smoking Education Act. I strongly believe this measure is one of the most important health issues before Congress and I urge my colleagues to support the bill.

One of the toughest issues facing Congress is rising health costs. Everywhere we turn, we are faced with health costs endangering our success with inflation, rising health costs pushing the medicare fund to the brink, and rising health costs using more and more of our vital resources. Today, over 10 percent of our GNP goes to medical costs. Yet if we purchased all of the new technologies, if we purchased the best equipment and developed the best techniques and made them available to all, there is no doubt that medical expenses could consume 20, 30, maybe 40 percent of our GNP. The growing crisis of rising health costs has pushed many Members and experts in and out of the health area to look for ways to control health costs. Today, I propose one which has been put forth many times before; but that does not mean it does not make sense today. I urge my fellow Americans to quit smoking.

In recent years, as the evidence of the danger of smoking has grown, some people have turned to low-yield cigarettes as a cure to the problem of smoking. A recent article in the New England Journal of Medicine states that while machines used in tests may consume less nicotine with low-yield cigarettes, people do not. For the reasons outlined below, these low-yield cigarettes present as great a threat to people's health as regular cigarettes. I commend to my colleagues this succinct explanation of the situation.

The New England Journal article reinforces the call for people to quit smoking. The only way to get people to quit smoking is to convince them of dangers of smoking. And that is why I support H.R. 3979, for it renews the Federal effort to make people aware of the health dangers of smoking. I applaud my colleague, HENRY WAXMAN, for his efforts to recommit Government resources to this noble effort. I implore my colleagues to join me in supporting this legislation which is good health policy, good fiscal policy, and good humanitarian policy.

The article follows:

[From the New England Journal of Medicine, July 21, 1983]

SMOKERS OF LOW-YIELD CIGARETTES DO NOT CONSUME LESS NICOTINE

NEAL L. BENOWITZ, M.D., SHARON M. HALL, PH.D., RONALD I. HERNING, PH.D., PEYTON JACOB III, PH.D., REESE T. JONES, M.D., AND ABDEL-LATIF OSMAN, M.D.

ABSTRACT: Advertisements suggest that smokers of cigarettes low in nicotine are exposed to less nicotine and tar. Nicotine yields are measured with smoking machines, but machines do not smoke cigarettes as people do. We therefore measured the actual nicotine content of commercial cigarettes with different nicotine and tar yields as determined with smoking machines, and also measured actual nicotine intake as indicated by blood concentrations of its metabolite, cotinine, in 272 subjects smoking various brands of cigarettes.

We found that low-yield cigarette tobacco did not contain less nicotine; in fact, the nicotine concentration in tobacco inversely correlated ($r=-0.53$, $P<0.05$) with the concentration measured by smoking machines. Blood cotinine concentrations correlated with the number of cigarettes smoked per day but not with the nicotine yield measured by smoking machines. Only 3.8 to 5.0 per cent of total variance in blood cotinine was contributed by nicotine yield.

We conclude that smokers of low-nicotine cigarettes do not consume less nicotine. (N Engl J Med 1983; 309:139-42.)

Tobacco advertisements claim that low-yield cigarettes "have" and deliver less tar and nicotine than higher-yield brands. Many physicians advise patients who cannot stop smoking to switch to low-tar, low-nicotine cigarettes, believing that they are safer. However, the figures for nicotine and tar determined with the smoking machines used by U.S. Federal Trade Commission (FTC) and cited by cigarette manufacturers in advertisements are misleading. The FTC values do not reflect what is actually taken into the body of the cigarette smoker.

When measurements of cigarette nicotine and tar yields are determined by a smoking machine, a syringe draws 35-ml puffs each minute until a set length of cigarette is burned. Cigarettes can have low yields in smoking-machine assays for several reasons. The tobacco may be lower in nicotine and may generate less tar. The use of ventilated filters or porous cigarette papers may result in dilution of the tobacco smoke. Papers that burn faster may reduce the time in which the cigarette burns: faster burning means that fewer puffs are taken by the machine to burn a given amount of tobacco. Kozlowski et al. have pointed out that the use of ventilated filters and more rapid burning times can explain much of the reduced yield of currently manufactured cigarettes. The ventilation characteristics of the filter as well as the number of puffs taken before a cigarette is discarded can be controlled to a substantial degree by the way in which the cigarette is held and smoked. Many smokers will alter their smoking behavior, changing the number of cigarettes smoked, the method of puffing, and the depth of inhaling the smoke, to maintain a desired level of nicotine intake. For all these reasons, we questioned whether or not smokers of low-yield cigarettes truly consume less nicotine.

We addressed two questions: What is in the cigarette tobacco—that is, does the tobacco of low-yield cigarettes contain less nicotine? And do the FTC figures predict the actual nicotine intake of smokers? We measured blood concentrations of cotinine as an index of nicotine consumption. Cotinine is the major metabolite of nicotine and persists in the body for a much longer period than nicotine, with a half-life averaging 20 hours (unpublished data). Because of the long half-life, cotinine blood concentrations vary relatively little throughout a day of smoking and thus are a reasonably consistent measure of nicotine exposure.

METHODS

The nicotine content of tobacco from 15 popular brands of cigarettes was measured. Estimates of nicotine delivered by machine ranged from 0.05 to 1.5 mg. Cigarettes were cut to the butt lengths specified in the FTC report of December 1981.[8] The paper was removed and the tobacco weighed. Nicotine was extracted by heating the tobacco in 20 ml of 1 *N* hydrochloric acid for one hour in a boiling water bath. After the tubes stood overnight, they were mixed, and 100-μl aliquots were removed and diluted with 900 μl of 0.14 *N* aqueous ammonia. Nicotine concentrations were measured by high-performance liquid chromatography (Beckman Model 112A pump with a Perkin-Ehner Model LC-15 fixed wavelength detector set at 254 nm). A reverse-phase column was used (Alltech 10 μ C-8), with a mobile phase of 65 percent methanol and 35 percent of an aqueous solution containing 1 percent (vol/vol) 2-methoxyethylamine adjusted to a pH of 8 with acetic acid, at a flow rate of 0.5 ml per minute. The retention time for nicotine was 14.2 minutes. An external aqueous standard of nicotine was used, which gave a linear standard curve over the entire range (0 to 100 μg per milliliter) of observed concentrations.

Two cigarettes were measured from each pack. The nicotine concentrations of cigarettes from the same pack differed on average by 5.0 percent.

To estimate nicotine intake, blood samples were taken from 272 subjects—122 men and 150 women, with an average age of 37±8 years (S.D.; range, 20 to 56). All subjects were about to begin a smoking-treatment program. Each subject was asked the brand and number of cigarettes he or she smoked in the previous 24 hours. Blood samples for cotinine analysis were drawn at two different times in two subgroups of patients. In Group 1 ($n=149$), the sample was drawn late in the afternoon, usually around 5 p.m. (range, 1:00 to 6:30 p.m.). In Group 2 ($n=123$), the blood sample was drawn at 8 a.m., after 8 to 12 hours of abstinence. Cotinine was measured by gas chromatography with nitrogen-phosphorous detection and a structural analoge of cotinine as the internal standard.[9]

Nicotine content was expressed as a percentage of tobacco weight and also as the total amount of nicotine in the amount of tobacco usually burned in the FTC smoking-machine assay. The relations between the concentration of nicotine in tobacco, total nicotine in a cigarette, and the nicotine delivered by machine were measured by linear regression.

Data on blood cotinine concentrations in Groups 1 and 2 were analyzed separately. Univariate linear regression was used to measure the relation batween blood cotinine concentration and age, number of cigarettes smoked per day, machine-determined nicotine yield, and "daily dose" of nicotine (as estimated by the product of number of cigarettes and the yield). Hierarchical multiple linear regression [10] was used to examine the effect of machine nicotine yield on blood cotinine concentration, with control for the effects of age, sex, and number of cigarettes smoked per day.

RESULTS

Cigarette tobacco contained an average of 1.57±0.33 (S.D.) per cent of nicotine. Neither the concentration of nicotine in the tobacco nor the total amount of nicotine in the cigarette correlated positively with the FTC machine-delivery estimate (Fig. 1). In fact, among the cigarette brands sampled, there was a significant inverse correlation between the nicotine concentrations in the tobacco and the nicotine delivered.

Blood cotinine concentrations were significantly correlated with the number of cigarettes smoked by both groups (Fig. 2A). The correlation between machine-determined nicotine yield and blood cotinine concentration was not significant in either group (Fig. 2B). The daily intake of nicotine (number of

cigarettes smoked per day multiplied by the nicotine yield of each cigarette) correlated no better with cotinine concentration ($r = 0.42$ and $r = 0.39$ for Groups 1 and 2, respectively) than with number of cigarettes alone. Multiple regression analysis showed that combination of the variables age, sex, and number of cigarettes per day accounted for 21.2 per cent and 23.3 per cent of the variance in blood cotinine concentration in Groups 1 and 2, respectively. The addition of machine-delivered nicotine yield added only 2.8 per cent and 5.0 per cent to the explained variance in Groups 1 and 2, respectively.

DISCUSSION

Tobacco from low-yield cigarettes does not contain less nicotine than tobacco from higher-yield cigarettes. This is probably well known to the tobacco industry, but to our knowledge, it has not been discussed in the medical literature. The main determinants of whether a cigarette has a low or a high yield in machine testing are the characteristics of its ventilation and burning. Both these variables are under the control of the cigarette smoker and allow considerable variation in nicotine intake. We also found that people who wanted to stop smoking and who were smoking low-yield cigarettes did not consume less nicotine, as judged by blood cotinine concentration, than smokers of higher-yield cigarettes.

Blood cotinine concentration is not a perfect market of nicotine consumption, because of individual variability in both the conversion of nicotine to cotinine and the elimination rate of cotinine itself. But we have no reason to think that there is any relation between the rate or pattern of nicotine or cotinine metabolism and the brand of cigarette smoked that would cause our data to be biased.

Our findings are consistent with other reports that only a small percentage of the variance in blood nicotine concentrations is accounted for by machine-determined nicotine yield. Rickert and Robinson also reported no correlation between machine-determined nicotine yield and plasma cotinine concentrations. But their subjects included few smokers of low-nicotine cigarettes (<0.7 mg). In contrast, in our study population the full range of cigarette brands was encompassed.

We focused on nicotine intake from smoking different cigarette brands. Nicotine is suspected of having a role in morbidity and mortality from coronary heart disease, but its quantitative importance has not been established. For example, a recent study showed that the risk of myocardial infarction increased with the number of cigarettes smoked but did not differ between smokers of low-yield cigarettes and those of high-yield cigarettes. Our data partly explain this observation.

In contrast, there is evidence implicating exposure to carbon monoxide and tar as a cause of disease. Other investigators have reported that carbon monoxide levels are no different in smokers of low-yield cigarettes and smokers of higher-yield cigarettes. This was also true in our subjects. There are no markers of tar consumption in people. In smoking-machine assays, low-yield cigarettes deliver a lower ratio of tar to nicotine than do higher-yield cigarettes; however, it is not established that this observation holds when cigarettes are smoked by people. It may be that the ratio of tar intake to nicotine intake is lower when low-yield cigarettes are smoked. However, since the intake of nicotine is not substantially affected by the brand of cigarette, the quantitative benefit (if there is any) in terms of reduced tar intake is obviously far less than suggested by cigarette advertisements.

Perhaps the smokers who participated in our study and were seeking treatment consumed more nicotine or were more dependent on it than other smokers. If so, they were more likely to regulate their nicotine intake independently of the type of cigarette they smoked. In contrast, lighter smokers who switch to low-yield cigarettes may, in fact, consume less nicotine. Although this possibility cannot be discounted, our subjects were representative of smokers who for whatever reasons cannot stop smoking without professional help. We think that in the case of the habitual smoker for whom cutting down on nicotine and tar intake is considered to be medically important, it is unlikely that changing the brand of cigarette will accomplish this goal.

In summary, we found that the tobacco in low-yield cigarettes does not "contain" less nicotine than higher-yield cigarettes and that smokers of these cigarettes do not consume less nicotine. The FTC cigarette-testing data do not predict nicotine intake by the cigarette smoker. Advertisements from cigarette manufacturers suggesting that smokers of low-yield cigarettes will be exposed to less tar and nicotine are misleading. Patients who smoke cigarettes should be so advised.●

SPELTS DISTINGUISHED NEBRASKAN

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mrs. SMITH of Nebraska. Mr. Speaker, the Nebraska State Historical Society on October 5 honored Richard E. Spelts, Jr., with the 1983 Distinguished Nebraskan Award. Dick Spelts is a man who has made a difference in Nebraska as the following speech by former-U.S. Senator Carl Curtis documents. His life of service to his community, State, and country should be an example to us all and I commend to my colleagues Senator Curtis' remarks on Dick Spelts.

The remarks follow:

SPEECH OF CARL T. CURTIS AT WASHINGTON, D.C., ON OCTOBER 5, 1983 PRESENTING THE DISTINGUISHED NEBRASKAN AWARD TO RICHARD E. (DICK) SPELTS, JR.

To our honored guest, Richard Spelts may I say you are a distinguished Nebraskan. You have already attained that rank by your outstanding accomplishments and your many services to your fellow man.

Our honoree has been recognized by many organizations. I shall mention only a few of them. In 1952 Dick Spelts received the Junior Chamber of Commerce Distinguished Service Award. In 1958 the University of Nebraska presented him with the Alumni Service Award. The Boy Scouts of America in 1962 presented him with the Silver Beaver Award and the next year he received the Mr. Grand Island Award. In 1965 he was given the American Cancer Society Award. The Wisdom Society presented him with the Wisdom Award of Honor in 1975 and the Hall County Housing Authority in 1979 presented him with the Golden Service Award. In 1980 he was named Nebraska's Outstanding Conservationist of the Year and in that same year was named the Nebraskan of the Month and also in 1980 he received the Nature Conservancy-Recognition Award.

If any one wishes to learn more about Dick Spelts please be advised that he is listed in the following publications: Who's Who in the United States; Who's Who in the Midwest; World Who's Who in Finance & Industry; International Who's Who in Community Service; Who's Who in Nebraska; Personalities of the West and Midwest; Dictionary of International Biography; The National Register of Prominent Americans; Men of Achievement; Community Leaders and Noteworthy Americans; Personalities of America; and The Directory of Notable Americans.

Dick Spelts is President and CEO of The First National Bank of Grand Island, Spelts of Nebraska, Bankshares of Nebraska, and a Life Insurance Company of Phoenix, Arizona. He is Chairman and Officer or a Director in nine other Nebraska corporations. He is a Director of the MEI Corporation of Minneapolis, Minnesota, the Northwestern Public Service Company of Huron, South Dakota and the Business Development Corporation of Lincoln, Nebraska. He has served as an officer or director of the Alexander Hamilton Life Insurance Company of Detroit, Michigan and the Investors Life Insurance Company of Sioux Falls, South Dakota.

Dick Spelts hasn't spent all of his time in business. Presently he is involved as a trustee, chairman or director of the following organizations: Hastings College Board; Grand Island Charitable Foundation; University of Nebraska Foundation; 7.5 Million Dollar Platte River Maintenance Trust; Nebraska Association of Commerce & Industry; St. Francis Medical Center Foundation; Grand Island Area Zoological Society (Children's Zoo); Stuhr Museum Foundation and National Council—Boy Scouts of America.

Richard Spelts has served his country as a member of our armed forces. He served in World War II, in the United States Navy with the rank of Lieutenant (J.G.). He is a political leader, who has served his party in many capacities, including a major role in electing and re-electing your speaker to the United States Senate.

His past civic activities are many and I will mention a few: Presidential Representative to Kingdom of Tonga Centennial U.S. Public Delegate—UNESCO Conference; Nebraska State Chamber of Commerce; Grand Island Chamber of Commerce; Rotary Club; Overland Trails Boy Scout Council; Hastings College Alumni Association; University of Nebraska Regional Alumni; Nebraska Cancer Crusade; Grand Island Industrial Foundation; Nebraska Tax Research Council; Nebraska Independent College Foundation; United States Chamber of Commerce Aircade and the Nebraska Diplomats.

We are very pleased that Dick's family is here to join in this happy occasion. We honor Dick's lovely wife and loyal helpmate Dorothy for here contribution to Dick's many activities and accomplishments. And we are happy to welcome their daughters Connie and Susan and their husbands.

There are some very special things that I would like to tell you about Dick. May I suggest to this audience that you picture a beautiful church in the city of Grand Island, a house of worship designed to glorify our heavenly Father and to perpetuate

the faith and to meet the needs of a congregation of nearly 1,400 children, young people, adults and senior citizens. This church just didn't appear overnight by magic. It is because during the 1950's Dick Spelts served in a dual role as Secretary of the Finance Committee charged with the responsibility of raising the necessary funds to construct a new church, and Chairman of the Board of Trustees charged with the responsibility of selling the old church, arranging for the construction, interim financing and the long term financing of the new church. The Building Committee purchased a 10 acre sight and built one of the most beautiful churches in the State of Nebraska. This church structure was Dedicated in 1955 with Dick Spelts acting for the congregation receiving the keys from the contractor. Dick and Dorothy Spelts have both been Officers in the church, and Dick was elected to serve as Chairman of the Centennial Committee of the church which celebrated its 100 years in 1969. He has also served as Chairman of the Board of Trustees, Synod of Nebraska.

The Sisters of St. Francis maintain a modern well-equipped hospital and medical center for the care of the ill in the Grand Island area. Those in charge of St. Francis knew well that Dick Spelts was indeed a distinguished individual. They reached out beyond the members of their own denomination and drafted Dick Spelts to help with the planning, financing and completion of that fine new medical center which was dedicated in 1978. It was his responsibility to work with the administration, architects and bonding companies and arrange for the interim and permanent financing of that medical center. He served as a director for eight years and during that time provided the leadership which brought about the construction of the new medical center. Dick Spelts was President of the Board of Directors during three of the years of planning and construction. During that time he attended an average of three meetings per week at the hospital. The Executive Director of the St. Francis Medical Center wrote, "We were very short of money and I don't believe we would have been able to accomplish this project without his leadership. He is a very outstanding businessman with great decision making ability."

Dick Spelts was Co-chairman for the largest bond issue vote drive in the history of Grand Island. The Committee used Dick and his unique ability for organization and the bond issue carried in every precinct in the District. That bond issue resulted in the fine facility for the Grand Island Senior High School, and helped win the first All America City Award for Grand Island.

The senior citizens have a dedicated friend in our distinguished honoree. For more than a quarter of a century he served as Chairman of the Grand Island Housing Authority which developed and operated the Golden Age Village. It was organized in order to convert a run down war housing facility into an installation which would be an asset to the community. Over a number of years they were able to convert the 36 acres into an area which provides dignified homes and apartments for low income, elderly residents of the community, an All-Faiths Chapel, District Offices for Boy Scouts of America, headquarters for the United Way, headquarters for the Girl Scouts Council, a Children's Village which is a holding home for temporary wards of the Court, and there they established the first modern Nursing Home in Mid-Nebraska.

Dick's long time pastor, the Reverend John Shell writes, "Dick Spelts is a man who has a tremendously brilliant executive ability, deals well with people and knows how to get things done in a fast and efficient manner. He has used those God-given talents very freely in service to people, organizations, and the church. With all his gifts, he has maintained a humble and gracious spirit which has made him a friend to people in all walks of life."

Now Dick, in order to keep you humble, I want you to know that I interviewed your severest critics in both business and politics all across Nebraska. It took me considerable time to do this, but I finally located both of them. Each of them said that they had concluded that you were right and they had long since forgiven you. It is a happy task, which is mine, to proclaim the recognition of Richard E. (Dick) Spelts, Jr. as a distinguished Nebraskan.●

A TRIBUTE TO AL ANGRISANI

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. COURTER. Mr. Speaker, I rise today to take note of the achievements of one of my constituents, Mr. Al Angrisani, who entered Government service and successfully took up the challenge of streamlining Government operations and saving money for the taxpayer.

During the first 2 years of the Reagan administration, there have been few, if any, Federal agencies that have experienced as much positive change, or seen as many concrete accomplishments, as the Department of Labor's Employment and Training Administration. Assistant Secretary Angrisani did something that others have talked about doing for years—he proved that business expertise and methods could be successfully applied to the management of a large Federal agency.

When Assistant Secretary Angrisani came to the Employment and Training Administration, he found a bureaucracy that was too big, too cumbersome, and too hard to control.

Under his direction, ETA underwent an amazing turnaround.

When Assistant Secretary Angrisani arrived at ETA, he found some 650 unresolved audits with questioned costs of more than $300 million. Some of these audits had been unresolved for up to 7 years. A cumbersome process was being used for audit resolution and debt collection. Its objective appeared to be the bilking of the taxpayer by assuring that legitimate debts went unpaid.

He found that up to $400 million a year was being spent through a national office discretionary account, with much of it being used for last minute or nonspecific, sole source contracts on research unrelated to the Nation's training needs. It was an example of "business as usual" in the buddy system that had come to characterize the procurement system of many agencies.

Working with the Labor Department's Office of the Inspector General, he moved swiftly to correct these deficiencies and lay the cornerstone for proper program and financial accountability by instituting a program of cost control.

The first steps were to establish a tracking system for audits and to eliminate the ETA resolution backlog.

A program was set in place to bring the audit backlog from 650 to zero, where it remains, even with expanded audit coverage.

In addition, cash control management was extended to include:

Cash drawdown management, in which program sponsors were required to return cash balances in excess of their needs—some $86 million was recaptured by this method in fiscal year 1982.

Debt collection, where funds were collected from program sponsors after issuance of a final audit determination—this resulted in the return of more than $14 million to the Treasury in fiscal year 1982.

Contract closeout, where some $31 million was returned to the Treasury in fiscal year 1982 by emphasizing proper and prompt closeout and grant settlements with contractors and grantees.

In total, more than $132 million was returned to the Treasury in fiscal year 1982, a truly admirable and praiseworthy achievement.

One of the major programs at ETA when Assistant Secretary Angrisani arrived was the Comprehensive Employment and Training Act, or CETA. It was a program that had lost sight of its purpose; one that was bloated by too many resources dedicated to too many objectives—objectives often loosely defined. At its peak, about $9 billion a year was being spent through 476 prime sponsors and 55,000 subcontractors. Because the system was largely unaudited, accountability was near zero, and the program became known for its abuses of the public's funds.

Under Assistant Secretary Angrisani's leadership, ETA developed and implemented the Job Training Partnership Act (JTPA), which replaced CETA as of October 1, 1983.

JTPA is designed to train 1 million individuals each year to provide them with marketable skills that will put them in self-sustaining, private sector jobs. It is a realistic, workable method of dealing with employment and training. It deserves our continued support. In fact, if I might quote from a Washington Post editorial of October 5:

• • • the new approach has promise and it deserves the bipartisan support that it has enjoyed, so far, in Congress.

JTPA is the forerunner of programs that reject the old ways of paternalistic government. It is the first true test of private/public partnerships as an alternative to big social programs, and will serve as a model for future partnerships. It ushers in a new era in which private/public partnerships will share the responsibility for dealing with our social problems.

Speaking to a gathering of employees at the Department of Labor on October 5 of this year, President Reagan said:

> The people up here on the dais, other people in the Administration and the Congress, and many of you in the audience—especially you in the Employment and Training Administration—played a role in making this positive program happen. From a personal perspective, this Act represents the change of direction I hoped to bring to Washington when I came here. And I want to thank all of you for your assistance in bringing it about. I'm very proud of your work.

The development and implementation of such a program is a Herculean undertaking—Assistant Secretary Angrisani and his staff at ETA performed above and beyond the call.

In addition, ETA:

Saved up to $850 million in fiscal year 1983 benefit outlays by designing and obtaining major legislative reforms to the extended benefit program and the Trade Adjustment Act.

Consolidated and improved the ETA contracting function and established long-term safeguards to protect the integrity of the procurement function.

Reduced the reporting burden on program sponsors by 3.5 million hours in fiscal year 1982.

Completed a major reorganization of the ETA National Office that reduced the number of organizational units by 40 percent and eliminated many unnecessary, high-paid positions.

Accomplished all this and more while reducing ETA employment from 3,333 to 2,281—32 percent.

Quite an enviable record.

The performance of Assistant Secretary Angrisani and his staff at ETA reflect the Reagan administration's philosophy of streamlining the operations of the Federal Government. They have proved that you can cut out a lot of fat and still have an efficient, in fact a more effective, operation.

Assistant Secretary Angrisani deserves the thanks and congratulations of not only the Members of the House of Representatives, but of all Americans who oppose the wasting of our precious tax dollars.

Thank you, Mr. Speaker.●

WORLD FOOD DAY

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. ZABLOCKI. Mr. Speaker, a World Food Day observance was held October 14 at the Department of Agriculture as part of the worldwide movement to reaffirm dedication to the goal of wiping out hunger. It is appropriate that we use this and other occasions to stress the high priority we attach to this task.

Tragically, as many as a half billion people of the world are estimated today to be suffering from lack of sufficient food. The malnourishment stunts their lives and leads to early death. Fortunately, the knowledge and means are at hand to alleviate this massive hunger—if we have the will, and the persistence, to do it.

The United States, I am pleased to say, continues to be a leader in this effort. And we in the Congress have periodic opportunities to contribute directly in this campaign with our votes on legislation.

One important congressionally funded program is Public Law 480, the food-for-peace program, under which we send U.S. agricultural commodities to needy persons abroad. Perhaps even more important to the war on hunger over the longer term is our technical and developmental assistance that helps developing countries to become eventually self-sufficient in food. A pending measure due for House consideration early in November, H.R. 2992, the International Security and Development Cooperation Act of 1983, has as one of its major components an authorization for continued substantial technical and developmental programs for poor countries in agriculture, rural development, and nutrition during fiscal years 1984 and 1985.

The World Food Day commemoration held at USDA had as its theme, appropriately enough, "Helping Others to Help Themselves." The gathering was addressed by distinguished leaders including Secretary of Agriculture John R. Block and M. Peter McPherson, Administrator of the Agency for International Development.

Following are the texts of their remarks:

REMARKS BY AGRICULTURE SECRETARY JOHN R. BLOCK

I'm happy to have this opportunity to welcome you to the U.S. Government's official commemoration of World Food Day 1983.

President Reagan has officially proclaimed October 16 as World Food Day, as recommended by the Food and Agriculture Organization of the United Nations. Millions of Americans in thousands of communities throughout the country have been participating in activities all week. The widespread response to World Food Day here, and abroad, reflects a deep concern by all involved.

And it should be that way.

The United States is deeply committed to improving the supply of wholesome and nutritious food for people in every nation, our own included. We want to help ensure that all people are able to achieve a proper diet.

In practical terms, our commitment has meant considerable support for nations in need. The Eisenhower Food for Peace program, which was launched in 1954, has provided hundreds of millions of tons of farm products—more than $40 billion worth in all.

We have sent more than 4,000 agricultural experts to developing nations to help them improve their agricultural systems. We have provided training for more than 70,000 foreign agricultural students. And we have freely shared the results of our extensive agricultural research worldwide.

This has helped developing nations increase their food production somewhat faster than their population growth during the past 10 years. The quality of diet, measured by consumption of calories, has also improved.

Unfortunately, the improvements have not been shared equally by all developing countries, nor by all people. The Food and Agriculture Organization estimates that as many as 500 million people are existing on subpar diets, with large numbers concentrated in Africa.

As a member of the World Food Council, we have vigorously supported that body's initiatives to help developing countries design and carry out national food sector strategies. These efforts have helped governments link farm policies with food policies, giving development a more realistic framework within which to function.

As a result, the food sector strategies of an increasing number of countries wisely give more attention to the importance of providing strong incentives for farmers.

Africa is a special case, of course, with special problems. Yet, we know that solving those problems is much more complex than simply pouring in food. Storage, transportation, distribution and pricing problems often conspire to prevent food from getting to those who need it most. At the same time, we have to make certain our assistance does not undermine agricultural development in the recipient countries.

For the short term, the Department of Agriculture is searching for ways to make the P.L. 480 Food for Peace program more responsive to the needs of Africa and other developing countries.

For the long term, if the objective of genuine world food security is to be achieved, then the concept of comparative advantage is going to have to prevail. By that, I mean countries should produce those commodities they can produce economically and buy the rest from countries who can produce at more reasonable prices.

I believe countries need to identify and concentrate on crops they can grow efficiently and economically. Those nations with the appropriate technology should provide all possible assistance. It will continue to be the policy of the United States to share our agricultural technology unselfishly with food-deficit developing nations.

On this World Food Day, the world community can be certain that the United States will not falter in seeking to strengthen the bonds between developing and developed countries. We will work in support of other nations so that they can be stable,

open, productive, prosperous and oriented towards a free-market economy. Among such nations the United States will find its strongest friends, allies and trading partners.

My best wishes to you all.

REMARKS BY AID ADMINISTRATOR M. PETER MCPHERSON

Good morning! It is an honor to be here and I want to commend each of you for the role you have played in making World Food Day a reality.

A.I.D.'s world mission is dealing with Hunger and I would like to concentrate my remarks today on Africa, a country where the hunger problem is so great.

For the past two decades, per capita agricultural production in Africa has declined—the only continent of the world where that is true. Accordingly, the major thrust of our foreign aid programs for Africa is now to increase Africa's agricultural production. Among other things, urging countries to pay their farmers reasonable prices for their products.

U.S.D.A. works with A.I.D. in international agricultural programs. For example, U.S.D.A. often provides skilled technicians not available anywhere else. We are also working closely with the Peace Corps. The results of this fruitful partnership are reflected in the progress some countries in Africa are making in improving their agricultural capabilities.

We are beginning to see solid progress in some countries where the necessary policy changes are being taken, countries like the Sudan, Mali, and Zambia. Nonetheless, the pace of change is slow and we need to keep working at it.

One of the major ways we are achieving success is through use of the U.S.'s abundant agricultural production to help countries in Africa increase their own production.

By using Title III and Title II, Section 206, A.I.D. has taken the lead in creating programs that achieve significant policy reforms and development. We are intent on putting in place more of these high quality and effective programs, particularly in Africa. We believe they offer a realistic and effective mechanism to deal with the increasingly difficult problem of food availability.

In the shorter term, however, Africa's need for imported food is often intensified because of the impact of weather and other disasters. The U.S. has a long-standing tradition of responding generously to these emergency needs. In 1983, for example, when the U.S. supplied more than $250 million of food aid to Africa, one-sixth of that was for emergency feeding programs. We are proud that the United States has taken the lead in meeting Africa's emergency food needs. This fine, humanitarian tradition to alleviate the problems of people around the world will continue. In 1984, we anticipate there will be increased needs for emergency food shipments to Africa. The U.S. Government has already approved a number of emergency programs in Africa. And members of my staff are, at this moment, en route to meetings with other donors and international organizations to discuss the nature of and solutions to the problems in a number of countries. I am optimistic we will continue to respond to the true emergency situations Africa will face in the years ahead. At the same time we need to continue to strike the right balance between relief, market development, and economic development for P.L. 480 programs. All have important roles.

In my travels I have met many people around the world—many of them poor, uneducated, plagued by disease, hungry and malnourished. The one thing that has impressed me the most is their spirit and their capacity for hope. Hope for a better life for themselves and their children. The world needs to continue to provide aid for the desperate. But, we should never forget that real dignity for individuals anywhere requires the opportunity to develop the skills and earn the income which is the real long-term answer to hunger.

With the continued efforts of thousands of Americans, hope for the poor is well-founded.

Working together, we have the capacity to overcome hunger in the world. It is a commitment we must make for ourselves and the world's future generations.●

CHILDREN AS TEACHERS OF PEACE WEEK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Ms. KAPTUR. Mr. Speaker, today, Congressman BILL GREEN and I introduced a resolution which would designate the week beginning September 18, 1984, as "Children as Teachers of Peace Week." The United Nations has declared the third Tuesday of September as the International Day of Peace, and has encouraged commemoration "through all means of education." In the spirit of the promotion of peace, this resolution sets aside a week to listen to what America's young people have to say about peace and war.

Young people begin to take in images of peace and war by the age of five or six. While they can hardly grasp these images initially, they are nonetheless present and begin to affect children. The issue for us to decide is not whether or not we wish young people to know about these issues, but rather whether we listen to their concerns and share our knowledge with them.

Ursell Austin, 16 years old, recently shared her views with the House Select Committee on Children, Youth and Families:

The schools I went to never talked about nuclear weapons . . . or the arms race . . . It's not like we don't hear about nuclear weapons. It's on the news, it's in the papers, it's on television. But people act like we aren't supposed to talk about it. I think about the bomb just about every day now. It makes me sad and depressed when I think about a bomb ever being dropped. I hope I'm with my family. I don't want to die alone. I think about it most on sunny days when I'm having a good time. I think—it could happen right now . . . It scares me about my future. I get angry when I think about maybe not being able to have a career; that my plans just wouldn't get a chance to ever happen . . . It makes me wonder whether I should have kids at all. I'd be so scared for my baby. I want to live longer, but at least I've had this long . . .

Ursell Austin is not unique among young people in her reflections about peace and war. Studies by Dr. John Mack, professor of psychiatry at Harvard Medical School, have shown that adolescents are very worried about the prospects of nuclear war occurring between the United States and the Soviet Union. In another survey, with a representative cross-section of 913 teenagers, Dr. John Goldenring, junior fellow of the American Academy of Pediatrics, concluded that over half of the teens surveyed believe that there will be a nuclear war with the Soviet Union in their lifetime, and 9 percent were certain that it would happen. We are facing a very serious problem with our young people. Over half of those surveyed by Dr. Goldenring said that they had never had an opportunity to talk with any adults about their fears. Young people are apparently filling this communication gap with despair and unwarranted fantasies, instead of with information and hope.

"Children as Teachers of Peace Week" is a time to begin to address the enormous problem we face. During this week, we envision school activities—art, speech and writing contests—whereby young people on the elementary and secondary levels can share their views on peace and what world leaders should do to bring about peace in the world. We also envision student participation in related citywide events. This opportunity will engender open discussion on a topic which may adults feel uncomfortable bringing out into the open.

Studies have demonstrated that young people derive considerable psychological gain from openness and accurate information. As Members of Congress, we can do much to facilitate this process. Please join us in this effort.●

THE VOCATIONAL TECHNICAL EDUCATION ACT OF 1983

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mrs. ROUKEMA. Mr. Speaker, today, I am pleased to join as an original cosponsor of the Vocational Technical Education Act of 1983, which extends the authorization for the Federal vocational education programs through fiscal year 1987. The work of the gentleman from Kentucky, Education and Labor Committee Chairman CARL PERKINS, and the gentleman from Pennsylvania (Mr. WILLIAM F. GOODLING), the ranking Republican on the Subcommittee on Elementary, Secondary, and Vocational Education,

is to be commended and I look forward to working with them in the coming weeks as the subcommittee begins consideration of this important measure.

First and foremost among the improvements in the bill is the increased involvement of the private sector in the programs. This appears throughout the bill, but is principally achieved through the requirement that private sector representatives constitute a majority of the membership of State and local vocational education advisory councils. In my opinion, the bill does not go far enough because it does not require the councils to approve the plans. As the subcommittee proceeds in its deliberations on the bill, I intend to pursue this question. This is similar to what we provided for the Federal job training programs under the Job Training Partnership Act and there has been little or no disagreement that this approach insures relevance to the job market needs of the States and localities. In addition, it builds necessary confidence in the programs among the business community.

In addition, the bill expands private sector involvement by providing for an increased focus on customized training—training which involves an employer in the planning and conduct of the training. Customized training achieves a maximum level of private sector involvement in vocational education and training because the employer actually has a stake in the success of the training and, most importantly, has a job ready for the trainee upon successful completion of training.

Section 306 authorizes the Secretary of Education to conduct demonstration programs for customized training, with the recipients of the grants required to pay 25 percent of the costs of the program. In addition, the adult training provisions contained in title II, part F of the bill will result in increased instances of customized training, since these are specifically permitted.

Another significant improvement in the bill is the removal of a number of required set-asides in the State basic grants. These set-asides have inhibited flexibility at the State level in addressing the State's individual needs. Unfortunately, the bill goes one step further in establishing each of these set-asides as a separate categorical program administered at the Federal level. This does subject them to annual congressional control over funding levels, but it is an unfortunate reversal of the recent trend toward halting the proliferation of categorical Federal programs.

The element of the bill most clearly in need of revision is the funding level. It is absurd to provide for a doubling of the funding of these programs while we are still confronted with exorbitant deficits. In part, this increase is prompted by the categorization which I have just discussed, which is yet another reason not to categorize. I am hopeful that, in taking up this bill, the House will provide for more realistic funding levels, either by lowering the amounts or by simply authorizing such sums as are necessary.

Clearly, there is room for improvement in the bill. However, with the vocational education programs expiring at the end of this year, it is essential that we begin work as soon as possible. I am encouraged by this beginning.●

DAIRY COMPROMISE

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. SWIFT. Mr. Speaker, yesterday I voted no to sending the compromise dairy bill to conference committee. I did this not as a condemnation of the compromise bill, but to protect the right of the House to try to improve this bill for the family dairy farmer.

I recognize the need for new dairy legislation and want to commend Mr. DE LA GARZA, Mr. MADIGAN, Mr. HARKIN, Mr. JEFFORDS, and their staff for their tireless work during the past years to reach an accord that will work throughout the country. Because this legislation is so very important to dairy farmers throughout the country, I feel that the House should have a chance to debate this bill.

I supported several amendments that in my opinion would make this bill stronger. One of these amendments was to extend the diversion program from 15 months to 24 months, which would make this legislation coterminus with the 4-year farm bill and give the dairy farmer more incentive to participate in this program. I was very upset that I and the other Members of the House would have had no opportunity to try to improve this legislation.

Mr. Speaker, I encourage the leadership to bring this issue to the floor as soon as possible for a full and open debate so that the dairy farmers of this Nation can make solid plans for their future.●

SISTER HENRIETTA, A PIONEER FOR THE POOR

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Ms. OAKAR. Mr. Speaker, the death of Sister Henrietta comes as a shock to Ohioans; not because her death was a surprise—sister was 81 years old and recuperating from a heart ailment—but because the people of my district and the rest of Ohio can see around them the benefits of the exemplary work which Sister Henrietta did for the poor.

Clevelanders will remember Sister Henrietta most for her work in improving the housing conditions in the Hough area. But long before that, she made her mark as supervisor of surgery at Mercy Hospital and later as hospital administrator. Under her administration, the hospital acquired an old estate and increased the 229-bed facility to its current size of 547 beds. The hospital is now known to all Ohioans as Timken Mercy Medical Center. Recently, sister received the honor of having an ambulatory-care center at Timken Mercy named after her—the Sister Henrietta Gorris Clinic.

Cleveland will long remember sister Henrietta as the "Pioneer for the Poor." I will miss her greatly.●

TRIBUTE TO LECH WALESA

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Ms. FERRARO. Mr. Speaker, The Nobel Prize awarded to Lech Walesa has special significance to the world. This award recognizes Walesa's accomplishments as the leader of the Communist world's only independent labor union, and also shows the world's support for the continuation of his struggle for workers' rights in Poland.

The Nobel citation said that Walesa's activities have "been characterized by a determination to solve his country's problems through negotiation and cooperation without resorting to violence." This modest man rallied his fellow workers to stand up against the might of the Soviet Union. This charismatic leader provided a ray of hope to the 10 million members of Poland's outlawed Solidarity movement.

Lech Walesa inspired millions of Poles. He inspired us with his great courage as he worked to improve the lives of his fellow workers and their families. He used peaceful means in the struggle for economic justice in Poland.

I am cosponsoring a resolution paying tribute to Walesa's dedicated work for the people of Poland. The Nobel Peace Prize reminds us never to forget the ideals behind Solidarity's struggle.

Lech Welesa has installed hope in us all.●

TRIBUTE TO ANNA GEAR

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. BATEMAN. Mr. Speaker, this Saturday, the city of Hampton, Va., in America's first district, will mark the homecoming of one of her finest residents.

Mrs. Anna Gear has become a temporary resident of Indianapolis, Ind. and the world as she has taken office as the national president of the American Legion Auxiliary, a national organization of over 1 million mothers, wives, sisters, daughters, and granddaughters of Legionnaires and deceased veterans. Since taking office in August she has traveled widely on behalf of the auxiliary and Saturday will be her first visit back to her proud hometown.

Anna Gear has carried impeccable credentials into her role as auxiliary president. She has been a member of the auxiliary since the age of 17 after she married her husband, Thomas J. Gear, a Navy veteran of World War Two. She has served as a volunteer at the local Veteran's hospital. She has been president of her unit, president of the Virginia auxiliary and has chaired several committees in the national organization.

As she travels to every State in the Union and to a number of foreign countries over the coming year, her husband will be understanding and supportive of her efforts for the auxiliary. Thomas Gear has distinguished himself with the American Legion as a past commander of the Department of Virginia, as a national executive committeeman, and by his service as mayor of the city of Hampton.

During her term as president, Mrs. Gear will be especially devoted to two important auxiliary projects.

First, she will spearhead an effort to raise $60,000 for the purchase of an irrigation system for an orphanage in Mexico. The irrigation system is badly needed for the garden tended by the more than 1,000 children that live at the orphanage.

In addition to this humanitarian project, Mrs. Gear hopes to establish a national convention for junior members of the auxiliary. As Mrs. Gear says:

> If we have no more wars, they are the future of the organization. We are a dying organization without war—and we hope that will happen. We will have a junior national convention, elect a national president for the juniors. In that way we will prepare them to take over the organization.

To raise money for the expense of sending delegates to the convention, Mrs. Gear designed a special china plate bearing Mrs. Gear's slogan: "Hats off to America" and bearing her creed: "Let us stand together with renewed confidence in our cause—united in our heritage and in our hopes for the future."

I believe Mrs. Gear's words are a sentiment that all Americans should share and I am calling on this House to join me in paying special tribute to Anna Gear and both of her families: her husband and children and the members of the American Legion Auxiliary throughout the United States.●

DON AND MARGE RIDGEWAY

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. MRAZEK. Mr. Speaker, I would like to take this opportunity to pay tribute to two residents of my congressional district, Don and Marge Ridgeway, whose presence have been felt in their local community of Northport, Long Island for the past 10 years. It is my privilege to bring the accomplishments of the Ridgeways to the attention of my colleagues in the U.S. Congress.

Don and Marge Ridgeway have enriched the lives of others as volunteers at the Veterans' Administration Medical Center in Northport. The importance of providing volunteer service to veterans who have proudly served their country in this century's four wars must not be understimated. As Mrs. Ridgeway has so clearly pointed out, "the most important thing volunteers can bring is themselves. The patient thinks, 'You cared enough to come here and talk to me.' Everything else is secondary."

In today's increasingly impersonal society, it is truly comforting to know that there are still people like Don and Marge Ridgeway who have been willing to commit a large part of their lives to caring for others. The Ridgeways not only volunteer their own services, but actively recruit others to become volunteers. Mrs. Ridgeway often travels throughout Long Island to speak to various organizations on the gratification of giving volunteer service at the VA hospital.

Having served as an officer in the Army Corps of Engineers before, during, and after World War II, Don Ridgeway's military background has enabled him to develop an excellent and easy-going rapport with the veterans he helps. Marge Ridgeway first became a Red Cross volunteer in 1942 and maintained her involvement with the organization for the next 20 years while her husband served at various posts in the United States, Germany, and Panama.

Settling in Northport, the Ridgeways soon volunteered at the VA hospital. Today, Don Ridgeway is in charge of the hospital's Vet Van program and has organized volunteer teams to operate it every day of the week. The Vet Van transports patients who must travel to receive medical care and is often used in the afternoons to take patients on excursions to the beach, museums, and other points of interest in the Island. In 1978, Marge Ridgeway was appointed national Red Cross representative at the hospital, and is now responsible for initiating new programs and recruiting volunteers.

Mr. Speaker, I am proud to represent these fine people in Congress. In the world we live in today, there is no substitute for the love and attention the Ridgeways have given to a countless number of veterans who so richly deserve our support. I trust that they will continue their exemplary service to the community for many more years.●

SAYING NO TO HIGHER MEDICAL COSTS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. WYDEN. Mr. Speaker, on Monday, October 24, 1983, the Health and Environment Subcommittee will hold a hearing on H.R. 2956, the Preferred Provider Health Care Act. On May 9 of this year, I introduced this legislation and several members of the health subcommittee including the gentleman from Colorado, (Mr. WIRTH), the gentleman from New York, (Mr. OTTINGER), the gentleman from Ohio (Mr. ECKART), the gentleman from Minnesota, (Mr. SIKORSKI), and the gentleman from New York, (Mr. SCHEUER) have joined me as cosponsors.

Preferred provider organizations (PPO's), are an exciting newcomer to the health care field and in preparation for the upcoming hearing, I would like to provide some brief background information on POS's to the Members.

Mr. Speaker, after years of debate, scores of experts, and numerous task forces, we seem further than ever from being able to reign in soaring health care costs, which totaled over $300 million last year alone.

Yet, in a few communities across the country a new cost-saving medical plan has sparked fresh hope that medical costs can be controlled and high quality maintained. This new approach is the preferred provider organization.

Preferred provider organizations are alternative health care financing arrangements in which services of some specified list of providers—hospitals, doctors, and so forth—are offered to employers, union trust plans, insurers

and others at predetermined rates, generally below the norm.

All of the key groups essential to our health care system—consumers, providers, employers and insurers—can gain from participating in a PPO.

For patients, in addition to the rate breaks and the right to choose one's own physician, PPO's provide information, prior to treatment, about how much they will pay—and in most instances, if a patient sees a preferred provider this amount is accepted as payment in full.

For health care providers, in addition to the guarantees of a significant volume of patients and reimbursement on the traditional fee for services basis, start up costs can be small and reimbursement prompt—often within 10 days. There is not much paperwork, physicians can get involved at little financial risk, and administrative costs tend to be as low as 6 percent.

Employers who particpate in PPO's get cost savings and an improved benefit package to offer to their employees. A PPO can be added to private insurance plans at the request of business or labor, or it can be implemented directly by business and labor through a self-insured system.

Insurers who participate in PPO's get a competitive product that can be attached to existing benefit plans.

With all the acronyms floating around in the health care marketplace—PPO's, IPA's, HMO's—it may be difficult to distinguish one from another but there are two major differences which distinguish PPO's from prepaid group practice arrangements, or HMO's.

Consumers in a PRO arrangement are not locked in, they retain the freedom to go to any doctor they choose, although they pay regular rates or receive less generous benefits if they decide not to use preferred providers.

In addition, unlike an HMO arrangement, doctors and other providers in PPO's are paid on a fee for service basis.

Creative employers, unions, and insurers are finding that PPO plans can produce impressive results.

In California, a PPO "prudent buyer" plan of hospital services has been negotiated for the six population centers of the State. According to the plan's administrator, in spite of the fact that hospital costs rose 24 percent in California between July 1982 and July 1983, consumers who purchase "prudent buyer" insurance coverage will receive a premium reduction of at least 15 percent.

In Alameda County, a family of four recently paid $245 a month for a plan covering all hospital and physician services. Under the PPO plan, the premium is set at $211 and includes a broader range of benefits such as pap smears, well-baby care and reimbursement for annual check ups.

In Minnesota, a Blue Cross/Blue Shield sponsored PPO has signed up almost all of the hospitals in the Minneapolis-St. Paul area, and will save subscribers $10 million this year in hospital costs.

The PPO's attribute their success to three factors:

First, they screen claims continually so that they can remove from preferred lists those providers who overcharge, engage in excessive diagnostic work, or practice "creative billing."

Second, they utilize only those doctors, hospitals and other providers who are cost-efficient.

Third, if a community establishes a preferred provider arrangement, nonparticipating doctors and hospitals must restrain their price increases, or risk losing to the PPO their share of the health care market.

Despite the proven appeal of these new financing arrangements, there are major obstacles that prevent their use nationwide. Some PPO's have felt the chilling effects of legal constraints such as State insurance laws which bar insurers from varying the amount of reimbursement among the providers of health care. Indiana has such a statute.

Some States have so-called freedom of choice laws which prohibit insurers from influencing a covered patient's choice of health care providers. Under these statutes, insurers can do absolutely nothing to discourage patients from seeing doctors who overcharge.

The purpose of the Preferred Provider Health Care Act of 1983, is to remove these legal obstacles. Specifically, this legislation would strike down State laws that limit a patient's choice of provider, restrict insurers from negotiating contracts for lower rates of payment, or that would prohibit the lawful negotiation of contracts among one or more health plan payors.

In short, the Preferred Provider Health Care Act, does nothing but strike the barriers to PPO development around the country.

The legislation would not cost anything and it would not lay out a prescriptive set of ground rules for their development.

Preferred provider organizations offer communities across the country what they are looking for—flexibility. The flexibility inherent in a PPO arrangement allows communities to develop financing arrangements tailored to meet the health care needs of the local community.

If health care consumers have more choices, there will be more competition for the consumer's dollar and providers will have to take steps to keep their prices in line with the competition—thus cutting costs for us all.

Mr. Speaker, the growing preoccupation with health care cost control in America is not misplaced. Americans spent $321 billion, or $1 out of every $10 on health care last year. Health care costs have become an economic pac-man, literally gobbling up everything in sight.

Faced with these rising costs, the American people are saying that reform is needed in the way this country delivers medical services. Workers will no longer sit quietly by while their pay increases melt in the face of rising costs for health insurance premiums. The business community now places employer costs for health benefit plans covering workers and dependents at the top of their list of concerns.

Almost everyone agrees that the Federal Government needs to play a role in restraining health care costs. Some go further and argue that the only way to restrain these costs is through massive Federal regulation that would bring stiff cost controls to every sector of American medicine. Advocates of this position claim that every other approach to controlling costs has been tried and found wanting.

The recent development of PPO's demonstrates that it may be possible to control health costs in this country without huge doses of new Federal regulation. If Congress will enact modest legislation, removing the existing barriers that limit access to alternative health care arrangements like preferred provider organizations, all Americans might soon have the opportunity to say no to higher medical costs.●

HONORING 300 YEARS OF GERMANS IN AMERICA

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. RITTER. Mr. Speaker, this year marks the 300th anniversary of Germans in America. I would like to share with my colleagues some of the many achievements this group of people has contributed, both individually and as a group, to the development of our Nation.

Pennsylvania's Lehigh Valley is an area rich in industry agriculture, and great natural beauty—in many ways similar to Germany's lovely valleys. It is easy to see, then, why so many German immigrants chose to settle in this area. I am proud to say that the Lehigh Valley has a large number of German-Americans. Many of the towns bear German names—towns like Hellertown, Guthsville, Fogelsville, New Berlinsville, Germanville, and Snydersville echo the names of their settlers or their settlers' place of origin. All over the United States,

more than 52 million Americans can trace their heritage to Germany.

The German settlers brought to their new homeland not only their industriousness and ingenuity, but also their religion and education. The large German families, often with more than 10 children, cleared the land and made it productive. They built the roads that connected the farms; they built the small, practical one-room schoolhouses; they built the lovely churches, with their heavenward-reaching steeples. Most important, these newcomers to America gave back to their adopted land more than they could ever take from it. Their appreciation of church, family, of the value of their own property and that of others, of hard work and its rewards, made them good neighbors and honest businessmen. Today, along the back roads of the Lehigh Valley, the hex signs on the old barns, the enduring farmhouses and the old mills are a symbol of their achievements in agriculture and industry. The legacy built by generations of these proud people will never diminish.

Part of this enduring legacy and contribution of our Nation is the role of German-American in our Nation's struggles. As the 13 colonies declared their independence from Great Britain, it was the German-American foot soldier who acquitted himself with valor in the ensuing struggle. While we rightfully remember the great work of men like Baron von Steuben, we tend to overlook the role of the individual foot soldier. From the fields and towns of the Lehigh Valley area came many young men to fight in the war for independence. At the battles of Trenton, Monmouth, Chadds Ford, Valley Forge, Harlem Heights, and countless others, they were the ones who drove the British to defeat. The Pennsylvania Militia, born of a frontier spirit, could outshoot and outfight most of the British units. Their long guns were deadly accurate for distance up to a quarter mile.

Those who chose not to fight, such as the Moravians of Bethlehem, did not shrink from duty; instead of taking up arms, they opened up their arms. The Moravian settlement on the banks of the Monocacy Creek became a hospital for wounded soldiers. Today, in the old Moravian buildings, bloodstains on the huge floor beams can still be seen.

After the war ended, they returned to their towns and farms and began to rebuild and expand the Nation they had just fought for.

Again during the Civil War, many men of German-American heritage followed the calls of Abraham Lincoln in his request for volunteers to defend and preserve the Union. The first defenders of Lehigh County were one of the first groups to arrive in defense of Washington, D.C. and took up temporary quarters in the Capitol. As before, these men acquitted themselves with bravery on the bloody battlefields of Pennsylvania, Maryland, Virginia, Kentucky, and the Carolinas. One young German-American, Ignatz Gresser, a corporal in Company D in the 128th Pennsylvania Infantry, displayed valor above and beyond the call of duty in the Battle of Antietam; he remains the only person from Lehigh County to be awarded the Congressional Medal of Honor.

While this century has been witness to two unfortunate world wars, pitting our countries against one another, the friendship we share is something that has not lessened. Both nations play an instrumental role in protecting the world from Soviet aggression and maintaining freedom for all people. Together, our industry is like the heart and pulsebeat of the world; our technicians help to make the world a better place. Together, as one people, we must continue the work of our forefathers in promoting the ideals which will lead to a better way of life for all people. This is why I believe that it is all fitting and proper that Congress honor this important anniversary and recognize the many significant achievements of the Germans in America.

I am especially pleased to be acquainted with the members of the Lehigh-Saarbruecken Friendship Association, of Allentown, and its sister association in Germany, the Deutsch-Pennsylvanischer Freundeskreis e.V., of Saarbruecken. Members of the West German group visited the 15th district, and their presence was a good reminder of the common goals we share, and the friendship between the German and the American people.●

TO HONOR BETTIE ABRAMS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. LEWIS of California. Mr. Speaker, on Wednesday, October 26, the Arrowhead chapter of Hadassah will be honoring a very special lady, Bettie Abrams, at a tribute luncheon and supply shower. Unable to attend this gathering, I would like to take this opportunity to ask the Congress to join me along with her many friends and admirers in expressing our deep appreciation and gratitude to this outstanding human being for her many years of dedicated service.

The Women of Hadassah, over 370,000 strong, comprise the largest Zionist organization in the world, and are solely responsible for the Hadassah medical organization and Hadassah hospitals in Israel. The Arrowhead chapter of Hadassah generously provides needed equipment for Hadassah's hospitals.

Bettie Abrams' strong commitment to Hadassah and Israel has been manifested by her tireless efforts on behalf of the Arrowhead chapter of Hadassah. Although an active business leader in her community she has always in her calm, gracious, and sincere manner strived to see any projects she has been a part of succeed.

Bettie is a busy wife, mother, and grandmother who still finds time to contribute to her community and to Hadassah. She has done outstanding work as life membership chairman, as membership vice president, and as a dedicated member of the annual Bid'N Buy committee. In addition, she has served on the membership committee of Congregation Emanu El for 3 years, been active in its sisterhood, and is an ardent supporter of the Ida Mayer Cummings Auxiliary of the Jewish Home for the Aged, serving on their board of directors.

Bettie Abrams has worked with her husband, Richard, an associate member of the Arrowhead chapter of Hadassah, in their family business, Grand Jewelers, for over 20 years and they have also devoted countless hours to the temple and the United Jewish Appeal. Bettie and Richard are the proud parents of two married children and three beautiful grandchildren.

All who are privileged to work with Bettie Abrams recognize and admire her dedication as an outstanding citizen and for her charitable contributions which have made her community a better place to live. Mr. Speaker, I take great pride in commending to my colleagues, Bettie Abrams, for her tireless hours of devotion and many years of hard work to benefit the people of her community in a most refreshing way.●

PERSONAL EXPLANATION

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. PEPPER. Mr. Speaker, due to an important meeting on business in my district on Friday, September 30, I was forced to miss three rollcall votes.

On rollcall No. 371, passage of House Resolution 239, the rule for H.R. 2912, Department of Justice Appropriation Authorization Act for fiscal year 1984, I would have voted "aye." On rollcall No. 373, the Wolpe amendment to H.R. 3231, the Export Administration Amendments of 1983, applying International Atomic Energy Agency safeguards to nuclear technology, I would have voted "aye." On rollcall No. 375, the Whitten motion that the House

recede from its disagreement and concur in Senate amendment No. 7 to House Joint Resolution 368, continuing appropriations for fiscal year 1984, with an amendment increasing obligational authority for the Department of Defense, I would have voted "aye."●

RESPONSE TO KAL FLIGHT 007 DEATHS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. HUBBARD. Mr. Speaker, I have received a thought-provoking letter from a fellow Kentuckian, Mrs. Denise E. Sogorka, of Russell Springs, Ky. Denise Sogorka calls for vigorous and strong actions by Congess in response to the brutal attack by the Soviet Union upon Korean Airlines flight 007 which caused the deaths of 269 innocent men, women and children.

I believe my colleagues will be interested in her October 9 letter to me regarding the Soviet's attack and the United Nations, and the letter follows:

RUSSELL SPRINGS, KY., *October 9, 1983.*

Hon. CARROLL HUBBARD,
Rayburn Building,
Washington, D.C.

DEAR SIR: Let me inform you of my sentiments on the United Nations and Gromyko's entourage and the Korean airliner disaster.

The United States takes such abuse from these barbarians, continually giving them an elegant platform from which to address the world with their propaganda that I begin to lose respect for our leaders. Hurrah for Mr. Lichenstein and Jeane Kirkpatrick!

Don't let us down by placating the Soviets. Don't let them get away with murder figuratively and literally! Are honor and principle forgotten because it might hurt us little? I want to see us stop aid and trade with Russia.

I want to see us withdraw from the United Nations where we are nothing but burdened fools. I want to see the United Nations sent packing.

I want to see our representatives stand up for the U.S.A. and its people instead of cowtowing to third world socialist countries and our big enemies that we have helped develop.

I want to see you adamantly pursuing punitive measures against the Soviets for the attack on the commercial plane, even if it means some discomfort to us! Where is honor? Where is principle?

Sincerely,

DENISE E. SOGORKA.●

GENOCIDE IN UKRAINE 50 YEARS AGO

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. COURTER. Mr. Speaker, the 50th anniversary of a terroristic act against a subjugated nation in the Soviet Union is commemorated this year. I am referring to the artificial Ukrainian famine imposed by Stalin in 1932 and 1933. The Ukrainian territory suffered an acute loss of population through deaths due to the genocidal famine, the masses killed and deported during the repressions and the decrease in the number of births. Entire villages and farms were erased; livestock and horses were scarce; cannibalism became a common occurrence; 7 million lives were snuffed out. The Ukraine, once the most fertile of regions, became a deserted wasteland.

The Ukrainian region possesses key characteristics which posed formidable threats to Moscow's efforts at centralization: the cohesiveness of the populace, the economic importance of the region, the longevity of their distinct cultural heritage, and their susceptibility to Western influence. To this day, the Ukrainians abound with such an independent nationalistic consciousness and have fervently resisted attempts at Russification. The past decades of continued repression have served to intensify the Ukrainian resistance to the Russian way of life.

Was the death of at least 7 million Ukrainians an unfortunate, yet unavoidable, consequence of Stalin's determination to rapidly collectivize? This explanation must not be swallowed by the free people of the world. This act was history's first fabricated famine intended to quell the nationally spirited Ukrainian peasantry. It is critical that the Western World remain aware of this catastrophe and recognize it as an organized attempt at genocide.

The Soviets have illustrated to the world their disregard for human rights and human lives countless times. The recent downing of the Korean jetliner is only the most recent of a long chain of contemptible actions taken by Soviet regimes. It is the responsibility of the free independent Western world to mourn the victims of these crimes, to punish the perpetrators, and to strive to prohibit the reoccurrence of such flagrant violations of human rights.●

VIETNAM VETERANS MEMORIAL FIRST ANNIVERSARY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. HUNTER. Mr. Speaker, today, October 19, 1983, marks the first anniversary of the dedication of the Vietnam Veterans Memorial here in Washington. Veterans fought a difficult battle after the war, to get the respect and recognition they rightfully deserved. The construction and dedication of the Vietnam Veterans Memorial was a fitting way for America to welcome home those who so valiantly served.

I am troubled though, by the course of events since the dedication ceremonies. Despite the intent of all concerned: the veterans, the Vietnam Veterans Memorial Fund, the National Park Service, and this Congress, the memorial has become politicized. This was most apparent this July 2, when groups opposing and supporting the Reagan administration policies on Central America gathered on opposite sides of the memorial. As manifestations of popular opinion, both of these demonstrations should have occurred. But we must remember that the Vietnam Veterans Memorial was designed to honor those who served, and not to become a focal point for partisan demonstrations. As a Vietnam veteran, I feel that a demonstration at the Vietnam Veterans Memorial is as abhorrent as a demonstration at the Tomb of the Unknown Soldier in Arlington Cemetery would be. The Vietnam Veterans Memorial is not an appropriate place.

For this reason, today I am introducing the Vietnam Veterans Memorial Dignity Act. Twenty-four of our colleagues have joined me as original cosponsors of this important legislation, which would expand the boundaries of the memorial as a way of preserving the intent and dignity of the area. I firmly believe that the intent of the Congress has been violated, and I feel that this measure will restore the quiet dignity of the Vietnam Veterans Memorial.●

PUBLIC SHOULD BE INFORMED ABOUT GENETIC ENGINEERING

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. GORE. Mr. Speaker, the most recent issue of Biotechnology magazine contained an article that I believe all Members of the Congress should read. The article reported the results

of a recent poll that surveyed the attitudes of Americans toward genetic engineering.

The results of the survey are dramatic. Nearly two-thirds of the American people believe that we, as a society, should proceed with caution with genetic engineering, and one-third believe that genetic engineering may cause more harm than good. The survey also revealed that many Americans have mistaken views about the various potential applications of genetic engineering, especially to human beings.

As the new genetic technology develops and presents our society with new and powerful capabilities, it will become increasingly important that our citizenry have a good understanding of the technology's potential for both good and bad. An informed public is essential if we are to make reasoned decisions about the technology.

Earlier this year, I introduced legislation to create the President's Commission on the Human Applications of Genetic Engineering. A key function of that Commission would be to serve as a mechanism for informing the public about the possibilities for human genetic engineering and the tremendous moral and ethical issues raised by it. That legislation is now part of H.R. 2350, the Health Research Extension Act of 1983. I urge my colleagues to support the legislation when it is brought before the House for a vote.

The full text of the Biotechnology article is reprinted below. I encourage my colleagues to read it.

PUBLIC SAYS GENETIC ENGINEERS SHOULD PROCEED CAUTIOUSLY

(By Tabitha M. Powledge)

NEW YORK, N.Y.—Nearly two-thirds of the American people appear to believe society should exercise caution in proceeding with genetic engineering, and almost a third of them are worried that genetic engineering may result in more harm than benefit. These negative feelings about genetic engineering have been turning up in the past few years in public opinion surveys by the polling firm of Yankelovich, Skelly & White. Scientists and others professionally involved with genetic engineering techniques ought to be taking steps to counter them, advises Larry Kaagan, vice-president of the firm.

Pollsters for Yankelovich, which is located here, have been gathering data on public attitudes toward genetic engineering for the past few years as part of the company's annual Corporate Priorities Study. The study measures and tracks changes in attitudes of the public and opinion leaders on an array of policy issues that may affect business, and is underwritten by a group of corporations whose identity the polling firm will not reveal. At the behest of some of its clients with interests in biotechnology, Yankelovich began including questions about genetic engineering in its annual survey three years ago.

Somewhat to their surprise, the pollsters discovered that upwards of 70 percent of the American public was aware of the term "genetic engineering." Kaagan hastens to point out that figure does not mean that people know what genetic engineering is or how it is applied, but only that they have heard of it.

Although 31 percent of the Yankelovich respondents said they think the problems genetic engineering creates may outweigh its benefits, 39 percent viewed the technology positively, saying they think benefits are more likely than problems. The other 30 percent had no opinion, which reflects the novelty of genetic engineering techniques and society's lack of experience with them, Kaagan says. He regards these figures simply as a benchmark that will become more meaningful after his company has kept track of them for a few years.

The Yankelovich results are in line with results from other surveys, notably those conducted every two years for the National Science Board (NSB). These surveys disclosed substantial opposition to the creation of new life forms, although this opposition dropped slightly between 1979 and 1981. NSB will report these data in its next Science Indicators Study, due early next year. In 1981, the first time the question was asked, about a third of the survey respondents said they think the risks of recombinant DNA or genetic engineering research would outweigh the benefits.

Yankelovich's Kaagan observes that many people who say they are worried about genetic engineering's potential results are probably responding intuitively, influenced by cultural stereotypes like the Frankenstein story, rather than expressing rational concerns about tampering with the gene pool. Jon D. Miller, director of the Public Opinion Laboratory at Northern Illinois University in DeKalb, which conducts the NSB polls, makes a similar observation. "The Frankenstein notion is very strong in our culture," he notes.

Sixty-two percent of the people Yankelovich surveyed said society should proceed with caution on genetic engineering. "Much of that caution came from people who are nominally supporters of the technology," Kaagan points out. "There is a sense that until we know more there is a temptation to go faster than we should, that we are more likely to create the problems first and find the answers later. There's a declining willingness to see that pattern repeated." Kaagan says he views this caution as part of a new public attitude toward technology in general. People continue to have faith that technology will play a major role in solving social and economic problems, he says, but they also retain much, of the skepticism about technology's consequences that was common in the late 1960s and early 1970s.

The NSB study focused on two special groups of people, those who were particularly attentive to and knowledgeable about science, and those who were interested but did not view themselves as especially informed. Each group accounts for about 20 percent of the American people, according to Miller. Like the Yankelovich pollsters, his group found that even people who are well disposed toward science are worried about genetic engineering, although there is some evidence the worry may be decreasing.

In 1979, 56 percent of the "attentives" thought that scientists should not be allowed to conduct studies concerning the creation of new life forms. By the fall of 1981, that figure dropped to 51 percent, a statistically significant difference. Sixty-nine percent of the "interesteds" opposed creation of new life forms in 1979, a figure that dropped to 67 percent, a non-significant change, two years later.

As of 1981, 58 percent of the "attentives" thought the benefits of genetic engineering would outweigh the risks, 4 percent thought risks and benefits are about equal, and 32 percent thought the risks would be greater. The "interesteds" were significantly more pessimistic; only 47 percent believed benefits would be greater than risks, 7 percent saw them as equal, and 35 percent perceived the risks as greater.

Miller thinks these attitudes are largely a function of education and exposure to science. People with only a high school education tend to be most worried about the possible consequences of genetic engineering. By contrast, leaders and opinion makers in the scientific community are almost completely positive—87 percent think the benefits will outweigh the risks, and only 8 percent see the risks as more important.

The largest number of Yankelovich's survey respondents (61 percent) expect genetic engineering to be used for health care applications, but the second most frequently mentioned potential application was to test tube babies (58 percent). "That number is an artifact of press coverage more than anything else," Kaagan claims. "It has to do with cutting edge medical technology, which, to an uninformed or underinformed public, is very easily lumped into aggregates that may have nothing to do with one another." This is just further evidence, Kaagan says, that the "public is acquiring its impressions (of genetic engineering) from a disparate variety of sources, very few of which have anything to do with the scientific/business community that is advancing the technology."

To those who point out that genetic engineering is *not* being applied to test tube babies, and that test tube babies have nothing to do with biotechnology, Kaagan replies that their points may be scientifically valid, but the public perceives things differently. People think "the temptation to pursue that next area is part of the bloodstream of the scientific community. Asserting that we're not ready to do this yet is not the same as saying that it will not be done. It smacks a little bit of the position of the nuclear industry when it said we're not going to have to worry about low level wastes for another 50 years. Well, the 50 years are now here," he asserts. "Those kinds of arguments may be comforting within the scientific community, but they will not hold a great deal of water for very long in a public debate."

Kaagan warns that the biotechnology industry should pay greater heed to the resolution calling for a ban on genetic engineering of human germ cells issued last June, which was endorsed by a number of academics and religious leaders and coordinated by Jeremy Rifkin of the Foundation of Economic Trends (Washington, DC). "It's probably beside the point that he may not represent a widespread movement, that he may not be voicing a genuine concern of a significant portion of the population," Kaagan argues. The scientific and business community, which has a stake in biotechnology, is "dismissing as irrelevant and inappropriate some of the qualms that Rifkin and his signatories have raised. But that is not stopping Rifkin and his signatories from beginning to do what the scientific community has not done, which is begin to involve the public—and key leadership groups in some cases as well—in a debate that will shape

the regulatory posture" of society, and, in the process, influence biotechnology's future.

Although biotechnologists need to take those concerns seriously, he warns against making Rifkin the target of their responses. "It's a perceptual and tactical mistake to identify the leader as the problem. It's the concerns that are the problem," Kaagan argues. People in the industry can deal with the concerns most effectively by following the debate and joining in, taking their case to the public with talk show appearances and articles in popular publications. Miller agrees, asserting that biotechnology can communicate most effectively by concentrating on the "attentives" and getting its message across on a relatively narrow band of media, such as the television program *Nova*. Biotechnologists should also be more willing to participate in the political process, not by ringing doorbells but by such methods as giving expert testimony and writing thoughtful letters to legislators, Miller says.

Kaagan cautions against exhibiting paternalism, however. Scientific explanations, he says, often "tend to be dismissive of public concerns: 'This is more complicated than you folks can possibly understand; I'm a scientist, leave it to me.' That will not wash."

The Yankelovich pollster emphasizes that the data so far are scanty, and that he is sounding a cautionary note rather than a rallying cry. Still, "it would be an important tactical and strategic mistake to dismiss the first rumblings of opposition," he asserts. "Don't retreat into the laboratory or to the boardroom on this one, because if you do, you're going to be blindsided. You're going to find that you're going to be fighting back against restrictive regulation."●

TRIBUTE TO RABBI TOBIAS ROTHENBERG

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. MRAZEK. Mr. Speaker, I would like to take this opportunity to bring to your attention a very special event which will soon take place on Long Island.

On October 24, Rabbi Tobias Rothenberg, spiritual leader of the Huntington Jewish Center and a leading community activist on Long Island, will be installed as president of the Long Island Board of Rabbis. With his election to this coveted post, Rabbi Rothenberg becomes the first person from Suffolk County ever chosen to lead this important and influential body.

It should come as no surprise to those familiar with Rabbi Rothenberg's remarkable work that he has been asked to head the Long Island Board of Rabbis. Indeed, for the past 40 years, he has devoted his singular efforts toward the advancement of an array of vitally important religious and community causes. As spiritual leader of congregations in Roanoke, Va., and Philadelphia, Pa., he actively dedicated his time and energy to such widely varied activities as Jewish Family Services, Boy Scouts, Interfaith Affairs, and the Lions Club.

Rabbi Rothenberg has continued to maintain an extraordinary commitment to many causes since he arrived on Long Island to assume his responsbilities at the Huntington Jewish Center. He has served as president of the Clergy Association of Huntington and president of the Suffolk Board of Rabbis. As Jewish chaplain at Huntington Hospital and associate Jewish chaplain at the Northport VA Hospital, he has offered comfort and advice to countless persons in need of spiritual guidance. And as a board member of Suffolk County YMHA and a member of the Suffolk Advisory Committee of Jewish Community Services, he has continued to pursue the valuable community and social work he began years ago.

Mr. Speaker, as president of the Long Island Board of Rabbis, Rabbi Tobias Rothenberg will take his place as a leading voice for the rabbinical community, as well as for Long Island's sizable Jewish population. I can think of no individual better qualified to assume the duties and responsibilities of this important post. I salute Rabbi Rothenberg and the Long Island Board of Rabbis on this historic and memorable occasion.●

DR. MARTIN LUTHER KING DAY

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mrs. COLLINS. Mr. Speaker, I would like to congratulate the prolific efforts made by both Houses of Congress in passing one of the most significant pieces of legislation in our time—the creation of a national holiday in memory of Rev. Dr. Martin Luther King, Jr.

As I look back at the path which this legislation has taken, I see the culmination of a great struggle for freedom, a burning desire for opportunity, and a continual commitment for equality. Mirrored in this bill, I see a policeman snatching an American flag from a black child's hand; Rosa Parks defending her individual rights by sitting in the front seat of a public bus; the profile of Dr. King before the Lincoln Memorial in August 1963.

The quest has not been an easy one. We have met with adversity and have risen above the quagmire of racism. In turn, we must continue to pledge our allegiance to these principles we fought so hard to attain. We, in Congress, must continue to create and pass legislation which will help to rid us of poverty, unemployment, and give us peace for all perpetuity.

In summation, the Martin Luther King, Jr., bill is both an end and a beginning. Not only is it an end to any doubt where Dr. King belongs in history, but more importantly, it is a goal we must all strive for.●

THE AFRO ARTS CULTURAL CENTRE IN HARLEM: A HERITAGE OF EXTENDING GOOD WILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. RANGEL. Mr. Speaker, I rise today to acknowledge the accomplishments of the Afro Arts Cultural Centre in Harlem. It is a community organization, founded in 1947, dedicated to the preservation and dissemination of the African cultural experience to the people of New York and the Nation as a whole.

For more than 35 years, the Afro Arts Cultural Centre has worked with Government officials and the United Nations with the objective of broadening the scope of American culture.

This small organization, the first cultural center in the city of New York, is unique in its ability to establish good will with the United Nations; emulating their agenda for peace; and extending these goals to their community. Its uniqueness is evident in its special programs, including a traditional honoring of community senior citizens, combining the day's activities with neighborhood youth in a salute to grandparents throughout the world.

The Afro Arts Cultural Centre has brought scores of outstanding performing artists, educators and historians together to acknowledge historic landmarks in the former Dutch colony, founded in 1658, called Nieuw Haarlem.

This organization's expertise and experience in the concept of exchanging brotherhood, through the arts and culture of one of the world's original people is to be commended. I am proud that this fine organization is there to serve my district, my city, and my Nation.●

H.R. 3231

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. EDGAR. Mr. Speaker, today the House resumes consideration of H.R. 3231, the Export Administration Act. When we consider title III of this legislation, my good friend and Philadelphia colleague, Representative BILL GRAY, will offer an amendment to prohibit all new U.S. investment in South Africa by both individuals and corpo-

rations. I urge Members to support this important amendment.

H.R. 3231 prohibits loans from our banks to the South African Government. The Gray amendment will expand upon this statement of opposition to apartheid by cutting off all new investment in South Africa. As in the bill, the amendment allows that sanctions can be suspended if the President determines that South Africa has made substantial progress toward full participation by all its people in the country's social, political, and economic life. The amendment would also set up civil and criminal penalties for individuals and businesses violating the investment prohibition.

Mr. Speaker, the unacceptable racist policies of the Government of South Africa are well known to Members of this body. The question we must answer regards the best approach for us to take in our relations with the current regime in Pretoria. The Gray amendment allows us to state our opposition to apartheid in no uncertain terms; there is no reason for us to invest in South Africa. While some respond that we can have more influence if we continue new investments, there is no evidence that this policy has been effective in the past. The Reagan administration's policy of "constructive engagement" in southern Africa has failed to produce notable results, yet we continue to invest heavily in a government based on principles we find morally unacceptable. South African growth and oppression continues on a base of American capital, but we fail to see improvements in South African policies. The answer is to stop supporting a reprehensible government.

I hope that my colleagues will join me in supporting the Gray amendment. I commend to their attention a column by William Raspberry which appeared in Monday's Washington Post and an article by Howard Wolpe, chairman of the House Subcommittee on Africa, which was published by the Los Angeles Times last Thursday. As we consider the Gray amendment, all of us should take note of the final line of the Raspberry piece, Bishop Desmond Tutu's comment about what disinvestment would mean for nonwhite South Africans: "We are suffering now, but then we would be suffering with hope." The articles follow:

[From the Washington Post, Oct. 17, 1983]

NO NEW MONEY FOR SOUTH AFRICA

(By William Raspberry)

It's pretty much the American consensus: South Africa is the most brutally racist country in the world, an outcast among nations. Americans argue endlessly over how best to exert pressure to get South Africa to change its ways.

And yet the evidence is that a good deal of the evil that South Africa does is financed by American investments. It is this dilemma that is behind Rep. William H. Gray's proposed amendment to the Export Administration Act now being debated in Congress.

The Philadelphia Democrat ticks off the numbers. In 1950, U.S. direct investment in South Africa amounted to $140 million. By 1961, it had more than doubled to $353 million. Last year, it was $2.5 billion.

As to the importance of investment, Gray quotes Owen Horwood, the South African minister of finance: "The story of the economic development of this country is intimately bound up with foreign capital, technology and expertise. Significant investments usually bring all three. It allows us to do what we want to do rather more quickly. It allows us to do some things better than we would otherwise do."

Gray, whose notion is that South Africa already does some things dismayingly well, proposes to reduce its efficiency by curbing U.S. investments there. His amendment does not call for disinvestment; any U.S.-based company already doing business in South Africa would be allowed to continue. Nor would it prohibit the stock-exchange transactions involving South African companies.

What it would prevent is new American investment in South Africa, including direct investments as well as loans and credits to businesses there. (Money earned in South Africa could be reinvested in South Africa without penalty.)

Gray says he tried to draft the most effective measure with a reasonable chance of passage. A number of proposals for total disinvestment have failed of passage, and some of the measures that have passed have been only marginally effective, if at all.

This one, which he said last week appeared to be within 20 votes of passage, is calculated to avoid hurting Americans who already have invested in firms doing business in South Africa, but also to deny South Africa the additional funds it covets. The amendment authorizes the president to propose the lifting of the investment ban if, in his view, South Africa has made "substantial progress toward the full participation of all the people . . . in the social, political and economic life" of the country.

As is the case with other official sanctions, whether involving grain sales to Russia or cigar imports from Cuba, the Gray proposal is less likely to change behavior than to punish it, a fact Gray readily acknowledges.

"The administration's all-carrot-no-stick policy obviously hasn't worked," he said. "Maybe we can't change South Africa's behavior. But we can certainly stop supporting it."

Spokesmen for the South African government, contending that the nonwhite majority would suffer less with a flourishing economy than with a crippled one, often claim the best way to increase opportunity for blacks is to increase outside investment. Gray said that when that proposition was put to Bishop Desmond Tutu, the black South African leader first explained that it is considered sedition to advocate disinvestment, then:

"We are suffering now, but then we would be suffering with hope."

[From the Los Angeles Times, Oct. 13, 1983]

A NEW U.S. APPROACH TO SOUTH AFRICA

(By Howard Wolpe)

There are now five major bills pending before the U.S. Congress concerning South Africa, and many more resolutions. Once again, following a lull during the first two years of the Reagan Administration, South Africa is the focus of congressional scrutiny. Why should this be so?

South Africa has been much on our minds ever since the National Party took power in 1948. It has spent those years entrenching and perfecting its system of institutionalized racism in open definance of attempts by most other U.N. member states to have it end apartheid and extend political and social equality to all its citizens. Yet South Africa continues its horrendous policies that deny even a modicum of basic human rights to the vast majority of its people.

This Administration has insisted that South Africa is trying to reform. The State Department's Bureau of African Affairs in early 1981 initiated a series of steps, termed "constructive management," based on the premise that quiet diplomacy and closer U.S. association with the South African regime could encourage internal change and lead South Africa to end its illegal occupation of Namibia.

* * * * *

Second, South Africa continues to block a settlement of the Namibia conflict, successfully using the American insistence on linking Namibia's independence to the removal of Cuban troops from Angola as a way of prolonging a political settlement in that embattled territory.

Third, South Africa has dangerously escalated its destabilizing military and economic aggression against its black-ruled neighbors. South Africa occupies Angolan soil, and gives support to dissident groups in Angola and Mozambique. It has launched murderous raids into Lesotho and Mazambique. It has sought to overthrow the Seychelles government. And it has not hesitated to use economic sabotage against Zimbabwe and Mozambique as an added stick.

In short, "constructive engagement" has been an utter failure. It is clear that the options embraced by the Reagan Administration in hopes of alleviating a worsening situation in South Africa have in fact merely made matters worse. Not only is there more upheaval and violence in the southern African region today, but now—for the first time and as a direct consequence of "constructive engagement"—the United States has become directly implicated in these developments. We must understand the enormous damage that "constructive engagement" has done to American interests. For in African eyes the United States is now viewed as colluding with the South African government in delaying Namibia's independence, in fostering regional instability and in preserving the abhorrent system of apartheid.

It is against this backdrop that I and a number of my colleagues are pressing for the passage of legislation to recast the United States' foreign policy toward South Africa. We need to act now, before it is too late—too late to avoid an Armageddon in South Africa, and too late to disassociate the United States from apartheid and from South Africa's regional aggression.

Among the measures pending that call for various types of sanctions against the South African government, three are scheduled for a House vote on Tuesday: A bill by Rep. Howard L. Berman (D-Calif.) would reinstitute restrictions on exports to South Africa's police and military, Rep. Stephen J. Solarz's (D-N.Y.) bill would impose new restrictions on commercial activity and mandate fair employment practices for all U.S. companies doing business in South Africa, and a bill by William H. Gray III (D-Pa.)

would prohibit new U.S. corporate investment in South Africa until the President determines that there is demonstrable progress toward the elimination of apartheid.

Already passed and awaiting final approval is a bill by Rep. Julian C. Dixon (D-Calif.) that would disallow U.S. votes in the International Monetary Fund on behalf of nations that practice apartheid. Also pending is a bill by Rep. Charles B. Rangel (D-N.Y.) that would prohibit nuclear relations with South Africa.

These are the signals that we should be sending to South Africa's government so that it has no doubt concerning where the United States stands on apartheid, on the question of Namibia's independence and on South Africa's regional aggression. That country should know that its continued intransigence on these matters will precipitate changes in its relationship with the United States, and that those changes will prove costly.

U.S. interests on that continent require a redirection of American foreign policy toward South Africa. We cannot continue to struggle to achieve a just society at home and equivocate on our international obligations abroad. The racism and the denial of political rights that we will not tolerate at home must not be condoned by our posture overseas. Our national values, and our national interests, dictate that we act on South Africa before it is too late.●

HONORING THE OTI INTERNATIONAL SONG FESTIVAL

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. TORRES. Mr. Speaker, this year people throughout the world will celebrate the 12th anniversary of the International Song Festival sponsored by the Organizacion de la Television Iberoamericana. The OTI International Song Festival is the largest international song festival in the world. This year for the first time, the United States is honored to be the host country for the international celebration. A reception honoring the board of directors of the Organizacion de la Television Iberoamericana and the performing artists of this year's International Song Festival will be held on October 28, at the Organization of American States in Washington, D.C. The live television performance of the 12th annual festival will be held October 29, at Constitution Hall in Washington, D.C. The SIN Television Network, the Nation's first and only Spanish language television network, serving 86 percent of the U.S. Hispanic population, will broadcast the October 29 event to 23 participating countries around the world.

The OTI International Song Festival was created by the Organizacion de la Television Iberoamericana, an organization of television stations in Latin America, Spain, and Portugal. The song festival was established over a decade ago to encourage the creation of original musical material. It rewards both the singer and composer of each winning entry. The first festival was held in 1972 in Madrid, Spain. Former host countries of the international competition have included Argentina, Mexico, Brazil, Chile, Peru, Puerto Rico, and Venezuela.

The OTI Festival offers top artists and composers of Spanish and Portuguese speaking countries the opportunity to display their musical talents to a potential television audience of 196 million people. Participants of this year's international event will be winners of the national festivals which were held in Spain, Portugal, Latin America, the Caribbean countries, and the United States. A group of judges composed of leading figures from the Latin entertainment industry will select the winner during the international event. Among the special guests expected to attend this year's celebration are world-renowned opera singer, Placido Domingo, and the internationally acclaimed performer Julio Iglesias.

Mr. Speaker, I ask my fellow colleagues of the House of Representatives to extend best wishes for a successful event this year to the International Song Festival's member countries, its performing artists and the board of directors of the Organizacion de la Television Iberoamericana.●

THE CONTINUING SAGA OF BROKEN PROMISES AND HUMAN RIGHTS VIOLATIONS BY THE SANDINISTA GOVERNMENT

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. YOUNG of Florida. Mr. Speaker, this body will again consider the issue of U.S. policy with regard to Nicaragua tommorrow when we debate the fiscal year 1984 intelligence authorization bill. And once again opponents of our Nation's current policy of providing covert assistance to surrounding nations in that region to prevent the export of terrorism and military support from Nicaragua to bordering countries, will charge that the United States seeks through these efforts to overthrow the ruling Sandinista government.

As I have done so often since returning from Nicaragua last spring, I want to assure my colleagues on both sides of the aisle that it is not the United States, as some would have us believe, that is attempting to oust the Sandinista government, but instead the very people of Nicaragua who are tired after 4 years of waiting for unfulfilled promises to be honored. An editorial in this morning's Washington Times describes this coalition of Nicaraguans leading the revolution as:

> A disenchanted faction of the original Sandinista movement, a group of oppressed and angry Miskito Indians and creoles, and a coalition of erstwhile allies of the Sandinistas and former Somoza supporters . . . . They have one goal: To force the Sandinistas to fulfill the promise of the revolution against Somoza. In short, they want the elections the Sandinistas pledged in 1979.

Throughout the year, I have cited first-hand accounts of people who have traveled to Nicaragua to record the growing unrest in the small towns, the fields and the jungles of Nicaragua. It is there that the Nicaraguans have tired of waiting for the free elections, free press, freedom of religion, and economic and human rights reforms the Sandinistas promised during the overthrow of the Somoza regime.

All freedom loving people of Nicaragua have suffered through the injustices of the Sandinistas, but none more than the Miskito Indians. Perhaps this tribe best symbolizes all that has been endured by the people of Nicaragua.

In a column also appearing in today's Washington Times, Lee Anne Carmichael, vice president of Universal Impact Foundation, a nonpartisan organization supplying medical aid to the Miskito Indians, related the special injustices the Miskito Indians have sufferd at the hands of the Sandinistas. Ms. Carmichael writes:

> The Sandinistas initially promised the autonomous nation of Mosquitia that its traditional lifestyle would be legally protected and its lands would not be expropriated. But, like all the spurious agreements made by the Marxists in Nicaragua, the Indians were brutally uprooted and forced into detention camps * * *

Ms. Carmichael writes of the Miskitos' life since the Sandinista takeover. This peace-loving tribe of Indians is now confined to forced labor camps to work in the sugar-cane fields. They are malnourished and live in overcrowded, unsanitary, germ-ridden areas and are denied proper medical care. They are also denied many of their most sacred cultural practices, such as speaking in their native dialect.

The Sandinistas' treatment of the Miskito Indians has aroused this otherwise tranquil group to rise up and fight to overthrow this oppressive government. Together with the thousands of other Nicaraguans who have been deprived of their rights, they seek to replace the Sandinistas with a government which will honor its commitments and restore peace and human rights as the benchmark for its government.

The people of Nicaragua look to our Nation for support. As Ms. Carmichael says:

Our democracy and freedom are based on the support we can provide those whose freedom is in jeopardy or already lost.

Following my remarks I have included the editorial and column from the Washington Times for the information of my colleagues. When the question of U.S. policy towards Nicaragua is considered again tomorrow, I hope the Members of this body will keep the plight of the freedom-loving people of Nicaragua in mind so that our Nation does not again turn its back on them at this time when our support is urgently needed.

[From the Washington Times, Oct. 19, 1983]

THE BETRAYAL OF A REVOLUTION

A critical moment for Central America comes tomorrow when the CIA authorization bill comes to the House floor. The measure includes money for the "contras" fighting the Marxist junta in Nicaragua, and there has been an appalling lack of nerve in that body to confront the challenge and reality in that turbulent region.

Who are these Nicaraguan "contras" by whom so many congressmen are afraid to be tainted? A disenchanted faction of the original Sandinista movement, a group of oppressed and angry Miskito Indians and creoles, and a coalition of erstwhile allies of the Sandinistas and former Somoza supporters. All have some degree of support from the U.S. Though separated by miles of jungle and mutual suspicions, they have one goal: To force the Sandinistas to fullfill the promise of the revolution against Somoza. In short, they want the elections the Sandinistas pledged in 1979.

These are the people we're worried about supporting? Against a regime which has forfeited legitimacy by becoming an even greater violator of human rights than its predecessor? And forfeited its right to hide behind the principle of non-intervention by meddling directly and violently in the affairs of its Central American neighbors, on behalf of a revolution without frontiers?

The House leadership had postponed until now voting on the funding for "covert activities" hoping that the impact of the Soviet shootdown of the Korean airliner will be less of a factor. This is unfortunate because the brutal killing of 269 civilians holds a lesson powerfully relevant to dealing with the junta in Managua. In both cases, the U.S. is dealing with confirmed Marxist-Lennists for whom force is the only imperative. We were indelibly reminded of the similarity in outlook by the Nicaraguan junta's first reaction to the Flight 007 killings—the Sandinista leadership parroted the Soviet line, accusing the U.S. of having been shamelessly spying.

There are those who believe that the negotiations being charted by the Contadora group are a promising way to bring Nicaragua round to less aggressive policies. Think again. The junta's leaders can't be sweet-talked out of their objectives. Only unremitting pressure, the denial of sanctuary from which to train and arm revolutionaries, and the threat that they might lose everything, is likely to produce results.

Perhaps if we had not been so squeamish at the Bay of Pigs, things would be different today. The U.S. wouldn't have to worry about the inevitable social revolutions in Central America and the Caribbean going astray, destabilizing the entire area, or becoming bases for projection of Soviet power. The general uprising against the Somoza regime in Nicaragua would not have been captured by totalitarians—because this wouldn't have been possible without Cuban backing.

We now have a chance to profit from that mistake.

[From the Washington Times, Oct. 19, 1983]

THE MISKITOS: WHY NO OUTRAGE?

(By Lee Anne Carmichael)

There is an overwhelming sense of confusion and apathy over the role of the United States in Central America. Recent polls indicate that a mere 8 percent of the population knows which side our government supports in El Salvador and Nicaragua. Bearing this doleful statistic in mind, the lack of outrage over the genocide of the Miskito Indians in Nicaragua should come as no surprise.

Public protest over perceived human rights violations historically has always come too late. Is it too late for indigenous people of Nicaragua, or does the international community have the opportunity to save the Miskitos from extinction? And, what exactly has been happening to the Indians, and why has there been so little information about their situation?

The answer to the latter part of this query is twofold. Department of Zelaya, the province in which a majority of the Nicaraguan Indians have traditionally resided, has been decreed off limits to all foreigners since 1980, when the initial efforts of the Sandinista government to integrate the Indians into the revolutionary process of Marxism was met with resistance. The Sandinistas did not want to soil their reputation as saviors of the poor, and have their dirty laundry washed in the basins of the international media. Furthermore, anti-anti-communist bias promulgated by the liberal intelligentsia in this country precludes truthful discourse on any Marxist regime. But, the tragic destruction of an autonomous nation of 200,000 people cannot be hidden forever.

In December 1981, the Sandinista government embarked on a program of massive resettlement of the Indian population in order to create a militarily secure zone along the east coast and the border of Honduras. The unarmed Indians were attacked in their homes and thousands imprisoned. Eye witness reports from exiled Miskitos in Honduras disclose murders, torture, and people being buried alive during the relocation. Virtually every Indian community was destroyed.

The "Jicaques" Indians, which include the Miskito, Sumu and Rama tribes, have enjoyed the rights of self-government, use of their own language (including English), religious freedom, and rights to ownership of their communal lands through treaties and legislative decrees enacted by various governments since 1860. They traditionally have lived in a communal manner, dividing their labor between agriculture, hunting, fishing and lumbering. Culturally, the indigenous people were organized into several communes and presided over by democratically elected leaders, the Council of Elders. The Sandinistas initially promised the autonomous nation of Mosquitia that its traditional lifestyle would be legally protected and its lands would not be expropriated. But, like all the spurious agreements made by the Marxists in Nicaragua, the Indians were brutally uprooted and forced into detention camps, one definitively documented and known as Camp Cukra Hill. Twelve thousand indigenes, none over the age of 35, are housed at Cukra Hill, where the able-bodied are forced to labor involuntarily in the sugar-cane fields under the constant threat of armed Cuban militia.

Malnutrition, rampant disease and terror are now an ever-present reality for these once healthy, independent human beings. The Nicaraguan doctor at the camp has virtually no medical supplies to tend to the endemic goiter, skin diseases, broken bones and any number of other illnesses contracted in an area with no sanitary facilities, overcrowding and an overwhelming sense of hopelessness.

These people are prohibited from speaking their native dialect—and prohibited from leaving. Sources close to Indian exiles in Honduras state that the Sandinista plan to move the Miskitos again, this time well into the interior of Nicaragua. Another forced march on these sorely depleted people will surely lead to more deaths and further physical impairment. Rebellion will mean massacre.

Human rights violations by the democratically elected Salvadoran government fill the pages of the major newspapers in the United States, as did the abuses by the former Somoza regime in Nicaragua. Dr. Jose Esteban Gonzalez, former National Coordinator of the Permanent Commission of Nicaraguan Human Rights stated in an interview in Washington in 1982 that he could "call the editors of the major U.S. newspapers, and any statements concerning violations of human rights by the Somoza regime made headlines the following day. Today, they don't even answer my calls." He since has been forced into exile by the communists.

These Soviet-supported revolutionaries have every intention of eliminating every last non-supporter of their regime. A nation of peace-loving, independent people who refuse to buckle under to the Sandinista doctrine of international Marxism, soon may be yet another extinct species on the face of the earth.

Our democracy and freedom are based on the support we can provide those whose freedom is in jeopardy or already lost. Civic action and government policy are the only routes available to save the indigenous people of Nicaragua. It's still not too late.●

JOAN HARRISON, PRESIDENT U.S. JAYCEE WOMEN

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1983

● Mr. RATCHFORD. Mr. Speaker, today I would like to honor the American tradition of voluntarism and one of my district's most noted volunteers, Joan Harrison.

Voluntarism is indeed a great American tradition. Americans have always been willing to give of their time and in many cases their lives for the sake of a worthy cause. It is this type of sacrifice which has made America the great Nation that it is today. Joan, who is the president of the U.S. Jaycee women, exemplifies this type of voluntarism.

Joan became a charter member of the Danbury Jaycee Women in Connecticut in 1976 and has since served as treasurer, state director, and president. Over the years, she has received several awards in recognition of her significant contributions to her community. These awards include being named Outstanding Jaycee Woman of the Month and Quarter, U.S. Jayceetee Congresswoman, and State President of the Month. She has received the Presidential Spirit Award four times and was named one of five outstanding State leaders in the Nation.

I am sure everyone remembers the frustration we all felt during the Iranian hostage crisis. During this period, people all over the country were doing their part to symbolize their concern for the hostages. The State of Connecticut was fortunate to have Joan at this time. She was instrumental in implementing and promoting the "Tie-a-Yellow-Ribbon" campaign in Connecticut. I worked with Joan on this project and was particularly impressed with her dedication to the community, as well as to the sincerity of here concern for the hostages.

An inspiration to Connecticut's young women, Joan is committed to offering young women the opportunity to achieve personal development and leadership training; while teaching them how they can channel their energies toward bettering their communities.

Joan's role in promoting the Jaycee women as a leadership training organization for young women is unmeasurable. By stressing the positive image of the Jaycee women, Joan has placed this vital organization on the map. Her accomplishments are not limited to the Jaycee women. She is also active with the Parent/Teacher Association, and is on the advisory board of Lanbury Hospital.

A domestic engineer/professional volunteer is how Joan describes herself after years of service to others. This type of dedication should never go unnoticed. For it is this type of voluntarism which gives America strength and sets us above other nations. I commend Joan for her efforts and her accomplishments. Ours is truly a better community because of this great woman.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, October 20, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 21

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1504, to provide for protection of historic shipwrecks, structures, and artifacts located on a seabed or in the subsoil of the lands beneath U.S. waters, and S. 1647, to authorize the use of funds from rental of floating drydock and other marine equipment to support the national maritime museum in San Francisco, Calif.
SD-366

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on miscellaneous trade and tariff bills.
SD-215

10:00 a.m.
Judiciary
To hold hearings on S. 1581, to grant congressional approval to the central interstate low-level radioactive waste compact.
SD-226

Joint Economic
To hold hearings to review the impact of deficits on interest rates.
SD-138

11:00 a.m.
Judiciary
Courts Subcommittee
Business meeting, to mark up S. 1706, to provide for the positive identification of persons holding identification documents.
SD-226

OCTOBER 24

10:00 a.m.
Finance
To hold hearings to discuss the committee report and its recommendations on reform and simplification of corporate income taxation.
SD-215

Judiciary
To hold hearings on S. 1870, proposed Credit and Debit Card Counterfeiting and Fraud Act.
SD-226

2:00 p.m.
Armed Services
To resume hearings on the impact of proposed regulatory authority of the Office of Federal Procurement Policy on national defense and related Government activities focusing on spare parts procurement of the Department of Defense.
SD-124

OCTOBER 25

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review computer security policy in the Federal Government and the private sector.
SD-342

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 31 and S. 175, bills to provide an exemption from copyright liability for certain types of video recording for noncommercial purposes.
SD-226

Labor and Human Resources
To resume oversight hearings on alleged illegal sales of union memberships or books to unqualified welders by officials of local chapters of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers, and Helpers.
SD-430

10:00 a.m.
Armed Services
To continue hearings on the impact of proposed regulatory authority of the Office of Federal Procurement Policy on national defense and related government activities, focusing on spare parts procurement of the Department of Defense.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
To hold hearings on S. 1746, proposed Freedom From Government Competition Act.
SD-342

Judiciary
To hold hearings on S. 462, to clarify certain provisions of the Hobbs Act relating to Federal jurisdiction over labor extortion matters.
SR-485

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational educational programs administered by the Department of Education.
SD-628

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on voluntary Japanese auto export restraints.
SR-385

2:00 p.m.
Armed Services
To continue hearings on the impact of proposed regulatory authority of the Office of Federal Procurement Policy on national defense and related government activities, focusing on spare parts procurement of the Department of Defense.
SR-253

OCTOBER 26

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Diane K. Steed, of the District of Columbia, to be Administrator of the National Highway Traffic Safety Administration.
SR-253

Environment and Public Works
Business meeting, to resume markup of S. 1330, to develolp long-term job opportunities in public works, and S. 1739, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.
SD-406

Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to review computer security policy in the Federal Government and the private sector.
SD-628

Labor and Human Resources
To hold hearings to review volunteer initiatives in health.
SD-430

Special on Aging
To hold hearings to examine State, local, and private sector initiatives in controlling health care costs.
SD-562

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers' union (HEREIU).
SD-342

Judiciary
To hold hearings on S. 1841, proposed National Productivity and Innovation Act.
SD-226

Veterans' Affairs
To hold hearings on S. 1747, to establish educational assistance programs for veterans of peacetime service, to close the post-Vietnam era veterans' educational assistance program to new participants, and to repeal the December 31, 1989, termination date of the Vietnam-era GI bill, the substance of S. 1873, to require the President to report to Congress no later than July 1, 1987, concerning the need for incentives, including a new educational assistance program for service members, to assist in the recruitment and retention of qualified personnel in the Armed Forces, and to hold oversight hearings on the implementation of the Veterans' Education and Employment Assistance Act (Public Law 94-502).
SR-418

Joint Economic
To resume hearings on job training needs of American workers, focusing on labor market training policies.
1310 Longworth Building

OCTOBER 27

9:00 a.m.
Office of Technology Assessment
The Board, to hold a general business meeting.
EF-100, Capitol

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1546, proposed Deepwater Port Act Amendments of 1983.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Joint Economic
To hold hearings to examine changes American women have undergone in the last three decades.
2118 Rayburn Building

OCTOBER 28

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous items, including S. 499, S. 831, S. 842, S. 1231, S. 1807, S. 1914.
SD-215

OCTOBER 31

10:00 a.m.
Joint Economic
To hold hearings on industrial policy and economic cooperation.
2253 Rayburn Building

2:00 p.m.
Finance
International Trade Subcommittee
To hold hearings on the substance of S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government, and S. 1723, to redesignate the U.S. Trade Representative as the President's Representative for Trade Negotiations.
SD-215

NOVEMBER 1

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Small Business
Business meeting, to mark up S. 1429, to provide for continued management and technical assistance to small business owners.
SR-428A

NOVEMBER 2

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1707, proposed Competition in Television Production Act.
SR-325

10:00 a.m.
Environment and Public Works
To hold hearings on proposed amendments to the Clean Air Act (Public Law 95-95), focusing on acid rain provisions.
SD-406

Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

Select on Indian Affairs
To hold hearings on S. 1196, to confer jurisdiction on the U.S. Claims Court with respect to certain claims of the Navajo Indian Tribe.
SD-124

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to determine the legislative intent of the Alaska Natives Claims Settlement Act (Public Law 92-203), with relation to Shee Atika, Inc.
SD-124

NOVEMBER 3

9:30 a.m.
Small Business
To hold hearings to examine the competitive situation existing between public utilities and certain small business owners.
SR-428A

10:00 a.m.
Environment and Public Works
Business meeting, to resume markup of S. 1330, to develop long-term job opportunities in public works, and S. 1739, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.
SD-406

NOVEMBER 4

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1707, proposed Competition in Television Production Act.
SD-106

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on the implementation of the Toxic Substances Control Act (Public Law 94-469).
SD-406

Finance
To hold hearings on S. 1822, to encourage investments in mortgage-backed securities through trusts for investments in mortgages.
SD-215

NOVEMBER 8

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), focusing on acid rain provisions.
SD-406

NOVEMBER 9

10:00 a.m.
Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

NOVEMBER 10

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), focusing on acid rain provisions.
SD-406

NOVEMBER 15

9:00 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on the current condition of America's coal industry.
SD-366

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), including S. 768, a related measure.
SD-406
Labor and Human Resources
Aging Subcommittee
To hold hearings to redefine old age provisions contained in the Older Americans Act.
SD-430

NOVEMBER 16

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact of the U.S. Supreme Court's legislative veto decision.
SD-430

2:00 p.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review current gas markets and alternatives for delivery of Alaskan gas through the Alaska natural gas transportation system to those markets.
SD-366

2:30 p.m.
Select on Ethics
Closed business meeting.
S-207, Capitol

NOVEMBER 17

9:45 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on Federal arts policy.
SD-430

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), including S. 768, a related measure.
SD-406

2:00 p.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on Federal arts policy.
SD-430

NOVEMBER 29

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review targeted scarce resource provisions of the Older Americans Act.
SD-430

NOVEMBER 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

DECEMBER 6

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review long-term care policy provisions of the Older Americans Act.
SD-430

CANCELLATIONS

OCTOBER 20

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

NOVEMBER 10

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation to revise certain provisions of the Federal Employees Compensation Act.
SD-430

HOUSE OF REPRESENTATIVES—*Thursday, October 20, 1983*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, that in spite of the difficulties of our times, Your people will not be discouraged and instead use the power of the spirit You make available to all. We recognize the personal disappointments, frustrations, and anxieties that touch the human family and we know the sadnesses that these troubles do bring. Yet, we acknowledge Your presence and Your concern for our lives and well being, and we pray, that as we focus on Your grace and love, we will overcome evil for good and celebrate life in all its glory. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McCAIN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McCAIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 361, nays 28, answered "present" 7, not voting 37, as follows:

[Roll No. 401]

YEAS—361

Ackerman	Bates	Bosco
Addabbo	Bedell	Boucher
Akaka	Beilenson	Boxer
Albosta	Bennett	Britt
Alexander	Bereuter	Broomfield
Anderson	Berman	Brown (CA)
Andrews (NC)	Bethune	Brown (CO)
Andrews (TX)	Biaggi	Broyhill
Annunzio	Bilirakis	Bryant
Anthony	Bliley	Burton (CA)
Archer	Boehlert	Byron
Aspin	Boggs	Campbell
AuCoin	Boland	Carney
Badham	Boner	Carper
Barnard	Bonior	Chandler
Bartlett	Bonker	Chappell
Bateman	Borski	Chappie
Clarke	Holt	Montgomery
Clinger	Hopkins	Moody
Coats	Horton	Moore
Coelho	Howard	Moorhead
Coleman (MO)	Hoyer	Morrison (CT)
Coleman (TX)	Hubbard	Morrison (WA)
Collins	Huckaby	Mrazek
Conable	Hughes	Murphy
Conte	Hunter	Murtha
Conyers	Hyde	Myers
Cooper	Ireland	Natcher
Corcoran	Jeffords	Neal
Courter	Jenkins	Nelson
Craig	Johnson	Nichols
Crane, Daniel	Jones (OK)	Nielson
Crane, Philip	Jones (TN)	Nowak
Crockett	Kaptur	O'Brien
D'Amours	Kasich	Oakar
Daniel	Kastenmeier	Obey
Daschle	Kazen	Olin
Daub	Kemp	Ortiz
Davis	Kennelly	Owens
de la Garza	Kildee	Oxley
Dellums	Kindness	Packard
Derrick	Kogovsek	Panetta
DeWine	Kolter	Patman
Dicks	Kostmayer	Pease
Donnelly	Kramer	Penny
Dorgan	LaFalce	Perkins
Downey	Lagomarsino	Petri
Dreier	Latta	Pickle
Duncan	Leach	Porter
Dwyer	Leath	Price
Dyson	Lehman (CA)	Pursell
Early	Lehman (FL)	Quillen
Edgar	Leland	Rahall
Edwards (AL)	Lent	Rangel
Edwards (CA)	Levin	Ratchford
English	Levine	Ray
Erdreich	Levitas	Regula
Erlenborn	Lewis (CA)	Reid
Evans (IL)	Lewis (FL)	Richardson
Fascell	Livingston	Ridge
Fazio	Lloyd	Rinaldo
Ferraro	Loeffler	Robinson
Fiedler	Long (LA)	Roe
Fish	Long (MD)	Rogers
Flippo	Lott	Rose
Florio	Lowery (CA)	Rostenkowski
Foglietta	Lowry (WA)	Roth
Ford (TN)	Lujan	Roukema
Fowler	Lungren	Rowland
Frank	Mack	Roybal
Frost	MacKay	Rudd
Garcia	Markey	Russo
Gekas	Marlenee	Savage
Gephardt	Marriott	Sawyer
Gibbons	Martin (IL)	Schaefer
Gilman	Martin (NC)	Scheuer
Gingrich	Martin (NY)	Schulze
Glickman	Martinez	Schumer
Gonzalez	Matsui	Seiberling
Gore	Mavroules	Sensenbrenner
Gradison	Mazzoli	Shannon
Gray	McCain	Sharp
Green	McCandless	Shaw
Gregg	McCloskey	Shumway
Guarini	McCollum	Shuster
Gunderson	McCurdy	Siljander
Hall (IN)	McDade	Simon
Hall (OH)	McEwen	Sisisky
Hall, Ralph	McGrath	Skeen
Hall, Sam	McHugh	Skelton
Hamilton	McKernan	Slattery
Hammerschmidt	McKinney	Smith (FL)
Hance	McNulty	Smith (IA)
Hansen (ID)	Mica	Smith (NE)
Harrison	Michel	Smith (NJ)
Hartnett	Mikulski	Smith, Denny
Hatcher	Miller (CA)	Smith, Robert
Hawkins	Mineta	Snowe
Hayes	Minish	Snyder
Hefner	Moakley	Solarz
Hertel	Molinari	Solomon
Hillis	Mollohan	Spence
Spratt	Torricelli	Whitten
Staggers	Traxler	Williams (OH)
Stangeland	Udall	Wilson
Stark	Valentine	Winn
Stenholm	Vander Jagt	Wirth
Stokes	Vandergriff	Wise
Stratton	Vento	Wolpe
Studds	Volkmer	Wortley
Stump	Vucanovich	Wright
Sundquist	Walgren	Wyden
Swift	Watkins	Wylie
Synar	Waxman	Yates
Tallon	Weaver	Yatron
Tauke	Weber	Young (FL)
Tauzin	Weiss	Young (MO)
Taylor	Wheat	Zablocki
Thomas (CA)	Whitehurst	Zschau
Thomas (GA)	Whitley	
Torres	Whittaker	

NAYS—28

Burton (IN)	Fields	Parris
Clay	Frenzel	Roberts
Coughlin	Gejdenson	Roemer
Dannemeyer	Goodling	Sabo
Dickinson	Harkin	Schroeder
Durbin	Hiler	Sikorski
Eckart	Jacobs	Walker
Edwards (OK)	Lipinski	Wolf
Emerson	Luken	
Evans (IA)	Miller (OH)	

ANSWERED "PRESENT"—7

Carr	Hutto	St Germain
Dymally	Jones (NC)	
Franklin	Ottinger	

NOT VOTING—37

Applegate	Forsythe	Patterson
Barnes	Fuqua	Paul
Bevill	Gaydos	Pepper
Breaux	Gramm	Pritchard
Brooks	Hansen (UT)	Ritter
Cheney	Heftel	Rodino
Coyne	Hightower	Schneider
Dingell	Lantos	Shelby
Dixon	Lundine	Towns
Dowdy	Madigan	Williams (MT)
Feighan	Mitchell	Young (AK)
Foley	Oberstar	
Ford (MI)	Pashayan	

□ 1010

Mrs. BYRON changed her vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following title:

H.R. 3044. An act to grant the consent of the Congress to an interstate agreement or compact relating to the restoration of Atlantic Salmon in the Connecticut River Basin, and to allow the Secretary of Commerce and the Secretary of the Interior to participate as members in a Connecticut River Atlantic Salmon Commission; and

H.R. 3706. An act to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

□ 1020

PERMISSION FOR SUBCOMMITTEE ON NATURAL RESOURCES, AGRICULTURAL RESEARCH AND ENVIRONMENT OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TODAY WHILE HOUSE IS IN SESSION

Mr. ANDREWS of Texas. Mr. Speaker, I ask unanimous consent that the Subcommittee on Natural Resources, Agricultural Research and Environment of the Committee on Science and Technology be permitted to sit today while the House is in session.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentleman from Texas?

There was no objection.

THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1984

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, as Members of this body know full well, the Intelligence Committee and its chairman rarely make public statements about intelligence programs.

I myself do not give interviews on intelligence subjects. However, a book which until recently was on the best-seller list in this city, "The Puzzle Palace," by James Bamford, has suggested that the National Security Agency is out of control and subject to no significant oversight in its activities, which, the author asserts, pose the greatest potential dangers to the privacy of American citizens.

Any intelligence collection technique operated on a large scale—and that is a description which fits the National Security Agency—has the potential to pose some threat to privacy. Electronic surveillance indeed poses a threat to privacy when it is unrestricted and unreviewed by the Congress or the Judiciary. However, Mr. Chairman, neither adjective applies to use of electronic surveillance in this country.

The Foreign Intelligence Surveillance Act represents a significant regulation in the way which electronic surveillance may be conducted in the United States.

This is an area which is subject to regular and rigorous oversight by the Intelligence Committee.

The committee will be conducting closed hearings on the implementation of the statute in the coming months. But it is neither premature nor venturesome for me to say, that the committee believes that the National Security Agency is complying with the act.

Its activities, both in the United States and abroad, are consistent with approved procedures for safeguarding and minimizing any collection of information from, or about U.S. persons.

A second matter deserving comment is of a more recent vintage. It concerns the cover story in Newsweek magazine dated October 10, 1983.

The story concerns the Central Intelligence Agency and makes a number of assertions, many of them factually inaccurate about the strengths and activities of the Central Intelligence Agency. It quotes me inaccurately with reference to cutting the intelligence budget.

I want to say—without addressing particular inaccuracies in that article—that your Intelligence Committee is aware of what is going on at the CIA. It has never, under this or any previous administration, permitted decimation of the clandestine intelligence corps nor the conduct of intelligence activities clearly inconsistent with the laws of the United States.

Certainly, a majority on the Intelligence Committee disagrees with the President's policy of conducting a secret war in Nicaragua, but, in the midst of debate on that subject, it is important to keep our objectivity.

The Central Intelligence Agency exists as a policy tool for the President of the United States in the conduct of foreign policy.

It is not the "rogue elephant" people once called it. Differences that the Intelligence Committee has on the question of policy toward Nicaragua are ones which do not involve either the integrity or the professionalism of the Central Intelligence Agency.

NO AMOUNT OF RHETORIC CAN ERASE THE FACTS

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, the President went on national television and gave himself a report card for his first 1,000 days in office. Perhaps to nobody's surprise, he gave himself high marks.

Now he is a pleasant fellow and probably does deserve an "A" in deportment.

But in honesty he must have an "F" in arithmetic.

The President said, almost exactly 3 years ago today on October 24, 1980, speaking of his predecessor:

> Mr. Carter is acting as if he had not been in charge for the past 3½ years, as if someone else was responsible for the largest deficit in American history, as if someone else was predicting a budget deficit for this fiscal year of $30 billion or more.

That was Ronald Reagan, October 24, 1980.

And yet, Ronald Reagan, because his policies did go into effect. Because of his excessive tax cut for the wealthiest few. Because of the Reagan recession, has just presided over a Reagan deficit of $207 billion and that is three times bigger than the biggest deficit ever suffered under any previous administration and it was not Jimmy Carter's, it was that of his predecessor, Mr. Ford.

Those are the facts. And no amount of rhetoric can erase them.

LET THE NUMBERS DO THE TALKING

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, last night during the President's news conference he baffled the American people by babbling on budget deficits. He said that over the last 40 years Democrats have controlled Congress and they are the ones responsible for deficit spending.

I would like to mention a couple of facts from the Congressional Budget Office. Over the last 40 years, from 1945 through 1985, Republican Presidents were responsible for $980 billion in budget deficits compared to $278 billion by Democratic Presidents.

Again, during the last 40 years, Mr. Reagan should be aware that Congress has spent more than requested by the President only three times.

Furthermore, he might also note that there have been eight budget surpluses during that time; three under Republican Presidents totaling $7.6 billion; and five under Democratic Presidents totaling $25.8 billion.

Mr. Speaker, last night Mr. Reagan did the talking. This morning, the numbers are talking.

FEDERAL BUDGET FACTS

"I have submitted an economic plan * * * and believe that over a 5-year projection, this plan can permit the extra spending for needed refurbishing of our defense posture, that it can provide for a balanced budget in 1983 if not earlier, and that we can afford—along with the cuts that I have proposed in Government spending—we can afford the tax cuts I have proposed * * *"—Candidate Ronald Reagan, 1980 Presidential Debate.

I. Reagan Deficits: Fiscal Years 1982-86

	Billions
1982	$110
1983	207
1984	196
1985	205
1986	214

Note.—Fiscal years 1983-86 figures are Congressional Budget Office projections reestimated in its August 1983 Outlook and Update. These calculations assume the continuation of existing Federal spending and tax policies in effect in August 1983.

Projected Fiscal Year 1984 Deficit: Impact of Reaganomics

	Billions
A. Attributable to 1981 tax cuts	$93
B. Attributable to additional military spending	27

	Billions
C. Attributable to Reagan recession ..	40

Note.—Projections are based on data from CBO, OMB, and the Department of Defense. Impact of the 1981 tax cuts includes effect of 1982 tax increases.

National Debt: Impact of Reaganomics

Fiscal year:	Billions
1970	$383
1980	914
1982	1,146
1983	1,383
1984	1,625
1985	1,885
1986	2,173

Note.—Fiscal years 1970-82 data is from the Economic Report of the President, February 1983. Fiscal years 1983-86 are CBO forecasts.

IV. Statistical data on budget deficits: Fiscal years 1946-85

The following is a summary of the budget surpluses (+) and deficits (−) based on the Economic Report of the President, February 1983 (except as noted at the bottom of the chart). The President whose name is listed in the left hand column is the one in office at the beginning of the fiscal year indicated in the left column.

[Fiscal years, in billions of dollars]

President	Budget surplus (+)/deficit (−)	
	Democrats	Republicans
Truman (Democrat):		
1946	−$15.9	
1947	+3.9	
1948	+12.0	
1949	+.6	
1950	−3.1	
1951	+6.1	
1952	−1.5	
1953	−6.5	
Eisenhower (Republican):		
1954		−$1.2
1955		−3.0
1956		+4.1
1957		+3.2
1958		−2.9
1959		−12.9
1960		+.3
1961		+3.4
Kennedy (Democrat):		
1962	−7.1	
1963	−4.8	
Kennedy/Johnson (Democrats): 1964	−5.9	
Johnson (Democrat):		
1965	−1.6	
1966	−3.8	
1967	−8.7	
1968	−25.2	
1969	+3.2	
Nixon (Republican):		
1970		−2.8
1971		−23.0
1972		−23.4
1973		−14.8
1974		−4.7
Nixon/Ford (Republicans): 1975		−45.2
Ford (Republican):		
1976		−66.4
1976 transition quarter		−13.0
1977		−44.9
Carter (Democrat):		
1978	−48.8	
1979	−27.7	
1980	−59.6	
1981	−57.9	
Reagan (Republican):		
1982		−110.6
1983 (estimated)		−207.0
1984 (estimated)		−196.0
		(−179.3)
1985 (estimated)		−205.0
		(−161.1)

Note.—1983-85 figures are Congressional Budget Office projections reestimated in August 1983 Outlook and Update. Numbers in parentheses are CBO estimates which assume implementation of reconciliation instruction in fiscal year 1984 first concurrent budget resolution.

V. Cumulative deficits, fiscal year 1946-85: Democrats versus Republicans

The cumulative (unadjusted for surpluses) deficit for the 20 years of Democratic Administrations was $278.2 billion. When adjusted for surplus years, that figure then becomes $252.4 billion.

The cumulative (unadjusted for surpluses) deficit for the twenty years of Republican Administrations was $980.2 billion. When adjusted for surplus years, that figure then becomes $972.6 billion.

The five surpluses under Democratic Presidents totaled $25.8 billion. The three Republican surpluses totaled $7.6 billion.

□ 1030

IRAN POLICIES CHALLENGE UNITED STATES

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, I rise today to speak against a government which since its inception has continually attacked the United States. Under the leadership of the Ayatollah Khomeini, the Islamic Republic of Iran has clearly undertaken policies to directly challenge the United States.

Who in this Congress can forget the agonizing year we spent waiting for the release of the American hostages. Since then, we have seen that Government slaughter thousands of innocent Iranians and export their so-called revolutionary ideas.

In Lebanon, the United States is attempting to help the Lebanese restore their national sovereignty. Yet, the Iranians do not share our goals in Lebanon and are determined to destroy any chance of peace. The Khomeini government has sent nearly 800 Iranian nationals to support anti-Government forces. And just this last weekend, we have learned that a Shi'ite Moslem group which is backed financially and politically by the Khomeini government is attacking and killing our marines in Lebanon. That is their goal and mission.

We have also recently learned that the Iranians are threatening to close the Straits of Hormuz and block vital oil shipments to the West.

This Congress cannot sit idly by and watch this irrational and dangerous aggression continue or spread. I call upon the President, Congress, and our allies to reexamine every available foreign policy tool we can use to deal with Iran.

THE SITUATION IN NICARAGUA

(Mr. SHANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHANNON. Mr. Speaker, I ask my colleagues to imagine for a moment the American response if the following events occurred. What would we do if a foreign power financed an attack on one of our airports, and on our oil supplies, leaving us with only a 1 month supply? If a foreign power financed guerrillas who attacked our people, brutally murdering a number of them? And if this same foreign power had over 20,000 of its troops, the best armed forces in the world, stationed on our land and sea borders, engaged in manuevers for a 6-month period?

Mr. Speaker, we would not tolerate any of it. And yet, these are exactly the kind of actions which we are supporting, with money, logistical help, and intelligence information, against the Government of Nicaragua. The contras to whom we give our support, many of them members of Somoza's notorious National Guard, are guilty of heinous crimes, in their attempt to instill terror in the hearts of Nicaraguan citizens.

Mr. Speaker, today we have a chance to stop covert assistance designed to overthrow the Government of Nicaragua. The military approach to the problems of Central America has alined us with many of the worst elements of society in these countries. I urge my colleagues to support the Boland legislation.

THE HOUSE MUST INSIST ON DENIAL OF FUNDS FOR COVERT ACTIVITY IN NICARAGUA

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of California. Mr. Speaker, today the House will close its doors and go into a secret session for the second time in 3 months. Hopefully, our action today will help change the present course of history in Nicaragua from one of strife and bloodshed to one of peace and economic cooperation.

In July we voted to prohibit covert aid to Nicaraguan rebels. Many of us naively felt that this vote might make a difference and that the administration might reconsider its policy. How wrong we were. Not only did the administration ignore us, but the Senate did as well; they did not even debate the matter on the Senate floor.

The President has continued to ignore the economic bases of the region's difficulties and has, in fact, encouraged stepped-up activity by the U.S.-supported freedom fighters working to overthrow the Sandinista government. The Sandinistas have been besieged with terrorist activity causing immense damage to the country's economy and inflicting even greater hardship on the nation's people. Yet, ironically, the President continues to

denounce only the destructive tactics of rebels in El Salvador.

Despite the feeling that our message has fallen on deaf ears in the past, the House must persist in insisting on a denial of funds for covert activity in Nicaragua. We must send this message loud and clear to the President, the Senate, and most importantly, to the American people.

This afternoon's session will undoubtedly create a sense of deja vu for many of us who joined together to pass the Boland-Zablocki amendment. Let us hope that this time our message is heard and heeded by the President.

THE INTELLIGENCE AUTHORIZATION BILL FOR FISCAL YEAR 1984

(Mr. LEVINE of Califorina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, later today we will consider the intelligence authorization bill for fiscal year 1984. This legislation contains language which would put an end to Ronald Reagan's not-so-covert war against the Government of Nicaragua.

By pursuing this covert war, President Reagan could well be following a Soviet script designed to create mass anti-American sentiment in Central America.

One of the great tragedies of the Reagan Presidency is its doctrinaire insistence that all international problems spring from a Communist source.

It seems as though each day brings new revelations about our involvement in aiding the contras in their war to overthrow the Sandinista government. Like so many of the CIA's past secret operations, this one is becoming less secret every day.

What have we accomplished to date? There is no evidence that the Nicaraguan Government is any less stable today than when the covert operations began. There is no indication that we have in any way reduced the Salvadoran guerrillas' access to arms. Many innocent men, women, and children have died. Yet the administration seeks congressional approval for a war which not only violates U.S. and international law, but is wasting millions of dollars of funds.

I urge my colleagues to join with me today and support an end to our counterproductive covert actions in Nicaragua.

CARRIER ALERT

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, I was pleased to read in Jack Eisen's column of the October 18 edition of the Washington Post that the National Association of Letter Carriers, with cooperation from the U.S. Postal Service and other organizations, has initiated a carrier alert program. It is simple and should be worthwhile.

Residents may participate in the program by registering with the Red Cross. Letter carriers have agreed to notify the Red Cross of possible signs of trouble at the homes of registered residents. In turn, the Red Cross will follow up by checking on the welfare of the resident.

I strongly support the concept of such a program. Letter carriers have always been in a unique position to know on an almost daily basis the well-being of the patrons he or she serves. I commend the National Association of Letter Carriers for its neighborly efforts and anticipate enthusiastic participation nationwide.

NO FIRST USE

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WEISS. Mr. Speaker, today, together with 35 other Members of the House, I have introduced a joint resolution which states that it shall be the policy of the United States to renounce the first use of all nuclear weapons and urges that we conclude treaties with all nations renouncing the first use of all nuclear weapons.

Mr. Speaker, the two superpowers on Earth, the United States and the Soviet Union, both in the strategic nuclear weapons area and in the tactical nuclear weapons area, are rapidly moving toward a position where first use will become a very practical reality. We must be concerned about that. We must take every step possible to prevent the use of nuclear weapons and help to prevent the destruction of all humanity.

I urge the adoption of this resolution, and I invite all of my colleagues to become cosponsors.

The joint resolution is as follows:

H.J. RES. —

Joint resolution to renounce the first use of all nuclear weapons and to conclude treaties with all nations renouncing the first use of all nuclear weapons

Whereas the United States and the Soviet Union both have developed nuclear weaponry to retaliate to a nuclear attack with equal or even greater force; and

Whereas this capability for retaliation has created a condition of mutual deterrence; and

Whereas the delicate balance of mutual deterrence has provided a disincentive to actual nuclear warfare; and

Whereas the United States and the Soviet Union both are moving toward development in both the strategic and tactical nuclear realms of first use capabilities; and

Whereas the increasing feasibility of the first use option heightens tensions on both sides and undermines mutual deterrence; and

Whereas continued pursuit and refinement of the first-use option will encourage preemptive nuclear attack; and

Whereas exercise of the first use option, whether tactical or strategic, will result in a full-scale nuclear exchange and the subsequent destruction of much of civilization; and

Whereas the United States and all nations face no more solemn duty than preventing a nuclear cataclysm; and

Whereas this duty can best be fulfilled by maintaining mutual deterrence at lower levels than currently exist, and by working toward the elimination of all nuclear weapons; and

Whereas renouncing the first use of all nuclear weapons is consonant with these obligations and aims: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the policy of the United States to renounce the first use of all nuclear weapons and to conclude treaties with all nations renouncing the first use of all nuclear weapons.

ORIGINAL COSPONSORS TO H.J. RESOLUTION INTRODUCED OCTOBER 10, 1983; SPONSOR: TED WEISS OF NEW YORK

Mr. Frank, Mr. Leland, Mr. Walgren, Mr. Fauntroy, Mr. Ratchford, Mr. Rangel, Mr. Weaver, Mrs. Schneider, Mr. Clay, Mr. Kastenmeier, Mr. Owens, Mr. Morrison of Connecticut, Mr. Ackerman, Mr. Studds, Mr. Conyers, Mr. Dellums, and Mr. Crockett.

Mr. Ottinger, Ms. Oakar, Ms. Kaptur, Mr. Moakley, Mr. Vento, Mr. Schumer, Mr. Lehman of Florida, Mr. Wheat, Mr. Brown of California, Mr. Berman, Mr. Won Pat, Mrs. Boxer, Mr. Simon, Mr. Mitchell, Mr. Gray, Mr. Edgar, Mr. Wolpe, and Mr. Seiberling.

THE SHAME OF THE DEMOCRATIC PARTY

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GINGRICH. Mr. Speaker, for 3 years the Democratic Party has used fear, demagogery and distortion to protect its power. Its deceptive and fear-mongering tactics led the Washington Post recently to write an editorial about "the gutless House." The Post was talking about the Democratic leadership.

Now we have a new sample of the vicious, irresponsible, fear-mongering which cripples America as we try to face up to real problems.

This new fundraising letter is factually wrong, fundamentally misleading and essentially dishonest. It is a tragedy for the American people that the letter was signed by the highest elected Democrat, the Speaker of the House.

Deceit, distortion, and demagogery cripple the ability of a free society to

survive. This letter and the strategy of fear and deceit behind it threaten our capacity as a free people to govern ourselves. The letter should be withdrawn and an apolgy made to the American people.

The letter follows:

DEAR FRIEND: Hardly an American could have missed the enormous battle waged here in Washington earlier this year to save the Social Security system. And when Congress placed this all-important program on a sound financial foundation for future generations, headlines and TV reports proclaimed "Social Security Saved!"

Well, sad to say, the battle is not yet over.

What millions of Americans do not realize is that our battle to ensure the health and economic security of older Americans is only half-won. Because without adequate health care insurance, the economic protection that Social Security provides to millions of elderly people is hollow and meaningless.

And right this moment, my Democratic colleagues and I are in the midst of a crucial fight to block the Reagan Administration and New Right Republicans from callously slashing the benefits and services of what is literally the life's blood of our elderly—Medicare and Medicaid.

We are vehemently opposed to their vicious proposed cuts. And I am personally appealing to you to enlist your immediate help in preventing Medicare and Medicaid from being gutted. Just as the Democratic-controlled House prevented the Reagan Administration from destroying Social Security, we must now save Medicare and Medicaid. And I urge you to help us right now, by making a contribution to the Democratic Congressional Campaign Committee's Campaign To Save Medicare/Medicaid.

If you could see some of the letters I receive from older Americans throughout the country, I am sure you would be as appalled as I am with the stories all too many of them tell.

Here are honest, upstanding citizens, who have worked hard—many even fought hard in our nation's wars—to keep America strong. They have given this great country their entire lives. Their only crime is that they have gotten old and sick.

Some letters cry out how, even under current Medicare and Medicaid programs, critical health needs go untreated . . . an 80-year-old woman needs eyeglasses, but the fuel bill is overdue . . . a grandfather needs a heart operation, but cannot have the operation and pay his rent.

And with over 30 million people in this country without any medical insurance, the frequency of such tragedies is all too common.

In spite of this, Ronald Reagan and the New Right Republicans advocate a utopian kind of self-responsibility. In their country-club mentality, they seem to think that every American can somehow find the money to pay for enormous medical bills, hospitalization, and physicians' services. And in their ruthless attempt to cut to the bare bones domestic services, they totally ignore the real facts. The average American over age 65 has a total gross yearly income of only $9,700! The Republicans could not care less that low-income, elderly Americans are already spending at least 16 percent of their annual income on medical care!

If passed, the Republican plan would substantially increase the financial burden of medical care for older citizens. Reagan has proposed over $1.9 billion in cuts to Medicare in the 1984 budget. More than 50 percent would come out of the pockets of the elderly.

I, for one, am not going to stand by silently and let the Republicans add intolerable medical expenses to the budgets of millions of older Americans already struggling just to get by. And I don't think you will stand by either.

That's why I'm writing to ask you to join with me and the Democrats in our Campaign To Save Medicare/Medicaid.

Medicare was first instituted under Democrat Lyndon Johnson in 1967. Medicare fulfilled the earlier commitment of Franklin Delano Roosevelt who founded Social Security, to provide the security of guaranteed medical health care. Tens of thousands of senior citizens are alive today thanks to advanced medical technologies, such as kidney dialysis, provided through Medicare. But the opportunity for a longer, healthier, and more satisfying life is being denied to many other older Americans because of Reagan's "get tough" attitude toward older citizens.

As soon as Ronald Reagan took office, he attacked Medicare by cutting millions of dollars in funding and by asking low-income elderly citizens to pick up the burden of even heavier medical expenses.

If Reagan gets his way, hospital costs alone for the average older American would increase more than 80 percent in just one year.

Medicaid was first proposed when Democrat John F. Kennedy was president and later passed into law by Democrat Lyndon B. Johnson. Medicaid took an enormous burden from families who were faced with the need to provide long-term residential care for elderly parents.

But once again, President Reagan and his New Right political allies have taken the budget axe to Medicaid during the last two years.

Reagan's 1984 budget proposes over $250 million in cuts to Medicaid. Over three-quarters of these cuts would have to be paid for out of the pockets of all Medicaid recipients.

These Republican budget cuts would be as catastrophic to our nation's elderly as the original Reagan proposals to gut Social Security. And just as we fought off those attacks together, we must now save Medicare/Medicaid.

Over the years it has been the Democratic Party that has guarded Social Security, Medicare, Medicaid, and other critically needed programs.

With the health and economic security of millions of older Americans under attack by the Reagan Administration, we Democrats have set as our number one priority the goal of saving Medicaid and Medicare.

And believe me, there's a lot at stake for all of us. Medicare and Medicaid together account for over $80 billion a year in federal health care expenditures.

Members of your family have probably already benefited greatly from these two programs which pay for a large part of their hospitalization, their physicians' fees, and medical necessities, such as prescription glasses and wheelchairs.

With so much at stake for all of us, here's our battle plan for our Campaign To Save Medicare/Medicaid.

1. First, the political staff of the Democratic Congressional Campaign Committee has started working up strategies to guarantee the election of a Democratic House in 1984 that will stand for, work for, and fight for strong and improved programs in both Medicare and Medicaid.

2. Next, Democratic leaders in the House are scheduling a series of hearings on the future of Medicare and Medicaid. But we also going to appear on radio and TV talk shows and write editorials for the newspapers. We intend to make the survival and improvement of Medicare and Medicaid a top political issue in the 1984 elections.

3. Third, we must bring our battle to save Medicare/Medicaid in the homes of millions more Americans like you—people who care; people who will not turn their backs on the nation's elderly.

We must seek their help through letters like this one asking for their personal support in making our Campaign To Save Medicare/Medicaid one of the very top issues of the coming campaign. And we must also urge their financial support to make sure Democrats are victorious.

Believe me, the ballot box is the most important weapon we have against those who would destroy or weaken health care service for older Americans.

But to elect and reelect candidates who will champion the defense of Medicare and Medicaid will not be easy. Nor will it be cheap.

In the 1982 midterm elections, the three Republican campaign committees outspent the Democratic committees by nearly 8 to 1. Their spending, in fact, was the largest in the annals of America politics. And their immense financial influence threatens to destroy our two-party system of government.

Of course I know we Democrats can never match them dollar for dollar. The Republican Party has always been and will always remain the party of wealth and privilege.

But to defend the future of Medicare and Medicaid on which so many older Americans critically depend, you and I must close the money gap. Next November we must be able to send to Washington more Democrats who will stand up and fight for health care service for older Americans.

But we face heavy oppostion. The Republicans, now in control of both the Senate and the White House, will spend lavishly to gain control of the House . . . the last remaining governmental opponent of their cruelly indifferent public policy for our older citizens.

You and I must not turn our backs on millions of older Americans who have planned their retirement and their monthly budgets on their trust in the good faith and commitment of our federal government.

Just as Americans have a legitimate right to expect their monthly Social Security checks, so they have an equally legitimate right to expect that their government will continue to protect against the high costs of hospitalization, surgery, and the long-term care required after a devastating illness.

Growing old and getting sick is a natural part of life. Citizens should not be penalized and burdened with medical bills beyond their ability to pay.

But unless we act now, the Republicans following President Reagan's lead will penalize and burden older Americans for the natural and inevitable results of aging and illness.

The only way you and I can make sure that insensitive politicians do not undermine or dismantle Medicare and Medicaid is to elect Democrats who will stand for, work for, and fight for a strong, secure health program for older Americans.

We need Democrats in the House of Representatives who will place Medicare and Medicaid at the top of their list of priorities—not at the bottom.

As Speaker of the House, I know from firsthand experience that the threats to Medicare and Medicaid are real and imminent!

I urge your help in our Campaign To Save Medicare/Medicaid.

Your emergency membership contribution today of $15, $20, $25, or more will help us launch this campaign and win this fight.

I am doing all I can every day to protect the health needs of older Americans. But more help is urgently needed now. Please let me know that the Democrats in the House of Representatives can count on your help in this battle to save and improve Medicare and Medicaid services and benefits.

Age and illness befall every one of us. And that's why the stakes are so enormously high for every one of us.

Sincerely,

THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives.

POLITICS AND SOCIAL SECURITY

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SHAW. Mr. Speaker, the gentleman from Georgia has just spoken of a letter over the Speaker's signature going out over the letterhead of the Democratic Congressional Campaign Committee. Once again it is attempting to insert into politics of the 1984 election the matter of social security. In this letter, on page 3, the Speaker states:

Over the years it has been the Democratic Party that has guarded Social Security, Medicare, Medicaid, and other critically needed programs.

I wish to remind this House that it is the Democratic Party who brought the American people the "notch," it is the Democratic Party who brought the social security system of this country within a single breath of bankruptcy.

I think, moreover, though, that perhaps the tragedy of this letter is that not as in 1982 by this letter is the Campaign Committee seeking the votes of the American people, but it is seeking their money in the form of campaign funds. This letter, which appears to be addressed to the older American is not only trying to stampede them once again into a feeling that the Democratic Party is their friend and the Republicans their enemy, but it is trying to extract from them money that would be used in this vicious campaign of lies.

Mr. Speaker, I earnestly suggest that you remove your name from this letter and that it be discredited as what it is.

THE SPEAKER IS URGED TO ADOPT SPIRIT OF RECONCILIATION REGARDING SOCIAL SECURITY

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I just saw a copy of the letter signed by the Speaker which purports to be a "Campaign To Save Medicare and Medicaid." I wish every American could have the opportunity to see this letter.

I hear some Members chuckling about it, but this is not a laughing matter. I believe this is one of the meanest letters that I have ever read. It is devisive.

To solve the problems of medicare and the problems of social security, we must not divide this Nation, or use scare tactics. We must come together, work with the President, work with the leadership of this Congress, in a spirit of reconciliation.

I believe perhaps that maybe the Speaker did not even see this letter; perhaps it was done by a Democratic fundraiser who believed people could be intimidated on this issue.

This letter is wrong and cruel and I urge its withdrawal.

□ 1040

STOP THE EXPORT OF NICARAGUAN REVOLUTION

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, later today we are going to vote once again on covert aid in Nicaragua to the rebel forces that are down there. We all know that the Nicaraguans, with the assistance of the Cubans, have been exporting revolution to El Salvador and have expressed the intention to export revolution into other Central American countries.

We cannot allow this to happen. Our objective is to stop this. The question is: How do we go about achieving that objective to stop this? Do we send in American troops? Clearly, the answer is "No."

Do we sit down at the table and talk about it? They will not listen to us; we have tried that.

The only answer to this problem is to get forward with the idea of making it so painful on the Nicaraguans that they simply cannot afford to continue to do this. The only logical way to proceed with that is to continue to support the revolution inside their country that is disrupting their economy until they come to the bargaining table and stop doing it.

So today I urge my colleagues to reject the Boland amendment and to vote for the amendment by the gentleman from Virginia (Mr. ROBINSON). I think it is the answer, and the only way we can proceed intelligently in that region of the world.

DISCHARGE PETITION TO BRING IMMIGRATION BILL TO THE FLOOR

(Mr. QUILLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, yesterday I introduced a resolution, House Resolution 338, providing for the consideration of H.R. 1510, the Immigration Reform and Control Act.

It is my understanding that the gentleman from California (Mr. LUNGREN) intends to file a discharge petition to bring this rule and the immigration bill to the floor of the House.

It is a shameful day in the history of this House when such an important piece of legislation is blocked for consideration. This House resolution that I introduced provides the framework for a discharge petition which can be signed 7 days from yesterday.

I think it is so important that the immigration matter be considered. Our borders are absolutely overrun with illegal immigrants coming across into this country. I think it is time that the Nation considers this matter. I think it is time that the Speaker of the House of Representatives relents in his decision not to schedule the matter, and I think it is time that the Committee on Rules takes action. That is why I introduced this House resolution, this rule, to bring the matter to the floor.

I urge my colleagues to sign the discharge petition when it is presented so that we can consider this matter.

PRESERVE THE COMITY OF THE HOUSE

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. Mr. Speaker, when I was first elected, we went through a period called freshman orientation, and one of the things that we were taught by our leaders was that it was necessary for the country that we preserve what is called the comity of the House, and that a big part of that was respect for the Speaker. I have tried to observe that. I do think that it is important.

In that spirit, though, Mr. Speaker, I ask you, as several of my preceding colleagues have, to review this letter that was sent out under your signature by the Democratic Congressional Campaign Committee. I ask you to review it because it is a letter that

drips with hatred and is filled with lies.

I do not believe, Mr. Speaker, as one of my colleagues who preceded me said, that you have seen this letter, but I ask you to come forward today, renounce this letter, and tell us that it was a mistake made by an overzealous staff member, because the comity of the House and the respect that is truly due the Speaker cannot be maintained if the Speaker permits the Democratic Congressional Campaign Committee to lie about the Speaker's colleagues and then sign the Speaker's name to those lies.

COVERUP ON TRANSCRIPT ALTERATIONS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, several weeks ago the FBI found cause to believe that the altering of House committee transcripts was a potential felony and should be investigated. That investigation began. Minority Members cooperated, minority staff cooperated, but then the investigation stalled. Now we know why.

It has been reported that the majority counsels on at least two House committees, under orders from the Speaker's office, have ordered Democratic staff not to cooperate with the FBI investigation. That is appalling and it is unacceptable.

We are dealing with a potential felony committed by people associated with this House. We are dealing with an incident that has already cost the taxpayers of this country tens of thousands of dollars.

In the face of those facts, the Democrats have decided to stonewall, to walk a fine line which, in my opinion, is very close to obstruction of justice. The kind of leadership that substitutes coverup for cooperation betrays our legislative process.

Those are the facts, and no amount of rhetoric can change them.

BUNGLED AGRICULTURE PROGRAMS

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, I am very much concerned about the problems of America's family farmers. They have recently suffered through many hardships, including droughts which destroy crops, and barriers to our dairy exports which prevent quality American agricultural products from reaching foreign consumers.

It is ironic but true that in some cases the hardship of America's farmers is caused by our own Government's bungling agriculture programs. One disgusting example is the dairy program which places a 50-cent tax on every 100 pounds of milk a dairy farmer produces. While this tax, or assessment, was designed to cut production, it has completely failed. The amount of milk the Government purchases continues to increase. At the same time, the damage this tax has caused the dairy industry is very significant, and in fact is threatening the livelihood of thousands of America's family farmers.

This is a completely unacceptable adverse effect of a government program gone out of control, and it must stop. Therefore, Mr. Speaker, I have introduced H.R. 4128, which would repeal both of the 50-cent dairy assessments immediately.

WHIPPING UP FEAR AMONG OUR RETIRED

(Mr. MACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, I, too, want to talk about the letter. I came here to discuss proposed solutions to the problems facing our country today, to help rebuild America for all its people. But once again we see the Democrats driving the wedge between the young and the old, the working and the retired, building on fear and lies to raise the almighty buck in a desperate attempt to retain power.

The Nation, its people, working and retired, will not be fooled. They will see through these lies because we Republicans will break you down by speaking out with more conviction and more passion about the good of men as opposed to its evil. It is wrong to whip up fear among our retired by threatening them with the fear of loss of precious medical attention and then ask them for money for your parties campaigns.

Mr. Speaker, you say in your letter, "* * * but to elect and reelect candidates who will campaign and champion the defense will not be easy. Nor will it be cheap."

Mr. Speaker, I would suggest it is already cheap.

SPEAKER URGED TO HALT "UNFAIR" FUNDRAISING LETTER

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, this morning I read your letter urging people to contribute money to the Democratic Party under the pretense of saving medicare and medicaid. You state in the letter that the "Democratic-controlled House prevented the Reagan administration from destroying social security."

Surely, Mr. Speaker, you really do not believe Mr. Reagan had any intentions whatsoever of "destroying" social security. I find your words extremely harsh and puzzling, especially in light of your recent comments on the House floor urging—yes urging—Members to vote for President Reagan's bipartisan social security solvency package. On March 9, 1983, you said (CONGRESSIONAL RECORD, pp. H1078, H1079):

> What is this bill all about today? The truth of the matter is we are all in agreement on both sides of the aisle as far as saving the system as of today and today is the day of the crisis. Because of this bill the social security is secure for the next 25 or 30 years. . . . I think the real purpose of this bill as we originally submitted it, was to straighten out the crisis. On both sides we are agreed to that.

On April 20, 1983, President Reagan signed the social security solvency package. According to the Washington Post of April 21, 1983, "O'Neill agreed with Reagan that yesterday was a happy day for America."

Now it seems, Mr. Speaker, you have completely reversed course. Indeed the tone and substance of your letter is not at all humorous, or trivial and causes this Member to lose a great deal of respect for the Speaker of the House of Representatives.

Mr. Speaker, I am sick and tired of this kind of cheap and untruthful rhetoric. I am sure that most of my colleagues on both sides of the aisle are just as shocked and dismayed as I that the distinguished Speaker from Massachusetts would lend his name to such a dishonest letter just to make some money and muddy the image of our President in an election year.

I am deeply disappointed in you, Mr. Speaker, for undermining the trust and credibility of your high office for partisan political ends, and a few dollars.

I further think it particularly ironic that you should revive the social security issue at this particular time when so many of our constitutents are discovering the injustice of the so-called notch problem—a problem that has been visited upon hundreds of thousands of our older Americans not by the Republicans but by the Democrats. It was former President Jimmy Carter, a Democrat, who signed the legislation passed by the Democratic-controlled House and Democratic-controlled Senate that drastically altered the benefits formula that has resulted in people born in or after 1917 receiving up to $130 less per month than a person born in 1916 or before.

I repeat, it was a Democrat-controlled White House, Senate, and House of Representatives which gave us the "notch" problem.

And as if that was not enough, Mr. Speaker, it was Democrat Jimmy Carter, a Democrat-controlled House,

and a Democrat-controlled Senate that gave us the legislation mandating reviews of persons receiving social security disability. The heartbreaking misery and suffering imposed upon tens of thousands of disabled Americans who have been thrown off disability—including hundreds in my own district—because of this 1980 law, is stark testimony to the fact that the Speaker and his party, if we are to be honest, have precious little credibility to throw mud and stones at the President and the Republicans in the House on the social security issue.

I sincerely hope Mr. Speaker that you will squarely face the inherent unfairness of the social security letter bearing your signature, currently being mailed by the Democratic Congressional Campaign Committee and stop its further dissemination.

I have confidence you are a man of honor and will not allow this injustice to continue.

A NEW THEORY FOR POLITICAL SCIENCE TEACHERS

(Mr. GOODLING asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, I am glad I had an opportunity to hear some of the 1-minutes this morning because I discovered that I was teaching incorrectly in my political science classes for 22 years. I had taught the students that the power of the purse strings lies in the hands of the Congress of the United States. This morning I learned that as a matter of fact it is Republican and Democrat Presidents who determine how money is spent, where money is spent, and who spends it.

I always taught my students that the House passed the legislation, then the House authorized the spending, and then the House as a matter of fact appropriated for that purpose and raised the taxes to cover those appropriations. I will use these remarks and redistribute them so that I can correct the mistakes that apparently I have made in teaching those students over a 22-year period.

A CONSTITUTIONAL AMENDMENT TO BALANCE THE BUDGET

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, a previous Representative just addressed the House and pointed out a mistake that was made by our illustrious majority leader when he said the President was responsible for the $208 billion deficit facing this country. The fact of the matter is that the majority party of this House has voted for $45 to $50 billion more than the President has asked for just this year. The fact of the matter is that for the past 30 years the Democrats have had the majority in the House of Representatives where all appropriation bills originate.

Mr. Speaker, I would just like to ask the majority if they are willing to put their mouth where the taxpayers' money is and vote for a constitutional amendment to balance the budget. I will. The President will. But will you?

OLYMPIC SKI TEAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I wish to inform my colleagues that the U.S. Olympic Ski Team is in Washington today, and I have the pleasure of hosting a reception in room H-227 here in the Capitol in their honor.

I just want to take this opportunity to bring to the attention of our colleagues that these fine young Americans are ready to do their very best for our country at the upcoming winter Olympics.

The names of these team members are: Bill Koch, Kerry Lynch, Peter Graves, Mike Gallagher, Cindy Nelson, Christin Cooper, Tamara McKinney, and Topper Hagerman.

Mr. Speaker, particularly those Members who represent the districts from which these fine young people come will be especially honored to have their pictures taken with these fine outstanding young Americans.

DEFICIT FEDERAL SPENDING

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HUBBARD. Mr. Speaker, there is more talk and news nowadays than ever before about the growing Federal deficit. Some of my colleagues have just spoken about Federal deficits here on the House floor. The President addressed this issue last night.

Yet, regardless of the loud and obvious messages sent to us in 1980 by the American voters in the Presidential and congressional elections, we in Congress do too little about the growing Federal deficit.

So, today the Washington Post, not known in the past as a crusader for a balanced Federal budget, says in an editorial:

> The conventional wisdom on both sides of Capitol Hill is that Congress cannot do anything about the Federal deficit until several hundred billion more dollars in debt have piled up. * * *
>
> Getting the budget back on track must be done gradually to avoid economic disruption. * * *
>
> As long as there is no relief from enormous deficits in sight, interest rates will stay high, exports will remain depressed and, ultimately, the economy will contract again.

The current trend here in the House is to raise Federal taxes and cut back about $10 billion in Federal spending over a 3-year period.

I assure you, my colleagues, that my western Kentucky constituents do not want higher taxes. They do want less Federal spending and a Congress with the courage to cause it to happen.

A SOLUTION FOR THE SOCIAL SECURITY PROBLEM

(Mr. CRAIG asked and was given permission to address the House for 1 minute.)

Mr. CRAIG. Mr. Speaker, we have just solved the problem of social security. We solved it after both parties in this House gained as much political drama from it as they could, and finally we used a bipartisan commission to bring about some solutions.

This spring, after recognizing that only in a bipartisan way could we have solved social security, myself, Chairman CLAUDE PEPPER, Chairman ROYBAL, and others of the Select Committee on Aging decided that we must address medicare in the same way, and we joined in a bipartisan effort, Mr. Speaker, to recognize that we must not whip the fear and demagog and shove our elderly to a point of crisis. We would solve this problem in a bipartisan way and bring about a solution before the deadline a few years down the road.

Mr. Speaker, you have violated the integrity of your own House leadership and your own chairmen by going to the American public and saying that this is a crisis issue that only the Democrats can solve, and only they, with their dollars, can solve in the face of the crisis.

Go back to your Select Committee on Aging, turn to the leadership of this House and the Members you have selected in a bipartisan manner to solve that problem, and we will have a solution, Mr. Speaker.

A CHOICE FOR THE AMERICAN PEOPLE IN THE NEXT ELECTION

(Mr. MILLER of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I have listened to the Members of the minority address us in the 1-minute speeches today, and clearly what they are saying is that the truth hurts.

When you tell the American people that it was in fact the changes in the social security law that forced thousands of people off disability and that

forced thousands of elderly and low-income women off the social security rolls, when you see the policies that were instituted in the Reconciliation Act of 1981, clearly the American people have a choice. That choice will be in the election of next November, and that choice is whether or not they are going to have the continuation of an administration that, each and every time it has had an opportunity to extract the price from the wealthy of this country or the poor of this country, has extracted that price from the poor.

We have seen that in the tax bill, we have seen that in the cut in social policies in this country, we have seen it in its treatment of social security, and again they are talking about more out-of-pocket payments by the elderly in this country to pay that bill.

So that is what the letter was about. It was about the choice the elderly in this country will have, and it was a letter about the truth in the record of this administration and the policies that it has proposed and that in some instances have been adopted, unfortunately, by this Congress.

Mr. Speaker, at a time when 25 percent of the American public is living below the poverty line, I think that choice ought to be clear to the American public.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1984

The SPEAKER pro tempore. Pursuant to House Resolution 329 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2968.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2968) to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency retirement and disability system, and for other purposes, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes and the gentleman from Virginia (Mr. ROBINSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I yield myself such time as I may consume.

□ 1100

Mr. Chairman, H.R. 2968, the Intelligence Authorization Act for fiscal year 1984 authorizes funds for all the activities of the Central Intelligence Agency; the Defense Intelligence Agency; The National Security Agency; other intelligence components of the Department of Defense and the Departments of the Army, Navy, and Air Force; the Bureau of Intelligence and Research at the Department of State; the Intelligence Divisions of the Federal Bureau of Investigation; intelligence elements of the Departments of Treasury and Energy, and of the Drug Enforcement Administration; and the intelligence community staff of the Director of Central Intelligence.

Generally, these activities are divided into two categories. The first is intelligence activities—that is to say, national intelligence activities—which produce intelligence for important policymakers of the Government—the President, the Cabinet, the National Security Council, and the Joint Chiefs of Staff.

The second category, intelligence-related activities of the Department of Defense, includes all those defense activities integral to the defense force structure, but similar to national intelligence programs, and often tasked for national intelligence purposes, particularly in peacetime.

The similarity of programs and functions between the national intelligence and the intelligence-related activities of the Department of Defense is the reason that both are considered by the Permanent Select Committee on Intelligence and authorized in this bill.

We work to assure that the program areas are complementary and mutually supportive, but not duplicative. The referral of this bill to the Committee on Armed Services has assured that the judgments we make from an intelligence viewpoint are equally sound from a military perspective. We work closely with that committee on a continuous basis and have achieved a position agreeable to both committees even before referral.

Mr. Chairman, I yield to the distinguished chairman of the Armed Services Committee, the gentleman from Illinois (Mr. PRICE).

Mr. PRICE. Mr. Chairman, I thank the gentleman for yielding. Again this year the Permanent Select Committee on Intelligence and the Armed Services Committee worked together to report the authorization bill for intelligence and intelligence-related activities of the intelligence community.

As the members of the committee will recall, the Armed Service Committee shares responsibility for authorizing certain elements in the intelligence authorization bill with regard to intelligence-related activities for the Department of Defense, and I am most pleased to report again on the excellent working relationship with, and cooperation of, the select committee chairman, the members, and the staff in arriving at complete agreement on all items of joint responsibility.

As the reports state, the results of our recommendations are classified and are included in the classified annex to the report on H.R. 2968 prepared by the select committee.

Again, I thank the gentleman for his cooperation with regard to intelligence-related activities of joint responsibility.

Mr. BOLAND. Mr. Chairman, I thank the distinguished chairman of the Armed Services Committee and I want to express the opinion of the Intelligence Committee that we are grateful to the Armed Services Committee for the cooperation that the chairman and his committee gives in this double effort.

Mr. Chairman, the programs authorized by H.R. 2968 are classified. Many are extremely sensitive. Their very existence, in some cases, is itself secret. There is, therefore, little detail in the bill or the public report which accompanies it on the amounts and particulars of the programs authorized. The committee has recommended against publishing even the overall budget figure on the grounds that it would be meaningless without significant amounts of detailed explanation.

The committee, as in years past, has prepared a detailed schedule of authorization, which is incorporated by reference into the bill, and an annex to its report. Both are classified and are available in the offices of the committee. Some members have already examined them. I urge those who have not yet done so, to avail themselves of the opportunity to examine them closely.

Mr. Chairman, this bill, besides authorizing funds for the intelligence programs of our Government, would provide two new administration authorities to the Director of Central Intelligence. In one case, it would provide explicit authority to the DCI to set minimum and maximum age limits for entry level operations officers. Second, it gives him the authority to provide incentive awards to civilian and military detailees of the CIA and the intellgience community staff.

In other respects, the bill is indentical to those which the House has considered for the past 5 years. It has the bipartisan support of all the committee. The only exception to that and a principal focus of the debate that will ensue on this bill is its stipulation that none of the funds authorized by the bill may be used for military or paramilitary activities in Nicaragua.

At the appropriate time, I will offer an amendment to strike section 108

and insert in lieu thereof the text of H.R. 2760.

H.R. 2760 is the bill which the House passed on July 28, the Boland-Zablocki-Wright bill. It provides, as Members will recall, for the termination of United States funding of paramilitary activities in Nicaragua at the expiration of a period of time which has been classified by the committee. That period of time is for the safe withdrawal of insurgents funded by the program.

The bill also provides security assistance funds to friendly nations in the region to help interdict the flow of arms from Nicaragua and Cuba to insurgencies in other Central American nations. Those funds also may be used for peacekeeping efforts or for efforts to monitor agreements prohibiting aid to insurgencies in Central America.

Finally, the language inserted by the majority leader provides that U.S. policy should be to seek redress for U.S. and Central American grievances against Nicaragua in the forum of the Organization of American States. It requires the President to bring Nicaragua's violations of international law and its guarantees to the OAS on democratic freedoms before the OAS. It expresses the sense of Congress that negotiations are the best method of securing a lasting peace in Central America and requires the President to report to the Congress concerning the progress he has made in these efforts.

Thus I will be asking the Members of this body to vote again on exactly the same proposal which passed the House in July. That bill has never been considered by the other body. I, therefore, will offer this amendment in an effort to reaffirm the position taken by the House and to insure that it reaches a conference committee with the Senate. That is why we must vote again on this same matter.

What has happened since July 28? The most alarming change has been the expansion of the war in Nicaragua. It has acquired a new facet. It is now an air and sea war. Insurgents have engaged in bombing raids on Nicaraguan cities, airports, and harbors. Targets have been economic, such as the oil storage tanks in Corinto and the electrical generating plant and oil pipeline in Puerto Sandino. The ground war has heated up again—with deeper penetrations of insurgent forces into the central highlands and large-scale clashes between insurgent and Sandinista troops.

Another significant development has been the announcement by the nations participating in the Contadora process that all of the Central American participants, including Nicaragua, have agreed upon a list of 21 goals for negotiations to bring peace to the region. Those goals cover the gamut but include the end of foreign military presence in the region, the end to insurgencies and support for them, and a guarantee of democratic freedom in all Central American countries.

All Americans welcome this development. The administration claims that its program of support for the Nicaraguan insurgents has produced this change. To me it is obvious that this agreement upon an agenda for negotiations came in spite of that insurgency. In any case, even if negotiations are scheduled the objectives posed by the administration, some of which are contained in the new secret findings, are even broader than those to be discussed by Contadora nations.

The final development is that the administration has reformulated its position on the war in Nicaragua in a new Presidential finding. The finding authorizes the continuation of the present program. The scope of activities which are authorized is very broad, and in no way limited to arms interdiction. It includes keeping the military pressure on the Sandinistas. Its bottom line is the continuation of the war.

The finding makes no mention of overthrowing the Government of Nicaragua, although this is the stated purpose of the Contras. And the administration is offering no guarantees.

The new finding, then, is one more effort to defend the secret war in the Congress. While the finding contains more detail, it contains no new ideas or policies. It is a compendium of the symmetry arguments you heard and rejected in July. Make no mistake about it, military victory is the administration's bottom line. The statement of Under Secretary of Defense for Policy Fred Ikle, on September 12, before the Baltimore Council on Foreign Affairs, clearly shows that there is a feeling in this administration that the Sandinistas must be defeated on the battlefield before the problems of Central America can be solved.

But what will be the result of this increased military pressure? Will the Sandinistas surrender? Or are they more likely to seek more aid from Cuba and Russia? Or will they attack Honduras or Costa Rica?

Mr. Chairman, the war is counter to the best interests of the United States, and it is also inconsistent with the principles which underlie American Government. In fact, it is more consistent with the dictates of Lenin than principles of Washington and Jefferson. Finally, it reawakens the image of the United States as the North American meddler in Latin American politics, the American bully who can only live with an arrangement that he imposes.

Mr. Chairman, you do not have to be in favor of Nicaragua's policies—and I am not—to oppose the open-ended war to which the administration has committed us. My conclusion is that the not so secret war in Nicaragua must end. That is why I am asking Members to vote again to end this program.

The Congress ought to send a clear signal that this war is not, nor should it be, U.S. policy. Our policy should be to encourage peace through negotiation, with and through the Organization of American States, and the shield of security assistance.

That is what the Boland-Zablocki-Wright amendment does. That is why it should be adopted.

Mr. ROBINSON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, before the emphasis of my remarks turn to section 108 of the intelligence authorization bill, I would like to first take this opportunity to emphasize that H.R. 2968 is first and foremost—the intelligence authorization bill for fiscal year 1984. The activities addressed by section 108 represents but only a small fraction of the intelligence resources requested by the President for fiscal year 1984, in fact, the vast majority of intelligence resources support programs have nothing to do with the so-called covert or special activities which is receiving much public attention. Although these major intelligence programs must, for the most part, remain concealed, we should not lose sight of their contribution to national security in providing policymakers foreign intelligence crucial to our country's ability to meet the challenges facing it. For fiscal year 1984 the President requested a substantial increase in overall intelligence funding from 1983 levels, I fully support our committee's recommendations not to disclose publicly the amounts of these requested funds. Therefore, I will not discuss specific committee recommendations. Details of these recommendations are contained in the classified annex to our committee report, which along with the classified schedule of authorizations referred to in the bill, has been available for review by Members of the House since July 25.

The committee generally supported the funding levels requested by the President but we were not persuaded that all of the specific programs were fully warranted and the committee's recommendations would delete or defer certain programs and in other cases would increase program funding. I am pleased to add that while the authorization levels recommended by the committee are consistent with funding targets adopted in the first budget resolution, the committee recommendations will again, allow some real growth in the intelligence programs.

I believe, on the whole, H.R. 2968 provides for a well balanced intelligence program essential to our naitonal security and foreign policies. Whether questions involve the rebuilding of right offenses, negotiating arms reductions, dealing with expand-

ing Communist influence on most every continent, or coping with the political and economic realistics of today's extemely volatile world, demands for high quality and timely intelligence will continue to proliferate.

As for the bill in general, except for my strong objection to the inclusion of section 108 or any other provision prohibiting covert assistance for activities in Nicaragua, I fully support H.R. 2968.

Now, in turning to section 108, the provision which prohibits covert assistance for military operations in Nicaragua, I would like to spend just a few moments explaining the parliamentary situation as I understand it. When upon reaching consideration of section 108 of the authorization bill and after the secret session of the House, Chairman BOLAND will offer as a substitute amendment—which will be the entire text of H.R. 2760 previously considered by the House on July 28. If, the chairman's amendment is defeated, the House will have the opportunity to consider one of the compromise amendments I have printed in the CONGRESSIONAL RECORD. If, the chairman's substitute is adopted, I will be precluded from offering any compromise amendment.

If Chairman BOLAND's amendment prevails, a motion to recommit with instructions will be the only legislative means by which the House may consider a substantive compromise amendment. Thus, when the committee rises to report its action to the House, I will offer a motion to recommit which includes all of the provisions of the Boland amendment plus compromise language which conditions the effective date of the prohibition on covert assistance. I raise this issue because I wish all the Members of the House to recognize that this motion to recommit becomes a motion of substance and significance and should not be compared to similar motions.

The amendment or motion to recommit that I am offering will defer a halt to U.S. support for Nicaraguan opposition until the Sandinistas stop interfering with their neighbors and join in an agreement based on the Contadora 21-point document of objectives agreed to at the September 7 through 9 meeting of Contadora four of the Central American counties. The countries who participated in that peace negotiation were, Colombia, Mexico, Panama, Venezuela, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

□ 1110

Mr. Chairman, I urge my colleagues to look carefully at the motion to recommit if it becomes in order.

Mr. BOLAND. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. MCCURDY).

Mr. McCURDY. Mr. Chairman, I rise to add my support for H.R. 2968.

As a member of the Program and Budget Authorization Subcommittee, I have participated in the many hours of hearings and committee meetings of which our chairman has spoken. I can attest that our examination of U.S. Intelligence activities was extensive and I believe that it was productive.

Our effort was not taken from a perspective either prointelligence or antiintelligence. We sought to understand each program and to recommend an authorization level based on the merits of each. This process has resulted in both cuts and a few additions to the administration's request with the net effect being a small reduction. These adjustments are related to strengths or weaknesses of the individual programs affected. Our classified report provides the House and the administration with a detailed discussion of the committee's findings, both positive and negative.

Some of the programs authorized in ths bill are Defense Department activities to provide direct intelligence support to military operations. These are referred to in this bill as intelligence-related activities. The Permanent Select Committee on Intelligence shares jurisdiction in this area with the Committee on Armed Services. I serve on both committees which have worked together effectively and cooperatively to reach agreement on all matters jointly considered.

A great deal of work was devoted to the substance of the intelligence programs and their budgets. But, in addition, our work also carries out a fair portion of the oversight responsibilities of the committee. Many intelligence activities are a balance between propriety and necessity, between secrecy and the demands of an open society, between risk and benefit. These aspects will never be easy to balance but we have been attentive to these issues and will continue to be.

Mr. Chairman, I urge passage of H.R. 2968.

Mr. ROBINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, there will be a lot of rhetoric today and probably a lot of emotional exchanges, particularly when we deal with section 108.

I would just like to say that had I been on the Intelligence Committee when the covert activity was planned, I probably would have opposed it because of a concern I have about covert activity. Let me tell you, now as I serve on that Intelligence Committee, I believe that it will be a very dangerous move, if my colleagues who have visited the area a couple of times automatically become instant experts, because they saw and heard what it was the countries wanted them to see and hear, or if they try to become Assistant Secretaries in charge of Central America.

Contrary to what the chairman said, I happen to believe that the reason that Nicaragua is participating in the Contadora discussions at the present time is because of that covert activity. If for no other reason or other purpose, I think the covert action has been successful for that reason.

The real danger, Mr. Chairman, is if we sent publicly a signal that, as a matter of fact we are going to cut the operation off, why should Nicaragua participate in anything. Why not just wait, and wait us out?

Second, Mr. Chairman, I am very concerned about those people who are very quick to say, well, let us do it in a covert manner. That sounds pretty good. That also in my estimation means that, as a matter of fact, we are going to get deeply involved in a situation that most Americans do not want to get deeply involved in.

I do not see how there could be anything but American loss of lives if in fact we went the overt way. I know a lot of people say that because apparently it suits their conscience or something of that nature, but I would hope after all the rhetoric and emotion dies down, we think seriously about the comments I have made.

Mr. BOLAND. Mr. Chairman, I yield 7 minutes to the gentleman from Georgia (Mr. FOWLER).

Mr. FOWLER. Mr. Chairman, yesterday the Secretary of State of the United States wrote the Speaker of the House to say the nations participating in the Contadora process had committed themselves to negotiations to guarantee:

> Democratic pluralism and regional and verifiable commitments to end assistance to armed opposition forces.

□ 1120

Mr. Schultz sees Nicaragua's agreement to address these goals as a promising sign, as do I. But it is not new. It did not happen last week.

It happened at least as far back as July 19 before the House's vote to cut off the paramilitary activities sponsored by the United States in Nicaragua.

On July 19, before the House vote, Nicaragua embraced "democratic pluralism," in the Cancun Declaration which the United States also supported.

Before that there were letters of proposal to the Government of the United States of America by the Sandinista Government of Nicaragua asking our nation to engage in bilateral negotiations between the United States and the Government of Nicaragua with, and I quote from their letter of April 28, 1983, "* * * with no limitations or preconditions to this dialog."

The Nicaraguan Government has asked to talk to our Government with no preconditions either in Washington or in Managua and our Nation has to this date refused. How can we decide whether or not to believe the Nicaraguans if we continue to refuse to talk with them?

Any letter from the Secretary of State should be read carefully by the Members of this body before we decide on such an important issue as the Boland-Zablocki-Wright amendment to cut off this paramilitary action. In his letter, the Secretary of State cites only 2 of the 21 points agreed to in the Contadora initiative, those dealing with pluralism, regional, and verifiable commitments.

But the Secretary did not cite the following:

No. 4: To curb the arms race in all of its forms and to initiate negotiations on the control and reduction of the current arms inventory and the number of armed troops.

Does the U.S. policy in Central America support point 4?

No. 5: To ban in their territories the presence of foreign forces, facilities, or military bases.

That is all foreign forces, the United States, the Cubans, the Russians. Does U.S. policy supporting this point of the Contadora plan?

No. 6: To reach agreements in order to reduce, with an eye to eliminating, the presence of foreign military or other advisers who might be used for military and security purposes.

Does our Government's policy support this agreement of Contadora?

No. 7: To eliminate the arms traffic for persons, groups, or organizations trying to destabilize the governments of Central America, and to establish control mechanisms for this purpose.

No. 8: To prevent the use of their territories and to abstain from either lending or permitting either military or logistical support to those individuals, groups, or organizations trying to destabilize Central American governments."

No. 9: To abstain from either fomenting or endorsing terrorist or sabotage actions in the area countries.

My friends, as we debate this amendment today I will respectfully submit that the Government of the United States of America, in order to achieve credibility in searching for a peaceful regional settlement in Central America, must also adhere to not only the spirit but the letter of these Contadora proposals which oppose military intervention of any type from any outside sovereignty which one must assume includes the United States of America along with the Cubans and the Russians.

Until we practice what we preach, until we together in a regional formulation of some type bring our forces to bear for stability and not exercise exclusively our military option, then any hope at long-term peace and stability becomes even more illusory.

I ask for your thoughtful consideration of the amendment passed by this House 3 months ago, made even more mandatory if we are to begin that peaceseeking process.

Mr. ROBINSON. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. WHITEHURST).

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. WHITEHURST. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. A colleague of mine from Pennsylvania indicated that I may have used the word "covert" rather than "overt" in making my second point.

I want to make very clear that I said, in my estimation, that it may be good rhetoric and it may sooth one's conscience to talk about going overtly rather than covertly, but we want to think seriously about the implication that may have for tremendous American involvement.

I thank the gentleman for yielding.

Mr. WHITEHURST. Mr. Chairman, a few months ago we had an opportunity to hear from a young Nicaraguan patriot named Miguel Bolaños, who in 1979, fought alongside the Sandinistas in helping to liberate his country. Some of you will recall that he was recruited into the intelligence services of the Sandinista regime after the triumph over Somoza.

He was sent to Cuba for training. He came back and he said something that I remember very well. He said, "We were told at the outset in my training that the No. 1 enemy was the United States of America," this at a time when the administration of the United States and this Congress went out of their way, both verbally and materially, to support the government in Managua. This Congress voted over $100 million in aid for Nicaragua, put its hand out in friendship in the most tangible way to the Sandinista government.

Who has been the disturber of peace in Central America since that time? Who has helped a Marxist subversion that has taken thousands of lives in neighboring El Salvador? Who has fostered, kept alive subversive movements in Costa Rica, which does not even have a standing army, and neighboring Honduras? Who by the proof that has been seized, papers and other documents, is shown to have a plan to bring about Marxist subversion in all of Central America?

Not the United States.

Yes, we have had a covert operation going.

□ 1130

Yes, some of us believe that that operation is paying dividends. Our colleagues on the majority side have brought forth a piece of legislation that contains language in an amended section 108 which would deflect us from the course that we are on and set us upon another one which in fact would provide for extensive American assistance to interdict the flow of arms from Nicaragua to the borders of its neighbors.

I want to take these few minutes—and I have a sense of deja vu about this since we talked about it in April—but to say publicly what I could not say then, what the implications are for our country if we accept the provisions in section 108 and H.R. 2760.

What is first of all significant to me is this: That neither the Committee on Intelligence to which I belong nor the Committee on Foreign Affairs which has some jurisdiction in this received testimony from the Secretary of Defense, the Chairman of the Joint Chiefs of Staff with regard to their position on an overt program for which they will have responsibility for administering and carrying out.

The committee adopted a position which is much more costly.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. WHITEHURST) has expired.

Mr. STUMP. Mr. Chairman, I yield 1 additional minute to the gentleman from Virginia.

Mr. WHITEHURST. It is a position which is far more risky than the program that is now underway.

I have strong reservations and concerns with regard to the costs in terms of commitment, funds, and resources, but more than anything else the risk of American lives because American military forces will be required to carry this program out.

I am going to extend in the RECORD the rest of the points that I wish to make.

But let everybody be on notice right now what this means: If we adopt this interdiction program and we reject the course that we have set ourselves upon, mark my word, before this decade is out you will see American blood spilled in a way that you never imagined and you will see American involvement in Central America far beyond the imagination of anyone sitting in this Chamber.

First, it would be nearly impossible to interdict if insurgents have the advantage of a sanctuary, a protected area which Nicaragua would become under the present provisions of the bill.

Second, the borders would be near impossible to seal. The flow of small arms amunitions would continue.

Third, our allies in friendly Central American nations have limited resources to carry out any such endeavor, and given the limited resources and shortage of trained personnel in these Central American countries, extensive deployment of U.S. personnel into that area would be required. That means U.S. personnel would be on the

front lines directing communication and interdicting efforts. If the Nicaraguans decide to fight the interdiction efforts then U.S. personnel would become the target of enemy attack.

In short, an involvement of the United States in combat in Central America would likely be much greater than an overt interdiction program. At that point, the risks of this new U.S. policy would be greatly increased, and worst of all the costs would mean U.S. casualties. The Secretary of Defense also noted that Costa Rica, a nation without regular armed forces would not in all likelihood, participate in such an interdiction effort against Nicaragua. They have no standing army.

Fourth, the interdiction program would be prohibitively expensive. In the Department of Defense's estimate, an attempt at interdiction would cost upward of $300 million the first year, and at least $100 million for each year subsequent. H.R. 2760 substitute would provide $50 million for overt interdiction for 1984. The Department of Defense indicates conservatively that it would cost upward of $300 million at the minimum to attempt interdiction for 1 year.

The Department of Defense cost estimates for this program are real. If I may add, the increased risks of this program are also real. The risks of U.S. personnel involvement and the risks of escalation of conflicts in Central America are greatly increased by following the policy which is suggested in the substitute of H.R. 2760.

Mr. Chairman, I yield back the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. ZABLOCKI), the distinguished chairman of the Committee on Foreign Affairs.

Mr. ZABLOCKI. Mr. Chairman, I rise in support of H.R. 2968. I believe as we debate this authorization we ought to bear in mind the particular section that is controversial to some extent, section 108, and some of its history.

This Congress has approved by an overwhelming vote the Boland amendment which prohibits the use of funds for the purpose of overthrowing a government. That is the law of the land.

There are some now who contend, and legitimately so, that the law of the land is being violated.

The funds for covert operations in Nicaragua had the purpose of interdicting arms going through or around Nicaragua to El Salvador. But there is sufficient evidence to prove that these funds were misused, not necessarily at our direction, but they were misused to attempt to overthrow the Sandinista government.

Now, I am not holding a brief for the Nicaraguan Government. Maybe it would be best if the government would be changed. But I do not believe that the United States, directly or indirectly, should seek to overthrow another government.

In order to not leave the insurgent elements in or around Nicaragua hanging, so to speak, by cutting off funds, it is true that a compromise, H.R. 2760, was devised which this House again approved in July. That legislation in part provided funds overtly, and there was sound reason to do so, because the covert operation was no longer secret; everybody knew about it.

Now, Mr. WHITEHURST, my good friend, cited the testimony of the Joint Chiefs of Staff referring to the costs of conducting overt operations to interdict the shipment of arms from Nicaragua to El Salvador. They testified before the Committee on Foreign Affairs but were unable to provide precise figures at that time to reflect what overt operations would cost. They did testify, however, that such operations would be much more expensive.

I must say to my friends and colleagues that I do hope that the Boland-Zablocki-Wright amendment which will be offered at a proper time to the bill, H.R. 2760, which we approved in the past, be adopted.

I think it is a compromise, I think it is necessary, and it will give the proper signal.

Mr. STUMP. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I want to compliment the chairman of the Committee on Foreign Affairs for taking the well and not attacking the sincerity, the integrity, the honor of our administration, the President, the Secretary of State, and the military who are down there.

It is refreshing to hear someone take the well and assume that there is some morality on our side of this question.

Now I would like to make a point about the Sandinistas.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I will be glad to yield to the chairman.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's (Mr. HYDE) observation. I hope it will be reciprocal on that side.

Mr. HYDE. Oh, we respect the President, Secretary Shultz and the military. I do not understand the gentleman's (Mr. ZABLOCKI) comment, but I will study it carefully.

I would like to make the point, my friends, that the Sandinista government that you are so protective of on your side of the aisle is illegitimate; it is not a legitimate government.

Oh, it is there, it is de facto, but it is there because they practiced what lawyers refer to as fraud in the inducement. It came to power with our assistance and with our tax dollars and I voted for them, 75 million dollars' worth, to my undying regret, because they promised the OAS they were for pluralism, they were for freedom of religion, they were for freedom of speech, they were for a mixed economy, and they have gone back, immediately that they got into power, on every one of those promises.

Nobody to my knowledge in Nicaragua voted for a bunch of Cubans, 8,000 Cubans down there in their country, 2,000 military advisers; nobody voted for Bulgarians, for Lybians, or the PLO, yet they are down there helping to govern Nicaragua.

There are two Nicaraguan revolutions; the first one is the one that has been betrayed and sold out. That is the one that you seek to enshrine and protect by taking no action to make them adhere to their original promises.

There is a second revolution, the new revolution that seeks to reestablish the promise of the first revolution. That is a revolution we should be backing and not bucking.

Now, is there something unworthy about convert operations? I recall World War II wherein the explorts of the heroic French underground are still eulogized in literature and ceremony. If Hitler was the enemy, I can assure you covert operations would be ennobled by all of us.

The real question is: Is it a just cause? The answer is it is just as just as it is for the rebels in Afghanistan.

□ 1140

Are covert operations in Afghanistan moral and good? And should we be supporting the poor Afghanistani who are trying to salvage their humanity and their country?

If France had not supported the Thirteen Colonies when we had our revolution, trying to subvert George III, we would not be here today. And we surely would not honor that man over there, the Marquis de Lafayette.

Let me ask another question. Let me ask my friend from Georgia. Why should be provide and protect a sanctuary in Nicaragua for the Gestapo of the left? And if I have any time at the end of my remarks, I will yield to the gentleman.

Now you cannot have it both ways, I say to my dear friends on the other side.

The Contras are not effective, we heard the last time we went on this merry-go-round. Now we are going to hear that they are too effective. My God, they are bombing oil lines. They are driving the Sandinistas further into the bosom of the Soviets and the Cubans. How absurd. You cannot have it both ways.

There has been a change in the diplomatic posture of the Sandinistas. Oh, they want to talk and even discuss multilaterally——

The CHAIRMAN. The time of the gentleman from Illinois (Mr. HYDE) has expired.

Mr. ROBINSON. Mr. Chairman, I yield 1 additional minute to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I suggest that the consequence of the proposals of the gentleman from the other side of the aisle are paralysis. We are consigned to the role of a poor, lumbering Gulliver, tied down by wimpish Lilliputian congressional inaction, a Congress that has not the will nor the wit to resist leftist, socialist ideology. There is no law from the Code of Hammurabi through the U.N. Charter, through the Rio Treaty, that does not grant a right of self-defense.

We praise Lech Walesa. We honor Solidarity. We deplore the Korean airline atrocity. We have a genius for producing "feel good" resolutions. A burst of paper. All of them an excuse for inaction.

Grenada is lost to freedom, Suriname is lost to freedom, Cuba is a source of cancer, Nicaragua is a source of cancer. Let us apply a little chemotherapy.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, this rule effectively stifles Members from participating in this debate.

Mr. HAMILTON. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Affairs, the gentleman from Maryland (Mr. BARNES).

Mr. BARNES. Mr. Chairman, I rise in support of the bill and particularly the amendment that the chairman proposes to offer with respect to covert operations in Nicaragua. I just want to use my couple of minutes to speak to the issue of covert operations.

I have just returned from Central America along with some of our colleagues who accompanied the Kissinger Commission to that region last week. And I must say to my colleagues that no trip I have ever taken has left me as depressed as this one did. The situation in Central America has never been worse. The region is dramatically more polarized than it was when I was last there. We are heading straight for war, Mr. Chairman. It is a war that I fear will happen sooner than we think. It is a war that I know will leave every country involved, including our own, incomparably worse off then they were before. It is a war that should not be fought, and it is a war that need not be fought. Whether the war happens or not depends on the choices of the Government of the United States of America. It is within our power to have the war or not, as we choose.

Mr. Chairman, I want to deal very directly with one of the myths that sustains this drive toward war. It is the myth that covert operations are working. They are not working.

Myth would have it that the covert operations are designed to force the Sandinistas to open up their political system. Surely none of us would argue that the covert operations have been successful in that respect. Nicaragua's political system is indisputably more closed now than it was when the operations were begun. How can anyone believe that you can democratize a government by attacking it?

Myth would have it that the covert operations are designed to interdict arms flowing from Nicaragua to El Salvador. Surely none of us would argue that the covert operations have been successful at doing that, since, to my knowledge, not one rifle has been interdicted during the entire period that these operations have been underway.

Myth would have it that the covert operations are designed to have an effect on the progress of the war in El Salvador. If that is the case, then they are an obvious failure, because the guerrillas are stronger now than they were when the operations were begun. After 2 years of covert operations, the Salvadoran Government is still losing the war, for the simple reason that the roots of its failure are found not in Nicaragua, but in itself.

Myth would have it that the covert operations are designed to stop the Sandinistas from spreading revolution throughout Central America, to make our friends feel more secure. But as anyone who knows the region will confirm, Nicaragua's neighbors are incomparably more fearful of Nicaragua now than they were before the covert operations began. And an organized guerrilla movement, which did not exist in Honduras before the covert operations began, now appears to be emerging.

Myth would have it that the covert operations are designed to force the Nicaraguans to the negotiating table. But the trouble with that is that the Nicaraguans were already there. Nicaragua has been trying to have talks with the Reagan administration all along. It is not Nicaragua that will not negotiate, it is us. Nicaragua has long since demonstrated its willingness to address our security concerns on the sole condition that we be prepared to address their security concerns.

The one thing that the Nicaraguans will not negotiate about is their revolution. And here we get to the real purpose of the covert operations. They are designed to overthrow the Nicaraguan revolution.

Mr. Chairman, I wish that revolution had not taken the direction that it has. The Government of Nicaragua is most assuredly not a government that I would have chosen for Nicaragua. I have many good friends in Nicaragua—people whose values I share—people like Alfonso Robelo and Pedro Joaquin Chamorro—who I know would have not chosen this government, who would like to see this government go.

But Mr. Chairman, we have to accept reality. And the reality is this: First, this Government exists. Partly because of our own mistakes in supporting Somoza for too long, this Government exists. And second, this Government cannot be overthrown at any acceptable cost. If we install our own Government in Managua, that will not be the end of the civil war, it will be the beginning of it. Thousands of Nicaraguans will die. And the conflict will not be confined to Nicaragua. Our attempt to overthrow this Government is going to be disastrous—disastrous for Nicaragua, disastrous for Central America, disastrous for the inter-American system, disastrous for the interests and the credibility of the United States.

As chairman of the Subcommittee on Western Hemisphere Affairs, I have scoured the length and breadth of our country for expertise on this question. I have heard from just about everyone who has anything to say. We must accept their verdict—this policy will not work. It will not work.

Our vote today can contribute to ending this disastrous policy. I urge my colleagues to vote for an end to this devious, undercover policy that we are ashamed even to admit that we are pursuing—a policy that is unworthy of us as a responsible country and a great power. I urge my colleagues to vote for overt aid—for a policy that we can conduct openly, proudly, without shame, for all to see. I urge my colleagues to reaffirm that if Nicaragua is to be judged, it is to be judged not by the might of North American arms, which is a judgment that our neighbors to the south cannot accept, but by the procedures of the inter-American system that we have done so much to create and to nurture.

Mr. Chairman, Nicaragua says it wants to negotiate. We at least owe the people of Nicaragua, the people of Central America, and our own people a chance to test Nicaragua's sincerity. If we plunge this vital region into chaos without even giving negotiations a chance, we will deserve the harsh judgment to which history will surely subject us.

Mr. ROBINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me this time and will not in 2 min-

utes, obviously, try to discuss the major controversies surrounding this bill. We will do that at a later time today.

But I wanted to speak generally on the bill itself. A nation like the United States has every legitimate right and every legitimate need to have an effective intelligence operation, an intelligence community designed to protect our national interests, to keep us advised as to what the possible threat to our national interests might be, and to help us plan what our reaction to a possible threat might be.

And this bill, I think, does that job very adequately. The committee and the subcommittees of the committee spent many, many long hours and days in hearings discussing specific details that we will not discuss on the floor today in open session for obvious reasons.

But we have developed what I think is a good bill from the standpoint of providing the technology that we require, from the standpoint of providing the human element that we require. I think this bill will go a long way toward helping us to strengthen the intelligence capability that we have been rebuilding for the last 8 to 10 years.

□ 1150

I would hope that the membership would support this legislation strongly. And my own personal hope is that we will support this legislation in its present form with the exception of section 108 of the bill.

Mr. ROBINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. COLEMAN).

Mr. COLEMAN of Missouri. Mr. Chairman, yesterday I had the opportunity to meet with a young Nicaraguan who recently left Nicaragua because of his opposition to what he described as "the growing totalitarianism of the Sandanista government." I would like to share with my colleagues some of his observations on the present situation in Nicaragua because they have a direct bearing on this body's consideration of the intelligence authorization bill.

Antonio Farach with whom I met was a high-level official in the Ministry of Foreign Affairs before leaving Nicaragua. His last two assignments were as Deputy Chief of Mission at the Nicaraguan Embassy in Venezuela and then Honduras. As the second-ranking official at two of Nicaragua's most important diplomatic posts he was privy to many important facts about the operation of Sandinista policy.

Mr. Farach made the following points that directly relate to our debate:

All major security, military, and foreign policy decisions are made by so-called Cuban advisers, with the most important being made by Sandinista leader Daniel Ortega in direct consultation with Cuban Defense Minister Raul Castro. This has been going on for 2½ years, Mr. Farach said.

The Contras are having a direct effect on the Sandinistas' ability to supply Salvadoran leftist guerrillas by forcing the Sandinistas to divert resources away from these groups. The fact is that fewer arms are being shipped from Nicaragua to El Salvador because of increased Contra activity.

Mr. Farach cited two specific examples to substantiate the above: Both a Sandinista training camp and a logistic supply area for Salvador guerrillas were moved back from the border area because of the threat of Contra attack.

In January 1983, the Directorate of International Relations—a Sandinista front group—privately told this Nicaraguan official that if the United States stepped up aid, they would abandon El Salvador and defend their hold on Nicaragua. This was a Cuban directive.

Popular support for the Sandinistas is eroding because the majority of Nicaraguans realize that the Sandinistas have no intention of honoring their promise of free elections and the creation of a democratic form of government in Nicaragua. In fact, only 20 percent of the people support the Sandinistas.

The Contras are impeding Sandinista support for leftist guerrillas fighting in El Salvador; Cuban involvement extends to the highest levels of Sandinista decisionmaking; and popular support for the Sandinistas is diminishing because of their failure to live up to their promises for free elections and a democratic form of government.

In light of these facts, I encourage my colleagues to vote against a prohibition on U.S. covert aid to Nicaraguan forces fighting against the Sandinistas.

Mr. ROBINSON. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, what must be fought for in Central America is not the existing regimes. It is new and revolutionary regimes, regimes at once democratic and pluralist.

Jose Napoleon Duarte of El Salvador knows what democracy really means: the possibility of electoral defeat.

Unlike Fidel Castro and the Sandinistas' Daniel Ortega, he willingly faced the voters and accepted their rejection.

The protection of human rights in Central America or elsewhere is not achieved by installing a new regime. It is achieved only by installing democratic institutions.

So what is to be done? Marxism is not an evil because it installs a socialist economy. Marxism is an evil because its foreign policy cannot be isolationist. Marxism is a quasi-religion. Its essence is a vision of power in history, power necessarily flowing toward the police and the military might of Marxist states.

The calculation among the Marxists powers today is that the United States will not fight for Central America. Resistance will be financial, political, and verbal. It will collapse on the field of battle. The next 7 years may well tell the tale. By 1990, Central America is likely to be Marxist or democratic. The longer in delay of military resistance on the field of battle, the more costly the battle will become.

The pressure that has been generated by the Contras in Nicaragua has begun to produce signs of a possible agreement between Nicaragua and its neighbors. Removal of pressure would undercut the negotiating process and thereby diminish prospects for democratic reforms and stability in the region.

It has already been mentioned that Nicaragua, together with a number of other countries, has signed a 21-point document of objectives, drafted by the Contadora countries.

Does anyone truly believe that they would have signed that had they not been under the pressure they have been under by the Contras?

Another example: With regard to El Salvador itself, Ambassador Stone has already held several meetings with the Salvadoran left, and representatives of the Salvadoran Government have met with the guerrilla leaders. I think it would be very inappropriate, very counterproductive and not at all helpful to what we want to achieve in Central America were we to unilaterally remove the ability to continue covert assistance.

Mr. McCURDY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR of Michigan. I thank my colleague for yielding.

Mr. Chairman, since July it has become increasingly clear that the United States is propelling a policy in Central America that is reaching toward regional war. The administration no longer talks merely about arms interdiction but about harassing the Nicaraguan Government as justification for the covert operations that it is engaged in. In fact, recently U.S. officials admit that the CIA played a role in the planning attacks on economic installations outside of Managua.

A recent speech by Under Secretary of Defense Fred Ikle indicates that the United States is indeed projecting deeper military involvement in the region. On September 14, before the Baltimore Foreign Relations Council in the city of Baltimore I would like to

quote what Mr. Ikle has to say. He said:

We do not seek a military defeat for our friends, we do not seek a military stalemate; we seek victory for the forces of democracy.

Well, this is about as close to a call for military solutions as a skilled semanticist can get without uttering the precise words. This is militaristic language. It does not coincide with the President's professed desire for a bipartisan consensus under the aegis of the Kissinger Commission nor does it coincide with the sympathies of the Contadora groups which the administration has at least openly endorsed but which I think the gentleman from Georgia (Mr. FOWLER) has laid to rest their intentions earlier on in the debate.

So I would suggest to my colleagues that we are in fact at war with Nicaragua whether we want to face that reality or not or whether we want to admit it. We have violated the laws of this country in a number of areas for the last couple of years, and I would think that it is time to start obeying those laws by approving Boland-Zablocki.

□ 1200

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. I thank the gentleman for yielding this time to be.

Mr. Chairman, I just plan to take a short amount of time to discuss my recent visit to Central America. I was there with the gentleman from Maryland (Mr. BARNES) and the gentleman from Texas (Mr. WRIGHT). I understand that Mr. BARNES made some comments about his trip. The 6 days that we spent in Central America from Panama and Costa Rica, to El Salvador, Honduras, Guatemala, and Nicaragua, led me to the conclusion that the United States must not turn its back on the Contras. Just about everybody that we talked to in those 6 days in Central America, be they right-of-center, left-of-center, or center-center, are equally concerned about the possibility of conflict; but their concern is that the conflict in large part, is caused by the export and support of insurrection by Nicaraguan Sandinistas backed by Cuba and the Soviet Union.

If there is to be a political solution, Mr. Chairman, to the conflict in Central America and in Nicaragua, it is going to be achieved in large part because of the effort that is being made by the Contras. Their effort has forced the Nicaraguan junta to discuss proposals by the Contadora countries. That is a process that enjoys bipartisan support, and it is supported by the administration, and it is supported by governments in Central America, again be they left or right.

Costa Rica which has a center-left social democratic government in concert with international Social Democratic parties throughout the world is deeply concerned about what the Sandinistas are doing. I would suggest that while it is depressing to many to even think about war, a war is going on because of Marxist-Leninist and not by the United States. It has been caused by the presence of foreign advisers, Cuban advisers in Nicaragua, it has been caused by the Sandinista junta, trying to export revolution to other countries, and this is of great concern to all of the governments of Central America.

It seems to me if there is to be a political solution, which is what this country wants, what this body wants, what the Contadora process envisions, it is going to come because of the overwhelming unpopularity of what Nicaragua is doing not only to its own people but throughout Central America.

Mr. Chairman, for the first time in our history, there is a clear and present danger to the security and territorial integrity of our Latin American allies, resulting from the deliberate actions of outside forces to undermine their stability and impede the progress toward democracy and freedom in Central America.

This is a stunning alteration in the global geostrategic setting. In the past, our hemisphere has been characterized by the absence of international conflict. Today, we are faced with the realization that that era has passed, and we must confront the extension of hostile power into our hemisphere. Should that hostility to freedom continue to grow, we would be forced into a radical reorientation of our defense posture and our ability to protect our vital interests elsewhere in the world would erode.

The fundamental question facing us as a nation is how to meet the challenge of aggression in this hemisphere. Never before has our country faced the threat of international instability on our very borders. Never before have our friends and neighbors so needed our support.

What we need are initiatives that restrict the ability of our adversaries to succeed. What we have here is legislation that restricts not only the United States but our friends and allies in Central America as well.

There are no quick fixes to the problems besetting Central America, but without our support, there can be quick catastrophes. The people of Nicaragua have learned this bitter lesson at great expense. The militant left seized control of the post revolutionary government, bringing Cuban troops and shipments of Soviet weaponry, extensive human rights abuses against the Miskito Indians and other minority groups in Nicaragua, the end of a hoped for free press, more religious persecution, and the demise of any prospects for civil liberties and democracy which was what the original revolution was all about.

Free peoples do not elect bondage; and the nations of Central America do not want to succumb to Nicaragua's fate. The tyranny and the growing military might of the Sandinista regime frighten the nations of Central America. They see Nicaragua as a threat to their way of life, a threat to their future freedom and a threat to their present stability.

In this sense, the Contras in Nicaragua—the men and women fighting the Marxist Nicaraguan regime—are on the front line of the defense of Honduras and Costa Rica. To the extent they channel the resources of the Sandinista military away from the neighboring states and divert them to dealing with the Contra effort, they lessen the threat to Honduras and Costa Rica and others. And to the extent the Contras succeed in challenging the legitimacy of the Sandinista government and indicating that regime for breach of promise to the people of Nicaragua—who expected a free and open society—and the Organization of American States—to which the Sandinistas pledged to hold free and open elections—the hope for a liberal and democratic future in Nicaragua remains alive.

Viewed in this light, can there be any question that our duty, and our conscience, and our vital national interests point compellingly to the conclusion that the United States should provide the moral and material assistance the prodemocratic forces in Nicaragua must have if they are to succeed?

As Americans, I believe that our foreign policy must be rooted in our support for the institutions and political philosophy that has made our Nation great and our people materially and spiritually privileged. It seems to me that we have a moral imperative to lend our support and assistance to sustaining and encouraging the growth of democratic free enterprise wherever and whenever we can. We need to do this, not so much in a spirit of altruism, but in the recognition that as a free people, we are more secure and more prosperous as others share the democratic idea.

The presence of the U.S. fleet has been an inspiration to the free peoples of Central America, just as it has been a depressant for Cuban and Nicaraguan forces. Our presence has a stabilizing influence, a reminder of our proximity and our commitment to the independence and political integrity of our hemispheric allies. From my conversations with public and private leaders throughout Honduras and Costa Rica and El Salvador and

Panama, I was deeply impressed by the extent to which they see their future security and stability and prosperity linked to the strength and leadership of the United States. The question is will we stand by them.

If President Wilson's and President Kennedy's call to "make the world safe for democracy" has proved beyond our ability to fulfill, at least we can see to it that democracy can find a future in our own hemisphere.

I urge that this unilateral restriction be removed from the bill, and that the Robinson amendment be adopted.

Mr. RITTER. Mr. Chairman, will the gentleman yield for a comment on this?

Mr. KEMP. I am glad to yield to the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding.

Mr. Chairman, I would like to just compare the Soviet-Cuban presence in the Caribbean with the U.S. presence and talk about what the gentleman from Maryland was alluding to and who is leading toward war in that area. The commitment of Soviet-Cuban-East bloc troops, advisers, military materiel far outweigh that which the United States provides.

Mr. McCURDY. Mr. Chairman, might I inquire as to how much time we have remaining on this side?

The CHAIRMAN. The gentleman from Oklahoma (Mr. McCURDY) has 3 minutes remaining, and the gentleman from Arizona (Mr. STUMP) has 1½ minutes remaining.

Mr. McCURDY. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia, Mr. FOWLER.

Mr. FOWLER. I thank the gentleman for yielding this time to me.

Mr. Chairman, the gentleman from Illinois (Mr. HYDE) issued his rhetorical flourishes and then left the floor, refusing to yield. Let me answer the gentleman.

The gentleman asked: Is the cause of the United States just in our paramilitary action in Nicaragua?

The gentleman from Georgia is not the authority. The Venezuelans, the Mexicans, the Colombians, the Panamanians, all members of the Contadora group, have asked for the cessation of all foreign military activities in Central America.

The Brazilian Government, no liberals they, have spoken out against the paramilitary action of the United States of America and all foreign powers.

The Argentines have spoken out and invited parallel to the British action in the Falkland Islands.

The conservative government of West Germany, Mr. Kohl, who spoke before this body, continues his government's aid to the Sandinista government of Nicaragua.

Mr. RITTER. Mr. Chairman, will the gentleman yield on that point for a 30-second comment?

Mr. FOWLER. I would like to, but I will not yield. I am answering the gentleman from Illinois (Mr. HYDE). You have time. You have a minute and a half left and I am sure they would be delighted to yield to the gentleman.

The consequences of the action of the United States was spelled out in a soon-to-be-published Law Review article by Prof. James P. Rowles. It is to be published in the Kansas Law School Journal and the Georgia Law School Journal. I will include that in the RECORD at this point:

2. UNITED STATES INTERVENTION IN NICARAGUA: THE CRITICAL CHOICES

As "covert" military action organized and supported by the United States apparently continues against and within the territory of Nicaragua, government officials, Congressmen and Senators, and individual citizens face a number of critical choices. A few of these may be briefly mentioned here. The first and perhaps the most important is the basic choice as to the role that the United States is to play in the world community: whether it will pursue actions designed to strengthen international law and organizations, or act as an international outlaw which openly flouts the fundamental norms prohibiting the threat or use of force across international frontiers upon which not only the postwar legal order but also the very concept of international order itself depends.

Open violations of these norms by a superpower do considerably more damage to the international order than do similar violations by smaller and less important states. Violations by the United States may do the most harm of all, for something more is expected of this country than of the Soviet Union. The United States is a leader of other nations, and its example will surely be followed. The most important choice, therefore, is whether the United States will continue efforts to construct a viable international legal order in which the use of force is reduced to a minimum (a process in which the United States has played a leading role in the past, whether in pushing for the creation of the League of Nations, in sponsoring the 1928 Kellogg-Briand Pact outlawing war, or in building the United Nations on a Charter whose cornerstone is the prohibition of the threat or use of force). Or will the United States abandon this effort, and seek to ensure its own security primarily by reliance on military force?

Related to the first is a second choice: Will the United States proceed by its actions against Nicaragua to establish a dangerous precedent which would lower the costs to others of violating Article 2(4) of the United Nations Charter? Such a harmful precedent would weaken the ability of the United States to mobilize its allies and others to join in collective responses against the Soviet Union should it invade Poland or Iran, would dilute the effect of pressures for Soviet withdrawal from Afghanistan, and generally, would reduce the broad range of political and other costs to the Soviet Union, particularly among the developing and smaller countries, for engaging in illegal military action. Such a precedent would also weaken the ability of the United States to influence its allies. It might, for example, have the effect of encouraging Venezuela to seize territory from Guiana which it claims, or of tempting Argentina to resume the Falklands conflict or settle the Beagle Channel Islands dispute with Chile by resort to force, including in the future, perhaps, the use of nuclear weapons. Finally, such a precedent would be hard to distinguish from Somali support of rebels in the Ogaden region of Ethiopia, Libyan support of rebels in northern Chad, or even potential Cuban support of paramilitary exile forces attempting to invade and overthrow the government of Haiti. The issue, therefore, is whether the superpower most closely identified with the struggle for effective international law and institutions will act in ways which weaken restraints against actions such as those described above. Or will the United States act in a manner which establishes the sort of precedent which would not harm United States interests if it were to be followed by other nations?

Mr. FOWLER. The question is: Is our policy as a world leader in respecting international law being upheld by our actions in Nicaragua? I submit to you, on behalf of my country, that our action is contrary to the best interests of the United States, it is contrary to the best interests of peace and stability in the region. If we will live up to the principles of the Contadora Initiative, then we may have, in concert with our allies seeking peace in Latin America, a chance to get the Nicaraguans to live up to the Contadora principles.

No one here is apologizing for the abuses of the Nicaraguan Government. What we are trying to do is find a way to retain the respect of the United States for international law, contain hostile influences in Central America, and together with our allies in the Contadora process, to achieve peace and stability in concert in that region.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ZSCHAU).

Mr. ZSCHAU. I thank the gentleman for yielding this time to me.

Mr. Chairman, although I voted for the Boland-Zablocki amendment in July, I plan to oppose it today. I do so not because I am a fan of covert operations, but because I believe that a new $50 million overt military extravaganza in Central America would be both ineffective and dangerous.

The new program would inevitably lead to a regionwide war as the other Central American countries try to stop Nicaraguan arms shipments. It is anticipated that more U.S. military personnel would be required for it and even then, it would be woefully inadequate.

We need to reduce, rather than increase, the conflict in the region. Accordingly, I also believe our covert aid to Nicaragua should be cut off, as prescribed in the bill before us. But if we cease our covert aid, the Sandinistas should change their ways, too. They have indicated that their actions

against their own people and their neighbors are in response to our hostile actions. Therefore, if we stop, they should be willing to stop, too.

That is the concept inherent in the amendment to be offered by the ranking minority member, if he has the chance.

I urge my colleagues to defeat the Boland amendment proposing a new overt military program and support a cutoff of the covert program in conjunction with new agreements with the Nicaraguan government and increased efforts toward diplomatic solutions to the problem.

● Mr. BERMAN. Mr. Chairman, the secret war against Nicaragua continues. Pentagon officials talk about stopping the export of revolution. They charge that if we vote to stop the secret war we doom American policy to disaster.

On the contrary, American covert action in Nicaragua is a dangerous double agent. Every aspect of this subsidized conflict works against U.S. interests and contradicts our deepest values. The administration claims to oppose outside military intervention. Yet it supports the development of an army on Nicaragua's borders. The administration claims to oppose attempts to overthrow governments by force. But it funds an exile army which will tell anyone who listens that they intend to depose the Sandinistas. The administration says it only wants to stop the arms flow. But the Contras have more than 4,500 men at arms; thousands more than the invasion force that tried to land at the Bay of Pigs. We have transformed a disorganized group of disgruntled officers into a fully equipped military force.

Covert aid undermines more than fundamental principles. It works against our immediate goals for Nicaragua and Central America. Our support for the secret war infects the situation inside Nicaragua. Opposition leader Alfonso Robelo says that the administration is "giving the Sandinistas someone to blame for their own problems."

In March 1982 the Nicaraguan Government declared a state of emergency. As long as the Contras get our aid and continue to attack Nicaragua, the Government is under no pressure to stop press censorship or its crackdown on internal moderate opposition. As the Sandinistas see an increased military threat, their reliance on Soviet and Cuban military aid will be increased.

The longer we support the secret war, the longer we fuel anti-American sentiment in Nicaragua and Central America. We provide them with a tailormade enemy of the state. We must remove this easy target. There can be no progress in the region while the United States supports covert attempts to overthrow a government. I urge my colleagues to oppose any attempts to continue funding for covert assistance to the Contras. If we are to prove ourselves the true friend of pluralism and democratic changes, we must end the secret war.●

● Mr. DOWNEY of New York. Mr. Chairman, once again we are called upon to reaffirm the views of the American people. And once again, these views will no doubt be ignored by this administration. In July, this Chamber, by a 228 to 195 vote, confirmed its opposition to U.S. backed insurgencies. We must today act to renew our opposition.

We have been asked by this administration to continue to support covert operations against Nicaragua; operations which are now alleged to include actual U.S. involvement in acts of terrorism and sabotage. The goals remain the same: the disruption of Nicaraguan society through acts of violence and terror. The results also remain the same: continued suffering for the Nicaraguan people. Are we so naive as to believe that tying our country's good name to such activities will nurture respect in the Nicaraguan people for our ideals? In a nation racked by poverty and still reeling from a dynasty of terror and corruption under the American-backed Somoza, are we expecting the people to support and embrace our polices of disturbance and bloodshed? I, for one, could not expect the Nicaraguan people to see anything but the truth: that the blood remains on our hands. No amount of semantics will alter the fact that we are seeking the military imposition of democracy. And neither history nor the minimum standards of morality will support this as a practical or just path for American foreign policy.

We take ourselves pretty seriously in the United States. Championing the ideals of freedom and democracy, we attempt in every way to model our foreign policy on these ideals. The popular support that both our Government and political system enjoy is a tribute to Americans' belief that our national ideals ring true in all national endeavors. But covert operations are a direct challenge to our ideals and have, through revelation, shaken America. In an open and free society strategies of subterfuge and secrecy have forced Americans to question whether our means always justify our ends.

We now know that covert operations can never be kept secret from the people against whom they are directed. The Nicaraguan Government is a fine example. They know, and we know that they know. So where is and why is there a secret? There is only one answer: to keep these operations from the reach of the American political process. Americans can read about these operations in detail in the press, but they remain effectively distanced from U.S. Representatives. To those who support these operations, secrecy is the ultimate shield. There are no open forums or public debate about these issues of public knowledge. And the legal authority of national security can be used against all those who want to limit these operations. So let us understand that the real secret behind the covert nature of these covert operations is that they seek to undermine the Ameircan democratic process.

Now let us look at the so-called freedom fighters this administration has begged us to support. I ask my colleagues to put themselves in the position of the Nicaraguan peasants who must choose sides in this struggle. U.S. support of Nicaraguan rebels goes chiefly to the Nicaraguan Democratic Force (FDN), all but one of whose military commanders served in deposed dictator Anastasio Somoza's National Guard. The torture, imprisonment and murder carried out by the National Guard kept the Nicaraguan people in dire poverty and oppression while Somoza lived in ostentatious luxury, personally owning about 10 percent of the nation's economy. Perhaps the best indication of the popular support enjoyed by Somoza and his National Guard is the reaction to news of his assassination: joyful citizens poured into the streets of the capital to celebrate with singing, dancing and fireworks. A reputation as CIA puppets—part of an ugly tradition of U.S. intervention which has included two American military occupations of Nicaragua in this century—certainly does little to increase the freedom fighters popularity with the Nicaraguan people.

As for the tactics of these U.S.-supported rebels, they are as ugly and self defeating as their internecine struggles. Because hit-and-run raids and agricultural and economic sabotage are causing tremendous suffering to civilians of all political sympathies, even opponents of the Sandinista government find it difficult to support the rebels.

We are being asked today to support military solutions to problems of Central America when peaceful solutions have never been more promising. Last month, according to the Reagan administration, the nine governments participating in the Contadora discussions, including Nicaragua, agreed on a document of 21 objectives that could serve as a basis for a negotiated settlement in the region. The objectives include respect for democratic pluralism and reciprocal and verifiable commitments to end assistance to armed opposition forces. And today's Washington Post reported that the Nicaraguan Government is preparing to present to Washington a four-part peace proposal dealing with United States-Nicara-

guan relations, the conflict in El Salvador, and the relations with Honduras and the rest of the isthmus. The administration has told us that continued support for covert activities is our best hope toward achieving peace. Such logic is as contradictory as it is twisted to this administration's immoral strategies in Central America.

So we must today answer the President in no uncertain terms. No, Mr. President, we do not believe that promoting hunger, disruption and bloodshed will help us gain the support of the Nicaraguan people. No, Mr. President, we do not believe that returning Nicaragua to the rule of Somoza's National Guard will enhance the prospects of either freedom or stability to the nation. No, Mr. President, we do not believe that our support for policies of violence can or should be the American strategy for peace in the region. I ask my colleagues to join me in support of the Boland amendment.●

Mr. STUMP. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to House Resolution 329, the bill is considered by titles for amendment under the 5-minute rule except for section 108, and each title shall be considered as having been read. Section 108 shall not be considered for amendment until the remainder of the bill has been considered for amendment in its entirety, and until section 108 is considered for amendment, no amendments are in order which effect the subject matter of section 108, funding for military and paramilitary operations in Nicaragua. No amendments to section 108 are in order except one amendment by Representative BOLAND and one amendment by Representative ROBINSON, if said amendments have been printed in the CONGRESSIONAL RECORD by these Members, respectively, at least 1 legislative day before their consideration. Said amendments shall not be subject to amendment but shall each be debatable for not to exceed 30 minutes, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto. At the conclusion of the consideration of section 108 of the bill for amendment, no further amendments are in order.

□ 1210

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1984".

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Chairman, I listened to this debate today, and it has been very, very interesting and enlightening. Both sides on the major issue that we have been talking about have said that the policies of the other and the positions supported by the other will cause war.

I would just like to read to the Members a few of the statements made by the leaders of the revolutionary forces in Central America. Tomas Borge, the Nicaraguan Interior Minister, said this:

> The revolution's moral imperative and historical character make it inevitable that the energies released here will be universal in all Central America.

He was talking about expanding the revolution in all Central America.

Humberto Ortega said: "Central America is at war." He is the Nicaraguan Defense Minister.

Archimedes Antonio Canada, the guerrilla chief who has been trying to overthrow the government in El Salvador, said:

> I am happy that Cuba and Nicaragua are providing aid for the Salvadoran rebels and assisting in directing combat operations. I am proud of our ties to Cuba and Nicaragua. The struggle is not just for the control of El Salvador, but is a regional struggle including Latin America and the Carribbean.
>
> (Nicaragua's) revolution is a revolution without frontiers.

That is attributed to Daniel Ortega. He said he did not say that, but he did say, we know for sure, this: "We will support wars of justice and liberation wherever we can."

Now deceased Salvadoran guerrilla leader Cayetano Carpio said this:

> After El Salvador falls, El Salvador and Nicaragua will be arm-in-arm and struggling for the total liberation of Central America.

On April 13 of this year, Humberto Ortega said: "We have no choice. Of course we are not ashamed to be helping El Salvador. We would like to help all revolutions" throughout Central America.

One of the things that has not been discussed today that I think is of extreme importance—it is something we talked about before—is what will happen to this country economically if the revolution is expanded. It is estimated that if the revolution gets into Honduras, Guatemala, El Salvador, and Belize, and ultimately Mexico, we not only will have to defend ourselves militarily but economically as well. It is estimated that there will be between 9 million and 11 million refugees, not illegal aliens, but refugees, coming across the Mexican American border. Should that take place, we will be not only fighting a military conflict down there but an economic one as well, and we cannot afford to lose either one.

I ask the Members who propose cutting off covert aid, should we fiddle while Rome burns? I think not.

We all want to avoid war, but I think the quickest way to get us involved in one is for us to pull in our horns right now, cut off covert aid, and let Ortega do whatever he wants in Central America. I think that would be disastrous.

The CHAIRMAN. The Clerk will designate title I.

The text of title I, with the exception of section 108, is as follows:

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1984 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1984, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Permanent Select Committee on Intelligence to accompany H.R. 2968 of the Ninety-eighth Congress. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the schedule, or of appropriate portions of the schedule, within the executive branch.

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

SEC. 103. During fiscal year 1984, funds may not be made available for any intelligence or intelligence-related activity unless such funds have been specifically authorized for such activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity, except that, in no case may reprogramming or transfer authority be used by the Director of Central Intelligence or the Secretary of Defense unless for higher priority intelligence or intelligence-related activities, based on unforeseen requirements, than those for which funds were originally authorized, and in no case where the intelligence or intelligence-related activity for which funds were requested has been denied by Congress.

AUTHORIZATION OF APPROPRIATIONS FOR DESIGN AND CONSTRUCTION OF AN ADDITIONAL BUILDING AT THE CENTRAL INTELLIGENCE AGENCY HEADQUARTERS COMPOUND

SEC. 104. Of the amounts authorized to be appropriated under section 101(1), there is authorized to be appropriated the sum of $75,500,000 for the design and construction of a new building at the Central Intelligence Agency headquarters compound.

AUTHORITY FOR TRANSFER OF AUTHORIZED FUNDS OF THE CENTRAL INTELLIGENCE AGENCY TO THE STATE OF VIRGINIA

SEC. 105. Of the amounts authorized to be appropriated under section 101(1), the Central Intelligence Agency is authorized to transfer an amount not to exceed $3,000,000 to the State of Virginia for the design and construction of highway improvements associated with construction at the Central Intelligence Agency headquarters compound.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

SEC. 106. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1984 the sum of $13,800,000 for the conduct of the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

PERSONNEL CEILINGS ADJUSTMENTS

SEC. 107. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized under titles I and II of the Intelligence Authorization Act for Fiscal Year 1983 (Public Law 97-269) and title I of this Act when he determines that such action is necessary to the performance of important intelligence functions. Additional numbers of civilian personnel authorized by the Director of Central Intelligence under this section for an element of the Intelligence Community may not exceed 2 per centum of the number of civilian personnel authorized under such titles for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

Mr. STUDDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I oppose U.S. funding for military operations against Nicaragua.

There are many complicated issues involved in our policy toward Central America but this is not one of them. This issue is clear.

The United States maintains a list of countries who support international terrorism. Libya is on that list. So is the Soviet Union. No one ought to be able to argue that the United States belongs on it as well.

For a decade at least, we have feared terrorist action against the Strait of Hormuz in the Persian Gulf, through which one-fourth of all oil to the non-Communist world flows. This month, we attacked the far more fragile oil lifeline of Nicaragua, a tiny, wretchedly poor country dependent on two small ports for its oil. In doing so, we set an example for terrorists everywhere; we invited them to learn from us, and to imitate our lack of respect for human decency and international law. We invited them to do to us as best they can what we are doing now to Nicaragua.

Let there be no mistake about where the policy being pursued by this administration threatens to lead—to war, to humiliation for the United States, and to frustration for U.S. interests in the region for decades to come.

Our policy must be changed. The legislation we are considering today will not fully achieve that goal, but it is an absolutely vital first step in the process.

We do not need to support terrorism to contain the foreign policy excesses of the Government of Nicaragua. We have at our disposal an enormous array of political, diplomatic, and economic options which can accomplish that task at far less cost to our principles, and with far better effect on the course of events inside Nicaragua.

It is not our right as North Americans to dictate the internal political evolution of any other country. If we were to assert that right, by virtue of our military power, would we not then be forced to concede a similar right to the Soviet Union in Poland or Afghanistan? I do not believe any of us on this floor today would be willing to make such a concession.

The Government of Nicaragua, while energetic in behalf of its poor, is undiplomatic, intolerant, inexperienced, insecure, and certainly not democratic in any sense understood by citizens of the United States. The most intelligent step that government could take would be to initiate a serious and unconditioned dialog with the leaders of the Miskito Indians and other dissident groups.

A negotiated solution to the crisis in Nicaragua is devoutly to be wished, but it cannot, and will not, be imposed—and I am convinced it is not even seriously being sought—by the White House, by the CIA, or by the rightwing military establishments of other countries in Central America.

The covert military operation against Nicaragua constitutes one of the most cynical, brutal, and reckless enterprises ever conducted in the name of the American people. It has fed hatreds, fears, and passions throughout the region which bubble now just below the level of all-out war.

Our task today is to turn down the heat; to demonstrate to Central America and to ourselves that we have not lost our reason or our decency; we are not a terrorist society; we observe the rule of law; we do not worship military force; we encourage reconciliation and discourage hate; we act out of hope, not react out of fear; we will not trigger, nor will we participate in, a war of military aggression against Nicaragua; we will halt support for these all too overt "covert" opeations now, and will embark instead, at long last, on a sensible and serious approach to the crisis in Central America.

Mr. McCAIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the prohibition of covert aid in Nicaragua. I believe such an action would be very detrimental to our national interest and to the interests of all free people everywhere.

To begin with, I think we should dispose of the idea that the Boland amendment deals with the problem of covert versus overt aid. Webster's Dictionary defines covert as something "not openly shown," "enagaged in," or "avowed." That certainly does not describe our actions with respect to Nicaragua. It has long been acknowledged that our country is engaged in a compaign to stop the Sandinistas from exporting terrorism and from fomenting violent revolution throughout Central America. The question we must address is whether we will continue to support those individuals who are seeking their personal freedoms or whether we will give sanctuary to those individuals who wish to subvert our goals in Central America and doom our policy to failure.

The proponents of this measure would prohibit the expenditure of any funds, in any way, within the borders of Nicaragua. Instead, they would have us support a $50 million program to provide interdiction assistance to "any friendly country in Central America." The proponents of this proposal would have us believe such a course will increase stability in the region, minimize the possibility of conflict between Central American nations, and lessen the chance of direct American involvement in the area. Nothing could be further from the truth.

I would like to ask my colleagues what kind of program they envision under the Boland idea? How will this program stop the gunrunning by Nicaragua and give those Central American nations crippled by hunger, debt and growing numbers of refugees, the opportunity to solve their problems? Is this program really designed to achieve our national objectives or is it a conscience easing solution?

I believe there are two likely consequences from the implementation of the Boland interdiction concept. The first is conflict among Central American nations, and the second, and more likely, is increased involvement of U.S. personnel.

Nicaragua already has the largest standing army in the area with a very formidable military capability. The possibility of a border clash between Nicaragua and Honduras would be very real, and very dangerous. Costa Rica, constitutionally prohibited from maintaining an army, has only police

forces with which to patrol their border.

This leaves us with the increased use of U.S. personnel. The Intelligence Committee recognized as much in their May 1983 report on this subject. The report states that none of the nations, in a geographical position to do so, possesses the capability to interdict arms supplies reaching the insurgents. These nations do not have the financial resources, the know-how, or the trained personnel to conduct effective interdiction activities in their own territory.

This view is corroborated by the Secretary of Defense. He has stated,

Given the limited resources of friendly Central American nations, and their shortage of trained personnel, an interdiction program of the kind envisioned in [the Boland approach] would certainly require extensive deployment of U.S. personnel to the area. If the insurgents and their supporters in Nicaragua decide to fight the interdiction, then U.S. personnel would become the target of enemy attack. In short, the involvement of U.S. personnel in Central America would likely be much greater than the sponsors of [the Boland approach] had in mind.

Even if Central American nations could undertake the type of interdiction program called for by this legislation, the program is likely to fail as long as it treats Nicaragua as a sanctuary. Past experience teaches us that it is impossible to interdict the support of an insurgency movement if the insurgents have the advantage of a nearby sanctuary area. If the insurgents are protected against any and all interdiction efforts, they can readily direct and funnel supplies over many different routes. Former Secretary of Defense, Robert McNamara, proved this in 1968, using $2 billion, thousands of American aircraft, and hundreds of American lives. The most modern technology in the world, sensors designed to detect movement with accompanying air-ground communications which would direct fire at any movement, impeded but did not stop the flow of arms in Indochina.

In summary, if the Boland approach is adopted, I believe we will be aiding the leftist insurgencies, I believe we will be increasing the chance of a deeper and more direct U.S. role in the region, and I believe we will be insuring instability in Central America for years to come.

□ 1220

Mr. BEREUTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this Member attempts to deliver comments on this floor in a measured fashion and attempts to avoid extremes in statements that are made.

I want to preface my remarks to indicate that I feel very strongly about this issue and in my remarks now, indeed, I will attempt to have them carefully measured. I have thought about the remarks I am about to deliver for some substantial period of time.

I am a member of the Western Hemisphere Subcommittee of the Foreign Affairs Committee and have some considerable interest in this area.

I would begin by saying that I believe it was a mistake for the House to accept the leadership of this same House Select Committee on Intelligence on December 8, 1982 when we approved the Boland amendment which continued to sanction limited covert assistance to Nicaraguan insurgent forces.

The Boland amendment was, in effect, not debated at that time. In retrospect, that was a unanimous mistake on the part of this House in following the leadership of Mr. BOLAND.

Any covert assistance by the United States, this Member believes, to Nicaragua, was and is counterproductive. There is a place for covert assistance. This is not it.

It was not appropriate for the relevant Intelligence Subcommittee to set limitations on such covert aid that clearly could not be met and then in 1983 to turn around on a straight partisan vote by the Intelligence Committee to end the covert aid that it had earlier, unrealistically, endorsed.

Of course, the Contras and the Miskito Indians and other insurgent Nicaraguan forces were not really interested in interdicting arms for Salvadoran guerrillas. We knew that. It is fraudulent to suggest anything else. Obviously, their real motivation is a change or overthrow of the Sandinista Government of Nicaragua, but that is forbidden by the exact wording of the 1982 Boland amendment. If Intelligence Committee leaders really wanted to recommend an end to all aid, they could have done so by simply suggesting that we approve the Harkins amendment, for which Mr. BOLAND offered his substitute on the 8th of December 1982.

It is, therefore, unfortunately looking more and more like the debate and the vote of July 28, 1983, and the debate today is set up for partisan reasons. That is my only conclusion. I hope I am wrong.

As this Member said, I, too, want to halt covert aid, but my approach would be: First, favor a method that lets the forces that we have unfortunately armed safely disengage and second, adopt a quid-pro-quo approach or the so-called symmetry approach which in effect says that we stop our covert aid as the Nicaraguans stop the organized military assistance and safe haven for Salvadoran guerrillas and end Nicaraguan locations for command communication functions of the Salvadoran guerrillas. That deescalation could be supervised by the Organization of American States or another international group.

The so-called Mica substitute offered on July 28, 1983, embodied this appropach, as did a substitute that this Member offered on that same date. Both were rejected, although they earlier had been said to be acceptable by key members of the majority party.

Looking now specifically at section 108, the first thing that needs to be said is that the dollar amounts for overt interdiction of assistance to the Salvadoran guerrillas to be used outside Nicaragua in nations like Costa Rica, Honduras, and El Salvador is totally inadequate to do the job and is more likely to engulf Costa Rica, Honduras, and the United States into open international warfare with Nicaragua. Therefore, the amendments to be offered in place of section 108 are totally unrealistic. That point has been made in July. It is just as valid or more valid today.

Section 108 is totally unacceptable. The proposed Boland substitute for section 108 is totally unacceptable, unless it is changed to include a verifiable, symmetry approach like those that have been offered previously in this House in July by Mr. MICA and this Member.

Mr. RATCHFORD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I urge my colleagues to uphold the decision this body made in July, and support the amendment to cut off covert funds to the rebels in Nicaragua. The wisdom of that decision is as compelling today as it was several months ago. The administration has simply become less cagey about the fact that we are using violent means to overthrow a government we find distasteful.

Opponents of this amendment have been unable to pull together any new arguments against its adoption. We are still faced with the worn and morally bankrupt slogan of "symmetry." The fact that the CIA's covert operation is a clear violation of international law and of numerous American treaty obligations does not seem to disturb opponents of the amendment. The symmetry principle seems to suggest that we should break the law as long as others do so.

Mr. Chairman, this operation is wrong morally, it is wrong legally, and it is not achieving its supposed limited objective of halting the flow of arms to the rebels in El Salvador. Congress must act to stop the slide toward disaster in Central America. One of our best opportunities is to reaffirm our decision today to cut off covert aid to the Nicaraguan rebels.

□ 1230

Mr. RITTER. Mr. Chairman, I move to strike the last word.

I think many of us on this floor are interested in whether the situation in

Central America is eventually going to result in the greater safety of the American people here at home as well as Americans throughout the America.

Germane to that question of the safety of the American people, all the American people, is the nature of the Sandinista revolution.

A gentleman appeared in this well moments ago and told us that "we cannot dictate the internal revolution of another country." I am sure he is sincere in what he says.

The problem with that is the revolution in Nicaragua is not an internal revolution. It never has been, according to the present leadership of the Nicaraguan Government.

In what way, the people of this country are asking, are we Americans endangered? If the American people knew in detail the extent of the Cuban-Soviet involvement in Nicaragua internally and externally, that would convince the American people that the Nicaraguan Government proceeding along its present course is a danger to the safety of the American people. The idea is to change the present course of that aggressive, hostile regime so as to make for a safer America.

I had the opportunity to speak yesterday with Mr. Antonio Farach who was the Sandinista chargé d'affaires in Honduras and Venezuela recently. That means he was the No. 2 man in charge. He is a young man. He was teaching Marxism-Leninism to local "cells" in Managua prior to the success of the Sandinista revolution in 1979. He was a committed revolutionary to build a better Nicaragua. Let me quote from some of his statements as to the close link between the Cubans and the Nicaraguan Government when it came to external military affairs and political affairs.

He said:

When we got classified information in Tegucigalpa, Honduras and I had to get guidance, I got it from Cuban officers.

Today some are saying it is the American presence which is creating conflict in this area, and that somehow we are the cause of the confrontations in Central America.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

I am pleased that the gentleman from Pennsylvania has been making these statements on the floor in this very historic debate.

Just for the record, on Tuesday of last week I was in Managua and talked with Daniel Ortega, the coordinator of the Sandinista junta and head of state of Nicaragua. During the course of my dialog, I asked Commandante Ortega specifically whether he and the Nicaraguan Government would foreswear the doctrine of revolution without borders, and I made a disclaimer that that was my term and not his.

He said that if the United States withdraws its troops from Honduras and off the coast and stops supporting the Contras, then the Nicaraguan Government will talk about stopping revolution without borders, but in the meantime he was going to support wars of justice and liberation.

Now, that means very clearly that if the Boland-Zablocki amendment passes—the Nicaraguans are going to do what they can to continue to destabilize the other countries in the region.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. RITTER) has expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for 3 additional minutes.)

Mr. RITTER. If I might reclaim my time from the gentleman, I appreciate his comments. A number of Members of this House, in addition to the gentleman from Maryland, were also in Central America recently. Notably, I think we could listen carefully to the majority leader's comments on this point, and he may wish to comment on the character of their experiences in Nicaragua.

The point that Mr. Farach was making, this high-ranking Sandinista diplomat, was that the Sandinista government's military and external affairs decisionmaking is a Cuban military operation; yes, a Cuban operation and that the highest level decisions are made in conjunction with Raul Castro, the Defense Minister of Cuba. Second-level decisions are made in conjunction Mr. Piniero who is the "Central American area" chief in the Cuban Government.

The comments our colleague from Massachusetts (Mr. STUDDS) made, that "we should not be in a position of dictating the internal revolution of another country" are simply not relevant to the facts that we see in Central America. Their "revolution" is already involved throughout Central America. In the previous debate on this issue, the claim was made continually that the interdiction effort is not functioning, that somehow our efforts in supporting covert operations are not working.

Ladies and gentlemen, that is not true, and the data are in. Just from the meeting yesterday, Mr. Farach mentioned two specific situations, one in Chinandego on the Pacific, a village on the Pacific, which held large arms deposits for El Salvador. It was a warehouse operation. They dismantled it, because it was in the range of Contra strikes, and this has made arms shipments more difficult.

Another situation 35 kilometers north of a mine called La Rosita near the border was a training camp for the FPL, Salvadoran guerrillas, was dismantled, because it was vulnerable to raids by Miskito Indians near the Honduras border. And most of us are familiar with an interesting article that appeared in the Washington Post not long ago that talked about a group of journalists that visited a base for ferrying arms to El Salvador, Estera de Padre Ramos. The article was written by Sam Dillon of the Knight-Ridder chain. We should note that today in the debate the effectiveness of the curtailing of the arms flow from Nicaragua to Salvador is not in question.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. RITTER) has expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for 3 additional minutes.)

Mr. RITTER. What has been told to us is that the quality and the quantity, of the arms delivered to the Salvadoran guerrillas has suffered because of the operation near the border. It has been told to us that in small wars these kinds of reliable logistics are extremely important.

It was told to us that the level of the operations in El Salvador over the last several months has suffered markedly from the operations that are going on in Nicaragua, and that the level of flow and the quality of that flow has been denied to the guerrilla movements in El Salvador. So, the fundamental question that we debate here today, whether or not this aid is interdicting supplies, is answered by the fact that yes, it is, yes indeed the supplies, the quality, quantity, the reliability have been reduced.

Mr. Farach also mentioned meetings where he had asked the leadership in Managua what they would do, what they would do if Contra operations were stepped up in Nicaragua.

The American Navy was as yet not in the Caribbean, and there was talk of greater U.S. support.

He mentioned that Managua's opinion was that if the anti-Sandinista activities increased, all resources should be drawn back into Nicaragua.

□ 1240

This tells us when we think about the safety of the American people and the people of all of the Americas that this is not an "internal" revolution.

One of our colleagues said, someone said, I think it was the gentleman from Maryland, "You don't democratize a government by attacking it."

I ask my colleagues and those listening to this debate: Do you democratize a government by allowing it full rein of aggression against its neighbors and against its own people?

If you want a clear answer to that question ask the revolutionaries in Afghanistan whether you democratize the puppet government there by leav-

ing it alone to eventually wipe out the forces of independence and freedom of the Afghan nation.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. RITTER) has again expired.

(By unanimous consent Mr. RITTER was allowed to proceed for 1 additional minute.)

Mr. RITTER. The fact is that Cuba and the Soviet Union have put in vastly more men and material, vastly more into the Caribbean region over the last several years than the United States; that the conflict is not caused by American response; it is caused by Soviet-Cuban-Nicaraguan aggressions.

Those aggressions directly threaten the countries of Central America, eventually Mexico and the United States of America, and that is something that the people of the United States should understand.

Jack Anderson, who is no slouch in terms of information, was in my district last spring. When asked what he thought was the most critical problem facing the United States of America, he responded by saying a Communist takeover, a Communist takeover that eventually works its way up to the United States itself.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. RITTER) has again expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for 3 additional minutes.)

Mr. RITTER. And when Jack Anderson, who again is no slouch on what is going on in this world, probably has as much information as the CIA and the DIA combined, when he says that these revolutions, so-called national liberation movements in Central America are not home grown, that they are derived from a Soviet and Cuban influence in Central America, and that it will eventually impact upon the United States, I think we should listen.

One of my colleagues yesterday said, "Hey, let's be concerned about jobs for Americans, jobs—people want to go back to work and forget this stuff in Central America."

I submit to American working men and women throughout this country that if we see totalitarian Communist regimes working their way up Central America, so too will we see the "foot people" working their way up Central America, escaping. Their destination, the United States of America. It has happened in every single occasion where these kinds of totalitarian governments have been successful in solidifying the power; 1 million-plus Cubans out of 9 million people, 3½ million Afghanis out of 15 million people, East Europeans, Southeast Asians all over the world having fled communism. There is no doubt that this will happen here close to home, and if people are concerned about jobs, and the availability of jobs, they will consider the fact that Communist regimes working their way up Central America will mean vast refugee populations entering the United States and that we will have great political and economic difficulty dealing with the influx.

I urge my colleagues at this late hour to rethink their position on the Boland amendment to section 108, to defeat it, and to allow the alternative measure to pass, which links the cutoff of the aid with a symmetrical response by the Sandinistas and their Cuban and Soviet mentors.

Mr. SHUMWAY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the legislation before us and the Boland amendment which unilaterally restricts our Nation's ability to deal with the growing threat to peace and stability in Central America, a region of strategic, economic, and cultural significance to the United States.

The social and economic difficulties of Central America and the tragedy of continued violence there is of great concern to us all. Certainly each one of us desires an end to the violence in Central America and greater peace and stability in the region. Tensions in this troubled area of the world, however, have been heightened by the Nicaraguan Government's massive military buildup, largely supported by the Soviet Union and Cuba, as well as its policy of aggressive intervention in the internal affairs of neighboring governments.

Nicaragua's role in exacerbating tensions in El Salvador and throughout Central America has been universally recognized and well documented despite continued denials from Managua. Indisputable and compelling evidence clearly demonstrates that the Sandinistas have provided logistical and military assistance to the leftist guerrillas in El Salvador in an effort to subvert El Salvador's fledgling democracy. This assistance is noted in the House Intelligence Committee majority report to H.R. 2760, the intelligence authorization amendments for fiscal year 1983, passed by the House in July, which states:

> There is persuasive evidence that the Sandinista government of Nicaragua is helping train insurgents and is transferring arms and financial support from and through Nicaragua to the insurgents. They are further providing the insurgents with bases of opration in Nicaragua. Cuban involvement—especially in providing arms—is also evident.

The report concludes that Nicaragua and Cuban aid to insurgents constitutes "a clear picture of active promotion for 'revolution without frontiers' throughout Central America by Cuba and Nicaragua."

Nicaraguan and Cuban supported subversive activities which seek to upset the democratically elected Government of El Salvador and which violate the borders and sovereignty of neighboring countries in the region is antithetical to the entire scheme of U.S. foreign policy. I believe, Mr. Chairman, that the United States has a responsibility to support those countries in the region, such as El Salvador, Honduras, and Costa Rica, which are dedicated to the democratic process and which have requested our assistance in blocking the flow of arms from Nicaragua and in countering the external threat posed by that nation. It is vital that the United States forestall communism and safeguard democracy in its own backyard. We cannot afford to remain passive; to do nothing would be a grave abdication of our regional responsibility.

Certainly the situation in Central America is troubling, but what is even more troubling, in my view, is that the legislation before us restricts our Nation's ability to effectively confront Nicaragua's continued exportation of weapons and revolution throughout the region. If the principle that the United States has a responsibility to support those countries in Central America which are threatened by the advance of communism and to thwart the Sandinista government's support for insurgencies is correct, I cannot understand why this principle should not be served by whatever means are available. To unilaterally restrict U.S. conduct in Central America without regard to Nicaragua's subversive activities throughout the region hardly strikes me as prudent policy. Rather, a unilateral reversal of policy by the United States would encourage the Sandinistas to continue its activities and would demonstrate to the region and the world that the United States lacks the resolve to defend its legitimate interests and check the Communist threat close to its own borders.

Recently there has been greater movement toward a negotiated settlement to the current Central American conflict. In July, the Sandinista government announced a six-point peace plan which included Nicaragua's acceptance of multilateral negotiations as well as the cessation of arms shipments throughout the region. Last month, the Sandinistas signed a 21-point document of objectives to serve as a framework for regional peace. Additionally, it appears that the Nicaraguan Government is preparing a four-part peace initiative which addresses Nicaragua's relations with the United States, Honduras and the rest of the region, as well as the conflict in El Salvador. I submit, however, Mr. Chairman, that these developments toward a possible peaceful settlement have been fostered to a large degree by the armed Nicaraguan resistance movement and by the U.S. firm commitment to the security of democratic na-

tions in the region. The determined resistance of opposition forces poses a threat to Sandinista domination in Nicaragua and has exerted significant pressure on the Sandinista government to negotiate. For the United States to cut off its assistance to Nicaraguan resistance forces, in my view, will jeopardize the movement toward a negotiated settlement and toward greater peace and stability in the region.

Mr. Chairman, it is critical that the United States fulfills its responsibility to support its neighbors to the south which are dedicated to the democratic process and which are threatened by a totalitarian minority. The United States must make it clear to the Sandinista government that as long as it continues to spread its Marxist influence beyound its borders, the United States will employ all appropriate means to counter its actions, including both overt and covert assistance to those who seek to check Nicaragua's campaign of subversion. I, therefore, cannot support legislation which limits the range of our Nation's response to Nicaragua's terrorist activities without reciprocity on the part of the Sandinistas and Cubans. I therefore urge my colleagues to join me in opposing the legislation before us.

□ 1250

Mr. DORGAN. Mr. Chairman, I move to strike the last word.

I have taken the well today because I feel very strongly that what we are doing in Central America as a U.S. Government is very troubling to not only a lot of Americans but a lot of us who serve here in Congress. I have spent a total of only about 10 days in Central America but I came back with a couple of conclusions that I want to share with my colleagues.

I came back with a very dim view of what the Sandinistas are doing in Central America. I think there is censorship there; I think there is repression there. I am not generally impressed by what the Sandinistas are doing in Nicaragua. But I came back more convinced than ever that what we are doing, that the U.S. Government policy, is fundamentally wrong as well.

I felt that way before I went and I came back ever, more convinced of that.

I hear about the Nicaraguan threat. All throughout Central America from Honduras, Costa Rica, and so on, we heard about the Nicaraguan threat. The 100,000 person army which Nicaragua has supposedly built, and which represents the threat to the region, was referred to.

So when I got to Nicaragua I began talking to some of the people about their army. I went out to a farm cooperative. They said there were 19 families in the farm cooperative. There was a young fellow sitting near a post at the edge of the yard. He had a 25-year-old Mauser rifle. And I asked him why are you holding the Mauser rifle? He said, "Because I am part of the militia." I said, "Well, how many are part of the militia in this farm cooperative?" He said, "There are 19 families, 19 men are part of the militia."

"How many arms do you have?" I said.

He said, "We have six rifles."

I said, "Are they like the one you have?"

He said, "Yes."

I asked "How much ammunition?"

He said, "Not much." "How much training do you get?" "Once every second weekend," he said. "Somebody comes and talks to us about the revolution and we do some amount of target practice but not much because we do not have much ammunition."

Now, if that person is considered a soldier and a threat to Central America, then you ought to call me a brain surgeon.

And yet that is what our Government's public policy defines as a threat to Central America. They consider poorly armed peasants as part of the 100,000 force that Nicaragua has built that allegedly threatens Central America.

Let us at least base public policy on some kind of fact. The fact is that Nicaragua has a standing army that is about equivalent to the standing army in El Salvador.

I am not suggesting that we ought to dismiss the problems of the Sandinistas, the problems they pose for the region. As I said, I take a pretty dim view of what the Sandinistas are dong and I think they do cause some problems in the region. But I would like to talk about all arms shipments in the region.

I was in an Ambassador's residence in Central America. He was talking about arms shipments. I was asking about groups who want to overthrow Sandinistas. Clearly arms are moving into those groups, ARDE, FDN, and others. I asked about shipments into those groups. The reply from the Ambassador was, "Well, there is a lot of winking going on as these arms go in. We understand that some of it is going across the borders of neighboring countries and Nicaragua."

I asked him, "If we are winking when arms are being sent in across the border to destabilize Nicaragua, potentially to overthrow the Government of Nicaragua, if we wink as policymakers when arms are shipped in, but we scream terrorism and subversion when arms are shipped out from Nicaragua to try to destabilize El Salvador, isn't that a double standard that is hard to justify in public policy in this country?" I think it is.

I would like to mention two other quick points.

I and two other Members of this body went up in the mountains somewhere between Honduras and Nicaragua and met with the Contra soldiers. We met with about 240 Contra soldiers because I was interested in talking to Contra soldiers to find out who they were and why they were fighting.

I came back with the conclusion that most of those soldiers are not Somosistas, they certainly have Somosista leadership but most of the soldiers are the poor people in Nicaragua who have become disaffected with the Sandinista government and decided to try to do something about it. And they formed an army, the Contra group. They are trying to overthrow the Sandinistas. There is no question about that.

If you talk to them any time at all, their objective is to try to overthrow the Sandinista government.

I think clearly supplying arms to the Contras is in contravention of the law in this country. We have a law that forbids supplying arms to those who want to overthrow a foreign government.

I sympathize with some of those people who are out in the field, I have heard the stories of terror and kidnapping and murder and so on, but by the same token since when has it become the province of the United States of America to decide that it should overthrow a foreign government that we are displeased with? Sure, we ought to stop arms traffic, but let us stop it both ways. Let us provide some stability to that region. I just think you cannot have a double edged foreign policy that winks as arms go in to overthrow Nicaragua but screams terrorism and subversion as arms are shipped in to overthrow some other government.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DORGAN. I would like to finish my statement. I am sure the gentleman does not mind.

I would like to make two other points. I saw two pictures in Central America that I want to describe very briefly. One was a picture I took of three refugee children at a camp near the Nicaraguan border.

The CHAIRMAN. The time of the gentleman (Mr. DORGAN) has expired.

(By unanimous consent, Mr. DORGAN was allowed to proceed for 1 additional minute.)

Mr. DORGAN. Those three children, like most children in that region are undernourished or starving. The despair and the poverty that you see when you see those children leaves a lasting impression.

I saw another child 2 days later, an 11-year-old child, dressed very neatly in a Contra uniform, carrying an automatic rifle. And I saw a lot of 13-year-old and 14-year-old and 15-year-old

children in the same way. The point of those two comparisons is this, that while we are arming everybody to the teeth in that region who wear sunglasses and proclaims to be against communism, many of the rest of the people in that region are starving.

And a much better foreign policy in my opinion for this country would be to send food for those who are hungry, to send medical aid for those who are unhealthy and sick, and also to send some education aid to those who are illiterate in that region. That would represent a much better foreign policy and a far more effective foreign policy for this country in Central America. And that is precisely why I intend to vote against additional aid to the Contras.

I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the last word.

Mr. HYDE. Mr. Chairman, will the gentleman yield briefly?

Mr. SENSENBRENNER. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, the previous speaker asked a rhetorical question: When did this country make it its business to overthrow other governments?

I would say Lexington in 1776, this course of conduct began and has proceeded on through history. Hitler was one. Somosa most recently, we helped overthrow him.

So history just bristles with examples of this country trying to overthrow tyranny. Resistance to tyranny is obedience to God, that was Jefferson's motto. And I thank the gentleman for yielding.

Mr. SENSENBRENNER. I thank the gentleman.

Mr. Chairman, I rise in opposition to the Boland-Zablocki-Wright amendment. I do so with some reluctance because I recognize that there is merit to the argument such as those that just have been presented by my colleague from North Dakota (Mr. DORGAN).

But as I was saying in the colloquy some minutes ago, that colloquy with the gentleman from Pennsylvania (Mr. RITTER), I am recently returned from Nicaragua.

A week ago last Tuesday I did spend over an hour with Daniel Ortega in Managua and had a rather vigorous discussion with Commandante Ortega about Central American problems and the prospects of peace in Central America.

I am convinced that if this bill passes with the Boland-Zablocki-Wright amendment attached thereto, we will actually be lowering the prospects for a permanent peace in that troubled area of the world, increasing the danger to the United States and increasing the possibility that at some time in the future U.S. troops will have to be committed to that region in a combat role to carry out the terms of the Boland-Zablocki-Wright amendment.

As I indicated in my colloquy with the gentleman from Pennsylvania (Mr. RITTER) I asked Daniel Ortega specifically if he would agree to forswear the doctrine of revolution without borders as a part of a comprehensive Central American peace settlement.

And his answer was quite revealing. He said first we must stop aid to the Contras and stop U.S. military maneuvers in Honduras and off the coast of Nicaragua and then he would talk about forswearing the doctrine of revolution without borders.

But meanwhile he would continue to support wars of justice and liberation.

Cutting through all of the smokescreen, that means that what Commandante Ortega is saying is that if we act and we do what is proposed here and we pull our troops out of the military and naval manuevers, then he will talk about stopping revolution or support for revolutions in places like El Salvador, Guatemala, Honduras, and possibly even Costa Rica.

□ 1300

But we must act and all he will promise to do is talk. And that is no realistic way to negotiate.

Second, what has been going on since we debated this issue in July, I think, has shown some progress. During my visit later on in El Salvador, there was almost unanimous agreement that the flow of arms from Nicaragua to the Salvadoran rebels had gone down substantially in the last several months. Now that means that there has been an effective interdiction of those arms and there has been indications in the previous debate that there is corroborating evidence of that.

I believe we would be making a very serious mistake by caving to the demands of Commandante Ortega without making what is proposed here a part of an overall Central American peace strategy.

The amendment of the gentleman from Virginia (Mr. ROBINSON) proposes to use that approach. We will quit if they will quit. And it seems to me that the only way we are going to be able to get the Sandinistas to quit, based upon what their leader told me, is by defeating Boland-Zablocki-Wright and passing the Robinson amendment.

Mr. SILJANDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there has been a lot of discussion on the floor in terms of who is really causing the problems, the conflict, the violence in Central America. I would submit to the Members, Mr. Chairman, that it is the Sandinistas by not keeping very clear, pointed promises they made after toppling Somoza. The Sandinistas are the ones who are causing the problems, the violence, and the revolution in their own country.

They went before the OAS, the Organization of American States, and promised that, "We will have free elections." Thus far there has been procrastination and promises, and, Mr. Chairman, if there ever were elections in Nicaragua, it likely would be much like the Soviet Union, where one person runs for each office.

Another promise that freedom of the press would be instituted immediately as opposed to the tyranny under Somoza. There is no freedom of the press, but quite to the contrary. We have heard testimony after testimony, meeting after meeting with dissidents from the Sandinista regime that indicated there is no freedom of the press.

Oh, yes, we are told that in Nicaragua anyone may say anything they want to the press, just so it does not offend the state, just so it does not offend the sovereignty of the Sandinista junta.

Obviously that means anything that would be critical to their beliefs is censored.

To the promise of freedom of religion. I am not so sure if the burning down of 200 churches, the shutting down of the only synagogue in Managua, and the deportation of all the Jewish community in Nicaragua is freedom of religion.

Freedom of human rights was another point that the Sandinista touted. Another promise again broken, causing further violence and further revolution in Central America.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Dr. Bernard Nietschmann, a professor at the University of California at Berkeley on October 3, 1983, presented testimony to the Organization of American States concerning the atrocities, including crucifixion, a variety of other torture methods and rape, being used by the Sandinistas against the Miskito Indians. His testimony presented, in great detail, the gruesome activities.

I just wanted to mention this information at this point because I will be presenting this testimony in Extensions of Remarks this afternoon or evening so that the Members of this body can truly understand the details of the gross violation of human rights committed against the Miskito Indians by the Sandinistas government of Nicaragua.

Mr. SILJANDER. I thank the gentleman for adding his point.

And to his point on the Miskito Indians, what have the Sandinistas done in

terms of obliging human rights to other minorities in their own country?

Well, they destroyed 41 Miskito villages, burned down 57 of their churches, and 13 in one instance in 1982 were burned alive in their church. There are several detention camps. They call them work camps. Built for 400 to 600. And one in Cubra Hill, for example, there are 12,000 Miskito Indians being herded in that detention work camp—or more appropriately what I would call concentration camp. Another camp, crowded with 25,000 inhabitants. There are an estimated 20,000 to 30,000 Miskito Indians that have fled genocide tyranny to Honduras alone. Thousands are being jailed. There are additional thousands who are missing. The medical supplies at those camps are very, very lacking. There is starvation and mass work forces. In fact, at our Foreign Affairs Committee, before the Human Rights Subcommittee, there was testimony by a photo-journalist and photographs of mass grave sites of Miskito Indians in northeast Nicaragua.

What about due process promised by the Sandinistas? There are still 8,000 political prisoners in the jails in Nicaragua. Oh, yes, they will have their trial and their day. So the new junta decided to appoint, for the due process and for prosecution of all those 8,000 prisoners, a woman, who, during the revolution, sexually coerced a general into her boudoir, proceeded to make love with the general. Afterwards several Sandinistas entered the room, skinned him alive, popped his eyeballs out. And in this incredible atrocity, 30 minutes later the general died.

Now this is who the Sandinistas placed to carry out the due process of 8,000 political prisoners. All these lies coupled with the promises of political parties, labor unions, private sector incentives, none of which has been complied with by the Sandinistas.

So I would submit to my colleagues that who is causing the trouble is not the United States, but rather the Sandinistas themselves. The Sandinistas are causing the violence in Central America by exporting violence, arms, and the revolution.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. SILJANDER) has expired.

(By unanimous consent, Mr. SILJANDER was allowed to proceed for 3 additional minutes.)

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

I want to join with the gentleman's comments on the Miskito and other Indians in eastern Nicaragua.

I met with some of them several weeks ago here in Washington and it is very apparent to me, and should be to anyone who takes the time to examine this issue at all, that the Sandinista government in Nicaragua is engaged in a program, if not of extermination of those Indians, of destroying their culture, of dispersing them from their homeland, of doing away with everything that they have lived for; for many, many years.

And the gentleman's description of the atrocities against the Miskitos and the Rama and the Suma Indians in eastern Nicaragua, if anything, is understated. It is practically, as I say, an extermination program. In fact, the Indians really believe that is what the Sandinistas have in mind.

The point I would like to make—and I do not believe the gentleman mentioned this, perhaps he is going to—what the Sandinista government has done officially we are told by defectors who have been in the government itself with regard to the Catholic Church in Nicaragua. We know about the outrageous reception they afforded the Pope when he was there recently. We know what they did to Father Carballo, where they set him up with a woman posing as a prisoner who in reality is said to be a mistress of high government officials, then a man posing as her husband went into the house, stripped them both naked, and ran them down the street, while Sandinista defense minister Tomas Borge was watching from a van outside the whole time.

I appreciate the gentleman's comments and wish to commend him for them.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding.

Tomas Borge, who is the Interior Minister, told Stedman Fagoth, the leader of the Misura Indian opposition, Miskitos, Suma, Ramas, Black Creoles, he said that if necessary to bring Sandinista ideology to the Indians of eastern Nicaragua, he would kill the last Indian.

Now I know that our colleagues on the other side of the aisle are not interested in participating, however indirectly, in a genocide, but Stedman Fagoth went on to say that if the aid does not come, there will be a holocaust. They will be dying in jail, dying in concentration camps, dying in the mountains.

□ 1310

This group is receiving some of our aid, and this group will, he told me, go on fighting whether or not the aid comes. They will fight to the death. Would it not be better if we gave them some assistance to oppose their tormentors?

Mr. SILJANDER. I appreciate the points the gentleman makes.

Besides the list of broken promises which makes the Sandinistas promoters of violence and the problems in their own country, and region, it seems that the Congress could be great perpetrators of violence and revolution in Central America ourselves by not keeping the commitments we have made through the OAS Charter, the U.N. Charter, the Rio Pact, and the beliefs that we hold dear in the Monroe Doctrine. If we decide to ignore commitments through perpetrating a facade in the guise that covert aid is illegal—then we have lost the one aspect of our character that has made America great, a reliable partner, friend, and ally of those who seek freedom.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. SILJANDER was allowed to proceed for 30 additional seconds.)

Mr. SILJANDER. So, Mr. Chairman, what I see clearly is, first, that the Congress could very well be the perpetrators of violence. By passing the Boland amendment we in effect are the ones who are encouraging revolution in Central America by the lack of resolve to keep our commitments. And second, how were the Sandinistas forced to the negotiating table? Only after maneuvers by the United States, and after accelerated involvements by the Contras, did 24 hours later the Sandinistas initiate a 6-point peace plan. And, recently Fidel Castro, for the first time has offered to sit down and negotiate. We therefore have no alternative but to keep commitment and pressure negotiations toward peace. We have no alternative but to vote "no" to the Boland amendment.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. SILJANDER) has expired.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise in opposition to section 108 of this bill.

This Congress in recent months, just to stray from the subject for a second, has imposed some of the toughest restrictions on aid to El Salvador that it has on any recipient of United States aid.

It has been miserly with its reluctant support of the El Salvadoran people. Yet just a couple of years ago in Nicaragua, we were more than generous. When the Sandinistas overthrew Somoza on the promise of free elections and a pluralistic democracy, we gave them $118 billion, and we got them $262 million more in aid from multilateral banks. Nevertheless, since their takeover in 1979, the Sandinistas have betrayed our generosity and their own people. They have reneged on the free elections that they promised then, and they have indeed cen-

sored the press. In fact, press censorship today in Nicaragua is worse than ever before.

Mrs. Violeta Chamorro, who heads the family publishing the only nongovernment newspaper, La Prensa, has said that Sandinistas impose "a censorship the world has never seen before." Twenty percent to forty percent of the copy in La Prensa is cut out every day. The Sandinistas also hamper La Presnsa's purchase of supplies from abroad, thus causing a 50-percent higher price per copy.

The Sandinistas, in addition, have intimidated the church, they have uprooted the population, they have imposed human rights abuses on the Miskito Indians, as has been detailed by the gentleman who preceded me, and, as well, they have uprooted the Jewish families who lived in Nicaragua, and threatened and exiled them, and confiscated their property.

Why are they doing all this? Purely and simply because the Sandinistas have become a puppet of the Soviet Empire. They have sold their country out to the Soviet-Cuban Marxist movement; the Soviet Empire, a truly evil empire.

We saw that empire in its totality; we saw them in action, with the tragic destruction of the Korean airliner 007. We saw that they are capable of the most heinous brutality and outrageous atrocities mankind could devise.

And shortly after that destruction, the Sandinista government, the government in charge of Nicaragua, abstained on the Korean Air Lines 007 resolution in the United Nations on September 12, 1983.

Mr. Chairman, there can be no doubt, the Sandinistas today are financed by the Soviets and supplied by the Cubans, and the Libyans in the guise of "hospital supplies;" they are trained by East Germans, and they are in league with all brands of Marxist terrorism, most particularly the Palestine Liberation Organization which, according to the White House Digest of July 20 of this year, is a source of terror around the world.

Nicaraguan Catholic bishops have recently said that Sandinista rule has been "imposed by force of arms * * *" and is "an absolute dictatorship." With that background and those friends, it is clear that Nicaragua is bent on subverting the governments of El Salvador, Costa Rica, Honduras, Guatemala, Panama, and ultimately, Mexico, and perhaps even the United States herself.

On September 21, our Secretary of State, Secretary Shultz, and Director Casey of the CIA, offered Congress new justification for covert assistance; namely to pressure the Sandinistas into stopping efforts to export revolution. Their efforts are not likely to bear fruit. Daniel Ortega, the leader of the junta, is quoted as saying, "We guide ourselves by the scientific doctrines of Marxist-Leninism."

I quote Thomas Borge, the minister of the interior:

> The revolution's moral imperative and historical character make it inevitable that the energies released here will be universal in all Central America.

Again Borge said:

> The Nicaraguan revolutionaries will not be content until the imperialists—

That is us—

> have been overthrown in all parts of the world.

And, of course, there was that member of the Nicaraguan junta who in June said that Nicaragua would glady consider installing Soviet missiles if their country were asked.

Assistant Secretary of State for Inter-American Affairs, Tony Motley, went to Managua just recently and met with Foreign Minister D'Escoto and Strongman Ortega and urged the Sandinista cooperate with the Contadora group initiative halting arms to Salvador, which they say they agree to. Yet recently, the Washington Post reported that there is a major arms base in Nicaragua holding arms bound for El Salvador and guerrillas.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. LIVINGSTON) has expired.

(By unanimous consent, Mr. LIVINGSTON was allowed to proceed for 3 additional minutes.)

Mr. LIVINGSTON. The gentleman from Wisconsin (Mr. SENSENBRENNER) described in detail his conversations with Ortega himself. It shows that there is no serious intent to curtail revolutionary activities.

Yet here we stand. In past weeks, we have placed strict restrictions on the aid for El Salvador, a practice we continue to this day. We are pinching pennies, and withholding money for military assistance in El Salvador.

On top of that, despite a recent bill which I sponsored to repeal the Boland amendment which I thought to be extremely unwise, and for which I have gained 37 cosponsors, just last July we voted to withhold covert aid to the counterrevoluntionaries in Nicaragua, so that the Communists there could solidify their stranglehold on that country and get a firm grip on their adventures elsewhere in Central America. And here we stand today, ready to do it all over again.

On September 21 William Colby, former CIA Director, told the Senate Intelligence Committee that it would be a big mistake to put new curbs on covert operations. But here we stand. The world is turned upside down. Members of Congress are actively undermining the strategic security of the American people.

The tragic incident in the Pacific, the Korean Air Lines destruction, should tell them that they are horribly wrong, but to no avail. Well, I cry out for the American people to tell them that they are wrong. We must support the President's efforts in Central America. We must give aid, support and training to our friends in El Salvador and her neighbors, and we must attempt to withstand the Soviet-backed incursion, by helping the Contras to roll back Soviet influence in their own country.

Mr. ALEXANDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Boland-Zablocki-Wright amendment today. As I listened to the debate this morning, I would observe that the question is not whether we approve of the present regime in Nicaragua as it is so eloquently addressed today; the question, rather, is whether the covert aid program is a correct response to the situation in Nicaragua. I do not really know what is covert about it. The President of the United States, in effect, admitted last evening that a covert action program was underway in Nicaragua, and it has been known by all of us for more than a year.

So it is not actually a covert program; it is a program of involving many millions of dollars that is no longer covert but is intended to overthrow the Government of Nicaragua.

I am somewhat confused by that program because, knowing some of the members of the business community in Managua, none of them support the so-called Contras who are an offshoot or a residual result of the regime of Anastasio Somoza, who was universally despised by virtually everyone in Nicaragua and the Western Hemisphere. They tell me, the business community in Nicaragua tells me, that even if the Contras should possibly prevail in the region, that that is only the beginning, that they could not gain the popular support of the people in that nation.

□ 1320

That would lead the United States into an escalating economic and military involvement of propping up the economy and sending in troops, as we did earlier in this century, in order to maintain the stability of that regime.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I would be glad to yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I would suggest we could resolve that once and for all by having something that is unique to Sandinistas. It is called an election. We would find out who supports whom. Why do we not just have an election?

Mr. ALEXANDER. I deplore the fact that the Sandinistas have not had an election, and I talked yesterday with the Foreign Minister, Miguel

D'Escoto, from Nicaragua, and said, "When are you going to have elections?"

He said, "We are going to have elections."

I said, "Well, that does not mean anything to our people here because we have heard lots of promises over the years."

But that is exactly my point. The question is not whether or not we deplore the conditions in Nicaragua; the question is, what is our response, and is that a proper response?

Even if the President, our President Reagan, succeeds in overthrowing the Government of Nicaragua, even if he does that, that does not insure a stable government, it does not insure a stable economy. It does mean that the United States will become involved in massive economic assistance and escalated military involvement in order to support the regime that we are trying to establish in the place of the present government.

What we have in Nicaragua today is a war. We are at war with Nicaragua. the United States is at war with Nicaragua. But the victims of that war were best described by Belisario Betancur in his address to the United Nations 2 weeks ago, and I will quote from his speech. He said:

> The victims have come not from the centers of arrogant power, but from the low-lying lands of the weak, and the blood has flowed in remote provinces, not from the fortresses where the interests truly engaged in the conflict are to be found.

We are penalizing the people that we allege that we are trying to help, and I am frankly embarrassed by statements of this administration, like Fred Ikle, who says that this administration is supporting its covert action program to achieve a military victory. I say that the only victory that we can achieve in our policy can be achieved here today by supporting this Boland-Zablocki-Wright amendment because the victory can only be of prudence over intemperance, of firmness over foolhardiness, and of stability over recklessness. We cannot win any victory with this current policy and I support this amendment to change the direction of the administration's policy.

Mr. BOLAND. Mr. Chairman, I am going to make a unanimous-consent request in a moment. If any other Members would like to speak during this period, I will withhold that request.

Mr. DANIEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to the Boland amendment. I am not reluctant because of the issue involved; I am reluctant because of my very high regard for Mr. BOLAND. I do not know of a man in this body or any other body for whom I have a greater respect than ED BOLAND.

But at the same time, it seems to me that there are at least one or two other points which should be made. First, if we are concerned in this country about the forces that are arrayed against Israel and the Persian Gulf States, then we should be alarmed about the forces which are supporting Nicaragua because they are one and the same.

The other point I would like to make is that I cannot see anything wrong with the overthrow of the Sandinista government, by current action. This means we can cure the cancer without committing any of our troops. I am aware that is against the law, so I think we ought to change the law. We are at least partially responsible for bringing these exponents of revolution to power. They have broken every section of this agreement which encouraged that support.

We spend billions of dollars of the taxpayers' money every year to protect our own freedom and that of freedom-loving people around the world against the evils of communism, and yet we permit it to flourish and grow right on our own doorstep. To me, it is a contradiction.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the last word.

I do not intend to take the full 5 minutes.

Mr. Chairman, mention has been made here on the floor today that Secretary Ikle of the Department of Defense stated a new policy of the administration, or stated a policy that was different from that which had been stated before. I would like to read just one short paragraph from his actual speech that has been referred to, and then put the whole thing in the RECORD:

> Every so often the critics of the administration proclaim with accusatory connotation that we seek a military solution in El Salvador. If a military solution means putting primary emphasis on military assistance and military means, then it is more factual to accuse the Reagan administration of seeking an economic solution, since $3 out of $4 in requested assistance programs are for economic aid.
>
> What we seek to do is to open the doors to democracy and close the doors to violence. But we have to use military means against those who insist—until they have imposed their rule—on using violence.

The remarks of Mr. Ikle follow:

REMARKS BY FRED C. IKLE

I am delighted to be here this evening and to have the opportunity to speak to you.

Central America is closer to Baltimore than is California—in terms of geographic distance, that is. But the intellectual distance between here and Central America is enormous. Most of the American people are not well informed about Central America; many are misinformed; and some are outright disdainful about the cultural and social importance of this region.

You all have an obligation to remedy this situation, so that you and your representatives in Congress can engage in constructive support—or constructive criticism—of the Administration's policy.

To begin with, you should know that the President's policy for Central America has not yet been given a chance to work: the blocking votes in Congress have denied the President the means to succeed.

Indeed, members of Congress have involved themselves in the management of U.S. policy for Central America more than for any other region of the world.

While Congress has quickly and easily approved some four and a half billion dollars in Security Assistance for nations in the Mediterranean region, it slashed nearly in half the much smaller allocation for nations in the Caribbean region—so much closer to home.

While Congress has been generally supportive of the deployment of some 1,200 U.S. Marines to Lebanon, it fought fiercely to limit the number of U.S. trainers in El Salvador to 55.

While Congress has not objected to large military exercises in the faraway Indian Ocean region, its many members have heavily criticized the recent military exercises in the nearby Caribbean region.

While Congress has for a long time supported Radio Free Europe, the fine radio program that brings the truth to the people of Eastern Europe, members of Congress have delayed for two years President Reagan's request for Radio Marti, a new radio station that would bring the truth to the people in Cuba.

As we consult with members of Congress on these issues, we are often told that, you, their constituents, are pressing such positions on them. But as we review the public opinion polls, we discover an extraordinary lack of information. For example, in a recent New York Times/CBS poll, only 8 percent of the respondents knew, both for El Salvador and Nicaragua, whether the US was supporting the government or the insurgents.

You must help us overcome not only a lack of information, but also a great deal of misinformation. This misinformation is not accidental; it is the result of a well-organized and well orchestrated effort. A fabric of fiction has been tightly woven to conceal the essential facts. Let me review with you some of these fictions:

Fiction has it that US influence in Central and Latin America has prevented democratic development, that the spread of Leninist regimes is the tide of history, a natural process of social reform that we should not oppose. The fact is that the trend toward democratization has continued: among the 32 independent states of Latin America and the Caribbean, 17 are now democratic. Since 1978, five countries have made a peaceful transition from military regimes to elected democratic governments. It is the much criticized military regimes that are often transformed into a democracy; but there has never yet been a Marxist-Leninist regime that was succeeded by democracy.

Another bit of fiction: that the Sandinista regime in Nicaragua would have developed into a pluralistic democracy, had it not been for the US intervention. The fact is that the Sandinistas, only a few weeks after they come into power, reneged on their promise for early elections, began to attack the democratic trade unions, and invited Cuban military and security personnel in steadily growing numbers. Yet, during the first 18 months of the Sandinista regime, the United States provided more than $120 million in direct aid and endorsed over $220

million in Inter-American Development Bank aid—more than the previous Somoza regime in Nicaragua had received from the United States in twenty years! Clearly, it was not US interference that drove the Sandinistas to link up with Fidel Castro—unless economic aid is regarded as "interference."

Another piece of fiction is the charge that the Reagan Administration is "militarizing" the problems of Central America and is bringing the East-West conflict to the region. Well, the East is already here.

The Soviets are giving ten times as much military assistance to Cuba and Nicaragua as we are providing to all of Latin America. And Soviet military advisors in Cuba and Nicaragua outnumber U.S. military advisors in the Caribbean region twenty to one.

Since Congress is so deeply involved in our day-to-day policy towards Central America, our key objectives need to be clear to the American people. Moreover, Congress must share with the Administration an understanding of our basic strategy.

On one thing we can all agree: We do not want the United States to fail. We must succeed.

But what is it we would like to see happen, and what do we want to prevent? We have wide agreement, I believe, that the United States favors a continuation and strengthening of the trend toward open, genuine democracy. And we favor social and economic betterment for the people in Central America, a region so close to us.

Equally important is what we want to prevent. We want to prevent the expansion of totalitarian regimes—particularly Leninist ones, since they will import Stalinist police systems, bring in Soviet arms, and even invite Soviet military bases. There are two more reasons why Leninist regimes are particularly dangerous: once entrenched, they tend to become irreversible, and they usually seek to export their totalitarianism to other nations.

Given these objectives, what should be our strategy?

I

First, we want to help build the road toward democracy and economic development. In the end, the people in each country will have to make their own choices. They can succeed only through their own dedicated effort. But we can help, through advice and influence, by facilitating trade, and by giving aid. The Caribbean Basin Initiative of the Reagan Administration (to which Congress has now agreed) is right on target. So are our efforts in El Salvador in behalf of elections and for improvements in the judicial system.

Also, we are using diplomacy to help the government of El Salvador win over those who are willing to abandon violence and compete in elections, provided they can be assured of safe and fair participation. But we must not underestimate our adversaries. The hard core among the insurgents will never settle for a fair democratic process. We can no more negotiate an acceptable political solution with these people then the social democrats in revolutionary Russia could have talked Lenin into going up totalitarian Bolshevism.

II

This leads us to the second requirement. As Secretary Shultz recently explained, the guerrillas in El Salvador have used a "rule or ruin" strategy: they seek to destroy economic assets faster than our aid can restore them. You cannot have economic development in a nation, if guerrilla forces keep blowing up bridges, power lines, school buildings, buses . . . You have to defeat these "rule or ruin" forces militarily. This is the purpose for our military assistance.

Every so often the critics of the Administration proclaim—with accusatory connotation—that we seek a "military solution" in El Salvador. If a "military solution" means putting primary emphasis on military assistance and military means, then it is more factual to accuse the Reagan Administration of seeking an "economic solution," since three dollars out of four in the requested assistance programs are for economic aid.

What we seek to do is to open the doors to democracy and close the doors to violence. But we have to use military means against those who insist—till they have imposed their rule—on using violence.

Let me make this clear to you:

We do not seek a military defeat for our friends.

We do not seek a military stalemate.

We seek victory for the forces of democracy.

And that victory has two components:

One: Defeating militarily those organized forces of violence that refuse to accept the democratic will of the people.

Two: establishing an adequate internal system for justice and personal security.

At this point, let us recall our first agreed principle: We do not want the United States to fail. Hence, we must, as a group, allocate sufficient means so that we can succeed. As long as Congress keeps crippling the President's military assistance program, we will have a policy always shy of success. We will remain locked into a protracted failure.

This the American people should not tolerate. If we are merely involved to fail, then we should not be involved at all.

The resources needed to succeed are small compared to our investment for security in other regions of the world. Once those in Congress who are now blocking adequate assistance give us the means to succeed, the capability and determination of the United States will become clear. This will make the Soviet Union more cautious, which in turn will help our success. On the other hand, if we signal that we are afraid of victory over the forces of violence, if we signal that we have opted for protracted failure, we will only encourage the Soviets to redouble their effort. We will be inviting ever-increasing difficulties.

III

The third requirement of US strategy for Central America is least well understood. We should seek to prevent the partition of Central America, a division of this region into two spheres, one linked to the Soviet bloc and one linked to the United States. Such a partition would inexorably lead to a hostile confrontation of large military forces, a confrontation that could last for decades.

We can see how such a confrontation works, as we look at Cuba. During the 24 years of the Castro dictatorship, while the standard of living deteriorated and human rights were widely violated, Cuba built up a large military establishment. It has the second largest army in Latin America (second only to Brazil), it has some 200 MIG fighter aircraft, submarines, 8,500 to 10,000 Soviet advisors, and several Soviet intelligence installations. In addition, Castro has sent some 30 to 40 thousand troops abroad to provide the mercenary forces to protect the Soviet imperial outposts. As a result of the militarization of Cuba, our sealines to NATO are now seriously threatened.

The Sandinista regime in Nicaragua is determined to create a "second Cuba" in Central America. Ever since they seized power, the Sandinistas embarked on a major military buildup. Today, they have a much larger army than Somoza ever had, and they have expressed the intention to build the largest force in Central America. Nicaragua is building new military airfields, and is importing Soviet tanks, helicopters, armored vehicles and other equipment.

This "second Cuba" is Nicaragua would be more dangerous than Castro's Cuba since it shares hard to defend borders with Honduras and Costa Rica. The Sandinistas have already started terrorist activities in both these countries. In addition, Nicaragua provides essential support for the insurgency in El Salvador.

Even after the insurgency in El Salvador has been brought under control, Nicaragua—if it continued on its present course—would be the bridgehead and arsenal for insurgency for Central America. And once the Sandinistas have acquired the military strength that they have long been planning for, they might well use that strength for direct attacks on their neighbors to help speed up the "revolution without frontiers" that they promised us.

At that time, the only way to help protect the democracies might be for the United States to place forward deployed forces in these countries, as in Korea or West Germany. Clearly, we must prevent such a partition of Central America.

In the Democrats' response to President Reagan's April 27 address on Central American to a Joint Session of Congress, Senator Dodd said: "We will oppose the establishment of Marxist states in Central America." Yet, a majority in the House of Representatives has done exactly the opposite. It voted to oppose U.S. assistance to those who oppose the establishment of a Marxist state in Nicaragua. That is to say, a blocking majority in the House, in effect, voted to establish a sanctuary for the Sandinistas.

Congressional legislation to deny U.S. support to the democratic resistance forces in Nicaragua would turn Nicaragua into a sanctuary from which the nations of Central America could be safely attacked, but in which U.S. supported forces could not operate. This would enable the promoters of totalitarianism—while being supplied and replenished by Cuba and the Soviet bloc—to attack neighboring countries indefinitely, and always with impunity. Hence, it would deprive the Marxist groups in El Salvador of any incentive to compromise. Indeed, if such legislation were passed, the Sandinistas and Cubans might well find it safe to increase their assistance to the insurgents in El Salvador and to step up the destabilization of Honduras and Costa Rica. This, after all, would be fully consistent with their presently declared objectives; and the guaranteed sanctuary would render such escalation almost risk-free.

The psychological impact from cutting off U.S. assistance to the Nicaraguan resistance forces fighting for democracy in their native land would be severe. Such a cut off would signal throughout the region that the totalitarian Leninist forces represent the winning side. The democratic forces would have cause to despair. They would see that terrorist and insurgent attacks against them are being generously supported by Cuba and the Soviet bloc, and that these attacks could be conducted from safe havens that would

be protected by the U.S. Congress, in effect, from all counter-interference. Conversely, the totalitarian Leninist force would know that as soon as they seize control of a country, they will be secure: Cuba and the Soviet bloc will help them maintain an efficient police machinery to repress the people; and should any group arise to fight for freedom, the United States Congress would have denied it all support.

Let me recapitulate.

Our basic objectives for Central America are clear: we want to strengthen democracy; we want to prevent in this hemisphere the expansion of totalitarian regimes, especially those linked to the Soviet Union.

To this end, we extend economic support and promote democratic development. But given forces of violence that will not accept the democratic will of the people, we also have to provide military assistance—enough to succeed. In addition, we must prevent consolidation of a Sandinista regime in Nicaragua that would become an arsenal for insurgency, a safe haven for the export of violence. If we cannot prevent that, we have to anticipate the partition of Central America. Such a development would then force us to man a new military front-line of the East-West conflict, right here on our continent.

To prevent such an outcome, the Administration and Congress must work together with a strategy that can succeed.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I just want to comment very briefly that it just seems to me that the gentlemen on the other side who want to cut off aid to the freedom fighters in Nicaragua misconceive or misunderstand the word incentive. I should have anticipated that, because in the Reagan economic recovery program, incentives which grew out of tax cuts which would permit people to save some of their own money and to invest it and encourage them to work harder was really the basis for the program. Now it is beginning to work.

Incentive also is a concept to be applied to the Sandinistas, to provide some incentive for them to want to negotiate. I suggest if we remove the pressure on them, the only thing left is a letter to the editor of Baracada. I do not think that is sufficient pressure to drive them to the negotiating table.

Incentive. It is a very useful word, and you will find it under the i's.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Chairman, is the gentleman denying that Mr. Ikle stated that he was pursuing a policy of military victory in Nicaragua?

Mr. LAGOMARSINO. What he said with regard to military victory:

And that victory has two components:

One: Defeating militarily those organized forces of violence that refuse to accept the democratic will of the people.

He did say that. He also said, though:

Two: Establishing an adequate internal system for justice and personal security.

So he did not say that we should seek only a military solution. At least I cannot find it anywhere.

□ 1330

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield further?

Mr. LAGOMARSINO. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, I have some quotes from Mr. Ikle as well which I would like to read into the RECORD. He said this:

Let me make this clear to you:

We do not seek a military defeat for our friends.

We do not seek a military stalemate.

We seek victory for the forces of democracy.

And that victory has two components:

One: Defeating militarily those organized forces of violence that refuse to accept the democratic will of the people.

Two: Establishing an adequate internal system for justice and personal security.

Is that not to say that we are attempting to overthrow the Government of Nicaragua and to impose our will upon the people of that nation?

Mr. LAGOMARSINO. Mr. Chairman, if the gentleman would read the paragraph above that, he would find he is talking about the situation in El Salvador, not Nicaragua.

Mr. ALEXANDER. I will put the entire text in the RECORD.

Mr. LAGOMARSINO. I am going to do that, too.

Mr. ALEXANDER. I am going to put it all in the RECORD, and we will let the RECORD speak for itself.

Mr. LAGOMARSINO. So am I.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Chairman, I would like to ask my friend and colleague, the gentleman from Arkansas, whether he thinks that a policy of accepting military defeat for our friends and the freedom-loving peoples of this hemisphere is an acceptable policy.

Mr. ALEXANDER. Well, I do not accept them as my friends.

Mr. RITTER. I do not believe the gentleman would.

Mr. ALEXANDER. I do not understand the gentleman's question. They are not my friends. The Contras are not my friends. They were deposed by the revolution. They were the friends of the regime, the friends of Somoza.

Mr. RITTER. Let me reclaim my time.

Mr. ALEXANDER. They are not my friends. We are supporting those Contras, but they are not my friends.

The CHAIRMAN. The gentleman from California (Mr. LAGOMARSINO) has the time.

Mr. RITTER. Mr. Chairman, will the gentleman yield further?

Mr. LAGOMARSINO. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Chairman, these people, the gentleman from Arkansas knows, were part of the revolution. Eden Pastora and Alfonso Rabella were part of the revolution. Commandante Zero was the leader of the Sandinistas as they stormed Managua in the closing hours. The Miskito Indians cooperated with the revolutionaries through the Misuraseta. Calero was himself imprisoned.

The CHAIRMAN. The time of the gentleman from California (Mr. LAGOMARSINO) has expired.

(On request of Mr. RITTER, and by unanimous consent, Mr. LAGOMARSINO was allowed to proceed for 30 additional seconds.)

Mr. RITTER. Mr. Chairman, if the gentleman will yield further, the great, great majority of these people fought for the Sandinistas when they were a broad revolutionary front. Somebody said the other day that there are as many Contras and there are as many ex-guardsmen fighting on the side of the Contras as there are fighting in the Sandinista army. We have a group of Nicaraguan citizens perhaps evenly dispersed, probably on the order of 2 to 3 percent of both forces. Now, they were part and parcel of the original revolution.

The CHAIRMAN. The time of the gentleman from California (Mr. LAGOMARSINO) has again expired.

Mr. HUNTER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Michigan (Mr. SILJANDER).

Mr. SILJANDER. Mr. Chairman, I just want to set the record straight and point out that the statement was made that the policy of this administration is the overthrow of the Sandinista junta.

That is blatantly untrue. The President of the United States and the Secretary of State have time and time again reinforced the fact that we are not out to overthrow the Sandinista government.

The prime point and purpose is twofold: First, to prohibit the export of revolution and arms in Central America; and second, to force the Sandinista regime to comply with the promises they made for freedom and self-determination.

It is obvious why the Soviets are in Nicaragua. It is also obvious why there are 7,000 Cubans and 1,000 Soviet bloc advisers, PLO, and Libyans alike.

In reference to the PLO involvement I would like to submit the following report:

THE PALESTINE LIBERATION ORGANIZATION IN CENTRAL AMERICA

(By Congressman Mark D. Siljander)

The Sandinista's overthrow of the Somoza dictatorship in Nicaragua was originally welcomed by most of the international community with optimistic enthusiasm. The United States, in fact gave the new Sandinista regime over $130 million in aid during its first two years, including an $8 million grant to sustain the Nicaraguan government in the first hours of the revolution. This optimism faded, however, into a cruel nightmare for the Nicaraguan Jews and Christians as well as the neighboring nations of El Salvador, Honduras, and Costa Rica. The reason: the Sandinista's selling of their country to radical Marxist elements, most notably, the Cubans and the Palestine Liberation Organization (PLO).

In a recent speech in London, Aleksandr Solzhenitsyn stated:

"Within the philosophical system of Marx and Lenin and at the heart of their psychology, hatred of God is the principal driving force, more fundamental than all their political and economic pretensions. Militant atheism is not merely incidental or marginal to Communist policy; it is not a side effect, but the Central pivot. To achieve its diabolical ends, Communism needs to control a population devoid of religious and national feeling, and this entails the destruction of faith and nationhood."[1]

Nicaraguan leadership, by proclaiming itself a revolution without borders and by declaring itself in solidarity with Yasser Arafat in the world revolution and by its harsh persecution of religious groups has set itself up as a model example of Solzhenitsyn's analysis. Most likely because of the Sandinista's link to the PLO, the Jews have been the most thoroughly oppressed religious group in Nicaragua, if not in numbers then certainly in the completeness to which their exile and cultural genocide took place.

The PLO desire to overthrow the Somoza regime had nothing to do more supportive of Israel than any other bloc of countries. However, by the seventies their support had weakened as Latin American nations began to split into political factions. Still today, Israel and Arab nations perceive Latin America to be important politically to the survival of Israel.

In a visit to Mexico in 1975, Egypt's Vice-Chancellor Gamal Mansour expressed the importance of Latin American U.N. votes. "For the Arabs, the support of Latin American countries is essential because they hope to obtain a majority for a resolution in the next Assembly of the United Nations . . . recognizing the right of the Palestinians to convert themselves into a political entity; to permit the Arabs to recuperate the territories occupied in the war of 1967 and confirm the principle that no country can acquire territories of another by force." Gamal Mansour's visit was only one of many such Arab missions in the Arab League campaign to sway Latin America towards a pro-Arab stance. The Latin American governments resisted Arab efforts; however, the 1973 quadrupling of oil prices put new pressures upon their economies and international policies.

The Arabs began to use petro-dollars and vitally needed oil to pressure the Latin American nations into the Arab camp. Fouad Naffah, who was the Lebanese Foreign Minister and acting as a representative to the Arab League in 1973, traveled to seven Latin American nations. In his tour, he informed the governments that "no underdeveloped country that backs the just cause of the Arab world will suffer from an energy shortage." In addition to a guaranteed oil supply, Naffah also made promises of Arab investments to strengthen the suffering Latin American economies.

In 1981, Arab representatives met in Tunis and decided to focus with the legitimate revolution of Nicaraguan citizens against the dictatorship. It had historical roots of its own. Just why Nicaragua is of concern to the PLO is best explained in the autobiography of Jerusalem's mayor Teddy Kollek, entitled "For Jerusalem." He revealed that Nicaragua played a major role in obtaining arms for Israel during the crucial period of its creation in 1948. Kollek met the older General Somoza in Nicaragua to plead Israel's case.

According to Kollek, "Somoza as well as the Nicaraguan foreign minister cooperated because of their strong basic sympathy with our cause. Our agreement included the understanding that Nicaragua would vote for Israel in the United Nations whenever the occasion arose, a point to which they pledged themselves out of genuine conviction." Prior to the 1979 Sandinista revolution, Nicaragua had consistently supported Israel in the United Nations and was one of the very few nations that voted against the resolution condemning Zionism as racism.[2]

Clearly, the PLO had a vested interest in overthrowing the Somoza regime in Nicaragua. The results of the alliance between the Sandinistas and the PLO are evident upon Nicaraguan society. This paper will examine the PLO-Sandinista link and attempt to demonstrate the existence of the religious persecution in Nicaragua and other Central American countries, particularly against the Jewish community.

ARAB INVOLVEMENT IN LATIN AMERICA

Latin America has always been an important source of support to Israel in the United Nations. In Israel's first twenty-five years of existence, Latin American nations provided more than half of the U.N. votes supportive of Israel. During the 1967 war, Latin America was on gaining the support of Latin America in an effort to oust the Israelis. In conjunction with this decision, "they decided to unleash an anti-Semitic campaign designed to undermine the status of Jews in Latin America, to nullify the political and economic support which the Latin American Jewish communities provide Israel."[3] The Palestine Liberation Organization was selected as the primary instrument of the campaign in Latin America. "Arab ambassadors, other high ranking emissaries and representatives of the PLO have been crisscrossing the region in a coordinated, heavily financed effort to secure authorization to establish an official PLO office in every Latin American capital."[4]

The PLO has made limited progress during the past three years in its attempt to open offices in Latin Amrican capitals. So far, the PLO has established offices in Cuba, Ecuador, Nicaragua, Peru and Mexico. Brazil and Venezuela were thought to be prime candidates for the PLO; however, they have resisted the heavy Arab economic and political pressures. The main obstacle the PLO faces is the fact that it is an international terrorist network; and to allow the PLO to legitimatize themself in the region by opening an office would endanger the security of Latin American nations.

CRIMES AGAINST RELIGIOUS FREEDOM

The Sandinista government has been responsible for many abuses against the right to freedom of religion in Nicaragua. The Jews, so far, have been the most intensely targeted group for persecution. The government began its campaign of persecution in the quasi-official government newspaper Nuevo Diario. On July 15 and 17, 1982, the paper carried articles that were not only anti-Zionist but also anti-semitic. Jews were blamed for the crucifixion of Christ, using the "myth" of the Chosen People to massacre Palestinians, and using financial power to gain political control of the United States. The articles referred also to "Synagogues of Satan," and rehearsed old canards that "world money, the banks and finance are in the hands of descendants of Jews, the eternal protectors of Zion."[5]

Although resident in Nicaragua for more than a century, the Jewish community has always been exceedingly small. The 1972 population of about 200 shrank to about 80 after the earthquake. After the overthrow of Anastasio Somosa in 1979, many Jews fled into exile, along with others close to the regime. Today, there are about 8 to 10 Jews living in Nicaragua, and only a few Jewish-owned firms. These individuals and businesses exist under the suppressive conditions of the Sandinista regime.[6]

The main reason for the departure of Nicaraguan Jews is the manner in which the revolutionary government treated them. Their properties were among the first to be confiscated. Jews who owned factories and stores were ejected from their homes and places of business. Their properties were turned over to Arabs and local workers. Many accusations were made against them without proof. Often, their individual safety was threatened.[7] The foregoing took place in an environment politically and emotionally charged. Jews were accused of support for the Somoza government and blamed for Israeli assistance to the Somoza government.[8]

The final blow against the Jewish community came when Sandinista supporters scorched the doors of the only Synagogue in Managua while worship services were in progress. The Sandinistas then siezed the Synagogue, destroying all religious items and putting pro-government posters over all religious symbols. The synagogue then became "an elite social club for the children of high-ranking Sandinista officials."[9] Since then, Jews have tried to regain their property and return to their homes, but the Nicaraguan government has directed the courts not to act on any request by a Jew seeking to return to Nicaragua.[10]

On a number of occasions there have been attacks against religious leaders which have, at times, become violent. These attacks are not only specifically aimed at the Jewish religion, but also at the Christians, most notably the Catholics and the fundamental Moravian Church. The uneasy situation is caused by the fact that most Nicaraguan citizens are professed Catholics. These attacks have been sponsored by so called "divine mobs" or confrontation groups of the Sandinista Front for the Liberation of Nicaragua (FSLN).[11] Harrassment has also been extended to Pope John Paul II who in March of 1983 visited Nicaragua and was subjected to inexcusable abuse. The Pontiff was forced to speak from a platform that had revolutionary billboards as a backdrop. Also during his homily, the Pope was barely audible to the large crowd because the San-

[1] Footnotes at end of report.

dinista government provided him with a poor sound system which could not compete with the shouting of pro-goverment slogans by the "divine mob." [12]

In addition, the government banned from publication letters from Pope Paul II which criticized the governments effort to create a Marxist "peoples" church.[13] The leaders of this "peoples" church have insulted the Catholic church by trying to change the Christian doctrine of the Immaculate Conception of the Virgin Mary. The offensive reinterpretation depicts Mary, the mother of Jesus, as in fact not the mother of Jesus, but the "Mother of the Revolutionary."[14] The government has also gone so far as to discredit the divinity of Jesus and instead label him "the First Sandinista." [15]

The government actively discriminates between those clergy who share its political viewpoints and those who are indifferent or critical.[16] An example of this was seen when the regular Church-sponsored televising of the Mass was replaced with broadcasts of priests who took a pro-government position.[17]

Of the East coast Indians and Creole natives in Nicaragua, 80 percent are members of the Protestant Moravian Church. The government has repeatedly described the Moravian Church as a center of counter-revolutionary sentiment. As a result, the Sandinistas have reportedly burned more than 50 churches, confiscated church property, harassed Church leaders, and taken other actions to undermine the traditional role of the Church. In addition, government groups had stepped up attacks on Jehovah's Witnesses, Mormons, and Seventh Day Adventists, accusing the sects of having direct links to the United States Central Intelligence Agency.[18]

The anti-semitic curtain that has descended over Nicaragua, and any other place where Sandinista inspired revolutions have spread to, is one of serious repercussions for all Jews. To emphasize, one of the first moves taken by the Sandinista government when it took control was to cut off all diplomatic ties to Israel.[19] Obviously, this is consistent with the Sandinista's stated intention to root "Zionism" out of Central America. In fact, a bloc of Salvadorans based in Washington, D.C. and loyal to the Sandinistas were asked to provide, ". . . a condemnation of the Zionist state of Israel, because of its participation in maintaining the deplorable conditions under which the Peoples of Palestine, El Salvador and South Africa are forced to live." [20] The ideological union between the PLO and the Sandinistas begins to be exposed with this statement of direct antisemitic attitudes towards Israel.

THE PLO, THE SANDINISTAS AND THE SALVADORAN GUERRILLAS

On January 12, 1983, Danield Ortega Saavedra, the Commander of the revolution and a member of the FSLN delivered a speech to a special ministerial meeting of the coordinating bureau of the Non-Aligned Countries on Latin America and the Caribbean. In this speech he labeled Israel's policies towards the Palestinians as being irresponsible and that criminal actions were being taken against "the heroic Palestinian people" by Israel.[21] As the Palestinians were being praised and exhorted by the Sandinistas, the Jewish citizens of Nicaragua were being essentially expelled from their own country. The Nicaraguan Jews blame the loss of their jobs, homes and businesses along with the general persecution on the presence of the PLO.[22]

Late in 1979, 1,000 delegates from Arab and Latin American nations met in Caracas, Venezuela. These delegates formed two organizations. The first is known as the Pan-American Institute of Arab Culture headquartered in Buenos Aires, and the second organization is the Arab-American Information, Publicly, and Communications Center based in Santiago, Chile. One of the basic initiatives of these two organizations is made clear in a communique published by the delegates saying that they would ". . . work for the free self-determination of the Palestinians and their right to a homeland . . . we consider the PLO the legitimate representative of that people . . ." [23] Victor Ananias of Chile, President of the Federation, was quoted in Agence France Presse (October 6, 1979) as stating, "The solution we propose for the Middle East is the disappearance of Israel to make way for a secular, domocratic Palestinian state." [24] Other delegates were asked whether the PLO was a terrorist organization? Their reply was that the PLO armed activity was "legitimate defense." [25]

The PLO's involvement in covert operations with the Sandinistas is not a recent occurrence. Active cooperation between these two revolutionary groups has existed as early as 1969 when Bonito Escobar of the Sandinistas met with three high ranking PLO officials in Mexico City. As a result of this meeting, 50 Sandinistas were sent to training camps at PLO facilities in Tyre, Lebanon. Not only did they accept training, but they fought side-by-side with the PLO against King Hussein of Jordan in 1970. Patrick Arguello Ryan, a Sandinista trained in the Middle East, was Leila Khased's partner in an abortive attack on an El Al airliner just outside of Amsterdam (Ryan was killed in the attack).[26] The ties between the two groups has continued for fifteen years without interruption.

As a result of this relationship, not much attention was given when the PLO announced a grant of $12 million to Nicaragua for economic aid.[27] The PLO also has helped the Sandinistas to gain support from other radical Arab countries such as Mu'ammar Qadhafi's Libya which has given $100 million under an "agricultural appropriation." [28] Qadhafi has in the past aided many other terrorist organizations such as the Montoneros in Argentina and the Revolutionary Coordinating Junta founded in 1974 as the first bridge between Latin America and Cuba. From January 25 to February 1, 1981, Libya sponsored a meeting with the Sandinistas, PLO, Montoneros, the JLR plus two Marxist groups from Chili (the United Popular Action Movement and the Movement of the Revolutionary Left). The stated reason for the meeting was ". . . to draw up a unified plan of struggle against all types of fascism and imperialism in America." [29]

In addition to money, the PLO has been sending massive shipments of armaments to Nicaragua and El Salvador. U.S. News and World Report stated that there had been an interception of a plane load of weapons in Tunis which was sent to the Sandinistas by the PLO.[30] Weapons are always in abundance and training is also being provided for leftist forces in Central America.[31] The PLO Cadres who have infiltrated into Nicaragua and El Salvador are providing this training.[32] Yasser Arafat has himself admitted that Sandinistas had received training in PLO camps.[33] The PLO stated in 1982 that it was fighting alongside of the Sandinista guerrillas. These were actual PLO troops participating in combat in both El Salvador and Nicaragua.[34]

According to the Washington Post of July 12, 1979, there were Sandinista fighters training in PLO camps located in Algiers. The activity of the PLO was best summed up by this statement by Jorge Mandi, FSLN spokesman to the Kuwaiti newspaper Al Watan. He said, ". . . there is a long standing blood unity between us and the Palestinian Revolution. Many of the units belonging to the Sandinista movement were at Palestinian Revolutionary bases in Jordan . . . it is natural that in our war against Somoza we received Palestinian aid for our revolution in various forms." [35] These various forms included PLO pilots sent to Nicaragua and PLO "freedom fighters" sent to El Salvador.[36] Also a plane load of weapons en route to Nicaragua from the PLO labeled as medical supplies, just as the recent Libyan shipment, was intercepted in Brazil.[37] Those are suspected to be just two of many such shipments. In May of 1982, the PLO gave a Boeing 707 jet to Nicaragua presumably for the purpose of transporting arms.[38] In addition, there is a Belgian Air-Charter Service that is wholly owned by the PLO that is used to transport arms to the insurgents in El Salvador, through Nicaragua.[39]

Diplomatic relations between the Sandinistas and the PLO started with a similar ideological base and has expanded to their commitments to overthrow governments that are contrary to their vision. In a letter from a group of Salvadorans based in Washington, D.C. and loyal to the Sandinistas, they stated, ". . . our situation is very much the same as the Palestinian Freedom Fighters." [40] Because of the unity between the FSLN and the PLO, Nicaragua cut off diplmatic relations with Israel and granted diplomatic status to the PLO on July 22, 1980. The office representing the PLO was officially opened in Managua with a staff of 70. The PLO's presence in Managua was accepted warmly as evidenced by the hero's welcome Arafat received when he visited Nicaragua on the first anniversary of the Sandinista takeover.[41] In his speech, Arafat praised the "strategic and militant ties between the Sandinista and Palestinian revolutions." [42]

Tomas Bouge Martinez, the Interior Minister of Nicaragua, stated to Yasser Arafat, "We say to our brother Arafat, that Nicaragua is his land and the PLO cause is the cause of the Sandinistas." In response to this statement of goodwill Arafat replied, "The links between us are not new. Your comrades did not come to our country just to train, but also to fight. Your enemies are our enemies." [43] Of course, the enemies of the PLO are the Jews, particularly those living in Israel. To demonstrate the joint efforts of the PLO and the Sandinistas against Israel, a bomb exploded in the Israeli embassy in San Salvador. The People's Revolutionary Army claimed responsibility and said the bombing was in "solidarity with the Palestinian people." [44]

THE PLO AND MEXICO

In 1975, Mexican President Luis Echeverria met with Yasser Arafat and gave the PLO permission to open an office in Mexico. The succeeding President of Mexico, Lopez Portillo, reluctantly honored his predecessor's commitment, and allowed the opening of a PLO office. However, the office was limited to a staff of one person without diplomatic status. In cooperation with the Association Mexicana de Amistad con el Pueblo Palestino (AMAPP), the PLO office

has used cultural events to spread its message. In addition, the office has recruited exiled leftists and revolutionaries living in Mexico to work for their cause. Examples of the PLO activities in Mexico include anti-Israeli advertisements, publications, and demonstrations attacking "Zionism as Racism."

THE PLO AND COSTA RICA

On May 8, 1982, President Luis Alberto Monge announced an extensive policy of internal security in order to combat the increasing terrorist activity in Costa Rica. In his speech he specifically expressed concern about the PLO and Libyan threat. The national Security Agency (ASN) of Costa Rica confirmed that Libya has been training young Costa Ricans as terrorists. The ASN has also linked Libya to the secret terrorist training camps operating in Costa Rica.

Many citizens of Costa Rica were alarmed with former President Rodrigo Carazo Odio's embrace of the Arab cause. It was reported that the Arabs had offered financial assistance to the President's pet project, The University of Peace, in exchange for permission to open a PLO office. Ambassador Yamuni of Costa Rica increased the controversy when he announced to reporters that the government had officially recognized the PLO. However, Foreign Minister Bernard Neihaus quickly denied the statement with good reason since Costa Rica has been struggling with high oil prices and terrorist activity.

THE PLO AND PANAMA

The Panamanian-Arab League of Solidarity with the Palestinian People and the PLO (LIGASOPOLP) have been working to gain support among the people of Panama. Carlos Perez Herrera, cousin of the late General Omar Torrijos, was the first Secretary General of LIGASOPOLP. Torrijos was a commander of the Panamanian National Guard and the eminence gris of Panamanian politics. After the death of Torrijos in 1981, there has been a decrease in governmental support for the PLO. However, PLO activity and propaganda directed against the Panamanian Jewish community has been disruptive. LIGASOPOLP will continue to function in Panama with Libya as its main financial sponsor. The Panamanian government has kept its promise to prevent the opening of an official PLO office, and there are no indications that they will break this promise.

CONCLUSION

PLO activity in Central America has been increasing, and there are no indications that their involvement will diminish. In 1981, Yasser Arafat, expressing the commitment of the PLO in that region of the world, stated:

"We are a great revolution that can never be intimidated. We have connections with all the revolutionary movements throughout the world, in El Salvador, in Nicaragua—and I reiterate Salvador—and elsewhere in the world." [45]

"The way to Jerusalem leads through Managua," was more than just an empty statement made by Yasser Arafat on July 27, 1980. Arafat clearly intends to have Nicaraguan and Salvadoran support in his effort to destroy Israel and establish a Marxist regime.

The PLO, combined with the Soviet and Cuban presence, poses a serious threat to the security of the vulnerable Central American governments. The U.S. must take into consideration the Soviet-Cuban-PLO dimension, along with the PLO threat to the Jewish community, in order to have an effective American policy which protects our interests as well as Central American democracies and religious freedom.

FOOTNOTES

[1] Aleksandr Solzhenitsyn, "Men Have Forgotten God," *National Review*, July 22, 1983, p. 874.
[2] Belden Bell, "The PLO is at Work Subverting Latin America," *Human Events*, November 25, 1978, p. 990.
[3] Rabbi Morton M. Rosenthal, *ADL International Report: PLO Activities in Latin America*, New York, May 1982, p. 3.
[4] *Ibid.*, p. 3.
[5] *Op. cit., Human Rights: Nicaragua's Human Rights Record*, p. 33.
[6] B'nai B'rith, 1983.
[7] *Op. cit., Human Rights: Nicaragua's Human Rights Record*, p. 32.
[8] *Ibid.*, p. 32.
[9] Richard Araujo, "The Sandinista War on Human Rights," *Backgrounder*, The Heritage Foundation, Washington, D.C., July 19, 1983, p. 5.
[10] *Ibid.*, p. 5.
[11] *Op. cit., Human Rights: Nicaragua's Human Rights Record*, p. 26.
[12] Humberto Belli, "Heckling the Pope in Sandinista-Land," *The Washington Times*, April 6, 1983, p. 1C.
[13] *Op. cit., Human Rights: Nicaragua's Human Rights Record*, p. 28.
[14] *Ibid.*, p. 28.
[15] Patrick J. Buchanan, "Jesus—the First Sandinista, *The Washington Inquirer*, June 10, 1983, Vol. III, No. 23, p. 7.
[16] *Op. cit., Human Rights: Nicaragua's Human Rights Record*, p. 25.
[17] Max Singer, *Nicaragua: The Stolen Revolution*, Publication of the United States Information Agency, 1982.
[18] *Ibid.*, p. 32.
[19] *The Jerusalem Post*, "Unholy Alliance," August 14, 1981.
[20] The bloc of Salvadorans in solidarity with the Revolutionary Popular Bloc, Washington, D.C.
[21] Speech by Daniel Ortega Saavedra at the ceremony inaugurating the 5th Special Ministerial meeting of the coordinating bureau of the movement of Non-Aligned Countries in Latin America and the Caribbean, January 12, 1983.
[22] Rabbi Morton M. Rosenthal, Anti-Defamation League of B'nai B'rith, March 1983.
[23] Jacob Koradloff, "Latin America: The Arab Connection," The American Jewish Committee, 1979.
[24] *Agence France Presse*, March 1982.
[25] *Ibid.*
[26] *U.S. News and World Report*, September 1, 1980.
[27] *London Daily Telegraph*, December 2, 1981.
[28] *Op. cit., ADL International Report: PLO Activities in Latin America*, pp. 8–9.
[29] "Unholy Alliance," *The Jerusalem Post*, August 14, 1981.
[30] *U.S. News and World Report*, September 1, 1980.
[31] Rabbi Morton M. Rosenthal, *ADL International Report*, May 1982.
[32] "Communist Interference in El Salvador," U.S. Department of State, February 23, 1981.
[33] *Ibid.*
[34] *Op. cit., ADL International Report*, May 1982, p. 9.
[36] *Associated Press*, Foreign Briefs, December 13, 1979.
[37] *Al Watan*, (Kuwaiti Newspaper), June 7, 1979.
[38] *News from World Jewish Congress*, May 17, 1982.
[39] *Congressional Record*, Honorable Larry McDonald of Georgia, January 27, 1982.
[40] The Bloc of Salvadorans.
[41] *U.S. News and World Report*, September 1, 1980.
[42] *Report—The PLO and International Terror*, Israeli Defense Force paper, March 1981.
[43] *Ibid.*
[44] *Associated Press*, Foreign Briefs, December 13, 1979.
[45] "The PLO in Central America," *White House Digest*, White House Office of Media Relations and Planning, July 20, 1983, p. 8 quoted from Associated Press, April 14, 1981.

With the preceding in mind: Do we really think that the Soviets want Nicaragua? Do we really believe the Soviets care about conquering El Salvador or Guatemala and so forth?

I would suggest rather, that they care more about Mexico. They are interested in the oil reserves in Mexico and, yes, the 1,800 mile common border with the United States in an obvious attempt to destabilize the United States economically, socially, and militarily. The incredible comment made by Soviet leader Andropov that they would consider deploying cruise missiles in Central America if we deployed cruise missiles in Europe is substantiation of the fact that the Soviets are using Central America, not solely for a revolution in Central America, but, rather, as a vantage point and a bastion for the export of revolution inevitably to destabilize the United States.

And may I quote a Soviet adviser in Managua. The quote is rather interesting, and I want to reinforce that the words themselves may be rather amazing although the most interesting point is the arrogant attitude behind this Soviet military adviser in Managua, Nicaragua. This comes from a free-lance reporter then working for ABC television. The Soviets said the following:

U.S. infuence did not work in Poland, Afghanistan, or the Middle East. You have not got the capabilities to stop us in Central America, and we will be at the borders of Arizona in 18 months because the American people do not want to commit anything to assist Central America.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield for one question?

Mr. SILJANDER. Do I believe the Soviets will be at the borders of Arizona in 18 months? No; I do not. The point is the arrogance of the Soviet Union.

So our goal is not—and I repeat—our goal is not to overthrow the Government of Nicaragua, but, rather, to force them to comply and stop exporting revolution throughout the Central American region.

Mr. ALEXANDER. Mr. Chairman, I have one question. Will the gentleman yield for one question?

Mr. SILJANDER. I yield.

The CHAIRMAN. The time is controlled by the gentleman from California (Mr. HUNTER).

Mr. ALEXANDER. Mr. Chairman, I ask that the gentleman be given 1 additional minute to respond.

The CHAIRMAN. The gentleman has time. The gentleman from California (Mr. HUNTER) controls the time.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, I would like to ask a question of the gentleman because I think it is relevant to this debate. I know that every-

one has heard it before, but I think it is important at this time.

If this threat of revolution to which the gentleman refers is so imminent, then why is it that virtually every Latin American country, with the exception of Honduras and with the exception of Costa Rica, is urging us to change our policy?

In fact, the Latin American countries, through the Contadora leadership, are deploring our action in Central America, and they are saying,

Please stop this crazy policy because it is inflammatory and it is compounding the problem, which is social, which is economic, which is political, and you are making it a military problem.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, the gentleman left out a couple of countries. The frontline countries that are on the firing line agree with us—Costa Rica and Honduras. The gentleman mentioned those, but he left out El Salvador and Guatemala. They are also with us.

Now, as to Mexico, if they were ever with us, I would faint. The gentleman knows that. The rest of South America is angry at us for the Malvinas, and the gentleman knows that. So we should not just take a poll, because sometimes if we ask them privately—and the gentleman knows this—we get a different answer. So counting noses does not help us in this discussion.

The CHAIRMAN. For what purpose does the gentleman from Massachusetts (Mr. BOLAND) rise?

Mr. BOLAND. Mr. Chairman, I ask unanimous consent that the bill, except as to section 108, be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the remainder of the bill, except for section 108, comprising titles II, III, and IV, is as follows:

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1984 the sum of $19,100,000.

AUTHORIZATION OF PERSONNEL END-STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized two hundred and fifteen full-time personnel as of September 30, 1984. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1984, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1984, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During fiscal year 1984, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403n) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1984 the sum of $86,300,000.

TITLE IV—ADMINISTRATIVE PROVISIONS RELATED TO THE CENTRAL INTELLIGENCE AGENCY AND THE INTELLIGENCE COMMUNITY STAFF

ELIGIBILITY FOR APPOINTMENT TO CERTAIN CENTRAL INTELLIGENCE AGENCY POSITIONS

SEC. 401. Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended by striking the last "and" in subsection (d), by striking the period at the end of subsection (e) and substituting in lieu thereof "; and", and by adding at the end thereof the following new subsection:

"(f) Determine and fix the minimum and maximum limits of age within which an original appointment may be made to an operation position within the Agency, notwithstanding the provision of any other law, in accordance with such criteria as the Director, in his discretion, may prescribe.".

ELIGIBILITY FOR INCENTIVE AWARDS

SEC. 402. (a) The Director of Central Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency or to the Intelligence Community Staff, in the same manner as such authority may be exercised with respect to the personnel of the Central Intelligence Agency and the Intelligence Community Staff.

(b) The authority granted by subsection (a) of this section may be exercised with respect to Federal employees or members of the Armed Forces detailed or assigned to the Central Intelligence Agency or to the Intelligence Community Staff subsequent to five years preceding the date of enactment of this section.

TITLE V—GENERAL PROVISIONS

RESTRICTION OF CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 501. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 502. Appropriations authorized by this Act of salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

Mr. BOLAND. Mr. Chairman, I have an amendment at the desk, but pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 402]

Addabbo	Crane, Philip	Hansen (UT)
Akaka	Daniel	Harkin
Albosta	Dannemeyer	Harrison
Alexander	Daschle	Hartnett
Anderson	Daub	Hatcher
Andrews (NC)	Davis	Hawkins
Andrews (TX)	de la Garza	Hayes
Annunzio	Derrick	Hefner
Anthony	DeWine	Heftel
Archer	Dicks	Hertel
AuCoin	Donnelly	Hiler
Badham	Dorgan	Hillis
Barnard	Dowdy	Holt
Barnes	Downey	Hopkins
Bartlett	Dreier	Horton
Bateman	Duncan	Howard
Bates	Durbin	Hoyer
Bedell	Dwyer	Hubbard
Beilenson	Dyson	Huckaby
Bennett	Early	Hughes
Bereuter	Eckart	Hunter
Berman	Edgar	Hutto
Bethune	Edwards (AL)	Hyde
Biaggi	Edwards (CA)	Ireland
Bilirakis	Edwards (OK)	Jacobs
Bliley	Emerson	Jeffords
Boehlert	English	Jenkins
Boggs	Erdreich	Johnson
Boland	Erlenborn	Jones (NC)
Boner	Evans (IA)	Jones (OK)
Bonior	Evans (IL)	Jones (TN)
Bonker	Fascell	Kaptur
Borski	Fazio	Kasich
Bosco	Feighan	Kastenmeier
Boucher	Ferraro	Kazen
Boxer	Fiedler	Kemp
Breaux	Fields	Kennelly
Britt	Fish	Kildee
Brooks	Flippo	Kindness
Broomfield	Florio	Kogovsek
Brown (CA)	Foglietta	Kolter
Brown (CO)	Forsythe	Kostmayer
Broyhill	Fowler	Kramer
Burton (CA)	Frank	LaFalce
Burton (IN)	Franklin	Lagomarsino
Byron	Frenzel	Lantos
Campbell	Fuqua	Latta
Carney	Garcia	Leach
Carper	Gaydos	Leath
Carr	Gejdenson	Lehman (FL)
Chandler	Gekas	Lent
Chappell	Gephardt	Levin
Chappie	Gibbons	Levine
Cheney	Gilman	Levitas
Clarke	Gingrich	Lewis (CA)
Clinger	Glickman	Lewis (FL)
Coats	Gonzalez	Lipinski
Coelho	Gore	Livingston
Coleman (MO)	Gradison	Lloyd
Coleman (TX)	Gramm	Loeffler
Conable	Green	Long (LA)
Conte	Gregg	Long (MD)
Cooper	Guarini	Lott
Corcoran	Gunderson	Lowery (CA)
Coughlin	Hall (IN)	Lowry (WA)
Courter	Hall (OH)	Lujan
Coyne	Hall, Sam	Luken
Craig	Hamilton	Lundine
Crane, Daniel	Hammerschmidt	Lungren

Mack	Pease	Solarz
Madigan	Penny	Solomon
Marlenee	Perkins	Spence
Marriott	Petri	Spratt
Martin (IL)	Pickle	St Germain
Martin (NC)	Porter	Staggers
Martin (NY)	Price	Stangeland
Martinez	Pursell	Stenholm
Matsui	Quillen	Stokes
Mavroules	Rahall	Stratton
Mazzoli	Ratchford	Studds
McCain	Ray	Stump
McCandless	Regula	Synar
McCloskey	Reid	Tallon
McCollum	Richardson	Tauke
McCurdy	Ridge	Tauzin
McDade	Rinaldo	Taylor
McEwen	Ritter	Thomas (CA)
McGrath	Roberts	Thomas (GA)
McHugh	Robinson	Torres
McKernan	Roe	Torricelli
McNulty	Roemer	Towns
Mica	Rogers	Traxler
Michel	Rose	Valentine
Mikulski	Roth	Vander Jagt
Miller (CA)	Roukema	Vandergriff
Miller (OH)	Rowland	Vento
Mineta	Roybal	Volkmer
Minish	Rudd	Vucanovich
Moakley	Russo	Walgren
Molinari	Sabo	Walker
Mollohan	Savage	Watkins
Montgomery	Sawyer	Waxman
Moody	Schaefer	Weaver
Moore	Schneider	Weber
Moorhead	Schroeder	Weiss
Morrison (CT)	Schulze	Wheat
Morrison (WA)	Schumer	Whitehurst
Mrazek	Seiberling	Whitley
Murphy	Sensenbrenner	Whittaker
Murtha	Shannon	Whitten
Myers	Sharp	Williams (MT)
Natcher	Shaw	Williams (OH)
Neal	Shelby	Wilson
Nelson	Shumway	Winn
Nichols	Sikorski	Wirth
Nielson	Siljander	Wise
Nowak	Simon	Wolf
O'Brien	Sisisky	Wolpe
Oakar	Skeen	Wortley
Obey	Skelton	Wright
Olin	Slattery	Wyden
Ortiz	Smith (FL)	Wylie
Oxley	Smith (IA)	Yates
Packard	Smith (NE)	Yatron
Panetta	Smith (NJ)	Young (FL)
Parris	Smith, Denny	Young (MO)
Pashayan	Smith, Robert	Zablocki
Patman	Snowe	Zschau
Patterson	Snyder	

□ 1350

The CHAIRMAN. Three hundred eighty-six Members have answered to their names, a quorum is present, and the Committee will resume its business.

The Clerk will designate section 108.

The text of section 108 is as follows:

PROHIBITION OF COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA

SEC. 108. None of the funds authorized to be appropriated by this Act may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual. Any funds requested for such purpose or which would have such effect are hereby deleted.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the amendment printed in the RECORD?

Mr. BOLAND. The amendment is printed in the RECORD, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: On page 5, strike out everything that follows line 19 through line 3 on page 6 and insert in lieu thereof the following:

"PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA; AUTHORIZATION OF OVERT INTERDICTION ASSISTANCE

"SEC. 108. The Intelligence Authorization Act for Fiscal Year 1983 is amended by adding at the end thereof the following new title:

"TITLE VIII—PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA; AUTHORIZATION OF OVERT INTERDICTION ASSISTANCE

"PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA

"SEC. 801. (a) None of the funds appropriated for fiscal year 1983 or 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

"(b) This section shall take effect upon the date prescribed in the classified annex to the report of the Permanent Select Committee on Intelligence of the House of Representatives to accompany the bill H.R. 2760 (98th Congress).

"AUTHORIZATION OF OVERT INTERDICTION ASSISTANCE

"SEC. 802. (a) The Congress finds that—

"(1) in the absence of a state of declared war, the provision of military equipment to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America violates international treaty obligations, including the Charter of the United Nations, the Charter of the Organization of American States, and the Rio Treaty of 1949; and

"(2) such activities by the Governments of Cuba and Nicaragua threaten the independence of El Salvador and threaten to destabilize the entire Central American region, and the Governments of Cuba and Nicaragua refuse to cease those activities.

"(b) The President is authorized to furnish assistance, on such terms and conditions as he may determine, to the government of any friendly country in Central America in order to provide such country with the ability to prevent use of its territory, or to prevent to the extent permitted by international law the use of international territory, for the transfer of military equipment from or through Cuba or Nicaragua or any other country or agents of that country to any individual, group, organization, or movement which the President determines seeks to overthrow the government of such friendly country or the government of any other country in Central America. Assistance under this section shall be provided openly, and shall not be provided in a manner which attempts to conceal United States involvement in the provision of such assistance.

"(c) Assistance may be provided to a friendly foreign country under this section only if that country has agreed that it will not use any assistance by the United States under this section, the Foreign Assistance Act of 1961, or the Arms Export Control Act to destabilize or overthrow the government of any country in Central America and will not make any such assistance available to any nation, individual, group, organization, or movement which seeks to destabilize or overthrow any such government.

"(d) At least 15 days before providing assistance to a foreign country under this section, the President shall submit an unclassified report which described the proposed assistance to the Speaker of the House of Representatives and to the chairman of the appropriate committees of the Senate.

"(e) There is authorized to be appropriated to the President to carry out this section $30,000,000 for the fiscal year 1983 and $50,000,000 for the fiscal year 1984.

"(f) Funds to carry out this section shall be made available for any friendly country in Central America only for the purpose of interdicting the transfer of military equipment to any country in Central America.".

SEC. 2. (a) The Congress finds that—

(1) the Government of National Reconstruction of Nicaragua has failed to keep solemn promises, made to the Organization of American States in July 1979, to establish full respect for human rights and political liberties, hold early elections, preserve a private sector, permit political pluralism, and pursue a foreign policy of nonaggression and nonintervention;

(2) by providing military support (including arms, training, and logistical, command and control, and communications facilities) to groups seeking to overthrow the Government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated article 18 of the Charter of the Organization of American States which declares that no state has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other state;

(3) the Government of Nicaragua should be held accountable before the Organization of American States for activities violative of promises made to the Organization and for violations of the Charter of that Organization; and

(4) working through the Organization of American States is the proper and the most effective means of dealing with threats to the peace in Central America, of providing for common action in the event of aggression, and of providing the mechanisms for peaceful resolution of disputes among the countries of Central America.

(b) The President shall seek a prompt reconvening of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States for the purpose of reevaluating the compliance by the Government of National Reconstruction of Nicaragua—

(1) with the commitments made by the leaders of that Government in July 1979 to the Organization of American States; and

(2) with the Charter of the Organization of American States.

(c) The President shall vigorously seek prompt actions by the Organization of American States that would provide for a full range of effective measures by the member states to bring about compliance by the Government of National Reconstruction of Nicaragua with those obligations, including verifiable agreements to halt the transfer of military equipment and to cease furnishing of military support facilities to groups seeking the violent overthrow of governments of countries in Central America.

(d) The President shall use all diplomatic means at his disposal to encourage the Organization of American States to seek resolution of the conflicts in Central America based on the provisions of the Final Act of the San Jose Conference of October 1982, especially principles (d), (e), and (g), relating to nonintervention in the internal affairs of other countries, denying support for terrorist and subversive elements in other states, and international supervision of fully verifiable arrangements.

(e) The United States shall support measures at the Organization of American States, as well as efforts of the Contadora Group, which seek to end support for terrorist, subversive, or other activities aimed at the violent overthrow of the governments of countries in Central America. Funds authorized to be appropriated by this Act may be used to provide United States support for activities with respect to Nicaragua which are designed to end the conflict in the region and which are approved by the Organization of American States, including international surveillance and supervision activities, peacekeeping forces, border patrols, and election supervisors.

(f) Not later than March 15, 1984, the President shall report to the Congress on the results of his efforts pursuant to this Act to achieve peace in Central America and to end the flow of arms to Central America. Such report may include such recommendations as the President may consider appropriate for further United States actions to achieve these objectives, including requests for the authorization and appropriation of additional funds to carry out the purposes of this Act."

Mr. BOLAND (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts (Mr. BOLAND) will be recognized for 15 minutes and a Member opposed thereto will be recognized for 15 minutes.

The Chair now recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, time is short and this issue is not a simple one. There is no easy solution. Further, no one party, no one Member has a monopoly on concern for the guarantees of democracy and security for Central America.

Nonetheless, the House has already exhaustively debated the secret war in Nicaragua. It has considered several approaches and settled on one which emphasizes open assistance to our friends and open opposition to—but not armed attack against—the Sandinista government in Nicaragua.

The House has spoken—but the matter has gone no further. The only way to insure that the House position on the war in Nicaragua even gets to conference with the Senate is to amend this bill with the same language which passed the House on July 28. The only way to insure some accommodation from the President in this issue is to reaffirm what the House has already done.

That is what my amendment does. It substitutes the complete text of H.R. 2760, the Boland-Zablocki-Wright bill, as it passed the House, for section 108 of the bill before us.

Section 108 prohibits the expenditure of funds for the secret war in Nicaragua. The Boland-Zablocki-Wright language also cuts off funding—but only after U.S.-backed insurgents have had a chance to withdraw if they wish.

The Boland-Zablocki-Wright amendment also provides $50 million to friendly Central American countries in fiscal year 1984. They may use it to interdict Nicaraguan or Cuban arms shipments across their borders. It also may be used to support OAS peacekeeping or treaty monitoring forces provided for under a Central American peace agreement.

Finally, the Boland-Zablocki-Wright amendment expresses the sense of the Congress that Nicaragua has violated international law and promises made to the OAS. That the United States should promptly seek OAS action to address these actions, and that the United States should support the OAS and the Contadora nations in measures which seek an end to terrorism and subversion in Central America.

Mr. Chairman, the legal restriction against overthrowing the Government of Nicaragua or provoking a military exchange between Honduras and Nicaragua has expired. There is no current restriction on the conduct of the secret war in Nicaragua. Administration witnesses have indicated to the Intelligence Committee that they oppose any.

One reason for this is the nature of the war. It has broadened to include air and sea attacks on major economic targets. There are increased tensions between Nicaragua and both Honduras and Costa Rica. Nicaragua has threatened to add warplanes to its already formidable arsenal and has imposed conscription on its populace. Given such escalation, is it any wonder that the administration doubts its ability to live within any meaningful bounds.

Another reason for the administration's position is the policy under which the secret war is now conducted. The administration has made clear that the war will continue until it can be verified that the Sandinistas are not supporting any Central American insurgency and have made a commitment to give amnesty to U.S. supplied insurgents and democratic freedoms to all Nicaraguans. Those are fine sounding goals, but they guarantee either the virtual overthrow of the Sandinistas, to whom such conditions would mean political suicide, or a war that will go on indefinitely. In any event, the administration is offering no guarantees.

Mr. Chairman, Central America is in dire turmoil. A solution is called for. But it must be essentially a Central American solution—not one dictated by the United States. The Contadora process has not been advanced by the fighting in Nicaragua. As in the past, the war continues to harden Sandinista policies. Certainly, it has served to increase Soviet arms shipments and increase Cuban influence. Certainly, political freedoms have been further curtailed.

No Member of this House should vote to continue a war that contradicts basic American principles, and certainly not for a war that is counterproductive to U.S. interests. Yet, every recent development that this Member sees appears to lock the United States into just such a commitment. This House should repeat its insistence that the United States reaffirm its commitment to peace by substituting security assistance for subversion, and diplomatic pressure for guns and bombs.

War will not solve the economic, political, and social problems of Central America—whether it is the war in El Salvador which is fueled by Nicaragua, or the war the United States is waging in Nicaragua. And make no mistake about it, that is exactly what the United States is doing.

We must have a political solution.

We must insist on meaningful negotiations.

We must regain the support of world opinion.

Therefore, we must stop waging war.

I urge you to vote as you did in July and support this amendment.

□ 1400

The CHAIRMAN. Does the gentleman from Virginia (Mr. ROBINSON) rise in opposition to the amendment?

Mr. ROBINSON. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia (Mr. ROBINSON) is recognized for 15 minutes.

Mr. ROBINSON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the provisions of H.R. 2760 as they now appear in our intelligence authorizing bill have been fully and completely debated by this body before and I will simply try to tick off the points as to what the bill does and what the bill does not do in terms of responding to the situation that we face in Central America at the present time.

The bill does unilaterally restrict U.S. conduct without regard to Nicaraguan behavior in Central America. Is that good?

The bill authorizes an overt interdiction fund which has not been requested by our friends or allies in Central America. Does that make sense?

It makes it more difficult to negotiate a verifiable, peaceful resolution of the conflicts in Central America. That certainly is not in our favor.

It does provide a type of sanctuary for Nicaraguan/Cuban-based guerrillas that can then strike out with impunity against their neighbors without fear of retaliation behind their own borders. And it does deprive the United States of an important tool to thwart Nicaraguan/Cuban-based insurgency in Central America.

Finally, in terms of what it does, it does most certainly provide undue rigidity in the face of the everchanging circumstances in Central America at the present time.

What does the bill not do? It does not deter in any way the massive buildup of arms in Nicaragua. It does not even ask Nicaragua to cease the export of arms and revolution to other Central American countries.

It does not halt Nicaraguan efforts to overthrow the Government of El Salvador or the other neighboring countries in that part of the world, and it certainly does nothing to protect any of our friends in Central America against the Nicaraguan/Cuban-based insurgencies in their countries.

I think we should have very deep concerns as to whether or not the other governments in the Central American region would be willing to work with us in any overt program to reduce the flow of external support to the Salvadoran guerrillas; even if we wanted to go that route, and pay the bill which will be huge, which is monstrous as compared to the amount of money that we will be putting into the program that is presently in place.

And we wonder what would be the thoughts of our friends, of the Hondurans and the Costa Ricans if we decide to prevent further aid to the anti-Sandinistas and the paramilitary groups that are now functioning in that country, because it will certainly make it much more difficult for the Contadora group to negotiate any kind of a verifiable, peaceful resolution to the conflicts in Central America.

As I said earlier, it does nothing to cease Nicaragua's export of arms and revolution to the other American countries, nor does it halt Nicaraguan efforts to overthrow the Government of El Salvador.

It completely destroys the credibility of this country in that part of the world. It will cause a total collapse of the effort to have the required pressure to bear to have the Nicaraguans look inward in order to tend to their own affairs rather than promoting revolution in the other countries in that part of the world. Certainly it will mean that the other countries there such as Costa Rica, without an army of its own, will withdraw to a degree that we will not then have the coordination and combination of interests that are presently represented by the Contadora group and by the Organization of American States.

I urgently request my colleagues that we reject the Boland-Zablocki language in this intelligence authorizing bill and that we then adopt a motion to recommit that will provide us with the proper options that are so necessary at this time in that part of the world.

Mr. BOLAND. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. HAMILTON).

□ 1410

Mr. HAMILTON. I thank the Chairman.

Mr. Chairman, I rise in support of the amendment offered by the chairman which, of course, is identical to the bill passed by the House in July.

I think the most significant developments that have occurred since we met in July are two: One, we have a new finding submitted by the administration which considerably expands the purposes of that operation; and, two, the war in fact has expanded.

The covert war continues and it has expanded. We now see a new strategy. That strategy is to target economic targets like electrical plants and storage facilities, and fighting in the cities. We see bombing runs on the Managua Airport; we see seaborne assaults on fuel tanks in the Port of Corinto; we read that Nicaragua threatens Honduras and Honduras threatens Nicaragua.

The case against the U.S. sponsorship of the covert war is stronger now than it was in July, and there are today, as there were then, two principal arguments against this covert war.

The first one is that it simply has not worked. The covert action has not achieved any of its objectives. It has not stopped the flow of arms; it has not lessened Nicaragua's support for Salvador; it has not forced any changes in the Nicaraguan policies; it has not turned the government inward.

Indeed, the Assistant Secretary of State, Mr. Motley, said that support for the Sandinista governments, may even be counterproductive, and that is exactly the argument that we have been making.

Second, the covert war has not brought the Sandinistas to the bargaining table. What has it done? It has driven the Nicaraguans ever more deeply into the arms of the Cubans and the Soviets. It strengthened the Sandinistas' resolve. It has strengthened their support within their country. It has given them a pretext for internal repression. It has increased the risk of a full-scale attack by Nicaragua against its neighbors and its neighbors against Nicaragua. It has raised the level of violence throughout the region. It threatens further escalation. It has continued the long history of American military intervention in South America, 60 interventions in 150 years, by which we win the battles and lose the people.

The second basic argument that is made is that this action is not in the national interest of the United States.

Those arguments are familiar to Members of this Chamber. The covert action is against the law. The OAS Charter says very clearly no State or group of States has the right to intervene directly or indirectly for any reason whatever in the internal or external affairs of other States.

This covert action clearly has brought about wider violence in the area. The covert war has already produced increased fighting in Nicaragua and the war has already widened.

The covert war has not brought about negotiations. The talk of the 21 points is misleading. The fact is that despite all of the pressure from 2 years of this covert war and an escalated war at that, negotiations are not underway and they are not in prospect.

The United States cannot consistently support Contadora and also support Contras. It cannot point to Contadora as a sign that the war is successful while pursuing goals and methods that are contradictory to those of Contadora.

This covert war holds us up to ridicule. The United States is doing, and all the world knows we are doing that which we deny that we are doing. And the covert war is simply inconsistent with our national character.

Mr. ROBINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. WHITEHURST).

Mr. WHITEHURST. Mr. Chairman, what we are presented with this afternoon very simply is a choice: It is a choice to continue our present course, or abandon it. Think about this for a moment now, there are no American lives at stake in the course we are on now. The cost is minimal. We are getting results.

I call attention to a letter sent by the Secretary of State to the Speaker of this House just 2 days ago. One sentence from it says: "In my judgment such an action," as we are contemplating here right now, "would virtually destroy the prospect that Nicaragua may agree to reciprocal and verifiable agreements to end assistance to all guerrilla forces operating in the region."

Now the other choice is to accept the proposal that has been put forward by the chairman of the Commit-

tee on Intelligence and the Committee on Foreign Affairs.

They have told you that they are going to authorize $50 million in fiscal year 1984 to interdict arms. That is not a downpayment; it is hardly a downpayment on a downpayment. It is the first installment in what is going to be a collossal bill for this Government and the end result will be a failure. The initial cost to put a fence up, even to begin to try to interdict arms, will be $300 million and there will be tens of millions of dollars thereafter.

Worse, it will require the presence of American military forces in the region. They are the ones who are going to man this system. If this comes to pass, you can be certain that what is happening in Lebanon will seem like child's play compared to what is going to happen in Central America.

Mr. Chairman, I urge defeat of this proposal.

Mr. BOLAND. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. FOWLER).

Mr. FOWLER. Mr. Chairman, the majority of the House Committee on Intelligence supports a strong Central Intelligence Agency. One of these days you will learn how much our chairman, the gentleman from Massachusetts (Mr. BOLAND), over the last 7 years has done to insure that we have a crackerjack intelligence operation second to none, which is our finest and strongest form of national security.

None of us oppose covert aid in its proper place; none of us oppose covert activity when essential to our national security.

What we oppose is this specific paramilitary activity, unilaterally conducted by the United States of America despite the advice and pleading of many of our allies throughout the region. We seek to stop because it has not worked, as the gentleman from Indiana just documented, and because we cannot foresee how a military solution is possible, even if it was desirable.

Unlike Angola, where the Portuguese went away, if we overthrew the Sandinistas, they will not leave. They are Nicaraguans.

The 30,000 Sandinistas would go back into the hills and conduct a guerrilla war for another 10 years like they did for the 10 years before they overthrew the Somoza government.

The only path to a possible solution is one involving negotiation. The only possible road to regional stability and peace is to call the bluff of the Sandinistas, to accept bilateral negotiations, to put to the test our great Nation in how it deals with a small nation—even one whose Marxist government is abhorrent to the fabric of all we stand for in this country. We shall always retain our military options.

Meantime, the passage of this amendment would state to all that the United States supports the Contadora initiative in deed as well as word. Equally important it would indicate that our country rejects unlateralism and that we choose to work within the framework of our treaties and the framework established by the Latin Americans themselves for addressing our region's problems.

Mr. ROBINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I would like to reiterate what I said earlier. First of all, I strongly believe that the only reason Nicaragua is participating at all in the Contadora process is because of the pressure that has been put on them through our covert activity. I am not a strong supporter of covert activity, but I do believe that that is the only reason they are participating.

And to the gentleman who recently spoke and said that they are not really participating at the present time and the process is not going forward, I have a feeling the reason the process is not going forth at the present time is simply because they realize what we are doing in the Congress of the United States.

□ 1420

And if they just sit long enough and drag their feet long enough, we will do the job for them. They will not even have to do it themselves.

And second, a point that I made earlier that really concerns me. It is one thing to talk about overt activity, but when you start thinking about what that is all about, I think you have to believe that it is participation of America, it is participation of American GI's, it is participation of American lives. And I think that we cannot go in that direction just because it may soothe our conscience to say that we are doing something, because I think that something will broaden that war and will greatly involve us.

So, again, I would hope we would not try to be Secretaries of State. I would hope that we would not try to be experts in that area simply because we visited a couple of times, but we would somehow give enough time to allow this operation to bring about the Contadora process and in return have peace and prosperity, hopefully down the line, in that area.

Mr. ROBINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, from the outset of debate on this difficult issue, a number of us on both sides of the aisle have been troubled by proposals that called for the United States to unilaterally terminate its support for activities against Nicaragua. Such approaches have the effect of eliminating any incentive for Nicaragua to curtail its support for Communist insurgencies that are subverting neighboring nations, such as El Salvador, or to enter into good faith negotiations.

Efforts to bring about a peaceful settlement to the strife in Central America appear to have more momentum than ever before, and I believe that is the direct result of the pressure being brought to bear on the Sandinistas by the armed Nicaraguan resistance forces. In short, to undercut the President's policy at such a critical juncture would say to the Sandinistas, in effect, go ahead—there will be no more cost to you for supporting guerrilla insurrection. It would also say, there is no reason now for you to listen to our concerns. The implication of that kind of message could be disastrous in its timing. It would be a classic case of American indecisiveness, of jerking the rug from underneath our friends just when a show of resolve promised to bear fruit. It would be a classic case, moreover, of American shortsightedness that could ultimately imperil Honduras, Guatemala, Mexico, and Panama.

If this amendment should prevail, it is my understanding that this will preclude consideration and debate of the Robinson amendment which we thought had been provided for in the rule. This is no time for partisan politics, given the importance of the issue.

Foregoing consideration of the Robinson amendment denies this House the opportunity to vote for an amendment that deals with the current reality in Central American, not Central America as we would like it to be, but as it really is.

In sum, Mr. Chairman, this Congress should not strip the President of an essential foreign policy tool which is becoming increasingly effective and is causing the Sandinistas to realize finally that they should keep their revolution at home. Passage of the Boland amendment before us would savage the President's Central American policy and I urge my colleagues to join me in opposing it.

Mr. ROBINSON. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ZSCHAU).

Mr. ZSCHAU. Mr. Chairman, before we vote on this amendment, I believe we should all understand exactly what it does.

In listening to the debate, one might conclude that if you favor cutting off the covert aid to the Contras in Nicaragua, you should vote for this amendment.

But this amendment does not cut off covert aid to the Contras in Nicaragua. Such a cutoff already is in the bill that is before us.

If this amendment is defeated, the covert program in Nicaragua would be terminated.

Instead, the effect of this amendment relative to the current provi-

sions, the bill is to initiate a new $50 million extravaganza that would be both ineffective and dangerous.

If you want to widen the conflict in Central America and possibly involve more U.S. personnel in that conflict, you should vote for this amendment. But if you want to stop the covert program in Nicaragua, without that excess baggage and not widen the conflict, you should vote against this amendment.

Mr. ROBINSON. Mr. Chairman, I yield my remaining time to the gentleman from Illinois (Mr. HYDE).

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) is recognized for 3 minutes.

Mr. HYDE. Mr. Chairman, the projection of Soviet power in this hemisphere is deadly serious. Now I listened to my friend from Massachustts, the chairman, say that the United States is waging war in Central America.

I suggest the Cuban-Soviet axis has selected the theater and has selected the level of the conflict. And when an adversary shoots at you or your allies, you must respond and respond effectively or you lose. Freedom loses and the Gulag wins.

How do you get a revolutionary, Messianic, antistatus quo power to negotiate? Certainly the only way is pressure, pressure. And you take away the only pressure we have down there except the striped pants, the bowler hat, a tray of canapés, and a notebook. Plead with them. Let us have another resolution out of the Foreign Affairs Committee deploring the genocide of a whole race of Indians down there, a resolution that will bring them trembling to their knees.

Why do we avert our eyes from what is going on down there? Why take away the flexibility and an option from the President? A military solution, someone said. I guarantee you a military solution, just like in Cambodia, if we pull out, if we retreat, if we tie the President's hands. Do my colleagues know what the Brezhnev doctrine says? It says for the Socialist: "What is ours is ours, and what is yours is negotiable."

Now we are going to be the enforcers of that if we adopt the Boland-Zablocki-somebody-else amendment. It is not working.

Oh, but it is working. And our support for the covert forces will stop. We can stop it tomorrow, if they would stop exporting revolution. What in the world is wrong with symmetry? You stop and we stop. We stop and you stop. You continue; we continue.

Now our national character, someone said, the gentleman from Indiana—I do not know, but my understanding of our national character is when a defenseless ally is attacked, our national character says we ought to stand with them. We ought to defend them. And I suggest El Salvador, Honduras, and Costa Rica, the frontline states—to coin a term—are under attack. And you stand with them.

The morality of this situation is to help our allies and not reduce ourselves to, as I have said, wimpishness and pleading with them to negotiate.

A statesman from the other body, who is the outstanding supporter of unconditional negotiation, was mugged recently in front of Gracie Mansion by some mugger. And I wonder why he did not negotiate with that fellow. Why he did not sit down and talk terms, because that was not a lawbreaker, that was a cry for help. And he should have responded.

Mr. BOLAND. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Chairman, I rise in strong support of the fiscal 1984 Intelligence Authorization Act (H.R. 2968) as reported by the House Permanent Select Committee on Intelligence and wish to thank the distinguished chairman of that committee, Mr. Boland, for the leadership he has shown in reporting this legislation with restrictions on U.S. covert operations in Nicaragua approved last July by the House.

Before turning to the legislation at hand, however, recent events demand that we first review how the situation in Central America has changed since the House last addressed this issue. As every member of this body is aware, the intensity of fighting in Nicaragua and scope of U.S. involvement have reached a new threshold; to proceed beyond which will have profound implications for future American initiatives in the region.

Last week marked a significant milestone in the chronology of our deepening involvement. On October 10 and again October 14 major oil facilities in Nicaragua were attacked by U.S.-backed rebel forces. That the Central Intelligence Agency has been actively involved in arming and training these forces is no longer an object of debate. What is, however, cause for greater alarm is the CIA's reported role in planning the most recent attacks. Frankly, the "secret" war of last spring has become the dirty war of today, involving American weapons and expertise in a battle against an established government we continue to recognize in international affairs.

Mr. Chairman, present U.S. involvement in fueling the flames of unrest against the Nicaraguan Government is a failed policy whose continuance threatens to provoke a wider conflict and to derail efforts to negotiate a settlement. It is, moreover, destructive of the very principles of justice and self-determination that we have sought to nurture in the region.

A FAILED POLICY

From the outset the Reagan administration sought to obscure the true nature of U.S. involvement in Nicaragua. In so doing, the administration has willfully sought to subvert congressional efforts to participate in this most important foreign policy decision. With specious arguments, the administration has refused to acknowledge that its actions are bound by the terms of the Boland amendment which prohibits the funding of covert operations aimed at overthrowing the Sandinista Government. The President and his top advisers have insisted instead that covert assistance has been provided solely for the purpose of interdicting arms believed to be flowing from Nicaragua to rebels in nearby El Salvador.

The record of the last year presents, however, quite a different picture. As the level of U.S. assistance and numbers of U.S.-trained insurgents have increased, the violence of Contras attacks on targets unrelated to arms interdiction has grown, as has the intensity of confrontations with Sandinista troops. American complicity cannot be wished away by pretending that our objectives are limited. The activities and purposes of the contras ultimately determine the nature of the conflict; their openly acknowledged goal of overthrowing the present Sandinista Government and the size of their forces point not to arms interdiction, but to military confrontation.

At the same time, there is little to indicate that this policy has prevented the flow of arms through Nicaragua. In fact, in its report to Congress the House Permanent Select Committee on Intelligence stated simply that the present program had failed to accomplish this primary objective. In tacit acknowledgment of this point, the administration subsequently announced that the real purpose of our clandestine involvement was to pressure the Sandinista leadership to mollify its behavior. Tentative steps toward rapprochement, highlighted by junta leader Daniel Ortega's pledge to sever military links with Salvadoran guerrillas provided the United States end its covert support of the Contras, were summarily dismissed last July with the President's solemn pronouncement that there was little hope of a regional settlement so long as the Sandinistas remained in power.

A COUNTERPRODUCTIVE POLICY

While the administration's intentions may be open to debate in the minds of some, the consequences of this dirty war are undeniable: Hundreds of Nicaraguan citizens are reported to have died in the last 6 months of fighting. Moreover, a nation under attack is less likely to question restrictions on civil liberties or with whom it is allied. And in fact,

the spectre of full-scale war has given more internal leverage to junta members who have all along favored a radicalizing of the country along Cuban lines.

In addition, the use of bases in Honduras and Costa Rica for staging Contras attacks has exacerbated regional tensions. In answer to efforts by leaders of the region to defuse the explosive situation through dialog, the administration sent several thousand U.S. troops to Honduras for extended "training" exercises and ordered the deployment of two U.S. naval groups off the coasts of Central America. With its provocative show of force, the administrative has fueled the fears of American allies in the region who are wary of escalating border skirmishes leading to regional chaos.

The nations of the region, in fact, banded together to seek conciliation on the basis of multilateral diplomacy. To this end, the presidents of Mexico, Venezuela, Colombia, and Panama—labled the "Contadora group" after the Panamanian island where they first met—have set forth a 10-step plan for containing and defusing the present crisis. Central to their plan is the call for an immediate cessation of arms shipments, the withdrawal of foreign military advisers and respect for the principle of nonintervention. Yet while President Reagan was quick to express his support for the Contadora process, present U.S. policy toward the region threatens to undermine their efforts altogether.

AN UNWORTHY POLICY

Ultimately we must question whether present policy is consistent with American values. Our association with forces of the discredited Somoza regime casts a dark shadow over our Nation's professed commitment to advancing the cause of human rights and our condemnation of world terrorism. We must show the nations of Central America that their dreams for a better future can be built on a foundation of democracy, not through military force or recurring U.S. intervention.

To invoke the Monroe Doctrine today is to pursue a reverse Brezhnev doctrine, and with no greater justification. If our Nation is to remain a leader in the world, most especially a leader in preserving the peace and security we so treasure, then we must lead by example, not merely by force.

Legislated prohibitions are, admittedly, no substitute for constructive policy alternatives, yet H.R. 2968 is a vital first step toward restoring credibility in U.S. policy. The administration's preoccupation with military posturing in Central America demonstrates a contempt for our allies in this hemisphere and their plans for peace. We know the limitations of acting unilaterally and, in light of escalating hostilities, I believe it is essential that we move forward to fulfill our commitment to peace by throwing our diplomatic weight behind the Contadora process.

At this late hour, I strongly urge my colleagues to support the prohibition of covert operations in Nicaragua and bring an end to the Reagan administration's dirty war against that nation.

Mr. BOLAND. Mr. Chairman, I yield the remainder of my time to the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

□ 1430

The CHAIRMAN. The gentleman from Texas (Mr. WRIGHT) is recognized for 5 minutes.

Mr. WRIGHT. Mr. Chairman, just a week ago I returned from a trip through Central America with the Kissinger Commission. During that period I gained some new insights and some new perspectives which I had not previously known. Had there been a secret session, there are certain things I might have reported to the Members. As it is, I am attempting to distill into a very short period some of the impressions and information that I gained.

There is no question that the Sandinistas have very nearly completed a transition to a police state in Nicaragua. They have installed in each city residential block an informer whose official responsibility is to report to the government whenever there are meetings of as many as four or five people gathering in any home—reminiscent of Hitler's Nazi Germany.

I do not think there is any question that they do pose a threat to their neighbors, not only to those neighbors into whose territory they have sent armed guerrillas. Also that threat is felt in Costa Rica and Panama.

Great numbers of refugees have fled into both of those countries from Nicaragua. Some of the intelligence people in one of those countries estimate the probability that 70 out of every 100 are legitimate refugees fleeing the oppressive conditions in Nicaragua; perhaps 30 are agents sent by the Nicaraguan Government to foment trouble. In Costa Rica they have tried to create general strikes. They have been unsuccessful because of the popularity of the Costa Rican democracy and the Costa Rican leaders. Nonetheless, such attempts are being made.

Having said all of that, perhaps I do agree with some of the things that have been said by our colleagues on the other side to the effect that the time has come when we really must have an understanding. I am not sure that we are going about it the right way. The right way in my opinion is the way proposed in the Boland amendment. That is to call upon the Organization of American States, since it was that very organization which gave legitimacy to this present Nicaraguan Government, to face them with the failure and the refusal of that government to live up to the terms to which it solemnly agreed when the Organization of American States installed it as the official government of that country.

I think this ought to be done in a hemisphere-wide action brought upon them by their neighbors in the hemisphere. It should not be the unilateral initiative of the United States.

The second reason why this amendment should be supported is that it provides an extra measure of strength and help to friendly countries in the hemisphere to seal off their borders from the instrusion of arms. And those arms are coming, yes, through Nicaragua; some of them from Cuba; some of them from Eastern European States; and, interestingly enough, a great many of those arms are coming from Libya, whose Qadhafi is, as we know, one of the most temperamentally unstable of the world's leaders.

We need to be very much at pains to demonstrate throughout the hemisphere that our friendship and our support and our resolve to help such friendly countries as Costa Rica and Honduras and El Salvador and, yes, Guatemala, as well as Panama, is unequivocal.

Throughout the entirety of Central America, shock waves have caused tremors as leaders have read in the newspapers that our Subcommittee on Appropriations drastically reduced our assistance levels to El Salvador.

One national leader, whom I can name to you individually and privately, and whose identity will evoke real credibility with you, said a very revealing thing to me in private, in answer to a question. He said the reason leaders in Latin America are loath to cozy up very closely in public to the United States and publicly to endorse our policies is because of our habit, he said, of abandoning those who have been our best friends.

Think about it. Think about what that reputation can portend. Think about it when the foreign assistance appropriations bill comes before you.

El Salvador wants very desperately to have freedom. There has rarely been a more dramatic demonstration in this entire hemisphere of a thirst for freedom than that given last year by the plain and simple Salvadoran citizens who walked on bare feet and stood sometimes for 4 hours waiting for the privilege of voting. Eighty percent of that country's qualified voters voted when given that opportunity, in spite of the threats of the guerrillas to their very lives.

No, I do not have much faith that the guerrillas will agree to a peaceful electoral resolution. I wish I did. I am supporting every effort to try to continue that effort. But I talked with

Mr. Quinonoes, who is the head of that Peace Commission, and I talked with a priest who is a member of that Commission. They want that kind of a peaceful resolution. But the Sandinistas and their Salvadoran surrogates do not. They know that they cannot win elections because they do not represent the wishes of the people.

I think for that reason we have the responsibility to demonstrate by this means that we overtly support those who would defend their freedoms, and that we do it in the legal way—in defense of the Rio Treaty, not in contravention of it.

Mr. HARKIN. Mr. Chairman, as I said to this House during the last debate, I think it is important that we understand who is being aided by the covert training and supplies we give to the Nicaraguans attacking the Government of Nicaragua.

Remember I started by quoting from the words of Eden Pastora about the nature of the National Guard, and remember it is former guardsmen who lead the military wing of the FDN Contras. A Honduran journalist asked Pastora: "Then how do you describe the FDN objectives at this present time?"

Pastora replied:

They are the objectives of a general staff of former Somozist guardsmen. For example, their staff includes Captain Lagos the feared member of the National Security Office, lieutenant colonels and captains of the Somozist Guard. In other words, I don't think that they want a revolution full of love. They have lists of the people they kill.

Let me repeat that, "They have lists of the people they kill." They have not presented a single prisoner.

In another interview Pastora said:

The people will not help the National Guard. The National Guard killed our people for 45 years. The guardsmen killed this guy's brother. They killed my father. Everybody in Nicaragua has a relative killed by the National Guard. Therefore, the Nicaraguan people will not support the National Guard. So, they (the United States) are doing the National Directorate a big favor by trying to win through a general staff of former Somozist Guardsmen. This must be clearly stated and understood.

These are the descriptions by a Nicaraguan dissident of the people the Reagan administration is supporting. This is where the covert aid goes. These are the so-called freedom fighters.

But we should also look back at the history of the National Guard. The following case is from Amnesty International's 1979 report on Nicaragua. It is a perfect illustration of the type of arbitrary and ruthless killing that the National Guard is perpetrating throughout Nicaragua:

On the morning of September 18, 1978, Senora Morales was murdered by the National Guard, along with an elderly servant and the young son of a friend as she walked, carrying a white flag, to buy powdered milk for 23 young children who had taken refuge in her Esteli home. On the day of her funeral, the National Guard forced their way into the garden of the Morales home and killed five of the six mourners in a bloody slaughter. The sixth, Humferto Fucavo, was later pulled alive from the bodies heaped in the grave which had originally been dug to receive the body of Senora Morales.

Or another incident: On March 3 of that year John McCarty, an American citizen from Cedar Rapids, Iowa, a schoolteacher, was out driving with another American and a Nicaraguan friend. They were passing down a street by a National Guard barricade and the National Guard without warning opened fire and hit John McCarty in the head. His friend continued to drive the car trying to get him to the hospital. Before they could get him to the hospital they were stopped by the National Guard, who ordered them out of the car, beat the other American and Nicaraguan with their rifle butts, and allowed John McCarty to die of his wounds in that car without taking him to the hospital.

Remember, these are the guys who are called freedom fighters. These are the fine gentlemen who want to bring democracy to Nicaragua.

These types of incidents, which I have just described, have become the rule rather than the exception within the National Guard. And yet there is more.

In September 1978, there were uprisings in many of Nicaragua's cities led by the Tercista faction of the Sandinistas. Very quickly, the National Guard regained control. And very quickly, the Tercistas left the cities.

But the National Guard was not done. For 19 days, starting on September 9, 1978, there was a massive and deliberate effort in at least five Nicaraguan cities to terrorize the citizens into submission. OAS officials estimated that during this campaign of terror, and that is what it was, not combat, but a terrorizing operation, 3,000 people were killed.

Who were the targets? Young men, any young men between the ages of 12 and 25. The standard procedure was to go into a heavily populated neighborhood, occupy the area, gather the families together, separate the young men from the rest and shoot them.

Listen to this description from the findings of the Inter-American Commission on Human Rights when they went to Nicaragua, using the names of the people killed:

During an aerial bombing, the National Guard broke down the doors of Arnulfo Cepeda's family in Lebn and ordered everyone into the patio. The women, after begging, were allowed to remain in the house. The men went to the patio. A military official then ordered the men, one by one, to go back into the house. Emilio Herrara, 16 years old, got up from where he was kneeling, made the sign of the cross, and as he was stepping through the doorway, they shot him in the base of the neck. Next they ordered Antonio Gonzales to step up. They shot him in the juglar vein. The three other boys seeing what was happening, ran to the back of the patio where they were shot . . . They shot Juan Rodriquez and then, shot at Arnulfo and his 14 year old son, Benito, who were kneeling embracing one another. The shots hit some glass and the two pretended they were dead . . . Before leaving, the Guard went to the room of two old men and killed 70 year old Carlos Mardiaga, who was deaf, in his bed and 65 year old Juan Castillo in a chair.

Signed: Arnulfo Cepeda, Silvia Pereze, Rosa Gonzales, etc.

And there is more. The uprising in September 1978 was put down ruthlessly. But in 1979, the Sandinista regrouped and the three factions merged. They were supported by almost the entire population. Somoza and his guardsmen, however, refused to work out a peaceful means to settle the conflict.

According to the report "Nicaragua: A Country Study," published in 1982 by the U.S. Department of the Army, 30,000 to 50,000 died during the insurrection. Were most of them killed in combat? No; most of them died in two ways. First, the National Guard continued its pattern of indiscriminately killing young men, unarmed young men, after an encounter with the Sandinista soldiers. Let me be clear. There would be combat and then following the combat, the National Guard would sometimes seize young men and kill them or just start shooting indiscriminately.

I do not want to suggest that most of the people killed in this fashion were politically neutral. They were not. They opposed the government, and most supported the Sandinistas. But most were unarmed. And that is a crucial difference. As Pastora pointed out, his forces take prisoners and release them to the Red Cross. The FDN, the National Guard-led FDN, says Pastora, does not take prisoners. That is the essence of the National Guard now and it was the essence of the National Guard during the Somoza period.

I ask this Chamber do we really want to be party to putting these people back in power? And make no mistake about it. It is the former guardsmen who are in control of the FDN.

It is time the United States initiate a clear, concise, and comprehensive Central American policy. Consider what our covert actions in Nicaragua are doing: We are supporting a group of mercenaries that at one time almost the whole world wanted out of power, because of their corruption, their repression, and their gross disrespect for human rights.

The United States has interests to protect in Central America. Supporting the remnants of the Nicaraguan National Guard and ignoring human rights violations in El Salvador and Guatemala is not the way to do it. I

urge strong support for the amendment put forth by my colleagues, Mr. BOLAND, Mr. ZABLOCKI, and Mr. WRIGHT.

Mr. WEISS. Mr. Chairman, I was struck by a recent account of an American who had just returned from Nicaragua. The American told of his visit to a farming cooperative less than 10 miles from the border of Honduras. On the wall of a compesino's hut in that cooperative was a newspaper article with a banner headline proclaiming in bold letters, "After 126 Years the Enemy is the Same."

The enemy referred to in that headline was the United States. The article recounted more than 100 years of U.S. intervention in the internal affairs of Nicaragua. It began with the ill-fated takeover of that country by the American, William Walker, in 1856, continued through the 1930's when U.S. Marines helped preserve in power Gen. Augusto Somoza, and described current U.S. support for the terrorist campaign of over 10,000 Contras against the Government of Nicaragua with American dollars, and CIA advisers.

The headline recalled the words of San Antonio Mayor, Henry Cisneros, member of the Kissinger Commission, who warned that the United States, by pursuing its present course in Central America, is in danger of "continuing a history by which we lose the people."

Despite its efforts to appear to be seeking a negotiated solution to the conflicts in Central America, the ultimate direction of the Reagan administration's policy may really be closer to the view recently enunciated by Under Secretary of Defense Fred C. Ikle. In a recent speech in Baltimore, Mr. Ikle announced that he favors what he calls the deconsolidation of Nicaragua and forsees a protracted military struggle in Central America, possibly leading to a partitioning of the region, similar to the division in Europe and Korea.

If there is any truth to the assumption that Mr. Ikle is expressing the sentiment of Mr. Reagan and many of his advisers—as I think there is—then the current administration is indeed continuing a history "by which we will lose the people of Central America." And it is precisely that history, of military adventures on behalf of ruthless and unpopular dictators and of interventions for American policy interests, rather than those of Central Americans, that the Reagan administration today is attempting to affirm by seeking the defeat of the prohibition against covert activity in Nicaragua.

It is not that the Sandinistas are without fault. I share the concerns expressed by many of my colleagues today that, at the very least, the Sandinistas have reneged on the majority of their promises made in 1979 to establish a pluralistic government and a mixed economy in Nicaragua. Under the state of emergency declared in March 1982, the right of habeas corpus, the requirement of search warrants for private searches, and the right of assembly are still suspended. Nicaragua's most popular newspaper, La Prensa, is subject to daily censorship. And since 1982, Sandinist troops have launched major assaults on Miskito Indians on the Atlantic coast.

Nicaragua under the Sandinistas, however, is not a state in which the bulk of its population is terrorized by its own armed forces. This same claim cannot be made of El Salvador and Guatemala, U.S.-supported regimes in the region. And that statement especially could not be made of Nicaragua under the reign of the Somozas.

Dissent is still permitted in Nicaragua. However censored it may be, the opposition press still operates there. We must also remember that since the 1979 revolution Nicaragua has instituted massive reforms in health care and literacy, reforms that have won for the ruling Sandinistas the support of the majority of the compesinos there.

These compesinos fear and reject the alternative vision offered them by the Reagan administration. The Honduran-based FDN, which receives most of the CIA money in question today, are not the "freedom fighters" heralded by President Reagan. Even Alfonso Robelo, a former member of the junta and now a supporter of Eden Pastora, admits that "the military leadership [of the FDN] is made up of former members of Somoza's National Guard."

The administration and the Contras now realize that their efforts to organize a counterrevolution of disaffected compesinos have failed. The more than 700 Nicaraguans killed by the Contras since March 1982 have not helped the cause of the Contras. Indeed, outside of the Miskito Indians, the Contras have won little support from Nicaraguans living along the Honduran border. Under the direction and with the support of the CIA, the Contras have shifted tactics and have now resorted to terrorism to destabilize the Sandinist regime. This shift reveals the true face of U.S.-supported Contra activity in Nicaragua. The Contras now are more concerned with winning the support of those of us in Congress—by showing that they are successful at least in being terrorists—than with gaining the support of the Nicaraguan people.

Contrary to the President's claims, the Contras are not "freedom fighters." They are terrorists, pure and simple. They offer Nicaraguans a return to the nightmare of the Somoza regime, of campaigns of terror, mass killings, and retribution against supporters of the Sandinistas—of a "white terror" on the order of the atrocities committed during another counterrevolution in Chile.

It is that which the Reagan administration offers us today; a history of failed policies viewed by many Central Americans as a nightmare from which they are only now trying to recover.

The Boland-Zablocki-Wright amendment we are considering today is only a first step toward reversing America's troubled legacy in Central America, but it is an important and necessary step. This amendment would prohibit U.S. aid to groups attempting to overthrow the Government of Nicaragua and instead provide $50 million to help Central American countries to interdict arms being shipped by Nicaragua and Cuba to nations in the region.

This amendment, if adopted, would put a halt to U.S.-supported interventionist activities that violate existing international laws and the legally binding treaty obligations of our country under the Charters of the United Nations and of the Organization of American States. Passage of this amendment would mark an important step toward halting the Reagan administration's, and past administration's, policies of seeking military solutions to the political and economic problems of Central America.

I urge my colleagues to join me in voting for the Boland-Zablocki-Wright amendment.

● Mr. FRENZEL. Mr. Chairman, I rise in opposition to section 108 of H.R. 2968. In other respects, the bill is a good one, and is noncontroversial.

Two alternatives are to be offered to section 108. The first is an amendment by Chairman BOLAND of the House Intelligence Committee. It would incorporate into the bill the provisions of H.R. 2760, which the House passed last July. It would suspend U.S. covert aid for anti-Sandinista Contras, and authorize up to $80 million in overt security assistance for Nicaragua's neighbors to help them stop Nicaragua's export of military equipment to revolutionary groups, primarily in El Salvador. It also mandates diplomatic efforts to help reduce conflict in the region.

The second alternative is an amendment by Mr. ROBINSON, the ranking member of the committee. It would suspend U.S. covert aid to Contras when Nicaragua has ended its support of Salvadoran rebels, and enters into an agreement containing the document of objectives which was approved at the September meeting of the Contradora Four and the Central American countries.

Mr. Chairman, I intend to support the Robinson amendment. It is, in my judgment, superior in several ways.

First, the Robinson amendment would bring a swifter end to intervention in Central America. We tried the Boland approach for almost 2½

years—from when Nicaragua began material support for El Salvador soon after the July 1979 revolution, until covert operations began in December of 1981. The Boland approach failed, Mr. Chairman, as Nicaragua rebuked good faith efforts.

From July 1979 through mid-1981, the United States provided $120 million in economic aid, and sponsored $262 million in loans from international lending institutions—twice that received by Somoza in the previous 19 years. The Carter administration tried hard to promote reforms in Nicaragua, and pressure Nicaraguan nonalinement, or at least noninterventionism.

In August and October 1981, the United States continued high level State Department contacts with Nicaragua. All these efforts failed. Nicaragua continued its military supply to revolutionaries, and hardened its policies at home.

It is extremely important to note, Mr. Chairman, that U.S. supported covert activities, the supposed cause of Nicaraguan radicalism, had not yet begun. Since they have begun, Nicaragua is talking about negotiated agreements for the first time. Diplomatic efforts were rebuked at least until mid-April of this year, when Nicaraguan Interior Minister Tomas Borge told a Cuban television audience that the initial Contadora meeting was "diplomatic demagogery."

Now, with pressure brought to bear on Nicaragua, that nation has agreed to a 21-point document of objectives sponsored by the Contadora group. In this morning's Washington Post, it is reported that Nicaragua is now preparing a major proposal for a settlement, in the wake of State Department Assistant Secretary Langhorne Motley's trip to Managua this month.

Now Nicaragua is talking peace. If they mean it, and are willing to enter into an agreement with their neighbors and stop their arms shipments, then covert actions would no longer be needed, and should be suspended.

Mr. Chairman, that is what is advocated by the Robinson amendment. We should not return to the 2½ years of failure of the Boland amendment. We could not attract Nicaragua's attention to peace until covert aid began. We ought to provide that incentive until peace is achieved.

The other advantage of the Robinson amendment is that it does not involve new military aid for Central American nations, as does the Boland amendment. If we are serious about interdicting Nicaraguan military supplies, then $80 million will be completely inadequate. None the less, it will entail a major military commitment to Costa Rica, Hunduras, and El Salvador, perhaps others. I do not believe that we should ring El Salvador with armed border patrols air and surveillance. I would prefer instead to end all intervention in the region through diplomatic means, as is advocated by the Robinson amendment.

Because the Robinson amendment looks toward peace, and the Boland amendment seems to pursue military efforts, the choice is clear.

Covert actions should not be pursued without extremely good cause. But Nicaragua initiated military interventionism in the region and has fueled the violent revolution in El Salvador, resulting in great loss of life and devastating economic destruction. Diplomatic efforts to stop active Nicaraguan support failed. Covert military support for contras followed.

Many, including myself, feel that the Salvadoran Government should talk with leftists in El Salvador as a part of efforts to bring calm to that troubled nation. But without military support from Nicaragua, in my judgment, Salvadoran rebels will be forced to move more swiftly, and more earnestly, toward negotiations as the way to end conflict.

I hope this House will not return to the failure of the Boland amendment. I will vote for the Robinson amendment.●

● Mr. WALGREN. Mr. Chairman, I want to speak out in the strongest terms in support of the Boland amendment to the intelligence authorization for fiscal year 1984. This amendment would put the House on record for a continued ban on all U.S. support for antigovernment forces operating in Nicaragua and the surrounding region. Instead, we would authorize $50 million in fiscal year 1984 in open, above board aid to help Central American governments who so choose to prevent arms from being brought into their countries or across their borders.

The current Reagan administration arms interdiction program in Nicaragua is, by our own admission, a front for covert American military intervention against the Government of Nicaragua. Although the full scope of CIA activity against Nicaragua is not known, reliable reports indicate that a U.S.-backed secret army has grown to over 15,000, double the number backed by the United States only several months ago. No one can honestly argue that such forces do merely represent efforts to help Nicaragua's neighbors cut the flow of arms across their territories. Rather, it is apparent that the Reagan administration is now directly involved in efforts to overthrow the Sandanista government. This is true folly.

If we learned anything at all from our experiences in Vietnam, it is that this kind of involvement will destroy a number of American lives for nothing and do great harm to our real national interests. To support military efforts within Nicaragua could only make sense if a change in government were able to be secured through the level of military effort we in America are prepared to shoulder. Anyone who believes that the local forces now armed by the United States could overthrow the Sandinista government and, more importantly, then govern Nicaragua in the face of the guerilla war that would ensue, is simply out of touch with reality. The real danger is that we are now driving the Nicaraguans to our enemies for arms and political support to defend themselves. And that threatens great danger of war throughout Central America.

Although we can not predict the future, Nicaragua has yet to truly threaten its neighbors. All our covert military activity has not yet even found any significant flow of weapons or material from Nicaragua into neighboring El Salvador.

In my view, we should all step back and ask why we instictively turn to military force when the problems are clearly so economic in nature. The challenge for American diplomacy is one of offering the promise of economic reform to governments which respect their neighbors. By funding a military attack on Nicaragua, the United States is clearly on the wrong track.

It is important to remember that before 1979 Nicaragua was decidely dependent on the U.S. Economy the Boland amendment takes the right approach. By openly making efforts to prevent the export of violence or revolution, we openly support our friends. And by isolating the present government in Nicaragua, we leave open the possibility that their national economic interests will bring that government closer to the United States.

I urge my colleagues to support the Boland amendment in hopes that we can guide our country toward a workable and peaceful approach to our differences with Nicaragua.●

● Mr. AuCOIN. Mr. Chairman, I rise in strong support of the Boland amendment to end the funding of the covert invasion of Nicaragua.

Let us be clear about the implications of this vote. The vote today is a vote on whether or not to end U.S. involvement in a war. A war designed by proxy, but nevertheless our war; a war aimed by those fighting to topple the Government of Nicaragua.

This is a war that is growing. Over the past several months, the hostilities have progressed from scattered skirmishes along the Honduran/Nicaraguan border to direct attacks by the Contradora forces on major economic targets within Nicaragua—including bombing forays which would be impossible without U.S. assistance.

And the Reagan administration has told Congress that it intends to expand the scope of the operations still further.

The CIA has plans to train and arm upwards of 10,000 guerillas, to harass the Government of Nicaragua, and has been coordinating guerrilla raids within Nicaragua—including the recent bombing of the airport in Managua and sabotage efforts in the Port of Corinto. U.S. C-47 transport planes have been used to move guerrillas to strategic locations in Honduras and Nicaragua.

And to reinforce the covert actions, the President—without consulting Congress or members of the administration, has deployed 4,000 U.S. troops in Honduras for an unprecedented 5 months of military exercises.

As a Member of this body who has traveled to Nicaragua I am convinced that U.S. military intervention cannot possibly bring about the kind of democratic change we desire in that country.

In fact, the composition of the Contradora force we support insures that the very opposite will happen. The United States has chosen to bankroll a guerrilla force led by former Somoza guardsmen. If there is glue that binds the people of Nicaragua, it is their hatred of the former Somoza regime and all the years of economic repression and terror that it represented. This hatred gave rise to the Sandinista revolution and this hatred will serve to consolidate public support behind the Sandinista government.

Indeed, that is exactly what is happening. Despite the economic difficulties and shortages in Nicaragua at the present time, the threat of military invasion and the imposition of a Somoza-type regime has strengthened the political base of the Sandinista government. By our actions, we are forcing the Nicaraguan Government to pull closer together. The United States, which prides itself on its tradition of political liberty and free speech, has given the Sandinistas an excuse to intensify press censorship and repression of civil liberties in Nicaragua.

In addition, our military actions, while aimed at the internal structure of the Sandinista government, have implications that range far across the Nicaraguan border.

Our decision to arm Honduras and use it as a staging ground for the Contradoras threatens to boil into a full-scale war between Nicaragua and Honduras. A war that is drawing the U.S. Government deeper into Central America. A war that will probably kill the fragile democracy just beginning to take hold in Honduras.

And tiny Costa Rica, a country with no standing army, is being threatened by the activities of Eden Pastora's guerrillas. Guerrillas who, supported by the CIA, are operating across Costa Rican borders.

There is still a slender thread of hope that the problems in Central America can be resolved by peaceful means, if we are willing to act. Nicaragua recently endorsed the 21-point plan for negotiations put forth by the Contradora nations. In addition, the Sandinistas have expressed a willingness to talk to U.S. representatives about the problem of clandestine arms and foreign military advisors.

The Sandinistas are no friends of mine, but the United States must test the sincerity of the Nicaraguan Government by making a good faith effort to follow through on these overtures.

The vote today is important for the future stability of Central America. And the vote today is important in a larger context—as a first step toward reversing a dangerous trend in U.S. foreign policy. A trend that has moved us away from belief in diplomacy to a naive and dangerous faith in military force alone to solve problems.

The Boland amendment offers us a chance, today, to reverse this strategy. The Boland amendment tells us that there is a better way, working through the Organization of American States and other international organizations to bring pressure on the Nicaraguan Government and form a framework for negotiations throughout Central America. We must not pass up this chance.●

● Mr. BEDELL. Mr. Chairman, I rise in support of H.R. 2968 and in particular, the amendment that is being offered by the distinguished chairman of the Select Committee on Intelligence, Mr. BOLAND. Obviously, covert operations represent a key component of our Nation's national security apparatus and I am supportive of many of those operations. Indeed, in my mind, this Nation's intelligence capabilities are as important to long-term U.S. national security interests as are the weapons systems we deploy to insure our Nation's independence. Nevertheless, I question the overall wisdom of our present policy course and those covert operations that have been financed and approved by the Central Intelligence Agency in Central America—more specifically those not so secret operations that are being directed against Nicaragua—for several reasons but most importantly because they are clearly lacking in intelligence and, in my opinion, are not in the best long-term national security interests of the United States.

We are a nation of laws and yet, today, CIA covert operations in Nicaragua run counter to this Nation's laws, as well as those international laws that govern the conduct of relations between states. As originally detailed to Congress, CIA covert operations in Central America were designed to interdict Nicaraguan arms shipments to revolutionary groups in neighboring states to Nicaragua. I believed in this effort and continue to believe in this effort. If approved, the Boland amendment would permit this effort to continue. Facts, however, detail a different reality with respect to CIA efforts in Central America. Today, U.S. tax dollars are being directed against the Sandinista government in an effort to overthrow that government from power. This blatant disregard of the law as originally approved must be redressed. The CIA must be brought into line and realize that the law must be adhered to.

If indeed our goal in Central America is to prevent the spread of Soviet-Cuban domination and influence, why then are we implementing a policy that insures the success of their efforts and the failure of our own. We all know that the FDN is led largely by former Somozan National Guardsmen—a group hated and despised by the majority of the Nicaraguan people—and while Eden Pastora may be a charismatic leader and key defector from the Sandinista directorate, the fact remains that Mr. Pastora's rebel group remains quite small. Further, these rebel groups are not engaging the Sandinista army. They are attacking the people, relying upon terrorism as their primary weapon. In El Salvador, we condemn antigovernment rebels for such actions. In Nicaragua, we are financing them.

Finally, I believe we must consider the long-term implications of allowing the CIA a blank check in Nicaragua. On July 29, 1983, Edgar Chamorro of the FDN said:

> The problem will not go away. Eventually the United States will have to get involved in the fighting because sooner or later the United States will have to intervene directly. From the cost-efficiency point of view, it is better for the United States to fight now.

Yesterday, the Washington Post reported that Adolfo Calero—a member of the FDN directorate—stated that regardless of our vote today, covert aid to the Contras would continue. Mr. Calero is quoted as saying:

> It would not be cut off. It would come from some other place. It would be washed some way or another.

I, for one, am thoroughly amazed by these remarks. I have always been under the impression that the President is empowered to conduct this Nation's foreign policies, and that the Congress is empowered to implement those policies through our votes in favor of, or in opposition to his initiatives. But in Central America, we see that U.S. foreign policies are being shaped and implemented not by the President in tandem with the Congress but rather by CIA operatives in tandem with rebels who would appear to have little or no respect for the values of democracy or fundamental human rights.

Mr. Chairman, I have visited Nicaragua and while I find many practices of the Sandinista government to be ab-

horent, I cannot express enough both my sadness and outrage over CIA activities that are aimed at the downfall of that government. The President has stated that our overriding goal in Central America remains to strengthen the cause of freedom and democracy in the nations occupying the Caribbean basin. I share that goal but believe we shall never achieve it unless we reverse the course that we are presently on.

The Boland amendment offers us this opportunity by authorizing $50 million to help Central American countries to interdict the shipment of arms from Nicaragua and Cuba to groups and individuals seeking the overthrow of Central American governments, while at the same time ending current policies which I contend are counterproductive. I urge your support for this effort.●

● Mr. COYNE. Mr. Chairman, I rise in strong support of the Boland amendment, and in opposition to attempts to fund operations, covert or overt, aimed at the overthrow of the Government of Nicaragua.

This nation, we should recall, is a member of the Organization of American States. Appropriating funds with the intention of overthrowing the legal and recognized government of another member of that organization, in this case the Government of Nicaragua, clearly violates the charter of the OAS. By aiding groups of hired guns in routine acts of terrorism against a member of the OAS, we stand guilty of the very actions we deplore when carried out by other nations.

The evidence, it seems to me, is pretty overwhelming that we are, in fact, assisting in those acts of terror against Nicaragua.

The Associated Press reported on October 8 that it was a plane supplied by the Central Intelligence Agency that crashed into the control tower of Managua Airport during a bombing raid September 8. According to intelligence sources, the CIA purchased planes for the Nicaraguan Contras not from the $19 million allocated for the covert action in Nicaragua, money which ran out last March, but from a secret contingency fund. It is estimated that the CIA spent $33 million in the last fiscal year to aid the Contras, and may spend as much as $48 million this year.

An October 15 account in the New York Times indicates a new openness by this administration in admitting complicity in the attacks against Nicaragua. According to this article, which has not, to my knowledge, been contradicted by the administration:

> The Administration said the attacks were part of a new phase in the United States-sponsored efforts to harass the Nicaraguan government. They predicted more strikes against industrial installations soon.

What is this new phase which our Government supports, and which it predicts will continue?

On October 12, Contras attacked an oil refinery at the Pacific coast port of Corinto, causing at least 600,000 gallons of fuel to go up in flames after the destruction of five storage tanks. Twenty thousand residents of that city were forced to evacuate.

Three days later, another major port, Puerto Sandino, was attacked. The Nicaraguan Democratic Front, a Contra group backed by our Government, has threatened to blow up Mexican ships entering that port to deliver oil. That threat is real enough to have caused Esso, the oil company which supplies tankers to Mexico, to discontinue renting tankers for that purpose.

Cutting off supplies of oil to a nation is, not surprisingly, seen by that nation losing its lifeline as an act of war. We are seen as the Nation initiating an act of war. I quote again from the New York Times, this time from an October 16 account of the Contra attacks against Nicaraguan industry:

> The Central Intelligence Agency recommended and helped plan recent rebel attacks against an oil storage depot and other industrial targets in Nicaragua, according to Reagan Administration officials.
>
> They said that action was the result of a decision, reached by the CIA over the summer, that attacks directly against industrial and transportation targets inside Nicaragua would be a quick and more effective way of hurting the Sandinistas than previous efforts.

Here again, we have administration officials taking responsibililty for acts of terror. Such actions, I would suggest, are a quicker and more effective way of widening the war in Central America, all the while leaving the indelible fingerprints of an American intervention.

I would here remind my colleagues that all of these actions took place after the House approved the Boland-Zablocki bill on July 28, This bill cut off funding for the covert war in Nicaragua after the expiration of a period of time for the safe withdrawal of U.S.-backed rebels. It authorized $50 million for the interdiction of arms shipments in the region—not for the blowing up of oil refineries or the bombing of airports.

I am especially concerned that the stationing of 4,000 American troops in a country such as Honduras, a nation which seems set on engaging in a war with its neighbor Nicaragua, may increase our chances for involvement in an armed conflict.

What are we getting ourselves into? We are backing forces which threaten to blow up the shipping of our neighbor, Mexico. We are stationing large numbers of troops in an area which appears headed for war. And we have an executive branch of Government which seems unwilling to take into account the views of this House on matters of grave national concern.

It is this House to which the President referred in his news conference last night when he said:

> . . . I do believe in the right of a country when it believes that its interests are best served to practice covert activity and then—while you people may have a right to know, you can't let your people know without letting the wrong people know—those that are in opposition to what you are doing.

Mr. Chairman, cutting off a country's supply of oil, and bombing its airport, are acts of war. To the extent that this Nation is involved in these actions, and there is evidence that we are, we are then engaged in a war against another nation. Congress, not the President, retains the constitutional power to make war. I believe we will properly exercise that power by a vote in favor of the Boland amendment, and against this administration's ongoing war against the Government of Nicaragua.

If the House takes this action, I hope this administration embarks on a more reasonable approach to the resolution of problems in this troubled region. It could begin by giving more than lipservice support to the activities of the Contadora group, a remarkable joining together of the frontline states of the area. If there is to be a solution to some of the problems of Central America, the nations of the Contadora group must be a part of it. We would do well to follow their lead, rather than attempt to force their hand.

To address the problems of Nicaragua, of Honduras, of Guatemala, or any of the turbulent nations so close to our borders, I believe we need to rely less on military proposals and more on economic remedies. The concentration of wealth in the hands of a few, the stark poverty of the many, and the political systems which support these conditions, cannot be preserved by military might. Change is inevitable in a region in which injustice is so widespread. If we do not put our full political and economic weight behind making peaceful evolution possible, I fear we could make violent revolution inevitable. The policy of this Nation should be to promote social and economic justice, not military and political reaction. To this end, we would do well to remember the observation made recently by someone I rarely quote, but who is in a position to understand world events. Former President Richard Nixon remarked that in troubled parts of the world, the Communists talked about the problems, while we talked about the Communists. By continuing such a strategy, I believe we risk losing an advantage by missing the point of the conflict.

At this point, I would like to share with my colleagues some material

which describes the extent of our involvement in the war against Nicaragua:

[From the New York Times, Oct. 16, 1983]

U.S. OFFICIALS SAY C.I.A. HELPED NICARAGUAN REBELS PLAN ATTACKS

(By Philip Taubman)

WASHINGTON, October 15,—The Central Intelligence Agency recommended and helped plan recent rebel attacks against an oil storage depot and other industrial targets in Nicaragua, according to Reagan Administration officials.

They said the action was the result of a decision, reached by the C.I.A. over the summer, that attacks directly against industrial and transportation targets inside Nicaragua would be a quicker and more effective way of hurting the Sandinistas than previous efforts.

For more than a year, the C.I.A. has organized and paid for large-scale guerrilla operations in northern Nicaragua near the Honduran border.

As a result of its conclusions, the C.I.A. recently stepped up efforts to train Nicaraguan rebels in sabotage techniques and commando tactics and helped plan a series of attacks. They included a pre-dawn raid Tuesday against Nicaragua's oil storage depot at the Pacific port of Corinto.

The training took place in Honduras at bases used by the guerrillas, the Administration officials said. They spoke before the Nicaraguan Government announced Friday that rebels had attacked Puerto Sandino, a major port 44 miles northwest of Managua.

The coordinator of the Nicaraguan junta, Daniel Ortega Saavedra, announced in a nationally televised address that an attack by "commandos of terror from the Central Intelligence Agency" had damaged the oil pipeline in Puerto Sandino.

There have been reports that some of the aircraft used by the rebels in their attacks on Nicaragua were provided by United States companies. The C.I.A. has declined to comment on the reports, and the Administration officials refused to specify the source of the equipment and explosives used by the rebels.

Administration officials said the attacks were part of a new phase in the United States-supported efforts to harass the Nicaraguan Government. They predicted more strikes against industrial installations soon.

The officials said the C.I.A. would also continue to support operations by rebel units in northern Nicaragua.

The attack on Corinto, which apparently involved both air and sea assaults, blew up five large storage tanks that contained a large portion of Nicaragua's fuel reserves.

The Government evacuated the more than 20,000 residents of Corinto on Wednesday because of fires. Most of the citizens reportedly returned to the city on Thursday after the fires were controlled.

Administration officials said they hoped the attacks on industrial targets would force the Sandinistas to end the aid that President Reagan and other officials have said the Sandinistas provide to rebels fighting the Government in El Salvador.

The Nicaraguan Democratic Force, one of several rebel groups backed by the C.I.A., said in Honduras Wednesday that it was responsible for the attack on Corinto. The group said its goal was to "paralyze the war apparatus of the leftist regime."

MANAGUA PROTESTS AID

The Nicaraguan Government called the attack on Corinto criminal and sent a note to Secretary of State George P. Shultz protesting United States aid to the rebels.

The raid on Corinto followed a rebel attack last month against the main airport in Managua that destroyed a visitors' lounge but caused no other serious damage.

The Revolutionary Democratic Alliance took responsibility for the attack against the airport. It is a rebel group based in Costa Rica that has denied receiving help from the C.I.A., but United States officials have said it has benefited from C.I.A. aid. A rebel plane was shot down during the raid and two crew members were killed.

No one has taken responsibility for the reported attack on Puerto Sandino on Friday.

The Reagan Administration has been lobbying with Congress to continue paying for rebel operations and several national security officials said they thought the commando raids would demonstrate that the rebels could be successful in harassing the Sandinistas.

FEW REBEL VICTORIES

Military operations by rebel units in northern Nicaragua have produced few clear victories since they began in late 1981. At times, the rebels have pinned down Government forces and briefly seized control of small villages near the Honduran border, but the guerrillas have failed to hold any strategically important territory in Nicaragua or spark the kind of popular uprising rebel leaders predicted.

The lack of success has prompted criticism in Congress that the more than $50 million budgeted for the operations in 1982 and 1983 had produced few results.

That criticism, combined with concern from some lawmakers that the Reagan Administration was trying to overthrow the Nicaraguan Government, produced a vote in the House in August to cut off support for the rebels for the remainder of the 1983 fiscal year, which ended Sept. 30.

Because the Republican-controlled Senate did not approve a similar measure, money for the rebels was not cut off and is being maintained at the same level as last year until appropriations for the new fiscal year are approved by Congress.

A Congressional confrontation over the operation seems inevitable. The budget for the C.I.A. for the 1984 fiscal year that was approved by the House Intelligence Committee contains no money for the Nicaraguan rebels, while the Senate version does. Neither the House nor the Senate has voted on the C.I.A. budget yet.

[From the New York Times, Oct. 2, 1983]

C.I.A. IS SAID TO RESUPPLY REBELS IN NICARAGUA FROM SALVADOR BASE

(By Lydia Chavez)

MIAMI, October 1.—The Central Intelligence Agency is using a Salvadoran Air Force base and some Salvadoran pilots to resupply the United States-backed rebels in Nicaragua, according to United States officials in Central America.

The resupply missions have been flown out of the Dopango Air Force base, on the outskirts of Salvador, since early spring, according to the officials.

NO WEAPONS ON FLIGHTS

The officials said that to their knowledge, the flights from El Salvador delivered medicine, ammunition and communications equipment to the Contras, as the rebels fighting the Sandinista Government in Nicaragua are called, and that no weapons had been delivered on the flights. The planes do not land in Nicaragua, but drop the supplies from the air the officials said.

It was the first confirmation that the United States had widened its support for the Nicaragua rebels. In the past, it was known that the Nicaraguan rebels were receiving training and weapons in Honduras from the Central Intelligence Agency.

There are an estimated 8,000 rebels operating in Nicaragua, some from base camps in Honduras and others from camps in Costa Rica. Many of the rebel leaders are members of the former Nicaraguan National Guard, which defended the Government of Anastasio Somoza Debayle before it was overthrown in 1979.

The rebel forces, which have been supportd by the United States for more than a year, are made up mostly of peasants who oppose the present Sandinista Government ruling Nicaragua.

The Administration has said that its objective in supporting the rebels is to put pressure on the Nicaraguan Government to hold early elections, and to halt the shipments of supplies from Nicarauga to the guerrillas operating against the Government of El Salvador. The Contras have said their objective is to overthrow the Nicaraguan Government.

United States military officials in El Salvador have said the guerrillas fighting the Salvadoran Government are receiving ammunition, medicine and communications supplies from Nicaragua. Those supplies are essentially the same type that are now being sent from El Salvador to aid the rebels in Nicaragua, the officials said.

It is unclear to what extent the Salvadoran Government is aware of the missions being flown from El Salvador to resupply the anti-Sandinistas in Nicaragua. The provisional President of El Salvador, Alvaro Magana, said in a telephone interview today that he had "not even heard rumors" about such an operation.

The Salvador Defense Minister, Gen. Eugenio Vides Casanova, could not be reached for comment. The head of the Salvadoran Air Force declined to speak on the subject.

One of the United States officials said that the air force had probably agreed to run such an operation because "they must figure that if the Government of Nicaragua were to change their problems would be a lot more manageable."

The United States Embassy in El Salvador said officially that it could not "confirm or deny" the story.

Generally, one of the United States officials in Central America said, the supplies that are sent to the anti-Sandinistas from El Salvador come from the United States but are reloaded onto C-130 cargo planes in Panama. This type of plane often comes into Ilopango to deliver supplies for the Salvadoran Army or to drop off advisers coming from Panama.

The supplies coming in to Ilopango for the Salvadoran Army are marked with a three-letter code, one of the officials said. The supplies for the rebels in Nicaragua are also marked with a three-letter code but have a blue sticker.

"If it is special cargo there is only one agency here that handles special cargo," the official said. "If it comes in, it is moved out very quickly."

The C.I.A. is "throwing" a lot of money around" El Salvador according to one of the United States officials. He said that there are about three C.I.A. agents "hanging around" the air force base at Ilopango and

that as many as seven C.I.A. agents are involved in the supply missions to Nicaragua.

It is unclear why the C.I.A. has chosen to use the base at Ilopango and not the airport in Honduras, the officials said. One said it was possibly because the Honduran Airport was too busy with other operations including the United States military maneuvers in Honduras.

USE SALVADORAN PLANES

The supply missions to Nicaragua from El Salvador are flown on C-47's owned by the Salvadoran Air Force and purchased with United States military aid, according to one United States official. In addition, they are using one twin-engine private plane that has been converted so that it has an open bay door, he said.

When the operation began, only United States civilian pilots were used. In the last several months, some Salvadoran pilots have also been used to fly the missions, according to one official.

He said there are as many as 12 missions a week, but another source said that figure was "probably too high." The missions, one of the officials said, are "flown at random and are designed to be flown at random."

The officials denied reports that another Nicaraguan rebel group operating out of Costa Rica and led by a former Sandinista, Edén Pastora Gómez, had used the Ilopango Air Force base to launch air attacks earlier this month against the Nicaraguan Airport.●

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOLAND. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 194, not voting 12, as follows:

[Roll No. 403]

AYES—227

Ackerman	Bryant	Evans (IA)
Addabbo	Burton (CA)	Evans (IL)
Akaka	Carper	Fazio
Albosta	Carr	Feighan
Alexander	Chandler	Ferraro
Anderson	Clarke	Fish
Andrews (NC)	Clay	Florio
Andrews (TX)	Coelho	Foglietta
Annunzio	Coleman (TX)	Foley
Anthony	Conte	Ford (MI)
Applegate	Conyers	Fowler
Aspin	Cooper	Frank
AuCoin	Coughlin	Frost
Barnes	Coyne	Garcia
Bates	D'Amours	Gejdenson
Bedell	Daschle	Gephardt
Beilenson	de la Garza	Gibbons
Bennett	Dellums	Glickman
Berman	Derrick	Gonzalez
Biaggi	Dicks	Gore
Boehlert	Dingell	Gray
Boggs	Donnelly	Green
Boland	Dorgan	Guarini
Bonior	Downey	Hall (IN)
Bonker	Durbin	Hall (OH)
Borski	Dwyer	Hamilton
Bosco	Dymally	Harkin
Boucher	Early	Harrison
Boxer	Eckart	Hawkins
Britt	Edgar	Hayes
Brooks	Edwards (CA)	Hefner
Brown (CA)	English	Heftel
Hertel	Mitchell	Sharp
Horton	Moakley	Sikorski
Howard	Mollohan	Simon
Hoyer	Moody	Slattery
Hughes	Morrison (CT)	Smith (FL)
Jacobs	Mrazek	Smith (IA)
Jeffords	Murphy	Snowe
Jones (NC)	Natcher	Solarz
Jones (OK)	Neal	Spratt
Kaptur	Nowak	St Germain
Kastenmeier	Oakar	Staggers
Kennelly	Obey	Stark
Kildee	Olin	Stokes
Kogovsek	Ottinger	Studds
Kolter	Owens	Swift
Kostmayer	Panetta	Synar
LaFalce	Patterson	Torres
Lantos	Pease	Torricelli
Leach	Penny	Towns
Lehman (CA)	Perkins	Traxler
Lehman (FL)	Pickle	Udall
Leland	Price	Valentine
Levin	Pursell	Vento
Levine	Rahall	Volkmer
Long (LA)	Rangel	Walgren
Long (MD)	Ratchford	Watkins
Lowry (WA)	Reid	Waxman
Luken	Richardson	Weaver
Lundine	Ridge	Weiss
Markey	Rodino	Wheat
Martinez	Roe	Whitley
Matsui	Rose	Whitten
Mavroules	Rostenkowski	Williams (MT)
Mazzoli	Roukema	Williams (OH)
McCloskey	Roybal	Wirth
McCurdy	Russo	Wise
McHugh	Sabo	Wolpe
McKernan	Savage	Wright
McKinney	Scheuer	Wyden
McNulty	Schneider	Yates
Mikulski	Schroeder	Yatron
Miller (CA)	Schumer	Young (MO)
Mineta	Seiberling	Zablocki
Minish	Shannon	

NOES—194

Archer	Flippo	Loeffler
Badham	Forsythe	Lott
Barnard	Franklin	Lowery (CA)
Bartlett	Frenzel	Lujan
Bateman	Fuqua	Lungren
Bereuter	Gaydos	Mack
Bethune	Gekas	Madigan
Bilirakis	Gilman	Marlenee
Bliley	Gingrich	Marriott
Boner	Goodling	Martin (IL)
Breaux	Gradison	Martin (NC)
Broomfield	Gramm	Martin (NY)
Brown (CO)	Gregg	McCain
Broyhill	Gunderson	McCandless
Burton (IN)	Hall, Ralph	McCollum
Byron	Hall, Sam	McDade
Campbell	Hammerschmidt	McEwen
Carney	Hansen (ID)	McGrath
Chappell	Hansen (UT)	Mica
Chappie	Hartnett	Michel
Cheney	Hatcher	Miller (OH)
Clinger	Hiler	Molinari
Coats	Hillis	Montgomery
Coleman (MO)	Holt	Moore
Conable	Hopkins	Moorhead
Corcoran	Hubbard	Morrison (WA)
Courter	Huckaby	Murtha
Craig	Hunter	Myers
Crane, Daniel	Hutto	Nelson
Crane, Philip	Hyde	Nichols
Crockett	Ireland	Nielson
Daniel	Jenkins	O'Brien
Dannemeyer	Johnson	Ortiz
Daub	Jones (TN)	Oxley
Davis	Kasich	Packard
DeWine	Kazen	Parris
Dickinson	Kemp	Pashayan
Dowdy	Kindness	Patman
Dreier	Kramer	Petri
Duncan	Lagomarsino	Porter
Dyson	Latta	Quillen
Edwards (AL)	Leath	Ray
Edwards (OK)	Lent	Regula
Emerson	Levitas	Rinaldo
Erdreich	Lewis (CA)	Ritter
Erlenborn	Lewis (FL)	Roberts
Fascell	Lipinski	Robinson
Fiedler	Livingston	Roemer
Fields	Lloyd	Rogers
Roth	Smith (NJ)	Thomas (GA)
Rowland	Smith, Denny	Vander Jagt
Rudd	Smith, Robert	Vandergriff
Sawyer	Snyder	Vucanovich
Schaefer	Solomon	Walker
Schulze	Spence	Weber
Sensenbrenner	Stangeland	Whitehurst
Shaw	Stenholm	Whittaker
Shelby	Stratton	Wilson
Shumway	Stump	Winn
Shuster	Sundquist	Wolf
Siljander	Tallon	Wortley
Sisisky	Tauke	Wylie
Skeen	Tauzin	Young (FL)
Skelton	Taylor	Zschau
Smith (NE)	Thomas (CA)	

NOT VOTING—12

Bevill	Hance	Paul
Collins	Hightower	Pepper
Dixon	MacKay	Pritchard
Ford (TN)	Oberstar	Young (AK)

□ 1450

The Clerk announced the following pairs:

On this vote:

Mr. Oberstar for, with Mr. Bevill against.

Mr. MacKay for, with Mr. Hance against.

Mr. Ford of Tennessee for, with Mr. Pritchard against.

Mrs. Collins for, with Mr. Young of Alaska against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2968) to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency retirement and disability system, and for other purposes, pursuant to House Resolution 329, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ROBINSON

Mr. ROBINSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ROBINSON. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ROBINSON moves to recommit the bill, H.R. 2968, to the Permanent Select Committee on Intelligence with instructions that

the permanent select committee report the bill back to the House forthwith with the following amendment: Strike all after the enacting clause and insert in lieu thereof the following:

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1984 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1984, for the conduct of the Intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Permanent Select Committee on Intelligence to accompany H.R. 2968 of the Ninety-eighth Congress. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the schedule, or of appropriate portions of the schedule, within the executive branch.

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

SEC. 103. During fiscal year 1984, funds may not be made available for any intelligence or intelligence-related activity unless such funds have been specifically authorized for such activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity, except that, in no case may reprogramming or transfer authority be used by the Director of Central Intelligence or the Secretary of Defense unless for higher priority intelligence or intelligence-related activities, based on unforeseen requirements, than those for which funds were originally authorized, and in no case where the intelligence or intelligence-related activity for which funds were requested has been denied by Congress.

AUTHORIZATION OF APPROPRIATIONS FOR DESIGN AND CONSTRUCTION OF AN ADDITIONAL BUILDING AT THE CENTRAL INTELLIGENCE AGENCY HEADQUARTERS COMPOUND

SEC. 104. Of the amounts authorized to be appropriated under section 101(1), there is authorized to be appropriated the sum of $75,500,000 for the design and construction of a new building at the Central Intelligence Agency headquarters compound.

AUTHORITY FOR TRANSFER OF AUTHORIZED FUNDS OF THE CENTRAL INTELLIGENCE AGENCY TO THE STATE OF VIRGINIA

SEC. 105. Of the amounts authorized to be appropriated under section 101(1), the Central Intelligence Agency is authorized to transfer an amount not to exceed $3,000,000 to the State of Virginia for the design and construction of highway improvements associated with construction at the Central Intelligence Agency headquarters compound.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTERTERRORISM ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

SEC. 106. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1984 the sum of $13,800,000 for the conduct of the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

PERSONNEL CEILINGS ADJUSTMENTS

SEC. 107. The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized under titles I and II of the Intelligence Authorization Act for Fiscal Year 1983 (Public Law 97-269) and title I of this Act when he determines that such action is necessary to the performance of important intelligence functions. Additional numbers of civilian personnel authorized by the Director of Central Intelligence under this section for an element of the Intelligence Community may not exceed 2 per centum of the number of civilian personnel authorized under such titles for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1984 the sum of $19,100,000.

AUTHORIZATION OF PERSONNEL END-STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized two hundred and fifteen full-time personnel as of September 30, 1984. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1984, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1984, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY

SEC. 203. During fiscal year 1984, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403n) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1984 the sum of $86,300,000.

TITLE IV—ADMINISTRATIVE PROVISIONS RELATED TO THE CENTRAL INTELLIGENCE AGENCY AND THE INTELLIGENCE COMMUNITY STAFF

ELIGIBILITY FOR APPOINTMENT TO CERTAIN CENTRAL INTELLIGENCE AGENCY POSITIONS

SEC. 401. Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended by striking the last "and" in subsection (d) by striking the period at the end of subsection (e) and substituting in lieu thereof "; and", and by adding at the end thereof the following new subsection:

"(f) Determine and fix the minimum and maximum limits of age within which an original appointment may be made to an operational position within the Agency, notwithstanding the provision of any other law, in accordance with such criteria as the Director, in his discretion, may prescribe.".

ELIGIBILITY FOR INCENTIVE AWARDS

SEC. 402. (a) The Director of Central Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency or to the Intelligence Community Staff, in the same manner as such authority may be exercised with respect to the personnel of the Central Intelligence Agency and the intelligence Community Staff.

(b) The authority granted by subsection (a) of this section may be exercised with respect to Federal employees or members of the Armed Forces detailed or assigned to the Central Intelligence Agency or to the Intelligence Community Staff subsequent to five years preceding the date of enactment of this section.

TITLE V—GENERAL PROVISIONS

RESTRICTION OF CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 501. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 502. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

"TITLE VI—PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA; AUTHORIZATION OF OVERT INTERDICTION ASSISTANCE

"PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA

"SEC. 601. (a) After 60 days from the date of enactment, none of the funds authorized

to be appropriated by the Act may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, if by that date, the Government of Nicaragua has: (1) reaffirmed the commitments it made to the Organization of American States in July 1979, (2) concluded the treaties and other international documents necessary to implement the objectives contained in the Document of Objectives agreed to at the September 7-9 meeting of the Contadora Four and the Central American countries (Colombia, Mexico, Panama, Venezuela; Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua), and (3) ceased all activities involving the furnishing of arms, personnel, training, command and control facilities or logistical support for military or paramilitary operations in or against all countries in Central America or the Caribbean—all with adequate systems of verification and control."

"AUTHORIZATION OF OVERT INTERDICTION ASSISTANCE

"SEC. 602. (a) The Congress finds that—

"(1) in the absence of a state of declared war, the provision of military equipment to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America violates international treaty obligations, including the Charter of the United Nations, the Charter of the Organization of American States, and the Rio Treaty of 1949; and

"(2) such activities by the Governments of Cuba and Nicaragua threaten the independence of El Salvador and threaten to destabilize the entire Central American region, and the Governments of Cuba and Nicaragua refuse to cease those activities.

"(b) The President is authorized to furnish assistance, on such terms and conditions as he may determine, to the government of any friendly country in Central America in order to provide such country with the ability to prevent use of its territory, or to prevent to the extent permitted by international law the use of international territory, for the transfer of military equipment from or through Cuba or Nicaragua or any other country or agents of that country to any individual, group, organization, or movement which the President determines seeks to overthrow the government of such friendly country or the government of any other country in Central America. Assistance under this section shall be provided openly, and shall not be provided in a manner which attempts to conceal United States involvement in the provision of such assistance.

"(c) Assistance may be provided to a friendly foreign country under this section only if that country has ageed that it will not use any assistance provided by the United States under this section, the Foreign Assistance Act of 1961, or the Arms Export Control Act to destabilize or overthrow the government of any country in Central America and will not make any such assistance available to any nation, individual, group, organization, or movement which seeks to destabilize or overthrow any such government.

"(d) At least 15 days before providing assistance to a foreign country under this section, the President shall submit an unclassified report which describes the proposed assistance to the Speaker of the House of Representatives and to the chairman of the appropriate committees of the Senate.

"(e) There is authorized to be appropriated to the President to carry out this section $80,000,000 for the fiscal year 1984.

"(f) Funds to carry out this section shall be made available for any friendly country in Central America only for the purpose of interdicting the transfer of military equipment to any country in Central America."

SEC. 2. (a) The Congress finds that—

(1) the Government of National Reconstruction of Nicaragua has failed to keep solemn promises, made to the Organization of American States in July 1979, to establish full respect for human rights and political liberties, hold early elections, preserve a private sector, permit political pluralism, and pursue a foreign policy of nonaggression and nonintervention;

(2) by providing military support (including arms, training, and logistical, command and control, and communications facilities) to groups seeking to overthrow the Government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated article 18 of the Charter of the Organization of American States which declares that no state has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other state;

(3) the Government of Nicaragua should be held accountable before the Organization of American States for activities violative of promises made to the Organization and for violations of the Charter of that Organization; and

(4) working through the Organization of American States is the proper and the most effective means of dealing with threats to the peace in Central America, of providing for common action in the event of aggression, and of providing the mechanisms for peaceful resolution of disputes among the countries of Central America.

(b) The President shall seek a prompt reconvening of the Seventeeth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States for the purpose of reevaluating the compliance by the Government of National Reconstruction of Nicaragua—

(1) with the commitments made by the leaders of that Government in July 1979 to the Organization of American States; and

(2) with the Charter of the Organization of American States.

(c) The President shall vigorously seek prompt actions by the Organization of American States that would provide for a full range of effective measures by the member states to bring about compliance by the Government of National Reconstruction of Nicaragua with those obligations, including verifiable agreements to halt the transfer of military equipment and to cease furnishing of military support facilities to groups seeking the violent overthrow of governments of countries in Central America.

(d) The President shall use all diplomatic means at his disposal to encourage the Organization of American States to seek resolution of the conflicts in Central America based on the provisions of the Final Act of the San Jose Conference of October 1982, especially principles (d), (e), and (g), relating to nonintervention in the internal affairs of other countries, denying support for terrorist and subversive elements in other states, and international supervision of fully verifiable arrangements.

(e) The United States shall support measures at the Organization of American States, as well as efforts of the Contadora Group, which seeks to end support for terrorist, subversive, or other activities aimed at the violent overthrow of the governments of countries in Central America. Funds authorized to be appropriated by this Act may be used to provide United States support for activities with respect to Nicaragua which are designed to end the conflict in the region and which are approved by the Organization of American States, including international surveillance and supervision activities, peacekeeping forces, border patrols, and election supervisors.

(f) Not later than March 15, 1984, the President shall report to the Congress on the results of his efforts pursuant to this Act to achieve peace in Central America and to end the flow of arms to Central America. Such report may include such recommendations as the President may consider appropriate for further United States actions to achieve these objectives, including requests for the authorization and appropriation of additional funds to carry out the purposes of this Act.

Mr. ROBINSON (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER. Pursuant to the provisions of House Resolution 329, the Chair recognizes the gentleman from Virginia (Mr. ROBINSON) for 10 minutes.

For what purpose does the gentleman from Massachusetts (Mr. BOLAND) rise?

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the motion to recommit the bill, H.R. 2968 with instructions permitted under the rule be debatable for not to exceed 30 minutes, the time to be equally divided and controlled by the proponent of the motion and a Member opposed thereto.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The gentleman from Virginia (Mr. ROBINSON) will be recognized for 15 minutes, and the gentleman from Massachusetts (Mr. BOLAND) will be recognized for 15 minutes.

The Chair recognizes the gentleman from Virginia (Mr. ROBINSON).

Mr. ROBINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I say at the outset that this is not a run-of-the-mine motion to recommit, and I ask that my colleagues give it careful attention. The motion to recommit that I am offering will defer a halt to U.S. support for Nicaraguan opposition until the Sandinistas stop interfering with their neighbors and join in an agreement based on the Contadora 21-point Document of Objectives agreed to at the

September 7 through 9 meeting of the Contadora. The countries which participated in that negotiation were Colombia, Mexico, Panama, Venezuela, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

Mr. Speaker, this amendment clearly associates U.S. support for the Nicaraguan position with the cause of peace that we can all support. It makes clear that the U.S. goals are limited, are positive, and do not include the overthrow of the Nicaraguan Government. At the same time, it gives to the President flexibility to pursue a policy that is working. This very deliberate and methodical approach, which in itself has been a stabilizing influence in Central America, is the best guarantee against the open-ended cycle of violence and turmoil that will most certainly ensue if the only effective check on Sandinistan behavior is removed, which would be the case as this bill now stands.

The provisions of H.R. 2760 have not improved with age. In fact, some may argue effectively that the concept has been overtaken by events. And indeed, I would call to the attention of the Members the remarks on the subject of the majority leader who took the well just before the last vote. Although I agreed with everything that he said in terms of observations, his conclusions just did not seem to match the observations, which I regret.

Until just recently, the Nicaraguan Government has proven impervious to any peaceful negotiated settlement of the conflict in Central America. Efforts to achieve such a settlement appear to have much more momentum than ever before in terms of actions that we see happening down there and their willingness to get together.

□ 1500

The impetus behind the peace process is partially attributable to pressures the Nicaraguan Government has experienced internally and to the clear and firm signals the United States has given in its commitment to the security of the democratic nations in that area. These developments have given our friends the confidence to negotiate without fear of reprisal from Nicaragua and provided Nicaragua with the physical and political motivation to respond favorably. To state that the policy is not working is to ignore reality, and that has been said by more than one speaker here today. In fact, pressures being exerted internally and externally on the Sandinista regime are producing the first signs of Sandinista flexibility after over 4 years of the intransient support for violence and subversion in the neighboring countries in Central America. The most important evidence of such flexibility is the apparent Nicaraguan acceptance of the 21-point document of objectives negotiated last month by the Contadora group. This document contains crucial ingredients, as we have heard about today, such as a halt to arms buildups, foreign intervention, and democratic pleuralism.

As an example, not long ago Assistant Secretary of State Motley went to Nicaragua to discuss issues of vital concern. He was given a cold shoulder. He was not even allowed to meet with the appropriate level Nicaraguan Government officials. However, today, even as we speak, the Nicaraguan Foreign Minister is meeting with Assistant Secretary Motley, and the United States is listening and talking and will continue to do so. At this point in time, a lack of U.S. resolve, as would be demonstrated by the bill that is now before us, could destroy the possibility that Nicaragua may agree to reciprocal, verifiable agreements with its neighbors. I share Secretary Shultz' opinion and, if I may, I will read from his October 18 letter to the Speaker and to the gentleman from Illinois (Mr. MICHEL), as has been quoted by others here today:

I therefore, believe it is essential that the House of Representatives not enact provisions in the intelligence authorization bill that would give the Sandinistas a unilateral assurance that the United States will withhold support from the Nicaraguan resistance movement. In my judgment, such an action will virtually destroy the prospect that Nicaragua may agree to reciprocal and verifiable agreements to end assistance to all guerrilla forces operating in the region. The administration's policy to help bring peace in Central America are not beginning to bear fruit. I urge the House not impose restrictions on this policy and thereby undermine the cause of peace and democracy that we all support. Sincerely yours, George P. Shultz.

One of the major shortcomings of H.R. 2670 is its undue rigidity in the face of ever-changing circumstances in Central America.

The logic of H.R. 2760 is based upon a doctrine of nonintervention. In that regard, I would like to share with you the thoughts of the 19th-century English economist and philosopher, John Stuart Mill. He spoke on the doctrine of nonintervention.

The doctrine of nonintervention, to be a legitimate principle of morality, must be accepted by all governments. The despots must consent to be bound by it as well as the free states. Unless they do, the profession of it by free countries comes but to this miserable issue—that the wrong side may help the wrong, but the right must not help the right.

That is exactly where we find ourselves situated now.

In closing, I urge all the Members of the House to carefully weigh the consequences of our decision today and to vote for legislative solution that balances U.S. response with U.S. commitments and U.S. security interests in Central America.

I urge your support for the motion to recommit.

Mr. LEVITAS. Mr. Speaker, I rise in support of the motion to recommit. All of this discussion about secret or covert aid versus open or overt aid is nonsense. The phony business about some aid being sneaky or under the table or over the table, it is just a lot of hot air. Everybody in the world, who cares, knows about the aid and the operations, and it is absurd to talk about one type being bad or another being good. After all should we, and, indeed are we supporting the insurgency in Afghanistan? Should we abandon those freedom fighters because of some covert aid rhetoric?

Everybody knows what the issue is: Are we going to continue to supply aid and assistance to people who are fighting against the Government in Nicaragua, the insurgents? It is no secret. Everybody knows about it. So the question is not whether the aid is secret or open. The question is simply this: Should we or should we not provide this aid?

Since we know that Nicaragua and Cuba and Russia are supplying the insurgents in El Salvador for the purpose of overthrowing the Government of El Salvador, is it appropriate and is it justifiable for the allies of El Salvador, including the United States, to provide aid to people who are trying to change, or change the conduct of, the Government of Nicaragua? That is the question. As long as Nicaragua is aiding foreign insurgency, is it justifiable for the United States to do so as well in response to the Nicaraguan action?

When Nicaragua, Cuba, and Russia stop exporting revolution in Latin America and stop supplying the insurgents in El Salvador to overthrow that Government, then the United States certainly ought to stop supplying insurgents in Nicaragua.

What we really need is a political and nonviolent resolution of the problems in Central America. We need negotiation. We need the help of our Latin American allies as mediators. We need an end to oppression and the denial of human rights and the killing of innocent people. We should let the Central Americans solve their own problems without outside intervention of military power and we should support the tender buds of emerging democracy.

But, in order to do this we must not let Cuba and Russia have a free hand to support exported violent revolution and military assassins to be used against friendly regimes. When they stop insurgency, then we should too—at once.

Let us help bring peace, justice, and stability, democracy and economic well-being to this region.

Mr. BOLAND. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. Mr. Speaker, this summer the House passed the Boland amendment. Today we are asked to reconsider its passage under circumstances that make it more, not less, important.

Why is passage more important today? Just in the past week there have been reports of an escalation of Contra-revolutionary terrorism, of the destruction of petroleum repositories in Nicaragua, acts of industrial sabotage that the administration has not only condoned, but, according to press accounts, actually claimed credit for planning and carrying out.

I and many Members of this body have doubts that these acts of sabotage are effective, but even if they are, this country should be wary of such a policy. Above anything else, the United States of America has always stood for the rule of law. Within that context, we have taken the lead in attempting to place legal and moral constraints upon terrorism.

It has been said here today that our current policy is cheap; that no American lives are jeopardized. That may be true in the short run, but I wonder in the long run whether U.S. Government complicity in acts of sabotage and efforts to overthrow a duly recognized government within this hemisphere will not be very costly to our principles and eventually our lives.

I urge support of the Boland amendment and defeat of the motion to recommit.

Mr. WHITEHURST. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank my colleague.

I want everyone to pay close attention, please, to what I am about to say, because I understand the committee did not really realize what this motion to recommit does until just a few moments ago.

I think this is the first time I have ever taken the floor to speak for a motion to recommit. I think this is that important. It is an issue that I have dealt with for 5 years here when we started out giving $75 million to the Sandinistas to try to win their friendship and show that we wanted to be friends; but a point has not been made at all on this floor. This is I think new information and I think it is important. The motion to recommit maintains the overt aid that was just approved, as well as the covert, on a basis that "You stop and we will stop."

Now, many thought that it just cut off the overt. It does not; so I think each Member should think that if they are not sure, if they are not positive, we have had two successive votes with less than a 15-to-20 vote shift would have made a difference on long-term foreign policy that could mean major changes in lineups in this hemisphere on what we are about to do.

One of our Members of the Democratic Party recommended to me when I was searching for a compromise that the strongest position might indeed be for the Democrats to go with that overt and allow the covert to be cutoff and say to Nicaragua, in effect, "You stop and we will stop."

This does that. It does not cut off the overt aid.

□ 1510

One other point, and it does not cut off the overt aid. One other point that I would like to make, if you can bring yourself just a moment to think of the words of our majority leader as he spoke so eloquently just a few minutes ago.

He described this regime in terms of a Hitler-type government, a Hitler-type approach.

When we are talking about 15 votes, when we are talking about foreign policy, when we are talking about concerns that mean the lives of individuals all over this hemisphere, I think it would be well for each Member to think just a moment that this is not a simple resolution to recommit and change everything that we have done.

It indeed leaves the overt aid in and that has not been said before this moment, it leaves it in and it says on the covert, we will both stop on the symmetry-type idea.

Mr. FOWLER. Mr. Speaker, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Georgia.

Mr. FOWLER. I thank the gentleman for yielding.

I appreciate the responsible arguments of the gentleman from Florida, but I do think we ought to clear up the fact that the gentleman from Texas (Mr. WRIGHT) rose in support of the bill as just passed and would be opposed to the motion of the gentleman from Florida.

There are many similarities. Certainly our goals are the same. There is no question about what we are trying to achieve.

The difficulty is in trying to determine the policy best to achieve peace and stability; and since the majority leader is not here, we ought to say, since you raised his arguments, that he supports the Boland-Zablocki approach.

Mr. MICA. Let me just make that clear. That is why I asked each Member, if they would think back and try to recall just a few moments when he spoke so eloquently about Boland-Zablocki, if you had changed, in my mind the only words of the conclusion, it would have been a magificent argument why we should not take the action. You can draw that conclusion. I sat in the front chair, and I thought he was going to say that.

That is the point I am raising. It is a very, very close issue. We are within 15 votes one way or the other. Here is a motion to recommit that does both. It is a difficult issue and I ask you to examine it very carefully. This is the first time I had ever taken the floor on a motion to recommit but I have lived with this issue on that committee for 5 years and I hope we do not make a mistake, and at the very least, this would give us under this motion to recommit both approaches.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

I want to commend the gentleman for illuminating exactly the situation we are in.

The motion to recommit preserves the Boland-Zablocki amendment, insofar as it authorizes a specific amount of money for overt interdiction for the export of revolution. It authorizes continuation of covert aid until the export of subversion by Nicaragua to its neighbors is halted, and on the basis of equity, on the basis of parity, on a basis of reciprocity, and on the basis of symmetry, we will stop when they stop, as they stop.

If you want a quid pro quo, when you give somebody something, you ought to get something for it, and if we can get a stoppage of the export of revolution and killing and violence in El Salvador, it is minently worthwhile, so I think the gentleman has made an excellent point, and I plead with everyone in this Chamber to support the doctrine of symmetry and reciprocity and a quid pro quo.

Mr. MICA. I thank the gentleman and I yield back the balance of my time.

Mr. ROBINSON. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. I thank the gentleman for yielding me this time.

Indeed, this motion to recommit is something more than the usual motion. It is an opportunity for this House to reverse its errors.

Last December 8, those Members of this body who were against covert assistance, Nicaraguan insurgence, made a mistake. There are a variety of reasons people are opposed to covert assistance, Nicaraguan insurgence, some on a matter of law, some moral, and some like myself, believe it is counterproductive.

At that time we followed the leadership of Mr. BOLAND when he substituted his amendment for the Harkin amendment which would shut off aid straightforward.

Instead, we placed on the matter in our lawbooks an unrealistic condition

which said that only for interdiction assistance could covert aid be added.

Now, that was not the intention of the Nicaraguan insurgents, and we are kidding ourselves in saying that, so we made a mistake then. I would like to suggest to the Members of the body that made that mistake, and we made it unanimously at that point, on December 8 and July 28, here is one more opportunity to correct that error.

You had a chance on July 28 in the Mica substitute and a substitute offered by this Member to reverse that error, to a symmetry approach, instead of going for the more difficult, more dangerous overt assistance to surrounding republics, which is more likely to lead us to war and certainly which is provided with the kind of financing that is totally inadequate for the job.

I urge my colleagues to take a careful look at this motion to recommit. It is the responsible course that Members on both sides of the aisle ought to take in this instance.

I urge its support.

Mr. BOLAND. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I rise in opposition to the motion.

As the Reagan administration, through the CIA, continues its so-called covert intervention in the escalating guerrilla war in Nicaragua, there is still time, nevertheless, to change course before it erupts into a full-scale war that could engulf most of Central America.

Of course, the United States does have a legitimate interest in preventing Nicaragua from becoming a base for military intervention in other Central American countries. However, the administration has failed to prove that its legitimate goal cannot be achieved by diplomatic means and enforced by collective action through the Organization of American States or other appropriate multinational approaches. Nicaragua has indicated its willingness to negotiate on such a basis. However, such a goal is not likely to be achieved so long as the United States itself continues to support military intervention.

Unfortunately, the Reagan administration gives the impression that it is on a crusade to overthrow the Sandinista Government by force. This is sad. It violates our own laws. It violates the OSA Treaty. It results in greater suffering for the people of Nicaragua. And it gives hardliners in the Sandinista regime an excuse for moving toward more repressive internal political measures.

We have the right—and even the duty—to object to such repressive measures, but we do not have a right to overthrow by force of arms the government that imposes them. In fact, to the extent that the United States attempts to do so, it brings about only greater internal repression in Nicaragua.

Mr. Speaker, the September 30 Washington Post contained an excellent article by Stephen S. Rosenfeld which points out that the Reagan administration's policy in Nicaragua is counterproductive in that it weakens the moderates and plays into the hands of the radicals in the Sandinista regime. He also points out:

Reagan, when he asks Nicaragua to leave its neighbors alone, has a good case and good Latin company. But his tactics fail to take adequate account of Nicaragua's historical association of the United States with intervention and repression. He sidesteps the huge discrepancy in the stakes: for us, our position in the region; for the Sandinistas, survival. There is almost no subtlety, no imagination, no feel for the Latinos in the American approach.

Mr. Speaker, the full text of the article by Mr. Rosenfeld follows:

[From the Washington Post, Sept. 30, 1983]

ACCEPT NICARAGUA'S REVOLUTION

(By Stephen S. Rosenfeld)

The nastiness between the United States and Nicaragua is moving beyond the reach of mediation. Something could happen—arising most likely in Honduras—to bring about a direct military clash. On both sides the expectation of a downward spiral robs energy from any lingering tendency to avert it.

In Washington, the leading edge of policy was traced boldly the other day by Undersecretary of Defense Fred Ikle. He expressed the currently ascendant line of administration thinking that objects not merely to this internal policy or that external policy of the Sandinistas but to the very existence of the regime.

In Nicaragua—to judge by what Sandinista leader Daniel Ortega said in a Washington Post interview and in his United Nations speech this week—the conviction is stronger than ever that "defeats" suffered by U.S. policy in the region are causing a desperate Reagan to up the military ante and put the revolution at ever greater risk.

It seems to me quite possible that the two sides will manage to bring at least some part of each other's deepest fears to life. The United States may find a way to take a smack at Nicaragua, and Nicaragua may try to distract Washington by turning up the heat in other countries of the region. In either event, things get worse.

Is there not another way?

I think the United States should stop equivocating and "accept" the Nicaraguan revolution, the better 1) to induce the Sandinistas to climb down from their current dangerous and offensive hysteria, 2) to keep alive the residual pluralistic elements within Nicaragua and 3) to work with Latin friends to influence the regime over time. So dark is the shadow of America's long intervention in Nicaragua that support of the "contras" now seems to me increasingly likely to play into Sandinista hands.

If you are honest, however, you cannot pretend to be sure that an American policy of respect and restraint will work. The Sandinista leadership tends not only to the Marxist (socialist) but to the Leninist (single-party dictatorship) and to a pro-Cuban, pro-Soviet international orientation. It is not simply an administration fantasy that the regime may try to exploit fissures in American and Latin public opinion and use a respite to become a "second Cuba."

I think the administration's fears of a rampant revolutionary Nicaragua are exaggerated, tend to the self-fulfilling, and distract necessary attention from the social causations. Still, too many of Reagan's critics ignore the quotient of strategic reality in those fears.

In this light, it was disturbing, though clarifying, to see Daniel Ortega's response when his interviewers asked him about an American reporter's recent, rare and seemingly unrebuttable on-the-ground finding of an operation in a remote Nicaraguan fishing village to smuggle arms to El Salvador. Ortega dissembled.

I tried to draw him out on what seems to me the single unconditionally legitimate demand that can be and is made on Managua by the United States and its friends. Did he feel Nicaragua's revolution could last only if it were exported?

He answered by first denying the Sandinistas' authorship of a phrase—"revolution without frontiers"—often attributed to them by American officials. Without ever addressing the main question head on, he restated Managua's readiness to negotiate specific procedures—border patrols and the like—in the context of an address to everyone's security concerns.

Here we come to something the administration has obscured. Last summer—the Americans say after and the Nicaraguans say before Reagan made his big show of force near Nicaragua—the Sandinista regime seemed to be repositioning itself to give security talks a better chance. But nothing seems to have come of the faint promise of July, principally, I suspect, because the administration has been overplaying its military hand.

Reagan, when he asks Nicaragua to leave its neighbors alone, has a good case and good Latin company. But his tactics fail to take adequate account of Nicaragua's historical association of the United States with intervention and repression. He sidesteps the huge discrepancy in the stakes: for us our position in the region; for the Sandinistas, survival. There is almost no subtlety, no imagination, no feel for the Latinos in the American approach.

If I were Reagan, I would end the charade of the Kissinger commission and simply send Henry down there, with Sol Linowitz, and let them work out the transition from the current crisis to the next tense and ragged but, surely, manageable 30 years.

Mr. BOLAND. Mr. Speaker, it is true that the motion to recommit does contain covert action, but the fact of the matter is, it also contains money for the overt operation that was in our amendment. But the fact of the matter is it also continues the war in Nicaragua. It is that simple.

This proposal that we just defeated a moment ago is based on really the deadly theory of a tit-for-tat. The bottom line of any proposal based on the principle of symmetry, as the administration likes to call it and as my dear friends on the other side call it, is really the continuation of the covert action. You cannot get away from that, clear as the noses on our faces.

Mr. Speaker, I think we ought to reject this motion to recommit. The House has now voted twice since July to stop CIA involvement in the war of Nicaragua. The House can now go to conference with the Senate and have its position on Nicaragua fully considered. We have been foreclosed on that by the other body, and so this motion to recommit is yet another attempt after three adverse votes in this House since July to sell the symmetry amendment.

Mr. Speaker, I hope that the membership of this House does not accept this motion to recommit and the motion to recommit is defeated, and I yield back the balance of my time.

Mr. ROBINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. SILJANDER).

Mr. ROBINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

I listened to my friend from Massachusetts and hung on every word, and I still cannot understand what is wrong with the notion of synmmetry.

We are not continuing the war. It would be within their power to stop the war instantly. What is wrong with the notion of reciprocity. We are not continuing the war. It is within their power. They are the initiators, the perpetrators. They can stop it, and will stop it. If someone has an answer, I would love to hear it.

Mr. ROBINSON. I want to supplement the remarks the gentleman from Illinois (Mr. HYDE) has just made. This is the way to approach the problem through the tactic of using symmetry, and I ask for a favorable vote on the motion to recommit.

The SPEAKER pro tempore. All time has expired.

The question is on the motion to recommit offered by the gentleman from Virginia (Mr. ROBINSON).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ROBINSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 193, nays 223, not voting 17, as follows:

[Roll No. 404]

YEAS—193

Archer	Hartnett	Parris
Badham	Hatcher	Pashayan
Barnard	Hiler	Patman
Bartlett	Hillis	Petri
Bateman	Holt	Porter
Bereuter	Hopkins	Quillen
Bethune	Hubbard	Ray
Bilirakis	Huckaby	Regula
Bliley	Hunter	Ridge
Breaux	Hutto	Rinaldo
Broomfield	Hyde	Ritter
Brown (CO)	Ireland	Roberts
Broyhill	Jenkins	Robinson
Burton (IN)	Johnson	Roemer
Byron	Kasich	Rogers
Campbell	Kazen	Roth
Carney	Kemp	Rowland
Chappell	Kindness	Rudd
Chappie	Kramer	Sawyer
Cheney	Lagomarsino	Schaefer
Clinger	Latta	Schulze
Coats	Leath	Sensenbrenner
Coleman (MO)	Lent	Shaw
Conable	Levitas	Shelby
Corcoran	Lewis (CA)	Shumway
Coughlin	Lewis (FL)	Shuster
Courter	Lipinski	Siljander
Craig	Livingston	Sisisky
Crane, Daniel	Lloyd	Skeen
Crane, Philip	Loeffler	Skelton
Daniel	Lott	Smith (NE)
Dannemeyer	Lowery (CA)	Smith (NJ)
Daub	Lujan	Smith, Denny
Davis	Lungren	Smith, Robert
DeWine	Mack	Snyder
Dickinson	Madigan	Solomon
Dowdy	Marlenee	Spence
Dreier	Marriott	Stangeland
Duncan	Martin (IL)	Stenholm
Dyson	Martin (NC)	Stratton
Edwards (AL)	Martin (NY)	Stump
Edwards (OK)	McCain	Sundquist
Emerson	McCandless	Tallon
Erdreich	McCollum	Tauke
Erlenborn	McDade	Tauzin
Fascell	McEwen	Taylor
Fiedler	McGrath	Thomas (CA)
Fields	Mica	Thomas (GA)
Flippo	Michel	Vander Jagt
Franklin	Miller (OH)	Vandergriff
Frenzel	Molinari	Vucanovich
Fuqua	Montgomery	Walker
Gekas	Moore	Weber
Gilman	Moorhead	Whitehurst
Gingrich	Morrison (WA)	Whitley
Goodling	Murphy	Whittaker
Gradison	Murtha	Williams (OH)
Gramm	Myers	Wilson
Gregg	Nelson	Winn
Gunderson	Nichols	Wolf
Hall, Ralph	Nielson	Wortley
Hall, Sam	O'Brien	Wylie
Hammerschmidt	Ortiz	Young (FL)
Hansen (ID)	Oxley	
Hansen (UT)	Packard	

NAYS—223

Ackerman	Boland	Crockett
Addabbo	Bonior	D'Amours
Akaka	Bonker	Daschle
Albosta	Borski	de la Garza
Alexander	Bosco	Dellums
Anderson	Boucher	Derrick
Andrews (NC)	Boxer	Dicks
Andrews (TX)	Britt	Dingell
Annunzio	Brooks	Donnelly
Anthony	Brown (CA)	Dorgan
Applegate	Bryant	Downey
Aspin	Carper	Durbin
AuCoin	Chandler	Dwyer
Barnes	Clarke	Dymally
Bates	Clay	Early
Bedell	Coelho	Eckart
Beilenson	Coleman (TX)	Edgar
Bennett	Conte	Edwards (CA)
Biaggi	Conyers	English
Boehlert	Cooper	Evans (IA)
Boggs	Coyne	Evans (IL)
Fazio	Levin	Roybal
Feighan	Levine	Russo
Ferraro	Long (LA)	Sabo
Fish	Long (MD)	Savage
Florio	Lowry (WA)	Scheuer
Foglietta	Luken	Schneider
Foley	Lundine	Schroeder
Ford (MI)	Markey	Schumer
Fowler	Martinez	Seiberling
Frank	Matsui	Shannon
Frost	Mavroules	Sharp
Garcia	Mazzoli	Sikorski
Gaydos	McCloskey	Simon
Gejdenson	McCurdy	Slattery
Gephardt	McHugh	Smith (FL)
Gibbons	McKernan	Smith (IA)
Glickman	McKinney	Snowe
Gonzalez	McNulty	Solarz
Gore	Mikulski	Spratt
Gray	Miller (CA)	St Germain
Green	Mineta	Staggers
Guarini	Minish	Stark
Hall (IN)	Mitchell	Stokes
Hall (OH)	Moakley	Studds
Hamilton	Mollohan	Swift
Harkin	Moody	Synar
Harrison	Morrison (CT)	Torres
Hawkins	Mrazek	Torricelli
Hayes	Natcher	Towns
Hefner	Neal	Traxler
Heftel	Nowak	Udall
Hertel	Oakar	Valentine
Horton	Obey	Vento
Howard	Olin	Volkmer
Hoyer	Ottinger	Walgren
Hughes	Owens	Watkins
Jacobs	Panetta	Waxman
Jeffords	Patterson	Weaver
Jones (NC)	Pease	Weiss
Jones (OK)	Penny	Wheat
Jones (TN)	Perkins	Whitten
Kaptur	Pickle	Williams (MT)
Kastenmeier	Price	Wirth
Kennelly	Pursell	Wise
Kildee	Rahall	Wolpe
Kogovsek	Rangel	Wright
Kolter	Ratchford	Wyden
Kostmayer	Reid	Yates
LaFalce	Richardson	Yatron
Lantos	Rodino	Young (MO)
Leach	Roe	Zablocki
Lehman (CA)	Rose	Zschau
Lehman (FL)	Rostenkowski	
Leland	Roukema	

NOT VOTING—17

Berman	Dixon	Oberstar
Bevill	Ford (TN)	Paul
Boner	Forsythe	Pepper
Burton (CA)	Hance	Pritchard
Carr	Hightower	Young (AK)
Collins	MacKay	

□ 1530

The Clerk announced the following pairs:

On this vote:

Mr. Pritchard for, with Mr. Berman against.

Mr. Bevill for, with Mr. Oberster against.

Mr. Hance for, with Mr. MacKay against.

Mr. Young of Alaska for, with Mrs. Collins against.

Mr. ALBOSTA and Mr. JONES of Tennessee changed their votes from "yea" to "nay."

Mr. MURPHY changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BROWN of California). The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair will announce, in accordance with the previous statement of the Chair, that the time for this vote will be reduced to 5 minutes.

The vote was taken by electronic device, and there were—yeas 243, nays 171, not voting 19, as follows:

[Roll No. 405]

YEAS—243

Ackerman	Frost	Murphy
Addabbo	Garcia	Murtha
Akaka	Gejdenson	Natcher
Albosta	Gephardt	Neal
Alexander	Gibbons	Nowak
Anderson	Glickman	O'Brien
Andrews (NC)	Gonzalez	Oakar
Andrews (TX)	Gore	Oberstar
Annunzio	Gradison	Obey
Anthony	Gray	Olin
Applegate	Green	Ortiz
Aspin	Guarini	Ottinger
AuCoin	Hall (IN)	Owens
Barnard	Hall (OH)	Panetta
Barnes	Hall, Sam	Patterson
Bates	Hamilton	Pease
Bedell	Harkin	Penny
Beilenson	Harrison	Perkins
Bennett	Hatcher	Pickle
Biaggi	Hawkins	Price
Boehlert	Hefner	Pursell
Boggs	Heftel	Rahall
Boland	Hertel	Rangel
Bonior	Horton	Ratchford
Bonker	Howard	Regula
Borski	Hoyer	Reid
Bosco	Hughes	Richardson
Boucher	Jeffords	Ridge
Boxer	Jenkins	Rinaldo
Britt	Jones (NC)	Rodino
Brooks	Jones (OK)	Roe
Brown (CA)	Jones (TN)	Rose
Bryant	Kaptur	Rostenkowski
Burton (CA)	Kazen	Roukema
Carper	Kennelly	Rowland
Chandler	Kildee	Roybal
Chappell	Kolter	Russo
Clarke	Kostmayer	Sabo
Clay	LaFalce	Scheuer
Coelho	Lantos	Schneider
Coleman (TX)	Leach	Schumer
Conte	Lehman (CA)	Seiberling
Cooper	Lehman (FL)	Shannon
Coughlin	Leland	Sharp
Courter	Levin	Sikorski
Coyne	Levine	Simon
D'Amours	Levitas	Skelton
Daschle	Lipinski	Slattery
de la Garza	Long (LA)	Smith (FL)
Derrick	Lott	Smith (IA)
Dicks	Lowry (WA)	Snowe
Dingell	Luken	Solarz
Donnelly	Lundine	Spratt
Downey	Markey	St Germain
Durbin	Martinez	Staggers
Dwyer	Matsui	Stark
Dymally	Mavroules	Stokes
Early	Mazzoli	Studds
Eckart	McCloskey	Synar
Edgar	McCurdy	Tallon
Edwards (AL)	McDade	Thomas (GA)
Edwards (CA)	McHugh	Torres
Edwards (OK)	McKernan	Torricelli
English	McKinney	Towns
Erdreich	McNulty	Traxler
Evans (IL)	Mica	Udall
Fascell	Mikulski	Valentine
Fazio	Miller (CA)	Vento
Feighan	Mineta	Volkmer
Ferraro	Minish	Walgren
Fish	Mitchell	Watkins
Flippo	Moakley	Waxman
Florio	Molinari	Weaver
Foglietta	Mollohan	Weiss
Foley	Moody	Wheat
Ford (MI)	Morrison (CT)	Whitley
Fowler	Morrison (WA)	Whitten
Frank	Mrazek	Williams (OH)
Wirth	Wright	Yatron
Wise	Wyden	Young (MO)
Wolpe	Yates	Zablocki

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Archer	Hansen (ID)	Parris
Badham	Hansen (UT)	Pashayan
Bartlett	Hartnett	Patman
Bateman	Hayes	Petri
Bereuter	Hiler	Porter
Bilirakis	Hillis	Quillen
Bliley	Holt	Ray
Breaux	Hopkins	Ritter
Broomfield	Hubbard	Roberts
Brown (CO)	Huckaby	Robinson
Broyhill	Hunter	Roemer
Burton (IN)	Hutto	Rogers
Byron	Hyde	Roth
Campbell	Ireland	Rudd
Carney	Jacobs	Savage
Chappie	Johnson	Sawyer
Cheney	Kasich	Schaefer
Clinger	Kastenmeier	Schroeder
Coats	Kemp	Schulze
Coleman (MO)	Kindness	Sensenbrenner
Conable	Kogovsek	Shaw
Conyers	Kramer	Shelby
Corcoran	Lagomarsino	Shumway
Craig	Latta	Shuster
Crane, Daniel	Leath	Siljander
Crane, Philip	Lent	Sisisky
Crockett	Lewis (CA)	Skeen
Daniel	Lewis (FL)	Smith (NE)
Dannemeyer	Livingston	Smith (NJ)
Daub	Lloyd	Smith, Denny
Davis	Loeffler	Smith, Robert
Dellums	Lowery (CA)	Snyder
DeWine	Lujan	Solomon
Dickinson	Lungren	Spence
Dorgan	Mack	Stangeland
Dowdy	Madigan	Stenholm
Dreier	Marlenee	Stratton
Duncan	Marriott	Stump
Dyson	Martin (IL)	Sundquist
Emerson	Martin (NC)	Tauke
Erlenborn	Martin (NY)	Tauzin
Evans (IA)	McCain	Taylor
Fiedler	McCandless	Thomas (CA)
Fields	McCollum	Vander Jagt
Franklin	McEwen	Vandergriff
Frenzel	McGrath	Vucanovich
Fuqua	Michel	Walker
Gaydos	Miller (OH)	Weber
Gekas	Montgomery	Whitehurst
Gilman	Moore	Whittaker
Gingrich	Moorhead	Williams (MT)
Goodling	Myers	Winn
Gramm	Nelson	Wolf
Gregg	Nichols	Wortley
Gunderson	Nielson	Wylie
Hall, Ralph	Oxley	Young (FL)
Hammerschmidt	Packard	Zschau

NOT VOTING—19

Berman	Ford (TN)	Pepper
Bethune	Forsythe	Pritchard
Bevill	Hance	Swift
Boner	Hightower	Wilson
Carr	Long (MD)	Young (AK)
Collins	MacKay	
Dixon	Paul	

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Mr. CONYERS, Mr. SAVAGE, and Mrs. JOHNSON changed their votes from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERSONAL EXPLANATION

Mr. SWIFT. Mr. Speaker, I voted against the motion to recommit and had I been able to vote on final passage of H.R. 2968, I would have voted "yea."

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3363) entitled "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 1, 12, 25, 36, 41, 43, 44, 51, 57, 63, 78, 79, 80, 83, 85, 86, 90, 96, 97, 106, 109, 115, 120, 130, 135, 141, 158, 159, and 163 to the above-entitled bill.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON BILL MAKING APPROPRIATIONS FOR DEPARTMENT OF DEFENSE FOR FISCAL YEAR 1984

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

Mr. EDWARDS of Alabama reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MAKING IN ORDER ON TUESDAY, OCTOBER 25, 1983, OR ANY DAY THEREAFTER CONSIDERATION OF DEPARTMENT OF DEFENSE APPROPRIATION BILL FOR FISCAL YEAR 1984

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that it may be in order on Tuesday, October 25, 1983, or any day thereafter to consider the Department of Defense appropriation bill for fiscal year 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. OBERSTAR. Mr. Speakr, I was necessarily absent on rollcalls 403 and 404. Had I been here I would have voted "aye" on rollcall 403, the Boland amendment; and "no" on rollcall 404, the motion to recommit.

CONFERENCE REPORT ON H.R. 3913, LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS, 1984

Mr. NATCHER. Mr. Speaker, pursuant to the order of the House of yesterday, I call up the conference report on the bill (H.R. 3913) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of October 19, 1983, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 19, 1983.)

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. NATCHER) will be recognized for 30 minutes and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. NATCHER).

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report and amendments in disagreement on H.R. 3913, and that I may be permitted to insert a table following my remarks on the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we consider the conference report on H.R. 3913, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for fiscal year 1984. This is a very special occasion. The last time the House considered a conference report on this appropriation bill was in 1979, 4 years ago. The last time the bill was enacted into law was 5 years ago, in 1978. For the past 3 years, the bill has passed the House, but has not passed the other body. For fiscal years 1980, 1981, 1982, and 1983, funds for Labor, Health and Human Services, and Education programs were carried in continuing resolutions for the entire year. This year, for the first time since 1978, we believe that we will be able to enact into law a separate appropriation bill for the Departments of Labor, Health and Human Services, and Education.

I would like to pay tribute to the members of our subcommittee who have worked so hard on this bill, particularly the gentleman from Massachusetts (Mr. CONTE) who has cooperated with me at every stage of the legislative process. Without his assistance, we would not have been able to bring this conference report to you today.

All of the other members of the subcommittee have worked hard on this bill since last February, when we began our subcommittee hearings. Every one of them has made a significant contribution. They are:

NEAL SMITH of Iowa, DAVE OBEY of Wisconsin, ED ROYBAL of California, LOU STOKES of Ohio, JOE EARLY of Massachusetts, BERNIE DWYER of New Jersey, STENY HOYER of Maryland, GEORGE O'BRIEN of Illinois, CARL PURSELL of Michigan, JOHN PORTER of Illinois, and BILL YOUNG of Florida.

Mr. Speaker, we have an excellent staff on our subcommittee.

I must also mention the help we have received from the chairman of the full Appropriations Committee, JAMIE WHITTEN, who is an ex officio member of our subcommittee. He is always available when we need him, and we have repeatedly turned to him for support in the development of this bill.

Great credit should also be given to the chairman of the subcommittee in the other body, Mr. WEICKER of Connecticut, as well as the full committee chairman, Mr. HATFIELD of Oregon, who have expedited the passage of the bill in the other body, and who made it possible for us to go to conference this week and to complete our conference in a speedy and orderly manner.

Mr. Speaker, the conference report merits the support of all Members of this House. It is not a partisan document. It is signed by all of the House conferees. There were 140 amendments in disagreement between the House and Senate. We reached agreement on every one of them in the conference.

As reported from conference, the bill includes total new budget—obligational—authority for 1984 of $104,433,883,000. That is $477,904,000 above the comparable appropriation for 1983, $9,218,196,000 over the 1984 budget estimate, $5,055,111,000 over the bill as passed the House, and $3,885,995,000 over the Senate bill. These figures are somewhat inflated by several factors. The Senate considered appropriations for several programs which were not considered by the House, due to lack of authorization. Some of these, chiefly vocational rehabilitation, impacted area aid, and trade adjustment benefits, have been included in the conference agreement. Second, the conferees endeavored to avoid having large supplemental appropriations later in the year by including in this bill our best estimates of the amounts which will be required for entitlement programs. This results in an increase of over $4 billion over both the House and Senate bills.

For discretionary programs, the conference agreement funds a total of $32,077,974,000, an increase of $678,734,000 over the House bill, and $137,005,000 below the Senate bill. If we take out impacted area aid, which the House did not consider, but which has recently become authorized, the conference agreement for discretionary programs would be $93,734,000 over the House bill and $137,000,500 below the Senate. These figures show that the agreement is a reasonably fair compromise between the House and Senate bills.

The conference agreement is also well below the ceilings established in the 1984 budget resolution. Of course, we know that it will be necessary to appropriate additional funds later in the year for a number of programs which are left out of the bill due to lack off authorization. I do not intend to go into further detail at this time. The conference report and statement of the managers are printed in the CONGRESSIONAL RECORD for Wednesday, October 19. In addition, I will insert in today's RECORD, at the conclusion of these remarks, a detailed table showing the amount agreed upon for each of the programs funded in the bill, together with appropriate comparisons.

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Mr. Speaker, in closing, again I want to thank my friend, the gentleman from Massachusetts (Mr. CONTE). Mr. CONTE, I want you to know that it is a distinct honor and a privilege to work with you, not only on this subcommittee but on the full committee, and I want to thank every member of the subcommittee. Mr. Speaker, we have an excellent staff, and we worked hard on this bill and this conference report.

Mr. Speaker, I urge all Members to support the conference agreement on H.R. 3913.

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 34 Estimates	House Bill	Senate Bill
TITLE I, DEPARTMENT OF LABOR									
EMPLOYMENT AND TRAINING ADMINISTRATION									
PROGRAM ADMINISTRATION									
Comprehensive employment and training	10,889,000	9,502,000	9,502,000	9,445,000	9,445,000	-1,444,000	-57,000	-57,000	---
Trust funds	(54,000)	---	---	---	---	(-54,000)	---	---	---
Employment security	7,749,000	6,498,000	6,498,000	5,504,000	5,504,000	-2,245,000	-994,000	-994,000	---
Trust funds	(12,385,000)	(12,726,000)	(12,726,000)	(12,726,000)	(12,726,000)	(+341,000)	---	---	---
Financial control and management systems	10,902,000	10,057,000	10,057,000	9,997,000	9,997,000	-905,000	-60,000	-60,000	---
Trust funds	(2,471,000)	(4,069,000)	(4,069,000)	(4,069,000)	(4,069,000)	(+1,598,000)	---	---	---
Executive direction and administration	8,101,000	7,575,000	7,575,000	7,469,000	7,469,000	-632,000	-106,000	-106,000	---
Trust funds	(2,438,000)	(2,696,000)	(2,696,000)	(2,696,000)	(2,696,000)	(+258,000)	---	---	---
Regional operations	44,408,000	37,783,000	37,783,000	36,423,000	36,423,000	-7,985,000	-1,360,000	-1,360,000	---
Trust funds	(13,204,000)	(16,738,000)	(16,738,000)	(16,738,000)	(16,738,000)	(+3,534,000)	---	---	---
Apprenticeship services	15,369,000	14,856,000	14,856,000	14,856,000	14,856,000	-513,000	---	---	---
Space rental reduction:									
Federal funds	---	---	-955,000	-955,000	-955,000	-955,000	-955,000	---	---
Trust funds	---	---	(-401,000)	---	(-401,000)	(-401,000)	(-401,000)	---	(-401,000)
Total, Program Administration	127,970,000	122,500,000	121,144,000	118,968,000	118,567,000	-9,403,000	-3,933,000	-2,577,000	-401,000
Federal funds	97,418,000	86,271,000	85,316,000	82,739,000	82,739,000	-14,679,000	-3,532,000	-2,577,000	---
Trust funds	(30,552,000)	(36,229,000)	(35,828,000)	(36,229,000)	(35,828,000)	(+5,276,000)	(-401,000)	---	(-401,000)

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984			Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
TRAINING AND EMPLOYMENT SERVICES									
Grants to States:									
Block grant	2,180,672,000	1,886,151,000	3,350,764,000	3,300,764,000	3,300,764,000	+1,120,092,000	+1,414,613,000	-50,000,000	---
(Oct. 1, 1983 - June 30, 1984)	---	---	(1,464,613,000)	(1,414,613,000)	(1,414,613,000)	(+1,414,613,000)	(+1,414,613,000)	(-50,000,000)	---
(July 1, 1984 - June 30, 1985)	---	---	(1,886,151,000)	(1,886,151,000)	(1,886,151,000)	(+1,886,151,000)	(+1,886,151,000)	---	---
Summer youth employment and training program	824,549,000	724,549,000	1,449,098,000	1,449,098,000	1,449,098,000	+624,549,000	+724,549,000	---	---
(1984)	---	---	(724,549,000)	(724,549,000)	(724,549,000)	(+724,549,000)	(+724,549,000)	---	---
(1985)	---	---	(724,549,000)	(724,549,000)	(724,549,000)	(+724,549,000)	(+724,549,000)	---	---
Dislocated worker assistance	110,000,000	223,000,000	390,250,000	317,250,000	317,250,000	+207,250,000	+94,250,000	-73,000,000	---
(Oct. 1, 1983 - June 30, 1984)	---	---	(167,250,000)	(94,250,000)	(94,250,000)	(+94,250,000)	(+94,250,000)	(-73,000,000)	---
(July 1, 1984 - June 30, 1985)	---	---	(223,000,000)	(223,000,000)	(223,000,000)	(+223,000,000)	(+223,000,000)	---	---
Federally administered programs:									
Native Americans	68,915,000	62,243,000	108,925,000	108,925,000	108,925,000	+40,010,000	+46,682,000	---	---
(Oct. 1, 1983 - June 30, 1984)	---	---	(46,682,000)	(46,682,000)	(46,682,000)	(+46,682,000)	(+46,682,000)	---	---
(July 1, 1984 - June 30, 1985)	---	---	(62,243,000)	(62,243,000)	(62,243,000)	(+62,243,000)	(+62,243,000)	---	---
Migrants and seasonal farmworkers	70,358,000	60,357,000	105,625,000	105,625,000	105,625,000	+35,267,000	+45,268,000	---	---
(Oct. 1, 1983 - June 30, 1984)	---	---	(45,268,000)	(45,268,000)	(45,268,000)	(+45,268,000)	(+45,268,000)	---	---
(July 1, 1984 - June 30, 1985)	---	---	(60,357,000)	(60,357,000)	(60,357,000)	(+60,357,000)	(+60,357,000)	---	---
Job Corps	618,000,000	553,200,000	1,042,400,000	992,400,000	992,400,000	+374,400,000	+439,200,000	-50,000,000	---
(Oct. 1, 1983 - June 30, 1984)	---	---	(464,900,000)	(414,900,000)	(414,900,000)	(+414,900,000)	(+414,900,000)	(-50,000,000)	---
(July 1, 1984 - June 30, 1985)	---	---	(577,500,000)	(577,500,000)	(577,500,000)	(+577,500,000)	(+577,500,000)	---	---
Veterans' employment	---	9,352,000	16,366,000	17,010,000	17,010,000	+17,010,000	+7,658,000	+644,000	---
(Oct. 1, 1983 - June 30, 1984)	---	---	(7,014,000)	(7,290,000)	(7,290,000)	(+7,290,000)	(+7,290,000)	(+276,000)	---
(July 1, 1984 - June 30, 1985)	---	---	(9,352,000)	(9,720,000)	(9,720,000)	(+9,720,000)	(+9,720,000)	(+368,000)	---
National activities	106,200,000	54,678,000	95,686,000	107,936,000	107,936,000	-266,000	+53,258,000	+12,250,000	---
(Oct. 1, 1983 - June 30, 1984)	---	---	(41,008,000)	(46,258,000)	(46,258,000)	(+46,258,000)	(+46,258,000)	(+5,250,000)	---
(July 1, 1984 - June 30, 1985)	---	---	(54,678,000)	(61,678,000)	(61,678,000)	(+61,678,000)	(+61,678,000)	(+7,000,000)	---
Subtotal, Job Training Partnership Act	3,930,696,000	3,573,530,000	6,559,114,000	6,397,008,000	6,399,008,000	+2,418,312,000	+2,825,478,000	-160,106,000	---
(Oct. 1, 1983 - June 30, 1984)	---	---	(2,961,294,000)	(2,793,810,000)	(2,793,810,000)	(+2,793,810,000)	(+2,793,810,000)	(-167,474,000)	---
(July 1, 1984 - June 30, 1985)	---	---	(3,597,830,000)	(3,605,198,000)	(3,605,198,000)	(+3,605,198,000)	(+3,605,198,000)	(+7,368,000)	---
Targeted jobs tax credit	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000	---	---	---	---
Redwoods Park activities	536,000	400,000	400,000	400,000	400,000	-136,000	---	---	---
Total, Training and Employment Services	4,001,232,000	3,593,930,000	6,579,514,000	6,419,408,000	6,419,408,000	+2,418,176,000	+2,825,478,000	-160,106,000	---
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS *	319,450,000	277,100,000	317,300,000	319,450,000	317,300,000	-2,150,000	+40,200,000	---	-2,150,000
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES									
Payments to ex-servicemen	161,000,000	---	---	---	---	-161,000,000	---	---	---
Trade adjustment assistance	54,000,000	2,000,000	2,000,000	2,000,000	2,000,000	-52,000,000	---	---	---
Unemployment assistance and payments under other Federal unemployment programs	15,000,000	5,000,000	5,000,000	10,000,000	10,000,000	-5,000,000	+5,000,000	+5,000,000	---
Total, FUBA	230,000,000	7,000,000	7,000,000	12,000,000	12,000,000	-218,000,000	+5,000,000	+5,000,000	---

* Proposed transfer to D.H.H.S. in President's budget.

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS									
Unemployment Compensation:									
State Administration:									
Trust funds	(1,098,443,000)	(1,215,284,000)	(1,285,284,000)	(1,285,284,000)	(1,285,284,000)	(+186,841,000)	(+70,000,000)	---	---
National Activities:									
Trust funds	(13,551,000)	(16,806,000)	(16,806,000)	(16,806,000)	(16,806,000)	(+3,255,000)	---	---	---
Contingency:									
Trust funds	(840,876,000)	(657,310,000)	(587,310,000)	(587,310,000)	(587,310,000)	(-253,566,000)	(-70,000,000)	---	---
Subtotal, Unemployment Compensation(trust funds)	(1,952,870,000)	(1,889,400,000)	(1,889,400,000)	(1,889,400,000)	(1,889,400,000)	(-63,470,000)	---	---	---
Employment Service:									
Allotments to States:									
Federal funds	10,200,000	12,800,000	29,900,000	29,900,000	29,900,000	+19,700,000	+17,100,000	---	---
(Oct. 1, 1983 - June 30, 1984)	---	---	(9,600,000)	(9,600,000)	(9,600,000)	(+9,600,000)	(+9,600,000)	---	---
(July 1, 1984 - June 30, 1985)	---	---	(20,300,000)	(20,300,000)	(20,300,000)	(+20,300,000)	(+20,300,000)	---	---
Trust funds	(644,214,000)	(695,193,000)	(1,241,493,000)	(1,241,493,000)	(1,241,493,000)	(+597,279,000)	(+546,300,000)	---	---
(Oct. 1, 1983 - June 30, 1984)	---	---	(521,395,000)	(521,395,000)	(521,395,000)	(+521,395,000)	(+521,395,000)	---	---
(July 1, 1984 - June 30, 1985)	---	---	(720,098,000)	(720,098,000)	(720,098,000)	(+720,098,000)	(+720,098,000)	---	---
National Activities:									
Federal funds	12,000,000	12,900,000	12,900,000	12,900,000	12,900,000	+900,000	---	---	---
Trust funds	(13,912,000)	(5,480,000)	(5,480,000)	(5,480,000)	(5,480,000)	(-8,432,000)	---	---	---
Labor Market Information:									
Trust funds	(19,409,000)	(22,627,000)	(22,627,000)	(22,627,000)	(22,627,000)	(+3,218,000)	---	---	---
Subtotal, Employment Service	699,735,000	749,000,000	1,312,400,000	1,312,400,000	1,312,400,000	+612,665,000	+563,400,000	---	---
Federal funds	22,200,000	25,700,000	42,800,000	42,800,000	42,800,000	+20,600,000	+17,100,000	---	---
Trust funds	(677,535,000)	(723,300,000)	(1,269,600,000)	(1,269,600,000)	(1,269,600,000)	(+592,065,000)	(+546,300,000)	---	---
Veterans Employment Services:									
Disabled Veterans Outreach Program:									
Trust funds	(57,200,000)	(62,600,000)	(62,600,000)	(62,600,000)	(62,600,000)	(+5,400,000)	---	---	---
Local Veterans employment representatives:									
Trust funds	(42,500,000)	(46,200,000)	(46,200,000)	(46,200,000)	(46,200,000)	(+3,700,000)	---	---	---
Subtotal, Veterans Employment Services	99,700,000	108,800,000	108,800,000	108,800,000	108,800,000	+9,100,000	---	---	---
Trade adjustment activities	---	---	---	29,700,000	29,700,000	+29,700,000	+29,700,000	+29,700,000	---
Total, State Unempl. Ins. and Empl. Ser. Opers.	2,752,305,000	2,747,200,000	3,310,600,000	3,340,300,000	3,340,300,000	+587,995,000	+593,100,000	+29,700,000	---
Federal Funds	22,200,000	25,700,000	42,800,000	72,500,000	72,500,000	+50,300,000	+46,800,000	+29,700,000	---
Trust Funds	(2,730,105,000)	(2,721,500,000)	(3,267,800,000)	(3,267,800,000)	(3,267,800,000)	(+537,695,000)	(+546,300,000)	---	---
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS	11,059,000,000	7,109,000,000	7,109,000,000	3,086,000,000	7,109,000,000	-3,950,000,000	---	---	+4,023,000,000

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
Total, Employment & Training Administration.....	18,489,957,000	13,856,730,000	17,444,558,000	13,296,126,000	17,316,575,000	-1,173,382,000	+3,459,845,000	-127,983,000	+4,020,449,000
Federal funds.....	15,729,300,000	11,099,001,000	14,140,930,000	9,992,097,000	14,012,947,000	-1,716,353,000	+2,913,946,000	-127,983,000	+4,020,850,000
Trust funds.....	(2,760,657,000)	(2,757,729,000)	(3,303,628,000)	(3,304,029,000)	(3,303,628,000)	(+542,971,000)	(+545,899,000)	---	(-401,000)
LABOR-MANAGEMENT SERVICES ADMINISTRATION									
SALARIES AND EXPENSES									
Labor-management relations service.....	3,057,000	4,028,000	3,690,000	4,028,000	4,028,000	+971,000	---	+338,000	---
Labor-management standards enforcement.....	20,389,000	23,220,000	22,520,000	21,820,000	22,170,000	+1,781,000	-1,050,000	-350,000	+350,000
Veterans reemployment rights.....	2,529,000	2,572,000	2,572,000	2,572,000	2,572,000	+43,000	---	---	---
Pension and welfare benefit programs.....	27,498,000	29,673,000	29,148,000	27,873,000	29,148,000	+1,650,000	-525,000	---	+1,275,000
Executive direction, management and support.....	4,539,000	4,637,000	4,637,000	4,637,000	4,637,000	+98,000	---	---	---
Space rental reduction.....	---	---	-419,000	-419,000	-419,000	-419,000	-419,000	---	---
Total, LMSA.....	58,012,000	64,130,000	62,148,000	60,511,000	62,136,000	+4,124,000	-1,994,000	-12,000	+1,625,000
EMPLOYMENT STANDARDS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement of wage and hour standards.....	69,827,000	72,669,000	72,669,000	72,669,000	72,669,000	+2,842,000	---	---	---
Federal contractor EEO standards enforcement.....	43,815,000	47,393,000	47,393,000	47,393,000	47,393,000	+3,578,000	---	---	---
Federal programs for workers' compensation.....	46,679,000	52,213,000	52,213,000	52,213,000	52,213,000	+5,534,000	---	---	---
Trust funds.....	(374,000)	(380,000)	(380,000)	(380,000)	(380,000)	(+6,000)	---	---	---
Executive direction and support services.....	12,995,000	13,560,000	13,560,000	13,560,000	13,560,000	+565,000	---	---	---
Space rental reduction.....	---	---	-158,000	---	-158,000	-158,000	-158,000	---	-158,000
Total, salaries and expenses.....	173,690,000	186,215,000	186,057,000	186,215,000	186,057,000	+12,367,000	-158,000	---	-158,000
Federal funds.....	173,316,000	185,835,000	185,677,000	185,835,000	185,677,000	+12,361,000	-158,000	---	-158,000
Trust funds.....	(374,000)	(380,000)	(380,000)	(380,000)	(380,000)	(+6,000)	---	---	---
SPECIAL BENEFITS									
Federal employees compensation act benefits.....	335,600,000	228,000,000	211,000,000	216,000,000	216,000,000	-119,600,000	-12,000,000	+5,000,000	---
Longshore and harbor workers' benefits.....	4,000,000	4,100,000	4,100,000	4,100,000	4,100,000	+100,000	---	---	---
Legislative proposal.....	---	-17,000,000	---	---	---	---	+17,000,000	---	---
Total, Special Benefits.....	339,600,000	215,100,000	215,100,000	220,100,000	220,100,000	-119,500,000	+5,000,000	+5,000,000	---

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with		
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
BLACK LUNG DISABILILTY TRUST FUND									
Benefit payments and interest on advances	825,255,000	827,269,000	827,269,000	827,269,000	827,269,000	+2,014,000	---	---	---
Pay freeze savings	---	-37,000,000	-37,000,000	-9,250,000	-9,250,000	-9,250,000	+27,750,000	+27,750,000	---
Employment Standards Admin., salaries & expenses	21,192,000	21,949,000	21,949,000	21,949,000	21,949,000	+757,000	---	---	---
Departmental Management, salaries and expenses	13,097,000	13,406,000	13,406,000	13,406,000	13,406,000	+309,000	---	---	---
Departmental Management, inspector general	---	620,000	620,000	620,000	620,000	+620,000	---	---	---
Subtotal, Black Lung Disablty. Trust Fund, apprn	859,544,000	826,244,000	826,244,000	853,994,000	853,994,000	-5,550,000	+27,750,000	+27,750,000	---
Apprn. available in prior year	-4,692,000	---	---	---	---	+4,692,000	---	---	---
Total adjusted apprn. including drawdown: Federal Funds	854,852,000	826,244,000	826,244,000	853,994,000	853,994,000	-858,000	+27,750,000	+27,750,000	---
Treasury administrative costs (indefinite)	756,000	756,000	756,000	756,000	756,000	---	---	---	---
Total, Employment Standards Administration	1,368,898,000	1,228,315,000	1,228,157,000	1,261,065,000	1,260,907,000	-107,991,000	+32,592,000	+32,750,000	-158,000
Federal funds	1,368,524,000	1,227,935,000	1,227,777,000	1,260,685,000	1,260,527,000	-107,997,000	+32,592,000	+32,750,000	-158,000
Trust funds	(374,000)	(380,000)	(380,000)	(380,000)	(380,000)	(+6,000)	---	---	---
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Safety and health standards	6,958,000	7,093,000	7,093,000	7,093,000	7,093,000	+135,000	---	---	---
Enforcement:									
Federal Enforcement	78,717,000	79 ,713,000	79,713,000	79,713,000	79,713,000	+996,000	---	---	---
State programs	51,481,000	54,107,000	55,807,000	55,807,000	55,807,000	+4,326,000	+1,700,000	---	---
Technical Support	14,036,000	14,052,000	14,052,000	14,052,000	14,052,000	+16,000	---	---	---
Compliance Assistance	37,677,000	37,882,000	37,882,000	37,882,000	37,882,000	+205,000	---	---	---
Safety and health statistics	11,592,000	11,787,000	11,787,000	11,787,000	11,787,000	+195,000	---	---	---
Executive direction and administration	6,088,000	6,226,000	6,226,000	6,226,000	6,226,000	+138,000	---	---	---
Total, OSHA	206,549,000	210,860,000	212,560,000	212,560,000	212,560,000	+6,011,000	+1,700,000	---	---
MINE SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement:									
Coal	74,674,000	75,854,000	75,854,000	75,854,000	75,854,000	+1,180,000	---	---	---
Metal/nonmetal	29,064,000	29,558,000	29,558,000	29,558,000	29,558,000	+494,000	---	---	---
Standards development	998,000	1,012,000	1,012,000	1,012,000	1,012,000	+14,000	---	---	---
Assessments	2,510,000	2,493,000	2,493,000	2,493,000	2,493,000	-17,000	---	---	---
Educational policy and development	12,474,000	12,169,000	12,169,000	12,169,000	12,169,000	-305,000	---	---	---
Technical support	18,710,000	17,824,000	17,824,000	17,824,000	17,824,000	-886,000	---	---	---
Program administration	13,905,000	12,882,000	12,882,000	12,882,000	12,882,000	-1,023,000	---	---	---
Position restoration (legislation)	---	-3,760,000	---	---	---	---	+3,760,000	---	---
Space rental reduction	---	---	-395,000	---	-395,000	-395,000	-395,000	---	-395,000
Total, Mine Safety and Health Administration	152,335,000	148,032,000	151,397,000	151,792,000	151,397,000	-938,000	+3,365,000	---	-395,000

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
BUREAU OF LABOR STATISTICS									
SALARIES AND EXPENSES									
Employment and Unemployment Statistics	45,266,000	47,963,000	47,963,000	47,963,000	47,963,000	+2,697,000	---	---	---
Prices and cost of living	45,020,000	46,955,000	46,955,000	47,505,000	47,230,000	+2,210,000	+275,000	+275,000	-275,000
Wages and industrial relations	15,056,000	15,271,000	15,271,000	15,951,000	15,611,000	+555,000	+340,000	+340,000	-340,000
Productivity and technology	4,360,000	4,359,000	4,359,000	4,516,000	4,437,000	+77,000	+78,000	+78,000	-79,000
Economic growth and employment projections	2,781,000	2,758,000	2,758,000	2,871,000	2,815,000	+34,000	+57,000	+57,000	-56,000
Executive direction and staff services	14,570,000	14,147,000	14,147,000	14,147,000	14,147,000	-423,000	---	---	---
Consumer Price Index Revision	---	4,837,000	4,837,000	4,837,000	4,837,000	+4,837,000	---	---	---
Space rental reduction	---	---	-453,000	---	-453,000	-453,000	-453,000	---	-453,000
Total, Bureau of Labor Statistics	127,053,000	136,290,000	135,837,000	137,790,000	136,587,000	+9,534,000	+297,000	+750,000	-1,203,000
DEPARTMENTAL MANAGEMENT									
SALARIES AND EXPENSES									
Executive direction	10,653,000	11,475,000	11,475,000	11,070,000	11,070,000	+417,000	-405,000	-405,000	---
Lesal services	35,012,000	35,863,000	35,863,000	35,863,000	35,863,000	+851,000	---	---	---
Trust funds	(217,000)	(229,000)	(229,000)	(229,000)	(229,000)	(+12,000)	---	---	---
International labor affairs	5,941,000	4,455,000	4,455,000	8,455,000	4,455,000	-1,486,000	---	---	-4,000,000
Administration and management	24,489,000	24,629,000	24,629,000	24,629,000	24,629,000	+140,000	---	---	---
Adjudication	9,976,000	9,974,000	9,974,000	9,974,000	9,974,000	-2,000	---	---	---
Promoting employment of the handicapped	1,987,000	2,001,000	2,001,000	2,001,000	2,001,000	+14,000	---	---	---
Women's Bureau	3,763,000	3,789,000	3,862,000	3,862,000	3,862,000	+99,000	+73,000	---	---
Veterans Employment Service, Trust funds	(8,935,000)	(9,613,000)	(9,613,000)	(9,613,000)	(9,613,000)	(+678,000)	---	---	---
Civil Rights Activities	2,968,000	3,205,000	3,205,000	3,205,000	3,205,000	+237,000	---	---	---
Total, Salaries and expenses	103,941,000	105,233,000	105,306,000	108,901,000	104,901,000	+960,000	-332,000	-405,000	-4,000,000
Federal funds	94,789,000	95,391,000	95,464,000	99,059,000	95,059,000	+270,000	-332,000	-405,000	-4,000,000
Trust funds	(9,152,000)	(9,842,000)	(9,842,000)	(9,842,000)	(9,842,000)	(+690,000)	---	---	---
OFFICE OF THE INSPECTOR GENERAL									
Federal funds	38,133,000	37,707,000	37,707,000	37,707,000	37,707,000	-426,000	---	---	---
Trust funds	(6,835,000)	(6,200,000)	(5,200,000)	(6,200,000)	(5,700,000)	(-1,135,000)	(-500,000)	(+500,000)	(-500,000)
Total, Office of the Inspector General	44,968,000	43,907,000	42,907,000	43,907,000	43,407,000	-1,561,000	-500,000	+500,000	-500,000
SPECIAL FOREIGN CURRENCY PROGRAM	67,000	200,000	67,000	200,000	67,000	---	-133,000	---	-133,000
Total, Departmental Management	148,976,000	149,340,000	148,280,000	153,008,000	148,375,000	-601,000	-965,000	+95,000	-4,633,000
Federal funds	132,989,000	133,298,000	133,238,000	136,966,000	132,833,000	-156,000	-465,000	-405,000	-4,133,000
Trust funds	(15,987,000)	(16,042,000)	(15,042,000)	(16,042,000)	(15,542,000)	(-445,000)	(-500,000)	(+500,000)	(-500,000)
Total, Labor Department	20,551,780,000	15,793,697,000	19,382,937,000	15,272,852,000	19,288,537,000	-1,263,243,000	+3,494,840,000	-94,400,000	+4,015,685,000
Federal funds	17,774,762,000	13,019,546,000	16,063,887,000	11,952,401,000	15,968,987,000	-1,805,775,000	+2,949,441,000	-94,900,000	+4,016,586,000
Trust funds	(2,777,018,000)	(2,774,151,000)	(3,319,050,000)	(3,320,451,000)	(3,319,550,000)	(+542,532,000)	(+545,399,000)	(+500,000)	(-901,000)

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
TITLE II--DEPARTMENT OF HEALTH AND HUMAN SERVICES									
PUBLIC HEALTH SERVICE HEALTH RESOURCES AND SERVICES ADMINISTRATION									
HEALTH RESOURCES AND SERVICES									
Health Care Delivery and Assistance:									
Maternal and Child Health Block Grant $	478,000,000	335,000,000	373,000,000	425,000,000	399,000,000	-79,000,000	+64,000,000	+26,000,000	-26,000,000
Community health centers $	360,000,000	242,000,000	310,000,000	350,000,000	327,000,000	-33,000,000	+85,000,000	+17,000,000	-23,000,000
Black lung clinics $	3,120,000	3,120,000	3,120,000	3,120,000	3,120,000	---	---	---	---
Migrant health $	38,104,000	38,104,000	46,000,000	38,104,000	42,000,000	+3,896,000	+3,896,000	-4,000,000	+3,896,000
Family planning	124,088,000	124,088,000	140,000,000	140,000,000	140,000,000	+15,912,000	+15,912,000	---	---
Home health demonstrations and training	5,000,000	---	---	5,000,000	5,000,000	---	+5,000,000	+5,000,000	---
National Health Service Corps	93,391,000	96,046,000	91,000,000	91,000,000	91,000,000	-2,391,000	-5,046,000	---	---
Hansen's disease services (Carville)	17,876,000	18,183,000	18,183,000	18,183,000	18,183,000	+307,000	---	---	---
Federal employee occupational health	1,116,000	1,194,000	1,194,000	1,194,000	1,194,000	+78,000	---	---	---
Payment to Hawaii for treatment of Hansen's Dis...	1,732,000	1,905,000	1,905,000	2,200,000	2,200,000	+468,000	+295,000	+295,000	---
Direct operations	45,521,000	22,151,000	41,107,000	41,282,000	41,282,000	-4,239,000	+19,131,000	+175,000	---
Total, Health Care Delivery & Assistance	1,167,948,000	881,791,000	1,025,509,000	1,115,083,000	1,069,979,000	-97,969,000	+188,188,000	+44,470,000	-45,104,000
Health Professions:									
Health professions student assistance:									
Exceptional need scholarships	5,600,000	---	5,600,000	5,600,000	5,600,000	---	+5,600,000	---	---
National Health Service Scholarships	11,042,000	---	8,000,000	5,600,000	6,300,000	-4,742,000	+6,300,000	-1,700,000	+700,000
Loans	1,000,000	---	---	---	---	-1,000,000	---	---	---
Loan repayments & cancellations	25,000	---	---	---	---	-25,000	---	---	---
Health professions institutional assistance:									
Financial distress	7,286,000	5,600,000	5,600,000	5,600,000	5,600,000	-1,686,000	---	---	---
Start-up	800,000	---	---	---	---	-800,000	---	---	---

$ Proposed for transfer to Office of the Asst. Secretary for Health in President's budget.

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
Public health/health administration:									
Public Health capitation	4,176,000	---	4,176,000	5,500,000	4,838,000	+662,000	+4,838,000	+662,000	-662,000
Health Administration grants	1,440,000	---	1,440,000	1,440,000	1,440,000	---	+1,440,000	---	---
Public Health traineeships	2,500,000	2,638,000	2,638,000	2,500,000	2,569,000	+69,000	-69,000	-69,000	+69,000
Health Adainistration traineeships	480,000	---	480,000	480,000	480,000	---	+480,000	---	---
Special projects (unauthorized)	---	2,638,000	---	---	---	---	-2,638,000	---	---
Subtotal, PH/HA	8,596,000	5,276,000	8,734,000	9,920,000	9,327,000	+731,000	+4,051,000	+593,000	-593,000
Family Med/Gen Dentistry res. & trns	34,000,000	23,738,000	34,000,000	32,000,000	34,000,000	---	+10,262,000	---	+2,000,000
General Internal Medicine and Pediatrics	11,412,000	12,040,000	17,000,000	18,000,000	17,500,000	+6,088,000	+5,460,000	+500,000	-500,000
Family medicine departments	8,840,000	7,436,000	7,436,000	8,840,000	7,790,000	-1,050,000	+354,000	+354,000	-1,050,000
Preventive medicine residencies	1,000,000	1,055,000	2,000,000	1,100,000	1,600,000	+600,000	+545,000	-400,000	+500,000
Physician assistants	4,800,000	4,647,000	4,800,000	4,647,000	4,724,000	-76,000	+77,000	-76,000	+77,000
Area health education centers	17,920,000	14,686,000	14,686,000	17,920,000	17,920,000	---	+3,234,000	+3,234,000	---
Health professions data analysis	2,962,000	3,612,000	3,000,000	2,962,000	3,000,000	+38,000	-612,000	---	+38,000
Disadvantaged Assistance	17,240,000	18,188,000	18,188,000	18,188,000	18,188,000	+948,000	---	---	---
Health professions spec ed initiatives	2,000,000	7,000,000	3,055,000	3,000,000	3,000,000	+1,000,000	-4,000,000	-55,000	---
Nurse training:									
Advanced nurse training	13,260,000	1,208,000	13,260,000	13,260,000	13,260,000	---	+12,052,000	---	---
Nurse practitioner	11,760,000	6,041,000	11,760,000	11,760,000	11,760,000	---	+5,719,000	---	---
Special projects	6,333,000	5,979,000	5,979,000	8,333,000	7,156,000	+823,000	+1,177,000	+1,177,000	-1,177,000
Traineeships	9,600,000	---	9,600,000	9,600,000	9,600,000	---	+9,600,000	---	---
Fellowships (unauthorized, not considered)	(960,000)	---	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Research grants	5,000,000	---	8,000,000	10,000,000	9,000,000	+4,000,000	+9,000,000	+1,000,000	-1,000,000
Nurse Anesthetists	---	---	---	400,000	400,000	+400,000	+400,000	+400,000	---
Loans	860,000	---	---	---	---	-860,000	---	---	---
Loan repayments & cancellations	750,000	---	---	---	---	-750,000	---	---	---
Subtotal, Nurse training	47,563,000	13,228,000	48,599,000	53,353,000	51,176,000	+3,613,000	+37,948,000	+2,577,000	-2,177,000
Health professions program support	18,914,000	12,527,000	17,193,000	18,371,000	18,069,000	-845,000	+5,542,000	+876,000	-302,000
Total, Health professions	201,000,000	129,033,000	197,891,000	205,101,000	203,794,000	+2,794,000	+74,761,000	+5,903,000	-1,307,000

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
HMO and Resources Development:									
Health Planning (unauthorized, not considered)....	(64,300,000)	---	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Health teaching facilities.....	21,000,000	3,700,000	800,000	3,700,000	800,000	-20,200,000	-2,900,000	---	-2,900,000
Loan repayment.....	29,000,000	---	---	---	---	-29,000,000	---	---	---
HMO management training & tech assistance.....	480,000	---	---	---	---	-480,000	---	---	---
Direct operations.....	12,792,000	10,627,000	10,769,000	11,562,000	10,939,000	-1,853,000	+312,000	+170,000	-623,000
Total, HMO & Resources Development.....	63,272,000	14,327,000	11,569,000	15,262,000	11,739,000	-51,533,000	-2,588,000	+170,000	-3,523,000
Buildings and facilities.....	3,292,000	883,000	883,000	883,000	883,000	-2,409,000	---	---	---
Program management / Program support.....	11,669,000	10,782,000	16,931,000	18,070,000	17,710,000	+6,041,000	+6,928,000	+779,000	-360,000
University of Pennsylvania Dental School.....	---	---	---	9,000,000	---	---	---	---	-9,000,000
Total, Health Resources & Services Admin.....	1,447,181,000	1,036,816,000	1,252,783,000	1,363,399,000	1,304,105,000	-143,076,000	+267,289,000	+51,322,000	-59,294,000
MEDICAL FACILITIES GUARANTEE AND LOAN FUND.....	32,000,000	32,000,000	32,000,000	32,000,000	32,000,000	---	---	---	---
HMO LOAN AND LOAN GUARANTEE FUND.....	2,650,000	---	---	---	---	-2,650,000	---	---	---
Total, Health Resources & Services Admin.....	1,481,831,000	1,068,816,000	1,284,783,000	1,395,399,000	1,336,105,000	-145,726,000	+267,289,000	+51,322,000	-59,294,000
Total, unauthorized, not considered.....	(65,260,000)	---	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Loan limitations:									
Limitation on Health Facilities Loan Guarantee	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	---	---	---	---
Hlth Professions Guarantee Student Loans(HEAL)	(225,000,000)	(175,000,000)	NO LIMITATION	(225,000,000)	(225,000,000)	N/A	N/A	N/A	N/A
(Limitation on Direct Loans - NHSC).....	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	---	---	---	---
HMO Direct Loans ##.....	(24,500,000)	(12,360,000)	(12,360,000)	(12,360,000)	(12,360,000)	(-12,140,000)	---	---	---

No new loans proposed.

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
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	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
CENTERS FOR DISEASE CONTROL									
DISEASE CONTROL									
Preventive Health Services Block Grant ‡	86,329,000	86,329,000	86,329,000	90,000,000	88,165,000	+1,836,000	+1,836,000	+1,836,000	-1,835,000
Venereal diseases:									
Grants	40,000,000	40,510,000	45,510,000	45,000,000	45,510,000	+5,510,000	+5,000,000	---	+510,000
Direct operations	7,692,000	7,968,000	8,968,000	7,968,000	8,968,000	+1,276,000	+1,000,000	---	+1,000,000
Immunization:									
Grants	27,428,000	30,482,000	30,482,000	30,482,000	30,482,000	+3,054,000	---	---	---
Direct operations	7,231,000	7,407,000	7,407,000	7,407,000	7,407,000	+176,000	---	---	---
Vaccine stockpile	4,572,000	4,000,000	5,000,000	4,000,000	4,000,000	-572,000	---	-1,000,000	---
Infectious disease	32,107,000	34,417,000	43,777,000	44,000,000	44,000,000	+11,893,000	+9,583,000	+223,000	---
Tuberculosis grants	5,000,000	---	5,000,000	2,500,000	5,000,000	---	+5,000,000	---	+2,500,000
Chronic & environmental disease prevention	24,742,000	24,305,000	25,338,000	26,405,000	25,338,000	+596,000	+1,033,000	---	-1,067,000
Occupational Safety and Health (NIOSH):									
Research	49,545,000	52,288,000	53,788,000	53,288,000	53,788,000	+4,243,000	+1,500,000	---	+500,000
Training	5,760,000	---	8,760,000	5,760,000	8,760,000	+3,000,000	+8,760,000	---	+3,000,000
Scientific and technical services	2,179,000	2,332,000	2,332,000	2,332,000	2,332,000	+153,000	---	---	---
Subtotal, NIOSH	57,484,000	54,620,000	64,880,000	-61,380,000	64,880,000	+7,396,000	+10,260,000	---	+3,500,000
Epidemic services	40,501,000	46,030,000	46,030,000	46,030,000	46,030,000	+5,529,000	---	---	---
Buildings and facilities	17,610,000	1,770,000	1,770,000	1,810,000	1,810,000	-15,800,000	+40,000	+40,000	---
Program management	2,780,000	2,914,000	2,914,000	2,914,000	2,914,000	+134,000	---	---	---
Total, Disease Control	353,476,000	340,752,000	373,405,000	369,896,000	374,504,000	+21,028,000	+33,752,000	+1,099,000	+4,608,000

‡ Proposed for transfer to Office of the Asst. Secretary for Health in President's Budget.

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
NATIONAL INSTITUTES OF HEALTH									
National Cancer Institute	962,581,000	963,881,000	1,044,868,000	1,062,017,000	1,053,442,000	+90,861,000	+89,561,000	+8,574,000	-8,575,000
National Heart, Lung, and Blood Institute	595,736,000	609,248,000	665,859,000	683,489,000	674,674,000	+78,938,000	+65,426,000	+8,815,000	-8,815,000
National Institute of Dental Research	75,191,000	76,944,000	84,226,000	84,398,000	84,312,000	+9,121,000	+7,368,000	+86,000	-86,000
National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases	393,457,000	406,505,000	442,255,000	442,832,000	442,543,000	+49,086,000	+36,038,000	+288,000	-289,000
National Institute of Neurological and Communicative Disorders and Stroke	287,361,000	292,345,000	328,921,000	322,083,000	325,502,000	+38,141,000	+33,157,000	-3,419,000	+3,419,000
National Institute of Allergy and Infectious Diseases	270,311,000	280,809,000	307,128,000	304,228,000	305,678,000	+35,367,000	+24,869,000	-1,450,000	+1,450,000
National Institute of General Medical Sciences	321,013,000	338,255,000	363,444,000	370,245,000	366,844,000	+45,831,000	+28,589,000	+3,400,000	-3,401,000
National Institute of Child Health and Human Development	244,859,000	247,295,000	265,180,000	264,847,000	265,014,000	+20,155,000	+17,719,000	-166,000	+167,000
National Eye Institute	138,001,000	138,748,000	149,600,000	151,966,000	150,783,000	+12,782,000	+12,035,000	+1,183,000	-1,183,000
National Institute of Environmental Health Sciences	158,061,000	160,565,000	173,627,000	172,374,000	173,000,000	+14,939,000	+12,435,000	-627,000	+626,000
National Institute on Aging	91,578,000	97,240,000	112,516,000	112,084,000	112,300,000	+20,722,000	+15,060,000	-216,000	+216,000
Research Resources	213,209,000	201,117,000	253,824,000	230,031,000	241,928,000	+28,719,000	+40,811,000	-11,896,000	+11,897,000
John E. Fogarty International Center	10,147,000	9,189,000	11,584,000	11,088,000	11,336,000	+1,189,000	+2,147,000	-248,000	+248,000
Subtotal	3,761,505,000	3,822,141,000	4,203,032,000	4,211,682,000	4,207,356,000	+445,851,000	+385,215,000	+4,324,000	-4,326,000
National Library of Medicine	44,802,000	41,963,000	42,263,000	41,963,000	42,113,000	-2,689,000	+150,000	-150,000	+150,000
Buildings and facilities	17,500,000	19,900,000	24,980,000	25,100,000	25,040,000	+7,540,000	+5,140,000	+60,000	-60,000
Office of the Director	25,748,000	26,720,000	26,779,000	26,720,000	26,720,000	+972,000	---	-59,000	---
Total, National Institutes of Health	3,849,555,000	3,910,724,000	4,297,054,000	4,305,465,000	4,301,229,000	+451,674,000	+390,505,000	+4,175,000	-4,236,000
Unauthorized, not considered	(175,838,000)	(166,368,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION									
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH									
Alcohol, Drug Abuse and Mental Health Block Grant $...	469,000,000	430,000,000	439,000,000	469,000,000	462,000,000	-7,000,000	+32,000,000	+23,000,000	-7,000,000
Mental Health:									
Mental Health Services Demonstrations, CSP.....	6,000,000	---	9,000,000	---	7,000,000	+1,000,000	+7,000,000	-2,000,000	+7,000,000
Research	152,300,000	172,133,000	172,133,000	174,471,000	174,000,000	+21,700,000	+1,867,000	+1,867,000	-471,000
Research training (unauthorized, not considered)..	(15,360,000)	(15,527,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Clinical training.....	21,500,000	---	20,000,000	22,000,000	21,000,000	-500,000	+21,000,000	+1,000,000	-1,000,000
Program support.....	32,611,000	32,688,000	32,688,000	32,688,000	32,688,000	+77,000	---	---	---
Subtotal, mental health.....	212,411,000	204,821,000	233,821,000	229,159,000	234,688,000	+22,277,000	+29,867,000	+867,000	+5,529,000
Drug Abuse:									
Research	47,774,000	56,160,000	52,000,000	57,178,000	54,600,000	+6,826,000	-1,560,000	+2,600,000	-2,578,000
Research training (unauthorized, not considered)..	(891,000)	(973,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Program support.....	13,275,000	14,556,000	14,556,000	14,556,000	14,556,000	+1,281,000	---	---	---
Subtotal, drug abuse.....	61,049,000	70,716,000	66,556,000	71,734,000	69,156,000	+8,107,000	-1,560,000	+2,600,000	-2,578,000
Alcoholism:									
Research	33,484,000	45,790,000	40,000,000	46,363,000	43,200,000	+9,716,000	-2,590,000	+3,200,000	-3,163,000
Research training (unauthorized, not considered)..	(1,086,000)	(1,202,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Program support.....	9,040,000	10,981,000	10,981,000	10,981,000	10,981,000	+1,941,000	---	---	---
Subtotal, alcoholism.....	42,524,000	56,771,000	50,981,000	57,344,000	54,181,000	+11,657,000	-2,590,000	+3,200,000	-3,163,000
Buildings and facilities.....	100,000	1,515,000	1,515,000	1,515,000	1,515,000	+1,415,000	---	---	---
Program management, ADAMHA.....	6,923,000	7,329,000	7,329,000	7,329,000	7,329,000	+406,000	---	---	---
Total, Alcohol, Drug Abuse and Mental Health....	792,007,000	771,152,000	799,202,000	836,081,000	828,869,000	+36,862,000	+57,717,000	+29,667,000	-7,212,000
Total, unauthorized, not considered.....	(17,337,000)	(17,702,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER

‡ Proposed for transfer to Office of the Asst. Secretary for Health in President's Budget.

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
ST. ELIZABETHS HOSPITAL	82,406,000	62,744,000	62,744,000	67,744,000	67,744,000	-14,662,000	+5,000,000	+5,000,000	---
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH									
PUBLIC HEALTH SERVICE MANAGEMENT									
Research, Statistics and Technology:									
Health Services Research:									
Research	14,903,000	15,730,000	15,730,000	15,730,000	15,730,000	+827,000	---	---	---
Trust funds	---	(300,000)	(1,300,000)	(800,000)	(1,050,000)	(+1,050,000)	(+750,000)	(-250,000)	(+250,000)
Program support	1,764,000	1,919,000	1,919,000	1,919,000	1,919,000	+155,000	---	---	---
Subtotal	16,667,000	17,649,000	17,649,000	17,649,000	17,649,000	+982,000	---	---	---
Health Statistics:									
Program operations	37,938,000	42,765,000	42,765,000	42,765,000	42,765,000	+4,827,000	---	---	---
Program support	3,142,000	3,356,000	3,356,000	3,356,000	3,356,000	+214,000	---	---	---
Subtotal	41,080,000	46,121,000	46,121,000	46,121,000	46,121,000	+5,041,000	---	---	---
Special health initiatives:									
Adolescent family life	13,368,000	16,318,000	16,318,000	13,518,000	14,918,000	+1,550,000	-1,400,000	-1,400,000	+1,400,000
Smoking and health	2,141,000	3,521,000	3,521,000	3,521,000	3,521,000	+1,380,000	---	---	---
Health promotion	1,854,000	3,015,000	2,515,000	3,015,000	2,515,000	+661,000	-500,000	---	-500,000
Physical fitness and sports	1,139,000	1,141,000	1,141,000	1,141,000	1,141,000	+2,000	---	---	---
Uniform Services Univ. of Health Sciences	600,000	700,000	700,000	700,000	700,000	+100,000	---	---	---
National youth sports	---	5,760,000	---	---	---	---	-5,760,000	---	---
Subtotal, Special health initiatives	19,102,000	30,455,000	24,195,000	21,895,000	22,795,000	+3,693,000	-7,660,000	-1,400,000	+900,000
Public Health Service termination expenses	---	9,700,000	---	---	---	---	-9,700,000	---	---
Public Health Service Management	18,540,000	19,007,000	19,007,000	19,007,000	19,007,000	+467,000	---	---	---
Total, Salaries and expenses	95,389,000	122,932,000	106,972,000	104,672,000	105,572,000	+10,183,000	-17,360,000	-1,400,000	+900,000
RETIREMENT PAY AND MED. BENEFITS FOR COMM. OFFICERS									
Retirement payments	59,943,000	60,055,000	60,055,000	60,055,000	60,055,000	+112,000	---	---	---
Survivors benefits	1,862,000	3,474,000	3,474,000	3,474,000	3,474,000	+1,612,000	---	---	---
Dependent's medical care	17,056,000	18,248,000	18,248,000	18,248,000	18,248,000	+1,192,000	---	---	---
Legislative proposal	---	-2,894,000	-2,894,000	---	---	---	+2,894,000	+2,894,000	---
Total, Retirement pay and medical benefits	78,861,000	78,883,000	78,883,000	81,777,000	81,777,000	+2,916,000	+2,894,000	+2,894,000	---
PUBLIC HEALTH EMERGENCY FUND	---	---	---	30,000,000	---	---	---	---	-30,000,000
Total, Public Health Service	6,733,525,000	6,356,003,000	7,003,043,000	7,191,034,000	7,095,800,000	+362,275,000	+739,797,000	+92,757,000	-95,234,000
Total, unauthorized, not considered	(258,435,000)	(184,070,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
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	FY 1983	FY 1984				Conference compared with		
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
HEALTH CARE FINANCING ADMINISTRATION									
GRANTS TO STATES FOR MEDICAID									
Grants to states, current year program level	19,361,845,000	20,737,578,000	20,737,578,000	20,673,708,000	20,673,708,000	+1,311,863,000	-63,870,000	-63,870,000	---
Less funds advanced in prior year	-4,567,333,000	-5,105,600,000	-5,105,600,000	-5,105,600,000	-5,105,600,000	-538,267,000	---	---	---
Total appropriation, current year	14,794,512,000	15,631,978,000	15,631,978,000	15,568,108,000	15,568,108,000	+773,596,000	-63,870,000	-63,870,000	---
Subsequent year advance appropriation	5,105,600,000	5,552,000,000	5,552,000,000	5,552,000,000	5,552,000,000	+446,400,000	---	---	---
PAYMENTS TO HEALTH CARE TRUST FUNDS									
Military Service Credits	207,000,000	207,000,000	207,000,000	79,000,000	79,000,000	-128,000,000	-128,000,000	-128,000,000	---
Supplemental medical insurance	14,238,000,000	16,292,000,000	16,292,000,000	16,811,000,000	16,811,000,000	+2,573,000,000	+519,000,000	+519,000,000	---
Hospital insurance for uninsured	877,000,000	750,000,000	750,000,000	750,000,000	750,000,000	-127,000,000	---	---	---
Federal uninsured payment	25,000,000	42,000,000	42,000,000	42,000,000	42,000,000	+17,000,000	---	---	---
Total, Payment to Trust Funds	15,347,000,000	17,291,000,000	17,291,000,000	17,682,000,000	17,682,000,000	+2,335,000,000	+391,000,000	+391,000,000	---
PROGRAM MANAGEMENT									
Professional Standards Review Organization: 1/									
Non-hospital activities:									
Trust funds	(15,000,000)	---	---	(17,000,000)	(13,000,000)	(-2,000,000)	(+13,000,000)	(+13,000,000)	(-4,000,000)
Research, demonstration, and evaluation:									
Federal funds	20,000,000	20,000,000	20,000,000	21,280,000	20,600,000	+600,000	+600,000	+600,000	-680,000
Trust funds	(10,000,000)	(10,000,000)	(10,000,000)	(10,640,000)	(10,400,000)	(+400,000)	(+400,000)	(+400,000)	(-240,000)
Subtotal, Research and evaluation	30,000,000	30,000,000	30,000,000	31,920,000	31,000,000	+1,000,000	+1,000,000	+1,000,000	-920,000
Medicare Contractors (Trust Funds) 3/	(755,000,000)	(792,000,000)	(792,000,000)	(792,000,000)	(792,000,000)	(+37,000,000)	---	---	---
Contingency fund (Trust Fund)	(20,000,000)	---	(25,000,000)	(25,000,000)	(25,000,000)	(+5,000,000)	(+25,000,000)	---	---
State Certification:									
Medicare certification, trust funds 2/	(32,300,000)	(36,932,000)	(40,700,000)	(36,932,000)	(39,000,000)	(+6,700,000)	(+2,068,000)	(-1,700,000)	(+2,068,000)
General program support, federal funds	535,000	600,000	600,000	569,000	600,000	+65,000	---	---	+31,000
End Stage Renal Disease (ESRD) Networks (trust funds)	(4,546,000)	(4,546,000)	(4,546,000)	(4,837,000)	(4,837,000)	(+291,000)	(+291,000)	(+291,000)	---
Federal Administration:									
Federal funds	74,024,000	62,438,000	64,000,000	74,809,000	69,000,000	-5,024,000	+6,562,000	+5,000,000	-5,809,000
Trust funds	(126,025,000)	(138,613,000)	(140,000,000)	(138,613,000)	(140,000,000)	(+13,975,000)	(+1,387,000)	---	(+1,387,000)
Subtotal, Federal Administration	200,049,000	201,051,000	204,000,000	213,422,000	209,000,000	+8,951,000	+7,949,000	+5,000,000	-4,422,000

1/ Hospital review costs of $35,000,000 in FY 1983 are not appropriated and do not appear on this table.

2/ Medicaid funds totaling $41.2 million in FY83 and $35.1 million in FY84 appropriated in "Grants to States".

3/ Does not include $45 million in FY83 and FY84 from PL 97-248.

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
Total, Program management:									
Federal funds	94,559,000	83,038,000	84,600,000	96,658,000	90,200,000	-4,359,000	+7,162,000	+5,600,000	-6,458,000
Trust funds	(962,871,000)	(982,091,000)	(1,012,246,000)	(1,025,022,000)	(1,024,237,000)	(+61,366,000)	(+42,146,000)	(+11,991,000)	(-785,000)
Subtotal, program management	1,057,430,000	1,065,129,000	1,096,846,000	1,121,680,000	1,114,437,000	+57,007,000	+49,308,000	+17,591,000	-7,243,000
Total, Health Care Financing Administration:									
Federal funds:									
Current year	30,236,071,000	33,006,016,000	33,007,578,000	33,346,766,000	33,340,308,000	+3,104,237,000	+334,292,000	+332,730,000	-6,458,000
Subsequent year advance	5,105,600,000	5,552,000,000	5,552,000,000	5,552,000,000	5,552,000,000	+446,400,000	---	---	---
Trust funds	(962,871,000)	(982,091,000)	(1,012,246,000)	(1,025,022,000)	(1,024,237,000)	(+61,366,000)	(+42,146,000)	(+11,991,000)	(-785,000)
SOCIAL SECURITY ADMINISTRATION									
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS	2,155,213,000	838,583,000	448,583,000	521,258,000	521,258,000	-1,633,955,000	-317,325,000	+72,675,000	---
SPECIAL BENEFITS FOR DISABLED COAL MINERS									
Benefit payments	1,082,000,000	1,018,000,000	1,018,000,000	1,058,953,000	1,058,953,000	-23,047,000	+40,953,000	+40,953,000	---
Administration	11,000,000	9,047,000	9,047,000	9,047,000	9,047,000	-1,953,000	---	---	---
Total, Black Lung	1,093,000,000	1,027,047,000	1,027,047,000	1,068,000,000	1,068,000,000	-25,000,000	+40,953,000	+40,953,000	---
SUPPLEMENTAL SECURITY INCOME									
Federal benefit payments	7,637,254,000	6,572,100,000	6,572,100,000	7,400,000,000	7,400,000,000	-237,254,000	+827,900,000	+827,900,000	---
Hold harmless payments	15,300,000	5,000,000	5,000,000	5,000,000	5,000,000	-10,300,000	---	---	---
Beneficiary services	4,616,000	4,601,000	4,601,000	5,000,000	5,000,000	+384,000	+399,000	+399,000	---
Federal fiscal liability	20,737,000	25,041,000	25,041,000	25,000,000	25,000,000	+4,263,000	-41,000	-41,000	---
Administration	865,709,000	899,976,000	899,976,000	900,000,000	900,000,000	+34,291,000	+24,000	+24,000	---
Demonstration projects	---	3,900,000	3,900,000	4,000,000	4,000,000	+4,000,000	+100,000	+100,000	---
Legislative proposals	---	340,900,000	340,900,000	---	---	---	-340,900,000	-340,900,000	---
Total, Supplemental Security Income	8,543,616,000	7,851,518,000	7,851,518,000	8,339,000,000	8,339,000,000	-204,616,000	+487,482,000	+487,482,000	---
Apprn. available in prior year	---	---	---	-116,000,000	-116,000,000	-116,000,000	-116,000,000	-116,000,000	---
Less funds advanced in previous years	-28,133,000	---	---	---	---	+28,133,000	---	---	---

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
ASSISTANCE PAYMENTS									
AFDC benefit payments	7,291,231,000	6,803,378,000	6,803,378,000	6,914,000,000	6,914,000,000	-377,231,000	+110,622,000	+110,622,000	---
Legislative savings	---	-903,000,000	-903,000,000	---	---	---	+903,000,000	+903,000,000	---
Adult categories	13,350,000	13,875,000	13,875,000	14,000,000	14,000,000	+650,000	+125,000	+125,000	---
Emergency assistance	49,000,000	52,500,000	52,500,000	45,000,000	45,000,000	-4,000,000	-7,500,000	-7,500,000	---
State and local administrations	951,000,000	935,378,000	935,378,000	990,000,000	990,000,000	+39,000,000	+54,622,000	+54,622,000	---
Legislative proposal	---	181,000,000	181,000,000	---	---	---	-181,000,000	-181,000,000	---
Admin. and training, Territories	6,716,000	7,722,000	7,722,000	8,000,000	8,000,000	+1,284,000	+278,000	+278,000	---
Repatriation	1,801,000	1,410,000	1,410,000	1,000,000	1,000,000	-801,000	-410,000	-410,000	---
Research & evaluation	2,950,000	2,575,000	2,575,000	3,000,000	3,000,000	+50,000	+425,000	+425,000	---
Federal administration	32,500,000	34,946,000	34,680,000	35,000,000	35,000,000	+2,500,000	+54,000	+320,000	---
Subtotal, current year program level	8,348,548,000	7,129,784,000	7,129,518,000	8,010,000,000	8,010,000,000	-338,548,000	+880,216,000	+880,482,000	---
Less funds advanced in previous years	-1,663,841,000	-1,718,000,000	-1,718,000,000	-1,718,000,000	-1,718,000,000	-54,159,000	---	---	---
Total, Assistance payments, current request	6,684,707,000	5,411,784,000	5,411,518,000	6,292,000,000	6,292,000,000	-392,707,000	+880,216,000	+880,482,000	---
Appropriation available in prior year	-631,978,000	-35,378,000	-35,378,000	-150,000,000	-150,000,000	+481,978,000	-114,622,000	-114,622,000	---
Subsequent year advance appropriation	1,718,000,000	1,758,454,000	1,758,454,000	2,073,000,000	2,073,000,000	+355,000,000	+314,546,000	+314,546,000	---
CHILD SUPPORT ENFORCEMENT									
Program level, current law	471,000,000	416,463,000	416,463,000	607,000,000	607,000,000	+136,000,000	+190,537,000	+190,537,000	---
Less funds advanced in previous years	-123,500,000	-118,000,000	-118,000,000	-118,000,000	-118,000,000	+5,500,000	---	---	---
Current request, Child Support Enforcement	347,500,000	298,463,000	298,463,000	489,000,000	489,000,000	+141,500,000	+190,537,000	+190,537,000	---
Appropriation available in prior year	---	---	---	-57,000,000	-57,000,000	-57,000,000	-57,000,000	-57,000,000	---
Subsequent year advance appropriation	118,000,000	102,750,000	102,750,000	138,000,000	138,000,000	+20,000,000	+35,250,000	+35,250,000	---
LOW INCOME HOME ENERGY ASSISTANCE									
Energy Assistance Block Grant	1,972,800,000	1,297,704,000	1,872,700,000	1,872,700,000	1,872,700,000	-100,100,000	+574,996,000	---	---
Federal Administration	2,200,000	2,296,000	2,300,000	2,300,000	2,300,000	+100,000	+4,000	---	---
Subtotal, Energy assistance	1,975,000,000	1,300,000,000	1,875,000,000	1,875,000,000	1,875,000,000	-100,000,000	+575,000,000	---	---

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
OFFICE OF REFUGEE RESETTLEMENT									
Refugee and Entrant Assistance (Unauthorized, not considered)									
Cash and medical assistance	(351,275,000)	(174,820,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
State administration	(30,122,000)	(15,422,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Social services	(71,700,000)	---	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Voluntary agency program	(4,000,000)	(4,000,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Education assistance for children	(16,600,000)	---	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Preventive health	(6,049,000)	(8,450,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Cuban-Haitian entrants	(17,343,000)	(5,928,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Targeted assistance	(81,500,000)	---	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Federal administration	(6,411,000)	(6,592,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Per capita state grants	---	(270,116,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Total, Refugee Resettlement (unauthorized)	(585,000,000)	(485,328,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
LIMITATION ON ADMINISTRATIVE EXPENSES (trust funds)	(3,511,885,000)	(3,723,317,000)	(3,718,303,000)	(3,723,317,000)	(3,718,303,000)	(+206,418,000)	(-5,014,000)	---	(-5,014,000)
Total, Social Security Administration:									
Federal funds:									
Current year	20,138,925,000	16,692,017,000	16,876,751,000	18,261,258,000	18,261,258,000	-1,877,667,000	+1,569,241,000	+1,384,507,000	---
Subsequent year advance appropriations	1,836,000,000	1,861,204,000	1,861,204,000	2,211,000,000	2,211,000,000	+375,000,000	+349,796,000	+349,796,000	---
Trust funds	(3,511,885,000)	(3,723,317,000)	(3,718,303,000)	(3,723,317,000)	(3,718,303,000)	(+206,418,000)	(-5,014,000)	---	(-5,014,000)
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES									
SOCIAL SERVICES BLOCK GRANT (Title XX)	2,675,000,000	2,440,000,000	2,500,000,000	2,675,000,000	2,675,000,000	---	+235,000,000	+175,000,000	---
HUMAN DEVELOPMENT SERVICES 1/									
Programs for Children, Youth, and Families:									
Head start	912,000,000	974,300,000	999,300,000	992,200,000	995,750,000	+83,750,000	+21,450,000	-3,550,000	+3,550,000
Child abuse:									
State grants (unauth., not considered)	(6,720,000)	(6,720,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Discretionary activities (unauth., not cons.)	(9,479,000)	---	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Runaway youth	21,500,000	10,514,000	21,500,000	25,000,000	23,250,000	+1,750,000	+12,736,000	+1,750,000	-1,750,000
Subtotal, CY & Families	933,500,000	984,814,000	1,020,800,000	1,017,200,000	1,019,000,000	+85,500,000	+34,186,000	-1,800,000	+1,800,000

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
Programs for the Aging:									
State agency activities	21,673,000	19,928,000	21,673,000	21,673,000	21,673,000	---	+1,745,000	---	---
Supportive Services and Centers	240,869,000	240,869,000	240,869,000	240,869,000	240,869,000	---	---	---	---
Nutrition:									
Congregate meals	319,074,000	290,949,000	324,074,000	319,074,000	321,574,000	+2,500,000	+30,625,000	-2,500,000	+2,500,000
Home-delivered meals	62,025,000	58,150,000	62,025,000	62,025,000	62,025,000	---	+3,875,000	---	---
Subtotal, Elderly nutrition program	381,099,000	349,099,000	386,099,000	381,099,000	383,599,000	+2,500,000	+34,500,000	-2,500,000	+2,500,000
Grants to Indians	5,735,000	5,735,000	5,735,000	5,735,000	5,735,000	---	---	---	---
Research, training, and special projects	22,175,000	5,000,000	22,175,000	22,175,000	22,175,000	---	+17,175,000	---	---
Federal Council on Aging	175,000	175,000	175,000	175,000	175,000	---	---	---	---
Subtotal	671,726,000	620,806,000	676,726,000	671,726,000	674,226,000	+2,500,000	+53,420,000	-2,500,000	+2,500,000
1/ Does not include $100,000,000 for elderly feeding activities and $76,350,000 in child care feeding considered by Agric. Subcomm; also excludes $277,100,000 related to older worker employment considered under Title I, Dept. of Labor.									
Developmental disabilities program:									
State grants	43,180,000	24,674,000	43,180,000	45,400,000	43,750,000	+570,000	+19,076,000	+570,000	-1,650,000
Protection and advocacy	7,320,000	7,303,000	7,320,000	8,400,000	8,400,000	+1,080,000	+1,097,000	+1,080,000	---
Special projects	2,500,000	2,294,000	2,294,000	2,600,000	2,447,000	-53,000	+153,000	+153,000	-153,000
University affiliated facilities	7,500,000	7,027,000	7,027,000	7,800,000	7,413,000	-87,000	+386,000	+386,000	-387,000
Subtotal, Developmental disabilities	60,500,000	41,298,000	59,821,000	64,200,000	62,010,000	+1,510,000	+20,712,000	+2,189,000	-2,190,000
Native American Programs	28,000,000	22,466,000	28,000,000	30,000,000	29,000,000	+1,000,000	+6,534,000	+1,000,000	-1,000,000
Program direction	65,089,000	63,892,000	65,089,000	65,735,000	65,412,000	+323,000	+1,520,000	+323,000	-323,000
Total, Human Development Services	1,758,815,000	1,733,276,000	1,850,436,000	1,848,861,000	1,849,648,000	+90,833,000	+116,372,000	-788,000	+787,000
Total, unauthorized, not considered	(16,199,000)	(6,720,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
HUMAN RESOURCES RESEARCH AND DEMONSTRATION									
Consolidated program (unauthorized)	---	9,250,000	---	---	---	---	-9,250,000	---	---

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
FAMILY SOCIAL SERVICES									
Entitlement activities:									
Foster care	395,000,000	440,170,000	440,170,000	440,170,000	440,170,000	+45,170,000	---	---	---
Adoption assistance	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	---	---	---	---
Subtotal	400,000,000	445,170,000	445,170,000	445,170,000	445,170,000	+45,170,000	---	---	---
Discretionary activities:									
Child welfare assistance	156,326,000	156,326,000	156,326,000	170,000,000	165,000,000	+8,674,000	+8,674,000	+8,674,000	-5,000,000
Child welfare training	3,823,000	---	3,823,000	3,823,000	3,823,000	---	+3,823,000	---	---
Adoption opportunities	1,912,000	---	1,912,000	1,912,000	1,912,000	---	+1,912,000	---	---
Child welfare research	10,608,000	---	10,000,000	10,608,000	10,000,000	-608,000	+10,000,000	---	-608,000
Subtotal	172,669,000	156,326,000	172,061,000	186,343,000	180,735,000	+8,066,000	+24,409,000	+8,674,000	-5,608,000
Total, Family Social Services	577,669,000	601,496,000	617,231,000	631,513,000	625,905,000	+53,236,000	+24,409,000	+8,674,000	-5,608,000
WORK INCENTIVES									
Grants to States	256,760,000	---	256,760,000	260,760,000	256,760,000	---	+256,760,000	---	-4,000,000
Program direction and evaluation	14,000,000	---	14,000,000	10,000,000	14,000,000	---	+14,000,000	---	+4,000,000
Total, Work incentives	270,760,000	---	270,760,000	270,760,000	270,760,000	---	+270,760,000	---	---
Total, Asst. Sec. for Human Development	5,277,244,000	4,784,022,000	5,238,427,000	5,426,134,000	5,421,313,000	+144,069,000	+637,291,000	+182,886,000	-4,821,000
Total, unauthorized, not considered	(16,199,000)	(6,720,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
COMMUNITY SERVICES BLOCK GRANT									
Grants to States	341,680,000	---	316,680,000	341,680,000	316,680,000	-25,000,000	+316,680,000	---	-25,000,000
Discretionary funds	31,320,000	---	31,320,000	31,320,000	31,320,000	---	+31,320,000	---	---
Program support	6,300,000	2,852,000	3,000,000	4,300,000	4,300,000	-2,000,000	+1,448,000	+1,300,000	---
CSA close out	4,786,000	---	---	---	---	-4,786,000	---	---	---
Total, Community Services appropriation	384,086,000	2,852,000	351,000,000	377,300,000	352,300,000	-31,786,300	+349,448,000	+1,300,000	-25,000,000
DEPARTMENTAL MANAGEMENT									
GENERAL DEPARTMENTAL MANAGEMENT:									
Federal funds	158,143,000	169,963,000	160,794,000	151,963,000	157,963,000	-180,000	-12,000,000	-2,831,000	+6,000,000
Trust funds	(8,000,000)	(8,000,000)	(8,000,000)	(8,000,000)	(8,000,000)	---	---	---	---
Total, Departmental management	166,143,000	177,963,000	168,794,000	159,963,000	165,963,000	-180,000	-12,000,000	-2,831,000	+6,000,000

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with		
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
OFFICE OF THE INSPECTOR GENERAL:									
Federal activities:									
Federal funds	44,921,000	63,392,000	62,366,000	62,292,000	62,292,000	+17,371,000	-1,100,000	-74,000	---
Trust funds	(6,000,000)	(6,000,000)	(6,000,000)	(6,000,000)	(6,000,000)	---	---	---	---
State Medicaid Fraud units	36,346,000	34,871,000	34,871,000	34,871,000	34,871,000	-1,475,000	---	---	---
Subtotal, current year program level	81,267,000	98,263,000	97,237,000	97,163,000	97,163,000	+15,896,000	-1,100,000	-74,000	---
Less current year funds advanced in previous year	-10,000,000	-10,000,000	-10,000,000	-10,000,000	-10,000,000	---	---	---	---
Total, Inspector General (current year):									
Federal funds	71,267,000	88,263,000	87,237,000	87,163,000	87,163,000	+15,896,000	-1,100,000	-74,000	---
Trust funds	(6,000,000)	(6,000,000)	(6,000,000)	(6,000,000)	(6,000,000)	---	---	---	---
Subsequent year advance appropriations	10,000,000	9,000,000	9,000,000	9,000,000	9,000,000	-1,000,000	---	---	---
OFFICE FOR CIVIL RIGHTS:									
Federal funds	19,163,000	19,363,000	18,945,000	19,363,000	18,945,000	-218,000	-418,000	---	-418,000
Trust funds	(2,350,000)	(2,350,000)	(2,350,000)	(2,350,000)	(2,350,000)	---	---	---	---
Total, Civil Rights	21,513,000	21,713,000	21,295,000	21,713,000	21,295,000	-218,000	-418,000	---	-418,000
POLICY RESEARCH	14,718,000	11,000,000	10,000,000	11,000,000	10,000,000	-4,718,000	-1,000,000	---	-1,000,000
Total, Departmental management:									
Federal funds	263,291,000	288,589,000	276,976,000	269,489,000	274,071,000	+10,780,000	-14,518,000	-2,905,000	+4,582,000
Trust funds	(16,350,000)	(16,350,000)	(16,350,000)	(16,350,000)	(16,350,000)	---	---	---	---
Subsequent year advances	(10,000,000)	(9,000,000)	(9,000,000)	(9,000,000)	(9,000,000)	(-1,000,000)	---	---	---
Total, Department of Health and Human Services:									
Federal funds (all years)	69,984,742,000	68,551,703,000	70,175,979,000	72,643,981,000	72,517,050,000	+2,532,308,000	+3,965,347,000	+2,341,071,000	-126,931,000
Current year	(63,033,142,000)	(61,129,499,000)	(62,753,775,000)	(64,871,981,000)	(64,745,050,000)	(+1,711,908,000)	(+3,615,551,000)	(+1,991,275,000)	(-126,931,000)
Subsequent year advances	(6,951,600,000)	(7,422,204,000)	(7,422,204,000)	(7,772,000,000)	(7,772,000,000)	(+820,400,000)	(+349,796,000)	(+349,796,000)	---
Trust funds	(4,491,106,000)	(4,722,058,000)	(4,748,199,000)	(4,765,489,000)	(4,759,940,000)	(+268,834,000)	(+37,882,000)	(+11,741,000)	(-5,549,000)
Unauthorized, not considered	(859,634,000)	(676,118,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
TITLE III--DEPARTMENT OF EDUCATION									
COMPENSATORY EDUCATION FOR THE DISADVANTAGED									
Grants for the Disadvantaged (Chapter 1):									
Grants to local educational agencies	2,727,754,000	2,729,939,000	3,007,360,000	3,000,000,000	3,003,680,000	+275,926,000	+273,741,000	-3,680,000	+3,680,000
State agency programs:									
Migrants	255,744,000	129,434,000	255,744,000	260,304,000	258,024,000	+2,280,000	+128,590,000	+2,280,000	-2,280,000
Handicapped	146,520,000	104,850,000	146,520,000	146,520,000	146,520,000	---	+41,670,000	---	---
Neglected and delinquent	32,616,000	21,886,000	32,616,000	32,616,000	32,616,000	---	+10,730,000	---	---
State administration	33,014,000	22,100,000	33,014,000	34,800,000	34,414,000	+1,400,000	+12,314,000	+1,400,000	-386,000
Evaluation and studies	4,746,000	5,760,000	4,746,000	5,760,000	4,746,000	---	-1,014,000	---	-1,014,000
Total, Chapter 1	3,200,394,000	3,013,969,000	3,480,000,000	3,480,000,000	3,480,000,000	+279,606,000	+466,031,000	---	---

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984			Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
Migrant education:									
High school equivalency program	6,300,000	---	6,300,000	6,300,000	6,300,000	---	+6,300,000	---	---
College assistance migrant program	1,200,000	---	1,200,000	1,200,000	1,200,000	---	+1,200,000	---	---
Total, Compensatory Education programs	3,207,894,000	3,013,969,000	3,487,500,000	3,487,500,000	3,487,500,000	+279,606,000	+473,531,000	---	---
SPECIAL PROGRAMS									
Improving School Programs (Chapter 2):									
State block grants	450,655,000	450,655,000	450,655,000	450,655,000	450,655,000	---	---	---	---
Secretary's discretionary fund:									
Inexpensive book distribution (including RIF)	5,850,000	---	6,500,000	6,500,000	6,500,000	+650,000	+6,500,000	---	---
Arts in education	2,025,000	---	2,125,000	2,125,000	2,125,000	+100,000	+2,125,000	---	---
Alcohol and drug abuse education	2,850,000	---	2,850,000	2,850,000	2,850,000	---	+2,850,000	---	---
Law related education	1,000,000	---	1,000,000	---	1,000,000	---	+1,000,000	---	+1,000,000
Discretionary projects	17,040,000	---	5,049,000	17,290,000	16,290,000	-750,000	+16,290,000	+11,241,000	-1,000,000
National diffusion	---	---	10,700,000	---	---	---	---	-10,700,000	---
Undistributed	---	28,224,000	---	---	---	---	-28,224,000	---	---
Subtotal, Secretary's discretionary fund	28,765,000	28,224,000	28,224,000	28,765,000	28,765,000	---	+541,000	+541,000	---
Total, Chapter 2	479,420,000	478,879,000	478,879,000	479,420,000	479,420,000	---	+541,000	+541,000	---
Other Special Programs									
Training and advisory services (Civil Rights IVA)	24,000,000	---	24,000,000	24,000,000	24,000,000	---	+24,000,000	---	---
Follow through	19,440,000	---	14,767,000	14,767,000	14,767,000	-4,673,000	+14,767,000	---	---
Territorial teacher training assistance	960,000	---	960,000	1,000,000	1,000,000	+40,000	+1,000,000	+40,000	---
General assistance for the Virgin Islands	1,920,000	---	1,920,000	1,920,000	1,920,000	---	+1,920,000	---	---
Ellender fellowships	3,000,000	---	1,000,000	1,500,000	1,000,000	-2,000,000	+1,000,000	---	-500,000
Women's educational equity	5,760,000	---	5,760,000	5,760,000	5,760,000	---	+5,760,000	---	---
Asbestos control	---	---	50,000,000	---	---	---	---	-50,000,000	---
Subtotal, Other special programs	55,080,000	---	98,407,000	48,947,000	48,447,000	-6,633,000	+48,447,000	-49,960,000	-500,000
Total, Special programs	534,500,000	478,879,000	577,286,000	528,367,000	527,867,000	-6,633,000	+48,988,000	-49,419,000	-500,000
IMPACT AID 1/									
Maintenance and operations:									
Payments for "a" children	377,175,000	446,000,000	---	477,000,000	457,500,000	+80,325,000	+11,500,000	+457,500,000	-19,500,000
Payments for "b" children	58,025,000	---	---	58,000,000	77,500,000	+19,475,000	+77,500,000	+77,500,000	+19,500,000
Special provisions (Section 2)	15,000,000	9,000,000	---	20,000,000	20,000,000	+5,000,000	+11,000,000	+20,000,000	---
Disaster assistance	10,000,000	---	---	10,000,000	10,000,000	---	+10,000,000	+10,000,000	---
Subtotal	460,200,000	455,000,000	---	565,000,000	565,000,000	+104,800,000	+110,000,000	+565,000,000	---
Construction	80,000,000	---	---	20,000,000	20,000,000	-60,000,000	+20,000,000	+20,000,000	---
Total	540,200,000	455,000,000	---	585,000,000	585,000,000	+44,800,000	+130,000,000	+585,000,000	---

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
BILINGUAL EDUCATION									
Grants to school districts	84,126,000	59,724,000	95,007,000	84,126,000	89,567,000	+5,441,000	+29,843,000	-5,440,000	+5,441,000
Training grants	31,288,000	22,400,000	30,588,000	34,631,000	32,610,000	+1,322,000	+10,210,000	+2,022,000	-2,021,000
Support services	16,557,000	9,910,000	10,447,000	16,557,000	13,502,000	-3,055,000	+3,592,000	+3,055,000	-3,055,000
Desegregation grants	2,400,000	---	---	---	---	-2,400,000	---	---	---
Vocational training	3,686,000	2,500,000	6,015,000	3,686,000	3,686,000	---	+1,186,000	-2,329,000	---
Total	138,057,000	94,534,000	142,057,000	139,000,000	139,365,000	+1,308,000	+44,831,000	-2,692,000	+365,000
1/House deferred consideration pending reauthorization									
EDUCATION FOR THE HANDICAPPED									
Education for the handicapped:									
State assistance:									
State grant program	1,017,900,000	998,180,000	1,017,900,000	1,071,850,000	1,043,875,000	+25,975,000	+45,695,000	+25,975,000	-27,975,000
Preschool incentive grants	25,000,000	25,000,000	25,000,000	26,330,000	26,330,000	+1,330,000	+1,330,000	+1,330,000	---
Deaf-blind centers	15,360,000	9,560,000	15,360,000	14,000,000	15,000,000	-360,000	+5,440,000	-360,000	+1,000,000
Special purpose funds:									
Severely handicapped projects	2,880,000	2,880,000	2,880,000	4,000,000	4,000,000	+1,120,000	+1,120,000	+1,120,000	---
Early childhood education	16,800,000	11,800,000	16,800,000	21,100,000	21,100,000	+4,300,000	+9,300,000	+4,300,000	---
Regional, vocational, adult and postsecondary programs	2,832,000	2,832,000	2,832,000	5,000,000	5,000,000	+2,168,000	+2,168,000	+2,168,000	---
Innovation and development	12,000,000	10,800,000	12,000,000	15,000,000	15,000,000	+3,000,000	+4,200,000	+3,000,000	---
Media services and captioned films	12,000,000	11,520,000	11,520,000	14,000,000	14,000,000	+2,000,000	+2,480,000	+2,480,000	---
Regional resource centers	4,130,000	2,880,000	5,000,000	4,500,000	4,500,000	+370,000	+1,620,000	-500,000	---
Recruitment and information	720,000	720,000	720,000	1,000,000	1,000,000	+280,000	+280,000	+280,000	---
Special education personnel development	49,300,000	33,600,000	49,300,000	55,540,000	55,540,000	+6,240,000	+21,940,000	+6,240,000	---
Special studies	480,000	480,000	480,000	3,100,000	3,100,000	+2,620,000	+2,620,000	+2,620,000	---
Secondary Education and transitional services for handicapped youth	---	---	---	6,000,000	6,000,000	+6,000,000	+6,000,000	+6,000,000	---
Other discretionary programs	---	---	45,000,000	---	---	---	---	-45,000,000	---
Architectural barrier removal	40,000,000	---	---	---	---	-40,000,000	---	---	---
Total, Education for the handicapped	1,199,402,000	1,110,252,000	1,204,792,000	1,241,420,000	1,214,445,000	+15,043,000	+104,193,000	+9,653,000	-26,975,000
REHABILITATION SERVICES AND HANDICAPPED RESEARCH 1/									
Rehabilitation services:									
Basic State grants	943,900,000	943,900,000	---	993,900,000	993,900,000	+50,000,000	+50,000,000	+993,900,000	---
Service projects	31,094,000	21,094,000	---	37,600,000	37,600,000	+6,506,000	+16,506,000	+37,600,000	---
Independent living	19,400,000	17,280,000	---	19,400,000	19,400,000	---	+2,120,000	+19,400,000	---
Training	19,200,000	19,200,000	---	22,000,000	22,000,000	+2,800,000	+2,800,000	+22,000,000	---
Subtotal	1,013,594,000	1,001,474,000	---	1,072,900,000	1,072,900,000	+59,306,000	+71,426,000	+1,072,900,000	---
National Institute for Handicapped Research	31,560,000	30,060,000	---	36,000,000	36,000,000	+4,440,000	+5,940,000	+36,000,000	---
National Council on the Handicapped	193,000	193,000	---	500,000	500,000	+307,000	+307,000	+500,000	---
Evaluations and studies	---	---	---	2,000,000	2,000,000	+2,000,000	+2,000,000	+2,000,000	---
Total	1,045,347,000	1,031,727,000	---	1,111,400,000	1,111,400,000	+66,053,000	+79,673,000	+1,111,400,000	---

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CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984			Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
VOCATIONAL AND ADULT EDUCATION 2/									
Consolidated (Block) Grant	---	492,839,000	---	---	---	---	-492,839,000	---	---
Vocational education:									
Basic grants	558,155,000	---	570,655,000	567,969,000	566,969,000	+8,814,000	+566,969,000	-3,686,000	-1,000,000
Program improvement and supportive services	99,590,000	---	99,590,000	99,590,000	99,590,000	---	+99,590,000	---	---
Programs of national significance	7,678,000	---	8,178,000	7,678,000	8,178,000	+500,000	+8,178,000	---	+500,000
Special programs for the disadvantaged	14,356,000	---	14,356,000	14,356,000	14,356,000	---	+14,356,000	---	---
Consumer and homemaking education	31,633,000	---	31,633,000	31,633,000	31,633,000	---	+31,633,000	---	---
State advisory councils	6,500,000	---	7,000,000	6,500,000	7,000,000	+500,000	+7,000,000	---	+500,000
State planning	3,588,000	---	3,588,000	3,588,000	3,588,000	---	+3,588,000	---	---
Subtotal, Vocational education	721,500,000	492,839,000	735,000,000	731,314,000	731,314,000	+9,814,000	+238,475,000	-3,686,000	---
Adult education	95,000,000	---	100,000,000	100,000,000	100,000,000	+5,000,000	+100,000,000	---	---
Total	816,500,000	492,839,000	835,000,000	831,314,000	831,314,000	+14,814,000	+338,475,000	-3,686,000	---
1/House deferred consideration pending reauthorization									
2/Proposed for later trans. in the President's budget.									
STUDENT FINANCIAL ASSISTANCE									
Pell grants $	2,419,040,000	---	2,619,000,000	2,800,000,000	2,800,000,000	+380,960,000	+2,800,000,000	+181,000,000	---
Self-help grants	---	2,713,800,000	---	---	---	---	-2,713,800,000	---	---
Campus based programs:									
Supplemental opportunity grants	355,400,000	---	370,000,000	370,000,000	370,000,000	+14,600,000	+370,000,000	---	---
Work study	590,000,000	800,000,000	550,000,000	550,000,000	550,000,000	-40,000,000	-250,000,000	---	---
Direct loans:									
Capital	178,560,000	4,000,000	178,560,000	143,560,000	161,060,000	-17,500,000	+157,060,000	-17,500,000	+17,500,000
Cancellations	14,800,000	---	19,800,000	14,800,000	19,800,000	+5,000,000	+19,800,000	---	+5,000,000
Subtotal, Campus based programs	1,138,760,000	804,000,000	1,118,360,000	1,078,360,000	1,100,860,000	-37,900,000	+296,860,000	-17,500,000	+22,500,000
State student incentive grants	60,000,000	---	76,000,000	76,000,000	76,000,000	+16,000,000	+76,000,000	---	---
Total, Student Financial Assistance	3,617,800,000	3,517,800,000	3,813,360,000	3,954,360,000	3,976,860,000	+359,060,000	+459,060,000	+163,500,000	+22,500,000
GUARANTEED STUDENT LOANS									
Guaranteed student loan program	3,100,500,000	2,168,600,000	1,268,600,000	2,256,500,000	2,256,500,000	-844,000,000	+87,900,000	+987,900,000	---
Legislative proposals	---	-121,500,000	---	---	---	---	+121,500,000	---	---
Total, Guaranteed student loans	3,100,500,000	2,047,100,000	1,268,600,000	2,256,500,000	2,256,500,000	-844,000,000	+209,400,000	+987,900,000	---

$ Proposed for later transmittal in the President's budget.

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
HIGHER AND CONTINUING EDUCATION									
Student services:									
Special programs for the disadvantaged	154,740,000	35,000,000	164,740,000	164,740,000	164,740,000	+10,000,000	+129,740,000	---	---
Veterans cost of instruction	3,000,000	---	3,000,000	3,000,000	3,000,000	---	+3,000,000	---	---
Program development:									
Strengthening developing institutions	134,416,000	134,416,000	129,600,000	134,416,000	134,416,000	---	---	+4,816,000	---
Minority institutions science improvement	4,800,000	4,800,000	4,800,000	4,800,000	4,800,000	---	---	---	---
Cooperative education	14,400,000	---	14,400,000	14,400,000	14,400,000	---	+14,400,000	---	---
International education and foreign language studies:									
Domestic programs	21,000,000	---	30,600,000	21,000,000	25,800,000	+4,800,000	+25,800,000	-4,800,000	+4,800,000
Overseas programs	5,000,000	---	5,000,000	5,000,000	5,000,000	---	+5,000,000	---	---
Graduate support:									
Graduate/professional educational opportunities	10,000,000	---	12,000,000	10,000,000	11,000,000	+1,000,000	+11,000,000	-1,000,000	+1,000,000
Public service grants and fellowships	1,920,000	---	1,920,000	2,000,000	2,000,000	+80,000	+2,000,000	+80,000	---
Construction:									
Facility grants	22,500,000	---	---	---	---	-22,500,000	---	---	---
Interest subsidy grants	25,000,000	24,500,000	24,500,000	24,500,000	24,500,000	-500,000	---	---	---
University of New Mexico	---	---	---	18,200,000	---	---	---	---	-18,200,000
Boston University	---	---	---	20,100,000	---	---	---	---	-20,100,000
Special endowments:									
General Chappie James Memorial, Tuskegee	9,000,000	---	---	---	---	-9,000,000	---	---	---
Carl Albert Center	2,000,000	---	---	---	---	-2,000,000	---	---	---
Taft Institute	750,000	---	---	750,000	---	-750,000	---	---	-750,000
Jacob Javits Fellowships	---	---	---	1,950,000	---	---	---	---	-1,950,000
Mansfield Foundation	---	---	---	5,000,000	5,000,000	+5,000,000	+5,000,000	+5,000,000	---
Law related education:									
Legal training for disadvantaged	1,000,000	---	1,000,000	---	1,000,000	---	+1,000,000	---	+1,000,000
Law school clinical experience	605,000	---	1,000,000	---	1,000,000	+395,000	+1,000,000	---	+1,000,000
Fund for the Improvement of Postsecondary Education	11,710,000	6,000,000	11,710,000	11,710,000	11,710,000	---	+5,710,000	---	---
Total	421,841,000	204,716,000	404,270,000	441,566,000	408,366,000	-13,475,000	+203,650,000	+4,096,000	-33,200,000
Total, unauthorized, not considered	---	---	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
HIGHER EDUCATION FACILITIES LOANS AND INSURANCE	20,143,000	19,846,000	19,846,000	19,846,000	19,846,000	-297,000	---	---	---
COLLEGE HOUSING LOANS, LOAN LIMITATION	(40,000,000)	---	(40,000,000)	---	(40,000,000)	---	(+40,000,000)	---	(+40,000,000)
EDUCATIONAL RESEARCH AND STATISTICS									
National Institute of Education	55,614,000	48,231,000	48,231,000	48,231,000	48,231,000	-7,383,000	---	---	---
National Center for Educational Statistics	8,589,000	8,747,000	8,747,000	8,747,000	8,747,000	+158,000	---	---	---
Total	64,203,000	56,978,000	56,978,000	56,978,000	56,978,000	-7,225,000	---	---	---
EDUCATION AND RESEARCH OVERSEAS	516,000	1,750,000	516,000	1,750,000	1,133,000	+617,000	-617,000	+617,000	-617,000

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
LIBRARIES									
Public libraries:									
Services	60,000,000	---	65,000,000	65,000,000	65,000,000	+5,000,000	+65,000,000	---	---
Interlibrary cooperation	11,520,000	---	15,000,000	11,520,000	15,000,000	+3,480,000	+15,000,000	---	+3,480,000
College library resources	1,920,000	---	1,920,000	---	---	-1,920,000	---	-1,920,000	---
Training and demonstrations	880,000	---	880,000	880,000	880,000	---	+880,000	---	---
Research libraries	6,000,000	---	6,000,000	6,000,000	6,000,000	---	+6,000,000	---	---
Construction	50,000,000	---	---	---	---	-50,000,000	---	---	---
Total	130,320,000	---	88,800,000	83,400,000	86,880,000	-43,440,000	+86,880,000	-1,920,000	+3,480,000
SPECIAL INSTITUTIONS									
AMERICAN PRINTING HOUSE FOR THE BLIND	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	---	---	---	---
(Not considered by Conference)	---	(500,000)	DEFER	(500,000)	DEFER	DEFER	DEFER	DEFER	DEFER
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF	26,300,000	26,300,000	26,300,000	26,300,000	26,300,000	---	---	---	---
(Not considered by Conference)	---	(1,700,000)	DEFER	(1,700,000)	DEFER	DEFER	DEFER	DEFER	DEFER
GALLAUDET COLLEGE	52,000,000	52,000,000	52,000,000	52,000,000	52,000,000	---	---	---	---
(Not considered by Conference)	---	(3,590,000)	DEFER	(4,000,000)	DEFER	DEFER	DEFER	DEFER	DEFER
HOWARD UNIVERSITY	145,200,000	145,200,000	145,200,000	145,200,000	145,200,000	---	---	---	---
(Not considered by Conference)	---	(14,520,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
DEPARTMENTAL MANAGEMENT									
OFFICE OF THE INSPECTOR GENERAL, SALARIES AND EXPENSES	12,840,000	12,989,000	12,989,000	12,989,000	12,989,000	+149,000	---	---	---
(Unauthorized, not considered by Conference)	---	(1,406,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
OFFICE FOR CIVIL RIGHTS, SALARIES AND EXPENSES	44,868,000	42,058,000	42,058,000	49,936,000	49,396,000	+4,528,000	+7,338,000	+7,338,000	-540,000
SALARIES AND EXPENSES:									
Program administration	217,900,000	238,382,000	---	193,953,000	---	-217,900,000	-238,382,000	---	-193,953,000
Advisory committees	1,750,000	---	---	1,750,000	---	-1,750,000	---	---	-1,750,000
Program and management evaluation	2,350,000	---	---	2,350,000	---	-2,350,000	---	---	-2,350,000
Consolidated amount	---	---	232,968,000	---	230,000,000	+230,000,000	+230,000,000	-2,968,000	+230,000,000
Subtotal, Salaries and expenses	222,000,000	238,382,000	232,968,000	198,053,000	230,000,000	+8,000,000	-8,382,000	-2,968,000	+31,947,000
Total, Departmental management	279,708,000	293,429,000	288,015,000	260,978,000	292,385,000	+12,677,000	-1,044,000	+4,370,000	+31,407,000
TOTAL, Department of Education	15,345,431,000	13,047,319,000	12,415,520,000	15,227,879,000	15,224,339,000	-121,092,000	+2,177,020,000	+2,808,819,000	-3,540,000
Total, unauthorized, not considered	---	(21,716,000)	DEFER	(6,200,000)	DEFER	DEFER	DEFER	DEFER	DEFER

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with		
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
TITLE IV - RELATED AGENCIES									
Action (Domestic Programs):									
Volunteers in Service to America:									
VISTA operations	(11,831,000)	(196,000)	DEFER	(15,000,000)	DEFER	DEFER	DEFER	DEFER	DEFER
Service learning	(1,830,000)	(1,757,000)	DEFER	(1,800,000)	DEFER	DEFER	DEFER	DEFER	DEFER
Subtotal	(13,661,000)	(1,953,000)	DEFER	(16,800,000)	DEFER	DEFER	DEFER	DEFER	DEFER
Older Americans Volunteer Programs:									
Foster Grandparents Program	(48,400,000)	(48,400,000)	DEFER	(48,400,000)	DEFER	DEFER	DEFER	DEFER	DEFER
Senior Companion Program	(12,016,000)	(12,016,000)	DEFER	(18,016,000)	DEFER	DEFER	DEFER	DEFER	DEFER
Retired Senior Volunteer Program	(27,445,000)	(27,445,000)	DEFER	(27,445,000)	DEFER	DEFER	DEFER	DEFER	DEFER
Subtotal, Older Volunteers	(87,861,000)	(87,861,000)	DEFER	(93,861,000)	DEFER	DEFER	DEFER	DEFER	DEFER
Citizen Participation and Volunteer Demonstration Programs	(1,984,000)	(1,801,000)	DEFER	(1,900,000)	DEFER	DEFER	DEFER	DEFER	DEFER
Program Support	(25,815,000)	(18,115,000)	DEFER	(27,500,000)	DEFER	DEFER	DEFER	DEFER	DEFER
Total, Action (not considered by the House)	(129,321,000)	(109,730,000)	DEFER	(140,061,000)	DEFER	DEFER	DEFER	DEFER	DEFER
Corporation for Public Broadcasting:									
FY 1986 advance (current request) 1/	130,000,000	75,000,000	130,000,000	130,000,000	130,000,000	---	+55,000,000	---	---
1/ FY 1983 appropriation adv. in FY81 is $137 million. FY 1984 appropriation adv. in FY82 is $130 million. FY 1985 appropriation adv. in FY83 is $130 million.									
Federal Mediation and Conciliation Service	22,015,000	21,461,000	23,161,000	22,000,000	23,161,000	+1,146,000	+1,700,000	---	+1,161,000
Federal Mine Safety and Health Review Commission	3,686,000	3,858,000	3,858,000	4,000,000	3,858,000	+172,000	---	---	-142,000
National Commission on Libraries and Information Science	674,000	553,000	553,000	674,000	674,000	---	+121,000	+121,000	---
National Commission on Student Financial Assistance	840,000	---	---	---	---	-840,000	---	---	---
National Labor Relations Board	126,045,000	134,158,000	133,594,000	134,158,000	133,594,000	+7,549,000	-564,000	---	-564,000
National Mediation Board	5,468,000	5,758,000	6,238,000	6,458,000	6,238,000	+770,000	+480,000	---	-220,000
Occupational Safety and Health Review Commission	6,316,000	6,331,000	5,982,000	6,337,000	5,982,000	-334,000	-349,000	---	-355,000
Prospective Payment Assessment Commission(trust funds)	---	---	(1,000,000)	(2,500,000)	(1,500,000)	(+1,500,000)	(+1,500,000)	(+500,000)	(-1,000,000)
Railroad Retirement Board:									
Dual benefits payments account	430,000,000	350,000,000	420,000,000	420,000,000	420,000,000	-10,000,000	+70,000,000	---	---
Supplemental VI. Benefits	125,750,000	---	---	---	---	-125,750,000	---	---	---
(Limitation on administration)	(47,060,000)	(55,969,000)	(56,046,000)	(55,969,000)	(56,046,000)	(+8,986,000)	(+77,000)	---	(+77,000)
Milwaukee Railroad restructuring, administration	250,000	---	---	---	---	-250,000	---	---	---
Soldiers' and Airmen's Home (trust fund limitation):									
Operation and maintenance	(27,059,000)	(29,524,000)	(30,924,000)	(30,924,000)	(30,924,000)	(+3,865,000)	(+1,400,000)	---	---
Capital outlay	---	(1,250,000)	(4,550,000)	(4,550,000)	(4,550,000)	(+4,550,000)	(+3,300,000)	---	---

CONFERENCE AGREEMENT - HR 3913 - FISCAL YEAR 1984 APPROPRIATIONS FOR
THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House Bill	Senate Bill	Conference	FY83 Enacted	FY 84 Estimates	House Bill	Senate Bill
Total, Related Asencies:									
Federal funds	851,044,000	597,119,000	723,386,000	723,627,000	723,507,000	-127,537,000	+126,388,000	+121,000	-120,000
Current year	721,044,000	522,119,000	593,386,000	593,627,000	593,507,000	-127,537,000	+71,388,000	+121,000	-120,000
FY 1986 advance	130,000,000	75,000,000	130,000,000	130,000,000	130,000,000	---	+55,000,000	---	---
Trust funds	(74,119,000)	(86,743,000)	(92,520,000)	(93,943,000)	(93,020,000)	(+18,901,000)	(+6,277,000)	(+500,000)	(-923,000)
Total, unauthorized, not considered	(129,321,000)	(109,730,000)	DEFER	(140,061,000)	DEFER	DEFER	DEFER	DEFER	DEFER
SUMMARY									
Title I - Department of Labor:									
Federal Funds	17,774,762,000	13,019,546,000	16,063,887,000	11,952,401,000	15,968,987,000	-1,805,775,000	+2,949,441,000	-94,900,000	+4,016,586,000
Trust Funds	(2,777,018,000)	(2,774,151,000)	(3,319,050,000)	(3,320,451,000)	(3,319,550,000)	(+542,532,000)	(+545,399,000)	(+500,000)	(-901,000)
Title II - Department of Health and Human Services:									
Federal Funds (all years)	69,984,742,000	68,551,703,000	70,175,979,000	72,643,981,000	72,517,050,000	+2,532,308,000	+3,965,347,000	+2,341,071,000	-126,931,000
Trust Funds	(4,471,106,000)	(4,722,058,000)	(4,748,199,000)	(4,765,489,000)	(4,759,940,000)	(+288,834,000)	(+37,882,000)	(+11,741,000)	(-5,549,000)
Unauthorized, not considered	(859,634,000)	(676,118,000)	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER	DEFER
Title III - Department of Education	13,345,431,000	13,047,319,000	12,415,520,000	15,227,879,000	15,224,339,000	-121,092,000	+2,177,020,000	+2,808,819,000	-3,540,000
Unauthorized, not considered	---	(21,716,000)	DEFER	(6,200,000)	DEFER	DEFER	DEFER	DEFER	DEFER
Title IV - Related Asencies:									
Federal Funds	851,044,000	597,119,000	723,386,000	723,627,000	723,507,000	-127,537,000	+126,388,000	+121,000	-120,000
Trust Funds	(74,119,000)	(86,743,000)	(92,520,000)	(93,943,000)	(93,020,000)	(+18,901,000)	(+6,277,000)	(+500,000)	(-923,000)
Unauthorized, not considered	(129,321,000)	(109,730,000)	DEFER	(140,061,000)	DEFER	DEFER	DEFER	DEFER	DEFER
Total, all titles:									
Federal Funds	103,955,979,000	95,215,687,000	99,378,772,000	100,547,888,000	104,433,883,000	+477,904,000	+9,218,196,000	+5,055,111,000	+3,885,995,000
Current year 1/	(96,874,379,000)	(87,718,483,000)	(91,826,568,000)	(92,645,888,000)	(96,531,893,000)	(-342,496,000)	(+8,813,400,000)	(+4,705,315,000)	(+3,885,995,000)
1985 advance	(6,953,600,000)	(7,422,204,000)	(7,422,204,000)	(7,772,000,000)	(7,772,000,000)	(+820,400,000)	(+349,796,000)	(+349,796,000)	---
1986 advance	(130,000,000)	(75,000,000)	(130,000,000)	(130,000,000)	(130,000,000)	---	(+55,000,000)	---	---
Trust Funds	(7,342,243,000)	(7,582,952,000)	(8,159,769,000)	(8,179,883,000)	(8,172,510,000)	(+830,267,000)	(+589,558,000)	(+12,741,000)	(-7,373,000)
Unauthorized	(988,955,000)	(907,564,000)	DEFER	(146,261,000)	DEFER	DEFER	DEFER	DEFER	DEFER
CURRENT YEAR BUDGET AUTHORITY (NEW) 1/:									
Mandatory	(68,144,146,000)	(62,567,821,000)	(60,427,328,000)	(69,430,909,000)	(64,453,909,000)	(-3,690,237,000)	(+1,886,088,000)	(+4,026,581,000)	(+4,023,000,000)
Discretionary 2/	(28,730,233,000)	(25,150,662,000)	(31,399,240,000)	(32,214,979,000)	(32,077,974,000)	(+3,347,741,000)	(+6,927,312,000)	(+678,734,000)	(-137,005,000)
Total, current year	96,874,379,000	87,718,483,000	91,826,568,000	92,645,888,000	96,531,883,000	-342,496,000	+8,813,400,000	+4,705,315,000	+3,885,995,000

1/ Does not include $7,051,600,000 in FY 1984 funds advanced in prior years.
2/ Recommendation includes $2.9 billion of one-time foward funding.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Iowa (Mr. SMITH), a member of the subcommittee.

Mr. SMITH of Iowa. Mr. Speaker, I want to commend the gentleman from Massachusetts (Mr. CONTE) and the gentleman in the well (Mr. NATCHER) for bringing this bill to the floor.

Now, a few Members have said, well, there should have been more money for some program or another, but I do not believe there is a single program that is worse off by enacting this bill than they would be if we were under a continuing resolution. There are many programs that are better off under this bill than if we had had to go to a continuing resolution, like happened last year and the year before. It took some skill and some work to get this through.

Mr. Speaker, I point out that it is the largest bill in the Government. Counting trust funds, it is $375 billion. It is really an accomplishment to get this bill on the floor. The gentleman in the well (Mr. NATCHER) deserves a lot of credit.

Mr. NATCHER. I thank the gentleman.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. I yield to the distinguished gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, as so often happens on the House floor when I rise, I rise with questions to the Appropriations Committee and sometimes criticisms, although I hope constructive criticisms most of the time. But in this case I would like to point out, as the gentleman well knows, there was a controversy which arose in the course of the consideration of the conference on the issue of school prayer. The Senate had striken the language that pertained to protecting voluntary school prayer programs in the public schools from interference from the Department of Education.

I know that the gentleman from Kentucky (Mr. NATCHER), the gentleman from Mississippi (Mr. WHITTEN) and the gentleman from Massachusetts (Mr. CONTE) worked long and hard on behalf of the House position to assure that when this conference report came back that the language of the House with regard to school prayer was protected. I want to say a personal "thank you" at this time to the gentleman from Kentucky (Mr. NATCHER), the gentleman from Mississippi (Mr. WHITTEN) and the gentleman from Massachusetts (Mr. CONTE) for their work on behalf of the school prayer language and point out to as many people across the country who are interested in that issue that your work has really protected a very important provision of law, and I thank you.

Mr. NATCHER. I thank the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. I yield to the gentleman from Pennsylvania (Mr. MURTHA), a distinguished member of our Committee on Appropriations.

Mr. MURTHA. I thank the gentleman for yielding.

Mr. Speaker, I just wanted to express my appreciation, and the appreciation of all of the folks who are affected by trade adjustment assistance in my district, to the gentleman from Kentucky (Mr. NATCHER) and the gentleman from Massachusetts (Mr. CONTE) for what they have done in the conference, because it is so important to us. We have got an area with probably the highest unemployment in the country, and it gives them some hope for retraining. Of course, it has been judged by the Government to be affected by trade. We did not have any money in the program, at first, and we appreciate everything that you have done for us in this particular instance.

Mr. NATCHER. Mr. Speaker, I want to commend the gentleman from Pennsylvania (Mr. MURTHA) for the work that he has done not only in regard to trade adjustment matters and funds in this bill, but for the entire bill. The gentleman has repeatedly brought this matter of trade adjustment to our attention, and that is the reason we have it in this conference report. We also want to thank him for his continuing assistance and support in moving this legislation through the legislative process.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. I yield to my friend, the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I just want to take this brief second to say that there is an old saying, "I sleep better when I know you are on duty," and I want to say that is very true of the gentleman in the well (Mr. NATCHER) and the gentleman from Massachusetts (Mr. CONTE). In this most difficult of bills you shepherded the bill through, and all of the parts thereof, one of which is of particular concern of mine. Both of you gentlemen have been sensitive and effective. From the bottom of my heart I appreciate it.

Mr. NATCHER. I thank the gentleman.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to join with the chairman of the subcommittee, BILL NATCHER, in bringing the conference agreement on H.R. 3913, the Labor/HHS/Education appropriations bill, to the House.

This is a great moment, Mr. Speaker, because it represents the first time since fiscal year 1979 that a Labor, Health and Human Services, and Education appropriations bill has had the opportunity to be enacted into law. It is almost 5 years to the day, October 18, 1978, that the last Labor/HHS/Education bill was signed by the President. Today, we have the chance to complete our consideration of one of the toughest, if not the toughest, appropriations bill considered by the Congress. We can prove that through hard work, diligence, tough negotiations, give and take, and compromise, our legislative system will work and reach a consensus on some of the most difficult issues of our time.

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It is a tribute to my subcommittee chairman, BILL NATCHER of Kentucky, a giant, a leader, a man with a great deal of compassion and understanding of his fellow men and women, and also the chairman of the full committee, JAMIE WHITTEN, and to all the members of the subcommittee.

I would like to thank the members of the subcommittee on my side, GEORGE O'BRIEN, CARL PURSELL, JOHN PORTER, and BILL YOUNG for all of their help and support in getting the bill to where it is today.

Mr. Speaker, the conference agreement that we bring to the House is a reasonable and responsible compromise between the House and Senate. As the chairman said, there were 140 items in disagreement between the two bodies that had to be resolved, and that was no easy matter.

The bill that was approved by the House on September 22 by a vote of 310 to 101 contained $28.5 billion in discretionary spending plus $2.9 billion in forward funding for the Job Training Partnership Act. The Senate bill was some $225 million higher than the House in discretionary spending. In addition, the Senate bill contained funding for impact aid in the amount of $585 million, the amount of the new authorization recently passed as part of the Defense authorization bill. The House had deferred that item, pending reauthorization, but included the full authorization of $585 million in the continuing resolution.

In comparable figures to what the House considered earlier, the bill we bring back is $93 million higher than the House-passed bill in discretionary items, and $133 million below the Senate-passed bill in discretionary funding. It also incorporates funding for impact aid.

The bill, as it passed the House, was $3.8 billion higher than what the President had requested. As it passed the Senate, it was a little over $4 billion over that request. After conference, the bill is about $3.9 billion over the budget request, in items considered by both Houses, plus another

$100 million over the request in impact aid.

Mr. Speaker, this may sound like an easy compromise, splitting the difference, but it was not. If we had taken the high marks on both the House and the Senate bills, we would have come back some $534 million over the House-passed bill. Instead, we came back $93 million over the House-passed bill. I think that figure indicates just how restrained the conference committee was, indicating again the restraint and the sense of fiscal responsibility that has characterized this bill from the start. Each body gave up a great deal of what it wanted, in the interest of obtaining a bill that will be acceptable.

In addition to discretionary items, the conference agreement contains some $64 billion in entitlement and mandatory spending. This is approximately $4 billion over the levels in the House-passed bill. This results from three major factors.

First, the Senate included the most recent estimates for the major entitlement programs, which added approximately $2 billion to the House bill. As the Members will recall, our bill was first marked up in July, and did not have the benefit of the mid-session review. We did indicate, however, that this additional funding would be necessary at a future date. Rather than put these additions off until a supplemental, we have included the most current figures in the conference report. In addition, the Senate provided funding for vocational rehabilitation of about $1.1 billion, which we deferred pending completion of the reauthorization process. We had provided interim funding in the continuing resolution.

This was an item that the Senate felt very strongly about, and we have included it in the conference report.

Finally, the Senate included approximately $900 million additional for the guaranteed student loans. There is some dispute about whether this additional funding is necessary, but the level of funding in the conference report is roughly comparable to what was provided in fiscal year 1983, and any unused funds will carry over into fiscal year 1985.

The conferees deferred on funding for ACTION, pending reauthorization. A number of other programs were deferred by both the House and the Senate pending reauthorization, including refugee assistance, public health service research training, health planning, and a number of smaller programs.

Overall, the conference report provides a total of $104.4 billion, including $96.5 billion in current year funding, and $7.9 billion in advance year appropriations. That is $477 million higher than the total appropriations provided in fiscal year 1983.

Let me quickly highlight some of the major items in the conference report.

DEPARTMENT OF LABOR

Under the Department of Labor, the conference agreement contains $7.8 billion in discretionary spending and $8.2 billion in mandatory spending. It includes $6.4 billion for the Job Training Partnership Act, including $2.9 billion in forward funding, which was not requested by the administration, but is required by law.

It contains $317.3 million for title V of the Older Americans Act.

It includes $29.7 million in trade adjustment assistance training activities, an item not considered by the House but added on the Senate floor in response to the reauthorization of the program.

It includes a total of 51 new employees in the Labor Management Services Administration, 20 in the Bureau of Labor Statistics, and 43 in the Office of the Inspector General.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

For the Department of Health and Human Services, the conference agreement provides a total of $64.7 billion, $52.9 billion in mandatory spending and $11.9 billion in discretionary spending. This amount includes: $399 million for the maternal and child health block grant, $25 million over the House mark; $327 million for the community health centers, $17 million over the House mark; 17.9 million for area health education centers (AHEC's), $3.2 million over the House mark; $33.7 million for the centers for disease control, $1 million over the House mark; $4.374 billion for the National Institutes of Health, $4.2 million over the House mark; $462 million for the alcohol, drug abuse and mental health block grant, $23 million over the House mark; $2.675 billion for title XX, the social services block grant, $175 million over the House mark; in anticipation of the entitlement ceiling increase in the Federal supplemental compensation extension; $995.7 million for Head Start; $165 million for child welfare assistance, $8.7 million over the House mark; and a general provision on abortion funding, providing an exception to the prohibition of such funding when the life of the mother is in danger.

DEPARTMENT OF EDUCATION

For the Department of Education, the conference agreement provides $15.2 billion, including $3.4 billion in mandatory spending and $11.8 billion in discretionary spending.

This figure includes: $3.487 billion for chapter I, compensatory education for the disadvantaged, a figure in both the House and Senate bills; $585 million for impact aid, which was deferred by the House; $1.2 billion for education for the handicapped, an increase of $8 million over the House, including $1.043 billion for the basic State grant program; $1.1 billion for vocational rehabilitation, which was deferred by the House; and $3.976 billion for student financial assistance, including $2.8 billion for Pell grants, $163 million over the House mark; we did not fund asbestos removal loans, as carried in the House, because the Senate would not recede, on the basis of a floor vote where an amendment to add funding for this purpose was defeated.

Finally, I would like to comment on a couple of items in the conference report.

First, I am pleased at the tribute paid to Senator Jacob Javits in the National Institute of Neurological and Communicative Disorders. On the House side, I added an amendment in the subcommittee markup providing for $15 million in new research on neurological diseases like ALS—or Lou Gehrig's disease—multiple sclerosis and many others. There are tremendous advances being made in our understanding of the brain and the nervous system, which will allow revolutionary progress in our understanding of these diseases. The Senate bill contained approximately $8.2 million for this item, and we split the difference in conference. I am pleased that the conferees have set aside $10 million of these new grants for research in this area in honor of Jake Javits, who was instrumental in obtaining this addition in funding.

In addition, I would also like to express my appreciation the National Committee for Research in Neurological and Communicative Disorders, which over the years has provided the Appropriations Committee with moving testimony that has assisted us in our deliberations, and particularly to NCR's new president, Jim Roosevelt.

With respect to the National Institute of Arthritis, Diabetes, Digestive and Kidney Diseases, the funding level, which is slightly higher than the House mark, should allow for up to five digestive disease research centers, the information clearninghouse and the epidemiological data system, as provided in the House bill.

With respect to the report language in the statement of the managers under rehabilitation services on the subject of funding for a peripatology training center for orientation and mobility specialists, the intention is to direct the Department to provide funding to the center at Boston College, the second largest program in the country, for which funding has been provided for some 20 years, and which did not receive funding last year because of the low level of new starts provided for in programs for the blind, despite the shortage of orientation and mobility specialists nationwide.

I would also like to point to the adoption of my amendment requiring that the new tamper-proof social security cards be manufactured, printed and procured in the United States. With all of the fine paper companies in this country, and all of the workers in this industry out of work, it would be a shame if this national identity document were made in a foreign country, as would have happened without this amendment.

Mr. Speaker, I wish the gentleman from Illinois (Mr. HYDE) were here to set the record straight on the amendment I offered when H.R. 3913 came to the House floor prohibiting funding for abortion. I offered that amendment only after the language in the bill which allowed an exception when the life of the mother was in danger was stricken on a point of order made by the gentleman from Oregon (Mr. AUCOIN) as legislation on an appropriations bill. The only way that we could get the issue back into the bill was to add the amendment prohibiting funding for abortions, period. The rest, the exception for the life of the mother, was considered to be legislation on an appropriations bill.

At that time, after the amendment passed, I tried to get unanimous consent to tack back on the so-called Conte language, the exception when the life of the mother is endangered, which was a compromise of some 10 years ago. However, we had an objection on this side. That language, that so-called Conte language, where the life of the mother is in danger, is back in here in this conference agreement. I received a certain amount of mail criticizing my amendment, saying that it was harsh, that it was much harsher than the old law, but at all times it was my intent, it was BILL NATCHER's intent, and it was the entire subcommittee's intent that the entire language should go back into the law as it has been every year for the past 10 years, with the exception for the life of the mother. And that language is back in the bill.

Mr. Speaker, I am enormously proud of the conference report we bring back to the House today. This bill has gone through trials and tribulations unlike any I have seen in many years. It has been criticized by those who feel it does too much and from those who feel it does not do enough. But there is one thing it does do, Mr. Speaker. I believe it succeeds in striking a balance that will result in this bill being enacted into law.

I feel strongly enough about this bill that I carried it to the White House to seek the President's support. That was the final test of this bill. Mr. Speaker, based on my conversations with the executive branch and the White House, and according to what was said during my meeting at the White House, I believe that the chances are excellent that the President will sign this bill.

Mr. Speaker, I remember early this summer I spoke before a coalition of education groups and I told them I would seek to strike the best bargain I could that has a chance of going across the President's desk. I believe this conference report does that. It places a strong emphasis on education, responds to the nationwide concern about education, and provides significant increases for education.

It continues support for health services and research to aid the sick and the poor.

It funds the first year of the Job Training Partnership Act, and provides $3 billion in forward funding for job training over and above the budget request.

Mr. Speaker, this bill has been called the people's bill. For the first time in 5 years, I believe we will be able to call it the people's law. It creates a consensus where, for many years past, none has existed. It provides a base of support that will allow these vitally important programs to survive and to serve our people for many years to come. I urge adoption of the report.

□ 1610

And, let me just say again, a great deal of the credit for this goes to the gentleman from Kentucky (Mr. NATCHER).

Mr. PURSELL. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Michigan.

Mr. PURSELL. Mr. Speaker, I want to especially congratulate the ranking minority member, the gentleman from Massachusetts (Mr. CONTE), for his outstanding work with the White House. I think that is a particularly critical part of this formula.

I congratulate also our great leader, the gentleman from Kentucky (Mr. NATCHER), and the staff, and I agree with all the gentleman's remarks.

I also want to say, on behalf of education and the students of America, that in working out our agreement and compromise with the Senate, the Pell grants received the highest figure, to my knowledge, in the history of the country. For education that is a step forward.

Also, for the nurses of America, we had fine leadership in getting some nurses' research in working out our agreement with the Senate.

We can look at all of our components and all of our categories and say very emphatically that with our restraint and our financial crisis in America, this is a step forward in getting that compromise and this agreement with the President for the people of this Nation.

Mr. Speaker, I congratulate the committee and its staff for its outstanding work.

Mr. CONTE. Mr. Speaker, I thank my good friend, the gentleman from Michigan (Mr. PURSELL).

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from Illinois.

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to commend my chairman, the gentleman from Kentucky (Mr. NATCHER), and my ranking minority member, the gentleman from Massachusetts (Mr. CONTE), for this first bill that we have had in 5 years. Indeed, it is my first bill during my time on the committee and subcommittee and indeed, my first bill in the entire time I have been in the Congress.

I think the people and the press cannot know, but should know, of all the hours spent and the great efforts that have gone into attempting to balance human needs and achieve fiscal responsibility. I am proud to be part of this outstanding effort. It is the kind of effort that should be a model for other spending subcommittees, and perhaps this example will put us back on the track in addressing the overall needs of the country within the framework of fiscal responsibility.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me ask the subcommittee chairman if in this bill he has answered the question that I have been posing to him during all of this session, hoping that he would be able to take care of the school districts that are located in my district and the district of the gentleman from Texas (Mr. GONZALEZ), the three independent school districts wholly within military reservations which needed 100 percent of entitlement in order to stay in operation.

Is that provision in this bill? Does the gentleman make that appropriation of 100 percent of entitlement to Super "A's."

Mr. NATCHER. Mr. Speaker, if the gentleman will yield, I first want to thank the gentleman from Texas (Mr. KAZEN) for his support, and I thank the gentleman from Texas (Mr. GONZALEZ) and all the other Members who are very much concerned about impact aid and who have joined with us all down through the years in support of this program. Not only today, I say to the gentleman from Texas (Mr. KAZEN), but each time we held our hearings he and the others have appeared and testified before our committee, and we appreciate it.

The gentleman's statement is correct. We have taken care of the super "A's", as the gentleman has requested.

This matter appears on page 22 of the statement of the managers.

Mr. KAZEN. Mr. Speaker, let me thank the subcommittee chairman and the ranking minority member, along with all the members of the subcommittee, for the tremendous job they have done in this field of impact aid and education. And let me tell the subcommittee chairman that I appreciate the many courtesies he has given me. I know that I have become sort of a millstone around his neck in bugging him so much for this. But it is so important for those districts that it had to be done. The gentleman has answered the call magnificently.

Mr. Speaker, let me commend the gentleman and the entire committee for responding to the people's needs.

Mr. NATCHER. Mr. Speaker, I thank the gentleman from Texas (Mr. KAZEN).

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Speaker, I rise to compliment all of the conferees on this bill and especially Chairman WILLIAM NATCHER of the Labor-HHS Subcommittee for their compassion and wisdom on including in this conference report $29.7 million from general revenue for training, relocation, and job search allowances under the Trade Act of 1974. This insures that a bona fide trade adjustment assistance (TAA) program will be in place during the next year to assist unemployed Americans who lose their jobs to import penetration. Too often in the past, the need for TAA training funds in particular has been overlooked and underfunded. Hopefully, the funds made available in this bill will allow some of the workers who have been laid off because of the rising tide of imported manufactured products coming into the United States to reequip themselves for new jobs.

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. PEASE) has expired.

Mr. NATCHER. Mr. Speaker, I yield myself 1 additional minute, and I take this time just to say to the gentleman from Ohio (Mr. PEASE) that we appreciate his effort and his assistance in this matter, not only this year but last year and every year that the gentleman has been a Member of Congress. We appreciate his assistance.

Mr. DAUB. Mr. Speaker, I would like to rise in support of the levels of funding in the conference report on impact aid. The conferees have very wisely included $585 million for impact aid programs. This program of extreme importance to many school districts which would suffer from substantial tax loss due to presence of large Federal installations; installations which are exempt from paying local taxes. Impact aid has always been recognized, and is again being recognized by the House and Senate through this appropriations bill as a legitimate governmental responsibility. I want to make the point that we always attempt to control Federal spending in a responsible manner. In this process, we must set priorities which recognize the legitimate aspects of our commitments. I therefore would like to express my appreciation to the conferees for their insight in including funding of $585 million for impact aid in H.R. 3913.

● Mrs. JOHNSON. Mr. Speaker, I rise today in support of H.R. 3913, the Labor, Health and Human Services appropriation bill which represents a balanced approach to funding some of our most important domestic programs. Passage of this bill represents a landmark for the Congress and I am pleased with the bill in its present form. I am especially pleased that the final conference report before us today directs the Department of Labor to maintain the fiscal year 1983 operating level of funding for the National Displaced Homemakers Network.

Earlier this month, I contacted the conferees urging them to include this language in the conference report in order to allow the good work of the network to continue.

The problems of the displaced homemaker are widespread and critical. In Connecticut alone, there are 64,000 displaced homemakers. The Displaced Homemakers Network provides technical assistance to service providers across the United States in securing employment and training opportunities for displaced homemakers in the private sector. This service is important in helping displaced homemakers enter or reenter the work force and help women to move off the path that all too often takes them into poverty during their later years.

I urge the Department of Labor to follow through on the direction of the Congress to see that the funding for the National Displaced Homemakers Network is in place quickly.●

● Mr. ROYBAL. Mr. Speaker, I would like to join with my fellow conferees who worked on H.R. 3913 in applauding the outstanding leadership provided by our chairman, BILL NATCHER, and the ranking minority member, SIL CONTE. This is a finely crafted measure—one that demonstrates our firm commitment to health, education, and income security.

First of all, it responds to some very critical health problems affecting millions of disadvantaged and unemployed individuals and their families. The bill adds $188 million over the President's budget for maternal and child health, community and migrant health, home health, and for other health care delivery activities. The increased funding for maternal and child health will allow for continued assistance to the child amputee and prosthetics centers. In health professions, the bill adds over $74 million to sustain our commitment to public health and medical training, area health education and minority health professions development, and nurse training.

I am especially pleased with our conference agreements on disease control and biomedical research. The budget for the centers for disease control was increased by $33.7 million over the administration's request. These additions will permit:

Increased funding for the preventive health services block grant;

Expansion of the venereal disease control program, including reestablishment of an effective syphilis control program, strengthening of training clinic activities, and improved diagnostic testing for chlamydial infections;

Maintenance of the tuberculosis grant program, the childhood immunization program and environmental control activities;

Expansion of our epidemic response capabilities;

Expansion of our infectious disease control program with $12 million available for addressing the AIDS problem; and

Establishment of an effective public education program to deal with the AIDS epidemic, including the development of practical guidelines for use by hospital workers, health personnel, and other public service workers.

In addition to the $12 million provided to CDC to address AIDS, this bill also provides a minimum of $29 million in National Institutes of Health (NIH) research into AIDS. The budget for NIH adds over $390 million to the administration's estimate. The conference agreement allocates $3.5 million which I proposed to establish, through the National Institute on Aging, up to five specialized research centers on Alzheimer's disease and related disorders.

The ADAMHA budget as provided by H.R. 3913 also shows our commitment to sustain a strong mental health research and services level. We added nearly $30 million for research and $32 million for services to the President's request. Of particular importance is the expansion of activities in child and geriatric mental health.

With regard to the programs serving the elderly, our bill maintains support for low-income home energy assistance and the Administration on Aging programs with a $34.5 million increase over the President's budget request for nutrition services.

We have also sustained our commitment to programs serving Native Americans, including job training and social services to both reservation and nonreservation organizations.

Child welfare and other family social services programs have been expanded.

In the area of education, H.R. 3913 provides nearly $279 million over last year's appropriation for compensatory education for the disadvantaged.

The bill also maintains our support for the Bilingual Education Act. We have rejected the administration's drastic cutback proposal and added $5.4 million to grants to school districts and $1.3 million to teacher training as compared to last year's appropriations. In addition, we have conference language requiring priority funding to title VII projects actively involving parents in the education of their children and continuation of the evaluation and dissemination centers. We have also mandated a plan to identify future directions for materials development and dissemination to be submitted by February 1, 1984.

I believe that our student-aid package is also positive especially in support of the Pell grant program where we have added nearly $380 million over last year's budget for this program; and in the expansion of the special programs for the disadvantaged; the graduate/professional educational program; and civil rights enforcement. In addition, we rejected the President's request to end the successful CLEO program.

Public libraries, which are an integral part of our educational system, won an $8.5 million increase over last year's funding level, despite the administration's efforts to terminate support for this activity.

In the area of training, I believe we have made a positive step forward but clearly much more needs to be done beyond this legislation. The transition of our economy into one of information technology will require an even more extensive investment in technical training, math and science education, and language skills, not only for our young men and women entering the job market but also older workers facing plant closings and layoffs.

I urge support for passage of H.R. 3913.●

● Mr. WALGREN. Mr. Speaker, I want to especially underscore and express my support for the action of the conferees on the 1984 Labor-Health-Education appropriations bill in providing $3.5 million for five specialized centers to conduct basic research on Alzheimer's disease. In this country, 2 million people suffer from senile dementia of the Alzheimer's type. Alzheimer's disease is a profound tragedy for these individuals and their families, beginning with a loss of memory and slowly but irrevocably deteriorating to complete disorientation. In the early stages a person may appear to be monentarely confused but eventually the patient cannot exist without constant care and supervision.

Families caring for Alzheimer's patients have characterized it as an "endless funeral." Of course, all diseases are troublesome and chronic diseases can have a particularly devastating impact on a family. But in addition to the financial strain, Alzheimer's confronts relatives with a haunting sense of absolute loss of a loved one who is physically still with them.

Not only is the problem an emotional one, it is a financial one for families and for the public. Families pay most of the cost of caring for victims, from $17,000 to $50,000 a year. It is the most frequent cause of institutionalization for long-term care; more than half of our nursing home population suffers with Alzheimer's. Medicaid spends more than $6.5 billion a year for patient's. In toto, the Nation spends $25 to $26 billion on the disease each year. As our population ages; the problem is only going to become worse.

In addition to the need to provide better care and support for Alzheimer's patients and their families, increasing our research effort will hopefully help doctors better diagnose the problem and lead us toward finding the cause and a cure. When I chaired a joint hearing of the Health Subcommittee and the Aging Committee on August 3, representatives of the National Institute of Aging testified that most of our knowledge of Alzheimer's disease has been acquired during the past 10 years, due largely to NIH research. But we still have very limited knowledge about the full spectrum of the disease. NIH work concluded that Alzheimer's is not a natural consequence of aging, but an abnormal condition of the brain. It should not, therefore, be inevitable. Funding these centers and supporting related NIH research should be the first responsibility of those of us who are fortunate enough to have our health.●

Mr. CONTE. Mr. Speaker, I have no further requests for time.

Mr. NATCHER. Mr. Speaker, I have no further requests for time on this side.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HARTNETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 323, nays 79, not voting 31, as follows:

[Roll No. 406]

YEAS—323

Ackerman	Feighan	Martin (NY)
Addabbo	Ferraro	Martinez
Akaka	Fields	Matsui
Albosta	Fish	Mavroules
Alexander	Flippo	Mazzoli
Anderson	Florio	McCain
Andrews (NC)	Foglietta	McCandless
Andrews (TX)	Foley	McCloskey
Annunzio	Ford (MI)	McCurdy
Anthony	Fowler	McDade
Applegate	Frank	McGrath
Aspin	Frost	McHugh
AuCoin	Fuqua	McKernan
Barnes	Gaydos	McKinney
Bates	Gejdenson	McNulty
Bedell	Gephardt	Michel
Beilenson	Gibbons	Mikulski
Bennett	Gilman	Miller (CA)
Bereuter	Gingrich	Mineta
Berman	Glickman	Minish
Bethune	Gonzalez	Mitchell
Biaggi	Goodling	Moakley
Bilirakis	Gore	Molinari
Boehlert	Gradison	Mollohan
Boggs	Gray	Moody
Boland	Green	Moore
Bonior	Guarini	Morrison (CT)
Bonker	Gunderson	Morrison (WA)
Borski	Hall (IN)	Mrazek
Bosco	Hall (OH)	Murphy
Boucher	Hamilton	Murtha
Britt	Hammerschmidt	Myers
Brooks	Harkin	Natcher
Brown (CA)	Harrison	Neal
Brown (CO)	Hatcher	Nelson
Bryant	Hawkins	Nowak
Burton (CA)	Hayes	O'Brien
Byron	Hefner	Oakar
Carney	Heftel	Oberstar
Carper	Hertel	Obey
Chandler	Hopkins	Olin
Chappell	Horton	Ortiz
Chappie	Howard	Ottinger
Clarke	Hoyer	Owens
Clay	Hughes	Oxley
Clinger	Hutto	Panetta
Coats	Hyde	Parris
Coelho	Ireland	Patman
Coleman (MO)	Jacobs	Patterson
Coleman (TX)	Jeffords	Pease
Conte	Jenkins	Penny
Conyers	Johnson	Perkins
Cooper	Jones (NC)	Petri
Coughlin	Jones (OK)	Pickle
Courter	Jones (TN)	Porter
Coyne	Kaptur	Price
Crockett	Kasich	Pursell
D'Amours	Kastenmeier	Quillen
Daschle	Kazen	Rahall
Daub	Kemp	Rangel
Davis	Kennelly	Ratchford
de la Garza	Kildee	Regula
Dellums	Kogovsek	Reid
Derrick	Kolter	Richardson
Dickinson	Kostmayer	Ridge
Dicks	Kramer	Rinaldo
Dingell	LaFalce	Robinson
Donnelly	Lagomarsino	Rodino
Dowdy	Lantos	Roe
Downey	Leach	Rogers
Duncan	Leath	Rose
Durbin	Lehman (CA)	Rostenkowski
Dwyer	Leland	Roth
Dymally	Lent	Roukema
Dyson	Levin	Rowland
Early	Levine	Roybal
Eckart	Levitas	Russo
Edgar	Lewis (CA)	Sabo
Edwards (AL)	Lipinski	Savage
Edwards (CA)	Livingston	Sawyer
Emerson	Lloyd	Scheuer
English	Long (LA)	Schneider
Erdreich	Long (MD)	Schulze
Erlenborn	Lowry (WA)	Schumer
Evans (IA)	Lujan	Seiberling
Evans (IL)	Luken	Shannon
Fascell	Lundine	Sharp
Fazio	Markey	Shelby

Shuster	Synar	Whittaker
Sikorski	Tallon	Whitten
Sisisky	Tauke	Williams (OH)
Skeen	Taylor	Wilson
Skelton	Thomas (CA)	Winn
Slattery	Thomas (GA)	Wirth
Smith (IA)	Torres	Wise
Smith (NE)	Torricelli	Wolf
Smith (NJ)	Towns	Wolpe
Smith, Robert	Traxler	Wortley
Snowe	Udall	Wright
Solarz	Vento	Wyden
Spratt	Volkmer	Wylie
St Germain	Walgren	Yates
Staggers	Watkins	Yatron
Stokes	Waxman	Young (FL)
Stratton	Weiss	Young (MO)
Studds	Wheat	Zablocki
Sundquist	Whitehurst	Zschau
Swift	Whitley	

NAYS—79

Archer	Hansen (ID)	Packard
Badham	Hansen (UT)	Pashayan
Bartlett	Hartnett	Ray
Bateman	Hiler	Ritter
Bliley	Hillis	Roberts
Boxer	Holt	Roemer
Broyhill	Huckaby	Rudd
Burton (IN)	Hunter	Schaefer
Campbell	Kindness	Schroeder
Cheney	Latta	Sensenbrenner
Conable	Lewis (FL)	Shaw
Craig	Loeffler	Shumway
Crane, Daniel	Lott	Siljander
Crane, Philip	Lowery (CA)	Smith, Denny
Daniel	Lungren	Snyder
Dannemeyer	Mack	Solomon
DeWine	Madigan	Spence
Dorgan	Marlenee	Stangeland
Edwards (OK)	Marriott	Stenholm
Fiedler	Martin (IL)	Stump
Franklin	Martin (NC)	Vandergriff
Frenzel	McCollum	Vucanovich
Gekas	McEwen	Walker
Gramm	Miller (OH)	Weaver
Gregg	Montgomery	Weber
Hall, Ralph	Moorhead	
Hall, Sam	Nielson	

NOT VOTING—31

Barnard	Forsythe	Pritchard
Bevill	Garcia	Simon
Boner	Hance	Smith (FL)
Breaux	Hightower	Stark
Broomfield	Hubbard	Tauzin
Carr	Lehman (FL)	Valentine
Collins	MacKay	Vander Jagt
Corcoran	Mica	Williams (MT)
Dixon	Nichols	Young (AK)
Dreier	Paul	
Ford (TN)	Pepper	

□ 1640

Messrs. BATEMAN, SHAW, HUNTER, McEWEN, and PACKARD changed their votes from "yea" to "nay."

Mr. THOMAS of California changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2968, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1984

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 2968), to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes, the Clerk be authorized to correct section numbers and punctuation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONFERENCE REPORT ON H.R. 3913, LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS, 1984

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to consider en bloc the following amendments which are reported in technical disagreement and on which the managers on the part of the House propose to recede and concur in the Senate amendments: Senate amendments Nos. 11, 21, 50, 68, 95, 103, 104, 109, 139, and 140.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the amendments in disagreement.

The Senate amendments, offered en bloc, are as follows:

Senate amendment No. 11: Page 4, line 25, after "$22,500,000," insert "together with $29,700,000 which shall be available only for sections 236, 237, and 238 of the Trade Act of 1974 and for necessary related administrative expenses,".

Senate amendment No. 21: Page 15, lines 10 and 11, strike out "and shall remain available until September 30, 1988" and insert ": *Provided*, That $2,628,000 shall remain available until September 30, 1985".

Senate amendment No. 50: Page 23, line 21, after "Hospital" insert ": *Provided further*, That during fiscal year 1984 and thereafter the superintendent of Saint Elizabeths Hospital may reside off the premises of the hospital, notwithstanding section 4839 of the Revised Statutes (42 U.S.C. 165)".

Senate amendment No. 68: Page 31, line 7, strike out "$2,500,000,000" and insert "$2,675,000,000".

Senate amendment No. 95: Page 40, line 25, after "1985" insert ": *Provided*, That of the amounts appropriated $21,100,000 shall be for early childhood education; and $5,000,000 shall be for regional, vocational, adult and postsecondary programs: *Provided further*, That of the amounts appropriated $6,000,000 for secondary education and transitional services for the handicapped shall become available upon the enactment of legislation authorizing such activities: *Provided further*,".

Senate amendment No. 103: Page 42, line 13, strike out "(A)(i)(III)" and insert "and section 411(b)(5)".

Senate amendment No. 104: Page 42, line 14, after "Act" insert ": *Provided further*, That notwithstanding section 413D(a) and subsections (a), (b), (c), and (e) of section 442 of the Higher Education Act, the Secretary shall apportion funds among the States so that each State's apportionment under the Supplemental Educational Opportunity Grant Program or Work-Study Program bears the same ratio to the total amount appropriated under each program as that State's apportionment in fiscal year 1981 for each program bears to the total amount appropriated for fiscal year 1981 for each program: *Provided further*, That with regard to the Supplemental Educational Opportunity Grant and Work-Study Programs notwithstanding the second sentence of section 413D(b)(1)(B)(ii) and section 446(a) of the Higher Education Act, from each jurisdiction's allotment of funds under each program, the Secretary shall allocate sums to institutions in that jurisdiction that did not receive an allocation in fiscal year 1979 (award year 1979-1980) under each program in a manner that will most effectively carry out the purposes of the Supplemental Educational Opportunity Grant Program and the Work-Study Program, and shall allocate the sums remaining to institutions that received an allocation in fiscal year 1979 so that each institution's allocation bears the same ratio to the amount it would have received under section 413D(b)(1)(B)(ii) and section 446(a) as the remaining sums available for allocation bear to the sums necessary to satisfy allocations made pursuant to section 413D(b)(1)(B)(ii) and section 446(a)".

Senate amendment No. 109: Page 44, line 5, after "1983." insert "For providing financial assistance to the Maureen and Mike Mansfield Foundation, $5,000,000.".

Senate amendment No. 139: Page 55, line 9, strike out all after "amount" down to and including "insurance" in line 11 and insert "$6,659,000 shall be derived from contributions credited to the railroad unemployment insurance account and shall be credited to the railroad unemployment insurance".

Senate amendment No. 140: Page 59, after line 23, insert:

SEC. 512. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretaries of Labor, Health and Human Services, and Education, who under title 5, United States Code, section 101 are exempted from such limitations.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendments of the Senate numbered 11, 21, 50, 68, 95, 103, 104, 109, 139, and 140, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 22: Page 15, line 16, strike out "$95,464,000" and insert "$99,059,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of

the Senate numbered 22 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$95,059,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 29: Page 19, line 17, strike out "$373,405,000" and insert "$369,896,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$374,504,000".

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

□ 1640

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 79: Page 37, lines 13 and 14, strike out "None of the funds provided by this Act shall be used to perform abortions." and insert "None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 79, and concur therein.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 84: Page 39, lines 13 and 14, strike out "and $33,014,000 shall be available for purposes of section 554(b)(1)(D)".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered and concur therein with an amendment, as follows: Restore the matter stricken by said amendment amended to read as follows: "and $34,414,000 shall be available for purposes of section 554(b)(1)(D)".

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate Amendment No. 86: Page 39, line 25, strike out "$577,286,000" and insert: *"$528,367,000".*

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 86 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert the following: "$527,867,000".

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 91: Page 40, after line 19, insert:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), $565,000,000, of which $20,000,000 shall be for entitlements under section 2 of said Act, $10,000,000 shall be for payments under section 7 of said Act and $535,000,000 shall be for entitlement under section 3 of said Act of which $477,000,000 shall be for entitlements under section 3(a) of said Act: *Provided*, That payment with respect to entitlements under section 3(a) to any local educational agency described in section 3(d)(1)(A) of said Act shall be at 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403(1)(C) of said Act shall be limited to 15 per centum of entitlement: *Provided further*, That payment with respect to entitlements under section 3(a) to any local educational agency not described in section 3(d)(1)(A) shall be ratably reduced from 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403(1)(C) shall be ratably reduced from 15 per centum of entitlement: *Provided further*, That payment with respect to entitlements under section 3(b) of said Act shall be ratably reduced from 100 per centum of entitlement: *Provided further*, That no payments shall be made under section 3 to any local educational agency whose payment under that section fails to exceed $5,000: *Provided further*, That the provisions of section 5(c) of said Act shall not apply to funds provided herein: *Provided further*, That no payments shall be made under section 7 of said Act to any local educational agency whose need for assistance under that section fails to exceed the lesser of $10,000 or 5 per centum of the district's current operating expenditures during the fiscal year preceding the one in which the disaster occurred: *Provided further*, That payments under section 5(b)(2) of said Act shall not exceed 50 per centum of payments under sections 2 or 3 for the prior fiscal year: *Provided further*, That section 305(b)(2) of the Education Amendments of 1974 shall not apply to funds provided herein: *Provided further*, That section 5(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress), is amended by adding at the end thereof the following: "In the determination of amounts of payments made on the basis of entitlements established under sections 2, 3, and 4 after October 1, 1983, by reason of any provision of law other than this Act which places any additional restriction on payments based on the concentration of children counted under subsection (a) or (b) of section 3 in the schools of the local education agency, such restriction shall be applied, in the case of any State (other than a territory or possession of the United States) within which there is only one local educational agency, by treating each administrative school district within such State as a local educational agency (solely for the purpose of computing the amount of such payments).".

For carrying out the Act of September 23, 1950, as amended (20 U.S.C. ch. 19), $20,000,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act: *Provided*, That with the exception of $8,500,000 for section 10 of said Act and $8,500,000 for section 14 (a) and (b) of said Act, none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under sections 5 and 14(c) of said Act.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 91 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), $565,000,000, of which $20,000,000 shall be for entitlements under section 2 of said Act, $10,000,000 shall be for payments under section 7 of said Act and $535,000,000 shall be for entitlements under section 3 of said Act of which $457,500,000 shall be for entitlements under section 3(a) of said Act: *Provided*, That payment with respect to entitlements under section 3(a) to any local educational agency described in section 3(d)(1)(A) of said Act shall be at 100 per centum of entitlement except that payment to such

agency attributable to children who reside on property which is described in section 403(1)(C) of said Act shall be limited to 15 per centum of entitlement: *Provided further*, That payment with respect to entitlements under section 3(a) to any local educational agency not described in section 3(d)(1)(A) shall be ratably reduced from 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403(1)(C) shall be ratably reduced from 15 per centum of entitlement: *Provided further*, That payment with respect to entitlements under section 3(b) of said Act to any local educational agency in which 20 per centum or more of the total average daily attendance is made up of children determined eligible under section 3(b) shall be at 50 per centum of entitlement and payment with respect to entitlements under section 3(b) of said Act to any local educational agency in which less than 20 per centum of the total average daily attendance is made up of children determined eligible under section 3(b) shall be ratably reduced from 100 per centum of entitlement: *Provided further*, That no payments shall be made under section 3 to any local educational agency whose payment under that section fails to exceed $5,000: *Provided further*, That the provisions of section 5(c) of said Act shall not apply to funds provided herein: *Provided further*, That no payments shall be made under section 7 of said Act to any local educational agency whose need for assistance under that section fails to exceed the lesser of $10,000 or 5 per centum of the district's current operating expenditures during the fiscal year preceding the one in which the disaster occurred: *Provided further*, That section 305(b)(2) of the Education Amendments of 1974 shall not apply to funds provided herein: *Provided further*, That for the duration of the provisions of this Act, section 5(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress), is amended by adding at the end thereof the following: "In the determination of amounts of payments made on the basis of entitlements established under sections 2, 3 and 4 after October 1, 1983, by reason of any provision of law other than this Act which places any additional restriction on payments based on the concentration of children counted under subsection (a) or (b) of section 3 in the schools of the local education agency, such restriction shall be applied, in the case of any State (other than a territory or possession of the United States) within which there is only one local educational agency, by treating each administrative school district within such State as a local educational agency (solely for the purpose of computing the amount of such payments).". This provision shall no longer be in effect upon enactment into public law of similar language by the duly recognized authorization committees; further this provision shall not result in an increase to the State of Hawaii in an amount in excess of 50 per centum of that which the State would have received without the enactment of this provision.

For carrying out the Act of September 23, 1950, as amended (20 U.S.C. ch. 19), $20,000,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act: *Provided*, That with the exception of $8,500,000 for section 10 of said Act and $8,500,000 for section 14(a) and (b) of said Act, none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under sections 5 and 14(c) of said Act.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 92: Page 40, line 22, strike out "$1,204,792,000" and insert "$1,241,420,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 92 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert the following: "$1,214,445,000".

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. HARKIN. Mr. Speaker, reserving the right to object, I reserve the right to object in order to engage the chairman in a short colloquy regarding amendment No. 92 reported in disagreement.

It is my understanding that the House had passed for the line item called media services and captioned films the amount of $11.5 million, and the other body passed for that line item $14 million and that the House receded to the Senate amount of $14 million.

It is further my understanding that that increase of $2.5 million was to be used for closed captioning for the deaf on television. I just wanted to ask the chairman if that is also his understanding.

Mr. NATCHER. Mr. Speaker, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, the gentleman is correct.

Mr. HARKIN. Mr. Speaker, I thank the chairman for his statement and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 93: Page 40, line 22, strike out "$1,017,900,000" and insert "$1,071,850,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 93 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert the following: "$1,043,875,000".

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 96: Page 40, after line 25, insert:

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, as amended, and the International Health Research Act of 1960, $1,111,400,000, of which $991,028,554 shall be for allotments under section 100(b)(1), $2,871,446 shall be for activities under section 110(b)(3), and $2,000,000 shall be made available for evaluation activities under section 14: *Provided*, That of the funds appropriated for service projects, $500,000 shall be available for construction of the Garden Park Enterprises Rehabilitation Center in Phoenix, Arizona, in accordance with the provisions of section 311 of the Rehabilitation Act of 1973, as amended.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 96 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, as amended, and the International Health Research Act of 1960, $1,111,400,000, of which $991,028,554 shall be for allotments under section 100(b)(1), $2,871,446 shall be for activities under section 110(b)(3), and $2,000,000 shall be made available for evalulation activities under section 14.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in agreement.

The amendment reads as follows:

Senate amendment No. 101: Page 41, line 25, strike out "$3,813,360,000" and insert "$3,954,360,000".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 101 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert the following: "$3,976,860,000".

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 113: Page 45, line 22, after "$56,978,000" insert "*Provided*, That none of the funds appropriated in this Act shall be used to conduct a re-competition of regional educational laboratories and research and development centers".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 113, and concur therein.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Speaker, I would like to clarify one aspect of the language added by the Senate concerning the National Institute of Education lab and center recompetition. It is my understanding that this language is not intended to preclude all activities relating to the recompetition, but will permit certain activities in preparation for the recompetition which is now to take place in fiscal year 1985. It is my expectation that we will work together with the Senate Appropriations Committee as well as the National Institute of Education and the Department of Education to define those activities that may be undertaken in preparation for the fiscal year 1985 recompetition.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. NATCHER).

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 127: Page 50, after line 8, insert:

SEC. 307. Section 402(c) of the Housing Act of 1950 is amended—

(1) by striking out "and" at the end of clause (8);

(2) by redesignating clause (9) as clause (10); and

(3) by inserting after clause (8) the following:

"(9) for the prepayment in full of a loan under this title, provide a discount in an amount determined by the Secretary to be in the best financial interests of the Government, taking into account the yield on outstanding marketable obligations of the United States having maturities comparable to the remaining term of such loan, if (A) the prepayment is made from non-Federal sources, (B) the Secretary has received satisfactory assurances that the housing or other educational facilities financed with the loan will continue to be used for purposes related to the educational institution for the original term of the loan, (C) the prepayment is made prior to October 1, 1985; and".

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 127 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

SEC. 308. Section 402(c) of the Housing Act of 1950 is amended—

(1) by striking out "and" at the end of clause (8);

(2) by redesignating clause (9) as clause (10); and

(3) by inserting after clause (8) the following:

"(9) for the prepayment in full of a loan under this title, provide a discount in an amount determined by the Secretary to be in the best financial interests of the Government, taking into account the yield on outstanding marketable obligations of the United States having maturities comparable to the remaining term of such loan, if (A) the prepayment is made from non-Federal sources, (B) the Secretary has received satisfactory assurances that the housing or other educational facilities financed with the loan will continue to be used for purposes related to the educational institution for the original term of the loan, (C) the prepayment is made prior to October 1, 1984; and".

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro temore. Is there objection to the request of the gentleman from Massachusetts?

Mr. LIVINGSTON. Mr. Speaker, reserving the right to object, and I will not object; however, I would like to engage in a colloquy with the chairman of the committee.

Mr. Speaker, first I want to commend the subcommittee chairman and the gentleman from Massachusetts (Mr. CONTE) for their leadership in getting a conference report that is likely to be signed by the President.

I also want to thank both of you and the conferees for agreeing to a higher level of funding for special national programs and activities under the Department of Labor's Job Training and Partnership Act.

Senate report language specifically directed that funds under the special national programs and activities account be used to maintain current levels of funding "for all recurring categories of projects for which reductions were proposed."

The conferees agreed to report language under training and employment services directing:

That ongoing special national programs be maintained, including specifically maintaining funding at fiscal year 1983 operating levels for the Human Resources Development Institute, 70,001 LTD., and the National Displaced Homemakers Network.

Mr. Speaker, a special national program, Prep, Inc., funded by the Department of Labor and in existence for nearly 15 years, has been operating in Louisiana and other areas including parts of Kentucky, Ohio, New York and California. The Department included Prep, Inc. as an ongoing special national program and activity in your House Appropriations subcommittee hearing record for fiscal year 1984. (Part I, pages 1041 and 1042.)

Mr. Chairman, is it the conference committee's intention that funding priorities under special national programs and activities be directed toward recurring or existing programs—such as those mentioned in the conference report and others, including Prep, Inc., listed in committee hearing records?

Mr. NATCHER. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, the gentleman is correct.

Mr. LIVINGSTON. Mr. Speaker, I thank the chairman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. NATCHER).

The motion was agreed to.

The SPEAKER. pro tempore. The Clerk will designate the final amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 128: Page 50, after line 8, insert:

SEC. 308. No funds appropriated in any Act to the Department of Education for fiscal years 1983 and 1984 shall be withheld from distribution to grantees because of the

provisions of the order entered by the United States District Court for Northern District of Illinois on June 30, 1983: *Provided*, That the court's decree entered on September 24, 1980, shall remain in full force and effect.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. NATCHER moves that the House recede from its disagreement to the amendment of the Senate numbered 128 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 309. No funds appropriated in any Act to the Department of Education for fiscal years 1983 and 1984 shall be withheld from distribution to grantees because of the provisions of the order entered by the United States District Court for Northern District of Illinois on June 30, 1983: *Provided*, That the court's decree entered on September 24, 1980, shall remain in full force and effect.

Mr. CONTE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Speaker, I would like to set forth my understanding of the conference agreement concerning section 309. Section 309 is intended to insure that the fiscal year 1983 and 1984 funds enjoined by the court in the litigation between the United States and the Chicago Board of Education are released for awards to the intended grantees and contractors selected by the Department of Education. These funds were appropriated for projects throughout the country and are to be spent for the purposes for which they were appropriated, as set forth in the relevant House and Senate reports.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. NATCHER).

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report; and the several motions were laid on the table.

PUBLIC LANDS AND NATIONAL PARKS ACT OF 1983

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1213) "an act to amend certain provisions of law relating to units of the national park system and other public lands, and for other purposes," with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out all after line 16 over to and including line 18 on page 3.

Page 3, line 19 strike out "4" and insert "3".

Page 3, line 24 strike out "5" and insert "4".

Page 4, line 5 strike out "6" and insert "5".

Page 4, line 10 strike out "7" and insert "6".

Page 4, line 15, after ""$60,500,000"" insert "; and by striking out "$500,000" and inserting in lieu thereof "$2,000,000"".

Page 4, strike out lines 26 to 21, inclusive.

Page 4, line 22 strike out "9" and insert "7".

Page 5, line 3 strike out "10" and insert "8".

Page 8, line 5, strike out "11" and insert "9".

Page 10, line 12, strike out "12" and insert "10".

Page 11, strike out all beginning with line 1 over to and including line 25 on page 12 and insert:

SEC. 11. (a) All right, title, and interest of the United States in certain lands within the boundaries of the Sequoia National Forest in Tulare County, California, and described in subsection (b) is hereby conveyed to those persons who submit a written application to the Secretary of Agriculture within five years after the date of enactment of this Act, with such proof of title as the Secretary may consider appropriate.

(b) The lands to be conveyed under subsection (a) are described as follows:

Page 13, line 9, strike out "14" and insert "12".

Page 17, line 3, strike out "15" and insert "13".

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. LUJAN. Mr. Speaker, reserving the right to object, I rise in support of the bill now under consideration, H.R. 1213. This is a simple bill which aggregates a number of generally unrelated matters in need of legislative attention. Most of the contents of this bill passed the House last Congress and were not controversial and again passed the House this year. The Senate changes are noncontroversial and mostly technical in nature.

Substantially everything in the bill is either supported, or not opposed, by the administration.

The bill deals principally with units of the national park and national forest systems and the public lands. Various boundary adjustments, clearing of title, and authorization ceiling increases are entailed. The bill also provides further authorizations and direction for the Pennsylvania Avenue Development Corporation in the District of Columbia.

I commend the chairman of our subcommittee for putting together a bipartisan omnibus bill to expedite consideration of bills left from last session. I am hopeful it will be enacted.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, the gentleman from New Mexico has done an adequate job of summarizing this bill and, in fact, an excellent job.

Mr. Speaker, H.R. 1213 passed the House on March 10 of this year, after being favorably reported by the Committee on Interior and Insular Affairs. It is essentially a housekeeping bill to facilitate better administration and management of existing national parks, national forests, and historic sites. Most of the provisions of the bill passed the House last year, during the 97th Congress, but had not been acted on by the Senate. The bill was entirely noncontroversial.

On October 6, the Senate passed the bill with a number of amendments. Most of the Senate amendments are technical in nature or delete from the bill provisions which have been acted on separately and thus are covered by existing law. I have reviewed the Senate amendments and have consulted with members of our committee on both sides of the aisle, and find them acceptable. The effect of my unanimous consent request would be to have the House concur in the Senate amendments, thus clearing the bill for the President. It is my understanding that the minority has no objection to this.

H.R. 1213 as passed by the House included the following matters:

A boundary exchange at Effigy Mounds National Monument in Iowa;

Establishment of the Harry S. Truman National Historic Site in Independence, Mo.;

Increased authorizations for land acquisition for four national park system units;

Increased authorization for development for Perry's Victory and International Peace Memorial in Ohio;

Reauthorization of funding for the Pennsylvania Avenue Development Corporation;

Resolution of certain trespass cases in Florida and California;

Facilitation of the removal of clouds from the title of certain lands in Livingston Parish, La.;

And adjustment of the boundaries of two national forests in Colorado.

Because subsequent to House action on H.R. 1213 in March, the Truman National Historic Site was established through separate legislation, the Senate has deleted that from this bill, a change that is, of course, acceptable. The Senate also amended the section dealing with the California trespass cases because some of the cases dealt with there can possibly be resolved by administrative action under the so-called Small Tracts Act passed on the last day of the 97th Congress. In ac-

cepting this Senate change, of course, we would not be precluded further congressional consideration of these California trespass cases in the future if that should be desirable.

Mr. LUJAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the action of the House in concurring with the Senate amendments to H.R. 1213.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1650

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *October 20, 1983.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from The White House at 9:25 p.m. on Wednesday, October 19, 1983, and said to contain a message from the President transmitting H.R. 1062, an Act to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oregon, and a veto message thereon.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LANDS IN LANE COUNTY, OREG.—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-124)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith, without my approval, H.R. 1062, a bill "To authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oregon."

H.R. 1062 would authorize the Secretary of the Interior to convey to any person, without consideration, the real property they claim to have been deprived of in Lane County, Oreg., as a result of a particular Bureau of Land Management (BLM) resurvey. All right, title, and interest of the United States to such property could be conveyed if an application, accompanied by such proof of title, description of land, and other information as the Secretary of the Interior may require, is received by the Secretary within five years after enactment of the bill.

The title defects affecting the beneficiaries of this legislation were caused by the reliance of the developers and subsequent purchasers of this tract on an inaccurate private survey—not by any act of the United States. To authorize the United States to convey public lands to persons who rely on erroneous private surveys is not in the public interest. Moreover, enactment of this legislation would create a clearly undesirable precedent, encouraging other persons who do not verify the validity of their title to assert claims for conveyance, at no charge, of the Federal lands on which they are encroaching. Without doubt, these claims would hinder effective public land management.

Moreover, administrative procedures exist under conditions set out in section 203 of the Federal Land Policy and Management Act whereby the purposes of this legislation could be accomplished through a conveyance of the property at fair market value.

H.R. 1062 is clearly inconsistent with this policy of requiring fair market value for conveyance of Federal lands. There was no error in the survey by the United States. Instead, the problem arose because of an improper private survey. There is, therefore, no justification for legislating a conveyance of this tract without payment of fair market value or for bypassing administrative procedures that already exist for the conveyance of public lands in appropriate cases.

For these reasons, I have withheld my approval of H.R. 1062.

RONALD REAGAN.

THE WHITE HOUSE, *October 19, 1983.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that further consideration of the veto message on the bill, H.R. 1062, be postponed until Tuesday, October 25, 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

PARLIAMENTARY INQUIRY

Mr. LUJAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LUJAN. Mr. Speaker, I would like to inquire, if the unanimous-consent request is granted, what our options would be on Tuesday? Are our options to take up the veto message or just what position will we be in on Tuesday if we do not object to this unanimous-consent request?

The SPEAKER pro tempore. If the unanimous-consent request is agreed to, the matter will appear as unfinished business on the calendar of the House on Tuesday and at that time it may be referred to committee, it can be deferred for further action or it can be taken up and the vote taken at that time.

Mr. LUJAN. I thank the Speaker for his answer.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1234, FAIR PRACTICES AND PROCEDURES IN AUTOMOTIVE PRODUCTS ACT OF 1983

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 336 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 336

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1234) to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States, the first reading of the bill shall be dispensed with, and all points of order against the consideration of the bill for failure to comply with the provisions of clause 2(l)(3)(A) of rule XI are hereby waived. After general debate, which shall be confined to the bill and to the amendment made in order by this resolution, and which shall continue not to exceed two hours, one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section of said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of

clause 7, rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. BONIOR) is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. BONIOR of Michigan. Mr. Speaker, House Resolution 336 provides for the consideration of H.R. 1234, the Fair Practice and Procedures in Automotive Products Act of 1983. Very briefly, H.R. 1234 would serve to provide and maintain jobs in U.S. auto and related industries by encouraging production in the United States of automotive products sold and distributed in interstate commerce.

House Resolution 336 provides an open rule allowing 2 hours of general debate. One hour shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and 1 hour shall be divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means to which the bill was also referred. House Resolution 336 waives all points of order against the bill for failure to comply with clause 2(l)(3)(A) of rule XI which specifies that all committee reports accompanying bills reported by committees must include oversight findings. The report issued by the Committee on Ways and Means accompanying H.R. 1234 failed to include such oversight findings. Therefore, a waiver of that requirement was granted to allow the consideration of this timely legislation.

House Resolution 336 also grants a waiver of all points of order against the Committee on Energy and Commerce amendment in the nature of a substitute for its failure to comply with clause 7 of rule XVI which requires amendments be germane to the bills they seek to amend. Section 4 of the Energy and Commerce Committee substitute amendment requires that the Secretary of Transportation, in consulation with the Automobile Industry Advisory Council formulate a strategy to increase the domestic production of automotive products for sale in the United Sates. Because this section of the committee amendment in the nature of a substitute exceeds the scope of the bill as introduced, the Committee on Rules granted a germaneness waiver.

House Resolution 336 also makes it in order to consider the Energy and Commerce Committee amendment in the nature of a substitute now printed in the bill as original text for the purpose of amendment under the 5-minute rule.

Finally, House Resolution 336 provides one motion to recommit with or without instructions.

Mr. Speaker, I would like to add just one thing before I move on to a discussion of the bill's content. The Committee on Rules is very concerned that order be preserved on the floor during the consideration of this legislation. The committee would like to discourage the offering of dilatory amendments to this legislation and to that end, reserves its right to report a subsequent rule to House Resolution 336 which might limit time for further debate or further amendments.

Mr. Speaker, I reserve the balance of my time.

□ 1700

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this domestic content bill should be defeated. The Government cannot help our automobile industry by banning foreign competition. If we artificially protect our auto industry it will grow weaker and less competitive.

I know the proponents of this protectionist bill are sincere in their belief that this bill will help the auto industry. The industry, and the economy, have been through difficult times since the oil embargo of 1973.

It is not surprising that difficult times give rise to fear and timidity and to cries for protectionism.

But this is not the answer.

The answer is confidence in America and in her people. Confidence in our ability to outperform our competition. Innovation, imagination, hard work, and determination—that is what is required and that is what the men and women of our automobile industry are providing.

Our auto industry is coming back from some bad years, and coming back with strength. Sales are up, profits are up, workers are being recalled.

We have a long way to go, but all the indicators are positive. All the statistics demonstrate beyond a doubt that our auto industry is recovering.

Although it is tempting and understandable for those hurt in recent years to want to virtually close our country to foreign competition it is also unwise.

Artificial conditions and artificial protection provided by the Government will only destroy the industry's strong incentives to increase its competitiveness into the future.

What we must do is redouble our efforts to negotiate fair trade agreements with our trading partners—across the board.

Automobiles, yes, but also other industries that have been subjected to unfair trading practices.

This is what must be done. You are not going to help matters by artificially protecting our industries from foreign competition.

And if you provide artificial protection for the automobile industry, where do you stop? There are a number of other important industries that also may ask for special treatment.

America must not go down this road to protectionism. We must not give way to fear and timidity.

We must have the courage and the confidence in ourselves to believe that we can meet our foreign competition and prevail against it by providing high quality products and goods at attractive prices under fair marketing conditions.

This bill is a great mistake and it should be rejected.

Mr. Speaker, I yield 7 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Speaker, first, let me say that I do not oppose this rule. While the time for general debate is more limited than many of us would like, it is an open rule for the purpose of amendments.

I am here, however, to express my strong opposition to H.R. 1234, the Fair Practices and Procedures in Automotive Products Act of 1983.

I also seriously question the need for further consideration of this legislation. Let me explain why.

First, as you may know, the administration is currently negotiating with the Government of Japan in two areas—trade and defense.

The President and Ambassador Brock are scheduled to go to Japan in the next few weeks.

The administration strongly opposes this legislation.

House consideration of this bill at this time will only serve to embarrass the administration and seriously undermine their negotiations in the trade area.

Why should the Government of Japan consider any extension of the voluntary restraint agreement or any other trade concession if the House adopts this protectionist legislation?

Second, much of the debate on this bill has centered on the condition of the U.S. auto industry.

While we all recognize that the industry has experienced serious problems in the past several years, let us look at their current condition:

Sales for American cars so far this year are up over 16 percent from 1982.

Total 1983 car sales are expected to be 9.2 to 9.3 million units, as compared with 8 million in 1982.

Sales of larger models offered by the domestic manufacturers are up as well.

These sales increases mean two things: more jobs and higher profits.

General Motors has already recalled approximately 65,000 laidoff workers during 1983.

Ford Motor Co. has recalled 4,000 laidoff workers in 1983.

Chrysler Corp. has recalled 15,000 laidoff workers so far this year.

The profit picture for the domestic industry is equally heartening.

In May, General Motor announced first quarter 1983 profits of $653.1 million—its largest quarterly profit in nearly 4 years—following $128.3 million in profits for all of 1982. General Motors' second quarter profits were $1.040 billion.

Ford reported profits of $211.2 million for the first quarter of 1983, and $542 million for the second quarter of 1983. This represents a complete turnaround following Ford's loss of $658 million in 1982.

Chrysler announced a first quarter 1983 profit of $172.1 million—its highest quarterly profits ever until that record was broken by second quarter profits of $310.3 million.

Third quarter profits for the Big Three are estimated at about $1.1 billion. Last year, the third quarter produced a combined net loss for the Big Three of $187 million.

According to industry analysts, the third quarter profits might have been even higher if the industry had built a sufficient number of cars to meet demand. As it was, there has been a continuing shortage of products throughout this quarter.

The domestic industry is also improving its productivity. According to the September 15, 1982, issue of financial world, General Motors, Ford, and Chrysler have reduced their aggregate break-even production level for 1983 to 9.1 million cars and trucks—25 percent below the 1980 level.

These trends should continue well into the future. Industry analysts such as Data Resources, Inc., Lehman Bros., and Merrill-Lynch have predicted recently that the 1982 domestic market of less than 8 million car sales and 2.4 million truck sales will increase by over 30 percent during 1983 and 1984 to a level of about 10 to 10.5 million car sales and 3.5 to 3.6 million truck sales.

It should be pointed out that, according to these analysts, the domestic industry will capture a larger share of this increased market. In a recent study of the industry, Arthur Anderson & Co. forecast that car imports will decline from 27 percent in 1981 to 23.8 percent in 1990.

All of these statistics demonstrate beyond a doubt that the domestic auto industry is recovering.

Why then would there be any need to virtually close our Nation to foreign competition? Artificial conditions and market protection will only serve to undermine the industry's strong incentives to increase its competitiveness well into the future.

As the Detroit News has said, "Local content legislation merely sets in concrete incentives for inefficiency."

The Congressional Research Service took the same view when it conclued that this legislation would hurt, not help, the domestic manufacturers. Specifically, it would lead to the near breakdown in world trade in parts and subassemblies, thereby undermining the trend toward "world cars" which enables auto makers to use less costly parts and produce more efficiently.

As the Detroit News also pointed out:

> This legislation would lock domestic auto manufacturers into the present cost structure, preventing competitive pricing through use of cheaper foreign components.

This legislation is very shortsighted. While it would serve to create a small number of auto and auto-related jobs in the short term—to the detriment of American export-related jobs, I should add—it would undermine the very industry it seeks to protect by making it noncompetitive in the world market and depressing domestic demand as the price of new cars inevitably increased.

I would like to make one final point. It is singularly unwise in my view to act in the interest of one industry and its workers to the detriment of other American industries and their workers. I would respectfully urge that the Congress would be far better served to take up trade legislation which, unlike this bill, will provide equitable resolutions for American industry generally.

□ 1710

Mr. BONIOR of Michigan. Mr. Speaker, I yield 7 minutes to the gentleman from New York (Mr. OTTINGER) for purposes of debate only.

Mr. OTTINGER. Mr. Speaker, I would like to thank the gentleman for yielding to me and for his very good work in fashioning this open rule which allows full debate of this very controversial legislation.

I know that there are a lot of people who are very concerned about this, who, like me, have been traditional advocates of free trade, and who feel very hesitant about promoting what is described as a protectionist measure.

I would like to make clear that consideration of this legislation right now is absolutely critical because this legislation is the only leverage we have to try and get Japan to enter into a satisfactory voluntary agreement with respect to restriction of automobiles. And because our jobs and our industrial base in manufacturing of automobiles is so severely threatened, increasingly the domestic manufacturers are outsourcing parts. Even though there have been some auto workers who have been rehired, there are very few parts employees who have been rehired because of the increase in outsourcing. We simply have to have some leverage to see to it that the most basic of our basic industries is not eroded.

The principal concern, though, that threatens us and requires consideration of this legislation now is negotiations by General Motors with Ozuzu and Suzuki to bring in 500,000 cars from Japan. The Chrysler Corp. has said that if the voluntary agreement is raised high enough to permit Japan and General Motors to proceed with this, they will not be able to proceed making their automobile in the United States, as they are planning to, and this would be the loss of another 50,000 jobs in the auto manufacturing and an additional repercussion from that in related industries, right off the bat.

The only way that we have, the only thing that we have as leverage to try and prevent this is this legislation. So we cannot delay consideration of it. It has to be passed by the House.

A lot of people say, "Why are you doing this when it is quite clear that this legislation cannot pass over a veto of the President?"

The answer to that is that the very fact that the House passed this last year quite clearly was a significant enough matter of concern to the Japanese so that they did enter into a voluntary agreement.

When I went to Japan and I held a press conference, which the Japanese had requested on this matter, there were better than 100 members of the press. They were just tremendously concerned. They said, "Is this legislation going to pass?" I said, "No; it is not going to pass at the current time over a Presidential veto, but if Japan does not act responsibly with respect to trade with the United States, if they do not do something about their currency, if they do not do something about the tremendous restrictions they make about selling American cars"—in the United States we have less than one-half of 1 percent of their market, they have 20 percent of our market—"then indeed one day it will pass."

And the projections, quite contrary to what my friend, the gentleman from North Carolina, said, I have seen it shown that if we do not have this kind of legislation, the Japanese within 5 years will take 40 percent of our market and we will see our industrial base very quickly erode.

So it is essential that we pass this legislation, and do so now.

The gentleman from North Carolina (Mr. BROYHILL) says we might embarrass the administration by passing this legislation in the middle of their negotiations. But when we were in Japan, Ambassador Mansfield said that, while the administration does not support this legislation, it clearly was the most important leverage that we had in being able to negotiate cutbacks in all kinds of restrictions with Japan.

A great deal of concern has been expressed about the possibility of retaliation by Japan against our agricultural products. I know the longshoremen are opposing this legislation because they fear retaliation against forestry products. I think that those fears are being generated by the big international industries, but they are totally without basis. Every major country in the world except us protects its automobile industry as essential to its industrial base.

We are much too important a market for the Japanese automobile makers for them to abandon the automobile market, for sure, and that is so with most of the other products, as well. The Japanese only import where they think it is advantageous, and I would like to remind this House that the Japanese exercise domestic content with respect to our sales of aircraft to Japan. When we sell aircraft to Japan, they insist that a certain percentage of it be made in this country. I think it is vital that this legislation be passed.

Mr. Speaker, I urge my colleagues to vote in favor of the rule for H.R. 1234, the domestic content legislation, which I reintroduced this Congress. I believe it is absolutely vital for the health of our auto industry, our economy and our Nation that this legislation be passed by the House as soon as possible.

The bill as reported from the Committee on Energy and Commerce will be used as the vehicle for debate on the floor. The bill as originally introduced was substantially improved by the committee and was not acted on substantively by the Ways and Means Committee which merely reported it with a negative recommendation.

Opponents of this legislation point repeatedly to the supposed auto sales boom as evidence that this legislation is no longer needed. But unemployment statistics tell a different story: At the lowest point of the auto industry slump, 270,000 workers were indefinitely laid off. While 90,000 have been rehired, 180,000 remain unemployed. The auto supply industries, which provide 2.3 jobs for every auto worker, have laid off more than 600,000 workers. These workers have seen no recovery because the industry has sharply increased the foreign outsourcing of parts.

The domestic automobile manufacturers agree that the recent upswing in the industry could be cut short. They are pressing the Reagan administration to urge Japan to extend the voluntary restraint agreements for an additional year. The exception is General Motors, which seeks higher quotas so that it may import Japanese models and put the GM name on them.

Imported automobiles have penetrated 27 percent of our domestic market. Even with voluntry import restraints, Japan holds roughly 40-50 percent of this Nation's small car market, and 22 percent of all the cars sold in this country. In California, long a trend setting market, imports account for more than half of the cars sold.

Clearly, the auto industry still needs the domestic content bill.

The strength of our auto industry is crucial to the economic health of the Nation. The auto industry consumes: 21 percent of our steel; 50 percent of the malleable iron; 34 percent of the zinc; 12 percent of the primary aluminum; 13 percent of the copper and 60 percent of the synthetic rubber.

We are the only country that does not severely limit the number of automobiles it imports. Japan controls the flow of automobiles through a variety of standards and inspection and marketing restrictions. France. Italy, Germany, and England all have established quotas limiting Japanese imports from 3 to 11 percent of their markets. Thirty-one countries have domestic content requirements—and Japan requires domestic content in our aircraft sales to them.

H.R. 1234 will create 193,000 direct auto jobs and 450,000 supplier jobs. In its report on H.R. 5133, the version of this legislation passed by the House last year, The Congressional Budget Office asserts that if there were no retaliation, which seems certain in view of the importance of the U.S. market to Japan, the employment gains would go beyond the auto industries and its suppliers into other industries. They estimate that 5.5 jobs would be generated for every on job created in the auto industry. Using this figure, this legislation will create a total 1,061,500 jobs if enacted.

The domestic content bill will help the United States regain the strength the industry has lost over the past decade and save American jobs. It has already sent a message to Japan that continuous abuse of trade will bring congressional action. It is high time that the opponents to the bill understand it is unrealistic to expect America to remain strong and influential in the world if the basic industries which comprise our industrial strength are allowed to move overseas.

Mr. Speaker, I urge you and Members of this body to vote in favor of the rule for H.R. 1234. We must work together to pass this legislation as quickly as is possible. It is in the interest of this Nation, its automobile industry, and its economy that this legislation be passed and passed now.

Mr. QUILLEN. Mr. Speaker, I would like to advise the gentleman from Michigan (Mr. BONIOR) that I have presently 3 requests for time.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I support the resolution before us that provides an open rule for consideration of H.R. 1234, a bill providing domestic content requirements for automobiles sold in the United States. Although general debate time is limited to 2 hours, the rule does permit adequate discussion in the House through the amendment process and, since the bill remains very controversial, the broadest possible debate is warranted.

H.R. 1234 represents a radical departure from traditional U.S. trade and economic policies—policies followed by both Republican and Democratic administrations. Efforts, such as this bill, to achieve dramatic policy reversals which have far-reaching consequences should receive the most cautious and thorough review possible. Most of the provisions of the bill, in my view, are far from acceptable in their current form and the House now must address the issues which the committees of jurisdiction have failed to resolve.

The substantial economic costs associated with domestic content legislation have not changed since last year. What has changed, however, is the situation of U.S. automobile manufacturers. The industry is currently experiencing a substantial recovery. Automobile sales in July 1983 were 41 percent higher than last July, resulting in significantly higher profits. This has led to the rehiring of many auto workers who were unemployed last year. Interestingly enough, the recovery in the auto sector is taking place without the benefit of domestic content requirements.

The international implications of H.R. 1234 also remain significant. The establishment of domestic content requirements in the United States would undermine the international trading system and would be sending a clear message to our trading partners that we are abandoning our international obligations. Of course, we risk the strong possibility that other nations would follow our lead by adopting similar protectionist legislation. In this scenario, we would all be losers.

In my view, problems from import competition experienced by the auto industry or any other sector of the U.S. economy should not be addressed in the ad hoc and self-centered manner provided by H.R. 1234. A

fairer, more realistic and more effective approach, such as the initiative taken by Hon. SAM GIBBONS to make improvements in our import relief laws, should be the direction we take when devising remedies to unfair import competition or surges in the volume of imports.

Mr. Speaker, I believe the future of H.R. 1234 is very much in doubt and that the dangers of charting the protectionist course outlined in this legislation will be exposed with each amendment discussed. Again, I support an open rule and hope we can dispense with this bill in a responsible way that recognizes the needs of the entire Nation as well as those of the automobile industry.

□ 1720

Mr. Speaker, I have no objection to the rule. The rule is an open rule. Two hours of debate is a little skimpy, but on the other hand, the openness of the rule will provide plenty of debate and discussion during the amendment process, and I assure you there is going to be plenty. We had a good debate on it last year. We will have another good debate on it this year.

But I do want to warn the Members who are nervous about the private interest of one group, that is, the United Auto Workers. They ought to remember that every other group in the United States will be disadvantaged, and for every job that this bill will save, according to the Department of Commerce and the Congressional Budget Office, two jobs will be lost. So if Members are willing to preserve one of these jobs and cause two to lose, then I think Members will want to vote for the domestic content bill.

I do not intend to, and as the previous speaker pointed out, this bill is not going to become law. I would like to direct the attention of this whole country to the fact that a bill that might become law, the Immigration Reform Act, is not going to be scheduled by this Speaker for this House to debate. Nevertheless, we are going to schedule and use many hours of debate on a bill that everyone, including the proponents, agree will never become law. In my judgment, that is profligate use of the time of the House and it is an insult to the people of the United States.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. COATS).

Mr. COATS. I thank the gentleman for yielding this time to me.

Mr. Speaker, I do not think the question before us today and as we debate this bill is whether or not the U.S. auto industry has been hurt by foreign imports. It has been hurt by foreign imports. Nor is the question whether other industries have been hurt by unfair trade practices by foreign countries. They have.

The question is: What should we do about it? I do not think H.R. 1234, the domestic content bill, is the legislation that is the proper solution to the problems that we face. H.R. 1234 is a very well intentioned and, I think, well meaning piece of legislation by representatives of the United Auto Workers that is designed to address a specific problem in a specific industry, but in so doing, as the previous gentleman just said, it works to the detriment of many other workers, many of them union workers, in other industries.

As the Congressional Budget Office has indicated, it is going to cost us jobs, rather than have a net increase in jobs. I know a lot of Members on the other side of the aisle are fans of Alice Rivlin. I think she did an incredible job while she was Director of the Congressional Budget Office, but her analysis, as she stated on September 23, 1982, and I quote:

> The Congressional Budget Office's analysis implies that the net effects for the U.S. economy measured in terms of real economic growth, inflation and employment, would be negative. The benefits accruing to the U.S. automobile industry would be more than outweighed by the cost borne by the rest of the economy.

I also ask my friends that have this sense of feeling that they need to support H.R. 1234 for some political reasons back home whether or not they have considered the growth of this country, the other industries of this country that have come out in solid opposition to this. The Aerospace Industries Association of America, the AARP, the American Association of Retired Persons, the American Electronics Association, Caterpillar Tractor Co., the Computer and Business Equipment Manufacturers Association, the League of Women Voters, the National Automobile Dealers Association, the National Retail Merchants Association, the Semiconductor Industry Association, every farm group ever organized. That is just a partial list of the many, many organizations that have come out against this bill, realizing that is is going to cost them jobs. It is going to cost them a great deal.

Second, besides costing Americans jobs, the bill is going to cost American consumers money. The increased cost per automobile as a result of this bill is estimated by the Department of Commerce to be $450 per automobile, CBO $333, and the independent estimate from Harbridge House, up to $1,300. Everyone agrees that there is going to be an increase in cost of domestic cars if the bill passes.

The third and perhaps the more basic reason to oppose the bill, I think, is the fact that we are almost certain to have retaliation by foreign countries that now buy American products, and that is going to have a devastating effect on the U.S. economy.

From the farm perspective alone, this last year we exported $39-plus billion; $6.6 billion of this went to Japan. Half of all of our soybean and soybean products are exported. Two-thirds of all the wheat grown in the United States is grown for export. Two of every 5 acres planted in the United States is exported overseas. In my State of Indiana, nearly one of every five manufacturing jobs is there because of exports.

So it is not just the farmers; it is manufacturers who are manufacturing for a world economy and sending their products overseas.

I ask Members not just from farm States but from the States that I am going to list to ask themselves if they want this consequence visited upon their State if farm products are retaliated against.

Illinois and Iowa each export more than $3 billion each year. If you are from California, you have to consider the consequences because California exports 2.8 billion dollars' worth of farm products, Texas $2.6 billion, and many, many States of over a billion, and I would be very happy to provide Members with that list.

Finally, perhaps we ought to consider the words of Ambassador Mansfield, someone greatly respected by my Democrat colleagues, someone who served in the U.S. Senate, Democratic Senator from Montana for many, many years, and someone who speaks with a great deal of credibility. Can we ignore the words of Ambassador Mansfield, our Ambassador to Japan, who says, and I quote again:

> It is legislation which is contrary to the best interests of the capitalist private enterprise system in which I firmly believe. Legislation of this kind would be beneficial to no one in the long run. It would bring retaliation on all sides.

I think we need to heed these words, and as we go into the debate on this bill we need to consider the consequences to our economy and ask ourselves, is this the proper piece of legislation to deal with the problems that we face? I tried to offer a substitute that I thought was a better solution in our committee. It was ruled out of order. I regret that the rule does not allow a waiver of the rule so that we can offer that substitute here, but we need to be thinking in terms of our access to foreign markets.

We need to be thinking in terms of subsidization, targeting, and of a number of other areas that are important to this country and important to put us on a level playing field, and not adopt this language which is detrimental to our people.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. LUNDINE).

Mr. LUNDINE. Mr. Speaker, I appreciate the courtesy of the gentleman from Michigan in yielding to me to take a position against that which he stands for.

Mr. Speaker, I rise in opposition to this rule. I intend to vote against adoption of this rule because I believe this is the wrong issue to be considering at the present time in the House. There are other more critical issues currently facing our auto industry which we should be devoting the time of this legislative body to consider.

Last year, in my opinion, this legislation passed the House primarily because Members believed it was essential to send a strong signal to our foreign competitors, primarily the Japanese, that we intend to do whatever it takes to insure that we maintain a strong auto industry in this country. I voted for this bill last year and remain committed to the preservation of strong, competitive automobile production capacity in this country.

It is because of this conviction that I now am concerned that we are about to win a battle by once again passing a bill in the House, which has virtually no chance of being signed into law this year, but in the process lose the war by failing to focus on other timely critical issues that are about to effect the future destiny of our automobile industry for a long time to come.

Later this month, our U.S. Trade Representative Bill Brock will travel to Tokyo to meet with officials from the Japanese MITI to discuss an agreement that may determine the future of the existing voluntary quantitative import restraints on Japanese auto exports to the United States. Currently, voluntary restraints on Japanese auto exports to the United States are at 1.68 million units. This agreement expires in April 1984. If we are to believe recent indications from both United States and Japanese officials, there is a very real possibility that the forthcoming negotiations between the United States and Japan could result in an increase in those voluntary restraints to 2 million or more units. If the restraints are not maintained at present level, the results could be disastrous for our U.S. auto industry.

Our U.S. auto industry has made progress during the past 3 years of restraints with the Japanese. But, major, major, problems, such as the overvaluation of the dollar, the direct U.S. taxing structure, and the relatively inferior financial condition of the U.S. automakers vis-a-vis their Japanese competitors, remain as roadblocks to establishing a level playing field for our auto firms. Without a level playing field, the result for sure will be a rapid trend toward U.S. investment in auto production abroad and decreased employment in the United States. Ironically, dropping the ball on making sure that the voluntary quotas on Japanese imports to the United States are not increased may create an environment where some type of auto content policy may be inevitable. Instead of what we plan to do next week, we should be passing a resolution through the House which binds the administration to the current level of quantitative restrictions with the Japanese.

In addition, there are several other critical issues currently being considered at various places throughout our Government that will have a serious impact on the future health of domestic auto production. For example, decisions concerning the antitrust implications of the proposed General Motors-Toyota joint venture in California, and decisions about gasoline mileage standards are central to whether or not we will continue to have a competitive domestic auto industry or take additional steps toward production abroad.

In order to appropriately digest all of these factors and determine what direction our country should go on these issues, we should be talking about the need to establish mechanisms to coordinate and implement an industrial strategy in our country. And, properly it is within this larger context that the discussion of auto content requirements should take place as well.

Unfortunately, we are continuing our past mistake of ad hocracy and uncoordination when we take up this bill next week. The danger in continuation of this approach, I believe, is clearly evident in the fact that we are choosing at this time to debate legislation to establish an auto content requirement for automobiles, which we may or may not need in our future, while we fail to focus on other imminent Government decisions that can largely determine the long-term future of automobile production in our economy.

□ 1730

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Speaker, I appreciate the courtesy of the gentleman from Tennessee (Mr. QUILLEN) in giving me this time to register a mild protestation, at least, against the suggestion of the gentleman from Michigan (Mr. BONIOR) on behalf of the committee in his explanation of this rule because I think some of what he outlined as the committee's position could constitute an undesirable, if not dangerous, limitation of debate by the Members of this House.

This is in fact an open rule, as has been stated by many, and that is fine. It is in the finest traditions of the People's House. But implicit in what the gentleman from Michigan said, again on behalf of the committee, is that there is a quiet threat that if there is a dilatory condition that develops in the consideration of this matter, he reserves the right on the part of the committee to come back with a revised rule.

Mr. Speaker, I should say to the gentleman that I have no amendments to this measure. I do not particularly favor it, but I certainly have no desire to create a dilatory situation. But if in fact the condition that the gentleman outlines does develop, then, as I see it, with the 13 members of the Rules Committee, if there are 5 on the majority side who decide that the progress of this particular measure is not going particularly as they would like to have it, they could come back to this House with a revised rule, and those 5 Members could cut off the debate by the balance of the Members, 430 of us.

I suggest, Mr. Speaker, that that is a very dangerous precedent, one which gives me great pause. Although this is perhaps not totally pertinent in the consideration of this particular measure, I think if we continue to have that kind of reservation, that quiet threat that lingers over the debate of this or any other measure, it is undesirable in terms of the limitation of debate on this very important issue.

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself such time as I may consume in order to respond to a couple of speakers, the gentleman from Virginia (Mr. PARRIS) specifically.

Mr. Speaker, it is true that in my opening remarks I did mention to the House that we did consider in the Rules Committee options with respect to limiting the debate on the bill, but I did point out to the Members at that time that we rejected the options that were considered; namely, first, the printing of amendments to be offered in the RECORD, and second, a limitation of time. We did that so that the House would have full opportunity to debate this bill in its entirety and do it in a way in which Members would have the opportunity to express themselves on a variety of issues that are germane to the bill.

I did mention, however, that given the problems that we face with approximately 4 weeks left in the session and the heavy schedule that remains before the preliminary November 18 date of sine die, it behooves Members to keep that in mind while we debate this piece of legislation.

I should point out to the gentleman from Virginia that the Rules Committee at any time can offer and bring down another rule with respect to legislation. That is nothing new. We felt that we should not limit debate at this time, but we always reserve the right to police, as is our function as Rules Committee members, the expeditious

and timely fashioning of legislation in this House.

So with respect to the gentleman's concerns and arguments, first, it was not the intention of the Rules Committee to threaten Members of this House. We acted in a way not to do that obviously by the fact that we have an open rule before us. But, second, we wanted to make the Members aware that there are only 4 weeks left in this legislative session this year and we have plenty of business to do, and so we are not going to tolerate what happened on a couple of other bills during this past year.

With respect to my colleague, the gentleman from New York (Mr. LUNDINE), whom I respect very deeply and with whom I have worked very closely on industrial legislation, let me say that I would have hoped that industrial policy would have been an issue that would have been important enough to Members on both sides of the aisle that we could have discussed it this year, but, unfortunately, it has not reached that point at this time so that it could come to the floor for a clear discussion of issues with regard to our older industries in particular and our emerging industries that are having a difficult time raising capital. I would say to the gentleman, with respect to his criticism on domestic content not being a timely issue, that in fact I believe just the opposite, that it is an extremely timely issue, and that it is something that is important for our primary adversary in a competitive way, the Japanese, to understand with respect to the visit that Mr. Brock will soon make in preparation for the President's visit.

They have to know and understand that we are reeling under a tremendous pressure in this country in our industrial areas with respect to unemployment because of some of the policies they have practiced.

Others have gotten up on this floor and talked about the airline industry.

The gentleman from New York (Mr. OTTINGER) correctly pointed out that the Japanese have a domestic content law in Japan itself with respect to parts that can be imported and in terms of producing products in their aerospace industry.

In conclusion, what I want to suggest to the Members today is that this rule is an open rule, and it is a fair rule. It moves this legislation along, and I hope it can move it in a fair and expeditous manner. I think it is timely, and I hope the Members will adopt the rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GIBBONS) for purposes of debate only.

Mr. GIBBONS. Mr. Speaker, I will be brief.

I regret that the time for general debate on this legislation has been so severely limited. Unfortunately, that will force me to offer a few amendments that I had not really wanted to present to this bill, because I do not know of any other way to improve this bill. It is a terrible piece of legislation.

Frankly, Mr. Speaker, I am ready to vote on the bill right now. I do not think this bill is going to pass. As I have gone around, I have detected in the House of Representatives that there has been a change of heart on the part of many Members. So as far as I am concerned, we can bring it up Monday and vote on it Monday.

But I want to say that I think we ought to have more debate on it than we have had.

Mr. Chairman, I also want to assure my colleagues that all these things I have here with me are not amendments. This is a little tax bill that the Members will have a chance to vote on next week. I refer to these pieces of paper I hold in my hand, and if any Member have nothing to do this weekend, they will be able to get copies tomorrow from the Government Printing Office, but they had better take an extra suitcase along if they are going to carry all of this with them.

□ 1740

Mr. BONIOR of Michigan. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Michigan (Mr. HERTEL).

Mr. HERTEL of Michigan. Mr. Speaker, I have listened to the debate on the rule. None of it, of course, has been against the rule because it is an open rule. I would hope Members would allow it to come to the floor.

What I have heard is that the bill is unnecessary and again I have seen, as I have been here for 3 years, with the high unemployment rate in the auto industry, I have seen no proposals at all to help the auto industry. We see people from different States and regions of this country coming to the Congress for help, for subsidies of all kinds, for changes in the tax laws of all kinds, for projects of all kinds, that cost the taxpayers of my State and this country billions of dollars; but when it comes to hundreds of thousands of auto workers being unemployed, we see no solutions at all during the deep depression. All we hear is that the recovery will take care of them. In fact, we hear the implication that the recovery is taking care of the auto industry.

The fact is that recovery has done nothing for the hundreds of thousands of auto workers who are unemployed. In the State of Michigan alone, the unemployment rate is nearly 14 percent—14 percent from a high of 18 percent, but still hardly moving at this time. In related industries, it is nearly the same figure in other States that are affected by the recession, and it goes on. These are people who have lost their jobs through no fault of their own. Families are suffering, people are losing their homes, their automobiles, and people are losing their futures.

This bill, while it may not have much of a chance in the Senate, offers them at least the fact that this Congress is concerned about their problem, that this Congress realizes that we have a problem in the auto industry in this country because of unfair competition from the Japanese industry and others. The unemployment rate in Japan is less than one-third of the unemployment rate of this Nation; yet the administration offers no leadership for any relief in this area.

We ask you to pass the rule. We ask you to consider this legislation with an open mind and consider the message it sends to the Japanese Government at this time.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I have listened to my colleagues talk about trade and I have listened to their concerns about international trade. I have heard how we have to treat our colleagues in the world trading market fairly.

I agree that we do, but we have to ask that they do justice to us. If you look at our foreign trading partners, and the term is really ludicrous, you will find that every manner of exclusionary device is practiced to keep American automobiles out of their marketplace, while they in turn dump their cars over here at below cost.

The yen is kept 10 percent low. A Japanese car costs $2,000 less here than it should if the yen was priced fairly.

My colleagues tell me: "Oh, this will cause a wave of retribution." Well, the retribution has been practiced by the Japanese for years. There is not a single American commodity that is exported into Japan without constraints and without inflation in its cost and without all manner of permits and inhibitions being exerted against it by the Japanese.

I am for free trade, but my mother raised no idiots and I am going to tell this body that we will not get fair treatment from the Japanese until we begin doing unto them as they have been doing unto us since World War II.

There was a time when this country could understand that we could let the others have more favorable terms of trading over here so that we could create world prosperity by spreading the dollars around. The hard fact of the matter is, those days are gone. Those days have not been here for years. The Japanese dump cars here. They do not permit American cars into Japan by all manner of clever devices.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. DINGELL. Mr. Speaker, 31 countries have domestic-content legislation. Every other country has constraints on imports.

Now, if you think the automobile is not a matter of concern to you, the automobile uses more computers than any other part of American industry or society. It uses more textiles, glass, and steel. It uses more nonferrous metals. It uses more rubber, and petrochemicals, and paint; so when you think that you are just taking care of Michigan by this legislation, you are in sore error. You are taking care of every part of this country, and on top of that you are sending the Japanese and others a message. You are saying that we are going to begin to protect our domestic industries, from tobacco and agriculture clear through our manufactured goods, because the Japanese discriminate against each and every one of these devices, and if you are silly enough to think that free trade exists in the world, you are going to be very shortly destituted and you are going to destitute the rest of your fellow citizens.

I urge my colleagues to vote for the rule and vote for the bill. Let us get some reciprocity. Let us protect American industry and jobs.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 3363, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. YATES. Mr. Speaker, I call up the remaining amendments in disagreement on the conference report on the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The Clerk read the title of the bill.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. YATES).

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House recede from its amendment to the amendment of the Senate numbered 16 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 17: In lieu of the matter proposed to be inserted by the House amendment, insert "$4,000,000, to remain available until expended, for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757f), of which $500,000 shall be made available to the State of Idaho without regard to the limitation as stated in 16 U.S.C. 757e and without regard to the Federal cost sharing provisions in 16 U.S.C. 757a-757f: *Provided*, That 16 U.S.C. 757e is amended by adding the following new sentence: "The State of Idaho shall be eligible on an equal standing with other States for Federal funding for purposes authorized by sections 757a to 757f of this title. "; and an additional $23,301,000".

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House agree to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 17.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 91: In lieu of the matter proposed to be inserted by the House amendment, insert:

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the leasing of the following areas located in the Eastern Gulf of Mexico Outer Continental Shelf:

(a) Blocks in an area commonly known as the seagrass beds included in Official Protraction Diagram NH 16-9, Apalachicola: 35, 36, 79-81, 122-125, 165-169, 209-213; Official Protraction Diagram NH 17-7, Gainesville: 1, 2, 45-47, 89-93, 133-138, 177-183, 225-227, 270-272, 315-317, 360-362, 404-406, 449-450, 493-495, 539, 583-585, 628-630, 672-675, 716-719, 760-764, 804-808, 850-853, 894-897, 938-941, 984-987; and Official Protraction Diagram 17-10, Tarpon Springs: 17-23, 61-67, 106-111, 150-155, 194-199, 239-244, 283-288, 328-332, 372-377, 416-421, 460-464, 505-508, 549-552, 593-596, 637-640, and 682;

(b) Blocks in an area commonly known as the Florida Middle Ground included in Official Protraction Diagram HN 16-12, Florida Middle Ground: 251, 295, 339-340, 342, 383-386, 427-430, 471-474, 515-518, and 560-561;

(c) Blocks in an area within the 20-meter isobath south of 26° N. latitude included in Official Protraction Diagram NG 17-7, Pulley Ridge: 37-43, 82-87, 126-131, 171-175, 215-219, 259-263, 303-307, 347-351, 392-395, 436-439, 480-483, 524-527, 568-571, 612-615, 656-659, 700-703, 744-747, 788-791, 833-835, 877-879, 921-923, 965-967, 1009-1011;

(d) All submerged lands within 30-nautical miles of the baseline from which the territorial sea is measured: Provided, That the western boundary of the area is a line extending south from the line dividing blocks 404 and 405 in Official Protraction Diagram NH 16-9, Apalachicola to a point 30-nautical miles from the baseline from which the territorial sea is measured. In addition, from the boundary between blocks 404 and 405 as described in the preceeding sentence, westerly to a line extending north and south dividing blocks 38 and 1 in Official Protraction Diagram NH 16-9, all submerged lands within 20-nautical miles of the baseline from which the territorial sea is measured. The limitation with regard to this subsection on the use of funds shall not apply if any State-owned title or submerged lands within the area described in this subsection are now or are hereafter subject to sale or lease for the extraction of oil or gas from such State lands; and

(e) For those tracts offered for lease in Sale No. 79 which are located south of 26° N. latitude, the following lease stipulations shall apply:

(1) No exploratory drilling activities will be approved by the Department of the Interior until the Department of the Interior has accumulated 3 years worth of physical oceanographic and biological resource data; and

(2) Lessees will be required to perform biological surveys prior to approval and initiation of exploration or drilling operations and to work in cooperation with the Department of the Interior on the monitoring of any subsequent drilling activities.

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House agree to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 91.

The motion was agreed to.

□ 1750

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk reads as follows:

Senate amendment No. 94: In lieu of the matter proposed to be inserted by the House amendment, insert:

SEC. 12. None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except for emergency leasing as defined in 43 CFR 3425.1-4, lease modifications as defined in 43 CFR 3432, and lease exchanges as defined in 43 CFR 3435 or as specified in Public Law 96-401, until the Commission on Fair Market Value Policy for Federal Coal Leasing has submitted its report to the Congress and ninety days have subsequently elapsed: *Provided*, That notwithstanding any other provision of this section, the following Federal coal maintenance tracts may be leased; the Paonia D Coal Bed Tract (not to exceed 5,000 acres),

and the Colstrip Area C and Colstrip Maintenance Tract (not to exceed an aggregate total of 1,721 acres: *Provided further*, That the Paonia Tract may not be leased prior to February 1984, and the Colstrip tracts may not be leased prior to August 1984.

Mr. YATES (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YATES moves that the House agree to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 94.

The motion was agreed to.

● Mr. LEVINE of California. Mr. Speaker, I rise today to speak in support of the conference committee report on the 1984 Department of the Interior appropriations bill.

The Interior Department is one of the most important departments in the Federal Government. It is responsible for stewardship of one-third of the land in the United States, including the national parks which were visited by almost 3 billion people last year. Few other departments have such a direct impact on our lives.

The 1984 Interior bill includes two essential provisions—a moratorium on oil and gas leasing in environmentally sensitive areas of the Outer Continental Shelf including the Santa Monica Bay, and a $15 million appropriation for land acquisition in the Santa Monica Mountains National Recreation Area.

My district includes nearly 50 miles of California's most scenic coastline extending from Malibu to Redondo Beach. Included is the entire Santa Monica Bay area. It is silhouetted against a gorgeous backdrop—the Santa Monica Mountains. Millions of people visit the area each year to enjoy the scenic beauty and recreational activities.

We must do all we can to eliminate our dependence on foreign sources of energy. This important goal must transcend parodial local concerns. In order to reach our goal we will undoubtedly have to expand our use of domestic sources of energy. This may require some expanded drilling for oil off our coast. I do not oppose this. In fact, I have consistently supported offshore oil drilling in areas which are likely to contain large reserves, and which are not environmentally or economically sensitive.

The Santa Monica Bay area meets neither of the qualifications. Therefore, it would be a grave mistake if we were to allow Secretary of the Interior Watt to sell oil drilling leases in the Santa Monica Bay.

The moratorium approved by the conference committee affects only 2.5 percent of the area that Secretary Watt is offering for sale. Considerable additional acreage will be available for development. We should first develop the areas which have been leased but not yet developed before opening new areas.

The economic and environmental risks of drilling in the Santa Monica Bay far outweigh the benefits of the oil we might retrieve. Southern California beaches are among the most heavily used beaches in the country. Over half of the State of California's annual coast-related tourism revenues of $15 billion is generated in southern California. The city of Santa Monica alone generates approximately $100 million annually from tourism and recreation.

Economic losses amounting to hundreds of millions of dollars are likely to occur as a result of drilling in the bay and would be further compounded if an oil spill occurs. These costs include reduced beach use, tourism, tourist taxes, revenue from commercial fishing, revenue from pleasure boats, property taxes, and property values.

There is a great deal of seismic activity in the Santa Monica Bay. In the past 10 years alone 171 earthquakes have occurred in the Santa Monica Bay with magnitudes as great as 5.6 on the Richter scale. There is evidence that drilling operations may actually increase seismic risks. Any oil spill resulting from oil drilling activities would threaten the fragile coastal ecosystems and the local economy.

An oil spill would seriously endanger the two remaining wetlands in Los Angeles County. The 10 acres of wetlands in Malibu Lagoon and the 70 acres of wetlands in the Ballona Creek Estuary are all that remain of Los Angeles County's 6,800 acres of wetlands. These wetlands serve as habitats for many animals including several endangered species. The Ballona Creek Estuary alone is estimated to include 20 percent of the State's nesting ground for the endangered least tern.

The Santa Monica Bay has become a popular place for animal viewing. Many people find pleasure in watching seabirds and marine mammals which frequent the area. A favorite pastime is whale watching during migration season. An oil spill could not only eliminate this recreational activity but force these magnificent mammals to alter their migratory patterns.

Los Angeles suffers from a legendary air pollution problem. Not only would the health impacts be dangerous, but onshore industries would be forced to bear a greater cost of control to achieve the increment of reduction needed to offset offshore emissions. Offshore drilling would retard our efforts to clean up our air.

Those of us who have been fighting oil drilling in the Santa Monica Bay for years have grown weary of Secretary Watt's repeated efforts to prospect for oil in an area where studies indicate a low probability that any significant resources exist. It is time that we take action to recognize that these areas are not the places to be drilling for oil. A 1-year moratorium will give us time to study this issue more fully.

In addition, since I represent most of the Santa Monica Mountains National Recreation Area, funding for parkland acquisition is also of particular concern to me.

Each year more than 10 million residents of the Los Angeles urban area use the Santa Monica Mountains as a place to enjoy such recreational activities as biking, horseback riding and swimming. It combines large underdeveloped areas of mountains, woodlands, grasslands, and beaches—something increasingly rare in southern California.

In 1978 a bipartisan majority in Congress recognized the exceptional value of the area and the need to preserve it and designated the Santa Monica Mountains a National Recreation Area. Although the legislation included a $155 million for a 5-year land acquisition program, unfortunately, to date, only $41 million has been appropriated for land purchases—an amount far below Congress original mandate.

This is a crucial time for the Santa Monica Mountains. Funding is needed now more than ever. The value of these lands is appreciating rapidly and it is imperative that parkland purchases be made as quickly as possible.

We must continue to purchase parklands before any further price increase in land costs or new development makes it impossible.

The Interior appropriations bill is a reasonable approach to protecting and preserving our valuable natural resources. I urge my colleagues to support it.●

● Mr. YATES. Mr. Speaker, this year, at the request of the gentleman from Massachusetts, Mr. CONTE, we added funds to the Fish and Wildlife Service to continue research, development, and implementation of cost-efficient methods of protecting sheep and other domestic livestock from predators.

Since 1978, the School of Natural Sciences at Hampshire College in Amherst, Mass., has continued a predator control research program to study a humane alternative to the use of cyanide guns, poisoned bait, bombs, and traps. In this project, specially bred and trained dogs are placed with farmers and ranchers in an experimental program to keep predators away from livestock.

Many farmers, ranchers, and scientists from Massachusetts to Oregon have worked together on these research efforts. This year, the Oregon Extension Service and the New England Farm Center have proposed to continue this research with a statewide guarding dog program in Oregon. In this project, the use of dogs would be monitored closely in the hope of finding ways to improve their overall success.

The cost of this experiment is estimated to be $45,000 for fiscal year 1984. This amount is included in the conference agreement.

The intention of the Conference Committee is that the $45,000 earmarked for guard dog research in the conference report is to be directed to the Fish and Wildlife Service for the guard dog research program of the New England Farm Center at Hampshire College.

In addition, the statement of the managers excluded several agreements that should have been included. First, in the Bureau of Indian Affairs Housing program, the managers agreed that no relocation of the management of the housing program was envisioned in moving the funding from the operations to the construction account and the program should remain under the direction of the BIA Central Office, and that it shall be removed from the band analysis beginning in fiscal year 1985.

With respect to the Fish and Wildlife Service, the managers agree that $84,000 is included in the allowance to permit the continued operation of the Crawford, Nebr. NFH by the Fish and Wildlife Service until such time as the State of Nebraska has accumulated sufficient funds in its special account to enable it to assume State control.

Finally, the managers agree that the National Park Service should pay $750,000 from within available funds, in settlement of the longstanding Amerecord Corp. claim against the American Revolutionary Bicentennial Commission under an agreement with ARBC.●

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the amendments in disagreement to H.R. 3363.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REAUTHORIZING THE TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT

Mr. KOGOVSEK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 726) to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. COLEMAN of Missouri. Mr. Speaker, reserving the right to object, and I do not intend to object, I ask the gentleman to explain his request, and I will await my reservation.

Mr. KOGOVSEK. Mr. Speaker, if the gentleman will yield, I would be happy to explain the amendment in the nature of a substitute to S. 726, which amends and extends the Tribally Controlled Community College Assistance Act of 1978. The amendment is identical to H.R. 2307, except that it deletes the construction and endowment sections contained in the bill as reported by the Committee on Education and Labor and passed by the Senate on May 25, 1983.

The Tribally Controlled Community College Assistance Act authorizes Federal funds for operating and program expenses for 18 tribal colleges. Congressional enactment of this legislation is necessary to providing a stable source of funds to these colleges. They are a critical access point for many Indian students—who might not otherwise have the opportunity to go to college. Final congressional action on this legislation, prior to the anticipated November 18 adjournment is essential.

I believe that action by the House today will facilitate that objective. I want to acknowledge the hard work of the chairman of the Committee on Education and Labor, Mr. PERKINS, and the chairman of the Postsecondary Education Subcommittee, Mr. SIMON, on this important legislation. As has been the case throughout the years, our colleagues on the other side of the aisle, especially Mr. ERLENBORN and Mr. COLEMAN, have worked with us in fashioning Indian education legislation.

Mr. COLEMAN of Missouri. Mr. Speaker, further reserving the right to object, I thank the gentleman for his explanation, and do not make an objection because the points that he made and the amendments that he is suggesting are consistent with the administration's position and with those on this side of the aisle.

Mr. Speaker, I rise in support of the amendment in the nature of a substitute being offered by the gentleman from Illinois to S. 726, a bill to reauthorize the Tribally Controlled Community College Assistance Act. Let me commend and thank the subcommittee chairman, Mr. SIMON of Illinois, for his willingness to work with the Republican members and meet the concerns of the administration regarding this bill.

The amendment removes the provisions from S. 726 to which the administration objected during earlier consideration of the House version of this bill under suspension of the rules. The amendment strikes the two sections of the bill that would create a new endowment program and a new construction program. These programs would result in additional Federal expenditures, which the administration feels are unwarranted in times of high Federal deficits.

The amendment being offered, while deleting the two programs just described, continues the basic grant program currently authorized by the Tribally Controlled Community College Assistance Act. This program provides grant assistance to Indian colleges to help them strengthen their academic programs, improve administration, and provide student services. It is important to reauthorize this grant program to help our Indian community colleges provide a higher education to their tribal members, and S. 726 as amended by this substitute, will do so. I urge my colleagues to support this substitute.

● Mr. SIMON. Mr. Speaker, I rise in support of the bill to revise and extend the Tribally Controlled Community Assistance Act of 1978, through fiscal year 1987. Although the committee bill, H.R. 2307 received a substantial majority of votes—225 for, 148 against. When it came up under suspension on May 3, it did not receive the necessary two-thirds majority. The amendment is identical to H.R. 2307, except that the construction and endowment sections have been deleted. This was done, in consultation with the minority to facilitate a conference with the Senate on the bill. It is urgent that we take positive action on this legislation if this worthwhile program is to continue its successful operation.

The Tribally Controlled Community College Assistance Act currently provides operating and program support to 18 Indian community colleges. Nearly all of these institutions are located on Indian reservations, and are offering many of our Native American citizens their first real opportunity for postsecondary education. At present, 4 of the 18 colleges funded under this program are fully accredited, 10 are candidates for accreditation, and 4 are in precandidacy status, which indicates their intention to fulfill their goal of providing high quality education for Native American students.

This proposed legislation is necessary to address their most pressing need for continued program support. The bill attempts to deal with these needs in a responsible, effective, and cost-efficient manner. Since the program began in 1978, a growing number of these institutions have been providing educational opportunities and services to an increasing number of Indian people. This legislation will enable the tribally controlled colleges, which have made a brilliant start, to take the next necessary steps toward full accreditation, financial stability, and increasing educational quality as their enrollment grows.

I urge my colleagues to strongly support this bill.●

Mr. COLEMAN of Missouri. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado (Mr. KOGOVSEK)?

There was no objection.

The Clerk read the Senate bill as follows:

S. 726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The matter preceding title I of the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325) (hereafter in this Act referred to as the "Act") is amended—

(1) by striking out "DEFINITIONS" and inserting in lieu thereof the following:

"DEFINITIONS

"SEC. 2. (a) For purposes of this Act, the term—";

(2) by striking out "and is eligible to receive services from the Secretary of the Interior" in paragraph (1);

(3) by inserting before the semicolon at the end of paragraph (5) thereof the following: "and the reference to Secretary in clause (5)(A) of such section shall be deemed to refer to the Secretary of the Interior"; and

(4) by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally controlled community college, determined in a manner consistent with subsection (b) of this section on the basis of the quotient of the sum of the credit hours of all Indian students so enrolled, divided by twelve.

"(b) For purposes of determining the Indian student count under subsection (a)(7)—

"(1) Credit hours shall be calculated on the basis of registration of Indian students at the conclusion of the third week of each academic term.

"(2) Credit hours earned in classes offered during a summer academic term shall be taken into account in determining the Indian student count for the succeeding fall academic term.

"(3) Credits earned by Indian students in any continuing education program of a tribally controlled community college (other than a General Education Development course or a program supported by a Federal grant, contract, or cooperative agreement) shall be taken into account. Such credits shall be converted to a credit-hour basis in accordance with the tribally controlled community college's system for providing credit for participation in such programs.

"(4) No more than twelve credit hours per Indian student per academic term may be taken into account.

"(5) No credit hours earned by an Indian student who has earned more than seventy-five credit hours in a two-year program, or one hundred and fifty hours in a four-year program, for which assistance has been provided under this Act shall be taken into account.".

SEC. 2. Section 101 of the Act is amended by inserting immediately before the period at the end thereof the following: ", and to allow for the improvement and expansion of the physical resources of such institutions".

SEC. 3. (a) Section 102 of the Act is amended—

(1) by striking out "is authorized to" in subsection (a) and inserting in lieu thereof "shall, subject to appropriations,"; and

(2) by striking out "to defray the expense of activities related to education programs for Indian students" in subsection (b) and inserting in lieu thereof "to defray, at the determination of the tribally controlled community college, expenditures for academic, educational, and administrative purposes and for the operation and maintenance of the college".

(b) Section 106(a) of the Act is amended by inserting after the second sentence the following new sentence: "Such application shall include a description of recordkeeping procedures for the expenditure of funds received under this Act which will allow the Secretary to audit and monitor programs conducted with such funds.".

SEC. 4. (a) The Act is amended—

(1) by redesignating sections 104 through 114 as sections 105 through 115, respectively; and

(3) by inserting after section 103 the following new section:

"PLANNING GRANTS

"SEC. 104. (a) The Secretary shall establish a program in accordance with this section to make grants to tribes and tribal entities to conduct planning activities for the purpose of developing proposals for the establishment of tribally controlled community colleges, or to determine the need and potential for the establishment of such colleges.

"(b) The Secretary shall establish, by regulation, procedures for the submission and review of applications for grants under this section.

"(c) From the amount appropriated to carry out this title for any fiscal year (exclusive of sums appropriated for section 105), the Secretary shall reserve (and expend) an amount necessary to make grants to five applicants under this section of not more than $15,000 each, or an amount necessary to make grants in that amount to each of the approved applicants, if less than five apply and are approved.".

(b) The Act is further amended—

(1) by striking out "section 106" in section 106 (as redesignated by subsection (a)(1)) and inserting in lieu thereof "section 107";

(2) by striking out "section 105" in section 107 (as so redesignated) and inserting in lieu thereof "section 106"; and

(3) by striking out "section 106(a)" in section 111 (as so redesignated) and inserting in lieu thereof "section 107(a)".

SEC. 5. Section 105 of the Act (as redesignated by section 4(a)(1)) is amended—

(1) by inserting "from a tribally controlled community college which is receiving funds under section 108" after "upon request" in the first sentence thereof; and

(2) by striking out "to tribally controlled community colleges" in such sentence.

SEC. 6. (a) Section 106 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by striking out "feasibility" in the heading of such section and inserting in lieu thereof "eligibility";

(2) by striking out "feasibility" each place it appears in such section and inserting in lieu thereof "eligibility";

(3) by striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" in subsection (a) and inserting in lieu thereof "Secretary of Education";

(4) by inserting at the end of subsection (b) the following new sentence: "Such a positive determination shall be effective for the fiscal year succeeding the fiscal year in which such determination is made."; and

(5) by striking out "10 per centum" in subsection (c)(2) and inserting in lieu thereof "5 per centum".

(b) Section 107 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by striking out "feasibility" in subsection (a) and inserting in lieu thereof "eligibility", and

(2) by striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" in subsection (b) and inserting in lieu thereof "Secretary of Education".

SEC. 7. Section 108(a) of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"SEC. 108. (a) Except as provided in section 111, the Secretary shall, subject to appropriations, grant for each academic year to each tribally controlled community college having an application approved by him an amount equal to—

"(1) the Indian student count at such college during such academic year, as determined by the Secretary in accordance with section 2(a)(7) of this Act, multiplied by

"(2)(A) $4,000 for fiscal year 1984,

"(B) $5,025 for fiscal year 1985,

"(C) $5,415 for fiscal year 1986, and

"(D) $5,820 for fiscal year 1987,

except that no grant shall exceed the total cost of the education program provided by such college.".

SEC. 8. Section 109 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by inserting "(a)" immediately after the section designation; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) The amount of any grant for which tribally controlled community colleges are eligible under section 108 shall not be altered because of funds allocated to any such colleges from funds appropriated under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13).

"(2) No tribally controlled community college shall be denied funds appropriated under such Act of November 2, 1921, because of the funds it receives under this Act.

"(c) For the purposes of sections 213(2)(A)(i) and 322(a)(2)(A)(i) of the Higher Education Act of 1965, any Indian student who receives a student assistance grant from the Bureau of Indian Affairs for postsecondary education shall be deemed to

have received such assistance under subpart 1 of part A of title IV of such Act.".

SEC. 9. (a) Section 110 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"APPROPRIATION AUTHORIZATION

"SEC. 110. (a)(1) There is authorized to be appropriated, for carrying out section 105, $3,200,000 for each of the fiscal years 1985, 1986, and 1987.

"(2) There is authorized to be appropriated for carrying out section 107, $30,000,000 for each of the fiscal years 1985, 1986, and 1987.

"(3) There are authorized to be appropriated such sums as may be necessary to carry out sections 112(b) and 113 for each of the fiscal years 1985, 1986, and 1987.

"(b)(1) For the purpose of affording adequate notice of funding available under this Act, amounts appropriated in an appropriation Act for any fiscal year to carry out this Act shall become available for obligation on July 1 of that fiscal year and shall remain available until September 30 of the succeeding fiscal year.

"(2) In order to effect a transition to the forward funding method of timing appropriation action described in paragraph (1), there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations to carry out this Act, the first of which shall not be subject to paragraph (1).".

SEC. 10. Section 111 of the Act (as redesignated by section 4(a)(1) of this Act) is amended by redesignating subsection (b) as subsection (c) and by striking out subsection (a) and inserting in lieu thereof the following:

"(a)(1) If the sums appropriated for any fiscal year pursuant to section 110(a)(2) for grants under section 107 are not sufficient to pay in full the total amount which approved applicants are eligible to receive under such section for such fiscal year—

"(A) the Secretary shall first allocate to each such applicant which received funds under section 107 for the preceding fiscal year an amount equal to the product of—

"(i) the per capita payment for the preceding fiscal year, multiplied by

"(ii) such applicant's Indian student count for the preceding fiscal year;

"(B) the Secretary shall next allocate to applicants who did not receive funds under such section for the preceding fiscal year an amount equal to the product of—

"(i) the per capita payment for the preceding fiscal year, multiplied by

"(ii) such applicant's Indian student count for the current fiscal year,

in the order in which such applicants have qualified for assistance in accordance with such section so that no amount shall be allocated to a later qualified applicant until each earlier qualified applicant is allocated an amount equal to such product; and

"(C) if additional funds remain after making the allocations required by subparagraphs (A) and (B) the Secretary shall allocate such funds by ratably increasing the amounts of the grant determined under such subparagraphs.

"(2) For purposes of paragraph (1) of this subsection, the term 'per capita payment' for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled community colleges under section 107 for such fiscal year by the sum of the Indian student counts of such colleges for such fiscal year. The Secretary shall, on the basis of the most satisfactory data available, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this title.

"(b)(1) If the sums appropriated for any fiscal year for grants under section 107 are not sufficient to pay in full the total amount of the grants determined pursuant to subsection (a)(1)(A) the amount which applicants described in such subsection are eligible to receive under section 107 for such fiscal year shall be ratably reduced.

"(2) If any additional funds become available for making payments under section 107 for any fiscal year to which subsection (a) or paragraph (1) of this subsection applies, such additional amounts shall be allocated by first increasing grants reduced under paragraph (1) of this subsection on the same basis as they were reduced and by then allocating the remainder in accordance with subsection (a). Sums appropriated in excess of the amount necessary to pay in full the total amounts for which applicants are eligible under section 107 shall be allocated by ratably increasing such total amounts.".

SEC. 11. Section 112 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"REPORT ON FACILITIES

"SEC. 112. (a) The Administrator of General Services shall provide for the conduct of a study of facilities available for use by tribally controlled community colleges. Such study shall consider the condition of currently existing Bureau of Indian Affairs facilities which are vacant or underutilized and shall consider available alternatives for renovation, alteration, repair, and reconstruction of such facilities (including renovation, alteration, repair, and reconstruction necessary to bring such facilities into compliance with local building codes). Such study shall also identify the need for new construction. A report on the results of such study shall be submitted to the Congress not later than September 30, 1985. Such report shall also include an identification of property—

"(1) on which structurally sound buildings suitable for use as educational facilities are located, and

"(2) which is available for use by tribally controlled community colleges under section 202(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(a)(2)) and under the Act of August 6, 1956 (70 Stat. 1057; 25 U.S.C. 443a).

"(b) The Administrator of General Services, in consultation with the Bureau of Indian Affairs, shall initiate a program to conduct necessary renovations, alterations, repairs, and reconstruction identified pursuant to subsection (a) of this section.

"(c) For the purposes of this section, the term 'reconstruction' has the meaning provided in the first sentence of subparagraph (B) of section 742(2) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(2)(B)).".

SEC. 12. Section 113 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"CONSTRUCTION OF NEW FACILITIES

"SEC. 113. (a) With respect to any tribally controlled community college for which the report of the Administrator of General Services under section 112(a) of this Act identifies a need for new construction, the Secretary shall, subject to appropriations and on the basis of an application submitted in accordance with such requirements as the Secretary may prescribe by regulation, provide grants for such construction in accordance with this section.

"(b) In order to be eligible for a grant under this section, a tribally controlled community college—

"(1) must be a current recipient of grants under section 105 or 107, and

"(2) must be accredited by a nationally recognized accrediting agency listed by the Secretary of Education pursuant to the last sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), except that such requirement may be waived if the Secretary determines that there is a reasonable expectation that such college will be fully accredited within eighteen months. In any case where such a waiver is granted, grants under this section shall be available only for planning and development of proposals for construction.

"(c)(1) Except as provided in paragraph (2), grants for construction under this section shall not exceed 80 per centum of the cost of such construction, except that no tribally controlled community college shall be required to expend more than $400,000 in fulfillment of the remaining 20 per centum. For the purpose of providing its required portion of the cost of such construction, a tribally controlled community college may use funds provided under the Act of November 2, 1921 (25 U.S.C. 13), popularly referred to as the Synder Act.

"(2) The Secretary may waive, in whole or in part, the requirements of paragraph (1) in the case of any tribally controlled community college which demonstrates that neither such college nor the tribal government with which it is affiliated have sufficient resources to comply with such requirements. The Secretary shall base a decision on whether to grant such a waiver solely on the basis of the following factors: (A) tribal population; (B) potential student population; (C) the rate of unemployment among tribal members; (D) tribal financial resources; and (E) other factors alleged by the college to have a bearing on the availability of resources for compliance with the requirements of paragraph (1) and which may include the educational attainment of tribal members.

"(d) If, within twenty years after completion of construction of a facility which has been constructed in whole or in part with a grant made available under this section—

"(1) the facility ceases to be used by the applicant in a public or nonprofit capacity as an academic facility, unless the Secretary determines that there is good cause for releasing the institution from this obligation, and

"(2) the tribe with which the applicant is affiliated fails to use the facility for a public purpose approved by the tribal government in furtherance of the general welfare of the community served by the tribal government, title to the facility shall vest in the United States and the applicant (or such tribe if such tribe is the successor in title to the facility) shall be entitled to recover from the United States an amount which bears the same ratio to the present value of the facility as the amount of the applicant's contribution (excluding any funds provided under the Act of November 2, 1921 (25 U.S.C. 13)) bore to the original cost of the facility. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is located.

"(e) No construction assisted with funds under this section shall be used for religious worship or a sectarian activity or for a school or department of divinity.

"(f) For the purposes of this section—

"(1) the term 'construction' includes reconstruction or renovation (as such terms are defined in the first sentence of subparagraph (B) of section 742(2) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(2)(B))); and

"(2) the term 'academic facilities' has the meaning provided such term under section 742(1) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(1)).".

SEC. 13. The Act is further amended by adding at the end thereof the following new title:

"TITLE III—TRIBALLY CONTROLLED COMMUNITY COLLEGE ENDOWMENT PROGRAM

"PURPOSE

"SEC. 301. It is the purpose of this title to provide grants for the encouragement of endowment funds for the operation and improvement of tribally controlled community colleges.

"ESTABLISHMENT OF PROGRAM; PROGRAM AGREEMENTS

"SEC. 302. (a) From the amount appropriated pursuant to section 306, the Secretary shall establish a program of making endowment grants to tribally controlled community colleges which are current recipients of assistance under section 107 of this Act or under section 3 of the Navajo Community College Act. No such college shall be ineligible for such a grant for a fiscal year by reason of the receipt of such a grant for a preceding fiscal year.

"(b) No grant for the establishment of an endowment fund by a tribally controlled community college shall be made unless such college enters into an agreement with the Secretary which—

"(1) provides for the establishment and maintenance of a trust fund at a federally insured banking or savings institution;

"(2) provides for the deposit in such trust fund of—

"(A) any Federal capital contributions made from funds appropriated under section 306;

"(B) a capital contribution by such college in an amount equal to the amount of each Federal capital contribution; and

"(C) any earnings of the funds so deposited;

"(3) provides that such funds will be deposited in such a manner as to insure the accumulation of interest thereon at a rate not less than that generally available for similar funds deposited at the same banking or savings institution for the same period or periods of time;

"(4) provides that, if at any time such college withdraws any capital contribution made by that college, an equal amount of Federal capital contribution shall be withdrawn and returned to the Secretary for reallocation to other colleges;

"(5) provides that no part of the net earnings of such trust fund will inure to the benefit of any private person; and

"(6) includes such other provisions as may be necessary to protect the financial interest of the United States and promote the purpose of this title and as are agreed to by the Secretary and the college, including a description of recordkeeping procedures for the expenditure of accumulated interest which will allow the Secretary to audit and monitor programs and activities conducted with such interest.

"USE OF FUNDS

"SEC. 303. Interest deposited, pursuant to section 302(b)(2)(C), in the trust fund of any tribally controlled community college may be periodically withdrawn and used, at the discretion of such college, to defray any expenses associated with the operation of such college, including expense of operations and maintenance, administration, academic and support personnel, community and student services programs, and technical assistance.

"COMPLIANCE WITH MATCHING REQUIREMENT

"SEC. 304. For the purpose of complying with the contribution requirement of section 302(b)(2)(B), a tribally controlled community college may use funds which are available from any private or tribal source.

"ALLOCATION OF FUNDS

"SEC. 305. (a) From the amount appropriated pursuant to section 306, the Secretary shall allocate to each tribally controlled community college which is eligible for an endowment grant under this title an amount for a Federal capital contribution equal to the amount which such college demonstrates has been placed within the control of, or irrevocably committed to the use of, the college and is available for deposit as a capital contribution of that college in accordance with section 302(b)(2)(B), except that the maximum amount which may be so allocated to any such college for any fiscal year shall not exceed $350,000.

"(b) If for any fiscal year the amount appropriated pursuant to section 306 is not sufficient to allocate to each tribally controlled community college an amount equal to the amount demonstrated by such college pursuant to subsection (a), then the amount of the allocation to each such college shall be ratably reduced.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 306. (a) There is authorized to be appropriated to carry out the provisions of this title $5,000,000 for each of the fiscal years 1985, 1986, and 1987.

"(b) Any funds appropriated pursuant to subsection (a) are authorized to remain available until expended.".

SEC. 14. In promulgating any regulations to implement the amendments made by this Act, the Secretary of the Interior shall consult with tribally controlled community colleges.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KOGOVSEK

Mr. KOGOVSEK. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. KOGOVSEK: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. The matter preceding title I of the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325) (hereafter in this Act referred to as the "Act") is amended—

(1) by striking out "DEFINITIONS" and inserting in lieu thereof the following:

"DEFINITIONS

"SEC. 2. (a) For purposes of this Act, the term—";

(2) by striking out "and is eligible to receive services from the Secretary of the Interior" in paragraph (1);

(3) by inserting before the semicolon at the end of paragraph (5) thereof the following: "and the reference to Secretary in clause (5)(A) of such section shall be deemed to refer to the Secretary of the Interior"; and

(4) by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally controlled community college, determined in a manner consistent with subsection (b) of this section on the basis of the quotient of the sum of the credit hours of all Indian students so enrolled, divided by twelve.

"(b) For the purpose of determining the Indian student count pursuant to paragraph (7) of subsection (a), such number shall be calculated on the basis of the registrations of Indian students as in effect at the conclusion of the third week of each academic term. Credits earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term. Indian students earning credits in any continuing education program of a tribally controlled community college shall be included in determining the sum of all credit hours. For such purposes, credits earned in a continuing education program shall be converted to a credit-hour basis in accordance with the tribally controlled community college's system for providing credit for participation in such program.".

SEC. 2. Section 101 of the Act is amended by inserting immediately before the period at the end thereof the following: ", and to allow for the repair and renovation of the physical resources of such institutions".

SEC. 3. (a) Section 102 of the Act is amended—

(1) by striking out "is authorized to" in subsection (a) and inserting in lieu thereof "shall, subject to appropriations,"; and

(2) by striking out "to defray the expense of activities related to education programs for Indian students" in subsection (b) and inserting in lieu thereof "to defray, at the determination of the tribally controlled community college, expenditures for academic, educational, and administrative purposes and for the operation and maintenance of the college".

(b) Section 106(a) of the Act is amended by inserting after the second sentence the following new sentence: "Such application shall include a description of recordkeeping procedures for the expenditure of funds received under this Act which will allow the Secretary to audit and monitor programs conducted with such funds.".

SEC. 4. (a) The Act is amended—

(1) by redesignating sections 104 through 114 as sections 105 through 115, respectively; and

(2) by inserting after section 103 the following new section:

"PLANNING GRANTS

"SEC. 104. (a) The Secretary shall establish a program in accordance with this section to make grants to tribes and tribal entities to conduct planning activities for the purpose of developing proposals for the establishment of tribally controlled community colleges, or to determine the need and potential for the establishment of such colleges.

"(b) The Secretary shall establish, by regulation, procedures for the submission and review of applications for grants under this section.

"(c) From the amount appropriated to carry out this title for any fiscal year (exclusive of sums appropriated for section 105), the Secretary shall reserve (and expend) an amount necessary to make grants to five applicants under this section of not more than $15,000 each, or an amount necessary to make grants in that

amount to each of the approved applicants, if less than five apply and are approved.".

(b) The Act is further amended—

(1) by striking out "section 106" in section 106 (as redesignated by subsection (a)(1)) and inserting in lieu thereof "section 107";

(2) by striking out "section 105" in section 107 (as so redesignated) and inserting in lieu thereof "section 106"; and

(3) by striking out "section 106(a)" in section 111 (as so redesignated) and inserting in lieu thereof "section 107(a)".

SEC. 5. Section 105 of the Act (as redesignated by section 4(a)(1)) is amended—

(1) by inserting "from a tribally controlled community college which is receiving funds under section 108" after "upon request" in the first sentence thereof; and

(2) by striking out "to tribally controlled community colleges" in such sentence.

SEC. 6. (a) Section 106 of the Act (as redesignating by section 4(a)(1) of this Act) is amended—

(1) by striking out "FEASIBILITY" in the heading of such section and inserting in lieu thereof "ELIGIBILITY";

(2) by striking out "feasibility" each place it appears in such section and inserting in lieu thereof "eligibility";

(3) by striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" in subsection (a) and inserting in lieu thereof "Secretary of Education";

(4) by inserting at the end of subsection (b) the following new sentence: "Such a positive determination shall be effective for the fiscal year succeeding the fiscal year in which such determination is made."; and

(5) by striking out "10 per centum" in subsection (c)(2) and inserting in lieu thereof "5 per centum".

(b) section 107 of the Act (as redesignation by section 4(a)(1) of this Act) is amended—

(1) by striking out "feasibility" in subsection (a) and inserting in lieu thereof "eligibility", and

(2) by striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" in subsection (b) and inserting in lieu thereof "Secretary of Education".

SEC. 7. Section 108(a) of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"SEC. 108. (a) Except as provided in section 111, the Secretary shall, subject to appropriations, grant for each academic year to each tribally controlled community college having an application approved by him an amount equal to the product of—

"(1) the Indian student count at such college during such academic year, as determined by the Secretary in accordance with section 2(a)(7) of this Act; and

"(2)(A) $4,000 for fiscal year 1983,

"(B) $4,000 for fiscal year 1984,

"(C) $5,025 for fiscal year 1985,

"(D) $5,415 for fiscal year 1986, and

"(E) $5,820 for fiscal year 1987,

except that no grant shall exceed the total cost of the education program provided by such college.".

SEC. 8. Section 109 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by inserting "(a)" immediately after the section designation; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) The amount of any grant for which tribally controlled community colleges are eligible under section 108 shall not be altered because of funds allocated to any such colleges from funds appropriated under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13).

"(2) No tribally controlled community college shall be denied funds appropriated under such Act of November 2, 1921, because of the funds it receives under this Act.

"(c) For the purposes of section 312(a)(2)(A)(i) and 322(a)(2)(A)(i) of the Higher Education Act of 1965, any Indian student who receives a student assistance grant from the Bureau of Indian Affairs for postsecondary education shall be deemed to have received such assistance under subpart 1 of part A of title IV of such Act.".

SEC. 9. Section 110 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"APPROPRIATION AUTHORIZATION

"SEC. 110. (a)(1) There is authorized to be appropriated, for carrying out section 105, $3,200,000 for each of the fiscal years 1985, 1986, and 1987.

"(2) There is authorized to be appropriated for carrying out section 107, $30,000,000 for each of such fiscal years.

"(3) There are authorized to be appropriated such sums as may be necessary to carry out section 112(b) for each such fiscal years.

"(b)(1) For the purpose of affording adequate notice of funding available under this Act, amounts appropriated in an appropriation Act for any fiscal year to carry out this Act shall become available for obligation on July 1 of that fiscal year and shall remain available until September 30 of the succeeding fiscal year.

"(2) In order to effect a transition to the forward funding method of timing appropriation action described in paragraph (1), there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations to carry out this Act, the first of which shall not be subject to paragraph (1).".

SEC. 10. Section 111 of the Act (as redesignated by section 4(a)(1) of this Act) is amended by redesignating subsection (b) as subsection (c) and by striking out subsection (a) and inserting in lieu thereof the following:

"SEC. 111. (a)(1) If the sums appropriated for any fiscal year pursuant to section 110(a)(2) for grants under section 107 are not sufficient to pay in full the total amount which approved applicants are eligible to receive under such section for such fiscal year—

"(A) the Secretary shall first allocate to each such applicant which received funds under section 107 for the preceding fiscal year an amount equal to the product of (i) the per capita payment for the preceding fiscal year, and (ii) such applicant's Indian student count for the current fiscal year;

"(B) the Secretary shall next allocate an amount equal to the product described in subparagraph (A) to applicants who did not receive funds under such section for the preceding fiscal year, in the order in which such applicants have qualified for assistance in accordance with such section, and no amount shall be allocated to a later qualified applicant until each earlier qualified applicant is allocated an amount equal to such product; and

"(C) if additional funds remain after making the allocations required by subparagraphs (A) and (B) the Secretary shall allocate such funds by ratably increasing the amounts of the grant determined under such subparagraphs.

"(2) For purposes of paragraph (1) of this subsection, the term 'per capita payment' for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled community colleges under section 107 for such fiscal year by the sum of the Indian student counts of such colleges for such fiscal year. The Secretary shall, on the basis of the most satisfactory data available, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this title.

"(b)(1) If the sums appropriated for any fiscal year for grants under section 107 are not sufficient to pay in full the total amount of the grants determined pursuant to subsection (a)(1)(A), the amount which applicants described in such subsection are eligible to receive under section 107 for such fiscal year shall be ratably reduced.

"(2) If any additional funds become available for making payments under section 107 for any fiscal year to which subsection (a) or paragraph (1) of this subsection applies, such additional amounts shall be allocated by first increasing grants reduced under paragraph (1) of this subsection on the same basis as they were reduced and by then allocating the remainder in accordance with subsection (a). Sums appropriate in excess of the amount necessary to pay in full the total amounts for which applicants are eligible under section 107 shall be allocated by ratably increasing such total amounts.

"(3) References in this subsection and subsection (a) to section 107 shall, with respect to fiscal year 1982, be deemed to refer to section 106 as in effect at the beginning of such fiscal year.".

SEC. 11. Section 112 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"REPORT ON FACILITIES

"SEC. 112. (a) The Administrator of General Services shall provide for the conduct of a study of facilities available for use by tribally controlled community colleges. Such study shall consider the condition of currently existing Bureau of Indian Affairs facilities which are vacant or underutilized and shall consider available alternatives for renovation, alteration, repair, and reconstruction of such facilities (including renovation, alteration, repair, and reconstruction necessary to bring such facilities into compliance with local building codes). Such study shall also identify the need for new construction. A report on the results of such study shall be submitted to the Congress not later than September 30, 1984. Such report shall also include an identification of property (1) on which structurally sound buildings suitable for use as educational facilities are located, and (2) which is available for use by tribally controlled community colleges under section 202(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(a)(2)) and under the Act of August 6, 1956 (70 Stat. 1057; 25 U.S.C. 443a).

"(b) The Administrator of General Services, in consultation with the Bureau of Indian Affairs, shall intitate a program to conduct necessary renovations, alterations, repairs, and reconstruction identified pursuant to subsection (a) of this section.

"(c) For the purposes of this section, the term 'reconstruction' has the meaning provided in the first sentence of subparagraph (B) of section 742(2) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(2)(B)).".

SEC. 12. Section 113 of the Act (as redesignated by section 4(a)(1) of this Act) is repealed.

SEC. 13. Section 5(a)(1) of the Navajo Community College Act is amended by striking out "October 1, 1979" and inserting in lieu thereof "October 1, 1984".

SEC. 14. In promulgating any regulations to implement the amendments made by this Act, the Secretary of the Interior shall consult with tribally controlled community colleges.

Mr. KOGOVSEK (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER pro tempore. Does the gentleman wish to debate the amendment?

Mr. KOGOVSEK. Mr. Speaker, I do not. At this time I have no further request for time and I ask that the amendment be agreed to.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Colorado (Mr. KOGOVSEK).

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KOGOVSEK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

HOPE EXPRESSED THAT JUDGE CLARK WILL BE SENSITIVE TO TERRITORIES

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, there has been some criticism of the qualification of William Clark to be Secretary of the Interior because the National Security Adviser has no apparent background in natural resource management issues.

This is not a criticism that carries much weight with my constituents. We are used to new Secretaries lacking background in another of Interior's leading responsibilities, issues affecting the U.S. territories.

Background we think is not the issue. Sensitivity is.

I am hopeful that in terms of sensitivity to the territories Judge Clark will prove to be qualified. Territories serve as this Nation's border in the Caribbean and the Pacific regions critical to the U.S. national security. Judge Clark's background should make him sensitive to the role that this imposes on the territories in promoting U.S. interests, and this sensitivity should make him an advocate of policies to strengthen territorial economies and definitely territorial infrastructure. They are critical to the territories serving effectively in our national security role and with the tragic events taking place in Grenada and the Caribbean these days I think this is more important than ever.

I yield back the balance of my time.

PERSONAL EXPLANATION

Mr. WEISS. Mr. Speaker, I missed three recorded votes on Tuesday, October 18. Had I been present I would have voted "no" on rollcall Nos. 391, 392, and 393, and I ask unanimous consent that my statement to that effect appear following rollcall No. 393.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

UNCHECKED MEGA DEFICITS ARE A THREAT TO AMERICA'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, last week in a breakfast meeting with the officers of the New York Stock Exchange, I noted a growing consensus in the American business and financial communities that the unchecked mega deficits of the 1980's are a serious threat to our economic future. And I urged President Reagan to proclaim a national deficit emergency and join with congressional leaders to stem the tide before we—and the Nation's economy—are overwhelmed by it.

Today—on the 10th anniversary of the 1973 Arab oil embargo which occasioned a dramatic, and continuing revolution in the world economy—I renew that challenge. It transcends issues of partisanship—for there are Members of both parties in both Houses of Congress who are determined to undertake the serious task of budget reconciliation while there is still time to offset the alarming growth in deficits.

And it transcends also the electoral politics of 1984, for, as Martin A. Feldstein, Chairman of the President's Council of Economic Advisers has warned, and as I and many others—in and out of Government—concur, "It would be a great pity and a rather dangerous course to wait until 1985 to enact legislation dealing with the deficit."

By an irony that is almost tragic, the administration has—according to several recent press reports—been attempting to stifle Feldstein's expressions of concern, all the while it has been giving free rein to the insulting malapropisms of James Watt and other administration spokesmen. Reluctantly—and under intense bipartisan pressure—Mr. Reagan has said goodbye to Watt, but his spirit lingers on the administration's indifference, bordering on contempt, for public opinion on questions of vital importance today.

I alluded to one example of that in the House this week, in what I called the "Tale of Two Headlines." It is worth noting again here. On page A2 of Sunday's Washington Post, we read this headline, "Representatives Find That Deficits Dominate Talk Back Home." And, on page A2 of Monday's Washington Post, we read another headline, as if to answer the first, "Reagan Aims to Divert Voters' Attention From Budget Deficits."

When I saw those headlines, Mr. Speaker, I remembered what Joe Louis said about one of his opponents, "He can run, but he can't hide." Mr. Reagan's ostrich-like complacency would be laughable were it not for the fact that, so long as he refuses to act on the deficit or even to acknowledge the problem, this entire Nation is trapped in his game of make-believe and must share in the consequences of it. But it is important for us to face reality and to remember those events of 10 years ago which began the modern Western World's continuing energy crisis. On October 17, 1983, the Organization of Petroleum Exporting Countries (OPEC) announced the first of a series of dramatic price increases, and on October 20, 1973—10 years ago today—the Arab oil-producing nations proclaimed an oil embargo whose effects on ourselves and other Western industrial nations quickly became devastating.

Former Energy Secretary James R. Schlesinger summarized the effects at an energy symposium in Stockholm earlier this year:

> Economic growth has faltered in the industrial countries, unemployment has risen substantially and difficulties have been experienced in controlling inflation. In the underdeveloped countries, hopes for growth and rising living standards have been blighted. In all countries, social problems have grown.

Mr. Speaker, this is the backdrop against which the President has chosen to play out the charade of Reaganomics—with well-known ill effects both at home and abroad. We are familiar, of course, with the discontent expressed by other Western governments at the recent Williamsburg Economic Summit and with their general

dissatisfaction with President Reagan's economic course. Robert G. Kaiser, associate editor of the Washington Post, recently pointed out some of the basis for it.

"Since Reagan took office, Americans' savings have been too low to finance huge and growing Federal deficits," Kaiser noted. "Foreign capital has made up a large part of the difference." David Hale of Kemper Financial Services in Chicago has raised the possibility that foreign investors might begin a "capital strike" next spring if they lose confidence in Reagan or the American recovery.

Hale says, "This could happen, if foreigners begin to realize that the Reagan recovery is actually a Keynesian phenomenom, based on huge budget deficits. * * *" And Kaiser continues, "As a matter of fact, none of Reagan's economic predictions from the 1980 campaign came true. His tax cuts did not produce a boom in private savings and business investment, as he promised, but rather led to declines in both categories. Instead of the balanced budget he promised for 1983, we have an unprecedented deficit. A caustic critic of Keynesian economics, Reagan has become its premier practitioner. * * *"

I would note parenthetically, Mr. Speaker, that previous versions of Keynesian economics concentrated on priming the economic pump through social programs that benefited the majority of Americans. Mr. Reagan has run up his huge deficits—$200 billion for the fiscal year that just ended and a projected $288 billion as far down the road as fiscal 1983 under present economic policies—by ruthlessly pruning social programs while simultaneously embarking on a runaway spending program for defense. And, despite misgivings from the Office of Management and Budget itself, the administration announced yesterday a planned 17.7-percent increase in the military budget for next year.

Clearly, Mr. Reagan has trouble with simple arithmetic. Just last night, he tried to explain away the deficit as the consequence of only two factors—the recession, which, of course, he refused to admit responsibility for, despite growing evidence that his economic policies caused it—and a "structural" component "built in because of Government spending." He did not mention that Democrats in Congress are attempting to hold the lid on spending while he is attempting to expand it, and he was silent altogether on the effects of his ill-considered tax giveaway of 1981—which, for the years 1983-86, will have cost the Federal treasury no less than $476 billion in lost revenues.

Mr. Speaker, the President has clearly been gambling with our Nation's economic security. He has constructed an economic "house of cards," which the slightest ill wind could scatter. And the energy crisis might well become the source of such a wind.

Commenting on the oil crisis in a recent 10-part series on the subject, the New York Times warned, "The danger persists that either political shocks, such as war in the Middle East, or economic shocks, such as a sharp runup in interest rates, could break the world's financial structure." The possibility of a "sharp runup in interest rates" is, of course, the very threat that Martin Feldstein, that voice in the wilderness of Reaganomics, has pinpointed in his commentary on the continuing high deficits in the United States.

One result of the oil crisis, as the Times noted, was "a vast recycling operation * * * to keep the global economy afloat." As the oil-producing nations fattened on escalating profits, they "invested their surplus funds in New York, London, Frankfurt, and other financial centers."

These are the very funds, of course, that Robert Kaiser of the Post and David Hale of Kemper Financial Services warn could be withdrawn if President Reagan's economic policies continue to inspire international distrust. That would be one end of an imminent capital shortfall, the other end of which is directly related to banking policies encouraged by Mr. Reagan, which I would characterize as being based on 10 percent economics, and 90 percent greed.

If the high interest rates which Reaganomics inspires have been a burden on the ordinary American and a drag on production, they at first seemed to be a bonanza to significant segments of the Nation's banking community. Even though domestic capital continued to dwindle, the sheiks had their money in, and these accumulating capital reserves, coupled with high lending rates, became an incentive for the large banks to overengage in loans to countries in the developing world.

All this happened in the atmosphere of selfish, get-rich-quick schemes which Mr. Reagan's shortsighted policies of favoritism to the wealthy encouraged. But the banks now are somewhat ruefully beginning to admit their error. The recession which so many foreign nations—creditors and debtors alike—blame on Reaganomics ensued, and, as we all know, the profligate loans to developing nations are now in serious danger of default.

One consequence of this has been to necessitate emergency bailout money for the International Monetary Fund, a fact which itself adds to the deficit. And our Nation's capital reserves are now endangered in three ways: First, by the prospective default; second, by the continuing slowdown in domestic savings and business investments; and third, by the possible withdrawal of foreign capital, which in large part has been the artificial fuel that such recovery as exists has depended on.

Bad enough? It gets worse. Oil-producing independents like Mexico have reacted to their indebtedness by greatly stepping up production, trying to sell off as much of it as they can to compensate. In the short run, this Mexican production contributes to the illusion of an oil "glut"—though at the potential cost of overstraining the Mexican economy. In the long run, it encourages a relapse in the United States, from conservation back to over-indulgence on foreign oil imports.

In fact, this relapse is well under way. At the height of the glut talk earlier this year, American imports of foreign oil were down to a low of 2.8 million barrels a day. Mr. Reagan's tenuously based "recovery" has resulted in imports soaring back up to 5.3 million barrels daily.

We may, in fact, already have lost the habit of conservation that was so recently hard earned through bitter experience. During the administration of President Carter, this Nation adopted prudent policies of oil consumption. These policies were among the first casualties of Mr. Reagan's indifference to the problem of energy. With respect to the energy crisis, as in so much else, Mr. Reagan continues to operate as if there were no tomorrow.

Mr. Speaker, the oil crisis is an overlooked time bomb. At the time of the first oil shocks of 1973—10 years ago this week—our economy and those of our trading partners were thriving but still were brought almost to their knees by oil dependence. How much worse would be a renewal of the crisis today, when our economy staggers under the weight of a $200 billion deficit and our allies and trading partners are still showing the strains of the first crisis?

Without an energy policy to speak of, and without action on reducing the deficit, the United States is increasingly defenseless to the oil weapon. Even at their present, somewhat subdued level, oil prices are still roughly 10 times what they were in October 1973. And, with a $200 billion deficit, with productivity and investments still low, and with unemployment still high, we have few reserves to withstand a new emergency. Mr. Reagan has simply cut us no slack.

Mr. Speaker, today I have concentrated on only one aspect of the complex difficulties created by Mr. Reagan's mega deficits. There are other dangers—a rapidly growing trade deficit, an overvalued dollar, inflationary potential, and epidemic unemployment, to name a few.

But on this anniversary of the 1973 oil embargo, it is especially necessary for us to reflect on the dormant but still-smoldering energy crisis. We are much more vulnerable now than we

were 10 years ago. We can take measures to protect ourselves against the threat of new oil shocks, but we must act now, and that means cooperation by the President with Congress in reducing the deficit.

Just over a year from now—in November 1984—there will be lines stretching around polling places as Americans exercise the right to vote. Let us take steps now to insure that other lines at unemployment offices do not lengthen and that no new lines have to form at filling stations across this land. We have been through that experience once, and once is enough.

□ 1810

Does the gentleman from California seek recognition?

Mr. LUNGREN. I do.

Mr. Speaker, I thank the gentleman for yielding.

I waited with baited breath to find out what other problems that the gentleman was going to blame on the Reagan tax cut. I did find that the gentleman left out teenage acne. I suppose we will hear about that in the next one.

Mr. ALEXANDER. Well, I only had an hour and I thought I would deal with the oil crisis first.

Mr. LUNGREN. I understand that.

Mr. ALEXANDER. Since that is a timely and relevant subject it is timely inasmuch as today is the 10th anniversary of the Arab oil embargo and it is relevant in that the increased price of energy in our economy, of course, has lowered the standard of living of all Americans.

But if the gentleman would like to make a serious observation I would be glad to yield again to him in whatever attempt he might wish to make as to that subject.

Mr. LUNGREN. I would be happy to try.

My question was this: The gentleman has attacked the Reagan tax cuts as being inappropriate, has even drawn some connection between the Reagan tax cuts and the energy situation. I just wonder if the gentleman is thereby criticizing all Members of this House, including members of his party, some Presidential candidates as well, who actually went on the line and have a voting record in support of those very same tax cuts that the gentleman suggests are at the root of our problems?

Mr. ALEXANDER. Well, I did not support the President's economic and tax policies.

Mr. LUNGREN. I understand that.

Mr. ALEXANDER. And I am here today to reaffirm my opposition to Reaganomics, but we are not here before the total assemblage of the House and I am not here to criticize other Members at this particular time, though I reserve that option should an occasion arise in the future which might lend itself to a more appropriate discussion.

□ 1820

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I will yield briefly to the gentleman. I understand that the Massachusetts delegation is here to take a special order to eulogize our departed and fallen brother Jimmie Burke and I would not want to delay them inordinately, but I will yield.

Mr. LUNGREN. I thank the gentleman for yielding.

Let me just ask the gentleman this. The gentleman has mentioned that we have deficits that he lays at the feet of the President of the United States. I guess the gentleman would certainly recognize that we have some institutional obligation to deal with the spending in the Federal Government.

And in that line I would wonder in an effort to eliminate the deficits the gentleman finds so difficult, whether he would support the line item veto power being given the President of the United States, as suggested by the Secretary of the Treasury, so that he might have a tool to utilize in carefully excising some excessive expenditures on the part of the Federal Government?

Mr. ALEXANDER. I would never, as a Member of Congress consciously delegate the authority and responsibility vested in me as a Member of this body to uphold the Constitution and to transfer my obligation to be exercised by the President of the United States.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. I yield briefly to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

I just have one question. That was a very eloquent speech and I am sure the gentleman is for fiscal responsibility as the gentleman said in his talk.

I have one question for the gentleman and other members of the majority which they can answer later, but I would like the gentleman to answer right now.

Will the gentleman support a constitutional amendment to balance the Federal budget?

Mr. ALEXANDER. In fact I did offer a constitutional amendment to balance the budget last year, wherein it called upon the President of the United States to submit to the Congress a balanced budget. And I would call upon the President of the United States again to do so.

I think that is entirely appropriate for the President.

And I have often wondered why Ronald Reagan, the disciple of the balanced budget, has never seen fit to offer one to the Congress of the United States.

Mr. Speaker, I do not yield further. The delegation from Massachusetts is waiting.

Mr. Speaker, I yield back the balance of my time.

OUR PRESENT CRISIS IN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HILER) is recognized for 60 minutes.

Mr. HILER. Mr. Speaker, I would like to take a few minutes this evening to share the results of several town meetings that I held in my district during the August recess to address our present crisis in education.

I would also like to take this opportunity to applaud the efforts of the various commissions and task forces who have undertaken studies of our educational systems and its problems in recent months.

I believe that the release of the report of the National Commission on Excellence in Education initiated the current national debate, and I thank the Commission for bringing this vital issue to the forefront.

The findings and recommendations were timely. I am hopeful that a number of the suggested reforms will be implemented into law.

I received a concerned and encouraging response regarding the issue of education from the Hoosiers of the Third District of Indiana. The underlying thrust of their remarks was that there was no one cause for the present dilemma in education. Indeed, each person as a parent, teacher, administrator, student, or citizen bears some responsibility for a worsening situation.

The National Commission's report characterized our country as "A Nation At Risk." Competing nations are challenging our once unquestioned preeminence in commerce, industry, science, and technology. Our Nation's education system is the bedrock upon which a successful free society and economy are built. To lose our leadership role is to lay open our economy to the competition we face abroad. But possibly more important than the interrelationship between quality education and the quality economy is the interrelationship between quality education and the quality of life.

If our Nation's young people and future generations of Americans are to participate fully in a rapidly changing society, they will have to do so with the foundation of a quality education. Whether or not our educational system has performed well in the past is not the question. The question is, and should be, what must our educational system look like in the future to be successful.

Mediocrity is a word that was used by the National Commission on Excel-

lence in Education to describe what we find in our educational system today. Mediocrity cannot be acceptable in the future.

Over 400 people attended the six town meetings I held during August, representing teachers, students, parents, administrators, school board members, and concerned citizens.

All were deeply concerned with our educational system today and most had concrete suggestions and observations.

A number of problems were cited with parents, teachers, students, administrators, and government, all responsible in some way for our present situation. Many teachers asserted that children are not disciplined and have not been taught to accept responsibility for their schooling. Parents often expect teachers to fill a parental role in addition to their traditional educational responsibility. Teachers also cited large classroom size and varied needs of students as problems which affected their performance expectations from students.

The scattered responsibilities of teaching often resulted in a loss of direction and focus on basic educational goals. Teachers were blamed for lower expectations of students and for automatically passing students from grade to grade regardless of performance. Gradeflation was cited as another problem that was eliminating competition and challenge from the classroom. Parents were concerned with recent findings which indicated a decline in qualified teachers and a decrease in the number of teachers who continue their education during their careers.

I heard a number of worthy recommendations which I would like to share with my colleagues:

Many Hoosiers expressed the need for schools to return to the basics, to become more focused in their curriculum choices and to provide more substantial work for students. Expectations must be higher and gradeflation and the automatic graduation of students from grade to grade must be eliminated. Parents must play a far greater role in their children's education and must teach responsibility and discipline in the home.

Teachers should not be expected to act as parents in addition to being educators. The focus of their job should be basic education, not administrative matters or a varied number of subject areas. Teachers should be provided with incentives to pursue further educational opportunities and to teach in subject areas where there are shortages such as math and science. Salaries should be increased, though there was disagreement over the way it should be implemented. Merit pay was discussed, as well as special tax treatment for teachers and an overall salary increase.

While an increase in funding for education was a recommendation, the overwhelming response was that it was not the answer. While increased salaries for teachers would help attract better qualified teachers and keep them in the profession, it would not solve the lack of commitment by students and parents displayed in our Nation's schools today.

I might also say that Hoosiers were quite mixed as to what they expected to be done by the Federal Government. Many Hoosiers expressed a need for increased Federal funding. Many were very concerned that with increased Federal funding would come increased regulation and increased control. And I would say that overwhelmingly most of the participants in my town meetings were quite adverse to any increased Federal Government control or any Federal Government regulation.

Mr. Speaker, I would like to read some comments that were given verbatim at the town meetings and some comments from letters that I have received as a result of the town meetings.

One woman wrote in saying, "To JOHN HILER regarding the educational situation. Problems are political, economic, and social." She goes on to say that "Until education becomes a privilege and an honor, until education becomes a source of pride and accomplishment, instead of a requirement, our public education will not be any stronger than the weakest links in our social fabric."

□ 1830

Another wrote: "One of the weakest links in the chain of educational machinery is poor textbooks."

He goes on to say: "The two greatest obstructions to the achievement of quality education in the United States are unionism and bureaucracy. The adversary relationships between teachers and administrators fostered by these two phenomena are counterproductive."

A third writes in: "We must be careful in order that we do not adopt simplistic solutions to what is a very complex problem, that of improving the educational systems in our Nation. It would be better if we would talk in terms of many solutions to a many-faceted problem. If there is one overall problem that stands above all others, it might be the fact that education in our society in general is not given the priority it ought to be given."

That same individual goes on to say: "I would like to see the Federal Government's role centered more in the area of activities that will give education a major priority in our minds across the country without much, if any, control."

Another woman writes in: "I do not feel teachers in general are incompetent. Rather, the general level of competency has not kept up with the explosion of knowledge in all areas in the past few years."

Another writes in: "Teachers do not get support from the administration with discipline problems in the classrooms. There is always time wasted every day disciplining students that do not know how to act normal. Too many parents do not care, so there is no support from them."

In media accounts of the town meetings there were also a great variety of comments. One, quoting a superintendent of schools, said: "The Federal Government must place a higher priority on education. Teachers are paid less than postmen," he said, "and teachers must be paid enough to keep them in the profession to assure that our children will be educated."

An editorial said: "Teachers have taken much of the rap for the Nation's diminishing educational attainment, and that may be justified to some extent; but it also appears teachers may be the people most interested in correcting the problem."

The editorial goes on to say: "The best teacher in the world is handicapped without the support of parents."

And, finally: "If we want a quality product, we are going to have to pay for it."

Another news account: "They also agreed that motivation for better education must start in the student's home. An increase in curriculum requirements would also help to upgrade education in the schools."

Another account: "Other audience concerns included perceived lack of Federal leadership, teacher effectiveness, discipline, funding and parental involvement in education."

Another account: "The crowd seemed to agree that national leadership is needed on educational issues."

And yet another account: "Many people felt that the Federal role should be a funding role, including Federal grants for merit pay. The Government should set up standards based on merit and make us scramble," one teacher said. "Others deemed merit pay as frightening, noting the evaluations could be subjective and the teachers who do not deserve it could get rewarded. Aside from salaries, other forms of teacher motivation were discussed."

And I quote: "The best teachers are leaving the profession because of poor pay, less respect, and less job satisfaction."

Another account: A school superintendent "added that further Federal guidelines or regulations would mean more administrative time would be used up handling them and less time would be spent dealing with the educational process."

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"In every program in which the Federal Government is involved," the superintendent said, "there are strings attached which cause more paperwork and increase costs. He suggested that the Federal Government keep a low profile and allow the local governments to handle the specific problems."

And yet another account: "Responsibility, parental participation, and grade advancement are issues that have to be addressed in the American educational system."

An elementary teacher for more than 20 years said: "Having children take responsiblity for learning for themselves is the key. Parents, society, and schools are all to blame," she added.

That account goes on to say that getting parents interested in their child's education was a major obstacle.

One person said that there was not enough carryover from the schools into the community. "We need to get the school into the community and the community into the school," that person said.

Many parents expressed concern that many students are being pushed through the system, even though they lack the skills necessary for the next grade level.

And one teacher said that he felt that teachers today are in a rut.

Clearly, if the educational system today is to get over the perception of mediocrity and to achieve the degree of excellence that is going to be necessary for our students today and future generations to meet the expectations that will be placed upon them as our society transforms over the next 10 to 15 years, we as a society must renew our commitment to education.

The problems in education were not born overnight, nor does the responsibility for them belong to one group or one segment of our population. Society as a whole must be willing to give greater priority to education today if we are going to succeed.

We face tremendous competition from abroad. We face tremendous competition at home. If we are to allow the future generations of Americans to be able to meet that competition, we must give them the foundation of a sound education.

I would like to close this particular special order this evening with a number of quotes from people who came to these town meetings, because I feel they say it so much better than I ever will.

A college junior said: "The teachers must set students to start thinking for themselves and liking to learn. To think for yourself is the best education you can have."

One Michigan city senior citizen said: "If students felt that school was teaching them things they would need to know in their future, they might be more willing to put forth an effort."

And yet another teacher said: "Education has become a victim of economics and politics, and we are wasting a great deal of time and money trying to prove it is not so."

One taxpayer said: "I am also saddened by the inability of our schools to accomplish their goal of good education. Could possibly the American dream of free enterprise be used here? Private schools are excelling, but the public is not given tax credits."

A college professor said: "Parents frequently do not give education the highest priority. This is demonstrated when they take their children out of school for various unimportant reasons, regardless of what they are missing from not having been in school, or when they are more interested in having the school serve as their babysitter rather than the teacher of their children."

Finally, another teacher said: "The best teachers are leaving the profession because of poor pay, less respect, and less job satisfaction."

I think it can be seen from the verbatim accounts of people who attended these meetings, from the letters that were written, and from the news accounts, that a wide spectrum of American people recognize that there is no one answer and there is no one problem. Only through a concerted effort by all people concerned can we restore excellence in education and return the opportunity to many, many Americans, many, many students today, their chance to be full and qualified members of our society.

● Mr. WEBER. Mr. Speaker, even before the President's Commission on Excellence published its report detailing the critical state of our Nation's education system, concern was widespread that the quality of our education had declined. This concern was compounded with the publication of the Commission's report. The commitment to get the Nation's system back on its course of excellence is a top national priority.

The Congress has spent a good deal of time studying and considering the problems in education and their possible solutions. But education is primarily a matter delegated to local and State control. That is why it is crucial that we get back to the people, and talk to them about their concerns and ideas.

This summer I had the opportunity to hold five special town meetings devoted solely to the issue of education. The response to these meetings was impressive, and the interest at the local level acute. While not everyone agreed on the problems—or the solutions—facing American education today, the meetings were valuable because they got people thinking, and talking, about where we go from here. America's public schools have long been the envy of the world. Now that we face some problems it was good to see so many of my constituents genuinely concerned about solving those problems.

I readily admit that before my series of meetings my only concern was with limiting the Federal role in education. The town meetings opened my eyes. Having a chance to talk with teachers, administrators, students and parents who attended my meetings, I felt that a real dialog had been started as to what it will take to solve the problems we face. The answer may be more money, either local or Federal, or both. It may be a total restructuring of the system as we know it today. No single problem nor single solution was identified. But at least we are talking, and the thoughts and suggestions that have come out of these meetings are important.

The input of the folks back home must play a vital role in our efforts to restore our education to its position as a world leader. I would urge each of my colleagues to give their constituents the opportunity to take part in the process of rebuilding and revitalizing America's education system. The enthusiasm and desire to help will not disappoint you. The experience is invaluable to any of us who is truly concerned about the future of this country and its youth.●

● Mrs. VUCANOVICH. Mr. Speaker, education is perhaps the most valuable service our Government provides for its people. We, in this country and especially in Nevada, have historically treated education as a serious and important matter. That is why our schools have, for decades, performed their function as well as any schools in the world.

But, today, our system of education is said to be in need of improvement. That is what Nevadans told me in August when I held eight townhall meetings to discuss our schools, and what we might do to improve them. What I found is that Nevadans are proud of the fine quality education we are able to provide for our children. And that the desire to make that system even better is strong and commonly held by our people.

At the request of my constituents, I prepared a report outlining their concerns and recommending some changes which I felt would further education excellence in Nevada. The report addresses a critical question: Are we doing all we can to educate our children? From the comments I received during my townhall meetings, I have come to the conclusion that there is more we, as community members and Members of Congress, can do to further improve our schools, and prepare our States to aggressively enter the more competitive education-

al marketplace that will characterize the coming years.

By issuing this report, I do not seek to duplicate the findings of numerous other education studies released in recent months. Rather, my efforts are directed toward the recommendation of specific, cost-effective programs which can be implemented to address the single most important * * * and most basic * * * need of our schools: Community involvement.

That is what my report talks about. It is a serious set of recommendations, based on the serious comments and concerns of Nevada's people. It is neither a beginning, nor an end * * * just a direction to move in. I submit a copy of this report for the RECORD.

A PRACTICAL GUIDE TO IMPROVED EDUCATION . . .

In essence, this report should be viewed as a practical guide to improvement of our Nevada educational system by available, and cost effective means. Previous reports have given a great deal of attention to analysis of the current performance of our schools. Those reports have used statistical comparisons, objective, and subjective judgements to support conclusions regarding curriculums, length of school days and year, and a number of other areas.

There is no need to dedicate another education report to these same conclusions. What has been missing in past reports have been the inclusion of specific recommendations as to how tensions now existing between schools and communities might be eased, and how performance of our local schools might be improved through use of available resources. That is what this report attempts to do.

Below, you will find a report of the real concerns, and the ideas of Nevada's people as to what they think they can do now, without outside help, to assist their schools. The recommendations and conclusions included are supported by the testimony of many Nevadans who have come out to talk about their children, their schools, and our future as a state and nation.

THE CONCERNS OF NEVADA'S PEOPLE . . .

Teachers.—Nevada's teachers indicate a number of areas where they believe problems exist, and where solutions not requiring large expenditures of tax dollars can be found.

In numerous town meetings, teachers expressed reservations about the commitment of community members toward the operation of a quality local educational system. Teachers say the job of educating young people is especially complicated by lack of parent involvement in a number of important areas including study habit development, career orientation, behavior habits, and general discipline of students.

Many of Nevada's teachers correctly point out that, in the face of this lack of parent involvement in the schools, the job of the teacher has been expanded to include part of the task of raising the child. This problem has come about only in recent years and is aggravated by the fact that so many families now rely on two wage earners, thus reducing the amount of time available for parents to spend with children.

Teachers further point out that classroom discipline has become more and more difficult in recent years due to an increasing level of federal involvement via the nation's courts. In recent years, numerous court decisions have been handed down, dictating how a teacher or administrator may deal with disruptive students. Because of this, teachers are in many cases uncertain as to what they legally may, or may not do to maintain control in the classroom.

At this time, we should note that discussions of teacher salaries was clearly not a front-line concern of many educators attending these meetings. While pay is a recognized and legitimate concern for educators, many teachers came, instead, prepared and anxious to discuss problems within the educational system and ways the community and school might work to improve quality.

But the problem of low teacher pay is deserving of greater public attention. As many teachers indicate, the low wage scale under which educators must function causes many quality professionals to leave the field. In addition, the financial pressures brought on by low pay force many of the best classroom teachers to seek higher paying positions in school administration and elsewhere. Not only does this cause problems for teacher retention, but it also takes emphasis away from teaching excellence, and redirects it toward development of non-teaching skills.

To summarize, the most frequently mentioned, and commonly agreed to concerns expressed by teachers were: lack of community and parent involvement in the schools, lack of discipline on the part of parents, restrictions on the ability of a teacher to effectively discipline students, and pay scales that do not attract or retain top educators.

Parents—In participating in these education discussions, parents delivered one clear and urgent message: they are not satisfied with the quality of education they believe the public schools are providing for their children. Many parents stated they had considered home schooling for their younger children; and at each meeting held, at least one parent who actually had opted for home schooling was present.

Parents almost universally complain that coursework has become too general in nature, and does not provide an adequate challenge for many students. They believe the schools do not provide strict enough discipline of students, and that emphasis on needed core sujects is either weak or totally lacking.

However, parents did express agreement with teachers' contentions that pay is too low. Where differences occur is in the attitude toward merit pay. While teachers express reluctance to move to a merit pay system, parents strongly endorse the proposal, especially where it is used as an alternative to tenure.

School funding is also an area of concern for parents. In general, most parents say they favor making the necessary expenditures to raise the quality of education provided for their children. Parents do express reservations, however, as to whether additional funds are needed. Rather, they suggest that funding is adequate at current levels, if expenditures are controlled, and emphasis is given to basic educational programs as opposed to expensive and unneeded extra-curricular activities.

In addition, Nevada's parents indicated a strong preference for state and local funding, and continued local control of the schools. Parents say they believe improvements in educational performance can be achieved without additional funding if closer ties can be developed between community and school. This attitude reflects Nevada's confidence in our teachers to perform their jobs, given adequate but not extravagant funding, and a healthy level of community involvement.

Students.—Perhaps the most important group to consider when discussing education is the students themselves. Students can tell us, from first hand experience, where our educational system is succeeding, and where it is not.

At each of the town meetings, Nevada benefitted by the participation and comments of students. In this instance, the students served to verify what many others were saying, and thinking. Problems of discipline and challenge were frequently voiced.

But one major problem was regularly discussed by students . . . the problem of drug use. Students accurately point out that, even in the best classroom, drug use by a few students can cause disruption and that teacher discipline is lost on intoxicated students.

In addition to disruptive behavior in the classroom, students repeatedly indicated dissatisfaction with the lack of flexibility demonstrated by most public schools in allowing students to retake courses, and re-enter the classroom after a period of absence. Specifically, students complained that decisions to drop out were often made permanent by school officials who refuse readmission.

Students contend that, in these cases, an unfortunate decision to leave school prematurely was rendered irrevocable, thus denying them the right to an education. But more importantly, students indicated dissatisfaction with the "programmed" aspects of public education where a student is moved regularly and rigidly along a predetermined course until graduation. And, while students did not indicate a desire for greater curriculum flexibility, they correctly stated that more consideration should be given to the student's needs in determining if and what courses should be retaken.

Community.—Community members, while agreeing with parents in most areas, do deserve special attention. That is because, as was accurately stated in numerous town meetings, community members not having a vested interest, or family members, actually in the school system, are increasing as a proportion of our total population. As birth rates decline, fewer and fewer households will have children in the schools, making community involvment in education even more important in coming years than it is today.

That makes the task of communication and cooperation between schools and community more difficult, but critically important. Community members pointed this out repeatedly. But more importantly, community members indicated a desire to be involved in the operation of local schools. They contend that the expertise and resources of the community are available to the educational system, and should be used for two reasons: First, tapping the expertise of the community will contribute to the raising of the quality of education provided by schools. And, second, proper use of community resources can afford cost savings to the school district.

Community members, however, expressed a practical and pragmatic point of view regarding education, and how schools can be more helpful in providing the right labor force for small business. Many business owners and managers complained about the number of job seekers they interview who are unable to complete the application form

and who bring with them little or no usable skills and training. And, while businesses believe problems dealing with literacy must be solved by the schools, they are willing to assist in better vocational training. Specifically, many businesses indicated a willingness to provide on-the-job training for young people, as they complete their education, thus making them more valuable employees after graduation.

But, use of community resources in an effective and meaningful manner means creating a closer, more effective partnership between communities and their schools. Stated simply, reintegration of the school system into the community must precede truly effective use of the community as a resource in the educational process.

IMPROVING NEVADA'S EDUCATIONAL SYSTEM. . .

The following paragraphs contain a number of possible recommendations that might be considered by Nevadans in their efforts to maintain and increase the quality of education provided in our public schools. It should be stressed that these are possible recommendations only. They are presented as "food for thought" and should be regarded as ideas for improvement.

These recommendations are based upon the actual comments and desires of the people of Nevada and, in most cases, they need involve no additional expenditures of public funds. Rather, they are based upon the belief that greater community involvement and local control of education can, and will, produce a better educational product utilizing resources currently available.

Recommendation 1.—Increased community involvement.

At meeting after meeting, and in conversation after conversation, Nevadans repeatedly express a feeling of distance from their educational institutions. Parents and citizens voice an inability to contact and communicate with teachers and administrators, and educators indicate a lack of support and involvement on the part of the community.

This should be viewed as the major area for improvement for three reasons. First, since education is a social process, involving the bringing of children into society as capable, knowledgeable adults, this lack of community involvement must be viewed as a major flaw in the overall system. Parents should not and cannot seek to abdicate their responsibility to teach, discipline, and encourage their children by simply turning them over to the educational institution. Teachers can achieve only part of the educational objective. They provide the formal instruction necessary to bring our children into a technologically advanced world, but they cannot do the whole job of educating a child on the responsibilities of citizenship and social behavior. This must be a function of the family, and of the community.

In addition, teachers should not and cannot abdicate their legitimate responsibility to discipline students in the classroom, and to allow and encourage the active involvement of community in the education process.

Second, the establishment of greater community involvement in education should be treated as a first line priority because it carries with it no price tag. Tapping the expertise of the community should be an important part of the educational process, both from a cost savings standpoint, and from a quality standpoint. Involvement of the community benefits the overall qualify of education provided by bringing a pragmatic, and realistic point of view to the process of education.

And, third, community involvement in our schools should be viewed as essential, because, as community involvement declines, so does the pressure exerted on educational institutions, by the community, to provide the highest quality education for our children. This lack of pressure to perform can be shown to produce a mediocre educational product, regardless of the amount of tax dollars available to the system.

To effectively increase community involvement will require the elimination of perceived barriers that now exist between community and classroom. To do that, I recommend the following steps:

1. Allow easy access to the classroom for community members. Parents and citizens should be encouraged to visit their schools, by invitation if necessary, to view proceedings in the classroom and make recommendations/observations as to how performance might be improved.

2. Encourage better communication between community and schools where academic performance is concerned. One way to do this might be for school administrators to work with local media in an effort to provide regular reporting of academic activities and performance. Information on test scores, student performance, and academic programs might be included in this effort to raise the general level of visibility of studies and programs.

3. Provide for a gathering of teachers, administrators, and community members at least once a year. This "Education-Fair" should be informal, and designed as an opportunity for community members to become familiar with school curriculum/programs, administration, and student conduct. Suggestions for improved curriculum could be accepted here, and problems with student discipline could be addressed.

4. Establish a volunteer program through which community members would be made available to assist the teacher in mutually agreed upon areas. Emphasis here should be to reduce the amount of teacher time spent on non-teaching functions. In addition, community members having a specific expertise might be called upon to assist students in their studies.

Recommendation 2.—Reexamination of policies regarding readmittance of students to Nevada schools, and retaking of courses.

The right to an education should include the right to reenter public schools after a period of absence. Many students, for a variety of reasons, leave their studies prior to graduation. For some of these students, returning to school and resumption of studies is made difficult by state, federal, and local regulations and concerns. Policies which keep students who wish to return out of the public schools should be reexamined to determine if it might be possible to make reentry easier.

In addition, policies governing elective decisions by students on the retaking of certain courses should be reexamined. Students should be given reasonable flexibility in retaking courses if they can provide valid reasons why they require a repeat of their studies. This privilege should in no way affect the decision made by the teacher to pass or fail the student.

Recommendation 3.—Better pay for teachers, pay incentives for exceptional teacher performance.

The teaching profession cannot be expected to attract and retain top quality educators a current pay levels. Good education can only be provided by good educators. They are the centerpiece of the educational system and should be recognized as such.

Nevada should act to attract high quality teachers by modifying the current program of teacher compensation in two ways. First, the general level of compensation should be raised. And, second, a system of bonus payment and salary increases that reflects exceptional teacher performance should be developed and instituted.

Generally, salary increases above a certain level (to be determined by state and local boards of education) should be tied to performance, and bonuses given for outstanding performance. Measurements of performance should include student achievement in the classroom and scores on nationally administered tests. In addition, teachers should be subject to annual review, with the possible inclusion of testing. Successful completion of tests could be required before a teacher is eligible for salary increases above a given level.

Recommendation 4.—Clearer definition of what discipline measures teachers may employ in the classroom.

Discipline in the classroom is a difficult task for today's teachers. Uncertainties have arisen in recent years due to numerous court decisions involving students and teachers in the classroom. The result of this has been to make the process of student discipline a difficult one that involves numerous potential legalities.

A more clearly defined set of limitations must be provided by state and local governments. Full consideration of constitutional rights must be taken into account so as to reduce the chance of legal retaliation against a teacher or school system for disciplinary measures imposed.

The imposition of federal regulations regarding suitable disciplinary measures should be avoided.

Recommendation 5.—Greater student involvement in peer discipline.

In addition to changes in federal regulatory procedures affecting discipline, students themselves should be encouraged to become more involved in dealings with disruptive students.

A council of students could be selected to review the behavior of disruptive peers. Citations or warnings could be issued to disruptive students, with notification given to other members of the student body. In this way, peer pressure could be brought upon disruptive students to behave in a more acceptable manner.

In particularly severe cases, the student disciplinary council could call upon a member of the Law Enforcement Community to attend the hearings, and comment on the possible legal repercussions of continued disruptive behavior.

Recommendation 6.—Stricter enforcement of laws affecting drug and alcohol abuse by students, implementation of an anonymous tips program to assist law enforcement officials.

Since drugs frequently play a major role in inducing disruptive behavior and in inhibiting the education process, law enforcement officials should be encouraged to strictly enforce statutes involving drug and alcohol use by students.

To make this process easier and more effective, an anonymous tip program could be established whereby students could inform law enforcement officials of violations, without having to step forward and risk retaliation by accused students.

Recommendation 7.—Greater community recognition for outstanding academic performance by students and teachers.

Community involvement in the schools must be redirected from its current preoccupation with athletics, toward a recognition of outstanding attainment of the educational objective.

To do this, a regular series of awards should be established for both students and teachers who perform well. If possible, scholarships should be awarded to students, and compensation to outstanding teachers who wish to further their education.

Funding for such an awards program should come from the community and should reflect community interest, and pride, in quality education and the performance of local schools.

Recommendation 8.—Aggressive teacher recruitment for Nevada's schools, and recognition that Nevada must compete with other States for highest quality schools, teachers.

Because of salary considerations and career concerns, many individuals today opt for careers other than teaching. As such, the competition for good teachers will become accentuated in coming years. Nevada should prepare today by establishing an aggressive teacher recruitment program aimed at the nation's most capable new educators.

Special consideration should be given to college graduates finishing in the top 25 percent of their class. Incentives to teach in Nevada should include financial and career incentives, with a portion of the recruitment process left up to the community. This will foster a competitiveness between communities for quality educators, and quality education.

To assure an adequate supply of quality teachers for Nevada's schools, the State of Nevada should consider strengthening of its post-secondary teacher preparatory programs. First consideration for Nevada teaching positions should be given to Nevada students, with second consideration given to qualified teachers from the rest of the nation.

In addition, to help facilitate this, and to assure that Nevada's schools are staffed by the best available teachers, the State of Nevada should consider the establishment of a Teacher Recruitment Board. This Board could be available to local school districts seeking highly qualified teachers for open positions. In this way, Nevada would establish a vehicle by which to keep quality teachers in Nevada, and recruit quality teachers from all parts of the country when necessary.

In addition to recruitment, however, the Board should help keep good teachers in Nevada by assisting those individuals in finding employment in Nevada, should they choose to relocate or should their positions be eliminated.

Recommendation 9.—More encouragement for good students to enter the teaching profession.

Since quality education requires quality teachers, counselors, teachers, and administrators should encourage good students to enter the teaching profession. This encouragement, combined with more competitive teacher compensation packages, will serve to attract and retain highest quality educators.

Further, local schools should be encouraged to establish "teacher for a day" programs where students are given the opportunity to teach a class.

Recommendation 10.—Retention of local control.

The maintenance of quality educational systems has become a fast changing, and multi-faceted enterprise. Historically, state and local governments, have proven themselves best able to maintain and improve their schools. Involvement of the Federal Government in the educational process has been, and should continue to be, kept to a minimum so as to foster an atmosphere of greater competitiveness between states. Nevada is in an ideal position to enter this competition, having a quality educational system already in place.

However, the coming years will see a need for greater aggressiveness by State Government, not only in recruiting teachers, but also in establishing high quality and needed coursework, and providing adequate levels of funding so programs may be carried out.

The Governor of the State of Nevada, along with the Nevada State Legislature, have control over this critically important task. They should be encouraged to pursue implementation of the recommendations included in this report, along with any measures the people of Nevada deem necessary.

Recommendation 11.—Expansion of school system resources through fundraising, tax incentives.

To further involve the community in the operation of the schools, and recognizing that taxation in any form is a sensitive and divisive issue, school districts should be encouraged to engage in fundraising efforts designed to fund specific academic programs.

A wide variety of fundraising vehicles is currently used, successfully, by an array of non-profit organizations. Schools should involve themselves more heavily in this area, but government should also provide incentives for contributions to schools. Those incentives should include federal tax deductions for contributions of cash, equipment, and supplies to schools, where those contributions directly benefit the teaching of courses, or the actual operation of the school facility.

In addition, individuals in the community should be encouraged to assist teachers and other school personnel in mutually agreed upon ways. This assistance should have as its primary goal the elevation of quality of courses provided. A secondary goal should be real cost savings to the district.

Conclusions: Demand quality, and you'll get it.

American education has always been an example of efficient, competent preparation that is both flexible, and willing to meet new challenges. The expectations and demands of the community have always been the driving force in maintaining quality and facilitating necessary changes. Stated simply, what we have demanded, our schools have historically provided.

Today is no different. Nevada is fortunate to have a quality educational system already in place. But we are even more fortunate in that our people and our educators are in basic agreement as to where our schools should be taken from here. What must be done now is to provide mechanisms by which community and teachers can be brought together to prepare Nevada for entry into a competitive, new era in American education.

The recommendations presented above are by no means an end. Rather, they are a beginning provided in an effort to renew public discussion of education, and revitalize community involvement in the schools. It must be stressed that the implementation of these, and most other changes in our education system, rests with the local communities first, and the State of Nevada second. The federal government will continue to have only an indirect involvement in the schools, addressing itself to questions of quality in a national sense.●

GENERAL LEAVE

Mr. HILER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order on today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

THE LATE HONORABLE JAMES A. BURKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DONNELLY) is recongized for 60 mintues.

GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of the late Honorable James A. Burke.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DONNELLY. Mr. Speaker, this evening we pause to pay tribute to former Congressman James A. Burke. Jim served his Nation in this institution for 20 years as a Representative of the 11th District of Massachusetts. Sadly, Jimmy Burke passed away 1 week ago at the age of 73. Almost all of his adult life was spent in public service.

James Anthony Burke was born in South Boston, Mass., on March 30, 1910, the youngest of 10 children. He was raised and lived in the Boston neighborhoods of Mattapan and Hyde Park. His career in public office began in 1937 when he was elected to the Massachusetts House of Representatives. The next year he was appointed registrar of vital statistics for the city of Boston.

During World War II, he served as a special agent in Army counterintelligence in the South Pacific for 2 years. By the end of the war, he had earned many decorations, including four battle stars.

For Jim Burke, a return to Massachusetts meant a return to political life. He was elected once again to the legislature. There he rose to the position of assistant majority leader under then Massachusetts House Speaker Thomas P. O'Neill.

In 1954, he narrowly missed the nomination for Lieutenant Governor. Four years later, he bounced back, running for Congress from a district that had never sent a Democrat to Washington. This time, it did.

The majority leader in the House of Representatives at the time Jim Burke arrived was another Bostonian, John W. McCormack. The two had become well acquainted 16 years earlier, when Jim had challenged Congressman McCormack for reelection. That first campaign for Congress had succeeded in giving Jim a wealth of humorous stories he could tell on himself in later years.

With John McCormack's help, Jim Burke obtained a seat on the Ways and Means Committee. From that platform, he engineered some of the most important and humane legislation ever crafted in this historic institution.

Jimmy Burke saw only one purpose to his service in government: to help people, the elderly and the less fortunate, the people who lived on fixed incomes and the people who faced the loss of their jobs. Jim's dedication to that purpose led to an impressive record of achievement: Medicare, medicaid, supplementary security income for the elderly and the blind and the disabled. It led to the indexation of social security benefits at a time the country faced a prolonged period of high inflation that threatened to devastate the elderly on fixed incomes.

No matter how much responsibility, power, or seniority he achieved, Jim Burke the man did not change. Colleagues, constituents, staffers, interns, House personnel all remember him as a man who treated everyone as an equal. Everyone who knew him saw the same Jim Burke always there to help out in time of difficulty always ready with an appropriate word of humor or encouragement.

As one of his former constituents, and as the one who had the great honor to succeed him as the Congressman from the 11th District I can attest to the overriding importance Jimmy Burke placed on the welfare of the people who elected him. The door to his office in the Quincy Post Office was open to all, and his efforts on behalf of his constituents are legendary. No problem was too small for him to handle personally, but two of the larger problems faced by his district will serve to illustrate his humanity and his style.

The economy of the 11th District was largely built around the shoe and textile industries. While Jim Burke served here, those industries came under intense pressure from cheap foreign imports and cheap foreign labor. He drafted and introduced tough trade legislation that would have imposed strict quotas and tariffs to roll back the tide of imports. Jim Burke weathered the criticism of his protectionist proposal. He admitted the Burke-Hartke bill was not going to become law. But he never had to admit failure, because his efforts had focused attention on the impact that imports were having on American jobs and resulted in a tougher and fairer trade policy for this Nation.

The largest heavy industry in the 11th District is shipbuilding, and specifically the Fore River Shipyard in Quincy. Keeping the shipyard open despite tough times in that industry was an important priority for Jim.

"You've got enough problems without worrying about the shipyard."

There was a pause, then Burke told me: "My boy, maybe I don't have my leg any more and I'll never end up kicking field goals for the Patriots. But there're guys down there that have to keep food on the tables for their families. That yard has to stay open. I'm going to do everything I can to see that it does."

That was the kind of guy Jimmy Burke was. He cared about people.

Jimmy Burke's constituents, his many friends, working people, and the elderly across our Nation have had their lives touched by him. Because he was a quiet and humble man most of those who have benefited from his service here have never known his name.

In the district he served for 20 years, though, everyone knows his name and remembers him with fondness and gratitude. In the town of Milton, where he lived for many years, a park and a large granite monument were dedicated in his honor in 1981. And just 1 year ago, the Quincy Post Office where he maintained his district office for 20 years was named by Congress in his honor.

There is one other monument to him in his district that is more in keeping with the man, though. It is the James A. Burke scholarship fund he set up not long before his death to help the parents who want to send their children to the schools of Saint Gregory's Church in Dorchester, Saint Angela's Church in Mattapan, and Saint Mary's of the Hills Church of Milton.

Jimmy Burke was a friend and my mentor. I am deeply saddened by his passing. My deepest sympathies go to his dear wife, Aileen McDonald Burke, and to his entire family.

Mr. Speaker, at this time I would be most honored to yield to the distinguished Speaker of the U.S. House of Representatives, who went to the State legislature with Mr. Burke in 1937, the Honorable THOMAS P. O'NEILL.

Mr. O'NEILL. Mr. Speaker, I want to thank the gentleman for having this hour in which we pay homage to an old and dear friend.

There are so many colleagues in our Massachusetts delegation who have served with Jimmy Burke before. Jimmy did two different terms in the State legislature. He came in and stayed for 4 years, and then ran for the Congress. He was unsuccessful at that time. He became a commissioner of births and marriages in the city of Boston, and at a later date came back and went to the legislature again. In 1954 he was our nominee for Lieutenant Governor.

In 1958, of course, he came to the Congress of the United States.

Jim and I were very close. We were elected to the Massachusetts House the same year, 1936—and then we served here in the Congress together for 20 years.

Millie and I were deeply saddened when we learned of Jim's passing. We will miss his loyal friendship and his wonderful humor, and we will miss his candor and his courage.

□ 1840

EDDIE BOLAND and I had the pleasure of serving with him many years ago. We went to the legislature at the same time, and I recall that Leo Diehl, who is my administrative assistant, and myself, Joe Duffy and a half dozen of us, all in the age bracket of being lower than 25 years old, and youth kind of attracts itself to each other, so Jimmy and I were exceptionally great friends and had been friends through the years.

We can talk about any part of Jimmy's career here. There was a bit of mirth and a bit of humor in whatever he did, like the time he ran against John McCormack and McCormack, of course, about 3 days before the election, was named the majority leader of the House and it was the blazing headlines in the newspaper. Jimmy's campaign, he said, if he had one, went out the window that day. In the experience that he received from that, to think that he and John McCormack would later become allies in public life and very, very close personal friends.

Jim's first venture into politics, of course, was into the State legislature, but he was one of the key factors in electing Mayor Maurice Tobin as the mayor of the city. He had been a boyhood pal with Maurice Tobin.

One thing about Jim, Jim sure did know and appreciate loyalties. To have Jim as a friend, you had a strong right arm.

I know all of my colleagues want to talk. I had the pleasure and the honor the other day of being asked by the family to give the eulogy at the Mass in his behalf and I include that eulogy in the RECORD at this point.

The eulogy follows:

EULOGY TO THE HONORABLE JAMES BURKE BY THOMAS P. O'NEILL, JR., SPEAKER, U.S. HOUSE OF REPRESENTATIVES

Jim Burke was an old fashioned fellow. He loved his home town, his State, his country and the world. He loved sunshine, a smile and People. He was:

Courageous and yet gentle;
A man of dignity and charm;
Gallant and with a graceful manner;

Sharp and keen and clean of mind;

A masculine, tough, loveable American; and

A man with an effervescent and bubbling personality and sense of Humor.

He lived by his political slogans—a man of care and concern; strong, sensitive and sensible.

Jim and I were elected the same day to the State Legislature—in 1936. We served both in the local house and the congress for many years together. Deep in his loyalties, I have had the benefit of his knowledge, judgement and friendship for nearly 50 years.

Whatever manner of means by which they measure a man in the House of Representatives, it takes but a short time. Jim Burke won the respect and admiration of his fellow colleagues.

I remember the pleasantries of by-gone days—Jimmy always used the same picture in his political campaign. We believed it was his confirmation picture. When told he looked older than his picture. Jim would say, "Hundreds of Voters Never See Me. The Picture Shows Me Young of Heart, Mind and Looks"! Jim in Public Life never did get old—too busy.

When Members of Congress complained of long hours, being away from home, or how tough the job was, Jimmy would reply—"Bud, it's better than heavy lifting" or, "they did not beg you to take the job".

Jim Burke set out to be a politician. An excellent orator and debater, he brought to the House the ideas, the hopes, the feelings and the dreams of those he represented. He was a creature of emotions and feelings.

Jim came into politics at a time in the 30's when touching sentiment and harsh cruelty moved in the same world. To this he devoted his actions. The frustrated, the insecure, those suffering in poverty or broken in health—he would be and was their knight in armor. Jim Burke could read the sentiment of the people and the House of Representatives as well.

Fortunately for America he became a member of the exalted Ways and Means Committee and chairman of the Subcommittee on Social Security. Jim Burke moved the lot of the golden agers—the senior citizens. He fought for the COLA so they could live in dignity and respect. He fought so that those in the twilight of their careers could have health care. And because of his respect for the less fortunate, he fought so they also could have medical care.

Jim, in God's eyes what you have done for the poor, the sick and the elderly was not wrong—but right. It is one of the monuments you have left.

We know of the loving care Jim had for Aileen and his brothers and sisters—and how much he loved you all. We will miss him as you will.

In the parlance of the Congress that Jim loved, the bell rings four times for final adjournment. Sine die—till another day. God bless his soul.

May I just say that one often wonders how, when they lose an old friend, they can say in their heart has there been appreciation for the friendship, for the kindness, for the loyalties, for the many good times that we have had together.

Jim and his wife, Aileen, were two of the most beautiful people that I have ever met in my life and one of the things in my long career in public life that I can be thankful for is that I have met and have enjoyed the company of fellows like Jim Burke.

Thank you, BRIAN.

Mr. DONNELLY. I thank the Speaker for those very kind words.

Let me suggest to all Members as they read through the RECORD tomorrow that they may pay special attention to the eulogy that Speaker O'NEILL gave Monday morning at St. Mary's of the Hill Church in Milton. It was heartwarming and the people who loved and knew Jim Burke so well appreciated it dearly, especially his lovely wife, Aileen.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. DONNELLY. At this time, I am honored to yield to the distinguished dean of the Massachusetts delegation, a former colleague of Mr. Burke's not only here in the Congress but in the Massachusetts Legislature, the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. I thank my friend for yielding.

Mr. Speaker, the people of Massachusetts suffered a special loss on October 13 with the death of our former colleague, Jim Burke.

Jimmy Burke was my friend for 45 years. We served in the Massachusetts Legislature together and I had the privilege of serving with him in the U.S. House of Representatives for 20 years. Jim liked to refer to himself as a "bread and butter Congressman," and that he certainly was. He realized, that being the people's Representative in Washington, meant more, than being content with debating the great issues of the day. He built his reputation on his integrity, his tenacity, and his accessibility to his constituents. If someone in his district had a problem with the Federal Government, regardless of whether the problem was large or small, whether it concerned a veteran's disability, a widow's social security pension, or a government contract, Jimmy adopted it as his own. He made it his business to insure that his people did not become lost in the maze Federal bureaucracies sometimes create and that the Federal Government responded to their needs.

Jim Burke was first elected to Congress in 1958 from a traditionally Republican district, and he was re-elected nine times by ever increasing margins. In his column in the Boston Sunday Globe of October 16, Thomas Oliphant succinctly stated the reason for Jim's success at the polls:

More complex conceptions aside, there are really only three kinds of Congressmen—the good ones, the forgettable ones, and the bad ones. Rep. Burke—was one of those consummately good Congressmen whose careers can teach us important lessons about politics and public service. One of the most important of those lessons is that there is no conflict between good politics and good government when the practitioners are people of character.

Among his colleagues in the House, Jim Burke was known as a man with a deep commitment to the needs of the elderly, the disabled, and the working men and women of this country. He was admired for his wit and his warmth, his courage and his compassion. His service on the Ways and Means Committee intensified his belief in the value of the social security system and he devoted considerable energy to devising means by which to improve its financial stability. In many respects, he was ahead of his time in his views on social security. I know that he enjoyed the manner in which many of those views framed our last great debate on social security. Jim Burke understood that for many older Americans, social security is the standard by which they measure the depth of their country's commitment to helping them lead lives of dignity and purpose. During his tenure in the House, he was their champion, and his efforts on their behalf, which are probably best reflected in the supplemental security income program and the adjustment of social security benefits to inflation, will never be forgotten.

Jim's retirement was neither as long, nor as pleasant, as his friends had hoped. He continued to battle diabetes, the disease which had forced his retirement from Congress, with the combination of good humor and courage which was his trademark. We who will miss him can take some solace in the fact that his struggle is over and he is at rest. I want to extend my deepest sympathies to Jimmy's loving wife Aileen, his sisters Elizabeth and Margarita, and his brothers Walter and Arthur. While we share their grief at his passing, we also share their many happy memories of his time with all of us.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. DONNELLY. At this time I am privileged to yield to the distinguished Representative from western Massachusetts, a very close friend of Jimmy Burke's, the gentleman from Massachusetts, SILVIO CONTE.

Mr. CONTE. At the outset, I want to thank my good friend, the gentleman from Massachusetts (Mr. DONNELLY) for taking this special order today.

Mr. Speaker, it is often said that when we lose a friend, we lose a part of ourselves. There can be no other way to describe the loss of my great friend and former colleague Jimmy Burke.

Jimmy and I came to the Congress together in 1959, fresh from the Massachusetts State House. Our offices were next to each other in the Cannon Building, and anyone who knew that hallway understand that there was no wall between my office and his. At the end of the day's session, Jimmy and

his staff would get together with us and unwind after a hard day's work. We were almost like a family away from home. We were new to the Congress and to the city and appreciated the opportunity to lean on each other when the homesickness got too tough to handle alone.

A lot of things have changed since those first early years; Jimmy and I followed different paths in the Congress, our staffs grew both apart and larger, and there just was not as much time anymore to get together like the old days. Even though we still worked together on a number of issues for our State and our country, we always missed the special camaraderie we had shared earlier.

It is hard to describe Jimmy Burke without using superlatives—the most concerned about our Nation's old and disadvantaged, the most avid supporter of American jobs in the footwear and textile industries, and the most decent, fair-minded man in the Congress. Most of all, however, he was a rock in the face of adversity. In his battles in the Congress, he displayed the same kind of courage and steadfastness that carried him through his illness in his last years. Always ready with a funny quip and a firm handshake, he gave us all a reason to smile and a standard to follow.

My deepest condolences go out to Jim's lovely wife Aileen and the rest of his family. We can all find great comfort in knowing that his work in the fields of trade and social security will live on as testament to his love of the Bay State, our country, and all its people.

In a recent column in the Boston Globe, Tom Oliphant noted that Jimmy Burke was "one of the good ones," one who taught us that "there is no conflict between good politics and good government when the practitioners are people of character." I can think of no one who has taught that axiom by example better then Jimmy Burke.

Mr. Speaker, I include at this point in the RECORD the article that was referred to by EDDIE BOLAND written by Mr. Oliphant:

[From the Boston (Mass.) Globe, Oct. 16, 1983]

BURKE WAS ONE OF GOOD ONES

(By Thomas Oliphant)

WASHINGTON.—Vice President George Bush, who was born in Milton, was a busy man Friday, but not so busy that he couldn't pause to remember a man who settled in Milton, of whom he became quite fond in his days as a congressman from Texas.

Said the Vice President of the late Rep. James A. Burke: "I knew him well; he was a close friend from our days on the Ways and Means Committee. He was a wonderful and warm human being."

There was a little of George Burns in Burke's eyes, which often twinkled mischievously, and when he had a big cigar in hand and his dry, mordant wit was switched on—which was most of the time—the resemblance could get even stronger.

Rep. Burke, quintessentially of Massachusetts and of the Democratic Party, was never unaware of his props; no public figure is. What distinguished his was that they were so uniformly endearing, an important clue to his character, which was carved out of Quincy quarry-quality stone.

More complex conceptions aside, there are really only three kinds of congressmen—the good ones, the forgettable ones and the bad ones.

Rep. Burke—who died Thursday at 73 after a long, dignified struggle with diabetes—was one of those consummately good congressmen, whose careers can teach us important lessons about politcs and public service. One of the most important of those lessons is that there is no conflict between good politics and good government when the practitioners are people of character.

It would be unfortunate if the occasion of Burke's death were occupied too much by rhetorical encomiums and old stories of his 20-year congressional career (1959-79) and his time in the Massachusetts Legislature before that.

For the people he represented in Congress—the southern part of Boston and the South Shore—this diligent representative took a couple of important stands on national issues that are as relevant today as they were a decade ago.

The first one has helped get across the job-saving message that in foreign trade there is a line beyond which Uncle Sam becomes Uncle Sucker. Rep. Burke put his name on a tough antisubsidized imports bill a decade ago that included rigorous quota provisions. He was widely excoriated for this—often by people more interested in economic abstractions and buzz words like protectionism than in shoeworkers in Brockton who were losing their jobs to imports that were being dumped on the US market.

James Burke was in Congress, among other reasons, because he knew how to count, and was never under any illusions that his labor-backed measure would become law. But what he also knew, and never really got credit for knowing, was that until somebody got tough on Capitol Hill, the US government would never get credibly tough in foreign trade negotiations.

In the years that followed, more than one American diplomat won important points across felt negotiating tables by saying in effect: "I hope you realize that if you don't give me something to take back to Washington there's this rough guy Burke in Congress, and he has this bill that is really going to hurt you."

Today, the United States is a much more forceful negotiator on trade issues—not unfair, just more forceful—and the willingness of people like Rep. Burke to get out front politically is one of the reasons.

His second important stand involved Social Security. As a key member of the Ways and Means Committee, his fingerprints were all over two legislative accomplishments—each pushed past an obstructionist President Richard Nixon—that saved millions of elderly people from devastation during the inflation of the 1970s. One was the establishment of a special pool for cash assistance to the elderly poor, the blind and the disabled (Supplemental Security Income); the other was the indexing of Social Security benefits to the rate of inflation.

Later, when Ways and Means formed subcommittees, and he chaired the one on Social Security, he championed an idea whose time may yet come, and which could have been the Democratic Party's alternative to Reaganomics. It was to finance the system as other industrial democracies do—one-third from general government revenues raised mostly through progressive income taxes; one-third from workers' payroll taxes; and one-third from an equal payroll levy on the employer.

The resulting tax cuts (from the present 50-50 split for workers and employers) would have stimulated consumer demand and business investment, with nowhere near the impact on the federal budget deficit of the Reagan Administration's program.

James Burke was totally without pretense or ego; in a quiet way, though, he was a far more thoughtful, issue-oriented man than many people realized, in many respects ahead of his time.

Mr. DONNELLY. I thank my friend for his very kind words.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. DONNELLY. Let me now yield to the Representative from Jim Burke's birthplace, South Boston, the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. I thank the gentleman for yielding, and I thank Congressman BRIAN DONNELLY for taking out this special order to honor one who we love so well.

Mr. Speaker, I rise out of respect and friendship to the memory of the Honorable James A. Burke who for 20 years served as the 11th Congressional District's Representative in Congress. Jim Burke was a dear friend of mine, with the origins of our friendship beginning with our common service in the Massachusetts State Legislature in the late 1950's prior to Jimmy's being elected to Congress in 1958.

As a Representative in Congress Jim Burke was a class act. He worked tirelessly from 7 a.m. daily on the wide variety of legislative issues and constituent concerns that routinely came across his desk. Nothing and no one was too insignificant or unimportant to merit Jim Burke's personal attention and involvement. A "bread and butter" elected official if there ever was one. Jim worried unendingly about the quality of constituents' lives—their health care, their housing status, their pensions, their children's education, their employment situation, and so forth. Jim's involvement from his earliest days in Congress and from his State house service before, in issues of concern to senior citizens, led to his being named to the House Ways and Means Committee by the late Speaker, John McCormack. Years later, Jimmy Burke rose to the chairmanship of the powerful House Ways and Means Subcommittee on Social Security, a position that he continually used to champion the rights and needs of the 11th District's and the Nation's elderly.

Early on Jimmy recognized inherent weaknesses in the social security system. The very network upon which many of our Nation's elderly had come to rely. Jim became a forceful supporter early on of attempts to bring financial solvency back to the social security system. Jim was also very much responsible for the close collaboration between the House Ways and Means and the Johnson administration, in the creation of the medicare and medicaid systems, which play so large a role in the lives of this Nation's elderly and low income.

The U.S. House is a far better institution today for having had Jim with us for two decades. Indeed, I think it can be safely said that our Nation is a far better place offering a quality of a far better life for its senior citizens thanks to Jimmy Burke's forceful stewardship. I will sorely miss his counsel and friendship.

Thank you.

□ 1850

Mr. DONNELLY. Mr. Speaker, let me now yield to a particular favorite of Jimmy Burke, an individual who represented a contiguous district from the time he came to Congress to the time I was privileged to replace Mr. Burke, the Honorable gentleman from Massachusetts, Mr. GERRY STUDDS.

Mr. STUDDS. Mr. Speaker, I thank my colleague for yielding.

Let me just observe if I may for a moment that had the television cameras been capable during much of the speeches in the memory of Jimmy of panning the room and taking a look at the Members of the Massachusetts delegation who were waiting their turn to speak, they would have noticed that more often than not we were chuckling. Let me suggest that not only would that not have been out of disrespect for Jimmy Burke, but it would in many respects have been the most appropriate way and the most respectful way to remember a man who was incapable of sitting in one place for more than a minute or two without himself and those within earshot beginning to chuckle. He brought to life a twinkle and a spark and a sense of humor which made it very bearable and very pleasant for those around him.

I remember, it is hard for someone my age to say that I remember Jimmy Burke and the Speaker of the House both elected to the State legislature in Boston in the year before I was born, but I remember very clearly indeed coming here as a young freshman in 1973 and in a way being adopted by Congressman Burke. It is quite clear to me that he saw in me what he recalled to be the radical youth that he thought he was when he entered the legislature in the 1930's. There was an unending stream of advice, most of it very sound, indeed, which I think many of us were privileged to receive over the years from Jimmy; but it does seem to me that no recollection of him on the part of those of us who had the privilege of serving with him in this House would be complete or certainly not appropriate and in character without some recollections of really the verbal trademarks of Jimmy.

For example, if this eulogy had occurred on behalf of another of our colleagues, if Jimmy were with us tonight, I can say with absolute certainty that before this time he would have come down this aisle, looked at each one of us, one in a row, sitting here solemnly and would say, "You know, the trouble with you is you think this place is on the level."

I think all of us will recognize that. I remember very clearly 1 day, more than 1 day, of flying home in the coach class on an aircraft, which is the habit of most of us, and each time about once a month you would walk by Jimmy seated looking very comfortable in the first class section and you would look at him, and say, "Jimmy, what are you doing in first class?"

And he would look at you and say, "You know, it's against union rules to turn down a benefit when it is available in the contract," and we would all troop back to the coach.

I remember, who of us could forget, who would hear his tomato seed bill. Years after the Department of Agriculture had stopped, which I suspect was because of the enormous public expense involved, the practice of making available free seeds to the American people, Jimmy Burke decided it would be a wonderful idea to introduce legislation, particularly in the era of high inflation and difficult living for so many working people, to introduce legislation to once again make available seeds for planting tomatoes in one's home garden.

Mr. Burke suddenly appeared on national television night after night, on the radio and newspapers all over the country. He became a national figure of some dimensions long before he was known, I think, for some of his other legislative accomplishments, suggesting once again that Americans ought to have access to free seeds to grow tomatoes in their home gardens.

I have never seen him look more ashen or more shocked than the day that the Agriculture Committee announced they were going to hold hearings on his bill. He came in here and he was something, he was livid. He said, "I have an issue that is good for at least a decade and it appears that this committee is going to hold hearings and they might even move the bill." He was quite upset about that and he advised me in my first term, I was the cosponsor and the author at the time of the 200-mile fishing limit bill, and when it became clear in 1974 and 1975, my first and second term, that serious legislative progress was being made and the bill might actually become law, he took me aside in typical Jimmy Burke fashion and he said, "Let me give you some advice. That is an issue that is worth at least 10 years. For God's sake, don't get it enacted into law in your second term."

He was always there. Of course, in the course of giving us this advice, he was eating cigars. Everybody will remember that Jimmy went through I think it was three packs of cigars a day and the only time you would ever see him genuinely upset was when someone who did not know him and did not know better, politely lit one of them when he was not looking. Jimmy never smoked, at least I gather he did in earlier years, but not when I knew him; but he certainly literally consumed cigars.

He was a master of the frank. Who of us could forget the day that his office discovered years after anyone had stopped discussing the subject 50,000 bomb shelter brochures that were available for free from some nameless Federal agency. Within a matter of weeks, they appeared all over Quincy and Brockton, Milton and South Boston.

I remember Jimmy saying to me one day, "You know, someone has announced to run against me." That struck him as ingratitude, rather than politics.

He said, "You know, I am going to go home and I'm going to say to my people, 'You can't afford to retire me.' "

He said, "If you think it's expensive keeping me in office, do you know what my pension would be if I were defeated? You can't afford to retire me."

I think he knew better than anyone else rule 6. Some Members may not remember being told by Jimmy about rule 6, but he would say, "Now, look," if you were getting too serious, "remember rule 6. Rule 6 is don't take yourself too seriously, and there are no other rules."

I must say that the way I remember Jimmy, the things that immediately came to my mind as I sat down earlier today and thought, now, what should one appropriately say in remembering this kind and gentle man? Almost without exception, they were the things that reminded me of the twinkle and the humor that he brought to what became increasingly in the later years of his life and for all of us a less than humorous job on frequent occasions.

Beneath the humor, as has been pointed out by everyone who has spoken from our delegation, lay a deeply human and compassionate man and that compassion and that humanity, I think, found its legislative fulfill-

ment in his chairmanship of the Subcommittee on Social Security.

Jimmy Burke had always argued that among other things the method of financing social security by relying entirely on the payroll tax, a method unknown in any developed country in the Western World, except the United States, was an unfair one. It imposed an unfair burden on small business people and on working people. He was right. And today as we labor under increases year after year on that tax, the wisdom and the humanity of Jimmy's approach toward social security I think is being borne upon us every day more so.

Let me finally conclude by thanking my colleague, the gentleman from Massachusetts (Mr. DONNELLY). It has been a pleasure to serve in an adjoining district with him, as it was with Mr. Burke. I think we will remember him with fondness and with sadness. He served his district and his country well.

I thank the gentleman.

Mr. DONNELLY. Mr. Speaker, I thank my friend for those especially poignant remarks.

I yield now to a favorite of Jim's and a favorite of all of us in the Massachusetts delegation, the Honorable gentleman from Massachusetts, Mr. JOSEPH EARLY from Worcester.

Mr. EARLY. Mr. Speaker, it is a privilege to take part in this well-merited tribute to our former colleague, Congressman James A. Burke, who died last Friday in Boston, Mass. Jim Burke spent most of his mature life in the military, administrative, and legislative service of his country and his State. He served with distinction in the counterintelligence branch of the Army during World War II. Here in this House he represented the people of the 11th Congressional District of Massachusetts for 20 consecutive years and voluntarily retired in 1979.

When he retired, Mr. Speaker, he publicly and enthusiastically supported BRIAN DONNELLY, the author of this special order. He was delighted and he was so happy when BRIAN was elected to succeed him and BRIAN is the first to acknowledge that.

BRIAN, you succeed a fine American.

All who served here with Jim Burke knew him to be a dedicated legislator of exceptional effectiveness, vast knowledge, and superior skill.

□ 1900

He was cordial, cooperative, and helpful to all Members of both parties.

All of his colleagues held him in the highest esteem. He was recognized nationally as an authoritative voice on the complex difficulty of shoring up the fiscal integrity of the social security system.

He was a leading advocate for the preservation and strengthening of the system as a major factor in the maintenance of our national morale as a whole in the economic security of our senior citizens in particular.

In his home district he was and will remain a legend in his personal concern and effective assistance to his constituents and their communities in their special problems and projects. But above all else, Jim Burke will be longest admired and best remembered for his personal qualities. He was a very warm and pleasant human being. He was an individual of the highest character, competence, and compassion. He was honest and sincere in everything he did. Titles and wealth made no influential impression upon him. Jim Burke was as much at home with the janitor in the basement as he was with the company president in the top floor suite and he treated both of them just the same. He said and he did what he thought was morally and politically right. His conscience was his guide; the progress of the Nation was his measurement.

His decisions, based on these standards, could not be changed in the slightest either by the President of the United States or the leaders of his own party.

Mr. Speaker, Jim Burke was my long, loyal, and dear friend. Since he retired from the House I have missed him and will forever miss his daily good cheer, gentle wit and hearty humor and encouraging word. He loved life. He lived with it fully. For many years he was plagued by a very serious illness but he never complained. He even joked about it. I spoke to him 2 weeks ago and what was he doing? He was laying in bed listening to the Boston Red Sox. By his own actions he held up the spirits of those who were fortunate enough to be frequently in his company. He was a person of unwavering principle, immense courage, and unsurpassed patriotism. In a critical period of our history, he greatly helped to maintain the confidence of his people in the integrity of our national institution of government.

In this House and throughout his commonwealth the name Jim Burke will forever recall the finest attributes and tradition of individual service to country, to friend, to neighbor, and to fellow citizens. His truest memorial is the example of his own life. We would all do well to try to imitate it.

My deepest sympathy is extended to his gracious and lovely wife Eileen and all other family members and relatives in their great loss and sorrow. BRIAN, I want to congratulate you in offering this special order for such a great guy.

Mr. DONNELLY. I thank my friend for those kind words. Let me yield now to an individual who came to the Congress as I succeeded Mr. Burke, the Representative from what we call the North Shore in Massachusetts, NICHOLAS MAVROULES.

Mr. MAVROULES. I thank the gentleman for yielding.

I want to thank my colleague and commend him for taking out a special order for truly a very good person in the name of Jim Burke.

Today we honor the memory of a man, a former Member of Congress, who like no other graced this august Chamber, this forum of democracy. Today we mourn the passing away last Thursday of James A. Burke, who for 20 years, from 1959 through 1978 represented the good people, the South Shore District of Massachusetts. In an institution tied to the heartbeat of the Nation, in an institution whose Members must renew their mandate every 2 years at the voting booths, in an institution aptly called the Peoples' Court, James A. Burke was the peoples' choice.

Stories abound about his common touch, his hand grabbing, back slapping, loving embrace that he blessed everyone with, the high and the low, statesmen and laborers, Democrats and Republicans.

He traveled a wide road and all were invited to walk with him. His constituents saw that in his willingness to go the distance for him. They correctly judged that that was the measure of a Member of Congress and they repeatedly returned James Burke to Congress.

He represented all that is good about the U.S. House of Representatives and in his passing he has left behind a following of men and women dedicated to the proposition that service to the Nation is the highest calling there is. Mr. Chairman, there have been written many articles about my friend and yours, James Burke, but the two that stand out and certainly exemplify the character of the man, the man who is such a good person, and I would like to just very briefly read you two quotes.

During the time when he was having an amputation on his leg and his leg was being operated on; and General Dynamics was having a very difficult time, a shipbuilding industry in his district, labor negotiations and problems, and he was concerned; and he called a gentleman by the name of Jack Keough of the Patriot Ledger, and Jack Keough said to him, "What are you doing calling me now, Jim? You have got enough problems without worrying about General Dynamics."

There was a pause, then Jim Burke told me, told Jack Keough, "My boy, maybe I do not have my leg any more, and I will never end up kicking field goals for the Patriots, but there are guys down there that have to keep food on the tables for their families. That yard has to stay open. I am going to do everything I can to see that it does."

Another quote. Mr. Speaker, when Jim constantly subscribed to Harry Truman's philosophy that the wealth of our Nation comes from the payroll of our Nation, that is why he was for jobs, jobs, and more jobs, and I think that truly describes the man that we praise here today. Let me also join with my colleagues in expressing my deepest sympathy to his wife and to all members of his family and again thank my colleague, Mr. DONNELLY, for taking out this most deserving special order.

Mr. DONNELLY. Those two quotas from those two newspaper articles I think really captured the essence of what this fine man was all about and what his life was dedicated to and the type of commitment that he really had to the people that loved him so dearly and had so much faith in him and I appreciate your participation here today.

Mr. MAVROULES. I want to thank my colleague here today. I did not know the gentleman as well as you did and the others who have served with him in the U.S. House of Representatives, but I can truly say the little bit that I knew of him but more what I have read about him, he was my kind of man and thank you very much for this opportunity.

Mr. DONNELLY. It is my privilege to yield to my dear friend who also came to the Congress, together with myself, with Mr. MAVROULES, an individual who replaced Jim Burke as a member of the House Ways and Means Committee, Mr. SHANNON.

Mr. SHANNON. I thank my colleague for yielding.

I want to thank my colleague from Massachusetts for yielding, and I am not sure that anybody could replace Jim Burke on the Ways and Means Committee.

Jim Burke was a tireless public servant, in all the best senses of those words, with a public career that lasted some 40 years. During that time, he worked for his hometown, the city of Boston, for the Commonwealth of Massachusetts, and for his country in the U.S. Congress. Through all his various tours of duty, however, Jim Burke would have maintained that he was serving the same boss—the people.

After working his way through Suffolk Law School, Jim ran for and won a seat in the Massachusetts State Legislature. He held that seat for 10 years, eventually serving as assistant majority leader. He interrupted his career in the legislature to enlist in the Army in World War II, where he was decorated four times. He returned to the State legislature in 1945 and in 1958, he was elected to the U.S. House of Representatives. Jim put in another 20 years on the 11th District calendar before retiring the seat to our colleague, BRIAN DONNELLY.

It was as a member of the Ways and Means Committee that Jim left his mark in Congress. He proved to be a tireless worker on the committee, where he served under Chairmen Wilbur Mills and Al Ullman. As chairman of the Subcommittee on Social Security, he became a nationally known advocate for older Americans. Jim rarely missed a vote and never missed an opportunity to advance the interests of his district, his State, and in particular, the older Americans of this country, although near the end of his term, he was confined to a wheelchair. Well after his retirement from this body, Jim Burke remained active on these issues and for this leadership, we all owe him a debt of gratitude.

Jim Burke was a dedicated Member of this body who constantly demonstrated his integrity, his intelligence, and his independence of mind. I know that he has been and will remain an inspiration to many of us in this Chamber.

Mr. Speaker, when I was first elected to this body in 1978, Jim Burke was just retiring. I was honored to follow in his footsteps on the Ways and Means Committee and am well aware of the responsibilities that go along with such an assignment. I only hope that I will be able to carry on his dedication and hard work to the Congress and the committee.

I want to thank my colleague, BRIAN DONNELLY, for requesting this special order today and I want to join him in sending my deepest condolences to Jim's family at this time.

□ 1910

Mr. DONNELLY. I thank my friend very much.

I am privileged now to yield to an individual who worked so closely with Jim Burke on the Ways and Means Committee, especially on the Social Security Subcommittee, an individual who succeeded Jim as chairman of that important subcommittee, the Honorable JAKE PICKLE of Texas.

Mr. PICKLE. I thank the gentleman from Massachusetts (Mr. DONNELLY), and I thank him on behalf of all of the House Members for taking this time. It is good that we can reflect for a few minutes about the life of our dear friend, Jim Burke.

When I first came to the Congress, Mr. William Colmer had been in the Congress for nearly 40 years. He haled from Mississippi. He told me the first day I was here, he said, "JAKE, whatever you have done in the past, whatever friends you have made, you can remember, but you will never make better acquaintances or dearer friends than you will here in this House, no matter how long you stay here." He said, "Just remember that."

I found that Bill Colmer was exactly right and one of the most interesting and one of the most picturesque men I have ever served with was Jim Burke. Certainly he was one of the most colorful speakers.

It did not take Jim Burke long to get warmed up for a speech. If he decided all at once he wanted to make an address, he could do it, and he could go. He could go from zero speed to 60 miles an hour in nothing flat.

Then he could go into the cloakroom and he would turn to his colleagues and say, "You know, they may take me too seriously on that." And he would laugh and he would turn to a new Member and say, "Now, don't ever let this job get too serious with you." He was that kind of an individual.

As I look back on it, I think that this Nation owes Jim Burke a great vote of thanks, much greater than the average person realizes. I served with him for a few years as a member of his Subcommittee on Social Security.

For over 25 to 30 years we as a Congress have given away more benefits and given more benefits, and Jim Burke became chairman of the committee at a time when it was necessary that we start making some changes. It fell his very difficult task to try to correct some of the overpayments we had made, overextensions that we had made back in the early 1970's.

In 1977 Jim Burke as chairman of the committee advanced some recommendations and changes such as decoupling and tried to correct some of the flaws we had made in the earlier cost of living COLA grants.

That was not easy to do. But at that time in 1977 the overall long-term deficit of the social security trust fund was in excess of 8 percent. That is an enormous amount of money. Our social security trust fund would have gone broke within 2 or 3 years had we not made some changes.

A lot of people look back and say, "Oh, the changes that we made in 1977 were supposed to cure everything," and they did not.

But I say to you that if Jim Burke, under his leadership, had not recommended those changes, we would have much, much more serious trouble in social security. As it was, as the gentleman from Massachusetts (Mr. SHANNON) has said, he made a great contribution to our elderly citizens and this Nation owes him a great vote of thanks because as chairman of the first committee on social security he pointed the way toward solvency, and I think this Nation owes him a great vote of thanks.

Serving with him on the committee was a great pleasure. We knew pretty much how Jim would vote and we knew exactly how he would respond if you tested him or if you put him to the question. He was always predictable.

It would not take Jim very much difficulty to delve into a speech against

imports and his favorite topic was shoes. He would point out that originally when he came to Congress, he would say when he first announced as young Jim Burke, and I notice 30 years later he was still using the same picuture of young Jim Burke announces for reelection, but he said at this time we had 20 or more shoe factories in my district, and then he would go into great detail telling us exactly what had happened, what had driven those shoes out of his district, what had driven those shoes out of the United States and overseas, and that they are going to break every shoe company in America.

I will tell you, those of us on the Ways and Means Committee have heard that speech by him many a time.

I would like to recall at one time just a few years ago when we were all invited to the White House to visit President Carter on a matter pertaining to taxes, and before we had our first cup of coffee to just get warmed up, Jim said, "Now, Mr. President, let me tell you something about shoes." He turned to President Carter and after about 30 minutes President Carter was in a daze and did not know what he was talking about or what brought that up. One of us turned to the President and said, "Mr. President, welcome to the club. You have just received one of Jim Burke's fine deliveries about shoes and imports."

Of course, Jim was basically right. But he did that because he was trying to make a point. He knew how this business worked. He knew how the Congress worked, and he knew how to be helpful to his district.

Let me recite one more story. I know others do want to speak. But I want to tell a story that Jim told me one time about a conference he had with President Lyndon Johnson.

At that time the Navy shipyard in Boston was going to be closed. They had already sent out word that they did not have enough money and the budget had to be cut and the Boston shipyard was going to be closed down.

Jim Burke knew what that would do to his district. He knew that that meant several thousand people, a great payroll and a great hardship within his congressional district. So he finally got an appointment with President Johnson to ask him could he not help him keep that Navy shipyard open in his district.

The President granted him that chance.

Jim took down several people from his district and they got to the White House. Then Jim said, "Now, Mr. President, I want to talk to you about a matter in my district." And the President says, "Jim, it is awfully good to see you. I have missed being with you on the Hill. You were one of the greatest Members we had." And he went into several things that had happened. Then when he finished Jim said, "Oh, Mr. President, I want to talk to you"—and the President said, "Oh, yes, Jim, and another thing." And about three or four times he tried to make his point that he needed some help with the Navy shipyard, and he said that finally time ran out and the man came in and said, "President Johnson, I am sorry, these other delegations are here now, the photographers are waiting, and we will have to move on to the next appointment."

So the President turned to Jim and Jim was just crestfallen because he had not even gotten any of his sales pitch in, much less gotten his project, and he started to the door and he wondered why in the world had the President done that to him. The President finally turned and said, "Jim, just a minute. Before you leave, I am sorry time ran out," he said, "but before you leave, be prepared when you go out that door to tell the press how you twisted my arm, because those reporters out there are asking how in the world you sold me on keeping that Navy yard open." He said, "I have already called the Navy and told them to do it." He said, "It is done. Now you go out and take the credit and make a big speech, a typical Jim Burke speech." And Jim said, "I did."

You know he knew how the system worked and so President Johnson knew how the system worked and they were great friends. I like to recall that story thinking that there were two men who knew how to work together to help their country.

I consider it a great pleasure to have served with Jim Burke. I think he was one of the most delightful men that I have ever known, and he has meant a lot to this country. I hope his family and his friends in Boston know that of all of the men who served in this Congress, none was more colorful and more interesting and more delightful or more effective for his country than the Honorable Jim Burke.

Mr. DONNELLY. I thank my friend for those wonderful remarks and those very Jim Burke type of stories.

I thought one of the greatest tragedies when Mr. Burke decided not to run in 1978 is that he was leaving when the advent of television was coming to the House floor. I think America missed, by not seeing Mr. Burke at his best when he talked about shoes, and ships, and imports, and the jobs of the people, and bread and butter. That was an essence of the Democratic Party that I think sometimes we slip away from a little bit in this television age that we are in.

Also the other part of his work on the social security, the medicare, the medicaid, the SSI for the disabled and the blind. There are Jim Burke's fingerprints all over almost all of that legislation in the so-called Great Society years and in the late 1960's and early 1970's, and there are so many people that have been affected in a positive way by his work and his steadfastness that never even knew his name.

But we did and people like yourself who have worked so closely with him. And the Burke family especially will appreciate the gentleman's wonderful remarks.

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Mr. PICKLE. Mr. Speaker, will the gentleman yield further?

Mr. DONNELLY. I would be glad to yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding.

I should say that I can still see Jim Burke making his speech, walking around the floor with one of those cigars, a traditional Jimmy Burke trademark, a big fat cigar.

Now he never lit it, as far as I knew, but he always had them, morning, noon, and night.

We used to say: When Jimmy Burke dies and goes to heaven, we won't have to know which way he was going, we could just follow the trail of cigars up to the pearly gates.

Mr. DONNELLY. I thank the gentleman for those kind remarks.

Believe me, Jimmy is up in those pearly gates.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield to me?

Mr. DONNELLY. I would be glad to yield to a close friend of Mr. Burke, the distinguished gentleman from Texas, HENRY GONZALEZ.

Mr. GONZALEZ. I thank the gentleman from Massachusetts for giving us this opportunity tonight.

Mr. Speaker, I rise to join my colleagues, both those from Massachusetts as well as other States, to express my grief and great disappointment when I heard the sad news that Jimmy had passed on.

Somehow or other I had expected he would be with us for many more years.

I happen to have been one of those who was with Jim the last night of the session in 1979 when we had that 36-hour continuous session of the House. Just to say the words, "Jimmy Burke" is to evoke a gentility, a friendship, a warmth that those who got to know him very well know that his name is synonymous with warmth and friendship. But above all on that particular night when we were here until the wee hours of the morning waiting for that conference on social security, it was Jim who came in and alerted me. I sat with him because by that time he had to go in a wheelchair and he was indignant as I had seldom seen him because he came to report that the conferees had tacked on a $450 million giveaway in social security funds.

It was Jim Burke whom I contacted in the interim, incidentally, after those amendments, because of his great expertise in what I have always felt, had he been listened to and followed, the investment practices of the Social Security Board would have prevented if they had been adopted along Jim's recommendations some of the crises in one or two of those funds.

So when one considers evoking Jim Burke's memory not only the traits of his character which have been so eloquently presented tonight, but his expertise as a legislator in those chores he was assigned, particularly in the area of social security legislation, one must marvel and make sure that the record reflects that.

There is no question in my mind that the last words he said, that was about 6:30 in the morning after we had been here in session, on that Sunday morning when I heard that he was going to retire I expressed dismay and disappointment and he said, "Well, Henry, I want to go back now while I still have time to smell the roses and enjoy the music."

I am sure that Jim in Heaven now is doing precisely that.

Again I want to thank the gentleman from Massachusetts for giving us this opportunity this evening.

Mr. DONNELLY. Mr. Speaker, I thank my friend from Texas for those kind remarks.

Mr. Speaker, at this time I will yield to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman also for having this special tribute to Representative Jimmy Burke.

Mr. Speaker, I would like to join my colleagues in paying tribute to the memory of Representative James A. Burke, who passed away last week.

I had the opportunity of serving in only one Congress with Jimmy Burke, but during that time, I found him to be one of the friendliest and most conscientious members of this body. Despite the fact that he was confined to a wheelchair, Jimmy Burke continued to be the greatest protector of the social security system in the Congress, as he had been for many years. In his search for a solution to the serious problems of social security, he left a legacy of concern and responsibility.

In addition, Jimmy Burke was a hard worker for his own Boston and South Shore constituents in Massachusetts. I am certain that they will miss him a great deal. I know my colleagues join me in expressing sympathy to the family of Jimmy Burke. I hope they can find solace in the fact that the memory and the results of the public service he provided will live on.

Mr. DONNELLY. Mr. Speaker, I thank my friend for those kind remarks.

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Mr. Speaker, in conclusion, there are many Members who have submitted statements, who could not be here this evening, who want to go on record in a very small way, in a way that is set aside especially under the rules of the House that we might, in our little way, place in the history books of this Nation the achievements and the goals and the type of person that this great man was.

Mr. Speaker, I include at this point in the RECORD, various editorials.

[From the Patriot-Ledger, Quincy (Mass.), Oct. 14, 1983]

JIMMY BURKE

James A. Burke was a 10-term congressman and a powerful figure in the U.S. House of Representatives. But he never forgot where home base was—back in "the district", what was then the 11th district, stretching from four Boston wards to Brockton, and he knew who he was representing, the people back home.

More than anything else, Jimmy Burke was a "bread and butter" politician who cared about the people who elected him and spent hours answering their mail and trying to help with their problems. That was why the Milton Democrat spent 20 years in the House of Representatives, without breathing hard at election time, and, as he was fond of pointing out, spending hardly any money on campaigning. It was not a political challenger who finally forced Burke into retirement in 1979, it was failing health, and yesterday Jimmy Burke's life ended after 73 years.

Burke was not a pretentious man, but he had clout in Washington and knew how to use it. In visits with *The Patriot Leger* editorial board Burke would wave his prop cigar and chide us for urging reforms in the Congressional seniority system. That seniority, which had ultimately made him the second-ranking member on the powerful House Ways and Means Committee, was important to Quincy and the South Shore, he remined us. "Yes, I've always been a firm believer in the seniority system," he once remarked. "Of course, that's once I had the seniority."

Burke used his clout to help individual constituents with their personal problems as well as the economic interests of his district. He fought for more contracts for the shipyard in Quincy, for changes in the financing of the Social Security system, for the retention of decentralized postal service, for the protection of American jobs.

Seeking to protect American jobs, he cosponsored one of the last decade's most controversial bills—the Burke-Hartke bill to restrict foreign imports—that many, including this newspaper, regarded as a retreat into trade protectionism that ultimately would be an economic disaster for the country. But Burke maintained he had filed it to focus public attention on the problems of foreign business competition, and bantered, "I might even vote against it myself."

He was proud of his attendance record in Congress, and rarely missed a committee meeting or a recorded vote. And when his health forced his retirement, he left with some regrets but with dignity: "I always said I wanted to leave while the music's playing and I can still smell the roses. That's what I'm doing."

[Editorial from the Brockton, Mass., Enterprise, Oct. 16, 1983]

SERVANT OF THE PEOPLE

Too many politicians, on both the state and national level, rise to prominence by identifying with the so-called "common man"—and then promptly discard him once they are ensconced in positions of power.

That wasn't Jimmy Burke's style.

James A. Burke, who died Thursday at the age of 73, represented the city of Brockton as its congressman for 20 years and was a public servant—in the purest sense of the term—for 42 years. He was called a "bread and butter" politician, meaning that he cared—truly cared—about the everyday concerns of his constituents, the people who put him in office in the hope tht their concerns—their hopes and their fears—would be given expression in the corridors of power.

Jimmy Burke never forgot them. He never forgot the people who had placed their trust in him. He never got carried away by self-importance. He always knew where his duty lay.

It was typical of the man that he should adopt as his own the truly disenfranchised in this nation—the elderly who, particularly in this youth-orientated society of today, feel they have been discarded and forgotten. While his colleagues addressed themselves to more lofty issues, Jimmy Burke devoted his life to improving the lot of the elderly, and he saw his efforts come into fruition with the adoption of the Medicaid and Medicare programs which are in effect today.

Those programs, so vital to the well-being of older Americans struggling along on fixed incomes, will stand as Jimmy Burke's epitaph—and no public servant will ever have a finer one.

"He was," Sen. Edward Kennedy eulogized "one of those rare public servants who never lost touch with the common man. He was as much at home climbing a gangplank in the Quincy Naval Shipyard to meet workers as he was sitting down with heads of staff in the nation's capital."

We will remember him that way.

[Editorial from the Boston Herald, Oct. 15, 1983]

JOHN AND JIMMY

Both John W. McCormack and Jimmy Burke were bread-and-butter politicians in the best sense of the term. They seldom made either headlines or stump-busting speeches, either in Congress or their districts—but they managed to accomplish quite a bit for their constituents and the commonwealth during their years in Washington.

That's why it is understandable that, despite all they did, the extent of their achievements was not really appreciated while they were alive, and is only now being fully realized and praised.

For the former speaker of the U.S. House, the honor comes in the establishment of the John W. McCormack Institute of Public Affairs at the University of Massachusetts at Boston to "promote informed debate and encourage active participation in governmental affairs . . . (to) help recruit and train leaders for the public and private sector."

For Burke, who was forced by failing health to retire in 1979 after a long career in the Legislature and as congressman from

the 11th District, the appreciation comes in the tributes to his memory following his death Thursday. Burke likely knew more about Social Security and Medicare than most of his colleagues in Washington, and worked tirelessly to strengthen them. In truth, there are many who are convinced that if the reforms he urged from the early '70s on had been accepted, Social Security would not have fallen on the hard times that forced harsher reform last year.

Burke was both a friend to senior citizens and constant champion of their cause. They will miss him, and so should we all. He and John McCormack were exemplars of politics at its finest.

● Mr. FRANK. Mr. Speaker, I want to express my deep gratitude to my colleague Mr. DONNELLY for calling this special order on behalf of his very able and well-loved predecessor, the late James Burke. It is very appropriate that Mr. DONNELLY has taken up the special order, because he is serving the people of the 11th district very much in the tradition of responsible and conscientious service that the late Mr. Burke established.

Mr. Speaker, a year ago today, I and many others were quoting Jimmy Burke on one of the subjects on which he was an expert—both in terms of the facts involved, and even more important, in terms of the principles which ought to be brought to bear. I am referring to social security, and to the phrase with which Jimmy Burke argued so tirelessly for a better and more equitable system: "One third, one third, one third,"—which means general revenues to help pay for social security, medicare, and disability.

Jim Burke knew that system well and he knew long before many others that corrective action would be necessary if we were to preserve the principle that social security ought to provide older people in their retirement with a life of dignity and comfort and security. He correctly pointed out that financing the system entirely by a somewhat regressive payroll tax on the employer and the employee was not enough, and that a significant infusion of general revenues would be needed both to improve the equity of the tax base of social security, and to provide an adequate benefit level. While many supposed experts and others refused to listen, Jim Burke crusaded for this idea. He was right then and his idea remains right today.

But it was not only as a staunch defender of social security that Jim Burke endeared himself to the people of Massachusetts, to his colleagues in Congress, and to others. His candor, his wit, his friendliness, and his dedication to the people he served were distinguishing marks in an outstanding public career. At a time when people are concerned about artificiality in our politics, and about a tendency for the cosmetic to outweight the substantive, it does us all good to remember the straightforward and effective style and substance of the late James Burke.

All of us in Massachusetts mourn his passing.●

● Mr. MARKEY. Mr. Speaker, I thank my colleague for calling this special order to honor our late colleague Jimmy Burke. His recent death was a loss to the people of Massachusetts and the people of our Nation. He served both of them well and his family deserves our condolences.

When I came to Congress in 1976, Jimmy Burke was at the end of a long and distinguished career. As a young Congressman, Jimmy Burke provided a good example of someone who picked out an issue important to the people of our Nation, social security, and mastered the issue to the point where he had the respect of all his colleagues. As chairman of the Subcommittee on Social Security, Jimmy Burke watched over the rise of our social security system and nurtured its growth. He was responsible for the difficult amendments passed in 1978 and the passage of that act stands as a final tribute to his skill as legislator, chairman, and compassionate citizen.

Any Member would be proud of the career of Jimmy Burke. For 20 years he represented the people of the 11th district. And for 20 years he looked after the senior citizens of this country, long before many other people recognized the unique problems of our senior citizens. Jimmy Burke also fought hard on an issue which is now becoming popular: fairness. Throughout his career in Congress and his efforts on the social security system, Jimmy Burke felt that the poor of this country were paying too much of their income for social security. His championing of the formula one-third, one-third, one-third is a tribute to his touch with the common man. The best thing about Jimmy Burke was that even though he enjoyed power and influence in Washington, he never lost touch with the people of the 11th district and never forgot that they were the reason he was here.

When Jimmy Burke decided not to run in 1978, he said one should "leave while the music is playing." As a young Congressman who was facing his first reelection, that statement showed me a lot of class, and I admired his ability to retire with grace and honor. Jimmy Burke left while the music was playing, and they were playing his song. He will be sorely missed by the people of Massachusetts and the Members of this body, and I extend my sincere sympathy to his wife and his family.●

● Mr. MONTGOMERY. Mr. Speaker, I was sorry to hear of the passing of former Representative James A. Burke. I had the privilege to serve with him in this Chamber for 12 years and during that time, I found him to be a delightful and entertaining man. In addition, he was one of the best public speakers this House has ever had.

I am proud to have had the chance to work with Jimmy Burke. I know he was well respected by his colleagues as well as the people of Massachusetts he represented so well between 1959 and 1979. He was an outstanding leader and he will be missed.●

● Mr. RINALDO. Mr. Speaker, I noted with deep sadness the passing of a former colleague, Representative James A. Burke of Massachusetts, and today I join with my colleagues in the House in remembering the accomplishments of a champion of the Nation's elderly.

Although we served on opposite sides of the aisle, I was well aware of and admired the joy, enthusiasm, and tireless attitude he brought to his work. The record shows his loyalty to his country and the service that he gave to the Government. He held public office for more than 40 years beginning in the State legislature then serving as registrar in Boston. During World War II he served in the Army with counterintelligence.

During his 20 years of service in the House, he loyally championed and creatively contributed to legislation which significantly improved the welfare of the elderly. He served on the Banking and Currency Committee and the Joint Congressional Committee on Internal Revenue Taxation before taking his post on the powerful Ways and Means Committee. As the vice chairman of that committee and the chairman of the Social Security Subcommittee, he fought to maintain the integrity of the social security system. His career in politics was an expression of the genuine compassion and sincere warmth that he felt for his fellow man.

He had an unique opportunity to contribute creatively and constructively to the welfare of the Nation's elderly and we can say that he was always more than equal to the task. The House and the elderly of this Nation had a cherished friend in Jim Burke, and I would like to express my sympathy and condolences to his widow and those of us who will miss him.●

● Mr. RANGEL. Mr. Speaker, I rise to pay tribute to a truly fine man, a dear friend who served the people of Massachusetts for 20 years. I am speaking of the late Congressman James A. Burke, who passed away last Thursday in Boston.

From 1959 to 1979, Jimmy Burke was an uncompromising advocate for the rights of the poor and the elderly. He was a scrappy defender of the sacred trust placed in Government to protest its citizens from want, hunger, and poverty. No one can doubt his total commitment to making America a land of opportunity for Americans of

all faiths and races. This was his dream, and this was his cause.

I was particularly saddened by his untimely death because I knew him well. His position as chairman of the Ways and Means Social Security Subcommittee suited him perfectly, and he tutored me well in the inner workings of the committee. He was a man of great vigor who was a mentor for many young Members of the House. I feel privileged to have known him intimately.

There will never be another man like Jimmy Burke. His legacy is unique, and can only be admired. God bless him.●

● Mr. ADDABBO. Mr. Speaker, the Commonwealth of Massachusetts, in fact, the entire United States of America, lost a fine public servant and citizen when former Representative James Burke succumbed to a long illness last Thursday after a valiant fight. His colleagues admire his courage and his strength.

Jimmy Burke began his public service career at a time when America was struggling to pull itself out of depression. Years later, he would remember the suffering caused by economic despair as he sought out assistance for declining industries in his district.

When the country threw its energies against the Axis nations in World War II, James Burke was there, serving in the Army. While in the Massachusetts Legislature, he maintained a keen sense of his constituents' needs and wishes. During his years in Congress, he returned frequently to his district and grew to know his constituents even better. From them he took a wish to improve the quality of life for our Nation's elderly and translated it into legislation for an equitable social security system.

He was a great legislator—we shared many battles, and I learned a great deal from him. There was no one whose advice was more trusted; he was a great friend. He served his community in so many ways, always taking an active part in charitable and religious institutions. My deepest condolences go out to his dear wife, Aileen, and to the rest of his family. I join them and my colleagues in mourning the loss of a fine patriot, brave man, and true friend.●

● Mr. STARK. Mr. Speaker, I join with my colleagues in mourning the passage of, and commemorating the career of, one of the great Members of Congress of our time.

Jimmy Burke died this October 13, but we shall always remember him, and the country will always benefit from his good deeds.

He was a wise and seasoned veteran of Congress when I joined the Ways and Means Committee in 1975, and Jimmy was one of those who helped teach and mold me in the ways of the committee, and in concerns for the elderly and retired.

I know Jimmy is famous throughout Massachusetts for his meticulous attention—one could almost say care and feeding—of constituents.

But he was also a fine national statesman, a leader on social security and a prophet on the need to make major reforms in the system.

In the past 4 years, and particularly under this administration, the poverty level has climbed to 15 percent, the highest level since 1965. But for the first time in our Nation's history, the elderly and retired poverty rate is below the national average. Much of this is due to the great work for social security that Jimmy Burke did during his tenure on Ways and Means.

With his constant companion of a cigar, Jimmy often looked like something out of a novel about old politicians—but he was a forward thinker, with the best interests of the Nation and his people safe in his magnanimous heart.●

● Mr. MAZZOLI. Mr. Speaker, I was saddened to learn of the recent passing of one of our former colleagues in the House, Representative James A. Burke of Massachusetts.

I remember Jimmy well. He was a delightful man, a great story teller and a wit whose humor enlivened many moments in Congress. Jimmy was also a capable, knowledgeable and effective Representative who served the people of Massachusetts well during his years in the House. It was a privilege to serve with Jimmy Burke.

Jimmy's passing is a loss to all of us who knew him. I extend my condolences to his family.●

GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SAVING THE AMERICAN SYSTEM OF SELF GOVERNMENT

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk this evening about the importance of honesty in saving the American system of self-government. Every American knows we face a time of great change and that time of great change means good news and bad news. On aging, the good news is that more of us are living longer. The bad news is that it costs more, our children and grandchildren have to pay higher taxes, and medical costs go up as we grow older. But those are not really bad news items, because it is good that we are living longer.

On health care, the good news is that we have better technology, we are able to save more lives, and more people are able to survive diseases that once upon a time would have killed them.

The bad news is that a better and higher technology and a more complex medical system are very expensive.

On education, the good news is that every American adult and child lives close to a college, high school or vocational technical school. The bad news is that by including everyone in our education system, we have adopted practices that are not very effective. Because of this, we have to rethink and reform our education system.

On the military, the good news is that we have been able to keep the peace with Russia since World War II. Though we are militarily very powerful, the bad news is that the Pentagon is a large complex bureaucracy. And in fact, we have to overhaul it fundamentally if we are going to be able to survive as a Nation into the next century.

With so much good and bad news, it is no wonder we are all confused by this era of change. All of us know that because of computers and space and biology and the many different breakthroughs in science, our lives are different now. They will be even more different in the future.

That is why millions of Americans buy Alvin Toffler's book "The Third Wave;" millions more buy John Naisbett's book "Megatrends;" and the greatest bestseller in business books is Peters and Waterman's "In Search of Excellence," a book which looks at American companies to find our how we can better manage ourselves.

Almost all Americans realize their country is being challenged and they want to help. They know the world has changed and that it is time that we, as a country, change. Most Americans know that their own lives are chnaging. They are getting different jobs. They are living in different places. They are doing different things.

Indeed, many Americans wonder why their Government is so far off from responding to reality.

If you take the ability to travel as an example of how much the world has changed, from the time we tamed horses about 6,000 years ago up to 1800, the fastest man could go was about 20 miles an hour. Then, around 1820, we invented the steam locomotive. By 1900, the railroad moved the speed of travel up to 100 miles an hour—five times faster than before.

For 6,000 years we traveled at no more than 20 miles an hour. And suddenly, in less than a century, we had increased our speed fivefold.

In this century we increased our speed to around 19,000 miles an hour on the space shuttle. Think of it. We are now in a system where mankind is able to move faster than ever, to go farther than ever and to do more than ever. And yet, while we improve our technology—with pocket calculators, home computers, cable television, and more—we have not improved our Government as much. We are in many ways closer to the woodstove style of government than to the microwave style of government. We are in many ways closer to the railroad of 1900 than to the space shuttle of 1983.

Every time we try to talk about real change, we terrify the liberals who are used to running this Government. Liberal welfare state supporters are fighting desperately to survive in power. Liberal welfare state supporters know they cannot go to the country honestly. They cannot say they are for big bureaucracy. They cannot say they are for big Central Government. They cannot say they are for tax increases. They cannot say they are for shrinking take-home pay.

Liberal welfare state supporters know the country will not support them in an honest debate on their values.

Ordinary Americans however, are committed to bringing Government under control. Americans are committed to decentralization and moving power back home. Americans are committed to overhauling the bureaucracy. Americans are committed to protecting take-home pay and fighting tax increases. Americans are committed to controlling spending in Washington, just as they have to control spending in their own family.

Faced with the reality that they cannot go home and tell the truth, liberal welfare state supporters, in an honest campaign, would have to either change or be defeated. Yet, their bosses prevent them from changing. The modern Democratic Party is a coalition of three groups—three sets of bosses. First, there are the selfish special interest people who clearly place their power above that of the Nation. Second, there are the liberals who love big Government, in part, because they love big Government jobs. And third, there are the radical activists who know that if they will support the special interests who are selfish and if they will support the liberals who love big Government, then in return they will be given the power themselves to do the things they want to radically change our lives.

These groups form a coalition that simply will not permit change. We saw this recently when Governor Askew said at a Democratic Party Caucus in Iowa that the Democratic Party should have room for someone who is not automatically for unilateral freeze or for someone who is not for abortion on demand. He was booed. He was hissed. Yet, it was a rather modest request.

The combination of the monolithic power boss and the ideological zealot—and their commitment to the liberal welfare state—explains why Democratic Presidential candidates all sound so similar.

Walter Mondale cannot say no, as a recent John Glenn attack suggested. But when has JOHN GLENN said no? And who has he said no to?

The Democratic Presidential candidates intend to say yes right up to the convention to every radical activist group, to every selfish special interest and to everyone who is willing to show up at a caucus with two votes.

And in trying to win the votes of the radical activists and the selfish special interests and those with liberal ideology, they intend to smear and attack President Reagan. They will try and deceive the public enough to get back to the political center between July and November.

This style of dishonesty is now built into liberal Democratic politics. Since they cannot be honest liberals and get nominated; since they cannot be honest liberals and get elected, they have adopted a new approach.

□ 1940

Starting in 1981, liberal Democrats adopted a deliberate strategy of fearmongering and lying. Their 1981 social security offensive worked. They were able to distort Reagan's position. They were able to scare citizens and they were able to dominate the political scene.

The Republicans were confused by a Democratic Party that would terrorize and terrify senior citizens. Responsible Republican leaders honestly could not believe they were dealing with men who would willfully go out and scare widows or who would willfully go out and send out fund raising mail that was not only false but was deliberately designed to terrify people who were in their seventies and eighties.

Responsible Republicans, in fact, were as shocked and unable to deal with the barbarism of the left as Jimmy Carter had been unable to deal with the barbarism of Khomeini.

It was simply out of touch with modern American decency to run the kind of vicious, lying and distorted social security smear campaign that was in fact the trademark of 1981 and 1982 in the liberal wing of the Democratic Party.

Today we saw the latest installment by a liberal Democrat in producing fear and hysteria. Sadly, this fundraising letter is signed by the highest elected national Democrat, the Speaker of the House. I have the letter right here and I will insert it in the RECORD.

DEAR FRIEND: Hardly an American could have missed the enormous battle waged here in Washington earlier this year to save the Social Security system. And when Congress placed this all-important program on a sound financial foundation for future generations, headlines and TV reports proclaimed "Social Security Saved!"

Well, sad to say, the battle is not yet over.

What millions of Americans do not realize is that our battle to ensure the health and economic security of Older Americans is only half-won. Because without adequate health care insurance, the economic protection that Social Security provides to millions of elderly people is hollow and meaningless.

And right this moment, my Democratic colleagues and I are in the midst of a crucial fight to block the Reagan Administration and New Right Republicans from callously slashing the benefits and services of what is literally the life's blood of our elderly—Medicare and Medicaid.

"We are vehemently opposed to their vicious proposed cuts. And I am personally appealing to you to enlist your immediate help in preventing Medicare and Medicaid from being gutted. Just as the Democratic-controlled House prevented the Reagan Administration from destroying Social Security, we must now save Medicare and Medicaid. And I urge you to help us right now, by making a contribution to the Democratic Congressional Campaign Committee's Campaign To Save Medicare/Medicaid."

If you could see some of the letters I receive from older Americans throughout the country, I am sure you would be as appalled as I am with the stories all too many of them tell.

Here are honest, upstanding citizens, who have worked hard—many even fought hard in our nation's wars—to keep America strong. They have given this great country their entire lives. Their only crime is that they have gotten old and sick.

Some letters cry out how, even under current Medicare and Medicaid programs, critical health needs go untreated . . . an 80-year-old woman needs eyeglasses, but the fuel bill is overdue . . . a grandfather needs a heart operation, but cannot have the operation and pay his rent.

And with over 30 million people in this country without any medical insurance, the frequency of such tragedies is all too common.

In spite of this, Ronald Reagan and the New Right Republicans advocate a utopian kind of self-responsibility. In their country-club mentality, they seem to think that every American can somehow find the money to pay for enormous medical bills, hospitalization, and physicians' services. And in their ruthless attempt to cut to the bare bones domestic services, they totally ignore the real facts. The average American over age 65 has a total gross yearly income of only $9,700! The Republicans could not care less that low-income, elderly Americans are already spending at least 16 percent of their annual income on medical care!

If passed, the Republican plan would substantially increase the financial burden of medical care for older citizens. Reagan has proposed over $1.9 billion in cuts to Medicare in the 1984 budget. More than 50% would come out of the pockets of the elderly.

I, for one, am not going to stand by silently and let the Republicans add intolerable medical expenses to the budgets of millions of older Americans already struggling just to get by. And I don't think you will stand by either.

That's why I'm writing to ask you to join with me and the Democrats in our Campaign To Save Medicare/Medicaid.

Medicare was first instituted under Democrat Lyndon Johnson in 1967. Medicare fulfilled the earlier commitment of Franklin Delano Roosevelt, who founded Social Security, to provide the security of guaranteed medical health care. Tens of thousands of senior citizens are alive today thanks to advanced medical technologies, such as kidney dialysis, provided through Medicare. But the opportunity for a longer, healthier, and more satisfying life is being denied to many other older Americans because of Reagan's "get tough" attitude toward older citizens.

As soon as Ronald Reagan took office, he attacked Medicare by cutting millions of dollars in funding and by asking low-income elderly citizens to pick up the burden of even heavier medical expenses.

If Reagan gets his way, hospital costs alone for the average older American would increase more then 80 percent in just one year!

Medicaid was first proposed when Democrat John F. Kennedy was president and later passed into law by Democrat Lyndon B. Johnson. Medicaid took an enormous burden from families who were faced with the need to provide long-term residential care for elderly parents.

But once again, President Reagan and his New Right political allies have taken the budget axe to Medicaid during the last two years.

Reagan's 1984 budget proposes over $250 million in cuts to Medicaid. Over three-quarters of these cuts would have to be paid for out of the pockets of all Medicaid recipients.

These Republican budget cuts would be as catastrophic to our nation's elderly as the original Reagan proposals to gut Social Security. And just as we fought off those attacks together, we must now save Medicare/Medicaid.

Over the years it has been the Democratic Party that has guarded Social Security, Medicare, Medicaid, and other critically needed programs.

With the health and economic security of millions of older Americans under attack by the Reagan Administration, we Democrats have set as our number one priority the goal of saving Medicaid and Medicare.

And believe me, there's a lot at stake for all of us. Medicare amd Medicaid together account for over $80 billion a year in federal health care expenditures.

Members of your family have probably already benefited greatly from these two programs which pay for a large part of their hospitalization, their physicians' fees, and medical necessities, such as prescription glasses and wheelchairs.

With so much at stake for all of us, here's our battle plan for our Campaign To Save Medicare/Medicaid.

1. First, the political staff of the Democratic Congressional Campaign Committee has started working up strategies to guarantee the election of a Democratic House in 1984 that will stand for, work for, and fight for strong and improved programs in both Medicare and Medicaid.

2. Next, Democratic leaders in the House are scheduling a series of hearings on the future of Medicare and Medicaid. But we are also going to appear on radio and TV talk shows and write editorials for the newspapers. We intend to make the survival and improvement of Medicare and Medicaid a top political issue in the 1984 elections.

3. Third, we must bring our battle to save Medicare/Medicaid in the homes of millions more Americans like you—people who care; people who will not turn their backs on the nation's elderly.

We must seek their help through letters like this one asking for their personal support in making our Campaign To Save Medicare/Medicaid one of the very top issues of the coming campaign. And we must also urge their financial support to make sure Democrats are victorious.

Believe me, the ballot box is the most important weapon we have against those who would destroy or weaken health care service for older Americans.

But to elect and reelect candidates who will champion the defense of Medicare and Medicaid will not be easy. Nor will it be cheap.

In the 1982 midterm elections, the three Republican campaign committees outspent the Democratic committees by nearly 8 to 1. Their spending, in fact, was the largest in the annals of America politics. And their immense financial influence threatens to destroy our two-party system of government.

Of course I know we Democrats can never match them dollar for dollar. The Republican Party has always been and will always remain the party of wealth and privilege.

But to defend the future of Medicare and Medicaid on which so many older Americans critically depend, you and I must close the money gap. Next November we must be able to send to Washington more Democrats who will stand up and fight for health care service for older Americans.

But we face heavy opposition. The Republicans, now in control of both the Senate and the White House, will spend lavishly to gain control of the House . . . the last remaining governmental opponent of their cruelly indifferent public policy for our older citizens.

You and I must not turn our backs on millions of older Americans who have planned their retirement and their monthly budgets on their trust in the good faith and commitment of our federal government.

Just as Americans have a legitimate right to expect their monthly Social Security checks, so they have an equally legitimate right to expect that their government will continue to protect against the high costs of hospitalization, surgery, and the long-term care required after a devastating illness.

Growing old and getting sick is a natural part of life. Citizens should not be penalized and burdened with medical bills beyond their ability to pay.

But unless we act now, the Republicans following President Reagan's lead will penalize and burden older Americans for the natural and inevitable results of aging and illness.

The only way you and I can make sure that insensitive politicians do not undermine or dismantle Medicare and Medicaid is to elect Democrats who will stand for, work for, and fight for a strong, secure health program for older Americans.

We need Democrats in the House of Representatives who will place Medicare and Medicaid at the top of their list of priorities—not at the bottom.

As Speaker of the House, I know from first hand experience that the threats to Medicare and Medicaid are real and imminent!

I urge your help in our Campaign To Save Medicare/Medicaid.

Your emergency membership contribution today of $15, $20, $50 or more will help us launch this campaign and win this fight.

I am doing all I can every day to protect the health needs of older Americans. But more help is urgently needed now. Please let me know that the Democrats in the House of Representatives can count on your help in this battle to save and improve Medicare and Medicaid services and benefits.

Age and illness befall every one of us. And that's why the stakes are so enormously high for every one of us.

Sincerely,

THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives.

This letter is so wrong, so terrible, so destructive, that it is for all practical purposes, indecent and immoral. I cannot really believe the Speaker read it before he signed it.

Let me cite some examples. The opening sentence:

Hardly an American could have missed the enormous battle waged here in Washington earlier this year to save the Social Security System.

This is from the Speaker who stood by the President, and was part of the bipartisan effort, to help save social security. In fact, he helped form the Commission. It was not an enormous battle this particular year. This particular year they were shoulder to shoulder. They were delighted they had saved it. And yet this the Speaker is now beginning a vicious assault on the man and the part—a man who worked with him in a bipartisan effort.

On the same page:

Just as the Democratic-controlled House prevented the Reagan administration from destroying social security . . .

That is, candidly—and there is no other word for it—an absolute untruth. There was never an effort to destroy social security. There was, in fact, an effort to save social security. And that is an example of the distortions we are talking about.

But the distortions go on. For example: "The average American over age 65 has a total gross yearly income of only"—and the "only" is underlined—"$9,700."

That is true. But let me cite an additional figure. The fact is that the elderly are, on average, better off than the nonelderly. 1980 Census data show that after-tax income of the average elderly family member is $6,300, compared to $5,910 for the nonelderly. In other words, once you take away the tax money people do not get to spend, those who are under 65, on average, have less income than those who are over 65. And yet the Speaker cites income of only $9,700.

He goes on to say:

If passed, the Republican plan would substantially increase the financial burden of medical care for older citizens.

Well, to be honest, that is partly true and partly false. It is partly true in the sense that the President's proposals clearly said that for the first days after you went into a hospital you would in fact end up paying a little bit more. The President supported increasing the deductible people pay by $28 for the second through the 15th day and $17 for the 15th through the 60th day. Yes; that is an increase. And what did we get for that increase?

The President proposed a tradeoff. In return for paying somewhat more in the first 60 days, we would go to catastrophic insurance for our senior citizens.

Now, what does that mean? That means that for the first time, real protection against catastrophic medical expenses would exist.

Under current law, a 5-month illness even with medicare protection could cost a patient $13,475. Just one additional month could cost an added $10,000, bringing a total out-of-pocket cost under current law to a staggering $23,475.

Under the President's proposal, the cost to a patient for a 5-month illness would be reduced—not increased—from $13,475 to $1,530. That is a savings to the average person who has a truly catastrophic illness of about $12,000. I repeat: A savings to people with a genuine catastrophic illness of $12,000.

Now, is that a small item? Are there only a few people who are that sick? No. Because as the Speaker said in his own letter, as we grow older we tend to get sicker and sometimes we get sicker for longer periods. In fact, that catastrophic insurance would have saved $12,000 for a number of people. There are an estimated 150,000 senior citizens who would benefit each year.

The Speaker goes on to cite as one of the things he is proud of that, medicare was first instituted under Democrat Lyndon Johnson: "Tens of thousands of senior citizens are alive today, thanks to advanced medical technologies, such as kidney dialysis provided through medicare."

That is true. But he does not say in this letter—another example of how fundamentally distorted and dishonest it is—that payments for kidney dialysis were added in 1972 under a Republican President and signed by a Republican President.

He goes on to say: "Reagan's 1984 budget proposes over $250 million in cuts to medicaid. Over three-quarters of these cuts would have to be paid for out of the pockets of all medicaid recipients."

This has some truth to it, but is mostly distorted. There turns out to be 22.2 million medicare patients or potential medicaid recipients. So the amount would have come to 75 cents per month per recipient.

But let me state it a little differently, because I think it puts it in better perspective. Had he explained this in his letter, I think we could see how far he was reaching.

The Federal Government would have required States to establish a copayment for medicaid recipients of $1 and $1.50 for physician visits and $1 and $2 for each day in the hospital. The lower copayments would apply to those receiving cash welfare benefits. Medicaid nursing home patients would be exempt.

In other words, if you are on medicaid, you would have to pay $1 to visit the doctor or $1.50 if you are in the higher income bracket of medicaid. Somehow, for most Americans, $1 to visit the doctor will hardly seem to be a ruthless and Draconian policy.

And I would say to the Speaker, and to all of the liberal Democrats who are following his policy, that if even a 75-cent-a-month cut is too much, how are we going to bring any spending under control? Where would they cut? What would they do? In this great Democratic offensive on the deficit, where would they find anything that they could possibly cut?

But let me go on. Having made a whole series of distortions, deceptions, and misleading statements, the letter then gets down to the main point, which is that it wants your money for the Democratic Campaign Committee:

> Next, Democratic leaders in the House are scheduling a series of hearings on the future of medicare and medicaid.

In other words, there is a deliberate plan to use public money, the taxpayers' money, to hold a series of political hearings for political purposes, for which they are sending out a political mailing to encourage people to be involved in.

Now, I want to stop at this point and digress from the letter to talk about a recent letter by Mark Shields in the Washington Post, which explains a great deal of this strategy. It was entitled, appropriately, "The Fear Factor." Mark Shields is a well-known consultant for the Democrats. And this is what he says:

> According to a just released national survey done for the Democratic Congressional Campaign Committee by pollsters Peter Hart and Dotty Lynch, Americans have some very serious concerns; we may be more fearful than cheerful, and that may be very good news for the Democrats in 1984.

In other words, the Democrats are encouraged by the fact that Americans are frightened. They are glad that the average American has fears.

Let me go on. He says:

> If medicare were to become in the campaign of 1984 what social security was in the 1982 campaign, then the Democrats would almost surely prosper at the polls.

Then he goes down to say, in a moment of honesty:

> The Democrats, bereft of great visions or noble mission, could win in 1984 by allaying voters' fears about potential loss of economic security and about military involvement.

Finally, Mark Shields, a Democratic columnist in the Washington Post says:

Ironically, the Democrats, who dominated the Nation's politics for years with dreams and schemes could win in 1984 by promising (believably) to protect what people have been promised by earlier Democratic Presidents. Personal safety and security concern Americans, and the Democrats offer themselves as political security blankets on a platform not of high adventure but of protectionism. In 1984 the Democrats' best hope could be fear.

□ 1950

Let me say that for the party—whose greatest President was Franklin Delano Roosevelt who said we have nothing to fear but fear itself—to descend to a deliberate, systematic, fearmongering assault on the sensibilities of the American people; to terrorize 85-year-old widows; to deliberately send out letters frightening people; to use the rhetoric and language of the passion of fear is indeed a threat to the very survival of our system.

In response to Mark Shields' column, Congressman HENRY HYDE of Illinois, a Republican, wrote a letter to the Washington Post and he recounted his own experience, and I quote:

> With some sense of deja vu, I recall that last November 16 I appeared with Peter Hart as a guest on a television talk show hosted by Mark Shields during which we discussed negative campaigning. In the course of our sprightly discussion, the following colloquy occured:
>
> HYDE: But Peter, the Democratic campaign strategy was to really peddle fear about social security and it was very effective. But every one of us Republicans who ran had to defend our efforts to come to grips with what everyone knows has to be dealt with, namely, the solvency or insolvency of the social security system. So while you say correctly we should deal with these issues, the main issue is a negative issue and one that I thought was demagog, in all candor.

And this is Peter Hart, who is the Democratic pollster. I quote Hart:

> And I plead guilty, so how about that?
>
> SHIELDS: My goodness.
>
> HART: Absolutely; I think it was demagog, and the problem was, and I just think so much of what is going on, and I think it stems out of the independent action, but I do, yes, I think that social security was demagog.

Let me say that for one of the two or three major Democratic pollsters and a leading Democratic columnist to tell us that fear will once again be used, that hysteria will be developed, that across the land senior citizens will be frightened and that terror will be employed, and then to have the Speaker of the House send out a letter in the

manner he did is at best despicable and disheartening.

The Speaker goes on to say:

The only way you and I can make sure that insensitive politicians do not undermine or dismantle medicare or medicaid . . .

And that is just not true. There is no effort to dismantle medicare or medicaid. There is no possibility of dismantling medicare or medicaid. And yet the Speaker goes on to say:

As Speaker of the House, I know from firsthand experience the threats to medicare and medicaid are real and imminent.

They are not real and they are not imminent. But what is imminent at the end of his letter is an appeal for money. Now, if this were a private business, the people who sent this letter out would probably, certainly go to jail. Because having said a number of things that are not true and having raised fears that are not true, they try to defraud senior citizens of money by asking them to send in their money.

The Speaker's letter is disgusting in itself. It is wrong, misleading, fearmongering. But as Mark Shields noted, this is the clear Democratic strategy for 1984. Fear is the name of the game for Democrats in 1984. But fear is to be part of a strategy of conscious and planned deception and distortion.

The other recent example is deficits. One recent House special order by House Democrats was so disgusting and was absent the truth. These are House Democrats who are talking about a deficit where the House Democratic budget spent $36 billion more in its first version than Reagan. Reagan proposed $900 billion in spending; the House Democratic budget proposed $936 billion.

The Democrats decided to hold a special order talking about the deficit and it was so disgusting that on September 29, BOB MICHEL, the Republican leader, said and I quote:

I hope that within the next few minutes I can maintain my balance, I have really become so nauseated by the drivel I have heard from the gentleman from Arkansas. He leaves out one important component about what contributes to deficits. Blaming the President for deficits is just unconscionable. No President, Republican or Democrat, or whatever, can spend one dime unless this Congress first appropriates, and only then can a President spend what the Congress has appropriated.

I am serving my 27th year in this Congress, always as a member of the minority party, and I will tell the Members that I have been down in this well supporting amendments to cut funding and I will stack that record of mine up against that of the gentleman from Arkansas and any other member who spoke on the Democratic side tonight.

When I first heard that the Democratic leadership was going to initiate a name-calling, finger-pointing campaign on the deficit issue, I was completely dumb founded. Who in his right mind is going to believe Democrats blaming somebody else for high deficits?

If there are any generally adhered to truths in American politics and government, one must be that the Democratic Party has done more to destroy our economic vitality and our hopes for balanced budgets than any other individuals in America.

Mr. MICHEL, the Republican leader, and Mr. LOTT, the Republican whip, are singled out by the Democratic Congressional Campaign Committee for an attack on the grounds that they have not worked hard enough to stop deficits. It is simply wrong, misleading, and dishonorable.

Let me say in closing that we face a real crisis in the ability of this democracy to govern itself—that there are two faces of Populism. There is a Williams Jennings Bryan face and then there is the face of James Madison or the faces of Thomas Jefferson and the Founding Fathers.

Williams Jennings Bryan pitted class against class. He engaged in the politics of hate and envy. He used the vicious demagogic politics of ignorance. He misled. He distorted. He frightened.

But Madison and Jefferson and the Founding Fathers evoked a populism of a different kind. I would like to quote the words that are on the Madison building. James Madison once said:

Knowledge will forever govern ignorance and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

I took this special order tonight because, having sat through those earlier demagogic distortions in the special orders on the deficits and having lived through the vicious, deliberate, smear campaign of 1981 and 1982 on social security, when the Speaker of this House sent out the letter I saw this morning, I decided that the time had come to draw the line.

I personally do not intend to stay in a politics dominated by smearing and mudslinging—a politics which has all too often been characteristic of recent years in this country. This fund raising letter is deceitful. It is destructive. It is wrong. We have to have decent politics that allows us as a people to talk with ourselves, to talk honestly about problems—problems that are real; problems in medicare that are real. We have been told, for example, by the Congressional Budget Office that the trustees are underestimating the crisis. To put that in context, last June the trustees for the hospital insurance program reported that one of the funds, the hospital insurance fund, will run annual deficits beginning in 1983 and continue every year thereafter. The fund will be completely depleted by 1988 or 1990 unless Congress enacts legislation shoring up the system.

□ 2000

The Congressional Budget Office said that was too optimistic. The Congressional Budget Office reported that the hospital insurance fund may be depleted as early as 1987 and no later than 1988.

The Congressional Budget Office reports that the deficit of the hospital insurance program that will accrue by the year 1995, could be from $200 billion to $300 billion. Over a 25-year period, the hospital insurance deficit could be as high as one-half a trillion dollars; that is $500 billion just for the health insurance program.

The Medicare Board trustees indicate that without other charges, the current trust fund solvency, could be improved either by reducing spending 30 percent or increasing taxes by 43 percent.

There will be no letter from the Speaker to young Americans offering them a 43-percent tax increase, which is the obvious and inevitable other side of this letter. They will make no effort to come out, be honest, and say, that they are the party of high taxation and low take-home pay and to give them a chance to raise every penny they can out of your wallet before you get home.

In closing, let me just say we face a number of problems as a country. In the past we were able to roll up our sleeves, to argue about problems and to use the politics of knowledge to genuinely go out and educate each other to find a solution.

It is almost impossible to put out a fire if you are a volunteer fireman and other people are pouring gasoline on you while you fight the fire; yet in 1981 and 1982 the liberal Democrats poured gasoline on anyone who tried to talk honestly about social security.

Governor Askew found recently that if you tried to talk openly about anything which the liberal Democrats do not like, they will boo you and hiss you, as they did in Iowa. We have found out today that there is already a deliberate and planned smear campaign of hysteria and fear on the medicare issue led by the highest elected Democrat in this country. If that continues, then the prospect for us for the next year of doing anything that is of any value to save this country is zero. Because a year lost is a year which will cost all of us—will cost our children and will weaken our country. I think it is imperative that the Speaker of the House withdraw this letter and apologize—not to the Republican party, not to Ronald Reagan, but to the people of the United States for sending out such a document.

TRAPPED IN LEBANON: HOW LONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, at this late hour and even though it is late, every one of us here, whether Members of the House on the floor or off or at home or having a comfortable night, will have good steaks or good food and it is easy to forget that we have some Americans serving in Beirut that are in the shadow of death or serious bodily harm.

What is also in the backwater of consideration, other Americans that are in the jungles of Honduras, that even though right now we do not think they are in danger, I am afraid that in a matter of days the headlines that will emanate from Central America will take away the present headlines in Beirut, for I see the headlong course for disaster that the President has embarked upon in his dealings with Central and Latin America, and particularly Honduras.

The Irish have an old saying, "It's easy to sleep on another man's wounds," and it is easy to sleep while we are here in comfort and safety, while these Americans are elsewhere and their lives are in danger.

If any of my colleagues want to guess how long the U.S. forces may be in Lebanon, one indicator is the record of history. In recent years, not one outside intervenor has yet gotten out; whether by choice or by the forces of fate, all of them remain in the trap, in this deadly fratricidal quagmire of Lebanon.

In Central America, I repeat, it will soon be obvious tragically what a horribly mistaken course the President has taken and how deadly it is already to the relationships of this country and every one of the republics to the south and prayerfully I hope that I will be dead wrong; but the reason I rise tonight is because everything indicates that I am not wrong and that unless the President is willing to change in both scores.

What is wrong with pulling out of Lebanon now? Of course, after last night's television presentation, the President made it obvious that he was like a dear old friend from Texas, President Johnson, when faced with a similar situation said, "We won't tuck tail and run away." That kind of interpretation, I think, is fatal to wise leadership under the circumstances.

In Central America I have constituents, and as I said last night, I have constituents in every one of these zones, also in Korea, also in Germany, another outpost where our Nation's men are serving. Those friends and constituents in the jungles in Hondruas have communicated with me the horribly disturbing parallel of their experience. They are also veterans of Vietnam. They wake up in the morning to the same chattering of monkeys and parrots that they did in Vietnam.

At this point, yes, although we have occupied and continue to occupy Honduras, there is relative safety; but the course carried out and insisted upon by the CIA that mistakenly thinks that it can adopt the same tactics in 1983 in Nicaragua that it did in their interpretation successfully in Guatemala in 1984—what a crass error, what a terrible, terrible misperception of what that world is there.

If any of my colleagues want to guess how long U.S. forces may be in Lebanon, one indicator is the record of history. In recent years, not one outside intervenor has yet gotten out; whether by choice or by the forces of fate, all of them remain in the trap, the deadly fratricidal quagmire, of Lebanon.

Syria entered Lebanon in 1976, claiming that they would be gone in 6 months. They are still there, and in greater numbers than ever, more deeply entangled than ever.

United Nations troops went into Lebanon in 1978 with a mission that was supposed to last 6 months. They are still there.

Israel entered Lebanon on what was supposed to be a quick sweep to rid themselves of constant harassment from Palestine Liberation Organization terrorists. That was in June 1982. Of course Israel is still in Lebanon, and there is absolutely no sign that they ever will—or possibly ever can—get out.

U.S. Marines went into Lebanon in September 1982. They were supposed to have their job done in 3 months, but they are still there, and now have become favorite targets of the numerous forces that want to destroy the Gemayel government. Trapped with them are Italian, French, and British troops who occupy the parts of Beirut outside the airport perimeter guarded by the marines.

Therefore, if anyone wants to know how long the Marine mission may last, the answer could be, "forever."

Consider the latest, abortive national reconciliation talks. Those talks broke down over the issue of where they could be held. Saudi Arabia offered its good offices as a neutral ground on which the contending parties might negotiate. That was turned down. The Presidential palace was not acceptable. Finally, the Lebanese Government simply announced that the talks would take place at the Beirut Airport. That did not work, either.

As a matter of fact, neither the Government of Lebanon nor those opposing it appear to take the idea of national reconciliation talks seriously. The Government has not offered any proposals of a formal nature, and neither has the opposition. The Government thinks that it ought to be negotiating directly with Syria, since Syria holds the strings that much of the opposition dances to. And of course, no one seems to know what to do in terms of negotiating with Israel, which is very much a factor in Lebanon. Ominously, news reports consistently state, as did the New York Times today, that "all sides have been using the breathing spell not to exchange ideas, but to prepare for another round of fighting." Apparently, everyone expects new fighting to erupt at any moment and national reconciliation is the last thing that anyone expects.

The urgent question that prospective new fighting raises is, "How will this affect the marines?" After all, the marines have clearly become fair game in this fratricidal war, and they are easy targets because of their fixed, exposed position and passive role. We have to ask, what will the United States do in a fresh outbreak of violence, especially if the marines come under heavy attack? And, as I said last night, it looks as if the choices are to sit tight, to fight back with aggressive tactics—meaning, to get involved as an outright combatant—or to get out.

If the marines fight back aggressively, go out and patrol and take the other military actions that the military situation dictates, that would change the whole nature of the American commitment. The marines instantly would be transformed into outright combatants, not peacekeepers. But the dilemma is that if they stay, and if they are attacked, there is no real choice but to allow them to take the measures they must take to defend themselves. And just like the case of Vietnam, such measures make them combatants for the government, not the guarantors of the peace, the neutral promoters of good faith negotiation. To state it another way, while our political goal may be to remain as neutral peacekeepers, the military situation will probably compel the United States to become de facto combatants. Is that what you envisioned last month or last year? Absolutely not. And I am not so certain that the United States role is neutral even now; after all, our supplying and training of the Lebanese Army—a process that continues as fast as resources permit—makes the United States, in the eyes of the government's enemies, allies of the government that they oppose. Thus, while the administration might have said and earnestly desire that our mission in Lebanon is solely peacekeeping in nature, the role that our

forces have been placed into—whether by accident or miscalculation or by some other factor—is hardly neutral, nor can it stay so if the marines are frontally assaulted in a new round of fighting. And I repeat, such fighting is not only a possibility, but a growing likelihood, as snags continue to delay any meaningful efforts at national reconciliation.

It is perfectly clear that the Druse and Shia opponents of the government in Lebanon want at the very least to achieve a meaningful share of government power. And while President Gemayel today talks about a secular government that does not give unfair shares of power to any faction, a government that is not split among religious parties, he has not always talked that way. Curiously, the Secretary of State talks about a government of "confessional balance," but Gemayel speaks of a government that is secular. In Lebanon, even supposed friends and allies do not talk the same language or share the same goals. Since we can rely on actions as the most certain guide of real intention, it is worth remembering that the Gemayel government has not taken any steps to include Moslems or secularize itself. Indeed, Mr. Gemayel's own supporters might not permit him to be conciliatory in any way, shape or form. In that circumstance, it is not hard to understand why his opponents have not leaped to the bargaining table. They probably see him as just another warlord like themselves, and they have no more esteem for him or faith in his good will than he for them or theirs. These are people who, after all, have tried to murder each other, and whose families have been murdered by one faction or another. President Gemayel, for example, succeeded his brother, who was killed by some unknown opponent's terrorist bomb. His opponent Wahlid Jumblatt leads the Druze as successor to his father, who was murdered, some suspect by the Syrians who today support Jumblatt. Such is the treachery and deadly scheming in Lebanon. In that kind of poisoned climate, that kind of treachery, it is foolish and futile to expect any early resolution of the conflict or any sudden outpouring of fraternal trust. What is more, these blood feuds are more likely than not to embroil our own forces, who, let us never forget, have now become targets no less than the Lebanese factions are targets for assaults. More marines were hurt within the last day; and with each attack, the possibility of holding that force as passive peacekeepers becomes smaller—they will be forced to attack or withdraw. They cannot stand still. They cannot sit as clay pigeons. So we have to ask ourselves—is it possible, even with the best of intention to maintain the role we thought we were playing back in September 1982? If not, then what is the value of becoming embroiled in the same endless fray that has tormented Lebanon from time immemorial? We have done our best. It is time to get out. We have tried to promote negotiation, in good faith. There is no sign that this effort has succeeded. We have tried to keep the peace, in good faith. The attacks on our troops signals that this effort may no longer be sustainable.

In Vietnam, faced with a government that could not stick together, nor command the loyalty of its people, nor operate an effective army, Lyndon Johnson said, "we will not tuck tail and run." Today, 20 years later, we are hearing that exact same kind of statement. Twenty years ago, we were told that it was unthinkable for the United States to abandon its effort in Vietnam, however ill-advised that it might be. But there is a limit to what blood and treasure and good will from us can buy. It cannot buy the good faith of people who do not intend to work in good faith. It cannot end blood feuds. Unless our good will is reciprocated, it is fruitless. And there is no sign that any one in Lebanon accepts what we have been trying to accomplish, by way of ending the bloodshed. Is it wise that we stay in this trap? I think not. Is it wrong to say that we have done out best, that we have accomplished what was possible, and get out? I think not.

In a year's time, our Government has not succeded in bringing together even the Lebanese factions for talks, much less the Israelis and Syrians. The Lebanese factions insist on continuing to rely on outside forces for help to sustain their feuds. The Druse rely on the Syrians; the Christians rely on Israel or the United States; the Syrians rely on the Russians.

Let us recount a little history. The Syrians were beaten by the Israelis—but promptly resupplied by the Russians. The Lebanese were never much of a factor, but have been resupplied by the United States. The Christian militias have been rearmed by the Israelis, who incidentially made arms available to the Druse, who also rely on the Syrians. Confused? Who would not be? The point is that each of the factions and powers is able to draw on apparently endless supplies for rearmament, and so as long as any are willing to die, there is no reason that any recognize military reality or political sanity. Each side wants to hold out until it has an unbeatable advantage; and in this situation there is hardly any room for a peacekeeper, except to serve as a target for snipers and terrorists. To get a little flavor of this bitter-end feuding, listen to this quote reported in the New York Times for today quoting a Christian military leader:

> We figure if we can just hold out until 1985 the Israelis will attack the Syrians and everything will look different.

That is approximately the negotiating attitude of every faction in Lebanon—hold out until the next round, and maybe then the other factions will be dead.

Meanwhile, the marines are sitting in a militarily impossible situation created by the political trap into which the United States has so foolishly plunged. If they move out to attack those who threaten them, they become entangled in the endless war, just as the Syrians have since 1976. They become entangled, just as the Israelis did after invading Lebanon. Military advisers in this administration warned against the Lebanon venture. They recognized what a trap Lebanon really is. Now that the trap is closing, the President, like Lyndon Johnson before him, is hoping that if he just holds out, something will save him from having to recall the troops. But it is wiser to recognize a military mistake than to gamble endlessly and waste endless lives in a venture that has hardly any chance at all of success. How long will we be entangled in Lebanon? We have already been there too long, solved nothing, and now face the choice of becoming further entangled or getting out. What business have we got in someone else's civil war? None at all.

We have done our best, and it is time to declare the mission accomplished, and get out.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, as chairman of the U.S. delegation to the fall meeting of the Inter-Parliamentary Union in Seoul, South Korea, during the first part of this month, I was forced to miss some rollcall votes held in the week of October 3.

On October 4, on rollcall No. 376, on approval of the Journal of the previous day's proceedings, I would have voted "aye." On rollcall No. 377, on the Hansen amendment to the Udall substitute amendment to sections 10, 11, and 12 of H.R. 2379, the National Park System Protection and Resources Management Act of 1983, I would have voted "nay." On rollcall No. 378, on

passage of H.R. 2379, as amended, I would have voted "aye." On rollcall No. 379, on passage of S. 1852, the Defense Production Act of 1950 extension, I would have voted "aye."

On October 5, on rollcall No. 380, on the conference report on H.R. 3363, the Department of Interior and related agencies appropriations for fiscal year 1984, I would have voted "aye." On rollcall No. 381, on House Resolution 331, waiving certain points of order against consideration of H.R. 3958, the Water Resource Development Appropriations for fiscal year 1984, I would have voted "aye." On rollcall No. 382, on House Resolution 332, waiving certain points of order against consideration of H.R. 3959, supplemental appropriations for fiscal year 1984, I would have voted "aye." On rollcall No. 383, on passage of H.R. 3959, I would have voted "aye."

On October 6, on rollcall No. 384, on the Edgar amendment to H.R. 3958, water resource appropriations for fiscal year 1984, I would have voted "nay." On rollcall No. 386, on the Florio amendment to H.R. 3648, the Amtrak Improvement Act of 1983, concerning debt discharge, I would have voted "aye." ●

RULE ON THE TAX REFORM ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means today favorably ordered reported H.R. 4170, the Tax Reform Act of 1983. This is an omnibus tax bill incorporating numerous issues on which the committee has acted over the past several weeks such as: First, the Tax-Exempt Entity Leasing Tax Act; second, the Life Insurance Tax Act; third, tax rules governing private foundations; fourth, the Tax Law Simplification and Improvement Act; fifth, the Permanent Tax Treatment of Fringe Benefits Act; sixth, tax-exempt bond provisions; and seventh, amendments to the social security disability benefit provisions, the medicare program and the trade adjustment assistance programs.

I wish to serve notice, pursuant to the rules of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek a modified closed rule for the consideration of this bill by the House of Representatives.●

RELIGIOUS DISCUSSION IN SCHOOLS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I am including in the RECORD a letter from Senator MARK O. HATFIELD and a copy of the Senate bill, S. 815, Religious Speech Protection Act of 1983, sponsored by Mr. HATFIELD and others.

U.S. SENATE,
Washington, D.C., October 19, 1983.

Hon. CARL D. PERKINS,
Chairman, House Education and Labor Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that your Committee is presently conducting three days of hearings on the merits of allowing students to use school facilities for religious discussion during non-instructional time periods. Your efforts in holding thorough hearings is to be commended, and I regret that I will be unable to personally testify in support of this concept.

Mr. Chairman, the time for action on legislation granting students their right to assemble for religious speech has come. In the midst of a filibuster in 1982 on an amendment attempting to strip federal courts of jurisdiction to hear school prayer cases, I introduced legislation that I believed addressed the real issue of the school prayer debate—that is, the right of students to meet in an open forum on their own initiative and without any official encouragement or sponsorship for religious discussion and prayer. Later, 23 Senators joined me in filing an extraordinary amicus curiae brief with the Supreme Court in the Lubbock case on behalf of the free speech rights of students to meet for religious discussion. Unfortunately, however, the Supreme Court on January 17, 1983 failed to grant a hearing in this case.

After Lubbock, a number of Senators with divergent views about S.J. Res. 73, the proposed constitutional amendment concerning prayer in public schools, found agreement relating to an area of great confusion and misunderstanding among secondary school administrators and faculty, as well as among students and parents. We agreed with the principles of the U.S. Supreme Court decision in *Widmar* v. *Vincent*, 454 U.S. 263 (1981), that where various student groups are allowed to meet on their own initiative during non-instructional time periods, it is wrong to censor their speech to prohibit prayer or religious discussion. Unfortunately, a growing number of federal court decisions have singled out student-initiated religious meetings in secondary schools as violative of the First Amendment to the U.S. Constitution.

On March 15, 1983, we introduced S. 815, which establishes a judicial remedy for high school students who are aggrieved by a discriminatory policy that is formulated and carried out by public schools which receive federal financial assistance. The bill is a straightforward attempt to apply the *Widmar* rule of equal access to lawful student groups in secondary schools.

As safeguards, the bill:

Would prohibit officials from influencing the form or content of any religious activity, or allowing any coercion of participation;

Protects the discretionary role of school administrators to allow non-distruptive student meetings on an equal access basis, or to refuse access to all student groups provided the policy is content-neutral; and

Will not require opening the campus to outside groups since it is student-initiated meetings which have the equal right of access under the *Widmar* decision.

Mr. Chairman, I understand similar legislation will be introduced in the House by Representative Don Bonker. Because a broad spectrum of 26 Senators has cosponsored S. 815, I believe it represents a consensus approach that unifies the vast majority of the Congress. I urge your Committee to seriously consider the basic provisions of S. 815 and ask that the bill and its introductory remarks be placed in the Committee hearing record.

I am confident that under your leadership, important strides can be made in fashioning an effective piece of legislation for secondary school students.

Sincerely,

MARK O. HATFIELD,
U.S. Senator.

S. 815

A bill to provide that it shall be unlawful to discriminate against any meetings of students in public secondary schools and to provide the district courts with jurisdiction

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Religious Speech Protection Act of 1983".

SEC. 2. Any individual aggrieved by a violation of this Act may bring a civil action in the appropriate district court of the United States for damages or for such equitable relief as may be appropriate, or both.

(b) The district courts of the United States shall have jurisdiction of actions brought under this Act without regard to the amount in controversy.

(c) Each district court of the United States shall provide such equitable relief, including injunctive relief, as may be appropriate to carry out the provisions of this Act.

(d) It shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge), who shall then designate a district or circuit judge of the circuit to hear and determine the case.

SEC. 3. It shall be unlawful for a public secondary school receiving Federal financial assistance, which generally allows groups of students to meet during noninstructional periods, to discriminate against any meeting of students on the basis of the religious content of the speech at such meeting, if (1) the meeting is voluntary and orderly, and (2) no activity which is in and of itself unlawful is permitted.

SEC. 4. Nothing in this Act shall be construed to permit the United States or any State or political subdivision thereof to (1) influence the form or content of any prayer or other religious activity, or (2) require any person to participate in prayer or other religious activity.

SEC. 5. The provisions of this Act shall supersede all other provisions of Federal law that are inconsistent with the provisions of this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PEPPER (at the request of Mr. WRIGHT), for October 20 and 21, on account of a death in the family.

Mr. HIGHTOWER (at the request of Mr. WRIGHT), for October 21 and 22, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DONNELLY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

(The following Members (at the request of Mr. MCCANDLESS) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous permission to revise and extend remarks was granted to:

Mr. LEVITAS, following Mr. ROBINSON on his motion to recommit H.R. 2968 in the House today.

Mr. HARKIN, immediately prior to the vote on the Boland amendment, in the Committee of the Whole, today.

Mr. DAUB, on the subject of impact aid immediately prior to the vote.

Mr. WEISS, in support of H.R. 2968 on the Boland-Zablocki-Wright amendment, prior to the vote on that amendment.

Mr. CONTE, to revise and extend his remarks during consideration of amendments numbered 113 and 128 reported in disagreement in the conference report on H.R. 3913.

Mr. COLEMAN of Missouri, to revise and extend immediately prior to vote.

(The following Members (at the request of Mr. DONNELLY) and to include extraneous matter:)

Mr. LANTOS.

Mr. JENKINS.

Ms. FERRARO.

Ms. KAPTUR.

Mr. MORRISON of Connecticut.

Mr. DE LUGO.

Mr. WIRTH.

Ms. OAKAR.

Mr. BERMAN.

Mr. RAHALL.

Mr. GUARINI.

Mr. CONYERS in two instances.

Mr. SHELBY.

Mr. DOWNEY of New York.

Mr. RODINO.

Mr. TAUZIN.

Mr. ROSTENKOWSKI.

Mr. LEVINE of California.

Mr. ROYBAL.

Mr. WEISS.

(The following Members (at the request of Mr. MCCANDLESS) and to include extraneous matter:)

Mr. SHUMWAY.

Mr. GILMAN.

Mr. MOORHEAD.

Mr. BEREUTER in three instances.

Mrs. VUCANOVICH.

Mr. ROTH.

Mr. MARRIOTT.

Mr. LENT.

Mr. GUNDERSON in two instances.

Mr. MILLER of Ohio in two instances.

Mr. FIELDS.

Mr. LEWIS of Florida.

Mr. HYDE.

Mr. HUNTER.

Mr. SMITH of New Jersey.

Mr. LEACH of Iowa.

Mr. DENNY SMITH.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3044. An act to grant the consent of the Congress to an interstate agreement or compact relating to the restoration of Atlantic Salmon in the Connecticut River Basin, and to allow the Secretary of Commerce and the Secretary of the Interior to participate as members in as Connecticut River Atlantic Salmon Commission; and

H.R. 3706. An act to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Friday, October 21, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2029. A letter from the Secretary, U.S. Railroad Retirement Board, transmitting a report of an obligation, without apportionment, in violation of section 3679 of the Revised Statutes, pursuant to section 7 of the Railroad Retirement Act of 1974, as amended; to the Committee on Appropriations.

2030. A letter from the Secretary of Education, transmitting a draft of proposed legislation to improve debt collection activities and default recoveries, and to reduce collection costs and program abuse under student loan programs administered by the Department of Education, and for other purposes; to the Committee on Education and Labor.

2031. A letter from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting notice of the proposed issuance of a license for export of certain defense equipment sold commercially to Saudi Arabia (Transmittal No. MC-2-84), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2032. A letter from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting a report of political contributions by Ambassador-designate Thomas P. Shoesmith, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

2033. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to grant subpena authority to the Secretary of Commerce for administrative hearings conducted by the National Oceanic and Atmospheric Administration in the U.S. Department of Commerce and for other purposes; to the Committee on Merchant Marine and Fisheries.

2034. A letter from the Deputy Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on San Juan Harbor, Puerto Rico, phase I general design memorandum, together with other pertinent reports, pursuant to section 101(a) of Public Law 94-587; to the Committee on Public Works and Transportation.

2035. A letter from the Secretary of Energy, transmitting the fifth annual report on the automotive technology development program for fiscal year 1983, pursuant to section 310(a) of Public Law 95-238; to the Committee on Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MITCHELL: Committee on Small Business. H.R. 3075. A bill to amend the Small Business Act to establish a Small Business Computer Crime and Security Task Force, and for other purposes; with an amendment (Rept. No. 98-423, Pt. I). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2910. A bill to amend the act of November 2, 1966, regarding leases and contracts affecting land within the Salt River Pima-Maricopa Indian Reservation; with an amendment (Rept. No. 98-424). Referred to the Committee on the Whole House on the State of the Union.

Mr. JONES of Oklahoma: Committee on the Budget. H.R. 4169. A bill to provide for reconciliation pursuant to section 3 of the first concurrent resolution on the budget for the fiscal year 1984; (Rept. No. 98-425). Referred to the Committee on the Whole House on the State of the Union.

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 3622. A bill to amend the Truth in Lending Act to protect consumers by placing restrictions on the disclosure of their credit card numbers; with amendments (Rept. No. 98-426). Referred to the Committee on the Whole House on the State of the Union.

Mr. ADDABBO: Committee on Appropriations. H.R. 4185. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-427). Referred to the Committee on the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolution were introduced and severally referred as follows:

By Mr. JENKINS (for himself, Mr. FOWLER, Mr. GEPHARDT, Mrs. KENNELLY, Mr. MATSUI, Mr. FLIPPO, Mr. ANTHONY, Mr. PHILIP M. CRANE, Mr. ARCHER, Mr. MOORE, Mr. DUNCAN, Mr. PICKLE, Mr. HANCE, Mr. VANDER JAGT, Mr. DORGAN, Mr. CAMPBELL, Mr. KOGOVSEK, Mrs. SCHROEDER, Mr. KRAMER, Mr. SUNDQUIST, Mr. SCHAEFER, Mr. BROWN of Colorado, and Mr. HEFTEL of Hawaii):

H.R. 4167. A bill to amend the Internal Revenue Code of 1954 to permit individual retirement accounts, qualified retirement trusts and certain educational organizations to invest in working interests in oil and gas properties without incurring unrelated business taxable income, to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 4168. A bill to establish a regional development bank system to promote employment and industrial and regional redevelopment and to provide long-term financial assistance to business enterprises, labor and community organizations, and local governments engaged in economic revitalization; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROSTENKOWSKI (for himself, Mr. CONABLE, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. GEPHARDT, Mr. DOWNEY of New York, Mr. HEFTEL of Hawaii, Mr. FOWLER, Mr. GUARINI, Mr. SHANNON, Mr. PEASE, Mr. MATSUI, Mr. FLIPPO, Mr. DORGAN, Mrs. KENNELLY, Mr. VANDER JAGT, Mr. FRENZEL, Mr. MARTIN of North Carolina, Mr. SCHULZE, Mr. GRADISON, Mr. MOORE, and Mr. THOMAS of California):

H.R. 4170. A bill to provide for tax reform, and for other purposes; to the Committee on Ways and Means.

By Mr. PASHAYAN (for himself and Mr. BROWN of California):

H.R. 4171. A bill to amend the Agriculture Act of 1949 to modify the dairy price support program for the 1984 through 1987 fiscal years, and for other purposes; to the Committee on Agriculture.

By Mr. BONKER:

H.R. 4172. A bill to provide that no Federal educational funds may be obligated or expended to any State or local educational agency which discriminates against any meetings of students in public secondary schools who wish to meet voluntarily for religious purposes; to the Committee on Education and Labor.

By Mr. CLAY:

H.R. 4173. A bill to amend the Federal Aviation Act of 1958 to prohibit foreign air carriers from paying substandard wages to domestic ground crews; to the Committee on Public Works and Transportation.

By Mr. GREEN:

H.R. 4174. A bill to clarify the taxation of cooperative apartments; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 4175. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to provide for more extensive use of safety belt systems in passenger motor vehicles in order to assist in preventing fatal and other injuries and in reducing health, disability, and other costs; to the Committee on Energy and Commerce.

By Mr. KOGOVSEK:

H.R. 4176. A bill to confirm the boundaries of the Southern Ute Indian Reservation in the State of Colorado and to define jurisdiction within such reservation; to the Committee on Interior and Insular Affairs.

By Mr. LEACH of Iowa:

H.R. 4177. A bill to amend the Consolidated Farm and Rural Development Act to modify the determination of the principal amount of emergency loans based on production losses resulting from disasters and the determination of the value of the collateral available to secure emergency loans; to the Committee on Agriculture.

By Mr. McKINNEY:

H.R. 4178. A bill to amend the Tariff Act of 1930 to increase from $250 to $1,500 the value of goods eligible for informal entry, and for other purposes; to the Committee on Ways and Means.

By Mr. MADIGAN:

H.R. 4179. A bill to amend section 93 of title 28, United States Code, to permit Federal district court to be held in Champaign/Urbana, Ill.; to the Committee on the Judiciary.

By Mr. MARRIOTT:

H.R. 4180. A bill to provide for the establishment of a Task Force on Organ Procurement and Transplantation and the Organ Procurement and Transplantation Registry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PORTER:

H.R. 4181. A bill to amend the Small Business Act to require listing in the Commerce Business Daily of subcontracts to be let by Federal contractors, and for other purposes; to the Committee on Small Business.

By Mr. RAHALL (for himself, Mrs. LLOYD, Mr. SIMON, Mr. BOUCHER, and Mr. MOLLOHAN):

H.R. 4182. A bill to establish a national coal science, technology, and engineering development program; to the Committee on Science and Technology.

By Mrs. VUCANOVICH:

H.R. 4183. A bill to amend the National Labor Relations Act to afford employees engaged in the building and construction industry a greater measure of freedom of choice with regard to affiliating with labor organizations; to the Committee on Education and Labor.

By Mr. HYDE:

H.J. Res. 391. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

By Mr. SISISKY:

H.J. Res. 392. Joint resolution to designate December 7, 1984, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; to the Committee on Post Office and Civil Service.

By Mr. WEISS (for himself, Mr. FRANK, Mr. LELAND, Mr. WALGREN, Mr. FAUNTROY, Mr. RATCHFORD, Mr. RANGEL, Mr. WEAVER, Mrs. SCHNEIDER, Mr. CLAY, Mr. KASTENMEIER, Mr. OWENS, Mr. MORRISON of Connecticut, Mr. ACKERMAN, Mr. STUDDS, Mr. CONYERS, Mr. DELLUMS, Mr. CROCKETT, Mr. OTTINGER, Ms. OAKAR, Ms. KAPTUR, Mr. MOAKLEY, Mr. VENTO, Mr. SCHUMER, Mr. LEHMAN of Florida, Mr. WHEAT, Mr. BROWN of California, Mr. BERMAN, Mr. WON PAT, Mrs. BOXER, Mr. SIMON, Mr. MITCHELL, Mr. GRAY, Mr. EDGAR, Mr. WOLPE, and Mr. SEIBERLING):

H.J. Res. 393. Joint resolution to renounce the first use of all nuclear weapons and to conclude treaties with all nations renouncing the first use of all nuclear weapons; to the Committee on Foreign Affairs.

By Mr. HERTEL of Michigan (for himself, Mr. ANNUNZIO, Mr. BATEMAN, Mr. BOLAND, Mr. BROWN of Colorado, Mrs. BYRON, Mrs. BURTON of California, Mr. CHAPPELL, Mr. CLARKE, Mr. CORCORAN, Mr. DWYER of New Jersey, Mr. EDWARDS of California, Mr. FASCELL, Mr. FAUNTROY, Mr. FRENZEL, Mr. GONZALEZ, Mr. SAM B. HALL, Jr., Mr. HORTON, Mr. JACOBS, Mrs. JOHNSON, Mr. JONES of Oklahoma, Ms. KAPTUR, Mr. KINDNESS, Mr. LEACH of Iowa, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. McKINNEY, Mr. MOLLOHAN, Mr. MURTHA, Mr. NELSON of Florida, Mr. NICHOLS, Mr. NOWAK, Mr. PATTERSON, Mr. PEPPER, Mr. RATCHFORD, Mr. RITTER, Mr. SCHEUER, Mr. SENSENBRENNER, Mr. SIMON, Ms. SNOWE, Mr. STARK, Mr. SUNIA, Mr. VANDERGRIFF, Mr. WILLIAMS of Montana, Mr. WILSON, Mr. WINN, Mr. WIRTH, and Mr. WORTLEY).

H. Res. 340. Resolution congratulating Lech Walesa on winning the 1983 Nobel Peace Prize; to the Committee on Post Office and Civil Service.

By Mr. LOTT:

H. Res. 341. Resolution providing for the consideration of H.R. 3, to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

291. By the SPEAKER: Memorial of the Legislature of the State of Colorado, relative to the downing of a commerical nonmilitary plane by the U.S.S.R.; to the Committee on Foreign Affairs.

292. Also, memorial of the Legislature of the State of Colorado, relative to the Surface Transportation Assistance Act of 1982; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BIAGGI introduced a bill (H.R. 4184) for the relief of Sueng Ho Jang and Sueng Il Jang, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. ADDABBO, Mr. APPLEGATE, Mr. COELHO, Mr. FOLEY, Mr. LOWERY of California, Mr. PURSELL, Mr. RITTER, Mr. ST GERMAIN, Mr. SEIBERLING, Mr. SILJANDER, Mr. WOLPE, and Mr. WOLF.

H.R. 124: Mr. COELHO.

H.R. 656: Mr. UDALL, Mr. GEJDENSON, Mr. FROST, Mr. LEVINE of California, Mr. RANGEL, Mr. TORRICELLI, Mr. BATES, Mr. CORCORAN, Mr. KASTENMEIER, Mr. YATRON, Mr. WISE, Mr. KOSTMAYER, Mr. HALL of Ohio, Mr. KOLTER, Mr. MCCLOSKEY, Mr. CARR, Mr. MCNULTY, Mr. EVANS of Illinois, Mr. BORSKI, Mr. LONG of Maryland, and Mr. DOWDY of Mississippi.

H.R. 881: Mr. WATKINS, Mr. STUDDS, and Mr. MOLLOHAN.

H.R. 1255: Mr. KOSTMAYER, Mr. DYSON, and Mr. TALLON.

H.R. 1376: Mrs. COLLINS, Mr. MINETA, Mr. BARNES, Mr. DIXON, Mr. SIMON, Mr. WOLF, Mr. MOLLOHAN, Mr. TOWNS, Mr. FAZIO, Mr. FEIGHAN, Mr. FROST, Mr. HYDE, Ms. KAPTUR, Mr. MCCAIN, Mr. LAGOMARSINO, and Mrs. JOHNSON.

H.R. 1400: Mr. RATCHFORD.

H.R. 1415: Mr. MILLER of Ohio, Mr. ALBOSTA, Mr. DANIEL B. CRANE, Mr. VENTO, Mr. SAWYER, Mr. WOLPE, and Mr. D'AMOURS.

H.R. 1918: Mr. FUQUA.

H.R. 1984: Mr. CARR and Mr. LONG of Louisiana.

H.R. 2053: Mr. ST GERMAIN, Mr. BOLAND, and Mr. CLINGER.

H.R. 2133: Mr. SPRATT and Mr. SISISKY.

H.R. 2385: Mr. LUJAN, Mr. STENHOLM, Mr. CLINGER, Mr. DE LUGO, and Mr. MATSUI.

H.R. 2522: Mrs. HOLT.

H.R. 2630: Mr. ROTH.

H.R. 2738: Ms. MIKULSKI, Mr. SMITH of Florida, Mr. LONG of Louisiana, Mr. WYDEN, Mr. MITCHELL, Mr. CROCKETT, Mr. HERTEL of Michigan, Mr. RATCHFORD, Mr. OWENS, Mr. EDWARDS of California, and Mr. KILDEE.

H.R. 2739: Ms. MIKULSKI, Mr. SMITH of Florida, Mr. LONG of Louisiana, Mr. WYDEN, Mr. SABO, Mr. MITCHELL, Mr. CROCKETT, Mr. HERTEL of Michigan, Mr. OWENS, Mr. EDWARDS of California, and Mr. KILDEE.

H.R. 2740: Ms. MIKULSKI, Mr. SMITH of Florida, Mr. LONG of Louisiana, Mr. WYDEN, Mr. MITCHELL, Mr. APPLEGATE, Mr. KILDEE, Mr. OWENS, Mr. CROCKETT, Mr. HERTEL of Michigan, and Mr. EDWARDS of California.

H.R. 2741: Mr. SABO, Mr. MITCHELL, Mr. CROCKETT, Mr. HERTEL of Michigan, Mr. OWENS, Mr. EDWARDS of California, Mr. KILDEE, Ms. MIKULSKI, Mr. SMITH of Florida, Mr. LONG of Louisiana, and Mr. WYDEN.

H.R. 2742: Ms. MIKULSKI, Mr. SMITH of Florida, Mr. LONG of Louisiana, Mr. WYDEN, Mr. SABO, Mr. MITCHELL, Mr. HERTEL of Michigan, Mr. CROCKETT, Mr. RATCHFORD, Mr. OWENS, Mr. EDWARDS of California, Mr. KILDEE, and Mr. LAFALCE.

H.R. 2743: Ms. MIKULSKI, Mr. SMITH of Florida, Mr. LONG of Louisiana, Mr. WYDEN, Mr. SABO, Mr. MITCHELL, Mr. CROCKETT, Mr. HERTEL of Michigan, Mr. OWENS, Mr. EDWARDS of California, Mr. PEASE, Mr. KILDEE, and Mr. LAFALCE.

H.R. 2744: Ms. MIKULSKI, Mr. SMITH of Florida, Mr. LONG of Louisiana, Mr. WYDEN, Mr. SABO, Mr. MITCHELL, Mr. CROCKETT, Mr. HERTEL of Michigan, Mr. RATCHFORD, Mr. OWENS, Mr. EDWARDS of California, Mr. KILDEE, and Mr. LAFALCE.

H.R. 2745: Ms. MIKULSKI, Mr. SMITH of Florida, Mr. LONG of Louisiana, Mr. WYDEN, Mr. SABO, Mr. MITCHELL, Mr. CROCKETT, Mr. HERTEL of Michigan, Mr. OWENS, Mr. EDWARDS of California, Mr. KILDEE, and Mr. LAFALCE.

H.R. 2837: Mr. PRITCHARD, Ms. SNOWE, and Mr. WHITEHURST.

H.R. 2883: Mr. NELSON of Florida.

H.R. 2888: Mr. CONYERS, Mr. WILLIAMS of Montana, Mr. WIRTH, Mr. FOGLIETTA, Mr. MARTINEZ, and Mr. MOLLOHAN.

H.R. 2991: Mr. KOLTER.

H.R. 3050: Mr. WHITEHURST.

H.R. 3254: Mr. FASCELL and Mr. MINETA.

H.R. 3277: Mr. BERMAN.

H.R. 3380: Mr. KINDNESS and Mr. JACOBS.

H.R. 3417: Mr. CRAIG.

H.R. 3573: Mr. WISE, Mr. CROCKETT, Mr. ACKERMAN, Mr. MCNULTY, and Mr. GEKAS.

H.R. 3591: Mr. ACKERMAN, Mr. BONIOR of Michigan, Mr. FORD of Tennessee, Mr. HOWARD, Mrs. SCHROEDER, Mr. SCHUMER, and Mr. WEISS.

H.R. 3600: Mr. BADHAM.

H.R. 3635: Mr. COURTER, Mrs. SMITH of Nebraska, Mr. YOUNG of Alaska, Mr. FORD of Tennessee, Mr. LEWIS of Florida, Mr. MOLLOHAN, Mr. BATEMAN, Mr. KOSTMAYER, Mr. DERRICK, and Mr. THOMAS of California.

H.R. 3702: Mr. FORD of Tennessee, Mr. LOWRY of Washington, Mr. OWENS, and Mrs. BURTON of California.

H.R. 3710: Mr. BEDELL.

H.R. 3755: Mr. DYSON and Mr. MCCLOSKEY.

H.R. 3799: Mr. HANCE.

H.R. 3906: Mr. CORCORAN.

H.R. 3915: Mr. PURSELL.

H.R. 4005: Mr. HUGHES, Mr. CORCORAN, Mr. BEDELL, Mr. ROTH, Mr. LEVINE of California, Mr. GINGRICH, Mr. SMITH of New Jersey, Mr. JONES of Oklahoma, Mr. FRENZEL, Mr. SOLOMON, Mr. DASCHLE, Mr. MCEWEN, Mr. DANNEMEYER, Mr. HYDE, Mr. ACKERMAN, Mr. LEACH of Iowa, Mr. RITTER, Mr. SMITH of Florida, Mr. FRANK, Mr. SENSENBRENNER, Mr. SIMON, Mr. STOKES, Mr. CROCKETT, and Mr. DAUB.

H.R. 4052: Mr. OBERSTAR.

H.R. 4092: Mr. DASCHLE, Mr. KINDNESS, Mr. SENSENBRENNER, Mr. CROCKETT, Mr. HUGHES, Mr. HORTON, Mr. KOGOVSEK, and Ms. KAPTUR.

H.R. 4102: Mr. PERKINS and Mr. BOUCHER.

H.R. 4121: Mr. EVANS of Iowa.

H.J. Res. 20: Mr. PARRIS, Mr. THOMAS of Georgia, Mr. GUARINI, Mr. SPRATT, Mr. MRAZEK, and Mr. DERRICK.

H.J Res. 103: Mr. KASICH, Mr. LENT, and Mr. STRATTON.

H.J. Res. 215: Mr. LUKEN, Mr. LIPINSKI, Mr. BOSCO, Mr. KOLTER, Mr. MONTGOMERY, Mr. REGULA, Mr. MACK, Mr. MCCOLLUM, Mr. CONTE, Mr. EDWARDS of Alabama, Mr. PARRIS, Mr. WHITEHURST, Mr. PANETTA, and Mr. GIBBONS.

H.J. Res. 292: Mr. HERTEL of Michigan, Mr. WINN, and Mr. DEWINE.

H.J. Res. 377: Mr. SUNIA, Mr. YOUNG of Missouri, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. STOKES, Mr. WEAVER, Mr. MARTINEZ, Mr. FOLEY, Mr. RICHARDSON, Mr. PASHAYAN, Mr. WORTLEY, Mr. BOEHLERT, Mr. VANDERGRIFF, Mr. ORTIZ, Mr. MCGRATH, Mr. BERMAN, Mr. BATES, Mr. HATCHER, Mr. HAMMERSCHMIDT, Mr. FEIGHAN, Mr. WILSON, Mr. ROE, Mr. LEVIN of Michigan, Mr. KASICH, Mr. LEVINE of California, Mr. MATSUI, Mr. HUGHES, Mr. HIGHTOWER, Mr. RATCHFORD, Mr. ERDREICH, Mr. LUKEN, Mr. BATEMAN, Mr. LELAND, Mr. GAYDOS, Mr. RANGEL, Mr. PATTERSON, Mr. WEISS, Mr. FRENZEL, Mr. EVANS of Illinois, Mr. MINETA, Mr. BOUCHER, Mr. LIPINSKI, Mr. ACKERMAN, Mr. SOLARZ, Mr. DEWINE, Mr. HORTON, Mr. DYMALLY, Mr. WON PAT, Mr. BIAGGI, Mr. FORD of Tennessee, Mr. WOLF, Mr. BROWN of California, Mr. VENTO, Mr. SABO, Mr. GREEN, Mrs. HALL of Indiana, Ms. KAPTUR, Mr. MURPHY, Mr. SIMON, Ms. FERRARO, Mr. AKAKA, Mr. ANDREWS of Texas, Mrs. JOHNSON, Mr. HAWKINS, Mr. HOYER, Mr. BEREUTER, Mr. HOWARD, Mr. BENNETT, Mr. HAYES, Mr. JENKINS, Mr. BARNES, Mr. KOSTMAYER, Mr. ANDERSON, Mr. ARCHER, Mr. SMITH of New Jersey, Mr. DASCHLE, Mr. DICKS, Mr. WHITEHURST, Mr. JONES of North Carolina, Mr. DE LA GARZA, Mr. DICKINSON, Ms. SNOWE, Mrs. SCHNEIDER, Mr. TORRICELI, Mrs. MARTIN of Illinois, Mr. MARTIN of New York, Mr. BEVILL, Mr. DWYER of New Jersey, Mr. YOUNG of Alaska, Mr. MCEWEN, Mr. LOWRY of Washington, Mr. PERKINS, Mr. STANGELAND, Mr. GUNDERSON, Mr. MCKERNAN, Mr. ROGERS, Mr. REID, Mr. HARRISON, Mr. DIXON, Mr. JEFFORDS, Mr. PRITCHARD, Mr. MURTHA, Mr. CHAPPIE, Mr. STENHOLM, Mr. FAUNTROY, Mr. PHILIP M. CRANE, Mr. FISH, Mr. LEHMAN of Florida, Mr. KAZEN, Mr. PEPPER, Mr. DYSON, Mr. HUTTO, Mr. WHITLEY, Mr. TOWNS, Mr. FUQUA, Mr. D'AMOURS, Mr. ROBINSON, Mr. KOGOVSEK, Mr. SKELTON, Mr. GEJDENSON, Mr. WEBER, and Mr. WYLIE.

H.J. Res. 379: Mr. WEAVER, Mr. WON PAT, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. WALGREN, Mr. VENTO, Mr. LEVINE of California, Mr. MORRISON of Connecticut, Mr. CARR, Mr. AUCOIN, Mr. LELAND, Mr. LEVIN of Michigan, Mr. FRANK, Mr. SEIBERLING, Mr. WOLPE, Mr. WEISS, Mr. ACKERMAN, Mr. BATES, and Mr. EVANS of Illinois.

H.J. Res. 386: Mr. SILJANDER, Mr. WORTLEY, Mr. COYNE, Mr. DICKS, Mr. DIXON, Mr. STARK, Mr. LELAND, Mr. MAZZOLI, Mr. ROE, Mr. LIPINSKI, Mr. BEVILL, Mr. BRITT, Mr. SUNIA, Mr. GONZALEZ, Mr. PASHAYAN, Mr. EVANS of Illinois, Mr. HOWARD, Mr. RANGEL, Mr. PANETTA, Mr. MINISH, and Mr. WIRTH.

H. Res. 54: Mr. NEAL, Mr. RANGEL, Mr. TRAXLER, and Mr. DICKS.

H. Res. 280: Mr. GLICKMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII,

259. The SPEAKER presented a petition of the Board of Commissioners, Collier Township, Pennsylvania, relative to cable television legislation, S. 66; which was referred to the Committee on Energy and Commerce.

SENATE—*Thursday, October 20, 1983*

(Legislative day of Monday, October 17, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer today will be offered by the Reverend Richard L. Cosnotti, minister of the First United Presbyterian Church, Cedar Falls, Iowa. He is sponsored by Senator CHARLES E. GRASSLEY, of Iowa.

PRAYER

The Reverend Richard L. Cosnotti, minister, First United Presbyterian Church, Cedar Falls, Iowa, offered the following prayer:

Almighty God, Who art the good and gracious sovereign over all, we pause to turn to Thee at the beginning of our work this day, aware that we have been called not only by our constituents but by Thee to govern well the affairs of this great Nation; mindful of the fact that the decisions we make will affect the destinies of men, women, and children in every corner of the globe.

We would not dare, we could not accept this awesome responsibility were we not sure that Thy spirit is with us to counsel us with wisdom, to strengthen us in courage, to protect us from all that would hinder us as we seek to carry out those things entrusted to us for the welfare of the Nation; and so be found acceptable to God and approved by men.

Forgive us, that in the demands that lie before us this day we may not always remember Thee, yet help us at the close of this day to find the time to thank Thee for persevering with us nonetheless.

We would pray, too, for our families, and the demands that our office places upon them; and for all those in other branches of government who work with us to prosper this Nation and the world in peace.

Hear our prayer this day, for we ask it in the name of Jesus Christ, the Lord and Redeemer of all. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, the schedule for today calls for the Senate to resume consideration of the State Department authorization bill and at 1 p.m. to go back to the consideration of the conference report on the Interior appropriations bill. We do contemplate that there should be votes this morning. There definitely will be votes on the Interior conference report.

I invite the attention of the Senate to the time agreement. After we have disposed of the amendments pertaining to the conference report, we shall resume consideration of the State Department authorization bill. It is the intention of the leadership to proceed to the consideration of the State-Justice-Commerce appropriations bill as soon as possible following the disposition of the State Department authorization bill.

KING CRAB SHUTDOWN IN KODIAK AND BRISTOL

Mr. STEVENS. Mr. President, it is with regret that I call to the attention of the Senate that the Alaska Department of Fish and Game has decided to terminate the king crab harvest in the Kodiak and Bristol Bay areas of Alaska. The king crab industry has been afflicted with a drastic decline in harvests in the last 2 years. There is evidence that the crab population is not reproducing well. Various theories have been postulated—overfishing, disease, excessive amounts of fishing gear, change in the geological factors affecting the region, et cetera, however, it is yet to be determined which combination of factors has caused the dwindling in the crab stock.

It is important for the Nation to note that the State of Alaska has postponed future harvests until the crab population again reaches harvestable levels. The extinction of the king crab would be a drastic blow to the Alaskan economy, and every effort must be made to find out what has caused the diminution of this population.

Mr. President, the impact of this precipitous decline of the king crab resource has been devastating to the fisheries of the North Pacific region. Many of Alaska's large fishing boats have depended on the crab harvest to stay in operation. The development of larger boats came about as a result of the previously large king crab stocks, and boatowners subjected themselves to extremely high mortgage payments to finance these vessels. Now boatowners are being forced into other, less lucrative areas of the fishing industry, and thereby putting economic pressures on the rest of Alaska's fishermen. In addition, Alaska's land economy is going to be seriously affected by the shutdown. The Kodiak processors will virtually halt production during the winter months, and many other canneries which received the overflow of king crab from that region will also be adversely affected.

It is important that Congress continue to maintain its support for marine research and management. The causes of the diminution of the king crab stock need to be pinpointed. Such a sudden reversal in an ordinarily healthy area of the fishing industry signifies the unpredictability of the marine environment. Other fisheries may experience problems that affect the king crab, which would impose severe economic hardships on our Nation's coastal economies.

I ask unanimous consent that the article "King Crab Fishing Closed in Alaska" from the October 3, 1983, edition of the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 3, 1983]

KING CRAB FISHING CLOSED IN ALASKA: STATE TAKES ACTION AS STOCKS OF THE DELICACY DECREASE—CAUSES ARE DEBATED

JUNEAU, ALASKA, Oct. 2.—Alaskan king crab, which has become an international delicacy over the last 30 years, will begin to disappear from markets and restaurant menus in the coming months.

There has been a disastrous decline in the crab species, which is found only in seas along the south-end Aleutian coastlines. Some experts say the decline may be long-lasting, perhaps even irreversible.

The Alaska Department of Fish and Game, the agency responsible for managing what was once believed to be an inexhaustible, renewable resource, last week ordered the first total shutdown of king crab fisheries. It started a week ago in the waters off Kodiak Island and Saturday in Bristol Bay, the two prime fishing grounds. The crab fishing seasons would have started on those dates.

Fisheries experts and scientists disagree widely on what caused the dwindling of king crab stocks, blaming factors ranging from parasitic disease to increasing losses to predatory fish species to warmer ocean currents to overfishing.

"LOWEST EVER RECORDED"

In the order closing the famous Kodiak Fishery, a state biologist, Martin F. Eaton, said the total population of male king crabs, the only category that may be legally fished, was currently "the lowest ever recorded."

In a trawl survey, done by catching and inspecting crabs, Mr. Eaton said, it was found that "100 percent of adult females captured

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

were barren," without eggs in their brood pouches.

According to Mr. Eaton, the prospect for replenishing these stocks is "poor, with most areas declining."

With the closing of the Kodiak and Bristol Bay fisheries, king crab production in Alaska in the 1983-84 season is expected to total about 25 million pounds, as against nearly 200 million pounds in 1980-81, a peak season in modern times.

PREDICTS EFFECT ON PRICES

"The expected scarcity of king crab will probably result in very good prices for stocks presently in inventory," said James W. Brooks, deputy director of the National Marine Fisheries Service's regional office here.

He said that on Sept. 24, wholesale prices averaged $17 a pound for prime quality shelled crab meat and $8 a pound for crab in the shell.

Mr. Brooks, who said crab populations were projected to remain very low for at least 5 to 10 years, said scientists offered different theories for the decline in king crab stocks. Some say that the handling of undersized males and females that are returned to the ocean is causing high mortality.

Another theory is that the enormous increase in fishing gear is causing extensive damage. Last year, more than one-and-a-half million 500-pound steel and mesh pots used to trap crabs were dropped onto the sea bed where crabs congregate, perhaps crushing tens of thousands of them.

HIGHER INCIDENCE OF DISEASE

Predatory fish, such as cod and halibut, are showing dramatic population increases, but Mr. Brooks said there was no conclusive evidence that predation was a fundamental cause of the king crab's decline. A high incidence of disease has also been observed.

According to Mr. Brooks, fisheries scientists are beginning to speculate that increased predation and disease may simply be symptoms of more basic ecological factors, such as changes in ocean temperatures and salinity levels.

Other observers, however, reject these theses and contend that mismanagement and overexploitation are the primary reasons for the decline.

Glen Boledovic, a crab fisherman writing about the closure order in a resent issue of the local newspaper in Dutch Harbor, said the fish and game Department had been directed by the State Board of Fisheries to maximize harvests in the Bering Sea for the last four to five years, acting largely on information received from interested parties, such as fishermen, processors and their political associations.

He said that in the seven years from 1974 through 1980, more king crab was taken from the Bering Sea than in the 1953-73 period.

Whatever the reasons, everyone agrees with Mr. Brooks that "the outlook isn't very encouraging." Given the current collapse of king crab stocks, he said, the reproductive potential is correspondingly decreased. Even if the situation were turned around tomorrow, Mr. Brooks said, it would take years for the king crab stocks to regain harvestable levels.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. WEICKER). Under the previous order, the minority leader is recognized.

Mr. BYRD. I thank the Chair.

ETERNITY

Mr. BYRD. Mr. President, I thank the visiting minister from Iowa for his prayer and I thank our Senate Chaplain for his daily prayers for guidance.

As I was saying to my friend, my good friend, Senator STEVENS, a moment ago, the day will finally come when that is all that really will matter. We will find ourselves, if we are still Members of the Senate, perhaps over in Bethesda hospital surrounded by four walls, with intravenous feeding, strapped to the bed, and the great and overriding issues of today, tomorrow, or months from now, will no longer be very important. In the hospital, we will be very popular for a few days. We will get some flowers and some nice letters and cards. And then, after a couple of weeks, pretty much will be forgotten, with nobody to comfort us but our immediate families, and perhaps a loyal friend or so, and when time comes to pass on to another world, and we go out to meet God, we will even sooner be forgotten.

So it should be kind of sobering to us, as we listen to these prayers every morning, to know that when we have finished our work here, and venture into the great unknown from which no mortal has ever returned, the Senate will go on, the world will go on, the traffic congestion will be the same as always, the rushes to the airport and back therefrom will be just like always, they will continue to hold the rollcall votes open for more than 15 minutes for Senators who are a little late getting here, the sun will shine, the moon will rise, the stars will be in their places, seasons will come and go, and the only thing that really, really will matter will be the eternal and the spiritual side of life.

So I compliment our visiting minister and our own Chaplain.

Our Chaplain was very close to me and my family in an hour of great need and there will come a time when the same will be true of most others of us.

I remember visiting the cell of a man in West Virginia who was scheduled to be executed in the electric chair. I went down to his cell just a few minutes before I witnessed the execution and talked with him. I said, "What would you have me say to the young people, the Boy Scouts, the boys' clubs and so on, that I speak to from time to time?" He said, "Tell them to go to Sunday school and church." He said, "If I had gone, I probably wouldn't be here tonight."

And there was a chaplain in his cell. I was told by the warden at the penetentiary that over the long period of time in which the prisoner had been incarcerated, he had scoffed at religion and did not want a chaplain in his cell.

He had been sentenced to die in the electric chair because he employed a taxi driver on the way from Huntington over to Logan, W. Va., shot the cabdriver in the back, robbed him, threw him out on the side of the road and left him there to die, and was later apprehended in a theater in Montgomery, W. Va.

But when it finally came down to the last week and it was evident that the Governor was not going to commute the sentence, the man wanted a chaplain. So a chaplain was called.

Last year in the campaign, I stopped to visit with a priest in a village in the northern panhandle of West Virginia. I have to relate this part of the story concerning witnessing the execution 30 years ago last year.

I told the story of visiting the young man and a priest in that cell. The priest listened very carefully to what I said. He did not interrupt me. After I finished, he asked, "Do you know who that priest was?" I said, "No, I do not remember his name." He said, "It was I."

That was from 30 years before.

The point is that these things we view with such enormity from day to day may not be that important when we come down to the end of the way.

Mr. President, will the distinguished acting majority leader yield some additional time to me?

Mr. STEVENS. Mr. President, I yield.

AFGHANISTAN: UPDATE

Mr. BYRD. Mr. President, over the summer the newspapers were full of optimistic reports about the prospects for a settlement in Afghanistan. One Christian Science Monitor article carried the headline "Moscow Inches Closer to Pullout From Afghanistan." But with the coming of another winter of discontent in Kabul, the Soviets are not inching anywhere. Instead, we find a total stalemate on the diplomatic front, and a continuation of the war of attrition by Afghan freedom fighters. The puppet regime established by the Soviets is torn by factionalism and infighting, and its army of forced recruits has dwindled from about 100,000 to 30,000. Dozens of troops defect every day to join the freedom-fighters, taking their Soviet arms and equipment with them.

Perhaps the most striking account of the situation in Afghanistan today has come to us in a series of articles by William Branigin, a foreign correspondent with the Washington Post.

Branigin's series of reports—a total of seven—details his experience meeting with rebel leaders and traveling through the worn-torn countryside. The series began with the reporter's eyewitness account of a Soviet fighter attack on a refugee camp. It is one of the cruel ironies of the war there that the Soviets constantly cross Pakistani airspace to attack civilian targets with the same kind of fighter planes that were used to shoot down the Korean airliner which had crossed into the sacred territory of Soviet airspace.

I am submitting the first three installments of Mr. Branigin's report for inclusion in the RECORD, and I will offer the concluding portions when they are published. I encourage my colleagues to read this account of Soviet barbarism.

These are the people who are being fed by America's grain.

Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, were follows:

[From The Washington Post Oct. 16, 1983]

GUERRILLAS' RESOLVE PITTED AGAINST KREMLIN'S MIGHT

(By William Branigin)

TERRI MANGAL, PAKISTAN.—The Soviet MiG21 and Sukhoi 17 jets banked high in the clear early morning sky above this Afghan refugee camp, then bore down for the kill. With a deafening roar from their engines, they dived almost vertically at the Afghan village just beyond a ridge marking the nearby border. Their bombs detached themselves and continued the steep trajectory as the planes pulled up sharply and veered off.

Plumes of smoke and dust rose over the hills from the area of the village that I had passed through the night before at the end of a six-week visit to Afghanistan with guerrillas resisting the Soviet occupation of their country. Like many other mud-walled villages I saw, this one had been battered before. But people still lived there: men who had directed us through its narrow alleys, women carrying water or starting to cook the evening meal, children playing in the fading twilight or fetching firewood for their families.

The only response to the divebombing jets was a few cursory bursts from an out-of-range DShK Soviet-designed, heavy machine gun at this refugee camp. Beyond another ridge, more jets dived with impunity toward positions of anti-Soviet guerrillas besieging an Afghan government outpost.

The bombing was not unusual. In the Shomali region north of Kabul, Soviet jets were in action nearly every day while I was in Afghanistan. The aircraft seemed to make no distinction between the Moslem guerrillas known as mujaheddin and the Afghan civilian population that overwhelmingly supports them.

The jets also at times ignore the distinctions of national boundaries, occasionally bombing Afghan refugees—and even Pakistani villagers—inside Pakistan.

Pakistan charged Oct. 7 that Afghan planes had bombed and strafed civilians inside Pakistan for the second time in three weeks, killing three women and wounding two other persons Oct. 4 near the North-West Frontier Province town of Wana. In September, a village near Parachinar was bombed in what officials then said was the most serious such incident since Soviet helicopter gunships attacked a Pakistani village in 1981.

Nearly four years after the Soviet Union invaded Afghanistan and installed a puppet government in the capital Kabul under the Afghan communist party faction of President Babrak Karmal, Moscow's battle against the Afghan resistance has become in large part an air war.

The 105,000 Soviet troops occupying the landlocked Central Asian country about the size of Texas are largely in defensive positions and appear to be relying increasingly on air support.

The resulting bombardments in Afghanistan and violations of neighboring territory by Soviet aircraft take place far from the kind of international spotlight that was recently thrown on the downing of a South Korean airliner that crossed into the Soviets' own airspace.

Thus, the evolution of the war in Afghanistan toward greater and more indiscriminate Soviet air attacks on civilian population centers has not been accompanied by any increased world attention. Considering that it is a major conflict in which a superpower is directly engaged in combat, the war in Afghanistan gets scant coverage.

The inattention is the more remarkable considering that on the next anniversary of the Dec. 27, 1979, invasion, Soviet forces will have been fighting in Afghanistan longer than they did against the Germans in World War II. And the war shows no sign of ending.

Indeed, the Soviet Army in Afghanistan appears to have become bogged down in a frustrating stalemate. So far it has proved unable to crush the mujaheddin, who have grown steadily stronger since the invasion. But the resistance groups' continuing disunity and lack of more effective weapons and tactics leave them incapable of driving out the Russians.

A major element in the current stalemate is that there are in fact three wars being fought simultaneously in Afghanistan.

Besides the principal war between the mujaheddin and the Soviets, rival resistance groups are battling each other in some places despite the nominal alliance of their parties based in Peshawar, Pakistan. And competing wings of the Afghan communist party are waging a terrorist war in Kabul marked by assassinations and bombings attributed to their rival secret police forces.

These are among the conclusions I drew from a six-week, 400-mile trip inside Afghanistan, interviews there with mujaheddin commanders, Afghan defectors, captured Soviet soldiers and ordinary villagers. I also talked to diplomats, relief workers and Afghan leaders in Pakistan.

It was a trip that took me across rugged mountainous terrain to the relative lushness and tranquility of the Panjshir Valley in Kapisa Province north of Kabul. There the Soviets had agreed to an unusual truce with the mujaheddin earlier this year after six unsuccessful attempts to occupy the strategically important valley in the Hindu Kush mountain range that bisects eastern Afghanistan.

It was in the Panjshir also that I met Afghanistan's most renowned guerrilla commander, Ahmed Shah Massoud. The leading strategist of a young generation of emerging resistance leaders, Massoud has been called the Che Guevara, even the Tito, of Afghanistan. In extensive interviews, he talked of his strategy and hopes for unifying resistance groups and defeating the Russians.

Parts of this series will examine Massoud's efforts, the significance of the controversial truce and the reasons that a superpower with perhaps the world's mightiest armed forces is not winning its war against a generally fractious, rag-tag assortment of Islamic guerrillas.

The series will also describe a trek on the Ho Chi Minh trail of Afghanistan, the agony and ruin that the conflict has brought to one village and the deeds of the war's unsung heroes.

The trip made me painfully aware of a major reason for the relatively paltry international coverage of Afghanistan: the difficulty of gaining access to the country.

Since January 1980 when the Kabul government expelled a score of western correspondents, myself included, who had flown in to cover the Soviet invasion, few have been given visas to visit Soviet-occupied Afghanistan.

The mujaheddin, on the other hand, have taken a number of western reporters into the country. But the physical hardship of getting to strategically important areas beyond the Pakistani-Afghan border zone, the vast distances one must cover on foot, the time that takes and the fractured nature of the resistance all make it difficult to report the war.

A complete and conclusive overview of the situation in Afghanistan thus could not be obtained. But traveling inside the country with the guerrillas has provided ample evidence of the stalemate that has developed between the mujaheddin and the Soviet occupiers.

Recent fighting provides some examples. At the towns of Khowst and Orgun south of here in Afghanistan's Paktia Province, Afghan Army garrisons have been surrounded and besieged for months by local mujaheddin, according to resistance sources.

Soviet aircraft have been resupplying and reinforcing the garrisons, recently ferrying more than 4,000 Afghan soldiers into Khowst, these sources said. Soviet jets and helicopters have been pounding the mujaheddin positions relentlessly, but Soviet troops have stayed away from the battles.

The battles have attracted more than the usual press coverage, since they are fairly close to the Pakistani border and mujaheddin jeeps can get very near the towns. The mujaheddin thus stood to gain prestige and perhaps capture sizable amounts of equipment if they took the towns. But the strategic value of doing so is questionable.

If the towns were to fall, the Soviets are considered likely to bomb them flat, and the mujaheddin are unlikely to hold them.

The guerrillas already have scored significant successes recently in the battles for the two towns, which have been targets for years. Several tanks were reported captured or destroyed in engagements around Sept. 19 and 20, and earlier an ambush virtually wiped out an Afghan commando battalion when it got bogged down in mud on its way to relieve Orgun, mujaheddin sources said.

But for some analysts, the battles for the towns exemplify the Afghans' tendency to spend a great deal of time, effort, ammunition and lives besieging relatively easy targets in a way that exposes them to air strikes.

"The mujaheddin are trying to do the old Afghan picket-blasting," a tactic employed 100 years ago against the British, said one

western diplomat. "They're trying to use 19th century tactics in a 20th century war."

"Some of the commanders are village mullahs [Moslem clergymen] who don't understand modern warfare," the diplomat said. "They encircle a post and fire at it although they may be out of range, when what they should do is avoid it, find one that's hurting them and blast that one."

There are exceptions. A number of younger guerrilla commanders have shown talent in planning and staging hit-and-run raids against important targets, with devastating effects.

One of the most successful has been Abdul Haq, a young guerrilla leader in the Younis Khalis faction of the Hezb-i-Islami group. He has been responsible for a number of daring attacks in and around Kabul that have brought the war to the doorstep of the Babrak Karmal government.

Another key guerrilla leader is Ismael Khan, a former Afghan Army captain who reputedly has built up a formidable organization in the western city of Herat.

Yet the standoff continues. In large part it is a draw between an old-fashioned but dedicated and courageous resistance and the modern equipment, superior firepower and air force of a superpower.

Other observations based on my travels inside Afghanistan and in the border area of Pakistan include:

The mujaheddin control vast expanses of the country in which popular support for them appears unwavering. In these areas, which Pakistan-based diplomats say cover most of Afghanistan, one can travel great distances without ever seeing any evidence of the government or programs of the Soviets and their Afghan communist allies.

It is much more difficult for Soviet and Afghan government forces to move on the ground than when I visited Afghanistan for three weeks just after the December 1979 invasion. Then, for example, there was no serious resistance inside Kabul, and I was able to go by car up the road north of the city through Charikar and Jabal os Saraj without seeing any sign of trouble. Now that area is a battleground, and the guerrillas regularly stage raids into the capital.

Despite nearly four years of Soviet occupation, the government of Babrak Karmal has made no apparent progress in consolidating its tenuous grip on power. By all accounts, the government is riddled with informants, the Afghan Army continues to be unreliable and draftees keep deserting in droves. On a number of occasions during my trip, I came across Afghan Army defectors who had just escaped from their bases.

While the mujaheddin fear and respect Soviet air power, their increased familiarity with their enemy has bred a measure of contempt for the fighting abilities of Soviet soldiers. Reports of low morale, drug and alcohol abuse and poor motivation among Soviet troops appear to be borne out by examples of ineffectiveness in combat.

Aside from humanitarian assistance to Afghan refugees, U.S. aid to the resistance is scarcely visible. This has led a number of guerrilla leaders to criticize Washington for allegedly not doing enough to help the mujaheddin. While not directly supplying arms to the resistance, the United States is believed to be discreetly financing purchases on the international arms market and helping with logistics for deliveries from foreign countries, such as Egypt, that have stocks of Soviet weapons.

The mujaheddin inside Afghanistan are much better armed and organized than they were a few years ago. But their effectiveness may have reached a plateau that they cannot surmount without practical unity, more advanced arms and better organization. Major problems are rivalries and even outright warfare between some guerrilla groups, a shortage of good commanders and a continuing lack of effective antiaircraft weapons, heavy arms and communications equipment.

The Afghan resistance is growing increasingly concerned about the situation in Pakistan, where opposition groups have been staging protests against the martial law government of President Mohammed Zia ul-Haq. The Afghans see the Pakistani opposition as indifferent, if not openly hostile, to their cause and likely to seek an accommodation with the Soviet-installed government in Kabul if it comes to power.

The presence of more than 2 million Afghan refugees inside Pakistan has not developed into the political danger that Pakistani authorities once feared. The refugee outflow has apparently leveled off. And apprehensions that the refugees would become the "Palestinians" of Pakistan have been allayed by their so far largely successful integration. But all bets are off in the event an unfriendly government takes power in Islamabad.

Indirect, U.N.-sponsored negotiations in Geneva between the Islamabad and Kabul governments on a policital solution in Afghanistan appear to be going nowhere. The talks are universally rejected by the mujaheddin, who are not a party to them.

There is mixed popular reaction to a proposal by moderate resistance groups to bring deposed King Zahir Shah out of his exile in Rome as a unifying figure for the mujaheddin. But the idea seems to be a nonstarter because of opposition from the leaders of the main Islamic fundamentalist parties.

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AN ARDUOUS TREK ALONG THE "JIHAD TRAIL"

(By William Branigin)

SHOMALI PLAIN, AFGHANISTAN.—We reached the crest of the hill at dusk and gazed out over the vast plain below. In the distance ahead and to the left shimmered the lights of Bagram, site of the Soviets' biggest air base in Afghanistan and probably their most heavily guarded military installation in the country. Ahead and to the right tracer bullets flashed low across the landscape between two villages, accompanied by the sounds of battle.

In the hours to come, we would have to thread our way between those two zones. But several miles separated them, and the land was mercifully flat.

After the seemingly endless mountains we had crossed during the previous six days, I looked forward to easier going.

It was not to be. What followed was my longest night in Afghanistan, and my severest ordeal. It became a nightmare that made me curse my editors, the entire newspaper business and my own folly for ever having accepted an assignment to accompany the *mujaheddin*, the Afghan Moslem guerrillas battling the Soviet occupation of their country.

The trip started in Peshawar, capital of Pakistan's wild and woolly North West Frontier Province, where the various Afghan guerrilla groups maintain their political headquarters in exile. There I made arrangements with Jamiat-i-Islami, or the Islamic Society of Afghanistan, which many observers consider the strongest resistance group in the country. I would accompany a Jamiat team to the battle-scarred Panjshir Valley to meet the party's foremost guerrilla commander, Ahmed Shah Massoud, and see the organization he had build up.

It was not long after leaving Peshawar in a Toyota jeep on Aug. 5 that I heard the first shots fired in anger of my six-week trip. From a village near the road came the sounds of a rocket-propelled grenade launcher and automatic rifles, the result of some new misunderstanding between rival tribes who periodically wage open warfare in the tribal areas along the Afghan border.

After passing through the Pakistani town of Parachinar and bouncing across a wide, rocky river bed, we reached the sprawling Afghan refugee settlement of Terri Mangal. Adobe-like buildings, some two stories high, stood on the older sites. Tents sheltered the new arrivals. Heavily decorated trucks and buses were parked up and down the main road.

The maze of paths to the side, turned to mud by a summer squall, bustled with Afghans preparing caravans of horses and donkeys for trips "inside." Piles of supplies—medicines and dextrose from various countries, brand new Chinese-made Kalashnikov assault rifles, heavy machine guns and antitank mines, ammunition for rocket-propelled grenade launchers and various other weapons—lay on the ground ready to be tied onto the pack animals. The sound of weapons being test-fired echoed through the surrounding hills.

I made arrangements to rent space for my backpack on a pack horse at the rate of 1,000 afghanis, or $11.62, per 15 pounds for the trip to the Panjshir. The charge came to $17.44. On the way back I would happily rent the whole horse.

The next morning we set off. At first there were four of us: Agha Gul, the guide, a former policeman from Kabul; Homayun Tandar, a 26-year-old architecture graduate of the Sorbonne and fluent French speaker who represents Jamiat in Paris; a British free-lance cameraman, and I.

All wore the traditional Afghan clothes: baggy trousers and long, loose shirt. None of us was armed.

Other members of our group, as well as our pack horses, went on ahead. Over the next 11 days we would split up, get lost, regroup, be joined by various armed mujaheddin, and separate again. Thus the group I was with varied between two and about 50.

The road from Terri Mangal to the Afghan border climbed steeply. After hiking up it for half an hour, I was exhausted. We would walk for another 10 hours that day, hiking through passes as high as 11,000 feet. Shortly after crossing into Afghanistan, we came across five deserters from the Afghan Army. They were dressed in shabby clothes and wore colorfully embroidered pillbox caps on their shaved heads. Two were barefoot. They said they had come from Kabul, and I thought of the miles they had walked over mountain trails and rocky paths.

We were on one of the main infiltration routes into Afghanistan: A Ho Chi Minh Trail of the mujaheddin. Caravans made their way in both directions, to carry supplies into Afghanistan or to stock up in Terri Mangal. Camels laden with timber from the denuded hills on the Afghan side of the border plodded across to where new mud houses were being built.

Along the way we occasionally stopped at *chaikhaneh*, or teahouses, that have sprung up since the Soviet invasion for traveling mujaheddin. Unually a meal of round, flat

bread and greasy, soup-like mutton stew can be had there—everything eaten with the fingers—as well as a place to sleep on the ground.

These way stations symbolized the extent to which the jihad, or Moslem holy war, has become a way of life in Afghanistan.

Whether examples of free enterprise, or support for the resistance, or both, these resurrections of the caravansaries of old have given the infiltration routes of Afghanistan—one might call them the "jihad trails"—an air of permanence. It is as if the clandestine movement of armed men and war supplies across the country were now an immutable ritual.

The mujaheddin, it seemed, have fallen easily into the ritual, perhaps inheriting it from past wars against other would-be conquerors.

Regardless it struck me that if, as the conventional wisdom has it, Soviet forces are in Afghanistan for the long haul, then so too is the Afghan resistance.

On the third day of our trek, the route took us past the abandoned hillside village of Jegdelek. It was one of the most severely damaged of the numerous bombed-out villages I saw. Gray bomb casings with Soviet markings, shrapnel, fallen timbers and rubble from the mud-and-straw houses littered the area.

Yet, corn was growing in fields outside the village. Obviously an effort was being made to continue cultivation. I was told this was being done by the mujaheddin to ensure food supplies.

A local alliance of five mujaheddin groups led by Jamiat jointly maintained a nearby way station. Formed two months before, the grouping included adherents of both the so-called fundamentalist and moderate mujaheddin alliances that spurn each other in Peshawar.

"That's okay," Homayun, the Jamiat representative, said. "They get along very well here."

It became increasingly apparent at other stops that allegiances and rivalries in Peshawar often have nothing to do with arrangements on the ground inside Afghanistan.

I also found continued solid popular support for the resistance all along the way, although Jamiat fighters said rival factions had alienated the people in other areas. The group I accompanied made a point of paying for everything provided by the teahouse owners or villagers who fed us en route.

The extent of popular support for the mujaheddin, and anti-Soviet feeling, became more apparent one night when we made a wide detour after villagers told us Soviet tanks were guarding a pass we intended to go through. We learned later that no tanks were there, only dead horses from an earlier ambush.

Eleven of us became separated from the rest of the group, which included the pack horses with all our gear, and we ended up stopping for the night in the open within 50 yards of an Afghan government militia post.

The only weapon we had was a Soviet Makarov officer's pistol. In fact, we had nothing to fear.

The militiamen, in reality working with the resistance, gave us each water and a hard-boiled egg for dinner. And when it started to rain around midnight, they let us come inside the hilltop post and sleep in a corridor. When we left at dawn, they warned us of Soviet deployments.

Helicopter overflights frequently forced us to take cover. But they appeared mainly to be troop carriers and to be flying too high to bother us, even if they were interested. I began to look forward to the sound of their approach for the respite it gave me from walking.

We hid from the helicopters among rocks, under trees and beside the taller scrub plants. Once, in the open, two Afghans and I took cover crouched among a flock of mountain goats. I thought this appropriate, for by then I undoubtedly smelled like one.

Along the way we met more deserters. One man said he had walked all the way from Herat near the border with Iran and was headed back to his home near Jalalabad. A dozen traveling together were from different parts of the country. Another said he had been forced to serve as a guard at Kabul's notorious Pul-i-Charki prison. All said they had been press-ganged into the Afghan Army and had escaped at their first opportunity.

Abdul Sami, 33, of Kabul, said he had evaded conscription for two years before being picked up and assigned to guard duty at Pul-i-Charki. He said political prisoners occupied three of the jail's four cell-blocks, and all were full.

During the month he was there, Abdul Sami said, he saw 19 persons executed. They were hanged on the same day, he said, after which the corpses of 11 were turned over to relatives and the others were buried at the prison. He said he often heard cries that he thought came from torture victims, but never saw these prisoners.

The routine of our walk was broken on the fifth day when we forded the Kabul River at night to avoid being spotted by Soviet or Afghan government forces posted nearby. As we approached the river by walking down a long rocky slope, a local guide whispered urgently, "mines!" and gestured with his hands to illustrate an explosion. I got the message and tried to follow exactly the footsteps of the person leading me down the path.

On the other side of the river we passed a group of determined-looking mujaheddin armed with 10 Kalashnikov rifles and half a dozen rocket-propelled grenade launchers. They were heading for an ambush on the Kabul-Jalalabad road and exchanged with us the usual Afghan murmurs of greeting and encouragement: *mandeh nabashi* (may you never be tired) and *zendeh bashi* (may you have a long life).

Still separated from our horses, we walked on into the night for what seemed like hours up rocky slopes, seemingly out in the middle of nowhere. Then suddenly we crested a hill and I stared at an astonishing scene. In a grove of trees by a rushing stream, dozens of Afghans sat or lolled on mats and blankets spread here and there beside stands selling food, tea, candy, cakes, even American cigarettes and Coca-Cola.

Kerosene lanterns swayed from poles marking each merchant's open-air teagarden, and portable cassette players blared a cacophony of mujaheddin songs, popular ballads, poetry and religious chants. Loud voices and laughter mingled with the discordant music as a brisk breeze rustled the leaves overhead. Nearby a bombed-out village lay abandoned, silent.

The scene struck me as surreal, but nobody else seemed to think it unusual. It was just one of the better established mujaheddin way stations on the trail.

We learned that the rest of our group had already passed through, and we were off again at dawn. Our trek took us through more bombed and abandoned villages. Then, under a blazing midday sun, we set out over a vast, arid landscape of barren hills. We walked for six hours between sources of water in temperatures reaching 95 degrees.

I had baked for days in my heavy Afghan clothing, and now the sweat poured out of me in rivulets. By late afternoon I was badly dehydrated and suffering the symptoms of heat exhaustion. I became suddenly sick to my stomach and thought I would drop. But Mohammed Zamir, a 22-year-old former Kabul rug salesman and Afghan Army deserter, helped me get to the top of the next hill.

We eventually caught up with the rest of our group and spent most of the next day resting in a grove of mulberry trees. As the horses grazed and we lounged in the shade, a steady traffic of Soviet planes and helicopters flew overhead. Then, after much solemn cleaning of guns, praying and payment of a "passer's fee" of 100 afghanis ($1.16) each to a pair of guides, we struck out for Bagram.

Nothing had quite prepared me for the walk into Afghanistan, and by now both feet were cut and bruised. Every step was an agony as I hobbled to keep up with the rest of the group, which had swelled to about 50 with a dozen horses.

The barefoot crossing of a river over sharp rocks did not help, especially afterward when my boots ground dirt and sand into the cuts for the rest of the night.

A quarter moon hung in the clear night sky, but it was so bright that it cast our shadows on the wall along a dirt road as we headed silently toward the air base. I worried that somehow we could be seen. Now and then a flare shot up into the sky and we stopped and crouched down.

The sight of lights moving nearby made us freeze in our tracks. They turned out to be the lanterns of shepherds who helped guide us on our way, talking in uncomfortably loud voices.

We marched on in silence. Then, suddenly, the barking of dogs stopped us cold. Again, they belonged to sympathetic shepherds and we walked on.

We made a detour across abandoned fields toward a mountain, on top of which we were told the Soviets maintained a post. Unable to see a thing in the dark, I kept stumbling in the furrows and falling down, landing as often as not on spiny shrubs and nettles. It was all I could do to resist shouting out in rage and pain.

We reached the mountain and began a treacherous descent to a river that ran around the far side of it. We clambered down a steep, rocky slope in the dark, followed the river for a while and trekked through water and patches of mud. Then we climbed with hands and feet up and down more rocks along the side of the mountain, following, when we could see it, a path too narrow for the horses to take. We stopped at one point when Agha Gul, the former Kabul policeman, slipped and cut his head on a rock. His Afghan scarf was put to use as a bandage, and he was able to continue.

Now well away from the mountain, a small group of us waited on a hillock for the horses and the others to catch up by a different route. We had a clear view of the fighting between two villages and watched as red and white tracers from DShK machine guns flew in both directions.

The occasional boom of a rocket-propelled grenade or the thump of a mortar could be heard as we watched and waited. Later I learned that the fighting was not, as I presumed, between the Soviets and the muja-

heddin, but between local guerrilla forces of Jamiat and its arch-rival, the Hezb-i-Islami resistance group.

I lay back and looked at the sky, utterly exhausted. The constellations seemed to surround me, closer and more brilliant than I had ever seen them. In a short period I counted half a dozen shooting stars. Then I dozed off.

I was wakened by an order to move on. The horses had not arrived and we risked being caught out in the open by the approaching dawn. As I hobbled on again on cut and swollen feet, I thought that at least things could not get any worse.

I was wrong.

As we approached a village we heard the sound of gunfire, now suddenly not very far away. The group began to run. To avoid getting separated, I held on to one end of Homayun's scarf as he fairly pulled me along. Staggering and stumbling, I ran on in the dark, at times nearly weeping with pain. Then, as we raced through a silent village, we noticed that our guide Agha Gul was missing. We were lost. Near panic gripped the other Afghans, and Homayun called out his name.

I wondered if this night would ever end.

We plunged on this way and that, and luckily found Agha Gul. Villagers waking for their early prayers guided us in the right direction, often accompanying us to the next village. Dawn was starting to break when we ran into one villager who reproached us angrily.

"Why did you come that way?" he hissed, pointing behind us. "You almost ran into a Russian post."

I had no idea how close it was, but now we were past Bagram. The sun was up when we entered a Jamiat-controlled village and we were guided to a two-story house. We had hiked, clambered, stumbled and run for 12 hours, and I could barely stand. I collapsed onto a mat on the floor and fell asleep.

I awoke a few hours later to the sound of jets and helicopters flying overhead. Bombs crashed seemingly a couple of miles away. I lay still, too tired to move.

I was left alone in the room with Maunullah, a dull 27-year-old whose job seemed to be to carry a small sack on his back. I had already got the impression that he resented me from the way he would slyly guzzle water from my canteen, knowing that I desperately needed it.

In the afternoon, following a meal, we moved out again, Maunullah walking beside me. He asked me things I thought the whole group knew by now: where did I come from? What did I do? I answered in my smattering of Persian. Eventually his line of questioning led around to the main thing on his mind: How much money would I get for making this trip to Afghanistan? I said I didn't know. But I felt like replying that whatever it came to, it wasn't enough.

We rejoined our group, horses and all, and walked on, our procession winding through narrow village lanes as children turned out to bid us *mandeh nabashi*. As night fell, we emerged onto a broad treelined dirt avenue. Unusually straight, it led us through a heavily bombed area that evidently had once been prosperous. The ruins of abandoned two-story houses, some reduced to timbers and blocks of dried mud, looked eerie in the moonlight.

A few of us stopped for the night in the garden of a mujaheddin headquarters off the main road. Our host was a rough looking man with a bushy black beard and several missing teeth.

The next morning we were joined by the Jamiat area commander, Aga Shearin, a sad-faced 27-year-old with a powerful build. He had been training for the Afghan Olympic wrestling team when the first communist government came to power in Kabul in 1978.

He quit to join the mujaheddin, but he is still known as *palawan* (wrestler), and his status as a former national champion in the popular sport brings him great respect. Wistfully, he showed me pictures from his wallet of other famous Afghan wrestlers who had been his friends.

Now, he said, his main problem was a running battle with the area's Hezb-i-Islami faction. He said that in the past week, his group had lost four fighters and his opponents 12. As he spoke, a procession of mujaheddin trooped into the garden and filed out again, each carrying a mortar round over each shoulder.

Planes flew over and their bombs landed with a loud, earth-shaking whump, seemingly about a mile or so away. But nobody paid much attention.

We set off again at dusk for our last night march before reaching the Panjshir. We went up the straight road, cut across a field, crept through irrigation ditches, walked on top of dikes and walls demarcating terraced fields, filed under a culvert and wound through a maze of village alleys. All this to get by a Soviet position where four tanks were reportedly dug in 200 yards away. At last we crossed a rickety wooden footbridge over a swiftly flowing river and reached a well-guarded stone house built on three levels into the side of a mountain.

The next day we made our way up the valley whose entrance the house protected, and by afternoon we beheld our goal.

From a ridge we gazed at the blue-green waters of a river flowing rapidly down the narrow valley. Green fields and orchards stretched up the valley floor, flanked by high mountains that rose almost vertically on either side.

This was the Panjshir, the valley that the Soviets almost destroyed but could not take. Now it was again bountiful, and at peace.

As we reached our destination, I began to realize that I was not the only one who had had a hard time of it. Several of the Afghans also were hobbling and looking almost as haggard as I was, I marveled at their dedication in making this kind of trip, and ones much worse, not once but constantly in the course of their struggle.

The way back turned out to be much easier. I set out a little more than three weeks later with Abdul Kuduz, 40, a former captain in the Afghan Air Force who served 12 years before defecting in 1978; Shahi Khan, 32, a rugged-faced former Afghan Army lieutenant who looked to me like Afghanistan's answer to Charles Bronson; Gul Mir, 34, an affable former domestic cook in Kabul who rented me his pack horse, and two youths, a resistance fighter and a deaf 16-year-old traveling to Pakistan for treatment. None of my companions carried a weapon the entire trip.

The original idea was for me to ride the horse a good part of the way, but I found sitting on top of everyone's gear even more uncomfortable than walking, and I ended up riding only when crossing rivers and on occasion after nightfall to avoid stumbling in the dark. Shortly before we left, the Panjshir guerrilla commander, Ahmed Shah Massoud, concluded an agreement with one of two Hezb-i-Islami groups that had been battling Jamiat forces in the area south of the Panjshir. Thus we were able to transit previously hostile territory and avoid the night march past Bagram airbase.

We did have to pass within rifle range of one Soviet position, though, and that I accomplished on a bicycle in order to look more like a local villager.

We stopped at the same two-story house where I had collapsed after the long night march nearly a month earlier. Again, I woke in the morning to the sound of aircraft and bombs, seemingly closer this time. MiG23s and SU24s dropped their loads, and the blasts shook the timbers in the ceiling and rattled what was left of the window panes. The Afghans occasionally wandered over to one of the windows and looked out over the bombed-out houses surrounding us to see what the planes were hitting.

We stayed in the area for two days and I grew increasingly impatient to move on. In frustration, I tried to provoke an end to the interminable discussions about our route.

"Mujaheddin of Afghanistan," I said in my broken Persian. "Sit around. Talk talk. Eat eat, Sleep sleep. But *Harakat?* Nay." *Harakat* meant roughly, "Let's go." But when barked at 4 a.m. it sounded to my ears more like, "Head 'em up and move 'em out."

I regretted my little speech somewhat the next day when we walked for 19 hours.

It was in the course of this hike that Abdul Kuduz, persistently trying to practice his English, asked me, "What is you feel?" I thought for a moment, then answered, "They are fine." To which he replied, "My feet sick."

Days of 12- and 15-hour walks followed. At the end of one, we slept in a windowless, mud-walled room of a teahouse. I felt the earth tremble beneath me and wondered if a bomb had landed without my hearing it. Then I realized it was an earth tremor.

We reached my starting point of Terri Mangal in blazing six days from the Panjshir. As we approached the border across the Safed Koh mountains, a circle of smoke wafted up from a plateau off to the right where jets had just pounded guerrillas besieging an Afghan Army garrison.

A breeze blew the smoke across a rocky ridge into the relative safety of Pakistan. From where it had come, the war was raging on.

[From the Washington Post, Oct. 18, 1983]

GUERRILLAS USE CEASE-FIRE TO REARM

BAZARAK, AFGHANISTAN.—Ahmed Shah Massoud stepped out of his new Soviet-built black Volga sedan and was immediately surrounded by villagers. As he stopped to chat, some passed handwritten notes to him, like petitioners seeking dispensation from a ruler.

Despite his relative youth in a country where authority and influence usually come with a gray beard, Massoud, who just turned 30, is clearly in charge here. And his writ appears to be spreading well beyond his Panjshir Valley.

Since the Soviet Union invaded Afghanistan nearly four years ago, Massoud has built a reputation as the ablest guerrilla commander in the Afghan resistance. Six times his Islamic *mujadheddin* guerrillas have repelled attempts by Soviet and Afghan communist forces to occupy this strategic valley 40 miles north of Kabul in the Hindu Kush mountain range.

In defending the Panjshir, the charismatic former engineering student has demonstrated talents for planning, organization and leadership that have led some observers

to dub him the Che Guevara, or even the Tito, of Afghanistan.

He is widely seen as the leading hope for forging some kind of practical unity among Afghanistan's fractious resistance groups and escalating the military pressure on the soviet occupation forces.

Whether Massoud lives up to that billing may depend in large part on political skills that are currently being tested. For with his fame has come controversy, and considerable sniping from rival Afghan resistance factions headquartered in the Pakistani frontier town of Peshawar.

Most controversial has been his acceptance of a truce that he says was offered by the Soviets earlier this year. He clearly has used it to advantage, building up his organization in the Panjshir, stockpiling arms and ammunition, extending his control or influence to areas north and south of the valley, forming and dispatching "mobile groups" to attack Soviet and Afghanistan government forces outside the Panjshir and encouraging a resumption of farming to ensure adequate food supplies.

The truce, which took effect in mid-March and is now at an end, halted intensive Soviet bombing of the Panjshir in return for mujaheddin permission to maintain a small Soviet and Afghan government base at Anawa near the mouth of the valley, Massoud's aides said.

[In Islamabad, Pakistan, a Soviet Embassy official at first denied that any truce existed. When told that there was, in fact, no fighting in the Panjshir, he said it was simply because the guerrillas were unable to continue the war. He denied that Soviet authorities had ever negotiated with the mujaheddin and said Soviet policy excluded any such contacts.

[However, the Soviet Embassy did not reply to written questions about the truce and the results so far of the Soviet policy in Afghanistan.]

Massoud's aides said the cease-fire with the Soviets was sealed in an oral agreement and that nothing was ever put in writing. However, the aides produced two letters from the Afghan defense minister and the chief of the secret police, called Khad, which alternately threatened Massoud and appealed for talks. Both the Defense Ministry and Khad are under the tight control of Moscow, and the letters could not have been sent without Soviet permission, resistance sources and western diplomats said.

Massoud said in an interview that the Soviets made direct contact with his Panjshir organization after he refused to deal with both Afghan officials on grounds they were "puppets."

In negotiations at a heavily damaged village near the mouth of the valley, the Soviets were represented at first by a single officer in civilian clothes and an interpreter, Massoud's aides said. Later other Soviet Army officers participated, they said, and Massoud himself took part in two of the later sessions. The aides would not name the Soviets.

The talks reportedly were sometimes bitter. One mujaheddin representative said he told his Soviet counterpart, "You build jet planes to defend the workers of the Soviet Union, but you use them against the mud houses of the Panjshir."

According to Massoud, the cease-fire offer came after the Soviets suffered a particularly fierce attack on their base at Rokheh near the southern end of the valley.

The Soviets had been forced to withdraw to Rokheh from four other bases farther north that were besieged and cut off one after the other by mujaheddin forces over the previous months, Massoud said.

During last year's offensive, mujaheddin leaders estimated that at least 15,000 Soviet and Afghan troops were involved in the operation.

Although the Soviets repeatedly had attempted to land paratroops on the mountains on either side of the valley, he said, they could not control the peaks, and the mujaheddin were consistently able to rain fire down on the exposed Soviet bases below.

As part of the agreement eventually reached, the mujaheddin said, the Soviets pulled out of Rokheh, which they had occupied for 10 months, but not before heavily mining it in an apparent act of vengeance that is still causing casualties. The Soviet forces then withdrew farther south to Anawa.

But the highly exposed base seems mainly symbolic and plainly exists at the sufferance of the mujaheddin. Massoud's aides said he can mobilize at least 1,000 fighters in three hours, and his 22 bases in the Panjshir and its side valleys are now well stocked with weapons. In addition, mujaheddin positions in the mountains overlooking Anawa are armed with DShK heavy machine guns, known here as "Dashakas," that are manned 24 hours a day, they said.

Beyond Anawa, up the 60-mile length of the valley, Massoud has established a guerrilla stronghold that, perhaps more than any other in Afghanistan, fits the definition of a "liberated zone."

Besides his military organization, he has set up a political administration, financial bodies to raise taxes—notably from emerald mining in the upper end of the valley—and distribute welfare funds, a judicial system and schools.

Naturally, the curriculum in the Panjshir schools is different from what one would expect in Kabul. The children here essentially are taught to be mujaheddin. During a visit to the village of Dasht-e Rivatt recently, Massoud was entertained by a group of schoolchildren chanting, "Death to Russians, death to Andropov, death to Babrak," referring to the Soviet and Afghan presidents. Led by two 8-year-olds, they followed up with, "Long live Massoud, long live the mujaheddin."

Massoud's guerrillas even maintain prisons. At least one is for Afghan enemies—said to include 30 suspected Khad agents—and another holds four captured Soviet soldiers.

Armed mujaheddin travel freely up and down the valley, and they have opened a route beyond the top of it giving them access to much of the north.

Massoud and his top aides thus plainly regard the truce as a great victory. But they also make it clear that the cease-fire came as a blessing, providing a respite at a time when Massoud's forces were beleaguered by severe shortages of food, ammunition and medical supplies after a harsh winter and continuous Soviet bombardment.

"It gives high morale to the people of Afghanistan as a whole because they realize that Soviet Russia, with all its might and all its power, could not defeat the Panjshir Valley," Massoud said in an interview.

"The Russians have negotiated with a valley," said his political adviser, Massoud Khalili. "It means a valley against an empire. Now they confess that we are not bandits."

He was referring to Moscow's habit of describing the Afghan mujaheddin as basmachi, or bandits, a term used for the Moslem insurgents of what is now Soviet Central Asia when they were being suppressed after the Russian revolution.

Massoud maintained that neither he nor the Soviets has initiated any new contacts about renewing the truce for another six months. He said he has received word from informants inside the Afghan government that the Soviets are preparing a new attack on the Panjshir.

In the interview, Massoud said he would like to see the truce renewed for the time being. But there were indications that he is under some pressure from the guerrilla commanders under him to break the ceasefire and attack Anawa.

There were also signs of substantial support for this idea from the Panjshir's civilian population, despite the near certainty that such an attack would bring on another destructive wave of Soviet bombing, such is the resentment against even a symbolic Soviet and Afghan communist presence in the valley.

Yet, popular admiration and respect for Massoud seem so high that people accept his judgment on the need for more time to consolidate his base and spread his organization.

Still, Massoud says he is ready to go to war again in the Panjshir if necessary.

"We have made complete preparations to fight the enemy," he said. "In the short time of the cease-fire, we have been able to get our fighters ready."

According to Khalili, "now every minute Massoud is ready either to attack or be attacked."

The truce allows the Soviets to keep about 300 troops at a camp on one side of the main road through Anawa, with about an equal number of Afghan soldiers in separate facilities on the other side, Massoud said.

The Soviets are permitted to receive convoys to keep them supplied with food and some ammunition "for training purposes," he said. The mujaheddin check the convoys before they reach the base to make sure no new weapons are being brought in, he added.

The Soviets, however, are not allowed to stop mujaheddin traffic or check any vehicles, Massoud said.

Recent defectors from the Afghan Army camp at Anawa confirmed that no new weapons have been reaching the camp and that Afghan traffic by it is unimpeded.

For the Soviets, the value of the truce may have lain in the calculation that it would further split the resistance and discredit Massoud, the mujaheddin suggested. It may also have enabled the Soviet command to tell Moscow that the Panjshir was under control.

The Soviets may also have thought that the truce would keep the Panjshir guerrillas out of action. But that was not the way Massoud chose to interpret the agreement. While observing the cease-fire in the Panjshir, he has sent his fighters outside the valley to attack communist targets and help other guerrilla commanders. During my visit, teams of 50 to 100 men were sent to ambush convoys at the Salang Pass to the west and to attack positions in Badakhshan and Parwan provinces to the north and south.

According to Massoud's aides, at least 500 Panjshir guerrillas currently are operating outside the valley, and more are being sent.

To an extent, however, the truce has sown more dissension in resistance ranks. This was due in part to the Panjshir mujahed-

dins' poor handling of it at the beginning, when they tried to keep it secret and allowed rumors of a sell-out to spread, some evidently fueled by the communists.

Other resistance groups and commanders—including the headquarters of Massoud's own Jamiat-i-Islami organization in Peshawar—reportedly were not informed of the truce in advance, and many still seem confused and suspicious about it. The truce seems better accepted in the areas Massoud now is trying to organize and consolidate, since people there know his forces are fighting the Soviets outside the valley.

A main benefit of the truce for Massoud, and a reason it so angered some of his rivals, was that it freed him to clear out a hostile concentration of Hezb-i-Islami resistance guerrillas from the Andarab area north of the Panjshir and open a route to the north.

Massoud's aides said guerrillas of the staunchly Islamic Fundamentalist Party often abuse the local populations under their control and ambush Jamiat caravans.

Hezb-i-Islami leaders in Peshawar are especially bitter. A spokesman, derisively referring to Massoud as the "king of the Panjshir," harshly denounced the truce and said it is "condemned even by the mujaheddin of the Panjshir."

He added with bravado, "Our mujaheddin have decided that if there is only one Russian in Afghanistan we will not lay down our weapons and ammunition."

The sharpest argument from Hezb-i-Islami has been that the truce freed Soviet forces to attack mujaheddin elsewhere in the country.

Massoud dismissed the criticism, insisting that the cease-fire "is very beneficial for the jihad of Afghanistan because of our long-range plans." He charged that the Hezb-i-Islami leaders "do not have any strategy. Their work and actions are mainly based on their emotions."

Massoud's own strategy, based in part on his study of the works of revolutionary leaders, including Mao Tse-tung, calls for extending his bases of operation to enable his forces to harass the enemy at strategic points.

"We're in an active-defensive phase," he said, "Realizing in what phase we are, we accepted the cease-fire in the process of building our bases." He added that "dominant points" were more important in his strategy than the area he controls, but that in terms of both, he believes his front is the most important in Afghanistan.

The main reason for its importance, he said, is its position between the two most vital roads in Afghanistan; the routes from Kabul to Pakistan via Jalalabad and from the capital to the Soviet Union through the Salang Pass, site of the world's highest tunnel.

These roads evidently figure prominently in Massoud's plans. Already his forces carry out regular operations on the Salang road, ambushing convoys and capturing supplies. The booty from one raid included Massoud's new Volga.

According to aides, it was being driven down from the Soviet Union to be delivered to the Afghan minister of defense when it was stopped by the majaheddin. They dismantled it, loaded the parts on pack horses and trekked them across the mountains to the Panjshir, where the car was reassembled by Massoud's mechanics. It had been running for a few days by the time I reached the valley in mid-August.

Other vehicles operated by Massoud's forces include a couple of Soviet jeeps and several trucks—all captured in last year's fighting in the Panjshir.

In the interview, Massoud said his ultimate goal is "to unite all fronts irrespective of parties." He insisted that "individual leadership is not my goal" and that "one assembly or collective leadership" could head a united front as long as it had "the same plan and goal."

Yet, he said, it would be "natural" to have a single leader, and he indicated that his overall strategy for getting the Soviets out of Afghanistan gives him a certain following.

His current efforts, he said, are aimed at consolidating three main zones: an eastern sector from the Kabul-Jalalabad road north to Badakhshan Province, a northern zone from Badakhshan along the Soviet border west to the key city of Mazar-e Sharif and a central sector between the Panjshir and Kabul.

"We have some commanders in these zones who are not in Jamiat but have agreed to accept my plan," he said. At present, he added, "14 provinces are under my control or have agreed to accept my plan. And we're in the process of attracting others."

Massoud said that in a message he received in September, guerrilla commanders in the western city of Herat, where Jamiat is strong, "assured me of future unity and their acceptance of my strategy."

An ethnic Tajik with a hooked nose and almond-shaped eyes, Massoud does not cut a particularly imposing figure. Like many of his commanders, he normally wears a military jacket or tunic, captured Soviet fatigues, Afghan Army boots and the traditional *pakol*, a flat woolen cap.

What sets him apart somewhat are the lightweight, multipocketed fishing vest and Spanish automatic pistol he usually wears, and the miniature short-wave radio and small binoculars he often carries.

More important, his aides say, is that he possesses a rare ability to inspire loyalties and attract followers.

One of his early tests came in dealing with the Panjshir's mullahs, the Moslem clergymen who despite the common religious foundation of the jihad, or Moslem holy war, have sometimes developed a mutually suspicious relationship with the younger and better educated guerrilla leaders. Massoud has taken great pains to consult the mullahs and persuade them to back important decisions, while keeping them to a spiritual rather than political or military role.

As a student at the Kabul Polytechnic Institute, Massoud learned French and was planning to continue his studies abroad when leftist president Mohammed Daoud came to power in a coup that overthrew the monarchy of King Zahir Shah.

Massoud quickly became alarmed by communist influence in the government and left his studies to work against it underground. He spent time in Peshawar, Kabul and Nuristan Province before setting up a permanent base in his home Panjshir Valley following the 1978 communist coup that brought the late Nur Mohammed Taraki to power.

In September 1979, Taraki was overthrown in a coup and later executed by his prime minister, Hafizullah Amin. Also a staunch communist but a somewhat more independent figure, Amin in turn was killed by the vanguard of a Soviet invasion force that brought Babrak Karmal to power in another coup on Dec. 27, 1979.

When he started fighting this succession of communist governments, Massoud said, he had fewer than 30 followers, 17 rifles of various makes and $130 in cash.

Now, he said, one of his main problems is finding enough boots and uniforms for 5,000 fighters under his command. Guns seem to be plentiful in the Panjshir.

In a series of extensive interviews, Massoud expressed staunchly anticommunist, prowestern and Islamic convictions, rejecting the notion put about by his fundamentalist rivals that he is a closet leftist. His aides said that during a visit last year by two Iranian Revolutionary Guards, he spurned an offer of help from the Khomeini government on the condition that he adopt its anti-American positions. He told the Iranians it was the Soviets he was fighting and the Americans who were backing the Afghan cause.

However, like many Afghan leaders, Massoud critized the U.S. government for allegedly not going far enough to support the resistance, and he took a rather cynical view of U.S. policy.

"In the beginning American analysts though it was not possible for us to fight the Soviets," he said. "They thought that if they helped the Afghans, they would lose prestige. Later, when they saw that the Afghans sacrificed a lot and killed many Russians and could resist bravely, the American and European countries thought they should take advantage of the war and make propaganda benefits.

"I think that America thinks the war in Afghanistan should continue like this—without loss or gain—irrespective of the Afghans who are being killed by the hundreds," Massoud said.

He added, "This war has many benefits for the Free World." The Soviets are bogged down in Afghanistan, he said, the war is burdening their economy, their international standing and their image in the Third World have suffered and their satellites have grown mistrustful.

"There are many things America could do to help us," Massoud said. "But unfortunately, instead of looking at the Afghan people as a movement against communism, America is thinking how it can benefit from the movement."

Massoud said the main things he would like to have from the United States were "training of personnel and arms."

[A State Department spokesman declined to comment on U.S. policy toward aiding Afghan guerrillas and referred an inquiry to Robert Sims of the National Security Council Staff. Sims did not return the calls.]

Unlike many fiercely proud majaheddin—especially the Pashtu tribesmen in the east who constantly demand more sophisticated weapons but have been known to lay mines upside down—Massoud is a firm believer in the value of training.

He insists that all new recruits attend courses where, among other things, they study a weapons manual he has had translated. Currently about 90 recruits are being trained in the Panjshir, a third of them from outside the valley, aides said.

As far as arms are concerned, Massoud said his most pressing needs are for heavier guns such as recoilless rifles, effective antiaircraft weapons and communications equipment. He denied reports that he already has some SA7 shoulder-fired surface-to-air missiles, but said he has a number of DShK and ZPU machine guns to provide at least some air defense.

He said that although he has heard of covert American aid to the resistance, "I have never seen any result." Indeed, the

only indentifiable U.S. contribution I saw was Massoud's plastic-coated set fo U.S. military maps of Afghanistan.

Massoud insisted that 80 percent of his arms supplies are captured from the Soviets. The rest, he said, come from Jamiat but he does not know the origin. The bulk of these weapons appear to be Chinese. Supplies from Egypt reportedly dwindled after the assassination of President Anwar Sadat. In any case, Massoud does not appear optimistic about future foreign arms aid.

"Based on experience," he said, "all my plans rely on what we have got inside Afghanistan. I have not thought in my plans about outside help."

Yet he recognizes that the mujaheddin must escalate the war to have any hope of reaching an acceptable settlement.

"A settlement with the Soviets is possible," he said, "but not without reaching a certain stage in military warfare. We have not reached it yet. We have not been able to put that military pressure on the Russians yet.

"If everything goes right," he added, "after three or four years the Russians will understand that this jihad cannot be defeated. Our fighting ability in Afghanistan is very weak now. What's needed is organization."

Mr. BYRD. Mr. President, have I any time remaining in the time yielded to me?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. BYRD. I thank the Chair.

Mr. President, I understand the Senator from Wisconsin may need some additional time.

Mr. PROXMIRE. That is possible.

Mr. BYRD. Mr. President, I yield that remaining time to the Senator from Wisconsin.

Mr. STEVENS. Mr. President, I ask unanimous consent that the time for commencing the consideration of the State Department authorization bill occur on the expiration of the time of the special order and the additional time yielded to the Senator from Wisconsin.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for 15 minutes, plus the additional time yielded to him by the minority leader.

VICIOUS SOVIET WARFARE TECHNIQUES IN AFGHANISTAN

Mr. PROXMIRE. Mr. President, following what Senator BYRD has been talking about this morning, and he discussed this with me, I must say I agree with him wholeheartedly.

Mr. President, if there is any doubt about how the Soviet Union wages war, that has been dispelled by their invasion of Afghanistan. We have seen in stark detail just how the Soviet Union conducts military operations against dissident forces.

The Soviet military campaign has been marked by distinct characteristics. First among these is the decision to wage war against population centers. The Russians have not simply sought out guerrilla forces to engage and destroy. Instead they have taken their frustrations out against small- and medium-sized population centers with aerial bombardment and indiscriminate bombing. It is not uncommon for Soviet helicopter gunships and fixed wing aircraft to strafe undefended villages killing hundreds of women and children. There have been reports of Soviet soldiers leaving behind antipersonnel mines hidden in the homes of villages with the intent of killing the occupants as they return.

This is a scorched earth policy designed to terrify the local population and create psychological weaknesses in the guerrilla movement. But it has not been successful. Each example of terrorism by the Soviets have seemed to instill greater ferocity in the guerrilla forces.

The second characteristic of Soviet military operations is their commitment to using virtually all forms of lethal weaponry in their arsenal. From the initial days of the invasion there have been reports of the use of chemical agents against villagers and military forces. In violation of the 1925 Geneva protocol and the 1975 Biological Warfare Treaty, Soviet troops have employed, by many reports, a series of chemical munitions including lethal agents and probably including toxin agents. More than any other action, this use of chemical and biological agents displays Soviet disdain for even minimal rules of engagement for a civilized society. Even Hitler's Germany did not use chemical weapons during World War II. Yet the Russians use them daily in Afghanistan with enormous suffering the consequence for Afghani civilians.

A third characteristic is the use of Afghani Government troops by Soviet advisers. The Warsaw Pact forces should take note that the Soviets ask their allies to make the greatest sacrifices in battle and put them up front when they will sustain great casualties. That is something for the East Germans and Poles to remember.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield.

Mr. BYRD. I congratulate the Senator on his statement. I hope that more Senators will begin to daily reflect upon the barbarisms that are being perpetrated upon the Afghans by the Soviets daily.

Too little attention is drawn to the fact that those Afghans are giving their lives for their right to be free from these invaders who, by the way, will not let Japanese, Korean, or U.S. vessels go into Russian waters to search for the black box, or whatever else may remain, of the Korean passenger plane which was recently shot down by the Soviet fighter plane.

These are the same people that commit these barbarisms. Such acts are remnants of the Middle Ages, I would say.

Mr. PROXMIRE. Mr. President, I thank our leader. I congratulate him on leading this series of speeches, which I also hope Senators on both sides will join, because I think it is an example of his leadership and of his commitment and conviction in this area.

I think this story just has not been told. The American people just do not realize what is going on in Afghanistan. They have heard about the yellow rain but that is about all they have heard about. But it goes much deeper. It is much more vicious than that.

AMERICA'S TRAGIC ROLE IN PROLIFERATION OF NUCLEAR WEAPONS

Mr. PROXMIRE. Mr. President, from time to time I have risen on the floor to comment on the feeble antiproliferation policies of our Government, particularly under this administration. Mark my words, nuclear war is more likely to come from the spread of nuclear arms to countries other than the superpowers than from any other cause. We spend tens of billions every year to build and refine and modernize a deterrent against a planned premeditated Soviet preemptive nuclear strike against this country. The prospect of such a strike is what? One in a hundred? Or, one in a thousand? It is highly unlikely because if either superpower initiated a nuclear war against the other, both would die.

In spite of the viciousness of the Soviet attacks in Afghanistan, it is clear that they do not want to commit suicide. I think that is the prospect there. It would be a desperate act of suicide.

It is far more likely that such a war could start by the human error all of us are prone to make. When we consider the thousands of Russians and Americans who stand watch on both sides, the incidence of drugs and alcohol, the near misses we have already suffered from computer malfunctions and misinterpretation of warning data, the terrible possibility of nuclear war by blunder becomes clear.

But much more likely than a nuclear war by superpower error is the prospect that a Libya or Iran or any of a number of other unstable countries whose rulers have little regard for human life and have already shown their penchant for death and violence as instruments of policy could kick off

a nuclear war. Perhaps they would take advantage of a temporary nuclear edge they might develop over a bitter neighboring enemy: Iran against Iraq, Pakistan against India or vice versa, Syria against Israel, Libya against anybody or everybody.

We have discussed this grim possibility before on the Senate floor, but now comes an article by Milton Benjamin in the October 16, 1983, issue of the Washington Post, spelling out chapter and verse of not only how pitifully weak we have become in stopping nuclear proliferation. But this story spells out how the Reagan administration is actually licensing, encouraging—yes pushing—the sale of nuclear materials and equipment. Consider the first two paragraphs of Benjamin's story. Here they are:

In a one-year period, the Reagan administration issued 57 export licenses for sale of controlled technology to the nuclear programs of India, South Africa, Argentine and Israel even though these countries refuse to open all their atomic facilities to international inspection, according to a classified Accounting Office study.

Those nations are generally regarded as the most technically advanced of the developing countries pursuing a nuclear weapons capability. They also have been the most aggressive in exploiting a gap in U.S. law to purchase "dual-use, nuclear-related equipment," the GAO found.

That is a finding by the GAO that has been sanitized. It was classified, but the Washington Post published the sanitized version.

Mr. President, this is the most shocking evidence yet that this administration is not only failing to pursue the kind of rigorous antiproliferation policy they should pursue, but somehow has undertaken the terribly dangerous policy of actually promoting, pushing the sale of nuclear technology, the way a heroin dealer would push heroin among the poor junkies who became his victims. For years, I have felt that there is no more vicious practice than selling destructive and habit-forming drugs like heroin. I am opposed to capital punishment as a matter of principle, but I cannot dream of a punishment that would be too severe for these drug pushers. Now, Mr. President, we have something worse. It is our own Government pushing—that is right, pushing—the sale of nuclear equipment and materials, like a back alley heroin pusher.

Mr. President, has any of the 4 nations for which the 57 export licenses for sale of controlled nuclear technology were issued ratified the Nuclear Non-Proliferation Treaty? No.

Has any of these nations agreed to place their nuclear facilities under international safeguards? No

Does the 1978 U.S. Nuclear Non-Proliferation Treaty therefore flatly and explicitly prohibit the export to these countries of sensitive nuclear technology, fuel, or facilities? Yes.

So, Mr. Prisident, it seems very obvious to me:

First. This country is pushing the sale of nuclear materials and equipment which is bound to advance the nuclear arsenals of nations that presently have very limited or negligible nuclear weapons facilities; and

Second. In the process, the administration is violating the law. And the General Accounting Office finding makes it clear they are violating the law.

Mr. President, the General Accounting Office report itself confesses that that it does not tell the complete story of this country's pushing of nuclear arms technology to other countries. The GAO told the Congress—according to the article by Mr. Benjamin—that it only had time for a detailed review of several countries of primary nonproliferation concern to determine how many of the exports were for explicit use in nuclear programs. The GAO did not examine the declared end-use of the 102 export licenses granted Iraq, the 82 granted Pakistan, or the 48 granted Libya.

And that is only part of it. The GAO did not have the time to inquire into the 537 licenses granted for export of nuclear referral list items to Taiwan, the 392 licenses granted Brazil, or the 57 granted South Korea. The largest number of licenses went to the People's Republic of China, the country that used to be called Red China. They received 1,000 licenses. Most but not all of these were for computers.

Mr. President, as we all know, the People's Republic of China is now opposed to the Soviet Union. We wonder how long that will last. They have not always been. Next year, next month, maybe next week will find them in closer alinement with the Soviet Union.

At any rate, whether a country is allied with the Soviet Union, or even if it is a friendly country to ours, it seems to me that for us to provide them with nuclear technology when they refuse to sign or agree to the Non-Proliferation Treaty is most irresponsible and dangerous.

Mr. President, if the principal threat of nuclear war comes from the proliferation of nuclear weapons to more and more countries, this country, the United States, and this administration, the Reagan administration, will have played a dismal part in advancing the prospect.

I ask unanimous consent that the article to which I have referred from the Sunday, October 16, 1983, Washington Post be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 16, 1983]

GAO CITES LOOPHOLE IN NUCLEAR EXPORT LAW

NATIONS BARRING INSPECTIONS GET CONTROLLED TECHNOLOGY

(By Milton R. Benjamin)

In a one-year period, the Reagan administration issued 57 export licenses for sale of controlled technology to the nuclear programs of India, South Africa, Argentina and Israel even though these countries refuse to open all their atomic facilities to international inspection, according to a classified General Accounting Office study.

Those nations are generally regarded as the most technically advanced of the developing countries pursuing a nuclear weapons capability. They also have been the most aggressive in exploiting a gap in U.S. law to purchase "dual-use, nuclear-related equipment," the GAO found.

"There are growing concerns that the export of dual-use, nuclear-related equipment and component parts . . . have facilitated the efforts of other countries to acquire nuclear weapons," the GAO said.

The GAO study examined more than 10,000 export licenses for controlled technology approved by the Commerce Department between July 1, 1981, and June 30, 1982. A sanitized version of the study was made available to The Washington Post.

Because none of the four nations has ratified the Nuclear Nonproliferation Treaty or agreed to place all nuclear facilities under international safeguards, the 1978 U.S. Nuclear Non-Proliferation Act bars exporting to them sensitive nulcear technology, fuel or facilities.

But the Commerce Department deals on a case-by-case basis with export applications for the 64 controlled items that make up the Nuclear Referral List.

This list is comprised of "dual-use, nuclear-related equipment," such as sophisticated computers useful both in scientific research or banking and in design, fabrication, testing or production of material or components for nuclear weapons.

The House has moved to tighten U.S. control over these items by approving an amendment to the Export Control Act, sponsored by Rep. Howard E. Wolpe, (D-Mich.), to bar the sale of such equipment to the nuclear programs of countries that have not opened all their facilities to international inspection.

The amendment would have blocked most of the 57 sales to South Africa, India, Argentina and Israel identified by the GAO, although sources said at least some of the sales to Israel would have been permitted.

A similar amendment is expected to be introduced in the Senate.

But the Wolpe amendment does not address the problem of dual-use equipment sold ostensibly for civilian business or scientific purposes that then is used illicitly to assist a nuclear program.

While the classified GAO study listed "specific instances of diversion [of controlled equipment] by recipient countries," the State Department insisted that these diversions remain classified. They do not appear in the sanitized version.

The State Department also insisted that "U.S. efforts to prevent diversion in specific countries" not be made public.

But the GAO said that its study made it clear that the huge volume of export license applications for controlled items and the rapid changes taking place in technology

are posing a "growing challenge to the export control process."

The GAO said that while it examined computer tapes containing over 10,000 approved applications for export of "dual-use, nuclear-related items," it was not furnished details on an additional 1,200 licenses granted by the Commerce Department "because of a backlog in updating their computer files."

Of the 10,000 licenses approved, about 2,100 were referred to the Energy Department "because of potential proliferation concerns," the GAO said. The Energy Department made a detailed technical review of 789 of these applications, the study said.

GAO officials told Congress that they only had time for a detailed review of several countries of primary non-proliferation concern to determine how many of the exports were for explicit use in nuclear programs.

Thus, the GAO was able to determine that 30 of the 776 licenses granted for India, seven of the 619 for South Africa, 11 of the 618 for Israel and nine of the 496 for Argentina were for sale of dual-use equipment for a "nuclear end use" or to a "nuclear end user."

The GAO did not examine the declared end use of the 102 export licenses granted Iraq, the 82 granted Pakistan or the 48 granted Libya. All three have expressed an interest in nuclear weapons.

The GAO also did not examine the end use of the 537 licenses granted for export of Nuclear Referral List items to Taiwan, the 392 licenses granted Brazil or the 57 granted South Korea. These countries have made an effort to acquire advanced nuclear facilities.

The country that received the largest number of exports of Nuclear Referral List items was China.

More than 1,000 licenses were approved for China. Almost 80 percent were for computers, and the 13 largest sales were for uses that did not appear related to China's nuclear program.

The bulk of dual-use items approved for export to Argentina's nuclear program are for use in a heavy water plant being built by Switzerland, according to the GAO.

The Carter administration unsuccessfully attempted to block the sale of the plant to Argentina.

The Reagan administration recently has come under heavy criticism for short-circuiting Energy Department and Nuclear Regulatory Commission procedures in approving retransfer of 143 tons of U.S.-origin heavy water to Argentina for use in its atomic power plants.

Exports to South Africa's nuclear program approved by the administration included radio-navigation and ultrasonic-tracking equipment, as well as computers.

Exports to both the Indian and Israeli nuclear programs were dominated by computers but included laser equipment.

WORLD NAZIISM AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, I received a newsletter from the Simon Weisenthal Center. Located in Los Angeles, the organization is dedicated to enlightening the public about the Nazi Holocaust. The center is involved in a variety of activities: sponsoring holocaust educational programs, keeping track of neo-Nazi groups in this country and abroad; monitoring the illegal activities and the dissemination of information by these groups, and cooperating with law enforcement agencies to bring these criminals to justice.

Representatives of the Center are quick to point out that Naziism did not end with the fall of the Third Reich; and, they add, it will not simply dispear. In fact, the world neo-Nazi network has only expanded its scope of operations and enlarged its membership. The Nazi movement is now highly international.

Frightening as this may sound, much of the impetus for this growth originates from within our own borders. Examples abound: Gerhard Lauck, head of the American Nazi Party, is responsible for much of the flow of hate material to Europe; the West Germans, who have banned Nazi literature within their borders, have documented his involvement.

Another heinous group known as the Aryan Nations is also expanding its scope of operations. Its leader, Richard Butler, justified international expansion of the group by saying:

> The Jewish question is not just an American problem—but a world problem.

The actions of the affiliates of groups such as these are even more disturbing: a Temple City, Calif., synagogue was firebombed; a Chicago Nazi killed an elderly Jewish man with cyanide gas; a Pennsylvania blue-collar neighborhood received the following flyer:

> We hate Jews. They are the ones oppressing the White man. We want fighters, marchers, those willing to give money and their time to the movement.

Internationally we find: Poland's Government is blaming that nation's 6,000 Jews for the food shortages experienced by over 36 million Poles; the National Front, a British neo-Nazi group, has attacked Jews and the police officers who attempted to protect those Jews; synagogues have been bombed in major cities across Western Europe—Paris, London, Rome, and Munich to name a few. The point becomes evident that these incidents are on the upswing and are becoming less and less random.

Mr. President, American neo-Nazi groups are responsible to a great extent for the growth of an international movement bent on finishing the task begun by Hitler. They speak of genocide in no uncertain terms. We cannot stop them from speaking nor can we stop them from printing their hateful propaganda. We can, however, make clear to them our unalterable opposition to their aims.

This treaty has been supported by every President since President Harry Truman until the present incumbent. It has not been acted on. It is time we act.

A ratified Genocide Treaty will help us convey an important message to these ambassadors of evil—that genocide is a crime and one for which they will be justly punished.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m., with statements therein limited to 2 minutes each.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

EFFICIENCY OF PRODUCTION IN U.S. AGRICULTURE

Mr. LONG. Mr. President, I am proud to say that American farmers are among the most highly efficient producers of food and fiber in the world. Many consumers of these fine products may not be aware that one farmworker produces enough food to feed 78 people. Others may not know that although farmers in the United States are not farming more land than was being farmed in 1930, productivity in agriculture has more than doubled. This efficiency allows the United States to be the world's largest exporter of farm products.

I congratulate the agricultural community for their significant accomplishments and encourage others to strive to do as well.

I would like to call particular attention to an extremely innovative farmer from Gilliam, La., Dan P. "Buddy" Logan.

Buddy has devised a method for growing cotton which results in his ability to produce 3 to 3½ bales of cotton where others would be pleased to produce 1½ bales of cotton.

I believe it is as interesting to learn about the Logan technique for cotton production as it is important to be aware of it.

Mr. President, I ask unanimous consent that the complete text of the article on Buddy Logan's method of producing cotton, from Shreveport-Bossier, the Times, August 28, 1983, be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FARMER'S COTTON GETS ATTENTION

(By Orland Dodson)

Innovation cotton farmer Dan P. Logan Sr. of Gilliam is nursing along another bumper crop in North Caddo Parish this

August, but what may be even more exciting to him is the attention his method is getting from the establishment.

"Mr. Logan is doing something nobody else is doing," said Dr. Jere McBride, resident director at LSU's Red River Valley Experiment Station. "He knows more about cotton than any man I know."

Logan and a cadre of admirers, including cotton farmers and consultants from every state in the South and in several foreign countries, have been saying something like that for years.

But the agricultural experts of the land grant colleges and the extension service, whose recommendations comprise what most farmers consider "accepted practices," have been reluctant to endorse what Logan is doing.

Their attitude, which McBride is not yet ready to abandon, is based on concern that their recommendations must be within the reach of the typical farmer. And Logan would never claim to be typical.

"What he's got is real," said McBride, after personally looking over the cotton fields near Gilliam where the Logan practices are being applied this year.

Logan has the plants under control. The cotton bolls are closely spaced, almost clustered, compared to the more typical plant in which they are apt to be several inches apart on the stalk.

"He can produce three or three-and-a-half bales to the acre on land where we'd be happy to get a bale and a half," said McBride. "We can't just close our eyes to that. Still, I'm not sure the economics are with the farmer."

This year, Logan has sent a tractor-mounted spray rig over the fields about once every five days, distributing urea (a form of nitrogen) and sometimes other nutrients suspended in a water solution. The food is taken up by the plants through the leaves, so the method is called foliar feeding.

Sometimes the foliar feeding is done at the same time that insecticides and herbicides are applied to control bugs and weeds. Those trips would have to be made in any case. But the extra trips have an economic impact.

"It doesn't amount to a hill of beans," Logan says of this cost. "We're not using nearly as much nitrogen all together as the accepted practices, so there's a saving in that."

McBride feels those extra trips over the fields, since they take time and fuel, add up to significant costs that cut into profit. But he said he's not been able to get the hard figures on costs.

"We've got some cotton out here at the experiment station that looks like two-and-a-half bales to the acre," McBride said. What it has going for it is crop rotation, he said, adding, "That's not as good as Mr. Logan's cotton, but we have to look at dollars and cents."

"He's got a lot of people's interest, and he's putting the cotton on short internodes (intervals on the stalk), and once he gets it to the fruiting stage he keeps it there. If we can get feasible ways to shorten internodes, we can produce a lot of cotton."

"I can't talk to Mr. Logan about economics," McBride said, "because he shuts me out."

Anybody who has ever discussed cotton with Dan Logan can identify with that. "Money is not wealth," he is fond of saying. "But if we can put two bales of cotton on where we only grew one bale before, that's wealth."

He'd rather talk about the consistency of the cotton plant than about money.

"It always does exactly what it's supposed to do," he says, "as sure as the law of gravity works. It always does the same thing. It will do it everytime."

If cotton plants could talk, they might argue with that. When Logan is in charge of the field, the plants seem to do what he intends for them to do.

For example, when cotton plants in neighboring field are exuberantly turning nitrogen from the soil into lush foliage early in the year, Logan's plants are apt to look smaller. That's because he doesn't let them have all the nitrogen at once, because he believes it delays the "fruiting process," putting on "squares" that bloom and then turn into bolls.

And if the plant starts to "get away," he will include some sugar in the food spray. Tha inhibits growth of the plant (vegetation) and channels its energy into putting on squares.

Throughout the growing system, Logan uses the spray rig to keep the growth of the stalk and the setting of squares in balance. As a result, the bolls are set close together on a more compact stalk.

McBride says there is one thing more that is different. "When he gets a boll on, he doesn't lose it."

Logan says that's because he works to keep the environment right for the cotton to do what it is supposed to do, and that starts with the grade of the field, so water doesn't stand in wet weather to lock the roots of the plant.

He also meters the soil for moisture content and irrigates when the moisture level alarms him, well before the plant themselves begin to show stress in dry weather.

And at this time of the year, while the cotton under his care is still putting on blooms that will become mature bolls in six weeks, he drives around neighboring fields and points out that the plants are wilting and that the late squares are falling off onto the ground.

"It's quit," he says. "It's out of food."

For years, Logan has made a practice of writing down precise field notes on what is going on in his cotton fields. To prove his thesis that the cotton plant always does exactly what it is supposed to do when it is properly tended, last spring he wrote out a schedule of this year's crop, culminating in a first picking Sept. 15.

Up to now, he says, the plant has been on schedule as to height, when it would start to put on squares, when it would bloom and so forth.

McBride's hesitancy in giving Logan's method 100 percent endorsement is based on concern on how much more has to be invested in the crop. And not just money.

He said Logan, who concentrates totally on his cotton and is in the fields from sunup to sundown except when he is in the office writing or reading notes or running errands on behalf of his cotton, works harder than most farmers would be likely to be comfortable doing.

Logan agrees most farmers don't work as hard as he does, or watch their cotton as closely.

"You can't get results with windshield inspections," he says, "on the way to the golf course."

BLACK HILLS WORKSHOP AND TRAINING CENTER

Mr. PRESSLER. Mr. President, South Dakota has a vocational education facility which is celebrating 25 years of service to the Black Hills area. The Black Hills Workshop and Training Center prepares over 180 mentally and physically disabled South Dakotans for jobs in their communities. The center has an outstanding reputation in my home State of South Dakota, and I would like to commend it for the fine services it provides to the mentally and physically disabled.

Educating mentally and physically disabled persons is extremely important. Our Nation must never forget its obligation to protect the rights of the handicapped. The Black Hills Workshop and Training Center is a fine example of commitment and dedication in helping the mentally and physically disabled to live productive lives. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Rapid City Journal, Oct. 8, 1983]

WORKSHOP OBSERVES ITS 25TH BIRTHDAY

(Malcolm Ritter)

The Black Hills Workshop and Training Center has come a long way from its beginning 25 years ago in the basement of a local home.

The workshop, which serves more than 180 mentally and physically disabled people 16 and older, observed its 25th birthday Friday with an open house at its main building and its homes for clients.

Visitors toured the workshop's two greenhouses (one showing pumpkins and poinsettias for Halloween and Christmas) and the educational and work areas in its 33,000-square-foot main building. In one large room, clients folded orange and green newspaper inserts. In another, they twisted wires around doughnut-shaped rings of various sizes to make computer parts.

The making of computer parts is "one of the most exciting things we've done" in the last few years, said Dennis Popp, executive director of the workshop. "It's something our people can do, and can do in a quality fashion."

It requires fine handwork, judgment and other thinking skills, in contrast to simpler tasks. Wendy Hodson, director of education and training, said the more complex work "prepares them a little better for placement in the community. It's rare you're going to get a job folding newspapers."

The first workshop clients, 25 years ago, were too young to worry about work. Eight retarded children, ages 4 to 10, were taught in the basement of Mrs. J. S. Kibben's home by Mrs. Henry Kuster. (Those two names live on in Rapid City's Kibben-Kuster School.)

Later a room in the Quarnberg building was rented for the small class. In 1958, the Black Hills Association for Retarded Citizens bought the R. W. Hitchcock home for preschool classes, domestic training for girls and foster care for children whose parents lived out of town.

In a workshop set up in a vacated police station and jail in 1959, 17 clients made pallets and milk crates.

The first structure on the workshop's current site was built in 1965 on 13 acres of surplus government land. During the 1970s, 18 clients worked at the Pines Edge Sawmill near Johnson Siding. In 1976, the workshop received 360 acres of government surplus land for what is now its hog farm near Newell. Sixteen men live there, learning both agricultural and living skills.

The workshop will build two more group homes for clients in the next 1½ years, Popp said. The future may also include serving other kinds of clients, officials said, like the profoundly handicapped, retarded people now in jails, the geriatric retarded and people who are both retarded and mentally ill.

"VOLVO JOE" MONTEITH

Mr. LEAHY. Mr. President, Joe Monteith has been a good friend and special neighbor of mine for many years. As all Vermonters know, Irene and Joe have been very special to all of us.

I am delighted to see him recognized in the following article, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sunday Times (Vt.) Argus, July 24, 1983]

OWNERS FETE "VOLVO JOE"

(By Dan Gillmor)

MIDDLESEX.—For Joe Monteith, Volvo repairman extraordinaire, a 1975 Volvo qualifies as a new car. And the 1975s were some of the youngest vehicles at Newhall Field Saturday as a large group of Volvo owners gathered to honor the man who keeps them on the road—and who is a friend besides.

Monteith has become something of a legend among Volvo owners, and about 50 of his customers turned out on a sparkling afternoon, lined up their cars and gave him a parchment that read:

"We, the undersigned, do declare our everlasting loyalty, deep devotion and eternal gratitude to Joe Monteith for keeping hundreds of Volvos healthy beyond their natural lives. He has single-handedly put Middlesex, Vermont on the Volvo atlas of the world."

Monteith came to Middlesex 10 years ago, a Vermont native who made a career in the Air Force and who "retired" back home after a stint as a mechanic in Connecticut. Some retirement. His wife, Irene, said he works too much, ". . . but that's the way he likes it." Monteith himself admits to six 12- to 15-hour days per week.

A perfectionist, Monteith has won a devoted following that spans New England and beyond. Several professors at the University of Mississippi come to Vermont twice a year to have their cars maintained, he said. Closer to home, Monteith's followers are legion and incredibly loyal.

"He fufills all the old, tired cliches about hard work, devotion and honesty," said Bill Mares, a Burlington author and co-organizer of the day's event.

One of Monteith's chief measures of renown centers around his apparently uncanny ability to diagnose car trouble over the telephone. Everyone at the party, it seemed, had a story to tell about a telephone call that saved them in times of real trouble.

Perry and Susan Hanson, who came from Worcester, Mass.—they formerly lived in Ripton—recalled a trip from Worcester to New York City during which something went wrong.

"We called him and he said, 'It's the fuel pump,' " Susan Hanson said. "It was."

Monteith said he's pleased to help his customers on the phone: "I always figure I've got too much work anyway. If I give a diagnosis over the phone, they do the work. It doesn't hurt my feelings any."

The Monteiths have four Volvos at home. Joe Monteith said he favors the 1973 vintage, particularly the model 164. "It's not what you'd call an economical car today," he said. "But the '73 is generally one of the best cars going."

Part of the Monteith charm for his customers is that he takes them on as friends as well. Many is the customer who has eaten lunch or dinner at the Monteith home while waiting for a car.

For Joe Monteith, the day was a slightly embarrassing pleasure. He'd been at home, working on a car, of course, when Irene convinced him to come on down and look at some lawn furniture. The lawn furniture he examined was a lineup of well-kept Volvos.

"It's the quality of the work I care about," he said, adding that his customers feel the same way. "Look at that '74. Anybody would be proud to own it."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not morning business is closed.

DEPARTMENT OF STATE AUTHORIZATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1342, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1342) to authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. I thank the Chair.

AMENDMENT NO. 2363

(Purpose: To conform provisions of the War Powers Resolution to a decision of the Supreme Court invalidating the congressional veto)

Mr. BYRD. Mr. President, I send an amendment to my amendment to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 2363 to amendment numbered 2350.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after line 9 and insert the following:

(b) The heading for section 6 of such Resolution (50 U.S.C. 1545) is amended to read as follows:

"CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL UNDER SECTION 5(b)".

(c) The heading for section 7 of such Resolution (50 U.S.C. 1546) is amended to read as follows:

"CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL UNDER SECTION 5(b)".

(d) Section 7 of such Resolution (50 U.S.C. 1546) is amended—

(1) in subsection (a), by striking out "concurrent resolution" each of the two places it appears and insert in lieu thereof "joint resolution or bill";

(2) in subsection (b), by striking out "concurrent resolution" and inserting in lieu thereof "joint resolution or bill";

(3) in subsection (c), by striking out "concurrent resolution" and inserting in lieu thereof "joint resolution or bill"; and

(4) in subsection (d), by striking out "concurrent resolution" each of the two places it appears and inserting in lieu thereof "joint resolution or bill".

(5) by adding at the end thereof "(e) Time for debate on the consideration of a veto message from the President on any such joint resolution or bill shall be limited to ten hours in each House.

Mr. BYRD. Mr. President, this is an amendment which provides that, in the event there is a Presidential veto of a joint resolution—which under my amendment would be required—by the Congress withdrawing troops within the 60 or 90 days, such congressional veto override vote would be expedited, and that that time be confined to 10 hours for each House. That is the purpose of the amendment in the second degree.

There are not enough Senators on the floor to ask for the yeas and nays, so I will wait for that. I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BYRD. Mr. President, I would not expect the Senate to vote immediately on the amendment. I would ask for the yeas and nays, but realizing there are not enough Senators here to get them, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on my amendment in the second degree.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the pending question, I understand, is the second-degree amendment of the Senator from West Virginia, the minority leader.

There are other matters that may be taken up now, which would require us to temporarily lay aside this question.

It seems desirable to set a time certain for a vote on the Byrd amendment. I have conferred with the distinguished chairman of the committee, the distinguished ranking minority member of the committee, and with the minority leader, and I believe the request I am about to make is agreeable to them and will facilitate the further consideration of this bill.

Mr. President, I ask unanimous consent that the Byrd first-degree amendment be temporarily laid aside to recur as the pending question at 11 a.m., at which time a vote will occur without further debate or proceeding.

Mr. President, I revise the request so that both the first and second-degree amendments be temporarily laid aside and that at 11 a.m. the second-degree amendment will recur as the pending question, that immediately after the disposition of the second-degree amendment, that without further debate or proceedings, the Senate will turn to the first-degree amendment as amended if amended.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. BYRD. Mr. President, reserving the right to object, do I understand the majority leader's request to be that the vote on or in relation to the second-degree amendment will occur at 11 a.m. to be immediately followed by a vote on the first degree amendment as amended if amended.

Mr. BAKER. Yes.

Mr. President, the order I put is that there be no further debate at 11 a.m. I just arrived on the floor and I assumed that the debate has already occurred. If that is not the case and if there is a desire for debate on this measure, we will be glad to do that.

Mr. BYRD. Mr. President, will the Senator yield to me?

Mr. BAKER. I yield.

Mr. BYRD. I am happy to move the vote as stated in the request to 12 o'clock with debate beginning at 11 a.m. to be equally divided.

Mr. BAKER. Mr. President, that is fine with me. I, frankly, want to say that I believe the amendment will be overwhelmingly adopted. The amendment, as I understand it, would simply conform the War Powers Act to the recent practice of Congress in proceeding by joint resolution instead of concurrent resolution and by implication to conform it to the decision of the Supreme Court in a recent case dealing with one-House veto.

Mr. BYRD. That is the Chadha case.

Mr. BAKER. That being the case I rather expect very little debate will ensue and that a vote will occur very promptly.

I hate to give up a whole hour for it since we have so much to do. I wonder if the minority leader will agree that the debate will begin at 11 a.m. and the vote will occur at 11:30 a.m.

Mr. BYRD. That will be fine.

Mr. BAKER. I modify the request to that extent, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair and I thank the minority leader, and I especially thank the managers of the bill.

Mr. BYRD. I thank the majority leader.

Mr. PERCY. Mr. President, I express my appreciation to the majority and minority leaders also for setting a time certain for this vote. It is an important matter. It will give Senators an opportunity to study the issue which does first provide for 10 hours of debate in the event of a joint resolution being adopted and second providing that the concurrent resolution will be deleted from the War Powers Act and that a joint resolution will be substituted. The joint resolution would be sent to the President for signature or veto, in which case the House of Representatives and the Senate would vote for or against veto.

The issue is a clear issue and it is a necessary issue because of the Supreme Court decision.

AMENDMENT NO. 2364

(Purpose: Amendment to Amendment No. 2206)

Mr. PERCY. Mr. President, at this time I send to the desk an amendment and I ask unanimous consent that it be substituted for amendment No. 2206 which was previously adopted on this bill when it was considered on September 22.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2364 to amendment No. 2206.

Mr. PERCY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amendment to amendment No. 2206. Strike out all and insert in lieu thereof the following:

FOREIGN SERVICE BUILDINGS ACT

SEC. . The Foreign Service Buildings Act of 1926, as amended, is further amended to add a new Section 11 thereto as follows:

SEC. 11. (a) Eligibility for award of contracts under this Act, or otherwise as authorized by the Secretary, including leaseback or other agreements the purpose of which is to obtain the construction, alteration or repair of buildings and grounds abroad, when estimated to exceed $2,000,000, including any contract alternatives or options:

"(1) Shall be limited, after a determination that adequate competition will be obtained thereby, to (A) American-owned bibbers and (B) bidders from countries which permit or agree to permit substantially equal access to American bidders for comparable diplomatic and consular building projects: *Provided,* That, generally applicable laws and regulations pertaining to licensing and other qualifications to do business in the country in which the contract is to be performed shall not be deemed a limitation of access for purposes of this subsection; *Provided further,* That, if so required by bilaterial agreements or by the law of the host country, participation may be available to or be limited to host-country bidders.

"(2) For purposes of determining competitive status, bids qualifying under subsection (b)(1) shall be reduced 10 per centum thereof.

"(3) A determination of adequacy of competition will be made after advance publication by the Secretary of a proposed project subject to this Section and receipt from not less than two prospective responsible bidders of intent to submit a bid or proposal. If competition is not determined to be adequate pursuant to this subsection, contract(s) may be awarded without regard to subsections (a)(1) and (b) of this Section.

"(b) Bidder qualification under this Section shall be determined on the basis of nationality of ownership, the burden of which shall be on any prospective bidder, subject to the following limitations:

"(1) Qualification under subsection (a)(1)(A) shall require evidence of: performance of related construction work in the United States, and (A) ownership in excess of fifty percent by U.S. citizens or permanent residents, or (B) incorporation in the United States for more than three years and employment of United States citizens or permanent residents in more than half of its permanent full-time professional and managerial positions in the United States.

"(2) Qualification under this Section shall be established on the basis of determinations at the time bids are requested. Determinations under this Section shall be committed to the discretion of the Secretary.

"(c) Contracts for construction, alteration or repair in the United States for or on behalf of any Foreign Mission as defined in the Foreign Missions Act of 1982 may, pursuant to the authority of that Act, only be awarded to or performed by bidders qualifying under Section (a)(1)(A) above or bidders from countries which permit or agree to permit substantially equal access to American bidders for comparable projects: *Provided*, That nothing herein shall preclude work to be performed by nationals of the country for which the contract is being performed, otherwise granted the right of entry for that purpose by the Secretary."

Mr. PERCY. Mr. President, if I may explain very briefly to my colleagues, since the adoption of the amendment No. 2206, staff has had a number of conversations with the Department of State and our major international construction firms on the need to modify the bidding practices on the Foreign Building Office Act of 1926.

As a result of these discussions, I believe all parties involved agree that the further refinements embodied in this substitute amendment are desirable and acceptable.

As I stated last month, it is my belief that the Foreign Building Office should be required to take into consideration the comparative bidding processes used by other countries in connection with their building projects abroad in awarding U.S. building contracts.

To the best of my knowledge there is no opposition on this side of the aisle

I turn to my respective colleague, the ranking minority member of the Foreign Relations Committee, to determine whether he knows of any opposition on the minority side?

Mr. PELL. Mr. President, there is no objection on this side to the amendment of the Senator from Illinois. I suggest we move ahead with it.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2364) was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2365

(Purpose: Amendment to unprinted amendment No. 2200 to correct technical error)

Mr. PERCY. Mr. President, in our previous consideration of this bill Senator KASSEBAUM offered an amendment which the Senate adopted concerning the 1985 conference to commemorate the conclusion of the UN decade for women.

At that time extraneous materials were attached to Senator KASSEBAUM's amendment. She has asked that I correct this technical error. Therefore, I send to the desk a substitute for Senator KASSEBAUM's amendment No. 2200, and I ask unanimous consent that it be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY), proposes an amendment numbered 2365.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all language contained in unprinted amendment No. 2200 and insert in lieu thereof the following:

On page 24, after line 19, add the following new section:

1985 CONFERENCE—U.N. DECADE FOR WOMEN

SEC. 122. The President shall use every available means at his disposal to ensure that the 1985 Conference to commemorate the conclusion of the U.N. Decade for Women is not dominated by political issues extraneous to the goals of the 1985 Women's Conference that would jeopardize U.S. participation in and support for that Conference consistent with applicable legislation concerning U.S. contributions to the U.N. Prior to the 1985 Conference, the President shall report to the Congress on the nature of the preparations, the adherence to the original goals of the Conference, and the extent of any continued U.S. participation and support for the conference.

Mr. PERCY. Mr. President, I know of no objection on this side of the aisle.

Mr. PELL. No objection on this side either.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2365) was agreed to.

AMENDMENT NO. 2366

(Purpose: Amendment to UP amendment 2344)

Mr. PERCY. Mr. President, I send to the desk on behalf of Senator HATCH an amendment to my amendment 2344, and I ask unanimous consent that it be adopted.

The PRESIDING OFFICER. Without objection, the amendment will be in order.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY), on behalf of Mr. HATCH, proposes an amendment numbered 2366.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 8, insert after the word "account" the following: "and the Secretary of Labor may make grants to the Endowment with funds appropriated to the Department of Labor".

On page 3, line 23, insert "or the Department of Labor, as the case may be," after "Agency".

On page 3, line 11, insert after the word "Director" the following: "or Secretary, as the case may be,".

Mr. HATCH. Mr. President, my amendment is designed to recognize that the authorization of international activities is not unique to the Senate Foreign Relations Committee, nor is funding of international programs limited to the State Department and its related agencies. Indeed, in the past, the Senate Labor Committee has worked to establish funding for international labor activities. Funds for this program are authorized from Labor Department appropriations and are carried out by the AFL-CIO in the same manner authorized by this bill.

Of the $26.3 million in NED funds for which the bill names grantees, more than half, $13.8 million is intended for the international labor activities of the AFL-CIO. At the same time I support this authorization, as a committee chairman, I think it is reasonable that the committee with past jurisdiction over these matters at least participate in the congressional oversight responsibilities created by this title.

My second amendment merely states that, in addition to the bill authorizing funding of the NED from USIA funds, the Labor Department also may grant funds to the NED from appropriated Labor Department funds. This amendment will have no immediate effect on the NED; this will not in anyway impede the operations of the NED, nor will it alter the authorization levels permitted by this bill.

The intended effect of this amendment is to recognize the interest of the Labor Department in funding international programs which may have labor overtones. This would also recognize the responsibility of the Senate Labor and Human Resources Committee in appropriate oversight of labor related international programs funded by the NED.

The amendment would also formalize the Labor Committee as an appropriate committee of the Congress to use the bills language—before which Endowment board members and officers will be available to testify, and to which the reports required by this bill to be submitted to Congress would be referred, in addition to the Foreign Relations Committee.

Mr. PELL. Mr. President, I would like to ask the distinguished chairman of the Labor and Human Resources Committee if his amendment would give his committee jurisdiction over legislation pertaining to the National Endowment for Democracy.

Mr. HATCH. No, it would not. As the Senator knows, any joint referral of proposed legislation would require

the unanimous consent of the Senate. If future proposed legislation pertaining to the National Endowment for Democracy included matters relating to international labor issues, I would have an interest in that part of the bill and would likely ask unanimous consent for some limited opportunity for the Labor Committee to look at the bill.

Mr. PERCY. Mr. President, I know of no objection to the amendment on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2366) was agreed to.

THE NATIONAL ENDOWMENT FOR DEMOCRACY ACT

Mr. HATCH. Mr. President, I have a number of additional reservations about title IV of this authorization bill, the title which creates a National Endowment for Democracy (NED).

Some of my reservations concern the exploitable ambiguities in the NED framework—matters which, without clarification, could lead to domination of the NED by a single ideological persuasion. Of course, Federal funding of the NED under such circumstances would be inappropriate, and counterproductive to the stated purposes of the Endowment.

I would like to share with my colleagues copies of correspondence between myself and representatives of the four groups designated to receive funds under section 403(d) of this bill. This correspondence clarifies the intentions of these major participants in the NED concerning the functioning of the NED pursuant to this legislation.

All but one of the clarifications of intent relate to the operations of the NED, and are appropriate and necessary matters for inclusion in the bylaws of the NED. The final matter I would be pleased to offer as an amendment, if necessary, but I am prepared to yield to the floor manager's wishes, if he would prefer to proceed in clarifying this matter without the requirement of amendment.

The substitute, as drafted, designates four organizations to receive authorized funds—yet the bill does not specify the future authorized funding relationships between these organizations—relationships which the Senate, as well as these organizations, intended to exist.

This understanding is that there will be a future mandated equality of funds authorization and distribution to the two party institutes named in the bill, thus insuring that in future years, neither the National Democratic Institute for International Affairs nor the National Republican Institute for International Affairs will be authorized or receive Federal funding at unequal levels: The Congress intends not to discriminate between the two institutes.

In addition, there is an understanding that the nonparty institutes named in the bill will also receive an equal authorization and distribution of funding. The substitute does not authorize equal amounts to the Free Trade Union Institute and the National Chamber Foundation—in fact the levels are widely disparate. I think it is recognized however, that the AFL-CIO, which has for decades engaged in foreign programs, does not require the startup time otherwise necessary when forming a new institute.

In future authorizations, however, the representatives from the organizations named in the bill all agree, that there is an objective of near term equality of future funds distribution to the nonparty institutes named in the bill. This means that when the National Chamber Foundation is fully prepared to implement programs, in 2 or 3 years, the distribution of funds to the National Chamber Foundation and the Free Trade Union Institute over the near term will be equal.

Mr. President, when I refer to the representatives of the organizations named in the bill as having corresponded with me, I should point out that I am referring to Bill Brock, as chairman of the democracy program; Charles Manatt, chairman of the Democratic National Committee; Lane Kirkland, president of the AFL-CIO; Frank Fahrenkopf, chairman of the Republican National Committee; and, Mike Samuels, the vice president, International, of the U.S. Chamber of Commerce. These gentlemen jointly have endorsed the points I am raising. I would like to request that my letters dated September 19 and 21 and their response dated September 21 be included in the RECORD at this point.

The points of concern raised and addressed by this correspondence, including the funding equality objectives which I have just discussed, will become integral elements in the bylaws of the National Endowment for Democracy. These points, or integral elements of the NED bylaws, as they are described by the respected Messrs. Brock, Manatt, Kirkland, Fahrenkopf and Samuels, are as follows:

First, the chairmanship of the board of directors of the NED will rotate periodically among the board members in a manner that will eliminate the potential for leadership domination by any group represented on the board. For example, I would anticipate business, labor, Republicans, Democrats, academia and others represented on the NED board each enjoying the chairmanship position, with no one individual holding the position for more than a few years at a time.

Second, the term of board members will be limited, with staggered expiration dates. I would anticipate four sets of 3-year board terms, permitting, over time, a wide variety of individuals from serving on the board.

Third, the membership of the board will at all future times reflect the same general membership which is proposed for the initial board. The present, proposed board generally reflects a wide balance of perspective. This composition, according to conversations with proposed incorporators, was the result of an arduous process. The least desired effect would be the domination of the board by any one viewpoint, an effect I feel we have protected against.

Fourth, except for the organizations for which funds are designated by this bill, Endowment board members should be prohibited from serving as officers of organizations receiving grants from the Endowment's discretionary funds and should not participate in board consideration of grants from Endowment discretionary funds of grantees with which they are associated. The purpose of this point is to prohibit officers of organizations receiving funds from the NED from serving as a board member of the NED, unless from one of the four organizations named in section 403(d). Hopefully, this prohibition would preclude an otherwise inappropriate financial relationship from developing between NED board members and grant recipients. In addition, when considering the award of grants from discretionary funds, this point would require a board member associated with the proposed discretionary grant recipient to recuse himself from participating in the consideration of the grant award.

Fifth, the term of office of the Endowments president will be limited, and the manner of selecting the president will be by two-thirds vote of the board of directors. The intention of this point is to prevent domination of the NED by requiring the NED president to be elected by two-thirds of the board, and by limiting the term of the president, hopefully, not to coincide with the term of a chairman of the board.

Sixth, the NED staff size will be limited, will not engage in program activity of its own, and will not initiate program proposals. The substitute prohibits the Endowment from carrying out programs directly. This point clarifies the passthrough nature of the Endowment. Specifically, this point prohibits the NED from employing staff to dream up program proposals—permitting staff to merely assess outside initiated proposals for compliance to the legislated purposes of the NED.

Seventh, there should be a mandated equality of funds distribution to the party institutes and an objective of near-term equality of future funds distribution to the nonparty institutes named in the bill. I have already re-

marked on this point and commend my colleagues to my earlier remarks.

Eighth, approval of discretionary fund grants will require the affirmative vote of two-thirds of the board of directors of the NED. This point requires wide consensus among board members in awarding discretionary grants. Thus, in considering the award of discretionary grants, one-third of the board plus one could prevent an award of discretionary funds to a grantee or for a proposed program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., September 19, 1983.

Hon. FRANK J. FAHRENKOPF, Jr.,
Republican National Committee, Dwight D. Eisenhower Republican Center, Washington, D.C.

DEAR FRANK: I am concerned that the proposed National Endowment for Democracy lacks sufficient safeguards to maintain ideological balance and may be politically biased. I believe the enclosed points should be seriously considered prior to the Senate adopting the proposal.

I would like to request you to review these points and provide me with your comments.

Sincerely,

ORRIN G. HATCH,
U.S. Senator.

POINTS FOR PROPOSED MODIFICATION OF THE NATIONAL ENDOWMENT FOR DEMOCRACY

1. The Chairmanship of the board should rotate periodically between board members in a manner that would eliminate the potential for leadership domination by any group represented on the board;

2. The term of board membership should be limited, with staggered expiration dates;

3. The membership of the board should, at all future times, reflect the same general membership, which is proposed for the initial board;

4. Except for the organizations for which funds are designated by this bill, Endowment board members should be prohibited from serving as officers of organizations receiving grants from the Endowment's discretionary funds and should not participate in board consideration of grants from Endowment discretionary funds to grantees with which they are associated.

5. The term of office of the Endowment's president should be limited, and the manner of selecting the president should be by two-thirds' vote of the Board of Directors.

6. The Endowment staff size should be limited, should not engage in program activity of its own, and should not initiate program proposals.

7. There should be a mandated equality of funds distribution to the party institutes and an objective of near-term equality of future funds distribution to the non-party institutes named in the bill.

U.S. SENATE,
Washington, D.C., September 21, 1983.

Hon. FRANK J. FAHRENKOPF, Jr.,
Republican National Committee, Dwight D. Eisenhower Republican Center, Washington, D.C.

DEAR FRANK: In addition to the points raised in my letter of September 19, I would also like to recommend that:

The approval of discretionary fund grants should require the affirmative vote of two-thirds of the Board of Directors.

I would like to request you to please review this point with your counterparts at the Democratic National Committee, the AFL-CIO, and the U.S. Chamber of Commerce, and provide me with your comments.

Sincerely,

ORRIN G. HATCH,
U.S. Senator.

THE DEMOCRACY PROGRAM,
Washington, D.C., September 21, 1983.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, D.C.

DEAR ORRIN: Several questions have been raised concerning aspects of the proposed National Endowment for Democracy. We offer the following clarifications, which—as designated incorporators of the National Endowment for Democracy—we are prepared to propose as integral elements in its bylaws:

1. The Chairmanship of the board will rotate periodically among board members in a manner that will eliminate the potential for leadership domination by any group represented on the board:

2. The term of board membership will be limited, with staggered expiration dates;

3. The membership of the board will at all future times reflect the same general membership which is proposed for the initial board;

4. Except for the organizations for which funds are designated by this bill, Endowment board members will be prohibited from serving as officers of organizations receiving grants from the Endowment's discretionary funds and will not participate in board considerations of grants from the Endowment's discretionary funds to grantees with which they are associated.

5. The term of office of the Endowment's president will be limited, and the manner of selecting the president will be by two-thirds' vote of the Board of Directors.

6. The Endowment staff size will be limited, will not engage in program activity of its own, and will not initiate program proposals.

7. There will be a mandated equality of funds distribution to the party institutes and an objective of near-term equality of future funds distribution to the nonparty institutes named in the bill.

8. Approval of discretionary fund grants will require the affirmative vote of two-thirds of the Board of Directors of the Endowment.

Please do not hesitate to contact any of us should you wish any additional clarification regarding the proposed Endowment.

Very truly yours,

WILLIAM E. BROCK III.
CHARLES T. MANATT.
LANE KIRKLAND.
FRANK J. FAHRENKOPF, JR.
MICHAEL A. SAMUELS.

AMENDMENT NO. 2367

Mr. PERCY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2367.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

"SECTION FOREIGN AID AUTHORIZATION REQUIREMENT

"SEC. . Notwithstanding any other provision of law, no funds may be appropriated or obligated for United States foreign assistance and security assistance programs in fiscal year 1984 which are in excess of the amounts appropriated in PL 98-107, unless higher amounts are specifically authorized by Congress."

Mr. PERCY. Mr. President, this amendment simply requires that fiscal year 1984 foreign assistance programs be authorized that would allow only the level of foreign aid in the concurrent continuing resolution to be provided in fiscal year 1984. It would prevent the next continuing resolution from providing higher foreign aid levels unless Congress specifically authorizes the funds.

It is intended to prevent the current trend toward foreign aid by continuing resolution.

Common wisdom is, first, that the House will not pass a foreign aid bill; second, foreign aid authorization legislation never passes; third, that the State Department opposes consideration of our bill on the floor; and, fourth, that the issue can be handled by a continuing resolution.

All four points are incorrect. First, the House is scheduled to consider the foreign aid bill on November 1; second, there has been a foreign aid authorization bill every year for the past decade; third, Secretary of State Shultz strongly supports floor consideration of the Senate Foreign Relations Committee foreign aid bill; and fourth, the foreign aid programs are not authorized. I expect several Senators to make major foreign aid reductions during consideration of the next continuing resolution.

Mr. President, I do not see how anyone could oppose this amendment if he believes in the authorization process.

To the best of my knowledge, we have no objection to the amendment on this side of the aisle.

Mr. PELL. Nor are there any objections on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2367) was agreed to.

Mr. PERCY. I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, may I inquire of the two managers, I would like to speak to the bill general-

ly for approximately 15 minutes, if that. I wonder if the distinguished managers would allow me that much time?

Mr. PERCY. I think it would be very appropriate for the distinguished Senator from New York to take that time now. We have a vote at 11 o'clock, and that is the only other matter unless some Senators come over with their amendments, and I hope they will come over so that we can take up their amendments at approximately 10 minutes to 11 and dispose of them before the vote on the Byrd amendment.

Mr. MOYNIHAN. Mr. President, I would like to speak to an amendment that has been adopted by the Senate to this legislation on September 22 when we first considered the State Department authorization, and to say that in the judgment of the Senator from New York the Senate did a reckless and careless thing in voting to cut the President's request for the funding of our contribution to the United Nations by as much as half. The amendment further states that if this unilateral decision by the United States is not accepted as payment in full then no payments of any kind would be made.

I assume that the Members of the Senate understood when they did this that they were voting to deny the United States the right to vote in the General Assembly. Article XIX of the charter states that a nation 2 years in arrears on its payments will lose it right to vote.

I assume that the Members of the Senate understood we would lose the right to vote in a body created largely at the behest of the United States, now located in the United States, and, for all its faults, essential to the interests of the United States. It is a body which is dangerous in some of its tendencies now, but which would be positively destructive were our presence to be expunged, if we were to be deprived of our right to participate in its proceedings. It would mark, as the distinguished commentator Mr. Joseph Kraft stated at the time, the decline of the United States as a great power.

I cannot assume that the persons who did this, who voted for this in the U.S. Senate wished to bring about the decline of this country as a great power—the beginning of our appearance in world assemblies as a member in default, a member in derision, a member whose legislative bodies have seemingly little comprehension of the realities of the world and our responsibilities in the world.

I have served as our representative in the United Nations. I was not happy with the tendency of events in that body and I made that clear. But I hope I never for a moment suggested we should leave it.

It was once the position of the John Birch Society that the United States should get out of the United Nations and the United Nations should get out of the United States. I think it is not an unfair reading, Mr. President, to say that is now also the position of the Government of the Soviet Union. It would very much desire to see the U.N. move from New York, which is therefore symbolically the capital of the world in a free Nation—that Nation the United States. How much they would like to see it moved to, let us say, Vienna.

For some years the Viennese have been developing a United Nations center in Vienna. An altogether admirable nation, Austria is even so a country that borders on the Soviet Union in the sense that it borders on its satellites.

The U.S. Senate has in one act, an inspired act, managed to put forward the policies of the John Birch Society and the Soviet Union at the same time. I congratulate all Members.

This happened on a Thursday. On the following Sunday, the President of the United States said he was flabbergasted—flabbergasted—by the behavior of the Senate.

On Monday, the President of the United States spoke before the General Assembly and asked for its help in a whole range of matters, asserting the most solemn commitment to the United Nations—the very body which we had the previous week in effect decided to part from.

The next day, on Tuesday, we learned of our distinguished Secretary of State making his way about the diplomatic lounges of the General Assembly, asking for help in Lebanon.

But we Senators had decided we would not pay our dues. We would take our football field and go home, as one observer put it. This is behavior unworthy of an institution as great as the Senate.

It cannot be too forcefully stated that if the U.N. General Assembly is unsatisfactory as an institution, it is because the world is unsatisfactory. It is a mirror of the world. And it must be our purpose to represent our interests there. Our interests are not advanced by our fleeing from the place of conflict. One of Napoleon's great cavalry officers knew his first principle was, "Ride to the sound of the guns." Can it be that our principle is flee from the sound of controversy, and do so in the name of high principle and, no doubt, budget cutting.

Now the Senate, is going to have to humble itself. The bill is going to go to conference. And when it gets to conference we will find that the administration, not perhaps as openly as it would wish to do, will be insisting that this money be put back.

Mr. President, there is no question that the budget of the United Nations is larger than it should be. There is no question that there are more KGB agents in the Secretariat than there ought to be and there ought not be one. Article 100 of the Charter so states, but the United States will not insist on compliance with the Charter.

It is no question that we can negotiate reductions, but we cannot decree them. Contributions are negotiated in the fifth committee under the Charter.

You do not run away. You stay and you fight and you negotiate and you find allies. And when your Secretary of State has to go around diplomatic corridors looking for help for our soldiers, our marines in Lebanon, you have a case. In 2 years' time he could not—well, I suppose he would be allowed in the building—but he could not speak in the General Assembly.

It is one thing to do the will of the John Birch Society, but to do the will of the Soviet Union also strikes me as overambitious.

Mr. President, the United Nations is too often underestimated for some of the things it does do.

In December 1979, the Global Commission for the Certification of Smallpox Eradication, a Commission of the World Health Organization, concluded that smallpox had been eradicated in the world and that vaccination was therefore no longer required.

In the history of mankind, there has not been a greater achievement in the field of medicine. Smallpox was once a worldwide scourge. We have clay models of Incas with pockmarked faces. If anyone has ever seen a child with smallpox, he would not ever want to see another. There was a time when as much as a third of the population of India would have smallpox. Dr. Johnson had smallpox. Everyone had it.

When it was finally eradicated from the United States, anybody who went abroad took smallpox inoculations, carried a yellow World Health Organization card indicating where there was still smallpox in the world. Smallpox lives in human beings. On the day it is not alive in any human being, it is dead and gone forever.

It is now gone forever. Though travelers still need to carry their yellow inoculations card, they do not need to show proof they have been protected against smallpox—anywhere in the world.

The amount of money we save in smallpox inoculations and the administration thereof probably equals half our contribution to the United Nations. An achievement of extraordinary skill and magnitude, carried out primarily, in the end, by the Center for Disease Control in Atlanta, using every modern epidemiological technique. We did that. The U.N. World Health Organization did that. Yet now we would cut off our contributions entirely.

The International Atomic Energy Agency polices the Non-Proliferation Act. We could get this Chamber filled with people saying there must be no proliferation, that there must be safeguarded reactors, but when we more to cut our funds off from that organization such that we would not belong to it, nobody is around.

Well, Mr. President, I have had my say. My views on the United Nations are that we can negotiate reductions in the cost of the General Assembly. We can stop the Soviet Union from using their missions to intercept phone calls in New York and Washington. We can see that the KGB—a KGB colonel is the director of personnel of the United Nations activity in Geneva—is expelled from the Secretariat. We can stop that. But only if we stay and fight. To run with one's tail between one's legs is not the mark of a mature democracy—not, in all events, in my judgment.

I would like to place in the RECORD a short summary of the budgetary contributions of the United States to the United Nations. As this indicates, our contribution is considerable, but it is not overwhelming. It amounts to $4 per person per year, including voluntary contributions. And Americans give to UNICEF with great willingness.

On a per capita basis, we are only the 12th largest contributor. As a percentage of gross national product given to the United Nations, we rank 57 out of the organization's 157 members. Ours is a large contribution, but not overwhelming.

I ask unanimous consent, Mr. President, to place this in the RECORD and also to place in the RECORD a letter which I received from Secretary Shultz which states:

The President's September 26 address to the General Assembly reaffirmed our continued principal support for the United Nations.

I am sure the Secretary did not mean this to be a private letter. It is about a public purpose.

This was accompanied by a copy of a letter to the distinguished chairman of the Subcommittee on Human Rights and International Organizations of the House Foreign Affairs Committee, the Honorable GUS YATRON, from then Acting Secretary of State Kenneth Dam asking that the House undo the damage done by the Senate. Though the Senate is charged by the Constitution to be the part of the Congress responsible in the conduct of foreign policy, it shall now fall to the House of Representatives to insure that the necessary, responsible thing is done.

I know the amendment was vigorously opposed by the distinguished chairman and the distinguished ranking member. I suppose that, in the end, reason and the President will prevail, but no thanks to the overwhelming majority of this Chamber on September 22.

I would also ask that the text of an essay of mine that was printed in the New York Times on September 27, 1983 also printed in the RECORD, along with an eloquent address by William J. Vanden Heuvel, given at the Cathedral of St. John the Divine in New York City on September 25, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, October 1, 1983.

Hon. GUS YATRON,
Chairman, Subcommittee on Human Rights and International Organizations, Foreign Affairs Committee, House of Representatives.

DEAR MR. CHAIRMAN: I have been asked to provide you with a statement of the Administration's position on the Kassebaum Amendment to the Department of State's Authorization Bill.

The Administration opposes this Amendment because it would place the United States in breach of its international obligations in a manner that would jeopardize United States voting rights in the affected international organizations. We support authorization of the amounts originally requested.

While we share many of the concerns that precipitated this action and agree the United Nations has its deficiencies, we feel the United States interests are best served by constructive participation in the United Nations' family of organizations.

Sincerely,

KENNETH W. DAM,
Acting Secretary.

THE SECRETARY OF STATE,
Washington, October 10, 1983.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate.

DEAR PAT: Many thanks for your note of September 27: I enjoyed your trenchant Op-Ed piece in the New York Times. Let me assure you that the Reagan Administration has no desire to withdraw from the United Nations, see the Headquarters leave New York City, or reduce USG funding for essential and proper activities of the UN system. The President's September 26 address to the General Assembly reaffirmed our continued, principled support for the United Nations.

This Administration has every intention of maintaining the solid USG commitment to the United Nations that has been a hallmark of our postwar foreign policy. Toward that end, we are actively seeking ways to improve the overall management of the UN system. We have publicly stated our opposition to the Kassebaum Amendment. A copy of this statement is enclosed. We do not regard the Amendment as a suitable tool, and we shall look to your help in persuading the Congress to drop it.

At the same time, we believe that United Nations organizations must adopt greater fiscal discipline and end the double standard that too often mars their political discourse. To borrow your apt phrase, members of the United Nations themselves must surely undo the damage that they have wrought.

Sincerely yours,

GEORGE P. SHULTZ.

THE US AND THE UN

UN BUDGET

1. On a per capita basis, the US is only the 12th largest contributor to the UN system (including voluntary contributions, $4 per person—compared with $39 for Norway, which gives the most per capita, $18 for Qatar, or $9 for Canada). Per capita, US contribution to the regular budget alone is about 75c. per American.

2. As a percentage of GNP (i.e. considering a country's real wealth) the US contribution (including voluntary contributions) ranks only 57th out of the UN's 157 Member States (in 1980, .016 percent of GNP, compared to .2 percent—or more than ten times as much—for Denmark—or .65 percent—or more than thirty times as much—for the Maldives!)

3. If you compare per capita contribution to per capita income (i.e. comparing individual citizens' ability to pay) the US rate is only .039 per cent compared to .64 for Djibouti or .27 for Sweden. That means that each person in Djibouti contributed more than fifteen times as much of their annual income to the UN than each person in the US.

4. The UN spends an estimated 40 percent of its regular annual budget in the US (a healthy profit for the US, since it only contributes 25 percent to the UN budget).

5. Since contributions to the UN regular budget are fixed by an assessment scale tied to national income, the US could be paying as much as 40 percent, but the General Assembly has agreed on an upper limit of 25 percent. (After the US comes the Soviet Union with almost 13 percent, Japan with almost 10 percent and the FRG with 8 percent.)

6. The annual UN regular budget is about $750 million, of which the US pays 25 percent. This should be put into perspective: the annual budget for the New York City Police Department is larger than the UN regular budget. The money the world spends on arms in a single year would pay for the entire UN system for well over two hundred years.

More comparisons: the US spends 34 billion dollars a year on alcohol and 19 billion dollars a year on tobacco (combined over sixty times as much as the UN budget).

Sweden's Ambassador to the UN pointed out that the price of seven new strategic bombers would finance the UN regular budget. He added that spending on dog and cat food in US supermarkets in 1979 was some $3.2 billion—more than six times the UN budget that year.

VOLUNTARY PROGRAMMES

1. The US gets a return of about 135 percent on its contribution to the UN's main development funding agency, UNDP. This is because of UNDP's purchases of American supplies and equipment, salaries and service contracts to US firms.

2. UNDP, UNICEF, and UNITAR contribute about $70.3 million annually to the US economy.

NEW YORK CITY

1. In 1980, the overall economic benefit of the UN presence to New York City was calculated by Mayor Koch's City Commission to the UN to be $692 million (more than double the US contribution to the regular UN budget).

2. The direct costs to the city of the UN presence were only $15 million in 1980. (This is mostly in loss of revenue from tax-exempt properties).

3. As well as a major employer, builder and purchaser of goods and services, the UN attracts about 10,000 people to New York for conferences each year. The UN is also a major tourist attraction: about 600,000 people visit UN Headquarters each year.

4. From 1977-1980, the benefit for the city increased by 56 percent and the costs decreased by 18 percent (thanks to a new formula for Federal reimbursement of police protection).

5. The $692 million figure for benefits to the city reflects only direct spending by the UN and Missions (salaries, purchasing, construction, etc.) and not indirect benefits such as tourism.

[From the New York Times, Sept. 27, 1983]

U.N. DO THE DAMAGE

(By Daniel Patrick Moynihan)

In his address yesterday to the United Nations General Assembly, President Reagan did not repeat his suggestion of last week that the United Nations consider itself free to leave New York City or that, alternatively, delegates divide their time between New York City and Moscow. His speech was conciliatory, and in ways a retraction. Even so, there is damage to be undone.

Mr. Reagan's remarks were voiced last Wednesday and appeared in the press Thursday morning. Thursday evening, an aroused Senate voted, 66 to 23, to cut our contribution to the United Nations and its principal agencies by one-half—or *completely* if the organization does not accept our unilateral decision on what has always been a negotiated sum.

The United Nations Charter provides that a member two years in arrears on its financial contributions "shall have no vote in the General Assembly." If America defaults, as the Senate action would have us do, there would unquestionably be a move to transfer United Nations headquarters to Geneva—or, more likely, to Vienna, because Vienna is more to the Soviet Union's liking. The move would surely succeed, and it would mark, as the columnist Joseph Kraft has written, "the decline of this country as a great power." It would date the collapse of the post-World War II arrangement for a world order. It would almost certainly lead to general disorder and possibly general war.

The nation and New York City have been done a disservice.

The decision to situate the United Nations in New York City did not come automatically, or even easily. The Charter was signed in San Francisco on June 26, 1945. A Preparatory Commission met in London the following November, with one of its duties that of finding a permanent location. (The first General Assembly also met in London.) There was strong sentiment for a European site, but that failed by a 25 to 23 vote. The decisive factor seemed to have been the judgment of Trygve Lie, the first Secretary General, who believed the League of Nations had failed largely because America had refused to join and that a location in the United States would make it difficult for us to withdraw should our traditional isolationism emerge once more. (As it now appears to be doing?)

Our representative on the commission, Adlai E. Stevenson, said that the United States would warmly welcome the United Nations—Congress had so resolved—but would not seek to influence the decision. By contrast, Andrei A. Gromyko indicated that the Soviet Union supported having the headquarters in America. (Just why, we will not know until the Gromyko papers are opened. The Russians no longer hold that position.) The commission finally agreed and New York City was chosen when John D. Rockefeller Jr. donated $8 million for the Turtle Bay site, and Mayor William O'Dwyer, working with Robert Moses, found $30 million for the various improvements we think of as United Nations Plaza.

So at first the decision on where to put the United Nations was not a political statement. Thus, the diplomatic center of the world was put in the principal city of the world's most important democracy. But the decision became political, for World War II did not end totalitarianism.

This has made the United Nations more, not less important to the democracies, for the Charter commits each member to a regime of at least minimal political and human rights.

The Charter states, in part:

"We the peoples of the United Nations determined

"To save succeeding generations from the scourge of war . . .

"To reaffirm faith in fundamental human rights . . .

"To establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. . . ."

It is of inestimable value that these are the proclaimed standards of the nations of the world, to which they are bound by solemn covenant.

Is there a doubt standard at the United Nations? Of course, there is. Two-thirds of its members are in gross violation of that covenant, and they take it out on us. But we can give as good as we get, not least because we have the Charter on our side. (We have our own double standard, mind. The totalitarians in Peking can say anything, vote any way, concerning America. We respond by offering arms.)

It had seemed that this General Assembly would concentrate on Soviet conduct. Now it is we who are the most likely targets, and this time the criticism won't be as easy to dismiss.

President Reagan, losing no time, should demand that the Senate reverse itself.

ADDRESS BY WILLIAM J. VANDEN HEUVEL

From this holy place, let us pray what is truly the universal plea of all mankind, voiced more eloquently than any words of mine, in the faces of Kampuchean refugees and the countless thousands of refugees in the lost camps of a tortured world, in the despair of the Druse farmer, in the grief of the Minnesota farmer burying his Marine son killed in Beirut, in the heroic sorrow of the widow of Beniqno Aquino, in the lamentations of Israeli families mourning their fallen children, in the passionate courage of the Afghan freedom fighters, in the anger of the Salvadoran villagers whose homes and lives are consumed in crossfires of terrible hate, in the agony of the starving children of Ethiopia. The images are endless, seen in a thousand mirrors—North Ireland, Chad, Iraq, Guatemala, Iran, Nicaragua, The Philippines, Angola. Let the prayer of all these people be our prayer today, not alone on our lips but in our hearts and in our minds:

We pray, O Lord, grant us peace.

I have been invited today, at the very moment that the President of the United States is arriving in our city in preparation for his address to the 38th Session of the General Assembly of the United Nations, to reflect on the United Nations: its vision, its reality and its possibilities.

We pray, O Lord, grant us peace.

The United Nations was created as an instrument of that peace.

Viscount Grey, the Foreign Minister of the United Kingdom in the terrible days of July 1914, confided to his diary that if there were only a forum in the world where the nations in conflict could be compelled to convene, he was sure that war could be avoided. It was not to be. The terrible First World War was fought. Literally millions were killed. Nations were destroyed. From the ashes of that struggle came the effort to create an international structure that might preserve the peace for generations to come, the League of Nations. We chose not to join it. The mighty force of liberty represented by the United States was not to be part of the effort to create the international institution that might have prevented the Second World War. And so another World War came, with all its barbarism and its despair and its agony. World War II ended on the trembling edge of the nuclear age. Its final explosions in Hiroshima and Nagasaki carried the message that no one of us must forget. There would not be another chance. The genius of mankind had finally created the weapons that could and would destroy civilization. The categorical imperative for the governments and people of all nations became the preservation of peace and the prevention of war. It was in recognition of that imperative that the United Nations was born.

Dwight David Eisenhower, that remarkable man who led the allied armies to victory over Adolph Hitler, the last two-term President of the United States, that remarkable man who lived for years in the shadow of this Cathedral, wrote a private letter twenty-seven years ago to a friend. His words are worth remembering today. General Eisenhower said:

"When we get to the point that both sides know that in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table, with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die."

Franklin Roosevelt, Harry Truman, Dwight Eisenhower, those who led this nation and its allies to the great triumph of the Second World War, were tough, pragmatic political leaders, who structured the United Nations in the hope that it could compel international disagreements to be brought to the conference table instead of the battle field.

The UN they helped organize created the Security Council built around the nucleus of the Great Powers, hopefully empowered to preserve the peace and build collective security. The General Assembly was to be the place where all nations of the world were to be equal, where their voices would be heard in debate and discussion on the problems of the world. The International Court of Justice was to be reaffirmed in the hope that nations would bring their disputes there to be adjudicated. A Secretariat, permanent and international in nature, with an elected Secretary General, was created to lead and administer the organization. That was the structure to implement the vision—but hopes were quickly shattered by the conflict in attitudes and interests among the industrial democracies and the Soviet Union and its Communist allies. The major powers pro-

ceeded to redefine their Charter commitment without taking the trouble to amend the Charter. The Security Council, the most powerful organ of the United Nations, became a forum to defend sovereign interests in the contest of national political arguments rather than a body devoting its efforts to the creation of solutions to preserve the peace. Its debate became sterile with Ambassadors methodically reading messages written by their Governments in distant capitals. It took an extraordinary personality, someone like Adlai Stevenson, to speak in the chambers of the Security Council not alone to governments but to the peoples of the world as well. The Security Council became immobilized by the repetitive use of the veto by the Soviet Union. In 1950, the Soviets, protesting the failure to seat Communist China, walked out of the Security Council, and in that brief moment we had a glimpse of what the United Nations and the Security Council might otherwise be. A strong President, a courageous Harry Truman, went to the United Nations, when the armies of North Korea invaded the South, reminded the world of the principles of collective security, organized a military effort under the banner and flag of the United Nations and carried those forces to victory against the aggressor. The Soviets soon returned to the Security Council, and reality again replaced vision.

It is not useful to pretend what the United Nations should do. It is important to know what it can do. The United Nations is not a sovereign entity. The United Nations is a collection of sovereign entities. The United Nations is not a government. It is an association of governments. It is not an Executive, it is not a Legislature that can command the peoples of the world by its laws. It is not a Court that can adjudicate and then enforce its decisions. Those things it is not. But what it is, is in itself extraordinarily useful. It is a diplomatic conference of all the nations of the world in permanent session.

Recognizing the straightjackets of that reality, in the clear understanding that the United Nations is a mirror of a very imperfect world, knowing that the United Nations can do only what its members permit it to do, has the United Nations served the desperate needs of mankind to help create a better world? I would suggest that the answer is yes, reasoundingly yes. A few examples:

The UN's response in Korea in 1950 was a glimpse of what a world united for peace can do to stop military aggression against nations.

Let us also recall that when the United Nations was founded, there were 51 member governments. There are 158 sovereign members of the United Nations today. We have gone through one of the most revolutionary periods in the history of mankind. The United Nations has been the midwife of this era of self-determination, presiding over the end of colonialism. We have seen the United Nations give a sense of respect, dignity and identity to the peoples and new nations of the world. Historians of centuries to come will marvel that these political results could have been achieved without tearing the world apart.

And the United Nations peacekeeping forces have been crucial, effective instruments in resolving crises. In 1956, under the leadership of President Eisenhower, the first of the peacekeeping forces was dispatched to the Suez to be a buffer between the warring forces of Egypt and Israel. Those peacekeeping forces have played a vital and useful role in the Middle East and Africa and could be even more effective if we permit it. Let those who are looking today at the tragedy of Lebanon with bewilderment, and let those who will count the bodies of the victims of the violence of Lebanon tomorrow, reflect briefly on the achievements of the UNIFIL forces, the United Nations forces from 15 different countries that have served effectively and heroically in southern Lebanon. Had UNIFIL's achievements been recognized instead of undermined, had its mandate been strengthened instead of weakened, it is possible that peace in Lebanon and security for Israel would be closer to our reach.

Let us take the argument of the most vocal critics of the UN about its value in the struggle between the democracies and the Soviet Union. Is there a forum where the differences between our systems have been better displayed to the nations and peoples of the world than in the fora of the United Nations? I would cite but two examples. On November 2, 1956, the Security Council was in session. The Freedom Fighters of Hungary had liberated their country. A new leader, Imre Nagy, pleaded with the United Nations to lend its help to cause the withdrawal of Soviet troops. The United Nations Security Council went into continuous session to discuss the issues. In the late afternoon of November 3rd, the Soviet spokesman asked for an adjournment because the representatives of the Soviet Union were meeting with the representatives of Hungary to resolve their differences. Before midnight of that day, Soviet armies had crossed into Hungary, Janos Kadar had been installed as the puppet leader of Hungary, Pal Maleter, the leader of the Freedom Fighters, had been taken from the negotiating meeting and summarily executed. Imre Nagy was forced to take refuge in the Yugoslav embassy from which he was subsequently released on the absolute assurance of the Soviets that he would not be harmed. The Soviets executed him. No, the United Nations did not save liberated Hungary, nor did the United States which had more flexible options available to it, but every member of the UN then understood the true measure of Soviet ruthlessness.

Another example of the UN as a forum where the nature of the Soviet system can best be revealed brings us to this very day. We saw the limited options available to the President of the United States as he dealt with the criminal act of the Soviet destruction of the Korean airliner. The most effective move available to him was taking the case to the Security Council of the United Nations. If it were not for the presence of the Soviet representatives in that Council, forced to listen to the evidence proving their indictment, it is possible that the Soviets would never have had to admit their responsibility. When the salvage operations in the Japan Sea find the "black boxes" of that ill-fated plane, where will they be taken? They will go to a United Nations agency, the International Civil Aeronautics Organization which has officially condemned what the Soviets have done and is conducting the international investigation where all the evidence can be collected. And when tempers cool, ICAO will quietly work to see that such tragedies do not happen again and may even be able to get compensation for the victims' families. Is that not worth our involvement? For all those who think they have triumphed in keeping the Foreign Minister of the Soviet Union out of the United States, whose interests would better have been served than ours were he present in the General Assembly this week to hear the universal condemnation regarding the Korean 747. I would not have believed it possible that the United States representatives could have transformed the debate in the General Assembly from a focus on the Soviets criminal act to whether the United States wants the United Nations in New York.

Many Americans are unaware of the work of the specialized agencies of the United Nations. Just one example. In 1978, the Director General of the World Health Organization, Hafdan Mahler, announced the eradication of smallpox. It was a short story on the back page of the world's newspapers but in truth it is one of the most important stories of this century. By working together, the nations of the world were able to eradicate, under UN leadership, an epidemic illness that had literally been the scourge of nations and had killed millions of people in the recorded history of mankind.

We need only mention the World Bank and the International Monetary Fund which have helped stabilize the international economy and worked out constructive programs to assist both the developing nations and the industrial nations of the world in defining their interdependence.

There are countless other achievements that could be mentioned. And what is the financial cost of the United Nations? Three hundred million dollars is the approximate annual assessed cost of the United Nations to the United States under its treaty obligation. Three hundred million dollars—less than the cost of the flight deck of the aircraft carrier Nimitz. Three hundred million dollars—we save more than that each year in the United States because we no longer have to give smallpox vaccinations in our public schools because the UN has eradicated that dreadful illness. Three hundred million dollars—tempestuously taken out of the Budget by a Senate that acted without deliberation at a time when that same Senate will probably approve requests from this Administration for one and a half trillion dollars for military expenditures. I didn't say million. I didn't say billion. I said trillion. One and one half trillion dollars that this nation is being asked to spend in the next five years for military expenditures—and we are reluctant to spend three hundred million dollars a year in the investment for peace that the United Nations represents! We will be shamed in the eyes of our children, we will be humiliated by our calamitous misjudgment if we fail to reach out to the United Nations with these funds.

The United Nations should be used for what it can do. It should not be undermined and destroyed for not doing what its member governments do not allow it to do. It is the oldest trick in politics to pretend that you have a race horse which can win the Kentucky Derby—and then shoot it when it turns out to be a camel. But it was a camel we created. And it is a broad desert of human despair that we have to cross. The camel rather than the race horse may be the better transport in the long journey ahead of us. Properly led, the United Nations can serve greatly the interests of the free peoples of the world. Leadership in the United Nations means the mastery of diplomatic skills. It means a decent respect for the opinions of mankind. It means an audacity of purpose and a vision that brings together American ideals with the hopes and dreams of other nations and peoples. It

means a confidence in ourselves and in our history and in our moral, spiritual, economic and military strength.

My profound concern is that American interests in the United Nations today are represented by spokesmen whose intellectual beliefs are rooted in concepts of isolationism and Fortress America, who reject the notion of the basic interdependence of states, who regard the developing nations and most of the world as unimportant and unnecessary for American purposes.

This is not a partisan battle in the context of American politics. Each of the political parties have spokesmen who believe the nations of the world must cooperate or face annihilation and representatives who think the United States can stand alone. It is time for us who believe in American leadership in an interdependent world to do battle. We know the limitations of the United Nations but we also know it has much to offer in preventing mankind from perishing from its own inventions. It does not take genius to organize a priority agenda of items that the United Nations can accomplish and could accomplish and would accomplish if America were to lead it. It does, however, take commitment. It is not in the history or nature of our great country to surrender to frustration, to disappointment, to apathy and arrogant self-indulgence. The vision of those who created the United Nations was not wrong. That vision is worth our striving. And in that striving we will continue to hear over and over again the echo of the prayer we utter here today:

O Lord, grant us peace.

Mr. MOYNIHAN. Mr. President, I have used more time than I had expected to use. I see the distinguished Senator from Maryland is on the floor and I yield to him.

Mr. MATHIAS. Mr. President, I thank the Senator from New York for having raised this issue in the Senate today and for having laid out the facts as carefully and as clearly as he has done. I agree with him thoroughly. It was unfortunate—it was not only unfortunate but I think it was near tragic—that the U.S. Senate reversed so many years of support for the United Nations and moved away from the effort to establish at the very least a forum to which the world could bring its troubles and discuss them.

I know it is not always popular in the United States to support the United Nations, but it is one of the realistic remedies that we have for world problems—to be able to go to the city of New York and to meet with people from every other nation and discuss differences that may arise. If we do not have that capacity, then the world will have lost one of the important safety valves that has contributed to our survival in the last generation.

I hope the Senator from New York will prove to be a prophet as well as a professor in his judgment that reason and the President will ultimately prevail in this matter.

Mr. MOYNIHAN. I thank my friend from Maryland. I wonder if I could ask a question. Would he not agree that somewhat accidental circumstances that led to the United Nations being located in New York City may have seemed a small thing but it is a large thing today and something that the totalitarian states would very much wish to take away from us? They would never in their wildest dreams think that we would give it away.

Mr. MATHIAS. I agree absolutely with that. I think it is an enormously important thing. The rather bizarre ideas that were kicked around at the time of the Korean plane crash about what might be done with the United Nations I think really highlight the Senator's point, the point that it is of great importance to the United States to be able to have New York City as a kind of showcase for ideas, a showcase for the practice of democracy. It would be, I think, a blow to our side to lose the United Nations from the soil of the United States.

Mr. PERCY. Mr. President, I would like to make a few comments and then I would be happy to yield the remainder of our time to the distinguished Senator from Rhode Island.

There is probably no better Senator in this body, better equipped Senator, to speak on this subject. First of all, there is no other Senator who has served as Ambassador to the United Nations, head of the U.S. Delegation, and who served with tremendous distinction. He knows, as so many of us know who have served as Delegates, the flaws and the pitfalls and imperfections in this international body.

I was up there Monday and went around and talked with our Ambassador Jeane Kirkpatrick. We talked about some of the problems of the United Nations.

I cannot help but think of the days when World War II was winding down. I was based at the Naval Air Station in Alameda, Calif., and every afternoon I would go to the Cow Palace and sit in the gallery. The Cow Palace was where the United Nations were formed.

I do not think anyone not over 40 years of age today has ever lived in a world that did not have a United Nations. If we just abolished it or sent it off to sea, you would have to invent something like it very quickly because of all the problems it copes with. With all of its imperfections, still it has served an extraordinarily useful purpose.

I cannot conceive of a nation that is looked upon as the most powerful economic force on Earth, probably the most powerful military force on Earth, we hope the most powerful moral force on Earth, being sort of penny ante about this and just slicing off a little bit here. For what?

I think the right way to do it is to negotiate, as has been so eloquently described by our distinguished colleague from New York. You do it in accordance with the principles of the United Nations, where you fight for lower budgets, where you fight for less waste, less overlapping, less duplication. But when the settlement has been made, you just do not unilaterally decide, "Well, we are not going to give you that."

If you are an impoverished country with very low per capita income, scratching the bottom, maybe having starving people in your land, you may have some reason for saying unilaterally, "We cannot afford it." We could say with the debt the size of ours that we cannot afford it, but no one would believe it. It might set a pattern for other countries, which would be unfortunate. I think this is not the right way to do it and I think the Senate was wrong. I spoke against it and voted against it in the committee, and, certainly, on the floor.

I think there are those in the United States who criticize the United Nations, some of whom question our membership and contribution to the U.N. In the family of organizations it is clear that the United Nations could be a more effective organization but it is my belief that it plays an important role in promoting and preserving international peace and security, international developments and human rights. To date, no one has been able to identify a better way to approach these problems on a world scale, other than through the United Nations. Every administration since the founding of the United Nations has determined that U.S. membership is in our direct interest and that we should play an active role in U.N. organizations as part of our overall program of diplomacy.

It follows that the United States should provide its share of resources necessary for the operation of the United Nations. The U.S. contribution is consistent with the U.N. charter and is a legal treaty obligation. President Reagan made his position clear when he visited the United Nations last year and stated,

However imperfect the reality may be, I should point out that even in a time of domestic retrenchment, American financial support for the U.N. has not and will not decline.

That is a pledge made by the President of the United States at the United Nations this year. This President and this administration stands behind the request they have made.

I need only point out the recent KAL tragedy which certainly indicates the way we have used the United Nations. In the aftermath of that great tragedy, the United States and its allies turned quickly to the U.N. Security Council and focused world opinion on this barbaric act of the Soviet Union and condemned the Soviets for their destruction of the Korean airliner.

That formed a body of opinion that brought the Soviet Union into low esteem.

I only need also recall the thought that communism as a uniform, homogeneous body seeking world domination was exploded when China was admitted to membership in the United Nations. They have shown the vast differences that they have, their point of view, their security interests, and so forth, with the Soviet Union. That has been more clearly demonstrated at the United Nations than any other place.

I am happy to yield to my colleague for his comments.

Mr. PELL. Mr. President, I want to join in congratulating the Senator from New York. Not only for his usual eloquence but on the subject of his eloquence.

If we did not have the United Nations, we would have to invent it. The Senator from New York definitely has the greatest knowledge in depth of the United Nations from his own experience there. I imagine that I probably have the longest connection, having worked at the San Francisco conference when it started, as part of the secretariat, then afterward, working at Hunter College which led to Lake Success.

It is my own view that without the United Nations, we would have had many more disasters than we have had. Sometimes, when we think of the world without the United Nations, when we think of the wars that might have been, the people who might have starved, the people who might have died of various illnesses, we realize the good about the United Nations far outweighs the bad. I hope we would do all we can so that the Congress does not join the drive to get the United Nations out of the United States, a drive that would be supported by the John Birch Society and by the Soviet Union.

AMENDMENT NO. 2350

The PRESIDING OFFICER. The Senate will now turn to the consideration of the Byrd amendment numbered 2350.

Mr. PERCY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PERCY. Mr. President, in view of the fact that Senator BYRD is not on the floor, would it be in order for me to send one technical correction amendment to the desk at this time?

The PRESIDING OFFICER. It would require unanimous consent, the Chair advises the Senator.

Mr. PERCY. Mr. President, I ask unanimous consent that consideration of the amendment I mentioned be in order at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2367, AS MODIFIED

Mr. PERCY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes a modification to amendment No. 2367.

Mr. PERCY. Mr. President, this is a technical correction to amendment No. 2367, which I introduced and which was earlier adopted. The technical correction will have the effect of providing assistance to the Camp David countries at the levels agreed to by the Foreign Relations Committee in S. 1347. I ask for its adoption.

Mr. President, I know of no objection on this side of the aisle.

Mr. PELL. There is no objection on this side, Mr. President.

The PRESIDING OFFICER. Without objection, the request for the technical correction is agreed to. The amendment is so modified.

The modified amendment (No. 2367) is as follows:

At the end of the bill add the following new section:

"FOREIGN AID AUTHORIZATION REQUIREMENT

"SEC. . Notwithstanding any other provision of law, no funds may be appropriated or obligated for United States foreign assistance and security assistance programs in fiscal year 1984 which are in excess of the amounts appropriated in PL 98-107, except (1) if higher amounts are specifically authorized by Congress and (2) that the levels of assistance authorized for Israel and Egypt shall be the levels contained in S. 1347."

AMENDMENT NO. 2368

(Purpose: To provide for the distribution within the United States of the U.S. Information Agency film entitled "Thanksgiving in Peshawar")

Mr. PELL. Mr. President, I ask unanimous consent to lay aside the pending amendment and I send to the desk an amendment in behalf of the Senator from California (Mr. CRANSTON) and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL), for Mr. CRANSTON, proposes an amendment numbered 2368.

Mr. PELL. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, after line 7, add the following new section:

DISTRIBUTION WITHIN THE UNITED STATES OF THE USIA FILM ENTITLED "THANKSGIVING IN PESHAWAR"

SEC. 210. (a) Notwithstanding the second sentence of section 501(a), as so redesignated by section 206 of this Act, of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461(a))—

(1) the Director of the United States Information Agency shall make available to the Administrator of General Services a master copy of the film entitled "Thanksgiving in Peshawar"; and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of the film, the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

Mr. PELL. Mr. President, this amendment would authorize the domestic release of a USIA film, "Thanksgiving in Peshawar." I know of no objection on this side of the aisle. I urge that it be passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2368) was agreed to.

AMENDMENT NO. 2350

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from West Virginia.

Mr. PERCY. Mr. President, the amendment by the Senator from West Virginia to the War Powers Resolution of 1973 would conform the procedures under that statute to the holding of the Supreme Court in the Chadha case last summer. It would change the congressional veto procedure in section 5(c) of the War Powers Resolution from a concurrent resolution to a joint resolution and would conform the priority procedures of section 7 of War Powers accordingly.

Mr. President, it has been the intention of the Committee on Foreign Relations to conduct a hearing on this issue, among others, on September 29. That hearing was overtaken by our need to consider the resolution relating to Lebanon under the War Powers Act during that same week. It was our intention to reschedule that hearing either later this year, or early next year.

We may still wish to hold such a hearing to discuss a number of pending proposals for changes in the War Powers Resolution, but this is one change in that resolution which, as the majority leader has already stated today, would command nearly unanimous support in the Congress. I strongly support the amendment of

the Senator from West Virginia, and urge my colleagues to do likewise. As he has said, we should not leave in limbo the question of how Congress should proceed if it should decide to oppose any particular involvement of U.S. Armed Forces in hostilities abroad. We should make clear how such a legislative directive would be considered and assure that it would be covered by the expedited procedures appropriate to such a grave exercise of our responsibility under the Constitution.

Mr. President, I am aware that there are some commentators and experts—including the distinguished former Senator from New York, Senator Javits, whom I have consulted on this question—who believe that the reasoning of the Supreme Court in the Chadha decision does not reach the War Powers Resolution. They would argue, therefore, that there is still life in the concurrent resolution veto procedure presently contained in the War Powers Resolution, or in other words, that section 5(c) containing that procedure was not struck down by decision in June.

Mr. President, there may be some merit to this argument as a matter of constitutional law, that the war powers area is distinguishable from other areas of the Constitution. I took that position and I was joined in that position by my distinguished colleague (Mr. PELL), the ranking minority member of the Committee on Foreign Relations.

In my veiw, the practical impact of the Supreme Court decision is to remove the value of that provision of the War Powers Act. The uncertainty which would surround any attempt to exercise that provision of the act, and the strong likelihood that the Supreme Court would extend its holding to include the war powers area also, deprive that procedure of any realistic political strength. Furthermore, Mr. President, I know that there are grave doubts on the part of many Members of the Congress, including myself, about both the wisdom and the constitutionality of this provision. Under most circumstances, it should require an extraordinary majority of the Congress to direct the termination of an ongoing military operation, particularly where it has already been previously authorized under the other procedures of the War Powers Act. That is essentially the position we adopted in section 7 of the recent joint resolution 159 on Lebanon, and I think it is appropriate to amend the War Powers Resolution in this fashion.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that the pending Byrd amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. There are one or two amendments that will be offered by the distinguished Senator from Wisconsin which I believe are noncontroversial and which can be accepted by both sides.

Mr. PROXMIRE. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee.

AMENDMENT NO. 2369

(Purchase: To deny eligibility for appointment to, or employment by, the National Endowment for Democracy to individuals who have engaged in intelligence activities)

Mr. PROXMIRE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE) proposes an amendment numbered 2369.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert a new section as follows:

No individual may be eligible for appointment as an officer of the National Endowment for Democracy, and no individual may be eligible for employment by the Endowment, if such individual has engaged in any intelligence activity since 1963.

Mr. PROXMIRE. Mr. President, this amendment is designed for a single purpose. That purpose is to protect the National Endowment for Democracy from unwarranted attack abroad as being an agent of the U.S. intelligence community. If the goals and programs of the Endowment are to be effective internationally, this organization must be free from Soviet propaganda which would picture it as an arm of the CIA or some other Western intelligence organization. Such protection can be provided by legislating that officers and employees of the Endowment be free of any intelligence community relationship for the past 20 years.

We all know that the Soviet Union has a vigorous propaganda organization around the globe. One of their common tools is the charge that some U.S. organization really is a front for the CIA. Now it is impossible to control what the KGB says or does abroad. But we can dilute their effectiveness in making false charges by mandating in our law that the Endowment be free of any intelligence connection.

This has been an effective barrier to false charges for our Peace Corps. The world knows that the Peace Corps is prohibited from recruiting individuals with intelligence backgrounds. Prohibitions are contained in detailed language in Peace Corps literature and regulations. This has given the Peace Corps enormous protection from disruptive claims of intelligence relationships.

We should provide the same protection for the endowment which will be operating abroad under similar circumstances and which will be open to the same propaganda attacks.

My amendment prohibits employment by the Endowment, including its officers, to any individual who has engaged in any intelligence activity in the past 20 years. By intelligence activity I mean employment by or close association with any U.S. intelligence organization either here in the United States or abroad. I interpret this language to be broad, inclusive, and without qualification—the purpose being to provide a blanket prohibition rather than to allow specific loopholes.

We cannot stop false charges but we can create the climate in the world for making these charges unbelievable. That would take a great advantage away from our adversaries who will be out to discredit the Endowment.

I understand that the managers of the bill are familiar with the amendment and have no objection to it.

The PRESIDING OFFICER. Is there objection?

Mr. PERCY. Mr. President, I know of no objection on this side of the aisle.

Mr. PELL. There is no objection on this side.

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2369) was agreed to.

Mr. PROXMIRE. Mr. President, I have one other amendment that I would like to introduce, and then I will be happy to yield to the Senator from Arizona.

Mr. PERCY. Did the distinguished Senator wish to comment on the precious amendment?

Mr. GOLDWATER. Mr. President, I wanted to make an inquiry. Are we still on the Byrd amendment?

Mr. PERCY. We temporarily laid the Byrd amendment aside inasmuch as we completed debate with the Senators present, but it can be brought back. We temporarily laid it aside so that we could take up two or three

noncontroversial amendments and then return to the Byrd amendment.

Mr. GOLDWATER. I have a few words to say about the Byrd amendment when my time comes, if I might be allowed to do that.

Mr. PERCY. That would be fine, as soon as we finish the amendment of the Senator from Wisconsin.

The PRESIDING OFFICER. The Chair notes that there is an order for a vote at 11:30 on the Byrd amendment.

Mr. PROXMIRE. Mr. President, it is my understanding that the Byrd amendment has been temporarily laid aside for the purpose of offering one other amendment.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2310

(Purpose: To prohibit certain assistance to the Khmer Rouge)

Mr. PROXMIRE. Mr. President, I send a second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE) proposes an amendment numbered 2310.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

PROHIBITION ON CERTAIN ASSISTANCE TO THE KHMER ROUGE IN KAMPUCHEA

SEC. 701. (a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the purpose, or with the effect, of promoting, sustaining or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Kampuchea or elsewhere in Indochina.

(b)(1) All funds appropriated before the date of enactment of this section which were obligated but not expended for activities having the purpose or effect described in subsection (a) shall be deobligated.

(2) All funds deobligated pursuant to paragraph (1) shall be deposited in the Treasury of the United States as miscellaneous receipts.

Mr. PROXMIRE. Mr. President, this amendment would bar all U.S. military assistance directly or indirectly to the Cambodian Khmer Rouge—a political-military faction who in the late 1970's pursued the most reprehensible persecution and destruction of a cultural group since the Nazi Holocaust.

The Khmer Rouge, led by Pol Pot, is currently opposing the Vietnamese invasion of Cambodia and their subsequent installation of a puppet government there. A recent Newsweek magazine article alleged that the CIA is helping China to supply the Khmer Rouge force with arms. As a matter of policy, CIA spokesmen will neither confirm nor deny this charge. This Senator has no independent knowledge of the accuracy of the Newsweek charge. But given Pol Pot's past record, it is clearly improper for the United States to support any activities of the Khmer Rouge. Therefore, this amendment would require that any possibly existing support cease, and that no further support be established.

Cambodia, now known as Kampuchea, was ruled for nearly 30 years by Prince Norodom Sihanouk, who tried to keep the Vietnam war outside of his own borders. He was only partially successful. In early 1970, he was deposed by Army Marshal Lon Nol. An ardent anti-Communist, Lon Nol strayed considerably from Sihanouk's neutral posture. The Communist movement known as the Khmer Rouge slowly began to gain strength in opposition to the military government. Then the United States invaded Cambodia. We hoped to help our own cause in Vietnam by cutting off the flow of arms from Communist North Vietnam to the Vietcong rebels in South Vietnam through Cambodia.

Despite the U.S. intention that the invasion was only to protect its own interests in Vietnam and thus not an attempt to embroil Cambodia in the Vietnam conflict, Cambodians viewed it in a negative light. Though he denied it, Lon Nol's tacit support for the invasion further entrenched him in the U.S. camp. The development of the Khmer Rouge opposition accelerated. Pol Pot, leader of the Khmer Rouge, gained considerable strength in both manpower and firepower. By 1975, the United States removed its troops from Southeast Asia. Shortly thereafter, the Lon Nol government was toppled and Pol Pot assumed the reigns of power in Phnom Penh.

The newly established Communist government than began its own brand of reform. What the world witnessed was nothing short of a holocaust.

The record of the Khmer Rouge's 4-year reign of terror is well documented and widely known. I wish to recall briefly a few details of that record. Following their April 1975 take over, the Khmer Rouge troops immediately forced the evacuation of Cambodia's cities, including Phnom Penh with its 2 million residents. Tens of thousands of people, especially the sick and the elderly, died in forced marches. The Khmer Rouge then systematically executed various segments of the population: former national civilian and military officials; lower ranking local government and military personnel; merchants and the educated; teachers, students, and many workers; ethnic and religious minorities. Few groups were left untouched. Many were simply killed; many others died under torture.

At some locations hundreds of individuals were exterminated daily, and mass graves containing the remains of thousands have been discovered. Horror stories abound. Some of the killings seem to make little sense at all. An example:

The story of Tak Mok's guesthouse is a case in point. It is told and retold by everyone from people who work there to the provincial governor. The stately, three-story building, now a government hotel, stands on a small island in a pleasant lake in this provincial capital 50 miles south of Phnom Penh.

Once there was a Buddhist pagoda on the site, but Tak Mok, the local Khmer Rouge commander, had it torn down in 1976 and ordered the guesthouse built. When the first floor was finished, the workers who built it were put to death and their bodies thrown in the lake.

Another crew was brought in and, eventually, those workers too were killed. In all, people here say, 30 to 40 workers died—for what reason, no one seems to know.

We should note, as a postscript to this story, that Tak Mok is still alive and well and chief-of-staff of the Khmer Rouge rebel forces.

Another anecdote of atrocity:

Many children were separated from their families as the Khmer Rouge took them away to work in "mobile teams" far away from their homes. They lived in groups of up to 100 other children and worked "incredibly long hours" said the social worker, who did not want to be named.

"They were forced to dig ditches, build roads and plow fields," she said. Often they were beaten to make them work harder or as punishment for minor offenses. Many died.

These are children we are talking about. Many were orphaned and alone. They were innocent victims of the Khmer Rouge terror, and even if they survived it, the scars would remain forever.

In all, an estimated 1 million Cambodians were systematically executed by the Khmer Rouge under Pol Pot, and approximately 1 million more died of exposure, disease, malnutrition, and forced labor. Almost one-third of the Cambodian population was wiped out in a brief 4-year span. Pol Pot's reign witnessed atrocities of a scope unexceeded in modern history, save by Hitler's anti-Semitic Holocaust.

Pol Pot's rule spanned the late 1970's. He soon fell out of favor with his Vietnamese Communist neighbors as well as the Soviet Union, eventually turning toward the Chinese for support. In the name of its own security and its own proclaimed perceptions of the terror fomented by the Khmer Rouge, the Vietnamese invaded Cambodia and deposed Pol Pot and his regime. They proceeded to install their chosen puppet replacement, Heng Samrin, a former colleague of

Pol Pot. Thus, in 1979, the Khmer Rouge was out of power, while the Vietnamese were running Cambodia through Samrin.

With Heng Samrin and his Vietnamese sponsors controlling the Government of Cambodia, several rebel factions joined forces and formed an alliance to depose them and return control of Cambodia to the Cambodians. There are three major parties to this confederation; Prince Sihanouk and his neutralist followers; Son Sann and his ardent anti-Communist supporters; and, the remnants of Pol Pot's Khmer Rouge, run by Pol Pot himself and his remaining colleagues. Clearly, these groups are incompatible. They share a common goal—displacement of the Vietnamese—but how they would or could share power is unclear. At present, they remain politically and militarily distinct. The Pol Pot forces have the strongest military capability.

Our sympathy for the Cambodian tragedy might lead us to desire a more active role in this turbulent region. It is unfortunate that the Cambodian people have found their nation occupied and essentially ruled by a foreign power. They have indeed lost their self-determination. Their countryside, once ravaged by a civil war, has been ravaged again by an invading nation. Millions died under Pol Pot and many more are dying under the Vietnamese. Desperate war-weary Cambodians flee the Vietnamese-controlled sectors and stream into refugee camps across the Thai border. The ouster of Pol Pot by the Vietnamese clearly did not bring an end to the suffering.

Which faction should we support in Vietnam? Should a united rebel force regain power, how will power be shared among the competing factions? Would not the Pol Pot forces dominate and ruthlessly remove the others? Is it not dangerous to support Pol Pot in any way?

There may be a group or groups in Cambodia that are worthy of our support, either economically or morally. But, I know one group we should not support under any circumstances—the Khmer Rouge. They claim that they have changed for the better, that the ruthlessness is over. We have no way of knowing this; and, even if they have indeed changed, they deserve no leadership role in Cambodia. They have wrought enough havoc already. They are mass murderers. They have committed genocide against their own people—killing nearly a third of them. They are ruthless and inhumane. We have a moral obligation to the world and to ourselves not to support the reinstatement of such a ruling class regardless of our opposition to the present Vietnamese-sponsored government and despite the United Nation's persistent recognition of Pol Pot. Even if we wish to aid others in the rebel alliance, we must give the Khmer Rouge nothing. Aiding them directly or, indirectly will only increase their strength within the resistance and make it easier for them to reassert total authority and subjugate the other resistance partners to their wishes. A dialog between the contending factions might provide the basis for an appropriate resolution of the Cambodian quagmire and the suffering that is its product; but, the Khmer Rouge must not be the centerpiece of such a dialog. We may not like the 180,000 Vietnamese troops in Cambodia, but Pol Pot is not an acceptable alternative.

Mr. President, the Khmer Rouge must never again threaten the Cambodian people. And the United States must never support the Khmer Rouge—directly, indirectly, or in any other form.

Mr. President, we have discussed this amendment with the staffs of the managers of the bill, and I am hopeful that they can accept it.

The PRESIDING OFFICER. Is there objection?

Mr. PERCY. Mr. President, I know of no objection on this side.

Mr. PELL. Nor is there any objection, to the best of my knowledge, on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2310) was agreed to.

Mr. PROXMIRE. Mr. President, I once again thank the managers so much for the adoption of the amendment.

The PRESIDING OFFICER. The question now recurs upon the Byrd amendment.

Mr. PERCY. Mr. President, we now return to the Byrd amendment, and I understand that the Senator from Arizona will seek recognition.

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Is there a time limit on this amendment, might I inquire of the floor leader?

The PRESIDING OFFICER. There is a vote ordered for 11:30.

Mr. GOLDWATER. The vote will be at 11:30?

The PRESIDING OFFICER. That is correct.

Mr. GOLDWATER. Mr. President, I rise in opposition to the amendment, just as I very vehemently opposed the War Powers Act when it was originally passed. It is unconstitutional. I do not think there is any question of it. Very, very few scholars uphold the idea that it is constitutional, and the Byrd amendment in my opinion is also unconstitutional. Congress does not have the authority to dictate the removal of troops, whether it be by a bill or a joint resolution or a concurrent resolution.

Mr. President, article II, section 2 of the Constitution makes the President "Commander in Chief" and also section 1 of article II gives all the executive power to the President. These provisions enable him to make the determination of war. I emphasize that because I hear so often on the floor of this Chamber and read so often in the CONGRESSIONAL RECORD the statement that Congress has the right to declare war. We do have the right to declare war. We can stand up and declare war every 5 minutes, 24 hours a day, and we cannot send one man to war anyplace in this world. Witness that in the course of the 204- or 205-odd years of our history the President has seen it necessary to call out the troops about 202 times. Now, these were not all for war purposes; they were for purposes of keeping peace here and there, but in all of these times of calling out the troops the Congress has declared war five times, and two of those were in the same war.

Now, I would hope some day to be able to have hearings held on legislation which I am preparing that would repeal the War Powers Act. I think a much better approach to it, if it is the desire of the Congress to have the power to go to war, would be to pass something like the War Powers Act as a constitutional amendment and send it out to the States so the sovereign American people can consider the issue, and, if 38 States ratify it, then it is the people who will decide to take from the President his vested authority to be Commander in Chief and make the determination on covert action or upon war. In fact, there is a vote going to take place in the House sometime today that will decide whether or not this country can engage in covert action, and I might remind my friends in the House that if they vote for this, the only alternative they have is to go to war.

The history of the Congress in the field of war is so miserable that we should not make any further effort to get into it.

Let me briefly recite the history at the end of the Revolutionary War with Great Britain. Members of the Continental Congress were going out in the field making tactical decisions, making promotions here, there, and everywhere, and we nearly lost the war because of the intervention of that Congress. I really believe that one of the main reasons for replacing the Articles of Confederation with the Constitution was for the very fact that the Congress had mistakenly injected itself into war. I cannot think of anything worse for this country than 535 people with absolutely no knowledge of the subject and very little knowledge of the subjects surrounding the problems of war and peace making up their minds on the subject of war.

We can stop war. We can stop the funds for weapons systems or cut the number of the Armed Forces. We have never done it in time of war. We have never had the courage to do it.

Mr. President, I do not think this amendment would do anything more than add to the confusion we have already created. We have seen what Congress has done. The first time the War Powers Act was invoked, we agreed to an 18-month extension. Why did we do it? Because the Members of Congress realized that, in the President's judgment, we had to do what we are doing in Lebanon.

I opposed sending any American troops to Lebanon for police purposes, and I told the President that when he did it. I supported the President because he is the man who makes the Executive decision about war.

While I oppose the War Powers Act, I supported the President and his power as Commander in Chief, just as I would support the powers of any man under whom I served, as my commander. I might disagree with him. Nevertheless, we have to learn a little discipline in this world and in the course of our lives.

I do not want to prolong this discussion, Mr. President, because I know the vote is imminent. I think this is another unfortunate, misguided effort to take into the hands of Congress the propagation of war, the tactical operation of war, and to take away from one man the decision as to whether this country will use its military power, its economic power, and its political power in the process of getting our foreign policy understood by the world.

I see nothing but disaster for this country, I see nothing but war ahead for this country, if this matter is left up to the prerogative and judgment of Members of Congress. We are not particularly trained in those fields. We are not particularly notorious for having good judgment in those fields. Day after day, effort after effort is being made to downgrade the powers of our President, whoever he might be. Democrat or Republican—that is beside the point.

Mr. President, I am going to vote against this amendment. I hope some of my colleagues will join me. I hope that someday we can take this matter to the proper courts and see whether or not it agrees with the Constitution.

Mr. President, I ask unanimous consent to have printed in the RECORD an article I wrote recently on this subject for the Freedom Foundation, entitled "Presidential Defense of Freedom."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL DEFENSE OF FREEDOM

(By Barry M. Goldwater)

The stationing of American Marines as a police unit between Druze Moslems and Lebanese Christians in Beirut has revived an issue as old as the United States—who controls the War Powers. By War Powers, I mean the authority to make the fundamental decision when, where, and in what manner to deploy and use the Armed Forces of this country in defense of its citizens and freedoms. It is my belief that the hard-won lessons of the War of Independence instruct us that the President should make these ultimate decisions.

Let us begin with the winter of 1777-78, when General George Washington answered civilian criticism of his army at Valley Forge:

"I can assure these Gentlemen that it is a much easier and less distressing thing to draw remonstrances in a comfortable room by a good fireside than to occupy a cold bleak hill and sleep under frost and Snow without Cloaths, or Blankets * * *"—George Washington to Henry Laurens, president of the Continental Congress, December 23, 1777.

The suffering of Washington's 10,000 troops was caused in great measure by the administrative incompetence of Congress, as were other setbacks to his military operations.

The experience gained from harmful legislative meddling with military decisions during the Revolution led directly to a strengthening of executive power in the Constitution. Fully 30 of the 55 delegates who attended the Constitutional Convention had performed military duty in the War of Independence. These Farmers also had fresh memories of Shays' Rebellion, in which Governor Bowdoin of Massachusetts had singlehandedly raised an army to restore order while a reluctant and divided legislature sat on its hands.

Other dangers were known to the Framers which are mostly forgotten today. Great Britain held onto northern military posts in violation of the Treaty of Paris and excluded us from the St. Lawrence. Spain controlled the mouth of the Mississippi, occupied forts in the Floridas, and schemed to establish a hostile Indian nation between its possessions and the United States. France sought to embroil us as a dependent client in its own foreign conflicts. To these troubles, John Jay warned in the Federalist No. 4, that war might arise out of the rivalry between our nation and European states in navigation and trade "as far away as China and India."

The Framers were practical men. They knew the nation could not survive if its defense was shackled by unrealistic rules. Thus, the President was made the "Commander-in-Chief" and vested with all the "executive power" of the United States.

Congress was given power to "declare war," but the Framers rejected a proposal to allow Congress "to make" war. The difference is significant. Samuel Johnson's "Dictionary of the English Language," current in America at the time of the Constitutional Convention, defines "declare" as "to make known" or "to proclaim." The term "to make" means "to create" or "to bring into any state or condition," a power which was denied to Congress.

Declarations of war have been noted only five times by Congress. Yet a documented study by my office has turned up more than 200 occasions when Presidents have deployed troops abroad and used force or the threat of force without any declarations of war in defense of the country.

Starting in the 1970's, however, Congress has tried to assert supremacy over military powers. At least 12 different statutes restricted American military activities in Indochina. The end result of these limitations led to genocide in Cambodia, the loss of a neutral Laos, and the disaster in Vietnam. The collapse of South Vietnam signaled a period of Soviet encroachment all over the globe, from Angola, to Ethiopia, to Afghanistan, to Nicaragua.

The War Powers Resolution, enacted over Presidential veto in 1973, heads the list of Congressional intervention in tactical military decisions. The legislation states that American forces cannot be engaged in hostilities for longer than 60 days without specific Congressional authority. An extra 30 days is granted if necessary to remove our troops safely.

My concern is that the War Powers Resolution may cause a constitutional crisis of confrontation between the Congress and President when decisiveness and national unity are needed. Democracies can only avoid disaster if they are willing to confront the obvious threats to their survival while these threats are manageable.

The question is: can a weakened United States, whose President is hamstrung by Congressional restrictions, protect its citizens and freedoms? Rather than leave the matter to a future crisis, it should be resolved immediately. The War Powers Resolution should be repealed and Congress should lay before the people the choice of ratifying or rejecting a Constitutional Amendment placing the control of national defense with the President. Let the people, the ultimate source of sovereignty in America, decide the issue.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I have not discussed this request with the majority leader. I do not believe he would have any objection to it, but if he does, I would certainly not press it.

I do not see any reason for two rollcall votes on this matter. I would be willing, if Senators consent to a unanimous-consent request, to withdraw the yeas and nays on the amendment in the second degree. I say to the majority leader that I would be willing, if I could obtain unanimous consent, to withdraw the yeas and nays on the amendment in the second degree, and we could have a voice vote on that. If it appeared that I would be losing, I would, of course, go back to the yeas and nays.

Mr. BAKER. I thank the minority leader. If that is agreeable to the managers, I commend it to the Senate. I urge the minority leader to make such a request.

Mr. BYRD. So that then the rollcall vote at 11:30 would be on the amendment as amended.

Mr. BAKER. Yes.

Mr. BYRD. With the understanding that if I see I am losing the voice vote—which I do not anticipate—I will renew my request for the yeas and nays.

Mr. President, I ask unanimous consent that the order for the yeas and nays on the amendment in the second degree be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

Mr. BAKER. Mr. President, the vote has been ordered for 11:30. Is that not so?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I suggest the absence of a quorum.

Mr. BYRD. Mr. President, reserving the right to object, very briefly, I respect the viewpoint expressed by Mr. GOLDWATER. He makes no bones about his position. He is against the War Powers Act, and I respect him for that. I have no quarrel with that at all.

However, I feel that the Supreme Court, in the Chadha case, dealt with a congressional veto and, in so doing, indicated that a concurrent resolution in that instance does not meet the requirements of the Constitution, in that a concurrent resolution cannot be a law. Therefore, in the case of the War Powers Act, the concurrent resolution to withdraw troops within the first 60 or 90 days would not be a law.

In the Chadha case, the Court pointed out that a concurrent resolution is not presented to the President, as is required by the Constitution for any matter that is to become law. The court did not deal with the War Powers Act. But we have the same flaw in the War Powers Act, in that it provides for a concurrent resolution to remove troops introduced into hostilities. That would not be a law or a legislative act, under the requirements of the Constitution, because it would not be presented to the President.

So my amendment simply corrects that defect and provides that any withdrawal as would have heretofore been required by way of a concurrent resolution under section 5(c) of the War Powers Act, would have to be by joint resolution, which would have to be presented to the President, which he could veto, and which veto Congress could override by a two-thirds vote of both Houses.

My amendment also provides for an expedited procedure in the case of a congressional attempt to override the President's veto.

It also clarifies the situation. In the event we were in a situation in which a President had placed troops into a hostile situation or into a situation in which the circumstances clearly indicate imminent involvement in hostilities, there might be some effort to take that to the court during the 60-day period, and it might happen late in that 60-day period.

So this simply clarifies the matter, so that it would not be left to the courts to do what would be probable in light of the Chadha opinion, which would be to throw out the concurrent resolution provision as being unconstitutional as a legislative veto.

Mr. STENNIS. Mr. President, will the Senator yield to me for a question?

Mr. BYRD. I yield.

Mr. STENNIS. Mr. President, I just arrived in the Chamber and have not had any prior notice about this amendment. I know it is something that deserves serious consideration or it would not be offered by the majority leader. I always wish to support his proposals.

But this amendment was not before the committee that handled the bill.

Mr. BYRD. No.

Mr. President, I ask unanimous consent that the Senator may proceed for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I shall take only a minute.

Mr. BYRD. Mr. President, the amendment I have offered has not been before the Foreign Relations Committee but the subject matter has been before the committee during the deliberations on the War Powers Act; the case of Lebanon. They certainly took a look at the concurrent resolution. Furthermore, the committee heard testimony on July 28, 1983, on the impact of the Chadha decision on legislative veto provisions of statutes related to foreign relations, including the War Powers Act.

In light of the Supreme Court decision in the Chadha case, the Lebanon debate, and the July hearings, I think that the members of the committee are very conversant with the subject and, therefore, would be prepared to cast a vote on it without further debate.

Mr. STENNIS. I just heard of the amendment in the last 2 or 3 minutes. We had a debate here on the situation on Lebanon, and I thought it was a pretty good debate, and then there was a vote. The vote that I cast was not with the majority. It was defeated.

But this is such a delicate, sensitive, and far-reaching matter, that it seems to me, with great deference to the minority leader here, we should not be passing anything on this subject without prior notice, at least, if not committee consideration, but some committee consideration would be better, and I notice here that there are only three or four Senators in the Chamber. It sounds as if the vote is imminent now.

So as one who was awfully interested in that debate and voted with the losing side, so to speak, I respectfully say that I cannot vote for this or any other amendment under all these circumstances. The membership has not thoroughly gone into it.

Mr. BYRD. Mr. President, I respect the Senator's position.

Mr. STENNIS. I wish to say that to Senators.

Mr. BYRD. I certainly find no fault with the Senator's feeling with regard to his own viewpoint and I respect him for it.

But I think Senators are conversant enough with this matter that they will cast a vote based on their own good judgments and on the information that they do already possess.

Mr. STENNIS. I thank the Senator.

Mr. GOLDWATER. Mr. President, will the Senator yield a moment?

Mr. BYRD. Mr. President, I yield the floor or I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I wish to comment that the Senator certainly has every right to offer this amendment.

If this matter were to go before the committee I think I know what the committee would do.

I do not believe the Supreme Court will ever make a decision specifically pointing out the War Powers Act is or is not unconstitutional because their attitude down through our history has been not to do anything in the way of judgment on political questions that they feel the executive and legislative branches can handle, and this is one of those cases.

So I am not taking a vehement stand against my friend from West Virginia. It is a continuation of a stand that I have held ever since this matter was introduced, and I know the outcome of the vote.

I will continue to fight this, hoping to win some day.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. Time for debate has expired.

Mr. HUMPHREY. Mr. President, is a unanimous-consent request in order?

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may proceed for 30 seconds to make a statement before we have a vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I simply wish to state for the record that I intend to vote against this amendment, not that I am especially opposed to it on the merits, but simply on the basis that I have not had time to consider both sides of the issue. Inasmuch as this is a momentous question to be decided, I prefer to vote against it and allow myself time to study it in anticipation of a future vote.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, Senators are not unaware of what this is all about. It was discussed to some extent during the war powers debate recently

and the media has carried articles dealing with the Chadha decision. This is a matter which protects this institution, the legislative branch, in its rights and at the same time does not create an impediment to the executive branch because the President could very well veto a joint resolution. Obviously, he cannot veto a concurrent resolution—which is now in the law—because it would not be presented to him.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment of the Senator from West Virginia.

Mr. BYRD. Mr. President, I received consent, I believe, to withdraw the yeas and nays on the amendment in the second degree.

The PRESIDING OFFICER. The Senator is correct.

Mr. GOLDWATER. Mr. President, were not the yeas and nays ordered on this?

Mr. BYRD. On the second-degree amendment they were vitiated.

The PRESIDING OFFICER. On the second-degree amendment the yeas and nays were vitiated.

The question is on agreeing to the amendment in the second degree of the Senator from West Virginia.

(Putting the question.)

The amendment (No. 2363) was agreed to.

AMENDMENT NO. 2350, AS AMENDED

The PRESIDING OFFICER. Now the question is on agreeing to the amendment of the Senator from West Virginia in the first degree, as amended.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Pennsylvania (Mr. HEINZ) and the Senator from Idaho (Mr. MCCLURE) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) is necessarily absent.

The PRESIDING OFFICER (Mr. KASTEN). Are there other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 11, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—86

Abdnor	Cohen	Hart
Andrews	D'Amato	Hatfield
Armstrong	Danforth	Hawkins
Baker	DeConcini	Hecht
Baucus	Dixon	Heflin
Bentsen	Dodd	Hollings
Biden	Dole	Huddleston
Bingaman	Domenici	Inouye
Boren	Durenberger	Jepsen
Boschwitz	Eagleton	Johnston
Bradley	Evans	Kassebaum
Bumpers	Exon	Kasten
Burdick	Ford	Kennedy
Byrd	Garn	Lautenberg
Chafee	Glenn	Laxalt
Chiles	Gorton	Leahy
Cochran	Grassley	Levin
Long	Pell	Specter
Mathias	Percy	Stafford
Matsunaga	Pressler	Stevens
Mattingly	Proxmire	Thurmond
Melcher	Pryor	Tower
Metzenbaum	Randolph	Trible
Mitchell	Riegle	Tsongas
Moynihan	Roth	Wallop
Murkowski	Rudman	Warner
Nickles	Sarbanes	Weicker
Nunn	Sasser	Zorinsky
Packwood	Simpson	

NAYS—11

Denton	Helms	Stennis
East	Humphrey	Symms
Goldwater	Lugar	Wilson
Hatch	Quayle	

NOT VOTING—3

Cranston	Heinz	McClure

So Mr. BYRD's amendment (No. 2350) as amended was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2371

(Purpose: To call for a review of United States participation in the United Nations)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. NICKLES), for himself, Mr. SYMMS, and Mr. RANDOLPH, proposes an amendment numbered 2371.

Mr. NICKLES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

REVIEW OF UNITED STATES PARTICIPATION IN THE UNITED NATIONS

SEC. 701. (a) The Congress finds that—

(1) the United Nations was founded for the primary purpose of maintaining international peace and security by encouraging peaceful resolution of disputes and the development of friendly relations among nations;

(2) the United States, as a founding member of the United Nations and the largest contributor to the United Nations, became and remains a member of the United Nations in order to contribute to collective efforts among the nations of the world to realize the ends of international peace and security;

(3) the United States is committed to upholding and strengthening the principles and purposes of the United Nations Charter upon which the United Nations was founded.

(b) It is the sense of the Congress that—

(1) a review of United States participation in the United Nations is urgently called for with a view to examining—

(A) the extent and levels of United States financial contributions to the United Nations;

(B) the importance of the United Nations, as presently constituted to fulfilling the policies and objectives of the United States;

(C) the benefits derived by the United States from participation in the United Nations;

(2) the President should review and make recommendations to the Congress regarding the matters described in this section by June 30, 1984 and

(3) the Secretary of State should communicate to the member states of the General Assembly of the United Nations the policy contained in this section.

Mr. NICKLES. Mr. President, the amendment that I offer today, along with my colleague, Mr. SYMMS, is the result of our concern over the deterioration of the original intent of the United Nations. I am not on an anti-United Nations campaign nor am I trying to punish the member nations. Rather, this is an attempt to reaffirm the principles of the U.N. Charter.

The charter states that the members shall maintain international peace and security—first and foremost. The United Nations arose from the ashes of World War II to prevent another such holocaust. And yet, one must ask how successful is the Security Council in maintaining peace.

Libya has invaded Chad with no consideration by the Security Council. The Iran-Iraq war continues with thousands of lives lost and no discussion in the United Nations. The invasion of the Soviets into Afghanistan is not an item on the agenda nor has anything been done over the presence of Vietnam in Kampuchea. Lebanon is torn apart—no longer capable of self-government. The multinational peacekeeping group in Beirut, including our own marines, are not sponsored by the United Nations. Nicaragua declares unsubstantiated charges of imminent invasion by the United States at the Security Council rather than the proper arena under the U.N. charter which is the Organization of American States.

The United Nations, in a variety of other contexts, has aggravated rather than resolved conflict. Some members have sought to exclude Israel from participation in the United Nations. The latest manifestation of this tendency was the decision by the Government of India, as head of the nonalined movement, to bar Israel from participation in the International Energy Conference held this fall.

Mr. President, the United States is committed to world peace. Our Nation has demonstrated this throughout the nearly 40-year history of the United Nations. When the nations at the San Francisco Conference voted to locate the headquarters in New York City, several things happened: Congress passed the resolution allowing the President to make the agreement; New

York City gave waterfront rights and made arrangements to improve the area in which the headquaters would be built; and John D. Rockefeller, Jr., offered the land. During those early years, the United States bore 40 percent of the financial support and today is paying close to $1 billion a year.

I strongly believe that the U.S. Congress must play a larger role in oversight of the U.N. and its objectives. We task the American taxpayers with this burden of $1 billion a year; therefore, they deserve to know that we are doing all we can to make certain that collective efforts are being made among the member states to accomplish the goals of international peace and security. How can we justify cutting other Federal spending and continue this ever increasing responsibility at the United Nations? I supported my colleague from Kansas in her successful effort to reduce the funding in an effort to force a reordering of spending priorities.

The review mandated by my resolution would go much beyond the annual report now made by the Ambassador to the United Nations. I feel it would demonstrate clearly to the world how much America cares about world peace. The facts will certify that.

Facts will also show that the motives of the Soviet Union—the world's other superpower—are questionable. The Soviet's financial obligations are delinquent. They refuse to pay for peacekeeping in Lebanon. As of May 31, 1983, the debt to the U.N. peacekeeping activities was $147 million. An accounting of the reasons for this should be made. Additionally, their delinquency in the regular assessed budget is $119 million as of June 20, 1983. This makes a total of $266 million outstanding.

Other assessments are in order: The one nation-one vote that gives the Third World nations a majority allowing their determination of programs and costs while bearing a fraction of the expenses; and the impact the United Nations has on world opinion and its effect on the United States.

Mr. President, a critique of the U.N. budget, both assessed and voluntary, is long overdue. We need to determine how much is being spent on terrorist groups. I suspect this will be difficult and a recommendation would be forthcoming for tightening of U.N. accounting procedures to allow an accurate picture of acutal expenditures.

I would hope that out of these deliberations would spring initiatives to strengthen international communication, our hope for peace in the world. I am firmly convinced that an improved image of the role of the United States in the United Nations can be derived by this type of endeavor.

Mr. President, I urge the adoption of this amendment by my colleagues.

Mr. President, the United Nations was founded for the primary purpose of maintaining international peace and security by encouraging peaceful resolution of disputes and the development of friendly relations among nations.

The United States as a founder member of the United Nations and also as the largest contributor to the United Nations became and remains a member of the United Nations in order to contribute to collective efforts among the nations of the world to realize the ends of international peace and security. The United States is also committed to upholding and strengthening the principles and purposes of the U.N. charter upon which the United Nations was founded.

This sense of the Congress resolution calls for a review of our participation in the United Nations to the extent and levels of our financial contributions, the importance of the United Nations as presently constituted to fulfilling the policies and objectives of the United States, to the benefits derived by the United States from our participation in the United Nations. It also calls on the President to review and make recommendations to the Congress regarding the matters described by June 30, 1984.

Mr. President, I think this is an important resolution. I appreciate the cooperation that we have received from both floor managers on this.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I think the amendment has been worked out very carefully. We had a similar report several years ago which has not been brought up to date for several years. It would probably be a good idea to bring such a report up to date. I know of no objection on this side of the aisle.

Mr. PELL. There is no objection on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2371) was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2372

(Purpose: To establish a Peace Corps Strategy Commission)

Mrs. KASSEBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas (Mrs. KASSEBAUM), for herself, Mr. TSONGAS, and Mr. RANDOLPH proposes an amendment numbered 2372.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . This title may be cited as the "Peace Corps Strategy Commission Act".

FINDINGS

(1) during the past twenty-two years, the Peace Corps has been a valuable and well-accepted program by establishing person-to-person relationships between Americans and host country partners in Africa, Asia, and Latin America, and by contributing to the development of these other countries, especially at the local level, through the provision of skilled manpower;

(2) relations among countries have changed significantly since the establishment of the Peace Corps, and the needs of the people of the United States and Third World countries have changed accordingly;

(3) at a time when conflict and alienation among countries are increasing and poverty is part of the conflict, the mutual assistance and learning that the Peace Corps fosters among the people of the United States and Third World countries have become an increasingly important asset to promoting world peace and friendship; and

(4) in the light of these changes, the purpose and programs of the Peace Corps should be reviewed in order to ensure that the Peace Corps utilizes its experience to face the demands of the future.

PURPOSE

SEC. . It is the purpose of this Act to establish a Commission—

(1) to evaluate the potential and future role of the Peace Corps as it commemorates its twenty-fifth anniversary, in particular by—

(A) evaluating the accomplishments and experience of the Peace Corps since its establishment; and

(B) examining options for the future direction of the Peace Corps which ensure that the purpose and programs of the Peace Corps are responsive to the changing needs in development and relationships among peoples; and

(2) to provide for public participation in the evaluation described in paragraph (1), especially from individuals and private sector organizations and institutions, and to focus national attention on the importance of volunteer service through a Peace Corps that contributes to development and the establishment of international relations among people at the local level.

ESTABLISHMENT

SEC. . There is established a commission to be known as the Peace Corps Strategy Commission (hereinafter in this Act referred to as the "Commission").

DUTIES OF COMMISSION

SEC. . The Commission shall—

(1) evaluate the performance of the Peace Corps since its establishment in 1961, examining such factors as—

(A) the impact the Peace Corps has had in developing countries;

(B) the benefits to the United States from the experience gained abroad by Peace Corps volunteers;

(C) the appropriateness of volunteer, staff, and financial resources available to the Peace Corps, and of the organization and administration of the Peace Corps, in performing its purpose effectively;

(D) the appropriateness of the selection and training of volunteers and staff for their work abroad and at the Peace Corps offices in the United States; and

(E) the relationship of the Peace Corps to other public and private, and domestic and international organizations; and

(2) evaluate the future of the Peace Corps, examining such factors as—

(A) the changing needs of other countries and how to adjust the programs of the Peace Corps to those needs;

(B) the changing needs of Americans to gain a better understanding of other peoples and countries, and how to adjust the programs of the Peace Corps accordingly;

(C) the needs of individual volunteers both during their service and after returning from their tour of duty with the Peace Corps;

(D) the volunteer and staff manpower, program diversity, financing, organization, and management necessary to meet the changing needs of other countries and of American society;

(E) opportunities to attract wider participation in Peace Corps programs by women, minorities, private enterprise, and senior citizens; and

(F) the appropriate future relationship of the Peace Corps with other public and private, domestic and international organizations and institutions;

and taking into account relevant studies and proposed legislation regarding the Peace Corps, including legislation to reform the Peace Corps and to create a "Peace Corps Academy" to prepare volunteers for service abroad.

MEMBERSHIP

SEC. . (a) the Commission shall be composed of fifteen members appointed from among individuals who represent different professional and cultural backgrounds and political persuasions. Not less than six members shall be former Peace Corps volunteers.

(b) The members of the Commission shall be appointed as follows:

(1) Two members, one of whom shall be a former Peace Corps volunteer, shall be appointed by the majority leader of the Senate, and two members, one of whom shall be a former Peace Corps volunteer, shall be appointed by the minority leader of the Senate.

(2) Two members, one of whom shall be a former Peace Corps volunteer, shall be appointed by the Speaker of the House of Representatives, and two members, one of whom shall be a former Peace Corps volunteer, shall be appointed by the minority leader of the House of Representatives.

(3) Seven members shall be appointed by the President, two of whom shall be former Peace Corps volunteers.

The first appointments pursuant to this subsection of all the members of the Commission shall be made not later than sixty days after the date of the enactment of this Act.

(c) Members shall be appointed for the life of the Commission.

(d) A vacancy in the Commission shall be filled, not later than sixty days after the vacancy occurs, in the manner in which the original appointment was made.

(d)(1) Except as provided in paragraph (2), each member of the Commission shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which such member is engaged in the actual performance of the duties of the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistance, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) The President shall appoint a Chairman and a Vice Chairman from among the members.

(g) Seven members of the Commission shall constitute a quorum.

(h) The Commission shall meet at the call of the Chairman or a majority of its members.

DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS

SEC. . (a) Subject to such rules as may be adopted by the Commission, the Chairman of the Commission, without regard to the provision of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classfication and General Schedule pay rates, shall have the power to—

(1) appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule under section 5316 of title 5, United States Code;

(2) appoint and fix the compensation of such personnel as the Chairman considers necessary; and

(3) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.

(b) Upon the request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

POWERS OF COMMISSION

SEC. . (a) The Commission may, for purposes of carrying out this Act, hold such public hearings, sit and act at such times and places, take such testimony, and receive such evidence, in the United States, as the Commission considers advisable. The Commission may also consult with Members of Congress, with officers, employees, volunteers, and former volunteers of the Peace Corps who are in the United States, and with nationals of host countries of the Peace Corps. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) When so authorized by the Commission, any member or agent of the Commission may take such action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any Federal agency information necessary to enable the Commission to carry out this Act. Upon request of the Chairman, the head of any such Federal Agency shall furnish such information to the Commission.

(d) The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

REPORTS

SEC. . (a) The Commission shall transmit to the President and to each House of Congress such interim reports on the activities of the Commission as the Commission considers appropriate and shall transmit a final report to the President and to each House of Congress not later than one year after the date on which appropriations first become available to carry out this Act. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as the Commission considers appropriate.

(b) Not later than ninety days after the final report has been transmitted by the Commission to each House of Congress, the President shall transmit to each House of Congress a report containing a detailed statement regarding any actions taken to implement the recommendations of the Commission, together with any further recommendations for legislation and administrative actions as the President considers appropriate.

TERMINATION

SEC. . The Commission shall cease to exist ninety days after transmitting its final report under section .

AUTHORIZATION OF APPROPRIATIONS

SEC. . There is authorized to be appropriate to carry out this Act, $750,000 for the fiscal year 1984. Amounts appropriated under this section are authorized to remain available until expended. The Commission may accept private contributions of funds, which are authorized to be expended to carry out this Act.

DEFINITION

SEC. . For purposes of this Act, the term "Federal agency" means any agency, department, or independent establishment in the executive branch of the Federal Government, including any Government corporation.

Mrs. KASSEBAUM. Mr. President, I have sent this amendment to the desk for myself and Senator TSONGAS.

Mr. President, since President John Kennedy first challenged American youth to cooperate in the development of the world through his establishment of the Peace Corps, the world has changed drastically.

Some countries then considered undeveloped have made great strides and are now considered newly industrialized. Other countries, some of whom had great promise 20 years ago, have failed to progress and a few have experienced economic, social, and infrastructural declines. Obviously, as the developing nations have changed, there has been a need for America and the other donor nations to reexamine

our techniques of assistance to those in dire need.

The Peace Corps is considered our most cost-effective program of international assistance. Peace Corps volunteer costs per volunteer year are only $22,000, compared to other programs whose costs are tenfold. Those who support the Peace Corps, as I do, look forward to its success in the coming two decades commensurate with its success in the past. But as the developing world becomes more complex and diverse, our programs of international cooperation must become more sophisticated and responsive to these diverse needs.

I believe the establishment of this Commission, which is what my amendment does, regarding the Peace Corps is noncontroversial. It will help us assess ways that the Peace Corps can better adapt to the changing needs in the world today.

Mr. President, I move this amendment be approved.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PERCY. Mr. President, I commend the distinguished Senator from Kansas for this amendment. I know of no objections on this side.

Mr. PELL. Mr. President, this amendment is acceptable on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2372) was agreed to.

Mrs. KASSEBAUM. I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, I believe the time is near to go to third reading. I urge my colleagues—there are no amendments that I know of that are definitely to be offered. I shall suggest the absence of a quorum for the purpose of any Senators to notify the cloakroom immediately if they do have amendments they wish to bring forward before we go to third reading.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. At this time, the Senator from Minnesota (Mr. BOSCHWITZ) has an amendment to be offered which has been agreed to by both sides.

Mr. PELL. There is no objection to the amendment on this side.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2373

(Purpose: To transfer to the Secretary of State functions of the President relating to the promotion of civil and political rights)

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. BOSCHWITZ) proposes an amendment numbered 2373.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 8, strike out "$1,478,713,000" and insert in lieu thereof "$1,480,213,000".

On page 2, line 9, strike out "$1,478,713,000" and insert in lieu thereof "$1,480,213,000".

On page 24, between lines 19 and 20, insert the following:

TRANSFER OF FUNCTIONS

SEC. 122. (a) The functions of the President under section 116(e) of the Foreign Assistance Act of 1961 which were carried out by the Administrator of the Agency for International Development immediately before the date of enactment of this Act are transferred to the Secretary of State, acting through the Assistant Secretary for Human Rights and Humanitarian Affairs.

(b)(1) Of the amounts authorized to be appropriated for the fiscal years 1984 and 1985 by paragraph (1) of section 102, $1,500,000 for each such fiscal year shall be available only to carry out the functions transferred under subsection (a).

(2) Of the amounts authorized to be appropriated to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 for the fiscal years 1984 and 1985, $1,500,000 for each such fiscal year shall be available only to carry out the functions transferred under subsection (a).

(c)(1) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred under subsection (a) shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

(2) No suit, action, or other proceeding lawfully commenced by or against any office, bureau, or officer of the United States acting in his official capacity shall abate by reason of the transfer under subsection (a).

(d) There are transferred to the Bureau of Human Rights and Humanitarian Affairs of the Department of State all officers, employees, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under subsection (a).

(e) The provisions of this Act shall take effect 30 days after the date of enactment of this Act.

Mr. BOSCHWITZ. Mr. President, the amendment I am offering is a simple one which will strengthen our efforts to help democracy and support human rights overseas.

In essence, it transfers to the State Department the program for providing small grants to nongovernmental organizations overseas which seek to promote human rights and to help victims of injustices. The program previously had been operating under the Agency for International Development, through section 116(e). The grants to any one group are relatively small. But they are useful in helping these organizations, and to help law school projects or seminars on these subjects.

The program is a good one but has not received the attention it deserves from AID. Indeed, AID did not even request funding for the program for fiscal 1984. In any event, the program more properly belongs under the State Department, with the funding and operations directly under the Bureau for Human Rights.

This amendment would provide $3 million for this purpose, the amount recommended by the House Foreign Affairs Committee in its version of the fiscal 1984 foreign aid bill.

The PRESIDING OFFICER. The Chair advises the Senator that his amendment amends a previously amended section of the bill. Therefore, it would take unanimous consent for the amendment to be considered.

Is there objection to the consideration of the amendment offered by the Senator from Minnesota? The Chair hears none, and the amendment will be considered.

Mr. BOSCHWITZ. Mr. President, half the funds are taken from the AID and half from existing appropriations to the State Department.

By improving and strengthening this program, the U.S. demonstrates its clear support for human rights, and—what is more important, provides some assistance to groups in other countries which are dealing directly with these problems.

Through the section 116(e) program, the United States has been able to promote greater respect for and understanding of democratic principles of government and the institutions that make it possible for democracies to thrive. Examples of projects that reinforce these objectives have included:

First, $200,000 for the Asia Foundation program in the areas of judicial and court administration, codification of law, and human rights training;

Second, $50,000 to Senegalese human rights specialists to study human rights issues and the different

roles of American Federal, State, and local judicial systems;

Third, $14,000 for the publication, translation, and printing in Zimbabwe of a handbook on the Legal Age Majority Act that will apprise women of their legal rights.

Moneys have also been used to encourage free elections but the administration has been very careful to avoid using these moneys to influence the outcome of an election.

Mr. President, the Reagan administration has emphasized the need to oppose human rights violations as they occur with the most effective mix of tactics. This may include direct approaches to governments that commit human rights abuses, public statement, and threats to suspend economic and military assistance. That is the first track of the administration's human rights policy. Yet, a human rights policy based only upon responses to present circumstances would be incomplete and would neglect the opportunity to make full use of our resources to influence circumstances for the future. A responsible policy toward countries where we have a degree of influence requires that we do what we can to help develop the conditions which will reduce the chances for human rights abuse in the future. This is the second track of human rights policy that is provided for through the section 116(e) program.

In seeking the support of my colleagues for this amendment I suggest that one of the best ways in the long run to reduce torture, disappearances, and other serious human rights abuses in countries that we provide U.S. assistance is to support the development and strengthening of democratic governments. The section 116(e) program provides a forward looking framework in which to work towards achieving this beneficial objective. I urge my colleagues to affirm their support for democratic institutions around the globe by voting in favor of this amendment, which will continue and strengthen the program under the auspices of the Human Rights Bureau of the State Department.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2373) was agreed to.

Mrs. KASSEBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2374

(Purpose: To express the sense of the Congress regarding the processing of refugees in other countries)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN) proposes an amendment numbered 2374.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

POLICY ON THE PROCESSING OF REFUGEES

SEC. 701. (a) The Congress finds that—

(1) there are an estimated 8 million refugees in the world today;

(2) the number of refugees continues to increase;

(3) some refugees could be resettled in countries whose governments have indicated a willingness to accept them;

(4) the processing of refugees can be unnecessarily slow, thereby delaying resettlement; and

(5) most countries that have a large concentration of refugees receive United States aid.

(b) It is the sense of the Congress that the President should—

(1) inform the governments of countries that have large concentrations of refugees and receive United States aid that the Government of the United States is concerned about the proper and efficient processing of refugees; and

(2) urge such governments to process as expeditiously as possible those refugees who would be welcomed for resettlement in other countries.

Mr. LEVIN. Mr. President, there are an estimated 8 million refugees in the world today. Eight million people outside their native countries who are unable or unwilling to return to those countries because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The numbers continue to climb year after year and there is no prospect for a decline in the near future. Many of the world's refugees live in squalid conditions—in camps where sanitation is poorly maintained, food and adequate shelter are scarce, and disease and sickness are pervasive. The situation is troubling, and despite international contributions and organizations dedicated to improving the plight of refugees, the outlook for the future in the camps is grim.

All possible avenues ought to be pursued to see that every possible opportunity to improve the lot of refugees are seized. One case that presents such an opportunity is when there are countries willing to resettle refugees. In these instances, the refugees ought to be processed in the country of asylum as quickly as possible; the numbers in the camps would drop, and those resettled could begin new lives in new homes.

Unfortunately, some governments of the countries of asylum are sometimes lax about cooperating with the refugee program. Many of these governments receive U.S. aid and this resolution would let them know that we are concerned about refugees and that we are anxious that these governments cooperate fully in processing refugees.

Mr. President, this proposal will not turn the refugee problem around, but if it helps just a few individuals, it will prove well worthwhile.

Mr. President, there are 8 million refugees in the world today. Some of them are lucky enough to have third countries which are willing to take them. But this amendment simply urges our State Department to let governments receiving U.S. aid know we are concerned about refugees who have third countries to go to in particular, and we are anxious for these governments to cooperate fully in the processing of these refugees.

Again we are talking here about refugees who have a place to go. It would seem this is the minimum we can do to expedite the necessary relocation of 8 million or so refugees who are in the world, some of whom again do have homes that are open to them in Third World countries.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 2364) was agreed to.

Mr. LEVIN. I thank the Chair. I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 3363.

The legislative clerk read as follows:

A conference report on H.R. 3363, with amendments in disagreement.

The Senate resumed consideration of the conference report.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, I ask unanimous consent to return briefly to the State Department authorizations bill for an amendment which I understand is acceptable.

The PRESIDING OFFICER. Is there objection?

Mr. PERCY. There is no objection on this side.

Mr. JOHNSTON. Will the Senator repeat the unanimous-consent request?

The PRESIDING OFFICER. The Senator from Michigan will repeat his request.

Mr. LEVIN. Mr. President, I ask unanimous consent that we temporarily go back to the State Department authorizations bill for an amendment which is acceptable.

Mr. STEVENS. Reserving the right to object, is there a time limitation on that?

Mr. LEVIN. I will be willing to agree to a time limitation of 2 minutes.

Mr. LONG. Reserving the right to object, can the Senator tell us what the amendment is about?

Mr. LEVIN. This pertains to a witness testifying with regard to Raoul Wallenberg.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I will object unless there is a time limitation.

Mr. LEVIN. I ask unanimous consent that we lay aside the conference report for no more than 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, let me respond to that.

I ask unanimous consent to set aside the Interior conference report for the purpose of going to an amendment to be offered by Senator LEVIN to the State Department authorizations bill, that the time to be consumed not exceed 5 minutes in any event, and, following that 5 minutes, we return to the Interior conference report.

Mr. BUMPERS. Reserving the right to object, is there a time certain that we will get through the Interior bill and go back to the State Department authorizations?

Mr. STEVENS. No.

Mr. BUMPERS. That will be after the two amendments.

Mr. STEVENS. There is no way to compute the precise time we will be back on the State Department authorizations bill. There is a limit on the amendments but there could be quorum calls, and so on.

Mr. BUMPERS. I have no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Alaska? Without objection, it is so ordered.

DEPARTMENT OF STATE AUTHORIZATIONS

The Senate continued with the consideration of the bill (S. 1342).

AMENDMENT NO. 2375

(Purpose: A sense of the Senate resolution that the President should take all possible steps at all appropriate times to ascertain the whereabouts of Jan Kaplan and to request an interview with him and to make an inquiry of the Soviet Government as to the whereabouts of Raoul Wallenberg)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN) proposes an amendment numbered 2375.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

RESOLUTION ON RAOUL WALLENBERG AND JAN KAPLAN

SEC. 701. (a) The Congress finds that—

(1) The Soviet Union arrested one of the great heroes of modern times in 1945 when they arrested Raoul Wallenberg;

(2) Raoul Wallenberg was a Swedish diplomat who, at great personal risk, had acted to save hundreds of thousands of Hungarian Jews from the Nazi Holocaust;

(3) Raoul Wallenberg took these actions as a humanitarian and with the knowledge, consent and financial assistance of the U.S. government;

(4) Raoul Wallenberg has recently been made an honorary citizen of the United States;

(5) The Soviet Union has changed their story a number of times about the whereabouts of Raoul Wallenberg;

(6) The most recent position of the Soviet Union is that he died in 1947;

(7) There are many eyewitnesses who have testified that they saw Raoul Wallenberg in Russian prisons and hospitals in the decades since the 1940s;

(8) One of the most recent eyewitnesses was Jan Kaplan, a Russian refusnik who shortly after his release from a Soviet jail in 1977, phoned his daughter, Dr. Anna Bilder, in Israel and reported that he had met a Swede in prison who had survived 30 years in the Gulag;

(9) During the next two years, Anna Bilder received no further word from or about her father;

(10) In July 1977, Jan Kaplan's wife smuggled a letter to Dr. Bilder informing her that Jan Kaplan had been rearrested because of a letter he had tried to smuggle to her about Raoul Wallenberg;

(11) In 1980, the Swedish government sent an official request to interview Jan Kaplan;

(12) The Soviets made no response to this request;

(13) The whereabouts of Jan Kaplan are not known;

(14) The Government of the Soviet Union refuses information about Jan Kaplan;

(15) Jan Kaplan could provide valuable information about Raoul Wallenberg.

(b) It is the sense of the Congress that the President, acting directly or through the Secretary of State, should take all possible steps at all appropriate times to ascertain the whereabouts of Jan Kaplan and to request an interview with him and to make inquiry of the Soviet government relative to the whereabouts of Raoul Wallenberg, a heroic Swedish and American citizen in order to learn more concerning the whereabouts of Raoul Wallenberg.

Mr. LEVIN. Mr. President, I think we are all familiar with the legend of Raoul Wallenberg, who is now an honerary American citizen because of the actions of a number of people in this body and in the other body.

One of the witnesses to the whereabouts of Raoul Wallenberg during the 1970's was a man named Jan Kaplan, who, when he left the Soviet jail in 1977, telephoned his daughter in Israel and reported that he had met a Swede in prison who had survived 30 years in the Gulag. He fit the description of Raoul Wallenberg.

After this became known, Jan Kaplan was immediately rearrested by the Soviet authorities and has disappeared.

This amendment is a sense-of-the-Congress resolution. It requests the Secretary of State to take all possible steps to ascertain the whereabouts of Jan Kaplan and to request an interview with him in order to learn more about the possible whereabouts, in turn, of an American citizen whom we have all come to honor and to cherish, Raoul Wallenberg

I believe this amendment is acceptable to the managers of the bill.

Mr. PERCY. Mr. President, I commend the distinguished Senator for the amendment. I know of no objection to this amendment.

Mr. LEVIN. I also understand that Senator PELL has not objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2375) was agreed to.

Mr. LEVIN. I would like to take this opportunity to discuss with the floor manager of the State Department authorization bill a situation which has

been brought to my attention with respect to individuals seeking visas from the U.S. Embassies consulates in Poland for termporary visits to the United States. It is my understanding from my constituents that greater difficulties are being encountered now than has been previously the case with respect to their relatives and friends who are seeking permission to leave Poland temporarily and visit the United States. Polish citizens who seek to visit this country with the goal of being temporarily reunited with their families and friends should not be made the innocent victims of the conditions in Poland, and American officials in Poland should not add to these hardships by arbitrarily restricting visas for temporary visits to the United States. These people are, thus, being penalized twice: first, by the imposition of martial law and its aftermath, and second, by American officials apparently using those conditions as a rationale for restricting the issuance of visas. Some of these Polish citizens have visited this country in past years and have returned to Poland without incident or delay.

I am sure that the Senator from Illinois is sensitive to the humanitarian value of these visits, and the incredulity of Americans of Polish descent who are informed that their relatives and friends in Poland are being denied temporary entry into this country as a result of the actions of American officials in Poland. Some have told me that they would not be surprised at such behavior on the part of the Polish Government, but that they find it hard to believe that they are receiving such treatment at the hands of American officials in Poland.

I would ask the Senator from Illinois whether he, in his capacity as chairman of the Foreign Relations Committee, would contact the State Department and would inquire as the whether it is now the policy of the U.S. Government to reduce the number of visas issued by our consul in Poland and as to whether it is our Government's policy to interpret more restrictively the criteria under which the visas are issued?

Mr. PERCY. I can certainly understand the concern of the Senator from Michigan. I assure him that I will look into this matter with the State Department, inform it of these concerns, and seek an explanation.

INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

MOTION TO RECEDE FROM SENATE AMENDMENT NO. 95

Mr. McCLURE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the motion of the Senator from Idaho to recede from amendment numbered 95.

Mr. McCLURE. Mr. President, for the information of Members, that motion to recede is, in effect, acceding to the House action with respect to the House amendment on the Outer Continental Shelf on the coast of southern California.

To refresh the memories of Members about the process that we followed, we had taken no action with respect to the moratorium on offshore leasing. The House had enacted a moratorium. We went to conference in that posture.

In the conference, we had taken action which went beyond the limits of an appropriations bill with respect to some permanent language.

When the conference report was taken back to the floor of the House, a point of order was made against that conference language and the point of order in the House was sustained.

The House then reinstated their original language upon which we had originally gone to conference. It is my judgment at this time, in view of the evolution of the issue and where we stand now, that the best that we can do and the best we should attempt to do at this particular time is recede to the House position. That is the purpose and the effect of the motion which I have made.

Mr. President, I hope the Senate will concur in this question and we shall have resolved that particular issue.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I urge my colleagues not to accept the arguments offered by my good friend, the Senator from Idaho. I would have to say that I think that the conference came up with a far better solution. It is true, as he states, that the House rules precluded, on a point of order, that conference report language coming to us here.

What the Senate should do, of course, is amend so that the actual language agreed upon by the conferees is before us. That would provide equity to California in much the same respect that this report otherwise protects Florida with a 30-mile limit and Massachusetts with a 50-mile limit. In this case, California would receive only 3 miles. Certainly, that would be equity. That is what the conferees agreed upon.

I cannot join with my good friend from Idaho. I must object. I must urge my colleagues that they afford to the State of California the same protection that is sought and has been granted to other coastal States.

Mr. President, what we are seeking is not unreasonable. We do not seek to preclude exploration and development, we seek to protect against the kind of near-shore development from which these other States have sought and received adequate protection; 3 miles is not 30 miles, it is not 50 miles, but at least, it is needed protection.

I urge with the strongest possible feeling that California be treated fairly, that it not be treated differently than the other States.

Frankly, to allow this to go forward as is being suggested would work great unfairness upon the people of California, not just from an environmental point of view but in terms of the coastal economy of that State.

Tourism is now the second largest industry. It depends very largely upon the coastal environment. From that community, from the small businessmen and women of California, I have taken prompting to act as a spokesman. My colleague (Mr. CRANSTON) joins me in urging that this amendment be rejected and that, instead, the language of the conferees be adopted as the action of the Senate.

Mr. JOHNSTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the motion of the Senator from Idaho to recede from amendment No. 95. The question is on agreeing to the motion.

Mr. BUMPERS. Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Is this the motion to recede from the amendment which the Senator from California has just been discussing?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. Does the Senator not want the yeas and nays?

Mr. WILSON. Mr. President, the Senator from California will take the yeas and nays.

Let me announce to my colleagues that it is my intention to offer an amendment to amendment 94 that would reinsert the language of the conference. The only reason I did not ask for the yeas and nays is simply to save the time of the Senate. I shall be asking for the yeas and nays on the amendment that I shall offer to amendment No. 94.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho to recede from Senate amendment No. 95.

The motion was ageed to.

Mr. JOHNSTON. I move to reconsider the vote, Mr. President.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTION TO AGREE TO HOUSE AMENDMENT TO SENATE AMENDMENT NO. 94, WITH AN AMENDMENT (NO. 2353), AS MODIFIED

The PRESIDING OFFICER. The question recurs on the Melcher

amendment and the motion to concur in that amendment to amendment No. 94. There is 1 hour equally divided on that amendment.

The Senator from Montana.

Mr. MELCHER. Mr. President, I ask unanimous consent that I may modify the amendment I submitted on behalf of myself and the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The modified amendment is as follows:

In lieu of the language proposed to be inserted by the House amendment, insert the following:

SEC. 112. None of the funds in this Act shall be expended for the sale or lease of coal on public lands, except for emergency leasing as defined in 43 CFR 3425.1-4, lease modifications as defined in 43 3432, and lease exchanges as defined in 43 CFR 3435 or as specified in Public Law 96-401, until the Commission on Fair Market Value Policy for Federal Coal Leasing has submitted its report to the Congress and ninety days have subsequently elapsed: *Provided*, That notwithstanding any other provision of this section, the following federal coal maintenance tracts may be leased; the Paonia D Coal Bed Tract (not to exceed 5,000 acres), and the Colstrip Area C and Colstrip Maintenance Tract (not to exceed an aggregate total of 1,721 acres): Provided further, That the Paonia Tract may not be leased prior to February 1984, and the Colstrip tracts may not be leased prior to August 1984.

Mr. MELCHER. Mr. President, the amendment so modified has been worked out with Senator BUMPERS, and the committee staff, myself, and Senator ARMSTRONG, and sets a restriction on the basis of the acreage and identifies the maintenance tracts specifically that we are talking about. I hope it will meet with the approval of the Senate. I also hope that in conference, it will meet with the approval of the conferees on both the Senate and the House side.

I think perhaps it will, because I do not believe anybody is concerned in the language to make it so prohibitive that maintenance tracts that are necessary for the ongoing mining operations, including the process of getting the mining plant approved, is the real object of the amendment.

I do not believe that is the case. I believe it has been clear that the moratorium on leasing was broad, that it was limited, and that it will not interfere with an ongoing operation to the extent of causing extra expense or delay for those mining operations.

By identifying the specific tracts that are now under planning for the two areas involved—one in Colorado that Senator ARMSTRONG is interested in and the one in Montana that I am interested in—I think we have successfully eliminated any objections. I hope that proves to be the case here today and also in the conference.

The PRESIDING OFFICER. Who yields time?

Mr. MELCHER. Mr. President, I yield such time as he may require to the Senator from Colorado (Mr. ARMSTRONG).

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I rise primarily to express my appreciation to the managers of the bill for giving us time to work out an amendment. I adopt by reference and endorse the statements made by my colleague from Montana (Mr. MELCHER). I appreciate his leadership on this matter.

I do not see on the floor at the moment the Senator from Arkansas (Mr. BUMPERS), whose original amendment in September precipitated the problem which we are now resolving, but I would like to say to all Senators that he has really gone the extra mile, last night and again today, in trying to help us resolve this. He and his staff participated in the drafting effort and worked with the staff of Senator MELCHER and my own people and the committee staff. I am really grateful to him because, while it does result in a brief delay in the bill and I know some inconvenience to the conferees, as I expressed last night, this is literally an issue of several hundred people being thrown out of work in a small county in my State.

His understanding and that of the Senator from Idaho and the other Senators is very, very meaningful. On behalf of the people who are so affected, I wanted to express my thanks.

Mr. McCLURE. Will the Senator yield?

Mr. ARMSTRONG. Yes.

Mr. McCLURE. Senator BUMPERS, to whom the Senator made reference as having been very helpful, has indeed been helpful and is temporarily absent from the floor at this moment because he is on the phone trying to be of further help to resolve this issue.

I thought I should indicate why he is not present at this time. I expect he will be back on the floor momentarily participating in this discussion.

Mr. ARMSTRONG. I appreciate that. In fact, I was aware of that, although I did not at this point seek to explain it. But as I understand, he is trying to pave the way for ultimate adoption of this by the House as well. It seems to me that we have worked this out in a way that is desirable for everyone concerned. I appreciate the understanding and help of the Senators who made it possible.

Mr. McCLURE. Will the Senator from Montana yield to the Senator from Idaho about 3 minutes?

Mr. MELCHER. Yes, I would be delighted to yield to the chairman.

Mr. McCLURE. Mr. President, I commend the Senators from Montana, Colorado, and Arkansas who have, indeed, been working on this overnight to try to resolve an issue that became an issue first on the floor when the Senator from Montana asked, as the original Bumpers amendment was being adopted, whether or not this would allow the so-called maintenance leasing, which is leasing that is necessary to maintain predictable mining plans and operations. And he was at that time assured that it did.

When we convened in conference, it was again mentioned because the question had been raised as to whether or not it was true. The conferees were queried with respect to whether it would or not, and Senator BUMPERS at that time expressed the concern that perhaps the language was not broad enough; that it was not his intention to interfere with that maintenance leasing, and he was hopeful that it could be resolved. As a matter of fact, the conferees on the part of the House felt very strongly about the language which they had in the bill and that which had been passed in the Senate as well and refused to make any adjustment in that language.

Under the circumstances, it was not surprising nor without warning that the Senator from Montana should then come in, as did the Senator from Colorado, and ask for us to modify the language to correct what is perceived by many to be a problem.

The Senator from Arkansas yesterday expressed his opinion and firm conviction that the emergency provisions of the original amendment are at least as broad and sufficient to solve this problem as is the language being proposed. I will let him speak for himself at the appropriate time. But I think it is fair to say that he does not believe that this provision greatly or significantly broadens what he believes to be true under the emergency provision and that, therefore, he has no objection to but, rather, supports this provision.

I, too, have that same feeling. Regardless of how the argument over the emergency provision comes out, if the emergency provision is broad enough to cover, then this amendment does no harm. If the emergency provision is not broad enough to cover, then this amendment is necessary. From the standpoint of the people who wish to look at the original amendment, I think they would say, "Well, there may be a question about the emergency provision," but that at least this does not disrupt the provisions of that original amendment. Therefore, I believe the amendment is good and should be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS addressed the Chair.

Mr. MELCHER. Mr. President, I yield such time as the Senator requires.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. The Senator from Montana and the Senator from Colorado both have problems. I do not know how real they are, but in any event I have been happy to try to accommodate them on this whole coal leasing problem because they have companies which they feel are in danger of having to lay off employees. Certainly this is no time to unintentionally create a problem of that sort of that magnitude, and so we have drafted what we think is a very carefully crafted amendment to take care of those two problems.

I personally felt that the first amendment offered by the Senator from Montana would have been unduly broad and could have been devastating, but I am happy to accommodate him. Certainly I want to be sure that he does not ever think that I misrepresented to him my purpose in offering the amendment. In a colloquy on the floor that day, I told him maintenance tracts were excluded from it. In any event, I am happy that we were able to work together to iron out their particular problems. I support the amendment and ask for its adoption.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, I thank my friend from Arkansas for being eminently accommodating in this matter to resolve our concerns. I also thank the chairman and ranking member of the Subcommittee on Interior Appropriations.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Mr. President, if all time is being yielded back on the amendment of the Senator from Montana at this point——

The PRESIDING OFFICER. The Chair would advise that the Senator from Montana still controls the time and the time has not been yielded back.

Mr. WILSON. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MELCHER. Mr. President, we have no further need for time.

Might I inquire what the parliamentary procedure would be on further action on this amendment?

The PRESIDING OFFICER. The Senator may simply yield back the remainder of his time.

Mr. MELCHER. I yield back the remainder of my time.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho has time remaining on the amendment.

Mr. McCLURE. Mr. President, I yield back all my time.

The PRESIDING OFFICER. All time is yielded back.

The Senator from California is recognized.

AMENDMENT NO. 2376

Mr. WILSON. Mr. President, I rise to offer a perfecting amendment to amendment 94.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from California (Mr. WILSON) proposes an amendment numbered 2376.

Mr. WILSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment numbered 2353 to the bill, H.R. 3363, add the following:

SEC. 113. (a) No funds in this or any other Act may be expended by the Department of the Interior for the lease or sale of lands within the Department of the Interior Southern California Planning Area described in (1) through (4) below. No funds may be expended for lease or sale of lands within the area described in (1) through (4) so long as adjacent State Tidelands continue to be designated as State Oil and Gas Leasing Sanctuary pursuant to Sec. 6871.1 et seq. of the California Public Resources Code, or the State Lands Commission does not enter into any lease for the extraction of oil or gas on State-owned tide and submerged lands within the areas described:

(1) an area of the Department of the Interior Southern California Planning Area off the coastline of the State of California Oil and Gas Leasing Sanctuary as described by Sec. 6871.1 et seq. of the California Public Resources Code in effect September 29, 1983, and extending from the seaward extension of the northerly city limits of the City of Newport Beach south to the southerly boundary of the State of California and from the base line (defined as the seaward limit of the California State Tidelands) and which is described by a line, every point of which is at least three miles seaward of the seaward limit of the California State Tidelands;

(2) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of Santa Monica Bay defined in subparagraph (A) or (B), whichever lies further from the seaward limit of the California State Tidelands:

(A) an area located off the coastline of the State of California Oil and Gas Leasing Sanctuary as described by Sec. 6871.2(a) California Public Resources Code in effect September 29, 1983, and extending from the base line (defined as the seaward limit of the California State Tidelands) and which is described by a line, every point of which is three miles seaward of the nearest point of the base line and which is located between the lines extended due south from the eastern and western boundaries of the sanctuary; or

(B) an area located off the coastline of the State of California Oil and Gas Leasing Sanctuary as described by Sec. 6871.2(a) California Public Resources Code in effect September 29, 1983, and which lies shoreward of a straight line between the northeast corner of block 42N, 50W, and the midway point between the northwest corner of block 36N, 42W, and the southeast corner of block 37N, 43W on the California (Lambert) Plane Coordinate System.

(3) an area within the boundaries of the Channel-Island National Marine Sanctuary, as defined by title 15, part 935.3 of the Code of Federal Regulations; and

(4) and area within the boundaries of the Santa Barbara Channel Ecological Preserve and Buffer Zone, as defined by the Department of the Interior, Bureau of Land Management Public Land Order 4587 (Vol. 34, page 5655, Federal Register March 26, 1969).

(b) Until January 1, 1985, no funds may be expended by the Department of the Interior for the lease or sale of lands in OCS Lease #80 which lie within an area located off the coastline of the State of California Oil and Gas Leasing Sanctuary as defined by Sec. 6871.1 et seq. California Public Resources Code in effect September 29, 1983, from the City of Newport Beach south to the southerly boundary of the State of California and extending from the base line (defined as the seaward limit of the California State Tidelands) and which is described by a line, every point of which is 9 miles seaward of the seaward boundary of the California State Tidelands.

(c) Until January 1, 1985, no funds provided in this title may be expended by the Department of the Interior for the lease or sale of lands within the Department of the Interior Southern California Planning Area, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of Santa Monica Bay, State of California, which lies within a line on the California (Lambert) Plane Coordinate System beginning at the point of intersection of a seaward extension of the boundary line between Los Angeles County and Ventura County with the seaward limit of the California State Tidelands: thence south to the midpoint of block 40 north, 52 west; thence diagonally southeast to the southeast corner of block 35 north, 44 west; thence due east to the first point of intersection with a line extended due south from Point Fermin along the eastern boundary of the State of California Oil and Gas Sanctuary in effect on June 1, 1982; thence north along that line to the first point of intersection with the seaward boundary of the California State Tidelands; thence northwesterly to the point of beginning along the seaward boundary of the California State Tidelands.

(d) This section shall not affect the authority of the Secretary of the Interior to approve any plan, or to grant any license or permit which is restricted to scientific exploration or other scientific activities, or preleasing activities necessary up to the point of sale.

(e) Leasing within the Department of the Interior's Southern California Planning Area under funding provided in this title shall be conducted according to the stipulations similar to those agreed upon in the Lease Sale 73 memorandum of agreement between the State of California and the Department of the Interior, unless the Governor of California and the Secretary of the Interior agree that other provisions are more appropriate.

(f) In OCS Lease Sale 80, lease or sale of lands affecting the responsibilities of the Department of Defense shall be with the concurrence of the Secretary of Defense.

The PRESIDING OFFICER. The Chair advises the Senator from California that the amendment has to be offered to the amendment of the Senator from Montana.

Mr. WILSON. I so offer.

The PRESIDING OFFICER. The amendment is so offered.

The Senator from California is recognized.

Mr. JOHNSTON. Mr. President, I raise a point of order.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. The amendment of the Senator from California constitutes legislation on appropriations.

Mr. WILSON. Mr. President, by reference to section 108 of H.R. 3363, I raise the defense of germaneness.

The PRESIDING OFFICER. If the Senator will withhold, a point of order is not in order until the time has been used or yielded back on the amendment. There are 20 minutes allocated to the amendment.

The Senator from California is recognized.

Mr. WILSON. I thank the Chair.

Mr. President, there was a conference. The conference reached agreement. What is being offered now is something quite different than the language agreed upon by the conferees. What is being offered is that the Senate shall recede to the House language.

Mr. President, this is not adequate. It is not what was intended as the protection agreed upon to allow the State of California to enjoy the same protection, or at least some measure of protection akin to that enjoyed by other States whose coastlines are similarly sought for exploration and development of gas and petroleum by the oil companies.

Mr. President, the purpose of the language agreed upon by the conferees was not to preclude exploration and development in the Outer Continental Shelf off California. Very much to the contrary, exploration and development presently occurs, but, Mr. President, as in the case of Florida, which in this same bill after the report has now received 30 miles of protection for its shoreline and in the case of Massachusetts 50 miles of protection, the State of California, it seems to me, is fully entitled to receive protection against near shore development.

All that we are asking is 3 miles; 3 miles, Mr. President. Not 30, not 50, 3 miles, which would be an additional protection to the 3 miles of State jurisdiction.

I remind my colleagues that the State of California, because of the sensitivity of the coastline, because spills there are not unknown, has for many years throughout almost all of its coastal waters out to the 3-mile limit of California's jurisdiction projected its coastline with a marine sanctuary by act of the State legislature.

In the conference, it was agreed that an additional 3 miles would be afforded southern California; that 6 miles beyond that would be the subject of negotiation between the State of California and the Department of the Interior. This is a reasonable protection.

I do not think I am dwelling at inordinate length in saying that this was a conference, that it was agreed upon by the House and the Senate conferees. The reason for a change, apart from the procedural point of view, which is a matter that can easily be disposed of if the Senate chooses to dispose of it—but the substantive reason for change is that some in that conference maintained that they were under a mistaken impression at the time we reached this agreement.

Mr. President, they are men of honor and of integrity, and I in no way question the fact that they were under some mistaken impression. But I would have to say that I think their mistake in no way changes the basic fact that what was agreed upon is the minimum possible that will afford fairness to the State of California.

The contention is sometimes made that those who seek to protect their coastlines are guilty of an elitist point of view. Not only do I reject that, but also, I offer, to the contrary, the pleas that have been received by me; by my colleague from California (Senator CRANSTON); by the Senator from Florida (Senator HAWKINS); by the Senator from Massachusetts (Senator KENNEDY), and others who represent coastal jurisdictions, who have heard from the small businessmen and small businesswomen of their communities that some protection is necessary if the coastal economies upon which these States depend for much of their employment and livelihood is not to be jeopardized.

We could get into long debates about the state of art of protecting against oilspills, about the likelihood of spills from tankers and from rigs offshore. Without going into the whole catalog of possible harm, the point is that we are not talking about onshore drilling. We are talking about a very different kind of technology, were there is the distinct possibility, whatever the odds may be, of severe harm if there is a spill.

There is a further harm of a different kind. It results from air pollution. It results from visual pollution of a coastline upon which many depend for tourism dollars.

There is the additional problem of the Defense Department, which has a multibillion dollar investment in terms of the electronic gear that is involved in protecting sensitive areas in our security structure, protecting sealanes, both surface and subsurface. That was a part of this agreement. It was agreed that the Department of Defense would have the opportunity to carve out those areas in waters over the Outer Continental Shelf which were necessary to the proper functioning of the U.S. Navy.

Mr. President, there is a great deal at stake. It is not at all elitist to seek to protect the economy of one's State, to protect jobs. Very much to the contrary, the same attitudes and the same concerns that have militated in Florida, in Massachusetts, off the mid-Atlantic States, and in the Northwest are the same attitudes that prompt a spirited defense of this coastline.

Mr. President, it is not enough that the Senate recede to the House. The irony, of course, is that this position now sought by the managers of the bill was opposed by them. They are seeking to make the best of a bad situation, perhaps through innocent wrongdoing. Nonetheless, this misunderstanding, if allowed to avoid the actions of the conferees, would put California in the position of being jeopardized as is no other State, except a State which has chosen to be jeopardized. If a State chooses to have its own coastal waters developed, that of course is a State's right, literally and figuratively. But to those who prize State rights, I say that California is entitled to fair protection.

I repeat that this represents a compromise, a compromise reached after very spirited negotiation, negotiation by those who sought greater protection for California, who felt that it should have something more nearly akin to that given to other States.

In my view, it would be manifestly unfair if now, after that agreement, substantive fairness as embodied in that conference report were not made the law of the land. Frankly, I think it would be unfair to those whose jobs depend upon a coastal economy in California, unfair to a larger audience who are served by the security forces of the U.S. Navy. I would be remiss if I did not say that, however innocent the mistake, there is grave danger in undoing a conference report, and that is precisely what is being proposed by those who are asking that the Senate recede to the House. It is unwise and it is unfair, and for that reason I am offering the language of the amendment reported by the clerk.

I ask my colleagues, in fairness and in wisdom, to support that amendment, which would simply restore what was agreed upon after a hard-fought compromise by the House and Senate conferees.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCLURE. I yield myself 3 minutes.

Mr. President, I understand what the Senator from California is doing. To a degree, perhaps, I am the architect of and responsible for whatever embarrassment he may suffer from the position in which I unwittingly put him.

The Senator, however, is dead set, absolutely, categorically wrong when he says that this amendment seeks fairness between the State of California and other States. What he seeks is total, permanent prohibition, which is the erroneous effect of the amendment that was adopted in the conference, and that is why we are receding from that position.

All that any of the other States ask, or indeed all any of them ask, or indeed all that California asks, is a temporary moratorium; and that will be given to them under the House language which would be accepted by the Senate without this amendment. What they seek is permanent, total prohibition of these areas.

Mr. WILSON. Mr. President, will the Senator yield on that point?

Mr. McCLURE. Let me complete my statement, and I will be happy to respond later, on the Senator's time, if we have time.

I want to repeat that with respect to California and the rest of the areas in the House language, it is a temporary withdrawal. As to Massachusetts and Florida, even under the agreements which were arrived at and compromised, it is a temporary withdrawal.

The reason why it is a permanent withdrawal is that, in looking at the maps, determining where this 3-mile zone that the State owned ended, it ended at the 250 line on the depth charts; and in looking at it, another 3 miles took it to 750. While it is much more difficult to operate in waters that are 750 feet deep than in waters that are 250 feet deep, it is not impossible.

But this Senator erroneously read that map because those depth lines were not 250 feet and 750 feet. They were 250 meters and 750 meters. There is a vast difference between 750 feet of water and 2,200 feet of water. Therefore, the effect was simply a total prohibition under current technology and methods of operation.

Therefore, what the Senator from California seeks under his amendment is total prohibition, not a temporary moratorium.

The PRESIDING OFFICER. The time has expired.

Mr. McCLURE. Mr. President, I yield 3 minutes to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, let me mention two points.

First of all, on the question of defense, the base commanders have a veto power over leasing in their areas. The defense argument is no argument in this instance.

Second, the argument here is not over whether California would be treated similarly to Florida. Rather, it is whether California will be able to put a permanent ban on leasing in this area.

Mr. President, we had an energy crisis here about 10 years ago, and it has had recurrences. Since that time, we are not producing more domestic energy; we are producing less domestic energy.

Since the energy crisis has come up, we have effectively nixed nuclear energy for economic, psychological, and political reasons. The nuclear option is no longer a practical alternative as far as the United States is concerned.

Mr. President, as far as coal is concerned there is a raging controversy about acid rain and whether we should be able to cut back on coal.

There is only two effective sources of energy that we are able to use these days and those fuels are oil and gas.

What are we going to do here, Mr. President? Because California has a special sensitivity not about its land, but about the Outer Continental Shelf, owned by the people of the United States, they want to put this off limits for drilling.

How much oil and gas is there? There are 860 million to 1 billion barrels of oil in this area, almost 1 billion barrels of oil, according to the U.S. Geological Survey, in an area which is sought to be declared off limits. There is at least $220 million in expected bonuses for the taxpayers of the United States in an area which would be declared permanently off limits.

I would say that this is not a question of States rights, Mr. President. If it were, my State of Louisiana would have revenue forever because off the shores of Louisiana, beyond the 3-mile limit in Louisiana, we are producing billions and billions of dollars worth of oil. We have over 20,000 wells out there in the richest estuary in the whole world.

Mr. President, if there were an environmental threat in drilling off our shores, I can assure you we would not allow it off the richest estuary in the world. For over 35 years we have drilled out there and there has not been a dead fish yet as far as we know.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. Mr. President, let me say one additional thing and then I will yield to my distinguished colleague.

Mr. President, there is no environmental threat. We have been drilling in deep water. We have wells out there in over 1,000 feet of water. Shell Oil is drilling one right now in 6,500 feet out in the Gulf of Mexico.

There is no environmental threat. All there is is this special sensitivity of people who do not want to go out on the beach from their lovely beach homes and look out over 3 miles through the haze and see an oil well.

Mr. President, that is the kind of sacrifice that I think we can ask Americans to make because it does not belong to the State of California. It belongs to the United States, and the United States has an interest in producing that oil.

I yield to my distinguished colleague.

Mr. LONG. Mr. President, if we in Louisiana could produce the Nation's entire requirements for oil I submit it might be a good idea to say California does not have to produce any and does not have to do anything to help share the burden. Unfortunately, we cannot do it all by ourselves. Someone else has to help under the circumstances. We are willing to let them drill wells wherever they want in Louisiana. If they want they may drill right under the capitol building. If we are willing to put up with that in Louisiana one would think that the rest of the country would be willing to make some modest sacrifice, indeed, to some small extent in trying to produce energy.

Is it not true that every beach we have in Louisiana is subject to drilling, right on the beach if need be?

Mr. JOHNSTON. That is exactly right, and as I said previously we have over 20,000 holes out there in the Gulf of Mexico. It may be over 25,000 now because they are drilling them awfully fast. That is the richest estuary in the world. We produce over 1 billion pounds of commercial seafood out there in the estuary. When I tell the Senate I do not know of a dead fish yet, there may be some dead fish out there, but I have never seen them. And if you wish to know where they do the most fishing, it is off the oil rigs.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Idaho has 2 minutes remaining and the Senator from California has 45 seconds remaining.

Mr. WILSON. Mr. President, in the 45 seconds I have remaining I simply point out that in the conference there was not a concern of permanence of the ban. There was an agreement on that. This has come about because of a discovery by my friend from Idaho as he read the chart—and I point out to him it was his map and not mine—that it was 250 meters rather than 250 feet.

I also say that my distinguished friend from Louisiana is just flat wrong in his comment about the potential field, and this is certainly not in the 3-mile area. We are discussing off the coast of southern California only, and it is not true that the defense commanders are protected, as he

seems to think, in the language of the House version to which he is asking us to recede. Those simply are not accurate statements.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. McCLURE. Mr. President, the Senator from California made reference to the fact that I made an error in reading the map and it was not his map, and that is entirely correct. It begs the issue, however. I did make a mistake, and I beg the Senator's pardon for having positioned him in a way that he now finds embarrassing.

But the truth of the matter is I had to talk the Senator from California into accepting the conference agreement. He argued against it and the House position was better. I had to talk him into accepting it. He reluctantly accepted and then he found out it was a better deal and he wants to keep it. It is a better deal because it is an effective total bar, and that is what we are trying to correct here.

I think the conferees should be given the opportunity and given the support in this body for trying to correct an error that was honestly made by this Senator from Idaho, as a manager on the part of the Senate in that conference, an error in reading a map, and that the Senator from California should not be seeking unfair advantage because of an error that was made on my part.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question recurs on the amendment of the Senator from California.

Mr. JOHNSTON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSTON. The amendment constitutes legislation on an appropriation bill.

The PRESIDING OFFICER. The Chair is prepared to rule on the point of order.

Mr. WILSON. Mr. President, by reference to section 108 of H.R. 3363, I raise the defense of germaneness.

The PRESIDING OFFICER. Under rule XVI the Chair submits to the Senate the question of whether the amendment of the Senator from California is germane.

(Putting the question.)

The PRESIDING OFFICER. The amendment is not germane.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the Senate ruled the amendment not germane.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment and the motion of the Senator from Montana.

(Putting the question.)

The amendment (No. 2353) was agreed to.

The motion to concur in the House amendment to Senate amendment No. 94, with amendment No. 2353, as modified, was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. Mr. President, I move to lay that motion on the table.

I wish to inquire of the Senator from Idaho as to his future intentions with regards to dealing with Outer Continental Shelf leasing restrictions. I am concerned that we continue to deal with this question on appropriations bills rather than through the ordinary legislative process which would require consideration by the Energy and Natural Resources Committee.

Mr. McCLURE. I share the concern of the Senator from Louisiana. I am further concerned that these actions thwart the procedures established under the Outer Continental Shelf Lands Act amendments.

Mr. JOHNSTON. Yes; that piece of legislation was as thoroughly considered as any to ever come before this Congress. It was passed three times by the Senate and twice by the House. Twice we had a conference report. We held 13 days of hearings during which time we received a great deal of expert testimony on the issue. Finally, the bill was signed into law by Jimmy Carter, one of the most environmentally aware Presidents we have ever had.

Mr. McCLURE. In light of the painstaking care we took with the OCS Lands Act amendments, I am disturbed that we would now undertake to pass a measure which would have the effect of amending that bill, and that we would do so without the benefits of either hearings or markups by the jurisdictional committee.

Mr. JOHNSTON. I am further concerned that we take these actions in the face of declining domestic oil production, increased oil imports, and heightened tensions in the Middle East.

Mr. McCLURE. I agree. Not only does our oil-supply situation continue to be tenuous, but many experts are predicting a natural gas shortage within as few as 2 years. More than half of the oil and gas we will need by the year 2000 has yet to be discovered, and a large portion of these new discoveries will come from the Outer Continental Shelf. It is ironic that we make this task even more difficult than it already is by withdrawing large blocks of acreage from the Outer Continental Shelf.

Mr. JOHNSTON. In light of these concerns, all of which I share, would it be the Senator's intention to hold a hearing on this issue in the Energy Committee in the near future?

Mr. McCLURE. It would be my desire to hold such hearings. I would also add that any such hearings would, of course, consider any relevant pieces of legislation filed with respect to leasing on the Outer Continental Shelf.

Mr. JOHNSTON. I thank the Senator for his concern, and I hope that others in this body will deal with this issue in the proper legislative manner in the future.

Mr. McCLURE. I share the desire of the Senator from Louisiana.

Mr. DOMENICI. Mr. President, I support the conference agreement on the Interior appropriations bill.

The conference agreement, including outlays from prior-year budget authority and possible later requirements, puts the subcommittee total at $8.5 billion in budget authority and $9.3 billion in outlays.

These amounts are $0.2 billion above the subcommittee's first budget resolution 302(b) allocation for budget authority and the same as the subcommittee's outlay allocation.

I ask unanimous consent that a table showing the relationship of conference agreement to the congressional spending budgets and the President's budget request be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES
SPENDING TOTALS—CONFERENCE AGREEMENT

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlay
Outlays from prior-year budget authority and other actions completed		3.4
H.R. 3363, conference agreement	8.4	5.9
Possible later requirements: Forest firefighting	.1	.1
Adjustment to conform to mandatory programs in first budget resolution assumptions	+(1)	−.1
Subcommittee total	8.5	9.3
Subcommittee 302(b) allocation	8.3	9.3
Senate-passed level	8.2	8.9
House-passed level	8.6	9.3
President's request	6.6	8.3
Subcommittee total compared to:		
Subcommittee 302(b) allocation	+0.2	
Senate-passed level	+.3	+.5
House-passed level	−.1	+(1)
President's request	+1.8	+1.1

(1) Less than $50 million.

Note: Details may not add due to rounding.

Mr. WARNER. Mr. President, I rise to commend the conferees for working out what, in my judgment, is a fair compromise between two equally important issues—the reduction in our economic deficits and the fill rate for the strategic petroleum reserve (SPR).

My strong interest in SPR first arose from a number of discussions with the late Senator Jackson when I was elected to the U.S. Senate. As a staunch supporter of SPR, Senator Jackson

impressed upon me the vital importance of a domestic petroleum reserve to our national security. He constantly advised Senators of the strong linkage between our national security and our energy security.

Prior to the recognition of our extraordinary deficit projections for fiscal year 1983-85, I consistently joined in efforts to gain the highest SPR fill rates possible.

The efforts of Congress were successful in increasing the SPR fill rate substantially in the past 3 years under the Reagan administration. Today, SPR has reached a capacity of approximately 360 million barrels of oil which will provide about 75 days supply to substitute for current oil import levels.

The current unrest in the mid-East, particularly the Iran-Iraq war, has brought to our attention once more the critical importance of SPR in the event of an oil supply disruption. The high risk to our oil supplies from this geographic area prompted me to support this conference report.

Mr. President, I commend the conferees for the 186,000 barrel per day fill rate which appears to be a reasonable compromise.

Mrs. HAWKINS. Mr. President, at this time I would like to make a short statement concerning the intent of the language of an amendment to the Interior appropriations conference report agreed to by this body last evening. The amendment I speak of was made to amendment No. 91 which was reported in technical disagreement and deals with Federal OCS leasing restrictions off the west coast of Florida.

Yesterday's amendment establishes a 30-mile buffer zone in which no oil and gas leasing can occur during fiscal year 1984 running along almost all of the west coast of Florida. In addition, the amendment contains language that negated this leasing restriction in Federal waters if any State-owned lands within the area described by the amendment are, and I quote, "now or hereafter subject to sale or lease for extraction of oil and gas." This limiting language operates only in a prospective manner. If the State of Florida goes ahead with any new lease sales within State waters after the effective date of this act, then the Federal ban on Federal OCS leasing will not be in effect. What I do want to make clear, however, is that the existence of active leases in Florida State waters, which were issued before the effective date of this act, shall not trigger this limiting language and cause the ban on Federal leasing off Florida's coast to fall. The intent of this limiting language is that it should be applied prospectively.

This interpretation is consistent with Senator JOHNSTON's feeling that "the Federal Government should not be prohibited from doing something that the State of Florida might do or proposes to do."

This interpretation makes it incumbent upon the State of Florida to withhold from any leasing sales within State waters in order to maintain the integrity of this Federal leasing restriction. I feel confident that the State will cooperate on this matter.

● Mr. BOREN. Mr. President, I join with my friend, the distinguished Senator from Louisiana (Mr. JOHNSTON), in opposing the permanent moratorium on offshore leasing off the coast of California.

There is no question that the offshore United States holds a great potential for our future hydrocarbon reserves. In recognition of this fact, Congress enacted the 1978 amendments to the OCS Land Act which provide for close consultation between the Federal Government and affected coastal States in balancing resource potential with environmental and other interests. The economic life of this country will be seriously and adversely affected by attempts to frustrate the purpose and direction of a responsible and aggressive plan. Some would claim that, in view of the current oil glut, we scarcely need proceed with such a leasing program. Nothing could be further from the truth. The present surplus of energy deliverability is no way permanent. Development of our oil and gas resources requires very long leadtimes, as long as 10 years. Our country cannot afford to prohibit development of these resources while continuing to import at great costs many billions of barrels of oil. Our country will need additional reserve capacity before these leadtimes can be reached. Therefore, I urge my colleagues to reject the amendment of the Senator from California.●

DEPARTMENT OF STATE AUTHORIZATIONS

The PRESIDING OFFICER. The question now recurs on S. 1342, which the clerk will state by title.

The bill clerk read as follows:

A bill (S. 1342) to authorize appropriations for the fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes.

The Senate resumed consideration of S. 1342.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

AMENDMENT NO. 2377

Mr. ZORINSKY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Nebraska (Mr. ZORINSKY) proposes an amendment numbered 2377.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, after line 7, insert the following:

SEC. 210. Notwithstanding any other provision of law not more than $20,000 of the funds authorized to be appropriated to the United States Information Agency for fiscal year 1984 or fiscal year 1985 shall be available for domestic representation or entertainment expenses, including official receptions.

Mr. ZORINSKY. Mr. President, I read from the committee's report:

In approving USIA's budget, the committee intends to limit USIA domestic representation allowances to the fiscal year 1983 level of $10,000. The committee sees no justification for a quadrupling in domestic entertainment for high USIA officials at a time of record budget deficits and double digit unemployment.

The State Department appropriations measure, which I understand the Senate may consider next, allows expenditures up to $50,000 for domestic representation. This amendment allows expenditures of no more than $20,000, notwithstanding any other provision of law.

I have talked to the managers of the bill, and they have indicated that they have no objection to this amendment.

Mr. PERCY. Mr. President, I believe that the amendment offered by my distinguished colleague strikes a balance here that is reasonable and fair under the circumstances. It is acceptable on this side. I know of no objection. I understand that it has been approved by the ranking minority member, who is on the floor at the present time and has signaled his approval.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2377) was agreed to.

Mr. ZORINSKY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ZORINSKY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

AMENDMENT NO. 2378

(Purpose: To prohibit the enforcement, issuance, or implementation of certain rules requiring prepublication review of the writings of former officers and employees of the Government)

Mr. MATHIAS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS), for himself and Mr. EAGLETON, Mr. BENTSEN, Mr. BIDEN, and Mr. BRADLEY, proposes an amendment numbered 2378.

On page 24, between lines 19 and 20, insert the following:

PREPUBLICATION REVIEW OF WRITINGS OF FORMER FEDERAL EMPLOYEES

SEC. 122. The head of a department or agency of the Government may not, before April 15, 1984, enforce, issue, or implement any rule, regulation, directive, policy, decision, or order which (1) would require any officer or employee to submit, after termination of employment with the Government, his or her writings for prepublication review by an officer or employee of the Government, and (2) is different from the rules, regulations, directives, policies, decisions, or orders (relating to prepublication review of such writings) in effect on March 1, 1983.

Mr. MATHIAS. Mr. President, I wish the RECORD to reflect that I offer this amendment on my own behalf and on behalf of the distinguished Senator from Missouri (Mr. EAGLETON), who has taken a great personal interest in this subject. I also ask unanimous consent to add as cosponsor the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. BRADLEY), and the Senator from New York (Mr. MOYNIHAN).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, this amendment is a very simple one. It does not attempt to alter, change, repeal, enjoin, or otherwise in any way adversely to affect the relevant provisions of National Security Directive 84. It simply would delay until April 15, 1984, the implementation of a new program of censorship of the writings of private citizens who have previously held important positions in the Government of the United States of America.

We are not, at this stage of the game, trying to change the rules. We just say this is an important subject and a serious subject, and let us take 6 months to look at it. Let us take 6 months to review it.

What the proposal seems to do is to expand the system of prepublication review of the writings of former officials, and I understand the reasons given for doing so. I think we all share a certain sense of frustration in this area. There is President Reagan's justified concern about the leaks of classified information from within the executive branch, and it is shared by, I believe, ever Member of the Senate, certainly by myself. Many of us are disturbed that national secrets seem to have become the common currency of the daily press.

But the administration's response to the problem focuses on National Security Decision Directive 84, and this directive, issued last March, contains a number of provisions aimed at curbing leaks. None of these has been more controversial than the proposal to expand the scope and the coverage of prepublication censorship.

National Security Decision Directive 84 imposes a new duty on all officials with access to the most sensitive secrets: Sensitive compartmented information. In the alphabet soup of Washington bureaucracy, sensitive compartmented information becomes SCI.

Officials who have had access to SCI would be required to make a lifetime promise that, before publishing any writing about a broad range of matters, they will first submit their manuscripts for censorship by the Government. This would be a permanent obligation. Whether they are young men and women, midcareer, or live to old age, a promise binds them. It would apply after the official leaves the Government and returns to private life. The number of officials who would be required to make this pledge is enormous.

We estimate 100,000 in the Department of Defense alone and, of course, many thousands of others in the Departments of State, Justice, Energy, and other agencies. So it is not surprising that the issuance of National Security Decision Directive 84 provoked intense criticism of the proposed censorship system.

The administration seemed to be calling—and I emphasize seemed, because all I am asking for are a few extra months to make sure, we are not asking to change the system in any way at this point—but the administration seemed to be calling for a sweeping program of prior restraint. Prior restraint has been one of the most ominous phrases in our language, a restriction on free speech which could pass muster under the first amendment only if compelled by the most extraordinarily dangerous circumstances.

Constitutional considerations aside, many critics question on policy grounds a system which would allow the officials of one administration to censor the writings of their predecessors.

You can easily understand, I think every Senator can understand, all being political creatures, how this power could be abused, how it could deprive the Nation of an essential policy resource, those frank and forthright opinions of officials in whom the public has come to repose an extraordinary degree of trust. I think of President Hoover as one of the senior statesmen of America who for a generation was a national resource, a source of wisdom, of knowledge, of information. I think Secretary Rusk occupies that position today, and you can think of many other examples, all of whom would be to some degree restricted in their ability to give the public their writings as guidance for the formulation of policy.

Now National Security Decision Directive 84 gave merely a skeletal outline of a planned program. Only on the 25th day of August did the administration release its detailed plans for the implementation of the censorship program. Within 3 weeks the Governmental Affairs Committee held the first and, as far as I know, the only, hearings that had been held in the U.S. Senate on this program. Of course, I must say, and this is one of the bases for this amendment, this occurred only 2 months ago and we really have not had an opportunity to look at the program to see what its problems are and see what merits it has in it. But what the Governmental Affairs Committee learned, I think, was disturbing. We were struck by how little evidence there is that former officials have abused their trust by revealing classified information without authorization.

I put the question to the Department of State, to the Department of Justice, and to the Department of Defense, which together have thousands of employees with SCI clearances. I asked each of those departments how many times in the past 5 years, how often in the past 5 years, former officials have revealed classified information without permission.

This is the problem for which we may sacrifice an important element of the first amendment protection; how serious is the problem for such a serious sacrifice?

Well, the answer was that the Department of Justice said it knew of no incident in which any former Department of Justice official had revealed anything. The Department of State said it knew of no incident in which any former State Department official had revealed anything. The Department of Defense had one confirmed case of a disclosure of classified information and one that had been reported but had never been confirmed.

That is the problem. No incidents in 5 years in the Department of Justice, no incident in 5 years in the Department of State, one in the Department of Defense, and maybe one other.

Mark Twain made the famous statement which has been quoted and proclaimed by a great many other people since his day, "If it ain't broke, don't fix it." And this might be an appropriate point at which to quote Mark Twain.

Mr. PERCY. Mr. President, will the distinguished Senator yield for a question?

Mr. MATHIAS. Yes.

Mr. PERCY. Would it be that we would have a situation where former Secretary of State Dean Rusk, former Secretary of State Cy Vance, former Secretary of State Henry Kissinger in writing their memoirs would have to submit those memoirs to the Department for approval?

Mr. MATHIAS. You stated——

Mr. PERCY. At what level, knowing how our Government operates, would the Federal employee probably be at who would review those and render a judgment on a former Secretary of State as to whether what he said might be contrary to the national security interests, and who defines what the national security interests really are? Is it possible to divorce it from political interest?

Mr. MATHIAS. The chairman has asked the right questions and, frankly, I do not know the answers because we tried to get some of those answers, and I do not believe really that those difficult questions have been thought out thoroughly.

All I am suggesting at this point is that we wait 6 months until we can get those answers. But it is clear that former Secretaries of State, writing their memoirs which are of enormous policy value for generations, would have to submit the manuscripts to some censor somewhere in the Government. You ask how many people would this cover? Well, if it is 100,000 in the Department of Defense alone, you can see that goes from the Secretary of Defense a long way down to the civil service.

I asked the question as to what kind of volume there might arise here, and the administration witness sort of brushed that off by saying "Well, probably less than the applications under the Freedom of Information Act." But I do not think that really is a substantive answer because, as the chairman of the committee has suggested, you touch upon very delicate subjects that will require not a mechanical shuffling of papers but a matter of real judgment if a Secretary of State, writing his memoirs touches upon a subject that may be of embarrassment to the then incumbent administration, and then who is going to make that decision that this is truly a security matter, a security leak, and who is going to say "No, it is really a matter of current political embarrassment"?

So the chairman has touched the critical point.

Let me just say we asked a number of followup questions of the various administrative agencies and of the departments, questions similar to those of the chairman and to this day the committee has not yet received answers to those questions. So that is my concern.

At the hearing on the 13th of September the Committee on Governmental Affairs also took the testimony of a panel of distinguished former officials, including a former counselor to the President, a retired admiral in the Navy and Director of the National Security Agency, and former Director of Central Intelligence, and I think that the administration proposal got what I would call a mixed review.

Each of these witnesses—I think they could be called expert witnesses—made constructive suggestions for plugging the leaks by other methods which relied less on the principle of prior restraint.

Because I thought that these suggestions ought to be considered, and because the details of the censorship plan had been unveiled only a few weeks before, I asked at the hearing that the administration delay full implementation until Congress had had a chance to comment. A few days later, on September 23, Senator EAGLETON and I wrote to the President with a similar request. We have received no positive response.

Mr. President, under these circumstances, Congress must act. We must insure that the free speech rights of our most experienced public servants are not restricted unnecessarily. We must have an opportunity to satisfy ourselves that such a drastic step is warranted. This congressional consideration must precede implementation of the censorship plan. If trusted Government officials are to be called upon to sign sweeping prepublication review agreements, Congress must first have a chance to assess the full implications.

Accordingly, our amendment would require the administration to follow the familiar formula of caution: stop, look, and listen.

The administration should stop implementation of the censorship program. Prepublication review programs which were in place prior to the issuance of NSDD-84 would be uneffected by this amendment. These include the extensive censorship systems of the CIA and other intelligence agencies.

The administration should look at the alternatives which have been suggested in both Senate and House hearings. The evidence produced so far suggests that the administration is trying to solve a genuine problem, but is going after it with a shotgun when a rifle may be needed. Perhaps we can help to sharpen the administration's aim.

The administration should listen to the comments and suggestions of both Houses of Congress. We share the President's concern about leaks. Working together, we may be able to put together a program that will plug leaks without chilling free speech. Further investigation may show that the administration is on the right track. But we will never know if the program is locked into place before Congress has a chance to look at it.

Mr. President, this amendment would freeze the status quo until April 15, 1984. My colleagues may recall that the implementation of another controversial provision of NSDD-84 has also been postponed to the same date. The late Senator Jackson was so concerned about the directive's proposed expansion of polygraph testing that, in one of the last of his legislative initiatives, he led a successful effort to gain Congress the time to take a closer look. I urge my colleagues to acknowledge that the censorship provisions of the directive raise similar disturbing questions. If we can foster more care and less haste in this sensitive policy area, we will have made an important contribution.

Mr. GOLDWATER. Will the Senator yield?

Mr. MATHIAS. I would be happy to yield for a question.

Mr. GOLDWATER. It is a question, but I do not intend to speak long on this anyway.

But as I read the amendment, this would not take effect before April 15, 1984.

Mr. MATHIAS. We are just asking for 6 months to look at it because the agencies simply have not been able to give us the answers to the questions yet.

Mr. GOLDWATER. Well, I believe the Senator just said the thing that is in the minds of all of us who are occupied with the protection of intelligence. You want to find out how serious it is and what we can do about it to stop it without stopping the so-called first amendment or constitutional rights of all Americans who are employed.

Now to me this does not merit a major fight. I will remind the Senator that when the President's proposals first came out they included the polygraph test. And you recall, when this was introduced by Senator Henry Jackson—a proposal that I find great merit in—we were able to compromise and put that off for a further study which we have done.

I would like to ask my friend from Maryland if he does not think, instead of making an absolute prohibition to

begin on April 15, if he might suggest that the interested people sit down and discuss this and come up with some workable answers. Now I do not happen to believe that every person who has ever worked for the State Department or even who has worked for the CIA should be precluded. However, I can cite some cases, as the Senator knows, that have resulted in some deaths from the use of classified information by people still operating, I might say, around DuPont Circle in this town.

I wonder if the Senator would not agree that a meeting of interested people might produce a better or equal result to just writing it down in an amendment.

Mr. MATHIAS. Let me say to the Senator from Arizona, the chairman of the Intelligence Committee, that the Senator from Missouri and I have wanted such a meeting. The Senator from Missouri and I wrote on September 23 to the President and at that time we really asked that we get together; that we delay implementation only until we can sit down together and work something out.

At this point, with the concurrence of the Senator from Missouri, I ask unanimous consent to have printed in the RECORD a copy of our letter to the President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON
GOVERNMENTAL AFFAIRS,
Washington, D.C., September 23, 1983.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are writing to request that you delay the implementation of National Security Decision Directive 84 so that Congress can fully assess the implications of its controversial provisions.

Along with five of our colleagues on the Committee on Governmental Affairs, we sought hearings on this Directive because of our concerns about several of its provisions. But above all we are troubled by the broad pre-publication review requirement which the Directive imposes on former Government officials.

The Constitution forbids the government to impose prior restraints on the speech of citizens unless it can show the most urgent necessity for doing so. The implementation of the Directive, as it is presently planned, will create a comprehensive system of prior restraint virtually unprecedented in our nation's history. We are concerned that this program is being implemented with unjustified haste and without any opportunity to consider the views of Congress.

Although the Directive was issued six months ago, its skeletal provisions have been fleshed out through implementing regulations only within the past four weeks. We believe that the pre-publication review program contemplated by the Directive should be undertaken only after fair consideration of congressional views. Congress has not yet had a chance to express those views. We do not understand the haste to implement the Directive before Congress is heard.

In addition, a program of this magnitude should not be undertaken unless its necessity is clearly demonstrated. The evidence that was presented at the hearing of the Committee on Governmental Affairs on September 13 does not allay our concerns on this score. We learned then that the Administration sought to justify a program of prior restraint that will ultimately affect thousands of former officials on the basis of a record of one or two known unlawful disclosures by former officials over the past five years. On this slim record, we have serious doubts about the need for any expansion of pre-publication review.

Should implementation go forward, we believe this Directive may curtail the constitutionally protected expression of thousands of top-level former government officials—those best able to enhance public debate—and may strike at the heart of the public's right to be informed.

For these reasons, we urge you to delay implementation of the Directive pending further consideration of this important issue by Congress. We intend to request additional hearings in the Governmental Affairs Committee, and understand that similar action is planned in the House of Representatives. We believe that many of our colleagues share our concern that a large-scale program infringing on important First Amendment rights should not be implemented without meaningful consultation with the Congress.

With best wishes,
Sincerely,

CHARLES MCC. MATHIAS, JR.,
U.S. Senator.
THOMAS F. EAGLETON,
U.S. Senator.

Mr. GOLDWATER. Did the Senator ever receive an answer to that letter?

Mr. MATHIAS. Well, we got one of those White House answers.

Mr. GOLDWATER. Well, I do not know how you define it.

Mr. MATHIAS. Even Senator GOLDWATER has had those White House answers, I guess, although you ought not get them.

Mr. GOLDWATER. Do not get me started.

[Laughter.]

Mr. MATHIAS. Let me just read the operative line. It is only two sentences long:

> Your letter has been brought to the President's direct attention and is now being shared with the appropriate advisers for a thorough study and review.

You know what that means?

Mr. GOLDWATER. Well, not exactly.

Mr. MATHIAS. You have a vague idea.

Mr. GOLDWATER. I have a vague idea.

Mr. MATHIAS. So as a result of the fact that we got that answer, we ended up here on the floor today.

Mr. GOLDWATER. May I ask another question on the same point? Have you ever received an answer that makes a little sense?

Mr. MATHIAS. No.

Mr. GOLDWATER. Well, now, could we pursue this just a bit, because I said I do not think this merits a full floor fight, but I do think it is a subject that should be discussed. I know my committee would be very happy to sit down and, while I cannot say with any degree of certainty, I feel that I could promise that the CIA and the DIA would be willing to sit down and see if we cannot reach some limits to this whole problem. I think there is a problem.

Mr. MATHIAS. And I am not prepared to say there is no problem. I agree. I cannot speak for my cosponsors, but I suspect that if we could have some assurance that the program would not be implemented prior to the time that we had been able to make that kind of a thoughtful study, prior to the time that we got the answers to the questions—legitimate questions, questions such as those the chairman of the Foreign Relations Committee just asked—I would prefer the approach of the Senator from Arizona to just simply, arbitrary 6-month ban. But I would like the Senator from Missouri and the other cosponsors to speak for themselves on that.

Mr. GOLDWATER. I proposed that question without having even consulted with my very able cochairman, the senior Senator from New York, who is on the floor. I have a strong suspicion that he would lean in the direction I have recommended to let us take a look at this whole thing. Because we are not just talking about intelligence matters, we are talking about matters that occur in every agency of Government that somebody might want to keep secret. And, as you know and I know, the most used rubberstamp in this town is that red one that says "Top Secret."

So I would like to ask the Senator if he would give serious consideration to the idea of thrashing this out ourselves without bringing it to a floor fight. As of now, I do not think it is worthy of that kind of attention, although I think it has very, very serious implications. Because once we pass it as an amendment, you know that a date certain does not mean a thing. That is the end of it.

Mr. MATHIAS. Well, I think the chairman of the Intelligence Committee makes a good point and one with which I have sympathy. That is exactly the approach Senator EAGLETON and I took. We sought to have some kind of a general meeting in which these matters could be discussed while we got the information and as long as we were assured that the program would be implemented while we were sitting in the room. So that we had our chairs pulled out from under us. But we just simply have not been able to get any satisfaction.

Meanwhile, of course, the standard nondisclosure agreements have been released by the Justice Department on the 25th of August and they were officially promulgated a few days later. We are only here out of a sense of frustration and lack of anyplace else to go. I think the Senator from Missouri would agree with that.

Mr. EAGLETON. Will the Senator yield for 30 seconds on Senator GOLDWATER's point?

Mr. MATHIAS. Yes.

Mr. EAGLETON. The difficulty with the proposal by the Senator from Arizona is that implementation has already begun. It is not as if we were still in spring training or in the bullpen and not yet on the playing field. We are very much on the playing field, and implementation is in process.

So we need a postponement or a delay in order to avoid having implementation become finalized within a matter of days, a few weeks at most.

Mr. MATHIAS. I think the Senator from Arizona is suggesting that we would have some commitment by the administration not to proceed with implementation while we have this agreement.

Mr. GOLDWATER. Let us get it straight. I cannot commit the administration.

Mr. MATHIAS. No, no.

Mr. GOLDWATER. But I think I can commit certain parts of it.

Mr. MATHIAS. I understand that. I did not mean that you were speaking on behalf of the whole administration. But that if, as a result of this colloquy, there is somebody—we are not supposed to point to the gallery around here—but there might even be someone in the gallery who could whisper in the proper ears and we could get that kind of agreement.

Mr. GOLDWATER. Before I sit down and before the Senator from New York speaks to this subject, I do not think there is any disagreement—I am addressing this to the Senator from Maryland—there is no disagreement in the idea that certain information disclosed by anybody can be harmful to our country but, I think, more importantly than that, the use of name, rank, serial number, phone number, address and so forth, can and actually have worked against the safety of individuals.

That, I think, is what the President was addressing himself to. It is what we in the Intelligence Committee are constantly concerned with, as well as is the sponsor of this amendment. What do we do with the publication of matters which can be dangerous?

I cannot possibly conceive of 100,000 people working for the Pentagon ever sitting down and writing anything except a check once in a while.

That is one of the results, I think, that could come from a discussion, a limitation of what we are talking about.

Mr. MATHIAS. The Senator is precisely right. I think it is unfortunate we have not had that discussion up to this time.

Mr. MOYNIHAN. Will the Senator yield?

Mr. MATHIAS. May I suggest that I yield to the Senator from Missouri who is cosponsor?

Mr. EAGLETON. Would the Senator like to proceed?

Mr. MOYNIHAN. The Senator said he would like to yield to his cosponsor, the Senator from Missouri.

Mr. EAGLETON. I would like to present my statement at this time.

Mr. MOYNIHAN. Please do.

Mr. EAGLETON. Mr. President, I join with Senator MATHIAS in introducing today an amendment to the State Department's authorization bill, which would delay implementation of a provision in the President's National Security Decision Directive 84. That directive, among other things, would require tens of thousands of former Government officials (with top security [SCI] clearance) to submit for prepublication censorship a vast number of their writings on issues of vital public interest. Severe civil and criminal penalties are imposed for failure to submit to this procedure. The obligation to comply with censorship will apply to these individuals for life, presenting an imposition which amounts to a flagrant and indefensible violation of the first amendment.

The depth of my concern over the unconstitutional scope of this directive is exceeded only by the extent of my dismay at the haste with which the administration seeks implementation—and without meaningful congressional consideration. While the directive was issued 6 months ago, only in the past few weeks have its scope and detailed provisions become known through release of implementing regulations. Two weeks later, the Senate Governmental Affairs Committee held one preliminary hearing on this issue, which raised more questions than it answered. For this reason, Senator MATHIAS and I wrote to the President on September 23, urging him to voluntarily delay implementation pending more thorough congressional review. We have received no positive response.

In the face of the administration's apparent rejection of a congressional role in debate over an unprecedented Presidential policy of this nature, I believe Congress is forced to be heard legislatively. This legislative effort is patterned after the efforts of the late Senator Jackson who, only a few months ago, successfully urged delay of another of the directive's controversial provisions relating to polygraph examinations. Congress responded to his leadership by amending the Defense Department authorization bill, providing a temporary moratorium which would allow fuller congressional review of the directive's provision. We believe that a similar halt in implementation of the prepublication review requirement is even more essential.

There are two substantial and fundamental problems that I have with the President's prepublication review procedure. First, it is most disturbing because it represents an unwarranted and unconstitutional extension of the Snepp principle enunciated by the Supreme Court in *Snepp* v. *United States*, 444 U.S. 507 (1980). It is vital to recognize just how far beyond all reasonable limits the President has extended Snepp.

The Snepp case upheld the prepublication process in the narrow context of the CIA and its unique mission. Frank Snepp, a former CIA agent, breached the secrecy agreement he signed by publishing a book about CIA activities without prior submission for agency review. The Court found a "breach of fiduciary obligation" even though the CIA discovered that the book did not contain any classified information, and the Court invoked a money penalty by establishing a constructive trust of the profits from Snepp's book for the benefit of the Government.

Extending Snepp beyond its facts—confined to intelligence agencies—is not wise policy. Nor is it what the Court contemplated. Yet the administration plunges ahead, broadly applying the censorship procedure to officials with SCI access, regardless of their agency, or whether they are policymakers or intelligence officers. We are told that in the Defense Department alone, over 100,000 employees will be affected. This is a substantial leap from the narrow circumstances leading to the Court's opinion. Nevertheless, one would have assumed that since only officials with access to SCI must submit their manuscripts, the scope of materials subject to deletion by the Government would be limited to SCI.

This is not the case; the expansion of Snepp continues to grow. The directive requires submission of "all materials, including works of fiction * * * which contain or purport to contain * * * any SCI" or are "derived from SCI," (paragraph 5). The directive also permits Government reviewers to delete information that is "classifiable" (paragraph 1), or that is "subject to classification" (paragraph 7). I have no doubt that a former CIA director, for example, would know the precise meaning of these terms, whether or not a classification stamp appeared on the documents used in preparation of a manuscript, but I seriously question whether others, including many in this Chamber, would understand the

scope of prohibition contemplated. The prepublication contract—going far beyond Snepp and then far beyond the Government's purported interest in only SCI—becomes a trap for the unwary. The net that the administration has cast with this directive is, I am compelled to conclude, far wider than is proper and necessary and is therefore unconstitutional.

Our society places great weight on the first amendement. The Supreme Court has held that "any system of prior restraints of expression comes to the Court bearing a heavy presumption against its constitutional validity." *New York Times* v. *United States*, 423 U.S. 713, 714 (1971). First amendment protection is at its zenith when restraints on political speech are contemplated, as they are here. The censorship system may well have the effect of prohibiting citizens from criticizing their government, thereby muzzling public debate. One eminent first amendment scholar espouses the following view toward threats to public speech that is most vital to our form of govenment:

> To be afraid of ideas, any idea, is to be unfit for self-government. Any such suppression of ideas about the common good, the First Amendment condemns with its absolute disapproval. The freedom of ideas shall not be abridged.

A. Meiklejohn, "Political Freedom" (1960), at 28. This fundamental connection between free speech and self-government was recognized by the Supreme Court in the Pentagon Papers case, presenting a similar conflict between national security and the first amendment. In one of the six concurring opinions, two Justices maintained that:

> Secrecy in government is fundamentally anti-democratic, perpetuating bureaucratic errors. Open debate and discussion of public issues are vital to our national health. On public issues there should be "uninhibited, robust, and wide-open debate." *New York Times* v. *Sullivan*, 376 U.S. 254, 269-270.

New York Times v. *United States*, 403 U.S. 713, 722 (1971).

I have addressed my principal concern that the administration's prepublication review procedure unconstitutionally extends the Snepp case. My second major objection to the prepublication agreement concerns how it is enforced. There is no assurance that each agency's review board will consist of objective personnel, or that screening will be neutral and not political. A review board may consciously or unconsciously take a more restrictive view of material that is critical rather than favorable to the agency. Moreover, the dangers of having, for example, the Secretary of State in one administration have his work reviewed and censored by his immediate successors and obvious.

There is no assurance that the review board will give rapid consideration to reviewable materials. The procedure is supposed to take not more than 30 days. Of course, for newspaper articles, which are invariably time-sensitive, even this delay would be unacceptable. Moveover, the limited but telling experience we have with the CIA procedure, in operation for several years, suggests that contested review can take months and even years.

The administration contends that the agreement is enforced through voluntary compliance. But I believe that the administration intends for the censorship agreement to operate more coercively. The agreement is drafted so that the Government and not the individual will make determinations about which materials qualify for submission. This is because the standard used to make the determination is frighteningly nebulous and only the Government can know what is intented to be screened. Individuals simply will not be able to discern the meaning of the language in the agreement, and may well submit nearly all their writings—even if they are unconvinced that any materials contain offensive information.

This dangerous practical effect of the agreement is virtually certain, especially because an individual's good faith, reasonable conclusion that submission is not required, would not provide a defense to a person facing civil suit by the Government for unlawful disclosure. This has the effect of forcing individuals to suspend their judgment, replacing it with the Government's. Former Attorney General Civiletti, recognizing how the Snepp principle may be expanded and misconstrued in this and other ways, issued guidelines (quickly revoked by President Reagan) which stated that consideration should be given to the degree of willfulness involved in an individual's failure to submit material. This surely would have given this whole process a greater air of voluntariness, and was an attempt to allow, in the words of former White House Counsel Lloyd Cutler, "sufficient play in the joints to accommodate both governmental and first amendment needs." The President's directive allows for no such reasonableness.

The "I know it when I see it," sweepingly broad standard to be applied by Government censors is simply unacceptable. Floyd Abrams, the noted constitutional lawyer, made this point in a recent article in the New York Times:

> Under the new policy, there is no need to submit for prepublication review material consisting "solely of personal views, opinions or judgments" on topics such as "proposed legislation or foreign policy." But the Catch-22 is this: If the opinion even implies "any statement of fact" that falls within the range of review, then the material must be cleared by the government before it is published. Since most opinions worth expressing about American defense or intelligence policies at least imply some proscribed facts, what the new requirement amounts to is a massive intrusion of the government into the right of former officials to speak and of the public to listen.

"The New Effort To Control Information," by Floyd Abrams, the New York Times Magazine, September 25, 1983 at 25. If former officials feel compelled to "err on the side of submission," or to alter their writings in anticipation of censorship, this procedure will chill the exercise of free speech. Such a result will have grave consequences.

One of America's most cherished values is an open society where people are free to speak their minds and to criticize their government. This openness would not survive if the Government could screen the views of those best able to enhance public debate—the former Government officials. I believe the active participation of these people in our country's political dialog is a precious national resource. We need to hear from people like Robert McNamara, McGeorge Bundy, Henry Kissinger, and Gen. Maxwell Taylor, just as at some future time, we will benefit as a nation from the opinions and writings of Secretaries Shultz and Weinberger, Judge Clark, and Ambassador Kirkpatrick.

The administration can move forward with a substantial prior restraint of the first amendment only if it has satisfied the very heavy burden of proof required by the Supreme Court. Even after the Governmental Affairs Committee hearings, which afforded the administration ample opportunity to state its case, my view remains unchanged: the administration has produced only a scintilla of evidence supporting its position. It justifies this censorship program, that will ultimately affect tens of thousands of former officials, on the basis of a record of one or two known unlawful disclosures by former officials over the past 5 years. There has been no showing that either case caused major damage. This is a slim record indeed, hardly mandating the rigorous and intrusive system of Government suppression of information.

The directive's censorship procedure is unconstitutionally broad, suspiciously vague and logically indefensible. It is therefore not surprising that it has been roundly criticized by the press. Editorials and articles have uniformly regarded the directive's provisions as dangerous and ill-conceived. "Blighted public discourse," [1] one newspaper charged it would bring. "Government veto power over sensitive writings," [2] "stuffing the mouths of any and all public officials who, like Adam and Eve, have tasted of the knowledge of

[1] New York Times editorial, September 22, 1983.
[2] Newsweek, September 26, 1983 at 38.

good and evil," [3] and "blueprint for censorship" [4] were phrases others used to interpret the directive's effect. Floyd Abrams referred to the directive as representing "* * * a fearful ideology that focuses intently on the risks of information, but not on its benefits. Nor on the perils of suppression." [5]

Mr. President, a Government policy that consistently generates such alarm merits, at a minimum, our closer scrutiny. Implementation of the President's National Security Decision Directive 84 simply must be halted to permit responsible and thorough examination by Congress. I am not convinced that the President can unilaterally, without regard to Congress, subject former Government officials for life to a system of prior restraint enforced by court injunction, severe financial penalties and possibly criminal sanctions.

I urge my colleagues to support this amendment which would give us time to review the risky course chosen by the President.

Mr. President, I ask unanimous consent that the testimony of George Ball, as delivered before the House of Representatives yesterday, be printed in the RECORD in this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF GEORGE W. BALL

Mr. Chairman: I appear here to urge your committee to express its disapproval of National Security Decision Directive—84, issued on March 11, 1983.

I do not represent any organization or other special interest. I have been asked to testify as an American citizen with eleven years service in the Executive Branch of the Government as Undersecretary—what is now known as Deputy Secretary—of State, and a brief term as United States Permanent Representative to the United Nations. I am glad to be here, as I am deeply disturbed by the potential harm that can be done by that directive as it is now drafted. I am equally concerned at what it seems to imply regarding the desire for secrecy on the part of the present Administration.

The directive requires that persons permitted access to so-called "Sensitive Compartmented Information" (known in the official vernacular as SCI) must sign an agreement to submit all materials, including works of fiction, that they may propose to publish or in any manner propose to "disclose", if those materials contain or purport to contain any "information derived from SCI" or which describe any "activities that produce or relate to SCI" or any classified information from intelligence reports or estimates. The agreement also applies to "any information concerning intelligence activities, sources, or methods"—language which, literally interpreted, would seem to include such information even though it is not itself classified. Prior to obtaining a written authorization to disclose, the individual agrees not to discuss or show the information to anyone not authorized.

The directive contains no time limitation. Anyone signing the required agreement would be bound by it for the rest of his life. He could not publish or discuss information he obtained fifty years previously even though that information may meanwhile have entered the public domain.

If administered as drafted, this directive would required the establishment of a censorship bureaucracy far larger than anything known in our national experience There are, I am told, about 100,000 people in the government with access to SCI and that number will cumulatively increase as new personnel enter the bureacracy and sign the required agreement.

All persons with authorized access to classified information and SCI are now required to sign a nondisclosure agreement as a condition of access. That is, of course, an appropriate requirement; but the new directive goes far beyond that requirement. Its operative assumption is that no official of the United States Government—even a Secretary of State or Defense or the President's National Security Advisor—can be trusted to exercise judgment as to what information is covered by the sweeping language of that censorship requirement and might, if disclosed, be harmful to United States interests. After he leaves office he must instead submit anything he writes that might contain information derived from SCI, or even classified information, to the judgment of some junior bureaucrat meticulously following rigid regulations. Since, as I know from experience, no one who has had high responsibilities in the upper reaches of government for any extended time can possibly remember the source of all the information to which he has been exposed in the course of his duties, he will feel under pressure to err on the side of prudence and submit substantially all his writings or even his speech notes to the censorship apparatus—waiting for weeks as the cumbersome machinery clips and deletes anything that might conceivably fall in the offending classification.

The obvious effect of this directive will be to discourage anyone who has served the government in a sufficiently elevated position to have access to sensitive information from participating actively in the public discussion of American policy, even though he may be uniquely qualified to offer illuminating comments and advice. The onerous mechanics of such censorship and the delay they would impose would render impossible informed comments on evolving events and greatly inhibit the bringing to bear of past experience on the formulation of policy.

Such a prospect is particularly alarming at the present time, for many—even those in top positions of policy—have had little if any prior experience in foreign policy or any knowledge of our history. Indeed, if one examines the record of the last few years, it is appalling to discover how often we have repeated the same mistakes from ignorance of our blunders of the past.

I see no reason why this directive should have been thought necessary. Any abridgement of the freedom of speech—and particularly the practice of pre-publication censorship—runs counter to the genius of our democratic system; indeed our founding fathers strongly affirmed the principle that a democracy can govern wisely only in an atmosphere of informed public discussion. The directive in question can be justified only if its proponents produce compelling evidence that such an abridgement of free discourse is absolutely essential. They have not met that burden of proof; I see no evidence they have even tried to do so.

Obviously we should safeguard sensitive items of information by reasonable means; but to shape a prudent policy we must balance a need for particular safeguards against the corrosive effect of censorship on our larger interests. Our current obsession with the Soviet Union should not lead us to imitate the very Soviet methods and attitudes our leaders most insistently deplore.

Yet we see this tendency not only in our preoccupation with secrecy but in other practices as well. Because the Soviet Union feels free to interfere with governments within its own sphere of influence whenever they show signs of weakening their full allegiance to the Soviet system, we show little scruple in destabilizing governments in our sphere of influence that display evidences of Communist influence.

Those in government are often tempted by the wistful thought that they could more effectively conduct the nation's business if the media were content with official publicity handouts and did not challenge their substance. They would be even happier if those with prior government experience were not looking over their shoulder and subjecting current policy to the test of prior experience—those hard lessons derived from trial and error. Moreover, as we have learned to our sorrow during these past few years, Administrations are often tempted to use the classification procedures to conceal or confuse actions or policies and protect our political leaders from embarassment for their own follies or misdeeds. So we must be sure that, in the name of security, we do not adopt measures that discourage the revelation or discussion of actions and policies that violate the standards we purport to follow as a nation. I hate to think of the injustices that might be done, the follies that might be committed, and the messes that might develop were the Executive Branch to be able to prevent such public exposure and the scrutiny of those best qualified by experience to question policies and actions that violate our avowed standards and principles.

On the basis of the considerations I urge, Mr. Chairman, that your committee express its opposition to the requirement of prepublication censorship contained in the present directive, since the Administration has, to my knowledge, failed to demonstrate that the current nondisclosure agreements are not fully adequate. In addition, I hope this committee will also express its disapproval of the provisions of the directive that subject all individuals having access to classified information to submit to polygraph examinations at the option of the agency for which they work and permit that agency to decide what adverse consequences will result from an employee's refusal to submit to such an examination. Only those with ignorance of or contempt for our laws and traditions could have written such a provision. The courts have consistently held that the refusal to take a polygraph examination should not be admitted in evidence. They have explicitly recognized the fallibility of such examinations and the injustice that would follow if a negative inference were drawn when an American citizen stood on his rights and refused to run the risks of an erroneous judgment resulting from a polygraph examination.

For all these reasons, Mr. Chairman, I hope this committee will strike a blow for freedom of public discussion and the avoid-

[3] Washington Post op-ed article by Lewis W. Lapham, March 26, 1983.
[4] Washington Post editorial, March 21, 1983.
[5] New York Times op-ed article by Floyd Abrams, March 22, 1983.

ance of official coverups by objecting to this obscurantist directive.

Mr. EAGLETON. Mr. President, I yield the floor.

Mr. MOYNIHAN and Mr. DENTON addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I thank the Chair.

Mr. President, I rise in support of the amendment offered by the distinguished Senator from Maryland (Mr. MATHIAS) and his equally distinguished colleague, the Senator from Missouri (Mr. EAGLETON). I am pleased to cosponsor this measure which will postpone the implementation of what appears to be an unwarranted and overly broad new system of censorship of the writings and speeches of former Government officials. The delay will afford the executive branch, as well as the Congress, as the distinguished Senator, my revered and beloved chairman of the Intelligence Committee, states, an opportunity to consider the wisdom of this action. I should like to recount the history of this matter which clearly demonstrates the need for this amendment.

On March 11, 1983, the President issued a directive intended to prevent unauthorized disclosures of classifed information through leaks to news media. A singular feature of this directive is that it requires prepublication clearances of articles and books written by policymaking Government employees after they leave Government, if they have had access to sensitive compartmented information (SCI)—that is, intelligence information to which access is limited to protect sources and methods. Suffice it to say that there are as many as 200,000 people with SCI clearances, including a large number of executive level officials of the Departments of Defense and State and the White House—people who can and do contribute much to public debate after they leave office. As Mr. Floyd Abrams, a distinguished authority on the first amendment observes:

> Some of the most important speech that occurs in our society would be subjected to governmental scrutiny and that, if the government in power decided that something could not be written or said, to judicial review.

For some time, the Central Intelligence Agency and the National Security Agency have obliged their former employees to seek review prior to public disclosure of any information concerning intelligence activities. This is a reasonable rule given the complete immersion of their personnel in the world of secrecy and their perhaps not altogether keen sense of what is and is not classified, that merges so much in their work, and the fact that they do not work at the levels of policy formation. There has been no objection to this restriction on NSA and CIA personnel.

It is policy formation that is principally recounted by the memoirs of former Government officials, not the carrying out of policy.

Mr. President, although this amendment would not affect the prepublication review program of the NSA, the Director of the Agency wrote to us urging that we reject it. I have inquired of the general counsel of the NSA, has there been a disclosure of classified intelligence by a former non-NSA, employee in published writings? The general counsel believes there has been one and understandably did not feel free to give us the details, and we did not need the details. But one.

Read the front page of the Washington press or the national press on any given day and see if you can count as few as one, given in an unauthorized matter.

That is our problem, Mr. President. Not an open publication, signed, published, acknowledged. The executive branch told the Governmental Affairs Committee a few weeks ago that it found only one or two instances in which former Government employees disclosed classified information in published writings.

What would be a problem is the stifling of free speech with respect to areas of the utmost public need. The memoirs of our Secretaries of State and National Security advisers and such like have typically argued the justification for the policies they set forward. They are policy issues which continue.

The pattern of these memoirs began, if I am not mistaken, with James Madison, who liked writing. President Grant wrote his memoirs because he very much needed the money for his family. President Theodore Roosevelt never wrote his memoirs as President, but he kept writing books because he could not help himself in that regard. That is one matter with respect to which he could not exercise his famous self-control. But since the Second World War, it has been a pattern of American public discourse that former officials and often future officials argue their case when they leave Government, sometimes to justify themselves—well, always to justify themselves—(I speak as one about which no exception could be made)—but also to argue that a policy ought to be continued or, perhaps, in the case where a policy was mistaken, it ought to be changed.

There are policies with respect to continuing relations in the world, and the debate continues about them. What these men and women have to say is relevant to the debate. Their books are published because they are read. They are not always read in the number that the publishers have anticipated, if we can believe the advances that are offered, but they are read. And they do serve a purpose. This new secrecy agreement would, as a practical matter, put them to an end. It is not just stifling free speech, but it is limiting public discourse on matters which we would most wish to see advanced.

Officials at the Defense and State Departments and other nonintelligence agencies, while having access to sensitive information, must and do address vital national security issues without using classified information. They do this every day at congressional hearings, in speeches and press conferences. Moreover, it has not been uncommon for these officials to write books after they leave the Government and to submit, on a voluntary basis, all or portions of the manuscripts for prepublication review by their former employers.

May I say that this sensible practice of some of our former leaders suggests a basis for establishing a system that relies primarily upon voluntary cooperation—one in which compulsory review is strictly limited to cases in which the former Government official knows or is uncertain that his manuscript contains sensitive classified information. It strikes me as curious that the new directive appears to call for a mandatory, and most likely, inefficient censorship bureaucracy. This from a President who staunchly opposes intrusive big Government, and, indeed, advocates private voluntary action, as an alternative to governmental programs, to meet basic social needs.

Moreover, this call for a censorship bureaucracy would have little impact on the leak problem. At recent hearings the executive branch was able to identify only one instance in the last 5 years of an unauthorized disclosure of classified information in the writings of former nonintelligence agency employees. This is not surprising. Former officials who participated in public debate typically do so in open fashion. In contrast, leaks typically come from current, anonymous Government officials.

With something such in mind, on March 22 I wrote the President enclosing a more or less routine press report of that day citing "senior Reagan administration" officials and such like letting us in on details of "low altitude flights by U.S. spy planes" flying about Central America. I said I assumed there would be a "thorough internal executive branch investigation of this matter" and asked if the Intelligence Committee might be favored with a copy of the findings. On May 5, I wrote a similar letter to the President following additional apparent leaks of classified information—including a National Security Council document on covert action in Central

America—in press reports sourced to administration officials. I have yet to hear back on the results.

Mr. MATHIAS. If the Senator will yield on that point, I asked similar questions in our hearing. I said:

Now, if you really want to get to high public officials who are making disclosures of classified information, who are you going to put at the President's elbow during his press conferences when he decides to reveal some national secret?

Mr. MOYNIHAN. As a matter of his judgment of what is in the best interest of the country.

Mr. MATHIAS. That is right. Let me say I did not get an answer.

Mr. MOYNIHAN. Nor have I. I would like sometime, if I can get prepublication clearance, to publish my correspondence with the administration asking have you looked into the following in the Washington Post or New York Times or Los Angeles Times? We could write a letter a day without fear of excessive correspondence because they do not write back. And we know this.

If the investigative procedures of the President's March 11 directive are followed, I believe the administration will learn that the sources of leaks are more likely to be Presidential advisers, rather than defense, foreign affairs, or intelligence professionals.

Mr. President, I raised the foregoing concerns, first, in a speech before the American Newspaper Publishers Association on April 25 and, again, in remarks on the floor on May 19. It seemed that the effect of the directive could well be to strike at the heart of the ability of the public to be informed about their Government. However, at the time I spoke, the directive's implementing regulations had yet to be written. It was my hope then that my views, as well as those of others, would be taken into account by those responsible for drafting the implementing rules so that they could accommodate first amendment values.

Mr. President, I regret to say that the new standard form secrecy agreement—the adoption of which was announced on August 24—is a significant disappointment. The nature of the former employee's commitment under the agreement is conveyed in language that challenges the U.S. Senate for obscurity. Indeed, I would go further to say that this language appears to have been modeled on some of the worst written sections of the Internal Revenue Code. Paragraph 5 requires that a former official submit for review any information he contemplates publishing concerning intelligence activities—even if the information is unclassified and even if it has been 10, 20, or more years since his departure from Government service. In an apparent effort to limit the scope of the submission requirement the following sentence was included in paragraph 5:

However, I am not required to submit for review any such materials that exclusively contain information lawfully obtained by me at a time when I have no employment, contact or other relationship with the U.S. Government, and which are to be published at such time.

Mr. President, there can scarcely be a doubt that this provision is the work of a committee. And a committee of lawyers at that. Syntactical awkwardness and negative formulation are their hallmark. If the however clause is given a strict literal reading, it means that former Defense Secretary Weinberger would have to clear a manuscript quoting and commentating on William Colby's unclassified memoirs of his CIA experience, Honorable Men, if he (Mr. Weinberger) read the book while he served at the Defense Department; but he would not have to clear the manuscript if he read the book before or after he served as Defense Secretary. It appears as though some neoscholastic spirit has inspired this clause. Surely a system of censorship which turns on when a Cabinet Secretary reads open source material is in the same league with a philosophy which speculates about the number of angels which can fit on the head of a pin. But it is not a practicable system. Nor is it a prudent system.

Now, we are a grownup country. This cries for further inquiry.

To avoid absurd results, I would suggest that the however clause should be interpreted so as to preclude any submission requirement if the former official publishes material which merely cites or draws on information in the public domain—that is, which is obtained or obtainable while he is not employed by the Government. Of course, classified information may be in the public domain as a result of unauthorized disclosure—for example, leaks. Certainly, a former official may speak or write in a manner to avoid express or implied confirmation of such information.

I offer the foregoing interpretation to rehabilitate a seriously flawed effort to place limits on an unreasonable and sweeping submission requirement. However, unless the executive branch modifies the agreement or provides an authoritative interpretation, former officials will have to proceed at their peril in speaking out on crucial issues of public policy. I can think of no more crucial issue than arms control. Let us suppose that 3 years hence, former Defense Secretary Weinberger prepares an op-ed piece containing the following remark:

The proposed START Treaty is not in the Nation's interest, as National Technical Means will not permit adequate verification given deception and camouflage techniques.

Must he submit it to censorship by his successor? I do not believe he should be required to do so. Public debate is enhanced when former policy officials can promptly and freely offer an opinion which draws on their experience, but does not disclose classified information. Surely the hypothetical statement does not compromise any secrets. It is essentially an opinion and the only facts mentioned are well known to the public: That we have satellites that collect information on strategic arms and that deception and camouflage techniques can be practiced.

Nevertheless, the former Secretary could not be certain from a reading of the new nondisclosure agreement that his successor will agree that he is not obliged to submit his proposed statement. He may not want to take the risk that the Justice Department will institute a civil action against him. Indeed, he may be chilled and forbear from speaking out. The new agreement does not clearly preclude this result. And until it is amended or officially interpreted to do so it should not be permitted to go into effect.

Therefore, Mr. President, I strongly support the amendment. I would hope that the executive branch would take appropriate action to remedy its flaws. If it does not, I, for one, would support a legislative approach.

I yield the floor to the principal sponsors of the amendment to see if they do not agree with me that we ought to press this amendment, adopt this amendment, enact it, and then sit down in good faith with the administration and say, "Now, what is the problem you are trying to solve? We want to solve it with you." In the Intelligence Committee, we have just reported out a bill authorized by the distinguished chairman which does, indeed, provide further restrictions on Freedom of Information Act access to documents of the Central Intelligence Agency. We felt that there were certain areas the acts search and review requirements inhibited the work of the Agency, inhibited cooperation with it by other intelligence services and we did not want a third of the employees of our intelligence community going through files only to demonstrate that there was no meaningful information that could be declassified and released to the public. We did it then. And we could do it here, or so it seems to me, but first we must prevent this new prepublication review requirement from going into effect; for it is a violation of our constitutional values, if not of the Constitution itself. That is my judgment. Mr. President, I yield the floor.

Mr. MATHIAS. Mr. President, let me briefly respond to the Senator from New York. I agree with him that we cannot allow this implementation of National Security Decision Directive 84 to go into effect without at least an opportunity to find out what kind of damage it is going to do.

Now, the Senator from New York has said that he has written books. He has been very modest in his description of them. They are informative, useful, and readable books which is more than can be said for many publicly authored volumes that come out these days. But take the Senator himself. He has been exposed to a level of intelligence information that would bring him within the purview of this provision if it is going to be implemented more broadly than the present narrow limits that cover the Central Intelligence Agency and other intelligence agencies. Even I in my modest way have been exposed to some of these sources of information.

Now, how do you handle a Secretary of State's memoirs? The chairman of the Foreign Relations Committee asked that question. Who is going to censor George Shultz' memoirs? Is it going to be a friendly censor in the next administration or an unfriendly censor in the next administration?

Mr. MOYNIHAN. Would the Senator allow me to make the observation. Or might it be George Shultz censoring his own writing out of a sense, well, he did make that commitment and as an honorable man he will abide by it as little as he might think it a sensible one.

Mr. MATHIAS. That is, of course, a part of the chilling effect of this suggestion. We simply do not know enough about it yet, and that is the whole purpose for being here today. We simply want more time to find out what really is involved.

Mr. DENTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. DENTON. I do not wish to try to gainsay all the opinions offered by either the distinguished Senator from Maryland or the learned Senator from New York, but I must register some disagreement with the amendment being proposed with information and opinion from those who are in position to judge this sort of matter.

I am sure that the two Senators are aware of the letter to the Senator from Maryland from the Director of the National Security Agency. Previous mention has been made by their counsel referring to one case and the fact that very few details were offered about it. I do not wish to sound at all condescending in this remark, but after 34 years in the military I am aware of hundreds of cases in which had the leak been identified great harm would have been avoided. Usually this is a combination of perhaps 2-to-10 pieces of information which in themselves might constitute no threat to the national security.

Mr. MATHIAS. Would the Senator yield for a brief comment? Just so that we have the focus of this amendment previse, we are not talking about leaks.

Mr. DENTON. I realize that.

Mr. MATHIAS. We are not talking about leaks. We are talking about published materials of former officials.

Mr. DENTON. But the same rationale applies with respect to the response you received which lacked details regarding the examples of what had happened in the past. That is why I made the remark. I am aware of what the amendment consists of.

Mr. MATHIAS. The Senator, of course, is entitled to his view of that. But I cannot believe that the officials of the Department of Justice, the Department of State, and the Department of Defense, appearing as witnesses before a congressional committee, would say that there had been only one confirmed case if there had been more.

Mr. DENTON. I did not mention only one case. You said that.

Mr. MATHIAS. The witnesses before the committee said that.

Mr. DENTON. According to this letter, there is a discrepancy, which the letter indicates. The letter from the National Security Agency Director, Lt. Gen. Lincoln D. Faurer, reads:

Dear Senator Mathias: The purpose of this letter is to express my concern about an amendment to the Foreign Relations Authorization Act for 1984 which you recently introduced. The effect of the amendment, as I understand it, would be to preclude the implementation or enforcement of a government prepublication review policy with respect to government employees, at least after they have left government service, except as such policies may have been in effect on March 1, 1983. As you are aware, a general program requiring individuals with access to Sensitive Compartmented Information (SCI) to submit intended disclosures for prepublication review was instituted in March. The purpose of the amendment appears to be to preclude implementation of this program. Since, in my opinion, the prepublication review program applicable to individuals with access to SCI is useful for the protection of National Security Agency information, I am naturally apprehensive over the possible adverse effect of the amendment.

The next paragraph is important:

NSA has had in effect for some years regulations establishing a prepublication review program for NSA personnel; this program would not be affected by the amendment. However, the general extension of a prepublication review program to recipients of NSA information only commenced as a result of the March 1983 directive. If implementation of the directive is halted, many persons who receive our most highly classified signals intelligence information would be excused from obligations now in effect to submit materials for prepublication review. Our experience has been that most unauthorized disclosures of classified signals intelligence are by non-NSA personnel, and, based on this experience, I have considered the general prepublication review program for individuals with SCI access throughout government to be a significant step in protecting sensitive intelligence sources and methods.

He continues in that vein.

I do not wish to presume upon the wisdom or the judgment of the Senators who have been speaking in favor of the amendment. I have asked with good will of the Senator from Maryland and he, in good will, responded, that on behalf of the Justice Department, which is trying to accumulate examples which might be sufficiently convincing, we should postpone until Monday next the consideration of this amendment.

The Senator from Maryland responded that he would concur if I could get an approval from the floor manager of the bill. However, I was unable to do so. The distinguished chairman of the Foreign Relations Committee wishes to finish his bill today—wanted it through, as a matter of fact, as of 1 o'clock today—so we are at some kind of stalemate.

I should like to offer further information in opposition to the amendment.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. DENTON. This will take only a few minutes.

Mr. MATHIAS. It might be useful to make a comment or two on the NSA letter while that subject is up.

Mr. DENTON. May I finish?

Mr. MATHIAS. Yes.

Mr. DENTON. I recognize that the Senator from Maryland has more perspective on the NSA letter.

Mr. MATHIAS. Let me say one thing at this point, because it seems to be a personal concern of the Senator from Alabama. He said that perhaps the Department of Defense, the Department of State, and the Department of Justice were reluctant to disclose publicly their concerns about some disclosures.

Mr. DENTON. No, some details about previous examples.

Mr. MATHIAS. I want the Senator to know that at the hearing, we invited each of those Departments to make a classified submission on anything of that sort they knew about, which would be held in confidence in accordance with the classification law. Not one word of reply was received.

Mr. DENTON. I have heard recently that few regard a Senate hearing room as a confessional. Without any reflection upon any of us, there have been a number of leaks from staffers and others in this body and in the House of Representatives.

Mr. MATHIAS. The reputation of Senator GOLDWATER's committee has been excellent. They have been the trustees of the highest secrets of this Government.

Mr. DENTON. I do not deny that.

Mr. MATHIAS. I do not think we can accept an implication that there have been Senate leaks.

Mr. DENTON. I believe there have been Senate leaks, not necessarily

from that committee, but I believe there have been leaks from both Houses. I might have been the source of one, myself.

My book was submittted to the Department of Defense voluntarily, and they found inadvertent disclosures in it. I voluntarily assented to the deletions of those portions from the book.

I agree with sunshine in Government. I assure my colleagues that opposition on my part to this amendment is not arbitrary. It is one born in the knowledge that men have died because of inadvertent disclosures.

Let me offer one example. I admit that it is a little beside the point, but I believe it will be informative and relative.

Before the raid on Vinh during the Vietnam war, in retaliation for something that had been done to our side, the President of the United States went on the radio and television, mistakenly thinking that he had been informed by the carrier commander that the strike had been launched against Vinh. He thought that the carrier commander, in saying: "The strike has been launched," meant that the planes had hit the target.

So the President went on the air and said to the world: "We have struck Vinh."

We had not struck Vinh. The planes were en route. The antiaircraft batteries were alerted, and we lost some good men that day by an inadvertent remark by the President of the United States. I think this example regarding security requirements should be considered.

But I ask that we not try today to impose a 6-month delay without further consideration of the matters by the whole Senate.

Mr. MOYNIHAN. Mr. President, I say to the gallant Senator from Alabama, who has earned the respect of this Nation as few men in our time, that we are not talking about the inadvertent mistake of a President, and we are not talking about the well- or ill-intentioned disclosure of information by persons in office secretly to the press. We are talking about books and articles published.

Mr. DENTON. That is why I offered the example of my book.

Mr. MOYNIHAN. And we are talking about books and articles published by persons not perhaps with the degree of intense sense of Nation and honor that the gallant Senator from Alabama brings to this Chamber, as he brought to his career, but honorable men and women not intending any harm to their Nation.

NSA and the CIA have to do this because much of what their employees deal with is simply technical; and if adversaries know what we know, then we have lost what we know.

I understand the one case cited by NSA involved a former contract employee. I do not know, but I can imagine that he was involved in some very sensitive activity and may well have given a paper at the American Society of Engineers.

But that is not the leak problem. Our problem is the deliberate disclosure of sensitive information by persons within Government, some of them intending to advance the purposes of administration, some willing to block it. You typically find that there is a policy fight going on. That is a problem of morale and self-regard and standards. That is not what we are dealing with here. We are dealing with the inhibition of free speech which is what the published material is.

Mr. DENTON. Mr. President, will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

I yield the floor.

The PRESIDING OFFICER (Mr. HECHT). The Senator from Alabama.

Mr. DENTON. Mr. President, I am personally happy to hear the considered and very generous remarks regarding me personally.

I would say that if anything my inadvertent disclosure, which would have gone through and done this Nation some harm, as the Senator says, came from someone who was at least trying to be honorable but made an error. If my book had been published with that information there, it would have done harm to the security interests of the United States.

The review only took a few days. I now wish to offer the statistics regarding prepublication reviews which have taken place so far.

There seems to be an implication of great delays, but the statistics which I offer today are to the contrary. The directive, in fact, requires the review to be conducted within 30 days of submission.

Last year, for example, the CIA conducted 213 such reviews and completed the same within an average of 13 days.

For short writings, the reviews were conducted in a manner of hours.

I have heard suggested that to date the administration has cited only one or two instances in the past 5 years in which former officials of State, Justice, or Defense Departments have revealed classified information without authorization.

The fact is that since 1977 some 929 items have been submitted to the CIA for prepublication review, of which 241 contained classified information that was protected by the directive and was accordingly deleted.

I believe that all 241 of those examples were written by men who were at least as honorable as I and indeed perhaps as honorable as the Senator from New York.

In addition, many Government employees who did not necessarily have access to sensitive compartmented information, voluntarily submit writings for prepublication review.

In conclusion, at this point let me just say that I firmly believe that classified information must be protected from even an inadvertent disclosure from those within our Government who have lawful access. I believe it can be overdone. I believe that the NSA Director is not a politician nor a man who is interested in promoting or defending the administration politically. I believe he is speaking in the national interest as he sees it when he objects to a 6 months unilateral congressional delay in that which the executive branch has found in the national interest regarding unauthorized disclosure.

I plan to vote against this amendment and encourage my colleagues to do the same. I believe we must delay until Monday and hear the whole case from those who are trying to protect our security but have not yet gathered their material together.

But I feel we will be acting unwisely if we adopt this amendment with the little information we have at this point.

Mr. President, I oppose this amendment to the Department of State Authorization Act, S. 1342, proposed by the senior Senator from Maryland, Mr. MATHIAS.

This amendment attempts to delay the implementation of National Security Directive No. 84, entitled "Safeguarding National Security Information," which was signed by the President on March 11, 1983. Of particular concern, apparently, to the Senator from Maryland, is paragraph 1b, which requires all persons with authorized access to sensitive compartmented information (SCI) to sign a nondisclosure agreement which "includes a provision for prepublication review to assure deletion of SCI and other classified information."

The Senator from Maryland contends that such nondisclosure agreements requiring prepublication review violates the former employees' first amendment rights to free speech.

In fact, the Supreme Court has recently upheld the constitutionality of prepublication review for CIA employees in the case of *Snepp* v. *United States*, 444 U.S. 507 (1980).

The protection of the national security information is a primary and fundamental constitutional responsibility of the President that derives from his responsibilities as Chief Executive, Commander in Chief, and the principal instrument of U.S. foreign policy. Agreements to preserve the secrecy of classified information are an appropriate method for the President to dis-

charge these constitutional responsibilities.

The Senator from Maryland also contends that the implementation of this directive would affect tens of thousands of officials in the State, Justice and Defense Departments. Indeed, this directive will apply to approximately 130,000 employees, most in the Department of Defense, who have access to sensitive compartmented information (SCI). SCI is a category of classified information that is subject to special access and handling requirements because it involves or derives from particularly sensitive intelligence sources and methods. The power to require the signing of such an agreement as a condition of access to SCI is supported by the statutory authority of the Director of Central Intelligence to protect intelligence sources and methods, 50 U.S.C. Sec. 403(d)(3), as well as the more fundamental constitutional responsibilities of the President regarding national security.

The sponsors of the amendment also contend that employees covered by this agreement will have to submit for review a "broad range of their writings of public issues" in perpetuity.

In fact, such employees are only required to submit writings which include information relating to specified intelligence matters.

The Senator from Maryland alleges that this program of prepublication review will allow the administration in power to censor views of those former top-level people with whom they may disagree.

In fact, as I noted before, only classified information can be deleted. Judicial review is provided, and the Government must be able to demonstrate in court that all deleted material is properly classified pursuant to Executive Order 12356.

There is also a suggestion from the sponsors of this amendment, that prepublication review will keep authors from publishing their views in a timely manner.

In fact, the directive requires the review to be conducted within 30 days of submission. Last year, for example, the CIA conducted 213 such reviews and completed the same within an average of 13 days. For short writings, the reviews were conducted in a matter of hours.

The Senator from Maryland also suggests that to date, the administration has cited only one, or possibly two, instances in the past 5 years in which former officials of the State, Justice, or Defense Department have revealed classified information without authorization.

In fact, since 1977, some 929 items have been submitted to the CIA for prepublication review, of which 241 contained classified information that was protected by the directive and was accordingly deleted. In addition, many government employers who do not necessarily have access to sensitive compartmented information, voluntarily submit writings for prepublication review. Indeed in 1976 before the publication of my book dealing with my experiences as a POW in North Vietnam, I voluntarily submitted the same for clearance and deletions were made.

Mr. President, in conclusion, let me just say that I firmly believe that classified information must be protected from even an inadvertent disclosure by those within our government who have lawful access. The President must be allowed to take the necessary step to fulfill his constitutional duty to safeguard the national security by safeguarding classified information. Any infringement of the President's ability to control the continuing unauthorized disclosures would only encourage additional unauthorized disclosures and thereby threaten our national security.

Therefore, I plan to vote against this amendment and would encourage my colleagues to do the same.

I thank the Chair.

Mr. MATHIAS. Mr. President, let me say to the Senator from Alabama that is is not the desire of the sponsors of this amendment to delay on any arbitrary and fixed basis.

As we said before the Senator entered the Chamber, the Senator from Missouri and I wrote to the President on September 23 and suggested that we try to find some meeting of the mind, some chance to at least get the questions answered that have not yet been answered, and in all fairness to delay implementation until we have the answers. That might take 6 weeks or 6 months—I do not know—or some time in between.

But it would be at least a more flexible way to do it, and that is, in essence, what was proposed by the chairman of the Intelligence Committee, Senator GOLDWATER.

Speaking only for myself, it would be agreeable to me as long as we had a commitment that implementation would be suspended during these discussions. I think it would be the preferable, the more civilized way to proceed.

I am disappointed that we had so little cooperation in trying to move down that road. But that is the case.

Let me just address myself for one moment to the National Security Agency letter.

Mr. DENTON. Mr. President, if the Senator will yield, may I ask a question?

Mr. MATHIAS. Yes.

Mr. DENTON. Mr. President, if we could not receive the permission of the floor manager of the bill to delay until Monday, could this not be offered as a freestanding bill next week?

Mr. MATHIAS. That would take unanimous consent. I do not know whether or not such a unanimous consent is available or not. But it is something that could be explored. Again, I wish to offer the ultimate cooperation of which I am capable to the Senator from Alabama.

As the Senator from Arizona said, this is not something that we should go to the mat on.

Mr. DENTON. The Senator is correct, and the Senator offered some excellent examples.

Even in my short time here, I have been aware of delay from the executive branch in answering questions. I realize they, as we, are somewhat overworked with our staffs in answering questions, and so on.

I believe we could reach a reasonable approach among all parites. The Senator from Maryland has spurred the administration on and has been the catalyst. I think he is going to get the answers he wishes. I only ask for a few days to allow the administration to present their case.

Mr. MATHIAS. Mr. President, the Senator from Alabama has mentioned the National Security Agency. Let me say to him that I agree with him fully in his estimate of that Agency. I think it is one of the most extraordinary agenices of the U.S. Government. It has been my pleasure to know the successive Directors of the Agency. Without exception, they have been extraordinary men drawn from the uniformed services and have provided the highest kind of leadership in a very difficult and demanding field.

In fairness, I think we should put the Director's letter of October 20 in the RECORD, and I ask unanimous consent to have printed in the RECORD that letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL SECURITY AGENCY,
CENTRAL SECURITY SERVICE,
Fort Meade, Md., October 20, 1983.

Hon. CHARLES MCC. MATHIAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: The purpose of this letter is to express my concern about an amendment to the Foreign Relations Authorization Act for 1984 which you recently introduced. The effect of the amendment, as I understand it, would be to preclude the implementation or enforcement of a government prepublication review policy with respect to government employees, at least after they have left government service, except as such policies may have been in effect on March 1, 1983. As you are aware, a general program requiring individuals with access to Sensitive Compartmented Information (SCI) to submit intended disclosures for prepublication review was instituted in March. The purpose of the amendment appears to be to preclude implementation of this program. Since, in my opinion, the prepublication review program applicable to individuals with access to SCI is useful for the

protection of National Security Agency information, I am naturally apprehensive over the possible adverse effect of the amendment.

NSA has had in effect for some years regulations establishing a prepublication review program for NSA personnel; this program would not be affected by the amendment. However, the general extension of a prepublication review program to recipients of NSA information only commenced as a result of the March 1983 directive. If implementation of the directive is halted, many persons who receive our most highly classified signals intelligence information would be excused from obligations now in effect to submit materials for prepublication review. Our experience has been that most unauthorized disclosures of classified signals intelligence are by non-NSA personnel, and, based on this experience, I have considered the general prepublication review program for individuals with SCI access throughout government to be a significant step in protecting sensitive intelligence sources and methods. Accordingly, while, as stated, NSA personnel would not be affected by the amendment, the protection of NSA information could be, and as I believe signals intelligence to be of vital importance to the United States, I trust you can understand my concern that the Congress might enact the amendment.

Sincerely,

LINCOLN D. FAURER,
Lieutenant General, USAF,
Director, NSA/Chief, CSS.

Mr. MATHIAS. Mr. President, when the letter is perused, it will be clear, as the Director says, that NSA is not affected by this amendment. I should add at this point that neither is the Central Intelligence Agency affected by this amendment. Each of those agencies has its own programs and those programs would not be interfered with in any way by what we are talking about today, the 6 months' delay.

I do think that the Director has perhaps gone as far as he could go in stating the extent to which the directive has already been implemented. After all, the standard forms were not promulgated until late August. So I suspect that if any of what he called signal intelligence consumers have in fact undertaken any obligations that were not applicable prior to the issuance of the directive, those obligations have not changed very much.

I do not follow what he is trying to tell us when he says that this amendment would excuse many consumers from obligations now in effect because I do not see it that way.

But whatever he means by that, I would turn to the point that all we are seeking here is a delay. The only intelligence consumers directly affected are those who happen to leave Government service between now and April 15, which probably is not going to be a very large body of men and women. It is going to be a fairly small group.

Mr. DENTON. May I hazard a question and suggest what he might mean?

Mr. MATHIAS. Yes.

Mr. DENTON. I admit it may not be direct. By Executive order apparently the appropriate agencies have been getting prepublication review from those to whom they give highly classified intelligence information. The effect of the Senator's amendment, by its explicit exclusion of anyone except the CIA and NSA, might be the hazard to which he refers.

Mr. MATHIAS. That is a possible interpretation, but I think the most important thing that the Director says is the thing that reinforces what the Senator from New York has also said. I refer to that line in the letter in which he says that our experience has been that most unauthorized disclosures of classified signal intelligence are by non-NSA personnel.

And I think leaks come from anywhere and it is leaks that are the problem. Leaks, of course, are usually anonymous. No one knows who makes a leak unless it is the President or the Secretary of Defense or someone leaking deliberately, but the great volume of leaks are anonymous. When they appear, no one knows who the source was, and we have a great flurry. We stir around, members of the press are asked to produce their notes, they refuse, and ultimately we seldom find out who is the leaker. But in the cases we are talking about—the cases described by the Senator from Missouri and the Senator from New York—we are talking about people who publish, who sign their writings, who put their pictures on the back jacket of their books in the hope that their handsome faces will help sales, and who are subject to the criminal law. These are not people who will get off scot-free if they disclose classified information. The U.S. attorney can rap on their door the day after they have had the publisher's party and haul them into court.

So let me say to the Senator from Alabama it may well be, and I would not stand here and deny, that we should tighten up the criminal law in this respect. That is a subject for another discussion.

Mr. MOYNIHAN. It is a subject we can discuss, if I may say, in the conferences that we are proposing.

Mr. MATHIAS. That is right. It is a subject that can be part of the overall general discussion. But those are the ways in which I think you deal with the problem of the distinguished former officials of Government who write a book. You are not dealing with the clandestine anonymous leaker who does so much damage, and I think that simply giving us time to talk about this is in the national interest. I do not in any way want to rebuke the statements of the current Director of the National Security Agency, but let me say that one of the witnesses in our committee was Admiral Gayler, a former Director of the National Security Agency himself. I do not want to characterize his testimony, because it is a matter of public record and can be read. But I think it is fair to state that he had some serious reservations about National Security Decision Directive 84.

Mr. DENTON. Mr. President, I ask the gentleman questioning the NSA letter here, if it is not to be understood that NSA found good reason to implement the March 1983 directive which caused the prepublication review program to extend to recipients of NSA information. The letter says if that review is halted it is going to cause great problems. He is talking about books just as you are, prepublication review of books. So he is not talking about leaks which come from other sources, but leaks which appear in books, and I think the result of this amendment would by exclusion remove that directive which the administration found necessary to implement.

I respect the motives and the expertise of the Senator from New York with this tremendous experience in this field, and the Senator from Maryland for his integrity and his concern over the national security, but I request them to consider from the point of view of prudence that we learn a bit more about what the NSA letter means before we take this step of delaying for 6 months the extension which these security-responsible people have found desirable.

Mr. MATHIAS. I can only repeat that I am willing to talk as long as the Senator wants as long as we can get an agreement not to implement the program.

● Mr. DURENBERGER. Mr. President, the amendment before us is necessary because of a Presidential directive that carries the risk of severe abuses.

My concern is a provision in that directive that would subject all holders of a sensitive compartmented information clearance to a lifetime requirement of prepublication review for all their writings—both fiction and nonfiction, from books to letters to the editor—that deal with possibly classified information or intelligence activities. Such a massive prepublication review requirement seems sure to result in serious time delays in publication, and it could all too easily be used in a political manner.

The first amendment concerns that this provision of the Presidential directive raises were summed up admirably by Richard P. Kleeman, senior vice president of the Association of American Publishers, in testimony to two House committees:

The Directive threatens to have an especially deleterious impact on the writings of former government officials. New Administrations will be empowered to pass upon the writings of those whom they replaced. The

latitude afforded under the Directive will inevitably invite both delay in publishing and politically motivated excisions which will have the effect of harassing those who would criticize their political successors. Whether what will be lost is timely debate of foregone publishing opportunities, the loss under the First Amendment will be incalculable.

It is true, of course, that CIA personnel are already required to submit their writings for prepublication review. Intelligence personnel tend to learn many more details about highly sensitive intelligence sources and methods than do the personnel of policy agencies, so a prepublication review system is more defensible for the CIA. My understanding is that our intelligence agencies see no problems with the amendment before us, as their procedures were established before March 1, 1983, which is the cutoff date under this amendment.

It is much harder to justify a prepublication review system for the vast numbers of nonintelligence personnel with access to sensitive compartmented information. I have heard complaints about the publications of ex-intelligence personnel, but I have not heard the same national security concern regarding the writings of former policy officials or military personnel. Given the real question of whether this system is needed and the real concern that prepublication review could exert a chilling effect on important policy debates, I think Congress should take a careful look at this issue before allowing imposition of this system.

I urge all my colleagues to join me in supporting the Mathias amendment and to ponder the concerns that have been raised regarding this Presidential directive. Mr. President, I ask unanimous consent that the editorial "Censorship and National Security" from the Minneapolis Star & Tribune be included in today's RECORD.

The editorial follows:

[From the Minneapolis Star & Tribune, Apr. 18, 1983]

CENSORSHIP AND NATIONAL SECURITY

President Reagan's new executive order on the handling of national security information creates a dangerous system of censorship. It threatens democratic control of government by restricting public debate about important national issues. It is an attempt to squash civil liberties under the guise of protecting the nation.

Among other things, last month's directive requires high-level government employees with access to classified material to promise to submit for prior government approval anything they write based on their government experience. That requirement applies not only while employees remain in government service, but for the rest of their lives. It applies not only to manuscripts that discuss sensitive government activities, but also to innocuous fiction and satire. The penalties for failing to comply—whether or not a manuscript contains classified information—include confiscation of all profits from publication.

The secrecy order covers senior officials in federal agencies, in the military and in the foreign service, as well as top White House officials and members of the National Security Council staff. Under the new system, none of them will be able to publish a book, make a speech or send a letter to the editor without government permission. Government censorship panels will make the final decision about what can be said or published. The writer can fight that decision in court, an expensive and time-consuming endeavor.

Until now, such a clearance system has been used only within the CIA, where safeguarding sensitive intelligence data might justify it. But the new order extends censorship into all areas of government. If this program had been in effect in the past, scores of former public officials would now feel its chill. The memoirs of Henry Kissinger, Richard Nixon, Zbigniew Brzezinski and Jimmy Carter would be subject to censorship by their successors. Speech texts and articles by Melvin Laird, Eugene Rostow, Alexander Haig and Edmund Muskie would have to be cleared before they could be released. Journalists, political candidates, college professors and lobbyists who once held government office would be allowed to public only government-approved ideas about government affairs.

The censorship scheme is ridiculous and perilous. Experience with the CIA's review panels has shown that government censors are just as likely to suppress embarrassing facts and undesirable commentary as legitimate secrets. And that is the real trouble with Reagan's order. It could be used to prevent one-time government officials from criticizing current government policy. It could keep the nation's most knowledgeable analysts of public policy from debating questions of war and peace.

To prevent the harm inevitable from such censorship, the federal government should devise legislation that protects real secrets, along with the right of all citizens to speak freely. Since the president won't do so, Congress should.●

● Mr. HUDDLESTON. Mr. President, the amendment offered by Senator MATHIAS and Senator EAGLETON to suspend until April 15, 1984, the prepublication review requirements of the recent Presidential directive on national security information is an important action to prevent establishment of an unjustified system of censorship in this country.

As a member of the Select Committee on Intelligence, I have worked for several years to improve the practices and procedures for protecting the security of sensitive national security information, consistent with the public's right to know as much as possible about their Government. Congress has a duty to insure that effective security and counterintelligence measures are taken to protect vital secrets. At the same time, we must safeguard against the overzealous pursuit of secrecy for its own sake, as a means of silencing dissent or covering up mistakes.

In the CIA and other components of the intelligence community, Federal employees are expected to assume the special obligation of submitting for classification review any writings on intelligence matters they may seek to publish after leaving the Government. This is necessary because of the exceptional nature of intelligence work, including the day-to-day exposure to details of intelligence sources and methods.

The Presidential directive last March, however, would extend this prepublication review system throughout the executive branch to officials whose access to classified intelligence reports is much more limited. These Government employees are primarily responsible for the development and implementation of military, economic, law enforcement, foreign policy, and other decisions. When they leave Government we expect them to write and speak out on the policy issues that confront our Nation. Sharing their experience and viewpoints with the American people is absolutely essential for the public to make informed judgments.

Extending to these officials the system developed for the CIA and other intelligence agencies poses, therefore, a grave threat to the process of free and open debate in our democratic society. Prepublication censorship inevitably chills the freedom of expression. Any censorship system involves subjective judgments, and in this case the judgments of one administration will govern the writings of the officials of previous administrations.

Before the Presidential directive is implemented, the Congress must have an opportunity to assess fully the alleged benefits and the anticipated risks of wider censorship of the writings of former officials. Thus, I am pleased that Senators MATHIAS and EAGLETON, along with others, have proposed legislative action to suspend the prepublication review provisions of the Presidential directive to allow further consideration of this issue by the Congress.●

Mr. LEVIN. Mr. President, I would like to take this opportunity to express my support for the amendment of Senators MATHIAS and EAGLETON to S. 1342. This amendment would delay for 6 months the implementation of any new Federal employee security measures as provided by Presidential National Security Directive 84.

On March 11, 1983, the President issued a national security directive calling for the implementation of certain security measures, which according to the administration are designed to "strengthen our efforts to safeguard national security information from unlawful disclosure." One of the measures called for by the directive is the use of a prepublication review agreement. Under the directive's plan, tens of thousands of Federal employees will be required to submit for prepublication censorship, a wide range of

their works, including works of fiction, that they intend to disclose to the public.

The agreement itself is very broad and vague. It very loosely defines the type of information that will be censored and sets few limits on the nature of materials that must be submitted for reveiw. Specifically, paragraph 5 of the agreement states in pertinent part:

* * * I hereby agree to submit for security review by the Department or Agency last granting me either a security clearance or an SCI access approval all materials, including works of fiction, that I contemplate disclosing to any person not authorized to have such information or that I have prepared for public disclosure, which contain or purport to contain:

(a) any SCI, any description of activities that produce or relate to SCI, or any information derived from SCI;

(b) any classified information from intelligence reports or estimates; or

(c) any information concerning intelligence activities, sources or methods.

Provision 5(c) in particular, provides the Government with enormous latitude to limit the first amendment rights of tens of thousands of individuals, and censor information that is in no way classified. This provision gives the Government the authority to censor wholly fictional works and thus the ability to police the creativity of citizens of this country. Furthermore, the agreement is forever binding on the individual, and he or she must submit their work for Government censorship long after leaving Government office.

This unprecedented move by the administration is unjustified. Although this new arrangement along with the other measures of the directive will significantly alter the present Federal employee security program, by the administration's own admission, in the past 5 years, under the present system, there have been only one or possibly two unlawful disclosures which were in any way damaging to our national security.

Never before has our Government attempted to so severely restrict the flow of information between Government employees and the people they serve. Nevertheless, the administration is seeking to hurriedly implement this new program. However, time is needed to investigate whether there is a need for this type of program and determine what the full impact of this new censorship will be. Furthermore, additional time will give the administration an opportunity to correct the defect in the directive.

Censorship of Government information is a very serious matter that should be dealt with in a reasonable and cautious manner. There is no pressing need to alter the present nature of our Federal employee security program at this time, but there is a pressing need to thoroughly investigate this matter before a vast new program of the prepublication censorship is begun.

For this reason, I support the measure of Senators MATHIAS and EAGLETON to delay implementation of Presidential National Security Directive 84.

● Mr. BINGAMAN. Mr. President, as a cosponsor of the amendment offered by Senators EAGLETON and MATHIAS, I urge my colleagues to support its adoption. The amendment will delay the implementation of one particular section of the National Security Decision Directive (NSDD) 84 which was issued by President Reagan in March 1983. The amendment will temporarily prohibit until April 15, 1983, the enforcement, issuance, or implementation of that portion of the Presidential directive requiring prepublication review of the writings of former officers and employees of the Government. Although I am sensitive to the need to prevent leaking of classified information, I am concerned with the means called for in the President's directive. The entire directive and the prepublication review section, in particular, raise serious questions, in my opinion.

National security leaks have occurred in this and previous administrations. It has been asserted that such leaks have often come from high level officials within each administration. In this administration, the focus has been on the adequacy of current regulations. President Reagan on March 11, 1983, issued a Presidential directive on "Safeguarding National Security Information." The directive is intended to strengthen efforts to protect national security information from unlawful disclosure. The directive is based on the recommendations of an interdepartmental group chaired by the Attorney General of the United States.

As stated in existing Presidential Executive Order 12356, only that information whose disclosure would harm the national security interests of the United States may be classified. The current regulations do not adequately address unlawful disclosure. In order to strengthen security efforts the President has directed executive branch agencies to take additional steps to protect against unlawful disclosures of classified information. The major provisions of the new directive would require Federal agencies which handle classified information to adopt internal procedures to safeguard against unlawful disclosure of such information by: First, requiring persons with access to classified information to sign nondisclosure agreements, as a condition of access, which would stipulate that their writings, during their Government service and after, would be subject to prepublication review by the Government; second; requiring that "appropriate policies shall be adopted to govern contracts between media representatives and agency personnel"; and third, requiring employees "to submit to polygraph tests, when appropriate"; and stating that refusal to do so would permit agencies to determine "appropriate adverse consequences."

These extraordinary measures have caused much concern in the Congress and among the general public. Several days of hearings have been held by the House of Representatives and the Senate. The inherent unreliability of polygraph examinations has been pointed out. The expanded reliance on polygraph envisioned by the directive has been questioned. Dr. John F. Beary, the Assistant Secretary for Health Affairs in the Pentagon, which would be the largest user of the polygraph technique, has charged that the polygraph "misclassifies innocent people as liars." In a memo to Defense Secretary Caspar W. Weinberger, Dr. Beary said that polygraph tests can be misleading in determining whether people are telling the truth. This and other concerns led Senator Jackson to offer an amendment in the Armed Services Committee which temporarily bars the lie-detector provision of the directive. This amendment was added to the Defense Authorization Act and prohibits the Department of Defense from taking adverse action against military or civilian employees based solely on lie-detector tests or refusal to submit to them. The bar is effective until April 15, 1984.

On September 13, 1983, the Senate Governmental Affairs Committee, of which I am a member, also held an oversight hearing on the directive. At this hearing we received extensive testimony which reaffirmed concern over the use of polygraphs as well as the prepublication review provision of the directive.

I am extremely concerned with the direct or indirect implications of the requirement in the directive calling for prepublication review of the writings of both current and former Government employees. This extraordinary measure, in my opinion, not only would be time consuming, it would be open to possible misuse if used to suppress unpopular or disfavored political ideas, and it raises serious first amendment constitutional questions. This provision applies to books and memoirs, speeches, book reviews, scholarly papers, and even fiction, including novels and short stories. It also covers virtually all employees in an agency from the Secretary down to career civil servants. I am very concerned with the possible misuse of such prepublication review as a form of censorship and suppression of freedom of speech. Furthermore, I believe the requirement is misdirected and will be practically impossible to effectively enforce.

These concerns were also expressed by Lloyd Cutler, former counsel to President Carter and a prominent attorney. In testimony before the Governmental Affairs Committee, Mr. Cutler, stated that:

The directive goes much too far and, as regulation in this area of speech should, does not strike a reasonable and satisfactory balance between the Government's need for review and a present or former official's, especially a policy official's right to speak out on matters of public interest.

These and other sentiments were echoed in an article which appeared in the New York Times Magazine on September 25, 1983, entitled, "The New Effort to Control Information." In this article Floyd Abrams, a noted constitutional scholar makes a very strong case against the broad prepublication review requirement called for in the President's directive. Mr. Abrams attacks the requirement as unparalleled peacetime censorship, "at odds with the concept that widespread dissemination of information from diverse sources furthers the public interest—hostile to the basic tenent of the first amendment"; and as a whole, a blatant act by the Reagan administration, which seems "obsessed with the risk of information, of its potential for leading the public to the 'wrong' conclusions," to permit the Government itself to decide what information about its conduct is 'meaningful.'" Without objection, I ask that a copy of this article be made a part of the RECORD following my remarks.

Leaking sensitive information can be dangerous and should be prevented if at all possible. I welcome the President's attention and interest. I believe Congress also has a responsibility for safeguarding sensitive and classified information and it is appropriate to review the new Presidential directive. In the scope of such a review certain questions which have been raised regarding the directive should be fully considered.

The new directive calls for what has been described as extraordinary measures which could impact very seriously on the working conditions in the Federal Government, the legitimate flow of information from the Government to the public, and whether Congress has sufficient access to Government decisionmakers to engage in meaningful oversight. I also question its overall effectiveness.

While I support taking stronger action against those who intentionally leak classified information to harm the Nation, I believe we also have a responsibility to insure that the measures intended to be taken to prevent such disclosure do not violate constitutional rights and civil liberties. Violators of existing statutes should be prosecuted to the fullest extent. Where necessary such statutory protections should be improved.

The expanded use of and reliance on lie-detector tests is highly questionable. Serious objections have long been raised about reliability of polygraph examinations, both in general and in the context of national security investigations. The use of prepublication review by the Government of a former employee's writing is far reaching, would be extremely time consuming, and could easily be misused to stifle disfavored views.

I believe it is appropriate for Congress to further review these concerns in the context of a public hearing to discuss the background and reasons for the new Presidential directive, the intended results, and the concerns raised. While hearings have already been held in the Governmental Affairs Committee, I think it would be appropriate for additional hearings to be held by the Armed Services Committee on the impact of the polygraph requirement upon the Department of Defense. The conference report on the Department of Defense Authorization Act for 1984 calls upon the Committee on Armed Services and Committee on Governmental Intelligence to hold hearings prior to April 15, 1984, on the use of polygraph examinations in the Department of Defense. Additional hearings should also be held by the Governmental Affairs Committee on the prepublication review requirement.

In order to allow for further congressional and public scrutiny, I urge my colleagues to support this amendment, which temporarily blocks the implementation of the prepublication review section of the President's directive consistent with action already taken regarding the expanded use of polygraph examinations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times Magazine, Sept. 25, 1983]

THE NEW EFFORT TO CONTROL INFORMATION

(By Floyd Abrams)

A month ago today, the Reagan administration publicly released a contract that has no precedent in our nation's history. To be signed by all Government officials with access to high-level classified information, it will require these officials, for the rest of their lives, to submit for governmental review newspaper articles or books they write for the general reading public.

The contract will affect thousands of senior officials in the Departments of State and Defense, members of the National Security Council staff, senior White House officials and senior military and Foreign Service officers. Its purpose is to prevent unauthorized disclosure of classified information, but its effects are likely to go far beyond that. It will give those in power a new and powerful weapon to delay or even suppress criticism by those most knowledgeable to voice it. The new requirement, warns the American Society of Newspaper Editors, is "peacetime censorship of a scope unparalleled in this country since the adoption of the Bill of Rights in 1791."

The subject of hearings earlier this month of a subcommittee of the Senate Governmental Affairs Committee, this latest attempt at information control by the Reagan Administration is part of a far more sweeping policy. It is one unique in recent history—clear, coherent and, unlike that of some recent Administrations, not a bit schizophrenic. More important, it seems at odds with the concept that widespread dissemination of information from diverse sources furthers the public interest. In fact, it appears to be hostile to the basic tenet of the First Amendment that a democracy requires an informed citizenry to argue and shape policy.

In the two and a half years it has been in power, the Reagan Administration has:

Consistently sought to limit the scope of the Freedom of Information Act (F.O.I.A.).

Barred the entry into the country of foreign speakers, including Hortensia Allende, widow of Chilean President Salvador Allende, because of concern about what they might say.

Inhibited the flow of films into and even out of our borders; neither Canada's Academy Award-winning "If You Love This Planet" nor the acclaimed ABC documentary about toxic waste, "The Killing Ground," escaped Administration disapproval.

Rewritten the classification system to assure that more rather than less information will be classified.

Subjected governmental officials to an unprecedented system of lifetime censorship.

Flooded universities with a torrent of threats relating to their right to publish and discuss unclassified information—usually of a scientific or technological nature—on campus.

So far, these efforts to control information have been noticed by those most directly affected, but by few others. The Administration's policies, says the American Civil Liberties Union, have been "quiet, almost stealthy, difficult to see and therefore hard to resist." There is also the feeling among many Americans that the actions of this Administration are less-than-threatening since they are fueled by the deeply felt conservative ideology of Ronald Reagan and not from the anger or meanness of spirit that, many feel, characterized the Nixon Presidency. Furthermore, wrote The Time's columnist Anthony Lewis, these actions "have had little attention from the press, perhaps because the press is not their principal target."

However little noticed its actions have been, this is an Administration that seems obsessed with the risks of information, fearful of both its unpredictability and its potential for leading the public to the "wrong" conclusions. Its actions are rooted in a view of the Soviet Union, in the President's words, as an "evil empire"—a view undoubtedly bolstered by the destruction by the Russians of a South Korean commercial jet on Sept. 1. It is a view that not only focuses on security but also equates security with secrecy, and treats information as if it were a potentially disabling contagious disease that must be controlled, quarantined and ultimately cured.

The administration's distrust of the Freedom of Information Act was evident from its first days in power. Passed in 1966, the act—which has come to symbolize openness in government—permits citizens to request documents detailing Government activities. It resulted in news articles revealing, among

other instances of governmental wrongdoing, the My Lai massacre, the F.B.I.'s harassment of domestic political groups, and the C.I.A.'s surveillance of American college campuses. It also made possible such diverse books as "Perjury: The Hiss-Chambers Case," by Allen Weinstein; "The Fourth Man," by Andrew Boyle (which in turn led to the identification of Anthony Blunt as a one-time Soviet spy), and "Sideshow: Kissinger, Nixon and the Destruction of Cambodia," by William Shawcross. Mr. Shawcross, a British writer, has called the act "a tribute to the self-confidence of American society."

Contending that the F.O.I.A. had weakened law-enforcement and intelligence agencies and become burdensome to implement, the Administration made enactment of major amendments limiting the scope of the act a matter of high priority. One proposal, not adopted by Congress, sought a total exemption of the C.I.A. from the provisions of the act, even though the agency had won every case in which it sought not to disclose properly classified information.

Unable to obtain Congressional approval of its major amendments, the Administration resorted to a different tactic. Under the F.O.I.A., classified information is denied the public unless it can be shown in court that the material, according to the prevailing guidelines, was improperly classified in the first place. By changing the classification guidelines—something the President may do without Congressional approval—the Administration avoided the risk that the courts would order the release of such documents.

Early this year, the Administration took additional steps—again, ones not requiring Congressional approval. The Department of Justice reversed the policy formerly in effect of being "generous" in waiving the payment of processing fees to public-interst organizations seeking information under the act. Sternly phrased legalistic criteria were substituted, barring the waiver of fees unless the Government first decided that, among other things, the information released "meaningfully contributes to the public development or understanding of the subject." The effect of the new guidelines was to permit the Government itself to decide what information about its conduct—or misconduct—was "meaningful."

The Administration also moved into other areas of information control. Under the McCarran-Walter Act, adopted over President Harry S. Truman's veto in 1952, foreigners may be denied visas to visit the United States if a consular officer or the Attorney General "has reason to believe" the prospective visitor seeks "to engage in activities which would be prejudicial to the public interest." Given such sweeping statutory authority, an Administration, if it chooses to, can give its ideological dictates free rein.

Invoking this act, the Reagan Administration barred a wide range of foreign speakers. Mrs. Allende was denied entrance to the country to speak. So were the Rev. Ian Paisley and Owen Carron, spokesmen for, respectively, the radical Protestant and Roman Catholic groups in Northern Ireland. Julio Garcia Espinosa, Deputy Cultural Minister of Cuba, was barred from attending a film festival in Los Angeles because his attendance, according to a State Department spokesman, "could be prejudicial to U.S. public interests."

Last year, the Justice and State Department prevented groups of foreigners from attending a United Nations disarmament session. When protests were made to Kenneth L. Adelman, then deputy United Nations delegate, about the denial of visas to hundreds of Japanese who wished to attend the session, his response was: "We have absolutely no legal obligation to let Tommy Bulgaria or anyone else from Soviet-front groups" enter the country.

Motion pictures have not escaped Administration scrutiny. Since its adoption in 1938, the Foreign Agents Registration Act has required any film that is produced under the auspices of a foreign country and that is political propaganda to be so labeled unless the film is "not serving predominantly a foreign interest."

In the single most expansive, and best known, interpretation of the statute by any Administration, the Department of Justice last year sought to require three films produced by the National Film Board of Canada to be labeled as political propaganda. One of the films, "If You Love This Planet," subsequently won an Academy Award. The Department of Justice later summarized the film's "political propaganda" message this way: "Unless we shake off our indifference and work to prevent nuclear war, we stand a slim chance of surviving the 20th century."

Why a film with such a message was considered political propaganda has yet to be satisfactorily explained. Why it was considered to be serving "predominantly a foreign interest" also remains unexplained. On May 23, 1983, Judge Raul A. Ramirez of the United States District Court for the Eastern District of California entered a preliminary injunction restraining the Justice Department from requiring registration of the three films.

"The court," concluded Judge Ramirez, "is having great difficulty in ascertaining how any legitimate Federal interest is espoused or advanced by the classification of documents and/or films such as those before the court as propaganda. It makes no common sense whatsoever when we are dealing in a realm where the entire purpose is the dissemination of free ideas throughout the citizenry of the United States, so that citizens can bounce ideas off of each other to ascertain the truth."

American-made documentary films destined for foreign audiences have not escaped scrutiny either. Under an agreement adopted by a United Nations conference in 1948, film makers pay no American export or foreign-import duties if the United States Information Agency (U.S.I.A.) certifies that they are primarily intended to "instruct or inform" rather than to propagandize.

It is the U.S.I.A. that decides on which side of the line—"information" or "propaganda"—a film falls. It, in turn, relies on the Government agency with expertise in the area to advise it. Under this Administration, as revealed in the July-August issue of American Film magazine, the result has been that the acclaimed 1979, ABC documentary about toxic waste, "The Killing Ground," was denied a certificate. The Environmental Protection Agency (E.P.A.) concluded last year that the film was "mainly of historical interest" since the United States "has made great progress in managing hazardous wastes." "The Killing Ground" had won two Emmys, first prize at the Monte Carlo Film Festival and been nominated for an Academy Award. But to its E.P.A. reviewers, "the tone of 'The Killing Ground' would mislead a foreign audience into believing that the American public needed arousing to the dangers of hazardous wastes [when] this is no longer the case."

So intently has the Administration focused on the perils of disclosure of information that it has sometimes failed to distinguish between information previously made public and that which has been kept secret. When the unaccompanied luggage of William Worthy Jr., an American journalist, and his two colleagues arrived from Teheran at Boston's Logan International Airport in December 1981, it included 11 volumes of American Embassy documents said to have been seized by Iranians during the takeover of the embassy, reproduced by them and sold freely on the streets of Teheran. The document had been secret. By the time the three Americans obtained a copy, they could hardly have been so to any intelligence agency in the world.

Nevertheless, the volumes were impounded by the F.B.I. and Customs officials at the airport. A year later, after the journalists had sued the Government, the two agencies agreed to an out-of-court settlement of $16,000.

Of all the policy changes of the Reagan Administration from that of its predecessors, the ones that may have the most lasting impact are the decisions to classify more information and to subject Government officials to lifetime prepublication review.

This occurred in three stages, the first taking place eight months after the Inauguration of the new President. One of Attorney General William French Smith's first major acts in 1981 was to revoke Justice Department guidelines issued just a year before concerning the United States Supreme Court decision in Snepp v. United States. In 1980, the Justices had upheld, by a 6-3 vote, a C.I.A. requirement that its employees agree to lifetime prepublication review by the agency of their writings to insure that no classified material was revealed. The Supreme Court concluded that someone subject to such an agreement who failed to submit his writings, even of unclassified information, breached the agreement. Frank Snepp 3d, a former C.I.A. analyst of North Vietnamese political affairs, was obliged to turn over to the Government all of his earnings from his book "Decent Interval."

The Supreme Court ruling contained broad language that could be interpreted to permit the same prepublication review procedure to be applied, as well, to the tens of thouands of non-C.I.A. employees who also have access to classified information. The Government had not sought that degree of power in the Snepp case. Nor is it clear that the Court intended that result.

Aware that in hands insensitive to First Amendment rights the Snepp opinion might be overextended, Attorney General Benjamin R. Civiletti issued a set of guidelines. They called for the Government to consider several alternative actions before rushing to Court to obtain injunctions against publication of unintentional and possibly meaningless disclosures of information. Among the factors to be weighed was whether the information already had been made widely available to the public and whether it had been properly classified in the first place.

In revoking the Civiletti guidelines, Attorney General Smith explained that his department sought to avoid "any confusion as to whether the United States will evenhandedly and strenuously pursue any violations of confidentiality obligations." However, no example was offered of any harm actually

or even potentially caused by the Civiletti guidelines.

The second step taken by the Administration related to the classification system itself. The system had long been criticized for its absurd overinclusiveness. Between 1945 and 1963 alone, more than 500 million pages of documents has been classified. By 1973, 160 million pages of classified World War II documents still had not even been reviewed to determine if they should be made public. President Richard M. Nixon once observed that even the White House menu was classified.

A 1978 Executive Order signed by President Jimmy Carter attempted to limit the amount of information unnecessarily kept from the public. Government officials were ordered to consider the public's right to know in classifying information and were told to use the lowest level of clearance when in doubt. Clarification of information was permitted only on the basis of "identifiable" potential damage to national security.

By an Executive Order signed on April 2, 1982, President Reagan reversed each of the critical components of the reforms adopted four years earlier. Government officials were no longer required even to consider the public's right to know when they classified information. When in doubt, Government officials were to classify material at the highest, not lowest, level of secrecy. The requirement that potential harm to national security be "identifiable" was abandoned.

The third step was taken on March 11, 1983. That day, a Presidential directive was issued, requiring a wide range of additional present and former Government officials to obtain clearance from the Government before publishing materal that might be classified. The Justice Department document detailing the directive cited the Snepp decision as the basis for the requirement.

The new presidential order and the Aug. 25 "agreement" released by the Administration that implements it establish a category of information described as "sensitive compartmented information" (S.C.I.)—classified information that is "subject to special access and handling requirements."

Richard K. Willard, Deputy Assistant Attorney General, has defended the Presidential directive by saying that the "prepublication review program provides a reasonable method of preventing disclosures by those employees who have had access to the most sensitive kind of classified information."

However, according to the Justice Department document explaining the directive, prepublication review will be required of all books (fiction or nonfiction), newspaper columns, magazine articles, letters to the editor, pamphlets and scholarly papers by officials with access to S.C.I. materials, so long as what is written describes activities that relate to S.C.I., classified information from intelligence reports, or "any information"—classified or not—"concerning intelligence activities, sources or methods."

Under the new policy, there is no need to submit for prepublication review material consisting "solely of personal views, opinions or judgments" on topics such as "proposed legislation or foreign policy." But the Catch-22 is this: If the opinion even implies "any statement of fact" that falls within the range of review, then the material must be cleared by the Government before it is published. Since most opinions worth expressing about American defense or intelligence policies at least imply some proscribed facts, what the new requirement amounts to is a massive intrusion of the Government into the right of former officials to speak and of the public to listen.

Responding to the initial announcement in March, the Society of Professional Journalists, Sigma Delta Chi, called the directive an "ill-conceived proposal" that is "as troubling as it is sweeping. . . . Taken with previous actions by the Administration to stem the flow of Government information to the people, the cumulative effect is a major retreat from this country's commitment to open government."

So breathtaking is the scope of the Presidential directive that if it had been in effect before this summer, many articles published in this magazine could not have been printed without prior governmental clearance. An article last year by Gen. David C. Jones, former chairman of the Joint Chiefs of Staff under Presidents Carter and Reagan, criticizing the current defense establishment, would have had to be cleared by the very establishment General Jones was denouncing. This year, two articles—one by Earl C. Ravenal, a Defense Department official under President Johnson, urging withdrawal of American forces around the world, and the other by Leslie H. Gelb, the national-security correspondent for The New York Times who had served in the Johnson Administration, on arms control—criticized policy decisions made by those who would be reviewing them.

The effect of the directive is this: Those people most knowledgeable about subjects of overriding national concern will be least able to comment without the approval of those they wish to criticize.

Changes in law to assure that far more information will be kept from the public are only one aspect of the Reagan Administration's new era of secrecy. Another, far less known, has pitted the Administration against much of the country's university community.

From its first days, the Administration has been concerned that the fruits of American technology have been flowing too freely abroad. "Publication or certain information," complained Adm. Bobby R. Inman, then deputy director of the C.I.A., "could affect the national security in a harmful way." Deputy Secretary of Defense Frank C. Carlucci similarly warned that the Soviet Union was engaged in an "orchestrated effort" designed to gather the "technical information required to enhance its military posture."

The problem that has been vexing the Administration has not been one of classified information. To avoid governmental interference in the open exchange of views at universities, many leading universities have refused to engage in any classified research. The problem has been with material that is not classified at all.

Only a month after President Reagan took office, the president of Stanford University, Donald Kennedy, forwarded a letter to Secretary of State Alexander M. Haig Jr., Secretary of Defense Casper W. Weinberger and Secretary of Commerce Malcolm Baldrige. Written by Dr. Kennedy and the presidents of California Institute of Technology, Massachusetts Institute of Technology, Cornell University and the University of California, the letter expressed concern about Administration interpretation of two statutes.

The university presidents observed that the International Traffic in Arms Regulations and the Export Administration Regulations, which had "not until now been applied to traditional university activities," seemed about to be interpreted so as to inhibit or bar the exchange of unclassified information, the publication of such material, as well as its use in classroom lectures when foreign students were present.

"Restricting the free flow of information among scientists and engineers," the university presidents urged, "would alter fundamentally the system that produced the scientific and technological lead that the Government is not trying to protect and leave us with nothing to protect in the very near future."

The Administration's response was made more than four months later in letters from James L. Buckley, Under Secretary of State for Security Assistance, Science and Technology, and Bohdan Denysyk, Deputy Assistant Secretary for Export Administration of the Department of Commerce. Both tried to assuage the concerns of the university presidents. Neither could fully succeed in doing so. Both letters assured the university presidents that no "new" construction of law was being imposed by the Administration, but the letters were so qualified that it remained unclear just what unclassified technical data were deemed by the Administration to be too sensitive to be taught. Meaningful clarification has yet to be received.

What has been received by universities is a series of letters forwarded from the State and Commerce Departments suggesting that ordinary teaching of unclassified materials may be considered an "export" within the meaning of laws barring the exporting of secret technology. If so, the universities might be subject to civil or even criminal sanctions.

In 1981, for example, in a letter similar to that sent to universities around the nation, the then State Department exchanges officer, Keith Powell 2d, asked the University of Minnesota to restrict the academic activities of Qi Yulu, a Chinese exchange student, including denying him access, in the area of computer-software technology, "to unpublished or classified Government-funded work." Federal law-enforcement officials also visited the university to emphasize the need for the restrictions.

In a blistering response, the University of Minnesota's president, C. Peter Magrath, pointed out to Mr. Powell that since the university refused to accept classified Government research, scholars from China would not have access to any such material. "We have all kinds of unpublished Government-funded research all over the campus." Dr. Magrath went on, "your proposal would restrict him from access to all of it."

Mr. Powell has asked that the Government be informed prior to any visits of Qi Yulu to any industiral or research facilities. "I can only interpret this," wrote Dr. Magrath, "to give us the choice of confining him to the student union or contacting you several times a day about his campus itinerary. . . . Both in principle and in practice, the restrictions proposed in your letter are inappropriate for an American research university." The proposed restrictions, Dr. Magrath concluded, "can only have a chilling effect upon the academic enterprise. . . ."

Some foreign scholars have not been able to come to this country because of Administration demands that limits be placed on their academic work while they were here. Cornell Univerisity, for example could not invite a Hungarian scientist specializing in electronic circuitry to its campus after the Commerce Department stipulated that the scientist could only receive information in

classroom situations (seminars of private discussions being forbidden) and that he could not be given prepublication copies of research papers. Similarly, when Stanford University was advised that a Russian scholar in robotics—who had been invited to this country by the National Academy of Sciences—could not have general access to univerity facilities (all of which were of unclassified research), the visit was canceled.

The Government's activities have not been limited to threatening university administrators with sanctions. A year ago, the Defense Department prevented the publication of about 100 unclassified scientific papers at an international symposium on optical engineering in San Diego. Only hours before the long-planned convention was to begin, the department sent a telegram warning that any presentation of "strategic" information might be a violation of law.

As reported in Science News magazine, the Government's censorship action appeared "to be unprecedented in [its] timing, in the large number of papers removed and in the scope of the papers' content." Defense Department officials felt their actions reflected "a greater sensitivity and a tightening up on what can be released in an international forum, particularly one that involves the Soviets."

But to the scientific community, the Administration's action was indefensible. In a letter to Secretary of Defense Weinberger, Victor S. Stone, president of the American Association of University Professors, expressed "profound concern" at the Defense Department move. "To restrain the dissemination of unclassified scientific knowledge," the letter said, "is to restrict academic freedom, which is of fundamental importance to our entire society."

The Department of Energy (D.O.E.) earlier this year weighed in with its own proposal that continued public dissemination of certain already published "unclassified but sensitive information" about nuclear facilities be prohibitied. There can be no quarrel with its purpose—to frustrate the efforts of terrorist organizations to produce nuclear weapons or sabotage nuclear facilities. But the proposed rules are so vague (permitting the D.O.E. to withhold almost any information about nuclear facilities) and so unlikely to work (once information is public it is all but impossible to make it "secret" again) that an extraordinary diverse array of groups—from state officials, universities and public-interest organizations to libraries, Indian tribes and unions—have questioned them, either in testimony given in Washington this summer or in letters to the D.O.E.

The Oil, Chemical and Atomic Workers International Union pointed out that the D.O.E. proposal would prevent "the public, workers and the families of workers from protecting themselves against unnecessary exposure and the effects of exposure to ionizing radiation." Similar objections relating to health and safety were voiced by environmental groups and on behalf of Indian tribes, whose reservations are near D.O.E. nuclear installations.

Perhaps the most telling response was that of Hugh E. DeWitt, a nuclear scientist at the Lawrence Livermore National Laboratory. The very notion of "Unclassified Controlled Nuclear Information," Dr. DeWitt wrote, would "fit neatly into the mad world described by George Orwell in his book '1984.'" The new category of information "simply gives Government officials another very broad method to hide their own mistakes and keep information from the American people."

Undoubtedly, some information should be kept secret. The design of weapons, the intricacies of codes, confidences exchanged with foreign leaders and other governmental information that is vital to the security of this nation are and should remain classified. To that extent, the Reagan Administration's concern about the disclosure of information is not in itself objectionable.

Nor is the Reagan Administration alone in taking actions that restrict freedom of information. The McCarran-Walter Act, for instance, was misued by other Administrations to bar speakers with disagreeable views from entering the country. In 1980, the Carter Administration blocked the entry into the United States of the prominent Italian playwright and actor Dario Fo because, as one State Department official phrased it, Mr. Fo "never had a good word to say" about the United States. (This year, the Reagan Administration, too, denied Mr. Fo an entry visa.)

The Intelligence Identities Protection Act, a law signed by President Reagan banning disclosure of the names of individuals invoved in some way with the C.I.A., even if they had committed criminal acts under the laws of this country, had been drafted by the Carter Administration. Characterized by the University of Chicago law professor Philip B. Kurland as "the clearest violation of the First Amendment attempted by Congress in this era," it remains a stain on the constitutional records of both Administrations.

Nonetheless, the information policies of this Administration are radical and new. The across-the-board rejection of the values of information is unprecedented. So is the ease with which those values have been overcome.

That all this has occurred to little public notice and only slight public concern stems in part from the personal affability of the President and the lack of malevolence of his aides. If anything, they are more likable and less cynical than is the Washington norm.

The Administration has been fortunate that each aspect of its policies has usually been considered separately. University administrators have understandably focused on threats to universities; labor unions have naturally concentrated on threats to the health of their members; the press has too often limited its focus on its right to report the news. One of the few exceptions has been the American Civil Liberties Union, which has challenged the actions of the Administration both in the courts and in Congress.

Those actions raise almost endless legislative and constitutional issues. It is clear, for example, that the President may lawfully change the classification system. But Congress, if it chooses, may frustrate the Administration's efforts to narrow the scope of the Freedom of Information Act. Legislation proposed by Senator David Durenberger, Republican of Minnesota, and six other Senators would do so by providing that even properly classified information will be unavailable to the public under F.O.I.A. only when the disclosure of the information "could reasonably be expected to cause identifiable harm to national security" and when "the need to protect the information outweighs the public interest in disclosure."

In other areas, Congress may, and probably should, amend the McCarran-Walter Act to delete the sweepingly discretionary language that has permitted the State Department to deny American audiences the chance to hear and judge for themselves those foreign speakers the Administration deems objectionable. When President Truman vetoed the bill in 1952, he warned that "seldom has a bill exhibited the distrust evidence here for citizens and aliens alike." History has proved him right.

Congress may, and probably should, also amend the Foreign Agents Registration Act to delete the requirement of labeling foreign films as "political propaganda." Representative Robert W. Kastenmeier, Democrat of Wisconsin, has proposed such legislation.

Still other decisions are within the control of the courts in their role as protectors of constitutional rights. Some aspects of the Reagan Administration's information policy seem highly unlikely to pass First Amendment muster. It is one thing to say that C.I.A. agents such as Frank Snepp must abide by a contract of silence imposed upon them in the absence of prior governmental clearance. It is quite another to say that the First Amendment could conceivably tolerate the sweeping new restrictions on freedom of expression of thousands of former Government officials not involved with the C.I.A.

Similarly, it seems most unlikely that disclosing unclassified material previously made public can, consistent with First Amendment principles, be made illegal. When those efforts are directed at universities that have historically received the special First Amendment protection of academic freedom to assure the free exchange of ideas, the chances that any prosecution could succeed seem all the less likely.

There remains the question of motive. Why has this Administration gone so far, so fast? Why has it adopted new Government-wide policies limiting the dissemination of information without any showing that harm had been caused by policies previously in effect?

One answer may be easily rejected. It is not because harmful leaks of information have increased in recent years. Deputy Assistant Attorney General Willard, testifying before the House Subcommittee on Civil Rights this spring, observed that "we have never suggested that it's a problem that has increased greatly in severity in recent years. It's always been a problem." The same day that Mr. Willard testified, Steven Garfinkel, the director of the Government's Information Security Oversight Office (I.S.O.O.)—which is responsible for the security of all executive-branch agencies involved with classified materials—acknowledged that in the past three years only about "half a dozen" leaks had even been reported to his agency.

What, then, has prompted the Administration's exuberant efforts in this area? In part, it is because the Administration seems not to give much more than rhetorical credit to the concept that the public has a serious and continuing interest in being informed.

There is also a matter of tone. Many of the changes in the classification system are the product of anger by the intelligence community at the Carter Administration. I.S.O.O. has explained that one reason the classification system was rewritten was because the rules previously in effect sounded too "apologetic." Changes in language between that of the Carter Administration ("Information may not be considered for classification unless it concerns . . .") and that of the Reagan Administration ("Information shall be considered for classification

if it contains . . .") were justified as the substitution of "positive" words for "negative" ones.

Beyond this, there lies something far deeper. The Administration is not only generally conservative; its policy is rooted in the concern that Soviet armed might vastly outstrips that of this country and immediately imperils us. With such a world view, claims of national security seem invariably to outweigh any competing interests.

In one sense, there is a kind of logic to the Aministration's position. Assistant Attorney General Jonathan C. Rose, defending that position, has said that "freedom of information is not cost free; it is not an absolute good." Nor can we be sure what the costs will be. We cannot know what Mrs. Allende might have said had she been admitted to the country or what Qi Yulu may have learned on the University of Minnesota campus. We can hardly be sure that all unclassified information is harmless information. But if we are to restrict the spread of information because we cannot guarantee its harmless effects, we will have much restricting to do in the future.

We will also pay a high price for doing so. The "system that produced the scientific and technological lead that the Government is now hoping to protect" has been a basically open one. By threatening the openness of the process by which ideas are freely exchanged, the Administration threatens national security itself.

It also threatens the nature of American society. If the Russian attack on the Korean jet reinforces the Administration's view about Soviet behavior, it also accentuates the differences between the two countries. It is in the nature of Soviet society to suppress information and to punish those who reveal it. It is in the nature of our society to reveal information and to punish those the information indicates should be punished. The Reagan Administration's moves toward a less open society are contrary to our most deeply felt traditions.

There are, as well, longer-range risks in the creation of a new and pervasive apparatus of government secrecy. In relatively placid times, the apparatus may seem merely bothersome to those it touches. In less stable times, it can too easily be used to suppress information essential to the self-government of the country.

In the end, our society is based upon the judgment that the free exchange of information, except in those rare situations where openness will clearly lead to harm, is in the public interest. "Sunlight," Justice Louis D. Brandeis wrote, "is said to be the best of disinfectants; electric light the most efficient policeman."●

The PRESIDING OFFICER. Is there further debate?

Mr. MOYNIHAN. I move the amendment, Mr. President.

Mr. PERCY. I feel we are ready for a vote on this amendment now. There has been no call for a rollcall so I suggest we have a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DENTON. I ask for a rollcall vote.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. DENTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent to temporarily set aside the Mathias amendment so we may take up one or more Dole amendments then to be immediately followed by the Mathias amendment.

Mr. SYMMS. Mr. President, reserving the right to object, and it is not my intention to object, are the yeas and nays ordered on the Mathias amendment yet?

The PRESIDING OFFICER. They are not.

Mr. SYMMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I withdraw my request that we set aside the Mathias amendment. I do not believe there are any further speeches to be given on that subject and we are ready for a voice vote on that amendment.

The PRESIDING OFFICER. The question is on the amendment.

Mr. DENTON. Mr. President, I object. I, in good faith, yielded with the understanding that the amendment was being set aside, which had been articulated by the floor managers.

Mr. SYMMS. Mr. President, I ask for the yeas and nays on the Mathias amendment.

The PRESIDING OFFICER. Does the Senator from Alabama yield for that purpose?

Mr. DENTON. Yes.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, in order to accommodate a number of our colleagues that did not know there was a rollcall vote coming up at this time, I ask unanimous consent to temporarily set aside the Mathias amendment and vote on the Mathias amendment and take up one or more amendments to be offered by the distinguished Senator from Kansas.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, the Senator from Kansas has at least maybe two or three amendments. I am not certain in which order they will be offered, because it gets into this new Endowment for Democracy program, this newest travel agency that we are setting up where the Government pays all the travel expenses and gets no results from the endowment ifself.

AMENDMENT NO. 2379

(Purpose: To deny compensation and travel expenses to any member of the Board who is an officer or employee of the United States)

Mr. DOLE. Mr. President, I will first send to the desk the amendment that would try to limit travel. I do not know of any objection to this amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 2379 to amendment No. 2344.

On page 5, between lines 7 and 8, insert the following:

(d)(1) Notwithstanding subsection (c), no member of the Board, officer or staff member of the Endowment, other than an elected member of Congress, shall be entitled to receive compensation or shall be allowed travel expenses for travel made in connection with the Endownment while such person is serving as on officer or employee of the United States.

Mr. DOLE. Mr. President, I do not know of any objection to this amendment. This is not one of the major amendments. It is just to try to make certain that we do not have different members of staff who are on the staff of different commissions who can travel on that commission, then travel at USIA expense, and then travel on this new endowment program. It is just an effort to limit the staff travel and to make the staff member decide who he works for.

There is probably much worthwhile travel that staff members and elected Members make overseas. I am not criticizing that. I am not one who likes to travel that much. I think a lot of good comes from travel, and certainly staff members are as responsible, in most cases, as elected Members.

Elected Members have to justify their travel around the world, whether it is on official business or nonofficial business, or whatever, every time they run for reelection, because somebody is going to raise the question that there is a lot of travel going on that is not necessary.

The same is not true of staff. Let us face it, there are some staff who make a career out of traveling around the world as often as they can at taxpayers expense. I think the record would show that some break a record every year. They travel to so many countries this year and so many countries the next year.

What I am fearful of is we are going to have some of these professional travelers who have just found another way now to travel at taxpayer's expenses under this new Endowment for Democracy. That will be one more travel agency they can go and pick up a ticket and travel to some country they have not been to yet. We want them to see all the countries, but some have been to various countries seven or eight times with no real purpose.

It would seem to me that all this amendment does is simply says staff will not be reimbursed for their endowment travel by the endowment if they are otherwise employed by the Government. As I have indicated, elected Members are not included in this amendment because I hope that whatever travel we make from time to time—and some Members are required to do more than others, certainly members of the Senate Foreign Relations Committee have greater responsibilities worldwide than other Members, but that travel and the expense involved have to be justified from time to time at election time.

I hope that this amendment might be adopted. It might have some intact on those who might seek to use this new agency, if in fact it is created—it will be of highly doubtful value if it is—but if it is created, that at least we are going to have just another ticket window for somebody who wants to start seeing the world at taxpayers' expense.

The PRESIDING OFFICER. Without objection, the amendment will be in order.

Is there further debate?

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, the Senator from Kansas has made a compelling argument, as he always does. The managers of the bill would like to take a look at the amendment before we respond.

Let me ask the Senator from Kansas this question: If all travel is prohibited, would that not impinge upon the purposes for which the endowment has been created?

Mr. DOLE. The purpose of the amendment is if they are traveling with the endowment, they cannot be paid by another agency. I do not think it is unduly restrictive. It deals with making sure that someone either works for or travels for the endowment or some other taxpayer financed entity—but not two or three such groups.

Mr. MATHIAS. In other words, what the Senator is getting at is people who are representing the endowment but also hold some other public office.

Someone who holds public office is not affected by the amendment.

Mr. DOLE. What I am getting at is there are some, and I am aware of some, who may belong to some commission, or some other agency, or some group who travel a great deal in that group, and now we are going to have this new source of travel, and if they cannot make it there, they will make it here, or maybe they will go on both. I am just trying to tighten it up.

If they are receiving compensation as an officer or employee of the United States, they cannot be reimbursed for their travel expenses in connection with the endowment.

Mr. MATHIAS. I think if it is clear that we are not prohibiting these people from carrying out their duties with the endowment but merely preventing a kind of sequential double compensation, that would make some sense. I take it that this amendment would prohibit drawing travel expenses from one agency for one trip and travel expenses from another agency for another trip.

I will defer to the ranking minority member of the Foreign Relations Committee.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I would like to ask a question of the Senator from Kansas. What is the basic purpose of the amendment? The Senator says anybody traveling as a staff member of the endowment shall not be allowed to receive compensation from any other agency of the Government. What is the purpose?

Mr. DOLE. The purpose of the amendment, and I am reading it to see if it may be clarified, that I want to impose is that some staff of some other commission or some other agency who might be traveling in connection with the endowment is prohibited from receiving salary or travel expenses from the endowment.

There are some, and I do not want to get into too many specifics, who make a career out of traveling for various unrelated commissions, and they have just an open-ended ticket to travel the world at the taxpayers' expense.

Mr. PELL. In other words, the point is that somebody working for Uncle Sam should be able to travel for the branch of Government for which he works but not be paid by another branch.

Mr. DOLE. That is correct.

Mr. PELL. What would happen, for the sake of argument, with a member of the endowment who is also a staff officer and also a Reserve officer? I can remember as a Reserve officer a few years back I traveled to Austria and back at Government expense. Does that mean I could not be an employee of the United States or a staff member of the endowment? I do not think the Senator means that.

Mr. MATHIAS. I do not think the amendment does that.

Mr. DOLE. No; the amendment would not do that.

I do not want somebody to be made an officer of the endowment so he can get a ticket. Let us face it, there are a lot of staffers around and, I assume, some Members of Congress who can go anywhere in the world. They know all the angles. They know all the loopholes. If you make them an officer or member of the board of the endowment, they have an open-ended travel agency at their disposal.

Mr. MATHIAS. Bags packed, will travel.

Mr. DOLE. For this commission they have one bag, for this commission they have another bag, and for another commission they have another bag. Sometimes they come to Washington to get their laundry done and pick up their mail.

Mr. PELL. A staff employee of the Senate could not receive reimbursement for expenses from the endowment?

Mr. DOLE. That is correct. There are plenty of places they can get tickets around here for travel, though we have tried to tighten it up, I must say. I do not want to prevent the normal functions of whatever we are creating, this new endowment.

Mr. MATHIAS. Let me advise the Senator from Kansas that there has recently been adopted a substitute amendment for title IV which makes some substantial changes in the arrangements of the endowment. For instance, officers of the endowment may not receive any salary or other compensation from any source other than the endowment during the period of their employment by the endowment.

Further, the revised statute provides that the endowment shall be a private, nonprofit corporation known as the National Endowment for Democracy, which is not an agency or establishment of the U.S. Government. As I said, the officers cannot receive any salary from any other source than the endowment. So by that logic, they could not be employees or officers of any other agency.

Mr. DOLE. Then does that take care of the problem we raise?

Mr. MATHIAS. I think it does take care of the problem because it precludes any Government official from being on the payroll of the agency.

Mr. DOLE. Does it prohibit any staff member from traveling courtesy of the American taxpayers through the endowment?

Mr. MATHIAS. It says:

Nothing in this title shall be construed to make the endowment an agency or establishment of the United States Government or to make the members of the board of directors of the endowment or the officers or employees of the endowment officers or employees of the United States.

I would think that it would make it very difficult for the endowment to provide travel expenses for employees of agencies of the Government.

Mr. PELL. There are two specific categories I would like to ask the Senator from Kansas about. One, personal staff members cannot tavel abroad unless they are on Senate business.

Mr. DOLE. That is correct.

Mr. PELL. In other words, if a personal staff member wanted to go on endowment business, the endowment could pay for his travel under this amendment as presently written?

Mr. DOLE. I do not think the endowment could pay for it. I do not see why they should. Maybe some of us are worried that this endowment we are creating is a travel agency. I heard the President's response last night of all the good it is going to do around the world, and I hope that is true.

But we also have some concerns about it. I think one way to make certain it is going to be for the purpose everybody hopes it is going to pursue would be to make it rather difficult for people just to fly around the world at taxpayers' expense.

Mr. PELL. To be specific, Mr. President, the Senator, who is not a member of the Foreign Relations Committee, might have a personal staff member who followed him and might want him to go down and see whether they were doing a good job or a bad job of endowment business. Under this amendment, the Senate could not pay for his travel, nor could the endowment. So how could he be sent?

Mr. DOLE. Mr. President, why could not the Senate pay for his travel?

Mr. PELL. Under the rules, as I understand it, and please correct me if I am wrong, personal staff members cannot travel outside the United States unless they are accompanying a Senator. Am I wrong about that? Under our rules?

Mr. DOLE. It is a question of jurisdiction and of who pays for the travel. There might be a need for an exception.

Mr. PELL. I think that should be covered.

Mr. DOLE. I think we all have the same intent. The Finance Committee deals with foreign trade. We do some—not nearly so much; we do not have the requirements the members of the Foreign Relations Committee have. What I want to suggest is that there is plenty of taxpayer financed legitimate travel.

I think one public criticism of this new Endowment for Democracy is that we are creating—at least it is pictured that way—some way for somebody to get a free ticket to India, Africa, England, wherever one wants to go, and the taxpayers pick up the tab. We ought to make certain we have this fairly tight.

Mr. PELL. Mr. President, I wonder if the Senator from Kansas might accept another suggestion.

Mr. DOLE. Certainly, Mr. President.

Mr. PELL. That is to take his amendment and add a phrase, say at the end of it, a phrase saying, unless so authorized by the President pro tempore of the Senate or the Speaker of the House. Or by both.

Mr. DOLE. That might improve it, but again, I cannot speak for the House. It is not too difficult to get travel approved.

Mr. PELL. I think that would provide for the insurance I am talking about and make it absolutely acceptable to me. That would be assuming an officer or employee of the United States unless he is so authorized by the President pro tempore of the Senate or the Speaker of the House.

Mr. DOLE. Let me suggest the absence of a quorum and see if we can work out any difference we have without gutting the amendment.

Not too many people get to travel around the world and when they do, they have to pay for it themselves. They do not particularly like to pay for our travel, and we are elected. Members of the Senator's committee have an obligation to travel and they are criticized for it from time to time. So are the rest of us. We ought to make certain that we are not just creating another big travel bureau here, for a ticket to anywhere. I am certain that is what might happen.

Let me suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, the managers of the bill have looked at the amendment of the Senator from Kansas and we think that it has some merit.

I think it will, in all fairness, be the subject of controversy in the conference with the House, but that is something that we cannot control. The Senator from Kansas is an experienced legislator, and he knows what the difficulties are when there is a contest in a committee of conference. But subject to that reservation, I think the managers of the bill are prepared to have a vote at this time.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2379) was agreed to.

Mr. PELL. Mr. President, I would like the record to show that I voted in the negative.

The PRESIDING OFFICER. The record will so indicate. Is there a motion to reconsider?

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There was a unanimous-consent agreement pursuant to which the Mathias amendment was laid aside to take up several amendments sponsored by the Senator from Kansas.

Are there additional amendments by the Senator from Kansas?

AMENDMENT NO. 2380

(Purpose: To provide further for designation of the Chairman of the Commission on Security and Cooperation in Europe)

Mr. DOLE. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 2380.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

DESIGNATION OF CHAIRMAN OF THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SEC. 701. Section 3 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (90 Stat. 661), is amended—

(1) by inserting "(a)" after "Sec. 3.";

(2) by striking out the second sentence of paragraph (1); and

(3) by adding at the end thereof the following:

"(b) Beginning with the start of the first calendar year after the date of enactment of the Department of State Authorization Act, Fiscal Years 1984 and 1985, the Speaker of the House of Representatives shall designate one of the members of the Commission on Security and Cooperation in Europe ap-

pointed from the House of Representatives to serve as chairman during each odd-number calendar year and the President of the Senate, on the recommendation of the Majority Leader, shall designate one of the members of the Commission appointed from the Senate to serve as chairman during each even-numbered calendar years.

Mr. DOLE. Mr. President, I think some Senators are aware of what this amendment does. All we are seeking to do in this amendment is return the so-called Helsinki Commission, the CSCE, to the nonpartisan committee it was intended to be. There always has been great bipartisan interest in the Helsinki Accords, and it is clear to me that the original Helsinki Commissioners had in mind a chairmanship arrangement that would reflect that bipartisanship. But this arrangement never came into being, and what we have today is a permanent chairman appointed by the Speaker of the House. Even though Senators serve on that committee—Republican Senators, Democratic Senators, Republican House Members, Democratic House Members—the chairmanship never rotates. It is one of these unusual things that happened in the Congress for reasons unknown to this Senator.

This amendment simply provides that the chairmanship rotate at the start of each calendar year between a Member appointed by the Speaker of the House and a Member appointed by the majority leader in the Senate. Whether it is a Democratic majority or a Republican majority, it gets it back into the spirit of rotation. I think a little background is in order.

At a hearing on July 27, 1976, dealing with the original establishment of the Commission, the late Senator Case of New Jersey, Congresswoman Fenwick, and Representative FASCELL, all whom were instrumental in the creation of the Commission, discussed their understanding as to how the chairmanship would be handled, and the following exchange occurred.

Representative FASCELL. One of the things that came up immediately was maybe an oversight, but probably not. I think it was probably a psychological kind of an effort on the question of rotation of chairmanships. The legislation provides for a House Member to be chairman.

When that question was raised I said I have absolutely no objection to a Senator. I love Senators, and some of my best friends are Senators.

Senator Case is here. We have just really started, Senator, at this point.

I assume that means that Senator Case had just walked into the room.

Senator CASE. I made the mistake of stopping in the office on the way over here.

Chairman FASCELL. I discussed the problem with Senator PELL, and some of you informally, and certainly we ought to have rotating chairmanships on this matter between the House and the Senate. I think that for the moment that certainly Senator PELL ought to be designated as cochairman, and that is what the legislation calls for, with Senator PELL as cochairman, and we can rotate it the next time around, and the Senator will be the chairman, and the House Member will be a cochairman.

We could get around, Senator, if this agreeable to the group, to making the necessary changes in the legislation at an appropriate time.

My own feeling is we ought not to rush it.

Well, I must say we have not rushed into it. It has been almost 8 years now.

He said:

We have an understanding, and if the Commission agrees we can proceed that way and designate Senator PELL as cochairman from this moment on.

Senator Clark is now here.

We will find an appropriate vehicle and we will make the necessary change in the law.

Does that seem agreeable with members of the Commission?

Representative FENWICK. It is perfect.

Chairman FASCELL. We will proceed on that basis, and the record will reflect as of this moment that Senator PELL is the cochairman.

Now, I have not practiced law for a long time, and did not practice much when I did, but it seems that we have a fairly clear-cut case here. You have an admission by the man who has been the chairman since 1976 that we ought to rotate it. And there was an agreement. We have his quote saying this is a deal, this is perfect.

But 7 years have passed and the chairmanship has not been rotated.

In fact, Chairman FASCELL has quite a tight rein on the Commission. After he fired the deputy staff director, whom I selected, he directed his staff to inform me that I, the cochairman of the Commission, would not be allowed to submit another staff recommendation.

Now, I do not think it is a personal conflict between me and Congressman FASCELL. I think it is a staff problem. They do crop up around here from time to time.

The Senator from Kansas feels that the staffing incident alone may underscore the way in which the Chairman of the Commission and staff have viewed the various cochairmen. No Commission of this type should have anybody's permanent stamp on it, and this amendment would simply correct the situation.

Over the years, Congress has created some 31 bipartisan Commissions of this type, ranging from the Board of Directors of Gallaudet College, to the Migratory Bird Conservation Commission to the U.S. Holocaust Memorial Council. Of all these Commissions, only the Commission on Security and Cooperation in Europe—the Helsinki Commission—has a Member of the House of Representatives as its permanent Chairman. A rotating chairman would not only be what the original commissioners had in mind, it would also eliminate what my research reveals to be a clearly unique situation in the history of bipartisan Commissions created by Congress.

The work the Helsinki Commission staff concerns matters of great importance to our Government and to the many American citizens who themselves monitor the East bloc's degree of compliance with the accords. Issues of travel, family reunification, and suppression of human rights are central of the Commissions casework. They are in a fundamental sense beyond politics. And that is the way that the Commission itself should be structured.

I must say—and I say it with all respect to my distinguished colleague from Rhode Island, who has done great work on the Commission, who is a loyal member of the Commission—that I have no quarrel with anybody in the Senate. But I believe that this is a matter the Senate should address. It is not a partisan matter. It is a matter of whether or not we are going to create a commission, whether we are going to let somebody in the House be the permanent chairman of the Commission, even though it be the only one of its kind among the 31 bipartisan commissions created, and even though there was an agreement on July 27, 1976, that the chairmen would rotate.

I understand that Representative FASCELL has done a good job. He is an outstanding Member of Congress; he is a friend of mine.

However, like so many commissions where you do not have a day-to-day contact, sometimes the staff runs the Commission. Sometimes they run the Senate. You have to keep an eye on what is going on. That is what is happening with this Commission.

It seems to me that it is a matter of comity between the House and the Senate.

Who knows what will happen next year? I know what will happen next year, but nobody knows what will happen in 1985, 1986, or 1987. So this is not an effort for some Republican to become a chairman.

I suggest that this is a matter of some importance. It may not be important to anyone who is not on the Commission. It may not be of great importance to anyone who is on the Commission, and maybe the entire CSCE should be abolished.

It seems to me that if we cannot agree—and I would think every Senator would agree—that if we cannot rotate the chairmanship on the CSCE, then, as an alternative, perhaps we ought to make the chairman of the National Endowment for Democracy a Member of the Senate, selected by the majority leader, whether it be a Democrat or a Republican. We cannot have it both ways. You cannot argue that you cannot rotate the chairmanship of the CSCE and then argue that you can rotate the chairmanship of the National Endowment for Democracy.

I hope we can accept this amendment. In my view, we might be able to work it out.

I have no quarrel with Representative FASCELL. I do not believe he has any quarrel with me. But I think we would have a lot more Senate participation on the so-called Helsinki Commission if we had rotating chairmanships and if we had more input at the staff level.

So I hope we can accept this amendment.

Mr. PELL. Mr. President, as the Senator from Kansas knows, I have great regard and admiration for him and his ability to shed light on debate and discussions.

I understand completely the point he is making. But I would be remiss if I did not express that I have a personal interest in this issue since I was the first Cochairman of the Commission and an initial member. The Senator from Kansas is correct: The understanding was that we would rotate the next time around, but no decision was made as to exactly when this would happen.

Frankly, the Commission is functioning very well. I think that Congressman FASCELL is doing an excellent job as Chairman and he certainly is dedicated to the Commission and its work. Over the years I have noted that attendance by Commission members from the Senate, myself included, has often been poor. Whether this was due to a lack of time or of interest, I am not sure. But from the viewpoint of the national interest and of the Commission, it seemed best to leave the Chairmanship in the House.

My colleagues know that I do not like to engage in partisan battles or squabbles about turf. I have felt, and I continue to feel, that Congressman FASCELL has run the Commission well. He has acquired a good deal of expert knowledge in the last 7 years. He is an enthusiastic and effective Chairman and I believe that he should continue to serve in that position.

Also, frequent rotation of the Chairmanship creates the possibility of the staff running the Commission rather than the Chairman.

Finally, in view of the tremendous amount of work all of us have as Senators, I question if any of us has the time to devote to the Chairmanship of the Commission.

For all these reasons, I believe the present arrangement should be left as it is. When the time comes that Congressman FASCELL loses his vigor or his interest, than we can and should reconsider this issue.

Mr. DOLE. Mr. President, that begs the question. There would be more than input if there were rotation, if Senators thought they had some influence on the Commission. We have a lot to do, but we do not take our duties lightly. The Senator from Rhode Island does not; the Senator from Kansas does not.

I do not assume that we are busier than Representative FASCELL. Just because he likes to be Chairman and somebody says he does a good job, then why should that not apply to all the other chairmen? Is the Senator from Rhode Island willing to make the Chairman of this new travel bureau, the National Endowment for Democracy, permanent, appointed by the majority leader, after consultation with the President? Why should we rotate that one?

Mr. PELL. If you find a good chairman, there would not be any reason for changing. We are about to adopt an amendment which I do not support saying that we should rotate the Chairmanship of the Helsinki Commission. I would certainly go along with the Senator's suggestion that we not rotate the Chairmanship of the Endowment.

Mr. DOLE. It seems to me that we have created 31 commissions and only one has a permanent House Chairman. It is time to correct that.

I do not want the record to reflect for one moment that I am critical of Representative FASCELL. But we are all Senators here, and I think we are equal with House Members; and sooner or later, somebody is going to recognize that maybe that was not a very good idea, after all.

It is not a question of one Senator versus one House Member. It is a question of whether this body is going to be equal with the House when it comes to the so-called Helsinki Commission, or whether we are going to say, "Well, if that's the attitude of the Senate, then maybe we should abolish the Commission." I think that probably would meet with the approval of some.

I hope this amendment will be adopted, to indicate that we are on the same plane as Members of the House and that we have a right, when we have membership on a commission, to have influence on that commission, particularly when the agreement was made that that is what would happen, and the agreement was made back in July of 1976.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. BAKER. Mr. President, I wish to commend the Senator from Kansas for his initiative in this respect. I will not prolong the debate except to say that I am glad he offered the amendment and I intend to support it.

Mr. PELL. Mr. President, do I understand the proposal of the Senator from Kansas to be that if we agree to make the Chairman of the National Endowment a Senator then he would withdraw his amendment? Is that his proposed package?

Mr. DOLE. That would be a backup. I really do not think it is a good idea though.

Mr. PELL. I would support that package if it is offered.

Mr. DOLE. I think the best thing is to make the Helsinki Commission like the 31 other Commissions. That is the real thrust. But it would seem to me if everything else fails then I might offer the other amendment. But it makes no sense. I do not want to delay this argument because it is maybe not that important to a lot of Members, but it is a principle that someday the Democrats may be in the majority again and someone on that side may say why have we permitted this to happen.

It is one thing when we have a House Democrat and a Senate Republican rotating but quite another thing if there is some Democratic Senator who is not becoming chairman and he might do a great job.

So it is a principle involved. I do not really believe that we should have any commission where we have House Members and Senators supposed to be equal serving on that commission where the chairmanship is locked up by a Senator or by a House Member.

That is all I am suggesting. If so, we should go back and change the other 31.

We already made one mistake. We should not make another. I think we should correct the first mistake.

Mr. ZORINSKY. Mr. President, the Commission on Security and Cooperation in Europe has functioned under the leadership of Congressman DANTE FASCELL since its creation by Congress in 1976. Over the years, Congressman FASCELL has devoted an incalculable amount of time and energy to the activities of the Commission. He has proven to be an effective Chairman and a true champion of the cause of human rights for the peoples of the Soviet Union and Eastern Europe.

While I appreciate Senator DOLE's desire to rotate the Chairmanship of the Commission, I seriously doubt whether any Member of the Senate has the time to fill that position effectively. At present, I see no apparent need to change the existing arrangement which is working so well.

Mr. PELL. Mr. President, I do not wish to prolong the debate either. I suggest we have a voice vote.

Mr. MATHIAS. I think we are prepared to vote on this.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Kansas.

(Putting the question.)

Mr. PELL. Mr. President, I wish the RECORD to show I voted in the negative.

The amendment (No. 2380) was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order the Senator from Kansas is entitled to introduce further amendments he may have.

Mr. DOLE. Mr. President, I withdraw any further amendments.

VOTE ON AMENDMENT NO. 2378

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Minnesota (Mr. DURENBERGER), the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER. Are there any Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 34, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—56

Andrews	Eagleton	Mitchell
Baucus	Ford	Moynihan
Bentsen	Glenn	Nunn
Biden	Gorton	Packwood
Bingaman	Hart	Pell
Boren	Hatfield	Percy
Boschwitz	Heinz	Proxmire
Bradley	Huddleston	Pryor
Bumpers	Inouye	Quayle
Burdick	Kassebaum	Randolph
Byrd	Kennedy	Riegle
Chafee	Lautenberg	Rudman
Chiles	Leahy	Sarbanes
Cochran	Levin	Sasser
Cohen	Lugar	Specter
Danforth	Mathias	Stafford
DeConcini	Matsunaga	Tsongas
Dixon	Melcher	Weicker
Domenici	Metzenbaum	

NAYS—34

Abdnor	Heflin	Simpson
Armstrong	Helms	Stennis
Baker	Hollings	Symms
D'Amato	Humphrey	Thurmond
Denton	Jepsen	Tower
Dole	Kasten	Trible
East	Laxalt	Wallop
Exon	Mattingly	Warner
Garn	McClure	Wilson
Grassley	Nickles	Zorinsky
Hatch	Pressler	
Hecht	Roth	

NOT VOTING—10

Cranston	Goldwater	Murkowski
Dodd	Hawkins	Stevens
Durenberger	Johnston	
Evans	Long	

So the Mathias-Eagleton amendment (No. 2378) was agreed to.

Mr MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order. The Senate will be in order.

Mr. BYRD. Mr. President, I ask for order in the Senate. I am going to inquire of the majority leader as to what the program is for the rest of the day and the rest of the week. I congratulate the Chair in seeking to get order.

Mr. President, the Senate is not yet in order.

Senators are wondering what will be happening the rest of the day and how many more rollcall votes there will be and whether we can go home and whether we ought to invite our wives out for dinner and what votes there will be tomorrow, so I hope that we can get order so that we can hear.

Mr. BAKER. Mr. President, the minority leader has the floor. If he will yield to me, I would reinforce his request. I hope we could have the attention of Senators for a moment while we try to arrange the schedule of the Senate.

Mr. BYRD. Mr. President, we will have order before I proceed. We always do. One way to get order is insist on it and Senators, when they hear, they acquiesce.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, will the leader tell us what we may plan on for the rest of the day and evening?

Mr. BAKER. Yes, Mr. President. I thank the minority leader. My first reply to him is I do expect us to be in tonight long enough to finish this bill, the State authorizations bill. That will probably take a while, I would guess another hour or so.

In addition to that, Mr. President, I believe the Labor-HHS conference report is here or will shortly be here. It is privileged, of course, and I would like to take that matter up. I am advised it will not take very long to do that measure.

When we pass State authorizations tonight, it would be my intention then to announce that we will go to the State, Justice, Commerce appropriations bill tomorrow.

ORDER FOR RECESS UNTIL TOMORROW AT 9:30 A.M. AND DESIGNATING PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, will the minority leader yield briefly.

Mr. BYRD. I yield.

Mr. BAKER. I thank the minority leader. I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 tomorrow morning; that after the recognition of the two leaders under the standing order the time before 10 be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each, and that at 10 a.m. tomorrow, the Senate turn to the consideration of the State, Commerce, Justice appropriations bill.

Mr. BUMPERS. Reserving the right to object, and I shall not object, is it the majority leader's opinion that there is no way to get to the State, Justice, Commerce appropriations bill this evening?

Mr. BAKER. I am afraid not, Mr. President. I had hoped we would do that, but I feel certain it will be tomorrow. We are starting early and maybe we can finish early. But there is no way to do that tonight.

There is one other matter I should identify in response to the minority leader. On yesterday, the junior Senator from California withdrew an amendment to the King bill and introduced that measure as a free-standing bill, which was taken to the calendar. It would be my intention, perhaps after the next vote on this bill, to go to the Wilson bill and take it up on a time limitation of 20 minutes equally divided and to dispose of that measure.

I would expect a rollcall vote on that measure.

Mr. BYRD. Mr. President, I think that matter has been cleared on this side with a limitation equally divided with the understanding that no amendment would be in order.

Mr. BAKER. If the Senator will yield to me so I may make that request, I will do so now.

Mr. BYRD. I yield.

Mr. BAKER. And if the managers of the bill will acquiesce, let me put this request.

The PRESIDING OFFICER. The Chair has not yet ruled on the previous unanimous-consent request.

Mr. BAKER. I will withhold until the Chair rules on tomorrow morning's schedule.

Mr. BYRD. Reserving the right to object, that has not been cleared on this side.

Mr. BAKER. I withdraw that request, Mr. President. But let me announce that that is the sequence the leadership on this side will ask the Senate to turn to. Let me limit the request to convening at 9:30 a.m. and morning business until 10 a.m. and delete the rest of the request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PERCY. Will the minority leader yield?

Mr. BYRD. I yield.

ORDER OF PROCEDURE

Mr. PERCY. For clarification, we have seven Helms amendments and one Boschwitz amendment, so the estimate of an hour might be a little optimistic. We hope we would have an understanding to finish this up tonight. If we move swiftly I believe we can take up the Helms amendments very rapidly, several of which are acceptable. I hope we have the understanding that we will finish this bill before we go to the State appropriations bill.

Mr. BAKER. Will the minority leader yield to me so I may reply?

Mr. BYRD. Yes.

Mr. BAKER. Mr. President, it is the intention of the leadership on this side to ask the Senate to remain tonight to finish the State authorizations bill. Could I inquire of the distinguished managers if they could give me a ballpark estimate? One hour, two hours, three hours? Then we could advise our colleagues.

Mr. PERCY. I would estimate probably 2 hours would be a little closer to it than 1 hour.

Mr. BAKER. Mr. President, I am going to estimate we will he here at least until 8 p.m., tonight.

Mr. BYRD. If I may ask the majority leader a further question, in the event we cannot clear the State, Justice appropriations bill on our side, and by asking that I am not implying any difficulty, what would the majority leader plan for tomorrow?

Mr. BAKER. I know neither the minority leader nor any other Member will be offended by what I say, but I place such a high priority on the completion of the appropriations bills that even if we cannot clear an agreement to do that it would be my intention to move to the consideration of that appropriations bill in the morning.

Mr. BYRD. That motion would be debatable.

Mr. BAKER. Yes, it would.

Mr. BYRD. If I may ask the majority leader one further question, he does expect rollcall votes tomorrow and he does expect rollcall votes fairly late into this evening?

Mr. BAKER. Yes, Mr. President, I do expect rollcall votes both evenings.

Mr. BYRD. And this Saturday there will be no session?

Mr. BAKER. This Saturday there will be no session but I make no such representation for the following Saturday.

Could I gain the floor, Mr. President?

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MOYNIHAN. Will the Senator yield?

Mr. BAKER. I yield.

Mr. MOYNIHAN. Do I understand that he does not expect the intelligence authorization bill to come up tomorrow? The chairman is not on the floor. The chairman of the Committee on the Budget is. There would be difficulty on this side, I take it. If I could have that assurance, it would be appreciated. It can be set for any time next week.

Mr. BAKER. I thank the Senator. The chairman of the committee is not here. He is necessarily absent. I do not plan to ask the Senate to turn to that bill tomorrow unless we can get an agreement on it. If we do get an agreement, I would very much like to bring it up and dispose of it tomorrow. But it is my intention to go to the appropriations bill.

Mr. MOYNIHAN. I thank the Senator.

ORDER TO PROCEED TO CONSIDERATION OF S. 1970

Mr. BAKER. Mr. President, I understand now that consent to go to the Wilson bill has been cleared on the other side. I will state now the request for the consideration of the minority leader and other Senators.

Mr. President, I ask unanimous consent that immediately after the next rollcall vote that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar Order No. 479, S. 1970, a bill by Mr. WILSON to limit the number of legal public holidays to 10, that on that bill no amendments be in order; that the time for debate be limited to 10 minutes equally divided and the control of the time to be in the usual form, and after the disposition of that measure the Senate resume consideration of the State authorizations bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. I might say, Mr. President, there may very well be a rollcall vote on the Wilson bill.

MESSAGE FROM THE HOUSE

At 5:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3913) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 11, 21, 50, 68, 79, 95, 103, 104, 109, 113, 139, and 140, and agrees thereto; and it recedes from its disagreement to the amendments of the Senate numbered 22, 29, 84, 86, 91, 92, 93, 96, 101, 127, and 128 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1213) to amend certain provisions of law relating to units of the national park system and other public lands, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 3044. An act to grant the consent of the Congress to an interstate agreement or compact relating to the restoration of Atlantic Salmon in the Connecticut River Basin, and to allow the Secretary of Commerce and the Secretary of the Interior to participate as members in a Connecticut River Atlantic Salmon Commission; and

H.R. 3706. An act to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

The enrolled bill H.R. 3044 was subsequently signed by the President pro tempore (Mr. THURMOND).

Mr. BAKER. Mr. President, we have just received the conference report on Labor-HHS appropriations. It is, of course, privileged. But I would like, if I can, to obtain the concurrence of the two managers and the minority leader that it would be appropriate at this time to go to that conference report, which I do not believe will take over 5 or 10 minutes.

Very well.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS, 1984—CONFERENCE REPORT

Mr. BAKER. Mr. President, I submit a report of the committee of conference on H.R. 3913 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3913) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 19, 1983.)

Mr. WEICKER. Mr. President, this conference agreement provides $96,531,883,000 in current year new budget authority. Including advance appropriations for fiscal years 1985 and 1986, the amount of budget authority provided by this bill is $104,433,883,000. Discretionary programs account for $32,077,974,000. Let us look at that number a moment and then talk about the programs and, most importantly, the people served by it.

To 1983 levels, we have added $3.3 billion. Included in the total is $2.9 billion in forward funding for job training programs mandated under the Job Training Partnership Act passed by this Congress in 1982. And by the way, funding that program through the first 9 months of fiscal 1985 has the effect of establishing a new program year which coincides with most Federal education programs and should improve the coordination of our education and job training activities.

The dollar amounts in this report are generous, there is no doubt about that. But they are also carefully calculated. These are not the 1960's when we believed we could afford to put a stake on every social program that came along. Our hearts were in the right place then, but that was not always true of the dollars. Programs that did not work have been weeded out over the years—and in some cases second-generation programs have grown up in their place. Programs that did not work from the beginning, like the Head Start program for low-income preschoolers, have been strengthened over time. This bill provides both the dollars and the direction; all these programs need to do an even better job in fiscal year 1984 and the outyears. So we are not throwing money at programs; we are investing it in people.

The acid test of any piece of legislation that leaves our hands is the difference it makes in the lives of the American people. Who are the people helped by this legislation and how? They are children who, with the aid of child welfare programs, can remain with their families, rather than be put up for adoption. They are elderly people whose tremendous skills and vast reservoirs of wisdom are not wasted but put to work through Community Service Employment for Older Americans. They are men and women in the prime of life struck down by a disabling disease, as well as the valiant researchers who dedicate their lives to finding the cures and the preventive measures to do away with such diseases.

They are people of all races, all creeds, all walks of life. The one characteristic they have in common is that circumstances beyond their control have rendered them unable to provide these services for themselves. And we as a Congress have an obligation to assist these people, not simply out of a sense of compassion, but because we are the leaders of a nation dedicated not just to providing for the common defense—that is going to be done to the tune of some $260 billion in fiscal year 1984. We are also pledged to promoting the general welfare and that is where the Labor-HHS-Education appropriations come in. This is not the dessert of the Federal budget—this is the meat and potatoes.

Where the Department of Labor is concerned, $6.4 billion is going to help the long-term unemployed, people for whom economic recovery is something they read about in the papers but do not experience in their own lives. They are economically disadvantaged people without skills and factory workers who need new ones. The programs we are talking about include job corps, summer youth employment and training, dislocated worker assistance, and block grants that will enable States to design job training activities tailored to local needs. Overall, more than a million individuals are expected to be served in employment and training activities in 1984. These are not busy-work jobs we are talking about but jobs that need doing.

Where health is concerned, this report addresses a wide spectrum of needs—remote rural areas and inner-city neighborhoods which lack their share of doctors and hospitals are provided for, as are coal miners who have contracted black lung disease, and mothers-to-be who cannot afford the medical care it takes to guarantee a healthy baby at birth.

Those of my colleagues who think we have got the infant mortality problem licked in this country should come home with me during the recess and talk to health professionals and the low-income mothers they care for in Hartford, Conn. The infant mortality rate in that city recently hit 28 per 1,000. The national average is 11 per 1,000. My colleagues from Pennsylvania are no doubt familiar with the most recent statistics from the city of Philadelphia: Infant mortality, 27 per 1,000 births. This bill provides $399 million for maternal and child health.

If provides scholarships to train students who are the health professionals of the future, especially those bright young people who cannot afford the costs of such training. It includes funds to help train young doctors to be family practitioners and to train nurses for advanced degrees. It provides moneys to alert doctors to new developments in preventive medicine.

These programs address the need to provide all Americans with access to high quality health care at a reasonable cost, to promote good health and prevent disease where possible, to return the acutely ill to good health, and to improve the quality of life for the elderly, the chronically ill, and the disabled. Altogether, this legislation provides more than $1.3 billion for these health training and development programs.

A big increase is also appropriated for the National Institutes of Health. My colleagues have only to look at the news stories on the Nobel Prizes in medicine and the other sciences to recognize that the best research on this planet is going on right here in American laboratories and research centers. Discoveries are being made daily that lengthen lives by decades and improve lives immeasurably. The total appropriation of just over $4.3 billion will allow the Institutes to fund 5,000 new and competing research grants, pay full indirect costs on grant awards, and keep all of its research centers open. This appropriation reflects the understanding that tomorrow's discoveries will not come without an investment today. This Nation declared war on cancer and heart disease and other chronic and disabling diseases a generation ago, and many people are alive today because of it. We are not about to give up the fight.

Indeed, this bill mounts new offensives against illnesses such as Alzheimer's disease, a form of senile dementia from which thousands of people die every year. We have initiated a program of support for up to five special Alzheimer's disease research centers. We have also provided the institutes and the Center for Disease Control (CDC) with $41.6 million to address the health threat posed by the acquired immune deficiency syndrome (AIDS). The CDC is also slated to receive increases for childhood immunization, venereal disease control, infectious disease prevention, epidemic control, occupational safety and health research and training. Altogether, the CDC is due to receive a $40 million boost over last year's budget, an amount fully deserved by this vital weapon in our Nation's disease-combating arsenal.

In recognition of the graying of America, the increasing proportion of our citizens 65 and older and its implications for the health of our Nation this bill provides a 20-percent increase over fiscal year 1983 for augmented research activities by the National Institute on Aging.

And let me tell my colleagues about a new initiative of which I am extremely proud, both because of the substance of its mission and the man for whom it is named. Ten million dollars has been earmarked for a Jacob K. Javits neurosciences research award program. Our beloved colleague was instrumental in the creation of this special initiative, which promises to alleviate a great deal of suffering by uncovering basic processes behind some of our most debilitating neuro-

logical diseases. Indeed, it is my belief that this entire bill takes a page from the Jack Javits book of budgetmaking. We cannot go wrong if we look to his example as a leader in forging policy and the budgets to support those policies. I informed Senator Javits this afternoon of the inclusion of this initiative in the conference agreement, and he asked me to convey to all of you, Democrat and Republican, Senators and Representatives, his deep and abiding thanks.

Where human services are concerned, this bill again ups the ante so that more people will receive more help. This conference report provides $352 million for the variety of services delivered by the community services block grant, services that go to the most impoverished of our citizens, including food and shelter for the hungry and homeless. I cannot speak for my colleagues but I know that the numbers of such people have been on the increase in Connecticut since the recession put people out of work and cuts in other programs put more emotionally disturbed and otherwise disabled people on the streets.

For the social services block grant, a little over $2.67 billion is provided. Here we are making funds available for day care services which enable low-income parents to continue working and keep off the welfare rolls. We are making funds available to prevent neglect, abuse and exploitation of children and adults, as well as do away with inappropriate institutional care.

The low-income energy assistance program is funded at the authorized ceiling of just over $1.87 billion. This is the program that enables the elderly and the disadvantaged to meet escalating energy costs. If we give this program the continued attention and funding it deserves, we may someday be able to pass winters without deaths due to hypothermia and summers without fatalities due to heat exhaustion and heart attacks brought on by high temperatures.

The Head Start program, which I mentioned at the beginning of my remarks as a Great Society program that has proven effective during 20 years of service, would receive $995 million, an $84 million increase over fiscal year 1983.

The story of this conference report is much the same where education is concerned. My colleagues heard me mention meat and potatoes above with reference to this legislation. Well, education might be considered the vegetables—for without it this country will not remain whole and strong in future years. Accordingly, more than $15.2 billion is appropriated for the Department of Education. Most of the add-ons have to do with removing economic barriers to education that exist for many Americans, young and old.

A total of $3.48 billion is provided for the Chapter One program for disadvantaged schoolchildren. Nearly a half-a-dozen commissions and task forces on education have weighed in with studies of our public schools in recent months. Without exception, they emphasize the importance of giving students a good grounding in reading and math in their early years. Chapter One gives disadvantaged youngsters just such a foundation, one they can build on as they move on to higher education. Adequate amounts for Chapter One will preclude greater outlays for remedial math and English courses down the line.

This legislation also addresses the skyrocketing costs of getting a college education. It does so by providing nearly $4 billion for student financial assistance and $408 million for higher and continuing education. The Pell grant program would receive $2.8 billion, enough to serve 2.6 million needy college-bound students. And the maximum grant per student would be raised to $1,900 from $1,800.

The funding provided for vocational and adult education is a full $831 million. The underskilled and the undereducated are doomed to be the unemployed as well. As our economy shifts to new technologies this area of education becomes especially crucial. Enrollments in vocational education have increased by more than 85 percent in the last 10 years, with current enrollments totaling 16.5 million secondary, postsecondary, and adult students.

Language barriers to education are addressed in the appropriation for bilingual education, which is more than $139 million. And while we are on the subject of breaking down barriers, this conference report would provide $7.5 million more for the Department's Office for Civil Rights, which is responsible for addressing civil rights violations in education programs.

There are many more specific line items I could point to in order to make my point that this conference report addresses human needs in this country and makes the necessary investments to develop human capital. For instance, I have not even touched upon handicapped programs, which received increases as well. But, Mr. President, I believe that the case for this conference report has been made. Not by me, Mr. President. This conference report makes its own case, which is the case of millions of Americans in need of job training, better health care, and more opportunities for education. I urge my colleagues to give it their full and unqualified support.

Now, there is something I would like to add in the sense of a postscript and that is this: My colleagues are well aware of the fact that I have had my differences with the administration. And I would venture to bet that I will have more such differences in the future. But we would not have this first Labor-HHS-Education appropriations bill in 5 years on the floor today without cooperation between Democrats and Republicans, and between the executive and legislative branches. No one can be said to have been more cooperative than the man I consider to be tops in compassion, integrity, and ability and that is Congressman BILL NATCHER. And, Mr. President, I appreciate the cooperation and hard work of the President's representatives, with whom I met a number of times. Lastly to my colleague and friend, BILL PROXMIRE, heartfelt thanks for being a coworker in the vineyard and not a partisan. I truly believe this is a work product of which we can all be proud. I commend it to my colleagues for their approval.

Mr. PROXMIRE. Mr. President, Senator WEICKER has done an excellent job of describing what conferees did on Wednesday. I believe that two figures in particular deserve to be given a special emphasis. The compromises we struck with the House conferees left us $137 million below the Senate totals and $93.7 million above the House totals in discretionary programs, exclusive of impact aid, which was not considered by the House. This means that we were able to keep the most vital Senate add-ons but also cut our increases by more than half. In other words, we made a good faith and successful effort to protect the interest of both the program beneficiaries and the taxpayers who foot the bill.

Finally, I think we all owe a debt of gratitude to Senator WEICKER for the masterful way he handled this legislation. He was the right man in the right place. His impeccable credentials as a dedicated supporter of strong social programs in job training, health, and education made it possible for him to convince his colleagues that he had gone just as far as he possibly could without provoking a Presidential veto. I fully expect this bill to be signed and it should stand as a sterling example of how our system of checks and balances—the delicate interplay between executive and legislative prerogatives—should operate.

Mr. HATFIELD. Mr. President, as part of our deliberations on the Department of Education's fiscal year 1984 appropriation, the conferees agreed to the Senate bill language that postpones the recompetition of the 16 regional education laboratories and research centers supported by the National Institute of Education.

This issue has captured the attention of several of my colleagues. Therefore, I would like to clarify any misunderstanding surrounding this postponement.

First, the bill contains instruction to postpone, not cancel, the competition. We fully expect the labs and centers

to compete openly for their continued special relationship with the National Institute of Education. The language simply instructs the Department to delay the competition for 1 year.

This action was taken primarily to remove the competition from an election year. Many of our Members have received expressions of concern that this competition, representing approximately $150 million worth of discretionary funds, would likely become entangled in election-year politics. It is no secret that the National Institute of Education (NIE) has been plagued by ideological problems and instability for the past 3 years. In that time, NIE has had four different directors.

We are pleased that the House conferees agreed to our Senate language on this matter without debate. They understand, as we do, that this competition represents the largest ever mounted by the Department of Education and that it will chart the course of our Federal research effort in education for 5 years. This effort is far too important to become enmeshed in the political climate of a major election year.

I would also like to clarify another point. This delay does not mean that the Department has to cease all its planning activities. The bill language does not prevent the Secretary from planning the competition, meeting with his advisory committees, conducting a bidders' conference, or from publishing rules and regulations, if he so desires.

Finally, I wish to emphasize that our language only prevents the recompetition of the existing labs and centers. There are three regions of the country currently unserved because they do not have educational laboratories. A year ago, the House and Senate conferees instructed NIE to create a laboratory for the central Midwestern region of the country. A month ago, NIE awarded planning grants to nine organizations and institutions in the Midwest to plan this new laboratory. We expect that this planning activity will lead to the establishment of a central midwestern regional laboratory this year.

Mr. President, I am fortunate to have two of the NIE-supported institutions in my own State of Oregon. They conduct high-quality research and provide valuable services to the school districts in the Northwest region of the country. I am confident that they will fare well in a fair and open competition in fiscal year 1985.

NAVAHO NATION GRANT UNDER THE VOCATIONAL REHABILITATION ACT

● Mr. WEICKER. Mr. President, the Labor, Health and Human Services education appropriations conference adopted the Senate position on funding for the Vocational Rehabilitation Act. It was and remains the intent of the Senate that of the $37,600,000 appropriated for service projects at least $650,000 continue to be available to the Navaho Nation—as it was in fiscal year 1982 and fiscal year 1983 for a vocational rehabilitation grant. The special circumstances of disabled Navahos living on reservations require this continuing Federal commitment and it is expected that the funds awarded in this grant in fiscal year 1984 be increased at least to account for inflation since the initial grant award in fiscal year 1982.

Also as the report of the conferees states, $500,000 of the $37,600,000 appropriated for service projects is to be made available under a cooperative agreement for construction of the Garden Park Enterprises Rehabilitation Center in Phoenix, Ariz. Prompt construction of this facility will substantially enhance the availability of rehabilitation services in the Phoenix area.●

IN SUPPORT OF CONTINUED FUNDING FOR THE NATIONAL PUERTO RICAN FORUM AND PREP, INC.

● Mr. D'AMATO. Mr. President, I rise today to draw the attention of my colleagues to the recent Labor Department decision to cease funding, as of September 30, 1983, for the highly successful targeted outreach employment and training programs run by two national organizations, the National Puerto Rican Forum (NPRF) and PREP, Inc. The NPRF has provided specialized services to the Hispanic community and PREP has delivered employment and training services to women and minorities. I urge the Secretary of Labor to reevaluate his decision in light of the special needs of the groups served so well by these organizations and to continue national funding for both NPRF and PREP at 1983 levels.

The national activities provision of the Job Training Partnership Act (JTPA) provides employment and training assistance to special target populations. The Senate Appropriations Committee has recommended an increase of $7 million over the budget request for special national activities to restore current funding levels for all recurring categories of projects for which reductions were proposed. Specifically, the committee directs the Secretary of Labor to at least maintain current funding levels for projects such as 70,001, Ltd., the Human Resources Development Institute, and the National Displaced Homemakers' Network.

It is important to take a close look at the vital services provided by NPRF and PREP to special-targeted segments of the community in order to appreciate how fully and successfully they have demonstrated the ability to afford job training to those individuals facing serious barriers to employment, the stated purpose of the JTPA. These are surely recurring categories of projects which deserve continued funding.

NPRF is a nonprofit organization with headquarters in New York and offices in Illinois, Connecticut, Ohio, Florida, and Washington, D.C. Since 1978, the NPRF has assisted Puerto Ricans and other Hispanics to enter the socioeconomic mainstream. In our Nation's large urban centers there are no significant allocations to Puerto Rican organizations for training and placement programs and, with the exception of the NPRF, there are few, if any, groups capable of delivering these services to the neediest members of the Hispanic community.

Since 1978, the NPRF has been a contractor under title III, CETA, as a sole source provider and has received approximately $1.6 million annually under the persons of limited English-speaking capacity (PLESA) provision of CETA. The reason for the sole-source contract was simple, the NPRF was the only Hispanic organization with the necessary experience to run such a program on a national level. The Department acknowledged NPRF's unique capabilities through repeated contract renewals up until fiscal year 1984.

The NPRF's career services and job placement (CS&JP) program offers specially designed outreach, recruitment, assessment, counseling, job development, and placement services, as well as job preparedness services and language training to areas with high concentrations of Puerto Ricans and other Hispanics. In conjunction with the basic occupational language training (BOLT) program, the CS&JP program has paved the way for placement in unsubsidized employment of individuals who possess some skills, but for whom language is an obstacle to employment. From its inception, the CS&JP program has been extremely effective in placing enrollees in jobs, maintaining an average placement rate of 25–30 percent above contractual goals. The following is a breakdown of goals and percentages:

Year	Annual goal	Actual	Percent of goal	Cost per placement
1978–79	1,500	1,824	125	$898.44
1979–80	1,950	2,737	140	618.00
1980–81	1,500	1,783	118	890.00
1981–82	1,000	1,130	113	870.00
1982–July 1983	780	637	86	

The reasons for the success of NPRF's programs are its many years of experience in the professional delivery of employment and training services and the tremendous, unfilled need for such services in the Hispanic community.

Two years ago, the CS&JP program was cutback 20 percent, despite its exemplary performance record and cost effectiveness. Additional cuts were

made last year. Now, the NPRF has been informed that its sole-source contract will not be renewed for fiscal year 1984. This drastic step will nullify the Federal Government's investment in a community whose needs are beyond doubt. Offices in New York, Chicago, Miami, and Washington, D.C., will be forced to close. Over 3,200 clients will be deprived of services and 30 professional staff will be laid off. An investment which has begun to yield returns for a community long ignored should not be terminated, especially when the need is so dire.

The Bureau of Labor Statistics reports that Puerto Ricans have the highest rate of unemployment and underemployment of any Hispanic group. They need more financial resources to fully share in the economic recovery of America with their fellow citizens. Following the intent of the new JTPA, the NPRF's program with the AETNA Life Insurance Co. received a Presidential award last year for its private/public partnership efforts. This type of partnership is NPRF's goal in the cities in which programs are located. The decision to terminate a successful contract and dismantle a national structure—staff, materials, offices, facilities, equipment, and furniture—does not make much economic sense or programmatic wisdom.

PREP is another highly successful nonprofit national organization. It prepares women and minorities to enter apprenticeship programs in the construction-industry. Headquartered in the Cincinnati tri-State area—Ohio-Kentucky-Indiana—PREP has been formulating and administering targeted outreach programs for the construction industry and other employers for 15 years. National funding was obtained 14 years ago through the Secretary of Labor's discretionary funds. PREP's contract for $899,578 was terminated on September 30, 1983, and was not renewed for fiscal year 1984.

PREP operates under the hometown-plan approach, which is an industry wide affirmative action plan that eliminates the need for individual employers to develop their own affirmative action plans. In 1982, the Office of Federal Contract Compliance gave a strong endorsement of the hometown-plan approach for Government contractors and further indicated that approval by OFCCP of such plans is predicated upon presence of adequate staffing and the meeting of performance criteria. Providing targeted outreach program funds to offer these services has worked to the advantage of employers, as well as women and minorities. The concept represents a true partnership approach.

This organization's corporate sponsors include: the Associated General Contractors of American, the National Electrical Contractors' National Association, Mechanical Contractors of America, Sheetmetal Congractors' Assocaition, NOW, the Feminist Congress, Circulio De La Hispanidad, Inc., the NAACP, the Urban League, and the City of Cinicinnati, Kansas City, and New Orleans.

The Department of Labor has argued that, unlike PREP, programs slated for fiscal year 1984 funding are national, reflecting a policy shift away from local decisionmaking when Federal funds are involved. Yet, in addition to the Cincinnati tri-State area, PREP also operates in the New Orleans, Long Island, New York, Kansas City, and San Francisco areas. I find it difficult to believe that new programs could have a more national scope than PREP.

The Labor Department has suggested that PREP should be funded through the JTPA local service delivery areas. Unfortunately, the recommendation will not work for three reasons. First, the administrative problems of funding multicounty, multi-State jurisdictions through CETA/JTPA are obvious, including the necessity for multiple contracts and separate residency requirements. These problems would be overwhelming and would detract from program effectiveness. Second, JTPA administration is far behind schedule, precluding continuation of funding without interruption of service. Third, the service-delivery areas also are struggling to make less money stretch further and, thus, do not have the funds to maintain programs already in the local systems.

In addition, title IV part D, of the JTPA provides that some multi-State programs are better administered on a national basis than on a local basis. PREP clearly is such an organization, with a demonstrated record of effectiveness over the last 15 years.

Recently published statistics—1980 census—have underscored the economic plight of blacks, Hispanics, and women citizens. Given the climate, the Department of Labor should continue targeted outreach funding for organizations such as PREP and the National Puerto Rican Forum. There is no question that both organizations are recurring categories of projects, as discussed both in the Senate Appropriations Committee's report on the Labor-HHS-Education appropriations bill, and in the conference report on the fiscal year 1984 continuing resolution—House Joint Resolution 368. I strongly urge the Secretary of Labor not to disrupt the flow of essential employment and job-training services to the groups who most need them. The National Puerto Rican Forum and PREP, Inc., should continue to be funded by the Labor Department at 1983 levels so that they may carry on the important functions for which they are so uniquely suited.●

● Mr. GRASSLEY. Mr. President, I hate to be the voice of gloom and doom in the midst of the congratulations on the passage of this conference report, but I have some serious reservations with the way the Appropriations Committee has conducted itself on this legislation.

This second time around, as the first time, there has been no time for concerned Senators such as me to peruse the report language before passage of the bill. And this is of particular concern to me, because the original report language, both in the House and Senate, contained items which I found inappropriate for appropriations bills and which may prove harmful to the rural elderly.

This language called on the Administration on Aging to increase funding to certain named national legal services programs, and also instructed AOA to shift funds from discretionary programs under title IV of the Older Americans Act to other programs under that title.

Yet the discretionary programs are the only programs under title IV containing specific language urging that special attention be given to programs for the rural elderly.

Largely because of the extremely late availability of the Senate report, this language escaped the notice of the many members of the Senate Appropriations Committee from predominantly rural States—many of whom knew nothing about the language or if its significance until we brought it to their attention.

Even so, this result could have been avoided if the authorizing subcommittee—of which I am chairman—had been consulted as to this language, which amounts to authorization on an appropriations bill.

Senator HEINZ, chairman of the Senate Aging Committee, and I wrote the members of the onference committee on this bill to bring our concerns to their attention, which I would like to have reprinted at the close of my statement, along with supporting documentation.

Unfortunately, this activity may have been too little, too late. Again, I do not know how this language may have been altered, if at all, in conference. What I do know is that even if it has been rolled back, a very troubling precedent is being set by this attempt to take on the role of an authorizing committee, wholly outside the language of the bill, and almost without notice.

I want to add in closing that the views in the report language as to how this money is to be spent do not accord with the views of the chairman of the authorizing subcommittee. I believe the Administration on Aging, as it considers how heavily it should weigh the advice of the Appropria-

tions Committee, would be well advised to remain in close consultation with the chairman of the authorizing subcommittee and its members as it allocates funding for the coming fiscal year.

And I want to add further that I hope that we will not see this troubling precedent repeated and expanded upon in future appropriations bills.

The letter follows:

COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, D.C., October 17, 1983.

Hon. LOWELL P. WEICKER, Jr.,
Chairman, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR WEICKER: Prior to the meeting of the Conference Committee on Labor, HHS, Education and Related Agencies Appropriation Bill we would like to call your attention to Report language to accompany H.R. 3913 appearing on page 115 of the Senate Report Number 98-247.

The Report language dealing with Title IV (see enclosed) of the Older Americans Act and headed Research, training, and special projects urges the reduction of discretionary demonstration projects. If left as is this language would cut funding of rural projects (see Title IV, Sec. 442 enclosed).

It seems to us that very little if any authorizing language is needed in this appropriation language. Certainly the language of the law as amended in 1981 is all inclusive so as to allow a wide range of research, training and special projects—note Sec. 424 regarding legal services for instance.

Certainly the Subcommittee members do not want to endorse the reduction of funding for the rural elderly.

We urge the elimination of this part of the Senate language which frees up the Commissioners hand in placing grants in more not fewer rural areas.

Sincerely,

CHARLES E. GRASSLEY,
Chairman, Subcommittee on Aging, Committee on Labor and Human Services.

JOHN HEINZ,
Chairman, Special Committee on Aging.●

Mr. WEICKER. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report. Is there further discussion?

The conference report was agreed to.

Mr. WEICKER. I move to reconsider the vote.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 22 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$95,059,000.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 29 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$374,504,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 84 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert: *and $34,414,000 shall be available for purposes of section 554(b)(1)(D).*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 86 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$527,867,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 91 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title 1 of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13), $565,000,000, of which $20,000,000 shall be for entitlements under section 2 of said Act, $10,000,000 shall be for payments under section 7 of said Act and $535,000,000 shall be for entitlements under section 3 of said Act of which $457,500,000 shall be for entitlements under section 3(a) of said Act: Provided, That payment with respect to entitlements under section 3(a) to any local educational agency described in section 3(d)(1)(A) of said Act shall be at 100 per centum of entitlement except that payment to such agency attributable to children who reside on properly which is described in section 403(1)(C) of said Act shall be limited to 15 per centum of entitlement: Provided further, That payment with respect to entitlements under section 3(a) to any local educational agency not described in section 3(d)(1)(A) shall be ratably reduced from 100 per centum of entitlement except that payment to such agency attributable to children who reside on property which is described in section 403(1)(C) shall be ratably reduced from 15 centum of entitlement: Provided further, That payment with respect to entitlements under section 3(b) of said Act to any local educational agency in whch 20 per centum or more of the total average daily attendance is made up of children determined eligible under section 3(b) shall be at 50 per centum of entitlement and payment with respect to entitlement under section 3(b) of said Act to any local educational agency in which less than 20 per centum of the total average daily attendance is made up of children determined eligible under section 3(b) shall be ratably reduced from 100 per centum of entitlement: Provided further, That no payments shall be made under section 3 to any local educational agency whose payment under that section fails to exceed $5,000: Provided further, That the provisions of section 5(c) of said Act shall not apply to funds provided herein: Provided further, That no payments shall be made under section 7 of said Act to any local educational agency whose need for assistance under that section fails to exceed the lesser of $10,000 or 5 per centum of the district's current operating expenditures during the fiscal year preceding the one in which the disaster occurred; Provided further, That section 305(b)(2) of the Education Amendments of 1974 shall not apply to funds provided herein: Provided further, That for the duration of the provisions of this Act, section 5(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress), is amended by adding at the end thereof the following: "In the determination of amounts of payments made on the basis of entitlements established under sections 2, 3 and 4 after October 1, 1983, by reason of any provision of law other than this Act which places any additional restriction on payments based on the concentration of children counted under subsection (a) or (b) of section 3 in the schools of the local education agency, such restriction shall be applied, in the case of any State (other than a territory or possession of the United States) within which there is only one local educational agency, by treating each administrative school district within such State as a local educational agency (solely for the purpose of computing the amount of such payments).". This provision shall no longer be in effect upon enactment into public law of similar language by the duly recognized authorization committees; further this provision shall not result in an increase to the State of Hawaii in an amount in excess of 50 per centum of that which the State would have received without the enactment of this provision.

For carrying out the Act of September 23, 1950, as amended (20 U.S.C. ch. 19), $20,000,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act: Provided, That with the exception of $8,500,000 for section 10 of said Act and $8,500,000 for section 14(a) and (b) of said Act, none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under sections 5 and 14(c) of said Act.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 92 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$1,214,445,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 93 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$1,043,875,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 96 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, as amended, and the International Health Research Act of 1960, $1,111,400,000, of which $991,028,554 shall be for allotments under section 100(b)(1), $2,871,446 shall be for activities under section 110(b)(3), and $2,000,000 shall be made available for evaluation activities under section 14.

Resolved, That the House recede from its disagreement to the amendment of the

Senate numbered 101 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$3,976,860,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 127 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 308. Section 402(c) of the Housing Act of 1950 is amended—

(1) by striking out "and" at the end of clause (8);

(2) by redesignating clause (9) as clause (10); and

(3) by inserting after clause (8) the following:

"(9) for the prepayment in full of a loan under this title, provide a discount in an amount determined by the Secretary to be in the best financial interests of the Government, taking into account the yield on outstanding marketable obligations of the United States having maturities comparable to the remaining term of such loan, if (A) the prepayment is made from non-Federal sources, (B) the Secretary has received satisfactory assurances that the housing or other educational facilities financed with the loan will continue to be used for purposes related to the educational institution for the original term of the loan, (C) the prepayment is made prior to October 1, 1984; and".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 128 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 309. No funds appropriated in any Act to the Department of Education for fiscal years 1983 and 1984 shall be withheld from distribution to grantees because of the provisions of the order entered by the United States District Court for Northern District of Illinois on June 30, 1983: Provided, That the court's decree entered on September 24, 1980, shall remain in full force and effect.

Mr. WEICKER. Mr. President, I ask unanimous consent that the Senate concur in the amendments in disagreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. I move to reconsider the vote.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I believe that surely must be a record. I congratulate the Senator from Connecticut and the Senator from Wisconsin. I almost missed the whole thing. Let me say that this is a milestone, because this is the first time, I believe, in 6 years that we are apparently going to pass a Labor-HHS appropriations bill.

I extend not only my compliments and my congratulations, but my thanks to the majority manager of the conference report, and the most distinguished minority manager, for a job well done.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. BAKER. Yes, Mr. President.

Mr. STENNIS. Mr. President, I want to reiterate what the majority leader has said. My actual observation here is that the Senator from Connecticut, as well as some others, have worked hard on this bill. It is amazing. I was a member of the conference. This is the largest bill we have ever passed and has more items in it. It was one of the finest demonstrations of conference work that I have ever seen in the House and the Senate. The chairman has earned a tremendous amount of praise and thanks. The Senator from Wisconsin has worked on it, too. I think he deserves the same.

Mr. BAKER. I hope my friends on both sides pay special heed to the remarks of the Senator from Mississippi. He, perhaps more than any other Senator in the Chamber, knows how tough it is that a bill of this kind be passed. Those compliments do not come very often or very readily. I wish to add to his statement of congratulations to the two managers.

DEPARTMENT OF STATE AUTHORIZATIONS

The PRESIDING OFFICER. The question recurs on the consideration of S. 1342.

The Senate continued with consideration of the bill.

Mr. BOSCHWITZ and Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 2381

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Wyoming (Mr. WALLOP) for himself and Mr. HELMS, proposes an amendment numbered 2381.

Mr. WALLOP. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following:

(a) Notwithstanding any provision of law the President is authorized to deny to the Soviet Union the ownership, possession or use of that land and improvements thereon in the District of Columbia known as the Mount Alto embassy site.

(b) The president shall at minimum deny to the Soviet Union the use of the land and improvements described in subsection (a) unless he certifies that the United States has acquired in the Soviet Union land and improvements of substantially equal character, including location, and such other factors as shall be described in such certification.

Mr. WALLOP. Mr. President, the effect of this amendment would be to authorize the President of the United States to deny to the Soviet Union the ownership or possession or use of that land and improvements thereon in the District of Columbia known as the Mount Alto Embassy site, second, to authorize the President at a minimum to deny the Soviet Union the use of that land and improvements described in subsection (a) unless he can certify that the United States has acquired in the Soviet Union land and improvements of substantially equal character, including location and such other factors as he shall describe in the certification.

Mr. President, the deal struck during the era of détente between the United States and the Soviet Union for new embassies in both countries is manifestly unfair. Our new Embassy in Moscow is on the Moscow River in a swamp site in the lowest place in the city of Moscow. The new Soviet Embassy in Washington is on the highest point of the District, sort of on top of the National Cathedral. It is high time this country backed out of that bad deal.

Last year, Congress passed the Foreign Missions Act for one paramount reason. Congress knows, as the American people know, that we Americans have not been getting a fair shake in our diplomatic relations, especially with the Soviet Union. Here, in the United States, we treat the Soviets royally. There, in the Soviet Union, our people are subjected to restrictions and harassments that make assignments in that bleak totalitarian wasteland even more unpleasant than they have to be.

More importantly, Mr. President, our generous treatment of the Soviets here makes it easier for them to accomplish what they want to accomplish here. Let us be clear about what that is: espionage; the purchase and theft of American high technology; and subversion in varied sectors of American life—the press, the people connected with executive and legislative branches, universities, businesses, et cetera.

The Soviets' restrictive treatment of our representatives abroad makes it difficult for them to perform even minimal functions. The Foreign Missions Act was passed to spur the Department of State to treat foreigners, especially Soviets, as they treat us. The Foreign Missions Act, however, is not intended to and cannot deal with the grossest of disparities. The Soviet Government has 710 of its employees working in the United States, excluding, mind you, the 217 that work for the U.N. Secretariat. The U.S. Government has 320 employees working in the U.S.S.R.

The Senate has just passed the amendment of the Senator from Kentucky (Mr. HUDDLESTON) to correct that imbalance. That is good.

Now let us admit to the fact that our representation is not and cannot be equal if we allow the Soviets to occupy their new building here, in Washington.

They chose the site and they chose it well. It is on, as I stated, the city's highest point.

The Senator from New York (Mr. MOYNIHAN), ranking member of the Committee on Intelligence, has spoken eloquently about the Soviet Embassy's attack on the privacy of Americans' telephone conversations, especially upon those who live in Washington, the Baltimore area, northern Virginia, New York's metropolitan area, and the San Francisco Bay area. If the Soviets occupy the new embassy site, their electronic equipment will be in direct line of sight to every transmitter and relay station in this metropolitan area.

Of course, all the communications dealing with national security flowing in and out of Washington, unless encrypted, will be reachable, as will be ordinary business conversations and private conversations of Americans in the pursuit of domestic tranquility.

Note, too, Mr. President, that the United States did not choose its new low swamp site next to the Moscow River. The Soviets chose that for us and, from their standpoint, they chose it well.

They chose both. They chose both their new site in Washington, the highest in the city, and the new site in Moscow, the lowest in that city.

Mr. President, I do not see why we should continue to do this sort of thing to ourselves. If the Soviets want their new hilltop embassy, they should make it worth our while.

It is in our sovereign power and it is our solemn obligation to get an equitable deal. The two embassies represent the very opposite of a good deal, and even with all the present inconveniences we are better off as we are now. There is nothing good for us in the new deal and the new site in Moscow. And there s nothing good for us in the Soviets having a site on the highest point in Washington. If they do not want to change the terms, our interest is to cancel it, Mr. President, and I urge the adoption of my amendment.

Mr. President, I move the amendment.

Mr. HUDDLESTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. HUDDLESTON. Mr. President, I rise in support of the amendment that is being offered by the distinguished Senator from Wyoming. Like him, I serve on the Intelligence Committee of the Senate. I offered earlier, and the Senate has approved, a sense of the Senate resolution asking that we seek equivalency with the Soviet Union in our diplomatic corps here and the corps in the Soviet Union. That would include, of course, the manner in which our side is treated versus the manner in which their side is treated. I think the Senator from Wyoming is touching on a somewhat sensitive area but at the same time an area that is extremely important to the security of this country. I believe his amendment is in order, and I join him in asking for support of it.

Mr. WALLOP. I thank the Senator.

The PRESIDING OFFICER. Is there further debate?

Mr. PELL. This amendment has a great deal of merit. I recognize the problem, I recognize the validity of what the Senator from Wyoming said, and I think we had the worst of the deal when we, as the Senator pointed out, agreed to be in the bottom of the valley and give them the pinnacle on the Hill, but the problem is you have to weigh against that an agreement is being precluded. Our relations with the Soviets are already almost at rock bottom, or at rock bottom and on balance I guess I come out negatively on it. I am wondering if some sort of compromise can be worked out, and I see the chairman of the committee perhaps suggesting that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEPSEN). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I think the distinguished Senator from Wyoming knows the high regard in which I hold him and the respect I have for his work in many capacities in the Senate. I wanted to make absolutely sure that I have my statement straight, and hence the delay.

I have talked to both the State Department and the White House, and I am authorized to say, on behalf of the White House, that notwithstanding that they are sympathetic to the point of view and they fully understand the reasons involved, they do not believe this amendment would further the purposes sought by the distinguished Senator from Wyoming and that they do strenuously oppose the adoption of this amendment.

On the basis of that representation——

Mr. WALLOP. Before the Senator moves to table my amendment, may I say one thing?

Mr. BAKER. When the debate is concluded, it would be my intention to move to table, but I will not do that until everybody has had their say.

Mr. WALLOP. There are many things to say, but if the distinguished chairman wishes the floor, I will be happy to yield.

Mr. PERCY. What is the question?

Mr. WALLOP. I did not ask a question. I wonder if the Senator wishes to comment on this proposal before I make some concluding remarks, before the majority leader seeks to table the amendment.

Mr. BAKER. A move I am unaccustomed to making.

Mr. PERCY. Mr. President, this arrangement was agreed to 10 years ago, and it was entered into by a different administration. It has been reviewed carefully by the Reagan administration. They have taken into account every aspect of it. There is, as I recall, $57 million contracted for in the Soviet Union; $53 million has been contracted here in the United States. A large part of that is going to American contractors.

We are so far down the road at this late stage, to start to run the Government. I am certain that whatever security concerns there are have been taken into account by this administration. They have made a decision, and I am going to support the administration on this issue.

Mr. WALLOP. Mr. President, I say to the administration and the majority leader and the distinguished chairman of the committee and the ranking minority member that all of life leads to a grave; and because you get so far down the road to it does not mean you cannot avoid stepping in front of a train if you see one coming. I think what we have here is a moment when we can see a train coming, in the national interest.

The State Department of the United States would do almost anything to avoid having teatime disrupted. In this instance, I believe the interests of this country are better served by taking a look and saying that we do not have to step in a grave right now just because a decision was made 10 years ago to dig it. This country is not and should not be ready to roll over and play dead simply for a matter of convenience.

The chairman knows I do not want to get into a detailed discussion, but suffice it to say that any Member of the Senate is capable of understanding the difference between the lowest site in the city of our major opponent on the world's stage versus the highest site in the capital of the free world and the United States, Washington, D.C. The advantages simply far outweigh any matter of convenience. I ask the Senate to take that into its judgment when it goes and listens to what the administration says. I understand why.

I do not believe that the country is required to step into a grave merely because it has been dug. In this instance and the matters that surround it, I think that would be the result.

I rest my case.

Mr. BAKER. Mr. President, I am not prepared to debate in depth on this subject, except to say that I may also represent that the White House and the State Department feel that the adoption of this amendment would cause us grievious damage in our relations with the Soviet Union and with the relationship that exists between our country in respect to our present and diplomatic representation in the capital of the Soviet Union.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. HELMS. Mr. President, we are all aware of the overwhelming security dangers posed by the erection of a new headquarters of the Soviet KGB on Tunlaw Road, one of the highest points in the city.

Mr. President, it is often said that we cannot suspend the ongoing erection of spy antennas, transmitters and so on, because the agreement on the basis of which this construction is going on took several years to consumate.

Mr. President, I can think of no better reason for asking the President to cease construction until he reviews this item in its totality. Precisely because those discussions took several years, conducted by negotiators who were laboring under the most detente-oriented, myopic views of what the Soviet Union stands for, should we assess totally in the light of what has transpired these past weeks.

Perhaps those who had no inordinate fear of Communism would themselves admit that the KAL 007 incident, coupled with the callous attitude shown by the Soviet Union in Afghanistan, Angola, Nicaragua, Cuba, Cambodia and its Gulag Archipelago should move us to more concerted action than the negotiation-crazed détenteniks of the 1970's.

Mr. CHAFEE. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. CHAFEE. Mr. President, as I understand it—and the Senator from Wyoming will correct me if I am wrong—this was a deal to which we agreed. As I understand what the chairman of the Foreign Relations Committee said, we entered into an agreement. Maybe we did not get the best part of the agreement, but it was an agreement, as I understand it. If I am wrong. I should like to be corrected.

It seems to me that if we try to unravel that agreement because after 10 years have gone by it turns out unsatisfactory—and how unsatisfactory it is, I do not know—but if we come to believe that it is unsatisfactory, it seems to me that the Soviet Union or anybody else who enters into an agreement with us would have great difficulty putting much trust or faith in us when we negotiate a deal.

This, it seems to me, has ramifications that go into all our relations with the Soviet Union—SALT I, SALT II, START, whatever you call it. Those are agreements.

If we can just walk the cat back every time it has not worked out completely to our satisfaction, then I think we will be in a very unfortunate position.

I did not hear all the debate, and I know something about the details, but I do not believe this is a matter of walking into our grave, either. I understand what the Senator from Wyoming is saying. I serve on the Intelligence Committee with him, and no one gives that committee finer service or more careful thought than he does. But I am deeply concerned about the point the majority leader has raised about where we go from here, if this is the kind of action we undertake.

Mr. WALLOP. Mr. President, I will conclude my remarks on this basis: If anybody thinks the Soviets have done an ironclad job of keeping the deals they have made with us—the West and the world—then they should vote against my proposal and for the tabling motion. But if anybody thinks that at any level of the Helsinki accords or the chemical warfare agreements or anything else the Soviets have not done so, then they might take a look and see whether or not there is merit in what I am suggesting, in terms of the position this country would be in, in connection with the relatively impossible site which has been given to us in the Soviet Union, in Moscow.

Mr. BAKER. Mr. President, I really do not favor that as the formulation and test for this vote, because whether the Soviet Union lives up to its agreements or not does not have one thing to do with whether or not we ought to live up to our agreements. This Nation has always lived up to its agreements by treaty, and I trust that it always will.

I believe that the better formulation is this: Having made an arrangement, are we going to stand by that arrangement, solemnly committed by undertakings of more than one administration? This is not a matter of convenience or preference. We are dealing with a matter of the utmost sensitivity. Maybe we did make a bad deal. I would not be surprised. Every time I drive down Wisconsin Avenue, I look at that place and wonder about that.

I have profound respect for the Senator from Wyoming, and I value his judgment. But I value something much more, and it is this: When we make a commitment with a sovereign state, when we make that commitment for their representation in this city, when we make the commitment that that enclave is to be treated as their national territory, when we expect reciprocity from them, that is the most basic and most fundamental of all diplomatic relationships. It goes back even beyond the beginning of nation states.

Mr. President, whether the Soviet Union keeps their word or not is important, of course, but it has no bearing on the question of whether we should keep ours.

Mr. President, I move to table the amendment.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BAKER. I withhold the motion for the moment, Mr. President.

Mr. PERCY. Mr. President, the majority leader has put it eloquently. The whole spirit of this body is based on good faith. When we give our word to each other, we do not reevaluate after the fact. We stick with our word.

The word of the United States of America is a very, very precious asset.

Any intelligence or national security considerations have been reviewed by three, maybe four administrations. If they have a problem they are well aware of it. But each time the decision has been made that we would stick with this deal and stay with it.

I think we would do irreparable damage to ourselves and possibly to potential arms control agreements which are in the interest of all humanity. Certainly we cannot and will not derail something that affects the possible lives of 4.8 billion human beings on Earth. That is why this issue is so important. We, the United States, stand for what we say, we stand on what we say, and we believe in that, and we are going to stay with it.

I think for us in this limited debate to reverse work of 10 years and the decisions of four administrations would be improper. I support fully the tabling motion about to be made.

Mr. BAKER. Mr. President, I withhold the motion.

Mr. WALLOP. Mr. President, I will not prolong this and I do not intend to.

Certainly it is not the intention of the Senator from Wyoming to endanger the lives of 4.8 billion people by an amendment as innocuous as this. Somehow or another the dialog has gotten far afield of what is reality. I am also not characterizing this as a test of words, as was the Senator from Rhode Island.

All I am saying is that under this amendment we can get some equality out of the sites we possess in Moscow and without it we cannot.

With that the case is over.

Mr. BAKER. Mr. President, I move to table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

Mr. BOSCHWITZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment of the Senator from Wyoming. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Kansas (Mr. DOLE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Michigan (Mr. LEVIN), and the Senator from Louisiana (Mr. Long) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 46, nays 42, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—46

Andrews	Hatfield	Packwood
Baker	Hecht	Pell
Bentsen	Heflin	Percy
Biden	Heinz	Proxmire
Bingaman	Hollings	Riegle
Bradley	Inouye	Rudman
Bumpers	Kassebaum	Sarbanes
Burdick	Kennedy	Stafford
Byrd	Lautenberg	Stennis
Chafee	Laxalt	Tower
Cochran	Leahy	Trible
Cohen	Mathias	Tsongas
Denton	Matsunaga	Warner
Glenn	Metzenbaum	Weicker
Gorton	Mitchell	
Hart	Moynihan	

NAYS—42

Abdnor	Ford	Nunn
Armstrong	Garn	Pressler
Baucus	Grassley	Pryor
Boren	Hatch	Quayle
Boschwitz	Helms	Randolph
Chiles	Huddleston	Roth
D'Amato	Humphrey	Sasser
Danforth	Jepsen	Simpson
DeConcini	Kasten	Specter
Dixon	Lugar	Symms
Domenici	Mattingly	Thurmond
Eagleton	McClure	Wallop
East	Melcher	Wilson
Exon	Nickles	Zorinsky

NOT VOTING—12

Cranston	Evans	Levin
Dodd	Goldwater	Long
Dole	Hawkins	Murkowski
Durenberger	Johnston	Stevens

So the motion to lay on the table amendment No. 2381 was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LIMITATION ON PUBLIC HOLIDAYS

Mr. BAKER. Mr. President, what is the business now before the Senate?

The PRESIDING OFFICER. The clerk will report S. 1970.

The legislative clerk read as follows:

A bill (S. 1970) to limit the number of legal public holidays to 10.

The PRESIDING OFFICER. Under the previous order, on this bill there will be 10 minutes of debate equally divided.

The Senate proceeded to consider the bill.

Mr. WILSON. Mr. President, I will take very little time with this. This bill is the one that was addressed yesterday in the course of the debate on the Martin Luther King holiday legislation.

The PRESIDING OFFICER. The Senate will be in order. The Chair asks that Senators who have business to conduct to please retire to the cloakrooms.

The Senator from California.

Mr. WILSON. I thank the Chair.

Mr. President, first, I ask unanimous consent to add as cosponsors Senators THURMOND and DOLE.

I ask additionally that Senators CRANSTON, MATTINGLY, TRIBLE, RUDMAN, SIMPSON, COCHRAN, LEVIN, and NICKLES be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. Mr. President, very briefly, yesterday I think we demonstrated that this Nation prizes its traditions. It is a good thing for society to celebrate the best of its traditions, to commemorate events that are notable in our history. For that reason, Mr. President, it is both foreseeable and, in fact, desirable, that in the future this Congress will continue to give national recognition either to men and women of outstanding leadership or to events that deserve commemoration.

That is desirable.

There is a limit, however, to what the cost to the taxpayers should be for that kind of recognition.

We are advised by the Congressional Budget Office that $18 million per day is the cost to the taxpayers for each national holiday for which Federal employees receive a paid holiday.

Mr. President, the effect of this legislation would be simply to limit the number of paid national holidays to 10, and if in the future it is the decision of the Congress to add to the number those persons or events we single out for deserved national tribute, the number would remain at 10. It would then be incumbent upon management and labor in the private sector or public employer and employee in the Federal and State governmental sectors to determine which of those 10 days will, in fact, be paid holidays.

I point out that not only has this great cost implications for the Federal Government, amounting to $180 million in terms of the present cost, or almost $2 billion over a 10-year period, but given the fact that the State governments follow the lead of the Federal Government in granting holidays and that the private sector also follows, the cost implications are obvious and they are enormous.

Mr. President, I suggest that we continue observing the best in our traditions, both in events and people, but that we set a limit upon what the taxpayers must pay and set a limit of 10 upon the number of national holidays.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Will the Senator yield for 1 minute?

Mr. WILSON. I yield.

Mr. THURMOND. Mr. President, I rise in support of the bill introduced by the able Senator from California. I have talked to many people in my State and other States, too, and they feel that we have too many holidays already. This bill applies a cap that would prevent the unlimited addition of Federal holidays. It would limit them to 10. In addition, under assurance by the distinguished majority leader, the cost of Federal holidays will be examined by the Governmental Operations Committee, so they can study ways to reduce the cost of these holidays to the American taxpayer. It seems to me we could do with fewer rather than more holidays. This will be a cap and will be a help. Therefore, I support it.

Mr. WILSON. I thank my distinguished friend, the Senator from South Carolina.

Mr. MATHIAS. Mr. President, I yield back my time on the bill.

Mr. DECONCINI. Mr. President, the minority leader yields back his time on the bill.

The PRESIDING OFFICER. All time has been yielded back.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. EAST (when his name was called). Present.

Mr. BAKER. I announce that the Senator from Kansas (Mr. DOLE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Alaska (Mr. STEVENS), are necessarily absent.

I further announce that, if present and voting, the Senator from Kansas (Mr. DOLE), would vote "yea."

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Louisiana (Mr. LONG), are necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 86, nays 2, as follows:

[Rollcall Vote No. 308 Leg.]

YEAS—86

Abdnor	Grassley	Nickles
Andrews	Hart	Nunn
Armstrong	Hatch	Packwood
Baker	Hatfield	Pell
Baucus	Hecht	Percy
Bentsen	Heflin	Pressler
Biden	Heinz	Proxmire
Bingaman	Helms	Pryor
Boren	Hollings	Quayle
Boschwitz	Huddleston	Riegle
Bradley	Humphrey	Roth
Bumpers	Inouye	Rudman
Burdick	Jepsen	Sarbanes
Byrd	Kassebaum	Sasser
Chafee	Kasten	Simpson
Chiles	Kennedy	Specter
Cochran	Lautenberg	Stafford
Cohen	Laxalt	Stennis
D'Amato	Leahy	Symms
Danforth	Levin	Thurmond
DeConcini	Lugar	Tower
Dixon	Mathias	Trible
Domenici	Matsunaga	Tsongas
Eagleton	Mattingly	Wallop
Exon	McClure	Warner
Ford	Melcher	Weicker
Garn	Metzenbaum	Wilson
Glenn	Mitchell	Zorinsky
Gorton	Moynihan	

NAYS—2

Denton	Randolph

ANSWERED "PRESENT"—1

East

NOT VOTING—11

Cranston	Evans	Long
Dodd	Goldwater	Murkowski
Dole	Hawkins	Stevens
Durenberger	Johnston	

So the bill (S. 1970) was passed, as follows:

S. 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6103 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) The Congress finds that—

"(A) the cost of the growing number of legal public holidays to the Federal Government has become prohibitive; and

"(B) outstanding individuals, events, or movements deserving of national recognition by legal public holidays should be commemorated in other appropriate manners.

"(2) Legal public holidays under this section shall be limited to ten in number.".

Mr. WILSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF STATE AUTHORIZATIONS

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, what is now the pending business?

The PRESIDING OFFICER. S. 1342.

AMENDMENT NO. 2382

(Purpose: To direct a position classification audit of positions in the Foreign Affairs Agencies)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2382.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 24 after line 19 insert the following:

"The Secretary of State, with the concurrence of the Director of the Office of Personnel Management, shall provide for an independent position classification audit of a significant portion of Foreign Service positions in the agencies employing the Foreign Service personnel system. The study, the results of which shall be reported to the Congress, shall take expressly into account job factors relating to service abroad and to the compensation practices applicable to United States citizens employed abroad by United States corporations; and shall include conclusions on the pay comparability of Foreign Service and Civil Service positions carrying similar responsibilities and requiring similar expertise and experience.".

Mr. HELMS. Mr. President, I shall have three amendments which have been cleared on both sides. I believe the leadership will accept all three of them, so I will not consume much time.

This amendment orders the Office of Personnel Management to conduct a study of the pay comparability of the Foreign Service with the Civil Service to assure that Foreign Service pay and civil service pay meet the criteria of justice, that is, equal pay for equal work. The Foreign Relations Committee will be conducting an in-depth review of the Foreign Service Act of 1980 early next year, and I believe the information developed by the study will prove invaluable for the Senate's consideration of proposed amendments to that act.

I have been concerned for some time with the apparently high salaries of the Department of State. Out of approximately 10,000 employees there are 1,000 at the supergrade level, a ratio that is unheard of in any other executive branch agency. For instance, the Department of Agriculture has a program that is 20 times larger than the State Department, has 10 times has many employees, and yet gets by with a fourth of the number of senior executive-service-level officers. The Treasury also has 10 times as many employees, but less than half the number of senior-level employees. Surely, there may be some justification for the discrepancy between State Department and all the other executive branch agencies in its pay policies. But I believe that Congress should be able to benefit from the unbiased opinion of the Office of Personnel Management in making the decision on whether these salaries are justified.

Mr. PERCY. Mr. President, I support the amendment. I know of no objection on this side.

Mr. PELL. I also have no objection to this amendment. I believe it is a good amendment and well drafted.

Four years ago, a study of pay comparability between the Foreign Service and the Civil Service was conducted, at congressional behest, by Hay Associates, one of the leading pay comparability consulting firms in the world.

Hay concluded that officers in the middle ranges were underpaid as compared with civil service employees.

The new salary schedule, established by the Foreign Service Act of 1980, addressed this problem and sought to bring to the Foreign Service schedule in line with that of the Civil Service.

There now appears to be concern in this body about the composition and pay scale of the Foreign Service. In view of this concern, I think that the amendment that Senator HELMS has offered is useful.

The Foreign Relations Committee will be conducting a review of the 1980 Foreign Service Act early next year. A study of the present situation would greatly assist the committee in its review.

The PRESIDING OFFICER. Is there any further discussion on the amendment? If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 2382) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2383

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2383.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title 2, add the following new section:

"( ) No funds authorized to be appropriated under the provisions of this title shall be used for lobbying or propaganda which is directed to influence public policy decisions of the Government of the United States or any state or locality thereof."

Mr. HELMS. Mr. President, this amendment merely addresses a problem which has arisen in the case of some USIA grantees. These grantees often consider it their duty to lobby the U.S. Congress on the basis of their political positions—something which goes against the very grain of the Fulbright-Hays Act. The spirit and the letter of that act, as well as language contained elsewhere in the State bill, are unanimous in the judgment that political characteristics are undesirable in grantees of USIA. For this reason, Mr. President, this amendment will make it clear that no grantee shall come to the Congress and lobby with money that Congress has authorized to be appropriated for funding that grantee.

Again, I believe the managers of the bill are willing to accept this amendment.

Mr. PERCY. Mr. President, the amendment is a good amendment. I fully support it. I know of no objection on this side.

Mr. PELL. As far as I know, there is no objection on this side.

The PRESIDING OFFICER. Is there any further discussion on the amendment?

The question is on agreeing to the amendment of the Senator from North Carolina

The amendment (No. 2383) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2384

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2384.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, line 11, insert after the period the following:

"Not less than $1 million in fiscal year 1984 and $1 million in fiscal year 1985 shall be earmarked for the employment of 20 professional internal auditors for the United States Information Agency in excess of any internal auditors employed by the United States Information Agency during fiscal year 1983."

"SEC. . Paragraph (1) of section 2 of the Inspector General Act of 1978 is amended by adding after "Small Business Administration," the following: "United States Information Agency,".

Mr. HELMS. Mr. President, the amendment before us deals with a very basic requirement of USIA with regard to qualified professional auditors. Presently, the USIA has an Audit Section, an Office of Inspections, and a Security Office; recently, Director Charles Wick instituted an internal Inspector General's Office as well. Unfortunately, the management coordination and responsibility of these four sections have been, I am afraid, quite chaotic, both before the present administration and presently. It is clear, Mr. President, just because people are career bureaucrats, that does not make them more qualified than Presidential appointees to carry out any specific business. This is certainly the case with the U.S. Information Agency and its various internal audit functions.

For that reason, Mr. President, my amendment requires that not less than $1 million in each of the coming 2 fiscal years be earmarked for 20 professional internal auditors for USIA. These should be in addition to any Foreign Service Officers detailed to various internal assignments or other auditors—of which the USIA has precious few—which were aboard during fiscal year 1983. In fact, there are fewer than 10 qualified auditors in that Agency.

The amendment also requires that the USIA conform to the Inspector General Act of 1978. Mr. President, this amendment acknowledges and applauds the decision of Director Charles Wick to appoint an Inspector General for USIA, and makes that Inspector General, or whatever Inspector General is appointed by the President under the Inspector General Act of 1978, subject to Senate approval, completely supported by the legislative description of the Inspector General's duties and qualifications.

Mr. President, I think that these provisions will allow for a much more streamlined and professional conduct of business at the U.S. Information Agency.

Mr. PERCY. Mr. President, as one of the authors of the Inspector General Act, and having worked with LAWTON CHILES on this, and having oversight for a number of years, every single time we do this it is one of the best investments we can make. Certainly I think an agency whose budget is the size of the U.S. Information Agency should be proud to have internal auditing of this kind. I commend the distinguished Senator on this amendment. It will be a very cost-effective amendment.

Mr. HELMS. I thank the Senator.

Mr. PERCY. I know of no opposition on this side.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. This amendment is acceptable on our side.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. Is there any further discussion on the amendment?

The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 2384) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2385

(Purpose: To express the sense of the Congress regarding exports of nuclear-related equipment, materials, or technology to India, Argentina, and South Africa)

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. BOSCHWITZ), for himself, Mr. GLENN, and other Senators proposes an amendment numbered 2385.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

POLICY TOWARD THE EXPORT OF NUCLEAR-RELATED EQUIPMENT, MATERIALS, OR TECHNOLOGY TO INDIA, ARGENTINA, AND SOUTH AFRICA

SEC. 701. It is the sense of Congress that the United States Government should disapprove the export of, and should suspend or revoke approval for the export of, any nuclear-related equipment, material, or technology, including nuclear components and heavy water, to the Government of India, Argentina, or South Africa until such time as such government gives the Government of the United States stronger nuclear nonproliferation guarantees. Such guarantees should include—

(1) reliable assurances by such government that it is not engaged in any program leading to the development, testing, or detonation of nuclear explosive devices; and

(2) agreement by such government to accept international safeguards on all its nuclear facilities.

Mr. BOSCHWITZ. Mr. President, I offer this amendment on behalf of myself and Senator GLENN. Additional cosponsors are Senators JEPSEN, DIXON, PRESSLER, HUMPHREY, PRYOR, BUMPERS, KENNEDY, CRANSTON, PROXMIRE, HART, BINGAMAN, and COHEN.

Mr. President, this amendment to the State Department authorization bill would express the sense of the Congress that three recently approved transfers of nuclear materials and technology should be suspended or revoked outright. I refer to the planned transfer to India of spare parts for its Tarapur reactor, the retransfer of U.S.-origin heavy water to Argentina, and the request that U.S. firms be allowed to enter into long-term maintenance contracts for South Africa's Koeberg twin nuclear reactors. Each of these transfers will undercut the nuclear nonproliferation regime authorized by the NPT and the NNPA.

The case of the Indian reactor in Tarapur is perhaps best known. Although this transfer has been justified by the administration on humanitarian grounds, there is in fact very little ground to believe that the proposed remedy will solve the stated problem. This reactor is of an outmoded type and its sister reactors are being retired around the world. If this transfer goes forward, it will simply give rise to more such requests, thereby perpetuating both this controversy and the operation of a fundamentally unsafe reactor.

But beyond these so-called humanitarian concerns is another which lies at the heart of our nonproliferation policy. By that policy the United States, U.S.S.R., and the other nuclear weapons states of 1970 proposed to limit the further spread of nuclear weapons, while at the same time making peaceful nuclear power available to the nations of the world. India, by exploding a nuclear device in 1974, rejected the regime created by the NPT, and thereby lost any claim she may have had to further American nuclear assistance. Our previous efforts to give India further assistance in the hope that she would then return to the nonproliferation fold have proven unfounded. Instead India has strained further against the constraints of NPT and NNPA, showing no sign of an intention to abandon her attempts to develop unsafeguarded nuclear facilities. To extend further nuclear assistance of any sort to one of the most blatant rejectionists of the NPT system sends a clear message to other nations: Nonproliferation is, at best, a secondary priority in American foreign policy consideration.

Mr. President, with respect to nonproliferation, I recently wrote a long paper about nuclear weapons, stating that in my judgment it is very unlikely, indeed remote, that the superpowers would use nuclear weapons against one another. Both powers are too strong.

However, the idea is not remote that if there is proliferation of the technology to build nuclear weapons, we will see the use of those weapons in our lifetime.

If Iran or Iraq or some of the other countries, or—God forbid—Libya, were to obtain nuclear technology or nuclear weapons, I am afraid we would have great problems in the world.

The retransfer of 143 metric tons of heavy water to Argentina raises similar concerns. Again, we are discussing a nation which has steadfastly refused to ratify the NPT and which has as the goal of its nuclear development program the construction of unsafeguarded facilities capable of handling the entire fuel cycle, to include the production of weapons grade uranium. This particular transfer is further tainted by the unseemly haste with which the DOE approved it. The request was kept secret by the Executive for nearly 18 months and then approved within 24 hours notice 3 days before our August recess in a manner which violated established procedures, past practice, and simple decency. Whatever the reasons for this action, and I am prepared to believe they are not as sinister as circumstances may indicate, they give the impression, once again, that our Government is willing to circumvent and ignore its own laws if pressed to do so by a persistent demand from abroad, despite the requesting country's track record on nonproliferation.

The final transfer may seem minor by comparison, but I see real dangers here to our country's nonproliferation policy, as well as to our diplomacy generally. The maintenance of the Koeberg reactors by Westinghouse and other U.S. firms works against our national interests in several ways. By helping South Africa develop its nuclear program, we create ties to a pariah government in an area of cooperation where no positive developments can be expected. The South Africans show no interest in the nonproliferation treaty and continue to operate their enrichment facility at Valindaba. To give further technical training of any sort to the nuclear physicists of such a country can by no stretch of the imagination be in our country's long-term best interests.

In 1978 this body made a firm commitment to our historic nonproliferation policy in the form of the NNPA. In its implementation that firm commitment has not always been apparent, but on balance I think that the policy has been followed to a large degree. In these cases, however, that commitment is openly challenged. If we have in fact decided that this policy is no longer viable, let us be frank enough to admit that and have it taken out and shot. But if we still retain the consensus of 1978, then let us assert that fact here and not let a well-founded policy be lost, salami-style, one small slice at a time.

Mr. GLENN. Mr. President, I am pleased to join with my colleague Senator BOSCHWITZ in offering this amendment to the State Department authorization bill—an amendment that will put the Senate squarely on record as reaffirming the need for a tough U.S. non-proliferation policy. The specific wording of the amendment concerns three countries—India, Argentina, and South Africa that have recently been the recipients or proposed recipients of nuclear materials, components or technology requiring U.S. approval for export. But that is not the only thing these three countries have in common, Mr. President. All three countries have been or are presently engaged in activities involving unsafeguarded nuclear facilities of the most sensitive kind, and in the case of India these activities have already produced one nuclear explosion in 1974. Most recently, the press has reported activities at the Indian nuclear test site that could be interpreted as preparations for a possible additional test. In addition, the Indians have announced that they will not guarantee that safeguards will be maintained on previous U.S. nuclear exports to that country once our present agreement with them expires in 1993.

In the case of Argentina, an unsafeguarded reprocessing facility is under construction that will allow the Argentines to produce plutonium. Argentina has refused to sign the NPT or ratify the Treaty of Tlatelolco, and has indicated that it reserves the right to set off so-called "peaceful nuclear explosions" in the future. In the wake of the war over the Falklands, the Argentines have indicated that they will be taking a new look at military applications of nuclear energy. Under these conditions, our approval of the transfer of 143 tons of U.S.-origin heavy-

water from Germany to Argentina is difficult to comprehend.

Indeed, the irregular manner in which the approval was made by the executive branch, whereby the Nuclear Regulatory Commission was not adequately consulted, is open to the interpretation that the administration sought to carry out its action as a fait accompli before any opposition could be mobilized. The concerns of the NRC about this case were highlighted in a letter from Chairman Palladino to the Secretary of Energy on October 4, 1983. I ask unanimous consent that the letter be placed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. NUCLEAR REGULATORY COMMISSION,
Washington, D.C., October 4, 1983.

Hon. DONALD PAUL HODEL,
Secretary of Energy,
Washington, D.C.

DEAR MR. SECRETARY: On August 3, 1983, the Department of Energy approved a request from EURATOM to retransfer 143 metric tonnes of U.S.-origin heavy water from West Germany to Argentina. The Commission recognizes the Executive Branch's responsibility for implementing the U.S. Government's nonproliferation policy. Insofar as this policy is implemented through various export-related activities, the Commission has sought to ensure, in accordance with its statutory mandate, that NRC judgments on export matters take into account and are consistent with U.S. nonproliferation objectives. Moreover, in the great majority of export actions reviewed by the Commission since its inception, the Executive Branch has cooperated with NRC in responding to the Commission's requests for information and the Commission has then completed its review in a timely fashion. In view of this record of proper interagency consultation in conformance with the Nuclear Non-Proliferation Act's requirements, the Commission is troubled over the Executive Branch's actions in the heavy water retransfer case.

As you may know, in the Commission's view, the NRC was not provided complete and accurate information on the status of the Executive Branch review of this retransfer. In addition, the Commission believes that this approval occurred without proper consultation with NRC, despite the fact that the Department had agreed to consult with the NRC on this matter and had been informed prior to approving the retransfer that the NRC had concerns regarding this case and intended to provide comments. The NRC staff believes that the retransfer request should have been considered a subsequent arrangement as defined in the NNPA. As we informed DOE and State Department representatives in a Commission meeting held to discuss this case on September 9, this is particularly troubling in light of the potential proliferation significance of the case and the fact that a number of NRC staff questions on comparable NRC-licensed commodities for Argentina have yet to be answered by the Executive Branch. In responding to NRC's concerns, Mr. George Bradley, DOE's Acting Assistant Secretary for International Affairs, acknowledged that the request was processed in an irregular manner and indicated regret for the lack of consultation. The Commission was not fully satisfied with Mr. Bradley's explanation of the reasons for the Department's failure to consult with NRC in the heavy water retransfer case. Nevertheless, the Commission appreciates the commitments made by Mr. Bradley during the meeting to take steps needed to assure that this situation will not be repeated in the future.

In this connection, the Commission has received proposed revisions to the interagency review procedures which, *inter alia*, provide for detailed consultation with NRC with respect to retransfers of nuclear commodities covered by Section 109b. of the Atomic Energy Act, as amended. We will review these proposed revisions and provide the Executive Branch with our comments in the near future. We also appreciate Mr. Bradley's assurances that while the interagency procedures remain under review, DOE will treat future retransfers as if the relevant portions of the proposed revisions were in effect.

The Commission appreciates DOE's assistance in addressing this matter and we look forward to improved cooperation with the Department and other interested Executive Branch agencies in discharging our responsibilities on nuclear export matters.

Sincerely,

NUNZIO J. PALLADINO.

Mr. GLENN. Finally, there have been numerous reports over the years about clandestine South African nuclear activity, including the construction of an unsafeguarded nuclear enrichment plant that is capable of enriching uranium to weapons-grade levels. And, of course, there was the mysterious flash recorded by a Vela satellite in 1979 over the South Atlantic near South Africa which was interpreted by some people in the intelligence community as a nuclear test. In addition, South Africa constructed in 1977 what appeared to be a nuclear test site in the Khalahari Desert that was discovered through satellite photographs. A concerted effort by a number of nations, including the United States and U.S.S.R., brought world attention to bear on this event, and resulted in a halt to further development of this project. The Reagan administration has shown a penchant for wanting to expand trade with South Africa in the nuclear area in the past 2 years. It allowed South Africa to arrange a deal whereby enriched uranium was purchased and transferred from Europe to South Africa through an American broker in order to relieve South Africa of the burden of having to accept full-scope safeguards as a condition for obtaining U.S. nuclear enrichment services. The U.S. State Department has apparently now approved a request for technology transfer to South Africa in the nuclear area in order to help maintain the Koeberg reactors that South Africa purchased from France some years ago.

Mr. President, no compelling evidence has been offered by the Reagan administration as to how the transfer of nuclear components to India, or heavy water to Argentina or reactor maintenance technology to South Africa will induce those countries to adopt more reasonable positions regarding their nuclear programs. Indeed there is considerable evidence that when the United States adopts a weakened nonproliferation stance other nuclear suppliers are emboldened to undermine the international regime still further. We should recall that after the United States offered economic and military assistance to the Zia regime in Pakistan without requiring any hard assurances that the Pakistani Government would not continue its nuclear weapons development program, we saw the French Foreign Minister go to Pakistan a year or so later and announce that the French would not necessarily require full-scope safeguards from the Pakistanis as a condition for selling them a nuclear reactor.

The fact is that this administration's nuclear nonproliferation policy is almost invisible. Every conceivable loophole in the Nuclear Non-Proliferation Act has been by the Reagan administration in carrying out its nuclear trade proclivities. Ironically, after a more than 2-year assault on the NNPA and on the nuclear nonproliferation policies that surrounded it, the administration is fond of proclaiming that the act has been a failure in helping to stem the tide of nuclear proliferation around the world.

It is time that the Senate send a message to the administration that the administration's approach to this issue is unacceptable, that we are not in favor of engaging in nuclear trade with countries that have unsafeguarded nuclear facilities without rquiring strong quid pro quos on nonproliferation. The amendment offered by my distinguished colleague Senator BOSCHWITZ and myself calls on the President to suspend or revoke approvals of nuclear transfers to India, Argentina, and South Africa unless certain nonproliferation assurances are given by those countries. They are asked to give us reliable assurances that they are not engaging in any program for the development, testing, or detonation of nuclear explosive devices, and that they will accept full-scope safeguards on their nuclear facilities.

Mr. President, this amendment is in the form of a sense-of-the-Senate resolution because we are dealing with three cases in which the administration has already made commitments—commitments that we believe the President should rethink and rescind because they are not in the best interests of the United States or the world nonproliferation effort.

At the same time, it is clear that the administration has been following a

pattern of undermining our nonproliferation laws by seeking every possible loophole in those laws in order to allow questionable nuclear trade to take place.

The flexibilities contained in the Nuclear Non-Proliferation Act and other laws were designed to enable the President to use his authority to conduct foreign policy in the most effective way in accordance with individual circumstances. Those flexibilities were not intended to allow an administration with a stronger commitment to nuclear trade than to nonproliferation to make a mockery of the spirit of those laws. Yet, this is what has occured.

Accordingly, Mr. President, I believe the Senate should not only pass the amendment before us, but at the first opportunity should strengthen our export laws in order to make it less likely in the future that we shall be faced with the kind of situation posed today by the administration's approvals of nuclear transfers for India, Argentina, and South Africa.

I urge my colleagues to adopt the amendment.

AMENDMENT NO. 2386

(Purpose: In the nature of a perfecting amendment)

Mr. PERCY. Mr. President, I send to the desk a perfecting amendment to the amendment of Senator BOSCHWITZ and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2386 to amendment numbered 2385.

Mr. PERCY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the unprinted amendment No. 2385 add the following:

In exceptional cases, when such equipment, material or technology is necessary to protect the health and safety of operations in existing civilian nuclear facilities under international safeguards, the President may determine that the equipment, material or technology is not available from a foreign supplier and that for humanitarian and safety reasons the United States should provide it.

Mr. PERCY. Mr. President, I happen to agree that it is highly desirable, in fact it is and should continue to be a high objective of U.S. nonproliferation policy, to encourage all other nations to accept international safeguards on all of their nuclear activities. Likewise, it should be a key diplomatic objective to obtain a pledge not to engage in any program for the development of nuclear explosive devices, or any research and development to that end. On these points, I have no differences with the sponsors of this amendment, except that I would not confine the scope of those efforts to the three countries noted in the Boschwitz amendment. There are other countries which do not now have full-scope safeguards. I would like to see them do so.

However, I want my colleagues to understand that these countries have maintained their objections to safeguards for many years. It is not at all clear that this amendment will motivate them to accept safeguards. Indeed, I doubt that it will.

But I believe it is important to give strong notice that the Senate of the United States remains seriously concerned about these problems.

As we all know, nuclear powerplants are potentially dangerous if they are not safely operated and maintained. The United States has been a world leader—not only in the development of civilian nuclear technology, but in the development of health and safety equipment for nuclear reactors. Our nuclear regulatory program maintains, I believe, the highest health and safety standards in the world. We should be proud of the safety record at American nuclear facilities.

In the wake of our experience with the plant at Three Mile Island, the U.S. industry has worked hard to develop additional safety technology. This, too, I regard as a very beneficial development.

I think the United States should be in a position to provide such technology and equipment to other nations. That way, other countries may benefit in the same way we do, from higher standards for health and saftey.

I am talking about such things as incore monitoring devices, control rod drives and other items that clearly do not have adverse proliferation consequences, especially when they are to be put in facilities that are safeguarded by the International Atomic Energy Agency.

Nuclear powerplants, as I said, can be quite dangerous. A report in the Washington Post—circulated by the sponsors of this amendment—discusses the death of a nuclear reactor operator in Argentina. This was a tragic development. It is well known to my colleagues in the Senate that I have had real misgivings about the direction of the Argentine nuclear program. But I say that if the United States had been in a position to prevent the tragic death of that civilian technician, we should have been able to help. That is the humanitarian approach. Furthermore, that approach is fully consistent with the policy we have followed since the adoption of the Nuclear Nonproliferation Act of 1978, an act that I had the honor of sponsoring. That was cosponsored by Senator GLENN.

Mr. President, I ask unanimous consent that Senator MCCLURE be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, our amendment would recognize that there may be a health and safety problem in some nuclear facilities, even those which the United States may have been the principal supplier. The issues are not black and white. There may be serious moral and humanitarian reasons to provide items which could—in the last analysis—save lives. The language of my perfecting amendment would express the sense of the Senate that in certain exceptional cases, the President should be able to provide health and safety equipment. This situation would only arise where the items are destined for civilian facilities under international safeguards, where the President has determined that the items are not available from any foreign supplier, and where the President determines that for humanitarian reasons, the United States should provide that health and safety equipment.

I hope my colleagues will agree with me that the United States should stand by its humanitarian principles, and allow for exports in such exceptional circumstances.

I hope that the perfecting amendment will be acceptable to the distinguished author of the amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, the amendment is by no means acceptable. We either have to make a stand on nuclear proliferation or say that by a few words added to an amendment, however well intended, we really gut it.

That is what the perfecting amendment that my colleague from Illinois does to the underlying amendment.

The Tarapur powerplant in India is indeed not going to be improved to the point where we will not have this problem before us again soon.

The senior Senator from Ohio (Mr. GLENN) wrote quite an interesting letter describing the situation of the Tarapur plant and the fact that it was the only plant of that type still standing, that there will be an extremely high exposure level, whether or not these parts are received by the Indians, and it is interesting to note that while this plant is under safeguards a reprocessing plant nearby, very nearby, as a matter of fact, is beyond the realm of safeguards that will protect the world from the possible development of additional nuclear weapons.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to President Reagan by Senator GLENN dated July 7, 1983.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON GOVERNMENTAL AFFAIRS, SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION AND GOVERNMENT PROCESSES,

Washington, D.C., July 7, 1983.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I was recently informed, first via a wire story and subsequently through official channels, that Secretary of State Shultz has made, on behalf of your administration, a commitment to the Indians that the U.S. will aid them in obtaining certain spare parts for the Tarapur reactors. This aid will take the form of both approving the transfer of such parts from third parties, and exporting directly to India those parts which third parties cannot provide. I understand that extensive discussions have already taken place with Germany and Italy on the possibility of those countries supplying at least some of the desired equipment.

My views on this were recently solicited by Secretary Shultz through Senator Percy. I have been informed that a cable was sent to the Secretary informing him of my view, which is that I am opposed to providing the Indians with any help in obtaining these reactor items as long as the Indians maintain the position that the safeguards principles of "perpetuity" and "pursuit" do not apply to U.S. exports under the U.S./India Agreement for Cooperation of 1963, as amended in 1971.

I believe that, in aiding the Indian nuclear program under present circumstances, the administration is making a grave error that will undermine the nuclear nonproliferation regime in much the same way as the Carter Administration undid its own policy by sending fuel to Tarapur in 1980.

Some of my colleagues in the House and Senate have written to you about this issue and it is not my intention to reiterate their arguments. Rather, because it has been claimed that the transfer of spare parts is a "safety" and humanitarian issue that should override nonproliferation concerns, I wish to bring to your attention some information suggesting that such claims are misleading and obscure the true picture of nuclear safety at Tarapur.

Nuclear experts in your administration have told my staff that the Tarapur reactors are, from the standpoint of safety and independently of the spare parts, much worse than the worst operating plants in the United States. There have been serious fuel failures in the past few years in which significant amounts of radioactive materials have entered the primary coolant and been deposited in pipes, pumps, valves, and other equipment, thus resulting in high exposure levels to workers (30–50 rems/hour in some areas of the plant). These reactors are old and do not represent up-to-date design. They have not been retrofitted to bring them up to acceptable safety standards. Their emergency core cooling system (ECCS) equipment is out-of-date and marginal. Even under conditions of half power operation, these reactors release amounts of radioactive materials to the atmosphere that are 100 times greater than that allowed under U.S. regulations.

I have been told that if these reactors had been operating in the United States, the Nuclear Regulatory Commission would have shut them down years ago. Indeed, the only two U.S. reactors of this design, Dresden I and Humboldt Bay, were permanently shut down a few years ago because of problems with ECCS equipment and fuel element leakage in one case and the inability to meet new seismic requirements in the other. Neither plant had to face the new safety requirements imposed by the NRC after the Brown's Ferry fire or the TMI accident.

The bottom line of this litany, Mr. President, is that the basic safety problems of these plants appear to be so profound that the transfer of the spare parts would not adequately address them. It is hard to escape the conclusion that Indian workers at Tarapur would continue to be irradiated at high levels even if the parts were delivered and installed.

It thus appears, Mr. President, that the relationship of the spare parts to the status of safety at Tarapur is analogous to the relationship of a precancerous wart to the health of a terminally ill patient.

Nonetheless, some would argue that the U.S. has a moral obligation to do all it reasonably can to ensure that its exports, including nuclear reactors, are used safely. I don't disagree with this notion, but I also believe that the U.S. has a moral as well as a legal obligation to uphold and strengthen the international nonproliferation regime, whose failure would risk many more lives on this earth than would the failure of the reactors at Tarapur. When one adds to this the realization that the Tarapur reactors are so far off U.S. safety standards that it cannot be reliably estimated what accidents might happen if the reactors were to continue to operate with or without the additional spare parts, the case for the shipment of these parts in the absence of any reasonable concession by the Indians on safeguards evaporates.

I urge you to reverse the administration's unilateral concession to the Indians, and to link any assistance at Tarapur to concrete Indian actions aimed at ensuring the retention and expansion of safeguards within their nuclear program.

Sincerely,

JOHN GLENN,
U.S. Senator.

Mr. BOSCHWITZ. Mr. President, the amendment by the distinguished chairman of the Foreign Relations Committee would allow the transfer of 143 tons of heavy water to the Argentines, by a procedure that almost fits the term surreptitious. The Argentines have submitted direct requests for heavy water for approximately 22 kilograms, 45 or 50 pounds in total. It has been years since they have put in some of these requests and they proceeded very slowly. This other request is a matter of heavy water that has been transferred by us to the Germans. And now, the Germans in turn will retransfer it to the Argentines in very short order. Thus, 143 tons of heavy water is allowed to be transferred to the Argentines, basically without any restriction at all. It makes a mockery of the Non-Proliferation Act that I know my friend from Illinois was so active in passing. Indeed, continuing to send parts to India makes a mockery of it as well. We have sent parts and we have hoped that they would not continue their path toward nuclear explosions. On the other hand, we have heard the Prime Minister of India when she was here say that without any qualification they indeed would pursue whatever path they wished.

So I oppose the amendment by the distinguished chairman of the Foreign Relations Committee.

Mr. WILSON. Mr. President, I wonder if the Senator from Minnesota will yield for some questions.

Mr. BOSCHWITZ. I yield.

Mr. WILSON. Mr. President, the questions I have are these:

I note that there are several nations that are not signatories to the Non-Proliferation Treaty. Yet, as I gather, this amendment has singled out three, leaving several others, Pakistan, Canada, Israel, Brazil, among them, unaffected.

I am concerned as to why if this makes sense for three it does not make sense for the others.

In addition to that question I ask my good friend from Minnesota if the concern is truly to address the proliferation of nuclear devices for nonpeaceful purposes, then do we not actually lose a considerable amount of leverage and bargaining power by this action with respect to the three nations that it addresses with the obvious result, as the Senator himself has just indicated in the example regarding the heavy water being provided Argentina by the Germans, do we not lose a bargaining power that is ours under the Federal code requirements whereby the U.S. Government licenses through a very rigorous review process all requests relating to the export of nuclear products and services destined for countries who have not signed the Non-Proliferation Treaty?

Mr. BOSCHWITZ. The Senator asks two questions. We have included the countries of India, Argentina, and South Africa because they are presently making requests of us. We would include the other countries that you name if they also were making requests of us.

Some of them have never made requests of us. I am not aware that any of them have pending requests. However, the Senator is quite right if the amendment should be broader it certainly should be more encompassing.

Mr. GLENN. Will the Senator yield for a comment?

Mr. BOSCHWITZ. Certainly.

Mr. GLENN. I want to emphasize that the three nations we are talking about have deals pending, either promised or actually approved by the administration. That is the reason the effort was centered on them. The deal with Argentina has been approved. The deal with South Africa has been approved, and the deal with India has been promised. That is the reason we focused on these three.

Mr. BOSCHWITZ. Let me also say to my friend from California, as the distinguished Senator from Ohio will also attest, that we have gone this route a number of times, particularly with India. The argument on each occasion has been that we have to retain some kind of leverage with them.

Well we have made no forward progress despite the fact that we have on a number of occasions listened to that argument and indeed have given in to that argument.

So since we have no leverage and since there is a threat of the proliferation of nuclear weaponry, I think I have provided the answer that the Senator requested.

Mr. WILSON. I would only ask further, Mr. President, is it not a fact that if we are to follow the proposal that is being made here, virtually certain as the Senator indicated in his remarks respecting the sale of heavy water to the Argentines, to lose this business and if you are not concerned about the loss of the business what I am really suggesting is this: Is it not a virtual certainty if we do not provide a very careful, rigorously reviewed licensing process to control the export of nuclear equipment, nuclear services, we will see them provided to the signatories of the Non-Proliferation Treaty by others and without that same careful review?

Mr. BOSCHWITZ. Well, I would like to ask the Senator from Ohio to become involved in the answer to this question as well.

I do not believe all of the items the Indians are seeking can be obtained elsewhere. Proliferation of nuclear weapons is a matter that can be controlled. There are only a few nations that are the supplying nations in this matter. This is a very small amount of money that we are talking about with respect to India.

If we are going to be able to influence some of our friends who are also nuclear-supplying nations, mostly in Europe, then indeed this would be a good place to start because this is not a larger or expanded matter that would be sought after by other supplier nations. There are only a few nations that supply nuclear technology. I do not believe these particular parts can all be obtained elsewhere.

I would yield to my colleague from Ohio who has a more detailed knowledge of this. But this argument that you make, Senator, is one that can always be made, and is made with respect to many other items. But when it comes to the proliferation of nuclear weapons I believe we indeed must draw the line, and not only must we draw the line we must do what we can to impose our will on the select number of nations that can be suppliers besides ourselves.

Mr. WILSON. I would be delighted to hear anything the Senator from Ohio wishes to add. I would entertain his response. I have a further question either of the Senator from Ohio or the Senator from Minnesota.

Mr. GLENN. Will the Senator be so kind as to restate his question again?

Mr. WILSON. Yes, I will be happy to. My question is very simply if we adopt this sense-of-the-Senate resolution as an amendment to the pending legislation and thereby cut off the export from the United States of nuclear services and nuclear equipment to these three nonsignatories of the Non-Proliferation Treaty do we not face the virtual certainty that the equipment, the services, the technology, the devices that they would otherwise purchase from the United States they will purchase instead from France or from Israel or from someone else who is able and quite willing to provide them this nuclear technology they are seeking?

Mr. GLENN. To respond to the Senator's question I will say with regard to India, I think it is a GE reactor there and I do not think all those parts are available from other places. That is one reason this was put through.

I would add this: One reason we took the tack we did, and we knew it would be tough when we passed the Nuclear Non-Proliferation Act, was that 118 different countries have signed up under the Nuclear Non-Proliferation Treaty—115 of them nonweapon states, and the latter have put all their nuclear facilities under IAEA inspection. They share the same concerns that we share with regard to nuclear proliferation around the world. And the NPTA as well as the Nuclear Nonproliferation Act has been undercut every time when push has come to shove, and we really have had to make decisions here, tough, hard decisions, about whether we were going to enforce our beliefs in nuclear nonproliferation and really and truly try to stop the spread of nuclear weapons potential around the world.

The first slip was the fuel shipment to India, and in the last administration was put through after the toughest fight I was in on the Senate floor. I led it and lost 48 to 46 after hard lobbying of that administration.

This idea that we can just have nuclear nonproliferation around the world without having tough policies and tough decisions is just wishful thinking. So now here we are again where we are in the same situation as before. As I see the Percy amendment it would in effect make a loophole so big that all we need is a Presidential certification as to health and safety, and we would be able to send any nuclear trade to India, Argentina, and South Africa. I will ask the distinguished Senator from Illinois, What around a nuclear plant is not related to health and safety? I cannot think of much, whether pipes or other equipment around a nuclear plant that cannot contribute to a failure in that plant.

So almost anything you want to ship would be possible under the Percy amendment.

Returning again to India, let us recall that India has used our heavy water against our wishes early on to make their nuclear explosion, which they called a PNE, peaceful nuclear explosion, although by any other name a bomb is a bomb.

Even as we meet here, there have been reports already in the press that India is once again preparing a test site. Those reports have already been in the press, and I do not know whether they are preparing that or whether they have a test that is imminent or not, but where 118 nations have gone along with us and said this is a clear and present danger to the world, I do not feel badly at all about putting pressure on India or Argentina or South Africa to join up and let us try to prevent the spread of nuclear weaponry at the same time we negotiate with the other superpower to try to get control of the existing weapons stockpiles.

Mr. WILSON. Will the Senator yield for one further question which goes to the very basis of the amendment being offered by the Senator from Minnesota and the Senator from Ohio? If I correctly read what is being proposed it would cut off the export of any nuclear-related equipment, material or technology, including nuclear components and heavy water to these three governments unless certain conditions are satisfied. I gather then that that is intended to cut off all such nuclear technology and devices and equipment whether it is intended for peaceful use or whether it may be intended for weapons.

I makes no distinction between the peaceful uses and those that are the concerns to my friends from Minnesota and Ohio.

Mr. BOSCHWITZ. The uses are often interchangeable from the standpoint that the output of a nuclear plant such as Tarapur can be reprocessed and the resulting output, plutonium, is weapons usable material. So, indeed the Senator is correct in his interpretation of the amendment, but the two are interconnected in such a way that they cannot be disconnected.

What we ask is that the Government give us reliable assurances that it is not engaged in any program leading to the development of nuclear devices, testing, or detonation, and agree to have international safeguards on all their nuclear facilities. These are not untoward requests.

Indeed, the safety of the world and the possible proliferation of nuclear

weapons, I think, is an overriding consideration.

Mr. WILSON. Mr. President, I will only say in conclusion that I would take the remarks of my friend from Ohio as my text. I think he is right to guard against wishful thinking. But I must ask if this is not a good deal of wishful thinking.

The Senator from Minnesota, with commendable candor, responded to my inquiry by saying that this sense of the Senate resolution contemplates peaceful as well as nonpeaceful uses of nuclear technology. I wonder if we are not engaging in a good deal of wishful thinking by suggesting to the public that what we are going to do here is going to keep nuclear materials out of the hands of the world in which we do not wish them to occur.

I would suggest that that is indeed wishful thinking; that France, Germany, Switzerland, Israel are all in the business and eager to sell nuclear technology. And since at least one of those nations is itself a nonsignator, I think that what we can look forward to is the exercise and the good intention that will not affect the result that my friends from Minnesota and Ohio are seeking on the basis of faith.

Mr. GLENN. Will the Senator yield for a comment?

Mr. WILSON. Yes.

Mr. GLENN. I agree with the Senator 100 percent that some aspect of this may involve wishful thinking. When we passed the Nuclear Non-Proliferation Act, it was our hope and our wish that the French, the British, the Swiss, and others involved in nuclear sales, would follow our lead and stop these sales to nations that refused to put all their nuclear facilities under the International Atomic Energy Agency Safeguards System. We hoped that they would do that and we would cooperate with them in the peaceful use of energy. That was the quid pro quo of nuclear trade.

What happened? Well, we passed that act and as time went on, we did indeed have the French lean our way. We did indeed have the British and other cooperating with us, to make no sales of the kind of equipment from which nuclear weapons material can be obtained. And we were working very hard.

I had some meetings with their representatives, and our State Department at that time was working very hard.

Then came the first nuclear fuel sale to India in 1980 and they looked to us to see what was going to happen. And what happened at that time? We waffled. And ever since that time with few exceptions, it has been a move back toward sales as usual. And so it was that sale of fuel that undermined the Nuclear Nonproliferation Act and the perception of the U.S. commitment.

Either we believe what we say with the Nuclear Nonproliferation Act or we do not. On the basis of recent evidence, we really do not mean to enforce it.

This administration has approved the transfer of heavy water to Argentina. They have approved the sale of parts to India. What is France to think? What is Switzerland to think? What are the British to think if they have a chance to make a several billion dollar deal on nuclear parts or equipment? Are they to think the United States is truly serious about nuclear nonproliferation?

They think it is a joke, as long as we refuse to live up to what we passed here in our effort to try and stem the tide of nuclear weapons from flowing to other nations around the world.

So I submit that when we gave in on that fuel sale to India we encouraged the flow of this equipment around the world once again. I think that is a shame. I think the least we can do now is start, even at this late date, trying to live up to the spirit of our nonproliferation laws so that the rest of the world knows we truly mean what we say with regard to nuclear nonproliferation and it is not all just sort of some political rhetoric.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise in support of the substitute amendment offered by the distinguished chairman of the Committee on Foreign Relations. May I observe that when we speak of India obtaining nuclear secrets, or otherwise inaccessible information and technology from the United States, it seems to me that in truth we do not know the country or the people we are talking about.

Mr. President, the morning papers report that the 1983 Nobel Prize in physics was awarded to University of Chicago Prof. Subrahmanyan Chandrasekhar, born in Lahore, India, who is Professor Chandrasekhar, Nobel laureate as of today. He is the nephew of Sir Chandrasekhar Venkata Raman, the Nobel Prize winner in physics in 1930.

My point is that we are not talking of a backward people incapable of managing the technology or devining the secrets of the atom. These are the people who were part of the great discoveries of the first part of this century which revealed them.

Now 3 years ago, in floor debate with my greatly respected and admired friend from Ohio, I asked about that fuel shipment in Tarapur, only that it be permitted for the 2 years following under our understanding and said, and I hope he would agree, that if we could not reach an understanding on general safeguarding, we should not send any more fuel. And I think that is what has happened, and is reflected in U.S. policy today.

But, Mr. President, the issue before us now is not nuclear fuel. At issue is whether to supply spare parts for a nuclear plant provided to the Republic of India by the United States under the terms of an agreement reached in 1963 to run for 30 years.

I have been in that plant. It is a functioning nuclear power generating plant. It provides 40 percent of the electricity for Bombay, and up the western coast of India to Ahmadabad. It is a source of electricity. Now, as with any working nuclear plant, there are lots of moving parts and parts under stress and parts given to the same difficulties we see in our own plants. And they need to maintain it. They need to maintain it to protect the health and safety of the people who work there and who live nearby. That is the simple fact, Mr. President.

Current discussion of supplies to Tarapur have nothing to do with fuel. It has to do with the parts of machinery we ship them. Do we want to say to them—

No, we will let it break down. We will let radiation leak. We will let your workers be irradiated. We will let your neighborhoods and water go through that.

That would surely not be consistent with the initial desire to help India that brought the plant there in the first place. Rather, it would give rise to suggestions of a nation now vengeful and resentful of its original large vision.

Remember, the powerful Tarapur plant is under full safeguard of the International Atomic Energy Agency which is consistent with the noble goals of the Nuclear Non-Proliferation Act of 1978. The Indians submitted to that. France will not submit to it. Would you expect China to consider the possibility? Oh, no. Yet the Indians did that because it was part of our agreement with them.

All the distinguished chairman of the Foreign Relations Committee asks is that we be able, if the President so decides, to provide the pipes, the valves, the normal plumbing of the powerplant system originally build with American equipment—Tarapur is a well-run plant. It does its job very well. But it wears out like any plant, like any automobile plant or electricity generating plant.

If Senators would like to talk about a nuclear problem, I suggest we talk about the Islamic bomb. The Islamic bomb is very much not present in this discourse.

In Pakistan today it may well be that there is in an advanced process of development a nuclear weapon that could be delivered by planes we have sent to Pakistan, the F-16's that will protect those planes, the Saudi AWACS that will control the battle.

There ought be a little more attention paid to an Islamic bomb and a little less goading of India. They set off one nuclear explosion in 1974 to show they could do it.

And could they do it? Mr. President, Indians were present at the creation of the atomic age. Of course they can do it. If we want to goad them into doing it again, by golly, we are performing well on this floor.

The Senator from Ohio is rightly proud of his authorship of the Nuclear Non-Proliferation Act, and we are proud to have such a person in this Chamber.

Recall that 3 years ago we debated on this floor whether it was possible to pass a bill in this Chamber that would be obeyed in that land. The answer is "No"; the prerogative of other governments to enact laws that would be obeyed in India ended in 1947. Today we address another issue: Will the United States abide by an agreement which, out of a sense of fellowship with a democratic nation, we made in 1963 to generate electricity?

I would hope the Senate could support the chairman of the committee. The President should be given the option. The Non-Proliferation Act must and should be obeyed. We are unanimous on that. This amendment, however, has nothing to do with nonproliferation. It has to do with the maintenance of the nuclear generation plant.

I hope we can leave this to the judgment of the President as the substitute amendment would do. Though I do not know why I seem always to ask that we leave important matters to the judgment of the President. The President rarely asks that they be left to my judgment.

I am happy to answer any questions of my friend from Ohio for whom the Non-Proliferation Act is among the greatest of his achievements, in this Chamber and for the benefit in this Nation.

Mr. GLENN. I thank the distinguished Senator.

Mr. President, the Percy amendment, I would point out to my friend from New York, does not apply just to India. Under this amendment, nuclear trade with Argentina and South Africa could also occur. We already have a South African proposal which has been approved. What if they needed parts? We could be supplying parts or the equivalent. We could be doing the same thing with Argentina. There is no doubt what Argentina has been up to.

The Percy amendment, it seems to me, just gives any President complete carte blanche to do whatever he wants with regard to these three countries we have been particularly concerned about.

Mr. MOYNIHAN. May I say to my friend, does not the Percy amendment say that the Government should disapprove measures which might lead to the development of nuclear weapons, but in exceptional cases when equipment is necessary to protect health and safety of operations, that is only a reference to the Indian plant? I am sure the President wants us to do what the chairman asks us to do. I cannot deny the Senator's concern. He is right.

Mr. GLENN. I would agree that the President wants us to do what the chairman of the Foreign Relations Committee wants to do because this gives him carte blanche to go ahead to make the sales to India, Argentina, South Africa, and any other place he wants to make them. That is my concern. It is not just a matter with regard to India.

I would also point out to my friend from New York that nowhere in the agreement we have with India is there any requirement for sending spare parts whatsoever. So as far as the legality is concerned, we have no legal responsibilities to go ahead and send those parts or make the parts available.

I would agree also that having sold equipment as complex as this perhaps it might be understood as a followup to the sale. I can see how they might expect some of this. But I would repeat, these are hard choices. I do not like to hold up shipments to anywhere, but if India is so innocent, why will they not sign up?

I once talked to Prime Minister Desai at great length and tried to explain that it was commonsense that while the superpowers were trying to get control of existing weapons stockpiles, at the same time other nations should support this idea of nuclear nonproliferation, that they would not develop nuclear weapons but would sign up under the NPT, put all of their facilities under the inspection system, which is far from perfect in its own right. I agree with that, but it is the only system we really have in the world.

Mr. MOYNIHAN. It may not exist if we withdraw or cut off our contributions.

Mr. GLENN. That is another subject here. I think instead of cutting this back, we should be expanding this. It is the only surveillance system we have in the world. One of the first amendments I had passed on this floor when I first arrived was a $1 million contribution to IAEA because they had an insufficient number of inspectors to cover the whole world. But that is beside the point in our present discussion.

I think the Percy amendment would allow us under Presidential certification to ship anything to the three countries involved, and I would urge my colleagues to defeat it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, for the benefit of our colleagues who are anxiously waiting to get to other appointments tonight, I think we have now completed our debate on this amendment. I have need for 2 or 3 minutes to finish it up. Then we will have a rollcall vote on the perfecting amendment. I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PERCY. I believe no rollcall would be required, either way it goes, on the original Boschwitz amendment, whichever way the Percy amendment goes.

We have two Pressler amendments after that. I believe both of those are acceptable. Then we have one Hatch amendment that will be noncontroversial also.

So far as I know, that would complete our amendments and we can go to third reading on the bill.

Mr. President, I would like to answer specifically a few of the points that have been raised, particulary to my distinguished colleague from Minnesota, because I think our colleague from New York clarified a point that he had made about whether or not the Tarapur powerplant and the nearby reprocessing facility are subject to international safeguards. Both of these facilities are subject to international safeguards under the agreement between the United States and India. That extends right up through 1983, as I understand it.

Mr. President, I ask unanimous consent that the distinguished Senator from New York (Mr. MOYNIHAN) be added as a cosponsor of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. Mr. President, would the Senator yield for a question?

Mr. PERCY. Yes, I yield.

Mr. BOSCHWITZ. Is the enrichment facility next to the Tarapur reactor subject to safeguards?

Mr. PERCY. Yes, that is correct. That is in accordance with the agreement between the United States and India until 1993.

Mr. BOSCHWITZ. And has the Indian Government said it would continue to safeguard after that date?

Mr. PERCY. There has been no agreement on that, but it is not correct to say it is not under safeguards now. It is now and will be next year and all the way up through 1993.

Mr. BOSCHWITZ. Mr. President, I believe the Indian Government has given indications, however, that it will not continue safeguards.

Mr. PERCY. I have no knowledge as to that. Our agreement only called for going through 1993. I have no knowledge as to what negotiations, even, have gone on as to extension of the agreeement.

Mr. BOSCHWITZ. Mr. President, I think the Senator has not responded.

Mr. GLENN. Mr. President, if I may answer. They have made public statements they will be under no obligation to renew the safeguards arrangement under IAEA for Tarapur, after 1993, when the United States-India agreement runs out.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. PERCY. I would like to complete the answer to the one question that remains that was put about the pending amendment as to whether or not it does open up health and safety loopholes.

The amendment we are considering solely expresses the sense of Congress. It is not binding legislation. The law that governs nuclear exports, the Atomic Energy Act as amended by the Nuclear Nonproliferation Act of 1978, remains unchanged. Under this law, no major nuclear components may be exported without the recipient nation agreeing to full-scope safeguards. Components and less important items may only be exported with a commitment from the recipient to apply safeguards, guarantee peaceful use, and obtain the United States' consent to any subsequent transfers.

Second, before we express the policy of the Senate as a cut and dried cutoff of nuclear exports to nations that have no accepted full scope safeguards, we should recognize some of the problems that position may create for us down the road. The pending amendment simply recognizes what I consider to be a serious moral and ethical problem: what do we do if there is a nuclear accident in a foreign country from a reactor that we supplied? We must recognize this at the same time that we set our nonproliferation goals.

Certainly, our distinguished colleague (Mr. MOYNIHAN), the former Ambassador to India, has accurately depicted what the reaction of the largest democracy on Earth would be if we failed to supply equipment which we narrowly define as humanitarian for safety purposes.

Finally, since any proposal to export nuclear equipment to a country without safeguards will have to be presented to the Congress, we will be able to say just exactly what we feel qualifies as "health and safety equipment" in any specific case. In my opinion, the definition of health and safety equipment should be very narrowly drawn and strictly limited to what is absolutely necessary.

I believe it would be the intention of this administration to carry out that policy and, I hope, all subsequent administrations.

Mr. GLENN. Mr. President.

Mr. PERCY. If I may alter my previous statement, we have a possibility of one more record vote, I am advised, before passage in addition to this one.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I ask a question of the Senator from Ohio, since he has been so involved and interested in this subject; Is it, in his view, a desirable exchange to give up the opportunity to impose a rigorous review, as the U.S. Government can and does, under the licensing procedure that is set forth in volume 10 of the Federal Code, which relates specifically to the export of nuclear goods and services destined for countries who have not signed a nonproliferation treaty, in exchange for what the Senator has, I think with commendable candor, said is really the expression of a good intention that may very well be circumvented by other nations. Notwithstanding how we got there, whether we waffled at a time when our allies should have looked to us for leadership in the world as we planned it, we are dealing with people who are not just willing but eager to sell their nuclear technology, not just to these nations but to other nonsignatories of that treaty. Are we not making a mistake by giving up that review procedure as set forth in the code in return for what is really an expression of good intentions that will be circumvented by our competitors?

Mr. GLENN. I think we need to set an example. Otherwise, we devalue the political commitment made by all those countries who have signed the Non-Proliferation Treaty.

The question has been raised about what we would do in the case of an accident at Tarapur. I think we ought to raise the question of what we would do about nuclear weapons spread around the world and the possibility of their going off one of these days. That is what the Nuclear Non-Proliferation Act was supposed to help stop. We are supposed to be halting the spread of equipment that could be used to manufacture nuclear weapons. That was the purpose of that act.

All this amendment by Senator BOSCHWITZ does is say to the President that in the case of the three countries that are named in the amendment, since we know what their actions are right now, the President should stop shipments to those countries unless we get stronger assurances on nonproliferation. That, to me, is reasonable.

I do not think anyone in this Chamber would be in favor of shipping fuel or major equipment, major new technology to these countries without such conditions.

In the case of India in 1980. I think we were very correct at that time in trying to cut off further fuel sales. Events have borne out the correctness of that position. Yet, even at this late date, we have seen the new Reagan administration go ahead and make shipments that I think violate the spirit of the Nuclear Non-Proliferation Act. Now, with the Percy amendment, we would violate the spirit and even the letter of the act even more.

Mr. JEPSEN. Mr. President, I rise in support of the amendment of the Senator from Ohio and the Senator from Minnesota. This amendment restates the fundamental sense of the Senate, expressed in the Nuclear Non-Proliferation Act of 1978, that the spread of nuclear weapons is the surest road to nuclear war.

This danger outweighs any short-term economic or diplomatic advantage that might result from the export of nuclear materials or technology to those countries which refuse to ratify the Nuclear Non-Proliferation Treaty or refuse to accept full-scope safeguards on U.S. nuclear exports.

It is all well and good to talk about a freeze or reductions in nuclear armaments at the super-power level, but there is an urgent need to block the potentially disastrous results of a nuclear weapons spread.

If the door is open to every nation to develop nuclear weapons, we risk more than now, more than ever, the danger of nuclear holocaust.

This resolution represents a solid step toward putting a control on the spread of nuclear weapons.

Recent events call into question the administration's policy with respect to the transfer of nuclear materials or technology to other countries. The administration recently gave the government of India assurances that it would help provide spare parts for the Tarapur reactor. India refuses to ratify the Nuclear Non-Proliferation Treaty, does not accept full-scope safeguards on nuclear material provided by the United States, and has even exploded a nuclear bomb.

Similarly, the administration has acceded to Argentine requests for the transfer of 143 tons of heavy water and associated technology, despite the fact that Argentina also refuses to sign the Non-Proliferation Treaty or to accept full-scope safeguards. This sale was approved in August after a brief announcement in the Federal Register.

Now, it is rumored that the State Department is seeking White House approval for a technology transfer agreement that would allow U.S. manufacturers to provide maintenance for South Africa's Koeberg twin nuclear reactors. South Africa, again, has refused to sign the Nuclear Non-Proliferation Treaty or to allow full inspection of their facilities. There is even

evidence that South Africa has exploded a nuclear weapon.

The General Accounting Office recently released a report indicating foreign governments, who would otherwise be ineligible to receive certain nuclear technology items, are making use of a loophole in current export law to receive "dual-use, nuclear-related equipment." Chief among these countries are South Africa, Argentina, India, and the People's Republic of China.

Mr. President, the Congress needs to make its position on these trends known and make them known now. The sense of the Senate resolution in the amendment of Senators GLENN and BOSCHWITZ does not break new policy ground. It reiterates the spirit of the Nuclear Non-Proliferation Act of 1978.

If we do not take action immediately, we risk abetting the process which could result in the spread of nuclear weapons to countries in the many volatile regions around the world. We risk consigning nuclear arms reduction negotiations among the nuclear powers to the dustbin of unworkable complexity. Let us take this first step toward tighter control on the export of nuclear materials and technology.

The PRESIDING OFFICER. Is there any further discussion on the Percy amendment? If not, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Kansas (Mr. DOLE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), the Senator from Idaho (Mr. MCCLURE), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

Mr. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 28, nays 59, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—28

Abdnor	Hollings	Stennis
Baker	Huddleston	Symms
Chafee	Laxalt	Thurmond
Cochran	Lugar	Trible
Denton	Moynihan	Wallop
East	Percy	Warner
Garn	Pressler	Wilson
Hatch	Roth	Zorinsky
Heinz	Sarbanes	
Helms	Stafford	

NAYS—59

Andrews	Ford	Melcher
Armstrong	Glenn	Metzenbaum
Baucus	Gorton	Mitchell
Biden	Grassley	Nickles
Bingaman	Hart	Nunn
Boren	Hatfield	Packwood
Boschwitz	Hecht	Pell
Bradley	Heflin	Proxmire
Bumpers	Humphrey	Pryor
Burdick	Inouye	Quayle
Byrd	Jepsen	Randolph
Chiles	Kassebaum	Riegle
Cohen	Kasten	Rudman
D'Amato	Kennedy	Sasser
Danforth	Lautenberg	Simpson
DeConcini	Leahy	Specter
Dixon	Levin	Tower
Domenici	Mathias	Tsongas
Eagleton	Matsunaga	Weicker
Exon	Mattingly	

NOT VOTING—13

Bentsen	Evans	McClure
Cranston	Goldwater	Murkowski
Dodd	Hawkins	Stevens
Dole	Johnston	
Durenberger	Long	

So Mr. PERCY's amendment (No. 2386) was rejected.

Mr. BOSCHWITZ. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GLENN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOSCHWITZ. Mr. President, I move the adoption of the underlying amendment.

The PRESIDING OFFICER. Is there further debate on the Boschwitz amendment?

Mr. WILSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Kansas (Mr. DOLE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), the Senator from Idaho (Mr. MCCLURE), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

Mr. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Louisiana (Mr. LONG), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 70, nays 16, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—70

Abdnor	Glenn	Nunn
Andrews	Gorton	Packwood
Armstrong	Grassley	Pell
Baucus	Hart	Percy
Biden	Hatfield	Pressler
Bingaman	Heflin	Proxmire
Boren	Hollings	Pryor
Boschwitz	Huddleston	Quayle
Bradley	Humphrey	Randolph
Bumpers	Inouye	Riegle
Burdick	Jepsen	Roth
Byrd	Kassebaum	Rudman
Chafee	Kasten	Sarbanes
Chiles	Kennedy	Sasser
Cochran	Lautenberg	Specter
Cohen	Leahy	Stafford
D'Amato	Levin	Stennis
Danforth	Mathias	Trible
DeConcini	Matsunaga	Tsongas
Dixon	Mattingly	Warner
Domenici	Melcher	Weicker
Eagleton	Metzenbaum	Zorinsky
Exon	Mitchell	
Ford	Nickles	

NAYS—16

Baker	Heinz	Thurmond
Denton	Helms	Tower
East	Laxalt	Wallop
Garn	Lugar	Wilson
Hatch	Simpson	
Hecht	Symms	

NOT VOTING—14

Bentsen	Evans	McClure
Cranston	Goldwater	Moynihan
Dodd	Hawkins	Murkowski
Dole	Johnston	Stevens
Durenberger	Long	

So Mr. Boschwitz' amendment (No. 2385) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOSCHWITZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I take the floor at this time to inquire——

Mr. LEAHY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senate will be in order, please.

The minority leader is recognized.

Mr. BYRD. I thank the Chair.

I take the floor at this time to inquire of the majority leader again as to what business he plans to take up the first thing tomorrow.

Mr. BAKER. Mr. President, I thank the minority leader.

Mr. President, first let me say I hope we are about at the end of this bill. I do not know how many amendments there are remaining. But before I get to that, let me say to the minority leader that I hope that when we finish this bill tonight that we could lay down the State, Justice, Commerce appropriations bill to be pending business when we return tomorrow.

Mr. BYRD. Mr. President, I would like to make the majority leader an offer, in the event there is no objection on my side. We have run this on

the lines. It would be this: That the majority leader get consent this evening to proceed at the close of morning business tomorrow to take up the State, Justice, Commerce appropriations, not lay it down tonight, but to proceed tomorrow.

ORDER TO PROCEED TO STATE, JUSTICE, COMMERCE APPROPRIATIONS TOMORROW

Mr. BAKER. Mr. President, that is eminently satisfactory. I now then ask unanimous consent that at the close of morning business on tomorrow that I be recognized for the purpose of proceeding to the State, Justice, Commerce appropriations bill.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I hope the majority leader would make it a little tighter than that.

Mr. BAKER. I tried to use the exact words of the minority leader because I did not want to go further than he was prepared to go.

What I would like to do is ask unanimous consent that at the close of morning business tomorrow the Senate turn to the consideration of the State-Justice-Commerce appropriation bill. Then I modify the request in that respect.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. Reserving the right to object, am I correct in assuming that the authorization bill will have passed before we handle the appropriations bill?

Mr. BAKER. Yes, Mr. President, it will indeed. We will stay tonight as long as necessary to see that that happens.

Mr. President, I yield to the manager of the bill.

Mr. PERCY. So far as the managers of the bill know, there are just four noncontroversial amendments which can be disposed of, we think, within 10 or 15 minutes. I will not ask for a rollcall vote on final passage. I hope we will not have one.

Mr. PELL. I will not ask for one.

Mr. BAKER. I would estimate, Mr. President, that we will be here another 15 or 20 minutes. I would urge Senators to remain because there is always a possibility that a sufficient number of Senators will ask for a rollcall vote. Things are looking good but we are not there yet. I hope we will be out about 9:15 or 9:30.

AMENDMENT NO. 2387

(Purpose: Relating to justice in the case of the slain American churchwomen in El Salvador)

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY) for himself and Mr. BRADLEY, proposes an amendment numbered 2387.

Mr. LEAHY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, line 19, add the following:

(A) Congress finds that:

Section 122: (1) On December 2, 1980, four United States citizen churchwomen were murdered in El Salvador.

(2) The certification law (Public Law 97-113) requires that the Government of El Salvador make "good faith efforts both to investigate the murders . . . and to bring to justice those responsible for those murders" before aid to El Salvador can continue.

(3) The Administration's current certification report admits to "disappointing progress" in the case and concedes a "virtual breakdown in criminal justice" in El Salvador.

(4) The prosecution of those accused of the murders of the four American churchwomen has been plagued by consistent neglect, professional incompetence, and a steadfast unwillingness to enforce El Salvador law.

(5) The vigorous prosecution and effective trial of those accused of murdering the four churchwomen will promote criminal justice throughout El Salvador and encourage similar efforts to pursue the murderers of other American citizens, Salvadoran Archibishop Oscar Romero, and tens of thousands of Salvadoran civilians.

(6) It is the sense of the Congress that the United States Government shall call upon the Government of El Salvador,

(a) To appoint a special prosecuting attorney to oversee the comprehensive investigation of those responsible for murdering the four American churchwomen and to prepare a thorough and effective prosecution against them, and

(b) To assure the United States Government that those accused will be brought before a jury trial by December 2, 1983.

Mr. LEAHY. Mr. President, I ask unanimous consent that Senator LAUTENBERG and Senator PELL be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the amendment very simply is one that draws considerable support from both sides of the aisle. It is a sense-of-the-Senate resolution calling on the Government of El Salvador to appoint a special prosecutor to prepare and pursue the case against those responsible for the murders of the four American churchwomen killed on September 2, 1980, in El Salvador.

Over the past 3 years, I have grown increasingly frustrated over the lack of any serious effort on the part of the Government of El Salvador to move forward with this case. Ever since January 1982, we have heard promises of an impending trial. Over and over again, these promises have been broken.

Critical leads have not been followed up. Evidence has been suppressed, neglected, lost, or destroyed. It turns out that one previously appointed prosecutor had been removed from an earlier position for accepting a bribe from an opposing counsel in a criminal case. When the lawyers representing the families of the slain churchwomen asked why this man had not been disbarred for his actions, they were told that such a punishment was impossible, since he had never passed the bar.

In view of the serious impediments to an effective prosecution of those responsible for these murders, I think it is important that the Government of El Salvador demonstrate its commitment to justice by appointing a special prosecuting attorney. Such an official should be a respected Salvadoran lawyer with experience and standing to handle the case. This prosecutor should have the protection of the Government of El Salvador and be assured independent authority.

Mr. President, I understand this amendment has been agreed to by both of the distinguished floor managers of this bill. Let us hope that this measure will compel the Government of El Salvador to see that justice is finally done.

Mr. President, I yield to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I join with Senator LEAHY in sponsoring this amendment directing the President and the Government of El Salvador to appoint a special prosecutor and convene a trial in the case of the four American churchwomen murdered in El Salvador in December 1980.

Senator LEAHY, Senator SASSER, and I introduced the body of this amendment on August 1 as Senate Resolution 191. We appreciate the opportunity today to send the message to the Salvadoran Government from the entire Senate that we want justice done. I am pleased that there are 28 cosponsors to Senate Resolution 191, including the chairman of the Committee on Foreign Relations and the ranking minority member of that committee. I am most pleased that both sides have found our amendment acceptable.

Simply, Mr. President, this amendment calls for the appointment of a special prosecutor to complete the investigation of those responsible for murdering Maryknoll Sisters Ita Ford and Maura Clark, Ursuline Sister Dorothy Kazel and lay volunteer Jean Donovan. It expresses the sense of the Senate that the El Salvador Government should take the necessary steps to bring to trial those already held for 2 years in the case. It asks that these steps be taken promptly before 3 full years have passed since the murders.

Mr. President, neither a proper investigation nor a prompt trial has been completed in the almost 3 years since these American women were killed. This failure by the Salvadoran Government to do justice has come despite hundreds of millions of dollars in economic and military assistance from the United States and despite the most serious expressions of concern from scores of Senators and Congressmen.

My own sense of concern has grown steadily since I came to the Senate and since I met the brother of Ita Ford, Bill Ford, as one of my constituents. That justice has not been done in this case has prompted me to wonder whether the larger purposes we claim for Central America are at all realistic.

I want the Senate to know that our new Ambassador to El Salvador, Thomas R. Pickering, is on record in favor of specific steps such as those recommended in this resolution. In response to a question from me that was submitted through Senator PELL during the confirmation hearings on Ambassador Pickering's nomination, the Ambassador submitted the following written reply.

We recognize the merits of a special prosecutor, setting a time limit for the conclusion of the investigation, and providing protection for judges and witnesses. We will approach the Salvadoran Government with these suggestions and will, of course, keep you appraised of developments.

I hope that the Senate will take note of this agreement of our Ambassador in El Salvador that specific steps toward progress in this case are merited.

I urge my colleagues to support this amendment and place this body squarely on record that justice in the case of the four churchwomen is a priority. By supporting this amendment we can demonstrate that we will not ignore the pain suffered by the families of these women, nor our own commitment to human rights and justice.

Mr. PERCY. Mr. President, the amendment is acceptable to this side of the aisle.

Mr. PELL. Mr. President, this is a fine amendment and I am proud to be a cosponsor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2387) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2388

(Purpose: To require the Secretary of State to conduct a study relating to United States funding of the United Nations)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) proposes an amendment numbered 2388.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

STUDY OF UNITED NATIONS FUNDING

SEC. 701. (a) The Secretary of State shall conduct a study of each program, project, and activity carried out by or under the auspices of the United Nations or of any of its specialized agencies to determine whether assessments paid and contributions made by the United States to the United Nations or any of its specialized agencies directly or indirectly benefits the Palestine Liberation Organization or the South West Africa Peoples Organization.

(b) Not later than June 15, 1984, the Secretary of State shall prepare and transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate a report setting forth the findings of the study conducted under subsection (a).

Mr. PRESSLER. Mr. President, opposition to terrorism is a basic element of U.S. foreign policy. I am certain that nobody on this floor would disagree with this statement. Terrorism is the antithesis of democracy. Terrorism is an act denying the most basic human rights—the right to life and freedom from coercion. Too often, terrorists have targeted American citizens and American institutions. Frequently, terroritsts act in support of governments and of ideologies that are un-American and are opposed to American interests.

For these reasons, the Congress has previously passed laws to combat terrorism. This State Department authorization bill contains language asserting that no funds provided by the United States to the United Nations and its specialized agencies be provided for the use of terrorists and of governments that encourage and back their activities.

Mr. President, my amendment is simple in purpose. It seeks to assure that these provisions of U.S. law are being complied with and that U.S. contributions to the United Nations and its specialized agencies are not being funneled, intentionally or unintentionally, to these outlaws.

This amendment calls on the Secretary of State to conduct a study of the United Nation's programs, projects, and activities to determine whether U.S. taxpayer dollars are directly or indirectly benefiting the Palestine Liberation Organization or the South West Africa Peoples Organization. The Secretary's findings would be reported to the Congress on June 15, 1984.

Mr. President, given the bipartisan nature of U.S. policy against terrorism, I believe this should be considered an uncontroversial amendment, worthy of every Senator's support.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. PERCY. Mr. President, the amendment is acceptable to this side and I commend the Senator for the amendment.

Mr. PELL. Mr. President, it is acceptable on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2388) was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2389

(Purpose: To restrict the availability of funds for the United Nations)

Mr. PRESSLER. Mr. President, I send a second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) proposes an amendment numbered 2389.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

RESTRICTION ON AVAILABILITY OF FUNDS FOR THE UNITED NATIONS

SEC. 701. None of the funds authorized to be appropriated by this Act may be made available for any program, project, or activity carried out by or under the United Nations or any of its specialized agencies on or after the date of enactment of this Act if the President certifies both Houses of Congress that such program, project, or activity poses a threat to the national security or vital economic interests of the United States.

Mr. PRESSLER. Mr. President, this amendment would prohibit U.S. funding of new U.N. programs, projects, or activities that are instituted despite U.S. opposition to their creation.

Under current formulas, the United States is required to pay 25 percent of the expenses of U.N. programs, projects, and activities regardless of the fact that the United States may oppose them. The relative weakness of the U.S. voice in U.N. decisionmaking is inconsistent with the tremendous financial support given that organization by the United States. Because we are heavily outnumbered in the United Nations, it is unlikely that the United Nations would adopt a weighted voting formula that would take into account a member's financial contribution to the organization.

The alternative course is for the United States to refuse to pay for programs, projects, or activities—the creation of which the U.S. representatives to the United Nations have opposed. There seems to be no other method we can employ to strengthen the position of the United States in opposition to U.N. activities which may be contrary to U.S. interests. My amendment follows this approach, but would apply it only to future programs, projects, or activities created in the U.N. system. The amendment would not withhold U.S. funding for programs, projects, and activities already in operation.

Mr. President, the United Nations has become a tyranny of the free-loading majority dominating an overburdened and overtaxed minority. As Senators know very well, the United States is obligated to pay for 25 percent of all U.N. expenses. At the same time, the United States is denied any real authority, in proportion to this financial obligation, to set budgetary ceilings or limit programs. This has resulted in abuse. The United States has been taken advantage of, while the majority of U.N. members, consisting of smaller states with meager responsibilities in paying for U.N. programs, have voted for the creation of unnecessary and wasteful programs. Boondoggle after boondoggle has been authorized, and the American taxpayer has been stuck with the check.

Included in programs created or financed by the United Nations in disregard of U.S. concerns are:

Law of the Sea preparatory conference in Kingston, Jamaica;

Conference on the South Africa-Israeli alliance—underwritten by $50,000 U.N. grant;

Conference on the question of Palestine and the regional conferences that preceded it—an anti-Israeli meeting financed with $5 million in U.N. funds; and

The regular Program of Technical Cooperation—an aid program over which the United States has no control and which often duplicates U.S. foreign aid.

It is time to stop this abuse of American good will. These programs are being instituted without any assessment of their cost or effectiveness. The United Nations has no overseer to say "no" to waste by Third World delegates. The United Nations feels no compunction to limit salaries to its staff or to constrain unnecessary travel or other excesses.

Today's U.N. executive typically earns 23 percent more than his U.S. civil service counterpart. Today's U.N. executive travels by Concorde supersonic transport or by other first-class flight. There is no effective accounting system at the United Nations—no inspector general or general accounting office—to determine whether programs are necessary or conducted effectively and efficiently. A U.N. executive can literally buy himself an around-the-world, first-class airplane ticket without explaining the necessity of such travel.

As Americans, we must object to such excesses. Our taxpayers finance these exorbitant activities. This amendment should be seen as a "shot across the bow" to those nations and those U.N. officials who take advantage of American generosity. Given the difficulties faced by American taxpayers and the heavy burden imposed upon them, the Congress can do no less than to adopt this important amendment.

Before the recess, the Senate vote overwhelmingly for the Kassebaum amendment reducing U.S. funding of the United Nations was an important first step in reorienting U.S. policy. My amendment complements that effort. Simply reducing the overall U.S. assessed contribution to the United Nations does not guarantee responsible U.N. spending of the remaining, substantial U.S. contributions. My amendment will accomplish this. It would establish a policy of refusing U.S. funding of programs that are ineffective or in opposition to U.S. interests and policies, or the interests and policies of our friends and allies abroad. Such a policy would make more funding available to U.N. programs, project and activities which deserve support.

Mr. President, I ask unanimous consent that an opinion poll conducted for the Heritage Foundation on American attitudes toward the United Nations be printed in the RECORD.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

SPECIAL STUDY, JAN. 27 THROUGH MAR. 2, 1983

	Total		Male		Female	
	Sample	Percent	Sample	Percent	Sample	Percent
Question 1: Are you more or less suportive of the United Nations today than you were 10 yrs. ago?						
Base—Total adults interviewed	3,731	100.0	1,736	100.0	1,995	100.0
1. More	910	24.3	368	21.2	542	27.2
2. Less	1,341	36.1	701	40.4	640	32.1
3. Same	1,174	31.3	468	27.0	706	35.4
4. No opinon	306	8.3	199	11.5	107	5.4
Question 2: Do you believe that the United Nations is effective in furthering the causes of world peace and political stability among nations?						
Base—Total adults interviewed	3,731	100.0	1,736	100.0	1,995	100.0
1. Yes	1,597	42.8	734	42.3	863	43.3
2. No	1,818	48.8	901	51.9	917	46.0
3. No opinion	316	8.4	101	5.8	215	10.8
Question 3: Should the United States use its economic and political leverage against countries at the United Nations which consistently vote against American interests in that organization?						
Base—Total adults interviewed	3,731	100.0	1,736	100.0	1,995	100.0
1. Yes	2,532	68.1	1,269	73.1	1,263	63.3
2. No	757	20.2	300	17.3	457	22.9
3. No opinion	442	11.8	167	9.6	275	13.8
Question 4: The United States currently contributes 25 percent of the United Nations' total budget, yet the U.S. vote in the General Assembly is no more important than the vote of any other single nation. Should this system change so that the importance of the U.S. vote is tied to its contribution to the United Nations?						
Base—Total adults interviewed	3,731	100.0	1,736	100.0	1,995	100.0
1. Yes	2,699	72.6	1,368	78.8	1,331	66.7
2. No	766	20.3	267	15.4	499	25.0
3. No opinion	266	7.1	101	5.8	165	8.3
Question 5: Should the United States reduce its share of contributions to U.N. agencies that do not employ their agreed-upon quota of U.S. nationals?						
Base—Total adults interviewed	3,731	100.0	1,736	100.0	1,995	100.0
1. Yes	2,966	79.7	1,469	84.6	1,497	75.0
2. No	425	11.3	134	7.7	291	14.6
3. No Opinion	340	9.1	133	7.7	207	10.4
Question 6: Is it fair that the United States pays 25 percent of the cost of the United Nations, but that Americans have only 12 percent of the U.N. jobs?						
Base—Total adults interviewed	3,731	100.0	1,736	100.0	1,995	100.0
1. Yes	109	3.0	66	3.8	43	2.2
2. No	3,392	91.0	1,605	92.5	1,787	89.6
3. No Opinion	230	6.1	65	3.7	165	8.3
Question 7: The U.S. Congress is already committed to withholding some Government funds for U.N. organizations that provide direct or indirect aid to terrorist groups. Should the Congress honor its commitments?						
Base—Total adults interviewed	3,731	100.0	1,736	100.0	1,995	100.0
1. Yes	3,199	85.8	1,537	88.5	1,662	83.3
2. No	228	6.1	101	5.8	127	6.4
3. No opinion	304	8.1	98	5.6	206	10.3
Question 8: Should the Congress cut off all U.S. funding for U.N. organizations that aid terrorist groups?						
Base—Total adults interviewed	3,731	100.0	1,736	100.0	1,995	100.0
1. Yes	3,381	90.8	1,635	94.2	1,746	87.5
2. No	146	3.8	20	1.2	126	6.3
3. No opinion	204	5.4	81	4.7	123	6.2
Question 9: Both the Soviet Union and the People's Republic of China have defaulted on payments to the U.N.'s peacekeeping operations. Should the United States insist that they pay their share before we continue to support peacekeeping forces at the United Nations?						
Base—Total adults interviewed	3,371	100.0	1,726	100.0	1,995	100.0
1. Yes	2,858	76.8	1,403	80.8	1,455	72.9
2. No	525	14.0	234	13.5	291	14.6

SPECIAL STUDY, JAN. 27 THROUGH MAR. 2, 1983—Continued

	Total		Male		Female	
	Sample	Percent	Sample	Percent	Sample	Percent
3. No opinion	348	9.2	99	5.7	249	12.5
Question 10: Should the philosophy and programs of the United Nations reflect and support the same political and legal freedoms which are guaranteed to American citizens by the U.S. Constitution?						
Base—Total adults interviewed	3,731	100.0	1,736	100.0	1,995	100.0
1. Yes	2,816	75.7	1,403	80.8	1,413	70.8
2. No	600	16.1	267	15.4	333	16.7
3. No opinion	315	8.3	66	3.8	249	12.5
Question 11: Should the United States continue to insist that U.N. resolutions on the Middle East that criticize israel also, when appropriate, criticize Palestinian and other Arab actions in that area?						
Base—Total adults interviewed	3,731	100.0	1,736	100.0	1,995	100.0
1. Yes	3,091	82.9	1,469	84.6	1,622	81.3
2. No	228	6.1	102	5.9	126	6.3
3. No opinion	414	11.0	167	9.6	247	12.4
Question 12: Should the United Nations condemn and investigate human rights violations in totalitarian states, such as those in the Soviet bloc, as thoroughly as it has been doing with other nations?						
Base—Total adults interviewed	3,731	100.0	1,736	100.0	1,995	100.0
1. Yes	3,241	86.9	1,537	88.5	1,704	85.4
2. No	150	4.0	66	3.8	84	4.2
3. No opinion	340	9.1	133	7.7	207	10.4
Question 13: UNESCO advocates a program that would severely restrict the freedoms of U.S. and Western news correspondents reporting in developing nations. If such a program is adopted, should the United States withdraw its financial support from UNESCO?						
Base—Total adults interviewed	3,731	100.0	1,736	100.0	1,995	100.0
1. Yes	3,315	88.9	1,569	90.4	1,746	87.5
2. No	62	1.6	20	1.2	42	2.1
3. No opinion	354	9.5	147	8.5	207	10.4
Question 14: The economic philosophy which pervades the United Nations is the new international economic order. This calls for the redistribution of wealth and technology from the developed to the developing nations, with almost no compensation paid to the developed nations. Should the United States support this concept at the United Nations?						
Base—Total adults interviewed	3,731	100.0	1,736	100.0	1,995	100.0
1. Yes	374	10.0	167	9.6	207	10.4
2. No	2,789	74.8	1,335	76.9	1,454	72.9
3. No opinion	568	15.2	234	13.5	334	16.7
Question 15: The United States, along with several U.S. allies, has not signed the U.N.'s Law of the Sea Treaty because it argues that the treaty would limit the opportunities for private U.S. companies to mine minerals off the ocean floor, and would limit U.S. access to all ocean resources. Do you support the decision of the United States?						
Base—Total adults interviewed	3,731	100.0	1,736	100.0	1,995	100.0
1. Yes	3,431	92.0	1,602	92.3	1,829	91.7
2. No	117	3.1	33	1.9	84	4.2
3. No opinion	183	4.9	101	5.8	82	4.1
Question 16: If the United Nations did not exist, would the world be-						
Base—Total adults interviewed	3,731	100.0	1,736	100.0	1,995	100.0
1. Worse off	1,766	47.2	768	44.2	998	50.0
2. Better off	700	19.0	434	25.0	266	13.3
3. Unchanged	998	26.7	434	25.0	564	28.3
4. No opinion	267	7.1	100	5.8	167	8.4

Mr. PRESSLER. Mr. President, I urge the adoption of this amendment.

The PRESIDING OFFICER. Is there any further discussion of the amendment of the Senator from South Dakota?

Mr. PERCY. Mr. President, I do not know of any objection on this side.

Mr. PELL. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota (Mr. PRESSLER).

The amendment (No. 2389) was agreed to.

Mr. PRESSLER. I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

AMENDMENT NO. 2390

(Purpose: To require a report by the President assessing the effectiveness of efforts made by certain foreign governments to promote their own defense)

Mr. PERCY. Mr. President, I send an amendment to the desk on behalf of the Senator from Utah (Mr. HATCH) and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The Senator from Illinois (Mr. PERCY), on behalf of Mr. HATCH, proposes an amendment numbered 2390.

Mr. PERCY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS
REPORTING REQUIREMENT

SEC. 701. (a) Not later than January 31 of each year, or at the time of the transmittal by the President to the Congress of the annual presentation materials on foreign assistance, whichever is earlier, the President shall prepare and transmit to the Speaker of the House of Representatives and the President of the Senate a full and complete report which assesses, with respect to each foreign country associated with the United States in a bilateral or multilateral defense pact of other security arrangement, the effectiveness of the contribution that the government of each such country made during the preceding twelve-month period to the defense pact or arrangement. Such report shall include—

(1) a discussion of whether the national security policies and military structure of each such country are effectively designed to deal with the most likely and significant threats to its security;

(2) a description of the quality and quantity of each such country's contribution to its own defense in terms of personnel, procurement, exercises, training as well as support activities and facilities access arrangements which are designed to assist the United States in defense of each such country against aggression; and

(3) a description of the extent to which United States assistance to each such country contributes to its capabilities to deal with the most likely and significant threats to its security.

Mr. PERCY. Mr. President, this amendment simply requires the administration to report to Congress annually on various aspects of U.S. defense pacts or other security arrangements, including their effectiveness. I know of no objection to this amendment.

Mr. HATCH. Mr. President, my amendment will require an annual report from the President, the purpose of which is to obtain information from the executive branch about the contributions of our allies abroad to their own defense and to our common defense. We need better measurement of the quality and quantity of allied defense efforts in order to know whether additional diplomatic measures are necessary to encourage some of our allies to do more if they are falling behind the level of effort set by others.

We must do this on behalf of the American taxpayers who have a right to know which allies are doing how much in terms of the specific indicators of defense effort that must be developed by the President in order to prepare this detailed, lengthy study for the first time of all nations with whom we are associated in bilateral or multilateral defense pacts or other security arrangements with the United States.

The recent State Department project to develop an annual integrated security assistance assessment from each of our Embassies in the world will certainly be a necessary but not sufficient component of this allied defense effort report to be required by my amendment which is in addition to the more narrowly focused report required by the Senate Armed Services Committee on the defense contributions of NATO and Japan. I expect this report to be more thorough and to cover many more nations in the Mideast, Africa, Asia, and Latin America.

Thank you, Mr. President.

All free world nations should be willing to make the necessary sacrifices to the common defense of liberty.

Mr. PERCY. Mr. President, I know of no objection on this side of the aisle.

Mr. PELL. We have no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2390) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2391

Mr. PELL. Mr. President, I offer a technical amendment to strike section 209 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL) proposes an amendment numbered 2391.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike from line 16, page 31 through line 7 on page 32.

On page 27, strike line 17 and insert in lieu thereof "Charter for the Bureau of Educational and Cultural Affairs."

Mr. PELL. Mr. President, what this amendment does is strike section 209, which is now part of title VII, the International Environment Protection Act. The second part of the technical amendment corrects an error in the title of section 207.

The PRESIDING OFFICER. Is there any further discussion on the amendment?

The question is on agreeing to the amendment of the Senator from Rhode Island (Mr. PELL).

The amendment (No. 2391) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, we are about to ask for third reading. Before doing so, I would like to pay tribute to Dave Keaney, who has done a herculean job on this bill, Scott Cohen, Hans Binnendijk, Dave Nichols, Alex Glicksman, Mike Kraft, and Scott Ulm.

I wish to express my particular appreciation to the ranking member and members of the committee and the minority staff which has worked so conscientiously and cooperatively with us.

Mr. PELL. Mr. President, I also join in paying tribute to those members of our staff, Peter Galbraith, Nancy Stetson, Jerry Christianson, and all those who helped work on this bill through the past days and weeks, but it seems like months. I also thank the majority side for their cooperation.

Mr. LEVIN. Mr. President, when the State Department authorization bill was on the floor last month, the Senate adopted an amendment proposed by Senator KASSEBAUM which would reduce U.S. contributions to the United Nations by roughly $500 million over a 4-year period.

I was one who opposed the amendment, reasoning that:

If we want to maintain or better still increase our influence in the community of nations, making sudden, deep cuts in our contributions to the organizations which bring all the nations of the world together to work on solutions to common problems is not the course we should follow at this time.

In the month which has elapsed since the adoption of the Kassebaum amendment on September 22, the action we took then has come in for considerable comment. I would like to call the attention of my colleagues to a number of developments which suggest that our amendment is unlikely to prove as constructive as its author intended.

First, the amendment has highlighted the efforts of those within the United Nations itself who are committed to making the U.N. system function more effectively. The Secretary General, himself, is credited in a Wall Street Journal editorial of September 30—"The U.N.: Should We Leave It? Kick It Out?"—with forthright self-criticism of his organization. The issue, then, is not one of the United States versus the United Nations but rather how the United States may best join with a number of other governments who are committed to the United Nations' more effective functioning.

Second, the means specified for accomplishing the amendment's objectives have come to be seen as of questionable legality. The amendment would require reductions in U.S. contributions which would breach U.S. interntional obligations and cause us to lose our voting rights.

In the short discussion which preceded adoption of the Kassebaum amendment last month, the administration's position was not clear. While it had fueled the understandably high feeling against some of the U.N.'s activities, feelings which I often share by the way, feelings and sentiments that coalesced in the Senate vote for the amendment, it has since let it be known that:

While we share many of the concerns that precipitated this action and agree that the United Nations has its deficiencies, we feel the United States' interests are best served by constructive participation in the United Nations family of organizations.

Third, other friendly governments and the United Nations itself are known to be alarmed by what the amendment has proposed. To be sure, governments and intergovernmental agencies have been reticent to state their views in public and to appear to be intervening in national political processes. However, a number of governments, both industrialized and developing, whose respect we prize and whose support we count on, are deeply concerned by what they see as the impacts of the amendment if enacted. International organizations and Americans serving in them are also alarmed.

Fourth, the deliberative processes of the Senate have come in for heavy criticism as a result of our adoption of what would represent a major shift in U.S. foreign policy without committee hearings or extensive floor debate. A Washington Post editorial of September 25 entitled "The Folly of U.N.-Bashing," spoke of the casual acceptance by the Senate of an instant floor amendment. Even our current Permanent representative to the United Nations has told a House hearing that she finds the Kassebaum proposal, which she thought would be regarded as "fiscal blackmail" of the United Nations by the United States, entirely too sweeping and precipitous.

Fifth, as the dust has settled during the past month, some of our own national leaders, past and present, have begun to be heard from. A bipartisan group of seven former U.S. Permanent Representatives to the United Nations, six former Secretaries of State, and four former National Security Advisers has recently stated their conviction that:

The United Nations is an important instrumentality in the conduct of American foreign policy. * * * (It) provides this country with a forum for protecting and promoting our own interests as well as for seeking solutions to problems we share with other countries.

A number of Members of Congress, including Senator MOYNIHAN from our own ranks, have taken the lead in expressing support for continuing the tradition of active U.S. participation in the United Nations.

Finally, editorials which have addressed U.N. issues in recent weeks have tended to affirm that for all of its problems, the United Nations deserves continued U.S. support.

The Christian Science Monitor, on the day before the Senate vote on the Kassebaum amendment, editorialized that:

Of course the United Nations has not measured up to hopes for a global conflict-resolving forum.

The United Nations remains, however, the Monitor concluded, one of the best stages where "debate and explanation can help ease tension among the world's peoples."

Many of us, supporters as well as opponents of the Kassebaum amendment alike, would agree with President Reagan's observation in his September 28 address to the U.N. General Assembly that "the United Nations at its best can help us transcend fear and violence and can act as an enormous force for peace and prosperity."

It is unfortunate that the United Nations does not always operate at its best. I have been a strong critic of a

variety of actions or inactions by the United Nations and some of its specialized agencies over the years. The U.N.'s reflexive support for the terrorist PLO, the attempt to curb the development of a free press in Third World countries, the reluctance of a majority of U.N.-member states to speak out strongly against Soviet brutalities against their own people and the people of neighboring states like Afghanistan—in all of these areas and others I have been most dissatisfied with the U.N.'s role. I would be glad to join with my colleagues in the Congress in sending a message that expresses those complaints and dissatisfactions, but I do not believe the sudden and deep cuts proposed in the Kassebaum amendment are the way to do that.

I hope that the provisions in the State Department authorization bill eventually enacted by this Congress will do justice to U.S. interests in a more effective U.N. system—and in continued U.S. engagement with other nations within it.

STATEMENT ON LEGISLATIVE VETO—AMENDMENT NO. 2350, AS AMENDED

Mr. GRASSLEY. Mr. President, this amendment appears to restore the constitutionality of section 5(c) of the War Powers Resolution which allows Congress to require the President to withdraw U.S. troops within 60 days after he reports that they are in actual or imminent involvement in hostilities. This requirement was originally accomplished by concurrent resolution, an action which appears to fall under the recent decision of the U.S. Supreme Court in INS against Chadha.

The administration has testified in connection with the legislative veto that in their opinion this section is severable from the rest of the War Powers Act, but this has not been tested. The recent agreement on keeping the marines in Lebanon did not come under this section of the act.

Senator BYRD's amendment would substitute a joint resolution requiring the withdrawal of such troops, which must be signed by the President or subsequently passed over his veto by a two-thirds majority of each House of Congress. I am voting in favor of this amendment to guarantee the appropriate involvement of Congress in any decision to commit our troops to a combat situation, but I have some reservations that this is the way to handle all the legislation that presently contains a legislative-veto provision.

It is my hope that Congress can soon agree to a more general approach, something which offers stronger oversight and control over executive department actions.

My Subcommittee on Administrative Practice and Procedure is very involved in looking for a better way out of our problems with the legislative veto, and I hope to have a solution to propose in the near future.

UNITED STATES-INDIA ENDOWMENT

● Mr. MOYNIHAN. Mr. President, late last night, and rather suddenly as it happened, the Senate adopted by voice vote an amendment to the pending bill that would create a permanent United States-India endowment for cultural, educational, and scientific exchange.

This is a most worthwhile enterprise, and I would like simply to express my support for the endeavor. The endowment will provide an enduring basis for ever more cooperative relations between the world's two largest democracies in a variety of important fields in the arts, sciences, and education. Exchanges of individuals in this manner are of self-evident importance to the development of friendly relations, and I am afraid it is not widely known in this country just how few Americans actually spend time in India in any professional capacity. In my time there as Ambassador there were never more than two dozen American businessmen resident in that nation of more then 800 million. This is just an illustration of the paucity of human contact between Americans and Indians that exists today.

The initial capital fund of the endowment will consist of $250 million equivalent of rupees now available to the U.S. Government in India, under the terms of the 1974 agreement between our two nations which I had the responsibility to negotiate at the time. The source of this fund may be of some interest. It had happened that U.S. assistance to India beginning in 1950 had generated more than 32 billion rupees from U.S. sales of Public Law 480 agricultural commodities, and rupee-payable dollar loans to India.

Toward the end of the 1960's, however, the rapid accumulation of U.S.-owned rupees became a matter of concern adversely affecting our relations with India. The sheer magnitude of the U.S. holdings created a situation in which U.S. Government decisions could have a destabilizing effect on India's monetary policy. In 1971, the United States ceased its practice of accepting local currency in payment for new Public Law 480 loans; but the rupee balances in India continued to grow as old loans fell due.

In February 1974, I, as the U.S. Ambassador in India, initiated negotiations with the Government of India which led to an agreement the principal terms of which were: (a) the Indian Government repaid all outstanding rupee obligations, including principal and interest, (b) rupees equivalent to $2.2 billion were then granted by the U.S. to India for various economic development projects; and (c) the U.S. retained its claim on rupees equivalent to $1.1 billion for various local currency expenses anticipated to be incurred by the American Government in India over a period of 14 to 24 years.

Of the $1.1 billion rupee equivalent retained by the United States, a portion was placed in three U.S. banks in the form of certificates of deposit yielding interest at 8½ to 10 percent. As of August 31, 1982, those deposits were valued at $112 million; with interest continuing to accumulate, it is estimated that they will amount to about $140.4 million by November 1984 when the last certificate reaches maturity.

The remainder of the $1.1 billion was left basically as a claim by the U.S. Government on the Reserve Bank of India. It earns no interest. It must be budgeted by the Indians each year in an amount determined by U.S. Government requirements on an annual basis. It is from the noninterest-bearing Indian-held account that U.S. local currency needs, running at about $60 to $70 million per year, have been funded. The remaining balance stood at $388 million as of August 31, 1982, and currently amounts to roughly $320 million.

A portion of the annual U.S. local currency expenditures—about $9 million equivalent in fiscal year 1982—are drawn through so-called special foreign currency appropriations to fund a variety of educational, cultural, and scientific exchange programs of value to both countries. These programs are administered by some 15 U.S. Government agencies including the National Bureau of Standards, the Smithsonian Institution, Health and Human Services, the National Science Foundation, the Library of Congress, and others. USIA, for example, uses SFC funding for such activities as the Fulbright Commission and the American Studies Resources Center in Hyderabad.

It is from this fund that the endowment would be funded. It would require, therefore, no new appropriations, although the benefits to the United States from the programs that would follow would be immeasurably large.

I would close simply by noting that the present Ambassador of the United States to India, the Honorable Harry Barnes, has been instrumental in the development of this proposal. I would like to commend him for his initiative in this area, as I would also like to commend the distinguished chairman of the Foreign Relations for his own interest and initiative in bringing this amendment to the Senate.●

THE SOVIET OFFICIAL PRESENCE IN THE UNITED STATES

Mr. HUDDLESTON. Mr. President, on September 22, 1983, the Senate adopted my amendment to the State Department authorization bill to establish equivalence between the numbers and treatment of Soviet officials

in the United States and U.S. Government employees in the Soviet Union. The main purpose of that amendment is to reduce the threat to our national security from Soviet intelligence operations in this country.

This week the FBI's announcement of the arrest of James Durward Harper in California for espionage on behalf of Polish and Soviet intelligence highlights the importance of this problem. I want to commend the FBI and other elements of the U.S. intelligence community for their efforts in this case.

I am also pleased that a leading private organization interested in public policy issues, the Heritage Foundation, has prepared an analysis of the problem posed by the disparity in numbers and treatment of Soviet Government employees in this country and U.S. Government employees in the Soviet Union. I ask that the Heritage Foundation paper, entitled "Closing the U.S.-Soviet Diplomatic Gap," be printed in the RECORD.

The paper follows:

CLOSING THE U.S.-SOVIET DIPLOMATIC GAP

INTRODUCTION

The Soviet Union has pulled ahead of the U.S. not only in missiles and other strategic weapons. The Soviets continue to overpower the U.S. on the critically important diplomatic front. On it there is no balance of forces. According to FBI estimates, the number of Soviet employees in the U.S. today totals about 980. In dismal contrast, the number of U.S. government employees in the Soviet Union is a mere 320. Some 270 of the Soviets are employed by the United Nations and thus have special status. Of the remaining 710 Soviet civilians—including typists and secretaries—nearly half are identified by the FBI as KGB agents of espionage, subversion, and disinformation. The Reagan Administration should act to close the diplomacy gap which Moscow exploits so well. Washington should demand that at least 100 Soviet officials leave the U.S.

The disparity is not only in numbers. It extends to freedom of movement, living acommodations, and working facilities. In the U.S., Soviet diplomats travel nearly everywhere, and Soviet employees at the U.N. Secretariat do so without any official restrictions at all. In the USSR, by contrast, Americans are barred access to more than 90 percent of the physically accessible parts of the country either by official proscription or by bureaucratic obstacles.

The Foreign Missions Act of August 24, 1982 (P.L. 97-241, Title II) was supposed to begin remedying the situation. It was a congressional mandate to the President insisting on diplomatic parity, especially where national security considerations are at stake. It has been supplemented by Amendment 2197 to the Department of State Authorization Act, which is due for final Senate action later this month. The issue then will go to conference with the House; the House version of the bill currently contains no similar provision. Amendment 2197, introduced by Senator Walter Huddleston (D-KY), was passed by the Senate on September 22, 1983. The Amendment urges the President to enact as soon as possible, and consistent with the interests of the U.S., significantly measures of diplomatic reciprocity with the USSR. Senator Steven Symms (R-Idaho) argues: "It is the Soviet KGB that we are condoning when we allow the Soviets to have more diplomats, so-called than the United States."[1]

SOVIET PRESENCE IN THE UNITED STATES—THE REAL STATISTICS

The FBI statistics on Soviet official presence, as of August 1, 1983, show about 980 employees (excluding the seven Aeroflot employees ousted after the Soviets downed the Korean airliner). The Soviets are based in:

New York City

About 520 employees connected with the U.N. (about 270 in the Secretariat and 250 in the Missions); 41 assigned to Amtorg Trading Corporation; 27 at other commercial establishments, such as the Soviet Trade and Economic Council, Belarus Machinery (a government purchasing outfit), and Intourist (the USSR government-controlled travel bureau); and 22 "journalists" for such outlets as Tass and the USSR Radio and TV State Committee.

Washington

194 at the Soviet embassy; 17 at the Soviet Trade Represntative's office; 23 in the Soviet Information Department; 3 at the Soviet Maritime Office; 4 in the Soviet Fisheries Affairs Office; 34 at the Soviet Consular Office; 16 at the Construction Office; 21 at the Military Office; 3 in the Agriculture Office; and 12 journalists.

Elsewhere in the United States

30 at the San Francisco consulate and 2 journalists in San Francisco; 2 at the U.S.-USSR Marine Resources Company in Seattle; 3 at Belarus Machinery in Milwaukee.

The FBI statistics include accredited diplomats and all Soviet government employees. They exclude nonworking spouses and non-Soviet, communist bloc employees in the U.S. The total number of Soviet bloc official personnel in the U.S. is now staggering, having jumped from 1,715 in October 1979 to 2,131 in January 1982 to about 3,000 today.[2]

Apparently, little can be done about the 270 Soviets who ostensibly work for the U.N. The U.N. Headquarters' Agreement allows free travel privileges to all U.N. Secretariat employees. The Agreement is unlikely to be renegotiated in the foreseeable future. Yet Washington can deal with the remaining 710 Soviet government employees. Even if the status of the 36 Soviet journalists is unchanged, there is still room to curtail the others who engage in extensive subversive activities in the U.S. Examples: acquisition of high technology, especially in the Silicon Valley; approaches to U.S. government employees and their staff for recruitment purposes and obtaining classified information; contacts with "illegals" (communist bloc citizens living in the U.S. under false identities); and "active measures" operations in general, such as forgeries and disinformation.[3] Travel and living accommodations of Soviets in the U.S. are vastly different from the constrained, constantly watched situation of Americans in the USSR. The Soviets, moreover, bring their own drivers, secretaries, clerks, and other support personnel to the U.S. rather than hire Americans to do these jobs. Yet most of this non-diplomatic staff, according to the FBI, are KGB agents.

U.S. PRESENCE IN THE USSR

The Americans in the Soviet Union hire Soviets for support jobs. Though no legal ceiling is placed on the number of U.S. personnel in the USSR, the evidence indicates that a practical limit is imposed by the dire living conditions. Senator Patrick Leahy was shocked by what he saw during a visit to the Soviet Union. He complained: "Our people are jammed into overcrowded, dilapidated, appalling, inadequate quarters." He reported that "we do not see any kind of reciprocation" in living conditions and concluded that: "Even if we wanted to send more people, we could not until new facilities are available."[4] No such facilities are anywhere near in sight.

Travel restrictions on Americans also are appalling. To the many officially forbidden areas are added enormous bureaucratic obstacles—all diplomatic travel requests being handled by the inefficient state travel bureau—and the physical impossibility of reaching much of the USSR.

ARGUMENTS AGAINST REDUCING SOVIET PERSONNEL IN THE U.S.

The State Department seems opposed to any reduction of official Soviet presence in the U.S. It argues that the Soviets would obtain most of the information it currently gathers in the U.S. even with fewer individuals, given the great degree of freedom in this country and the use of such Soviet non-diplomats as tour groups, trade missions, and scholars. The U.S., on the other hand, stresses the State Department, presumably needs every individual it has in the Soviet Union. Hence any retaliation by the Soviets, which involved reduction of U.S. diplomatic personnel in the USSR, would harm the U.S. disproportionately compared with whatever advantages might be reaped from expelling Soviets from the U.S.

It is argued by some—notably Senator Daniel Patrick Moynihan (D-NY)—that instead of decreasing Soviet diplomatic presence in the U.S., American presence in the Soviet Union should be increased. American academics also oppose reduction of Soviet presence in the U.S., arguing that "dialogue" with Soviets is of long range advantage.

ADVANTAGES OF REDUCING SOVIET PERSONNEL IN THE U.S.

The principal impediments to expanding U.S. personnel in the USSR are practical. Experts in Congress indicate that greater financial inducements are needed to convince American support staff—such as clerks, cooks, and drivers—to subject themselves to Soviet living conditions. Those funds are not currently available.

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[1] Congressional Record-Senate, Sept. 22, 1983, S12723.

[2] U.S. Department of Justice, Federal Bureau of Investigation 1983 Appropriation Request, pp. 40-41. In addition, the FBI counterintelligence program is burdened by the great increase of official presence from the People's Republic of China—over and above Soviet bloc personnel.

[3] For examples of tactics used in Soviet bloc high-technology espionage, see U.S. Congress, Senate Committee on Governmental Affairs, Permanent Subcommittee on Investigations, Hearings, 97th Congress, 2d Session, Nov. 15, 1982 (Washington, D.C.: U.S. Government Printing Office, 1982), Report No. 97-664. For an analysis of Soviet "active measures" see Hearings Before the Permanent Select Committee on Intelligence, House of Representatives, 97th Congress, 2d Session, July 13, 14, 1982. On general KGB tactics, see John Barron, "KGB Today: The Hidden Hand" (New York: Reader's Digest Press, 1983).

[4] CONGRESSIONAL RECORD—Senate, Sept. 15, 1983, S 12325.

Another complicating factor is political harassment of Americans by Soviet authorities. In the U.S.S.R., there are no safeguards against violations of civil liberties. Not many U.S. citizens are willing to take chances with Soviet curtailments of individual freedom and the constant surveillance by the Soviet secret police.

In addition, the benefits of American presence in the Soviet Union are quite limited. According to a high level White House official, U.S. diplomats are hardly ever briefed by the Soviet government, while covert information is often of questionable value.

There is reason to doubt, moreover, that Moscow would expel U.S. diplomatic personnel in response to U.S. moves to achieve greater numerical reciprocity if the U.S. curtailed only non-diplomatic personnel. As Senator Huddleston has argued, official Soviet presence could indeed be cut by at least 100 individuals—such as trade representatives and support personnel—without touching diplomats or journalists. Even Senate Foreign Relations Committee Chairman Charles Percy (R-IL) has voiced no objections to such a move, provided it involved "substantial equivalence consistent with the interests of the United States." [5]

Finally, the Huddleston Amendment recommends that the travel accommodations and facilities of officers and employees of the Soviet government should be more in line with those of Americans in the USSR. To that end, a State Department travel bureau has been proposed to process and scrutinize more closely the travel requests of Soviet officials.

CONCLUSION

The FBI estimates that some 40 percent of Soviet official personnel in the U.S. are trained professional intelligence officers of the KGB and the Soviet military intelligence, the GPU. Because the USSR has nearly 1,000 government employees in the U.S., compared to 320 American government employees in the USSR, living and working in dramatically disparate conditions, it is time that President Reagan took measures to achieve greater official reciprocity. There is no reason why the U.S. should suffer from diplomatic disparity with the USSR.

JULIANA GERAN PILON, PH.D.,
Policy Analyst.

OWNERSHIP AND THE ENDOWMENT FOR DEMOCRACY

Mr. LONG. Mr. President, I would like to speak for a moment in support of one section of this bill that I think could prove to be particularly beneficial to those of us who share the democratic vision. The section I am referring to is title 4 authorizing the establishment of the "National Endowment for Democracy." The establishment of this Endowment could prove to be one of the most important steps that we will take in the 98th Congress.

Our system of free enterprise democracy has been on the defensive for 65 years in a struggle that, it seems, cannot be won with simple neutrality. The funding provided for the Endowment is designed to end this neutrality and to acknowledge that Federal support for private initiatives could be very helpful in strengthening democratic values and institutions abroad.

The Endowment will not be an agency of the U.S. Government; rather, it will be a nonprofit corporation designed to provide funding for programs of private sector groups. Its primary purpose will be to operate as an "umbrella" organization through which both national political parties, organized labor, and the business community, among other private institutions, will receive funding. It will also serve an oversight function, operate as an intermediary between private sector groups, function as a clearinghouse for inquiries and proposals, and provide scholarships and fellowships.

The purpose of the Endowment is to promote democratic institution building abroad by fostering cooperation with those abroad dedicated to the cultural values, institutions, and organizations of democratic pluralism. The Endowment is also directed to encourage the establishment and growth of democratic development and to strengthen the democratic electoral process. The programs it funds are intended to be long range and bipartisan in scope. The bill also names a particularly distinguished bipartisan Board of Directors to guide the Endowment's activities.

It is my hope that in evaluating the activities funded by the Endowment that the Board will keep in mind the important role that private property ownership has played in the success and stability of democracy in the United States, and will make an effort to insure that those to whom the Endowment's funds are directed are aware of the crucial role that private property can play in the promotion of democratic institutions abroad.

Let me take just a moment to expand on this idea and to suggest some ideas that the Endowment's Board of Directors may find useful.

Our private property approach to economic matters recognizes the indisputable interplay between economic rights and political rights. Our Founding Fathers recognized that individual liberties and a democratic form of government cannot long endure unless the majority of citizens have a high degree of economic independence. Thus, protection of the cornerstone of liberty—private property—was embodies in the Bill of Rights.

This forward-looking group also recognized that a private property, free enterprise system was the most natural economic structure—a structure that evolved from the actions of a free people. It had not been forced, it had grown. It has not been enforced, it had come on its own.

Mr. President, although there are some nations that continue to move in the direction of increased ownership by the state, I do not believe that they do so because they necessarily think that state ownership will solve their problems. Rather, I think it is an act of desperation; they simply cannot think of a better solution.

State ownership has enormous drawbacks; experience has taught us that time after time. All too often, both freedom and efficiency are sacrificed in the name of equity. Yet even basic equity is eventually sacrificed as a privileged bureaucratic elite emerges to replace the property-owning elite that socialism and communism claim they are designed to replace.

Socialism and communism are not alternatives; rather, they are largely a reaction to the abuses of early models of capitalism.

A DEMOCRATIC MODEL

Frankly, Mr. President, the case that we make for our economic system would be far stronger if we had a more hopeful model—a working model of just what we would advocate for other nations. We need to be able to show people all over the world how our increasing prosperity spreads out and reaches Americans in all walks of life.

A continuing fundamental weakness of our system is that so many Americans own so very little while a relative few Americans own a great deal. As former Secretary of State Haig pointed out, our economic contradictions here at home make it more difficult for us to lead abroad.

We live in an ideological age, an age in which it is all the more important to have a clear vision of the type of society that we would suggest to others. If we are going to preach private ownership abroad, we should practice it here at home in a realistic fashion.

For the past 10 years, I have been an advocate of policies and programs designed to broaden the ownership of capital in the United States. I am happy to report that this idea continues to gain momentum and is beginning to have a modest effect in shaping the future of this fine Nation to the benefit of the people.

This approach can help the United States to sell what we are advocating all over the world; indeed, it is something we must do if we are going to peaceably win the hearts and minds of people in other nations.

This has been a concern of mine for quite some time, and I know that it troubles other Senators as well—many of whom have joined me in years past in sponsoring legislation to encourage the financing of productive capital so that it is more broadly owned. By providing incentives for the use of employee stockownership plans (ESOP's) as a technique of finance, we have tried to offer a model that other nations will see as more attractive than the socialist model.

The vast majority of people, both here and abroad, cannot afford capital ownership. Daily economic ownership,

[5] Congressional Record-Senate, Sept. 22, 1983, 35310.

daily economic survival, not savings and investment, is their primary concern. What these people need (and what ESOP-type financing provides) is access to the financial logic of self-liquidating debt—the logic used in every day by businesses around the world in borrowing to invest in productive capital that will generate income to pay for itself.

Those receiving support from the Endowment should educate themselves on this issue and consider how employee ownership arrangements—including co-ops—may provide a model that will encourage lesser developed nations to move our way rather than follow a path less conducive to democratic insitution building.

This approach can enable struggling democracies to strike a better balance between the energy and efficiency of the marketplace and the equity, compassion and equality of democracy. Financial techniques supportive of expanded ownership would bring a democratic new dimension to the investment process, and would open new possibilities for economic participation.

TOWARD A PRINCIPLED FOREIGN POLICY

In recent testimony before the Finance Committee, Secretary of State Shultz suggested that what the United States needs is policies and programs "to get ahead of history." Employee ownership is just such a program. It not only increases the constituency for private enterprise, at the same time, it undercuts the very rationale for ownership by the State.

The path that employee ownership takes faces in exactly the opposite direction from that taken by those who favor State ownership. Employee ownership seeks to steadily increase the number of capital owners instead of preventing anyone from owning capital by making the State the only owner.

President Reagan is correct in his recent assertion that we must "transcend communism." We can do that only with an ideological self-assurance that is well grounded in the values that we know are sound.

In an address to the American Legion convention in Washington, D.C., on February 22, 1983, President Reagan touched on this point in outlining U.S. foreign policy strategy. As the President explained:

> There is no more damaging misconception than the notion that capitalism is an economic system benefiting only the rich. Economic freedom is the world's mightiest engine for abundance and social justice. . . . Developing countries need to be encouraged to experiment with the growing variety of arrangements for profit sharing and expanded capital ownership that can bring economic betterment to their people.

THE DIGNITY OF WORK

Mr. President, it has also come to my attention that on September 15, 1981, Pope John Paul II issued a papal encyclical titled "Laborem Exercens" (On Human Work) that touched on this subject. In this papal letter to Roman Catholic bishops, the Pontiff places particular emphasis on the dignity and the rights of workers and gives special attention to the question of ownership of the means of production.

In addition to defending the right of workers to form labor unions as an "indispensable element" of modern society and as a vehicle "for the struggle for social justice", the encyclical suggests that each person, on the basis of his work, should be:

> Fully entitled to consider himself a part-owner of the great workbench at which he is working with everyone else. A way toward that goal could be found by associating labor with the ownership of capital, as far as possible.

He then cites the many proposals put forward by experts in Catholic social teaching and by the church: "proposals for joint ownership of the means of work, sharing by the workers in the management and/or profits of businesses, so-called shareholding by labour, et cetera."

The Pontiff also emphasizes that:

> Every effort must be made to ensure that in this kind of system also the human person can preserve his awareness of working 'for himself'. . . This awareness is extinguished within him in a system of excessive bureaucratic centralization, which makes the worker feel that he is just a cog in a huge machine moved from above, that he is for more reasons than one a mere production instrument rather than a true subject of work with an initiative of his own.

This farsighted and outspoken church spokesman then goes on to cite the "need for ever new movements of solidarity" and suggests that union demands "can and should also aim at correcting—with a view to the common good of the whole of society—everything defective in the system of ownership of the means of production or in the way these are managed."

Mr. President, the Catholic Church can point to a long and distinguished history of support for both workers and private property. In fact, Pope John Paul II wrote this latest encyclical, in part, to commemorate the 90th anniversary of an 1891 encyclical by Pope Leo XIII titled "On the Condition of Workers," in which it is stressed that:

> (It must be) assumed and established as a principle, that the right of private property must be regarded as sacred. . . . The law ought to favor this right and, as far as it can, see that the largest possible number among the masses of the population prefer to own property.

The support for private property in general, and for employee ownership in particular, is an idea that cuts across all political boundaries. Support comes from both Democrats and Republicans, from management and from labor. And for that reason, this area seems to me one that is particularly appropriate for the endowment to study and to promote.

The committee report accompanying this bill cites the fine work of Hubert Humphrey and Walter Reuther in assisting democratic institutional development abroad. Senator Humphrey, in a letter to the Washington Post not long before his death, expressed his support of a policy designed to promote widespread employee ownership:

> Capital, and the question of who owns it and therefore reaps the benefit of its productiveness, is an extremely important issue that is complementary to the issue of full employment. . . . I see these as twin pillars of our economy: Full employment of our labor resources and widespread ownership of our capital resources. Such twin pillars would go a long way in providing a firm underlying support for future economic growth that would be equitably shared.

Walter Reuther was also a proponent of employee stock ownership. Testifying before the Joint Economic Committee of the Congress in his capacity as president of the United Automobile Workers, Reuther suggested that "Profit sharing in the form of stock distributions to workers would help to democratize the ownership of America's vast corporate wealth."

A FOUNDATION FOR STABILITY

It is difficult to imagine an enduring democracy without widespread private property. Employee ownership could become a crucial factor in the promotion of development that is consistent with broad U.S. national interests, particularly in resolving the developmental paradox of stability versus growth.

It is difficult to have economic growth without stability; yet stability is elusive without a strong economic base. And, of course, where Marxism succeeds, or is seen as likely to succeed, financial capital flows out of the country, further compounding the problem of financing development.

In most developing countries, the vast bulk of the land suitable for farming is owned not by a broad cross section of people but by a relatively small group. That same land-owning elite generally owns most of the productive capital as well.

Unfortunately, development capital is often financed in such a way that it becomes owned either by this relatively small class or by the government itself. Neither approach is well designed to promote the long term good health of democratic institution building.

The lesson that I hope both we and other nations will learn is the crucial role that ownership plays in the development process. Too often we overlook the long-term consequences of our aid, and the impact that the structure of that aid can have on broad U.S. national interests.

The coupling of development financing with employee ownership could help to insure that the benefits of such financing are more widely dispersed than through traditional means. In addition, this coupling can promote the support and commitment of the local workforce, thereby insuring that scarce economic development funds are invested so as to have the maximum impact.

Such an approach would help to create the circumstances in which assisted companies are more likely to survive, and in which taxpayer-provided development loans are more likely to be repaid. In short, Mr. President, it would provide a development context in which assisted companies are more likely to succeed, and in which more people in the assisted country have an opportunity to share in that success.

Hopefully, U.S. multinational corporations will begin to see the benefits of this approach and will begin to structure their foreign ventures in such a way that large numbers of citizens in the host countries will have an opportunity to participate in the success of the ventures that those citizens make possible. Indeed, I would think that both the multinational companies and their host nations would be wise to insist on such an arrangement.

Democracies are stable because people participate in them. A dictatorship—whether it be a dictatorship of the left or of the right—is unstable because people do not participate. Participation in ownership can contribute to stability by providing a broader base of support for economic and political reforms.

A principal objection to private property development is that not enough people own some of it. That has been a primary criticism of our system throughout history. Unfortunately, in many parts of the world the word "capitalism" is portrayed simply as an economic system in which a nation's productive wealth is concentrated in the hands of a privileged few.

Capital ownership is most emphatically a social opportunity; indeed, a socially created opportunity. It is the institutions of society and, more specifically, the institutions and conventions of finance that determine who will be the owners of productive capital that has yet to be created.

Let me make it clear that I am in no way proposing a model solution to the many complex problems that confront this nation in promoting our democratic ideals. Political, economic and cultural factors will play a large role in determining whether efforts to promote employee ownership in other countries will succeed or fail. I do think it is important, however, that other nations become aware not only of the many benefits of employee ownership but also of the relationship between private property and democracy.

This bill also authorizes funds for our primary means of international communication, our international radio system. The Voice of America (VOA), Radio Free Europe and Radio Liberty (RFE/RL) can do much to bring this message to other nations. It is my hope that their oversight agencies, the U.S. Information Agency (VOA) and the Board for International Broadcasting (RFE/RL), will do what they can to insure that our experience with employee ownership is communicated to other nations.

The economic systems of tomorrow will be born out of the decisions made today. If we want free enterprise democracies to be the rule rather than the exception (as is now the case), then we should do want can to educate others on the specific steps that they can take to build a broad base of support for such democracies.

With that in mind, I would hope that in providing scholarships and fellowships the Endowment will actively seek to support those showing an interest and expertise in the relationship between employee ownership and democratic institution building.

What I am suggesting is not a destination but a direction, an ideological direction that I am convinced other nations must follow if they are to realize the full potential of the democratic ideals we share.

Mr. President, I look forward to watching the activities of the National Endowment for Democracy and the activities of those to whom they provide funding. I anticipate that we will be able to look back with pride on our decision to establish this forward-looking organization.

Mr. PERCY. Mr. President, I ask for third reading of S. 1342.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for third reading and was read the third term.

Mr. PERCY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2915.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2915) to authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, the Board for International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes.

Without objection, the Senate proceeded to consider the bill.

Mr. PERCY. Mr. President, I move to strike all after the enacting clause of H.R. 2915 and substitute therefor the text of S. 1342, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 2915) as amended was passed, as follows:

Strike out all after the enacting clause and insert:

TITLE I—DEPARTMENT OF STATE

SHORT TITLE

SEC. 101. This title may be cited as the "Department of State Authorization Act, Fiscal Years 1984 and 1985".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 102. The following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities of the Department of State in the conduct of the foreign affairs in the United States and other purposes authorized by law:

(1) For "Administration of Foreign Affairs", $1,480,213,000 for the fiscal year 1984 and $1,480,213,000 for the fiscal year 1985.

(2) For "International Organizations and Conferences", $602,343,000 for the fiscal year 1984 and $645,978,000 for the fiscal year 1985.

(3) For "International Commissions", $23,207,000 for the fiscal year 1984 and $23,207,000 for the fiscal year 1985.

(4) For "Migration and Refugee Assistance", $354,500,000 for the fiscal year 1984 and $326,400,000 for the fiscal year 1985.

(5) For "Bilateral Science and Technology Agreements", $1,700,000 for the fiscal year 1984 and $1,700,000 for the fiscal year 1985.

WORLD INTELLECTUAL PROPERTY ORGANIZATION

SEC. 103. Subsection (b) of Public Law 92-511 (22 U.S.C. 269f) is amended to read as follows:

"(b) Such sums as may be required for payment by the United States of its proportionate share of the expenses of said international bureau for any year after 1981 as determined under article 16(4) of the Paris Convention for the Protection of Industrial Property, as revised,".

ELIMINATION AND MODIFICATION OF REPORTS

SEC. 104. (a) The following provisions of the following Acts are repealed:

(1) Section 126(c) of Public Law 95-426 (22 U.S.C. 2691 note; 92 Stat. 972).

(2) Section 405(b) of Public Law 95-426 (22 U.S.C. 1048 note; 92 Stat. 979).

(3) Section 12(d) of Public Law 96-8 (22 U.S.C. 3311; 93 Stat. 20).

(4) Section 4 of Public Law 96-110 (22 U.S.C. 2601 note; 93 Stat. 844).

(5) Section 109(a)(7) of Public Law 95-105 (22 U.S.C. 2384 note; 91 Stat. 847).

(6) Section 411 of the International Development Cooperation Act of 1979, Public Law 96-53 (22 U.S.C. 3511; 93 Stat. 376).

(7) Section 703(f) of Public Law 96-465 (22 U.S.C. 4023; 94 Stat. 2100).

(8) Section 503(b) of Public Law 95-426 (22 U.S.C. 2656(c); 92 Stat. 983).

(b) Section 204(b)(4) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1824(4)(c); 90 Stat. 342-45) is amended—

(1) by striking out "; and" after subparagraph (B);

(2) by inserting in lieu thereof a period; and

(3) by striking out subparagraph (C).

(c) Section 412(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1522(b)(1)(B)) is amended—

(1) by striking out the first sentence; and

(2) by striking out "after such study" in the second sentence.

CONSULAR PROTECTIVE SERVICES

SEC. 105. (a) In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated to the Secretary of State $6,000,000 for the fiscal year 1984 and $6,000,000 for the fiscal year 1985 for the provision of protective services directly or by contract in locations for which funds are not otherwise available to provide such services, to the extent deemed necessary by the Secretary of State pursuant to the Foreign Missions Act of 1982, except that amounts authorized to be appropriated by this section shall not be subject to the provisions of section 208(h) of the Foreign Missions Act of 1982.

(b) Assistance may be provided to a foreign mission, as defined by section 202(a)(4) of the State Department Basic Authorties Act of 1956, through State and local authorities directly or by contract under the preceding subsection (a) only if the Secretary has determined that there are reasonable grounds to believe that there exists a threat of violence to, or conditions inconsistent with appropriate security of such foreign mission or the personnel thereof, except that the assistance requested by the Secretary shall be available only for extraordinary security purposes.

(c) Authority pursuant to this section shall be subject to the following conditions:

(1) regulations to implement this authority have been approved by the Secretary after consulation with appropriate committees of Congress;

(2) no more than 20 per centum of funds available for obligation under this section in any fiscal year may be obligated for purposes of protective security in any State jurisdiction of the United States within that year;

(3) any agreement to provide security assistance may not exceed a ninety-day period in any calendar year, but may after review be subject to renewal; and

(4) there shall retained from funds available for obligation under this section not less than 15 per centum thereof as a reserve for security purposes provided directly by the Secretary of State or for expenditures in any local jurisdictions not otherwise covered by an agreement for security services under this section.

INTERNATIONAL RESTRICTIONS ON UNITED STATES EXPORTS

SEC. 106. (a) The Congress finds that—

(1) in an increasingly interdependent world economy, Government measures that restrict the economic and efficient marketing and distribution of American exports of agricultural commodities, fisheries commodities, goods, and services hurt not only United States producers but also consumers in countries around the world;

(2) United Nations Ambassador Jeane Kirkpatrick recently called attention to the growth of such restrictions in her speech of December 9, 1982, on "Global Paternalism: The United Nations and the New International Regulatory Order";

(3) the Economic and Social Council of the United Nations is scheduled to act at its July 1983 meeting in Geneva on proposed consumer protection guidelines which may restrict United States exports and consumer choice;

(4) other comparable restrictions are currently under development in the United Nations Commission on Trade and Development and elsewhere; and

(5) it is the policy of the Reagan administration to seek relief from unnecessary domestic regulations which restrict the effective operation of the American market economy, and there seems every reason to apply a similar policy with respect to international regulations.

(b) Therefore, it is the sense of the Congress that the United States representatives to United Nations-related agencies and to other international organizations should oppose the adoption of international marketing and distribution regulations or restrictions which unnecessarily impede the export of United States agricultural, fisheries, and other products.

COORDINATING COMMITTEE ON EXPORT CONTROLS

SEC. 107. Of the funds authorized to be appropriated for the fiscal year 1984, under paragraph (1) of section 102, no less than $2,000,000 shall be available only for the Coordinating Committee on Export Controls to cover administrative expenses of the Secretariat of the Committee.

ENHANCEMENT FOR OVERSEAS POLITICAL AND ECONOMIC REPORTING

SEC. 108. Of the funds authorized to be appropriated for the fiscal year 1984, under paragraph (1) of section 102, not to exceed $8,400,000 shall be available only to fund 84 new positions overseas for political and economic reporting.

EMERGENCY EXPENDITURES

SEC. 109. (a) Section 4 of the State Department Basic Authorities Act of 1956 is amended—

(1) by redesignating paragraphs (a) and (b) as paragraphs (1) and (2);

(2) by inserting "(a)" after "SEC. 4.";

(3) by inserting "subject to subsection (b)," before "make expenditures" in subsection (a)(1), as redesignated by paragraphs (1) and (2) of this section; and

(4) by adding at the end thereof the following new subsection:

"(b)(1) Expenditures described under subsection (a) shall be made only for such activities as—

"(A) serve to further the realization of foreign policy objectives;

"(B) are a matter of urgency to implement;

"(C) with respect to activities the expenditures for which are required to be certified under subsection (a), require confidentiality in the best interests of the conduct of foreign policy by the United States; and

"(D) are not otherwise prohibited by law.

"(2) Activities described in paragraph (1) include—

"(A) the evacuation of United States Government employees and their dependents and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster;

"(B) loans made to destitute citizens of the United States who are outside the United States and made to provide the return to the United States of its citizens;

"(C) visits by foreign chiefs of state or heads of government to the United States;

"(D) travel of delegations representing the President at any inauguration or funeral of a foreign dignitary;

"(E) travel of the President, Vice President, or Member of Congress to a foreign country, including advance arrangements, escort, and official entertainment;

"(F) travel of the Secretary of State within the United States and outside the United States, including official entertainment;

"(G) official representational functions of the Secretary of State and other principal officers of the Department of State;

"(H) official functions outside the United States the expenses for which are not otherwise covered by amounts appropriated for representation allowances;

"(I) investigations and apprehension of groups or individuals involved in fraudulent issuance of United States passports and visas; and

"(J) gifts of nominal value given by the President, Vice President, or Secretary of State to a foreign dignitary.

"(c) The Inspector General of the Department of State shall conduct an annual confidential audit of the Department of State's emergency expenditures and prepare and transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate an annual report indicating whether such expenditures were made in accordance with the intent of subsections (a) and (b) of this section.

"(d) With regard to the repatriation loan program, the State Department shall—

"(1) require the borrower to provide a verifiable address and social security number at the time of application;

"(2) require a written loan agreement which includes a repayment schedule;

"(3) bar passports from being issued or renewed for those currently in default;

"(4) refer any loan more than one year past due to the Department of Justice for litigation;

"(5) obtain addresses from the Internal Revenue Service for all delinquent accounts which have social security numbers;

"(6) report defaults to commercial credit bureaus as provided in Public Law 97-365;

"(7) be permitted to use any funds necessary to contract with commercial collection agencies, notwithstanding section 13(f)(3) of Public Law 97-365;

"(8) charge interest on all loans as of May 1, 1983. The rate of interest to be charged shall be as set forth in section 11(e)(1) of Public Law 97-365;

"(9) assess charges, in addition to the interest provided for in paragraph (8), to cover the costs of processing and handling delinquent claims, as of May 1, 1983;

"(10) assess a penalty charge, in addition to the interest provided for in paragraphs (8) and (9), of 6 per centum per annum, for failure to pay any portion of a debt more than ninety days past due; and

"(11) implement the interest and penalty provisions in parts (8), (9), and (10) for all current and future loans, regardless of whether the debts were incurred before or after May 1, 1983.".

ALTERNATE COMMUNICATIONS CENTER

SEC. 110. Of the funds authorized to be appropriated under paragraph (1) of section 102, not less than $3,000,000 for the fiscal year 1984 and not less than $7,000,000 for the fiscal year 1985 shall be available only to cover expenses related to the establishment in the State of Maryland of an alternative communications center for the Department of State in order to secure the uninterrupted transmission of communications related to the foreign policy and national security interests of the United States and of communications of other departments and agencies of the United States.

FOREIGN SERVICE VOTING RESIDENCE

SEC. 111. Chapter 9 of the Foreign Service Act of 1980 is amended by adding at the end thereof the following:

"SEC. 906. ENTITLEMENT TO VOTE IN A STATE IN A FEDERAL ELECTION.—(a) Except as provided in subsection (b), in addition to any entitlement to vote in a State in a Federal election under section 3 of the Act of January 2, 1976 (Public Law 94-203), a member of the Service residing outside the United States may, for purposes of entitlement to vote in a State in a Federal election, be entitled to vote in the State in which he was last domiciled immediately before entering the Service if he—

"(1) makes an election of such State;

"(2) notifies such State of his election and notifies such other States in which he is entitled to vote of such election; and

"(3) otherwise meets the requirements of such Act.

"(b) The provisions of subsection (a) shall apply only to an individual who becomes a member of the Service on or after the date of enactment of this Act and shall not apply to an individual who registers to vote in a State in which he is entitled to vote under section 3 of such Act.".

REGIONAL WILDLIFE RESOURCES ATTACHÉS

SEC. 112. (a) The Secretary of State and the Secretary of the Interior, by mutual agreement and after giving due consideration to ecological, commercial, political, and other relevant factors, are authorized and directed, within twelve months of the date of enactment of this Act, to delineate globally up to ten geographic regions which will be known as "International Wildlife Resources Conservation Regions" (hereafter in this section referred to as "Regions"). From time to time, as changing conditions warrant, those two Secretaries may, by mutual agreement, modify the number of, or alter the boundaries of, any such Regions. The Secretary of State shall publish a notice in the Federal Register describing any Region delineated or subsequently significantly modified.

(b)(1) The Secretary of State is authorized and directed, in consultation with the Secretary of the Interior, within twelve months after the date of enactment of this Act, to assign abroad personnel qualified in the field of wildlife resources conservation who shall serve as "Regional Wildlife Resources Attachés" (hereafter in this section referred to as "Attachés"). The Secretary of State and the Secretary of the Interior jointly shall—

(A) determine, within each Region, the geographic location to which each Attaché shall be assigned;

(B) develop and define (as indicated below), the specific duties, responsibilities, and priorities assigned each Attaché position; and

(C) develop any subsequent, significant modifications thereof.

(2) To help insure that persons assigned to Attaché positions possess the appropriate training and experience in the field of wildlife resources conservation, the Secretary of State shall seek the advice of the Secretary of the Interior concerning selection criteria and possible candidates for Attaché positions. Before making a final decision concerning the selection of an applicant to fill an Attaché position, the Secretary of State shall receive the concurrence of the Secretary of the Interior concerning the applicant's technical wildlife resources conservation qualifications. The Secretary of State and the Secretary of the Interior shall jointly evaluate the performance of each Attaché in accordance with title 5 of the United States Code with the Secretary of State paying particular attention to the performance of diplomatic and political responsibilities and the Secretary of the Interior paying particular attention to the performance of wildlife resources conservation related responsibilities.

INTERNATIONAL WILDLIFE CONSERVATION PROGRAM REVIEW

SEC. 113. (a) The Secretary of State and the Secretary of the Interior, in consultation with other concerned agencies, shall undertake a review of the effectiveness of existing United States internationl activities relating to the conservation of international wildlife resources, and make recommendations to substantially improve existing capabilities. On the basis of this review, the Secretary of State and the Secretary of the Interior shall, within six months of the date of enactment of this Act, prepare and transmit to the Committee on Environmental and Public Works and the Committee on Foreign Relations of the Senate and the Committee on Merchant Marine and Fisheries and the Committee on Foreign Affairs of the House of Representatives a report on—

(1) programs of all Federal agencies concerned with international wildlife resources conservation programs; and

(2) recommendations for an integrated United States plan of action to assist foreign governments and international organizations in conserving wildlife, taking into account the projections in the Global 2000 study.

(b) Such report to the Congress shall include cost estimates for the implementation of policy recommendations set forth, including the utilization of excess foreign currently and shall focus particularly upon the role and functions of the Wildlife Resources Attaché positions established pursuant to section 112 of this Act. Unless the study produces reasons to the contrary, the role and functions of those Attachés shall include, but not be limited to—

(1) the establishment of effective liaison with international, national, and local governmental and nongovernmental agencies, organizations, and persons involved in or knowledgeable of wildlife resources conservation;

(2) the provision of expert wildlife resources conservation staff assistance and advice to the United States Embassies, United States Agency for International Development offices, United States overseas military installations, or other United States governmental or private interests;

(3) facilitating the provision of advice or assistance to governments, agencies, or organizations who wish to enhance their wildlife resources conservation capabilities;

(4) the acquisition and dissemination of reliable data or information concerning—

(A) The conservation status of species of wild fauna and flora;

(B) The conservation status of lands and waters upon which wild fauna and flora depend;

(C) existing or proposed laws, proclamations, statutes, orders, regulations, or policies which pertain to the taking, collecting, import, export, or other aspects of wildlife resources conservation;

(D) the potential impact upon wildlife resources of actions authorized, funded, or carried out by the United States; and

(E) opportunities to initiate or enhance the efficiency of wildlife resources conservation by the transfer of United States expertise through technical assistance, training, exchange of publications or otherwise;

(5) maintaining liaison, for the purposes of providing information needed to make sound conservation decisions, with persons responsible for implementing actions authorized, funded, or carried out by United States agencies or other persons under the jurisdiction of the United States who have interests within his or her Region; and

(6) the performance of any other activities which may be relevant to the United States obligations, authorities or interests in the field of wildlife resources conservation and which are mutually acceptable to the Secretary of State and the Secretary of the Interior.

MERGER OF FOREIGN SERVICE INFORMATION CORPS WITH FOREIGN SERVICE CORPS

SEC. 114. (a) Section 102 of the Foreign Service Act of 1980 is amended—

(1) by striking out "(a)" at the beginning of the first sentence; and

(2) by striking out subsection (b).

(b) The Secretary of State, in conjunction with the Director of the United States Information Agency, shall implement policies and procedures to insure that Foreign Service officers of the United States Information Agency are able to compete for chief of mission positions and have opportunities for assignments outside their area of specialization on the same basis as other Foreign Service officers.

(c) Not later than one year after the date of enactment of this section, the Secretary of State shall submit a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate describing the policies and procedures adopted pursuant to subsection (b).

UNITED NATIONS EDUCATION, SCIENTIFIC AND CULTURAL ORGANIZATION—UNITED STATES NATIONAL COMMISSION

SEC. 115. Of the funds authorized to be appropriated for the fiscal year 1984 and fiscal year 1985, under paragraph (1) of section 102, not less than $225,000 shall be available each fiscal year only to the United States National Commission to the United Nations Education, Scientific and Cultural Organization for continued support of that Commission's activities.

WORLD HERITAGE TRUST FUND

SEC. 116. Of the funds authorized to be appropriated for the fiscal year 1984 and fiscal year 1985, under paragraph (1) of section 102, not less than $248,500 shall be available each fiscal year only as the United States contribution to the World Heritage Trust Fund.

ACID RAIN

SEC. 117. (a) The Congress finds that—

(1) acid deposition, commonly known as "acid rain" is believed to have caused serious damage to the natural environment in large parts of Canada and the United States and has raised justified concerns among citizens of both countries;

(2) acid rain is believed to have caused billions of dollars of damage annually to both natural and man-made materials; it damages crops and the forests, which support 25 per centum of the Canadian economy and much of our own; it threatens marine life in fresh water lakes, rivers, and streams;

(3) the principal sources of acid rain are believed to be emissions resulting from power generation, industrial production, mineral smelters, and automobile transportation which originate in both the United States and Canada and which affect the environment of the other;

(4) Public Law 95-426, approved October 7, 1978, called upon the President to "make ever effort to negotiate a cooperative agreement with the Government of Canada aimed at perserving the mutual airshed of the United States and Canada so as to protect and enhance air resources";

(5) on August 5, 1980, the Governments of Canada and the United States signed a Memorandum of Intent committing both parties "to develop a bilateral agreement which will reflect and further the development of effective domestic control programs and other measures to combat transboundary air pollution," and, as an interim action, committing both parties to "promote vigorous enforcement of existing laws and regulations" and "to develop domestic air pollution control policies and strategies, and as necessary and appropriate, seek legislative or other support to give effect to them";

(6) the Government of Canada has made a formal offer to reduce eastern emissions of sulfur dioxide by 50 per centum by 1990 should the United States make a comparable commitment;

(7) both the United States and Canada have taken steps to reduce transboundary pollutants. Present United States air emission standards are the most stringent in the world. In the past decade, the United States has reduced sulfur dioxide emissions by 15 per centum. However, the failure of the United States to respond in a timely manner to concerns about transboundary air pollution would harm the historically close relations between the United States and Canada; and

(8) the strategies and techniques adopted to control air pollution emissions should weigh heavily the employment and other economic effects on employment in the United States and Canada of the acid precipitation; electricity generation; manufacture, distribution and installation of pollution control equipment; and any curtailment of emission producing industrial activity.

(b) It is therefore the sense of the Congress that the President should—

(1) respond constructively to the Canadian offer on air pollution emissions;

(2) proceed to negotiate as expeditiously as possible a bilateral agreement with Canada providing for significant reductions in transboundary air pollution while keeping economic dislocations in both countries to the minimum possible; and

(3) consider prompt initiation of a joint Government-supported program to develop new cost-effective technologies that will facilitate reduction of sulfur dioxide emissions and other copollutants; and

(4) instruct the Secretary of State to report to the Congress no later than December 1, 1983, on the progress toward achieving a new transboundary air pollution agreement, including a cooperative program on new technologies.

FOREIGN RELATIONS PUBLICATIONS

SEC. 118. (a) The Congress expresses concern about the excessive delays currently experienced in the publication of the Department of State's vital series of historical volumes, "The Foreign Relations of the United States". It is the sense of the Congress that the current delays must be substantially reduced so that publication of this series will occur after twenty years, and no later than twenty-five years, from the date of the events themselves.

(b) The Historian of the Department of State shall prepare and submit a report within three months of the date of enactment of this Act to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives explaining the reasons for these delays and the steps which would be required to reach the goal of publication within twenty-five years.

INTERNATIONAL AGREEMENTS ON NATURAL GAS

SEC. 119. (a) The Congress finds that—

(1) the foreign policy and economic well-being of the United States depend on mutually beneficial relationships with our trading partners throughout the world;

(2) America's present economic difficulties have been caused in part by the huge increases in the price of energy, especially imported energy, during the 1970's;

(3) at a time when prices for other forms of energy are stabilizing or falling, the burner-tip price of natural gas continues to rise throughout the United States;

(4) the high price of natural gas is a severe hardship for low-income persons, the elderly, the agricultural industry, small businesses, and other consumers without alternative fuel sources;

(5) high-priced imported natural gas is a major factor contributing to these price increases;

(6) imports of high-priced natural gas continue at prices above fair market levels, depsite the increased availability of uncommitted and ample supplies lower priced domestic gas;

(7) it is in the interest of the United States to continue to import natural gas from secure sources in whatever quantity consumers require, as long as the price is fair;

(8) the principles of free and fair international trade require that natural gas prices and terms of trade be made fair to all trading partners; and

(9) the immediacy of this problem requires the prompt and serious attention of all parties involved.

(b) it is the sense of the Congress that—

(1) the United States Government should move immediately to promote lower prices and fair market conditions for imported natural gas; and

(2) thirty days after the date of enactment of this section, the Secretary of State, with the assistance of the Secretary of Energy, should prepare and transmit to the Congress a report on the progress made in achieving lower prices and fair market conditions for imported natural gas.

HUMAN RIGHTS PROJECTS IN SOUTH AFRICA

SEC. 120. Of the amounts authorized to be appropriated under section 102(a)(1) of this Act for the fiscal year 1984 and for the fiscal year 1985, $1,000,000 for each fiscal year shall be available only to the Assistant Secretary for Human Rights and Humanitarian Affairs for grants of up to $10,000 to nongovernmental organizations in South Africa promoting political, economic, social, juridical, and humanitarian efforts to foster a just society and to help victims of apartheid, except that $100,000 of the amount allocated by this section shall be available only if such proposed recipient organization has available for its use an equal amount and that, in such case, grants may be made up to $30,000.

ANTITERRORISM

SEC. 121. Notwithstanding any other provision of law, none of the funds made available under this Act for international organizations and programs for the fiscal year 1984 and for the fiscal year 1985, shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization, the South West Africa Peoples Organization, Cuba, Libya, Syria, or Iran.

UNITED STATES DIPLOMATIC RELATIONS WITH THE VATICAN

SEC. 122. In order to provide for the establishment of United States diplomatic relations with the Vatican, the Act entitled "An Act making Appropriations for the Consular and Diplomatic Expenses of the Government for the Year ending thirtieth June, eighteen hundred and sixty-eight, and for other purposes", approved February 28, 1867, is amended by repealing the following sentence (14 Stat. 413): "And no money hereby or otherwise appropriated shall be paid for the support of an American legation at Rome, from and after the thirtieth day of June, eighteen hundred and sixty-seven."

UNITED STATES-EUROPEAN COMMUNITY INTERPARLIAMENTARY GROUP

SEC. 123. (a)(1) Congress hereby resolves that not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually with representatives of the European Parliament to constitute a United States-European Community Interparliamentary Group for a discussion of common problems in the interest of sound relations between the United States and the nations of the European Community. Of the Members of the Congress to be appointed for this purpose (hereafter designated as the United States Group), half shall be appointed by the President of the Senate from Members of the Senate not fewer than four of whom shall be from the Foreign Relations Committee), and half shall be appointed by the Speaker of the House (not fewer than four of whom shall be from the Foreign Affairs Committee).

(2) Such appointments shall be made for the period of each meeting of the United States-European Community Interparliamentary Group.

(3) The Chairman or Vice Chairman of the Senate delegation shall be a member from the Foreign Relations Committee, and the Chairman or Vice Chairman of the House delegation shall be a Member from the House Foreign Affairs Committee.

(b)(1) To provide for participation of the United States Group, not to exceed $50,000 shall be appropriated for each fiscal year (subject to the annual authorization and appropriation process), with $25,000 to be available for the Senate delegation and $25,000 for the House delegation, or so much thereof as may be necessary to assist in meeting the expenses of the United States Group. The Senate and House por-

tions of such appropriation shall be disbursed on vouchers to be approved by the Chairman of the Senate delegation and Chairman of the House delegation, respectively.

(2) The United States Group of the United States-European Community Interparliamentary Group shall submit to the Congress a report for each fiscal year for which an appropriation is made including its expenditures under such appropriation.

(3) The certificate of the Chairman of the respective delegation shall be final and conclusive upon the accounting officers in the auditing of all accounts of the Senate and House delegations to the United States-European Community Interparliamentary Group.

USE OF HERBICIDES CONTAINING DIOXIN COMPOUNDS BY INTERNATIONAL COMMISSIONS

SEC. 124. (a) Notwithstanding any other provision of law, none of the funds made available under this Act for "International Commissions" for fiscal year 1984 and fiscal year 1985, shall be available for the use, by such commissions or their agents, of herbicides containing dioxin compounds.

(b) Unless the Committee on Foreign Relations of the Senate, the Committee on Environment and Public Works of the Senate, and the Governors of the affected border States are notified forty-five days in advance of the use of a herbicide by an international commission, funds appropriated for such use shall not be available for obligation or expenditure. Such notification shall include—

(1) the name of the herbicide;

(2) an estimate of the quantity of herbicide planned for use;

(3) an identification of the area on which the herbicide will be used;

(4) a description of the herbicide's chemical composition.

RELIEF ASSISTANCE TO DISPLACED PERSONS AND REFUGEES IN LEBANON AND EL SALVADOR

SEC. 125. Notwithstanding any other provision of law, of the funds authorized to be appropriated for fiscal year 1984 under section 102(4) of this Act, $25,000,000 shall be available only for Lebanon for relief and rehabilitation assistance to benefit refugees and displaced persons and $10,000,000 shall be available only for El Salvador for relief assistance to displaced persons.

1985 CONFERENCE—UNITED NATIONS DECADE FOR WOMEN

SEC. 126. The President shall use every available means at his disposal to ensure that the 1985 Conference to commemorate the conclusion of the United Nations Decade for Women is not dominated by political issues extraneous to the goals of the 1985 Women's Conference that would jeopardize United States participation in and support for that Conference consistent with applicable legislation concerning United States contributions to the United Nations. Prior to the 1985 Conference, the President shall report to the Congress on the nature of the preparations, the adherence to the original goals of the Conference, and the extent of any continued United States participation and support for the Conference.

RESTRICTIONS ON ASSESSED PAYMENTS TO THE UNITED NATIONS

SEC. 127. (a) Notwithstanding any other provision of law, the United States assessed payments for the calendar year 1984 to the United Nations, the United Nations Educational, Scientific, and Cultural Organization, the World Health Organization, the Food and Agricultural Organization, and the International Labor Organization shall not exceed its assessed payments to each such organization for the calendar year 1980. Such payments to each such organization for the calendar years 1985, 1986, and 1987 shall be no more than 90 per centum, 80 per centum, and 70 per centum, respectively, of the amount of the assessments paid to each such organization for the calendar year 1980.

(b) No payment may be made to an organization referred to in subsection (a) for the calendar years 1985, 1986, and 1987 unless payments made pursuant to this section are accepted by the respective organization as payment in full of the United States assessment towards the financial support of such organization.

DOMESTIC POLITICAL ACTIVITIES OF AMBASSADORS

SEC. 128. Paragraph (3) of section 7324(d) of title 5, United States Code, is amended by inserting "(other than an ambassador or minister, except when taking part in activity described in subsection (a) on behalf of a Presidential political campaign)" after "in its relations with foreign powers or".

FOREIGN SERVICE BUILDINGS ACT

SEC. 129. The Foreign Service Buildings Act of 1926, as amended, is further amended to add a new section 11 thereto as follows:

"SEC. 11. (a) Eligibility for award of contracts under this Act, or otherwise as authorized by the Secretary, including leaseback or other agreements the purpose of which is to obtain the construction, alteration or repair of buildings and grounds abroad, when estimated to exceed $2,000,000, including any contract alternatives or options:

"(1) Shall be limited, after a determination that adequate competition will be obtained thereby, to (A) American-owned bidders and (B) bidders from countries which permit or agree to permit substantially equal access to American bidders for comparable diplomatic and consular building projects; provided that, generally applicable laws and regulations pertaining to licensing and other qualifications to do business in the country in which the contract is to be performed shall not be deemed a limitation of access for purposes of this subsection; provided further that, if so required by bilateral agreements or by the law of the host country, participation may be available to or be limited to host-country bidders.

"(2) For purposes of determining competitive status, bids qualifying under subsection (b)(1) shall be reduced by ten percentum thereof.

"(3) A determination of adequacy of competition will be made after advance publication by the Secretary of a proposed project to this section and receipt from not less than two prospective responsible bidders of intent to submit a bid or proposal. If competition is not determined to be adequate pursuant to this subsection, contract(s) may be awarded without regard to subsections (a)(1) and (b) of this section.

"(b) Bidder qualification under this section shall be determined on the basis of nationality of ownership, the burden of which shall be on any prospective bidder, subject to the following limitations:

"(1) Qualification under subsection (a)(1)(A) shall require evidence of: performance of related construction work in the United States, and (A) ownership in excess of 50 per centum by United States citizens or permanent residents, or (B) incorporation in the United States for more than three years and employment of United States citizens or permanent residents in more than half of its permanent full-time professional and managerial positions in the United States.

"(2) Qualification under this section shall be established on the basis of determinations at the time bids are requested. Determinations under this section shall be committed to the discretion of the Secretary.

"(c) Contracts for construction, alteration or repair in the United States for or on behalf of any Foreign Mission as defined in the Foreign Missions Act of 1982 may, pursuant to the authority of that Act, only be awarded to or performed by bidders qualifying under section (a)(1)(A) above or bidders from countries which permit or agree to permit substantially equal access to American bidders for comparable projects: Provided, That nothing herein shall preclude work to be performed by nationals of the country for which the contract is being performed, otherwise granted the right of entry for that purpose by the Secretary."

UNITED STATES PARTICIPATION IN THE NORTH ATLANTIC TREATY ORGANIZATION

SEC. 130. Section 5 of the joint resolution entitled "Joint resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928e), is amended by inserting immediately after the first sentence the following: "In addition to the amounts authorized by section 2, there is authorized to be appropriated $450,000 for fiscal year 1984 to meet the expenses incurred by the United States group in hosting the thirty-first annual meeting of the North Atlantic Assembly.".

UNITED STATES CONSULATES

SEC. 131. Section 103 of the Department of State Authorization Act, fiscal years 1982 and 1983 (Public Law 97-241) is amended by adding the following language at the end of subsection (b): ", to the extent authorized to do so by each foreign government involved. A report shall be made to the Committee on Foreign Relations of the Senate and the Committtee on Foreign Affairs of the House of Representatives concerning the extent to which such foreign government authorization has been received, and the progress achieved with respect to the reopening of consulates in those respective countries".

DANGER PAY

SEC. 132. Section 5928 of title 5, United States Code, is amended by adding at the end thereof the following: "The presence of nonessential personnel or dependents shall not preclude payment of an allowance under this section. In each instance where an allowance under this section is initiated or terminated, the Secretary of State shall inform the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of the action taken and the circumstances justifying it.".

ESTABLISHING THE POSITION OF UNDER SECRETARY OF STATE FOR AGRICULTURAL AFFAIRS

SEC. 133. (a) The Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes", approved May 26, 1949 (22 U.S.C. 2652), is amended—

(1) by inserting in the first section "an Under Secretary of State for Agricultural Affairs," after "Management,"; and

(2) by adding at the end thereof the following:

"SEC. 6. (a) The Under Secretary of State for Agricultural Affairs, referred to in the first section and appointed pursuant to section 2, shall be appointed from among individuals having experience in the international commerce of agricultural commodities.

"(b) The Under Secretary of State for Agricultural Affairs shall be responsible to the Secretary of State for matters pertaining to agricultural affairs, including United States policy toward the export of agricultural commodities.".

(b) The seventh undesignated paragraph of section 5314 of title 5, United States Code, is amended by inserting "and an Under Secretary of State for Agricultural Affairs" after "Management".

UNITED STATES EMBASSY IN MEXICO CITY

SEC. 134. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated for "Administration of Foreign Affairs" for the fiscal year 1984 $4,000,000 to be used for the purchase of land for and the construction of additional consular facilities and for certain improvements in existing consular facilities, at the United States Embassy in Mexico City, Mexico.

SECURITY OFFICERS

SEC. 135. (a) The Act of June 28, 1955, as amended (22 U.S.C. 2666), is amended by redesignating the present text as subsection (a) and adding the following new subsection (b):

"(b) Periods of service by security officers of the Department of State and the Foreign Service while performing functions under subsection (a) shall be considered periods of service as a law enforcement officer for purposes of sections 8335(b), 8336(c)(1), and 8339(d)(1) of title 5 of the United States Code. This subsection shall apply only to persons who retire under chapter 83 of title 5 of the United States Code after the effective date of this subsection.".

(b) Section 2104 of the Foreign Service Act of 1980 (22 U.S.C. 4154) is amended by adding at the end thereof the following new subsection (c):

"(c) The 3-year period referred to in subsection (a) shall be extended for an additional period not to exceed one year from the date of enactment of this section in the case of Department of State officers who are members of the Service and who were initially ineligible for conversion under that subsection because they were available for worldwide assignment and there was a need for their services in the Service, but as to whom subsequent events require the services of these members (and of those later employed who are similarly situated) only or primarily for domestic functions.".

EUROPEAN SPACE AGENCY

SEC. 136. Section 11 of the International Organizations Immunities Act is amended by striking out "European Space Research Organization" and inserting in lieu thereof "European Space Agency".

UNITED NATIONS WORLD ASSEMBLY ON AGING

SEC. 137. (a) That the Congress finds that—

(1) in 1977 the Congress, by joint resolutions called for the United Nations to convene a world assembly on Aging;

(2) the United Nations world assembly on Aging was held in Vienna, Austria, from July 26 to August 6, 1982, and unanimously adopted the Vienna International Plan of Action on Aging on August 6, 1982, which called for the development of policies designed to enhance the individual lives of the aging and to allow the aging to enjoy their advancing years in peace, health, and security;

(3) the United Nations General Assembly, on December 3, 1982, unanimously endorsed the World Assembly International Plan of Action; and

(4) the General Assembly of the United Nations in adopting the plan, called upon governments to make continuous efforts to implement the principles and recommendations contained in the Plan of Action as adopted by the World Assembly on Aging.

(b) Therefore, it is the sense of the congress that the President should take steps to—

(1) encourage government-wide participatioin in implementing the recommendations of the World Assembly and planning for the scheduled review in 1985 by the United Nations on the implementation of the Vienna International Plan of Action on Aging;

(2) encourage the exchange of information and the promotion of research on aging among the States, the Federal Government, international organizations, and other nations;

(3) encourage greater private sector involvement in responding to the concerns of the aging; and

(4) inform developing nations that the United States Government recognizes aging as an important issue, requiring close and sustained attention in national and regional development plans.

TRANSFER OF FUNCTIONS

SEC. 138. (a) The functions of the President under section 116(e) of the Foreign Assistance Act of 1961 which were carried out by the Administrator of the Agency for International Development immediately before the date of enactment of this Act are transferred to the Secretary of State, acting through the Assistant Secretary for Human Rights and Humanitarian Affairs.

(b)(1) Of the amounts authorized to be appropriated for the fiscal years 1984 and 1985 by paragraph (1) of section 102, $1,500,000 for each such fiscal year shall be available only to carry out the functions transferred under subsection (a).

(2) Of the amounts authorized to be appropriated to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 for the fiscal years 1984 and 1985, $1,500,000 for each such fiscal year shall be available only to carry out the functions transferred under subsection (a).

(c)(1) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred under subsection (a) shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

(2) No suit, action, or other proceeding lawfully commenced by or against any office, bureau, or officer of the United States acting in his official capacity shall abate by reason of the transfer under subsection (a).

(d) There are transferred to the Bureau of Human Rights and Humanitarian Affairs of the Department of State all officers, employees, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under subsection (a).

(e) The provisions of this Act shall take effect thirty days after the date of enactment of this Act.

PREPUBLICATION REVIEW OF WRITINGS OF FORMER FEDERAL EMPLOYEES

SEC. 139. The head of a department or agency of the Government may not, before April 15, 1984, enforce, issue, or implement any rule, regulation, directive, policy, decision, or order which (1) would require any officer or employee to submit, after termination of employment with the Government, his or her writings for prepublication review by an officer or employee of the Government, and (2) is different from the rules, regulations, directives, policies, decisions, or orders (relating to prepublication review of such writings) in effect on March 1, 1983.

AUDIT OF POSITIONS IN THE FOREIGN AFFAIRS AGENCIES

SEC. 140. The Secretary of State, with the concurrence of the Director of the Office of Personnel Management, shall provide for an independent position classification audit of a significant portion of Foreign Service positions in the agencies employing the Foreign Service personnel system. The study, the results of which shall be reported to the Congress, shall take expressly into account job factors relating to service abroad and to the compensation practices applicable to United States citizens employed abroad by United States corporations; and shall include conclusions on the pay comparability of Foreign Service and Civil Service positions carrying similar responsibilities and requiring similar expertise and experience.

JUSTICE IN THE CASE OF THE SLAIN AMERICAN CHURCHWOMEN IN EL SALVADOR

SEC. 141. The Congress finds that—

(1) On December 2, 1980, four United States citizen churchwomen were murdered in El Salvador.

(2) The certification law (Public Law 97-113) requires that the Government of El Salvador make "good faith efforts both to investigate the murders . . . . and to bring to justice those responsible for those murders" before aid to El Salvador can continue.

(3) The Administration's current certification report admits to disappointing progress" in the case and concedes a "virtual breakdown in criminal justice" in El Salvador.

(4) The prosecution of those accused of the murders of the four American churchwomen has been plagued by consistent neglect, professional incompetence, and a steadfast unwillingness to enforce El Salvador law.

(5) The vigorous prosecution and effective trial of those accused of murdering the four churchwomen will promote criminal justice throughout El Salvador and encourage similar efforts to pursue the murderers of other American citizens, Salvadoran Archbishop Oscar Romero, and tens of thousands of Salvadoran civilians.

(6) It is the sense of the Congress that the United States Government shall call upon the Government of El Salvador—

(A) to appoint a special prosecuting attorney to oversee the comprehensive investigation of those responsible for murdering the four American churchwomen and to prepare a thorough and effective prosecution against them, and

(B) to assure the United States Government that those accused will be brought before a jury trial by December 2, 1983.

TITLE II—UNITED STATES INFORMATION AGENCY

SHORT TITLE

SEC. 201. This title may be cited as the "United States Information Agency Authorization Act, Fiscal Years 1984 and 1985".

AUTHORIZATION OF APPROPRIATIONS, FISCAL YEARS 1984 AND 1985

SEC. 202. There are authorized to be appropriated for the United States Information Agency $644,000,000 for the fiscal year 1984 and $636,000,000 for the fiscal year 1985 to carry out international information, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law. Not less than $1,000,000 in fiscal year 1984 and $1,000,000 in fiscal year 1985 shall be earmarked for the employment of twenty professional internal auditors for the United States Information Agency in excess of any internal auditors employed by the United States Information Agency during fiscal year 1983.

SUPPLEMENTAL ALLOWANCES FOR AGENCY PERSONNEL STATIONED IN NEW YORK CITY

SEC. 203. Section 804 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474) is amended—

(1) by striking out "and" at the end of paragraph (19);

(2) by striking out the period and inserting in lieu thereof a semicolon and "and" at the end of paragraph (20); and

(3) by adding at the end thereof a new paragraph (21) reading as follows:

"(21) notwithstanding section 529 of title 31, United States Code, and section 5536 of title 5, United States Code, grant to each of no more than five employees assigned to duty in New York, New York, and required because of important representational responsibilities to live in the extraordinarily high-rent area immediately surrounding the headquarters of the United Nations in New York, New York, an allowance of the same kind and amount provided to employees of the staff of the United States Mission to the United Nations pursuant to section 9(1) of the United Nations Participation Act of 1945 (22 U.S.C. 287e-1(1).".

INCREASED LEASING AUTHORITY FOR RADIO FACILITIES

SEC. 204. Section 801(3) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471(3)) is amended by striking out "ten years" and inserting in lieu thereof "twenty-five years".

FUNDS FOR THE NATIONAL ENDOWMENT FOR DEMOCRACY

SEC. 205. Of the amounts appropriated for the United States Information Agency for each of the fiscal years 1984 and 1985, not less than $31,300,000 shall be available only for a grant for use in carrying out its purposes.

EDUCATIONAL AND CULTURAL EXCHANGES

SEC. 206. (a) Of the funds authorized to be appropriated for the United States Information Agency for the fiscal year 1984 not less than $100,500,000 shall be available only for grants for the Fulbright Academic Exchange Programs and the International Visitor Program, not less than $3,729,000 shall be available only for grants for the Humphrey Fellowship Program, and not more than $7,100,000 shall be available for the Private Sector Program. Funds authorized to be appropriated by this Act for the Private Sector Program shall be available only for grants to private not-for-profit cultural or exchange-of-persons organizations or accredited colleges and universities. Of the funds authorized to be appropriated for the United States Information Agency for fiscal year 1984, $5,000,000 shall be available only for enhancements of United States libraries overseas and programs providing support services to foreign students studying, or intending to study, in the United States.

(b) Of the funds authorized to be appropriated for the United States Information Agency for the fiscal year 1985, not less than $123,100,000 shall be available only for grants for the Fulbright Academic Exchange Programs and the International Visitor Program, and not less than $4,435,000 shall be available only for grants for the Humphrey Fellowship Program.

(c) No funds authorized to be appropriated for the Private Sector Program shall be used to pay for foreign travel by any United States citizen who, in the five years preceding the date of the proposed foreign travel, shall have made two or more trips financed in whole or in part by grants from the Private Sector Program. The foregoing limitation on the number of foreign trips shall not apply to escort interpreters accompanying delegations, to artists accompanying exhibitions, or to persons engaging in theatrical or musical performances. The limitations on foreign travel also shall not apply to the full-time staff of the recipient organizations if the Director of the Bureau for Educational and Cultural Affairs determines that the travel by a staff person is essential to the successful completion of the grant program and so certifies to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives.

(d)(1) From the funds allocated to the Private Sector Program, the United States Information Agency may make grants; subject to all applicable guidelines and notification requirements, to youth and youth service organizations in support of activities to promote participation by American young people in the activities of International Youth Year. Activities to be supported shall involve exchange of persons

(2) No organization shall be designated by the United States Government, or any Agency thereof, as the official United States Commission or Committee for United States participation in International Youth Year unless (i) the membership of such organization is open to all major youth and youth service organizations, (ii) the charter of such organization provides that the organization will have full financial responsibility for its own assets, receipts and expenditure and (iii) the composition of the Governing Board and the voting strength of organizations on the Governing Board reflects size of the membership of the constituent youth or youth service organizations

(3) No funds authorized to be appropriated by this Act shall be available to any organization to coordinate or plan for United States participation in International Youth Year which does not meet the criteria specified in subsection (d)(2)

(4) In the event two or more eligible organizations seek recognition as the official United States Commission or Committee on International Youth Year, the Secretary of State may designate one organization as the official organization. In designating the official organization the Secretary of State shall give major weight to the number of young people who are members of the constituent organizations.

CHARTER FOR THE BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS

SEC. 207. The Mutual Education and Cultural Exchange Act of 1961 is amended by inserting after section 108 the following:

SEC. 109. (a) In order to carry out the purposes of this Act, there is established in the United States Information Agency, or in such appropriate agency of the United States as the President shall determine, a Bureau of Educational and Cultural Affairs (hereinafter in this section referred to as the "Bureau"). The Bureau shall be responsible for managing, coordinating and overseeing programs established pursuant to this Act and administered by the United States Information Agency including, but not limited to—

"(1) the J. William Fulbright Educational Exchange Program which, by promoting the exchange of scholars, researchers, students, trainees, teachers, instructors, and professors, between the United States and foreign countries, accomplishes the purpose of section 102(a)(1) of this Act;

"(2) the Hubert H. Humphrey Fellowship Program which finances (A) study at American universities and institutions of higher learning including study in degree granting programs, and (B) participation in fellowships, internships, or other programs in American governmental and nongovernmental institutions for public managers and other individuals from the less developed countries;

"(3) the International Visitors Program which provides grants for short-term visits to the United States for foreign nationals who are, or have the potential to be, leaders in their respective fields in their own countries;

"(4) the American Cultural Centers and Libraries which make available at selected foreign locations, books, films, sound recordings, and other materials about the United States, its people and culture, and about other topics;

"(5) the American Overseas Schools Program which provides financial assistance to the operations of American-sponsored schools overseas;

"(6) the American Studies Program, which fosters and supports the study of the United States, and its people and culture, in foreign countries; and

"(7) a program of working with private, not-for-profit groups through contracts, grants, or cooperative agreements, as authorized by section 102 of this Act, so as to provide financial assistance to nongovernmental organizations engaged in implementing and enhancement exchange-of-persons programs.

"(b) The President, or his designee, shall insure that all programs under the authority of the Bureau shall maintain their nonpolitical character and shall be balanced and representative of the diversity of American political, social, and cultural life. The President, or his designee, shall insure that academic and cultural programs under the authority of the Bureau shall maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement.

"(c) The Bureau shall administer no programs except those operating under the au-

thority of this Act and consistent with its purposes.".

NOTIFICATION OF REPROGRAMINGS AND GRANTS

SEC. 208. Title VII of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476-1477b) is amended by adding at the end thereof the following new section:

"SEC. 705. (a) Unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified fifteen days in advance of a proposed reprograming, funds appropriated for the United States Information Agency shall not be available for obligation or expenditure through any such reprograming of funds—

"(1) which creates new programs;

"(2) which eliminates a program, project, or activity;

"(3) which increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by the Congress;

"(4) which relocates an office or employees;

"(5) which reorganizes offices, programs, or activities; or

"(6) which involves a reprograming in excess of $250,000 or 10 per centum, whichever is less, and which (A) augments existing programs, projects, or activities, (B) reduces by 10 per centum or more the funding for any existing program, project, or activity, or personnel approved by the Congress, or (C) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects approved by the Congress.

"(b) In addition, the United States Information Agency may award program grants for the fiscal year 1984 only if the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified fifteen days in advance of the proposed grant.".

FUNDS FOR UNITED STATES-GERMAN TEENAGE EXCHANGE

SEC. 209. There are authorized to be appropriated for the United States Information Agency $2,500,000 for the fiscal year 1984 and $2,500,000 for the fiscal year 1985 to carry out a United States-German teenage exchange sponsored by the Members of the United States Congress and the West German Bundestag.

FUNDING FOR UNITED STATES PARTICIPATION IN TSUKUBA, JAPAN EXPOSITION 1985

SEC. 210. In addition to the amount already authorized for Tsukuba, Japan Exposition 1985, $8,000,000 shall be available for the United States Information Agency for the fiscal year 1984 for use in connection with the Exposition. These funds shall remain available until appropriations are made, and when the funds are appropriated they are authorized to remain available until expended.

DISTRIBUTION WITHIN THE UNITED STATES OF THE USIA FILM ENTITLED "THANKSGIVING IN PESHAWAR"

SEC. 211. (a) Notwithstanding the second sentence of section 501(a), as so redesignated by section 206 of this Act, of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461(a))—

(1) the Director of the United States Information Agency shall make available to the Administrator of General Services a master copy of the film entitled "Thanksgiving in Peshawar"; and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of the film, the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

FUNDS FOR OFFICIAL RECEPTIONS AND ENTERTAINMENT EXPENSES

SEC. 212. Notwithstanding any other provision of law not more than $20,000 of the funds authorized to be appropriated to the United States Information Agency for fiscal year 1984 or fiscal year 1985 shall be available for domestic representation or entertainment expenses, including official receptions.

PROHIBITION OF LOBBYING WITH UNITED STATES FUNDS

SEC. 213. No funds authorized to be appropriated under the provisions of this title shall be used for lobbying or propaganda which is directed to influence public policy decisions of the Government of the United States or any State or locality thereof.

UNITED STATES INFORMATION AGENCY AUDIT REQUIREMENTS

SEC. 214. Paragraph (1) of section 2 of the Inspector General Act of 1978 is amended by adding after "Small Business Administration," the following: "the United States Information Agency,".

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

SHORT TITLE

SEC. 301. This title may be cited as the "Board for International Broadcasting Authorization Act, Fiscal Years 1983, 1984, and 1985".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 302. Section 8(a)(1)(A) of the Board of International Broadcasting Act of 1973 (22 U.S.C. 2877(a)) is amended to read as follows:

"(A) $111,600,000 for the fiscal year 1983, $106,055,000 for the fiscal year 1984, and $111,251,000 for the fiscal year 1985.".

BENEFITS FOR CERTAIN RETIREES AND SURVIVING SPOUSES OF EMPLOYEES OF RADIO FREE EUROPE/RADIO LIBERTY, INCORPORATED

SEC. 303. The Board for International Broadcasting Act of 1973 is amended by adding at the end thereof the following new section:

"BENEFITS FOR CERTAIN RETIREES AND SURVIVING SPOUSES OF EMPLOYEES OF RADIO FREE EUROPE/RADIO LIBERTY, INCORPORATED

"SEC. 12. Notwithstanding section 8(b), amounts described in such section and held in reserve, but not to exceed $5,000,000, shall be deposited in a separate account and amounts in such account shall be available, without fiscal year limitation, only to enhance the pensions and cost of living adjustments of individuals who retired from Radio Free Europe/Radio Liberty, Incorporated, before January 1, 1976, and the benefits to which surviving spouses of employees of Radio Free Europe/Radio Liberty, Incorporated, are entitled by virtue of the creditable service of such employees rendered before January 1, 1976.".

POLICY ON BROADCASTS OF RADIO FREE EUROPE/RADIO LIBERTY, INCORPORATED AND VOICE OF AMERICA CONCERNING SOVIET RELIGIOUS PERSECUTION

SEC. 304. It is the sense of the Congress that RFE/RL, Incorporated (commonly referred to as Radio Free Europe and Radio Liberty) and the Voice of America (VOA) are to be commended for their news and editorial coverage of the increasing religious persecution in the Soviet Union, including the declining levels of Jewish emigration, and are encouraged to intensify their efforts in this regard.

BALTIC DIVISION

SEC. 305. None of the funds authorized to be approporiated pursuant to subsection 302 of this act may be used unless—

(1) the Estonian, Latvian and Lithuanian radio services of Radio Free Europe/Radio Liberty are organized as a separate division within Radio Liberty; and

(2) that they begin broadcasts under a name which would accurately reflect United States policy of not recognizing the illegal incorporation of Estonia, Latvia, and Lithuania into the Soviet Union.

FOREIGN CURRENCY GAINS

SEC. 306. Section 8(b) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)) is amended to read as follows:

"(b) Any amount appropriated pursuant to subsection (a)(1) of this section which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for Radio Free Europe and Radio Liberty, Incorporated, may, beginning in fiscal year 1983, be merged with and made available for the same time period and same purposes as amounts appropriated pursuant to section 8(a)(2) of this Act.".

TITLE IV—NATIONAL ENDOWMENT FOR DEMOCRACY

SHORT TITLE

SEC. 401. This title may be cited as the "National Endowment for Democracy Act".

NATIONAL ENDOWMENT FOR DEMOCRACY

SEC. 402. (a) The Congress finds that there has been established in the District of Columbia a private, nonprofit corporation known as the National Endowment for Democracy (hereafter in this title referred to as the "Endowment") which is not an agency or establishment of the United States Government.

(b) The purposes of the Endowment, as set forth in its articles of incorporation, are—

(1) to encourage free and democratic institutions throughout the world through private sector initiatives, including activities which promote the individual rights and freedoms, including internationally recognized human rights, which are essential to the functioning of democratic institutions;

(2) to facilitate exchanges between United States private sector groups (especially the two major American political parties, labor, and business) and democratic groups abroad;

(3) to promote United States nongovernmental participation, especially through the two major American political parties, labor, business, and other private sector groups, in democratic training programs and democratic institution-building abroad;

(4) to strengthen democratic electoral processes abroad through timely measures

in cooperation with indigenous democratic forces;

(5) to support the participation of the two major American political parties, labor, business, and other United States private sector groups in fostering cooperation with those abroad dedicated to the cultural values, institutions, and organizations of democratic pluralism; and

(6) to encourage the establishment and growth of democratic development in a manner consistent both with the broad concerns of United States national interests and with the specific requirements of the democratic groups in other countries which are aided by programs funded by the Endowment.

GRANTS TO THE ENDOWMENT

SEC. 403. (a) The Director of the United States Information Agency shall make an annual grant to the Endowment with funds appropriated to the Agency for the "Salaries and Expenses" account and the Secretary of Labor may make grants to the Endowment with funds appropriated to the Department of Labor to enable the Endowment to carry out its purposes as specified in section 402(b). Such grants shall be made pursuant to a grant agreement between the Director or Secretary, as the case may be, and the Endowment which requires that grant funds will only be used for activities which the Board of Directors of the Endowment determines are consistent with the purposes described in section 402(b), that the Endowment will allocate funds in accordance with subsection (d) of this section, and that the Endowment will otherwise comply with the requirements of this title. The grant agreement may not require the Endowment to comply with requirements other than those specified in this title.

(b) Funds so granted may be used by the Endowment to carry out the purposes described in section 402(b), and otherwise applicable limitations on the purposes for which funds appropriated to the United States Information Agency or the Department of Labor, as the case may be, may be used shall not apply to funds granted to the Endowment.

(c) Nothing in this title shall be construed to make the Endowment an agency or establishment of the United States Government or to make the members of the Board of Directors of the Endowment, or the officers or employees of the Endowment, officers or employees of the United States.

(d) Of the amounts made available to the Endowment for each of the fiscal years 1984 and 1985 to carry out programs in furtherance of the purposes of this Act—

(1) not less than $5,000,000 shall be for the National Democratic Institute for International Affairs;

(2) not less than $5,000,000 shall be for the National Republican Institute for International Affairs;

(3) not less than $13,800,000 shall be for the Free Trade Union Institute; and

(4) not less than $2,500,000 shall be to support private enterprise development programs of the National Chamber Foundation.

ELIGIBILITY OF THE ENDOWMENT FOR GRANTS

SEC. 404. (a) Grants may be made to the Endowment under this title only if the Endowment agrees to comply with the requirements specified in this section and elsewhere in this title.

(b)(1) The Endowment may only provide funding for programs of private sector groups and may not carry out programs directly.

(2) The Endowment may provide funding only for programs which are consistent with the purposes set forth in section 402(b).

(c) Officers of the Endowment may not receive any salary or other compensation from any source other than the Endowment during the period of their employment by the Endowment.

(d)(1) The Endowment shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the assets of the Endowment shall inure to the benefit of any member of the Board, any officer or employee of the Endowment, or any other individual, except as salary or reasonable compensation for services.

(e)(1) The accounts of the Endowment shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Endowment are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Endowment and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) The report of each such independent audit shall be included in the annual report required by subsection (h). The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Endowment's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statment of the Endowment's income and expenses during the year, and a statement of the application of funds, together with the independent auditor's opinion of those statements.

(f)(1) The financial transactions of the Endowment for each fiscal year may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Endowment are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Endowment pertaining to its financial transactions and necessary to facilitate the audit; and they shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers and property of the Endowment shall remain in possession and custody of the Endowment.

(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and conditions of the Endowment, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made contrary to the requirements of this title. A copy of each report shall be furnished to the President and to the Endowment at the time submitted to the Congress.

(g)(1) The Endowment shall ensure that each recipient of assistance provided through the Endowment under this title keeps such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) The Endowment shall ensure that it, or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Endowment under this title. The Comptroller General of the United States or any of his duly authorized representatives shall also have access thereto for such purpose.

(h) Not later than December 31 of each year, the Endowment shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress. The report shall include a comprehensive and detailed report of the Endowment's operations, activities, financial condition, and accomplishments under this title and may include such recommendations as the Endowment deems appropriate. The Board members and officers of the Endowment shall be available to testify before appropriate committees of the Congress with respect to such report, the report of any audit made by the Comptroller General pursuant to subsection (f), or any other matter which any such committee may determine.

APPOINTMENT TO THE NATIONAL ENDOWMENT FOR DEMOCRACY

SEC. 405. No individual may be eligible for appointment as an officer of the National Endowment for Democracy, and no individual may be eligible for employment by the Endowment, if such individual has engaged in any intelligence activity since 1963.

COMPENSATION AND TRAVEL EXPENSES

SEC. 406. Notwithstanding any provision of this title, no member of the Board, officer or staff member of the Endowment, other than an elected Member of Congress, shall be entitled to receive compensation or shall be allowed travel expenses for travel made in connection with the Endowment while such person is serving as an officer or employee of the United States.

TITLE V—FOREIGN MISSIONS AMENDMENTS ACT OF 1983

SHORT TITLE

SEC. 501. This title may be cited as the "Foreign Missions Amendments Act of 1983".

REQUIREMENT FOR LIABILITY INSURANCE

SEC. 502. Section 6 of the Diplomatic Relations Act is amended—

(1) by striking out "President" in subsection (a) and inserting in lieu thereof "Director of the Office of Foreign Missions";

(2) by striking out in subsection (b) "The President shall, by regulation, establish li-

ability insurance requirements" and inserting in lieu thereof "The Director of the Office of Foreign Missions shall, by regulation, establish liability insurance requirements which can reasonably be expected to afford adequate compensation to victims and which are"; and

(3) by striking out "President" in subsection (c) and inserting in lieu thereof "Director of the Office of Foreign Missions".

ENFORCEMENT OF COMPLIANCE WITH LIABILITY INSURANCE REQUIREMENTS

SEC. 503. Title II of the State Department Basic Authorities Act of 1956 is amended by inserting after section 204 the following:

"ENFORCEMENT OF COMPLIANCE WITH LIABILITY INSURANCE REQUIREMENTS

"SEC. 204A. (a)(1) The head of a foreign mission shall notify promptly the Director of the lapse or termination of any liability insurance coverage held by a member of the mission, by a member of the family of such member, or by an individual described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946.

"(2) Not later than February 1 of each year, the head of each foreign mission shall prepare and transmit to the Director a report including a list of motor vehicles, vessels, and aircraft registered in the United States by members of the mission, members of the families of such members, individuals described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, and by the mission itself. Such list shall set forth for each such motor vehicle, or aircraft—

"(A) the jurisdiction in which registered;

"(B) the name of the insured;

"(C) the name of the insurance company;

"(D) the insurance policy number and the extent of insurance coverage; and

"(E) such other information as the Director may prescribe.

"(b) Whenever the Director finds that a member of a foreign mission, a member of the family of such member, or an individual described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946—

"(1) is at fault for personal injury, death, or property damage arising out of the operation of a motor vehicle, vessel, or aircraft in the United States,

"(2) is not covered by liability insurance, and

"(3) has not satisfied a court-rendered judgment against him or is not legally liable,

the Director shall impose a surcharge or fee on the foreign mission of which such member or individual is a part, amounting to the unsatisfied portion of the judgment rendered against such member or individual or, in the case of no court-rendered judgment, an estimated amount of damages incurred by the victim. The payment of any such surcharge or fee shall be available only for compensation of the victim or his estate.

"(c) For purposes of this section—

"(1) the term 'head of a foreign mission' shall have the same meaning as ascribed to the term 'head of a mission' in article 1 of the Vienna Convention of Diplomatic Relations of April 18, 1961; and

"(2) the terms 'members of a mission' and 'family' shall have the same meanings as ascribed to them by paragraphs (1) and (2) of section 2 of the Diplomatic Relations Act.".

TITLE VI—THE ASIA FOUNDATION

SHORT TITLE

SEC. 601. This title may be cited as the "Asia Foundation Act".

FINDING

SEC. 602. The Congress finds that—

(1) The Asia Foundation, a private nonprofit corporation incorporated in 1954 in the State of California, has long been active in promoting Asian-American friendship and cooperation and in lending encouragement and assistance to Asians in their own efforts to develop more open, more just, and more democractic societies;

(2) The Asia Foundation's commitment to strengthening indigenous Asian institutions which further stable national development, constructive social change, equitable economic growth, and cooperative international relationships is fully consistent with and supportive of long-term United States interests in Asia;

(3) The Asia Foundation, as a private organization, is able to conduct programs in response to Asian initiatives that would be difficult or impossible for an official United States instrumentality, and it is in a position in Asia to respond quickly and flexibly to meet new opportunities;

(4) in recognition of the valuable contributions of the Asia Foundation to long-range United States foreign policy interests, the United States Government has, through a variety of agencies, provided financial support for the Asia Foundation; and

(5) it is in the interest of the United States, and the further strengthening of Asian-American friendship and cooperation, to establish a more permanent mechanism for United States Government financial support for the ongoing activities of the Asia Foundation, while preserving the independent character of the Foundation.

GRANTS TO THE ASIA FOUNDATION

SEC. 603. (a) The Secretary of State shall make an annual grant to the Asia Foundation with the funds made available under section 604. Such grants shall be in general support of the Foundation's programs and operations. The terms and conditions of grants pursuant to this section shall be set forth in a grant agreement between the Secretary of State and the Asia Foundation.

(b) If funds made available to the Asia Foundation pursuant to this title or pursuant to any other provision of law are, with the permission of the head of the Federal agency making the funds available, invested by the Foundation or any of its subgrantees pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if that interest is used for the purposes for which the funds were made available.

FUNDING

SEC. 604. There are authorized to be appropriated to the Secretary of State for grants to the Asia Foundation pursuant to this title $10,000,000 for each of the fiscal years 1984 and 1985. Amounts appropriated under this section are authorized to be made available until expended.

TITLE VII—INTERNATIONAL ENVIRONMENTAL PROTECTION

SEC. 701. This title may be cited as the "International Environment Protection Act of 1983"

ENDANGERED SPECIES

SEC. 702. The Foreign Assistance Act of 1961, as amended, is amended further by adding the following new section:

"SEC. 119. ENDANGERED SPECIES.—(a) The Congress finds the survival of many animal and plant species is endangered by overhunting, by the presence of toxic chemicals in water, air and soil, and by the destruction of habitats. The Congress further finds that the extinction of animal and plant species is an irreparable loss with potentially serious environmental and economic consequences for developing and developed countries alike. Accordingly, the preservation of animal and plant species through the regulation of the hunting and trade in endangered species, through limitations on the pollution of natural ecosystems, and through the protection of wildlife habitats should be an important objective of the United States development assistance.

"(b) In order to preserve biological diversity, the President is authorized to furnish assistance under this part to assist countries in protecting and maintaining wildlife habitats and in developing sound wildlife management and plant conservation programs. Special efforts should be made to establish and maintain wildlife sanctuaries, reserves, and parks; to enact and enforce anti-poaching measures; and to identify, study, and catalog animal and plant species, especially in tropical environments.

"(c) The Administrator of the Agency for International Development, in conjunction with the Secretary of State, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental Quality, and the heads of other appropriate Government agencies, shall develop a United States strategy, including specific policies and programs, to protect and conserve biological diversity in developing countries.

"(d) Each annual report required by section 634(a) of this Act shall include, in a separate volume, a report on the implementation of this subsection. Not later than one year after the date of enactment of this section, the President shall submit a comprehensive report to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on the United States strategy to protect and conserve biological diversity in developing countries.".

ENVIRONMENTAL EXCHANGES

SEC. 703. Section 102 of the Mutual Educational and Cultural Exchange Act of 1961, as amended, is further amended by striking the final comma, and inserting in lieu thereof a semicolon and adding the following:

"(11) interchanges and visits between the United States and other countries of scientists, scholars, leaders, and other experts in the fields of environmental science and environmental management.".

SEC. 704. Of the amount by which expenditures for the Fulbright Academic Exchange Programs, for the Humphrey Fellowship Program, and the International Visitor Program for fiscal year 1984 and for fiscal year 1985 exceeds the expenditures for these programs in fiscal year 1982, 5 per centum shall be used to finance programs carried out pursuant to section 703 of this Act.

TITLE VIII—SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING ACT OF 1983

SHORT TITLE

SEC. 801. This title may be cited as the "Soviet-Eastern European Research and Training Act of 1983".

FINDINGS AND DECLARATIONS

SEC. 802. The Congress finds and declares that—

(1) factual knowledge, independently, verified, about the Soviet Union and Eastern European countries is of the utmost importance for the national security of the United States, for the furtherance of our national interests in the conduct of foreign relations, and for the prudent management of our domestic affairs;

(2) the development and maintenance of knowledge about the Soviet Union and Eastern European countries depends upon the national capability for advanced research by highly trained and experienced specialists, available for service in and out of Government;

(3) certain essential functions are necessary to ensure the existence of that knowledge and the capability to sustain it, including—

(A) graduate training;

(B) advanced research;

(C) public dissemination of research data, methods, and findings;

(D) contact and collaboration among Government and private specialists; and

(E) firsthand experience of the Soviet Union and Eastern European countries by American specialists including on-site conduct of advanced training and research to the extent practicable; and

(4) It is in the national interest for the United States Government to provide a stable source of financial support for the functions described in this section and to supplement the financial support for those functions which is currently being furnished by Federal, State, local, regional, and private agencies, organizations, and individuals, and thereby to stabilize the conduct of these functions on a national scale, consistently, and on a long range unclassified basis.

DEFINITIONS

SEC. 803. As used in this title—

(1) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965; and

(2) the term "Advisory Board" means the Soviet-Eastern European Studies Advisory Board.

ESTABLISHMENT OF THE SOVIET-EASTERN EUROPEAN STUDIES ADVISORY BOARD

SEC. 804. (a) There is established within the Department of State the Soviet-Eastern European Studies Advisory Board which shall be composed of the Secretary of State, the Secretary of Education, the Librarian of Congress, the President of the American Association for the Advancement of Slavic Studies, the Secretary of Defense, and the President of the Association of American Universities. The Secretary of State shall be the Chairman.

(b) The Advisory Board shall meet at the call of the Chairman and shall hold at least one meeting each year. Three members of the Advisory Board shall constitute a quorum.

(c) The Secretary of State may detail personnel of the Department of State to provide technical and clerical assistance to the Advisory Board in carrying out its functions under this title.

(d) The Advisory Board shall recommend grant policies for the advancement of the objectives of this Act. In proposing recipients for grants under this title, the Advisory Board shall give the highest priority to national organizations with an interest and expertise in conducting and disseminating research and training concerning Soviet and Eastern European countries. In making its recommendations, the Advisory Board shall emphasize the development of a stable, long-term research program.

AUTHORITY TO MAKE PAYMENTS

SEC. 805. (a) The Secretary of State, after consultation with the Advisory Board, shall make payments, in accordance with the provisions of this section, out of funds made available to carry out this title.

(b)(1) One part of the payments made in each fiscal year shall be used—

(A) in consultation with officials of the United States Government designated by the Secretary of State, to develop and keep current a research agenda of fundamental research dealing with major policy issues and questions of Soviet and Eastern European development; and

(B) to conduct a national research program at the postdoctoral or equivalent level in accordance with that agenda, such program to include—

(i) the dissemination of information about the research program and the solicitation of proposals for research contracts from American institutions of higher education and not-for-profit corporations, which contracts shall contain shared-cost provisions; and

(ii) the awarding of contracts for such research projects as the respective institutions determines will best serve to carry out the purposes of this title after reviewing the proposals submitted under clause (i).

One part of the payments made in each fiscal year shall be used—

(A) to establish and carry out a program of graduate, postdoctoral, and teaching fellowships for advanced training in Soviet and Eastern European studies and related studies, such program—

(i) to be coordinated with the research program described in paragraph (1);

(ii) to be conducted, on a shared-cost basis at American institutions of higher education; and

(iii) to include—

(I) the dissemination of information on the fellowship program and the solicitation of applications for fellowships from qualified institutions of higher education and qualified individuals; and

(II) the awarding of such fellowships as the respective institution determines will best serve to carry out the purposes of this title after reviewing applications submitted under subclause (I); and

(B) to disseminate research, data, and findings on Soviet and Eastern European studies and related fields in such a manner and to such extent as the respective institution determines will best serve to carry out the purposes of this title.

(3) One part of the payments made in each fiscal year shall be used—

(A) to provide fellowship support for American specialists in the fields of Soviet and Eastern European studies and related studies to conduct advanced research with particular emphasis upon the use of data on the Soviet Union and Eastern European countries; and

(B) to conduct seminars, conferences, and other similar workshops designed to facilitate research collaboration between Government and private specialists in the fields of Soviet and East European studies and related studies.

(4) One part of the payments made in each fiscal year shall be used to conduct specialized programs in advanced training and research on a reciprocal basis in the Union of Soviet Socialist Republics and the countries of Eastern Europe designed to facilitate access for American specialists to research institutes, personnel, archives, documentation, and other research and training resources located in the Union of Soviet Socialist Republics and Eastern European countries.

(5) One part of the payments made in each fiscal year shall be used to support language training in Russian and Eastern European languages. Such payments shall include grants to individuals to pursue such training and to summer language institutes operated by institutions of higher education. Preference shall be given for Russian language studies.

(6) Payments may be made to carry out other research and training in Soviet and Eastern European studies not otherwise described in this section.

APPLICATIONS; PAYMENTS TO ELIGIBLE ORGANIZATIONS

SEC. 806. (a) Any institution seeking funding under this title shall prepare and submit an application to the Secretary of State once each fiscal year. Each such application shall—

(1) provide a description of the purposes for which the payments will be used in accordance with section 705; and

(2) provide such fiscal control and such accounting procedures as may be necessary (A) to insure a proper accounting of Federal funds paid under this title, and (B) to insure the verification of the costs of the continuing education and research programs conducted under this title.

(b) The Secretary of State may approve or deny any application for whatever reasons he deems necessary to carry out the provisions of this title.

(c) Payments under this title may be made in installments, in advance, or by way of reimbusement, with necessary adjustments on account of overpayments and underpayments.

REPORT

SEC. 807. The Secretary of State shall prepare and submit to the President and the Congress at the end of each fiscal year in which an institution receives assistance under this title a report of the activities of such institution supported by such assistance and an accounting of any such assistance used to cover administrative expenses of such institution, if such administrative expenses represent more than 10 percent of such assistance, together with such recommendations as the Advisory Board deems advisable.

FEDERAL CONTROL OF EDUCATION PROHIBITED

SEC. 808. Nothing contained in this title may be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction or research, administration, or personnel of any educational institution.

ALLOCATION OF FUNDS

SEC. 809. Of the funds authorized to be appropriated for the fiscal years 1984 and 1985 by paragraph (1) of section 102, $5,000,000 for each fiscal year shall be available only to carry out the provisions of this title.

TERMINATION OF PROVISIONS

SEC. 810. The provisions of this title shall terminate ten years after its date of enactment.

TITLE IX—UNITED STATES-INDIA ENDOWMENT FOR CULTURAL, EDUCATIONAL, AND SCIENTIFIC COOPERATION

SHORT TITLE

SEC. 901. This title may be cited as the "United States-India Endowment for Cultural, Educational, and Scientific Cooperation Act".

THE ENDOWMENT

SEC. 902. The President is authorized to enter into an agreement with the Government of India providing for the establishment of a United States-India Endowment for Cultural, Educational, and Scientific Cooperation (hereafter in this title referred to as the "Endowment") which would provide grants and other assistance for exchanges of persons for cultural, educational, and scientific purposes and for programs for jointly scholarly cooperation.

USE OF EXCESS UNITED STATES OWNED RUPEES TO CAPITALIZE THE ENDOWMENT

SEC. 903. Subject to applicable requirements concerning reimbursement to the Treasury for United States owned foreign currencies, the President may make available to the Endowment, for use in carrying out the agreement authorized by section 902, up to the equivalent of $250,000,000 in foreign currencies owed to the United States by the Government of India. Such use may include investment in order to generate interest which would be retained by the Endowment and used to support exchange and research programs pursuant to that agreement.

TITLE X—PEACE CORPS STRATEGY COMMISSION

SHORT TITLE

SEC. 1001. This title may be cited as the "Peace Corps Strategy Commission Act".

FINDINGS

(1) during the past twenty-two years, the Peace Corps has been a valuable and well-accepted program by establishing person-to-person relationships between Americans and host country partners in Africa, Asia, and Latin America, and by contributing to the development of these other countries, especially at the local level, through the provision of skilled manpower;

(2) relations among countries have changed significantly since the establishment of the Peace Corps, and the needs of the people of the United States and Third World countries have changed accordingly;

(3) at a time when conflict and alienation among countries are increasing and poverty is part of the conflict, the mutual assistance and learning that the Peace Corps fosters among the people of the United States and Third World countries have become an increasingly important asset to promoting world peace and friendship; and

(4) in the light of these changes, the purpose and programs of the Peace Corps should be reviewed in order to ensure that the Peace Corps utilizes its experience to face the demands of the future.

SEC. 1002. It is the purpose of this Act to establish a Commission—

(1) to evaluate the potential and future role of the Peace Corps as it commemorates its twenty-fifth anniversary, in particular by—

(A) evaluating the accomplishments and experience of the Peace Corps since its establishment; and

(B) examining options for the future direction of the Peace Corps which ensure that the purpose and programs of the Peace Corps are responsive to the changing needs in development and relationships among peoples; and

(2) to provide for public participation in the evaluation described in paragraph (1), especially from individuals and private sector organizations and institutions, and to focus national attention on the importance of volunteer service through a Peace Corps that contributes to development and the establishment of international relations among peoples at the local level.

ESTABLISHMENT

SEC. 1003. There is established a commission to be known as the Peace Corps Strategy Commission (hereinafter in this Act referred to as the "Commission").

DUTIES OF COMMISSION

SEC. 1004. The Commission shall—

(1) evaluate the performance of the Peace Corps since its establishment in 1961, examining such factors as—

(A) the impact the Peace Corps has had in developing countries;

(B) the benefits to the United States from the experience gained abroad by Peace Corps volunteers;

(C) the appropriateness of volunteer, staff, and financial resources available to the Peace Corps, and of the organization and administration of the Peace Corps, in performing its purpose effectively;

(D) the appropriateness of the selection and training of volunteers and staff for their work abroad and at the Peace Corps offices in the United States; and

(E) the relationship of the Peace Corps to other public and private, domestic and international organizations; and

(2) evaluate the future of the Peace Corps, examining such factors as—

(A) the changing needs of other countries and how to adjust the programs of the Peace Corps to those needs;

(B) the changing needs of Americans to gain a better understanding of other peoples and countries, and how to adjust the programs of the Peace Corps accordingly;

(C) the needs of individual volunteers both during their service and after returning from their tour of duty with the Peace Corps;

(D) the volunteer and staff manpower, program diversity, financing, organization, and management necessary to meet the changing needs of other countries and of American society;

(E) opportunities to attract wider participation in Peace Corps programs by women, minorities, private enterprise, and senior citizens; and

(F) the appropriate future relationship of the Peace Corps with other public and private, domestic and international organizations and institutions;

and taking into account relevant studies and proposed legislation regarding the Peace Corps, including legislation to reform the Peace Corps and to create a "Peace Corps Academy" to prepare volunteers for service abroad.

MEMBERSHIP

SEC. 1005. (a) The Commission shall be composed of fifteen members appointed from among individuals who represent different professional and cultural backgrounds and political persuasions. Not less than six members shall be former Peace Corps volunteers.

(b) The members of the Commission shall be appointed as follows:

(1) Two members, one of whom shall be a former Peace Corps volunteer, shall be appointed by the majority leader of the Senate, and two members, one of whom shall be a former Peace Corps volunteer, shall be appointed by the minority leader of the Senate.

(2) Two members, one of whom shall be a former Peace Corps volunteer, shall be appointed by Speaker of the House of Representatives, and two members, one of whom shall be a former Peace Corps volunteer, shall be appointed by the minority leader of the House of Representatives.

(3) Seven members shall be appointed by the President, two of whom shall be former Peace Corps volunteers.

The first appointments pursuant to this subsection of all the members of the Commission shall be made not later than sixty days after the date of the enactment of this Act.

(c) Members shall be appointed for the life of the Commission.

(d) A vacancy in the Commission shall be filled, not later than sixty days after the vacancy occurs, in the manner in which the original appointment was made.

(d) (1) Except as provided in paragraph (2), each member of the Commission shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which such member is engaged in the actual performance of the duties of the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) The President shall appoint a Chairman and a Vice Chairman from among the members.

(g) Seven members of the Commission shall constitute a quorum.

(h) The Commission shall meet at the call of the Chairman or a majority of its members.

DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS

SEC. 1006. (a) Subject to such rules as may be adopted by the Commission, the Chairman of the Commission, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power to—

(1) appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule under section 5316 of title 5, United States Code;

(2) appoint and fix the compensation of such personnel as the Chairman considers necessary; and

(3) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.

(b) Upon the request of the Commission, the head of any Federal agency is author-

ized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

POWERS OF COMMISSION

SEC. 1007. (a) The Commission may, for purposes of carrying out this Act, hold such public hearings, sit and act at such times and places, take such testimony, and receive such evidence, in the United States, as the Commission considers advisable. The Commission may also consult with Members of Congress, with officers, employees, volunteers, and former volunteers of the Peace Corps who are in the United States, and with nationals of host countries of the Peace Corps. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) When so authorized by the Commission, any member or agent of the Commission may take such action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any Federal agency information necessary to enable the Commission to carry out this Act. Upon request of the Chairman, the head of any such Federal agency shall furnish such information to the Commission.

(d) The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

REPORTS

SEC. 1008. (a) The Commission shall transmit to the President and to each House of Congress such interim reports on the activities of the Commission as the Commission considers appropriate and shall transmit a final report to the President and to each House of Congress not later than one year after the date on which appropriations first become available to carry out this Act. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as the Commission considers appropriate.

(b) Not later than ninety days after the final report has been transmitted by the Commission to each House of Congress, the President shall transmit to each House of Congress a report containing a detailed statement regarding any actions taken to implement the recommendations of the Commission, together with any further recommendations for legislation and administrative actions as the President considers appropriate.

TERMINATION

SEC. 1009. The Commission shall cease to exist ninety days after transmitting its final report under section .

AUTHORIZATION OF APPROPRIATIONS

SEC. 1010. There is authorized to be appropriate to carry out this Act, $750,000 for the fiscal year 1984. Amounts appropriated under this section are authorized to remain available until expended. The Commission may accept private contributions of funds, which are authorized to be expended to carry out this Act.

DEFINITION

SEC. 1011. For purposes of this Act, the term "Federal agency" means any agency, department, or independent establishment in the executive branch of the Federal Government, including any Government corporation.

TITLE XI—GENERAL PROVISIONS

REPORT TO CONGRESS OF SOVIET COMPLIANCE TO ARMS CONTROL AGREEMENTS

SEC. 1101. The President shall prepare and transmit to the Congress a report on the record of Soviet compliance or noncompliance with the letter and spirit of all existing arms control agreements to which the Soviet Union is a party.

DEOBLIGATION OF FUNDS FOR SYRIA

SEC. 1102. (a)(1) All funds appropriated in the fiscal year 1983 or in any prior fiscal year to carry out the provisions of the Foreign Assistance Act of 1961 which have been obligated for Syria shall be deobligated.

(2) All funds deobligated pursuant to paragraph (1) shall be deposited in the Treasury of the United States as miscellaneous receipts.

(b) None of the funds appropriated or otherwise made available by any provision of law for the fiscal year 1983 or any prior fiscal year may be available for Syria.

PRINCIPLES OF EQUIVALENCE

SEC. 1103. (a) It is the sense of the Congress that the President should, consistent with the interests of the United States and as soon as practicable after the enactment of this Act, take the necessary steps—

(1) to insure substantial equivalence between the number of officers or employees of the Government of the Soviet Union in the United States (other than members of the news media and those assigned at the United Nations) and the number of officers or employees of the United States Government in the Soviet Union, and

(2) to insure that the restrictions and conditions imposed on the travel, accommodations, and facilities of officer or employees of the Government of the Soviet Union in the United States are not less than those imposed by the Government of the Soviet Union on the travel, accommodations, and facilities of officers or employees of the United States Government in the Soviet Union.

(b) The Congress requests the President to report to the Congress on actions taken to carry out this section, together with recommendations for any additional legislation that may be necessary to carry out this section.

POLICY ON THE JAMMING BY THE SOVIET UNION OF BROADCASTS OF VOICE OF AMERICA AND RADIO FREE EUROPE/RADIO LIBERTY, INCORPORATED

SEC. 1104. (a) The Congress finds that—

(1) the permanent unrestrained flow of accurate information would greatly facilitate mutual understanding and world peace;

(2) the Soviet Union and its alies are at present electronically jamming the broadcasts of Voice of America and RFE/RL, Incorporated (also known as Radio Free Europe and Radio Liberty); and

(3) electronic jamming of international broadcasts violates at least four international agreements: Article 35(1) of the International Telecommunications Union Convention, Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe (also known as the Helsinki Accords).

(b) It is the sense of the Congress that the President should urge the Government of the Soviet Union to terminate its jamming of the broadcasts of Voice of America and RFE/RL, Incorporated (also known as Radio Free Europe and Radio Liberty).

INTERNATIONAL NARCOTICS CONTROL

SEC. 1105. (a) Section 481(a) of the Foreign Assistance Act of 1961 is amended by striking out the fourth and fifth sentences.

(b) Section 481 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as (g), (h), (i), and (j), respectively.

(c) Section 481 is further amended by inserting after subsection (a) the following new subsections:

"(b) Not later than January 31 of each year, the President shall prepare and transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on those measures being undertaken and planned for the next fiscal year by each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, which measures are designed to prevent narcotic drugs or other controlled substances from being cultivated, produced, or processed illicitly, in whole or in part, in such country, or from being transported through such country to United States Government personnel or their dependents or from entering the United States unlawfully. Based upon such measures being undertaken and planned for each such country and based upon such other available information, the President shall make a preliminary determination of the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President. The President shall include the amount of each such projected reduction in such report. The report shall also set forth the actual reductions in illicit drug production made by each major illicit drug producing country which has received United States assistance for the preceding fiscal year.

"(c)(1) As soon as possible after the transmittal of a report required by subsection (b), the designated representatives of the President shall initiate appropriate consultations with the appropriate committees of the Congress. Such committees shall cause to be printed in the Congressional Record the substance of each consultation.

"(2) After the President's designated representatives initiate appropriate consultations, the appropriate committee of each House of Congress should hold a public hearing to review the preliminary determination of the President unless public disclosure of the details of such projected reductions is required to be classified. In such a case, the hearing shall be closed to the public.

"(3) After the conclusion of the hearings held under paragraph (2) or ninety days after the initiation of appropriate consultations under paragraph (1), whichever occurs first, the President shall prepare and transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report setting forth his final determination regarding the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President.

"(d) Notwithstanding any other provision of law, if the report required to be submitted by subsection (b) indicates that the gov-

ernment of a country covered by such report has failed to achieve the projected reductions in illicit drug production for the preceding fiscal year which were contained in the report described in subsection (c)(3) for such fiscal year, then—

"(1) the President shall suspend all United States assistance to or for such major illicit drug producing country, and

"(2) the Secretary of the Treasury shall instruct each United States Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, and the Asian Development Bank to vote against any loan or other utilization of the funds of the respective international financial institution to or for such major illicit drug producing country,

unless the President determines and so reports in writing to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate that—

"(A) such country did not achieve its projected reduction in illicit drug production because of factors beyond its control such as changing weather conditions, geographic impediments, and political instability; or

"(B) furnishing United States assistance or approving the extension of loans or the furnishing of financial or technical assistance by an international financial institution to such country is in the national security interests of the United States.

"(e) In the event that United States assistance to a country is suspended or that the United States votes against the extension of loans or the utilization of funds of such international financial institution under subsection (d), such suspension shall continue in force and the United States shall continue to cast such votes, as the case may be, until the President determines and reports in writing to the appropriate committees of the Congress that—

"(1) the government of such country has prepared, presented, and committed itself to a plan providing for the control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances within an explicitly stated period of time, with implementation commencing prior to the renewal of assistance, or before the approval by the United States of the extension of any loan or the furnishing of any financial or technical assistance by an international financial institution, to such country; and

"(2) the government of such country has taken legal and law enforcement measures to enforce effective suppression of the illicit cultivation, production, processing, transportation, and distribution of such drugs or controlled substances.".

(d) Section 481 of such Act is further amended by adding at the end thereof the following:

"(k) As used in this section—

"(1) the term 'appropriate consultations' means discussions in person by designated representatives of the President, including the Assistant Secretary of State for International Narcotics Control and appropriate representatives of the Department of Health and Human Services, the Department of the Treasury, the Department of Defense, and the Department of Justice, with members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives to review the worldwide illicit drug production situation and the role that the furnishing of United States assistance to major illicit drug producing countries and tht United States contributions to international financial institutions should have in combating the entry of illicit narcotics and other controlled substances into the United States, and to provide such members with—

"(A) a description of the nature of the illicit drug production problem in each major illicit drug producing country for which the President is proposing to furnish United States assistance;

"(B) an analysis of the climatic, geographic, political, economic, and social factors that affect the illicit drug production in each country with respect to which the President is required to report to the Congress under subsection (b);

"(C) a description of the methodology employed to determine the projected reductions for each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year; and

"(D) an analysis of any additional United States assistance that would be required to achieve the projected reductions reported by the President to the Congress pursuant to subsection (b);

"(2) the term 'legal and law enforcement measures' means—

"(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and

"(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

"(3) the term 'major illicit drug producing country' means a country producing ten metric tons or more of opium or opium derivative during a fiscal year or producing five hundred metric tons or more of coca or marijuana (as the case may be) during a fiscal year;

"(4) the terms 'narcotic drugs' and 'other controlled substances' shall have the same meaning as is given to such terms by any applicable international narcotics control agreement or domestic law of the country or countries concerned, subject to the provisions of this section; and

"(5) the term 'United States assistance' means any assistance of any kind, excepting food, medicine, or disaster relief assistance, which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

"(A) assistance under this Act (including programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation, but excluding programs under chapter 8 of part I, relating to international narcotics control assistance);

"(B) sales, credits, and guarantees under the Arms Export Control Act;

"(C) sales under title I and title III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

"(D) financing programs of the Commodity Credit Corporation for export of nonfood commodities;

"(E) finacing under the Export-Import Bank Act of 1945;

"(F) assistance under the Migration and Refugee Assistance Act of 1962;

"(G) programs under the Peace Corps Act;

"(H) assistane under the Inter-American Foundation Act; and

"(I) assistance under the Mutual Education and Cultural and Exchange Act of 1961.".

FOREIGN AID AUTHORIZATION REQUIREMENT

SEC. 1106. Notwithstanding any other provisions of law, no funds may be appropriated or obligated for United States foreign assistance and security assistance programs in fiscal year 1984 which are in excess of the amounts appropriated in Public Law 98-107, except (1) if higher amounts are specifically authorized by Congress and (2) that the levels of assistance authorized for Israel and Egypt shall be the levels contained in S. 1347.

PROHIBITION ON CERTAIN ASSISTANCE TO THE KHMER ROUGE IN KAMPUCHEA

SEC. 1107. (a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the purpose, or with the effect, of promoting sustaining or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Kampuchea or elsewhere in Indochina.

(b)(1) All funds appropriated before the date of enactment of this section which were obligated but not expended for activities having the purpose or effect described in subsection (a) shall be deobligated.

(2) All funds deobligated pursuant to paragraph (1) shall be deposited in the Treasury of the United States as miscellaneous receipts.

AMENDMENTS TO THE WAR POWERS RESOLUTION RELATING TO CONGRESSIONAL PRIORITY PROCEDURES

SEC. 1108. (a) Section 5 (c) of the War Powers Resolution (50 U.S.C. 1544(c)) is amended by striking out "if the Congress so directs by concurrent resolution" and inserting in lieu thereof "if there is enacted into law a joint resolution or bill directing such removal".

(b) The heading for section 6 of such Resolution (50 U.S.C. 1545) is amended to read as follows:

"CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL UNDER SECTION 5(B)".

(c) The heading for section 7 of such Resolution (50 U.S.C. 1546) is amended to read as follows:

"CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL UNDER SECTION 5".

(d) Section 7 of such Resolution (50 U.S.C. 1546) is amended—

(1) in subsection (a), by striking out "concurrent resolution" each of the two places it appears and insert in lieu thereof "joint resolution or bill";

(2) in subsection (b), by striking our "concurrent resolution" and inserting in lieu thereof "joint resolution or bill";

(3) in subsection (c), by striking out "concurrent resolution" and inserting in lieu thereof "joint resolution or bill"; and

(4) in subsection (d), by striking out "concurrent resolution" each of the two places it appears and inserting in lieu thereof "joint resolution or bill".

(5) by adding at the end thereof "(e) Time for debate on the consideration of a veto message from the President on any such joint resolution or bill shall be limited to ten hours in each House.".

REVIEW OF UNITED STATES PARTICIPATION IN THE UNITED NATIONS

SEC. 1109. (a) The Congress finds that—

(1) the United Nations was founded for the primary purpose of maintaining international peace and security by encouraging peaceful resolution of disputes and the development of friendly relations among nations;

(2) the United States, as a founding member of the United Nations and the largest contributor to the United Nations, became and remains a member of the United Nations in order to contribute to collective efforts among the nations of the world to realize the ends of international peace and security;

(3) the United States is committed to upholding and strengthening the principles and purposes of the United Nations Charter upon which the United Nations was founded.

(b) It is the sense of the Congress that—

(1) a review of United States participation in the United Nations is urgently called for with a view to examining—

(A) the extent and levels of United States financial contributions to the United Nations;

(B) the importance of the United Nations, as presently constituted to fulfilling the policies and objectives of the United States;

(C) the benefits derived by the United States from participation in the United Nations;

(2) the President should review and make recommendations to the Congress regarding the matters described in this section by June 30, 1984;

(3) the Secretary of State should communicate to the member states of the General Assembly of the United Nations the policy contained in this section.

POLICY ON THE PROCESSING OF REFUGEES

SEC. 1110. (a) The Congress finds that—

(1) there are an estimated eight million refugees in the world today;

(2) the number of refugees continues to increase;

(3) some refugees could be resettled in countries whose governments have indicated a willingness to accept them;

(4) the processing of refugees can be unnecessarily slow, thereby delaying resettlement; and

(5) most countries that have a large concentration of refugees receive United States aid.

(b) It is the sense of the Congress that the President should—

(1) inform the governments of countries that have large concentrations of refugees and receive United States aid that the Government of the United States is concerned about the proper and efficient processing of refugees; and

(2) urge such governments to process as expeditiously as possible those refugees who would be welcomed for resettlement in other countries.

RESOLUTION ON RAOUL WALLENBERG AND JAN KAPLAN

SEC. 1111. (a) The Congress finds that—

(1) the Soviet Union arrested one of the great heroes of modern times in 1945 when they arrested Raoul Wallenberg;

(2) Raoul Wallenberg was a Swedish diplomat who, at great personal risk, had acted to save hundreds of thousands of Hungarian Jews from the Nazi Holocaust;

(3) Raoul Wallenberg took these actions as a humanitarian and with the knowledge, consent and financial assistance of the United States Government;

(4) Raoul Wallenberg has recently been made an honorary citizen of the United States;

(5) the Soviet Union has changed their story a number of times about the whereabouts of Raoul Wallenberg;

(6) the most recent position of the Soviet Union is that he died in 1947;

(7) there are many eyewitnesses who have testified that they saw Raoul Wallenberg in Russian prisons; and hospitals in the decades since the 1940s;

(8) one of the most recent eyewitnesses was Jan Kaplan, a Russian refusnik who shortly after his release from a Soviet jail in 1977, phoned his daughter, Doctor Anna Bilder, in Israel and reported that he had met a Swede in prison who had survivied thirty years in the Gulag;

(9) during the next two years, Anna Bilder received no further word from or about her father;

(10) in July 1977, Jan Kaplan's wife smuggled a letter to Doctor Bilder informing her that Jan Kaplan had been rearrested because of a letter he had tried to smuggle to her about Raoul Wallenberg;

(11) in 1980, the Swedish Government sent an official request to interview Jan Kaplan;

(12) the Soviets made no response to this request;

(13) the whereabouts of Jan Kaplan are not known;

(14) Jan Kaplan could provide valuable information about Raoul Wallenberg.

It is the sense of the Congress that the President, acting directly or through the Secretary of State, should take all possible steps at all appropriate times to ascertain the whereabouts of Jan Kaplan and to request an interview with him in order to learn more concerning the whereabouts of Raoul Wallenberg.

DESIGNATION OF CHAIRMAN OF THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SEC. 1112. Section 3 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (90 Stat. 661), is amended—

(1) by inserting "(a)" after "SEC. 3.";

(2) by striking out the second sentence of paragraph (1); and

(3) by adding at the end thereof the following:

"(b) Beginning with the start of the first calendar year after the date of enactment of the Department of State Authorization Act, fiscal years 1984 and 1985, the Speaker of the House of Representatives shall designate one of the members of the Commission on Security and Cooperation in Europe appointed from the House of Representatives to serve as chairman during each odd-numbered calendar year and the President of the Senate, on the recommendation of the Majority Leader, shall designate one of the members of the Commission appointed from the Senate to serve as chairman during each even-numbered calendar year.

POLICY TOWARDS THE EXPORT OF NUCLEAR-RELATED EQUIPMENT, MATERIALS, OR TECHNOLOGY TO INDIA, ARGENTINA, AND SOUTH AFRICA

SEC. 1113. It is the sense of Congress that the United States Government should disapprove the export of, and should suspend or revoke approval for the export of, any nuclear-related equipment, material, or technology, including nuclear components and heavy water, to the Government of India, Argentina, or South Africa until such time as such government gives the Government of the United States stronger nuclear nonproliferation guarantees. Such guarantees should include—

(1) reliable assurances by such government that it is not engaged in any program leading to the development, testing, or detonation of nuclear explosive devices; and

(2) agreement by such government to accept international safeguards on all its nuclear facilities.

STUDY OF UNITED NATIONS FUNDING

SEC. 1114. (a) The Secretary of State shall conduct a study of each program, project, and activity carried out by or under the auspices of the United Nations or of any of its specialized agencies to determine whether assessments paid and contributions made by the United States to the United Nations or any of its specialized agencies directly or indirectly benefits the Palestine Liberation Organization or the South West Africa Peoples Organization.

(b) Not later than June 15, 1984, the Secretary of State shall prepare and transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate a report setting forth the findings of the study conducted under subsection (a).

RESTRICTION ON AVAILABILITY OF FUNDS FOR THE UNITED NATIONS

SEC. 1115. None of the funds authorized to be appropriated by this Act may be made available for any program, project, or activity carried out by or under the United Nations or any of its specialized agencies on or after the date of enactment of this Act if the President certifies both Houses of Congress that such program, project, or activity poses a threat to the national security or vital economic interests of the United States.

REPORTING REQUIREMENT

SEC. 1116. (a) Not later than January 31 of each year, or at the time of the transmittal by the President to the Congress of the annual presentation materials on foreign assistance, whichever is earlier, the President shall prepare and transmit to the Speaker of the House of Representatives and the President of the Senate a full and complete report which assesses, with respect to each foreign country associated with the United States in a bilateral or multilateral defense pact or other security arrangement, the effectiveness of the contribution that the government of each such country made during the preceding twelve-month period to the defense pact or arrangement. Such report shall include—

(1) a discussion of whether the national security policies and military structure of each such country are effectively designed to deal with the most likely and significant threats to its security;

(2) a description of the quality and quantity of each such country's contribution to its own defense in terms of personnel, procurement, exercises, training as well as support activities and facilities access arrangements which are designed to assist the United States in defense of each such country against aggression; and

(3) a description of the extent to which United States assistance to each such country contributes to its capabilities to deal with the most likely and significant threats to its security.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I wish to thank the distinguished managers of this bill, Senators PERCY and PELL, for their diligent effort, their good work and successful conclusion of a difficult bill.

Mr. President, there will be no more record votes tonight.

Mr. PERCY. Mr. President, I have one further request.

I move that the Senate insist on its amendments and request a conference with the House on the disagreeing votes of the two Houses on H.R. 2915, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer (Mr. JEPSEN) appointed Mr. PERCY, Mr. HELMS, Mr. LUGAR, Mr. MATHIAS, Mr. PELL, Mr. BIDEN, and Mr. GLENN conferees on the part of the Senate.

Mr. PERCY. Mr. President, I ask unanimous consent that consideration of S. 1342 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I thank the distinguished majority leader for his cooperation and his staunch support.

Mr. BAKER. Mr. President, I thank the managers of the bill on both sides. The chairman has done an outstanding job. He did it at great personal sacrifice, changing his plans to remain late last evening and proceed with the consideration of this bill.

I give my respects and compliments to the Senator from Rhode Island (Mr. PELL) who worked hard on this bill also, continuing the traditions of the Foreign Relations Committee.

Mr. President, on this bill, the Senate consumed 22 hours and 15 minutes, and agreed to 65 amendments. The Senate rejected three, tabled two, five were withdrawn, and two fell for other reasons. There were 11 rollcall votes by final disposition of this measure.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business for not more than 10 minutes in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, as I announced earlier, there will be no more rollcall votes tonight.

AGNET SYMPOSIUM

Mr. EXON. Mr. President, earlier this fall, I had the distinct honor of being invited to address the symposium on information needs for modern agriculture in Lincoln, Neb. This symposium was sponsored by AGNET, the computer-based information network that disseminates agricultural management information to farmers. The purpose of the symposium was to bring agribusiness leaders together focusing on information needs for the agriculture community. The topics selected for discussion were, the rural community (news, weather, emergency management), production management, marketing information, personal services, financial managment, and public policy. Top experts in each of these fields were brought in to participate in these subject areas.

In November, the symposium proceedings will be published in final form. This valuable information tool will be available for purchase from AGNET, University of Nebraska, Lincoln, Nebr. 68583. I highly recommend these proceedings to all of my colleagues in the U.S. Senate and to all other interested in high-tech distribution of agricultural management information.

Mr. President, I ask that an article entitled "Cycle Times of Information," written by Dr. James G. Kendrick, the originator of the AGNET system, be printed in the RECORD in its entirety following these remarks.

The article follows:

CYCLE TIMES OF INFORMATION

(By James G. Kendrick)

ABSTRACT

During the Industrial Revolution, manufacturing and related commercial activities led to the evolution of "dense cores" of heavily populated areas. Fundamental to the operation of these industrial-commercial cores was the development of service activities—banking, risk-bearing, legal services—which depended on rapid exchange of information or quick "cycle times of information" for effective decision making and allocation of resources. As these cores radiate resources away from the central body toward less populated areas, the need for short cycle times of information in rural areas has become apparent. For example, modern agriculture is an enterprise that requires short time cycles of information exchange. The technology for building computer-based information networks to facilitate the desired rapid transfer of information exists. However, the installation of hardware linked by reliable, cost-effective communications networks is only in the beginning stages. One computer-based information network that has successfully met the challenges of rapid transfer of agricultural management information to farmers is the University of Nebraska's AGNET system.

In simpler times, major turning points in society have been termed revolutions. Most of these revolutions were violent, pitting one sector of society against another. However, upon completion of the hostilities, frequently the fundamental structure remained unchanged, and the activities of life were merely orchestrated by different conductors.

Other revolutions were basically nonviolent, but their aftermath resulted in changes in the organization of society that forces a restructuring of traditional methods of producing and distributing society's product, and in turn forced a redefinition of the score that each instrument would play in the new symphony.

Historians have called one of these nonviolent pivotal points in the evolution of social structures the Industrial Revolution. Here the emerging technologies resulted in economies of scale for production concentrated in small geographical areas rather than dispersed throughout the countryside in cottage industries. Manufacturing and related commerce prospered in the dense cores where the input materials for production and transportation facilities for exchange of goods with other areas existed.

CONCENTRATION AT THE CORE

Activity of any kind seems to act as a gravitational force that attracts, and then absorbs, other activity. The cores prospered and expanded. At the cores could be found both the goods for further processing and the people who were either already familiar with or trainable in the processes of manufacturing and commerce. The cores also attracted the facilitating activities associated with manufacturing—banking, risk-bearing, legal services—which assist in the smooth operation of the system. The glue that held the system together, akin to a gravitational force, was *rapid exchange of information.* Timely information was required to properly allocate resources so that the resulting activity would be achieved at reasonable cost. The most efficient means available for rapid transfer of information to the decision makers was frequent physical contact. Business rivals often constructed corporate headquarters within shouting distance of each other to better coordinate their internal activities and react to opportunities presented by a change in the general economic environment or the actions of their rivals. The tighter the concentration of activity, the quicker the *cycle time of information exchange,* and the more efficient the decision-making process. As the commercial cores grew, they reached some undefined level of activity at which further accumulation of resources became a self-sustaining reaction. Resources—first a trickle, and then a flood—poured into the cores. The cores were the center of civilization, and the remainder of the country assumed "hinterland" status.

Attempts to spread the manufacturing and commercial activity over a wider geographical area, where the cycle time of information exchange would be greater than the time permitted for efficient decision making, could result in economic, commercial, and social activities breaking apart into two or more relatively autonomous structures. These structures would become autonomous not always by choice, but rather because the informational glue was spread too thin for closely coordinated efforts. Often the result would be higher unit costs of production. One might hypothesize that if today's technology for information transfer had been available 2000 years ago, we still might be governed by the Roman Empire. Undoubtedly, part of the causal forces leading to the decline and eventual fall of that social structure can be attributed to information cycle times exceeding

requirements for efficient resource coordination across the realm.

Vining [1] observed that in some societies, the industrial-commercial core is still growing, in others the core is static, and in a few the core is undergoing atrophy. He attributes this phenomenon to the various stages of economies of scale of business activities associated with the core. Still amassing resources are those cores that are at a stage in which further concentration of activities results in lower cost production of goods and services. Third World nations are used by Vining as examples in which the cores are still attracting resources from the hinterlands. in western Europe and Japan the cores have reached a point of stabilization, and in a few nations—the United States being the prime example—he sees the cores beginning to radiate resources away from the central body.

As activity becomes more and more intense at the core, the waste by-products of that activity—congestion, pollution, crime, and so on—tend to poison the core itself. Continued activity can only be sustained by attempts to neutralize the adverse effects of these by-products through a reallocation of resources. Such reallocation increases the unit costs of all activities, eventually to the point where lower costs can be achieved in areas of less concentration. At that point the core begins to radiate resources away from itself, and the original core begins to evolve toward a "black hole"—where more resources are absorbed than produced.

DILUTION OF THE CORE

Using Vining's three-stage classification of cores—accumulating, static, and declining—I suggest that the cycle time of information is a key causal variable. Where information technology is not far advanced, short cycle times can only be achieved when the senders and receivers of information are in close physical contact. At the other extreme, the declining core is able to disperse resources over a wider geographical area only when other means of information transfer permit the cycle time to remain short. If the core is unable to keep the information cycle time short over a wider geographical area, then the core will remain static and become a hostage to the increasing costs of by-product disposal or neutralization.

One might hypothesize that given a perfect information transfer system with speed-of-light cycle time and a homogeneous scattering of resources over a wide geographical area, the cores that dominate today's social structures might never have evolved. So perhaps another pivotal point in human organization is upon us: the enhanced ability to closely coordinate activity over wide geographical areas. Some have termed it the Information Age.[2] Although no longer called a "revolution" because of our changed social mores, the dawning age has the possibility of altering our future social structure as fundamentally as that of the Industrial Revolution.

For those first discovering the increased ability of information transfer, the tendency is strong to misinterpret the phenomenon. To some, the Information Age implies that humans are now just beginning to communicate rather than that short time cycle exchange of information is now possible outside the core. The distinction is important. For those assuming that communication among humans is a newfound ability of the species, the resultant reaction often is to collect, transmit, and expect comprehension of vast quantities of frequently unrelated data.

DATA VERSUS INFORMATION

Data are *not* information, and it is information that is required for the efficient coordination of activities. For example, it is not the township-by-township corn production data that decision makers need for proper resource allocation, but access to knowledge of the rate of change from a base period. If no-change has occurred, then transmission to decision makers of voluminous data that in the final analysis will indicate "no change" can quickly lead to an informational "grid lock" similar to the feared transportation constriction that would immobilize activity in the core.

As the core radiates resources outward to the hinterlands, or if the hinterlands are to establish and maintain a meaningful share of total economic activity on their own, the availability of short time cycle information is a prerequisite condition for efficient coordination and allocation of resources.

The technology for rapid transfer of information is still in its infancy, and the definitive word is yet to be written as to the optimal techniques for collection, organization, and dissemination of information. It is clear, however, that information will be collected from and distributed to decision makers with the aid of computers. Computers have cycle times approaching the speed of light and can aid in the distillation of information from data streams.

NECESSITY FOR RELIABLE COMMUNICATIONS

However, computer-based informational networks are not available as "off-the-shelf" items in a business catalog. These networks must be painstakingly "custom built" to serve a specific client base. Computers are often termed "dumb beasts," and nothing is dumber than just-delivered computer hardware housed in a climate-controlled vault. To accomplish rapid information exchange, the first task is to augment the computer hardware with a communications network that covers a geographical area of the same size as the desired coordinating activity. The computer communications network must be both reliable and constantly available. Since information necessary for coordination of resource allocation is continuously generated and acted upon, the network cannot be confined to "business hours."

Within many cores, and between some, the task of augmenting human contact with reliable information transfer networks has been accomplished by high-tech solutions such as fiber optics and high-speed satellite "uploading" and "downloading" facilities. However, when reliable information transfer is attempted within or to the hinterlands, costs quickly escalate.

This is illustrated by AGNET,[3] a computer network with which I am associated, which is designed to furnish management information to agricultural decision makers—farmers/ranchers, educational institutions, financial and consultant firms, equipment manufacturers, importers and exporters, and governmental agencies. These entities are, for the most part, located far from the cores. However, modern agriculture is a global enterprise that requires short time cycle information exchange among widely scattered decision makers.

Information exchange within agriculture can approach the short time cycle exchanges in the core, but only at considerably higher cost than in a face-to-face meeting within a core setting. AGNET has been forced to rely on relatively expensive telecommunications facilities to achieve reliable information transfer. These facilities include national WATS service, direct dial to the computer facility, establishment of multiplex access in areas of "dense"[4] traffic, and the use of packet-switching service (primarily involving foreign clients). Telecommunications experts are continuously monitoring transmission quality over the system and constantly explaining to the vendors of telecommunications service that the ability to hear a spoken conversation over a line does not necessarily qualify that facility as a computer communications link.

Maintaining reasonable communications quality to places like Lost Cabin, Wyoming, represents two-thirds of the total cost of assembly and distribution of information throughout the AGNET system. Still, progress is being made. Telecommunications facilities that would only support 30 characters per second transmissions have been upgraded to reliable 120 characters per second service. In a few cases, 240, 480, or even 960 characters per second transmissions can be supported. The key to reliable cost-efficient communication between widely scattered decision makers and the central computer in the future awaits further developments in high-power satellite transmissions. When such developments have occurred, a link between the information client and the host will be made by pointing a 3- to 4-inch disk, attached to the computer terminal, upward—and the communications link will be established at transfer rates upon which we can only speculate now.

INFORMATION EXCHANGE ON AGNET

But even with the relatively high-cost communications available today, clients find the system to be cost-effective for many applications. One AGNET client has need for short cycle time hard copy exchange of data between an overseas site and one in the United States, with neither location remotely classified as a core. Although the information might be transmitted over the telephone and copied on tape at the receiving point, the technique of choice is to use "electronic mail." The information is typed on a "semismart" terminal. A call is then placed to the AGNET central computer, and the message is uploaded into a "mailbox" accessible only to the designated recipient(s) of that message. When the receiving party "logs on" the system, a notice is given that mail has arrived; it can be read then or at some future time. Previously read mail can be reread at any time if the original "hard copy" has been misplaced. For this client, the cycle time of sending a message and receiving a response has been reduced from 10–14 days to a few minutes or hours, depending on whether or not both parties are simultaneously on the system. AGNET authorities find that electronic mail is a rapidly growing activity that clients prefer to the time-honored method of maintaining short cycle time information exchange over large geographical areas—the telephone call. With electronic mail the game of "tag" is eliminated, that is, "He or she is in a meeting now. I will have him or her return your call later." Furthermore, electronic mail is generally terse, and the traditional greetings, salutations, and just plain "noise" (talk of the weather, family, etc.) are absent. Thus the resulting costs are frequently less than that of a completed phone conversation.[5]

Another example of straight information exchange over the vast geographical area of modern agriculture is the U.S. Department of Agriculture (USDA) Trade Opportunity Referral Service (TORS). The concept is simple. Expanded agricultural trade bene-

fits both agriculture and the national economy. Agricultural attachés headquartered at U.S. embassies around the world obtain "leads" on trade opportunities. The attaché types in the trade lead on a terminal, and the information goes instantly (by various computer-to-computer links) to the Foreign Agricultural Service in Washington, D.C. There the lead is quickly reviewed and then electronically transferred to AGNET for immediate release to any domestic exporter. The cycle time between attaché input and exporter receipt and subsequent contact with the potential buyer now may be as short as a few hours. This is a quantum improvement over the old methods of rumor or surface mailings, and one would assume that enhanced efficiency in resource allocation has taken place.

For those engaged in the business of agriculture, the knowledge of quantity and quality of the supplies on hand or likely to be produced anywhere in the world is critical for efficient decision making. Here also, the short cycle time of computerized electronic dissemination of supply and demand changes are made available simultaneously to all interested parties. Reports containing world crop production estimates, the size of domestic stocks, supply and demand balance sheets, and so on can guide present business decisions and shape strategies for the future. Electronic dissemination of this type of information can prevent the misallocation of resources that has too often been the hallmark of agriculture's lagged response due to outdated knowledge.

HUMANIZING THE COMPUTER

If short cycle time exchange of information through computers is the key to coordinated activity outside the core, then an often overlooked feature is the human/computer interface. Within the core, where physical contact can be accomplished easily, humans can be trained and retrained to work with that dumb beast—the computer. In the core, specialization of labor results in humans whose full-time duties involve interacting with computers, either putting information into the system or acquiring data from it. In the design of computer systems, it was, and often remains, an assumption that humans need to think in the cold, unforgiving logic of computers in order to use them. In the sparse hinterlands, however, humans generally are more diversified in their business activities. Rote procedures are not easily learned away from a training center and, even if learned, are quickly forgotten because of infrequent use. Outside the core, the interface with the computer has to be *humanized* and the computer, rather than the human, engineered to alter its methods. This means, of course, that the software programming of the system must try to anticipate the actions of computer illiterates as they query "the best" for information. Frustrate a human by having the computer drift off into "computerese" when asked a simple (and logical to the human) question, and the desired information cycle time is lengthened toward infinity.

Making the computer "friendly" (a current but disgusting term) is both costly and time-consuming. Programs designed to be used by people who have no more understanding of how a computer functions than how a telephone works compose one-half to two-thirds of AGNET's software instructions.

Not only must the user be protected from causing a computer "meltdown" by asking a "dumb" question, so too must the subject matter expert, the one who designs the thought process behind a computer program, be protected. In the complex business of agriculture, models that solve real world problems or simulate the results of many interrelationships are part of the management tool kit. In the absence of a face-to-face discussion with the program author, a client might enter data exceeding the design specifications of the model. This could result in erroneous recommendations with adverse economic consequences and damage to the reputation of the subject expert who designed the logic of the computer program. For example, an animal nutritionist with a national reputation designs a complex model that will simulate the growth of beef cattle under a host of conditions, including such variables as weather, feeds, breed, and feedlot conditions. A client using this model to reach a management decision on the profitability of feeding a number of animals might wish to simulate a final finishing weight of 1800 pounds—far beyond the range of research data used in the construction of the model. The client must be blocked from requesting such a simulation and informed why the request is invalid. In essence, the subject expert is electronically watching over the shoulder of the client and holding his hand through the program execution. This is not as desirable as an on-site consultation, but it is cost-effective for the widely dispersed decision makers in agriculture.

Problem solving and simulation models are major tools that decision makers use to transform data into information. Into the computer flows minute-by-minute temperature, humidity, solar radiation, and wind speed data. Analyzed by an irrigation scheduling model, the information output can be reduced to a yes/no decision for turning on a sprinkler system that will provide water over several hundred acres. If the decision is optimal, scarce resources are used more frugally, and cost reductions with associated higher returns are realized. Into the computer flows data—daily prices of agricultural products from around the world, new estimates of supply and demand, and so forth. Out of the analytical models flows information—alternatives for managers to consider in their daily activities and long-range strategies.

TRANSFERABILITY OF AGRICULTURAL EXPERIENCE

Away from the core, computers are able to provide thinly concentrated decision makers with the short cycle time information exchange and the analytical ability to process data into information that can be used to allocate resources efficiently for society's benefit. As improvements are made in the collection, analytical ability, and dissemination of information, what is presently an experiment in agriculture could be expanded throughout the economy. This would allow dispersion of the cores prior to their forced retrenchment. Historians might then be able to point to the start of a new revolution in social organization, the short cycle time of information exchange over wide areas—the Quick Cycle Age?

NOTES

1. Daniel R. Vining, Jr., "Migration Between the Core and the Periphery," *Scientific American* 247, no. 6 (1982): 44-53.

2. Wilson P. Dizard, Jr., "The Coming Information Age," *The Information Society* 1, no. 2 (1981): 91-112.

3. AGNET is headquartered at the University of Nebraska, Lincoln, Nebraska 68583-0713, where further information about this agricultural time-sharing network can be obtained.

4. What is considered "dense" for AGNET would be amusing to those traffic controllers at the core. AGNET classifies 200 hours a month usage from a given area as worthy of consideration for multiplex service.

5. For a fuller treatment of electronic mail, *see* James G. Kendrick and Pamela J. Murray, "Electronic Mail," *ACE Quarterly* 65, no. 2 (1982): 13-20.

MESSAGE FROM THE HOUSE

At 5:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3913) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 11, 21, 50, 68, 79, 95, 103, 104, 109, 113, 139, and 140, and agrees thereto; and it recedes from its disagreement to the amendments of the Senate numbered 22, 29, 84, 86, 91, 92, 93, 96, 101, 127, and 128, to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1213) to amend certain provisions of law relating to units of the national park system and other public lands, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 3044. An act to grant the consent of the Congress to an interstate agreement or compact relating to the restoration of Atlantic salmon in the Connecticut River Basin, and to allow the Secretary of Commerce and the Secretary of the Interior to participate as members in a Connecticut River Atlantic Salmon Commission; and

H.R. 3706. An act to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

The enrolled bill H.R. 3044 was subsequently signed by the President pro tempore (Mr. THURMOND).

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-439. A resolution adopted by the Non-Commissioned Officers Association of the United States relating to proposals related to both military and veterans affairs; to the Committee on Armed Services.

POM-440. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Energy and Natural Resources:

"Whereas, The members of the Michigan Legislature wish to present to the Congress of the United States a request for change in the astronomical rise in the prices of natural gas. In light of the fact that there is at present a glut in the availability of natural gas, a dramatic decrease in prices for oil, and a decline in the consumption of fossil fuels, raising the price of natural gas at a time when people are suffering under a depressed economy is a most inequitable and unfair practice; and

"Whereas, Recently the Federal Energy Regulatory Commission ruled utilities must pay the increased costs of natural gas imported from Algeria. The Michigan Public Service Commission has reported that this increase in Michigan will cause consumer rates to increase by approximately twenty-six percent. This increase, through raised rates to customers, will create a hardship to many already suffering consumers in Michigan; and

"Whereas, The individuals who will suffer most severely from this price increase are the unemployed, the elderly, the disabled, and the poor, as well as others who must live on a fixed income. These people daily face the decision of whether to buy food or to heat their homes. Thus, raising the price of natural gas at a time when cheaper sources are available and when it forces those who are in vital need of the resource to a greater level of despair is a most cruel endeavor; and

"Whereas, The Congress of the United States has before it numerous proposals, which, if adopted, will correct these and other deficiencies in the nation's natural gas pricing mechanism; now, therefore, be it

"Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature hereby urge the United States Congress to take action to curb the rising cost of natural gas; and be it further

"Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Michigan Congressional Delegation."

POM-441. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Energy and Natural Resources.

"RESOLUTION No. 303

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, Richard Montoya, a native of Las Cruces, New Mexico, has served as Assistant Regional Director for the Small Business Administration headquarters in Dallas from 1971 to 1976; and

"Whereas, from 1976 to 1978 he was a representative for the Commerce Department of Texas, New Mexico, Oklahoma, Arkansas and Louisiana; and

"Whereas, he has also served as senior adviser to former Texas Governor William Clements, where he was charged with economic development of South Texas and the Texas-Mexico border areas; and

"Whereas, he has served as Deputy Assistant Interior Secretary Territorial and International Affairs to Pedro Sanjuan since February 1983 until Sanjuan's transfer to the United Nations; and

"Whereas, he has held the position of Acting Assistant Interior Secretary for Territorial and International Affairs since Pedro Sanjuan resignation on September 6, 1983; now therefore be it

"Resolved, that the people of Guam congratulate Richard Montoya for his presidential appointment as Assistant Interior Secretary for Territorial and International Affairs; and be it further

"Resolved, that the people of Guam express their appreciation to the President of the United States for recognizing the capabilities as well as the potential of a member of one of America's various ethnic groups for a top policy level post; and be it further

"Resolved, that the people of Guam laud Montoya's appointment as one of the highest-ranking Hispanics in the Interior Department with the authority over America's far-flung territories; and be it further

"Resolved, that Montoya's appointment be considered a precedent setting occasion indicating that America is indeed a land of opportunities regardless of ethnic background; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest to the adoption hereof and that copies of the same be thereafter transmitted to the President and Vice-president of the United States; to the Speaker of the U.S. House of Representatives; to the President of the U.S. Senate; the Guam Delegate to the United States House of Representatives; to Richard Montoya; and to the Governor of Guam."

POM-442. Joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

ASSEMBLY JOINT RESOLUTION No. 88

"Whereas, The lives of American servicemen are being tragically lost in the current conflict in Lebanon, and the toll is increasing due to the precarious position of the peacekeeping force in that country; and

"Whereas, The United States has been instrumental in the efforts to achieve an agreement between Israel and Lebanon; and

"Whereas, Invasion of Southern Lebanon by Israel resulted in marked reduction in terrorist activities by the Palestine Liberation Organization (PLO) and Syrian troops, saving thousands of Lebanese lives and giving the people of that country hope for the first time in years; and

"Whereas, The unilateral pullback of Israeli troops has been opposed by the United States, and those troops have remained in Lebanon at a great cost of Israel; and

"Whereas, The PLO and Syria have refused to remove their invading forces; and

"Whereas, The removal of all foreign forces is a crucial step in the process of restoring an independent, safe, state of Lebanon; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California encourages and supports the President and the Congress of the United States in all efforts to persuade Syria and the PLO to join the peace process initiated by the United States and Israel, to withdraw troops from Lebanon, and to assist in the efforts to achieve reconciliation of the remaining Lebanese factions presently not united; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of State of the United States, to each Member of Congress, to the Foreign Relations Committee of the United States Senate, and to the Foreign Affairs Committee of the House of Representatives."

POM-443. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Foreign Relations.

"JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO DENOUNCE THE INHUMAN AND GENOCIDAL TREATMENT OF BAHA'IS IN IRAN

"We, your Memorialists, the House of Representatives and Senate of the State of Maine of the First Special Session of the One Hundred and Eleventh Legislative Session assembled, most respectfully present and petition the United States Congress, as follows:

"Whereas, the persecution of members of the Baha'i religious community in Iran has received world-wide attention; and

"Whereas, most recently, the entire civilized world was shocked by the news from Iran of the execution by hanging of women members of the Baha'i faith; and

"Whereas, reports of attempted forced conversions to Islam of Baha'is in Iran and wholesale deliberate starvation of Baha'i communities have been made public; and

"Whereas, executions of Baha'is for no other reason than their religious preference continue in Iran; and

"Whereas, these violations of human rights on the part of the Iranian authorities constitute violations against all civilized norms of behavior, as incorporated within such expressions of world opinion as the United Nations Declaration of Human Rights, and, indeed, violate the very principles of Islam, itself; and

"Whereas, the Baha'i religion has a long and continued association with the State of Maine through the Green Acres Center at Eliot, and other official groups; now, therefore, be it

"Resolved, That We, the Members of the First Special Session of the 111th Legislature, do hereby denounce the inhuman and genocidal treatment of the Baha'is in Iran by the present government of the Ayatollah Khomeini as a "crime against humanity," and we do further resolve that copies of this expression of our outrage and concern be sent to members of our state's delegation in Congress, the President of the United States, the Secretary of State, the Secretary-General of the United Nations and the Permanent Iranian Delegation to the United Nations."

POM-444. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

ASSEMBLY JOINT RESOLUTION No. 88

"Whereas, The lives of American servicemen are being tragically lost in the current conflict in Lebanon, and the toll is increasing due to the precarious position of the peacekeeping force in that country; and

"Whereas, The United States has been instrumental in the efforts to achieve an agreement between Israel and Lebanon; and

"Whereas, Invasion of Southern Lebanon by Israel resulted in marked reduction in terrorist activities by the Palestine Liberation Organization (PLO) and Syrian troops, saving thousands of Lebanese lives and giving the people of that country hope for the first time in years; and

"Whereas, The unilateral pullback of Israeli troops has been opposed by the United States, and those troops have remained in Lebanon at a great cost to Israel; and

"Whereas, The PLO and Syria have refused to remove their invading forces; and

"Whereas, The removal of all foreign forces is a crucial step in the process of restoring an independent, safe state of Lebanon; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California encourages and supports the President and the Congress of the United States in all efforts to persuade Syria and the PLO to join the peace process initiated by the United States and Israel, to withdraw troops from Lebanon, and to assist in the efforts to achieve reconciliation of the remaining Lebanese factions presently not united; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of State of the United States, to each Member of Congress, to the Foreign Relations Committee of the United States Senate, and to the Foreign Affairs Committee of the House of Representatives."

POM-445. A resolution adopted by the city council of the city of Corpus Christi, Tex., relating to the destruction of a civilian airliner by the Soviet Union; to the Committee on Foreign Relations.

POM-446. A resolution adopted by the city council of the city of Corpus Christi, Tex., relating to the destruction of a civilian airliner by the Soviet Union; to the Committee on Foreign Relations.

POM-447. A resolution adopted by the Commonwealth of Massachusetts General Court; to the Committee on the Judiciary.

"RESOLUTIONS MEMORIALIZING CONGRESS TO ENACT LEGISLATION TO PROTECT HUMAN LIFE

"Whereas, the general court has recognized that each unborn child is, from the moment of conception, a distinct and individual human being; and

"Whereas, the general court has consistently shown by its actions that it recognizes the rights of all persons to the full, legal status and protection of human life; and

"Whereas, the fourteenth amendment to the United States Constitution requires the several States to protect each person's right to life; and

"Whereas, said amendment empowers the Congress of the United States with its enforcement; and

"Whereas, the general court, during every year since nineteen hundred and seventy-three, has memorialized the Congress of the United States to act to protect the rights of the unborn: Now, therefore, be it

"Resolved, That the Massachusetts General Court respectfully urges the Congress of the United States to enact legislation to protect human life; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the clerk of the Senate to the President of the United States, the presiding officer of each branch of Congress and to the Members thereof from this Commonwealth."

POM-448. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Labor and Human Resources.

"SENATE CONCURRENT RESOLUTION No. 202

"Whereas, the good services provided by the Rehabilitation Act of 1973, as amended, will cease on September 30, 1983, if the Congress of the United States does not act to continue the provisions of the act. The vocational rehabilitation programs provided by the act are vitally needed by the many handicapped individuals in the United States; and

"Whereas, the ability to provide for oneself and one's family is a necessity of life. Although many people are limited by the availability of employment and educational opportunities, those who are handicapped by cerebral palsy, epilepsy, aphasia, arthritis, blindness, deafness, or other causes face even more severe restraints on making a good living for themselves; and

"Whereas, vocational rehabilitation has been a tremendous asset to countless numbers of these people. The Rehabilitation Act of 1973 has contributed greatly to helping handicapped people, for it has enabled them to acquire the skills they need to lead productive and happy lives. Utilizing to the fullest their talents and abilities, they thereby enrich themselves and all members of society; now, therefore be it

"Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States be memorialized to continue funding the vocational rehabilitation programs of the Rehabilitation Act of 1973, as amended; and be it further

"Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and each member of the Michigan delegation to the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 234. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 672.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs:

John C. Martin, of Virginia, to be Inspector General, U.S. Environmental Protection Agency.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

John C. McGraw, of Pennsylvania, to be Assayer of the Mint of the United States at Philadelphia, Pa.

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HART:

S. 1979. A bill to confirm the boundaries of the Southern Ute Indian Reservation in the State of Colorado and to define jurisdiction within such reservation; to the Select Committee on Indian Affairs.

By Mr. MURKOWSKI:

S. 1980. A bill to recognize the organization known as the Polish Legion of American Veterans, U.S.A.; to the Committee on the Judiciary.

By Mr. McCLURE:

S. 1981. A bill to amend the Small Reclamation Projects Act of 1956, as amended; to the Committee on Energy and Natural Resources.

S. 1982. A bill to extend the expiration date of section 252 of the Energy and Conservation Act; to the Committee on Energy and Natural Resources.

By Mr. CHILES:

S. 1983. A bill to amend the Immigration and Nationality Act to provide special authorities and procedures for the control of immigration emergencies; to the Committee on the Judiciary.

By Mr. PACKWOOD (for himself and Mr. HATFIELD):

S. 1984. A bill to provide for a series of regional Presidential primary elections; to the Committee on Rules and Administraion.

By Mr. MATSUNAGA:

S. 1985. A bill to amend the Internal Revenue Code of 1954 to make certain sales of fuel for use in a taxicab exempt from tax, to make permanent the provision for refund of taxes on the sale of fuel for use in a taxicab, and for other purposes; to the Committee on Finance.

By Mr. SASSER:

S.J. Res. 182. A joint resolution designating the week beginning February 12, 1984, as a time to recognize those volunteers who give of their time to become Big Brothers and Big Sisters to single parent youth; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER (for Mr. MATHIAS):

S. Res. 246. A resolution to congratulate Albert T. DePilla; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HART:

S. 1979. A bill to confirm the boundaries of the Southern Ute Indian Reservation in the State of Colorado and to define jurisdiction within such reservation; to the Select Committee on Indian Affairs.

BOUNDARIES OF SOUTHERN UTE INDIAN RESERVATION

● Mr. HART. Mr. President, on behalf of the Southern Ute Indian Tribe and local and State authorities in the State of Colorado, I am introducing, along with Congressman KOGOVSEK, legislation that offers a reasonable resolution to legal jurisdictional uncertainties within the Southern Ute Reservation in Colorado.

Because of the checkerboard nature of the Southern Ute Reservation—which is composed of a myriad of Indian trust land, private homestead-

ed land—fee patented land—and federally owned land—the jurisdictional status is often unclear, and has occassionally led to minor court challenges. On other checkerboarded Indian reservations in this country, questions concerning the jurisdictional status of fee patented land, for instance, have been resolved only by resorting to lengthy and costly litigation; judicial resolution is never final until it has reached the Supreme Court.

The Southern Ute Indian Tribe has worked together with local law enforcement agencies in the State of Colorado and have agreed in principle to a practical solution resolving jurisdictional disputes that might arise. This will mean that legal disputes can be handled without confusion, and justice can be served more promptly. If Congress—which has the constitutional authority to define Indian reservations—affirms this practical agreement between the Southern Ute and local and State authorities, then years of costly and contentious court challenges on jurisdictional questions can be prevented.

Mr. President, simply put, the purpose of this legislation is twofold: First, to resolve uncertainty over the boundaries of the Southern Ute Indian Reservation and the status of unrestricted land on this reservation; and, second, to avoid long and costly litigation over issues dependent on reservation or Indian country status.

The Southern Ute Indian Reservation boundaries have been modified frequently since the mid-1800's. This bill will clearly define the boundaries of the Southern Ute Reservation so that the purposes of this legislation can be implemented. The Southern Ute Indian Reservation is defined by the 1868 treaty with the United States, the 1874 cession creating the reservation's northern boundary, and the boundary between the Southern Ute and Ute Mountain Ute Reservations; in addition, a small tract of adjoining land to the east of the reservation added by Federal patent in 1967 is included.

According to the agreement reached between the Southern Ute Indian Tribe and local and State authorities, this legislation is designed to clarify jurisdictional questions in three major ways.

First, for the purposes of jurisdiction over persons other than Indians and their property, the Southern Ute Indian Reservation is limited to only Indian trust land. This means that the State of Colorado will have jurisdiction over non-Indians on fee patented land, except in cases involving Federal criminal jurisdiction over non-Indians accused of crimes against Indian victims. Tribal jurisdiction over non-Indians is confined to Indian trust lands.

Second, this legislation limits Federal laws regulating alcohol and trading with Indians to Indian trust land. This will effect the licensing of merchants who sell to Indians, and will be practical to implement since determining whether a merchant is on trust land or fee land is easy.

Third, this legislation provides that the State of Colorado will exercise civil and criminal jurisdication within the town of Ignacio and any other municipality which may, in the future, be incorporated within the Southern Ute Indian Reservation. The essential effect of this will be to subject Indians in Ignacio to State legal jurisdiction to the extent that would be provided in Public Law 83-280.

Finally, this legislation makes two minor clarifications: The jurisdiction over the small tracts of land on which the Southern Ute Indian Agency is located—both Federal and tribal trust land—will be considered to be on Indian trust land; and, the jurisdiction for any right-of-way bounded on both sides by Indian trust land shall be considered Indian trust land, while any other right-of-way will not be considered under Indian trust land jurisdiction.

Mr. President, years of confusion surrounding questions of jurisdiction within the Southern Ute Indian Reservation have indicated the need for a practical resolution. The Southern Ute Indian Tribe has worked with local and State legal authorities in Colorado to design this reasonable solution. By passing this legislation Congress will be putting this sensible agreement into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CONGRESSIONAL PURPOSE

SECTION 1. The purposes of this Act are—

(1) to resolve uncertainty over the boundaries of the Southern Ute Indian Reservation and the status of unrestricted land on such reservation, and

(2) to avoid long and costly litigation over issues dependent on reservation or Indian country status.

INDIAN TRUST LAND DEFINED

SEC. 2. For purposes of this Act, the term "Indian trust land" means any land within the boundaries of the Southern Ute Indian Reservation which—

(1) is held by the United States in trust for the benefit of the Southern Ute Indian Tribe or members of such tribe, and

(2) is owned by the United States and reserved for use or actually used in the administration of Indian affairs.

Any right-of-way bounded on both sides by Indian trust land shall be Indian trust land. Any other right-of-way shall not be Indian trust land.

BOUNDARIES OF THE SOUTHERN UTE INDIAN RESERVATION DEFINED

SEC. 3. The Southern Ute Indian Reservation in the State of Colorado is declared to be the lands defined by and included within the boundaries described as follows:

(1) Bounded on the north by the southern boundary of the lands—

(A) ceded to the United States by certain bands of Ute Indians under the Articles of Convention entered into on September 13, 1873, and ratified by the Act approved April 29, 1874 (18 Stat. 36), and

(B) described in article I of such Articles of Convention.

(2) Bounded on the south by the boundary line between the States of Colorado and New Mexico as described in Article II of the Treaty between the United States and the Ute Indians concluded March 2, 1868, and proclaimed November 6, 1868, (15 Stat. 619).

(3) Bounded on the west by the eastern boundary of the Ute Mountain Ute Indian Reservation.

(4) Bounded on the east by the southernmost 15 miles of the eastern boundary of the lands reserved to the Ute Indians by Article II of the Treaty between the United States and the Ute Indians concluded March 2, 1868, and proclaimed November 6, 1868, (15 Stat. 619), except that the lands east of such boundary in township 32 north, range 1 west, New Mexico principal meridian, that are held by the United States in trust for the benefit of the Southern Ute Indian Tribe are declared to be part of the Southern Indian Tribe are declared to be part of the Southern Ute Indian Reservation.

JURISDICTION OVER RESERVATION

SEC. 4. (a) Any person who is not an Indian and the property of any such person shall be subject to tribal jurisdiction and to the jurisdiction of the United States under section 1152 of title 18, United States Code, only on Indian trust land.

(b) Notwithstanding any other provision of law, any law of the United States related to the sale, possession, introduction, or manufacture of alcoholic beverages or to trading with Indians shall apply, with respect to the Southern Ute Indian Reservation, only on Indian trust land.

JURISDICTION OVER INCORPORATED MUNICIPALITIES WITHIN THE RESERVATION

SEC. 5. The State of Colorado shall exercise criminal and civil jurisdiction within the boundaries of the town of Igancio, Colorado, and any other municipality which may be incorporated within the Southern Ute Indian Reservation, as if such State had assumed such jurisdiction under sections 401 and 402 of the Act approved April 11, 1968 (25 U.S.C. 1321, 1322).●

By Mr. MURKOWSKI.

S. 1980. A bill to recognize the organization known as the Polish Legion of American Veterans, U.S.A.; to the Committee on the Judiciary.

POLISH LEGION OF AMERICAN VETERANS, U.S.A.

● Mr. MURKOWSKI. Mr. President, today I am introducing a bill that would grant a Federal charter to the Polish Legion of American Veterans, U.S.A.

Americans of Polish descent have a long and proud record of service in the U.S. Armed Forces. To date, over 3 million Polish Americans have served

our country in uniform. During the American Revolution, Brig. Gen. Casimir Pulaski was singlehandedly responsible for saving the Revolutionary Army at the Battle of Brandywine. A special infantry regiment during the American Civil War was referred to as the Polish Legion.

Shortly after World War I, groups of veterans of Polish descent formed small social and service organizations around the country. Three principle groups emerged and, in 1931, these organizations united into one veterans' organization, the Polish Legion of American Veterans, U.S.A.

Today the P.L.A.V. has over 9,000 members in 10 States. In 1978, the organization received recognition from the Veterans' Administration as claims agents. Members of the P.L.A.V. perform valuable volunteer services in some 45 Veterans' Administration hospitals. In addition, they serve the community by sponsoring essay and scholarship contests for students, have an aid program for the blind, and collect gifts for men and women of the Armed Forces at Christmas. They have also been instrumental in providing food and medicine to the hard-pressed people of Poland.

The encouragement of charitable organizations such as the P.L.A.V. is vital to the continued well-being of all of our country's citizens, especially at a time of limited public financing. A Federal charter would be most helpful is assisting the organization to expand its volunteer services to our veterans and their survivors.

My distinguished colleague in the House (Mr. ANNUNZIO) has already introduced a similar bill and hearings have been scheduled for next week. I am confident that the bill will be given favorable consideration by the House of Representatives.

Mr. President, I urge my colleagues to support and cosponsor my bill to grant a Federal charter, both to recognize the outstanding work of these fine veterans who have given so much for their country and to encourage the P.L.A.V. to continue their dedicated hard work.●

By Mr. McCLURE:

S. 1981. A bill to amend the Small Reclamation Projects Act of 1956, as amended; to the Committee on Energy and Natural Resources.

SMALL RECLAMATION PROJECTS ACT AMENDMENT

● Mr. McCLURE. Mr. President, with the enactment of the Small Reclamation Projects Act of 1956, Congress created a valuable tool for the development of water and related land resources in the arid Western States. For over 25 years this program has proven invaluable in assisting local entities to develop their land and water resources. The success of the program can best be measured by the strong support which it has received from the water resources community. Since implementation in 1956, 87 projects totaling an investment of $206 million have been completed and there are currently under construction another 20 projects for $133 million. An additional $690 million worth of project proposals are presently in various stages of implementation.

From time to time, it has been necessary for the Congress to raise the ceiling for appropriations under the act. The ceiling is currently $600 million and as can be seen from my previous remarks, it is time once again to increase the amount to accommodate pending applications. The bill that I am introducing today will raise the ceiling by $600 million. I feel I should point out that the appropriations ceiling contained in the act is the cumulative amount of all the loans made since 1956. The payments of principal and interest made by water users are returned directly to the Treasury and not to a revolving fund; hence, there is no apparent reduction in the authorization although the funds are returned to the Government. I might add, in the history of the program, there has never been a single default.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 84-984 is amended as follows:

In Section 10, in the first sentence after "600,000,000" insert "and, effective October 1, 1984, not to exceed an additional $600,000,000".●

By Mr. MATSUNAGA:

S. 1985. A bill to amend the Internal Revenue Code of 1954 to make certain sales of fuel for use in a taxicab exempt from tax, to make permanent the provision for refund of taxes on the sale of fuel for use in a taxicab, and for other purposes; to the Committee on Finance.

EXEMPTION OF TAXICABS FROM TAX ON SALE OF FUEL

Mr. MATSUNAGA. Mr. President, I am today introducing a bill to exempt the sale of fuel to taxicab operators from the Federal fuel excise tax.

Under present law the taxicab industry pays the 9 cents per gallon excise tax on gasoline, diesel, and other fuels and is entitled to a tax rebate of 4 cents per gallon, provided the following conditions set forth in section 6472(e) of the Internal Revenue Code are satisfied: First, a taxicab company may not have a company policy prohibiting shared riding; second, the taxicab company must be the ultimate user of the fuel; third, the case of 1978 or later year model taxicabs acquired after 1978, the fuel economy of the model type of vehicle must exceed the fleet average fuel economy standard under the Motor Vehicle Information and Cost Savings Act. The rebate provision of present law is scheduled to expire on September 30, 1984.

Under the rebate provision of present law, a purchaser who uses the fuel for qualified taxicab services must first pay the excise tax and subsequently file for a refund. This procedure places an unnecessary administrative burden upon both the taxicab operator and the Internal Revenue Service. The bill I am introducing today would do away with this cumbersome procedure and simply make the sale of fuel to taxicab owners tax free. This would save the Federal Government the time and expense of processing and refunding the excise tax and would also reduce the time consuming and expensive requirement for taxicab owners to complete the necessary refund forms.

As the 1978 legislative history of section 6427(e) makes clear, taxicabs are the only available means of public transportation in many suburban areas and smaller towns. In urban areas, the use of taxicabs in intracity travel serves to limit substantially the number of private automobiles on city streets, and thereby ease congestion and parking problems and reduce our gasoline consumption. Despite the important role of the taxicab industry in the public transportation system, taxicabs must frequently compete with certain other forms of public transportation which are fully exempt from the Federal fuel taxes. The bill I am introducing would recognize the important role that the taxicab industry plays in our public transportation system by fully exempting from the applicable excise taxes the sale of fuel for qualified taxicab services and by deleting the sunset provision in current law. The exemption would also be in recognition of the taxicab's very limited use of the Interstate Highway System, which is funded by the Federal fuel excise tax. My bill would also extend the full excise tax exemption to resales of fuel for use by taxicab drivers in qualified taxicab services.

Mr. President, it should be pointed out that current law governing the requirements for qualified taxicab services is contradictory in one respect. While current law encourages shared riding by denying the fuel tax rebate or exemption to taxicab companies with a policy against shared riding, the fuel economy standard for 1978 and later model year taxicabs acquired after 1978 impinges on the policy of shared riding by in effect requiring taxicab companies to purchase and operate smaller size taxicabs. My bill would remove this inconsistency in the present law by deleting the require-

ment of compliance with the unrealistically harsh fuel economy standard as applied to this industry.

In sum, the legislation I am introducing today serves to further the goals of our public transportation system by encouraging the growth and efficient use of our Nation's ground transportation system. In so doing, this bill recognizes the vital role of the taxicab industry in our public transportation system. I urge early and favorable consideration of my bill.

SENATE RESOLUTION 246—TO CONGRATULATE ALBERT T. DE PILLA

Mr. BAKER (for Mr. MATHIAS) submitted the following resolution; which was placed on the calendar by unanimous consent:

S. RES. 246

Whereas Albert T. DePilla, Manager of the United States Botanic Garden Conservatory will, on October 22, 1983, complete 60 years of service to the United States Government including 56 years, 7 months at the Botanic Garden and 3 years, 5 months in the United States Army; and

Whereas Albert T. DePilla has, at all times, discharged his duties and responsibilities with high efficiency and total devotion; and

Whereas Albert T. DePilla's many years of productive service as Manager and horticulturist of the United States Botanic Garden Conservatory have greatly enhanced the beauty of our surroundings; and

Whereas Albert T. DePilla is widely recognized for his artistic floral arrangements and decorations which have added elegance at many special events in the U.S. Capitol, including Presidential inaugural events, luncheons, and state funerals; and

Whereas Albert T. DePilla is an outstanding representative of the United States Botanic Garden in his daily contacts with Members of Congress, their families and staffs, visiting dignitaries, and the general public: Now, therefore, be it

Resolved, That the Senate of the United States extend its appreciation and gratitude to Albert T. DePilla for his long, faithful, and exemplary service to the United States and the Nation.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Albert T. DePilla.

ADDITIONAL COSPONSORS

S. 269

At the request of Mr. MCCLURE, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 269, a bill to provide for the disposal of silver from the National Defense Stockpile through the issuance of silver coins.

S. 591

At the request of Mr. INOUYE, the names of the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Deleware (Mr. ROTH) were added as cosponsors of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee.

S. 764

At the request of Mr. WARNER, the names of the Senator from Oklahoma (Mr. BOREN), and the Senator from Lousiana (Mr. LONG) were added as cosponsors of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportion, and for other purposes.

S. 800

At the request of Mr. STEVENS, the names of the Senator from New Hampshire (Mr. RUDMAN), the Senator from Louisiana (Mr. LONG), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Virginia (Mr. TRIBLE), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from New Jersey (Mr. BRADLEY), the Senator from Indiana (Mr. QUAYLE), the Senator from Maryland (Mr. MATHIAS), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 800, a bill to establish an Ocean and Coastal Development Impact Assistance Fund and to require the Secretary of Commerce to provide to States national ocean and coastal development and assistance block grants from moneys in the Fund, and for other purposes.

S. 914

At the request of Mr. MCCLURE, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 914, a bill to protect firearms owners' constitutional rights, civil liberties, and rights to privacy.

S. 995

At the request of Mr. EXON, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 995, a bill to amend title 38, United States Code, to modify the rule for the commencement of the period of payment of certain adjustments in compensation in the case of hospitalized veterans.

S. 1001

At the request of Mr. COHEN, the names of the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of S. 1001, a bill to authorize appropriations for the office of Federal Procurement Policy for an additional five fiscal years.

S. 1197

At the request of Mr. STEVENS, the name of the Senator from Nevada (Mr. HECHT) was added as a cosponsor of S. 1197, a bill to admit certain passenger vessels to the coastwise trade.

S. 1302

At the request of Mr. HEINZ, the name of the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 1302, a bill to amend title XVIII of the Social Security Act with respect to purchase and rentals of durable medical equipment.

S. 1498

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 1498, a bill to amend title 23, United States Code, to modify the apportionment formula for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System.

S. 1602

At the request of Mr. MCCLURE, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 1602, a bill to amend the Internal Revenue Code of 1954 to provide a partial exclusion for dividends and interest beginning in 1983.

S. 1680

At the request of Mr. GOLDWATER, the names of the Senator from Wisconsin (Mr. KASTEN), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1907

At the request of Mr. HUMPHREY, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1907, a bill to defer congressional pay adjustments until the first March 1 following the beginning of the Congress next following the Congress during which certain actions with respect to pay rates are taken, to provide that appropriations of funds for congressional pay be considered separately from appropriations for other purposes, to require a recorded vote in each House on such appropriations, and for other purposes.

S. 1970

At the request of Mr. WILSON, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Mississippi (Mr. COCHRAN), the Senator from Michigan (Mr. LEVIN), the Senator from California (Mr. CRANSTON), the Senator from Georgia (Mr. MATTINGLY), the Senator from Virginia (Mr. TRIBLE), the Senator from New Hampshire (Mr. RUDMAN), and the Senator from Wyoming (Mr. SIMPSON) were added as cosponsors of S. 1970, a bill to limit the number of legal public holidays to 10.

S. 1977

At the request of Mr. PERCY, the names of the Senator from Arkansas (Mr. PRYOR), and the Senator from Washington (Mr. EVANS) were added as cosponors of S. 1977, a bill to amend the Foreign Trade Zones Act to exempt until June 30, 1986 bicycle component parts which are not reexported from the exemption from the

customs laws otherwise available to merchandise in foreign trade zones.

SENATE JOINT RESOLUTION 112

At the request of Mr. INOUYE, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of Senate Joint Resolution 112, a joint resolution to proclaim the month of March 1984 as National Social Work Month.

S.J. RES. 160

At the request of Mr. BYRD, the names of the Senator from Virginia (Mr. TRIBLE), the Senator from South Carolina (Mr. THURMOND), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S.J. Res. 160, a joint resolution to designate the week of October 17, 1983, through October 24, 1983, as "National Adult Continuing Education Week."

S. CON. RES. 32

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. GARN) was added as a cosponsor of S. Con. Res. 32, a concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol.

S. CON. RES. 69

At the request of Mr. PERCY, the names of the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Alabama (Mr. HEFLIN), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of S. Con. Res. 69, a concurrent resolution expressing the sense of the Congress that the Secretary of Transportation should make available for civilian use certain satellite-directed navigational aids developed by the Department of Defense for the guidance of aircraft.

S. CON. RES. 70

At the request of Mr. HOLLINGS, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Nebraska (Mr. EXON), the Senator from Delaware (Mr. BIDEN), the Senator from Colorado (Mr. HART), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mr. BUMPERS), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Illinois (Mr. DIXON), the Senator from Illinois (Mr. PERCY), the Senator from Indiana (Mr. QUAYLE), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of S. Con. Res. 70, a concurrent resolution expressing the sense of the Congress regarding actions the President should take to commemorate the anniversary of the Ukrainian famine of 1932-33.

At the request of Mr. DOMENICI, the names of the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Ohio (Mr. GLENN), the Senator from Iowa (Mr. GRASSLEY), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of Senate Concurrent Resolution 70, supra.

AMENDMENT NO. 2350

At the request of Mr. BIDEN, his name was added as a cosponsor of Amendment No. 2350 proposed to S. 1342, an original bill authorizing appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes.

AMENDMENTS SUBMITTED

FOREIGN ASSISTANCE AUTHORIZATION

BYRD AMENDMENT NO. 2363

Mr. BYRD proposed an amendment to amendment No. 2350 proposed by him to the bill (S. 1342) to authorize appropriations for the fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes; as follows:

Strike all after line 9 and insert the following:

(b) The heading for section 6 of such Resolution (50 U.S.C. 1545) is amended to read as follows:

"CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL UNDER SECTION 5 (B)".

(c) The heading for section 7 of such Resolution (50 U.S.C. 1546) is amended to read as follows:

"CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL UNDER SECTION 5 (C)".

(d) Section 7 of such Resolution (50 U.S.C. 1546) is amended—

(1) in subsection (a), by striking out "concurrent resolution" each of the two places it appears and insert in lieu thereof "joint resolution or bill";

(2) In subsection (b), by striking out "concurrent resolution" and inserting in lieu thereof "joint resolution or bill";

(3) in subsection (c), by striking out "concurrent resolution" and inserting in lieu thereof "joint resolution or bill"; and

(4) in subsection (d), by striking out "concurrent resolution" each of the two places it appears and inserting in lieu thereof "joint resolution or bill".

(5) by adding at the end thereof "(e) Time for debate on the consideration of a veto message from the President on any such joint resolution or bill shall be limited to ten hours in each House.

PERCY AMENDMENT NO. 2364

Mr. PERCY proposed an amendment to amendment No. 2206 (previously agreed to) to the bill S. 1342, supra; as follows:

Amendment to amendment #2206. Strike out all and insert in lieu thereof the following:

FOREIGN SERVICE BUILDING ACT

SEC.—. The Foreign Service Buildings Act of 1926, as amended, is further amended to add a new Section 11 thereto as follows:

SEC. 11. (a) Eligibility for award of contracts under this Act, or otherwise as authorized by the Secretary, including leaseback or other agreements the purpose of which is to obtain the construction, alteration or repair of buildings and grounds abroad, when estimated to exceed $2,000,000, including any contract alternatives or options:

"(1) Shall be limited, after a determination that adequate competition will be obtained thereby, to (A) American-owned bidders and (B) bidders from countries which permit or agree to permit substantially equal access to American bidders for comparable diplomatic and consular building projects; provided that, generally applicable laws and regulations pertaining to licensing and other qualifications to do business in the country in which the contract is to be performed shall not be deemed a limitation of access for purposes of this subsection; provided further that, if so required by bilateral agreements or by the law of the host country, participation may be available to or be limited to host-country bidders.

"(2) For purposes of determining competitive status, bids qualifying under subsection (b)(1) shall be reduced by ten percentum thereof.

"(3) A determination of adequacy of competition will be made after advance publication by the Secretary of a proposed project subject to this Section and receipt from not less than two prospective responsible bidders of intent to submit a bid or proposal. If competition is not determined to be adequate pursuant to this subsection, contract(s) may be awarded without regard to subsections (a)(1) and (b) of this Section.

"(b) Bidder qualification under this Section shall be determined on the basis of nationality of ownership, the burden of which shall be on any prospective bidder, subject to the following limitations:

"(1) Qualification under subsection (a)(1)(A) shall require evidence of: performance of related construction work in the United States, and (A) ownership in excess of fifty percent by U.S. citizens or permanent residents, or (B) incorporation in the United States for more than three years and employment of United States citizens or permanent residents in more than half of its permanent full-time professional and managerial positions in the United States.

"(2) Qualification under this Section shall be established on the basis of determinations at the time bids are requested. Determinations under this Section shall be committed to the discretion of the Secretary.

"(c) Contracts for construction, alteration or repair in the United States for or on behalf of any Foreign Mission as defined in the Foreign Missions Act of 1982 may, pursuant to the authority of that Act, only be awarded to or performed by bidders qualifying under Section (a)(1)(A) above or bidders from countries which permit or agree to permit substantially equal access to American bidders for comparable projects: *Provided*, That nothing herein shall preclude work to be performed by nationals of the country for which the contract is being performed, otherwise granted the right of entry for that purpose by the Secretary."

PERCY AMENDMENT NO. 2365

Mr. PERCY proposed an amendment to amendment No. 2200 (previously agreed to) to the bill S. 1342, supra; as follows:

Strike all language contained in unprinted amendment No. 2200 and insert in lieu thereof the following:

On page 24, after line 19, add the following new section:

1985 CONFERENCE—U.N. DECADE FOR WOMEN

SEC. 122. The President shall use every available means at his disposal to ensure that the 1985 Conference to commemorate the conclusion of the U.N. Decade for Women is not dominated by political issues extraneous to the goals of the 1985 Women's Conference that would jeopardize U.S. participation in and support for that Conference consistent with applicable legislation concerning U.S. contributions to the U.N. Prior to the 1985 Conference, the President shall report to the Congress on the nature of the preparations, the adherence to the original goals of the Conference, and the extent of any continued U.S. participation and support for the Conference.

HATCH AMENDMENT NO. 2366

Mr. PERCY (for Mr. HATCH) proposed an amendment to amendment No. 2344 (previously agreed to) to the bill S. 1342, supra; as follows:

On page 3, line 8, insert the word "account" the following: "and the Secretary of Labor may make grants to the Endowment with funds appropriated to the Department of Labor".

On page 3, line 23, insert "or the Department of Labor, as the case may be," after 'Agency".

On page 3, line 11, insert after the word "Director" the following: "or Secretary, as the case may be,".

PERCY AMENDMENT NO. 2367

Mr. PERCY proposed an amendment (which was subsequently modified) to the bill S. 1342, supra; as follows:

At the end of the bill add the following new section:

SECTION . Foreign Aid Authorization Requirement.

"SEC. . Notwithstanding any other provision of law, no funds may be appropriated or obligated for United States foreign assistance and security assistance programs in fiscal year 1984 which are in excess of the amounts appropriated in PL 98-107, except (1) if higher amounts are specifically authorized by Congress and (2) that the levels of assistance authorized for Israel and Egypt shall be the levels contained in S. 1347."

CRANSTON AMENDMENT NO. 2368

Mr. PELL (for Mr. CRANSTON) proposed an amendment to the bill S. 1342, supra; as follows:

On page 32, after line 7, add the following new section:

DISTRIBUTION WITHIN THE UNITED STATES OF THE USIA FILM ENTITLED "THANKSGIVING IN PESHAWAR"

SEC. 210. (a) Notwithstanding the second sentence of section 501(a), and so redesignated by section 206 of this Act, of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461(a))—

(1) the Director of the United States Information Agency shall make available to the Administrator of General Services a master copy of the film entitled "Thanksgiving in Peshawar"; and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of the film, the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

PROXMIRE AMENDMENT NO. 2369

Mr. PROXMIRE proposed an amendment to the bill S. 1342, supra; as follows:

At the appropriate place in the bill insert a new section as follows:

No individual may be eligible for appointment as an officer of the National Endowment for Democracy, and no individual may be eligible for employment by the Endowment, if such individual has engaged in any intelligence activity since 1983.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT

PRESSLER AMENDMENT NO. 2370

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment to the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes; as follows:

At the appropriate point in the bill add the following new section:

Notwithstanding any other provision of law, none of the funds provided for international organizations and programs shall be made available for the United States' proportionate share for any programs for the Palestine Liberation Organization, the Southwest Africa Peoples Organization, Cuba, Iran, and Libya.

FOREIGN ASSISTANCE AUTHORIZATION

NICKLES (AND RANDOLPH) AMENDMENT NO. 2371

Mr. NICKLES (for himself and Mr. RANDOLPH) proposed an amendment to the bill S. 1342, supra; as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

REVIEW OF UNITED STATES PARTICIPATION IN THE UNITED NATIONS

SEC. 701. (a) The Congress finds that—

(1) the United Nations was founded for the primary purpose of maintaining international peace and security by encouraging peaceful resolution of disputes and the development of friendly relations among nations;

(2) the United States, as a founding member of the United Nations and the largest contributor to the United Nations, became and remains a member of the United Nations in order to contribute to collective efforts among the nations of the world to realize the ends of international peace and security;

(3) the United States is committed to upholding and strengthening the principles and purposes of the United Nations Charter upon which the United Nations was founded.

(b) It is the sense of the Congress that—

(1) a review of United States participation in the United Nations is urgently called for with a view to examining—

(A) the extent and levels of United States financial contributions to the United Nations;

(B) the importance of the United Nations, as presently constituted to fulfilling the policies and objectives of the United States;

(C) the benefits derived by the United States from participation in the United Nations;

(2) the President should review and make recommendations to the Congress regarding the matters described in this section by June 30, 1984; and

(3) the Secretary of State should communicate to the member states of the General Assembly of the United Nations the policy contained in this section.

KASSEBAUM (AND OTHERS) AMENDMENT NO. 2372

Mrs. KASSEBAUM (for herself, Mr. TSONGAS, and Mr. RANDOLPH) proposed an amendment to the bill S. 1342, supra, as follows:

At the end of the bill, add the following:

SEC. . This title may be cited as the "Peace Corps Strategy Commission Act."

FINDINGS

(1) during the past twenty-two years, the Peace Corps has been a valuable and well-accepted program by establishing person-to-person relationships between Americans and host country partners in Africa, Asia, and Latin America, and by contributing to the development of these other countries, especially at the local level, through the provision of skilled manpower;

(2) relations among countries have changed significantly since the establishment of the Peace Corps, and the needs of the people of the United States and Third World countries have changed accordingly;

(3) at a time when conflict and alienation among countries are increasing and poverty is part of the conflict, the mutual assistance and learning that the Peace Corps fosters among the people of the United States and Third World countries have become an increasingly important asset to promoting world peace and friendship; and

(4) in the light of these changes, the purpose and programs of the Peace Corps should be reviewed in order to ensure that the Peace Corps utilizes its experience to face the demands of the future.

PURPOSE

SEC. . It is the purpose of this Act to establish a Commission—

(1) to evaluate the potential and future role of the Peace Corps as it commemorates

its twenty-fifth anniversary, in particular by—

(A) evaluating the accomplishments and experience of the Peace Corps since its establishment; and

(B) examining options for the future direction of the Peace Corps which ensure that the purpose and programs of the Peace Corps are responsive to the changing needs in development and relationships among peoples; and

(2) to provide for public participation in the evaluation described in paragraph (1), especially from individuals and private sector organizations and institutions, and to focus national attention on the importance of volunteer service through a Peace Corps that contributes to development and the establishment of international relations among peoples at the local level.

ESTABLISHMENT

SEC. . There is established a commission to be known as the Peace Corps Strategy Commission (hereinafter in this Act referred to as the "Commission").

DUTIES OF COMMISSION

SEC. . The Commission shall—

(1) evaluate the performance of the Peace Corps since its establishment in 1961, examining such factors as—

(A) the impact the Peace Corps has had in developing countries;

(B) the benefits to the United States from the experience gained abroad by Peace Corps volunteers;

(C) the appropriateness of volunteer, staff, and financial resources available to the Peace Corps, and of the organization and administration of the Peace Corps, in performing its purpose effectively;

(D) the appropriateness of the selection and training of volunteers and staff for their work abroad and at the Peace Corps offices in the United States; and

(E) the relationship of the Peace Corps to other public and private, domestic and international organizations; and

(2) evaluate the future of the Peace Corps, examining such factors as—

(A) the changing needs of other countries and how to adjust the programs of the Peace Corps to those needs;

(B) the changing needs of Americans to gain a better understanding of other peoples and countries, and how to adjust the programs of the Peace Corps accordingly;

(C) the needs of individual volunteers both during their service and after returning from their tour of duty with the Peace Corps;

(D) the volunteer and staff manpower, program diversity, financing, organization, and management necessary to meet the changing needs of other countries and of American society;

(E) opportunities to attract wider participation in Peace Corps programs by women, minorities, private enterprise, and senior citizens; and

(F) the appropriate future relationship of the Peace Corps with other public and private, domestic and international organizations and institutions;

and taking into account relevant studies and proposed legislation regarding the Peace Corps, including legislation to reform the Peace Corps and to create a "Peace Corps Academy" to prepare volunteers for service abroad.

MEMBERSHIP

SEC. . (a) The Commission shall be composed of fifteen members appointed from among individuals who represent different professional and cultural backgrounds and political persuasions. Not less than six members shall be former Peace Corps volunteers.

(b) The members of the Commission shall be appointed as follows:

(1) Two members, one of whom shall be a former Peace Corps volunteer, shall be appointed by the majority leader of the Senate, and two members, one of whom shall be a former Peace Corps volunteer, shall be appointed by the minority leader of the Senate.

(2) Two members, one of whom shall be a former Peace Corps volunteer, shall be appointed by the Speaker of the House of Representatives, and two members, one of whom shall be a former Peace Corps volunteer, shall be appointed by the minority leader of the House of Representatives.

(3) Seven members shall be appointed by the President, two of whom shall be former Peace Corps volunteers.

The first appointments pursuant to this subsection of all the members of the Commission shall be made not later than sixty days after the date of the enactment of this Act.

(c) Members shall be appointed for the life of the Commission.

(d) A vacancy in the Commission shall be filled, not later than sixty days after the vacancy occurs, in the manner in which the original appointment was made.

(d)(1) Except as provided in paragraph (2), each member of the Commission shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which such member is engaged in the actual performance of the duties of the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) The President shall appoint a Chairman and a Vice Chairman from among the members.

(g) Seven members of the Commission shall constitute a quorum.

(h) The Commission shall meet at the call of the Chairman or a majority of its members.

DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS

SEC. . (a) Subject to such rules as may be adopted by the Commission, the Chairman of the Commission, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power to—

(1) appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule under section 5316 of title 5, United States Code;

(2) appoint and fix the compensation of such personnel as the Chairman considers necessary; and

(3) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.

(b) Upon the request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

POWERS OF COMMISSION

SEC. . (a) The Commission may, for purposes of carrying out this Act, hold such public hearings, sit and act at such times and places, take such testimony, and receive such evidence, in the United States, as the Commission considers advisable. The Commission may also consult with Members of Congress, with officers, employees, volunteers, and former volunteers of the Peace Corps who are in the United States, and with nationals of host countries of the Peace Corps. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) When so authorized by the Commission, any member or agent of the Commission may take such action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any Federal agency information necessary to enable the Commission to carry out this Act. Upon request of the Chairman, the head of any such Federal agency shall furnish such information to the Commission.

(d) The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

REPORTS

SEC. . (a) The Commission shall transmit to the President and to each House of Congress such interim reports on the activities of the Commission as the Commission considers appropriate and shall transmit a final report to the President and to each House of Congress not later than one year after the date on which appropriations first became available to carry out this Act. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as the Commission considers appropriate.

(b) Not later than ninety days after the final report has been transmitted by the Commission to each House of Congress, the President shall transmit to each House of Congress a report containing a detailed statement regarding any actions taken to implement the recommendations of the Commission, together with any further recommendations for legislation and administrative actions as the President considers appropriate.

TERMINATION

SEC. . The Commission shall cease to exist ninety days after transmitting its final report under section .

AUTHORIZATION OF APPROPRIATIONS

SEC. . There is authorized to be appropriate to carry out this Act, $750,000 for fiscal year 1984. Amounts appropriated under this section are authorized to remain available until expended. The Commission may accept private contributions of funds,

which are authorized to be expended to carry out this Act.

DEFINITION

SEC. . For purposes of this Act, the term "Federal agency" means any agency, department, or independent establishment in the executive branch of the Federal Government, including any Government corporation.

BOSCHWITZ AMENDMENT NO. 2373

Mr. BOSCHWITZ proposed an amendment to the bill S. 1342, supra; as follows:

On page 2, line 8, strike out "$1,478,713,000" and insert in lieu thereof "$1,480,213,000".

On page 2, line 9, strike out "$1,478,713,000" and insert in lieu thereof "$1,480,213,000".

On page 24, between lines 19 and 20, insert the following:

TRANSFER OF FUNCTIONS

SEC. 122. (a) The functions of the President under section 116(e) of the Foreign Assistance Act of 1961 which were carried out by the Administrator of the Agency for International Development immediately before the date of enactment of this Act are transferred to the Secretary of State, acting through the Assistant Secretary for Human Rights and Humanitarian Affairs.

(b)(1) Of the amounts authorized to be appropriated for the fiscal year 1984 and 1985 by paragraph (1) of section 102, $1,500,000 for each such fiscal year shall be available only to carry out the functions transferred under subsection (a).

(2) Of the amounts authorized to be appropriated to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 for the fiscal years 1984 and 1985, $1,500,000 for each such fiscal year shall be available only to carry out the functions transferred under subsection (a).

(c)(1) All orders, determinations, rules, regulations, grants, contracts, agreements, permits, licenses, privileges, and other actions which have been issued, granted, made, undertaken, or entered into in the performance of any function transferred under subsection (a) shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any authorized official, a court of competent jurisdiction, or by operation of law.

(2) No suit, action, or other proceeding lawfully commenced by or against any office, bureau, or officer of the United States acting in his official capacity shall abate by reason of the transfer under subsection (a).

(d) There are transferred to the Bureau of Human Rights and Humanitarian Affairs of the Department of State all officers, employees, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under subsection (a).

(e) The provisions of this Act shall take effect 30 days after the date of enactment of this Act.

LEVIN AMENDMENTS NOS. 2374 AND 2375

Mr. LEVIN proposed two amendments to the bill S. 1342, supra; as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

POLICY ON THE PROCESSING OF REFUGEES

SEC. 701. (a) The Congress finds that—

(1) there are an estimated 8 million refugees in the world today;

(2) the number of refugees continues to increase;

(3) some refugees could be resettled in countries whose governments have indicated a willingness to accept them;

(4) the processing of refugees can be unnecessarily slow, thereby delaying resettlement; and

(5) most countries that have a large concentration of refugees receive United States aid.

(b) It is the sense of the Congress that the President should—

(1) inform the governments of countries that have large concentrations of refugees and receive United States aid that the Government of the United States is concerned about the proper and efficient processing of refugees; and

(2) urge such governments to process as expeditiously as possible those refugees who would be welcomed for resettlement in other countries.

AMENDMENT NO. 2375

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

RESOLUTION ON RAOUL WALLENBERG AND JAN KAPLAN

SEC. 701. (a) The Congress finds that—

(1) The Soviet Union arrested one of the great heroes of modern times in 1945 when they arrested Raoul Wallenberg;

(2) Raoul Wallenberg was a Swedish diplomat who, at great personal risk, had acted to save hundreds of thousands of Hungarian Jews from the Nazi Holocaust;

(3) Raoul Wallenberg took these actions as a humanitarian and with the knowledge, consent and financial assistance of the U.S. government;

(4) Raoul Wallenberg has recently been made an honorary citizen of the United States;

(5) The Soviet Union has changed their story a number of times about the whereabouts of Raoul Wallenberg;

(6) The most recent position of the Soviet Union is that he died in 1947;

(7) There are many eyewitnesses who have testified that they saw Raoul Wallenberg in Russian prisons and hospitals in the decades since the 1940s;

(8) One of the most recent eyewitnesses was Jan Kaplan, a Russian refusnik who shortly after his release from a Soviet jail in 1977, phoned his daughter, Dr. Anna Bilder, in Israel and reported that he had met a Swede in prison who had survived 30 years in the Gulag;

(9) During the next two years, Anna Bilder received no further word from or about her father;

(10) In 1977, Jan Kaplan's wife smuggled a letter to Dr. Bilder informing her that Jan Kaplan had been rearrested because of a letter he had tried to smuggle to her about Raoul Wallenberg;

(11) In 1980, the Swedish government sent an official request to interview Jan Kaplan;

(12) The Soviets made no response to this request;

(13) The whereabouts of Jan Kaplan are not known;

(14) The Government of the Soviet Union refuses information about Jan Kaplan;

(15) Jan Kaplan could provide valuable information about Raoul Wallenberg;

(b) It is the sense of the Congress that the President, acting directly or through the Secretary of State, should take all possible steps at all appropriate times to ascertain the whereabouts of Jan Kaplan and to request an interview with him in order to learn more concerning the whereabouts of Raoul Wallenberg, a heroic Swedish and American citizen.

INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1984

WILSON AMENDMENT NO. 2376

Mr. WILSON proposed an amendment to amendment No. 2353 proposed by Mr. MELCHER to the amendment of the House to the amendment of the Senate to the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes; as follows:

At the end of the amendment numbered 2353 to the bill, H.R. 3363, add the following:

SEC. 113. (a) No funds in this or any other Act may be expended by the Department of the Interior for the lease or sale of lands within the Department of the Interior Southern California Planning Area described in (1) through (4) below. No funds may be expended for lease or sale of lands within the area described in (1) through (4) so long as adjacent State Tidelands continue to be designated as State Oil and Gas Leasing Sanctuary pursuant to Sec. 6871.1 et seq. of the California Public Resources Code, or the State Lands Commission does not enter into any lease for the extraction of oil or gas on State-owned tide and submerged lands within the areas described:

(1) an area of the Department of the Interior Southern California Planning Area off the coastline of the State of California Oil and Gas Leasing Sanctuary as described by Sec. 6871.1 et seq. of the California Public Resources Code in effect September 29, 1983, and extending from the seaward extension of the northerly city limits of the City of Newport Beach south to the southerly boundary of the State of California and from the base line (defined as the seaward limit of the California State Tidelands) and which is described by a line, every point of which is at least three miles seaward of the seaward limit of the California State Tidelands;

(2) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of Santa Monica Bay defined in subparagraph (A) or (B), whichever lies further from the seaward limit of the California State Tidelands:

(A) an area located off the coastline of the State of California Oil and Gas Leasing Sanctuary as described by Sec. 6871.2(a) California Public Resources Code in effect September 29, 1983, and extending from the base line (defined as the seaward limit of the California State Tidelands) and which is described by a line, every point of which is three miles seaward of the nearest point of the base line and which is located between the lines extended due south from the eastern and western boundaries of the sanctuary; or

(B) an area located of the coastline of the State of California Oil and Gas Leasing Sanctuary as described by Sec. 6871.2(a) California Public Resources Code in effect September 29, 1983, and which lies shoreward of a straight line between the northeast corner of block 42N, 50W, and the midway point between the northwest corner of block 36N, 42W, and the southeast corner of block 37N, 43W on the California (Lambert) Plane Coordinate System.

(3) an area within the boundaries of the Channel-Island National Marine Sanctuary, as defined by title 15, part 935.3 of the Code of Federal Regulations; and

(4) an area within the boundaries of the Santa Barbara Channel Ecological Preserve and Buffer Zone, as defined by the Department of the Interior, Bureau of Land Management Public Land Order 4587 (Vol. 34, page 5655, Federal Register March 26, 1969).

(b) Until January 1, 1985, no funds may be expended by the Department of the Interior for the lease or sale of lands in OCS Lease Sale No. 80 which lie within an area located off the coastline of the State of California Oil and Gas Leasing Sanctuary as defined by Sec. 6871.1 et seq. California Public Resources Code in effect September 29, 1983, from the City of Newport Beach south to the southerly boundary of the State of California and extending from the base line (defined as the seaward limit of the California State Tidelands) and which is described by a line, every point of which is 9 miles seaward of the seaward boundary of the California State Tidelands.

(c) Until January 1, 1985, no funds provided in this title may be expended by the Department of the Interior for the lease or sale of lands within the Department of the Interior Southern California Planning Area, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of Santa Monica Bay, State of California, which lies within a line on the California (Lambert) Plane Coordinate System beginning at the point of intersection of a seaward extension of the boundary line between Los Angeles County and Ventura County with the seaward limit of the California State Tidelands: thence south to the midpoint of block 40 north, 52 west; thence diagonally southeast to the southeast corner of block 35 north, 44 west; thence due east to the first point of intersection with a line extended due south from Point Fermin along the eastern boundary of the State of California Oil and Gas Sanctuary in effect on June 1, 1982; thence north along that line to the first point of intersection with the seaward boundary of the California State Tidelands; thence northwesterly to the point of beginning along the seaward boundary of the California State Tidelands.

(d) This section shall not affect the authority of the Secretary of the Interior to approve any plan, or to grant any license or permit which is restricted to scientific exploration or other scientific activities, or preleasing activities necessary up to the point of sale.

(e) Leasing within the Department of the Interior's Southern California Planning Area under funding provided in this title shall be conducted according to the stipulations similar to those agreed upon in the Lease Sale 73 memorandum of agreement between the State of California and the Department of the Interior, unless the Governor of California and the Secretary of the Interior agree that other provisions are more appropriate.

(f) In OCS Lease Sale 80, lease or sale of lands affecting the responsibilities of the Department of Defense shall be with the concurrence of the Secretary of Defense.

FOREIGN ASSISTANCE AUTHORIZATION

ZORINSKY AMENDMENT NO. 2377

Mr. ZORINSKY proposed an amendment to the bill S. 1342, supra; as follows:

On page 32 after line 7, insert the following:

SEC. 210. Notwithstanding any other provision of law not more than $20,000 of the funds authorized to be appropriated to the United States Information Agency for fiscal year 1984 or fiscal year 1985 shall be available for domestic representation or entertainment expenses, including official receptions.

MATHIAS (AND OTHERS) AMENDMENT NO. 2378

Mr. MATHIAS (for himself, Mr. BENTSEN, Mr. BIDEN, Mr. BRADLEY, and Mr. MOYNIHAN) proposed an amendment to the bill S. 1342, supra; as follows:

On page 24, between lines 19 and 20, insert the following:

PREPUBLICATION REVIEW OF WRITINGS OF FORMER FEDERAL EMPLOYEES

SEC. 122. The head of a department or agency of the Government may not, before April 15, 1984, enforce, issue, or implement any rule, regulation, directive, policy, decision, or order which (1) would require any officer or employee to submit, after termination of employment with the Government, his or her writings for prepublication review by an officer or employee of the Government, and (2) is different from the rules, regulations, directives, policies, decisions, or orders (relating to prepublication review of such writings) in effect on March 1, 1983.

DOLE AMENDMENT NO. 2379

Mr. DOLE proposed an amendment to amendment No. 2344 to the bill S. 1342, supra; as follows:

On page 5, between lines 7 and 8, insert the following:

(d)(1) Notwithstanding subsection (c), no member of the Board, officer or staff member of the Endowment, other than an elected member of Congress, shall be entitled to receive compensation or shall be allowed travel expenses for travel made in connection with the Endowment while such person is serving as an officer or employee of the United States.

Redesignate subsequent subsection accordingly.

DOLE AMENDMENT NO. 2380

Mr. DOLE proposed an amendment to the bill S. 1342, supra, as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS
DESIGNATION OF CHAIRMAN OF THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SEC. 701. Section 3 of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe," approved June 3, 1976 (90 Stat. 661), is amended—

(1) by inserting "(a)" after "Sec. 3.";

(2) by striking out the second sentence of paragraph (1); and

(3) by adding at the end thereof the following:

"(b) Beginning with the start of the first calendar year after the date of enactment of the Department of State Authorization Act, Fiscal Years 1984 and 1985, the Speaker of the House of Representatives shall designate one of the members of the Commission on Security and Cooperation in Europe appointed from the House of Representatives to serve as chairman during each odd-numbered calendar year and the President of the Senate, on the recommendation of the Majority Leader, shall designate one of the members of the Commission appointed from the Senate to serve as chairman during each even-numbered calendar year.

WALLOP (AND HELMS) AMENDMENT NO. 2381

Mr. WALLOP (for himself and Mr. HELMS) proposed an amendment to the bill S. 1342, supra; as follows:

At the end of the bill insert the following:

(a) Notwithstanding any provision of law the President is authorized to deny to the Soviet Union the ownership, possession or use of that land and improvements thereon in the District of Columbia known as the Mount Alto embassy site.

(b) The President shall at minimum deny to the Soviet Union the use of the land and improvements described in subsection (a) unless he certifies that the United States has acquired in the Soviet Union land and improvements of substantially equal character, including location, and such other factors as shall be described in such certification.

HELMS AMENDMENTS NOS. 2382 THROUGH 2384

Mr. HELMS proposed three amendments to the bill S. 1342, supra; as follows:

AMENDMENT NO. 2382

Page 24 after line 19, insert the following:

"The Secretary of State, with the concurrence of the Director of the Office of Personnel Management, shall provide for an independent position classification audit of a significant portion of Foreign Service positions in the agencies employing the Foreign Service personnel system. The study, the results of which shall be reported to the Congress, shall take expressly into account job factors relating to service abroad and to the compensation practices applicable to United States citizens employed abroad by United

States corporations; and shall include conclusions on the pay comparability of Foreign Service and Civil Service positions carrying similar responsibilities and requiring similar expertise and experience.".

AMENDMENT No. 2383

At the end of Title ——, add the following new section:

"( ) No funds authorized to be appropriated under the provisions of this title shall be used for lobbying or propaganda which is directed to influence public policy decisions of the Government of the United States or any State or locality thereof."

AMENDMENT No. 2384

On page 25, line 11, insert after the period the following: "Not less than $1 million in fiscal year 1984 and $1 million in FY 1985 shall be earmarked for the employment of 20 professional internal auditors for the United States Information Agency in excess of any internal auditors employed by the United States Information Agency during FY 1983."

"Sec. . Paragraph (1) of section 2 of the Inspector General Act of 1978 is amended by adding after "Small Business Administration," the following: "the United States Information Agency,".

BOSCHWITZ AMENDMENT NO. 2385

Mr. BOSCHWITZ (for himself, Mr. GLENN, Mr. JEPSEN, Mr. DIXON, Mr. PRESSLER, Mr. HUMPHREY, Mr. PRYOR, Mr. BUMPERS, Mr. KENNEDY, Mr. CRANSTON, Mr. PROXMIRE, Mr. HART, Mr. BINGAMAN, and Mr. COHEN) proposed an amendment to the bill S. 1342, supra; as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

POLICY TOWARD THE EXPORT OF NUCLEAR-RELATED EQUIPMENT, MATERIALS, OR TECHNOLOGY TO INDIA, ARGENTINA, AND SOUTH AFRICA

SEC. 701. It is the sense of Congress that the United States Government should disapprove the export of, and should suspend or revoke approval for the export of, any nuclear-related equipment, material, or technology, including nuclear components and heavy water, to the Governments of India, Argentina, or South Africa until such time as such government gives the Government of the United States stronger nuclear nonproliferation guarantees. Such guarantees should include—

(1) reliable assurances by such government that it is not engaged in any program leading to the development, testing, or detonation of nuclear explosive devices; and

(2) agreement by such government to accept international safeguards on all its nuclear facilities.

PERCY (AND OTHERS) AMENDMENT NO. 2386

Mr. PERCY (for himself, Mr. MOYNIHAN and Mr. MCCLURE) proposed an amendment to amendment No. 2385 proposed by Mr. BOSCHWITZ (for himself and others) to the bill S. 1342, supra; as follows:

At the end of the amendment add the following:

In exceptional cases, when such equipment, material or technology is necessary to protect the health and safety of operations in existing civilian nuclear facilities under international safeguards, the President may determine that the equipment, material or technology is not available from a foreign supplier and that for humanitarian and safety reasons the United States should provide it.

LEAHY AND OTHERS AMENDMENT NO. 2387

Mr. LEAHY (for himself, Mr. LAUTENBERG, Mr. PELL, and Mr. BRADLEY) submitted an amendment to the bill S. 1342, supra, as follows:

On page 24, line 19, add the following:

(A) Congress finds that:

Section 122: (1) On December 2, 1980, four United States citizen churchwomen were murdered in El Salvador.

(2) The certification law (P.L. 97-113) requires that the Government of El Salvador make "good faith efforts both to investigate the murders . . . and to bring to justice those responsible for those murders" before aid to El Salvador can continue.

(3) The Administration's current certification report admits to "disappointing progress" in the case and concedes a "virtual breakdown in criminal justice" in El Salvador.

(4) The prosecution of those accused of the murders of the four American churchwomen has been plagued by consistent neglect, professional incompetence, and a steadfast unwillingness to enforce El Salvador law.

(5) The vigorous prosecution and effective trial of those accused of murdering the four churchwomen will promote criminal justice throughout El Salvador and encourage similar efforts to pursue the murderers of other American citizens, Salvadoran Archbishop Oscar Romero, and tens of thousands of Salvadoran civilians.

(6) It is the sense of the Congress that the United States Government shall call upon the Government of El Salvador,

(a) To appoint a special prosecuting attorney to oversee the comprehensive investigation of those responsible for murdering the four American churchwomen and to prepare a thorough and effective prosecution against them, and

(b) To assure the United States Government that those accused will be brought before a jury trial by December 2, 1983.

PRESSLER AMENDMENT NOS. 2388 AND 2389

Mr. PRESSLER submitted amendments to the bill S. 1342, supra, as follows:

AMENDMENT No. 2388

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

STUDY OF UNITED NATIONS FUNDING

SEC. 701. (a) The Secretary of State shall conduct a study of each program, project, and activity carried out by or under the auspices of the United Nations or of any of its specialized agencies to determine whether assessments paid and contributions made by the United States to the United Nations or any of its specialized agencies directly or indirectly benefits the Palestine Liberation Organization or the South West Africa Peoples Organization.

(b) Not later than June 15, 1984, the Secretary of State shall prepare and transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate a report setting forth the findings of the study conducted under subsection (a).

AMENDMENT No. 2389

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

RESTRICTION ON AVAILABILITY OF FUNDS FOR THE UNITED NATIONS

SEC. 701(b). None of the funds authorized to be appropriated by this Act may be made available for any program, project, or activity carried out by or under the United Nations or any of its specialized agencies on or after the date of enactment of this Act if the President certifies both Houses of Congress that such program, project, or activity poses a threat to the national security or vital economic interests of the United States.

HATCH AMENDMENT NO. 2390

Mr. PERCY (for Mr. HATCH) submitted an amendment to the bill S. 1342, supra, as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

REPORTING REQUIREMENT

SEC. 701. (a) Not later than January 31 of each year, or at the time of the transmittal by the President to the Congress of the annual presentation materials on foreign assistance, whichever is earlier, the President shall prepare and transmit to the Speaker of the House of Representatives and the President of the Senate a full and complete report which assesses, with respect to each foreign country associated with the United States in a bilateral or multilateral defense pact or other security arrangement, the effectiveness of the contribution that the government of each such country made during the preceding twelve-month period to the defense pact or arrangement. Such report shall include—

(1) a discussion of whether the national security policies and military structure of each such country are effectively designed to deal with the most likely and significant threats to its security;

(2) a description of the quality and quantity of each such country's contribution to its own defense in terms of personnel, procurement, exercises, training as well as support activities and facilities access arrangements which are designed to assist the United States in defense of each such country against aggression; and

(3) a description of the extent to which United States assistance to each such country contributes to its capabilities to deal with the most likely and significant threats to its security.

PELL AMENDMENT NO. 2391

Mr. PELL proposed an amendment to the bill S. 1342, supra; as follows:

Strike from line 16, page 31 through line 7 on page 32.

On page 27, strike line 17 and insert in lieu thereof "CHARTER FOR THE BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS".

NOTICES OF HEARINGS

SUBCOMMITTEE ON TRANSPORTATION

Mr. COCHRAN. Mr. President, section 319 of the Department of Transportation and Related Agencies Appropriations Act, 1984 (Public Law 98-78), required the Federal Aviation Administration to submit a detailed, site-specific, and time-phased plan for all facility closures or consolidations over the next 3 years. That plan has been submitted to the Appropriations Subcommittee on Transportation. Any Senator may receive a copy by calling the FAA. In summary, the plan calls for closing 104 flight service stations, 52 control towers, and 16 other facilities. A total of 41 new facilities will be opened, including 37 flight service stations.

Section 319 of Public Law 98-78 prohibits FAA from closing any facilities prior to December 1, 1983, and provides that any closure or consolidation questioned in writing by the House or Senate Committees on Appropriations or by any legislative committee of jurisdiction shall be delayed until at least April 15, 1984.

I wish to inform the Senate that the Transportation Appropriations Subcommittee plans to hold a hearing on Tuesday, November 1, 1983, with the Department of Transportation to review the facility consolidation plan.

ADDITIONAL STATEMENTS

CELEBRATING 40 YEARS OF DEDICATION TO HUMAN RIGHTS

● Mr. LEVIN. Mr. President, it gives me great pleasure to commemorate the 40th anniversay of the oldest municipal civil rights agency in the country—the Detroit Human Rights Commission and Department. This celebration not only honors 40 years of struggle for equality and human rights, but is a rededication to that commitment by the Detroit community.

Born, out of the 1943 riots and called the "Mayor's Interracial Committee," the group immediately dedicated itself to the pursuit of equality and fairness, attacking civil violence and promoting educational efforts. Over the years, the responsibilities have increased as the commission continues to act as a protector of civil and human rights. In 1954, the agency was renamed the "Commission on Community Relations" and its duties expanded to include the power to intervene in situations of discrimination in housing, health care, and employment.

On July 1, 1974, Detroit implemented its new charter and the agency took its present name. The agency's coverage expanded to include discrimination based on race, sex, national origin, creed, age, and handicap. The agency also acts as investigator in complaints concerning discrimination and monitors the affirmative action efforts of city departments and contractors doing business with the city.

As a Detroit city council president for 4 years, it was a pleasure to work with the Detroit Human Rights Commission and Department. I convey special recognition to this distinguished organization as they celebrate 40 years of productive progress in achieving equality and protecting the human rights of all individuals.●

STRATEGIC MYTHS?

● Mr. GARN. Mr. President, on October 2, the Washington Post published an article by Alton Frye entitled "Strategic Myths Mislead Reagan." Mr. Frye did the President and his advisers an injustice by falsely accusing them of being misinformed on the key strategic issues facing our country today.

I was, therefore, happy to see that Under Secretary of Defense for Research and Engineering, Richard DeLauer, and Kathleen Troia, an assistant to the Secretary of Defense, have responded publicly in order to correct the misconceptions left by Mr. Frye. Their response, "Strategic Balance: Whose Myths," was published by the Post this past Saturday, October 15. Dr. DeLauer and Ms. Troia make clear that Mr. Frye misrepresented the administration's positions by manipulating the data to bolster his own assertions; and by failing to get to the heart of the problem—by ignoring the implications the Soviet nuclear buildup has for America's ability to deter war.

Mr. President, I ask that the response to Mr. Frye's article be printed in the RECORD.

The response follows:

STRATEGIC BALANCE: WHOSE MYTHS?

Alton Frye's article, "Strategic Myths Mislead Reagan" [Outlook, Oct. 2], would have been more aptly titled "Strategic Myths by a Misled Alton Frye." He went to great lengths to argue that policymakers in the Reagan administration have been "systematically misinformed on key issues" of the U.S.-Soviet strategic balance. He did so by misrepresenting the administration's positions; by manipulating the data to bolster his own assertions; and by failing to get to the heart of the problem—by ignoring the implications the Soviet nuclear buildup has for America's ability to deter war.

Frye quotes a Defense Department official as stating that "three-fourths of U.S. warheads are on systems that are 15 years old or more" and claims this is a "dreadful distortion" since most of our "missiles are from one to 13 years of age." The dreadful distortion Frye refers to can only be his own, since he apparently confuses the difference between a missile and a system. A missile is only one of several components of a system, and system age depends on its oldest component. Three-fourths of our warheads are on submarines and bombers—the last Poseidon submarine was deployed in 1967 and the last B52 bomber in 1962. Of course, system age is not the only argument for modernizing our strategic forces—and we have not claimed it as such.

In fact, missile age, which Frye cites, also illustrates well the serious problem we face—that the Soviet Union has been consistently modernizing its forces over the last decade, while we have not. Frye correctly notes that the newest Minuteman III and Poseidon missiles are about the same age as the oldest Soviet SS17, SS18 and SS19. But he conveniently fails to mention that since the time we completed our Minuteman III and Poseidon deployment, the Soviets have deployed an additional 4,000-5,000 highly accurate land-based warheads in hardened silos.

Frye also implies that the administration has tried to dupe the public on the size of our strategic nuclear arsenal. Nothing could be further from the truth. We have simply stated what is true: the total number of weapons in our nuclear stockpile has declined by one-third since 1967. We have not even suggested—as Frye would have The Post's readers believe—that this reduction is solely attributable to retirement of strategic nuclear weapons. Furthermore, the total megatonnage of our stockpile, which includes our strategic forces, has been reduced by 75 percent since 1960.

Ultimately, the size of the strategic component of our stockpile—as well as that of our intermediate-range weapons—will be decided in the START and INF negotiations, where we are, in fact, seeking substantial bilateral reductions of U.S. and Soviet arsenals.

All these facts, figures and equations aside, the real point of this debate is whether the United States has, and is seen to have, sufficient retaliatory capability in its strategic forces to deter the Soviets from initiating an attack against us and our allies. As the Scowcroft commission report so eloquently stated, "Deterrence is not an abstract notion amenable to simple qualification. . . . Deterrence is the set of beliefs in the minds of the Soviet leaders, given their own values and attitudes, about our capabilities and our will. It requires us to determine, as best we can, what would deter them from considering aggression, even in a crisis—not to determine what would deter us.

Instead of invoking the Scowcroft commission report, Frye would have done better to quote it. Contrary to his allusions, the report recommended that we deploy "MX missiles in current Minuteman silos." It is the conclusion of this administration, the Joint Chiefs of Staff, a bipartisan majority in Congress as well as the bipartisan Scowcroft commission that we must begin to modernize all three components of our current strategic forces, in addition to our systems for warning, command and control, in order to maintain an effective deterrent in the years to come.

In his rush to manipulate the facts, Frye has lost sight of the real point of the debate. Before accusing others of "false assertions" and "contrived figures and arguments," he would better serve himself and his readers—including those who read about his article in Tass—by entering into the debate armed with something other than "mistaken notions and incorrect data."●

110TH ANNIVERSARY OF THE DRAKE BUSINESS SCHOOLS

● Mr. D'AMATO. Mr. President, many new technological developments have had a significant impact on the nature of American business, placing greater demands on the work force that supports today's business world. Through all of this the Drake Business Schools, an institution celebrating its 110th anniversary, has continued to meet the challenge of supplying capable and qualified personnel. Drake has served well both its students and business.

The work of the Drake Business Schools and its staff is to be commended for consistently innovative efforts in preparing thousands of students for successful business careers. Business has benefited from its association with Drake graduates because the school is dedicated to providing men and women of all ages with a quality education encompassing the multiple skills demanded by business, as well as the confidence, poise, and social abilities that contribute to an individual's professional and personal development. Drake students have significantly increased their chances of finding rewarding careers in today's uncertain economic climate.

Founded in 1873 by Dr. William E. Drake, the Drake Business Schools has facilities throughout the New York metropolitan area, with a total student body of more than 1,000 people. Dr. Drake, an educator with foresight, recognized the revolutionary impact the invention of the typewriter would have on the business office of his day and incorporated typing into his school's curriculum. Since that time, Drake's highly qualified faculty and staff has kept pace with new technological developments; students are trained in the latest electronic and word processing equipment.

Courses of instruction at Drake, leading to 1- and 2-year diplomas and 2-year certificates, are designed to include instruction in business communication and administration, office procedures, accounting, and secretarial and typing skills. A wide range of elective courses, from shorthand theory and statistical typing to an introduction to marketing and retail salesmanship, are also offered. Teaching methods stress the individual's needs and talents.

During their education, Drake students stay in touch with the work-a-day business world through part-time jobs, guest lectures, and field trips. The Drake education begins with career planning and, throughout, never loses sight of its students' final goal—finding a job in business and contributing to society. School administrators, too, never lose sight of the fact that the ultimate measure of Drake's success is the success of its students in the business community.●

PLAY THE WORLD SERIES IN HAWAII

● Mr. INOUYE. Mr. President, the attention and passions of our Nation were focused recently on the climax of the baseball season—the World Series. As we know, this event resulted in a joyous celebration for the Baltimore Orioles in that city, and their many fans here in Washington.

On this occasion, it was with a great deal of interest that I read a New York Times article by Charles Einstein, an editor of several books about baseball. He argues most persuasively for the establishment of a permanent World Series site, and its ideal placement in Honolulu, Hawaii.

I realize that many baseball traditionalists may cry foul quite loudly, but this proposal strikes me as a grandslam of an idea.

The Einstein theory of playability notes Honolulu's ideal October weather, as the first ball was tossed in this year's World Series, Honolulu basked in a sunny 88-degree afternoon, and convenience for national prime-time television viewing.

The millions who watch the annual college all-star Hula Bowl, or National Football League Pro Bowl, or newly established college Aloha Bowl, all know that the Aloha Stadium is one of our Nation's newest, most beautiful ballparks, located in our newest, most beautiful State.

Hawaii's legions of devoted sports fans will guarantee a sold-out 50,000-seat Aloha Stadium. Hawaii loves baseball, from the youngest Babe Ruth teams, to the University of Hawaii team, to our old-timers' games in the Makule League.

Maybe this is due to Hawaii's blue-blood baseball legacy. The sport was promoted in the islands by the same man who invented the game—Alexander Cartwright. Moving from New York it was in Hawaii that the father of organized baseball lived most his life, actively encouraged the game's development, and was buried in 1892.

One more significant benefit of playing the World Series in Hawaii would be the potential for making this a truly world series. As the crossroads of the Pacific, Hawaii is conveniently mid-way to Japan, Taiwan, and other nations of Asia. For that matter, any baseball-crazed nation is as close to Hawaii as its nearest airport.

I commend this novel and practical idea to the powers of Major League Baseball with much enthusiasm. I ask that the New York Times article be printed in the RECORD.

The article follows:

[From the New York Times, Oct. 9, 1983]

A MODEST PROPOSAL FOR THE SERIES

(By Charles Einstein)

There is an old saying in baseball, which has more old sayings than the Collected Works of Alexander Pope, that the teams in first place on July 4 will meet in the World Series come October. Given the always-refreshing impetus of the impossible—since 1969, the major leagues have had four divisions, only two of whose winners can make the Series—that ancient rule registered its scariest impact last summer. Leading their divisions in early July were Toronto and Montreal. One observer predicted a rise in the price of woolen underwear. Another foresaw the first World Series without The Star Spangled Banner.

"Be silent always when you doubt your sense," wrote Alexander Pope, in 1711. But not everyone obeys that admonition.

Whitey Herzog, for example. In the wake of his team's victory in the 1982 World Series, the manager of the St. Louis Cardinals was asked where he hoped to finish in 1983. "New Orleans," he croaked. Spelled out, the Herzog scenario called for bringing the summer game in from the cold by staging its big show, like football's Super Bowl, in a weather-resistant setting.

The remainder of this article having just been drowned out by the screams of the traditionalists, the fact remains that a committee of high officials—Chub Feeney, the National League president, Lee MacPhail, the American League president, and the Cincinnati Reds' president, Bob Howsam—has been exploring that very avenue. For now, at least, the committee is ad hoc. In English the hoc is spelled b-l-i-z-z-a-r-d, and the committee is charged with the Merlinesque challenge of finding an alternate city to which the Series can be moved overnight in case of snow.

How imminent is the threat? Consider: Before the introduction of the intraleague playoffs in 1969, chances were better than 6 to 1 against any game of any World Series occurring after October 10th. Typical of the era since, the '83 Series doesn't even start until the 11th. Wait, though—it gets worse. Before the year is out, the players are fully expected to ratify something the owners already want: extension of the playoffs to a four-of-seven-game basis, instead of the existing three-of-five. What happens if Reggie Jackson has a good season? Meet Mr. November.

Moving the Series to a permanent neutral site and playing all the games in the same part—the nub of the Herzog proposal—would, of course, deprive the hometown fans of that most treasured joy: being there for that final moment of victory. It is a joy that does not withstand scrutiny. A most common complaint is that the "real fans" don't get to go to the Series. And only 15 of the last 38 World Series were won by the team at home in the final game. (Those 38 years take us back to the 1944 Series; all of whose games were played in the same arena, the old Sportsman's Park in St. Louis.) The point here is that fans can and do dance in the streets even though their champions may be thousands of miles away. They can do it annually, as with the Super Bowl; frequently, as with the World Series; or once every 132 years or so, like the citizens of Perth a fortnight ago, halfway around the world from their beloved sailboat.

The simpler truth is that a jampacked stadium for a World Series game represents no more than .0007 of the game's total audience. Should a cold snap hit the Series—and that seems only a matter of time—not even the legerdemain of the ad hoc committee may be enough to keep the notion of a permanent site from becoming reality. Television, which produces the audiences and the revenue, may be expected to insist on it. TV wants neither postponements nor, in its way

even worse, the devalued spectacle of summer athletes battling winter elements.

But weather aside, relocation to a permanent site will do something else. Far from keeping fans away from the game, it will let them plan in advance to attend—something nearly impossible under the setup that now exists. Not until the playoffs end, which can be less than 48 hours before the Series begins, does anybody know where it will be played. (Last year 14 teams were printing World Series tickets.)

Perhaps the only genuine flaw in the Herzog scenario, then, was his choice of New Orleans as a likely home for the Series. An article in The Sporting News attacked him as much for his site selection as for the scenario itself. (It also argued against one city being enriched by World Series visitors, as though enriching two cities were that much more exemplary.) Dealing from that factor, here is a modest poposal:

If the summer no longer can be brought to the game, then bring the game to the summer. Play the World Series at Aloha Stadium in Honolulu.

The place holds 50,000 spectators, and the population of Honolulu proper, is bigger than that of more than half the major league cities.

Add to that Hawaii's No. 1 industry, which is tourism, bringing swarms of visitors from the mainland and many more from baseball-happy Japan. The Series can go the full seven games and never play to an empty seat. With time to plan in advance, with extra promotions in pennant-contending cities, it could produce the—most cherished vacation package in the land.

Granted, a tradition would be altered. But another tradition would be restored: that of playing the World Series as up to a dozen years ago it always was played—in the daytime.

A well-remembered phrase from yesteryear comes to mind: "a two o'clock hitter." It denoted a batter who would murder the ball in batting practice, then go hitless in the game. The standard starting time in baseball's traditional past was 3 P.M.

Now wed that tradition of yesterday to the TV imperatives of today: a 3 P.M. start in Honolulu is 6 P.M. Pacific Daylight Time and 9 P.M. Eastern Daylight Time. Prime time!

A World Series in Hawaii will guarantee perfect visibility from anywhere in the stands, since the action will take place on a raised surface: The games will be played over the dead bodies of several million lifelong fans—including, one suspects, all three members of the ad hoc committee. Plus Alexander Pope.●

THE 50TH ANNIVERSARY OF YOUTH ALIYAH

● Mr. D'AMATO. Mr. President, I rise today to recognize the many outstanding accomplishments of the Youth Aliyah program which celebrates its 50th anniversary this year. The program was originally designed as a rescue and rehabilitation movement to save Jewish children from the torments of Nazism.

Mr. President, I ask that an article by Moshe Kol of the Jerusalem Post describing the evolution of Youth Aliyah be included in the RECORD.

The article follows:

[From the Jerusalem Post, Jan. 28, 1983]

RESCUING THE YOUNG

(By Moshe Kol)

The idea of sending Jewish youth from Germany to kibbutzim in the early Thirties was initiated by Recha Freier, a distinguished member of the Berlin Jewish community. This idea achieved special urgency after the Nazis initiated their policy of discrimination against Jewish children in Germany, making it impossible for them to study and later to work in the country.

In 1932, Recha Freier received the first 12 immigration certificates from Dr. Zigfried Lehman, the founder and director of the Ben Shemen youth village. The first group of 12 youngsters arrived in Ben Shemen at the end of the year.

When conditions for young German Jews became acute, a group of Jewish leaders from Palestine persuaded Henrietta Szold, founder and leader of the Hadassah organization in America to become the director of the rescue operation and the settlement of Jewish youth from Germany, based on the idea conceived by Recha Freier.

Henrietta Szold, then aged 72, had given many outstanding years of service in Eretz Yisrael as member of the Zionist Executive and as director of the Department of social work of the Va'ad Leumi. She had wanted to return to the U.S. to be with her sister, but agreed to undertake this new mission, and she succeeded in building up Youth Aliyah as one of the greatest rescue, rehabilitation and educational movements in the history of the Jewish people.

Youth Aliyah, which was founded in 1932 at Recha Freier's home in Berlin, succeeded in sending thousands of youngsters to Palestine and absorbing them in kibbutzim and youth villages. Among the dedicated assistants of Henrietta Szold in this outstanding endeavour was Hans Beit, who was killed in December 1947 while returning to Jerusalem from Haifa, where he had received the Youth Aliyah children who arrived from the camps in Cyprus.

At the 19th Zionist Congress in Lucerne, Switzerland, in 1935, Rose Jacobs, national president of Hadassah, signed an agreement with Dr. George Landauer, director of the department for the rescue of German Jewry in the Jewish Agency, which made the American Hadassah organization the national representative of Youth Aliyah in the U.S.

Since then, Youth Aliyah has been one of the greater programmes of American Hadassah, which has raised large amounts of money for Youth Aliyah projects in Israel.

In addition to Hadassah, a number of other agencies became representatives of Youth Aliyah. They included Canadian Hadassah WIZO, British Children and Youth Aliyah Committee (headed by Vera Weizmann), the French Youth Aliyah (headed by Baroness Alix de Rothschild), and other committees established in Europe.

The Women's Council of the Zionist Federation of South Africa, which is a part of the World WIZO, became the agency in that country. Rebecca Sieff, president of World WIZO, picketed in London to obtain more immigration certificates, and aroused public opinion against the inhuman policies of the Colonial Office, which had reduced Jewish immigration to Palestine.

When World War II began, the number of children arriving in Palestine diminished both because of the policy of the British Government and because of the Nazi occupation of Europe.

In 1935, Henrietta Szold died. At the Zionist Congress after the World War II, in December 1946, I was elected chairman of the management board of Youth Aliyah in the New Zionist Executive. Bertha Schoolman arrived in Israel as a representative of Hadassah to work with me in reorganizing the Youth Aliyah department, and she became my co-chairman of the management board.

She remained throughout the War of Independence and later, thus fulfilling her historic mission under very trying conditions. I remained under siege in Jerusalem with my family and refused to leave for Tel Aviv. Therefore, I am indebted to Bertha's wholehearted support and cooperation during this difficult period.

At the General Zionist Council, which was held in the spring of 1948 before the birth of the state, I was elected world head of Youth Aliyah, to succeed Henrietta Szold and Hans Beit. I continued my responsibility as head of Youth Aliyah for 19 years—until the beginning of 1966—when I became a member of the Israeli cabinet as minister of tourism and development.

In 1949, I first visited Morocco. In 1952, I returned there, very depressed by the living conditions of the Jewish families and their children. As a result, I decided to initiate a Youth Aliyah programme to bring the children to Israel—at least one child from each family.

My idea was to build bridges for the families through their children, who would be educated and rehabilitated in Israel by Youth Aliyah so that they would, in turn, become the absorbers of their parents and families.

With this operation, a new great chapter in the history of Youth Aliyah began: to absorb and educate Jewish children from the Arab and Moslem countries. We had to work out new programmes in accordance with the needs and standards and traditions of the children from those countries.

During the same period, we continued to bring over to Israel the orphans who had survived the Holocaust in Europe and the Jewish youth from Eastern Europe. The number of orphans reached 20,000.

Youth Aliyah children and youth arrived in Palestine in great numbers, even on the illegal immigration ships, before the state was born.

I was privileged to receive great help from personalities like Eleanor Roosevelt, who became active as world patroness. She served Youth Aliyah during the last 12 years of her life. Queen Elisabeth, queen mother of Belgium, served as patroness in Belgium. The First Ladies of Israel—Vera Weizmann and Rahel Yanait Ben-Zvi, established two youth villages for the absorption of Youth Aliyah children. Rahel Yanait Ben-Zvi, a pioneer and an educator, helped me when her husband, Yitzhak Ben-Zvi, became president of Israel by making Beit Hanassi a centre for Youth Aliyah.

The leaders of American Hadassah, the Canadian Hadassah WIZO, the Mizrahi Women of America and the Pioneer Women also became valued partners. The American Hadassah organization never failed to respond to my appeals and made an historic contribution to the success of Youth Aliyah programmes.

I received help and confidence from all the Zionist women's organizations as well as many international agencies for child welfare. Through our committees in Europe, both Jews and non-Jews participated in this great humanitarian undertaking. The two main roads of education and rehabilitation

in Youth Aliyah were the kibbutzim and youth villages. Later we established day-care centres and placed children in foster homes and in institutions for special treatment.

The Youth Aliyah committee in Switzerland established the Swiss village in Kiryat Yearim where maladjusted children were rehabilitated. I passed responsibility for Youth Aliyah on to elected heads: Yitzhak Artzi, Yoseph Klarman and Yoseph Shapiro. During my tenure, I was priviledged to have Dr. Hanoch Rinot and David Umansky serve as director of the Youth Aliyah department.

We are now marking the 50th anniversary of Youth Aliyah, and I can say that it provided the most rewarding and happy chapter of my life; in the period of my responsibility, 100,000 children and youth from 82 countries were absorbed and educated.

The graduates of Youth Aliyah contribute to the quality of life in Israel and continue to play an important role in our society. They established approximately 50 kibbutzim. Youth Aliyah is the crowning achievement of Zionist fulfilment, and the Jewish people and the Zionist movement have reason for celebrating with pride the great success of this movement, which to date has absorbed more than 200,000 children.

Youth Aliyah has a great future and will continue its holy mission. All those associated with Youth Aliyah should continue to play an active role in future programmes for children from the Diaspora and the socially depressed areas of Israel.

Mr. D'AMATO. Mr. President, I commend the tireless efforts of the members of Hadassah, the Women's Zionist Organization of America, and would encourage them to remain faithful in their commitment to improving the quality of life for others.●

JIMMY BURKE—ONE OF THE GOOD ONES

● Mr. KENNEDY. Mr. President, a week ago Jimmy Burke passed away. Jimmy was my respected colleague, my dear friend, and a distinguished Member of the House of Representatives for 20 years.

In those two decades, Jimmy established himself as an effective advocate on the issues of social security and medicare. He worked tirelessly to improve the lives of all Americans, especially those that had been left out or left behind. They knew that in Jimmy Burke, they had a friend.

I always trusted Jimmy's counsel, and I treasured his friendship. And I think that I speak for all of Massachusetts, and all of Congress, when I say that the memory of Jimmy Burke's warmth, compassion, and sense of humor will remain with us always.

The article by Thomas Oliphant that appeared in the Boston Globe on October 16 brilliantly commemorates Jimmy Burke's career. I would ask that this article and the obituary that appeared in the October 14 Globe be printed in the CONGRESSIONAL RECORD at this point.

BURKE WAS ONE OF GOOD ONES

(By Thomas Oliphant)

WASHINGTON.—Vice President George Bush, who was born in Milton, was a busy man Friday, but not so busy that he couldn't pause to remember a man who settled in Milton, of whom he became quite fond in his days as a congressman from Texas.

Said the Vice President of the late Rep. James A. Burke: "I knew him well; he was a close friend from our days on the Ways and Means Committee. He was a wonderful and warm human being."

There was a little of George Burns in Burke's eyes, which often twinkled mischievously, and when he had a big cigar in hand and his dry, mordant wit was switched on—which was most of the time—the resemblance could get even stronger.

Rep. Burke, quintessentially of Massachusetts and of the Democratic Party, was never unaware of his props; no public figure is. What distinguished his was that they were so uniformly endearing, an important clue to his character, which was carved out of Quincy quarry-quality stone.

More complex conceptions aside, there are really only three kinds of congressmen—the good ones, the forgettable ones and the bad ones.

Rep. Burke—who died Thursday at 73 after a long, dignified struggle with diabetes—was one of those consummately good congressmen, whose careers can teach us important lessons about politics and public service. One of the most important of those lessons is that there is no conflict between good politics and good government when the practitioners are people of character.

It would be unfortunate if the occasion of Burke's death were occupied too much by rhetorical encomiums and old stories of his 20-year congressional career (1959-79) and his time in the Massachusetts Legislature before that.

For the people he represented in Congress—the southern part of Boston and the South Shore—this diligent representative took a couple of important stands on national issues that are as relevant today as they were a decade ago.

The first one has helped get across the job-saving message that in foreign trade there is a line beyond which Uncle Sam becomes Uncle Sucker. Rep. Burke put his name on a tough antisubsidized imports bill a decade ago that included rigorous quota provisions. He was widely excoriated for this—often by people more interested in economic abstractions and buzz words like protectionism than in shoeworkers in Brockton who were losing their jobs to imports that were being dumped on the US market.

James Burke was in Congress, among other reasons, because he knew how to count, and was never under any illusions that his labor-backed measure would become law. But what he also knew, and never really got credit for knowing, was that until somebody got tough on Capitol Hill, the US government would never get credibly tough in foreign trade negotiations.

In the years that followed, more than one American diplomat won important points across felt negotiating tables by saying in effect: "I hope you realize that if you don't give me something to take back to Washington there's this rough guy Burke in Congress, and he has this bill that is really going to hurt you."

Today, the United States is a much more forceful negotiator on trade issues—not unfair, just more forceful—and the willingness of people like Rep. Burke to get out front politically is one of the reasons.

His second important stand involved Social Security. As a key member of the Ways and Means Committee, his fingerprints were all over two legislative accomplishments—each pushed past an obstructionist President Richard Nixon—that saved millions of elderly people from devastation during the inflation of the 1970s. One was the establishment of a special pool for cash assistance to the elderly poor, the blind and the disabled (Supplemental Security Income); the other was the indexing of Social Security benefits to the rate of inflation.

Later, when Ways and Means formed subcommittees, and he chaired the one on Social Security, he championed an idea whose time may yet come, and which could have been the Democratic Party's alternative to Reaganomics. It was to finance the system as other industrial democracies do—one-third from general government revenues raised mostly through progressive income taxes; one-third from workers' payroll taxes; and one-third from an equal payroll levy on the employer.

The resulting tax cuts (from the present 50-50 split for workers and employers) would have stimulated consumer demand and business investment, with nowhere near the impact on the federal budget deficit of the Reagan Administration's program.

James Burke was totally without pretense or ego; in a quiet way, though, he was a far more thoughtful, issue-oriented man than many people realized, in many respects ahead of his time.

JAMES A. BURKE OF MILTON; CONGRESSMAN FOR TWO DECADES

Former Rep. James A. Burke of Milton, who served two decades in the US House and 10 years in the Massachusetts Legislature before that, died yesterday in New England Deaconess Hospital after a long illness. He was 73.

The self-styled "bread and butter congressman" of the 11th District retired in January 1979. He was first elected to the post in 1958.

Confined to a wheelchair since the loss of his right foot in July 1977, "Jimmy," as he was known, decided not to seek relection. ("Leave while the music is playing," he said.) He also had been plagued with respiratory troubles, failing eyesight and diabetes in his last years in Congress, but he never complained.

House Speaker Thomas P. O'Nell said of Mr. Burke, "He was one of the most beloved men ever to serve in Congress."

Since retirement, Mr. Burke had been active in the Catholic Charitable Bureau and the state Commission for the Blind.

In is 20 years on Capitol Hill, the shy, affable Democratic congressman was the architect of considerable Social Security and Medicare legislation. He has served as chairman of the Ways and Means subcommittee on Social Security and worked tirelessly to improve the system.

"Jimmy was a great champion of the Golden Agers of this country," O'Nell said.

Mr. Burke also was the congressman in charge of the investigation by the Joint Committee on Internal Revenue Taxation of President Richard M. Nixon's income taxes, resulting from questions raised by the Internal Revenue Service about the huge deduction Nixon took in 1969 for donating his vice presidential papers.

From the time in the late 1930s when he moved from his Hyde Park real estate business into politics, Mr. Burke's career was a steady climb that seldom faltered.

In 1938, during his first term in the Massachusetts House of Representatives, he was appointed to a second job, that of registrar of vital statistics for the city, by Boston's Mayor Maurice J. Tobin. After some months as registrar, he resigned to run against then Rep. John W. McCormack for McCormack's 12th District congressional seat.

He was beaten only one other time—when he ran for lieutenant governor in 1954.

When Mr. Burke learned that Rep. Richard Wigglesworth was retiring in 1958 from the then heavily Republican 13th District, he filed as a Democrat to run for the spot. He won handily and continued to win thereafter with little opposition. In four campaigns the Republicans failed to field a candidate.

Mr. Burke opposed, but survived, redistricting, which brought his Milton home area into the 11th District, comprising the cities of Quincy and Brockton and some 11 towns south of Boston.

In Congress he served on key committees and subcommittees including, in addition to Ways and Means, joint committees on Internal Revenue Taxation and Budget Outlay and Control.

But it was his work with Social Security with which he was most closely identified. He felt that people with low incomes were paying too high a percentage of their wages for Social Security while those earning large incomes were paying less than they could easily afford.

He was a longtime advocate of changing the Social Security financing formula from 50/50 contributions by employees and employers to one-third from both and the remaining one-third from general revenue.

He urged the utility companies to switch back to coal, declaring the country had at least 100 years of coal available.

Colleagues in Congress were lavish in their praise of Mr. Burke.

Sen. Edward Kennedy said: "Jimmy Burke was one of those rare public servants who never lost touch with the common man, nor felt any sense of importance no matter what the honor or accolade that was bestowed upon him."

Rep. Brian Donnelly (D-Mass.), who succeeded Mr. Burke in Congress, said: "Mr. Burke's passing is a tremendous loss. He was loved and respected by the people of the 11th District that he knew and served so well for so many years."

The retired congressman was born James Aloysius Burke in South Boston on March 30, 1910, the youngest of 10 children. He grew up in Mattapan and Hyde Park, where his family had a large vegetable garden that supplied much of the neighborhood.

He was a graduate of English High School and attended Suffolk Law School.

During World War II, he served as a special agent in Army counterintelligence attached to the 77th Infantry Division in the South Pacific.

Mr. Burke leaves his wife, Aileen (McDonald); two sisters, Elizabeth Burke and Margarita Burke, both of Hyde Park, and two brothers, Walter of Hyde Park and Arthur of Dorchester.

Before he died, Mr. Burke set up the James A. Burke Scholarship Fund to benefit the schools at St. Angela's Church, Mattapan; St. Mary of the Hills Church, Milton, and St. Gregory's Church, Dorchester.

A funeral Mass will be said Monday at 10 a.m. in St. Mary of the Hills Church.●

CANADIAN-UNITED STATES RELATIONS

● Mr. D'AMATO. Mr. President, I recently received a letter from one of our neighbors across the Canadian border from New York State, a Member of the House of Commons who represents Erie, Ontario. The Honorable Girve Fretz, who is a native of Fort Erie, Ontario, Canada, just across the Peace Bridge from Buffalo, N.Y., had written to demonstrate his neighborliness and desire for friendship with us. Mr. Fretz enclosed an extract of the House of Commons Debates, similar to our CONGRESSIONAL RECORD, which contained his statement to that body on June 7, 1983, entitled "Support Urged for Friendship and Co-operation With United States."

Mr. President, I would like to read a portion of that extract at this time:

. . . To the south of us exists a powerful and democratic society known as the United States of America. This country is undisputedly one of the greatest countries in the world. Yet more abuse is heaped upon the leaders of this country than is their due. There exists groups and individuals in Canada who condemn all aspects of the United States' foreign policy and its stand on defence requirements, without offering reasonable alternatives.

Any positive action taken by the leaders to ensure security of the North American continent is greeted by such groups as being somehow evil and subversive. These groups fail to realize that the Soviet Union is a very real and threatening power which does not share their humanitarian concerns.

. . . I suggest that we renew our pledge to friendship and cooperation with our friend and greatest ally, the United States of America, a country which has accepted millions of people from over crowded and under privileged countries. God bless America.

Mr. President, I am pleased and moved by Mr. Fretz's kind and friendly words. I know that I can speak for New York, the closest U.S. State to his constituency, and say that I join him in his suggested pledge of friendship, and appreciate his endorsement. I hope that this excellent relationship between our two countries can continue for centuries more.

Thank you Mr. President.●

JOHN HENRY FELIX RECEIVES HENRY DUNANT MEDAL

● Mr. INOUYE. Mr. President, I wish to bring to the attention of my colleagues the selection this week of a Hawaii citizen, John Henry Felix, to receive the highest award bestowed by the International Red Cross, the Henry Dunant Medal.

Mr. Felix was chosen as the recipient of this medal, which is awarded for exemplary service and devotion to the cause of the Red Cross, on the basis of his 35 years of international humanitarian service.

He has led Red Cross activities in Vietnam, Laos and Cambodia, and has aided in the repatriation of several thousand Indochinese refugees. In the Pacific Basin region, Mr. Felix has directed first aid, primary health care, and cardiopulmonary resuscitation training programs, and also helped launch new Red Cross programs.

In Hawaii, Mr. Felix was instrumental in raising $1.2 million in the 3 months following last year's Hurricane Iwa, as chairman of the Red Cross disaster and financial development program. This fundraising drive was one of the most successful in the history of the American Red Cross.

In 1976, he was awarded the American Red Cross's highest honor, the Harriman Award.

One of his three books on volunteerism is used by more than 100 Red Cross societies throughout the world.

Mr. Felix is an active participant in many other community organizations in Hawaii, such as the Boy Scouts of America and the March of Dimes. I stress the word "active" because he is never content to lend his support in name only. In every cause, he provides unstinting guidance, leadership, and his fullest energies.

I am proud to cite the many outstanding accomplishments of this citizen of Hawaii. I am one of his greatest admirers, and he is a dear friend.

John Henry Felix embodies the highest principles of citizenship and most noble qualities of volunteerism. He is an inspiration to us all.●

DEDICATION OF THE SAMOAN CONGREGATIONAL CHRISTIAN CHURCH

● Mr. INOUYE. Mr. President, on September 3d, I was privileged to attend the dedication of the Samoan Congregational Christian Church in Honolulu. I was deeply moved by the ceremony and by the music of the two choirs. I have heard choir music in many great churches and cathedrals throughout the world, but none more moving and exciting than the heavenly sounds that filled the Samoan Congregational Christian Church on September 3d. During the special services, Pastor Pita Malae gave a history of how the Samoan Congregational Christian Church came to Hawaii and its long valiant struggle to establish itself as the important institution it now is.

I would like to share with my colleagues the history, traditions, and cultural riches of this church as it was related to the congregation by Rev. Pita Malae.

I ask that his remarks be printed in the RECORD.

The remarks follow:

A BRIEF HISTORY OF THE SAMOAN CONGREGATIONAL CHRISTIAN CHURCH IN HAWAII

HOW AND WHERE IT ALL BEGAN

It began on the island of Manu'a, part of the eastern Samoan islands, better known as American Samoa. The oldest Samoan family, the family of Tuimanu'a (King of Manu'a), ruled these islands thousands of years before America gained independence from Great Britain.

Samoan traditions and legends relate how the Tuimanu'a was possessed with a religious "mana". A very popular tradition tells of the visit of Tuitoga (King of Tonga) to Tuimanu'a. The tradition says that Tuitoga secretly bathed in Tuimanu'a's pool, which was a taboo, and died immediately. When Tuimanu'a was informed, he ordered the Tongan party to recite the traditional chant of the King:

Tuimanu'a, thou art my Lord!

Tuimanu'a, thou art my Lord!

And through the "mana" of King Tuimanu'a, as recited in the chant, Tuitoga was brought back to life. Tuitoga paid tribute to Tuimanu'a and sailed back to Tonga.

In the decade of the eighteen-twenties, during the regin of Tuimanu'a Mamana, the Gospel of Jesus Christ reached the shores of Manu'a Island. A party of Christian preachers from Tahiti met with an accident on the high seas and found themselves on the Island of Ta'u, the residence of King Tuimanu'a. They were cordially received by the King, and immediately began instructing the King and his people on the new faith of Jesus Christ.

A Samoan tradition speaks of Malietoa's (King of Western Samoa) amazing surprise when he came to "Malaetele" (official courtyard of Tuimanu'a) to inform King Tuimanu'a of his new faith in Jesus Christ, but found that the King Tuimanu'a had already become a Christian.

Evidence of this great meeting between the two kings is called the "Yellow Tide" in Manu'a. It is said that the tide turned yellow when the two kings met. The traditional, distinguished, and highly formalized political greeting "Alofi Amoa" is also traced to this historical event.

King Malietoa and King Tuimanu'a made a solemn covenant to accept the new faith in Jesus Christ and to make it the official religion of Samoa. They worshipped this one God only and honored the preachers and teachers of the new faith. The two kings agreed to pay their respects and due homage to the religious leaders of the new faith, and vowed to work together with them. The two kings departed and both became loyal servants of Jesus Christ in their islands.

In 1903, the reigning Tuimanu'a took a biblical name: Elisara Tuimanu'a. Before he died, he officially accepted the treaty between America and American Samoa and Manu'a finally came under U.S. jurisdiction.

FITAFITA GUARD OF 1900

In 1900, the U.S. Navy was designated by the U.S. Congress to manage the governmental affairs of the islands and in 1950 Samoans began to immigrate to Hawaii, primarily for enlistment in the Navy. It was in 1951 that the Samoan Fitafita Guard immigrated to Hawaii to enlist in the U.S. Navy.

Before this official party of Fitafita Guard left Samoa for Hawaii, a very large and memorable service was held in their honor in Fagatogo in 1951. This historical service brought together traditional leaders of Samoa, church officials and missionaries, and government dignitaries. The service was officiated by the Reverend Fiti Sunia of Fagatogo.

The Fitafita Guards were brought before God in prayer and exhortation, and their journey to Hawaii to enlist in the military was filled with blessings and praises from the church and country.

Present in this group leaving for Hawaii, was a lay-preacher from Manu'a, Pita Malae. He was charged with the responsibility of leading worship services on ship. Pita Malae became the spiritual leader for the group.

The group arrived in Hawaii in April, 1951. Mr. Leasua who had arrived in Hawaii earlier, invited the group to participate in his family worship service, and the church was formed.

But lay-preacher Leasau died in 1953, and the church divided into two groups. Mr. Suitonu led one group, and Mr. Uatimani led the other. News of the division of the newly-formed church reached American Samoa, and the mother church in Samoa decided to send a delegation to Hawaii to officially establish the Samoan Christian church.

On October 12, 1954, the official church delegation consisting of Rev. Ioelu Tapeni, moderator of the church in Samoa, and Le'Iato Tule, elder Deacon from Fagaitua, arrived in Hawaii.

The delegation questioned both sides separately. On the 15th of October, both groups came before the delegation to hear the decision in regards to the Samoan church in Hawaii. The delegation came up with 10 items in its resolution. The most important item called for reconciliation between the two groups, and directed them to reunite as one church, Ekalesia Fa'apotopotoga Kerisiano Samoa I Hawaii.

3. THE PRESENT CHURCH IN MOANALUA

Since 1954, after the settlement by the delegation from the church in Samoa, the present church in Moanalua began to grow under the leadership of Rev. Pita Malae. Mr. Suitonu left Hawaii for California in 1955 and started the first Samoan church on the Mainland.

There have been 29 years of ministry and service under the leadership of Rev. Pita Malae since the original "Fitafita Guards" left Samoa in 1951. The church has grown from that small group of men to a membership of 800. The church continues to minister to the Samoan people who have become permanent residents of the State of Hawaii. Newly arrived Samoans find their relatives and friends here, and they receive guidance and spiritual encouragement as they begin to establish new homes and find new jobs in Hawaii.

The Samoan church in Moanalua serves a foundation for their new lives in America. Many of our members are either in active service with the military or retired from military service. The church conducts a significant ministry with Samoan patients at the Tripler Army Hospital. Many patients from Samoa are given spiritual guidance and help from our church as we continue an active program of hospital visitation. Our new fellowship hall will accommodate patients as they wait for departure flights to Samoa.

The church also maintains an active relationship with the United Church of Christ through the Hawaii Conference. We take part in its programs and conferences, and we make annual offerings to the conference and the United Church of Christ. Some of our people are members of committees in associations and the conference.

This is the second dedication of this historical church under the leadership of the Rev. Elder Pita Malae. We have come a long way. We started small, but like a seed fallen on good ground, we have certainly grown. It was the will of God that started this church, and through the guidance of the spirit may this church continue to minister, not only to Samoan people, but also to many other ethnic groups making up the population of Hawaii. May God be glorified, and all praises to our Lord. We thank God always for the many blessings bestowed upon our people. May the Samoan church in Hawaii continue to minister, to heal, and to save souls, in the name of Jesus, the Lord of the Church. Amen ●

WEATHER SATELLITES

● Mr. HOLLINGS. Mr. Speaker, on September 20 I introduced S. 1855, the Land Remote Sensing Satellite Authorization Act. This bill deals with the issue of commercializing land remote sensing satellites. As one of its principal findings, that bill states:

The ownership and maintenance of the United States meteorological satellites are the responsibilities of the Federal Government and no action should be taken to transfer, lease, or sell them to the private sector.

In the Committee on Commerce, Science, and Transportation, we considered similar language contained in Senate Concurrent Resolution 67. This resolution opposes the transfer of the weather satellites to the private sector. It was reported by the committee and then adopted unanimously by the Senate on October 7.

All of this is to say that the Senate is opposed to the sale of our weather satellites.

The President's decision to sell these satellites was initially announced on March 8. In the jobs bill we said no sale; in the NASA and NOAA authorization bills we said no sale; and just 2 weeks ago we said no sale again. Unfortunately, no matter how much we communicate those views to the administration, they continue to proceed down this ill-advised path. The Commerce Department's Source Evaluation Board is still planning to issue their request for proposals.

It is time to give one last message, and the simplest way to do so is to not appropriate funds for any administration action intended to sell weather satellites. That is why I support this amendment and why I encourage my colleagues to do likewise.

There is no evidence available to support the logic of commercializing the weather satellites. The Federal Government is practically the sole market for data from these satellites. The taxpayer paid for the R&D that led to the development of these satel-

lites. The taxpayer paid to purchase these systems, and the public should receive the benefits from them. To have us turn over these satellites to a private entity who will add a profit margin on top of their costs and who would collect various tax subsidies is not in the taxpayers' interest. This is another example of Reaganomics for the rich.

Mr. President, if there are efficiencies to be made in the weather satellite system, let the Commerce Department identify and implement them. They could do so just as readily as a private entity and with greater economic benefit to the taxpayer.

The administration's plan also would create a private monopoly which would have a guaranteed market. Not a bad business deal if you could get it. Would that monopoly want to invest in R&D to advance technology and improve their systems? Not likely; there would be no incentive to do so. The public loses once again.

On the international front, our friends and partners are clearly upset over private ownership of these satellites. We have an excellent international system of data exchange now, why change it? Particularly why change it along the lines the State Department is currently considering; namely, making the satellite data proprietary. The success of our space program has rested on an "open skies" policy. Sugar-coated assurances to the international community are not going to fool them. They, and in turn the United States, would be placed in a terrible situation if the administration's proposals are implemented.

Finally, I am not at all convinced that private ownership of weather satellites is in our national security interest. The partnership between NOAA and the DOD has worked well. Why do we want to alter that?

For all these reasons, I am opposed to the sale of weather satellites. I could go on to outline additional reasons why the administration's approach is not in our national interest, but I am just preaching to the choir. I know my colleagues agree with me on this because you have said so several times this year. Therefore, I would urge you to support this amendment and halt this administration action. And, in so doing maybe we can turn our energies to what to do about Landsat and land remote sensing.●

THE KENNEDY-KHRUSHCHEV ACCORDS—DO THEY EXIST?

● Mr. HELMS. Mr. President, this afternoon Secretary of State Shultz testified before the Foreign Relations Committee in closed session about the Kennedy-Khrushchev accords of 1962. While this week marks the 21st anniversary of the Cuban missile crisis, the issues inherent in that crisis have stubbornly persisted, despite the fact that the immediate danger was alleviated.

I regret that Secretary Shultz declined the invitation of the committee to appear in public session, rather than in closed session. There should be no attempt to prevent the American people from learning the basic facts surrounding the Kennedy-Khrushchev agreement, to whatever extent it exists.

The Kennedy-Khrushchev negotiations of 1962 include not only the 10 letters exchanged between the two heads of State, declassified in 1973, but at least six other formal and informal diplomatic exchanges which have appeared to contribute toward or modify the understandings reached. Very little of the other material has been made public.

The result is that the American people do not know exactly what was agreed to, or even if any final agreement was reached. They do not know whether the Soviets have kept to their side of the agreement. They do not know whether we have any way to establish whether the Soviets are keeping the agreement. Nor do they know how the original understanding, if any, has been modified.

SOVIET DEPLOYMENTS IN CUBA

Yet they do know that the Soviet Union has deployed significant forces in Cuba which most persons would classify as offensive forces, despite official U.S. reassurances. These include:

First, the introduction of Soviet Bear "D" bombers beginning in 1969, an aircraft which is superior to the Il-28 bombers which the United States forced the Soviet Union to remove in 1962.

Second, the construction of submarine facilities in Cuba in 1970.

Third, the introduction of Soviet Mig-23's in Cuba in March 1978.

Fourth, the discovery of a Soviet combat brigade in Cuba in July 1979.

Fifth, the introduction of Soviet TU-95 Bear "F" bombers, configured for nuclear readiness, in 1982.

Mr. President, these forces, protected by Soviet troops, in Cuba create doubt about the meaning of the word offensive as used by President Kennedy and Chairman Khrushchev in 1962, specifically as applied to missiles and fighter-bombers. They create doubt in the minds of the American people as to whether or not the Soviets have kept their part of the bargain. They wonder whether there is an agreement, or whether the United States is only pretending that there is an agreement.

In June 1982, even President Reagan suggested that the Soviets had violated the so-called Kennedy-Khrushchev accords. And as recently as last month, September 14, the President said, with reference to the understandings:

> That agreement has been abrogated many times by the Soviet Union and Cuba, in the bringing of what can only be considered offensive weapons, not defensive, there.

The use of the word abrogated by the President appears to be very significant. Abrogate means to cancel, to make null and void. The President seems to be saying that the Soviets have done more than violate the agreements; he seems to be saying that they have gone so far in violating them that the agreements, if any, no longer exist.

If the agreements no longer exist, then is it useful for the United States to pretend that they do exist. And if we are pretending that they do exist, what do we do about the violations? Do we have the capability to determine violations? Do we have the will to confront the fact that the Soviets have destroyed the agreements, if any?

WAS THERE AN AGREEMENT?

Mr. President, I keep saying, if any, because there is considerable doubt whether there was actually a meeting of the minds between the two principals in 1962. As is well known, the Soviets agreed to remove the missiles and dismantle the sites. The United States also insisted that the Soviets remove the IL-28 fighter-bombers, and the Soviets did so. But President Kennedy also had insisted that there must be on-site inspection, and that Cuba refrain from the export of its revolution. Castro refused to agree to on-site inspection. There is no indication on the public record that Khrushchev agreed to prevent Cuba from being used as a base for exporting revolution. The obligation of the United States to refrain from invading Cuba or supporting an invasion of Cuba was made contingent upon these two conditions. In addition, President Kennedy announced that the Soviets would refrain from reintroducing offensive weapons in Cuba; the public record is not clear that Khrushchev accepted that condition.

It appears, then, that we have been relying solely upon our national technical means to evaluate Soviet compliance with the understandings. Yet raw technical data needs to be evaluated. An investigation by the Senate Preparedness Subcommittee in 1963 concluded that our intelligence had failed to detect the missile sites under construction in Cuba because the intelligence community could not conceive that the Soviets would ever attempt to do such a thing. The report also pointed out that even when our national technical means was directed toward the problem, it underestimated the number of Soviet military personnel in

Cuba by half. (Investigation of the Cuban Military Buildup under authority of S. Res. 75. 88th Cong. 1st Sess.)

The so-called Kennedy-Khrushchev accord was the first and most important arms control agreement between the United States and the Soviet Union. It averted a nuclear crisis. But was there actually an agreement, if the contingencies were not met? And were the agreements broad enough to cover technical upgrading of weaponry? Did it only refer to the particular weapons in Cuba in 1962? Or was there genuine agreement that there would be no reintroduction of offensive weapons?

Finally, Mr. President, if our verification failed us in 1962, and if it failed to warn us ahead of time in 1969, 1970, 1978, 1979, and 1982, is verification sufficient as a safeguard against violations? If the United States, having verified that there are violations of arms control agreements, will take no actions except submitting the Soviet Union to the court of world opinion, how can we expect to have arms control? And what happens when we refuse even to submit the Soviet Union to the court of world opinion—as appears to be the case in Cuba? Why is it that whenever the Soviets engage in a major violation, the United States appears to enter into collusion with the Soviet Union to cover up the violation?

Mr. President, the implications go far beyond the historical questions of the record. They go right to the heart of the arms control process. They go right to the heart of our Caribbean policy. They go right to the heart of our relationship with the Soviet Union. The implications seem to say that we have no grand national strategy. We have no concept of how to deal with the fact of a superpower that has amassed the greatest array of armament the world has ever known.

If there is no longer any agreement; if there never was an agreement, then the United States stands exposed as helpless to deal with a major threat to its independence and survival. Did the United States make a no-invasion pledge? Why have we kept to that pledge if the Soviets have not kept to theirs? Why have we harassed the Cuban freedom fighters for 20 years? I believe that the Castro regime has no legitimacy, and that we should take every appropriate step to destabilize that government, and allow the Cuban people to organize their country under freedom and justice. I have chosen the word appropriate because the steps necessary would require a whole range of actions, including covert actions, economic measures, and diplomatic initiatives. But first we must dispel the ghost of the Kennedy-Khrushchev accords which is paralyzing our policy.

THE AGREEMENT AND ITS CODICILS

We do not even have a clear understanding of the actual components of the Kennedy-Khrushchev exchange, and the modifications which appear to have been made. The American people have a right to know what governs our relationship with the Soviet Union on this matter. There appear to be at least seven major diplomatic exchanges with regard to the understandings. I believe that all of this documentation should be declassified and made available.

The seven exchanges include:

(1) The ten letters or notes exchanges between Kennedy and Khruschev between October 22, 1962 and October 28, 1962, as well as the TV address of October 22, and the Proclamation of Quarantine of October 23. These letters were declassified in 1973.

Question. Are there any other notes or exchanges in this period?

(2) The informal contacts between Attorney General Robert Kennedy and Dobrynin, as well as the "back channel" contacts of ABC newsman John Scali.

Question. How many contacts were made by Robert Kennedy? Did his negotiations lead to specific commitments, e.g. the removal of Thor and Jupiter missiles from England, Italy, and Turkey?

Question. How many contacts did Scali have, and who with? Did he convey specific commitments in either direction?

(3) The McCloy negotiations with Kuznetsov at the UN between October 29, 1962 and November 18, 1962.

Question: What was Adlai Stevenson's role in these negotiations? What letters or notes did McCloy or Stevenson send or receive from the Soviets? Was any definition of "offensive" agreed upon by both sides? What was the role of the Garthoff memorandum sent by the State Department to McCloy on October 29?

(4) The negotiations between National Security Adviser Henry Kissinger and Vorontsov in August, 1970. These negotiations supposedly "reaffirmed" the agreements of 1962, on the grounds that the earlier understandings had not been final.

Question. What was in the Soviet note of August 7, 1970? Were the two contingencies of 1962 (namely, adequate verification, and no export of revolution) dropped? Was there any clarification of the "no-export" pledge by the Soviet Union? Did we affirm a "no-invasion" pledge? Is the Tass report of October 13 an accurate account of the Kissinger-Kuznetsov understandings?

Question. Did we know in August, 1970, that the Soviets were about to begin (or were building) submarine facilities for nuclear submarines?

(5) The diplomatic exchanges of October-November, 1978 concerning the introduction of MiG 23s into Cuba. On November 30, President Carter said that the Soviet goverment had provided assurances that no shipments of arms had violated or would violate the 1962 agreements.

Question. Did the President's statement mean that the arms shipments did not meet the criteria of 1962, or did he mean that there was no binding agreement that we could hold the Soviets to?

Question. What kind of assurances did the Soviets provide? Did we accept the assurances, or did we have adequate means to verify those assurances?

(6) The July-October, 1979, diplomatic exchanges over the discovery of a Soviet combat brigade in Cuba. In 1962, Khrushchev had said "only people, troops, can attack. Without people any means however powerful cannot be offensive."

Question. Does the U.S. consider Khrushchev's statement to mean that a combat brigade, in the presence of other weapons, can be considered an offensive force banned by the 1962 accords?

Question. What assurances did we receive from the Soviets in 1979?

(7) The 1982 diplomatic exchanges over the permanent basing in Cuba of the TU-95 Bear Bomber "F" in Cuba, with a bomb bay door configuration indicating strategic nuclear capability.

Question. Does the emergence of the Bear "F" mean that the 1962 accords are at an end? Is this why the President used the word "abrogate"?

Question. Do we have national technical means that can detect whether the nuclear-capable Bear "F" bombers are at any time nuclear-ready?

Mr. President, these are but a few of the questions to which the American people are entitled to answers.●

COSPONSORSHIP OF SENATE JOINT RESOLUTION 113 TO PROCLAIM JUNE 3 TO 9 AS "NATIONAL THEATRE WEEK"

● Mr. D'AMATO. Mr. President, I am proud to join my distinguished colleague from California, Senator WILSON, as a cosponsor of Senate Joint Resolution 113, to proclaim the week of June 3 to 9, 1984, As "National Theatre Week." From Broadway to Off Broadway to Off-Off Broadway the sheer quantity, diversity, and extra-ordinary quality of theater activity in New York City, and throughout New York State, indisputably confers upon the Empire State the distinguished title of the "Theatre Capital of the World." Virtually every major theatre company passes through New York sooner or later, from England's Royal Shakespeare Company to Japanese Kabuki theatre to outstanding avant-garde companies from Eastern Europe and Asia. As a result, New York continues to set the international standard for production professionalism and is the primary generator of plays that are seen eventually by the rest of the country and the world.

The artistic, economic, and social benefits conferred upon New York as a theater center are as innumerable as they are indispensible. Thus, I am pleased to join my colleagues in recognizing the often overlooked contributions of the theater in New York and across this Nation by urging speedy

Senate passage of Senate Joint Resolution 113.●

THE CALENDAR

Mr. BAKER. Mr. President, there are a few routine things that can be dealt with at this time if the minority leader is prepared to do so. I first invite his consideration to two bills, calendar orders Nos. 474 and 481, which are on today's calendar.

Mr. BYRD. Mr. President, there is no objection.

Mr. BAKER. I thank the distinguished minority leader.

TRANSFER OF U.S.S. "ALBACORE"

The Senate proceeded to consider the bill (S. 1944) to allow the obsolete submarine U.S.S. *Albacore* to be transferred to the Portsmouth Submarine Memorial Association Inc., before the expiration of the otherwise applicable 60-day congressional review period.

Mr. MITCHELL. Mr. President, the U.S.S. *Albacore,* which was launched at the Portsmouth Naval Shipyard in 1953, is a vessel of great historical importance. Its value stems principally from its design and specifically from its hydrodynamic shape. Though it has been mothballed for several years in Philadelphia, it continues to benefit our Nation because many of our nuclear submarines now in service feature aspects of the *Albacore*'s design. It was an important prototype.

On September 22, the Secretary of the Navy informed the appropriate congressional committees of the Navy's intention to transfer the U.S.S. *Albacore* to the Albacore Memorial Association, and subsequently to the Port of Portsmouth Maritime Museum. However, as Congressman NORMAN D'AMOURS noted on September 22, existing law mandates that after such notification 60 days must elapse before the Navy can effect the transfer. This period is meant to provide Congress with an opportunity to determine if the transfer of defense property is in the national interest.

The bill introduced by Congressman D'AMOURS on September 22 and the corresponding Senate bill introduced by Senators HUMPHREY and RUDMAN on October 7 will eliminate the 60-day period for congressional review. In this instance, an extended period for review is unnecessary. The committees have already examined the transfer proposal and have deemed it to be acceptable. This bill confirms that judgment and insures that the transfer of the sub can occur promptly. If the Navy is forced to wait the 60 days, it will be very difficult for the recipients of the vessel to prepare the U.S.S. *Albacore* on an outdoor Bath Iron Works drydock in time for its scheduled presentation to the public.

Mr. President, I urge passage of this bill and invite my colleagues to view an important piece of maritime heritage when the U.S.S. *Albacore* goes on permanent display next year.

The bill was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 1944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clauses (2) and (3) of section 7308(c) of title 10, United States Code, shall not apply with respect to the transfer by the Secretary of the Navy under section 7308(a) of such title of the obsolete submarine United States ship Albacore to the Portsmouth Submarine Memorial Association, Incorporated, a nonprofit corporation organized under the laws of the State of New Hampshire.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LOUISIANA WORLD EXPOSITION MEDALS

The bill (H.R. 3321) to provide for the striking of medals to commemorate the Louisiana World Exposition, was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE RESOLUTION 246 PLACED ON THE CALENDAR

Mr. BAKER. Mr. President, now I would propose to put a Senate resolution on the calendar. It is a resolution to congratulate Albert T. DePilla. I ask unanimous consent that the resolution, which I now send to the desk, be placed on the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR DOMENICI TOMORROW

Mr. BAKER. Mr. President, the Senate will convene tomorrow morning at 9:30 a.m. I ask unanimous consent that, after the recognition of the two leaders under the standing order, there be a special order in favor of the distinguished Senator from New Mexico (Mr. DOMENICI) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BAKER. Mr. President, the previous order provided that the time, if any, remaining between the expiration of the time for the recognition of the two leaders and 10 a.m. would be devoted to the transaction of routine morning business. I ask unanimous consent, Mr. President, that the 10 minutes after the execution of the special order be devoted to the transaction of routine morning business, in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, the order previously entered in respect of the appropriations bill—that is, the State, Justice, Commerce appropriations bill—provides, I believe, that the Senate will turn to consideration of that measure at the close of morning business. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, that will be approximately at 10:10 a.m. tomorrow, the time being adjusted because of the requirement of the special order for the Senator from New Mexico (Mr. DOMENICI). It is anticipated that there will be rollcall votes tomorrow on the appropriations bill. However, on the advice of the manager of that bill on this side, I do not think that there will be a great number. I hope that we can expect no more than two or three and perhaps we can finish that bill fairly early in the day. That will be my ambition.

Mr. President, as far as I can tell, other than routine matters that may be taken up tomorrow, there will be no other business that will be placed before the Senate on Friday.

We will not be in session on Saturday, Mr. President. As to Monday, I shall make a further announcement tomorrow about the schedule on Monday but, at the moment, it appears that the supplemental appropriations bill cannot be reached until Tuesday. Those who had previously been notified that that measure will come up on Monday should be aware

that, because of the requirement of the 3-day rule on the report, that will not mature until Tuesday, so I would not expect the supplemental to come up until Tuesday.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. BAKER. Mr. President, I see no other Senator seeking recognition, and I move, in accordance with the previous order, that the Senate stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to and, at 9:34 p.m., the Senate recessed until Friday, October 21, 1983, at 9:30 a.m.

EXTENSIONS OF REMARKS

ADDRESS OF JOHN LINDSAY BEFORE THE LONDON CHAMBER OF COMMERCE

HON. CHARLES McC. MATHIAS, JR.
OF MARYLAND
IN THE U.S. SENATE

Thursday, October 20, 1983

● Mr. MATHIAS. Mr. President, John Lindsay, who was mayor of New York for 8 years, gave an excellent speech before the London Chamber of Commerce last June. In this speech he examined the stresses which exist at present in the global economy and the reduced state of U.S. international economic leadership. His analysis is perceptive and on the mark. But he goes further making recommendations for rebuilding an economically strong America.

These days we are all in need of sound advice and Mayor Lindsay's is as sound as any I have read recently. I, therefore, submit his speech to be printed in the RECORD.

The speech follows:

ADDRESS OF JOHN LINDSAY BEFORE THE LONDON CHAMBER OF COMMERCE

It is important for an American, especially one of World War II vintage, speaking in this great city in this great country to remember to say "Thank You"—thank you for carrying on alone for so long a time the defense of freedom against the nazi onslaught. Only in this context can I then say that twice in this century has my country come to the aid of Great Britain and of Europe in war time. Obviously, it was in America's own interest to do so, but there wouldn't have been any freedom left to fight for the second time had you not continued on alone to repel the forces of tyranny. So my thanks are indeed profound.

Whatever misunderstandings currently strain the bonds of affection and common purpose between us, America remains committed to the defense of freedom and the attainment of an improved global economy. Today, however, Europeans have reason for concern about the manner in which America is carrying out its commitment. Two major worries preoccupy America's allies as they look toward Washington.

First, the United States has yet to demonstrate that it is serious about arms control. The Congress of the United States paid a heavy price indeed when it voted funds for President Reagan's exorbitantly expensive MX missile system in order to force the President to move on this subject.

Second, America has not taken a coherent posture on global commerce that is likely to promote more open trade lanes and encourage the fluid exchange of goods and services that spurred almost three decades of economic growth in the West.

The United States' declining performance in the world community justifiably disturbs and dismays its allies. Today I will examine that performance in unsparing terms. However, I also hope to suggest how my country can make an invaluable contribution to promoting the Alliance's shared goals of peace and prosperity.

It saddens me to say it, but is true that the last decade has been one of the most wrenching in modern American history. The forced resignation of a president, the agonizing aftermath of our tragic misadventure in Southeast Asia, our government's soaring budgetary deficits which drove interest rates and inflation to record high levels—all accelerated America's retreat from a leadership role on the international stage. Indeed, in some areas of policy, this retreat has curdled into an attitude of estrangement from our allies laced with a sense of persecution. and nowhere are the United States' fractured relationships with its allies more apparent than on the globe's trade lanes.

It is undeniable that foreign manufacturers during the past decade made unprecedented inroads into America's domestic markets. The leader of our International Ladies' Garment Workers Union notes that 22 years ago, 4 out of every 100 pieces of ladies' and childrens' apparel worn by Americans came from overseas. Today, 24 out of those 100 pieces come from abroad. Overall, imported goods now account for 19 percent of American consumption, more than double the 1970 figure of 9 percent. Once the United States was primarily an importer of simple, laborintensive goods like toys and clothing. Today, the U.S. imports 28 percent of its cars, 18 percent of its steel, 55 percent of its consumer electronic products and 27 percent of its machine tools.

America's frail response to sharpened competition for global markets has struck fear into our nation's workforce and stirred political unrest. Instead of elevating the productivity and competitiveness of its own industrial plant, America cries "protectionism" against nations producing better goods at lower prices. We flirt with raising trade barriers on an and hoc basic and play a waiting game to see how long our beleaguered economy can survive in its present form.

Having been a politican for seventeen years of my public career I can understand this short-sighted strategy. No voter who's lost his or her job is likely to support an incumbent running for re-election who is seen as supporting the status quo. It would take a politician with a firm will or firm retirement plans to resist the pleadings of failing industries. In 1980, at the beginning of the most recent recession, 58 percent of the U.S. labor force was employed in an industry which had experienced a decline in employment over the previous seven years. So the warning signs were already clear—and unheeded. These workers now peer into futures clouded by terrible uncertainties.

In order to defer as long as possible the awful social and economic dislocatons brought about by widespread unemployment, America has compromised its commitment to free trade by indulging in short-term protectionist solutions. The price ultimately paid for such a strategy will be expensive indeed. History proves that protectionism most often works to deprive consumers of choice, raise prices and insulate industries from the competition that demands greater efficiencies and higher quality in production. A protected industry is in danger of becoming an obsolete one sooner or later.

The United States has not been the only nation to resort to protectionist measures. Quotas, tariffs, and other barriers are being imposed on a wide range of products across the globe. For example, the European Community maintains a tariff of 17 percent on integrated circuits. Australia, South Africa, Spain, Mexico and 26 other nations require fixed percentages of domestic content in automobiles assembled within their borders.

In recent years, many governments have engaged in subsidization of existing industries and promotion of emerging ones. Over the last five years the European Economic Community has invested more than $30 billion in steel. In 1982, Japan unveiled two programs that together devote $750 million to pursuing world leadership in developing and producing the next generation of computers. France is spending $20 billion on electronics over the next five years. Although not necessarily undertaken for protectionist reasons, these policies have made for a more conflict-ridden trading climate.

Equity participation by governments in certain industries—a common practice in Europe—has also been a source of trade conflict. State-owned companies typically subsidize other domestic companies by selling certain goods and services at prices below cost, and also purchase what they need from domestic suppliers

America has been searching for ways to deal with the problems of increased foreign competition and domestic industries on the decline. Trade and industrial policy are sure to be key issues in the upcoming battle for the presidency. Unfortunately, a year and a half before the 1984 general election, several of the Democratic presidential candidates, looking to the working—or non-working—man's vote, have already offered "instant" solutions that amount to just more protectionism.

Domestic content legislation is one such "solution" that is also being supported by labor unions and many in Congress. The Reagan administration, fortunately, remains opposed to this proposal. In my view, requiring that imports have a set percentage of domestically produced components will only invite retaliation from abroad. A country like the United States, which exports 17 percent of its production, would be particularly vulnerable to this sort of retaliation.

Still another measure under consideration in Washington is the Reagan administration's proposal to convert our cabinet's Department of Commerce into a Department of Trade which would consolidate international trade functions now spread among several agencies. This re-organization of the federal executive branch is supposed to provide a better coordinated American trade policy. While I am not at all opposed to such a bureaucratic re-shuffle—indeed there is much to commend it—it has to be said

that for the present such a measure would be no more than a symbolic act. America's problems require substantive policy revisions. Without these revisions—indeed without clear policy of any sort—it is questionable whether a bureaucratic shuffle can make America's economy more competitive.

Export financing is a technique used with increasing frequency by countries seeking a competitive edge in world trade. Many in the United States argue that we should counter these efforts with our own aggressive financing program. The Reagan Administration has been reluctant to do so. This may be quite understandable, given President Reagan's free market philosophy, but perhaps short-sighted. Here, for example, is the tale of one recent trade mess involving export financing that harmed America's relations with Canada and nearly resulted in disaster for my city's economy.

In June, 1982, the Metropolitan Transit Authority of New York or "M.T.A." as it is usually called, the agency responsible for the operation of both the New York City subway system and most of the suburban commuter rails, contracted to purchase subway cars from a Canadian manufacturer, Bombardier. As part of the deal, the Canadian government agreed to lend M.T.A. $563 million, 85 percent of the purchase price, at a rate of 9.7 percent over fifteen years, well below prevailing American market rates. M.T.A. entered into the agreement after the Administration in Washington had made it abundantly clear it was opposed to federal support of mass transit systems. "Do it yourself", said Washington. So, M.T.A. did.

The Budd Company, which is the only manufacturer of rail cars left in the U.S.—but which in fact is owned by Germans—then initiated proceedings before United States agencies—challenging the M.T.A. deal. A coalition of labor unions later joined in the complaint. Budd contended that the Canadian financing was an illegal subsidy requiring the imposition of countervailing duties.

While union critics of the deal charged that awarding the contract to Canada's Bombardier meant the loss of 11,000 American jobs, New York's M.T.A. pointed out that the contract provided for 40 percent American "content" and that Bombardier had made the best offer in terms of quality, production speed, price and financing. Despite these arguments, the Reagan Administration, through its Commerce Department, ruled that the Canadian financing was an illegal subsidy and set a countervailing duty of $91.2 million against New York to be imposed if the International Trade Commission, another U.S. agency, found that Budd had been injured by the Bomardier contract. The Washington Administration had singled out the M.T.A. deal in order to discourage other Americans from taking advantage of foreign subsidized financing. M.T.A. officials believed that paying the fine would require an increase in New York City subway fares, a distressing prospect for commuters, residents and local businesses. Thus, the Administration in Washington, having first forced a local government to go it alone, then gave it a hard back of the hand slap for having done so.

Before the International Trade Commission came to a decision, Budd dropped its petition and the unions settled. In return for the unions' withdrawing the complaint, New York's M.T.A. promised that for the next three years it would not buy any foreign-made railway cars. According to M.T.A. officials, the settlement would have no effect since there were no plans to purchase subway cars for the next three years.

If the parties had not settled and the International Trade Commission had ruled against the M.T.A., New York would have faced the extremely difficult choice of either raising transit fares or reducing maintenance of the system. As most of New York's workforce commutes by public transportation, either choice would have posed serious problems for the local economy. Neither the settlement nor the imposition of countervailing duties offered any long-range benefit to American consumers, labor or industry; there is no indication whatever that the practically defunct American railway car manufacturing industry is reviving or can be made competitive with foreign manufacturers. The irony of the outcome is that policies designed to promote "free trade" in fact led to a protectionist result and at the same time rendered yet another blow against America's urban centers.

While exerting strong pressures on its Western allies to eliminate practices antithetical to the free trade ideal, the United States has simultaneously prodded Western Europe and Japan to limit trade with the Soviet bloc. Many commentators have remarked that American handling of East-West trade has been particularly inept.

In 1982, President Reagan unsuccessfully attempted to block European participation in the construction of a Soviet pipeline to carry gas to Western Europe. The heavy-handed way in which the United States sought to break-up a transaction that was almost a fait accompli merely created resentment among the European allies and obscured the validity of the American argument that transferring high technology and providing subsidized export credits to the Soviet block strengthen a nation that the Alliance views as a threat. Moreover, President Reagan's lifting of the embargo on grain exports to the Soviet Union severely undercut the persuasiveness of the American position.

Europe and the United States do, obviously, share the concern that the Soviet Union, by gaining access to strategic Western technologies, will enhance its military strength. According to Reagan officials, this year, France, Britain, West Germany, Denmark, Italy and Spain expelled Soviet diplomats as part of a campaign to stem the illegal flow of sensitive technology to the Communist bloc. After their experience with the pipeline, however, European officials are justifiably leery of the Reagan Administration's plans for dealing with technology transfers to the Soviet Union. The Administration in Washington has either been unable or unwilling to understand that using trade as a political weapon usually gives rise to unintended self-damaging consequences.

Free trade, then, has become an ideal honored more in the breach than in the observance. Deviations from free trade not only harm the world economy, but resulting trade conflicts among the allies also obstruct our attempts to reach accord in the vital area of nuclear arms control. The absence until now of a nuclear arms control policy is the most menacing threat to humanity's future. Yet, such a policy is not likely to be forged in the atmosphere of distruct enveloping the Atlantic alliance. The xenophobic and nationalistic attitudes that underly growing protectionist pressures clearly affect the formulation of military defense policies. "Fortress America" attitudes are not related to erecting barriers to trade.

Other weaknesses in the globe's economy are also causing tensions among the free world's trading partners. The imbalance of payments between the industrial nations and less devloped countries is a time-bomb. If significant portions of the $700 billion debt owed by the developing nations are called in before these countries are able to pay, the world's banking system could crumble precipitously. If the debt is stretched out beyond a certain point, though, permanent damage to world monetary arrangements of another sort will certainly occur.

Complaints abound concerning America's high interest rates which have a distorting impact on the balance of payments. The Williamsburg Summit highlighted differences between the American and European governments on this point, but also opened the way toward potential opportunities for negotiating some form of accord. However, as long as Washington remains committed to a $1.6 trillion, five-year military spending program, America's federal budgetary deficits and the resulting high interest rates will continue to play havoc with its allies' currencies.

My country's brightest hope for exerting constructive leadership rests on first putting its own house in order. Instead of hiding defensively behind ever higher trade barriers, America must improve productivity and promote industries that will be competitive in world markets.

Specifically, here are some of the ways America could replace its defensive emphasis in trade policy with a more assertive and promising approach.

Our anti-trust laws should be amended to allow corporations to collaborate on basic research.

Our capital gains taxes should be reduced to promote long-term investment in upgrading plant and equipment.

Federal loans should be made available to students preparing for careers as teachers of mathematics and the sciences.

Private and public organizations should be given some form of financial support for training high school mathematics and science teachers.

Some of these proposals deal with the need to create a work force of specialists capable of revitalizing American technology and productivity. But what should be done about the legion of laborers displaced by the nation's adjustment to an altered economy?

One program adopted by the U.S. after World War II suggests an answer. That program, known as the G.I. bill, provided returning soldiers with financial aid to help them prepare for careers in emerging industries. This government gave a generation the time and money to retrain for better employment opportunities. Today, America can, and should, do no less for it's own workers whose lives have been shattered by the decline of industries. We must now spend public and private funds to retrain and sustain these displaced workers. Life holds few guarantees for any of us, but a humane, democratic society with America's wealth would be remiss in not trying to help those struggling for survival.

Any of these proposals will cost a great deal of money to implement. Whatever the sacrifice called for, its dimensions pale alongside the prospect of an America cleaving to a protectionist trade stance while large portions of its economy and work force are consigned to oblivion by aggressive foreign competition.

In the international arena, the United States and its Western allies must strive to

implement the call for a return to open trade and economic cooperation that issued from Williamsburg. The years and the summit conferences roll by, but no fundamental improvement is evident in our trade relationships. We pay lip service to free trade, often failing to practice it. And this failure has caused no end of trouble at home. This great city of London in which I speak today, and New York—whose government I led for eight years—have both suffered grievously. Not far from the glittering central areas of these magnificent metropolises, bands of restless, jobless youths wander the streets cut off from society and, increasingly, attack society. At the brink of their young adult lives, these young people are already casualties, in part because of our Alliance's failure to act wisely and decisively.

In the short term, especially in today's political climate, appealing to people's fears is politically profitable. No matter how well-meaning its advocates, protectionism is such an appeal. As the clock runs down, though, we can't afford the self-indulgence of nationalism and political expediency. Members of the Alliance community must move quickly to re-establish mutually beneficial trade relationships and go on to formulate a reasonable nuclear arms policy. If we don't rescue the world's economy and heal the divisions infecting our alliance, we won't be able to eliminate the threat of nuclear annihilation overshadowing the planet's future. That's the hard reality of international politics today. We don't have a moment to waste.

Some months ago an American banker friend of mine asked me to let him know when the United States frames a trade policy worthy of a world leader, and what that policy is. For all our sakes, I hope my friend will have his answers soon.●

HEART DISEASE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. DOWNEY of New York. Mr. Speaker, two of this Nation's leading cardiologists—Dr. Michael DeBakey and Dr. Isadore Rosenfeld—have called attention to indefensible foot-dragging by medicare on an issue of importance to many elderly Americans suffering from heart disease. Cardiac rehabilitation is a noninvasive cost-effective therapy that medicare has recognized as medically important. Yet Drs. DeBakey and Rosenfeld fear that a shortsighted reimbursement policy will make this important therapy unavailable to medicare patients. While a bureaucratic review of medicare policy drags on, medicare patients suffer.

I ask unanimous consent to insert in the RECORD a letter I have written to Secretary Heckler asking for her prompt attention to the matter, together with a letter from Representative CLAUDE PEPPER, who served medicare beneficiaries so ably and compassionately for years as chairman, and now active member of the Aging Committee, upon which I also serve. I also ask that letters to HCFA Administrator Carolyn Davis written by Drs. DeBakey and Rosenfeld be included in the RECORD as well.

I urge my colleagues on both sides of the aisle to join me in demanding Secretary Heckler's prompt attention to this matter, to assure that this vital and cost-effective therapy is available to medicare beneficiaries whose lives may depend on it.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 11, 1983.

Hon. MARGARET HECKLER,
Secretary of Health and Human Services, Washington, D.C.

DEAR MADAME SECRETARY: I am writing to request that you direct the Health Care Financing Administration (HCFA) to stop delaying a decision on the proper level of Medicare reimbursement for cardiac rehabilitation services. Recent policies announced by HCFA and implemented by Medicare contractors around the country jeopardize the provision of this necessary service. I have been provided copies of letters (enclosed) from Drs. Michael DeBakey and Isadore Rosenfeld, two of this country's most respected cardiologists, expressing great concern about the current situation. In my judgment this matter deserves your prompt attention.

Cardiac rehabilitation consists of medically monitored exercise therapy programs for persons with serious heart disease. It has increasingly come to be recognized by the medical community as the most effective treatment to improve cardiovasular functioning in patients who have had a heart attack or cardiac bypass surgery, or who have active angina. Perhaps more importantly, it is a non-invasive therapy that should cut Medicare's costs by reducing the need to rehospitalize patients with coronary diseases.

I have been contacted by citizens concerned that a low level of Medicare reimbursement for cardiac rehabilitation will force physicians to discontinue providing this valuable service. It is my understanding that Medicare formally recognized the value of these services last year and specifically expanded Medicare coverage for them. But, in a Catch-22 bureaucratic maneuver, Medicare subsequently placed an absurdly low limit on the amount that it would pay for the services in question. Broadening coverage of a valuable service while keeping reimbursement to levels at which doctors cannot provide the service appears to make little sense.

What is particularly disturbing to me is that Medicare set the limit on reimbursement for cardiac rehabilitation services by reference to a procedure code that has nothing to do with cardiac reimbursement. Thus, the rate of reimbursement for cardiac rehabilitation was not based on any evaluation of the customary and prevailing charges for cardiac rehabilitation services, as required by the Social Security Act, but rather on a totally arbitrary limit unrelated to the value or normal charges for these services.

It is wholly unfair to disadvantage Medicare beneficiaries because of low reimbursement rates for a completely unrelated service. If unchanged, this policy can only discourage the provision of this service to the many elderly Medicare beneficiaries who need cardiac rehabilitation services.

I understand that this policy has been under review at HCFA for many months. But physicians are being forced to stop providing services now. I am writing to request that you take immediate action to (1) set an interim adjustment to upgrade the reimbursement rate until HCFA's broader review can be completed, and (2) expedite completion of the broader study.

Many Medicare-eligible elderly people need cardiac rehabilitation. The Federal government should not make it more difficult for them to obtain this form of treatment. I urge you to take immediate action on this matter.

Sincerely,

THOMAS J. DOWNEY,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 22, 1983.

CAROLYNE K. DAVIS, Ph.D.,
Administrator, Health Care Financing Administration, Washington, D.C.

DEAR DR. DAVIS: I am writing about Medicare reimbursement for cardiac rehabilitation services in Florida.

As you know, cardiac rehabilitation consists of medically monitored exercise therapy programs for persons with serious heart disease. It has increasingly come to be recognized by the medical community as the most effective treatment to improve cardiovascular functioning in patients who have had a heart attack or cardiac bypass surgery, or who have active angina. Perhaps more importantly, cardiac rehabilitation should reduce increases in Medicare's costs by reducing the need to rehospitalize patients with coronary diseases who complete a rehabilitation program. In fact, cardiac rehabilitation is a most cost effective means of preventing the rehospitalization of patients with cardiac disease and keeping them healthy. It helps heart attack victims return to productive lives, and saves millions in health care costs.

I have been contacted by constituents concerned that a low level of Medicare reimbursement for cardiac rehabilitation will force physicians to discontinue providing this valuable service in Florida. As you know, HCFA has required that all part B carriers provide reimbursement for a routine cardiac rehabilitation visit at a rate HCFA selected on a national basis. This reimbursement is based on the amount allowed for an intermediate office visit, code 90060. Blue Cross of Florida has therefore established a new procedure code for cardiac rehabilitation, code 99958, which is based on 90060. But the use of this national code simply does not work in Florida.

I am informed that the normal range of payment for a cardiac rehabilitation visit elsewhere in the country is $50-$60 or higher. Yet, in parts of Florida physicians are being reimbursed less than $20.00 for all of the services provided to a patient during a routine cardiac rehabilitation visit. It is wholly unfair to Medicare beneficiaries in Florida to disadvantage them because of an anomaly in how 90060 is priced in Florida. If unchanged, this can only discourage the provision of this service to the many elderly people in Florida who need cardiac rehabilitation services.

What is particularly disturbing to me is that code 90060 has nothing to do with cardiac reimbursement. It is an office visit code. The rate of reimbursement that has been set in Florida was not based on any evaluation of the customary and prevailing charges for cardiac rehabilitation services, as required by the Social Security Act.

I understand that your staff has been re-examining this question on a national basis for the past two and one-half months. I am writing to request that you take immediate action with respect to Florida, including, if necessary, an interim adjustment in the reimbursement rate until the national study can be completed.

It is my understanding that your staff already has sufficient information to recognize that the Florida rates are unreasonable. Many Medicare-eligible elderly people need cardiac rehabilitation. The federal government should not make it more difficult for them to obtain this form of treatment. I urge you to take action on this matter now.

Sincerely,

CLAUDE PEPPER,
Member of Congress.

THE NEW YORK HOSPITAL,
CORNELL MEDICAL CENTER,
New York, N.Y., September 30, 1983.

Dr. CAROLYNE K. DAVIS,
Administrator, Health Care Financing Administration, Washington, D.C.

DEAR DR. DAVIS: It was a pleasure to meet with you again on Friday, July 1, when I joined Dr. Antonio Gotto, Mr. Joseph A. Califano, Jr., Mr. Dean Sloane and others to discuss with you and Dr. Donald Young, the Health Care Financing Administration's Medicare coverage and reimbursement policy for cardiac rehabilitation services. We also discussed the need for continuous telemetric monitoring of patients during cardiac rehabilitation exercise sessions.

I understood at the conclusion of the meeting that Dr. Young and his staff would review this matter in order to recommend to you whether changes should be made in the level of Medicare reimbursement for these services. I am writing to inquire about the progress of this review.

It has been three months since our meeting, and I have now been informed that reimbursement levels in parts of the Nation have been set so low that cardiac rehabilitation services may not continue to be offered to any Medicare patients—let alone the higher risk patients we discussed at our July meeting.

In fact, I have been told that in parts of some states, such as Florida, Medicare Part B reimbursement ceilings have been set that would permit only between twenty and thirty dollars per routine patient visit in free-standing cardiac rehabilitation clinics. This is simply too low for programs that offer quality services to survive.

It would be a tragedy if Medicare's reimbursement levels had the result of making cardiac rehabilitation unavailable to Medicare beneficiaries. I urge you to accelerate Medicare's national review so that reimbursement levels can be set nationally at a more reasonable level. If the national review cannot be concluded immediately, I urge you to take immediate interim action to review and correct any unreasonably low reimbursement levels that occur in individual states such as Florida, pending completion of the national review.

As you know, I personally enjoyed seeing you on July 1, and I look forward to speaking with you again soon.

Sincerely,

ISADORE ROSENFELD, M.D.,
Clinical Professor of Medicine, Division of Cardiology.

BAYLOR COLLEGE OF MEDICINE,
Houston, Tex., June 23, 1983.

Hon. CAROLYNE K. DAVIS,
Administrator, Health Care Financing Administration, Washington, D.C.

DEAR DR. DAVIS: I had hoped to attend the meeting you will be having with Joseph A. Califano, Jr., and others concerning the reimbursement provisions for cardiac rehabilitation services. Unfortunately, I will be out of the country and unable to attend. Since I believe the decision you will make will have an enormous effect on the availability of cardiac rehabilitation, I wanted to provide you with my own perspective in writing.

Cardiac rehabilitation represents an important therapeutic tool for patients with coronary heart disease. The medical community recognizes its therapeutic benefits in achieving improved cardiovascular functioning in patients who have had a myocardial infarction, have undergone coronary bypass, or have documented angina. The evidence continues to mount that cardiac rehabilitation significantly reduces subsequent hospitalization of heart patients. In short, these programs have two proved benefits: improvement of the medical well-being of the patients and reduction in the costly hospitalization.

These benefits are realized if cardiac rehabilitation programs are carried out safely. Continuous electrocardiographic monitoring of these severely ill patients is required during each exercise session to insure their safety. HCFA has already declared that continuous electrocardiographic monitoring in HCFA's reimbursement policy must now take into account the expense of providing this service to patients.

I therefore urge that you examine Medicare's reimbursement policy carefully. In my judgement, an approach to cardiac rehabilitation which results in improperly low reimbursement rates would be shortsighted. It will discourage both doctors and patients from using an extremely beneficial therapeutic regimen.

Dr. Antonio M. Gotto, President-Elect of the American Heart Association and my colleague at this medical school, will attend the meeting with you on July 1, 1983. He and I share similar views on this subject, and he will be prepared to discuss these matters with you in greater detail.

Once again, I am sorry I will not be able to attend personally. But I urge you to review this question with the greatest care since I believe it has important implications for many Americans.

Sincerely,

MICHAEL DEBAKEY, M.D.●

WHY ARE WE IMPORTING SOVIET GOODS?

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. WALGREN. Mr. Speaker, on September 28, I learned from U.S. Customs in New Orleans that over 6,000 tons of Soviet ferrosilicon has been unloaded from a Dutch ship for sale in the United States. This shipment alone is appalling, but what is even more astounding is that it is the second shipment in 1 month from the Soviet Union—the first occurring on September 2, 1 day after the destruction of the Korean airliner by the U.S.S.R.

On September 22, I wrote President Reagan asking him to halt the importation of these Soviet goods and that he act on a 2-year-old petition filed by the domestic ferroalloys industry asking for a determination on whether ferroalloy imports threaten our national security under section 232 of the Trade Act. This action is imperative, in my view, to send more than signals to the Soviets that they will suffer a real penalty for their disregard of human life. At the same time, prompt action on the petition is necessary to help revive our domestic industry.

Ferroalloys are used in the production of steel and aluminum for products like jet engines, tanks, and ships. The U.S. ferroalloys industry is currently operating at only 34 percent capacity, down from 79 percent in 1979. The industry employs 2,200 workers, down from 8,000 in 1979. Import competition has captured over 50 percent of the domestic market in recent years. Imports are now at 58 percent of the domestic market. It seems clearly wrong for the administration to continue to tolerate this high level of imports of such a critical national security commodity and let our U.S. industries further sink into decline.

I would like to share with my colleagues the following letter to the President urging that he ban these imports and that he act on the petition filed by the U.S. ferroalloys industry.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 22, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I was appalled to learn from news reports on September 2, one day after the horrendous destruction of the Korean civilian airliner, that the Soviet Union has shipped 5,365 tons of ferrosilicon for sale in the United States and that this sale may be the beginning of a planned market penetration of 50,000 tons over the next two and one-half years.

I am writing to strongly urge that you ban these imports from the Soviet Union immediately and that you take prompt action on the petition filed by the U.S. ferroalloys industry two years ago. I believe that these actions would be a strong and appropriate response to the unforgiveable downing of the Korean airliner.

As you know, ferroalloys are critical to our national defense and industrial strength as essential ingredients of steel and aluminum. Two years ago the domestic ferroalloy industry asked the government to determine whether imports of ferroalloys at over 60 percent pose a threat to our national security and to take appropriate actions as authorized under section 232 of the Trade Expansion Act of 1962. It is incredible to me that the United States condones this sale after the destruction of the airliner and at a time when our domestic ferroalloy industry is operating at 34 percent of capacity. To let the Soviets capture part of our market not

only gives them an unjustified share of U.S. sales and dollars, it further saps the strength of our own industry whose furnaces should be maintained so that we can meet our national security needs. We cannot depend on foreign sources for such a vital material.

I urge you to act promptly and decisively to preserve our domestic capability and to indicate American's strong disapproval of the Soviet's inhumane actions in killing of 269 people.

Sincerely,

DOUG WALGREN,
Member of Congress.

I have received a reply from Mr. Kenneth M. Duberstein, an assistant to the President which indicates that the administration will give my comments "careful consideration." I would hope that the Reagan administration would realize that this problem requires more than "careful consideration." Again, I call on the administration to act. The letter from Mr. Duberstein follows:

THE WHITE HOUSE,
Washington, D.C., October 4, 1983.

Hon. DOUG WALGREN,
House of Representatives,
Washington, D.C.

DEAR MR. WALGREN: On behalf of the President, I would like to thank you for your recent letter underscoring your concerns in regard to the shipment of ferrosilicon to this country from the Soviet Union, particularly in light of the Soviet attack on the Korean airliner.

The President appreciated receiving your views on this matter; and we are now sharing your letter with the appropriate advisers for further review and response. I assure you that your comments will be given most careful consideration.

With best wishes,

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.●

LEBANON PULLOUT BEST COURSE FOR UNITED STATES

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. ROTH. Mr. Speaker, many eloquent statements have been made concerning the deployment of our marines in Lebanon. An editorial by the respected Milwaukee Sentinel, I believe, is right on target. I commend it to the thoughtful Members of this body.

Indeed our colors fly high as a symbol of freedom and peace. But our marines can affect neither goal until the warring factions in Lebanon resolve their differences. We are chasing rainbows if we believe otherwise.

LEBANON PULLOUT BEST COURSE FOR UNITED STATES

Fear of attacks on US Marine positions in Beirut has now reached a stage where two Marines wounded in weekend sniping and grenade attacks could not be removed to an offshore hospital ship.

The Marine commander, Col. Timothy Geraghty, said that was because the handful of forces we have in Lebanon are on highest alert. "Condition one," he called it.

It may be difficult to remember that when the Marines were first sent to Lebanon, "condition one" was that the Marines would not get involved in the fighting.

Given the level and complexity of hostilities in Lebanon, it was a ridiculous promise made to fend off congressional opposition. The presence of US troops in Lebanon supposedly was necessary to pull off an agreement under which both Syria and Israel would remove their forces while local factions worked out their differences.

Now, 13 months later, the danger to the Marines has escalated from that of shells from warring local factions which missed their mark to calculated sniper fire.

Seven Marines are dead and 46 others have been wounded.

But President Reagan, reinforced by a compromise agreement with Congress under which he can maintain the forces in Lebanon for 18 more months, remains steadfast. Whoever is shooting at our Marines—there are some suggestions it may be the Palestinians trying to break the fragile ceasefire now technically in existence—isn't going to scare us out of Lebanon.

This is one case, however, where tough talk isn't going to scare off the harassers. There are just too many factions involved.

Reagan is caught in a political trap he helped fashion. But the president should wake up to the fact that there is no glory or ultimate purpose in having our Marines die with their boots on in Lebanon.

He found an excuse to get them to Lebanon. He should now find an appropriate rationale for declaring their mission accomplished and get them out.

If not, he may find himself resurrecting Jimmy Carter's Rapid Deployment Force to provide a rescue operation that would be even more demeaning than a pullout.●

PREVENTING FORCED TOP-DOWN UNION ORGANIZING

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mrs. VUCANOVICH. Mr. Speaker, I am introducing legislation today to increase personal freedom of choice among working men and women in the construction industry who are currently coerced—against their will—to join and financially support labor unions.

Obviously, if freedom is to be guaranteed, working men and women must be protected in the right to join a union if they choose—or to refrain from doing so.

That freedom is being threatened by a recent Supreme Court decision in Woelke & Romero Framing Inc. against NLRB, which I believe has misinterpreted the intent of Congress by opening the door for an industrywide imposition of compulsory unionism on construction workers.

Under current Federal labor law, a subcontractor at a specific construction site can legally be required to force his workers to affiliate with the union in order to bid for projects in which the general contractor has a union contract. Even worse, the subcontractor must force his workers to affiliate with the general contractor's union, whether or not those workers are already represented by another union.

This proviso of the National Labor Relations Act was enacted in the name of labor peace. It sought to prevent the supposed tension which some claimed would result from union and independent workers working side by side—by requiring subcontractors to provide union labor on construction sites manned by the contractor's unionized work force.

This restriction on individual freedom is, in my opinion, odious enough. But, the Supreme Court's decision expanded this compulsory unionism pressure on subcontractors by allowing them to be forced to supply union-only labor to a contractor who has a union contract on any construction site, anywhere in the Nation within the entire construction industry. Even the fact that a contractor may not even have union workers on the particular job site at which the subcontractor wishes to bid his services does not matter.

Under the current interpretation, if a contractor had a union work force at site A, but an independent work force at site B, a subcontractor nonetheless could be forced to provide union-only labor in order to bid for work at either site.

My bill, while not eliminating this heinous intrusion against individual liberty, would at least limit its application and end the immediate threat of industrywide top-down organizing.

Bidding at unionized sites would continue to be restricted to union subcontractors, relieving whatever concern there may be for labor peace.

And while some might clamor for uniformity—and claim that determining labor relations site by site as opposed to industrywide would be burdensome to business, I believe that construction industry support for this bill will belie any such notion.

Convenience of business or unions is not my primary concern, however, it is the freedom of individual workers.

I understand that the elimination of top-down organizing in Great Britain last year leaves the United States the only nation which allows this coercive practice to restrict the individual freedom of working people.

It is important to note that even in those 20 States in which State right to work laws prohibit compulsory unionism, top-down organizing can force independent workers, despite their wishes, to accept union officials as their bargaining representative in a contractual relationship forced on their employer as a condition of being

able to participate in the bidding process.

Workers in all States should be free to join the union of their choice. However, no American worker should be compelled to affiliate with a union—and no American businessman should be compelled to force unionization on workers, who desire to remain independent, in order to gain legal access to the conducting of his own business.

I urge my colleagues to join me in support of this bill.●

NAVY SPACE COMMAND ESTABLISHED

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. FUQUA. Mr. Speaker, recently I had the pleasure and honor to attend the ceremony establishing the Naval Space Command at the Navy Surface Weapons Center in Dahlgren, Va. Adm. James D. Watkins, Chief of Naval Operations in his formal remarks placed the need for such an organization in a very succinct manner when he said:

We have a growing dependence on space systems. Our Navy is the largest tactical user of spacebased systems today. Over 85 percent of all direct satellite signal intelligence output, provided to our Armed Forces, is solely for use by the Navy; and the transit navigation satellite provides the primary means of navigation for all combatant ships, and this will soon be followed by the NAVSTAR Global Positioning System Satellite. Providing other invaluable services, fleet satellite communication system satellites are the umbilical for our far-flung naval forces. Only a few days ago, as Acting Chairman of the Joint Chiefs, I communcated from my quarters, in the middle of the night, with our marine peace keepers on the ground in their foxholes near the Beirut airport. This proved to me the incredible value of our capabilities in space for immediate command and control linkages so vital to the decisionmaking process. Defense meteorological support program satellites are vital to the safe routing of our ships; and weather information, crucial to successfully conducting our various warfare missions, is also provided by satellites. No matter if it is communications, navigation, meteorology, oceanographics, or surveillance, the satellite support we receive ensures we can fight, win, and return home safely. If we think space, continue to learn how to use space, we in the Navy can help build for our nation that winning Navy this great island nation will always require.

The event we mark today, establishment of our Naval Space Command, will provide that necessary focus. This is not a revolutionary event, but an evolutionary one. This is not a start, but a continuation. We seek to consolidate our Navy's disparate space efforts into a cohesive program, which supports our maritime strategy and mission of sea power. Putting our Navy space-related functions under a single commander will not only strengthen operational control, and provide necessary focus for our Navy's operational use of space systems, but will also provide essential direct space support to our fleet units. This will be done without major shifts of personnel, and without striking out in bold, new, unilateral directions.

Mr. Speaker, the chosen commander of the new space command is very well qualified for this role for he has served the Navy, and more recently NASA, brilliantly for the past 14 years culminating his command with the recently completed eighth space shuttle mission, which has been hailed as a textbook mission. I congratulate Admiral Watkins and his team for their initiative and wish them and the new commander, Capt. Richard Truly continued success in fulfilling the Navy mission.

I commend Admiral Watkins' statement to all my colleagues.●

THE HISPANIC COMMUNITY BIDS FAREWELL TO A. J. WILSON

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. PATTERSON. Mr. Speaker, on October 24, 1983, the Hispanic community will hold a farewell dinner honoring A. J. Wilson, city manager of the city of Santa Ana, Calif. I would like to ask my colleagues in the House of Representatives to join me in wishing Mr. Wilson every success in his future career, and to thank him for a job well done in Santa Ana.

For the past 3 years, under A. J. Wilson's brilliant leadership and guidance, the city of Santa Ana has gained national recognition. The city of Santa Ana was recently chosen as a recipient of the All-American City Award, a national honor bestowed by the National Municipal League. This award annually recognized a few communities for its accomplishments in citizens participation. Three programs were selected as exemplary government/citizen partnerships: First, minority voice; second, 3-R's, rehabilitation, restoration, and revitalization; and third, community oriented policing.

During 1982, Santa Ana's fire department received the highest fire safety ranking in the country by an insurance rating service. Only one other city in the country received such recognition. The city's police department has received national recognition for its citizen involvement and efforts in reducing crime. Santa Ana has gone from one of the Nation's higher crime areas to one of the safest.

As a result of its extensive community development program, Santa Ana, during 1981, experienced a 63-percent increase in construction activity as compared to a 7-percent decline countywide. Once again Santa Ana has emerged as Orange County's urban center.

During Mr. Wilson's tenure as city manager, many projects came to fruition in the city of Santa Ana, including the awarding of a cable television franchise and the establishment of Santa Ana as a major transportation center. Lastly, through the establishment of community activities, such as the Santa Ana Tomorrow Community Forum, neighborhood preservation meetings, Golden City Days, and the Santa Ana Ambassador's Ball, open communications between citizens and local government has never been greater.

Mr. Speaker, Santa Ana is a better place because of A. J. Wilson's leadership as city manager. I join with my colleagues in the House in paying tribute to Mr. A. J. Wilson as he departs to become the city manager of Kansas City, Mo.●

LIKE IT OR NOT, WE HAVE TO HELP OUT THE IMF

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. BEREUTER. Mr. Speaker, Rutgers University finance professor, Dr. Paul S. Nadler, recently addressed one of the most vexing issues facing the Congress: Authorization of $8.4 billion of additional funds for the International Monetary Fund. In his article, Professor Nadler presents an insightful answer to the often-asked question, "Why should we bail these banks out when they got into their troubles by themselves?"

I encourage all of my colleagues to read Dr. Nadler's excellent article and to reflect upon the serious damage that can be done to our Nation and the world economy if action is further delayed on this crucial measure.

LIKE IT OR NOT, WE HAVE TO HELP OUT THE IMF

(By Dr. Paul S. Nadler)

American bankers were willing to risk their image and political clout when they lobbied to win repeal of withholding of interest and dividends earlier this year. But the irony is that this issue has quickly faded.

Now, another issue is generating far stronger public resentment against the banks than withholding did. The issue is the U.S. program to help refinance international loans.

As observers go around the nation and handle questions from audiences on economic and financial issues, one query comes up again and again: "Why do we have to spend public money to bail out America's banks for their own decision in making these foreign loans?"

There has been tremendous opposition, both inside and outside Congress, to the new $8.4 billion contribution to the International Monetary Fund. The typical Ameri-

can who has looked at the issue sees it this way:

"We taxpayers have to provide $8.4 billion to the IMF . The IMF, in turn, lends this money to the nations that have huge outstanding debts, and these nations, in turn, take much of this money to pay the American banks. Why should we do it?"

THE GRUDGE GOES DEEPER

The resentment goes even deeper among those who have developed deeper knowledge of the background. For they recognize that the American banks made a great deal of money on their foreign loans in years past—with some major banks earning well more than half of their income from overseas loans at high interest rates.

And they feel that bankers most of all should recognize that there are risks involved in any loan that offers so much more yield than is available at home. "If the banks got the yield, then they should bear the risks" is their attitude.

On top of this is the belief that the funds the banks lent overseas was money that was denied to local borrowers. The banks saw yields so much higher abroad than at home that, some borrowers feel, they turned from domestic lending to foreign lending. Yet now they want the Americans to bail them out when the loans have turned sour.

Also, many recognize that much of the money lent to these nations, both by private banks and by agencies such as the IMF, has ended up in private hands and been used to channel resources out of the borrowing nations.

Thus, there are many Americans who are mad at our major banks and feel that we are all taking the rap for their own actions and the banks' own greed.

Bankers, naturally, have a different attitude.

First, they feel that much of the problem stems not from improper lending approaches but from the decline in oil prices, which limits these nations' ability to repay their debts.

It may be scary when the figures show that for some major South American nations, the interest alone on the foreign debts equals about half the total export earnings of the country now that energy prices and demand have calmed down. But we must remember that banks were asked by officials to lend to recycle petrodollars.

Second, the bankers point out that these nations have not been cavalier in their attitude toward repayment of their debts. These countries have so restricted their economic activity in an attempt to get their houses in order—so their imports would decline and exports will be more attractive—that they have caused sharp recessions. This is why some leading bankers fear riots in the streets more than they fear a walking away from the debts.

Tied in with this is the recognition, both here and in the borrowing nations, that any nation that walks away from its international obligations will have no ability to tap the American capital markets (or those of Europe) for an awfully long time. This could seriously damage any nation's opportunities for economic growth and prosperity.

To be sure, some of the refinancing arrangements being made, such as that the private banks negotiated with Brazil, involve the banks lending Brazil enough both to cover principal and interest—so it really becomes only a bookkeeping repayment program. But even so, it is not a default, and bookkeeping repayments and extension of loans are the only approaches feasible when debt repayment and service obligations so exceed export earnings.

The willingness to reschedule debt on so favorable a set of terms to the borrowers indicates the major banks recognize they have dug themselves into a hole, and they are doing their best to get out of it without governmental aid.

But this still does not appease typical U.S. observers.

They still think that any governmental programs, including the new contribution to the IMF, would be solely a bailout of American banks, and they ask again: "Why should we bail these banks out when they got into their troubles by themselves?"

The problem with letting banks face the music by themselves is that we are all hurt if the banks are hurt. Unlike an airline failure, in which the employees and stockholders are the main losers and some other lines quickly come in to provide service, when a bank fails, all depositors whose accounts exceed the FDIC limit are badly hurt unless the FDIC arranges a merger or acquisition.

A bank failure has a traumatic impact on a community. Those who have established lines of credit with the failed bank have a difficult time establishing new relationships overnight.

Fear strikes the community, and despite the FDIC and FSLIC insurance, many people opt for cash—putting other istitutions in jeopardy. For if there is one thing we know about banking, it is that a liquidity crisis with heavy withdrawals has more to do with a bank failure than does capital adequacy.

Capital is based on stated book, which in today's high interest rate environment often means that banks and thrifts have no real capital at all if they were forced to report mortgages and bonds at real worth.

This is why the key to banking is to keep the depositors "sullen but mutinous" so no liquidity drain develops. And it is also why international loans can be refinanced and pushed out into the future, as long as depositors do not look at the fact that, in some banks, international loans exceed stated capital by almost two to one.

THE CONFIDENCE GAME

Banking is a game of confidence, and banks are too important to our lives for us to allow them to go under.

Thus, like it or not, help undoubtedly will be provided for the nations that need to make payments on their loans to U.S. banks, and bank failures just will not be allowed to develop no matter how deep the hole that banks have dug for themselves in the international area.

But while bankers generally feel this way and are confident that no major failures should result from our international lending situation today, there is a different fear that bankers should not forget.

The legacy of anti-bank feeling and resentment at the need to bail out the industry could well lead to far greater control over the international and even the domestic operations of America's banks.

A number of legislative proposals restricting bankers' freedom have already been introduced both separately and through parts of the IMF contribution bill.

It is hard to see how bankers can escape this public criticism for past loans without some greater restraint on bank operations.

For the troubles may disappear over time. But we well know that the government only comes in in periods of emergency; but when it does, it virtually never leaves.●

VOCATIONAL EDUCATION ACT REAUTHORIZATION

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. GUNDERSON. Mr. Speaker, yesterday I cosponsored, along with a bipartisan group of members from the Education and Labor Committee, legislation which will provide a reauthorization of the Federal Vocational Education Act, as proposed by the American Vocational Education Association. The introduction of this legislation signals the commencement of the committee and floor process which will yield a reauthorization package.

While I do not necessarily agree with the point-by-point content of this bill, I commend Chairman PERKINS and Representative GOODLING, along with the American Vocational Association, for their efforts. The Education and Labor Committee and then the House must build upon this work to produce an improved Vocational Education Act.

Because there are provisions of this legislation on which reasonable individuals can differ, it is my sincere hope that the chairman will schedule a full complement of hearings so that we can have the best product possible to take to the House floor.

Many of the issues which were confronted in the last major amendments to the Vocational Education Act are of considerable importance once again. Issues such as the Federal authorization level, the national and State funding formulas, maintenance versus improvement programing, categorical programs, special programs for the disadvantaged and special populations, sex equity, and finally, administrative and paperwork burdens remain of consequence. This American Vocational Association legislation confronts many of these matters directly and offers a perspective from which further congressional consideration can commence. Although the total reauthorization package is complex and will require extensive analysis, this bill represents a worthwhile beginning. I am particularly encouraged by the fiscal restraint shown by its drafters and by the inclusion of a section dedicated solely to high-technology training.

A careful reauthorization of the Vocational Education Act by the Education and Labor Committee, along with the newly implemented Job Training Partnership Act, will provide the training and retraining services our Nation direly needs. I welcome this initial step toward that goal and I encourage all Members to closely examine this important legislation.

Our goals through the reauthorization process, of course, must be to

strengthen the vocational education system throughout the Nation. In my own State of Wisconsin great emphasis is placed upon vocational education, with particular attention given to postsecondary education. With the retraining requirements the Nation will face in the near future now apparent, it is essential that our postsecondary vocational education ability match that provided at the elementary and secondary levels.

I look forward to the remainder of the reauthorization process with optimism and will work with the Education and Labor Committee to provide the improvements needed in our vocational education system.●

MODERNIZING THE UNRELATED BUSINESS INCOME TAX

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. JENKINS. Mr. Speaker, I am this date introducing legislation that would, when enacted, enable retirement trusts and college endowments to increase the rate of return earned on investments while providing an additional source of capital to the domestic oil and gas industry. This legislation facilitates the diversification of portfolio investments by pension funds and colleges and universities into oil and gas properties by eliminating the present imposition by the International Revenue Code of the unrelated business income tax on income from one class of passive oil investments (working interests) but not on income from other passive oil investments in royalties and net profit interests. This bill would also permit colleges and universities to retain donations of oil and gas working interests without exposure to tax, thereby removing an existing barrier to the making of educational contributions of this type of property.

This bill enjoys wide support in the House and the Senate. It is identical to S. 1549, a bill recently introduced in the Senate by Senator Armstrong, together with nine other members of the Senate Finance Committee. It is also substantially identical to H.R. 821 and H.R. 3820, bills introduced by me and a number of my colleagues. This bill is cosponsored by 15 of my colleagues on the Ways and Means Committee, as well as other interested Members of Congress. Like S. 1549, it contains certain safeguard provisions not contained in earlier versions of the legislation. The provisions, which relate to partnership allocations, abusive sale-leaseback arrangements and the use of debt in buying shares in a limited partnership, are designed to address concerns that exempting income from working interests held by exempt pension funds, colleges and universities from the unrelated business income tax might present a potential for abuse of their exempt status.

The bill would eliminate the current distinction in the tax law which differentiates between certain investments by exempt organizations in domestic oil and gas activities. Different tax treatment is provided for income from substantially similar forms of oil and gas investment. Under section 512 of the Code, income received by an exempt organization from a net profit interest in producing and nonproducing oil and gas properties is excluded from unrelated business taxable income, but income received from a limited partnership that owns oil and gas working interests is subject to tax. However, the operation of the two investments is substantially identical. Under both forms of investment, the exempt organization makes a single payment that is used to acquire, explore, and develop the oil and gas properties; the exempt organization incurs no obligation to pay liabilities incurred in drilling or development beyond its initial payment, and income is distributed to the exempt organization after deducting amounts spent to pay operating costs. Because both forms of investment are substantially identical in operation, they should receive the same tax treatment.

The impetus for making this limited modification in the tax law is the fact that working interests constitute virtually all of the interests in oil and gas properties that are commonly available for investment. Furthermore, because of administrative, State law, and Federal securities law problems in assembling and marketing royalty and net profit interests (whether held directly or in partnership form), limited partnerships owning working interests have become the conventional format for domestic oil and gas investments. Therefore, this bill must become law in order to provide exempt organizations access to the economic returns available from domestic oil and gas activities.

The desirable objectives of the bill would be achieved, I believe, without any revenue loss: Exempt organizations seeking to avail themselves of the new investment opportunities provided by this bill would use their investment capital—which is going to be invested in nontaxable investments in any event—to invest in an activity that they cannot presently invest in without becoming subject to tax. They would forego the tax deductions now available to taxable investors in oil and gas properties and these deductions would not become available to any other party. Indeed, as a result, it is arguable that this bill would produce a net gain in tax revenues.

Concern has been expressed that earlier versions of this bill would reduce competition in the industry or that they would present a potential for abuse of the tax-exempt status of the investing pension trusts, colleges and universities. The first argument is without merit. The bill will not reduce competition in the industry because, under it, the general partner of a qualifying limited partnership must be a taxable entity or individual that is independent of the tax-exempt limited partners. Thus, the bill will increase competition in the oil and gas industry by making an additional source of capital available to the entire spectrum of taxpaying oil and gas operators, capital that is not now generally available to them.

The second criticism of the bill is equally without merit. The bill contains a number of safeguards designed to prevent abuses of the exempt status of limited partners, which provisions, in the words used by Senator ARMSTRONG in introducing S. 1549 in the Senate, should make it "noncontroversial."

In summary, the bill contains the following safeguards:

It assures that investments exempted from tax will be passive in operation by restricting the exemption to investments in limited partnership interests;

It restricts the exemption to investments in bona fide commercially managed partnerships by requiring that the general partner be taxable and unrelated to the tax-exempt limited partners;

It permits partnership allocations that are standard in the industry, but it prohibits the allocation of a disproportionate share of income to tax-exempt limited partners and a disproportionate share of deductions to taxable partners;

It denies the use of deductions and credits attributable to the tax-exempt limited partner's share of partnership income to that partner or to any other partner (whether taxable or tax-exempt);

It prevents the use of multitier partnerships or other arrangements to avoid the allocation safeguards built into the bill; and

It incorporates provisions of existing law relating to real estate investments by pension funds that prevent abusive (so-called Clay Brown) arrangements, such as sale-leasebacks, between taxable and tax-exempt entities.

Mr. Speaker, pension trusts, colleges, and universities are attracted to oil and gas investments because of the favorable rate of return on such investments. These investments do involve a certain amount of risk. But risk is inherent in many activities in which tax-exempt institutions currently invest without incurring tax liability. The

answer to the problem of risk lies in prudent diversification by fund managers, based upon their fiduciary responsibilities under ERISA and State law, and not in relying on the Tax Code to monitor their business judgments. Tax-exempt organizations can now invest in oil and gas royalties and net profit interests without becoming subject to the unrelated business income tax, even though these interests may burden nonproducing properties and therefore expose them to the same risks as investments in limited partnerships that hold comparable nonproducing working interests. This bill would cure this distinction.

Mr. Speaker, I welcome further consideration of this bill and urge its enactment.●

REGIONAL DEVELOPMENT BANK ACT INTRODUCED

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. CONYERS. Mr. Speaker, today I have introduced the Regional Development Bank Act (H.R. 4168). This legislation would establish five autonomous federally chartered regional banks that will offer financial assistance to firms, labor and community organizations, and State and local governments that are engaged in economic redevelopment and job-creation activities, requiring long-term capital on reasonable terms that is unavailable from other sources.

The regional development banks, led by boards of directors broadly representative of all economic interests in each of the regions, would be in a better position to provide flexible, responsive financial assistance tailored to the needs of each region, than any centralized agency could offer. The majority of directors of the banks would be drawn from within each of the regions on the recommendation of the Governors of the States involved.

Financial assistance would be available in the form of long-term loans, guaranteed loans, and in certain cases grants and equity purchases, for a broad range of economic activities, including the retooling of closed-down plants, plant expansion or modernization, infrastructure development, job training and industrial research and development directed toward the building of new technological processes and products.

Some regional banks will focus their assistance on supplemental investment for emerging industries and labor markets. Other banks will have to place their emphasis on reshaping depressed local economies into viable production and employment centers. In all cases, the firms, organizations, and governmental units that receive assistance will be required to demonstrate through their development plans substantial economic growth and job creation.

Reciprocity will be a key consideration for the banks in the implementation of the financial assistance plans. The banks at every stage will monitor the performance of the recipients. Firms receiving assistance will be barred from applying it for the purposes of the acquisition of, or merger with, existing enterprises; the relocation of productive assets outside of the region; and the shutting down of plants and dislocation of the employees involved without sufficient prior notification and negotiation with the affected workers regarding compensation.

The regional banks will be required to concentrate their assistance in the service of small- and medium-sized enterprises. The legislation also provides that each of the banks will set aside 20 percent of its assistance annually for special innovative and higher risk projects that can yield substantial economic gains and serve as models in other areas. These projects include job training and industrial research and development that involve the cooperative efforts of labor, business, and the communities affected. Each bank will furnish technical assistance to its clients and undertake forecasting and other economic research that will contribute to the public understanding of economic trends, conditions, and alternative policy directions.

Each of the regional banks will be initially capitalized at $1 billion and will be permitted to raise additional capital and issue obligations that cannot exceed five times the paid-in capital at any given time. The banks' obligations shall be guaranteed with the full faith and credit of the United States and interest on its obligations shall be exempt from all income taxes.

The Regional Development Bank Act is intended to provide a framework for the targeting of investment resources to sectors of the economy and regions of the country for which market processes alone have proved inadequate. The banks' funds will supplement, not displace, existing resources. The banks will be in a position to generate a greater level of economic development resources than currently exists as an outcome of building investor confidence in the economic activities that are to be supported.

We cannot afford in this period of acute change affecting every facet of the economy not to plan ahead to place the maximum available resources at the service of job creation, regionally sensitive economic redevelopment and balanced national economic growth. In providing for new investment resources, flexible financing programs, and cooperative arrangements among all economic actors, the legislation represents an advance in bringing greater coherence and farsightedness to Federal economic development policy.●

COMPTROLLER PETER KING FINDS DISGRACEFUL ABUSE OF LEGAL RIGHTS IN NORTHERN IRELAND

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. LENT. Mr. Speaker, it is with grave concern that I rise to bring to the attention of my colleagues a frightening and intolerable abuse of legal rights by the British rulers of Northern Ireland.

The details of this abominable development have been brought back to our country by the Honorable Peter T. King, comptroller of Nassau County, N.Y., an outstanding attorney, public servant, and humanitarian, who served as an international observer at two recent trials involving Catholic nationals accused of IRA activities. Mr. King not only attended the trials in Belfast, at the invitation of Relatives for Justice, a Northern Ireland-based organization, but held many personal conferences with members of the Northern Ireland legal profession, officials of the Northern Ireland Office, and others. His experience reveals a total denial of the basic rights of due process to the defendants in these trials. As an attorney myself, I was shocked by the revelations in Comptroller King's report. It is tragically ironic that England—the country which left America the precious legal heritage of a fair trial before one's peers—should abandon this basic human right in frantic attempts to curb Northern Ireland Catholics' efforts to win freedom from its oppression.

Mr. Speaker, our country must not stand silent in the face of such tragic circumstances. I am personally requesting the Department of State to intervene, and am also addressing a personal message to British Prime Minister Margaret Thatcher, demanding that she restore the basic British principles of justice to Northern Ireland. To each, I am enclosing a copy of Comptroller King's report. I am also sending a copy of the report to the Honorable MARIO BIAGGI, chairman of the ad hoc congressional Committee on Irish Affairs of which I have the honor of being a member, urging that the committee take action.

I also urge every one of my colleagues who is concerned with this terrible violation of legal rights in Northern Ireland to join in this protest. To assist you in this important effort, I

request that the full text of Comptroller Peter King's important and informative report be published in the CONGRESSIONAL RECORD at the conclusion of my remarks. I respectfully request my colleagues to study most closely this carefully documented indictment of the British actions in Northern Ireland.

THE DEATH OF THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND

I just recently returned from Belfast, Northern Ireland, where I served as an international observer at the "Super-Grass" informer trials at the invitation of Relatives for Justice, a Northern Ireland based organization. During my stay in Belfast I observed proceedings in two of the informer trials (McGrady and Grimley); met with members of the legal profession, officials of the Northern Ireland Office, relatives of defendants and a representative of the Official Unionist Party; and visited a prisoner in Belfast's Crumlin Road Jail. Based upon these experiences, I have categorically concluded that the criminal justice system in Northern Ireland has become nothing but an extension of British military policy and that the informer cases against alleged members of the Irish Republican Army are "show trials" reminiscent of Stalin's Russia.

I realize the implications of such conclusions but the fact is that the criminal proceedings being conducted by the British against Northern Ireland's Catholic community would never be tolerated in the United States or England. Consider the following:

Defendants are being convicted on the uncorroborated testimony of informers.

Defendants are denied jury trials.

Most defendants—even those in non-captial cases—are denied bail and are imprisoned for as long as two years before being brought to trial. However, three members of the Royal Ulster Constabulary (Northern Ireland police), who were accused two weeks ago of murdering a Catholic, were granted bail.

Defendants are detained and interrogated by the police for up to 7 days during which time they are not allowed to speak or meet with anyone including their lawyers or family members.

Large numbers of defendants—as many as 38 in one case—are tried together in a mass trial despite the fact that the crimes they are accused of committing are totally unrelated.

Defendants are not allowed to assert the defense of entrapment.

Spectators are required to give their names and addresses before entering the courtroom—a practice which is "inherently intimidating."

Defendants in one informer case (Patsy McGuirk) were denied their right to confront the informer before trial.

Although a number of Northern Ireland's Judges have strong Unionist and Orange Order backgrounds, defendants are not allowed to request a Judge to disqualify himself because of prejudice.

Except for the media, spectators in the courtroom are not allowed to take notes and are thereby prevented from recording what they are observing. I was allowed to take notes for two days. However, on the third day I was ordered to stop by the Police who told me the Judge thought I was "a threat to the Judge's security."

Although the Police are allowed to sit among themselves and talk in the courtroom, I observed a defendant's wife being barred from court in the afternoon because she smiled at her husband when leaving the court that morning.

Although members of the unionist community are occasionally brought to trial on the basis of informer testimony, the overwhelming number of defendants in these cases are from the Catholic community.

Relatives visiting prisoners in Crumlin Road Jail are made to wait on line outside the prison for up to one hour. They are subjected to public ridicule and have no protection from the elements.

Finally, I had occasion to meet with Fr. Denis Faul, an outspoken opponent of the IRA, who says Sunday mass in Long Kesh Prison Camp outside of Belfast from which 19 IRA prisoners had successfully escaped on September 25th. When Fr. Faul went to Long Kesh on October 2nd, he learned that the prison guards had been so enraged by the escape that they brutalized the prisoners who had not escaped. Attack dogs were turned loose in the prison and 18 prisoners were hospitalized for severe dog bites. Numerous other prisoners were severely beaten, particularly the prisoners who were recaptured. In all, 80 prisoners required hospitalization. The reaction of the Northern Ireland office to Fr. Faul's allegation was to threaten to keep him from Long Kesk if he persisted in speaking out.

Northern Ireland has become a police state. The last bulwark of a free society is an independent judiciary. The sad fact is that the Judges of Northern Ireland have allowed themselves to become an extension of the inhuman, oppressive military policy which characterizes British rule in Northern Ireland. Americans should be particularly concerned with this breakdown of justice in Northern Ireland because the United States and England share a common legal heritage. Moreover, as the leading voice for human rights in the western world, the United States can no longer remain silent while England carries on its tyrannical rule in Northern Ireland. If we as Americans do not speak out and condemn these brutalities, there will be blood on our hands as well.●

CONGRESSIONAL AWARD TO MRS. ANGELINA BAEHR

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, I am extremely pleased to present to Mrs. Angelina Baehr the Congressional Award in Recognition of Outstanding Service to the Community. I can think of nobody who better deserves this award—who has worked more tirelessly, enthusiastically, and generously to make our community a better, fuller place in which to live.

It is not enough to call Mrs. Baehr simply a humanitarian—for she is more than this. She is a lover of people, and has consistently put her services to work where they are most needed and always deeply appreciated. She has dedicated her life to serving the elderly and the black communities, and to bringing together groups too often tragically divided in our neighborhoods.

She pioneered the introduction of black history into the local school curriculum, successfully overcoming resistance from both teachers and administrators in the process. In addition to a full-time teaching job, she gave her evenings and weekends to counsel her students and their families. As a member of her parish, she volunteered her time to develop an ecumenical education program for children from diverse racial and ethnic backgrounds.

For the past 8 years, Mrs. Baehr has turned her remarkable energy and talent to work as a professional volunteer in service of the elderly. She created and still produces a monthly radio show focusing on topics pertaining to older people. She is the coordinator of senior adult activities for Our Lady of Mount Carmel parish and leads a weekly group providing counseling and friendship to the lonely and homebound. It is no surprise that she has become the first vice president of the South Central Connecticut Agency on Aging, where she is the chairperson for the allocations committee.

I am far from the first to recognize the tremendous achievements of this individual. She recently received a letter of recognition from the U.S. Department of Health and Human Services and a citation from Mayor Peter Villano, of Hamden, for her volunteer efforts for the aging. I am pleased to be among those to thank Mrs. Baehr for all she has done and to express how fortunate I feel to have her as a member of our community. She is one of those rare people about whom it can genuinely be said that everything she touches turns to gold. The very best of luck and success in all your future endeavors, Mrs. Baehr.●

NATIONAL POLICIES ON PENSIONS AND OTHER SOCIAL ASSISTANCE PROGRAMS

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. WIRTH. Mr. Speaker, a great deal of discussion has ensued concerning the overall Federal budget, and the policies that should be followed as pensions and other social assistance programs.

Prof. Michael March of the University of Colorado has written an interesting analysis on this issue, which I commend to my colleagues. Professor March was a member of the staff at the Bureau of the Budget prior to his faculty appointment in Colorado.

NATIONAL POLICIES ON PENSIONS AND OTHER SOCIAL ASSISTANCE PROGRAMS

(By Michael S. March, Ph. D.[1])

My comments focus on the 40 percent of Federal budget outlays which are direct payments and aid to individuals. They are largely for earned pensions and also include medical, housing, nutritional and other aid programs. These are the "people" programs.

At least 60 million elderly, disabled, unemployed, and dependent Americans rely totally or in part on these cash payment programs for their existence. No one knows how many more receive "in kind" aid. Without these Federal retirement and assistance programs, the great majority of these people would be in dire, intolerable poverty or deprived of opportunity to better themselves. We would return to the wholesale destitution of the Hoover years when Federal economic security programs were almost nonexistent.

The Reagan Administration has actively sought to abrogate the economic security social contract between the people and the Government. This set of programs was initiated by the New Deal and was improved by all Democratic and Republican administrations and Congresses prior to Mr. Reagan's Presidency. The future of established economic security programs of the Federal Government is in jeopardy today.

Relying on the fallacious theories of "Reaganomics", this President has undertaken sharp cuts in social programs to finance his huge tax reductions and his unparalleled peacetime increases in rearmament outlays. Only the intercession of the Congress has prevented him from utterly devastating many more programs than he has hit. Even so, practically all people who receive Government pensions and aid have been hurt.

"Reaganomics" has failed to produce President Reagan's promised flood of business investment and immediate prosperity for all due to the tax cuts. Instead, it precipitated a near-depression and raised the number of poor by 5 million in his first two years. There were 34 million poor in 1982, 50 percent more than in 1973 and indeed the highest number in 18 years.

"Reaganomics" has, however, succeeded in reinstalling Hoover-type "trickle down" economic policies in the Government on a major scale. Mr. Reagan has vastly enriched the already rich through his fiscally reckless income and corporate tax cuts. But he has impoverished the poor and the elderly through his budget cuts to cover the deficits which he purposely created in order to force those cuts.

Congressional Budget Office data show how strikingly unfair Mr. Reagan's actions have been. His 1981 tax cut with its five-year $750 billion price tag represented the biggest welfare handout to the super rich in U.S. history. It also bogged the budget down in $200 billion annual deficits for the foreseeable future. Fifty percent of the 1981 tax reductions were for the 17 percent of the taxpayers with incomes over $40,000. At the top end, 1.2 percent of those taxpayers with incomes over $80,000 received 17 percent of the tax savings—which will average $20,000 a year for them in 1985. Forty-five percent of taxpaying households with incomes of less than $20,000 got only 14 percent of the total tax reductions.

On the other hand, CBO data on Reagan budget cuts by legislation enacted from January 1981 to June 30, 1983 show total social program cuts of $110 billion in the four fiscal years 1982 to 1985. These program reductions disproportionately hit families with incomes under $10,000.

Mr. Reagan's budget reductions especially hurt the elderly, the blacks and the Hispanics, the single women with minor children, the disabled, and the poor generally. These groups benefitted little or not at all from the tax reductions and were hit hard by the Reagan-induced recession. Despite statements from the White House to the contrary, the facts show that Mr. Reagan has lacked compassion for the common people of America and especially for the most dependent groups.

Federally funded pension and related cash benefits programs—along with the other health, housing, nutrition, employment and social aid programs—are absolutely essential in our interdependent, urbanized, industrialized society. The economic and social risks which pervade our lives make social insurance an indispensable and key societal tool for providing dignified and adequate support to individuals and families in old age, and in case of disability, death of the breadwinner, sickness, or unemployment. No one can foretell with any certainty when these risks may strike him and he may need help.

Mr. Reagan is a longstanding opponent of Social Security. Many in his administration do not understand its importance to the national welfare. The Reagan Administration has gone far down the road of undercutting the certainty and adequacy of Social Security annuities. Generous with his huge tax cuts for the rich, President Reagan has opposed tax increases to fund Social Security securely for the working families of America. As a result, the system is marginally funded, and now Medicare is in trouble.

Next in importance to the right to receive assured Federal pension is the right, in an economy infected with chronic inflation, to receive periodic, full cost-of-living adjustments so the real purchasing power of the earned annuities will be maintained at a constant level. There is no room in the minimal or basic Social Security pension for the "cruel tax" of inflation. In early 1983, average annuities were only $400 a month for retirees and $700 for couples. A 7 percent rate of inflation will cut the real value of a pension in half in only 10 years if there is no adjustment for inflation.

But having approved indexation of the Federal income tax for the wealthy, Mr. Reagan has pressed the Congress into deferring statutorily-provided cost-of-living adjustments (signed in 1972 by President Nixon) for the 36 million Social Security recipients at an estimated loss to them from 1983 to 1989 of $40 billion. Contrary to the historic principle that Social Security is an earned right, an implicit means test was also adopted in 1983 by taxing half of the payments to higher income retirees.

Mr. Reagan has likewise hurt U.S. Civil Service retirees by reneging on his promises to their association and pressing the Congress to reduce and defer their cost-of-living adjustments. Their trust-fund financed pensions are geared directly to years of service and three-year average salary levels. CSR persons average only about $1,000 a month for retirees and less than $500 a month for survivors. The total annual pensions for average pensioners are less than the annual tax reductions Mr. Reagan gave the very rich. The Washington Post (4/24/83, A3A) estimated that in 1982 Mr. and Mrs. Reagan's own taxes were reduced by $91,619—about one-third—due to the tax cut legislation he initiated and signed into law.

The U.S. Social Security and Civil Service Retirement programs have been budgetarily victimized since 1969 when they were first put into the Federal Budget totals, even though they are self-financed through trust funds and represent multi-decade commitments to retirees and their families. It is unbecoming for a rich nation with per capita incomes averaging $12,700 to renege on its solemn statutory commitments for pensions to the nation's elderly.

Reaganomic policies—which were projected in 1981 to cap the total of real budget expenditures for domestic civilian programs at the 1981 level—involve enormous risks of deprivation for the 27 million elderly and the more than 30 million other low-income or disadvantaged people who depend substantially on direct aid from Federal programs. The cruel Reaganomic program is neither socially tolerable nor economically sound.

The U.S. Government must follow socially and economically responsible policies. Socially this rich country certainly cannot afford to turn its back on its elderly, its underclasses, and its poor people. Groups such as the elderly, who are no longer in the labor force and depend on fixed pensions, cannot rely on the canard that economic recovery benefits all. Economic recovery is likely to bring more inflation to impoverish them. They need assured direct pensions, guaranteed inflation proof.

From the economic standpoint, the Federal income maintenance programs help stabilize overall effective demand, which in turn helps stabilize the economy and enlarges the markets. The "supply side" theory of Reaganomics, as OMB Director Stockman has admitted, is nothing but a clever camouflage for a policy of beggaring the poor and the workers and enriching the already rich.

However, tax cuts and tax loopholes for the wealthy are not an adequate substitute for effective national industrial development and infrastructure reconstruction policies. The export of investments and jobs to low-wage countries by American multi-national corporations is one key factor debilitating our economy. Reaganomics has not addressed this issue meaningfully. Its large deficits also raise interest rates and pose the risk of higher inflation, holding down domestic investment by business and in housing as well as other economies abroad.

In our interdependent, mobile, economically unstable, and riskfilled society, only national pension and social assistance programs can assure a dependable base of economic security for the great majority of American people when their age of retirement or their hour of need comes. The elderly, in particular, typically have meager net worth, mostly frozen in home equity. Several decades hence, even fewer retirees may own their homes, due to the present inability of workers to finance houses due to high interest rates. Social Security will be needed more than ever. Private pensions only cover a part of the labor force—and growing business bankrupticies and high rates of unemployment suggest that private pensions and individual savings are not an adequate route to economic security in old age for the great majority.

[1] For a more complete analysis by Professor March with his suggested principles, see his "Statement" in the Hearings on Financing Problems of the Social Security System before the Subcommittee on Social Security of the Committee on Ways and Means, U.S. House of Representatives, 98th Congress, First Session, February 9, 1983, Part 2, pp. 963-973 (Serial 98-5).

Millions of blacks, Hispanics, and other less privileged Americans are only marginally in the labor force. Their futures are bleak, except for the single prospect of Federal aid.

The U.S. must rebuild the structure of its national pension and social aid programs to repair the damage done by Reaganomics. I suggest the following guidelines for national policy in this vital area of Federal programs for the next four years:

1. The U.S. is productive and rich enough to provide assured and adequate pensions and health insurance for the elderly and disabled and their dependents along with unemployment insurance for the unemployed—plus, of course, decent assistance on a "needs" basis for the poor, the underprivileged, and other economic and social casualties of our economic system who are not eligible for social insurance benefits. The United States cannot afford poverty for millions of ordinary people while the super rich escape proper taxation.

2. Compassion and fairness should be restored to the Federal Government. A modern society cannot operate on the basis of selfish, "trickle down" economics which enrich the rich and create masses of poor people.

An extra dollar of income for a family struggling on $67 a week or $670 a month has much greater personal and social utility than a dollar to a family with a $6,700 monthly income or a person whose daily dividends are $67,000.

3. Because the number of aged will grow to 35 million by the year 2000 and the number of poor is also rising while other groups enjoy growing incomes, it is reasonable to expect that the proportion of national outlays for economic security purposes must also gradually increase in the years to come.

4. Adequate support and care for children of poor and underprivileged families—and especially of minor children in the care of single women—will yield large dividends in human development and in preventing human and social problems in future years.

5. The real value of earned, contributory Federal pensions under Social Security, Civil Service Retirement, and other similar plans should be assured through periodic, full cost-of-living adjustments. The median incomes of elderly men age 65 and over are about half those of men in the working years. The retirees have much less capacity to absorb purchasing power cuts by inflation. Few elderly share significantly in wage adjustments. Cost-of-living pension adjustments should be a guaranteed, contractual right once a person has retired.

6. Dignity through adequate and secure pensions for all the elderly and the totally disabled should be a matter of right through Social Security or other Federal retirement plans. The pension provisions under which individuals retire should be made a contractual right, to prevent capricious and cruel post-retirement changes in the law to cut awarded pensions on which retirees have staked the rest of their lives. The U.S. Government should commit itself to honor fully the earned pensions it has promised by law to pay. Federal pensions should be made secure!

7. In the U.S. array of social programs, Social Security is our main tool for assuring basic economic security for all. It enables workers to earn pensions and health insurance through contributory service. It is financed through trust funds funded by earmarked employer and worker payroll contributions. It is a socially equitable risk-pooling program. Social Security should be made universal, be more adequately financed, and be made a fully reliable source of assured payments when people retire or otherwise become eligible for their earned pensions. Social Security must be made secure so all people can rely on it!

8. A comprehensive review should be made of the patch-work of Federal pension and aid programs and a coherent system developed. I documented the need for this in a historical "analysis" of Income Maintenance Programs which was published in 1981 by the House Select Committee on Aging. Gaps in coverage and in benefits should be filled and redundancies leveled off.

9. To clear up the present confusion between assistance programs which are gratuities from the general funds vs contributory pensions as a matter of earned right from Social Security, Civil Service Retirement, and other separately funded retirement programs, the latter trust fund programs should be removed from the regular Federal budget.

Instead of allowing them to be made footballs in the annual budget process, policy for these multi-decade social insurance programs should be stabilized by the Congress in recognition of their continuing, long-range purpose and the need for stability in their substantive provisions and financing.

10. The $200 billion-a-year budget deficit projections which the President created and is using to bludgeon the programs which benefit the common people can be eliminated by socially fair actions. Simply eliminate the indexing of personal income taxes, repeal the egregious corporate tax cuts enacted in 1981, close some of the $300 billion in annual tax loopholes, and cut the defense outlays which wastefully drain the Treasury. With these changes, there will be plenty of revenue capacity to finance Social Security and supplementary aid programs. The risk of inflation will be reduced. And social equity will once more be restored to its proper place in our country.●

AN ARTISTIC CELEBRATION OF A DEMOCRATIC AMERICA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. LANTOS. Mr. Speaker, at a time when Federal subsidies to the arts have all but dried up, I am pleased to announce the formation of a competition for student art to be displayed at the Democratic National Convention in San Francisco in July 1984. As the original sponsor of the Capitol Arts program—a volunteer-financed and coordinated program which gives San Mateo County artists a chance to exhibit their work in the U.S. Capitol and on the San Francisco Peninsula—I realize the important role these events play in the recognition and promotion of local artistic talent.

The theme of the upcoming competition, "What America Means to Me," or "What I Love About America" is an appropriate subject for a convention which epitomizes our country's democratic process. Children in grades kindergarten through 12 will be invited to submit drawings and paintings which reflect their unique vision of this great Nation. It is through the eyes of today's youth that we can best appreciate the values of freedom and liberty upon which the United States is founded. Winning artwork from each Democratic Representative's district will be viewed by the thousands of people attending next year's convention. Certainly, this is a once-in-a-lifetime opportunity for aspiring young artists.

The "Celebrate a Democratic America" art competition is the third exhibition to be sponsored by the Capitol Arts program. This program is the brain child of my wife Annette, who initiated the program in 1980 and has overseen all the projects from inception to completion. Currently there are 50 paintings, etchings, and graphics representing the work of 46 San Francisco Peninsula artists on display through October 30, in the Cannon Rotunda. This year's winning entries include vibrant scenes that capture the beauty and variety of America's landscape, life, and culture, as well as abstract works that are alive with color. Each piece is a prize-winning work of art, and all attest to the wealth of talent and creativity that abound among our constituents. Both Annette and I are proud to have been part of this worthy project which was so generously supported by the San Mateo School District and Arts Council.

The success of the recent exhibition is further evidence of the significance of the Capitol Arts program. The "Celebrate a Democratic America" competition, therefore, will continue a 3-year tradition of art programs that acknowledge the talent of today, and encourage the artists of tomorrow.●

THE WRONG CURE FOR THE WRONG ILLNESS

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. SHUMWAY. Mr. Speaker, the fundamental fallacies of arguments in favor of an industrial policy have seldom been more eloquently identified than in a recent Washington Post editorial by former President Carter's Chairman of the Council of Economic Advisers, Charles Schultze. Schultze accurately points out that our current economic problems could be eased if our budget deficits were reduced, but suggests that, if for no other reason, the nature of our political system would render impossible the kind of micromanagement of our economy

proposed by industrial policy advocates.

Further, Schultze points out that the premises on which most industrial policy proposals rest—a deindustrialization of our economy, a fundamental decline in our ability to compete internationally—do not stand up to rigorous analysis. Where problems exist, as Schultze correctly states, they tend to be more cyclical than structural.

It is important that, as the industrial policy debate continues, our colleagues have the benefit of the facts. Proposals based on a misreading of the reality of our economic situation, no matter how politically popular, can only make matters worse. I therefore commend Schultze's article to the attention of the House.

THE WRONG CURE FOR THE WRONG ILLNESS

(By Charles L. Schultze)

The latest fad in economic policy—following hard on the heels of supply-side economics—is industrial policy. The core of industrial policy has two elements: a diagnosis of what is wrong with the American economy and a specific remedy for its ills.

The diagnosis is that America is de-industrializing. A number of older heavy industries are declining, and America is no longer at the cutting edge in the newer high-growth, high-tech industries. Even in periods of prosperity, the private market channels investment and other resources to the wrong places. Older, declining firms can't get the funds and the time to rehabilitate themselves. Promising new firms can neither get the venture capital nor afford the extensive R&D needed to compete effectively in world markets. As a consequence, workers laid off in the older industries have a hard time finding jobs, and when they do, it is likely to be in the low-pay, low-skill service industries. We are in danger of becoming a nation of hamburger joints, motels, and boutique shops.

The remedy is federal government intervention to create an industrial structure different from what market forces would generate on their own. The government would provide trade protection, low-cost loans and other aids to older and "essential" declining industries in an effort to rehabilitate them (protecting the losers), and would promote through various forms of assistance, newer firms and industries with high growth potential (picking the winners). An industrial development board would be created to accomplish this objective, directed—or at least advised—by a tripartite body representing business, labor and the public.

In fact, there is no evidence that America is deindustrializing. The period since 1970 has been a difficult time for the economics of all advanced countries. But during the decade of the 1970s, before the recent recession began, American manufacturing performed quite well by almost all standards compared with the manufacturing sectors of most other countries. The United States was one of only three advanced industrial countries (Italy and Canada being the others) in which manufacturing employment increased during the decade. In Germany, a country often cited as an example of industrial success, manufacturing employment fell substantially. U.S. manufacturing output rose at a slower rate than in Japan but faster than in Germany and more rapidly than the European average. Exports of American manufactured goods doubled—again less than the rise in Japanese exports but more than the increase in Europe.

U.S. manufacturing output did suffer very heavily, relative to the rest of the economy, in the recent recession. From 1981 through the fourth quarter of 1982, GNP fell by 2.2 percent while manufacturing output dropped 10.6 percent. But manufacturing output always rises and falls more than GNP during business cycles. Following that pattern, manufacturing production rebounded at a 17 percent annual rate during the first three-quarters of this year while GNP was rising at a 6 percent rate.

Moreover, very high interest rates in the United States during the last several years led to an overvaluation of the American dollar abroad, penalized our exports and encouraged imports, a development that had a particularly depressing effect on manufacturing industry. But the overvaluation of the dollar was obviously not caused by structural problems in American industry; it was principally driven by bad macroeconomic policies—a combination of extremely tight money and huge budget deficits.

Even if industrial policy were addressed to a real, rather than an imaginary problem, our political practices would not permit an effective policy of that kind to be carried out. There are many important tasks—far more than Ronald Reagan imagines—that only governments can do. But the one thing that the American political system cannot do well at all is to choose among particular firms, industries and regions, coldbloodedly determining, on grounds of economic efficiency, which shall prosper and which shall wither. The government often adopts policies that have the indirect consequence of harming various groups. But the American political system's equivalent of the Hippocratic Oath is, "Never be seen to do direct harm."

The formal and informal institutions of our political structure are designed to require the government to get consensus among those affected by its policies and as much as possible to eschew invidious choices among specific firms and individuals, penalizing some and rewarding others. Thus we have an Economic Development Administration, created to help depressed areas, whose eligibility criteria are broad enough to encompass over 80 percent of the counties in the United States.

To be anything more than a political pork barrel, the systematic provision of assistance to declining industries would have to call for some very hardheaded choices among particular firms, cities and groups of workers—that the Youngstown plant can live but the one at Weirton must close; or that the cotton and synthetic textile industries have a reasonable chance to rehabilitate themselves but the wool textile and shoe industries are hopeless cases and must shrink; or that competitive status in world markets requires American steel and auto workers to give up the large increases in wage and fringe premiums, relative to the all-manufacturing average, which they built up over the past 15 years.

Can anyone seriously imagine a new industrial development bank being left alone to make such decisions—even if it knew how?

Most likely, under an American industrial policy some assistance would be made available, under relatively loose criteria, to all industries in trouble; those with the loudest squeak might get a little extra grease; and the "losers" would back subsidies for the "winners" in return for the latter's support on issues of trade protection.

The American economy is indeed suffering from a misguided mix of macroeconomic policies. It would undoubtedly benefit from a combination of lower federal budget deficits and easier money. But what it doesn't suffer from is "de-industrialization," and what it doesn't need is a new government agency charged with protecting the losers and picking the winners.

(The writer, who was chairman of the Council of Economic Advisers in the Carter administration, is a senior fellow at the Brookings Institution.)●

THE NEED FOR THE ORGAN PROCUREMENT AND TRANSPLANTATION REGISTRY

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. MARRIOTT. Mr. Speaker, today, I have introduced legislation to establish a task force on organ procurement and transplantation and to establish the Organ Procurement and Transplantation Registry (OPTR). During the past 6 months I have become convinced that it is now time to focus our national attention on the issue of organ transplants and on the need to coordinate and establish an effective system to beef up the present organ procurement and transplant system and to facilitate the solicitation, indentification, and the matching of organ donors with transplant patients. The bill I am introducing in the House today confronts this vital need and provides a blueprint to assist the American people in need of organ transplants.

The facts are in: Recent successes in the transplantation of human organs have resulted in a need for more organs than are currently being donated. In addition to this, thousands of organs which have been donated are nonusable due to inadequate transportation arrangements, failure to obtain a speedy tissue typing and match between the donor-recipient in order to maintain the viability of the organ, and/or lack of sufficient trained transplant personnel in America. It is indeed a fact that under the present transport available it is easier to send an organ overseas than to another State in the Nation. This failure needs to be addressed.

In our country last year 5,358 kidney transplant operations were performed according to the Health Care Financing Agency. There were 100 cardiac transplantations, including 7 heart-lung transplant procedures. There were more than 82 liver transplants—over 4 times the number done in 1981.

Yet, the shortage of organs is so severe that more than 8,000 people

across the Nation are on the waiting lists for kidney, heart, lung, and liver transplants. Hundreds of people—and many of them children—have died during the past several years while waiting for donated organs. We have the technology to save lives, but we do not have an adequate system to accommodate this advanced technology.

As a matter of fact, more than 20,000 deaths occur in the United States each year in catastrophic accidents that destroy the brain, but leave the other vital organs suitable for transplantation. The needs of transplant patients would easily be met if most of the organs from those 20,000 people were salvaged for surgery. But, when surveyed, less than half of all families of these accident victims agree to an organ donation—and most relatives have not even been approached by the hospital staff for consent. It is important that the information network be revitalized in order to make the public aware of the advances of science in saving lives with organs and to beef up the organ donor card system that has been developed under the Uniform Anatomical Gift Act. This act, now adopted in some form by all of our 50 States and the District of Columbia, has been in effect since 1973. Yet although the act explicitly recognizes the donor documents as sufficient legal evidence of a person's donative intent, the vast majority of medical institutions do not allow organ removal without consent of the next of kin. This area needs to be looked at and an answer needs to be found.

Because our Nation has not developed a computer-based operation serving the entire country acting as a clearinghouse for matching donor-recipients, there is a vast amount of wastage of organs. Of the 18 percent total wastage estimated, 12 percent of all kidneys donated last year were either obviously diseased or technically unsuitable for transplantation at the time that they were removed. Yet 9 percent has been attributed to the inability to find an appropriate recipient for the organ or some error in removal, preservation, or transplantation.

What is needed is an enlargement of the present UNOS program, united network organ sharing. The UNOS program now extends the computer selection network to 59 transplant institutions. But efforts are needed to provide the incentive to establish a supernetwork serving the entire Nation. I believe that the Organ Procurement and Transplantation Act will accomplish this goal.

The Marriott organ donor bill basically does three things:

First, it establishes a task force to study the present organ donor, transplant, and transportation situation and makes recommendations to the Congress and the President within 6 months on their findings. During their study the task force must address the issues of private sector financing, education needs, identification of barriers to organ donation and transplantation, research needs, the role of the Federal Government in the transplant issue, and reimbursement recommendations.

This task force will be made up of a mixture of Government and private sector individuals and will receive the talents of the top individuals in the fields affected by organ transplants—the transplant physicians, the centers and other personnel in the health professions, organ procurement computer specialists, the academicians, the clergy, the voluntary organizations, and the insurance industry.

Second, this bill establishes the organ procurement and transplantation registry (OPTR). Funded under section 301 of the Public Health Service Act, the Secretary of the Department of Health and Human Resources will assure a contract will be awarded to a private, nonprofit entity, not to exceed $2 million, to create a national registry. This registry will maintain a 24-hour hotline with computer systems to match organs with recipients; maintain a national registry of donors; establish and maintain standards for acquisition and transportation of donated organs; provide tissue typing; coordinate transportation; and be an information provider.

Additionally, while the registry will receive Federal financing for its initial 5-year authorization period, the funding will be transferred to the private sector after this initial period of operation and will be financed by the private sector based on the recommendations of the 6-month task force.

Third, this measure will make it illegal, under the Federal Food, Drug and Cosmetic Act to knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration. Any individual convicted of such a crime shall be fined not more than $50,000 or imprisoned not more than 5 years, or both.

Mr. Speaker, my particular interest in the organ donor transplant issue was heightened last July when young Clayton Conger of Rock Springs, Wyo., a 4-year-old hospitalized at the University of Utah Medical Center, was in need of a liver transplant. For a while Clayton, because of sufficient media attention, was one of the lucky ones—he was the recipient of a liver donation. While he had my prayers, and those of the many individuals who knew Clayton, or knew of his plight, his body rejected the liver and Clayton passed away.

But, Clayton Conger was one of the individuals who have made it even more evident that the time has arrived for the Congress to look at the plight of those individuals currently waiting for organ donations.

The bottom line is simple—our system of organ transplantation is growing, growing every day. As medical technology advances, the remarkable organ transplant operations are becoming very successful and more numerous. In fact, a recent informal survey by the Health Insurance Association of America (HIAA) indicated that these transplants will no longer be considered experimental and that more than three-fourths of the Nation's top commercial health insurance companies are willing to pay for liver or heart transplants under their group major medical expense plan. Many are now reimbursing for kidney and bone marrow transplants. The survey goes on to document the industry's efforts to expand health insurance coverage as the medical state of the art is advanced. As today's experimental procedures become widely accepted by medical professionals, we have evidence that insurers are taking the lead in providing the necessary financial coverage.

Our Nation must address the three major problems facing patients in need of organ transplants:

First, the lack of a good organ donor awareness program. Unless organs are available, successful medical technologies are worthless.

Second, the exorbitant costs facing individuals in need of transplants. We have witnessed many heart-rending stories of communities that have held rallies to raise the funds for upcoming operations. I applaud their efforts. But, as technologies advance and these transplants become more numerous, something has to be done. The task force established in this bill will confront this issue head on.

Third, the lack of coordination between donors and recipients. Management has not kept up with technology. What we have now is a hit-or-miss program based upon luck. Without media publicity, a transplant patient must wait for his local transplant center to notify him of an available donation. In turn, the transplant centers must compete with other facilities throughout the United States to secure that necessary and vital organ donation. This is indeed an inequitable situation, but one that can be remedied. The organ procurement and transplantation registry will address this problem. We must provide the initiative for a central referral center. We must have a professional system of evaluating how organs can best be utilized. It must be computerized and every transplant center and hospital in the United States must be able to plug into it. The registry will list all organ needs, and when a donation is made, the institution can immediately contact the system and nonbias referrals can be

made, based on a qualified match between donor and recipient. This referral center, or registry, will become the means for determining the supply/demand question—not the transplant centers.

What I advocate is that there should be a partnership between Government and the health professionals to get the central organ donor registry established. Once it is viable, the responsibility of its day-to-day operation and financing should be transferred to the private sector.

Mr. Speaker, I will be glad to work with the members of the Energy and Commerce Committee, Subcommittee on Health and the Environment, and the Members of the full House of Representatives in an effort to pass this legislation. This is a vital step in meeting the needs of our expanding medical technology and a giant step in the continuing effort to preserve human life.●

A TRIBUTE TO THE COMMUNITY PROGRAM CENTER OF LONG ISLAND

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. DOWNEY of New York. Mr. Speaker, 2 years ago today the Community Program Center of Long Island first opened its doors. Since that time, this not-for-profit, charitable organization has provided quality child care services to the people of Long Island.

Formed by volunteers in 1980, the Childrens' Community Child Care Center is licensed to serve 130 children, including infants, toddlers, preschoolers, and school-aged children. Yet it has gone far beyond that in its efforts so serve the Long Island community. It is deeply involved in a multitude of other projects geared at improving the quality and availability of child care services in Long Island, and at increasing the awareness of the need for expanded services.

Funded primarily through private sector resources, the Childrens' Community Child Care Center is Long Island's first multicompany child care center. By contributing to the center, the business community has provided a valuable community service, and also increased the productivity and work satisfaction of their employees. It is an exemplary model of how the private sector can respond to the needs of its community.

On it second anniversary, it is clear that the community program center has a promising future. I want to thank those people who have made it all possible, and encourage them to continue their efforts. Paul Arfin, the executive director of the community program center deserves special thanks, along with Automatic Data Processing, AIL Division Eaton Corp., Bank of Babylon, Chase Manhattan Bank, Chemical Bank, Citibank, Fairchild Republic, Gould Simulations Systems, Hartman Systems, LILCO, Long Island Trust, Newsday, Norden Systems, Mergenthaler-Linotype, PCK Technology, Suffolk County Federal Savings & Loan, Underwriter Laboratories, Venus Scientific, and Waldbaum's.●

FIRST KING HOLIDAY LEGISLATION

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. DE LUGO. Mr. Speaker, yesterday was a momentous occasion. The Senate concurred with the action taken by the House 2 months ago that this country should give the recognition due to an extraordinary American, a humantarian, a vital leader and a welder of peace, Dr. Martin Luther King, Jr.

Dr. King alone was able to bridge the gap between blacks and whites, rich and poor, intellectual and laborer. His nonviolent philosophy was an anchor in a turbulent sea, his strength led us back to a belief in the finest of American democratic traditions. We do ourselves a service to reflect on his achievement in this way.

Yesterday all Members of Congress reveived an information packet on the background of the King legislation which also contained a listing of jurisdictions that established local holidays in his honor. An omission was made in that listing, and very shortly all Members will receive an addendum from the Congressional Research Service correcting that omission.

For the fact of the matter is, and I am proud to point this out to my colleagues, that the U.S. Virgin Islands was, to the best of our knowledge, the first jurisdiction under the American flag to establish through legislation a holiday in honor of the late Dr. Martin Luther King, Jr., on January 15 of every year. This was done in 1970, and predates by several years action in any other jurisdiction.

This is a special holiday for Virgin Islanders, for Martin Luther King is a black man who not only led black Americans, but who led our country closer to the values we all know are essential to our success. And he did this at a time when our moral fiber was wearing thin. Dr. King managed to turn a tide of frustration careening toward violence into a peaceful movement of faith, hope, and determination.●

TOLEDO AREA EMPLOYMENT AND TRAINING CONSORTIUM

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Ms. KAPTUR. Mr. Speaker, the Toledo Area Employment and Training Consortium was recently awarded the Distinguished Performance Award by the National Alliance of Business. The Toledo program which operates under the Jobs Training Partnership Act was 1 of 14 programs chosen from across the country and selected on a regional basis.

The award recognized that the consortium activities in Toledo have been characterized by an unusually committed group of business, government and labor leaders who have made the program work for local employers. One important factor contributing to its success has been the development of good labor market data. At the urging of the PIC's business members, the consortium has conducted a labor market survey for the past 3 years. Each year it has had a remarkable response rate of 70 percent or above. The high degree of employer feedback has enabled the consortium to keep current with the changing labor market and spend its dollars training for available jobs. The Toledo program is placing more people, the average wage for the workers has increased and the program's costs have been cut by more than a third. The local business community and consortium have also collaborated on other efforts to create jobs. Of particular note is the Toledo Alive marketing campaign, which is aimed at bringing new business into the area.

The Toledo program is justifiably deserving of the NAB award and its significant record is certain to continue under the new JTPA format. The leadership and commitment of local people have made an outstanding contribution to the betterment of our region. It is only fitting that they be duly recognized.●

GLENDALE REPUBLICAN ASSEMBLY—50TH ANNIVERSARY

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. MOORHEAD. Mr. Speaker, on October 26, 1983 the Glendale Republican Assembly will celebrate its 50th anniversary as an organized group of concerned, enlightened, and energetic citizens.

The honored guests at this special golden anniversary celebration will be

the past presidents of the assembly. Holding the honored place among this elite group will be Mr. Robert White, who was the president of the Republican assembly when it was founded 50 years ago.

To a large measure, it has been the skill, stewardship, and dedication of these men and women which has been responsible for the continuity of excellence which has been the hallmark of the Glendale Republican Assembly for five decades.

During this time, the leaders and members of the assembly have shared a common interest in the political process; they have shared a common desire to improve our system of government and, above all, they have shared a common affection for our country, its institutions and citizens.

Mr. Speaker, I am grateful to the Glendale Republican Assembly for what it has meant to me, the community and our Nation. I commend it to my colleagues in the House of Representatives on this most memorable of occasions.●

NATIONAL BUSINESSWOMEN'S WEEK

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Ms. FERRARO. Mr. Speaker, this week we are celebrating National Businesswomen's Week. For over 50 years, we have set aside the third week in October to honor American businesswomen and the contributions they have made to the economic, civic, and cultural advancement of our Nation.

This is a time for us to take stock not only of the strides women have made in the business world, but how far they have yet to go. In 1982 women were nearly 28 percent of all managers and administrators—certainly a significant improvement over the situation in 1970, when they were about 16 percent. The bad news in that the median weekly income of these women was only $309 compared to $507 for male managers and administrators.

Discrimination persists in our Nation's board rooms and in our class rooms. Young businesswomen are still being channeled into traditional fields and away from more lucrative fields such as financial management. And women are still denied the capital and credit they need to establish their own businesses.

Women in business need our support and our encouragement. We especially need to enhance the opportunities for our creative and enterprising women business owners. I encourage my colleagues to sponsor the National Commission on Women's Business Ownership. This bipartisan commission will be charged with recommending new public and private sector initiatives to assist women business owners with procurement, credit, and management.●

GRASSROOTS PLANNING IN A GLOBAL PERSPECTIVE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. CONYERS. Mr. Speaker, a number of students of Government have observed that national economic policy is the only significant organized activity in our society where purposeful planning ahead is considered to be undesirable, if not irrational. County and municipal governments routinely direct local planning commissions to plan ahead. Corporations engage in planning. The Pentagon plans ahead. Yet major issues in an individual's life, as well as national life, such as jobs or unemployment, technological change, major shifts in production from one region to another, whole communities going out of business, and so forth, are permitted to emerge, ripen, sometimes deepen and other times fade away without the exercise of foresight, choice, deliberation, and decision.

Dr. Bertram Gross, distinguished professor emeritus of the City University of New York, has devoted his professional life as an urban planner and economist to the values of public planning. The architect of the full employment bill of 1945 and the Employment Act of 1946, and a principal consultant on the Humphrey-Hawkins Full Employment Act of 1978, Dr. Gross currently is engaged in drafting a new program of local, regional and national economic planning.

Earlier this year as part of the Institute for Policy Studies' Federal budget project, supported by 60 Members of Congress, Dr. Gross prepared a paper on a framework for economic planning. I am pleased to share with my colleagues the following excerpts from that paper, "Grassroots Planning in a Global Perspective."

GRASSROOTS PLANNING IN A GLOBAL PERSPECTIVE

(By Bertram Gross)

To escape the Carter-Reagan depression, America needs an emergency package for 8 million more jobs with a shorter work year, and public interest planning for the purchasing and political power to make a reality of the oft-declared right to earn a living.

This would be the best way to use the interwoven public, nonprofit and profitseeking sectors in supplying the goods, services, fulfilling work, good wages and voluntary leisure needed by the American people.

Otherwise we face a new bill of frights: more people replaced by machinery, renewed inflation, more crime, racist, sexist and anti-semitic scapegoating and an undermining of the Bill of Rights. Thus can a country drift—despite democractic traditions and institutions—toward "apple-pie authoritarianism" or "friendly fascism."

DEPRESSION AN OUTCOME OF SPECIAL PRIVILEGE PLANNING

Under Reagan and Carter (who first violated the Hawkins-Humphrey Act of 1978), a quarreling minority of deep thinkers among the corporate rich have carried out clever short-term plans to enlarge their special privileges. This has been done at the expense of the lower and middle classes. As a result, two thirds of the nation are overtaxed, underpaid, underemployed and insecure.

In turn, the truly rich are undertaxed, oversubsidized and overpampered by federal, state and local hand-outs. Because their greed has undermined the mass purchasing power on which capitalist profitability is largely based, they too are insecure. With good reason! With the help of the I.M.F. and the Federal Reserve Board, they have pushed the world economy to the brink.

* * * * *

AN 8 MILLION JOB PACKAGE

A genuine job program has to go beyond the current ABC's (aspirins, bandaids, and camouflage). It cannot be limited to a single effort. Nor can it be based on the burlesque budgeting of Stockman's T.O.M.B. Whether offered in an omnibus bill or in separate measures, it should provide for action on at least 7 fronts:

1. Bring interest rates down to their 1976 levels: 9 percent insured mortgages, 7 percent prime rate, 6 percent federal discount rate and 5 percent 3-month Treasury bills. This will produce more jobs in housing, autos and consumer durables. By bringing down the cost of dollars in foreign markets, it will stimulate exports more than wage give-backs and do more than "protectionism" and domestic content rules to protect domestic production.

2. Impose public interest conditions on all new handouts to the I.M.F., the banks and the large corporations. The condition on the Reagan-Regan I.M.F. deal should be reversal of past austerity policies imposed on Third World countries. Only increased purchasing power in these countries will allow them to escape the Dept Trap and us the Debt Crash.

3. Enact emergency credit conservation to provide a sound monetary policy instead of either "tight" or "loose" money. Restricting lines of credit for unfriendly mergers, real estate speculation and commodity speculation will make more funds available for productive purposes in general—and particularly for small business.

4. Maintain the coming income tax cut, but restructure it to provide major relief to the lower and middle income groups. This will raise consumer ability to buy and invest. It will contribute not only to consumer-led recovery but to the market strength required for new investment in productive capacities.

5. Start a $45 billion program of highly useful services and works to be carried out by a transfer of funds from the military budget, projected tax expenditures, or both. The initial emphasis should be on service work (day care centers, re-education of street and corporate lawbreakers, massive employee training and education) and repair work (bridges, roads, sewage systems, waterworks, weatherization, etc.). At the same time, cities and counties should proceed as rapidly as possible on expanding the

nation's neglected infrastructure of public works. Every 100 jobs directly created will result in other indirect jobs, while both together will help restore the disposable real income required to bolster private production and investment.

6. Use unemployment insurance to provide benefits for employees of companies that reduce the number of working days per week instead of laying off workers. It could also be used to hire back people already terminated. This kind of work sharing would get people accustomed to the idea of less hours of paid work with no serious reduction, if any, in total pay. It would pave the way toward longer-range action on Rep. Conyers' measure to reduce the average work week to 32 hours, lengthen paid vacations and abolish compulsory overtime.

7. Provide emergency help for people most hurt or seriously threatened by the depression. This means a combination of moratoria, refinancing, work or direct payments to cope with mortgage foreclosures, evictions, utility cutoffs, lapsed unemployment compensation or health insurance, and inadequate provisions for those unable to work.

By helping prevent new lay-offs and provide work for people already laid off and for newcomers to the job market, a package of this type could provide useful employment at good wages for 8 million people who would otherwise be out of work.

Properly costed and carried out, it could be done at the same federal outlay levels currently projected, but with shifts in the outlay structure and a reduction in deficits. The major cost would be a counterbalancing of special privilege planning by action in the public interest. . . .

* * * * *

MORAL COMMITMENT AS GUIDE TO "ECONOMIC" POLICY

But if not guided by moral principles, any emergency program could run the gamut from the ABC of aspirin, bandaid and camouflage through Doublecross to Zilch.

The first moral principle is the right to earn a living. An early draft of Rep. Conyers' full employment planning bill (now being revised on the basis of constructive criticism), states the principle this way:

"All adults able, willing and eager to earn or supplement a living through paid work have the right to a choice among opportunities for useful, productive, fair and fulfilling employment, full- or part-time, at good wages.

"All agencies of the federal government (including the Federal Reserve Board), shall adjust their plans, budgets, programs, policies, projects and procedures to contribute to the creation and improvement of conditions under which all adults may freely exercise this right."

When public and private planning is guided by this right (the first in Franklin D. Roosevelt's 1944 Economic Bill of Rights), it will be possible to act more effectively on the others: a decent living for farmers, business protection from monopoly, a decent home for every family, adequate medical care, economic security, and good education.

In turn, these blend into the rights and liberties set forth in the U.S. Constitution, articles 2, 55 and 56 of the U.N. Charter, the International Covenants on Economic, Social, Civil and Political Rights, and U.S. civil rights legislation.

To bring all these commitments together, we should sweep aside the pretense that macro- or micro-public policy is a monopoly of economists. To help do this, we need to put our minds together—as provided in the Conyers bill draft—in writing a new Bill of Economic, Social, Cultural and Political Rights.

HUMAN RIGHTS AND PROFIT RATES

A fuller enjoyment of such rights, of course, would have economic implications: Greater bargaining power by organized labor and individual employees, a major reduction in substandard wages and working conditions, major increases in market demand through higher disposable income of the poor and middle-incomers, both working and now un- or underemployed, declines in profit margins, profit rates, unearned profits and profiteering, and better opportunities for profit-seeking enterprises to earn stabler and larger long-term total profits through more output and sales.

Many corporate lenders, of course, have great difficulty in reconciling (1) their drive to maximize short-term profit rates by cutting real wages and raising prices with (2) their longer-term interest in rising market demand, which requires good wages and low prices.

Apart from a few "enlightened capitalists", they cannot handle this contradiction by themselves. They need the constraints or guidelines imposed by public interest planning for the right to earn a living . . .

STARTING POINT PUBLIC INTEREST GOALS

As a guide to immediate and longer-term action, the Hawkins-Humphrey Act of 1978 set a 1984 goal of bringing official unemployment down to 4 percent or less and the annual inflation rate to 3 percent. Although evaded by Carter, ignored by Reagan and forgotten by some Hawkins-Humphrey supporters, these goals must be reaffirmed for the coming years.

They should also be supplemented by such other goals as: Bringing Black unemployment down to the White level, raising the number of employed people to at least 120 million, reducing the average work week from the present 35 to 32 and then to 30 (and manufacturing from the present 39 to 35) with no real loss in annual pay, gradually increasing paid vacations to the Western European level of 5 or 6 weeks a year, providing much more "part-time" work, with fringe benefits, for teenagers, women and older people, bringing labor productivity per hour (properly measured) up to at least 2 percent growth a year, and raising real GNP growth to an average of 3-4 percent a year.

But such goals cannot mean enough if they float in the air like clouds or rainbows without ever touching the ground.

They should be used as starting points for public debate in formulating a balance set of goals by—not just for—the people in America's urban, suburban, rural and agricultural areas.

* * * * *

Instead of automatic entitlements for the largest corporations, the Conyers bill draft suggests conditional incentives for all profit seeking enterprises, with particular emphasis on small business. But the private sector also includes (1) organized labor, (2) voluntary organizations, (3) cooperatives, and (4) the unemployed. Each of these have major roles to play in any truly democratic planning process.

Instead of relying on the feds alone, the Conyers bill draft envisions an active role for towns, cities, counties and states in: assessing unmet needs, surveying available labor resources, formulating their own goals for meeting needs through better use of available labor (using national goals as starting points), developing reservoirs of private, nonprofit and public works and services, and moving ahead with high priority action projects.

Participation in these activities should not be limited to local power structures. Through better community communication, local future assemblies and neighborhood activism, these activities should be opened to the many people who now feel excluded from—or misrepresented by—city halls and state governments.

FEDERAL RESPONSIBILITIES IN A GENUINELY NEW FEDERALISM

The term "federalism" can easily be misused to disguise a return to old-time "States Rights" or the new feudalism in Reagan's old proposals to dismantle vital federal responsibilities.

A genuinely new federalism would provide federal support to broaden the perspectives of the planning and development agencies in every state and the some 4,000 planning boards or commissions in towns, cities and counties. Many such agencies now seem to see no role for themselves except competitive tax abatements to lure companies from other areas. Only a few have yet tried to assess unmet needs, establish employment or re-employment goals and contribute directly to the formulation of national plans and policies.

With local and state agencies displaying more initiatives, the Federal government must face up to the task of "aggregating" local plans and proposals. This could be even more important than "disaggregating" national goals for employment, productivity and GNP.

More specifically, the federal government should rise to the task of taking emergency action when needed (as referred to earlier), developing a national reservoir of private, nonprofit and public works and services, moving ahead on such high priority as a modern mass transportation system, the rehabilitation of run-down housing stock, weatherization, the cleanup of urban filth, new recycling industries, the abolition of functional illiteracy and innumeracy, a massive expansion of high-grade day care centers, more adequate health promotion and medical services, etc., creating national, regional and local development banks to help channel private and public pension funds into productive investments, financing full employment and balanced growth by a return to progressive income and inheritance taxes, providing public interest conditions for tax expenditures, and reducing excessive military outlays, and developing courageous anti-inflation policies (including standby price restraints and income policies) to prevent future growth from leading again to inflationary price increases.

The privileged planners behind the Reagan administration have proved that inflation can be temporarily reduced by rolling the business cycle into a depression. It remains for others to prove that we can move from depression toward full employment without returning to destructive inflation.

BOTTOM-LINE—NOT BURLESQUE—BUDGETING

Present federal budgeting is a farce. Grown men (and a few women) play solemn numbers games on the pretense that federal revenues, outlays and debt can be determined without reference to the country's total structure of income, expenditures and debt. Neither T.O.M.B. nor the Congressional Budget Office have yet tried to catch up with one of the most elementary principles

in business budgeting and state and city budgeting: separating investment outlays from capital outlays. Neither has done anything to illuminate the implications of the federal budget for each state, county and city.

As a contribution to more rational accountable planning through both market and non-market processes, the country needs a National Production and Employment Budget to put federal outlays revenues and debt in the context of the whole picture of money flows. This would mean a return in improved form to the vital idea (still embodied in forgotten texts of T.O.M.B. and G.A.O.) of full employment budgeting.

More technically, the National Production and Employment Budget (as outlined in the present Conyers bill draft) would also provide for: Accompanying any dollar outlay for job creation with the net cost of such outlay after accounting for the indirect employment effect, the additional revenue flowing from increased employment, and the expenditures saved by decreased transfer payments to the unemployed, a capital budget for the federal government, an asset (or wealth) inventory, with the encouragement of comparable efforts by state and local governments, a zero-based budgetary review of every major missile system, estimates of the direct and indirect impact of all budget and off-budget outlays on each state and congressional district, and more objective data on the broader outcomes or consequences (benefits and "disbenefits") of every major program.

PARTICIPATORY DEMOCRACY AND POLITICAL COORDINATION

In the new Information Society, finally, we need a nation-wide system of more timely and reliable social, economic, cultural and political indicators. These can provide a stronger factual basis for democratic planning, budgeting and implementation and for open and informed debate throughout the country.

Some people seek coordination of private and public planning through more hierarchy, bureaucracy, top-down elitism or high technology approaches to moral, social and political issues. Some warn against participatory democracy. As in a famous Trilateral Commission report, they urge us to save democracy by having less of it. This is the primrose path to the soft despotism of a manipulative corporate state. . . .

At present, unfortunately, there is not enough good planning to coordinate. To bring the special privilege planners together (the first principle of old and new corporatism) is to invite further chaos.

In turn, when more people and groups get into the act, coordination becomes more useful, more challenging and—let us face it—more difficult. Nothing is more difficult for self-annointed superiors than having their ignorance counterbalanced by the wisdom of the non-experts.

This process of countervailing power can not be reduced to some simplistic organization chart or flow chart. Democratic coordination can come only through the democratic processes of open and widespread communication, serious factfinding, collective negotiation and bargaining, accountable administrative action, political activism and—ultimately—political decisionmaking.●

TRIBUTE TO MR. PAUL KAHN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. BERMAN. Mr. Speaker, I would like to take this opportunity to congratulate Paul Kahn, the Gateways Hospital Men's Club 1983 Man of the Year. Mr. Kahn is a noted philanthropist in southern California who represents the essence of charity by virtue of his significant contributions to, and his involvement in many worthwhile causes. He is dedicated to helping those less fortunate, and does so in a manner which can serve as an example and inspiration to all.

Paul Kahn will be honored by friends, associates, and community leaders at the club's annual Heal-A-Mind Ball at the Century Plaza Hotel in Los Angeles on Sunday, October 30. In addition to the presentation of the man of the year award to Mr. Kahn, the event also will highlight the organization's fundraising campaign for the Gateways Hospital and Mental Health Center.

Mr. Speaker, the citation which Paul Kahn will receive reads as follows:

For singular embodyment of human compassion and charity, and for most exemplary leadership in all efforts on behalf of Gateways Hospital and Mental Health Center that have helped to assure that the emotionally disturbed have an opportunity to fulfill their potentials as human beings.

It is clear that Paul Kahn is deserving of this award for his outstanding service to our community. I extend my personal congratulations to him on this occasion, and wish him the best of luck in the future.●

A. JOHN WARD HONORED BY BOY SCOUTS OF AMERICA

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. GUARINI. Mr. Speaker, on Sunday evening, October 23, 1983, at the Hi Hat in Bayonne, a dedicated citizen of that community will receive the coveted Boy Scout of America Distinguished Citizen's Award.

The recipient, A. John Ward, assistant administrator at Bayonne Hospital, has provided a lifetime of contributions to the county of Hudson. His career is an illustrious one, raising funds and performing services for many community causes touching tens of thousands of people.

The award has been announced by John E. Januszewski, committee chairman of the Bayonne Council Boy Scouts of America.

A. John Ward, fresh out of New York University with a business management degree, entered the Army as a private in 1942. He was honorably discharged 4 years later with the rank of captain. He returned to New York University and received his masters degree in 1949. He remained in the Army Reserves until retirement in 1968, then with the rank of lieutenant colonel.

The embodiment of the adage "to get the job done, give it to a busy man," Ward has contributed to the Bayonne Kiwanis Club, the United Way of Hudson County, the National Conference of Christians & Jews, which presented him with the Brotherhood Award in 1970, and the Bayonne Council, Boy Scouts of America.

His affair with scouting began as a parent member of the Our Lady Star of the Sea, Cub Scout pack and Boy Scout troop 20, then as a member of the executive board. His talents have contributed to the Scout advisory council, the endowment committee, the nominating committee, and the Catholic Committee on Scouting. In 1967 he was presented with the President's Award, followed in 1978 by the cherished Silver Beaver Award.

Ward is assistant administrator at Bayonne Hospital, having joined the staff there in 1965. He is also a commissioner of the Bayonne Parking Authority. His community activities embrace membership on the board of the YMCA, the advisory committee of Bayonne headstart health services and the Bayonne Hospital Foundation. He is a past president and charter member of the American Psychological Association. He had served on the Bayonne Board of Education and the Bayonne Economic Opportunity Foundation.

Ward is married to the former Regina O'Leary. The couple have five children, Mrs. Denise Wade, Mrs. Eileen O'Brien, Mrs. Edna Pay, A. John, Jr., and James. Seven grandchildren also play a big role in the Ward family album.

Announcement of the choice of Ward for the Scouting Council's Distinguished Citizen Award was greeted with universal approval from all segments and sectors of the community.

I commend the committee's choice of A. John Ward for this coveted honor, as it reflects not only his individual involvement, but indeed reflects the spirit of dedication of all the people of the city of Bayonne. They possess a true spirit of dedication and commitment. They are fiercely proud. They are hard working, industrious, and God-fearing. They reflect a spirit of neighbor helping neighbor, much like in the early days of our Nation. They stress the scholastic, intellectual, and physical development of their youth, and how wise they are, for history has it that:

Alfred Tennyson wrote his first volume at 18.

Alexander was a mere youth when he rolled back the Asiatic armies that threatened to overwhelm European civilization almost at its birth.

Napoleon had conquered Italy at 25.

Byron, Raphael, and Poe died at 37 after writing their names among the world's immortals.

Newton made some of his greatest discoveries before he was 25.

It is said that no English poet ever equaled Chatterton at 21.

Victor Hugo wrote a tragedy at 15. Many of the world's greatest geniuses never saw 40 years.

In addition to his professional work and the involvement with community groups, A. John Ward is a protector of nature and all things beautiful. Indeed he believes in the observation of Charles Kingsley, who wrote:

Beauty is God's handwriting. Welcome it in every fair face, every fair sky, every fair flower.

A. John Ward believes each day to be a fresh start and a promise of untouched opportunity to serve God and man. He partakes in the exciting adventure in living 365 days a year.

He believes in the advice given in the philosophy of the message contained in "Gifts That Endure":

The Gift of Praise—Appropriate mention—right in front of the other fellow—of superior qualities or of jobs or deeds well done.

The Gift of Consideration—Putting yourself in the other fellow's shoes, thus proving your genuine understanding of his side of the case.

The Gift of Gratitute—Never forgetting to say "Thank you"—and never failing to mean it.

The Gift of Inspiration—Plant seeds of courage and action in the other fellow's heart. Help him to strive for greater accomplishment and lasting satisfaction.

To A. John Ward and those who will follow in his footsteps, duplicating his efforts, to help youth develop to their fullest potential, I urge that you always remember the words of Phillips Brooks, who wrote:

Nobody knows what a boy is worth, and the world must wait and see; for every man in an honored place, is a boy that used to be.

I am sure that my colleagues in the House of Representatives wish to join in the salute to A. John Ward and commend him for working with and for young people, who are so desperately needed to build mutual understanding to increase our knowledge of the people of our Nation and of the world; and to promote peace, by developing cooperation and building bridges of friendship, tolerance, and understanding.

Indeed, his work with the Boy Scouts is helping our Nation be prepared.●

USELESS VERSUS USEFUL COVERT AID IN CENTRAL AMERICA

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. GUNDERSON. Mr. Speaker, the House of Representatives today has been asked to consider two competing programs for covert intelligence operations in Central America. The first—presented in the form of the Boland amendment and outlined earlier in the House-approved H.R. 2760—is termed "interdiction assistance" and is really not covert at all. The other, as supported by the President and contained in the Robinson amendment, represents much of what is unacceptable about traditional covert activities associated with the Central Intelligence Agency and the United States.

Basically, this debate has once again lowered to a discussion between those who forever want covert actions stricken from our foreign policy options and those that believe that the "old style" covert intelligence must be asserted to achieve success in certain foreign situations. I submit that neither of these assertions is correct.

Covert intelligence is an essential tool of our foreign policy but only when it is used within proper limits. Congress cannot ever again permit the freedom to the Central Intelligence Agency which allowed past covert disasters to occur. Unquestionably, these unwarranted intrusions have done more to tarnish the American reputation in the Third World. Yes, covert activity can be an effective arm of our national security efforts, as long as discretion is used in its application and extent.

The two opposing proposals presented today, however, do not represent an application of acceptable covert activity. The interdiction assistance proposed by the Boland amendment has not been accepted by the other body, and well should it not be. The effectiveness of a plan to give $50 million in aid to armies who have little or no training is at best questionable. To hope further, that this plan will take the place of a coordinated and controlled covert action to halt the spread of arms shipments and general subversion throughout Central America is even more open to question. The existence of illegal arms shipments and Cuban/Soviet interference in this region has, by now, been well documented. A mere $50 million will not help improve the unequipped and undertrained local armies to terminate this threat.

On the other hand, present CIA programs in Nicaragua go beyond what should be acceptable from a Nation which proudly calls itself a democracy and broadcasts the right of self-determination to all peoples of the world. Clearly, our current actions are not simply intended to halt illegal arms shipments but have extended to attacks on the Nicaraguan Government itself. The direct participation of the CIA in attempts to overthrow the Sandinista government, in this case, is not a proper function of our covert or foreign policy, no matter how much we may disagree with the policies of that government.

In this instance, covert activities can be used to prevent arms shipments which are in themselves covert. It is extremely unfortunate that the opposing sides in this latest controversy have not chosen to compromise; such an agreement would serve our own national security concerns more effectively.●

LAW OF THE SEA TREATY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. FIELDS. Mr. Speaker, I am pleased to present Mr. Bandow's open letter to the New Yorker as it appeared in the October issue of Inquiry magazine.

The letter follows:

DEAR NEW YORKER

(By Doug Bandow)

As Michael Kinsley of the New Republic puts it, more people want to write about the Law of the Sea Treaty (LOST) than read about it. But since I spent much of my brief stint in government working on it, I am one of the few people who happen to like reading about it. So when the New Yorker ran William Wertenbaker's 30,000-word, two-part series on LOST in the August 1 and August 8 issues, I jumped in. Kinsley is right, though. Inside every LOST reader is a LOST writer.

You see, I'd love to write a letter to the New Yorker about how the article misses the boat, so to speak. But the New Yorker doesn't run letters. So the best I can do is pretend this column is a letter to that publication.

The 221-page LOST, for those of you who've gotten this far in life without running into it, covers almost every aspect of the use of the oceans—navigation, marine research, pollution, and seabed mining, among others. It creates the International Seabed Authority, which Wertenbaker blandly describes as "the first cooperative international venture in developing, managing, regulating, and producing resources" from the ocean floor. That "cooperative international venture" really is an independent international government, bankrolled by the West and ruled by an unrestrained and highly politicized Third World majority, whose stated goal is to restrict private seabed mineral development and redistribute wealth from Western taxpayers to favored foreign governments.

There are lots of points in the New Yorker piece that I could quibble with—it is flat wrong, for example, to say that the

United States is guaranteed a seat on the Authority's government body, the Council. (One seat is guaranteed for the nation that consumes the most minerals, but that nation might end up being Japan or the Soviet Union.) There are other issues too, like the negotiating process at the final LOST conference session last year, where the article goes badly awry.

More disturbing, though, especially coming from a writer whom I've talked with and respect, is the lack of critical analysis of the claims of treaty proponents. For example, Wertenbaker devotes one sentence to the arguments of James Malone, the American ambassador to the conference, and three paragraphs to remarks by former Ambassador Elliot Richardson attacking Malone's position. Nowhere does a fair critique of Richardson's assertions appear.

Wertenbaker also cites, with apparent approval, an unsubstantiated charge of Western hypocrisy for relying on the doctrine of freedom of the seas. Yet he enthusiastically quotes the Australian ambassador extolling the treaty for being "fairer" to the poorer countries, without mentioning Australia's shameless and truly hypocritical manipulation of precisely these countries to protect its own economic interests.

Even more irritating is the constant celebration of the global ideology of Third World rulers, without even acknowledging that it is an ideology. Wertenbaker calls the conference "a forum to right the wrongs done to the developing countries" and "a cooperative world project," and writes of "a vision the common heritage of mankind." "The Third World's political lobby, the "Group of 77," is merely "the most interesting and influential group in the conference." In contrast, those nations opposing the treaty, such as the United States and Great Britain, have "ideological reservations." Indeed, "ideologoy had been successfully excluded from the conference since the early days . . . but the Reagan administration appeared intent on reintroducing it."

Actually, ideological conflict, not ideology, had disappeared, because the West had conceded the issue. The Reagan administration simply fought back. The so-called New International Economic Order, which underlies LOST and entails a massive wealth transfer to Third World dictators, wouldn't help the Third World peoples. Instead, it would strengthen the hold of those who are chiefly responsible for their plight.

The assumption that "order," whatever kind of order, is good appears again and again. The conference may indeed have been "a kind of constitutional convention for a world administration for the seabed." No doubt it does provide "the largest body of international law ever to be codified." And the treaty probably, will bring "order, security, and certainly."

But what kind of order? Mussolini brought a certain kind of "order" to Italy, as did Brezhnev to the Soviet Union. The lack of a treaty does not mean the lack of order. Customary international law, built up over the centuries, has showed amazing resilience throughout even the most turbulent of times. United Nations authorities are not a prerequisite for order.

Another facet of the article that is particularly maddening is the celebration of pragmatism and denigration of ideology. Elliot Richardson, America's ambassador under Carter, was a "creative" negotiator who would "look for possible accommodations." Because of him the United States had "the reputation at the conference of being the least intransigent of the industrial countries." Wonderful. His successors, however, opponents of the treaty, were "ideologues," "extreme conservatives," and "ultraconservatives." (Apparently, liberals like the New Republic and Senator Matsunaga of Hawaii, who urged Reagan not to sign LOST, were honorary reactionaries. Flawed as the article is, it offers an entertaining look at the unreal world of the UN. Wertenbaker reports that when the administration announced it was going to review the treaty before agreeing to it, Keith Brennan, Australia's ambassador, said that "a wave of dismay has gone around the world." Brennan and his fellow diplomats genuinely believed that what dismayed them dismayed the world; in fact that wave stopped at the door of Australia's UN mission.

Wertenbaker's pessimistic assessment of the future will be proved wrong precisely because the rest of the world thinks differently from the LOST negotiators he consulted. Countries with nearly half the GNP of the world have refused to sign, and major countries that have signed, including France and the Soviet Union, have made it clear they won't ratify any time soon—and I think never. The International Seabed Authority may come into existence on paper, but it will merely become a monument to the ability of people to carry on without a new international order.●

TRIBUTE TO GEORGE J. SILVEIRA OF HAWTHORNE, CALIF.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. ANDERSON. Mr. Speaker, since 1956 the city of Hawthorne has been fortunate to have had the services of George J. Silveira as building superintendent. Recently, after 26 rewarding years, George has chosen to retire from his position and was honored by his friends and colleagues at a retirement dinner in Hawthorne on Saturday, October 15, 1983.

George is a native Californian, born in Vallejo on September 8, 1920. Perhaps Vallejo's vicinity to the water influenced his decision to join the Navy during World War II, where he served until 1945. After the war, he moved to Midland, Tex., where he was self-employed as a general contractor from 1947 to 1950.

Returning to California, he went to work for the city of Hawthorne in July 1954, as a construction inspector. He held that position until February 1956, when he was appointed building superintendent. Most people do not realize the importance of a city's building superintendent. When George assumed this position, most people agreed that Hawthorne was ripe for additional growth. But few knew, as George does, that growth should be balanced. Another building superintendent may have acted irresponsibly, but not George. The projects he presided over—the construction of Hawthorne City Hall; aviation and electronics centers for Northrop; facilities for Hewlett-Packard; a plant for Mattel toys; Hawthorne Shopping Mall; a post office; and numerous modern housing units—show respect for the growth potential and limitations of Hawthorne. We are proud of our city; that we may be so proud is in large part due to George.

George has also been quite active in community affairs in Hawthorne. He has been a member of the YMCA since 1963 and was honored as Man of the Year in 1968. He is past president of the Hawthorne Kiwanis, of which I am a member; active in the Masonic Lodge; and a long-time member of the International Conference of Building Officials. My wife, Lee, and I have had the pleasure of working with George for many years, not only in a professional capacity, but in more social and philanthropic efforts through our work in Kiwanis.

George's colleagues will miss his contributions, but his retirement will hopefully give him more opportunities to pursue his love of travel. My wife, Lee, joins me in wishing George, his wife Barbara, and their two children, Lauren and Margaret, all the best in their future endeavors.●

THE UPKEEP AND DEVELOPMENT OF OUR PORTS AND WATERWAYS SHOULD NOT BE DELAYED

HON. W. J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. TAUZIN. Mr. Speaker, on October 6, the House considered H.R. 3958, the water resources development appropriation bill. During its consideration, Mr. EDGAR offered an amendment to delete some 20 projects from the bill because they had not been authorized by this body. I am sure that the "actual need" for these projects cannot be questioned as all of them were included in Mr. ROE's authorization bill which passed out of committee with a vote of 49 to 0. I believe my colleague was attempting to stop these greatly needed projects on a technicality question: The fact that this body cannot appropriate funds before those funds are authorized. The gentlewoman from Louisiana, Mrs. BOGGS, and my collegues, Messrs. BREAUX and LIVINGSTON, pointed out to us the vital importance of the Atchafalaya Basin and the Mississippi River deep draft port projects to both Louisiana and the entire country. Further delays can cause us to lose both environmentally and economically. In the Atchafalaya Basin, a compromise that was put together over many years and settled 2 years ago may fall apart, threatening

hundreds of thousands of people, their homes and billions of dollars of investment. Private landowners could also move toward private sale of their land threatening thousands of acres of wilderness with development and the stripping of its resources as opposed to preservation. As for the deepening of the Mississippi River, the benefit can be more directly shared with the entire Nation by the advantages provided to the shipping and commerce sectors, as well as the coal communities through the use of this modernized facility. These two projects, as well as those other 18 projects are of such importance to the States where they are located and our entire Nation that they should not face such threats. Fortunately, Mr. EDGAR's amendment failed and these projects were approved. We cannot, however, lose sight of the fact that a procedural problem does exist and it probably will come up again and threaten vital projects in the future. We must find a procedure that allows us to consider these measures in their correct order (authorization before appropriation) and still allow us to meet fiscal year deadlines. I thank my colleagues for joining in the defeat of the Edgar amendment and hope that this procedural "stumbling block" is someday eliminated, protecting our country from unnecessary lags in progress.●

IUD PRESIDENT HOWARD D. SAMUEL CALLS FOR INTERNATIONAL CONTROL OF BENZIDINE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Ms. OAKAR. Mr. Speaker, because of my concern about the health and safety of workers in the United States and throughout the world, I call to my colleagues attention and submit for the RECORD, a statement by the president of the Industrial Union Division of the AFL-CIO calling for the international control of benzidine.

The statement follows:

IUD PRESIDENT HOWARD D. SAMUEL CALLS FOR INTERNATIONAL CONTROL OF BENZIDINE

CARPI, ITALY.—Howard D. Samuel, president of the Industrial Union Department (AFL-CIO), asked the Collegium Ramazzini, an international group of leading occupational and environmental health scientists meeting here today, for stringent international control of benzidine, a chemical known to cause bladder cancer since the turn of the century.

Professor Irving Selikoff, Mt. Sinai School of Medicine, president of Collegium Ramazzini, said that the chemical continues to unnecessarily endanger the lives of thousands of workers in both industrial and lesser developed countries.

Mr. Samuel called for the control of domestic and imported products made with benzidine if they are made under conditions less stringent than those prescribed by the International Labor Organization.

He said that the control can take place through the fair labor provision of the internationally recognized General Agreement on Tariffs and Trade. Lesser developed countries exporting benzidine-based dyes and other products into the United States include India, Egypt, Mexico, the Philippines, the Republic of Korea and Mauritania. A number of industrialized nations also produce the chemical. A 1973 regulation of the Occupational Safety and Health Administration virtually ended domestic U.S. production of the carcinogen.

The Collegium is named after Bernardino Ramazzini, a 17th century physician of Carpi who pioneered occupational and environmental medicine. The Collegium met in Carpi during the past two days to celebrate Ramazzini's 350th anniversary.●

WALESA, SOLIDARITY HONORED

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. LEWIS of Florida. Mr. Speaker, Lech Walesa, like Andrei Sacharov, put his life and the security of his family on the line in a moral confrontation with an insensitive and totalitarian regime.

The Nobel committee's decision to award Walesa the 1983 Peace Prize is a triumph for all working women and men who seek those universal freedoms in life that we in the United States too often take for granted.

Like Sacharov, Walesa has inspired us all with his spirit, his courage and his tireless energy.

I join the Polish people in their celebration. The Polish Government, or any other government like it, cannot dominate the hearts and minds of those, like Walesa, who refuse to give any quarter and will risk all in defense of their beliefs.

Long live Solidarity.●

TRIBUTE TO JULIAN DAVIS

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. SHELBY. Mr. Speaker, I would like to share with my colleagues in the House of Representatives a story that appeared recently in the Greensboro Watchman. The article recognizes and honors Mr. Julian Davis, former mayor, town councilman, and outstanding citizen of Moundville, Ala., which is located in the Seventh Congressional District.

Julian's story is fascinating and very special. Following is the article as it appeared in the newspaper:

The Mayor and Town Council of the Town of Moundville honored Julian Davis with a formal presentation and reception Sunday afternoon in City Hall. Over 150 family members, friends and associates attended the occasion which honored Davis for his many years service to the Town of Moundville as former mayor, town councilman and distinguished citizen.

In his presentation, Mayor W. B. Chandler said he had looked forward happily to being able to formally recognize Davis for his many contributions to the Town of Moundville as Mayor, councilman, businessman, church man, and family man. He paid glowing tribute to Davis' unselfish devotion to good works and said he had never known anyone who had contributed so graciously in every way to the good of the town.

Mayor Chandler presented Davis with a plaque which bore a resolution passed by the Town Council in recognition of meritorious service performed by Davis.

It was an emotion-packed occasion for Davis who accepted the plaque and thanked the many people gathered there for their presence.

Following the formal presentation, guests were invited to the Town Library where refreshments were served. Beautiful and delicious hors d'oeuvres and sweets, coffee and punch filled several tables in the library. The reception was planned and organized by the wives of the mayor and councilmen.

Davis served on the Town Council from 1939-44. After two years in the Navy during World War II, he returned in 1946 and served as mayor for the unexpired term of Rochelle Phares from 1946-48.

He then returned to the council and served continuously from 1948 to 1980.

Davis has been in the mercantile business in Moundville since 1933, starting in business with this father. Today he and his two sons operate Moundville Mercantile Company, Davis Petroleum Products, a Texaco distributorship and Farmers Bonded Warehouse.

The mayor said he served on the council with Davis since the 1950's. He said Davis had always worked six days a week and then on Sundays after church he was always willing to be a part of any church or civic work being done, or spend the afternoon visiting shut-ins.

Davis is active in the Moundville United Methodist Church. He has served as chairman of the Board, finance chairman and Sunday School superintendent.

He has participated in the Moundvile Easter Sunrise Pageant, "The Road to Calvary" since its beginning in 1948, playing the part of a disciple each year. Unofficially he is known as the "head disciple" because he makes sure that all disciples are fulfilling their roles.

He served on the Hale County Board of Education for eight years, and was a trustee at Hale County High School for many years.

He is a charter member of the Moundville Lions Club and has served as its president. During the 1950's the club began organizing research on Moundville for printing of industrial brochures and Davis was a key man in that project.

He received his B. S. degree in commerce from the University of Alabama and has been active in the UA Alumni Association.

Davis is a charter member of the Moundville Industrial Committee, Inc., and is a trustee of that committee.

He is a member of the Board of Directors of the Bank of Moundville, a Mason and Shriner.

Julian Davis is truly an outstanding individual. His devotion and service to the people of Moundville, Hale County, and the State of Alabama are worthy of the highest praises.

I am honored to have a gentleman of this caliber in my district. This tribute, Mr. Speaker, recognizes men who we as Congressmen depend on for help and advice back home. We need today more citizens like Julian Davis.

It is a real pleasure to know this individual and I wanted to share this story of recognition with my colleagues in the House of Representatives.●

FEDERAL ENERGY RESEARCH AND DEVELOPMENT ACTIVITIES

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. RAHALL. Mr. Speaker, today I am introducing legislation aimed at correcting a disturbing policy which has evolved over the past few years with respect to Federal energy research and development activities.

At the very time when more attention is being focused on emissions from coal-fired powerplants during the debate on acid rain, research and development programs aimed at reducing the emission of sulfur dioxide and nitrogen oxides from coal burning have been slashed. This does not make sense. Coal-fired powerplants provide over 55 percent of this Nation's electricity. In an effort to reduce dependence on foreign sources of oil and to conserve natural gas resources, along with providing consumers with economical rates, most new powerplants are expected to burn coal. Yet, efforts to bring on line new technologies which will allow coal to be burned in a more efficient and environmentally sound manner are being stymied.

Prior to the current administration, coal research and development programs at the Department of Energy were funded to the tune of $1 billion. For fiscal year 1984, this figure has been reduced to a paltry $226.7 million.

The administration has stated that its policy is to focus on long-term, high-risk research projects and to leave demonstration and pilot stage technology development to the private sector. However, there seems to be some disagreement between the Federal Government and the private sector over which projects fit this definition of "long-term, high-risk." Furthermore, the expectation that the private sector would undertake the process development stage of technology development has proven to be fallacious.

As such, a major problem has evolved from this philosophy, causing a gap in technology development. While a given technology is developed up to the proof-of-process stage, the Federal Government will now rarely take it beyond that point with the expectation that the private sector will undertake process development prior to commercialization. Obviously, in order to make a technology commercially available, proof-of-concept must be coupled to the commercialization process through process development. In testimony before the Committee on Science and Technology—which has held a series of informative hearings on coal research and development and the correlation between emission reduction and improved technology—Dr. Richard Wolfe of United Coal Co., stated, "We think it folly to justify R&D efforts as 'long-term, high-risk proof-of-principle' without this coupling."

In further testimony before the Committee on Science and Technology, Tobias Anthony of Research-Cottrell, Inc., stated: "I doubt very much if the private sector will ever again invest substantial internal funds in air pollution R&D." According to Mr. Anthony, it takes a 10-year payback period before an investment in R&D will return profits. "Since the Clean Air Act can change every 4 years, technology can become obsolete before the payback period is ended," he said adding that "the Administrator of the EPA can change requirements in a morning press conference."

Perhaps the most succinct statement on the Federal role in coal research and development came from Dr. Robert Kessler of the Avco Everett Research Laboratory:

> Private industry will not support such programs because the requirements are not driven by predictable and specific market needs, and because the returns on the necessary large investments will be delayed too long to be competitive with other investment options. The national interest justifies federal support for developing advanced coal processing technologies to a point from which industry can assume a role in development and commercialization.

Based on this philosophy, information obtained from the Committee on Science and Technology hearings and other documentation, the legislation I am introducing today was developed. Joining me in introducing this bill are our colleagues MARILYN LLOYD, PAUL SIMON, RICK BOUCHER and ALAN MOLLOHAN.

The National Coal Science, Technology and Engineering Development Act holds as its purpose an acceleration of the development of new and advanced technologies which will promote the use of coal in a more environmentally acceptable manner. The 5-year, $775 million technology development effort contained in this measure is comprehensive in that it makes provision for each of the steps involved in technology research and development—basic research, applied research, proof-of-concept and process development—stopping short of the commercialization stage. Basic and applied science activities would be conducted by the Energy Technology Centers, the National Laboratories, the university community and the private sector under the auspices of DOE. Proof-of-concept and process development activities would be implemented to attract private sector cost sharing. To insure effective technology transfer, the legislation requires detailed annual reports on the programs' progress.

Research and development activities promoted by this legislation all deal with technologies which may be used by the electric utility industry to burn coal more efficiently and cleanly. Today, the industry has only two choices it can make in order to meet air quality standards: Install scrubbers or switch to low-sulfur coal. According to a Committee on Science and Technology Report:

> These alternatives present a dilemma for Congress between the capital intensiveness of FGD which can translate into higher costs to consumers (at least in the short-term); and, the coal industry effects of massive switching of facilities to low-sulfur coal, which would result in miner unemployment in high-sulfur coal regions.

There is a way out of this scrubbing-switching dilemma and I believe the National Coal Science, Technology and Engineering Development Act will provide the means to achieve that goal. Instead of focusing on postcombustion emission controls, this measure will advance precombustion fuel treatment and inherently low-polluting combustion technologies. These technologies are beneficial to and facilitate the use of both low- and high-sulfur coal.

Examples of precombustion technologies include physical and chemical coal washing. The benefits of coal washing include increased heat content, transportation savings, ash disposal cost savings and boiler and equipment maintenance savings along with reducing sulfur and nitrogen oxides. Once fully developed, chemical coal washing will be able to eliminate almost all of the pyritic and organic sulfur from coal.

Combustion controls and modifications include atmospheric and pressurized fluidized bed combustion, limestone injection multistage burners (LIMB), electron-beam irradiation, gasification-combined cycle powerplants (GCC), fuel cells and magnetohydrodynamics (MHD).

Fluidized bed combustion mixes coal and limestone in the boiler with sulfur oxides reacting with the limestone while nitrogen oxide formation is reduced due to lower combustion temperatures. These benefits are accomplished at less costs than scrubbers

(flue gas desulfurization). LIMB technology can be applied to some existing boilers and as such, is retrofittable, and simultaneously controls both sulfur and nitrogen oxides. These technologies are the closest to commerical utility application.

On the advanced technology front, electron-beam irradiation controls nitrogen and sulfur oxides by electron beams. GCC plants operate by first gasifying the coal and then burning the clean gas in a turbine. MHD is a process where electricity is generated directly from thermal energy, bypassing the transfer of heat to mechanical energy. This system can operate at 50 percent efficiencies compared to current electricity plants which operate at between 33 percent to percent efficiencies.

Mr. Speaker, I insert the text of the National Coal Science, Technology and Engineering Development Act following my remarks:

H.R. 4182

A bill to establish a National Coal Science, Technology, and Engineering Development Program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Coal Science, Technology, and Engineering Development Act of 1983".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress makes the following findings:

(1) There is significant potential for the vast domestic coal resources of the United States to play an increasingly important role in the Nation's energy future.

(2) Increased coal use is dependent upon establishing a foundation in coal science which is the basis for all activities leading to process and engineering development and the commercial application of advanced technologies and systems that are consistent with the Nation's environmental goals.

(3) An inadequate foundation in coal science, process science, and engineering development is limiting current efforts to exploit the Nations vast coal resources.

(4) There must be an accelerated and focused effort to develop and introduce into the marketplace improved and advanced technologies that limit the emissions of sulfur dioxide, nitrogen dioxides, and particulate matter which result from coal combustion. Such efforts must include a broad range of technology options that include pre- and post-combustion treatment, along with combustion modifications, and new and improved combustion technologies to limit sulfur and nitrogen oxide emissions. Waste solid, liquid treatment and disposal aspects of these technologies must be considered to mitigate negative environmental impacts.

(5) Current environmental control capabilities must be improved by reducing capital and operating costs and preserving and improving the overall availability of coal fired powerplants.

(6) Changes in the domestic economy and changes in environmental requirements, coupled with rapid changes in the supply and price of oil and gas resources, have created significant economic disincentives which preclude the private sector from sustaining a stable, long-term research and development program that will enhance expanded coal use. In recent years, both private and Federal support for coal-related research and development has declined substantially. If allowed to continue this decline could limit the future availability of coal which can be utilized in an environmentally acceptable manner.

(7) Coal research and development programs in universities and industry tend to focus on the short-term due to the lack of adequate funding, and tend to be focused on projects with a near-term payback. As a consequence, these efforts generally do not include the more extensive longer-term research necessary to develop significant technological improvements or break-throughs which can enhance the utilization of the Nation's vast coal reserves in an environmentally acceptable manner.

(8) The current thrust of the on-going Federal coal research and development program is too diverse and is not directed to establishing proof-of-concept of new and advanced technologies and systems at an engineering-scale size in a timely fashion. This has constrained the timely transfer of technology which, in turn, has constrained the expanded use of coal.

(9) A credible and productive Federal coal research and development program must be defined and sustained for many years. Such a program must be adequately funded, insulated from short-term political and market fluctuations, must be sufficiently broad in scope to produce results, and must be executed in cooperation with both the university community and the private sector.

(10) It is in the national interest for the Federal Government, through its energy technology centers, and research contracts with industry and universities, to play a leadership role in accelerating coal science, technology and engineering development, and to accelerate the development of more efficient and cost-effective conventional and advanced coal combustion and emission control technologies.

(b) The purposes of this Act are to—

(1) promote and significantly expand the use of the full range of the coal resources of the Nation in an environmentally acceptable manner by accelerating research and development in basic coal science and the development and commercial application of more efficient and cost-effective coal utilization technologies and systems; and

(2) expand federally sponsored research and development, in a manner that permits a comprehensive, totally integrated, and clearly focused coal research and development program to be implemented in cooperation with the university community and the private sector by establishing a National Coal Science, Technology and Engineering Development Program.

ESTABLISHMENT OF PROGRAM

SEC. 3. (a) The Secretary of Energy is authorized and directed to carry out a National Coal Science, Technology, and Engineering Development Program as provided in this Act. The program shall be administered by the Assistant Secretary for Fossil Energy.

(b) The National Coal Science, Technology, and Engineering Development Program shall consist of three research and development programs—

(1) the Coal Science Research Program as provided in section 4;

(2) the Process Science and Engineering Research Program as provided in section 5; and

(3) the Engineering Development Program as provided in section 6.

COAL SCIENCE RESEARCH PROGRAM

SEC. 4. (a) The purpose of the Coal Science Research Program shall be to conduct research, for all coal ranks, that seek an in-depth understanding of coal structure and process chemistry. The program shall be directed toward the understanding of how pollutant species are bound to the coal molecules and how such species can be efficiently and effectively removed.

(b) the Coal Science Research Program shall be—

(1) carried out through the Energy Technology Centers, the National Laboratories, the university community, and the private sector; and

(2) administered by the Assistant Secretary for Fossil Energy.

PROCESS SCIENCE AND ENGINEERING RESEARCH PROGRAM

SEC. 5. (a) The purpose of the Process Science and Engineering Research Program shall be to conduct research, applicable to all coal ranks, in the following areas:

(1) Coal preparation and cleaning.—Development of new processes that pulverize coal to extremely fine particles and remove ash, pyritic, and organic sulfur to levels consistent with environmental and equipment uses. Emphasis shall be given to chemical coal cleaning.

(2) Specification fuels.—Development of ready-to-use and fully characterized transportable coal fuels (e.g., coal liquid mixtures) which are suitable for use in various equipment such as boilers and combustion engines. These fuels are to be economically competitive with oil and gas.

(3) Precombustion cleanup.—Development of new and improved technologies that can clean coal-derived gaseous and liquid fuels prior to use, particularly gas streams at high temperatures, and remove deleterious materials that create pollutants or adversely impact equipment usage. Such technologies shall include necessary supporting analytical and control equipment.

(4) Utilization processes.—Improvement, modification, and development of new processes and equipment that will permit utilization of coal or coal-derived fuel such that pollutant formation and release is well below environmental limits, and the resulting integrated system is cost-competitive both in terms of capital costs and operational costs. Technologies to be pursued include—

(A) improved methods of direct combustion of coal for process heat and steam for the purpose of sulfur dioxide and nitrogen oxide removal with emphasis on retrofittable technologies;

(B) atmospheric and pressurized fluidized bed combustion, including the establishment of an ongoing center for cooperative research with industry and universities on processes of fluidization of combustion of coals and hotgas clean-up;

(C) fuel cells;

(D) gas turbines; and

(E) magnetohydrodynamics (MHD).

(5) Instrumentation and control.—Reduction of system operating costs and improvement of system availability by developing new sensors and control systems that will enhance the commercial application of coal utilization technologies and systems.

(6) SUPPORTING RESEARCH AND DEVELOPMENT.—Characterization of the various liquids and solid wastes generated by the use of coal, and development of processes that

will assure the disposal of such wastes in an environmentally acceptable manner. Development of processes that facilitate the cost-effective recovery of raw materials from coal utilization wastes. Materials research shall be conducted to ensure that advanced process concepts can be supported with available engineering materials.

(b) The Coal Science Research Program shall be—

(1) carried out through the Energy Technology Centers, the National Laboratories, the university community, and the private sector; and

(2) administered by the Assistant Secretary for Fossil Energy.

ENGINEERING DEVELOPMENT PROGRAM

SEC. 6. (a) The purpose of the Engineering Development Program shall be to establish proof-of-concept and demonstrate the technology of developed processes and coal systems at a scale large enough to permit ready commercialization by the private sector. The program shall be structured and implemented to achieve the following objectives within five years of enactment of this Act:

(1) construct a fine coal preparation and cleaning process facility of no more than 500 tons per day (the facility shall be constructed in such fashion as to allow the use of advanced chemical coal cleaning);

(2) retrofit an oil-fired boiler of at least 100 MWe (Megawatts electricity) using chemically cleaned coal;

(3) retrofit an oil-fired boiler of at least 100 MWe using a coal-water mixture;

(4) demonstrate a combined SOX (sulfur dioxide)/NOX (nitrogen oxides) retrofittable removal system of at least 50 MWe;

(5) conduct a furnace retrofit of in-boiler nitrogen oxide control technology of at least 50 MWe;

(6) demonstrate an atmospheric fluidized-bed combustion system of at least 100 MWe;

(7) demonstrate a repowering application of a pressurized fluidized bed combustor of from 50 to 100 MWe;

(8) demonstrate a repowering application of combined cycle coal gasification of from 50 to 100 MWe;

(9) develop and test a coal-fueled gas turbine in a second generation combined-cycle system of at least 50 MWe;

(10) develop and test an industrial-scale coal-fueled gas turbine suitable for industrial cogeneration of at least 5 MWe;

(11) test a utility phosphoric acid fuel cell system using coal-derived gas at a size of 10 to 50 MWe; and

(12) perform an integrated magnetohydrodynamics (MHD) systems test including generator and downstream steam plan with a superconducting magnet.

(b) The Engineering Development Program shall be administered by the Assistant Secretary for Fossil Energy. The program shall be structured and implemented such that there are sufficient incentives to attract private sector participation. Funds appropriated for the program shall be available on a cost-sharing basis between the Federal Government and non-Federal participants in the program.

FIVE YEAR PLAN

SEC. 7. (a) As a part of the National Coal Science, Technology, and Engineering Development Program the Secretary of Energy, with the cooperation of the Assistant Secretary for Fossil Energy, shall prepare a five year National Coal Science, Technology, and Engineering Development Research Plan to carry out the mandate of this Act. The plan shall include—

(1) identification and definition of the near- and mid-term opportunities for expanding the use of coal in the industrial, electric utility, and other sectors of the economy;

(2) a detailed description of the specific activities which have been, or will be, developed by the Department of Energy to address these opportunities and carry out the mandates of this Act;

(3) a statement and explanation of specific priorities and objectives, timetables for achieving such objectives, and a research strategy for achieving such objectives and the mandates of this Act; and

(4) a detailed description of the resource requirements for the implementation of the plan, and a description of the manner in which those resources will be deployed.

(b) The plan shall be submitted by the Secretary of Energy to the President and the appropriate committees of the Congress within six months of enactment of this Act.

ANNUAL AND FINAL REPORTS

SEC. 8. (a) At the end of each of the five fiscal years after the date of enactment of this Act, the Secretary of Energy shall submit an annual report to the President and the appropriate committees of the Congress. The report shall include a detailed description of the program and activities undertaken for that fiscal year, and the achievements and progress toward the objectives defined in the 5-year plan pursuant to this Act.

(b) Within 90 days of the end of the fifth fiscal year after the date of enactment of this Act, the Secretary of Energy shall submit to the President and the appropriate committees of the Congress a report identifying the achievements of the program, and identifying and defining further research needs and opportunities for promoting the expanded use of coal.

AUTHORIZATIONS

SEC. 9. (a) There is authorized to be appropriated for the Coal Science Research Program, $75,000,000 to be available for the fiscal years 1985 through 1989.

(b) There is authorized to be appropriated for the Process Science and Engineering Research Program, $200,000,000 to be available for the fiscal years 1985 through 1989.

(c) There is authorized to be appropriated for the Engineering Development Program, $500,000,000 to be available for the fiscal years 1985 through 1989.●

CUT DOWN LEGISLATIVE CHRISTMAS TREES

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. HYDE. Mr. Speaker, the constitutional amendment I am introducing today is intended to provide the President with the power of "line-item" veto on executive branch appropriation bills only. It also affects only the dollar amounts of appropriation deemed to be excessive, not limitations on how the funds can be spent. In these respects, it differs from bills sponsored by my colleagues, BILL ARCHER and JACK KEMP. Moreover, since any resolution on this subject will be referred to the Judiciary Subcommittee on Monopolies and Commercial Law, on which I sit, I hope to reintroduce it at a later date, with the support of other Members of the House and of the Judiciary Committee.

In the meantime, I submit this proposal to stake out what I believe is the most sensible position on this very important issue. It is identical with Senate Joint Resolution 128 sponsored by Senator MACK MATTINGLY of Georgia. I have taken the view that a balanced budget amendment to the Constitution is inadvisable, that it would be awkward and, in the final analysis, unworkable. A line-item veto, on the other hand, represents to me a much more logical approach to exercising fiscal control over executive branch spending.

This amendment is principally necessitated by the political tactics of the past several decades. When the Founding Fathers drafted the veto provisions in article I, section 7, clause 2, they clearly believed that a bill presented to the President would treat legislative subjects in a fashion which would enable the President to make a reasoned decision. They obviously did not envision the 11th-hour Christmas trees we now call appropriation bills. In the end, the American people suffer because the President oftentimes cannot, as a practical matter, reject entire appropriation bills without running the very real risk of bringing the Government to a halt.

Like other Presidents before him President Reagan has been faced with pork-barrel appropriation bills, and has come close to closing down the Government rather than accept unjustified expenditures added on the House and Senate floor. Even Franklin D. Roosevelt found himself faced with the same problem 40 years ago. I do not think it is coincidental, therefore, that it has been since Roosevelt's time that Federal deficits have become particularly explosive.

We all share with the President responsibility for the economic well-being of this Nation. This proposal represents an important step toward acknowledging that shared role, and I trust each Member will carefully consider my "Dear Colleague" letter when it reaches their office.●

WILLIAM G. ORME, RETIRING LONG BEACH BOYS' CLUBS EXECUTIVE DIRECTOR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. ANDERSON. Mr. Speaker, all too often we fail to realize the recreational and social needs of our children. This is especially true in inner

city areas where there are shortages of facilities and a lack of adult supervision. That is why I would like to pay tribute to a man who has done so much to address the problems faced by inner city youth.

William G. Orme will be honored at a November 8 luncheon sponsored by the board of directors of the Long Beach Boys' Clubs for his fine leadership as executive director.

Bill was born in Worcestershire, England, and has been married to Gladys Elizabeth for 41 years. They have a daughter, Carole, and two grandchildren, Lesley and Dannielle, and son-in-law, Danny.

Bill attended the Church of England's Schools for Boys, and after graduation was appointed to the Royal Military Academy, Sandhurst, in 1939; and was commissioned as 2d lieutenant in the 12th Royal Lancers in 1940. He served in North Africa, Palestine, Italy, and Germany during World War II, then in the Army of Occupation in Germany which eventually became part of the NATO forces. He was appointed staff officer at HQ Scottish Command, and eventually returned to England as technical adviser to the British and Commonwealth Armies on matters relating to the training of officers and noncommissioned officers.

Bill resigned his commission in 1964 to accept the positon of dean of men, and assistant to the Commandant of Cadets at Valley Forge Military Academy and Junior College, Pa.; and was appointed athletic director in 1967.

In 1972, Bill and Gladys moved to California to join their married daughter and her family, and he took a position with the Boys' Clubs of Long Beach in 1974 as associate executive director, becoming executive director in 1975. As executive director, Bill is involved in fund raising, running the staff, the four Long Beach clubs themselves, and many other aspects.

A major part of Bill's life has been athletics and this has served him well in running the Boys' Clubs. He was captain of his high school football (soccer) and cricket teams; represented his regiment in track and field and gymnastics; became an international fencer, teacher, and official; was golf coach and captain of the British Army golf team, and played in many amateur and professional events. He also held four-course records in Pennsylvania in 1965–66.

Bill is also chairman of the Boys' Clubs Professional Association for Los Angeles County; is a member of the Committee of Executives for United Way; was chairman of the United Way Agencies campaign in 1979, and is a member of the Center City Advisory Council of the Long Beach Downtown Lions.

Bill's major project before he retires is the refurbishing of the Boys' Clubs Petrolane Center Branch in downtown Long Beach. His tireless efforts will come to fruition in November when the new gym opens up. When Bill retires he will no longer be putting in 60- and 70-hour weeks in keeping the Boys' Clubs running, but will remain on the board of directors.

His main interests will be his grandchildren, golf, riding, and gardening. In addition, he hopes to start a new career in the movies on a part-time basis.

Mr. Speaker, my wife, Lee, joins me in paying special tribute to Bill Orme to thank him for his outstanding efforts on behalf of Long Beach Boys' Clubs and inner-city youth. We would like to extend our warmest wishes for a happy retirement and fulfillment to him, his wife Gladys, and their daughter, and grandchildren.●

A TRIBUTE TO VAL PETERSON

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. BEREUTER. Mr. Speaker, the State of Nebraska and our entire Nation recently lost an outstanding public servant and leader in Frederich Valdemar Peterson. Peterson, former Governor of Nebraska, Ambassador to Denmark and Ambassador to Finland, died Sunday, October 16, at the age of 80.

Early in his life, as an educator, publisher and World War II veteran, Val Peterson, as he was known, began his service to his State and his country. In 1946, this son of a Danish immigrant, was elected to the first of his three terms as Nebraska's Governor. In that office he helped lead Nebraska through the postwar years into a time of economic growth and agricultural expansion.

President Eisenhower appointed him Ambassador to Denmark in 1957 and he served in that post for 4 years. In 1969, President Nixon appointed him Ambassador to Finland where he also served as the American host to the first strategic arms limitation talks.

A native of Oakland, Nebr., he prepared for his life's work by earning degrees from Wayne State College and the University of Nebraska at Lincoln. He returned to those schools, particularly Wayne State College, after his retirement to share the knowledge and experience of his years of public service.

As an educator, Governor and Ambassador, Val Peterson's work and accomplishments continue to benefit Nebraska and the Nation. This Nation has lost an American of vast talents and knowledge and an individual with a demonstrated ability and commitment to serve his fellow man.

Val Peterson has always held a special place in the hearts of all citizens of the First Congressional District of Nebraska. As their Congressman, I share the feelings of warmth and admiration that come with memories of Val Peterson.

Often during my travels in northeast Nebraska, I have stopped at the campus of Wayne State College. Val Peterson's memory is vivid on this small Midwest campus. From the fine arts center that bears his name to the public service minded students and teachers that have passed through this college, Val Peterson's legacy is forever established. On several occasions I had a chance to visit personalay with Val and his lovely late wife, Elizabeth, at their home or on campus.

Today is Val Peterson's funeral. While many of his friends and family will gather in Fremont, Nebr., to say goodbye to their friend, the Nation should also pause and say a prayer of thanks for a man who gave so much of his life to public service. At this point, I would like to have included in the RECORD the text of the obituary for Val Peterson that appeared in the New York Times of October 18, 1983.

[From the New York Times, Oct. 18, 1983]

FREDERICK PETERSON, 80; WAS U.S. AMBASSADOR

FREMONT, Neb., Oct. 17 (AP)—Frederick Valdemar (Val) Peterson, a former Governor of Nebraska and Ambassador to Denmark and Finland, died Sunday at Memorial Hospital of Dodge County. He was 80 years old.

Mr. Peterson's sister, Thelma Launt, said he apparently died of respiratory failure. She said he had Alzheimer's disease.

Mr. Peterson, a Republican, was Governor from 1947 to 1953. He then became an administrative assistant to President Eisenhower and later was named Federal civil defense administrator. From 1957 to 1961 he was Ambassador to Denmark.

He then returned to Nebraska and was administrator of the J.M. McDonald Foundation at Hastings until President Nixon appointed him Ambassador to Finland in 1969.

In 1972 he became chairman of the Wayne State Foundation and taught political science at Wayne State College.

He and Elizabeth Howells Peak were married on June 6, 1929. She died in January 1979. Mr. Peterson is survived by his sister and a brother, Evar Peterson of Westminster, Calif.

Services will be held Thursday at Salem Lutheran Church in Fremont. Burial, with military honors by the Honor Guard of Offutt Air Force Base, will follow at the Oakdale Cemetery in Oakdale.●

AIDS RESOLUTION PASSED BY NEW YORK CITY COUNCIL

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. WEISS. Mr. Speaker, the epidemic of acquired immune deficiency

disease continues its cruel, relentless pace. Approximately 2,300 cases have been reported to the Center for Disease Control, and the mortality rate is over 40 percent.

Because nearly one-half of these victims are residents of New York City, elected officials from the metropolitan area have a very deep commitment to legislative efforts for assisting persons with AIDS.

The New York City Council on September 27 unanimously approved a resolution, introduced by Council Members Stanley Michels and Carol Greitzer, calling upon the U.S. Congress to pass H.R. 3702 providing $60 million for State and local governments to treat and prevent health crises such as AIDS.

In passing the resolution, council members stated that cities like New York which are trying to help AIDS victims cope with this deadly affliction need help themselves to pay for these vital services.

H.R. 3702, which I introduced on July 28, 1983, would provide emergency funds to localities particularly hard hit by health crises. The local governments could contract out services to hospitals, hospices, and nonprofit organizations. The bill amends the recently enacted Public Health Emergency Act, which provides funds for research into health crises. H.R. 3702 would complement the act by providing resources for treatment and prevention.

The city council resolution follows:

RES. No. 574

By Council Members Michels and Greitzer; also Maloney, Messinger and Dryfoos

Resolution calling upon the U.S. Congress to pass H.R. 3702 which will make $60 million available to state and local governments for the treatment and prevention of health crises such as Acquired Immune Deficiency Syndrome.

Whereas, there are currently 979 cases of Acquired Immune Deficiency Syndrome (AIDS) in New York City; and

Whereas, 102 of these cases have been reported in the last month alone; and

Whereas, the number of AIDS cases has doubled every six months; and

Whereas, AIDS is a condition which weakens the human body's immune system and increases susceptibility to such fatal diseases as Kaposi's sarcoma and pneumocystis carinii pneumonia; and

Whereas, 40 percent of all AIDS cases result in death within the first year; and

Whereas, an AIDS patient requires an average of thirty days of hospital care; and

Whereas, the cost of hospital treatment for an AIDS patient is estimated at $1,000 per day; and

Whereas, about 200 New York City hospital beds are occupied by AIDS patients on any given day; and

Whereas, over the last year, an estimated $73 million has been spent on treating AIDS patients in New York City; and

Whereas, the New York City Department of Health has spent over $200,000 in research alone, as well as over $20,000 in contracts with the Gay Men's Health Crisis, in attempting to cope with AIDS; and

Whereas, the city's Human Resources Administration is utilizing $2.5 million in Medicaid funds to establish a special home attendant services program to provide treatment to as many as 200 AIDS patients; and

Whereas, the Federal government has recognized the urgency of AIDS by allocating nearly $40 million in research funds to discover the as yet unknown causes of the disease and eventually find a cure for it; and

Whereas, additional funding from the Federal government is necessary to bear some of the tremendous costs of treatment and care of AIDS patients which are borne by the public and private health care sectors in New York City and other localities; and

Whereas, the spread of AIDS in New York City and across the nation is overwhelming local hospitals and other medical facilities, and straining local health budgets, and can truly be deemed a health crisis; and

Whereas, Representative Theodore S. Weiss has introduced a bill (H.R. 3702) to amend the Public Health Emergency Fund, making an additional $60 million available to state and local governments for the treatment and prevention of epidemics such as AIDS; now, therefore be it

Resolved, That the City Council of New York urges the United States Congress to pass H.R. 3702; and be it further

Resolved, That the Clerk of the City Council of New York send a copy of this resolution to every member of the Congressional delegation of New York City, to Representative Henry Waxman, Chairman of the House Committee on Energy and Commerce, and to Senators Daniel Patrick Moynhian and Alfonse D'Amato.●

STATE ACTIONS ON DISABILITY REVIEWS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. ROYBAL. Mr. Speaker, the abuses of the social security disability review process continue to incite the Nation's Governors to take actions to suspend reviews until the Congress passes legislation to correct those abuses. Most recently, Gov. Richard Celeste of Ohio and Gov. Richard Thornburg of Pennsylvania declared moratoriums on October 6 and October 8 respectively. Gov. George Wallace of Alabama and Gov. Charles Robb of Virginia issued such orders in late September. Maryland and New Jersey are also among the latest States to impose moratoriums.

Mr. Speaker, the House Select Committee on Aging first began an indepth review of the actions of States early this spring. It is all to apparent that we must enact the legislation reported out of the Ways and Means Committee as soon as possible in order to correct the abuses cited by the Governors to restore some national order to the disability process.

A complete update of actions taken by States on their own initiatives or as a result of court orders is attached:

The material follows:

UPDATE OF MAJOR STATE ACTIONS AND FEDERAL COURT DECISIONS AFFECTING THE DISABILITY REVIEW PROCESS

Alabama.—Moratorium on terminations ordered by Governor Wallace on September 19.

Alaska—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

Arizona.—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

Arkansas.—Disability employees required to follow procedures of a July 14 Executive Order by Governor Bill Clinton which requires rereviews of cases terminated since January 1983, under guidelines consistent with the Eighth Circuit Court of Appeals decisions. A joint committee of the state legislature is conducting hearings and investigations. Governor Clinton testified in Washington, D.C. before the House Aging Committee on June 20 and lead successful effort in early August for a National Governors Association resolution in support of specific legislative remedies.

California.—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

Colorado.—Moratorium on terminations implemented by state following Federal court decision (August 16) requiring use of a medical improvement standard prior to terminating benefits.

Hawaii.—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

Idaho.—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

Illinois.—Reopening and reinstatement of previously terminated mentally impaired persons ordered by Federal District Court in December 1982 and June 1983 respectively. Court orders require SSA to develop disability guidelines for mentally impaired which are consistent with legal requirements.

Indiana.—Reopening and reinstatement of previously terminated mentally impaired persons ordered by Federal District Court in December 1982 and June 1983 respectively. Court orders require SSA to develop disability guidelines for mentally impaired which are consistent with legal requirements.

Kansas.—Disability employees required to follow procedures approved by Governor John Carlin in February, 1983 to rereview cases terminated since 1981 and to implement state interpretation of the federal disability guidelines. Governor Carlin submitted testimony to House Aging Committee hearing on June 20.

Maryland.—Moratorium on terminations ordered by School Superintendent David Hornbeck on October 4.

Massachusetts.—A March 8 Executive Order by Governor Michael Dukakis implemented a District Court decision (Miranda) to require that a medical improvement standard be used prior to terminating benefits. On July 20 the Governor ordered a reopening of previously terminated cases and joined in a lawsuit against SSA's disability policies. The state legislature's special commission on disability issued its final report with recommendations in June. Governor Dukakis testified at House Aging Committee hearing in Congressman Barney Frank's district on May 31.

Michigan.—SSA agreed (October 17) to a request by Disability Determination Director William Edmondson to discontinue receipt of CDI cases until November 30. Reopening and reinstatement of previously terminated mentally impaired persons ordered by Federal District Court in December 1982 and June 1983 respectively. Court orders require SSA to develop disability guidelines for mentally impaired which are consistent with legal requirements. The state of Michigan Interagency Taskforce on Disability has issued five lengthy, analytical reports since March 1982.

Minnesota.—Reopening and reinstatement of previously terminated mentally impaired persons ordered by Federal District Court in December 1982 and June 1983 respectively. Court orders require SSA to develop disability guidelines for mentally impaired which are consistent with legal requirements.

Montana.—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

Nevada.—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

New Jersey.—Moratorium on terminations ordered by Secretary of Labor Michael Boakr in late September based on the legal advice of Attorney General Irwin Kimmelman.

New York.—Moratorium on terminations ordered by Social Services Commissioner Cesar Perales on July 22. Attorney General Robert Abrams filed suit against the Department of HHS on behalf of individuals with heart diseases (August 10). A previous suit was filed on behalf of mentally impaired persons.

North Carolina.—Moratorium on terminations ordered by Governor James Hunt on September 3. The state legislature's special commission to examine the disability process convened their first meeting on September 7. Governor Hunt submitted testimony to House Aging Committee hearing on June 20.

Ohio.—Four month moratorium on terminations ordered by Governor Richard Celeste on October 8. Reopening and reinstatement of previously terminated mentally impaired persons ordered by Federal District Court in December 1982 and June 1983 respectively. Court orders require SSA to develop disability guidelines for mentally impaired which are consistent with legal requirements.

Oklahoma.—First to implement face-to-face interviews at reconsideration following the Director of the Department of Human Services (and former U.S. Senator) Henry Bellmon's recommendation in early 1983 that Governor George Nigh turn back the state disability determination function to the Federal government.

Oregon.—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

Pennsylvania.—Moratorium on terminations ordered by Governor Richard Thornburgh on October 6.

Virginia.—Moratorium on terminations ordered by Governor Charles Robb on September 28. House Aging Committee held hearing in Cong. Norman Sisisky's district on September 12.

Washington.—Moratorium imposed by the State in June prior to the moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

West Virginia.—Moratorium on terminations ordered by Governor John Rockefeller on August 12. Governor Rockefeller testified at a House Aging Committee hearing in Congressman Bob Wise's district on May 20.

Wisconsin.—Reopening and reinstatement of previously terminated mentally impaired persons ordered by Federal District Court in December 1982 and June 1983 respectively. Court orders require SSA to develop disability guidelines for mentally impaired which are consistent with legal requirements.●

TURKEY'S ELECTORAL FARCE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. LEVINE of California. Mr. Speaker, I would like to bring to the attention of my colleagues an article titled "Turkey's Electoral Farce," which appeared on the New York Times op-ed page on October 19. It was written by Jeri Laber, executive director of the Helsinki Watch Committee, a nongovernment organization that monitors human rights compliance with the 1975 Helsinki accords.

Ms. Laber's main point is that the condition of human rights in Turkey is a lot worse than is generally understood, and that while the United States freely sends vast sums in military and economic aid to that country in order to help it fulfill its role in the NATO alliance, conditions exist there which may in fact create such instability that Turkey cannot be depended upon if and when the need arises.

For example, Ms. Laber claims:

That the long-anticipated election campaign is a shameless parody of the democratic process. Twelve of the 15 political parties that sought to participate in the elections have been barred from the process.

The number of Turkish political prisoners may be as high as 55,000, and while the Government claims torture has ended, Ms. Laber herself has met with several recent victims. Journalists, professors, and professional people are harassed for a myriad of reasons.

Ms. Laber writes:

In the minds of many Turkish citizens, the responsibility for this repression falls as much on the United States as on the generals. At a time when Turkey's human rights policies are being censured in the European Parliament and the Council of Europe, the United States remains one of Turkey's few defenders and the American public and press seem ill-informed about Turkish atrocities.

Our support of Turkish repression is also counterproductive. Repression breeds anger and violence, not stability. It is driving Turkish society further and further away from the values of the Western community in which we are so eager to see Turkey remain.

Ms. Laber's article is insightful and sobering. I urge my colleagues to read it.

The full text follows:

TURKEY'S ELECTORAL FARCE

(By Jeri Laber)

The people of Turkey will vote Nov. 6 in an election that both the Turkish military Government and the Reagan Administration describe as a return to parliamentary democracy. I visited Turkey in late September as a member of a human rights fact-finding mission and found that it is indeed in transition—not to democracy but to totalitarian rule.

Washington uses the prospect of elections to justify its support for Gen. Kenan Evren and the junta that seized power in September 1980. Turkey's strategic importance—it may soon be receiving close to a billion dollars of American military and economic aid—makes a stable government there essential to American foreign policy interests. For this reason, the United States is loath to acknowledge that the terrorism and near-anarchy that preceded the 1980 military coup has been replaced by a new terrorism waged by the Government against its frightened people.

Nor has Washington conceded that the long-anticipated election campaign is a shameless parody of the democratic process. Twelve of the 15 political parties that sought to participate in the elections have been barred from the process. Some 240 former politicians are barred from engaging in any political activity for a 10-year period, and 16 of them, including Suleyman Demirel, a former Prime Minister, were recently held under arrest for three months.

Nor do the three parties that will be on the ballot present any real choice. Two of them—the official Nationalist Democracy Party and the minority Populist Party—have the open or tacit backing of General

Evren, while the third, the seemingly independent rightist Motherland Party, may very well have agreed to a post-election coalition with the majority party. Voting will be mandatory and voters will be fined 2,500 lira—only $10, but not an inconsiderable sum for most Turks. To complete the travesty, General Evren, who will become civilian president at the time of the transition, is not up for re-election for at least seven years, and he has the right to dissolve the new parliament any time he wishes.

The actual number of political prisoners being held in overcrowded Turkish jails is unknown, with estimates ranging from an official 21,000 to an unofficial 55,000. Most of these prisoners are very young people—some still in their teens—arrested for terrorism right after the coup, and they are being held under deplorable conditions. Despite the Government's assurance that torture has ended, we met with several recent victims. We were told of parents of imprisoned children who were themselves taken into prison and tortured. We heard about a courtroom incident in which prisoners who complained of torture were beaten up by their guards in front of the judge.

Professional people and institutions are also suffering. Officials of the Bar Association, the Writers Union, the Peace Association and the trade unions are being tried on charges that carry sentences ranging from five years to death. Many are charged with belonging to now-illegal organizations that were legal at the time they joined. Hundreds of professors have been dismissed from the universities, which have been brought under centralized control. Members of the one existing trade union—an officially sanctioned labor confederation—have no right to strike or to engage in collective bargaining. Journalists, who live in constant fear of arrest and of having their newspapers closed, practice self-censorship, trying to outguess the authorities. "In order to know what to write, we have to feel and think like them," one journalist explained. "It's inhuman, degrading, dishonest."

In the minds of many Turkish citizens, the responsbility for this repression falls as much on the United States as on the generals. At a time when Turkey's human rights policies are being censured in the European Parliament and the Council of Europe, the United States remains one of Turkey's few defenders and the American public and press seem ill-informed about Turkish atrocities.

There are some in Turkey who believe that the generals truly misunderstand the nature of the democratic process—that they are naive and misguided rather than calculating and corrupt. If so, then it is Washington's responsibility to show these men we are backing what democracy is about. The United States Government cannot continue to patronize Turkey, praising its tyranny and calling it democracy.

Our support of Turkish repression is also counterproductive. Repression breeds anger and violence, not stability. It is driving Turkish society further and further away from the values of the Western community in which we are so eager to see Turkey remain.●

A CONGRESSIONAL SALUTE TO MARK THE 125TH ANNIVERSARY OF WILMINGTON, CALIF.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. ANDERSON. Mr. Speaker, 1983 marks the 125th anniversary of the city of Wilmington which lies in my congressional district.

It was 1858 when Phineas Banning purchased over 600 acres of land from his three partners and began New San Pedro, which officially became known as Wilmington in 1863.

This city, whose 125th anniversary we celebrate in 1983, is one whose first 125 years have been packed full of history and excitement. The outlook for this port city has not always been as optimistic as it is today. In 1861, in fact, Banning found himself facing possible troubles when the Civil War broke out. He was alarmed by the rioting of the Southern sympathizers and wrote a letter to President Lincoln stating that the North might lose the State if some action were not taken.

At his suggestion, Mr. Lincoln sent Maj. Richard Coulter Drum to oversee the building of an Army camp in Wilmington. This camp later became known as Fort Drum or Drum Barracks. Banning sold the Government 60 acres of land for $1 on which to build the fort. It was completed in 1862. Drum Barracks kept the territory between California and Texas in the Union despite Confederate harrassment and prevented Confederate use of the harbor during the war years. The Union troops were also instrumental in quelling Indian uprisings.

By the 1870's, the Civil War had long since passed, and Wilmington was enjoying an era of growth and prosperity for it appeared that with the coming together of rail transportation and seagoing vessels, a bright future as a seaport was assured.

The railroad was called the Los Angeles & San Pedro Railway. The completion of this was an uphill battle for Mr. Banning. It took 7 years of negotiation to gain the necessary support and funds, but capitalization was finally effected through a joint venture of public and private funding. And, as the lowest bidders, the contract went to the partnership of Banning and Henry B. Tichenor of San Francisco. The work began on September 19, 1868, and the trains were in service on October 26, 1869.

Petroleum also played a large part in the growth of Wilmington. Although oil was not actually discovered in this town until 1932, the development of oil fields in the State had a great impact on the city because this oil had to be shipped to consumers. Thus, oil pipelines were constructed from the existing fields to the harbor. By 1911, oil was one of the most important items to be exported through Wilmington, and this was, financially, a very positive force in the development of the city.

Despite all of this, Banning knew that Wilmington could not become a successful port without breakwater protection. He urged Congress to appropriate the necessary funds for a seawall connecting Rattlesnake and Deadman's Islands, and it did. Today, Wilmington, as a part of the area of the Port of Los Angeles, continues to expand and modernize its facilities for handling cargo, a process that began back in Banning's time.

Thus, in light of all that Mr. Phineas Banning did for the development of Wilmington, we owe him much. However, the 125th anniversary of the city should also be one of great pride for its residents; I know it is for me, and I am proud to represent such a historic and successful area. My wife, Lee, joins me in congratulating the officials and residents of Wilmington for their cooperation, dedication, and achievements. We wish them continuing success in the future.●

THE OREGON WILDERNESS ACT OF 1983

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. DENNY SMITH. Mr. Speaker, today, the Senate Subcommittee on Public Lands and National Parks held a hearing to discuss the merits of H.R. 1149, the Oregon Wilderness Act of 1983. Following Senate consideration of the measure, I anticipate a conference will be held to settle disagreements which may necessitate a vote in the House of Representatives on the conference report. Because I have strongly opposed H.R. 1149, as it is currently drafted, I want to take this opportunity to restate my concerns. A copy of my testimony presented to the Senate Subcommittee on Public Lands and Reserved Water follows:

TESTIMONY BY CONGRESSMAN DENNY SMITH

Mr. Chairman, I appreciate the opportunity to comment on H.R. 1149, the Oregon Wilderness Act of 1983. As is clear from my previous statements on this legislation, I am opposed to the bill as it is presently drafted.

Since more than 50 percent of the state is controlled by the U.S. Forest Service and the Bureau of Land Management, Oregonians have a big stake in how our public lands are managed. I hope the filed hearings held this past summer and this hearing today will help this committee learn firsthand that there are many questions to be answered about H.R. 1149. Is the acreage proposed excessive? Is "wilderness" the proper designation for the lands specified in H.R.

1149? Is the release language in Oregon's best interest?

Is the acreage proposed excessive?—This bill is significantly different than any previously considered Oregon Wilderness bill. It represents three times the acreage recommended by the Carter Administration after years of costly and extensive study under RARE I and II, and it is twice the acreage provided in a previously passed Senate bill. Nearly 80 percent of the acreage designated lies within the congressional districts of Congressman Bob Smith and myself . . . we both oppose H.R. 1149.

Is "wilderness" the proper designation for the lands specified in H.R. 1149?—I ask the committee to refer back to the Wilderness Act of 1964 and make sure that the areas designated in H.R. 1149 meet the strict wilderness criteria set forth in the original Act. This does not appear to be the case with many of the areas outlined in H.R. 1149. There are many beautiful, pristine areas in Oregon which must be protected, but indiscriminate and inappropriate use of wilderness designations adversely impacts us all and does not follow the intent of the original Act.

Is the release language in Oregon's best interest?—I want to remind this committee that it is imperative we restore study areas that have been rejected under RARE II to full multiple use management, not just for the planning cycle, but in perpetuity.

We have a responsibility to resolve this wilderness issue. The uncertainty of forest planning has been detrimental to those whose jobs are tied to the wood products industry. No one questions the need to resolve the long-standing controversy over roadless areas, but should that solution be at the expense of excessive wilderness acreage that will have a severe impact on Oregon communities and families for generations to come?

The National Wilderness Preservation System was instituted to provide for the preservation of areas on our public lands which were already being administered to preserve their wildernesss character. Setting aside a portion of our federal lands to remain in their primitive condition does serve an important purpose. However, locking up lands indiscriminately, without consideration of other uses, is why I strongly oppose H.R. 1149. This bill is a wholesale attempt to acquire as much acreage for wilderness as possible without any regard for its suitability. As many of you know, the definition of "wilderness" as stated in the Wilderness Act of 1964 is "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain" and further "an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation." Many of the areas being recommended for wilderness in H.R. 1149 do not meet the definition of wilderness and therefore, were not recommended by the Forest Service under RARE II for that designation. I hope this committee will follow those recommendations.

Earlier this year, Governor Atiyeh, Congressman Bob Smith, and I requested the House Subcommittee on Public Lands and National Parks hold hearings in Oregon on H.R. 1149. The request was denied. I applaud this Senate subcommittee and the efforts of Senator Hatfield for taking the initiative to arrange field hearings this summer in Bend and Salem, Oregon. Last spring, I held two public meetings in my district and invited comments from my constituents on the Oregon Wilderness Bill. Groups and individuals testified five-to-one against this bill, and a summary of their comments is submitted for the record. Another indication of the interest in my district is the participation on day trips into the national forests I have arranged to acquaint Oregonians with management techniques that protect the economic and aesthetic benefits of our public lands for future generations.

Oregon is the nation's leading timber producer and it is important that Oregonians participate in the decision making which affects our most valued assets. These people realize we must not take our resources for granted and that it is our responsibility to resolve the controversy before us and continue to be good stewards of our public lands.

If land is truly wilderness, and that is the highest and best use of the land, then I see no reason to oppose an area for that designation; but I cannot support declaring an area wilderness if it does not meet the specifications. Unrealistic additions in Oregon to the Wilderness Preservation System will further cripple Oregon's sensitive economy. There is valuable timberland in these areas. The Forest Service has testified that over 70 percent of the acres in H. R. 1149 are commercial forest land capable of sustaining an annual harvest of 232 million board feet. Also, some of these areas have the probability of mineral deposits.

There will be a loss of jobs if we double Oregon's wilderness areas . . . estimates range from 5000 to 8000 jobs. Loss of revenue to the state would be significant . . . estimates are that Oregon's economic activity would be reduced by over $600 million annually and that the state, local, and federal treasuries would forfeit over $380 million annually if this bill is enacted as currently drafted. This bill would also give a crushing blow to counties . . . estimated to be millions in revenues to schools and roads.

Congress should know the impact changes in federal land policy have on local jobs before it enacts legislative proposals. We have spent considerable time this Congress debating whether or not the Oregon Wilderness Act of 1983 would cost up to 8000 jobs in the timber and service-related industries or create 2000 jobs by enhanced fisheries. It's time Congress has an independent body determine the impact such legislation has on local employment. A bill has been introduced in the House, the Federal Land Job Security Act, which would serve just that purpose. Congress already requires the Congressional Budget Office to assess the budgetary impact of each legislative initiative. This bill, H.R. 2450, would provide the same type of information about the impact on jobs. The jobs impact statement would be compiled by the Department of Labor and would include: immediate impact on current federal, state, local and private employment directly attributable to the bill or resolution; the long term economic effects of enactment of the bill or resolution; and the extent and nature of any employment opportunities created by enactment of the bill or resolution and its possible economic benefits.

I know this hearing today is not to discuss a bill separate from the Oregon Wilderness Act; but I think it is important to mention this legislation and know that consideration should be given to H.R. 2450 before this Congress continues to address wilderness legislation. H.R. 2450 would allow us to make educated decisions in the management of federal lands.

I don't intend to use this statement as a recommendation for specific areas which should or should not be designated as wilderness. I just ask that this committee answer the three questions mentioned earlier in this statement before making any judgments about the economic future of my home state and the livelihood of a great many Oregonians. I will repeat those questions once again—

Is the acreage proposed excessive?

Is "wilderness " the proper designation for the lands specified in H.R. 1149?

Is the release language in Oregon's best interest?

I appreciate the opportunity to present this testimony before this committee.●

NEWARK STREET TO BE RENAMED FOR KING

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. RODINO. Mr. Speaker, as we all know, yesterday was a very historic day, as the Senate followed our lead and voted to create a national holiday in honor of Dr. Martin Luther King, Jr., and President Reagan promised to sign the bill into law. The third Monday in January will become our 10th national holiday, and our Nation moves one step closer to fulfilling the dream of Martin Luther King.

We honor our most revered leaders of society in a variety of ways, and a national holiday is perhaps the highest honor we can bestow. It takes a rare individual or an extraordinary event to justify a national holiday, and I am very pleased with the national consensus that Dr. King and the movement he inspired meet that high standard.

And while the national holiday will give Dr. King's dream the place in our collective consciousness that it deserve, it is also important that we be reminded of what Dr. King stood for in other ways, in our daily lives. That is why I am very proud that in my home city of Newark, on October 23, High Street will officially be renamed Martin Luther King, Jr. Boulevard. It is such a tribute to Dr. King, which are made all over this country, that serve as lasting expressions of our determination to fulfill Dr. King's dream.

Many people were involved in the effort to rename High Street in honor of Dr. King, and I particularly wish to recognize Allan King and all those involved with People United in the Public Interest, as well as Newark's elected officials who made this very important decision. The special guest at Sunday's dedication will be Mrs. Coretta Scott King, and I am certain that her presence will guarantee that

the ceremony will be a very memorable occasion.●

THE LIBRARY CO. OF BURLINGTON: 225 YEARS OF AMERICAN HISTORY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. SMITH of New Jersey. Mr. Speaker, I ask my colleagues to join with me today in paying tribute to an institution that has had a profound impact, and enjoys a significant place, in American history. This Sunday, October 23, 1983, marks the 225th anniversary of the chartering of the Library Co. of Burlington, N.J.

The history of the Library Co. of Burlington is unique. It is the second oldest public library in New Jersey, and the seventh oldest library in the Nation. The library has been in continuous operation since it was chartered by King George II in 1758, and it still operates under this charter.

In 1757 several persons, mostly Quakers, had what they perceived to be a good idea. They wrote in the minutes of their first meeting. Several inhabitants of New Jersey thinking a Library Co. in the city of Burlington would be a great benefit to the members, as well as to the public in general, did speak to the number of 60, who formed themselves into a company and agreed to pay 10 shillings per annum in support of the library. The groundwork was laid for a library that, through the years, would faithfully serve the community.

The company held its first meeting at the home of John Shaw on January 14, 1758. Laws were adopted, and 10 directors and a treasurer were elected as provided therein. The library was the first public library in that it extended borrowing privileges to nonmembers. The library was also the first to print a catalog. Printed in 1758 that catalog listed 700 books, most of them gifts, and half of them donated by John Smith, a prominant Burlington Quaker.

The library was first opened in the parlor of the home of Thomas Rodman on High Street. Daniel Bacon was the first librarian at a salary of 5 pounds per year. The first book borrowed from the library was taken out by William Franklin, the last Royal Governor of the colony, and the son of Benjamin Franklin.

The library was also the first to erect a library building in New Jersey. In 1788, Gen. Joseph Bloomfield, later a Governor of New Jeresey, gave a piece of land for a library building. A one-story frame building was erected on what is still known as Library Street, and opened in 1789. That building served the town for 75 years when, in 1864, the present stone buildings was constructed on West Union Street by subscription from the citizens.

Unofficially the roster of the early library patrons was the first early American "Who's Who." In addition to William Franklin and Joseph Bloomfield, there were Elias Boudinot, President of the Continental Congress; James Lawrence, later a captain of fame during the War of 1812 ("Don't give up the ship!"); John Woolman, author of "Woolman's Journal" and first preacher for the abolition of slavery; French nobleman and world missionary Stephen Grellet; and James Fenimore Cooper, to name a few.

Today, the library continues to expand and grow. While it is one of America's oldest, it remains a vital institution seeking to meet the expanding needs of a modern public. In striving to expand its available materials, programs, and services, the Library Co. of Burlington still follows the basic ideal set forth in the minutes of its first meeting 225 years ago, to be of great benefit to members as well as the general public.

Mr. Speaker, the Library Co. of Burlington deserves our gratitude and continued best wishes, as it continues to function as a major chapter in America's illustrious history.●

BILL PODGORSEK

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. MINETA. Mr. Speaker, it gives me great pleasure to rise today in honor of an extraordinarily valuable citizen, Bill Podgorsek, of Cambell, Calif. After 15 years of public service, Bill is retiring, and he will be honored at a testimonial dinner Friday, October 28. Today, I ask you to join me in thanking Bill Podgorsek for all that he has done.

Bill's contributions to Campbell and the rest of Santa Clara County are abundant. In 1970, Bill was elected to the Campbell City Council, and he served as mayor for three terms. Bill has served on numerous committees—the Association of Bay Area Government and its executive committee, the Campbell Council Sign Committee, and the Santa Clara County Intergovernmental Council, to name only a few.

Bill's unselfish dedication of time and energy sets an example for all of us. Mr. Speaker, I ask you and all the Members of this House to join me in honoring this dedicated, effective professional, Bill Podgorsek.●

NEEDY LINES GROW

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Ms. KAPTUR. Mr. Speaker, the dramatic increase in the number of people going to soup kitchens and food pantries for the needy is staggering. The center on budget and policy priorities, in its report soup lines and food baskets found that in the 1-year period that ended last February more than half of the 181 emergency food programs surveyed reported at least a 50-percent increase in the number of free meals or food baskets they provided. The following article from the Toledo Blade, October 11, 1983, explains that the situation has taken a further turn for the worse. I urge my colleagues to work together to actively search for solutions to this problem before it gets even worse.

The article follows:

LINES OUTSIDE KITCHENS FOR NEEDY GROW INCREASINGLY FAMILIAR IN CITY

(By Judy Tarjanyi)

An hour before the doors are to open, a line is forming outside the Hospitality Kitchen on Hill Avenue where a free meal awaits those who are jobless or otherwise considered poor.

It's a scene that has become increasingly familiar throughout the Toledo area as meals and other kinds of assistance are being provided to a growing number of people who fall into the needy category.

Hospitality Kitchen, one of the newer free-meal sites in the area, was begun in January by parishioners of Our Lady of Lourdes Church, 6145 Hill. The Rev. Neil Lucas, pastor, says workers are serving from 400 to 700 persons, depending upon whether it is the beginning or the end of the month.

At the end of each month, all the kitchens are busier as those needing aid run out of government and other kinds of assistance.

The picture seems to be much the same at other city soup kitchens and assistance centers, where recovery is a word without meaning for the poor.

Ruth Beshalske, director of St. Paul's Community Center, 230 13th St., which offers free daily noontime meals, said she recently told someone, "Things may be looking up on Wall Street, but not on the back streets."

St. Paul's now is seeing 145 persons a day, up from 60 a day a year ago. These include former mental patients who live on government assistance, as well as the unemployed.

"You can say what you want about the recesssion and recovery, but it's not happening at the grass roots," the Rev. Robert Armstrong says. Father Armstrong is pastor of St. Louis Parish in East Toledo, where a daily meal program begun in January re-

cently was expanded to a second parish hall to accommodate growth in the number of persons seeking meals.

NOTHING BUT INCREASE

Father Armstrong says the St. Louis program, operated by a group known as the Helping Hands of St. Louis, now serves as many as 525 persons a day, an increase of about 100 since July. Since it started, the numbers "have done nothing but increase."

He said he has noticed that there is a larger group of familiar faces at the kitchen, indicating that more persons are seeking food on a regular basis. And those who have become regulars seem to be bringing in-laws and children with them.

Father Armstrong said persons also seem to be coming from farther away in carloads to the meal site.

With cold weather coming, the Rev. William R. Connor, pastor of Bethesda Apostolic Church, at 209 South King Rd., Holland, which offers free meals and emergency food, says he anticipates an increase in those needing aid as the weather turns cold.

Then, he said, persons will not be able to depend on gardens as a food source and also will have their resources depleted by fuel bills.

Bethesda now is feeding 300 to 350 persons each Friday and Saturday, and also distributed 6,000 emergency food baskets over a three-month period.

At Claver House, an assistance center that opened a year ago at 1435 Dorr St., business is "booming," the Rev. Bernard Boff, pastor of St. Teresa Parish, said.

The center, which serves residents oi the Dorr-Detroit Avenue area, draws about 200 persons at each of its meals the last two Sundays of each month, 500 a week for its daily breakfasts, and 300 for weekly giveaways of bread.

MOST IN 14 YEARS

The Kitchen for the Poor, 1327 Nebraska Ave., one of the city's first soup kitchens, is feeding more persons than it has in its 14-year history, according to Mrs. Martha Savage, who helps her husband, the Rev. Harvey Savage, with the center.

Mrs. Savage said 200 persons come to the kitchen each day for breakfasts and lunches that are offered 6 days a week.

Tanya Payne, who works at the kitchen as part of a Lucas County welfare department work project, has been on welfare herself for three years and unable to find work as a nurse's aid.

"It ain't getting better. It's getting worse," she said. "Food's too expensive. I see people eating out of garbage cans."

The same picture is reflected in statistics on persons helped at other centers:

St. Francis DeSales Parish, 501 Cherry St., served 3,248 needy adults in 1982, compared with 2,570 in 1980. Through August of this year, 3,690 have been served.

About 400 persons a day are being fed at the Cherry Street Mission, 105 17th St., where officials are seeing more and more families with children in addition to the usual transient population.

At the Salvation Army, staff members several years ago were handling 60 to 80 cases a month. In July, the number was 303 and in August, 202.

At the St. Vincent DePaul Society, 1001 Washington St., requests for appliances, food, and clothing have grown by about 15 to 20 per cent just since July.

Only the Toledo Rescue Mission at 1917 Jefferson Ave., reported a stabilization of assistance activity. Clark Alcock, director, said that the mission continues to feed 85 to 100 persons a day and lodge about 35 a night.●

NICARAGUA-SANDINISTA ATROCITIES AND HUMAN RIGHTS VIOLATIONS AGAINST THE MISKITO INDIANS

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. BEREUTER. Mr. Speaker, there have been so many one-sided accounts favorable to the Sandinista government of Nicaragua by American citizens and others who are given only a carefully limited look at Nicaragua under that regime, the Member feels compelled to provide some balance to those reports. Accordingly, the following material by Dr. Bernard Nietschmann, professor and journalist, University of California—Berkeley, will be inserted. Mr. Robert T. Coulter, executive director, Indian Law Resource Center, Washington, D.C., in introducing Dr. Nietschmann's report had this to say in a written statement dated October 6, 1983:

Dr. Nietschmann provides a unique and independent report on human rights violations and conditions he observed inside Indian villages which have not been visited by outside journalists and human rights observers for some two years.

Dr. Nietschmann's testimony shows, first, the pervasive denials of fundamental human rights, and second, the growing strength and effectiveness of the Indian combatants, the Miskito, Sumo, Rama peoples to self-determination, land, resources, and their own way of life.

Because he speaks Miskito, Spanish, and English and is known and respected by many of the Miskito, Sumo, Rama, and Creole people; Dr. Nietschmann was able to document the most detailed account yet available of the growing Indian crisis in Nicaragua.

The material follows:

STATEMENT BEFORE THE ORGANIZATION OF AMERICAN STATES INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

I want to thank the Commission for the opportunity to testify today.

I am a professor of geography at the University of California, Berkeley. My research and teaching specialties are indigenous peoples, resource use, customary land and sea rights, and tropical resources. I have done research on these subjects in various parts of the world including Nicaragua, Polynesia, Micronesia, and Australia.

Between 1968 and 1976 I spend 2½ years in eastern Nicaragua in Miskito villages. I lived for varying lengths of time in several villages and visited communities from Bluefields north to Old Cape and from the lower Rio Coco up to as far west as Raiti.

I was supportive of the overthrow of the Somoza regime and the establishment of the new government and looked forward to a new and beneficial government policy toward the East Coast Indian peoples.

In 1980 I went to Nicaragua at the invitation of the Sandinista government to advise on and promote the possibility of establishing a national marine park off northeastern Nicaragua that would serve to protect various marine species and habitats and to provide sustainable resources for coastal Miskito communities who would manage and oversee many aspects of the proposed park.

I kept up frequent mail contact with Miskitos in various villages over the years even though my research took me to other parts of the world. In 1981 the mail from these correspondents suddenly ceased and I received no replies to my letters.

After two years of silence I heard again from some of my old acquaintances who called and wrote from Costa Rica. They were refugees and told me they had had to flee from their village to seek safety in Costa Rica. They feared for their lives in Nicaragua. Some of these people were men of more than 60 years of age others were women who came with children.

I went to Costa Rica at the first opportunity to see these people and to learn what had happened to them and in their villages since I'd last visited the East Coast of Nicaragua.

EXAMINATION OF THE INFORMATION

I have just returned after spending 2½ months in Costa Rica, Honduras and Nicaragua. I carried out research using standard systematic techinques of formal interviews, informal discussions, crosschecking, corroboration and obtaining multiple confirmations to establish the validity and reliability of the information—the same techniques that I would use to obtain and verify information that forms the basis of research results presented in scholarly books and articles. A tape recording, film and photographic record was made.

I visited old acquaintances, some of whom I've known for 15 years and who are now in refugee camps, or are unregistered refugees, or are in exile. Their stories appeared to be consistent and were confirmed by others I met who were scattered about in Costa Rica and Honduras. And their stories were alarming.

Miskito villages in eastern Nicaragua had long been closed by the Sandinista government to independent outside observers. I had the opportunity to go inside Nicaragua with the invitation from the Miskito, Sumo and Rama Nations to visit their territory. I was in a Miskito area in eastern Nicaragua for several weeks. I traveled from village to village, staying for varying lengths of time depending on security considerations. I talked to hundreds of people, lived with them, ate what they were barely managing to live on, experienced the conditions, met many people I'd known from my previous visits years ago, listened and asked questions, and carried out research on what had

happened to them during the years since the 1979 Sandinista Revolution.

Because much of the information I obtained might jeopardize individuals and entire communities, I trust you will understand why I cannot provide specific names, places and dates. Nor can I reveal exact details that would give clues to the location of these people and villages because of possible punitive retaliation from the Sandinista military—something that the villagers fear and that I respect and agree with.

I wish to share with you what I found out from the perspective of the Miskito villagers living inside Nicaragua. My interest is to acquaint you with their experiences and their human rights situation. I am not interested in nor have I taken part in the rhetoric that has confused examination of the Miskito situation.

HUMAN RIGHTS VIOLATIONS

It is with sadness that I report widespread, systematic and arbitrary human rights violations in Miskito Indian communities. These violations by the Sandinista government include arbitrary killings, arrests and interrogations; rapes; torture; continuing forced relocations of village populations; destruction of villages; restriction and prohibition of freedom of travel; prohibition of village food production; restriction and denial of access to basic and necessary store foods; the complete absence of *any* medicine, health care or educational services in many Indian villages; the denial of religious freedom; and the looting of households and sacking of villages.

ARBITRARY KILLINGS

In several villages I talked to people who had witnessed the arbitrary killing of Miskito civilians by Sandinista military forces. Many of these killings occurred during one of several Sandinista military invasions and occupations of Indian villages. Some of the villagers were arbitrarily shot when the government soldiers first invaded the villages; others were killed during the weeks of occupation, confinement, torture and interrogation.

For example, it was reported to me by several different firsthand sources that one man was nailed through his hands and ankles to a wall and told he would remain there until he either confessed to being a "contra" or died. He died. His widow, dressed in black, and others in that traumatized village are filled with grief and anger over this and other atrocities committed during their forced confinement under a reign of terror by several hundred Sandinista soldiers. Other Miskitos were killed by forcing their heads under water to extract confessions of "counterrevolutionary" activities. Two older men—60 and 63 years of age—were threatened with death unless they confessed to involvement with "contras." They too were finally killed in the course of these same events.

Throughout my notes and tape recording are descriptions of such killings in village after village in the Atlantic Coast Indian region. Descriptions were given to me by wives, daughters, mothers, and other relatives and villagers. The occurrence of arbitrary killings of Miskito civilians appears to be widespread. A pattern is readily seen. Miskito men and women are accused of being contras, tortured or threatened with death unless they confess, killed, and then reported as having been contras, if, indeed, there is any report at all.

ARBITRARY ARRESTS

Many Miskito civilians appear to have been arbitrarily arrested, interrogated and jailed. As with the killings, many of these frequently occur during Sandinista military operations against particular Indian villages. Military occupation of a village is carried out apparently in retaliation after an attack by Miskito warriors either on a distant Sandinista position or on a Sandinista patrol in the region. All of the information I have received leads me to conclude that the Sandinista military has not been able to locate the many basecamps of the Miskito warriors who are operating permanently far inside the Miskito region of eastern Nicaragua.

I must stress that these are not Indian combatants who must slip across and retreat back across Nicaragua's borders with neighboring states. These Indian combatants or warriors, as they prefer to be called, are Indian men and women who are operating permanently from camps which are hundreds of kilometers from the borders. Their camps are too well hidden to be easily detected and they have generally avoided going into villages so as not to endanger the civilian population. Unable to effectively attack and destroy the warriors, the Sandinistas have attacked the villages and have taken punitive measures against the only Miskitos they can catch—the villagers. Some of these civilians, non-combatants, are accused of being 'contras' and then arbitrarily killed, arrested, tortured.

A recent example of this seemingly frequent violation was the officially announced release of some forty prisoners detained for eleven months after the court found no legal grounds for charges of counterrevolutionary activities. Some of those released are from a community where seven villagers were summarily killed at the time of their arrest. If these released villagers are innocent, were those killed innocent too?

TORTURE

Civilian Miskitos have been tortured in villages and according to reports which I consider to be very reliable, in jails. I received confirming reports and descriptions from reliable witnesses who saw beatings done by Sandinista military in many villages. I also talked to and photographed people who had been tortured. I was shown scars from what they said were bayonet wounds (a man of 60 years), fingernails pulled out (a man of 48 years), deep scars under fingernails from nails driven in (a man of 52 years). Several men reported that they had been held under water for long periods to extract confessions. Another man had been tied by his feet and hung upside down and beaten repeatedly with sticks. His body still showed evidence of bruises and his shoulders were deformed.

RAPES

Rape by Sandinista soldiers of Miskito girls and women has been common. In one village, for example, six women between the ages of 15 and 42 were raped by the occupying Sandinista soldiers. Two were gang raped. In each community that has experienced a Sandinista military invasion and occupation, women have been raped. Some were held down by soldiers, some were restrained with a bayonet under their neck and then raped. From what the villagers have observed and experienced, Sandinista soldiers are apparently given great freedom to do as they please when they invade an Indian village.

LOOTING, SACKING OF VILLAGES, CONFISCATION OF PROPERTY

One of the many things I noticed as being markedly different in Miskito communities was the absence of anything of value. Households had no radios, some had no dishes; more formal clothes usually worn to church on Sundays were absent. This was not the result of the people's poverty or the lack of clothes in stores—although these conditions prevail and are worsening—but are due to the theft of property by Sandinista soldiers. Radios, clothes, gold bracelets, necklaces, and rings had been stripped from the Indian villagers and looted from their houses. Again and again people reported to me that this happened to them when the Sandinistas occupied their villages. Furthermore, the soldiers killed their pigs, cows and chickens for food but did not pay for them.

In several villages, all canoes and diesel-powered boats have been confiscated and taken away. No compensation has been paid. Confiscation of fishing boats and livestock has also meant confiscation of the means of subsistence and livelihood.

PROHIBITION OF VILLAGE FOOD PRODUCTION

The Miskitos used to produce the majority of their basic food needs; in some communities 70 percent or more of all they consumed was obtained from their small farms, from fishing in the rivers, lagoons and at sea, and from hunting in the forests and lowland swamps. During the late 1960s and 1970s when I lived in Miskito villages people produced food in sufficient quantities and hunger was very uncommon. At present, hunger is a considerable problem. This is because the Miskitos have been forbidden to go far from their villages to plant.

This restriction on freedom of movement is evidently a response to the Sandinistas' fear that the villagers would make contact with Miskito warriors in the bush. The villagers are not permitted to fish because of similar restrictions and the lack of canoes in many villages. They also are not permitted to go hunting because all hunting arms—such as .22 rifles and shotguns—have been confiscated.

In order to limit the availability of food for the Miskito warriors, the Sandinista military has limited and prohibited the production of food by Miskito civilians. To affect one group, another group is made to go hungry.

Locally produced food was in critically short supply in some villages I visited. In other villages in areas protected more securely by Miskito warriors, villagers were beginning to fish again and to plant a few crops even though it was not the most appropriate season to do so.

In those villages where Sandinista occupations have occurred, livestock is conspicuously absent. In one village I visited there was no livestock—no pigs, horses, cows, or even chickens. The villagers said the Sandinistas had machine-gunned all, including 90 cows.

RESTRICTION AND DENIAL OF BASIC AND NECESSARY STORE FOODS

In every Miskito village food such as rice, beans, sugar, flour, coffee, salt, and so on has been rationed through a strict system imposed by the Sandinista officials that limited each family to a quota for 15-day periods. For example, in one village this meant that a family of 7 or 8 received 4 pounds of rice every 15 days. The rice would actually last three or four days. The restricted quantity of food imposed a control on the villagers and, it appears, was also meant to limit any food above minimal survival needs so that none would be given to Miskito warriors.

Continuing and growing military actions by Miskito warriors over the past year suggests that restricting civilians' food in order to limit the Miskito warriors' food supply has not worked.

Recently the Sandinistas have cut off all supplies of food they used to send to the villages in a large part of the Indian region. Staple foods such as rice, beans, flour, sugar, and so on, are no longer being supplied. None of these items had been received for many weeks in several villages I toured. People were living primarily on green coconuts and the oil and pulp they sucked from hone palm seeds. These foods do not provide even minimal nutritional requirements.

No food is being sent into villages and the people have not produced food from local sources because of preexisting prohibitions. Many are slowly starving.

MEDICINE, HEALTH CARE, EDUCATION

Western medicine and health care was completely absent from every village that I went to. There was no medicine. None. According to villagers the lack of medicine and access to health care has been going on for one and two years. As a result, severe health and medical problems are common. Malaria is rampant, dysentery and intestinal parasites are common, and tuberculosis is widespread. All of these medical problems could be greatly reduced with well known and relatively inexpensive medicines. But these medicines are not available in many Indian villages, and villagers who have managed to walk to distant towns where there are doctors are forbidden to bring back medicine for other villagers. A Miskito villager who becomes ill must be well enough to walk to a doctor if he is to have any hope of securing medical help. Otherwise, he must go without or use only traditional plant medicines obtained from the forests. These traditional medicines sometimes work but are not effective against many medical problems and diseases.

If the Sandinista government policy is to deny the villagers medicine in order to prevent Miskito warriors from having access to it, their strategy is not working. I have reliable information that it is the Miskito warriors who give medicine to the villagers.

Schools were closed in every village I went to and had been for months, sometimes years.

The medical and educational achievement in rural areas so often publicized by the Sandinista government are conspicuously absent from the Miskito area I travelled through. And I travelled through a large area.

DENIAL OF RELIGIOUS FREEDOM

Only in those villages now under the protection of Miskito warriors are religious services being held. For some villages I visited, that protection had only recently been secured. And even in this large zone many villages cannot hold church services because their religious leaders are in jail or are in exile in Honduras or Costa Rica.

During the Sandinista military occupations of villages churches have commonly been used as jails, to detain men and women accused or suspected of counterrevolutionary activities. Churches have also been used to house the Sandinista soldiers. Bibles and hymn books have been destroyed. Villagers accuse the Sandinista soldiers of defecating and urinating in the churches. There are many credible reports of these activities. I heard reports of churches that had been burned elsewhere in Indian communities, but in the areas I visited I saw no churches that had been destroyed.

The Miskitos are a very religious people, and they have suffered greatly from the denial of their freedom of religion. In almost all of my discussions with hundreds of Miskito men and women, this was a principal grievance they reported to me.

CONTINUING FORCED RELOCATIONS OF VILLAGE POPULATIONS

While I was in the Miskito communities I heard reports that villagers northwest of Puerto Cabezas had been relocated to the area around Sisin. The villages mentioned to me include Auya Pini, Santa Marta, Kwakwil, Boomsirpi, and Sangnilaya. The Commission should investigate to see if these reports are true.

Recently, reports from inside Nicaragua have also been received that the communities of Dakban, Karata and Wawa (all in a 10 to 20 mile radius of Puerto Cabezas) have been relocated.

I was not able to independently verify these recent relocations of village populations.

Miskito leaders inside Nicaragua claim to have knowledge of a Sandinista government plan to relocate villagers from the coastal communities of Wawa south to Tasbapauni to some still unknown resettlement site. This information is said to come from sources within the government. It appears that these sources have proved reliable in the past, including the recent past, and there is strong indication that Wawa has already been relocated. If confirmed, this information shows a government policy to relocate Indian villages south of Puerto Cabezas, villages which are over a hundred kilometers from the Honduran border.

In response to this policy many thousands of Indians have already fled Nicaragua to Honduras and Costa Rica. This flight is still continuing. While I was recently in Costa Rica the entire Miskito village of Set Net arrived and asked for protection from the U.N. High Commissioner for Refugees.

Others have stayed within the country and have struggled to survive under harsh conditions or have actively joined in armed resistance. There has been terror and serious trauma in many villages yet the result has not been submission to Sandinista authority. Rather, the killings, torture, violence, rapes, looting and denial of basic needs appears from all available evidence to have served to further unite the Indian communities in their opposition to the Sandinista government. The influence of the Indian warriors and the territory over which they have strong military control is growing.

They story of what has happened to the Miskito Indians in eastern Nicaragua (and to the Sumo and Rama) that has so long been hidden by denials or by excuses that shift blame to outside influences will come out. There is simply too much evidence, too many people have been affected, and too many lives have been lost. From their violations of the human rights of Indian peoples, the Sandinistas have created a people in rebellion, Indian peoples united against them. United because of internal not external reasons. United because of what has happened to them at the hands of the Sandinistas.

This is but a brief summary of some of my findings. More elaboration and documentation will be provided in articles that I am beginning to prepare for publication.

Again, thank you for the opportunity to present this information.●

TRIBUTE TO JOSEPH A. BALL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a very special person, a man who has devoted many tireless years both to his profession and to his community; Joseph A. Ball. Joe Ball, who will celebrate his 81st birthday in December, has committed nearly 60 years to his professional career in law. In recognition of his many contributions as well as his continued vitality, Joe will be receiving the SCAN (Senior Care Action Network) Horizon Award on October 28 at the Hyatt Regency Long Beach. The Senior Care Action Network is dedicated to supporting programs to aid the frail and medically needy elderly in the Long Beach area. The Horizon Award Dinners not only give them an opportunity to pay tribute to the ageless senior leaders in the community but to also draw attention and support to their important work.

Joe, who received his law degree in 1927 from the University of Southern California, has moved to the top of his profession, serving as the senior partner of Ball, Hunt, Hart, Brown & Baerwitz. He has served as president of both the State Bar of California and the Long Beach Bar Association. He has also served two terms as a State delegate to the American Bar Association and as chairman of the National Conference of Bar Presidents. Joe was also only the fifth

person to receive the Los Angeles County Bar Association's highest honor, the Shattuck-Price Award, bestowed for outstanding dedication to the improvement of the legal system and the administration of justice.

In addition to his illustrious career as a trial lawyer, Joe has also found time to share his experience with others studying law. He served on the faculty at his alma mater, the USC School of Law, from 1958-70; at the National Institute for Trial Advocacy in Boulder, Colo. from 1965-76; and at Loyola Law School in 1980.

We are also reminded of Joe's dedication to his country when we recall that he served as counsel to the Warren Commission, which was charged with investigating the assassination of President John F. Kennedy.

Mr. Speaker, my wife Lee joins me in thanking Joe Ball for his many years of tireless service to his profession, to his community, and to his country. We wish him, his wife Sybil, and his two daughters Patricia Ball and Jo Ellen Smith all the best in the years to come.●

A NATIONAL ACADEMY FOR EDUCATION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. HUNTER. Mr. Speaker, the study recently completed by the National Commission on Excellence in Education entitled "A Nation at Risk" suggested very serious shortcomings in America's educational system. I strongly believe that the future of our great country rests in the strength of the education which our young people receive. We cannot allow the deterioration of our schools as cited in "A Nation at Risk" to continue. We must reaffirm our commitment to our youth and to our future if we are to remain a leader in the free world.

In light of the risk we face, I would like to present to this body an idea formulated by the San Diego County Office of Education which I believe merits our attention. This proposal was presented to me by Mr. Jack Port, president of the San Diego County Board of Education, Dr. Gerald Rosander, superintendent, and Dr. Don Rucker, deputy superintendent of San Diego County's Department of Education. They propose that we create a "National Teachers Academy," much like the institutions which prepare leaders for our alarmed services. This academy would be staffed with highly motivated teachers drawn from around the country and would be attended by bright, capable under graduates who are serious about their education and possess a true desire to teach. The students would compete for admission to the academy and would be selected by their Representatives in Congress to receive full scholarships to cover academic costs.

Upon admission to the academy, students would undergo 4 to 5 years of intensive training in their fields. They would not only become proficient in their area of study, but would also learn how to pass on their knowledge to others. After completion of the academy, graduates would be committed to serve for a certain number of years in our Nation's educational system. There they would become models for other educators and would provide the leadership necessary to encourage the continued excellence of our schools.

We all agree on the importance of maintaining our first-class educational system. I think the National Teachers Academy deserves our attention. I urge all my colleagues to consider this proposal and to contact educators in their districts to solicit their views.●

IN MEMORY OF MICKEY FEDOR, A VERY SPECIAL PEACE CORPS VOLUNTEER

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, I rise today to pay tribute to a truly remarkable human being who devoted his career to the unselfish task of helping others. Today, I am honoring Mickey Fedor, a young man from Milford, Conn., who died of cancer.

Mickey's life was marked by unusual accomplishments for a man of 29 years. He was blind, yet this did not hinder his eagerness and genuine commitment to helping those less fortunate than himself. In fact, Mickey's accomplishments through his volunteer work with the Peace Corps in Ecuador distinguish him as an individual who, with utmost determination, was able to overcome the limitations imposed by his blindness. Mickey superseded his handicap by providing a model role for volunteerism that is indeed monumental and respected by all of those who knew him.

Mickey Fedor's activities in Central America are of particular merit. While serving as a Peace Corps volunteer at an orphanage in Quito, Mickey planned and implemented a special Olympics program for five schools in Quito. Through Mickey's initiative and dedication to the special Olympics, the project expanded to the national level; within 1 year, Ecuador celebrated its first special Olympics. Largely due to Mickey Fedor's efforts, the games were a huge success. The First Lady of Ecuador and the Minister of Education opened the games, honoring Mickey for his contributions. Because of Mickey, the self-confidence of the handicapped participants was raised and the Ecuadoreans gained an appreciation of the ability and potential of handicapped persons.

In addition to Mickey's contributions to Ecuador's first special Olympics, he was responsible for organizing and coordinating recreational programs for an orphanage in Quito. Also, he was involved in organizing sports, recreational events, and physical education programs for the blind, deaf, and mentally retarded as well as serving as the assistant coach of a wrestling team.

Due to Mickey Fedor's efforts, Ecuador acquired textbooks and training manuals for the blind. As a result of Mickey's contributions to Ecuador, Peace Corps Director Loret Ruppe received a letter from the First Lady of Ecuador personally requesting Mickey's return.

After Mickey completed his volunteer work in Ecuador, he returned to the States as one of four former Peace Corps volunteers annually awarded a Peace Corps fellowship. Soon after, Mickey returned to Ecuador in 1983 as the Assistant Peace Corps Director. He hoped to carry out a project developed during his fellowship entitled "Blind Independence in Ecuador," a vocational training program for the visually handicapped. Mickey, however, was unable to finish his work in Ecuador because he was forced to return to the States due to illness. Mickey Fedor passed away on Monday. A memorial service was held in his honor at St. Johns Church in Washington, D.C.

Today, I honor Mickey Fedor as a truly courageous young American; courageous not only because he had the willpower to overcome his own physical handicap, but courageous because of his strong character and his unfaltering dedication to the worthy cause of helping those who were less fortunate than himself. My condolences to his parents, his eight brothers and sisters, and to the Peace Corps.●